

M E M O R A N D U M

DATE: October 24, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0223-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 23, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1848 Circle Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Kevin B. Merrill	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0223-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter originally came before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the prior owner of the property at that time, Kevin B. Merrill (“Petitioner”). The Petitioner requested Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft.

The original petition for the Administrative Variance states:

“At grade we propose a standard garage style structure, with an additional 2nd floor to house the overflow home storage, exercise equipment and wood working hobby tools.”

In Administrative Law Judge (“ALJ”) John Beverungen’s Order, dated April 15, 2016, he imposed conditions on the proposed pole barn garage, stating:

“The Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.”

On August 22, 2019, a Spirit and Intent determination was received from Adam M. Rosenblatt, Esq., on behalf of the new owners, Ziad and Elisabeth Bakri, attempting to ensure that the property is in compliance with the 2016 Order. It appears that the new owners will

ORDER RECEIVED FOR FILING

Date 9/23/19

By sen

remove all kitchen fixtures as the refrigerator, dishwasher, and sink, leaving only a countertop and cabinet space for storage. The new owners are seeking confirmation that the exercise room, carpeted area and bathroom areas can remain as within the spirit and intent of the relief granted in ALJ Beverungen's Order provided that the garage is never rented and its use limited to private residential use only. ALJ Beverungen signed the Spirit and Intent letter with the conditions stated which indicated was within the spirit and intent of the relief granted.

On August 28, 2019, correspondence was received from John B. Gontrum, Esq. representing the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. opposing the determination of the Spirit and Intent letter. I will treat this correspondence as a Motion for Reconsideration. Mr. Gontrum indicates that ALJ Beverungen's Order of April 15, 2016 could not have been clearer in that the Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, and **kitchen or bathroom facilities**. Mr. Gontrum further indicated that this wording, particularly in the context of the previous listings of the property for a living apartment, might be construed to allow just such use, which was expressly forbidden in the original Order.

The relief proposed for the Administrative Variance specifically limited that which was requested. Based upon that proposal, that did not include a kitchen or bathroom, the Administrative Variance was granted. Quite properly, the limitations imposed in ALJ Beverungen's April 15, 2016 Order were meant to ensure that no facilities or uses beyond that requested would occur.

It is clear that those limitations were ignored and exceeded. Although the August 22, 2019 Spirit and Intent request pledges to "remove all kitchen fixtures" it seeks confirmation that the bathroom areas and structures could remain. That is clearly, and without question, beyond

ORDER RECEIVED FOR FILING

Date 9/23/19

By Sen

that originally requested in the Petition for Administrative Variance and is in violation of the conditions of ALJ Beverungen's April 15, 2016 Order.

THEREFORE, IT IS ORDERED, this 23rd day of **September, 2019**, by the Administrative Law Judge for Baltimore County, that the determination of the Spirit and Intent letter seeking confirmation that the exercise room, carpeted area and bathroom areas remain and are within the spirit and intent of the relief granted in the original Order dated April 15, 2016, be and is hereby RESCINDED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities; and that the facilities including those related to the kitchen or bathroom shall be removed within ninety (90) days of this Order.

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



LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 9/23/19
By Sen

IN RE: PETITION FOR ADMIN. VARIANCE *
(1848 Circle Road)
9th Election District *
2nd Council District *
Kevin B. Merrill *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0223-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Kevin B. Merrill ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 4-15-16

By 192

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the pole barn garage height and usage, I will impose conditions that the proposed pole barn garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 15th day of **April, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for any appropriate permits 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. The Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

ORDER RECEIVED FOR FILING

Date 4-15-16

By 192

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 4-15-16

By DLW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 1848 Circle Rd Towson, MD 21204 Currently zoned DR-1
 Deed Reference 35083 / 0383 10 Digit Tax Account # 0915540100
 Owner(s) Printed Name(s) Kevin Merrill

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

See Attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Kevin Merrill /
 Name #1 – Type or Print Name #2 – Type or Print
[Signature] /
 Signature #1 Signature #2
1848 Circle Rd. Towson md
 Mailing Address City State
21204 / 410-937-4963 / kmerrill@
 Zip Code Telephone # Email Address
Comcast.net

Attorney for Owner(s)/Petitioner(s):

4-15-16
 Name- Type or Print
[Signature]
 Signature
Date
 Date
By
 Mailing Address City State
 Zip Code Telephone # Email Address

Representative to be contacted:

Kevin - Merrill
 Name – Type or Print
[Signature]
 Signature
1848 Circle Rd. Towson md
 Mailing Address City State
21204 / Same / Same
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0223-A Filing Date 3/18/16 Estimated Posting Date 3/27/16 Reviewer JCM

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1848 Circle Rd. Towson md 21204
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

See Attached.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

Kevin Merrill

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of January, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Kevin Merrill

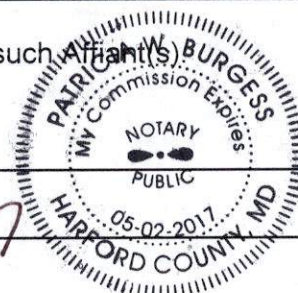
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

5-2-2017



ADMISTRATIVE VARENCE

SECTION 400.3 (BCZR) TO PERMIT A PROPOSED POLE BARN GARAGE WITH A MAXIMUM HIEGHT OF
28 FEET IN LIEU OF THE REQUIRED 15 FEET.

Affidavit form

This variance request is for a pole barn garage building to house 4 automobiles, 1 large pick-up truck, yard tractors, storage, exercise equipment and wood working tools. The proposed build area is located 35 feet to the left of the main structure and behind the front foundation. The requested height for this proposed accessory structure is 28 feet in lieu of 15 feet. The practical difficulty of housing all intended items within a 15 feet ceiling would not be possible. At grade we propose a standard garage style structure, with an additional 2nd floor to house the overflow home storage, exercise equipment and wood working hobby tools. We are seeking relief from the Baltimore County Zoning Regulations section 400.3, Accessory Structure height, the height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

To permit a proposed pole barn garage with a height of 28 feet in lieu of the maximum height of 15 feet

ZONING DESCRIPTION FOR 1848 CIRCLE RD.

BEGINNING for the same at a pipe driven in the ground along side of the fence marking the south boundary line of the Cary B. Gamble property and distant north 87 degrees west 399 feet from the end of the south 87 degrees 30 minutes east 426 foot line mentioned in the deed from Frances Metcalf Preston, widow, to Cary B. Gamble, III and Marie S. Gamble, his wife, dated April 1, 1941, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1156, folio 114, and running thence for a division line as now surveyed by Tolly Allender Biays, a registered professional civil engineer and surveyor, north 23 degrees 04 minutes west and crossing the private road leading from the residence to Circle Road, and at the distance of 40 feet from the beginning point and continuing the same straight line, north 23 degrees 04 minutes west for a total length of 489.1 feet to the center of Circle Road, thence binding along the center of Circle Road, north 52 degrees 30 minutes east 100 feet still binding along the center of Circle Road, north 61 degrees 15 minutes east 154 feet to meet the end of the last line mentioned in the above Deed, thence binding along this last line in the above named Deed, reversely and along an old fence, south 31 degrees 30 minutes east 713.47 feet to the end of the aforesaid south 87 degrees 30 minutes east 426 foot line, above mentioned, and thence binding reversely north 87 degrees 30 minutes west 399 feet to the place of beginning. The improvements thereon being known as 1848 Circle Road, Baltimore, Maryland 21204.

CERTIFICATE OF POSTING

Date: 3-26-16

RE: Case Number: 2016-0223-A

Petitioner/Developer: Merrill

Date of Hearing/Closing: 4-11-16

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 1848 Circle Rd

The signs(s) were posted on 3-26-16
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0223 -A Address 1848 CIRCLE RD.
Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3.18.16 Posting Date: 3.27.16 Closing Date: 4.11.16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2016- 0223 -A Address 1848 CIRCLE RD.
Petitioner's Name KEVIN MERRILL Telephone 410-937-4963
Posting Date: 3/27/16 Closing Date: 4/11/16
Wording for Sign: To Permit AN ACCESSORY STRUCTURE WITH
A HEIGHT OF 28ft. IN LIEU OF THE
PERMITTED 15ft.

Revised 7/21/15

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2016-0223-A

TO PERMIT AN ACCESSORY STRUCTURE
WITH A HEIGHT OF 28 FT. IN LIEU OF THE
REQUIRED 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 4/11/16

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
1000 QUEENSBURY AVE., TOWSON, MD 21204, (410) 887-3391

M E M O R A N D U M

DATE: May 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0223-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 2016. 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

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.

