

IN THE MATTER OF
HOWARD AND BARBARA NEELS - LEGAL
OWNERS AND PETITIONERS FOR SPECIAL
HEARING ON THE PROPERTY LOCATED AT
4 LOWER FIELD COURT

11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 19-305-SPH

* * * * *

ORDER OF DISMISSAL

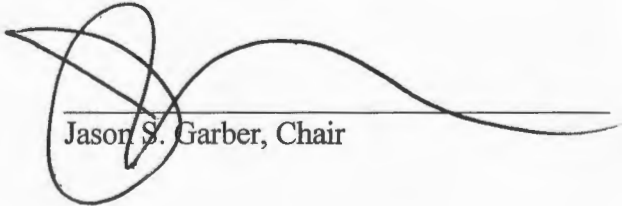
This matter comes to the Board of Appeals by way of an appeal filed by People's Counsel for Baltimore County, Appellants, from a final decision of the Administrative Law Judge dated June 3, 2019, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on August 6, 2019, by People's Counsel for Baltimore County, Appellants, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of August 6, 2019,

IT IS ORDERED this 22nd day of August, 2019 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 19-305-SPH be and the same is hereby **DISMISSED with prejudice**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Chair



Board of Appeals of Baltimore County

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

August 22, 2019

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

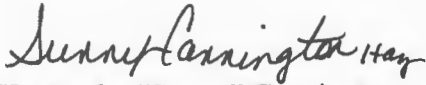
Re: In the Matter of: *Howard and Barbara Neels*
Case No.: 19-305-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal 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

c: Howard and Barbara Neels
David W. Billingsley/Central Drafting and Design
C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 6, 2019

HAND DELIVERED

Jason S. Garber, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

Dear Chairman Garber:

On June 25, 2019, our office filed an appeal of the Administrative Law Judge's Opinion and Order dated June 3, 2019. Upon further review of the record and careful evaluation, we withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 6, 2019

HAND DELIVERED

Jason S. Garber, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

Dear Chairman Garber:

On June 25, 2019, our office filed an appeal of the Administrative Law Judge's Opinion and Order dated June 3, 2019. Upon further review of the record and careful evaluation, we withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners





Board of Appeals of Baltimore County

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

July 18, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Howard and Barbara Neels – Legal Owners
4 Lower Field Court
19-305-SPH 11th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to:
(1) Amend the Final Development Plan ("FDP") for Batter Brook Farms; and
(2) Eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B

6/3/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED.

ASSIGNED FOR: AUGUST 29, 2019, 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 with the Board unless otherwise requested.
- Please contact our office for information about projection equipment. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

Krysundra "Sunny" Cannington
Administrator

Notice of Assignment

In the matter of: Howard and Barbara Neels

Case number: 19-305-SPH

July 18, 2019

Page 2

c.	Petitioners/Legal Owners	: Howard and Barbara Neels
	Appellant	: People's Counsel for Baltimore County

David W. Billingsley/Central Drafting and Design

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 25, 2019

Howard Neels
Barbara Neels
11825 Gontrum Road
Kingsville, Maryland 21087



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0305-SPH
Property: 4 Lower Field Court

Dear Mr. & Mrs. Neels:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 25, 2019. 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 "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

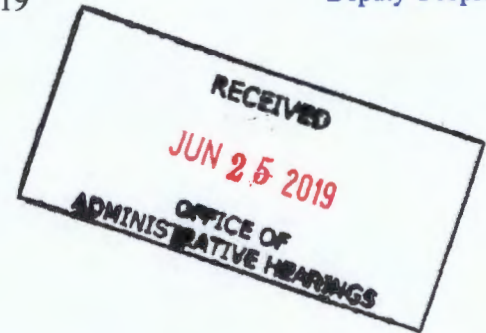
PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 25, 2019

Hand-delivered

Michael D. Mallinoff
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204



Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

Dear Mr. Mallinoff:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals of the Opinion and Order dated June 3, 2018 by the Baltimore County Administrative Law Judge in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners

**Petition for Special Hearing
(4 Lower Field Court)
11th Election District – 5th Councilmanic District
Legal Owners: Howard & Barbara Neels**

Case No. 2019-0305-SPH

Petition for Variance Hearing (April 22, 2019)

Zoning Description of Property

Certificate of Posting –

1st Posting- May 10, 2019 (David W. Billingsley)

2nd Posting- Re-Certification- May 26, 2019 (David W. Billingsley)

Newspaper Advertisement – May 10, 2019- The Daily Record

Notice of Zoning Hearing – April 26, 2019

People's Counsel Entry of Appearance –May 1, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets-

Petitioner(s) Exhibits –

1. Red Lined Copy of Final Development Plan as Submitted with Petition
2. Color Coded copy of Tax Map 0063
3. Real property data search for 1182 Gontrum Road (Lot 55) shown in blue on Exhibit 2
4. Real property data search for 4 Lower Field court (Lot 42) shown in yellow on Exhibit 2.
5. Real property data search for Parcel B shown in red on Exhibit 2
6. " " " " " " " " " " " " " " " " " "
7. Deed of record dated December 2, 1992 recorded in Liber 9507 Folio 789
8. Plat 3 Batter Brook Farms recorded in Plat Book 64 Folio 37
9. Plat 2 Batter Brook Farms recorded in Plat Book 64 Folio 36
10. Plat 1 Batter Brook Farms Recorded in Plat Book 64 Folio 35
11. Baltimore County my neighborhood aerial photo
12. Plan prepared by groundwater management showing locations of existing septic system FOE Lot 55 encroaching onto Lot 42.
13. Plan showing proposed dwelling, well and septic systems on Parcel B
14. Groundwater Management approval letter for new septic systems on Parcel B.
15. Letter of Support
16. DRC letter
17. 8-29-18 letter to DRC
18. Declaration of Covenants

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)- SDAT: Real Property

Administrative Law Judge Order and Letter (GRANTED- June 3, 2019)

Notice of Appeal – People’s Counsel for Baltimore County, June 25, 2019

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

(4 Lower Field Ct.)

11th Election District *

5th Council District *

Howard & Barbara Neels *

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0305-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 Howard & Barbara Neels, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR"): (1) to amend the Final Development Plan ("FDP") for Batter Brook Farms; and (2) to eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B. A site plan was marked and admitted as Petitioners' Exhibit 1.

Howard Neels and David Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability ("DEPS") and the Department of Planning ("DOP"). The DOP opposed the request.

Petitioners own three separate tracts of land shown on the Final Development Plan for Batter Brook, a 55 lot subdivision in the Kingsville area approved by Baltimore County in 1991. Petitioners own and reside in an historic home on Lot 55 (approx. 27 acres in size) as shown on the plan. Petitioners also own an adjoining lot (No. 42, approx. 1.67 acres) which is unimproved and a 42+/- acre tract shown on the plan as Parcel B. Together these three tracts constituted a large

ORDER RECEIVED FOR FILING

Date 10-3-19

By Sen

part of the farm which was operated on the property before the subdivision was approved in 1991.

Petitioners recently discovered the underground trenches used in their on-site waste disposal facility encroached upon the adjoining lot (Lot 42) they own. Petitioners employed a septic system contractor which field-located the trenches and verified using GPS that they encroached upon Lot 42. See Pets. Exhibit 12. Petitioners are exploring the possibility of selling all three tracts of land and are concerned that the septic system encroachment would present a legal impediment preventing the transfer of Lots 42 and/or 55.

As such, Petitioners filed a request with the Development Review Committee (“DRC”) to “eliminate the division line between Lots 42 and 55” and designating Parcel B as Lot 42. *See* Pets. Ex. 17. The DRC approved that request by letter dated October 3, 2018 (Ex. 16), and this proceeding is only to consider the amendment of the Final Development Plan (“FDP”). As noted in the DEPS ZAC comment, the reconfiguration of Lots 42 & 55 is a development matter, and the Administrative Law Judge (“ALJ”) cannot create or alter lot lines.

An amendment of a Final Development Plan is governed by BCZR §1B01.3.A.7., which requires among other things that the amendment be “consistent with the spirit and intent of the original plan.” I believe Petitioners satisfy this requirement. Most significantly, the density for the subdivision will not change. Petitioners presented a 1992 Declaration of Covenants (Ex. 18) filed among the land records which was created in connection with the 1991 subdivision. That documents restricts the density to “fifty-five dwelling units,” and Petitioners’ request would not violate that restriction. *See* Ex. 18 at p. 11.

The DOP opposed the request and opined that constructing a dwelling on Parcel B as shown on the 1991 development plan would obstruct a view shed and run afoul of a concession made by the developer to gain community support for the project. As an initial matter, there is nothing in

ORDER RECEIVED FOR FILING

Date 6-3-19

By sen

the aforementioned covenant agreement which would prevent a dwelling from being constructed on Parcel B. It is true, as noted by the DOP, the 1991 development plan indicated Parcel B was "not a buildable lot." Petitioners, who have owned the property since 1992, explained that was because the property at that time did not "perc," meaning a septic waste disposal system could not be installed. At present however, Petitioners had soil percolation tests performed on Parcel B (as shown on the plan submitted as Ex.13) and DEPS has approved the installation of a septic system to serve a single-family dwelling to be constructed on that parcel. See Ex. 14. In these circumstances I believe Petitioners request is within the spirit and intent of the original 1991 plan and will not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 3rd day of **June, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to amend the Final Development Plan ("FDP") for Batter Brook Farms to eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B, as approved by the DRC, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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 6-3-19

By sen



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 3, 2019

Howard Neels
Barbara Neels
11825 Gontrum Road
Kingsville, Maryland 21087

RE: Petitions for Special Hearing
Case No. 2019-0305-SPH
Property: 4 Lower Field Court

Dear Mr. & Mrs. Neels:

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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, MD 21040



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

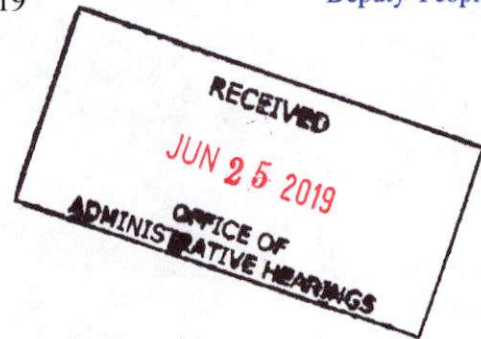
PETER MAX ZIMMERMAN
People's Counsel

June 25, 2019

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Michael D. Mallinoff
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204



Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

Dear Mr. Mallinoff:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals of the Opinion and Order dated June 3, 2018 by the Baltimore County Administrative Law Judge in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

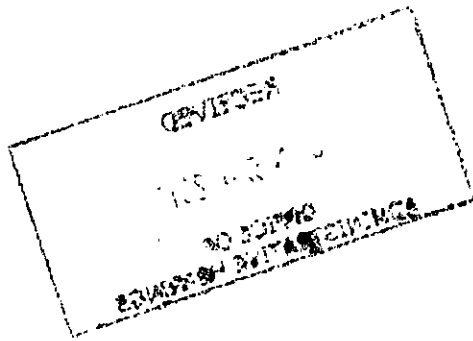
Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners



RECEIVED

MAY 27 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

RECERT. 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #1
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

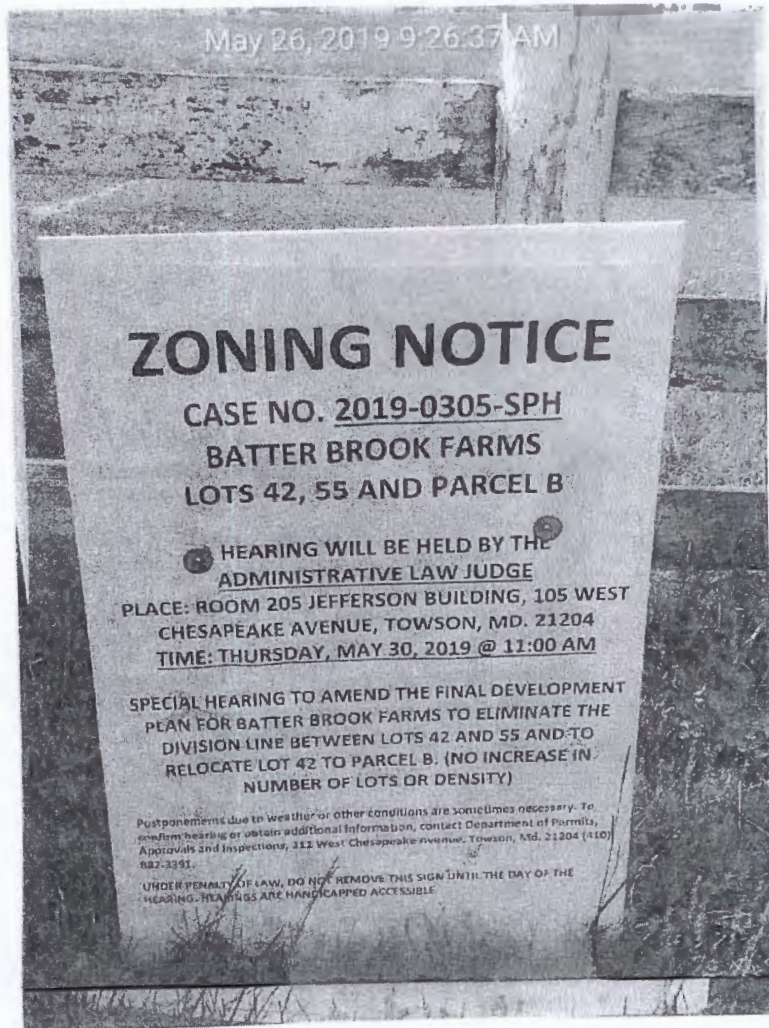
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4 LOWER FIELD CT & 11825 GONTRUM RD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

RECEIVED

MAY 27 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

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Date: MAY 10, 2019

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RECERT 5/26/19
MAY 10, 2019

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DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE NO. 2019-0305-SPH

BATTER BROOK FARMS
LOTS 42, 55 AND PARCEL B

HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM

SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
887-3391.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RECERT 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #2
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

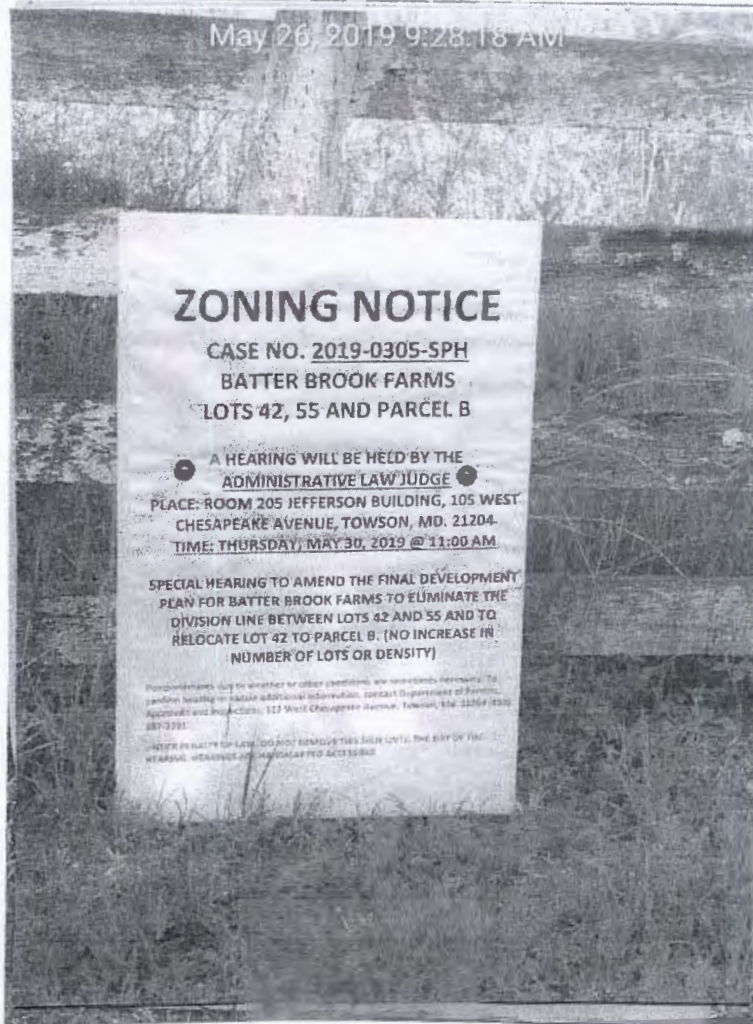
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4 LOWER FIELD CT & 11825 GONTRUM RD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECEIPT 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #2

Case Number /PAI Number: 2019-0305-SPH

Petitioner/Developer: NEELS

Date of Hearing/Closing: MAY 30, 2019

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 4 LOWER FIELD CT & 11825 GONTRUM RD

The sign(s) were posted on

RECEIPT 5/26/19

MAY 10, 2019

(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

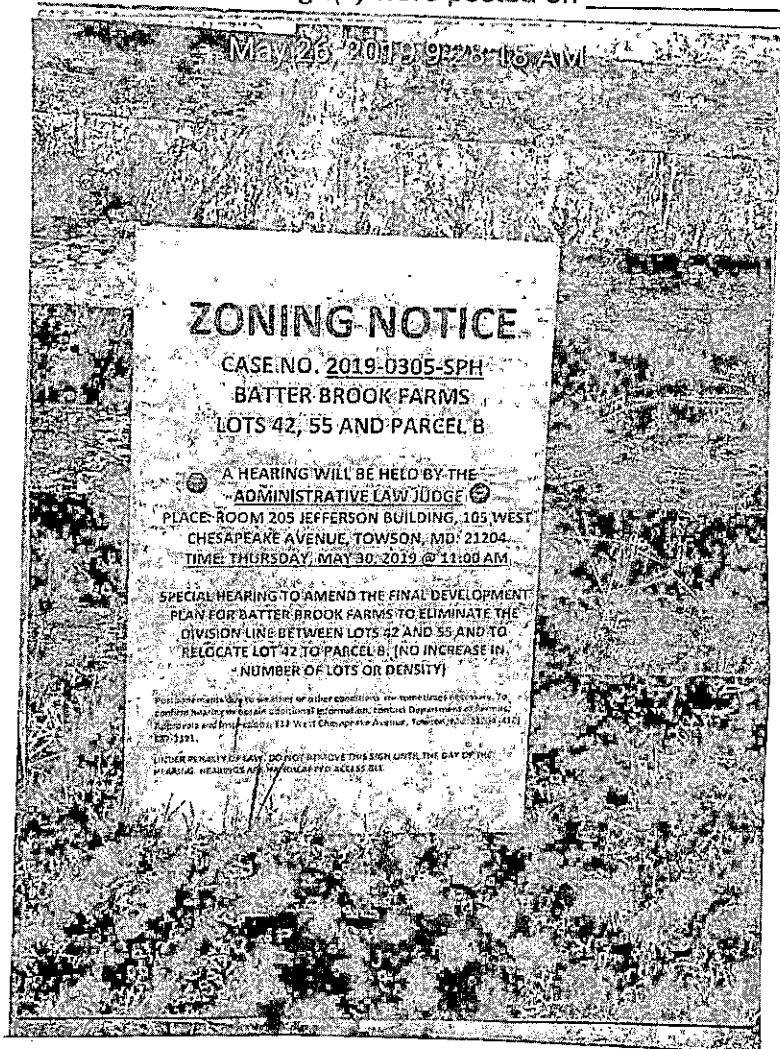
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

RECERT. 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #3
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

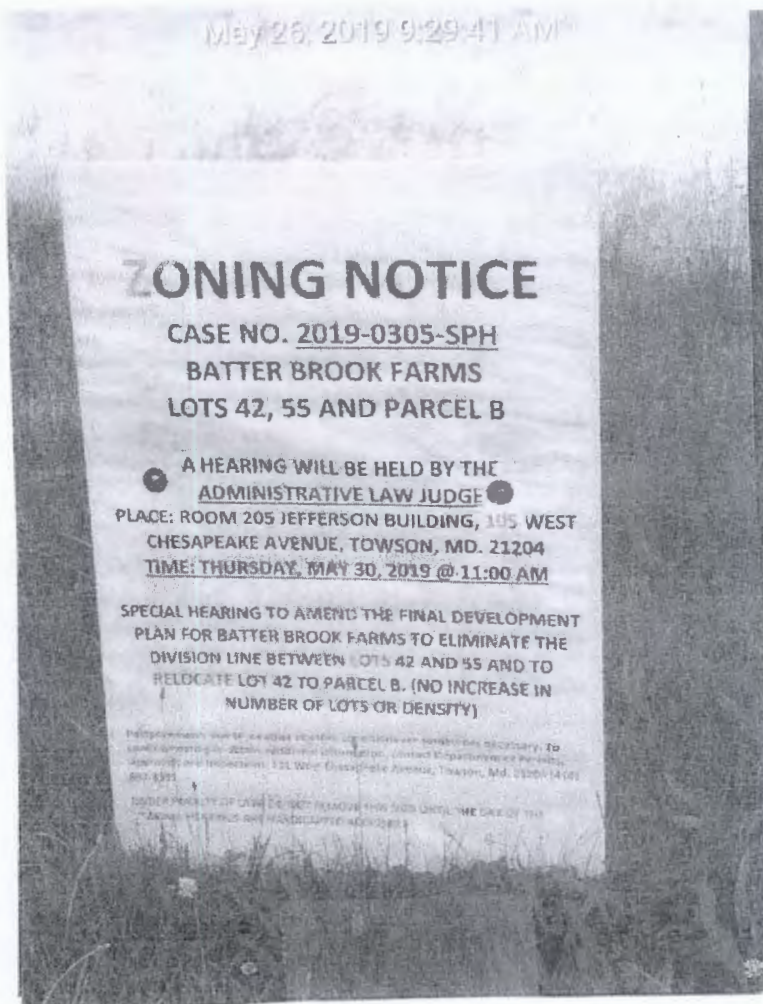
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERT. 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #3

Case Number /PAI Number: 2019-0305-SPH

Petitioner/Developer: NEELS

Date of Hearing/Closing: MAY 30, 2019

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 ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)

May 25, 2019 9:29:41 AM

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE NO. 2019-0305-SPH

BATTER BROOK FARMS

LOTS 42, 55 AND PARCEL B

A HEARING WILL BE HELD BY THE
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PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
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PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY).

Persons desiring to be heard at the hearing are required to
submit a written statement of their objections, desires, and
requests to the Administrative Law Judge at least 10 days
before the hearing. The statement should be submitted to the
Administrative Law Judge, Room 205 Jefferson Building,
105 West Chesapeake Avenue, Towson, MD. 21204 (410)
679-8719.

Persons desiring to be heard at the hearing are required to
submit a written statement of their objections, desires, and
requests to the Administrative Law Judge at least 10 days
before the hearing. The statement should be submitted to the
Administrative Law Judge, Room 205 Jefferson Building,
105 West Chesapeake Avenue, Towson, MD. 21204 (410)
679-8719.

CERTIFICATE OF POSTING

RECERT 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #4
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

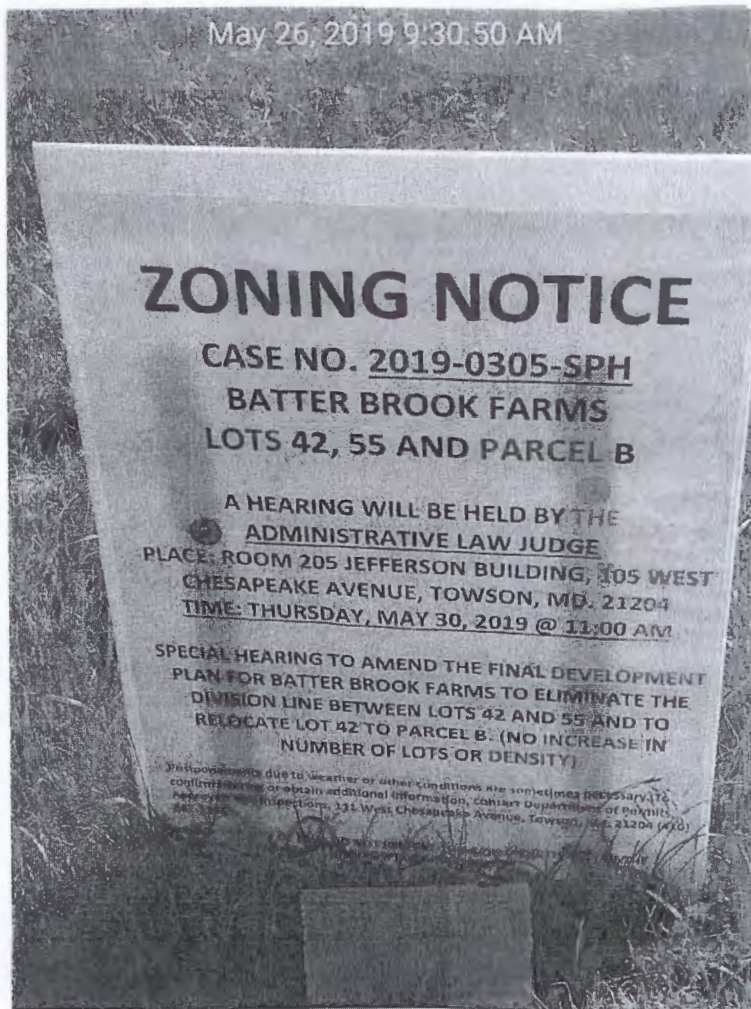
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERT 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #4

Case Number /PAI Number: 2019-0305-SPH

Petitioner/Developer: NEELS

Date of Hearing/Closing: MAY 30, 2019

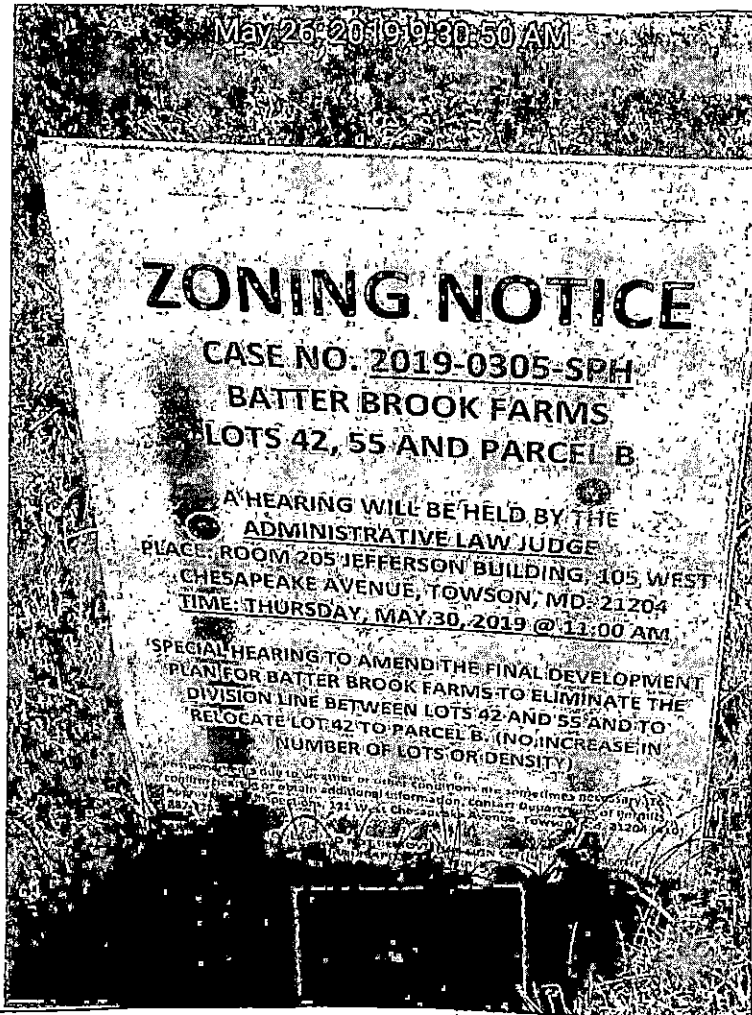
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 21, 2019

Howard Neels & Barbara Neels
11825 Gontrum Road
Kingsville MD 21087

RE: Case Number: 2019-0305-SPH, 4 Lower Field Ct

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 April 22, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
David Billingsley 601 Charwood Ct Edgewood MD 21040

5-30

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 5/28/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-305



INFORMATION:

Property Address: 4 Lower Field Court
Petitioner: Howard Neels, Barbara Neels
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to grant zoning relief as described on the attachment submitted in support of the petition.

A site visit was conducted on May 27, 2019.

The Department does not support granting the petitioned zoning relief.

The proposed site of the relocated of Lot 42 is currently an open view that connects across Gontrum Road to the original farm on Lot 55. Constructing a house in this location will have significant adverse impacts upon the rural scenic character. At the time of development, establishing Parcel B as "not a buildable lot" thereby keeping the area open and connected to the greater farm was important in garnering community support for the development proposal. The plan as now approved responds particularly well to the goals of the Master Plan in maintaining "*a mix of residential development and woodlands, farm fields, stream valleys and areas of historic significance*" (MP2020 pg. 93) as these features exist on the subject properties to include the historic barn associated with the "Gontrum Farm". Staff discussions with the Ground Water Management Section of the Department of Environmental Protection and Sustainability indicate that petitioners have not fully explored other remedies for addressing alternative well and septic locations.

