9/2/05

IN RE: PETITION FOR SPECIAL HEARING

SE/Corner of the Intersection of

Fork Road and Bottom Road

10th Election District

3rd Councilmanic District

(13240 Fork Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-012-SPH

Charlotte Pine,

Long Green Valley Association, Inc.,

Betty Ruby, June & Dave Clark,

Denise & Brian Fiorucci and Ruth Newman *

Petitioners

ORDER OF DISMISSAL

The Petitioners herein filed a Petition for Special Hearing for the property located at 13240 Fork Road in Baltimore County. A special hearing was requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as set forth below:

- 1. A minor subdivision of RC-2 zoned land cannot be established where the resulting two (2) lots of record will be less than one (1.00) acre +/- respectively in accordance with Section 1A01.3.B.2 of the B.C.Z.R.;
- 2. A minor subdivision of RC-2 zoned land of 2.00 acres +/- as recorded in Deed Liber 17085, Folio 432 has a gross acreage of less than two acres because of future public purpose road rights-of-way existing boundary roads thus rendering said lot with gross area less than two acres as required by Section 1A01.3.B.1 of the B.C.Z.R.;
- 3. A minor subdivision cannot be created if right of access to a boundary street is denied resulting in gross acreage of less than two acres as required by Section 1A01.3.B.1 of the B.C.Z.R.;
- 4. Where right of access to an existing or recorded boundary street is denied, the acreage within the existing or recorded street right-of-way cannot be utilized to determine gross residential acreage; and

WHEREAS, in a letter dated September 20, 2005, J. Carroll Holzer, Esquire, attorney for the Petitioners, stated that the Petitioners, Long Green Valley Association, et al., "hereby withdraws its request for a petition for a special hearing...."

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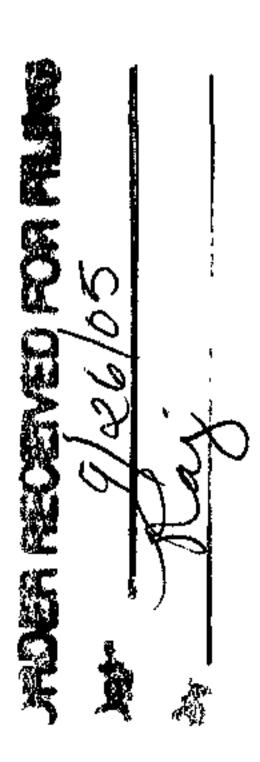
IT IS THEREFORE, ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this Aday of September, 2005, that the hereinabove Petition for Special Hearing, be and is hereby WITHDRAWN and DISMISSED, without prejudice.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

September 26, 2005

J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

> Re: Petition for Special Hearing Case No. 04-012-SPH Property: 13240 Fork Road

Dear Mr. Holzer:

Enclosed please find the Order to Dismiss regarding the above-captioned case.

Should you have any questions or require any additional information concerning this matter, please feel free to contact this office at 410-887-3868.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Charlotte Pine, Esquire, 607 Baltimore Ave., Towson, MD 21204 Carol Shaw, 7 Country Hill Ct., P.O. Box 36, Fork, MD 21051 Stuart Kaplow, Esquire, 15 E. Chesapeake Avenue, Towson, MD 21286-5306



Visit the County's Website at www.baltimorecountyonline.info

CERTIFICATE OF SERVICE

I CERTIFY that on this 12 day of October, 2004, a copy of the aforegoing pleading was faxed to 410-825-4923 and hand delivered to:

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

Stuart D. Kaplow

E:\Stuart\Equity\Fork Entry 10\12\04

10/11/04

IN RE: PETITION FOR SPECIAL HEARING 13240 Fork Road S/W side of Fork Road 11th Election District/ 3rd Councilmanic District

Charlotte Pine, et al, Petitioners

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* Case No.: 04-012-SPH

VERIFIED MOTION TO DISMISS

Markay Enterprises, L.L.C., the owner of a portion of the real property and improvements (as will be more fully explained below) that may be the subject of the above captioned matter, by and through its attorneys Stuart D. Kaplow and Stuart D. Kaplow, P.A., file this Motion to Dismiss, and for cause say:

- 1. Charlotte Pine and several other persons filed a "petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County" apparently for certain properties (to be described below) that none of those several persons own nor otherwise have any interest in, record, equitable or otherwise.
- 2. The Petition, as prepared by counsel for the petitioners, identifies "the legal owner(s) of the property which is the subject matter of this Petition" as Kristine A. Belzner.
- 3. As of this date Kristine A. Belzner is no longer the legal owner of any portion of the properties. As a result of a default under a deed of trust secured by several properties owned by Kristine A. Belzner, by a deed in lieu of foreclosure dated September 24, 2003 and recorded among the land records of Baltimore County at Liber 18840 folio 090, the said Ms. Belzner granted and conveyed to Equity Mortgage Lending certain real property and improvements being known as 13327 Bottom Road. By a subsequent deed dated October 7, 2004, and presented for

recordation, Equity Mortgage Lending conveyed that property known as 13327 Bottom Road to Markay Enterprises, L.L.C. ¹ That ground is apparently a portion of the real property and improvements that is the subject of the Petition.

4. On information and belief, the remainder of "the property which is the subject matter of this Petition," known as 13329 Bottom Road, is owned by Timothy J. McCabe, *et ux*, by a deed dated March 12, 2003 and recorded among the land records of Baltimore County at Liber 17666 folio 11. The McCabes reside in a house on the property, <u>but are not parties to this Petition?</u>

DISMISS BECAUSE § 500.7 DOES NOT EVEN APPLY TO THIS FACTUAL SITUATION

5. As noted, Charlotte Pine and several other persons filed a "petition for a Special Hearing under Section 500.7 of the Zoning Regulations," as stated on the face of the Petition, however, when read within the context of "Section 500 Administration and Enforcement," § 500.7 establishes the procedure for establishing a Nonconforming Use. In relevant part, § 500.7 provides:

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.

That provision of law can not apply to the facts at bar.

6. The provision clearly established the right of a person who owns a property to seek a determination that the person's use of the property is a legal nonconforming use.

¹ The conveyance to that current record owner was only five days in advance of the filing of this motion and, as such, a recording reference is not yet available.

- 7. This interpretation of the provision is buttressed by its legislative history.

 Baltimore County Council Bill No. 18-76 amended the Zoning Regulations with respect to the definitions of trucking facilities and nonconforming uses. The bill repealed and re-enacted with amendments § 500.7, and while those amendments were procedural (and not substantive so as to be relevant to the facts specific in this case), that the Council amended § 500.7 in the same bill that amended the nonconforming use definition, demonstrates the relationship of the two provisions, and in particular that § 500.7 is the public hearing procedure for establishing a § 104 nonconforming use.
- 8. This Petition certainly does not seek to establish a nonconforming use, and as such must be dismissed.

DISMISS BECAUSE NO PETITIONER IS AN INTERESTED PERSON

- 9. By its express language, § 500.7 limits who may file such a petition to, "the right of any interested person to petition the Zoning Commissioner," ... in any "nonconforming use on any premises or to determine any rights whatsoever of such person in any property ...". That is, the petitioner must be an <u>interested person</u>, that is, someone who owns the property or otherwise has rights in the property.
- 10. The term "interested person" contained in § 500.7 is certainly narrower than the term "[a]ny person or persons, jointly or severally, or any taxpayer or an official, department, board or bureau of Baltimore County feeling aggrieved" in § 500.10 (of that same Title within the Zoning Regulations) who may appeal any decision of the Zoning Commissioner.
- 11. And "interested person" is obviously narrower and something different than the ."[a]ny person aggrieved or feeling aggrieved by final action on a plan," in Baltimore County Code § 26-209 that may appeal approval of a development plan.

12. None of the petitioners own the property nor otherwise have any rights in the property, and none of them are an "interested person" such that they have the right to petition the Zoning Commissioner under § 500.7.

DISMISS BECAUSE NO PROPER APPLICATION HAS BEEN FILED

- 13. The Department of Permits and Development Management has adopted regulations establishing the requirements for making application for a special hearing before the Zoning Commissioner, as authorized by the *Code of Baltimore County Regulations*. The relevant portions of those regulations are attached as *Exhibit #1*.
- 14. The application violates and otherwise fails to comply with many of the requirements of the regulations, in a host of material ways, including the requirement that the "[t]he application must contain:

3 (three) separate copies of a sealed description of the property, beginning with the distance to the nearest improved intersecting street centerline, as indicated in this checklist."

That requirement has not been complied with.

- 15. The application contained no description of the property, at all, and certainly not the sealed metes and bounds description that the regulations require. Such is obviously a material omission when the Petition is intended to be property specific and the element of the application that is intended to describe the subject property with certainty, is simply not included. Moreover, with respect to this Petition, there are very real questions as to what property is included, in that the property owned by Markay Enterprises, L.L.C. is only a portion of the property that was, at the time of the filing of the Petition, known as 13240 Fork Road; and is one of the two lots shown on the purported plat?
 - 16. Additionally, the regulations require "[t]he application must contain:
 - 12 (twelve) copies of a sealed plat with all information as indicated in this checklist."

- professional, or otherwise. What was filed are apparently Xerox copies of a partially completed progress print of a minor subdivision plat that depicts two lots, one of which is the lot today owned by Markay Enterprises, L.L.C. As noted in paragraph 4. above, the other lot has a different street address and a third party homeowner (not a party to these proceedings). That progress print (prepared for an entirely different purpose, not for a public hearing before the Zoning Commissioner) does not contain "all information as indicated in this checklist," and in fact, does not contain much of the information, including lot size that might be relevant to the matters alleged in the Petition. See *Exhibit A*, attached hereto.
- 18. Significantly, "[a] public authority may not accept any surveying plan, plat, report, or specification unless the document is endorsed [sealed] ..." and the use by others of a Xerox copy of a sealed document is violative of MD Business Occupations And Professions, Code Ann. § 15-202; and is clearly a prohibited use of a Professional Land Surveyor's seal under § 15-606. Moreover, removing a sealed document from a local government file, reproducing that document, and causing it to be used (as a sealed plat) for a purpose other than intended by and without the permission of the surveyor or of the owner of the work product is not only in contravention of the provisions of the Business Occupations and Professions Article, but also theft under the criminal statutes of Article 27.
- 19. The Deputy Zoning Commissioner may also take judicial notice of the fact that there is an approved Minor Subdivision Plat, 13240 Fork Road, Belzner Property (e.g., for "the property which is the subject matter of this Petition") and that approved plat is not filed in this matter. ^{2 3 4} The filed drawings are copies of a progress print of the subsequently modified and

- 5 -

² While not necessary for an adjudication of this Motion, the County approved Minor Subdivision Plat, 13240 Fork Road, Belzner Property, No. 02093-M, makes clear on its face that the petition in this matter is without merit, when

revised, and approved minor subdivision. (Of note, several of the petitioners in this action complained to Department of Permits and Development Management staff about the minor subdivision as it was being processed, including complaints about matters of zoning.)

20. Not only has the subject property not been identified from the application, neither have the owners who should properly be parties in this action; and additionally there is not sufficient information in the application to undertake any density calculation, apparently the crux of the matters complained of. The application must be rejected.

THIS IS NOT A MATTER PROPERLY BEFORE THE ZONING COMMISSIONER

21. As noted above, the County Code § 26-209 authorizes "[a]ny person aggrieved or feeling aggrieved by final action on a plan may appeal to the county board of appeals within thirty (30) days after the date of the final decision" on the plan, and an appeal from the final decision approving the minor subdivision plat might have been a proper appeal. But no appeal was taken, by this highly knowledgeable group of petitioners nor their skilled and experienced counsel, from the approval of the minor subdivision.

it describes two lots of one acre "net" each within a tract with a "gross" acreage of 2.04 acres. Such is in direct contravention to the bald assertion of the Petition that the approved lots have an area of less than one acre and, as such, of insufficient area to be subdivided in the RC 2 zone.

³ Additionally, that the petition is without any substantial justification can be made clear should the Deputy Zoning may take judicial notice of the records of the Maryland State Department of Assessments and Taxation, Map Division, which records buttress, support, and validate the approved minor subdivision plat depicting those two existing lots each as having a "property land area" of "1.00 acre" with 13327 Bottom Road described as "1.04 ac" and 13329 Bottom Road described as "1.005 ac."

⁴ Again, far from any consideration necessary to adjudicate this Motion, central to the legal flaw in the argument advanced in the petition (i.e., that the lots were undersized), is the failure to understand the method by which density is calculated in matters of subdivision, and specifically, *Zoning Commissioner's Policy Manual*, Section 101, that provides Gross Residential Acreage [the calculation used for residential development] includes "[t]he Residentially zoned acreage within the perimeter of the subdivision proposed for residential development, plus not more than half the width of existing or recorded boundary streets (maximum 60-feet right of way)." A copy of that Policy is attached hereto as Attachment #2.

- Commissioner to challenge some zoning feature of an existing lot is not only not authorized by law, but will lead to absurdities, from deadlines for noting appeals being meaningless to there being no certainty nor finality in any zoning matter (even years or decades after some governmental approval). The result of not dismissing the petition in this matter is even more absurd than the facts in the analogous case of *United Parcel Service, Inc. v People's Counsel for Baltimore County*, 336 Md. 569 (1994), where the Court of Appeals held an appeal could not be noted from the Zoning Commissioner's response to a letter from a protestant objecting to issuance of a building permit many months before. Here, the protestants challenge an approval, having missed any deadline to appeal, without even writing the letter that was the basis of the *UPS* case. If this result is permitted, anarchy will rule the day in Baltimore County zoning.
- 23. With respect to § 500.7, the "enforcement of all zoning regulations" is no longer a prerogative of the Zoning Commissioner and is now among the powers and duties of the Director of Permits and Development Management. Historically, of course, the Zoning Commissioner had this authority. In 1995, however, most of the powers and duties of the Zoning Commissioner were transferred to the Director of the Department of Permits and Development Management. Specifically, Bill No. 69-95 established the new Department (County Code § 2-56 et seq.); among other powers and duties, Bill No. 69-95 expressly transferred zoning enforcement to this new agency. Thus, *County Code* § 26-3(d) was amended to provide, in relevant part:

Notwithstanding any provision in this Code or in the county zoning regulations to the contrary, the Director of the Department of Permits and Development Management shall administer the zoning code and all other administrative matters otherwise assigned in this article or by zoning regulations or elsewhere to the zoning commissioner, except for the conduct of hearings by this Code.

