

John Beverungen - 2012-183-SPHX

From: John Beverungen
To: People's Counsel; borgerdinglaw@aol.com; jvettori@sgs-law.com
Date: 06/06/12 2:47 PM
Subject: 2012-183-SPHX
CC: Debra Wiley

Counsel,

I received this morning Mr. Vettori's motion for reconsideration of the ruling on Mr. Borgerding's motion for reconsideration. I do not believe that a litigant can seek reconsideration of a ruling on a motion to reconsider. If that were the case, it could conceivably lead to an "endless loop" of such motions. Be that as it may, I am sending this response to hopefully eliminate any doubt on the matter, and to the extent I was not clear in my letter order dated May 30, 2012, I apologize.

Mr. Borgerding's May 8 letter sought clarification of several issues addressed in the April 10, 2012 Order in the above case. By letter dated May 30, 2012, I indicated that I would "rule on the pending motion for reconsideration," and after reciting the arguments raised by Mr. Borgerding, I indicated that I would not provide any further clarification in response to the motion for reconsideration.

As such, Protestants' Motion for Reconsideration was (and is) DENIED by that letter order dated May 30, 2012.

John Beverungen

6/5/12

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

SW side of Monkton Road; 220 feet SE of
The c/l of Monkton Road and Sherwood Road
10th Election District
3rd Councilmanic District
(2019 and 2029 Monkton Road)

Curtis E. Sherrer
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0183-SPHX

* * * * *

PETITIONER'S MOTION FOR RECONSIDERATION OF ALJ BEVERUNGEN'S

RULING ON PROTESTANTS' MOTION FOR RECONSIDERATION

Petitioner moves for reconsideration of Administrative Law Judge ("ALJ") Beverungen's Ruling on Protestants' Motion for Reconsideration. It is unclear whether ALJ Beverungen granted or denied Protestant's motion for reconsideration, or altogether deferred his powers regarding a final decision on Protestant's motion for reconsideration to the Code Enforcement Hearing Officer. Petitioner submits the following memorandum in support of his Motion for Reconsideration.

ALJ Beverungen's "ruling" constitutes an order and Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County clearly and unambiguously states that "[a] party may file a motion for reconsideration of an order issued by the Zoning Commissioner." As such, the instant motion for reconsideration is being submitted. Petitioner adopts and incorporates the Response to Protestants' Motion for Reconsideration which was filed on May 31st, 2012 (the day after ALJ Beverungen, unbeknownst to the Petitioner, issued the instant ruling).

Rule K further states that "[a] ruling by the Zoning Commissioner on the motion for reconsideration shall be considered the final decision in accordance with Section 26-209 or 26-

132 of the Baltimore County Code.”¹ However, ALJ Beverungen’s Ruling on Protestant’s Motion for Reconsideration does not appear to be a final decision. It appears to be an interlocutory order, which will adopt and incorporate the decision of the ALJ hearing the Code Enforcement case, or something else entirely. Therefore, the ruling violates Rule K because a final decision will not be issued “within 30 days from the date which the motion is accepted for filing,” June 7, 2012 (30 days from May 8, 2012 – the date of Protestants’ Motion for Reconsideration).

ALJ Beverungen has ruled that he will defer to the ALJ hearing the Code Enforcement case to determine whether the conditions contained within the April 10, 2012 Order have been violated. However, ALJ Beverungen’s ruling does not provide a mechanism whereby a “final decision” on the Protestants’ Motion for Reconsideration will be made. The ALJ hearing the Code Enforcement case does not have the authority to rule on the Protestants’ Motion for Reconsideration. If takes place, the Petitioner’s constitutional rights will be violated by the fact that the ALJ hearing the Code Enforcement case will be subsuming the responsibility of issuing a final decision on the Protestants’ Motion for Reconsideration to the Code Enforcement Hearing Officer, who did not have the benefit of presiding over the hearing regarding the Petition for Zoning Relief, Case No. 2012-0183-SPHX.² Similarly, ALJ Beverungen cannot rule on the Code Enforcement matter unless it is separately assigned to him. Respectfully, the

¹ The “Parallel References” tab at the end of Volume II of the Baltimore County Code indicates that Section 26-209 (1988 Code Section) has been recodified as Sections 32-1-101 and 32-4-281 (2003 Code Section) and Section 26-132 (1988 Code Section) has been recodified as Sections 32-1-101, 32-3-401 and 32-3-517 (2003 Code Section). These sections merely talk about appellate rights to the Board of Appeals from decisions made by the Hearing Officer and Zoning Commissioner, respectively.

² It is beyond another ALJ’s authority to make a final decision on the Protestants’ Motion for Reconsideration. Md. Rule 2-536 addresses instances where the “disability of judge” renders the judge “unable to perform an act or duty in an action, any other judge authorized to act in that court may perform the act or duty if satisfied that he or she can properly do so.” No such circumstances exist in the instant matter.

Protestants' Motion for Reconsideration and the citation are two related but distinct means by which Protestants can address their alleged issues.

Again, the law provides for separate and distinct processes. First, Rule K addresses Motions for Reconsideration for the final decision on the Motion for Reconsideration (i.e. Petition for Zoning Relief) and the Code Enforcement matter. Rule K clearly and unambiguously provides a mechanism whereby the ALJ who issued the April 10, 2012 Order can reconsider his order for the reasons offered in Protestants' Motion for Reconsideration and addressed in Petitioner's response thereto. As noted by ALJ Beverungen in his ruling dated May 30, 2012, Baltimore County Code ("BCC") § 32-3-602(a) authorizes Code Enforcement to impose civil penalties on a defendant whose use of a property is alleged to be in violation of the April 10, 2012 Order. As expanded upon in Petitioner's Response, which is adopted and incorporated herein, the special exception approval is, as a result of the filing of the Motion, stayed until a final decision on same is issued. Furthermore, following the special exception approval becoming final, it is only after a winery permit is obtained (and only then) that the special exception will be grandfathered or vested. Therefore, there is no violation of the April 10, 2012 order. It is also clear that the appellate rights for an order relating to the motion for reconsideration and the order relating to the Code Enforcement case have separate regulatory provisions that authorize appeals to be filed. An appeal of a Hearing Officer's order regarding a code enforcement citation is filed in accordance with BCC § 3-6-301 and the standard of review for the Board of Appeals is *on the record* (See BCC § 3-6-303). Conversely, an appeal of the Zoning Commissioner regarding a zoning matter is filed in accordance with Section 500.10 of the Baltimore County Zoning Regulations ("BCZR") and the standard of review is *de novo* (See BCZR § 501.6). As such, final orders must be issued in each case.

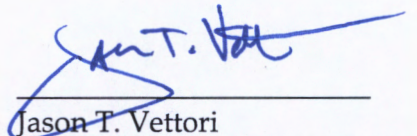
As previously noted in Petitioner's Response, Protestants' motion fails to meet the standard required for reconsideration because the motion fails to raise new issues of fact or law, fails to demonstrate that the Office of Administrative Hearings ("OAH") failed to consider any material fact, and fails to demonstrate manifest injustice or clear error. The nonprofit gathering was not a "wine tasting or public gathering associated with the winery," nor was it a "promotional event," as contemplated in Conditions 5 and 6 of the AJL decision. As clearly indicated in the Petitioner's testimony at the underlying hearing regarding the event, the exhibit to Protestants' Motion for Reconsideration advertising the event and the Petitioner's Response which summarizes the clear and unambiguous legislative intent regarding nonprofit gatherings, the nonprofit gathering was not a promotional event for the winery. There is no winery. There is a non-final special exception approval from Baltimore County for a winery. The event was a nonprofit gathering held at Mr. Sherrer's private residence. Mr. Borgerding's e-mail dated June 4, 2012 implying that the refurbished Mill is not a part of his residence is preposterous.³ As such, BCC § 21-9-104(a)(2)(iii) clearly and unambiguously provides that the nonprofit gathering held at Mr. Sherrer's private residence did not require a permit, nor was it a violation of ALJ Beverungen's.⁴

³ The only use taking place at Mr. Sherrer's principal dwelling is a private residence.

⁴ The real question is why other wineries, such as Boordy Vineyards, have not been issued a citation for similar events. Boordy is an operating winery and NBCAF, as noted on Protestants' exhibit to their motion, hosted an "Artfest" event there on June 2, 2012. It is unclear who is calling the shots regarding the issuance of citations in the County, but I assure you I will try to get to the bottom of it in the Code Enforcement hearing that has yet to be rescheduled.

As ALJ Beverungen wisely noted, Protestants issues with the so-called event are, if anything, a matter for Code Enforcement. For the aforementioned reasons, the Petitioner's instant motion should be granted and a final decision dismissing Protestants' motion should be issued immediately.

Respectfully submitted,



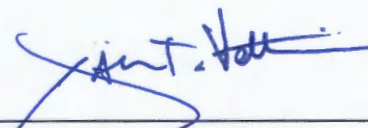
Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of **June, 2012**, a copy of the foregoing Motion for Reconsideration was sent via electronic mail and mailed first-class, postage prepaid to:

Francis X. Borgerding, Jr., Esquire
Law Offices of Francis X. Borgerding, Jr.
409 Washington Avenue, Suite 600
Towson, MD 21204
Protestants/ Counsel

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204



JASON T. VETTORI

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

June 5, 2012

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

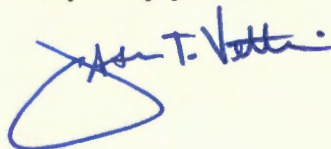
**Re: Case No. 2012-0183-SPHX
Curtis Sherrer, Petitioner
2019 and 2029 Monkton Road**

RECEIVED
JUN 06 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Dear Hon. Beverungen:

Enclosed herein please find Petitioner's Motion for Reconsideration of ALJ Beverungen's Ruling on Protestants' Motion for Reconsideration in the above captioned case. Should you have any questions, comments or concerns, please feel free to contact me.

Very truly yours,



Jason T. Vettori

JTV:sf

CC: Lawrence Stahl, Administrative Law Judge for Baltimore County
Francis X. Borgerding, Esquire
Peter Max Zimmerman, Esquire
Curtis Sherrer, Millstone Cellars, LLC
Lawrence E. Schmidt, Esquire

5/31/12

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION

SW side of Monkton Road; 220 feet SE of
The c/l of Monkton Road and Sherwood Road
10th Election District
3rd Councilmanic District
(2019 and 2029 Monkton Road)

Curtis E. Sherrer
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0183-SPHX

* * * * *

RESPONSE TO MOTION FOR RECONSIDERATION

PRELIMINARY STATEMENT

Petitioner¹ submits the following memorandum in response to Protestants' motion for reconsideration dated May 8, 2012.

Protestants' motion fails to meet the standard required for reconsideration because the motion fails to raise new issues of fact or law, fails to demonstrate that the Office of Administrative Hearings ("OAH") failed to consider any material fact, and fails to demonstrate manifest injustice or clear error. *Regency Communications, Inc. v. Cleartel Communications, Inc.*, 212 F.Supp.2d 1, 3 (D.D.C. 2002). Indeed, Protestants' motion simply revisits the facts previously cited and repackages the same exact arguments previously advanced at the Administrative Law Judge ("ALJ") hearing, as a result of an event which was planned to take place having actually taken place on April 27, 2012. Counsel for the Protestants has provided the ALJ with no reason to find that clear error exists in the ALJ's Opinion and Order dated April 10, 2012, or that manifest

¹ Preliminarily, please make note of the fact that Counsel for the "adjacent neighbors of the above referenced property", or Protestants, uses the term "Petitioners" when referring to the Protestants assertions, requests and feelings in one of the first two words of the final three paragraphs of the motion for reconsideration.

injustice would result from the decision to grant the requested relief with conditions. Because there are insufficient reasons for the OAH to reverse its decision, the motion for reconsideration should be denied.

ARGUMENT

A. No change in the law to justify reconsideration

Protestants' counsel has not cited any intervening changes in controlling law that would warrant reconsideration. In fact, he hasn't cited any caselaw. The only thing "new" in the motion for reconsideration, as best as I can discern, is that the nonprofit gathering Petitioner agreed to host at his property prior to the hearing in the instant case actually happened. As you recall, the hearing took place on April 2, 2012. At the hearing, Protestants' counsel presented evidence that the Petitioner was planning to host a one-time nonprofit gathering for the Northern Baltimore County Art Foundation ("NBCAF") at his private residence, from which 100% of the proceeds benefitted the NBCAF and supported a scholarship awarded to a Baltimore County student who is pursuing a college degree in the visual arts. He further argued that the hosting of this event was not permitted under the zoning regulations for the underlying zoning. Petitioner's counsel argued that the relief requested in the instant case. Based on these facts, reconsideration is not appropriate in the instant matter.

B. No new evidence to justify reconsideration

Protestants counsel has offered no new evidence with respect to the winery. As Mr. Sherrer indicated at the hearing on April 2, 2012, he was allowing the NBCAF to host a nonprofit gathering at his private residence and they would be planning and running

the event. To suggest that the NBCAF's running of this nonprofit gathering, which is permitted as a matter of law, is a basis for reconsideration is preposterous.

The subject property is not a winery yet. It has received special exception approval to become a winery. The mere granting of a special exception does not automatically result in that use being vested or grandfathered. As Your Honor pointed out in Condition #1 of the decision, "[p]etitioner may apply for his building permit and be granted same upon receipt of the Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, the property to its original condition." Similarly, as promulgated in BCZR § 502.3, special exceptions which are not utilized within two (2) years, shall thereafter be void. Therefore, utilization of the special exception is the operative event which vests or grandfathers the approval.

MD Code Article 2B § 2-205 regulates Class 4 Limited Wineries, such as the instant one, for the State. A copy of this Annotated Code provision is attached hereto as Exhibit 1. As indicated in a letter from Kevin Atticks dated May 14, 2012, a copy of which is attached hereto as Exhibit 2, Mr. Sherrer has not received his Basic Wine Permit from the Alcohol and Tobacco Tax and Trade Bureau (TTB). Once he receives the TTB Basic Wine Permit, the final step is to be licensed by the Comptroller of Maryland as a Class 4 Limited Winery. Protestants' counsel's filing of the motion for reconsideration, on the 28th day of the 30 day appeal period (and 11 days after the nonprofit gathering), stays

all further proceedings in the matter and a ruling on the motion is considered the final decision. Rule K of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County. Therefore, the filing of this motion effectively stays the special exception approval of the winery so it is impossible for Mr. Sherrer to be in violation of any condition

C. Protestants have failed to demonstrate any clear error or manifest injustice in the ALJ's order

Protestants' attorney's contention that the nonprofit gathering constituted a promotional event is unfounded. The nonprofit gathering was not a "promotional event," as contemplated in Conditions 5 and 6 of the AJL decision. As previously indicated, the nonprofit gathering was not a promotional event for the winery. There is no winery. There is a non-final special exception approval from Baltimore County for a winery. The event was a nonprofit gathering held at Mr. Sherrer's private residence.

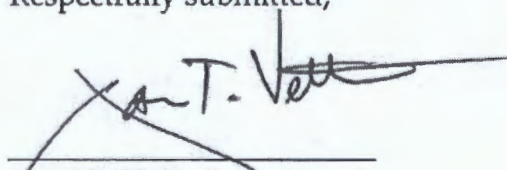
Generally speaking, nonprofit gatherings require a permit. A copy of an Application for Nonprofit Gathering Permit is attached hereto as Exhibit 3. As indicated on the aforementioned permit application, there is "no minimum for the number of people that constitutes a gathering." Item #4 of the permit application notes a permit for a nonprofit gathering is not required. The permit application cites Article 21, Title 9 of the Baltimore County Code ("BCC") as the authority for "Gatherings and Events." Specifically, BCC § 21-9-104(a)(2)(iii) clearly and unambiguously indicates that nonprofit gatherings in private residences do not require permits. A copy of BCC § 21-9-104 is attached hereto as Exhibit 4.

CONCLUSION

This motion is akin to Protestants' counsel argument at the hearing that the hosting of a nonprofit gathering from his residence was a "catering" use, but he has cited absolutely no authority for this proposition then or now. On page 9 of the ALJ Decision, Your Honor offered some insights regarding the types of events which can be held when the winery is operational. The winery is simply not operational yet. Therefore, the hosting of a nonprofit gathering is entirely separate and distinguishable from promotional events associated with the winery as has been indicated all along.

Protestants issues with this event are, if anything, a matter for Code Enforcement.² For the aforementioned reasons, the motion should be dismissed.

Respectfully submitted,



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

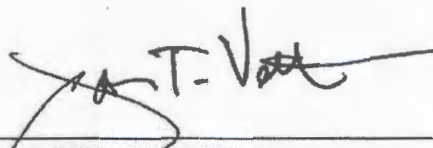
² Mr. Sherrer was informed by Code Enforcement prior to the nonprofit gathering that he was supposedly operating a catering business. Following the April 27, 2012 nonprofit gathering, Citation No. 109192, a copy of which is attached hereto as Exhibit 5, was issued on May 8, 2012. The issuance of the citation and the reasons provided are conspicuously similar to the reasons promulgated by Protestant's counsel in his motion of the same date. As previously indicated, the nonprofit gathering was permitted by right and does not constitute a code violation. The hearing is scheduled for June 5, 2012, but the OAH has sent counsel and email requesting that the matter be pulled from the docket for a date where the issues can be more fully argued.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2012, a copy of the foregoing Response to Motion for Reconsideration was sent via electronic mail and mailed first-class, postage prepaid to:

Francis X. Borgerding, Jr., Esquire
Law Offices of Francis X. Borgerding, Jr.
409 Washington Avenue, Suite 600
Towson, MD 21204
Protestants/ Counsel

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204



JASON T. VETTORI

SMITH, GILDEA & SCHMIDT LLC

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D. DUSKY HOLMAN
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LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

May 31, 2012

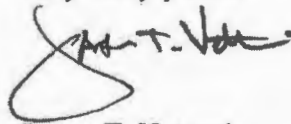
John E. Beverungen
Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Curtis Sherrer (Millstone Cellars)/ 2019 and 2029 Monkton Road
Case No.: 2012-0183-SPHX

Dear Judge Beverungen:

Enclosed herein please find Petitioner's Response to Motion for Reconsideration.
In the event the right hand is not communicating with the left hand, the corresponding Code Enforcement hearing, which was scheduled for June 5, 2012, has been tabled.

