

76-231-A #170 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

John W. Pfeiffer, Walter S. Pfeiffer
Edward A. McGinty & Jean McGinty
X or we, legal owner(s) of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 1A03.4.B.4.

To permit a front setback of 82 feet from the centerline of Slab Bridge Road

Instead of the required 100 feet

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

Owners wish to sell all their property on the east side of Slab Bridge Road. Contract purchaser wished to construct dwelling having a depth of 28 feet, lot depth is insufficient to meet front setback & rear yard requirements.

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

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

John W. Pfeiffer, Walter S. Pfeiffer, Edward A. McGinty & Jean McGinty

Contract purchaser

Address: 817 Johnson Rd

City: Towson, Md. 21203

Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day

of March, 1978, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 1st day of May, 1978, at 10:15 A.M.

By: S. Eric DiNenna, Zoning Commissioner

10:15
5/1/78

76-231-A

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RE: PETITION FOR VARIANCE

from Section 1A03.4.B.4

of the Baltimore County

Zoning Regulations

E/S of Slab Bridge Road 5670'

N. of Rockdale Road

4th District

John W. Pfeiffer, et al

Petitioners

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 78-231-A

OPINION

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner granting the requested variance, allowing an 82 foot front setback instead of the 100 foot setback as required in Section 1A03.4.B.4 of the Baltimore County Zoning Regulations. Testimony on this requested variance, to permit the erection of a single family residence on this parcel, was received from both Protestants and Petitioner and is summarized in this Opinion.

The parcel in question is part of a larger parcel containing approximately 142 acres. The parcel in question is separated from the main parcel by Slab Bridge Road and contains 1.35 acres more or less. The parcel in question, is roughly rectangular in shape, being approximately 342 feet along Slab Bridge Road and only 160 feet in depth, hence, the need for the requested variance. This entire area is zoned RC 4. At present the parcel is unused, but testimony from residents indicated it has been used previously for farming, gardening and orchard uses. All testimony from resident Protestants indicated they felt this use appropriate and objected to the erection of any dwellings on this parcel. It should also be noted, however, that there are no residences in close proximity to this parcel, the nearest being some 900 feet away.

In keeping with the intent of zoning regulations, whose purpose is to regulate orderly growth and development in Baltimore County, several aspects of this request require careful consideration. RC 4 zoning permit single family dwellings on parcels of at least three acres, but no less, unless said parcel was duly recorded prior to December 1975. This parcel was not so recorded as an entity in itself, but was recorded as a part of the entire holding. It is, however, by nature of its separation from the main parcel by Slab Bridge Road, a parcel unto itself, and apparently has been for many,

John W. Pfeiffer, et al - #78-231-A

2.

many years. This is, therefore, not a parcel being separated from another for purposes of development by its owner, but a parcel separated and formed by Slab Bridge Road.

The owner testified that this separation made profitable and practical farm use of this 1.35 acre parcel impractical, and hence, its present non-use. Exhibits

introduced showed that by granting a front setback of 82 feet instead of the required 100 feet, all other Baltimore County regulations could be met. This granting would,

therefore, make this a valuable parcel while a denial would, in effect, reduce its value to that of marginal farm land of insignificant size for practical farm use.

RC 4 zoning is a watershed conservation zoning designed to protect a large watershed area, therefore, any additional development in this area merits careful consideration. It is, however, the opinion of this Board that the granting of this requested variance, in order to permit one single family residence, would not cause injury to the public health, safety and general welfare of this area. If this lot was only 18 feet deeper no variance would be required. It seems highly unlikely that a home situated 82 feet back from a road instead of 100 feet could have a serious detrimental effect on a neighborhood. It also seems to this Board that to deny this requested variance, and thus its proposed use, would indeed create unreasonable hardship and/or practical difficulty in the Petitioners use of this parcel.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23rd day of May, 1978, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated May 18, 1978, be affirmed, and the variance petitioned for, be and the same is hereby GRANTED, subject to approval by all concerned Baltimore County departments.

John W. Pfeiffer, et al - #78-231-A

3.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hackett

John A. Miller

John A. Miller

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: April 28, 1978

FROM: Leslie H. Graef, Director of Planning

SUBJECT: Petition #78-231-A. Petition for Variance for Front Setback East Side of Slab Bridge Road, 5670' North of Rockdale Road Petitioners - John W. Pfeiffer, et al

6th District

HEARING: Monday, May 1, 1978 (10:15 A.M.)