It is thus clear that County law requires that the Director of Permits and Development

Management, including through its code enforcement hearing officers, enforce the Zoning

Regulations and <u>not</u> have enforcement matters heard by the Zoning Commissioner, by special hearing or otherwise.

24. There are or were other avenues to challenge violations or alleged violations, or noncompliance with the Zoning Regulations, including that any person may file with the Department of Permits and Development, Code Enforcement section, a complaint alleging violation of the County Zoning Regulations.

WHEREFORE, the Markay Enterprises, L.L.C. requests that the Deputy Zoning Commissioner dismiss the above captioned case; and, for such other and further relief as the nature of this cause may require.

Stuart D. Kaplow, Esquire

STUART D. KAPLOW, P.A.

15 East Chesapeake Avenue

Towson, Maryland 21286-5306

410-339-3910

Attorneys for one of the property owners

VERIFICATION

I DO SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury, that the foregoing information is true and correct to the best of my knowledge, information and belief.

Markay Enterprises, L.L.C.

REQUEST FOR HEARING

Property owner requests a hearing on the foregoing Motion.

Stuart D. Kaplow

CERTIFICATE OF SERVICE

I CERTIFY that on this 12 day of October, 2004, a copy of the aforegoing Motion was

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

be faxed to 410-825-4923 and hand delivered to:

Stuart D. Kaplow

E:\Stuart\Equity\Fork Motion to Dismiss 10\12\04

IN RE: PETITION FOR SPECIAL HEARING 13240 Fork Road S/W side of Fork Road 11th Election District/ 3rd Councilmanic District

Charlotte Pine, et al, Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No.: 04-012-SPH

AFFIDAVIT

THIS AFFIDAVIT, made this 12 day of October, 2004, by Joseph L. Larson of Spellman, Larson & Associates, Inc., located in Baltimore County, Maryland (hereinafter referred to as "the Affiant").

WITNESSETH, THAT the Affiant hereby certifies that

- 1. The Affiant is the President of Spellman, Larson & Associates, Inc., a corporation organized and existing under the law of Maryland (hereinafter referred to as "the Engineers"):
- 2. The Engineers did not provide nor otherwise consent to the use of the drawing that was apparently submitted as part of the application in the above captioned case.
- 3. What was filed with the Zoning Commissioner is apparently a copy of a partially completed progress print of a minor subdivision plat that depicts two lots. That progress print (prepared for an entirely different purpose, not for a public hearing before the Zoning Commissioner) does not contain all of the information required for a sealed zoning plat in Baltimore County.
 - 4. What was filed is not a scaled zoning plat.

IN WITNESS WHEREOF, the Affiant has set his hand and seal, the day and year first above written.

WITNESS:

Joseph L. Larson (SEAL)

STATE OF MARYLAND: COUNTY OF BALTIMORE: TO WIT:

I HEREBY CERTIFY that on this 12 day of October, 2004, before me, a Notary Public for the state and county aforesaid, personally appeared Joseph L. Larson, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing Affidavit, who made oath in due form of law that he has executed it for the purposes therein set forth, that it is

his act and deed, and that the matters and facts set forth therein are true and correct, to the best of his knowledge, information and belief.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

Notary Public

My commission expires on

0-2-6005

Attachment #1

IN ORDER TO FILE OR REVISED YOUR PETITION:

When you have completed the following steps, call 887-3391 to make an appointment. Due to the exacting review necessary for petition filing, petitions or revisions will <u>not</u> be processed or accepted if they are just delivered or mailed.

<u>APPLICATION PROCEDURE:</u>

Zoning petitions may be filed with ZADM by appointment only between the hours of 9:00 a.m. and 3:30 p.m. on forms furnished by this office. All information on the forms must be typed or printed and they must be signed by the legal owner(s) or a corporate officer with the address, zip code, work and home telephone numbers provided. While the planner will assist the petitioner in interpreting those provisions of the BCZR applicable to the particular case, the final wording of the request and other information submitted, as set forth in the application, shall be the sole responsibility of the petitioner(s).

THE APPLICATION MUST CONTAIN:

3 (three) original petition forms signed and filled out as indicated. (Any person signing as an authorized agent of the petitioner or contract purchaser must be able to bind the petitioner or contract purchaser to a legal contract. Their position must be indicated and where any doubt as to the person's authority may exist, a letter of authorization is required.)

12 (twelve) copies of a sealed plat with all information as indicated in this checklist.

3 (three) separate copies of a sealed description of the property, beginning with the distance to the nearest improved intersecting street centerline, as indicated in this checklist.

1 (one) copy of the 1"=200' scale official zoning map with the location and boundaries of the subject property accurately depicted (matching the sealed description) and the official zoning map number (for example, NW-12B).

1 (one) filing fee of \$250.00 for variance and special hearing and \$300.00 for special exception for each separate request (maximum charge of \$650.00 for one property/lot).

1 (one) completed copy of the advertising and posting requirements and procedures form (last page of this checklist).

Posting fees of \$35.00 for each sign determined to be required by the planner at the application filing.

NOTE: Advertising fees are billed directly by the newspapers involved and are the responsibility of the person designated on the advertising and posting forms.

ATTAMMENT # 1	
RELEVANT BROWSIONS FROM CODE OF BALTING & COUNTY	Reconstand
DESUBLISHED OF JESTILS AND DENSCOON ENT YMMEDIEN!	
Zonwa Honema CHECKLIST	

REVIEW AGENCIES:

Prior to preparing the required plat, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

1.	Assessments	321-2272
2.	Public Services	
	3. Bureau of Capital Projects (traffic issues)	887-3751
	4. Fire Department	
5 .	State Highway Administration	333-1350
6.	County Roads	
7 .	Planning (design, screening, landscaping).	
8.	Building Engineer (plans)	
9.	Department of Environmental Protection	
	and Resource Management (DEPRM)	887-3980
NOTE	: The petitioner has the responsibility to ve	erify the location of the

subject site in regards to the Chesapeake Bay Critical Area (CBCA). A critical area map is available for reference in ZADM. Should the site be located in this area, the petitioner is required to meet DEPRM critical area requirements regarding the site. ZADM must have the DEPRM comments on the petitioner's request prior to the public hearing.

PLAT REQUIREMENTS:

12 (twelve) copies are required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". It may be necessary for the plat to be produced in sections. It shall contain all the information as set forth on the checklist as follows:

1.	NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, TITLE PLAN "PLAN TO ACCOMPANYHEARING" AND THE OWNER'S NAME AND ADDRESS AND ALSO THE PROPERTY ADDRESS AND THE DATE.
2.	SCALE OF DRAWING: 1" = 20' or 1" = 50'. If acreage exceeds 40 acres, use 1" = 100' scale.
3.	OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances gross and net area (acres and square feet) of the parcel(s). Only, if part of a larger tract, the area which is the subject of the requested hearing should be in bold outline with all metes and bounds.
4.	VICINITY MAP: A vicinity map must be included on all site plans with the scale of 1" = 1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED.
5.	PREVIOUS COMMERCIAL PERMIT: The permit number(s), control number(s) of work on the same property and the approximate date of the last improvement listed on the plat.
6.	ZONING HEARINGS, CRG, WAIVERS: The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat of all prior zoning hearings. List any CRG approval dates or waiver numbers and dates on the plat. Key and dimension the location of all variances and reference these to the zoning hearing notes.
7.	ZONING: All zone and district lines on the property, parcel(s) and adjacent property, parcel(s) and right-of-ways must be shown on the plat. Include map number in plan notes. Copies of the official 1" = 200' zoning map may be obtained from ZADM, room 109, County Office Building. Also see note #27 of this checklist.
8.	OWNERSHIP: Of parcel(s) and relation of parcel(s) to adjacent property including reference deed numbers, lot numbers, and subdivision names.
9.	LOCATION: Street address and name of adjoining

street(s)

and distance from property corner to the nearest intersecting public street centerline. (Check record plats, state tax maps, or utility maps in room 206, County Office Building.)

	ON STREETS, WIDENING, RIGHT-OF-WAY, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. ALSO INCLUDE ANY RIGHT-OF-WAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE HIGHWAY ADMINISTRATION. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
11.	USES, BUILDINGS: Location and proposed use of a buildings on the property. Plats for public hearing must also show the location of all uses and structures within 200 feet of the property.
12.	DIMENSIONS, SETBACKS: Dimensions, height, number of stories of all existing and proposed buildings (or additions) on the site including all property lines and building setbacks.
13.	STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setback (see Section 303.2, BCZR and policy S-2.B) for B.L., B.M., and B.R. zones. For C.R. districts, see Section 259.3.C.2, BCZR. In C.R. districts, average all building within 200 feet regardless of their front orientation.
14.	ENTRANCES: Location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicat method - curbing, railroad ties. (For requirements, contact either the Bureau of Capital Projects or the State Highway Administration.)
15.	SIGNS: All existing and proposed, indicating location height, square footage, illumination, and single or double-faced if free-standing, include elevation drawing(s) to scale. If wall-mounted, show placement of sign on the building wall and dimensions of the wall.
16.	UTILITIES: Show location and size of all public utilities and right-of-ways, both adjacent to and on-site. If no public water or sewer exist, well and septic system locations must be indicated. (Public utilities reference - room 206, County Office Building.)
17.	FEATURES: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property. Note if the property is or is not in a 100-year floodplain. If so, show the location of this floodplain clearly on the plan.

	CALCULATIONS: (Show all methods of calculations.) The total adjusted gross floor area of all the buildings on a site divided by the gross site area. (The gross site area includes up to one-half of the boundary streets to which the property has right of access up to a maximum of 30 feet.) Also, gross floor area calculations must be shown for parking calculations. (See definition of floor area in Section 101, BCZR.)
19.	AMENITY OPEN SPACE (AOS): Location and square footage calculations in the following zones: R.A.E1, R.A.E2, R.O., O-1, O-2, O-T, B.LC.C.C., B.LC.T., B.MC.C.C., B.MC.T., B.RC.C.C., and B.RC.T. The qualifying AOS area within the net lot area must be shaded and separate areas sub-totaled in square feet on the plat and included in the AOS calculations in the notes.
20.	HEIGHT DETERMINATION: Tent must be included for buildings above 40 feet (see Section 231, BCZR). Where a building height determination is required and Section 231 (BCZR) does not apply, use Zoning Policy RM-6 and show a scaled detail drawing on the plan.
21.	FIRE HYDRANTS: Location of fire hydrants and distance to the subject property.
22 .	SITE PLANS: Must be trimmed to a neat 8-1/2" x 11" or, where larger prints are necessary, they shall be folded to that size. THEY MUST BE CLEARLY LEGIBLE. IN NO CASE MAY A PLAT BE LARGER THAN 24" x 36". (It may be necessary for the plat to be produced in sections to meet this requirement.)
23 .	REQUIRED OFF-STREET PARKING AND CALCULATIONS: Must be included on the site plan for all uses on the property pursuant to Section 409 (BCZR) and the attached "General Requirements", "Calculations", "Parking Patterns", and "Sample Site Plan".
24.	SPECIAL USE REQUIREMENTS: Certain types of uses are required to show compliance on the plat with the applicable zoning regulations. Such uses include, but are not necessarily limited to, the following: Truck Terminals, Section 410 (BCZR); Service Stations, Section 405 (BCZR); Damanged or Disabled Vehicles and Parts, Section 405.A (BCZR); Car Washes, Section 419 and 409.10 (BCZR); uses requiring Automobile Stacking such as banks, drive through restaurants, etc., Section 409.10 (BCZR); Eusiness Industrial Parking in a Residential Zone, Section 409.8.B (BCZR) and all residential transition area requirements, Section 1B01.1.B (BCZR); Housing for the Elderly, all applicable requirements of Sections 432 and 1B01.1.B (BCZR). The petitioner is responsible for determining

if information of this nature is required on the plan and for its accurate inclusion.

BASIC SERVICE MAPS: Identify any 25. existing or impending failure of the basic service maps (per Section 4A02, BCZR) on plans and indicate any zoning action to be taken. SEALS: Public hearing plats and descriptions must 26. þe sealed by an engineer, land surveyor or landscape architect registered with the State of Maryland. ZERO SETBACK BUILDINGS: Must meet building **27**. code, as well as fire code, requirements with regard to type of construction, windows, etc. **ZONING MAP:** The surveyor shall furnish one (1) 28. copy of the 1" = 200' scale official zoning map which shall reflect the following information: Scale: 1" = 200', Map #_ Outline of the parcel(s) in question accurately depicted and the point of beginning and coordinates shown. All existing and proposed streets and expressways in area. Location of available utilities connections. Approximate size and location of school and church sites or other landmarks in the area.

ZONING ADVISORY COMMITTEE

te .

- A. The above information is to be used as a guide by the members of the Zoning Advisory Committee.
- B. The Zoning Advisory Committee, as established by the County Administrative Officer in 1963, presently consists of ten (10) representatives of various county agencies. The committee reviews zoning petitions weekly.
- C. The review by the Zoning Advisory Committee is aimed, not at making a judgment on the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

CHESAPEAKE BAY CRITICAL AREA (CBCA) REQUIREMENTS:

The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA) and 100-year floodplain. (Map is available for review at Development Control, room 109 or room 311.) If the site is located in this area, the petitioner is required to meet critical area requirements. ZADM must have the Department of Environmental Protection and Resource Management (DEPRM) comments concerning the request prior to holding a public hearing or making a decision on an administrative variance. It is recommended that the petitioner hand-deliver an extra copy of the plat and zoning item number to DEPRM to speed up the review process.

THE DESCRIPTION:

3 copies required.

Three typed and sealed (see note #24) copies (separate pages) of the zoning description of the property are required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, are too wordy but some of the information must be used. The zoning description must be in the following form:

ZONING DESCRIPTION

Beginning at a point on the (north, south, east or west) side of (name of street on which property fronts) which is (number of feet of right-of-way width) wide at the distance of (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street (name of street) which is (number of feet of right-of-way width) wide. Thence the following courses and distances:

Typical metes and bounds: N.87 12' 13" E. 321.1', S.18 27' 03" E. 87.2', S.62 19' 00" W. 318', and N.08 15' 22" W. 80' to the place of beginning as recorded in Deed Liber (__), Folio (__).

