IN RE: **PETITION FOR SPECIAL HEARING** 546' S Bonnie Meadow Circle, 1,880' S Sunlight Road **(350 Bonnie Meadow Road)** 4th Election District 4th Council District Claudio Levin, et ux Petitioners	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No. 08-050-SPH**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Dr. Claudio A. Levin, and his wife, Lisa K. Levin, by and through their attorney, Robert W. Schwartzman, Esquire. The Petitioners seek relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the Final Development Plan for "Tulip Meadows" and specifically to create a non-density and non-buildable parcel. The subject property and relief requested are more particularly described on the Revised Second Amended Final Development Plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Dr. Claudio and Lisa Levin, property owners, and Joseph L. Larson, a principal with Spellman, Larson & Associates, Inc., the consultants who prepared the amended site plan. Robert M. Schwartzman, Esquire represented the Petitioners. Also appearing and participating at the hearing were Adam Ashpes, a neighboring property owner, accompanied by his attorney, Dino LaFiandra, Esquire of Whiteford, Taylor & Preston, L.L.P. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the subject property consists of approximately 11.6 acres and is identified as Lot 3 on the plat entitled "Plan of Subdivision –

ORDER RECEIVED FOR FILING
Date 5-15-08
By

Tulip Meadows", which is recorded among the land records of Baltimore County at Plat Book 55, Folio 28. The Petitioners, Dr. and Mrs. Levin, formerly owned all of the property. Apparently, by two (2) deeds, dated April 18, 2003, and recorded among the Land Records of Baltimore County at Liber 17924, Folio 433, and Liber 17924, Folio 437, the Petitioners attempted to subdivide the property so as to enable them to sell the dwelling that is located on the property together with approximately 2.6 acres, and retain the balance of the property, approximately 9 unimproved acres. The 2.6 acre lot is now owned by Mr. and Mrs. Ashpes. The remaining 9 acres are still owned by Dr. and Mrs. Levin.

Having been made aware that zoning approval is necessary to amend the Final Development Plan reflecting the property, Dr. and Mrs. Levin are seeking approval of an amended Final Development Plan showing the subdivision of the property. Specifically, the Petitioners seek approval to legitimize the subdivision of the property in a manner that allocates the residential density associated with the whole property to the portion of Lot 3 now owned by Mr. and Mrs. Ashpes, while creating the balance of Lot 3 as a non-density non-buildable parcel. By proceeding in this fashion, the Petitioners are seeking relief that will not alter the residential density calculations applicable to the property as a whole, or the subdivision as a whole.

The Petitioners have submitted a zoning plan (Exhibit 1) of which they seek approval. The Ashpes' have reviewed this zoning plan, and are in agreement with it. Briefly, this plan illustrates that the existing dwelling on Lot 3 is shown within the 4.564 acre parcel identified as "Lot 3 Homesite" thereon. This 4.564 acre parcel is referred to herein as the "Buildable Lot". The balance of Lot 3, containing 7.070 acres as shown on Exhibit 1, also identified as "Out Parcel – Area = 7.070 Ac. – Lot 3 Parcel", is referred to as the "Non-Buildable Parcel".

The review, approval, and amendment of Final Development Plans is provided in B.C.Z.R. Section 1B01.A.7. Pursuant to that section, I may approve an amendment to a

ORDER RECEIVED FOR FILING
Date 5-15-08
By

previously approved Final Development Plan if I determine: 1) the requirements of B.C.Z.R. Section 502 are met, 2) the amendment is in accordance with the Comprehensive Manual of Development Policies (C.M.D.P.), as determined by the Office of Planning, and 3) the amendment is consistent with the spirit and intent of the B.C.Z.R.

With regard to the particular items identified in B.C.Z.R. Section 502, I am required to evaluate the adverse impact of the proposed amendment on the surrounding properties. I note that the property at issue is at the far end of an existing residential subdivision. The property borders two other properties within the subdivision, and two properties that are not within the subdivision, one of which is a State park. Much of the property, particularly the Non-Buildable Parcel, is severely environmentally constrained. As such, it is unlikely that a dwelling or any structure or use could be located on the property in any other location than where the existing dwelling is located within the Buildable Lot. As a non-density, non-buildable parcel, the Non-Buildable Parcel presently owned by Dr. and Mrs. Levin will have few options available for its use. Indeed, it is hard to imagine what adverse effects on neighboring properties could be generated by the proposed amendment, and there was no testimony of any anticipated adverse effects. Nonetheless, to the extent that adverse effects upon neighboring properties might be generated by the proposed amendment to the Final Development Plan, I find that they would be minimal and ordinary, certainly not in excess of what would be expected for a subdivision of the nature proposed. Therefore, although I do not enumerate each of the subsections of B.C.Z.R. Section 502, I specifically find that the proposed amendment to the Final Development Plan meets all of the requirements of that section.

With regard to the C.M.D.P., I note that the Office of Planning had the opportunity to comment on the proposed amendment and decided to issue no comment. That being the case, it is important to note that the Office of Planning did not oppose, object to, or comment negatively

ORDER RECEIVED FOR FILING
Date 5-15-08
By

upon the proposed amendment. The existing use of the property clearly conforms to the C.M.D.P. As the Non-Buildable Parcel does not have any density or building rights associated with it, it is with ease that I determine that the proposed amendment of the Final Development Plan conforms to the C.M.D.P. as well.

Lastly, I find the proposal to be within the spirit and intent of the Baltimore County Zoning Regulations. The Petitioners find themselves in a difficult situation, having apparently unwittingly subdivided their property without zoning approval. The matter is complicated by the fact that they no longer own all of the property at issue. I find their proposed solution, with the agreement of the Ashpes', that the Non-Buildable Parcel will be non-density and non-buildable, is the best resolution possible, and clearly within the spirit and intent of the B.C.Z.R. It is my hope that any other Baltimore County agency that reviews the proposed amendment of Final Development Plan or other document required to perfect the subdivision as proposed on Exhibit 1 will see the situation the same way.

Accordingly, and pursuant to the advertisement, posting of the property, public hearing on this Petition held, and for the reasons set forth above, I shall grant the Petition for Special Hearing, and approve the Amended Final Development Plan, upon conditions as set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County, this 15th day of May 2008, that the Petition for Special Hearing is GRANTED and that the proposed amendment of the Final Development Plan, as reflected in Exhibit 1, be and hereby is APPROVED; and

IT IS FURTHER ORDERED that the zoning density and building rights associated with the property shall be allocated to the Buildable Lot as reflected on Exhibit 1; and

IT IS FURTHER ORDERED that the Non-Buildable Parcel shall have no zoning density or building rights allocated to it; and

ORDER RECEIVED FOR FILING
Date 5-15-08
By

IT IS FURTHER ORDERED that the approval set forth herein is subject to the following conditions:

1) This Findings of Fact and Conclusions of Law (Order) shall be reproduced in its entirely on all amendments to the Final Development Plan, including the amendment that is the subject of this Order. With a clear reference to the Non-Buildable Parcel, the Final Development Plan shall include the following note in conspicuous print: "The Non-Buildable Parcel has no zoning density or building rights associated with it. For further information, refer to Baltimore County Zoning Commissioner's Case No. 08-050-SPH."

2) All future contracts for the sale of the Non-Buildable Parcel and all future deeds for the Non-Buildable Parcel shall include a copy of this Order, and the following note: "The property that is the subject of this contract / deed has no zoning density associated with it. Accordingly, no structures may be built upon the property. For further information, see Baltimore County Zoning Commissioner's Case No. 08-050-SPH, attached."

3) The Petitioners are permitted to proceed with the necessary steps to finalize the subdivision of the property as reflected in Exhibit 1; however, the Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Sections 32-3-401.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5-15-08
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 15, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Robert M. Schwartzman, Esquire
Resnick & Schwartzman, LLC
One East Franklin Street, Suite 200
Baltimore, Maryland 21202

RE: **PETITION FOR SPECIAL HEARING**
546' S of Bonnie Meadow Circle, 1880' S Sunlight Road
(350 Bonnie Meadow Circle)
4th Election District – 4th Council District
Claudio A. Levin, et ux - Petitioners
Case No. 08-050-SPH

Dear Mr. Schwartzman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Dr. Claudio A. Levin and Lisa K. Levin, 6 Celadon Road, Owings Mills, MD 21117
Joseph L. Larson, Spellman, Larson & Associates, Inc., 222 Bosley Avenue, Suite B-3, Towson, MD 21204
Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, L.L.P., 210 W. Pennsylvania Avenue, #400, Towson, MD 21204
Adam Ashpes, 350 Bonnie Meadow Circle, Reisterstown, MD 21136
People's Counsel; Office of Planning; DEPRM; File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 350 Bonnie Meadow Circle
which is presently zoned RC 5

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

REFER TO ATTACHED SHEET

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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Claudio A Levin
Name - Type or Print

Claudio A. Levin 7/11/07
Signature

Lisa K Levin
Name - Type or Print

Lisa K. Levin
Signature

6 Celadon Rd — 410-207-2591
Address — Telephone No.

Owings Mills — MD — 21117
City — State — Zip Code

Representative to be Contacted:

Joseph L. Larson
Name

222 Bosley Ave. , Ste. B-3 — 410-823-3535
Address — Telephone No.

Towson, — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-050-SPH

Reviewed By D.T. Date 7/26/07

RZV 9/15/98

ORDER RECEIVED FOR FILING
Date 5-15-08
By DW

ZONING SPECIAL HEARING PETITION

.....an amendment to the Final Development Plan to create a non-density and non-buildable parcel.

08-050-SPH

DESCRIPTION OF A PART OF LOT THREE, 350 BONNIE MEADOW CIRCLE, FOURTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the south side of Bonnie Meadow Circle, 50 feet wide, at the dividing line between Lot No. 2 and Lot No. 3 as shown on a Plat designated as Tulip Meadows said Plat being recorded among the Plat Records of Baltimore County in Plat Book EHK, Jr. No. 55 Folio 28 and running thence and binding on the south side of Bonnie Meadow Circle, and referring the courses of this Description to the Baltimore County Grid Meridian westerly by a curve to the right with a radius of 545.87 feet the distance of 10.01 feet (the chord of the arc bears south 80 degrees 33 minutes 59 seconds west 10.01 feet) thence leaving the south side of Bonnie Meadow Circle and running and binding on the dividing line between Lot No. 3 and Lot No. 4 as shown on the Plat herein referred to south 06 degrees 48 minutes 16 seconds east 291.78 feet south 21 degrees 48 minutes 16 seconds east 235.38 feet south 23 degrees 11 minutes 44 seconds west 14.14 feet south 21 degrees 48 minutes 16 seconds east 34.70 feet south 25 degrees 55 minutes 57 seconds west 121.95 feet and south 38 degrees 25 minutes 26 seconds west 272.48 feet thence leaving the dividing line between Lot No. 3 and Lot No. 4 herein referred to and running for lines of division across Lot No. 3 south 43 degrees 15 minutes 07 seconds east 169.92 feet south 63 degrees 57 minutes 17 seconds east 155.58 feet north 57 degrees 07 minutes 35 seconds east 67.09 feet north 01 degrees 20 minutes 09 seconds east 51.67 feet south 85 degrees 19 minutes 21 seconds east 134.02 feet and

08-050-SPH

north 02 degrees 35 minutes 55 seconds east 129.29 feet to intersect the dividing line between Lot No. 3 and Lot No. 2 herein referred to and running thence and binding on said dividing line north 54 degrees 56 minutes 08 seconds west 325.89 feet north 25 degrees 55 minutes 57 seconds east 133.62 feet north 21 degrees 48 minutes 16 seconds west 288.41 feet and north 06 degrees 48 minutes 16 seconds west 290.73 feet to the place of beginning.

