

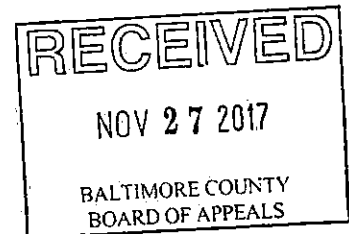


KEVIN KAMENETZ
County Executive

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

November 27, 2017

Jason Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing - 925 Ellendale Drive
Case No. 2018-0100-SPH

Dear Mr. Vettori:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 27, 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 the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: Scott French, 928 Ellendale Drive, Towson, Maryland 21286
Paul Garner, 952 Ellendale Drive, Towson, Maryland 21286
James & Janet Jester, 923 Ellendale Drive, Towson, Maryland 21286
Jim Gracie, 924 Ellendale Drive, Towson, Maryland 21286
Vincent Lewis, 1429 Autumn Leaf Road, Towson, Maryland 21286
Baltimore County Board of Appeals
People's Counsel



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 925 ELLENDALE DRIVE

which is presently zoned DR-1 & DR-2

Deed References: 38890/431

10 Digit Tax Account # 0 9 1 3 5 5 0 0 0 1

Property Owner(s) Printed Name(s) ENVISION BUILDERS, LLC

(SELECT THE HEARING(S) BY MARKING **X** 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 ATTACHMENT #1

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 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

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):

ENVISION BUILDERS, LLC /

Name #1 - Type or Print

Name #2 - Type or Print

William Kasper President

Signature #1

Signature #2

7939 HONEYGO BOULEVARD

SUITE 112

WHITE MARSH

MD

Mailing Address

City

State

21236

(410) 652-5785

info@envisionbuild.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, INC., JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVENUE

SUITE 307

TOWSON

MD

Mailing Address

City

State

21286

(410) 296-1636

johnm@littleassociates.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0100-SPH Filing Date 10/5/17

Do Not Schedule Dates: _____

Reviewer JS

ATTACHMENT #1
REQUESTED RELIEF

- I. SPECIAL HEARING TO PERMIT, PURSUANT TO SECTION 500.7, BCZR; AND SECTION 304, BCZR, A BUILDING PERMIT FOR AN UNDERSIZED LOT IN A DR-2 ZONE HAVING A LOT WIDTH OF 92 FEET IN LIEU OF THE 100 FEET REQUIRED BY SECTION 1B02.3.C.1, BCZR.

2018-0100 - SPM

October 4, 2017

ZONING DESCRIPTION FOR
#925 ELLENDALE DRIVE

Beginning at a point on the west side of Ellendale Drive, which is 50 feet wide, at the distance of 1,900 feet northwest of the centerline of Providence Road, which is 43 feet wide. Being Lot 48 in the subdivision of Glen Ellen as recorded in Baltimore County Plat Book No. 14, Folio 25, containing 32,200 square feet of land, more or less. Located in the Ninth Election District and Third Council District.

2018-0100-SPH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/2/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-100

INFORMATION:

Property Address: 925 Ellendale Drive
Petitioner: Envision Builders, LLC
Zoning: DR 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 permit an undersized lot in a DR-2 zone having a lot width of 92 feet in lieu of the 100 feet.

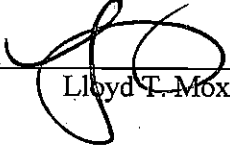
A site visit was conducted on October 26, 2017. Building elevations were reviewed at the time of the undersized lot review. The proposed dwelling is in line with neighboring dwellings and fits within the overall appearance of the small sized lots existing throughout the neighborhood.

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

Be advised that the petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR §304.1.C are met.

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
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County



Board of Appeals of Baltimore County

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

April 13, 2018

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

RE: In the Matter of: *Envision Builders, LLC*
Case No.: 18-100-SPH

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c:	William Hofherr, President/Envision Builders, LLC	Vincent Lewis
	John Motsco/Little & Associates, Inc.	Scott French
	Office of People's Counsel	Paul Garner
	Lawrence M. Stahl, Managing Administrative Law Judge	James and Janet Jester
	Andrea Van Arsdale, Director/Department of Planning	Jim Gracie
	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 THE MATTER OF

Envision Builders, LLC
Property Owners

925 Ellendale Drive
Towson, MD 21286

9th Election District
3rd Councilmanic District

* BEFORE THE

* BOARD OF

* APPEALS OF

* BALTIMORE COUNTY

* Case No.: 18-100-SPH

*

* * * * *

OPINION

This matter comes to the Board on appeal of the Administrative Law Judge's Opinion and Order dated November 16, 2017, approving Petitioner's request, pursuant to Baltimore County Zoning Regulations ("BCZR") § 500.7, to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 feet in lieu of the 100 feet required.

A de novo hearing before the Board was held on March 13, 2018. Bill Hoffherr and professional engineer John Motsco appeared in support of the petition. Jason Vettori, Esq. represented the Petitioner. Protestant Vincent Lewis was represented by J. Neil Lanzi. A few other neighbors appeared in support of Mr. Lewis.

Counsel for the respective parties offered the entire zoning file as Joint Exhibit No. 1 and a letter dated March 13, 2018 from Mr. Lanzi to Mr. Vettori as Joint Exhibit No. 2. Joint Exhibit No. 2 stated five settlement terms. They are as follows:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.

2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law Judge.

The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.

3. Envision shall not file any building and/or grading plans, which would concentrate the flow of storm water run-off from the Property and direct it to the Lewis property.

4. Envision shall clean up the debris in the back two thirds of the septic reserve area, seed and provide topsoil while allowing the existing trees to remain.

5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

The parties stipulated that the record supported a finding that the requested relief could be granted, conditioned upon the aforementioned settlement terms.

After the hearing was adjourned, a public deliberation was held wherein the Board determined that the record, specifically the exhibits which were entered into evidence, showed that the terms of BCZR § 304 had been satisfied and, in accordance with *Mueller v. People's Counsel*, 177 Md.App. 43 (2007), supported the granting of the requested relief, conditioned upon the aforementioned settlement terms 1 through 5.

ORDER

THEREFORE, IT IS THIS 13th day of April, 2018 by the Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a building permit for a lot in the DR 2 zone with a width of 92 feet in lieu of the required 100 feet, pursuant to BCZR § 1B02.3.C.1, as provided in BCZR § 304 is hereby GRANTED; and it is further

ORDERED that said approval shall be conditioned upon the following five conditions:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.

2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law Judge. The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.

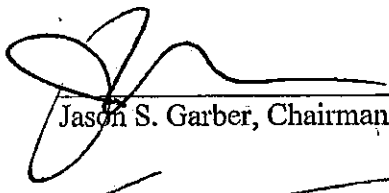
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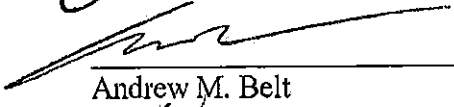
5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

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

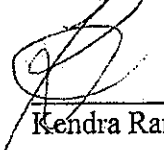
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chairman



Andrew M. Belt



Kendra Randall Jolivet

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO COMMENT</u>
<u>10/17</u>	DEPS (if not received, date e-mail sent _____)	<u>NO COMMENT</u>
_____	FIRE DEPARTMENT	_____
<u>11/3</u>	PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>10/10</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10/24/17</u>	
SIGN POSTING	Date: <u>10/18/17</u> by <u>Pulson</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

October 16, 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: 2018-0100-SPH

925 Ellendale Drive

W/s Ellendale Drive, 1900 ft. NW of centerline of Providence Road

9th Election District – 3rd Councilmanic District

Legal Owners: Envision Builders, LLC

Special Hearing to permit a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. In lieu of the 100 ft. required.

Hearing: Monday, November 13, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Envision Builders, LLC, 7939 Honeygo Blvd., Ste. 112, White Marsh 21236
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 24, 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.**

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0913550001			
Owner Information					
Owner Name:		ENVISION BUILDERS LLC		Use:	RESIDENTIAL
Mailing Address:		STE 112 7939 HONEYGO BLVD WHITE MARSH MD 21236-		Principal Residence:	NO
				Deed Reference:	/38890/ 00431
Location & Structure Information					
Premises Address:		ELLENDAL DR BALTIMORE 21286-		Legal Description:	
				GLEN ELLEN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0017	0222		0000	
					Block:
					48
					Lot:
					48
					Assessment Year:
					2017
					Plat No:
					2
					Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			32,200 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	
			01/01/2017	07/01/2017	
Land:		89,800	89,800	As of	
Improvements		0	0	07/01/2018	
Total:		89,800	89,800	89,800	89,800
Preferential Land:		0			0
Transfer Information					
Seller: MILLER EDWIN FRANCIS		Date: 04/26/2017		Price: \$449,900	
Type: ARMS LENGTH MULTIPLE		Deed1: /38890/ 00431		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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					

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 24, 2017 Issue - Jeffersonian

Please forward billing to:

William Hofherr
Envision Builders, LLC
7939 Honegyo Boulevard, Ste. 112
White Marsh, MD 21236

410-652-5785

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:

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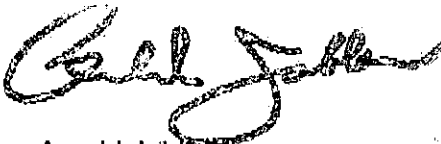
W/s Ellendale Drive, 1900 ft. NW of centerline of Providence Road

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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- (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: 2018-0100-SPH

Property Address: 925 ELLENDALE DRIVE

Property Description: LOT 48 OF THE SUBDIVISION OF GLEN ELLEN

Legal Owners (Petitioners): ENVISION BUILDERS, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