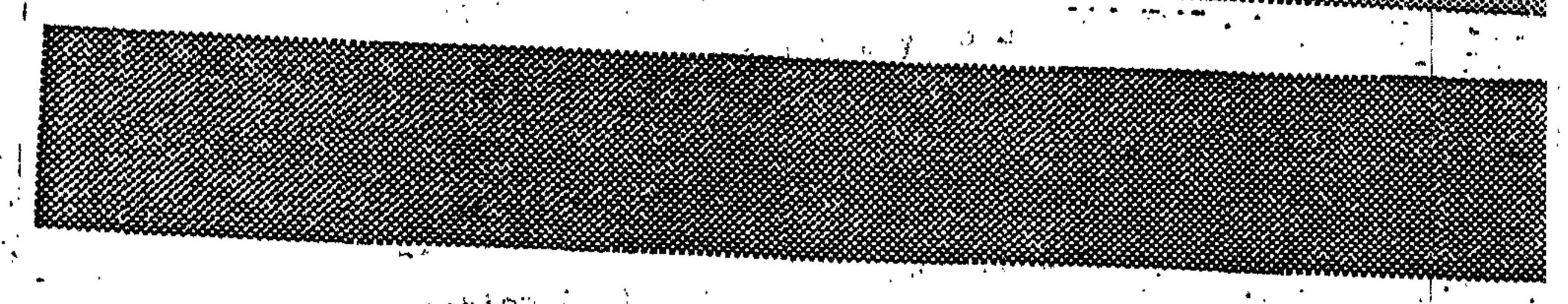
AND IF APPLICABLE	Being Lot #(), Block (), Section #() in the subdivision of (name of subdivision) as
	recorded in Baltimore County Plat Book #(),
	Folio #(), containing <u>(number of total square</u>
	feet or acres in lot). Also known as (property
	address) and located in the () Election District.

OFF-STREET PARKING REQUIREMENTS:

1.	PAVING (TYPE AND EXTENT), STRIPING, AND 10-FOOT SETBACK TO A STREET RIGHT-OF-WAY IS REQUIRED AND MUST BE CLEARLY INDICATED ON THE PLAT AND NOTES.
2,	DESIGN, SCREENING, AND LANDSCAPING must be provided in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code (BCC). (See Section 409.8 of the BCZR.)
3.	CURBING or anchored wheel stops must be provided around every parking lot. The curb or wheel stop must be set back appropriately so as not to allow any portion of a parked vehicle to interfere with the required landscaping and screening. If anchored wheel stops are used, a detail of the anchoring must be shown; neither can be located any closer than 10 feet to a street right-of-way.
4.	DEAD-END PARKING BAYS must be provided with a backaround or turn-around and traffic circulation must be clearly indicated by the use of arrows on the plat. (See Section 409.8.A.5 of the BCZR.)
5.	LIGHTING: Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites and public streets. Indicate placement, height, and direction on the plat. Light standards should be protected by curbing or landscaping. (See Section 409.8.A.3 of the BCZR.)
6.	ENTRANCES ON COUNTY ROADS for one-way traffic shall be 17 feet wide. Entrances on county roads for two-way traffic shall not be less than 24 feet nor more than 30 feet in width. Monumental entrances on county roads shall be provided with a minimum 2-foot wide median and the traffic lanes shall not be less than 17 feet nor more than 24 feet in width for the inbound lane and not less than 18 feet or more than 36 feet wide for the outbound lane. Also, all entrances should be located at least 7-1/2 feet to a side property line. (Contact 887-3554 for more information.)
7.	ENTRANCES ON STATE ROADS are subject to the approval of the State Highway Administration.
8.	Station, 2 for each additional station. Restaurant - 7 per station and 5 behind order board. Car Wash - See Section 419, BCZR. Other Uses - As determined by the Zoning Commissioner. NOTE: (None of the above can include the space at the station.) The drive-through lane must be clearly marked by special striping or pavement markings, may not block pedestrian access and the stacking spaces must

be clearly shown on the plat, drawn to scale and all requirements noted on the plat. (See Section 409.5, BCZR.) COMPACT OR SMALL CAR SPACES: When more than 50 9. spaces are provided in office and industrial uses and parking structures for residential and lodging uses only. Space size - 7.5 x 16 feet (angled) and 7.5 x 18 feet (parallel) are permitted up to 40% maximum of the required spaces. All dimensions, calculations, and typical spaces must be included on the plan. (See Section 409.5, BCZR.) LOADING: (in commercial or industrial) areas must be 10. shown on the plat to accomodate the loading and unloading of materials consistent with the size and use of the building in addition to all other parking requirements. Loading spaces may not impede normal vehicle circulation or block any other required spaces. HANDICAPPED: Parking spaces shall be provided in 11. accordance with the Maryland Building Code for the Handicapped, contained in the Code of Maryland Regulations 05.01.07. **ADJUSTMENTS:** 12.

. . .

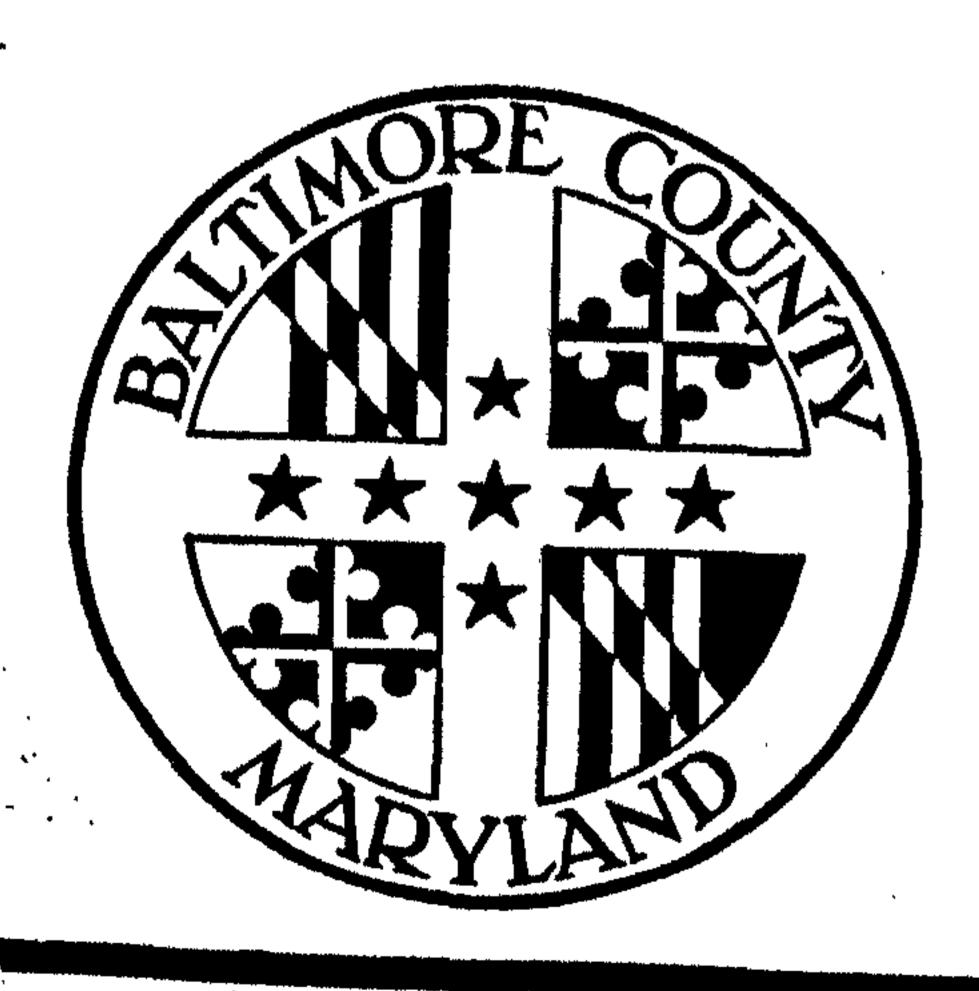


1991 Edition

Attachment # 2

Baltimore County

Zoning Commissioner's Policy Manual



ZONING COMMISSIONER'S POLICY MANUAL

SECTION 101

Acreage, Gross Residential: The Residentially zoned acreage within the perimeter of the subdivision proposed for residential development, plus not more than half the width of existing or recorded boundary streets (maximum 60-foot right of way) to which the subdivision has right of access,



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

for the property located at 13240 Fork Road	
which is presently zoned 126-2	· · · · · · · · · · · · · · · · · · ·

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

(See Surplemental Sheet)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

is the subject of this Petition. Legal Owner(s): Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature YIU-882-30 Attorney For Petitioner: Address Telephone No - Type or Print State Zip Code Representative to be Contacted: Name J. Carroll Holzer, P.A. 508 Fairmount Ave. Telephone No. Address Telephone No. Towson, MD 21286 🗅 State Zip Code City Zib Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING __ UNAVAILABLE FOR HEARING Reviewed By MM Date 7:3.03

Signature Page-Petition for Special Hearing Minor Subdivision

13240 Fork Road, Belzner Property

1. Long Green Valley Association, Inc. c/o Charlotte Pine, President 13310 Fork Road

Baldwin, MD 21013

2. Charlotte Pine, Individually

13310 Fork Road Baldwin, MD 21003

3. Betty Ruby

13310 Bottom Road

Hydes, MD 21082

June and Dave Clark 13308 Bottom Road Hydes, MD 21082

5. Denise and Brian Fiorucci

13309 Bottom Road

Hydes, MD 21082

6. Ruth Newnam

13305 Bottom Road

Supplemental Sheet—Special Hearing 13240 Fork Road Belzner Property

9 3 g W

- 1. A minor subdivision of RC-2 zoned land cannot be established where the resulting two (2) lots of record will be less than one (1.00) acre plus/minus respectively. In accordance with Section 1A01.3.B.2 of Baltimore County Zoning Regulations.
- 2. A minor subdivision of RC-2 zoned land of 2.00 acres plus/minus as recorded in Deed Liber 17085 Folio 432 has a gross acreage of less than two acres because of future public purpose road rights-of-way of existing boundary roads thus rendering said lot with gross area less than two acres as required by Section 1A01.3.B.1 of Baltimore County Zoning Regulations.
- 3. A minor subdivision cannot be created if right of access to a boundary street is denied, resulting in gross acreage of less than two acres as required by Section 1A01.3.B.1 of Baltimore County Zoning Regulations.
- 4. Where right-of-access to an existing or recorded boundary street is denied, the acreage within the existing or recorded street right-of-way cannot be utilized to determine gross residential acreage.
- 5. Such other issues as may be presented at the Hearing related to this minor subdivision (02093-M).

Patton Consultants Ltd. Engineering & Site Planning

ZONING DESCRIPTION

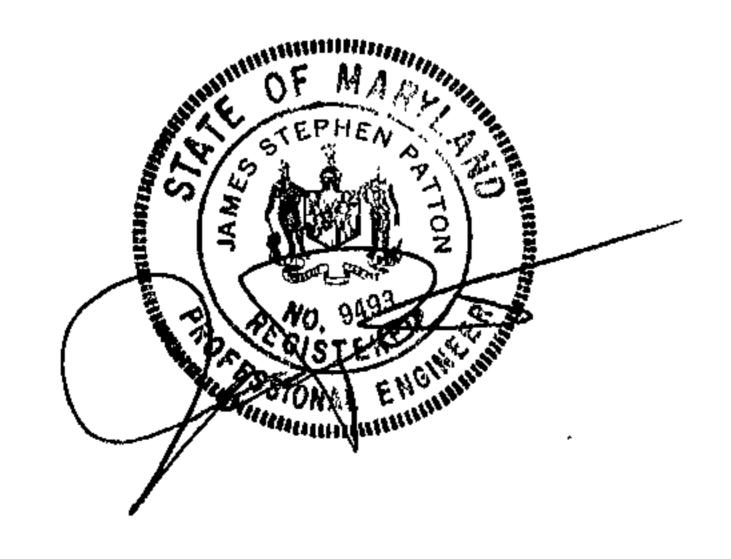
FOR

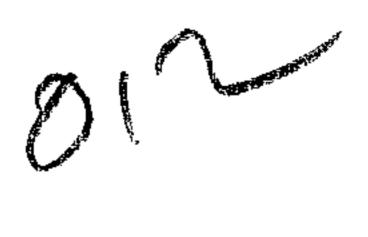
13240 Fork Road, Baldwin, MD 21013

Beginning at a point on the southeast corner of the intersection of Fork Road which is seventy (70') feet wide and Bottom Road which is sixty (60') feet wide. As recorded in Deed 17085, Folio 432, the following courses and distances:

South 45°36' 00" West	412.58'
South 31° 31' 19" East	174.72'
North 58° 54' 55" East	385.45
North 27° 57' 49" West	270.13

to the place of beginning, containing 87,120.00 square feet, more or less, or 2.000 acres, more or less. Also known as 13240 Fork Road, Baldwin, MD, 21013 and located in the 10th Election District, and the 3rd Councilmanic District.





腦 528 ZIWING VERIFICATION 7/05/2005 1年27:35 \$65.00 8 Baltimre Courty, Haryland 7/07/2003 紀刊與 EIPT # 26,0018 65.00 以 Recort Tot MAIL 025520 MESINESS 7/00/2003 がある。 CA IL ACCOUNT. BALTIMORE COUNTY, MARYLAND **AMOUNT** RECEIPT & FINANCE **N**EOUS BUDGET 3 P MISCELI OFFICE RECEIVED FROM: DATE FOR:

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

WHITE - CASHIER

DISTRIBUTION

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

Case: #04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of **Bottom Road**

11th Election District - 3rd Councilmanic District

Legal Owner(s): Kristin Beizner Special Hearing: to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have gross area less than two acres because of right of access to a boundary road is defiled, or exceeds the maximum of 30 feet in to a right-of-way to which the sub-

division has access. Hearing: Wednesday, March 3, 2004 at 9:00 a.m. in Room: 106, County Office Building, 111 W. Chesapeake

Avanus.

