

IN RE: PETITIONS FOR SPECIAL HEARING &
ZONING VARIANCE
R/S Falls Road, S10 ft. +/- NW
of c-1 Greenery Road
12031 Falls Road
8th Election District
3rd Councilmanic District
Claude M. Pfeffer, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-261-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 12031 Falls Road in the Hunt Valley section of Baltimore County. The Petitions are filed by Claude M. Pfeffer and Gee Gee Z. Pfeffer, property owners. The special hearing relief is requested to resolve a number of issues. These are:

1. To approve and ratify as a non-density transfer a previous conveyance of a former portion of the Bennett tract zoned R.C.4 and R.C.5 to the G. Edgar Harr and Sons' Corporation by deed dated September 6, 1984 from Edna M. Bennett.
2. To generally approve proposed lot No. 1 as shown on the site plan containing the existing home, now the Pfeffer property, formerly the Bennett property.
3. To generally approve proposed lot No. 2 as shown on the site plan.
4. To generally approve proposed lot No. 3 as shown on the site plan.
5. To approve in general configuration, subject to adjustment by the Subdivision Process proposed lots 1, 2, and 3 as shown on the site plan.
6. To ratify the creation of Parcel 2, a previous, unwritten subdivision, created in 1984, i.e., a 3.4/3.39 acre transfer of Parcel 2 by Edna M. Bennett to G. Edgar Harr Sons' Corporation by deed 6782/702 and recorded on September 6, 1984.

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7. To approve as to Parcels 1 and 2, the possible creation of two undersized R.C.4 lots; and two irregularly shaped R.C.5 lots by the aforesaid Bennett to Harr transfer in September 1984.

8. To confirm in the alternative the nonconforming setback of the historic, two story house on lot 1 of 42 ft. in lieu of the required 50 ft., and 100 ft. from the centerline of Falls Road, as now required in an R.C.4 pursuant to Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R. and,

9. To approve the existing historic dwelling as it presently straddles the R.C.4/R.C.5 zoning line as nonconforming.

Zoning Variance relief is also requested. The variances sought are:

1. For lot 1:
 - a. A front yard variance setback of 40 ft. in lieu of the required 50 ft. from the lot line, and 100 ft. from the centerline of Falls Road, pursuant to Section 1A03.4.B.2.
 - b. A side yard setback of 22 ft. in lieu of the required 50 ft., pursuant to Section 1A03.4.B.2.
 - c. An area variance of 1.124 acres for the required 3.0 acres, pursuant to Section 1A03.4.B.1.a.
 - d. A variance to approve an existing older house now straddling a zone line in an R.C.4/R.C.5 property, pursuant to Section 1A00.5.b. of the B.C.Z.R. and the Zoning Commissioner's Policy Manual, page 1A-3.1.
2. For parcel 1:
 - a. An area of 2.2 acres in lieu of the required 3 acres as aforesaid, with lot 1 of parcel 1 only comprising 1.124 acres of R.C.4 zoned property, pursuant to Section 1A03.4.B.2.
 - b. For proposed lot 1 containing both R.C.4 and R.C.5 zones.

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All of the relief requested is more particularly shown on the site plan submitted as Petitioners' Exhibit No. 2.

Appearing at the public hearing held for this case were the property owners, Claude M. Pfeffer and Gee Gee Z. Pfeffer, his wife. They were represented by Newton A. Williams, Esquire. Also present was Paul Francis who appeared on behalf of APR Associates, Inc., the engineers/surveyors who prepared the site plan. Also appearing was Francis Borgerding, Esquire, on behalf of G. Edgar Harr & Sons Corporation, an adjacent property owner. That corporation was also represented in the person of Sandy Cochran. Iver Mindel also appeared as an interested person. There were no Protestants present.

Testimony and evidence presented was that the subject site was originally part of a larger tract owned by Edna G. Bennett. Ms. Bennett's original holdings included those properties known as Parcels 1 and 2. Collectively, the two parcels formed an "L" shaped property with frontage on Falls Road. Parcel 1 is 6.6 acres and Parcel 2, which is located towards the rear of the site away from Falls Road, is 3.3942 acres in size. Owing to the "L" shaped configuration of the parcels, Parcel 2 was actually located behind property owned by a neighboring property owner, the G. Edgar Harr and Sons Corporation. The original Harr parcel also fronted Falls Road and was adjacent to the Bennett tract. Apparently, Harr had rented Parcel 2 from Ms. Bennett for some time and subsequently decided to purchase Parcel 2. Thus, transfer of Parcel 2 was recorded among the Land Records of Baltimore County by deed dated September 6, 1984. This transfer was never approved by Baltimore County as a proper subdivision.

It is also to be noted that both parcels are split zoned. Apparently, a small stream traverses both parcels. It appears from the site plan and

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zoning maps that the zoning line which separates the parcels into R.C.4 and R.C.5 zones roughly follows this stream bed. As to Parcel 1, 1.12 acres are zoned R.C.4 and 5.48 acres are zoned R.C.5. Parcel 2, now owned by the Harr Corporation, is similarly bifurcated.

After Ms. Bennett's conveyance of the Parcel 2 to G. Edgar Harr & Sons, she retained ownership of Parcel 1 as described above. That property was then improved and remains improved with a single family dwelling on the front of the parcel immediately adjacent to Falls Road. This dwelling is a two story block and shingle building as shown on the site plan. The dwelling includes a covered porch on the front and a stone patio to the rear. A small shed is also located immediately adjacent to the building.

In December of 1987, Ms. Bennett conveyed Parcel 1 and this dwelling to the Petitioners, Mr. and Mrs. Pfeffer. They and their family now occupy the two story block dwelling. Apparently, the Pfeffers have made substantial improvement to this dwelling, significantly upgrading its condition since their acquisition of the property from Mrs. Bennett.

Additional testimony offered by the Petitioners is that they are desirous of subdividing the property so as to create two additional building lots. Mr. Pfeffer explained that although he has made significant improvements to the existing dwelling, he is concerned about its location on the lot. As shown on the photographs submitted, the house sits very close to Falls Road and the front yard severely slopes towards that roadway. The Pfeffers have small children and they are concerned that the children play in the front yard closely to the busy traffic on Falls Road. Thus, they propose carving out two additional lots from Parcel 1. The first lot will be 2.2 acres in size and will be split zoned R.C.4 and R.C.5. It will contain the existing single family house and will include the front part of

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the property next to Falls Road. Lot 2 will be a smaller lot and will be immediately behind lot 1. As shown on the site plan, it is proposed for development with a single family house and will be 1.1 acres in area. The largest lot to be created will be lot 3 which occupies the entire rear of the property. This will also be ultimately improved with a single family house and will be 3.3 acres in area.

The zoning history of this property is also significant. Reference was made to a prior zoning case which came before Deputy Commissioner Timothy M. Kotroco in November of 1992. At that time, variance relief was requested to convert the existing single family house into an accessory structure. Apparently, Mr. Pfeffer contemplated building another single family house to the rear of the property and converting the existing house into an accessory structure for storage and to provide a workshop for his wood working hobby. These plans were contested by Mr. Pfeffers' neighbors, who felt that conversion of the existing dwelling into a non-residential use might detrimentally affect the neighborhood. By Order dated November 28, 1992, Deputy Commissioner Kotroco denied the variance relief.

At the hearing in the instant case, there were no Protestants present. Apparently, the neighbors are in support of the pending Petitions. Sandy Cochran, on behalf of G. Edgar Harr & Sons Corporations and its attorney, Frank Borgerding, appeared in support of the Petition.

