

Friday, August 25, 2006 @ 11:00 am Rm 407

Appeal

06-676-676
SPH

CERTIFICATE OF POSTING

- 1) Posted 8/10 Hearing Date _____
2) Posted _____ Hearing Date _____

ADS

- 1) Paper/Date 8/9 Enc. _____
Paper/Date _____ Enc. _____

- 2) Paper/Date _____ Enc. _____
Paper/Date _____ Enc. _____

P&A FEES

- 1) _____
2) _____

COMMENTS

Planned ☒ YES ☒ NO
Critical ☒ YES ☒ NO
Feasible ☒ YES ☒ NO

plans review ☒

Associate _____

Zoning Violation ☐ _____

Joint Hearing(s) _____

06-676-SPH
20060676 "A"
Supplemental

IN THE MATTER OF: FRANCIS M.
AND PHYLLIS K.
COPPERSMITH, Legal Owner;
Michael L. Snyder, Contract
Purchaser

5319 Glenn Falls Road
4th Election District
3rd Councilmanic District

BEFORE THE COUNTY BOARD
OF APPEALS FOR
BALTIMORE COUNTY

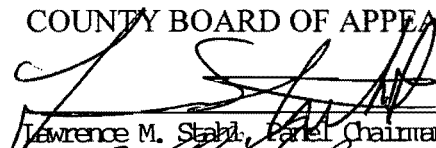
Case No. 06-676-SPH

ORDER

Upon the filing of a *Dismissal of Appeal* by the Legal Owners and the Contract Purchaser in this case in accordance with Rule 3.b.1 of this Board's *Rules of Practice and Procedure*, it is by the County Board of Appeals for Baltimore County this 7th day of ~~October~~ ^{November}, 2007,

ORDERED that the appeal of the September 21, 2006 decision of the Deputy Zoning Commissioner for Baltimore County in Case No. 06-676-SPH, be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS:


Lawrence M. Stahl, Panel Chairman


Wendell H. Grier

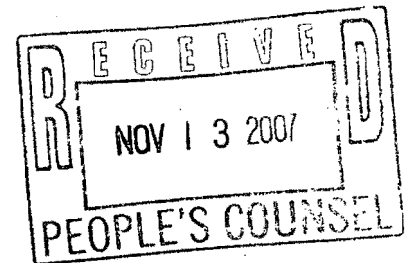

Robert W. Witt



County Board of Appeals of Baltimore County

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

November 7, 2007



Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204-4525

RE: In the Matter of: *Francis M. and Phyllis K. Coppersmith*
- Legal Owners; Michael L. Snyder – C.P. –Petitioners
Case No. 06-676-SPH / Order of Dismissal

Dear Mr. Alderman:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Michael L. Snyder, Esquire
Francis M. and Phyllis K. Coppersmith
Geoffrey C. Schultz /McKee & Associates, Inc.
S. Glenn Elseroad /Hanover Road Community Assn.
Dale C. Smith
Kevin Gombeski
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



CASE #: 06-675-SPH

**IN THE MATTER OF: WILLIAM C. BELT – Legal Owner;
MICHAEL L. SNYDER – Contract Purchaser
5407 Glen Falls Road 4th E; 3rd C**

9/21/06 – D.Z.C.'s decision in which requested special hearing relief for lot line
adjust to existing Parcels 1 and 2 w/adj Coppersmith Property was DENIED

and

CASE #: 06-676-SPH

**IN THE MATTER OF: FRANCIS M. AND PHYLLIS K.
COPPERSMITH – Legal Owners; MICHAEL L. SNYDER –
Contract Purchaser 5319 Glen Falls Road 4th E; 3rd C**

9/21/06 – D.Z.C.'s Decision in which requested special hearing relief to permit
lot line adjustment and refinement to approved MS Plan of Coppersmith
Property was GRANTED.

5/01/07 - Notice of Assignment sent to following; assigned for hearing on Wednesday, August 1, 2007 at 10 a.m.:

Michael L. Snyder, Esquire
William C. Belt
Francis M. and Phyllis K. Coppersmith
Geoffrey C. Schultz /McKee & Associates, Inc.
S. Glenn Elseroad /Hanover Road Community Assn.
Dale C. Smith
Kevin Gombeski
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

5/04/07 – T/C from Michael Snyder inquiring as to the date of hearing; indicated that Howard Alderman will be
entering his appearance on behalf of property owners and had indicated that he will be unavailable from
8/01 through 8/07/07. Explained to Mr. Snyder that Mr. Alderman should file a request for postponement
indicating the reason for the conflict. Faxed a copy of the notice to Howard Alderman this date.

5/09/07 – Entry of Appearance filed by Howard L. Alderman, Jr., Esquire, on behalf of William C. Belt and Francis
M. and Phyllis K. Coppersmith, Legal Owners; and Michael L. Snyder, Contract Purchaser; Request for
Postponement also filed by Mr. Alderman who will be out of state on the scheduled date of hearing.

6/12/07 – Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, October 16, 2007 at 10 a.m.

10/16/07 – Board convened for hearing (Stah., Witt, Grier); prior to hearing, Mr. Alderman, on behalf of Mr.
Snyder, Appellant, withdrew appeal filed in Case No. 06-676-SPH. Order of Dismissal to be signed and
issued. (Mr. Alderman also included proposed Order for Board's signature in Case No. 06-676-SPH.)
-- Hearing continued in Case No. 06-675-SPH; concluded this date; Mr. Alderman to submit requested
post-hearing information to Board by November 2, 2007. Public deliberation scheduled for 11/29/07.

**NOTE SPECIFIC TO CASE NO. 06-676-SPH – APPEAL WITHDRAWN IN THIS MATTER ON
10/16/07; ORDER OF DISMISSAL OF APPEAL TO BE ISSUED FOR 06-676-SPH.**

IN THE MATTER OF: FRANCIS M.
AND PHYLLIS K.
COPPERSMITH, Legal Owner;
Michael L. Snyder, Contract
Purchaser

5319 Glenn Falls Road
4th Election District
3rd Councilmanic District

BEFORE THE COUNTY BOARD
OF APPEALS FOR
BALTIMORE COUNTY

Case No. 06-676-SPH

DISMISSAL OF APPEAL

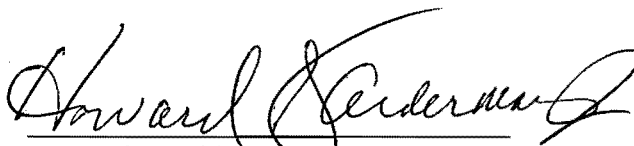
In accordance with the *Rules of Practice and Procedure of County Board of Appeals*, Rule 3.b.1, Francis M. and Phyllis K. Coppersmith, Legal Owners and Michael L. Snyder, Contract Purchaser in the above-captioned cases, through their undersigned legal counsel hereby **DISMISS** their appeal of the decision of Deputy Zoning Commissioner John V. Murphy, in **Case No. 06-676-SPH**, dated September 21, 2006.



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

CERTIFICATE OF NOTICE

In accordance with the *Rules of Practice and Procedure of the Baltimore County Board of Appeals*, Rule 2.b, I HEREBY CERTIFY that on this 16th day of October, 2007, a copy of the foregoing **Dismissal of Appeal** was hand-delivered to: Office of People's Counsel, Peter Max Zimmerman, Esquire and Carole S. Demilio, Esquire, Old Courthouse, Room 44, 400 Washington Avenue, Towson, Maryland 21204.



Howard L. Alderman, Jr.

Date: October 16, 2007

APPEAL

Petition for Special Hearing

5319 Glen Falls Road

South side of Glen Falls Road, 800 feet west of centerline of Hanover Pike

4th Election District – 3rd Councilmanic District

Legal Owner(s): Francis M. Coppersmith and Phyllis K. Coppersmith

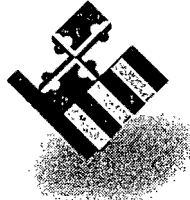
Contract Purchaser(s): Michael L. Snyder

Case No.: 06-676-SPH

- ✓ Petition for Special Hearing (June 28, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (July 13, 2006)
- ✓ Certification of Publication (August 10, 2006)
- ✓ Certificate of Posting (August 9, 2006) by McKee & Associates, Inc., William D. Gulick, Jr.
- ✓ Entry of Appearance by People's Counsel (July 17, 2006)
- Petitioner(s) Sign-In Sheet – None
- Protestant(s) Sign-In Sheet – None
- Citizen(s) Sign-In Sheet – None
- ✓ Zoning Advisory Committee Comments
- Petitioners' Exhibit – None
- Protestants' Exhibits: None
- ✓ Miscellaneous (Not Marked as Exhibit)
 - 1. Plat to accompany Petition for Special Hearing
- ✓ Deputy Zoning Commissioner's Order (September 21, 2006)
- ✓ Notice of Appeal received on October 17, 2006 from Michael L. Snyder

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
*Michael L. Snyder 6104 Deer Park Road Reisterstown 21136
Geoffrey C. Schultz c/o McKee & Associates, Inc. 5 Shawan Road, Suite 1
Cockeysville 21030

date sent January 8, 2007. amf



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 8, 2007

Francis M. Coppersmith
Phyllis K. Coppersmith
5319 Glen Falls Road
Reisterstown, MD 21136

RECEIVED
JAN 09 2007 10:15

Dear Mr. and Mrs. Coppersmith:

**BALTIMORE COUNTY
BOARD OF APPEALS**

RE: Case: 06-676-SPH, 5319 Glen Falls Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 17, 2006 by Michael L. Snyder. 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,

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Michael L. Snyder 6104 Deer Park Road Reisterstown 21136
Geoffrey C. Schultz c/o McKee & Associates, Inc. 5 Shawan Road, Suite 1
Cockeysville 21030

COADY & FARLEY

ATTORNEYS AND COUNSELLORS AT LAW

400 ALLEGHENY AVENUE

TOWSON, MARYLAND 21204

(410) 337-0200

FACSIMILE (410) 337-0164

EMAIL: general@coadyandfarley.com

MICHAEL L. SNYDER
PATRICIA O'C.B. FARLEY
THOMAS J. RYAN

JOHN T. COADY, EMERITUS

CHARLES P. COADY (1868-1934)
JOHN A. FARLEY (1893-1958)
CHARLES P. COADY, JR. (1901-1983)
JOHN A. FARLEY, JR. (1921-2005)
THOMAS J. CARACUZZO (1914-1994)

HAND DELIVERED

October 17, 2006

Zoning Review Bureau
Room 111
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 06-675-SPH and
Case No. 06-676-SPH

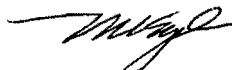
Dear Sir/Madam:

Please accept this written request for an appeal of the decision of Deputy Zoning Commissioner John V. Murphy in Case Nos. 06-675-SPH and 06-676-SPH. The Commissioner's Order for these two cases is dated September 21, 2006.

