

1/9/13

IN THE MATTER OF
SCHULTE PROPERTY – DRC #120109B
LINDA SCHULTE – LEGAL OWNER

(7404 Mount Vista Road, Kingsville)

11th Election District
3rd Councilmanic District

J. Carroll Holzer, Esquire,
Stephen P. Neas and
Diane Feffer Neas, Edmund R. Chase,
Ila Christenbury – Appellants

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* Case No.: CBA-10-022
* and
* 10-109-SPH
*

* * * * *

OPINION

This matter comes before the County Board of Appeals of Baltimore County (“Board”) as a consolidated case involving two (2) separate appeals related to the property located at 7404 Mount Vista Road in the Kingsville Community of northeastern Baltimore County. The subject property is owned by Linda Schulte (“Schulte”). The subject property is comprised of three (3) separate parcels and is collectively known as the Green Oak Farm. The property is approximately 11.07 acres in area, zoned R.C. 5.

Background

Schulte submitted an application to the Baltimore County Departments Permits and Development Management for an exemption of the application of the Development Review

Regulations codified in Article 32 of the Baltimore County Code for the proposed development of the property.¹ The request was referred to the Development Review Committee ("DRC") for review. Upon recommendation of the DRC, then director of the Department of Permits and Development Management, Timothy M. Kotroco, approved a limited exemption on December 29, 2009 pursuant to Baltimore County Code ("BCC") §32-4-106(a)(1)(viii). The Administrative decision of Director Kotroco was appealed to this Board by the Greater Kingsville Civic Association, Inc., Stephen P. Neas, Diane Feffer Neas, Edmund R. Chase and Ila Christenbury (collectively the "Appellants"). In addition, Schulte filed a Petition for Special Hearing with the Office of the Zoning Commissioner to allow certain non-density transfers between the parcels.² The Petition also requested approval to permit the access for land locked Parcel 1 (as existing) to a public street to be through an existing 20 foot right-of-way in lieu of the required in fee simple strip as required by BCC §32-409-(b)(1). Following a public hearing, this Petition for Special Hearing was granted by Order of former Zoning Commissioner, William J. Wiseman, III, on December 21, 2009. Commissioner Wiseman's Order was also appealed by the Appellants' and both appeals were consolidated for the purposes of hearing and consideration by the Board.

Testimony and Evidence

The matter was scheduled for hearing before the Board on a number of occasions; however, these hearing dates were continued as the parties worked towards an amicable

¹ The Department of Permits and Development Management has since been reorganized and is now known as the Department of Permits, Approvals and Inspections.

² The Office of the Zoning Commissioner has likewise been reorganized and is now known as the Office of Administrative Hearings.

resolution of the matters of dispute between them. Ultimately, the parties advised the Board that a settlement of their dispute was reached and memorialized in a Settlement Agreement dated May 24, 2012 which is attached hereto to this Opinion and Order and incorporated herein. The matter was scheduled for a public hearing before the Board on May 24, 2012. At that time, an executed copy of the Settlement Agreement was submitted by the parties as Joint Exhibit 2 for incorporation into the case file. Further, at the hearing, the parties advised that they desired that the case be presented to the Board through the proffer of testimony and evidence by counsel. The matter was thus presented in that fashion and this Order follows.

The property is located on the Southeast corner of Mount Vista Road and Cedar Lane. The tract is comprised of three (3) separate parcels and each is separately described in the relevant deeds recorded in the Land Records of Baltimore County. Parcel 1 is roughly rectangular shaped and is 5.31 acres in area. The parcel is improved with an existing single-family dwelling and attached garage in which Mrs. Schulte and her husband reside. The dwelling has historic significance, as it is listed with the Maryland Historic Trust as item BA-236 and known as the "Historic Day House." Although the main body of Parcel 1 is rectangular, a portion of it resembles a "tail," through which vehicular access is provided to an existing right-of-way from Mount Vista Road.

Parcels 2 and 3 are each unimproved. Previously, they were part of a larger tract owned by William Ruppert which was proposed for development into the residential subdivision known as Days Woods Manor. Mr. Ruppert conveyed these two (2) parcels to the Schultes' predecessors in title prior to that recording of the plat of Days Woods Manor. Parcel 2 is 1.59 acres in area and Parcel 3 is 4.17 acres in area.

Insofar as the rights of subdivision/density, Parcel 1 can be subdivided to create a second building lot, in addition to a lot for the existing dwelling. Parcels 2 and 3 have density to support one single-family dwelling on each, thus there is a potential for four residential lots on the entire property. These rights of subdivision are only determined based upon the size of the individual parcels, the R.C. 5 zoning and the language in the deeds which conveyed Parcels 2 and 3 by Mr. Ruppert.

Within the Petition for Special Hearing, Schulte requested a non-density transfer so as to allow the reconfiguration of the three parcels (lots) and adjustment of the acreage of each. Originally, under the proposal submitted to the Zoning Commissioner, the lots were to be reconfigured and sized differently than ultimately agreed to by the parties. The nature of the relief requested (i.e. a lot line adjustment and non-density transfer) has not changed; however the size and reconfiguration of the lots is altered pursuant to the parties' agreement. Additionally, relief to allow access to Parcel 1 through an existing twenty foot (20') foot right-of-way (as requested in the Petition) still is requested. At the hearing, the Board agreed to an amendment of the proposed lot layout which is reflected on an Amended Site Plan (Exhibit 1).

Decision

As shown on Exhibit 1, the three (3) existing parcels will be reconfigured into three proposed lots. Proposed Lot 1 will be located immediately adjacent to Mount Vista Road and will be 1.52 acres in area. Proposed Lot 2 will also have frontage on that road

and will be 2.01 acres in area. A proposed building envelope for a single-family detached dwelling is shown for Parcel 1 and Parcel 2. Lot 3, which contains the existing dwelling, will be 7.54 acres in area. Lot 3 will continue to utilize the existing right-of-way and improved driveway thereon for access. Two new driveways will provide access to Lots 1 and 2. The written agreement of the parties incorporates the Amended Site Plan, which shows the agreed size and reconfiguration of the proposed lots, the potential location and nature of private sewage (septic) systems which are required to accommodate two new dwellings and other issues related to buffering and screening of improvements on the property. The parties agree that the Board should approve the modified relief in the Petition for Special Hearing and the amended Site plan. The parties recognize that minor adjustments to the area and the configuration of the foresaid lots may be required by Baltimore County, Maryland, site constraints and/or final design. If changes are required due to County requirements, site constraints and/or final design, the parties agree to cooperate to effectuate these changes, as required, in a manner to best preserve the spirit and intent of their agreement. Insofar as the review process, the parties also concur with the findings in Director Kotroco's letter granting an exemption from the development review process pursuant to BCC §32-4-106-a(1)(viii), subject to the parties Agreement which is incorporated herein.

Based upon the proffered testimony and evidence presented, as well as the exhibits, Amended Site Plan and other documentation presented at the hearing and contained in the case file, the Board is persuaded to grant the Petition for Special

Hearing. In the judgment of the Board, a reconfiguration of the lots is appropriate and represents a responsible subdivision of the overall tract. Thus, the relief requested, as amended, will be granted to allow the non-density transfer and reconfiguration of the lots as shown on Exhibit 1. Additionally, in order to permit continued access to the existing dwelling, Special Hearing relief will also be granted to allow access through the existing right-of-way.

Insofar as Director Kotroco's decision, that is reviewed by this Board as a *de novo* matter. Based upon the proffered testimony and evidence offered, as well as the Settlement Agreement of the parties, the Board will also grant a limited exemption to Mrs. Schulte from the Development Review Regulations pursuant to BCC §32-4-106(a)(1)(viii). In the Board's judgment, this is an appropriate exemption, given the fact that the overall tract is composed of three existing different parcels which collectively contain density for four (4) dwelling lots. It should be emphasized that only three (3) lots are proposed and these lots will be reconfigured pursuant to the Amended Site Plan Exhibit 1.

ORDER

THEREFORE, IT IS THIS 9th day of January, 2013 by the Board of Appeals of Baltimore County;

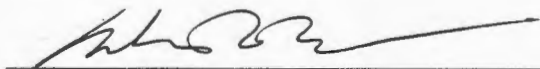
ORDERED that the Settlement Agreement between the parties dated May 24th, 2012, is hereby incorporated herein and the Petition for Special Hearing to request a lot line adjustment and non-density transfer between Parcels 1, 2 and 3 into proposed Lots 1, 2 and 3 as more particularly shown on the Amended Site Plan (Exhibit 1) is hereby **GRANTED**; and it is further,

ORDERED that the Petition for Special Hearing to approve the continued use of the existing right-of-way for access as shown on the Amended Site Plan (Exhibit 1) is hereby **GRANTED**; and it is further,

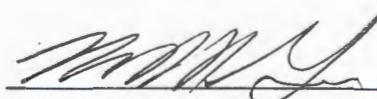
ORDERED that for the reasons in the foregoing Opinion, that processing of the proposed developments of this property is exempt from the Development Review Regulations pursuant to Section 32-4-106-a(1)(viii) of the Baltimore County Code.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

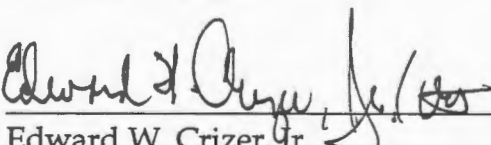
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chairman

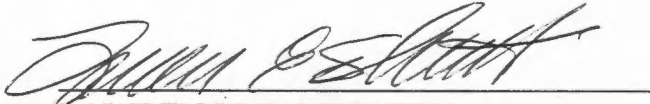


Wendell H. Grier



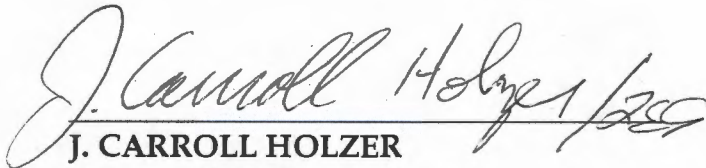
Edward W. Crizer, Jr.

APPROVED AS TO CONTENT
AND FORM

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

LAWRENCE E. SCHMIDT

Attorney for the Appellee/Petitioner

A handwritten signature in dark ink, appearing to read "J. Carroll Holzer", written over a horizontal line.

J. CARROLL HOLZER

Attorney for the Appellants'



Board of Appeals of Baltimore County

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

January 9, 2013

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

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

RE: *In the Matter of: Linda Schulte – Legal Owner*
Schulte Property – DRC # 120109B
Case No.: 10-109-SPH and CBA-10-022

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Linda Schulte
Stephen and Diane Neas
Ila Christenbury
Mike Pierce
Lawrence M. Stahl, Managing Administrative Judge
Andra Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law
W. Carl Richard, Zoning Review Office

Robin Beers/Greater Kingsville Civic Association, Inc.
Edmund R. Chase
Kenneth J. Wells/KJWells, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Colleen Kelly, Development Manager/PAI
Vincent Gardina, Director/EPS

3/3/12

RECEIVED
DEC 19 2012
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF
SCHULTE PROPERTY – DRC #120109B
LINDA SCHULTE – LEGAL OWNER

(7404 Mount Vista Road, Kingsville)

11th Election District
3rd Councilmanic District

J. Carroll Holzer, Esquire,
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ORDER

THEREFORE, IT IS THIS _____ day of _____, 2012 by the Board of Appeals of Baltimore County;

ORDERED that the Settlement Agreement between the parties dated _____, is hereby incorporated herein and the Petition for Special Hearing to request a lot line adjustment and non-density transfer between Parcels 1, 2 and 3 into proposed Lots 1, 2 and 3 as more particularly shown on the Amended Site Plan (Exhibit 1) is hereby **GRANTED**; and it is further,

ORDERED that the Petition for Special Hearing to approve the continued use of the existing right-of-way for access as shown on the Amended Site Plan (Exhibit 1) is hereby **GRANTED**; and it is further,

ORDERED that for the reasons in the foregoing Opinion, that processing of the proposed developments of this property is exempt from the Development Review Regulations pursuant to Section 32-4-106-a(1)(viii) of the Baltimore County Code.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

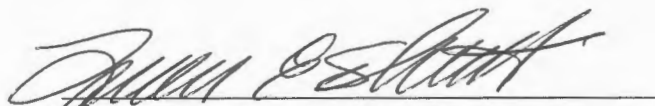
**BOARD OF APPEALS
OF BALTIMORE COUNTY**

Andrew M. Belt, Panel Chairman

Wendell H. Grier

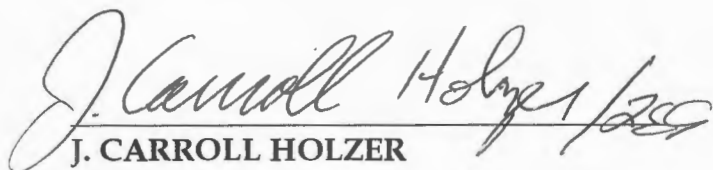
Edward W. Crizer, Jr.

APPROVED AS TO CONTENT
AND FORM

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

LAWRENCE E. SCHMIDT

Attorney for the Appellee/Petitioner

A handwritten signature in cursive script, appearing to read "J. Carroll Holzer", written over a horizontal line. To the right of the signature, the date "1/29" is handwritten.

J. CARROLL HOLZER

Attorney for the Appellants'

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

December 18, 2012

Via Hand Delivery

Theresa R. Shelton
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
DEC 19 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Re: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville
Case No. CBA-10-022 and 10-109-SPH

Dear Ms. Shelton,

Enclosed please find the proposed Opinion and Order for the above referenced matter. Please have the Board members execute the same and distribute accordingly. Please note that Mr. Holzer and I have both signed off on this Opinion and Order on behalf of the parties involved.

Please call if you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosure

cc: J. Carroll Holzer
Linda Schulte

Requested: February 23, 2010

APPEAL SIGN POSTING REQUEST

CASE NO.: 10-109-SPH

7404 Mount Vista Road

11th ELECTION DISTRICT

APPEALED: 1/19/10

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 10-109-SPH

LEGAL OWNER: Linda Schulte

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

7404 MOUNT VISTA ROAD
NE/S OF MT VISTA RD, 730' N OF C/LINE OF OLD LANDING ROAD

The sign was posted on _____, 200____.

By: _____
(Signature of Sign Poster)

(Print Name)

APPEAL

Petition for Special Hearing
7404 Mount Vista Road
NE/s Mt. Vista Rd., 730' n c/line of Old Landing Road
11th Election District – 3rd Councilmanic District
Legal Owners: Linda Schulte

Case No.: 2010-0109-SPH

Petition for Special Hearing (September 28, 2009)

Zoning Description of Property

Notice of Zoning Hearing (November 3, 2009)

Certification of Publication (November 17, 2009 – the Jeffersonian)

Certificate of Posting (November 28, 2009) by J. Lawrence Pilson

Entry of Appearance by People's Counsel (October 14, 2009)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Day's Woods Development Plans
3. HOH Order XI-711
4. Deeds (A thru C)

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit) - None

Zoning Commissioner's Order (GRANTED – December 21, 2009)

Notice of Appeal received on January 19, 2010 from J. Carroll Holzer

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Lawrence Schmidt
J. Carroll Holzer
Mr. & Mrs. Schulte
Kenneth Wells
Edward Chase
Michael Pierce

date sent February 18, 2010, klm

9/10
**IN THE MATTER OF
PETITION FOR SPECIAL
HEARING**

**SCHULTE PROPERTY
7404 Mount Vista Road
NE/S Mount Vista Road
375' SE of Cedar Lane**

**11th Election District
3rd Council District**

* **BEFORE THE**
* **ZONING COMMISSIONER**
* **FOR**
* **BALTIMORE COUNTY**
* **Case No. 2010-0109-SPH**

* * * * *

NOTICE OF APPEAL

GREATER KINGSVILLE CIVIC ASSOCIATION, INC., and individuals STEPHEN P. NEAS & DIANE FEFFER NEAS, 7447 Mount Vista Road; EDMUND R. CHASE, 7439 Mount Vista Road; and ILA CHRISTENBURY, 12009 Cedar Lane, all of Kingsville, MD 21087, by and through their attorney, J. Carroll Holzer, feeling aggrieved by the Decision of the Zoning Commissioner in the above referenced matter, hereby file this appeal to the County Board of Appeals. (See attached Findings of Fact and Conclusions of Law dated December 21, 2009).

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted,

RECEIVED

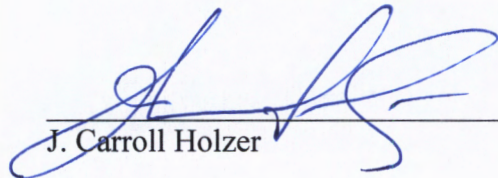
JAN 19 2010

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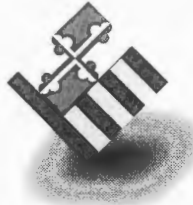
[Handwritten signature]
J. CARROLL HOLZER, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 19th day of January, 2010 that a copy of the Notice of Appeal was mailed first class, postage prepaid, to: Kenneth Wells, 7403 New Cut Road, Kingsville, MD, 21087; Lawrence Schmidt, Esquire, Gildea & Schmidt, 600 Washington Ave., Suite 200, Towson, MD 21204; the County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, MD 21204; and People's Counsel, 105 West Chesapeake Ave., Room 204, Towson, MD 21204.



J. Carroll Holzer



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

February 18, 2010

Lawrence Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case: 2010-0109-SPH, 7404 Mt. Vista Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 19, 2010 by J. Carroll Holzer. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mr. & Mrs. Schulte, 7404 Mt. Vista Road, Kingsville 21087
Mr. Kenneth Wells, KJ Wells, 7403 New Cut Road, Kingsville 21087
Edward Chase, 7439 Mt. Vista Road, Kingsville 21087
Michael Pierce, North County Preservation, 7448 Bradshaw Road, Kingsville 21087

IN RE: PETITION FOR SPECIAL HEARING *

NE/S Mount Vista Road, 375' SE of

Cedar Lane *

(7404 Mount Vista Road) *

11th Election District *3rd Council District *

Linda Schulte

Petitioner *

BEFORE THE**ZONING COMMISSIONER****FOR****BALTIMORE COUNTY****Case No. 2010-0109-SPH**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Linda Schulte, through her attorney, Lawrence E. Schmidt, of Gildea & Schmidt, LLC, for the property located at 7404 Mount Vista Road in Kingsville. The Petitioner requests special hearing relief pursuant to Section 500.7 as follows: (1) To allow a non-density transfer of 1.21 acres of land, more or less, from Parcel 1 to Parcel 2; (2) to allow a non-density transfer of 2.59 acres, more or less, from Parcel 1 to Parcel 3; (3) to allow a non-density transfer of 0.46 acres, more or less, from Parcel 2 to Parcel 3; and (4) to allow access for the land locked Parcel 1 to a public street through an existing 20-foot right-of-way in lieu of the required in-fee simple strip as stated in Section 32-4-409(b)(1) and provided for in Section 32-4-409(c) of the Baltimore County Code (B.C.C.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Linda Schulte, property owner, her husband, Steven R. Schulte, and Kenneth J. Wells, with kj Wells, Inc., the property line surveyor who prepared the site plan. The Petitioner was represented by Lawrence E. Schmidt, Esquire. Appearing as interested persons were Edward Chase, a nearby property owner, and Michael Pierce, President of North County Preservation.

12/21/09
IN RE: PETITION FOR SPECIAL HEARING *

NE/S Mount Vista Road, 375' SE of

Cedar Lane *

(7404 Mount Vista Road) *

11th Election District *

3rd Council District *

Linda Schulte

Petitioner *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2010-0109-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Linda Schulte, through her attorney, Lawrence E. Schmidt, of Gildea & Schmidt, LLC, for the property located at 7404 Mount Vista Road in Kingsville. The Petitioner requests special hearing relief pursuant to Section 500.7 as follows: (1) To allow a non-density transfer of 1.21 acres of land, more or less, from Parcel 1 to Parcel 2; (2) to allow a non-density transfer of 2.59 acres, more or less, from Parcel 1 to Parcel 3; (3) to allow a non-density transfer of 0.46 acres, more or less, from Parcel 2 to Parcel 3; and (4) to allow access for the land locked Parcel 1 to a public street through an existing 20-foot right-of-way in lieu of the required in-fee simple strip as stated in Section 32-4-409(b)(1) and provided for in Section 32-4-409(c) of the Baltimore County Code (B.C.C.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

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MAILED 12-21-09
RECEIVED FOR FILING

Date

By

Testimony and evidence presented disclosed that Ms. Schulte is the owner of an overall tract of land approximately 11.07 acres in area, zoned R.C.5. The property is located on the southeast corner of Mount Vista Road and Cedar Lane in Kingsville. The overall tract is actually comprised of three (3) separate parcels. Parcel 1 is a roughly rectangularly shaped parcel that was originally owned by John V. Love. This parcel is improved with an existing single-family dwelling and attached garage. The dwelling is quite old, and in fact is historically significant and listed with the Maryland Historic Trust (BA-236). Although the main body of the parcel of this lot is rectangular in shape, a portion of Parcel 1 resembles a "tail" and provides vehicular access to Mount Vista Road. This tail contains a driveway which provides access to the interior of the site. The other two (2) parcels owned by Ms. Schulte are unimproved. Previously, they were owned by William Ruppert, and were at one time part of an overall tract proposed for development by Mr. Ruppert as a residential subdivision to be known as Day's Woods Manor. The Ruppert property was approximately 106 acres in area, zoned R.C.5. Mr. Ruppert proposed subdivision of the tract into 15 single-family detached dwelling lots. These lots were all substantially sized. In addition to the building lots, the Development Plan for Day's Woods Manor (Petitioner's Exhibit 2) also shows a large area (27.94 acres) reserved for future development, labeled as Tract A. This Development Plan was approved by Order in Case No. XI-711 on September 28, 1995. The community has since been subdivided and built out.

As referenced in the Hearing Officer's Opinion and Development Plan Order for Day's Woods Manor (Petitioner's Exhibit 3), Mr. Ruppert proposed conveyance of two (2) smaller parcels to Mr. Love. As noted in the Opinion and shown on the Development Plan (Exhibit 2), parcels known as Tract B and Tract C were conveyed to Mr. Love. Tract B was approximately 1.59 acres, and Tract C was approximately 4.17 acres. As noted in the Hearing Officer's written

decision, the tracts identified as Tracts B and C "each contain one density unit." Ms. Schulte ultimately acquired all of the lands owned by Mr. Love. They included the original parcel with the house located on it, as well as Tracts B and C. Pursuant to the R.C.5 zoning regulations and the terms and conditions of the prior Order, Tract B can be developed with one (1) single-family detached dwelling, and Tract C can likewise be developed with one (1) single-family detached dwelling. The original parcel owned by Mr. Love is of such acreage that it can be subdivided into two (2) building lots. Thus, there is a potential for four (4) residential lots. Messrs. Schmidt and Wells explained, when questioned by Mr. Chase, that the level of detail is not required in association with the requested relief and that the suggested dwelling locations, driveway, and septic and well locations have not been reviewed or approved by any Baltimore County reviewing agencies. Instead, Petitioner will undertake such a review with specificity as part of the County subdivision process.¹

Ms. Schulte, in view of her age and financial circumstances, proposes to encumber the original Love property with a reverse mortgage. In order to reduce the area of her lands that will be encumbered with that mortgage, she proposes the special hearing relief as outlined above. Non-density transfers are proposed so as to reconfigure the three (3) lots and acreage thereof. Lot 1 will be reduced in acreage so it will be 1.52 acres in area. As the proposal is for non-density transfer, that property will continue to have two (2) density uses (i.e., rights of subdivision); however the reduction in acreage will make it so that a subdivision is not practically feasible. Parcel 2 will be expanded to 5.12 acres and Parcel 3 expanded to 4.43 acres.

¹ The issues raised in the petition are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the proposed uses on each parcel and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the department regulations which have been relegated by the County Council to the Development Review Committee (DRC). See, *Long Meadow Association, Inc., et al v. Druid Ridge LLP, et al.* Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05.

As before, these parcels will continue to have one (1) density unit associated with them.

Mr. Chase appeared at the hearing and expressed certain concerns regarding the subdivision of the property. However, as was explained to him, the request before me is only for zoning relief, and does not result in any increase in overall density. Instead, as noted above, although the density will remain identical as before, Ms. Schulte, from a practical standpoint, will "lose" a potential building lot, since the parcel that can be subdivided will be reduced in size. Additionally, it was explained to Mr. Chase that the zoning relief granted does not permit the building of any structures on the newly configured Parcels 2 and 3 (i.e., formerly Tracts B and C). The Petitioner will be required to obtain approval for any development on those parcels under the County's development regulations, and in fact Mr. Wells testified that application has already been made to the Development Review Committee (DRC) in this case. The DRC has tabled any action under the development regulations pending finality of this zoning case. Additionally, any development of the parcels would be subject to the County's environmental regulations, which will be onerous given the character of the property. As is well-known, the Kingsville area is not served by public sewer, and the soils therein do not easily perc. Thus, whether future development is even possible on this property is questionable. Moreover, Ms. Schulte will be required to comply with all other applicable regulations, including zoning (i.e., setbacks), historic limitations imposed by the designation of the dwelling on Parcel 1, and other setbacks due to the scenic character of Mount Vista Road.

Based on the testimony and evidence presented, I am persuaded to grant the relief requested. It is again emphasized that the request is not for development approval; rather, it is for zoning approval for the non-density transfers. Although Mr. Chase would prefer a more definitive drawing of what may happen on the overall tract, that is a premature issue which is

simply not before me.