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

Prepared by:

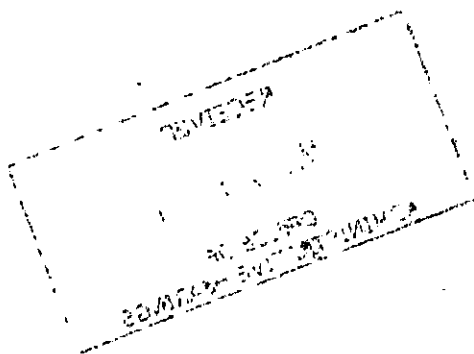
Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

CPG/JGN/LTM/

c: Wally Lippincott
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 6, 2019
Item No. 2019-0304-A, 0305 & 0306-A

DATE: May 14, 2019

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

*

*

*

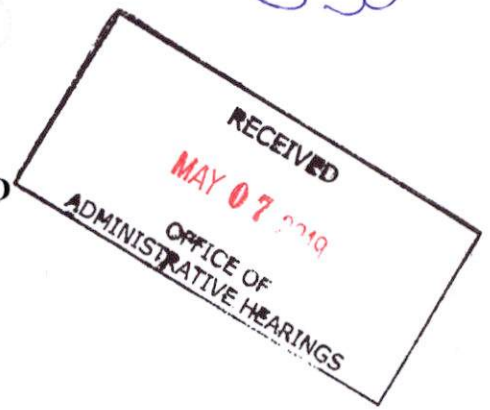
*

*

VKD: cen
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: May 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0305-SPH
Address 4 Lower Field Court
(Neels Property)

Zoning Advisory Committee Meeting of **May 6, 2019**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Development Coordination of the Department of Environmental Protection and Sustainability respectfully disagrees with the request for this case. The applicant is asking for relief that really should be presented to the Development Review Committee (DRC) for determination in how to proceed to bring all issues into compliance with County Code. Therefore, the Department asks that this petition be denied and referred to the DRC.

Reviewer: Steve Ford

Environmental Impact Review (EIR)

2. There are current violations of the recorded forest buffers on lot 55 and Parcel B. No plans or permits will be processed until compliance is met. Contact EIR at (410) 887-3980 for more information.

Reviewer: Thomas Krispin

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 5/1/19

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0305

*Special Hearing
Howard & Barbara Neels
4 Lower Field Court*

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

Sincerely,



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

WW/RAZ

4 LOWER FIELD CT
CASE NAME 11825 GUNTUN RD
CASE NUMBER 2019-0306-SPH
DATE 5/30/19

[illegible]

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

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

5/10/2019

Order #: 11737736
Case #: 2019-0305-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0305-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0305-SPH

4 Lower Field Court, 11825 Gontum Road

Southeast corner of Gontum Road and Connection Road

11th Election District - 5th Councilmanic District

Legal Owners: Howard & Barbara Neels

Special Hearing to amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate to Parcel B (no increase in number of lots or density).

Hearing: Thursday, May 30, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

my10

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #1
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 4 LOWER FIELD CT & 11825 GONTRUM RD

The sign(s) were posted on

MAY 10, 2019

(Month, Day, Year)

May 10, 2019 8:59:53 AM

ZONING NOTICE

CASE NO. 2019-0305-SPH

BATTER BROOK FARMS

LOTS 42, 55 AND PARCEL B

HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM

SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
887-3391.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

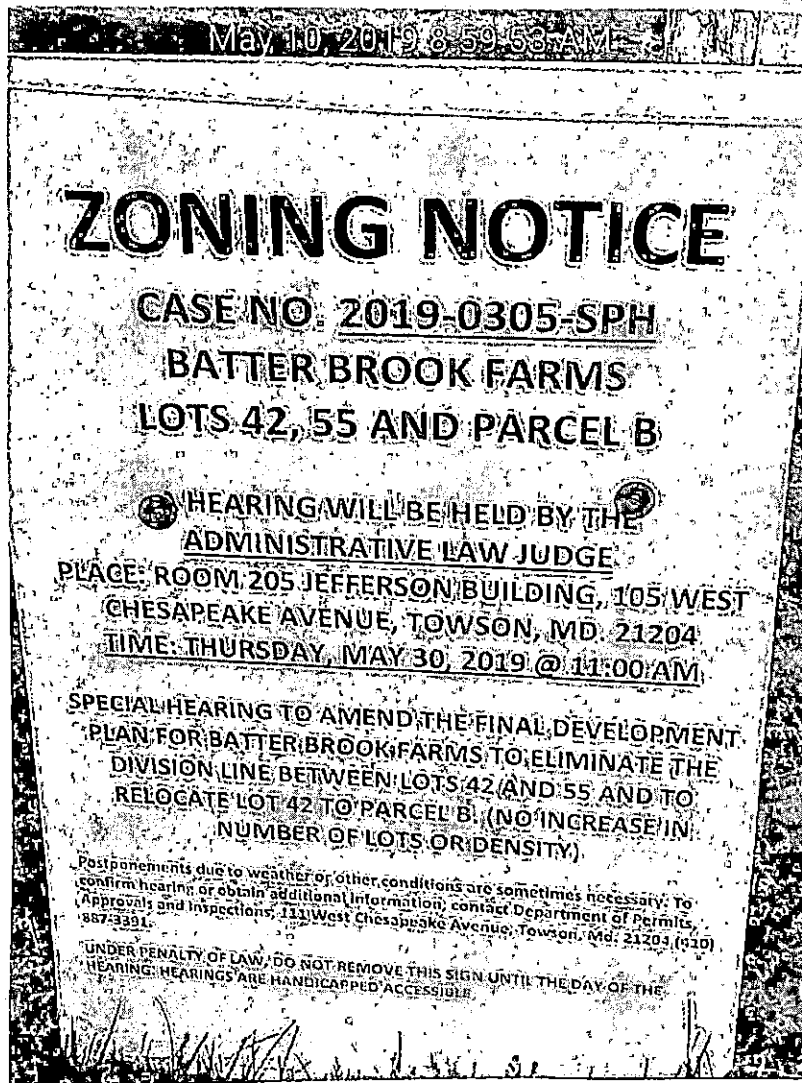
Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #1
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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The sign(s) were posted on MAY 10, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #2
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 4 LOWER FIELD CT & 11825 GONTRUM RD

The sign(s) were posted on

MAY 10, 2019

(Month, Day, Year)

May 10, 2019 9:06:13 AM

ZONING NOTICE

**CASE NO. 2019-0305-SPH
BATTER BROOK FARMS
LOTS 42, 55 AND PARCEL B**

**A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM**

**SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)**

Postponements due to weather or other conditions are sometimes necessary. To confirm hearing or obtain additional information, contact Department of Permits, Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #2
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 4 LOWER FIELD CT & 11825 GONTRUM RD

The sign(s) were posted on

MAY 10, 2019

(Month, Day, Year)

May 10, 2019 9:06:13 AM

ZONING NOTICE

CASE NO. 2019-0305-SPH
BATTER BROOK FARMS
LOTS 42, 55 AND PARCEL B

**A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204**
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM

**SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
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Approvals and Inspections, 111 West Chesapeake Avenue, Towson, MD. 21204 (410)
887-3351.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #3
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

The sign(s) were posted on MAY 10, 2019

(Month, Day, Year)

May 10, 2019 9:13:15 AM

ZONING NOTICE

CASE NO. 2019-0305-SPH

BATTER BROOK FARMS
LOTS 42, 55 AND PARCEL B

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM

SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)

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confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
837-4500.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #3

Case Number./PAI Number: 2019-0305-SPH

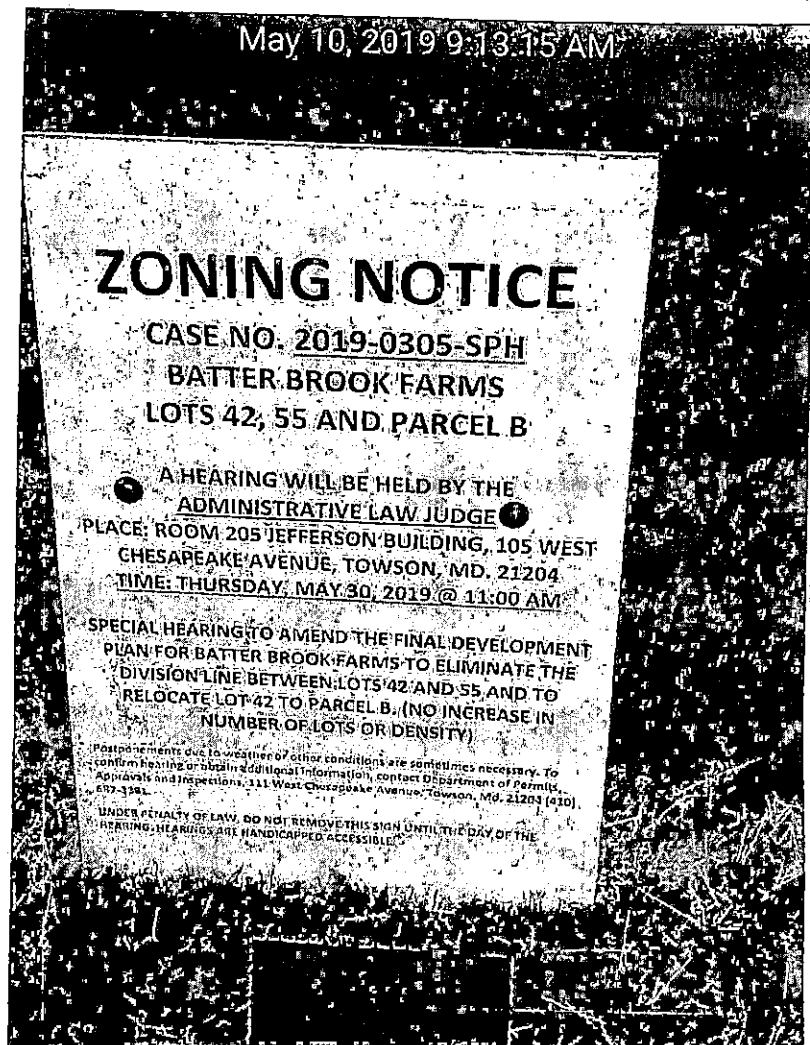
Petitioner/Developer: NEELS

Date of Hearing/Closing: MAY 30, 2019

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The sign(s) were posted on MAY 10, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

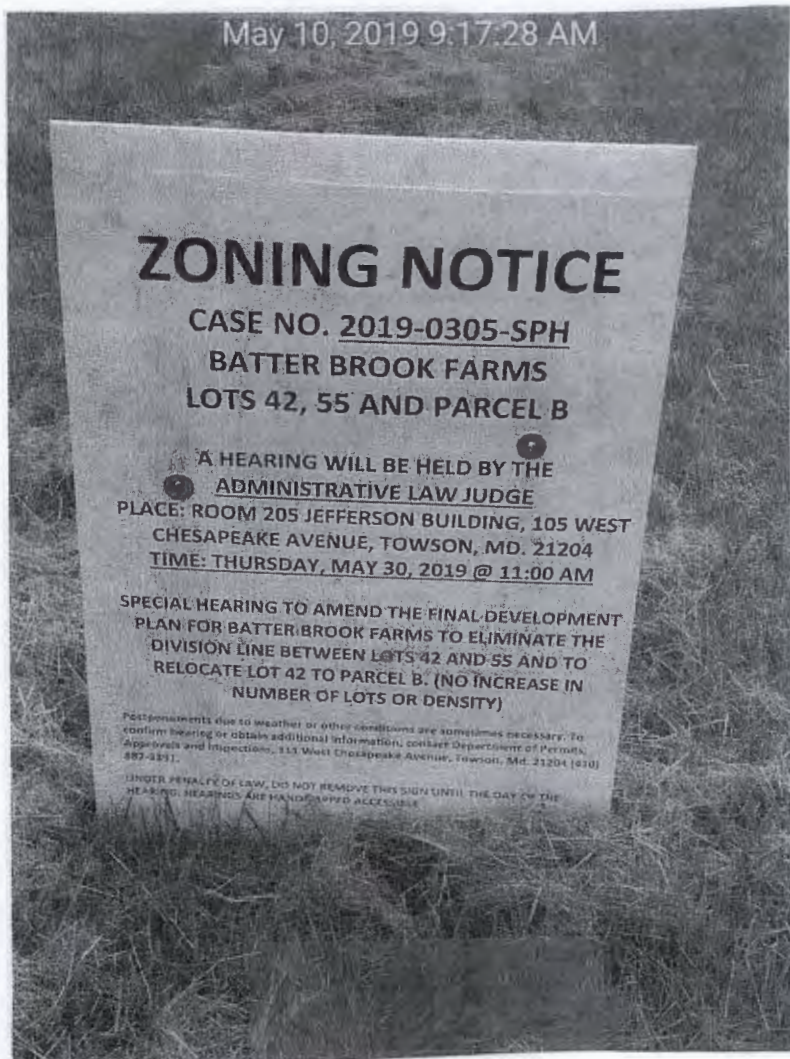
CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #4
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

The sign(s) were posted on MAY 10, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

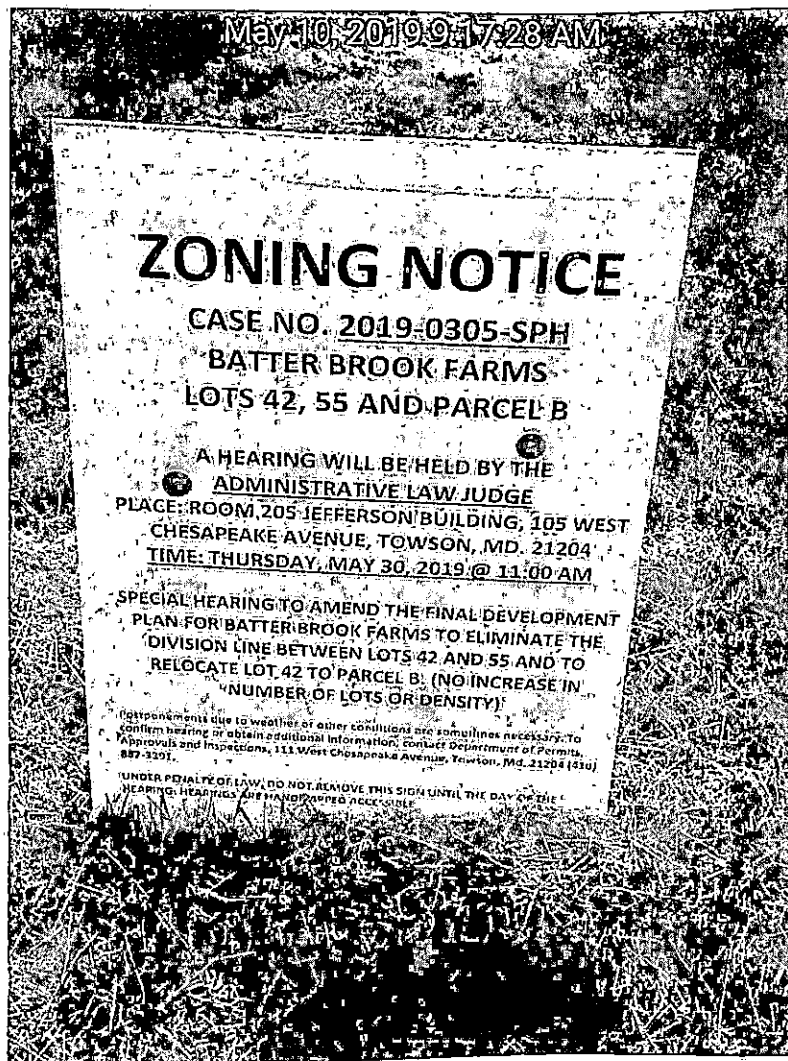
Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #4
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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The sign(s) were posted on MAY 10, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING
4 Lower Field Court; SE corner of Gontrum
Road & Connection Road
11th Election & 5th Councilmanic Districts
Legal Owner(s): Howard & Barbara Neels
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-305-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAY 01 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 2019, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 26, 2019

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: 2019-0305-SPH

4 Lower Field Court, 11825 Gontrum Road

Southeast corner of Gontrum Road and Connection Road

11th Election District – 5th Councilmanic District

Legal Owners: Howard & Barbara Neels

Special Hearing to amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate to Parcel B (no increase in number of lots or density).

Hearing: Thursday, May 30, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Acting Director

MM:kl

C: Mr. & Mrs. Neels, 11825 Gontrum Road, Kingsville 21087
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 10, 2019.**
- (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.



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 4 LOWER FIELD CT, 11825 GONTRUM RD. which is presently zoned RC 5
 Deed References: L-2507 F. 789 10 Digit Tax Account # 2200011546, 541, 509 & 526
 Property Owner(s) Printed Name(s) HOWARD AND BARBARA NEELS

(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

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)

Please see attached comments

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

Zip Code Telephone # Email Address

Attorney for Petitioner: 6-3-19
Den

Name- Type or Print

Signature

Mailing Address

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

HOWARD NEELS / BARBARA NEELS

Name #1 - Type or Print Name #2 - Type or Print

Howard Neels Barbara Neels

Signature #1 Signature #2

11825 GONTRUM RD. KINGSVILLE, MD.

Mailing Address City State

21087 (410) 592-6864 howard.neels@

Zip Code Telephone # Email Address

icloud.com

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

David Billingsley

Signature

601 CHARWOOD CT. EDGEWOOD, MD

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2019-0805-SPH

Filing Date 4/22/19

Do Not Schedule Dates:

Reviewer gh

Attachment to Petition for Zoning Hearing

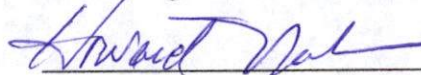
In December 1992 we settled on our farm property known as Lot #55 of Batter Brook Farms which was the original farm house for Judge and Mrs. Gontrum. The purchase included the acreage of Lot #55, Lot #42 and Parcel B. At that time, the roads as well as staking of the lots were not started. As Lot #42 was included in our transaction, the boundary between Lot 42 and Lot 55 was never established.

Recently we engaged Thompson & Associates located in Bel Air, Md. to establish the boundary between Lot #42 and our home parcel to discover that the rear corner is extremely close to our dwelling and existing septic system with drainfields installed in the direction of Lot #42. As a result of the staking, a responsible repair area for replacement of our existing septic was in question. Review of the Final Development Plat indicates the septic reserve area for our homesite was never perc tested by the Baltimore County Department of Environmental Protection and Sustainability to establish a verifiable septic reserve area. In checking with Baltimore County, there is no information for our septic or well on file. The discovery of these details bring considerable burden, expense and potential for liability on our homesite noted as follows:

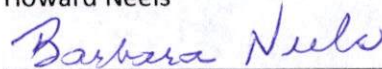
- Health
1. Drainage of original house septic is close to the Lot 42 (to the edge of property).
 2. Water site proposed for Lot 42 is in close proximity to our septic site for the original house.
 3. Milking barn and barnyard is also located in close proximity to the proposed water site for Lot 42.

- Economic
1. The use of Lot 42 would necessitate the change of the drainage fields for the main house into an area not verified by Baltimore County.
 2. Approximately 30 fruit trees would be sacrificed.
 3. Approximately 6 holly trees would be cut (30 feet tall)
 4. The original stone house (1811) would possibly be destroyed.

We respectfully ask that the existing location of Lot 42 be abandoned to become a part of our homesite and relocated to Parcel B which would replace a 1.67 acre lot with a 14.8+ acre lot approved for a private onsite sewage disposal system per letter dated July 19, 2018 from Mia L. Lowery, L.E.H.S., Supervisor, Soil Evaluation Program, Ground Water Management.



Howard Neels



Barbara Neels

2019-0305-SPH

Special Hearing: To amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate 42 to parcel B (no increase in number of lots or density).

**ZONING DESCRIPTIONS FOR
AMENDED FINAL DEVELOPMENT PLAN
BATTER BROOK FARMS**

Beginning for the first at a point formed by the east side of Gontrum Road (40 feet wide) with the south side of Connection Road (40 feet wide) thence being all of Lots 42 and 55 as shown on the plat entitled Plat 3, Batter Brook Farms recorded among the Baltimore County plat records in Plat Book 64 Folio 37.

Containing 28.83 acres of land, more or less.

Being known as 11825 Gontrum Road and 4 Lower Field Court. Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

Beginning for the second at a point on the west side of Gontrum Road (40 feet wide) distant southerly 559 feet from its intersection with the center of Connection Road (40 feet wide) thence being all of Parcel B as shown on Plats 1 and 2, Batter Brook Farms recorded among the Baltimore County plat records in Plat Book 64 Folio 35 and Plat Book 64 Folio 36, respectfully.

Containing 39.07 acres of land, more or less.

Being located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

2019-0305.SDH

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		AGRICULTURAL TRANSFER TAX			
Account Identifier:		District - 11 Account Number - 2200011546			
Owner Information					
Owner Name:	NEELS HOWARD NEELS BARBARA		Use:	AGRICULTURAL	
Mailing Address:	11825 GONTRUM RD KINGSVILLE MD 21087-1356		Principal Residence:	NO	
			Deed Reference:	/09507/ 00789	
Location & Structure Information					
Premises Address:		4 LOWER FIELD CT 0-0000		Legal Description:	1.67 AC
				BATTER BROOK FARMS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0094		0000	
Block:	Lot:	Assessment Year:	Plat No:	3	
	42	2018	Plat Ref:	0064/ 0037	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			1.6700 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2018	As of 07/01/2018	As of 07/01/2019
Land:		200	200		
Improvements		0	0		
Total:		200	200	200	200
Preferential Land:		200			200
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B		Date: 12/15/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09507/ 00789		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
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:		AGRICULTURAL TRANSFER TAX			
Homestead Application Information					

1

PETITIONER'S
EXHIBIT NO. 3

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200011546			
Owner Information					
Owner Name:		NEELS HOWARD NEELS BARBARA		Use:	AGRICULTURAL
Mailing Address:		11825 GONTRUM RD KINGSVILLE MD 21087-1356		Principal Residence:	NO
				Deed Reference:	/09507/ 00789
Location & Structure Information					
Premises Address:		4 LOWER FIELD CT 0-0000		Legal Description:	1.67 AC BATTER BROOK FARMS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0094		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	3
	42	2018		0064/0037	
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			1.6700 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2018	As of 07/01/2017	As of 07/01/2018
Land:		200	200		
Improvements		0	0		
Total:		200	200	200	200
Preferential Land:		200			200
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B		Date: 12/15/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09507/ 00789		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:		AGRICULTURAL TRANSFER TAX			
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.

4

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200011526			
Owner Information					
Owner Name:	NEELS HOWARD NEELS BARBARA		Use:	AGRICULTURAL	
Mailing Address:	11825 GONTRUM RD KINGSVILLE MD 21087-1356		Principal Residence:	NO	
			Deed Reference:	/09507/ 00789	
Location & Structure Information					
Premises Address:		GONTRUM RD 0-0000		Legal Description:	P/O PARCEL B 14.82 BATTER BROOK FARMS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0363		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	2
		2018		0064/0036	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			14,8200 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	5,500	5,500			
Improvements	0	0			
Total:	5,500	5,500	5,500	5,500	
Preferential Land:	5,500			5,500	
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B		Date: 12/15/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09507/ 00789		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:	AGRICULTURAL TRANSFER TAX				
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 (w2)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200011509			
Owner Information					
Owner Name:		NEELS HOWARD NEELS BARBARA		Use:	AGRICULTURAL
Mailing Address:		11825 GONTRUM RD KINGSVILLE MD 21087-1356		Principal Residence:	NO
				Deed Reference:	/09507/ 00789
Location & Structure Information					
Premises Address:		BATTER BROOK CT 0-0000		Legal Description:	24.50 AC PT PAR B BATTER BROOK FARMS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0635		0000	
					Block:
					Lot:
					Assessment Year:
					2018
					Plat No:
					1
					Plat Ref:
					0064/ 0035
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			24.2500 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	3,000	3,000			
Improvements	0	0			
Total:	3,000	3,000	3,000	3,000	
Preferential Land:	3,000			3,000	
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B		Date: 12/15/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09507/ 00789		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:		AGRICULTURAL TRANSFER TAX			
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. 6

LIBER 9507 PAGE 789

THIS DEED, Made as of this 2nd day of December, in the year one thousand nine hundred and ninety-two, by and between MARILYNN B. GONTRUM, of Baltimore County, State of Maryland, JOHN B. GONTRUM, of Baltimore County, State of Maryland, and MARY PATRICIA SARE, by JOHN B. GONTRUM, her Attorney-in-Fact, by Power of Attorney, dated September 22, 1992, and recorded among the Land Records of Baltimore County in Liber S.M. No. 9379, folio 717, Grantors, and HOWARD NEELS and BARBARA NEELS, his wife, parties of the second part, Grantees.

WITNESSETH: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration this day paid in connection with this conveyance being Four Hundred Thirty Two Thousand (\$432,000.00) Dollars, the said Marilynn B. Gontrum, John B. Gontrum, and Mary Patricia Sare, by John B. Gontrum, her Attorney-in-Fact, acting in exercise of the power and authority conferred upon him by Power of Attorney dated September 22, 1992, and recorded as aforesaid, do hereby grant, convey and assign unto the said parties of the second part, as tenants by the entireties, their assigns, and to the survivor of them, and the personal representatives, heirs and assigns of the survivor, in fee simple, all those lots of ground, situate in Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST and being known as designated as Lots Nos. 55 and 42, as shown on the Plat entitled, "Subdivision Plat - BATTER BROOK FARMS - Plat 3 of 3", which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 37.

THE IMPROVEMENTS thereon being known as No. 11825 Gontrum Road.

BEGINNING FOR THE SECOND and being known as designated as Parcel B, as shown on Plats entitled, "Subdivision Plat - BATTER BROOK FARMS - Plat 1 of 3" which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 35, and Plat entitled "Subdivision Plat - BATTER BROOK FARMS - Plat 2 of 3", which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 36.

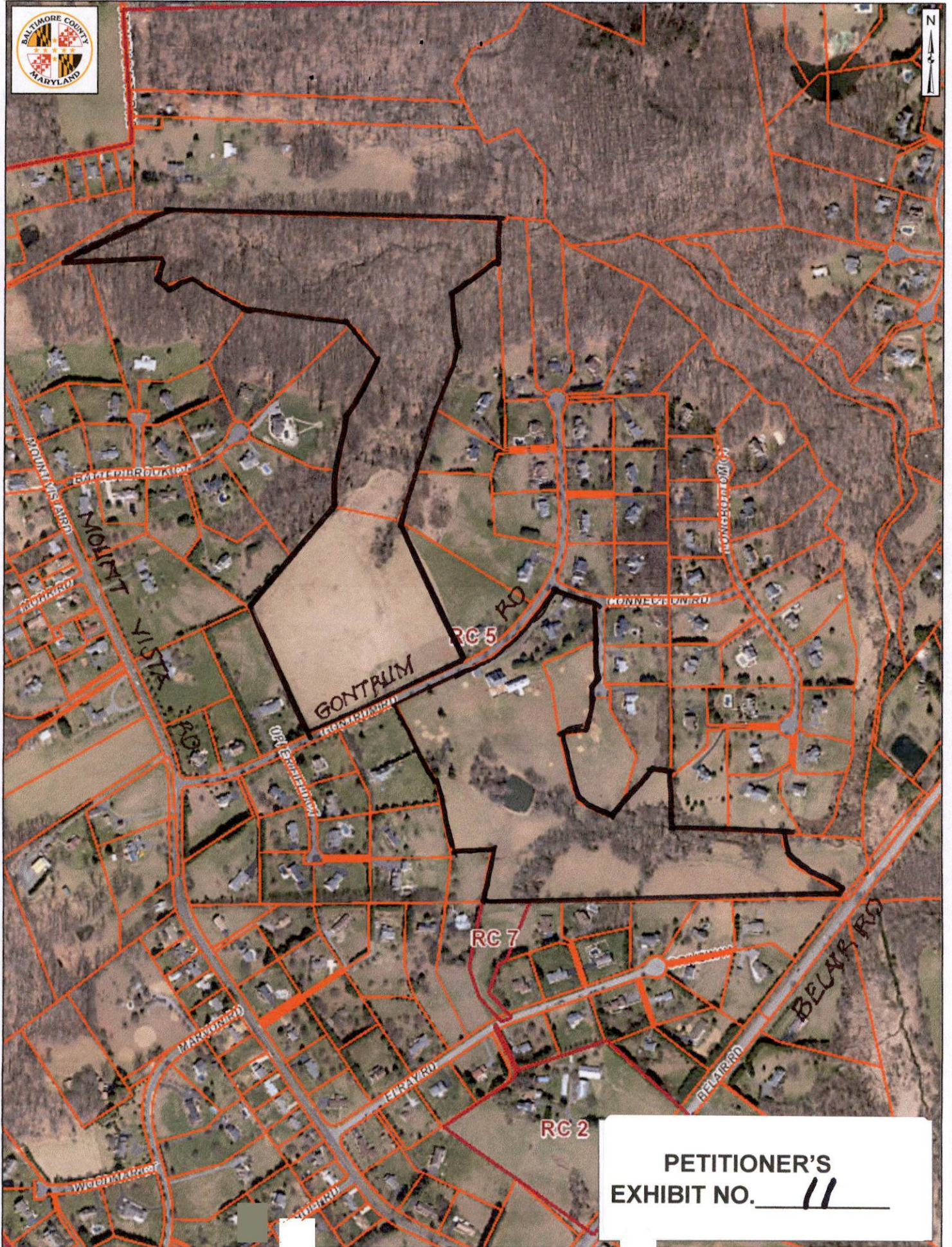
BEING part of the property which by Deed dated March 15, 1990 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8437, folio 511, was granted and conveyed from John B. Gontrum, Personal Representative of the Estate of Mary von W. Gontrum unto Marilynn B. Gontrum.

