

MEMORANDUM

DATE: September 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0327-X – Appeal Period Expired

The appeal period for the above-referenced case expired on September 7, 2017. 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

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(2800 Monkton Road)		
10 th Election District	*	OFFICE OF
3 rd Council District		
Raymond V. & Sandra P. Frank	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Inverness Brewing, LLC	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2017-0327-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Raymond V. & Sandra P. Frank, legal owners and Inverness Brewing, LLC, lessee ("Petitioners"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to operate a Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises, and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

Raymond and Sandra Frank appeared in support of the petition. Christopher D. Mudd, Esq. represented the Petitioners. Several members of the community opposed the request. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the request.

The subject property is approximately 92.325 acres and is zoned RC-2. The property is located in northern Baltimore County in the Monkton community, and is within the My Lady's Manor federal historic district established in 1975. It is undisputed the historic district designation does not impose any special rules or regulations concerning the use of the property.

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Date 8/8/17

By Sen

Raymond and Sandra Frank purchased the property in 2001, and several neighbors stated the property was at that time in deplorable condition. The owners have made substantial improvements to the property, which contains a dwelling, barns and several other farm buildings. Witnesses described the property as having a park-like setting. Petitioners propose to operate a small farm brewery at the site, which requires a special exception.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Petitioners presented two witnesses in their case. First was Sandra Frank, who described in detail the operations of her farm, including the proposed brewery. Ms. Franks stated all of the equipment needed in the operation of the brewery would be located in several of the stalls inside one of the barns on the property. She described the process of growing hops, and has dedicated several acres of the farm to produce hops which would be used in the beer. Petitioners do not propose any new construction in connection with the proposed brewery. The witness testified there would be few if any delivery trucks used in connection with the brewery, which she explained would be a "small system." The witness also described the type of special promotional events she would like to hold, all of which she indicated would be family friendly.

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Date 8/8/17
By Sen

The next witness was David Martin, a landscape architect accepted as an expert. Mr. Martin explained the site plan he prepared for the case, and indicated he visited the property on several occasions. The witness reviewed each of the factors listed in B.C.Z.R. §502.1, and testified Petitioners have satisfied each of those requirements. He also opined the use would have no greater adverse impact at this location than on any other RC 2 zoned tract. Mr. Martin testified the brewery is an adjunct operation to the agricultural uses on the property, which will provide much needed income for the owners/farmers. This concluded Petitioners' case, and under *Attar* I believe they established a *prima facie* case entitling them to the special exception.

Eleven community members testified; several expressed strong support for the proposal while other vehemently opposed the brewery. Two of the opponents contended the brewery use would violate the terms of a Baltimore County agricultural easement which covers Petitioners' property, although that assertion is demonstrably false. The DOP noted in its zoning comment the Baltimore County Agricultural Land Preservation Advisory Board "approved the proposed use to be farm related" under the terms of the agricultural easement. In addition, the court of appeals has recently held non-party "interested persons" do not have standing to enforce provisions of an agricultural easement. *Long Green Valley Ass'n. v. Bellevale Farms, Inc.*, 432 Md. 292 (2013).

The opponents are primarily concerned with noise, traffic, odors and a commercial operation in a rural, pastoral setting. While these are legitimate concerns, I believe they are inherent in the operation of a farm brewery. The obvious truth (a point conceded by Mr. Martin on cross-examination) is that a farm brewery will cause an increase in noise and traffic. But as recognized by Maryland's highest court, most if not all special exception uses have such adverse impacts. *Montgomery County v. Butler*, 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise, traffic, congestion,

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Date 8/8/17
By sen

or other associated problems"). An opponent's burden, after a petitioner has established a *prima facie* case, is to rebut the presumption of validity of the special exception. I do not believe the evidence presented by the protestants satisfied this standard.

