

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Joppa Road, 55 ft. Nly c/l
Hines Road * ZONING COMMISSIONER
Intersection Hines Rd. and Joppa Rd.
11th Election District * OF BALTIMORE COUNTY
6th Councilmanic District
Herbert Kishter, Petitioner * Case No. 98-266-SPH
 * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that parcel of land located adjacent to the intersection of Hines Road and Joppa Road in the Parkville community of Baltimore County. The property under consideration is actually a small portion of the overall tract which has been developed with a residential subdivision known as Seven Courts. The Petition for Special Hearing was filed by Herbert Kishter, property owner. Approval is sought for the 5th Amended Final Development Plan of "Seven Courts". The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the 5th Amended Final Development Plan of Seven Courts.

Appearing at the requisite public hearing held for this case was G. Dwight Little, Jr., a professional engineer employed with W. Duvall and Associates, Inc. The Petitioner was represented by Richard Rubin, Esquire. Also appearing at the hearing were Minda F. Goldberg, Esquire, an attorney representing the Seven Courts Community Association, and George Benton, a neighboring property owner.

Testimony and evidence presented was that the overall tract is approximately 84.77 acres, split zoned D.R.3.5, D.R.5.5 and D.R.16. Approximately 48 acres are zoned D.R.3.5, 36 acres are zoned D.R.5.5 and a small sliver of land approximately .38 acre is zoned D.R.16. As noted above, the property is located on the northeast corner of the intersection of Joppa Road and Hines Road, near Belair Road, and not far from the Parkville/Perry Hall area of Baltimore County.

Apparently, the overall site was developed a number of years ago in the mid 1970s. At that time, development review in Baltimore County was through an entity known as the JSPC; a committee of representatives of the appropriate reviewing agencies of Baltimore County. A JSPC plan was approved in the mid 1970s and, pursuant to the relevant provisions of the Baltimore County Zoning Regulations (BCZR), a final development plan filed with the County.

The development plan filed with the County has been amended over the years and there are four different amended plans which have been approved. The plan under consideration in this case represents the 5th Amended Plan.

The 5th Amended Plan deals with only a small portion of the overall tract. The specific parcel at issue is approximately 2-1/2 acres, zoned D.R.3.5 and located immediately adjacent to Hines Road. Apparently, a portion of this tract was erroneously conveyed to the Seven Courts Community Association a number of years ago. Litigation followed between Mr. Kishter and his partnership (Seven Courts Partnership) and the Seven Courts Community Association, Inc. By way of a Consent Decree, entered into the Circuit Court for Baltimore County on or about October 11, 1994, that litigation was concluded. The Consent Decree, marked as Petitioner's Exhibit No. 2, provided, in part, that a portion of the parcel under consideration in the instant case would revert to Mr. Kishter's ownership through the execution of a Confirmatory Deed. There were other terms and conditions of the Consent Decree which are self explanatory.

The 5th Amended Final Development Plan under consideration provides for the development of this property. As more particularly shown on the plan, six lots are proposed. Each of these lots will be developed with a single family dwelling. It is to be noted that similarly styled single

family dwellings exist across the Hines Road from the subject parcel and that the rear of the lots to be created abut the town house portion of the Seven Courts Community.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing and approve the 5th Amended Final Development Plan. In my judgment, the proposed plan sets out a reasonable and appropriate development of the parcel at issue. I am persuaded that the development, as proposed, is appropriate for the community and consistent with the spirit and intent of the property's zoning classification. Thus, I find that the 5th Amended Final Development Plan should be approved. However, in approving same, I shall incorporate, as a condition precedent to the granting of the relief, the terms and conditions of the Consent Decree in the above referenced litigation. The incorporation of these terms and conditions is at the request of the parties and appears appropriate for the relief granted. Moreover, I shall require that the Petitioner take appropriate steps to minimize the discharge of storm water onto adjacent lots. In this regard, the project was originally approved prior to the adoption of current storm water management regulations in Baltimore County. Mr. Benton indicated the development of the property into six lots could increase runoff into the townhouse community and the homes located therein. As a condition precedent to the approval of the 5th Amended Final Development Plan, I shall require that the Petitioner submit a storm water management plan to Baltimore County for review and approval. It is my intent to require the Petitioner to implement such a plan as is necessary to prevent adverse storm water runoff from development of the property onto adjacent lots.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of February 1998 that, pursuant to the Petition for Special Hearing, approval for an amendment to the 5th Amended Final Development Plan of "Seven Courts", be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. As a condition precedent to the granting of the relief herein, the terms and conditions of the Consent Decree entered in the Circuit Court for Baltimore County in Case No. 89-CSP2994 shall be incorporated.
3. The Petitioner shall submit for review and approval by Baltimore County a storm water management plan and implement same so as to prevent an inappropriate level of storm water runoff from the subject property onto adjacent properties.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