BEING also part of the property which by Deed dated January 14, 1992, and recorded among the Land Records of Baltimore County in Liber S.M. No. 9046, folio 089, was granted and conveyed from John B. Gontrum, Personal Representative of the Estate of Mary von W. Gontrum unto John B. Gontrum and Mary Patricia Sare.

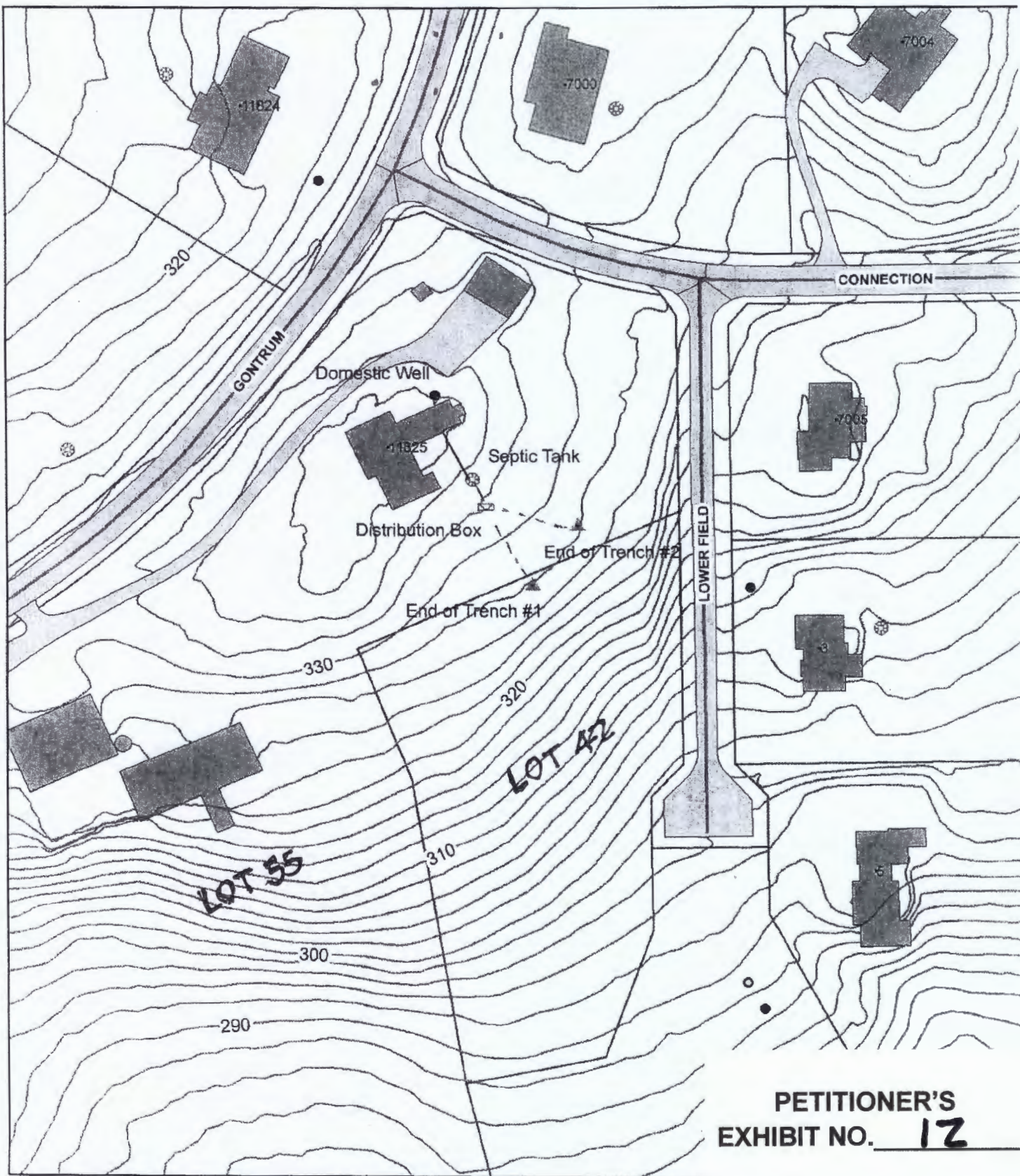
ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
105 W. PENN. AVE.
TOWSON, MARYLAND
21284-4878
410-281-1800

PETITIONER'S
EXHIBIT NO. 7

NEELS PROPERTY

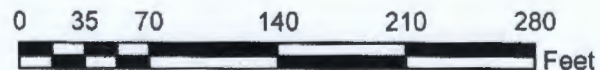


PETITIONER'S
EXHIBIT NO. 11



11825 Gontrum Rd

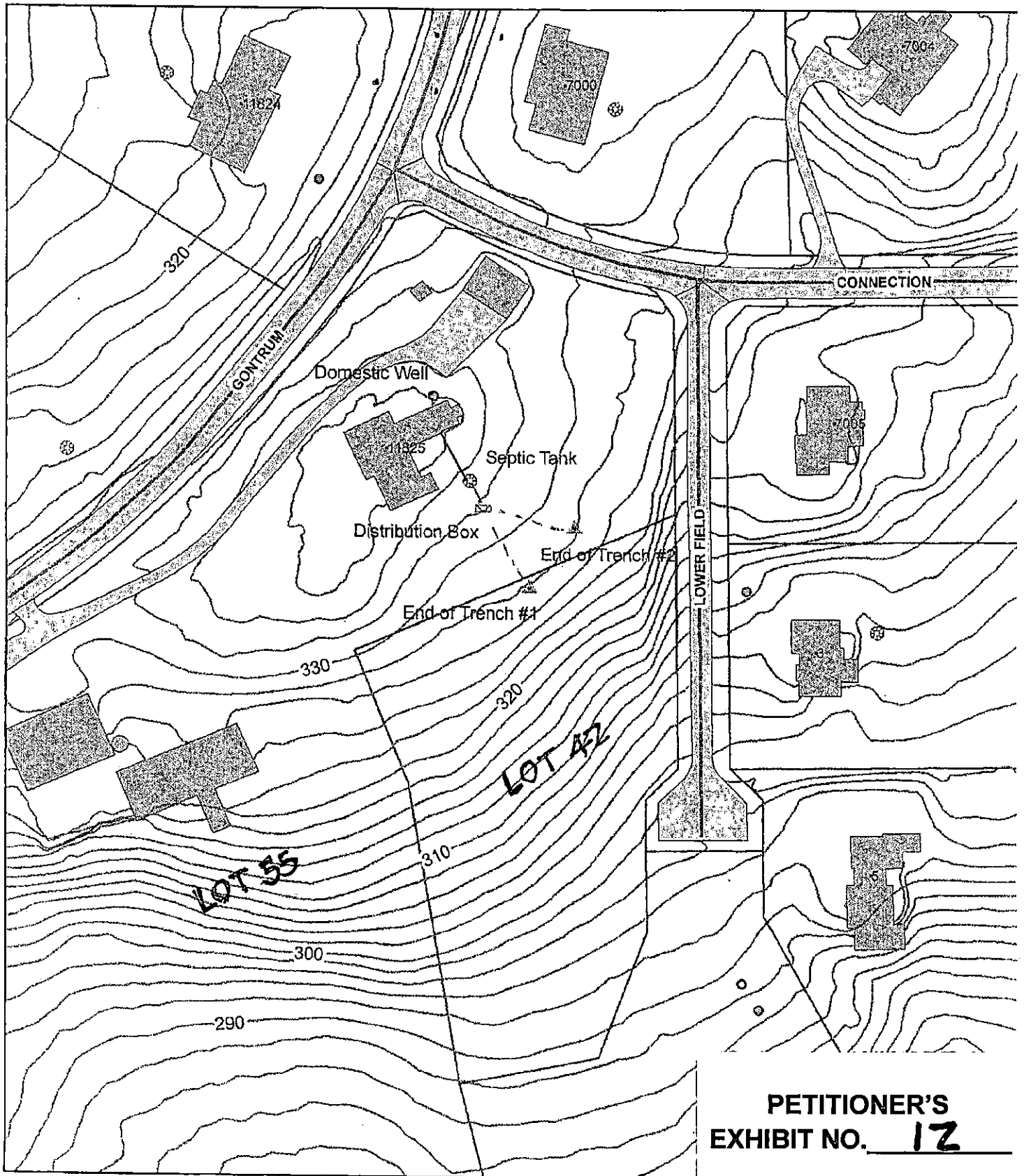
1-29-2019



1:1,200

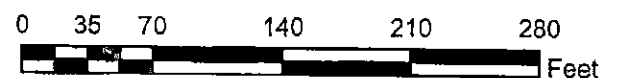
1 inch = 100 feet





11825 Gontrum Rd

1-29-2019



1:1,200
1 inch = 100 feet





DONALD I. MOHLER III
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

July 19, 2018

Mr. Howard Neels
11825 GONTRUM RD
KINGSVILLE MD 21087

RE: Batter Brook Farms, Lot 56, aka: Parcel B, Gontrum Rd., Election District - 11

Dear Mr. Neels,

A representative of this office, Miranda P. Clifford, L.E.H.S. conducted soil evaluations on 11/13/2017 regarding the above-referenced lot(s).

Based on the soil evaluations and the designated Master Plan dated 04/20/2018, **APPROVAL** will be granted for the installation of a private onsite sewage disposal system (OSDS) for the lot(s) specified above. Soil percolation tests will be **valid for a period of five (5) years from the date of this letter, approval letter or record plat, whichever is most recent**. At the expiration of this period of time, the results will become **VOID** and revalidation of this approval must be obtained in writing from the Approving Authority.

It should be noted, that septic reserve area(s) are depicted on the Master Plan for the installation of an initial OSDS and future repairs. Under no circumstance shall any easements, rights-of-way, buildings, any other permanent or physical structures above or below ground, be permitted within this area and it may not be disturbed by earth moving, compaction, tree removal or grading. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the septic reserve area.

PETITIONER'S
EXHIBIT NO. 14

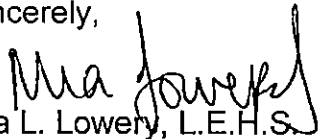
Mr. Howard Neels
July 19, 2018
Page 2

The following are comments that concern persons developing property:

- Attached is a copy of the original soil evaluation data for the above-referenced lots.
- The sewage disposal system will be a conventional sand mound system. Said system shall be designed and plans drawn up by the owner's engineer at owner's expense. Said plans and specifications shall be submitted to DEPS for review and approval. Plans shall be approved prior to the issuance of building permits.
- Prior to building permit approval for the lot, the entire 10,000 sq. ft. septic reserve area (SRA) must be located by survey and fenced off by high visibility orange fencing and a pre-construction meeting must be scheduled with our office at least 48 hrs before construction begins.
- No grading, filling, cutting or vehicular traffic will be permitted in the SRA. Any violations of this or incursions into the designated SRA may cause revocation of the soil percolation test approval and denial of any building permits on the subject property.
- Where water wells are to be used as a source of water supply, the Baltimore County Code, (Title 35, Article 2, Sec. 35-41), requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a building permit.
- Water well yield test reports shall be valid for a period of three years from the date of the yield test. At the expiration of that period of time, a retest must be performed and the report submitted to this office prior to issuance of a building permit.

Attached is a copy of the soil evaluation data for the above-referenced lots. If you have any questions regarding this matter, please contact me at 410-887-2762, or via email at mlowery@baltimorecountymd.gov.

Sincerely,


Mia L. Lowery, L.E.H.S.
Supervisor, Soil Evaluation Program
Ground Water Management

attachments

**John and Heather Sheldon
4017 Klausmeier Road
Nottingham, MD 21236**

May 14, 2019

RE: Zoning Notice
CASE NO.: 2019-0305SPH

To whom it may concern,

I am writing to express my support to the amendment of the final development plan for Batter Brook Farms.

I own 6 Lower Field Court which is directly adjacent to Lot 42. I believe that moving the building right from Lot 42 to parcel B is the best use of the available space. It preserves the rural views of the area and avoids congestion on a dead-end court.

Furthermore, it avoids potential erosion problems. 6 Lower Field lays directly downhill from Lot 42, any construction on this lot will cause potential runoff onto 6 Lower Field. Mitigating this runoff problem will be costly and time consuming.

For these reasons I strongly support the zoning change.

If you have any questions, please feel free to contact me.

Thank you for the opportunity to voice my concern.

Sincerely,



John W. Sheldon
JWS/kam

PET. EX. 15

21061 Baltimore County Government
Department of Permits Approvals and Inspections
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

October 3, 2018

Central Drafting and Design

David Billingsley

601 Charwood Court
Edgewood, MD 21040

RE: Batter Brook Farms Lot 42, Lot 55 and Parcel B
CRG Plan Refinement
PAI Number: 11-0620
Tracking Number: DRC-2018-00143
DRC Number: 100218A; Dist. 11C5

Dear Mr. Billingsley:

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

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106(b)(2) and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on October 2, 2018, and made the following recommendations:

The DRC has determined that your project meets the requirements of **refinement to the development plan, under Section 32-4-106(b)(2)**. Please amend the CRG/Final Development Plan/Record Plat. It is also necessary to submit two red-lined plans to the Department of Environmental Protection and Sustainability and one plan to PAI's Development Plans Review. In your submittal, please include a CD containing the CAD file and PDF file of the refined plan. For detail instructions go to http://www.baltimorecountymd.gov/Agencies/permits/pdm_devmanage/pdmdigitalplans.html#CAD_Standard.

#16

Central Drafting and Design
Batter Brook Farms Lot 42, Lot 55 and Parcel B
CRG Plan Refinement
October 3, 2018
Page 2

After resolution of any outstanding issues, please submit a copy of this letter, one (1) checkprint of the refined plan, the CD, and your paid invoice in the amount of \$350.00 (see attached invoice number: 176075 please complete) to Sharon Miller of this office, Room 123, for final approval of your plan.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 3rd day of October 2018, ordered and decided that the recommendations of the DRC are hereby adopted.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", with a blue ink flourish or mark to the right.

Arnold Jablon
Director

AJ: JMC: ms

C: Sharon E. Miller
File
Bernard Linsenmeyer
Howard and Barbara Neels; 11825 Gontrum Road; Kingsville, MD 21087
Linda Alexander; 13785 Bottom Road; Hydes, MD 21082

CENTRAL DRAFTING AND DESIGN
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

August 29, 2018

Development Review Committee
Baltimore County Office Building
Towson, MD. 21204

RE: BATTER BROOK FARMS
LOT NOS. 42 AND 55 AND PARCEL B

Gentlemen:

On behalf of Howard and Barbara Neels, owners of the referenced properties, we are requesting approval of Plan Refinement for the Final Development Plan of Batter Brook Farms last revised on September 13, 1991.

The revisions proposed are as follows:

1. Eliminate the division line between Lots 42 and 55 to create one residential lot in lieu of two.
2. Designate Parcel B as Lot 56 to create one residential lot.

The proposed revision will not increase the density of the development. Percolation tests have been performed and approved by the Groundwater Management Section of the Department of Environmental Protection and Sustainability. A copy of the Plan to Accompany Percolation Test Application is attached.

Thank you for your consideration in this matter.

Very truly yours,



David W. Billingsley

TRANSFER TAX NOT RECORDED
Director of Finance
BALTIMORE COUNTY

DECLARATION OF
COVENANTS AND RESTRICTIONS

BATTER BROOK FARMS

Date 8/6/92

THIS DECLARATION OF COVENANTS AND RESTRICTIONS made this 31st day of July, 1982, by Marilynn B. Gontrum, John B. Gontrum and Mary Patricia Sare, (the "Declarant"); Paul W. Parks and Michael S. Cordes, (the "Trustees"); and Mercantile Mortgage Corporation and Mercantile-Safe Deposit and Trust Company, (the "Beneficiary")

DECLAR
SH CLERK

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68.06

RECITALS

#54974 C003 R01 T15
08/08

(A) The Declarant is the owner, in fee simple, of the tract of land lying in the Eleventh Election District of Baltimore County, Maryland, containing approximately One Hundred and Ninety -One 59/100 gross acres of land, as shown on the Plats entitled "SUBDIVISION PLAT BATTER BROOK FARMS PLAT 1 of 3", "SUBDIVISION PLAT BATTER BROOK FARMS PLAT 2 of 3", "SUBDIVISION PLAT BATTER BROOK FARMS PLAT 3 of 3" (hereinafter referred to as the "Plats"), which Plats are recorded among the Land Records of Baltimore County in Liber S.M. 64, Folio 035, Liber S.M. 64, Folio 036 and Liber S.M. 64 Folio 037.

(B) The Declarant, for the purposes of creating and maintaining a general scheme of development and for the protection of the economic interest of the Declarant, desires that the aforesaid Lots be subject to the covenants, conditions and restrictions hereinafter set forth, for the benefit of the Declarant, and the future owners of all Lots in the Development.

(C) The purpose of the Covenants and Restrictions is to enhance the quality of the Subdivision, as hereafter defined, and to support maximum property value for the Declarant and future Property owners. To further these purposes, the Declarant and each Lot Owner, as hereafter defined, has the individual right, but not any obligation to enforce these Covenants and Restrictions against any violation by means as provided herein or by appropriate legal proceedings. The Declarant has no legal obligation to enforce these Covenants and Restrictions but may selectively act to further its own best interests. Any Lot Owner has the right to retain legal counsel to enforce any of the Covenants and Restrictions.

NOW, THEREFORE, the Declarant for itself, its successors and assigns, their personal representatives, heirs and assigns, hereby declare that all the aforesaid tract of land known as BATTER BROOK FARMS, shall be subject to the covenants, restrictions, conditions and reservations hereinafter set forth.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE DW DATE 8/6/92

DW 8/6/92

RET #18

ARTICLE 1 - DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

(a) "The Property" shall mean and refer to all the real property shown on the Record Plats referred to above.

(b) "Lot" shall mean and refer to those Lots and Parcels shown and designated on the aforesaid Plats.

(c) "Dwelling" shall mean and refer to any building or portion of a building situated upon the Property and designated and intended for use and occupancy as a residence by a single family.

(d) "Developer" or "Declarant" shall mean and refer to Marilyn B. Gontrum, John B. Gontrum and Patricia Sare, and their successors and assigns.

(e) "Lot Owner" shall mean and refer to every person, group of persons, corporation, trust or other legal entity, or any combination thereof, who holds legal title to a Lot in the Subdivision, provided, that (a) no Lessee (other than a Lessee under a 99 year lease creating a ground rent of such Lot), and (b) no Mortgagee or Trustee under a Deed of Trust of any Lot shall be deemed to be a Lot Owner unless and until such Mortgagee or Trustee acquires of record the Mortgagor's or Grantor's equity of redemption in said Lot.

(f) "Subdivision" shall mean the final Subdivision of BATTER BROOK FARMS as recorded among the Plat Records of Baltimore County; or as amended in accordance with this Declaration.

(g) "Plans and Specifications" shall mean engineering site plans, landscaping plan, and architectural working drawings and any other supporting documents which may be required by the Developer.

ARTICLE 11 - PROPERTY SUBJECT TO DECLARATION AND MUTUALITY OF BENEFIT

SECTION 1. Property. The real property which is and shall be held, conveyed, hypothecated or encumbered, sold, leased, rented, used, occupied and improved subject to these restrictive covenants is located in Baltimore County, State of Maryland, and is more particularly designated on the Plats.

SECTION 2. Benefit. The restrictions and agreements set forth herein are made for the mutual and reciprocal benefit of each and every Lot in the Subdivision and are intended to create mutual, equitable servitudes upon each of said Lots in favor of each and all of the other Lots therein; to create reciprocal rights between the respective owners of all of said Lots; to create a privity of contract and estate between the grantees of said Lots, their personal representatives, heirs and assigns, and shall, as to the owner of each such Lot, his personal representatives, heirs or assigns, operate as covenants running with the land for the benefit of each and all other Lots in the Subdivision and their respective owners.

ARTICLE III - UTILITIES

SECTION 1. Utility Easements. Easements along all property lines extending from the property line into each Lot for a width of five feet (5') are hereby reserved to the Declarant for the installation and maintenance of utilities and drainage facilities. All additional easements reserved for those purposes are as shown on the Plats. In addition thereto, the Baltimore Gas and Electric Company, C & P Telephone Company and any cable television company operating in Baltimore County shall have the right to place upon the Lots, at such locations as may be deemed necessary by them, electrical transformers, transformer pads, telephone pedestals, and television cable. The aforesaid companies shall also have the right to use the roadway system for purposes of maintaining their respective distribution systems. No structure, planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard direction or flow of any drainage channels. The Declarant reserves the right to permit fencing within said easements as is desirable in its discretion, provided however, that such fencing shall not interfere with said easements.

ARTICLE IV - ARCHITECTURAL REVIEW

SECTION 1. Purpose. No building, fence, wall, swimming pool or other structure shall be constructed on any Lot until the Plans and Specifications, including color scheme and a grading plan showing the location of the structure, have been approved in writing by Declarant or its assignee. No later changes or additions after initial approval thereof or remodeling or reconstruction shall commence until such has also been approved in writing by Declarant or its assignee. Before commencement of construction, the owners of Lots shall present their Plans and Specifications to Declarant together with a non-refundable fee of One Hundred Dollars (\$100.00) covering the cost of reviewing the Plans and Specifications. Plans and Specifications must be acted

on by Declarant within thirty (30) days after submission. If Declarant fails to act on said Plans and Specifications within said thirty (30) day period after submission, the Plans and Specifications shall automatically be approved. Declarant shall have the right to refuse to approve any such Plans and Specifications, or grading and location plans, which are not suitable or desirable, in its opinion, for aesthetic or other reasons, and in so passing upon such plans specifications, or grading or location plans, it shall have the right to take into consideration the suitability of the proposed building or other structure, the materials of which it is built, the site upon which it shall be erected, the harmony thereof with the surroundings and the effect of the building or other structure on the roadway as planned and the view from the adjacent or neighboring properties. In the event of the failure of the purchaser or purchasers of Lots in Batter Brook Farms to obtain or to comply with the required prior written approval of plans, specifications, and grading studies as established in this paragraph, said purchasers hereby agree to reimburse Declarant or its assigns for all costs and expenses to which it may be put as a result of said failure, including but not limited to court costs, attorney's fees, and to bear all expenses necessary to conform any improvements to approved status including costs of demolition and reconstruction, if necessary. Any approved Dwelling constructed on said Lots shall be completed in every exterior detail within twelve (12) months from date of beginning such construction.

The Greater Kingsville Civic Association, Inc. may, at its option, designate from time to time a representative from whom the Declarant shall seek advisory opinions upon each submittal for architectural review.

SECTION 2. Liability. Neither Declarant, nor any architect or agent thereof shall be responsible in any way for any defects in any Plans and Specifications submitted, revised or approved in accordance with the foregoing provisions, nor for any structural or other defects in any work done according to such Plans and Specifications.

ARTICLE V - USE AND BUILDING RESTRICTIONS

SECTION 1. Land Use. Lots as shown on the Plats shall be used for private residential purposes only and no Dwelling shall be erected, altered, or placed or permitted to remain in any Lot other than one detached Dwelling, said Dwelling designed for single-family occupancy. Single-family occupancy shall not be construed to prevent the erection of a Dwelling with an attached apartment or living area for use by a Lot Owner or members of the owner's family; however, said apartment or living area may not be used for rental investment purposes. Nothing herein contained shall prevent the use of part of a Lot as a right of way for use by other Lots within the Subdivision or adjoining property. Residential use shall not bar a home office or business use of the

Property provided the Owner of said Lot complies with the applicable zoning regulations of Baltimore County. Private residential use shall not prohibit acquisition of the Property for investment purpose or for acquisition by a contiguous Property owner who does not intend to erect a residential dwelling in the immediate future. Any tenant under a lease of any of the Property for a period of less than ninety-nine (99) years, although not a Lot Owner, shall be bound by all of the use and building restrictions contained herein. In no event shall a tenancy of lot or dwelling in the subdivision be for a period of less than six months.

SECTION 2. Building Restrictions.

(a) No structure of a temporary character, such as, but not limited to, a trailer, shack, or tent, shall be placed or used on any of the Lots as a residence or for storage, or as an auxiliary building either temporarily or permanently, except that a temporary structure may be placed or used thereon if used and operated solely in connection with the construction of permissible permanent improvements; provided, however, that such temporary structure shall be removed from the premises within thirty (30) days after completion of the construction of the permissible permanent improvements; and provided, further, that such structure be removed within a period of twelve (12) months from the date of its original construction, whichever shall occur first.

(b) Attached two car garages are required unless specifically waived in writing by Declarant.

(c) No recreational vehicles, such as, but not limited to, boats, campers, motor homes, tent vehicles, and all-terrain vehicles, may be parked or kept on any Lot except those that are stored in a garage. No motorized bikes or similar type recreational vehicles may be operated on any Lot.

(d) No live poultry, hogs or other similar livestock shall be kept on any Lot. A maximum of two (2) dogs and two (2) cats is permitted, provided that they are properly housed and cared for and are restricted to the owner's Property. Horses and ponies are permitted on Lots of three acres or more provided that they are properly housed and fenced, and such housing is approved in accordance with Article IV and the keeping of said animal is in accordance with applicable regulations of Baltimore County and Section 3 and Section 4 of this Article. Declarant reserves the right to withdraw such permission if, in its sole discretion, the keeping of such animals creates an unreasonable annoyance or nuisance to neighboring property. Withdrawal of permission shall be in writing and allow the Lot Owner (30) days to remove said nuisance. Lot #55 and Parcel B as shown on the Plats shall be exempt from this provision and there shall be permitted the keeping of such animals as allowed by Baltimore County laws and regulations for acreage of their size.

(e) Owners of Lots shall be responsible for providing driveway access to their homes from the paved portion of the public road or common driveway abutting the owner's Lot as designated on the Plats. All driveways shall be paved with a hard durable surface, such as macadam, tar and chip, concrete or other similar material. Paving shall be completed one (1) year from the date of commencement of construction of the Dwelling on said Lot. NO BERM SHALL BE ALLOWED ALONG THE DIVISION LINE BETWEEN THE PUBLIC ROAD AND LOT WHICH WILL IN ANYWAY INHIBIT THE WATER COURSE INTENDED IN THE APPROVED ROAD DESIGN. NOTE: COMMON DRIVEWAYS CONSTRUCTED BY DEVELOPER ARE NOT TO BE ALTERED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE DECLARANT HEREIN.

(f) All Lots in Batter Brook Farms shall be kept free from rubbish and trash of any kind, clean and with lawns, including the area between the lot line and the paved portion of the road, neatly mowed a minimum of three (3) times per growing season, so that the grass and weeds do not exceed eight (8) inches in height. In the event the owners of any Lot(s) do not maintain their Lot(s), the Declarant or its employees shall have the right to enter upon said Lot to cut or remove the grass, weeds, rubbish or trash, and the Owner of any Lot or parcel so benefitted shall pay reasonable charges for such services as is determined by the Declarant or its designee.

(g) No future facilities, including poles and wires for the transmission or receipt of electricity, radio, television, telephone and the like shall be placed or maintained above the surface of the ground on any Lot; and no external or outside antennae, towers or discs of any kind shall be erected without the prior written approval of Declarant or its duly authorized representative(s).

(h) No more than seven thousand (7,000) square feet of wooded area on any Lot or parcel may be cleared without the express authorization of the Declarant.

(i) No sign or other advertising device of any nature shall be placed on any Lot advertising the said Lot or the improvements thereon as being for sale unless approved in writing by the Declarant. This restriction shall terminate three years from date hereof.

(j) No change in ground level may be made on any Lot in excess of one foot in height over existing grades without the written approval of the Declarant obtained prior to the commencement of work.

(k) No commercial vehicle shall be parked on any street in the Subdivision. No truck of any type shall be parked for storage overnight or longer on any Lot in the Subdivision in such a manner as to be visible to the occupants of other Lots in the Subdivision or the users of any street within the Subdivision, unless the prior written approval of the Declarant has been obtained, which

approval may be revoked by the Declarant at any time.

(l) Any Dwelling or outbuilding on any Lot in the Subdivision which may be destroyed in whole or in any part by fire, windstorm or for any other cause or act of God must be rebuilt or all debris removed and the Lot restored to a slightly condition with reasonable promptness, provided, however, that in no event shall such debris remain on the Lot for more than sixty (60) days.

(m) No fuel tanks of any kind, excepting tanks for heating oil, shall be buried on any Lot.

(n) A construction entrance twelve feet by fifty feet (12' x 50') must be built on each Lot by the Lot owner prior to construction and shall consist of not less than eight inches (8") of crushed stone and shall be maintained during construction to minimize sediment runoff and damage to the road system adjacent to the construction site.

DAMAGE TO THE ROAD SYSTEM RESULTING FROM IMPROPERLY INSTALLED AND MAINTAINED CONSTRUCTION ENTRANCES SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.