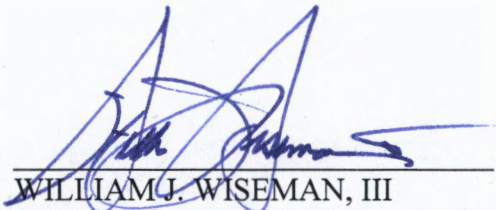
Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons set forth above, the requested non-density transfers shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of December, 2009, that the Petition for Special Hearing filed pursuant to Section 500.7, requesting approval of: a non-density transfer of 1.21 acres of land, more or less, from Parcel 1 to Parcel 2; to allow a non-density transfer of 2.59 acres, more or less, from Parcel 1 to Parcel 3; to allow a non-density transfer of 0.46 acres, more or less, from Parcel 2 to Parcel 3, and to allow access for the land locked Parcel 1 to a public street through an existing 20-foot right-of-way in lieu of the required in-fee simple strip as provided in Section 32-4-409(b)(1) and per the exception stated in Section 32-4-409(c) of the Baltimore County Code (B.C.C.), be and is hereby GRANTED subject to the following condition:

- The Petitioner shall be required to apply to the Development Review Committee (DRC) for a limited exemption under Baltimore County Code (B.C.C.) Section 32-4-106(a)(1)(viii) concerning the lot line adjustment.

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

Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

COPIES RECEIVED FOR FILING
Date 12-21-09
By 92



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 21, 2009

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Mount Vista Road, 730' N c/line of Old Landing Road
(7404 Mt. Vista Road)
11th Election District - 3rd Council District
Linda Schulte – Petitioner
Case No. 2010-0109-SPH

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with a condition, 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
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Linda Schulte, 7404 Mt. Vista Road, Kingsville, MD 21087
Steven R. Schulte, 7404 Mt. Vista Road, Kingsville, MD 21087
Kenneth J. Wells, kj Wells, Inc., 7403 New Cut Road, Kingsville, MD 21087
Edward Chase, 7439 Mt. Vista Road, Kingsville, MD 21087
Michael Pierce, President, North County Preservation, 7448 Bradshaw Road, Kingsville, MD 21087
People's Counsel; DEPRM; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7404 Mount Vista Road Kingsville, Maryland
which is presently zoned RC-5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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
(This box to be completed by planner)

See 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):

Linda Schulte

Name - Type or Print _____
Signature Linda Schulte _____
Signature _____

Name - Type or Print _____
Signature _____
7404 Mount Vista Road 410-428-1935
Address Telephone No.
Kingsville Maryland 21087
City State Zip Code

Representative to be Contacted:

Kenneth Wells

Name _____
7403 New Cut Road 410-592-8800
Address Telephone No.
Kingsville Maryland 21087
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0109-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

RECEIVED FOR FILING

Date 12-21-09

By RW

Special Hearing Request

7404 Mount Vista Road

Baltimore County

Maryland

11th Election District

3rd Councilmanic District

Under Section 500.7:

- 1) To allow a non-density transfer of 1.21 acres of land more or less from Parcel 1 to Parcel 2 and
- 2) To allow a non-density transfer of 2.59 acres of land more or less from Parcel 1 to Parcel 3 and
- 3) To allow a non-density transfer of 0.46 acres of land more or less from Parcel 2 to Parcel 3 and
- 4) To allow access for the land locked Parcel 1 to a public street through an existing 20 foot right-of-way in lieu of the required in-fee simple strip as stated in Section 32-4-409(b)(1) and per exception as stated in Section 32-4-409(c) of the BCC and
- 5) For such other matters and further relief as may be deemed necessary by the Zoning Commissioner of Baltimore County.

2010-0109-SPH

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

**Zoning Descriptions
Parcels 1, 2 and 3
of the Schulte Property
7404 Mount Vista Road
Baltimore County
Maryland
11th Election District
3rd Councilmanic District**

Parcel 1

Beginning for the same at a point on the east side of Cedar Lane North 46 feet formed by the intersection of the centerlines of Cedar Lane and Mount Vista Road, thence South 89 degrees 04 minutes 51 seconds East 246.50 feet, thence North 82 degrees 04 minutes 59 seconds East 101.78 feet, thence North 37 degrees 55 minutes 16 seconds West 12.69 feet to the point of beginning; thence the following four courses and distances: 1) *North 76 degrees 18 minutes 24 seconds East 548.29 feet*; 2) *South 37 degrees 55 minutes 16 seconds East 350.00 feet*; 3) *South 52 degrees 04 minutes 44 seconds West 500.00 feet*; 4) *North 37 degrees 55 minutes 16 seconds West 575.00 feet* to the place of beginning. Containing 5.31 acres of land more or less as described in Liber 24408 folio 431 and recorded in the Land Records of Baltimore County. The bearings are based on NAD 83/91.

Parcel 2

Beginning for the same at a point on the east side of Cedar Lane North 26 feet formed by the intersection of the centerlines of Cedar Lane and Mount Vista Road; thence the following thirteen courses and distances: 1) *South 89 degrees 04 minutes 51 seconds East 245.47 feet*; 2) *North 82 degrees 04 minutes 59 seconds East 114.87 feet*; 3) *South 37 degrees 55 minutes 16 seconds East 539.21 feet*; 4) *North 52 degrees 04 minutes 44 seconds East 500.00 feet*; 5) *South 37 degrees 55 minutes 16 seconds East 60.01 feet*; 6) *South 52 degrees 04 minutes 44 seconds West 684.96 feet* to the northeast side of Mount Vista Road; thence binding on the east side of last mention road and on the east side of Cedar Lane; 7) *North 39 degrees 27 minutes 42 seconds West 236.50 feet*; 8) *with a line curving to the left having a radius of 1,350.00 feet and an arc length of 175.06 feet being subtended by a chord bearing and distance of North 43 degrees 26 minutes 28 seconds west 174.94 feet*; 9) *thence with a line curving to the left having a radius of 700.00 feet and an arc length of 146.21 feet being subtended by a chord bearing and distance of*

North 53 degrees 26 minutes 03 seconds West 145.94 feet; 10) North 59 degrees 28 minutes 43 seconds West 67.56 feet; 11) with a line curving to the right having a radius of 875.00 feet and an arc length of 160.83 feet being subtended by a chord bearing and distance of North 49 degrees 32 minutes 04 seconds west 160.60 feet; 12) with a line curving to the right having a radius of 55.00 feet and an arc length of 31.06 feet being subtended by a chord bearing and distance of North 22 degrees 59 minutes 40 seconds West 30.65 feet; 13) North 6 degrees 25 minutes 48 seconds West 11.06 feet to the place of beginning. Containing 4.17 acres of land more or less as described in Liber 24408 folio 431 and recorded in the Land Records of Baltimore County. The bearings are based on NAD 83/91.

Parcel 3

Beginning for the same at a point on the east side of Cedar Lane North 46 feet formed by the intersection of the centerlines of Cedar Lane and Mount Vista Road; thence the following seven courses and distances: 1) North 6 degrees 24 minutes 48 seconds West 60.00 feet; 2) North 80 degrees 43 minutes 17 seconds East 853.18 feet; 3) South 37 degrees 55 minutes 16 seconds East 60.00 feet; 4) South 76 degrees 18 minutes 24 seconds West 548.29 feet; 5) South 37 degrees 55 minutes 16 seconds East 12.69 feet; 6) South 82 degrees 04 minutes 59 seconds West 101.78 feet; 7) North 89 degrees 04 minutes 51 seconds West 246.50 feet to the place of beginning. Containing 1.59 acres of land more or less as described in Liber 24408 folio 431 and recorded in the Land Records of Baltimore County. The bearings are based on NAD 83/91.



**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/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 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: 2010-0109-SPH

Petitioner: SCHULTE

Address or Location: 7404 MOUNT VISTA RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. LINDA SCHULTE

Address: 7404 MOUNT VISTA RD.

KINGSVILLE, MD 21087

Telephone Number: 410-428-1935

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No.

45756

Date:

9/24/09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		4150					45.00

Total:

45.00

Rec

From:

For:

2010-0109-SPH

7404 MOUNT VISTA RD

D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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: # 2010-0109-SPH

7404 Mount Vista Road

N/east side of Mount Vista Road, 730 ft. north of centerline of Old Landing Road

11th Election District - 3rd Councilmanic District

Legal Owner(s): Linda Schulte

Special Hearing: to waive a non-density transfer of 1.21 acres of land more or less from parcel 1 to parcel 2 and to allow a non-density transfer of 2.59 acres of land more or less from parcel 1 to parcel 3; to allow a non-density of 0.46 acres of land more or less from parcel 2 and parcel 3; to allow access for the land locked parcel 2 to a public street through an existing 20 foot right of way in lieu of the required in fee simple strip as stated in Section 32-4-409(b)(1) and per exception as stated in section 32-4-409 of the BCC and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Thursday, December 3, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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/11/821 Nov. 17

221577

CERTIFICATE OF PUBLICATION

11/19/, 2009

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 11/17/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

kjWellsInc

Land Surveying and Site Planning

7403 New Cut Road

Kingsville, Md. 21087-1132

Telephone: (410) 592-8800

Fax: (410) 817-4055

Email: kwells@kjwellsinc.com

TRANSMITTAL LETTER

ATTENTION: Kristen Matthews

DATE: December 1, 2009

TO: Baltimore County, Maryland
PDM Zoning Review Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 7404 Mount Vista Road
Project Number: 2009-019

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover ☐ via Hand Delivered

DESCRIPTION

1 copy Certificate of Posting
1 photograph

THESE ARE TRANSMITTED as checked below

☐	For approval	Approved as submitted
☒	For your use	Approved as noted
☐	As requested	Returned for corrections
☐	For review & comment	
☐	For bids due	
☐	Other explanation:	

Resubmit	copies for approval
Submit	copies for distribution
Return	corrected prints
Return	prints to us

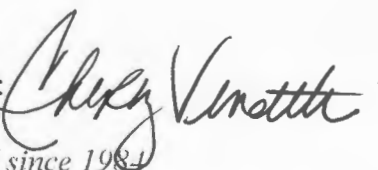
REMARKS:

COPY TO:

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE.

Providing Land Surveying and Site Planning Services in Maryland since 1984

SIGNED:



CERTIFICATE OF POSTING

Date: 11/28/09

RE: Case Number: 2010-0109-SPH

Petitioner/Developer: Linda Sebute

Date of Hearing/Closing: 12/16/09 2 PM

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 7404 ME Vista Rd

The signs(s) were posted on 11/28/09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2010-0109-SPH

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

JEFFERSON BUILDING ROOM 104
PLACE: 105 W CHESAPEAKE AVE, TOWSON, MD 21204

DATE AND TIME: DEC. 16, 2009 2PM WED

REQUEST: _____

[illegible]

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 17, 2009 Issue - Jeffersonian

Please forward billing to:
Linda Schulte
7404 Mount Vista Road
Kingsville, MD 21087

410-428-1935

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: 2010-0109-SPH

7404 Mount Vista Road

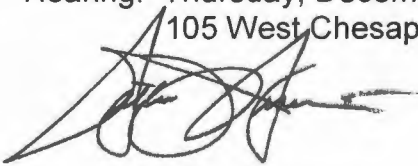
N/east side of Mount Vista Road, 730 ft. north of centerline of Old Landing Road

11th Election District – 3rd Councilmanic District

Legal Owners: Linda Schulte

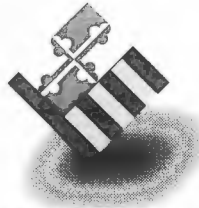
Special Hearing to waiver a non-density transfer of 1.21 acres of land more or less from parcel 1 to parcel 2 and to allow a non-density transfer of 2.59 acres of land more or less from parcel 1 to parcel 3; to allow a non-density of 0.46 acres of land more or less from parcel 2 and parcel 3; to allow access for the land locked parcel 2 to a public street through an existing 20 foot right of way in lieu of the required in fee simple strip as stated in Section 32-4-409(b)(1) and per exception as stated in section 32-4-409 of the BCC and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Thursday, December 3, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development
November 3, 2009

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: 2010-0109-SPH

7404 Mount Vista Road

N/east side of Mount Vista Road, 730 ft. north of centerline of Old Landing Road

11th Election District – 3rd Councilmanic District

Legal Owners: Linda Schulte

Special Hearing to waive a non-density transfer of 1.21 acres of land more or less from parcel 1 to parcel 2 and to allow a non-density transfer of 2.59 acres of land more or less from parcel 1 to parcel 3; to allow a non-density of 0.46 acres of land more or less from parcel 2 and parcel 3; to allow access for the land locked parcel 2 to a public street through an existing 20 foot right of way in lieu of the required in fee simple strip as stated in Section 32-4-409(b)(1) and per exception as stated in section 32-4-409 of the BCC and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Thursday, December 3, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Linda Schulte, 7404 Mount Vista Road, Kingsville 21087
Kenneth Wells, 7403 New Cut Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 18, 2009.**
(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.



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

**Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue**

February 12, 2010

NOTICE OF ASSIGNMENT TO OPEN ON THE RECORD
NOTICE OF ASSIGNMENT FOR HEARING

CASE #: CBA-10-022 **IN THE MATTER OF: Schulte Property / DRC #120109B**
7404 Mount Vista Road, Kingsville
(open on the record)

CASE #: CBA-10-022
and
10-109-SPH

IN THE MATTER OF: *Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

DRC / OPEN ON THE RECORD

ASSIGNED FOR: WEDNESDAY, MARCH 17, 2010 at 9:30 a.m.

**CBA -10-22 AND 10-109-SPH, ASSIGNED BY AGREEMENT OF
COUNSEL TO THE FOLLOWING DATE/TIME:**

ASSIGNED FOR: WEDNESDAY, APRIL 14, 2010 at 10: 00 a.m.

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

CONTINUED

IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville
(open on the record)

IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

Theresa R. Shelton
Administrator

Office of People's Counsel
Colleen Kelly, Development Manager
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
W. Carl Richard, Zoning Review Office
Jonas Jacobson, Director/DEPRM
William J. Wiseman, III, Zoning Commissioner
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

CASE #: CBA-10-022 **IN THE MATTER OF: Schulte Property / DRC #120109B**
7404 Mount Vista Road, Kingsville
(open on the record)

CASE #: CBA-10-022 **IN THE MATTER OF: Schulte Property / DRC #120109B**
and **7404 Mount Vista Road, Kingsville**
10-109-SPH

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco,
Director, PDM that the DRC determined that the project met the requirements of a limited
exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the
Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7
was granted with a condition.

2/12/10 Set both matter in as agreed to by counsel. **The DRC will be opened on the
record on 3/17/10** prior to the hearing @ 9:30 to be in compliance with the time frame. The
matters will be combined (no objection by Counsel) and both matters to be heard on the
agreed date of **Wednesday, April 14, 2010.**

As of this date, the zoning file has not been received. Dummy file established.

Notices sent to the following:

Counsel for Petitioner/Property Owner
Petitioner /Property Owner

: Lawrence E. Schmidt, Esquire
: Linda Schulte
: Kenneth J. Wells

Counsel for Appellants
Appellants

: J. Carroll Holzer, Esquire
: Stephen P. and Diane Feffer Neas
: Edmund R. Chase
: Ila Christenbury

Office of People's Counsel
Colleen Kelly, Development Manager
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
W. Carl Richard, Zoning Review Office
Jonas Jacobson, Director/DEPRM
William J. Wiseman, III, Zoning Commissioner
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

Board notified.



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

March 3, 2010

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

**RE: IN THE MATTER OF: Schulte Property / DRC #120109B / CASE #: CBA-10-022
7404 Mount Vista Road, Kingsville (open on the record - waived)**

Dear Counsel:

This letter will acknowledge our conversation today, wherein you have mutually agreed to waive your appearance at the hearing currently scheduled for March 17, 2010 on the above captioned matter. The case will be removed from the March 17, 2010 docket.

It is understood and agreed by Counsel and this Board, that CBA-10-022 is assigned concurrently with case number 10-109-SPH on April 14, 2010, which is beyond the statutory time-frame.

Enclosed is the Amended Notice of Assignment, replacing the Notice Of Assignment To Open On The Record /Notice of Assignment For Hearing, dated February 12, 2010.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original

Encl.: Amended Notice of Assignment

c(w/Encl.): Office of People's Counsel
Timothy Kotroco, Director/PDM
W. Carl Richard, Zoning Review Office
William J. Wiseman, III, Zoning Commissioner
John E. Beverungen, County Attorney

Colleen Kelly, Development Manager
Arnold F. "Pat" Keller, III, Director/Planning
Jonas Jacobson, Director/DEPRM
Nancy West, Assistant County Attorney



County Board of Appeals of Baltimore County

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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

March 3, 2010

AMENDED NOTICE OF ASSIGNMENT

CASE #: CBA-10-022

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

DRC # 120109B

and

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

10-109-SPH

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

**DRC / OPEN ON THE RECORD/ HAS BEEN REMOVED FROM THE DOCKET
BY MUTUAL AGREEMENT OF COUNSEL**

(WAS ASSIGNED FOR: **WEDNESDAY, MARCH 17, 2010 at 9:30 a.m.**)

**CBA -10-22 AND 10-109-SPH, ASSIGNED BY AGREEMENT OF COUNSEL TO
THE FOLLOWING DATE/TIME:**

ASSIGNED FOR: WEDNESDAY, APRIL 14, 2010 at 10: 00 a.m.

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

CONTINUED

AMENDED NOTICE OF ASSIGNMENT

CASE #: CBA-10-022

***IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville***

DRC # 120109B

and

***IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville***

10-109-SPH

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

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

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

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

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/Property Owner
Petitioner /Property Owner

: Lawrence E. Schmidt, Esquire
: Linda Schulte
: Kenneth J. Wells

Counsel for Appellants
Appellants

: J. Carroll Holzer, Esquire
: Stephen P. and Diane Feffer Neas
: Edmund R. Chase
: Ila Christenbury

Office of People's Counsel
Colleen Kelly, Development Manager
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
W. Carl Richard, Zoning Review Office
Jonas Jacobson, Director/DEPRM
William J. Wiseman, III, Zoning Commissioner
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



County Board of Appeals of Baltimore County

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

March 29, 2010

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

RE: IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville
CASE #: CBA-10-022

and

IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville
CASE #: 10-109-SPH

Dear Mr. Schmidt:

This letter will acknowledge receipt of your correspondence dated March 25, 2010 in which you request a postponement (with no objection from Mr. Holzer) of the subject case scheduled for hearing on April 14, 2010.

Your request has been granted and the matter will be reassigned to the agreed date of July 21, 2010.

A copy of the Notice of Postponement and Re-Assignment is enclosed. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in black ink, appearing to read "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Enclosure: Notice of Postponement and Re-Assignment

c(w/Encl.): J. Carroll Holzer, Esquire
Linda Schulte



County Board of Appeals of Baltimore County

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

PP-1
Possible
Settlement

Hearing Room #2, Jefferson Building
Second Floor, 105 W. Chesapeake Avenue
(next to Suite 203)

March 29, 2010

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: CBA-10-022 *IN THE MATTER OF: Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville
and

CASE #: 10-109-SPH *IN THE MATTER OF: Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

This matter was scheduled to be heard on Wednesday, April 14, 2010 and has been postponed by agreement of Counsel. The matter has been re-assigned by agreement of Counsel as follows:

RE-ASSIGNED FOR: WEDNESDAY, JULY 21, 2010 at 10:00 a.m.

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

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

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

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

Theresa R. Shelton
Administrator

CONTINUED

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: CBA-10-022 ***IN THE MATTER OF: Schulte Property / DRC #120109B***
7404 Mount Vista Road, Kingsville
and

CASE #: 10-109-SPH ***IN THE MATTER OF: Schulte Property / DRC #120109B***
7404 Mount Vista Road, Kingsville

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Drector, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

c: Counsel for Petitioner/Property Owner
Petitioner /Property Owner

: Lawrence E. Schmidt, Esquire
: Linda Schulte
: Kenneth J. Wells

Counsel for Appellants
Appellants

: J. Carroll Holzer, Esquire
: Stephen P. and Diane Feffer Neas
: Edmund R. Chase
: Ila Christenbury

Office of People's Counsel
Colleen Kelly, Development Manager
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
W. Carl Richard, Zoning Review Office
Jonas Jacobson, Director/DEPRM
William J. Wiseman, III, Zoning Commissioner
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

March 25, 2010

Sent via Hand Delivery

Theresa R. Shelton

County Board of Appeals of Baltimore County

The Jefferson Building

105 W. Chesapeake Avenue, Suite 203

Towson, MD 21204

**Re: Schulte/7404 Mount Vista Road
Case No.: 2010-022/DRC #120109B**

RECEIVED

MAR 25 2010

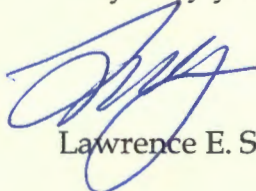
**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Ms. Shelton:

In accordance with Rule 2(b) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, please accept this letter as a formal request for postponement of the hearing scheduled for the appeal of the Zoning Commissioner's and DRC decisions in the above referenced matter on April 14, 2010. My client, Mrs. Schulte, is scheduled for surgery the week of the hearing and will need several months of physical therapy following her surgery. The undersigned has spoken with J. Carroll Holzer and Mr. Holzer has no objection to the instant request for postponement. All parties are in agreement that this hearing should be rescheduled for July 21, 2010.

Copies of this request for a postponement, as indicated herein, have been given to every attorney and party of record, in accordance with Section 500.11 of the Baltimore County Zoning Regulations. Thank you in advance for your consideration of this most important matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: J. Carroll Holzer, Esquire, Holzer & Lee
Kenneth J. Wells, KjWellsInc.
Linda Schulte, 7404 Mount Vista Road



County Board of Appeals of Baltimore County

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

July 19, 2010

VIA FACSIMILE

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: *IN THE MATTER OF:* Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #:10-109-SPH

Dear Counsel:

I am in receipt of your joint request for postponement received this date by facsimile. This letter is to advise you that the request for a postponement of the hearing scheduled Wednesday, July 21, 2010 has been granted.

Please notify this office upon the conclusion of the negotiations at hand with regards to the appeal filed in this matter.

Enclosed is the Notice of Postponement.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original

Encl.: Notice of Postponement

c(w/Encl.): Office of People's Counsel
Timothy Kotroco, Director/PDM
W. Carl Richard, Zoning Review Office
William J. Wiseman, III, Zoning Commissioner
John E. Beverungen, County Attorney

Colleen Kelly, Development Manager
Arnold F. "Pat" Keller, III, Director/Planning
Jonas Jacobson, Director/DEPRM
Nancy West, Assistant County Attorney



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTRI.NET

July 19, 2010
#7900

VIA FAX 410-887-3182

Ms. Theresa R. Shelton, Administrator
County Board of Appeals
of Baltimore County
105 West Chesapeake Avenue
Suite 203
Towson, Maryland 21204

RECEIVED
JUL 19 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

*RE: 7404 Mount Vista Road; Schulte Property
Case No. CBA-10-022 & 10-109-SPH*

Dear Ms. Shelton:

Please be advised that I, as counsel for several individual protestants in the above captioned matter, and counsel for the property owner, Larry Schmidt, have each consulted with our respective clients and mutually request that the hearing scheduled by the Board of Appeals for July 21, 2010 be postponed. The parties are attempting to negotiate a settlement that may preclude an adversarial hearing. Please do not set this case in for a hearing until counsel notify the Board. Counsel, clients and any witnesses will not appear before the Board of Appeals on July 21.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to be "JCH", followed by a horizontal line.

J. Carroll Holzer

JCH:mlg

cc: Lawrence E. Schmidt, Esquire
Diane Neas
People's Counsel



County Board of Appeals of Baltimore County

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

July 19, 2010

NOTICE OF POSTPONEMENT/SENT VIA FACSIMILE

**CASE #: CBA-10-022
and
10-109-SPH**

***IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville***

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

***This matter was assigned for Wednesday, July 21, 2010
and has been postponed due to a possible settlement of the matter.***

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

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

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

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

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/Property Owner
Petitioner /Property Owner

: Lawrence E. Schmidt, Esquire
: Linda Schulte
: Kenneth J. Wells

Counsel for Appellants
Appellants

: J. Carroll Holzer, Esquire
: Stephen P. and Diane Feffer Neas
: Edmund R. Chase
: Ila Christenbury

Office of People's Counsel
Colleen Kelly, Development Manager
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
Jonas Jacobson, Director/DEPRM
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

W. Carl Richard, Zoning Review Office
William J. Wiseman, III, Zoning Commissioner

From: Theresa Shelton
To: Kelly, Colleen; Kennedy, Dennis; Lykens, David; Seeley, Bruce
CC: JCHOLZER@CAVTEL.NET
Date: 7/20/2010 11:25 AM
Subject: Schulte Property - DRC 120109B

Good Morning.

Please be advised that the hearing scheduled for July 21, 2010 has been postponed due to settlement negotiations. The file contains subpoenas that were issued to you and this e-mail will serve as notification that the scheduled hearing is not going forward and you do not need to appear.

A hard copy of the Postponement Notice has been forwarded via inner-office mail.

Please contact me if I can be of any further assistance. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential.

The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.



County Board of Appeals of Baltimore County

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

October 6, 2010

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: IN THE MATTER OF: *Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #:10-109-SPH

Dear Counsel:

The hearing before the Board scheduled for July 21, 2010 was postponed by agreement and it was requested that this office be notified at the conclusion of the negotiations at hand. As of this date, the Board of Appeals has not received any communication with regard to this appeal.

Please advise as to the status of this matter.

Should you have any questions, please contact me at 410-887-3180. I remain,

Very truly yours,

A handwritten signature in black ink that reads "Theresa R. Shelton". The signature is fluid and cursive.

Theresa R. Shelton
Administrator

Duplicate Original

c(via email): Office of People's Counsel
Timothy Kotroco, Director/PDM
W. Carl Richard, Zoning Review Office
William J. Wiseman, III, Zoning Commissioner
John E. Beverungen, County Attorney

Colleen Kelly, Development Manager
Arnold F. "Pat" Keller, III, Director/Planning
Jonas Jacobson, Director/DEPRM
Nancy West, Assistant County Attorney



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTEL.NET

October 13, 2010
#7900

Ms. Theresa R. Shelton, Administrator
County Board of Appeals
of Baltimore County
Baltimore County Board of Appeals
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

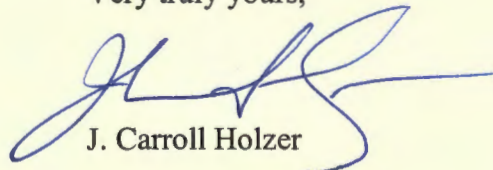
RE: *Schulte Property DRC 120109B*
7404 Mt. Vista Road
Kingsville, Maryland
Case No.: *CBA-10-022; 10-109SPH*

Dear Ms. Shelton:

Please be advised that my clients, Kingsville Community Association and the Schulte's have been having discussions in regard to resolving and settling this matter. In fact, to my knowledge, a number of potential drafts have been circulated between the parties. I would respectfully suggest that progress is being made and it would be appropriate not to schedule this matter at the present time.