CONTAINING 2.604 acres of land more or less.

SUBJECT to a 50 foot ingress, egress, maintenance and utility easement along the northernmost lines of the above described land and subject to a 100 year flood plain and drainage and utility easement both as shown on the Plat entitles Tulip Meadows said Plat being recorded among the Plat Records of Baltimore County in Plat Book EHK Jr. No. 55, Folio 28.

File # D12200202

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: # 08-050-SPH
350 Bonnie Meadow Circle
546 ft. south of Bonnie Meadow Circle, 1880 feet south of Sunlight Road
4th Election District
4th Councilmanic District
Legal Owner(s): Claudio & Lisa Melvin

Special Hearing: for an amendment to the Final Development Plan to create a non-density and non-buildable parcel.

Hearing: Tuesday, October 9, 2007 at 10:00 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 accommodations 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.

JT 9/763 Sept. 25 149894

CERTIFICATE OF PUBLICATION

9/28, 20 07

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 9/25, 20 07.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 04173

Date: 7/26/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00
						Total:		65.00

Rec From: SPELMAN LARSON

For: ITEM # 050 CR-050-SPH
350 BONNIE MEADOW CIRCLE
D THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
7/26/2007 7/26/2007 09:42:27 9
003 WALKIN CASH MOP
RCPT: A 304981 7/26/2007 OPLH
5 CSH 304985 VERIFICATION
004173
Recpt Tot $65.00
$65.00 CH $.00 CA
Baltimore County, Maryland

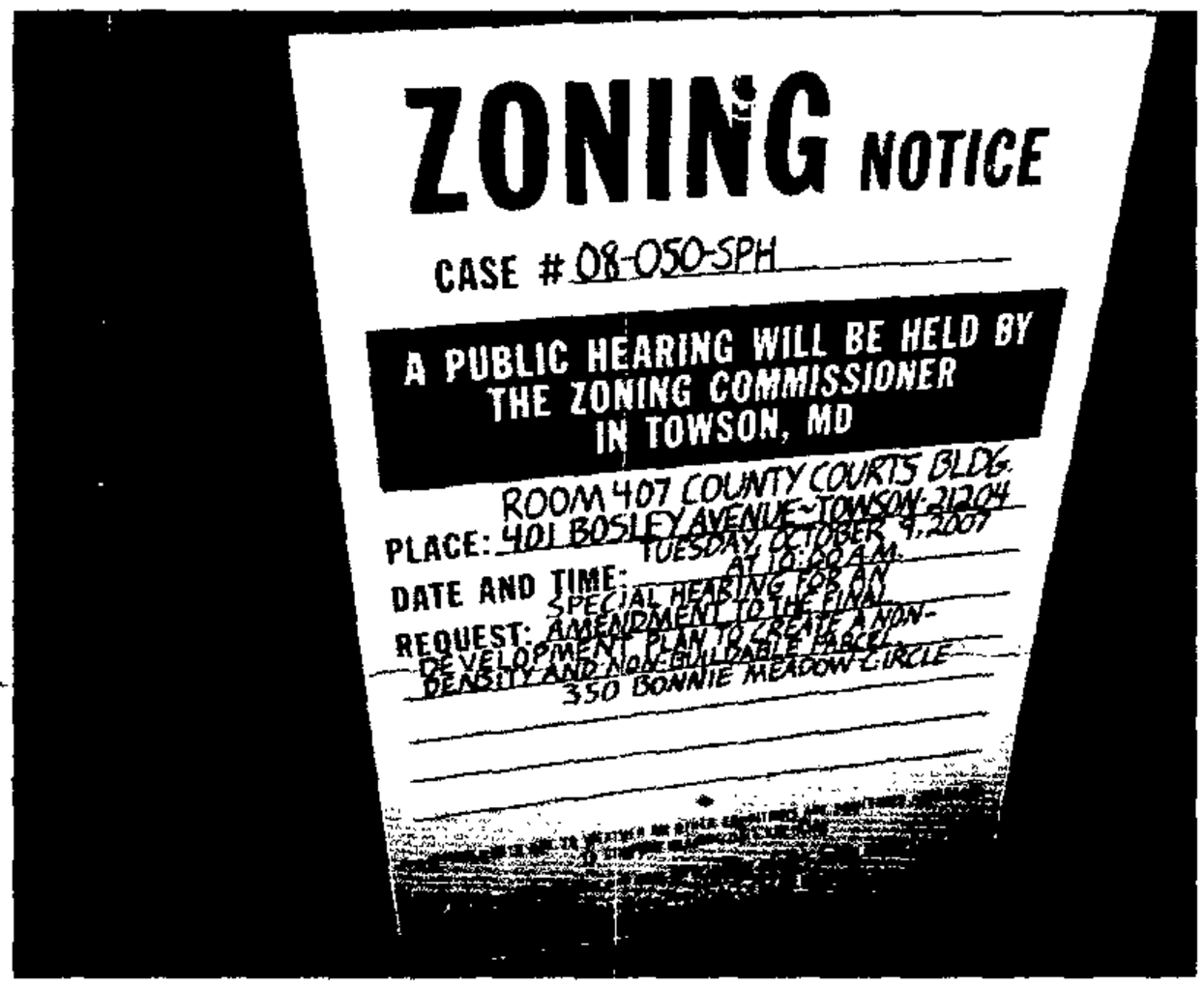
CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS
DATE: 09/24/07
Case Number: 08-050-SPH
Petitioner / Developer: JOSEPH LARSON~MR. & MRS. LEVIN
Date of Hearing (Closing): OCTOBER 9, 2007

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:
350 BONNIE MEADOW CIRCLE

The sign(s) were posted on: 09/24/07



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 23, 2007

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

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: 08-050-SPH
350 Bonnie Meadow Circle
546 ft. south of Bonnie Meadow Circle, 1880 feet south of Sunlight Road
4th Election District – 4th Councilmanic District
Legal Owners: Claudio & Lisa Melvin

Special Hearing for an amendment to the Final Development Plan to create a non-density and non-buildable parcel.

Hearing: Tuesday, October 9, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Joseph Larson, 222 Bosley Avenue, Ste. B-3, Towson 21204
Mr. & Mrs. Levin, 6 Celadon Road, Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 24, 2007**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 25, 2007 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Claudio Levin 410-207-2591
6 Celadon Road
Owings Mills, MD 21117

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: 08-050-SPH
350 Bonnie Meadow Circle
546 ft. south of Bonnie Meadow Circle, 1880 feet south of Sunlight Road
4th Election District – 4th Councilmanic District
Legal Owners: Claudio & Lisa Melvin

Special Hearing for an amendment to the Final Development Plan to create a non-density and non-buildable parcel.

Hearing: Tuesday, October 9, 2007 at 10:00 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.

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: 08-050-SPH

Petitioner: LEVIN

Address or Location: 350 BONNIE MEADOW CIRCLE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. + MRS. CLAUDIO A. LEVIN

Address: 6 CELADON RD.
OWINGS MILLS, MD 21117

Telephone Number: 410-207-2591

Revised 2/20/98 - SCJ

Robert S. Knatz, Jr.
Special Assistant to the County Executive

Call when scheduled

Baltimore County
Executive Office
Courthouse Mezzanine
400 Washington Avenue
Towson, Maryland 21204

410-887-2450 • Fax 410-887-5781
E-mail: bknatz@co.ba.md.us

www.baltimorecountyonline.info

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 2, 2007

Claudio A. Levin
Lisa K. Levin
6 Celadon Road
Owings Mills, MD 21117

Dear Mr. and Mrs. Levin:

RE: Case Number: 08-050-SPH, 350 Bonnie Meadow Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
Joseph L. Larson 222 Bosley Avenue, Suite B-3 Towson 21204

BW 10-9-07 10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED SEP 24 2007 BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: September 21, 2007

SUBJECT: Zoning Item # 08-50-SPH
Address 350 Bonnie Meadow Circle
(Levin Property)

Zoning Advisory Committee Meeting of July 30, 2007

____ 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).

____ 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:
Prior to DEPRM approval of a revised FDP, a variance to the aforementioned regulations would be required to allow continued existing use of Forest Buffer areas.

Reviewer: Glenn Shaffer Date: Sept. 14, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-50-SPH.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 1, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 6, 2007
Item No. 08-050

We have no objections to the proposed density transfer provided that the subdivision is approved in accordance with all development regulation.

DAK:CEN:cab
cc: File
Attachment
ZAC-ITEM NO 08-050-08062007.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 035,036,037,038,039,040,041,043,044,046,047,048,050,051

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

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

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

cc: File

From: Debra Wiley
To: Murray, Curtis
Date: 10/04/07 3:28:24 PM
Subject: Comment Needed for Bill - Hearing on Tuesday, 10/9 @ 10 AM

OP Comment missing

Hi Curtis,

Per our telephone conversation, Bill needs a comment from your office for the case below:

Email to Curtis - Spoke to Dave Green 10/4

08-050-SPH
350 Bonnie Meadow Circle
546 ft. s/of Bonnie Meadow Circle, 1,880 ft. s/of Sunlight Rd.
4th Election Distrct - 4th Council District
Legal Owners: Claudio & Lisa Melvin

Special Hearing for an amendment to the Final Development Plan to create a non-density and non-buildable parcel.

Thanks for your usual cooperation !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Curtis Murray
To: Green, David
Date: 10/04/07 3:32:46 PM
Subject: Fwd: Comment Needed for Bill - Hearing on Tuesday, 10/9 @ 10 AM

Dave,
I neeed a comment for this one!

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cjmurray@co.ba.md.us

>>> Debra Wiley 10/04/07 3:28 PM >>>
Hi Curtis,

Per our telephone conversation, Bill needs a comment from your office for the case below:

08-050-SPH
350 Bonnie Meadow Circle
546 ft. s/of Bonnie Meadow Circle, 1,880 ft. s/of Sunlight Rd.
4th Election Distrct - 4th Council District
Legal Owners: Claudio & Lisa Melvin

Special Hearing for an amendment to the Final Development Plan to create a non-density and non-buildable parcel.

Thanks for your usual cooperation !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Comments
DEPRM (tabled)
DPR
FD
Zoning - OP 10/4

Notice / Posting ✓
PC Appearance /

CC: Wiley, Debra

Mail Message

Reply Read Later

Mail Properties

From: Debra Wiley Friday - October 5, 2007 3:07 PM
To: Wiseman, Bill
Subject: Fwd: Comment Needed for Bill - Hearing on Tuesday, 10/9 @ 10 AM

Bill,

Curtis has just advised that there will be a "No Comment" from the Office of Planning on this case - 08-050-SPH scheduled for Tuesday @ 10 AM.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Curtis Murray 10/04/07 3:32 PM >>>
Dave,
I neeed a comment for this one!

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 10, 2008

Robert M. Schwartzman, Esquire
Resnick & Schwartzman, LLC
One East Franklin Street, Suite 200
Baltimore, Maryland 21202

Dino Lafiandra, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue, #400
Towson, MD 21204

RE: **PETITION FOR SPECIAL HEARING**
546' S of Bonnie Meadow Circle, 1880' S Sunlight Road
(350 Bonnie Meadow Circle)
4th Election District – 4th Council District
Claudia A. Levin, et ux - Petitioners
Case No. 08-050-SPH

Dear Counsel:

I have now had the above referenced file in my office since October 2007. Despite assurances that leaving the record of the case open for a three to four week period to allow the parties an opportunity to agree on the location of the lot line adjustment, I have heard nothing. Has there been a resolution of the various issues? I would appreciate a brief response outlining your respective clients' positions so that I may determine whether this matter can be moved forward.