LAWRENCE E: SCHMIDT

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

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

CERTIFICATE OF PUBLICATION

	F
218,2004	-
THIS IS TO CERTIFY, that the annexed advertisement was	published
n the following weekly newspaper published in Baltimore Co	inty, Md.,
once in each ofsuccessive weeks, the first publication	appearing
on 217 ,2004.	
) i
The Jeffersonian	1
Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
Owings Mills Times	·
□ NE Booster/Reporter	1
☐ North County News	
	1
	•

J. Wilkinson LECAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

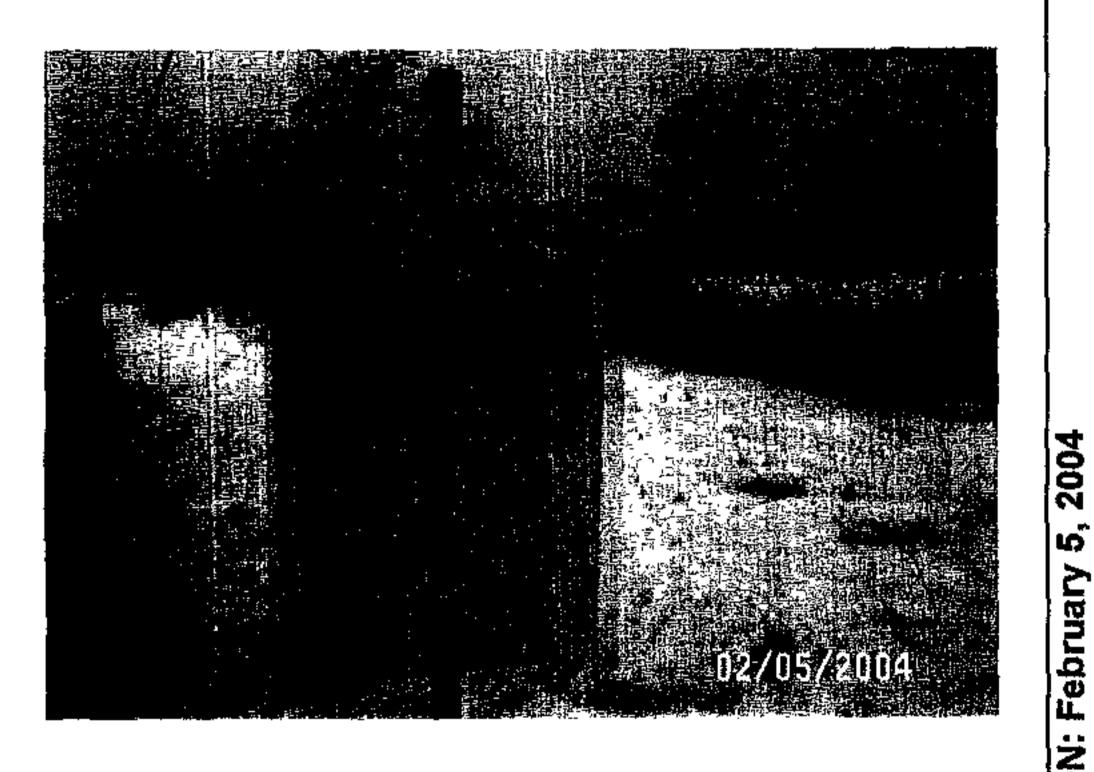
RE: CASE NO. 04-012-SPH PETITIONER/DEVELOPER: Kristin Belzner DATE OF HEARING: March 3, 2004

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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



LOCATION:

13240 Fork Road
S/west side of Fork Road,
corner southeast side of Bottom Road

DATE:

February 9, 2004

SIGNATURE OF SIGN POSTER

BRUCE DOAK

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

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

Case: #04-012-SPH
13240 Fork Road
Swest side of Fork Road, corner southeast side of Bottom Road
11th Election District - 3rd Gouncilmanic District
Legal Owner(s): Kristin A. Belzner
Special Hearing: to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have a gross area less than two acres because right of access to a boundary road is denied, or exceeds the maximum of 30 feet into a right-of-way to which the subdivision has access. division has access."

Hearing: Wednesday, September 18, 2003 at 9:09 a.m. in Room 467, County Courts Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT

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

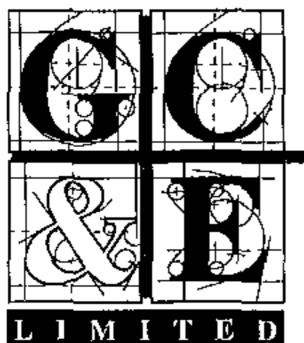
(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/8/759 Aug. 26

C622965

CERTIFICATE OF PUBLICATION

	
8/28/.2003	
THIS IS TO CERTIFY, that the annexed advertisement was put	olished
n the following weekly newspaper published in Baltimore County,	, Md.,
once in each ofsuccessive weeks, the first publication appe	earing
on 8/26/,2003.	
The Jeffersonian	
Arbutus Times	ļ
Catonsville Times	
☐ Towson Times	
Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	1
S. Wilking	
LEGAL ADVERTISING	



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

CERTIFICATE OF POSTING

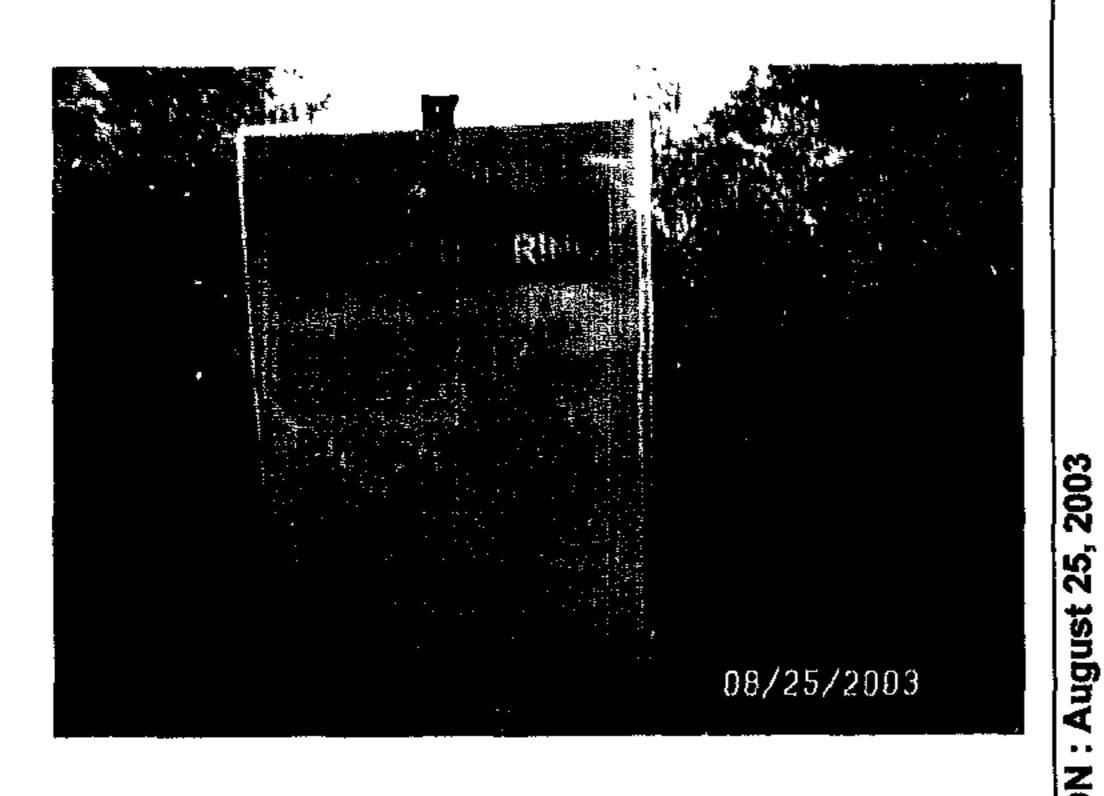
RE: CASE # 04-012-SPH PETITIONER/DEVELOPER: Kristin A. Belzner DATE OF HEARING: September 10, 2003

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

ATTENTION: REBECCA HART

LADIES AND GENTLEMEN:

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



LOCATION:

13240 Fork Road S/West side of Fork Road, Corner southeast side of Bottom Road

DATE:

August 26, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

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

NOTICE OF ZONING HEARING

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

Case: #04-012-SPH 13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road 11th Election District - 3rd Councilmanic District

Legal Owner(s): Kristin Beizner

Special Hearing: to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have gross area less than two acres because of right of access to a boundary road is denied, or exceeds the maximum of 30 feet in to a right-of-way to which the subdivision has access.

Hearing: Wednesday, October 13, 2004 at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue.

ELAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contact the Zoning

Commissioner's Office at (410) 887-4386.

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

JT/9/769 Sept. 28

CERTIFICATE OF PUBLICATION

`	•
9/29 , 200+	
THIS IS TO CERTIFY, that the annexed advertiseme	nt was published
n the following weekly newspaper published in Baltimo	re County, Md.,
nce in each ofsuccessive weeks, the first publi	cation appearing
n 928/200+	į
The Jeffersonian	-
Arbutus Times	:
☐ Catonsville Times	£
☐ Towson Times	<u>.</u>
Owings Mills Times	į.
☐ NE Booster/Reporter	t
☐ North County News	
S. Wilkins	1

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

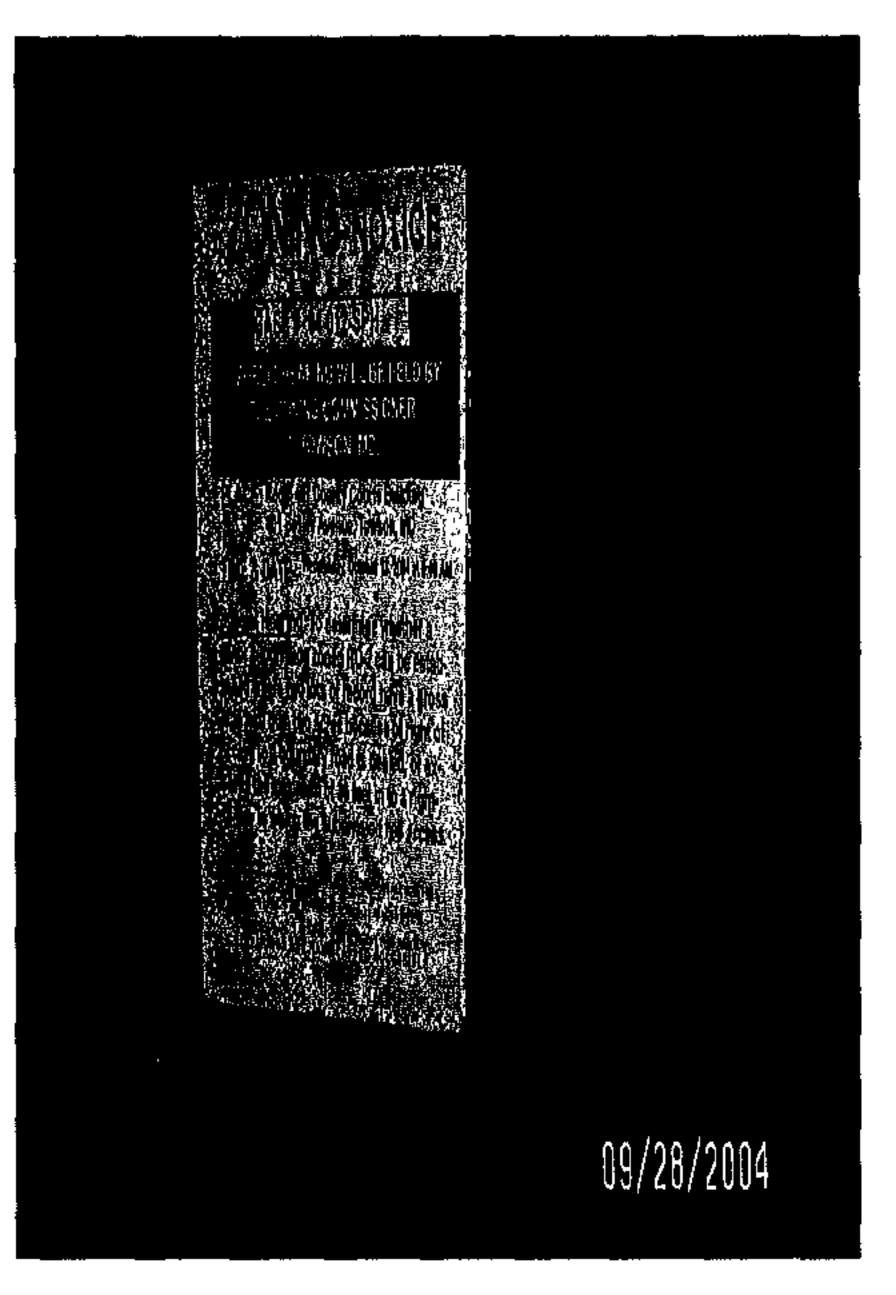
RE: CASE NO. 04-012-SPH PETITIONER/DEVELOPER: KRISTIN BELZNER DATE OF HEARING: October 12, 2004

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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



