

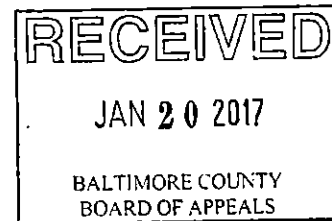


KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 20, 2017

Katrina, Wilmington & Toby Grew
David Heimbach
12 Porter Drive
Abingdon, Maryland 21009



RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2017-0114-SPH
Location: #5 Missi Court

Dear Petitioners:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 19, 2017. 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 contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Greg Rapisarda, Esq., 500 E. Pratt Street, Baltimore, MD 21212
Bruce Doak, 3801 Schoolhouse Road, Freeland, Maryland 21053

APPEAL

**Petition for Variance
(# 5 Missi Court)
4th Election District – 2nd Councilmanic District
Legal Owners: Katrina V. & Wilmington M. Grewe
Case No. 2017-0114-SPH**

Petition for Variance Hearing (October 25, 2016)

Zoning Description of Property

Notice of Zoning Hearing (November 21, 2016)

Certificate of Publication (December 1, 2016)

Certificate of Posting (December 1, 2016) – Bruce E. Doak

Entry of Appearance by People's Counsel – November 4, 2016

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. FDP Worthington Valley
2. Plan to accompany zoning petition
3. Project History
- 4A & 4B Title Deeds
5. SDAT Record
- 6A & 6B Letter to Neighbors with Plan dated November 14, 2015
7. Elevation Drawing
8. PADM Letter dated February 28, 2007
9. Exhibit re: Distances to nearest homes
10. Emails – James Markle

Protestant(s) Exhibits:

1. Aerial Photos
2. Photos of driveway and SWM area

Administrative Law Judge Order and Letter (DENIED – December 30, 2016)

Check for Appeal received from by David Heimbach on January 19, 2017



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address #5 MISSI COURT which is presently zoned RC5
 Deed References: JLE 37823/70 10 Digit Tax Account # 1900000345
 Property Owner(s) Printed Name(s) KATRINA V. GREWE, WILMINGTON M. GREWE & TOBY A. GREWE

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print TOBY A. GREWE
NAME #3
 Signature [Signature]
SIGNATURE #3
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Name #1- Type or Print KATRINA V. GREWE Name #2- Type or Print WILMINGTON M. GREWE
 Signature #1 [Signature] Signature #2 [Signature]
 Mailing Address 12 PORTER DRIVE ABINGDON MD
(BRUCE) City _____ State _____
 Zip Code 21009 Telephone # 410-919-4906 Email Address DPHMO62@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
 Name - Type or Print Bruce E. Doak
 Signature _____
 Mailing Address 3801 BAKER SCHOOLHOUSE ROAD FREELAND MD 21053
 City _____ State _____
 Zip Code 21053 Telephone # 410-419-4906 Email Address BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER #2017-0114-SPH Filing Date 10/25/16

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING REV. 10/4/11

Date 12/30/16

By Den

Petition Request

Special Hearing to permit:

1) The third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the

a) Subdivision of the Storm Water Management Reservation

b) Creation of Lot 34

c) To increase the total lots from 33 to 34

2) Any other permission deemed necessary by the Administrative Law Judge

3) *AMEND THE TRACT BOUNDARY FOR THE PROPERTY OF
"WORTHINGTON VALLEY ESTATES ADDITIONS"*

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

#5 Missi Court

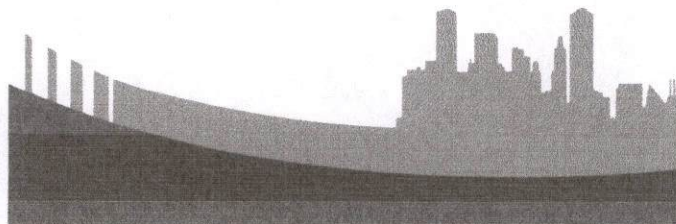
4.10 Acre Storm Water Management Reservation
Fourth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of Missi Court approximately 280 feet south of the northeast corner of Missi Court and Greenspring Avenue

Being the entire subdivision of "First Amended Worthington Valley Estates Addition" recorded in the plat records of Baltimore County in Plat Book EHK Jr. 47, page 8.

Containing 70.908 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

CASE #2017-0114-SP4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/14/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-114

INFORMATION:

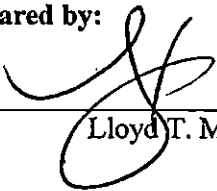
Property Address: 5 Missi Court
Petitioner: Katrina V. Grewe, Wilmington M. Grewe
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve the third amendment of the Final Development Plan for "Worthington Valley Estates" for the subdivision of the Storm Water Management Reservation, creation of Lot 34 and an increase in total lots from 33 to 34 and to amend the tract boundary for the property of "Worthington Valley Estates Addition".

The Department has no objection to granting the petitioned zoning relief.

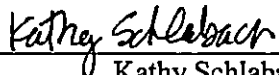
For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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

NO 145723

Date:

10/25/16

PAID RECEIPT

BUSINESS ACTUAL TIME BRN
10/27/2016 10/25/2016 11:48:52 1

RED #501 WALKIN LJR
>>RECEIPT # 488043 10/25/2016 GFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 145723

Recpt Tot \$1,200.00
\$1,200.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1200

Total:

\$1200

Rec
From:

DAVID HEIMRACH

For:

MISSI COURT

2017-0114-SPH

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CASE NO. 2017- 0114-SPH

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

11/7

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

11/16

DEPS
(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

12/14

PLANNING
(if not received, date e-mail sent _____)

No Obj

10/31

STATE HIGHWAY ADMINISTRATION

No Obj

11/17

TRAFFIC ENGINEERING

Public Works

Comment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12/1/16

SIGN POSTING Date: 12/1/16 by Dock

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

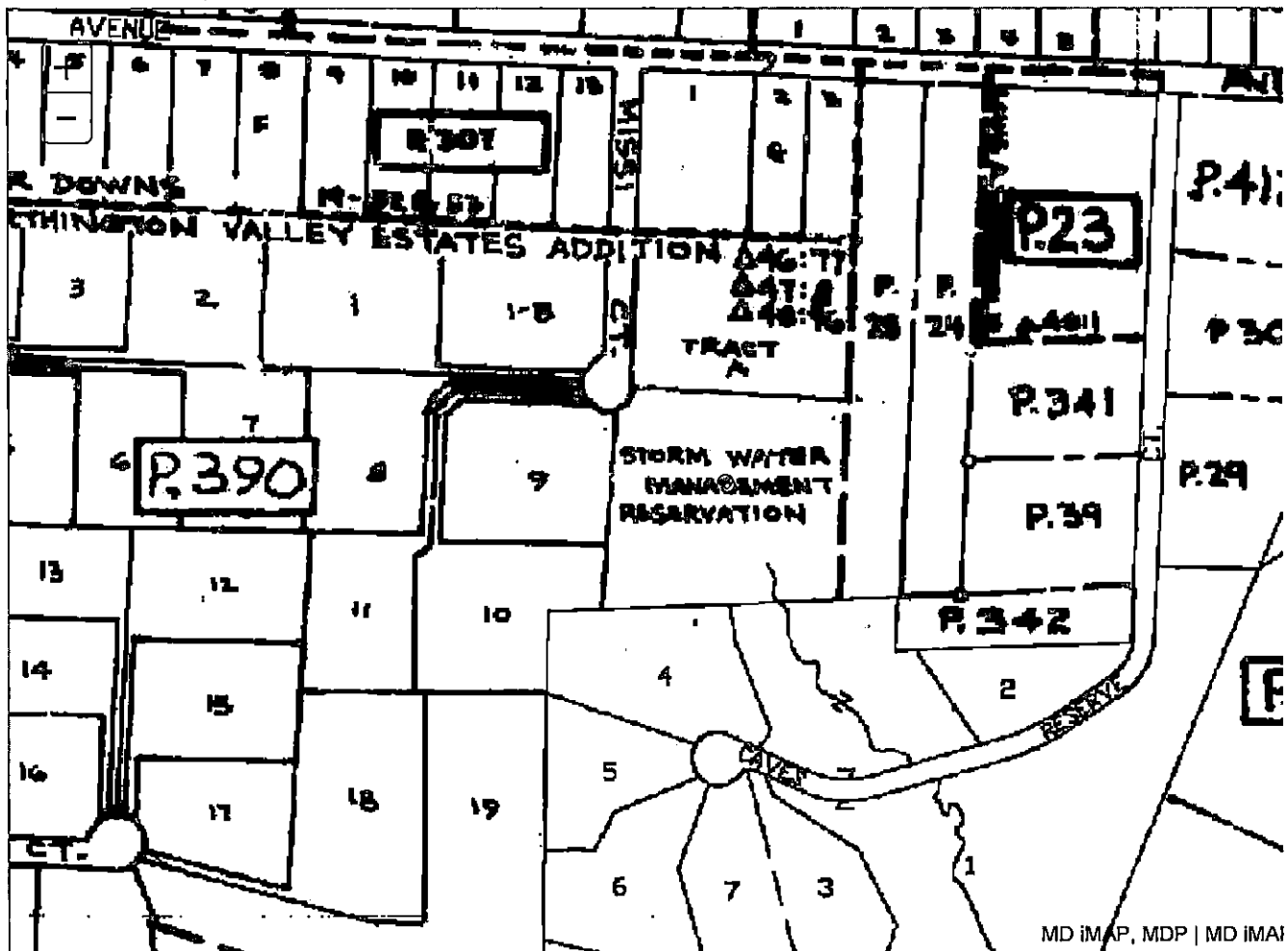
Comments, if any: _____

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 1900000345			
Owner Information					
Owner Name:	GREWE KATRINA V GREWE WILMINGTON M ETAL		Use: Principal Residence:	RESIDENTIAL NO	
Mailing Address:	12 PORTER DR ABINGDON MD 21009-2012		Deed Reference:	/37823/ 00070	
Location & Structure Information					
Premises Address:		MISSI CT 0-0000		Legal Description:	4.10 AC 178596 SQ FT WORTHINGTON VALLEY EST
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0050	0013	0390		0000	2016 0047/ 0008
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				4.1000 AC	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		4,100	4,100		
Improvements		0	0		
Total:		4,100	4,100	4,100	4,100
Preferential Land:		0			0
Transfer Information					
Seller: GREWE WILLIAM E		Date: 08/02/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /37823/ 00070		Deed2:	
Seller: CHELLIS JAMES S		Date: 12/10/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /27498/ 00359		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **04** Account Number: **1900000345**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 1, 2016 Issue - Jeffersonian

Please forward billing to:
David Heimbach
12 Porter Drive
Abingdon, MD 21009

410-419-4906

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0114-SPH

5 Missi Court

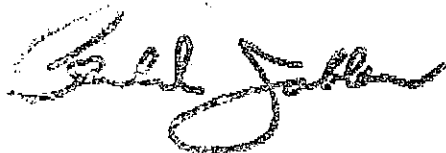
E/s Missi Court, 280 ft. S of the NE corner of Missi Court and Greenspring Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Katrina Grewe, Wilmington Grewe, Toby Grewe

Special Hearing (1) to permit the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the (a) Subdivision of the Storm Water Management Reservation (b) Creation of Lot 34 (c) to increase the total lots from 33 to 34. (2) Any other permission deemed necessary by the Administrative Law Judge; and to amend the tract boundary for the property of "Worthington Valley Estates Additions."

Hearing: Thursday, December 22, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:

Case Number: 2017-0114-SPH

Property Address: #5 MISSI COURT

Property Description: P/O STORM WATER MANAGEMENT RESERVATION

Legal Owners (Petitioners): KATRINA V. GREWE, WILMINGTON M. GREWE & TOBY A. GREWE

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID HEIMBACH

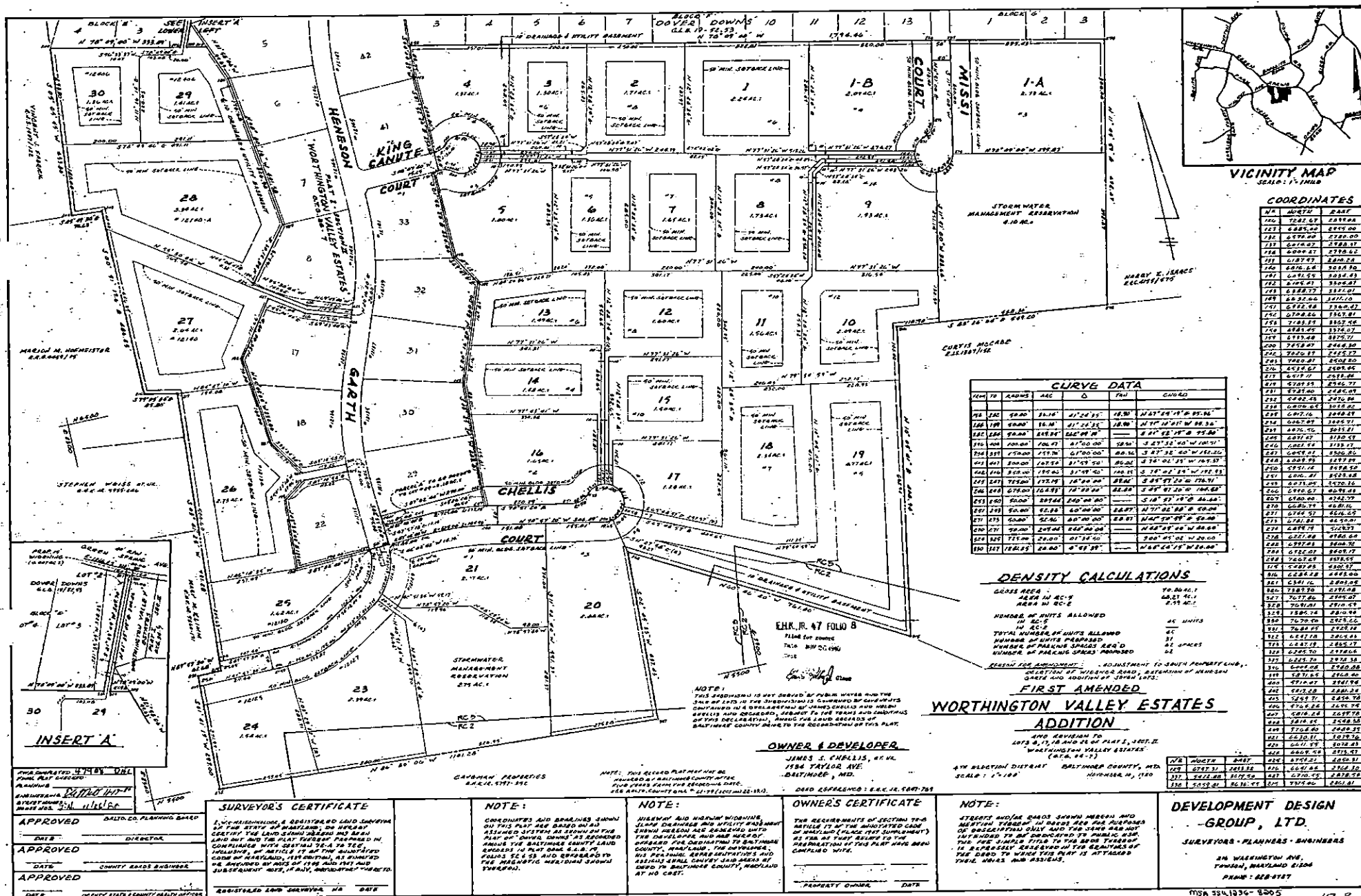
Company/Firm (if applicable): _____

Address: 12 PORTER DRIVE

ABINGDON MD 21009

Telephone Number: 410-419-9906

Revised 5/20/2014



TRACT A

1A

PAI # 040085

PAI # 040085

Lot # 1A 1900000343

PAI # 040085

MISSISSIPPI

1900000344

1989-0144-A

Lot # 1B

050A2

Pt. Bk./Folio # 047008

PAI # 040085

2 CD

NW 15-F

PAI # 040750

PAI # 040750

PAI # 040750

PAI # 040750

4 ED RC 5

Pt. Bk. 0000047, Folio 0008

1900000345

050A3

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1900000323

Lot # 10

PAI # 040586

Pt. Bk./Folio # 078250

2500002681

Pt. Bk. 0000078, Folio 0250

PAI # 040586

PAI # 040586

4

2500002678

Lot # 1

2006-0468-SPHA

04260351

0409075210

0420020025

The seal of Baltimore County, Maryland, is a circular emblem. It features a black and white checkered pattern in the upper left and lower right quadrants, and a red and white checkered pattern in the upper right and lower left quadrants. A central star is positioned between the quadrants. The words "BALTIMORE COUNTY" are inscribed along the top arc, and "MARYLAND" is inscribed along the bottom arc.

1 inch = 100 feet

2017-0114-SPH

APPEAL

**Petition for Variance
(# 5 Missi Court)
4th Election District – 2nd Councilmanic District
Legal Owners: Katrina V. & Wilmington M. Grewe
Case No. 2017-0114-SPH**

Petition for Variance Hearing (October 25, 2016)

Zoning Description of Property

Notice of Zoning Hearing (November 21, 2016)

Certificate of Publication (December 1, 2016)

Certificate of Posting (December 1, 2016) – Bruce E. Doak

Entry of Appearance by People's Counsel – November 4, 2016

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. FDP Worthington Valley
2. Plan to accompany zoning petition
3. Project History
- 4A & 4B Title Deeds
5. SDAT Record
- 6A & 6B Letter to Neighbors with Plan dated November 14, 2015
7. Elevation Drawing
8. PADM Letter dated February 28, 2007
9. Exhibit re: Distances to nearest homes
10. Emails – James Markle

Protestant(s) Exhibits:

1. Aerial Photos
2. Photos of driveway and SWM area

Administrative Law Judge Order and Letter (DENIED – December 30, 2016)

Check for Appeal received from by David Heimbach on January 19, 2017



RECEIVED

JAN 19 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

RE: Appeal

To: Baltimore County,

This letter is to formally appeal the recent decision in regards to case # 2017-0114-SPH for property #5 Missi crt.

The purpose for the appeal involves the definition of "Spirit and intent".

We feel that the actual size of the SWM parcel, and the fact that it would (as per petition) be reduced slightly in size does not impact the "Spirit and intent" because it will function the same as was originally intended.

Additionally, for years we have provided maintenance on this pond to contribute to it's functionality.

We have worked with the county on this project for years, spending significant time and money, and this was never once mentioned as a potential issue.

Sincerely,

T. Grene
Tony Grene
Carmenza Heimbach
Carmenza Heimbach.

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

№ 143321

Date:

1-19-17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	0000		6150						265.00

Total:

265.00

Rec
From:

David Heimbach

For:

Appeal - OAH Zoning Case

2017-0114-SPH 12-22-16

12 Porter Drive

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

1/20/2017 1/19/2017 13:19:24 5

REG MSGS WALKIN LRB

>>RECEIPT # 886406 1/19/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 143321

Recpt Tot \$265.00

\$265.00 CK \$0.00 CA

Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 30, 2016

Katrina Grewe
Wilmington Grewe
12 Porter Drive
Abingdon, Maryland 21009

RE: Petition for Special Hearing
Case No. 2017-0114-SPH
Property: #5 Missi Court

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Greg Rapisarda, Esq. , 500 E. Pratt Street, Baltimore, MD 21212
Bruce Doak, 3801 Schoolhouse Road, Freeland, Maryland 21053

IN RE: **PETITION FOR SPECIAL HEARING** *

(#5 Missi Court)

4th Election District *

2nd Council District

Katrina V. & Wilmington M. Grewe *

Legal Owners

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

* **Case No. 2017-0114-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Katrina & Wilmington Grewe, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") for approval of: (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the: (a) subdivision of the Storm Water Management Reservation; (B) creation of Lot 34; and (C) to increase the total lots from 33 to 34; (2) any other permission deemed necessary by the Administrative Law Judge; and (3) amend the tract boundary for the property of "Worthington Valley Estates Additions."

Katrina & Wilmington Grewe and surveyor Bruce Doak appeared in support of the petition. Gary Eidelman, who lives next door to Petitioners, opposed the requests. Mr. Eidelman was represented by Gregory Rapisarda, Esq. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Public Works (DPW), the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

ORDER RECEIVED FOR FILING

Date

12/30/16

By

Sen

This case involves a subdivision known as Worthington Valley Estates Addition, which was created by plat recorded in 1981. (Plat Book 47, page 8). The subject property is zoned R.C.5. Petitioners propose to amend the second amended Final Development Plan (FDP) for this subdivision (Petitioners' Ex. No. 1) which would have the effect of increasing from 33 to 34 the number of building lots proposed. Petitioners propose to create the new lot (at least in part) by utilizing approximately one acre of the four acre stormwater management (SWM) reservation parcel shown on the aforementioned plat.

Though shown on the plat, it is undisputed the four acre SWM parcel was never formally conveyed to Baltimore County. Petitioners purchased the four acre SWM parcel in 2006 from Helen Chellis, designated on the 1981 Worthington Valley Estates plat (along with her now deceased husband) as "Owner & Developer." Petitioners' Ex. No. 4A. Petitioners would combine the one acre portion of the SWM pond with another small parcel they currently own (which is contiguous to but not part of the Worthington Valley Estates subdivision) to create a 1.85 +/- acre R.C. 5 parcel known as Lot 34, on which they would construct a single-family dwelling.

As noted above, the FDP for Worthington Valley Estates shows a 4.10 acre +/- "Stormwater Management Reservation" along the eastern boundary of the subdivision. Petitioners would subdivide this lot as shown on the redline FDP (Petitioners' Ex. No. 1), which would result in a 3.22 +/- acre SWM reservation area which would be conveyed to Baltimore County. The applicable regulation is B.C.Z.R. §1B01.3, which permits (as applicable in this case) amendment of an FDP following a public hearing, provided the amendment is "consistent with the spirit and intent of the original plan." B.C.Z.R. §1B01.3.A.7. This then is the pivotal question to be answered in this case.

ORDER RECEIVED FOR FILING

Date 12/30/11

By SLN

Devin Leary, a registered landscape architect accepted as an expert, testified he has been involved with this project since 2006. He noted the project was "complicated" and testified the "intent was for the previous developer to convey this storm water pond to Baltimore County." Based on this testimony alone (which was not contradicted) I do not believe the proposed amendment would be "consistent with the spirit and intent of the original plan." *Id.* While Petitioners propose to convey a 3.22+/- acre pond to the County, the "original plan" specified the parcel was 4.10 +/- acres. In an email dated December 7, 2015 James A. Markle, P.E. (on behalf of DEPS) informed Petitioners the "existing stormwater management pond must be conveyed in-fee to Baltimore County in a Stormwater Management Reservation. The reservation must include the entire pond and provide access to Missi Court." See Petitioners' Ex. No. 10.

In addition, the County Code specifies that subdivision plats must be accompanied by "irrevocable offers of dedication to the public of all public improvements." BCC §32-4-271(b). This was also the law in 1981 when the Worthington Valley Estates plat was recorded. BCC §§ 26-214(a) (1988) & 22-66 (1978). As such, I do not believe the 2006 Chellis-Grewe conveyance was lawful, and I believe the County would now be entitled to insist upon the conveyance of the entire 4.10 +/- acre SWM parcel. Indeed, an analogous scenario was addressed by Maryland's highest court in Hackerman v. City of Baltimore, 212 Md. 618 (1957). In that case, the court held the city can accept an offer of dedication (shown on a plat) of real property to be used for a street fifteen years after the same property was purportedly conveyed by deed to a third party.

THEREFORE, IT IS ORDERED this 30th day of December, **2016** by this Administrative Law Judge, that the Petition for Special Hearing to approve: (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the: (a) subdivision of the Storm Water Management Reservation; (B) creation of Lot 34; and (C) to increase the total lots from 33

ORDER RECEIVED FOR FILING

Date

12/30/16

By

Sen

to 34; (2) any other permission deemed necessary by the Administrative Law Judge; and (3) amend the tract boundary for the property of "Worthington Valley Estates Additions," be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 12/30/16
By slh

CASE NAME GROWS
CASE NUMBER 2017-0114-SP4
DATE 12/22/16

[illegible]

CASE NAME 2017-0114-SPH
CASE NUMBER _____
DATE 12/22/16

[illegible]



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 15 MISSI COURT which is presently zoned RC5
 Deed References: JLE 37823/70 10 Digit Tax Account # 1900000395
 Property Owner(s) Printed Name(s) KATRINA V. GREWE, WILMINGTON M. GREWE & TOBY A. GREWE

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print TOBY A. GREWE
 Signature [Signature]
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature [Signature]
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Name #1- Type or Print KATRINA V. GREWE Name #2- Type or Print WILMINGTON M. GREWE
 Signature #1 [Signature] Signature #2 [Signature]
 Mailing Address 12 PORTER DRIVE ABINGDON MD City _____ State _____
 Zip Code 21009 Telephone # 410-919-4906 Email Address DPHMD62@GMAIL.COM

Representative to be contacted:

Name - Type or Print BRUCE E. DOAK
 Signature [Signature]
 Mailing Address 3801 BAKER SCHOOLHOUSE ROAD FREELAND MD 21053 City _____ State _____
 Zip Code 21053 Telephone # 410-419-4906 Email Address BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER #2017-0114-SPH Filing Date 10/25/16

Do Not Schedule Dates:

Reviewer AT

ORDER RECEIVED FOR FILING
 REV. 10/4/11

Date 12/30/16

By Sen

Petition Request

Special Hearing to permit:

1) The third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the

a) Subdivision of the Storm Water Management Reservation

b) Creation of Lot 34

c) To increase the total lots from 33 to 34

2) Any other permission deemed necessary by the Administrative Law Judge

3) *AMEND THE TRACT BOUNDARY FOR THE PROPERTY OF
"WORTHINGTON VALLEY ESTATES ADDITION"*

2017-0114-SPH

CASE # 2017-0114-SPH

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

#5 Missi Court

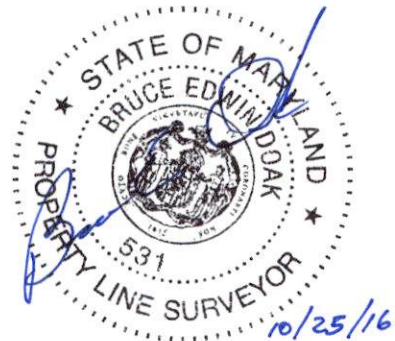
4.10 Acre Storm Water Management Reservation
Fourth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of Missi Court approximately 280 feet south of the northeast corner of Missi Court and Greenspring Avenue

Being the entire subdivision of "First Amended Worthington Valley Estates Addition" recorded in the plat records of Baltimore County in Plat Book EHK Jr. 47, page 8.