Thank you for your prompt attention to this matter.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Joseph L. Larson, Spellman, Larson & Associates, Inc., 222 Bosley Avenue, Suite B-3, Towson, MD 21204
Claudia A. Levin and Lisa K. Levin, 6 Celadon Road, Owings Mills, MD 21117
Adam Ashpes, 350 Bonnie Meadow Circle, Reisterstown, MD 21136
bc: Bobby Knatz, Executive Office

RESNICK & SCHWARTZMAN, L.L.C.

ATTORNEYS AT LAW

ONE EAST FRANKLIN STREET, SUITE 200 • BALTIMORE, MARYLAND 21202

(410) 539-6087 • 1-800-638-7652 • FAX: (410) 576-0818

WWW.RS-ATTY.COM • EMAIL: INFO@RS-ATTY.COM

MEMBERS

MURRAY I. RESNICK (MD, D.C.)

ROBERT M. SCHWARTZMAN (MD)

ASSOCIATES

PRABIR CHAKRABARTY (MD, D.C.)

ANTHONY E. PETRALIA (MD)

S. POPAT (MD)

DAVID J. WARD (NC)

ASSOCIATED ATTORNEYS

NATHAN A. COLMAN (VA)

CHARLES KNOTHE (DE)

MICHAEL T. LAMBERTI (NY)

ROSS GELFAND (GA)

BRIAN BEHAR (FL)

LOUIS A. COLAGUORI (NJ)

J. SCOTT WATSON (PA)

IRWIN ESKANOS (CA)

1629 K STREET N.W.
SUITE 300
WASHINGTON, D.C. 20006
(202) 452-1411

300 WEST MILLBROOK RD
SUITE 202
RALEIGH, NC 27609
(919) 981-4468

ASSOCIATED OFFICES

14 THE COMMONS
3516 SILVERSIDE ROAD
WILMINGTON, DE 19810
(302) 478-8800

10617 JONES ST.
SUITE 101B
FAIRFAX, VA 22030
(703) 273-4158

6800 JERICHO TURNPIKE
SUITE 120W
P.O. BOX 464
SYOSETT, NY 11791
(516) 364-5300

P.O. BOX 1870
ROSWELL, GA 30077
(678) 461-5952

2999 NORTHEAST 191ST STREET
FIFTH FLOOR
AVENTURA, FL 33180
(305) 931-3771

P.O. BOX 1427
BURLINGTON, NJ 08016-7027
(609) 386-1911

24 REGENCY PLAZA
GLEN MILLS, PA 19342
(610) 358-9600

2325 CLAYTON ROAD
CONCORD, CA 94520
800-364-9919

January 24,2008

William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: **Petition for Special Hearing**
546' S of Bonnie Meadow Circle, 1880's Sunlight Road
(350 Bonnie Meadow Circle)
4th Election District - 4th Council District
Claudio A. Levin, et ux - Petitioners
Case No. 08-050-SPH

Dear Commissioner Wiseman:

I am pleased to report that the parties have now agreed on the location of the lot line adjustment. A revised boundary line plat is in the process of being prepared and will be submitted to you upon receipt.

Thank you for your continued cooperation and consideration.

Respectfully yours,
RESNICK & SCHWARTZMAN, L.L.C.

Robert M. Schwartzman

RMS/ecw

CC: Dino Lafiandra, Esquire
Dr. & Mrs. Claudio A. Levin
Joseph L. Larson
Christopher B. Lord, Esquire

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

Dr. Claudio Levin
6 Celadon Road
Owings Mills, MD 21117

March 17, 2008

RECEIVED
MAR 19 2008
BY:

Re: Lot 3 Tulip Meadows
350 Bonnie Meadow Circle
Job No. 90019

Dear Dr. Levin,

Attached hereto please find one copy of your revised Second Amended Final Development Plan of the above captioned property that has been revised in accordance with the marked-up print submitted to this office as prepared by Dietz Surveying, Inc.

I trust that the Plan is now acceptable to all parties and can be re-submitted to the Zoning Commissioner for final approval.

As I had mentioned to you, I have had a conversation with Commissioner Wiseman on this matter and he indicated that if all parties are in agreement upon submission of the revised Plan to him, he can issue his Order and waive any further Hearings.

In any case, should the Plan be acceptable to all parties then I would suggest that Counsel contact Mr. Wiseman to finalize this matter.

Should you need any additional information from this office please feel free to contact me at any time.

Very truly yours,

Joseph L. Larson, President
Spellman, Larson & Assoc., Inc.

cc: Dino Lafiandra
Robert Schwartzman
William Wiseman

File#L03170802

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

RECEIVED
MAY 03 2008
BY:

Memo to: Honorable William Wiseman
Zoning Commissioner
Baltimore County

May 2, 2008

Re: 350 Bonnie Meadow Circle
Case No. 08-050-SPH
Job No. 90019

"Hand Delivered"

Dear Commissioner Wiseman,

Please be advised that on Wednesday last I spoke with Mr. Robert Schwartzman who is the attorney for Dr. Claudio Levin, the Petitioner in this matter. I reviewed with him in detail the status of the subject project and the fact that this office has now complied with all demands made by Mr. Dino Lafiandra, the attorney for Mr. Asphes, whereby we should be ready at this point to move on to a final Zoning Order.

I then respectfully requested that Mr. Schwartzman contact Mr. Lafiandra and coordinate efforts to have Mr. Lafiandra contact your office to finalize this matter.

Very truly yours,

Joseph L. Larson, President
Spellman, Larson & Assoc., Inc.

cc: Claudio Levin
Robert Schwartzman
Dino Lafiandra

File#L05010802

WHITEFORD, TAYLOR & PRESTON L.L.P.

210 WEST PENNSYLVANIA AVENUE, SUITE 400
TOWSON, MARYLAND 21204-4515
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

DINO C. LA FIANDRA
DIRECT LINE (410) 832-2084
DIRECT FAX (410) 339-4031
DLafiandra@wtplaw.com

May 14, 2008

Via Hand Delivery
Hon. William J. Wiseman, III
Baltimore County Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RECEIVED
MAY 14 2008
BY:

Re: Petition for Special Hearing
350 Bonnie Meadow Circle
Case No. 08-050-SPH

Dear Mr. Wiseman:

Dr. and Mrs. Levin and Mr. and Mrs. Ashpes jointly submit the enclosed proposed order for your consideration. This proposed order would approve the exhibit in the file labeled "Exhibit 1 Revised Second Amended FDP". The order and the exhibit are agreeable to both parties.

For your convenience, in addition to hand delivering this letter and the proposed order, I will also send the proposed order to you and your assistant, Ms. Wiley, by email so you have them electronically if you choose to use them.

Thank you for your patience as the parties worked toward a resolution of this matter. Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

C: Robert Schwartzman, Esquire

Enclosure
401166

Whiteford, Taylor and Preston L.L.P. is a limited liability partnership. Our Delaware office is operated under a separate Delaware limited liability company, Whiteford, Taylor & Preston L.L.C.

Proposed Findings of Fact and Conclusions of Law
Levin Petition for Special Hearing
Case No. 08-050-SPH

The property at issue (the "Property") consists of approximately 11.6 acres and is identified as Lot 3 on the plat entitled "Plan of Subdivision - Tulip Meadows", which is recorded among the land records of Baltimore County at Plat Book 55, folio 28. The Petitioners, Dr. and Mrs. Levin, formerly owned all of the Property. Apparently, by two deeds dated April 18, 2003 and recorded among the land records of Baltimore County at Liber 17924, folio 433 and Liber 17924, folio 437, the Petitioners attempted to subdivide the Property so as to enable them to sell the dwelling that is located on the Property together with approximately 2.6 acres, and retain the balance of the Property, approximately 9 unimproved acres. The 2.6 acre lot is now owned by Mr. and Mrs. Ashpes. Mr. Ashpes was present at the hearing. The remaining 9 acres is still owned by Dr. and Mrs. Levin.

Having been made aware that zoning approval is necessary to amend the Final Development Plan reflecting the Property, Dr. and Mrs. Levin are seeking approval of an amended Final Development Plan showing the subdivision of the Property. Specifically, the Petitioners seek approval to legitimize the subdivision of the Property in a manner that allocates the residential density associated with the whole property to the portion of Lot 3 now owned by Mr. and Mrs. Ashpes, while creating the balance of Lot 3 as a non-density non-buildable parcel. By proceeding in this fashion, the Petitioners are seeking relief that will not alter the residential density calculations applicable to the Property as a whole, or the subdivision as a whole.

The Petitioners have submitted a zoning plan of which they seek approval. The Ashpes' have reviewed this zoning plan, and are in agreement with it. This zoning plan, marked as Exhibit 1 and labeled "Revised Second Amended FDP" is referred to herein as Exhibit 1. The existing dwelling on Lot 3 is shown within the 4.564 acre parcel on Exhibit 1, also identified as "Lot 3 Homesite" thereon. This 4.564 acre parcel is referred to herein as the "Buildable Lot". The balance of Lot 3, containing 7.070 acres as shown on Exhibit 1, also identified as "Out Parcel - Area = 7.070 Ac. - Lot 3 Parcel", is referred to as the "Non-Buildable Parcel".

The review, approval, and amendment of Final Development Plans is provided in BCZR § 1B01.A.7. Pursuant to that section, I may approve an amendment to a previously approved Final Development Plan if I determine 1) the requirements of BCZR § 502 are met, 2) the amendment is in accordance with the comprehensive manual of development policies, as determined by the Office of Planning, and 3) the amendment is consistent with the spirit and intent of the BCZR.

With regard to the particular items identified in BCZR §502, I am required to evaluate the adverse impact of the proposed amendment on the surrounding properties. I note that the property at issue is at the far end of an existing residential subdivision. The property borders two other properties within the subdivision, and two properties that are not within the subdivision, one of which is a state park. Much of the property, particularly the Non-Buildable Parcel, is severely environmentally constrained. As such, it is unlikely that a dwelling or any structure or use could be located on the property in any other location than where the existing dwelling is located

within the Buildable Lot. As a non-density, non-buildable parcel, the Non-Buildable Parcel presently owned by Dr. and Mrs. Levin will have few options available for its use. Indeed, it is hard to imagine what adverse effects on neighboring properties could be generated by the proposed amendment, and there was no testimony of any anticipated adverse effects. Nonetheless, to the extent that adverse effects upon neighboring properties might be generated by the proposed amendment to the Final Development Plan, I find that they would be minimal and ordinary, certainly not in excess of what would be expected for a subdivision of the nature proposed. Therefore, although I do not enumerate each of the subsections of BCZR § 502, I specifically find that the proposed amendment to the Final Development Plan meets all of the requirements of that section.

With regard to the comprehensive manual of development policies, I note that the Office of Planning had the opportunity to comment on the proposed amendment and decided to issue no comment. That being the case, it is important to note that the Office of Planning did not oppose, object to, or comment negatively upon the proposed amendment. The existing use of the property clearly conforms to the comprehensive manual of development policies. As the Non-Buildable Parcel does not have any density or building rights associated with it, it is with ease that I determine that the proposed amendment of the Final Development Plan conforms to the comprehensive manual of development policies as well.

Lastly, I find the proposal to be within the spirit and intent of the Baltimore County Zoning Regulations. The Petitioners find themselves in a difficult situation,

having apparently unwittingly subdivided their property without zoning approval. The matter is complicated by the fact that they no longer own all of the property at issue. I find their proposed solution, with the agreement of the Ashpes', that the Non-Buildable Parcel will be non-density and non-buildable, is the best resolution possible, and clearly within the spirit and intent of the BCZR. It is my hope that any other Baltimore County agency that reviews the proposed amendment of Final Development Plan or other document required to perfect the subdivision as proposed on Exhibit 1 will see the situation the same way.

