



Baltimore County
Department of Permits and
Development Management

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

April 25, 1996

C. Victoria Woodward, Esquire
Woodward, Butler & Skullney, L.L.C.
403 Allegheny Avenue
Towson, MD 21204

RE: Zoning Verification
15605 Dark Hollow Road
5th Election District

Dear Ms. Woodward:

The issues addressed in your letter were brought to Mr. Jablon's attention and after discussion and review, the following conclusions were made regarding 15605 Dark Hollow Road.

The property known as 15605 Dark Hollow Road is currently zoned R.C.-2 and is .573 acres. Assuming that this and neighboring properties have been under separate ownership since the inception of the RDP regulation (Bill 100-70), this is a legal building lot.

The property was created legally in 1959 under the old R-6 zoning requirements. The required R.C.-2 building setbacks must be met. The one acre lot size mentioned in the R.C.-2 regulations is not a factor, as this lot was not created after November 25, 1979. The R.C.-2 zone does not decline in density, but in rights of subdivision and building rights. This lot clearly has one building right from a zoning standpoint.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Catherine A. Milton". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Catherine A. Milton
Planner I
Zoning Review

CAM:rye





Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

November 1, 1995

Mrs. R. Jean Curtis
15437 Dover Road
Upperco, MD 21155

Re: Hearing On Undersized Lot
(15605 Dark Hollow Road)
5th Election District
3rd Councilmanic District
R. Jean Curtis
Owner/Applicant

Dear Mrs. Curtis:

Please be advised that an appeal of the above-referenced case was filed in this office on October 31, 1995 by Mr. Redmond C. S. Finney. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a circular stamp.

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: Mr. John Nischwitz
Mr. Edward Finney
Mr. Ernest Levering
People's Counsel



APPEAL

**Hearing on Undersized Lot
(15605 Dark Hollow Road)
5th Election District - 3rd Councilmanic District
R. Jean Curtis - Owner/Applicant**

Notice of Hearing Request for Hearing on Undersized Lot

Certificate of Posting

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits:

- 1 - Site Plan to Accompany Hearing on Undersized Lot**
- 2 - Site Plan of Proposed House Front Elevation**
- 3 - History of 15605 Dark Hollow Road**

**17 Photographs and a Photograph Key Plan for 15605 Dark Hollow Road
(Not Marked as Exhibits)**

Letter to Arnold Jablon from Ernest D. Levering dated September 18, 1995.

Deputy Zoning Commissioner's Order dated October 5, 1995 (Approved)

Notice of Appeal received on October 31, 1995 from Mr. Redmond C. S. Finney

cc: Mr. John Nischwitz, 103 Fitz Court (T-2), Reisterstown, MD 21136
Mr. Redmond Finney, 15601 Dover Road, Upperco, MD 21155
Mr. Edward Finney, 15507 Dover Road, Upperco, MD 21155
Mr. Ernest Levering, 15627 Dark Hollow Road, Upperco, MD 21155
Mrs. R. Jean Curtis, 15437 Dover Road, Upperco, MD 21155
People's Counsel of Baltimore County, M.S. 2010

**Request Notification: Timothy M. Kotroco,
Deputy Zoning Commissioner
Arnold Jablon, Director of PDM**

10/31/95
8

11/11
October 23, 1995

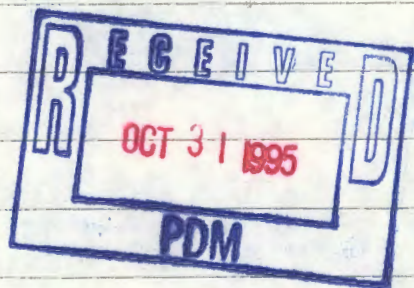
5344-95

Baltimore County Department of Permits
and Development Management
Development Processing
County Office Building
111 W. Desapeake Avenue
Towson, Maryland 21204

Notice is hereby given of
the undersigned's desire to
appeal the decision by the
Deputy Director to allow the
proposed improvements on the
undersized lot at 15605 Dark
Hollow Road. This appeal falls
within the 'thirty-day requirement.

Sincerely yours,

Richard E. Finney
15601 Dark Road
Uppers,
Maryland 21155



IN RE: HEARING ON UNDERSIZED LOT
(15605 Dark Hollow Road)
5th Election District
3rd Councilmanic District

R. Jean Curtis
Owner/Applicant

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

*
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner pursuant to a request for public hearing filed by the adjoining property owner, Ernest Levering, to determine the appropriateness of a building permit application for the proposed development of the subject undersized lot, known as 15605 Dark Hollow Road, by R. Jean Curtis, Owner/Applicant. Mrs. Curtis seeks to develop the property with a single family dwelling in accordance with the site plan and front elevation drawings submitted with the application and marked into evidence as Petitioner's Exhibits 1 and 2.