Accompanying this written request for an appeal to the Board of Appeals please find two checks made payable to Baltimore County in the amount of \$400.00 each.

Please send me a notification of the hearing date before the Board of Appeals.

Sincerely yours,



Michael L. Snyder

c.c. John V. Murphy
Deputy Zoning Commissioner
Baltimore County, Maryland
401 Bosley Avenue
County Courts Building, Room 405
Towson, MD 21204

RECEIVED

OCT 17 2006

Per. 

Representing Our Clients In The Practice of Law For More Than 100 Years
Est. 1894

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S/S of Glen Falls Road, 1,143 ft. (parcel 2),		
1,243 ft. (parcel 1), west of centerline of	*	DEPUTY ZONING COMMISSIONER
Hanover Pike		
4 th Election District		
3 rd Councilmanic District	*	OF BALTIMORE COUNTY
(5407 Glen Falls Road)		
 William C. Belt		
<i>Legal Owner and Petitioner</i>	*	CASE NO. 06-675-SPH
Michael L. Snyder		
<i>Contract Purchaser</i>	*	

* * * * *

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S/S of Glen Falls Road, 800 feet west		
Of centerline of Hanover Pike	*	DEPUTY ZONING COMMISSIONER
4 th Election District		
3 rd Councilmanic District	*	OF BALTIMORE COUNTY
(5319 Glen Falls Road)		
 Francis M. Coppersmith		
<i>Legal Owner and Petitioner</i>	*	CASE NO. 06-676-SPH
Michael L. Snyder		
<i>Contract Purchaser</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on August 25, 2006 as a Petition for Special Hearing. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the following:

Case No. 06-675-SPH: This property is located at 5407 Glen Falls Road. Special Hearing relief is requested by William Belt to permit a lot line adjustment to the existing Parcels 1 and 2 with the adjacent Coppersmith Property, to increase the size of both parcels from approximately ½ acre to one acre each.

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 [Signature]

Case No. 06-676SPH: This property is located at 5319 Glen Falls Road. Special Hearing relief is requested by Francis and Phyllis Coppersmith to permit a lot line adjustment with the adjacent Belt Parcels to increase the size of both parcels, and a refinement to the approved Minor Subdivision Plan of the Coopersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision. No change in densities will occur as a result of these proposed adjustments.

The properties were posted with Notice of Hearing on August 8, 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 August 10, 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: A ZAC comment was received from the Department of Environmental Protection and Resource Management dated August 11, 2006 which opposed the requested relief. Subsequently a revised comment was received dated August 23, 2006 from this Department which continued to oppose a portion of the relief requested.

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[Signature]

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Dale Smith, Kevin Gombeski, Geoffrey Schultz of McKee & Associates, Inc., who prepared the site plan and Michael L. Snyder, Esquire, contract purchaser. Glenn Elseroad, President of the Hanover Road Community Association, attended the hearing in support of the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

By agreement both cases were presented together and all evidence in either is evidence in both cases.

Mr. Elseroad, President of the Hanover Road Community Association, testified that he attended a community meeting at which Mr. Snyder presented his plans for lot line adjustments, that the Coppersmith family have been long standing members of the Association and that the Association voted not to oppose the requests.

Mr. Schultz, a professional engineer, testified that he examined the history of the subject properties and presented an existing parcel configuration and evolution of title for each as shown on the Plat to Accompany, Petitioner exhibit 1. Each property is zoned RC 2. Parcels 1 and 2 as shown on exhibit 1 are owned by Petitioner Belt. Parcel 3 is owned by the Coppersmith family. Mr. Schultz pointed out that these properties are improved by two homes which lie along the south side of Glen Falls Road. Although the area is zoned RC 2, there are about eight homes in the immediate area which is primarily residential and not agricultural.

Mr. Schultz first reviewed the Coppersmith property (Parcel 3) and presented a plat for minor subdivision of the property which was approved in 1993. See exhibit 2. This shows that Parcel 3 contained 6.3 acres in 1962 (as shown on exhibit 1) and was subdivided into two lots in

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1992 such that two homes could be built on the property. The subdivided lots contained 2.445 acres for lot 1 which is improved by an existing home and 3.89 acres for lot 2 which is unimproved. Apparently the deeds for the minor subdivided lots were never recorded.

The Petitioner now proposes further changes to the minor subdivision as shown in exhibit 1 by lot line adjustment which would result in lot 1 being reduced in size to 1.9 acres, lot 2 reduced to 3.3 acres and 1.0 acre being transferred to the adjacent Belt property in two 0.5 parcels. One of the 0.5 parcels would attach to Belt lot 1 and the other 0.5 parcel would attach to Belt lot 2 as shown. Mr. Schultz opined that the DRC would approve the lot line adjustments outlined without any hearing ordinarily.

He indicated that the Zoning Office wanted the special hearing which is the subject of the present case to confirm the 0.5 acre non density transfers to the Belt lots so as to increase each to one acre which is the minimum lot size for RC 2 zoned property.

Mr. Schultz opined that Belt lot 1 has one density unit and is in fact improved by a single family dwelling. He further opined that Belt lot 2 has one density unit and is unimproved. Finally he indicated that the Coppersmith property had density units and after all transfers would continue to have two density units. He opined that the result of all the lot line adjustments would not increase allowed density in any way. Belt has two density units of which one has been used. Coppersmith has two density units of which one has been used. The bottom line is that the Petitioner could build two new homes on the overall tract.

In support of his opinions, he presented deeds to the Belt and Coppersmith properties as exhibit 3 A through 3 C which showed each Belt lot to be exactly 0.459 acres. These lots were created by deed as part of the distribution of estate assets of a deceased owner of a larger parcel. He indicated that after a thorough search of the Zoning Office records, no zoning map applicable

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in 1962 could be found. However, he opined that the two Belt lots were exactly the size the County required at the time for R-20 zones. Consequently he concluded that these lots were R-20 legal lots in 1962. As each was a lot of record prior to November 1979 when the revised RC 2 legislation took effect, he opined each is entitled to one density unit and the Petitioner was entitled to a building permit for Belt lot 2 today even in its present configuration as there is room for well and septic systems on the existing lot. However, approving the non density transfers requested as above would make each lot more useable and environmentally compatible. He disagreed with the revised DEPRM comment and again opined that the parcels were entitled to 4 lots before and after the proposed lot line adjustments. He argued that Section 304 of the BCZR makes lot 2 a buildable lot even though it has not been improved with a dwelling.

In further support of his contentions, he presented Development Plan for the Elseroad property, Case IV- 623 and companion zoning Case 05-392-SPH (exhibit 4A), the Worthington/Neer property Case No. 97-90-SPH (exhibit 4 B), the Obrect/Gordon property DRC No. 062705B (exhibit 4C), the Henning property, Case No. 93-289-SPH (exhibit 4D), and the Morrill property 95-263 SPH and 95-264-SPH (exhibit 4E). At this point in the hearing the undersigned offered to keep the record open to receive additional case histories in support of the Petitioner's contentions. By letter dated August 31, 2006 the Petitioner presented a cover letter with additional argument, the decision in the Campbell property, Case No. 03-560-SPHA, and a companion case in the Morrill Property, Case No. 95-265-SPH which have been entered into evidence as exhibit 5.

Findings of Fact and Conclusions of Law

Case No. 06-676SPH:—A special hearing was requested by Francis and Phyllis Coppersmith to permit lot line adjustments with the adjacent Belt Parcels to increase the size of both parcels, and

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a refinement to the approved Minor Subdivision Plan of the Coppersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision.

The exiting subdivision which was approved in 1993 shows two lots one of which is improved by the Coppersmith home. The second lot is vacant. To the extent the proposed lot lines are adjusted is not controversial and as mentioned at the hearing, likely would not have required a hearing. Rather the DRC would consider the requests and likely approve the adjustments. Density is not affected as the 1993 subdivision shows two lots which would allow one new home and the existing Coppersmith home. The revised DEPRM comment indicates no objection to these changes. Consequently I find the request should be granted as there will be no adverse affect on the community to the extent that the adjustment involves the Coppersmith property and not the Belt property which will be considered below.

Case No. 06-675-SPH: Special Hearing was requested by William Belt to permit a lot line adjustment to the existing Parcels 1 and 2 with the adjacent Coppersmith Property, to increase the size of both parcels from approximately ½ acre to one acre each. This proposal is quite controversial as the intent of the adjustments is to increase the size of the Belt lots so as to make both buildable under the present regulations. Presently Belt lot 1 is improved by the Petitioner's home and the question then arises as to whether or not the Belt lot 2 can be expanded by combining this lot with ½ acre of Coppersmith property to allow a second house. Mr. Schultz opined that Belt lot 2 is a lot of record prior to 1979 and is entitled to one density unit. As such when the Coppersmith property is combined with it, a second house can be built.

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First let me address the Petitioner's contention that Section 304 makes Belt lot 2 a buildable lot. The Petitioner argues that this lot meets the criteria of Section 304 and therefore is a buildable lot as it stands. I disagree.

Perhaps an overview would help. Section 32-3-302 of the Baltimore County Code specifies that requests for variance and special hearing have a rather formal procedure of posting of the property, advertising and full public hearing. The Zoning regulations and administrative rules require applicants to submit formal sealed plans, much information and in some cases be representation by attorneys. Petitions are reviewed, evidence presented at a full public hearing and a written decision issued.

However, the Council has provided two procedural exceptions to the above formal process. The first is the administrative variance procedure of Section 32-3-303 which allows homeowners to file for routine variances without a public hearing. The property is posted with a description of the request and, if no protest is received, the request is considered administratively. If a protest is received from neighbors or negative comment from County agencies, the case is set for public hearing. In either case the merits of the request are then considered and written decision issued. There is no guarantee that the request will be granted.

Similarly the Council has provided that under very limited circumstances, building permits for certain isolated undersized lots can be processed without a formal public hearing for variance. The property is posted with a description of the request and if no protest is received, the request is considered administratively. If a protest is received from neighbors or negative comment from County agencies, the case is set for public hearing. In either case the merits of the request are then considered and written decision issued. According to the statute the request may be approved, denied or modified. There is no guarantee that the request will be granted.

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Given the similarities of the two procedures, Section 304 procedure was likely the model for the administrative variance procedure.

In order to qualify for the shortened procedure under Section 304 the Council specified that

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Meeting these requirements only allows the building permit on an undersized isolated lot to proceed in the shortcut process described. It is not an entitlement. Reading Section 304 as a whole reveals a step by step procedure culminating in a decision. This Section is not a guarantee an undersize lot is buildable but rather outlines a procedure under certain circumstances which may allow a dwelling to be erected on an isolated undersized lot without the formal variance process.