In reviewing the Petitioners' plans, it appears that same are sound and appropriate. Parcel 1 contains 5.4822 acres of R.C.5 property, enough to support the proposed three units from a density standpoint. Also, it is clear that the existing house has been in its location for many years, prior to the adoption of any zoning regulations in Baltimore County. The split zoning of the property into R.C.4 and R.C.5 actually transects the

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house and follows the streambed. This zoning presents technical difficulties to the Petitioner and makes compliance with the terms of the B.C.Z.R. difficult.

As to the Petition for Variance, much of the relief requested springs from the location of the existing house on lot 1. First, a front yard variance is requested to allow 40 ft. distance between the front of the house and the property line. Second, a side yard variance of 22 ft. is requested in lieu of the required 50 ft. Third, although lot 1 is 2.2 acres in its entirety, an area variance is requested in view of the fact that the R.C.4 zoned portion of lot 1 is only 1.224 acres in area in lieu of the required 3 acres. Lastly, for lot 1, variance relief is requested to approve the existing house where located on the zoning line.

The variances for lot 1 are all supported by the Office of Planning and Zoning. In their Zoning Plans Advisory Committee comment, they note the technical difficulties under which the Petitioner is laboring due to the split zoning of the property and the actual location of the existing house. In my view, these factors surely constitute a practical difficulty upon the Petitioners and their property. The placement of this zoning line and the fact that the house has existed at its location for many years, are particularly significant. To require the Petitioners to relocate the house elsewhere on the lot would be impractical and absurd. Thus, the Petition for variance as to the request for lot 1 shall be granted.

As to the variances for Parcel 1, variance relief is also requested for lot 1 to approve the 2.2 acre total area in lieu of the required 3 acres. Also, variance relief is requested in that lot No. 1 contains both R.C.4 and R.C.5 zoned pieces as aforesaid. Again, for the same reasons as set forth above, this variance relief should be granted. The location of

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the zoning line, which mirrors the stream location, is significant. Moreover, this zoning line does not follow a property line and thus would not be apparent during a field inspection of the property. In view of these factors, the variance relief shall and will be granted.

Likewise, the special hearing relief shall also be approved. That relief is specifically itemized herein and generally requests approval for the Petitioners' proposed subdivision. As noted above, I am particularly impressed that sufficient density exists to support three residential dwellings. It is clear that the Petitioners' proposed minor subdivision will not be detrimental to the surrounding locale nor over burden this property. Thus, in order to clarify the effect of the prior transfers and to approve the Petitioners' current plans, I shall approve the Petition for Special Hearing. A grant of the Petition will clean up the history of this tract, eliminate the confusion caused by the placement of the zoning line and promote a reasonable subdivision of the site.

It is also to be noted that it was, obviously, the intent of the prior party in title (Mrs. Bennett) to convey one density unit to the Harr Corporation when Parcel 2 was conveyed. Thus, my Order shall also reflect that one density unit was conveyed as part of the transfer of Parcel 2. The Petitioners' property, known as Parcel 1, nonetheless has retained sufficient density to support the three dwelling units proposed.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of April 1994, that the Petition for Special Hearing to approve and ratify as a non-density transfer, the previous conveyance of a

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former portion of the Bennett tract zoned R.C.4 and R.C.5 to the G. Edgar Harr and Sons' Corporation by deed dated September 6, 1984 from Edna M. Bennett, be and is amended and GRANTED so as to ratify said transfer, and include therein the transfer of one density unit attached to Parcel 2 to the Harr Corporation; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve proposed lot No. 1, as shown on the site plan containing the existing home, now the Pfeffer property, and formerly the Bennett property, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve proposed lots No. 2 and 3, as shown on the site plan, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve in general configuration, subject to adjustment by the Subdivision Process proposed lots 1, 2, and 3 as shown on the site plan, be and is hereby GRANTED; and,

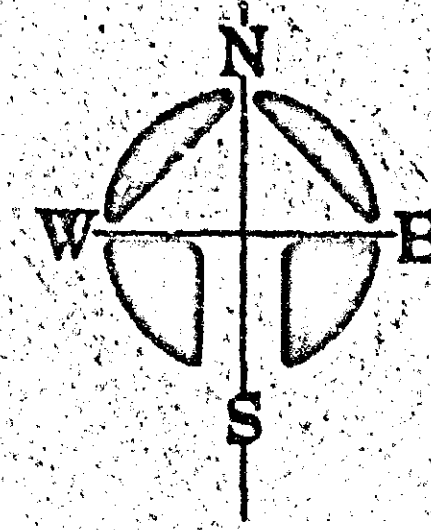
IT IS FURTHER ORDERED that the Petition for Special Hearing to ratify the creation of Parcel 2, a previous, unwritten subdivision, created in 1984, i.e., a 3.4/3.39 acre transfer of Parcel 2 by Edna M. Bennett to G. Edgar Harr Sons' Corporation by deed 6782/702 and recorded on September 6, 1984, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve as to Parcels 1 and 2, the possible creation of two undersized R.C.4 lots; and two irregularly shaped R.C.5 lots by the aforesaid Bennett to Harr transfer in September 1984, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to confirm in the alternative the nonconforming setback of the historic, two story

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G. EDGAR HARR SON'S CORPORATION
6782 / 702

G. EDGAR HARR SON'S CORPORATION
7786 / 831

N 58.250
W 20.500

WILSON KENNETH G AND WIFE
5408 / 830

LOT 2
5.4852 AC.

LOT 1
1.1236 AC.

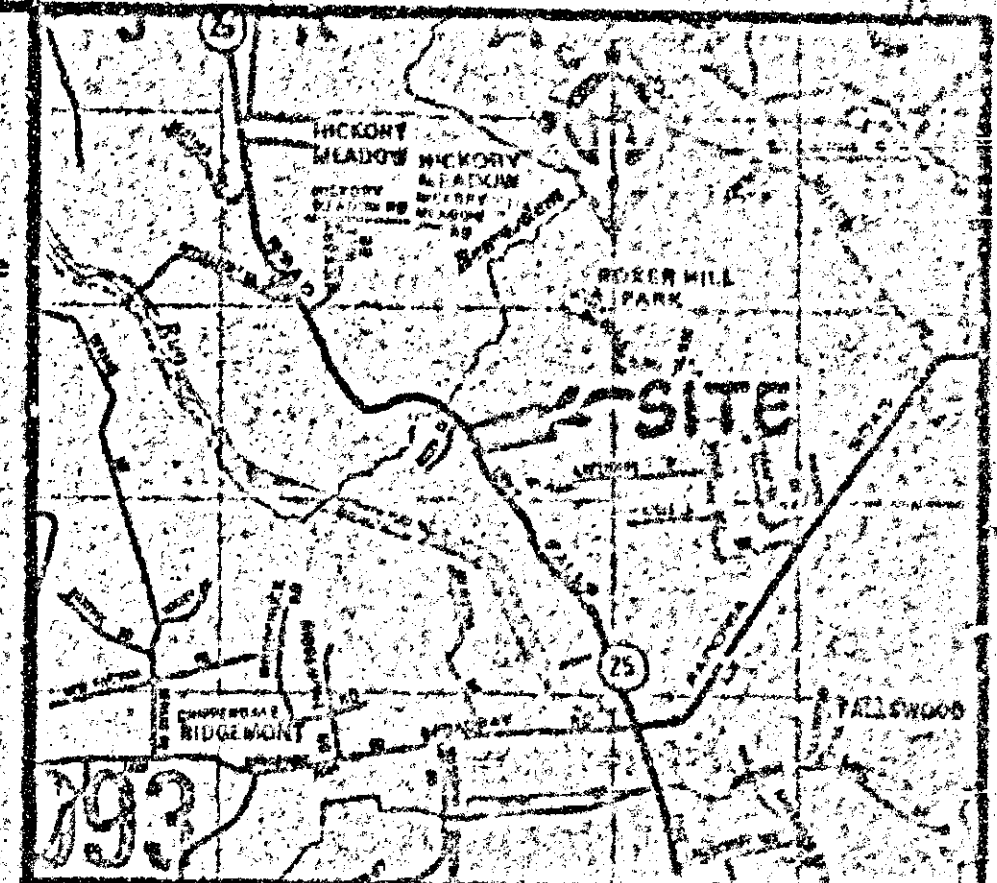
FALLS ROAD

N 57.500
W 21.500

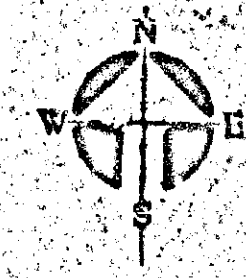
PLAN
SCALE: 1" = 50'