If you have any questions, please feel free to give me a call.

Very truly yours,



J. Carroll Holzer

JCH:mlg

cc: Lawrence E. Schmidt, Esquire
Ms. Robin Beers

RECEIVED

OCT 15 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTEL.NET

February 25, 2011

#7900

Ms. Theresa R. Shelton, Administrator
County Board of Appeals
of Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

RE: *In the Matter of: Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville / DRC #120109B
Case No.: *CBA-10-022 and #10-109-SPH*

Dear Ms. Shelton:

Please be advised that I have contacted the Kingsville Community Association and Robin Beers who are involved in this matter. Ms. Beers advises me that she has been negotiating with Linda Schulte concerning the good faith effort on both sides to resolve this matter. Because of the holidays and illness of various parties, no conclusion has yet been reached. It is the Kingsville Community Association's position that the matter should not be scheduled for a hearing unless requested by either of the parties.

Thank you for your interest.

Very truly yours,

A handwritten signature in blue ink, appearing to be "JCH", written over the typed name J. Carroll Holzer.

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Ms. Robin Beers
Lawrence E. Schmidt, Esquire

RECEIVED
FEB 28 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**



County Board of Appeals of Baltimore County

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

February 14, 2011

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: *IN THE MATTER OF:* *Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #10-109-SPH

Dear Counsel:

On January 14, 2011 this office sent a request regarding the status of negotiations in this matter. As of this date, no response has been received.

This office is providing dates available on the docket in order to schedule the hearing(s) without conflict; The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the end of March, 2011, with the following dates open for assignment:

Tuesday, April 5, 2011 at 10:00;
Wednesday, April 6, 2011 at 10:00; and
Thursday, April 7, 2011 at 10:00.

Please contact this office upon receipt of this letter to confirm availability and if you feel the mater will require multiple consecutive days.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Originals

cc: Linda Schulte
Kenneth J. Wells
Stephen P. and Diane Feffer Neas
Edmund R. Chase
Ila Christenbury



County Board of Appeals of Baltimore County

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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

April 7, 2011

NOTICE OF RE-ASSIGNMENT

CASE #: CBA-10-022

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

and

CASE #: 10-109-SPH

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

This matter has been postponed numerous times since the appeal was filed in January 2010. Negotiations for a possible settlement of this matter have been in progress since July 19, 2010, with drafts circulated in October 2010. Dates were provided in April, 2011 and this office was again notified that negotiations were continuing. This matter is being RE-ASSIGNED to the date listed below and no further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

RE-ASSIGNED FOR: THURSDAY, JUNE 2, 2011 at 10:00 a.m.

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

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

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

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

Theresa R. Shelton
Administrator

CONTINUED

NOTICE OF RE-ASSIGNMENT

CASE #: CBA-10-022

**IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville**

and

CASE #: 10-109-SPH

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c: Counsel for Petitioner/Property Owner
Petitioner /Property Owner

: Lawrence E. Schmidt, Esquire
: Linda Schulte
: Kenneth J. Wells

Counsel for Appellants
Appellants

: J. Carroll Holzer, Esquire
: Stephen P. and Diane Feffer Neas
: Edmund R. Chase
: Ila Christenbury

Robin Beers/Greater Kingsville Community Association

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law
Colleen Kelly, Development Manager
W. Carl Richard, Zoning Review Office
Jonas Jacobson, Director/DEPRM



Board of Appeals of Baltimore County

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

August 9, 2011

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

Lawrence E. Schmidt, Esquire
SMITH, GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: IN THE MATTER OF: *Schulte Property / DRC #120109B*
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #10-109-SPH

Dear Counsel:

This office is following up on the letter dated July 6, 2011 to Mr. Holzer from Mr. Schmidt. In order to bring this matter to a conclusion, the Board proposes that this matter be scheduled for a Settlement on the Record on the following date:

Wednesday, October 5, 2011 @ 9:00 a.m.

Please contact this office upon receipt of this letter to advise on the agreement status of this matter and availability for the proposed hearing date.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in black ink, appearing to read "Theresa R. Shelton", is written over a horizontal line.

Theresa R. Shelton
Administrator

Duplicate Originals

cc: Linda Schulte
Kenneth J. Wells
Stephen P. and Diane Feffer Neas
Edmund R. Chase
Ila Christenbury



Board of Appeals of Baltimore County

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

April 2, 2012

NOTICE OF ASSIGNMENT/ ON THE RECORD SETTLEMENT / DAY #2

CASE #: CBA-10-022 **IN THE MATTER OF: Schulte Property / DRC #120109B**
and **7404 Mount Vista Road, Kingsville**
10-109-SPH

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

This matter has been pending since March 2010. Day #1 was held on June 2, 2011 and the matter was continued for a possible settlement on the record. This matter has been-assigned for Day #2 as follows::

ASSIGNED FOR: THURSDAY, MAY 24, 2012 at 10: 00 a.m. (DAY #2)

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

c: Counsel for Petitioner/Property Owner	: Lawrence E. Schmidt, Esquire
Petitioner /Property Owner	: Linda Schulte
	: Kenneth J. Wells
 Counsel for Appellants	 : J. Carroll Holzer, Esquire
Appellants	: Stephen P. and Diane Feffer Neas
	: Edmund R. Chase
	: Ila Christenbury
 Office of People's Counsel	 Mike Pierce
Colleen Kelly, Development Manager	Robin Beers
Vincent Gardina, Director/EPS	Greater Kingsville Civic Association, Inc.
Michael Field, County Attorney, Office of Law	Lawrence M. Stahl, Managing Administrative Judge
W. Carl Richard, Zoning Review Office	Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI	
Nancy West, Assistant County Attorney	



Board of Appeals of Baltimore County

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

4-5-7

(4)

Chair

Settled by Pmt. ss

April 2, 2012

We are waiting for original of Settlement Agreement

NOTICE OF ASSIGNMENT/ ON THE RECORD SETTLEMENT / DAY #2

CASE #: CBA-10-022

IN THE MATTER OF: *Schulte Property / DRC #120109B*

and

7404 Mount Vista Road, Kingsville

10-109-SPH

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

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Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Property Owner
Petitioner /Property Owner

: Lawrence E. Schmidt, Esquire
: Linda Schulte
: Kenneth J. Wells

Counsel for Appellants
Appellants

: J. Carroll Holzer, Esquire
: Stephen P. and Diane Feffer Neas
: Edmund R. Chase
: Ila Christenbury

Office of People's Counsel
Colleen Kelly, Development Manager
Vincent Gardina, Director/EPS
Michael Field, County Attorney, Office of Law
W. Carl Richard, Zoning Review Office
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Mike Pierce
Robin Beers
Greater Kingsville Civic Association, Inc.
Lawrence M. Stahl, Managing Administrative Judge
Andrea Van Arsdale, Director/Department of Planning



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 24, 2009

Linda Schulte
7404 Mount Vista Rd
Kingsville, MD 21087

Dear: Linda Schulte

RE: Case Number 2010-0109-SPH, 7404 Mount Vista Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 28, 2009. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Kenneth Wells; 7403 New Cut Rd.; Kingsville, MD 21087

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 9, 2009

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

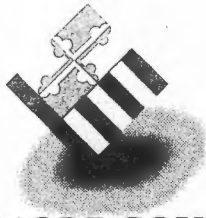
SUBJECT: Zoning Advisory Committee Meeting
For October 19, 2009
Item Nos. 10-006, 034, 096, 097, 098, 099, 100, 101,
102, 103, 104, 105, 106, 107, 108, 109, 113 and 115

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10192009 b -NO COMMENTS.doc



BALTIMORE COUNTY
M A R Y L A N D

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

October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers

0006,0034,0088,0096,0097,0098,0099,0100,0102,0103,0104,0106,0107,0108,0109,0111,0113 and 0115

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

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****NOV 04 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 3, 2009
SUBJECT: Zoning Item # 10-109-SPH
Address 7404 Mount Vista Road

Zoning Advisory Committee Meeting of October 5, 2009

- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Soil evaluations will be required in order to determine a valid septic reserve area. Contact GWM for more information. – *S. Farinetti; Groundwater Management*

Reviewers: Adriene Metzbower (Environmental Impact Review) Date: 10/16/09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 21, 2009

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

RECEIVED

SUBJECT: 7404 Mount Vista Road

NOV 02 2009

INFORMATION:

Item Number: 10-109

ZONING COMMISSIONER

Petitioner: Linda Schulte

Zoning: RC 5

Requested Action: Special Hearing

The petitioner requests a special hearing under Section 500.7 to allow a non-density transfer of 1.21 acres of land more or less from Parcel 1 to Parcel 2 and to allow a non-density transfer of 2.59 acres of land more or less from Parcel 1 to Parcel 3 and to allow a non-density transfer of 0.46 acres of land more or less from Parcel 2 to Parcel 3. Also to allow access from the land locked Parcel 1 to a public street through an existing right-of-way in lieu of the required in-fee simple strip as stated in Section 32-4-409(c) of the BCC and for other matters and further relief as may be deemed by the Zoning Commissioner of Baltimore County.

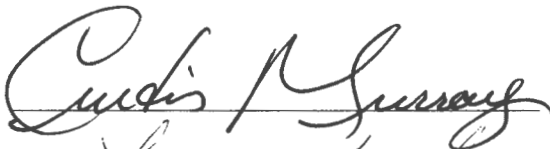
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the special hearing request for the three non-density transfers or to allow access through an existing right-of-way in lieu of the required in-fee simple strip. It should be noted on the plan that Mount Vista Road is a Baltimore County designated scenic route and that the property is located within the boundaries of The Greater Kingsville Area Community Plan. Any future subdivision would be subject to the scenic routes guidelines of the Comprehensive Manual of Development Policies.

Provide in chart form the ultimate distribution of densities by parcel.

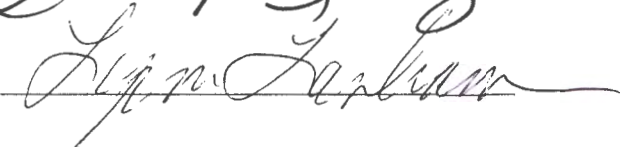
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM





Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 7, 2009

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

RE: Baltimore County
Item No. 2010-0109-SPH
7404 MOUNT VISTA RD.
SCHULTE PROPERTY
SPECIAL HEARING -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0109-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Kristen Matthews, DPDM
File

DATE: December 3, 2009

FROM: William J. Wiseman, III
Zoning Commissioner

SUBJECT: **Petition for Special Hearing**
NE/S Mount Vista Road, 730' N c/line of Old Landing Road
11th Election District – 3rd Council District
(7404 Mount Vista Road)
Linda Schulte - Petitioner
Case No. 2010-0109-SPH

We are returning the attached for placement of documentation of the proper notice and advertisement in the case file, which will then be returned to our office prior to the December 16, 2009 hearing scheduled at 2:00 PM. No one appeared in opposition at the advertised date of December 3, 2009 at 9:00 AM.

Thanks.

WJW:dlw

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7404 Mount Vista Road; NE/S Mount Vista * ZONING COMMISSIONER
Road, 730' N c/line of Old Landing Road *
11th Election & 3rd Councilmanic Districts *
Legal Owner(s): Linda Schulte * FOR
Petitioner(s) *
BALTIMORE COUNTY
10-109-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

OCT 14 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN THE MATTER OF:
Schulte Property
DRC # 120109B
7404 Mount Vista Rd., Kingsville

11th Election District
3rd Council District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
*
* Case No. CBA-10-022 &
* Case No. 10-109-SPH

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wed., July 21, 2010 at 10:00 a.m. at Hearing Room #2, located at Jefferson Bldg., 2nd Floor, 105 West Chesapeake Ave., Towson 21204 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board. (See attached Notice of Hearing)

Witness: Dave Lykens
Address: DEPRM
Jefferson Bldg., 4th Floor
Towson, MD 21204

Name: J. Carroll Holzer
Firm: J. Carroll Holzer, PA
Address: 508 Fairmount Ave. Towson, 21286 410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case. The Board requests the Sheriff to issue the summons set forth herein.

Sunny Cannington
County Board of Appeals of Baltimore County

RECEIVED
Date JUL 14 2010

BALTIMORE COUNTY
BOARD OF APPEALS

Cost: \$

Summoned: _____, 2009

Not Served: _____, 2009

Sheriff of Baltimore County

IN THE MATTER OF:
Schulte Property
DRC # 120109B
7404 Mount Vista Rd., Kingsville

11th Election District
3rd Council District

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

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Witness: Bruce Seeley, Development Review
Address: Office of Planning
Jefferson Bldg.
Towson, MD 21204

Name: J. Carroll Holzer
Firm: J. Carroll Holzer, PA
Address: 508 Fairmount Ave. Towson, 21286 410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case. The Board requests the Sheriff to issue the summons set forth herein.

Sunny Cannington
County Board of Appeals of Baltimore County

Date

RECEIVED

JUL 14 2010

BALTIMORE COUNTY
BOARD OF APPEALS

Cost: \$

Summoned: _____, 2009

Not Served: _____, 2009

Sheriff of Baltimore County

IN THE MATTER OF:
Schulte Property
DRC # 120109B
7404 Mount Vista Rd., Kingsville

11th Election District
3rd Council District

* BEFORE THE
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* * * * *

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Witness: Colleen Kelly, Project Manager
Address: PDM
County Office Bldg.
Towson, MD 21204

Name: J. Carroll Holzer
Firm: J. Carroll Holzer, PA
Address: 508 Fairmount Ave. Towson, 21286 410-825-6961

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County Board of Appeals of Baltimore County

RECEIVED
Date JUL 14 2010
BALTIMORE COUNTY
BOARD OF APPEALS

Cost: \$

Summoned: _____, 2009

Not Served: _____, 2009

Sheriff of Baltimore County

IN THE MATTER OF:
Schulte Property
DRC # 120109B
7404 Mount Vista Rd., Kingsville

11th Election District
3rd Council District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY

* Case No. CBA-10-022 &
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* * * * *

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Witness: Dennis Kennedy, Chief
Address: PDM, Room 119
County Office Bldg.
Towson, MD 21204

Name: J. Carroll Holzer
Firm: J. Carroll Holzer, PA
Address: 508 Fairmount Ave. Towson, 21286 410-825-6961

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Sunny Cannington
County Board of Appeals of Baltimore County

RECEIVED
Date
JUL 14 2010

BALTIMORE COUNTY
BOARD OF APPEALS

Cost: \$

Summoned: _____, 2009

Not Served: _____, 2009

Sheriff of Baltimore County

From: Theresa Shelton
To: JCHOLZER@CAVTEL.NET; LSchmidt@GildeaLLC.com
Date: 3/15/2012 11:22 AM
Subject: Schulte Property

Gentlemen:

Good Morning:

Please advise as to the proposed settlement of this matter. Has the Agreement been signed? Can this be placed on the record? The Board has been holding this matter for over two (2) years to accommodate Counsel with regard to settlement.

I await your response.

Thank you for your time.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified

From: Theresa Shelton
To: Counsel, People's; Field, Mike; Gardina, Vincent; Katzenberger, Rose;...
Date: 1/14/2011 12:06 PM
Subject: Schulte Property / 7404 Mount Vista Road
Attachments: Schulte Property - 2nd Status Request.PDF

Good Afternoon:

Attached is correspondence to Counsel on this matter requesting a second status with regard to settlement.

Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

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County Board of Appeals of Baltimore County

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

January 14, 2011

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: *IN THE MATTER OF:*

Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #: 10-109-SPH

Dear Counsel:

Please advise as to the status of the settlement negotiation in this matter. The last notation in my file was from October 2010, wherein the parties were circulating drafts.

Should you have any questions, please contact me at 410-887-3180. I remain,

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original

c(via email): Office of People's Counsel
Director/PDM
W. Carl Richard, Zoning Review Office
Zoning Commissioner
Michael E. Field, County Attorney

Colleen Kelly, Development Manager
Director/Planning
Director/DEPRM
Nancy West, Assistant County Attorney

From: Theresa Shelton
To: Counsel, People's; Jacobson, Jonas; Keller, Pat; Kelly, Colleen; Kot...
Date: 10/6/2010 3:15 PM
Subject: Schulte Property / 7404 Mount Vista Road
Attachments: Statrus Request - Schulte.pdf

Good Afternoon:

Attached is correspondence to Counsel on this matter requesting a status.

Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

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Board of Appeals of Baltimore County

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

December 6, 2012

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: *IN THE MATTER OF:* Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #:10-109-SPH

Dear Counsel:

Please advise as to the status of the final settlement and proposed Order in this matter. The last notation in my file stated that edits were completed and that I would hold the matter until November 2012.

The Board has been very patient (since May 24, 2012, when it convened for a hearing and the matter was settled on the record), for the Settlement Agreement and proposed Order. While we understand that there are multiple parties involved, an adequate amount of time has passed for this matter to be concluded and removed from the Board's open docket. The date this appeal was filed was January 19, 2010, almost three (3) years ago.

Please advise when the Board can anticipate receiving the Agreement and proposed Order.

Thank you for your prompt attention to this matter. I remain,

Very truly yours,


Theresa R. Shelton
Administrator

Duplicate Original

c: Board Panel



Board of Appeals of Baltimore County

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

August 8, 2012

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: *IN THE MATTER OF:* Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville/ DRC # 120109B
CASE #: CBA-10-022; and #:10-109-SPH

Dear Counsel:

On May 24, 2012 the parties convened for a hearing before the Board (Day #2) and placed a settlement agreement on the record. The Settlement and proposed Order were to be forwarded to the Board for review and signature. Please advise as to the status of these documents.

Should you have any questions, please contact me at 410-887-3180. I remain,

Very truly yours,

A handwritten signature in cursive script that reads "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Duplicate Original

file 10-109 has all letters, documents, notices, etc.

Page 4

CASE #: CBA-10-022
and
10-109-SPH

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

8-25-11 through 9/1/11 Multiple emails with regard to scheduling and/or settlement of this matter.

9/13/11 Email from Holzer to Larry confirming telephone conversation with regard to meeting for possible settlement.

9/16/11 Verified with Mr. Schmidt's office that all dates are coming out.

TRS HAS FILE. Possible re-schedule to late October

Schmidt 10:30 10/4
Re: Schulte

- Sent settlement to Holzer today
- Will (hopefully) call soon for date to put in settlement.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

July 6, 2011

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21204

Re: Schulte/7404 Mount Vista Road
Case No.: 2010-0109-SPH/DRC #120109B

RECEIVED
JUL - 8 2011
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. Holzer:

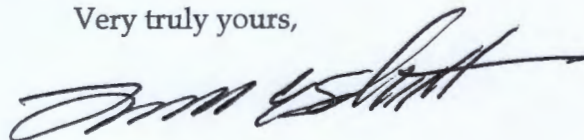
I wanted to update you on the status of the above matter. Last week, Ken Wells visited the site and conducted tests of the soil conditions in order to determine the suitability of conventional septic systems and/or sand mount septic systems on the property. He was accompanied by Rob Powell of Baltimore County's Department of Environmental Protection and Sustainability ("DEPS").

Mr. Powell/Mr. Wells' preliminary conclusions are that the site can be developed with two (2) additional single family dwellings which would be served by sand mount septic systems. The existing dwelling can continue to be served by the conventional septic system which is presently in place.

Mr. Wells is evaluating the data in detail and will prepare a plan locating the building envelopes on the property and the septic systems. Vehicular access will also be shown. When this plan is completed, I will forward a copy to you to share with your clients at the Greater Kingsville Association. Hopefully, we can finalize an agreement relative to the issues in the case based upon an agreed plan. Thereafter, we can contact to Board of Appeals to reschedule this matter.

I will advise you when the plan is completed. Please do not hesitate to contact me should you have any questions.

Very truly yours,



Lawrence E. Schmidt

LES: arg

CC: Kenneth J. Wells, KjWellsInc.
Theresa R. Shelton, Board of Appeals
Steve & Linda Schulte

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

June 13, 2011

Sent via Electronic Mail

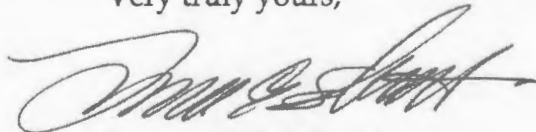
Theresa R. Shelton
County Board of Appeals of Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Schulte/7404 Mount Vista Road
Case No.: 2010-022/DRC #120109B

Dear Ms. Shelton:

Pursuant to the advice given at the hearing before the Board on June 2, 2011, kindly be advised that the Schultes have scheduled the soil evaluation tests for their property for June 23, 2011 or June 28, 2011. The precise date will be determined based on the weather forecast (it must be dry) and the tests will be supervised by Rob Powell of the Department of Environmental Protection and Sustainability. Once the tests are complete, the results will be shared with Mr. Holzer and I will advise the Board as to the status of our negotiations.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: J. Carroll Holzer, Esquire, Holzer & Lee
Kenneth J. Wells, KjWellsInc.
Linda Schulte, 7404 Mount Vista Road



CASE NAME Schulke
CASE NUMBER 10109
DATE 12/16/09

[illegible]

CASE NAME Schulte
CASE NUMBER 2010-0109-SPH
DATE 12-16-09

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 11 **Account Number -** 1112060160

Owner Information

Owner Name: SCHULTE LINDA **Use:** RESIDENTIAL
Mailing Address: 8005 YELLOWSTONE RD **Principal Residence:** NO
 KINGSVILLE MD 21087-1512 **Deed Reference:** 1) /24408/ 431
 2)

Location & Structure Information

Premises Address **Legal Description**
 7404 MT VISTA RD 5.31 AC
 NES MT VISTA RD
 375FT SE CEDAR LA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
64	1	524						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1766	3,102 SF	5.31 AC	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	STONE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	134,470	134,470		
Improvements:	227,550	263,790		
Total:	362,020	398,260	374,100	386,180
Preferential Land:	0	0	0	0

Transfer Information

Seller: LOVE JOHN CLYDE	Date: 09/01/2006	Price: \$600,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /24408/ 431	Deed2:
Seller: LOVE JOHN C	Date: 11/04/1970	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5140/ 73	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

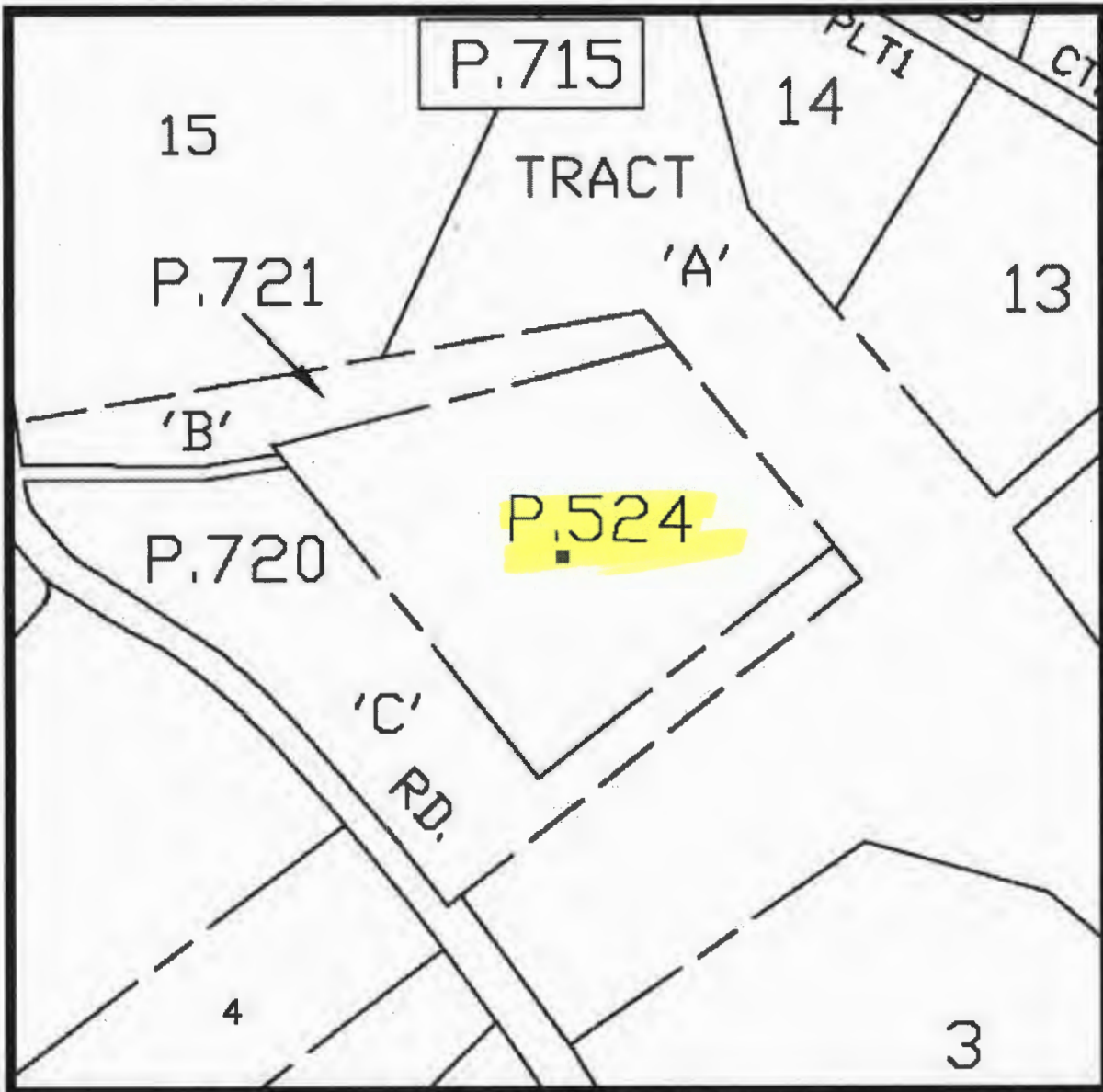
Special Tax Recapture:
 * NONE *



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 11 Account Number - 1112060160



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Case No.: 2010-0109-SPH

7404 Mount Vista Road

Exhibit Sheet

m

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	DAY'S WOODS DEVELOPMENT PLANS	
No. 3	HOT ORDER X1-711	
No. 4	DEEDS (A) LOVE to Schulte (B) Norton to Mt Vista LLC (C) Mt Vista to LOVE (Parcel 1 1/2)	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Case No: CBA-10-022 Case Name: Schulte Property
CBA-10-109-SPH Exhibit List

Party: Schulte Date: 6/2/2011

VIA PROFFER

Exhibit No:	Description:
✓ 1	^{revised 6/17/2011} DRC Approved plan - Dated 9/23/09
✓ 2	^{not. 2/20/96} Plat 1 of Days Wood Manor
✓ 3	Order Approving Dan's Wood Subdivision. 11-7-4 / Dated 9/28/95
✓ 4	12/29/2009 Exemption letter
✓ 5	^{Opinion} 2010-109 SPH / 12/21/2009
✓ 6	Zoning comments.
	VERIFIED BY <u>tro</u> DATE: <u>6/2/11</u>

2



County Board of Appeals of Baltimore County

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

5-4-7
(4)
Exhibits

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

April 7, 2011

NOTICE OF RE-ASSIGNMENT

CASE #: CBA-10-022

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

and

CASE #: 10-109-SPH

*IN THE MATTER OF: Schulte Property / DRC #120109B
7404 Mount Vista Road, Kingsville*

RE: Ltr dated December 29, 2009 to Kenneth Wells from Timothy Kotroco, Director, PDM that the DRC determined that the project met the requirements of a limited exemption; and

Findings of Fact and Conclusion of Law issued December 21, 2009 by the Zoning Commissioner that the Petitioner for Special Hearing filed pursuant to Section 500.7 was granted with a condition.

