

IN THE MATTER OF  
THE APPLICATION OF  
THE BELVEDERE BAPTIST CHURCH OF  
BALTIMORE – LEGAL OWNER  
DAVENPORT PRESCHOOL, LLC – LESSEE  
PETITIONER FOR SPECIAL EXCEPTION ON  
PROPERTY LOCATED AT  
1301 CHEVERLY ROAD

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\*  
\* CASE NO. 13-166-X

9<sup>TH</sup> ELECTION DISTRICT  
3<sup>RD</sup> COUNCILMANIC DISTRICT

\* \* \* \* \*

**ORDER OF DISMISSAL**

This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire as counsel for Wayne Skinner, Richard and Joan Magnani, Ron and Jill Link, Jane and Jim Brennan, Helen Kraft, Mr. and Mrs. Richard Prescatore, Mr. and Mrs. Edward Shapiro, Mat Shapiro, Linda Lilly, Mr. and Mrs. Dan Driscole, Mr. and Mrs. Bob Rubear, Andrea Koller, Terry Stifter, Mr. and Mrs. Ken Houck, Mary Kay Pogen, Marylee Harmann, and Aimee Jurao, Protestants/Appellants, from a final decision of the Administrative Law Judge dated March 28, 2013, in which the requested zoning relief was granted.

**WHEREAS**, the Board is in receipt of a hand delivered letter of voluntary withdrawal of appeal filed on June 21, 2013, by J. Carroll Holzer, Esquire, as counsel for the Protestants/Appellants, (a copy of which is attached hereto and made a part hereof); and

**WHEREAS**, said Protestants/Appellants request that the appeal taken in this matter be withdrawn and dismissed as of June 21, 2013,

**IT IS ORDERED** this 27<sup>th</sup> day of June, 2013 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 13-166-X be and the same is hereby **DISMISSED** with prejudice.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Andrew M. Belt, Chairman

RECEIVED

JUN 21 2013

BALTIMORE COUNTY  
BOARD OF APPEALS

IN RE: PETITION FOR  
SPECIAL EXCEPTION

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

(1301 Cheverly Road)

9<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District

The Belvedere Baptist Church of Baltimore \*  
Legal Owner \*  
Davenport Preschool LLC \*  
Lessee \*

BALTIMORE COUNTY

Case No.: 2013-0166-X

Petitioners


\* \* \* \* \*

**NOTICE OF WITHDRAWAL OF APPEAL**

*Mr. Wayne Skinner*, 1020 Hart Road, Towson, Maryland 21286, *Richard* and *Joan Magnani*, 1021 Valewood Road, Baltimore, Maryland 21286, *Ron* and *Jill Link*, of 1310 Denby Road, Baltimore, Maryland 21286, *Jan* and *Jim Brennan*, 1308 Denby Road, Baltimore, Maryland 21286, *Ms. Helen Kraft*, 1008 Valewood Road, Baltimore, Maryland 21286, *Mr. & Mrs. Richard Prescatore*, 1001 Hart Road, Baltimore, Maryland 21286, *Mr. & Mrs. Edward Shapiro*, 1017 Hart Road, Baltimore, Maryland 21286, *Mr. Matt Shapiro*, 1024 Hart Road, Baltimore, Maryland 21286, *Ms. Linda Lilly*, 1110 Valewood Road, Baltimore, Maryland 21286, *Mr. & Mrs. Dan Driscote*, 1312 Cheverly Road, Baltimore, Maryland 21286, *Mr. & Mrs. Bob Rubear*, 1003 Valewood Road, Baltimore, Maryland 21286, *Ms. Andrea Koller* and *Mr. Terry Stifter*, 1112 Valewood Road, Towson, Maryland 21286, *Mr. & Mrs. Ken Houck*, 1103 Valewood Road, Baltimore, Maryland 21286,

*Ms. Mary Kay Pogen* and *Ms. Marylee Harman*, 1302 Midmeadow Road, Baltimore, Maryland 21286, and *Ms. Aimee Jurao*, 1309 Denby Road, Baltimore, Maryland 21286, Appellants, by their attorney, *J. Carroll Holzer, Esquire*, HEREBY WITHDRAW THEIR APPEAL as to ALL APPELLANTS in the above referenced matter effective immediately.

Respectfully submitted,

  
\_\_\_\_\_  
**J. CARROLL HOLZER, Esquire**  
508 Fairmount Avenue  
Towson, Maryland 21286  
410-825-6961  
Attorney for Appellants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on the 21<sup>st</sup> day of June, 2013, a copy of the Notice of Withdrawal of Appeal was mailed first class, postage prepaid, to: David K. Gildea, Esquire, Smith, Gildea & Schmidt, 600 Washington Ave., Towson, Maryland 21204.

  
\_\_\_\_\_  
**J. CARROLL HOLZER**



# Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

June 27, 2013

Jason Vettori, Esquire  
Smith, Gildea & Schmidt, LLC  
600 Washington Avenue, Ste 200  
Towson, MD 21204

J. Carroll Holzer, Esquire  
508 Fairmount Avenue  
Towson, MD 21286

RE: *In the Matter of: The Belvedere Baptist Church of Baltimore – Legal Owner*  
*Davenport Preschool, LLC – Lessee*  
Case No.: 13-166-X

Dear Messrs. Vettori and Holzer:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysihdra "Sunny" Cunningham

Legal Secretary and Acting Administrator

Enclosure

Duplicate Original Cover Letter

c: Belvedere Baptist Church of Baltimore  
Davenport Preschool, LLC  
Carl Dyrberg  
Wayne Skinner  
Richard and Joan Magnani  
Jim and Jan Brennan  
Ron and Jill Link  
Helen Kraft  
Richard and Susan Prescatore  
Edward and Terry Shapiro  
Matt Shapiro  
Linda Lilly  
Dan and Theresa Driscoll  
Mr. and Mrs. Bob Rubear  
Andrea Koller  
Terrance Stifter  
Mr. and Mrs. Ken Houck  
Mary Kay Pogen  
Marylee Hannan  
Aimee Jurao  
Timothy and Ellen Mering

Andrea Otis  
Dr. Ross and Julie Sugar  
Catherine Azzam  
William H. Thrush, Jr.  
Stephen W. Bird, President/Hampton Gardens Community Assoc.  
Dr. Don Thomas  
Maria Duckett, DDS  
Joseph and Virginia Murphy  
Paul Carney  
Mary Lee Richardson  
Vicki Young/Ivy Envelope Services, LLC  
Luke Harlan  
Ericka Leonard  
Lawrence M. Stahl, Managing Administrative Law Judge  
John E. Beverungen, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Department of Planning  
Nancy West, Assistant County Attorney  
Michael Field, County Attorney, Office of Law  
Office of People's Counsel