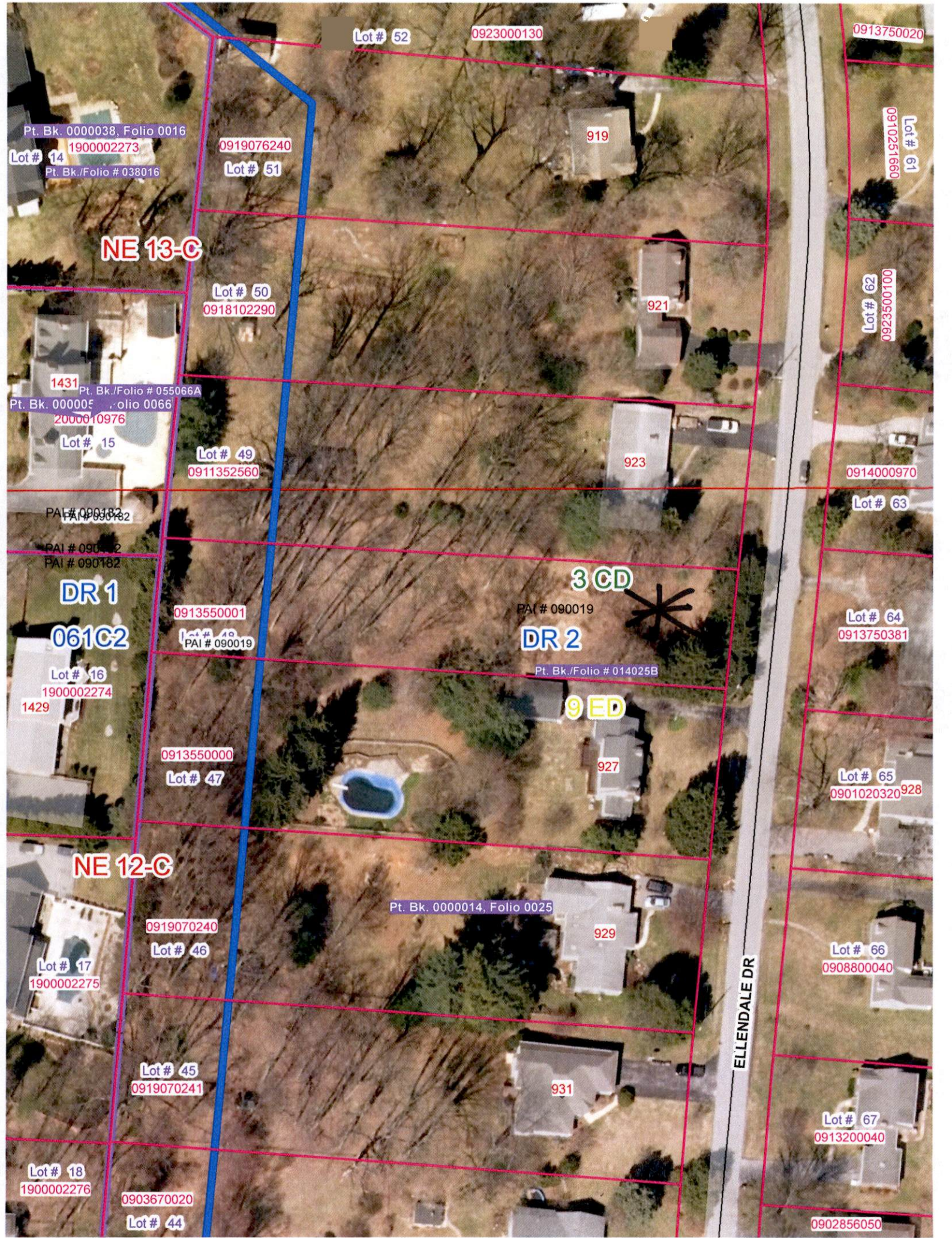
Name: WILLIAM HOFHERR

Company/Firm (if applicable): ENVISION BUILDERS, LLC

Address: 7939 HONEYGO BOULEVARD, SUITE 112
WHITE MARSH, MD 21236

Telephone Number: (410) 652-5785

Revised 5/20/2014



Lot # 52

0923000130

0913750020

Pt. Bk. 0000038, Folio 0016

1900002273

Lot # 14

Pt. Bk. /Folio # 038016

0919076240

Lot # 51

919

091320160
Lot # 61

NE 13-C

Lot # 50
0918102290

921

Lot # 62
0923500100

1431

Pt. Bk./Folio # 055066A

Pt. Bk. 000005, Folio 0066

2000010976

Lot # 15

Lot # 49
0911352560

923

0914000970

Lot # 63

PAI # 090182

PAI # 090182
PAI # 090182

DR 1

061C2

Lot # 16

1900002274

1429

0913550001

PAI # 090019

PAI # 090019

3 CD

DR 2

Pt. Bk./Folio # 014025B

9 ED

927

Lot # 65
0901020320 928

0913550000
Lot # 47

NE 12-C

0919070240

Lot # 46

Pt. Bk. 0000014, Folio 0025

929

Lot # 66
0908800040

Lot # 17
1900002275

Lot # 45
0919070241

931

Lot # 67
0913200040

Lot # 18
1900002276

0903670020

Lot # 44

0902856050

ELLENDALE DR



1031012
1031012

1031012



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

NO 157271

Date: 10/5/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$ 75.00

Total: \$ 75.00

Rec From: ENVISION BUILDERS, LLC

For: 2018-0100-SPT

DISTRIBUTION

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

PAID RECEIPT

BUSINESS: ACTUAL TIME: 10/05/2017 10/05/2017 11:19:44
 REG NO: 01 - WALKIN LJR
 >>RECEIPT # 754740 10/05/2017
 Dept 5 528 ZONING VERIFICATION
 CR NO. 157271
 Recpt Tot \$75.00
 \$75.00 CR \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

Board of Appeals

Case No: 18-100-SPH

Case Name: Envision Builder

Exhibit List

Party: Joint / Per Agreement

Date: 3/13/18

[illegible]



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 · Phone: 443-991-5917

J. NEIL LANZI

Email: nlanzi@wcslaw.com

March 13, 2018

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Re: In the Matter of: Envision Builders, LLC ("Envision")
925 Ellendale Drive ("Property")
Case No. 18-100-SPH

Dear Jason:

This letter is in follow up to our discussions regarding the above referenced property and a potential settlement. As I am sure you would agree, our discussions and representations on behalf of our respective clients are without prejudice and are being made for determining if a settlement can be reached. If the parties are unable to reach an agreement, then these discussions may not be used at trial for any purpose including as an admission by either side.

After meeting with County agency representatives, my client's engineers at Century Engineering, Inc. and based on the discussions between our clients' respective experts, I would propose the following settlement terms:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.
2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law Judge. The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.
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March 13, 2018
Page Two

4. Envision shall clean up the debris in the back two thirds of the septic reserve area, seed and provide topsoil while allowing the existing trees to remain.

5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

Let me know if the above would be acceptable to your client and if so, this agreement will be made a condition in any Order of the Board of Appeals for the above referenced case.

I look forward to your prompt response.

Very truly yours,



J. Neil Lanzi

cc: Vince Lewis
John Ranocchia, P.E.
Anthony Dietz, P.E.

Case No.: 2018-0100-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

EW 11-16-17

No. 1	Plan	Photos
No. 2	Plat	
No. 3	Deed	
No. 4	Undersized Lot Application	
No. 5	SDAT record	
No. 6	SDAT record	
No. 7	SDAT record	
No. 8	My Neighborhood Map	
No. 9		
No. 10		
No. 11		
No. 12		

R&P Settlement Group, LLC
 File No. 17-10832-NF
 Tax ID # 09-0913550000
 Tax ID # 09-0913550001

LR - Deed (w Taxes)
 Recording only ST20.00
 Name: miller
 Ref:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 2,249.50
 LR - NR Tax - 1kd 0.00

This Deed, made this 18th day of April, 2017, by

Judith M. Gault, Personal Representative of The Estate of Dorothy J. Miller, GRANTOR, and
 Envision Builders, LLC, a Maryland limited liability company, GRANTEE.

SubTotal: 2,309.50
 and between
 Total: 2,654.50
 May 2017 02:13
 CC03-CR
 #8256874 CC0301 -
 Baltimore
 County/CC03.01.03 -
 Register 03

Whereas, on October 28, 2016, the Orphans' Court of Baltimore County, State of Maryland (the "Court") granted administration of the Estate of the Decedent to Judith M. Gault as Personal Representative of the Estate of the Decedent in Estate No. 190764

Whereas, Grantor in the capacity of Personal Representative of the Estate of the Decedent has complete and full power and authority by law to grant and convey the entire fee simple interest in the hereinafter described property; and

Whereas, as part of the administration of the Estate of the Decedent, Grantor desires to convey the entire fee simple estate in the hereinafter described property to the Grantee.

- **Witnesseth** -

That in consideration of the sum of Four Hundred Forty-Nine Thousand Nine Hundred and 00/100 Dollars (\$449,900.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor as Personal Representative of the Estate of the Decedent, does hereby grant and convey to the said Grantee, its successors and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots Nos. 47 and 48, as shown on the Plat entitled, Plat No. 2, Glen Ellen", which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book JWB No. 14, folio 25.

The improvements thereon being known as No. 927 Ellendale Drive.

BEING the fee simple property which, by DEED dated October 31, 1951, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 2034, Folio 15, was granted and conveyed by WALTER MALCOLM ENGLE AND ANNE H. ENGLE, HIS WIFE unto EDWIN FRANCIS MILLER AND DOROTHY JANE MILLER, HIS WIFE. The said Edwin Francis Miller departed this life on or about June 15, 2007, thereby vesting the fee simple interest unto the said Dorothy Jane Miller. The said Dorothy Jane Miller departed this life on or about August 12, 2016.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract 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 Envision Builders, LLC, a Maryland limited liability company, its successors and assigns, in fee simple.

And Grantor does hereby covenant to execute such further assurances of the same as may be requisite.

PETITIONER'S

EXHIBIT NO.

3

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

By: Judith M. Gault (SEAL)
Judith M. Gault, Personal Representative
of The Estate of Dorothy J. Miller

STATE OF Maryland } ss
COUNTY OF Baltimore

I hereby certify that on this 13th day of April, 2017 before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared Judith M. Gault, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged herself or himself to be the Personal Representative of The Estate of Dorothy J. Miller and who, in my presence, signed and sealed the foregoing Deed and acknowledged it to be his/her act and deed as Personal Representative of the foregoing Estate, giving oath under penalties of perjury that the consideration recited herein is correct.

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

Nell Graham Fennekoh
Notary Public
Baltimore County
State of Maryland
My Commission Expires
July 3, 2017

[Signature]
Notary Public

My Commission Expires: 7/3/17

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.

I hereby certify that the within instrument was prepared under the supervision of Dan Radebaugh, an attorney at law duly admitted to practice before the court of appeals of the State of Maryland.

[Signature]
Dan Radebaugh, Attorney at Law

AFTER RECORDING, PLEASE RETURN TO:
R&P Settlement Group, LLC
1407 York Road
Suite 201
Lutherville, MD 21093

MARYLAND
FORM

WH-AR

**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence****2017**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor The Estate of Dorothy J. Miller

2. Reasons for Exemption

Resident Status

☐

I, Transferor, am a resident of the State of Maryland.

☒

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

☐

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

THE ESTATE OF DOROTHY J. MILLER

Name of Entity

By

Judith M. Gault

Name

Personal Representative

Title

Source: Derived from *U.S. Census of the Nation's Counties, 1990*.

17-10832-NF

Addendum

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore*The addendum form should be used when one transaction involves more than two instruments.**Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.*

(Type or Print in Black Ink Only—All Copies Must Be Legible)

5 (Continued) Fees	Amount of Fees	Doc. 3	Doc. 4	Doc. 5	Doc. 6
	Recording Charge	\$ 40.00	\$	\$	\$
	Surcharge	\$ 75.00	\$	\$	\$
	State Recordation Tax	\$	\$	\$	\$
	State Transfer Tax	\$	\$	\$	\$
	County Transfer Tax	\$	\$	\$	\$
	Other	\$	\$	\$	\$
7 (Continued) Transferred From	Doc. 3 – Grantor(s) Name(s)		Doc. 4 – Grantor(s) Name(s)		
	Envision Builders, LLC, a Maryland limited liability company				
	Doc. 5 – Grantor(s) Name(s)		Doc. 6 – Grantor(s) Name(s)		
	Doc. 3 – Owners(s) of Record, if Different from Grantor(s)		Doc. 4 – Owners(s) of Record, if Different from Grantor(s)		
	Doc. 5 – Owners(s) of Record, if Different from Grantor(s)		Doc. 6 – Owners(s) of Record, if Different from Grantor(s)		
8 (Continued) Transferred To	Doc. 3 – Grantee(s) Name(s)		Doc. 4 – Grantee(s) Name(s)		
	CL Capital Group, LLC				
	Doc. 5 – Grantee(s) Name(s)		Doc. 6 – Grantee(s) Name(s)		
9 (Continued) Other Names to be Indexed	Doc. 3 – Additional Names to be Indexed (Optional)		Doc. 4 – Additional Names to be Indexed (Optional)		
	Doc. 5 – Additional Names to be Indexed (Optional)		Doc. 6 – Additional Names to be Indexed (Optional)		
Special Instructions	Special Recording Instructions (if any)				

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 38890, p. 0435, MSA_CE62_38747, Date available 05/03/2017. Printed 11/13/2017.

LITTLE & ASSOCIATES, INC.

Engineers ~~~ Land Planners ~~~ Surveyors
1055 Taylor Avenue, Suite 307, Towson, Maryland 21286
Phone (410) 296-1636 Fax (410) 296-1639

TRANSMITTAL FORM

TO: Zoning

DATE: September 13, 2017

PROJECT NAME: Miller Property
Undersized Lot Application

ATTN: OUR PROJECT NO: 17204H

We are herewith submitting the following:

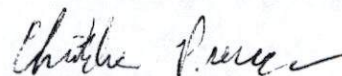
- | | | |
|--|--|---------------------------------------|
| ☒ For approval | ☐ For your use/file | ☐ As requested |
| ☒ For review | ☐ Please contact our office | ☐ Urgent |

Quantity	Description
3	Undersized Lot Recommendation Forms
1	Building Permit Application
3	Site Plans
1	Set Elevation Drawings
1	Set Photographs
1	Check for \$100.00 for Processing Fee

Comments:

For review at Zoning Filing of petition for an undersized lot.