DEVOLUTION					
DATE	GRANTOR	GRANTEE	DEED	AREA	PARCEL
12/22/1955	Donald N. & Anna A. Morfoot	John T. & Edna M. Bennett	2846/389	10.00 Ac.	1&2
09/06/1984	Edna M. Bennett	G. Edgar Harr Son's Corporation	6782/702	3.40 Ac.	2
12/01/1987	Edna M. Bennett	Claude N. & Gae Gae Pfeffer	7742/772	6.60 Ac.	1

- GENERAL NOTES
1. This plat is based on a field run Boundary Survey by APR Associates, Inc.
 2. The subject property is zoned R.C.4 & R.C.5 per Baltimore County 1992 Comprehensive Zoning Map.
 3. Tax Map 50, Grid 18, Parcel 172
 4. Total area of property (Parcel 1) = 6.6058 Ac.
 5. Property was held intact until September 6, 1984, upon which part of the land (herein refer to as Parcel 2) was conveyed by Edna M. Bennett to G. Edgar Harr Son's Corporation by deed Liber 6782 Page 702 recorded in the land records of Baltimore County. The remainder tract of land (herein refer to as Parcel 1) was conveyed by Edna M. Bennett to Claude N. Pfeffer and Gae Gae Pfeffer by deed dated December 1, 1987 and recorded in the land records of Baltimore County Maryland in Liber 7742 Page 772.
 6. Density Calculation:
Parcel 1 & 2, 1977 (10.00 Ac.)
R.C.4: $14/43 \times 10.00 = 3.26$ Ac. @ 0.20 DU/Ac. = 0.65 DU
R.C.5: $29/43 \times 10.00 = 6.74$ Ac. @ 0.67 DU/Ac. = 4.52 DU
Use 5.17 DU
5.00 DU
Parcel 1, 1987 (6.6058 Ac.)
R.C.4: $1.12/3.26 \times 0.65$ DU = 0.22 DU
R.C.5: $5.48/6.74 \times 4.52$ DU = 3.68 DU
3.90 DU
Use 4.00 DU
Parcel 2, 1984 (3.3942 Ac.)
R.C.4: $2.14/3.26 \times 0.65$ DU = 0.43 DU
R.C.5: $1.26/6.74 \times 4.52$ DU = 0.845 DU
1.27 DU
Use 1.00 DU
7. Density proposed:
Lot 1 = 1.00 DU
Lot 2 = 3.00 DU



VICINITY MAP
SCALE: 1" = 2,000'



N 57.500
W 20.500

FALLS ROAD

PLAN
SCALE: 1" = 100'

DATE	REVISION	BY

APR ASSOCIATES, INC.
1427 Market Road • Baltimore, Maryland 21204 • (410) 684-8372

APPLICANT'S
EXHIBIT No. 2

DENSITY PLAN
PROPERTY OF
CLAUDE N. PFEFFER AND GAE GAE PFEFFER, W.
12031 FALLS ROAD
8TH ELECTION DISTRICT, BALTO. CO., MARYLAND
SCALE: AS SHOWN DATE: JULY 8, 1993



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
NORTHWEST OF
BALTIMORE
COUNTRY CLUB

SHEET
N.W.
15-D

MICROFILMED

ATTORNEY'S
EXHIBIT No 3

house on lot 1 of 47 ft., in lieu of the required 50 ft., and 100 ft., from the centerline of Falls Road, as now required in an R.C.4 pursuant to Section 1A03.4.B.2 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the existing historic dwelling as it presently straddles the R.C.4/R.C.5 zoning line as nonconforming, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Zoning Variance for lot 1 from Section 1A03.4.B.2 to approve a front yard variance setback of 40 ft. in lieu of the required 50 ft. from the lot line, and 100 ft. from the centerline of Falls Road, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.B.2 to approve a side yard setback of 22 ft. in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.B.1.a. to approve an area variance of 1.124 acres for the required 3.0 acres, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for proposed lot 1 containing both R.C.4 and R.C.5 to approve an existing older house now straddling a zone line in an R.C.4/R.C.5 property, pursuant to Section 1A00.5.b. of the B.C.Z.R. and the Zoning Commissioner's Policy Manual, page 1A-3.1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.B.2 to approve an area of 2.2 acres, in lieu of the required 3 acres, as aforesaid, for lot 1 of parcel 1 only comprising 1.124 acres of R.C.4 zoned property, and for proposed lot 1 containing both R.C.4 and R.C.5 zones, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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Date 4/2/93
By [Signature]

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1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 4/2/93
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 111, Courthouse
400 Washington Avenue
Towson, MD 21201

(410) 887-4386

April 6, 1993

Newton A. Williams, Esquire
Nolan, Plumbhoff and Williams
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
Case No. 94-261-SPHA
Claude N. Pfeffer, et ux, Petitioners

Dear Mr. Williams:

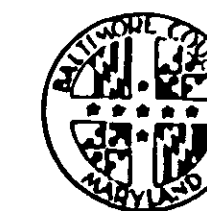
Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-1393.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
att.
cc: Francis Borgerding, Esquire
cc: Iver Mindel



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 12031 Falls Road
which is presently zoned R.C.4 & R.C.5

94-261-SPHA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Exhibit A attached hereto.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Current Petitioner/Owner: Type or Print Name Signature Address City State Zip	Legal Owner: Claude N. Pfeffer Type or Print Name Signature Address City State Zip	Legal Owner: Newton A. Williams, Esquire Nolan, Plumbhoff & Williams, CHD. Type or Print Name Signature Address City State Zip	Legal Owner: Newton A. Williams, Esquire Type or Print Name Signature Address City State Zip
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ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL OTHER: _____
REVIEWED BY: JCM DATE: 12-29-93
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PETITION FOR SPECIAL HEARING

EXHIBIT A

94-261-SPHA

1. To approve and ratify a previous conveyance of a former portion of the Bennett Tract zoned R.C.4 and R.C.5 to G. Edgar Harr Sons' Corporation by deed dated September 6, 1984, from Edna M. Bennett.

2. To generally approve proposed Lot 1 as shown containing the existent home, now Pfeffer formerly Bennet as shown on the Plan.

3. To generally approve proposed Lot 2 as shown on the Plan.

4. To generally approve proposed Lot 3 as shown on the Plan.

5. To approve in general configuration subject to adjustment by the Subdivision Process proposed Lots 1, 2 and 3 as shown on the Plan subject to later adjustment and refinement as required by the detailed subdivision process.

6. As to Parcel 2 a previous, unwritten subdivision, done in 1984, i.e. a 3.4/3.39 acre transfer of Parcel 2 by Edna M. Bennett to G. Edgar Harr Sons' Corporation, by Deed 6782/702 - recorded September 6, 1984.

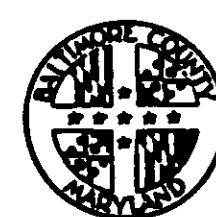
7. As to Parcels 1 and 2, the possible creation of two, undersized R.C.4 lots; and two irregularly shaped R.C.5 lots by the aforesaid Bennett to Harr transfer in 1984, as in No. 6.