May 23, 1978

John W. Pfeiffer, Esquire
6 New Forest Court
Towson, Md. 21204

Re: Case No. 78-231-A
John W. Pfeiffer, et al

Derr N. Pfeiffer

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

Very truly yours,

Edith T. Eichenhart, Admin. Secretary

Encl.

cc: Mr. and Mrs. Edward A. McGinty
Robert J. Renedus, Esquire
Dr. William Gentry
Mr. Kenneth D. Robertson
John W. Hession, III, Esquire
Mr. J. E. Dyer
Mr. William E. Hammond
Mr. L. H. Graef
Mr. J. Howell

There are no comprehensive planning factors requiring comment on this petition.

Leslie H. Graef
Director of Planning

LRG:PH:dne

COLUMBIA OFFICE
WALTER PAKE
Engineer, Surveyor and
Landscape Architect
Phone 730-9080

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 East Joppa Road
Room 121, Towson, Maryland 21204
Phone 838-3308

DELAIR OFFICE
L. GERALD WOLFF
Landscape Architect
Phone 838-0886

February 20, 1978

DESCRIPTION TO ACCOMPANY APPLICATION FOR FRONT SETBACK VARIANCE:

Beginning for the same at a point in the centerline of Slab Bridge Road at a distance of 5670 feet more or less northwesterly from the intersection of the centerline of Slab Bridge Road with the centerline of Rockdale Road, thence leaving the centerline of Slab Bridge Road North 72 degrees 38 minutes East 167 feet, thence North 14 degrees 01 minutes West 358.05 feet, thence South 75 degrees 16 minutes West 158.4 feet to the centerline of Slab Bridge Road, thence with the centerline of said road South 12 degrees 42 minutes 46 seconds East 365.92 feet to the place of beginning.

Containing 1.35 acres of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
DRI 404-3303

May 18, 1978

John W. Pfeiffer, Esquire
6 New Forest Court
Towson, Maryland 21204

RE: Petition for Variance
E/S of Slab Bridge Road,
5670' N of Rockdale Road -
4th Election District
John W. Pfeiffer, et al -
Petitioners
NO. 78-231-A (Item No. 170)

Dear Mr. Pfeiffer:

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

Very truly yours,

George H. Hartman
Deputy Zoning Commissioner

GJM/jhm

Attachments

cc: Dr. William Gentry
21031 Slab Bridge Road
Freeland, Maryland 21053

John W. Hession, III, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE May 18, 1978

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners:

the above Variance should be had, and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a front yard setback of 82 feet from the center line of the street in lieu of the required 100 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of May, 1978, that the herein Petition for the aforementioned Variance should be and the same is GRANTED from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of:

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of May, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

PETITION FOR VARIANCE
E/S of Slab Bridge Road,
5670' N of Rockdale Road
6th Election District
John W. Pfeifer, et al -
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 78-231-A
(Item No. 170)

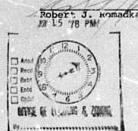
NOTICE OF APPEAL

Please enter an appeal from the Order of George J. Martinak, Deputy Zoning Commissioner of Baltimore County, dated May 18, 1978, on behalf of Protestants, William Gentry, N.D., 21031 Slab Bridge Road, Freeland, Maryland 21053.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

ATTORNEY FOR PROTESTANT

THIS IS TO CERTIFY that on this 14th day of June, 1978, that copies of the foregoing Notice of Appeal were mailed to John W. Pfeifer and Waltraud S. Pfeifer, 6 New Forest Ct., Towson, Maryland 21204, and Edward A. McGinity and Jean McGinity, Rt. 1, Box 318, Glen Arm, Maryland 21057, and John W. Hessian, III, Esq., People's Counsel, County Office Building, Towson, Maryland 21204.