Containing 70.908 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

CASE #2017-0114-SP4



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 21, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0114-SPH

5 Missi Court

E/s Missi Court, 280 ft. S of the NE corner of Missi Court and Greenspring Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Katrina Grewe, Wilmington Grewe, Toby Grewe

Special Hearing (1) to permit the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the (a) Subdivision of the Storm Water Management Reservation (b) Creation of Lot 34 (c) to increase the total lots from 33 to 34. (2) Any other permission deemed necessary by the Administrative Law Judge; and to amend the tract boundary for the property of "Worthington Valley Estates Additions."

Hearing: Thursday, December 22, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Grewe Residence, 12 Porter Drive, Abingdon 21009
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 2, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4617878

Sold To:

David Heimbach - CU00573872
12 Porter Dr
Abingdon, MD 21009-2012

Bill To:

David Heimbach - CU00573872
12 Porter Dr
Abingdon, MD 21009-2012

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 01, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2017-0114-SPH
5 Missi Court
E/s Missi Court, 280 ft. S of the NE corner of Missi Court and Greenspring Avenue
4th Election District - 2nd Councilmanic District
Legal Owner(s) Katrina Grewe, Wilmington Grewe, Toby Grewe

Special Hearing (1) to permit the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the (a) Subdivision of the Storm Water Management Reservation (b) Creation of Lot 34 (c) to increase the total lots from 33 to 34. (2) Any other permission deemed necessary by the Administrative Law Judge; and to amend the tract boundary for the property of "Worthington Valley Estates Additions."

Hearing: Thursday, December 22, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/008 December 1 4617878

Bruce E. Doak Consulting, Inc.

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

December 01, 2016

Re:

Zoning Case No. 2017-0114-SPH

Petitioner: Katrina Grewe, Wilmington Grewe & Toby Grewe

Hearing date: December 22, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **5 Missi Court**.

The sign was posted on **December 1, 2016**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2017-0114-SPH

5 Missi Court

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: THURSDAY DECEMEBER 22, 2016 1:30PM

REQUEST:

SPECIAL HEARING (1) TO PERMIT THE THIRD AMENDMENT OF THE FINAL DEVELOPMENT PLAN FOR "WORTHINGTON VALLEY ESTATES ADDITION" FOR THE (a) SUBDIVISION OF THE STORM WATER MANAGEMENT RESERVATION (b) CREATION OF LOT 34 (c) TO INCREASE THE TOTAL LOTS FROM 33 TO 34. (2) ANY OTHER PERMISSION DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE; AND TO AMEND THE TRACT BOUNDARY FOR THE PROPERTY OF "WORTHINGTON VALLEY ESTATES ADDITIONS."

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3381.

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

THE HEARING IS HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 21, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0114-SPH

5 Missi Court

E/s Missi Court, 280 ft. S of the NE corner of Missi Court and Greenspring Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Katrina Grewe, Wilmington Grewe, Toby Grewe

Special Hearing (1) to permit the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the (a) Subdivision of the Storm Water Management Reservation (b) Creation of Lot 34 (c) to increase the total lots from 33 to 34. (2) Any other permission deemed necessary by the Administrative Law Judge; and to amend the tract boundary for the property of "Worthington Valley Estates Additions."

Hearing: Thursday, December 22, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Grewe Residence, 12 Porter Drive, Abingdon 21009
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 2, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
5 Missi Court; E/S Missi Court, 280; S of NE *
corner Missi Court & Greenspring Avenue * OF ADMINISTRATIVE
4th Election & 2nd Councilmanic Districts HEARINGS FOR
Legal Owner(s): Katrina & Wilmington Grewe*
Petitioner(s) * BALTIMORE COUNTY
* 2017-114-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

NOV 04 2016

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 4th day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 15, 2016

Katrina V & Wilmington M Grewe
12 Porter Drive
Abingdon MD 21009

RE: Case Number: 2017-0114 SPH, Address: #5 Missi Court

Dear Mr. & Ms. Grewe:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 25, 2016. 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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/14/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-114

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OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

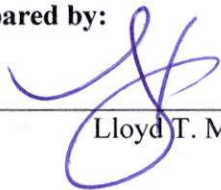
Property Address: 5 Missi Court
Petitioner: Katrina V. Grewe, Wilmington M. Grewe
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve the third amendment of the Final Development Plan for "Worthington Valley Estates" for the subdivision of the Storm Water Management Reservation, creation of Lot 34 and an increase in total lots from 33 to 34 and to amend the tract boundary for the property of "Worthington Valley Estates Addition".

The Department has no objection to granting the petitioned zoning relief.

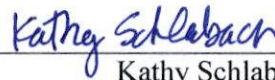
For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon,
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director 
Department of Public Works

DATE: November 17, 2016

SUBJECT: Case No: 2017-0114-SPH
5 Missi Court, Owings Mills, Maryland 21117-1630

This is a Special Hearing to request permission for:

1. The third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the:
 - a. Subdivision of the Storm Water Management Reservation.
 - b. Creation of Lot 34.
 - c. To increase the total lots from 33 to 34.
2. Any other permission deemed necessary by the Administrative Law Judge.
3. Amending the tract boundary for the property of "Worthington Valley Estates Addition".

We understand the stormwater management reservation was never conveyed to Baltimore County since the stormwater management facility was never completed and inspected. This property is reserved for Baltimore County ownership.

Subdivision Plat, liber 47 folio 8, should be amended and recorded and the stormwater management reservation would have to be released for transfer into private ownership with a public drainage and utility easement for the 15 inch storm drain reserved for Baltimore County as required, subject to the customary development closeout process.

SAW/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council
Amy Grossi, Real Estate Compliance
James Markle, Environmental Protection and Sustainability

12-22

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

NOV 16 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 16, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0114-SPH
Address Missi Court
(Grewe Property)

Zoning Advisory Committee Meeting of November 7, 2016

X The Department of Environmental Protection and Sustainability 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:

An Alternatives Analysis and a Special Forest Conservation Variance, in accordance with Section 33-3-112 and Section 33-6-116 of the Baltimore County Code must be completed, reviewed and approved for wetland and FBE impacts as well as specimen tree impacts, respectively, should any be proposed, prior to amended FDP approval. Any approved Forest Buffer Easement, Forest Buffer and Forest Conservation Easement and Forest Conservation Easement will have to be recorded in the Land Records of Baltimore County via submission of a right-of-way plat, an intake sheet, attorney's certification and an engineer's certification that refers back to the Record Plat.

Reviewer: Michael S. Kulis, for EIR

Date: 11/16/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2016
Item No. 2017-0114

DATE: November 7, 2016

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

If granted, a landscape Plan is required per the requirements of the Landscape Manual. Open Space requirements may have to be met during plan review.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0114-11072016.doc

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/31/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0114-SPH

*Special Hearing
Katrina V. & Wilmington M. Grewe
Missi Court*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Wendy Wolcott'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

My telephone number/toll-free number is _____

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

Street Address: 320 West Warren Road * Hunt Valley, Maryland 21030 * Phone 410-229-2300 or 1-866-998-0367 * Fax 410-527-4690

www.roads.maryland.gov

Board of Appeals

Case No: 17-114-SPH

Case Name: Katrina V. Grewe

Exhibit List

Party: Petitioner

Date: 6/1/17

Exhibit No:	Description:
✓ 1	Project History
✓ 2	Drawing of minor Subdivision with correct location of driveway
✓ 3	Drawing of proposed house
✓ 4	February 28, 2007 letter from Timothy Kotroco
✓ 5	Project costs since May 2013
✓ 6	Invoice from Bruce E. Doak Consulting, LLC
✓ 7	William W. W. W. W. McGraw's timeline
✓ 8	Estimated costs to complete project
✓ 9	Emails between James A. Marble and Dave Heimback
NOT ADMITTED ✓ 10	August 27, 2013 letter from Bruce E. Doak - <u>not admitted</u>
✓ 11	November 14, 2015 letter from Carmenza Heimback
✓ 12	Minor Subdivision dated August 15, 2017
✓ 13	Preliminary Forest Conservation Plan
✓ 14	Second Amendment to Final Development Plan
VERIFIED BY <u>KC</u> DATE: <u>6/2/17</u>	

Project History

-July 2006: Bill & Carmenza purchased the 4 acre Storm Water Management Area with intent to try and subdivide to build a home. The Minor subdivision would create a total of two lots, & the SWM parcel. One lot being the existing house, the other being the lot to build the new house on.

-Feb, 2008: DRC review determines that project meets requirements needed to proceed with Minor Subdivision Plan.

-2008: Bill visited all neighbors on Missi crt and gets verbal agreement from all to proceed with project.

-May 2009: Bill passed away due to cancer, and the project was put on hold.

-Spring 2013: Project was re-started. Perc tests successfully completed, and environmental studies restarted.

-Sept 2015: 1st Minor Subdivision Plan was submitted to county.

-Nov 2015: Went door to door to each of the neighbors on Missi Crt to discuss our intentions with a lot of very positive feedback. One neighbor mentioned some concerns, and we assured him we would accommodate his wishes (driveway location, & privacy screening).

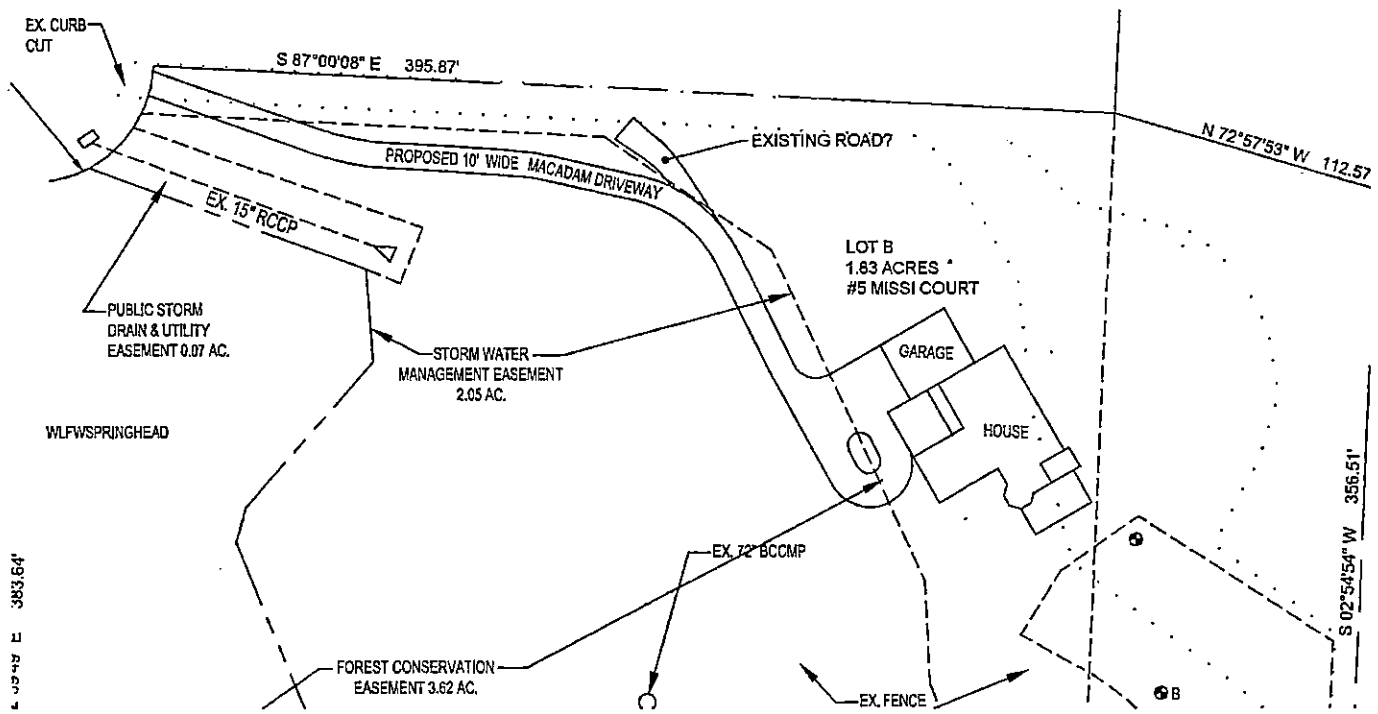
-Dec 2015 Jim Markle agreed to accept to have SWM pond conveyed in fee, with certain conditions met. Detail design of house was started, and topo survey was done to verify various elevations.

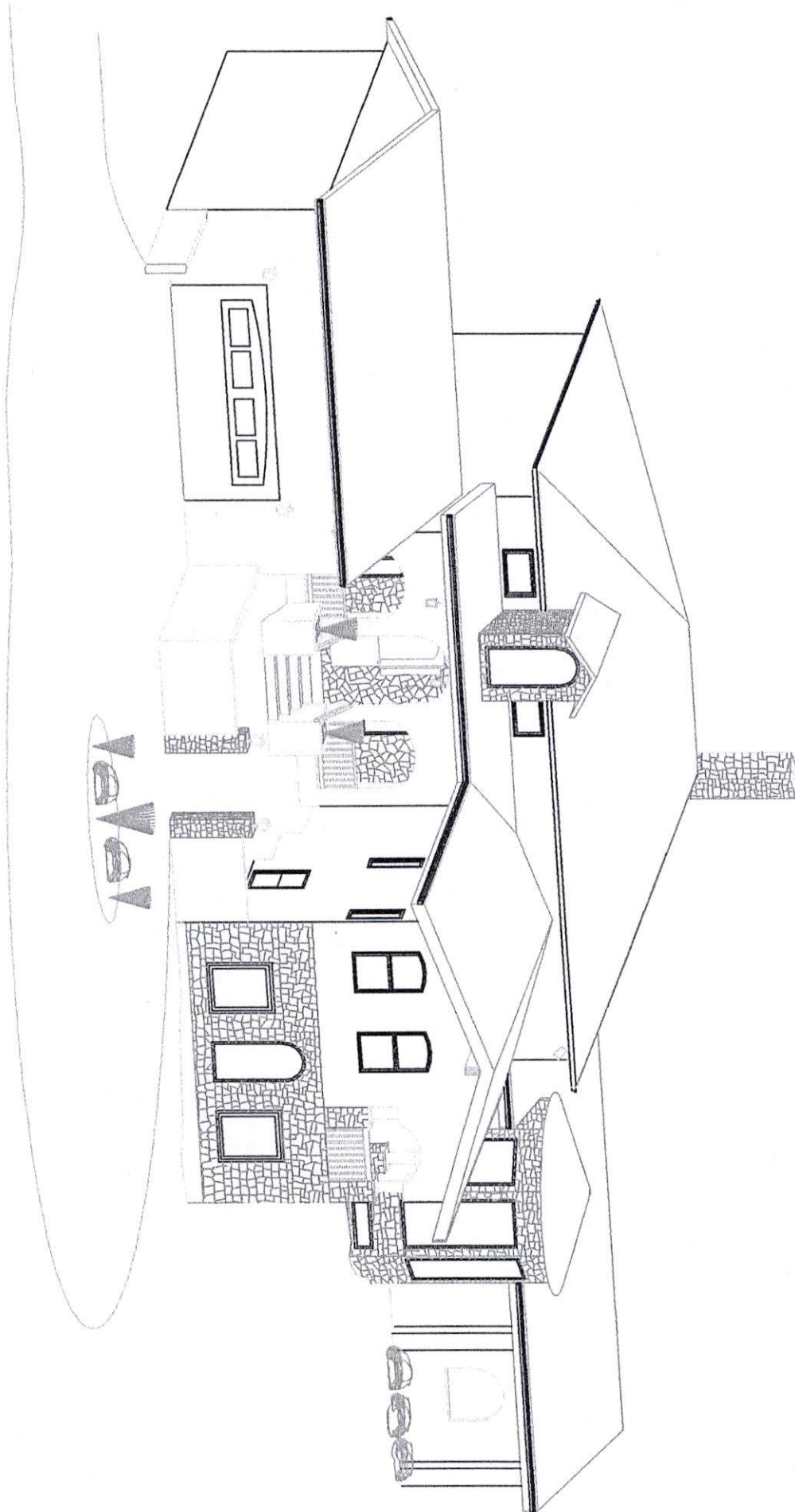
-Jan 2016: Project once again was put on temporary hold due to a car accident that we were involved with.

-Dec 2016: Hearing was held in regards to the changes that would impact Worthington Valley subdivision.

Note: Maintenance/upkeep of the pond and it's functionality has been required for close to 10 years. This involved coating of the piping, as well as continuous clearing & trimming of trees, and removing debri. All taxes have been paid as well.

**Petitioner
CBA Exhibit**





Petitioner
CBA Exhibit

Baltimore County Government
Department of Permits and
Development Management

Petitioner
CBA Exhibit

4



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

February 28, 2007

Gerhold, Cross & Etzel, Ltd.
320 East Towson Town Boulevard
Suite 100
Towson, MD 21286

RE: Grewe Property
12330 Greenspring Avenue
DRC Number 021207A; Dist. 4C2

Dear Sir or Madam:

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.

The DRC has, in fact, met in an open meeting on February 12, 2007, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(5). Please amend the FDP and Record Plat.

Gerhold, Cross & Etzel, Ltd.
Grewe Property
February 28, 2007
Page 2

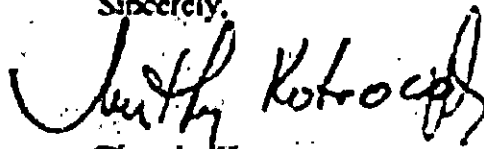
In order to further process your development plan, submit a complete minor subdivision package, as described in the Procedures for Minor Subdivision, prepared in accordance with Sections 32-4-221 through 32-4-224 of the Baltimore County Code, and a copy of this letter to this office.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 28th day of February 2007, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Mike Bailey at 410-545-5600.

Sincerely,



Timothy Kotroco
Director

TK:DTR:sem

c: Joe Chinura

File

Enclosure

Project cost since May 2013

* \$1439.00.....Perc Test (Bruce Doak)
* \$1650.00.....Wetland/Forest Delininations (Human & Rhode)
* \$5,200.00....Subdivision Plan (Bruce Doak)
* \$2,800.00....Topographic Survey (Bruce Doak)
 *\$500.00....Storm Water Analysis (Bruce Doak)
 *\$225.00....Meeting with Tesseract
*\$1250.00....Public Hearing Fee
\$13,064.00 Total

Cost prior to May 2013 is estimated to be approximately \$ 15,000.00

Petitioner
CBA Exhibit

5



Bruce E. Doak Consulting, LLC
3331 Easter Schoolhouse Road
Feldons, MD 21033
O 410-200-5635 C 410-413-4305
bdoak@bruceedoakconsulting.com

Invoice

1428

07/13/2013

David & Catherine Holmbeck
12330 Greenwing Avenue
Owings Mills, MD, 21117

Due in full upon receipt

Subdivision

Storm water management analysis performed

Meetings with clients

Surveying services

Computations for the SWM area

Meeting with the county reviewers

Drafting on the Minor Subdivision Plat

\$4,500.00

Minor subdivision submittal fee

\$725.00

Reproduction

\$32.00

Mileage

\$18.00

Parking

\$12.00

0 - 30 days	31 - 60 days	61 - 90 days	> 90 days	Total
\$5,285.00	\$0.00	\$0.00	\$0.00	\$5,285.00

Petitioner
CBA Exhibit

TIME LINE

STARTED PROJECT : SEPT 2006

12/27/06 BILL \$ 4707. ⁹⁵

1/25/07 BILL \$ 1974. ⁵⁰ + \$ 4707. ⁹⁵ = \$ 6682. ⁹⁵

2/16/07 \$ 668. ⁹⁵ BILL PAID

3/08/07 BILL \$ 2313. ³⁷

3/14/07 \$ 2313. ³⁷ BILL PAID

8/14/07 BILL \$ 2891. ⁰⁰

10/1/07 REMINDER \$ 2891. ⁰⁰

11/6/07 " \$ 2891. ⁰⁰

2/20/08 \$ 1000. ⁰⁰ PAYMENT MADE \$ 1891. ⁰⁰ BALANCE

2/20/08 BILL REMINDER \$ 1891. ⁰⁰

4/1/08 REMINDER \$ 1891. ⁰⁰

4/18/08 \$ 600. ⁰⁰ PAYMENT MADE \$ 1291. ⁰⁰ BALANCE

4/18/08 REMINDER \$ 1291. ⁰⁰

5/9/08 REMINDER \$ 1291. ⁰⁰

6/17/08 REMINDER \$ 1291. ⁰⁰

7/30/08 REMINDER \$ 1291. ⁰⁰

9/4/08 REMINDER \$ 1291. ⁰⁰

9/29/08 REMINDER \$ 1291. ⁰⁰

10/22/08 BILL \$ 470. ⁰⁰ \$ 1769. ⁰⁰ BALANCE

12/25/09 CASE FILED \$ 1769. ⁰⁰ + \$ 132. ⁰⁰ INTEREST = \$ 1901. ⁰⁰

12/2/08 REMINDER \$ 1901. ⁰⁰

5/19/09 \$ 500. ⁰⁰ PAYMENT MADE \$ 1401. ⁰⁰ BALANCE

3/19/09 REMINDER \$ 1401. ⁰⁰

5/27/09 REMINDER \$ 1401. ⁰⁰ + \$ 42. ⁰⁰ INTEREST = \$ 1443. ⁰⁰

5/24/09 OFFER OF \$ 1200. ⁰⁰ TOTAL ACCEPTED

Petitioner
CBA Exhibit

Grewe Property – 12330 Greenspring Road / Missi Court

July 29, 2013 - submitted FSD/WD/SSA to Baltimore County DEPS

- There will be forest clearing in order to build the house. Payment for forest clearing must be made prior to issuance of grading or building permits. 1.2 acres of reforestation for clearing below the Forest Conservation Threshold. Purchasing into a forest retention bank will be required.
Estimated cost $0.29\text{¢/sf} \times 1.2 \text{ acre} \times 43,560 \text{ sf/acre} = \$15,158.88$
- Forest Buffer (FB) impacts total 6,150 sf for proposed lot. 2:1 mitigation is typically required and we would propose using a forest buffer planting bank. Estimated cost $0.42\text{¢/sf} \times 2 \times 6,150 \text{ sf} = \$5,166.00$
- An Alternatives Analysis is required for impacted wetlands and forest buffer for a driveway. Our estimated fee for writing the Alternatives Analysis is \$1200.00
- Impacts to the wetlands and wetlands buffer require a Joint Permit Application (JPA) to the Maryland Department of the Environment (MDE). There is a fee to submit an application of \$750.00
- Estimated fee to complete the JPA along with the required plans and exhibits is \$1500.00
- There are impacts to wetlands totaling 880 sf for the driveway to the proposed lot. Impacts must be mitigated at 3:1 for forested wetlands. Estimated cost $\$2.85/\text{sf} \times 3 \times 880\text{sf} = \$7,524.00$
- A final Forest Conservation Plan will be required. We have completed the preliminary plan. Estimated fee for completing the final FCP is \$850.
- A Forest Retention Investigation Report (FRIR) maybe required for clearing priority forest. That is included in our fee for the Alternatives Analysis.
- A Right of Way Plat will be required in order to record the required Baltimore County Easements. This will be completed by others.
- The minor subdivision must be completed and approved. This will be completed by others.
- Erosion and Sediment Control Plans will have to be completed in order to finalize the JPA. This will be completed by others.

Total estimated fees and mitigation cost not including the items by others : \$32,148.88

**Petitioner
CBA Exhibit**

From: Dave dphmd62@gmail.com
Subject: Fwd: Progress w/ Minor Subdivision - 5 Missi Crt
Date: Jan 14, 2017, 12:52:10 PM
To: Carmenza mencha17@me.com
Cc: Carmenza mencha17@yahoo.com

Sent from my iPad

Begin forwarded message:

From: "James A. Markle" <jmarkle@baltimorecountymd.gov>
Date: January 12, 2017 at 3:01:01 PM EST
To: Dave <dphmd62@gmail.com>
Subject: RE: Progress w/ Minor Subdivision - 5 Missi Crt

Hi Dave,

I do not have the project file for your minor sub. here in Towson, it is at the Alms House in Cockeysville where Ed Schmaus, the reviewer, currently works. I have asked him to find the file so that I can review the minor subdivision plan. That being said, I have reviewed the situation on the county's GIS mapping and it is obvious that entire 4.1 acre parcel that contains the existing swm pond does not have to be transferred to Baltimore County. The pond area will be roughly 3 +/- acres that will be deeded to the County and the remaining 1.1 +/- acres will be available for your house construction.
Hope this helps.

Regards,

Jim

James A. Markle, PE
Manager
Stormwater Management
Baltimore County DEPS
111 W. Chesapeake Ave.
Towson, MD 21204
Phone: 410-887-3768

From: Dave [mailto:dphmd62@gmail.com]

Petitioner
CBA Exhibit

Sent: Wednesday, January 11, 2017 1:15 PM

To: James A. Markle <jmarkle@baltimorecountymd.gov>

Subject: Re: Progress w/ Minor Subdivision - 5 Missi Crt

Good afternoon Jim,

Just wanted to update you on the effort below, as well ask for a clarification from you.

We just recently were denied by a judge to proceed with this project due to spirit and intent.

We do plan to appeal.

In regards to your #2 comment below, could you possibly clarify that the Acreage for the SWM pond that is being conveyed in fee to the county, is the 4+ acres, minus the approx 1 acre or so that we are using to build our house? You would think that it would be obvious that the entire SWM lot could not be conveyed (ala the subdivision). But we suspect that this confusion was part of our problem.

Sorry for long email, and feel free to call if I created confusion.