Sincerely,
LITTLE & ASSOCIATES, INC.



By: Christopher Prescop, E.I.T.
Project Designer

cc(s):
Enclosure(s)

PETITIONER' S

EXHIBIT NO.

4

GREEN SECURILINK CHAIN AND GREEN DIAMOND DISAPPEAR WHEN COPIED HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED

1085

ENVISION BUILDERS LLC

OPERATING ACCOUNT
7939 HONEYGO BLVD., STE 112
NOTTINGHAM, MD 21236

PEOPLES Bank

60-1008/313

8/25/17

PAY TO THE
ORDER OF

Baltimore County

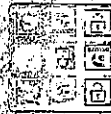
\$ 100.00

One Hundred & 1/100

DOLLARS

MEMO

925 Ellendale Drive



William G. Goff
AUTHORIZED SIGNATURE

⑈001085⑈ ⑆031310086⑆ 1350002725⑈

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

Permit or Case No. _____

Residential Processing Fee Paid

(\$100.00)

Accepted by _____

Date _____

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, the Zoning Review Office of PAI is requesting recommendations and comments from the Office of Planning prior to Zoning Review Office approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

7939 HONEYGO BOULEVARD, SUITE 112
ENVISION BUILDERS, LLC WHITE MARSH, MD 21236 (410) 652-5785 info@envisionbuild.net
Print Name of Applicant Address Telephone Number Email Address

Lot Address 925 ELLENDALE DRIVE Election District 9 Councilmanic District 3 Square Feet 32,200

Lot Location: N E SW side/corner of ELLENDALE DRIVE, 2,000 feet from N E SW corner of PROVIDENCE ROAD
(street) (street)

Land Owner(s): ENVISION BUILDERS, LLC 10 Digit Tax Account Number 0913550001

Address: 7939 HONEYGO BOULEVARD, SUITE 112, WHITE MARSH, MD 21236 Telephone Number (410) 652-5785

Email Address info@envisionbuild.net

CHECKLIST OF MATERIALS-. (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

1. This Recommendation Form (3 copies)

Planner Acceptance Check Off

YES

NO

✓

2. Permit Application

✓

3. Site Plan
Property (3 copies)

✓

4. Building Elevation Drawings

✓

5. Photographs (please label all photos clearly)
Adjoining Buildings

✓

Surrounding Neighborhood

✓

6. Current Zoning Classification: DR-1 & DR-2, DWELLING WITHIN DR-2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐

Approval

☐

Disapproval

☐

Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
For the Director, Office of Planning

Date: _____

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

Permit or Case No. _____

Residential Processing Fee Paid

(\$100.00)

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Email Address info@envisionbuild.net

CHECKLIST OF MATERIALS- (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

1. This Recommendation Form (3 copies)

Planner Acceptance Check Off
YES NO

✓

2. Permit Application

✓

3. Site Plan
Property (3 copies)

✓

4. Building Elevation Drawings

✓

5. Photographs (please label all photos clearly)
Adjoining Buildings

✓

Surrounding Neighborhood

✓

6. Current Zoning Classification: DR-1 & DR-2, DWELLING WITHIN DR-2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY

RECOMMENDATIONS / COMMENTS:

☐

Approval

☐

Disapproval

☐

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For the Director, Office of Planning

Date: _____

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RECOMMENDATION FORM

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

Permit or Case No. _____

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

Residential Processing Fee Paid

(\$100.00)

Accepted by _____

Date _____

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ENVISION BUILDERS, LLC 7939 HONEYGO BOULEVARD, SUITE 112 (410) 652-5785 info@envisionbuild.net
Print Name of Applicant Address Telephone Number Email Address

Lot Address 925 ELLENDALE DRIVE Election District 9 Councilmanic District 3 Square Feet 32,200

Lot Location: NE SW side/corner of ELLENDALE DRIVE 2,000 feet from NE SW corner of PROVIDENCE ROAD
(street) (street)

Land Owner(s): ENVISION BUILDERS, LLC 10 Digit Tax Account Number 0913550001

Address: 7939 HONEYGO BOULEVARD, SUITE 112, WHITE MARSH, MD 21236 Telephone Number (410) 652-5785

Email Address info@envisionbuild.net

CHECKLIST OF MATERIALS- (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

1. This Recommendation Form (3 copies)

Planner Acceptance Check Off
YES NO

✓

2. Permit Application

✓

3. Site Plan
Property (3 copies)

✓

4. Building Elevation Drawings

✓

5. Photographs (please label all photos clearly)
Adjoining Buildings

✓

Surrounding Neighborhood

✓

6. Current Zoning Classification: DR-1 & DR-2, DWELLING WITHIN DR-2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐

Approval

☐

Disapproval

☐

Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____

For the Director, Office of Planning

Date: _____



922 ELLENDALE DRIVE



CONSTRUCTION AT 926 ELLENDALE DRIVE



920 ELLENDALE DRIVE



919 ELLENDALE DRIVE



923 ELLENDALE DRIVE

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0913550001			
Owner Information					
Owner Name:	ENVISION BUILDERS LLC		Use:	RESIDENTIAL	
Mailing Address:	STE 112 7939 HONEYGO BLVD WHITE MARSH MD 21236-		Principal Residence:	NO	
			Deed Reference:	/38890/ 00431	
Location & Structure Information					
Premises Address:		ELLENDAL DR BALTIMORE 21286-		Legal Description:	
				GLEN ELLEN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0017	0222		0000	
					Block:
					48
					Lot:
					2017
					Assessment Year:
					2
					Plat No:
					Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			32,200 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	
			01/01/2017	07/01/2017	
Land:		89,800	89,800	As of	
Improvements		0	0	07/01/2018	
Total:		89,800	89,800	89,800	
Preferential Land:		0		89,800	
Transfer Information					
Seller: MILLER EDWIN FRANCIS		Date: 04/26/2017		Price: \$449,900	
Type: ARMS LENGTH MULTIPLE		Deed1: /38890/ 00431		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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:					

PETITIONER'S

EXHIBIT NO. 5

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 1900002274			
Owner Information					
Owner Name:	LEWIS VINCENT JR LEWIS DEBRA ANN	Use:	RESIDENTIAL		
Mailing Address:	1429 AUTUMN LEAF RD TOWSON MD 21286-1502	Principal Residence:	YES		
		Deed Reference:	/25909/ 00186		
Location & Structure Information					
Premises Address:		1429 AUTUMN LEAF RD 0-0000	Legal Description:	.8782 A 1429 AUTUMN LEAF RD HAMPTON EAST	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0017	0107		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	2
	16	2017		0038/0016	
Special Tax Areas:		Town:	NONE		
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1987	2,974 SF	728 SF	38,170 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	BRICK	2 full/ 1 half	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2017	As of 07/01/2017	As of 07/01/2018	
Land:	171,200	171,200			
Improvements	445,000	533,900			
Total:	616,200	705,100	645,833	675,467	
Preferential Land:	0			0	
Transfer Information					
Seller: LEWIS VINCENT, JR		Date: 07/12/2007	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /25909/ 00186	Deed2:		
Seller: BAUER IRVIN O,3RD		Date: 01/20/2006	Price: \$785,000		
Type: ARMS LENGTH IMPROVED		Deed1: /23253/ 00491	Deed2:		
Seller: MATHEWS DENNIS L BAUM DEAN EMIL		Date: 02/18/1987	Price: \$295,000		
Type: ARMS LENGTH IMPROVED		Deed1: /07482/ 00274	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: Approved 11/06/2012					
Homeowners' Tax Credit Application Information					

PETITIONER'S

EXHIBIT NO. 7

Baltimore County - My Neighborhood



November 7, 2017

Legend

- House Numbers
- Zoning
- Property
- County Boundary

PETITIONER'S

EXHIBIT NO. 40

Case No.: 2018-0100-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

19w 11-16-17

No. 1	Plan	Photos
No. 2	Plat	
No. 3	Deed	
No. 4	Undersized Lot Application	
No. 5	SDAT record	
No. 6	SDAT record	
No. 7	SDAT record	
No. 8	My Neighborhood Map	
No. 9		
No. 10		
No. 11		
No. 12		



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 13, 2018

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

RE: In the Matter of: *Envision Builders, LLC*
Case No.: 18-100-SPH

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Hay".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: William Hofherr, President/Envision Builders, LLC
John Motsco/Little & Associates, Inc.
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

Vincent Lewis
Scott French
Paul Garner
James and Janet Jester
Jim Gracie

IN THE MATTER OF

Envision Builders, LLC
Property Owners

925 Ellendale Drive
Towson, MD 21286

9th Election District
3rd Councilmanic District

* BEFORE THE

* BOARD OF

* APPEALS OF

* BALTIMORE COUNTY

* Case No.: 18-100-SPH

*

* * * * *

OPINION

This matter comes to the Board on appeal of the Administrative Law Judge's Opinion and Order dated November 16, 2017, approving Petitioner's request, pursuant to Baltimore County Zoning Regulations ("BCZR") § 500.7, to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 feet in lieu of the 100 feet required.

A de novo hearing before the Board was held on March 13, 2018. Bill Hofherr and professional engineer John Motsco appeared in support of the petition. Jason Vettori, Esq. represented the Petitioner. Protestant Vincent Lewis was represented by J. Neil Lanzi. A few other neighbors appeared in support of Mr. Lewis.

Counsel for the respective parties offered the entire zoning file as Joint Exhibit No. 1 and a letter dated March 13, 2018 from Mr. Lanzi to Mr. Vettori as Joint Exhibit No. 2. Joint Exhibit No. 2 stated five settlement terms. They are as follows:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.

2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law Judge.

The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.

3. Envision shall not file any building and/or grading plans, which would concentrate the flow of storm water run-off from the Property and direct it to the Lewis property.

4. Envision shall clean up the debris in the back two thirds of the septic reserve area, seed and provide topsoil while allowing the existing trees to remain.

5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

The parties stipulated that the record supported a finding that the requested relief could be granted, conditioned upon the aforementioned settlement terms.

After the hearing was adjourned, a public deliberation was held wherein the Board determined that the record, specifically the exhibits which were entered into evidence, showed that the terms of BCZR § 304 had been satisfied and, in accordance with *Mueller v. People's Counsel*, 177 Md.App. 43 (2007), supported the granting of the requested relief, conditioned upon the aforementioned settlement terms 1 through 5.

ORDER

THEREFORE, IT IS THIS 13th day of April, 2018 by the Board of Appeals of Baltimore County,

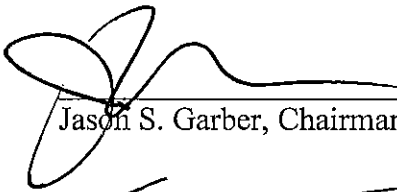
ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a building permit for a lot in the DR 2 zone with a width of 92 feet in lieu of the required 100 feet, pursuant to BCZR § 1B02.3.C.1, as provided in BCZR § 304 is hereby GRANTED; and it is further

ORDERED that said approval shall be conditioned upon the following five conditions:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.
2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law Judge. The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.
3. Envision shall not file any building and/or grading plans, which would concentrate the flow of storm water run-off from the Property and direct it to the Lewis property.
4. Envision shall clean up the debris in the back two thirds of the septic reserve area, seed and provide topsoil while allowing the existing trees to remain.
5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

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

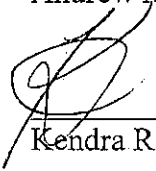
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chairman



Andrew M. Belt



Kendra Randall Jolivet

Krysundra Cannington

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Thursday, March 22, 2018 2:17 PM
To: Krysundra Cannington
Cc: Neil Lanzi (nlanzi@wclaw.com)
Subject: Case No.: 18-100-SPH
Attachments: BOA Order - draft.docx

Sunny,

Attached please find the draft order for the Board in Case No.: 18-100-SPH. Neil has reviewed same and deemed it acceptable for submission to the Board of Appeals.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not an intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

IN THE MATTER OF

Envision Builders, LLC
Property Owners

925 Ellendale Drive
Towson, MD 21286

9th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF
* APPEALS OF
* BALTIMORE COUNTY
* **Case No.: 18-100-SPH**

*

* * * * *

OPINION

This matter comes to the Board on appeal of the Administrative Law Judge's Opinion and Order dated November 16, 2017, approving Petitioner's request, pursuant to Baltimore County Zoning Regulations ("BCZR") § 500.7, to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 feet in lieu of the 100 feet required.