Very truly yours,



Jason T. Vettori

JTV

Enclosures

CC: Lawrence M. Stahl, Managing Administrative Law Judge
People's Counsel
Frank Borgerding, Esquire
Paul Cohen, Inspector



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 30, 2012

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

JASON T. VETTORI, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

RE: Petition for Special Hearing and Special Exception
Case No.: 2012-0183-SPHX
Property: 2019 and 2029 Monkton Road

Dear Counsel:

As you know, I entered an Order in the above-captioned case on April 10, 2012. Mr. Borgerding on behalf of his clients, James and Doris Barnes, filed by letter dated May 8, 2012, a Motion for Reconsideration, seeking clarification of certain conditions contained within that Order. By e-mail dated May 25, 2012, Mr. Vettori, on behalf of the Petitioner, indicated he would file a response to the Motion for Reconsideration no later than June 5, 2012, which happens to be the date when a Code Enforcement hearing is scheduled concerning the "dinner with the artists" event which triggered the filing of the Motion for Reconsideration. Although I have not received the Petitioner's response, I will nonetheless rule on the pending Motion for Reconsideration.

In the Motion for Reconsideration, Mr. Borgerding contends that the April 27, 2012, event did not comply with Conditions 5 and 6 of the April 10, 2012 Order in the above case, which restricted promotional events to activities "such as wine tastings or public gatherings associated with the winery." In addition, the Protestants allege that the event drew too many patrons and had insufficient parking, and that the spot-a-pots used for the event were not screened. Regarding the second and third comments, the April 10, 2012 Order in this case provided specific restrictions concerning the permissible numbers of patrons, hours of operation and screening for spot-a-pots, and to the extent those restrictions were violated by the Petitioner, a Code Enforcement proceeding is the correct forum in which to litigate that question, and I will therefore not provide any further clarification of those points.

FRANCIS X. BORGERDING, JR., ESQUIRE
JASON T. VETTORI, ESQUIRE
May 30, 2012
Page 2

The more troublesome issue concerns whether the dinner with the artist event qualified as a "wine tasting or public gathering associated with the winery." Of course, that language, which was contained in the final Order in this case, is taken verbatim from the Baltimore County Zoning Regulations. See B.C.Z.R. § 1A08.3.B.13. I tried in the Order to provide examples of events that I believed would fall within this description, but of course it would be impossible to provide an exhaustive list of every conceivable gathering which would be permissible. As in many other areas of the law (i.e., it is left to the jury to decide whether the driver of a motor vehicle was "negligent" which the judge often defines merely as doing something or not doing something that a person of ordinary prudence would do) I believe it is likewise appropriate in this scenario for the Administrative Law Judge hearing the Code Enforcement case to determine whether or not the dinner with the artists event ran afoul of the conditions contained within the April 10, 2012 Order. See B.C.C. § 32-3-602(a) (Department of Permits, Approvals and Inspections may assess penalties if use of one's property is "alleged to be in violation of the B.C.Z.R... or orders of the Zoning Commissioner." As such, I will defer to the Administrative Law Judge concerning whether or not the April 27, 2012 event was in violation of an Order of the Zoning Commissioner, and will therefore not provide any additional clarification of this point in response to the Motion for Reconsideration.

Sincerely,



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

5/8/12

JB
4-2-11

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

May 8, 2012

RECEIVED

MAY 08 2012

OFFICE OF ADMINISTRATIVE HEARINGS

John E. Beverungen
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Petition for Special Hearing and Special Exception
Case No.: 2012-0183-SPHX
Property: 2019 & 2029 Monkton Road

Dear Mr. Beverungen:

This correspondence is being written on behalf of my clients, James H. Barnes, Jr. and Doris Barnes, adjacent neighbors of the above-referenced property. This correspondence is being written to request reconsideration of the Opinion and Order rendered in the above-referenced case, per Appendix G of the Baltimore County Zoning Regulations, specifically Rule 4K, in that the Order does not speak to an issue raised in the testimony and evidence during the hearing which took place in regard to the above-referenced matter in that my clients alleged that the Petitioner intended to conduct events in the mill structure which were unrelated to their request for relief related to their requested use of the property as a winery. Entered into evidence before the Administrative Law Officer for Baltimore County were advertisements for events to be held at the Monkton Mill structure which included an event scheduled to be held on Friday, April 27, 2012, advertised as a dinner with the artist fundraiser. A copy of the said advertisement was entered into evidence before the Administrative Law Judge and is attached hereto as Exhibit A to this correspondence. The Petitioner, after the Administrative Law Judge entered his Order on April 10, 2012, went ahead and conducted this event and failed to adhere to Conditions 5 and 6 of the Zoning Commissioner's Order which restricted promotional events "such as wine tastings or public gatherings associated with the winery", namely the above-described event. My clients allege that the event that occurred drew too many patrons for the Petitioner's parking area to accommodate and that patrons of the event parked in the adjacent community. Additionally, the event went on until late in the night and the spot-a-pots used for the event were not screened. All of the above were concerns raised by my clients at the hearing held in regard to this matter.

John E. Beverungen
May 8, 2012
Page 2

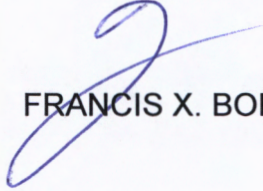
Petitioner asserted at the hearing held in the above-referenced matter and assert herein that under the property's current zoning there is absolutely no authority to hold events at the property which are in essence commercial use of the property. For example, the event held on Friday, April 27, 2012, charged \$150.00 per plate as an entrance fee.

The Petitioner requests a reconsideration of the Administrative Law Judge's Opinion and Order to clarify that events other than allowed under Conditions 5 and 6 of the Opinion and Order are not allowed to be held on the Petitioner's property.

Petitioner feels that this reconsideration is necessary not only because of the event that occurred on Friday, April 27, 2012, as were advertised at the time the hearing was held in this matter but it is also asserted that the Petitioner intends to hold such events in the future.

Thank you for your consideration of this request.

Very truly yours,



FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure

cc: Mr. and Mrs. James H. Barnes, Jr.
Jason T. Vettori, Esquire
Peter Max Zimmerman, Esquire

EXHIBIT A

From: "Northern Baltimore County Art Foundation" <info@nbcaf.com>

To: jhbarnesjr@comcast.net

Sent: Tuesday, March 6, 2012 10:35:29 AM

Subject: Dinner with the Artists at the Monkton Mill

Having trouble viewing this email? [Click here](#)



Northern Baltimore County Art Foundation

Building Community Through Art

Dinner with the Artists

The Northern Baltimore County Art Foundation is very pleased to announce that tickets are now on sale for the annual fundraising dinner called "Dinner with the Artists".

The evening begins at 7 p.m. in the newly restored Monkton Mill (2029 Monkton Road) with cocktails, passed appetizers, and live music. Be sure to enjoy this year's signature cocktail while you walk the three floors of gallery space in search of the painting that inspires you. We will dine alongside the works of art in the historic Monkton Mill, feasting on a multi-course meal featuring the foods of many local farms perfectly paired with a thoughtful selection of wines. Dessert and coffee will close an evening of art, history, and lively conversation.

Make this important fundraiser a special time by inviting your friends to join you at your own private table.

UPCOMING EVENTS

**Apply for the \$2,500
NBCAF Art Scholarship**

Entry deadline April 16,
2012

[Click here to visit our website](#)

**NBCAF Dinner with the
Artists Fundraiser**

Friday, April 27, 2012

Make your reservation today!

[Click here to visit our website](#)

**NBCAF Art Matters
Show**

April 28-29, 2012

Annual fine art and craft
exhibition and sale

[Click here to visit our website](#)

Gunpowder River

Dinner is \$150 per plate and may be tax deductible, as the Northern Baltimore County Art Foundation is a not-for profit organization. All dinner attendees will preview the art show "Art Matters in Maryland" and enjoy an exclusive savings of 20% off their purchases for this evening only. We will make it easy for you to support local artists and help an aspiring student off to college.

All proceeds benefit the Northern Baltimore County Art Foundation and support a scholarship awarded to a Baltimore County student who is pursuing a college degree in the visual arts.

Tickets are limited, so please make your reservation today by sending a check made payable to NBCAF, to 16706 Remare Road, Monkton, MD 21111.

To learn more about NBCAF, visit us on-line at NBCAF.com.

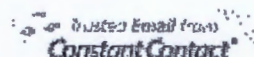
Sincerely,

Tami Satterfield
Northern Baltimore County Art Foundation

Be sure to visit our website at www.nbcaf.com

Forward this email

 **SafeUnsubscribe**


Trusted Email from
Constant Contact
P.O. Box 1000

This email was sent to jhbarnesjr@comcast.net by info@nbcaf.com ;
[Update Profile/Email Address](#) ; Instant removal with [SafeUnsubscribe™](#) [Privacy Policy](#).
NORTHERN BALTIMORE COUNTY ART FOUNDATION ; 1901 MONKTON ROAD ; MONKTON ; MD ; 21111

4/10/12

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

SW side of Monkton Road; 220 feet SE of
the c/l of Monkton Road and Sherwood Road
10th Election District
3rd Councilmanic District
(2019 & 2029 Monkton Road)

Curtis E. Sherrer
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* **Case No. 2012-0183-SPHX**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by Curtis E. Sherrer, the property owner. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and seeks the following relief:

- An amendment to the previously approved relief granted in Case No. 70-0237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop), and a determination as to which is the principal use and which are the accessory uses; and
- A modified parking plan per Section 409.12 of the B.C.Z.R. to confirm the location and configuration of the previously approved parking area; and
- Request to permit a previously approved parking area and existing 25 foot high out-building in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R. and Sections 3112.00 and 3112.2 of the Baltimore County Building Code and Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code; and

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Date 4-10-12

By [Signature]

- For such other and further relief as may be determined necessary by the Administrative Law Judge.

In addition, Petitioner requests Special Exception relief as follows:

- To permit an assortment of accessory uses to one principal use, all of which are to be located in the existing historic structures (with no additional permanent improvements), including but not limited to the existing antique shop (Case No. 70-237-X), a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, pursuant to Sections 1A08.3.B.13 and 502.1 of the B.C.Z.R., a residential art salon and a horticultural nursery, B.C.Z.R. 1A08.3.B.1(d) and 1A08.3.B.9, respectively (with B.C.Z.R. 502.1), as well as accessory uses permitted by right (a farmer's roadside stand and produce stand and a home occupation (B.C.Z.R. 1A08.3.A.7(a) and 1A08.3.A.7(b), respectively); and
- For such other and further relief as may be determined necessary by the Administrative Law Judge.

The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

At the outset of the hearing, counsel for Petitioner indicated that the "home occupation," "residential art salon," and "horticultural nursery" uses were no longer being requested. As such, those aspects of the case will not be considered or discussed.

Appearing at the public hearing in support of the requests were Curtis E. Sherrer and Kenneth J. Wells with kj Wells, Inc., the professional engineer who prepared the site plan. Jason T. Vettori, Esquire, appeared as counsel and represented the Petitioner. Several citizens attended

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By [Signature]

the hearing, including: Doris Barnes, James H. Barnes, Jr., Randy Low, Karen Cimino, Mary Partridge, Mike Pierce, and Ralph Rigger.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Planning dated March 2, 2012, which state:

“The Department of Planning has reviewed the petitioner’s request and accompanying site plan. This department does not oppose the petitioner’s special hearing or special exception request as the proposed use and relief does not appear to be detriment to the health, safety or general welfare of the locality involved.”

Comments were also received from the Department of Environmental Protection and Sustainability (DEPS), dated March 6, 2012, which indicate that the project would be required to comply with the County’s environmental and forest conservation regulations.

Testimony and evidence offered at the hearing revealed that the subject property is comprised of two parcels, totaling approximately 8 acres in the aggregate. The property is zoned RC 7 with an extremely small sliver of RC 4 zoned land at the southern boundary. Petitioner has begun restoration of the historic structures on the premises, and would like to open a boutique winery selling hard ciders and mead.

Petitioner’s Case

Petitioner’s first witness was Kevin Atticks, who is President of the Maryland Winery Association. Mr. Atticks explained that he has been involved with the licensing of 26 wineries in the state, and explained that the operation proposed by the Petitioner would be a very small boutique winery. Mr. Atticks explained that from a zoning standpoint, wineries are a low impact use, and generate a small volume of traffic, perhaps 5 to 10 vehicle trips daily.

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By [Signature]

Curtis Sherrer, the Petitioner, was the next witness to testify. Mr. Sherrer explained that he purchased the property in 2004, at which time it was functioning as an antique shop. Mr. Sherrer explained that the property was at that time in severe disrepair, and that he has invested over \$1.5 million in the house and mill. Mr. Sherrer indicated that he only hoped to use the property to generate modest income, and conceded that he did not know exactly what use he would be making of the property. Mr. Sherrer explained that he has long had an interest in wine making, and in fact has a degree in the field from the University of California Davis. Mr. Sherrer explained that he would be interested in organizing small events on the property, possibly including small weddings and group meetings. He explained that as the winery becomes operational, he will have a better idea of what type of functions he will be able to accommodate. Mr. Sherrer explained that he would in no way support illegal parking by his patrons, and that state law limited the hours of operations for wineries.

The next witness in Petitioner's case was Neil Ruther, an attorney with offices in Towson. Mr. Ruther explained that he lives in the center of Monkton Village, and that he is supportive of Mr. Sherrer's proposal. Mr. Ruther believes that Mr. Sherrer has saved a very important structure, and testified that in his opinion the proposed winery has widespread community support. Mr. Ruther explained that he has in the past had up to 90 people in his home for events, and when he has done so he has engaged a parking service to shuttle visitors from the nearby church. Mr. Ruther explained that nearly a half million people use the NCR trail on an annual basis, and he thinks that creative ideas like the winery are appropriate for an historic village, and that the authorities must use appropriate management tools – such as police enforcement of parking regulations – rather than to forbid outright the activity.

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By [Signature]

The final witness in Petitioner's case was Kenneth Wells, who was qualified as an expert in Baltimore County zoning and development regulations. Mr. Wells explained that the subject property has extremely steep terrain, and also has a floodplain on site. Mr. Wells stated that the parking on site is limited to where it is shown on Petitioner's plan (Exhibit 1), and that it would be physically impossible to park any additional cars on the site.

With regard to the floodplain issue, Mr. Wells indicated that he spoke with Dave Thomas at the Department of Public Works, who indicated that since the parking area is an existing condition (apparently approved in connection with the 1970 antique shop special exception case) no waiver was needed from the floodplain regulations. Mr. Wells indicated that he was familiar with B.C.Z.R. § 502.1 governing special exceptions, and believed that the Petitioner's proposal satisfied each of the factors mentioned in that regulation. In response to questions from Protestant's counsel, Mr. Wells conceded that the parking calculation on Exhibit 1 was based on the anticipated number of winery employees. In addition, he stated that the floodplain on the subject property impacts five of the parking spaces, and he also explained that the floodplain would have been mapped after 1970, when the special exception for the antique shop and parking area was approved.

Protestant's Case

Doris Barnes, an adjacent property owner who moved to Monkton in 2006, indicated that she is opposed to the relief sought by the Petitioner. She believes that the Petitioner has taken a "shotgun approach" and that his lack of details and cavalier attitude raise her level of concern about the proposal. She indicated that the parking would be woefully inadequate, and was also concerned that the winery could generate late night traffic which would destroy the serene rural setting. Ms. Barnes indicated that she did not oppose the winery in concept, but feels that

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By [Signature]

Petitioner's proposals are merely a "pipe dream". Ms. Barnes testified that if the winery was approved, she would like to see limitations as to the hours of operation, type of events hosted on the premises, and the number of people which could attend those events.

The next witness in Protestant's case was Jim Barnes, the husband of Doris Barnes and a former Baltimore County Fire Chief. Mr. Barnes not only echoed his wife's concerns, but also stated that he was concerned with the safety of the neighborhood and occupants in this historic structure. Mr. Barnes explained that his major concerns would be if outdoor events were permitted on the premises, as well as events that could operate well into the evening that could disrupt the peace and quiet of the area.

Thereafter, several nearby residents testified, and each indicated that they were strongly opposed to any late night events at the premises, and were also concerned with parking, traffic and safety issues. Many of the residents also were concerned with Petitioner's testimony, especially the lack of details concerning the proposed operation and events which Mr. Sherrer would anticipate hosting.