Accordingly, I shall grant the Petition for Special Hearing, and approve the Amended Final Development Plan, upon conditions as set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County, this _____ day of _____, 2008, that the Petition for Special Hearing is GRANTED and that the proposed amendment of the Final Development Plan, as reflected in Exhibit 1, be and hereby is APPROVED; and

IT IS FURTHER ORDERED that the zoning density and building rights associated with the property shall be allocated to the Buildable Lot as reflected on Exhibit 1; and

IT IS FURTHER ORDERED that the Non-Buildable Parcel shall have no zoning density or building rights allocated to it; and

IT IS FURTHER ORDERED that the approval set forth herein is subject to the following conditions:

1) This Findings of Fact and Conclusions of Law (Order) shall be reproduced in its entirely on all amendments to the Final Development Plan, including the amendment that is the subject of this Order. With a clear reference to the Non-Buildable Parcel, the Final Development Plan shall include the following note in conspicuous print: "The Non-Buildable Parcel has no zoning density or building rights associated with it. For further information, refer to Baltimore County Zoning Commissioner's Case No. 08-050-SPH."

2) All future contracts for the sale of the Non-Buildable Parcel and all future deeds for the Non-Buildable Parcel shall include a copy of this Order, and the following note: "The property that is the subject of this contract / deed has no zoning density associated with it. Accordingly, no structures may be built upon the property. For further information, see Baltimore County Zoning Commissioner's Case No. 08-050-SPH, attached."

3) The Petitioners are permitted to proceed with the necessary steps to finalize the subdivision of the property as reflected in Exhibit 1; however, the Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Sections 32-3-401.

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer for
Baltimore County

401138

RE:	PETITION FOR SPECIAL HEARING 350 Bonnie Meadow Circle; 546' S Bonnie Meadow Circle, 1880' S Sunlight Rd 4th Election & 4th Councilmanic Districts Legal Owner(s): Claudio & Lisa Levin Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-050-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 3rd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Joseph Larson, 222 Bosley Avenue, Suite B-3, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
AUG 03 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-050-SPH
DATE 10-9-07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
JOSEPH LARSON	Spellman, Larson Inc.	Towson MD 21204	Spelarson@Verizon.net
CLAUDIO LEVIN	6 Celadon Rd	Owings Mills MD 21117	clevin@clinical-md.com
LISA Levin	6 Celadon Road	Owings Mills MD 21117	LKLevin@JHMI.Edu
Robert Schwartzman, Esq.	1 E. Franklin St, Suite 200	Baltimore, MD 21202	rms@rs-atty.com

RESNICK & SCHWARTZMAN, L.L.C.
ATTORNEYS AT LAW

ROBERT M. SCHWARTZMAN

ONE EAST FRANKLIN STREET, SUITE 200 • BALTIMORE, MARYLAND 21202
TEL: (410) 539-6087 • FAX: (410) 576-0818
EMAIL: RMS@RS-ATTY.COM

PLEASE PRINT CLEARLY

CASE NAME 350 Bonnie Meadow
CASE NUMBER 08-080
DATE 10/9/07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dino Lafiandra	210 W. Penn #400	21204	dlafiandra@wtplaw.com
Adam Ashpes	350 Bonnie Meadow Circle	Reisterstown, MD 21136	ABA619@comcast.net

Baltimore County - My Neighborhood

08-050-SPH

Case No.: 08-050-SPH 350 BONNIE MEADOW CIRCLE

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	REVISED SECOND AMENDED FINAL DEVELOPMENT PLAN	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

Go Back
View Map
New Search

Account Identifier: **District** - 03 **Account Number** - 0312035350

Owner Information

Owner Name:	LEVIN CLAUDIO LEVIN LISA	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	6 CELADON RD OWINGS MILLS MD 21117-3010	**Deed Reference:**	1) /19636/ 280 2)

Location & Structure Information

Premises Address
6 CELADON RD

Legal Description
6 CELADON RD
VELVET VALLEY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
59	20	344			2	B	22	2	Plat Ref: 31/ 127

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1967	1,970 SF	2.13 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	172,600	192,510		
Improvements:	229,390	272,420		
Total:	401,990	464,930	401,990	422,970
Preferential Land:	0	0	0	0

Transfer Information

Seller:	LEVIN MARCOS	**Date:**	02/20/2004	**Price:**	$362,500
Type:	NOT ARMS-LENGTH	**Deed1:**	/19636/ 280	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

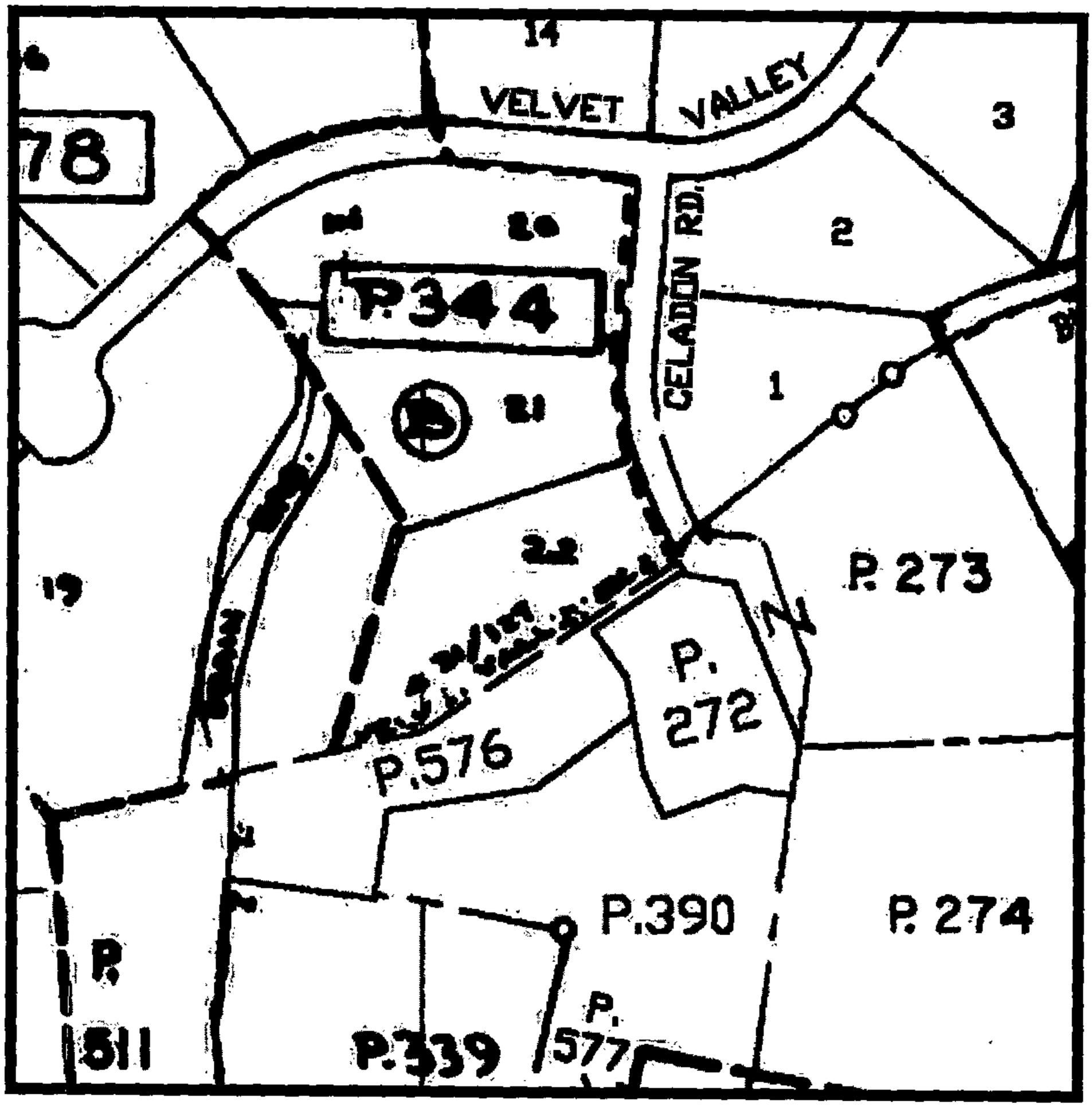
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