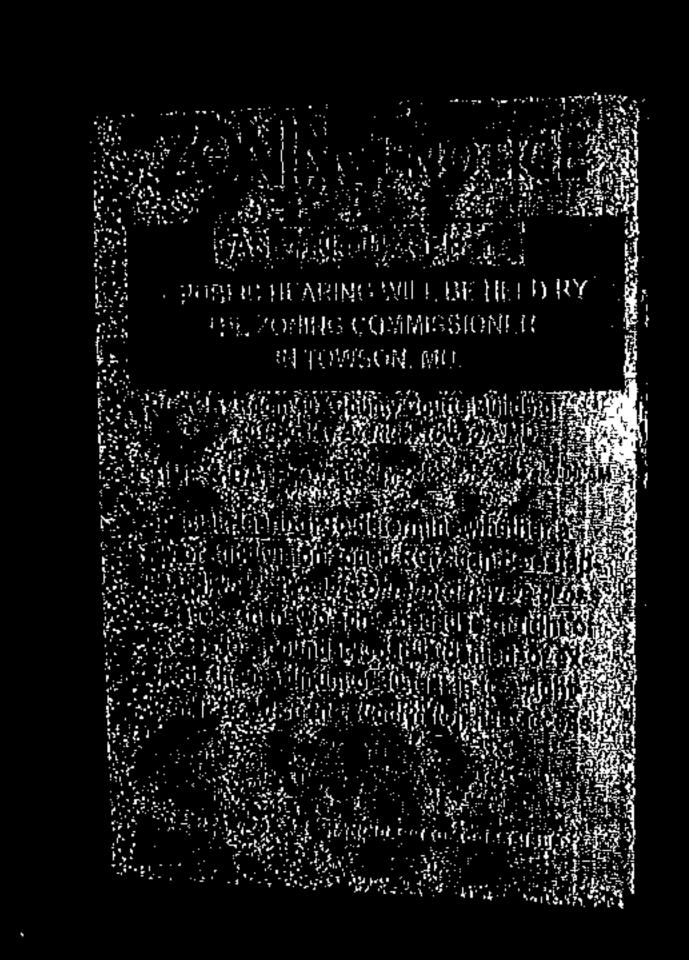
POSTED ON: SEPTEMBER 28, 2004

LOCATION: 13240 FORK ROAD BALDWIN, MARYLAND 21003

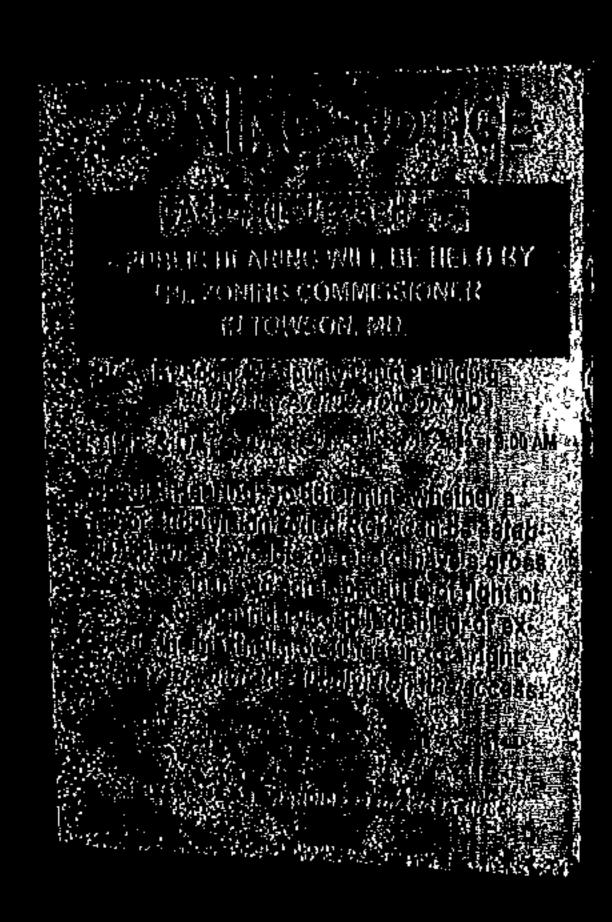
SIGNATURE OF SIGN POSTER

BRUCE DOAK

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



09/28/2004



09/28/2004



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

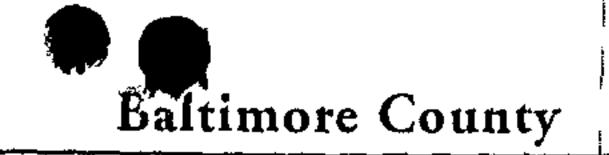
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number:	
Petitioner: LowGreen Un 11-en Mssoc.	
Address or Location: 13240 FOR PD.	;
PLEASE FORWARD ADVERTISING BILL TO: Name: \[\text{VARIABLE ADVENTISING BILL TO:} \]	f
Company Company Company	
Address: 508 TAIRMONT Ave.	
Address: SOB MAIRMONT Ave. Towson, Mol. 21286	· · · · · · · · · · · · · · · · · · ·

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708





James T. Smith, Jr, County Executive
Timothy M. Kotroco, Director

January 15, 2004

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road

11th Election District - 3rd Councilmanic District

Legal Owner: Kristin Belzner

Special Hearing to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have gross area less than two acres because of right of access to a boundary road is denied, or exceeds the maximum of 30 feet in to a right-of-way to which the subdivision has access.

Hearing: Wednesday, March 3, 2004, at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Ave., Towson 21286 Kristin Belzner, 9 Widebrook Court, Baltimore 21234 Long Green Valley Association, Charlotte Pine, Pres., 13310 Fork Rd., Baldwin 21003

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 2004.

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

Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 17, 2004 Issue - Jeffersonian

Please forward billing to:

J. Carroll Holzer 508 Fairmount Avenue Towson, MD 21286 410-825-6961

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road

11th Election District – 3rd Councilmanic District

Legal Owner: Kristin Belzner

Special Hearing to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have gross area less than two acres because of right of access to a boundary road is denied, or exceeds the maximum of 30 feet in to a right-of-way to which the subdivision has access.

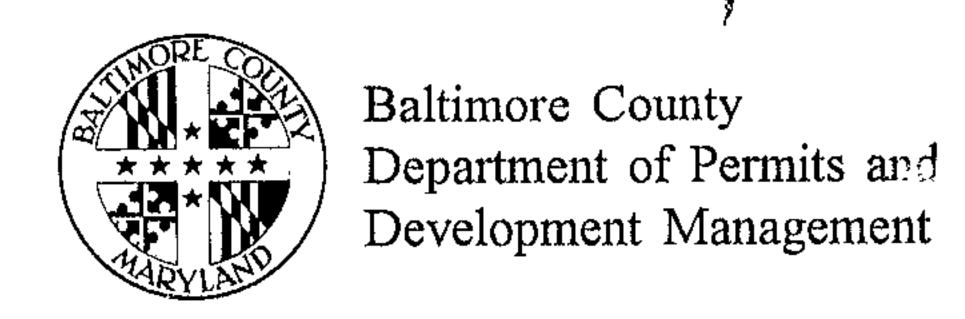
Hearing: Wednesday, March 3, 2004, at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Aurence E. Schmidt

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

July 16, 2003

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road

11th Election District – 3rd Councilmanic District

Legal Owner: Kristin A. Belzner

Special Hearing to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have a gross area less than two acres because right of access to a boundary road is denied, or exceeds the maximum of 30 feet into a right-of-way to which the subdivision has access.

Hearings:

Wednesday, September 10, 2003 at 9:00 a.m. in Room 407, County

Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21 Kristin Belzner, 9 Widebrook Court, Baltimore 21234 Long Green Valley Association, Charlotte Pine, Pres.

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING APPROVED POSTER ON THE PROPERTY B

(2) HEARINGS ARE HANDICAPPED ACCESSIBL PLEASE CALL THE ZONING COMMISSIONE

(3) FOR INFORMATION CONCERNING THE FILE ZONING REVIEW OFFICE AT 410-887-3391.

Did not include

Wern Destitioner on

notice but ald

mail a copy to all

Hose listed on

Signature page

- Kister

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 26, 2003 Issue - Jeffersonian

Please forward billing to:

J. Carroll Holzer, Esq. 508 Fairmount Avenue Towson, MD 21286

410-825-6961

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road

11th Election District – 3rd Councilmanic District

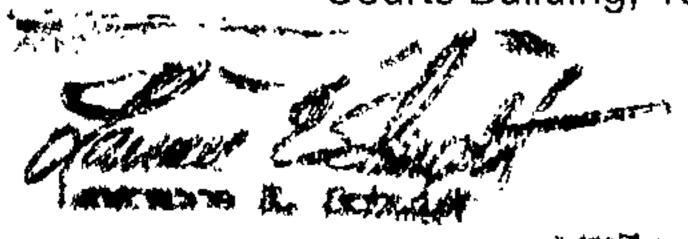
Legal Owner: Kristin A. Belzner

Special Hearing to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have a gross area less than two acres because right of access to a boundary road is denied, or exceeds the maximum of 30 feet into a right-of-way to which the subdivision has access.

Hearings:

Wednesday, September 10, 2003 at 9:00 a.m. in Room 407, County

Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 28, 2004 Issue - Jeffersonian

Please forward billing to:

J. Carroll Holzer 508 Fairmount Avenue Towson, MD 21286

410-825-6961

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road

11th Election District – 3rd Councilmanic District

Legal Owner: Kristin Belzner

Special Hearing to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have gross area less than two acres because of right of access to a boundary road is denied, or exceeds the maximum of 30 feet in to a right-of-way to which the subdivision has access.

Hearing: Wednesday, October 13, 2004 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

August 25, 2004

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-012-SPH

13240 Fork Road

S/west side of Fork Road, corner southeast side of Bottom Road

11th Election District - 3rd Councilmanic District

Legal Owner: Kristin Belzner

Special Hearing to determine whether a minor subdivision zoned RC-2 can be established where two lots of record have gross area less than two acres because of right of access to a boundary road is denied, or exceeds the maximum of 30 feet in to a right-of-way to which the subdivision has access.

Hearing: Wednesday, October 13, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

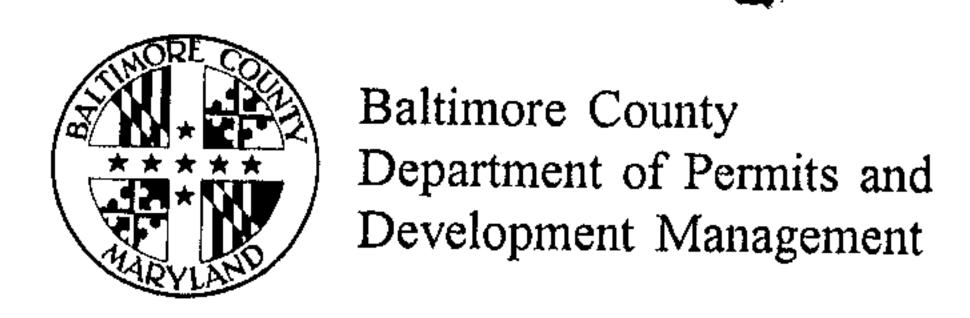
TK:klm

C: J. Carroll Holzer, 508 Fairmount Ave., Towson 21286
Kristin Belzner, 9 Widebrook Court, Baltimore 21234
Long Green Valley Association, Charlotte Pine, Pres., 13310 Fork Rd., Baldwin 21003
Stuart Kaplow, 15 East Chesapeake Avenue, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 28, 2004.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Visit the County's Website at www.baltimorecountyonline.info



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 26, 2004

J. Carroll Holzer, P.A. 508 Fairmount Avenue Towson, Maryland 21286

Dear Mr. Holzer:

RE: Case Number: 04-012-SPH, 13240 Fork Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 3, 2003.

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

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

Very truly yours,

U. Callibal)

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Kristen A. Belzner 9 Widebrook Court Baltimore 21234 Charolotte Pine 13310 Fork Road Baldwin 21003

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr, County Executive Timothy M. Kotroco, Director

October 7, 2004

J. Carroll Holzer, P.A. 508 Fairmount Avenue Towson, Maryland 21286

Dear Mr. Holzer:

RE: Case Number: 04-012-SPH, 13240 Fork Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 3, 2003.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Comi i manufacture ...

WCR:clb

Enclosures

c: People's Counsel Kristen A. Belzner 9 Widebrook Court Baltimore 21234 Charolotte Pine 13310 Fork Road Baldwin 21003



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RBS 1761

DATE:

August 28, 2003

SUBJECT:

Zoning Item 12

Address

13240 Fork Road

Zoning Advisory Committee Meeting of July 14, 2003

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

If lots of less than 1 acre cannot be created in the RC-2 zone. There must be two acres to subdivide in this zone.

Reviewer: Wally Lippincott

Date: August 8, 2003

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 9, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 21, 2003 Item No. 012

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The road right-of-way for Fork and Bottom Room Roads shall be dedicated to the county at no cost.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-007 & 04-012 > Special Hearings

DATE: July 16, 2003

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL:MAC



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105

July 16, 2002

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: July 14, 2003

Item No.:

002-014 (.0)

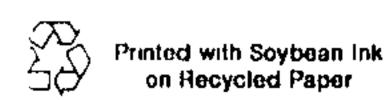
Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed this Bureau and the comments below are applicable and required to corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr. Governor

Michael S. Steele

Lt. Governor



Audrey E. Scott Secretary

Florence E. Burian
Deputy Secretary

July 15, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda,07/21/03 re: case numbers 04-1-SPH, 04-2-A, 04-3-SPHA, 4-4-SPH, 4-5-SPH, 4-6-SPHA, 4-7-SPHA, 4-8-A, 4-9-A, 4-10-SPHX, 4-11-SPHX, 4-12-SPH, 4-13-A, 4-14-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Planning Services

cc: Mike Nortrup

RE: PETITION FOR SPECIAL HEARING
13420 Fork Road; SW/side Fork Rd, corner
SE/side Bottom Road
11th Election & 3rd Councilmanic Districts

11th Election & 3rd Councilmanic Districts Legal Owner(s): Kristin A. Belzner Petitioner(s) BEFORE THE

ZONING COMMISSIONER

FOR

* BALTIMORE COUNTY

* 04-012-SPH

* * * * * * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this Z2 day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

JUL 2 2 2003

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

Kristen Matthews

DATE: October 14, 2004

Permits & Development Mgmt.

FROM:

Robin Jameson

Office of Zoning Commissioner

SUBJECT: Postponed and/or Continued Cases

The below listed cases are being returned to you office for the following reasons:

<u>04-012-SPH</u> This case has been set in for hearing and postponed several times. It's a Carroll Holzer/Stuart Kaplow special. The case was postponed at the hearing on October 13th because the legal owner sold the property and went to settlement last Thursday, October 7th. There is a new owner now and plans may change. The <u>attorneys will contact</u> you in the future if the status of this case changes and a hearing becomes necessary.

<u>05-134-A</u> This case was filed as an administrative variance (10/4/04). Prior to the closing date, Pete Zimmerman wrote a letter to this office demanding a hearing on the matter. The Petitioners are not happy, but Jack agrees with Pete. Please <u>set this case in for hearing</u>. <u>HAVE DAVE DUVALL MAKE A NOTICE SIGN AND HAVE GARY FRUEND OR WHOMEVER POST THE SIGN AT THE PROPERTY. THANKS</u>.

