

M E M O R A N D U M

DATE: October 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0005-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on October 5, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING

(5158 Byerly Road)

4th Election District

3rd Council District

Arkady & Svetlana Klimenko.

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0005-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 Arkady & Svetlana Klimenko, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an existing accessory structure (garage) to be on a parcel of land without a principal structure.

Arkady & Svetlana Klimenko appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request. A site plan was marked and admitted as Petitioners' Exhibit 1.

The subject property is approximately 2.2 acres in size and zoned RC-2. Petitioners purchased the property last year and constructed an accessory building on the parcel. There is not a dwelling on the property, although Petitioners stated they ultimately plan to construct a single family dwelling on the lot. Petitioners hope to start a small agricultural operation on this property, and they will use the accessory building to store a tractor and other equipment.

ORDER RECEIVED FOR FILING

Date

9-5-17

By

sen

Petitioners plan to grow produce and vegetables using a hydroponic process, which is apparently more efficient than traditional farming methods. Petitioners presented a brochure from a North Carolina company known as "CropBox," which specializes in selling environmentally friendly "turn key agricultural systems." They hope to operate on the subject parcel the type of greenhouse facility shown and described in the CropBox brochure.

Given the property is zoned RC-2, agricultural uses are of course permitted and encouraged. As such, the petition will be granted, subject to certain conditions suggested by the DOP.

THEREFORE, IT IS ORDERED this 5th day of **September, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principal structure, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The accessory building shall not contain living quarters and cannot be used as a dwelling.
3. The accessory building shall not have a kitchen or bathroom facilities.
4. The accessory building shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date

9-5-17

By

Sen

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:sln

ORDER RECEIVED FOR FILING

Date 9-5-17

By sln



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 5158 Byerly Rd., Upperco, 21155 which is presently zoned RC-2

Deed References: _____ 10 Digit Tax Account # 2500004783

Property Owner(s) Printed Name(s) Arkady and Svetlana Klimenko

(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

To permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

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)

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

Signature

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):

Arkady Klimenko, Svetlana Klimenko

Name #1 - Type or Print

Name #2 - Type or Print

Arkady Klimenko, Svetlana Klimenko

Signature #1

Signature #2

3001 Walnut ave. Owings Mills, MD

Mailing Address _____ City _____ State _____

21117, 443-322-8899, kshneiberg@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Konstantin Shneiberg

Name - Type or Print

Signature

3001 Walnut ave. Owings Mills, MD

Mailing Address _____ City _____ State _____

21117, 443-315-3388, kshneiberg@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0005-SPM Filing Date 7/6/17

Do Not Schedule Dates: _____ Reviewer JS

Note to Hearing Officer:

2018-0005-SPH; 5158 Byerly Road

Mr. Beverungen,

It took me a few minutes to figure out this situation and I thought I'd save you the trouble.....

At some point in the past, the Klimenko's placed a garage on their unimproved property. They claim they were told that since it was not a permanent structure (?) it was not a problem. Now, they have applied for an electrical permit to run electric to the garage. It got flagged during the permit process which brings us to this Special Hearing. They have stated that they do intend on building a house here in the future, but no concrete plans/dates at this time. Hope this helped.

Jason Seidelman

Zoning Review

Baltimore County, MD

410-887-3391

The Zoning Petition Property Description

Part A:

ZONING PROPERTY DESCRIPTION FOR - 5158 Byerly Road, Upperco, Maryland 21155-9506.

NW side of Byerly Rd, 942 NE of center line of intersection with Old Hanover Rd. (20' wide).

Part B:

Lot 5, as shown on a Plat entitled "Lipsey Property" and recorded among the Land Records of Baltimore County in Plat Book 78, Page 415.

Being a portion of the same property which by deed dated September 23, 2013 and recorded among Land Records of Baltimore County, Maryland in Liber No. 34518, folio 421, was granted and conveyed by Lippy Enterprises, Inc., a Maryland Close Corporation unto Mary Margaret Galletti and Peter Galletti.

2018-0005-SPH



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 5116817

Sold To:

Arkady Klimenko - CU00612942
3001 Walnut Ave
Owings Mills, MD 21117-1525

Bill To:

Arkady Klimenko - CU00612942
3001 Walnut Ave
Owings Mills, MD 21117-1525

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

Aug 10, 2017

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: # 2018-0005-SPH

5158 Beverly Road
NW/s Beverly Road, 942 ft. NE of centerline of
intersection with Old Hanover Road
4th Election District - 4th Councilmanic District
Legal Owner(s) Arkady & Svetlana Klimenko

Special Hearing: to permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

Hearing: Friday, September 1, 2017 at 11:00 a.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.