ROBERT J. ROMADKA
ATTORNEY AT LAW
Baltimore, Maryland

RE: PETITION FOR VARIANCE
from Section 1A03.4.B.4
of the Baltimore County
Zoning Regulations
E/S of Slab Bridge Road 5670'
N. of Rockdale Road
6th District
BALTIMORE COUNTY
JOHN W. PFEIFER, et al
Petitioners
Case No. 78-231-A

ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals for Baltimore County dated May 23, 1978 on behalf of the Protestants, Dr. William Gentry.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

ATTORNEY FOR PROTESTANT

THIS IS TO CERTIFY that on this 14th day of June, 1978, copies of the foregoing Order for Appeal were mailed to the County Board of Appeals, County Office Building, Towson, Maryland 21204; John W. Hessian, III, Esq., 102 W. Penneyvanis Avenue, Towson, Maryland 21204; John W. Pfeifer and Waltraud S. Pfeifer, 6 New Forest Ct., Towson, Maryland 21204; and Edward A. McGinity and Jean McGinity, Rt. 1, Box 318, Glen Arm, Maryland 21057.

Robert J. Romadka

Anthony J. Sacco
ATTORNEY AT LAW

Mr. George Martinak

May 9, 1978
Page #2

is causing an ever-increasing storage loss in the impoundments.

d. that failure to protect the original watershed areas will result in increasing levels of pollution by the impoundments and the tributaries.

As each tributary becomes affected by such problems, the overall quality of the water in the Reservoir will deteriorate. With Prettiboy, there has been the effect upon Loch Raven Reservoir. With Prettiboy, there has been the effect upon Loch Raven Reservoir. With Prettiboy, there has been the effect upon Loch Raven Reservoir. With Prettiboy, there has been the effect upon Loch Raven Reservoir.

The Petitioners have stated that their purpose is the only way they can use and sell their land. However, it has come to my attention that at least one other buyer, a neighbor in the area, has offered to buy the parcel at a reasonable price. Accordingly, since granting this Special Exception will involve exceptions to the historic site limitation, the lot front and rear setback limitation, possible problems with sewage disposal and sediment and sewage pollution, I feel that the request should be denied.

Sincerely yours,

Anthony J. Sacco

Attest:
Clerk Mr. and Mrs. William D. Gentry, Jr.
Mr. and Mrs. C. L. Sloan
John W. Pfeifer, Esquire

Anthony J. Sacco
ATTORNEY AT LAW

Mr. George Martinak

May 9, 1978
Page #2

and the type soil present. (c) The rear yard setback requirement of the present Zoning Law is 70 feet from any lot line other than a street line. This setback requirement is shown as 50' 4" feet, which would barely meet present legal requirements, if the Special Exception is granted. (d) The minimal diameter dimension for lots created in R-C-4 zones is prescribed as 300 feet in Bill No. 98-75, at Sec. 1A03-R-C-4, Subsec. 1A03.4, Paragraph B (3). The minimal diameter dimension is described as "the diameter of the largest circle that may be inscribed within the lot." As previously submitted, the existing lot is far too small to accommodate such a circle. (e) The area of this lot is less than the minimum 3-acre size required and permitted in an R-C-4 Zone. See Bill No. 98-75, Sec. 1A03-R-C-4, Subsec. 1A03.4, Paragraph B (1). (These appear to have been no evidence presented that this lot was an existing lot or parcel of land with boundaries duly recorded, prior to the adoption of Bill No. 98-75, so as to permit it to fall within the Exception to this requirement.) The current zoning in the area is R-C-4 (Residential Protection Zone). Surrounding uses are all agricultural. Contiguous properties are working farms which raise corn, oats, alfalfa, timothy, clover and livestock. Production from these farms is used to supply the dairy farms in the area with silage necessary to maintain dairy herds. The existence of residential development in this area is incompatible with the use and production goals. To allow this Special Exception might open the door to further encroachment of residential development on other pieces similarly situated.

Silver Run, a tributary of Prettiboy Reservoir is located either at or very near this property. No evidence was offered by the Petitioners regarding the classification of this stream, and I believe that it would not meet the requirements of Baltimore County as a Third Order Stream or better, since it directly flows into a public water reservoir. Sewage and water service is planned for this area. The existing use of the property is the highest and best use to effectively protect the tributary from pollution, both sewage and sediment types. Strippling and paving will have an adverse effect upon it. I believe that this factor was recognized in the Legislative Statement of Findings which appear in Bill No. 98-75, under this Zone at Subsec. 1A03.4, Paragraph A (1)(c) and (d).