<u>05-086-A</u> This case was postponed in open hearing on October 12th. The case was not property posted or advertised. It must be rescheduled and re-posted. It is my understanding that Mike Tanczyn will be contracting you office regarding this matter. He represents the Petitioners.

THANKS!

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

March 3, 2004

J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

Stuart Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21286-5306

> Re: Petition for Special Hearing Case No. 04-012-SPH Property: 13240 Fork Road

Dear Messrs. Holzer & Kaplow:

This letter is to confirm that the above-captioned matter, which was continued in open hearing on Wednesday, March 3, 2004, will reconvene on Wednesday, March 31, 2004 at 9:00 a.m. in Room 106 of the County Office Building in Towson. It would be appreciated if you would notify all interested parties of the new hearing date. It will not be necessary to have the property re-posted or re-advertised.

Should anyone have any questions concerning the rescheduling of this matter, please do not hesitate to call me.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj



Visit the County's Website at www.baltimorecountyonline.info

Copies to:

Betty Kirby 13310 Bottom Road Hydes, MD 21082

Robert & Ruth Newman 13305 Bottom Road Hydes, MD 21082

Tim McCabe 13313 Bottom road Hydes, MD 21082

Carol Shaw 7 Country Hill Court P. O. Box 36 Fork, MD 21051

Charlotte Pine 13810 Ford Road Baldwin, MD 21013

Dave & June Clark 13308 Bottom Road Hydes, MD 21082

Mike & Beverly Hohman Ford Road Baldwin, MD 21013

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive! William J. Wiseman III, Zoning Commissioner

June 23, 2005

J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21286-5306

> Re: Petition for Special Hearing Case No. 04-012-SPH Property: 13240 Fork Road

Dear Messrs. Holzer & Kaplow:

Thank you for your letters of June 13, 2005 regarding the status of the case. I note that there is an allegation that Mr. Kaplow may not represent the present owner of the property. Obviously, the present owner is a necessary party to this proceeding.

It seems to me that both your clients' best interests would be served if the present owner has actual notice of the September 14, 2005 hearing, which again we have scheduled by agreement.

Thank you for your consideration of this matter.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

Jan V. Munphy

JVM:raj



Visit the County's Website at www.baltimorecountyonline.info

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

May 31, 2005

J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21286-5306

> Re: Petition for Special Hearing Case No. 04-012-SPH Property: 13240 Fork Road

Dear Messrs. Holzer & Kaplow:

My review of this file indicates that when the matter came for hearing on October 13, 2004, Mr. Kaplow filed a motion to dismiss. He agreed to give Mr. Holzer an opportunity to respond which to my knowledge has never occurred. As Mr. Holzer represents the Petitioner in this case, it may be that he is content not to answer and Mr. Kaplow is content not to insist otherwise.

In summary, it appears to me that everyone's best interest would be served by simply dismissing this case. If anyone objects, please let me have your answer in writing.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj



Visit the County's Website at www.baltimorecountyonline.info

p.1

Mr. Timothy Kotroco, Director
Dept. of Permits and Development Management
Baltimore County

August 29, 2003

"HAND DELIVERED"

Re:

13240 Fork Road Case No. 04012-SPH

Dear Mr. Kotroco,

I wish to respectfully request, by way of this letter, that the above-referenced Zoning Case be postponed due to an unavoidable and unexpected conflict on my part to attend the Hearing.

Further, I have just been advised that it is in my best interest to be represented by Counsel at this Hearing wherein I will need additional time to pursue that effort.

I have had my engineer, Mr. Joseph Larson, contact the attorney for the Petitioner, Mr. Carroll Holzer who has agreed to the postponement as requested herein.

I would appreciate your cooperation and indulgence in this matter.

Very truly yours,

Kristin Belzner

cc: Joseph Larson Carroll Holzer

File#1.09020301

RECEIVED

SEP

03-3211

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

3 2003

FROM : BOARDOFAPPEALS

:4108873192 FAX NO.





ginnall remitlas to alusque danning ginners

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

July 21, 2005

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286

> RE: In the Matter of: 3600 Georgetown Corp., Legal Owner; Bloomfield Community Assn., et al. (New England Motor Freight) Case No. 04-160-SPH and Case No. 04-294-SPHX

Dear Mr. Holzer;

This letter will confirm that Wednesday, September 14, 2005 has been scheduled on the Board's docket for hearing day #4 in the subject matter.

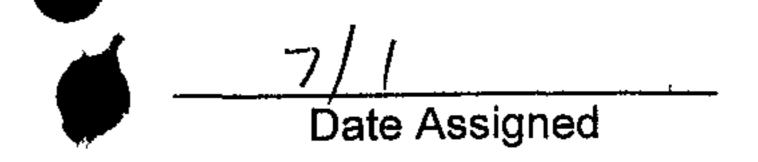
With the departure of Mr. Ramsey from the Board of Appeals in October 2005, it was imperative that the hearing in this matter be concluded by the middle of September to allow sufficient time for written briefs and public deliberation while Mr. Ramsey is still a member of the Board of Appeals, with September 14th being held as day #4 for conclusion of this case.

Should you require any additional information, please call me at 410-887-**318**0.

Very truly yours,

Kathleen C. Bianco Administrator

JCM	
Intake Planner	



DROP-OFF PETITIONS PROCESSING CHECK-OFF

	FINOULSSING CHLCN-OH	
	Two Questions Answered on Cover Sheet: Any previous reviews in the zoning office? Any current building or zoning violations on site?	•
	Petition Form Matches Plat in these areas: Address Zoning Legal Owner(s) Contract Purchaser(s) Request (if listed on plat)	•
	Petition Form (must be current PDM form) is Complete: Request: Section Numbers Correct Wording (must relate to the code, especially floodplain and historical swording. Variances must include the request in lieu of the required code quare Hardship/Practical Difficulty Reasons Legal Owner/Contract Purchaser: Signatures (originals) Printed/Typed Name and Title (if company) Attorney (if incorporated) Signature/Address/Telephone Number of Attorney	
	Correct Number of Petition Forms, Descriptions and Plats 200 Scale Zoning Map	
<u> </u>	Check: Amount Correct? Signed?	
	Location (by Carl) Sw/s Fock Rd. Cor. 5E/s Rottom Rd. C/3240 Fock Rd. Zoning: Acreage: Previous Hearing Listed With Election District Councilmanic District Case # Check to See if the Subject Site or Request is: CBCA Floodplain Elderly Historical Pawn Shop Helicopter *If Yes, Print Special Handling Category Here *If No, Print No 7.3.03	Decision
المسم	Number Assigned Date Accepted for Filing	

ATTORNEYS AT LAW
15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

FACSIMILE TRANSMITTAL

DATE: April 19, 2004

TO: J. CARROLL HOLZER, ESQUIRE

SENT TO TELEPHONE NUMBER: 410-825-4923

FROM: STUART D. KAPLOW, ESQUIRE

TOTAL NUMBER OF PAGES 1 (INCLUDING THIS PAGE)

OUR TELECOPIER TELEPHONE NUMBER IS 410-339-3912

IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEM WITH RECEIVING, PLEASE TELEPHONE STUART KAPLOW AT 410-339-3910

MESSAGE:

THIS PAX WILL CONFIRM THAT I LEFT A TELEPHONE MESSAGE ON THE MACHINE AT YOUR OFFICE, WITH RESPECT TO 13240 FORK ROAD, CASE # 04-012-SPH, AGREEING TO A MEARING ON MAY 26TH AT 9:00 A.M.

The information in this legally privileged an immediately and send the of this message is not the distribution of the message is not the mess

ATTORNEYS AT LAW
15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

March 27, 2004

Via Facsimile 410-825-4923
J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

Re: Case No. 04-012-SPH 13240 Fork Road

Dear Mr. Holzer:

I am writing this letter to follow up my failed attempts to reach you by telephone.

In granting my requested postponement of the above noted matter, scheduled for March 31, 2004, the Office of the Zoning Commissioner requested that I coordinate with you the rescheduling of this hearing. I attempted to reach you by telephone both this past Thursday and Friday and nobody answered the telephone in your office and the telephone recorder reported that the mailbox was full (such that I could not leave a message).

Please call me about rescheduling this matter to a mutually acceptable date. Mr. Murphy's calendar is now booked through the beginning of May, so it has been suggested that we look for a time in the week on May 10th. I have great deal of flexibility in scheduling that week.

Shuart D. Kaj

Sincerely

SDK:tbm

cc: John V. Murphy, Deputy Zoning Commissioner, via facsimile 410-887-3468

Jila)

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910

FACSIMILE 410-339-3912

E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

July 28, 2005

Via Facsimile 410-887-3468

John V. Murphy, Deputy Zoning Commissioner

401 Bosley Avenue, Suite 405

Towson, Maryland 21204

Re: 13

13240 Fork Road Case 04-102-SPH

Dear Mr. Murphy:

This letter is written to respond to Carroll Holzer's letter to you of July 26, 2005 requesting a postponement of the agreed upon September 14, 2005 hearing date to continue the hearing in the above noted matter.

While Mr. Holzer neither advised me of his intention to schedule another matter at the time of this previously agreed upon date, nor sought my concurrence in his request, I will simply note that I have no objection to this matter being postponed at his request!

Additionally and importantly, please recall my June 10, 2005 letter referencing my letter to you of October 13, 2004 wherein I entered my appearance for the limited purpose of prosecuting my motion to dismiss. My client had only days before the last scheduled hearing purchased the property and was not and is not a party in the case pending before you!

If someone would kindly telephone my office to reschedule the hearing in this matter on a mutually agreed upon date, such would be greatly appreciated.

Sincerely,

Stuart D. Kaplow

SDK:tbm

cc: J. Carroll Holzer, Esquire via fax 410-825-4923

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910

FACSIMILE 410-339-3912

E-MAIL SKAPLOW@STUARTKAPLOW.COM

RECEIVED

OCT 1 2 2004

ZONING COMMISSIONER

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

October 12, 2004

Via Facsimile 410-887-3468

John V. Murphy, Deputy Zoning Commissioner 401 Bosley Avenue, 4th Floor Towson, Maryland 21204

Re:

Hearing scheduled October 13, 2004 at 9:00 a.m.

Case No. 04-012-SPH - 13240 Fork Road

Dear Mr. Murphy:

With respect to the above noted Special Hearing, scheduled for a hearing this coming Wednesday, October 13th at 9:00 a.m., please find enclosed for filing both an Entry of Appearance and Motion to Dismiss.

While this firm had represented a lender that had taken a portion of the property that is the subject of this hearing by way of a deed in lieu of foreclosure, that property having been conveyed to the current record owner (just five days ago), I withdraw my appearance on behalf of Equity Mortgage Lending and enter an appearance on behalf of Markay Enterprises, L.L.C.

Please also find attached a Motion to Dismiss including request for hearing filed on behalf of my new client. I respectfully request to be heard in argument on the Motion at the commencement of the proceedings this Wednesday.

With a hearing date less than a week from the day of the purchase of the subject property, Markay will not be able to have a representative attend the hearing. I am authorized to prosecute the attached Motion and enter my appearance for that limited purpose. ¹

Thank you in advance for your courtesies.

Sincerely

SDK:tbm

cc:

bm J. Carroll Holzer, Esquire, via facsimile 410-825-4923

And via hand delivery

¹ Accepting that the Zoning Commissioner's rules do not recognize special appearances.

ATTORNEYS AT LAW
15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL SKAPLOW@STUARTKAPLOW.COM

RECEIVED
JUN 1 3 2005
ZONING COMMISSIONER

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

June 10, 2005

Via Facsimile 410-887-3468

John V. Murphy, Deputy Zoning Commissioner
401 Bosley Avenue, Suite 405

Towson, Maryland 21204

Re: 13240 Fork Road Case 04-102-SPH

Dear Mr. Murphy:

This letter is written to respond to Carroll Holzer's missive of June 7, 2005 about the above noted matter. With due respect to Mr. Holzer, <u>his characterization of my purported position in this matter is not accurate nor correct</u>.

At the time of the October 13, 2004 hearing in this matter, Mr. Holzer requested a continuance so that he could respond to my motion to dismiss that had been filed only days before the hearing. Mr. Holzer and I have not spoken, at any time following that day about rescheduling this matter! Sterling Lease of Mr. Holzer's office did telephone me some months ago and I indicated to him that at such time as Mr. Holzer files a response to my motion, I would promptly seek to schedule a hearing.

Mr. Holzer has failed to respond to the pending motion and continues to fail to respond. His letter to you indicates that he does not plan to file any responsive pleading. While the rules of practice before the Zoning Commissioner do not impose a time frame for a response to a motion, Mr. Holzer has chosen not to respond for some 8 months and now confirms in his letter that he is not even going to file a responsive pleading. As Mr. Holzer believes the motion is not worthy of an appropriate response, I respectfully request that you simply rule on the "verified" motion (including an affidavit) at this time. No further argument of counsel is required.

In the alternative, and in the event that Mr. Holzer files a responsive pleading, you may wish to schedule a hearing on the motion?

Additionally and importantly, please recall my letter to you of October 13, 2004 wherein I entered my appearance for the limited purpose of prosecuting the motion to dismiss. My client had only days before purchased the property and was not and is not a party in the case pending before you!

John V. Murphy, Deputy Zoning Commissioner Page Two June 10, 2005

All of that said, in response to Mr. Holzer's correspondence I have written to my client in this matter, but I do not believe that my client owns the property at this time. I recall that I spoke to a contract purchaser, some months ago, who had a building permit to construct their home on the property, and contemplated closing. I will promptly advise you as to whether my client, who is not even a party in this matter, has any ownership in the subject property.

Again, I respectfully suggest that is appropriate for you simply rule on the pending motion. Thank you for your courtesies.

Sincerely,

Stuart Kaplow

Stuart D. Kaplow

SDK:tbm

cc: J. Carroll Holzer, Esquire via fax 410-825-4923

ATTORNEYS AT LAW
15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

Via Facsimile 410-887-3468

John V. Murphy, Deputy Zoning Commissioner 401 Bosley Avenue, 4th Floor Towson, Maryland 21286

Re:

Case No. 04-012-SPH

13240 Fork Road

Dear Mr. Murphy:

By this letter I am requesting a postponement of the above note matter scheduled for hearing before you this Wednesday, March 3, 2004. This firm represents Equity Mortgage Lending, the owner of 13240 Fork Road, the real property that is the subject of the *hearing commenced by others*, as a result of the recent foreclosure under certain loans to Kristin A. Belzer. Ms. Belzner has no relationship with Equity Mortgage Lending and she has no involvement with the property.