This matter has been postponed numerous times since the appeal was filed in January 2010. Negotiations for a possible settlement of this matter have been in progress since July 19, 2010, with drafts circulated in October 2010. Dates were provided in April, 2011 and this office was again notified that negotiations were continuing. This matter is being RE-ASSIGNED to the date listed below and no further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

RE-ASSIGNED FOR: THURSDAY, JUNE 2, 2011 at 10:00 a.m.

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

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

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

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

Theresa R. Shelton
Administrator

CONTINUED

Schulte Exhibit #3

9/14

IN RE: DEVELOPMENT PLAN HEARING	* BEFORE THE
Day's Woods Manor (aka DeBalla Property)	
N/S Mt. Vista Road, between	* ZONING COMMISSIONER
Cedar Lane & Raphael Road	
11th Election District	* OF BALTIMORE COUNTY
5th Councilmanic District	
	* Case No. XI-711
JWR Mt. Vista Ltd. Part. and	
Kingsville 1 Ltd. Part., Owners/	*
and Bill Ruppert - Developer	
* * * * *	

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by Morris & Ritchie Associates, Inc., for the proposed development of the subject property by JWR Mt. Vista Limited Partnership and Kingsville 1 Limited Partnership, Owners, and Bill Ruppert, Developer, with 14 single family dwelling lots and 1 remnant parcel, in accordance with the two-page development plan submitted into evidence as Developer's Exhibit 1.

Appearing at the public hearing required for this project were Bill Ruppert, Developer, Tim Madden and Scott Rouk with Morris & Ritchie Associates, Inc., the engineering firm which prepared the development plan for this project, and John B. Gontrum, Esquire, attorney for the Owners/Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. Several residents from the surrounding community appeared as interested parties, including Richard Coggins, who testified in opposition to the plan. In addition, John C. Love, who was not present at the hearing but is a neighbor to the property, was represented at the hearing by Jacqueline A. Moore, Esquire.

As to the history of this project, the concept plan conference for this development was conducted on February 6, 1995. As required, a community input meeting was held on April 6, 1995 at the Kingsville Elemen-

IN RE: DEVELOPMENT PLAN HEARING * BEFORE THE
 Day's Woods Manor (aka DeBalla Property) *
 N/S Mt. Vista Road, between * ZONING COMMISSIONER
 Cedar Lane & Raphael Road *
 11th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District * Case No. XI-711
 JWR Mt. Vista Ltd. Part. and
 Kingsville 1 Ltd. Part., Owners/ *
 and Bill Ruppert - Developer *
 * * * * *

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As to the history of this project, the concept plan conference for this development was conducted on February 6, 1995. As required, a community input meeting was held on April 6, 1995 at the Kingsville Elemen-

PETITIONER'S

EXHIBIT NO.

3

tary School. Subsequently, a development plan was submitted and a conference held thereon on August 29, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments and bearing a last revised date of September 8, 1995 was submitted at the hearing held before me on September 14, 1995.

At the public hearing before me, I am required to determine what, if any, agency comments or issues remain unresolved. On behalf of the Developer, Mr. Tim Madden testified that all issues raised within the comments submitted by the various Baltimore County reviewing agencies have been resolved and incorporated into the revised development plan. In addition, all of the issues raised within the September 12, 1995 letter from Mr. Doug Behr, a representative of the Greater Kingsville Civic Association, to the Permits and Development Management (PDM) office have been complied with and incorporated into the revised development plan and the covenants will be recorded in the Land Records for Baltimore County at the time the record plat for this development is filed.

It should also be noted that the Developer intends to transfer two parcels of land to adjoining landowners as an accommodation. As noted on the revised plan, a small parcel consisting of approximately 0.318 acres is to be transferred to Mr. Lewis Fleury, and another parcel containing 5.7 acres, more or less, is to be transferred to Mr. John Love. This parcel is comprised of two tracts, identified as Tracts B and C on the plan, and each contains one density unit. Both tracts border Mr. Love's property which has been designated as a historic property in the Maryland Inventory of Historic Properties.

Schulte Exhibit #4

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

December 29, 2009

kjWellsInc
Mr. Kenneth J. Wells
7403 New Cut Road
Kingsville, MD 21087

RE: Schulte Property
7404 Mount Vista Road
DRC Number: 120109B; Dist. 11C3

Dear Mr. Wells:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

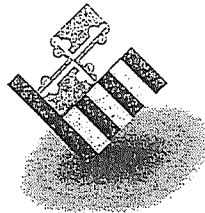
IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NE/S Mount Vista Road, 375' SE of		
Cedar Lane	*	ZONING COMMISSIONER
(7404 Mount Vista Road)		
11 th Election District	*	FOR
3 rd Council District		
	*	BALTIMORE COUNTY
Linda Schulte		
Petitioner	*	Case No. 2010-0109-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Linda Schulte, through her attorney, Lawrence E. Schmidt, of Gildea & Schmidt, LLC, for the property located at 7404 Mount Vista Road in Kingsville. The Petitioner requests special hearing relief pursuant to Section 500.7 as follows: (1) To allow a non-density transfer of 1.21 acres of land, more or less, from Parcel 1 to Parcel 2; (2) to allow a non-density transfer of 2.59 acres, more or less, from Parcel 1 to Parcel 3; (3) to allow a non-density transfer of 0.46 acres, more or less, from Parcel 2 to Parcel 3; and (4) to allow access for the land locked Parcel 1 to a public street through an existing 20-foot right-of-way in lieu of the required in-fee simple strip as stated in Section 32-4-409(b)(1) and provided for in Section 32-4-409(c) of the Baltimore County Code (B.C.C.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Linda Schulte, property owner, her husband, Steven R. Schulte, and Kenneth J. Wells, with kj Wells, Inc., the property line surveyor who prepared the site plan. The Petitioner was represented by Lawrence E. Schmidt, Esquire. Appearing as interested persons were Edward Chase, a nearby property owner, and Michael Pierce, President of North County Preservation.



BALTIMORE COUNTY
M A R Y L A N D

Schulte
Exhibit 46
7404 Mt. Vista
30A1

JAMES T. SMITH, JR.
County Executive

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

November 24, 2009

Linda Schulte
7404 Mount Vista Rd
Kingsville, MD 21087

Dear: Linda Schulte

RE: Case Number 2010-0109-SPH, 7404 Mount Vista Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 28, 2009. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Kenneth Wells; 7403 New Cut Rd.; Kingsville, MD 21087

31

Party: Politiomers / Schule / + Prot. Conf Date: 5/23/12

[illegible]

RECEIVED

JUN 04 2012

Smith, Gildea & Schmidt

JOINT EX 2

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") made this 24th day of May, 2012, by and among *Linda Schulte and Steven Schulte*, individually and jointly as Petitioner/Property Owner (hereinafter collectively referred to as the "**Schultes**"), and *The Greater Kingsville Civic Association, Inc.* and individuals, *Stephen P. Neas* and *Diane Feffer Neas*, 7447 Mount Vista Road; *Edmund R. Chase*, 7439 Mount Vista Road; and *Ila Christenbury*, 12009 Cedar Lane, all of Kingsville, Maryland 21087, (hereinafter collectively referred to as the "**Neighbors**").

RECITALS:

WHEREAS, Linda Schulte is the owner of property located at 7404 Mount Vista Road in Kingsville and more particularly described as three (3) parcels located in the 11th Election District and identified as Tax IDs: 22 0002 5260, 22 00002 5261, and 11 1206 0160 owned by Linda Schulte individually and known as Green Oak Farm. The property is improved with a dwelling presently occupied by the Schultes and locally referred to as the "Historic Day House." In order to subdivide the property and create additional building lots (while preserving the Historic Day House), the Schultes have requested zoning relief via a Petition for Special Hearing to allow a non-density transfer of 1.21 acres, more or less, of land from Parcel 1 to Parcel 2; to allow a non-density transfer of 2.59 acres, more or less, from Parcel 2 to Parcel 3; and to allow access for the land locked Parcel 1 to a public street through an existing 20-foot right-of-way in lieu of the required in-fee simple strip as required by Baltimore County Code ("BCC") § 32-4-409(b)(1). Following a public hearing, the Petition was granted by Order of former Zoning Commissioner William J. Wiseman, III on December 21, 2009; and,

WHEREAS, the Schultes also submitted an application to the Development Review Committee ("DRC") for an exemption of the application of the development review regulations codified in Article 32 of the Baltimore County Code. Upon the recommendation of the DRC, then Director of the Department of Permits and Development Management Timothy M. Kotroco, on December 29, 2009, approved the limited exemption pursuant to BCC § 32-4-106(a)(1)(viii), and,

WHEREAS, both Director Kotroco's decision dated December 29, 2009, and the Zoning Commissioner's Order of December 21, 2009, were appealed to the County Board of Appeals of Baltimore County (hereinafter "Board") by the Neighbors and were consolidated by hearing purposed by the Board, and,

WHEREAS, the parties hereto intend to resolve the outstanding issues related to the development of the Schultes' property, the Neighbors' appeals of the DRC approval and the Zoning Commissioner's Decision, all of the dates aforesated, in accordance with the Agreements and Enforcement provisions hereof.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

CBA-10-022

JOINT EXHIBIT 2

Schulte

5/23/12

JOINT
EX
3DEED

THIS DEED, made this 29th day of August, 2006, by and between Jacqueline A. Delisle, Attorney-in-Fact for JOHN CLYDE LOVE, pursuant to Limited Power of Attorney dated October 31, 2005 (the "Grantor") and LINDA SCHULTE ("Grantee").

WITNESSETH:

WITNESSETH, that for and in consideration of the sum of Six Hundred Thousand Dollars (\$600,000.00) and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Grantor does hereby grant and convey unto Linda Schulte, her heirs, personal representatives, and assigns, in fee simple forever, all those lots, lying, being and situated in Baltimore County, Maryland and described as follows:

Parcel One:

BEGINNING FOR THE SAME (according to a survey prepared June 4, 1956 by E. F. Raphael & Associates, Registered Land Surveyors) at an iron bar, said point of beginning being South 27 degrees 33 minutes 30 seconds West 1,311.33 feet from a stone heretofore planted at the beginning of land which by Deed dated June 24, 1948 and recorded among the Land Records of Baltimore County in Liber TBS 1673, folio 207, was conveyed by William K. Ebel, et al t Valentine deBalla, et al, said point of beginning being also, as surveyed, South 73 degrees 48 minutes 30 seconds West 1,293.10 feet from the end of the first line in aforesaid deed; running thence for lines of division the four following courses and distances: 1) South 60 degrees 43 minutes 40 seconds West 500.00 feet to an iron bar; 2) North 29 degrees 16 minutes 20 seconds West 575.00 feet; 3) North 84 degrees 57 minutes 20 seconds East 548.29 feet; 4) South 29 degrees 16 minutes 20 seconds East 350.00 feet to the place of beginning. Containing 5.31 acres of land, more or less.

TOGETHER with a right-of-way twenty feet wide, the center line being more particularly described as follows: Beginning for the same at a point in the second line of the above described lot at a distance of 24.24 feet from the end of said second line, said point of beginning being in the center of an existing road, running thence and binding on the center line of the existing road North 89 degrees 16 minutes 30 seconds West 108.33 feet and North 80 degrees 25 minutes 30 seconds West 256.00 feet to the center of a public road known as Mt. Vista Road.

BEING the same property as described in a Deed dated May 18, 1970 and recorded among the Land Records of Baltimore County, Maryland in Liber 5140, folio 73 from Zero, Inc. to John Clyde Love, the within named Grantor.

Parcel Two and Parcel Three:

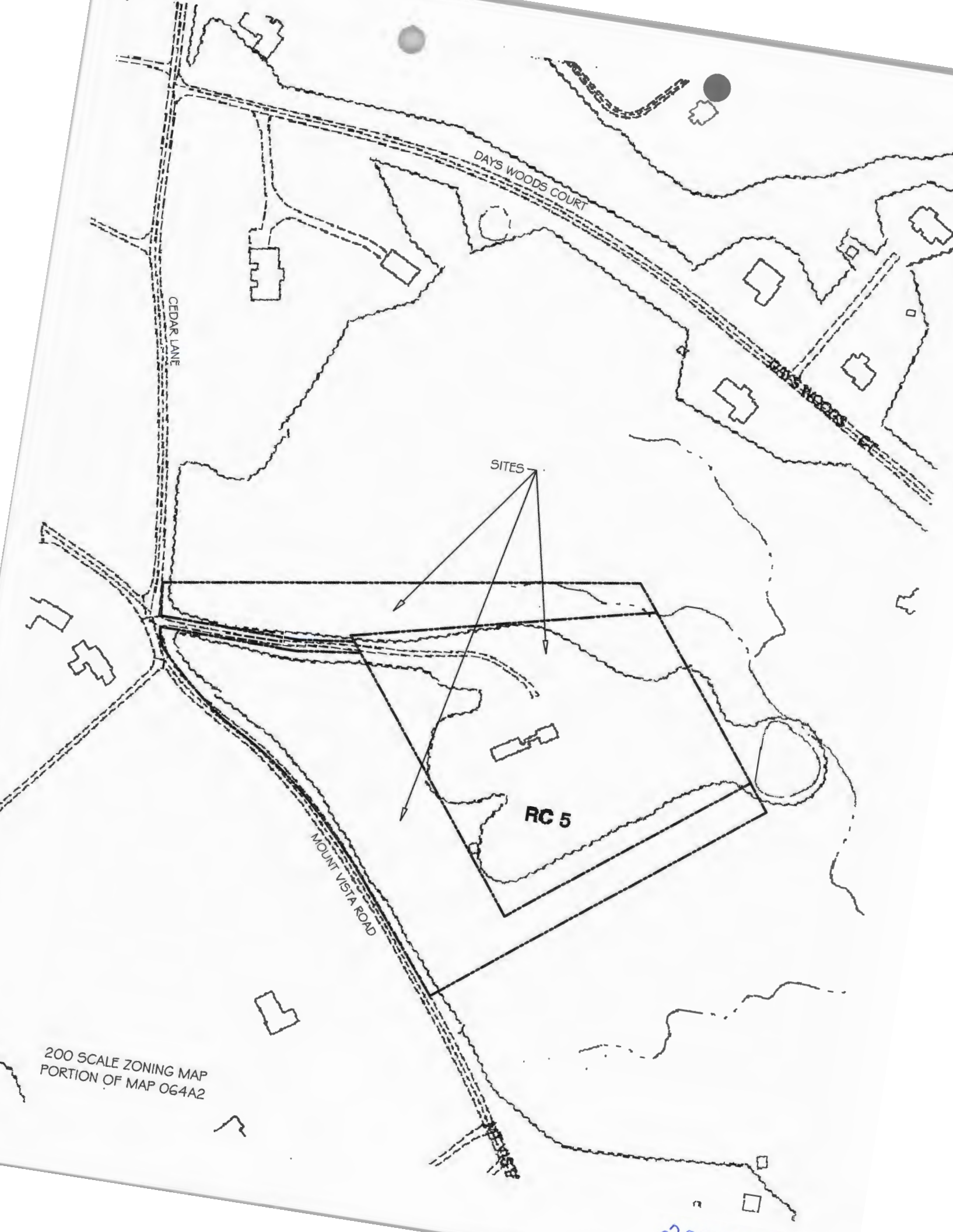
See Exhibit A attached hereto and incorporated by reference herein.

BEING the same properties as described in a Deed dated December 26, 1995 and recorded among the Land Records of Baltimore County, Maryland in Liber 11366, folio 414 by JWR Mt. Vista Limited Partnership and Ralph Norton and Sabrina V. Norton, his wife, to John Clyde Love, the within named Grantor.

TOGETHER with the buildings thereon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said tract or parcel of ground and premises to the said Grantee, her heirs, personal representatives, successors and assigns, in fee simple, forever.

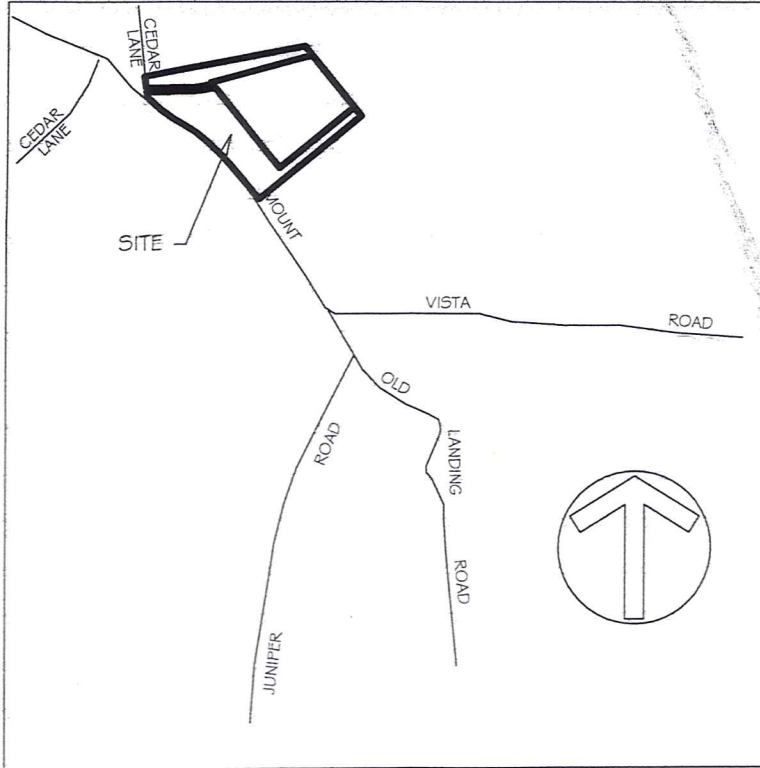
CBA-10-022 Schulte Ex. 3 Joint 5/23/12



200 SCALE ZONING MAP
PORTION OF MAP 064A2

CHEEMA
25874/373
TAX ID: 2300001642
LOT 15
DAYS WOODS

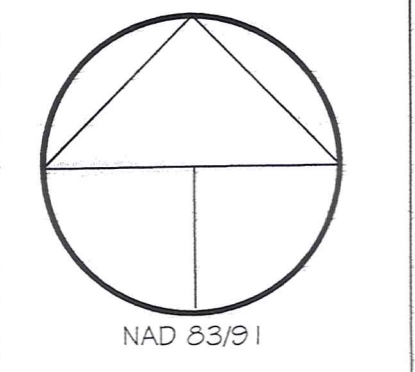
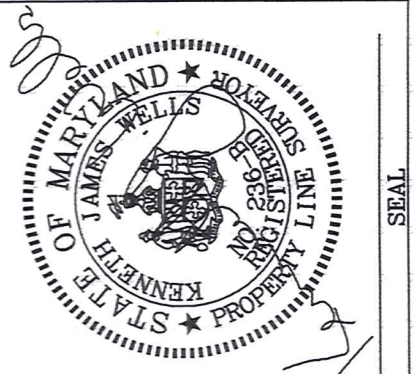
SABA
15001/310
TAX ID: 2300001643
EASEMENT AREA
DAYS WOODS



Vicinity Map
SCALE: 1" = 1,000'

kjwellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning



REVISIONS:
NO. DATE

1	9/30/2009
2	6/1/2011

Plan to Accompany a Petition
for a Special Hearing
Schulte Property

11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 9/23/2009
PROJECT NO.:
2009-019
SHEET 1 OF 1

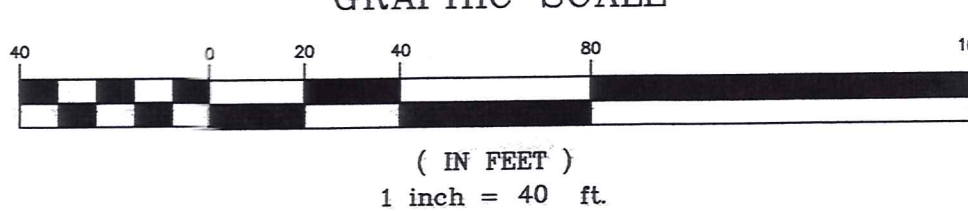
PRIOR ZONING HEARING (CASE NO. 2010-0109 5PH):

- 1) TO ALLOW A NON-DENSITY TRANSFER OF 1.21 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 2 AND
- 2) TO ALLOW A NON-DENSITY TRANSFER OF 2.59 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 3 AND
- 3) TO ALLOW A NON-DENSITY TRANSFER OF 0.46 ACRES OF LAND MORE OR LESS FROM PARCEL 2 TO PARCEL 3 AND
- 4) TO ALLOW ACCESS FOR THE LAND LOCKED PARCEL 1 TO A PUBLIC STREET THROUGH AN EXISTING 20 FOOT RIGHT-OF-WAY IN LIEU OF THE REQUIRED IN-FEE SIMPLE STRIP AS STATED IN SECTION 32-4-409(b)(1) AND PER EXCEPTION AS STATED IN SECTION 32-4-409(c) OF THE CBC AND
- 5) FOR SUCH OTHER MATTERS AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

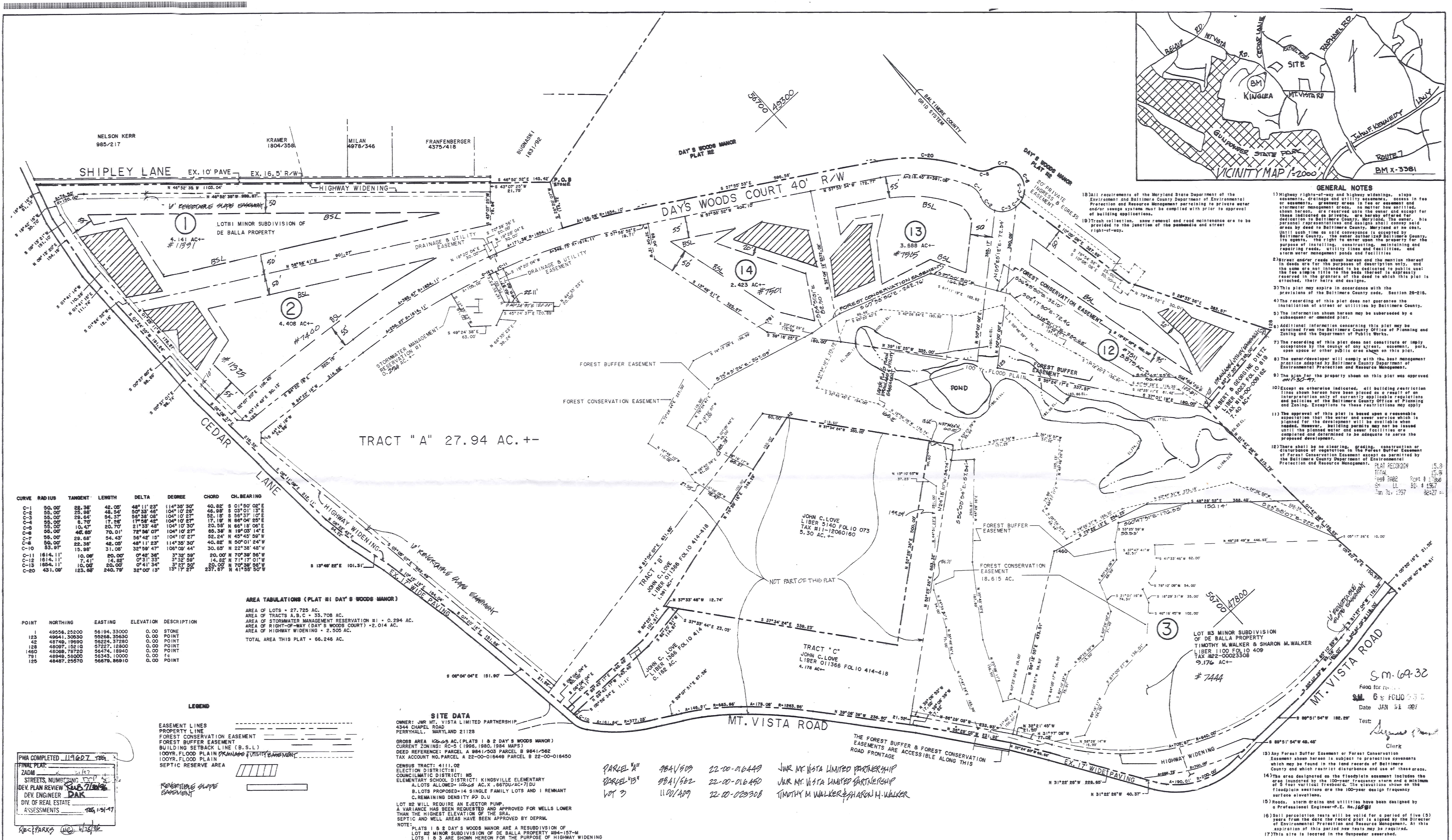
SITE DATA:

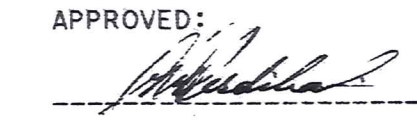
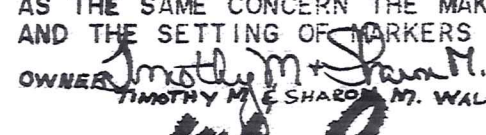
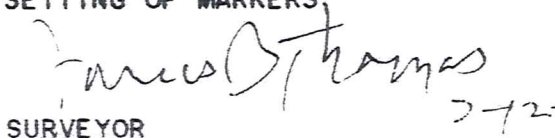
- 1) OWNER'S NAME: LINDA SCHULTE
- 2) OWNER'S ADDRESS: 7404 MOUNT VISTA ROAD, KINGSVILLE, MARYLAND 21087
- 3) OWNER'S TELEPHONE NO.: 410-428-1935
- 4) DEED REFERENCE: 24-408431
- 5) TAX MAP: 0064 GRID: 1 PARCELS: 524, 720 & 721
- 6) TAX ACCOUNT NO.: 111 2060160, 2200025261 & 2200025260
- 7) ZONING MAP: 064A2
- 8) ZONING: RG-5
- 9) PRIOR ZONING HEARINGS: 2010-0109-5PH (SEE ZONING HEARING NOTE)
- 10) DEC: 1201095 12/29/2009 GRANTED A LIMITED EXCEPTION 24-4105681(YN)
- 11) ELECTION DISTRICT: 11th
- 12) COUNCILMANIC DISTRICT: 3rd
- 13) THE PROPERTIES ARE LISTED ON THE HISTORIC REGISTER INVENTORY NO. 00236
- 14) THE PROPERTIES ARE NOT LOCATED IN THE CBCA.
- 15) PRIVATE WELL AND SEPTIC
- 16) EXISTING AREAS:
 - PARCEL 1 = 5.31 ACRES
 - PARCEL 2 = 4.17 ACRES
 - PARCEL 3 = 1.59 ACRES
- 17) PROPOSED AREAS:
 - PARCEL 1 = 1.52 ACRES ±
 - PARCEL 2 = 5.12 ACRES ±
 - PARCEL 3 = 4.43 ACRES ±

GRAPHIC SCALE



Schulte Exhibit 42



APPROVED:  DATE: 1-31-97		NOTE: COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS: X-9089 N48754.93 E58381.60 X-9090 N49401.48 E58530.44		OWNERS JWR MT. VISTA LIMITED PARTNERSHIP 4344 CHAPEL ROAD BALTIMORE, MARYLAND 21236 (410) 256-0793 JOHN W. RUPPERT GENERAL PARTNER JOHN C. LOVE TIMOTHY M. & SHARON M. WALKER		OWNER'S CERTIFICATE THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH INsofar AS THE SAME CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS. OWNER:  DATE: 3/21/96 OWNER:  DATE: 4/1/96		SURVEYOR'S CERTIFICATE THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS THE SAME CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS. SURVEYOR:  DATE: 2-2-96 JAMES B. THOMAS RPLS #27		SURVEYORS SEAL 		TRIANGLE SURVEYS, INC. P.O. BOX 307 PERRYHALL, MD. 21128 (410) 529-1332 PLAT #1 DAY'S WOODS MANOR SCALE: 1" = 100' DATE: 2/20/96 ELECTION DISTRICT #11 COUNCILMANIC DISTRICT #5	
--	--	---	--	---	--	---	--	--	--	--	--	--	--

MSA 38A 1236-4442-1 1-9-32
Schultz Encl. bit 42

PROPERTY NAME:
DAY'S WOODS MANOR
(FORMERLY THE DE SALLA PROPERTY)

OWNER:
PARCEL A
DWT Master Vista Limited Partnership
4344 Chapel Road
Perry Hall, Maryland 21228

PARCEL B
Kingsville Limited Partnership
9554 A Belair Road
Baltimore, Maryland 21226

DEVELOPER:
Mr. Bill Ruppert
9554 A Belair Road
Baltimore, Maryland 21226
Attn: Bill Ruppert (410) 256-0793

PLAN PREPARED BY:
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204
Attn: Timothy Madson, Principal #408 (410) 821-1690
ECOTT ROW, RLA

GENERAL INFORMATION:
Election District #11
Councilman's District #5
Census Tract 4111.02
Water Shed Gunpowder Falls
Subsewer shed No. 81
Elementary School District Kingsville Elementary
Tax Map No. 861, Grid 7, 8, 13, 14
ADG Map No. 822, Grid 13 A and B;
860, Grid 1 A and B
County Photogrammetric Map No. NE J-12 & J-13

6. SITE DATA:

A. Existing Accession and Zoning

- 1) Existing Land Use: Existing meadow and woodland 106.8 acres
- 2) Gross Acreage: R.R. 8
- 3) Existing Zoning: R.R. 8
- 4) Density Calculations: Density Calculations are based on the entire tract including lots previously approved in prior subdivision (894-157-M).
A. LOTS APPROVED = 106.8 ACRES x 0.67 DWLS = 71 DWLS
B. LOTS REMAINING = 15 SINGLE FAMILY LOTS (1 REMAINING PIECE)
C. REMAINING TRACT = 86 DWLS
D. 2 ACRES PREVIOUSLY USED FOR CATTLE AND TRUCKS (DEVELOPER'S PROPERTY)
The property as shown on the plan has been held since 1977 (see ownership history this sheet). No part of the gross area of this property, as shown, has ever been utilized, recorded or represented as density or area to support any of site dwellings.

5) Tax Information:
Tax Account No.: 22-00-016450
Deed Reference No.: 8577612
Tax Account No.: 22-00-016449
Deed Reference No.: 8577612

B. Proposed Development

A minor subdivision has been previously approved (894-157-M) that created Lots #1, 3 and one large lot including the remainder of the property. Lot #1 is a legal lot but has not yet been sold. Lot #3 has been sold as a result of the minor subdivision. The remaining property is to be divided into 15 lots and one remnant tract (Tract A for future use). This proposal, in addition to the previous minor subdivision, will result in a total of 16 residential lots and one remnant tract being created.
ALL LOTS ARE FOR SALE

7. PARKING

Required off street parking spaces
(19 units x 2 spaces) = 38 parking spaces
Proposed Parking = 30 spaces provided in driveways

8. OPEN SPACE

Open space required: No open space is required in the R.R. 8 zone.
Open space proposed: None 0.0 acres ±

9. AVERAGE DAILY TRIPS

(19 Units X 12.4 for Project) = 236 Total ADT's

10. LANDSCAPE CALCULATIONS

2000 L.F. Interior Road = 20
4500 L.F. Adjacent Road = 20
Total Planting Units Required = 215 p.u.

Landscaping will be in accordance with the Baltimore County Landscape Manual. Credit for existing trees to remain will be addressed on the final Landscape Plan.

11. STORMWATER MANAGEMENT

Two water quality basins are proposed for this project. No quantity/management will be required, since all lots are at least 2.0 acres in size and are excepted.

12. There are no zoning variances, special hearings, or special exceptions required for this project.

13. There are no known archaeological resources on the site. The site adjoins the "Green Oak Farm", containing the Edward Day (John Love) residence identified in the Maryland Inventory of Historic Properties (89-250). Developer has agreed to convey 2 strips of land to Mr. John Love for the purpose of protecting the historic character of the property.

14. There are no known hazardous materials on site. A Phase I investigation has not been prepared at this time.

15. There is one point of access for a proposed public road to serve the internal lots. Two lots (#1 & #3) will be accessed from existing public roads. There will be no access permitted to lots #8 & #9 from Pashed Road. These two lots will share a common access drive in a cross access easement on Lot #8.

16. Right of way dedications for ultimate rights of way are shown for Pashed Road, Mount Vista Road, Cedar Lane and Shipley Road. A request for technical review of the road improvements has been approved from the Department of Public Works (see letter dated March 10, 1995).

17. All proposed lots are to be sold.

18. SCHOOL INFORMATION

<u>SCHOOL DISTRICTS</u>	<u>CAP.</u>	<u>ENROLLMENTS</u>			<u>PROJECTIONS</u>			<u>OVER/UNDER</u>
		<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>CAPACITY</u>
Kingsville Elem.	472	496	515	549	575	569	557	+77
Perry Hall Middle	1244	1369	1375	1428	1396	1385	1407	+184
Perry Hall High	1407	1732	1805	1849	1895	1995	2021	+442

School Projections in the Six-Year Capital Improvement Program:

Proposed School	Status	Capacity	Estimated to open
Perry Hall High Addn.	Const. FY 96	+500	FY 97

Number	Type of Housing	Elem.	Middle	High
15	Single Family	6	2	3

19. All refuse collection will be public.

20. There are no R.T.A.'s generated on this site.

21. The area between the right lines and the curb line must be cleared, graded and kept free of any obstructions.

22. This plan reflects the intent of the developer to convey land to Mr. Lewis Fleury, to provide screening and buffering of the new development. The developer intends to execute the transfer of land as part of the subdivision plan.

23. The proposed Forest Buffer / Forest Conservation Area Easements shown were established for the entire property as part of the previous minor subdivision for this property.

24. There are no known existing wells, septic systems or underground storage tanks on site.

25. Cedar Lane and Mt. Vista Road are Baltimore County Master Plan designated scenic routes. Photographs to document the existing site will be submitted to the Director of Planning as requested.

26. SETBACK REQUIREMENTS:

A. R.R. 8 Zoning setbacks:
Building front to public street centerline 75'
Building to lot line other than street front 50'

B. Forest Conservation & Forest Buffer Easement Setbacks:
Building to FCEFB Easement 35'

27. All perc tests shown (s) and septic areas have been reviewed and approved by DEPRM. Verbal approval was received on July 7, 1995.

28. ACCESSORY STRUCTURE NOTE

1. 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 501 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)
2. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

29. The exact location of driveways and/or parking pad entrances is to be determined at the time of building application.

30. There were no known unresolved issues as a result of the Community Input Meeting, held on April 6, 1995.

31. Lots #1, 2, 7, 10 & 11 may require ejector pumps for their septic systems.

DIRECTOR OF P.D.M. NOTE

This development plan is approved by the Director of P.D.M. 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.

OWNERSHIP HISTORY

Tax Map 64 Parcel 365

June, 1948 - Conveyed to Valentine & Katherine B. deSalla, dead 1673/207, conveyance of 124.84 Ac. (desc.) - 1.16 (above & except) (P. 622) Net Ac. 123.49 Ac. ±

Oct., 1956 - Off - conveyance of 5.31 Ac. (Parcel 524) to Fred Crebbin, III & Margaret S. Crebbin by deed 3048/171, with 20' right of way. Net Ac. 116.16 Ac. ±

May, 1979 - Off - conveyance of 7.368 Ac. (Parcel 654) to Albert E. Dietz & Georgia O. Dietz by deed 6023/619. Net Ac. 110.81 Ac. ±

Oct., 1984 - Conveyed to Constance L. Chataud, et al, by deed 6809/487. Net Ac. 110.81 Ac. ±

Nov., 1989 - Conveyance of one of the owners' share to the other owners. Net Ac. 110.81 Ac. ±

Aug., 1990 - Conveyed to Ralph Norton & Sabrina Norton by deed 8577/612. Net Ac. 110.81 Ac. ±

28 RE: DEVELOPMENT PLAN HEARING
DAY'S WOODS MANOR (aka DeSalla Property)
N/S Mt. Vista Road, between Cedar Lane & Pashed Road
11th Election District
BALTIMORE COUNTY
COUNCILMAN'S DISTRICT
Case No. XI-711

HEARING OFFICIAL'S OPINION AND DEVELOPMENT PLAN NOTES

"This matter comes before this hearing officer for consideration of a development plan prepared by Morris & Ritchie Associates, Inc., for the proposed development of the subject property by DWT Master Vista Limited Partnership and Kingsville Limited Partnership, Owners, and Bill Ruppert, Developer, with 14 single family dwelling lots and a remnant parcel, in accordance with the two-page development plan submitted into evidence as Developer's Exhibit 1.

Appearing at the public hearing required for this project were Bill Ruppert, Developer, Tim Madson and Scott Rod with Morris & Ritchie Associates, Inc., the engineering firm which prepared the development plan for this project, and John B. Grogan, Esquire, attorney for the Owners/Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. Several residents from the surrounding community appeared as interested parties. Including Richard Coggins, who testified in opposition to the plan. In addition, John C. Love, who was not present at the hearing but is a neighbor to the property, was represented at the hearing by Jacqueline A. Moore, Esquire.

As to the history of this project, the concept plan, forwarded for this development was conducted on February 6, 1995. As required, a community input meeting was held on April 6, 1995 at the Kingsville Elementary School. Subsequently, a development plan was submitted and a conference held thereon on August 29, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments and bearing a last revised date of September 8, 1995 was submitted at the hearing held before me on September 14, 1995.

At the public hearing before me, I am required to determine whether any agency comments or issues remain unresolved. On behalf of the Developer, Mr. Tim Madson testified that all issues raised within the comments submitted by the various Baltimore County reviewing agencies have been resolved and incorporated into the revised development plan. In addition, all of the issues raised within the September 12, 1995 letter from Mr. Doug Behr, a representative of the Greater Kingsville Civic Association, to the permit and development management (PDM) office have been complied with and incorporated into the revised development plan and the comments will be recorded in the land records for Baltimore County at the time the record plat for this development is filed.

It should also be noted that the Developer intends to transfer two parcels of land to adjoining neighbors as an accommodation. As noted on the revised plan, a small parcel consisting of approximately 0.139 acres is to be transferred to Mr. Lewis Fleury, and another parcel containing 5.7 acres, more or less, is to be transferred to Mr. John Love. This parcel is comprised of two tracts, identified as Tracts B and C on the plan, and each contains one density unit. Both tracts border Mr. Love's property which has been designated as a historic property in the Maryland Inventory of Historic Properties.

Finally, an issue was raised by Mr. Richard Coggins, who owns 2.4 acres adjacent to this site. Mr. Coggins is in the process of developing his property with a single family dwelling in which he expects to move sometime in January 1996. Mr. Coggins testified that his property is located across from the proposed access road to this development, shown as Road A on Developer's Exhibit 1, and he is concerned that the lights from vehicular traffic turning from Road A onto Cedar Lane are going to shine into his home. In response to his concerns, Mr. Madson indicated that the Developer might be able to adjust Road A enough to accommodate Mr. Coggins. Inasmuch as this Developer has indicated they will attempt to relocate the access point at Road A, subject to the approval of Traffic Engineering, it appears that the concerns raised by Mr. Coggins will be resolved. Furthermore, I find that such a change would be a non-material change and will not require the Developer to repeat this phase of the development plan process.

There being no other unresolved issues or comments which needed to be addressed, it appears that the development plan as submitted should be approved, subject to the released access point for Road A at Cedar Lane being approved by Traffic Engineering. It is further assumed that proper sight distances and intersection alignment for both Cedar Lane and Road A will be preserved in considering the released access point.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.C. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED that this Zoning Commission/hearing officer for Baltimore County this 28th day of September, 1995 that the two-page development plan for Day's Woods Manor (aka DeSalla Property), identified herein as Developer's Exhibit 1, be and is hereby APPROVED.

Any appeal of this decision must be taken in accordance with Section 26-29 of the Baltimore County Code.

FINAL PLAT
JAMES E. LEBLANC
Zoning Commission/Hearing Officer for Baltimore County

REASON FOR SECOND AMENDMENT

September 5, 1997

To provide for the Lot area of Lot 15 from the Tract 'A' Parcel as approved by the DRC on

The following Lots within 300' of the proposed Lot 15, have been sold as of September 15, 1997 from the original development:

Lot 4 *[Signature]* Owner Signature
Lot 14 *[Signature]* Owner Signature
Tract *[Signature]* Owner Signature

Aside from these lots and owners, no other lots within 300' have been sold in this development.

10-9-96
REASON FOR REFINEMENT: TO REFLECT THE SALE OF ADJACENT PROPERTIES TO ADJOINING OWNERS, REMOVING TRACTS 'B' AND 'C' FROM THIS DEVELOPMENT.

DESIGN PROFESSIONAL'S DEFINITION OF CERTIFICATION

Certify means to state or declare a professional opinion of conditions which the design professional believes to be true to the best of his/her information and knowledge. A design professional's certification in no way, relieves any party from meeting requirements or assuming responsibility imposed by contract, law, governmental regulations or other means, including commonly accepted industry standards.

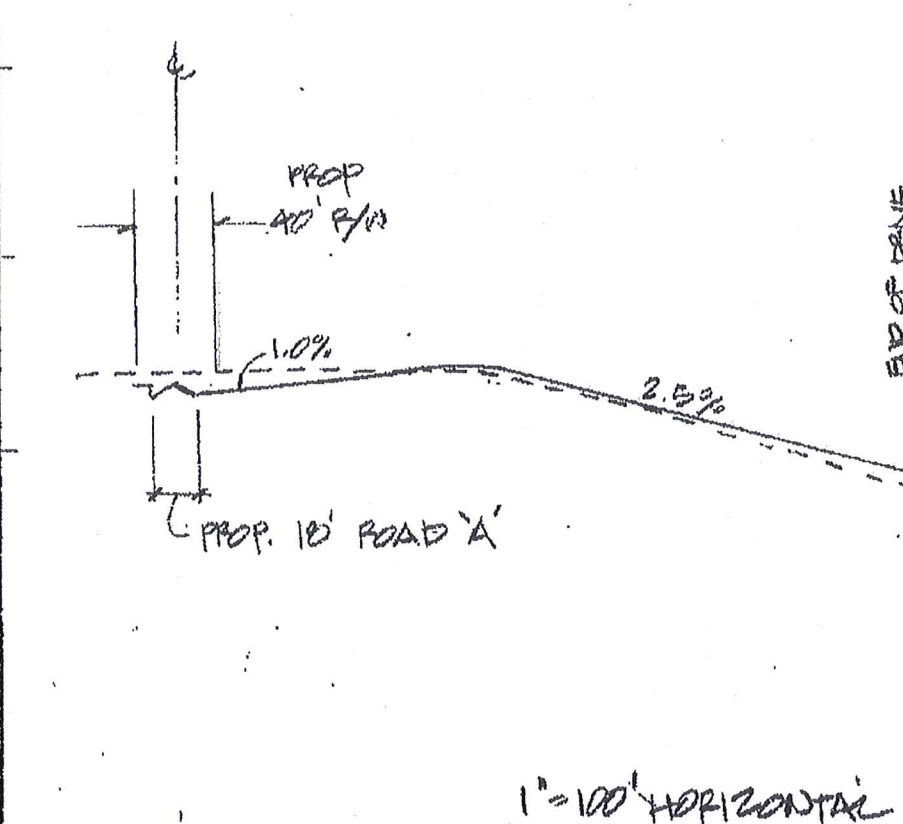
BALTIMORE COUNTY APPROVAL BLOCK

DIRECTOR OF PLANNING
DATE 7/20/98
DIRECTOR OF P.D.M. P.M.B.

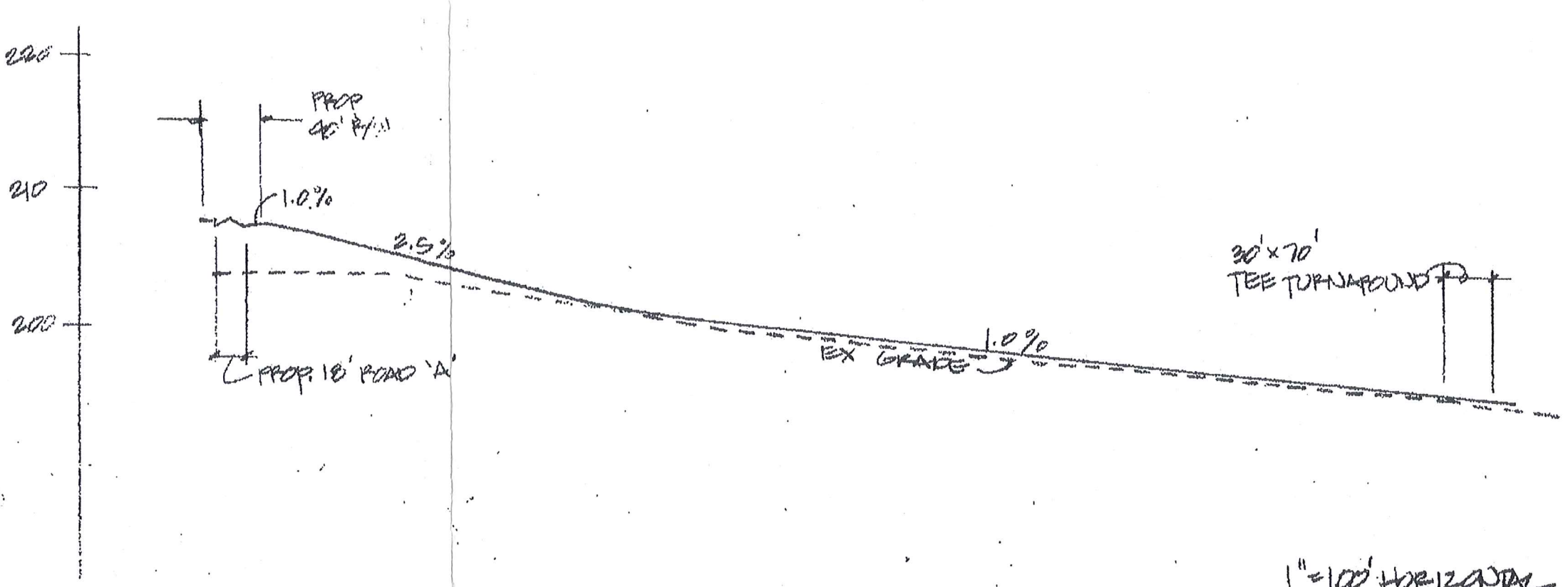
Plan to Accompany a DRC Request

[Signature]
I, *[Signature]*, certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contracted services on behalf of the proposed development.