SECTION 3. Water Quality Best Management Practices. The Declarant has agreed with the Baltimore County Department of Environmental Protection and Resource Management to adhere to the following "Water Quality Best Management Practices" and, by the acceptance of a Deed conveying any Lot, the Owner thereof covenants to adhere to the same (See Record Plat Note # 8):

(a) All areas except that used for buildings, sidewalks and paving, will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.

(b) Dirt and debris accumulating on private roads will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.

(c) Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used; such compounds must be of such chemical composition that has been determined and represented to be environmentally safe as not to contaminate the ground waters and eco-systems.

(d) Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service; such chemicals must be of such composition that has been determined and represented to be environmentally safe as to not contaminate the ground waters and eco-systems.

(e) In order to perserve the quantity of available ground water, no water well in the subdivision shall be used for the

filling of a swimming pool. All water for such purpose, shall be brought on site from an outside source.

SECTION 4. Forest Buffer Easement. The Declarant has agreed with the Baltimore County Department of Environment Protection and Resource Management to adhere to the following "Restrictions for Wetlands and Stream Buffer Areas" and, by the acceptance of a Deed conveying any Lot, the Owner thereof covenants to adhere to the same (See Record Plat Note # 7):

(a) Livestock shall not be permitted to be housed, grazed or otherwise maintained within wetland and/or stream buffer areas except as allowed by applicable laws and regulations of Baltimore County.

(b) No motorized vehicles shall be stored or operated within the wetland and/or buffer areas except as allowed by applicable laws and regulations of Baltimore County.

(c) The existing vegetation within the wetland and/or buffer areas shall not be disturbed except as allowed by applicable laws and regulations of Baltimore County. This would include, but is not limited to, disturbance by tree or shrub removal or clearing, mowing, burning, spraying, and grazing.

(d) No soil disturbance shall take place within the wetland and/or buffer areas by grading, stripping of topsoil, plowing or cultivating, or other practices except as allowed by applicable laws and regulations of Baltimore County.

(e) No filling shall occur within the wetland and/or buffer areas.

(f) The planting of trees is permitted within the wetland and/or buffer areas.

(g) The use or application of pesticides is prohibited within the wetland and/or buffer areas, except for the spot spraying of noxious weeds consistent with the recommendations of the University of Maryland Cooperative Extension Service; said pesticides shall have been determined and represented as not to contaminate the ground water and eco-system.

(h) No materials shall be stored within the wetlands and/or buffer areas, except those which are non-toxic and which are biodegradable and the chemical content of which will not contaminate the ground water and eco-system. Such storage shall not exceed 10% of the area of that part of a lot designated as a wetland and/or buffer.

(i) Wet lands shall not be drained by ditching, under drains, or other drainage systems except as allowed by applicable laws and regulations of Baltimore County.

(j) The construction and maintenance of public utilities and other public improvements as well as existing improvements located within a wetland and/or buffer area shall be conducted consistent with these restrictions insofar as physically possible. Following any disturbance of the wetland and/or buffer area involving the construction and maintenance of public utilities, public improvements, or existing improvements, the impacted area will be restored to its original condition.

(k) Any work which must be conducted within wetland and/or buffer areas shall require prior written approval of the Department of Environmental Protection and Resource Management of Baltimore County.

SECTION 5. Private Egress and Ingress Drainage and Utility Easement. It is convened and agreed for the mutual benefit of the Lots as hereinafter stated the following Drainage and Utility Easements and Rights of Ways are hereby created, subject to the maintenance provisions as herein provided:

There is hereby created for the benefit of Lots 27 and 28, mutually, Lots 33 and 34, mutually, and Lots 47 and 48, mutually, a twenty (20) foot wide Private Egress and Ingress Drainage and Utility Easement as shown and delineated on the Record Plats in "Cross Hatching" for the construction, maintenance, operation, replacement and repair of utilities and for the use in common of a Right of Way for egress and ingress to said mutual Lots, subject to the maintenance obligations and provisions below.

The Owners of Lots 27 and 28, mutually, Lots 33 and 34, mutually, and Lots 47 and 48, mutually, having the right to the use of their mutual Right of Way and Easement shall be jointly and severally liable for the cost of maintenance of said twenty (20) foot wide mutual Easement including, but not limited to, the cost of mowing the grass shoulders and snow removal. In the event the Owners of a mutual Right of Way desire to repair or improve the Right of Way, then, the type and nature of such repairs or improvements shall be determined by the unanimous vote of the two Owners of the Lots having a right to the use of the mutual Right of Way, with each Owner being entitled to one (1) vote, and the said mutual Owners shall be jointly and severally liable for the improvements made. It is understood and agreed that the improvements, maintenance, and repair of any Right of Way shall be uniformly made for the full length of the Right of Way as described above and as shown on the Record Plats.

ARTICLE VI - GENERAL

SECTION 1. Provisions to Run With The Land. The provisions herein contained shall run with and bind the land and shall inure to the benefit of and be enforceable by the Declarant or the Owner of any part of said land included in the Plats, their respective legal representatives, heirs, successors, and assigns. Failure by the Declarant, or any such owner or owners to enforce any restriction, condition, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto.

SECTION 2. Term and Agreement. These restrictions shall inure to the benefit of and shall be enforceable by the Declarant and any Lot Owner, their respective legal representatives, heirs, successors and assigns until December 31, 2017. From and after December 31, 2017, the easements created by Articles III, IV, and V, hereof, as well as, Section 5 of this Article, prohibiting further subdivision of the Lots as shown on the Record Plats shall continue in full force and effect in perpetuity. After December 31, 2017, the remaining provisions in this Declaration may be amended and/or terminated in their entirety by an instrument signed by not less than ninety percent (90%) of the Lot Owners entitled to vote, which instrument shall be filed for recording among the Land Records of Baltimore County, Maryland or in such other place of recording as may be appropriate at the time of the execution of such instrument.

SECTION 3. Invalidation. Invalidation of any of these covenants, agreements, restrictions or conditions by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

SECTION 4. Limitation. These restrictions shall apply to the lots as shown on the aforesaid Plats entitled Batter Brook Farms and shall not be binding on any other property of the Declarant, its successors and assigns.

SECTION 5. Subdivision. No lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise, after acquisition from the Declarant. With respect to any of the said Lots while owned by the Declarant, the Declarant expressly reserves the right to alter property lines, to alter setback lines, to alter any easements, and to otherwise revise the aforesaid Subdivision Plats and/or Development Plan of Batter Brook Farms in any respect subject to applicable Baltimore County regulations and requirements. And in connection therewith, the Declarant further reserves the right to modify the Subdivision Plats and/or Development Plan as filed with Baltimore County, Maryland as to any Lots to be resubdivided. Included in this reservation is a special limited irrevocable power of attorney to sign on behalf of any interested party such waivers or consents as

may be required by Baltimore County, consenting to the alteration of the Subdivision Plats and/or Development Plan. In no instance will the residential density of the subject property be increased in excess of fifty-five dwelling units.

ARTICLE VII - DEVELOPER

SECTION 1. Reservation of Rights. The Developer reserves an easement to exercise its right at any time prior to or subsequent to conveyance of individual Lots in Batter Brook Farms to enter upon any of the Property, to complete, in its sole discretion, development of the Property; such development including but not limited to tree cutting, and grading and filling in order to install roads, storm drains and utilities. This reservation of an easement specifically includes the right to install a sign of Developer's choice at the entrances to Batter Brook Farms at such locations (within ten (10) feet of the property lines), as the Developer in its sole discretion may deem appropriate.

SECTION 2. Waiver of Restrictions and Covenants. The Declarant, its successors and assigns, reserves the right to waive such portion of the Restrictions and Covenants placed on this Property as the Declarant deems necessary or in the best interest of the development as determined by the Declarant. All waivers shall be in writing and a copy thereof shall be filed with the Declarant, The Greater Kingsville Civic Association, Inc., and a copy thereof shall be available to all Lot owners upon request.

SECTION 3. Special Limited Power of Attorney.

AS STATED IN ARTICLE VI, SECTION 5, DECLARANT RESERVES THE RIGHT TO SIGN ON BEHALF OF ANY INTERESTED PARTY OR LOT OWNER SUCH WAIVERS OR CONSENTS AS MAY BE REQUIRED BY BALTIMORE COUNTY, CONSENTING TO THE ALTERATION OF THE SUBDIVISION PLATS AND/OR DEVELOPMENT PLAN.

IN WITNESS WHEREOF, the Declarant, the Trustees and the Beneficiary have executed this Declaration under seal on this 31st day of July, 1992, with the specific intention that the Declaration constitutes an instrument under seal.

WITNESS:

[Signature]

[Signature]
Marilynn B. Gontrum

[Signature]

[Signature]
John B. Gontrum

[Signature]

[Signature]
Mary Patricia Sare by John B. Gontrum, her Attorney In Fact

[Signature]

[Signature]
Paul W. Parks, Trustee

[Signature]

[Signature]
Michael S. Cordes, Trustee

MERCANTILE MORTGAGE CORPORATION

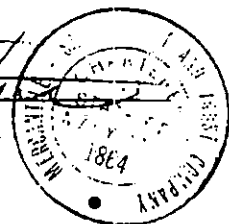
[Signature]

BY: [Signature]

MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY

[Signature]

BY: [Signature]
Paul A. Stuart
Vice President



STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 31st day of July, 1992, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore, personally appeared Marilyn B. Gontrum, as Declarant, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing instrument to be her act, and in my presence signed and sealed the same.

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


Notary Public

My commission expires: MY COMMISSION EXPIRES MARCH 1, 1995

STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 31st day of July, 1992, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore, personally appeared John B. Gontrum, as Declarant, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing instrument to be his act, and in my presence signed and sealed the same.

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


Notary Public

My Commission Expires: MY COMMISSION EXPIRES MARCH 1, 1995

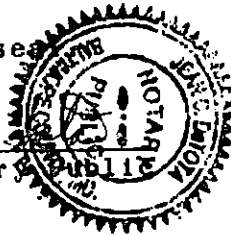
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 31st day of July, 1992, before me, the undersigned a Notary Public of the State of Maryland, County of Baltimore, personally appeared John B. Gontrum, Attorney-in-Fact for Mary Patricia Sare, and in pursuance of the power and authority set forth in the Power of Attorney recorded among the land records of Baltimore County

President of Mercantile Mortgage Corporation
by signing the name of Mercantile Mortgage Corporation by himself
as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal

John C. [Signature]
Notary Public



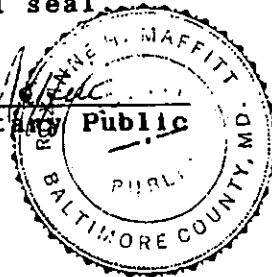
My commission expires: 5-1-96

City
STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 4th day of
August, 1992 before me, the undersigned a Notary Public
of the State of Maryland, County of Baltimore, personally appeared
Perry A. Stuart, who acknowledged himself to be the
Vice President of Mercantile-Safe Deposit and Trust
Company, a Maryland Corporation, known to me (or satisfactorily
proven) to be the person whose name is subscribed to the within
instrument, and acknowledged that he, being authorized so to do,
executed the same for the purposes therein contained as the duly
authorized Vice President of
Mercantile-Safe Deposit and Trust Company by signing the name of
Mercantile-Safe Deposit and Trust Company by himself as such
officer.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal

James H. [Signature]
Notary Public



My commission expires: 10/1/93

REVIEWED FOR BALTIMORE COUNTY
William [Signature] 8/6/92

RETURN TO:
Ellwood B. Sisk
2416 BELLEVUE AVE. WY
OWINGS MILLS, MD. 21117



Board of Appeals of Baltimore County

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

August 22, 2019

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

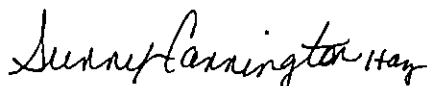
Re: In the Matter of: *Howard and Barbara Neels*
Case No.: 19-305-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal 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

c: Howard and Barbara Neels
David W. Billingsley/Central Drafting and Design
C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF
HOWARD AND BARBARA NEELS - LEGAL
OWNERS AND PETITIONERS FOR SPECIAL
HEARING ON THE PROPERTY LOCATED AT
4 LOWER FIELD COURT

11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 19-305-SPH

* * * * *

ORDER OF DISMISSAL

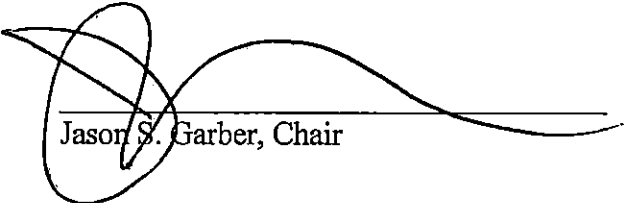
This matter comes to the Board of Appeals by way of an appeal filed by People's Counsel for Baltimore County, Appellants, from a final decision of the Administrative Law Judge dated June 3, 2019, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on August 6, 2019, by People's Counsel for Baltimore County, Appellants, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of August 6, 2019,

IT IS ORDERED this 22nd day of August, 2019 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 19-305-SPH be and the same is hereby **DISMISSED with prejudice**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Chair



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 6, 2019

HAND DELIVERED

Jason S. Garber, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

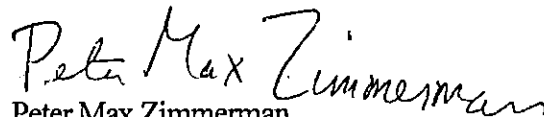
Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court.
Case No.: 2019-305-SPH

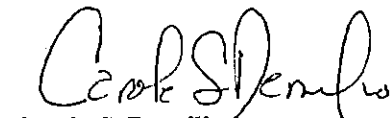
Dear Chairman Garber:

On June 25, 2019, our office filed an appeal of the Administrative Law Judge's Opinion and Order dated June 3, 2019. Upon further review of the record and careful evaluation, we withdraw our appeal in this matter.

Thank you for your consideration.

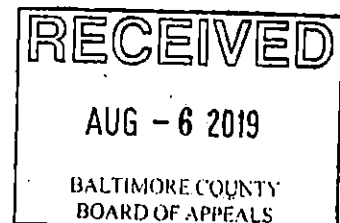
Very truly yours,


Peter Max Zimmerman
People's Counsel for Baltimore County


Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
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August 6, 2019

HAND DELIVERED

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Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

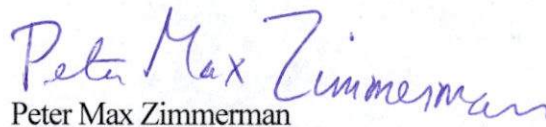
Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

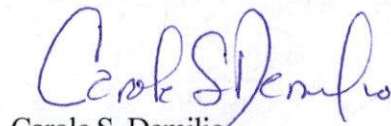
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Thank you for your consideration.

Very truly yours,


Peter Max Zimmerman
People's Counsel for Baltimore County


Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners



RECEIVED
JUN - 8 1913
RECEIVED



Board of Appeals of Baltimore County

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

July 18, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Howard and Barbara Neels – Legal Owners
4 Lower Field Court
19-305-SPH 11th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to:
(1) Amend the Final Development Plan ("FDP") for Batter Brook Farms; and
(2) Eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B

6/3/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED.

ASSIGNED FOR: **AUGUST 29, 2019, 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 with the Board unless otherwise requested.
- Please contact our office for information about projection equipment. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

Krysundra "Sunny" Cannington
Administrator

Notice of Assignment
In the matter of: Howard and Barbara Neels
Case number: 19-305-SPH
July 18, 2019
Page 2

c. Petitioners/Legal Owners : Howard and Barbara Neels
 Appellant : People's Counsel for Baltimore County

David W. Billingsley/Central Drafting and Design

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 25, 2019

Howard Neels
Barbara Neels
11825 Gontrum Road
Kingsville, Maryland 21087



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0305-SPH
Property: 4 Lower Field Court

Dear Mr. & Mrs. Neels:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 25, 2019. 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 "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 25, 2019

Howard Neels
Barbara Neels
11825 Gontrum Road
Kingsville, Maryland 21087



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0305-SPH
Property: 4 Lower Field Court

Dear Mr. & Mrs. Neels:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 25, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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Sincerely,

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JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040

**Petition for Special Hearing
(4 Lower Field Court)
11th Election District – 5th Councilmanic District
Legal Owners: Howard & Barbara Neels**

Case No. 2019-0305-SPH

Petition for Variance Hearing (April 22, 2019)

Zoning Description of Property

Certificate of Posting —

1st Posting- May 10, 2019 (David W. Billingsley)

2nd Posting- Re-Certification- May 26, 2019 (David W. Billingsley)

Newspaper Advertisement – May 10, 2019- The Daily Record

Notice of Zoning Hearing – April 26, 2019

People's Counsel Entry of Appearance –May 1, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets-

Petitioner(s) Exhibits –

1. Red Lined Copy of Final Development Plan as Submitted with Petition
2. Color Coded copy of Tax Map 0063
3. Real property data search for 1182 Gontrum Road (Lot 55) shown in blue on Exhibit 2
4. Real property data search for 4 Lower Field court (Lot 42) shown in yellow on Exhibit 2.
5. Real property data search for Parcel B shown in red on Exhibit 2
6. " " " " " " " " " " " " " " " " " "
7. Deed of record dated December 2, 1992 recorded in Liber 9507 Folio 789
8. Plat 3 Batter Brook Farms recorded in Plat Book 64 Folio 37
9. Plat 2 Batter Brook Farms recorded in Plat Book 64 Folio 36
10. Plat 1 Batter Brook Farms Recorded in Plat Book 64 Folio 35
11. Baltimore County my neighborhood aerial photo
12. Plan prepared by groundwater management showing locations of existing septic system FOE Lot 55 encroaching onto Lot 42.
13. Plan showing proposed dwelling, well and septic systems on Parcel B
14. Groundwater Management approval letter for new septic systems on Parcel B.
15. Letter of Support
16. DRC letter
17. 8-29-18 letter to DRC
18. Declaration of Covenants

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)- SDAT: Real Property

Administrative Law Judge Order and Letter (GRANTED- June 3, 2019)

Notice of Appeal – People’s Counsel for Baltimore County, June 25, 2019



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 4 LOWER FIELD CT, 11825 GONTRUM RD. which is presently zoned RC 5
 Deed References: L-2507 F. 789 10 Digit Tax Account # 2200011546, 541, 509 & 526
 Property Owner(s) Printed Name(s) HOWARD AND BARBARA NEELS

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

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

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

SEE ATTACHMENT

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)

Please see attached comments

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):

HOWARD NEELS / BARBARA NEELS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11825 GONTRUM RD. KINGSVILLE, MD.

Mailing Address

City

State

21087

(410) 592-6864

howard.neels@

Zip Code

Telephone #

Email Address

icloud.com

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD

Mailing Address

City

State

21040

(410) 679-8719

dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0305-SPW

Filing Date 4/22/19

Do Not Schedule Dates: _____

Reviewer gh

REV. 10/4/11

Attachment to Petition for Zoning Hearing

In December 1992 we settled on our farm property known as Lot #55 of Batter Brook Farms which was the original farm house for Judge and Mrs. Gontrum. The purchase included the acreage of Lot #55, Lot #42 and Parcel B. At that time, the roads as well as staking of the lots were not started. As Lot #42 was included in our transaction, the boundary between Lot 42 and Lot 55 was never established.

Recently we engaged Thompson & Associates located in Bel Air, Md. to establish the boundary between Lot #42 and our home parcel to discover that the rear corner is extremely close to our dwelling and existing septic system with drainfields installed in the direction of Lot #42. As a result of the staking, a responsible repair area for replacement of our existing septic was in question. Review of the Final Development Plat indicates the septic reserve area for our homesite was never perc tested by the Baltimore County Department of Environmental Protection and Sustainability to establish a verifiable septic reserve area. In checking with Baltimore County, there is no information for our septic or well on file. The discovery of these details bring considerable burden, expense and potential for liability on our homesite noted as follows:

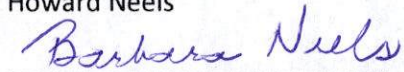
- Health
1. Drainage of original house septic is close to the Lot 42 (to the edge of property).
 2. Water site proposed for Lot 42 is in close proximity to our septic site for the original house.
 3. Milking barn and barnyard is also located in close proximity to the proposed water site for Lot 42.

- Economic
1. The use of Lot 42 would necessitate the change of the drainage fields for the main house into an area not verified by Baltimore County.
 2. Approximately 30 fruit trees would be sacrificed.
 3. Approximately 6 holly trees would be cut (30 feet tall)
 4. The original stone house (1811) would possibly be destroyed.

We respectfully ask that the existing location of Lot 42 be abandoned to become a part of our homesite and relocated to Parcel B which would replace a 1.67 acre lot with a 14.8+ acre lot approved for a private onsite sewage disposal system per letter dated July 19, 2018 from Mia L. Lowery, L.E.H.S., Supervisor, Soil Evaluation Program, Ground Water Management.



Howard Neels



Barbara Neels

**ZONING DESCRIPTIONS FOR
AMENDED FINAL DEVELOPMENT PLAN
BATTER BROOK FARMS**

Beginning for the first at a point formed by the east side of Gontrum Road (40 feet wide) with the south side of Connection Road (40 feet wide) thence being all of Lots 42 and 55 as shown on the plat entitled Plat 3, Batter Brook Farms recorded among the Baltimore County plat records in Plat Book 64 Folio 37.

Containing 28.83 acres of land, more or less.

Being known as 11825 Gontrum Road and 4 Lower Field Court. Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

Beginning for the second at a point on the west side of Gontrum Road (40 feet wide) distant southerly 559 feet from its intersection with the center of Connection Road (40 feet wide) thence being all of Parcel B as shown on Plats 1 and 2, Batter Brook Farms recorded among the Baltimore County plat records in Plat Book 64 Folio 35 and Plat Book 64 Folio 36, respectfully.

Containing 39.07 acres of land, more or less.

Being located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

2019-0305-SPH

2019-0305-SPH

Special Hearing: To amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate 42 to parcel B (no increase in number of lots or density).

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

No. **182561**

Date **4/22/19**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/22/2019 4/22/2019 09:31:12 1

REG 0501 WALKIN LJR
 >>RECEIPT # 004871 4/22/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

182561
 Recd Tot \$ 75.00
 75.00 CK 00 CA
 Baltimore County, Maryland

Total: **75.00**

Rec From: **Harvard Neels**
 For: **FDP Amendment to**
Butler Brook Farms 2019-0305
SPH

**CASHIER'S
 VALIDATION**

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

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment5/14DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comments5/7DEPS
(if not received, date e-mail sent _____)Comment5/28

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)Opposed5/1

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/10/19SIGN POSTING (1st)

Date:

5/10/19by BuellingsleySIGN POSTING (2nd)

Date:

5/26/19by Buellingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

TO: THE DAILY RECORD
Friday, May 10, 2019 - Issue

Please forward billing to:
Howard Neels
11825 Gontrum Road
Kingsville, MD 21087

410-592-6864

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: 2019-0305-SPH

4 Lower Field Court, 11825 Gontrum Road
Southeast corner of Gontrum Road and Connection Road
11th Election District – 5th Councilmanic District
Legal Owners: Howard & Barbara Neels

Special Hearing to amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate to Parcel B (no increase in number of lots or density).

Hearing: Thursday, May 30, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
Director of Permits, Approvals and Inspections for Baltimore County

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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019-0305 SPD
Property Address: 11825 GONTRUM ROAD, 4 LOWER FIELD CT.
Property Description: SE COR. GONTRUM RD & CONNECTION RD -
W. SIDE GONTRUM RD. 559' S. OF CONNECTION RD
Legal Owners (Petitioners): HOWARD & BARBARA NEELS
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: HOWARD NEELS
Company/Firm (if applicable): _____
Address: 11825 GONTRUM ROAD
KINGSVILLE, MD. 21087

Telephone Number: (410) 592-6864

Revised 7/9/2015

PARCEL B GONTRUM ROAD

2019-0305-SPK







1:4,514

0 195 390 780 Feet

0 0.035 0.07 0.14 Miles

April 22, 2019

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200011547			
Owner Information					
Owner Name:	NEELS HOWARD NEELS BARBARA		Use: Principal Residence:	AGRICULTURAL YES	
Mailing Address:	11825 GONTRUM RD KINGSVILLE MD 21087-1356		Deed Reference:	/09507/ 00789	
Location & Structure Information					
Premises Address:	11825 GONTRUM RD 0-0000		Legal Description:	27.16 AC BATTER BROOK FARMS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0094		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	3
	55	2018		0064/0037	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1862	3,850 SF		27.1600 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	STANDARD UNIT	FRAME	2 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
Base Value		Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	179,800	149,800			
Improvements	414,100	387,600			
Total:	593,900	537,400	593,900	537,400	
Preferential Land:	9,800			9,800	
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B		Date: 12/15/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09507/ 00789		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:	AGRICULTURAL TRANSFER TAX				
Homestead Application Information					
Homestead Application Status: Approved 09/09/2014					

PETITIONER'S
EXHIBIT NO. 3

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 11 Account Number - 2200011546		
Owner Information		
Owner Name:	NEELS HOWARD NEELS BARBARA	Use: AGRICULTURAL Principal Residence: NO
Mailing Address:	11825 GONTRUM RD KINGSVILLE MD 21087-1356	Deed Reference: /09507/ 00789
Location & Structure Information		
Premises Address:	4 LOWER FIELD CT 0-0000	Legal Description: 1.67 AC BATTER BROOK FARMS
Map:	Grid:	Parcel:
0063	0006	0094
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	42	2018
Plat No:	Plat Ref:	3
	0064/ 0037	
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		1.6700 AC
Property Land Area	County Use	05
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	200	200
Improvements	0	0
Total:	200	200
Preferential Land:	200	200
Phase-in Assessments		
	As of 07/01/2017	As of 07/01/2018
	200	200
	200	200
Transfer Information		
Seller: GONTRUM MARILYN GONTRUM JOHN B	Date: 12/15/1992	Price: \$1
Type: NON-ARMS LENGTH OTHER	Deed1: /09507/ 00789	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2017
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	AGRICULTURAL TRANSFER TAX	
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. 4

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200011526			
Owner Information					
Owner Name:	NEELS HOWARD NEELS BARBARA		Use:	AGRICULTURAL	
Mailing Address:	11825 GONTRUM RD KINGSVILLE MD 21087-1356		Principal Residence:	NO	
			Deed Reference:	/09507/ 00789	
Location & Structure Information					
Premises Address:		GONTRUM RD 0-0000		Legal Description:	P/O PARCEL B 14.82 BATTER BROOK FARMS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0363		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	2
		2018		0064/0036	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			14,8200 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	5,500	5,500			
Improvements	0	0			
Total:	5,500	5,500	5,500	5,500	
Preferential Land:	5,500			5,500	
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B		Date: 12/15/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09507/ 00789		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:	AGRICULTURAL TRANSFER TAX				
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

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 11 Account Number - 2200011509							
Owner Information										
Owner Name:			NEELS HOWARD NEELS BARBARA			Use: Principal Residence:		AGRICULTURAL NO		
Mailing Address:			11825 GONTRUM RD KINGSVILLE MD 21087-1356			Deed Reference:		/09507/ 00789		
Location & Structure Information										
Premises Address:			BATTER BROOK CT 0-0000			Legal Description:		24.50 AC PT PAR B BATTER BROOK FARMS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0063	0006	0635		0000				2018	Plat Ref:	0064/ 0035
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built			Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
							24.2500 AC		05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2018		07/01/2017		07/01/2018	
Land:			3,000		3,000					
Improvements			0		0					
Total:			3,000		3,000		3,000		3,000	
Preferential Land:			3,000						3,000	
Transfer Information										
Seller: GONTRUM MARILYN GONTRUM JOHN B				Date: 12/15/1992				Price: \$1		
Type: NON-ARMS LENGTH OTHER				Deed1: /09507/ 00789				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:		AGRICULTURAL TRANSFER TAX								
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. 6

USER9507 PAGE789

THIS DEED, Made as of this 2nd day of December, in the year one thousand nine hundred and ninety-two, by and between MARILYNN B. GONTRUM, of Baltimore County, State of Maryland, JOHN B. GONTRUM, of Baltimore County, State of Maryland, and MARY PATRICIA SARE, by JOHN B. GONTRUM, her Attorney-in-Fact, by Power of Attorney, dated September 22, 1992, and recorded among the Land Records of Baltimore County in Liber S.M. No. 9379, folio 717, Grantors, and HOWARD NEELS and BARBARA NEELS, his wife, parties of the second part, Grantees.

WITNESSETH: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration this day paid in connection with this conveyance being Four Hundred Thirty Two Thousand (\$432,000.00) Dollars, the said Marilyn B. Gontrum, John B. Gontrum, and Mary Patricia Sare, by John B. Gontrum, her Attorney-in-Fact, acting in exercise of the power and authority conferred upon him by Power of Attorney dated September 22, 1992, and recorded as aforesaid, do hereby grant, convey and assign unto the said parties of the second part, as tenants by the entireties, their assigns, and to the survivor of them, and the personal representatives, heirs and assigns of the survivor, in fee simple, all those lots of ground, situate in Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST and being known as designated as Lots Nos. 55 and 42, as shown on the Plat entitled, "Subdivision Plat - BATTER BROOK FARMS - Plat 3 of 3", which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 37.

THE IMPROVEMENTS thereon being known as No. 11825 Gontrum Road.

