

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>COLD BOTTOM LLC –LEGAL OWNER:</u>	*	COUNTY BOARD OF APPEALS
<u>KENNETH T. BOSLEY –PETITIONER /</u>		
<u>PROTESTANT FOR A SPECIAL HEARING</u>	*	OF
ON PROPERTY LOCATED ON THE S/S		
GERBER LANE, 1800' W OF WHEELER	*	BALTIMORE COUNTY
LANE (1219 GERBER LANE)		
8 TH ELECTION DISTRICT	*	Case No. 00-159-SPH
3 RD COUNCILMANIC DISTRICT		
* * * * *		

OPINION

This case comes to the County Board of Appeals of Baltimore County by way of an appeal filed by Kenneth T. Bosley from a decision of the Deputy Zoning Commissioner dated December 7, 1999 which denied Appellant's Petition for Special Hearing, seeking a determination that a tenant farmer dwelling proposed to be constructed on the subject property by its current owners does not conform to the requirements of the BCZR. Appellant also appeals a subsequent Motion for Reconsideration which was denied by the Deputy Zoning Commissioner.

The Board of Appeals convened for hearing on this matter on September 21, 2000. The Petitioner, Kenneth T. Bosley, was present and appeared *pro se*. Richard Burch, Esquire, appeared on behalf of Mr. and Mrs. James S. Riepe, Property Owners. Also in attendance was Mrs. Gail Riepe. Public deliberation in this matter was conducted on October 12, 2000.

Opening remarks were given by both sides. Mr. Bosley contends that the tenant house will be used for something other than a farming tenant house; and this use would

be a violation of the *Baltimore County Zoning Regulations* (BCZR). Mr. Burch cited § 1A01.2B.1(a)(1) of the BCZR which allows for a tenant house to be built in this zone. He stated there is no section or code in Baltimore County which indicates a wrong doing by his clients.

Testimony by Mrs. Riepe showed that the tenant house was occupied by Mr. Richard Thompson who takes care of the grounds and the small number of animals on the property.

Mr. Bosley contended that Mr. Thompson was not a farmer and was simply a guard and that, therefore, the tenant house was a guardhouse. Other than his own testimony, Mr. Bosley offered no other evidence to support his contention.

Based on the testimony, the Board concluded that Mr. Thompson did look after the property. The property is zoned R.C. 2 and does allow for a tenant house. There are no qualifying requirements given for a tenant house under BCZR § 1A01.2B.9.i. There was no evidence or testimony indicating any violations of the zoning regulations. Therefore, this Board will deny Petitioner's special hearing petition and the relief requested therein.

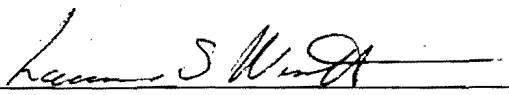
ORDER

THEREFORE, IT IS THIS 17th day of January, 2001 by
the County Board of Appeals of Baltimore County

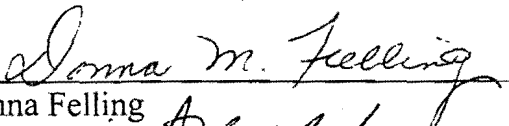
ORDERED that Petitioner for Special Hearing filed by Protestant, Kenneth T. Bosley, for a determination that a tenant farmer dwelling proposed to be constructed on the subject property by its current owners does not conform to the requirements of the BCZR be and the same is hereby **DENIED**.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Donna Felling



Richard Irish

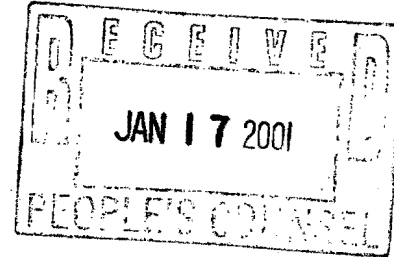


County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

cd
PM2

January 17, 2001



Kenneth T. Bosley
PO Box 334
Cockeysville, MD 21030

RE: In the Matter of Cold Bottom LLC -Legal Owner;
Kenneth T. Bosley - Petitioner /Case No. 00-159-SPH

Dear Mr. Bosley:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the 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 of Procedure*, 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,