A de novo hearing before the Board was held on March 13, 2018. Bill Hofherr and professional engineer John Motsco appeared in support of the petition. Jason Vettori, Esq. represented the Petitioner. Protestant Vincent Lewis was represented by J. Neil Lanzi. A few other neighbors appeared in support of Mr. Lewis.

Counsel for the respective parties offered the entire zoning file as Joint Exhibit No. 1 and a letter dated March 13, 2018 from Mr. Lanzi to Mr. Vettori as Joint Exhibit No. 2. Joint Exhibit No. 2 stated five settlement terms. They are as follows:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.
2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law

Judge. The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.

3. Envision shall not file any building and/or grading plans, which would concentrate the flow of storm water run-off from the Property and direct it to the Lewis property.

4. Envision shall clean up the debris in the back two thirds of the septic reserve area, seed and provide topsoil while allowing the existing trees to remain.

5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

The parties stipulated that the record supported a finding that the requested relief could be granted, conditioned upon the aforementioned settlement terms.

After the hearing was adjourned, a public deliberation was held wherein the Board determined that the record, specifically the exhibits which were entered into evidence, showed that the terms of BCZR § 304 had been satisfied and, in accordance with *Mueller v. People's Counsel*, 177 Md.App. 43 (2007), supported the granting of the requested relief, conditioned upon the aforementioned settlement terms 1 through 5.

THEREFORE, IT IS THIS _____ day of _____, 2018 by the County Board of Appeals,

ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a building permit for a lot in the DR 2 zone with a width of 92 feet in lieu of the required 100 feet, pursuant to BCZR § 1B02.3.C.1, as provided in BCZR § 304 is hereby GRANTED; and it is further

ORDERED that said approval shall be conditioned upon the following five

conditions:

1. Vincent Lewis ("Lewis"), owner of 1429 Autumn Leaf Road, adjacent property owner, will not object to Petitioner's current site plan as filed with the Petition for Special Hearing ("Site Plan") pursuant to Section 500.7 of the BCZR authorizing a building permit for an undersized lot in a DR2 zone having a lot width of 92 feet in lieu of the 100 feet required.
2. Envision, through its engineers and representatives will file as an exhibit with the Board of Appeals the Site Plan as filed with the Administrative Law Judge. The same or substantially similar plan (subject to the condition the septic reserve area cannot be moved any closer to Lewis' rear property line as shown on the Site Plan) information will be used for all building and grading plans to be filed with Baltimore County for all permits necessary for construction of the proposed residence, including the septic reserve area.
3. Envision shall not file any building and/or grading plans, which would concentrate the flow of storm water run-off from the Property and direct it to the Lewis property.
4. Envision shall clean up the debris in the back two thirds of the septic reserve area, seed and provide topsoil while allowing the existing trees to remain.
5. At least ten (10) days prior to filing, Envision shall provide Century Engineering, Inc. (John Ranocchia, P.E. or Anthony Dietz, P.E.) at 10710 Gilroy Road, Hunt Valley 21031, with copies of all plans to be filed with Baltimore County for the building permit, including grading plans.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**

Jason S. Garber, Panel Chairman

Andrew M. Belt

Kendra Randall Jolivet

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Envision Builders, LLC

18-100-SPH

DATE: March 13, 2018

BOARD/PANEL: Jason S. Garber, Chairman
Kendra Randall Jolivet
Andrew M. Belt

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Petition for Special Hearing pursuant to BCZR § 500.7 to authorize a building permit for an undersized lot in an D.R.2 zone having a lot width of 92 feet in lieu of the required 100 feet.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

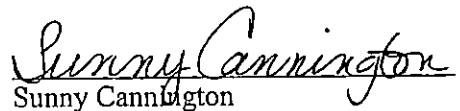
STANDING

- The Board convened for a hearing in the above referenced matter. This deliberation immediately followed the hearing.
- At the hearing, the parties, through their counsel, informed the Board that they have entered into a settlement agreement, but wished to offer stipulated facts and evidence, as well as the agreement, as part of the record, and requested an Order incorporating the agreement to follow. With the stipulation to the facts and evidence, the Board found that the property at issue met the criteria in §304 and approved of the settlement agreement, which will be incorporated in the Board's Order.
- The parties are to submit a draft Order to the Board.

CONCLUSION: After thorough review of the stipulated facts and evidence, and applicable law in the matter, the Board unanimously agreed that the criteria of §304 was satisfied and the settlement agreement would be made a part of the Board's Order.

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,


Sunny Cannington



Board of Appeals of Baltimore County

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

January 10, 2018

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Envision Builders, LLC
925 Ellendale Drive
18-100-SPH 9th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. in lieu of 100 ft. required.

11/16/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED.

This matter was assigned for hearing on February 7, 2018 and has been postponed. It has been

REASSIGNED FOR: MARCH 13, 2018, 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.
- 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.
- 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: Envision Builders, LLC
Case number: 18-100-SPH
January 10, 2018
Page 2

c: Counsel for Petitioner
Petitioner

: Jason Vettori, Esquire
: William Hofherr, President/Envision Builders, LLC

Counsel for Protestant
Protestant

: J. Neil Lanzi, Esquire
: Vincent Lewis

John Motsco/Little and Associates, Inc.
Scott French
Paul Garner
James and Janet Jester
Jim Gracie

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



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917

J. NEIL LANZI

Email: nlanzi@wclaw.com

January 4, 2018

Krysundra "Sunny" Cannington, Administrator
Baltimore County Board of Appeals
Jefferson Bldg., 2nd Floor
Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Envision Builders, LLC
925 Ellendale Drive
18-100-SPH



Dear Ms. Cannington:

Enclosed for your file, please find an Entry of Appearance on behalf of the Appellant Vincent Lewis. In addition to entering my appearance for this case, I find it is also necessary to request a postponement of the hearing for this matter which is presently scheduled for February 7, 2018 at 10:00 a.m. I have oral argument scheduled in the Court of Special Appeals the same morning as this hearing. I have advised counsel for the Petitioner of this conflict and the need for the postponement.

Thank you for your consideration.

Regards,

J. Neil Lanzi

cc: Vincent Lewis
Jason Vettori, Esquire
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

IN THE MATTER OF

Envision Builders, LLC
925 Ellendale Drive

9th Election District
3rd Councilmanic District

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

18-100-SPH

* * * * *

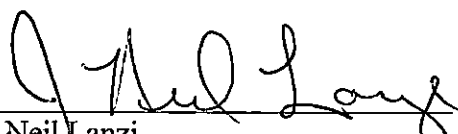
ENTRY OF APPEARANCE

Please enter the appearance of Wright, Constable & Skeen, LLP and J. Neil Lanzi,
Esquire on behalf of the Appellant, Vincent Lewis in the above captioned matter.


J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
(443) 991-5917
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 4th day of January, 2018, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to Jason T. Vettori, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204-1301, counsel for the Petitioner; Lawrence M. Stahl, Managing Administrative Law Judge, 105 West Chesapeake Avenue, Jefferson Building, Suite 103, Towson, Maryland 21204; Michael Field County Attorney, Nancy West Assistant County Attorney, Office of Law, Historic Courthouse, 400 Washington Avenue, Towson, Maryland 21204; and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.


J. Neil Lanzi



Board of Appeals of Baltimore County

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

December 14, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Envision Builders, LLC
925 Ellendale Drive
18-100-SPH 9th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. in lieu of 100 ft. required.

11/16/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED.

ASSIGNED FOR: **FEBRUARY 7, 2018, 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.
- 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.
- 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

c: Counsel for Petitioner
Petitioner

: Jason Vettori, Esquire
: William Hofherr, President/Envision Builders, LLC

Protestant

: Vincent Lewis

John Motsco/Little and Associates, Inc.
Scott French Paul Garner

James and Janet Jester

Jim Gracie

Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Nancy West, Assistant County Attorney

Arnold Jablon, Director/PAI
Michael Field, County Attorney, Office of Law
Office of People's Counsel



KEVIN KAMENETZ
County Executive

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

November 27, 2017

Jason Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing - 925 Ellendale Drive
Case No. 2018-0100-SPH

Dear Mr. Vettori:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 27, 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,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

- c: Scott French, 928 Ellendale Drive, Towson, Maryland 21286
Paul Garner, 952 Ellendale Drive, Towson, Maryland 21286
James & Janet Jester, 923 Ellendale Drive, Towson, Maryland 21286
Jim Gracie, 924 Ellendale Drive, Towson, Maryland 21286
Vincent Lewis, 1429 Autumn Leaf Road, Towson, Maryland 21286
✓ Baltimore County Board of Appeals
People's Counsel

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

№ 143356

Date: 11-27-17

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

Total: 265.00

Rec From: Vincent Lewis

For: Appeal - OAH

Proceeding - Nov. 13, 2007

Case No. 208-0100-SPH

925 Ellendale Drive

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

11/27/2017 11/27/2017 10:41:40 3

REG 4503 WALKIN CAM

>>RECEIPT # 754341 11/27/2017 OFLH

Dept 5 528 ZONING VERIFICATION

CR NO. 143356

Recpt Tot \$265.00

\$265.00 CK \$1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive



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

November 16, 2017

Jason Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

I WOULD LIKE TO APPEAL.

RE: Petitions for Special Hearing
Case No. 2018-0100-SPH
Property: 925 Ellendale Drive

11/27/17

Dear Mr. Vettori:

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,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

- c: Scott French, 928 Ellendale Drive, Towson, Maryland 21286
Paul Garner, 952 Ellendale Drive, Towson, Maryland 21286
James & Janet Jester, 923 Ellendale Drive, Towson, Maryland 21286
Jim Gracie, 924 Ellendale Drive, Towson, Maryland 21286
Vincent Lewis, 1429 Autumn Leaf Road, Towson, Maryland 21286



KEVIN KAMENETZ
County Executive

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

November 16, 2017

Jason Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2018-0100-SPH
Property: 925 Ellendale Drive

Dear Mr. Vettori:

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", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Scott French, 928 Ellendale Drive, Towson, Maryland 21286
Paul Garner, 952 Ellendale Drive, Towson, Maryland 21286
James & Janet Jester, 923 Ellendale Drive, Towson, Maryland 21286
Jim Gracie, 924 Ellendale Drive, Towson, Maryland 21286
Vincent Lewis, 1429 Autumn Leaf Road, Towson, Maryland 21286

IN RE: PETITION FOR SPECIAL HEARING *
(925 Ellendale Drive)
9th Election District *
3rd Council District *
Envision Builders, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0100-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 Envision Builders, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. in lieu of the 100 ft. required.

Bill Hofherr and professional engineer John Motsco appeared in support of the petition. Jason Vettori, Esq. represented Petitioner. Several neighbors opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received from any County agencies. A site plan was marked and admitted as Petitioner's Exhibit 1.

According to the site plan the subject property is approximately 32,200 sq. ft. in size and split-zoned DR 1 and DR 2. The improvements proposed in this case would be situated entirely within the DR 2 zoned portion of the site. The property is unimproved and is known as Lot 48 on the plat of Glen Ellen, recorded in 1947. Petitioner proposes to construct a single-family dwelling on the lot, and made application to do so as required by B.C.Z.R. §304. A neighbor requested a hearing, which was held on November 13, 2017.