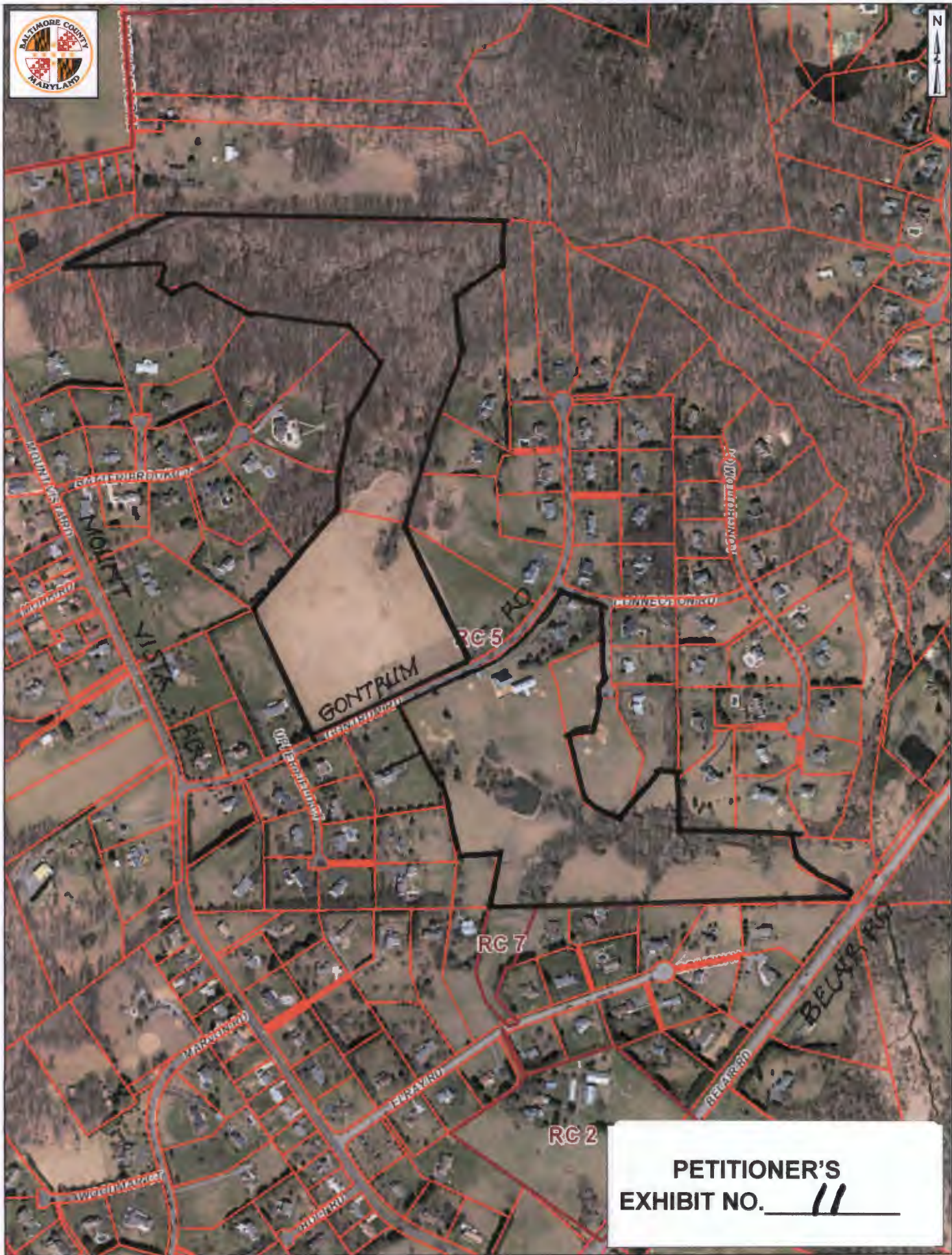
BEGINNING FOR THE SECOND and being known as designated as Parcel B, as shown on Plats entitled, "Subdivision Plat - BATTER BROOK FARMS - Plat 1 of 3" which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 35, and Plat entitled "Subdivision Plat - BATTER BROOK FARMS - Plat 2 of 3", which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 36.

BEING part of the property which by Deed dated March 15, 1990 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8437, folio 511, was granted and conveyed from John B. Gontrum, Personal Representative of the Estate of Mary von W. Gontrum unto Marilyn B. Gontrum.

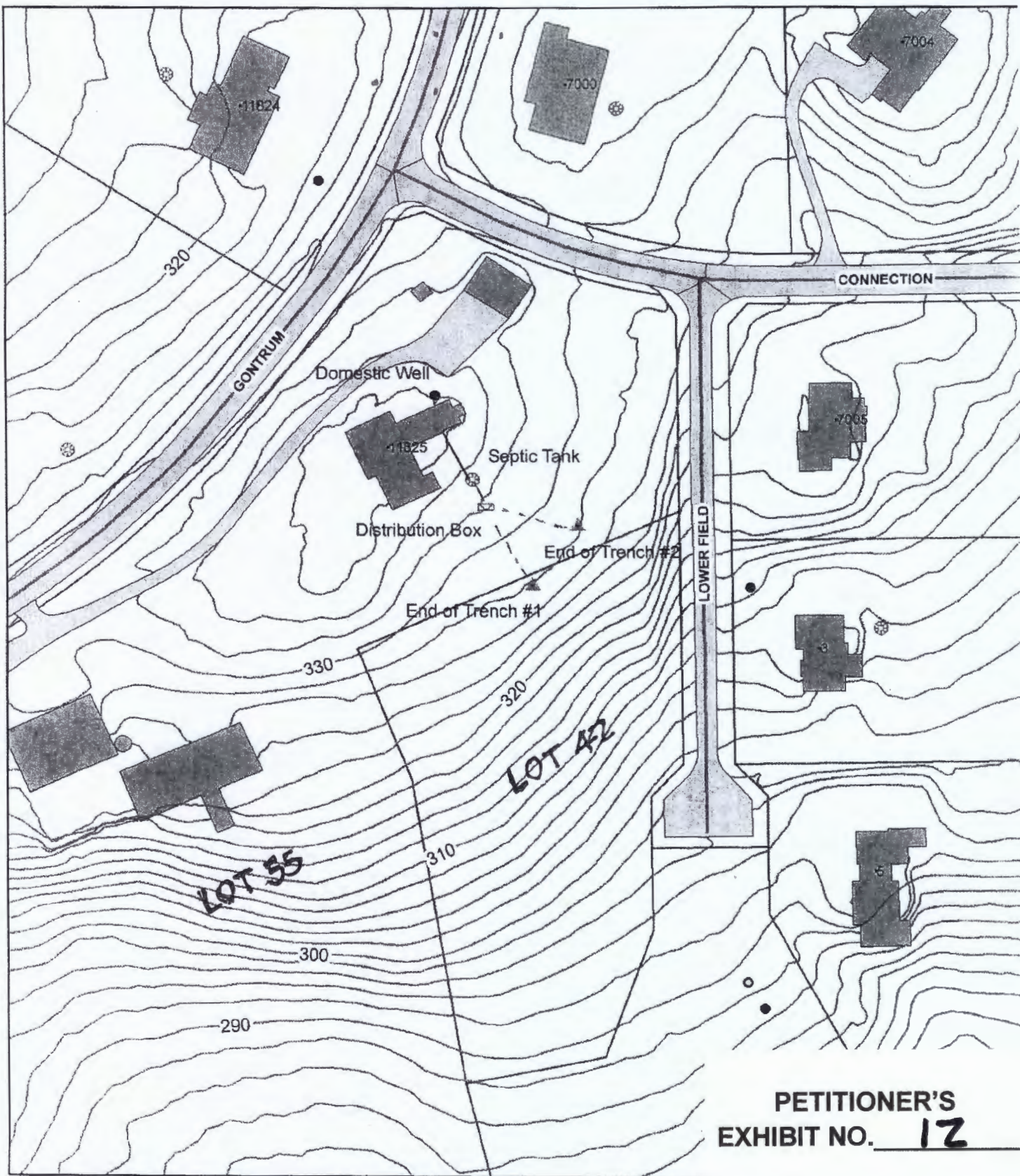
BEING also part of the property which by Deed dated January 14, 1992, and recorded among the Land Records of Baltimore County in Liber S.M. No. 9046, folio 089, was granted and conveyed from John B. Gontrum, Personal Representative of the Estate of Mary von W. Gontrum unto John B. Gontrum and Mary Patricia Sare.

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
103 W. PENN. AVE.
TOWSON, MARYLAND
21204-4978
410-286-1000

NEELS PROPERTY

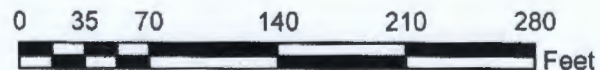


PETITIONER'S
EXHIBIT NO. 11



11825 Gontrum Rd

1-29-2019



1:1,200

1 inch = 100 feet





DONALD I. MOHLER III
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

July 19, 2018

Mr. Howard Neels
11825 GONTRUM RD
KINGSVILLE MD 21087

RE: Batter Brook Farms, Lot 56, aka: Parcel B, Gontrum Rd., Election District - 11

Dear Mr. Neels,

A representative of this office, Miranda P. Clifford, L.E.H.S. conducted soil evaluations on 11/13/2017 regarding the above-referenced lot(s).

Based on the soil evaluations and the designated Master Plan dated 04/20/2018, **APPROVAL** will be granted for the installation of a private onsite sewage disposal system (OSDS) for the lot(s) specified above. Soil percolation tests will be **valid for a period of five (5) years from the date of this letter, approval letter or record plat, whichever is most recent**. At the expiration of this period of time, the results will become **VOID** and revalidation of this approval must be obtained in writing from the Approving Authority.

It should be noted, that septic reserve area(s) are depicted on the Master Plan for the installation of an initial OSDS and future repairs. Under no circumstance shall any easements, rights-of-way, buildings, any other permanent or physical structures above or below ground, be permitted within this area and it may not be disturbed by earth moving, compaction, tree removal or grading. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the septic reserve area.

PETITIONER'S
EXHIBIT NO. 14

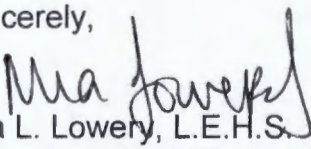
Mr. Howard Neels
July 19, 2018
Page 2

The following are comments that concern persons developing property:

- Attached is a copy of the original soil evaluation data for the above-referenced lots.
- The sewage disposal system will be a conventional sand mound system. Said system shall be designed and plans drawn up by the owner's engineer at owner's expense. Said plans and specifications shall be submitted to DEPS for review and approval. Plans shall be approved prior to the issuance of building permits.
- Prior to building permit approval for the lot, the entire 10,000 sq. ft. septic reserve area (SRA) must be located by survey and fenced off by high visibility orange fencing and a pre-construction meeting must be scheduled with our office at least 48 hrs before construction begins.
- No grading, filling, cutting or vehicular traffic will be permitted in the SRA. Any violations of this or incursions into the designated SRA may cause revocation of the soil percolation test approval and denial of any building permits on the subject property.
- Where water wells are to be used as a source of water supply, the Baltimore County Code, (Title 35, Article 2, Sec. 35-41), requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a building permit.
- Water well yield test reports shall be valid for a period of three years from the date of the yield test. At the expiration of that period of time, a retest must be performed and the report submitted to this office prior to issuance of a building permit.

Attached is a copy of the soil evaluation data for the above-referenced lots. If you have any questions regarding this matter, please contact me at 410-887-2762, or via email at mlowery@baltimorecountymd.gov.

Sincerely,


Mia L. Lowery, L.E.H.S.
Supervisor, Soil Evaluation Program
Ground Water Management

attachments

**John and Heather Sheldon
4017 Klausmeier Road
Nottingham, MD 21236**

May 14, 2019

**RE: Zoning Notice
CASE NO.: 2019-0305SPH**

To whom it may concern,

I am writing to express my support to the amendment of the final development plan for Batter Brook Farms.

I own 6 Lower Field Court which is directly adjacent to Lot 42. I believe that moving the building right from Lot 42 to parcel B is the best use of the available space. It preserves the rural views of the area and avoids congestion on a dead-end court.

Furthermore, it avoids potential erosion problems. 6 Lower Field lays directly downhill from Lot 42, any construction on this lot will cause potential runoff onto 6 Lower Field. Mitigating this runoff problem will be costly and time consuming.

For these reasons I strongly support the zoning change.

If you have any questions, please feel free to contact me.

Thank you for the opportunity to voice my concern.

Sincerely,



**John W. Sheldon
JWS/kam**

PET. EX. 15

21061 Baltimore County Government
Department of Permits Approvals and Inspections
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

October 3, 2018

Central Drafting and Design

David Billingsley
601 Charwood Court
Edgewood, MD 21040

RE: Batter Brook Farms Lot 42, Lot 55 and Parcel B
CRG Plan Refinement
PAI Number: 11-0620
Tracking Number: DRC-2018-00143
DRC Number: 100218A; Dist. 11C5

Dear Mr. Billingsley:

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

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106(b)(2) and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on October 2, 2018, and made the following recommendations:

The DRC has determined that your project meets the requirements of **refinement to the development plan, under Section 32-4-106(b)(2)**. Please amend the CRG/Final Development Plan/Record Plat. It is also necessary to submit two red-lined plans to the Department of Environmental Protection and Sustainability and one plan to PAI's Development Plans Review. In your submittal, please include a CD containing the CAD file and PDF file of the refined plan. For detail instructions go to http://www.baltimorecountymd.gov/Agencies/permits/pdm_devmanage/pdmdigitalplans.html#CAD_Standard.

#16

CENTRAL DRAFTING AND DESIGN
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

August 29, 2018

Development Review Committee
Baltimore County Office Building
Towson, MD. 21204

RE: BATTER BROOK FARMS
LOT NOS. 42 AND 55 AND PARCEL B

Gentlemen:

On behalf of Howard and Barbara Neels, owners of the referenced properties, we are requesting approval of Plan Refinement for the Final Development Plan of Batter Brook Farms last revised on September 13, 1991.

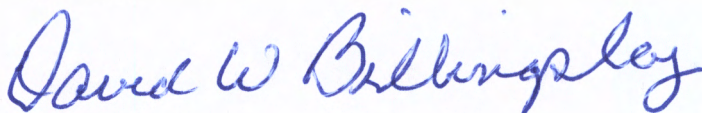
The revisions proposed are as follows:

1. Eliminate the division line between Lots 42 and 55 to create one residential lot in lieu of two.
2. Designate Parcel B as Lot 56 to create one residential lot.

The proposed revision will not increase the density of the development. Percolation tests have been performed and approved by the Groundwater Management Section of the Department of Environmental Protection and Sustainability. A copy of the Plan to Accompany Percolation Test Application is attached.

Thank you for your consideration in this matter.

Very truly yours,



David W. Billingsley

TRANSFER TAX NOT RECORDED
Director of Finance
BALTIMORE COUNTY

DECLARATION OF
COVENANTS AND RESTRICTIONS

BATTER BROOK FARMS

Date 8/6/92

THIS DECLARATION OF COVENANTS AND RESTRICTIONS made this
31ST day of July, 1992, by Marilynn B. Gontrum, John
B. Gontrum and Mary Patricia Sare, (the "Declarant"); Paul W.
Parks and Michael S. Cordes, (the "Trustees"); and Mercantile Mortgage
Corporation and Mercantile-Safe Deposit and Trust Company, (the
"Beneficiary")

DECLAR
SH CLERK
66.00
2.00
68.00

RECITALS

#54974 C003 R01 715
08/08

(A) The Declarant is the owner, in fee simple, of the tract
of land lying in the Eleventh Election District of Baltimore
County, Maryland, containing approximately One Hundred and Ninety
-One 50/100 gross acres of land, as shown on the Plats entitled
"SUBDIVISION PLAT BATTER BROOK FARMS PLAT 1 of 3", "SUBDIVISION
PLAT BATTER BROOK FARMS PLAT 2 of 3", "SUBDIVISION PLAT BATTER
BROOK FARMS PLAT 3 of 3" (hereinafter referred to as the "Plats"),
which Plats are recorded among the Land Records of Baltimore
County in Liber S.M. 64, Folio 035, Liber S.M. 64, Folio 036 and
Liber S.M. 64 Folio 037.

(B) The Declarant, for the purposes of creating and
maintaining a general scheme of development and for the protection
of the economic interest of the Declarant, desires that the
aforesaid Lots be subject to the covenants, conditions and
restrictions hereinafter set forth, for the benefit of the
Declarant, and the future owners of all Lots in the Development.

(C) The purpose of the Covenants and Restrictions is to
enhance the quality of the Subdivision, as hereafter defined, and
to support maximum property value for the Declarant and future
Property owners. To further these purposes, the Declarant and
each Lot Owner, as hereafter defined, has the individual right,
but not any obligation to enforce these Covenants and Restrictions
against any violation by means as provided herein or by
appropriate legal proceedings. The Declarant has no legal
obligation to enforce these Covenants and Restrictions but may
selectively act to further its own best interests. Any Lot Owner
has the right to retain legal counsel to enforce any of the
Covenants and Restrictions.

NOW, THEREFORE, the Declarant for itself, its successors and
assigns, their personal representatives, heirs and assigns, hereby
declare that all the aforesaid tract of land known as BATTER BROOK
FARMS, shall be subject to the covenants, restrictions, conditions
and reservations hereinafter set forth.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE DW DATE 8/6/92

DW 8/6/92

PET. #18

ARTICLE 1 - DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

(a) "The Property" shall mean and refer to all the real property shown on the Record Plats referred to above.

(b) "Lot" shall mean and refer to those Lots and Parcels shown and designated on the aforesaid Plats.

(c) "Dwelling" shall mean and refer to any building or portion of a building situated upon the Property and designated and intended for use and occupancy as a residence by a single family.

(d) "Developer" or "Declarant" shall mean and refer to Marilyn B. Gontrum, John B. Gontrum and Patricia Sare, and their successors and assigns.

(e) "Lot Owner" shall mean and refer to every person, group of persons, corporation, trust or other legal entity, or any combination thereof, who holds legal title to a Lot in the Subdivision, provided, that (a) no Lessee (other than a Lessee under a 99 year lease creating a ground rent of such Lot), and (b) no Mortgagee or Trustee under a Deed of Trust of any Lot shall be deemed to be a Lot Owner unless and until such Mortgagee or Trustee acquires of record the Mortgagor's or Grantor's equity of redemption in said Lot.

(f) "Subdivision" shall mean the final Subdivision of BATTER BROOK FARMS as recorded among the Plat Records of Baltimore County; or as amended in accordance with this Declaration.

(g) "Plans and Specifications" shall mean engineering site plans, landscaping plan, and architectural working drawings and any other supporting documents which may be required by the Developer.

**ARTICLE 11 - PROPERTY SUBJECT TO DECLARATION
AND MUTUALITY OF BENEFIT**

SECTION 1. Property. The real property which is and shall be held, conveyed, hypothecated or encumbered, sold, leased, rented, used, occupied and improved subject to these restrictive covenants is located in Baltimore County, State of Maryland, and is more particularly designated on the Plats.

SECTION 2. Benefit. The restrictions and agreements set forth herein are made for the mutual and reciprocal benefit of each and every Lot in the Subdivision and are intended to create mutual, equitable servitudes upon each of said Lots in favor of each and all of the other Lots therein; to create reciprocal rights between the respective owners of all of said Lots; to create a privity of contract and estate between the grantees of said Lots, their personal representatives, heirs and assigns, and shall, as to the owner of each such Lot, his personal representatives, heirs or assigns, operate as covenants running with the land for the benefit of each and all other Lots in the Subdivision and their respective owners.

ARTICLE III - UTILITIES

SECTION 1. Utility Easements. Easements along all property lines extending from the property line into each Lot for a width of five feet (5') are hereby reserved to the Declarant for the installation and maintenance of utilities and drainage facilities. All additional easements reserved for those purposes are as shown on the Plats. In addition thereto, the Baltimore Gas and Electric Company, C & P Telephone Company and any cable television company operating in Baltimore County shall have the right to place upon the Lots, at such locations as may be deemed necessary by them, electrical transformers, transformer pads, telephone pedestals, and television cable. The aforesaid companies shall also have the right to use the roadway system for purposes of maintaining their respective distribution systems. No structure, planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard direction or flow of any drainage channels. The Declarant reserves the right to permit fencing within said easements as is desirable in its discretion, provided however, that such fencing shall not interfere with said easements.

ARTICLE IV - ARCHITECTURAL REVIEW

SECTION 1. Purpose. No building, fence, wall, swimming pool or other structure shall be constructed on any Lot until the Plans and Specifications, including color scheme and a grading plan showing the location of the structure, have been approved in writing by Declarant or its assignee. No later changes or additions after initial approval thereof or remodeling or reconstruction shall commence until such has also been approved in writing by Declarant or its assignee. Before commencement of construction, the owners of Lots shall present their Plans and Specifications to Declarant together with a non-refundable fee of One Hundred Dollars (\$100.00) covering the cost of reviewing the Plans and Specifications. Plans and Specifications must be acted

on by Declarant within thirty (30) days after submission. If Declarant fails to act on said Plans and Specifications within said thirty (30) day period after submission, the Plans and Specifications shall automatically be approved. Declarant shall have the right to refuse to approve any such Plans and Specifications, or grading and location plans, which are not suitable or desirable, in its opinion, for aesthetic or other reasons, and in so passing upon such plans specifications, or grading or location plans, it shall have the right to take into consideration the suitability of the proposed building or other structure, the materials of which it is built, the site upon which it shall be erected, the harmony thereof with the surroundings and the effect of the building or other structure on the roadway as planned and the view from the adjacent or neighboring properties. In the event of the failure of the purchaser or purchasers of Lots in Batter Brook Farms to obtain or to comply with the required prior written approval of plans, specifications, and grading studies as established in this paragraph, said purchasers hereby agree to reimburse Declarant or its assigns for all costs and expenses to which it may be put as a result of said failure, including but not limited to court costs, attorney's fees, and to bear all expenses necessary to conform any improvements to approved status including costs of demolition and reconstruction, if necessary. Any approved Dwelling constructed on said Lots shall be completed in every exterior detail within twelve (12) months from date of beginning such construction.

The Greater Kingsville Civic Association, Inc. may, at its option, designate from time to time a representative from whom the Declarant shall seek advisory opinions upon each submittal for architectural review.

SECTION 2. Liability. Neither Declarant, nor any architect or agent thereof shall be responsible in any way for any defects in any Plans and Specifications submitted, revised or approved in accordance with the foregoing provisions, nor for any structural or other defects in any work done according to such Plans and Specifications.

ARTICLE V - USE AND BUILDING RESTRICTIONS

SECTION 1. Land Use. Lots as shown on the Plats shall be used for private residential purposes only and no Dwelling shall be erected, altered, or placed or permitted to remain in any Lot other than one detached Dwelling, said Dwelling designed for single-family occupancy. Single-family occupancy shall not be construed to prevent the erection of a Dwelling with an attached apartment or living area for use by a Lot Owner or members of the owner's family; however, said apartment or living area may not be used for rental investment purposes. Nothing herein contained shall prevent the use of part of a Lot as a right of way for use by other Lots within the Subdivision or adjoining property. Residential use shall not bar a home office or business use of the

Property provided the Owner of said Lot complies with the applicable zoning regulations of Baltimore County. Private residential use shall not prohibit acquisition of the Property for investment purpose or for acquisition by a contiguous Property owner who does not intend to erect a residential dwelling in the immediate future. Any tenant under a lease of any of the Property for a period of less than ninety-nine (99) years, although not a Lot Owner, shall be bound by all of the use and building restrictions contained herein. In no event shall a tenancy of lot or dwelling in the subdivision be for a period of less than six months.

SECTION 2. Building Restrictions.

(a) No structure of a temporary character, such as, but not limited to, a trailer, shack, or tent, shall be placed or used on any of the Lots as a residence or for storage, or as an auxiliary building either temporarily or permanently, except that a temporary structure may be placed or used thereon if used and operated solely in connection with the construction of permissible permanent improvements; provided, however, that such temporary structure shall be removed from the premises within thirty (30) days after completion of the construction of the permissible permanent improvements; and provided, further, that such structure be removed within a period of twelve (12) months from the date of its original construction, whichever shall occur first.

(b) Attached two car garages are required unless specifically waived in writing by Declarant.

(c) No recreational vehicles, such as, but not limited to, boats, campers, motor homes, tent vehicles, and all-terrain vehicles, may be parked or kept on any Lot except those that are stored in a garage. No motorized bikes or similar type recreational vehicles may be operated on any Lot.

(d) No live poultry, hogs or other similar livestock shall be kept on any Lot. A maximum of two (2) dogs and two (2) cats is permitted, provided that they are properly housed and cared for and are restricted to the owner's Property. Horses and ponies are permitted on Lots of three acres or more provided that they are properly housed and fenced, and such housing is approved in accordance with Article IV and the keeping of said animal is in accordance with applicable regulations of Baltimore County and Section 3 and Section 4 of this Article. Declarant reserves the right to withdraw such permission if, in its sole discretion, the keeping of such animals creates an unreasonable annoyance or nuisance to neighboring property. Withdrawal of permission shall be in writing and allow the Lot Owner (30) days to remove said nuisance. Lot #55 and Parcel B as shown on the Plats shall be exempt from this provision and there shall be permitted the keeping of such animals as allowed by Baltimore County laws and regulations for acreage of their size.

approval may be revoked by the Declarant at any time.

(l) Any Dwelling or outbuilding on any Lot in the Subdivision which may be destroyed in whole or in any part by fire, windstorm or for any other cause or act of God must be rebuilt or all debris removed and the Lot restored to a slightly condition with reasonable promptness, provided, however, that in no event shall such debris remain on the Lot for more than sixty (60) days.

(m) No fuel tanks of any kind, excepting tanks for heating oil, shall be buried on any Lot.

(n) A construction entrance twelve feet by fifty feet (12' x 50') must be built on each Lot by the Lot owner prior to construction and shall consist of not less than eight inches (8") of crushed stone and shall be maintained during construction to minimize sediment runoff and damage to the road system adjacent to the construction site.

DAMAGE TO THE ROAD SYSTEM RESULTING FROM IMPROPERLY INSTALLED AND MAINTAINED CONSTRUCTION ENTRANCES SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.

SECTION 3. Water Quality Best Management Practices. The Declarant has agreed with the Baltimore County Department of Environmental Protection and Resource Management to adhere to the following "Water Quality Best Management Practices" and, by the acceptance of a Deed conveying any Lot, the Owner thereof covenants to adhere to the same (See Record Plat Note # 8):

(a) All areas except that used for buildings, sidewalks and paving, will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.

(b) Dirt and debris accumulating on private roads will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.

(c) Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used; such compounds must be of such chemical composition that has been determined and represented to be environmentally safe as not to contaminate the ground waters and eco-systems.

(d) Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service; such chemicals must be of such composition that has been determined and represented to be environmentally safe as to not contaminate the ground waters and eco-systems.

(e) In order to preserve the quantity of available ground water, no water well in the subdivision shall be used for the

filling of a swimming pool. All water for such purpose, shall be brought on site from an outside source.

SECTION 4. Forest Buffer Easement. The Declarant has agreed with the Baltimore County Department of Environment Protection and Resource Management to adhere to the following "Restrictions for Wetlands and Stream Buffer Areas" and, by the acceptance of a Deed conveying any Lot, the Owner thereof covenants to adhere to the same (See Record Plat Note # 7):

(a) Livestock shall not be permitted to be housed, grazed or otherwise maintained within wetland and/or stream buffer areas except as allowed by applicable laws and regulations of Baltimore County.

(b) No motorized vehicles shall be stored or operated within the wetland and/or buffer areas except as allowed by applicable laws and regulations of Baltimore County.

(c) The existing vegetation within the wetland and/or buffer areas shall not be disturbed except as allowed by applicable laws and regulations of Baltimore County. This would include, but is not limited to, disturbance by tree or shrub removal or clearing, mowing, burning, spraying, and grazing.

(d) No soil disturbance shall take place within the wetland and/or buffer areas by grading, stripping of topsoil, plowing or cultivating, or other practices except as allowed by applicable laws and regulations of Baltimore County.

(e) No filling shall occur within the wetland and/or buffer areas.

(f) The planting of trees is permitted within the wetland and/or buffer areas.

(g) The use or application of pesticides is prohibited within the wetland and/or buffer areas, except for the spot spraying of noxious weeds consistent with the recommendations of the University of Maryland Cooperative Extension Service; said pesticides shall have been determined and represented as not to contaminate the ground water and eco-system.

(h) No materials shall be stored within the wetlands and/or buffer areas, except those which are non-toxic and which are biodegradable and the chemical content of which will not contaminate the ground water and eco-system. Such storage shall not exceed 10% of the area of that part of a lot designated as a wetland and/or buffer.

(i) Wet lands shall not be drained by ditching, under drains, or other drainage systems except as allowed by applicable laws and regulations of Baltimore County.

(j) The construction and maintenance of public utilities and other public improvements as well as existing improvements located within a wetland and/or buffer area shall be conducted consistent with these restrictions insofar as physically possible. Following any disturbance of the wetland and/or buffer area involving the construction and maintenance of public utilities, public improvements, or existing improvements, the impacted area will be restored to its original condition.

(k) Any work which must be conducted within wetland and/or buffer areas shall require prior written approval of the Department of Environmental Protection and Resource Management of Baltimore County.