Mr. Sacco continues rural-residential development at current densities in the critical watershed zone of the reservoir and their tributaries is causing increased physical, bacteriological and chemical pollution. In addition, sedimentation, which is increasing,

Anthony J. Sacco
ATTORNEY AT LAW
300 CONNARD'S ALLEY
TOWSON, MD. 21204

May 9, 1978

MAY 10 1978 AM



Mr. George Martinak
Deputy Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Petition 78-231-A; 170

Dear Mr. Martinak:

As you may know, I am a resident of Slab Bridge Road, not too far from the site which is the subject of this Special Exception request. I had planned to attend the hearing held on May 1, 1978, as a protestant, but was unable to do so. Accordingly, I am submitting my comments to you in writing and hope that you will give them some consideration in arriving at your decision.

This parcel of ground was acquired by the Petitioners, John W. Pfeifer and wife, and Edward A. McGinity and wife, from Charles Parsons and wife during 1974, as part of a larger tract. That tract had been in agricultural use for approximately 100 years, and was so used as the time the Petitioners purchased it. The land is highly productive agricultural land and, since any change in its use will require substantial deviation from that contemplated by the Baltimore County Master Plan, and the Interim Development Act, it should remain in that use.

The parcel in question contains only 1.34 acres of land of rectangular shape. It is 305.92 feet across its front boundary, and 358.95 feet across its rear boundary, and is 167 feet wide at its widest point, measured from the center of Slab Bridge Road. If this Special Exception is granted, the following items appear: (a) The proposed dwelling will be only 62 feet from the center line of Slab Bridge Road. When the road is widened, as is proposed (see letter from City Engineer, Chief, Bureau of Engineering, Baltimore County Department of Public Works dated April 3, 1978), there will only be 55 feet from the house to the road, only half the distance required by law. Bill No. 98-75, Sec. 1A03-R-C-4 (Residential Protection) Zone, Subsec. 1A03.4, Height and Area Regulations, Paragraph B(4). (b) The 10,000 square feet of drainage area required for septic systems under Baltimore County Health Regulations is barely met by the parcel as it is presently zoned. When the road is widened, serious problems regarding septic tank drainage will be experienced considering the existing contour of the ground.

RE: PETITION FOR VARIANCE
E/S of Slab Bridge Rd., 5670'
N of Rockdale Rd., 6th District
BALTIMORE COUNTY
JOHN W. PFEIFER, et al, Petitioners
Case No. 78-231-A

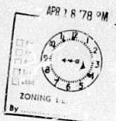
ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any pre-liminary or final Order in connection therewith.

John W. Hessian, III
People's Counsel
County Office Building
Towson, Maryland 21204
474-2188

I HEREBY CERTIFY that on this 18th day of April, 1978, a copy of the foregoing Order was mailed to Mr. John W. Pfeifer and Mr. Waltraud S. Pfeifer, 6 New Forest Court, Towson, Maryland 21204; and Mr. and Mrs. Edward A. McGinity, Route 1, Box 31821, Glen Arm, Maryland 21057, Petitioners.



THORNTON M. HOURS, P.E.
DIRECTOR

April 3, 1978

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #170 (1977-1978)
Property Owner: John W. Pfeifer, et al
E/S Slab Bridge Rd. 5670' W/W Rockdale Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a front setback of 82' in lieu of the required 100'.
Acres: 1.15 District: 6th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General

Subdivision of property within Baltimore County must conform with Baltimore County Subdivision Regulations.

Highways

Slab Bridge Road, an existing public road, is proposed to be improved in the future on a 60-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

Sediment Control

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading, or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

John W. Pfeifer, et al
Page 2
Item Number 170
April 18, 1978

Particular attention should be afforded the comments of the Health Department concerning the proposed well and septic system.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NRClrf

cc: Hudkins Associates, Inc.
101 Shell Building
200 East Joppa Road
Towson, Maryland 21204

Mr. John Pfeifer, et al
6 New Forest Court
Towson, MD 21204

ITEM # 170

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 14th day of March 1978

S. Eric DiMenna
S. ERIC DI MENNA
Zoning Commissioner

Petitioner: John Pfeifer, et al
Petitioner's Attorney: _____
Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee
cc: Hudkins Associates, Inc.
101 Shell Bldg.
Towson, MD 21204

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 18, 1978

COUNTY OFFICE BUILDING
111 W. Chesapeake Ave.
Towson, Maryland 21204

John W. Pfeifer, et al
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Public Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

MEMBER: John W. Pfeifer, Walter S. Pfeifer, Edward A. McGinity and Mr. Sean McGinity
6 New Forest Court
Towson, Maryland 21204

RE: Variance Petition
Item Number 170
Petitioner - John Pfeifer, et al

Gentlemen & Ms. McGinity:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This currently vacant M.C. 4 zoned site is located on the east side of Slab Bridge Road northwest of Rockdale Road in the 6th Election District. Surrounding properties are similarly zoned and consist of vacant wooded land and farm uses.

