

IN THE MATTER OF

Envision Builders, LLC
Property Owners

925 Ellendale Drive
Towson, MD 21286

9th Election District
3rd Councilmanic District

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

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OPINION

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

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

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

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

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

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

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

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

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

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

ORDER

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

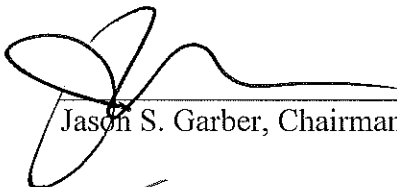
ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a building permit for a lot in the DR 2 zone with a width of 92 feet in lieu of the required 100 feet, pursuant to BCZR § 1B02.3.C.1, as provided in BCZR § 304 is hereby GRANTED; and it is further

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

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

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

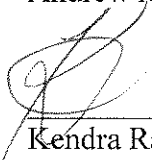
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chairman



Andrew M. Belt



Kendra Randall Jolivet



Board of Appeals of Baltimore County

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April 13, 2018

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J. Neil Lanzi, Esquire
Wright, Constable & Skeen, LLP
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RE: In the Matter of: *Envision Builders, LLC*
Case No.: 18-100-SPH

Dear Counsel:

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

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

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: William Hofherr, President/Envision Builders, LLC
John Motsco/Little & Associates, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

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