8/049 August 10

5116817

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

The Daily Record

11 East Saratoga Street
 Baltimore, MD 21202-2199
 (443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11390976
 Case #: 2018-0005-SPH
 Description:

NOTICE OF ZONING HEARING

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

8/17/2017



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

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: 2018-0005-SPH

5158 Byerly Road

NW/4s Byerly Road, 942 ft. NE of centerline of intersection with Old Hanover Road

4th Election District - 4th Councilmanic District

Legal Owners: Arkady & Svetlana Klimenko

Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

Hearing: Friday, September 1, 2017 at 11:00 a.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.

au17

2000

1000

1000

1000

1000

Bruce E. Doak Consulting, LLC

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

CERTIFICATE OF POSTING

August 21, 2017

Re:
Zoning Case No. 2018-0005-SPH
Legal Owner: Arkady & Svetlana Klimenko
Hearing date: September 1, 2017

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 two necessary signs required by law were posted conspicuously on the property located at **5158 Byerly Road**.

The sign was posted on August 11, 2017.

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. 2018-0005-SPH

5158 Beverly Road

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: Friday September 1, 2017 11:00 AM

**SPECIAL HEARING TO PERMIT AN EXISTING ACCESSORY
STRUCTURE (GARAGE) TO BE ON A PARCEL OF LAND
WITHOUT A PRINCIPAL STRUCTURE.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

August 1, 2017

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: 2018-0005-SPH

5158 Beverly Road

NW/s Beverly Road, 942 ft. NE of centerline of intersection with Old Hanover Road

4th Election District – 4th Councilmanic District

Legal Owners: Arkady & Svetlana Klimenko

Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

Hearing: Friday, September 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Klimenko, 3001 Walnut Avenue, Owings Mills 21117
Konstantine Shneiberg, 3001 Walnut Avenue, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 12, 2017.**
- (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.**



KEVIN KAMENETZ
County Executive

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

August 15, 2017

CORRECTED 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: 2018-0005-SPH

5158 Byerly Road

NW/s Byerly Road, 942 ft. NE of centerline of intersection with Old Hanover Road

4th Election District – 4th Councilmanic District

Legal Owners: Arkady & Svetlana Klimenko

Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

Hearing: Friday, September 1, 2017 at 11:00 a.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 faint, circular official stamp.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Klimenko, 3001 Walnut Avenue, Owings Mills 21117
Konstantine Shneiberg, 3001 Walnut Avenue, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 12, 2017.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 10, 2017 Issue - Jeffersonian

Please forward billing to:
Arkady Klimenko
3001 Walnut Avenue
Owings Mills, MD 21117

443-352-8899

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: 2018-0005-SPH

5158 Beverly Road

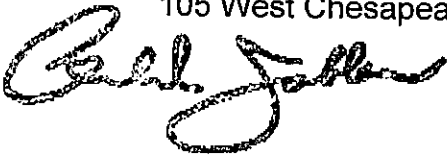
NW/s Beverly Road, 942 ft. NE of centerline of intersection with Old Hanover Road

4th Election District – 4th Councilmanic District

Legal Owners: Arkady & Svetlana Klimenko

Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

Hearing: Friday, September 1, 2017 at 11:00 a.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.



KEVIN KAMENETZ
County Executive

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

August 1, 2017

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: 2018-0005-SPH

5158 Beverly Road

NW/s Beverly Road, 942 ft. NE of centerline of intersection with Old Hanover Road

4th Election District – 4th Councilmanic District

Legal Owners: Arkady & Svetlana Klimenko

Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principle structure.

Hearing: Friday, September 1, 2017 at 11:00 a.m., in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Klimenko, 3001 Walnut Avenue, Owings Mills 21117
Konstantine Shneiberg, 3001 Walnut Avenue, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 12, 2017.**
- (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
5158 Byerly Road; NW/S Byerly Road,	*	OF ADMINSTRATIVE
942' NE of c/line with Old Hanover Road	*	HEARINGS FOR
4 th Election & 4 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Arkady & Svetlana Klimenko*	*	2018-005-SPH
Petitioner(s)		

* * * * *

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.