This Variance is necessitated by your proposal to construct a dwelling on this property within 82 feet of the centerline of Slab Bridge Road in lieu of the required 100 feet. Since this lot is less than three acres in area, proof that it existed prior to the adoption of Bill 198-75 should be submitted at the time of the scheduled hearing.

Item #170 (1977-1978)
Property Owner: John W. Pfeifer, et al
Page 2
April 3, 1978

Water and Sanitary Sewers

Public water supply and sanitary sewers are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. The Baltimore County Water and Sewerage Plans W-41 and S-41 indicate "No Planned Service" in this area, which is tributary to Jethroby Reservoir via Silver Run.

Very truly yours,

William H. Dwyer, P.E.
WILLIAM H. DWYER, P.E.
Chief, Bureau of Engineering

ENCLOSURE

cc: J. Wimbley
B. Norton
J. Trimmer

CO-22 Key Sheet
145 & 146 NW 28 Ewa. Sheet
NW 37 G Topo
G Tax Map

STEPHEN COLLINS
DIRECTOR

March 17, 1978

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 170 - ZMC - March 14, 1978
Property Owner: John W. Pfeifer, et al
Location: E/S Slab Bridge Rd. 5670' W/W Rockdale Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a front setback of 82' in lieu of the required 100'.

Acres: 1.15
District: 6th

Dear Mr. DiMenna:

No traffic problems are anticipated by the request. Variance to the front setback.

Very truly yours,

Frederick H. Hargis
Frederick H. Hargis
Traffic Engineer Associate

NSF/asm

DONALD J. ROOF, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

March 27, 1978

Mr. S. Eric DiMenna
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Comments on Item #170, Zoning Advisory Committee Meeting, March 14, 1978, are as follows:

Property Owner: John W. Pfeifer, et al
Location: E/S Slab Bridge Rd. 5670' W/W Rockdale Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a front setback of 82' in lieu of the required 100'.
Acres: 1.15
District: 6th

Percolation tests must be performed and water well meeting all State and County Requirements must be drilled prior to approval of a building permit application.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TDC/RS/ru;

baltimore county
two department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reince
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Comodari, Chairman
Zoning Advisory Committee

Re: Property Owner: John W. Pfeifer, et al
Location: E/W Slab Bridge Rd. 5670' NW Rockland Rd.
Item No. 170 Zoning Agenda Meeting of 3/14/78

Cause No. 170

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ exceeds the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

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

REVIEWED: *George M. Hagan*
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

baltimore county
Department of permits and licenses
TOWSON, MARYLAND 21204
(301) 404-3610

John J. Seifert
Director

March 14, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #170 Zoning Advisory Committee Meeting, March 14, 1978 are as follows:

Property Owner: John W. Pfeifer, et al
Location: E/W Slab Bridge Road - 5670' NW Rockland Road
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a front setback of 82' in lieu of the required 100'.

Area: 1.35
District: 6th

The items checked below are applicable:

☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.

☒ B. A building permit shall be required before construction can begin.

☒ C. Three sets of construction drawings will be required to file an application for a building permit.

☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

☐ F. No comment.

☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB:rrj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 13, 1978

Z.A.C. Meeting of: March 14, 1978

RE: Item No. 170
Property Owner: John W. Pfeifer, et al.
Location: E/W Slab Bridge Rd. 5670' NW Rockland Rd.
Present Zoning: R.C. 4
Proposed Zoning: Variance to permit a front setback of 82' in lieu of the required 100'.

District: 6th
No. Acres: 1.35

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich,
Field Representative

WNO/tp

JOSEPH M. MCGOWAN, PRESIDENT
T. DAVIDSON WILLIAMS, JR., VICE-PRESIDENT
MARCOUS M. BOUTRAN

THOMAS H. ROYER
DEB. LORBERG, P. CHURCH
ROGER B. HAYDEN

ALVIN LORBERG
DEB. HATCHER, P. SMITH, JR.
RICHARD W. TRACY, D.V.M.