Thanks,

Dave Heimbach

443 834 2509

On Dec 7, 2015, at 9:54 AM, James A. Markle <jmarkle@baltimorecountymd.gov> wrote:

Hi Dave,

The last submission of the minor subdivision plan that we saw was in September. My reviewer, Ed Schmaus, had made comments dated October 16, 2015. I am modifying those comments with this email.

1. Stormwater management must be provided for the new house and driveway using Environmental Site Design as required by the current stormwater management regulations. A stormwater management plan, grading plan and sediment control plans will be required.
2. The existing stormwater management pond must be conveyed in-fee to Baltimore County in a Stormwater Management Reservation. The reservation must include the entire pond and provide access to Missi Court.
3. The county will assume maintenance responsibility for the existing pond.

Please have your engineer address these comments and any comments that they may have received from other departments and resubmit the minor subdivision for review.

Regards,

Jim

James A. Markle, PE
Manager
Stormwater Management
Baltimore County DEPS
111 W. Chesapeake Ave.
Towson, MD 21204
Phone: 410-887-3768

From: Dave [<mailto:dphmd62@gmail.com>]
Sent: Friday, December 04, 2015 8:32 PM
To: James A. Markle <jmarkle@baltimorecountymd.gov>
Subject: Re: Progress w/ Minor Subdivision - 5 Missi Crt

Hi Jim,

That is great news....and it's funny timing as we just got back home after spending the day there cleaning the area. (You'll notice a big difference).

So how do we now move forward? Will you incorporate this into your comments, and we modify the plan, and resubmit?... or must we submit another entire subdivision plan ?

Also, both of us wanted to sincerely thank you and Ed for taking the time to meet with us on Tuesday as we know you have busy schedules.

Dave and Carmenza
443-834-2509

Sent from my iPad

On Dec 4, 2015, at 3:16 PM, James A. Markle <jmarkle@baltimorecountymd.gov> wrote:

Hi Dave and Carmenza,

After our meeting on Tuesday, I had a meeting with Scott Porter, who is my Operations

Manager. He runs two county crews that maintain public stormwater management ponds (approx.. 1300 ponds). I asked him to take a look at the pond on your property and he informed me that he was familiar with the pond and had previously performed some maintenance work on the facility. Apparently, some years ago, the County assumed maintenance responsibility for the pond even though the County had never received as-built plans and the property (Stormwater Management Reservation) had never been deeded to the County.

The good news is since the County has already taken over maintenance of the pond, we will no longer be requiring you to do that work. We will however, still need a Stormwater Management Reservation that covers the pond and access out to Missi Court deeded to Baltimore County as part of the minor subdivision process. In addition, stormwater management must be provided for the proposed house and driveway using Environmental Site Design as required by the current stormwater management regulations.

If you have any questions, please contact me at 410-887-3768.

Regards,

Jim

James A. Markle, PE
Manager
Stormwater Management
Baltimore County DEPS
111 W. Chesapeake Ave.
Towson, MD 21204
Phone: 410-887-3768

From: David Heimbach [<mailto:dphmd62@gmail.com>]
Sent: Thursday, November 19, 2015 1:53 PM
To: James A. Markle <jmarkle@baltimorecountymd.gov>
Subject: Progress w/ Minor Subdivision - 5 Missi Crt

Hi Jim,
this is Dave & Carmenza Heimbach.

In response to the recent comments, we would like to possibly meet briefly with you to discuss the path forward, as we can go no further with this current effort.

In short, we had met last October 31st to discuss the idea of keeping the pond and it's liabilities, and this was going to save us a lot of fees. This is not at all the case now.

We will be forced to either discard the parcel, unless we can come up with some sort of compromise. Maybe we simply contribute a one time fee towards improvements, etc...I don't know.

We'll try to keep the meeting as short as possible as I'm sure you're busy, but I wanted to let you know our position in advance in case that you might want others there.

thanks for considering us,

Dave & Carmenza

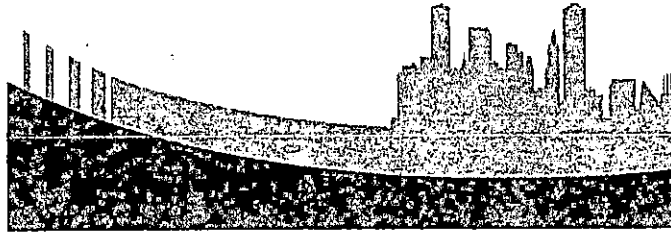
443-834-2509



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov



August 27, 2013

David & Carmenza Heimbazit
12330 Greenspring Avenue
Owings Mills, MD 21117

Re: Current status of subdivision

Dear David & Carmenza,

I wanted to bring you up to date on the project.

Human and Rohde has received approval from Baltimore County for the wetlands delineation and the forest conservation determination. Their computations have determined that you can meet the county's requirements but some of the protected area must come from the storm water management area that will be conveyed to Baltimore County. Human & Rohde will still need to acquire variances from the county for the crossing of the wetlands with the driveway. They will also need to review the final submission of the Forest Buffer Easement and the Forest Conservation Easement.

Tesseract has done a site visit and determined the area that would need to go along with the storm water management pond. They met with Baltimore County on this. They also did the storm water quantity calculations and determined that you can meet the requirements by using the existing pond and did some preliminary storm water quality calculations and determined that you should pay a fee in lieu as the cheapest alternative to meeting the county's requirements. They will need to perform additional services concerning this.

I feel that a meeting at Human & Rohde with Devin and Jeff Schwab of Tesseract would be the best way for you to understand your options and decide how to proceed. Please contact me with dates and times when you can attend a meeting in Towson.

Please feel free to email or call me with any questions you may have.

With regards,


Bruce E. Doak

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office

Petitioner
CBA Exhibit

November 14, 2015

Re: #5 Missi Court

Dear Neighbor,

Sorry that we missed you today. You likely know me. My name is Carmenza Heimbach (formerly Grewe). I am your neighbor up on Greenspring ave., as well as the owner of the 4 acre lot here on Missi crt that holds the Storm Water Management pond servicing all of the storm water here in our development. I was hoping to borrow a few minutes of your time to update you with some developments involving our 4 acre lot.

As you may know, my late husband (Bill Grewe) purchased the lot back in 2006, with the intention of developing a minor subdivision plan which would provide us with a 2 acre lot to build our home on. The development has been delayed several times due to unfortunate circumstances, however my husband and I are now attempting to continue on with it. We are currently responsible for maintaining the pond, but will likely turn it over to the county after either making improvements to it, or paying them a substantial fee to do so themselves. If we are fortunate enough to be able to build a home, it would be an approx 4,000 sq. ft, Spanish style, 2-story house. We have provided a Plot Plan which helps to give you an idea as to the proposed arrangement. As part of this subdivision process, a future public hearing will be held for the changes to the original subdivision.

And so as we hope to proceed with the project, we first wanted to reach out in advance for your support.

Please be assured that this plan will not only have no negative impacts on any of the neighbors here on Missi crt, but will be a positive upgrade, as we will be significantly improving the pond and surrounding areas.

And please never hesitate to contact us for even the smallest concern that you might have, and thank you in advance for your consideration.

Carmenza Heimbach
443-824-3354
Mench17@yahoo.com

Petitioner
CBA Exhibit

Board of Appeals

Case No: 17-114-SPH

Case Name: Katrina V. Grewe

Exhibit List

Party: Protestant

Date: 6/1/17

[illegible]

GREWE PROPERTY
15-039-M
12330 Greenspring Avenue

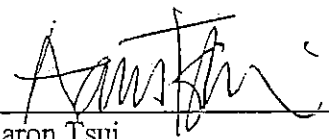
Minor Subdivision 1st Review comments
Plan Date: 05/15/2015
Date: 10/5/2015
Current Zoning: RC5

Prior to final zoning approval, the following items must be addressed:

1. Add the minor subdivision number **15-039-M** assigned by the County after 1st review to the "certification stamp" (signature block) and to the "title block" in the lower right corner of the plan;
2. Add the PAI no. **04-0750** to the plan; → *Permits, Approval, & Inspections (PAI)*
3. Add a 'Dedication Table', if needed; → *will one be needed?*
4. Add the house number as assigned by the County once available; → *5 Missi Ct*
5. Revise the General Notes no. 25 for 'Average Daily Trips (2 lots) x....
6. The proposed building in Lot B is encroaching the 50 feet building setback requirement in a RC5 zone; a variance is required for building setback;
7. The Proposed Lot B is shown and labeled as "Storm water Management Reservation" in an existing approved development known as Worthington Valley Estates Addition Second amended Development Plan. The proposed change of Lot B use may require a Special Hearing to amend the approved Development Plan. In addition, a confirmation of approvals in writing is also required from DEPS (Department of Environmental Protection & Sustainability) and DPR (Development Plans Review) to alter the approved Storm Water Management Reservation area and for the material change to add an additional lot;
8. Date all revisions.

Any requests for further information from the Zoning Office must include reference to the minor subdivision file number 15-039-M and a copy of these comments must accompany written correspondence or revised plans.

15-039-M


Aaron Tsui
Planner II, Zoning Review

Protestant
CBA Exhibit

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards, Jr.
Department of Permits,
Approvals and Inspections

DATE: October 9, 2015

FROM: Brett M. Williams
Development Review Section
Department of Planning

PROJECT NAME: Grewe Property

PROJECT NO.: 15039 M

Design Review Panel

The Department of Planning has reviewed the above referenced project and offers the following comments::

1. Add project # 15039M to the plan. *→ same as subdivision*
2. Provide front orientation on all dwellings.
3. Be advised, a seal and signature will be required upon plan approval.
4. Identify the space attached to the north of the proposed garage.
5. Provide proof that the FDP and record plat for Worthington Valley Estates has been amended pursuant to the order set forth in the DRP letter dated February 8, 2007. *Get copy of
DRP letter
2/8/07*
6. Confirm with Mr. Jan Cook, Department of Permits, Approvals, and Inspections, if the DRC recommendation from 2007 (DRC#021207A) is still valid after eight years. *→ F/u*
7. Indicate in "General Notes" the non-conformance status of Lot A pursuant to BCZR 104.1.
8. Confirm with The Department of Environmental Protection and Sustainability, that development on a designated stormwater management area is allowed. *→ F/u*

Development Review Committee

Protestant
CBA Exhibit

2

9. Add a note to the plan, "No more than 15% of any lot in an R.C.5 Zone may be covered by buildings".

10. Be advised, any part of the proposed dwelling must be at least 50 feet from any lot line other than a street line pursuant to BCZR 1A04.3.B.2.b

} House to
be moved
or will
need
variance

Brett M. Williams

Brett M. Williams, Planner
Development Review

Kathy Schlabach

Kathy Schlabach, Chief
Development Review

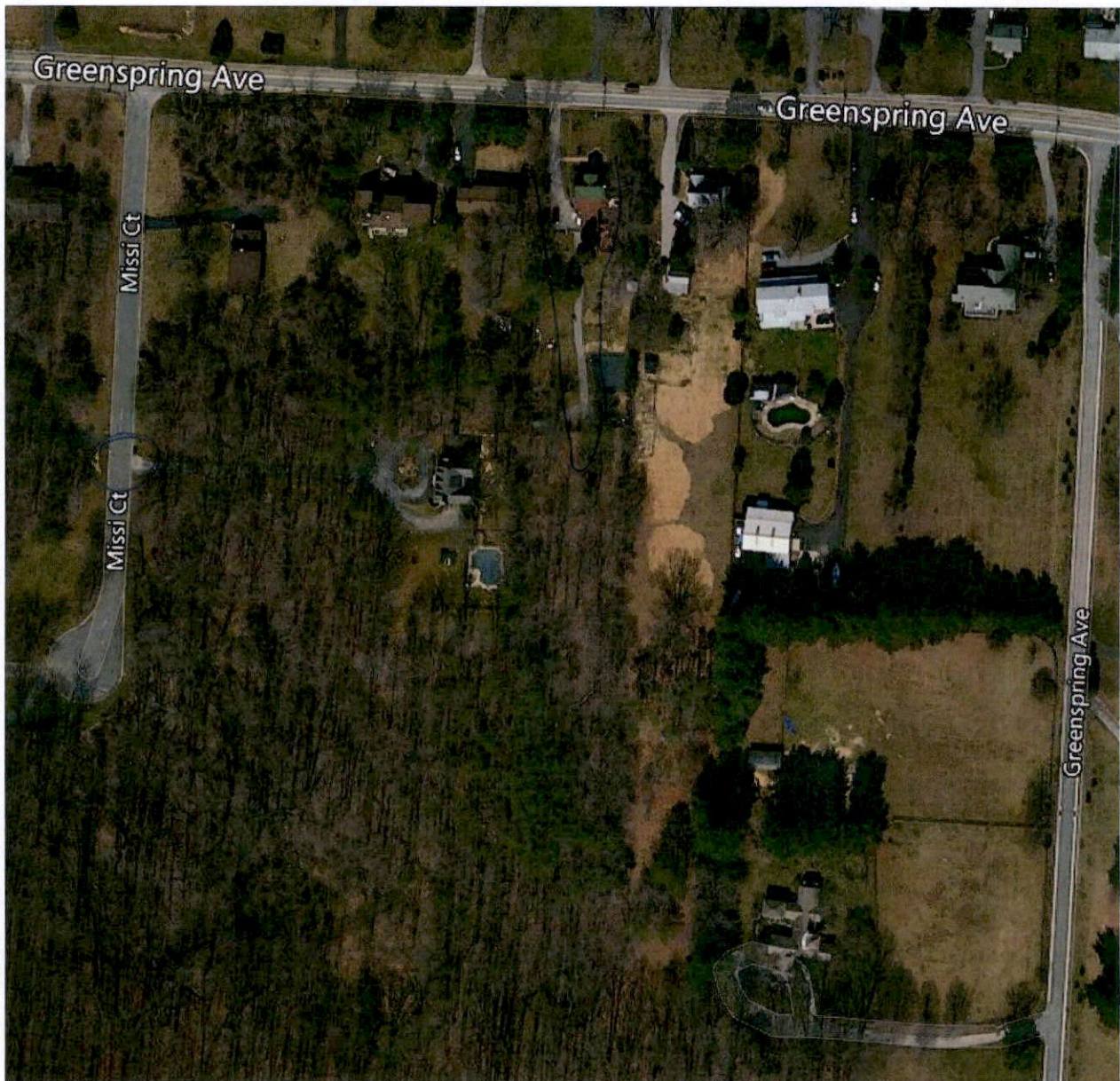
BMW:kma

C: Carmela Iacovelli

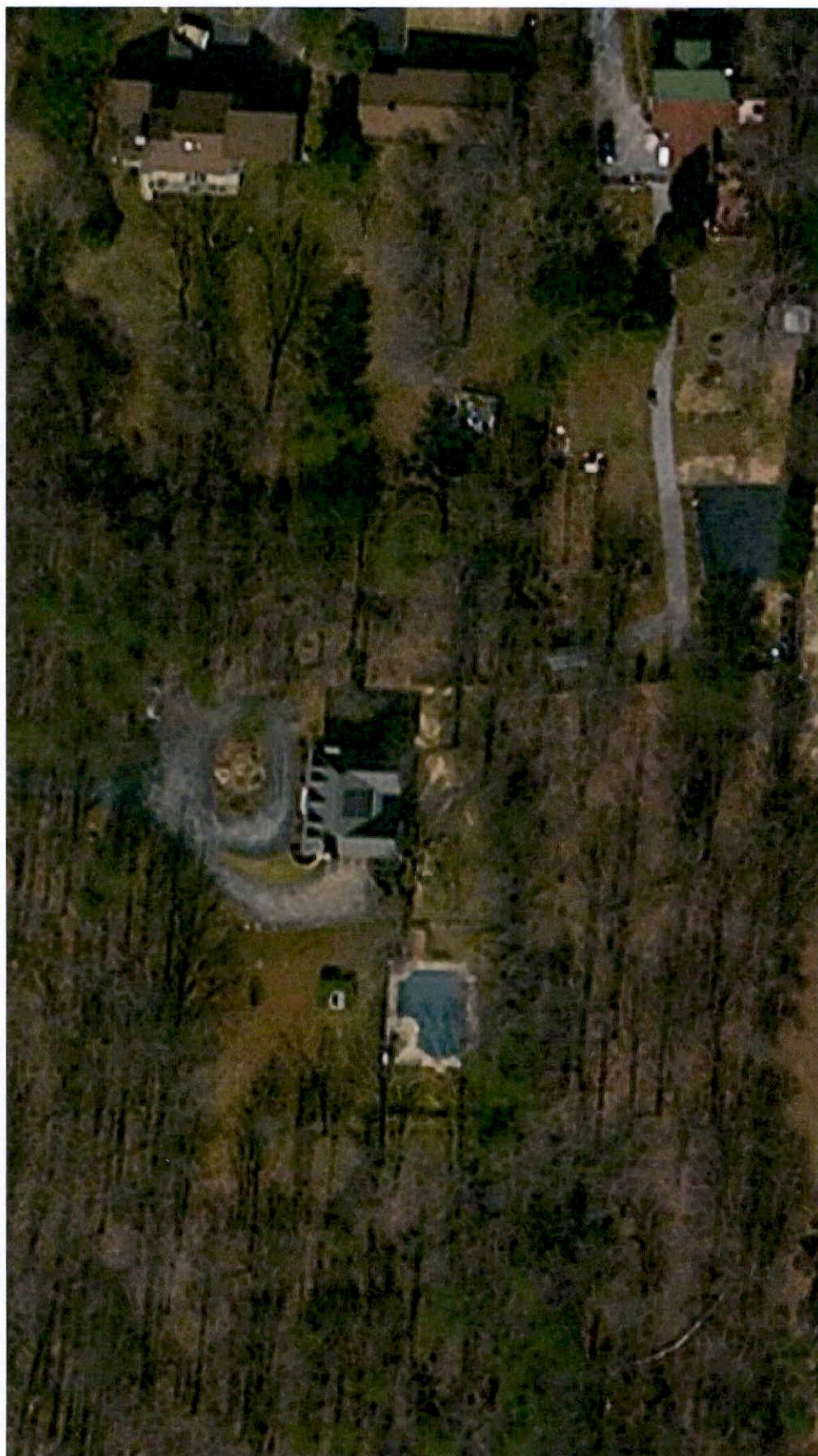
Jan Cook, PAI

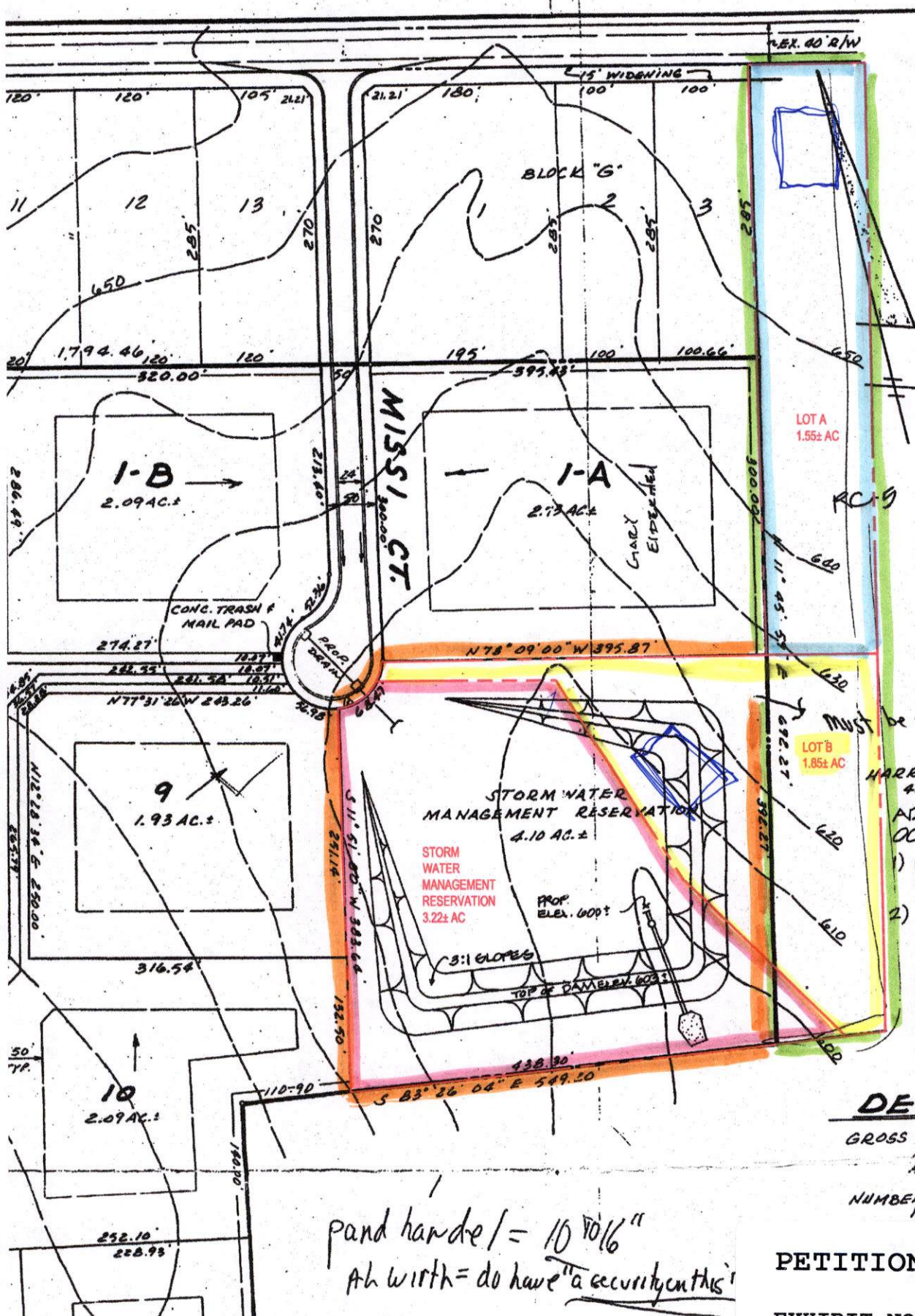
Jim Markle, DEPS

Missi Court Aerial Photographs
Case No. 2017 – 0114-SPH

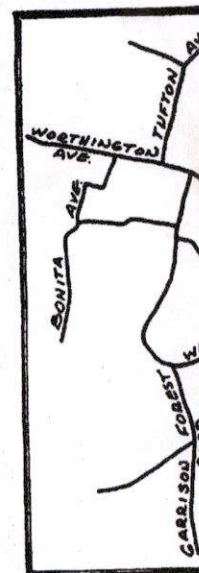


Missi Court Aerial Photographs
Case No. 2017 – 0114-SPH





PT Defers Must A
2nd Planning Must



Must be min. 20ft.
HARRY Z. ISAACS
4155/575
ADDITIONAL NOTES
OCT. 21, 1981
1) PANHANDLE DRIVE
BY DEVELOPER P
2) THE PANHANDLES
2BA & 2BB ARE IN
OF A PREVIOUSLY
SECTION II, WORTH
O.T.G. 34/7). THE
MADE PART OF LOT
ONE, SECTION II, NO
WRITTEN DESCRIPTIC
B, 17, 18, & 22.

DENSITY C.

GROSS AREA
AREA IN RC-5
AREA IN RC-2
NUMBER OF UNITS ALLOW
IN RC-5

PETITIONER'S
INFO ONLY FOR
EXHIBIT NO. Per Ex. #1

pand handle / = 10 10/16"
Ah wirth = do have "a security in this"



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be used for informational purposes only and should not be used for any legal or financial purposes. This data may be used for informational purposes only and should not be used for any legal or financial purposes.

PETITIONER'S
/info only for

EXHIBIT NO. *POT. Ex. #2*

use or or reliance upon this data.

Case No.:

2017-0114
~~2122~~ - SPH

Exhibit Sheet

Petitioner/Developer

Protestants

Sen
12-30-16

No. 1	Plan FDP Worthington Valley	aerial photos
No. 2	Plan to accompany zoning petition.	photos of driveway and SWM area
No. 3	Project History	
No. 4	4A > Title deeds 4B	
No. 5	SDAT record	
No. 6	6A > Letter to Neighbors 6B > w/ plan dated 11-14-15	
No. 7	Elevation drawing	
No. 8	PADM letter dated 2-28-2007	
No. 9	Exhibit re: distances to nearest homes	
No. 10	Emails - James Markle	
No. 11		
No. 12		

Project History

-July 2006: Bill & Carmenza purchased the 4 acre Storm Water Management Area with intent to try and subdivide to build a home. The Minor subdivision would create a total of two lots, & the SWM parcel. One lot being the existing house, the other being the lot to build the new house on.

-Feb, ²⁰⁰⁷2008: DRC review determines that project meets requirements needed to proceed with Minor Subdivision Plan.

-2008: Bill visited all neighbors on Missi crt and gets verbal agreement from all to proceed with project.

-May 2009: Bill passed away due to cancer, and the project was put on hold.

-Spring 2013: Project was re-started. Perc tests successfully completed, and environmental studies restarted.

-Sept 2015: 1st Minor Subdivision Plan was submitted to county.

-Nov 2015: Went door to door to each of the neighbors on Missi Crt to discuss our intentions with a lot of very positive feedback. One neighbor mentioned some concerns, and we assured him we would accommodate his wishes (driveway location, & privacy screening).

-Dec 2015 Jim Markle agreed to accept to have SWM pond conveyed in fee, with certain conditions met. Detail design of house was started.

Note: Maintenance/upkeep of the pond and it's functionality has been required for close to 10 years. This involved coating of the piping, as well as continuous clearing & trimming of trees, and removing debri. All taxes have been paid as well.

PETITIONER' S

EXHIBIT NO. 3

0027498 359

THIS DEED, Made this 17th day of August, 2006, by and between HELEN CHELLIS, Grantor, of Baltimore County, State of Maryland, of the first part and WILLIAM E. GREWE, Grantee, party of the second part.

WITNESSETH, that in consideration of the sum of One (\$1.00) Dollar and no other consideration, the receipt whereof is hereby acknowledged, the said HELEN CHELLIS does grant and convey unto the said WILLIAM E. GREWE, his personal representatives and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same and being known and designated as STORM WATER MANAGEMENT RESERVATION on a plat entitled FIRST AMENDED WORTHINGTON VALLEY ESTATES ADDITION which said plat is recorded among the Land Records of Baltimore County in Plat Book EHK, Jr. No. 47, folio 8, said lot of ground containing 4.10 acres of land, more or less, and being located at the southeast end of Missi Court as shown and indicated on said plat.