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

RECEIVED

JUL 18 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2017, a copy of the foregoing Entry of Appearance was mailed to Konstantin Shneiberg, 3001 Walnut Avenue, Owings Mills, Maryland 21117, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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 twenty (20) 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: 2018-0005-SPH
Property Address: 5158 BYERLY RD, 21155
Property Description: _____

Legal Owners (Petitioners): ARKADY + SVETLANA KLIMENKO
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARKADY KLIMENKO
Company/Firm (if applicable): _____
Address: 3001 WALNUT AVE.
OWINGS MILLS, MD 21117

Telephone Number: 443-352-8899

Revised 7/9/2015

Nº 154838

Date: 7/6/17

[illegible]

Total: \$75.00

Rec
From: KLIMENKO

For: 2018-0005-SAM

DISTRIBUTION

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

PAID RECEIPT

14F514655 ACTUAL TIME 14
 7/1/2017 7/06/2017 11:13:58
 1465401 451131 LIF
 PECO (F) 8 729656 7/06/2017 01
 4541 5 589 (B)106 1170000000
 15 151 154039
 Debit Tot 175.00
 155.00 G 1.00 L
 Gulfstream Comm. Inc. 1465401

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 24, 2017

Arkady & Svetlana Klimenko
3001 Walnut Avenue
Owings Mills MD 21117

RE: Case Number: 2018-0005 SPH, Address: 5158 Byerly Road

Dear Mr. & Ms. Klimenko:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 6, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Konstantin Shneiberg, 3001 Walnut Avenue, Owings Mills MD 21117

Date: 7/17/17

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

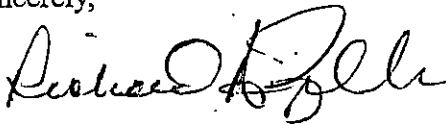
Dear Ms. Lewis:

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. 2018/0005-SPH

*Special Hearing
Arkady & Svetlana K. Imentko
5158 Brienly Road*

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,



for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Date: 7/17/17

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. 2018/0005-SPH

Special Hearing
Arkady & Svetlana K. Imentko
5158 Bjerly Road

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,



for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

9-1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-005

INFORMATION:

Property Address: 5158 Byerly Road
Petitioner: Arkady Klimenko, Svetlana Klimenko
Zoning: RC 2
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 an existing accessory structure (garage) to be on a parcel of land without a principal structure.

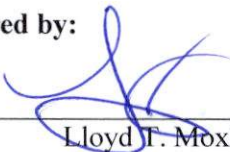
A site visit was conducted on August 3, 2017. The subject garage is existing and is the only improvement onsite.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall not be utilized for principal residential or commercial use.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



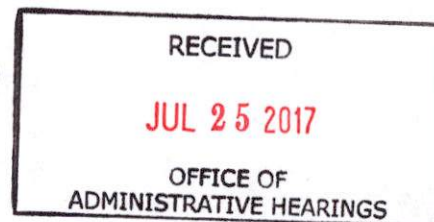
Kathy Schlabach

AVA/KS/LTM/ka

c: Joseph Wiley
Konstantin Shneiberg
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0005-SPH
Address 5158 Byerly Road
(Klimenko Property)

Zoning Advisory Committee Meeting of **July 24, 2017.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 7-19-2017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-005

INFORMATION:

Property Address: 5158 Byerly Road
Petitioner: Arkady Klimenko, Svetlana Klimenko
Zoning: RC 2
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 an existing accessory structure (garage) to be on a parcel of land without a principal structure.

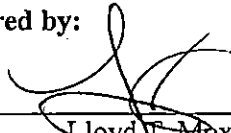
A site visit was conducted on August 3, 2017. The subject garage is existing and is the only improvement onsite.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall not be utilized for principal residential or commercial use.

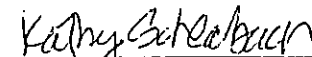
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd F. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Joseph Wiley
Konstantin Shneiberg
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0005-SPH
Address 5158 Byerly Road
(Klimenko Property)

Zoning Advisory Committee Meeting of **July 24, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 7-19-2017

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>7/19/17</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>8/11/17</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objection by condition</u>
<u>7/17/17</u>	STATE HIGHWAY ADMINISTRATION	<u>no Objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2006-0110-SPH</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>8/10/17</u>	
SIGN POSTING	Date: <u>8/11/17</u> by <u>Roach</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2500004783			
Owner Information					
Owner Name:	KLIMENKO ARKADY KLIMENKO SVETLANA ET AL		Use:	RESIDENTIAL NO	
Mailing Address:	3001 WALNUT AVE OWINGS MILLS MD 21117-		Deed Reference:	/37962/ 00499	
Location & Structure Information					
Premises Address:	5158 BYERLY RD UPPERCO MD 21155-9506		Legal Description:	2.221 AC 5158 BYERLY RD NS LIPPY PROPERTY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0031	0004	0258		0000	5 2016 0078/0415
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			2.2200 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2017	07/01/2018	
Land:	55,900	55,900			
Improvements	0	0			
Total:	55,900	55,900	55,900	55,900	
Preferential Land:	0			0	
Transfer Information					
Seller: GALLETTI MARY MARGARET		Date: 09/07/2016		Price: \$91,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37962/ 00499		Deed2:	
Seller: LIPPY ENTERPRISES INC		Date: 12/13/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34518/ 00421		Deed2:	
Seller:		Date: 01/17/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /31608/ 00377		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