February 27, 1998

Richard Rubin, Esquire
One South Street, 27th floor
Commerce Place
Baltimore, Maryland 21202

RE: Petition for Special Hearing
Case No. 98-266-SPH
Property: Intersection of Hines Road and Joppa Road
Herbert Kishter, Petitioner

Dear Mr. Rubin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions. in accordance with the attached decision.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

- c: Minda Goldberg, Esquire
The Jefferson Bldg., Suite 400
105 W. Chesapeake Avenue
Towson, Maryland 21204
- c: Mr. George Benton
9000 Hines Road
Baltimore, Maryland 21234
- c: Mr. Dwight Little
W. Duvall and Associates
530 E. Joppa Road
Towson, Maryland 21286





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

The Intersection of Hines
Road and Joppa Road

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & 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

Special Hearing to approve the 5th Amended FDP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Legal Owner(s):

(Type or Print Name)

Herbert Kishter
(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

8016 Melody Lane (410) 486-0910

Address

Phone No

Baltimore, Maryland 21208

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

CHUCK MERRITT

% W. DOVAL & ASSOC INC

Name

550 E. JOPPA RD

Address

JOPPA MD 21286

583-9571

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



98-266-SPA

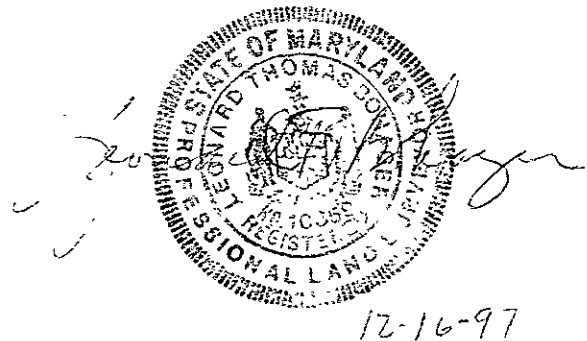
269

ZONING DESCRIPTION FOR PARCEL 'A' SEVEN COURTS PLAT 6

Beginning at a point on the west side of Joppa Road which is of a variable width at the distance of 55 feet northerly of the centerline of Hines Road, proposed 60 feet wide, thence:

1. North 69 degrees 04 minutes 39 seconds West 22.29 feet; thence
2. by a curve to the left having a radius of 530.00 feet and an arc length of 89.05 feet (the chord of said arc being North 32 degrees 41 minutes 12 seconds West 88.94 feet); thence
3. North 37 degrees 30 minutes 00 seconds West 431.28 feet; thence
4. North 85 degrees 25 minutes 00 seconds East 202.49 feet; thence
5. South 37 degrees 30 minutes 00 seconds East 484.53 feet; thence
6. By a curve to the left having a radius of 2535.00 feet and an arc length of 174.91 feet (the chord of said arc being South 71 degrees 03 minutes 19 seconds West 174.88 feet) to the place of beginning.

Containing 1.996 acres of land, more or less, and being part of a parcel of land as recorded in Deed Liber 10856 folio 561.



98-266-SPH

BALTIMORE COUNTY, MARYL D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044587

DATE 16 June 78 ACCOUNT R-001-6150

CAM

266 AMOUNT \$ 250.00

RECEIVED FROM: W. Duell for Kiskadee

FOR: Sever Courts 3rd Quad Spk.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

98-266-804

PAID RECEIPT

INDEXED 178
6/16/1978 1/16/1990 09:21:37
5 MISC. CASHIER WITH CAM 06/16/78
RECEIVED 03/21/80
CR. NO. 064537 4714

250.00 PAID
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-5, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-5, 1998

THE JEFFERSONIAN,
A. H. Enid
 LEGAL AD. - TOWSON

NOTICE OF 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 #39-236-SPH
 W/S Joppa Road, 55' W/ centerline Hines Road
 11th Election District
 6th Councilmanic District
 Legal Owner(s): Herbert Kisher

Special Hearing: to approve the 5th Amended FDP
 Hearing: Monday, February 23, 1998 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bassey Avenue

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call (410) 887-3353. (2) For information concerning the file, and/or hearing, Please Call (410) 887-3381.