A hearing on the matter was held on October 2, 1995 at 9:00 AM in Room 118 of the Old Courthouse. Appearing at the hearing in support of the building permit application were R. Jean Curtis, Owner/Applicant, and her consultant, John Nischwitz. Appearing in opposition to the application were Redmond Finney and his son, Edward Finney, both of whom reside nearby on Dover Road. Mr. Levering was unable to attend the hearing; however, he wrote a letter of opposition, dated September 18, 1995, which has been incorporated into the case file.

As noted above, this matter comes before me, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) which addresses development of undersized lots. Unlike the vast majority of cases which are heard by the Zoning Commissioner's Office, the matter is not before

ORDER RECEIVED FOR FILING

Date

By

10/5/95

JBP

this Deputy Zoning Commissioner as a Petition for Special Hearing, Special Exception or Variance. Thus, none of the requirements and standards which regulate those zoning Petitions as found within the B.C.Z.R. are applicable. Pursuant to Section 304.4 of the B.C.Z.R., I am only required to make a determination as to whether a proposed dwelling on the subject undersized lot is appropriate.

In support of the application, Mrs. Jean Curtis offered testimony and evidence which revealed that the subject property consists of 0.573 acres, zoned R.C.2, and is located on the east side of Dark Hollow Road near Dover Road in Upperco. Given its R.C. 2 zoning classification, the property does not meet minimum lot size requirements contained within the applicable regulations. Mrs. Curtis testified that the subject property was conveyed as a gift to her and her husband by her husband's family many years ago. She testified that her husband's great uncle, Mr. Charles Armacost, owned a farm which bordered Dark Hollow and Dover Roads and consisted of approximately 130 acres in size. Testimony indicated that Mr. Armacost conveyed the subject parcel to Mr. & Mrs. Curtis in 1959 for the purpose of building a single family residence thereon. Mrs. Curtis submitted into evidence as Petitioner's Exhibit 1 a site plan of the property, which was drawn in 1959, as well as a building contract for a single family dwelling to be constructed on the subject property, also dated 1959. Mr. & Mrs. Curtis intended to build a house on the property at that time; however, prior to constructing the dwelling, Mrs. Curtis' father-in-law passed away, and she and her husband moved in with his mother in order to provide for her care. The property on which that dwelling is located was also carved out of the 130-acre farm by Mr. Armacost and is located at 15437 Dover Road. Apparently Mr. Armacost also conveyed a third lot from

ORDER RECEIVED FOR FILING

Date

By

the 130-acre farm, and that lot was given to another relative. All of the lots that were carved out of the 130-acre farm were developed with single family dwellings, except for the subject parcel.

From 1959 until the present date, Mrs. Curtis and her husband have owned the subject property and paid taxes on this parcel as an unimproved lot. Mrs. Curtis now seeks to sell this property in order to obtain necessary funds for her to move to Georgia to be closer to her family. She now seeks approval of the property as an undersized lot so that it can be marketed as a buildable lot.

Appearing in opposition to the Applicant's request were Redmond and Edward Finney, who own a farm consisting of some 200 acres on the other side of Dark Hollow Road. The Finneys testified that they actively farm their land and are concerned about development encroaching into that area. They testified that Developers are constantly seeking out property and farms upon which to locate residential developments. They feel that this is just another example of development encroaching into their area and are opposed to the subject lot being approved for a single family residence. The Finneys also object to development of the subject property, given its size. As noted earlier in this opinion, this Office received a letter of opposition from Mr. Ernest Levering who is also opposed to a dwelling being built on this 1/2 acre lot. Incidentally, Mr. Levering is the current owner of the former Armacost farm.