10/17/05
Jm

IN RE: PETITION FOR SPECIAL HEARING
Center of Byerly Rd., located 1,000 ft.
More/less n/e of Ctr. Old Hanover Rd.
4th Election District
3rd Councilmanic District
(Byerly Road)

Lippy Brothers, Inc.
by: Donald E. Lippy, President

Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-110-SPH

*

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Byerly Road in the northern area of Baltimore County. The Petition was filed by Donald E. Lippy, President, Lippy Brothers Inc. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the transfer of density of two (2) lots from Parcel 2 to Parcel 4 and one lot from Parcel 3 to Parcel 4, resulting in a total of 5 density units for Parcel 4, and to permit the proposed panhandle strips through Parcels 1, 3 and 5 as shown on the Zoning Plat.

The property was posted with Notice of Hearing on September 30, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 29, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated September 13, 2005, and the Fire Department dated September 1, 2005, copies of which are made a part of the file.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Geoffrey Schultz, McKee and Associates, who prepared the site plan and Donald E. Lippy, President, for Lippy Brothers Inc., the corporate Petitioner. Howard L. Alderman, Esquire represented the Petitioner. Also appearing at the hearing in opposition to the Petitioners' request were Russell E. Abbott, John H. Beyer, Ann and Ernest Rogers, Patricia and H. James Eckhardt, Julie and Bill Hare, and S. Glenn Eisenroad. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Alderman proffered that this property contains five parcels of varying size zoned RC 2. See Petitioner's exhibit 1. He opined that Parcel 1 contains 0.53 acres and has no lot density under the RC 2 regulations; parcel 2 contains 28.58 acres and can be divided into two lots each with a home on the lot; parcel 3 contains 1.05 acres and may have one home built on it; parcel 4 contains 9.78 acres and can be divided to have two lots with a home on each; and finally parcel 5 contains 0.8 acres has no lot density. As such he reasoned that that the five parcels can have a total of five homes built on them. These homes would be spread out on these parcels. He noted that the 28 acres in parcel 2 are presently being used for agriculture.

However in keeping with the spirit and intent of the RC 2 zoning, the Petitioner proposes to cluster the five homes on parcel 4. They would be served by a common driveway to give each access to Byerly Road. The common driveway winds its way through parcels 1, 3 and 4 as shown. However the panhandle strips leading to each lot on parcel 4 from Byerly Road go through parcels 1, 3, and 5 which is the subject of one part of the special hearing request. He opined that it was neither reasonable nor desirable for the County to build a public road from Byerly Road to these five homes and the County Code allows five homes to be served by a panhandle if the lot size is greater than 20,000 sq. ft. All five lots exceed this threshold.

The crux of the Petitioner's special hearing request is to allow the density transfer of two homes from parcel 2 to parcel 4 and one home on parcel 3 to parcel 4. This will allow the same number of homes which could have been spread out on the five parcels to be clustered in one area and most importantly will allow the agricultural uses on parcel 2 to remain unimpeded by homesites. Mr. Alderman noted that, based on the research of Mr. Schultz, each parcel has remained in tact before November 1979 except parcel 4. Parcel 4 was recorded before November 1979, but in 1991 the Petitioner's predecessor sold 0.33 acre of parcel 4 to Russell and Virginia Abbott by deed who apparently had a small garden on the site. He noted that this was purely a neighborly gesture done at the request of the Abbotts. He proffered that neither of the parties to this transfer saw this as a transfer of density from the owner of parcel 4 to the Abbotts nor was parcel 4 restricted in any way.

He further opined that Mr. Schultz would testify that approving this special hearing request would not adversely affect the community or be inconsistent with the regulations.

Mr. Rogers, who owns a small horse farm adjacent to parcel 4 proposed lot 1, testified against the request. He noted that the new house on lot 1 would back up to his home and change

for the worst this beautiful part of the County. He noted that the Greenspring Hunt Club uses his property for their events. He expressed concern that the five additional wells, which the new homes will require, may cause his well to go dry. Finally he noted the heavy traffic on Byerly Road presently and opined the extra traffic generated will adversely impact his life and use of his property. Above all he is opposed to the idea of subdivision.