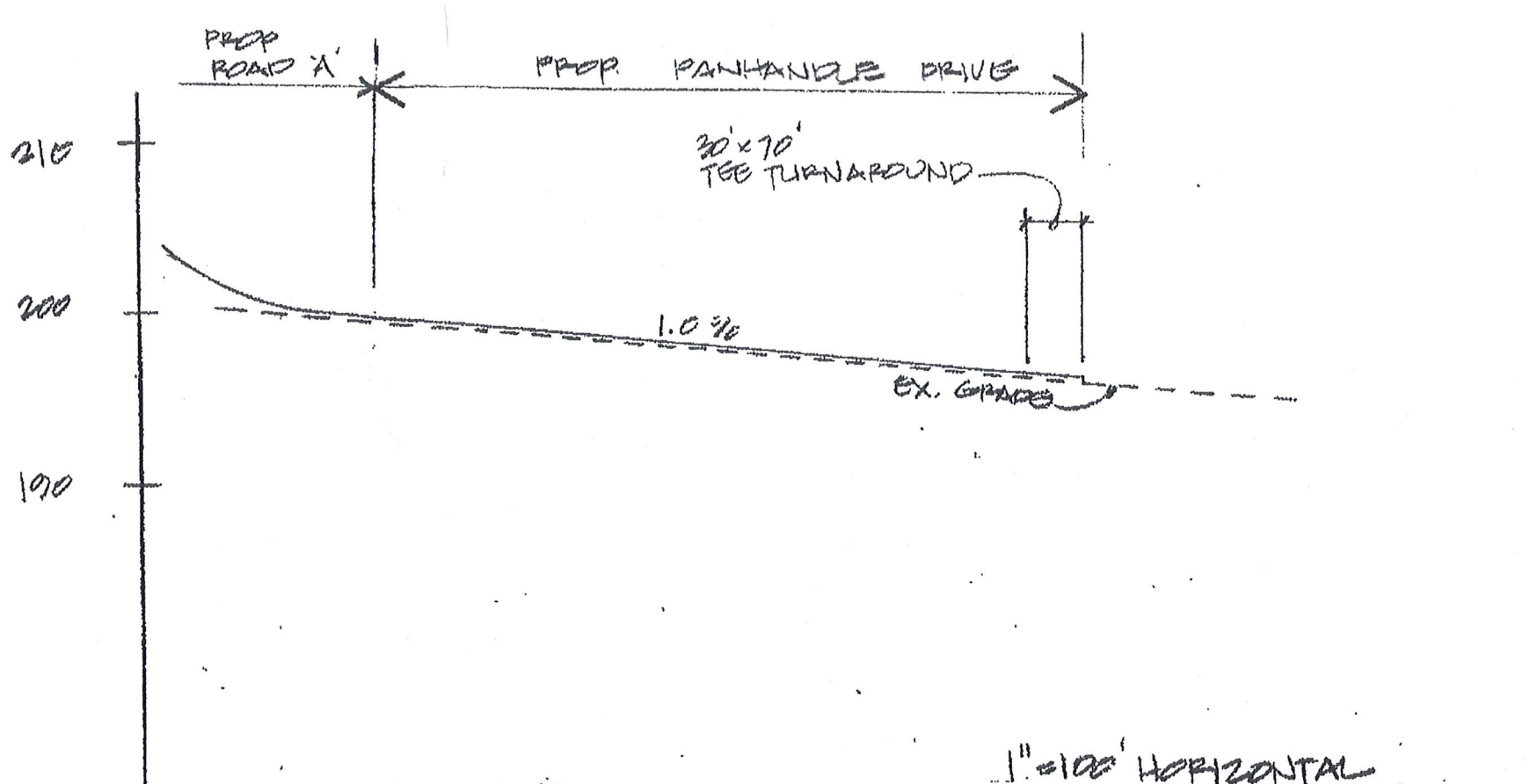
MRA MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS 110 West Road, Suite 105 Towson, Maryland 21204 (410) 821-1690 Fax: (410) 821-1748		SECOND DEVELOPMENT/FINAL DEVELOPMENT PLAN AMENDED SHEET 1 OF 2 DEVELOPMENT PLAN NOTES DAY'S WOODS MANOR BALTIMORE CO., MARYLAND (FORMERLY 'THE DE SALLA PROPERTY')	
DATE 10/12/98	REVISIONS REVISED AS PER H.O.H.	JOB NO. 9802	SCALE:
10/12/98	REVISED PER DRC NUMBER 12/21/98	DATE 7-20-98	DRAWN BY: JAT
09/09/97	REVISED FOR LOT 15	DESIGN BY: PPM	REVIEW BY: PPM
		SHEET: 1 OF 2	



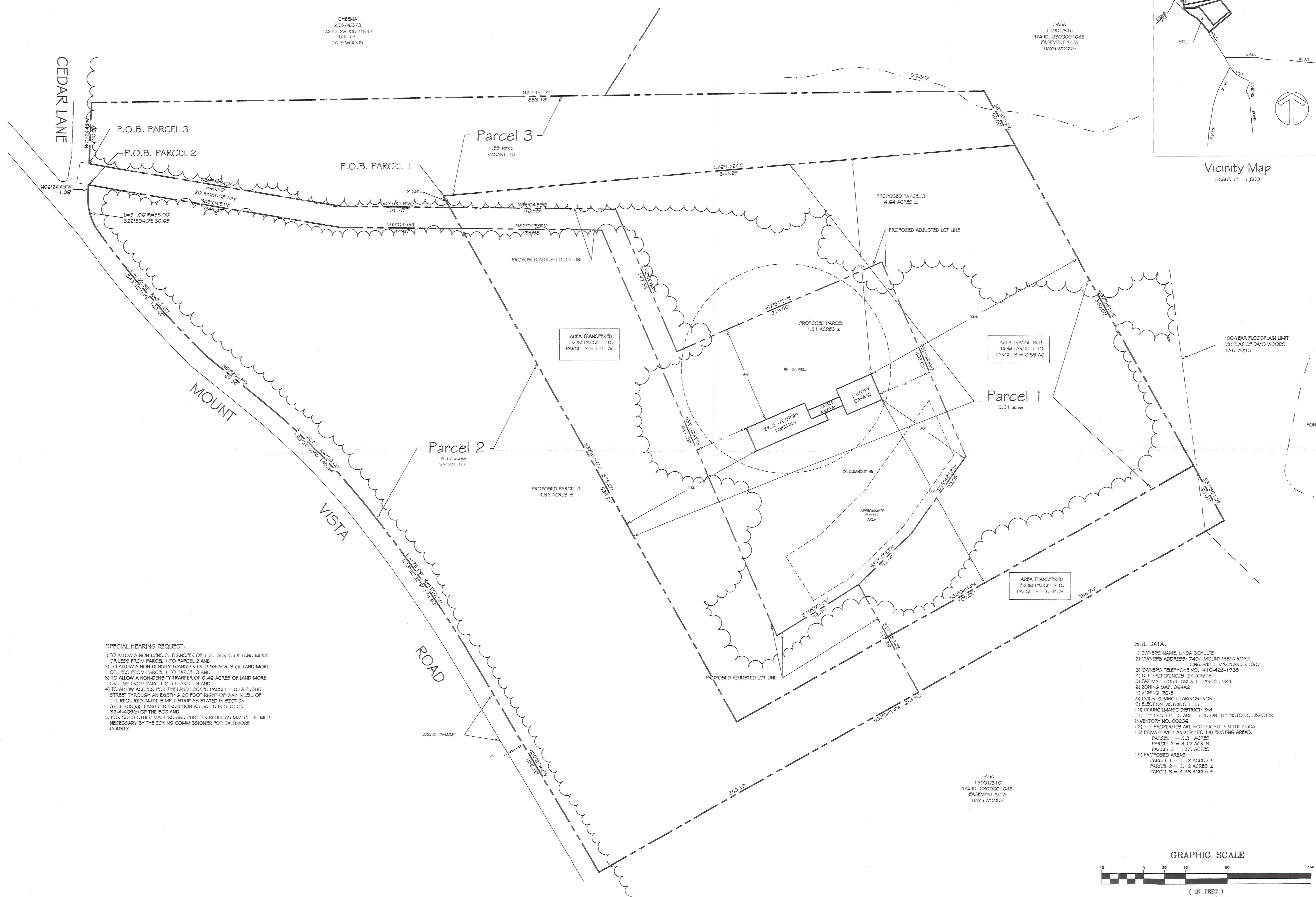
SCHEMATIC PLANVIEW PROFILE
LOT #5



SCHEMATIC PROFILE
LOTS #8 & #9



SCHEMATIC PLANVIEW PROFILE
LOTS #11 & 12

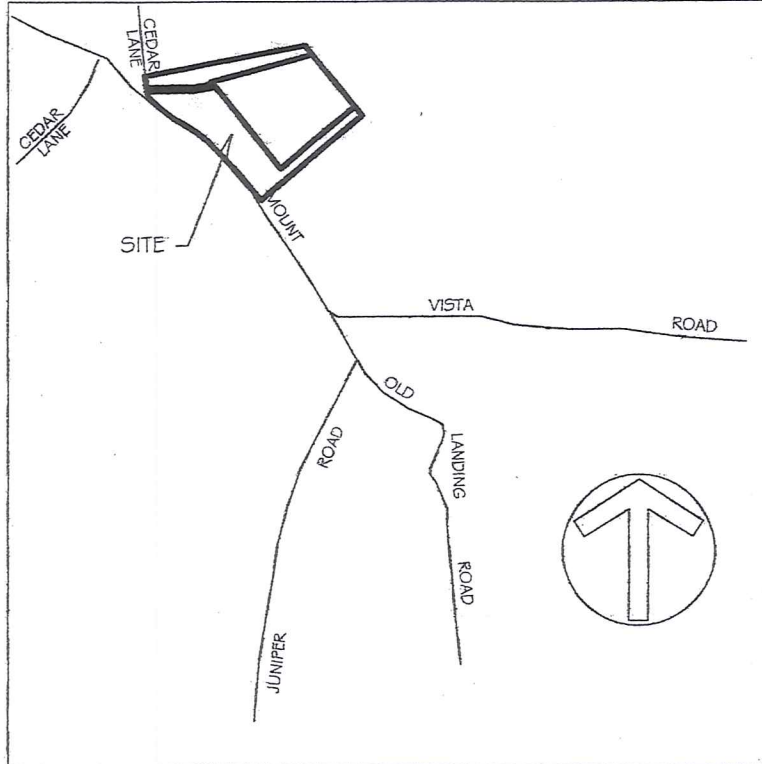
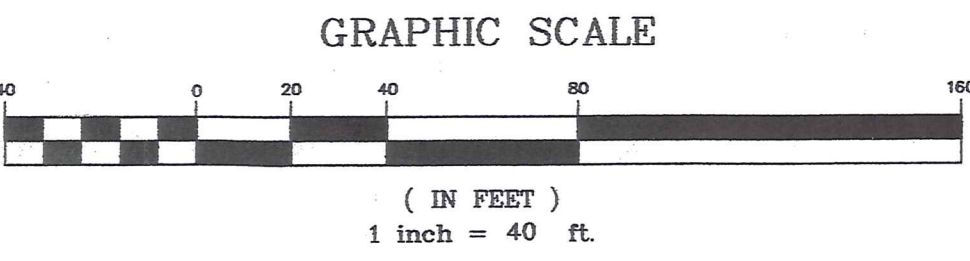


SPECIAL HEARING REQUEST:

- 1) TO ALLOW A NON-DENSITY TRANSFER OF 1.21 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 2 AND
- 2) TO ALLOW A NON-DENSITY TRANSFER OF 2.59 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 3 AND
- 3) TO ALLOW A NON-DENSITY TRANSFER OF 0.46 ACRES OF LAND MORE OR LESS FROM PARCEL 2 TO PARCEL 3 AND
- 4) TO ALLOW ACCESS FOR THE LAND LOCKED PARCEL 1 TO A PUBLIC STREET THROUGH AN EXISTING 20 FOOT RIGHT-OF-WAY IN LIEU OF THE REQUIRED IN-FEE SIMPLE STRIP AS STATED IN SECTION 32-4-403(b)(1) AND PER EXCEPTION AS STATED IN SECTION 32-4-403(c) OF THE DCC AND
- 5) FOR SUCH OTHER MATTERS AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

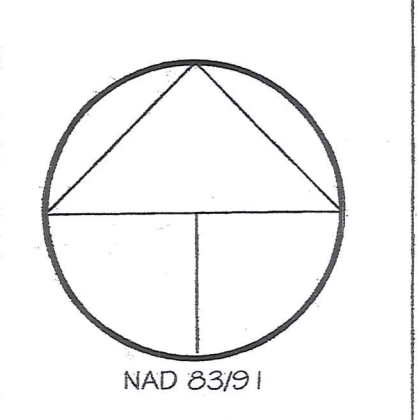
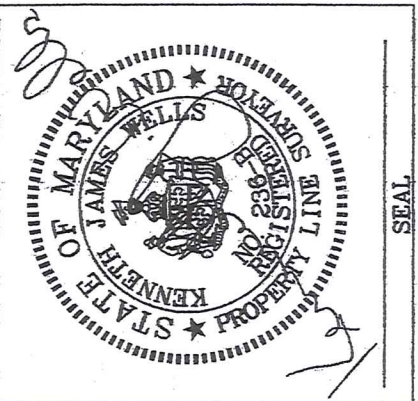
SITE DATA:

- 1) OWNERS NAME: LINDA SCHULTE
- 2) OWNERS ADDRESS: 7404 MOUNT VISTA ROAD KINGSVILLE, MARYLAND 21087
- 3) OWNERS TELEPHONE NO.: 410-428-1935
- 4) DEED REFERENCES: 24408431
- 5) TAX MAP: 0054 GRID: 1 PARCEL: 524
- 6) ZONING MAP: 064A2
- 7) ZONING: RC-5
- 8) PRIOR ZONING HEARINGS: NONE
- 9) ELECTION DISTRICT: 11th
- 10) COUNCILMANIC DISTRICT: 3rd
- 11) THE PROPERTIES ARE LISTED ON THE HISTORIC REGISTER INVENTORY NO. 00236
- 12) THE PROPERTIES ARE NOT LOCATED IN THE CBQA.
- 13) PRIVATE WELL AND SEPTIC 14) EXISTING AREAS:
PARCEL 1 = 5.31 ACRES
PARCEL 2 = 4.17 ACRES
PARCEL 3 = 1.59 ACRES
- 15) PROPOSED AREAS:
PARCEL 1 = 1.52 ACRES ±
PARCEL 2 = 5.12 ACRES ±
PARCEL 3 = 4.43 ACRES ±



kjWellsInc
7403 NEW CUT ROAD 21087
KINGSVILLE, MARYLAND
(410) 592-8800

Land Surveying & Site Planning



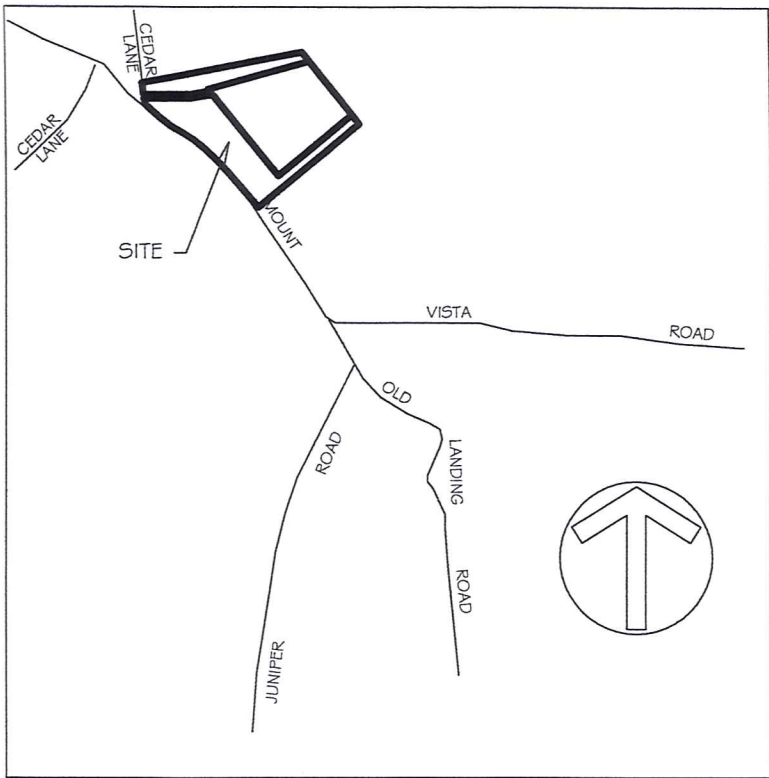
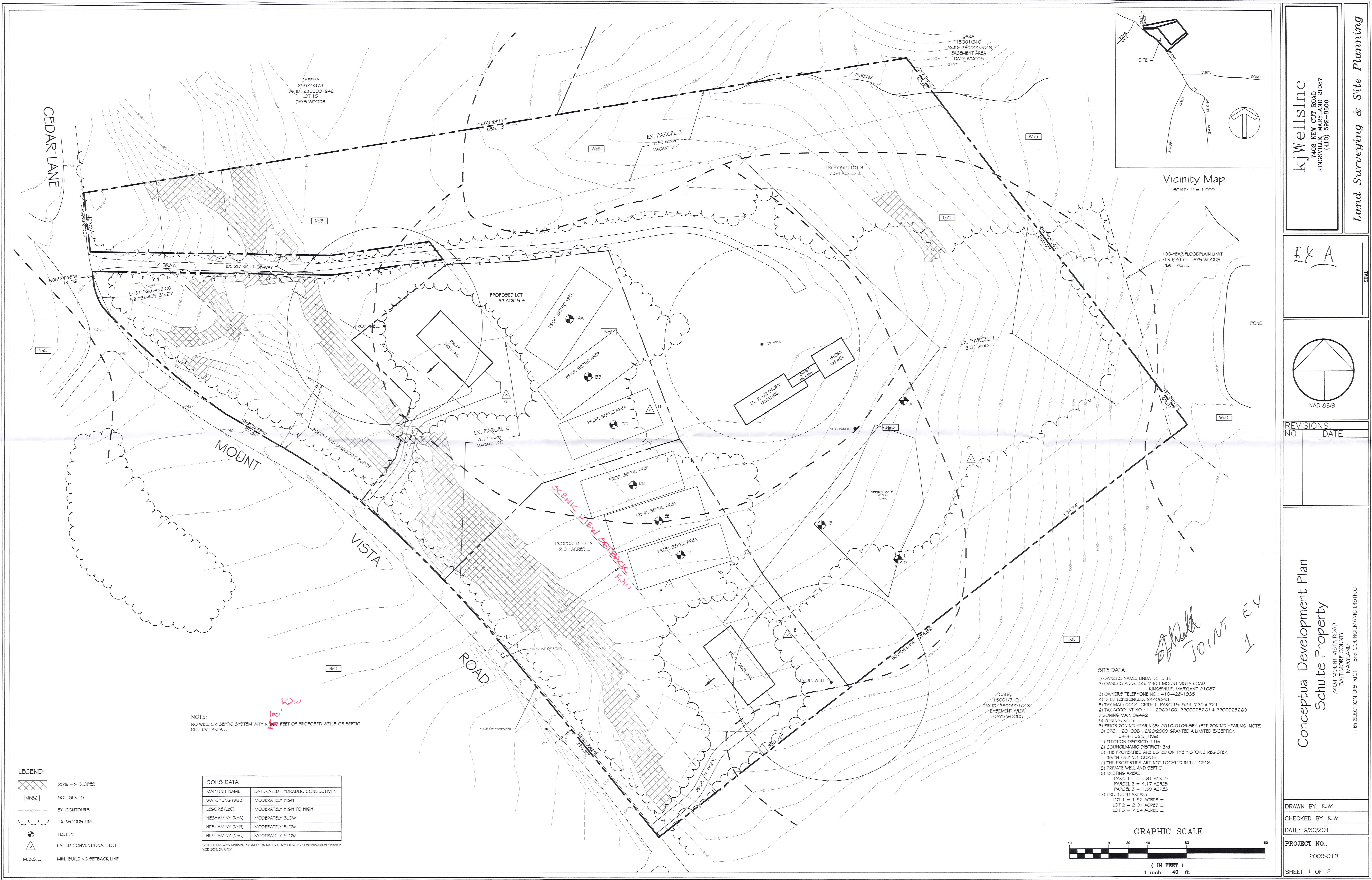
REVISIONS:	
NO.	DATE

Plan to Accompany a Petition
for a Special Hearing
Schulte Property

7404 MOUNT VISTA ROAD
BALTIMORE COUNTY
MARYLAND

11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 9/23/2009
PROJECT NO.: 2009-019
SHEET 1 OF 1



Vicinity Map
SCALE: 1" = 1,000'

kjwellsInc

7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 595-8800

Land Surveying & Site Planning

EX A

SEAL

NAD 83/91

REVISIONS:	
NO.	DATE

Conceptual Development Plan
Schulte Property

7404 MOUNT VISTA ROAD
DANIELS COUNTY
MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DRAWN BY: KJW

CHECKED BY: KJW

DATE: 6/30/2011

PROJECT NO.:
2009-019

SHEET 1 OF 2

NOTE:
NO WELL OR SEPTIC SYSTEM WITHIN 100 FEET OF PROPOSED WELLS OR SEPTIC RESERVE AREAS.

LEGEND:

- 25% => SLOPES
- SOIL SERIES
- EX. CONTOURS
- EX. WOODS LINE
- TEST PIT
- FAILED CONVENTIONAL TEST
- M.B.S.L. MIN. BUILDING SETBACK LINE

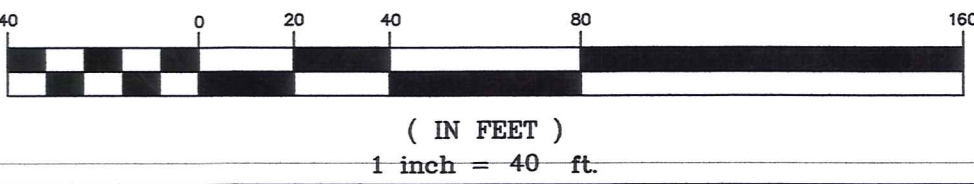
SOILS DATA	
MAP UNIT NAME	SATURATED HYDRAULIC CONDUCTIVITY
WATCHUNG (Wab)	MODERATELY HIGH
LEGORE (LeC)	MODERATELY HIGH TO HIGH
NESHAMINY (NeA)	MODERATELY SLOW
NESHAMINY (NeB)	MODERATELY SLOW
NESHAMINY (NeC)	MODERATELY SLOW

SOILS DATA WAS DERIVED FROM USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY.

SITE DATA:

- OWNERS NAME: LINDA SCHULTE
- OWNERS ADDRESS: 7404 MOUNT VISTA ROAD
KINGSVILLE, MARYLAND 21087
- OWNERS TELEPHONE NO.: 410-428-1935
- DEED REFERENCES: 24408491
- TAX MAP: 0064 GRID: 1 PARCELS: 524, 720 & 721
- TAX ACCOUNT NO.: 1112060160, 2200025261 & 2200025260
- ZONING MAP: 064A2
- ZONING: RC-5
- PRIOR ZONING HEARINGS: 2010-0109-SPH (SEE ZONING HEARING NOTE)
- DR: 120109B 12/29/2009 GRANTED A LIMITED DECEPTION 34-4-106AW (VII)
- ELECTION DISTRICT: 11th
- COUNCILMANIC DISTRICT: 3rd
- THE PROPERTIES ARE LISTED ON THE HISTORIC REGISTER INVENTORY NO. 00236
- THE PROPERTIES ARE NOT LOCATED IN THE CBQA.
- PRIVATE WELL AND SEPTIC
- EXISTING AREAS:
 - PARCEL 1 = 5.31 ACRES
 - PARCEL 2 = 4.17 ACRES
 - PARCEL 3 = 1.59 ACRES
- PROPOSED AREAS:
 - LOT 1 = 1.52 ACRES ±
 - LOT 2 = 2.01 ACRES ±
 - LOT 3 = 7.54 ACRES ±

GRAPHIC SCALE



PROPERTY NAME:
**DAY'S WOODS MANOR
(FORMERLY THE DE BALLA PROPERTY)**

OWNER:

PARCEL A
JWS Wood Villa Limited Partnership
4344 Chapel Road
Perry Hall, Maryland 21228

PARCEL B
Kingsville Limited Partnership
9654 A Belair Road
Baltimore, Maryland 21236

DEVELOPER:

Mr. Bill Ruppert
9654 A Belair Road
Baltimore, Maryland 21236
Attn: Bill Ruppert (410) 258-0793

PLAN PREPARED BY:

Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204
Attn: Timothy Mackey, Principal, #408 (410) 821-1690
EGC/TT/ROK/RLA

GENERAL INFORMATION:

Election District #11
Councilmanic District #6
4111.02
Garrison Falls
Water Shed 81
Subsewer shed No:
Elementary School District
Tax Map No.:
ADO Map No.:
County Photogrammetric Map No:

SITE DATA:

A. Existing Acreage and Zoning

1) Existing Land Use: Existing meadow and woodland 106.9 acres
2) Gross Acreage:
3) Existing Zoning: R.C. 5
4) Density Calculations:
Density Calculations are based on the entire tract including lots previously approved in minor subdivision #84-157-140.
A. LOTS ASSUMED = 106.9 ACRES x .667 DWG. = 71 D.U.
B. LOTS PROPOSED = 15 ADJACENT FAMILY LOTS (1 RESIDENT PER LOT)
C. REMAINING TRACT = 88 D.U.
D. 8 ADJACENT UNDEVELOPED LOTS (10 THOUSAND SQ. FT.)
The property as shown on the plan has been held intact since 1979 (see ownership history this sheet). No part of the gross area of this property, as shown, has ever been utilized, recorded or represented as density or area to support any of site drawings.

5) Tax Information:

Tax Account No.: 22-00-016450
Deed Reference No.: 8577812
Tax Account No.: 22-00-016449
Deed Reference No.: 8577812

B. Proposed Development

A minor subdivision has been previously approved (894-157-14) that created Lots #1, 3 and one large lot including the remainder of the property. Lot #1 is a legal lot but has not yet been sold. Lot #3 has been sold as a result of the minor subdivision. The remaining property is to be divided into 15 lots and one remnant tract (Tract 'A' for future use). This proposal, in addition to the previous minor subdivision, will result in a total of 15 residential lots and one remnant tract being created.
ALL LOTS ARE FOR SALE

7. PARKING

Required off street parking spaces
15 units x 2 spaces = 30 parking spaces
Proposed Parking = 30 spaces provided in driveways

8. OPEN SPACE

Open space required: No open space is required in the RC 5 zone.
Open space proposed: None 0.0 acres ±

9. AVERAGE DAILY TRIPS

15 Units X 12.4 for Project = 186 Total ADTs

LANDSCAPE CALCULATIONS

2000 L.F. Interior Road = 20 = 100 p.u.
4500 L.F. Adjacent Road = 45 = 115 p.u.
Total Planting Units Required = 215 p.u.

Landscaping will be in accordance with the Baltimore County Landscape Manual.
Credit for existing trees to remain will be addressed on the final Landscape Plan.

STORMWATER MANAGEMENT

Two water quality basins are proposed for this project. No quantity/management will be required, since all lots are at least 2.0 acres in size and are exempt.

There are no zoning variances, special hearings, or special exceptions required for this project.

There are no known archaeological resources on the site. The site adjoins the "Green Oak Farm", containing the Edward Day (John Love) residence identified in the Maryland Inventory of Historic Properties (8A-236). Developer has agreed to convey 2 strips of land to Mr. John Love for the purpose of protecting the historic character of the property.

There are no known hazardous materials on site. A Phase I Investigation has not been prepared at this time.

There is one point of access for a proposed public road to serve the internal lots. Two lots (#1 & #3) will be accessed from existing public roads. There will be no access permitted to lots #9 & #5 from Raphael Road. These two lots will share a common access drive in a cross access easement on Lot #8.

Right of way dedications for ultimate rights of way are shown for Raphael Road, Mount Vista Road, Cedar Lane and Shipley Road. A request for technical waiver of the road improvements has been approved from the Department of Public Works (see letter dated March 10, 1995).

All proposed lots are to be sold.

SCHOOL INFORMATION

School Districts CAP. ENROLLMENTS PROJECTIONS OVERLAPPER CAPACITY
1992 1993 1994 1995 1996 1997
Kingsville Elem. 472 498 515 540 575 598 587 +77
Perry Hall Middle 1244 1369 1375 1428 1396 1385 1407 +184
Perry Hall High 1407 1732 1905 1840 1895 1905 2021 +442

Projections in the Six-Year Capital Improvement Program:

Proposed School	Status	Capacity	Estimated to open
Perry Hall High Addn.	Constr FY 96	+500	FY 97
Number	Type of Housing	Estimated Pupil Yield	
		Elem. Middle High	
15	Single Family	6 2 3	

All refuse collection will be public.