SECTION 5. Private Egress and Ingress Drainage and Utility Easement. It is covenanted and agreed for the mutual benefit of the Lots as hereinafter stated the following Drainage and Utility Easements and Rights of Ways are hereby created, subject to the maintenance provisions as herein provided:

There is hereby created for the benefit of Lots 27 and 28, mutually, Lots 33 and 34, mutually, and Lots 47 and 48, mutually, a twenty (20) foot wide Private Egress and Ingress Drainage and Utility Easement as shown and delineated on the Record Plats in "Cross Hatching" for the construction, maintenance, operation, replacement and repair of utilities and for the use in common of a Right of Way for egress and ingress to said mutual Lots, subject to the maintenance obligations and provisions below.

The Owners of Lots 27 and 28, mutually, Lots 33 and 34, mutually, and Lots 47 and 48, mutually, having the right to the use of their mutual Right of Way and Easement shall be jointly and severally liable for the cost of maintenance of said twenty (20) foot wide mutual Easement including, but not limited to, the cost of mowing the grass shoulders and snow removal. In the event the Owners of a mutual Right of Way desire to repair or improve the Right of Way, then, the type and nature of such repairs or improvements shall be determined by the unanimous vote of the two Owners of the Lots having a right to the use of the mutual Right of Way, with each Owner being entitled to one (1) vote, and the said mutual Owners shall be jointly and severally liable for the improvements made. It is understood and agreed that the improvements, maintenance, and repair of any Right of Way shall be uniformly made for the full length of the Right of Way as described above and as shown on the Record Plats.

ARTICLE VI - GENERAL

SECTION 1. Provisions to Run With The Land. The provisions herein contained shall run with and bind the land and shall inure to the benefit of and be enforceable by the Declarant or the Owner of any part of said land included in the Plats, their respective legal representatives, heirs, successors, and assigns. Failure by the Declarant, or any such owner or owners to enforce any restriction, condition, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto.

SECTION 2. Term and Agreement. These restrictions shall inure to the benefit of and shall be enforceable by the Declarant and any Lot Owner, their respective legal representatives, heirs, successors and assigns until December 31, 2017. From and after December 31, 2017, the easements created by Articles III, IV, and V, hereof, as well as, Section 5 of this Article, prohibiting further subdivision of the Lots as shown on the Record Plats shall continue in full force and effect in perpetuity. After December 31, 2017, the remaining provisions in this Declaration may be amended and/or terminated in their entirety by an instrument signed by not less than ninety percent (90%) of the Lot Owners entitled to vote, which instrument shall be filed for recording among the Land Records of Baltimore County, Maryland or in such other place of recording as may be appropriate at the time of the execution of such instrument.

SECTION 3. Invalidation. Invalidation of any of these covenants, agreements, restrictions or conditions by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

SECTION 4. Limitation. These restrictions shall apply to the lots as shown on the aforesaid Plats entitled Batter Brook Farms and shall not be binding on any other property of the Declarant, its successors and assigns.

SECTION 5. Subdivision. No lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise, after acquisition from the Declarant. With respect to any of the said Lots while owned by the Declarant, the Declarant expressly reserves the right to alter property lines, to alter setback lines, to alter any easements, and to otherwise revise the aforesaid Subdivision Plats and/or Development Plan of Batter Brook Farms in any respect subject to applicable Baltimore County regulations and requirements. And in connection therewith, the Declarant further reserves the right to modify the Subdivision Plats and/or Development Plan as filed with Baltimore County, Maryland as to any Lots to be resubdivided. Included in this reservation is a special limited irrevocable power of attorney to sign on behalf of any interested party such waivers or consents as

may be required by Baltimore County, consenting to the alteration of the Subdivision Plats and/or Development Plan. In no instance will the residential density of the subject property be increased in excess of fifty-five dwelling units.

ARTICLE VII - DEVELOPER

SECTION 1. Reservation of Rights. The Developer reserves an easement to exercise its right at any time prior to or subsequent to conveyance of individual Lots in Batter Brook Farms to enter upon any of the Property, to complete, in its sole discretion, development of the Property; such development including but not limited to tree cutting, and grading and filling in order to install roads, storm drains and utilities. This reservation of an easement specifically includes the right to install a sign of Developer's choice at the entrances to Batter Brook Farms at such locations (within ten (10) feet of the property lines), as the Developer in its sole discretion may deem appropriate.

SECTION 2. Waiver of Restrictions and Covenants. The Declarant, its successors and assigns, reserves the right to waive such portion of the Restrictions and Covenants placed on this Property as the Declarant deems necessary or in the best interest of the development as determined by the Declarant. All waivers shall be in writing and a copy thereof shall be filed with the Declarant, The Greater Kingsville Civic Association, Inc., and a copy thereof shall be available to all Lot owners upon request.

SECTION 3. Special Limited Power of Attorney.

AS STATED IN ARTICLE VI, SECTION 5, DECLARANT RESERVES THE RIGHT TO SIGN ON BEHALF OF ANY INTERESTED PARTY OR LOT OWNER SUCH WAIVERS OR CONSENTS AS MAY BE REQUIRED BY BALTIMORE COUNTY, CONSENTING TO THE ALTERATION OF THE SUBDIVISION PLATS AND/OR DEVELOPMENT PLAN.

IN WITNESS WHEREOF, the Declarant, the Trustees and the Beneficiary have executed this Declaration under seal on this 31st day of July, 1992, with the specific intention that the Declaration constitutes an instrument under seal.

WITNESS:

[Signature]

[Signature]
Marilynn B. Gontrum

[Signature]

[Signature]
John B. Gontrum

[Signature]

[Signature]
Mary Patricia Sare by John B. Gontrum, her Attorney In Fact

[Signature]

[Signature]
Paul W. Parks, Trustee

[Signature]

[Signature]
Michael S. Cordes, Trustee

MERCANTILE MORTGAGE CORPORATION

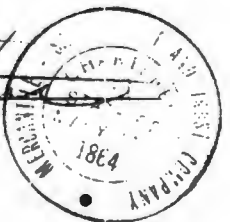
[Signature]

BY: [Signature]

MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY

[Signature]

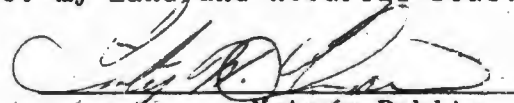
BY: [Signature]
Paul A. Stuart
Via President



STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 31ST day of July, 1992, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore, personally appeared Marilyn B. Gontrum, as Declarant, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing instrument to be her act, and in my presence signed and sealed the same.

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


Notary Public

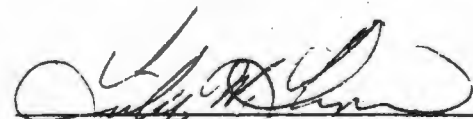
My commission expires: _____

MY COMMISSION EXPIRES MARCH 1, 1995

STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 31ST day of July, 1992, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore, personally appeared John B. Gontrum, as Declarant, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing instrument to be his act, and in my presence signed and sealed the same.

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


Notary Public

TIMOTHY W. WILSON

My Commission Expires: _____

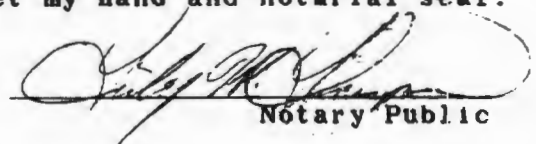
MY COMMISSION EXPIRES MARCH 1, 1995

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 31ST day of July, 1992, before me, the undersigned a Notary Public of the State of Maryland, County of Baltimore, personally appeared John B. Gontrum, Attorney-in-Fact for Mary Patricia Sare, and in pursuance of the power and authority set forth in the Power of Attorney recorded among the land records of Baltimore County

acknowledged the foregoing to be the act of the said Mary Patricia Sare and, also acknowledged the foregoing to be the act of the said John B. Gontrum as such Attorney-in-Fact, and further made oath in due form of law that at the time of the execution of the within instrument, he did not have actual knowledge of the revocation or termination of the above mentioned Power of Attorney.

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


Notary Public

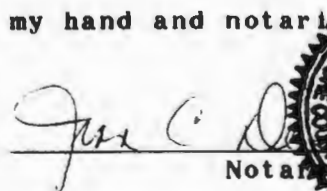
TIMOTHY W. JOHNSTON
MY COMMISSION EXPIRES MARCH 1, 1995

My commission expires: _____

STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 1st day of August, 1992, before me, the undersigned a Notary Public of the State of Maryland, Baltimore County, personally appeared Paul W. Parks and Michael S. Cordes, as Trustees, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument to be their act, and in my presence signed and sealed the same.

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


Notary Public

My commission expires: 5-1-96

STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 4th day of August, 1992 before me, the undersigned a Notary Public of the State of Maryland, Baltimore County, personally appeared Paul W. Parks, who acknowledged himself to be the President of Mercantile Mortgage Corporation, a Maryland Corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he, being authorized so to do, executed the same for the purposes therein contained as the duly authorized

President of Mercantile Mortgage Corporation
by signing the name of Mercantile Mortgage Corporation by himself
as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal

John C. De
Notary Public



My commission expires: 5-1-96

City
STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 4th day of
August, 1992 before me, the undersigned a Notary Public
of the State of Maryland, County of Baltimore, personally appeared
Pam A. Stuart, who acknowledged himself to be the
Vice President of Mercantile-Safe Deposit and Trust
Company, a Maryland Corporation, known to me (or satisfactorily
proven) to be the person whose name is subscribed to the within
instrument, and acknowledged that he, being authorized so to do,
executed the same for the purposes therein contained as the duly
authorized Vice President of
Mercantile-Safe Deposit and Trust Company by signing the name of
Mercantile-Safe Deposit and Trust Company by himself as such
officer.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal

Louise H. Maffitt
Notary Public

My commission expires: 10/1/93



REVIEWED FOR BALTIMORE COUNTY

William D. Senich 8/6/92

RETURN TO:

Ellwood D. Slosky
2416 ELORET JACKET WAY
OWINGS MILLS, MD. 21117



Board of Appeals of Baltimore County

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

August 22, 2019

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

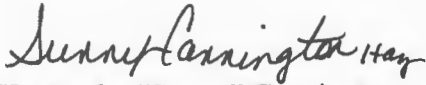
Re: In the Matter of: *Howard and Barbara Neels*
Case No.: 19-305-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal 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

c: Howard and Barbara Neels
David W. Billingsley/Central Drafting and Design
C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF
HOWARD AND BARBARA NEELS - LEGAL
OWNERS AND PETITIONERS FOR SPECIAL
HEARING ON THE PROPERTY LOCATED AT
4 LOWER FIELD COURT

11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 19-305-SPH

* * * * *

ORDER OF DISMISSAL

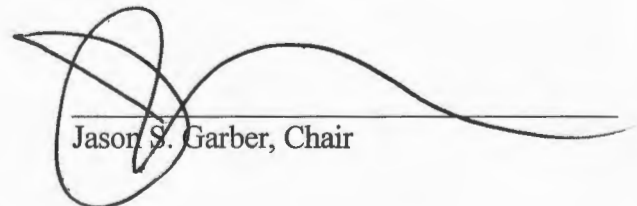
This matter comes to the Board of Appeals by way of an appeal filed by People's Counsel for Baltimore County, Appellants, from a final decision of the Administrative Law Judge dated June 3, 2019, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on August 6, 2019, by People's Counsel for Baltimore County, Appellants, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of August 6, 2019,

IT IS ORDERED this 22nd day of August, 2019 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 19-305-SPH be and the same is hereby **DISMISSED with prejudice**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Chair



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 6, 2019

HAND DELIVERED

Jason S. Garber, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

Dear Chairman Garber:

On June 25, 2019, our office filed an appeal of the Administrative Law Judge's Opinion and Order dated June 3, 2019. Upon further review of the record and careful evaluation, we withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 6, 2019

HAND DELIVERED

Jason S. Garber, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

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Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners





Board of Appeals of Baltimore County

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

July 18, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Howard and Barbara Neels – Legal Owners
4 Lower Field Court
19-305-SPH 11th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to:
(1) Amend the Final Development Plan ("FDP") for Batter Brook Farms; and
(2) Eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B

6/3/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED.

ASSIGNED FOR: **AUGUST 29, 2019, 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 with the Board unless otherwise requested.
- Please contact our office for information about projection equipment. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

Krysundra "Sunny" Cannington
Administrator

Notice of Assignment

In the matter of: Howard and Barbara Neels

Case number: 19-305-SPH

July 18, 2019

Page 2

c. Petitioners/Legal Owners : Howard and Barbara Neels
 Appellant : People's Counsel for Baltimore County

David W. Billingsley/Central Drafting and Design

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 25, 2019

Howard Neels
Barbara Neels
11825 Gontrum Road
Kingsville, Maryland 21087



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0305-SPH
Property: 4 Lower Field Court

Dear Mr. & Mrs. Neels:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 25, 2019. 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 "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040

APPEAL

**Petition for Special Hearing
(4 Lower Field Court)
11th Election District – 5th Councilmanic District
Legal Owners: Howard & Barbara Neels**

Case No. 2019-0305-SPH

Petition for Variance Hearing (April 22, 2019)

Zoning Description of Property

Certificate of Posting –

1st Posting- May 10, 2019 (David W. Billingsley)

2nd Posting- Re-Certification- May 26, 2019 (David W. Billingsley)

Newspaper Advertisement – May 10, 2019- The Daily Record

Notice of Zoning Hearing – April 26, 2019

People's Counsel Entry of Appearance –May 1, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets-

Petitioner(s) Exhibits –

1. Red Lined Copy of Final Development Plan as Submitted with Petition
2. Color Coded copy of Tax Map 0063
3. Real property data search for 1182 Gontrum Road (Lot 55) shown in blue on Exhibit 2
4. Real property data search for 4 Lower Field court (Lot 42) shown in yellow on Exhibit 2.
5. Real property data search for Parcel B shown in red on Exhibit 2
6. “
7. Deed of record dated December 2, 1992 recorded in Liber 9507 Folio 789
8. Plat 3 Batter Brook Farms recorded in Plat Book 64 Folio 37
9. Plat 2 Batter Brook Farms recorded in Plat Book 64 Folio 36
10. Plat 1 Batter Brook Farms Recorded in Plat Book 64 Folio 35
11. Baltimore County my neighborhood aerial photo
12. Plan prepared by groundwater management showing locations of existing septic system FOE Lot 55 encroaching onto Lot 42.
13. Plan showing proposed dwelling, well and septic systems on Parcel B
14. Groundwater Management approval letter for new septic systems on Parcel B.
15. Letter of Support
16. DRC letter
17. 8-29-18 letter to DRC
18. Declaration of Covenantants

Protestants' Exhibits – None



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

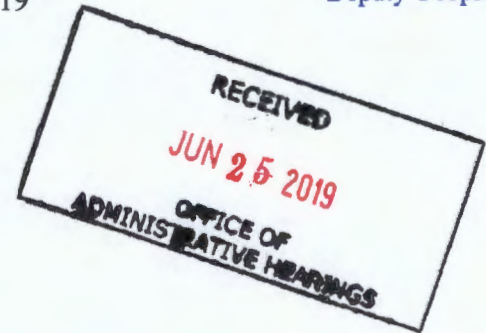
PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 25, 2019

Hand-delivered

Michael D. Mallinoff
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204



Re: PETITION FOR SPECIAL HEARING
Howard & Barbara Neels – Legal Owner/Petitioner
4 Lower Field Court
Case No.: 2019-305-SPH

Dear Mr. Mallinoff:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals of the Opinion and Order dated June 3, 2018 by the Baltimore County Administrative Law Judge in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: David Billingsley, Representative for Petitioners
Howard & Barbara Neels, Petitioner/Property Owners



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 3, 2019

Howard Neels
Barbara Neels
11825 Gontrum Road
Kingsville, Maryland 21087

RE: Petitions for Special Hearing
Case No. 2019-0305-SPH
Property: 4 Lower Field Court

Dear Mr. & Mrs. Neels:

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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, MD 21040

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4 Lower Field Ct.)		
11 th Election District	*	OFFICE OF
5 th Council District		
Howard & Barbara Neels	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0305-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 Howard & Barbara Neels, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR"): (1) to amend the Final Development Plan ("FDP") for Batter Brook Farms; and (2) to eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B. A site plan was marked and admitted as Petitioners' Exhibit 1.

Howard Neels and David Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability ("DEPS") and the Department of Planning ("DOP"). The DOP opposed the request.

Petitioners own three separate tracts of land shown on the Final Development Plan for Batter Brook, a 55 lot subdivision in the Kingsville area approved by Baltimore County in 1991. Petitioners own and reside in an historic home on Lot 55 (approx. 27 acres in size) as shown on the plan. Petitioners also own an adjoining lot (No. 42, approx. 1.67 acres) which is unimproved and a 42+/- acre tract shown on the plan as Parcel B. Together these three tracts constituted a large

ORDER RECEIVED FOR FILING

Date 6-3-19

By Sen

part of the farm which was operated on the property before the subdivision was approved in 1991.

Petitioners recently discovered the underground trenches used in their on-site waste disposal facility encroached upon the adjoining lot (Lot 42) they own. Petitioners employed a septic system contractor which field-located the trenches and verified using GPS that they encroached upon Lot 42. See Pets. Exhibit 12. Petitioners are exploring the possibility of selling all three tracts of land and are concerned that the septic system encroachment would present a legal impediment preventing the transfer of Lots 42 and/or 55.

As such, Petitioners filed a request with the Development Review Committee ("DRC") to "eliminate the division line between Lots 42 and 55" and designating Parcel B as Lot 42. *See* Pets. Ex. 17. The DRC approved that request by letter dated October 3, 2018 (Ex. 16), and this proceeding is only to consider the amendment of the Final Development Plan ("FDP"). As noted in the DEPS ZAC comment, the reconfiguration of Lots 42 & 55 is a development matter, and the Administrative Law Judge ("ALJ") cannot create or alter lot lines.

An amendment of a Final Development Plan is governed by BCZR §1B01.3.A.7., which requires among other things that the amendment be "consistent with the spirit and intent of the original plan." I believe Petitioners satisfy this requirement. Most significantly, the density for the subdivision will not change. Petitioners presented a 1992 Declaration of Covenants (Ex. 18) filed among the land records which was created in connection with the 1991 subdivision. That documents restricts the density to "fifty-five dwelling units," and Petitioners' request would not violate that restriction. *See* Ex. 18 at p. 11.

The DOP opposed the request and opined that constructing a dwelling on Parcel B as shown on the 1991 development plan would obstruct a view shed and run afoul of a concession made by the developer to gain community support for the project. As an initial matter, there is nothing in

ORDER RECEIVED FOR FILING

Date 6-3-19

By Sen

the aforementioned covenant agreement which would prevent a dwelling from being constructed on Parcel B. It is true, as noted by the DOP, the 1991 development plan indicated Parcel B was "not a buildable lot." Petitioners, who have owned the property since 1992, explained that was because the property at that time did not "perc," meaning a septic waste disposal system could not be installed. At present however, Petitioners had soil percolation tests performed on Parcel B (as shown on the plan submitted as Ex.13) and DEPS has approved the installation of a septic system to serve a single-family dwelling to be constructed on that parcel. See Ex. 14. In these circumstances I believe Petitioners request is within the spirit and intent of the original 1991 plan and will not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 3rd day of **June, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to amend the Final Development Plan ("FDP") for Batter Brook Farms to eliminate the division line between Lots 42 and 55 and relocate Lot 42 to Parcel B, as approved by the DRC, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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 6-3-19

By sen

RECEIVED

MAY 27 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

RECERT. 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #1
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

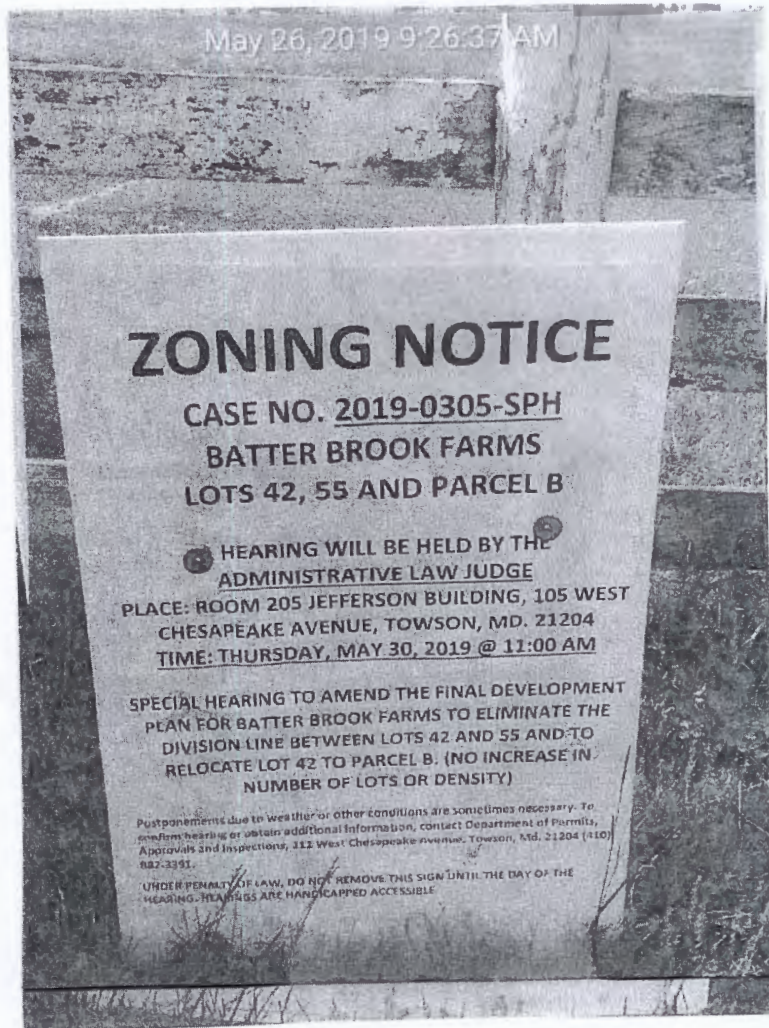
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4 LOWER FIELD CT & 11825 GONTRUM RD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERT 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #2
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

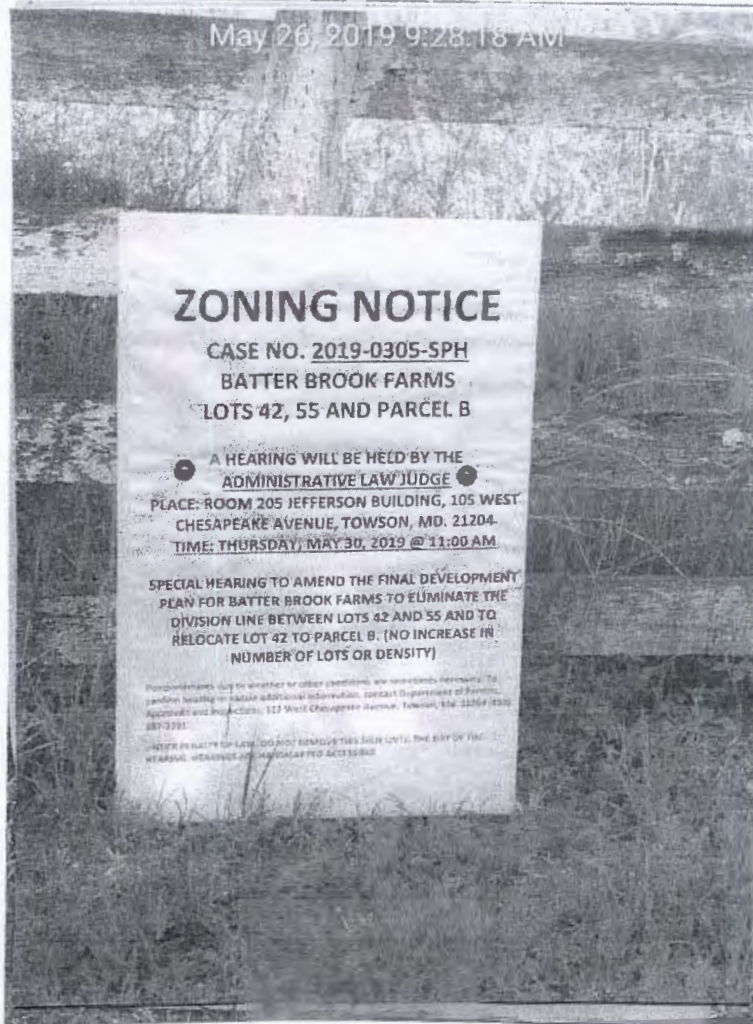
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4 LOWER FIELD CT & 11825 GONTRUM RD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERT. 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #3
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

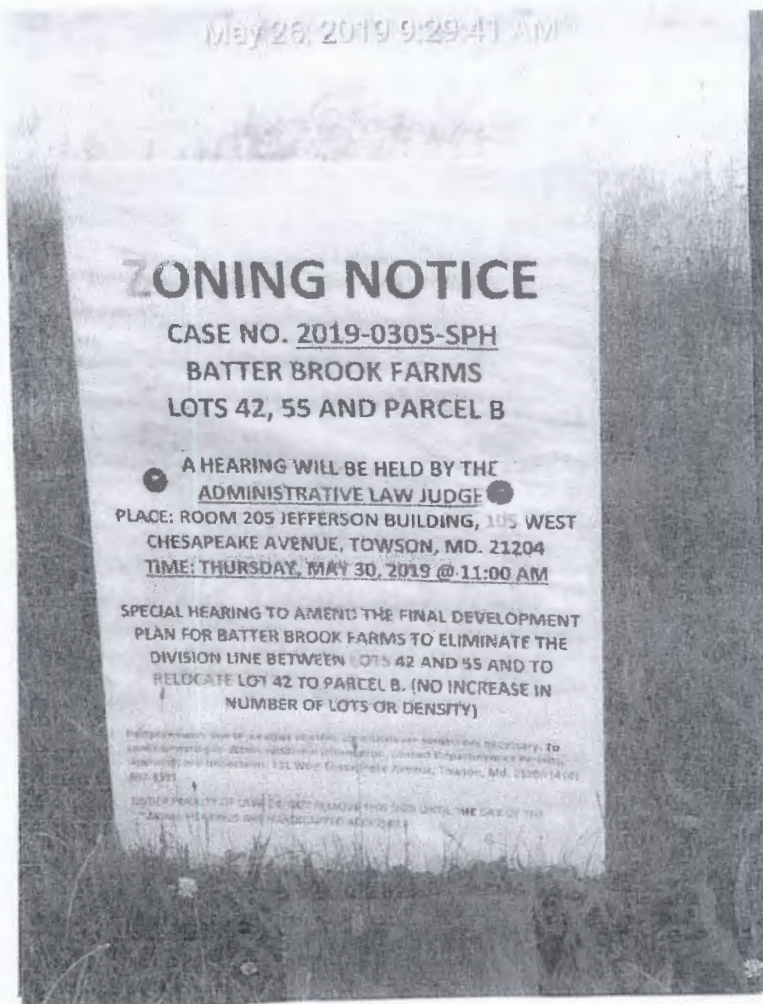
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

RECERT 5/26/19

MAY 10, 2019

The sign(s) were posted on

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERT 5/26/19

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #4
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

RECERT 5/26/19

MAY 10, 2019

(Month, Day, Year)

The sign(s) were posted on

May 26, 2019 9:30:50 AM

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

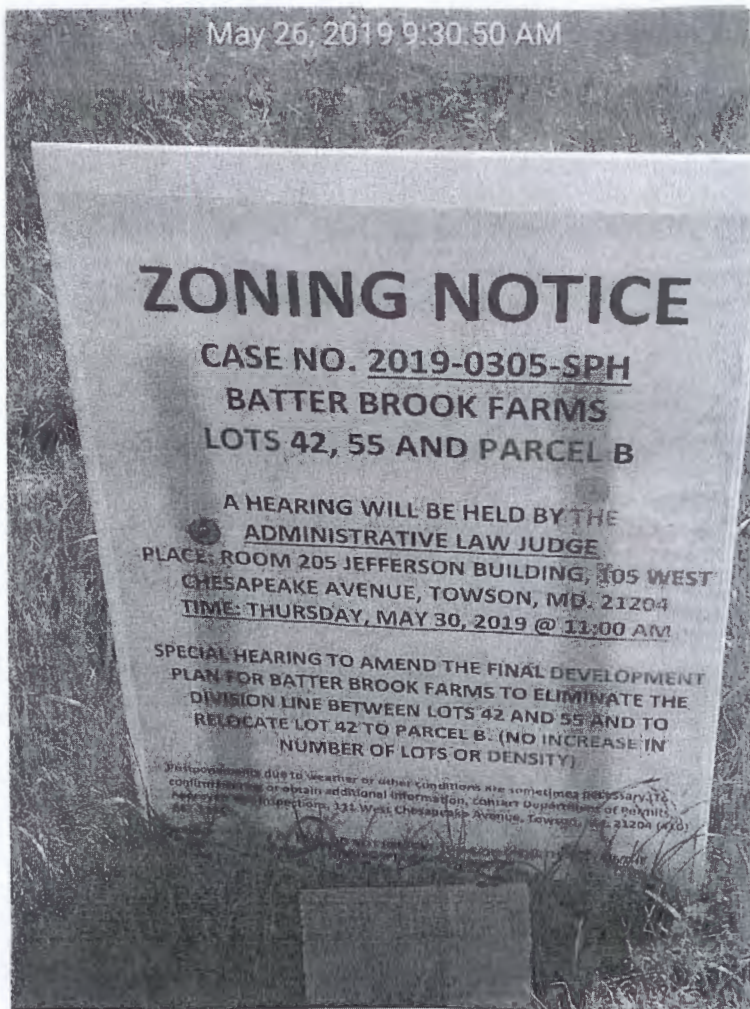
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)





JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 21, 2019

Howard Neels & Barbara Neels
11825 Gontrum Road
Kingsville MD 21087

RE: Case Number: 2019-0305-SPH, 4 Lower Field Ct

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 April 22, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
David Billingsley 601 Charwood Ct Edgewood MD 21040

5-30

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 5/28/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-305



INFORMATION:

Property Address: 4 Lower Field Court
Petitioner: Howard Neels, Barbara Neels
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to grant zoning relief as described on the attachment submitted in support of the petition.