2/05/98

C205029

CERTIFICATE OF POSTING

RE: Case No.:

98-266 SPH

Petitioner/Developer:

H. KISCHTER, ETAL
C/O HARRY HOCHMAN, ESQ

Date of Hearing/Closing:

2/23/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

HINES @ JOPPA PDS.

The sign(s) were posted on

2/4/98

(Month, Day, Year)

Sincerely,

Patrick O'Keefe 2/11/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 645-8571

905-8571

ZONING NOTICE

Case #: 98-266-SPH

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

PLACE: 401 BOWLEY AVENUE
ROOM 407, COUNTY COURTS BUILDING

TIME & DATE: MONDAY, FEBRUARY 23, 1998 AT 10:00 A.M.

SPECIAL HEARING TO APPROVE
THE 5TH AMENDED FOP-FINAL DEVELOPMENT PLAN
(495 JOPP RD, 56' WIDE, HINES RD)

98-266 SPH
HINES RD. @ JOPPA RD
HERB KISCHTER, ETAL
C/O HARRY HOCHMAN H-2/23/98



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 266

Petitioner: Kishler
~~HERBERT W. DUVAL & ASSOC INC~~

Location: SEVEN COURTS

PLEASE FORWARD ADVERTISING BILL TO:

CHUCK MERRITT
NAME: W. DUVAL & ASSOC

ADDRESS: 530 E. JOPPA RD

TOWSON MD 21284

PHONE NUMBER: 410 583-9571

AJ:ggs

98-266-SPH

(Revised 09/24/96)

266 -16-

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-266-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to Amend the
4th Amended Final Development Plan

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

266

TO: PATUXENT PUBLISHING COMPANY
February 5, 1998 Issue - Jeffersonian

Please forward billing to:

Chuck Merritt 410-583-9571
W. Duvall & Associates
530 E. Joppa Road
Towson, MD 21286

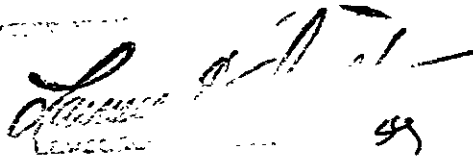
NOTICE OF ZONING HEARING

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: 98-266-SPH
W/S Joppa Road, 55' Nly centerline Hines Road
11th Election District - 6th Councilmanic District
Legal Owner: Herbert Kishter

SPECIAL HEARING to approve the 5th Amended FDP.

HEARING: Monday, February 23, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

February 18, 1998

Mr. Herbert Kishter
8016 Melody Lane
Baltimore, MD 21208

RE: Item No.: 266
Case No.: 98-266-SPH
Petitioner: Herbert Kishter

Dear Mr. Kishter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 16, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

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

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



9/23
LCS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: January 30, 1998

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 266 & 271

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carol Kerns

AFK/JL



Baltimore County
Fire Department

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

January 28, 1998

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 26, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

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

The following comments apply to the following item numbers:

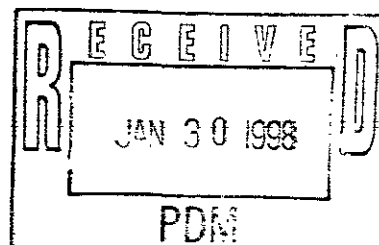
Misc: DRC #122971, 260, 263, and 266

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: January 30, 1998

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 2, 1998
Item No. 266

The Bureau of Developer's Plans Review has reviewed the subject zoning item. As a condition for release of permits, a landscape plan must be approved that extrapolates the landscape "typical" detail on the submitted amended development plan into a plan for the entire site.

RWB:HJO:jrb

cc: File

ZONE0202.266

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

TO: PDM

DATE: 2/9/98

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: Jan 26, 98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

266

RBS:sp

BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 1-23-SY
Item No. 266 CAM

Dear Ms. Eubanks:

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.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

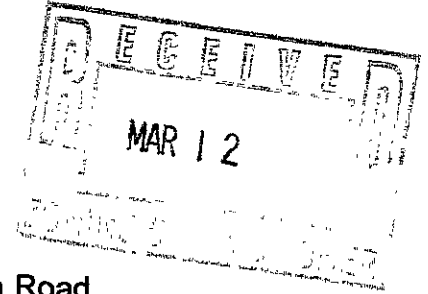
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Handwritten note:
Hines Road
Case

9015 Hines Road
Baltimore, Md. 21234
March 7, 1998

Mr Lawrence E. Schmidt,
Zoning Commoner,
Office of Planning,
Baltimore County,
Towson Md. 21204



Re: Case No. 98-266-SPH
Property: Intersection of Hines Road and Joppa Road

Dear Mr. Schmidth,

I am writing this letter in response to the public hearing held for the subject property on February 23, 1998. I have following comments to offer:

The property North of the stream on East side of Hines is owned by me and I live there.