There are no R.T.A.'s generated on this site.

The area between the sight lines and the curb line must be cleared, graded and kept free of any obstructions.

This plan reflects the intent of the developer to convey land to Mr. Lewis Fleury, to provide screening and buffering of the new development. The developer intends to execute the transfer of land as part of the subdivision plan.

The proposed Forest Buffer / Forest Conservation Area Easements shown were established for the entire property as part of the previous minor subdivision for this property.

There are no known existing wells, septic systems or underground storage tanks on site.

Cedar Lane and Mt. Vista Road are Baltimore County Master Plan designated scenic routes. Photographs to document the existing site will be submitted to the Director of Planning as requested.

SETBACK REQUIREMENTS:

A. RC 5 Zoning setbacks:
Building front to public street centerline 75'
Building to lot line other than street DW 50'

B. Forest Conservation & Forest Buffer Easement Setbacks:
Building to FCEFB Easement 35'

All perc tests shown (4) and septic areas have been reviewed and approved by DEPRM. Verbal approval was received on July 7, 1995.

ACCESSORY STRUCTURE NOTE

1. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelopes, but must comply with Sections 400 and 501 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)

2. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

The exact location of driveways and/or parking pad entrances is to be determined at the time of building application.

There were no known unresolved issues as a result of the Community Input Meeting, held on April 6, 1995.

Lots #1, 2, 7, 10 & 11 may require ejector pumps for their septic systems.

DIRECTOR OF P.D.M. NOTE

This development plan is approved by the Director of P.D.M. 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.

OWNERSHIP HISTORY

Tax Map 64 Parcel 365

June, 1948 - Conveyed to Valentina & Katherine B. deBalla, deed 1673/207, conveyance of 124.84 Ac. (desc.) - 1.15 (save & except) (P. 622) Net Ac. 123.69 Ac. ±

Oct., 1956 - Off - conveyance of 5.31 Ac. (Parcel 524) to Fred Crabbin, III & Margaret S. Crabbin by deed 3048/171, with 20' right of way. Net Ac. 116.19 Ac. ±

May, 1979 - Off - conveyance of 7.968 Ac. (Parcel 654) to Albert E. Dietz & Georgia O. Dietz by deed 6028/619. Net Ac. 110.81 Ac. ±

Oct., 1984 - Conveyed to Constance L. Chataf, et al, by deed 6800/487. Net Ac. 110.81 Ac. ±

Nov., 1989 - Conveyance of one of the owners' share to the other owners. Net Ac. 110.81 Ac. ±

Aug., 1990 - Conveyed to Ralph Norton & Sabrina Norton by deed 8577/612. Net Ac. 110.81 Ac. ±

78 RE: DEVELOPMENT NEAR HAZARDOUS WASTE SITE
Day's Woods Manor (aka DeBalla Property)
110 West Road, Suite 105
Towson, Maryland 21204
410-821-1690
5th Councilmanic District
Case No. 21-711

HEARING OFFICER'S OPINION AND RECOMMENDATION

This matter comes before this hearing officer for consideration of a development plan prepared by Morris & Ritchie Associates, Inc., for the proposed development of the subject property by JWS Wood Villa Limited Partnership and Kingsville Limited Partnership, owners, and Bill Ruppert, developer, with 34 single family dwelling lots and 1 remnant parcel, in accordance with the two-page development plan submitted into evidence as Developer's Exhibit 1.

Appearing at the public hearing required for this project were Bill Ruppert, developer, Tim Madden and Scott Rock with Morris & Ritchie Associates, Inc., the engineering firm which prepared the development plan for this project, and John B. Gontz, Esquire, attorney for the owners/developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. Several residents from the surrounding community appeared as interested parties, including Richard Coggins, who testified in opposition to the plan. In addition, John C. Love, who was not present at the hearing but is a neighbor to the property, was represented at the hearing by Jacqueline A. Moore, Esquire.

As to the history of this project, the concept plan conference, for this development was conducted on February 6, 1995. As required, a community input meeting was held on April 6, 1995 at the Kingsville Elementary School. Subsequently, a development plan was submitted and a conference held thereon on August 29, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments and bearing a last revised date of September 8, 1995 was submitted at the hearing held before me on September 14, 1995.

At the public hearing before me, I am required to determine what, if any, agency comments or issues remain unresolved. On behalf of the developer, Mr. Tim Madden testified that all issues raised within the comments submitted by the various Baltimore County reviewing agencies have been resolved and incorporated into the revised development plan. In addition, all of the issues raised within the September 12, 1995 letter from Mr. Doug Behr, a representative of the Greater Kingsville Civic Association, to the Planning and Development Management (PDM) office have been complied with and incorporated into the revised development plan and the comments will be recorded in the land records for Baltimore County at the time the record plat for this development is filed.

It should also be noted that the developer intends to transfer two parcels of land to adjoining landowners as an accommodation. As noted on the revised plan, a small parcel consisting of approximately 0.315 acres is to be transferred to Mr. Lewis Fleury, and another parcel containing 5.7 acres, more or less, is to be transferred to Mr. John Love. This parcel is comprised of two tracts, identified as Tracts B and C on the plan, and each contains one density unit. Both tracts border Mr. Love's property which has been designated as a historic property in the Maryland Inventory of Historic Properties.

Finally, an issue was raised by Mr. Richard Coggins, who owns 2.5 acres adjacent to this site. Mr. Coggins is in the process of developing his property with a single family dwelling in which he suggests to move sometime in January 1996. Mr. Coggins testified that his property is located across from the proposed access road to this development, shown as Road A on Developer's Exhibit 1, and he is concerned that the lights from vehicular traffic turning from Road A onto Cedar Lane are going to shine into his home. In response to his concerns, Mr. Madden indicated that the developer might be able to adjust Road A enough to accommodate Mr. Coggins. Inasmuch as this Developer has indicated they will attempt to relocate the access point at Road A, subject to the approval of Traffic Engineering, it appears that the concerns raised by Mr. Coggins will be resolved. Furthermore, I find that such a change would be a non-material change and will not require the developer to repeat this phase of the development plan process.

There being no other unresolved issues or comments which needed to be addressed, it appears that the development plan as submitted should be approved, subject to the relocated access point for Road A at Cedar Lane being approved by Traffic Engineering. It is further assumed that proper sight distances and intersection alignment for both Cedar Lane and Road A will be preserved in considering the relocated access point.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

WHEREFORE, IT IS ORDERED by this Hearing Commissioner/Hearing Officer for Baltimore County this 28th day of September, 1995 that the two-page development plan for Day's Woods Manor (aka DeBalla Property), identified herein as Developer's Exhibit 1, be and is hereby APPROVED.

Any appeal of this decision must be taken in accordance with Section 26-26 of the Baltimore County Code.

FINAL PLAT
JWS Wood Villa Limited Partnership
Kingsville Limited Partnership
Bill Ruppert
Hearing Officer for Baltimore County

REASON FOR SECOND AMENDMENT

September 5, 1997

To provide for the Lot area of Lot 15 from the Tract 'A' Parcel as approved by the DRC on 1997 from the original development.

The following Lots within 300' of the proposed Lot 15, have been sold as of September 15, 1997 from the original development:

Lot 4 *[Signature]* Owner Signature
Lot 14 *[Signature]* Owner Signature
Tract *[Signature]* Owner Signature

Aside from these lots and owners, no other lots within 300' have been sold in this development.

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER

10-9-76
REASON FOR REFINEMENT: TO REFLECT THE SALE OF ADJACENT PROPERTIES TO ADJOINING OWNERS, REMOVING TRACTS 'B' AND 'C' FROM THIS DEVELOPMENT.
11-17-97
DATE
PROJECT MANAGER

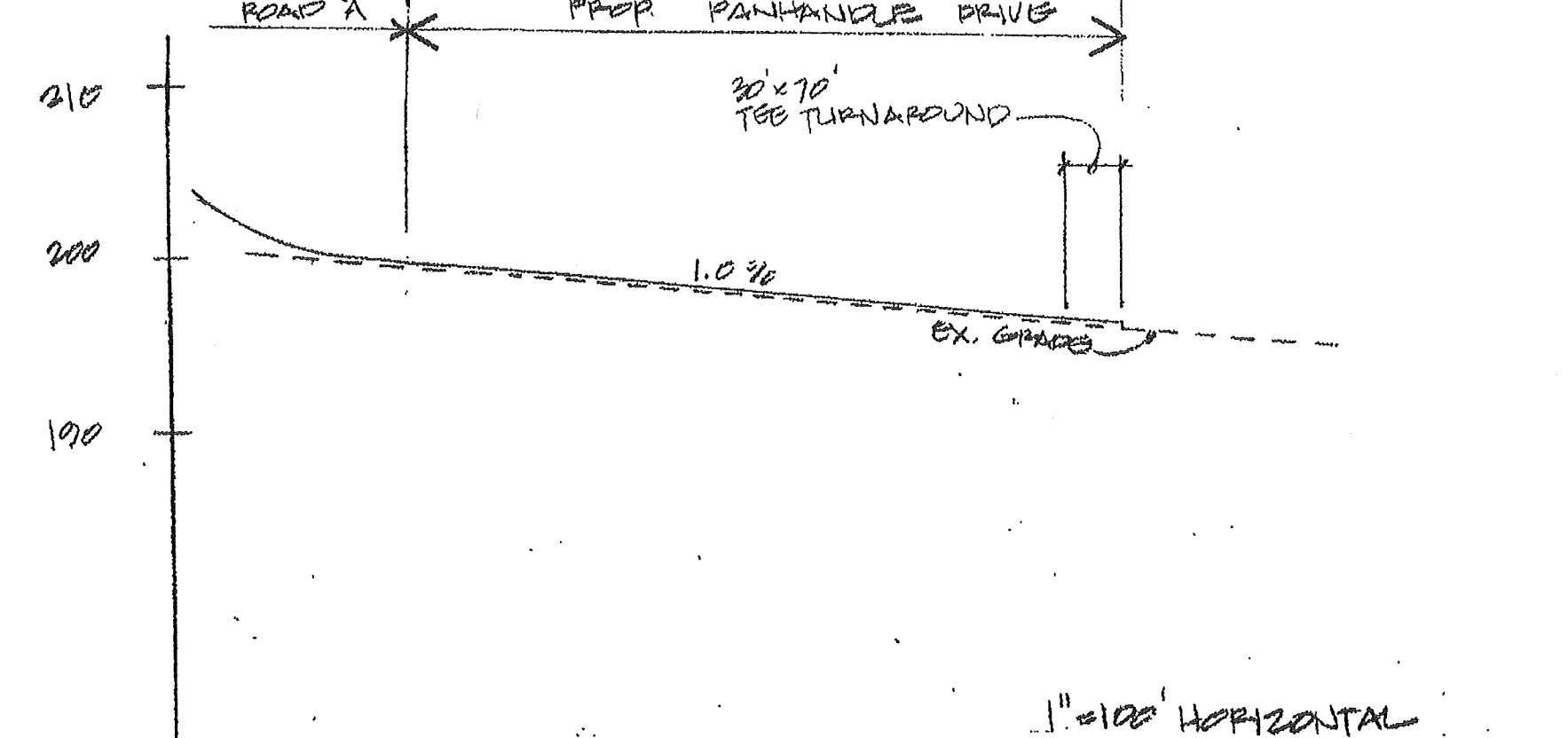
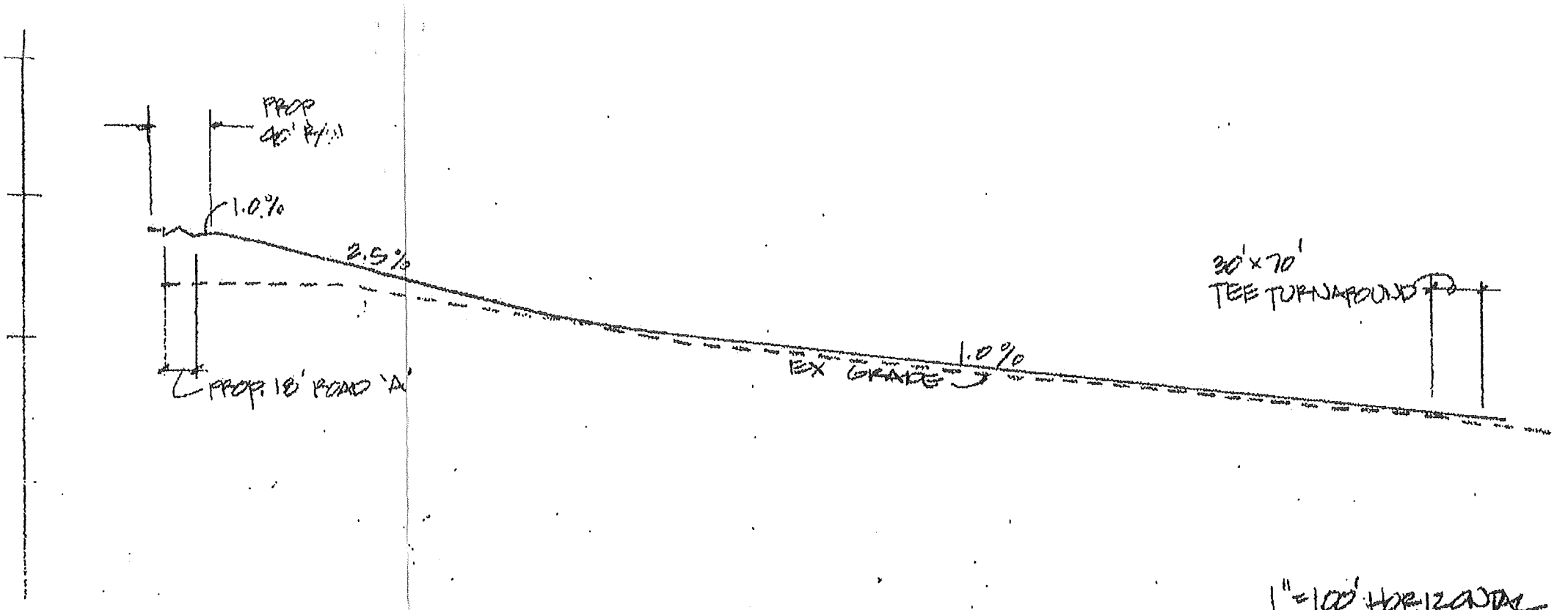
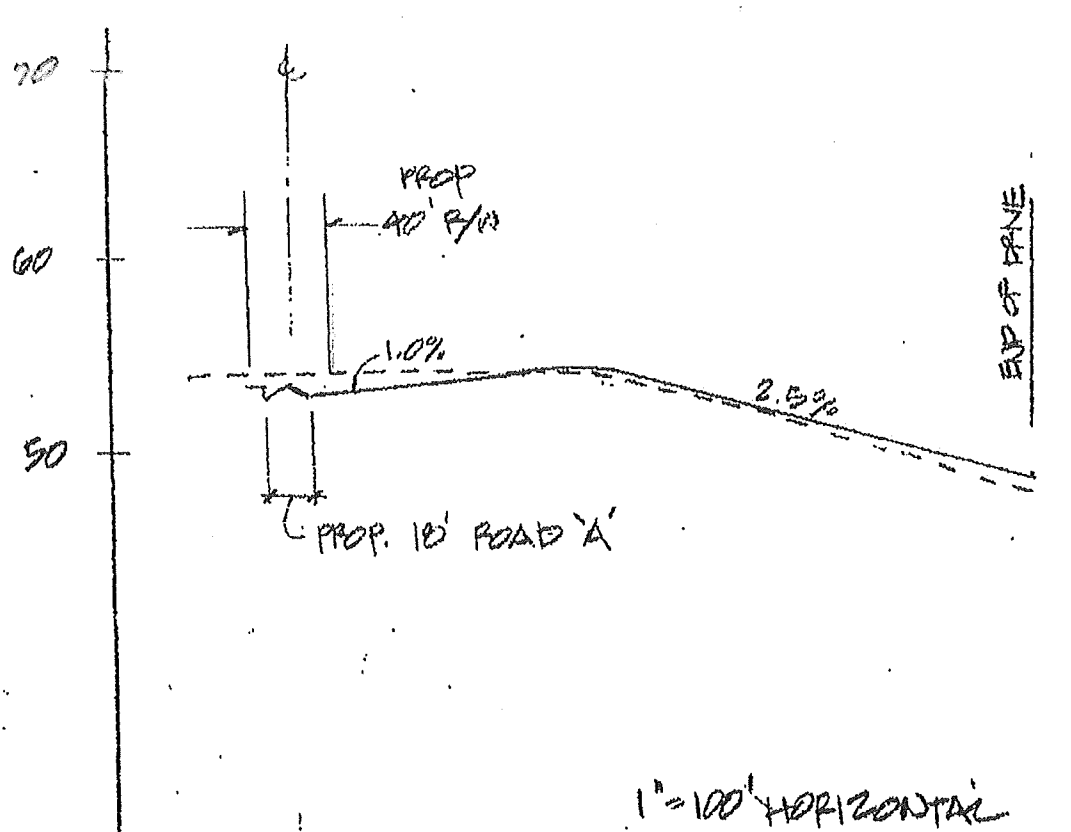
DESIGN PROFESSIONAL'S DEFINITION OF CERTIFICATION

Certify means to state or declare a professional opinion of conditions which the design professional believes to be true to the best of his/her information and knowledge. A design professional's certification in no way relieves any party from meeting requirements or assuming responsibility imposed by contract, law, governmental regulations or other means, including commonly accepted industry standards.

BALTIMORE COUNTY APPROVAL BLOCK
DIRECTOR OF PLANNING
DIRECTOR OF P.D.M.
DATE: 11/17/97
PAGE: 1

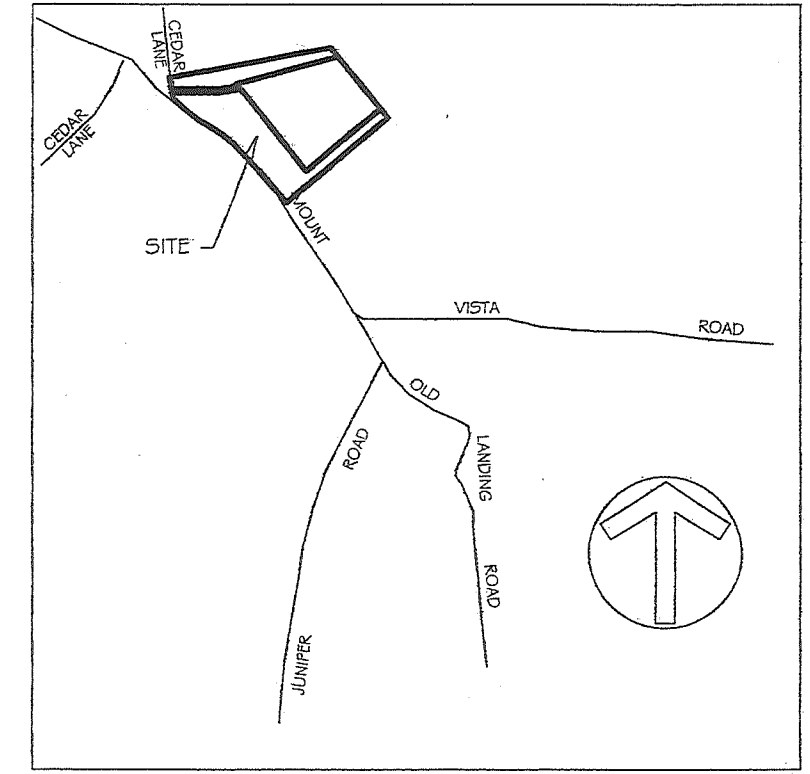
Plan to Accompany a DRC Request

[Signature]
I, *[Signature]*, certify under oath that there are no delinquent accounts for any other development with respect to any of the following: The applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.



CHEEMA
25874/373
TAX ID. 2300001642
LOT 15
DAYS WOODS

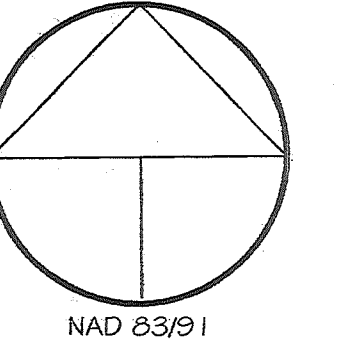
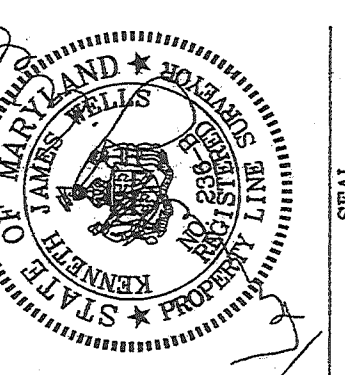
SABA
15001/310
TAX ID. 2300001643
EASEMENT AREA
DAYS WOODS



Vicinity Map
SCALE: 1" = 1,000'

kjWellsInc
7403 NEW CUT ROAD
KINGSTOWN, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning



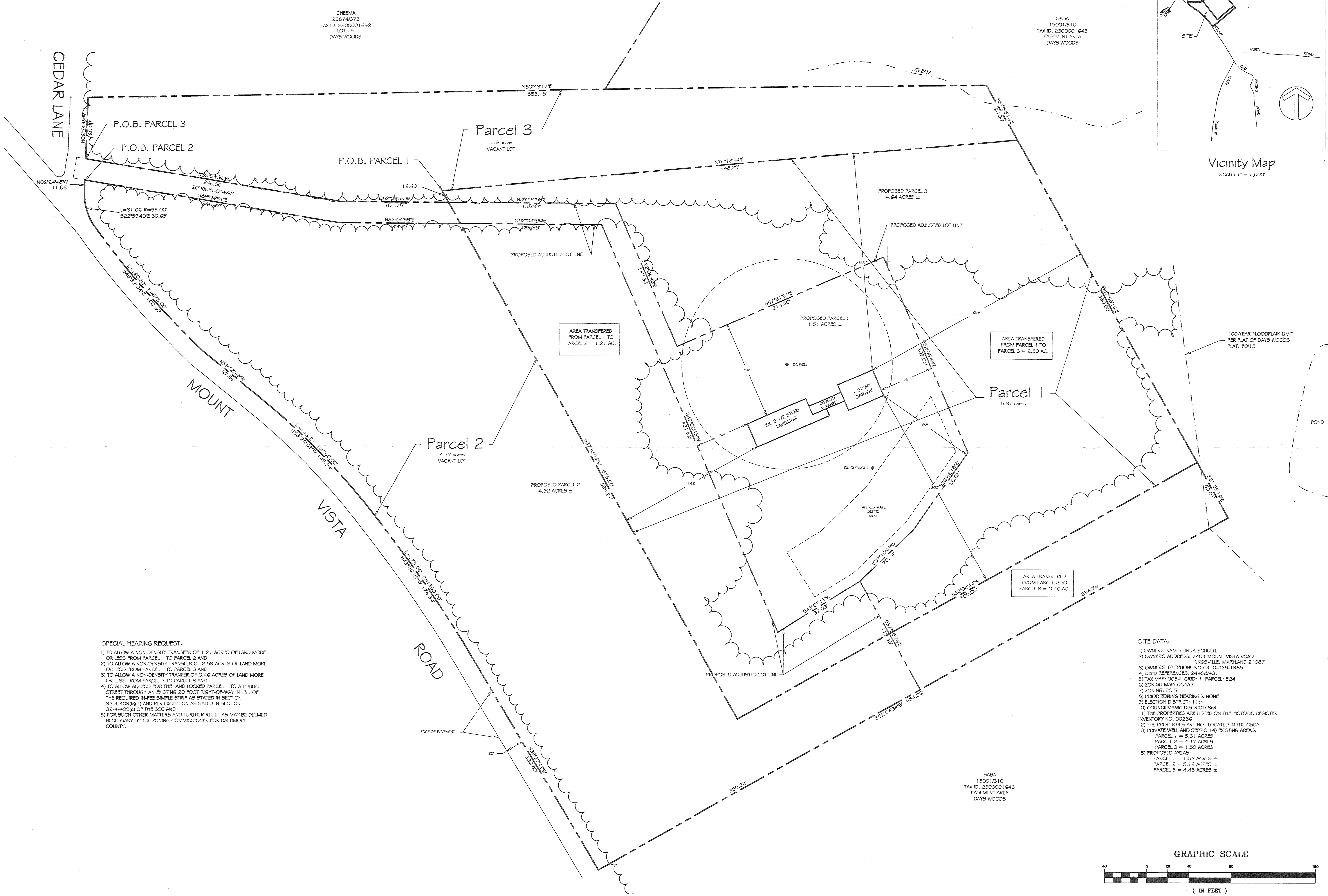
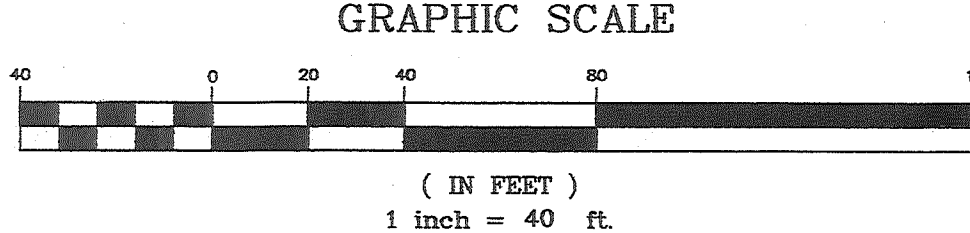
REVISIONS:
NO. DATE