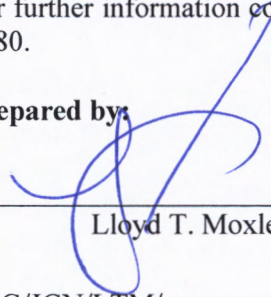
A site visit was conducted on May 27, 2019.

The Department does not support granting the petitioned zoning relief.

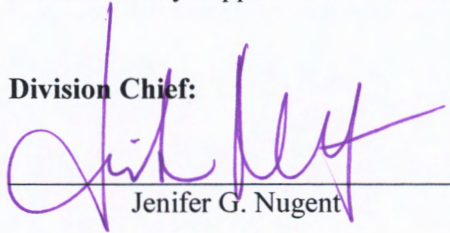
The proposed site of the relocated of Lot 42 is currently an open view that connects across Gontrum Road to the original farm on Lot 55. Constructing a house in this location will have significant adverse impacts upon the rural scenic character. At the time of development, establishing Parcel B as "not a buildable lot" thereby keeping the area open and connected to the greater farm was important in garnering community support for the development proposal. The plan as now approved responds particularly well to the goals of the Master Plan in maintaining "*a mix of residential development and woodlands, farm fields, stream valleys and areas of historic significance*" (MP2020 pg. 93) as these features exist on the subject properties to include the historic barn associated with the "Gontrum Farm". Staff discussions with the Ground Water Management Section of the Department of Environmental Protection and Sustainability indicate that petitioners have not fully explored other remedies for addressing alternative well and septic locations.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/

c: Wally Lippincott
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

DATE: May 14, 2019

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 6, 2019
Item No. 2019-0304-A, 0305 & 0306-A

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

*

*

*

*

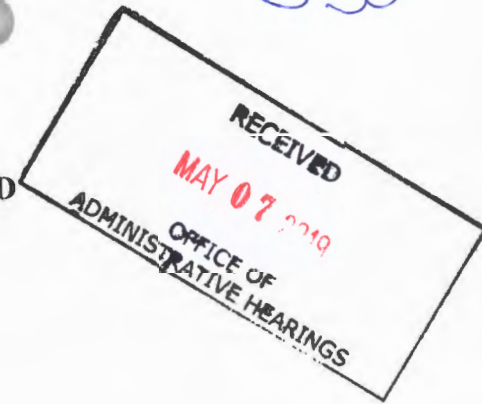
*

VKD: cen
cc: file

530

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: May 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0305-SPH
Address 4 Lower Field Court
(Neels Property)

Zoning Advisory Committee Meeting of **May 6, 2019.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Development Coordination of the Department of Environmental Protection and Sustainability respectfully disagrees with the request for this case. The applicant is asking for relief that really should be presented to the Development Review Committee (DRC) for determination in how to proceed to bring all issues into compliance with County Code. Therefore, the Department asks that this petition be denied and referred to the DRC.

Reviewer: Steve Ford

Environmental Impact Review (EIR)

2. There are current violations of the recorded forest buffers on lot 55 and Parcel B. No plans or permits will be processed until compliance is met. Contact EIR at (410) 887-3980 for more information.

Reviewer: Thomas Krispin

Date: 5/1/19

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

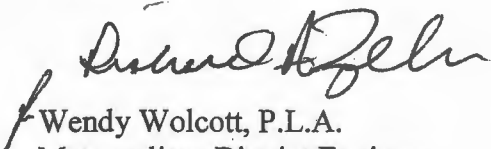
Dear Ms. Lewis:

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. 2019-0305

*Special Hearing
Howard & Barbara Neels
4 Lower Field Court*

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

Sincerely,



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 H875 GENTRUM RD
CASE NUMBER 2019-0306-SPH
DATE 5/30/19

E - MAIL

[illegible]

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

Page 1 of 1

PUBLISHER'S AFFIDAVIT

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

5/10/2019

Order #: 11737736
Case #: 2019-0305-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0305-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0305-SPH

4 Lower Field Court, 11825 Gontum Road
Southeast corner of Gontum Road and Connection Road
11th Election District - 5th Councilmanic District

Legal Owners: Howard & Barbara Neels

Special Hearing to amend the Final Development Plan for Battar Brook Farms. To eliminate the division line between lots 42 and 55 and relocate to Parcel B (no increase in number of lots or density).

Hearing: Thursday, May 30, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

my 10

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #1
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 4 LOWER FIELD CT & 11825 GONTRUM RD

The sign(s) were posted on

MAY 10, 2019

(Month, Day, Year)

May 10, 2019 8:59:53 AM

ZONING NOTICE

CASE NO. 2019-0305-SPH

BATTER BROOK FARMS

LOTS 42, 55 AND PARCEL B

HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM

SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
887-3391.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #2
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 4 LOWER FIELD CT & 11825 GONTRUM RD

The sign(s) were posted on

MAY 10, 2019

(Month, Day, Year)

May 10, 2019 9:06:13 AM

ZONING NOTICE

**CASE NO. 2019-0305-SPH
BATTER BROOK FARMS
LOTS 42, 55 AND PARCEL B**

**A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM**

**SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)**

Postponements due to weather or other conditions are sometimes necessary. To confirm hearing or obtain additional information, contact Department of Permits, Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #3
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 ALONG FRONTAGE OF PARCEL B ON GONTRUM ROAD

The sign(s) were posted on MAY 10, 2019

(Month, Day, Year)

May 10, 2019 9:13:15 AM

ZONING NOTICE

CASE NO. 2019-0305-SPH

BATTER BROOK FARMS
LOTS 42, 55 AND PARCEL B

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 30, 2019 @ 11:00 AM

SPECIAL HEARING TO AMEND THE FINAL DEVELOPMENT
PLAN FOR BATTER BROOK FARMS TO ELIMINATE THE
DIVISION LINE BETWEEN LOTS 42 AND 55 AND TO
RELOCATE LOT 42 TO PARCEL B. (NO INCREASE IN
NUMBER OF LOTS OR DENSITY)

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
837-4500.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

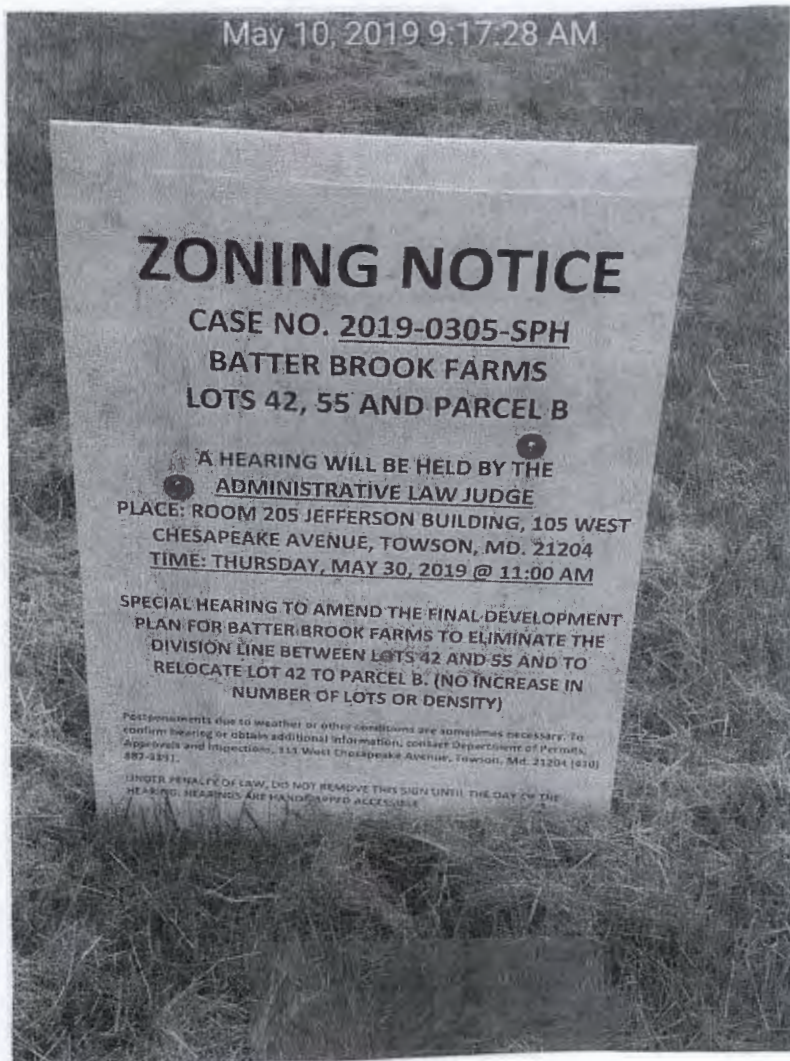
CERTIFICATE OF POSTING

Date: MAY 10, 2019

RE: Project Name: 4 LOWER FIELD CT, 11825 GONTRUM RD. #4
Case Number /PAI Number: 2019-0305-SPH
Petitioner/Developer: NEELS
Date of Hearing/Closing: MAY 30, 2019

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 ALONG FRONTAGE OF
PARCEL B ON GONTRUM ROAD

The sign(s) were posted on MAY 10, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING
4 Lower Field Court; SE corner of Gontrum
Road & Connection Road
11th Election & 5th Councilmanic Districts
Legal Owner(s): Howard & Barbara Neels
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-305-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAY 01 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 2019, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 26, 2019

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: 2019-0305-SPH

4 Lower Field Court, 11825 Gontrum Road
Southeast corner of Gontrum Road and Connection Road
11th Election District – 5th Councilmanic District
Legal Owners: Howard & Barbara Neels

Special Hearing to amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate to Parcel B (no increase in number of lots or density).

Hearing: Thursday, May 30, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Acting Director

MM:kl

C: Mr. & Mrs. Neels, 11825 Gontrum Road, Kingsville 21087
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 10, 2019.**
- (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.



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 4 LOWER FIELD CT, 11825 GONTRUM RD. which is presently zoned RC5
 Deed References: L-2507 F. 789 10 Digit Tax Account # 2200011546, 547, 509 & 576
 Property Owner(s) Printed Name(s) HOWARD AND BARBARA NEELS

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

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

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

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)

Please see attached comments

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

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):

HOWARD NEELS / BARBARA NEELS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11825 GONTRUM RD. KINGSVILLE, MD.

Mailing Address

City

State

Zip Code

Telephone #

Email Address

21087

(410) 592-6864

howard.neels@

cloud.com

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

21040

(410) 679-8719

dwb0209@yahoo.com

CASE NUMBER 2019-0305-SPW

Filing Date 4/22/19

Do Not Schedule Dates:

Reviewer gh

Attachment to Petition for Zoning Hearing

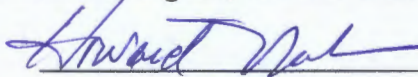
In December 1992 we settled on our farm property known as Lot #55 of Batter Brook Farms which was the original farm house for Judge and Mrs. Gontrum. The purchase included the acreage of Lot #55, Lot #42 and Parcel B. At that time, the roads as well as staking of the lots were not started. As Lot #42 was included in our transaction, the boundary between Lot 42 and Lot 55 was never established.

Recently we engaged Thompson & Associates located in Bel Air, Md. to establish the boundary between Lot #42 and our home parcel to discover that the rear corner is extremely close to our dwelling and existing septic system with drainfields installed in the direction of Lot #42. As a result of the staking, a responsible repair area for replacement of our existing septic was in question. Review of the Final Development Plat indicates the septic reserve area for our homesite was never perc tested by the Baltimore County Department of Environmental Protection and Sustainability to establish a verifiable septic reserve area. In checking with Baltimore County, there is no information for our septic or well on file. The discovery of these details bring considerable burden, expense and potential for liability on our homesite noted as follows:

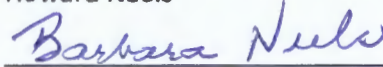
- Health
1. Drainage of original house septic is close to the Lot 42 (to the edge of property).
 2. Water site proposed for Lot 42 is in close proximity to our septic site for the original house.
 3. Milking barn and barnyard is also located in close proximity to the proposed water site for Lot 42.

- Economic
1. The use of Lot 42 would necessitate the change of the drainage fields for the main house into an area not verified by Baltimore County.
 2. Approximately 30 fruit trees would be sacrificed.
 3. Approximately 6 holly trees would be cut (30 feet tall)
 4. The original stone house (1811) would possibly be destroyed.

We respectfully ask that the existing location of Lot 42 be abandoned to become a part of our homesite and relocated to Parcel B which would replace a 1.67 acre lot with a 14.8+ acre lot approved for a private onsite sewage disposal system per letter dated July 19, 2018 from Mia L. Lowery, L.E.H.S., Supervisor, Soil Evaluation Program, Ground Water Management.



Howard Neels



Barbara Neels

2019-0305-SPH

Special Hearing: To amend the Final Development Plan for Batter Brook Farms. To eliminate the division line between lots 42 and 55 and relocate 42 to parcel B (no increase in number of lots or density).

**ZONING DESCRIPTIONS FOR
AMENDED FINAL DEVELOPMENT PLAN
BATTER BROOK FARMS**

Beginning for the first at a point formed by the east side of Gontrum Road (40 feet wide) with the south side of Connection Road (40 feet wide) thence being all of Lots 42 and 55 as shown on the plat entitled Plat 3, Batter Brook Farms recorded among the Baltimore County plat records in Plat Book 64 Folio 37.

Containing 28.83 acres of land, more or less.

Being known as 11825 Gontrum Road and 4 Lower Field Court. Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

Beginning for the second at a point on the west side of Gontrum Road (40 feet wide) distant southerly 559 feet from its intersection with the center of Connection Road (40 feet wide) thence being all of Parcel B as shown on Plats 1 and 2, Batter Brook Farms recorded among the Baltimore County plat records in Plat Book 64 Folio 35 and Plat Book 64 Folio 36, respectfully. Containing 39.07 acres of land, more or less.

Being located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

2019-0305.SDH

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		AGRICULTURAL TRANSFER TAX			
Account Identifier:		District - 11 Account Number - 2200011546			
Owner Information					
Owner Name:		NEELS HOWARD NEELS BARBARA		Use: AGRICULTURAL Principal Residence: NO	
Mailing Address:		11825 GONTRUM RD KINGSVILLE MD 21087-1356		Deed Reference: /09507/ 00789	
Location & Structure Information					
Premises Address:		4 LOWER FIELD CT 0-0000		Legal Description: 1.67 AC BATTER BROOK FARMS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0006	0094		0000	
					Block:
					42
					Lot:
					2018
					Assessment Year:
					Plat No: 3
					Plat Ref: 0064/0037
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				1.6700 AC	
				County Use	
				05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	
			01/01/2018	07/01/2018	
				As of	
				07/01/2019	
Land:		200	200		
Improvements		0	0		
Total:		200	200	200	200
Preferential Land:		200			200
Transfer Information					
Seller: GONTRUM MARILYN GONTRUM JOHN B			Date: 12/15/1992		Price: \$1
Type: NON-ARMS LENGTH OTHER			Deed1: /09507/ 00789		Deed2:
Seller:			Date:		Price:
Type:			Deed1:		Deed2:
Seller:			Date:		Price:
Type:			Deed1:		Deed2:
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2018		07/01/2019
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:		AGRICULTURAL TRANSFER TAX			
Homestead Application Information					

The Streets and/or Roads shown hereon and the mention thereof in deeds are for the purpose of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached as a part of the same.

Highways and highway windings, slope easements, drainage and utility easements, access easements, forest buffer areas in fee or easement, GREENLAND RESERVATION AND FORESTMANAGEMENT AREAS, WHETHER NOW OWNED, SHOWN hereon are reserved unto the owner and, except for those divided, shown as public roads, to the County of Prince George's, Maryland.

The owner, his personal representatives and assigns will convey said areas by deed, to Baltimore County, Maryland, at no cost.

1. Formal Irrevocable Offers of Dedication have been made.
2. Recording of this Plat does not constitute or imply acceptance by the County of any right, easement, park, open space or other public area shown on the Plat.
3. This Plat may expire in accordance with the provisions of the Baltimore County Code, Section 22-66.
4. The recording of this Plat does not guarantee installation of streets or utilities by Baltimore County.
5. The information shown herein may be superseded by subsequent or amended Plat.
6. Information concerning this Plat may be obtained from the Baltimore County office of Planning and Zoning and the Department of Public Works.

1. AREA (THIS PLAT):		
NET AREA (21 LOTS)	= 685.50	AC±
CONNECTION ROAD	= 0.32	AC±
PART OF GUTTERN ROAD	= 1.72	AC±
W/2 CORNER LOT	= 0.46	AC±
HIGHWAY WIDENING ALONG RELAT. W/2	= 0.06	AC±
PARCEL "A"	= 1.04	AC±
PARCEL "C"	= 1.13	AC±
GROSS AREA (THIS PLAT)	= 71.05	AC±
GROSS AREA OF ENTIRE TRACT	= 191.59	AC±
2. EXISTING ZONING = R.C.S.		
3. NO. OF LOTS ALLOWED = 191.59 ÷ 0.687 = 127 LOTS		
4. NO. OF LOTS PROPOSED = 55 LOTS		
5. NO. OF LOTS PROPOSED = 21 LOTS		

7. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FORESAYED BUFFER EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RECREATION.

8. THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RECREATION.

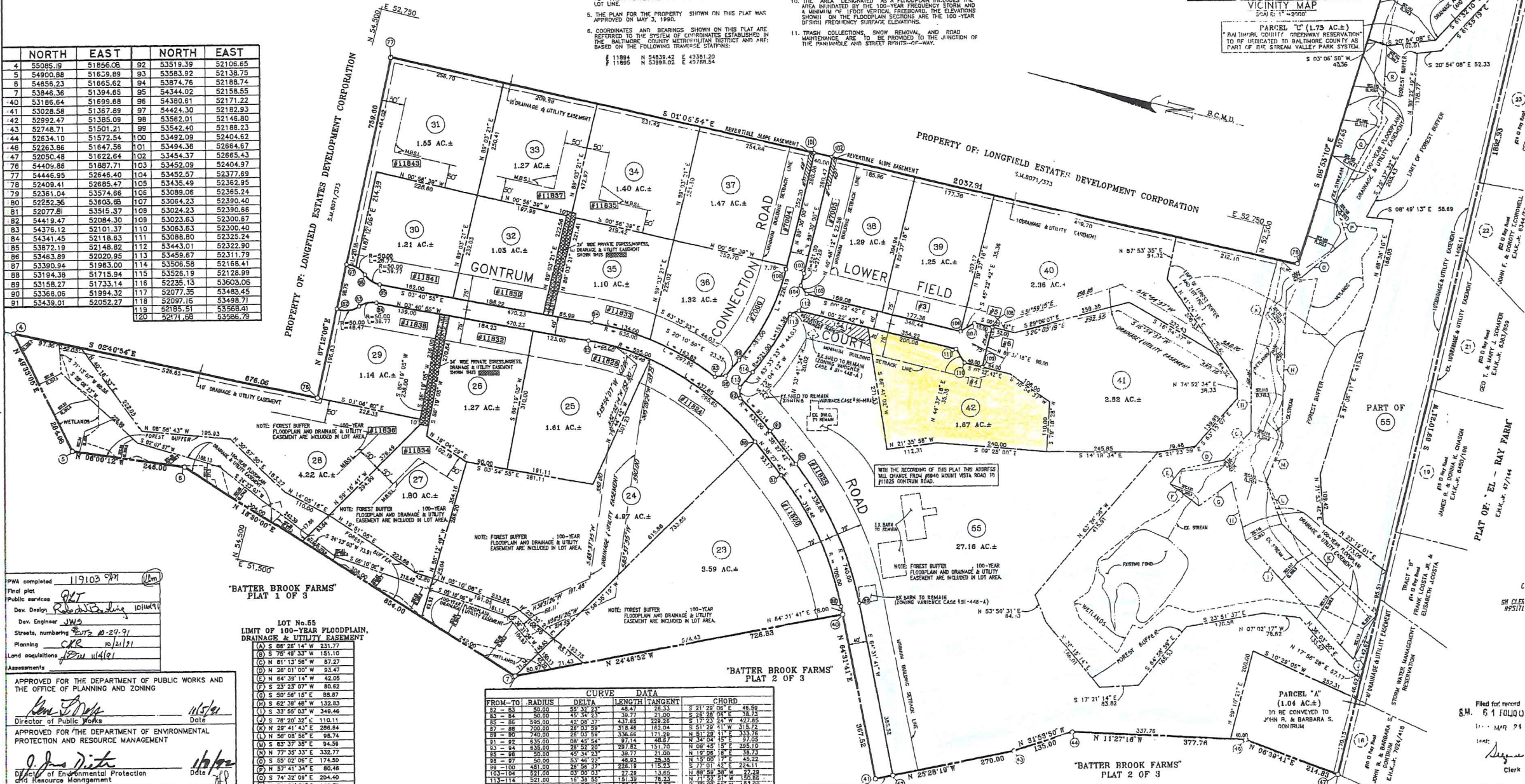
9. EXCEPT OTHERWISE INDICATED, ALL BUILDING RESTRICTIONS SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF INTERPRETATION OF ERECTIONS WITH CURRENT REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY PLANNING AND ZONING DEPARTMENT. THESE RESTRICTIONS MAY VARY.

13. SOME PERMITS FROM THE DATE THE RECORD THAT IS SIGNED BY THE DIRECTOR, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RECREATION, MAY BE REQUIRED FOR THE COMPLETION OF THIS PERIOD. NEW IT-25 MAY BE REQUIRED.

14. ALL REQUIREMENTS OF THE MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT AND BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCES MANAGEMENT PERTAINING TO PRIVATE WATER AND/OR SEWAGE SYSTEMS MUST BE COMPLIED WITH PRIOR TO APPROVAL OF BUILDING APPLICATION.

15. ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT RESTURANCE AND USE OF THESE AREAS.

	NORTH	EAST		NORTH	EAST
4	55095.9	51856.06	92	53519.39	52106.65
5	55090.88	51851.89	93	53583.92	52138.75
6	54566.23	51665.62	94	53874.76	52188.74
7	53846.36	51394.65	95	54380.02	52156.55
40	53186.64	51699.68	96	54344.61	52171.22
41	53028.58	51367.97	97	54424.30	52182.93
42	52992.47	51385.09	98	53562.01	52146.80
43	52748.71	51501.21	99	53568.40	52146.80
44	52628.10	51521.02	100	53492.09	52140.62
46	52263.86	51564.57	101	53494.38	52684.67
47	52050.48	51622.64	102	53454.37	52665.43
76	54404.86	51887.71	103	53452.09	52404.97
77	54446.95	52846.40	104	53452.57	52367.69
78	52409.41	52695.47	105	53435.49	52632.95
79	52361.04	53374.66	106	53089.06	52632.95
80	52262.36	53368.36	107	53023.23	52390.40
81	52077.83	53515.37	108	53024.33	52390.66
82	54419.47	52084.30	109	53023.63	52300.67
83	54376.12	52101.37	110	53063.63	52300.40
84	54341.45	52116.83	111	53086.80	52325.24
85	53872.19	52148.82	112	53443.01	52322.90
86	53463.89	52020.95	113	53436.67	52312.19
87	53343.64	51983.30	114	53506.58	52168.41
88	53194.38	51751.94	115	53526.19	52126.89
89	53158.27	51733.14	116	52235.33	53603.06
90	53368.06	51994.32	117	52207.35	53483.45
91	53434.91	52052.27	118	52097.16	53498.71
			119	52071.51	53663.49
			120	52021.89	53586.78



PWA completed 119103 SM (12m)
Find plot
Public services
Dev. Design Robert B. Ling 10/11/91
Dev. Engineer JWS
Streets, numbering SUTS 10-29-91
Planning CHR 10/21/91
Land acquisitions JBSM 11/4/91
Assessments

APPROVED FOR THE DEPARTMENT OF PUBLIC WORKS AND
THE OFFICE OF PLANNING AND ZONING

Gene D. Hoff 11/5/91
Director of Public Works Date

APPROVED FOR THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

J. J. Smith 1/1/80
Director of Environmental Protection Date

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce Centre, Suite 175
Baltimore, Maryland 21208
(301) 484-0894

DRAWN BY: CAD/RLD.
CHECKED BY: P.M.C.D.
CADD FILE: \8952B\RP3.DWG

COMPUTED BY: P.M.C.D.
JOB NO. 8952B

LOT No.55
MIT OF 100-YEAR FLOODPLAIN,
DRAINAGE & UTILITY EASEMENT

(A)	8° 58' 28" 14"	231.77
(B)	8° 76' 48" 33"	151.10
(C)	8° 81' 13" 56"	87.27
(D)	8° 28' 01" 00"	93.47
(E)	8° 34' 19" 14"	42.05
(F)	3° 23' 27" 07"	80.62
(G)	5° 50' 58" 15"	88.87
(H)	6° 62' 46" 48"	132.83
(I)	5° 55' 33" 33"	101.11
(J)	7° 20' 32" 34"	110.11
(K)	2° 59' 41" 43"	286.84
(L)	8° 26' 08" 58"	98.74
(M)	8° 33' 37" 35"	94.58
(N)	7° 75' 35" 33"	332.77
(O)	5° 55' 02" 06"	174.50
(P)	5° 51' 41" 34"	80.46
(Q)	7° 74' 32" 08"	204.40
(R)	7° 58' 58" 56"	189.59

SURVEYOR'S CERTIFICATE I, <u>W. K. Woody</u> , a Registered Professional Land Surveyor of the State of Maryland, hereby certify that he is the person who prepared this Plat and that the land shown on this is been laid out, and the Plat thereof has been prepared in accordance with Subsection (C) of Section 3-103 of the Fees and Fines Article of the Annotated Code of Maryland, particularly as some concerns the making of the Plat and the of the markers.		Date <u>6/25/91</u>
<u>William K. Woody</u> W. K. Woody Registered Land Surveyor #10724		Date <u>6/25/91</u>

Developer/Contract Purchaser:
WILLOWOOD DEVELOPMENT CORP.
 Willowood A. Sinsky, President
 2416 Velvet Valley Way,
 Owings Mills, Maryland 21117
 (301) 363 - 6644

OWNER'S CERTIFICATE

I, undersigned, owner of the land shown on this plot, hereby certify that, in the presence of my legal witnesses, the requirements of Subsection (c) of Section 7-108 of the Georgia Code of 1969 have been met by me or my authorized agent, and I hereby certify that the following is a true and correct copy of the plat and the words of the monument.