As stated above, Section 304.4 of the B.C.Z.R. dictates that I make a determination only as to whether a dwelling is appropriate on the subject lot. Given the totality of the testimony and evidence presented at the hearing, I find that the subject undersized lot is appropriate for development with a single family dwelling. This is not an example where a

ORDER RECEIVED FOR FILING

Date

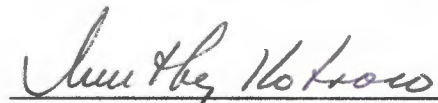
By

Developer is attempting to create a building lot. Rather, this lot has existed since 1959 and has remained in single ownership since that time. Mrs. Curtis has paid taxes on the property as an unimproved lot since 1959 and should not now be penalized for an undersized lot which was appropriate at the time it was created. Therefore, I believe that a building permit for a single family dwelling on the subject property is appropriate and should be approved. Furthermore, the Office of Planning and Zoning has reviewed this request and have recommended approval of this undersized lot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of October, 1995 that the property known as 15605 Dark Hollow Road, meets the requirements for approval as an undersized lot, pursuant to Section 304.4 of the B.C.Z.R., and as such, should be APPROVED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

TMK:bjs



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/5/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 5, 1995

(410) 887-4386

Mrs R. Jean Curtis
15437 Dover Road
Upperco, Maryland 21155

RE: HEARING ON UNDERSIZED LOT
(15605 Dark Hollow Road)
5th Election District - 3rd Councilmanic District
R. Jean Curtis - Owner/Applicant

Dear Mrs. Curtis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The building permit application has been approved in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over the typed name.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John Nischwitz, 103 Fitz Court (T-2), Reisterstown, Md. 21136

Mr. Redmond Finney
15601 Dover Road, Upperco, Md. 21155

Mr. Edward Finney
15507 Dover Road, Upperco, Md. 21155

Mr. Ernest Levering
15627 Dark Hollow Road, Upperco, Md. 21155

File

ERNEST D. LEVERING
15627 DARK HOLLOW RD.
UPPERCO, MARYLAND 21155

9/21/95
S
to GS
file

September 18, 1995

Mr. Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
Development Processing
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Jablon,

We requested a hearing on the proposed development of an undersized lot at 15605 Dark Hollow Rd. in Upperco. It is our understanding that there is a pending contract for the sale of this lot and that a house is planned for construction. We will not be able to attend the hearing as we will be out of town. I am writing to express our objection to this development.

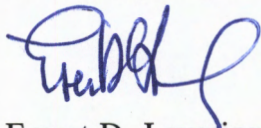
Our land borders this lot on two sides. As a neighbor, we are extremely concerned and believe that you should not grant any variances to current zoning rules. The lot size is just over one half an acre and as such, is not large enough for a new house. We are also concerned about set back, septic and well issues.

In addition to the zoning issues, we are troubled about what this type of development does to the countryside. The County and the State have spent a great deal of time and money, in cooperation with landowners, in trying to preserve open land. As you know, there are a number of farms in the area which are now in the Agricultural or Environmental Trust programs. We presently have an offer on the table to sell our development rights as part of the Ag Trust program and are waiting to hear if our offer has been accepted. It does not seem appropriate that an undersized lot be allowed for development when so much emphasis is being placed on the preservation of open land throughout the State.

Mr. Arnold Jablon
September 18, 1995
Page 2.

We strongly object to a house on this property. We respectfully request that our views be taken into consideration during your determination process.

Yours very truly,



Ernest D. Levering

RECEIVED

SEP 20 1995

ZADM



Baltimore County
Department of Permits and
Development Management

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

September 1, 1995

**NOTICE OF REQUEST FOR
HEARING AND HEARING DATE
FOR UNDERSIZED LOT PERMIT**

Please note that a formal request for a public hearing to be held before the Zoning Commissioner has been filed with this office. Pursuant to Baltimore County Zoning Regulations, such hearing has been scheduled and will take place as follows:

HEARING ON UNDERSIZED LOT
15605 Dark Hollow Road
5th Election District - 3rd Councilmanic
Legal Owners: R. Jean Curtis
Applicant: John Nischwitz

HEARING: MONDAY, OCTOBER 2, 1995 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson Maryland.

Hearing to determine whether the Zoning Commissioner should approve the proposed improvements on an undersized lot.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: R. Jean Curtis
John Nischwitz
Ernest Levering
R. Finney



30300 12111

8/30/95

To: Mitch
8/30/95

4/46-95
WCK
AB

29 1995

Landslide Farm

15601 Dover Road, Upperco, Maryland 21155

ZADM

August 29, '95

Permits and Development Management Office
Towson, Md. 21204

I am writing to request a hearing
regarding the proposed house at
15605 Dark Hollow Rd. I am owner
and resident of 15601 Dover Rd., and
my and my wife's property is directly

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots

Zoned RC-2

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

LOT INTACT SINCE 1959

☐ JOHN NISCHWITZ, 103 FITZ G (TZ) RESTERTOWN, MD. (410) 833 9365 H
Print Name of Applicant Address Telephone Number 828 8010 W