Petitioner deserves credit for his efforts to restore the historic mill on the subject premises, and based on his testimony, it is obvious that he has put a great deal of money, time and effort into this project, which is no doubt a "labor of love." At the same time, I am also sympathetic to the concerns and anxiety of the community, who justifiably fear what type of activities may take place on the premises. The Petitioner conceded that he was not a "detail person" and frankly did not know what his operation would look like two years from now. Unfortunately, in zoning and land use matters, the devil is in the details, and I will attempt to provide some clarification on the issues raised at the hearing.

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By [Signature]

Petition for Special Exception

The Petitioner seeks special exception relief under § 502 of the B.C.Z.R., to operate a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on the premises. B.C.Z.R. § 1A08.3.B.13. Under Maryland law, a special exception use is presumed to be a proper use of the property in that zone, and in this case there was no testimony or evidence produced that would rebut that presumption. *People's Counsel v. Loyola College*, 406 Md. 54, 77 n. 23 (2008). Indeed, most of the Protestants testified that they were not opposed to the operation of a winery, but sought certain clarifications and restrictions to ensure that the peaceful and bucolic nature of the area was preserved. Thus, the special exception will be granted for the operation of a winery, subject to the conditions and restrictions set forth below.

As noted above, a special exception was granted in 1970 for the operation of an antique store, and I am of the opinion that relief must be abandoned before the special exception for the winery is granted. Counsel for Petitioner likened the scenario to where used car sales by special exception are permitted at the same site where new cars are also sold by special exception. I think that analogy fails in this setting, because the sale of antiques is in no way akin to the operation of a winery, nor could it be considered as an accessory use to the winery in the same way that used cars are sold at new car dealerships.

Petition for Special Hearing

Petitioner has filed a request for special hearing under Section 500.7 of the B.C.Z.R., seeking approval of a modified parking plan, and waiver under the Baltimore County Code (B.C.C.) to permit the previously approved parking area and outbuilding to be located in a riverine floodplain. With respect to the floodplain waiver, I find that the request is unnecessary,

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Date 4-10-12

By aw

or in the alternative has been rendered moot by the comments of Messrs. Thomas and Kennedy. See Petitioner's Exhibit 24. Both Messrs. Thomas and Kennedy are professional engineers, and together have well over 40 years of experience in handling floodplain issues and the laws and regulations pertaining thereto. In these circumstances, I am not willing to gainsay their opinions, and will therefore not make a finding, one way or the other, concerning the requested floodplain waiver. Both Messrs. Thomas and Kennedy opined that the parking lot was approved long ago in the antique shop special exception case, and that since the Petitioner was not proposing any expansion or modification of the parking lot, that a floodplain waiver was not necessary. In these circumstances, I do not believe that the issue is properly before me, and I will therefore refrain from ruling on the matter.

The parking issue is less clear cut. As noted, Petitioner's plan proposes 24 parking spaces, which was the identical arrangement approved in the 1970 special exception case. The difficulty here arises from two factors: first, the B.C.Z.R. does not specify the requisite number of parking spaces to be provided for a winery operation. Secondly, the Petitioner's testimony concerning his anticipated operation and business model was decidedly vague, which also muddies the analysis.

One thing is clear, and that is that the Petitioner has nowhere else on site to add parking, so the 24 spaces reflected on Exhibit 1 is therefore not subject to change. Given that the operation proposed by the Petitioner would qualify as a small, boutique winery, I do not believe that the 24 parking spaces provided would be inadequate on a day-to-day basis. Indeed, Mr. Atticks testified he would expect no more than 5 to 10 vehicle trips daily. As such, and other than for special events (which will be discussed below), I do not believe that the volume of

ORDER RECEIVED FOR FILING

Date 4-10-12

By AW

business during normal operations would generate more than 24 vehicles arriving at any one time. As such, I believe this aspect of the modified parking plan is uncontroversial.

However, it is at the same time obvious that such parking would be woefully inadequate for larger events and/or gatherings. In fact, the Petitioner estimated that he could host 150 patrons at the site. While it is unclear whether the applicable fire and safety regulations would permit such a gathering, I do not believe that the parking or neighborhood could accommodate such a use. As such, and in the absence of any joint use or shared parking arrangements, I believe that 50 patrons would be the maximum number that could be safely accommodated on site.

At the hearing, Petitioner suggested a wide range of possible gatherings at the site: i.e., small weddings, Trout Unlimited gatherings and community groups and educational presentations. Mr. Atticks indicated his Association "had not taken a position" with regard to whether a winery can properly hold community gatherings such as a meeting of Trout Unlimited. Though I am sure this historical structure would be a desirable venue for such things, I do not believe that weddings or community group meetings can be considered gatherings "associated with the winery," as required by the B.C.Z.R. It would be difficult – if not impossible – to enumerate with precision the exact type and nature of gatherings permitted under the regulations. The pragmatic answer is therefore that they should be the types of events hosted by wineries in this area: i.e., seasonal festivals, music and wine festivals, winemaking lectures and tours, open mic nights and art/wine tasting events.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Special Hearing requests should be granted.

ORDER RECEIVED FOR FILING

Date 4-10-12

By EW

THEREFORE, IT IS ORDERED this 10th day of April, 2012, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking approval of a modified parking plan per Section 409.12 of the B.C.Z.R. to confirm the location and configuration of the previously approved parking area, as shown on Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, pursuant to Sections 1A08.3.B.13 and 502.1 of the B.C.Z.R., be and is hereby GRANTED.

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

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated March 6, 2012, a copy of which is attached hereto and made a part hereof.
3. Abandonment, in writing, of the special exception for the antique shop use granted in Case No. 70-237-X.
4. The parking lot and layout is restricted to the 24 spaces shown on the plan (Exhibit 1). There is to be no parking outside of this designated area.
5. Petitioner is permitted to host on site temporary promotional events such as wine tastings or public gatherings associated with the winery. Any such event must end no later than 10 PM, and the playing of music is limited to daylight hours only.
6. Such promotional events shall also be limited to 50 people per event, although if Petitioner presented evidence of a joint use or shared parking arrangement to safely accommodate off site parking, Petitioner could seek reconsideration or modification of this aspect of the Order.

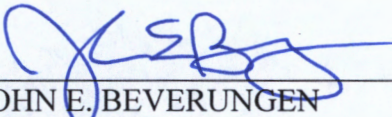
ORDER RECEIVED FOR FILING

Date 4-10-12

By [Signature]

7. The Petitioner shall be limited to two (2) portable toilets (spot-a-pots) on site, which shall be screened from view of Monkton Road by lattice, vegetation or other appropriate material.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 4-10-12

By aw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 10, 2012

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

RE: Petition for Special Hearing and Special Exception
Case No.: 2012-0183-SPHX
Property: 2019 & 2029 Monkton Road

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: James H. Barnes, Jr. and Doris Barnes, 1945 Monkton Road, Monkton, MD 21111
Randy Low, 2114 Monkton Road, Monkton, Maryland 21111
Karen Cimino, 2016 Shepperd Road, Monkton, Maryland 21111
Mary Partridge, 2000 Monkton Road, Monkton, Maryland 21111
Mike Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087
Ralph Rigger, 3318 Hess Road, Monkton, Maryland 21117

Mike Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087
Ralph Rigger, 3318 Hess Road, Monkton, Maryland 21117

LS
3/19/12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 06 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 6, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0183-SPHX
Address 2029 & 2019 Monkton Road
(Sherrer Property)

Zoning Advisory Committee Meeting of February 6, 2012.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). **See additional comments #1.**

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). **See additional comments #1.**

Additional Comments:

Environmental Impact Review Section

1. The submitted plan does not adequately qualify and quantify the resources (streams, wetlands, floodplain or forest) on the two sites. The required compliance with the Forest Conservation regulations and Forest Buffer regulations, referenced above, and the respective variances that may be required, could significantly affect the plan, as shown and as described. – *Thomas Panzarella; Environmental Impact Review*

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Date 4-10-12

By [Signature]

Groundwater Management Section

2. Prior to approval of any new or additional uses for this site, a usage letter must be submitted, the existing failing septic systems must be properly pumped and backfilled or removed, a revised site plan must be submitted for review (which shows the perc tests conducted 6 years ago with Rob Powell of this office), more perc tests may be necessary, and then a determination will be made by DEPS – Groundwater Management as to any future (replacement) septic system(s) to be installed and as to these uses to be permitted on this site. – *Dan Esser; Groundwater Management*

Agricultural Preservation Section

3. Agricultural Preservation does not support this request based on the materials and information submitted. The request if granted could have detrimental impact on the resources on the site and result in degradation of Charles Run that drains into the Gunpowder. The site is nearly entirely wooded, has significant steep slopes and faces in a northerly direction in a low area. None of these characteristics are conducive to the agricultural uses proposed for the site especially a horticultural nursery that can involve the grading of the site for production of container grown plants and storage of landscape materials and landscape equipment. However, the location and the restored building are suitable for the retail and distribution of local agricultural products and for a residential art salon. It is advised that the property owner consider the RCC zone that would permit retail sales of locally produced goods without the requirements of having to produce products on site. One potential issue with the RCC zone, however, maybe a square footage limitations of the zone. – *Wallace Lippincott; Agricultural Preservation*

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Date 4-10-12

By DW



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 2019 & 2029 Monkton Road

which is presently zoned RC4 & RC7

Deed Reference 19243/00041

10 Digit Tax Account # 1 0 0 6 0 2 0 2 4 0

Property Owner(s) Printed Name(s) Curtis and Joann Sherrer

1 7 0 0 0 0 8 4 4 3

CASE NUMBER 2012-0183-SPHX Filing Date 1/31/12 Estimated Posting Date 1/1 Reviewer DT

(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

Please see the attached.

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
- Please see the attached.

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Curtis E. Sherrer

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2019 Monkton Road

Monkton

MD

Mailing Address

City

State

21111

(410) 967-3463

curt@millstonecellars.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason T. Vettori, Smith Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

ATTACHMENT TO PETITION FOR SPECIAL HEARING

2019 & 2029 Monkton Road

(Map 29, Parcels 115 and 249)

10th Election District/3rd Councilmanic District

1. An amendment to the previously approved relief granted in Case No.: 70-0237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; and
2. A modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations (BCZR) to confirm the location and configuration of the previously approved parking area; and
3. Petitioner's request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain, pursuant to Section 500.6 of the BCZR and Sections 3112.00 and 3112.2 of the Baltimore County Building Code; and Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code (BCC); and
4. For such other and further relief as may be determined necessary by the Administrative Law Judge.

2012-0183-SPHX

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

2019 & 2029 Monkton Road

(Map 29, Parcels 115 and 249)

10th Election District/3rd Councilmanic District

1. An assortment of accessory uses to one principal use, all of which are to be located in the existing historic structures (with no additional permanent improvements), including but not limited to the existing antique shop (Case No. 70-237-X), a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, pursuant to §§ 1A08.3.B.13 and 502.1 of the Baltimore County Zoning Regulations (BCZR), a residential art salon and a horticultural nursery, BCZR §§ 1A08.3.B.1(d) and 1A08.3.B.9, respectively (with BCZR § 502.1), as well as accessory uses permitted by right (a farmer's roadside stand and produce stand and a home occupation (BCZR §§ 1A08.3.A.7(a) and 1A08.3.A.7(b), respectively); and
2. For such other and further relief as may be determined necessary by the Administrative Law Judge.

2012-0183-SPHX

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

December 9, 2011

Zoning Description 2019 and 2029 Monkton Road Baltimore County Maryland 10th Election District 3rd Councilmanic District

Parcel 1 (2019 Monkton Road)

Beginning for the same at a point located on the southwest side of Monkton Road (60 feet wide) and is approximately 220 feet southeast from the intersection formed by the centerline of Monkton Road and Sherwood Road; thence the following courses and distances:

- 1) South 30 degrees 47 minutes 54 seconds East 87.58 feet;
- 2) With a line curving to the left having a radius of 303.00 feet and an arc length of 83.89 feet;
- 3) North 43 degrees 16 minutes 50 East 16.00 feet;
- 4) With a line curving to the left having a radius of 287.00 feet and an arc length of 67.31 feet;
- 5) South 56 degrees 18 minutes 29 seconds West 39.48 feet;
- 6) South 25 degrees 14 minutes 31 seconds East 160.70 feet;
- 7) North 71 degrees 28 minutes 29 seconds East 97.50 feet;
- 8) South 87 degrees 21 minutes 31 seconds East 151.30 feet;
- 9) South 9 degrees 31 minutes 31 seconds East 274.41 feet;
- 10) South 86 degrees 32 minutes 29 seconds West 351.69 feet;
- 11) South 71 degrees 58 minutes 29 seconds West 70.73 feet;
- 12) South 49 degrees 32 minutes 29 seconds West 201.22 feet;
- 13) North 11 degrees 18 minutes 31 seconds West 350.83 feet;
- 14) North 85 degrees 12 minutes 31 seconds West 118.55 feet;
- 15) North 29 degrees 23 minutes 29 seconds East 100.00 feet;
- 16) North 36 degrees 27 minutes 59 seconds East 52.41 feet;
- 17) North 42 degrees 59 minutes 59 seconds East 130.80 feet;
- 18) North 27 degrees 02 minutes 29 seconds East 136.61 feet;
- 19) North 35 degrees 38 minutes 59 seconds East 69.09 feet to the place of beginning.

Containing 6.031 acres of land more or less.

Parcel 2 (2029 Monkton Road)

Beginning for the same at a point located on the southwest side of Monkton Road (60 feet wide) and is approximately 380 feet southeast from the intersection formed by the centerline of Monkton Road and Sherwood Road; thence the following courses and distances:

- 1) With a line curving to the left having a radius of 287.00 feet and an arc length of 82.23 feet;
- 2) South 13 degrees 41 minutes 04 seconds West 16.00 feet;
- 3) With a line curving to the left having a radius of 303.00 feet and an arc length of 54.72 feet;
- 4) South 86 degrees 50 minutes 58 seconds East 135.79 feet;
- 5) North 4 degrees 10 minutes 56 seconds East 30.49 feet;
- 6) South 86 degrees 20 minutes 01 seconds East 132.25 feet;
- 7) South 84 degrees 28 minutes 01 seconds East 102.96 feet;
- 8) South 75 degrees 45 minutes 31 seconds East 172.58 feet;
- 9) South 74 degrees 22 minutes 31 seconds East 70.00 feet;
- 10) South 11 degrees 06 minutes 29 seconds West 66.20 feet;
- 11) North 85 degrees 49 minutes 31 seconds West 442.00 feet;
- 12) North 87 degrees 21 minutes 31 seconds West 151.30 feet;
- 13) South 71 degrees 28 minutes 29 seconds West 97.50 feet;
- 14) North 25 degrees 14 minutes 31 seconds East 160.70 feet;
- 15) North 56 degrees 18 minutes 29 seconds East 39.48 feet to the place of beginning.

Containing 1.695 acres of land more or less.

Both parcels are described in a Deed recorded in Liber 19243 folio 041.



CERTIFICATE OF POSTING

Date: 3-18-12

RE: Case Number: 2012-0183 SPHX

Petitioner/Developer: Curtis Sherrer

Date of Hearing/Closing: April 2, 2012 10AM

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 2019 + 2029 Monkton Rd

The signs(s) were posted on 3/17/12
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

CASE # 2012-0183-SPHX

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

PLACE: 105W. CHELSEA PEAK AVE. TOWER JEFFERSON BUILDING-RM205

DATE AND TIME: MON. APR 2, 2012 11AM
REQUEST: SPECIAL - HELPING FOR AN AMBULANCE

REQUEST:

[illegible]

WEATHER-RESISTANT DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFINED WEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF WEARING
HANDICAPPED

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: # 2012-0183-SPHX

2019 & 2029 Monkton Road

SW/side of Monkton Road, 220 feet s/east of centerline of Monkton Road and Sherwood Road

10th Election District - 3rd Councilmanic District

Legal Owner(s): Curtis Sherrer

Special Hearing: for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. Special Exception: for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ).

Hearing: Monday, March 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
3/029 March 1 298390

CERTIFICATE OF PUBLICATION

3/1/, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/1/, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

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: # 2012-0183-SPHX

2019 & 2029 Monkton Road

SW/side of Monkton Road, 220 feet s/east of centerline

of Monkton Road and Sherwood Road

10th Election District - 3rd Councilmanic District

Legal Owner(s): Curtis Sherrer

Special Hearing: for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. **Special Exception:** for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ.

Hearing: Monday, April 2, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
3/226 March 15 299236

CERTIFICATE OF PUBLICATION

3/15/ 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/15/ 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

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

No. **78962**

Date: **1/31/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 2/02/2012 1/31/2012 14:25:36 2

REG WSO2 MAIL JEVA JEE
 >>> RECEIPT # 767821 1/31/2012 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				835. ⁰⁰

Dept 5 528 ZONING VERIFICATION
 CR NO. 078962

Recpt Tot \$835.00
 \$835.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **835.⁰⁰**

Rec From: **CURTIS SHERRER**

For: **2012-0183-SPHX**
2019+2029 MONKTON RD.

D. THOMPSON

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 2012-0183-SPHX

Petitioner: SHERRER

Address or Location: 2019+2029 MONKTON RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. CURTIS E. SHERRER

Address: 2019 MONKTON RD.