Charlotte E. Rodolff for

Kathleen C. Bianco
Administrator

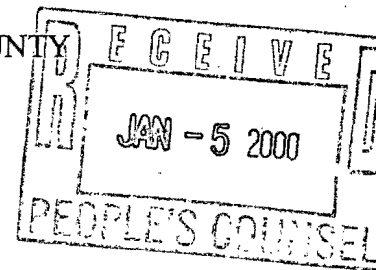
Enclosure

c: Mr. & Mrs. James S. Riepe
Mr. & Mrs. Webster Bosley
Margaret Bosley
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/4/00

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Gerber Lane, 1800' W of Wheeler Lane *
(1219 Gerber Lane) * ZONING COMMISSIONER
8th Election District *
3rd Councilmanic District * OF BALTIMORE COUNTY

Cold Bottom LLC, Owners; * Case No. 00-159-SPH
Kenneth T. Bosley, Petitioner *
*



* * * * *

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Kenneth T. Bosley, a former owner of the subject property, known as Conclusion Farm. The current owner, Cold Bottom LLC, proposes to construct a tenant farmer dwelling on the property and the Petitioner, through the Petition for Special Hearing, requested a determination that the proposed construction does not conform to the requirements of the B.C.Z.R. and applicable policies thereto.

A hearing on the matter was conducted on December 1, 1999 at which the Petitioner and other members of his family attended, as did Mr. & Mrs. James S. Riepe, members of the limited liability corporation that now owns the property.

After due consideration of the testimony and evidence presented at the hearing, I denied the Petition for Special Hearing, by Order dated December 7, 1999. As set forth in that opinion, I found that the owner's proposal to construct a tenant dwelling on the property was consistent with the use regulations set out in Section 1A01.2 of the B.C.Z.R. for R.C.2 zoned land, and should therefore be permitted.

Subsequent to the issuance of said Order, the Petitioner filed a Motion for Rehearing on the matter, received in this office on December 17, 1999. Pursuant to Rule 2K of the Zoning Commissioner's Rules of Practice and Procedure, Mr. Bosley's request for rehearing will be considered a Motion for Reconsideration. In his Motion, Mr. Bosley sets out six (6) issues that are the basis of his request for rehearing in this matter. Those issues will be addressed sequentially.

The Petitioner first argues that James S. and Gail Riepe, property owners, are "developers/investors" and that the Findings of Fact and Conclusions of Law issued by me in this case on December 7, 1999 do not reference a pool house and an additional second dwelling.

The circumstances under which Mr. & Mrs. Riepe acquired the subject site are well known and are set out not only in the Order issued in this case, but also in the opinion rendered by this Zoning Commissioner in prior Case No. 99-49-SPHA. Mr. & Mrs. Riepe are legitimate owners of the subject property and apparently may decide to reside thereon, once improvements to the site are completed. The method of their acquisition of the property appears appropriate and is beyond the scope of review of this Zoning Commissioner. Moreover, the redevelopment of the subject property as set out on the site plan filed in Case No. 99-49-SPHA, and as amended by the proposed construction of a tenant house, complies with all relevant provisions of the B.C.Z.R. I find no portion of the property owner's proposed redevelopment of the site to be violative of the B.C.Z.R.

Secondly, it is alleged that the proposed tenant house violates the density regulations of the B.C.Z.R. This is simply not so. As noted in my order of December 7, 1999, tenant houses are permissible in the R.C.2 zone, pursuant to Section 1A01.2.B.1(9)(i). The drafters of the B.C.Z.R. no doubt recognized that tenant houses are appropriate accessory uses to R.C.2 zoned property. In that the R.C.2 zone is designed to foster agriculture, a tenant house is not considered a subdivision of the property, (i.e., density) and therefore is permissible.

The third issue raised relates to the second page of a letter to Carl Richards, Zoning Review Division of the Department of Permits and Development Management (DPDM), dated July 9, 1999. That second page was not originally in the Zoning Commissioner's file, however, was presented as an exhibit at the hearing on this case on December 1, 1999. Thus, the file was made complete at the hearing and the full contents of the letter were considered by me prior to rendering my decision.