8. To confirm, in the alternative the non-conforming setback of the historic, two story house on Lot 1 of 42 feet for 50 required feet from the lot line and 100 feet from the center line of Falls Road, now required in the R.C.4 zone (Section 1A03.4B.2. BCZR).

9. To approve the historic dwelling as it presently straddles the R.C.4/R.C.5 zone line as non-conforming.

6045C

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Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 12031 Falls Road
94-261-SPHA which is presently zoned R.C.4 & R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Exhibit A attached hereto.

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

See Exhibit B attached hereto.

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.

Current Petitioner/Owner: Type or Print Name Signature Address City State Zip	Legal Owner: Claude N. Pfeffer Type or Print Name Signature Address City State Zip	Legal Owner: Claude N. Pfeffer Type or Print Name Signature Address City State Zip	Legal Owner: Claude N. Pfeffer Type or Print Name Signature Address City State Zip
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ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL OTHER: _____
REVIEWED BY: JCM DATE: 12-29-93
261

PETITION FOR VARIANCE

EXHIBIT A

94-261-SPHA

To approve the following variances:

1. For Lot 1, the following set-back and area variances:

- A front yard variance of 40 feet in lieu of the required 50 feet from the lot line and 100 feet from the center line of Falls Road (Section 1A03.4.B.2. BCZR);
- A side yard variance of 22 feet in lieu of the required 50 feet (Section 1A03.4.B.2. BCZR);
- An area variance of 2.2 acres for the required 3.0 acres (Section 1A03.4B.1.a. BCZR);

2. For Parcel 1, the following variances:

- Lot 1 of 2.2 acres in lieu of the required 3 acres as aforesaid, with Lot 1 of Parcel 1 only comprising 1.124 acres of R.C.4, the total R.C.4 for Parcel 1 (Section 1A03.4.B.2. BCZR);
- Proposed Lot 1 containing both R.C.4 and R.C.5 zones.

3. For lot 1, the following variance:

- To approve an existing older house now straddling a zone line, i.e. R.C.4/R.C.5, Section 1A00.5.b. (BCZR) and R.C.4 Bldg, Page 1A-3.1 (200m).

6045C

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PETITION FOR VARIANCE

EXHIBIT B

94-261-SPHA

- The Property involves an historic house located on Lot 1, which cannot be relocated as a practical matter.
- Parcel 2 was an earlier subdivision not done by the Petitioners as shown on the Site Plan, and it was accomplished by Edna M. Bennet, on September 6, 1984, Folio 6782, Liber 702.
- The subject property is cut in an odd manner by the R.C.4 and R.C.5 line creating problems for the Petitioners, since it traverses both Parcel 1 and 2.
- That the requested relief will facilitate a new, three lot subdivision on Parcel 1, including the historic house, as proposed Lot 1.
- That the requested relief meets the intent of the R.C.4 and R.C.5 zones, and does not result in any increase in permitted density.
- That the Pfeffers purchased the property, Parcel 1 on December 1, 1987, without knowledge of prior subdivision by Bennett, their grantor. That the Pfeffers wish to retain the historic house on its own new 2.2 acre lot, as proposed Lot 1. That the Pfeffers wish to create a new lot for themselves for a new home on the rear of Parcel 1, and one additional lot, i.e. proposed Lots 1, 2 and 3 on Parcel 1.

6045C

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: January 12, 1994

SUBJECT: 12011 Falls Road

INFORMATION:

Item Number: 261
Petitioner: Claude N. Pfeffer
Property Size: _____
Zoning: R.C. 4 and R.C. 5
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments:

This office views the request as essentially a three lot minor subdivision. No comment is offered for the variances pertaining to lot 1 as the house already exists. Obviously, the fact that the property is split zoned presents technical difficulties. However, the three lots proposed fall almost entirely in the R.C. 5 zoned portion of the property which is 5.48 acres in size. A 5.48 acre R.C. 5 zoned parcel would provide enough density for three lots.

Therefore, no comment is offered regarding variance request (Exhibit A) Nos. 2 and 3. Additionally, no comment is offered regarding the variances outlined on Exhibit B.

At such time as the applicant files a formal request for a minor subdivision, staff will offer comments not limited to the following:

- A limit of disturbance should be indicated.
- Every effort should be made to retain existing trees.
- Front orientation should be shown for the proposed houses on Lots 2 and 3.

ZAC.261/PZONE/ZAC1

Pg. 1

- Potential purchasers of the lots should be made aware of the nature of the business (G. Edgar Sons Corporation) located immediately north of the property.
- Provided that Parcel 2 is viewed as having no density, the subdivision of Parcel 1 does not appear to be inappropriate.

Prepared by: *Jeffrey M. Long*

Division Chief: *Ernie C. Kerns*

PK/JL:lw

ZAC.261/PZONE/ZAC1

Pg. 2

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

January 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #261 - Pfeffer Property
12031 Falls Road
Zoning Advisory Committee Meeting of January 10, 1994

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

Environmental Impact Review:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, if applicable.

Development of the property must comply with the Forest Conservation Regulations.

Development Coordination:

In order to subdivide this property, the owner will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-3980.

Show any existing underground storage tanks, or note if there are none.

Ground Water Management:

Prior to approval of subdivision, soil percolation tests must be conducted.

JLP:GCS:LS:TE:sp

PFEFFER/DEPRM/TXTSBB

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5580

(410) 887-4568

DATE: 01/26/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: CLAUDE N. PFEFFER & GENE D. PFEFFER

LOCATION: 125 FALLS RD., 500' W. 1/4 OF CENTURIE SQUARE CO.
(12001 FALLS RD.)
Plan No.: 851-0100 Zoning Ordinance Section 10.01.01

Gentlemen:

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

2. The Fire Prevention Bureau has no comments at this time.

RECEIVED
JAN 7 1994
ZADM

REVIEWED BY: ROBERT P. SAUERWALD
Fire Prevention, Middle 887-4881, MS-1105F

GCS:File



2nd Review

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: 26 Aug 94

TO: Mr. McDaniel - Strategic Plan., Development Review (3)
Mr. Richards - ZADM, Development Control
Mr. Rocks - ZADM, Street Names & House Numbers
Capt. Pfeiffer - Fire Dept.
Mr. Grossman - Rec & Parks
Mr. Wirth - RCM (2, Pre-App Permit Only)
Mr. Pilson - MES
Mr. Powell - EIRB
Mr. Bowling - DPH (3)
Mr. Weiss - Sanitation
Mr. Beaumont - Office of Law, Real Estate
Mr. Small - SHA
Mr. Butcher - CLK

FROM: Catherine A. Milton
ZADM

SUBJECT: Project Name: PFEFFER
Project No.: 94-091-MP
District: ABR
Engineer: _____
Phone No.: 444-1312

ACTION REQUESTED: ☒ Panelize Minor CAC Plan Review
Minor Subdivision Review
☐ Pre-Approved Building Permits

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to me by 2/1/94. If you have no comments or do not need to review this plan, please indicate by placing your initials here. NONRESPONSIVENESS BY THE FOREMENTIONED DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.

Thank you for your timely attention to our request.

CAM:scj

SUBDIV.DIS (TXTSOPH)
Revised 7/23/93

PFEFFER PROPERTY
12031 Falls Road
94-091-MP

2nd Review
Comments Due: 9/9/94
Comments Late: 9/9/94
Comments Completed: 9/9/94

1. Remove the new building from lot #1. As this new dwelling was not addressed at the hearing or identified on Petitioner's Exhibit 1 and due to the extensive hearing requests granted on the existing dwelling, according to Commissioner Schmidt, the proposal of removing the existing dwelling would necessitate a special hearing to amend zoning case #94-261-SPHA.
2. Clearly indicate how the density was allocated: A conversation with Commissioner Schmidt indicates that lot #1 is to be considered a R.C.-5 lot with R.C.-4 support area and the Harr Lot is to be considered a R.C.-4 lot with R.C.-5 support area. The R.C.-4 area of lot #1 is non-density as is the R.C.-5 portion of the Harr lot.