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

✓ For Newspaper Advertising:

Item Number or Case Number: 2016-0223-A

Petitioner: Kevin merrill

Address or Location: 18418 Circle Rd. Towson, MD 21204

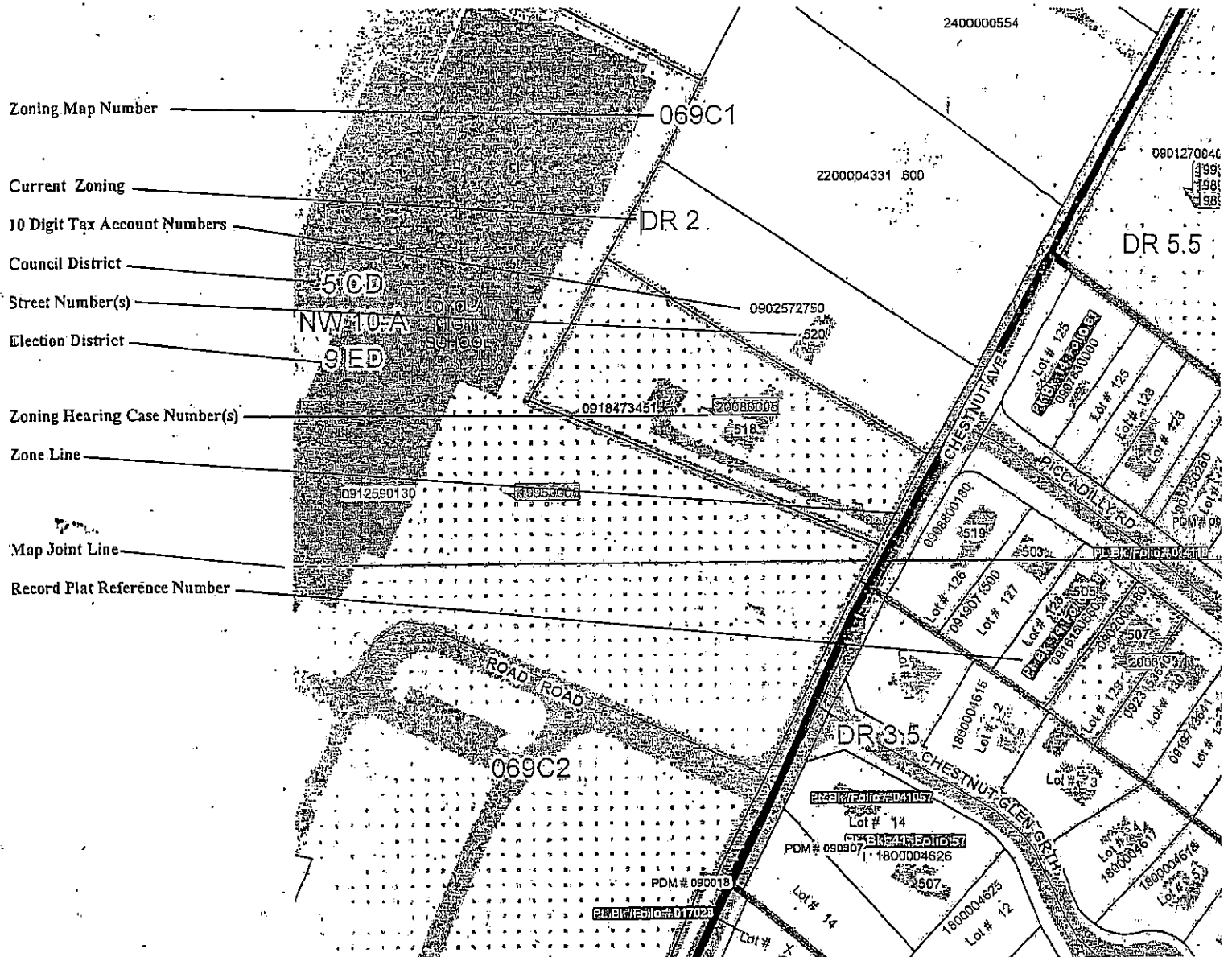
PLEASE FORWARD ADVERTISING BILL TO:

Name: Kevin merrill

Address: 18418 Circle Rd
Towson MD 21204

Telephone Number: 410-937-4963

AVAILABLE FROM THE ZONING REVIEW COUNTER
THE COLOR COPY OF THIS MAP IS REQUIRED FOR PETITION FILING
THIS BLACK AND WHITE EXAMPLE IS KEYED TO THE MAP INFORMATION
OUTLINE THE HEARING SITE CLEARLY ON THIS MAP



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

No. **134715**

Date: **3/18/16**

PAID 3/23/16

BUSINESS ADDRESS: 1001 E. CALVERT ST. BALTIMORE, MD 21202
 PHONE: (410) 396-1000
 FAX: (410) 396-1001
 RECEIPT # 134715
 Recpt Tot \$75.00
 1.00 CA 175.00 CA
 Balance + Cash = 175.00

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

Total: **75.00**

Rec From: **K. MERRELL**

For: **2016-0223-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 12, 2016

Kevin Merrill
1848 Circle Road
Towson MD 21204

RE: Case Number: 2016-0223 A, Address: 1848 Circle Road

Dear Mr. Merrill:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 18, 2016. 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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 3/21/16

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

RE: Baltimore County
Item No. 2016-0223-A,
Administrative Variance
Kevin Merrill
1848 Cirche 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. 2016-0223-A.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: March 28, 2016

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2016
Item No. 2016-0215, 0216, 0217, 0218, 0221 and 0223

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\ZAC03282016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



4-11
RECEIVED

MAR 25 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 25, 2016

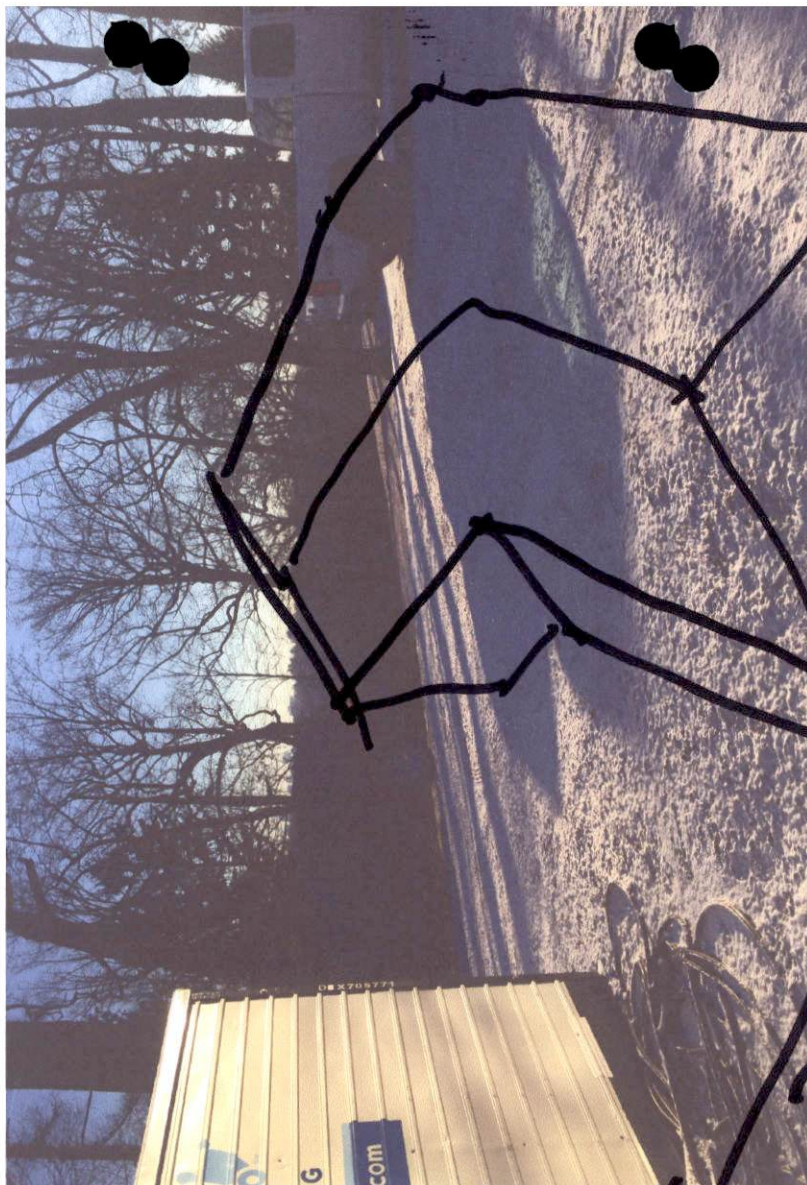
SUBJECT: DEPS Comment for Zoning Item # 2016-0223-A
Address 1848 Circle Road
(Merrill Property)

Zoning Advisory Committee Meeting of March 28, 2016.