We have major surface water run off problem on Hines Road area. It is highly recommended that new developer and or Baltimore County Public Works Department should install Storm Drainage Inlet and closed drainage system to reduce the flooding problem. Construction of these houses will increase the surface water run off, storm water management pond must be constructed.

No embankment or change in the elevation should be permitted specially on the low level lot near the stream, that could cause the flooding on my property.

Existing six trees on the property if cut should be re planted of same caliper size near the stream to provide natural buffer.

Your prompt action on this letter will be highly appreciated. If you require any additional information please call me at (410) 767 3826 during office hours or (4100 256 8894 during weekends.

Your sincerely,

M. J. Sharma
Mahesh J. Sharma



Baltimore County
Department of Permits and
Development Management

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

January 23, 1998

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: 98-266-SPH
W/S Joppa Road, 55' Nly centerline Hines Road
11th Election District - 6th Councilmanic District
Legal Owner: Herbert Kishter

SPECIAL HEARING to approve the 5th Amended FDP.

HEARING: Monday, February 23, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the initials "scj" written below it.

Arnold Jablon
Director

c: W. Duvall & Associates, Inc.
Herbert Kishter

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 8, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 18, 1998

G. Dwight Little, Jr., P.E.
Executive Vice President
W. Duvall and Associates, Inc.
530 E. Joppa Road
Towson, Maryland 21286

RE: Case No. 98-266-SPH
Location: 7 Courts, Parcel A
Herbert Kishter, Petitioner

Dear Mr. Little:

This is to acknowledge receipt of your letter of March 2, 1998. Pursuant to your letter and our telephone conversations, kindly find enclosed an executed copy of your letter. It is the intent of this correspondent to amend restriction No. 3, as set forth in my previous Opinion and Order dated February 27, 1998. Moreover, I hope to clarify the intent of my restriction.

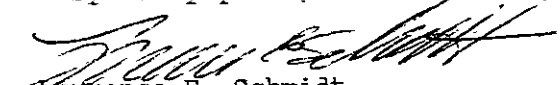
I did not intend to require you or the Petitioner to submit a fully detailed storm water management plan for this site. Instead, as discussed at the hearing, I intended to require you and your client to take the appropriate steps (i.e., grading) to prohibit the runoff of water from the four lots in parcel A away from adjacent properties. I believe that the language suggested in your letter of March 2, 1998 is appropriate and, thus, my signature thereon constitutes an amendment to my prior Order.

I am also sending a copy of this letter to Mr. Benton, in that he was copied on your letter. Also, you should be advised that he called me and left a message on my voice mail seeking a clarification of the Order as to the number of lots. As I understand the plan, there are six lots at issue which are affected by the 5th Amendment to the plan which was submitted with the Petition for Special Hearing. Four of the lots are on parcel A; on the southside of the storm water management reservation, and the other two lots are on the north side. Moreover, I understand that one of the lots on the north side may have been developed and a house constructed. Nonetheless, the plan shows six lots in total. Thus, the language in my previous Order is correct as to the number of lots.

G. Dwight Little, Jr., P.E.
Executive Vice President
W. Duvall and Associates, Inc.
530 E. Joppa Road
Towson, Maryland 21286
page 2.....

Finally, I have also received a letter from Mahesh J. Sharma offering certain comments regarding the issues presented at the hearing. By copy of this letter, I am responding to Mr. Sharma's letter. Unfortunately, I am unable to address these issues at this time, in that the public hearing has been concluded and an opinion already issued. It is unfortunate that Mr. Sharma did not either appear at the public hearing or advise me of his concerns beforehand if he wanted those issues addressed. Obviously, anyone dissatisfied with my decision does have a right to appeal same to the County Board of Appeals.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

- c: Minda F. Goldberg, Esquire
Wartzman, Omansky, Blibaum, et al
The Jefferson Building, Suite 400
105 W. Chesapeake Avenue
Towson, Maryland 21204
- c: Mr. George Benton
9000 Hines Road
Baltimore, Maryland 21234
- c: Richard Rubin, Esquire
One South Street, 27th floor
Baltimore, Maryland 21202
- c: Mahesh J. Sharma
9015 Hines Road
Baltimore, Maryland 21234