Show at a lesser scale the overall tract (including the Harr lot).

Any requests for further information from the Zoning Office must include a reference to the minor panelize file #94-091-MP and written correspondence or revised plans must be accompanied by a copy of these comments.

Catherine A. Milton
CATHERINE A. MILTON
ZADM

CAM:scj

cc: zoning file #94-261-SPH

PETITION FOR SPECIAL HEARING
AND FOR VARIANCE : BEFORE THE
12031 Falls Road : ZONING COMMISSIONER
: OF BALTIMORE COUNTY
PETITIONER : CASE NO: 94-261-SPHA
CLAUDE N. PFEFFER, ET UX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

RECEIVED
MAR 1
ZONING COMMISSIONER

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeLillo
Carole S. DeLillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 27 day of February, 1994, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., 200 Court Towers, 210 Pennsylvania Avenue, Towson, 21204.

Peter Max Zimmerman
Peter Max Zimmerman

261
Notes to File: JCM
94-261-SPHA
SUGGESTED:
VARIANCE:
1. (C) Not correct relief.
2. (a) Don't enter the entire lot does not need to be 3 acres - only the R.C. 4 portion.
2. (B) Not necessary.
SP. HPG: This should be under party.
1. Ask "open density" transfer - Can't transfer density on open density.
3, 4, 5. Ask for approval to appear under outside of plan process.
6. Type.
7. Commission ruling on PACE hearing? Authority?
- Should go to DRC and pre-hear matter.
- Should file done in conjunction with main hearing.
SUGGESTION: Add P. 9. to appear Historic District (Caterpillar) as an informal.

261

94-261-SPHA

Zoning History

VARIABLE ?

11

VARIANCE

Gee Gee Pfeffer
12031 Falls Road
Cockeysville, Md. 21030
Phone: 561-8275

Mr. Frank Borgerding
409 Washington Ave.
Ste 600
Towson, Md. 21204

September 27, 1993

Dear Mr. Borgerding,

I am sending you a copy of the letter from the Baltimore County Zoning Office per our telephone conversation. Please contact me at the above number or Mr. Paul Francis, my engineering surveyor, at 444-4312 regarding this matter.

Sincerely yours

Gee Gee Pfeffer

Baltimore County Government
Office of Zoning Administration
and Development Management



West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 20, 1993

Paul K. Francis, P.E.
RPR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234-7160

RE: 12031 Falls Road
Zoning Verification
8th Election District

Dear Mr. Francis:

I have been requested to respond to your correspondence of July 26, 1993 regarding several zoning issues raised in your letter pertaining to the above captioned property. Upon review of your submittal, please be advised of the following:

1. Lot number one is an undersized lot. The R.C.-4 zoning regulations require at least 3 acres for a buildable lot.
2. The R.C.-5 portion of parcel one contains three density units (5.4822 x .667 = 3.6).
3. The R.C.-5 portion of parcel two contains one density unit (1.26 acres).
4. The R.C.-4 portion of parcel two is an undersized lot (2.14 acres), apparently created as a result of an illegal subdivision. The R.C.-4 zone requires a minimum of six acres before subdivision may occur with a minimum of three acres per lot.

As it appears that the subject subdivision was accomplished outside of the Baltimore County Development Process, future building permits can not be issued until this matter is resolved. A special hearing will likely be required to resolve the issues with the undersized R.C.-4 lots.

Paul K. Francis, P.E.
12031 Falls Road
August 23, 1993
Page 2

You may wish to seek legal counsel to further advise you regarding this matter. Should you have any questions regarding the above, please do not hesitate to contact me at 887-3391.

Sincerely,

Joseph C. Merrey
Planner

JCH/jaw

Monday - Jan. 10 1994

NEWTON A. WILLIAMS
THOMAS J. KENNER
WILLIAM F. COLEMAN, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT W. GLENNON
STEPHEN M. SCHENNING
DANIEL L. BUNCE
ROBERT E. CAHILL, JR.
ROBERT J. JONES
J. JOSEPH CLARK, III
CHRISTINE A. MASHENRY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

TELECOPY COVER PAGE
TELEFAX (410) 296-2765

DATE: January 7, 1994 CLIENT/MATTER NO.: 94-261-SPHA
TELECOPYER TELEPHONE NUMBER: 887-5708
TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 1
TO: Mrs. Susan Stephens
FIRM: ZADM / Zoning Office
TELEPHONE NUMBER TO CONFIRM RECEIPT: 887-3391
FROM: Newton Williams
RE: 12031 Falls Road (12/29/93), Manassas 202 (12/30/93) - Public Data
IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL AT 823-7800

Dear Susan: Will appreciate your usual courtesy as to these two matters - Please do not sit for Friday, Feb. 18th or Monday, Feb. 21st. I will be away on those dates.

Thank you. Sincerely,
Newton

CONFIDENTIALITY NOTICE
"WARNING: Unauthorized interception of this telephone communication could be a violation of Federal and Maryland law."

RECEIVED
JAN 10 1994
ZADM

94-261-SPHA

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
3000 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(410) 823-7800
TELEFAX (410) 296-2765

Re: 12031 Falls Road
Special Review and
Variance - February
December 25, 1993
Elim No.

Dear Susan and Joe:

John Williams and Joe have both reviewed this filing very carefully. They think Mr. Pfeffer is a merchant marine officer and he is scheduled to go back to sea in the middle of February.

Accordingly, we would very much appreciate your action on this case as soon as possible, if at all possible.

The case is very complicated, and it might be best to sit this case as a 2 P.M. case. Thank you very much for your assistance. Please call me or my partners if you or my partners.

With best regards to the year, I am with best wishes for the new year.