BEING part of the lot of ground described in a Deed dated January 16, 1978 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 5847 folio 769 from Joseph V. Jeppi and wife to James S. Chellis and Helen Chellis, his wife, as tenants by the entireties. The said James S. Chellis having departed this life on May 13, 1997, vesting absolute title in Helen Chellis, the within named Grantor.

TOGETHER with the buildings and improvements thereupon erected, if any, made or being and all and every the rights,

PETITIONER'S

EXHIBIT NO. 4A

0027498 360

alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said WILLIAM E. GREWE, his personal representatives and assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby conveyed and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor:

Witness

LESLIE CHELLIS HARKIN

HELEN CHELLIS

(SEAL)

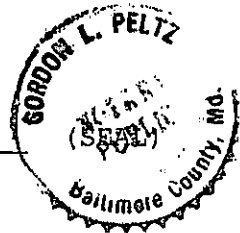
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 17th day of AUGUST, 2006, before me, the subscriber, a Notary Public of the State of Maryland, in and for the Baltimore County aforesaid, personally appeared HELEN CHELLIS, known to me to be or sufficiently

identified to me to be the above named Grantor and she acknowledged the foregoing Deed to be her act and she further acknowledged and confirmed that she is a resident of the State of Maryland.

AS WITNESS my hand and Notarial Seal.


Notary Public



My Commission Expires:

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


GORDON L. PELTZ

c:\daily\GREWEdeed2.815

RETURN TO:
GORDON L. PELTZ, ATTY
9407 HARFORD ROAD
BALTIMORE, MD 21234

RECORDING FEE 20.00
TAX STATE 20.50
TOTAL 60.50
Reg # 0005 Rpt # 33570
LL Bk # 1062
Dec 10, 2008 11:36 am

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached.	
	☒ Deed	☐ Mortgage	☐ Other
	☐ Deed or Trust	☐ Lease	☐ Other
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1]	☒ Unimproved Sale Arms-Length [2]
		☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]
3	Tax Exemptions (if Applicable)	Recordation	
		State Transfer	
	Cite or Explain Authority	County Transfer	
4	Consideration and Tax Calculations	Finance Office Use Only	
	Consideration Amount	Transfer and Recordation Tax Consideration	
	Purchase Price/Consideration \$ 1.00	Transfer Tax Consideration \$	
	Any New Mortgage \$	X () % = \$	
	Balance of Existing Mortgage \$	Less Exemption Amount = \$	
	Other: \$	Total Transfer Tax = \$ 61.50	
	Other: \$	Recordation Tax Consideration \$	
	Full Cash Value: \$ 4100.00	X () per \$500 = \$ 22.50	
		TOTAL DUE \$	
5	Fees	Agent: 9/12	
	Amount of Fees Doc. 1 Doc. 2	Tax Bill: 51.18	
	Recording Charge \$	C.B. Credit:	
	Surcharge \$	Ag. Tax/Other: N	
	State Recordation Tax \$		
	State Transfer Tax \$		
	County Transfer Tax \$		
	Other \$		
	Other \$		
6	Description of Property	SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	
	District 04	Property Tax ID No. (1) 19-00-000345	Grantor Liber/Folio 1900-000345
	Subdivision Name	Lot (3a) S.W.M.T. 25	Block (3b) 50-13
	Location/Address of Property Being Conveyed (2)	Parcel No. 25	
	MISSI COURT	SgF/Acreage (4) 4.10 AC	
	Other Property Identifiers (if applicable)	Water Meter Account No.	
	Residential ☐ or Non-Residential ☒	Fee Simple ☒ or Ground Rent ☐	
	Partial Conveyance? ☐ Yes ☒ No	Amount:	
	Description/Amt. of SqFt/Acreage Transferred:		
	If Partial Conveyance, List Improvements Conveyed:		
7	Transferred From	Doc. 1 - Grantor(s) Name(s)	
	HELEN CHELLIS	Doc. 2 - Grantor(s) Name(s)	
	(JAMES S. CHELLIS, DEED)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s)	
	WILLIAM E. GREWES	Doc. 2 - Grantee(s) Name(s)	
	New Owner's (Grantee) Mailing Address		
	1230 Greenspring Ave - Owings Mills MD 21117		
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	
	Doc. 2 - Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person	
	Name: GORDON L PELTZ, ATTY	☒ Return to Contact Person	
	Firm:	☐ Hold for Pickup	
	Address: 9407 HARFORD ROAD	☐ Return Address Provided	
	BALTIMORE, MD Phone: (410) 458-8140		
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER		
	Assessment Information	Yes ☒ No Will the property being conveyed be the grantee's principal residence?	
		Yes ☒ No Does transfer include personal property? If yes, identify:	
		Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	
	Assessment Use Only - Do Not Write Below This Line		
	Terminal Verification ☐	Agricultural Verification ☐	Whole ☐ Part ☐
	Tran. Process Verification ☐		
	Deed Reference:	Assigned Property No.:	
	Geo. Map	Sub Block	
	Zoning Grid	Plat Lot	
	Use Parcel	Section Occ. Cd.	
	Town Cd. Ex. St.	Ex. Cd.	

BOOK: 37823 PAGE: 70

**NO CONSIDERATION
NO TITLE EXAMINATION
NO TRANSFER TAX**

LR - Deed (No-Taxes)			
Recording Fee	20.00		
Grantor/Grantee Name:			
GREWE			
Reference/Control #:			
LR - Deed (No-Taxes)			
Surcharge	40.00		
SubTotal:	60.00		
Total:	60.00		
08/02/2016	04:05		
	CC03-S		
#6652011	CC0301		
Baltimore			
County/CC03.01.05			
Register	05		

THIS DEED Made this 2ND day of August, 2016, by and between Carmenza L. Heimbach (formerly known as Carmenza L. Grewe), Personal Representative of the Estate of William L. Grewe (also known as William E. Grewe), deceased, party of the first part (Grantor), and Katrina V. Grewe, Daughter, Wilmington M. Grewe, Son, and Toby A. Grewe, Son, party of the second part (Grantees)

WHEREAS, William L. Grewe (also known as William E. Grewe) departed this life on or about the 14th day of May, 2010, being vested with the title in and to the lot of ground hereinafter described, and

WHEREAS, on June 21, 2016, the Last Will and Testament of William L. Grewe (also known as William E. Grewe) was duly admitted for probate and recorded in the Office of the Register of Wills of Baltimore County, Estate No. 188991, and Carmenza L. Heimbach was appointed Personal Representative of the estate and continues to serve in that capacity.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the premises and in faithful performance of her duties as required by law,

THE ACTUAL CONSIDERATION BEING ZERO DOLLARS (\$0.00)

and pursuant to the Last Will and Testament of William L. Grewe, (also known as William E. Grewe), the party of the first part does hereby grant and convey unto the parties of the second part, as tenants in common, their heirs, personal representatives and assigns, in fee simple, all that lot of parcel of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same and being known and designated as STORM WATER MANAGEMENT RESERVATION on a plat entitled FIRST AMENDED WORTHINGTON VALLEY ESTATES ADDITION which said plat is recorded among the Land Records of Baltimore County in Plat Book EHK, Jr. No. 47, folio 8, said lot of ground containing 4.10 acres of land, more or less, and being located at the southeast end of Missi Court as shown and indicated on said plat.

BEING the same lot or parcel of ground as described in a Deed dated August 17, 2006 and recorded among the Land Records of Baltimore County in Liber SM No. 27498 folio 359 was conveyed by Helen Chellis unto William E. Grewe now deceased.

PETITIONER' S

EXHIBIT NO.

48

TOGETHER WITH the improvements erected thereon, if any, and the rights, ways, waters, privileges and appurtenances thereto belonging or appertaining.

TO HAVE AND TO HOLD the said lot or parcel of ground and premises, if any, above described and mentioned, and hereby intending to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants in common, and each of their heirs, personal representatives and assigns, in fee simple.

WITNESS the hand and seal of the said Grantor.

Carmenza L. Heimbach (SEAL)
Carmenza L. Heimbach
(Formerly known as Carmenza L. Grewe)
Personal Representative of the Estate of
William L. Grewe (also known as
William E. Grewe)

STATE OF MARYLAND, CITY/COUNTY OF Belt Air / Hartford, to wit:

I HEREBY CERTIFY that on this 2ND day of August, 2016, before me, the subscriber, Notary Public of the State and City/County aforesaid, personally appeared Carmenza L. Heimbach (formerly known as Carmenza L. Grewe), Personal Representative of the Estate of William L. Grewe (also known as William E. Grewe), the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the lack of consideration as stated herein is true and correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 2/8/2017

Shirley Roberts
Notary Public

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Jack R. Sturgill, Esquire

After recording return to: Jack Sturgill, Esq., 606 Baltimore Ave. #207, Towson, MD 21204 (410) 296-6485

*This is to certify that this instrument was prepared by
Carmenza Heimbach one of the parties named in the instrument
Carmenza Heimbach
ibany Heimbach*

COUNTY CIRCUIT COURT (Land Records) JLE 37823, p. 0072, MSA CE62-37880 Date available 09/09/2016. Printed 10/12/2016.

1 Type(s) of Instruments		2 Check Box					
		☐ Deed	☐ Mortgage	☐ Other	☐ Other		
		☐ Deed of Trust	☐ Lease				
2 Conveyance Type Check Box		☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]		
3 Tax Exemptions (if applicable) Cite or Explain Authority		Recordation					
		State Transfer <i>Estate dis</i>					
		County Transfer					
4 Consideration and Tax Calculations		Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration			
		Purchase Price/Consideration	\$	Transfer Tax Consideration	\$		
		Any New Mortgage	\$	X () % =	\$ <i>EXEMPT</i>		
		Balance of Existing Mortgage	\$	Less Exemption Amount	\$		
		Other:	\$	Total Transfer Tax	\$		
		Other:	\$	Recordation Tax Consideration	\$		
		Full Cash Value:	\$	X () per \$500 =	\$ <i>EXEMPT</i>		
				TOTAL DUE	\$		
5 Fees		Amount of Fees	Doc. 1	Doc. 2	Agent:		
		Recording Charge	\$	\$	Tax Bill:		
		Surcharge	\$	\$	C.B. Credit:		
		State Recordation Tax	\$	\$	Ag. Tax/Other:		
		State Transfer Tax	\$	\$			
		County Transfer Tax	\$	\$			
		Other	\$	\$			
		Other	\$	\$			
6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
		<i>04</i>	<i>1900000345</i>	<i>27448-359</i>			☐ (5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.
							SqFt/Acreage (4)
		Location/Address of Property Being Conveyed (2)					
		<i>00000 MISSI CT</i>					
		Other Property Identifiers (if applicable)					
		Water Meter Account No.					
		Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount:					
		Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:					
		If Partial Conveyance, List Improvements Conveyed:					
7 Transferred From		Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)		
		<i>Carmenza Heimbach PR</i>					
		<i>William L Grewe (William E Grewe)</i>					
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)		
8 Transferred To		Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)		
		<i>Katrina V. Grewe</i>					
		<i>Wilmington M Grewe</i>					
		<i>Toby A Grewe</i>			New Owner's (Grantee) Mailing Address		
9 Other Names to Be Indexed		Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)		
10 Contact/Mail Information		Instrument Submitted By or Contact Person				☐ Return to Contact Person	
		Name: <i>Jack Sturgill, Esq., 606 Baltimore Ave</i>				☐ Hold for Pickup	
		Firm				☐ Return Address Provided	
		Address: <i>606 Baltimore Ave #202 to wson MD 21204</i>					
		Phone: <i>(410) 296 6485</i>					
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER							
		Assessment Information		Will the property being conveyed be the grantee's principal residence?			
		☐ Yes ☐ No		☐ Yes ☐ No			
				Does transfer include personal property? If yes, identify:			
		☐ Yes ☐ No		☐ Yes ☐ No			
				Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
		Assessment Use Only - Do Not Write Below This Line					
		Terminal Verification		Agricultural Verification		Whole Part	
		Transfer Number		Date Received:		Deed Reference: Assigned Property No.:	
		Year 20		20		Geo. Map Sub Block	
		Land				Zoning Grid Plat Lot	
		Buildings				Use Tax NOT REQUIRED Section Occ. Cd.	
		Total				Ex. Cd.	
		TOWNSHIP OF BUDGET AND FINANCE					
		BALTIMORE COUNTY, MARYLAND					

for County Validation

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 1900000345			
Owner Information					
Owner Name:		GREWE KATRINA V GREWE WILMINGTON M ETAL		Use: Principal Residence:	RESIDENTIAL NO
Mailing Address:		12 PORTER DR ABINGDON MD 21009-2012		Deed Reference:	/37823/ 00070
Location & Structure Information					
Premises Address:		MISSI CT 0-0000		Legal Description:	4.10 AC 178596 SQ FT WORTHINGTON VALLEY EST
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0050	0013	0390		0000	2016 0047/ 0008
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area 4.1000 AC
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		4,100	4,100		
Improvements		0	0		
Total:		4,100	4,100	4,100	4,100
Preferential Land:		0			0
Transfer Information					
Seller: GREWE WILLIAM E		Date: 08/02/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /37823/ 00070		Deed2:	
Seller: CHELLIS JAMES S		Date: 12/10/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /27498/ 00359		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER'S

EXHIBIT NO.

5

November 14, 2015

Re: #5 Missi Court

Dear Neighbor,

Sorry that we missed you today. You likely know me. My name is Carmenza Heimbach (formerly Grewe). I am your neighbor up on Greenspring ave., as well as the owner of the 4 acre lot here on Missi crt that holds the Storm Water Management pond servicing all of the storm water here in our development. I was hoping to borrow a few minutes of your time to update you with some developments involving our 4 acre lot.

As you may know, my late husband (Bill Grewe) purchased the lot back in 2006, with the intention of developing a minor subdivision plan which would provide us with a 2 acre lot to build our home on. The development has been delayed several times due to unfortunate circumstances, however my husband and I are now attempting to continue on with it. We are currently responsible for maintaining the pond, but will likely turn it over to the county after either making improvements to it, or paying them a substantial fee to do so themselves. If we are fortunate enough to be able to build a home, it would be an approx 4,000 sq. ft, Spanish style, 2-story house. We have provided a Plot Plan which helps to give you an idea as to the proposed arrangement. As part of this subdivision process, a future public hearing will be held for the changes to the original subdivision.

And so as we hope to proceed with the project, we first wanted to reach out in advance for your support.

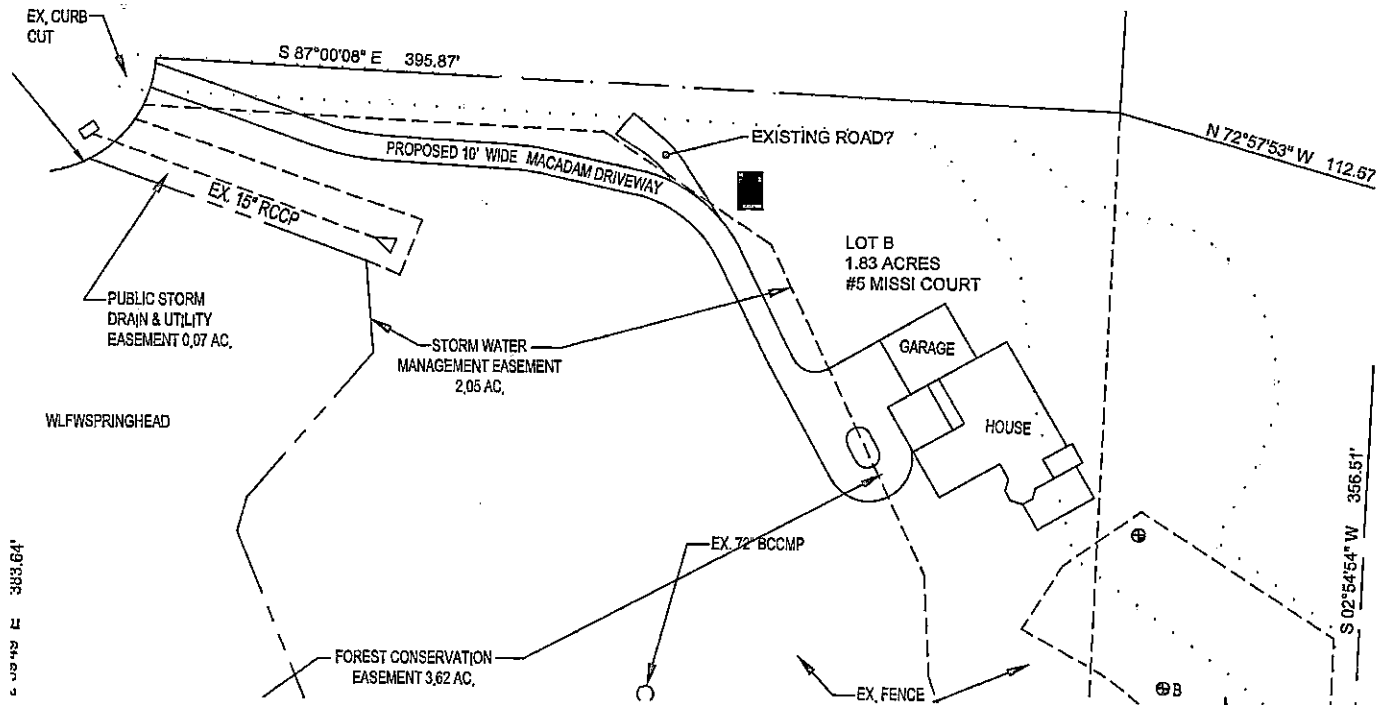
Please be assured that this plan will not only have no negative impacts on any of the neighbors here on Missi crt, but will be a positive upgrade, as we will be significantly improving the pond and surrounding areas.

And please never hesitate to contact us for even the smallest concern that you might have, and thank you in advance for your consideration.

Carmenza Heimbach
443-824-3354
Mencha17@yahoo.com

PETITIONER'S

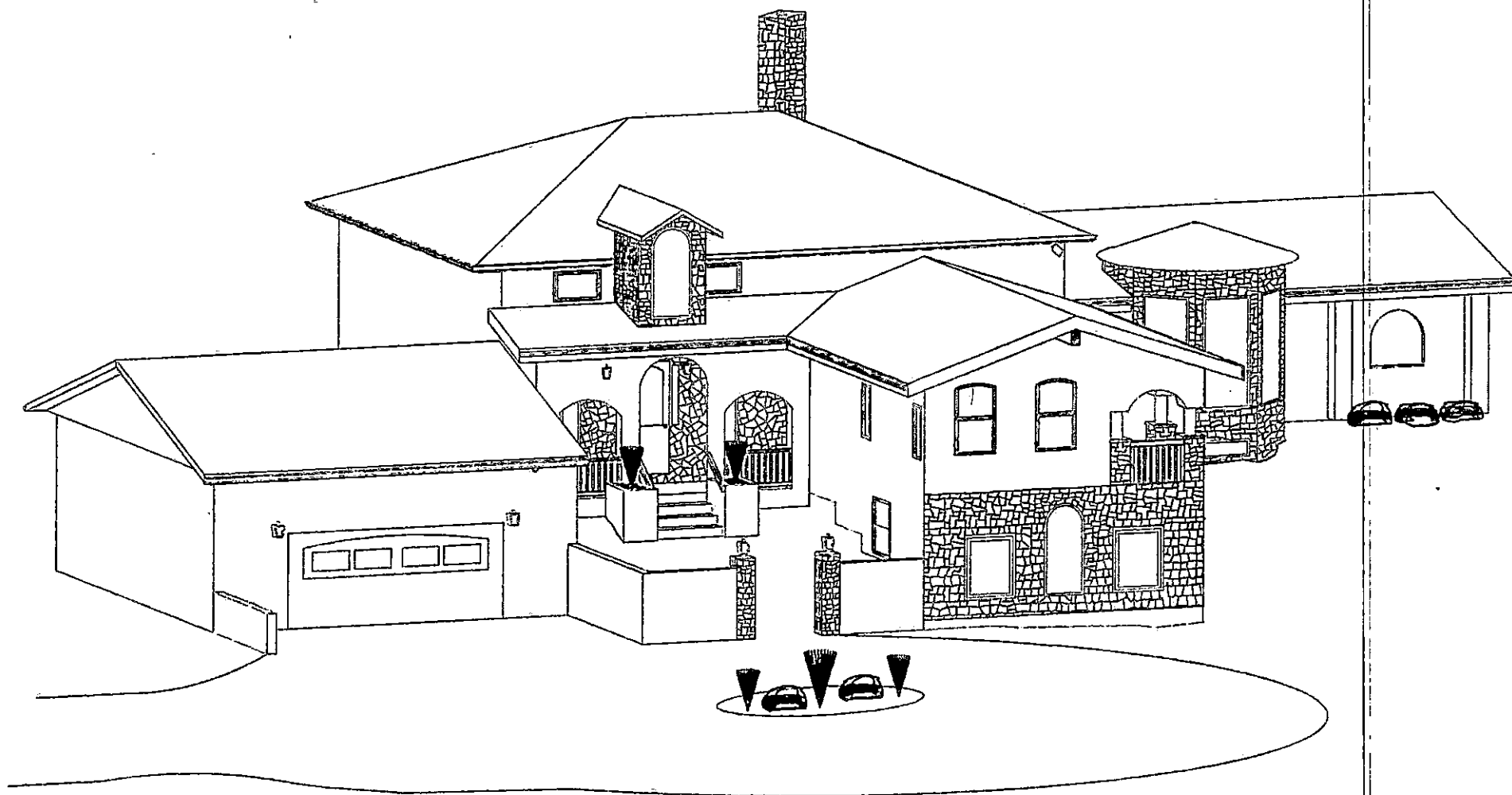
EXHIBIT NO. 64



393.64
7 24.67

PETITIONER'S

EXHIBIT NO. 68



PETITIONER'S

EXHIBIT NO. 7

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

February 28, 2007

Gerhold, Cross & Etzel, Ltd.
320 East Towsontown Boulevard
Suite 100
Towson, MD 21286

RE: Grewe Property
12330 Greenspring Avenue
DRC Number 021207A; Dist. 4C2

Dear Sir or Madam:

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.

The DRC has, in fact, met in an open meeting on February 12, 2007, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(5). Please amend the FDP and Record Plat.

PETITIONER'S

EXHIBIT NO. 8

Gerhold, Cross & Etzel, Ltd.
Grewe Property
February 28, 2007
Page 2

In order to further process your development plan, submit a complete minor subdivision package, as described in the **Procedures for Minor Subdivision**, prepared in accordance with Sections 32-4-221 through 32-4-224 of the Baltimore County Code, and a copy of this letter to this office.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 28th day of February 2007, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Mike Bailey at 410-545-5600.

Sincerely,



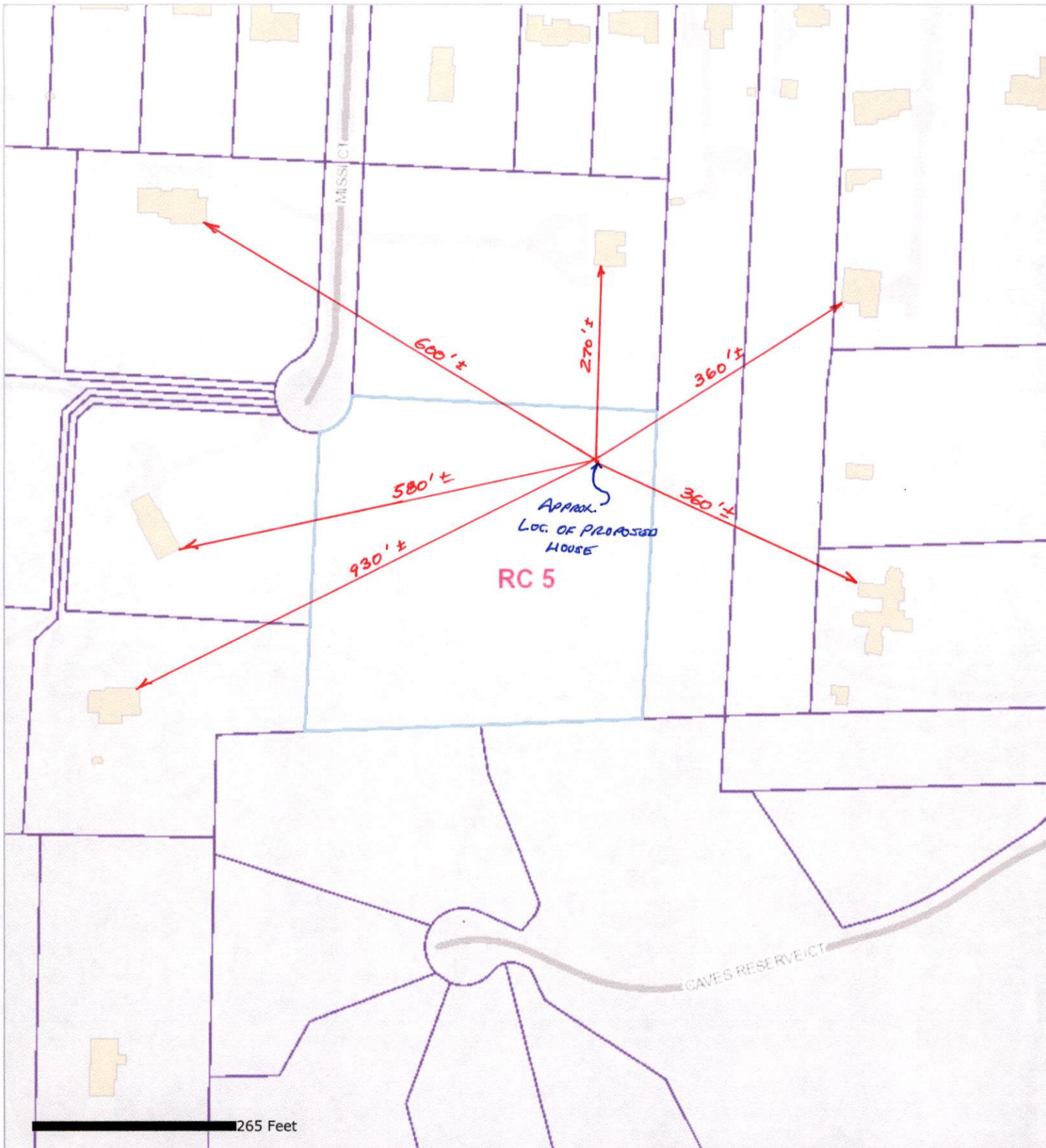
Timothy Kotroco
Director

TK:DTR:sem

c: Joe Chmura
File
Enclosure

- C.T. Mors
- Liste - 1875

Bruc
3-4k - Survey
1.5k - Bugbitten / Overcast Over 6 weeks



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be used for informational purposes only and should not be relied upon for any legal or financial decisions. This data may be used for informational purposes only and should not be relied upon for any legal or financial decisions.