ROBERT Y. DUBEL, SUPERINTENDENT

baltimore county
Office of planning and zoning
TOWSON, MARYLAND 21204
(301) 404-3211

April 28, 1978

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #170, Zoning Advisory Committee Meeting, March 14, 1978, are as follows:

Property Owner: John W. Pfeifer, et al
Location: E/W Slab Bridge Road 5670' NW Rockland Road
Existing Zoning: RC-4
Proposed Zoning: Variance to permit a front setback of 82' in lieu of the required 100'
Acres: 1.35
District: 6th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

RE: PETITION FOR VARIANCE
from Section 1A03.4.B.4
of the Baltimore County
Zoning Regulations
E/W of Slab Bridge Road 5670'
N. of Rockdale Road
6th District
John W. Pfeifer, et al
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6853
Folio 303
Misc. Docket 11

PETITION FOR APPEAL

Appellants, WILLIAM GENTRY, R.D. and EDITH S. GENTRY, his wife, RICHARD B. SLOAN and CAROL L. SLOAN, his wife, and ANTHONY J. SACCO and MAUREEN SACCO, his wife, aggrieved by the Order of the Board of Appeals of Baltimore County dated May 23, 1979 in which the subject property in the above entitled proceedings was granted a variance, respectfully represent by their attorney,

Robert J. Romadka, as follows:

1. That the Petition for Zoning Variance was approved allowing an 82-foot front setback instead of a 100-foot setback as required in Section 1A03.4.B.4 of the Baltimore County Zoning Regulations. That this is part of a larger parcel containing approximately 142 acres; that the parcel in question is separated from the main parcel by Slab Bridge Road and contains 1.35 acres, more or less; that the entire area is zoned RC-4. RC-4 zoning permits single family dwellings on parcels of at least three acres, and further, said Zoning Regulations restrict the number of dwellings to be located on the entire parcel of land to a total number of two dwellings.

2. That the Board of Appeals of Baltimore County erred in its finding that the Petitioners demonstrated the "practical difficulty or unreasonable hardship" required before relief is the form of an area variance may be granted pursuant to the authority contained in Section 307 of the Baltimore County Zoning Regulations.

3. That the Board of Appeals of Baltimore County erred in its

finding that the variance proposed by the Petitioner and granted by the Board is in strict harmony with the spirit and intent of said regulations and will not cause substantial injury to the general welfare of the public.

4. That the Board of Appeals of Baltimore County erred in its finding that by nature of the 1.35 acre parcel being separated from the main parcel by Slab Bridge Road, it has become a parcel unto itself and should, therefore, be considered as a separate parcel as to its present and future use; that this interpretation by the Board of Appeals of Baltimore County is contrary to the Zoning Regulations affecting development of RC-4 zone land.

5. A review of the record of this case presented to the Board of Appeals of Baltimore County at a hearing on November 16, 1978 should lead this Court to determine that the Opinion and Order of the Board of Appeals of Baltimore County was arbitrary, capricious, not based on substantial evidence, and in contradiction of applicable law.

6. And for such other and further reasons as may be assigned at the hearing of this case

WHEREFORE, the Protestants pray that the Order of the Board of Appeals of Baltimore County dated May 23, 1979 be reversed.

Robert J. Romadka
Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-9274
ATTORNEY FOR PROTESTANTS

THIS IS TO CERTIFY this 13 day of June, 1979, copies of the foregoing Petition For Appeal were mailed to the County Board of Appeals, Court House, Towson, Maryland 21204; John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County; John W. Pfeifer, Esq., 6 New Forest Court, Towson, Maryland 21204 and Mr. and Mrs. Edward A. McGinty, Rt. 1, Box 31821, Glen Arm, Maryland 21057, Petitioners.

Robert J. Romadka
Robert J. Romadka
ATTORNEY FOR PROTESTANTS

By 

RE: PETITION FOR VARIANCE
from Section 1A03.4.B.4
of the Baltimore County
Zoning Regulations
E/W of Slab Bridge Road 5670'
N. of Rockdale Road
6th District
John W. Pfeifer, et al
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6853
Folio 303
Misc. Docket 11

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

Appellants, WILLIAM GENTRY, M.D. and EDITH S. GENTRY, his wife, RICHARD B. SLOAN and CAROL L. SLOAN, his wife, ANTHONY J. SACCO and MAUREEN SACCO, his wife, by Robert J. Romadka, their attorney, petition this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition state:

1. That C. Leonard Perkins, Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, has been in the process of moving from his present residence, and has informed the Appellants that he will be unable to prepare the transcript prior to the filing deadline of July 21, 1979, and will require an additional sixty days to do so. WHEREFORE, Appellants pray this Honorable Court to extend the time for filing the transcript of proceedings until September 19, 1979, 90 days after the first Order of Appeal was filed.