THEREFORE, IT IS ORDERED this 8th day of **August, 2017**, by this Administrative Law Judge, that the Petition for Special Exception to use the herein described property for a Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises, and temporary promotional events, such as beer tasting or public gatherings associated with the brewery, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment of DEPS, a copy of which is attached hereto.
3. Prior to issuance of permits Petitioners must submit for approval by the DOP a schematic plan showing the location of any dumpster used for this facility, which must be screened in accordance with the requirements of the landscape manual.
4. The brewery shall be permitted to produce, sell and/or distribute no more than 5,000 barrels of malt beverage per year.
5. The hours of operation shall be restricted to Thursday-Sunday from 12 noon to 8:00 p.m., although certain special events (discussed below) may be held Thursday-Sunday from 12 noon to 10:00 p.m.
6. Petitioners may hold no more than eight (8) temporary promotional events or gatherings associated with the brewery per year.
7. After the proposed brewery has been in operation for one year, the restrictions contained herein are subject to modification following a public hearing, upon a showing of good cause.

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Date 8/8/17
By Len

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/sln

ORDER RECEIVED FOR FILING

Date 8/8/17

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 8, 2017

Christopher Mudd, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Special Exception
Case No: 2017-0327-X
Property: 2800 Monkton Road

Dear Mr. Mudd:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Donald & Sheila Haskell, 9 Patchwork Ct., Monkton, MD 21111
Barbara Wess, 10 Patchwork Ct., Monkton, MD 21111
Sam & Michaeline Yaffe, 16109 Markoe Road, Monkton, MD 21111
Caroline Owens, 16413 JM Pearce Road, Monkton, MD 21111
Kathleen Masterton, 15336 Manor Road, Monkton, MD 21111
Nancy Ringgold, 2524 Beckleysville Road, Freeland, MD 21053

Paul Mayhew

From: Paul Mayhew
Sent: Tuesday, November 19, 2019 10:33 AM
To: 'michael@mmccannlaw.net'; 'amrosenblatt@venable.com'
Cc: Debra Wiley; Sherry Nuffer
Subject: Inverness Brewery

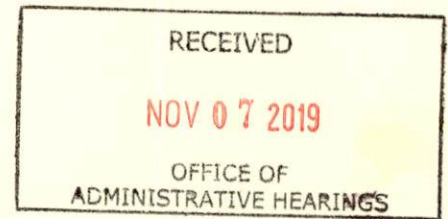
Counsel:

This is in response to Mr. McCann's letter dated November 7, 2019, which was in response to Mr. Rosenblatt and Mudd's letter of November 4, 2019.

As I stated in my last letter, I believe the Code Enforcement process is the proper avenue for addressing any alleged violations of Judge Beverungen's Order, or of any County ordinance.

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net



November 7, 2019

Via Hand-Delivery

Paul M. Mayhew
Managing Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Inverness Brewery
2800 Monkton Road
Case No. 2017-0327-X

Dear Judge Mayhew:

I write in response to Mr. Mudd's letter of November 4, 2019.

Mr. Mudd argues that my clients do not have the right to request a hearing because Condition 7 was imposed by Judge Beverungen to provide Petitioners with the opportunity to modify and potentially reduce the conditions in the Order. According to Mr. Mudd, the Condition was not imposed "to give opponents in attendance (who accepted the Order and did not file any appeal) a chance to seek new restrictions that exceed the scope of the existing conditions of approval."

There is no evidence that Judge Beverungen imposed Condition 7 solely for the purpose suggested by Mr. Mudd. I was not present at the hearing, as Mr. Mudd points out, but I did have the opportunity to listen to the audio recording and note that numerous members of the community expressed concerns about the number and scope of events that Petitioner might have at the property. Certainly, if it was Judge Beverungen's intention to limit the right to have a future hearing to only the Petitioners, then he would have said so. In the absence of such an expressed intention, I do not believe we can make the assumption suggested by Mr. Mudd's argument. I should add that it is not at all unusual in my experience for the ALJ to

include in his Order a provision that allows for modification of its terms in a future public hearing.¹

Mr. Mudd states that having a band play music on weekends is a “standard farm brewery operation” and “coupling music with weekend farm brewery operations is consistent with the operations of all farm breweries throughout Baltimore County and the State of Maryland.” In his words, “[m]usic does not equate to a special promotional event or gathering.”