 Mary W. Goulton John B. Goulton	6/13/91 Date
 John B. Goulton Witnessed by the State of the State of Mary W. Goulton	6/13/91 Date
 Edward A. Shady, President Piedmont Development Corp. (Controlled Purchaser)	6/13/91 Date

Owner: Marilyn R. Gentrum
6940 Mount Vista Road
Kingsville, Maryland 21087
&
John B. Gentrum,
Personal Representative of the
Estate of Mary Von W. Gentrum
10 El Ray Road
Kingsville, Maryland 21087
Ded Reference: SM.8457/511 CWH.1112/338
Tax Account No. 11-07-NA7600

SUBDIVISION PLAT
BATTER BROOK FARM
PLAT 3 OF 3
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

100 50 0 100 200 300
SCALE: 1"=100' DATE: JUNE 21, 1991

MSA SS4 1036 - 16018-3

NORTH	EAST
1 54835.76	49371.99
2 55283.23	50301.27
3 55245.78	51845.51
4 55085.19	51856.08
5 54900.88	51639.90
6 54656.23	51665.62
7 53846.36	51394.65
8 53910.98	51084.29
9 53436.73	50893.88
10 53172.01	50123.54
11 54598.51	49523.49
12 54501.54	49568.42
13 54022.29	49775.31
14 54015.38	49794.63
15 54035.17	49840.47
16 54081.84	50069.20
17 54081.50	50139.03
18 54055.43	50153.10
19 54290.43	50154.06
20 54315.55	50129.19
21 54355.55	50129.39
22 54355.10	50219.38
23 54315.11	50219.19
24 54290.23	50194.06
25 54095.23	50193.10
26 54081.18	50207.03
27 54081.06	50226.53
28 54223.45	50580.91
29 54258.12	50596.00
30 54208.01	50644.88
31 54194.82	50608.65
32 54041.08	50228.33
33 54041.84	50069.01
34 53984.45	49856.33
35 53978.66	49810.48
36 53956.86	49802.26
37 53855.10	49847.48
38 53781.87	49860.28
39 53187.21	50156.28
40 54846.95	49399.36

a completed 119103 2/91
 all services 017
 Dev. Design Robert B. Woody 12/16/91
 Dev. Engineer
 Targets, numbers 1079-91
 Tanning 017
 d acquisitions 1079-91
 1/25/91
 APPROVED FOR THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING
 Director of Public Works
 APPROVED FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 Director of Environmental Protection
 1/25/91
 Date

KCW Consultants, Inc.
 Civil Engineers and Land Surveyors
 1777 Reisterstown Road
 Commerce Centre, Suite 175
 Baltimore, Maryland 21208
 (301) 484-0894
 DRAWN BY: C.W.D.
 CHECKED BY: P.M.D.
 DATE: 1/25/91
 COMPUTED BY: P.M.D.
 JOB NO. 88528



SURVEYOR'S CERTIFICATE
 I, William K. Woody, a Registered Professional Land Surveyor of the State of Maryland, do hereby certify that he is the Surveyor who prepared this Plat and that the land shown on this Plat has been laid out, and the Plat thereof has been prepared in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the Plat and the setting of the markers.
 William K. Woody
 Professional Land Surveyor #10724
 Date: 6/25/91

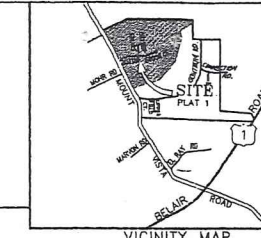
Developer/Contract Purchaser:
PINEWOOD DEVELOPMENT CORP.
 Ellwood A. Sinsky, President
 2416 Velvet Valley Way,
 Owings Mills, Maryland 21117
 (301) 363 - 6644

OWNER'S CERTIFICATE
 The undersigned, owner of the land shown on this Plat, hereby certifies that, to the best of his/her knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, have been complied with, insofar as same concerns the making of the Plat and the setting of the markers.
 Ellwood A. Sinsky, President
 PINEWOOD DEVELOPMENT CORP.
 Date: 6/25/91

Owner:
 Marilyn B. Gontrum
 6940 Mount Vista Road
 Kingsville, Maryland 21087
 John B. Gontrum,
 Personal Representative of the
 Estate of Mary Van W. Gontrum
 10 El Ray Road
 Kingsville, Maryland 21087
 Used Reference: S.M. 8457/511 C.M.B. 11/7/58
 Tax Account No. 11-57-547520

SUBDIVISION PLAT
BATTER BROOK FARMS
 PLAT 1 OF 3
 ELEVENTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=100' DATE: JUNE 21, 1991

- GENERAL NOTES**
- Formal Irrevocable Offers of Dedication have been made.
 - Recording of this Plat does not constitute or imply acceptance by the County of any street, easement, park, open space or other public area shown on this Plat.
 - This Plat may expire in accordance with the provisions of the Baltimore County Code, Section 23-66.
 - The recording of this Plat does not guarantee installation of streets or utilities by Baltimore County.
 - The information shown herein may be superseded by subsequent or amended Plat.
 - Additional information concerning this Plat may be obtained from the Baltimore County Office of Planning and Zoning and the Department of Public Works.



- NOTES**
- AREA (THIS PLAT):
 NEW AREA (16 LOTS) = 47.53
 BATTER BROOK COURT = 24.55
 BATTER BROOK PARKS = 0.99
 ALONG MOORE ROAD = 0.32
 CROSS AREA (THIS PLAT) = 1.48
 CROSS AREA OF ENTIRE TRACT = 74.54
 TOTAL = 191.59
 - EXISTING EASING = P.O.S.
 - NO. OF LOTS ALLOWED = 191.59 x 0.667 = 127
 (ENTIRE TRACT) = 55
 (ENTIRE TRACT) = 18
 (THIS PLAT) = 18
 - BUILDING SETBACK:
 20' FROM CENTERLINE OF ANY STREET AND 50' FROM LOT LINE.
 - THE PLAN FOR THE PROPERTY SHOWN ON THIS PLAT APPROVED ON MAY 3, 1990.
 - COORDINATES AND BEARINGS SHOWN ON THIS PLAT REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - THERE SHALL BE NO REMOVAL, DRAINING, CONSTRUCTIVE DISTURBANCE OF VEGETATION IN THE FOREST OR FOREST BUFFER AS SHOWN ON THIS PLAT.
 - THE OWNER/DEVELOPER WILL COMPLY WITH THE MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - EXCEPT OTHERWISE INDICATED, ALL BUILDING RESTRICTIONS SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE ORDINANCES AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO RESTRICTIONS MAY APPLY.
 - THE AREA DESIGNATED AS A FLOODPLAIN INCLUDES AREAS ILLUSTRATED BY THE 100-YEAR FREQUENCY SURFACE ELEVATIONS OF 1 FOOT VERTICAL FREEBOARD THE ELEVATION OF THE FLOODPLAIN SURFACE ARE THE 100-YEAR DESIGN FREQUENCY SURFACE ELEVATIONS.
 - TRASH COLLECTION, SNOW REMOVAL, AND ROAD MAINTENANCE ARE TO BE PROVIDED TO THE JUNCTION OF THE PAVEMENT AND STREET RIGHTS-OF-WAY.
 - SOIL PERCOLATION TESTS WILL BE VALID FOR A PERIOD OF THREE YEARS FROM THE DATE THE RECORD PLAT IS FILED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. AT THE EXPIRATION OF THIS PERIOD, NEW TESTS MAY BE REQUIRED.
 - ALL REQUIREMENTS OF THE MARYLAND STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT PERTAINING TO PRIVATE WATER AND/OR SEWAGE MUST BE COMPLIED WITH PRIOR TO APPROVAL OF BUILDING APPLICATIONS.
 - ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

NOTE
 The Streets and/or Roads shown hereon and the mention thereof are for the purpose of description only, and the same are not intended to be dedicated to public use; the fee simple title to the lands thereof is expressly reserved in the Grantors of the deed in which this Plat is attached, their heirs and assigns.
 Highways and highway widenings, slope easements, drainage and other easements, access easements, forest buffer areas in fee or easement and stormwater management areas, no matter how entitled, shall remain reserved unto the owner and, except for those indicated private are hereby offered for dedication to Baltimore County, Maryland. The owner, his personal representatives and assigns will convey the same by deed, to Baltimore County, Maryland, at no cost.

PARCEL "B"
LIMIT OF 100-YEAR FLOODPLAIN
DRAINAGE & UTILITY EASEMENT

10 N 64° 42' 02" E 295.95	11 S 07° 21' 30" E 192.25
12 N 68° 49' 51" E 17.47	12 S 21° 48' 05" E 156.41
13 N 77° 02' 28" E 180.60	13 S 48° 30' 05" W 100.00
14 N 68° 35' 51" E 88.79	14 S 11° 04' 51" W 171.77
15 N 64° 03' 28" E 41.15	15 S 64° 13' 50" W 64.41
16 S 69° 17' 05" E 94.87	16 S 03° 24' 14" E 134.14
17 S 41° 47' 20" E 107.30	17 S 37° 58' 55" W 121.42
18 S 48° 19' 04" E 146.62	18 S 20° 03' 38" W 263.15
19 S 68° 03' 00" E 321.22	19 S 58° 40' 56" E 284.59
20 N 64° 17' 22" E 55.27	20 S 50° 34' 57" E 94.43
21 N 48° 28' 40" E 192.33	21 S 41° 55' 21" E 89.71
22 N 70° 35' 45" E 385.18	22 S 70° 25' 37" E 71.11
23 S 11° 58' 44" E 102.06	23 N 53° 34' 40" E 197.11
24 N 41° 42' 44" E 161.60	24 S 77° 01' 00" E 301.11
25 S 10° 48' 12" E 93.85	25 S 84° 26' 24" E 36.14
26 S 35° 40' 58" W 172.38	26 N 80° 47' 48" E 200.00
27 S 34° 02' 25" W 113.44	27 N 45° 07' 41" E 110.72

CURVE DATA

FROM-TO	RADIUS	DELTA	LENGTH/TANGENT	CHORD
11-12	2030.00	03° 01' 01"	106.89 53.46	S 24° 51' 28" E 106.88
15-16	576.00	23° 37' 58"	235.11 119.25	N 78° 28' 01" E 233.45
27-28	501.10	44° 34' 21"	389.82 205.38	N 87° 59' 50" E 389.82
29-30	50.00	45° 34' 23"	19.77 21.00	N 23° 55' 28" E 38.73
30-31	50.00	271° 08' 48"	236.62 49.01	S 44° 17' 21" E 70.00
31-32	241.10	44° 34' 21"	450.84 221.77	S 87° 59' 50" W 410.41
32-33	630.00	23° 37' 58"	218.81 110.88	S 78° 28' 01" W 212.08
37-38	2870.00	01° 32' 53"	80.65 40.13	S 24° 07' 25" E 80.25

PETITIONER'S
 EXHIBIT NO. **10**

CHORD	TANGENT	LENGTH	DELTA	RADIUS	CHORD
51.750	23.54' 33"	304.63	134.56	512' 58" 35"	302.42
54	23' 07" 07"	176.85	86.28	512' 05" 14"	176.03
55	24' 38' 40"	245.17	124.51	513' 08" 59"	243.29
56	24' 38' 40"	227.97	115.77	513' 08" 59"	226.21
57	19' 07' 07"	180.20	95.99	514' 05" 14"	189.32
75	17' 33' 35"	205.34	103.48	514' 05" 14"	204.54

NORTH	EAST
53846.36	51394.65
53910.98	51084.29
53436.73	50893.68
53172.01	50123.54
53167.21	50156.28
53186.64	51099.68
53028.58	51367.89
52992.47	51385.09
52748.71	51501.21
52634.10	51572.54
52263.86	51647.56
52050.48	51622.64
52032.58	50383.66
52892.65	50340.08
52837.07	50319.79
52848.45	50371.24
52832.02	50394.44
52642.63	50489.73
52690.89	50659.02
52762.30	50901.92
52740.93	50896.59
52595.70	50965.78
52358.79	51021.12
52297.83	51022.00
52273.19	51047.36
52233.20	51047.84
52231.90	50957.95
52271.89	50957.37
52297.25	50982.01
52358.21	50981.13
52578.50	50929.66
52723.73	50860.48
52733.05	50840.53
52554.78	50676.22
52802.87	50494.16
52592.26	50398.86
52574.40	50385.26
52542.33	50386.52
52234.77	50391.83
52033.20	50426.53

LIMIT OF 100-YEAR FLOODPLAIN DRAINAGE & UTILITY EASEMENT PARCELS
(A) S 36° 58' 39" W 87.47
(B) S 03° 18' 17" W 112.18
(C) N 67° 10' 49" W 98.27
(D) N 00° 31' 59" W 107.50
(E) N 21° 55' 57" E 121.82
(F) N 20° 03' 36" E 20.41

"BATTER BROOK FARMS" PLAT 1 OF 3

IA completed 11/10/91
 val plot
 bill services
 Dev/Design
 Dev/Engineer
 Streets, numbering
 Planning
 nd acquisitions

APPROVED FOR THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING
 Director of Public Works
 APPROVED FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 Director of Environmental Protection and Resource Management

KCW Consultants, Inc.
 Civil Engineers and Land Surveyors
 1777 Reisterstown Road
 Commerce Centre, Suite 175
 Baltimore, Maryland 21208
 (301) 484-0894



SURVEYOR'S CERTIFICATE
 I, William K. Woody, a Registered Professional Land Surveyor of the State of Maryland, do hereby certify that he is the Surveyor who prepared this Plat and that the land shown on this Plat has been laid out, and the Plat thereof has been prepared in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the Plat and the setting of the markers.
 William K. Woody
 Professional Land Surveyor #10724

Developer/Contract Purchaser:
 PINWOOD DEVELOPMENT CORP.
 Ellwood A. Sinsky, President
 2416 Velvet Valley Way,
 Owings Mills, Maryland 21117
 (301) 363 - 6644

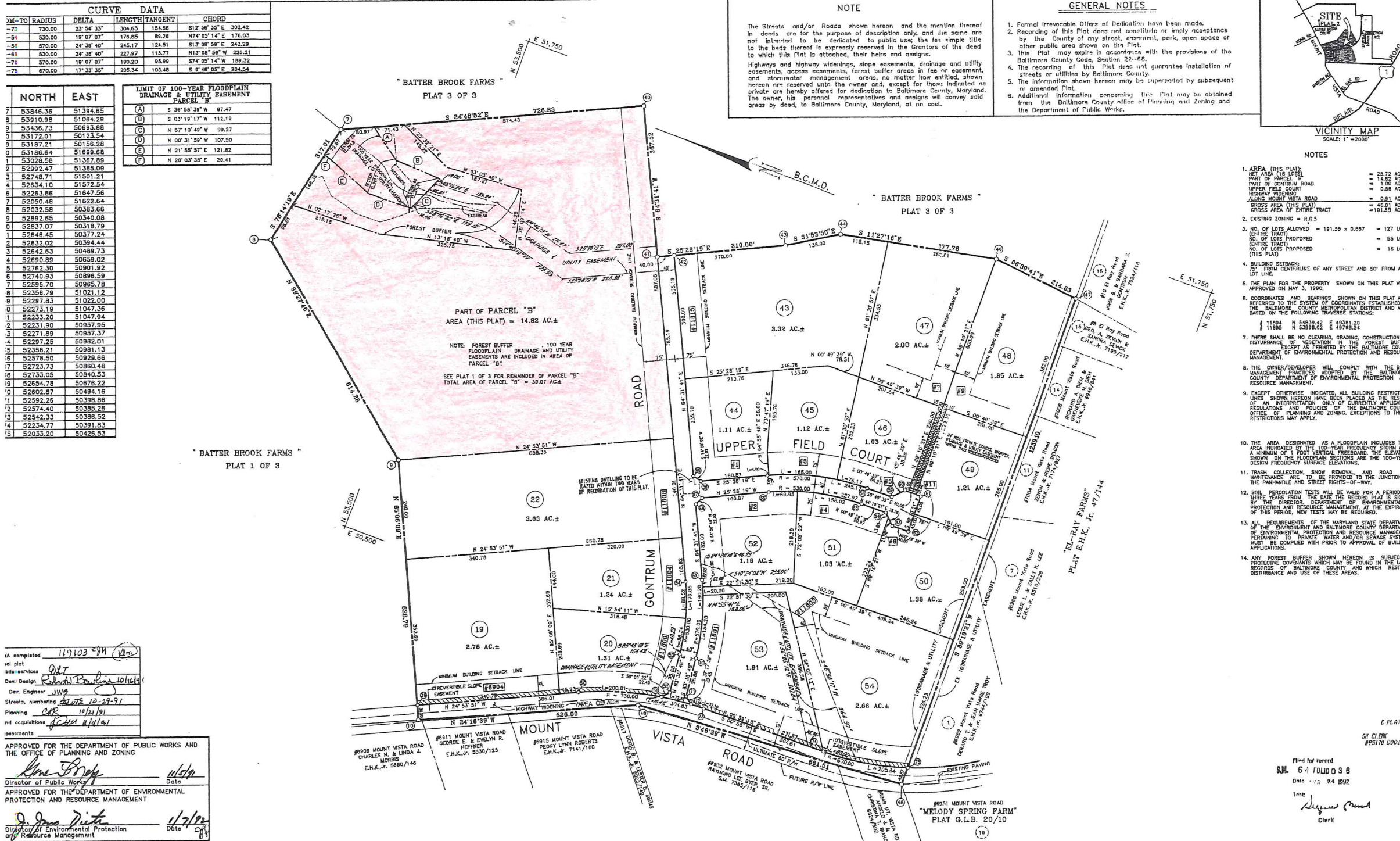
OWNER'S CERTIFICATE
 The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of his/her knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, have been complied with, and/or as same concerns the making of the Plat and the setting of the markers.
 Marlynn B. Gontrum
 Personal Representative of the Estate of Mary Van W. Gontrum
 Kingsville, Maryland 21087
 Date: 6/21/91

OWNER:
 Marlynn B. Gontrum
 6840 Mount Vista Road
 Kingsville, Maryland 21087
 &
 John B. Gontrum,
 Personal Representative of the Estate of Mary Van W. Gontrum
 10 El Ray Road
 Kingsville, Maryland 21087
 Date: 6/21/91

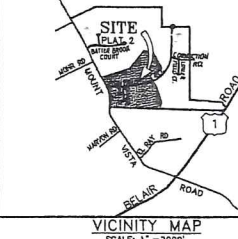
SUBDIVISION PLAT
 BATTER BROOK FARMS
 PLAT 2 OF 3
 ELEVENTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=100' DATE: JUNE 21, 1991

DRAWN BY: C.R.B.
 CHECKED BY: P.M.C.
 CADD FILE: \02520\RP2.DWG

COMPUTED BY: P.M.C.
 JOB NO. 89528



GENERAL NOTES
 1. Formal Irrevocable Offers of Dedication have been made.
 2. Recording of this Plat does not constitute or imply acceptance by the County of any street, easement, park, open space or other public area shown on this Plat.
 3. This Plat may expire in accordance with the provisions of the Baltimore County Code, Section 22-68.
 4. The recording of this Plat does not guarantee installation of streets or utilities by Baltimore County.
 5. The information shown hereon may be superseded by subsequent amendments.
 6. Additional information concerning this Plat may be obtained from the Baltimore County Office of Planning and Zoning and the Department of Public Works.

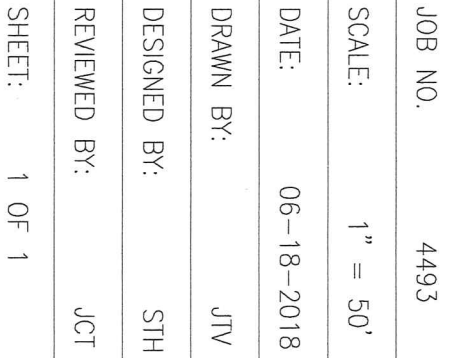
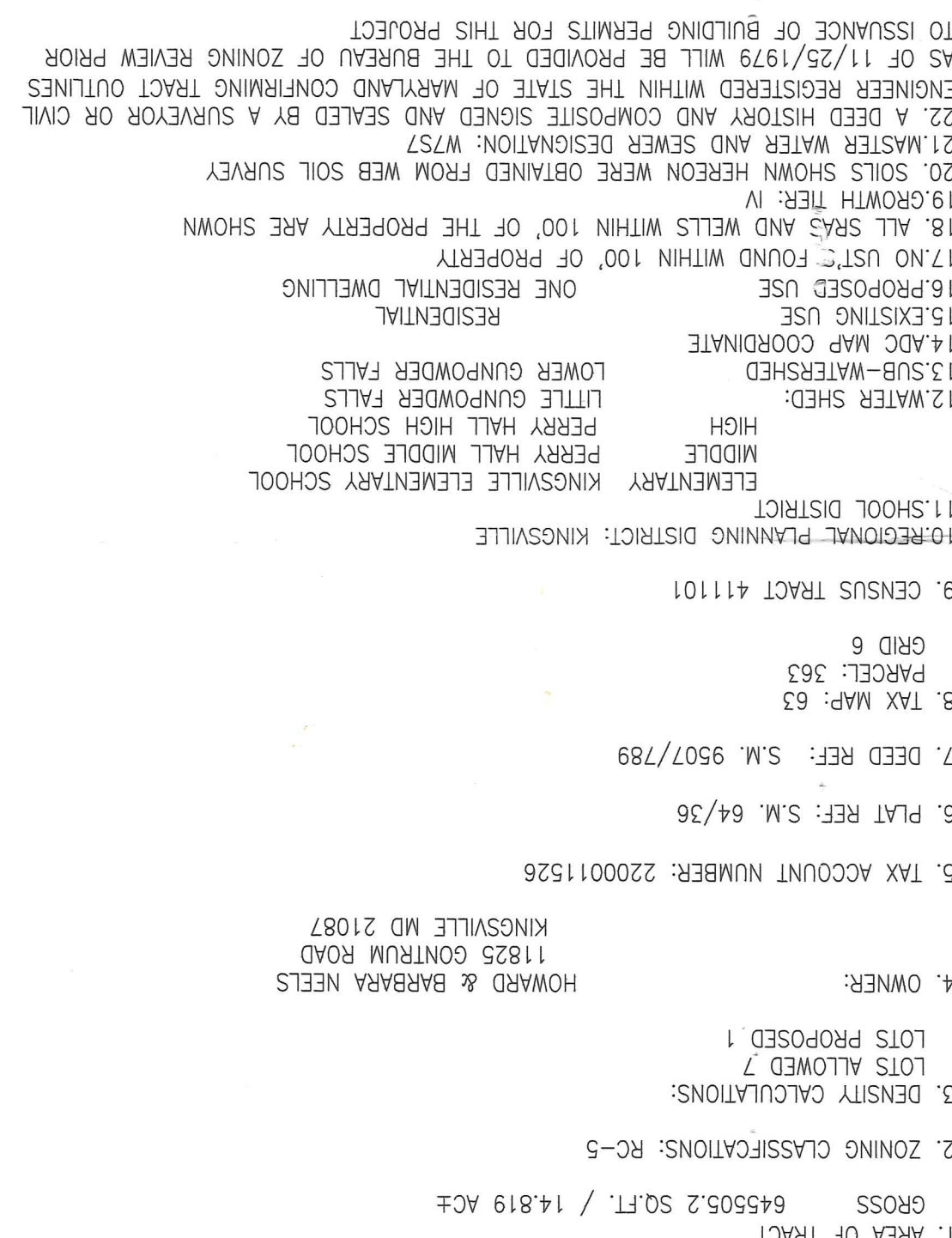
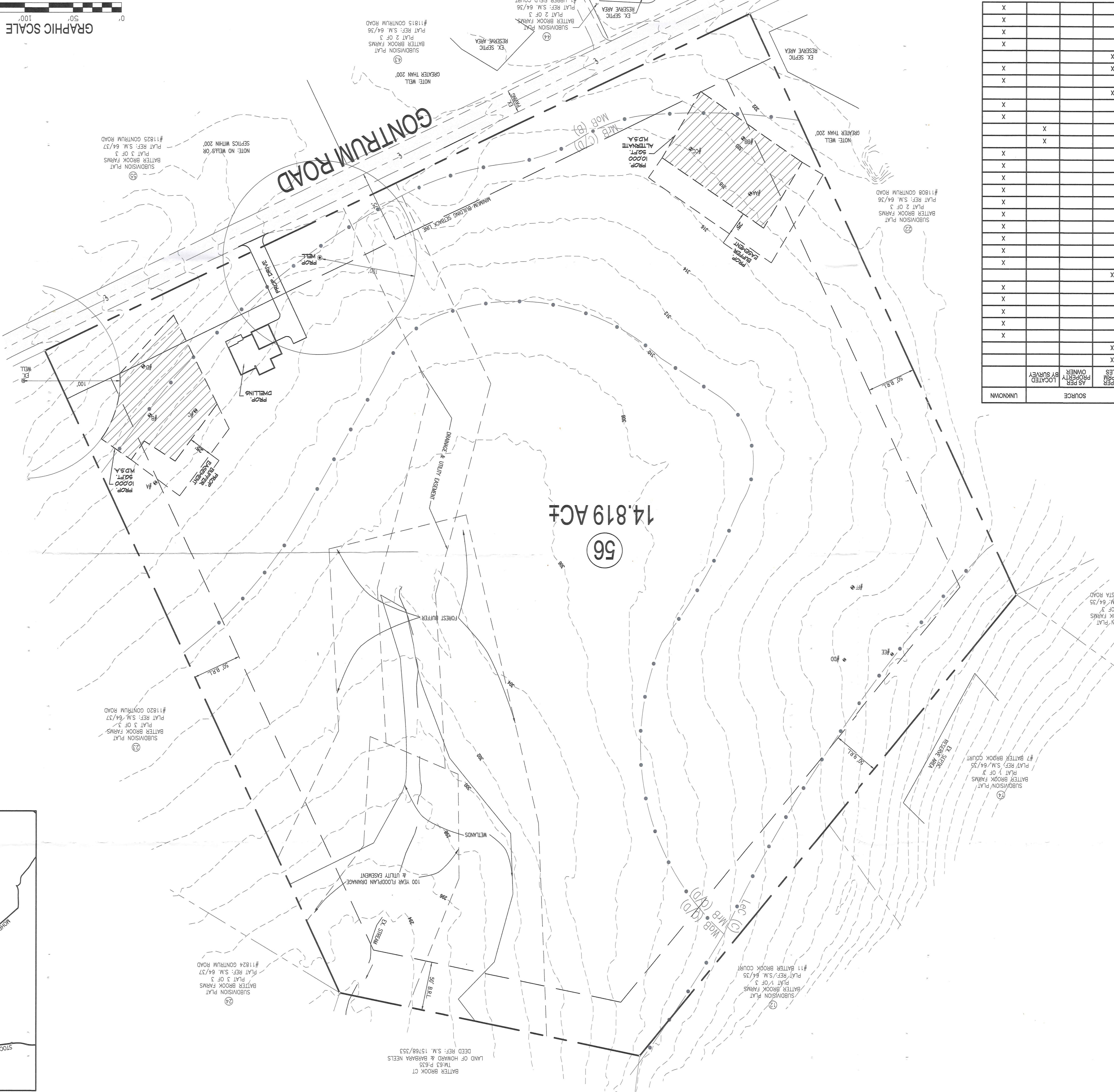


- NOTES
- AREA (THIS PLAT) = 28.72 AC
 NET AREA (16 LOTS) = 14.82 AC
 PART OF CONTRUM ROAD = 1.00 AC
 UPPER FIELD COURT = 0.58 AC
 HIGHWAY WIDENING = 0.81 AC
 GROSS AREA (THIS PLAT) = 46.01 AC
 GROSS AREA OF ENTIRE TRACT = 109.19 AC
 - EXISTING ZONING = R-2.5
 - NO. OF LOTS ALLOWED = 161.59 x 0.887 = 127 LC
 (ENTIRE TRACT) = 55 LC
 NO. OF LOTS PROPOSED = 16 LC
 - BUILDING SETBACK:
 75' FROM CENTERLINE OF ANY STREET AND 50' FROM A LOT LINE.
 - THE PLAN FOR THE PROPERTY SHOWN ON THIS PLAT WAS APPROVED ON MAY 3, 1990.
 - COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRANSVERSE STATIONS:
 11894 N 54839.42 E 49381.20
 11895 N 53998.02 E 49788.34
 - THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, DISTURBANCE OF VEGETATION IN THE FOREST, BUT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - EXCEPT OTHERWISE INDICATED, ALL BUILDING RESTRICTIONS SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THE RESTRICTIONS MAY APPLY.
 - THE AREA DESIGNATED AS A FLOODPLAIN INCLUDES THE AREA INUNDATED BY THE 100-YEAR FREQUENCY STORM / A MINIMUM OF 1 FOOT VERTICAL FREEDOM. THE ELEVATION SHOWN ON THE FLOODPLAIN SECTIONS ARE THE 100-YEAR DESIGN FREQUENCY SURFACE ELEVATIONS.
 - TRASH COLLECTION, SNOW REMOVAL, AND ROAD MAINTENANCE ARE TO BE PROVIDED TO THE JUNCTION OF THE PAVEMENT AND STREET RIGHTS-OF-WAY.
 - SOIL PERCOLATION TESTS WILL BE VALID FOR A PERIOD THREE YEARS FROM THE DATE THE RECORD PLAT IS SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. AT THE EXPIR OF THIS PERIOD, NEW TESTS MAY BE REQUIRED.
 - ALL REQUIREMENTS OF THE MARYLAND STATE DEPARTMENT OF ENVIRONMENT AND BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT PERTAINING TO PRIVATE WATER AND/OR SEWAGE SYSTEMS MUST BE COMPLIED WITH PRIOR TO APPROVAL OF BUILDING APPLICATIONS.
 - ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO THE PROVISIONS WHICH MAY BE FOUND IN THE RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

C. PLAT
 SW. CLERK
 #25170 C001
 Filed for record
 BAL 64 TOLD 038
 Date: 6/24/1992
 Time: 1:00 PM
 Clerk

GRID NORTH
MARYLAND COORDINATE SYSTEM NAD 83/2011
VERTICAL DATUM NAVD88
PER BCO MONUMENTS GIS21(ACT704) & GIS49(AE2441)

GRID NORTH
MARYLAND COORDINATE SYSTEM NAD 83/2011
VERTICAL DATUM NAVD88
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BATTER BROOK FARMS

COUNCILMANIC DISTRICT No.5
ELECTION DISTRICT No.11
BALTIMORE COUNTY, MARYLAND

OWNER/DEVELOPER
HOWARD & BARBARA NEELS
11825 CONTRUM ROAD

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland.

License No. 21039

Joseph C. Thompson

Joseph C. Thompson
Professional Land Surveyor
Expiration Date 03-20-2018

Date _____



**JOSEPH
THOMPSON**
& ASSOCIATES, LLC
Land Surveying & Engineering
www.thompsonassociaesllc.com

402 Hickory Avenue
Bel Air, Maryland 21014
Phone: 410-803-0696
Fax: 410-838-0666
www.thompsonassociatesllc.com

REVISIONS		
REV#	DATE	DESCRIPTION
1	04-20-18	SHOW FIELD LOCATED PERCS