ORDER RECEIVED FOR FILING

Date 11-16-17

By [Signature]

As discussed at the hearing, Petitioner has not requested a zoning variance. Instead, it seeks approval to construct a dwelling pursuant to the "undersized lot" provision in Section 304 of the Regulations. That section (entitled "Use of Undersized Single-Family Lots") was designed to address the scenario in this case; i.e., where a lot of record, by virtue of a subsequent rezoning, becomes undersized or deficient, preventing the owner from erecting a house thereon. In *Mueller v. People's Counsel*, 177 Md. App. 43 (2007), the court of special appeals described the two methods by which an owner may receive permission to construct a dwelling on an undersized lot: B.C.Z.R. §307 (concerning variances) which requires a showing of uniqueness and practical difficulty, and B.C.Z.R. §304, which does not. *Id.* at 87.

That regulation provides in pertinent part as follows:

§304.1. Types of dwellings allowed; conditions

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

I believe Petitioner has satisfied each of these elements. The lot was created in 1947 by a validly approved subdivision plat which was recorded among the Baltimore County land records. *See* Pet. Ex. No. 2 (Plat No. 2 "Glen Ellen"). Based on a review of the site plan it appears the yard setback requirements and height limitation of the DR 2 zone would be satisfied.

Counsel noted Petitioner owns the adjoining lot, which is improved with a single-family dwelling. That lot is approximately 100 ft. wide, which is the lot width requirement in the DR 2 zone. As such Petitioner could not "borrow" any land from Lot 47 to cure the lot width deficiency on Lot 48, and thus I find B.C.Z.R. §304.1.C is satisfied.

ORDER RECEIVED FOR FILING

Date 11-16-17

By kwj

I understand the concerns raised by the adjoining neighbors, who have for many years enjoyed having this vacant lot next to their home. But I am not authorized to deny an undersized lot request on that basis. I am especially sympathetic to the plight of the neighbor residing on Autumn Leaf Road, which abuts the subject property to the rear. Mr. Lewis stated his property is frequently inundated with water flowing across the subject property and down to his lot. He presented photographs showing significant flooding conditions in his yard. *See* Protestant Ex. No. 1.

As discussed at the hearing, this problem was not created by the Petitioner or the prior owner of the lot, although it might well be exacerbated by the large retaining wall constructed on the neighbor's property. It would appear, and Mr. Motsco agreed, storm drains need to be installed in this area to convey the water to an appropriate outfall. Baltimore County has an obligation to provide storm drain facilities, and the site plan in fact shows the County has 10' and 20' wide "drainage and utility easements" adjoining these lots for just this purpose. *Eisenstein v. City of Annapolis*, 177 Md. 222, 226 (1939) ("[i]t is doubtless the burden of the municipality to construct and maintain drains or outlets of sufficient capacity to carry off all water").

THEREFORE, IT IS ORDERED this 16th day of **November, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to authorize a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. in lieu of the 100 ft. required, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-16-17

By bw

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.

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 11-16-17

By low



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 925 ELLENDALE DRIVE

which is presently zoned DR-1 & DR-2

Deed References: 38890/431

10 Digit Tax Account # 0 9 1 3 5 5 0 0 0 1

Property Owner(s) Printed Name(s) ENVISION BUILDERS, LLC

(SELECT THE HEARING(S) BY MARKING X 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. X 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 ATTACHMENT #1

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 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

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):

ENVISION BUILDERS, LLC /

Name #1 - Type or Print

Name #2 - Type or Print

Julian Hefner
Signature #1

President
Signature #2

7939 HONEYGO BOULEVARD

SUITE 112

WHITE MARSH

MD

Mailing Address

City

State

21236

(410) 652-5785

info@envisionbuild.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, INC., JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVENUE

SUITE 307

TOWSON

MD

Mailing Address

City

State

21286

(410) 296-1636

johnm@littleassociates.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0000 SPH Filing Date 10/5/17

Do Not Schedule Dates: _____

Reviewer JS

ATTACHMENT #1
REQUESTED RELIEF

- I. SPECIAL HEARING TO PERMIT, PURSUANT TO SECTION 500.7, BCZR; AND SECTION 304, BCZR, A BUILDING PERMIT FOR AN UNDERSIZED LOT IN A DR-2 ZONE HAVING A LOT WIDTH OF 92 FEET IN LIEU OF THE 100 FEET REQUIRED BY SECTION 1B02.3.C.1, BCZR.

2018-0100-SPH

October 4, 2017

ZONING DESCRIPTION FOR
#925 ELLENDALE DRIVE

Beginning at a point on the west side of Ellendale Drive, which is 50 feet wide, at the distance of 1,900 feet northwest of the centerline of Providence Road, which is 43 feet wide. Being Lot 48 in the subdivision of Glen Ellen as recorded in Baltimore County Plat Book No. 14, Folio 25, containing 32,200 square feet of land, more or less. Located in the Ninth Election District and Third Council District.

2018-0100-SPH

CERTIFICATE OF POSTING

Date: 10-18-17

RE: Case Number: 2018-0100 SPH

Petitioner/Developer: Envision Builders LLC

Date of Hearing/Closing: 10-18-17

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 925 Ellendale Dr

ZONING NOTICE

CASE # 2018-0100-SPH

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

JEFFERSON BUILDING - RM205

PLACE: 105W. CHESAPEAKE AVE., TOWSON 21204

DATE AND TIME: MON. NOV. 13, 2017 10 AM

REQUEST: SPECIAL HEARING TO PERMIT A
BUILDING PERMIT FOR AN UNDERSIZED LOT IN
A DR 2 ZONE HAVING A LOT WIDTH OF 92 FT.
IN LIEU OF THE 100 FT. REQUIRED.

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

DO NOT REMOVE THIS SIGN



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 5259208

Sold To:

Envision Builders - CU00376383
7939 Honeygo Blvd Ste 112
Nottingham, MD 21236

Bill To:

Envision Builders - CU00376383
7939 Honeygo Blvd Ste 112
Nottingham, MD 21236

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

Oct 24, 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: # 2018-0100-SPH
925 Ellendale Drive
W/s Ellendale Drive, 1900 ft. NW of centerline of Providence Road
9th Election District - 3rd Councilmanic District
Legal Owner(s) Envision Builders, LLC

Special Hearing to permit a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. in lieu of the 100 ft. required.

Hearing: Monday, November 13, 2017 at 10:00 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.

JT 10-762 October 24 5259208

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising



KEVIN KAMENETZ
County Executive

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

October 16, 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: 2018-0100-SPH

925 Ellendale Drive

W/s Ellendale Drive, 1900 ft. NW of centerline of Providence Road

9th Election District – 3rd Councilmanic District

Legal Owners: Envision Builders, LLC

Special Hearing to permit a building permit for an undersized lot in a DR 2 zone having a lot width of 92 ft. In lieu of the 100 ft. required.

Hearing: Monday, November 13, 2017 at 10:00 a.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 the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Envision Builders, LLC, 7939 Honeygo Blvd., Ste. 112, White Marsh 21236
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 24, 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
925 Ellendale Drive; W/S Ellendale Drive,
1900' NW of Providence Road
9th Election & 3rd Councilmanic Districts
Legal Owner(s): Envision Builders LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-100-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio

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

RECEIVED

OCT 12 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, 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

November 8, 2017

Envision Builders LLC
7939 Honeygo Boulevard
Suite 112
White Marsh MD 21236

RE: Case Number: 2018-0100 SPH, Address: 925 Ellendale Drive

To Whom It May Concern::

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 5, 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
Little & Associates, Inc., John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286

11-13

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 11/2/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-100



INFORMATION:

Property Address: 925 Ellendale Drive
Petitioner: Envision Builders, LLC
Zoning: DR 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 permit an undersized lot in a DR-2 zone having a lot width of 92 feet in lieu of the 100 feet.

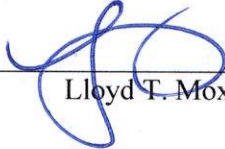
A site visit was conducted on October 26, 2017. Building elevations were reviewed at the time of the undersized lot review. The proposed dwelling is in line with neighboring dwellings and fits within the overall appearance of the small sized lots existing throughout the neighborhood.

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

Be advised that the petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR §304.1.C are met.

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
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2017
Item No. 2018-0097-A, 0098-A and 0100-SPH

DATE: October 13, 2017

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

* * * * *

VKD: EFC
cc: file

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: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0100-SPH
Address 925 Ellendale Drive
(Envision Builders, LLC Property)

Zoning Advisory Committee Meeting of **October 16, 2017**.

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

Reviewer: Steve Ford Date: 10-12-2017

 MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 10/10/17

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.

*2018-0100-SPH
Special Hearing
Envision Builders, LLC, William Hoffman
925 Ellendale Drive.*

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,



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

WW/RAZ

CASE NAME 925 Elkesdale Dr. (Environ Builders LLC)
CASE NUMBER 2018-0100-SPH
DATE 11/13/17

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME 925 Ellendale Dr.
CASE NUMBER 2018-0100-SPH
DATE 11/13/17

[illegible]



975 is
the
correct
address

FORMAL DEMAND FOR HEARING

CASE NUMBER: _____

Address: 529 ELLENDALE DR TOWSON, MD 21286

Petitioner(s): ENVISION BUILDERS LLC
7939 HONEYGO BOULEVARD STE 112 21236

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: WHITE MESS

I/We VINCENT J LEWIS, JR
Name - Type or Print

☒ Legal Owner OR ☐ Resident of
1429 AUTUMN LEAF RD
Address

TOWSON MD 21286
City State Zip Code

410 298 3277
Telephone Number

which is located approximately 0 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

[Signature] 9/25/17
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

* THIS PACKET CONTAINS
THE PAPERWORK FOR THE
UNDERSIZED LOT REQUEST
WHICH WAS PROTESTED.

159252

Date: 9/25/17

PAID RECEIPT

BUSINESS	ACTUAL	TIME	FROM
7/26/2017	7/25/2017	13:51:38	2
REC#502 MAIL JEE			
>>RECEIPT # 029469 7/25/2017 OFLN			
Dept 5 528 ZONING VERIFICATION			
CR#0. 159252			
Recpt Tot		\$50.00	
\$50.00 CR		\$.00	-CA
Baltimore County, Maryland			

Total: 50.00

For: 1474: Autumn Leaf

Samuel Bernard
575 Ellerslie Rd

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

Leonard Wasilewski

From: Brett Williams
Sent: Friday, September 29, 2017 9:03 AM
To: Leonard Wasilewski
Subject: Approval for undersized lot request
Attachments: 20170929090306868.pdf

Please see attachment for approval of the undersized lot request for 925 Ellendale Drive. Please see comment below for condition prior to approval.

1. According to SDAT, the adjacent property at 927 Ellendale Drive appears to be under common ownership. The applicant should confirm with the Office of Zoning Review that the proposed site meets Baltimore County Zoning Regulation (BCZR) Section 304.1.C.

Kindest Regards.

Brett M. Williams

№ 157196

Date:

9/13/77

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DAY
9/14/2017	9/13/2017	10:01:08	3

REG #503 WALKIN CAN
 >>RECEIPT # 743997 9/13/2017 OFLN
 Dept - 5 528 ZONING VERIFICATION
 CR NO. 157196

Recpt Tot \$100.00
\$100.00 CK \$.00 CA
Baltimore County, Maryland

[illegible]

Total:

100.00

Rec: Envision Builders LLC

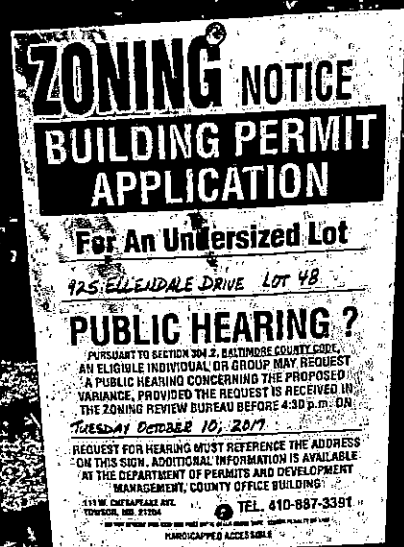
För: 925 ~~Forest~~ Ellendale Dr

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



John S. 9/24/17

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

A FILING REVIEW APPOINTMENT IS REQUIRED

**Department of Permits, Approvals and Inspections (PAI)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391**

The review application for your proposed Building Permit has been reviewed and is accepted for filing

by LEONARD WASILEWSKI on 9/13/2017
(Name of planner) Date (A)

A sign indicating the proposed building/development must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$100.00. The applicant is responsible for the posting and costs. An approved sign poster must be used. The fee is subject to change. Confirm all current fees prior to filing the application.