Robert J. Romadka
Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-9274
ATTORNEY FOR APPELLANTS

John W. Pfeifer
John W. Pfeifer
6 New Forest Ct.
Towson, Maryland 21204
PETITIONER

2/
Robert J. Romadka

:: :: :: :: :: :: :: :: ::

Upon the foregoing Petition for Extension of Time to File
Transcript of Proceedings, it is this 11 day of July,
1979

ORDERED, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until September 19, 1979.

S/ R. L. H. H. H.
JUDGE

RECEIVED
BALTIMORE COURT
JUL 23 10 25 AM '77
COUNTY BOARD
OF APPEALS
BY:

RE: PETITION FOR VARIANCE	1	IN THE
from Section 1A03.4.B.4		
of the Baltimore County		CIRCUIT COURT
Zoning Regulations		
1/5 of State Bridge Road 5607'		FOR
N. of Rockledge Road		
6th District		BALTIMORE COUNTY
John W. Pfeiffer, et al		AT LAW
Petitioners		
Case No. 78-231-A	3	Misc. Docket No. 11
Dr. William Gentry		Folio No. 303
Protestant-Appellant		
		File No. 6853

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2 (d) of the Maryland Rules of Procedure, Walter A. Zeller, Jr., William T. Hockett and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, John W. Pfeiffer, Esquire, 6 New Forest Court, Towson, Maryland 21204, Counsel and Petitioner, and Mr. and Mrs. Edward A. McGinlity, Route 1, Box 3121, Glen Arm, Maryland 21057, Petitioner; and Robert J. Rumriska, Esquire, 809 Eastern Boulevard, Essex, Maryland 21221, Attorney for the Protestants; and Dr. William Gentz, 21031 Slab Bridge Road, Freeleaf, Maryland 21053, Protestant-Appellant, and Mr. Kenneth D. Robertson, 817 James Road, Lutherville, Maryland 21093, Contract Purchaser, and John W. Heslin, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, a copy of which notice is attached hereto and proved that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219 Courthouse
Towson, Maryland 21204
494-3180

Pfeifer, et al v. Gentry - 11/303/6853

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to John W. Pfeiffer, Esquire, a New Forest Court, Towson, Maryland 21204, Counsel and Petitioner, and Mr. and Mrs. Edward A. McGinley, Route 1, Box 31821, Glen Arm, Maryland 21057, Petitioner, and Robert J. Romasick, Esquire, 807 Eastern Boulevard, Essex, Maryland 21221, Attorney for the Protester, and Dr. William Cengel, 21031 Slab Bridge Road, Freehold, Maryland 21053, Protester-Appellant, and Mr. Kenneth D. Robertson, 817 Jackson Road, Lutherville, Maryland 21093, Contract Purchaser, and John W. Hesston, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, on this 25th day of June, 1979.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Zoning, M. Campagna
Planning, J. Howell

T-2
THE TITLE GUARANTEE COMPANY
(Individual Form)
App. H- 77734

LIGER530 | PAGE088

This Deed, Made this 30th day of August, in the year one thousand nine hundred and seventy two, by and between CHARLES F. PARSONS and HELEN PARSONS, his wife, parties of the first part, Grantors; and JOHN W. FFEIFER and MALTRAUD S. FFEIFER, his wife, and EDWARD A. MCINITY and JEAN MCINITY, his wife, parties of the second part, Grantees.