I think it’s fair to say that the videos and documents sent with my prior letter reflect more than simply the playing of music on weekends. In any event, whether live amplified music every Friday, Saturday, and Sunday is a “standard farm brewery operation” is a matter of serious dispute, one that we believe should be resolved at the modification hearing requested by my clients.²

Mr. Mudd states that Petitioners have had “several *actual* temporary promotional events or gatherings” and obtained permits for these special events from the State of Maryland in accordance with section 2-210 of the Alcoholic Beverages Article. Mr. Mudd identifies two such events/gatherings – the Pig Roast Luau and Fall Farm Festival – which are referenced in documents produced with my prior letter.

My office submitted a request under the Public Information Act to the State Comptroller’s Office and discovered that only four (4) special event permits have been issued by that Office since the Petitioner began operation of the brewery in the spring of 2018. (These applications and permits are attached). One of these permits appears to be for the Pig Roast Luau held on July 5, 6, and 7, 2019 (although the application for the permit describes the event as an “Independence Day” celebration to be held on July 4, 5, and 6). There was no permit issued by the Comptroller’s Office for the Fall Farm Festival, but I do not disagree that the festival was a “temporary promotional event or gathering” under Judge Beverungen’ Order and the Zoning Regulations. Indeed, the brewery’s website identifies the Fall Festival as an “event weekend” occurring on October 18, 19, and 20, 2019. (See documents produced with prior letter). My point is that if these two occurrences are “temporary promotional events or gatherings” as Mr. Mudd concedes, there is nothing distinguishing them from the numerous others that are depicted in the videos, calendars, and other documents previously sent to you. Like

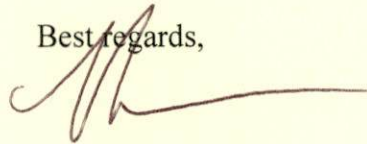
¹ The fact that my clients did not appeal the ALJ’s decision is irrelevant and certainly not an indication that they agreed at that time to forego any and all future legal challenges to the proposed brewery. My clients tell me that they were heartened by the prospect of being able to revisit the conditions in the Order and, on that basis, elected not to appeal Judge Beverungen’ decision.

² Notably, when the Petitioner was asked at the hearing whether she would have music at the events/gatherings, she responded yes, but “probably not loud music, [just] people walking around talking.” (Audio recording, 2:31:50 p.m.). She later added, “I’m 60 years old. I want this to be a little fun retirement thing for my husband and me.” (*Id.*, 2:41:40).

the Pig Roast Luau and Fall Farm Festival, they involve live music, large crowds, and often a cover charge for attendance.

Thank you, again, for your consideration. Please contact me if you have any questions.

Best regards,

A handwritten signature in dark ink, appearing to be 'M. McCann', with a long horizontal flourish extending to the right.

Michael R. McCann

Enclosures

cc: Christopher Mudd, counsel for Petitioner (*via* email) (w/enclosures)

Comptroller of Maryland

Permit No. BP-75245

Revenue Administration Division
Licensing and Registration
Annapolis, Maryland

Brewery Special Event Permit

THIS IS TO CERTIFY that

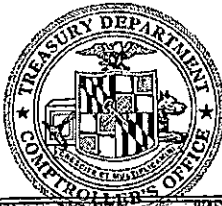
INVERNESS BREWING LLC

2800 MONKTON ROAD MONKTON MARYLAND 21111

is licensed by the STATE OF MARYLAND to provide samples not to exceed 2 fluid ounces per brand and sell by the glass (for on-premise consumption) beer produced by the licensee to any consumer, of legal drinking age, participating in the event at the brewery location.