The fourth issue raised asked that I consider the propriety of certain acts by the Maryland Agricultural Land Preservation Commission. I decline to do so. The Zoning Commissioner's authority is limited to an interpretation of the development and zoning regulations

promulgated by the Baltimore County Council. I decline to interfere with or direct the actions of the Maryland Agricultural Land Preservation Commission.

The fifth issue raised relates to a document (designated as an "affidavit" in Petitioner's Motion) signed by Mr. Riepe on June 10, 1999. This Zoning Commissioner assumes that the Petitioner is referring to a form titled "Application for Tenant House" submitted to the Maryland Agricultural Land Preservation foundation. That form is not executed under oath and is not, by definition, an affidavit. Indeed, that is the only document within the record of this case which appears to fit the Petitioner's allegations. Again, this document is a form prepared by a State agency and submitted to that agency for purposes related to the agricultural easement which encumbers this property. It simply has no bearing on the issue raised in the instant Petition and considered by this Zoning Commissioner; to wit, whether the proposed tenant house is violative of the B.C.Z.R. Mr. & Mrs. Riepe's use of other properties owned by them is irrelevant to this case.

The same logic applies to the sixth issue raised by Mr. Bosley. That issue relates to other property owned by Mr. & Mrs. Riepe on Tanyard Road. The property owner's use of that property is independent of the subject site.

Having examined all of the issues raised within the Motion for Rehearing, I find none persuasive to support a finding that the Findings of Fact and Conclusions of Law issued by me on December 7, 1999 should be set aside. Thus, the Motion for Rehearing/Reconsideration shall be denied.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County this 4th day of January, 2000 that the Motion for Rehearing/Reconsideration be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kenneth T. Bosley, P.O. Box 334, Cockeysville, Md. 21030
Mr. & Mrs. James S. Riepe, 14921 Tanyard Road, Sparks, Md. 21152
✓ People's Counsel; Case File

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
S/S Gerber Lane, 1800' W of Wheeler Lane	
(1219 Gerber Lane)	* ZONING COMMISSIONER
8 th Election District	
3 rd Councilmanic District	* OF BALTIMORE COUNTY
Cold Bottom LLC, Owners;	* Case No. 00-159-SPH
Kenneth T. Bosley, Petitioner	
	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for the property located at 1219 Gerber Lane, known as Conclusion Farm. As noted above, the Petition was not filed by the owners of the property; rather by Kenneth T. Bosley, a former owner of the farm and nearby resident of the area. The property is now owned by Cold Bottom LLC, through James S. Riepe, General Manager. The Petition for Special Hearing requests a determination that a tenant farmer dwelling proposed to be constructed on the property by its current owners does not conform to the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.) and applicable policies thereto. The subject property and requested relief are more particularly described on documents, including the zoning and area maps, submitted with the Petition and incorporated into the case file.

Appearing at the requisite public hearing in support of the request were Kenneth T. Bosley, Petitioner, and other members of the Bosley family, including Kerry Bosley, Webster Bosley, and Margaret Bosley. Appearing at the hearing as interested parties were James S. and Gail P. Riepe, members of the Limited Liability Corporation that now owns the subject property.

This property was the subject of another zoning matter before me, Case No. 99-49-SPHA. In that case, I observed from the site plan filed that the subject property is approximately 146 acres in area zoned R.C.2, and is located in northern Baltimore County in the vicinity of Western Run Road and Belfast Road. The property is located on the south side of Gerber Lane, a

few miles west of the I-83 interchange with Belfast Road. Additionally, the property is located in the Western Run and Belfast Road Historic District.

The property has a rich history as a farm. Apparently, it was developed in the early 1800s with the original farm house building. Several additions and outbuildings were added over the years. The property had quite a productive history and is one of the more significant properties in Baltimore County, as it relates to the agricultural history of the region.

Apparently, in the early 1990s, a dispute arose by and between members of the Bosley family, which had previously owned the property for generations. Ultimately, litigation resulted between members of the family and pursuant to a Court Order, the property was sold and acquired by Cold Bottom LLC, an entity composed of a number of residents in the area, including Mr. & Mrs. Riepe. Mr. & Mrs. Riepe eventually acquired the entire tract through their LLC.

