ORDER OF DISMISSAL

This matter comes to the Board of Appeals on appeal filed by David Horch on September 12, 2006 from a decision of the Deputy Zoning Commissioner dated August 17, 2006, in which the requested zoning relief was granted in accordance with Order.

WHEREAS, the Board is in receipt of a request for withdrawal of appeal filed January 22, 2007, by David J. Horch, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 22, 2007,

of Appeals of Baltimore County that the appeal taken in Case No. 06-654-SPH be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott

Mike Mohler

Wendell H. Grier

To Whom It May Concern:

I have reviewed,

1.) The sketch plan titled "Sketch, Snodgrass Property, 6 South Belle Grove Road" dated 11-3-06. This drawing actually depicts a potential future development scheme for the properties located at 10, 8, 6 & 4 South Belle Grove Road.

And

2.) The minor subdivision plan titled "Minor Subdivision of Snodgrass Property, 6 South Belle Grove Road." dated 11-1-06.

I realize that at this time the only property being proposed for development is the Snodgrass Property known as 6 South Belle Grove Road. There is nothing depicted on afore described drawings intended to compel the current or future owners of 10, 8 & 4 South Belle Grove Road to further development of those properties. The Sketch simply depicts a logical, notional development layout for vicinal properties and as such I am supportive of the proposed layout for the Snodgrass Property.

I, David J. Horch, am the appellant in the "Case: 06-654-SPH, 6 South Belle Grove Road." Concurrent with Baltimore County's approval of the development scheme described above I agree to dismiss the appeal I entered in this case.

-David J. Horch

A CANADA CANADA

JAN 2 2 2007

BALTIMORE COUNTY GOARD OF APPEALS

APPEAL

Petition for Special Hearing
6 South Belle Grove Road
West side 680 feet +/- south of Hillview Drive
1st Election District – 1st Councilmanic District
Legal Owner(s): Joseph E. Snodgrass and Geraldine F. Pfeiffer

Case No.: 06-389-A

Petition for Special Hearing (June 19, 2006)

Zoning Description of Property

Notice of Zoning Hearing (June 30, 2006)

Certification of Publication (July 18, 2006)

Certificate of Posting (July 17, 2006) by Linda O'Keefe

Entry of Appearance by People's Counsel (June 27, 2006)

Petitioner(s) Sign-In Sheet - 2 Sheets

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)

1) Office of Planning comments

Deputy Zoning Commissioner's (GRANTED in accordance w/order - August 17, 2006)

Notice of Appeal received on September 12, 2006

c: People's Counsel of Baltimore County, MS #2010
 Zoning Commissioner/Deputy Zoning Commissioner
 Timothy Kotroco, Director of PDM
 Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc 2835 Smith Avenue, Suite G
 Baltimore 21209
 David J. Horch 6305 Frederick Road Catonsville 21228

date sent November 2, 2006, amf

Department of Permits and Development Management

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





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

2 2006

Joseph E. Snodgrass Geraldine F. Pfeiffer 6 South Belle Grove Road Baltimore, MD 21228

Dear Mr. Snodgrass and Ms. Pfeiffer:

RE: Case: 06-654-SPH, 6 South Belle Grove Road

Please be advised that an appeal of the above-referenced case was filed in this office on September 12, 2006 from David Horch. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Novemb

Director

TK:amf

c: William J. Wiseman III, Zoning Commissioner

Timothy Kotroco, Director of PDM

People's Counsel

Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc 2835 Smith Avenue, Suite G

Baltimore 21209

David J. Horch 6305 Frederick Road Catonsville 21228



IN RE: PETITION FOR SPECIAL HEARING

W/S of Belle Grove Road

South of Hillview Drive

1st Election District

1st Councilmanic District

(6 South Belle Grove Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-654-SPH

Joseph E. Snodgrass and Geraldine F. Pfeiffer Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 6 South Belle Grove Road. The Petition was filed by Joseph E. Snodgrass and Geraldine F. Pfeiffer, Petitioners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two dwellings, built on lots containing less than 20,000 square feet, which do not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel per Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), or other such relief as may be required.