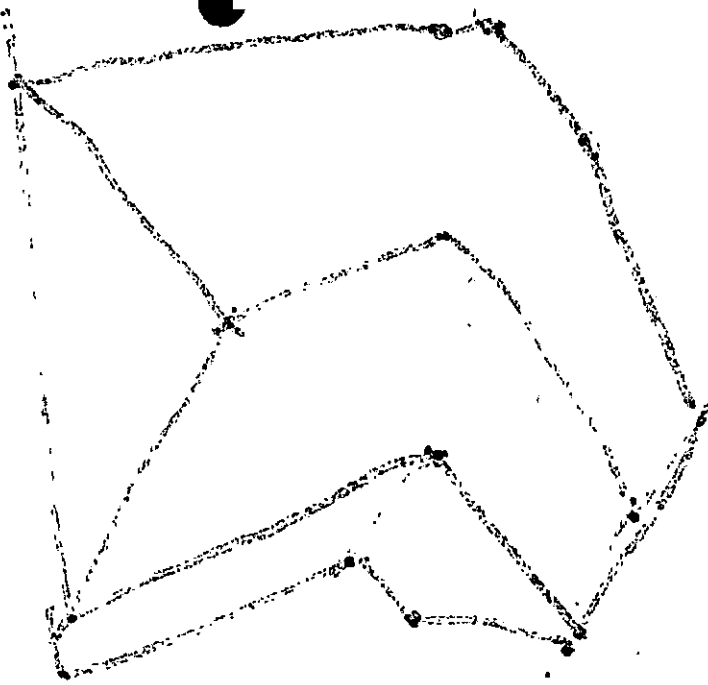
X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

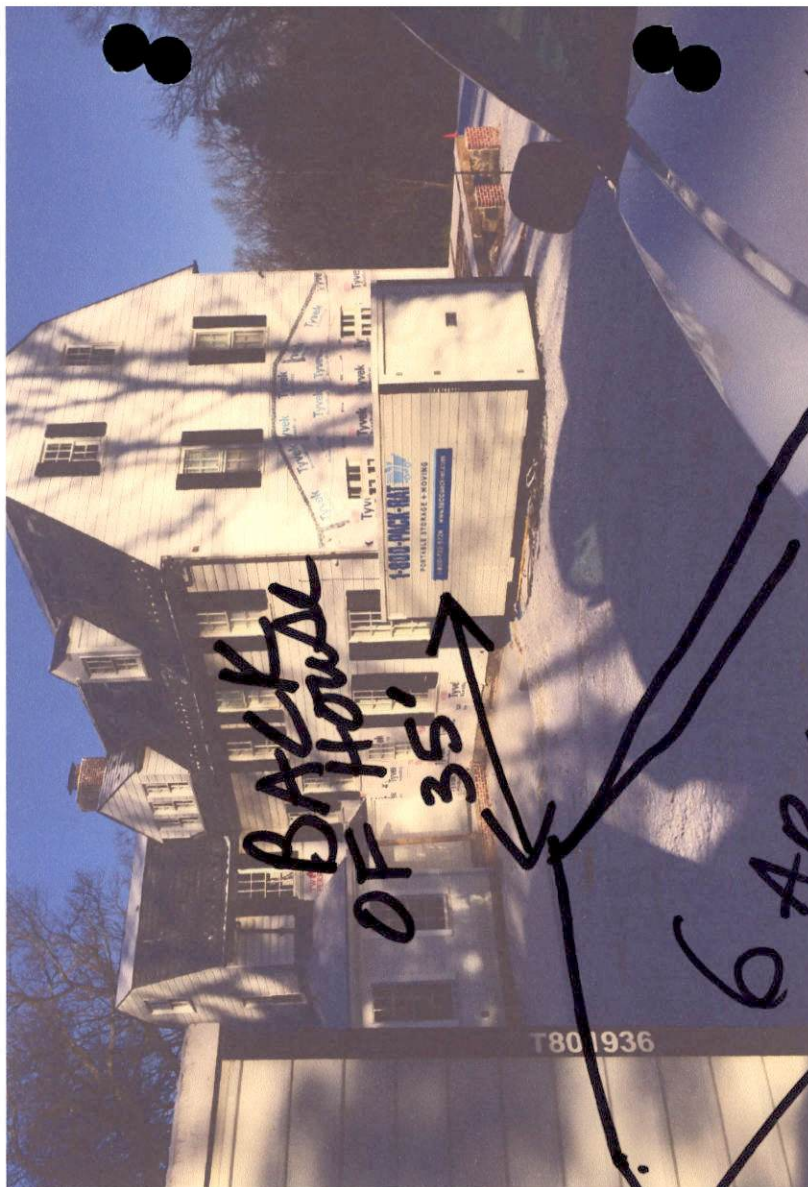
Reviewer: Steve Ford

Date: 03-25-2016



35'
Back of
House





BACK
OF HOUSE

35'