In Case No. 99-49-SPHA, relief was requested to approve a waiver of certain provisions of the Baltimore County Code as they relate to historic preservation. This waiver was requested to allow additions to an existing historic building and undertake interior alterations. Variance relief was also requested to allow construction of a proposed pool house/guest house. By Order dated October 9, 1998, the relief was granted. Apparently, my decision in that Order was appealed to the County Board of Appeals. The Board has conducted a public hearing in that matter and has met in open hearing for deliberation. According to the written notes in the Board's case file, the majority of the panel favors granting the Petitioner's request as to the Petitions for Special Hearing and Variance. One Board member dissented as to the Petition for Special Hearing, only as to the size of the proposed addition. The Board's written opinion has not yet been issued.

In any event, the instant matter comes before me on Petition by Mr. Bosley. Apparently, Mr. and Mrs. Riepe have submitted plans for the construction of a tenant dwelling on their property. The property is encumbered by a grant to the Maryland Agricultural Land Preservation Foundation. Mr. & Mrs. Riepe have submitted a request for approval of the proposed tenant dwelling to that Foundation and have, in fact, received consent by letter dated October 1,

1999 from Paul W. Sheidt, Executive Director of the Maryland Agricultural Land Preservation Foundation. Additionally, Mr. & Mrs. Riepe have obtained approval from Baltimore County's Agricultural Board for the tenant house. Nonetheless, Mr. Bosley avers within his Petition that the tenant house should not be constructed. A review of the B.C.Z.R. is persuasive that his objections are without merit. I explain.

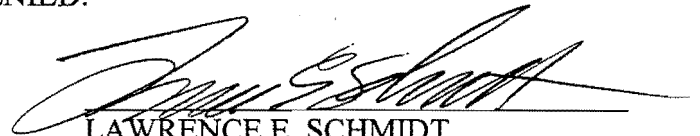
Section 1A01.2 of the B.C.Z.R. sets out the "use regulations" for the R.C.2 zone. Therein, uses permitted as of right, as well as those permitted by special exception, are delineated. Among the uses permitted by right is a tenant house (See 1A01.2.B.1(9)(i)). The fact of this regulation is persuasive. Tenant houses are permitted in the R.C.2 zone by right; thus, Mr. & Mrs. Riepe's proposal here is consistent and meets the zoning regulations. Mr. Bosley argues that the tenant house will not be used by a farmer and that the property is not and will not be used for agricultural purposes. Interestingly, the B.C.Z.R. does not require that the tenant be a farmer. There is no language within the regulation requiring that the tenant work the land or be engaged in agricultural pursuits. Thus, under the B.C.Z.R., Mr. Bosley's contention is not supported. However, it is clear that the Maryland Agricultural Land Preservation Foundation may require that the tenant be engaged in agricultural pursuits. In this regard, that agency determined that the proposed tenant met that requirement. Moreover, based upon the information submitted at the hearing by Mr. Riepe, I agree. That is, even if the zoning regulations did require that a tenant be engaged in agricultural pursuits, I would find that the Reipes met that requirement.

Other allegations raised by Mr. Bosley at the hearing are likewise without merit. Reference was made to the location of a drainage and utility easement near the proposed tenant house, but there is no evidence before me that the easement and its location would prohibit the proposed construction. Additionally, Mr. Bosley offered testimony about the prior sale of the farm and the circumstances which led to the divesting of title to the property from the Bosley family. As I indicated in my written opinion in prior Case No. 99-49-SPHA, it is indeed unfortunate that the Bosley family was unable to resolve its internal differences and retain ownership of the property. Nonetheless, Mr. & Mrs. Riepe, as legitimate buyers, should not be required to undergo

the wrath of the Bosley family for their good faith purchase of the property. Moreover, and as particularly germane here, those proceedings are well beyond my jurisdiction and scope of review. As to the limited question presented in this case, I find that the proposed tenant dwelling is appropriate and meets the requirements of the B.C.Z.R. Thus, the relief requested in the Petition for Special Hearing is hereby denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of December, 1999 that the Petition for Special Hearing seeking a finding that the tenant farmer dwelling proposed to be constructed on the subject property does not meet the requirements of the B.C.Z.R. be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

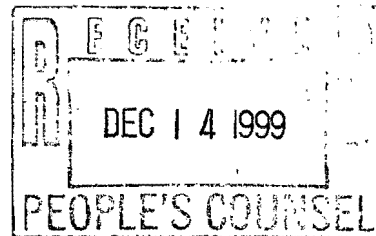


Baltimore County
Zoning Commissioner

December 7, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. Kenneth T. Bosley
P.O. Box 334
Cockeysville, Maryland 21030



RE: PETITION FOR SPECIAL HEARING
S/S Gerber Lane, 1800' W of Wheeler Lane
(1219 Gerber Lane)
8th Election District – 3rd Councilmanic District
Cold Bottom LLC, Legal Owners; Kenneth T. Bosley, Petitioner
Case No. 00-159-SPH

Dear Mr. Bosley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, in accordance with the attached Order.