☐ Lot Address 15605 DARK HOLLOW RD Election District 05 Council District _____ Square Feet 25,000.
UPPERCO, MD. 21155

Lot Location: N ES W / (100) corner of DARK HOLLOW RD. 250 feet from N ES W corner of DOVER RD.
(street) (street)

Land Owner R JEAN CURTIS Tax Account Number 05-03-077410

Address 15437 DOVER ROAD Telephone Number (410) 429 4930 H
UPPERCO, MD. 21155 848 7116 W

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>✓</u>	<u>—</u>
2. Permit Application	<u>—</u>	<u>✓</u>
3. Site Plan		
Property (3 copies)	<u>✓</u>	<u>—</u>
Topo Map (available in Rm 206 C.O.B.) (2 copies)	<u>✓</u>	<u>—</u>
(please label site clearly)		
4. Building Elevation Drawings	<u>✓</u>	<u>—</u>
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<u>✓</u> <u>#15-17</u>	<u>—</u>
Surrounding Neighborhood	<u>✓</u> <u>#1-14</u>	<u>—</u>

Residential Processing Fee Paid
Codes 030 & 080 (\$35)

Accepted by CAM
ZACH

Date 10 Aug 95

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☒ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by:

Francis Morsey
for the Director, Office of Planning & Zoning

Date:

Oct 3, 1995

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

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

The application for your proposed Building Permit Application has been accepted
for filing by CA Auto on 10 Aug 95
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE 20 Sept 95 D (15 Days Before C)

DATE POSTED 8/18/95

HEARING REQUESTED-YES ☐ NO ☐ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 5 Sept 95 C (B-3 Work Days)

TENTATIVE DECISION DATE 9 Sept 95 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District 5th

Location of property: 15605 Dark Hollow Rd

Posted by: M. Healy

Signature

Date of Posting: 8/18/95

Number of Signs: 1

CK/UNDER.LOT (TXTSOPH)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 5th Date of Posting 9/8/95
Posted for: Waldensia lot
Petitioner: R. Leon Curtis
Location of property: 15605 Dark Hollow Rd.
Location of Signs: Facing roadway on property requesting permit.
Remarks: _____
Posted by M. Kelly Date of return: 9/15/95
Signature
Number of Signs: 1



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

No.

030+000 004853

DATE

10 Aug 95

ACCOUNT

R-001-6150

AMOUNT

\$ 85.00

RECEIVED
FROM:

Nischwitz

FOR:

UNDERSIZED lot REVIEW

03A03#0029MICHRC

BA C003:12PM08-10-95

185.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

I would like to
request a hearing
concerning an under-
sized lot on Dark Hollow
Rd near Dover. Rd in
Upperco, Md 21155.

My address & phone
number are: # 833-2305

Mrs. Ernest Levering
15627 Dark Hollow Rd
Upperco, Md 21155.

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

No.

002331

DATE 8-31-95

ACCOUNT R 001-6150

AMOUNT \$ 40.00

RECEIVED ERNEST LEVERING
FROM:

FOR: Hearings Request
DARK HOLLOW RD

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

ERNEST D. LEVERING
ANNE FISHER LEVERING
15627 DARK HOLLOW ROAD
UPPERCO, MD 21155
833-2305

07-76

7538

8-22-95

7-1/520
2028

PAY TO THE
ORDER OF

Baltimore County

\$40.00

forty dollars

00/100 DOLLARS

SIGNET BANK

Baltimore, MD 21202

Maryland

FOR

Ernest D. Levering

⑆052000016⑆ ⑈343⑈2809865⑈ 7538

Guaranty Safety Blue TSEL

©Clarke American

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

R. JEAN CURTIS
JOHN NISCHWITZ

15437 DOVER RD UPPERCO MD
2115
103 FITZ CT 12 REISTERSTOWN
2113



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

Redmond Finney

ADDRESS

15601 Dover Rd.
Upperco, Md. 21155

~~EDWARD FINNEY~~

15607 DOVER ROAD
UPPERCO MD. 21155



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



075638

DATE 11/02/95 ACCOUNT R001-7120

AMOUNT \$ 75.00

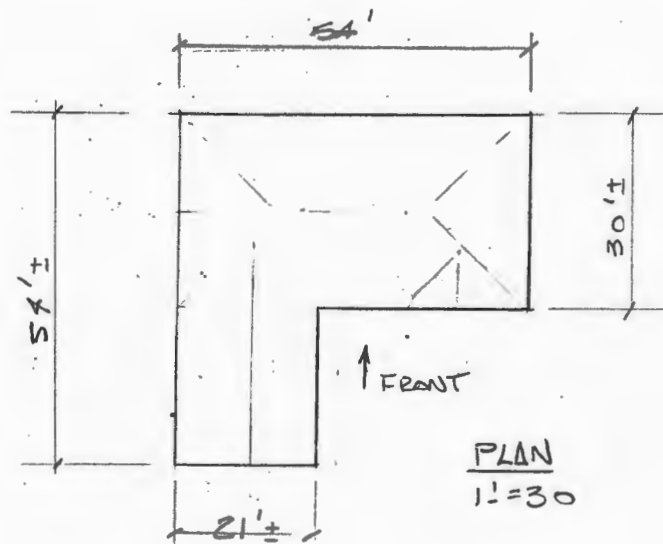
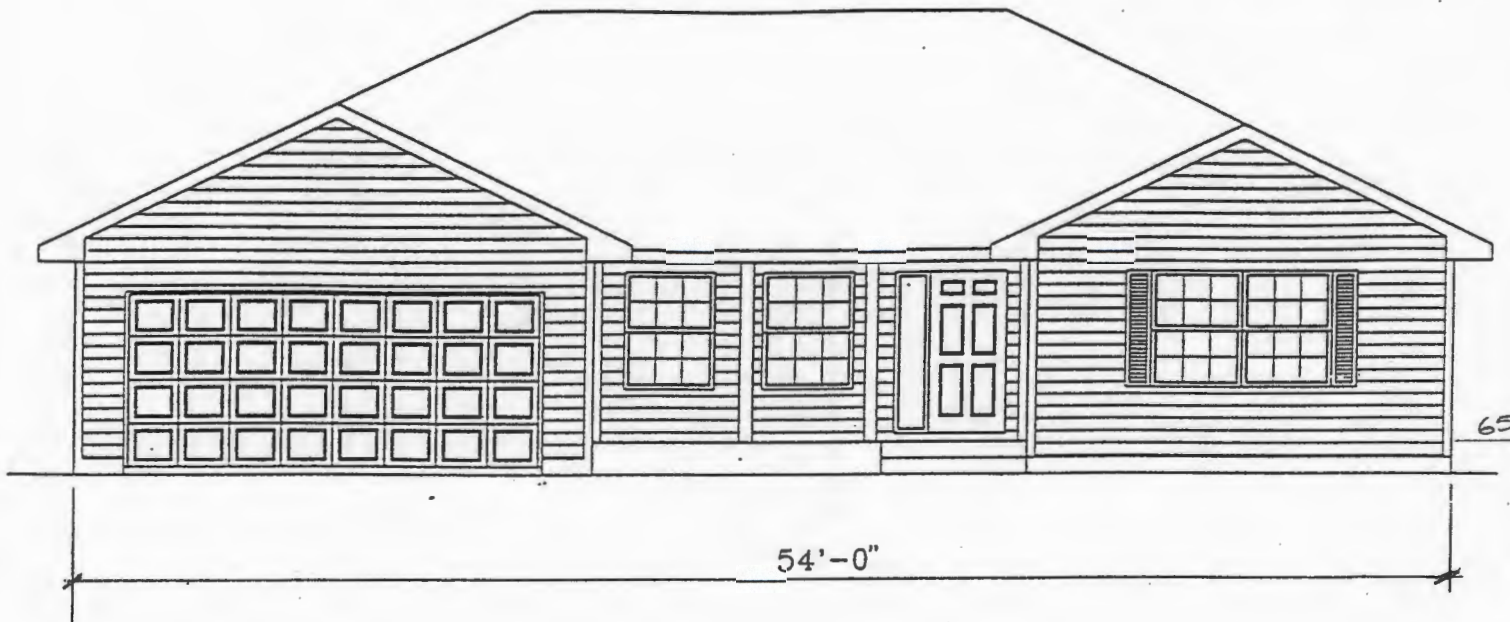
RECEIVED FROM: REDMOND C.S. FINNEY

FOR: Appeal Deputy Zoning Commissioners Order
15605 Dark Hollow Rd.
dated October 15, 1995 for Undersized lot