So I find the considerable effort the Petitioner exerts to declare Belt lot 2 buildable has no basis in the Code or Regulations.

Nor would Belt lot 2 actually qualify even for the shortened procedure given in Section 304. The lot was not created prior to 1958. However, the Petitioner cites the Board of Appeals cases involving the Morrill property (Case Nos. 95-263 through 95-265- SPH) as standing for the proposition that after imposed RC zoning allows the cutoff date to be extended if the lot was a legal lot prior to the imposition of the RC zone. I have read the cited Board of Appeals cases and disagree. The cases cited never mention Section 304, and never address extending the time limit

of condition 1 of Section 304 in either the opinion or the Order. I see no basis in law that the time limit of condition 1 was or could be extended by the Board of Appeals.

In addition Belt lot 2 fails to meet condition three of Section 304. Petitioner clearly owns adjacent property, Belt Lot 1, which if combined with Belt lot 2 would conform to the one acre minimum lot size. Belt lot 2 is not an isolated lot. I do not know whether or not Belt lot 2 meets condition 2 of this section.

As an aside there is another issue which I will simply mention at this point. Belt lot 1 has only $\frac{1}{2}$ acre and no public water or sewer are or will be available to this lot in the foreseeable future. It is possible that the septic system for the existing house on this lot employs all or part of Belt lot 2. It may be other uses were made of Belt lot 2 by the Belt family which might indicate the lots have merged. I make no finding in this regard but simply note the possibility that the doctrine of zoning merger may apply to these lots. How this would affect the proposed uses is not before me at this point.

Returning to the main issue in this case, I questioned at the hearing whether adding $\frac{1}{2}$ acre of Coppersmith land to Belt lot 2 would violate the provisions of Section 1A01.3 B 1 of the BCZR which specify:

B. Area regulations. [Bill No. 178-1979]

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right- of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record. [Bill Nos. 199-1990; 125-2005]

NOTICE RECEIVED FOR FILING

9-21-06

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The Coppersmith property had 6+ acres in 1963 and according to the regulations can be divided into two lots. In fact this has been done as shown by Petitioner's exhibit 2. By transferring ½ acre from Coppersmith to Belt to make Belt lot 2 meet the RC2 regulations, it would appear that the transfer is attempting to divide the Coppersmith lot into a third (and perhaps fourth) lot. If so, this would violate the regulations.

The Petitioner contends the transfer of the ½ acre is a non density transfer because Belt 2 already has a density unit as an undersized lot which preexisted the imposition of the RC 2 zoning in 1979. the Petitioner argues this is not creating a third lot out of Coppersmith but simply a lot line adjustment for the convenience of Belt. On the other hand, if transfer of the ½ acre Coppersmith property would make the lot buildable, clearly the net effect of the transfer would be to create a third lot in violation of the regulations.

At this point let me distinguish between a buildable lot and density unit. The Petitioner contends these are one and the same. If the lot has a density unit, it is buildable. I disagree.

I do agree that many prior cases decided by this Commission and the Board of Appeal has used the term "density unit " to describe a characteristic of an undersized lot recorded prior to November 1979 when the RC 2 regulations went into affect. The first I have come across is the McGee property Case No. 94-42-SPH in which Commissioner Schmidt found that a 0.7 acre lot which had been recorded in the land records of the County prior to 1979 had one density unit associated with it. The Zoning Commissioner denied the Petition for other reasons but gave an excellent summary of prior Commission, Board of Appeals and Circuit Court cases which address the question of whether a lot with a density unit may be transferred to another lot to make the receiving lot buildable. This case is the mirror image of those cases. In the subject case the Petitioner wants to combine property with a lot which he contends has a density unit to

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B

make a buildable lot. However, Commissioner Schmidt, while finding the lot had one density unit, observed that the RC regulations do not use the term "density" and that Circuit Court Judge Howe in the Gudeman v Peoples Counsel, 89-CG-911 observed that there is nothing in the statutes to allow transfers of density.

The Petitioner cites the Campbell property Case 03-560-SDPHA rendered by this Deputy Commissioner granting certain variances and allowing a 0.60 acre lot in RC 2 zone to be used as a building lot. I note this decision involved the question of whether or not a lot of record prior to 1979 in an RC 2 zone was buildable under the circumstance of that case. The Petitioner in Campbell owned no adjacent property as Belt does in the case at bar. There was no practical use the Petitioner could make of this isolated lot without relief. In contrast Belt lot 2 can be used as the side yard and septic reserve area for the existing house.

The Petitioner also cites development plan/zoning case for the Elseroad property, Case No. IV- 623 and 05-392-SPH in support of his contention. (I believe that this is the same Mr. Elseroad who testified in this case for the Petitioner). Commissioner Wiseman approved adding property to Parcel 210 by lot line adjustment to make the resulting parcel 1.01 acre thus meeting the minimum lot size for RC 2 based on the evidence of the case. I note that Commissioner Wiseman based his approval on the prospect that clustering homes on the south side of the property will leave the northern acreage available for continuation of agricultural uses. There is no benefit to agriculture in the subject case.

Further the Petitioner cites the Worthington/Neer property, case No. 97-90-SPH in which Commissioner Schmidt approved transfer of three oddly shaped parcels on a non density basis to adjacent property owners to provide those owners slightly larger parcels. However

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Commissioner Schmidt noted that none of the transfers would be made to increase these owners right to subdivide.

In addition the Petitioner cites the DRC approval in the Obrecht/Gordon property Case No. DRC 062705B) of 0.24 acres of property by lot line adjustment citing the Zoning Commissioner's Policy Manual 1A00.4b(2) which provides small parcels may be transferred as long as there is no resultant transfer of density.

Finally the Petitioner cites the Hennings property, Case No. 93-289-SPH in which Deputy Commissioner Kotroco approved subdivision of property split zoned RC 2 and RC 4 into various lots with density units, portions of lots without density and non density transfers to adjacent property owners for additional rear yard for the adjacent property. The purpose of the transfer was not to make the recipient lot buildable.

On the other hand, the Board of Appeals in the Webbert property Case No. 99-11-SPH found that there were no development rights in either a 0.301 acre or 0.47 acre parcel zoned RC 2 which had been recorded prior to 1979. An expert witness testified that neither lot had been part of an approved site plan or development plan. The Board found that any vested development rights pertaining to these two small parcels became lost when the Baltimore County Council imposed the RC 2 regulations, and as no construction had begun on either lot, development right had not vested in either lot.

The Board went on to cite the Zoning Commissioner's Policy Manual. Section 1A004.b which allows transfer of small RC zoned parcels for non density purposes and Section 1A01.3.B.1 which specifies "that if the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farm land and not to create more uniform lots for home sites". The Board found that the proposed use of these undersized lots violated the Zoning

Commissioner's Policy Manual which is not to allow the transfer of small RC zoned parcels for purposes other than protection of agriculture.

I also note that the Zoning Commissioner 's Policy Manual at 1A00 4. B(2) that a parcel could possibly be transferred from the overall development tract to an adjacent existing lot of record provided the end result does not permit a re-subdivision into a greater number of lots.

Summary

Based upon my review of the regulations, and cases cited by the Petitioner and otherwise, it seems to me that Section 304 of the BCZR is not an entitlement but rather a shortened administrative process for building permits. Undersized isolated lots that qualify may be processed by this shortened means but that whether the lot is buildable depends on the facts of the case. There is no guarantee that a building permit for a lot which qualifies for the shortened administrative process will be approved.

Non density transfers for the purpose of preserving agriculture have been accepted at this Commission for many years. In addition to the guidance of the Zoning Commissioner Policy Manual sections cited above, in practice this Commission has found that it is better for agriculture to locate proposed residential uses in RC 2 zones on small lots, adjoining streets or roads, and away from prime productive land. This procedure allows the largest area to be preserved for agricultural uses unbroken by driveways, dwellings and septic systems.

Non density transfers may be allowed where there is a demonstrated need for access or to preserve agriculture but not if the end result is permitting re-subdivision into a greater number of residential lots or to create more uniform lots for homesites.

Lots in RC 2 zones created by deed prior to November 1979 are expressions of the wishes of the grantor but have not been approved by the County so as to allow the owner to erect

a dwelling. Such lot may have a density unit of one but this is only one criteria to make a buildable lot.

Applying these principles to this case I find that the transfer of ½ acre of land from the Coppersmiths to the Belts to increase the size of the Belt lots violates the spirit and intent of the RC 2 regulations and Zoning Commissioner's Policy Manual. There is no value to agriculture in any transfer. Rather these transfers are proposed only to increase the number of lots for homesites. The effect of the transfers is to allow a third lot to the Coppersmith property which violated the RC 2 regulations.

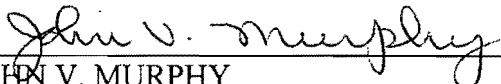
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing in Case No. 06-676SPH should be granted and in Case No. 06-675 should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 21st day of September, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) in Case No. 06-675-SPH to permit a lot line adjustment to the existing Parcels 1 and 2 with the adjacent Coppersmith Property, to increase the size of both parcels from approximately ½ acre to one acre each is hereby DENIED to the extent that this transfer would allow a new home to be built on Belt lot 2 and ½ acre from the Coppersmith property; and,

IT IS FURTHER ORDERED in Case No. 06-676-SPH to permit a lot line adjustment and refinement to the approved Minor Subdivision Plan of the Coopersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of the Coppersmith subdivision is hereby GRANTED.

ORDER RECEIVED FOR FILING
9-21-06
PZ

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

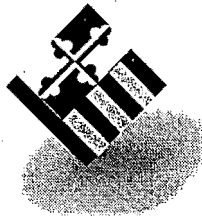


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ORDER RECEIVED FOR FILING
100- 9-21-06

PZ



BALTIMORE COUNTY
MARYLAND

9/21

JAMES T. SMITH, JR.
County Executive

September 21, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

MICHAEL SNYDER, ESQUIRE
COADY & FARLEY
400 ALLEGHENY AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing
Case No. 06-675-SPH and 06-676-SPH
Property: 5704 Glen Falls Road and 5319 Glen Falls Road

Dear Mr.:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: William C. Belt, 5407 Glen Falls Road, Reisterstown MD 21136
Francis M. Coppersmith, 5319 Glen Falls Road, Reisterstown MD 21136
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030
Dale Smith, 15222 Old Hanover Road, Upperco MD 21155
Kevin Gombeski, 29 Thomas Shilling Court, Upperco MD 21155
J. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown MD 21135

*See comment on Webster and Anderson
can. I use undersigned R.C. 2 para 1 to
comment for density transfer. PMZ*

COADY & FARLEY

ATTORNEYS AND COUNSELLORS AT LAW

400 ALLEGHENY AVENUE

TOWSON, MARYLAND 21204

(410) 337-0200

FACSIMILE (410) 337-0164

EMAIL: general@coadyandfarley.com

MICHAEL L. SNYDER
PATRICIA O'C.B. FARLEY
THOMAS J. RYAN

JOHN T. COADY, EMERITUS

CHARLES P. COADY (1868-1934)
JOHN A. FARLEY (1893-1958)
CHARLES P. COADY, JR. (1901-1983)
JOHN A. FARLEY, JR. (1921-2005)

THOMAS J. CARACUZZO (1914-1994)

August 31, 2006

RECEIVED

SEP - 1 2006

ZONING COMMISSIONER

John V. Murphy
Deputy Zoning Commissioner
Baltimore County, Maryland
401 Bosley Avenue
County Courts Building, Room 405
Towson, MD 21204

RE: Case No. 06-675-SPH and
Case No. 06-676-SPH

Dear Deputy Commissioner Murphy:

On Friday, August 25, 2006 I appeared before you as attorney for the Petitioners in the two cases captioned above. This letter is submitted pursuant to your suggestion made at the conclusion of the hearings that we present additional information to you on the following issue.