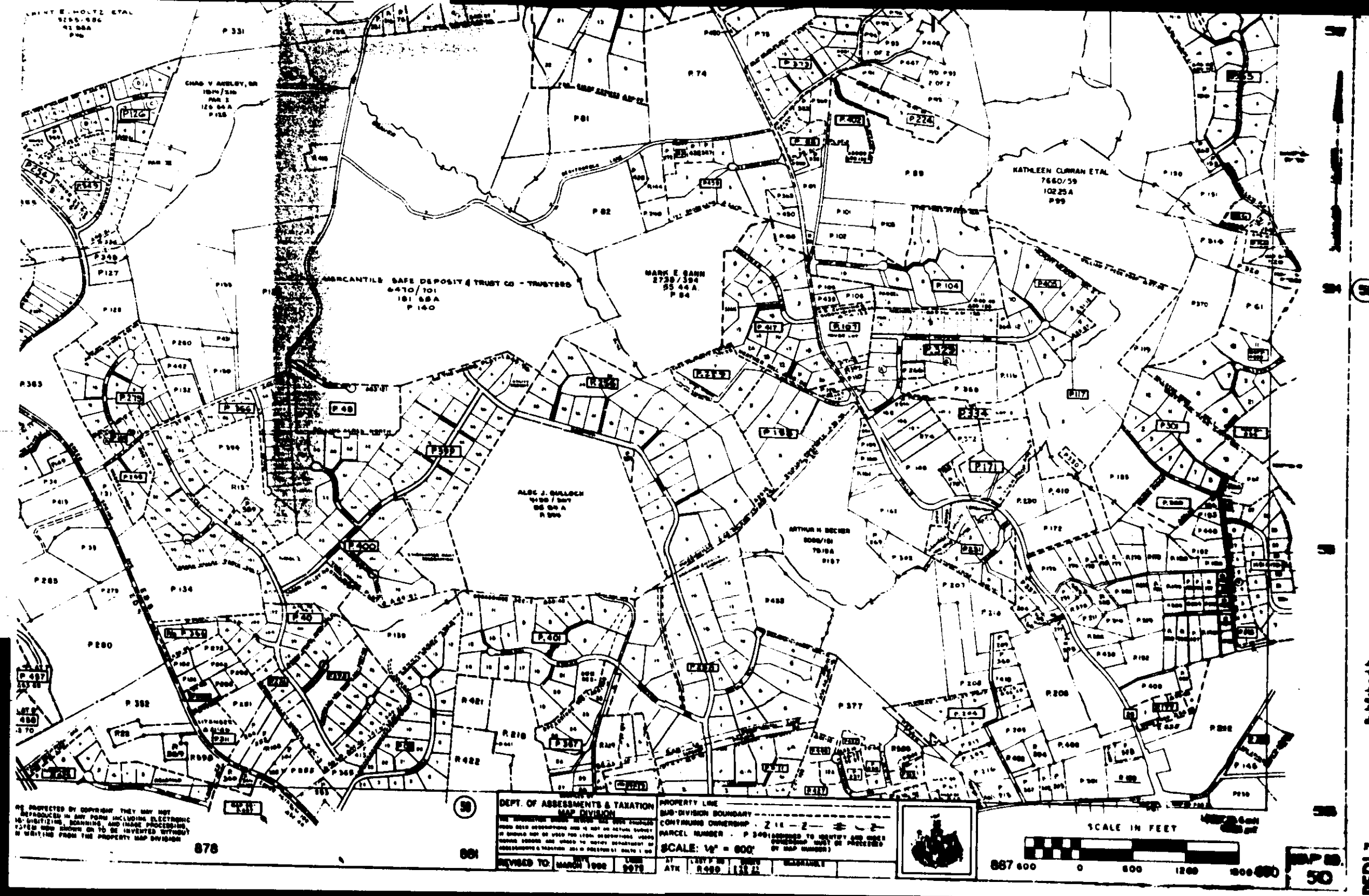
Sincerely, Newton Williams

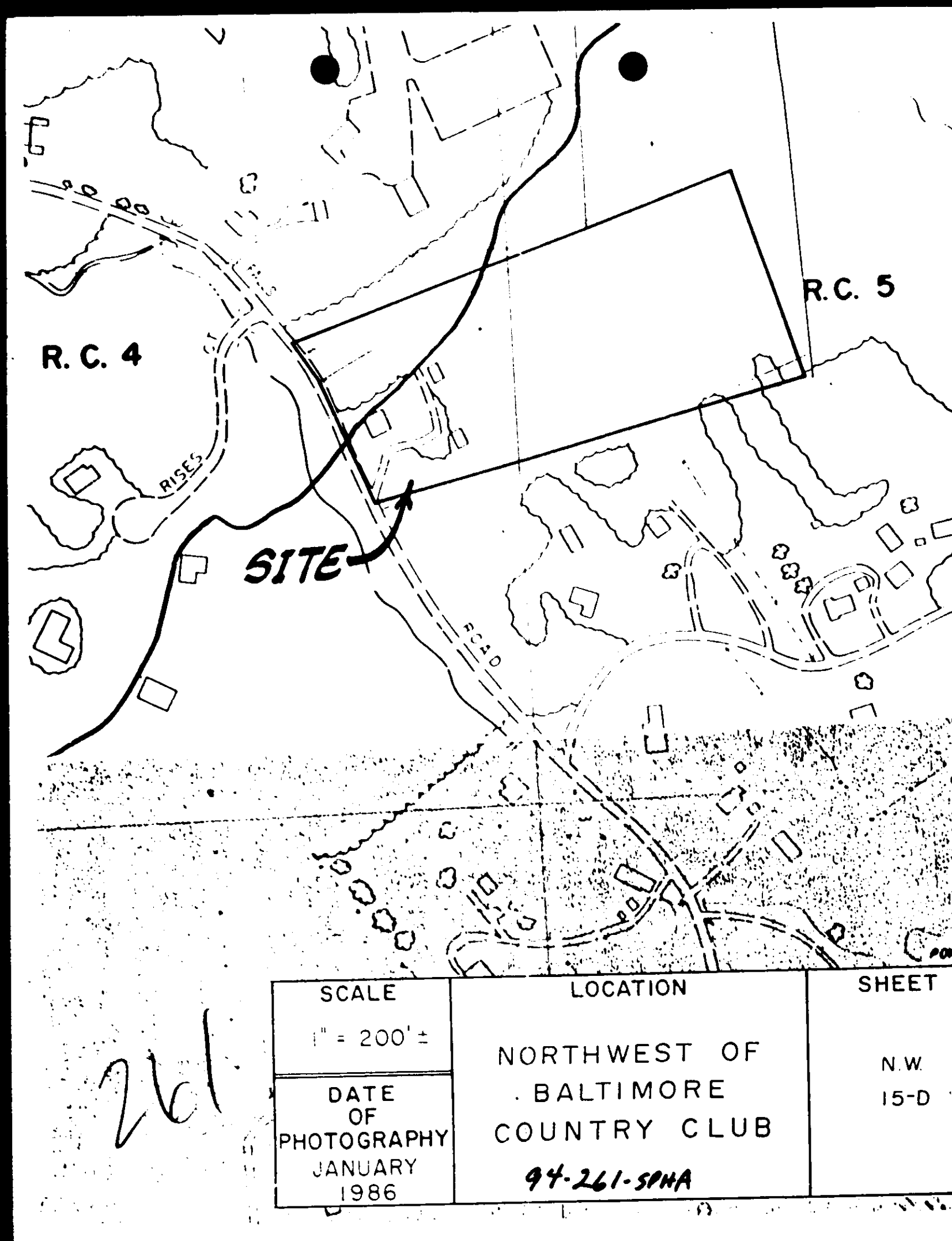
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton A. Williams	700 Court Towers, 21204, 823-7800
Paul Francis APP	7427 Harford Rd., 21234
Mr. & Mrs. Claude Pfeffer	12031 Falls Rd.
Frank Pfeffer	409 Washington Ave Suite 600, Towson, 21204
Sandy Cohen	C. Edgar Hare Sons Corp.
Irene MINDEL	3 RISES CT 21030

Printed with Soy-based Ink on Recycled Paper





January 30, 1994

From: Iver Mindel
3 Rises Ct.
Cockeysville, Md. 21030

To: Commissioners of the Zoning Board
Baltimore County

Re: 12031 Falls Road

Dear Sirs,

I have lived at 3 Rises Court in Cockeysville, Maryland since 1977. My property is one lot removed from 12031 Falls Road, and both the lot, and the house situated on the lot, are clearly visible from my property.

I have kept informed of the various attempts by the owner of 12031 Falls Road to build a new house on his lot, and to retain the existing building. Recently I noticed yet another zoning notice posted on the property.

I am writing this letter to state that I have no objection what so ever to the dividing of this lot into three separate building lots. I support Claude Pfeffer in his efforts to fully utilize his property. Since the Pfeffers moved into the area in the mid 1980's, the house and lot have been improved and "kept up" much better than the previous occupants. The yard and house have a much neater appearance.

As you know, there are several "older" homes built many years ago in the immediate area. Two such homes, one on the property of G. Edgar Harr, and one next to the Ridge Store, are within sight of the Pfeffer's house. Both of these houses, like the Pfeffer's house, are currently occupied, and their presence gives a certain "ambiance" to the neighborhood. Although these houses are more difficult to maintain than the newer contemporary homes in the area, I believe they have their place here also. It would be a shame, and a waste, to tear them down.

In conclusion, I hope the county officials will cooperate with the Pfeffer's in their effort to realize their dreams of a new house on their property, without imposing upon them the waste and financial loss of tearing down the existing structure. If this can be accomplished by allowing the property at 12031 Falls Road to be subdivided into three separate building lots, let it be done.