MONKTON, MD 21111

Telephone Number: 410-967-3463

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 1, 2012 Issue - Jeffersonian

Please forward billing to:
Curtis Sherrer
2019 Monkton Road
Monkton, MD 21111

410-967-3463

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: 2012-0183-SPHX

2019 & 2029 Monkton Road

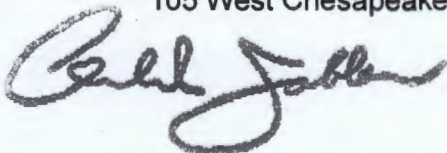
SW/side of Monkton Road, 220 feet s/east of centerline of Monkton Road and Sherwood Road

10th Election District – 3rd Councilmanic District

Legal Owners: Curtis Sherrer

Special Hearing for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. Special Exception for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ.

Hearing: Monday, March 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive
November 22, 2011

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

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0183-SPHX

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SW/side of Monkton Road, 220 feet s/east of centerline of Monkton Road and Sherwood Road

10th Election District – 3rd Councilmanic District

Legal Owners: Curtis Sherrer

Special Hearing for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. Special Exception for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ.

Hearing: Monday, March 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Curtis Sherrer, 2019 Monkton Road, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 3, 2012.**
- (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.**

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

SMITH, GILDEA & SCHMIDT LLC

3/2/12
8/10
KM
OK

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD



LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

February 28, 2012

Mr. Arnold Jablon
Department of Permits, Approvals and Inspections
Director
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Millstone Cellars, LLC/Monkton Road
Property Address: 2019 & 2029 Monkton Road
Legal Owner: Curtis Scherrer
Case No. 2012-0183-SPHX
Request for Postponement

Dear Director Jablon:

Please accept this written request for postponement of the hearing in the above referenced matter pursuant to Rule 4.G of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County. The petitioner/property owner, Curtis Scherrer, will out of town on the scheduled hearing date, Monday, March 19, 2012 at 1:30 p.m. A copy of the Notice of Zoning Hearing is attached hereto for your convenience. Mr. Scherrer will be available any date after March 22, 2012. Thank you for your assistance in this most important matter. Please feel free to contact the undersigned with any comments, questions or concerns.

Very truly yours,

Jason T. Vettori

JTV: sf
Enclosure

CC: Lawrence Stahl, Administrative Law Judge for Baltimore County
Kristin Lewis, Department of Permits, Approvals and Inspections
Curtis Scherrer, Millstone Cellars, LLC
Ken Wells, kjWells, Inc.
Lawrence E. Schmidt, Esquire

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 15, 2012 Issue - Jeffersonian

Please forward billing to:
Curtis Sherrer
2019 Monkton Road
Monkton, MD 21111

410-967-3463

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: 2012-0183-SPHX

2019 & 2029 Monkton Road

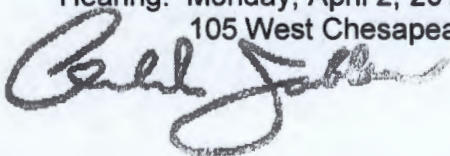
SW/side of Monkton Road, 220 feet s/east of centerline of Monkton Road and Sherwood Road

10th Election District – 3rd Councilmanic District

Legal Owners: Curtis Sherrer

Special Hearing for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. Special Exception for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ.

Hearing: Monday, April 2, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive
March 7, 2012

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

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0183-SPHX

2019 & 2029 Monkton Road

SW/side of Monkton Road, 220 feet s/east of centerline of Monkton Road and Sherwood Road

10th Election District – 3rd Councilmanic District

Legal Owners: Curtis Sherrer

Special Hearing for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. Special Exception for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ.

Hearing: Monday, April 2, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Curtis Sherrer, 2019 Monkton Road, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 17, 2012.**
(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**

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

March 20, 2012

Curtis E Sherrer
2019 Monkton Road
Monkton MD 21111

RE: Case Number: 2012-0183SPHX, Address 2019 & 2029 Monkton Road, 21111

Dear Mr. Sherrer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 31, 2012. 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason T Vittori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-6-12

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

RE: Baltimore County
Item No 2012-0183-SPHX
Special Exception Special Hearing
Curtis E. Sherrer
2029 2019 Monkton Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. 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 Item No. 2012-0183-SPHX

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 06 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 6, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0183-SPHX
Address 2029 & 2019 Monkton Road
(Sherrer Property)

Zoning Advisory Committee Meeting of February 6, 2012.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). **See additional comments #1.**

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). **See additional comments #1.**

Additional Comments:

Environmental Impact Review Section

1. The submitted plan does not adequately qualify and quantify the resources (streams, wetlands, floodplain or forest) on the two sites. The required compliance with the Forest Conservation regulations and Forest Buffer regulations, referenced above, and the respective variances that may be required, could significantly affect the plan, as shown and as described. – *Thomas Panzarella; Environmental Impact Review*

Groundwater Management Section

2. Prior to approval of any new or additional uses for this site, a usage letter must be submitted, the existing failing septic systems must be properly pumped and backfilled or removed, a revised site plan must be submitted for review (which shows the perc tests conducted 6 years ago with Rob Powell of this office), more perc tests may be necessary, and then a determination will be made by DEPS – Groundwater Management as to any future (replacement) septic system(s) to be installed and as to these uses to be permitted on this site. – *Dan Esser; Groundwater Management*

Agricultural Preservation Section

3. Agricultural Preservation does not support this request based on the materials and information submitted. The request if granted could have detrimental impact on the resources on the site and result in degradation of Charles Run that drains into the Gunpowder. The site is nearly entirely wooded, has significant steep slopes and faces in a northerly direction in a low area. None of these characteristics are conducive to the agricultural uses proposed for the site especially a horticultural nursery that can involve the grading of the site for production of container grown plants and storage of landscape materials and landscape equipment. However, the location and the restored building are suitable for the retail and distribution of local agricultural products and for a residential art salon. It is advised that the property owner consider the RCC zone that would permit retail sales of locally produced goods without the requirements of having to produce products on site. One potential issue with the RCC zone, however, maybe a square footage limitations of the zone. – *Wallace Lippincott; Agricultural Preservation*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 2, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2019 & 2029 Monkton Road
INFORMATION:

RECEIVED

MAR 05 2012

Item Number: 12-183

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Curtis E. Sherrer

Zoning: RC 4 & RC 7

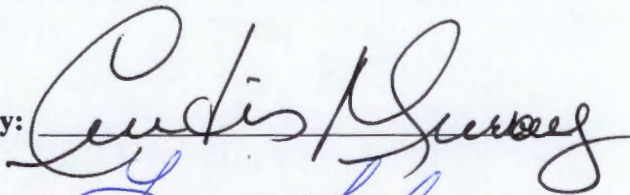
Requested Action: Special Hearing and Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's special hearing or special exception request as the proposed use and relief does not appear to be detrimental to the health, safety or general welfare of the locality involved.

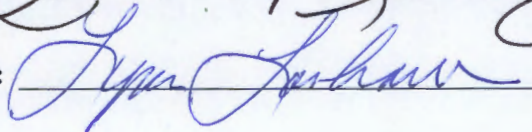
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 7, 2012

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2012
Item Nos. 2012-178,179,180,181,182,
And 183

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02202012-NO COMMENTS.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION * OF ADMINISTRATIVE
2019 & 2029 Monkton Rd; S/W of Monkton Rd*
220' SE of c/line of Monkton & Sherwood Rds
10th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Curtis E. Sherrer * BALTIMORE COUNTY
Petitioner(s) *
* 2012-183-SPHX

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

FEB 14 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2012, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Jason Vettori

From: Dennis Kennedy <DKennedy@baltimorecountymd.gov>
Sent: Friday, February 24, 2012 9:41 AM
To: David Thomas; Jason Vettori
Subject: Re: Case No. 2012-0183-SPHX

TimeMattersID: M961EA01C1A8F513
TM Contact: Millstone Cellars, LLC
TM Contact No: 1391
TM Matter No: 1391-001
TM Matter Reference: Millstone Cellars, LLC - 2019 & 2029 Monkton Road

Dave and Jason:
I had already sent a "No Comment" for this item.
Dennis

>>> David Thomas 2/23/2012 3:53 PM >>>
Jason,

Yes, this is my understanding of what we discussed.

I've attached a map of the site from GIS for Dennis' reference.

Dave Thomas

David L. Thomas
Baltimore County DPW
(410) 887-3984 >>> Jason Vettori <jvettori@sgs-law.com> 2/23/2012 2:29 PM >>>
Dave,

In follow up to our meeting on Tuesday of this week, I believe you indicated that our request for a waiver of the floodplain regulations was moot because of the preexisting nature of the parking lot and accessory structure. As indicated in the decision in Zoning Case No. 70-237-X and accompanying plan these conditions were in place before 1970. As further reflected in our Petition for Zoning Hearing requesting special hearing relief we are proposing that no paving or striping of spaces in the parking lot or expansion of the accessory structure are being proposed. As such, I believe we agreed that the relief requested was unnecessary or moot. As such, you indicated that you would likely not be submitting a comment (i.e. a waiver recommendation or some other formal comment) to DPR (Dennis Kennedy). In order to avoid any confusion or misinterpretation, please confirm that this is your understanding of our meeting. Thanks.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Jason Vettori
Sent: Friday, February 10, 2012 1:20 PM
To: 'David Thomas'
Subject: RE: FW: Sherrér Prop.

Dave,

I am certainly aware of that prohibition. Nevertheless, the zoning history for the site shows a 1970 special exception (Case No. 70-237-X) to permit an antique shop. The 1970 plan clearly shows the parking lot and the accessory structure as indicated on the instant plan. As such, would that still fall under the prohibition? Can a comment be fashioned as saying so long as the parking lot and accessory structure shown in the 1970 plan are not further improved (i.e. no improvements to the accessory structure other than maintenance and no paving, addition of durable and dustless surface, grading, etc. to the illustrated but not constructed parking lot). Stated another way, is there a way to indicate that a review of the zoning and development history indicates that what is shown on the plan are existing conditions and therefore so long as no activity constituting "development" or other prohibited activity takes place in the floodplain, what is being proposed (utilization of the existing accessory structure and utilization of the area delineated as a parking lot in its existing condition are permitted) does not necessitate a waiver of the floodplain regulations?

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
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From: David Thomas [<mailto:dthomas@baltimorecountymd.gov>]
Sent: Friday, February 10, 2012 1:04 PM
To: Jason Vettori
Subject: Re: FW: Sherrer Prop.

Jason,

You're right. I was concentrating on the existing building to be rehabbed. Section 32.4.414 prohibits development in the riverine floodplain, as you know, so what do we do? Can the site be reconfigured? Let me know before I have to write comments.

And thanks for the case no - I just got your other e-mail.

Dave

>>> Jason Vettori <jvettori@sgs-law.com> 2/10/2012 12:56 PM >>>
Dave,

From my review of the floodplain maps you sent to me the accessory structure east of the parking lot appears to be smack dab in the middle of the floodplain.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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From: Jason Vettori
Sent: Tuesday, January 31, 2012 5:13 PM
To: 'David Thomas'
Subject: FW: Sherrer Prop.

Dave,

The plan showing the floodplain we discussed is attached hereto for your review. I'd be happy to bring a large plan over as well if that would help. Thanks.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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From: Ken Wells [<mailto:kwells@kjwellsinc.com>]
Sent: Tuesday, January 31, 2012 3:56 PM
To: Jason Vettori
Subject: Sherrer Prop.

Attached PDF zoning plan.

kjWellsInc
Land Surveyors & Site Planners
7403 New Cut Road
Kingsville, Maryland 21087
Ph: 410.592.8800
Fax: Call prior to transmission

John Beverungen - Case No. 2012-0183-SPHX

From: Jason Vettori <jvettori@sgs-law.com>
To: "jbeverungen@baltimorecountymd.gov" <jbeverungen@baltimorecountymd.gov>
Date: 05/25/12 2:48 PM
Subject: Case No. 2012-0183-SPHX
CC: "Francis X. Borgerding, Jr." <borgerdinglaw@aol.com>

Judge Beverungen,

In follow up to my phone call to your office today, I am writing to notify you that I will be filing a response to the motion for reconsideration filed by Mr. Borgerding. As indicated in Rule K, you have 30 days from the date which the motion is accepted to rule on the motion. While I did receive Mr. Borgerding's letter dated May 8, 2012, I did not receive any indication when the OAH accepted the motion. Therefore, I wanted to notify you that I will file a response on behalf of the petitioner no later than June 5, 2012, the date of a corresponding code enforcement hearing relating to the event at issue in the motion. Thank you for your consideration of this most important matter. Have a wonderful Memorial Day weekend!

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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Patricia Zook - Fwd: Response to Motion for Reconsideration Case No. 2012-0183-SPHX (Code Enforcement Citation No. 109192)

From: John Beverungen
To: Debra Wiley; Patricia Zook
Date: 6/1/2012 9:56 AM
Subject: Fwd: Response to Motion for Reconsideration Case No. 2012-0183-SPHX (Code Enforcement Citation No. 109192)
Attachments: Cover Ltr re_ Petitioner's Response to Motion for Reconsideration.PDF; Response to Motion for Reconsideration.PDF; Section 2-205 Manufacturer's Licenses; Class 4, Limited Wineries.PDF; Ltr to Curt Sherrer from Kevin Atticks.PDF; Application For NonProfit Gathering Permit.PDF; Section 21-9-104 Nonprofit Gathering.PDF; Code Enforcement & Inspections Citation.PDF

Didn't we already send out a letter order on this denying the motion to reconsider?? In any event, can you please put these attachments in the zoning file, which I assume we still have.

Thanks, John.

>>> Jason Vettori <jvettori@sgs-law.com> 05/31/12 5:39 PM >>>
Judge Beverungen:

Attached is a cover letter, a Response to Motion for Reconsideration and the exhibits thereto in sequential order.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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3-19-12
1:30
Rm. 205

Debra Wiley - ZAC Comments - Distribution Mtg. of 2/6/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 2/6/2012 11:55 AM
Subject: ZAC Comments - Distribution Mtg. of 2/6/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0178-SPHA - 2301 York Road
(No hearing date per database 2/6/12)

2012-0179-SPH - 1127 Engleberth Road - **CBCA / Floodplain**
(No hearing date per database 2/6/12)

2012-0180-A - 6408 Baltimore National Pike
(No hearing date per database 2/6/12)

2012-0181-A - 4030 Chestnut Road - **CBCA**
(Administrative Variance - Closing Date: 2/27/12)

2012-0182-A - 100 Grist Stone Way
(Administrative Variance - Closing Date: 2/27/12)

2012-0183-SPHX - 2029 2019 Monkton Road
(No hearing date per database 2/6/12)

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

M E M O R A N D U M

DATE: May 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0183-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on May 10, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Permits, Approvals, and Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3391

CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER 109192	PROPERTY TAX ID 1700008443	ZONE R07
-----------------------	-------------------------------	-------------

Related Citations: _____, _____, _____

Owner	Occupant	Other
NAME(S): SHEPHERD CURTIS E.		
SHEPHERD JOHN D		
MAILING ADDRESS: 2019 MOUNTAIN RD		
CITY MOUNTAIN	STATE MD	ZIP CODE 21111
VIOLATION ADDRESS: 2029 MOUNTAIN RD		
CITY MOUNTAIN	STATE MARYLAND	ZIP CODE 21111
VIOLATION DATES: 5-2-12		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC 22-3-102; 500.9 BCPM; BCCR 1A08
BCCR

PROPERTY BEING USED IN
VIOLATION OF THE CURRENT
SPECIAL EXCEPTION OF 4-10-12
EVENTS BEING HELD THAT WERE NOT
BUT NOT IN CONJUNCTION WITH THE
HOLIDAY

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty
has been assessed, as a result of the violation(s) cited herein, in the
amount indicated:

\$ 200

A quasi-judicial hearing has been pre-scheduled in room 116,
111 W. Chesapeake Ave, Towson, Maryland, 21204

DATE: 5/30/12
6/05/2012
TIME: 7 A.M. / 1 P.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT
HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A
NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE
DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are
true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: Paul P. P. P.

INSPECTOR SIGNATURE: _____ Date: 5/15/12



May 14, 2012

Mr. Curt Sherrer

Hi Curt,

Thank you for your membership as an associate member in MWA.

According to the TTB's records, you have not received your Basic Wine Permit and have not commenced operation as a winery. After zoning approval, obtaining a TTB Basic Wine Permit is the next step to becoming a winery in Maryland. The final step is to be licensed by the Comptroller of Maryland as a Class 4 Limited Winery.

Once you are licensed to operate as a winery, your membership changes to "winery member," affording a representative from your winery a seat on our board of directors.

In the meantime, I am available to assist in your licensing process. Please let me know if you have any questions about the licensing process. Best of luck and please let me know once you submit your applications so I can follow-up with both agencies to ensure timely processing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Atticks".

Kevin M. Atticks
Executive Director
Maryland Wineries Association

MARYLAND WINERIES ASSOCIATION

Representing Maryland's Wine Industry Since 1984

1940 Greenspring Drive • Suite E • Timonium, MD 21093 • 410.252.1111 • 246.525.7428 fax • www.MarylandWine.com

Westlaw.

MD Code, Art. 2B, § 2-205

Page 1

West's Annotated Code of Maryland Currentness
Article 1 to Article 9

Article 2B. Alcoholic Beverages (Refs & Annos)

■ Title 2. Manufacturer's and Wholesaler's Licenses

■ Subtitle 2. Manufacturer's Licenses

→→ § 2-205. Manufacturer's licenses; Class 4, limited wineries

Pomace brandy

(a) In this section, "pomace brandy" means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

Class 4 limited winery license

(b)(1) There is a Class 4 limited winery license.