It is our understanding that you are concerned about whether or not "EXISTING PARCEL 2", shown on the "PLAT TO ACCOMPANY PERC PLAN BELT & COPPERSMITH PROPERTIES", is currently a buildable lot because it is less than one acre in size. In response to your concern we submit the following:

1. Enclosed herewith please find a one page summary of the "ZONING HISTORY OF SUBJECT PROPERTIES". We researched this zoning history with the officials of the Office of Zoning. The conclusion is that in 1963, the year when the PARCEL 2 lot was created, the subject properties were zoned R.6, which only required a minimum buildable lot size of 6,000 square feet. PARCEL 2 is approximately 20,000 square feet in size.

2. We also enclose herewith a copy of your Order in Case No. 03-560-SPHA, from July 29, 2003, wherein you ruled that a 0.60 acre lot in an R.C.2 zone, which lot was created in 1959, was a buildable lot because it existed prior to the establishment of the R.C.2 zoning regulations which were established in 1971. The lot in this case is located approximately one mile from our lots.



Representing Our Clients In The Practice of Law For More Than 100 Years
Est. 1894

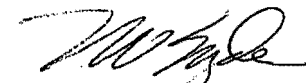
John V. Murphy,
Deputy Zoning Commissioner
August 31, 2006
Page 2

In our cases we established by the testimony of our engineer, Geoffrey Schultz, that PARCEL 2 is of sufficient size to meet all area requirements for a dwelling, and septic system, and well, without the need for any variance(s). This is our contention, that PARCEL 2 is already a valid buildable lot, and our request to add an additional non-density parcel to it is unnecessary, but it is our desire to do so merely to increase the size of the lot. No additional density is requested.

3. We also enclose herewith a copy of the Opinion of the County Board of Appeals in Case Nos. 95-263 SPH, 95-264-SPH, and 95-265-V. This Opinion states that Section 304 of the Baltimore County Zoning Regulations applies to lots created after 1955.

Thank you for allowing us this opportunity to submit this information. If you desire to discuss this matter further please contact me.

Sincerely yours,



Michael L. Snyder

MLS/ap
Enc.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5319 Glen Falls Road
which is presently zoned RC-2

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

A lot line adjustment with the adjacent Belt Parcels to increase the size of both parcels, and a refinement to the approved Minor Subdivision Plan of the Coppersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision.
(Please note that no change in densities will occur as a result of these proposed adjustments)

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

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

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

Contract Purchaser/Lessee:

Michael L. Snyder
Name - Type or Print
[Signature]
Signature
6104 Deer Park Road 410-337-0200
Address Telephone No.
Reisterstown MD 21136
City State Zip Code

Attorney For Petitioner:

Name - Type or Print City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Francis M. Coppersmith
Name - Type or Print
[Signature]
Signature
Phyllis K. Coppersmith
Name - Type or Print
[Signature]
Signature
5319 Glen Falls Road 410-833-3449
Address Telephone No.
Reisterstown MD 21136
City State Zip Code

Representative to be Contacted:

Geoffrey C. Schultz c/o McKee & Assoc., Inc.
Name
5 Shawan Road, Suite 1 410-527-1555
Address Telephone No.
Cockeysville MD 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 06-28-06

Case No. 06-076-SP14

REV 9/15/98

NOTICE RECEIVED FOR FILING

9-21-06

[Signature]

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

June 26, 2006

ZONING DESCRIPTION

Belt – Coppersmith Properties

Parcel Three

3rd Councilmanic District

4th Election District

Baltimore County, MD



Beginning at a point on the South side of Glen Falls Road, said point being 800 feet west of the centerline of Hanover Pike, thence running S 02° 21' 20" W 568.34 feet, N 89° 17' 49" W 595.55 feet, N 13° 19' 14" E 330.33 feet, N 00° 13' 59" W 54.20 feet, S 88° 04' 43" E 200.63 feet, N 00° 13' 45" W 202.17 feet, and S 88° 14' 36" E 343.43 feet to the point of beginning.

Containing 6.3 acres of land as recorded in Deed Liber 13803 folio 530.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: MICHAEL SNYDER

Address or Location: BELT & COPPERSMITH PROPERTIES

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL SNYDER

Address: 400 Allegheny Ave
Towson md 21204

Telephone Number: (410) 337-0200

Revised 2/20/98 - SCJ

OG-GTG-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06-676-SP4
06-675-SP4
No. 7276

DATE 06-28-06 ACCOUNT R.001-006-6150

AMOUNT \$195.00

RECEIVED FROM: CODAD & FAIR (C)

FOR: 2 SPECIAL HEARINGS
FOR 5319 GLEN FALLS RD
54 CT GLEN FALLS RD.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

500.7

PAID RECEIPT

BUSINESS ACTUAL TIME
6/29/2006 6/29/2006 09:39:16

REG WSD1 WALKIN JRIC JMR

>>RECEIPT # 291142 6/29/2006 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 007276

Recpt Tot \$195.00

\$195.00 CK \$.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21753

DATE 10/15/06 ACCOUNT 00-006-6150

AMOUNT \$ 400.00

RECEIVED FROM: Netting, Richard and Sons

FOR: 1/2 hr

06-676-SP4

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case #06-676-SPH

5319 Glen Falls Road,
Southside of Glen Falls Road, 800 feet west of
centerline of Hanover Pike

4th Election District, 3rd Councilmanic District

Legal Owner(s): Francis M. & Phyllis K. Coppersmith
Contract Purchaser: Michael Snyder

Special Hearing to permit a lot line adjustment with the adjacent Bell Parcels to increase the size of both parcels and a refinement to the approved Minor Subdivision Plan of the Coppersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision. (Please note that no change in densities will occur as a result of these proposed adjustments.)

Hearing: Friday, August 25, 2006 at 11:00 a.m. in
Room 407, County Courts Building, 401 Bosley Ave-
nue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
8/089/AUG#10 105059

CERTIFICATE OF PUBLICATION

8/10/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/10/2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkins

LEGAL ADVERTISING

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: Aug. 9, 2006

TO: Baltimore County, PDM

RE : Case No. : 06-676-SPH

MAI :Job No. : 06-117

ATTENTION:Mrs. Kristen Matthews

(X) We are submitting () We are returning () We are forwarding
() Herewith () Under separate cover

No.	Description
1	Certificate Of Posting
4	Photos

(X) For processing () For your use () For your review
() Please call when ready () Please return to this office () In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc:

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Attention: Mrs. Kristen Matthews

Date: Aug. 9, 2006
MAI Job No. : 06-117

RE: Case Number: 06-676-SPH

Petitioner/Developer: Michael L. Snyder

Date of Hearing/Closing:

This is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 5319 Glen Falls Road

The sign(s) were posted on

Aug. 8 , 2006

(Month, Day, Year)


(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

SEE
**ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY**

Revised 3/1/01 - SCJ

ZONING NOTICE

CASE # 06-676-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY COURTS BUILDING-ROOM 407
401 BOSLEY AVENUE
PLACE: TOWSON, MD 21204

FRIDAY
DATE AND TIME: AUG 25, 2006 @ 10:00 AM

REQUEST: SPECIAL HEARING

Special Hearing to permit a lot line adjustment with the adjacent Belt Parcels to increase the size of both parcels, and a refinement to the approved Minor Subdivision Plan of the Coppersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision. (Please note that no change in densities will occur as a result of these proposed adjustments.)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

06-08-2006



GLEN

FALLS

ROAD

08.08.2006

GLEN FALLS ROAD

08.08.2006



A black and white photograph of a road intersection. In the foreground, a road curves from the bottom left towards the center. A handwritten label "GLEN FALLS ROAD" is written across the road, with a line pointing to the road surface. In the background, a road branches off to the left, where two cars are parked. A utility pole stands at the intersection, with several power lines crossing the sky. The background is filled with dense trees. A date stamp "08.08.2006" is in the bottom right corner.

GLEN FALLS ROAD

08.08.2006

Requested: 1/24/2007

9-K13
PIC 1

APPEAL SIGN POSTING REQUEST

CASE NO. 06-676-SPH

5319 GLEN FALLS ROAD

4TH ELECTION DISTRICT

APPEALED: 10/17/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

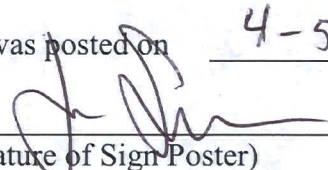
CASE NO.: 06-676-SPH

LEGAL OWNER: FRANCIS M. COPPERSMITH & PHYLLIS COPPERSMITH

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

5319 GLEN FALLS ROAD

The sign was posted on 4-5-07, 2007.

By: 
(Signature of Sign Poster)

JASON SEIDELMAN
(Print Name)

ZONING APPEAL
PUBLIC HEARING
CASE NUMBER:
06-676-SPH
FOR INFORMATION CALL
887-3180
DO NOT REMOVE
UNDER PENALTY OF LAW
BALTIMORE COUNTY BOARD OF APPEALS



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 10, 2006 Issue - Jeffersonian

Please forward billing to:
Michael Snyder
400 Allegheny Avenue
Towson, MD 21204

410-527-1555

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-676-SPH

5319 Glen Falls Road

Southside of Glen Falls Road, 800 feet west of centerline of Hanover Pike

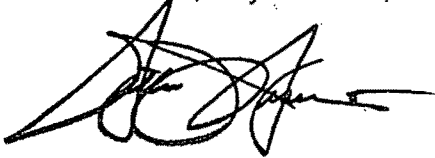
4th Election District – 3rd Councilmanic District

Legal Owners: Francis M. & Phyllis K. Coppersmith

Contract Purchaser: Michael Snyder

Special Hearing to permit a lot line adjustment with the adjacent Belt Parcels to increase the size of both parcels, and a refinement to the approved Minor Subdivision Plan of the Coppersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision. (Please note that no change in densities will occur as a result of these proposed adjustments.)