Thank you for your consideration.

Iver Mindel
Iver Mindel

Red No 5

THE PFEFFER PROPERTY (12031 FALLS RD) PICTURES TAKEN ON FEBRUARY 5, 1994



PICTURE TAKEN ACROSS FALLS RD LOOKING NORTH EAST



PICTURE TAKEN ACROSS FALLS RD LOOKING SOUTH EAST

Pet No 4

THE PFEFFER PROPERTY (12031 FALLS RD) PICTURES TAKEN ON FEBRUARY 5, 1994



PICTURE TAKEN ACROSS FALLS RD LOOKING EAST



PICTURE TAKEN ACROSS FALLS RD LOOKING SOUTH EAST

THE PFEFFER PROPERTY (12031 FALLS RD) PICTURES TAKEN ON FEBRUARY 5, 1994



PICTURE TAKEN FROM DRIVEWAY LOOKING NORTH



PICTURE TAKEN ON PROPERTY LOOKING SOUTH EAST

THE PFEFFER PROPERTY (12031 FALLS RD) PICTURES TAKEN ON FEBRUARY 5, 1994



FROM DRIVEWAY LOOKING SOUTH



FROM DRIVEWAY LOOKING NORTH

HOUSES THAT BORDER THE PFEFFER PROPERTY (12031 FALLS RD) ON SOUTHERN SIDE
PICTURES TAKEN ON FEBRUARY 5, 1994



1120 GREENWAY ROAD



1124 GREENWAY ROAD

HOUSES THAT BORDER THE PFEFFER PROPERTY (12031 FALLS RD.) ON THE SOUTHERN SIDE
 PICTURES TAKEN ON FEBRUARY 5, 1994

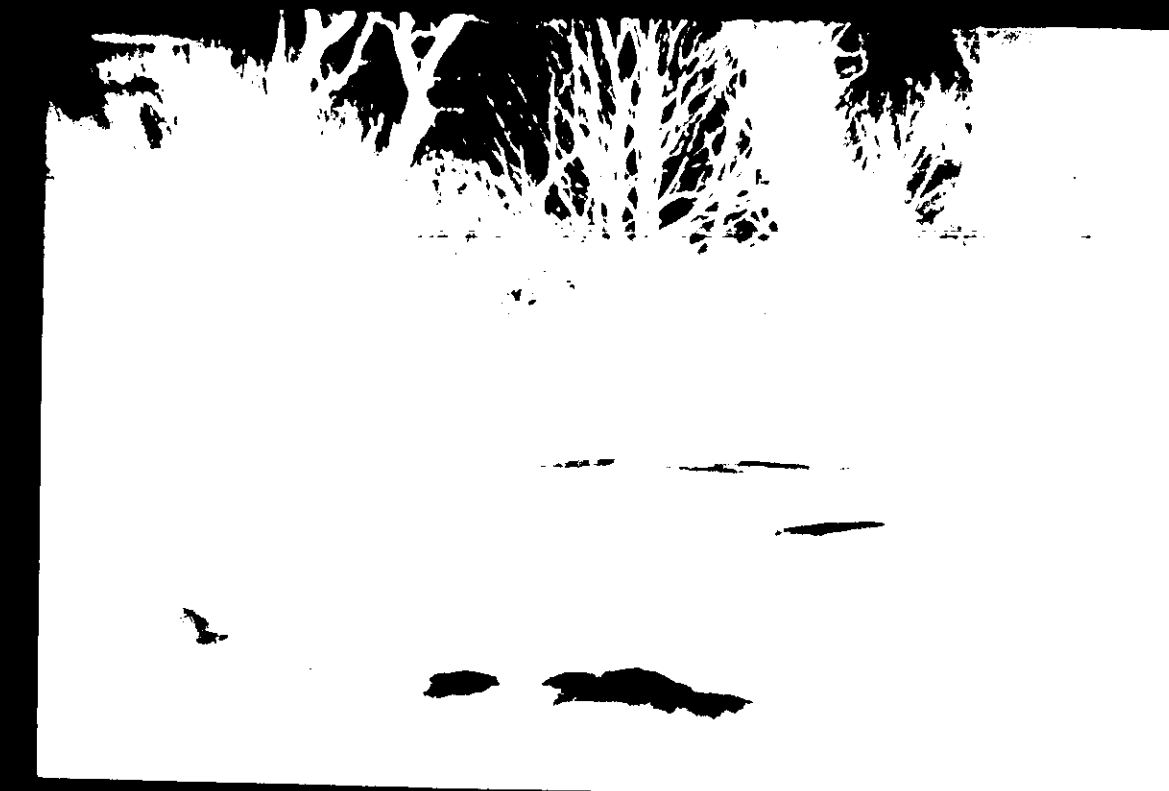


1128 GREENWAY



1130 GREENWAY

HOUSES THAT BORDER THE PFEFFER PROPERTY (12031 FALLS RD.) ON THE SOUTHERN SIDE
 PICTURES TAKEN ON FEBRUARY 5, 1994



1134 GREENWAY



1138 GREENWAY

HOUSE THAT BORDERS THE PFEFFER PROPERTY (12031 FALLS RD.) ON THE NORTHERN SIDE
 PICTURES TAKEN ON FEBRUARY 5, 1994



12047 FALLS ROAD

HOUSE ACROSS THE STREET FROM THE PFEFFER PROPERTY (12031 FALLS RD.)
 PICTURE TAKEN FEBRUARY 5, 1994



2 RISES COURT

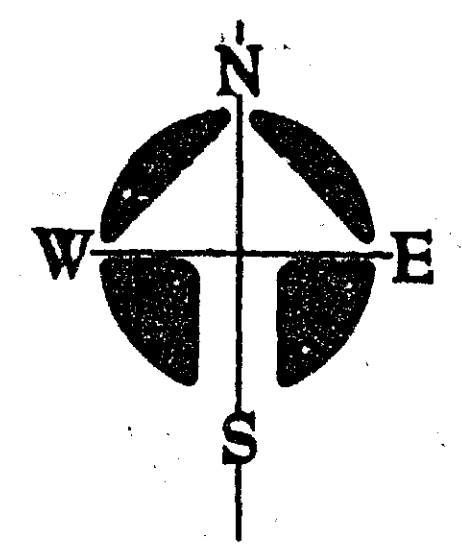
HOUSES ALONG FALLS ROAD NEAR THE PFEFFER PROPERTY (12031 FALLS ROAD)
 PICTURES TAKEN ON FEBRUARY 5, 1994