Witnesseth: That in consideration of the sum of Five Dollars, and other valuable considerations, he

JUL 7 1968 JUS-6000-135

covenant hereby acknowledged that said Grantor does hereby grant, convey, and assign unto the said JOHN W. FFEILER and WALTRAUD S. FFEILER, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, to an undivided one-half interest in the lot of ground hereinafter described and unto their assigns, and unto the survivors of them, his or her heirs and assigns, in fee simple, to the remaining undivided one-half interest in the lot of ground hereinafter described.

situate in the Sixth Election District of Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEGINNING for he outlines to include the same at the old boundary line
 cresture tract formerly sold at the end of the North 85th degree, said 75.2 perches into
 29, 1886, recorded in the Land Records of Baltimore County, in Liber 10, page 10, White, dated March
 1886, and the same being the same as the Northwest corner of that parcel of land
 belonging to George Schaefer, running thence with due allowance for the magnetic declination
 to the North 85th degree, said 75.2 perches into the North 85th degree, said 75.2 perches into
 follow the same and with the Schaefer's, with due allowance for the magnetic declination to
 the North 85th degree, said 75.2 perches into the North 85th degree, said 75.2 perches into
 centerline of the main road, said 75.2 perches into the North 85th degree, said 75.2 perches into
 the North 85th degree, said 75.2 perches into the North 85th degree, said 75.2 perches into
 said dead end, said 75.2 perches into the North 85th degree, said 75.2 perches into
 said road, said 75.2 perches into the North 85th degree, said 75.2 perches into
 to a nail in said road, thence continuing with said dead end a'p' on or along
 road, said 75.2 perches into the North 85th degree, said 75.2 perches into
 following the Southern Outline of that parcel heretofore conveyed and now belongs to
 the same, said 75.2 perches into the North 85th degree, said 75.2 perches into
 West side of said road, thence with due allowance for the magnetic declination to the
 North 85th degree, said 75.2 perches into the North 85th degree, said 75.2 perches into
 to a stake and to intersect the Westernmost boundary line of the same, said 75.2 perches into
 to Lewis Marshall, South 23 degrees 13 minutes East 100 feet, said 100 feet into
 the 16th Section, said 100 feet into the North 85th degree, said 75.2 perches into
 to the 16th Section, said 100 feet into the North 85th degree, said 75.2 perches into
 following property of Russell Miller the above following along property now belonging
 to the same, said 75.2 perches into the North 85th degree, said 75.2 perches into
 20th degree, said 75.2 perches into the North 85th degree, said 75.2 perches into
 said road, following a road owned by Harry E. Dinkner and wife to William T. Miller, Sr., dated
 1886, said 75.2 perches into the North 85th degree, said 75.2 perches into
 same as surveyed with due allowance for the magnetic declination, South 01 degree
 12' 12" East 100 feet, said 100 feet into the North 85th degree, said 75.2 perches into
 501.4 feet to place thence along property belonging to Melvin Boyer, South 16 degrees
 12' 12" East to an old boundary stone and South 11 degrees 13 minutes East 60 minutes West
 to the same, said 60 minutes West to the same, said 60 minutes West to the same, said 60 minutes West
 to a dead end Samuel STEFFER to Terratt C.

1987 OCT 15 11 25.00 AM
000230110000

LIBR5301 PAGE089

[illegible]

BEING the same lot of ground as described in a Deed dated December 9, 1959, and recorded among the Land Records of Baltimore County in Liber MJR No. 3638, folio 061, from Suzanne Kreusinger, unmarried, to the Grantors herein.

Together with the buildings and improvements thereon; and the rights, alloys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said JOHN W. PFLEGER and WALTRUD S. PFLEGER, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, as to an undivided one half interest in the lot of ground hereinabove described and unto the said EDWARD A. MCGINITY and JEAN MCGINITY, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple, as to the remaining undivided one half interest in the lot of ground hereinabove described.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

WITNESS: Charles F. Parsons [Seal]
CHARLES F. PARSONS

177-1600 Helene D. Parsons [Seal]

State of Maryland, *Baltimore County*, TO WIT:

I HEREBY CERTIFY, that on this 20 day of August 1971
before me, a Notary Public of the State aforesaid, personally appeared CHARLES F. PARSONS and HELEN
PARSONS, his wife

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and seal of my office this 10th day of May 1964.

World Bank Record SEP 1972

Per Elmer H. Kahline, Jr., Clerk
Mail to THE TITLE GUARANTEE COMPANY

Receipt No. ✓ 1350

NORTH AMERICAN HOUSING

JAMESTONE

PLAN A-14

UPPER LEVEL 1204

LOWER LEVEL 1204

LOWER LEVEL BY OTHERS

ALL ROOM SIZES ARE APPROXIMATE

NORTH AMERICAN HOUSING CORP.

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(301) 948-4510 • (301) 694-9100

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