PETITIONER'S

EXHIBIT NO. 89

David Heimbach

From: David Heimbach <dphmd62@gmail.com>
Sent: Thursday, December 22, 2016 11:25 AM
To: David Heimbach
Subject: Fwd:

----- Forwarded message -----

From: James A. Markle <jmarkle@baltimorecountymd.gov>
Date: Mon, Dec 7, 2015 at 10:34 AM
Subject: RE: Progress w/ Minor Subdivision - 5 Missi Crt
To: Dave <dphmd62@gmail.com>

In -fee means that the title to the ownership of the land in the stormwater management reservation is transferred to Baltimore County. The County will own the land in the reservation.

James A. Markle, PE

Manager

Stormwater Management

Baltimore County DEPS

111 W. Chesapeake Ave.

Towson, MD 21204

Phone: 410-887-3768

From: Dave [mailto:dphmd62@gmail.com]
Sent: Monday, December 07, 2015 10:29 AM
To: James A. Markle <jmarkle@baltimorecountymd.gov>
Subject: Re: Progress w/ Minor Subdivision - 5 Missi Crt

Hi Jim,

Ok, and thanks for the quick response.

I have surgery today, but will try and contact everyone tomorrow.

Also, when you say conveyed in-fee, what does that mean?

Thanks again,

Dave

Sent from my iPad

On Dec 7, 2015, at 9:54 AM, James A. Markle <jmarkle@baltimorecountymd.gov> wrote:

Hi Dave,

The last submission of the minor subdivision plan that we saw was in September. My reviewer, Ed Schmaus, had made comments dated October 16, 2015. I am modifying those comments with this email.

1. Stormwater management must be provided for the new house and driveway using Environmental Site Design as required by the current stormwater management regulations. A stormwater management plan, grading plan and sediment control plans will be required.
2. The existing stormwater management pond must be conveyed in-fee to Baltimore County in a Stormwater Management Reservation. The reservation must include the entire pond and provide access to Missi Court.
3. The county will assume maintenance responsibility for the existing pond.

Please have your engineer address these comments and any comments that they may have received from other departments and resubmit the minor subdivision for review.

Regards,

Jim

James A. Markle, PE

Manager

Stormwater Management

Baltimore County DEPS

111 W. Chesapeake Ave.

Towson, MD 21204

Phone: [410-887-3768](tel:410-887-3768)

From: Dave [<mailto:dphmd62@gmail.com>]

Sent: Friday, December 04, 2015 8:32 PM

To: James A. Markle <jmarkle@baltimorecountymd.gov>

Subject: Re: Progress w/ Minor Subdivision - 5 Missi Crt

Hi Jim,

That is great news....and it's funny timing as we just got back home after spending the day there cleaning the area. (You'll notice a big difference).

So how do we now move forward? Will you incorporate this into your comments, and we modify the plan, and resubmit?... or must we submit another entire subdivision plan ?

Also, both of us wanted to sincerely thank you and Ed for taking the time to meet with us on Tuesday as we know you have busy schedules.

Dave and Carmenza

[443-834-2509](tel:443-834-2509)

Sent from my iPad

On Dec 4, 2015, at 3:16 PM, James A. Markle <jmarkle@baltimorecountymd.gov> wrote:

Hi Dave and Carmenza,

After our meeting on Tuesday, I had a meeting with Scott Porter, who is my Operations Manager. He runs two county crews that maintain public stormwater management ponds (approx.. 1300 ponds). I asked him to take a look at the pond on your property and he informed me that he was familiar with the pond and had previously performed

some maintenance work on the facility. Apparently, some years ago, the County assumed maintenance responsibility for the pond even though the County had never received as-built plans and the property (Stormwater Management Reservation) had never been deeded to the County.

The good news is since the County has already taken over maintenance of the pond, we will no longer be requiring you to do that work. We will however, still need a Stormwater Management Reservation that covers the pond and access out to Missi Court deeded to Baltimore County as part of the minor subdivision process. In addition, stormwater management must be provided for the proposed house and driveway using Environmental Site Design as required by the current stormwater management regulations.

If you have any questions, please contact me at [410-887-3768](tel:410-887-3768).

Regards,

Jim

James A. Markle, PE

Manager

Stormwater Management

Baltimore County DEPS

111 W. Chesapeake Ave.

Towson, MD 21204

Phone: [410-887-3768](tel:410-887-3768)

From: David Heimbach [<mailto:dphmd62@gmail.com>]

Sent: Thursday, November 19, 2015 1:53 PM

To: James A. Markle <jmarkle@baltimorecountymd.gov>

Subject: Progress w/ Minor Subdivision - 5 Missi Crt

Hi Jim,

this is Dave & Carmenza Heimbach.

In response to the recent comments, we would like to possibly meet briefly with you to discuss the path forward, as we can go no further with this current effort.

In short, we had met last October 31st to discuss the idea of keeping the pond and it's liabilities, and this was going to save us a lot of fees. This is not at all the case now.

We will be forced to either discard the parcel, unless we can come up with some sort of compromise. Maybe we simply contribute a one time fee towards improvements, etc...I don't know.

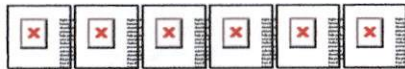
We'll try to keep the meeting as short as possible as I'm sure you're busy, but I wanted to let you know our position in advance in case that you might want others there.

thanks for considering us,

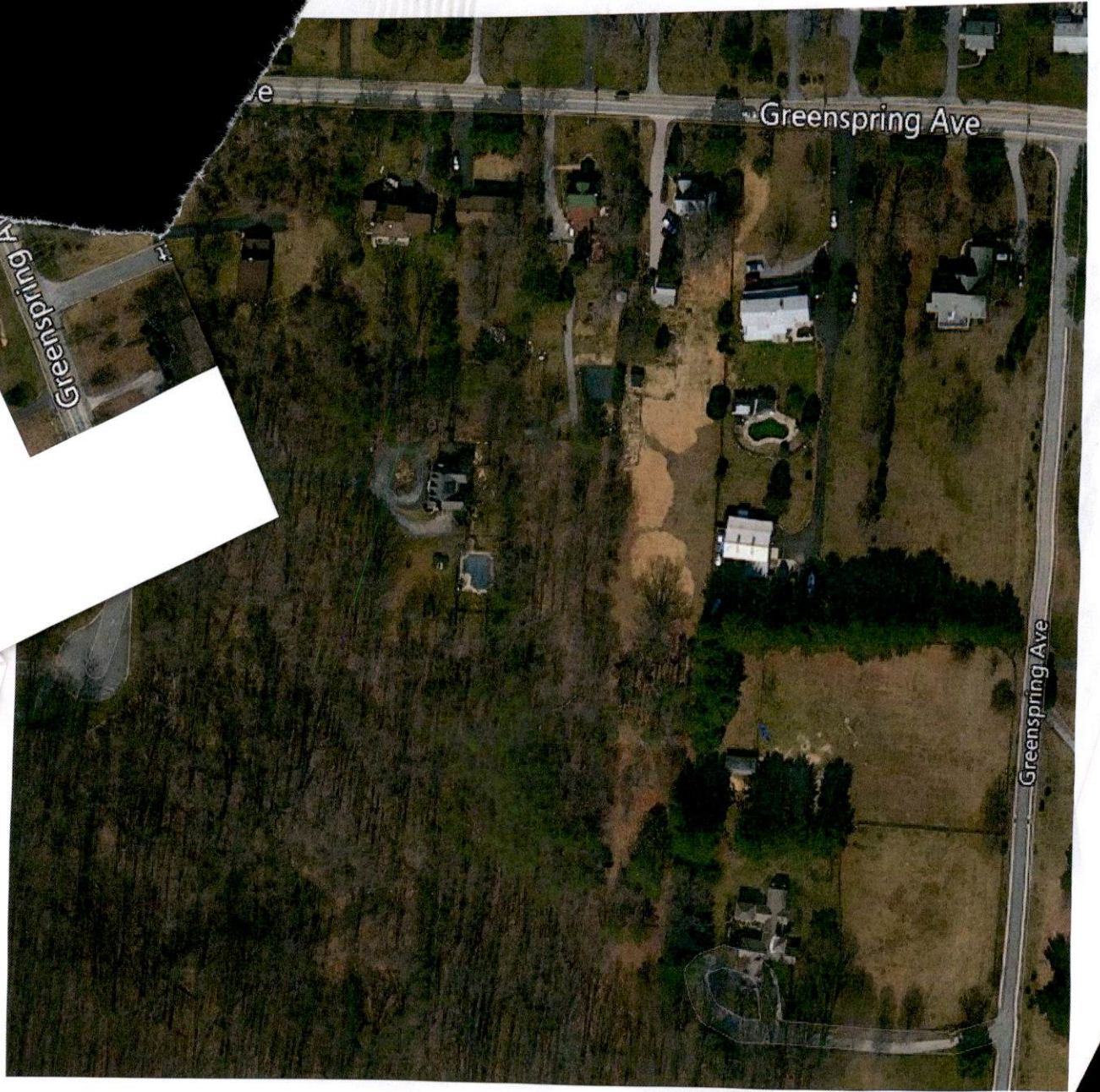
Dave & Carmenza

[443-834-2509](tel:443-834-2509)

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov



1346504.1 12/22/2016

EXHIBIT
P 1
tabbies



tabbies' EXHIBIT
P2













Tammy Zahner

From: Appeals Board
Sent: Thursday, November 09, 2017 9:41 AM
To: mencha17@yahoo.com
Subject: Transcript Estimate

Dear Ms. Heimbach:

We have checked with the transcriptionist, and the estimate to prepare the transcript of the hearing held before the Board of Appeals is \$400.00. Please let us know if you want to proceed with the transcript. If you do, we will send the CD to the typist, and she will contact you directly with the required deposit.

We look forward to hearing from you.

Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

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Board of Appeals of Baltimore County

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

November 29, 2017

Katrina V. Grewe
Wilmington M. Grewe
Toby A. Grewe
12 Porter Drive
Abingdon, Maryland 21009

Gregory Rapisarda, Esquire
Saul Ewing, LLP
500 E. Pratt Street, Suite 900
Baltimore, Maryland 21202-3133

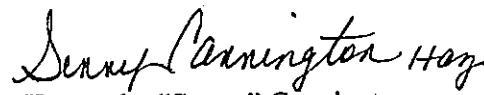
RE: In the Matter of: *Katrina V. Grewe, Wilmington M. Grewe,*
Toby A. Grewe – Legal Owners
Case No.: 17-114-SPH

Dear Messrs. Grewe and Rapisarda:

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,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: David and Carmenza Heimbach
Gary Eidelman
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN RE:
KATRINA GREWE
WILMINGTON GREWE
TOBY A. GREWE
5 MISSI COURT
4TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 17-114-SPH

* * * * *

OPINION

This case comes to the Board on appeal of the Administrative Law Judge's Opinion and Order dated December 30, 2016, denying Petitioners request, pursuant to Baltimore County Zoning Regulation ("BCZR") §500.7, for approval of: (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the: (a) subdivision of the Storm Water Management Reservation; (b) creation of Lot 34; and (c) to increase the total lots from 33 to 34; (2) any other permission deemed necessary by the Administrative Law Judge; and (3) amend the tract boundary for the property of "Worthington Valley Estates Additions."

A public hearing was held, *de novo*, before this Board on June 1, 2017. Petitioners, joined by David and Carmenza Heimbach, appeared *pro se*. Protestant Gary Eidelman was represented by Gregory Rapisarda. A Public Deliberation, originally scheduled for August 8, 2017, was ultimately held on October 3, 2017.

Background

Worthington Valley Estates Addition was created by plat recorded in 1981 and is zoned R.C. 5. There are 33 lots within Worthington Valley Estates Addition, with a four acre stormwater management parcel, intended to be conveyed, but not actually conveyed, to the County. Petitioners' predecessor in interest (Bill Grewe, and his wife, Carmenza) purchased the stormwater

management parcel in 2006. Petitioners seek to combine one acre of the stormwater management parcel with a contiguous parcel outside of the Worthington Valley Estates subdivision in order to create Lot 34 for a single-family dwelling to be within Worthington Valley Estates. The remaining 3+ acres of the stormwater management parcel would then be conveyed to the County as intended.

Petitioners started on this project in 2006 and received tentative approval from the Development Review Committee to proceed in 2008. In 2009, Bill Grewe encountered health issues and passed away. The project lingered until 2013. Petitioners then undertook the work and environmental studies necessary, spending significant amounts of money. In September 2015, the First Minor Subdivision Plan was submitted to the County. In December 2015, James Markle, manager of Stormwater Management of Baltimore County Department of Environmental Protection and Sustainability ("DEPS"), informed Mr. Heimbach that the County agreed to take over maintenance of the stormwater management pond, which was to be conveyed in fee to the County, along with other conditions. Unfortunately, a car accident in January 2016 derailed the project once again. Later that year, Petitioners pushed the project forward, resulting in the hearing below.

Mr. Eidelman, along with his wife Jill, owns and resides at the property located at 3 Missi Court. Mr. Eidelman purchased the property in June 2002. He testified that he did his due diligence when researching the property. He particularly liked that the property he ultimately purchased was part of a wooded area and was set aside for stormwater management, understanding that it would not be developed, and moreover, would be transferred to the County. Mr. Eidelman concluded that the adjacent parcel's reservation for stormwater management would enhance the value of the property he purchased. He would not have purchased his property if the adjacent parcel could be developed. In short, Mr. Eidelman testified he relied on the development plan when he and his

wife made their decision to purchase the property. Mr. Eidelman also testified when there is heavy rain, water moves past his property into the stormwater management pond. Mr. Eidelman raised concerns about the stormwater management area if a portion of the existing stormwater management area is developed.

No expert witnesses were presented by either party at the hearing in front of the Board.

Final Development Plan Regulations

A final development plan serves a notice function to prospective buyers and acts as a shield for those who have made a decision to purchase property located within the final development plan from certain changes. Regulations concerning development plans, as is relevant, are found in BCZR §1B01.3. As set forth in BCZR §1B01.3(A)(1), the regulations are intended:

- a. To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and
- b. To provide for review of residential development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504."

Amendments to a previously approved final development plan are governed by BCZR §1B01.3(A)(7), which states that such a plan may only be amended as follows (as is relevant, as the amendment sought occurs after nearby property, the Eidelmans', has been sold):

b. Amendment after sale of interest in nearby property or upon demand for hearing. In the case of an amendment not allowed under Subparagraph a, by reason of sale of property within the area, or in case of a demand for hearing by an eligible individual or group, the plans may be amended through special exception procedures, in the manner provided under Section 502 and subject to the following provisions:

- (1) The amendment must be in accord with the provisions of the Comprehensive Manual of Development Policies and with the specific standards and requirements of this article, as determined by the Department of Planning. The Director, on behalf of the Planning Board, shall notify the Zoning Commissioner accordingly.

(2) Only an owner of a lot abutting or lying directly across a street or other right-of-way from the property in question, an owner of a structure on such a lot, or a homes association (as may be defined under the subdivision regulations or under provisions adopted pursuant to the authority of Section 504) having members who own or reside on property lying wholly or partially within 300 feet of the lot in question are eligible to file a demand for hearing.

(3) It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this article.

Discussion

As noted above, BCZR §1B01.3(A)(7)(b) requires proposed amendments to go through the special exception procedures found in Section 502. Section 502, entitled "Special Exceptions," contains ten sections. Only one of those ten sections appear to have applicability in this case, notably, §502.1, which itself has nine factors for consideration. Before a special exception may be granted, it must appear that the proposed use will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

Baltimore County Code ("BCC") Section 33, Title 4, entitled "Stormwater Management," identifies the purpose for the stormwater management Code provisions as follows: "The purpose of this title is to protect, maintain, and enhance the public health, safety, and general welfare by

establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff.” BCC §33-4-102. In doing so, this County expressly recognizes the potential danger presented to public health, safety and the general welfare by stormwater runoff. Baltimore County in general requires properly managed stormwater runoff in connection with residential, commercial, and other development and redevelopment projects.

Petitioners did not offer any expert witness testimony regarding the impact or effects of changing the existing stormwater management area. Therefore, there is no expert witness testimony in the record to permit the Board to have a fully-informed assessment on what effect, if any: (1) the proposed loss of area will have on the existing stormwater management area, runoff and drainage; (2) the proposed house to be built in the subtracted area will have on the stormwater management area, runoff, and drainage, as the house would be at a higher elevation and would have impervious surfaces for parking and walkways; and (3) the combination of subtracting from the existing stormwater management area in conjunction with the building of the proposed house will have upon the adjacent area, including the Eidelman’s property.

The failure to present evidence regarding the effects of the proposed change, reduction of the stormwater management area, and intended building of a house on the proposed newly-created lot precludes the Board from finding that that Petitioners have met their burden with respect to the special exception factors set forth in BCZR §502.1, particularly factors (A), (D), (E), (H) and (I).

Moreover, the proposed amendment is required to be consistent with the spirit and intent of the original plan. BCZR §1B01.3(A)(7). The intent, as reflected on the original plan, was to have the subject parcel containing the stormwater management pond conveyed to the County, preserving the area from development. As noted above, the inclusion of a stormwater management area serves multiple purposes, including protection of the adjacent properties in the development.

The Eidelmans purchased their adjacent property relying on those representations and understandings. It is reasonable for the Eidelmans to have relied on the "original plan," which reflects that the 4.10 acres of stormwater management area would be conveyed to the County and reasonable for them to have understood that there would be no future development on that 4.10 acres. Leaving aside whether *any change* would be within the spirit and intent of the original plan, in the absence of evidence that the proposed change to the stormwater management area will have minimal, if any, impact upon the adjacent properties and the Eidelmans' property in particular, Petitioners cannot prove that the proposed amendment is consistent with the spirit and intent of the original plan. The purpose for the regulations regarding amendments to final development plans, namely, the consumer protection aspects for purchasers such as the Eidelmans, cannot be ignored or taken lightly.

Conclusion

Based on our review of the evidence presented, the Board of Appeals unanimously concludes that Petitioners have failed to satisfy their burden of proof with respect to the proposed amendment and therefore, Petitioners' Petition shall be denied.

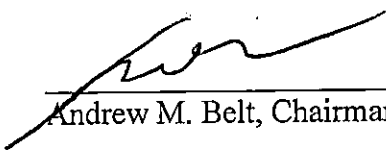
ORDER

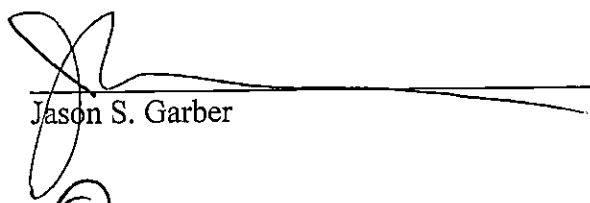
THEREFORE, IT IS THIS 29th day of November, 2017, by the
Baltimore County Board of Appeals,

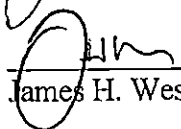
ORDERED that Petitioners' Petition to approve: (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the: (a) subdivision of the Storm Water Management Reservation; (b) creation of Lot 34; and (c) to increase the total lots from 33 to 34; (2) any other permission deemed necessary by the Administrative Law Judge; and (3) amend the tract boundary for the property of "Worthington Valley Estates Additions" is hereby DENIED.

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 of Procedure.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman

Jason S. Garber

James H. West

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Katrine V. Grewe, Wilmington M. Grewe, and
Toby A. Grewe – Legal Owners

17-114-SPH

DATE: October 3, 2017

BOARD/PANEL: Andrew M. Belt, Panel Chairman
Jason S. Garber
James H. West

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Hearing pursuant to BCZR § 500.7 for approval of:

- (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the:
 - (a) subdivision of the Storm Water Management Reservation;
 - (b) creation of Lot 34; and
 - (c) to increase the total lots from 33 to 34; and
- (2) any other permission deemed necessary by the Administrative Law Judge; and
- (3) amend the tract boundary for the property of "Worthington Valley Estates Addition"

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the Petitioners' Petition for Special Hearing. Final Development Plan Amendments are addressed in the BCZR (§1B01.3(A)(7)(b)), which further directs review of the proposed amendment under the special exception procedures in Section 502, including Section 502.1.
- The Board discussed Petitioners' request to add Lot 34 which would be used by family members. The Board noted there appears to be sufficient land for the lot. However, the Board must determine what, if any, effect the proposed Lot 34 would have on the Storm Water Management ("SWM") facility, and the other lots in the community.
- The Board noted that Petitioners presented no expert testimony on impact to the SWM facility, or on potential impact to the other 33 lots, or the proposed Lot 34.
- The Board discussed Final Development Plans acting as notice to the consumer. There was testimony by the Protestant that prior to purchasing their lot, they reviewed the Final Development Plan which showed the SWM facility parcel was to remain undeveloped. The Protestant purchased their lot in reliance upon the SWM parcel remaining undeveloped.

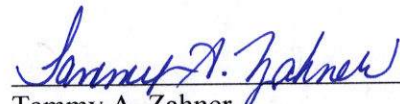
KATRINE V. GREWE, WILMINGTON M. GREWE,
AND TOBY A. GREWE – LEGAL OWNERS
17-114-SPH
MINUTES OF DELIBERATION

PAGE 2

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested relief.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. Zahner



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 16, 2017

NOTICE OF DELIBERATION

IN THE MATTER OF:

17-114-SPH

Katrina V. Grewe
Wilmington M. Grewe
Toby A. Grewe – Legal Owners
5 Missi Court
4th Election District; 2nd Councilmanic District

AGENDA:

Petition for Special Hearing pursuant to BCZR § 500.7 for approval of:

- (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the:
 - (a) subdivision of the Storm Water Management Reservation;
 - (b) creation of Lot 34; and
 - (c) to increase the total lots from 33 to 34; and
- (2) any other permission deemed necessary by the Administrative Law Judge; and
- (3) amend the tract boundary for the property of "Worthington Valley Estates Addition"

12/30/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on June 1, 2017, a public deliberation was scheduled on August 8, 2017 and postponed. The public deliberation in this matter has been rescheduled for the following:

DATE AND TIME: TUESDAY, OCTOBER 3, 2017 at 9:30 a.m.

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

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Notice of Public Deliberation

In the matter of: Katrina Grewe, Wilmington Grewe, and Toby Grewe

Case No: 17-114-SPH

June 9, 2017

Page 2

c: Petitioners/Legal Owners

: Katrina Grewe, Wilmington Grewe, Toby Grewe

 " Counsel for Protestant
 | Protestant

: Gregory Rapisarda, Esquire
: Gary Eidelman

Bruce Doak ;
David and Carmenza Heimbach

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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

June 9, 2017

NOTICE OF DELIBERATION

IN THE MATTER OF:

17-114-SPH

Katrina V. Grewe
Wilmington M. Grewe
Toby A. Grewe – Legal Owners
5 Missi Court
4th Election District; 2nd Councilmanic District

- Re: Petition for Special Hearing pursuant to BCZR § 500.7 for approval of:
- (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the:
 - (a) subdivision of the Storm Water Management Reservation;
 - (b) creation of Lot 34; and
 - (c) to increase the total lots from 33 to 34; and
 - (2) any other permission deemed necessary by the Administrative Law Judge; and
 - (3) amend the tract boundary for the property of "Worthington Valley Estates Addition"

12/30/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on June 1, 2017, a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, AUGUST 8, 2017 at 9:30 a.m.

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

**NOTE: Closing briefs are due on Monday, July 10, 2017 by 3:00 p.m.
(Original and three [3] copies)**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Notice of Public Deliberation

In the matter of: Katrina Grewe, Wilmington Grewe, and Toby Grewe

Case No: 17-114-SPH

June 9, 2017

Page 2

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Petitioners/Legal Owners

: Katrina Grewe, Wilmington Grewe, Toby Grewe

Counsel for Protestant
Protestant

: Gregory Rapisarda, Esquire
: Gary Eidelman

Bruce Doak
David and Carmenza Heimbach

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

July 10, 2017

VIA HAND DELIVERY

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204



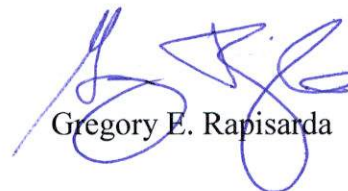
Re: Katrina Grewe, Wilmington Grewe, Toby Grewe, 5 Missi Court

Dear Sir or Madam:

Enclosed please find an original and three (3) copies of the Closing Brief.

This serves as notice that a copy of the Closing Brief was mailed to Katrina Grewe, Wilmington Grewe, Toby Grewe and David and Carmenza Heimbach by first class mail to 12 Porter Drive, Abingdon, MD 21009.

Yours truly,



Gregory E. Rapisarda

GER/ams

Enclosures

cc: Katrina Grewe, Wilmington Grewe, Toby Grewe
David and Carmenza Heimbach

IN THE MATTER OF:

Katrina V. Grewe, Wilmington M. Grewe,

Toby A. Grewe – Legal Owners

5 Missi Court, Owings Mills MD 21117

* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 17-114-SPH
*

* * * * *

EIDELMAN CLOSING BRIEF

Gary and Jill Eidelman, by their undersigned counsel, submit this brief in support of their opposition to the Petition for Special Hearing request to (1) Permit the 3rd Amendment of the Final Development Plan for “Worthington Valley Estates Additions” for the: (a) subdivision of the storm water management reservation; (b) creation of lot 34; and (c) to increase the total lots from 33 to 34; and (2) Any other permission deemed necessary by the ALJ; and to (3) Amend the tract boundary for the Property of Worthington Valley Estates to add a new parcel known as 5 Missi Court, Owings Mills MD 21117.