(2) A Class 4 limited winery license allows the licensee to:

(i) Subject to paragraph (3) of this subsection, from available Maryland agricultural products:

1. Ferment and bottle wine; and
2. Distill and bottle pomace brandy; and

(ii) Sell and deliver the wine and pomace brandy to a wholesale licensee or permit holder in this State or a person outside of this State that is authorized to acquire the wine and pomace brandy.

(3)(i) On or before January 31 of each year, the Maryland Department of Agriculture shall determine if an insufficient supply of Maryland agricultural products exists.

(ii) If an insufficient supply is determined to exist, a licensee may use agricultural products from outside the State to manufacture wine and pomace brandy.

(4) Except as provided in § 2-301 of this title, a licensee need not obtain any other license to possess, manu-

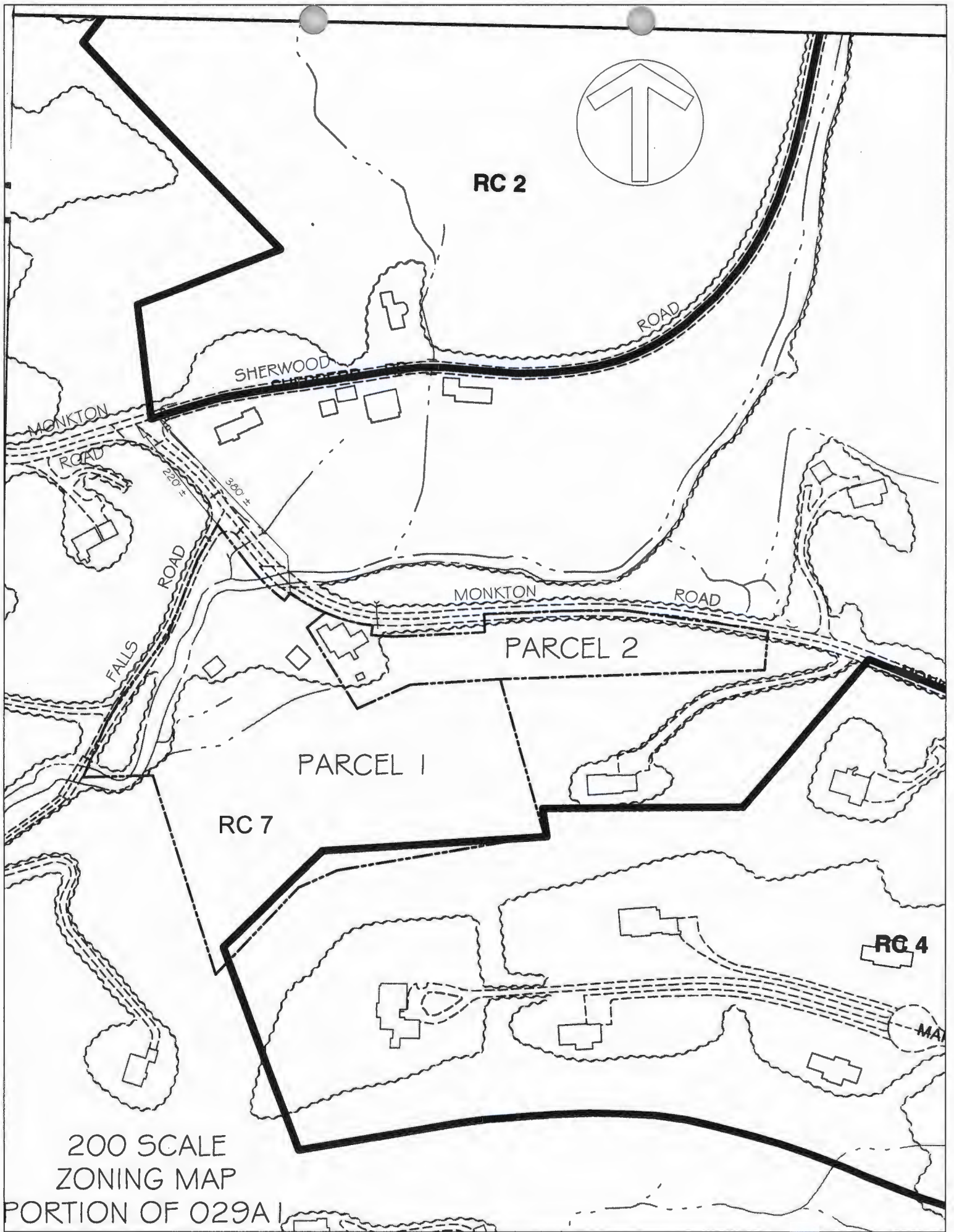
© 2012 Thomson Reuters. No Claim to Orig. US Gov. Works.

CASE NAME 2019 Franklin Rd.
CASE NUMBER 2012-0183-SPHX
DATE 4-2-12

[illegible]

CASE NAME 2019 Montford.
CASE NUMBER 2012-183-SFX
DATE 4-2-12

[illegible]



200 SCALE
ZONING MAP
PORTION OF 029A1

2012-0183-SPHX

JB 4-2
10am

Case No.: 2012-0183-SPHX

Exhibit Sheet

Petitioner/Developer

Protestants

5/11/12 R
A-10-12

No. 1	Red lined Site Plan	Advertisement for NB/AF Events
No. 2	2009-276-SPHX	Photos 2A 2A - 2D
No. 3 A+B	Publication + Posting Zoning Notice	Photos 3A - 3G
No. 4	Photo of Zoning Notice	Photos 4A-4C 4A-4C
No. 5	Letter to Neighbors	Photos 5A-5D
No. 6	Petition of Support from neighbors	
No. 7	Photo outside of Mill	
No. 8	Photo - showing Barnes' house.	
No. 9	Photo from 1906 showing the Mill	
No. 10	Photo of Mill	
No. 11	Photo of Mill yesterday	
No. 12	Photo - environs.	

From: "Northern Baltimore County Art Foundation" <info@nbcaf.com>

To: jhbarnesjr@comcast.net

Sent: Tuesday, March 6, 2012 10:35:29 AM

Subject: Dinner with the Artists at the Monkton Mill

Having trouble viewing this email? [Click here](#)



Northern Baltimore County Art Foundation

Building Community Through Art

Dinner with the Artists

The Northern Baltimore County Art Foundation is very pleased to announce that tickets are now on sale for the annual fundraising dinner called "Dinner with the Artists".

The evening begins at 7 p.m. in the newly restored Monkton Mill (2029 Monkton Road) with cocktails, passed appetizers, and live music. Be sure to enjoy this year's signature cocktail while you walk the three floors of gallery space in search of the painting that inspires you. We will dine alongside the works of art in the historic Monkton Mill, feasting on a multi-course meal featuring the foods of many local farms perfectly paired with a thoughtful selection of wines. Dessert and coffee will close an evening of art, history, and lively conversation.

Make this important fundraiser a special time by inviting your friends to join you at your own private table.

UPCOMING EVENTS

**Apply for the \$2,500
NBCAF Art Scholarship**

Entry deadline April 16,
2012

[Click here to visit our website](#)

**NBCAF Dinner with the
Artists Fundraiser**

Friday, April 27, 2012

Make your reservation today!

[Click here to visit our website](#)

**NBCAF Art Matters
Show**

April 28-29, 2012

Annual fine art and craft
exhibition and sale

[Click here to visit our website](#)

Gunpowder River

Prot Ex 2a



Prot Ex 2b





Prot Ex 2c

Prot Ex 2d



Prot Ex 3a





Prot Ex 36



Prot Ex 3c



Prot Ex 3d



Prot Ex 3e 3E





Prot Ex 39

3-6

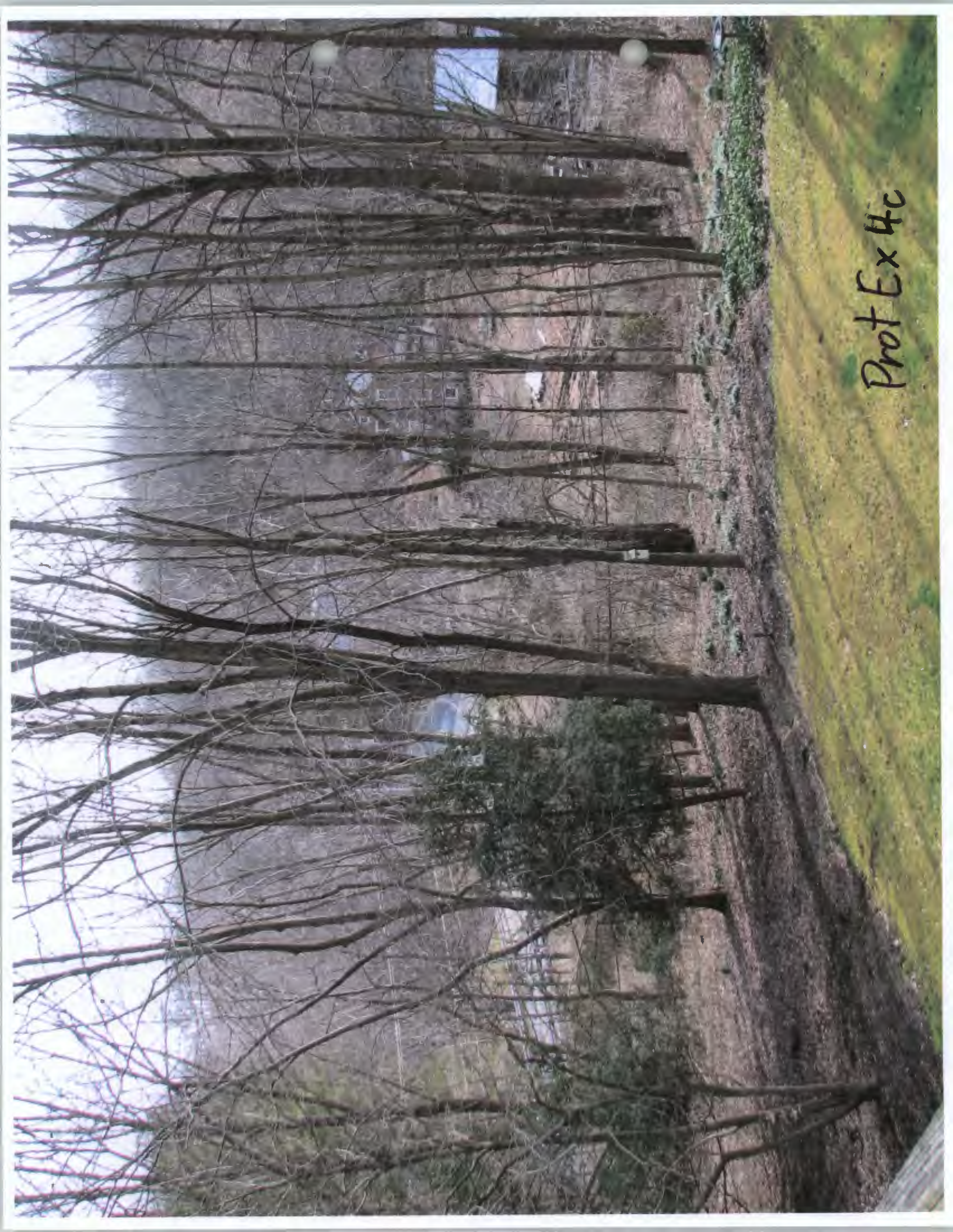
Prot Ex 4a



Prot Ex 4b



Prot Ex 4c





Prot Ex 59

Prot Ex 56



Prot Exbc



Prot Ex 5d



JB 4-2
10AM

Case No.: 2012-0183-SPHX

Exhibit Sheet

July 2
DW 4-10-12

Petitioner/Developer

Protestants

No. 1	Red lined Site Plan	Advertisement for NBLAF Events
No. 2	2009-276-SPHX	Photos 2A 2A - 2D
No. 3 A+B	Publication + Posting Zoning Notice	Photos 3A - 3G
No. 4	Photo of Zoning Notice	Photos 3A-3G 4A-4C
No. 5	Letter to Neighbors	Photos 5A-5D
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No. 9	Photo from 1906 showing the Mill	
No. 10	Photo of Mill	
No. 11	Photo of Mill yesterday	
No. 12	Photo - environs.	

13	Photo - Mill on Road
14	Photo of Dwelling
15	My Zoning - aerial photo
16	Photo - Markton Hotel
17	Photo - parking near Markton Hotel
18	Photo - parking near train station
19	Photo - NCR trail
20	Letter from Arts Foundation (NBCAF)
21	Photo - overhead My Neighborhood Map.
22	SX ruling 1970 Antique Shop 70-237
23	Plan submitted with 1970 SX Case 70-237
24	Dennis Kennedy E-mail
25	ZAC Comments

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

N/Side of Hydes Road, 2,000' E of *
Elder Road *
(5300 Hydes Road) *

11th Election District *
3rd Council District *

John Wilkerson, Trustee of the John K. *
Wilkerson Revocable Trust *

Petitioner *

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

Case No. 2009-0276-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by John K. Wilkerson, Trustee of the John K. Wilkerson Revocable Trust, legal owner, through his attorney, Lawrence E. Schmidt, Esquire. The Petitioner requests a Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modified parking plan as provided for in Section 409.12B of the B.C.Z.R and allow parking on an unpaved surface without striping in lieu of the requirements set forth in Sections 409.8A.2 and 409.8A.6¹. In addition, special exception relief is requested pursuant to B.C.Z.R. Section 502.1 and Section 1A01.2.C.29(h) to permit a winery on the subject property, including accessory retail and wholesale distribution of wine produced on the premises, and including temporary promotional events, such as wine tasting and public gatherings associated with the winery. The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioner's Exhibit 1.

¹ Section 409.8A.2 requires a durable and dustless parking surface and Section 409.8A.6 requires that all parking spaces be striped and that such striping be maintained so as to remain visible.

PETITIONER' S

EXHIBIT NO.

2



PO BOX 1377
BALTIMORE, MD 21203-1377

Advertising: 410-332-6132 or 410-332-6157
Billing: 410-332-6337

LEGAL ADVERTISING INVOICE

ACCOUNT NO. 66376
REF # 44819

INVOICE NO. 299236
INVOICE DATE 3/14/12

CURTIS SHERRER
2019 MONKTON ROAD
MONKTON, MD 21111

Columbia Flier
Howard County Times
Laurel Leader
Arbutus Times
Catonsville Times
Owings Mill Times
Towson Times
Northeast Booster/Reporter
Baltimore Messenger
Jeffersonian
North County News
The Aegis
The Record
APG News
The Baltimore Sun

#2012-0183-SPHX 2019/2029MontktonRd

<u>START DATE</u>	<u>STOP DATE</u>	<u>DESCRIPTION</u>	<u>TIMES</u>	<u>AGATE LINES</u>	<u>Amount</u>
3/15/2012	3/15/2012	NOTICE OF ZONING HEARING The Admini strative Law Judge of Baltimore County , by authority of the Zoning Act and Regulations of Baltimore County will h	1	128	148.48



PETITIONER'S

EXHIBIT NO. 3A

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: # 2012-0183-SPHX

2019 & 2029 Monkton Road

SW/side of Monkton Road, 220 feet s/east of centerline of Monkton Road and Sherwood Road

10th Election District - 3rd Councilmanic District

Legal Owner(s): Curtis Sherrer

Special Hearing: for an amendment to the previously approved relief granted in 70-237-X to permit additional uses in the existing historic structures (winery as an agricultural support use, farmer's roadside stand and produce stand, home occupation, residential art salon and horticultural nursery incidental to the principal use, an antique shop) and a determination as to which is the principal use and which are the accessory uses; a modified parking plan to confirm the location and configuration of the previously approved parking area; request to permit previously approved parking area and existing 25 foot high out building in a riverine floodplain; and for such other and further relief as may be determined by the Administrative Law Judge. **Special Exception:** for an assortment of accessory uses to one principal use, all of which are to be located in the historic structures (with no additional permanent improvements), including but not limited to the existing antique shop, a winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises, a residential art salon and a horticulture nursery, respectively, as well as accessory uses permitted by right (a farmer's roadside stand and a home occupation respectively; for such other and further relief as may be determined necessary by the ALJ.

Hearing: Monday, April 2, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
3/226 March 15 299236

CERTIFICATE OF PUBLICATION

3/15/, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/15/, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

PETITIONER'S

EXHIBIT NO.