Mr. Alderman, in response, noted that location of homes on Petitioner's exhibit number 1 was conceptual and would be refined as the project goes into the development phase. Consequently, the location of the house shown on lot 1 could well move to coincide with perc test results and neighbors wishes. He noted that there is no change in residential density proposed. Five homes are allowed now. The Petitioner asks for five homes. There would be no change to the traffic between the spread out or clustered configurations. He also noted there were new well regulations which means wells are accepted by the County only when the aquifer is sufficient to supply the area need for water. He opined that the aquifer needs to supply only 15 % of the actual water use of the new home as the septic discharge provides the remaining 85% of the water used. He opined that one acre is more than sufficient to recharge the aquifer for the water used by one home.

Mr. Beyer lamented the further residential development of the Petitioner's property noting that many farmers in the area had sold development rights resulting in agricultural preservation easements on many properties.

Mr. Abbott indicated that he bought the 0.33 acre portion of parcel 4 in 1991 from the Petitioner's predecessor but contrary to Mr. Alderman's assertion believed that the sale meant that parcel 4 could not be split again. When asked by Mr. Alderman if his deed for the 0.33 acre portion contained a written restriction in regard to further dividing parcel 4, Mr. Abbott was not

sure. Mr. Alderman asserted again that the intention of the parties was a non-density transfer of this undersized lot. Apparently there was never a special hearing before this Commission in this regard.

Mr. Eckhardt indicated his opposition to the request as setting a bad precedent that others could follow if this were approved. Mr. Alderman indicated that this is a good precedent to preserve agriculture on parcel 2. Several others attending the hearing expressed their desire to see the subject property placed in agricultural preservation easements rather than develop the residential uses allowed under the RC 2 zone.

Findings of Fact and Conclusions of Law

The neighbors are simply shocked to see a new subdivision proposed for this property. One expressed that this was the last thing he could imagine would occur. Many had restricted their farmland under the County agricultural preservation program. They could not understand why this Petitioner would not do the same. No one disputed that 28-acre; parcel 2 was now in productive agriculture. No one disputed that the Petitioner could build two homes on this parcel. But rather than accept some payment from the State for an agricultural easement, this Petitioner wants to create a five home subdivision next to the neighbor's homes and farms.

The problem for the neighbors is that clustering residential development in RC 2 zones is highly desirable from the County's viewpoint. The RC 2 regulations start with findings:

1A01.1 General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

- a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

- b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
- c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
- d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;
- e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;
- f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2 Use regulations.

- A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones

This is not the only situation in which the neighbor's views and County policies clash head on. For example the County has a policy to connect subdivisions one to another to prevent traffic bottlenecks and give better access for emergency equipment. This is enormously unpopular among the citizens who want to be on the last cul de sac and avoid cut through traffic. The County also encourages high-density development in urban centers. Local residents often strongly oppose every attempt to implement this policy citing traffic and crime as reasons. So the rural citizens of Byerly Road should not feel alone in regard to this subject County policy.

However, I have to be guided by the spirit and intent of the RC 2 regulations, which clearly encourage exactly what the Petitioner proposes. It would be very harmful to agriculture to place two home sites on parcel 2. It is much more desirable to cluster these homes with others from the other parcels onto one parcel such a parcel 4. In special hearings we look to see if there will be an adverse impact on the community as one guidepost in considering such requests. Here the neighbors say of course there will be an adverse impact. However the Council has defined adverse impact in a way different from the local citizens understandably see things.

Having said that, by far the most difficult problem in this case is whether or not parcel 4 had already been divided consuming the right to divide parcel 4 once again. At 9.78 acres this parcel could be divided into two lots under the RC 2 regulations. However, the evidence indicates that the Petitioner's predecessor in title (the Howard's) sold 0.336 acres of parcel 4 in 1991 to his neighbors, the Abbott's, who gardened the area. Mr. Alderman contends this was intended to be a non-density transfer not affecting the right of the grantee to divide parcel 4 into two lots in the future. Mr. Abbott contends this transfer ended the right of the grantee to divide the parcel once again.

On the surface there should be no question that parcel 4 cannot be divided again. The transfer to the Abbott's of 0.336 acres occurred after November 1979 when RC 2 was imposed on the property. This transfer appears to use up the density of the lot. There was no special hearing to determine this was a non-density transfer. Neither Mr. Alderman nor the Petitioner was around to tell us what the intentions of the parties were in this regard. On the other hand Mr. Abbott was present and could present his personal knowledge regarding the intent of the parties. He says the parties intended that this transfer ended the potential to divide this parcel again.