W. DUVALL & ASSOCIATES, INC.
Engineers • Surveyors • Land Planners



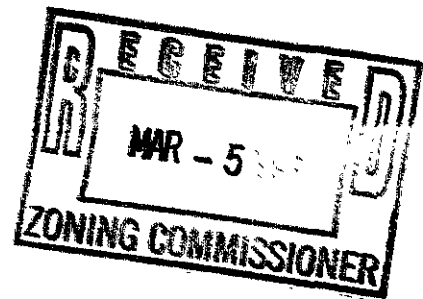
**530 East Joppa Road
Towson, Maryland 21286**

**Telephone: (410) 583-9571
Fax: (410) 583-1513**

March 2, 1998

Baltimore County
Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Attention: Mr. Lawrence E. Schmidt
Zoning Commissioner



Re: Case No. 98-266-SPH
Seven Courts - Parcel A
PN 96110A

Dear Mr. Schmidt:

Reference is made to our conversation today regarding the Zoning Order that you issued for the above case.

Specifically, we discussed the third restriction on page 4 of that order. Based on the discussion that took place at the Zoning Hearing, it is our belief that the restriction was intended to read (for clarification):

- "3. The Petitioner shall submit for review and approval by Baltimore County lot grading plans which reflect a swale to be installed along the rear of the four lots in Parcel A. The petitioner shall implement same such that storm runoff is directed away from adjacent properties."

Based on the discussion at the hearing, the intent of this restriction was not to provide "stormwater management" but to control runoff, and direct it away from existing residences and toward the existing storm drain reservation.

Mr. Lawrence E. Schmidt

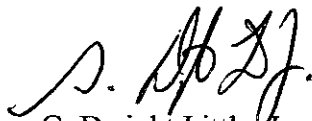
March 2, 1998

Page 2

We trust that the above is consistent with our discussions today, and at the hearing. We request that you indicate your concurrence below as an acknowledgment and return to our office. A second copy is enclosed for your file. You indicated that with your concurrence below, no further clarification is necessary with respect to the Zoning Order itself, as this constitutes an Amendment to that Order. As such, signed copies of this letter will be forwarded to all those individuals copied in the original distribution of your Order, and the Appeal period extended to 30 days beyond the date of your signature below.

We sincerely thank you for your attention to this matter. If you have any questions, please do not hesitate to contact our office.

Very truly yours,
W. DUVALL & ASSOCIATES, INC.



G. Dwight Little, Jr., P.E.
Executive Vice President

GDL/bfc

cc: Mr. Richard Rubin, Esquire
One South Street, 27th Floor
Commerce Place
Baltimore, MD 21202

Ms. Minda Goldberg, Esquire
The Jefferson Bldg., Suite 400
105 W. Chesapeake Ave.
Towson, MD 21204

Mr. George Benton
9000 Hines Road
Baltimore, MD 21234

CONCURRENCE BY: 

Mr. Lawrence E. Schmidt
Zoning Commissioner

DATE: 3/13/98

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

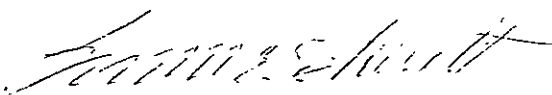
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of February 1998 that, pursuant to the Petition for Special Hearing, approval for an amendment to the 5th Amended Final Development Plan of "Seven Courts", be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. As a condition precedent to the granting of the relief herein, the terms and conditions of the Consent Decree entered in the Circuit Court for Baltimore County in Case No. 89-CSP2994 shall be incorporated.

* 3. The Petitioner shall submit for review and approval by Baltimore County a storm water management plan and implement same so as to prevent an inappropriate level of storm water runoff from the subject property onto adjacent properties.

LES:mmm



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Richard Rubin	ONE South St. 27 th Floor Bmt 21209
Minda Goldberg	105 West Chesapeake Ave
GEORGE BENJON	Suite 400 Towson, MD
Dwight Little - W. Duvall + Assoc.	9000 HINES RD BALTO, MD 21204
	530 E Joppa Rd. Towson 21286

OFFICE	RESIDENCE	FAX
(410) 823-0110	(410) 484-5398	(410) 823-8032

MINDA F. GOLDBERG
ATTORNEY AT LAW

WARTZMAN, OMANSKY, BLIBAUM
SIMONS, STEINBERG, SACHS & SAGAL, P.A.