3B

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 2012-D183-SPHX

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

JEFFERSON BUILDING-RM205

PLACE: 105W. CHESAPEAKE AVE., TOWSON 21204

DATE AND TIME: MON. APR. 2, 2012 10AM

REQUEST:

SPECIAL HEARING FOR AN AMENDMENT TO THE PREVIOUSLY APPROVED RELIEF GRANTED IN 70-237-X TO PERMIT ADDITIONAL USES IN THE EXISTING HISTORIC STRUCTURES (WINERY AS AN AGRICULTURAL SUPPORT USE, FARMER'S ROADSIDE STAND AND PRODUCE STAND, HOME OCCUPATION, RESIDENTIAL ART SALON AND HORTICULTURAL NURSERY INCIDENTAL TO THE PRINCIPAL USE, AN ANTIQUE SHOP) AND A DETERMINATION AS TO WHICH IS THE PRINCIPAL USE AND WHICH ARE THE ACCESSORY USES; A MODIFIED PARKING PLAN TO CONFIRM THE LOCATION AND CONFIGURATION OF THE PREVIOUSLY APPROVED PARKING AREA; REQUEST TO PERMIT PREVIOUSLY APPROVED PARKING AREA AND EXISTING 25 FOOT HIGH OUT BUILDING IN A RIVERINE FLOODPLAIN; AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED BY THE ADMINISTRATIVE LAW JUDGE. SPECIAL EXCEPTION FOR AN ASSORTMENT OF ACCESSORY USES TO ONE PRINCIPAL USE, ALL OF WHICH ARE TO BE LOCATED IN THE HISTORIC STRUCTURES (WITH NO ADDITIONAL PERMANENT IMPROVEMENTS), INCLUDING BUT NOT LIMITED TO THE EXISTING ANTIQUE SHOP, A WINERY AS AN AGRICULTURAL SUPPORT USE, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON PREMISES, A RESIDENTIAL ART SALON AND A HORTICULTURE NURSERY, RESPECTIVELY, AS WELL AS ACCESSORY USES PERMITTED BY RIGHT (A FARMER'S ROADSIDE STAND AND A HOME OCCUPATION RESPECTIVELY, FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ALJ.

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

PETITIONER'S

EXHIBIT NO. 4

Curtis Sherrer
Monkton Mill
410-967-3463

Dear Neighbor(s),

Up until 2004, Monkton Mill functioned as an antique shop. We then purchased the Mill to provide the necessary and extensive rehabilitations. This coming Spring, the Mill will be reopening, as an antique shop and, with the County's permission by a Special Exception, as an artisan winery.

The Monkton Mill, circa 1850, lends itself to being re-utilized as it was intended, as a commercial structure. After investigating many options it has been determined that reopening the antique shop, and potentially a winery, will be sensitive to its rural history and connect with two of my passions. Specifically, the antique shop addresses my keen interest in the old and useful, while the winery allows me to resume my profession from my "early" days.

The mission of the winery, aka, MillStone Cellars, is to produce naturally inspired artisan meads and ciders that are traditionally prepared from locally sourced ingredients and transformed into unusual beverages for the discriminating and curious consumer. The products will dovetail with the history of the Mill and early rural America. Before America's character switched from being predominately rural to mostly urban, the locals drank mostly hard ciders, meads and other fruit wines.

Further, the goal is be sensitive to our immediate location, and in a broader sense, source local produce, herbs and honeys. The projected volume of the Mill is 10,000 gallons, which in the scheme of things, is very small (Boordy is now over 100,000 gallons). Further, we realize the Mill property is not conducive to large gatherings, especially outside. The Mill itself is well suited for small gatherings, e.g., for subscription dinners and events of about 75 people.

In addition to the winery and antique shop, associated activities may include an orchard, an apiary (bee hives), a small farmer's market, non-profit art studio and classes, and sales of assorted foods. When revenue is adequate, the water wheel attached to the rear of the Mill will be rebuilt and then a new pair of mill stones installed for milling demonstrations.

In conclusion, in bringing the Mill back to commercial use, your feedback and input is important. Please feel free to stop by to personally discuss and view the Monkton Mill. I'll be available at the Mill this weekend from 10-4 this Sunday (1/1/2012) and encourage you to stop by for a tour, have questions answered, express concerns, etc. Thank you for your time.

FYI My background is: in 1979, I worked at Boordy Vineyards (Hydes, MD) with Rob Deford as a "cellar rat." At UC Davis I earned a BS in Fermentation Science and minored in Viticulture. The next ten years I worked locally as a winemaker. Then acquired a BS from U. of M. in Chemical Engineering and minored in Biochemical Engineering. In 1993, I began working for the US Patent and Trademark Office examining fermented beverage patent applications until I took up mill restoration as a full time job in 2005.

PETITIONER' S

EXHIBIT NO.

5

We the undersigned residents of Monkton support the petition of the owners of 2019 Monkton Road to establish a winery as a permitted use of the property .

Name: Brad Seltzer Address: 1641a Falls
Signature: [Signature]
Date: 4/1/12

Name: John Johnson Address: 2107 Monkton Rd
Signature: [Signature] Monkton MD 21111
Date: 4-1-2012

Name: Jackie Johnson Address: 2107 Monkton Rd
Signature: [Signature] Monkton MD 21111
Date: 4-1-2012

Name: Jon Frack Address: 16708 Remare Rd
Signature: [Signature] 2013 Shepherd Rd
Date: 4/1/2012 Monkton Rd 21111

Name: Barbara Frack Address: 16708 REMARE RD
Signature: [Signature] 2013 SHEPPERD RD
Monkton, MD. 21111

PETITIONER' S

EXHIBIT NO. 6



PETITIONER'S

EXHIBIT NO.

7



PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO.

9



PETITIONER' S

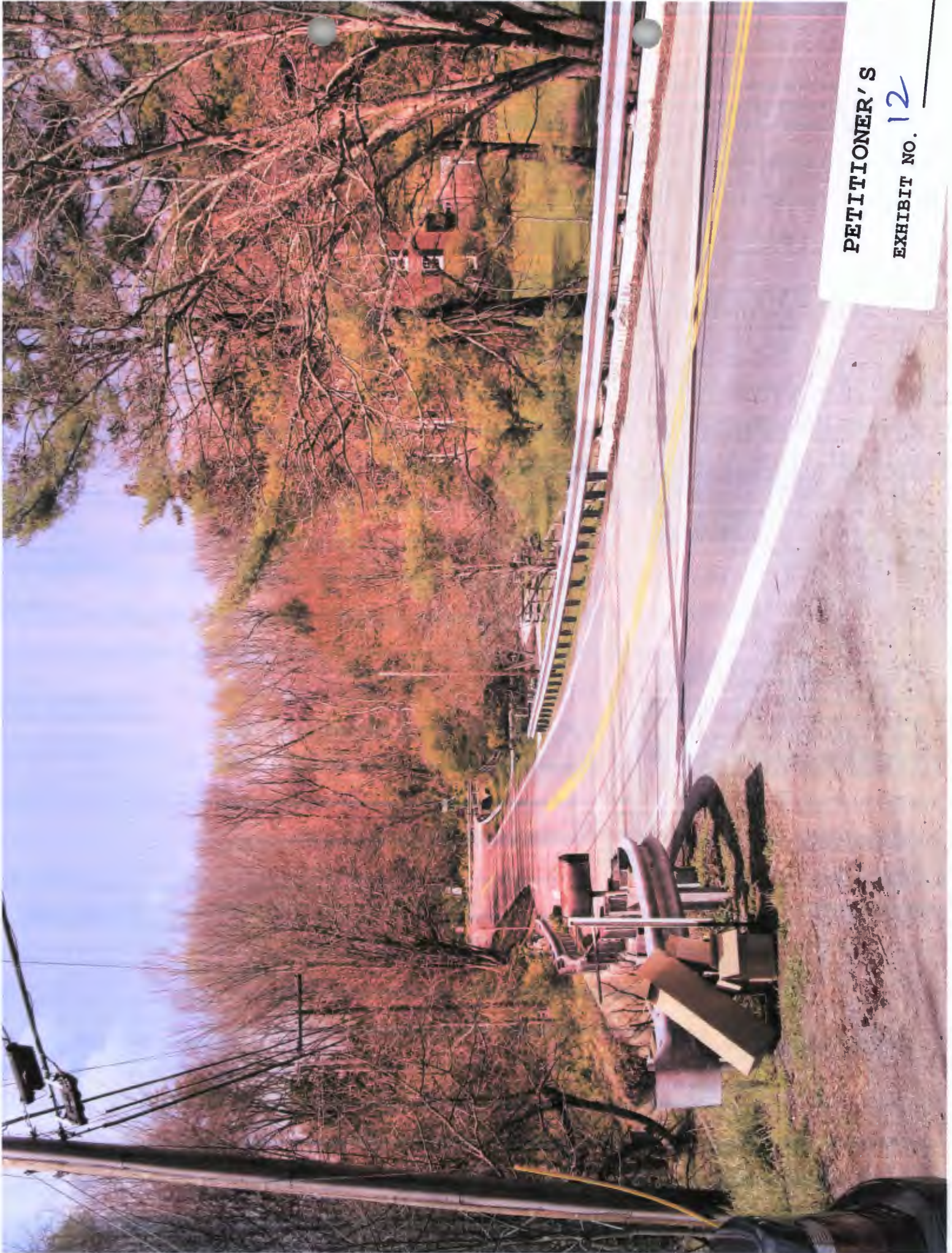
EXHIBIT NO. 19

© Copyright 2001 MRISSM



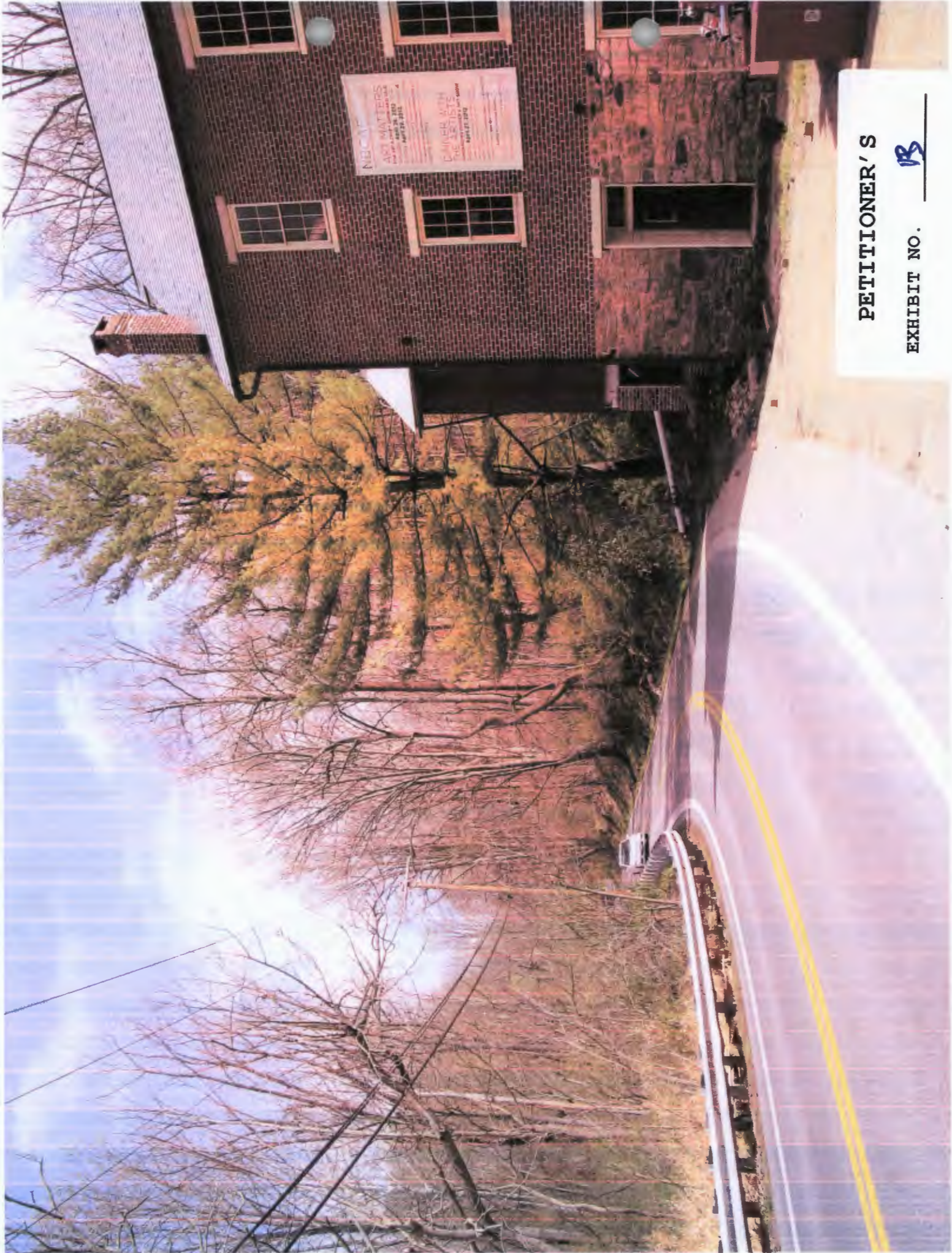
PETITIONER' S

EXHIBIT NO. 11



PETITIONER'S

EXHIBIT NO. 12



PETITIONER'S

EXHIBIT NO. 13



PETITIONER'S

EXHIBIT NO. 14



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

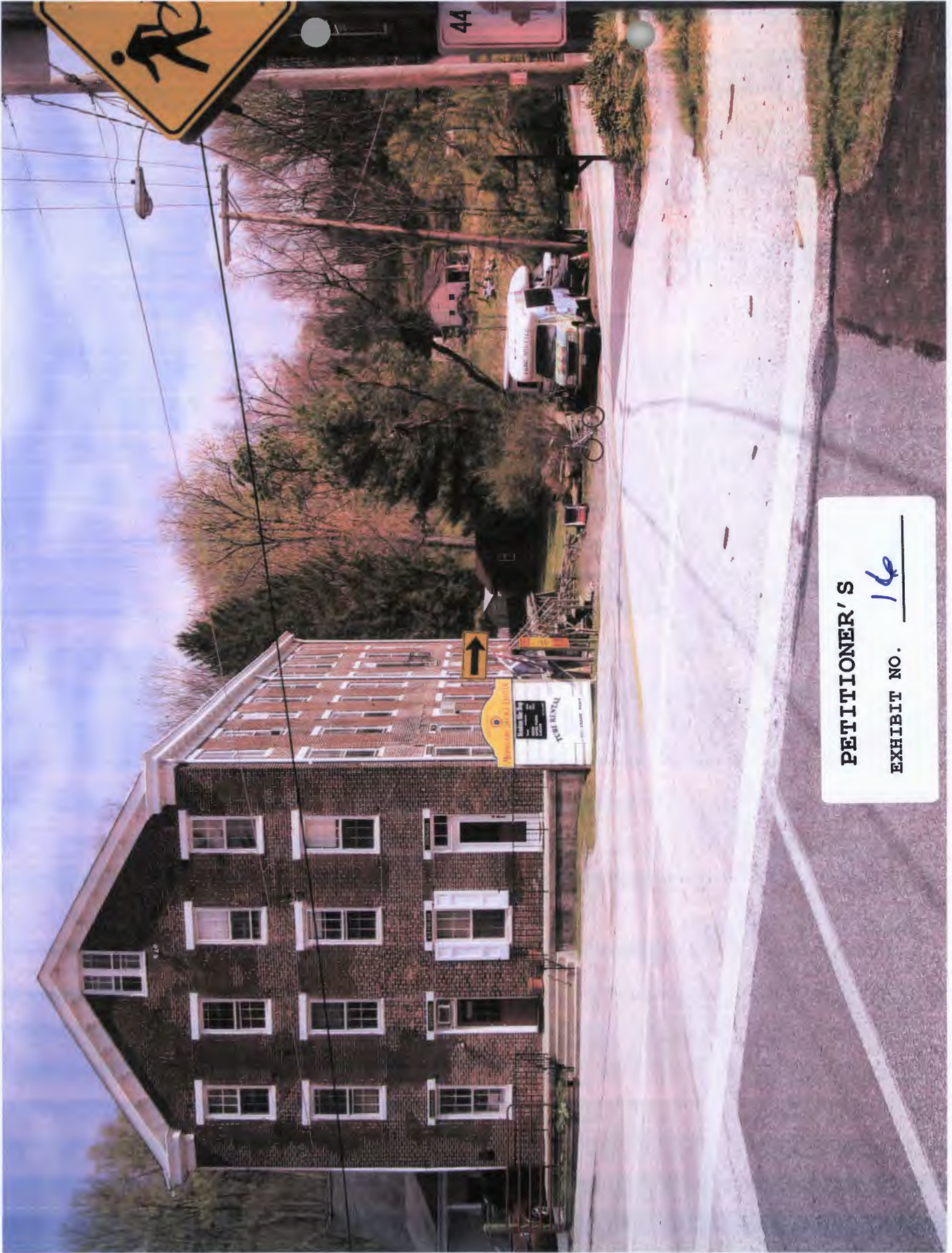


This data is only for general information purposes only. This data m
Maryland does not warrant the accuracy or reliability of the data and
limited to, all warranties, express or implied, of merchantability and
disclaims all obligation and liability for damages, including but not li
attorneys' and experts' fees, and court costs incurred as a result of,
data.