Hearing: Friday, August 25, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

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

July 13, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-676-SPH

5319 Glen Falls Road
Southside of Glen Falls Road, 800 feet west of centerline of Hanover Pike
4th Election District – 3rd Councilmanic District
Legal Owners: Francis M. & Phyllis K. Coppersmith
Contract Purchaser: Michael Snyder

Special Hearing to permit a lot line adjustment with the adjacent Belt Parcels to increase the size of both parcels, and a refinement to the approved Minor Subdivision Plan of the Coppersmith Property to reduce the total area of the subdivision in accordance with the proposed lot line adjustment and to reconfigure Lots 1 and 2 of said minor subdivision. (Please note that no change in densities will occur as a result of these proposed adjustments.)

Hearing: Friday, August 25, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Francis & Phyllis Coppersmith, 5319 Glen Falls Road, Reisterstown 21136
Michael Snyder, 6104 Deer Park Road, Reisterstown 21136
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Ste. 1, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 10, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 1, 2007

*pp 11 to 10/16/07
@ neg of document
for petition*

NOTICE OF ASSIGNMENT

CASE #: 06-675-SPH

**IN THE MATTER OF: WILLIAM C. BELT – Legal Owner;
MICHAEL L. SNYDER – Contract Purchaser
5407 Glen Falls Road 4th E; 3rd C**

9/21/06 – D.Z.C.'s decision in which requested special hearing relief for lot line
adjust to existing Parcels 1 and 2 w/adj Coppersmith Property was DENIED

and

CASE #: 06-676-SPH

**IN THE MATTER OF: FRANCIS M. AND PHYLLIS K.
COPPERSMITH – Legal Owners; MICHAEL L. SNYDER –
Contract Purchaser 5319 Glen Falls Road 4th E; 3rd C**

9/21/06– D.Z.C.'s Decision in which requested special hearing relief to permit
lot line adjustment and refinement to approved MS Plan of Coppersmith
Property was GRANTED.

ASSIGNED FOR:

WEDNESDAY, AUGUST 1, 2007 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco, Administrator

c: Appellant /Petitioner

: Michael L. Snyder, Esquire

Legal Owner /06-675-SPH

: William C. Belt

Legal Owner /06-676-SPH

: Francis M. and Phyllis K. Coppersmith

Geoffrey C. Schultz /McKee & Associates, Inc.

S. Glenn Elseroad /Hanover Road Community Assn.

Dale C. Smith

Kevin Gombeski

Office of People's Counsel

William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 12, 2007

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-675-SPH

IN THE MATTER OF: WILLIAM C. BELT – Legal Owner;
MICHAEL L. SNYDER – Contract Purchaser
5407 Glen Falls Road 4th E; 3rd C

9/21/06 – D.Z.C.'s decision in which requested special hearing relief for lot line adjust to existing Parcels 1 and 2 w/adj. Coppersmith Property was DENIED

and

CASE #: 06-676-SPH

IN THE MATTER OF: FRANCIS M. AND PHYLLIS K.
COPPERSMITH – Legal Owners; MICHAEL L. SNYDER –
Contract Purchaser 5319 Glen Falls Road 4th E; 3rd C

9/21/06 – D.Z.C.'s Decision in which requested special hearing relief to permit lot line adjustment and refinement to approved MS Plan of Coppersmith Property was GRANTED.

which had been assigned for hearing on 8/01/07 has been POSTPONED at the request of Counsel for Petitioners /Legal Owners /Contract Purchaser due to schedule conflict; and has been

REASSIGNED FOR:

TUESDAY, OCTOBER 16, 2007 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

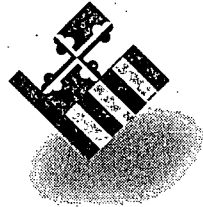
c: Counsel for Appellant /Petitioner /Legal Owners : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner /CP : Michael L. Snyder, Esquire
Legal Owner /06-675-SPH : William C. Belt
Legal Owner /06-676-SPH : Francis M. and Phyllis K. Coppersmith
Geoffrey C. Schultz /McKee & Associates, Inc.

S. Glenn Elseroad /Hanover Road Community Assn.
Dale C. Smith
Kevin Gombeski

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

06-676-SPH
wld by Appellant
10-16-07 Hearing cont'd
on 06-675-SPH -
case went forward
on "675"





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 16, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Francis M. Coppersmith
Phyllis K. Coppersmith
5319 Glen Falls Road
Reisterstown, MD 21136

Dear Mr. and Mrs. Coppersmith:

RE: Case Number: 06-676-SPH, 5319 Glen Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Geoffrey C. Schultz c/o McKee & Associates, Inc. 5 Shawan Road, Suite 1
Cockeysville 21030
Michael L. Snyder 6104 Deer Park Road Reisterstown 21136

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

July 13, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 10, 2006

Item No.: 638, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686,
687 and 688.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 13, 2006

FROM: ^{DM} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 17, 2006
Item Nos. 623, 638, 674, 675, 676, 677,
678, 679, 680, 683, 684, 685, 686, 687, and 688

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-7132006.doc

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



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

Maryland Department of Transportation

Date: 7.11.06

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

RE: Baltimore County
Item No. 676 JRA

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
Engineering Access Permits Division

jm 8/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

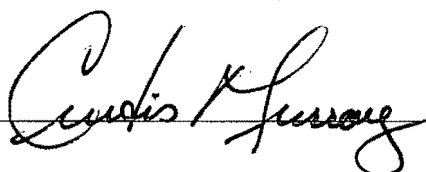
DATE: July 18, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-676- Special Hearing** (*also see case 6-675*)

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: 

Division Chief: 

CM/LL

RECEIVED

JUL 27 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DL*

DATE: August 11, 2006

SUBJECT: Zoning Item # 06-676-SPH
Address 5319 Glen Falls Road
(Coppersmith Property)

Zoning Advisory Committee Meeting of July 10, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Oppose. Existing parcels 1 and 2 should be combined to create one lot and parcel 3 should be subdivided in a manner to retain the maximum amount of acreage with the existing house and agricultural buildings. These parcels are located on the edge of an Agricultural Preservation Area and are zoned RC-2. These planning and zoning

measures are intended to limit density so as to reduce conflicts with agricultural activities and contain sprawl. To grant variances or special approvals is in conflict with the stated public purpose of the zone and Master Plan.

Combining parcels 1 and 2 to create one lot instead of subdividing acreage from Parcel 3 leaves the full parcel acreage to be split off one small lot (as permitted by zoning) on Glen Falls Road and leave sufficient acreage with the existing house and agricultural buildings to meet the minimum three acres for a farm use.

– W.S. Lippincott, Agricultural Preservation

The Forst Buffer Easement and Forest Conservation Easement must be recorded in Baltimore County Land Records.

- John Russo, Environmental Impact Review

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5319 Glen Falls Road; S/S Glen Falls Road, *
800' W c/line Hanover Pike * ZONING COMMISSIONER
4th Election & 3rd Councilmanic Districts
Legal Owner(s): Francis & Phyliss Coppersmith* FOR
Contract Purchaser(s): Michael L. Snyder
Petitioner(s) * BALTIMORE COUNTY
* 06-676-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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 17th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to, Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

JUL 17 2006

Per...*ker*.....

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: January 11, 2008

TO: Timothy Kotroco, Director
Permits & Development ManagementFROM: Linda B. Fliegel
Board of AppealsSUBJECT: **CLOSED APPEAL CASE FILES/CASES DISMISSED**

<i>NAME</i> <i>2004</i>	<i>CASE NUMBER</i>	<i>DATE OF</i> <i>ORDER OF DISMISSAL</i>
ERIC DOTT PROPERTY/PDM XI-964	04-027-M	MAY 29, 2007
<i>2006</i>		
GEMCRAFT HOMES	CBA-06-022	SEPT. 26, 2007
2200 ROLLING ROAD	CBA-06-029	OCT. 31, 2007
TERRY WILLIAMS	CBA-06-012	OCT. 11, 2006
TERRY WILLIAMS	CBA-06-036	OCT. 11, 2006
TREAVOR & KELLY WELLS	04-343-X and 06-073-X	SEPT. 27, 2007
JAMES REILMAN	06-029-SPH	OCT. 18, 2007
JAMES REILMAN	06-660-SPH	OCT. 18, 2007
BENHOFF BUILDERS, INC.	06-257-A	MAY 31, 2007
FRANCIS & PHYLLIS COPPERSMITH	06-676-SPH	NOV. 7, 2007
<i>2007</i>		
CHARLESTOWN - DRC	CBA-07-106	SEPT. 7, 2007
RUN CROSSING	CBA-07-121	JULY 27, 2007
FULLERTON FEDERAL SAVINGS	CBA-07-127	OCT. 2, 2007
ANGELA L. SIDBURY	07-111-SPHA	SEPT. 26, 2007
WINDSOR CONDOMINIUM-PERRY HALL	07-113-SPH	AUG. 31, 2007

**IN THE MATTER OF: WILLIAM C.
BELT, Legal Owner; Michael L.
Snyder, Contract Purchaser**

**5407 Glenn Falls Road
4th Election District
3rd Councilmanic District**

**IN THE MATTER OF: FRANCIS M.
AND PHYLLIS K.
COPPERSMITH, Legal Owner;
Michael L. Snyder, Contract
Purchaser**

**5319 Glenn Falls Road
4th Election District
3rd Councilmanic District**

**BEFORE THE COUNTY BOARD
OF APPEALS FOR
BALTIMORE COUNTY**

Case No. 06-675-SPH

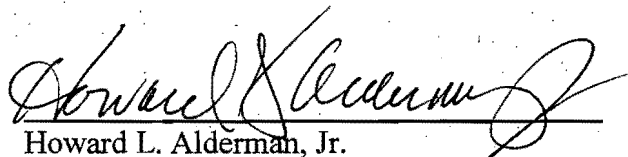
Case No. 06-676-SPH

ENTRY OF APPEARANCE

Madame Clerk:

Please enter the appearance of the undersigned counsel on behalf of William C. Belt and Francis M. and Phyllis K. Coppersmith, Legal Owners and Michael L. Snyder, Contract Purchaser in the above-captioned cases and forward all further notices and other communications to me at the address listed below.

Thank you.

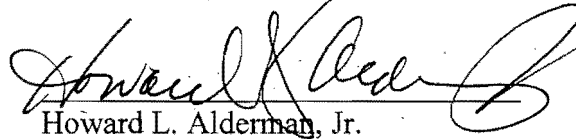


Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

CERTIFICATE OF NOTICE

In accordance with the *Rules of Practice and Procedure of the Baltimore County Board of*

Appeals, Rule 2.b, I HEREBY CERTIFY that on this 8th day of May, 2007, a copy of the foregoing **Entry of Appearance** was sent, via postage-paid, First Class United States Mail to: Office of People's Counsel, Attn: Peter Max Zimmerman, Esquire and Carole S. Demilio, Esquire, Old Courthouse, Room 44, 400 Washington Avenue, Towson, Maryland 21204.