THE JEFFERSON BUILDING - SUITE 400
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204



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G. Dwight Little, Jr. P.E.
Executive Vice President
(410) 583-9571

(410) 332-8509
FAX (410) 332-8562

RICHARD RUBIN

LAW OFFICES
NEUBERGER, QUINN, GIELEN, RUBIN & GIBBER, P.A.
27TH FLOOR
COMMERCE PLACE
ONE SOUTH STREET • BALTIMORE, MARYLAND 21202-3201



Printed with Soybean Ink
on Recycled Paper

HERBERT KISHTER and
SEVEN COURTS PARTNERSHIP,

Plaintiffs

v.

SEVEN COURTS COMMUNITY
ASSOCIATION, INC.,

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 57/204/89CSP2994

* * * * *

CONSENT DECREE

WHEREAS, an action was commenced on September 1, 1989 by plaintiffs, Herbert Kishter ("Kishter") and Seven Courts Partnership (the "Partnership"), against defendant, Seven Courts Community Association, Inc. (the "Association"), which action sought to reform a deed dated May 11, 1978 made between Kishter and the Association so as to conform to the actual intent of the parties;

WHEREAS, Kishter and the Association had intended to reserve and except from the May 11, 1978 Deed that land described as Parcel A on Revised Plat 6 of the Seven Courts Development, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the parties deem it in their respective best interests to resolve this action in the manner and upon the terms and conditions set forth below.

NOW, THEREFORE, it is hereby agreed by and between the undersigned, subject to the approval of this Court, that this action shall be resolved upon the following terms and conditions:

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f:\users\mcr\misc.94\Kishter.Ord

162

Upon the approval of this Consent Decree by the Circuit Court for Baltimore County:

1. Plaintiffs shall pay the sum of Fifty Thousand Dollars (\$50,000.00) to the Association as reimbursement for property taxes, maintenance and landscaping expenses incurred by the Association from May 11, 1978 to the date of this Order;

2. Kishter and the Association shall execute a Confirmatory Deed which shall state that Kishter shall retain fee simple title to Parcel A and which deed shall contain the restriction that Parcel A may be developed only for residential purposes. A copy of the proposed Confirmatory Deed is attached hereto as Exhibit B; and

3. Plaintiffs shall, prior to the development of Parcel A or the conveyance of any portion of Parcel A to a third party, create a natural buffer of trees and shrubs along the border of the Association's property and Parcel A, in conformity with the plan attached hereto as Exhibit C.

4. The Association represents and warrants that it has no knowledge of any pending, threatened or likely claims in any way arising from or related to Parcel A, other than the present litigation between the parties.

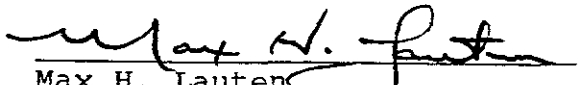
5. It is agreed and understood among the parties hereto that nothing in this Consent Decree constitutes an admission of wrongdoing or liability of any kind on the part of any party.

6. It is further agreed and understood between the parties hereto that nothing in this Consent Decree shall bind or affect the rights of persons, firms, corporations or other entities which are not parties to this Consent Decree.

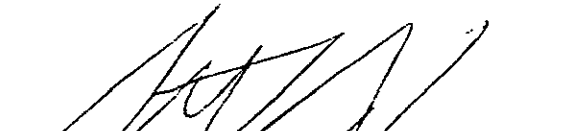
7. All open court costs shall be borne and paid by the Plaintiffs.

8. In consideration of the agreements set forth above, plaintiffs hereby release the Association from all claims, demands, rights and causes of action they had or may have against the Association, whether known or unknown, of any kind or nature, up to and including the date of the signing of this Consent Decree.

APPROVED AS TO FORM:


Max H. Lauten
Kramon & Graham, P.A.
Commerce Place
One South Street, Suite 2600
Baltimore, Maryland 21202
(410) 752-6030