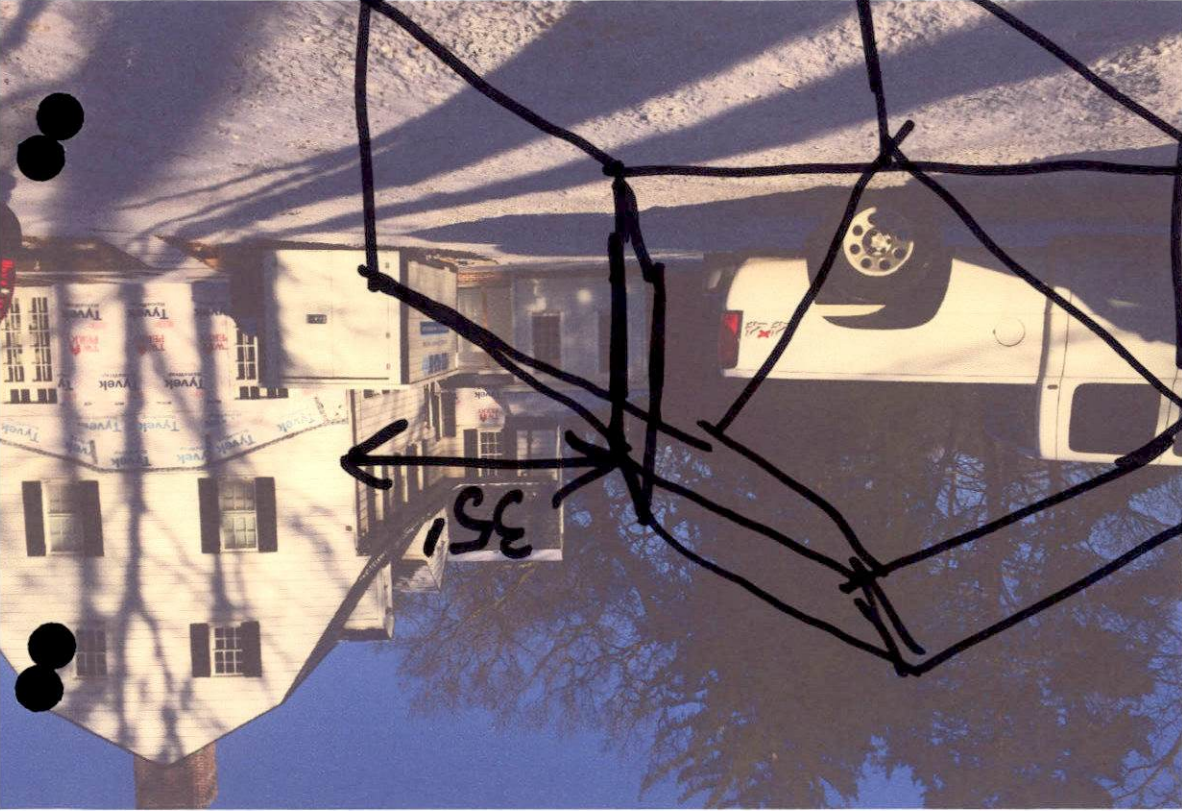
GARAGE

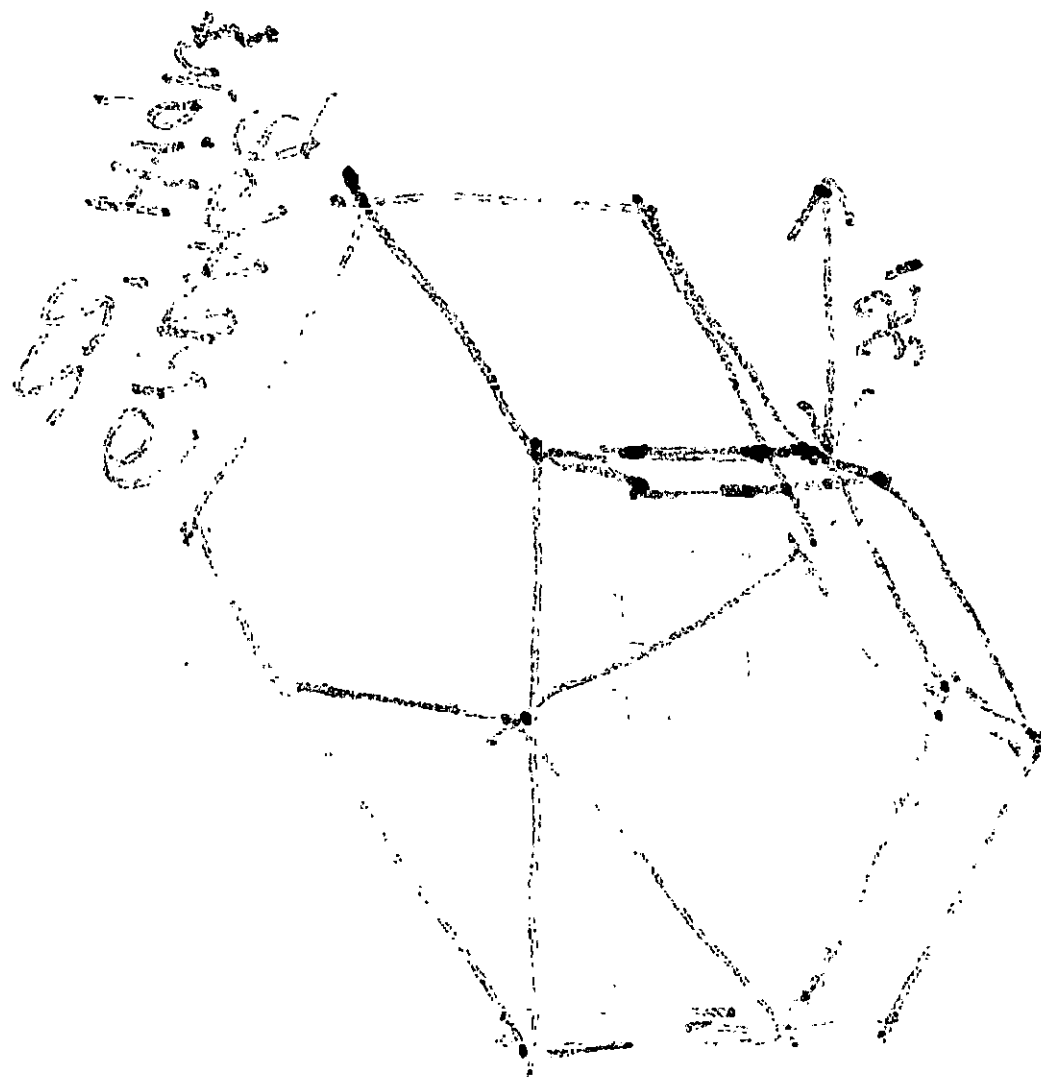
GARAGE

T80 1936

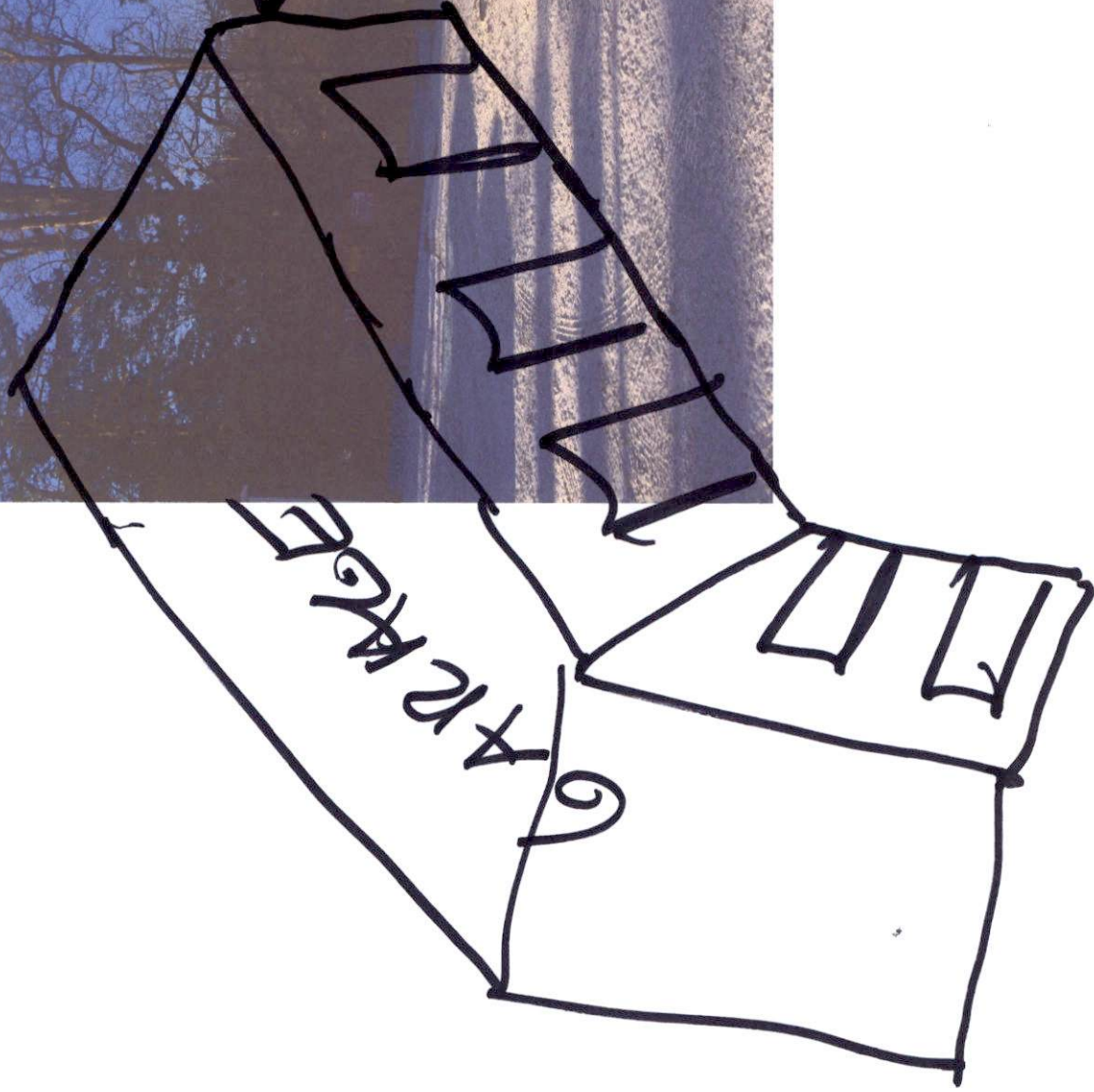
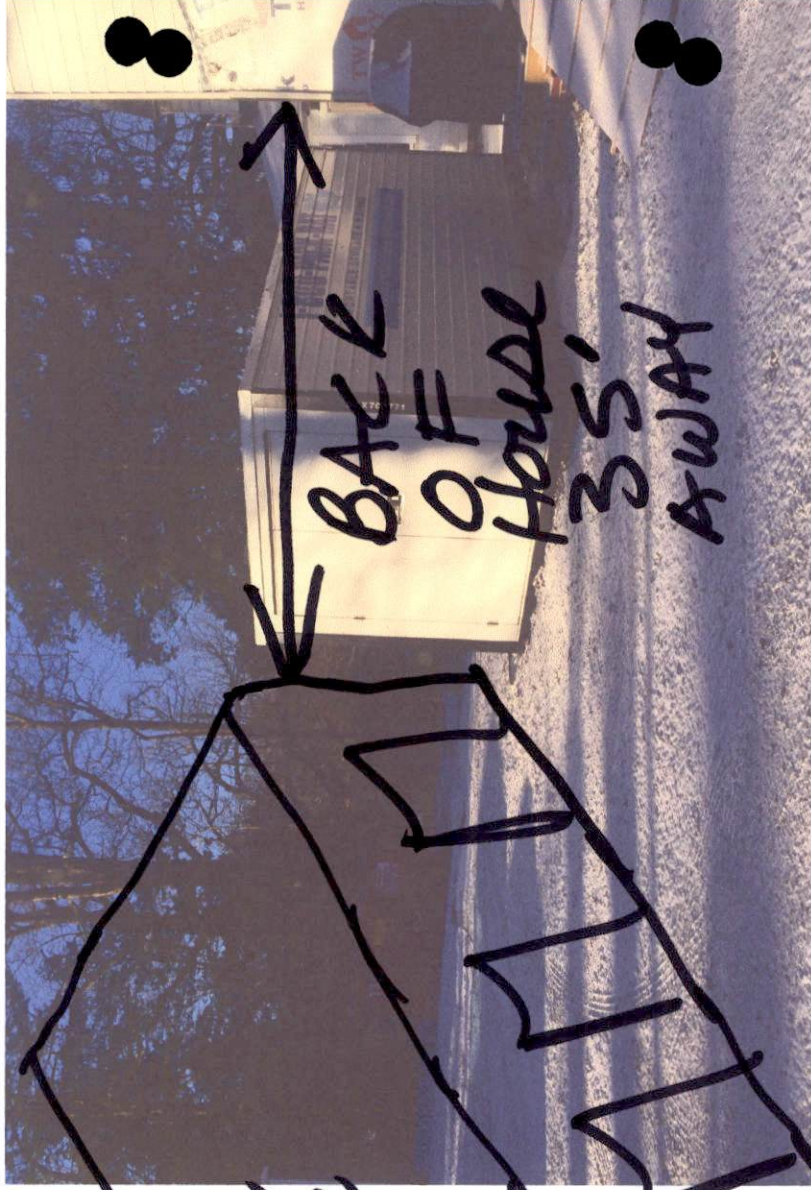