Date(s) of event: JUNE 7 - 9, 2019

Issued under authority of Article 2B of the Annotated Code of Maryland, as amended, title "Alcoholic Beverages."



WITNESS the hand and official seal of the Comptroller of Maryland

this 19TH day of JUNE, 2019

Cost of Permit \$ 25.00

No. 00483

Peter Franchot

Form **APPLICATION FOR A BREWERY
385 SPECIAL EVENT PERMIT**



133850049

Date May 25, 2019

To the Comptroller of Maryland,

Application is made by the undersigned under the provisions of Article 2B of the Annotated Code of Maryland, as amended, title "Alcoholic Beverages" for the permit indicated above. This application shall be filed with the Office of the Comptroller not less than **15 days prior to any event.**

1. License name and/or trade name: Inverness Brewing
2. Mailing address: 2800 Monkton Rd.
Monkton, MD 21111
- Business Phone No.: 443-829-2142
- License Number MD-20262
- Federal Identification Number -

Office Use Only	
Number	_____
Permit Year	_____
Stub Number	<u>00483</u>
Approved	<u>#</u>
Date	_____
Check Number	<u>1350</u>
Check Amount	<u>\$ see BP-75244</u>
Deposit Date	<u>JUN 3 2019 692</u>

3. Is the event being held on the premises of the brewery? ☒ Yes ☐ No
4. Description of Event Celebrate Graduation
5. Do the applicants agree to conform to all laws, rules, and regulations of the State of Maryland relating to the business in which they propose to engage under this permit? ☒ Yes ☐ No
6. The permit for which this application is made is to be for the following day, June 7, 8, 9th
The applicant tenders herewith the sum of \$25.00 in payment. A new application and payment must be submitted for each special event.
7. Must be signed by a brewery licensee.

Affidavit

I/we do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

[Signature]
Signature of Brewery Licensee

Sandra P. Frank
Type or Print Name

8. This section must be completed by the owner of the premises where the event will take place.

Statement of owner of premises required in connection with alcoholic beverages law of Maryland: I/we hereby certify that I am/
we are the owner(s) of the property known as Inverness Brewing

named as the foregoing application made to the Comptroller of Maryland under the Alcoholic Beverages Law of Maryland; that I/we assent to the granting of the permit applied for, and that I/we hereby authorize the Comptroller of Maryland, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners of the jurisdiction in which the place of business is located, its duly authorized agents and employees, and any peace officer of such jurisdiction to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted, at any and all hours.

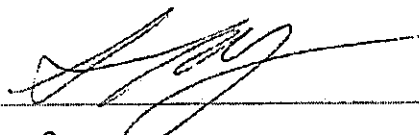
Form **385** APPLICATION FOR A BREWERY
SPECIAL EVENT PERMIT



133850149

Affidavit

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.



Signature

Pres - Owner

Title

Sandra P. Frank

Type or print name

5/25/19

Date

Third Party Checks

Affidavit

I do solemnly declare and affirm under the penalties of perjury that the contents below are true and correct to the best of my knowledge, and that I am authorized and empowered to issue a check and make payment for the license/permit fee on behalf of the applicant.

Name of Corporation; Partners of Partnership; or Individual (Include Trade Name)