My problem is that the land records indicate that the actual consideration paid by the Abbott's to the Howard's for this 1/3 acre of land was \$100. See deed at Liber 10506 page 724. I cannot believe that the Howard's could have intended to sell off their development rights in parcel 4 for \$100. Rather this consideration is consistent with the idea of neighbors selling a small garden plot to another neighbor with likely not a thought about development rights. Consequently, I find that the 1991 transfer of 0.336 acres to the Abbott's from the Howard's was a non-density transfer and parcel 4 can be divided into two lots.

In regard to the issue of approving panhandle driveways, Section 32-4-409(d)(1) and (2) allows up to five internal lots to be served by a single panhandle driveway as long as the lots are more than 20,000 sq. feet in size. Clearly, this lot meets this requirement. I further find that the proposed single driveway meets the requirements of Section 32-4-409(a) and will achieve better use of the irregularly shaped parcels, will avoid development in environmentally sensitive areas, etc. However, the driveway must meet the comments of the Fire Department including being able to withstand travel by a 65,000-lb. fire truck. This cannot be a crusher run driveway but must be a fully engineered design.

In regard to the neighbors concern that their wells may go dry once the five lots are drawing from the local aquifer, I will require the Petitioner to enter into an agreement with the neighbors guaranteeing adjoining wells pursuant to the attached sample "Well Agreement".

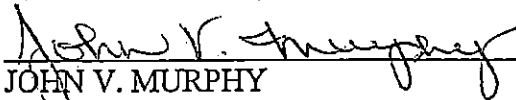
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of November, 2005, that the Petitioners' request for special hearing relief

filed pursuant to Sections 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the transfer of density of two (2) lots from Parcel 2 to Parcel 4 and one lot from Parcel 3 to Parcel 4, resulting in a total of 5 density units for Parcel 4, and to permit the proposed panhandle strips through Parcels 1, 3 and 5 as shown on the Zoning Plat, be and is hereby GRANTED subject to the following conditions:

1. The common driveway must meet the comments of the Fire Department including being able to withstand travel by a 65,000 lb. fire truck, a copy of which is attached hereto and made a part hereof; and
2. The Petitioner shall enter into an agreement with the neighbors guaranteeing adjoining wells pursuant to the attached sample "Well Agreement".

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

September 1, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: September 12, 2005

Item# 6-110-SPH

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

. Standard cul-de-sacs/turnaround designs and roadway radii shall be to the following minimum apparatus requirements:

Inside turning radius 35 ft.

Overall vehicle length 49 ft.

Overall vehicle width 9 ft. 8 in.

Lieutenant J.D. Mezick
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

SAMPLE

WELL AGREEMENT

_____ hereby agrees, in connection with his development of the residential development known as _____ located on the _____, on the _____ and _____ sides of _____ in the _____ Election District of Baltimore County (_____), to drill a new well for any landowner who resides in the immediate neighborhood of _____ who is a signatory to the *Development Agreement* ("Qualified Landowner") to which this Exhibit is attached, who experiences well problems which are directly attributed to the domestic wells for _____ and who has complied with the requirements of this Well Agreement. To qualify for the benefits afforded under this Agreement, the Qualified Landowner must submit to _____ not later than ninety (90) days after receiving written notice from _____ of commencement of construction of _____ certified well tests for potability (potability samples to be taken from within the residential improvements located on the Qualified Landowner's land) and yield which evidence that the water well which is the subject of this Agreement meets or exceeds current State minimum requirements.