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. James S. Riepe
14921 Tanyard Road, Sparks, Md. 21152
Messrs. Kerry and Webster Bosley, P.O. Box 585, Sparks, Md. 21152
Ms. Margaret Bosley, P.O. Box 303, Sparks, Md. 21152
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
S. of Gerber lane, West of Thornton Mill Road,
8th Election Dist, 3rd Councilma 1219 Gerber Lane
for the property located at Sparks, MD 21152
which is presently zoned RC 2

CRD AMZ
filed

PROTESTANT

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, ~~legal owner(s)~~ of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve —

Determine that proposed tenant farmer dwelling does not conform to the requirements of the Baltimore County Zoning Regulations and policies. See:

1. Attached application by Cold Bottom L.L.C. dated June 10, 1999 for tenant house.
2. Letter from Lippincott to Richards, dated July 12, 1999.
3. Letter to Richards from Bosley, dated July 19, 1999.
4. Photogramic map showing Cold Bottom L.L.C. (Riepe's) proposed location of their second farm tenant house.

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

I, or we, agree to pay expenses of above Special Hearing, 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.

~~We~~ do solemnly declare and affirm, under the penalties of perjury, that ~~we are the legal owner(s)~~ of the property which is the subject of this Petition. **I AM THE PROTESTANT.**

LEGAL OWNER

Contract Purchaser/Leasee:

COLD BOTTOM, LLC JAMES GENEAT
RIEPE, MANAGER
Name - Type or Print

Signature

14921 TANYARD RD.

Address

SPARKS

City

MD.

State

Telephone No.

21152

Zip Code

Legal Owner(s): Protestant

Kenneth T. Bosley
Name - Type or Print

Signature

Kenneth T. Bosley
8-30-99

Name - Type or Print

Signature

P. O. Box 334

Cockeysville, MD 21030 Telephone No.
1-800 497-0880

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 159

Reviewed By _____ Date _____

RE: PETITION FOR SPECIAL HEARING
1219 Gerber Lane, S/S Gerber Ln,
1800' +/- W of Wheeler Ln
8th Election District, 3rd Councilmanic

Petitioner/Protestant: Kenneth T. Bosley
Legal Owner: Cold Bottom, LLC

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-159-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Kenneth T. Bosley, Esq., P.O. Box 334, Cockeysville, MD 21030, Petitioner.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 3, 2000

James Riepe, General Manager
Cold Bottom, LLC
14921 Tanyard Road
Sparks, MD 21152

Dear Mr. Riepe:

RE: Petition for Special Hearing, Case Number 00-~~255~~-SPH, 1219 Gerber Lane, 8th
Election District

Please be advised that an appeal of the above referenced case was filed in this office on February 1, 2000 by Kenneth T. Bosley. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:scj

C: Kenneth T. Bosley, PO Box 334, Cockeysville 21030
Kerry & Webster Bosley, PO Box 585, Sparks 21152
Margaret Bosley, Box 303, Sparks 21152
People's Counsel



APPEAL

Petition for Special Hearing
1219 Gerber Lane
S/S Gerber Lane, 1800' W of Wheeler Lane
8th Election District – 3rd Councilmanic District
Cold Bottom LLC - Legal Owner
Kenneth T. Bosley – Petitioner/Protestant
Case Number: 00-159-SPH

Petition for Special Hearing

Description of Property

Notice of Zoning Hearing (11/3/99)

Certification of Publication (The Jeffersonian – 11/9/99)

Certificate of Posting (Thomas Ogle, Sr. – 11/16/99)

Entry of Appearance by People's Counsel (11/9/99)