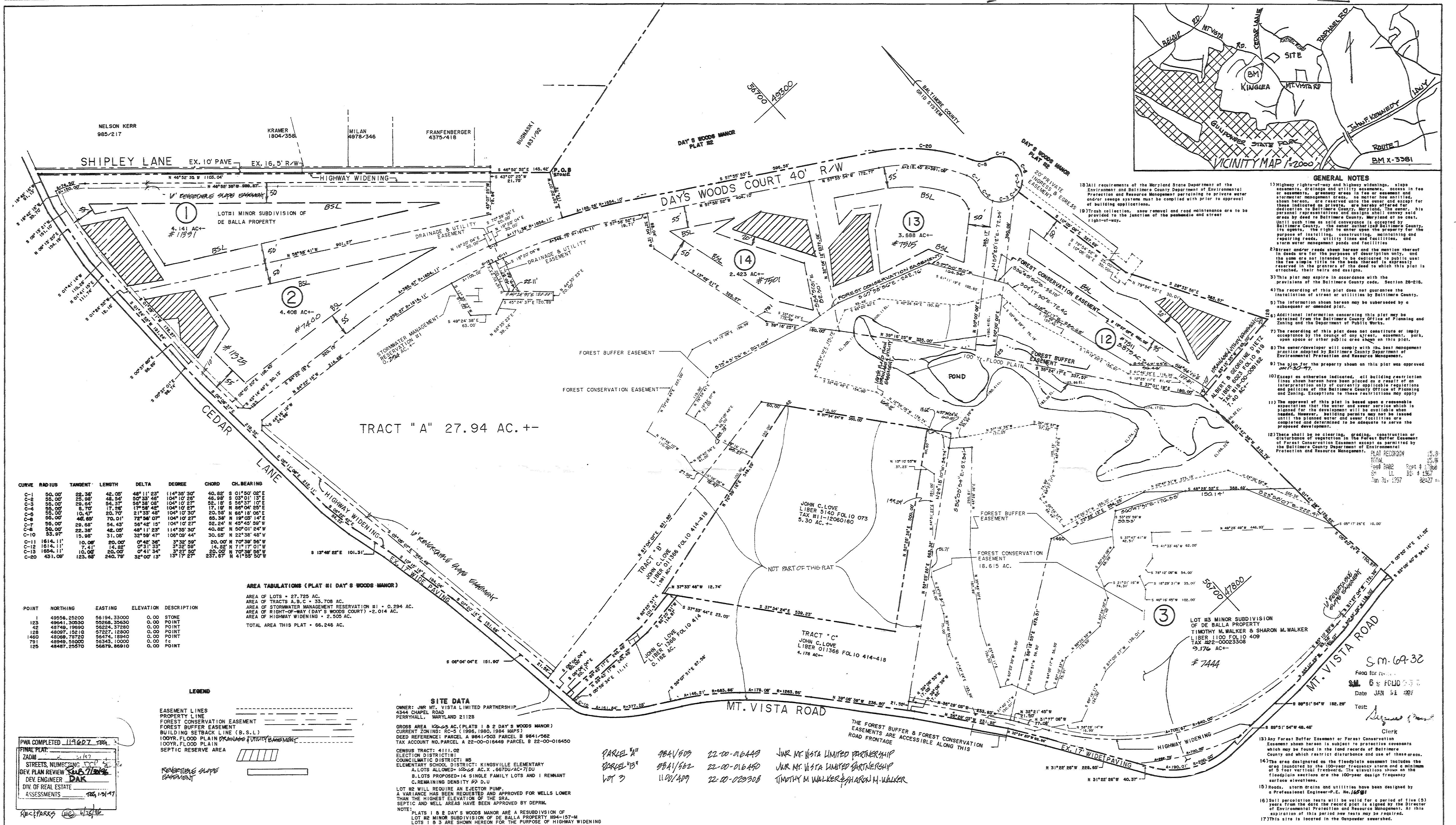
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for a Special Hearing
Schulte Property

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 9/23/2009
PROJECT NO.:
2009-019
SHEET 1 OF 1

SPECIAL HEARING REQUEST:
1) TO ALLOW A NON-DENSITY TRANSFER OF 1.21 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 2 AND
2) TO ALLOW A NON-DENSITY TRANSFER OF 2.59 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 3 AND
3) TO ALLOW A NON-DENSITY TRANSFER OF 0.46 ACRES OF LAND MORE OR LESS FROM PARCEL 2 TO PARCEL 3 AND
4) TO ALLOW ACCESS FOR THE LAND LOCKED PARCEL 1 TO A PUBLIC STREET THROUGH AN EXISTING 20 FOOT RIGHT-OF-WAY IN LIEU OF THE REQUIRED IN-FEE SIMPLE STRIP AS STATED IN SECTION 32-4-409(b)(1) AND PER EXCEPTION AS STATED IN SECTION 32-4-409(c) OF THE EDC AND
5) FOR SUCH OTHER MATTERS AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

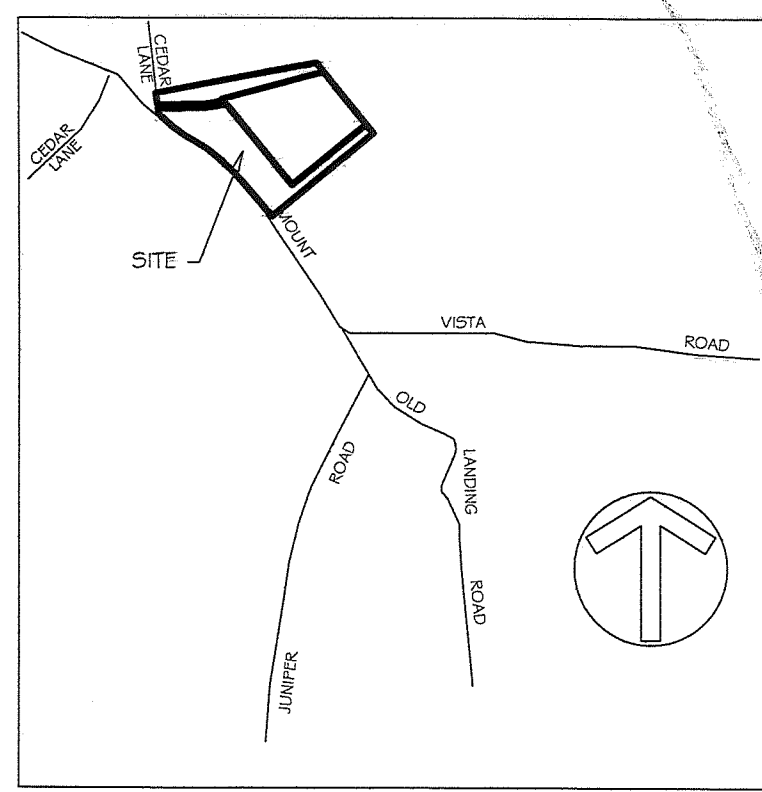
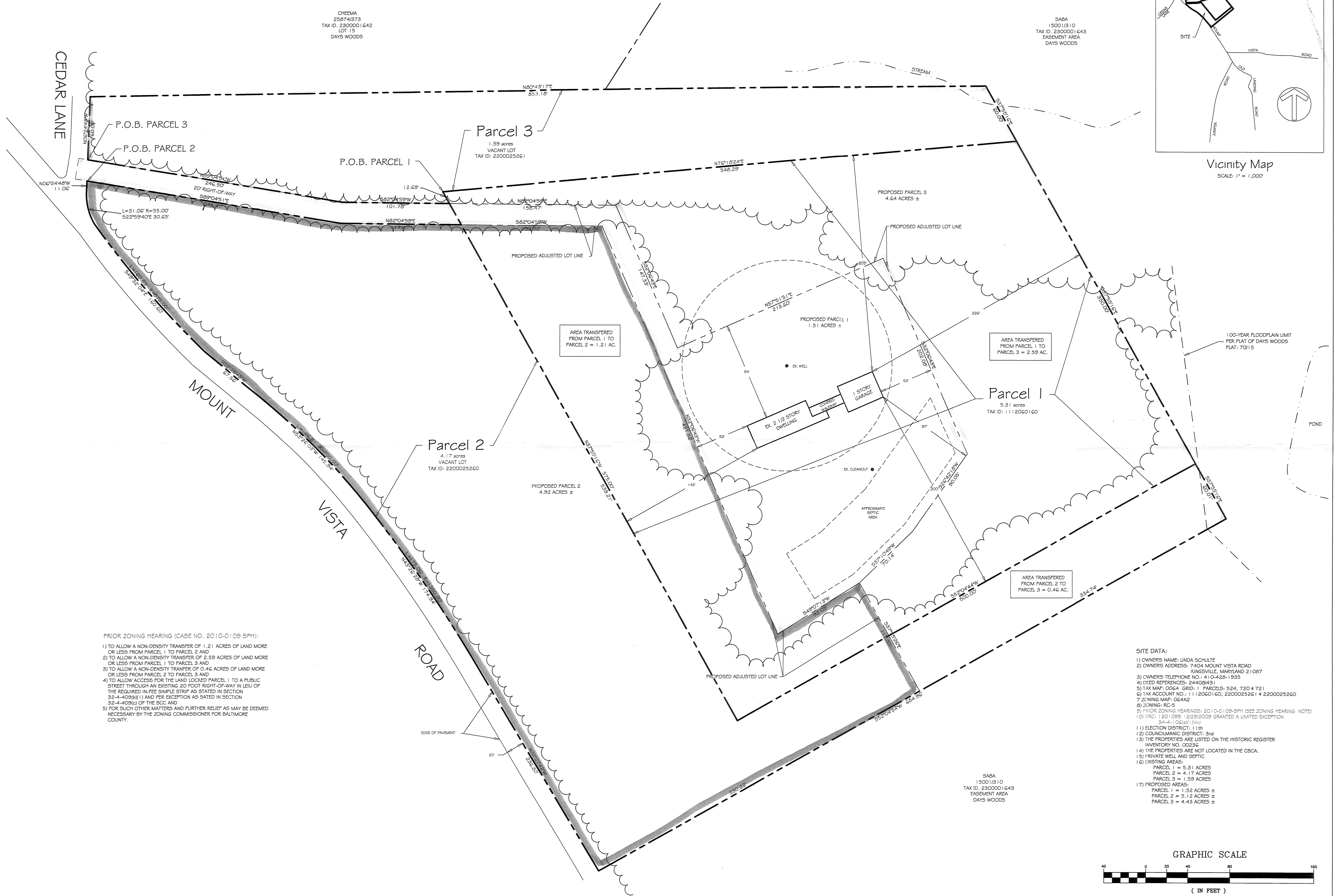
SITE DATA:
1) OWNER'S NAME: LINDA SCHULTE
2) OWNER'S ADDRESS: 7404 MOUNT VISTA ROAD
KINGSTOWN, MARYLAND 21087
3) OWNER'S TELEPHONE NO.: 410-428-1935
4) DEED REFERENCES: 24408431
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15) PROPOSED AREAS:
PARCEL 1 = 1.52 ACRES ±
PARCEL 2 = 5.12 ACRES ±
PARCEL 3 = 4.43 ACRES ±





APPROVED: DATE: 1-31-97		NOTE: COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS: X-9089 N48754.93 E58381.60 X-9090 N49401.48 E58530.44		OWNERS JWR MT. VISTA LIMITED PARTNERSHIP 4344 CHAPEL ROAD BALTIMORE, MARYLAND 21236 (410) 256-0793 JOHN W. RUPPERT GENERAL PARTNER JOHN C. LOVE TIMOTHY M. & SHARON M. WALKER		OWNER'S CERTIFICATE THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH INsofar AS THE SAME CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS. OWNER: DATE: 3/15/96 OWNER: DATE: 3/15/96 OWNER: DATE: 3/15/96 OWNER: DATE: 3/15/96		SURVEYOR'S CERTIFICATE THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS THE SAME CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS. SURVEYOR: DATE: 2-29-96 JAMES B. THOMAS RPLS #27		SURVEYORS SEAL 		TRIANGLE SURVEYS, INC. P.O. BOX 307 PERRYHALL, MD. 21128 (410) 529-1332 PLAT #1 DAY'S WOODS MANOR SCALE: 1" = 100' DATE: 2/20/96 ELECTION DISTRICT #11 COUNCILMANIC DISTRICT #5	
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1258 351 1226-10462-4
Schulte E.H. 6-17-92

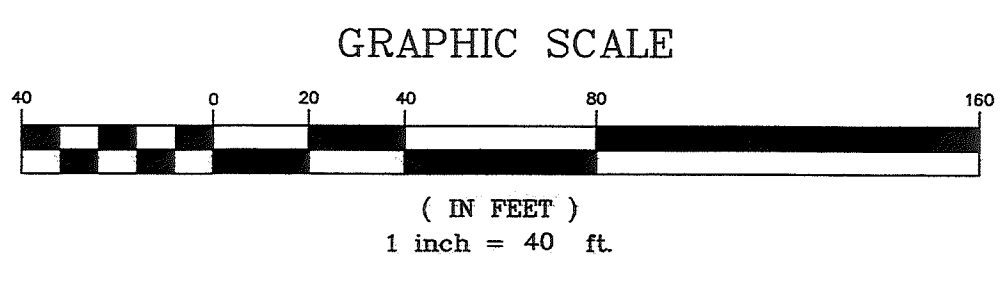


PRIOR ZONING HEARING (CASE NO. 2010-0109 SPH):

- 1) TO ALLOW A NON-DENSITY TRANSFER OF 1.21 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 2 AND
- 2) TO ALLOW A NON-DENSITY TRANSFER OF 2.59 ACRES OF LAND MORE OR LESS FROM PARCEL 1 TO PARCEL 3 AND
- 3) TO ALLOW A NON-DENSITY TRANSFER OF 0.46 ACRES OF LAND MORE OR LESS FROM PARCEL 2 TO PARCEL 3 AND
- 4) TO ALLOW ACCESS FOR THE LAND LOCKED PARCEL 1 TO A PUBLIC STREET THROUGH AN EXISTING 20 FOOT RIGHT-OF-WAY IN LIDU OF THE REQUIRED IN-FEE SIMPLE STRIP AS STATED IN SECTION 32-4-409(b)(1) AND PER EXCEPTION AS STATED IN SECTION 32-4-409(c) OF THE BOC AND
- 5) FOR SUCH OTHER MATTERS AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

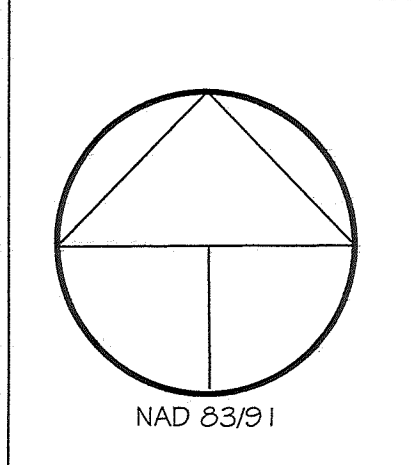
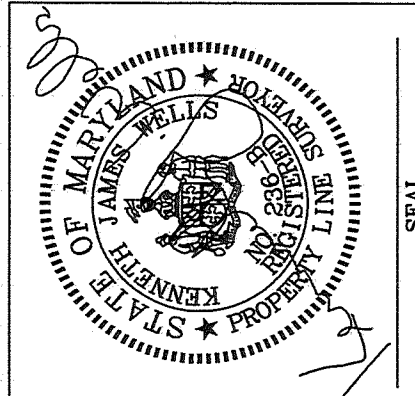
SITE DATA:

- 1) OWNERS NAME: LINDA SCHULTE
- 2) OWNERS ADDRESS: 7404 MOUNT VISTA ROAD, KINGSVILLE, MARYLAND 21087
- 3) OWNERS TELEPHONE NO.: 410-428-1935
- 4) DEED REFERENCES: 24408431
- 5) TAX MAP: 0604, GRID: 1, PARCELS: 524, 720 & 721
- 6) TAX ACCOUNT NO.: 1112060160, 2200025261 & 2200025260
- 7) ZONING MAP: 064A2
- 8) ZONING: RC-5
- 9) PRIOR ZONING HEARINGS: 2010-0109-SPH (SEE ZONING HEARING NOTE)
- 10) DRG: 120109B, 12/29/2009 GRANTED A LIMITED EXCEPTION 34-4-1102(a)(1)(iv)
- 11) ELECTION DISTRICT: 11th
- 12) COUNCILMANIC DISTRICT: 3rd
- 13) THE PROPERTIES ARE LISTED ON THE HISTORIC REGISTER INVENTORY NO. 00256
- 14) THE PROPERTIES ARE NOT LOCATED IN THE CBCA.
- 15) PRIVATE WELL AND SEPTIC
- 16) EXISTING AREAS:
 - PARCEL 1 = 5.31 ACRES
 - PARCEL 2 = 4.17 ACRES
 - PARCEL 3 = 1.59 ACRES
- 17) PROPOSED AREAS:
 - PARCEL 1 = 1.52 ACRES ±
 - PARCEL 2 = 5.12 ACRES ±
 - PARCEL 3 = 4.43 ACRES ±



kjWells Inc
2409 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning



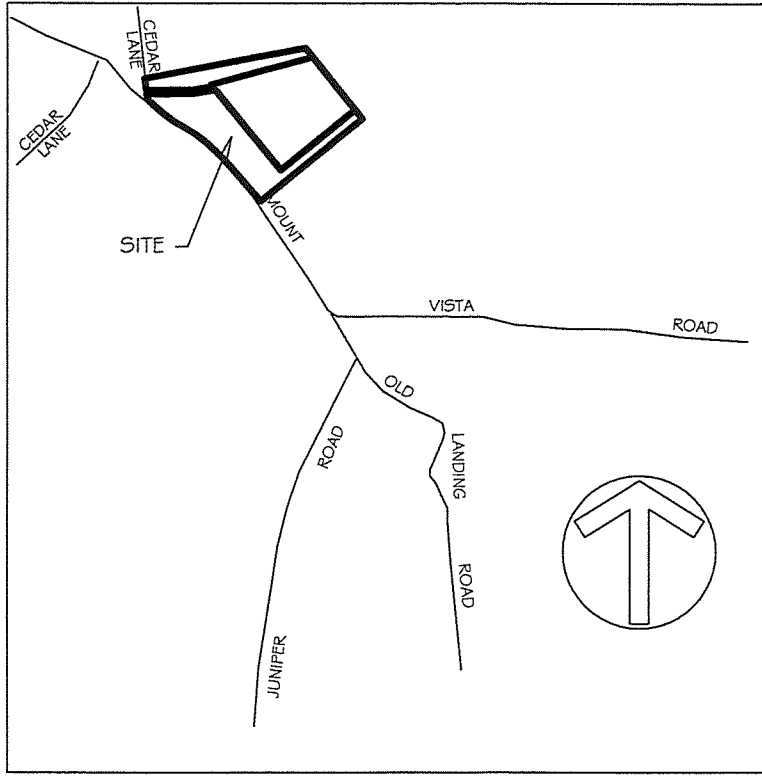
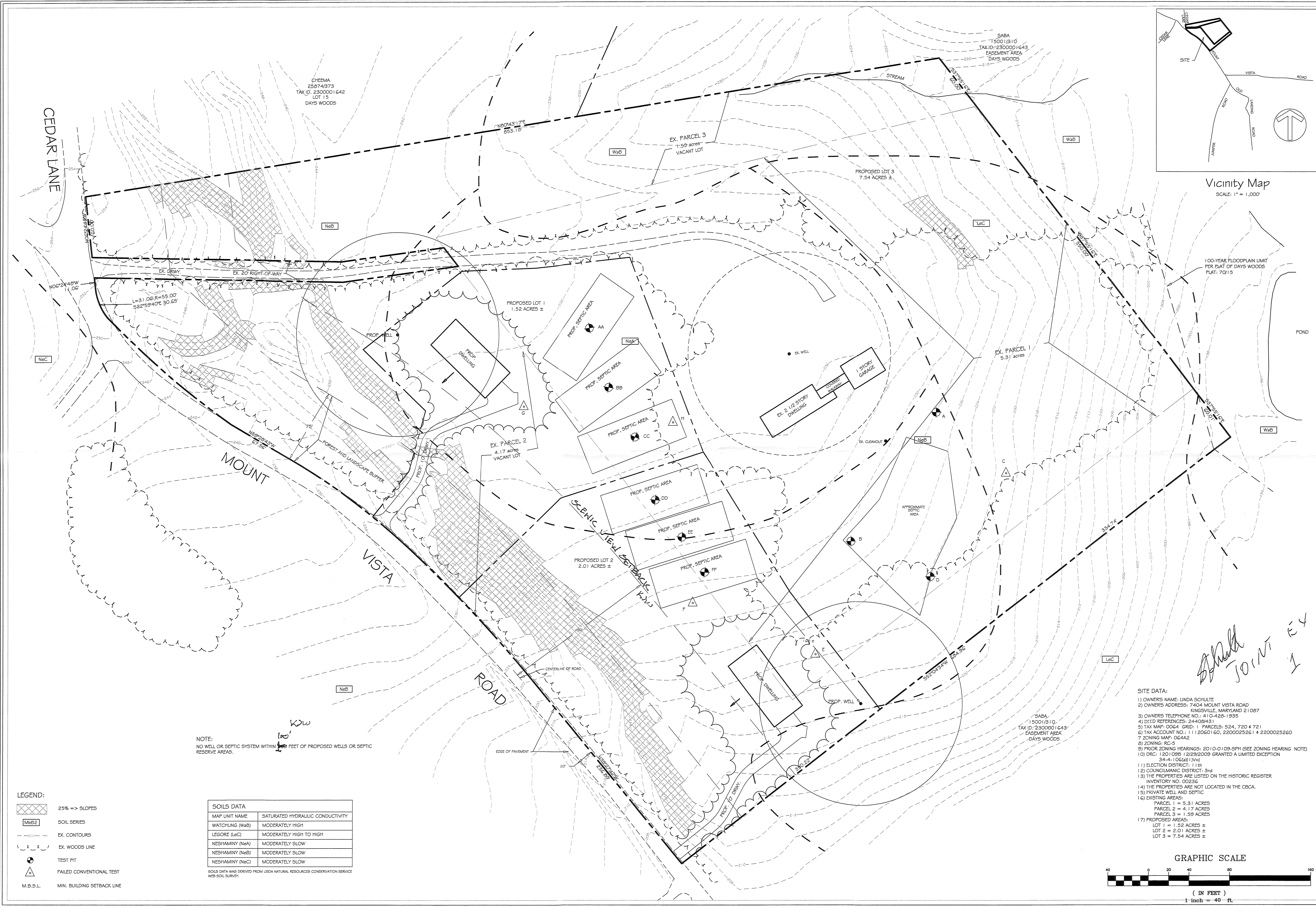
REVISIONS:	
NO.	DATE
1	9/23/2009
2	6/12/2011

Plan to Accompany a Petition
for a Special Hearing
Schulte Property

7404 MOUNT VISTA ROAD
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 9/23/2009
PROJECT NO.: 2009-019
SHEET 1 OF 1

Schulte Exhibit 42



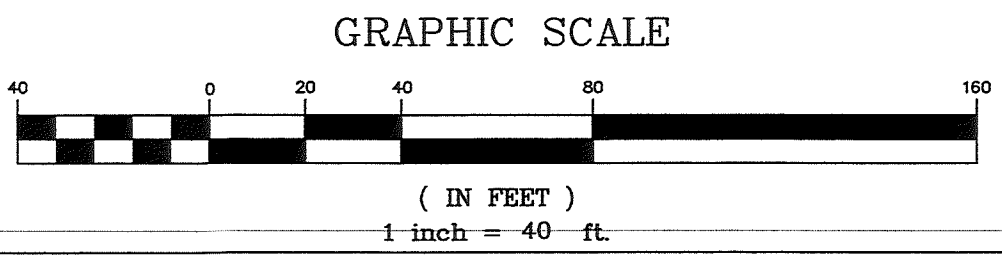
Vicinity Map
SCALE: 1" = 1,000'

- LEGEND:
- 25% = SLOPES
 - Soil Series
 - EX. CONTOURS
 - EX. WOODS LINE
 - TEST PIT
 - MIN. BUILDING SETBACK LINE

SOILS DATA	
MAP UNIT NAME	SATURATED HYDRAULIC CONDUCTIVITY
WATCHUNG (WaB)	MODERATELY HIGH
LEGORE (LeC)	MODERATELY HIGH TO HIGH
NESHAMINY (NeA)	MODERATELY SLOW
NESHAMINY (NeB)	MODERATELY SLOW
NESHAMINY (NeC)	MODERATELY SLOW

SOILS DATA WAS DERIVED FROM USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY.

- SITE DATA:
- OWNERS NAME: LINDA SCHULTE
 - OWNERS ADDRESS: 7404 MOUNT VISTA ROAD, KINGSVILLE, MARYLAND 21087
 - OWNERS TELEPHONE NO.: 410-428-1935
 - DEED REFERENCES: 244089451
 - TAX MAP: 0064 GRID: 1 PARCELS: 524, 720 + 721
 - TAX ACCOUNT NO.: 1112060160, 2200025261 + 2200025260
 - ZONING MAP: 064A2
 - ZONING: RC-5
 - PRIOR ZONING HEARINGS: 2010-0109-SPH (SEE ZONING HEARING NOTE)
 - DRG: 1201095 12/23/2009 GRANTED A LIMITED EXCEPTION 34-4-1 (06/01/11/0)
 - ELECTION DISTRICT: 11th
 - COUNCILMANIC DISTRICT: 3rd
 - THE PROPERTIES ARE LISTED ON THE HISTORIC REGISTER INVENTORY NO. 00236
 - THE PROPERTIES ARE NOT LOCATED IN THE CBCA.
 - PRIVATE WELL AND SEPTIC
 - EXISTING AREAS:
 - PARCEL 1 = 5.31 ACRES
 - PARCEL 2 = 4.17 ACRES
 - PARCEL 3 = 1.59 ACRES
 - PROPOSED AREAS:
 - LOT 1 = 1.52 ACRES ±
 - LOT 2 = 2.01 ACRES ±
 - LOT 3 = 7.54 ACRES ±



kjwellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning

EX A

NAD 83/91

REVISIONS:	NO.	DATE

Conceptual Development Plan
Schulte Property

7404 MOUNT VISTA ROAD
BALTIMORE COUNTY
MARYLAND

11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 6/30/2011
PROJECT NO.: 2009-019
SHEET 1 OF 2