Howard L. Alderman, Jr.

Date: May 8, 2007

8/8/07

IN THE MATTER OF: WILLIAM C.
BELT, Legal Owner; Michael L.
Snyder, Contract Purchaser

5407 Glenn Falls Road
4th Election District
3rd Councilmanic District

IN THE MATTER OF: FRANCIS M.
AND PHYLLIS K.
COPPERSMITH, Legal Owner;
Michael L. Snyder, Contract
Purchaser

5319 Glenn Falls Road
4th Election District
3rd Councilmanic District

BEFORE THE COUNTY BOARD
OF APPEALS FOR

BALTIMORE COUNTY

Case No. 06-675-SPH

Case No. 06-676-SPH

REQUEST FOR POSTPONEMENT

William C. Belt and Francis M. and Phyllis K. Coppersmith, Legal Owners and Michael L. Snyder, Contract Purchaser, parties in the above-referenced cases, by their undersigned counsel, hereby request a postponement of the hearing scheduled in the above-captioned matters and in support thereof state:

1. The *Notice of Assignment*, dated May 1, 2007, and mailed by the Board was received within the past week.
2. Upon notice of the scheduled date of the hearing, which is **August 1, 2007 at 10:00 a.m.**, the Legal Owners and Contract Purchaser contacted the undersigned legal counsel regarding representation in accord with the Board's cautionary language in the *Notice of Assignment*.
3. The Respondents were advised that the undersigned legal counsel will be out of the State beginning the evening of Friday, July 27, 2007 and returning to his office on Tuesday, August 7, 2006.
4. This request is made more than fifteen (15) days prior to the scheduled hearing as

IN THE MATTER OF: WILLIAM C.
BELT, Legal Owner; Michael L.
Snyder, Contract Purchaser

5407 Glenn Falls Road
4th Election District
3rd Councilmanic District

IN THE MATTER OF: FRANCIS M.
AND PHYLLIS K.
COPPERSMITH, Legal Owner;
Michael L. Snyder, Contract
Purchaser

5319 Glenn Falls Road
4th Election District
3rd Councilmanic District

BEFORE THE COUNTY BOARD
OF APPEALS FOR

BALTIMORE COUNTY

Case No. 06-675-SPH

Case No. 06-676-SPH

REQUEST FOR POSTPONEMENT

William C. Belt and Francis M. and Phyllis K. Coppersmith, Legal Owners and Michael L. Snyder, Contract Purchaser, parties in the above-referenced cases, by their undersigned counsel, hereby request a postponement of the hearing scheduled in the above-captioned matters and in support thereof state:

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3. The Respondents were advised that the undersigned legal counsel will be out of the State beginning the evening of Friday, July 27, 2007 and returning to his office on Tuesday, August 7, 2006.
4. This request is made more than fifteen (15) days prior to the scheduled hearing as

required by Board Rule 2.c.

THEREFORE, in order to provide for adequate legal representation in this matter, the Legal Owners and Contract Purchaser hereby request:

- A. That the hearing on the above-captioned matters be postponed until the earliest date and time after August 7, 2007 as the calendar of the Board permits; and
- B. For such further relief as the nature of this request may require.

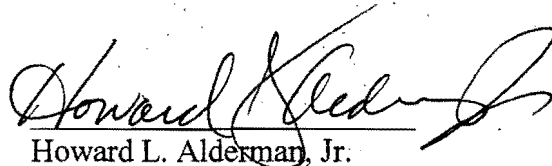


Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

Attorneys for William C. Belt and Francis M. and
Phyllis K. Coppersmith, Legal Owners and Michael L.
Snyder, Contract Purchaser

CERTIFICATE OF NOTICE

In accordance with the *Rules of Practice and Procedure of the Baltimore County Board of Appeals*, Rule 2.b, I HEREBY CERTIFY that on this 8th day of May, 2007, a copy of the foregoing **Request for Postponement** and proposed Order attached thereto were sent, via postage-paid, First Class United States Mail to: Office of People's Counsel, Attn: Peter Max Zimmerman, Esquire and Carole S. Demilio, Esquire, Old Courthouse, Room 44, 400 Washington Avenue, Towson, Maryland 21204.



Howard L. Alderman, Jr.

**IN THE MATTER OF: WILLIAM C.
BELT, Legal Owner; Michael L.
Snyder, Contract Purchaser**

**5407 Glenn Falls Road
4th Election District
3rd Councilmanic District**

**IN THE MATTER OF: FRANCIS M.
AND PHYLLIS K.
COPPERSMITH, Legal Owner;
Michael L. Snyder, Contract
Purchaser**

**5319 Glenn Falls Road
4th Election District
3rd Councilmanic District**

**BEFORE THE COUNTY BOARD
OF APPEALS FOR
BALTIMORE COUNTY**

Case No. 06-675-SPH

Case No. 06-676-SPH

ORDER

After consideration of the Request for Postponement filed by the Legal Owners and the Contract Purchaser in these cases, it is by the County Board of Appeals for Baltimore County this _____ day of _____, 2007,

ORDERED that the Request for Postponement be and it is hereby GRANTED, and the Board hereby directs that the hearing be rescheduled until the next regularly scheduled appeal date after August 7, 2007 or an earlier date if the same becomes available and that any rescheduling be coordinated with all counsel/parties of record.

COUNTY BOARD OF APPEALS:

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

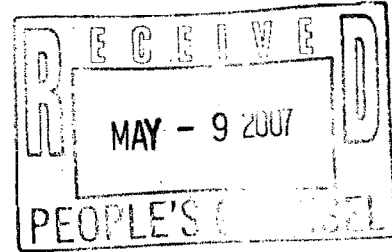
DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

LO
TM

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

May 8, 2007



VIA TELEFAX & REGULAR MAIL

Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Suite 49
400 Washington Avenue
Towson, Maryland 21204

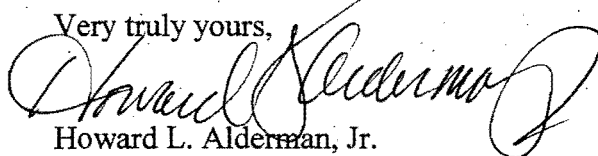
RE: William C. Belt and Francis M. and Phyllis K. Coppersmith, Legal Owners and Michael L. Snyder, Contract Purchaser
Case Nos. 06-675-SPH & 06-676-SPH
Entry of Appearance and Request for Postponement

Dear Ms. Bianco:

Please accept for filing the enclosed *Entry of Appearance* and *Request for Postponement* in the above-referenced matter. A proposed Order for the Board's use is also enclosed.

Should you or any member of the Board require any additional information in this regard or I need to come to the Board's hearing room to put the postponement request on the record, please contact either or both of us.

Thank you for your attention to this matter.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

Enclosures

c (w/encl.): William C. Belt and Francis M. and Phyllis K. Coppersmith, Legal Owners and Michael L. Snyder, Contract Purchaser (via telefax only)
Office of People's Counsel

APPEAL

Petition for Special Hearing
5319 Glen Falls Road
South side of Glen Falls Road, 800 feet west of centerline of Hanover Pike
4th Election District – 3rd Councilmanic District
Legal Owner(s): Francis M. Coppersmith and Phyllis K. Coppersmith
Contract Purchaser(s): Michael L. Snyder

Case No.: 06-676-SPH

Petition for Special Hearing (June 28, 2006)

Zoning Description of Property

Notice of Zoning Hearing (July 13, 2006)

Certification of Publication (August 10, 2006)

Certificate of Posting (August 9, 2006) by McKee & Associates, Inc., William D. Gulick, Jr.

Entry of Appearance by People's Counsel (July 17, 2006)

Petitioner(s) Sign-In Sheet – None

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – None

Zoning Advisory Committee Comments

Petitioners' Exhibit – None

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)

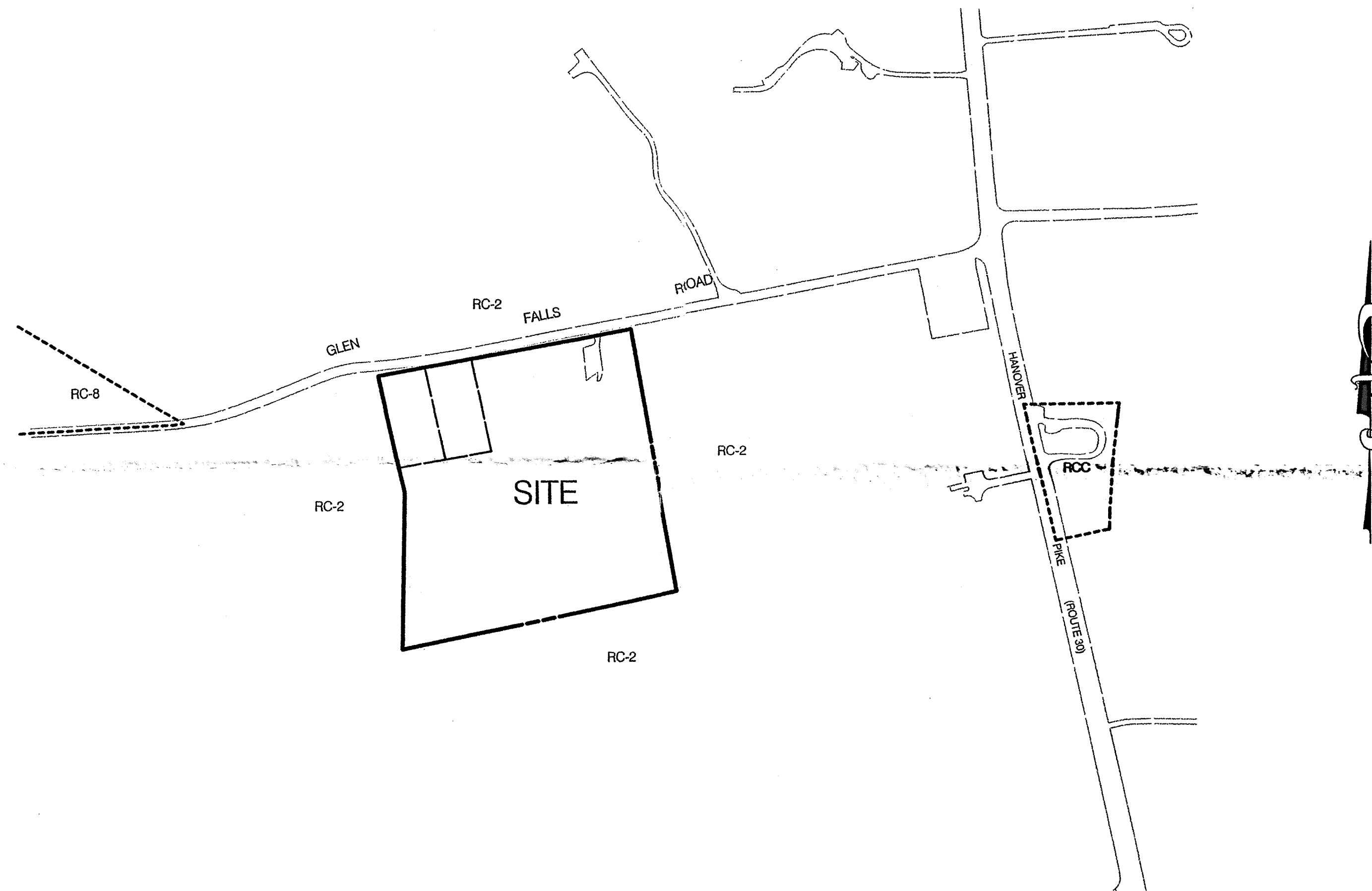
1. Plat to accompany Petition for Special Hearing