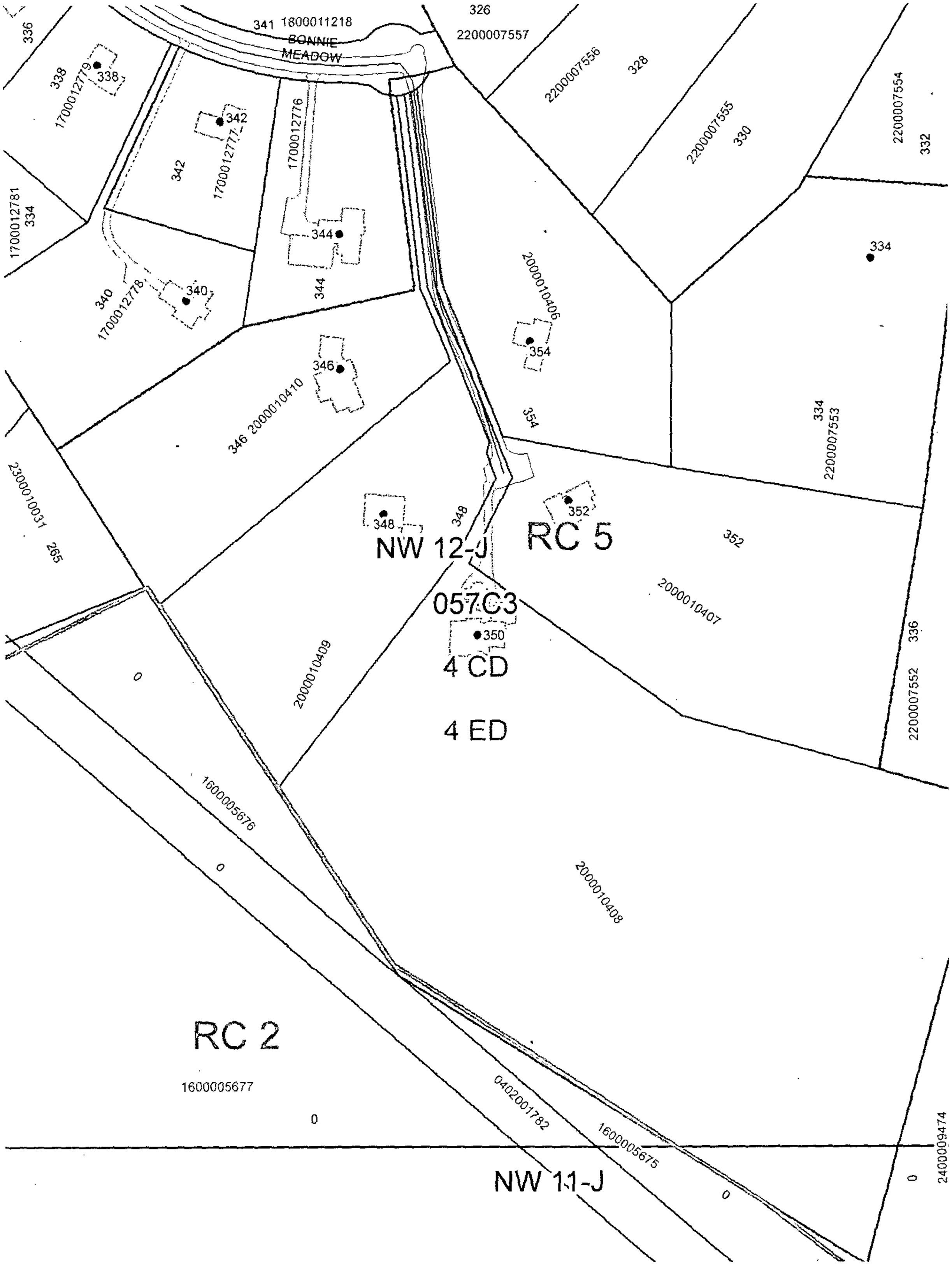
Go Back
View Map
New Search

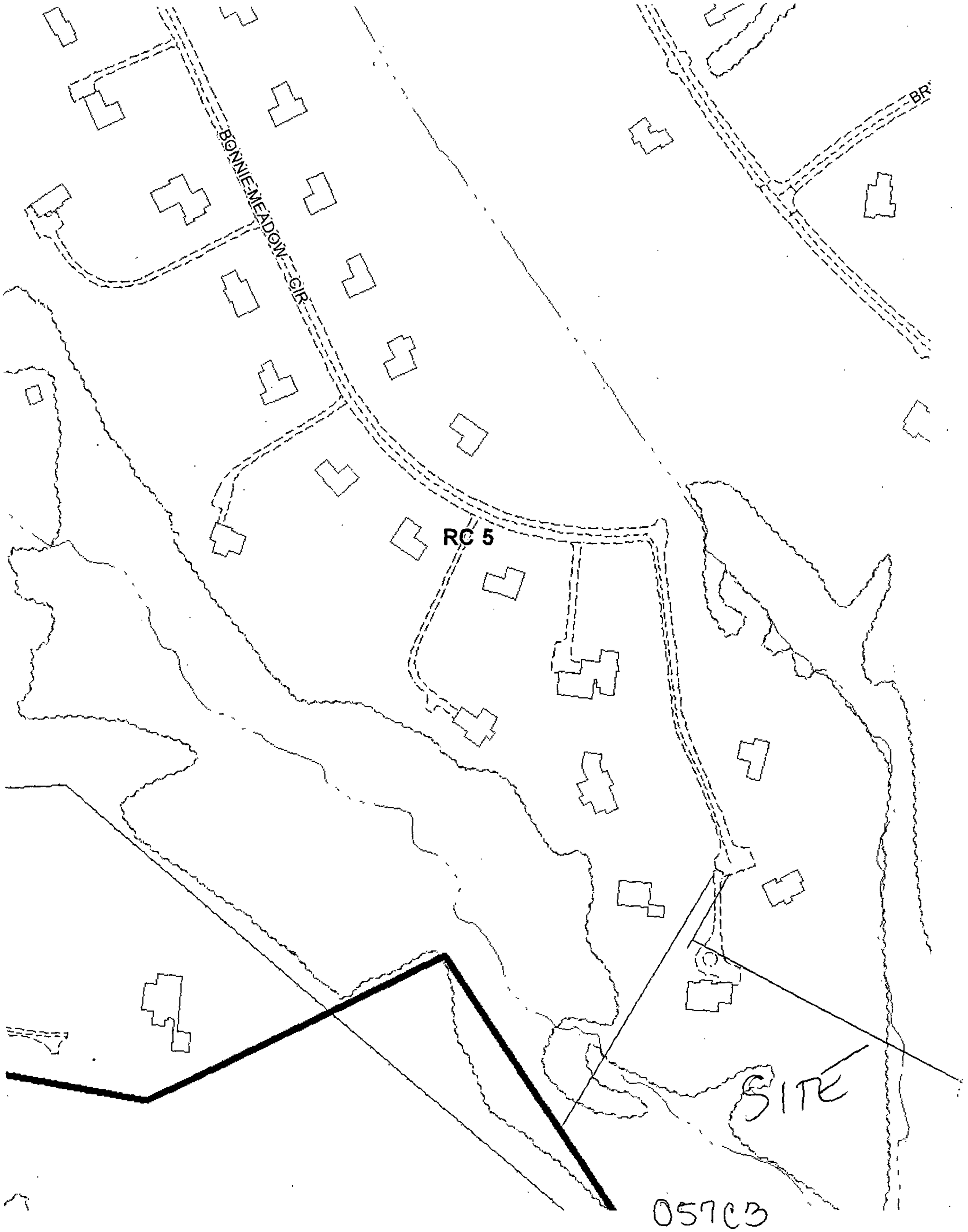
District - 03 **Account Number** - 0312035350

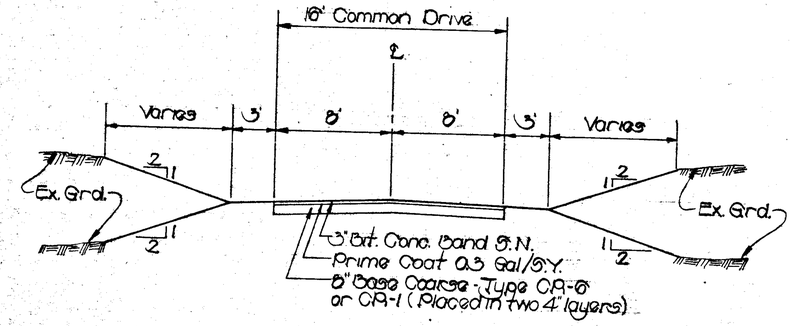


Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/tax_mos.htm

Order the TAX MAP click here...


341 1800011218
BONNIE MEADOW
326
2200007557
2200007556
328
2200007555
330
2200007554
332
336
338
1700012779
338
342
1700012777
342
1700012776
344
344
1700012781
334
340
1700012778
340
2000010406
354
354
346
346 2000010410
334
2200007553
334
2300010031
265
348
348
352
352
NW 12-J
RC 5
057C3
350
4 CD
4 ED
2000010407
336
2200007552
2000010409
0
1600005676
0
2000010408
RC 2
1600005677
0
0402001782
1600005675
0
0
2400009474
NW 11-J


BONNIE MEADOW CIR
BR
RC 5
SITE
057C3

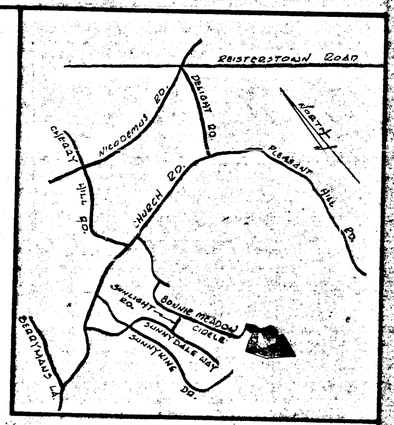


TYPICAL SECTION

Scale: 1"=5'

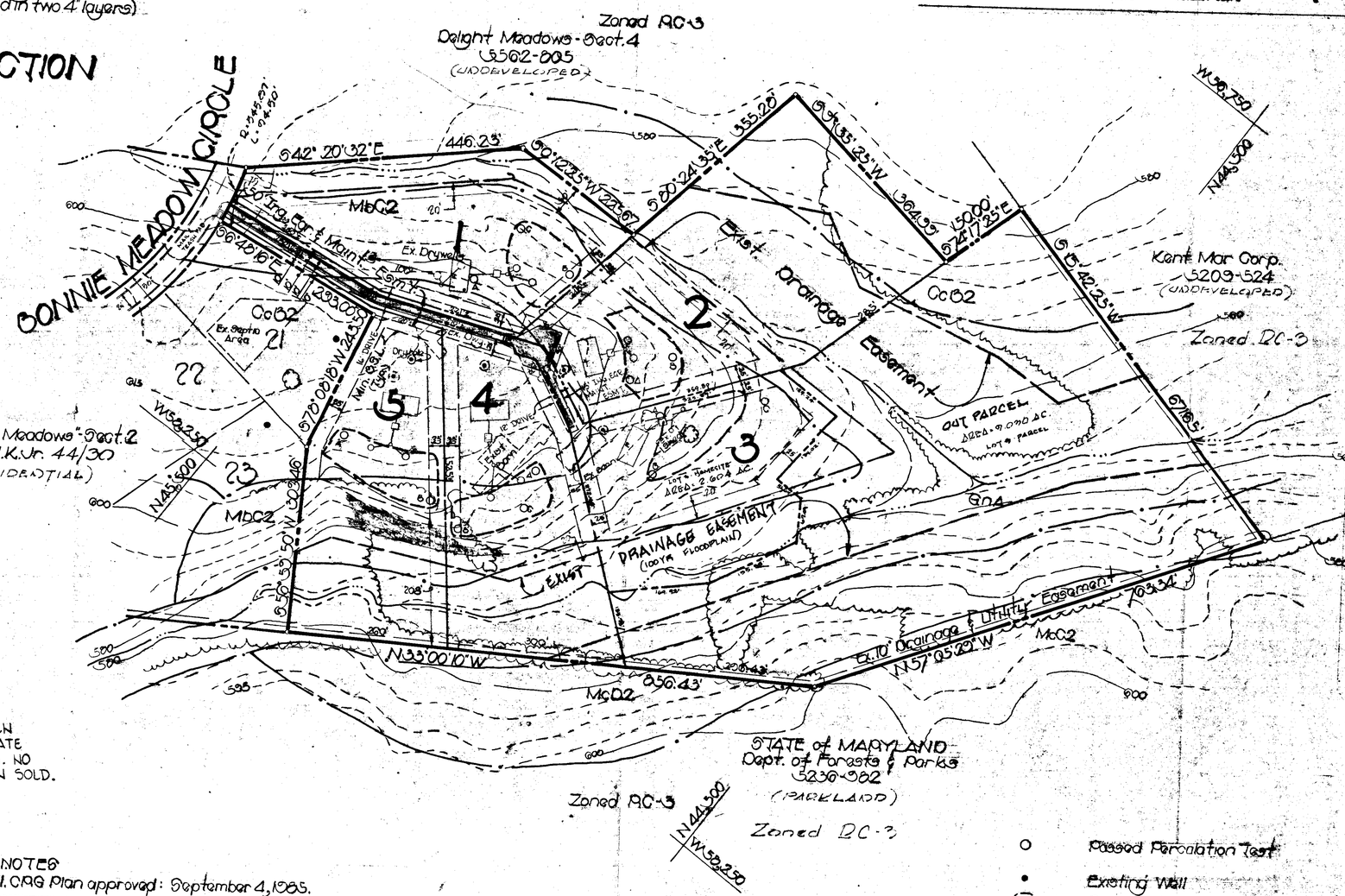
LIMITATIONS of SOILS

SERIES	SYMBOL	WITH BASEMENT	STREETS & PARKING LOTS	HYDROLOGIC SOIL GROUP
CHESTER	CcB2	SLIGHT	MODERATE: SLOPE	B
GLENVILLE	GnA	SEVERE: HIGH WATERTABLE	SEVERE: HIGH WATERTABLE	C
MANOR	MbC2	MODERATE: SLOPE	SEVERE: SLOPE	B
MANOR	McC2	MODERATE: SLOPE	SEVERE: SLOPE	B
MANOR	McD2	SEVERE: SLOPE	SEVERE: SLOPE	B

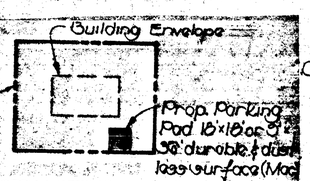


VICINITY MAP

Scale: 1"=2000'



LOT AREA SCHEDULE
LOT # 1 : 2.5 AC.
LOT # 2 : 4.3 AC.
LOT # 3 : 11.9 AC.
LOT # 4 : 2.8 AC.
LOT # 5 : 2.6 AC.



TYPICAL LOT WITH PARKING PAD

No Scale

NOTE: The typical parking pad as shown hereon is intended to comply with the minimum Baltimore Co. Zoning Regulations for parking standards (See Sect. 1A0.4.3). The final location may be revised.