The Planning Office decision can be expected within approximately four weeks. However, if a valid hearing demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 9/26/17 D (15 Days Before C)
DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 10/10/17 C (B-3 Work Days)

TENTATIVE DECISION DATE 10/13/17 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: 9C3

Location of Property: 925 Ellendale Drive Lot 48

West Side of Ellendale Drive 2000 ft² west of Providence Rd

Posted by: [Signature] Date of Posting: 9/24/17
Signature

Number of Signs: 1

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

Permit or Case No. _____

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

Residential Processing Fee Paid

(\$100.00)

Accepted by _____

Date _____

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, the Zoning Review Office of PAI is requesting recommendations and comments from the Office of Planning prior to Zoning Review Office approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

ENVISION BUILDERS, LLC	7939 HONEYGO BOULEVARD, SUITE 112	(410) 652-5785	info@envisionbuild.net
Print Name of Applicant	Address	Telephone Number	Email Address

Lot Address 925 ELLENDALE DRIVE Election District 9 Councilmanic District 3 Square Feet 32,200

Lot Location: N E S W side/corner of ELLENDALE DRIVE, 2,000 feet from N E S W corner of PROVIDENCE ROAD
(street) (street)

Land Owner(s): ENVISION BUILDERS, LLC 10 Digit Tax Account Number 0913550001

Address: 7939 HONEYGO BOULEVARD, SUITE 112, WHITE MARSH, MD 21236 Telephone Number (410) 652-5785

Email Address info@envisionbuild.net

CHECKLIST OF MATERIALS- (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

	Planner Acceptance Check Off	
	YES	NO
1. This Recommendation Form (3 copies)	✓	_____
2. Permit Application	✓	_____
3. Site Plan Property (3 copies)	✓	_____
4. Building Elevation Drawings	✓	_____
5. Photographs (please label all photos clearly) Adjoining Buildings	✓	_____
Surrounding Neighborhood	✓	_____
6. Current Zoning Classification: <u>DR-1 & DR-2, DWELLING WITHIN DR-2</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
For the Director, Office of Planning

Date: _____

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

A FILING REVIEW APPOINTMENT IS REQUIRED

**Department of Permits, Approvals and Inspections (PAI)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391**

The review application for your proposed Building Permit has been reviewed and is accepted for filing

by LEONARD Wasilewski on 9/13/2017
(Name of planner) Date (A)

A sign indicating the proposed building/development must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$100.00. The applicant is responsible for the posting and costs. An approved sign poster must be used. The fee is subject to change. Confirm all current fees prior to filing the application.

The Planning Office decision can be expected within approximately four weeks. However, if a valid hearing demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 9/26/17 D (15 Days Before C)
DATE POSTED _____

* HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 10/10/17 C (B-3 Work Days)

TENTATIVE DECISION DATE 10/13/17 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: 9c3

Location of Property: 925 Ellendale Drive Lot 48

West Side of Ellendale Drive 2000ft² west of Providence Rd.

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____



922 ELLENDALE DRIVE



CONSTRUCTION AT 926 ELLENDALE DRIVE.



920 ELLENDALE DRIVE



919 ELLENDALE DRIVE

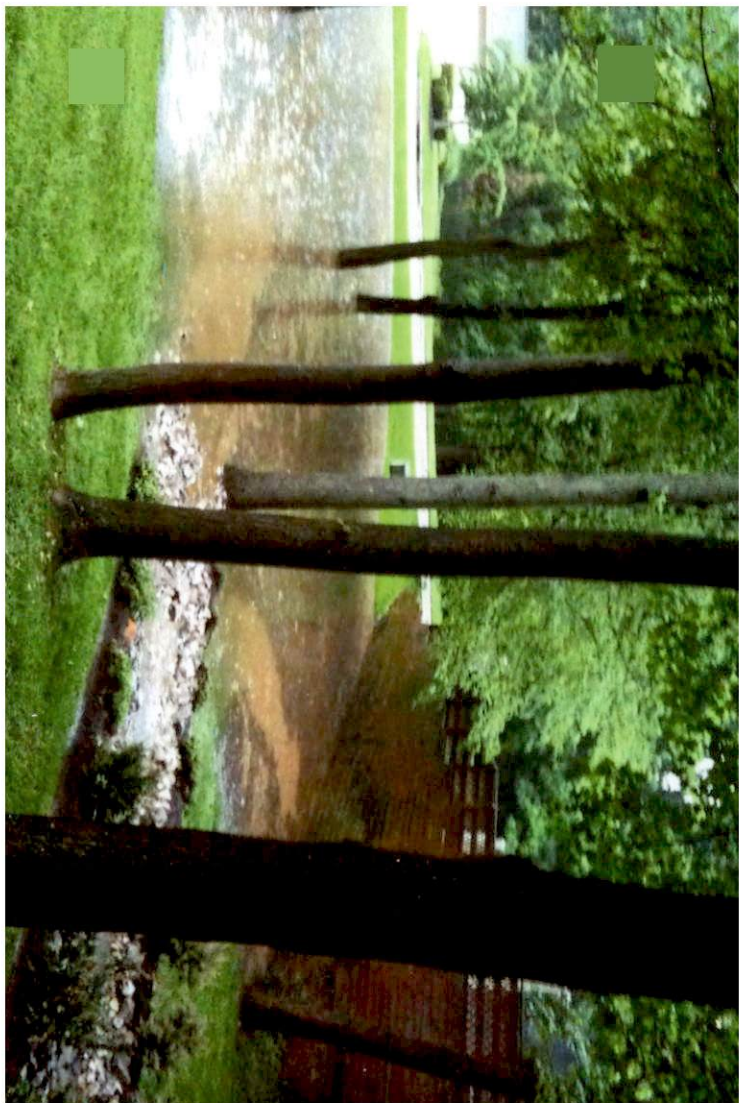


923 ELLENDALE DRIVE



①

IMG_2310.JPG 06/01/12
Ordered at Shutterfly





IMG_2311.JPG 06/01/12
Ordered at Shutterfly





4

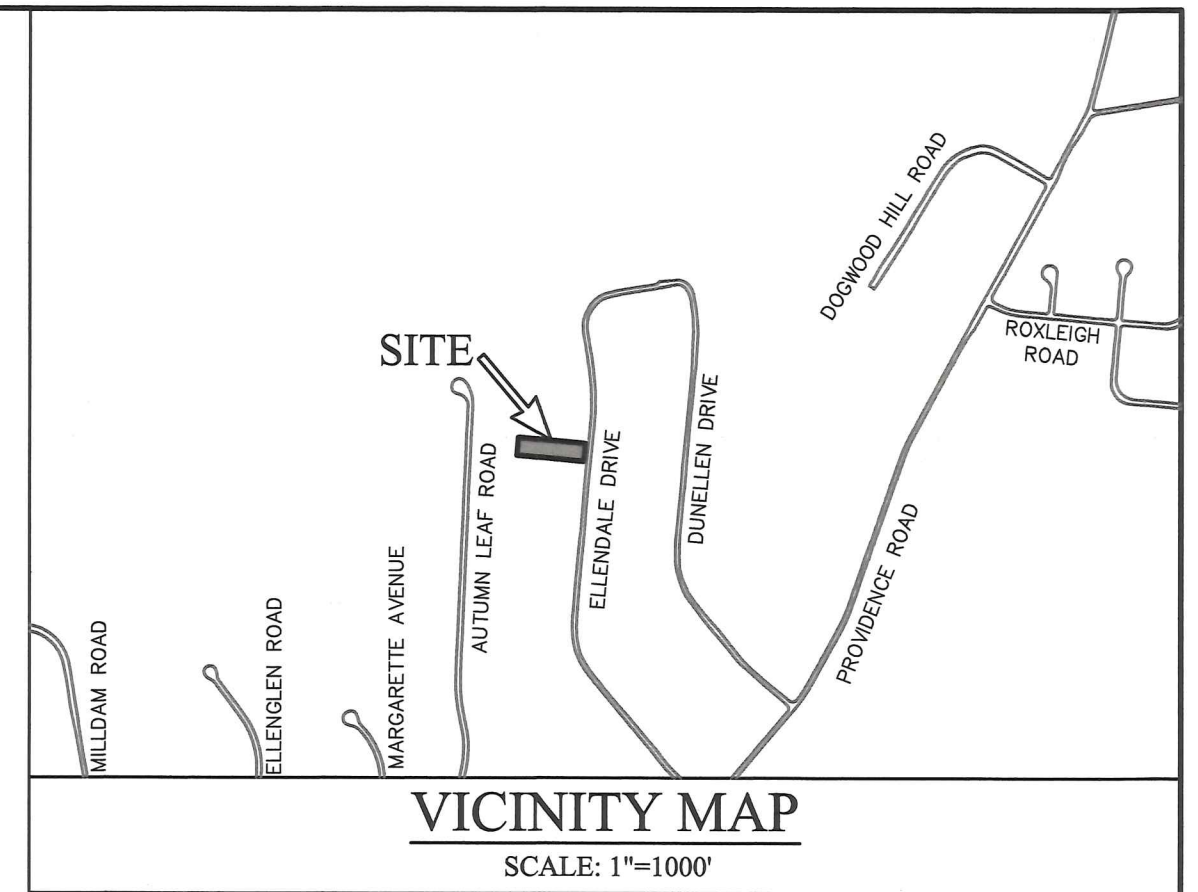
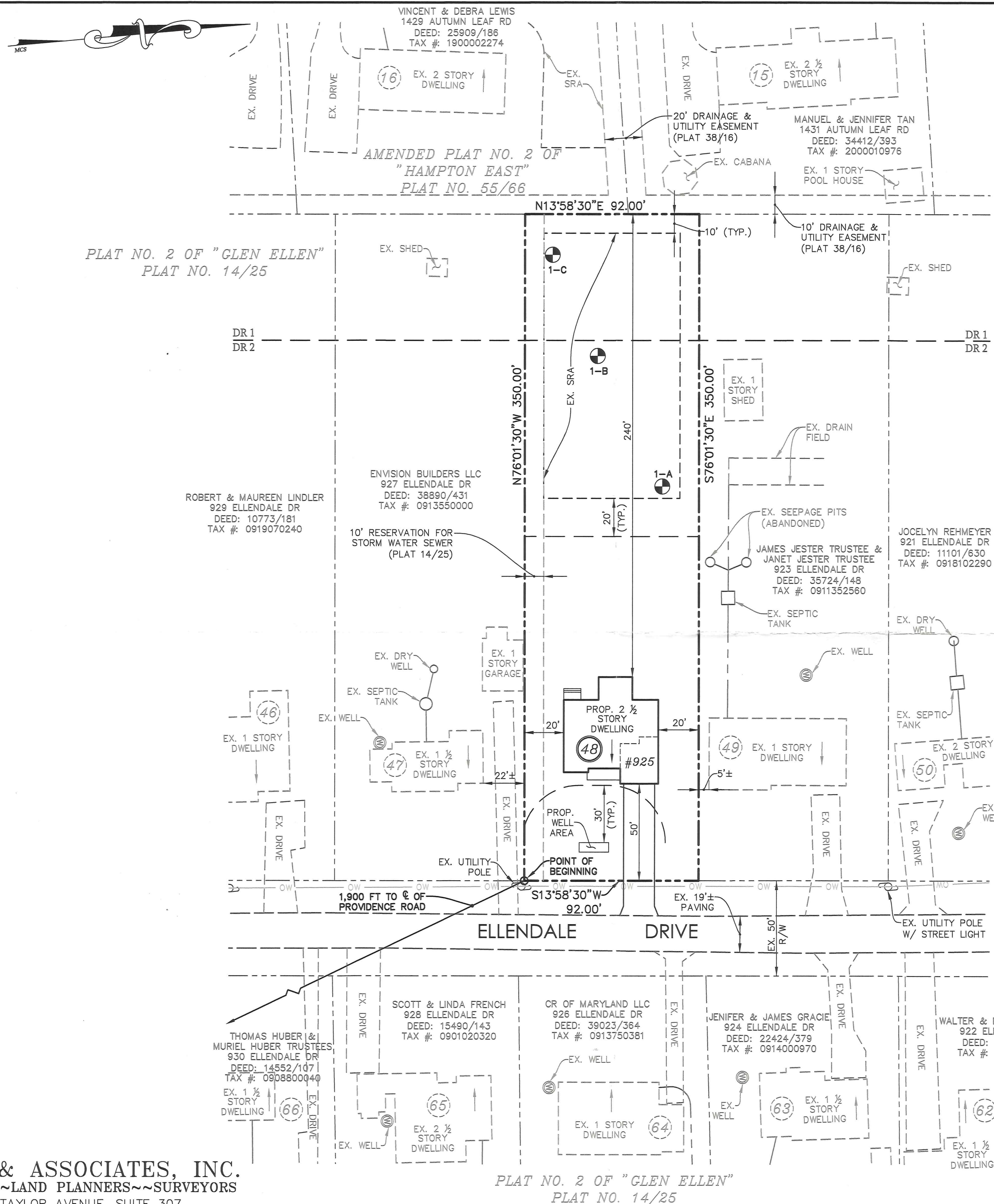
P5011280.JPG 06/01/12
Ordered at Shutterfly