Deputy Zoning Commissioner's Order (September 21, 2006)

Notice of Appeal received on October 17, 2006 from Michael L. Snyder

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Michael L. Snyder 6104 Deer Park Road Reisterstown 21136
Geoffrey C. Schultz c/o McKee & Associates, Inc. 5 Shawan Road, Suite 1
Cockeysville 21030

date sent January 8, 2007. amf



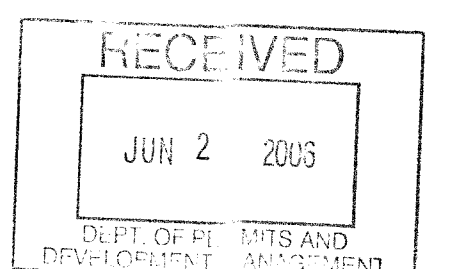
McKEE & ASSOCIATES, INC.
 Engineering - Surveying - Natural Resources Planning

Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
 TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

ZONING MAP
BELT & COPPERSMITH PROPERTIES

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 200' DATE: JUNE 28, 2008



CG-676-SP11

NOTES

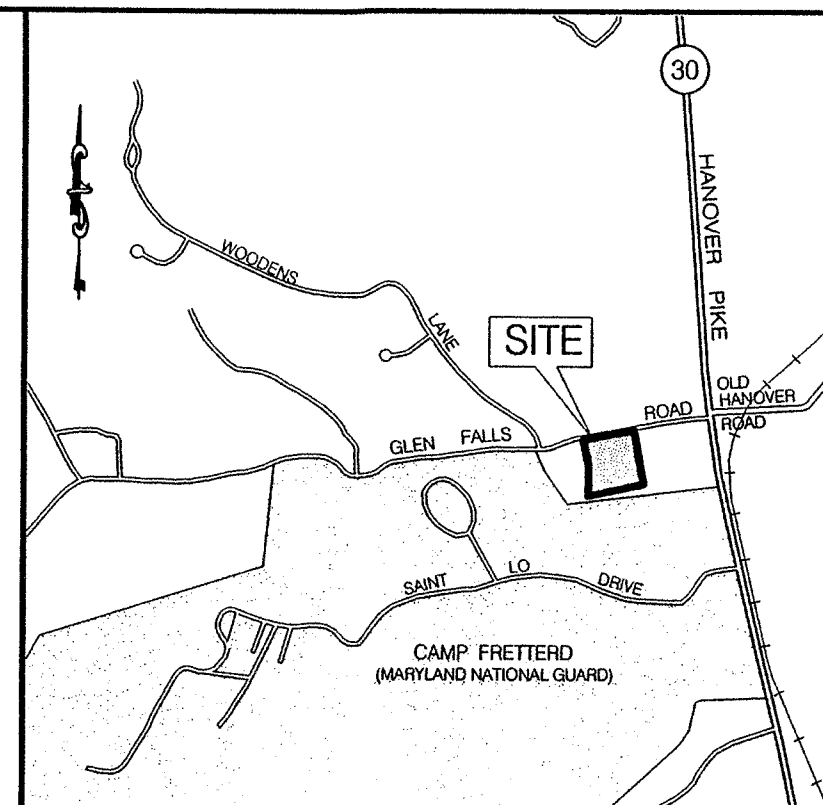
1. EXISTING ZONING OF SITE: RC-2
2. THERE HAVE BEEN NO PRIOR ZONING HEARINGS ON THESE PROPERTIES.
3. PROPERTIES OPERATE ON ON PRIVATE WELL AND SEPTIC SYSTEMS.
4. THIS SITE DOES NOT LIE IN A 100 YEAR FLOOD PLAIN.
5. THIS SITE IS NOT HISTORIC.
6. THE HEIGHT OF THE EXISTING DWELLING IS 28 FEET.

AREA SUMMARY

PARCEL NO.	EXISTING AREA	PROPOSED AREA	EXISTING DENSITY	PROPOSED DENSITY
1	0.459 AC.±	1.0 AC.±	1 LOT	1 LOT
2	0.459 AC.±	1.0 AC.±	1 LOT	1 LOT
3	6.3 AC.±	5.2 AC.±	2 LOTS	2 LOTS

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC 'K' VALUE	CAPABILITY UNIT
BaB	BAILE	SEVERE	SEVERE	YES	0.43
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32
GcC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32
GnB	GLENVILLE	SEVER: WATER	SEVER: WATER	NO	0.32
EhC2	ELIOAK	SEVERE	SEVERE	NO	0.32



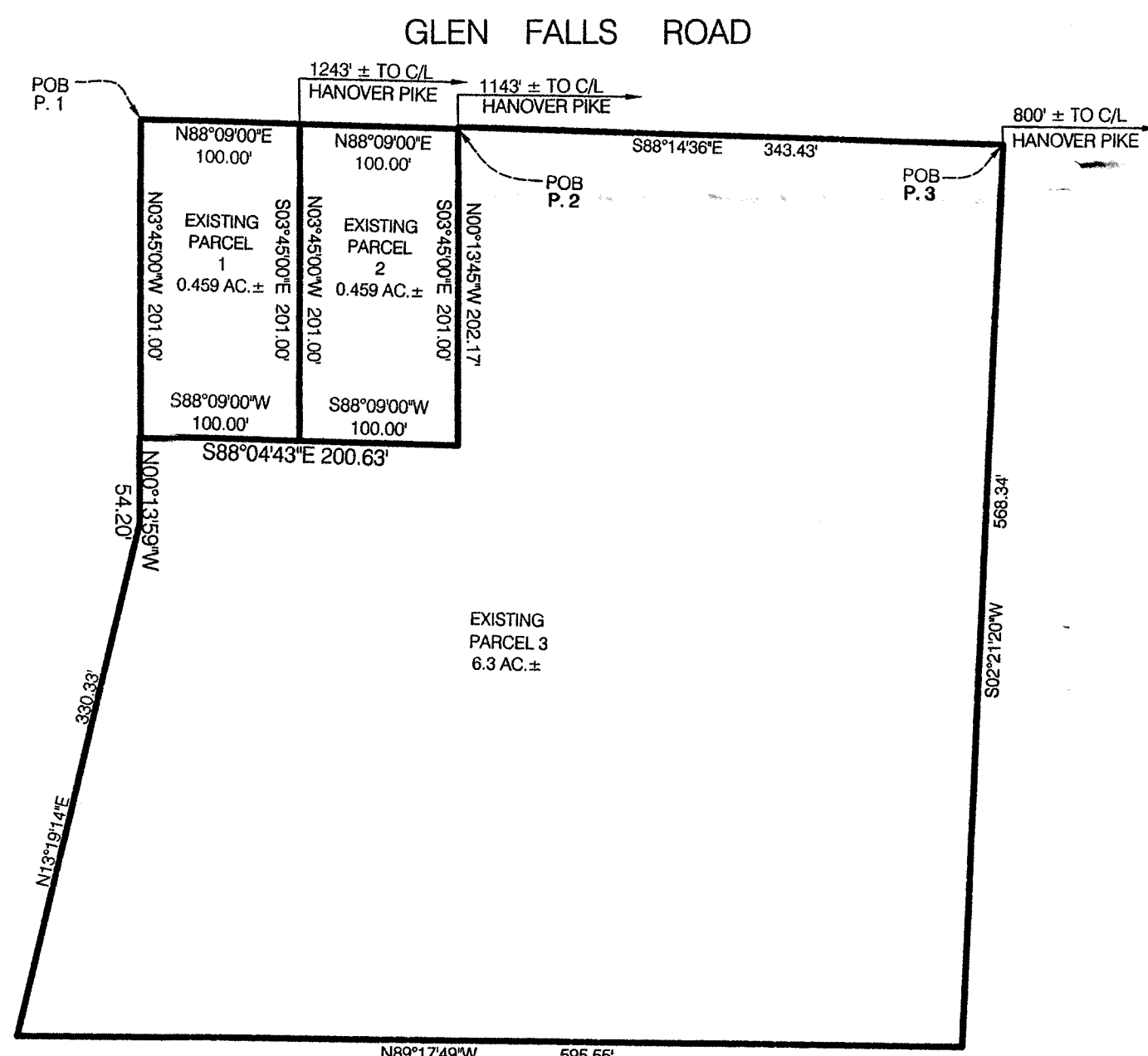
VICINITY MAP
SCALE: 1"=2000'

LEGEND

- EX. CONTOURS
- SLOPES > 25%
- EX. STREAM
- PERC TEST: A1 PASSED, A1 FAILED, A1
- PROP. SEPTIC AREA
- SOIL TYPES
- FOREST BUFFER EASEMENT
- LIMIT OF WETLANDS
- EX. WOODS LINE
- PROP. HOUSE SITE w/ DIRECTION ARROW

NOTE:

PARCELS 3-1 AND 3-2 REPRESENT A RECONFIGURATION OF LOTS 1 AND 2 AS SHOWN ON AN APPROVED MINOR SUBDIVISION PLAN OF "THE COOPERSMITH PROPERTY" RECORDED ON AUGUST 9, 1993 IN PLAT BOOK 1 FOLIO 68.