I. Background

In 2002, the Eidelmans purchased 3 Missi Court for \$499,000, 2.73 acres shown as Lot 1-A on the Second Amended Final Development Plan for the Worthington Valley Estates subdivision (Eidelman Parcel). *See* Second Amended Final Development Plan. The Eidelman Parcel abuts and is directly north of the 4.10 acres identified as a stormwater management (SWM) preservation parcel. (SWM Parcel) *Id.* The Worthington Valley Development Plan was approved with the condition that the SWM Parcel would be conveyed to the County. For an unexplained and still unknown reason, the SWM Parcel was never conveyed by the developer to the County.



William E. Grewe (now deceased) and Carmenza L. Grewe are the record owners of a 2.5 acre property at 12330 Greenspring Avenue, Owings Mills MD 21009, which is not part of Worthington Valley Estates (Greenspring Parcel). In 2006, Mr. Grewe “purchased” the SWM Parcel from Helen Chellis, the original developer, for \$0. *See* Deed dated 8/17/2006 at Liber 27498 / folio 359. A portion of the SWM Parcel abuts a portion of the Greenspring Parcel. In 2016, after Mr. Grewe passed away, title to the SWM Parcel was conveyed to Katrina, Wilmington, and Toby Grewe (the Petitioners).¹ *See* Deed dated 8/2/2016 at Liber 37823 / Folio 70. The Petitioners now seek approval to use the 4.1 acre SWM Parcel they own, to create a 1.85 acre RC 5 residential lot that will use a portion of the Greenspring Parcel owned by Carmenza Grewe, and create a 3.22 acre stormwater management parcel in Worthington Valley Estates. Carmenza Grewe, the record owner of the Greenspring Parcel, is not a party in this action.

II. Legal Standards

The Baltimore County Zoning Regulations (BCZR) control the Petitioners’ Special Hearing requests. The SWM Parcel is zoned RC 5, which requires all final development plans in the RC zone to follow the same procedure for those in the DR zone. BCZR § 1A00.4.

The purpose of Development Plans are to (a) disclose development plans to prospective residents and protect those who have made decisions based on such plans from inappropriate changes therein; and (b) to require residential development plans to comply with County’s regulations, standards, and policies. BCZR § 1B01.3.1(a) & (b).

¹ On information and belief, the Petitioners are the biological children of Carmenza Grewe.

Development plans and/or amendments to development plans in the RC 5 zone must comply with the Performance Standards set forth in BCZR § 1A04.4. Deviation from the standards “is not permitted for the purpose of allowing additional lots.” BCZR § 1A01.4.B.5. An amendment to an approved development plan must be in strict accord with the requirements in BCZR § 1B01.3.7. Once properties have been sold within an approved Final Development Plan, an amendment must comply with the special exception procedures and criteria in BCZR § 502. BCZR § 1B01.3.A.7.b. In addition to the special exception criteria, an amendment to a development plan “must be determined” to be “consistent with the spirit and intent of the original plan...” BCZR § 1B01.3.7.b.(3).

III. Arguments

A. Petitioners Do Not Hold Clear Title to the Property

The SWM Parcel, as created and approved in 1981, was required to be conveyed to the County as a 4.1 acre Stormwater Management Preservation Parcel. The SWM Parcel was created, and dedicated to the County, as part of the original approval for the Final Development Plan. The Baltimore County Code (BCC) requires that subdivision plats must be accompanied by “irrevocable offers of dedication to the public of all public improvements.” BCC § 32-4-271(b). This law was effective in 1981 when the Worthington Valley Estates plat was recorded. BCC § 26-214(a) (1988) and § 22-66 (1978). As a result, the 2006 Chellis – Grewe conveyance was unlawful because the SWM Parcel should have been, and should be now, conveyed to the County as a stormwater management preservation parcel.

Maryland’s Court of Appeals addressed a similar situation in Baltimore City and held that the City could accept the dedication and conveyance fifteen years after that same property was purportedly conveyed by deed to a third party. *Hackerman v. City of Baltimore*, 212 Md.

618, 626 (1957) (internal citations omitted). The Court found a conveyance to a third party after the property had been dedicated for the public was invalid. *Id.* In this case, the SWM Parcel was dedicated to the County and subsequently transferred to Mr. Grewe. As a result, the Chellis – Grewe transfer was invalid and the Petitioners do not hold valid title to the SWM Parcel, and thus lack standing to maintain this action. It’s also worth noting that the *Hackerman* Court recognized the rights and interests of property owners (like the Eidelmans) who had purchased land in reliance on a development plan that indicated a public dedication. *Id.* at 625 (holding that a public dedication “may confer rights to the abutting owners who have bought in reliance on the offer [of dedication]”).

B. The Proposed Subdivision Fails to Comply with the BCZR Requirements

1. Proposal is Not Consistent with the Spirit and Intent of the FDP

The spirit and intent of the Final Development Plan and the Second Amended Development Plan for Worthington Valley Estates provides for a “stormwater management preservation parcel” (emphasis added) to the south of the Eidelman Parcel. The spirit and intent of the SWM Parcel was to provide SWM for the Worthington Valley Estates subdivision, and not be developable as a residential lot. Moreover, as Mr. Eidelman testified, when the Eidelmans purchased their property in 2002, they relied on the Final Development Plan by choosing their property, in part, because it abutted a SWM preservation parcel that would remain undeveloped and supposedly would be transferred to the County. *See Hackerman, supra*. Adding a home is anathema to the original spirit and intent.

2. Proposal Fails to Comply with the Requirements in BCZR § 1B01.3.A.7

Petitioners have also failed to meet their burden to show such a proposal will comply with the standards in BCZR § 1B01.3.A.7. The proposal disregards a stated purpose for

Development Plans – to protect buyers (like the Eidelmans) who made decisions to buy a lot based on Final Development Plans. BCZR § 1B01.3.1(a). Mr. Eidelman testified that he purchased the parcel relying on the Final Development Plan that shows a SWM preservation parcel to the south of and adjacent to the Eidelman Parcel. As a result, the SWM Parcel can never be anything other than a SWM Parcel. The Petitioners failed to show that the amendment would be “in accord with the provisions of the Comprehensive Manual of Development Policies... as required in BCZR § 1B01.3.A.7.b.(1). Finally, the Petitioners also failed to show compliance with the special exception standards in § 502, as required by § 1B01.3.A.7.b.

2. Proposal Fails to Comply with SPEX Requirements in BCZR § 502

Petitioners failed to even address the special exception standards in BCZR § 502.

Petitioners failed to adduce any evidence to show that the proposal would not be:

- Detrimental to health, safety or general welfare of locality involved;
- Inconsistent with the spirit and intent of these Zoning Regulations;
- Inconsistent with impermeable surface & vegetative retention requirements of the BCZR; or
- Detrimental to environmental and natural resources of site & vicinity including forests, streams, wetlands, aquifers and floodplains in an... R.C.5 Zone.

BCZR § 502.1.

Although the burden is on the Petitioners, Mr. Eidelman, nevertheless, testified that the proposal would (1) be inconsistent with the spirit and intent of the BCZR (as outlined above) and (2) would fail to address several of the special exception requirements. Specifically, Mr. Eidelman testified that the proposal would (1) be detrimental to the general welfare, (2) would negatively impact his property value, and (3) was inconsistent with the spirit and intent of the

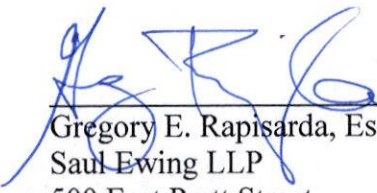
BCZR and the Final Development Plan (as outlined above), that the Petitioners were unable to comply with the numerous comments from County agencies relating to the environmental and site plan requirements.

Petitioners bear the burden in this case, and they have failed to even address the specific special exception and other standards required by the BCZR.

IV. Conclusion

For the reasons provided at the June 1, 2017 hearing, and for those reasons outlined above, the Eidelmans respectfully request that the Board deny the Petition for Special Hearing.

DATE: July 10, 2017



Gregory E. Rapisarda, Esquire
Saul Ewing LLP
500 East Pratt Street
Baltimore, Maryland 21202
(410) 332-8963
(410) 332-2155 (facsimile)

Counsel for Gary and Jill Eidelman

Memoranda to 4th Election District; Councilmanic District

re: Petition for Special Hearing pursuant to BCZR & 500.7 for approval of the third amendment of FDP for "Worthington Valley Estates Addition"

Our position with this case is that we have been working on this project for several years, following the county's law & guidance, and never once has there been any indication of any "show stoppers", so to speak. We have spent a significant amount of time, energy and money to get to this point. This includes work to maintain the pond, which serves the entire neighborhood.

As for spirit and intent for the Storm Water Management parcel and it's purpose, it was indicated to us in the very beginning by both engineering as well as the county that the parcel was over-sized, and that the new proposed (reduced) size was quite sufficient to perform as originally intended.

Thank you in advance for any consideration,

David & Carmenza Heimbach, Katrina Grewe, Wilmington Grewe, and Toby Grewe

Carmenza Heimbach.





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 11, 2017

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF:

17-114-SPH

Katrina V. Grewe
Wilmington M. Grewe
Toby A. Grewe – Legal Owners
5 Missi Court
4th Election District; 2nd Councilmanic District

- Re: Petition for Special Hearing pursuant to BCZR § 500.7 for approval of:
- (1) the third amendment of the Final Development Plan for "Worthington Valley Estates Addition" for the:
 - (a) subdivision of the Storm Water Management Reservation;
 - (b) creation of Lot 34; and
 - (c) to increase the total lots from 33 to 34; and
 - (2) any other permission deemed necessary by the Administrative Law Judge; and
 - (3) amend the tract boundary for the property of "Worthington Valley Estates Addition"

12/30/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter was assigned for Tuesday, April 4, 2017 and was postponed. This matter is being

REASSIGNED FOR: THURSDAY, JUNE 1, 2017, AT 10:00 A.M.

LOCATION:

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- 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.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

Notice of Postponement and Reassignment

In the matter of: Katrina Grewe, Wilmington Grewe, and Toby Grewe

Case number: 17-114-SPH

April 11, 2017

Page 2

c: Petitioners/Legal Owners

: Katrina Grewe, Wilmington Grewe, Toby Grewe

Counsel for Protestant
Protestant

: Gregory Rapisarda, Esquire
: Gary Eidelman

Bruce Doak

David and Carmenza Heimbach

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Andrea Van Arsdale, Director/Department of Planning

Arnold Jablon, Director/PAI

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

Krysundra Cannington

From: David Heimbach <dpheim@yahoo.com>
Sent: Tuesday, April 11, 2017 10:22 AM
To: Appeals Board
Subject: Re: Grewe 17-114-SPH

sure, and I understand,
But you should **not** be including personal information (i.e. possibly moving to Florida) in the e-mail. It is not Mr. Rapisarda's business. Why we may or may not continue with the case is OUR business.
Do you understand? If not, please let me know where your confusion is so we can get on same page.

You may mail to:
12 Porter Drive
Abingdon, MD 21009

I WILL INFORM YOU of any address changes.
Thanks,
Dave

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.

From: Appeals Board <appealsboard@baltimorecountymd.gov>
To: David Heimbach <dpheim@yahoo.com>
Cc: "Rapisarda, Gregory E." <GRapisarda@saul.com>
Sent: Tuesday, April 11, 2017 10:02 AM
Subject: RE: Grewe 17-114-SPH

Mr. Heimbach,

Please be advised that any correspondence to you must be copied to Mr. Rapisarda. Any correspondence not copied to Mr. Rapisarda would qualify as *ex parte* communications which is illegal.

As previously stated, we do not normally send Notices by email and do not wish to do so any longer than necessary. Additionally, emailing the Notice to you is a courtesy as you are not an owner of the subject property and therefore, not technically a party to this case.

Should you have any other questions, please do not hesitate to contact us.

Thank you,

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Krysundra Cannington

From: Appeals Board
Sent: Tuesday, April 11, 2017 10:02 AM
To: 'David Heimbach'
Cc: 'Rapisarda, Gregory E.'
Subject: RE: Grewe 17-114-SPH

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From: David Heimbach [mailto:dpheim@yahoo.com]
Sent: Tuesday, April 11, 2017 9:52 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Grewe 17-114-SPH

Hello,
please DO NOT again send personal confidential information (i.e. our pending move to Florida) to other people (as you included our opponents on this case in the previous e-mail) see your own confidential statement below.
Please acknowledge this e-mail, and please answer why you included the opposing lawyer in the prior e-mail.
thanks,
David Heimbach

Krysundra Cannington

From: David Heimbach <dpheim@yahoo.com>
Sent: Tuesday, April 11, 2017 9:52 AM
To: Appeals Board
Subject: Re: Grewe 17-114-SPH

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Please acknowledge this e-mail, and please answer why you included the opposing lawyer in the prior e-mail.
thanks,
David Heimbach

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From: Appeals Board <appealsboard@baltimorecountymd.gov>
To: 'David Heimbach' <dpheim@yahoo.com>
Cc: "Rapisarda, Gregory E." <GRapisarda@saul.com>
Sent: Tuesday, April 11, 2017 9:09 AM
Subject: Grewe 17-114-SPH

Hello Mr. Heimbach,

Pursuant to your request, attached please find a copy of the Notice of Postponement and Reassignment. As indicated by phone, we don't usually email the Notices. If you could please provide a mailing address once you get settled in Florida, we will update our mailing list.

Please do not hesitate to contact us with any questions.

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Appeals Board
Sent: Tuesday, April 11, 2017 9:10 AM
To: 'David Heimbach'
Cc: 'Rapisarda, Gregory E.'
Subject: Grewe 17-114-SPH
Attachments: Notice of Postponement and Reassignment.pdf

Hello Mr. Heimbach,

Pursuant to your request, attached please find a copy of the Notice of Postponement and Reassignment. As indicated by phone, we don't usually email the Notices. If you could please provide a mailing address once you get settled in Florida, we will update our mailing list.

Please do not hesitate to contact us with any questions.

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, April 03, 2017 1:13 PM
To: 'Rapisarda, Gregory E.'
Cc: 'David Heimbach'
Subject: RE: Postponement Request 17-114-SPH

Mr. Rapisarda,

I spoke with the Chairman and we will grant your postponement request. We will issue a reassignment notice for the next available date on the Board's calendar.

Should you have any questions, please do not hesitate to contact me.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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From: Rapisarda, Gregory E. [mailto:GRapisarda@saul.com]
Sent: Monday, April 03, 2017 11:42 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Krysundra Cannington <kcannington@baltimorecountymd.gov>; 'David Heimbach' <dpheim@yahoo.com>
Subject: Postponement Request 17-114-SPH

Attached please find a letter for submission to the Board of Appeals.

Thank you.

Greg

Gregory E. Rapisarda | SAUL EWING LLP

Lockwood Place | 500 East Pratt S , 8th Floor | Baltimore, MD 21202
T: (410) 332-8963 | M: (410) 948-1778 | F: (410) 332-8155

"Saul Ewing LLP <saul.com>" made the following annotations:

+~~~~~+

This e-mail may contain privileged, confidential, copyrighted, or other legally protected information. If you are not the intended recipient (even if the e-mail address is yours), you may not use, copy, or retransmit it. If you have received this by mistake please notify us by return e-mail, then delete.

+~~~~~+

Krysundra Cannington

From: Rapisarda, Gregory E. <GRapisarda@saul.com>
Sent: Monday, April 03, 2017 11:42 AM
To: Appeals Board
Cc: Krysundra Cannington; 'David Heimbach'
Subject: Postponement Request 17-114-SPH
Attachments: Letter to BOA 4.3.17.pdf

Attached please find a letter for submission to the Board of Appeals.

Thank you.

Greg

Gregory E. Rapisarda | SAUL EWING LLP

Lockwood Place | 500 East Pratt Street, 8th Floor | Baltimore, MD 21202

T: (410) 332-8963 | **M:** (410) 948-1778 | **F:** (410) 332-8155

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+~~~~~+



Gregory E. Rapisarda
Phone: (410) 332-8963
Fax: (410) 332-8155
grapisarda@saull.com
www.saul.com

April 3, 2017

Via Electronic Mail
Board of Appeals
For Baltimore County
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Request to Postpone Hearing Set for Tuesday, April 4, 2017
Board of Appeals Case No. 17-114-SPH

Dear Members of the Board of Appeals:

I represent Mr. and Mrs. Gary and Jill Eidelman, abutting property owners who oppose the proposed subdivision of the Storm Water Management Reservation parcel in the above caption case. I'm counsel of record for the Eidelmans and my practice is primarily focused on land use and zoning law. I represented the Eidelmans before Judge Beverungen, and I continue to represent them for this appeal. Pursuant to Rule 2.C. of the Board's Rules of Practice and Procedure, and because of a personal family emergency that arose without notice this past weekend, I am asking the Board to postpone tomorrow's hearing.

Since receiving the Board's Notice on February 22, 2017, I have prepared for, and planned around, the Board hearing scheduled for Tuesday, April 4, 2017, at 10:00A.M. Despite my intentions and preparations, my plans changed this weekend when my wife and I learned that her grandmother, who lives in Columbia, South Carolina, was placed on home hospice and given days to live. My wife's grandmother has been an amazing source of love and support during our 20 year marriage, and has been an wonderful great-grandmother to our 12 and 10 year old boys. On Saturday evening, we were shocked to learn that this relatively healthy 90 year old woman was battling an aggressive cancer that had metastasized beyond any hope of cure or containment. Moreover, we had planned to visit on spring break next week, but we were told in no uncertain terms that next week would be too late. We left Saturday night, using the drive down to prepare our sons, and ourselves, to cherish her, celebrate her life, and say goodbye. We arrived Sunday, and it's clear we made the right decision.

500 E. Pratt Street • Suite 900 • Baltimore, MD 21202-3133
Phone: (410) 332-8600 • Fax: (410) 332-8862

April 3, 2017

Page 2

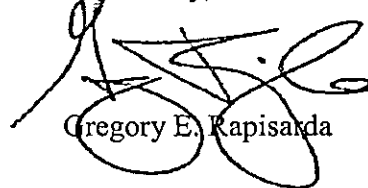
I understand that granting a postponement at this late date is unusual. At the same time, the unique circumstances leading to this request are also unusual. The surprise diagnosis, the speed and ferocity of her illness, the distance between us, and her close relationship with each of us, combine to make what I can only hope is a once-in-a-lifetime situation. I ask you to find that these extraordinary circumstances permit a postponement under Rule 2.C.

On Saturday evening, I called Gary Eidelman to explain the situation. Despite the fact that I've been preparing myself and we planned to meet Monday (today), the Eidelmans support this request and I was encouraged to put my family first. I also reached out to the Grewes on Saturday to ask if they would agree to a postponement. We spoke on Sunday afternoon and, for various reasons, none of which lacked sympathy, they don't feel they can agree to a delay. The Grewes understand that I'm filing this request for the Board to decide.

Rule 2.C. allows a postponement this close to a hearing upon a showing of "extraordinary circumstances" that are "of an unusual and extraordinary nature." To me, the situation we found ourselves in this weekend, and find ourselves in now, appear to fit within Rule 2.C. In addition, a postponement will allow my family to honor and grieve a great woman in her last days, and allow the Eidelmans to continue with their counsel of record in this matter. A delay will not unduly prejudice the appellants' case. For these reasons, we respectfully ask for a postponement.

I appreciate your consideration with this matter and can be available by phone if you have any questions or I can provide any additional information.

Yours truly,



Gregory E. Rapisarda



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 16, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

17-114-SPH

Katrina V. Grewe
Wilmington M. Grewe
Toby A. Grewe – Legal Owners
5 Missi Court
4th Election District; 2nd Councilmanic District

- Re: Petition for Special Hearing pursuant to BCZR § 500.7 for approval of:
- (1) the third amendment of the Final Development Plan for “Worthington Valley Estates Addition” for the:
 - (a) subdivision of the Storm Water Management Reservation;
 - (b) creation of Lot 34; and
 - (c) to increase the total lots from 33 to 34; and
 - (2) any other permission deemed necessary by the Administrative Law Judge; and
 - (3) amend the tract boundary for the property of “Worthington Valley Estates Addition”

12/30/16

Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR:

TUESDAY, APRIL 4, 2017, AT 10:00 A.M.

LOCATION:

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board’s Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra “Sunny” Cannington, Administrator

Notice of Assignment

In the matter of: Katrina Grewe, Wilmington Grewe, and Toby Grewe

Case number: 17-114-SPH

February 16, 2017

Page 2

c: Petitioners/Legal Owners

: Katrina Grewe, Wilmington Grewe, Toby Grewe

Counsel for Protestant
Protestant

: Gregory Rapisarda, Esquire
: Gary Eidelman

Bruce Doak

David and Carmenza Heimbach

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Andrea Van Arsdale, Director/Department of Planning

Arnold Jablon, Director/PAI

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 20, 2017

Katrina, Wilmington & Toby Grew
David Heimbach
12 Porter Drive
Abingdon, Maryland 21009



RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2017-0114-SPH
Location: #5 Missi Court

Dear Petitioners:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 19, 2017. 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 contact the Board at 410-887-3180.

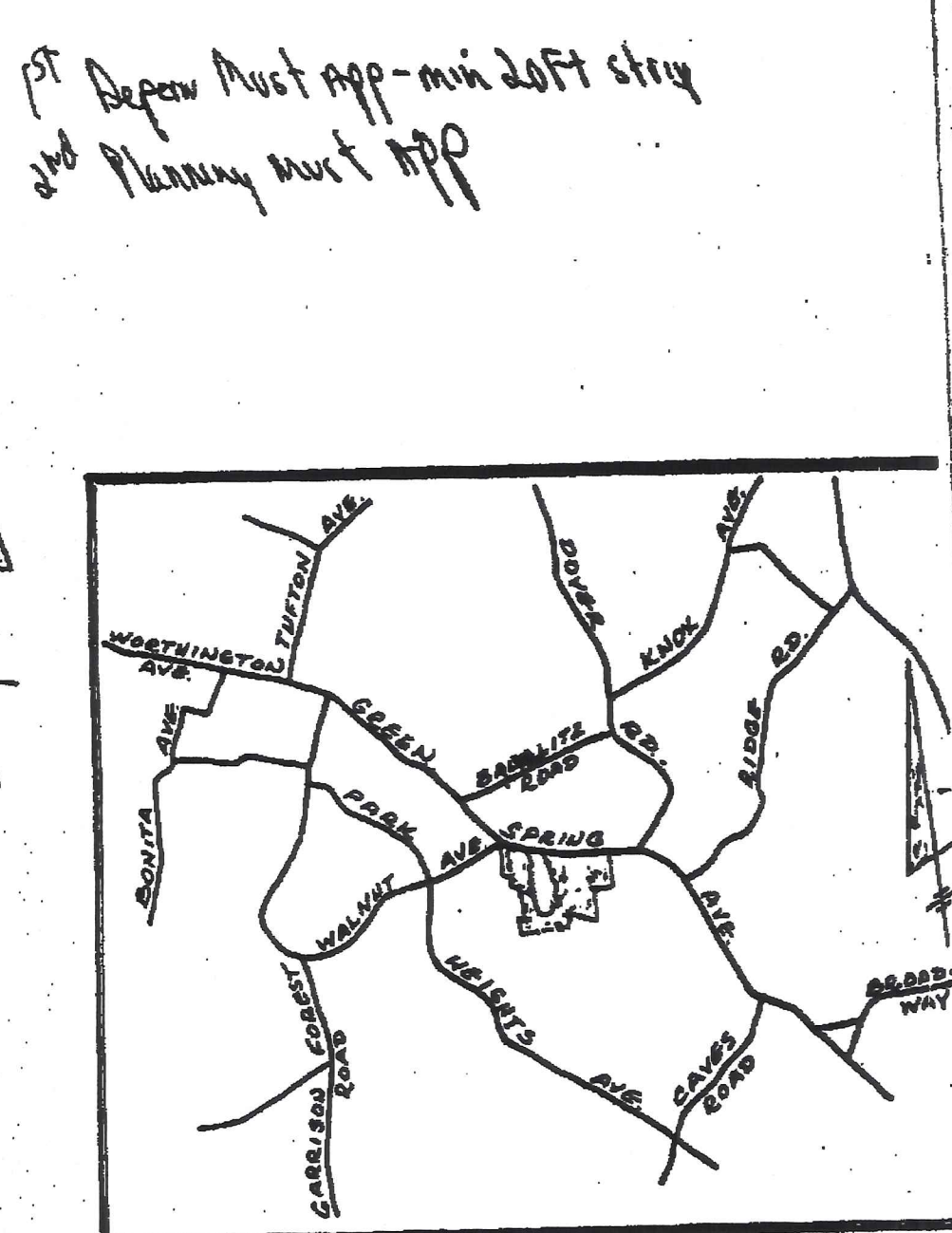
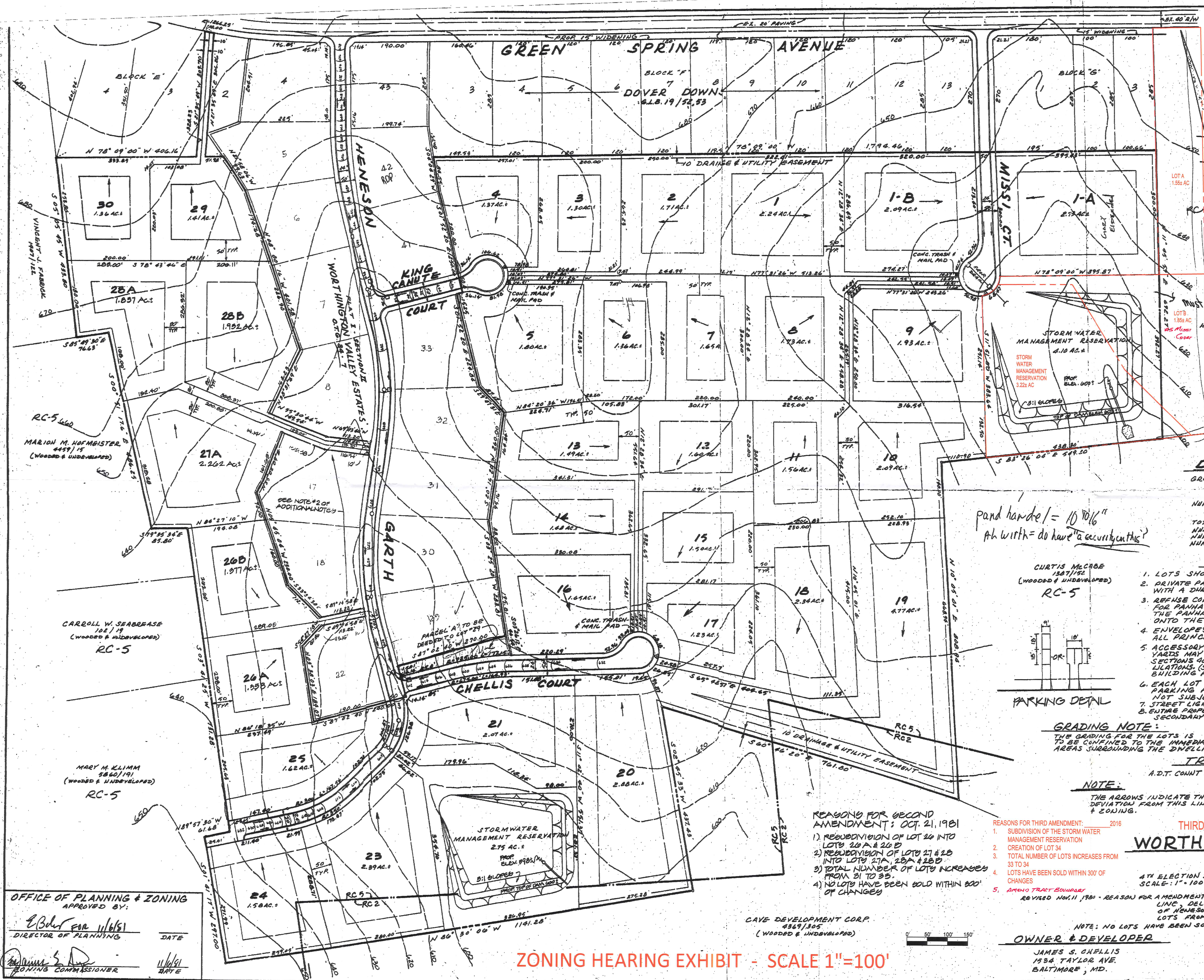
Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: ✓ Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Greg Rapisarda, Esq., 500 E. Pratt Street, Baltimore, MD 21212
Bruce Doak, 3801 Schoolhouse Road, Freeland, Maryland 21053



VICINITY MAP
SCALE: 1"=1 MILE

ADDITIONAL NOTES AS OF 2nd AMENDING - OCT. 21, 1981

1) PANHANDLE DRIVEWAYS WILL BE CONSTRUCTED BY DEVELOPER PRIOR TO SALE OF LOTS.