GENERAL NOTES

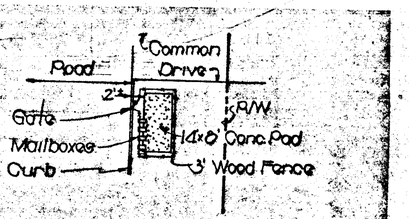
1. Council District 3.
2. Census Tract 4041.
3. Watershed 28. Subsewershed 66.
4. Gross Site Acreage = 24.1 Acres +/-
   Net Site Acreage = 24.1 Acres +/-.
5. Open Space is not required.
6. There will be two paved offstreet parking spaces per lot.
7. Number of lots permitted = 24.1 x 0.3 = 7
   Number of lots proposed = 5 Units for sale
8. There will be no grading of entire site - only that required for construction of homes and drives.
9. Only dead or damaged trees and trees in the way of construction will be cut and removed from lots.
10. Existing vegetation consists of mature hardwoods and meadow.
11. All existing buildings to be removed.
12. There are no historic buildings on this property.
13. Existing Zoning RC-3.
14. Source of title; MARK A. & LISA A. EPSTEIN, Liber 6472 Folio 387.
15. Site Property Number 17-00-012784.
16. Panhandle driveways will be composed of 3" of bituminous concrete and 8" of crusher run stone and will be maintained by the home owner. An Ingress, Egress and maintenance agreement is required. Driveways will be 16' wide when shared with more than 1 owner.
17. Estimated Average Daily Trips (ADT's) = 5 Units x 12.4 ADT/Unit = 62 ADT's
18. There are no critical areas, archeological sites, endangered species habitats or hazardous materials sites on this property.
19. Test wells shall be drilled on lots 2 & 3 and tested for nitrates.

REASON FOR 1ST AMENDMENT - DEC 12, 1986

THE REASON FOR THE PLAN AMENDMENT IS TO SHORTEN THE LENGTH OF THE PANHANDLE DRIVEWAY TO RELOCATE THE TURNAROUND IN A MORE FUNCTIONAL LOCATION. NO LOTS WITHIN 300' OF THIS REVISED AREA HAVE BEEN SOLD.

REASON FOR 2ND AMENDMENT - FEB. 20, 2007

THE REASON FOR THE PLAN AMENDMENT IS TO SUBDIVIDE LOT 3 INTO 2 PARCELS A 2.604 AC. EXIST. HOMESITE AND A .9703 AC. OUT PARCEL WHICH WILL BE A NON-DENSITY AND NON-BUILDABLE PARCEL.



REFUSE AND MAIL PAD DETAIL

Scale: 1'=10'

NOTES

1. CRG Plan approved: September 4, 1985.
2. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits)
3. This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

LANDSCAPING CALCS.

NO. OF DWG. UNITS PROPOSED	5
GROSS NO. OF TREES REQUIRED	5
CREDIT FOR EXISTING TREE COVER (50% OF GROSS)	3
NET NO. OF TREES REQUIRED	2
NO. OF MAJOR DECIDUOUS TREES REQUIRED (50% OF NET)	1
NO. OF EVERGREEN TREES REQUIRED (30% OF NET)	1

- Passed Percolation Test
- Existing Well
- Proposed Well Area
- Septic Area
- Building Envelope
- Soils Series Delineation
- Property Line

Office of Planning & Zoning - Approved by:

Director of Planning — Date

Zoning Commissioner — Date

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNERS INFORMATION

LOT 3	OUT PARCEL
ADAM T. & PAIGE BRENDA C. & PAIGE	CLAUDIO A. LEVIN LISA K. LEVIN
200 BONNIE MEADOW CIRCLE	6 CELADON RD
REISTERSTOWN MD 21136	OWINGS MILLS MD. 21117

SECOND AMENDED FINAL DEVELOPMENT PLAN

TULIP MEADOWS

Resubdivision of

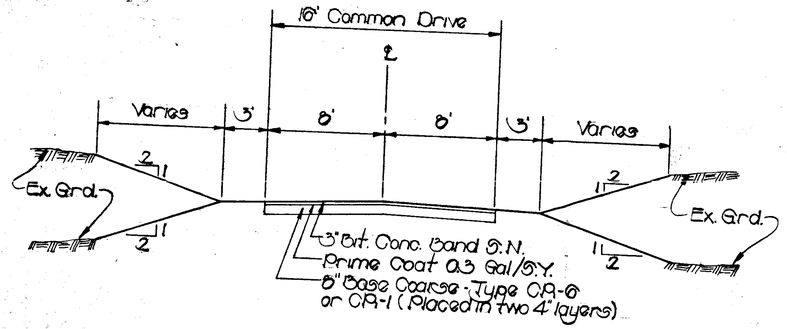
DELIGHT MEADOWS

E.H.K.Jr. 44/30 Section 4 Lot #2,3

4TH Election District Baltimore Co., MD.

SCALE: 1"=100'	DES. BY: J.L.L.	SHT. 1 OF 1
DATE: FEBRUARY 20, 2007	DRN. BY: J.T.R.	

08-050-SPH #00010

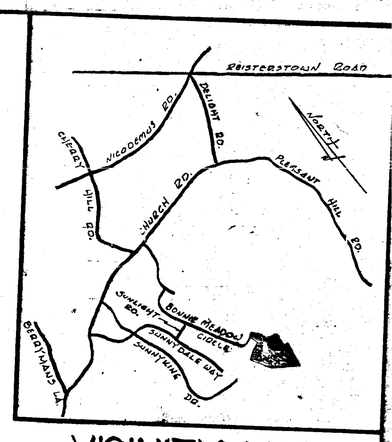


TYPICAL SECTION

Scale: 1"=5'

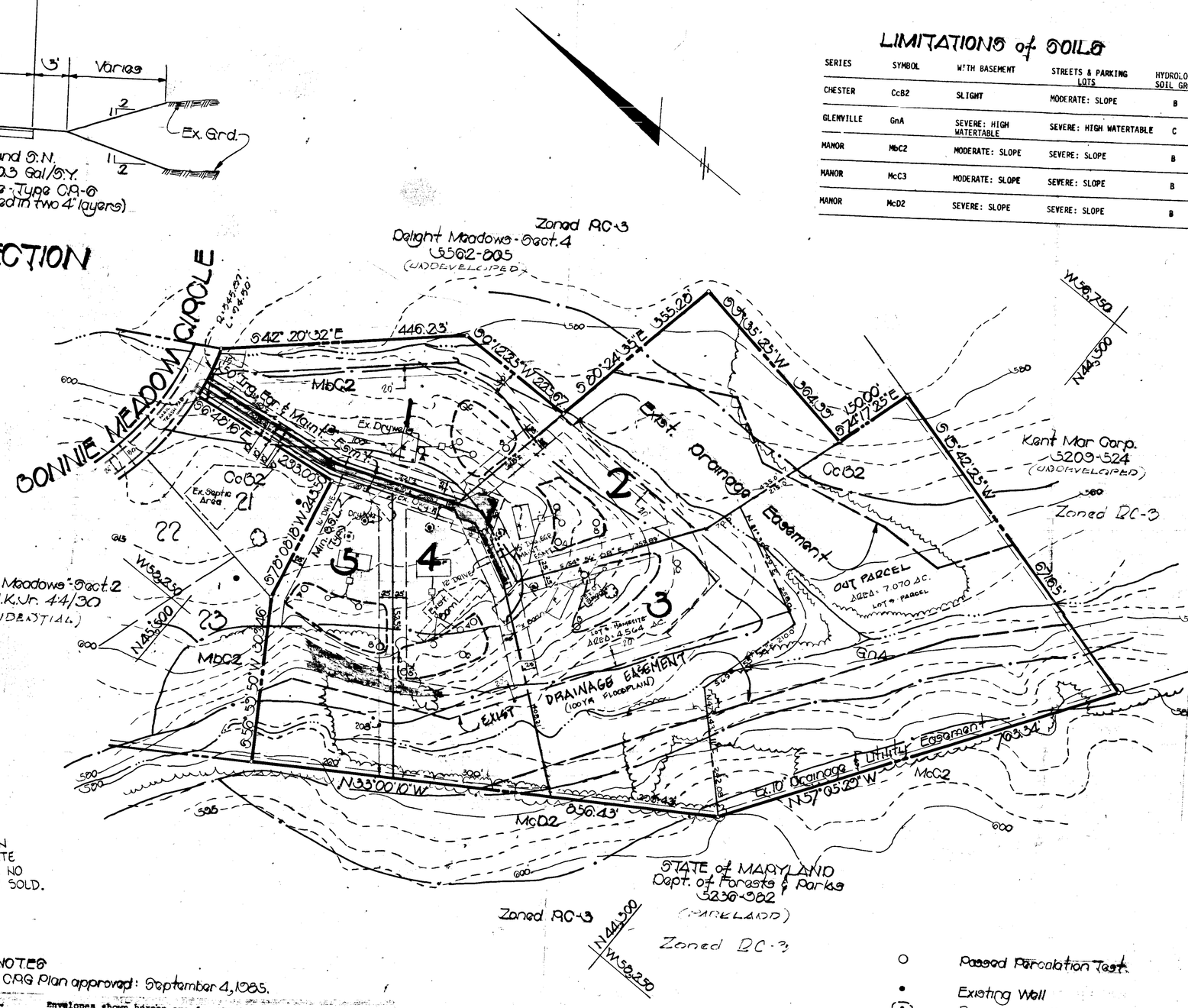
LIMITATIONS of SOILS

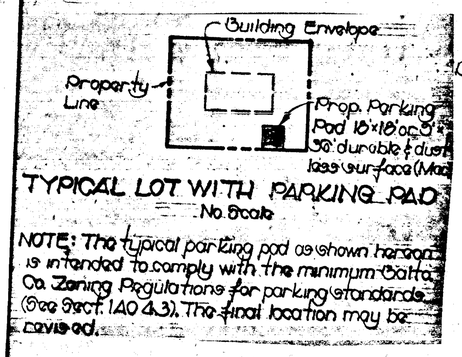
SERIES	SYMBOL	WITH BASEMENT	STREETS & PARKING LOTS	HYDROLOGIC SOIL GROUP
CHESTER	CcB2	SLIGHT	MODERATE: SLOPE	B
GLENVILLE	GnA	SEVERE: HIGH WATERTABLE	SEVERE: HIGH WATERTABLE	C
MANOR	MbC2	MODERATE: SLOPE	SEVERE: SLOPE	B
MANOR	McC3	MODERATE: SLOPE	SEVERE: SLOPE	B
MANOR	McD2	SEVERE: SLOPE	SEVERE: SLOPE	B



VICINITY MAP

Scale: 1"=2000'





TYPICAL LOT WITH PARKING PAD

No Scale

NOTE: The typical parking pad as shown hereon is intended to comply with the minimum Baltimore Co. Zoning Regulations for parking standards (See Sect. 1A04.3). The final location may be revised.

GENERAL NOTES

1. Council District 3.
2. Census Tract 4041.
3. Watershed 28. Subsewershed 66.
4. Gross Site Acreage = 24.1 Acres +/-
   Net Site Acreage = 24.1 Acres +/-.
5. Open Space is not required.
6. There will be two paved offstreet parking spaces per lot.
7. Number of lots permitted = 24.1 x 0.3 = 7
   Number of lots proposed = 5 Units for sale
8. There will be no grading of entire site - only that required for construction of homes and drives.
9. Only dead or damaged trees and trees in the way of construction will be cut and removed from lots.
10. Existing vegetation consists of mature hardwoods and meadow.
11. All existing buildings to be removed.
12. There are no historic buildings on this property.
13. Existing Zoning RC-3.
14. Source of title: MARK A. & LISA A. EPSTEIN . Liber 6412 Folio 387.
15. Site Property Number 17-00-012794.
16. Panhandle driveways will be composed of 3" of bituminous concrete and 8" of crusher run stone and will be maintained by the home owner. An Ingress, Egress and maintenance agreement is required. Driveways will be 16' wide when shared with more than 1 owner.
17. Estimated Average Daily Trips (ADT's) = 5 Units x 12.4 ADT/Unit = 62 ADT's
18. There are no critical areas, archeological sites, endangered species habitats or hazardous materials sites on this property.
19. Test wells shall be drilled on lots 2 & 3 and tested for nitrates.