EXISTING PARCEL CONFIGURATION AND
DEVOLUTION OF TITLE INFORMATION
SCALE: 1"=100'

PARCEL 1

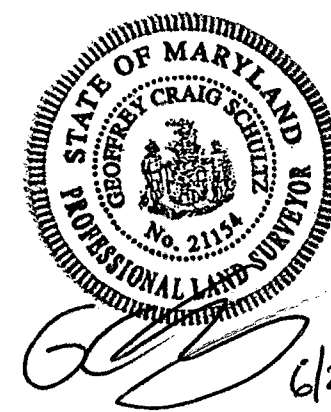
TAX MAP 39 - PARCEL 44-1
DEED 4219/259 (PARCEL 1)
ACCT-NO. 04-02-020077
CREATED AND HELD INTACT
SINCE 8/25/1962
BY DEED 4045/351
EX. ZONING = RC-2
EX. DENSITY = 1 LOT
PROPOSED DENSITY = 1 LOT

PARCEL 2

TAX MAP 39 - PARCEL 44-2
DEED 4219/259 (PARCEL 2)
ACCT-NO. 04-02-020078
CREATED AND HELD INTACT
SINCE 8/25/1962
BY DEED 4045/351
EX. ZONING = RC-2
EX. DENSITY = 1 LOT
PROPOSED DENSITY = 1 LOT

PARCEL 3

TAX MAP 39 - PARCEL 99
DEED 13803/530
ACCT-NO. 04-03-049890
CREATED AND HELD INTACT
SINCE 8/25/1962
EX. ZONING = RC-2
EX. DENSITY = 2 LOTS
PROPOSED DENSITY = 2 LOTS



McKEE & ASSOCIATES, INC.
Engineering - Surveying - Natural Resources Planning

Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

OWNER

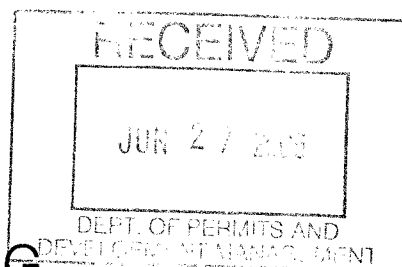
PARCELS 1 + 2
WILLIAM C. BELT
5407 GLEN FALLS ROAD
REISTERSTOWN, MD 21136

OWNER

PARCEL 3
FRANCIS M. COPPERSMITH
PHYLLIS K. COPPERSMITH
5319 GLEN FALLS ROAD
REISTERSTOWN, MD 21136

PLAT TO ACCOMPANY
PETITIONS FOR SPECIAL HEARING
BELT & COPPERSMITH PROPERTIES

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' DATE: JUNE 26, 2006



NOTES

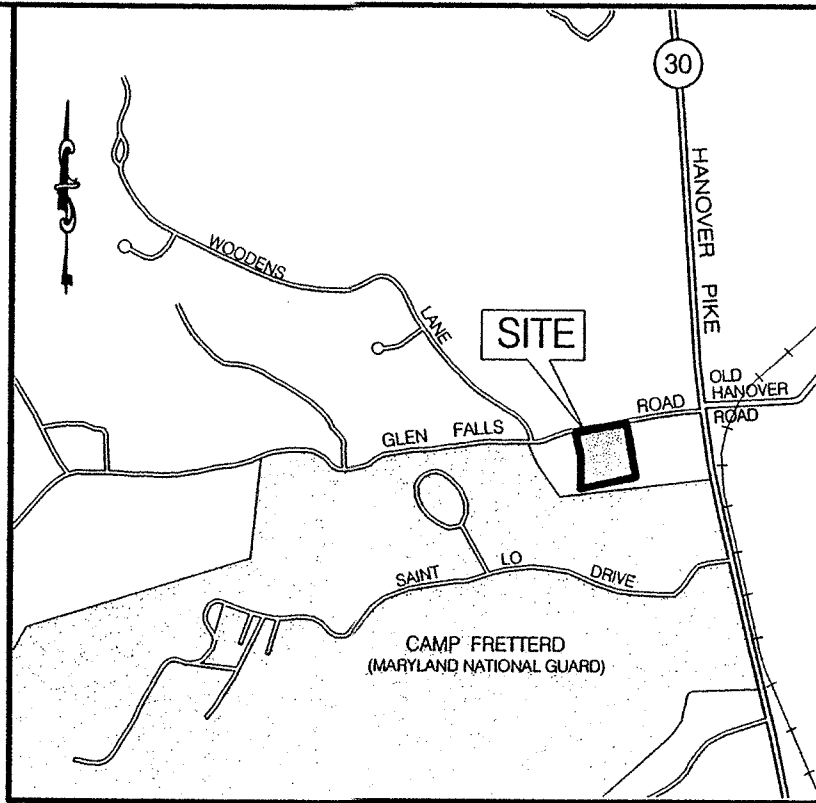
1. EXISTING ZONING OF SITE: RC-2
2. THERE HAVE BEEN NO PRIOR ZONING HEARINGS ON THESE PROPERTIES.
3. PROPERTIES OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
4. THIS SITE DOES NOT LIE IN A 100 YEAR FLOOD PLAIN.
5. THIS SITE IS NOT HISTORIC.
6. THE HEIGHT OF THE EXISTING DWELLING IS 28 FEET.

AREA SUMMARY

PARCEL NO.	EXISTING AREA	PROPOSED AREA	EXISTING DENSITY	PROPOSED DENSITY
1	0.459 AC.±	1.0 AC.±	1 LOT	1 LOT
2	0.459 AC.±	1.0 AC.±	1 LOT	1 LOT
3	6.3 AC.±	5.2 AC.±	2 LOTS	2 LOTS

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOME/SITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
BaB	BAILE	SEVERE	SEVERE	YES	0.43	Vw-1
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	Ile-4
GcC2	GLENELG	MODERATE SLOPE	MODERATE SLOPE	NO	0.32	Ile-4
GnB	GLENVILLE	SEVERE WATER	SEVERE WATER	NO	0.32	Ile-16
EhC2	ELIOAK	SEVERE	SEVERE	NO	0.32	Ile-4



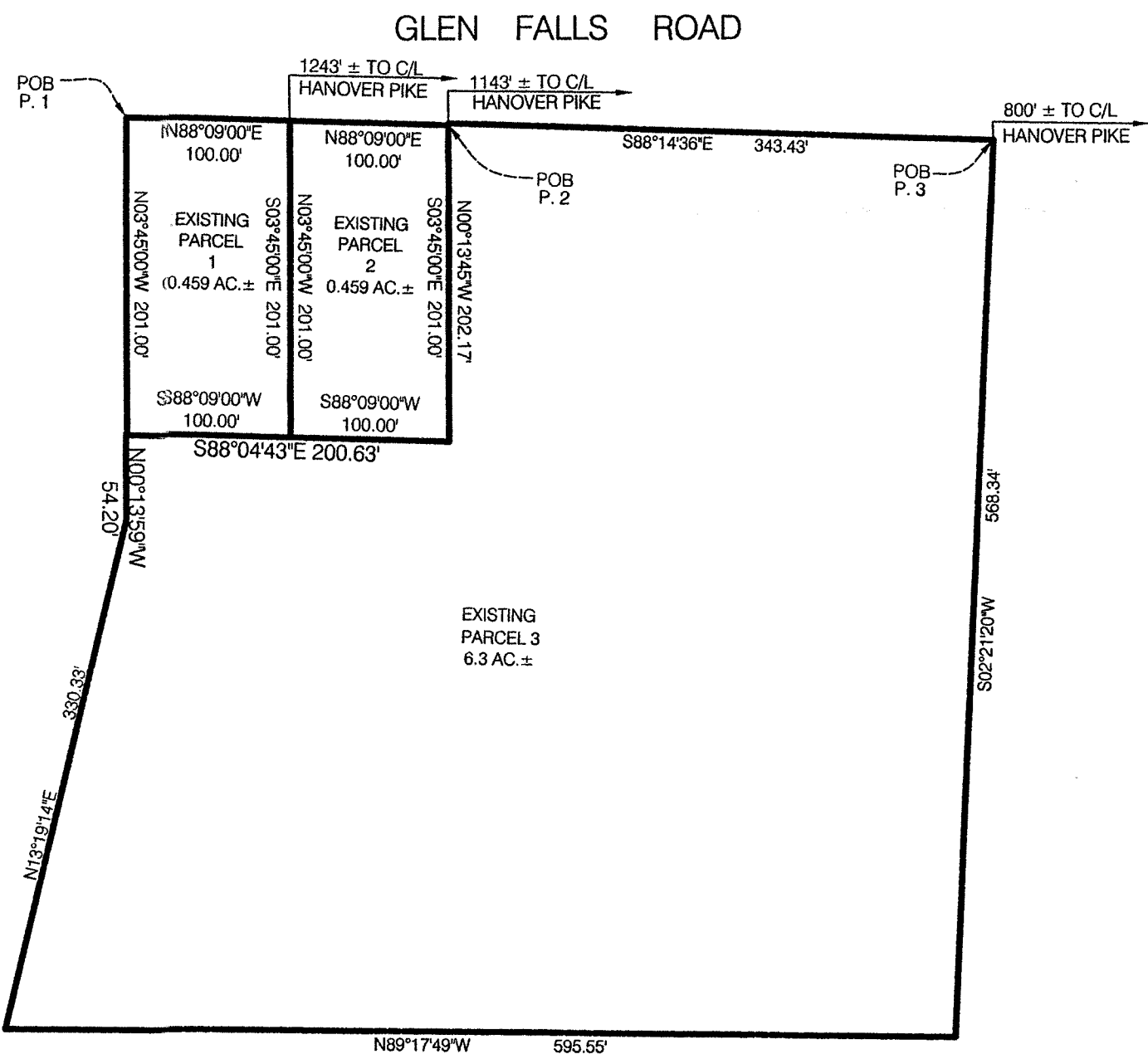
VICINITY MAP
SCALE: 1"=200'

LEGEND

- EX. CONTOURS
SLOPES > 25%
EX. STREAM
PERC TEST
PROP. SEPTIC AREA
SOIL TYPES
FOREST BUFFER EASEMENT
LIMIT OF WETLANDS
EX. WOODS LINE
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EXISTING PARCEL CONFIGURATION AND
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SCALE: 1"=100'

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PARCEL 2

TAX MAP 39 - PARCEL 44-2
DEED 4219/259 (P) PARCEL 2)
ACCT-NO. 04-02-020078
CREATED AND HELD INTACT
SINCE 8/25/1962
BY DEED 4045/351
EX. ZONING = RC-2
EX. DENSITY = 1 LOT
PROPOSED DENSITY = 1 LOT

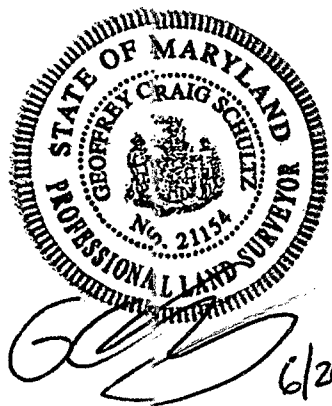
PARCEL 3

TAX MAP 39 - PARCEL 99
DEED 13803/530
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