(7)

Prot. No. 1

P8140127.JPG 08/14/11
Ordered at Shutterfly

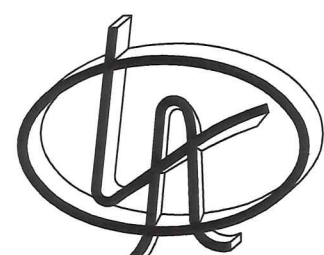


SITE DATA

1. NET/GROSS TRACT AREA: 0.739 AC± (32,200 SF)
2. THE SITE IS ZONED DR-1 & DR-2, 200 SCALE MAP #061C2.
3. OWNER:
ENVISION BUILDERS LLC
7939 HONEYGO BLVD, SUITE 112
WHITE MARSH, MD 21236
4. TAX ACCT. #: 0913550001
5. DEED: 38890/431
6. PLAT: 14/25 LOT 48
7. MAP: 061 GRID: 17 PARCEL: 222
8. ELECTION DISTRICT: 9 COUNCILMANIC DISTRICT: 3
9. THIS SITE IS LOCATED WITHIN THE LOCH RAVEN RESERVOIR WATERSHED.
10. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2017 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
11. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
12. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
14. THIS SITE HAS NO PREVIOUS ZONING HISTORY.
15. CURRENT USE: RESIDENTIAL
16. PROPOSED USE: RESIDENTIAL

SPECIAL HEARING REQUESTED RELIEF

1. SPECIAL HEARING TO PERMIT, PURSUANT TO SECTION 500.7, BCZR; AND SECTION 304, BCZR, A BUILDING PERMIT FOR AN UNDERSIZED LOT IN A DR-2 ZONE HAVING A LOT WIDTH OF 92 FEET IN LIEU OF THE 100 FEET REQUIRED BY SECTION 1B02.3.C.1, BCZR.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

CASE NO.: 2018-100-SPH
**PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
#925 ELLENDALE DRIVE
MILLER PROPERTY**

LOT #: 48
DISTRICT 9c3
SCALE: 1"=40'

PLAT: 14/25
BALTIMORE COUNTY, MD
OCTOBER 4, 2017

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
TOWSON, MARYLAND 21204

Date 8-11-17
OEA ARS
Historic District/Building
☐ Yes ☐ No
District/Precinct 0101

Permit # B
Control # NR
XRef # _____
Receipt # A
Fee 205.10 + 50
Total Paid 265
Paid By APR
Inspector _____

Property Address 925 Ellendale Drive
Suite/Space/Floor _____
Subdivision _____
Tax Account # 0913550001
Will this building have sprinklers? ☐ Yes ☐ No
Is this property located in a floodplain? ☐ Yes ☐ No

OWNER'S INFORMATION
First & Last Name (Individual) _____
Corporation Name ENVISION BUILDERS, LLC
Address 7939 Honeygo Boulevard, Suite 112
City, State, Zip White Marsh, MD 21236
Seller _____

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
Name Debbie King Phone Number 410 296-1636
Company (if applicable) Little r Associates Inc
Address 1055 Taylor Ave Suite 307
City, State, Zip Towson, MD 21286
Applicant Signature Debbie King E-Mail _____
Business/Tenant Name _____
Contractor ENVISION BUILDER, LLC MHIC # _____ MHBR # 63566
Engineer 02 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1 DRC # _____
PLANS: CONST SPRINKLERS REQD. PP#

TYPE OF IMPROVEMENT

- ☒ New Bldg Construction
- ☐ Addition
- ☐ Alteration
- ☐ Repair
- ☐ Wrecking
- ☐ Moving
- ☐ Other _____

TYPE OF USE

- RESIDENTIAL
- ☒ One Family
 - ☐ Two Family
 - ☐ Three and Four Family
 - ☐ Five or More Family (enter no. units) _____
 - ☐ Swimming Pool
 - ☐ Garage
 - ☐ Other _____

Foundation Type Basement
1. ☐ Slab 1. ☐ Full
2. ☐ Block 2. ☐ Partial
3. ☐ Concrete 3. ☐ None

Type of Construction
1. ☐ Masonry
2. ☐ Wood Frame
3. ☐ Structure Steel
4. ☐ Reinforced Concrete

Type of Sewage Disposal
1. ☐ Public Sewer ☐ Exists ☐ Proposed
2. ☒ Private System ☐ Exists ☐ Proposed
☒ Septic ☐ Exists ☐ Proposed
☐ Privy ☐ Exists ☐ Proposed

DESCRIBE PROPOSED WORK:
"2800" SIDE STAIR" CONSTRUCT 2-STY SF
W/ UNFINISHED BSMT W/R.I., 2 FT REAR
ERT, 4' SIDE GARAGE ERT, LONG COVD PORCH
WIDE AREA WAY, MORNING RM, 4 BED RM

- NON-RESIDENTIAL
- ☐ Amusement, Recreation, Place of Assembly
 - ☐ Church, Other Religious Building
 - ☐ Deleted-----
 - ☐ Industrial, Storage Building
 - ☐ Parking Garage
 - ☐ Service Station, Repair Garage
 - ☐ Hospital, Institutional, Nursing Home
 - ☐ Office, Bank, Professional
 - ☐ Public Utility
 - ☐ School, College, Other Educational
 - ☐ Deleted-----
 - ☐ Store ☐ Mercantile ☐ Restaurant (specify type) _____
 - ☐ Swimming Pool (specify type) _____
 - ☐ Tank, Tower
 - ☐ Transient Hotel, Motel (no. units) _____
 - ☐ Other _____

Type of Heating Fuel Central Air: 1. ☐ 2. ☐
1. ☐ Gas 3. ☐ Electricity
2. ☐ Oil 4. ☐ Coal

Type of Water Supply
1. ☐ Public System ☐ Exists ☐ Proposed
2. ☒ Private System ☐ Exists ☒ Proposed

Estimated Cost of Materials and Labor \$ 150,000

Proposed Use SFD
Existing Use VACANT

Ownership: 1. ☒ Privately Owned 2. ☐ Publicly Owned 3. ☐ Sale 4. ☐ Rental

Residential Category: 1. ☒ Detached 2. ☐ Semi-Detached 3. ☐ Group 4. ☐ Townhouse 5. ☐ Mid-Rise 6. ☐ High-Rise
Efficiency # _____ 1-Bedroom # _____ 2-Bedroom # _____ 3-Bedroom # _____ Total Bedrooms _____ Total Apts/Condos _____
One Family Bedroom # _____ Bathroom # 3 Kitchen # 1 Powder Room # 1 Garbage Disposal: 1. ☐ Yes 2. ☐ No

Class 04 Liber _____ Folio _____ Map _____ Parcel _____

Building Size
Floor _____
Width _____
Depth _____
Height _____
Stories _____
Lot #'s 48

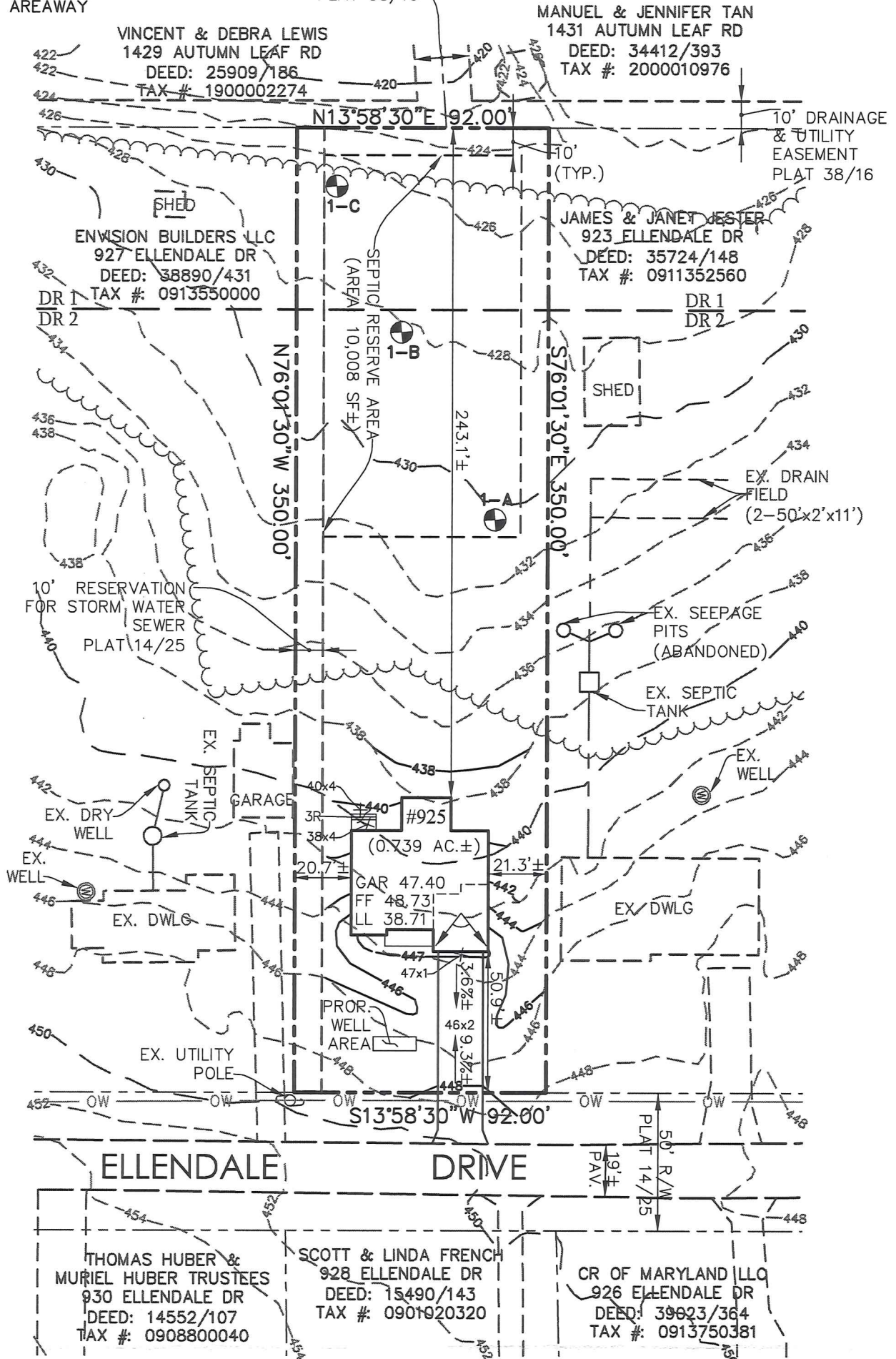
Lot Size and Setbacks
Size 32,200 SF
Front Street _____
Side Street _____
Front Setback 50.9'
Side Setback 20.7' / 21.3'
Side Street Setback _____
Rear Setback 243'

Corner Lot: 1. ☐ Yes 2. ☐ No Zoning _____

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	<u>111</u>	
PUB SERV	<u>OK TO FILE</u>	
ENVRMNT	<u>319</u>	
PLANNING		
PERMITS		

2800 SIDE STAIR
ELEVATION 3
2 FT. REAR EXTENSION
MORNING ROOM
EXT. COVERED PORCH
WIDE WELL AREAWAY

20' DRAINAGE & UTILITY EASEMENT
PLAT 38/16



GENERAL NOTES

1. OWNERSHIP: ENVISION BUILDERS LLC
925 ELLENDALE DRIVE
BALTIMORE, MD 21236
2. TAX ACCOUNT #: 0913550001
3. DEED REF: 38890/431
4. SITE AREA: 0.7392 AC±
5. THE SITE IS ZONED DR-1 AND DR-2.