Citizen Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Deed of Easement (dated 1/26/98)

Misc. (Not Marked as Exhibits):

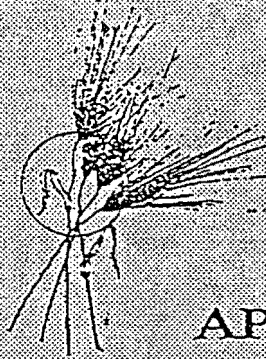
- Letter from James Riepe, Cold Bottom LLC to Paul Scheidt, Maryland Agricultural Land Preservation Foundation (dated 10/1/99)
- Zoning Commissioner's Order for Case Number 99-49-SPHA (dated 10/9/98)
- County Board of Appeals of Baltimore County Minutes of Deliberation (dated 10/12/99)
- Motion for Rehearing from Kenneth Bosley (dated 12/16/99)

Zoning Commissioner's Order dated 12/7/99 (Denied)

Zoning Commissioner's Order on Motion for Reconsideration dated 1/4/00 (Denied)

Notice of Appeal received on 2/1/00 from Kenneth T. Bosley

C: Cold Bottom LLC, 14921 Tanyard Road, Sparks 21152
Kenneth Bosley, PO Box 334, Cockeysville 21030
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM



State of Maryland
Department of Agriculture

The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
(410) 341-5860 Facsimile (410) 341-5914

Maryland Agricultural Land Preservation Foundation

APPLICATION FOR TENANT HOUSE

NAME: Cold Bottom LLC James S. Piepe, General Manager
COUNTY: Baltimore
FILE NO.: 03-08-96-08C ACRES: 146
PROPERTY STATUS: (Circle One) DISTRICT EASEMENT

PLEASE ANSWER THE FOLLOWING QUESTIONS AS THEY RELATE TO THIS PROPERTY: (Circle One):

Has the Foundation approved the construction of any tenant houses on this property in the past?	Yes	<u>No</u>
If so, has the tenant house been constructed?	Yes	No
Has the tenant house been subdivided or conveyed to an individual other than yourself?	Yes	No
Has the tenant house been conveyed separately from the original parcel?	Yes	No
Is it occupied by someone actively engaged in the agricultural operation of the farm?	Yes	No
If so, what is the name of the individual(s) occupying the tenant house and what is his/her relationship to the farming operation?		

PLEASE ANSWER THE FOLLOWING QUESTIONS AS THEY RELATE TO THE CURRENT REQUEST FOR A TENANT HOUSE ON THIS PROPERTY:

Describe your general/specialized farming operation: livestock + crops
What is the approximate acreage and number of animal units (if applicable) managed to help explain the need for the requested tenant house?
146 acres, 4 horses, chickens
Describe the current land use of the area to be disturbed in constructing the tenant house: crop land
Describe the access to the proposed tenant house (i.e. existing farm lane or newly constructed road):
existing farm lane
What is the name of the individual(s) who will be occupying the tenant house if approved?
Mr. and Mrs. Richard Thompson
Briefly explain the responsibilities of the tenant and how they will help in the overall operation of the farm:
Care + feeding of animals, maintenance of pastures/lands, fencing and equipment

MDA # _____

EXHIBIT No 1.
PAGE 1 OF 2.

(Please see other side)

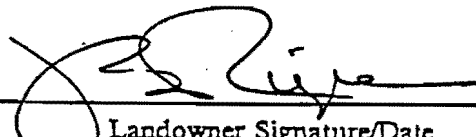
The following items must be submitted to the Foundation by the landowner and/or the Program Administrator in order to review the request for a Tenant House on District/Easement property:

- a) Letter of approval for the Tenant House from the local agricultural land preservation advisory board.
- b) Letter of approval for the Tenant House from the local county planning and zoning department.
- c) A survey plat or tax map on which the precise location of the proposed tenant house will be.
- d) Any other information necessary for the review of my request.

In signing this application, the landowner agrees with the items listed below, as designated in COMAR 15.15.01.05N(4):

- a) I/We understand that upon request to and written approval from the Foundation, I may construct housing for tenants fully engaged in the operation of this farm.
- b) I/We understand that construction may not exceed 1 tenant house per 100 acres. (Example: Construction of one tenant house is permitted for 1 - 100 acres, etc, two tenant houses for 101 - 200 acres, etc.)
- c) I/We understand that the land on which a tenant house is constructed may not be subdivided or conveyed to an individual.
- d) I/We understand that the tenant house may not be conveyed separately from the original parcel.