12000 FALLS ROAD

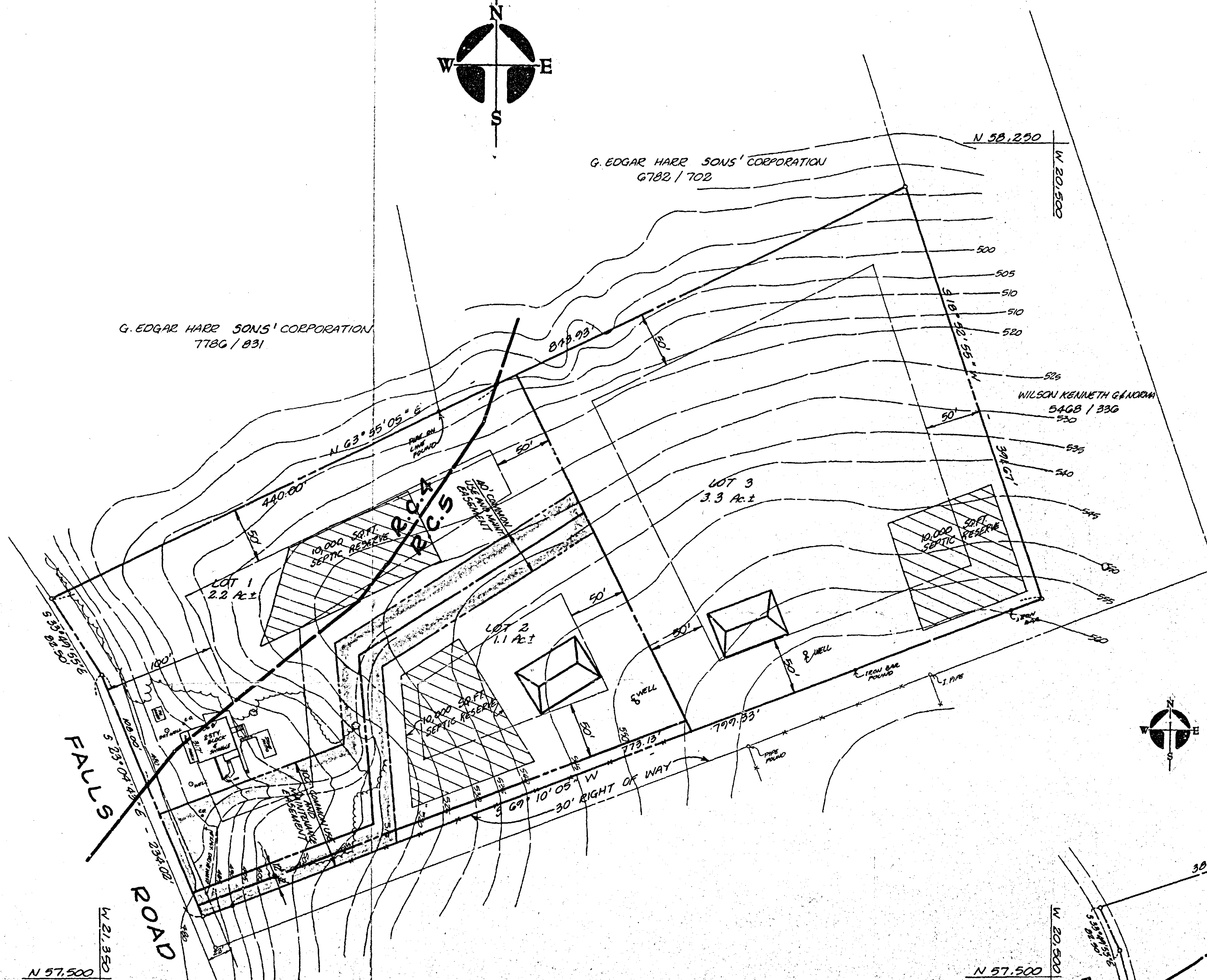


12074 FALLS ROAD



G. EDGAR HARR SONS' CORPORATION
6782 / 702

G. EDGAR HARR SONS' CORPORATION
7786 / 031

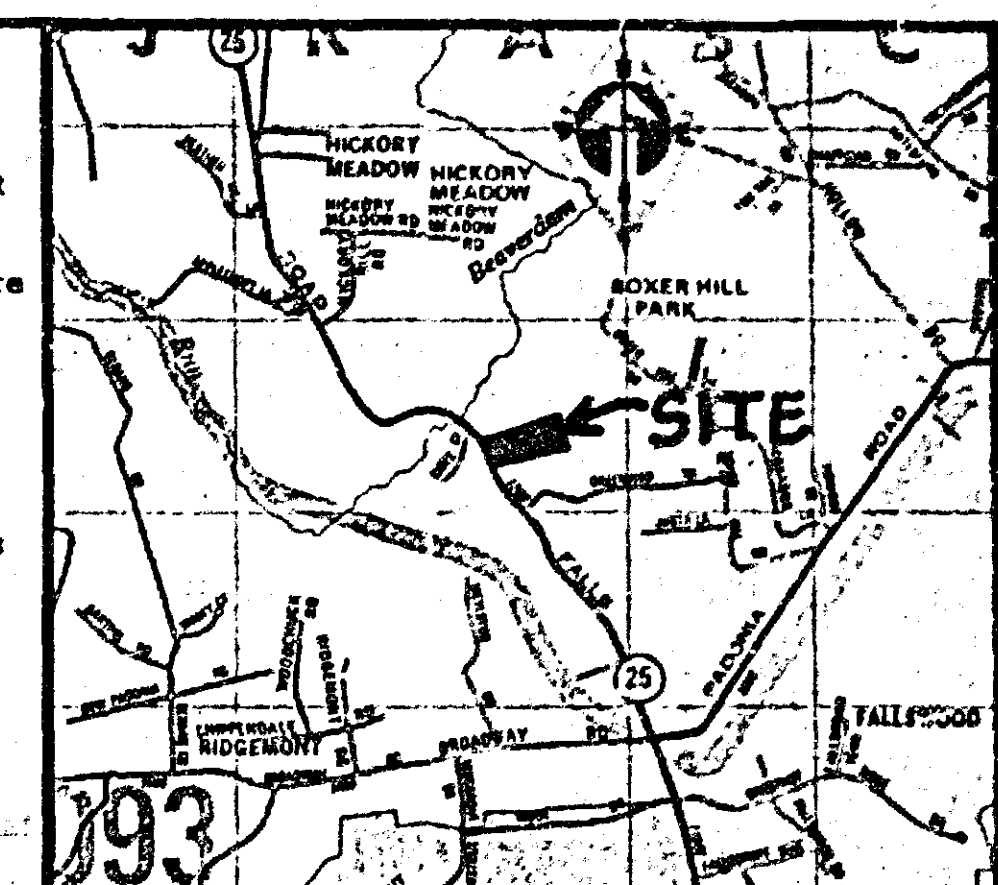


PLAN
SCALE: 1" = 50'

DEVOLUTION					
DATE	GRANTOR	GRANTEE	DEED	AREA	PARCEL
12/22/1955	Donald N. & Anna A. Morfoot	John T. & Edna M. Bennett	2846/389	10.00 Ac.	1&2
05/06/1984	Edna M. Bennett	G. Edgar Harr Sons' Corporation	6782/702	3.40 Ac.	2
12/01/1987	Edna M. Bennett	Claude N. & Gee Gee Pfeffer	7742/772	6.60 Ac.	1

ZONING HISTORY			
CASE NO.	DESCRIPTION	DECISION	DATE
93-75-A	VARIABLE FROM SECTIONS 400.1 & 400.2	DENIED	11/28/92

- GENERAL NOTES
1. This plat is based on a field run Boundary Survey by APR Associates, Inc.
 2. The subject property is zoned R.C.4 & R.C.5 per Baltimore County 1992 Comprehensive Zoning Map.
 3. Tax Map 50, Grid 18, Parcel 172
 4. Total area of property (Parcel 1) = 6.6058 Ac.
 5. Property was held intact until September 6, 1984, upon which part of the land (herein refer to as Parcel 2) was conveyed by Edna M. Bennett to G. Edgar Harr Sons' Corporation by deed Liber 6782 Page 702 recorded in the land records of Baltimore County. The remainder tract of land (herein refer to as Parcel 1) was conveyed by Edna M. Bennett to Claude N. Pfeffer and Gee Gee Pfeffer by deed dated December 1, 1987 and recorded in the land records of Baltimore County Maryland in Liber 7742 Page 772.



VICINITY MAP
SCALE: 1" = 2,000'

94-261-SPHA



PLAN
SCALE: 1" = 100'

DATE	REVISION	BY

PETITIONER'S
PLAT TO ADOPT PETITION
FOR SPECIAL HEARING
PROPERTY OF
CLAUDE N. PFEFFER AND GEE GEE PFEFFER, INC.
12031 FALLS ROAD
8TH ELECTION DISTRICT, BALTO. CO., MARYLAND
SCALE: AS SHOWN DATE: JULY 8, 1993
"The Site Plan" 9/1/22