Printed 3/30/2012

PETITIONER'S
EXHIBIT NO. 15

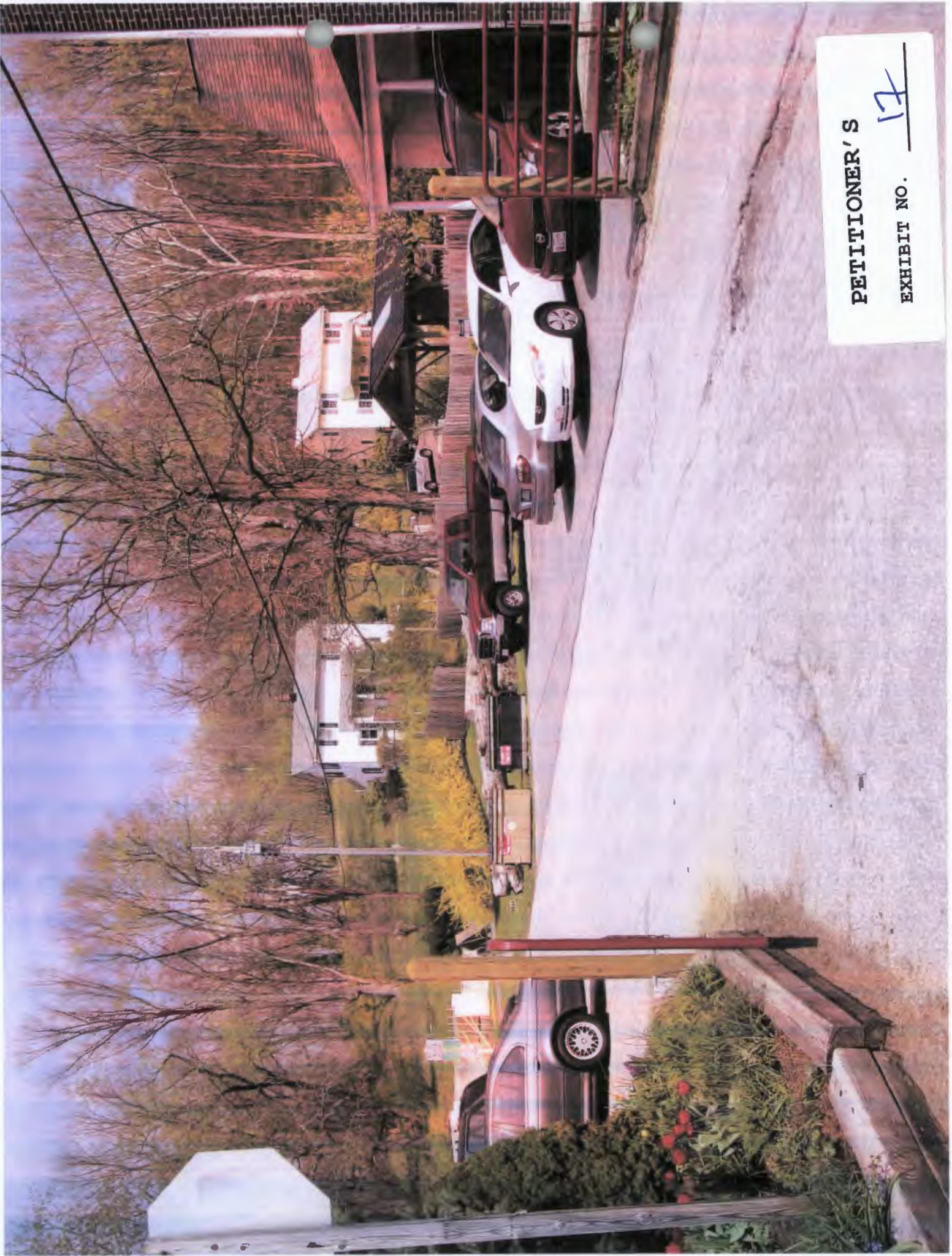
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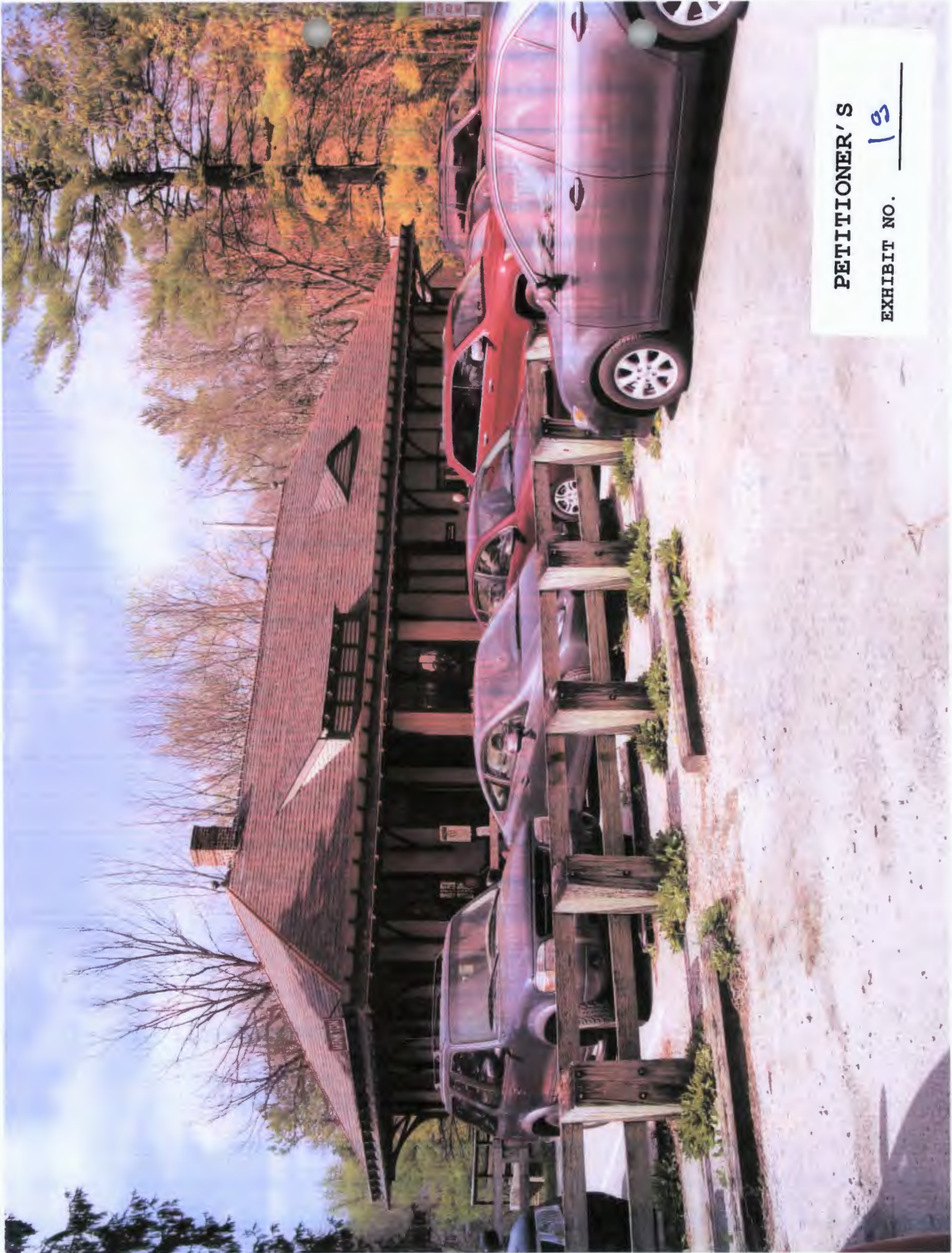
PETITIONER'S

EXHIBIT NO.

16



PETITIONER'S
EXHIBIT NO. 17



PETITIONER'S

EXHIBIT NO.

13



PETITIONER'S

EXHIBIT NO. 19

NBCAF

Northern Baltimore County Art Foundation

April 1, 2012

Mr. Curt Sherrer
Monkton Mill
2029 Monkton Road
Monkton, MD 21111

Dear Mr. Sherrer,

Thank you for meeting with us recently to discuss the foundation's use of Manor Mill for its annual fundraising dinner and art show. We are excited about the possibility and certain that the message we bring to the community and the historic importance of the building to that community combine to make it a perfect fit.

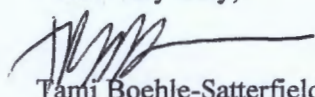
Our 2012 fundraising dinner promises to be our best one yet. For the past five years, we have invited the community's generous art patrons to a five-star dining experience surrounded by art produced by the region's best artists. Each year, we have raised enough to fund our scholarship program, which provides financial assistance to promising high school seniors planning to study art at the college level.

The mission of the Northern Baltimore County Art Foundation, as you know, is to promote art in the community, to bring art to the residents and residents to the art. The dinner and art show, not only raises scholarship funds, but introduces art patrons to talented artists and crafters who produce stunning examples of the creativity right here in our own backyard. Last year, the foundation organized a successful group art show in the Forge Fine Art Gallery on successive weekends; the dinner for nearly 70 art patrons was held in the same location. Proceeds from the art show and dinner virtually doubled those raised in prior years.

We have been pleased with our success, but we are still striving to improve. Previous venues for the dinner and art sale have had a number of drawbacks and we are looking for a more permanent home for the event that will further establish its place in the life of the community. The rustic charm and historic value of the building alone make it a must-see for any one remotely interested in county history. Our target population for the dinner, we believe, will find the Mill's ambience a welcome virtue. The art show, which will hang at least two weekends in concurrence with the dinner, is certain to draw even more visitors to the Mill.

Monkton Mill was once a vital part of community life in the North County. Our board believes the annual dinner and art show will help reestablish the connection between county residents and one of its historic landmarks. We look forward to working with you in the coming years to make Monkton Mill a destination point for artists and art lovers across the entire region.

Yours very truly,



Tami Boehle-Satterfield
President, Northern Baltimore County Art Foundation
16706 Remare Road
Monkton, MD 21111

PETITIONER'S

EXHIBIT NO.

20



My Neighborhood Map
1"=211'±

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may Maryland does not warrant the accuracy or reliability of the data and d limited to, all warranties, express or implied, of merchantability and fl disclaims all obligation and liability for damages, including but not limi attorneys' and experts' fees, and court costs incurred as a result of, a data.

Printed 3/30/2012

PETITIONER'S

EXHIBIT NO. 21

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Asbel O. Fields

I, or we, Hazel D. Fields

legal owner^s of the property situate in Baltimore

10TH

DIST

RECORD

PRINT

MAP SEC. 3-E

'X'

County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Antique Shop under Section 402 B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser

Gordon G. Power
Gordon G. Power, Esq.
221 W. Susquehanna Avenue

Towson, Maryland 21204
Petitioner's Attorney

Asbel O. Fields

Hazel D. Fields

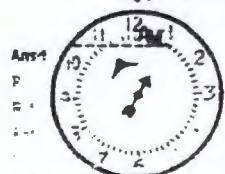
Legal Owner

Address: Monkton, Md. 21111

Protestant's Attorney

Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of April, 1970, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of June, 1970, at 10:30 o'clock



OFFICE OF PLANNING

D. P. Hardisty
Zoning Commissioner of Baltimore County

PETITIONER'S

EXHIBIT NO. 22

ASBEL O. FIELDS
2/3 of Monkton Rd.
10-30-1-1-1
70-237-X
1268

Jason Vettori

From: Dennis Kennedy <DKennedy@baltimorecountymd.gov>
Sent: Friday, February 24, 2012 9:41 AM
To: David Thomas; Jason Vettori
Subject: Re: Case No. 2012-0183-SPHX

TimeMattersID: M961EA01C1A8F513
TM Contact: Millstone Cellars, LLC
TM Contact No: 1391
TM Matter No: 1391-001
TM Matter Reference: Millstone Cellars, LLC - 2019 & 2029 Monkton Road

Dave and Jason:
I had already sent a "No Comment" for this item.
Dennis

>>> David Thomas 2/23/2012 3:53 PM >>>
Jason,

Yes, this is my understanding of what we discussed.

I've attached a map of the site from GIS for Dennis' reference.

Dave Thomas

David L. Thomas
Baltimore County DPW
(410) 887-3984>>> Jason Vettori <jvettori@sgs-law.com> 2/23/2012 2:29 PM >>>
Dave,

In follow up to our meeting on Tuesday of this week, I believe you indicated that our request for a waiver of the floodplain regulations was moot because of the preexisting nature of the parking lot and accessory structure. As indicated in the decision in Zoning Case No. 70-237-X and accompanying plan these conditions were in place before 1970. As further reflected in our Petition for Zoning Hearing requesting special hearing relief we are proposing that no paving or striping of spaces in the parking lot or expansion of the accessory structure are being proposed. As such, I believe we agreed that the relief requested was unnecessary or moot. As such, you indicated that you would likely not be submitting a comment (i.e. a waiver recommendation or some other formal comment) to DPR (Dennis Kennedy). In order to avoid any confusion or misinterpretation, please confirm that this is your understanding of our meeting. Thanks.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

PETITIONER' S
EXHIBIT NO. 24

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient,



KEVIN KAMENETZ
County Executive

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

March 20, 2012

Curtis E Sherrer
2019 Monkton Road
Monkton MD 21111

RE: Case Number: 2012-0183SPHX, Address 2019 & 2029 Monkton Road, 21111

Dear Mr. Sherrer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 31, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:men

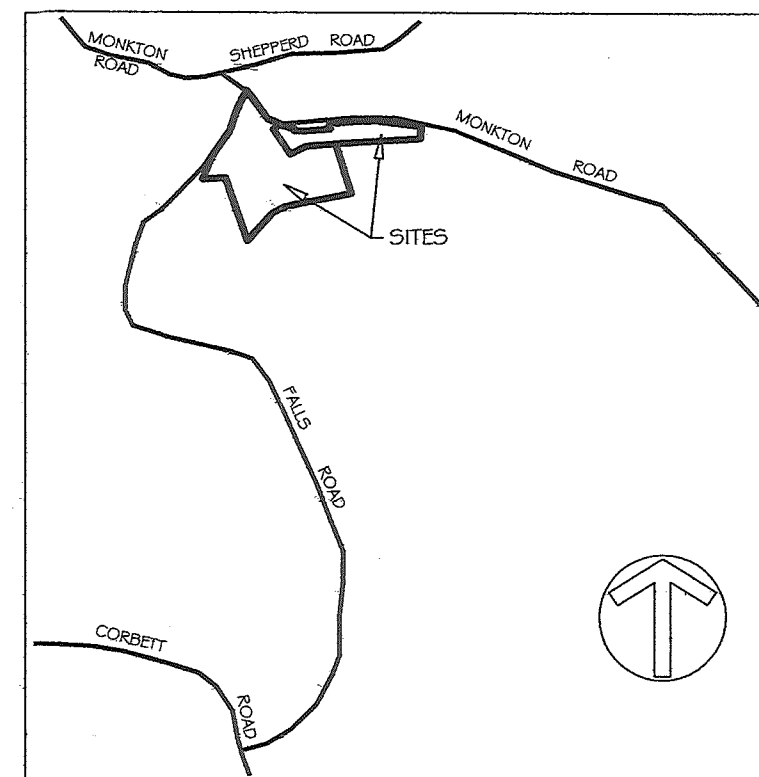
Enclosures

c: People's Counsel
Jason T Vittori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD BRG.	CHORD	TANGENT	DELTA
C1	67.31	287.00	553°22'36"E	67.16	33.81	13°26'17"
C2	82.23	287.00	568°18'15"E	81.95	41.40	16°25'02"
C3	54.72	303.00	581°40'33"E	54.64	27.43	10°20'49"

SITE DATA:

- 1) OWNERS: CURTIS AND JOANN SHERRER
- 2) OWNERS ADDRESS: 2019 MONKTON ROAD
MCKINNEY, TEXAS 75069
- 3) OWNERS TELEPHONE NO.: 410-857-3463
- 4) TAX ACCOUNT NUMBERS: 10060202040 | 1700008443
- 5) TAX MAP: 29.09D.01 PARCELS: 1 | 5 & 2 PARCELS
- 6) CROSS REFERENCES: 10060202040 (BOTH PARCELS)
- 7) GROSS AREA: 5.86 ± 1.86 ACRES
- 8) ZONING MAP: 029A1
- 9) ZONING:
 - PARCEL 115
RC-4 = 0.32 ACRES
RC-7 = 5.544 ACRES
PARCEL 249
RC-7 = 1.86 ACRES
- 10) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
- 11) THE SUBJECT PROPERTY IS LOCATED WITHIN A
100-YEAR FLOOD PLAIN PER FEMA MAP 24001-04030F.
- 12) PREVIOUS DRC, WAIVERS, HEARINGS OR PERMITS:
NONE PREVIOUS HEARINGS NOTE
- 13) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE
SUBJECT PROPERTY.
- 14) HAZARDOUS MATERIALS: NONE IDENTIFIED
- 15) F.A.R.: NONE REQUIRED
- 16) PARKING:
 - REQUIRED: 4 SPACES
 - PROVIDED: 4 SPACES
- 17) THE SUBJECT SITE IS SERVED BY PRIVATE WELD AND SEPTIC
SYSTEMS.
- 18) THE SUBJECT SITE LIES WITHIN THE NATIONAL HISTORIC
LANDMARK DISTRICT OF MY LADYS MAJOR INVENTORY NO.
BA-2550.
- 19) THE 2 1/2 STORY DWELLING AND THE 3 STORY STRUCTURE
ON THE 100-YEAR FLOOD PLAIN INVENTORY NUMBERS
BA-541 AND BA-117 RESPECTIVELY.