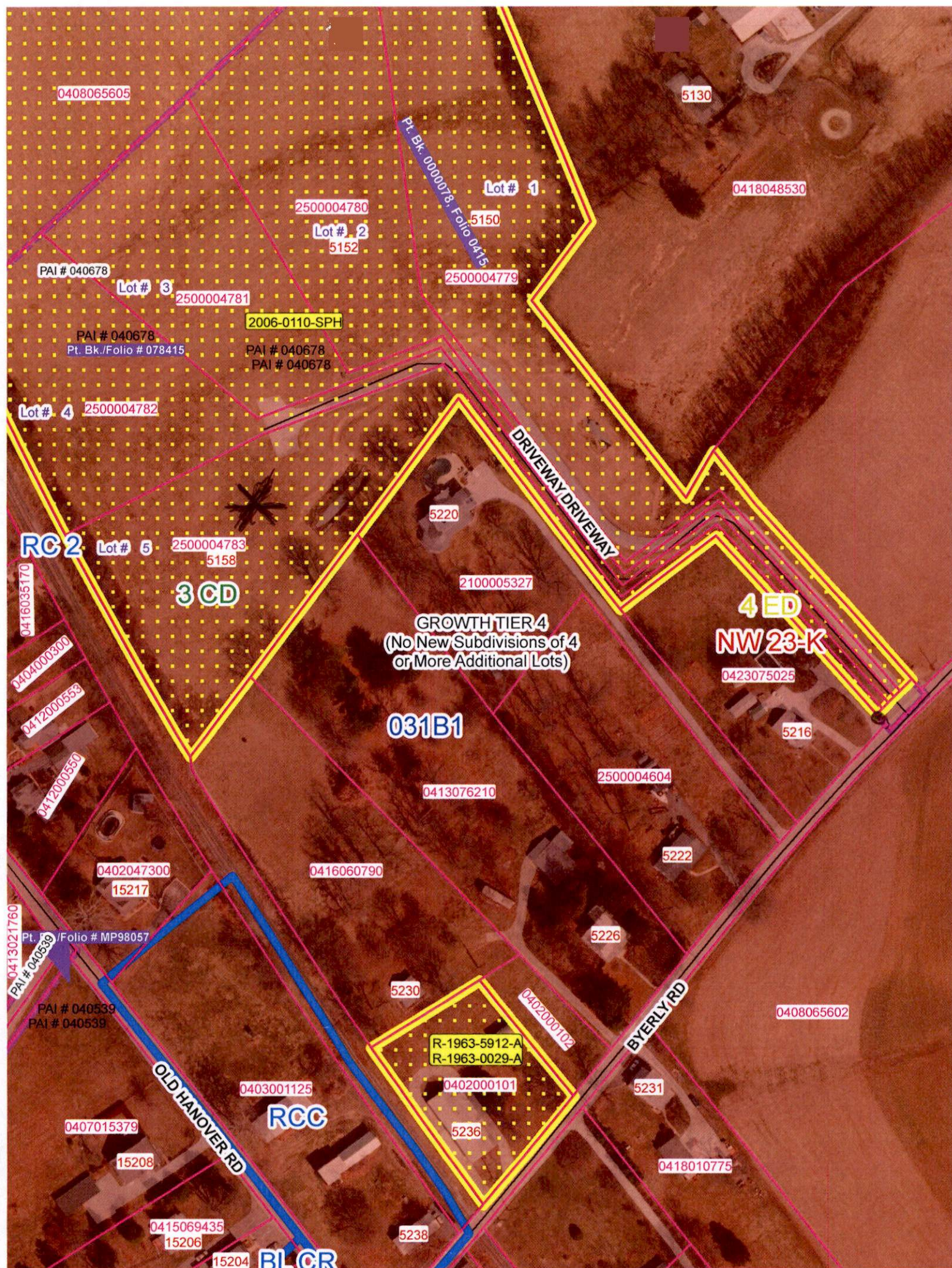
Subsequent to initiation of ground water withdrawal for the first new, residential home on _____ and for a period of five (5) years from the date of said initiation, _____ will provide a new private water well meeting State standards for any Qualified Landowner who has enrolled in this offer by complying with the requirements of this Well Agreement and whose well ~~falls below the aforesaid State standards upon verification by the Maryland Department of Environment and/or Natural Resources that the~~ _____ wells were the primary cause of the failure of said State standards. The extent of this Agreement will be limited to a maximum expenditure on the part of _____ of Eight Thousand Dollars (\$8,000.00) per enrolled, Qualified Landowner's lot and a maximum of \$50,000 in the aggregate for all enrolled, Qualified Landowners' lots. The Qualified Landowner named below shall submit a certified original of a report from a licensed well testing company that the existing water well on his/her/their land meets, at present, all current State minimum requirements. All Qualified Landowners desiring to be afforded the benefits provided by this Agreement shall execute in the space below provided and submit an original of this Agreement with the aforescribed verification.

This Well Agreement shall be binding on the successors and assigns of _____ and shall run with and bind the Conservancy Lot depicted on the development plan which is the subject of *Development Agreement* to which this Exhibit is attached.