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TIMBERLINE I



15605 DARK HOLLOW RD

PROPOSED HOUSE
FRONT ELEVATION



BB-NE CC-NW

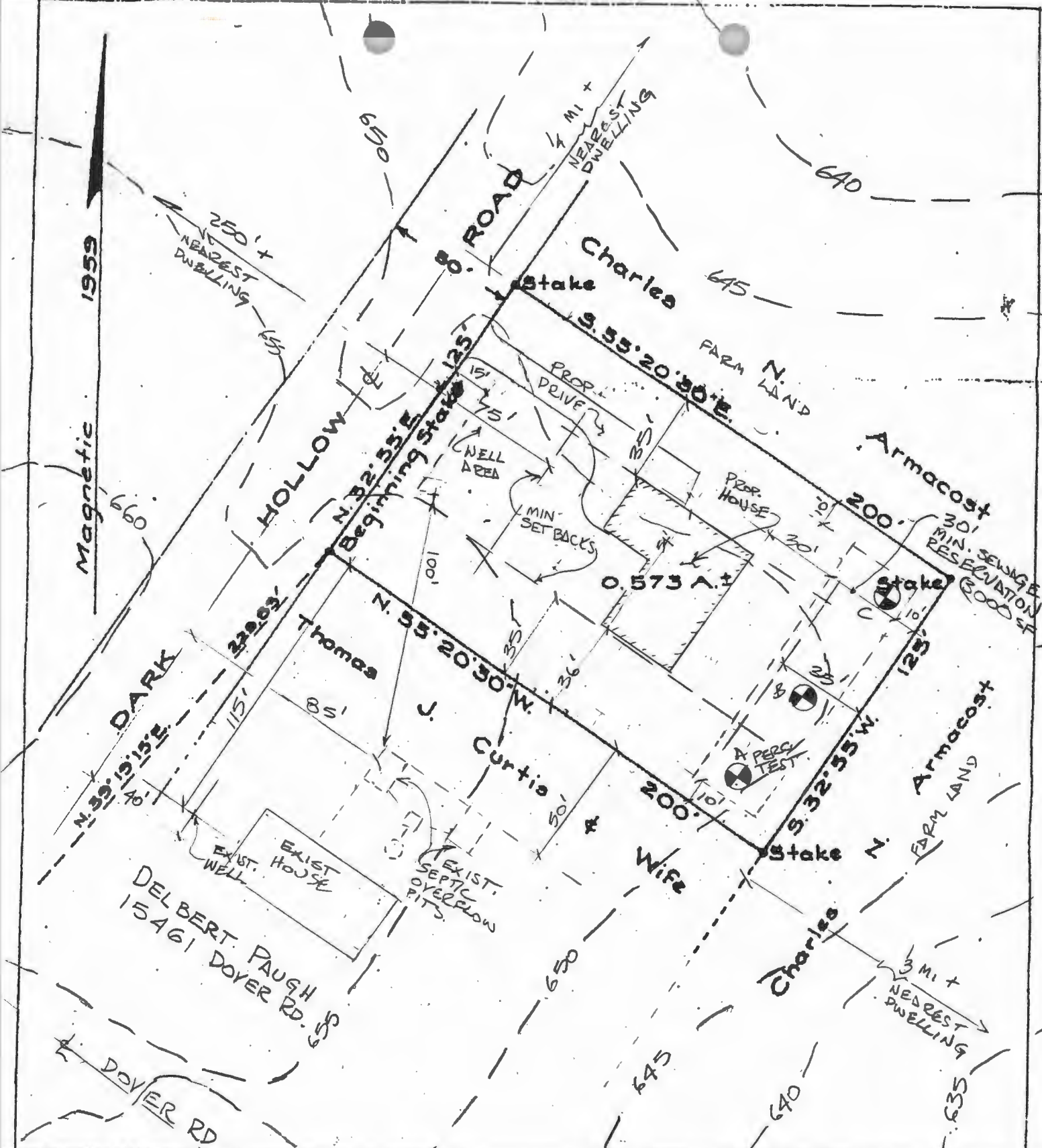
PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	SOUTHEAST OF ARCADIA	N.W. 24-J
DATE OF PHOTOGRAPHY APRIL 1961		Topography Compiled By Photogrammetric Methods MAPS, INCORPORATED - BALTIMORE 22, MARYLAND		

15605 DARK HOLLOW RD

1959

Magnetic



15605 / DARK HOLLOW RD

FOR

DONALD CURTIS

5th DISTRICT, BALTIMORE COUNTY, MD.

SCALE 1" = 50' APRIL 21, 1959

C.A. MYERS, SURVEYOR

UPPERCO, MD. PHONE, GARFIELD 9-5079