Complete Mailing Address

Signature of Owner, Partner or Corporate Officer

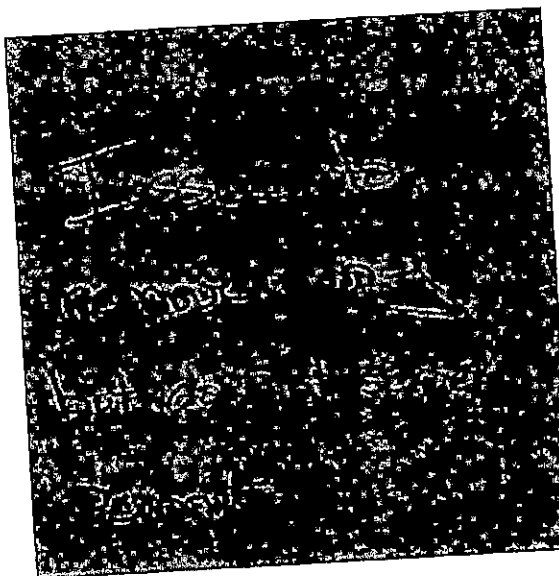
Title

Federal Identification Number and/or Social Security Number

Date

Contact Information

Comptroller of Maryland
Revenue Administration Center
Licensing and Registration
P.O. Box 2999
Annapolis, Maryland 21404-2999
410-260-7980 or 800-MD-TAXES
www.marylandtaxes.com



Comptroller of Maryland

Permit No. BP-75244

Revenue Administration Division
Licensing and Registration
Annapolis, Maryland

Brewery Special Event Permit

THIS IS TO CERTIFY that

INVERNESS BREWING LLC

2800 MONKTON ROAD MONKTON MARYLAND 21111

is licensed by the STATE OF MARYLAND to provide samples not to exceed 2 fluid ounces per brand and sell by the glass (for on-premise consumption) beer produced by the licensee to any consumer, of legal drinking age, participating in the event at the brewery location.

Date(s) of event: JULY 4 - 6, 2019

Issued under authority of Article 2B of the Annotated Code of Maryland, as amended, title "Alcoholic Beverages."



WITNESS the hand and official seal of the Comptroller of Maryland

this 19TH day of JUNE, 2019

Cost of Permit \$ 25.00

No. 00484

Peter Franchot

Comptroller of Maryland

Form **APPLICATION FOR A BREWERY
385 SPECIAL EVENT PERMIT**

BP - 75244



133850049

Date May 25, 2019

To the Comptroller of Maryland,

Application is made by the undersigned under the provisions of Article 2B of the Annotated Code of Maryland, as amended, title "Alcoholic Beverages" for the permit indicated above. This application shall be filed with the Office of the Comptroller not less than 15 days prior to any event.

1. License name and/or trade name: Inverness Brewing
2. Mailing address: 2800 Monkton Rd
Monkton MD 21111

Business Phone No.: _____

License Number MD-20067

Federal Identification Number - - - - -

3. Is the event being held on the premises of the brewery? ☒ Yes ☐ No

4. Description of Event Celebrate Independence Day

5. Do the applicants agree to conform to all laws, rules, and regulations of the State of Maryland relating to the business in which they propose to engage under this permit? ☒ Yes ☐ No

6. The permit for which this application is made is to be for the following day(s) July 4, 5, 6 & 7
The applicant tenders herewith the sum of \$25.00 in payment. A new application and payment must be submitted for each special event.

7. Must be signed by a brewery licensee.

Affidavit

I/we do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

[Signature]
Signature of Brewery Licensee

Sandro P. Frank
Type or Print Name

8. This section must be completed by the owner of the premises where the event will take place.

Statement of owner of premises required in connection with alcoholic beverages law of Maryland: I/we hereby certify that I am/
we are the owner(s) of the property known as Inverness Brewing

named as the foregoing application made to the Comptroller of Maryland under the Alcoholic Beverages Law of Maryland; that I/we assent to the granting of the permit applied for, and that I/we hereby authorize the Comptroller of Maryland, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners of the jurisdiction in which the place of business is located, its duly authorized agents and employees, and any peace officer of such jurisdiction to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted, at any and all hours.