I first reviewed the file in this matter last Friday when I both telephoned and wrote to J. Carroll Holzer, the attorney for the several petitioners, requesting that he consent to a postponement. Mr. Holzer has not returned my calls nor responded to my letter, but after consulting with his clients he did write to Tim Kotroco indicating that his "clients do not object to a postponement" but imposing conditions on that consent? I have not been asked to, but without a greater understanding o the factual underpinnings of this case, I can <u>not</u> agree to those preconditions involving limits on permits.

On behalf of Equity Mortgage Lending, I request a postponement of the scheduled hearing. Such will allow me to advise my client about this matter. Such may also allow the petitioners to amend their petition to reflect the correct owner.

Thank you for your prompt consideration of this request. I can be reached at most times on my portable telephone at 410-499-3910.

Sincerely,

SDK:tbm

Stuart D. Kaplow

cc: Timothy Kotroco, Director, via facsimile 410-887-5708

J. Carroll Holzer, Esquire, via facsimile 410-825-4923

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910

FACSIMILE 410-339-3912 E-MAIL SKAPLOW@STUARTKAPLOW.COM RECEIVED

MAR 2 3 2004

ZONING COMMISSIONER

WWW.STUARTKAPLOW.COM

STUART D. KAPLOW

March 22, 2004

Via Facsimile 410-887-3468

John V. Murphy, Deputy Zoning Commissionel 401 Bosley Avenue, 4th Floor Towson, Maryland 21286

Re:

Case No. 04-012-SPH 13240 Fork Road

Dear Mr. Murphy:

I apologize in advance for this request, but due to the unavailability of Joe Larson, the engineer who sealed the drawing this is apparently the subject of this case, who is my client's only expert witness in this matter, by this letter I must request a postponement of the above note matter scheduled for hearing before you on Wednesday, March 31st.

While you were kind enough to grant my initial request for a postponement in this matter, I was not consulted about a new date and would not have agreed to a date without Mr. Larson being available. That said upon receipt of your letter assigning the new date, I the same day, contacted Mr. Larson's office and, apparently because of vacation schedules he and I only spoke, for the first time about this date, yesterday and he confirmed earlier today that he will be out of the Baltimore area on March 31st in a long standing commitment that he can not reschedule.

As you will recall, this firm represents Equity Mortgage Lending, the owner of 13240 Fork Road, the real property that is the subject of the *hearing commenced by others*, as a result of the recent foreclosure under certain loans to Kristin A. Belzer.

I telephoned J. Carroll Holzer, the attorney for the several petitioners, earlier today intending to request that he consent to a postponement, Mr. Holzer has not returned my call.

On behalf of Equity Mortgage Lending, I request a postponement of the scheduled hearing. I will be pleased to work to promptly schedule another date. Thank you for your consideration of this request.

Sincerely,

SDK:tbm

Stuart D. Kaplow

cc: J. Carroll Holzer, Esquire, via facsimile 410-825-4923

Telephone 410-494-6200 Facsimile 410-821-0147 www.venable.com

(410) 494-6285

dhkarceski@venable.com

RECEIVED

March 22, 2004

MAR 2 3 2004

ZONING COMMISSIONER

HAND-DELIVERED

Timothy M. Kotroco, Director Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Re:

Spirit and Intent Letter, Case No. 02-336-SPHXA Beltway Business Community, Lot 3B

13th Election District, 1st Councilmanic District

Dear Mr. Kotroco:

This firm represents the contract purchaser of Lot 3B of the Beltway Business Community (or Gittings Property) located on the northwest side of Washington Boulevard, east of I-695 in Arbutus (the "Property" or "Lot"). Our client proposes to locate a fuel service station on the Lot in combination with a convenience store and carryout restaurant. I am writing to confirm that the intended use of the Property is within the spirit and intent of an Order issued by the Zoning Commissioner in Case No. 02-336-SPHXA on December 13, 2002. I have enclosed a copy of the Order and site plan filed in the case for your review and convenience.

By way of brief history, BP Products North America Inc. received approval of a site plan, entitled "PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION," and Petitions for Special Exception and Variance to construct a fuel service station on the Property. The plan and Note A of the plan as well as page 2 of the Zoning Commissioner's Order indicated that, in addition to the fuel service station, BP likewise proposed a convenience store and carryout restaurant. Other than a neighbor that appeared in support of the requested relief, no protestants or other interested persons were present at the public hearing. See Order, Page 2.

VENABLE LLP

Timothy Kotroco, Director March 22, 2004 Page 2

As shown on the enclosed site plan, entitled "SITE PLAN – GAS & CONVENIENCE STORE WASHINGTON BOULEVARD @ I-695" and prepared by Morris & Ritchie Associates, Inc., our client proposes fuel pump islands comprised of eight multi-product dispensers and a 4,200 square foot convenience store/carryout restaurant structure on the Property. A review the site plan approved in the 2002 Case and our client's site plan makes clear that the proposed layout is substantially similar to that approved in the prior case. As in the 2002 case, the fuel pump islands are positioned in front of the c-store/carryout restaurant structure, which is oriented toward the rear of the site. In addition, the 4,200 square foot c-store/carryout restaurant structure is similar yet smaller in size than the 4,224 square foot structure approved in the 2002 Case.

I have also enclosed a floor plan that indicates the intended c-store/carryout restaurant layout. As discussed in our prior meeting, the c-store component of the structure is 960 square feet and the convenience store component 3,168 square feet. According to the floor plan, 5 booths are proposed to accommodate the carryout restaurant use.

You may recall that our client's site plan and c-store/carryout restaurant floor plan were the subject of a meeting in November of 2003 at your office attended by Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, and W. Carl Richards, Jr., Supervisor of the Zoning Review Office. The meeting consensus was that the proposed site layout is substantially similar to BP's and that the restaurant portion of the structure would operate primarily as a carryout restaurant. For these reasons, no additional zoning relief should be required pursuant to the 2002 Case. It was, however, discussed that the installation of additional booths and/or tables would require the filing of a Petition for Special Hearing and another public hearing before the Zoning Commissioner.

At this time, I am requesting that you provide written confirmation that the restaurant component of the newly proposed c-store/carryout restaurant building is a carryout restaurant and that the request made by our client for the above-described minor adjustments to the site plan is within the spirit and intent of the Zoning Commissioner's Order, dated December 13, 2002.

VENABLE.

Timothy Kotroco, Director March 22, 2004 Page 3

With this letter, I have enclosed a check in the amount of \$50.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you need any further information in order to complete your review, please feel free to give me a call.

Very truly yours

David H. Karceski

DHK

Enclosure

cc:

Lawrence E. Schmidt, Zoning

Commissioner for Baltimore County

Mr. W. Carl Richards, Jr.

TO1DOCS1/DHK01/#138529 v3

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

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STUART D KAPLOW

WWW.STUARTKAPLOW.COM

February 27, 2004

Via Facsimile 410-825-4923
J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

Re:

Case No. 04-012-SPH 13240 Fork Road

Dear Carroll:

This letter will follow up my telephone conversation of earlier today with Sterling respect to the above note matter scheduled for hearing before the Deputy Zoning Commissioner on March 3, 2004.

As I indicated to Sterling, this firm represents Equity Mortgage Lending, the record owner of 13240 Fork Road, the real property and improvements that are the subject of the hearing, as a result of the recent foreclosure under certain loans to Kristin A. Belzer. Ms. Belzer has no relationship with Equity Mortgage Lending and she has no involvement with the property.

Given that I first reviewed the file in this matter this afternoon, I respectfully request that you not object to a postponement of the scheduled hearing. Such will allow me to come up to speed and, as may be appropriate, advise my client (a lender and not a developer). Such will also allow us to see if we can reach an amicable resolution of this matter or, in the alternative allow you to amend your petition to reflect the correct owner.

Please give me a call on Monday so that we might determine how best to proceed.

Sincerely,

Stunet D. Kaplow

SDK:tbm

cc: Equity Mortgage Lending



J. Carroll Holzlr, pa

J. HOWARD HOLZER

THE 508 BUILDING

508 FAIRMOUNT AVL. TOWSON, MID 21286 (410) 825-6961

FAX: (410) 825-4923

E-MAIL. JCHOLZER@BCPL.NET

THOMAS J. LEE OF COUNSEL

1907/1989

March 1, 2004 # 7421 RECEIVED

MAR 3 2004

ZONING COMMISSIONER

FAX # 410-887-5708

Timothy Kotroco, Esquire, Director Department of Permits & Development Management County Office Building Towson, MD 21204

Re: Petition for Special Hearing 13240 Fork Road; Case No. 04-012-SPH

Dear Mr. Kotroco:

I represent the Long Green Valley Association and on June 30, 2003 I filed on their behalf a Petition for Special Hearing with the Department of Permits and Development Management. (See attached copy of Petition) My Petition for Special Hearing was scheduled to be heard on September 10, 2003. But on August 29, 2003, the property owner, Kristin Belzner, hand delivered a letter to your office requesting a postponement because of "an unavoidable and unexpected conflict" and needed additional time to pursue counsel for representation. (See Notice of Hearing and postponement letter attached) The property owner's postponement request was granted.

After much delay, another hearing on my Petition for Special Hearing was scheduled for March 3, 2004. On Friday, February 27 my office received a phone call from Stuart Kaplow, Esquire, who represents Equity Mortgage Lending, which foreclosed on the real property and improvements located at 13240 Fork Road, the property subject to the Special Hearing. Because Mr. Kaplow had just reviewed the file for the first time on Friday, February 27, he requested that the hearing be postponed from March 3, 2004.

Because of my clients' serious concerns about the proposed Minor Subdivision at the subject site, my clients do not object to a postponement provided that no additional permits be requested or issued for second dwelling prior to the hearing, except for the dwelling presently being built on the site. It is our position that there is not adequate acreage for an additional dwelling and that is the posture we will present before the Zoning Commissioner.

I will be willing to work with your office and Mr. Kaplow's to reschedule the hearing at a date and time mutually convenient to the parties.

I appreciate your attention and assistance. If you need to call me, I can be reached at 410-825-6961.

Very truly yours,

J. Carroll Holzer

Attachments

JCH:clh

cc: Stuart Kaplow, Esq.
LGVA, Inc.
Lawrence Schmidt, Esquire, Zoning Commissioner



Law Operus

J. Carroll Holder, pa-J. Howard Holzer

1907-1989

Thomas J. Lef.

THE 508 BUILDING

508 PARMOLNE AND JOWSON, MD 21286 (4)(3) 825-6961

PAN: (410) 825-4923

E-MAIL THOUSEROUSET NET

June 9, 2004 # 7421

VIA FAX 410-887-3468

John V. Murphy, Esquire Deputy Zoning Commissioner for Baltimore County 4th Floor, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re: Petition for SPH
Case No. 04-012-SPH; 13240 Fork Rd.

Dear Deputy Zoning Commissioner Murphy:

By now I am sure you have heard that since June 2, I have been knocked down by severe attack of kidney stones requiring my being treated twice since last Wednesday at GBMC. This afternoon, I will be receiving outpatient treatment by my urologist to break up the stones.

Because of my inability to attend any hearings this past week and prepare for the instant case which is scheduled to be heard on Friday, June 11, 2004, I respectfully request that the hearing in Case No. 04-012-SPH, which is my clients' Petition, be postponed. I will be in a better position by Monday, June 14 to know about rescheduling the hearing. We appreciate your consideration in this matter and await your response.

Very truly yours,

J. Carroll Holzer

JCH:clh

ce: Stuart Kaplow, Esq.



LAW OTHERS

J. CARROLL HOLZER, PA

J. HOWARD HOLZEK 1907-1989

Thomas J. Lea.

OF CAR NOLL

THE 508 BUILDING

508 FARMORING AVA

Toxesos, MD 21286

(410) 823-6961 PAS: (410) 825-4923

E-MAIL: ROBOLZERO BERLAGET

August 4, 2005 #7421

Via Fax 410-887-5708

Mr. Timothy Kotroco, Director Permits & Development Management 111 Chesapeake Avenue Towson, Maryland 21204

Via Fax 410-887-3468

Mr. John V. Murphy Deputy Zoning Commissioner Suite 405 County Courts Building Towson, Maryland 21204

RE:

In the Matter Of: 3600 Georgetown Corp., Legal Owner

Bloomfield Community Association, et al.

(New England Motor Freight)

Case No.: 04-160-SPH and Case No.: 04-294-SPHX

Dear Messrs. Kotroco and Murphy:

On July 26, 2005, Mr. Holzer wrote a letter to both of you that was intended to request a postponement of the matter of 13240 Fork Road, Case No. 04-102-SPH, a Petition for Special Hearing we filed some time ago for our clients, the Long Green Valley Association, et al. That July 26th letter was somewhat confusing as to which case Mr. Holzer was requesting a postponement. I became aware of the confusion through the astute observation of Ms. Kristin Matthews upon her attempting to reschedule and her calling me to get clarification.

The long and the short of the conflict is that the Deputy Zoning Commissioner had scheduled before him the matter of Case No. 04-102-SPH, 13240 Fork Road on Wednesday, September 14, 2005, the same day the Board of Appeals added an additional hearing day in New England Motor Freight Case referenced above. Mr. Holzer's July 26th letter had attached to it a letter from Ms. Kathleen Bianco, CBA Administrator, explaining the need to schedule an additional day of hearing in NEMF on September 14, 2005. I am reattaching the letter herewith.

Mr. Timothy Kotroco, Director Mr. John V. Murphy August 4, 2005 Page two

Consequently, the case before Deputy Zoning Commissioner John Murphy, 04-102-SPH set for September 14, 2005 has been postponed because of the Board of Appeals' need to set another day in for NEMF, Case Nos. 04-160-SPH and 04-294-SPHX. I hope this sufficiently clears the matter up so that Ms. Matthews can reset the Fork Road case with counsel and the Deputy Zoning Commissioner.

Very truly yours,

Sterling Leese, Jr.