NOTE: THIS REQUEST WILL NOT BE PROCESSED BY THE FOUNDATION UNLESS THE INFORMATION REQUESTED IS COMPLETE AND NECESSARY ATTACHMENTS ARE SUBMITTED WITH THIS APPLICATION. INCOMPLETE APPLICATIONS WILL BE RETURNED.



Landowner Signature/Date
Coke Bottom LLC James S. Riepe, Manager

Landowner Signature/Date

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
887-4488 Ext. 241 Fax 887-4804

To: Carl Richards, Zoning Review Date: 7/12/99
From: Wallace Lippincott, Jr. *WLL*
Re: Baltimore County Ag. Board recommendation to approve
Mr. & Mrs. Reipe request for tenant dwelling on Agricultural
Easement file No. 03-08-96-08c.

Request: If your office is in approval of the request by Mr. & Mrs Reipe for a tenant building on their farm property located at 1219 Gerber Road (formerly Conclusion Farm), please sign below or submit a memo to me indicating your approval.

Information on the Request: On July 2, 1999, I submitted the documents for this request and a copy of the County's Agricultural Board recommendation to approve the landowners request for a tenant house. This property is in a Maryland Agricultural Land Preservation Foundation Agricultural District and has sold an easement and therefore this tenant request is subject to approval of the Maryland Agricultural Land Preservation Foundation. The Foundation requires a recommendation of the County's Zoning Office before it will review the application.

I also wish to bring to your attention, that after the Agricultural Board meeting decision to recommend approval, I heard from a Board member that the prior owner of this property might have issues regarding this approval. I have since spoken informally to Mr. Bosley and indicated that the County's Agricultural Board had made a favorable recommendation on this request and had forwarded to the Zoning Office for final decision. I also indicated to him that the request would need to also go before the Maryland Agricultural Land Preservation Foundation for approval.

County Zoning Approval: _____

EXHIBIT No 2.

July 19, 1999

Mr. Carl Richards
Zoning Review Section
Permits and Development Management
111 West Chesapeake Ave.
M.S. 1105
Towson, MD 21204

Re: Easement File No 03 - 08 - 96 - 08C
1219 Gerber Lane
Sparks, MD

Dear Mr. Richards:

Please be advised that I have requested with your office an appointment to file a request for a Special Hearing on the above request for a tenant dwelling on the above property.

My objection is based on the facts that this property was a farm that was summarily taken from my family who were full time and life time dairy farmers. We had no debts. The County would not allow us in 1988 to grant our application for an Agricultural Land Preservation easement of this farm (when Arnold Jablon was County Attorney).

The neighbors, the Riepes, who are not farmers, but estate owners on Tanyard Road, organized a band of other rich neighbors and with a secret operation, obtained possession of the property. My 3 elderly Brothers and a Sister are 80 to 85 years old. I am a much younger Brother. We had the land in a Corporation since 1968. It is alleged that these neighbors illegally took control of our Farm.

My family still has lawsuits pending concerning this. My Brother's Attorney is James Strouse of Columbia, Maryland, (Phone 410 730 - 7600).

The deed, dated July 19, 1995 attached to the Riepe application, is not their latest deed. There is a recent one on record.

Please note that Riepe's corporation, Cold Bottom L.L.C., is not the long time full time farmer, the Ensor, who operates Cold Bottom Farms, Inc. on Cold Bottom

EXHIBIT No. 3 PAGE 1 OF 2

Mr. Carl Richards
Office of Zoning and Development Management
July 19, 1999

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Road in Sparks. It is obvious that this name was selected by the Riepes to make the Government think that this was a part of the Charles and Raymond Esnor family farm operation who also had a number of tracts of farm land placed into agricultural land preservation.

There is also litigations concerning Landmark Preservation issues, and also, Zoning Hearings on the swimming pool and guest house construction.

Additionally, there is also a complaint about bulldozing by the streams and the bulldozing of the Graveyard where black and white farm workers were buried from 1800 to the 1900's.