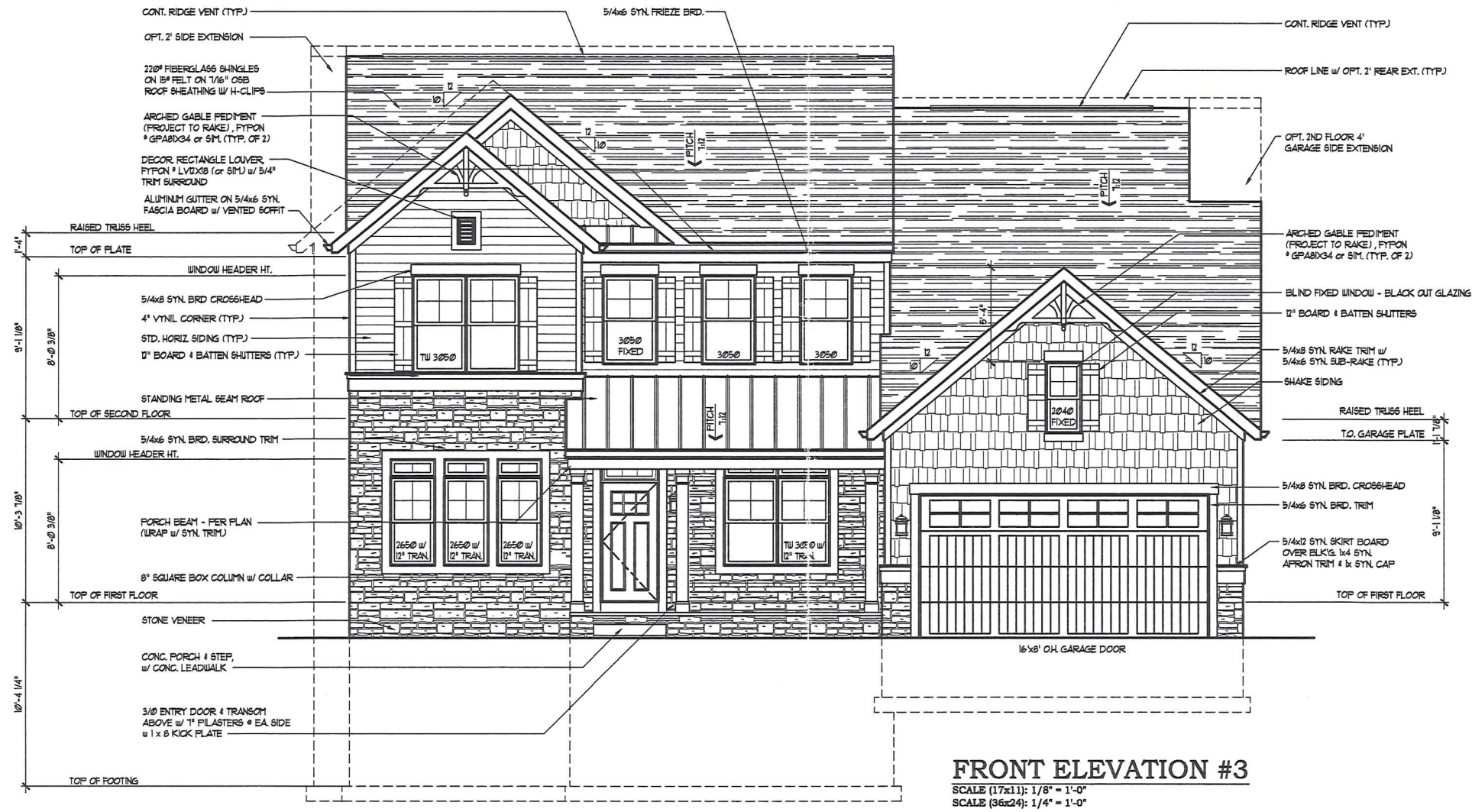
SITE PLAN TO ACCOMPANY
BUILDING PERMIT APPLICATION
#925 ELLENDALE DRIVE
MILLER PROPERTY



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

TAX ACCT #: 0913550001
DISTRICT 9c3
SCALE: 1"=50'

PLAT: 14/25
BALTIMORE COUNTY, MD
JULY 5, 2017



FRONT ELEVATION #3
SCALE (17x11): 1/8" = 1'-0"
SCALE (36x24): 1/4" = 1'-0"

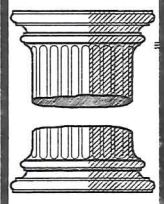
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Architecture Collaborative, Inc.
8334 Main Street
Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 485-7500 Fax: (410) 485-0903

ELEVATION 3
content: 1" = 4' (36x24) file: 05-23-17
scale: 1" = 8' (17x11) 3.3
drawn: 3.3
title: 2800 SIDE STAIR

date	revision	by
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SHEET #
3.3





REAR ELEVATION #3
SCALE (1/7x11): 1/16" = 1'-0"
SCALE (3/6x24): 1/8" = 1'-0"

Architecture Collaborative, Inc.
8334 Main Street
Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

content: REAR ELEVATION - 3
scale: 1" = 6' (3/6x24) 1/8" = 1'-0" (1/7x11) 3/32"
date: 05-23-17
drawn: 3.3B
title: ENVISION BUILDERS, LLC
2800 SIDE STAIR

date	revision	by
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SHEET #
3.3B



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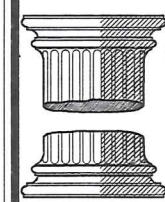
Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 485-7500 Fax: (410) 485-0903

content	SIDE ELEVATIONS - 3	
scale: 1" = 4'	file: (36x24)	date: 06-28-17
1" = 8'	(17x11)	3.5A
ENVISION BUILDERS, LLC		
title	2800 SIDE STAIR	

[illegible]

SHEET #

3.3A



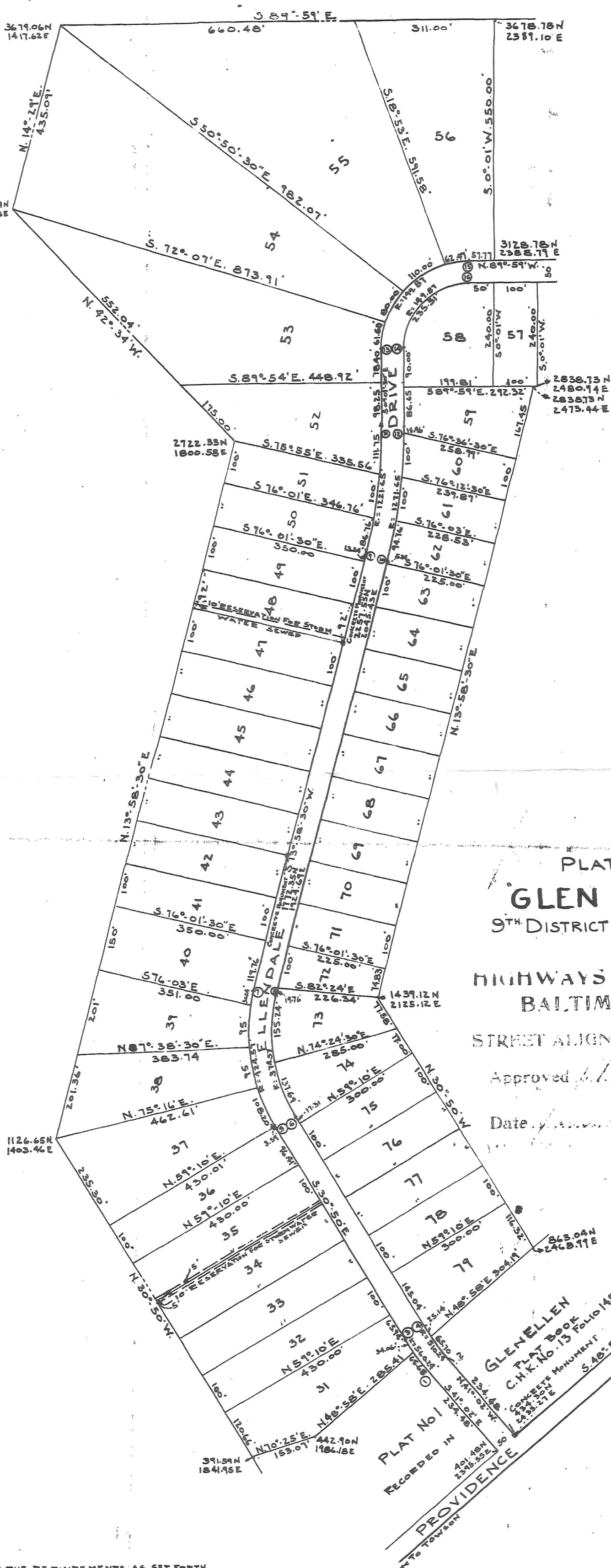
Architecture Collaborative, Inc. 6/8/2017 5:07 PM

6/8/2017 5:07:09 PM, Architecture Collaborative, Inc.

File Name: Z:\CLIENT\ENVISION\EV012850\SHRINTS\3.9A.DWG

MAGNETIC MERIDIAN OF 1946

COORDINATE TABLE		
	NORTH	EAST
1	578.35	2241.62
2	611.18	2279.34
3	659.00	2183.17
4	684.63	2226.10
5	1141.87	1894.94
6	1167.50	1937.87
7	1461.96	1847.49
8	1449.88	1896.01
9	2456.62	2094.98
10	2444.55	2143.50
11	2752.18	2131.16
12	2752.19	2181.16
13	2928.85	2131.09
14	2928.85	2181.09
15	3128.77	2331.02
16	3078.77	2331.01



PLAT No. 2
GLEN ELLEN
9TH DISTRICT BALTO CO. MD.
HIGHWAYS DEPARTMENT OF
BALTIMORE COUNTY.
STREET ALIGNMENT AND LOCATION.

Approved *[Signature]* ROADS ENGINEER.
Date *[Signature]*

GLEN ELLEN
PLAT No. 13 FOLIO 145
C.H.K. No. 13
CONCRETE MONUMENT
S. 48° 53' W. 612.00
ROAD
PLAT No. 1
RECORDED IN
PROVIDENCE

I HEREBY CERTIFY THAT THE REQUIREMENTS AS SET FORTH IN SECTIONS 12A, 12B, 12C & 12D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (1939 EDITION) TITLE CLERKS OF COURTS AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT HAVE BEEN COMPLIED WITH

SIGNED *[Signature]*
OWNER

PETITIONER'S

EXHIBIT NO. 2

SCALE: 1"=200' JUNE 20, 1946
DOLLENBERG BROTHERS
SURVEYORS & CIVIL ENGINEERS
DUNCAN BLDG - TOWSON, MD.
SIGNED *[Signature]*
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

NOTE THE COORDINATES SHOWN HEREON ARE ASSUMED