The property was posted with Notice of Hearing on July 17, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 18, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Planning Office dated August 2, 2006 which recommended the proposed road be built to Public Works standards and provide access to properties to the south.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Joseph E. Snodgrass and Geraldine F. Pfeiffer, Petitioners. Richard E. Matz, P.E. of Colbert Matz Rosenfelt, Inc., prepared the site plan. David Horch appeared at the hearing in opposition to the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The property contains 1.1 acres zoned DR 3.5 and DR 5.5 and is improved by the Petitioner's home. The Petitioners would like to subdivide the lot into three lots each of which would meet all DR 3.5 regulations. See Petitioner's exhibit 1. Lot 1 would contain 0.375 acres with the Petitioner's existing home, garage and shed, lot 2 would contain 0.23 acres and would have a new home which would face a proposed private road, and lot 3 would contain 0.46 acres with a new home and the roadbed of the private road in an "L" configuration.

Mr. Matz indicated that the proposed design for the three lots arose as the result of the Planning Office opposition to panhandle building lots which apparently have caused concern in past situations regarding maintenance of the driveway. The proposed private road would serve the three lots and also the property to the south (Knight property) should the owner decide to follow this example and the road shown on Petitioner's exhibit 1 is designed to Public Works

Standards in accord with the Planning Office comment. Mr. Matz reviewed the several configurations of roads including a loop road which would open the rear yards of the homes on Belle Grove Road to further subdivision and development. Mr. Horch expressed concern that this not happen as it would change the character of the neighborhood which are single family homes on large lots. Mr. Matz indicated that the proposed configuration was suggested by the County and will not encourage further subdivision of properties to the north.

In response to questions about changing the character of the neighborhood, the Petitioners pointed out the high density housing in the immediate area including the Mt. Ridge Apartments, town homes on Symington and Cherry Dell Roads, etc. They noted that the Belle Grove Manor located on Hillview Drive has already been subdivided into single family dwellings built to DR 3.5 density. See zoning map in file. However the Petitioner admitted that subdividing this large lot would be the first on the eastern side of Belle Grove Road.

Mr. Horch lamented open land disappearing in Catonsville, opined allowing higher density on Belle Grove would be a mistake and admired the beautiful green visage along Belle Grove which would be lost by the subject subdivision.

In response Mr. Matz noted that the two homes proposed are as far back from Belle Grove Road as possible, the desirability of infill projects and the benefit of the private road as compared to a public road for this subdivision. He opined that the Petitioner had an absolute right to build a public road from Belle Grove Road to the two new houses but that this would require more paving, more storm water runoff and far less desirable configuration including a cul de sac between homes.

Findings of Fact and Conclusions of Law

Many people in Catonsville would join Mr. Horch in lamenting the demise of stately homes on large lots. Mr. Horch wants to preserve the open yards and visages associated traditionally with large lot homes. New homes behind older homes often do not face the street but are placed haphazardly to maximize return on investment. Mature trees are cut down. When new homes are built in back yards, adjoining neighbor's privacy are often all but destroyed triggering even more old homes on large lots to subdivide. The result is loss of what make these communities special. In this particular case having two new homes in the Petitioner's back yard will change the pattern of development in the neighborhood along Belle Grove Road. The Knight and Murphy families will find the use of their back yard significantly changed when two new homes stare into their back lawns and gardens.

Having recognized the lament, I also have to recognize that the Petitioners have the right to subdivide their property if they chose to do so as shocking as that may be to the neighborhood and community. This is quite different from the situation where new homes on undersized lots are shoe horned into existing neighborhoods. This Commission has rejected requests for zoning relief with undersized lots recognizing the need to protect the privacy of adjoining land owners under the banner that these new homes would change the pattern of development of the neighborhood. However there is a world of difference between approving new homes on undersized lots and further subdivision of large lots which meet the zoning regulations as to size and setback. The former is in opposition to the zoning regulations while the latter is in conformance.

I also have no reason to doubt that Mr. Matz's statement that he could fit a full public road onto this property and have the same result that two new homes would be built thereon. I

understand that a full public road would change the look of the property far more than the

proposed road. There is no specific evidence in this case that allowing the private road proposed

will adversely affect the neighborhood as might have been the case if the adjacent property

owners presented evidence in opposition to the request. Their absence may reflect an interest in

a similar use of their property.

Pursuant to the advertisement, posting of the property, and public hearing on this petition

held, and after considering the testimony and evidence offered by the Petitioner, I find that the

Petitioners' request for special hearing should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore

County, this 17th day of August 2006, that the Petitioners' request for Special Hearing relief filed

pursuant to Section 500.7 to Section 500.7 of the Baltimore County Zoning Regulations

(B.C.Z.R.), to permit two dwellings, built on lots containing less than 20,000 square feet, which

do not abut on a right-of-way at least 30 feet wide over which the public has an easement of

travel per Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), or other such

relief as may be required and is GRANTED subject to the following condition:

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.