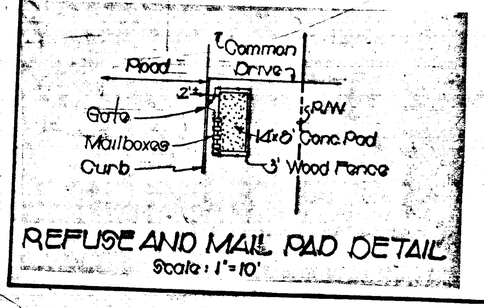
LOT AREA SCHEDULE
LOT # 1 - 2.5 AC.
LOT # 2 - 4.7 AC.
LOT # 3 - 11.6 AC.
LOT # 4 - 2.8 AC.
LOT # 5 - 2.6 AC.

REASON FOR 1ST AMENDMENT - DEC 12, 1986

THE REASON FOR THE PLAN AMENDMENT IS TO SHORTEN THE LENGTH OF THE PANHANDLE DRIVEWAY TO RELOCATE THE TURNAROUND IN A MORE FONCTIONAL LOCATION. NO LOTS WITHIN 300' OF THIS REVISED AREA HAVE BEEN SOLD.

REASON FOR 2ND AMENDMENT - FEB. 20, 2007

THE REASON FOR THE PLAN AMENDMENT IS TO SUBDIVIDE LOT 3 INTO 2 PARCELS. A 4.564 AC EXIST HOMESITE AND A 7.07 AC. OUT PARCEL WHICH WILL BE A NON-DENSITY AND NON-BUILDABLE PARCEL.



REFUSE AND MAIL PAD DETAIL

Scale: 1"=10'

NOTES

1. CRG Plan approved: September 4, 1985.
2. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with sections 400 and 301 of the Baltimore County Zoning Regulations.
   (Subject to covenants and applicable building permits)
3. This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

LANDSCAPING CALCS.

NO. OF DWG. UNITS PROPOSED	5
GROSS NO. OF TREES REQUIRED	5
CREDIT FOR EXISTING TREE COVER (50% OF GROSS)	3
NET NO. OF TREES REQUIRED	2
NO. OF MAJOR DECIDUOUS TREES REQUIRED (50% OF NET)	1
NO. OF EVERGREEN TREES REQUIRED (30% OF NET)	1

- Passed Percolation Test
- Existing Well
- Proposed Well Area
- Septic Area
- Building Envelope
- Soils Series Delineation
- Property Line

Office of Planning & Zoning - Approved by:

Director of Planning — Date

Zoning Commissioner — Date

REVISIONS		
NO.	DATE	DESCRIPTION
		PETITIONER'S EXHIBIT NO. 1
		REVISED 2ND AMENDED FDP

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNERS INFORMATION

LOT 3	OUT PARCEL
ADAM T. ASPHES	CLAUDIO A. LEVIN
BRENDA C. ASPHES	LISA K. LEVIN
330 BONNIE MEADOW CIRCLE	6 CELADON RD.
REISTERSTOWN MD 21136	OWINGS MILLS MD. 21117

SECOND AMENDED FINAL DEVELOPMENT PLAN

TULIP MEADOWS

Resubdivision of

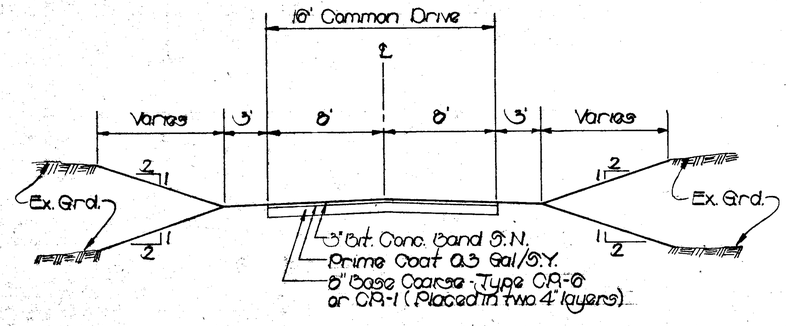
DELIGHT MEADOWS

EHK.Jr. 44/30 Section 4 Lot #3

4TH Election District Baltimore Co., MD.

SCALE: 1"=100'	DES. BY: J.L.L.	
DATE: FEBRUARY 20, 2007	DRN. BY: F.J.R.	SHT. 1 OF 1

#90412

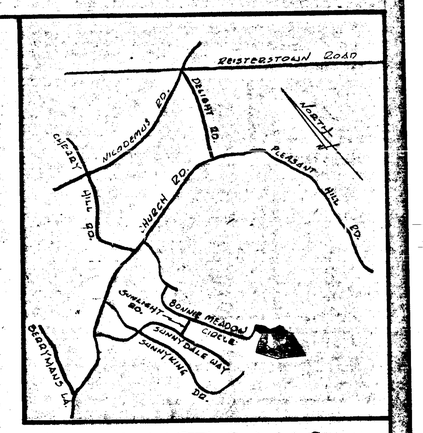


TYPICAL SECTION

Scale: 1"=5'

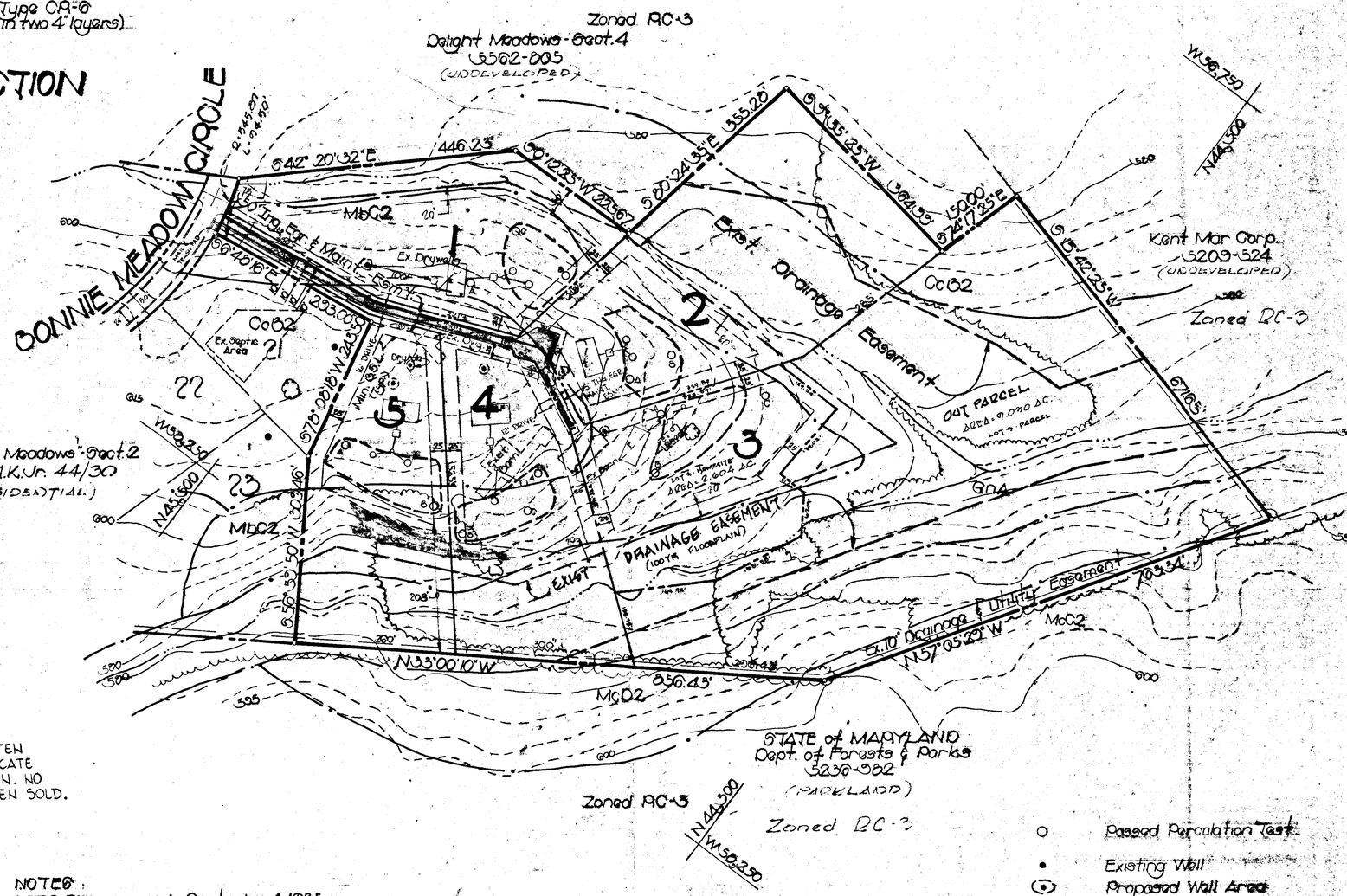
LIMITATIONS of SOILS

SERIES	SYMBOL	WITH BASEMENT	STREETS & PARKING LOTS	HYDROLOGIC SOIL GROUP
CHESTER	CcB2	SLIGHT	MODERATE: SLOPE	B
GLENVILLE	GnA	SEVERE: HIGH WATERTABLE	SEVERE: HIGH WATERTABLE	C
MANOR	MbC2	MODERATE: SLOPE	SEVERE: SLOPE	B
MANOR	McC3	MODERATE: SLOPE	SEVERE: SLOPE	B
MANOR	McD2	SEVERE: SLOPE	SEVERE: SLOPE	B

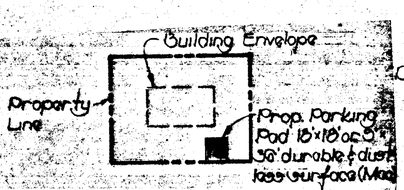


VICINITY MAP

Scale: 1"=2000'



LOT AREA SCHEDULE
LOT #1 - 2.8 AC.
LOT #2 - 4.0 AC.
LOT #3 - 11.0 AC.
LOT #4 - 2.8 AC.
LOT #5 - 2.6 AC.



TYPICAL LOT WITH PARKING PAD

No Scale

NOTE: The typical parking pad as shown hereon is intended to comply with the minimum Baltimore Co. Zoning Regulations for parking standards (See Sect. 1A0.4.3). The final location may be revised.