2) THE PANHANDLES FOR LOTS 20A, 20B, 21A, 21B & 22D ARE IN THE FORMER ROAD DEEDS OF A PREVIOUSLY RECORDED PLAT (SEE PLAT ONE, SECTION II, WORTHINGTON VALLEY ESTATES, D.T. 6, 34/7). THE REMAINING ROAD DEED WILL BE MADE PART OF LOTS 21, 10 & 22, PLK 18 OF PLAT ONE, SECTION II, WORTHINGTON VALLEY ESTATES BY WRITTEN DESCRIPTION PRIOR TO THE SALE OF LOTS 21, 10 & 22.

DENSITY CALCULATIONS

GROSS AREA	AREA IN RC-5	70,900 AC.
	AREA IN RC-2	4,551 AC.
		2.59 AC.
NUMBER OF UNITS ALLOWED		45 UNITS
IN RC-5		45
TOTAL NUMBER OF UNITS ALLOWED		90
NUMBER OF UNITS PROPOSED		90
NUMBER OF PARKING SPACES R.E.D.		90
NUMBER OF PARKING SPACES PROPOSED		90

- GENERAL NOTES**
1. LOTS SHOWN HEREON WILL BE SOLD.
 2. PRIVATE PARKING AREAS AND DRIVEWAYS ARE TO BE PAVED WITH A DURABLE DUSTLESS SURFACE (MACADAM OR CONCRETE).
 3. REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE FOR PANHANDLE LOTS ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET R/LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.
 4. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY.
 5. ACCESSORY STRUCTURES, FENCES & PROJECTIONS INTO YARDS MAY BE CONSTRUCTED BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTO. CO. ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
 6. EACH LOT SHALL BE PROVIDED WITH 2 (9x18) PARKING PADS, GARAGED OR UNGARAGED, NOT SUBJECT TO BLOCKAGE.
 7. STREET LIGHTS SHOWN THIS IS 12' HIGH.
 8. ENTIRE PROPERTY IS WOODED WITH MIXED HARDWOODS & SECONDARY GROWTH.

GRADING NOTE:
THE GRADING FOR THE LOTS IS TO BE CONFINED TO THE IMMEDIATE AREAS SURROUNDING THE DWELLING.

LANDSCAPING NOTE:
LANDSCAPING TO BE PERFORMED BY INDIVIDUAL LOTS OWNERS.

TRAFFIC NOTE:
A.D.T. COUNT PER BALTO. CO. 12.4 x 33 LOTS = 409.2 A.D.T.

NOTE:
THE ARROWS INDICATE THE PREFERRED FRONT BUILDING LINE AND ANY DEVIATION FROM THIS LINE MUST BE APPROVED BY THE OFFICE OF PLANNING & ZONING.

REASONS FOR SECOND AMENDMENT: OCT. 21, 1981

- 1) RECONSTRUCTION OF LOT 24 INTO LOTS 20A & 20B
- 2) RECONSTRUCTION OF LOTS 27 & 28 INTO LOTS 21A, 21B & 22D
- 3) TOTAL NUMBER OF LOTS INCREASES FROM 31 TO 35.
- 4) NO LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES

REASONS FOR THIRD AMENDMENT: 2016

1. SUBDIVISION OF THE STORM WATER MANAGEMENT RESERVATION
2. CREATION OF LOT 34
3. TOTAL NUMBER OF LOTS INCREASES FROM 33 TO 34
4. LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES
5. ADJACENT TRACT BOUNDARY

FINAL DEVELOPMENT PLAN

THIRD SECOND AMENDED

WORTHINGTON VALLEY ESTATES

ADDITION

4TH ELECTION DISTRICT
SCALE: 1"=100'

NOTE: NO LOTS HAVE BEEN SOLD WITHIN 300' OF ANY CHANGES.

OWNER & DEVELOPER
JAMES S. CHELLIS
1534 TAYLOR AVE.
BALTIMORE, MD.

ENGINEER
DEVELOPMENT DESIGN GROUP, LTD.
216 WASHINGTON AVE.
TOWSON, MD. 21204

OFFICE OF PLANNING & ZONING
APPROVED BY:

E. Butler 11/6/81
DIRECTOR OF PLANNING

[Signature] 11/6/81
ZONING COMMISSIONER

DATE

ZONING HEARING EXHIBIT - SCALE 1"=100'

PETITIONER'S
EXHIBIT NO. 1

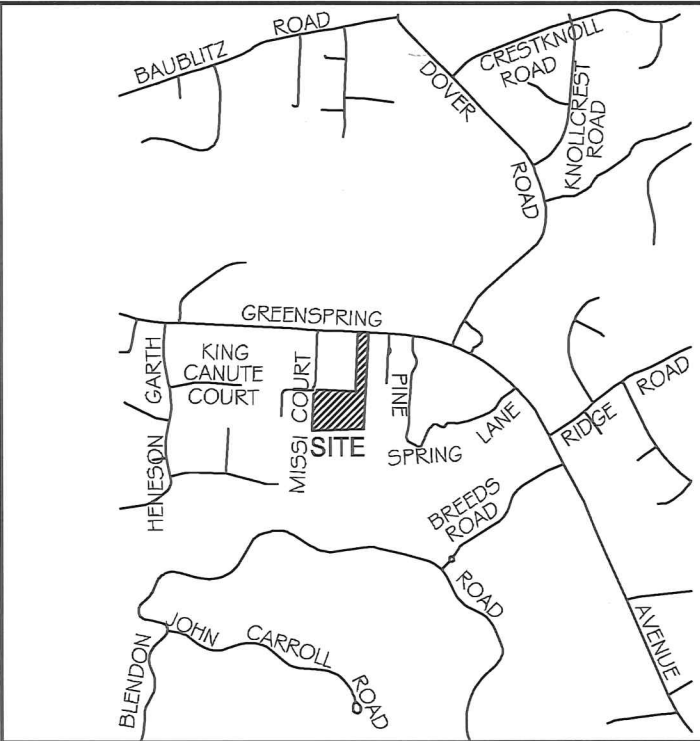
CASE # 2017-014-SP4

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 050A2 & 050A3
- CENSUS TRACT 4049.002 REGIONAL PLANNING DISTRICT 307 CHESTNUT RIDGE
- WATERSHED JONES FALLS
- SCHOOL DISTRICT: ELEMENTARY - FORT GARRISON E; MIDDLE - PIKESVILLE; HIGH - OWINGS MILLS
- ZONED R.C. 5
- THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- THE SUBJECT PROPERTY IS NOT WITHIN A FLOOD PLAIN
- ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS

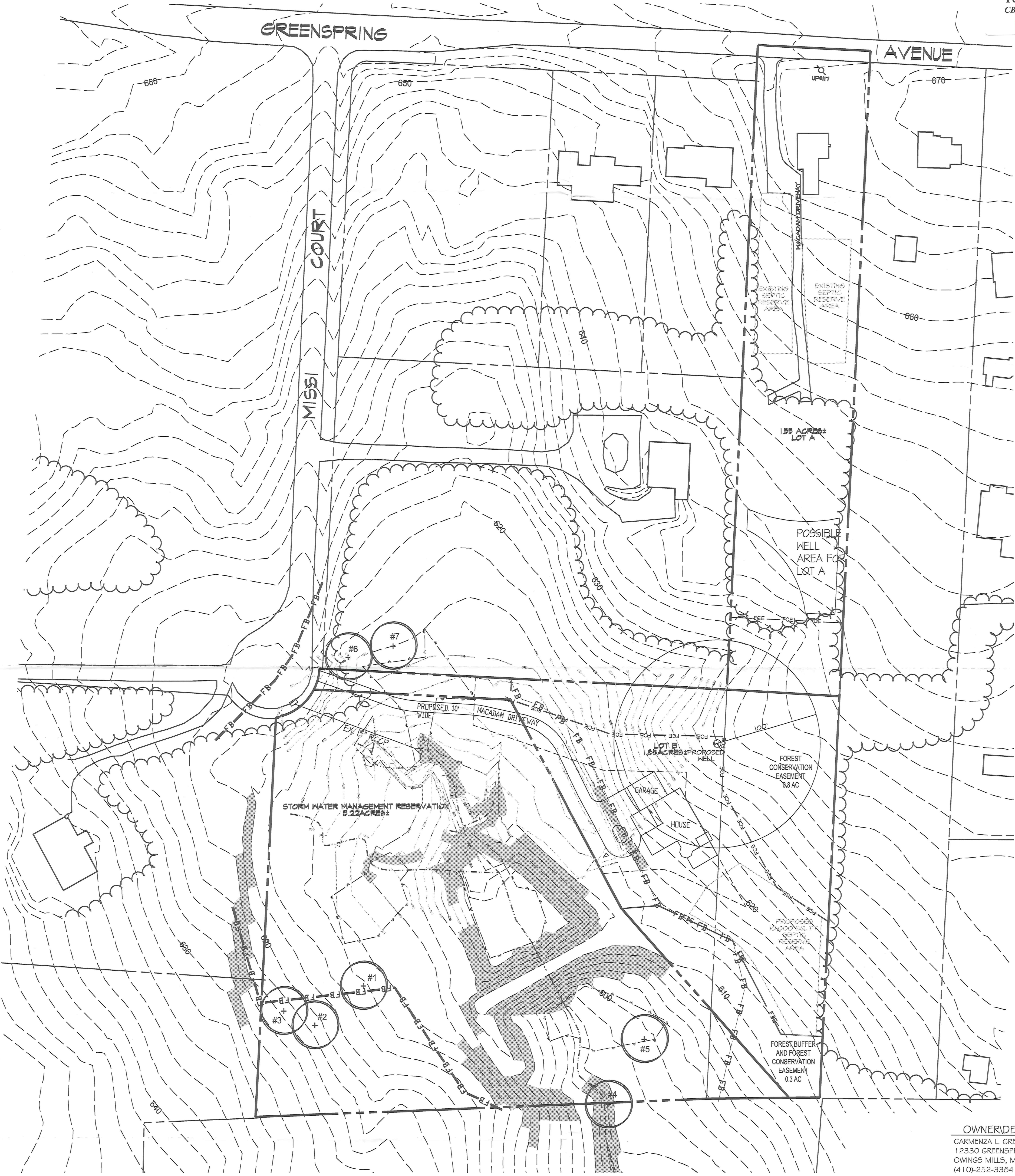
LEGEND

- PROPERTY BOUNDARY
EXISTING CONTOURS
STEEP SLOPES >20%
SOILS BOUNDARY
USE III TRIBUTARY
WETLAND LIMITS
SPECIMEN TREE
FOREST BUFFER & FOREST CONSERVATION EASEMENT
35' SETBACK FROM FCE



Vicinity Map - Scale: 1" = 2000'

Petitioner
CBA Exhibit
13



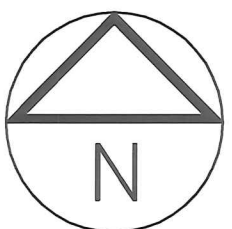
OWNER/DEVELOPER

CARMENZA L. GREWE
12330 GREENSPRING AVENUE
OWINGS MILLS, MARYLAND 21117-1614
(410)-252-3384

NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY."

"ANY FOREST BUFFER AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THIS AREA."



0' 50' 100' 150'

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@brucedoakconsulting.com

PRELIMINARY FOREST
CONSERVATION PLAN

OF THE

GREWE PROPERTY

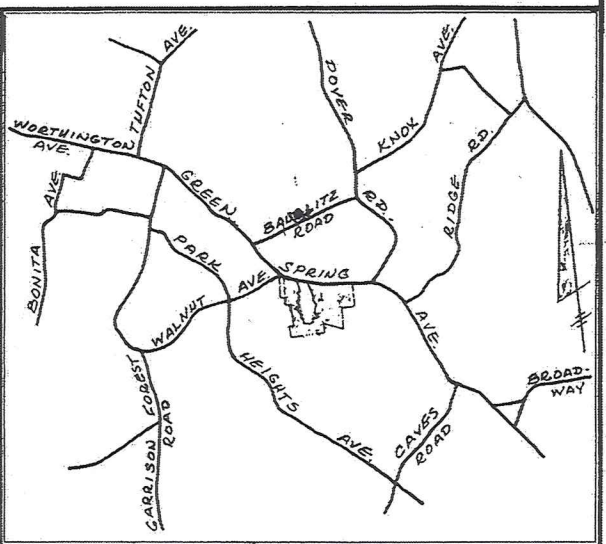
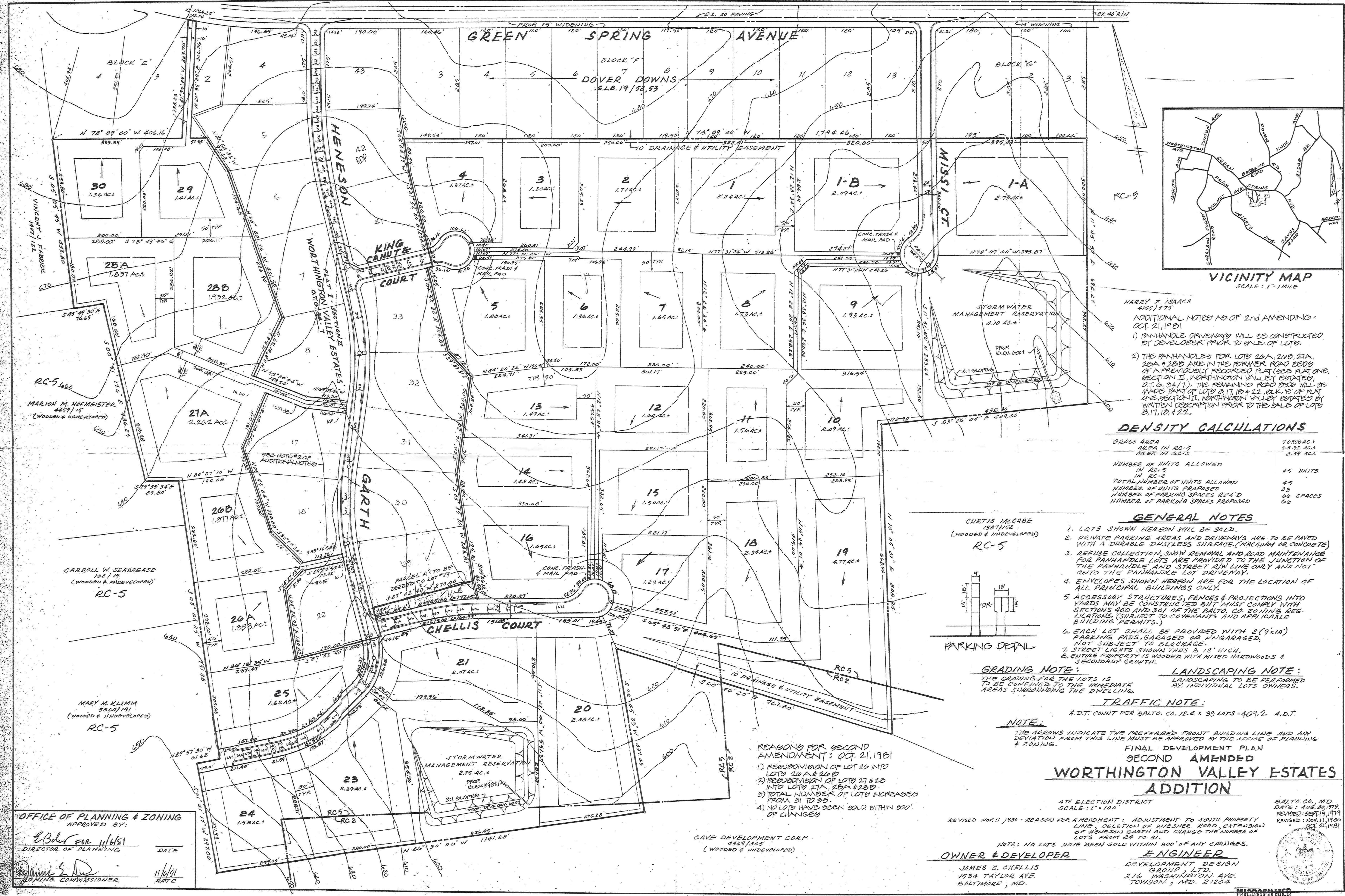
4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Plan Prepared by:

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

Date: 10/6/16

Scale: 1" = 50'



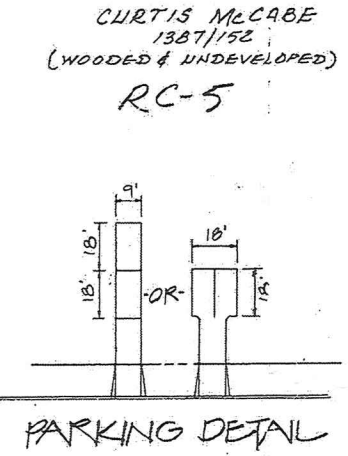
HARRY Z. ISAACS
4155/575
ADDITIONAL NOTES AS OF 2nd AMENDING -
OCT. 21, 1981
1) PANHANDLE DRIVEWAYS WILL BE CONSTRUCTED
BY DEVELOPER PRIOR TO SALE OF LOTS.
2) THE PANHANDLES FOR LOTS 20A, 20B, 21A,
22A & 22B ARE IN THE FORMER ROAD BEDS
OF A PREVIOUSLY RECORDED PLAT (SEE PLAT ONE,
SECTION II, WORTHINGTON VALLEY ESTATES,
D.T. 6, 34/7). THE REMAINING ROAD BEDS WILL BE
MADE PART OF LOTS 2, 11 & 22. BLK. 'E' OF PLAT
ONE, SECTION II, WORTHINGTON VALLEY ESTATES, BY
WRITTEN DESCRIPTION PRIOR TO THE SALE OF LOTS
2, 11, 10 & 22.

DENSITY CALCULATIONS

GROSS AREA	70900 AC.
AREA IN RC-5	60.32 AC.
AREA IN RC-2	2.99 AC.
NUMBER OF UNITS ALLOWED IN RC-5	45 UNITS
TOTAL NUMBER OF UNITS ALLOWED IN RC-2	45
NUMBER OF UNITS PROPOSED	33
NUMBER OF PARKING SPACES REQ'D	60 SPACES
NUMBER OF PARKING SPACES PROPOSED	60

GENERAL NOTES

1. LOTS SHOWN HEREON WILL BE SOLD.
2. PRIVATE PARKING AREAS AND DRIVEWAYS ARE TO BE PAVED
WITH A DURABLE SURFACE (CONCRETE OR ASPHALT).
3. REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE
FOR PANHANDLE LOTS ARE PROVIDED TO THE JUNCTION OF
THE PANHANDLE AND STREET R/W LINE ONLY AND NOT
ONTO THE PANHANDLE LOT DRIVEWAY.
4. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF
ALL PERMANENT BUILDINGS ONLY.
5. ACCESSORY STRUCTURES, FENCES & PROJECTIONS INTO
YARDS MAY BE CONSTRUCTED BUT MUST CONFORM WITH
SECTIONS 400 AND 301 OF THE BALTO. CO. ZONING REG-
ULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE
BUILDING PERMITS.)
6. EACH LOT SHALL BE PROVIDED WITH 2 (9'x18")
PARKING PADS, GARAGED OR UNGARAGED,
NOT SUBJECT TO BLOCKAGE.
7. STREET LIGHTS SHOWN THUS & 12' HIGH.
B. ENTIRE PROPERTY IS WOODED WITH MIXED HARDWOODS &
SECONDARY GROWTH.



GRADING NOTE:

THE GRADING FOR THE LOTS IS
TO BE CONFINED TO THE IMMEDIATE
AREAS SURROUNDING THE DWELLING.

LANDSCAPING NOTE:

LANDSCAPING TO BE PERFORMED
BY INDIVIDUAL LOT OWNERS.

TRAFFIC NOTE:

A.D.T. COUNT PER BALTO. CO. 12.4 x 33 LOTS = 409.2 A.D.T.

NOTE:

THE ARROWS INDICATE THE PREFERRED FRONT BUILDING LINE AND ANY
DEVIATION FROM THIS LINE MUST BE APPROVED BY THE OFFICE OF PLANNING
& ZONING.

**FINAL DEVELOPMENT PLAN
SECOND AMENDED
WORTHINGTON VALLEY ESTATES
ADDITION**

4TH ELECTION DISTRICT
SCALE: 1" = 100'

REVISED NOV. 11, 1980 - REASON FOR AMENDMENT: ADJUSTMENT TO SOUTH PROPERTY
LINE, DELETION OF WIESNER ROAD, EXTENSION
OF HENSON GARTH AND CHANGE THE NUMBER OF
LOTS FROM 24 TO 31.

OWNER & DEVELOPER
JAMES S. CHELLIS
1534 TAYLOR AVE.
BALTIMORE, MD.