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

John V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

5

Pete Carole

Can see I

as you can see I

could not see you can

could hope you can BALTIMORE COUNTY MARYLAND

County Executive

August 17, 2006

WILLIAM J. WISEMAN III Zoning Commissioner

JOSEPH E. SNODGRASS AND GERALDINE F. PFEIFFER 6 SOUTH BELLE GROVE ROAD BALTIMORE MD 21228

> Re: Petition for Special Hearing Case No. 06-654-SPH Property: 6 South Belle Grove Road

Dear Mr. Snodgrass and Ms. Pfeiffer:

Enclosed please find the decision rendered in the above-captioned case.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Richard E. Matz, PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G, Baltimore MD 21209 David Horch, 6305 Frederick Road, Catonsville MD 21228



JAMES T. SMITH, JR. County Executive

August 17, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

JOSEPH E. SNODGRASS AND GERALDINE F. PFEIFFER 6 SOUTH BELLE GROVE ROAD BALTIMORE MD 21228

> Re: Petition for Special Hearing Case No. 06-654-SPH

> > Property: 6 South Belle Grove Road

Dear Mr. Snodgrass and Ms. Pfeiffer:

Enclosed please find the decision rendered in the above-captioned case.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

SHOULD PC APPEAL?

Protestants Involved?

Yes __No

Interested Citizens Involved?

Yes __No

PMZ: Yes __No

CSD: 10/4 1

E, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G, Baltimore MD 21209 Frederick Road, Catonsville MD 21228

in appel altroph technial avan framan a 10 questimile. p (to BCZL10k.4)



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at:6.Sout	h Belle Grove Road
which is presently	zoned <u>D.R3.5 and D.R5.5</u>

Is the subject of this Petition.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

ESTIMATED LENGTH OF HEARING

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

Two dwellings, built on lots containing less than 20,000 square feet which do not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, per Sec. 102.4, BCZR, or other such relief as may be required.

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

Case No. 06 - 654 - 5PH

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

Contract Purchaser/Less	<u>ee:</u>	Legal Owner(s):	
•		Joseph E. Snodgrass	
Name - Type or Print		Name – Type or Print	
•		Jan de S. Ambie	
Signature		Signature	
•	•	Geraldine F. Pfeiffer	· 1
Address.	Telephone No.	Name - Type of Print.	Po Madaras
×		Former Jacob	felf modglas
City	State Zip Code	Signature U	
Attorney For Petitioner:		6 S. Belle Grove Road	410-744-8175
	•	Address.	Telephone No.
		Baltimore	Md. 21228
Name – Type or Print		City	State Zip Code
		Representative to be Contacted:	
Signature			
		Richard E. Matz, P.E.	
Company		COLBERT MATZ ROSENFELT, INC (eve) 410-484-8757
		2835 Smith Avenue, Suite G (da	y) 410-653-3838
Address	Telephone No.	Address	Telephone No.
·	·	Baltimore	MD 21209
City	State Zip Code	City	State Zip Code
		OFFICE USE ONL	. y





JAMES T. SMITH, JR. County Executive

July 26, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Joseph E. Snodgrass Geraldine F. Pfeiffer 6 S. Belle Grove Road Baltimore, MD 21228

Dear Mr. Snodgrass and Ms. Pfeiffer:

RE: Case Number: 06-654-SPH, 6 South Belle Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore 21209

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 28, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 3, 2006

Item Nos. 647, 648, 649, 650, 651, 652,

653, **654**, 655, and 656

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-06282006.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6.27.0

Baltimore County

Item No. 654

RE:

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. f. sull

Engineering Access Permits Division



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

June 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

Item Number(s): 644 through 656

654

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



GO Alex

DATE: August 2, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6 S. Belle Grove Road

INFORMATION:

Item Number:

6-654

Petitioner:

Joseph E. Snodgrass

Zoning:

DR 3.5 and DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. The road proposed road shall be built to public works standards.
- 2. The private road shall allow ingress, egress, maintenance and utility easements for future public or private access to adjacent properties to the south.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING
6 South Belle Grove Road; W/Side
680' S Hillview Drive
1st Election & 1st Councilmanic Districts
Legal Owner(s): Joseph Snodgrass &
Geraldine Pfeiffer

Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 06-654-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

RECEIVED

27 2006

Per Lh

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