GARAGE
22' High



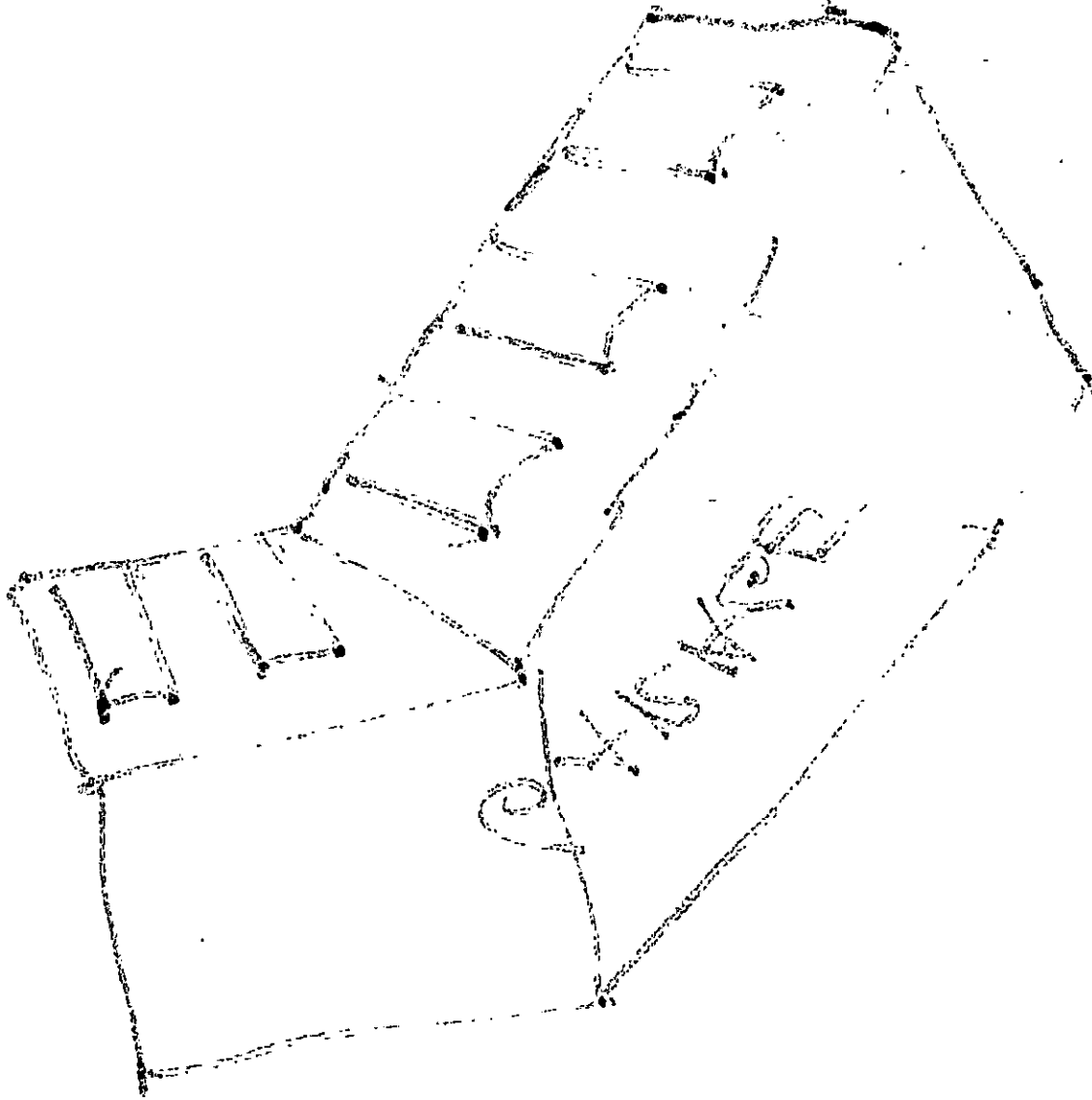


Height of
GARAGE to Peak
is 22'

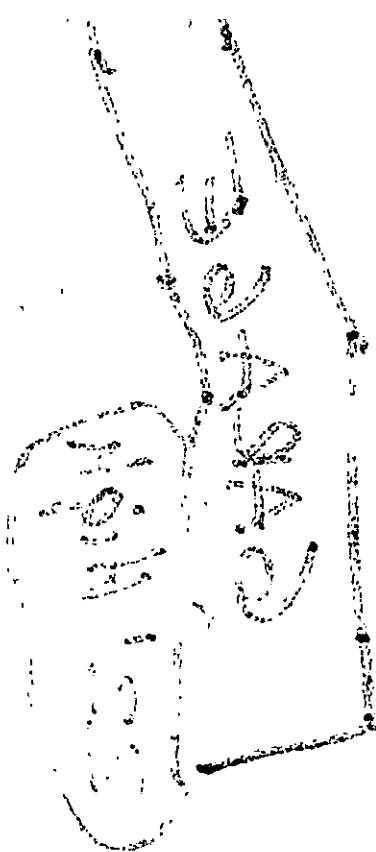


49

2000









BACK OF
House

35

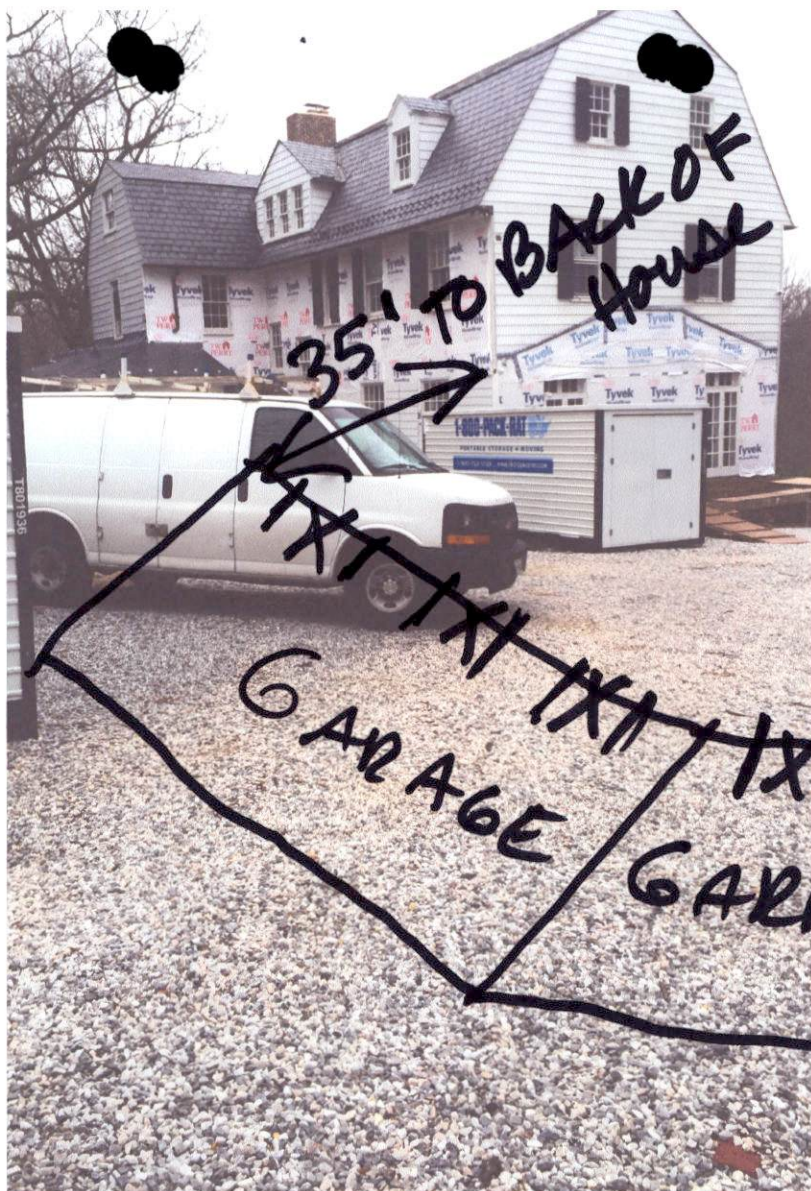
GARAGE

1-800-PACK-RAT
MOVING STORAGE

Handwritten text, possibly a signature or date, located in the top left corner.

Handwritten text, possibly a signature or date, located in the top center area.

Handwritten text, possibly a signature or date, located in the top right area.



MAIN House
IS
40' TALL

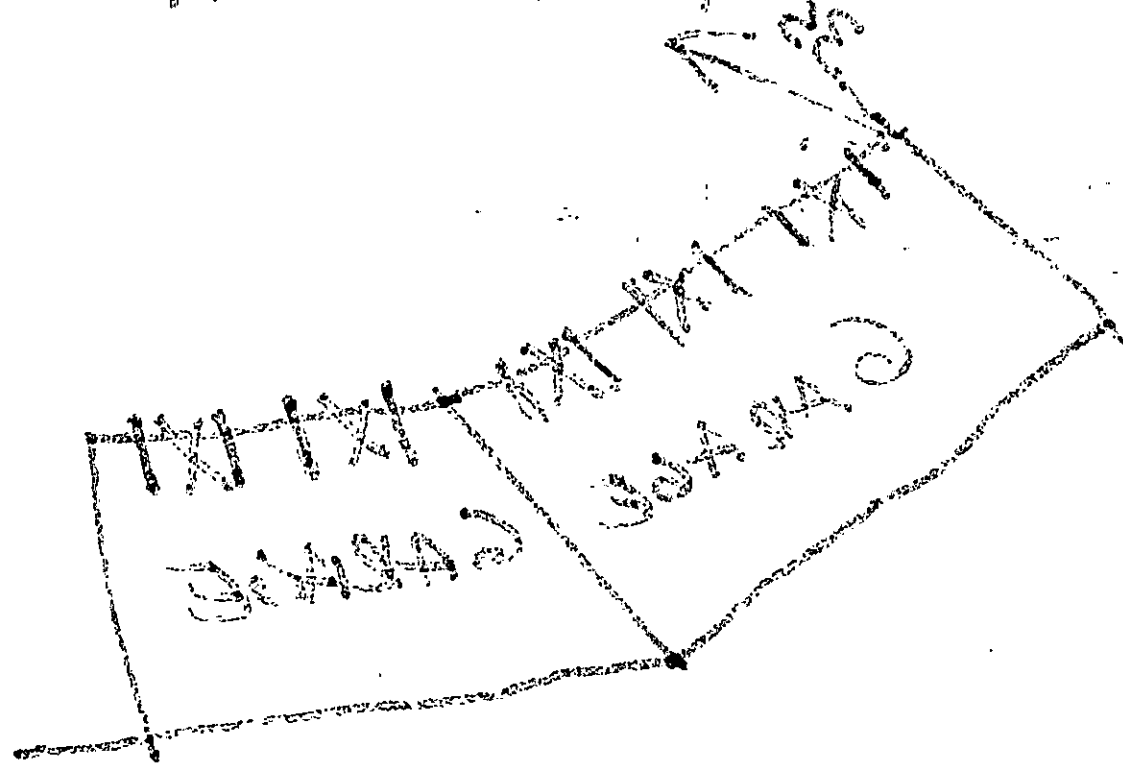
35' TO BACK OF
House

GARAGE

GARAGE

Handwritten notes at top left, possibly including "10/1/01" and "10/1/01".