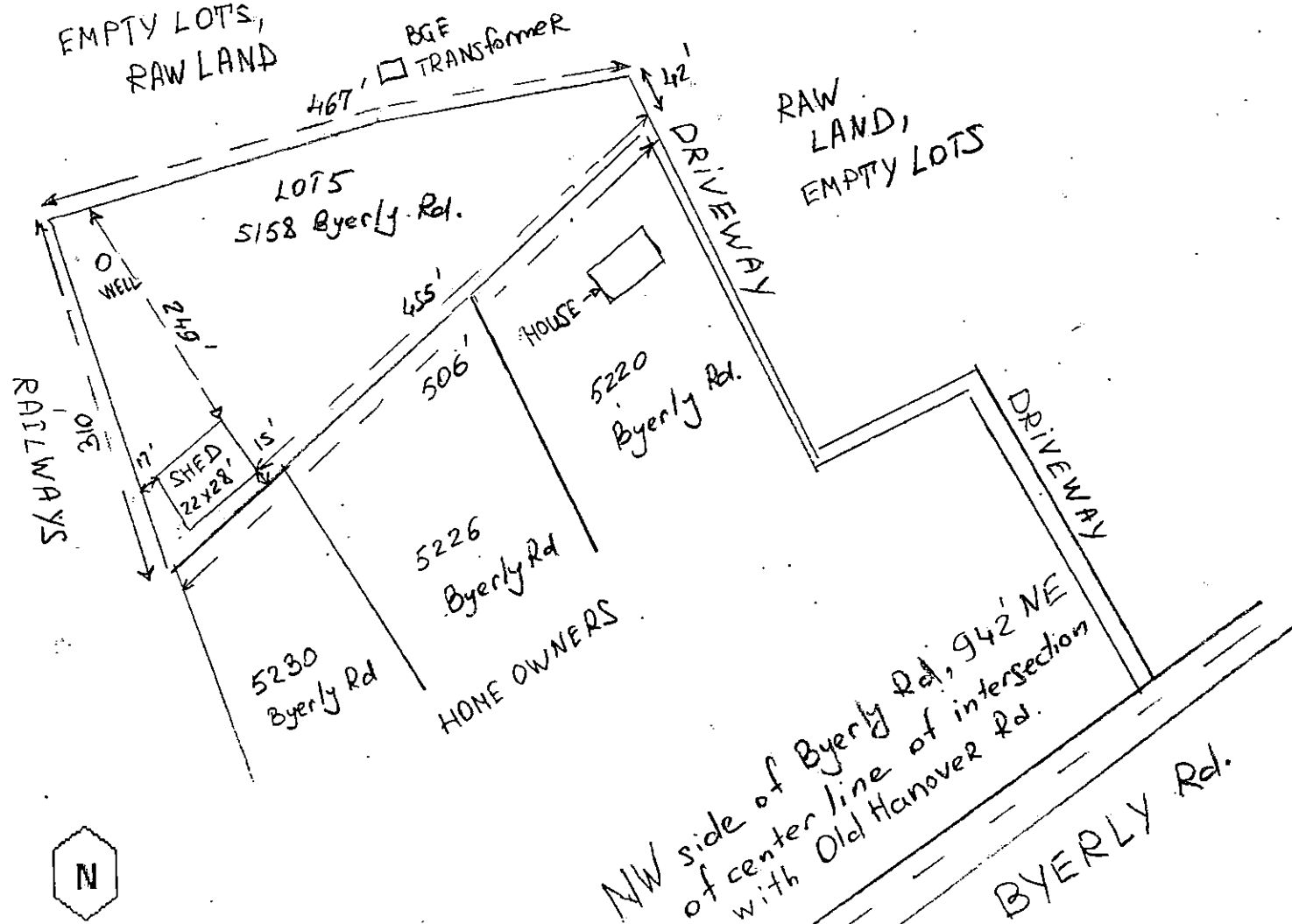
DATE

NAME

ADDRESS

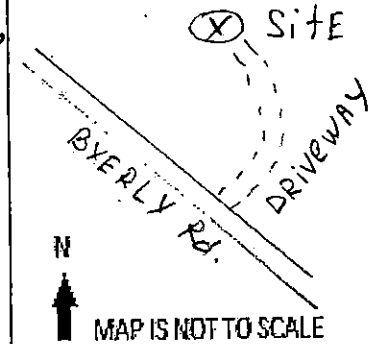


ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
ADDRESS 5158 Byerly Road OWNER(S) NAME(S) Arkady and Svetlana Klimenko
SUBDIVISION NAME Lipsey Property LOT# 5 BLOCK# N/A SECTION# N/A
PLAT BOOK# 78 FOLIO# 421 10 DIGIT TAX# 2500004783 DEED REF.# 37962100499



PLAN DRAWN BY Konstantin Shneiberg DATE 7/3/2017 SCALE: 1 INCH = 130 FEET

SITE VICINITY MAP



ZONING MAP# 03181
SITE ZONED RC2
ELECTION DISTRICT 4th
COUNCIL DISTRICT 3
LOT AREA ACREAGE 2.2 AC
OR SQUARE FEET 95,832
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC N/A PRIVATE N/A
PRIOR HEARING? _____
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
2006-0110-SPH

VIOLATION CASE INFO:

Ex. 1