ENGINEER
DEVELOPMENT DESIGN
GROUP, LTD.
216 WASHINGTON AVE.
TOWSON, MD. 21204

OFFICE OF PLANNING & ZONING
APPROVED BY:
E. B. ... 11/6/81
DIRECTOR OF PLANNING
DATE
11/6/81
PLANNING COMMISSIONER

CAVE DEVELOPMENT CORP.
4369/305
(WOODED & UNDEVELOPED)

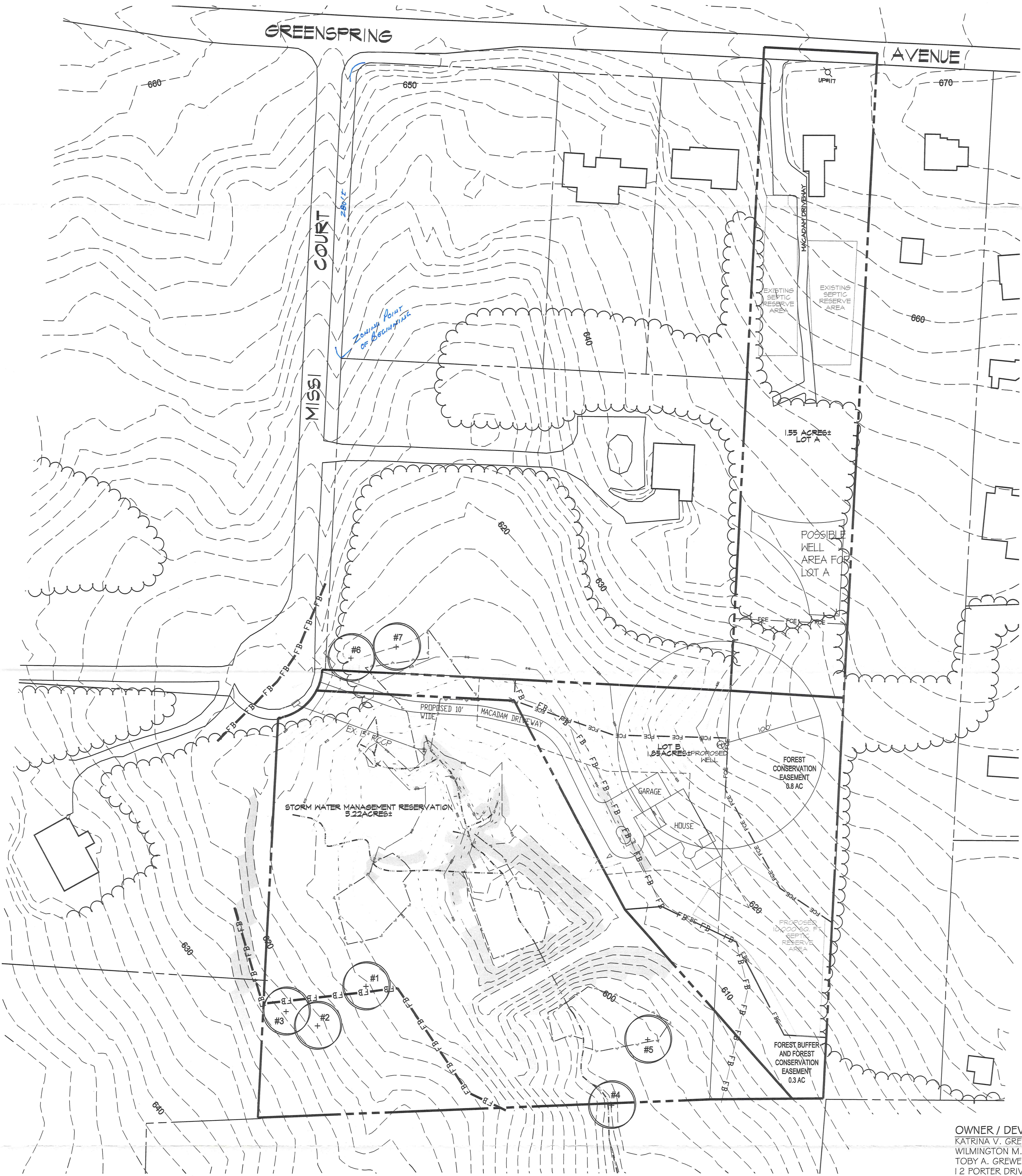
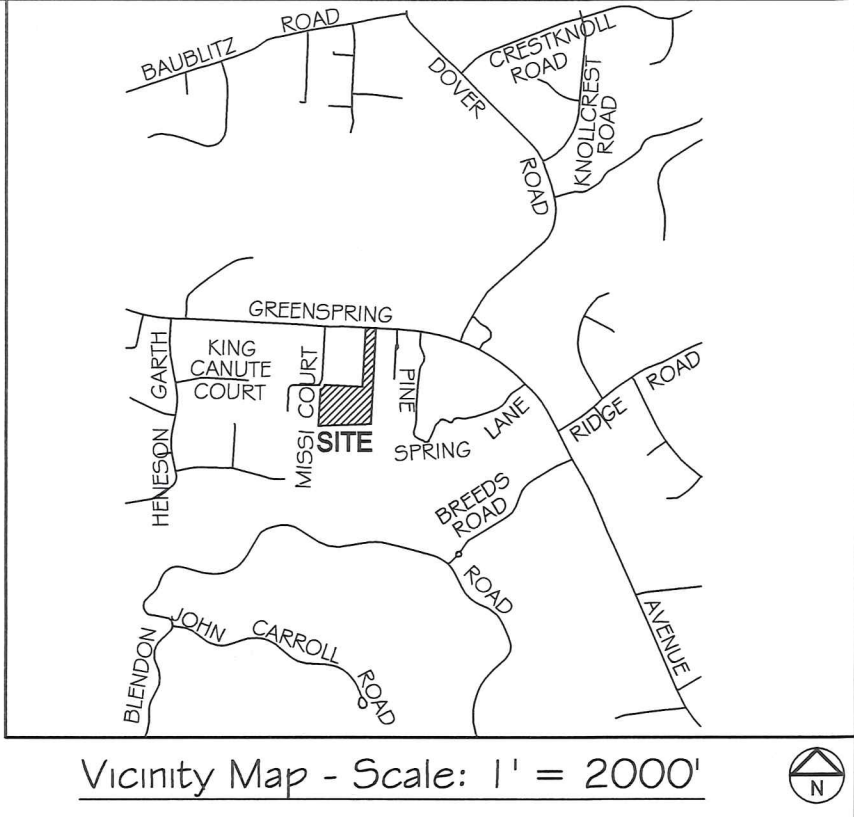
REASONS FOR SECOND
AMENDMENT: OCT. 21, 1981
1) REDUPLICATION OF LOT 20 INTO
LOTS 20A & 20B
2) REDUPLICATION OF LOTS 21 & 22
INTO LOTS 21A, 21B & 22B
3) TOTAL NUMBER OF LOTS INCREASED
FROM 31 TO 33.
4) NO LOTS HAVE BEEN SOLD WITHIN 300'
OF CHANGES

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 050A2 & 050A3
- CENSUS TRACT 4049.002 REGIONAL PLANNING DISTRICT 307 CHESTNUT RIDGE
- WATERSHED JONES FALLS
- SCHOOL DISTRICT: ELEMENTARY - FORT GARRISON E; MIDDLE - PIKESVILLE; HIGH - OWINGS MILLS
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- THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT
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- THE SUBJECT PROPERTY IS NOT WITHIN A FLOOD PLAIN
- ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS

LEGEND

- PROPERTY BOUNDARY
- EXISTING CONTOURS
- STEEP SLOPES >20%
- SOILS BOUNDARY
- USE III TRIBUTARY
- WETLAND LIMITS
- SPECIMEN TREE
- FOREST BUFFER & FOREST CONSERVATION EASEMENT
- 35' SETBACK FROM FCE



NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY."

"ANY FOREST BUFFER AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THIS AREA."

OWNER / DEVELOPER
KATRINA V. GREWE
WILMINGTON M. GREWE
TOBY A. GREWE
12 PORTER DRIVE
ABINGDON, MD 21009

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

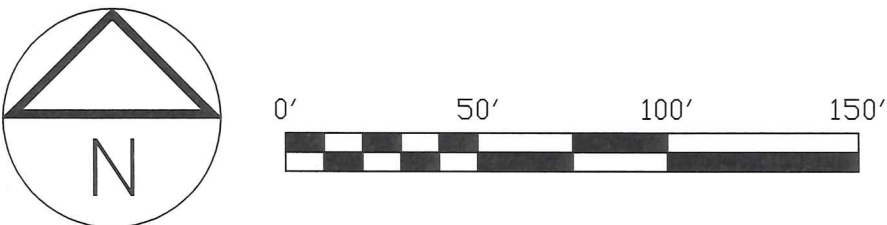
PLAN TO ACCOMPANY
A ZONING PETITION

GREWE PROPERTY

4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Plan Prepared by:
HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

Date: 10/6/16
Scale: 1" = 50'



PETITIONER'S

EXHIBIT NO.

CASE #2017-0114-SH

ADDRESS	WELL SEPTIC SYSTEMS	LOCATION BASED ON	REASON NOT SHOWN
# 12329 GREENSPRING AVE.	WELL	FIELD INSPECTION	NA
# 12329 GREENSPRING AVE.	SEPTIC SYSTEM	FIELD INSPECTION	NA
# 12323 GREENSPRING AVE.	SEPTIC SYSTEM	COUNTY RECORDS/ FIELD INSPECTION	NA
# 12314 GREENSPRING AVE.	WELL	FIELD INSPECTION	NA
# 3 MISSI COURT	SEPTIC SYSTEM	FIELD INSPECTION	NA
# 12334 GREENSPRING AVE.	WELL	FIELD INSPECTION	NA
# 12334 GREENSPRING AVE.	SEPTIC SYSTEM	FIELD INSPECTION	NA
# 12332 GREENSPRING AVE.	WELL	FIELD INSPECTION	NA
# 12332 GREENSPRING AVE.	SEPTIC SYSTEM	FIELD INSPECTION	NA

AREAS TO BE CONVEYED TO BALTIMORE COUNTY
Following easements, reservations and rights of way are to be conveyed to Baltimore County by the developer/owner of this property as a condition of the approval of those plans.

TYPE OF CONVEYANCE	AREAL
	Square Feet Acres
STORMWATER MANAGEMENT EASEMENT	89,453 2.05
PUBLIC STORM DRAIN & UTILITY EASEMENT	3,005 0.07
FOREST BUFFER EASEMENT	134,876 3.10
FOREST CONSERVATION EASEMENT	157,708 3.62
HIGHWAY WIDENING	3,544 0.08

TYPE OF CONVEYANCE	AREA Squid Feet	Acres
STORMWATER MANAGEMENT EASEMENT	89,453	2.05
PUBLIC STORM DRAIN & UTILITY EASEMENT	3,005	0.07
FOREST BUFFER EASEMENT	134,876	3.02
FOREST CONSERVATION EASEMENT	157,708	3.62
HIGHWAY WIDENING	3,544	0.08

FROM ANY BUILDING FACE TO, CENTERLINE OF ANY STREET (NOT COLLECTOR ROAD OR LEADING TO COLLECTOR ROAD)

FROM ANY BUILDING FACE TO LOT LINE OTHER THAN A STREET LINE

GROSS AREA	6.6 Ac.±
HIGHWAY WIDENINGS	0 Ac.±
NET AREA	6.6 Ac.±
LOTS PERMITTED	0.5 x 6.6 Ac.± = 3 Lots
LOTS PROPOSED	2

EXISTING WELL	△
EXISTING CULVERT	○
PROPOSED PERC TEST	①
PROPOSED WELL AREA	②
PROPOSED DWELLING	
EXISTING BUILDING	
SOIL LINE	
MOOSE LINE	
EXISTING FENCE	
PROPOSED FENCE	
PROPERTY LINE	
CONTIGUOUS	
PASSED PERC TEST	③

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Avenue
Towson, MD 21204
410-887-3335

February 28, 2007

Gerhold, Cross & Elzei, Ltd.
320 East Townsend Boulevard
Suite 100
Towson, MD 21286

RE: Grewe Property
12330 Greenspring Avenue
DRC Number 021207A; Dist. 4C2

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (f) of the Annotated Code of Maryland, and as provided in Section 66 (d) of the Baltimore County Charter, and Sections 2-2-1-10, 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 each of those departments involved in such decisions. The purpose of the DRC is to ensure compliance with the sections 32-1.06 and Sections 32.4-32.6 of the Baldwin County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on February 12, 2007, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(5). Please amend the FDP and Record Plat.

GREENSPRING

MISSISSIPPI COURT

AVENUE

WELL IN BASEMENT (PER OWNER)

SEPTIC TANK

EXISTING BARN

APPROX. LOC. OF SEPTIC SYSTEM

POSSIBLE WELL AREA FOR LOT A

POSSIBLE WELL AREA FOR LOT B

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

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LOT

1. OWNERSHIP: WILLIAM E. & CARIBRENZA L. GRENE (2.1 ACRE PARCEL)
WILLIAM E. GRENE
2. ADDRESS: 12330 GREENSPRING AVENUE OWINGS HILL MD 21117 (2.5 ACRE PARCEL)
MISSI COURT OWINGS HILLS MD 21117 (1 ACRE PARCEL)
3. DEED REFERENCE: SM 14767/019 (2.5 ACRE PARCEL) TAX MAP 50 PARCEL 25
SM 27489/359 (4.1 ACRE PARCEL) TAX MAP 50 PARCEL 390
4. TAX ACCOUNT NO.: 04-09-07210 (2.1 ACRE PARCEL) TAX MAP 50 PARCEL 25
19-00-000345 (4.1 ACRE PARCEL) TAX MAP 50 PARCEL 390

5. ZONING: R-25
6. THE 2.5 ACRE PARCEL IS IMPROVED WITH A SINGLE FAMILY DWELLING.
7. THE 4.1 ACRE PARCEL IS IMPROVED WITH A TOWNHOMES MANAGEMENT RESERVATION 4.1 AC± ON THE 4.1 ACRE PARCEL. THE TOWNHOMES MANAGEMENT RESERVATION 4.1 AC± WAS RECORDED IN PLAT BOOK E.I.K. 38 47 PAGE B.
8. THE 4.1 ACRE PARCEL WAS NOT CHANGED TO BALTIMORE COUNTY, MARYLAND.
9. THE 4.1 ACRE PARCEL IS IMPROVED WITH A TOWNHOMES MANAGEMENT ROAD.
10. THE PROPOSED DEVELOPMENT FOR THE TWO PARCELS WILL BE FOR A TOTAL OF TWO SINGLE FAMILY DWELLINGS.
11. LOT 1A 1.004 ACRES
12. LOT 1B 1.004 ACRES

[illegible]

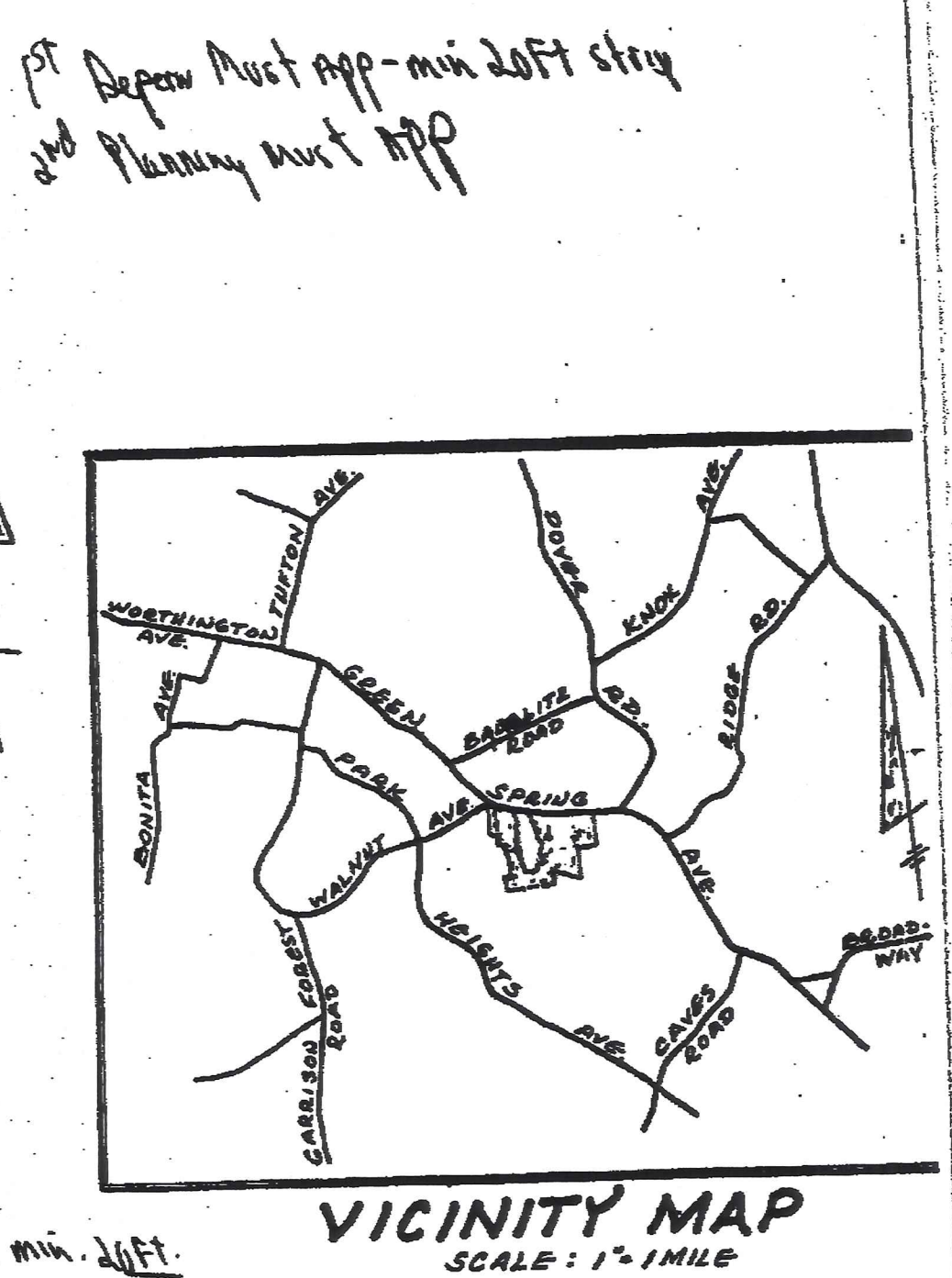
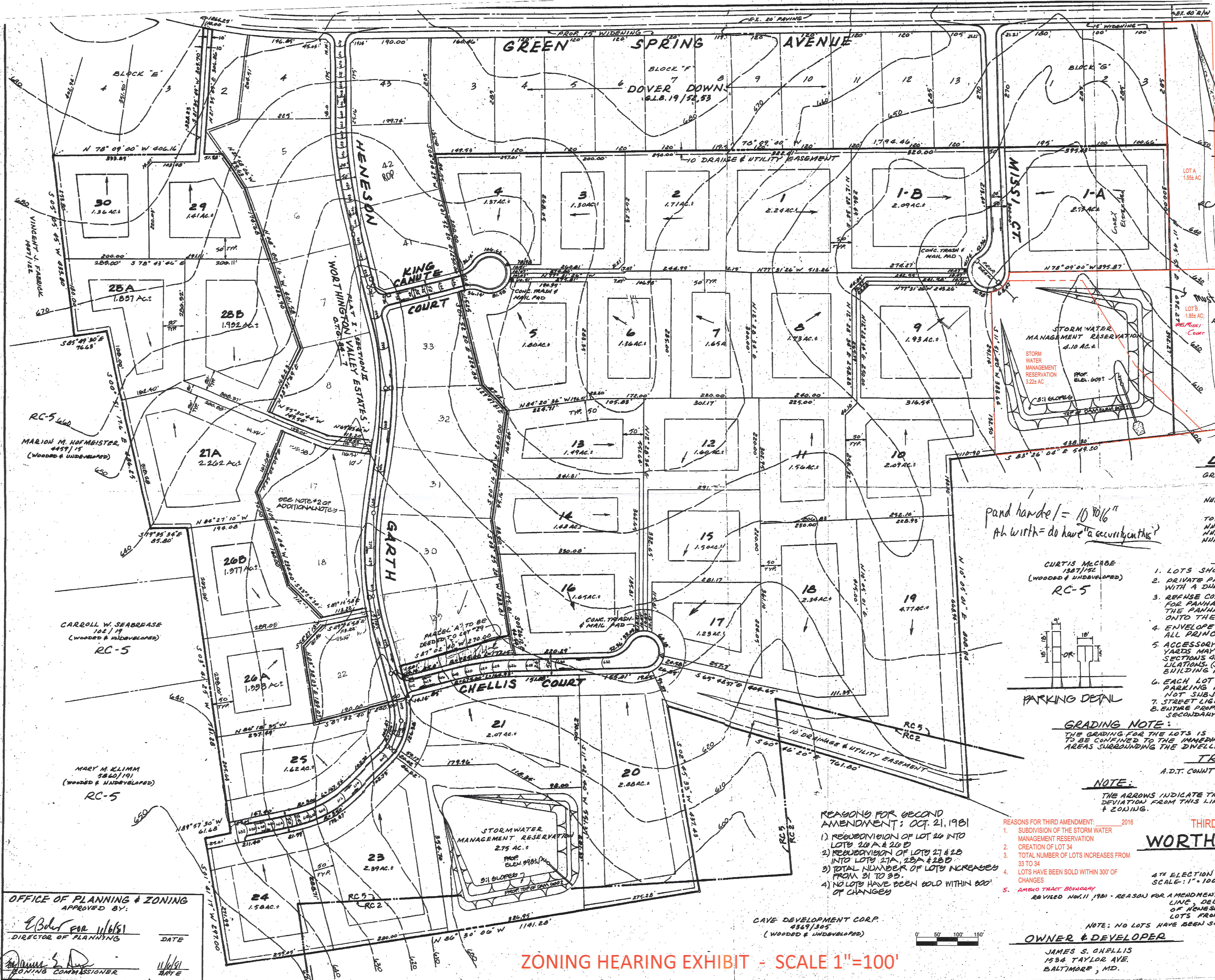
MINOR SUBDIVISION PLAN
ADJUTANT PROPERTY

12330 GREENSPRING AVENUE
MISSI COURT

Date: 8/15/2015
Scale: AS SHOWN

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 531, Expiration Date: 2/22/15.

Bruce E. Doak Consulting, LLC Land Use Expert and Surveyor 3000 Westpark Drive, Suite 100 Frederick, MD 21703 o 443-900-5535 m 410-413-4906 eddoak@bruceedoakconsulting.com	
PRINTED BY: Tesseract THE TESSERACT GROUP, INC. 10000 WOODBURN DRIVE, SUITE 100 GREENBELT, MARYLAND 20770 TEL 410-326-7500 FAX 410-326-7501 WWW.TESSERACTGROUP.COM	
MINOR SUBDIVISION PLAN GREWE PROPERTY 12330 GREENSPRING AVENUE MISSI COURT 2ND COUNCILLMANIC DISTRICT BALMORE COUNTY, MARYLAND	
Date: 8/15/2015	
Scale: AS SHOWN	



1st Depen Must app-min 20ft stay
and Planning must app

ADDITIONAL NOTES AS OF 2nd AMENDING - OCT. 21, 1981

1) PANHANDLE DRIVEWAYS WILL BE CONSTRUCTED BY DEVELOPER PRIOR TO SALE OF LOTS.

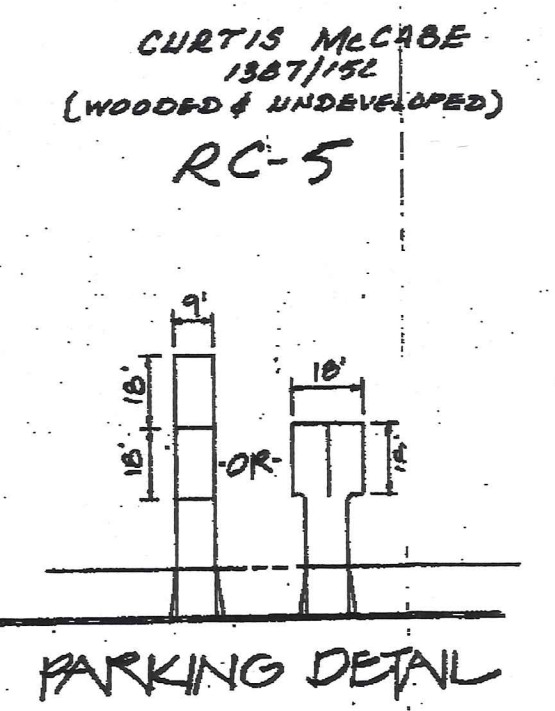
2) THE PANHANDLES FOR LOTS 20A, 20B, 21A, 20A, 20B ARE IN THE FORMER ROAD BEDS OF A PREVIOUSLY RECORDED PLAT (SEE PLAT ONE, SECTION II, WORTHINGTON VALLEY ESTATES, CT. 3, 34/7). THE REMAINING ROAD BEDS WILL BE MADE PART OF LOTS 3, 17, 18, 22, 23, 24, 25 OF PLAT ONE, SECTION II, WORTHINGTON VALLEY ESTATES BY WRITTEN DESCRIPTION PRIOR TO THE SALE OF LOTS 3, 17, 18, 22.

DENSITY CALCULATIONS

GROSS AREA	AREA IN RC-5	AREA IN RC-2	70,000 AC.	60,322 AC.	2,777 AC.
NUMBER OF UNITS ALLOWED	IN RC-5	IN RC-2	45 UNITS	45 UNITS	34 UNITS
TOTAL NUMBER OF UNITS ALLOWED			90 UNITS	79 UNITS	34 UNITS
NUMBER OF UNITS PROPOSED			90 UNITS	79 UNITS	34 UNITS
NUMBER OF PARKING SPACES REQUIRED			60 SPACES	60 SPACES	34 SPACES
NUMBER OF PARKING SPACES PROPOSED			60 SPACES	60 SPACES	34 SPACES

- GENERAL NOTES**
- LOTS SHOWN HEREON WILL BE SOLD.
 - PRIVATE PARKING AREAS AND DRIVEWAYS ARE TO BE PAVED WITH A DURABLE DUSTLESS SURFACE (MACADAM OR CONCRETE).
 - REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE FOR PANHANDLE LOTS ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET 21/11 LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.
 - ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY.
 - ACCESSORY STRUCTURES, FENCES & PROJECTIONS INTO YARDS MAY BE CONSTRUCTED BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTO. CO. ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
 - EACH LOT SHALL BE PROVIDED WITH 2 (9'x18') PARKING PADS, GARAGED OR UNGARAGED, NOT SUBJECT TO BLOCKAGE.
 - STREET LIGHTS SHOWN THIS & 12' HIGH.
 - ENTIRE PROPERTY IS WOODED WITH MIXED HARDWOODS & SECONDARY GROWTH.

pan handle = 10' 10/16"
A.W. with = do have "a security fence"



GRADING NOTE:
THE GRADING FOR THE LOTS IS TO BE CONFINED TO THE IMMEDIATE AREAS SURROUNDING THE DWELLING.

LANDSCAPING NOTE:
LANDSCAPING TO BE PERFORMED BY INDIVIDUAL LOTS OWNERS.

TRAFFIC NOTE:
A.D.T. COUNT PER BALTO. CO. 12.4 x 33 LOTS = 409.2 A.D.T.

NOTE:
THE ARROWS INDICATE THE PREFERRED FRONT BUILDING LINE AND ANY DEVIATION FROM THIS LINE MUST BE APPROVED BY THE OFFICE OF PLANNING & ZONING.

REASONS FOR SECOND AMENDMENT: OCT. 21, 1981

- 1) REDUPLICATION OF LOT 20 INTO LOTS 20A & 20B
- 2) REDUPLICATION OF LOTS 21 & 22 INTO LOTS 21A, 21B & 22B
- 3) TOTAL NUMBER OF LOTS INCREASES FROM 31 TO 35
- 4) NO LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGE

REASONS FOR THIRD AMENDMENT: 2016

1. SUBDIVISION OF THE STORM WATER MANAGEMENT RESERVATION
2. CREATION OF LOT 34
3. TOTAL NUMBER OF LOTS INCREASES FROM 35 TO 36
4. LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES
5. AMBRO TRACT BOUNDARY

THIRD SECOND AMENDED WORTHINGTON VALLEY ESTATES ADDITION

4TH ELECTION DISTRICT
SCALE: 1" = 100'

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JAMES S. CHELLIS
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OFFICE OF PLANNING & ZONING
APPROVED BY:
DATE: 11/6/81
DATE: 11/6/81

ZONING HEARING EXHIBIT - SCALE 1"=100'