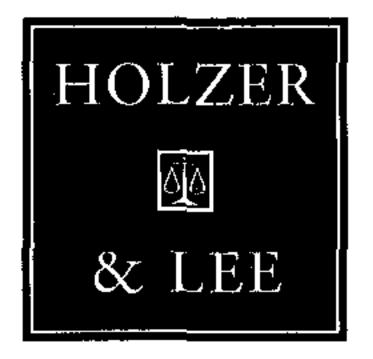
Attachment

JCH:mlg

cc:

Stuart Kaplow, Esquire Ms. Kristin Matthews, PDM

Kotroco-Murphy NBMF Belzner 8-4-05



J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

June 7, 2005 #7421 THE 508 BUILDING

508 FAIRMOUNT AVE. TOWSON, MD 21286 (410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

RECEIVED

JUN 1 0 2005

ZONING COMMISSIONER

Mr. John V. Murphy Deputy Zoning Commissioner Suite 405 County Courts Building Towson, Maryland 21204

RE: Petition for Special Hearing

Case No.: 04-012-SPH
Property: 13240 Fork Road

Dear Commissioner Murphy:

The above-captioned case has not been put back in for a hearing because Mr. Kaplow failed to agree to a date unless the Motion to Dismiss was heard separately from the merits of the case. I will respond to the Motion to Dismiss at the time of the hearing and if necessary present a written Memorandum prior thereto if you believe that is necessary. My position is that I want the case heard on the Motion to Dismiss and the merits at the same time so that the matter is not bifurcated.

Kindly set the matter in for a hearing. I will be glad to provide agreeable dates from my client.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Charlotte Pine, Esquire

Stuart D. Kaplow, Esquire



J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE OF COUNSEL

June 13, 2005 #7421

THE 508 BUILDING

508 Fairmount Ave. Towson, MD 21286 (410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

RECEIVED

JUN 1 5 2005

ZONING COMMISSIONER

Fax No. 410-887-3468
John V. Murphy
Deputy Zoning Commissioner
Suite 405
County Courts Building

Towson, Maryland 21204

RE: Petition for Special Hearing

Case No.: 04-012-SPH
Property: 13240 Fork Road

Dear Commissioner Murphy:

In response to Mr. Kaplow's letter to you dated June 10, 2005, I find it difficult to believe that Mr. Kaplow is requesting you to rule on a motion in which his client "was not and is not a party in the case pending before you" and, therefore has no interest in the instant case. If Mr. Kaplow's client has no interest in the instant case and the subject property, he "doesn't appear to have a dog in the hunt."

I will file a response to the Motion to Dismiss after Mr. Kaplow advises you of his client's interest, if any. Until then, I respectfully request that you not dismiss my Petition for Special Hearing.

Very truly yours,

Carroll Holzer

JCH:mlg

cc: Charlotte Pine, Esquire

Stuart D. Kaplow, Esquire



J. Carroll Holzer, pa

J. HOWARD HOLZER

1907-1989

Thomas J. Lee

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE. TOWSON, MD 21286

(410) 825-6961

Fax: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

June 30, 2003 # 7421

HAND DELIVERED

Carl Richards Department of Permits & Development Management County Office Building Towson, MD 21204

> Re: In the Matter of Petition for Special Hearing, 13240 Fork Road Petitioners: Long Green Valley Association, Inc., et al. **Belzner Property**

Dear Mr. Richards:

Because we have raised at least four issues in our Petition for Special Hearing in the above referenced matter, for advertising purposes, of the four issues we raised, the following is the language to be used for posting and advertising purposes only:

> "To determine whether a minor subdivision zoned RC-2 can be established where two lots of record have a gross area less than two acres because right of access to a boundary road is denied, or exceeds the maximum of 30 feet into a right-of-way to which the subdivision has access."

I appreciate your assistance in this matter and if you need to call, I can be reached at 410-825-6961

Very truly yours,
A. (allow Hollze)

J. Carroll Holzer

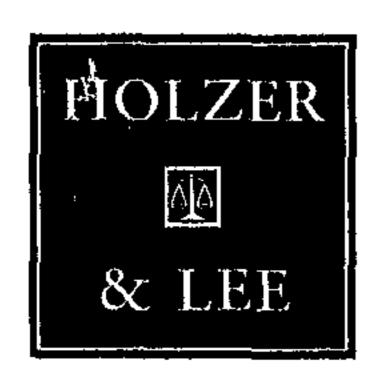
JCH:clh

cc: LGVA, Inc., et al.

RECEIVED

JUN 3 0 2003

Per XIV



J. Carroll Holzer, pa

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE OF COUNSEL

July 26, 2005 #7421 THE 508 BUILDING

508 FAIRMOUNT AVE. TOWSON, MD 21286 (410) 825-6961

Fax: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

RECEIVED

JUL 2 7 2005

70MNG COMMISSIONER

Mr. Timothy Kotroco, Director Permits & Development Management 111 Chesapeake Avenue Towson, Maryland 21204

Mr. John V. Murphy
Deputy Zoning Commissioner
Suite 405
County Courts Building
Towson, Maryland 21204

RE: In the Matter Of: 3600 Georgetown Corp., Legal Owner

Bloomfield Community Association, et al.

(New England Motor Freight)

Case No.: 04-160-SPH and Case No.: 04-294-SPHX

ier (

Dear Messrs. Kotroco and Murphy:

Please be advised that through discussions with the Office of Deputy Zoning Commissioner, Mr. Murphy, I had agreed to schedule the above-captioned case for Wednesday, September 14, 2005 at 9:00 a.m. in Room 407. Unfortunately, I am obliged to request a postponement of that case due to my involvement in a Baltimore County Board of Appeals case, Case No.: 04-160-SPH and 04-294-SPHX in the matter of Georgetown Corporation (New England Motor Freight). This case has been scheduled for three (3) days during the month of July. The case progressed, however, an additional date was required due to the length of the presentation before the County Board of Appeals. The Board was required to schedule the fourth day on the only open day that it had on its calendar for Wednesday, September 14, 2005. This accelerated scheduling was due to the departure of one of the Board members. (Please see attached letter from the County Board of Appeals dated July 21, 2005).

Mr. Timothy Kotroco, Director Mr. John V. Murphy July 26, 2005 Page two

In deference to concluding the New England Motor Freight case before the County Board of Appeals, I would respectfully request a postponement of the September 14, 2005 date before the Zoning Commissioner. I will certainly work with your office and the Deputy Zoning Commissioner's Office to reschedule promptly.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Stuart Kaplow, Esquire



County Board of Appeals of Baltimore County.

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

July 21, 2005

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286

> RE: In the Matter of: 3600 Georgetown Corp., Legal Owner; Bloomfield Community Assn., et al (New England Motor Freight) Case No. 04-160-SPH and Case No. 04-294-SPHX

Dear Mr. Holzer;

This letter will confirm that Wednesday, September 14, 2005 has been scheduled on the Board's docket for hearing day #4 in the subject matter.

With the departure of Mr. Ramsey from the Board of Appeals in October 2005, it was imperative that the hearing in this matter be concluded by the middle of September to allow sufficient time for written briefs and public deliberation while Mr. Ramsey is still a member of the Board of Appeals, with September 14th being held as day #4 for conclusion of this case.

Should you require any additional information, please call me at 410-887-3180,

Very truly yours,

Kathleen C. Bianco

Administrator



J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE OF COUNSEL

September 20, 2005 #7421

THE 508 BUILDING

508 FAIRMOUNT AVE. TOWSON, MD 21286 (410) 825-6961

Fax: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

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SEP 2 1 2005

ZOMING COMMISSIONER

Mr. John V. Murphy Deputy Zoning Commissioner Suite 405 County Courts Building Towson, Maryland 21204

RE:

Petition for Special Hearing

Case No.:

04-012-SPH

Property Located at: 13240 Fork Road

Dear Deputy Zoning Commissioner Murphy:

The Petitioner, Long Green Valley Association, et al., individuals, hereby withdraws its request for a Petition for a Special Hearing in the above-captioned case.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc:

Ms. Carol Shaw

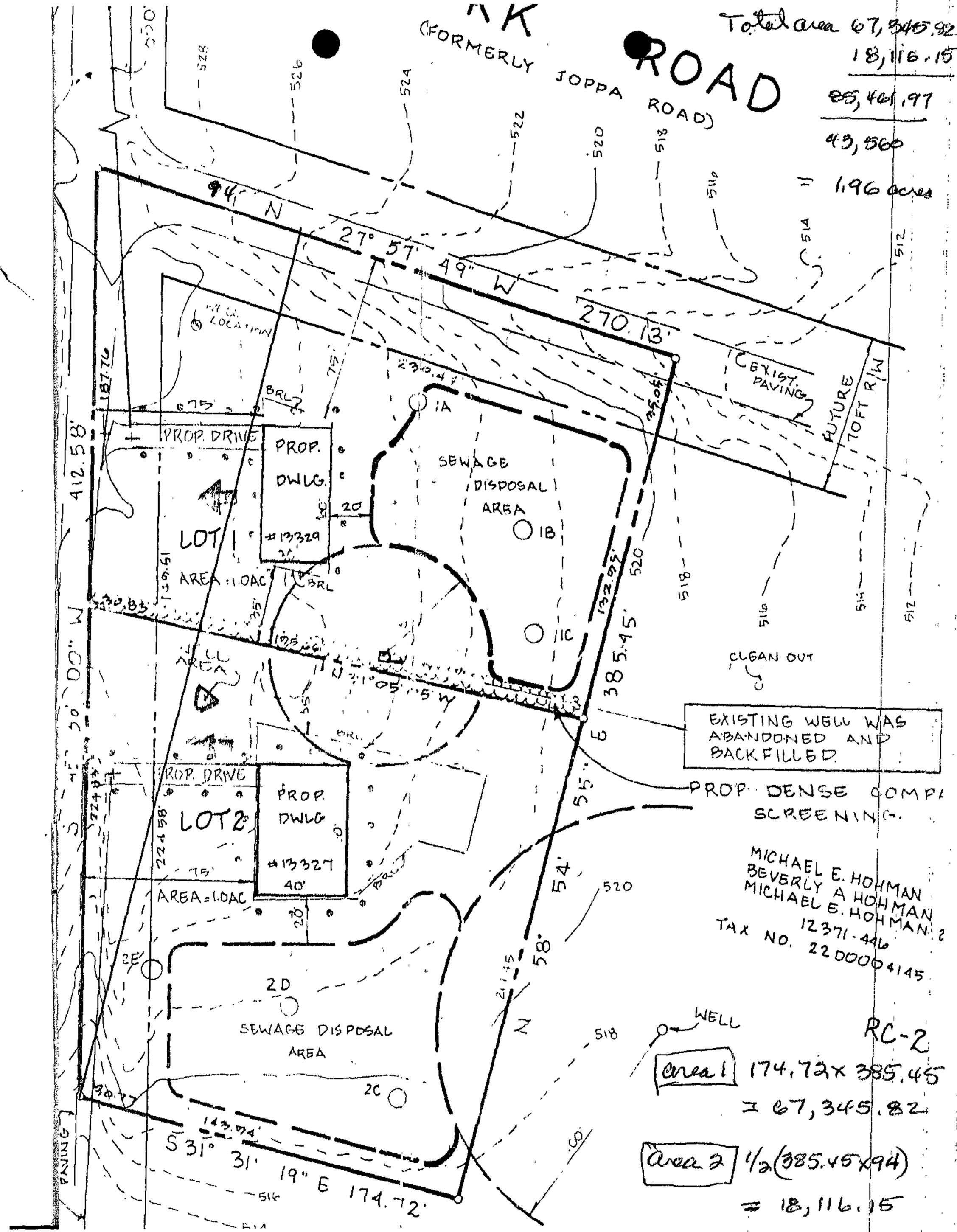
Charlotte Pine, Esquire Stuart Kaplow, Esquire

LEASE PRINT CLEARLY

CASE NAME 13 240 LEN 126 CASE NUMBER 04-012-5PH DATE 10 1,364

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- f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures. [Bill Nos. 178-1979; 51-1993]
- g. Firewood operations. [Bill No. 151-1992]
- h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception. [Bill No. 51-1993]
- i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater. [Bill No. 51-1993]

1A01.3 Height and area regulations.

- A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.
- B. Area regulations. [Bill No. 178-1979]
 - 1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record, with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the county between November 27, 1979, and October 1, 1990, shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal. [Bill No. 199-1990]
 - 2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.
 - Setback requirements. No principal structure or dwelling (whether or not it
 is a principal structure) in an R.C.2 Zone may be situated within 75 feet of
 the center line of any street or within 35 feet of any lot line other than a
 street line.
 - 4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.
- 1A01.4 Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with § 2-509 of the Agricultural

PLEASE PRINT CLEARLY

CASE NAME 13540 Forle PA CASE NUMBER OY-012-5PH DATE MELL 3,2004

PETITIONER'S SIGN-IN SHEET

E- MAIL			
CITY, STATE, ZIP Lyder Med 21082 The End 21082 Lyder med 21051 Lyder maken 21051	Jedus 21082.		
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
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
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PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code	
JUMBI KARLOW	15 E Cuesaronke hus	(puron)	21286	
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	 	Revised	4/17/00	

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IN RE: PETITION FOR SPECIAL HEARING 13240 Fork Road S/W side of Fork Road 11th Election District/ 3rd Councilmanic District

Charlotte Pine, et al, Petitioners

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* Case No.: 04-012-SPH

ENTRY OF APPEARANCE

Stuart D. Kaplow and Stuart D. Kaplow, P.A. enter an appearance in the above captioned matter on behalf of Markay Enterprises, L.L.C.

This filing of an entry of appearance is not a waiver of the right to assert later any defense that otherwise can be raised, including defenses of jurisdiction over the person, venue, adequacy of notice, etc.

NOTICE OF WITHDRAWAL

Stuart D. Kaplow and Stuart D. Kaplow, P.A. withdraws any appearance on behalf of MAS Associates, LLC d/b/a Equity Mortgage lending.

Equity Mortgage Lending has consented to this Withdrawal and will not participate in this matter.

Stuart D. Kaplow, Esquire

STUART D. KAPLOW, P.A.

15 East Chesapeake Avenue Towson, Maryland 21286-5306

410-339-3910