Handwritten notes at top right, possibly including "10/1/01" and "10/1/01".



C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment3-28

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NC3-25

DEPS

(if not received, date e-mail sent _____)

NC

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

3-21

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 3-26-16 by P.ison

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No.

☐

Comments, if any: _____

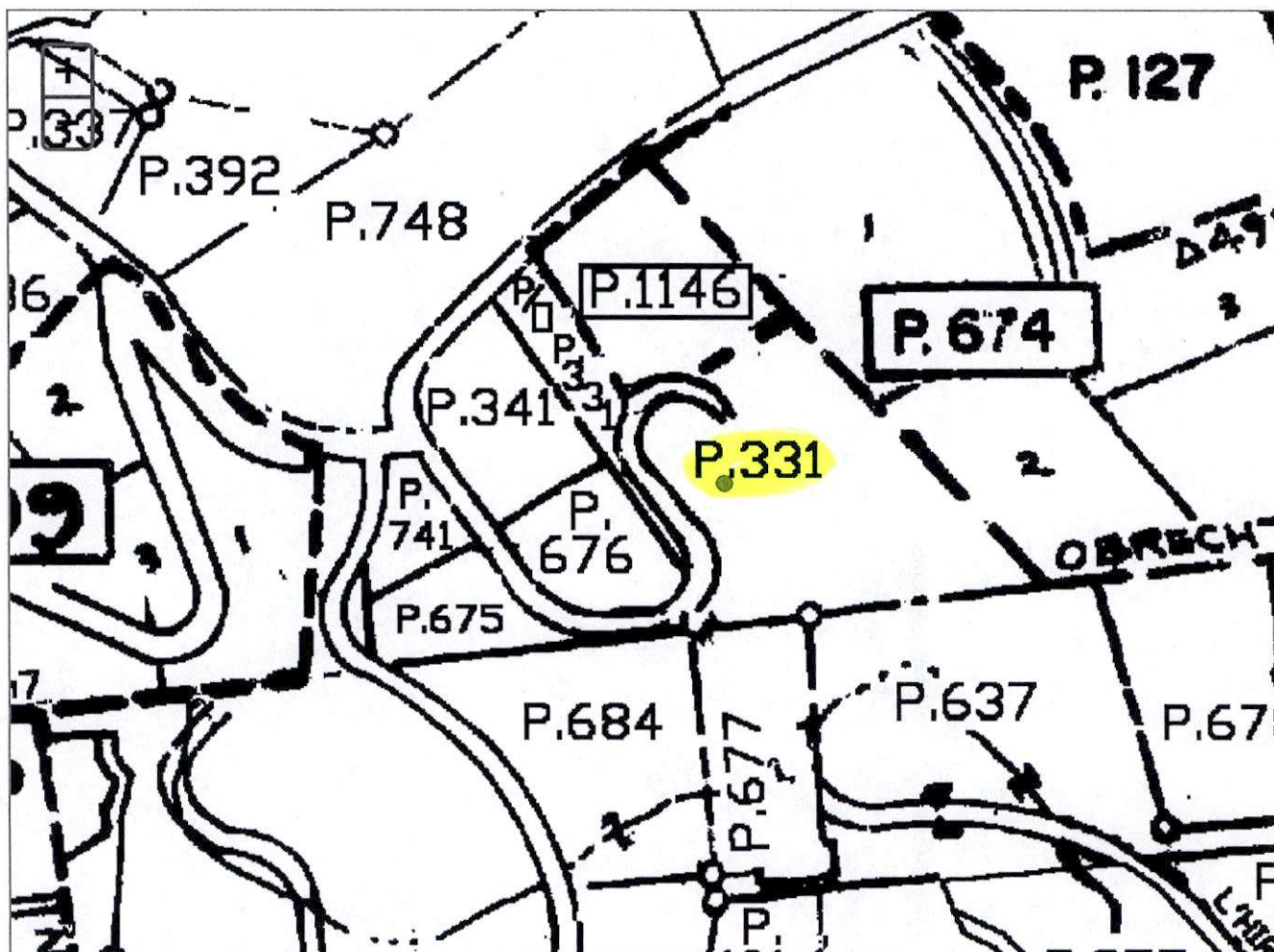
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 09 Account Number - 0915540100							
Owner Information											
Owner Name:				MERRILL KEVIN B				Use:		RESIDENTIAL	
Mailing Address:				1848 CIRCLE RD TOWSON MD 21204				Principal Residence:		YES	
								Deed Reference:		/35683/ 00383	
Location & Structure Information											
Premises Address:				1848 CIRCLE RD 0-0000				Legal Description:		3.054 AC SWS CIRCLE NR RUXTON STATION	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
0069	0015	0331		0000				2014			
Special Tax Areas:						Town:		NONE			
						Ad Valorem:					
						Tax Class:					
Primary Structure Built			Above Grade Enclosed Area			Finished Basement Area			Property Land Area		County Use
1869			6,975 SF						3.0500 AC		04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
3	YES	STANDARD UNIT	SIDING	3 full/ 2 half							
Value Information											
			Base Value	Value	Phase-in Assessments						
				As of	As of		As of				
				01/01/2014	07/01/2015		07/01/2016				
Land:			457,900	457,900							
Improvements			589,200	520,000							
Total:			1,047,100	977,900	977,900		977,900				
Preferential Land:			0				0				
Transfer Information											
Seller: ONNEN PATRICIA P				Date: 12/22/2014				Price: \$935,000			
Type: ARMS LENGTH IMPROVED				Deed1: /35683/ 00383				Deed2:			
Seller: ONNEN FERDINAND H				Date: 07/27/1992				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /02623/ 00566				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				Deed2:			
Exemption Information											
Partial Exempt Assessments:			Class	07/01/2015				07/01/2016			
County:			000	0.00							
State:			000	0.00							
Municipal:			000	0.00 0.00				0.00 0.00			
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Homestead Application Information											
Homestead Application Status: No Application											

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **09** Account Number: **0915540100**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

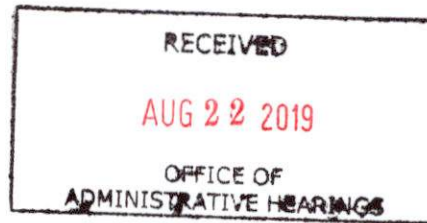
Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

T 410.494.6271
F 410.821.0147
amrosenblatt@venable.com

August 22, 2019

Hon. John E. Beverungen
Office of Administrative Hearings
Jefferson Building, first floor
105 W. Chesapeake Avenue
Towson, MD 21204



Re: 1848 Circle Road
Case No. 2016-0223-A
Spirit and Intent Determination

Judge Beverungen:

I am writing to request confirmation as to whether certain improvements made to an accessory structure (garage) on the above-referenced property (the "Property") are within the spirit and intent of the zoning relief granted in Case No. 2016-0223-A.

Specifically, the prior owner of the Property sought and obtained a variance to construct a detached accessory garage with a high of 28 feet in lieu of the maximum permitted 15 feet. In your Order approving the variance, you imposed a condition that the prior and subsequent owners "shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities." It has been my experience that, unless specifically addressed in a variance application, you place this condition on any administrative variance granted for accessory structures such as garages and pool houses.

My client took possession of the Property in its current condition and is attempting to ensure that the Property is in compliance with your 2016 zoning order. I am attaching photographs of the garage that was constructed by the prior owner. The first floor appears to be a standard garage with a cement floor and space for parking vehicles and storing household items. The upstairs contains an exercise room, full bathroom, open carpeted area, and a kitchen area. Photographs of each section of the upstairs are attached for your review.

As we discussed, my client will remove all kitchen fixtures such as the refrigerator, dishwasher, and sink, leaving only a countertop and cabinet space for storage. We are seeking confirmation that the exercise room, carpeted area, and bathroom areas can remain and are within the spirit and intent of the relief granted in Case No. 2016-0223-A provided that the garage is never rented and its use limited to **private residential use only.**

Hon. John E. Beverungen
August 22, 2019
Page 2

We would greatly appreciate your input as to whether the garage, with the conditions stated in this letter, is within the spirit and intent of the relief granted in Case No. 2016-0223-A. We have prepared this letter for your countersignature in the event that you wish to sign your approval rather than drafting a separate email or letter for this issue.

Thank you for your time and consideration.