GENERAL NOTES

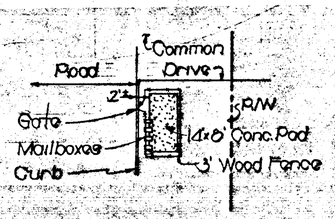
1. Council District 3.
2. Census Tract 4041.
3. Watershed 28. Subwatershed 66.
4. Gross Site Acreage = 24.1 Acres +/-
   Net Site Acreage = 24.1 Acres +/-.
5. Open Space is not required.
6. There will be two paved offstreet parking spaces per lot.
7. Number of lots permitted = 24.1 x 0.3 = 7
   Number of lots proposed = 5 Units for sale
8. There will be no grading of entire site - only that required for construction of homes and drives.
9. Only dead or damaged trees and trees in the way of construction will be cut and removed from lots.
10. Existing vegetation consists of mature hardwoods and meadow.
11. All existing buildings to be removed.
12. There are no historic buildings on this property.
13. Existing Zoning RC-3.
14. Source of title: MARK A. & LISA A. ~~BROTSKO~~, Liber 6412 Folio 387.
15. Site Property Number 17-00-012784.
16. Panhandle driveways will be composed of 3" of bituminous concrete and 8" of crusher run stone and will be maintained by the home owner. An Ingress, Egress and maintenance agreement is required. Driveways will be 16' wide when shared with more than 1 owner.
17. Estimated Average Daily Trips (ADT's) = 5 Units x 12.4 ADT/Unit = 62 ADT's
18. There are no critical areas, archeological sites, endangered species habitats or hazardous materials sites on this property.
19. Test wells shall be drilled on lots 2 & 3 and tested for nitrates.

REASON FOR 1ST AMENDMENT - DEC. 12, 1986

THE REASON FOR THE PLAN AMENDMENT IS TO SHORTEN THE LENGTH OF THE PANHANDLE DRIVEWAY TO RELOCATE THE TURNAROUND IN A MORE FUNCTIONAL LOCATION. NO LOTS WITHIN 300' OF THIS REVISED AREA HAVE BEEN SOLD.

REASON FOR 2ND AMENDMENT - FEB. 20, 2007

THE REASON FOR THE PLAN AMENDMENT IS TO SUBDIVIDE LOT 3 INTO 2 PARCELS A 2.604 AC. EXIST. HOMESITE AND A 9.070 AC. OUT PARCEL WHICH WILL BE A NON-DENSITY AND NON-BUILDABLE PARCEL.



REFUSE AND MAIL PAD DETAIL

Scale: 1"=10'

NOTES:

1. CRG Plan approved: September 4, 1985.
2. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits)
3. This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

LANDSCAPING CALCS.

NO. OF DWG. UNITS PROPOSED	5
GROSS NO. OF TREES REQUIRED	5
CREDIT FOR EXISTING TREE COVER (50% OF GROSS)	3
NET NO. OF TREES REQUIRED	2
NO. OF MAJOR DECIDUOUS TREES REQUIRED (50% OF NET)	1
NO. OF EVERGREEN TREES REQUIRED (30% OF NET)	1

- Passed Percolation Test
- Existing Well
- Proposed Well Area
- Septic Area
- Building Envelope
- Soils Series Delineation
- Property Line

Office of Planning & Zoning - Approved by:

Director of Planning ..... Date

Zoning Commissioner ..... Date

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNERS INFORMATION

LOT 3	OUT PARCEL
ADAM J. ASPHES	CLAUDIO A. LEVIN
BRENDA C. ASPHES	LISA K. LEVIN
950 BONNIE MEADOW CIRCLE	6 CELADON RD.
REISTERSTOWN MD 21136	OWINGS MILLS MD. 21117

SECOND AMENDED FINAL DEVELOPMENT PLAN

TULIP MEADOWS

Resubdivision of

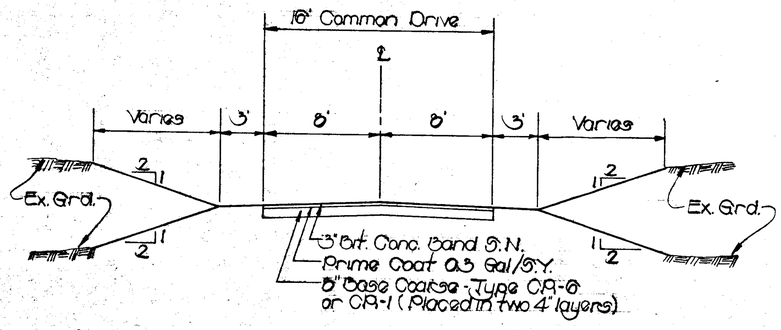
DELIGHT MEADOWS

E.H.K.Jr. 44/30 Section 4 Lot #3

4th Election District Baltimore Co., MD.

SCALE: 1" = 100'	DES. BY: J.L.L.	SHT. 1 OF 1
DATE: FEBRUARY 20, 2007	DRN. BY: J.J.R.	

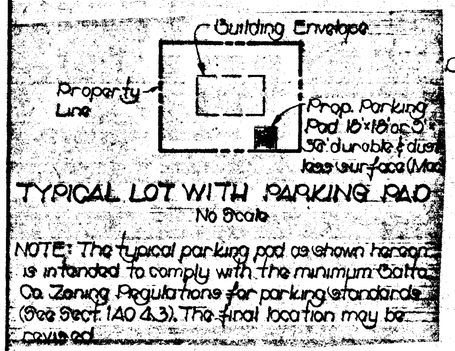
08-050-SPH #90019



TYPICAL SECTION

Scale: 1"=5'

LOT AREA SCHEDULE
LOT # 1 : 2.5 AC.
LOT # 2 : 4.7 AC.
LOT # 3 : 11.9 AC.
LOT # 4 : 2.8 AC.
LOT # 5 : 2.6 AC.



TYPICAL LOT WITH PARKING PAD

No Scale

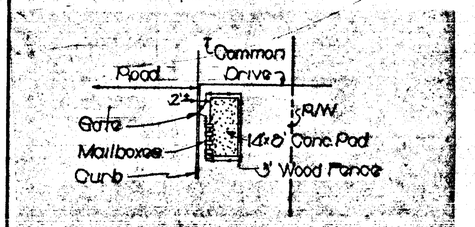
NOTE: The typical parking pad as shown hereon is intended to comply with the minimum Baltimore Co. Zoning Regulations for parking standards (See Sect. 1A0 4.3). The final location may be revised.

REASON FOR 1ST AMENDMENT - DEC 12, 1986

THE REASON FOR THE PLAN AMENDMENT IS TO SHORTEN THE LENGTH OF THE PANHANDLE DRIVEWAY TO RELOCATE THE TURNAROUND IN A MORE FUNCTIONAL LOCATION. NO LOTS WITHIN 300' OF THIS REVISED AREA HAVE BEEN SOLD.

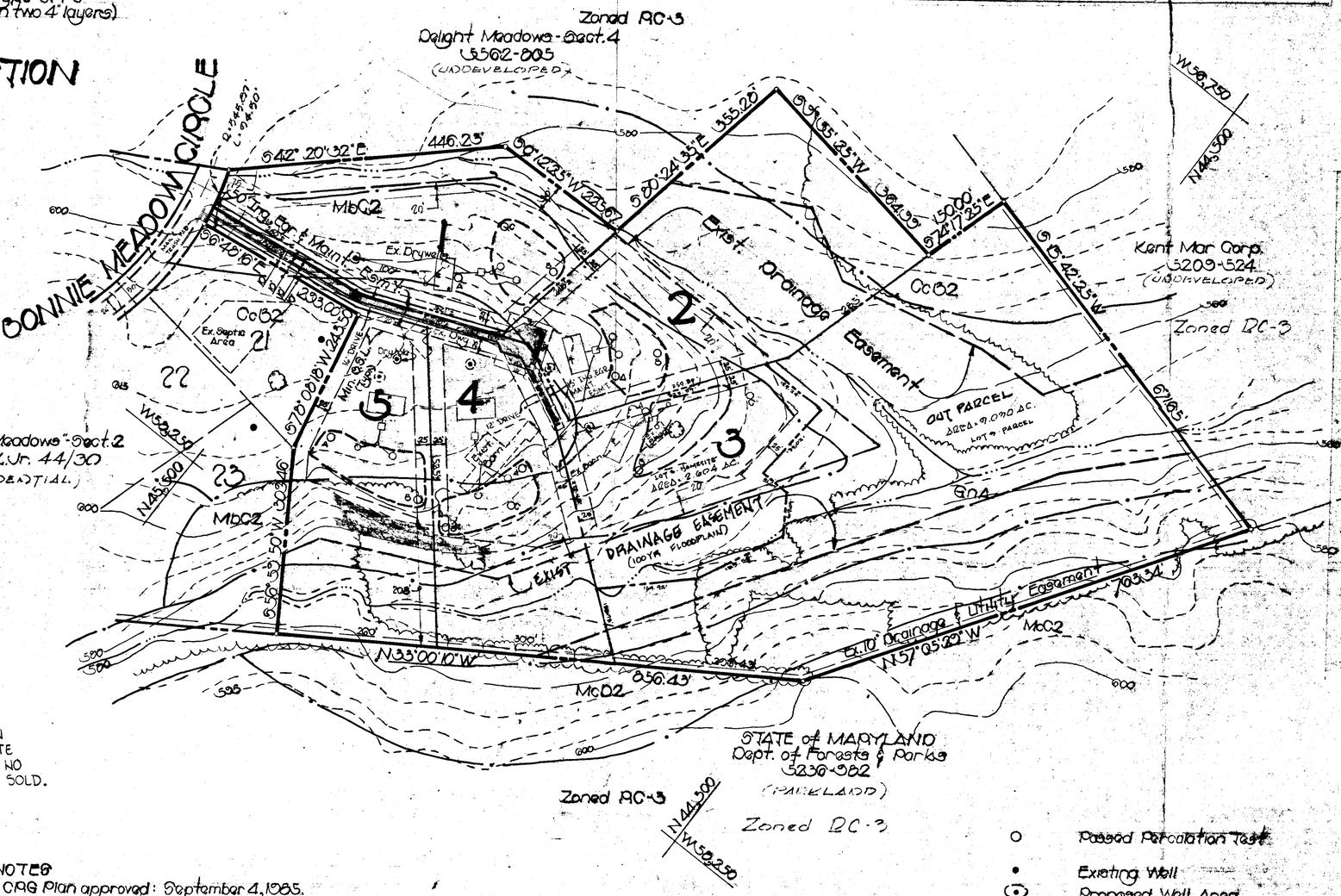
REASON FOR 2ND AMENDMENT - FEB. 20, 2007

THE REASON FOR THE PLAN AMENDMENT IS TO SUBDIVIDE LOT # 1 INTO 2 PARCELS A 2.604 AC. EXIST. HOMESITE AND A 9.093 AC. OUT-PARCEL WHICH WILL BE A NON-DENSITY AND NON-BUILDABLE PARCEL.



REFUSE AND MAIL PAD DETAIL

Scale: 1"=10'


Zoned RC-3
Delight Meadows - Sect. 4
5562-805
(UNDEVELOPED)
BONNIE MEADOW CIRCLE
S42° 20' 32" E
446.25'
S01°12'35" W 225.67'
S80°24'35" E 355.20'
S14°55'25" W 364.93'
S24°17'25" E
S15°42'25" W
W58.750
N44.500
Kent Mar Corp.
5209-524
(UNDEVELOPED)
Zoned RC-3
Exist. Drainage Easement
OUT PARCEL
AREA - 9.093 AC.
LOT # PARCEL
LOT # 1 HOMESITE
AREA - 2.604 AC.
DRAINAGE EASEMENT
(100 YR FLOODPLAIN)
EXIST
Delight Meadows - Sect. 2
E.H.K. Jr. 44/30
(RESIDENTIAL)
S70°00'10" W 243.55'
S56°55'50" W 300.46'
N45°00'
W58.250
N33°00'10" W
356.43'
S7°05'20" W
Ex. 10' Drainage & Utility Easement
703.34'
STATE of MARYLAND
Dept. of Forests & Parks
5230-382
(PARKLAND)
Zoned RC-3
N44.500
W58.250
Zoned RC-3
MbC2
CcB2
MbC2
MbC2
MbC2
MbC2
Ex. Drywell
Ex. Septic Area
Ex. Dwl.
Ex. Drive
Ex. Dwl.
Ex. Drive
Ex. Dwl.
Ex. Drive