Thank you for your attention to the above.

Very truly yours,

Kenneth T. Bosley
P O Box 334
Cockeysville, MD 21030
1 800 497-0880

c.c. Wally Lippincott
Baltimore County Department of Environmental Protection
And Resource Management

EX No. 3. PAGE 2 OF 2.

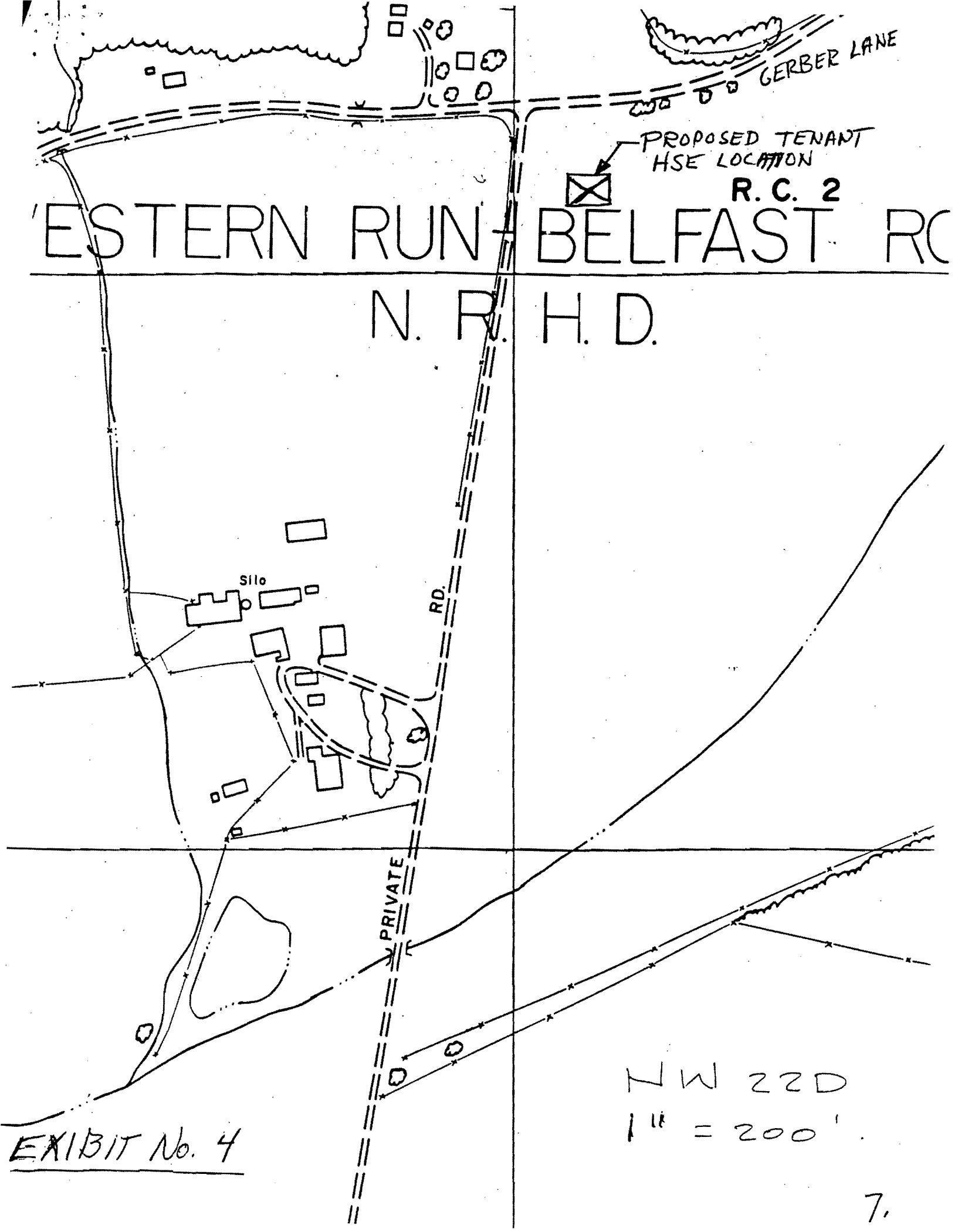


EXHIBIT No. 4

NW 22D
1" = 200'