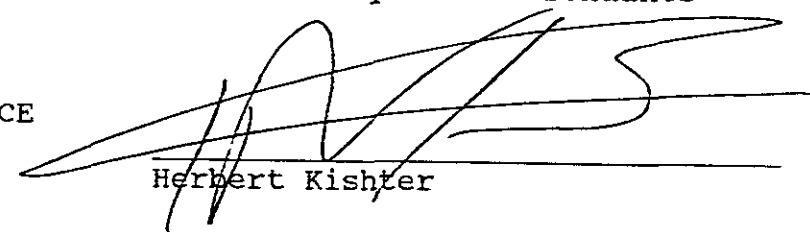
Attorneys for Plaintiffs


Stuart L. Sagal

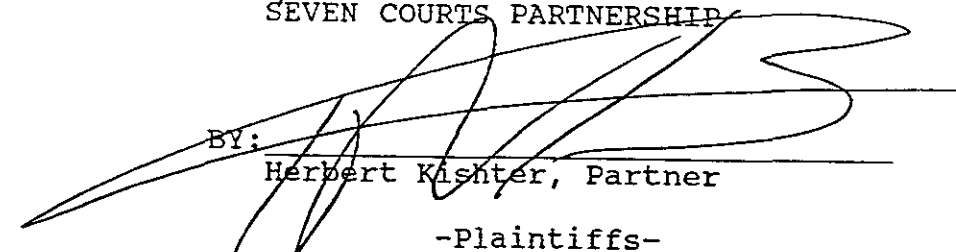

Minda F. Goldberg
Wartzman, Omansky, Blibaum,
Simons, Steinberg,
Sachs & Sagal, P.A.
341 North Calvert Street
Baltimore, Maryland 21202
(410) 685-0111

Attorneys for Defendants

APPROVED AS TO SUBSTANCE
AND FORM:

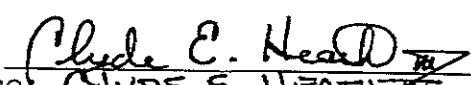

Herbert Kishter

SEVEN COURTS PARTNERSHIP

BY: 
Herbert Kishter, Partner

-Plaintiffs-

SEVEN COURTS COMMUNITY
ASSOCIATION, INC.

BY: 
Name: CLYDE E. HEATH III
Title: PRESIDENT

-Defendant-

APPROVED:

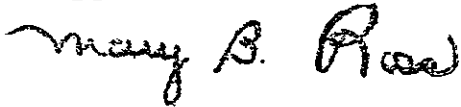


JUDGE
Circuit Court for Baltimore County

Dated: OCTOBER 11, 1994

True Copy Test

SUZANNE MENSCH, Clerk



Assistant Clerk

MULLAN NURSERY CO., INC.

COMPLETE RESIDENTIAL & COMMERCIAL

19437 ENSOR ROAD • WHITE HALL, MD 21161 • 410-343-0113

Page No. of Pages

PROPOSAL SUBMITTED TO		PHONE	410/766-7363	DATE	10/19/94
STREET		8028 Ritchie Highway			
CITY, STATE AND ZIP CODE		21122			
ARCHITECT		DATE OF PLANS		JOB PHONE	

We hereby propose to furnish materials and labor necessary for the completion of:

Furnish and install the following according to LCA specs. for the Balto/Wash. metro area:

3	Acer Rubrum 'October Glory'	1 - 1 1/2" cal.
4	Platanus 'Bloodgood'	1 - 1 1/2" cal.
24	Pinus Strobus	3' ht.

Plant material guaranteed for one year - see enclosed warranty sheet.

Minority Certification: MDOT 88-161

WE PROPOSE hereby to furnish material and labor — complete in accordance with above specifications, for the sum of.

Two thousand seven hundred and no/100 ----- 2,700.00

Payment to be made as follows:

dollars 13

Upon Completion.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

MARTIN C. HULLMAN

Note: This proposal may be withdrawn by us if not accepted within 30

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above.

Signature

Date of Acceptance:

Signature



Mullan Nursery Company, Inc.