Sincerely,



Adam M. Rosenblatt

AGREED AND ACCEPTED:



Hon. John E. Beverungen
Administrative Law Judge

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1848 Circle Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Kevin B. Merrill	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0223-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Kevin B. Merrill ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the pole barn garage height and usage, I will impose conditions that the proposed pole barn garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 15th day of **April, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for any appropriate permits 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. The Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

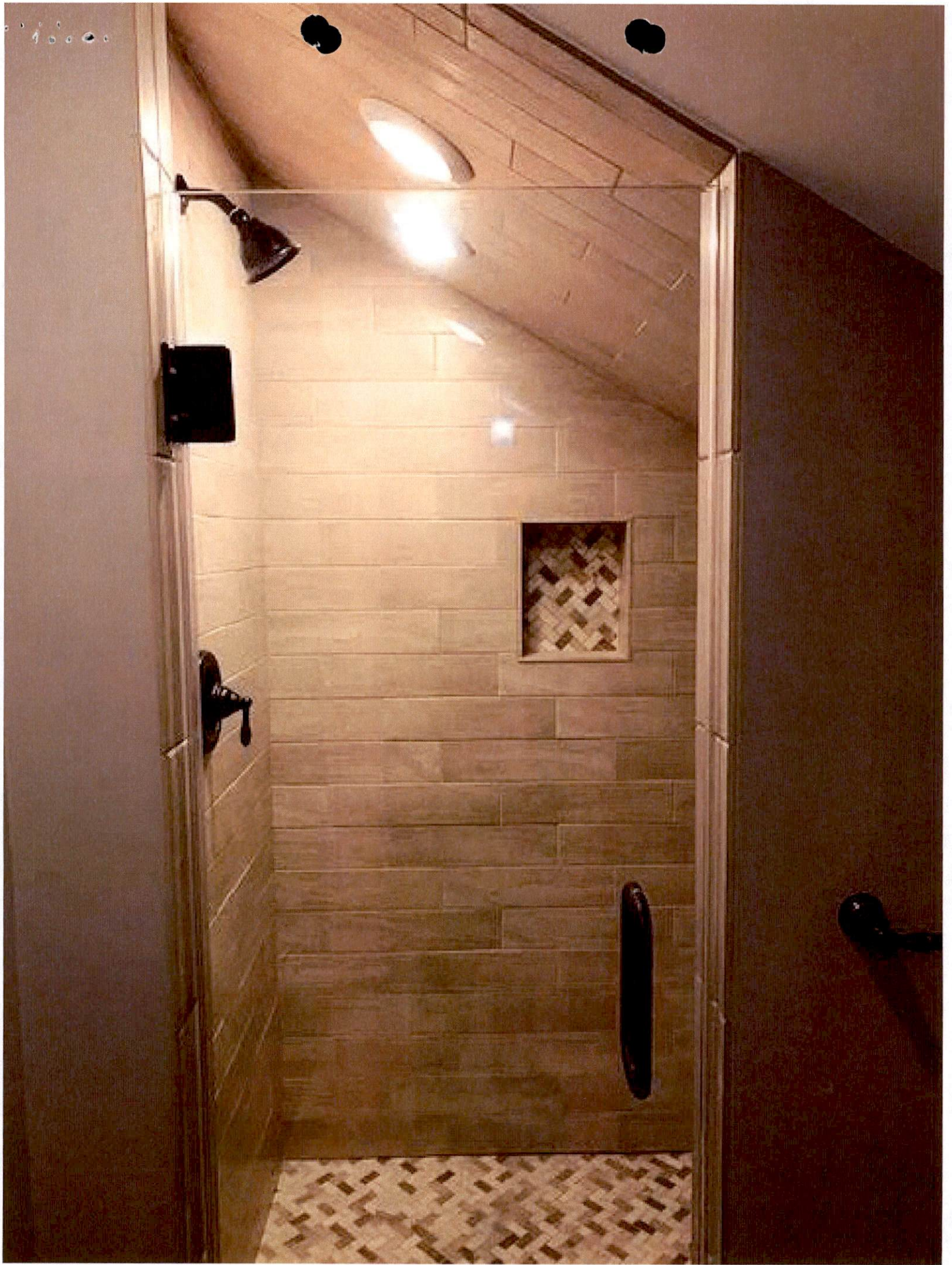












Debra Wiley

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Thursday, September 19, 2019 1:15 PM
To: Debra Wiley
Subject: Voicemail

CAUTION: This message from AMRosenblatt@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

As requested, new owners:

Ziad Bakri and Elisabeth Bakri

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1c4viwEsVOyGMcuo7MWYs9PVF96genk0aJd5gQKQ_z7ISSztuHlpXUgi-UaOhPrwZ4dIQ7-ynsiYA8pxYZIz9KPGdgGj7anCqauoL3i_CTPWNee4Q-yCsPDOePetcsvc3ZX9KQUvoJlrvQuz4vFolAT4sqae3R8-5YKZpwSVB4ZAJRNJwQRWQ-bbJrKzDkw038rKkwFVyWO_2tFIM7w9Swlvjuggv5emlBcpH6CXPgdkEX4udONoh9Jx8Oby9PsbojNmhJaYR-yrEjzqNXX5uXq3EH0Y-zh86ul1dalVLXi5dnPk533PqOjNSkPpStCwyk403fDPF5ieLQZTw3lfGKLBV42a0S3eMMfM50oTJWCIFkCEKJYGioAfiqZ38f0ANuF6-g31keyEk9oUQkza-v7mfbW8vQVPYV5-2AR3opZpeZKyJMEbyVEBVDGE91fSFUeiXrx5XmS8srFFXcmJbg/http%3A%2F%2Fwww.Venable.com

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

Debra Wiley

From: Debra Wiley
Sent: Thursday, September 19, 2019 10:58 AM
To: 'Gontrum, John'; 'arosenblatt@venable.com'
Subject: Case No. 2016-0223-A - 1848 Circle Road - Spirit and Intent Letter / Motion for Reconsideration

Good Morning Counsel,

ALI Stahl is in receipt of Mr. Gontrum's correspondence, dated August 28, 2019, which he's indicated will be treated as a Motion for Reconsideration. He anticipates preparing an Order on the Motion for Reconsideration on or before Friday, September 27, 2019.

Thank you.

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

DELAWARE*
DISTRICT OF COLUMBIA
KENTUCKY
MARYLAND
MICHIGAN
NEW YORK
PENNSYLVANIA
VIRGINIA

WWW.WTPLAW.COM
(800) 987-8705

August 28, 2019



Honorable John E. Beverungen, Esquire
Office of Administrative Hearings
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 1848 Circle Road
Case No. 2016-0223-A
Spirit and Intent Letter 8/22/2019

Dear Judge Beverungen:

Our office represents the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. We understand that the above referenced matter has been the subject of certain email correspondence as well as conversations in order to discern the issues. Our client apparently corresponded with you late last month when the property was advertised for sale with an "au pair or in law apartment" referring to what is now called an exercise room above the garage. I am attaching copies of the July correspondence and your response, most recently August 16.

The Improvement Association has just become aware of Mr. Rosenblatt's correspondence to you of the 22nd instant and your acceptance that "the exercise room, carpeted area, and bathroom areas can remain and are within the spirit and intent of the relief granted in Case No. 2016-0223-A provided that the garage is never rented and its use is limited to **private residential use only**." [bold and underline in original] Unfortunately, this wording, particularly in the context of the previous listings of the property for a living apartment, might be construed to allow just such use, which was expressly forbidden in your original order. Indeed, your original Order expressly forbid a bathroom, which did not prevent the then petitioner from going ahead and installing one and a full kitchen under the permit auspices of putting in plumbing for a utility sink. Your Order's wording could not have been clearer: "The Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or

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2000/02/25
2000/02/25

Honorable John E. Beverungen, Esquire
August 28, 2019
Page 2

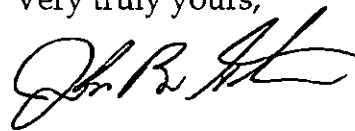
apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities."

Also enclosed is a copy of an email to you from a broker who claims to represent the buyer of the subject property. Contrary to the spirit and intent letter she states that the space over the garage contains both a full and a half bath. In addition, she states the clear desire of her client to have the property occupied by a person working for her client. The subsequent spirit and intent letter does not appear to deny this intent.

My client believes given the wording of the original order, the clear, intentional, subsequent violation of the Order by the owner, and the marketing of the space as an apartment, as well as the correspondence to you from the realtor in July that appears to contradict the spirit and intent letter, that a special hearing would be warranted to modify the order and to clearly limit the usage so that it does not become an apartment or living quarters, with or without a kitchen and/or bathroom.

We would respectfully request that you rescind your spirit and intent letter in that it might appear to contradict the explicit terms of the original order. The meaning of limited use to non- rental property and to "private residential use only" is unclear especially given the context in which it appears. It is certainly unclear to the Improvement Association and is causing great concern. Establishing living space for anyone, whether rented or not, in accessory structures is not what it thought was intended when the original Order was signed approving the variance.

Very truly yours,



John B. Gontrum

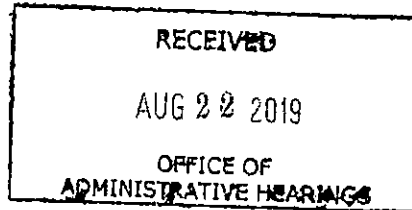
JBG:jg
Attachments

cc: Adam M. Rosenblatt, Esquire
Ward Classen, Esquire
Padraic McSherry Morton, Esquire
Peggy Squitieri

T 410.494.6271
F 410.821.0147
amrosenblatt@venable.com

August 22, 2019

Hon. John E. Beverungen
Office of Administrative Hearings
Jefferson Building, first floor
105 W. Chesapeake Avenue
Towson, MD 21204



Re: 1848 Circle Road
Case No. 2016-0223-A
Spirit and Intent Determination

Judge Beverungen:

I am writing to request confirmation as to whether certain improvements made to an accessory structure (garage) on the above-referenced property (the "Property") are within the spirit and intent of the zoning relief granted in Case No. 2016-0223-A.