VICINITY MAP
SCALE: 1" = 1,000'

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning

[illegible]

PLAN TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION ZONING HEARING
OF
2019 & 2029 MONKTON ROAD

10th ELECTION DISTRICT 3rd COINCIDENTAL DISTRICT
MARYLAND

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 11/25/2011

PROJECT NO.:
2011-037
SHEET 1 OF 1

2012-0183-SPHX

SOURCE REFERENCES:

- 1) DEED REFERENCE: 19243/041
- 2) RW PLATS : 67-123-5 AND 6
- 3) BALTIMORE COUNTY ZONING MAP: 029A1
- 4) SPECIAL EXCEPTION ZONING PETITION: 70-237-X
- 5) LOCATION SURVEY PREPARED BY WITZ AND ASSOCIATES GENERAL SURVEYING
- 6) FEMA MAP: 2400100130F
- 7) BALTIMORE COUNTY NEIGHBORHOOD MAP
- 8) INFORMATION PROVIDED BY OWNER
- 9) PETITION FOR SPECIAL EXCEPTION 70-237-X
- 10) PLAN PREPARED BY DOWENPENS BROTHERS THAT ACCOMPANIED PETITION

REQUEST FOR SPECIAL HEARING:

1. AN AMENDMENT TO THE PREVIOUSLY APPROVED RELIEF GRANTED IN CASE NO.: 70-0237-X TO PERMIT ADDITIONAL USES IN THE EXISTING HISTORIC STRUCTURES (Winery as an AGRICULTURAL SUPPORT USE, FARMER'S ROADSIDE STAND AND PRODUCE STAND, HOME OCCUPATION AND HOME OFFICE), AND TO PERMIT THE USE OF THE BUILDING AS THE PRINCIPAL USE, AN ANTIQUE SHOP, AND A DETERMINATION AS TO WHICH IS THE PRINCIPAL USE AND WHICH ARE THE ACCESSORY USES; AND
2. A MODIFIED PARKING PLAN PER SECTION 409.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR); AND
3. PETITIONER'S REQUEST TO PERMIT PREVIOUSLY APPROVED PARKING AND EXISTING 25' FOOT HIGH OUT BUILDING IN A REVERSE FLOORPLAN PURSUANT TO SECTION 300.6 OF THE BCZR AND SECTIONS 311.30.00 AND 311.12.02 OF THE BALTIMORE COUNTY BUILDING CODE (BCBC); AND SECTIONS 32-4-1.07, 32-4-4.04, 32-4-4.14 AND 32-8-3.01 OF THE BALTIMORE COUNTY CODE (BCAC); AND
4. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

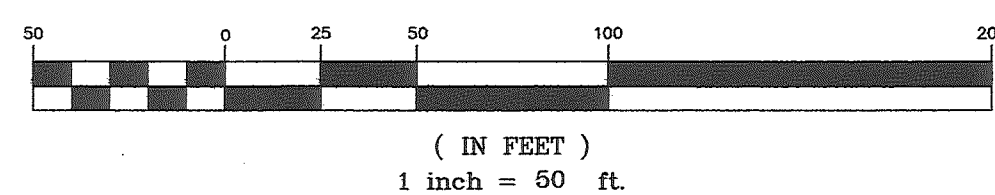
REQUEST FOR SPECIAL EXCEPTION:

1. AN ASSORTMENT OF ACCESSORY USES TO ONE PRINCIPAL USE, ALL OF WHICH ARE TO BE LOCATED IN THE EXISTING HISTORIC STRUCTURES WITHIN AN ADDITIONAL PREVIOUSLY DESIGNATED, BUT NOT LISTED TO THE LISTING ANTIQUE SHOW CASE NO. 70-257-3, A WINERY AS AN AGRICULTURAL SUPPORT USE, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON PREMISES, PURSUANT TO § 1 A08.3.B.1.3 AND 502.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR), A RESIDENTIAL ART SALON AND A HORTICULTURAL NURSERY, BCZR §§ 1 A08.3.B.1.(D) AND 1 A08.3.B.9, RESPECTIVELY (WITH BCZR § 502.1), AS WELL AS ACCESSORY USES PERMITTED BY RIGHT (A FARMER'S ROADSIDE STAND AND PRODUCE STAND AND A HOME OCCUPATION (BCZR §§ 1 A08.3.A.7(A) AND 1 A08.3.A.7(B), RESPECTIVELY); AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

NOTE:

- 1) THE INFORMATION SHOWN HEREON AND ITS CONTENT ARE NOT TO BE USED FOR ANY OTHER PURPOSE THAN TO ACCOMPANY A PETITION FOR A SPECIAL EXEMPTION. THIS PLAN MAY NOT BE COPIED, REPRODUCED, COPIED AND/OR ALTERED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN CONSENT OF KWRB. ANY USE OF THIS PLAN OTHER THAN FOR ITS INTENDED PURPOSE SHALL BE AT THE SOLE RISK OF THE USER.
- 2) THE BOUNDARY LINES SHOWN HEREON ARE BASED ON A DEED COMPOSITE AND NOT BY AN ACTUAL BOUNDARY SURVEY.

GRAPHIC SCALE

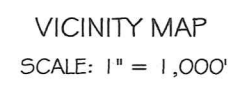


CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD BKG.	CHORD	TANGENT	DELTA
C1	67.31	287.00	553°22'36"E	67.16	33.81	13°26'17"
C2	82.23	287.00	568°18'15"E	81.95	41.40	16°25'02"
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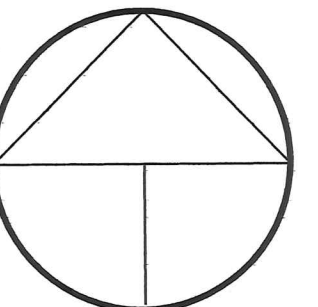
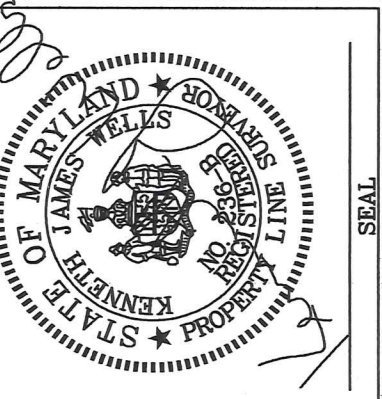
SITE DATA:

- 1) OWNERS: CURTIS AND JOHANN SHERPER
- 2) OWNERS' ADDRESS: 2019 MONKTON ROAD
MONKTON, MARYLAND 21111
- 3) OWNERS TELEPHONE: 410-967-3465
- 4) TAX ACCOUNT NUMBERS: 1006020240 & 1700004443
- 5) TAX MAP: 29. 09D. 01 PARCELS: 115 & 249
- 6) CROSS REFERENCES: 19243041 (BOTH PARCELS)
- 7) GROSS AREA: 5.8c & 1.8c ACRES
- 8) ZONING MAP: 029A1
- 9) ZONING:
 - a) PARCEL 115
RC-4 = 0.32 ACRES
RC-7 = 5.544 ACRES
PARCEL 249
RC-7 = 1.86 ACRES
- 10) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
- 11) THE SUBJECT PROPERTY IS LOCATED WITHIN A
 - a) 00-YEAR FLOOD PLAIN PER FEMA MAP 24001.00430F.
 - b) CRUDDY CREEK, WAVERS, HEARINGS OR PERMITS:
 - 1) DOES PROVIDE HEARINGS NOTE
 - 2) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
 - 3) AMENITY OPEN SPACE: NONE REQUIRED
 - 4) F.A.R.: NONE REQUIRED
- 12) PARKING:
 - a) REQUIRED: 4 SPACES
 - b) PROVIDED: 4 SPACES
- 13) THE SUBJECT SITE IS SERVED BY PRIVATE WALK AND SFCB
- 14) THE SUBJECT SITE DOES NOT LIE WITHIN A DEFICIENT BASIC SERVICE AREA.
- 15) THE SUBJECT SITE LIES WITHIN THE NATIONAL HISTORIC REGISTER DISTRICT OF MR LADY'S MANOR INVENTORY NO. BA-2550.
- 16) THE 2 1/2 STORY DWELLING AND THE 3 STORY STRUCTURE ARE SITED ON THE MARSHLAND HISTORICAL INVENTORY NUMBERS BA 541 AND BA 117 RESPECTIVELY.



kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning

BALTIMORE COUNTY
GRID MERIDIAN

REVISIONS:

FOR A
SPECIAL EXCEPTION ZONING HEARING
OF
2019 & 2029 MONKTON ROAD

110th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 11/25/2011
PROJECT NO.:
2011-037
SHEET 1 OF 1

SOURCE REFERENCES:

- 1) DEED REFERENCE: 19243041
- 2) RW PLATS - 67-1-23-5 AND 6
- 3) BALTIMORE COUNTY ZONING MAP: 029A1
- 4) SPECIAL EXCEPTION ZONING PETITION: 70-237-X
- 5) LOCATION SURVEY PREPARED BY WITZ AND ASSOCIATES GENERAL SURVEYING
- 6) FEMA MAP: 2400100130F
- 7) BALTIMORE COUNTY NEIGHBORHOOD MAP
- 8) INFORMATION PROVIDED BY OWNER
- 9) PETITION FOR SPECIAL EXCEPTION 70-237-X
- 10) PLAN PREPARED BY DOLLENBERG BROTHERS THAT ACCOMPANIED ZONING PETITION.

NOTE:

1) THE INFORMATION SHOWN HEREON AND ITS CONTENT ARE NOT TO BE USED FOR ANY OTHER PURPOSE THEN TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION. THIS PLAN MAY NOT BE COPIED, REPRODUCED, MODIFIED AND/OR ALTERED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN CONSENT OF kgwelling. ANY USE OF THIS PLAN OTHER THEN FOR ITS INTENDED PURPOSE SHALL BE AT THE SOLE RISK OF THE USER.

2) THE BOUNDARY LINES SHOWN HEREON ARE BASED ON A DEED COMPOSITE AND NOT BY AN ACTUAL BOUNDARY SURVEY.

REQUEST FOR SPECIAL HEARING:

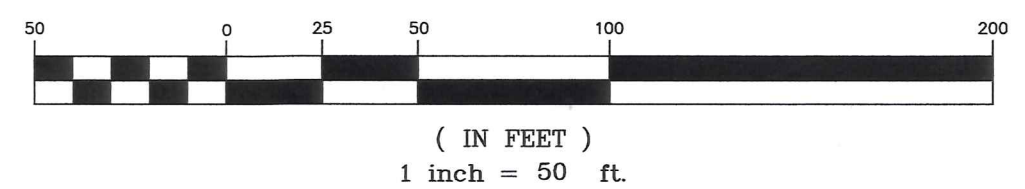
1. AN AMENDMENT TO THE PREVIOUSLY APPROVED RELIEF GRANTED IN CASE NO.: 70-0237-X TO PERMIT ADDITIONAL USES IN THE EXISTING HISTORIC STRUCTURES (WINERY AS AN AGRICULTURAL SUPPORT USE, FARMER'S ROADSIDE STAND AND PRODUCE STAND, HOME OCCUPATION, ARTIST STUDIO AND SALON AND REPAIRS AND REPAIRS TO THE BUILDING), THE PRINCIPAL USE, AN ANTIQUE SHOP AND A DETERMINATION AS TO WHICH IS THE PRINCIPAL USE AND WHICH ARE THE ACCESSORY USES; AND
2. A MODIFIED PARKING PLAN PER SECTION 409.1.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR); AND
3. PETITIONER'S REQUEST TO PERMIT PREVIOUSLY APPROVED PARKING AREA AND EXISTING 25' TALL HIGH CUT BUILDING IN A RIVERINE FLOODPLAIN, PURSUANT TO SECTION 500.6 OF THE BCZR AND SECTIONS 311.2.00 AND 311.2.2 OF THE BALTIMORE COUNTY BUILDING CODE; AND SECTIONS 32-41.07, 32-44-404, 32-4-4.14 AND 32-6-3-301 OF THE BALTIMORE COUNTY CODE (BCC); AND
4. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

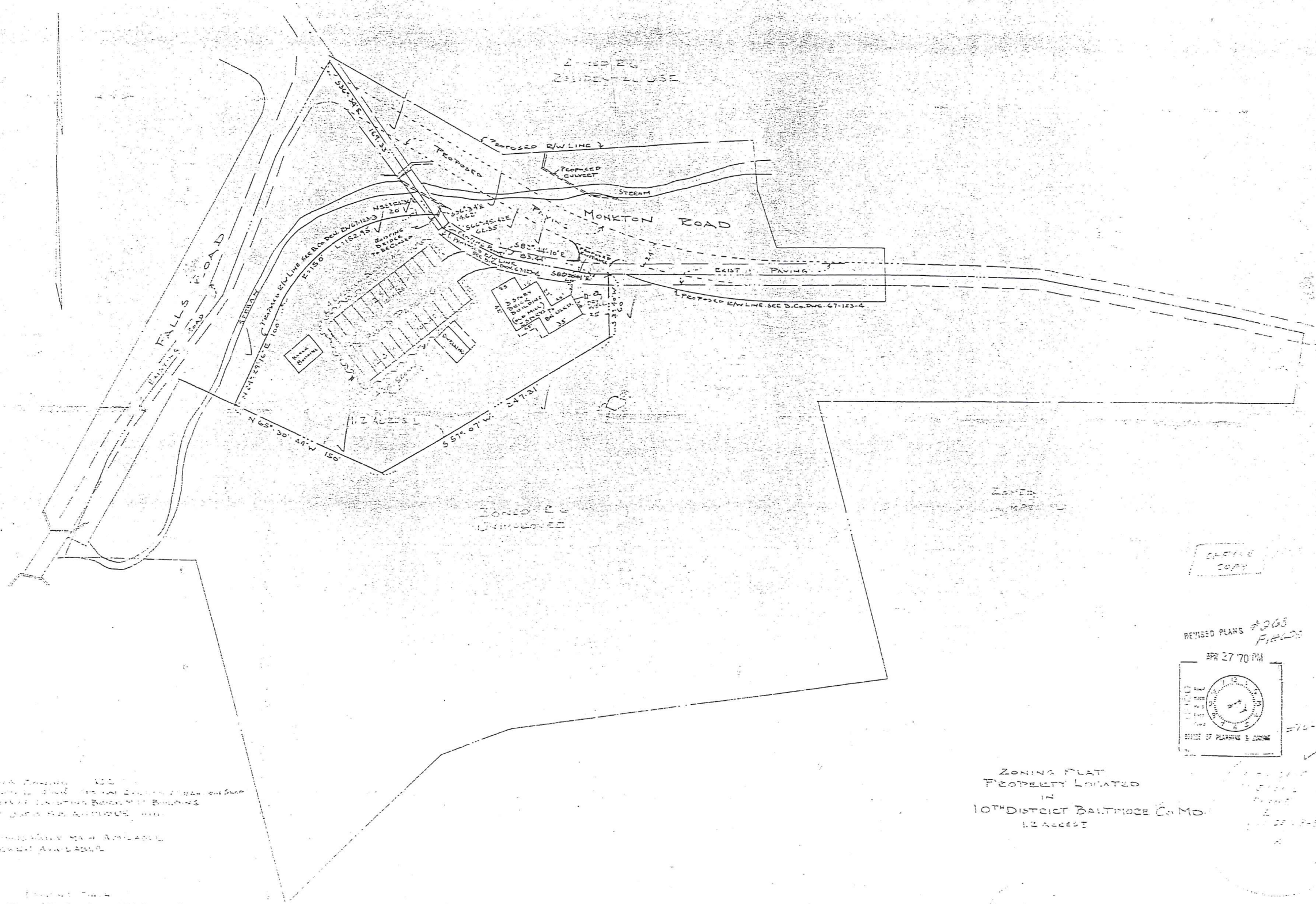
REQUEST FOR SPECIAL EXCEPTION:

1. AN ASSORTMENT OF ACCESSORY USES TO ONE PRINCIPAL USE, ALL OF WHICH ARE TO BE LOCATED IN THE EXISTING HISTORIC STRUCTURES (BUT NO ADDITIONAL REFINEMENT OR ENHANCEMENTS), INCLUDING BUT NOT LIMITED TO THE EXISTING ANTIQUE SHOP (CASE NO. 20-257-4), A WINERY AS AN AGRICULTURAL SUPPORT USE, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON PREMISES, PURSUANT TO §§ 1A08.3.B.1.3 AND 502.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR), A RESIDENTIAL ART SALON AND A HORTICULTURAL NURSERY, BCZR §§ 1A08.3.B.1.4(a) AND 1A08.3.B.9.9, RESPECTIVELY (WITH BCZR § 502.1), AS WELL AS ACCESSORY USES PERMITTED BY RIGHT (A FARMER'S ROADSIDE STAND AND PRODUCE STAND AND A HOME OCCUPANCY (BCZR §§ 1A08.3.A.7(A) AND 1A08.3.A.7(B), RESPECTIVELY); AND
2. FOR EACH OTHER AND FURTHER RELIEF AS MAY BE DETERMINED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

PETITIONER'S
EXHIBIT NO. 1

GRAPHIC SCALE



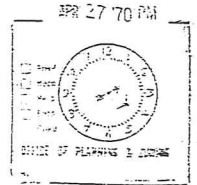


1. The property is located in the 10th District of Baltimore County, Maryland.
 2. The property is currently zoned R-1.
 3. The property is currently vacant.
 4. The property is currently owned by [Name].
 5. The property is currently being offered for sale.

1. The property is located in the 10th District of Baltimore County, Maryland.
 2. The property is currently zoned R-1.
 3. The property is currently vacant.
 4. The property is currently owned by [Name].
 5. The property is currently being offered for sale.

OFFICE COPY

REVISED PLANS #365
FIELD



ZONING PLAT
 PROPERTY LOCATED
 IN
 10TH DISTRICT BALTIMORE CO. MD.
 1.2 ACRES

1. The property is located in the 10th District of Baltimore County, Maryland.
 2. The property is currently zoned R-1.
 3. The property is currently vacant.
 4. The property is currently owned by [Name].
 5. The property is currently being offered for sale.

PETITIONER'S

EXHIBIT NO. 23