SEVEN COURTS

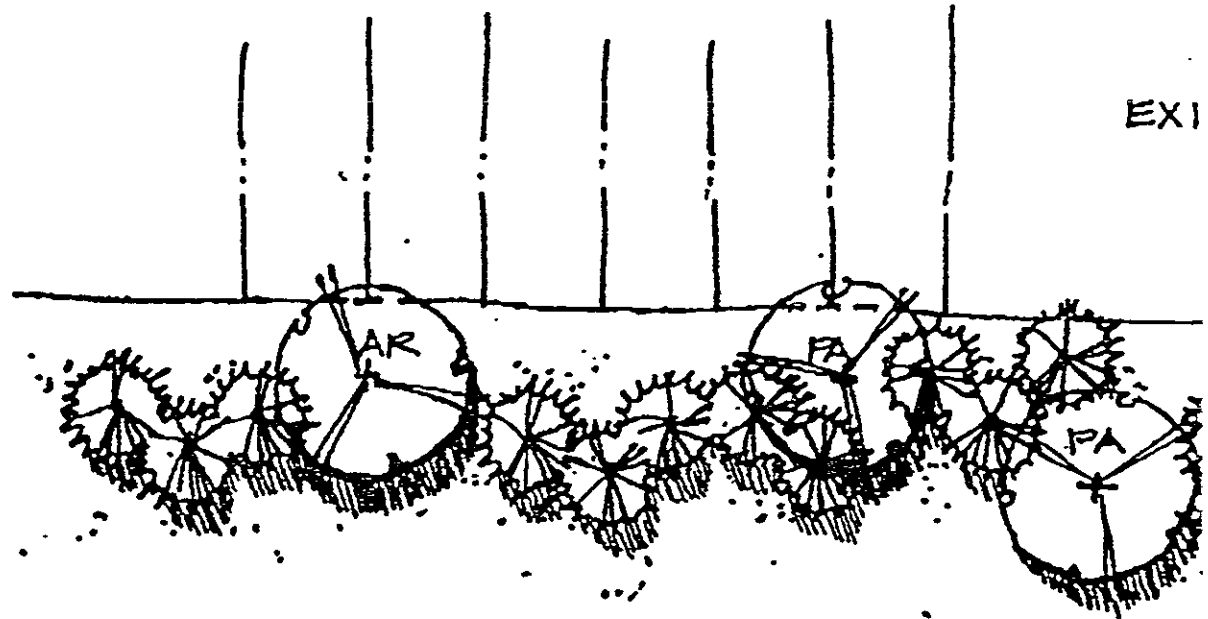
PLANT LIST

Acer Rubrum 'October Glory' (October Glory Red Maple): an improved variety of our native Red Maple, its foliage turns a uniform, crimson-red in the fall. It has an evenly rounded head and lustrous foliage that persists into late fall. This tree reaches a mature height of 50 to 60 feet and has a spread of approximately 35 feet.

Platanus x acerifolia 'Bloodgood' (London Plane Tree): an improved variety of our native Sycamore, it is very useful in large-scale situations and is very tolerant of a wide range of soil and climate conditions. It has a broadly pyramidal shape with dark green foliage that turns yellow in the fall. The London Plane Tree reaches a mature height of 50 feet with a spread of 40 feet and its exfoliating bark adds interest.

Pinus Strobus (White Pine): very popular as a screen or evergreen backdrop plant; it has soft, light-green foliage and is a rapid grower. The White Pine reaches a mature height of 50 to 75 feet.

EX1



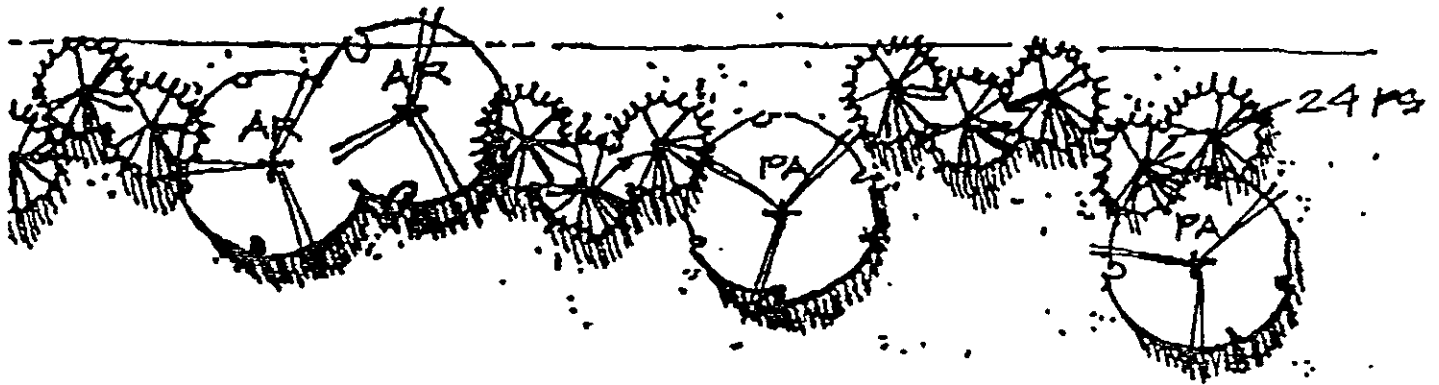
PLANT LIST

KEY	QUANTITY	SPECIES	SIZE
AR	3	'OCTOBER GLORY' MAPLE	1" - 1 1/2" CAL.
PA	4	LONDON PLANETREE	1" - 1 1/2" CAL.
PS	24	WHITE PINE	3' HT.

R.O.W.

LINE

TOWNHOMES



LANDSCAPE SCREENING
FOR
SEVEN COURTS

1" = 30'

SEPTEMBER 12, 1994

MULLAN NURSERY CO., INC. 343-0113
SITE RESOURCES, INC. 638-9220