Specifically, the prior owner of the Property sought and obtained a variance to construct a detached accessory garage with a high of 28 feet in lieu of the maximum permitted 15 feet. In your Order approving the variance, you imposed a condition that the prior and subsequent owners "shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities." It has been my experience that, unless specifically addressed in a variance application, you place this condition on any administrative variance granted for accessory structures such as garages and pool houses.

My client took possession of the Property in its current condition and is attempting to ensure that the Property is in compliance with your 2016 zoning order. I am attaching photographs of the garage that was constructed by the prior owner. The first floor appears to be a standard garage with a cement floor and space for parking vehicles and storing household items. The upstairs contains an exercise room, full bathroom, open carpeted area, and a kitchen area. Photographs of each section of the upstairs are attached for your review.

As we discussed, my client will remove all kitchen fixtures such as the refrigerator, dishwasher, and sink, leaving only a countertop and cabinet space for storage. We are seeking confirmation that the exercise room, carpeted area, and bathroom areas can remain and are within the spirit and intent of the relief granted in Case No. 2016-0223-A provided that the garage is never rented and its use limited to private residential use only.

VENABLE[®] LLP

Hon. John E. Beverungen

August 22, 2019

Page 2

We would greatly appreciate your input as to whether the garage, with the conditions stated in this letter, is within the spirit and intent of the relief granted in Case No. 2016-0223-A. We have prepared this letter for your countersignature in the event that you wish to sign your approval rather than drafting a separate email or letter for this issue.

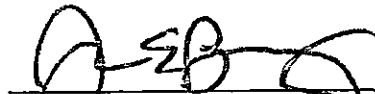
Thank you for your time and consideration.

Sincerely,



Adam M. Rosenblatt

AGREED AND ACCEPTED:

 8-23-2019

Hon. John E. Beverungen
Administrative Law Judge

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1848 Circle Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Kevin B. Merrill	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0223-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Kevin B. Merrill ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the pole barn garage height and usage, I will impose conditions that the proposed pole barn garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 15th day of April, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed pole barn garage with a maximum height of 28 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for any appropriate permits 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. The Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]

Sent: Friday, August 16, 2019 12:33 PM

To: Ruxton-Riderwood-Lake Roland Area Improvement Association <rrlraia@comcast.net>

Subject: RE: Restrictions in ALJ Orders

Sorry for the delay in responding. I was on vacation for a week, and have been extremely busy trying to wrap up several things before I retire. In any event, no legislative action of any sort is required. The only approval required would be of the ALJ in any particular case in which this issue arose. If your organization (or any community group or individual) thought a particular case warranted it, I would send the proposed document for recording to the OAH, ask that it be included in the case file and also ask that the ALJ include it as a condition in the final order. I think an *ad hoc* approach is best, since I don't believe such a filing would be justified in every variance case involving a detached structure. It would depend, as I am sure you are aware, on the facts of the particular case including the size of the property and the accessory structure at issue. As I noted in an earlier e-mail I think this idea has merit; I just learned this week that title searchers may or may not research zoning or administrative orders when preparing a title abstract for a particular property.

Turning back to your initial inquiry, I received an e-mail from a realtor representing the contract purchaser of that home. I did not respond to the e-mail (I was on vacation when it was received) but spoke briefly with Adam Rosenblatt, Esq. from Venable, who apparently represents the contract purchaser and/or realtor. I told him I could not approve the advertised au-pair suite. If I can find the realtor's e-mail I will forward a copy to you.

John Beverungen

ALJ

From: Ruxton-Riderwood-Lake Roland Area Improvement Association <rrlraia@comcast.net>

Sent: Wednesday, July 31, 2019 12:21 PM

To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>

Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Ward Classen <ward.classen@gmail.com>

Subject: RE: Restrictions in ALJ Orders

CAUTION: This message from rrlraia@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
--

Thank you for this information. What would the next steps be? Is this something that must be done legislatively or can it be accomplished administratively?

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]

Sent: Wednesday, July 31, 2019 11:03 AM

To: Ruxton-Riderwood-Lake Roland Area Improvement Association <rrlraia@comcast.net>

Cc: Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: RE: Restrictions in ALJ Orders

Ms. Squitieri,

I think your idea is a good one. The County has a form known as a "Declaration of Understanding" which is used for in-law apartments/accessory apartments. This document is recorded in the land records. I think that Declaration could be tweaked so that it would cover the scenario you describe. I agree this seems like it would be an appropriate condition to impose upon the grant of a variance or special exception.

John Beverungen

From: Ruxton-Riderwood-Lake Roland Area Improvement Association <rrlraia@comcast.net>
Sent: Tuesday, July 30, 2019 11:58 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: Restrictions in ALJ Orders

CAUTION: This message from rrlraia@comcast.net originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Judge Beverungen,

We are aware of a situation where one of your Orders may have been violated. This situation deals specifically with a condition you imposed when granting a height variance for a garage:

"The Petitioner or subsequent owners shall not convert the pole barn garage into a dwelling unit or apartment. The pole barn garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities."

The property is now listed for sale and the following statement was previously included in the listing (the reference to "au-pair or in law apartment" has now been removed from the listing):

"detached 5 car heated garage with upper level exercise room and Au-pair or in law apartment"

We want to insure that any restrictions on a property are discoverable in the title search. What are your thoughts on requiring property owners to record such Orders as deed restrictions, proof of which would be a condition of granting a building permit?

Any other suggestions you have on this matter would be appreciated.

Peggy Squitieri
The Ruxton-Riderwood-Lake Roland Area Improvement Association

410-494-7757

From: Dorsey Campbell <dorsey@dorseycampbellgroup.com>
Sent: Thursday, August 1, 2019 12:24 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: 1848 Circle Road 21204

Good Afternoon Judge Beverungen, my name is Dorsey Campbell and I am a residential real estate agent. I have been in the business for 20 years and this is a first. I have clients who are under contract to purchase 1848 Circle Road 21204, the home of Kevin Merrill who is now in jail for a Ponzi Scheme. Judge Dick Bennett is overseeing the sale through the Federal Court System.

The reason I write to you today is to ask a specific question. Last week (about a month of being under contract, having inspections and appraisals) we learned that there was a variance on the property as it relates to the garage built in 2016. I have attached the variance for your reference.

The house does in fact have nearly 1800 sq feet of usable space over the garage. There is a full bathroom, 1/2 bath, an area that was used for a home gym etc. Our clients bought this house and had envisioned using this space as the apartment/au pair suite it was advertised as on the MLS (which has now been changed).

Last week we heard from members of the Ruxton Riderwood Association (RRLRAIA) that they were going to approach your office and Baltimore County to bring this variance violation to light. That is fine and I understand they need to do what they need to do. I personally live in Ruxton and am a member of the association.

I want to understand what can happen should this happen. If the County has the right to ask the current owners that the bathrooms be removed or if the entire space (floor and all) need to be removed we need to know that prior to taking title. If this space can remain as is because the variance was issued for the previous owner and we were not aware of this violation until last week, I need to know that as well.

Time is of the essence in that we are meant to settle in 15 days and I want to make sure our client is protected. If the space needs to be altered it would be worth less to our buyers etc.

I would be happy to come meet you in your office or talk over the phone.
Thanks in advance for insight you can provide.

Respectfully, Dorsey Campbell

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Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Tax Exempt: None		Special Tax Recapture: None
Exempt Class: None		
Account Identifier:		District - 09 Account Number - 0915540100
Owner Information		
Owner Name:	MERRILL KEVIN B	Use: RESIDENTIAL
		Principal Residence: YES
Mailing Address:	1848 CIRCLE RD TOWSON MD 21204	Deed Reference: /35683/ 00383
Location & Structure Information		
Premises Address:	1848 CIRCLE RD 0-0000	Legal Description: 3.054 AC SWS CIRCLE NR RUXTON STATION
Map:	Grid:	Parcel:
0069	0015	0331
Neighborhood:	Subdivision:	
9010008.04	0000	
Assessment Year:		Plat No:
2020		Plat Ref:
Special Tax Areas: None		Town: None
		Ad Valorem: None
		Tax Class: None
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1869	7,455 SF	
Property Land Area	County Use	
3.0500 AC	04	
Stories	Basement	Type
3	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	6	3 full/ 2 half
Garage	Last Notice of Major Improvements	
1 Detached		
Value Information		
	Base Value	Value
		As of 01/01/2017
Land:	457,900	457,900
Improvements	607,700	607,700
Total:	1,065,600	1,065,600
Preferential Land:	0	
Phase-in Assessments		
	As of 07/01/2019	As of 07/01/2020
Transfer Information		
Seller: ONNEN PATRICIA P	Date: 12/22/2014	Price: \$935,000
Type: ARMS LENGTH IMPROVED	Deed1: /35683/ 00383	Deed2:
Seller: ONNEN FERDINAND H	Date: 07/27/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /02623/ 00566	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt: None	Special Tax Recapture: None	
Exempt Class: None		

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application**Date:**