RECEIVED

MAY 31 2019

RETURNS PROCESSING SECTION

Form **APPLICATION FOR A BREWERY**
385 SPECIAL EVENT PERMIT



133850149

Affidavit

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

Signature

Title

[Handwritten Signature]
Prop. Owner

Type or print name

Date

Sandra P. Frank
5/25/9

Third Party Checks

Affidavit

I do solemnly declare and affirm under the penalties of perjury that the contents below are true and correct to the best of my knowledge, and that I am authorized and empowered to issue a check and make payment for the license/permit fee on behalf of the applicant.

Name of Corporation; Partners of Partnership; or Individual (Include Trade Name)

Complete Mailing Address

Signature of Owner, Partner or Corporate Officer

Title

Federal Identification Number and/or Social Security Number

Date

Contact Information

Comptroller of Maryland
Revenue Administration Center
Licensing and Registration
P.O. Box 2999
Annapolis, Maryland 21404-2999
410-260-7980 or 800-MD-TAXES
www.marylandtaxes.com

Comptroller of Maryland

Permit No. BP-75617

Field Enforcement Division
Regulatory & Licensing Section
Annapolis, Maryland

Brewery Special Event Permit

THIS IS TO CERTIFY that

INVERNESS BREWING LLC

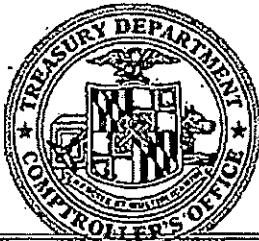
2800 MONKTON ROAD

MONKTON MARYLAND 21111

is licensed by the STATE OF MARYLAND to provide samples not to exceed 2 fluid ounces per brand and sell by the glass (for on-premise consumption) beer produced by the licensee to any consumer, of legal drinking age, participating in the event at the brewery location.

Date(s) of event: SEPTEMBER 13-15, 2019

Issued under authority of the Annotated Code of Maryland, Alcoholic Beverages Article.



WITNESS the hand and official seal of the Comptroller of Maryland

this 28TH day of AUGUST , 2019

Cost of Permit: \$25.00

No. 00493

Peter Franchot

Comptroller of Maryland

Form **APPLICATION FOR A BREWERY**
385 SPECIAL EVENT PERMIT

BP - 75617



133850049

Date 8/10, 2019

To the Comptroller of Maryland,

Application is made by the undersigned under the provisions of Article 2B of the Annotated Code of Maryland, as amended, title "Alcoholic Beverages" for the permit indicated above. This application shall be filed with the Office of the Comptroller not less than **15 days prior to any event.**

1. License name and/or trade name: Inverness Brewing
2. Mailing address: 2800 Monkton Rd.
Monkton, MD 21111
- Business Phone No.: 443-829-2142
- License Number MD-20067
- Federal Identification Number _____

Office Use Only	
Number	_____
Permit Year	_____
Stub Number	_____
Approved	APPROVED
Date	_____
Check Number	<u>1447</u>
Check Amount	<u>\$25.00</u>
Deposit Date	<u>AUG 19 2019 74.</u>

- 3. Is the event being held on the premises of the brewery? ☒ Yes ☐ No
4. Description of Event: 1 yr Anniversary Celebration
5. Do the applicants agree to conform to all laws, rules, and regulations of the State of Maryland relating to the business in which they propose to engage under this permit? ☒ Yes ☐ No
6. The permit for which this application is made is to be for the following day(s) Sept. 13, 14, 15
The applicant tenders herewith the sum of \$25.00 in payment. A new application and payment must be submitted for each special event.
7. Must be signed by a brewery licensee.

Affidavit

I/we do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

[Signature]
Signature of Brewery Licensee

Sandra P. Frank
Type or Print Name

8. This section must be completed by the owner of the premises where the event will take place.

Statement of owner of premises required in connection with alcoholic beverages law of Maryland: I/we hereby certify that I am/ we are the owner(s) of the property known as Inverness Brewing

named as the foregoing application made to the Comptroller of Maryland under the Alcoholic Beverages Law of Maryland; that I/we assent to the granting of the permit applied for, and that I/we hereby authorize the Comptroller of Maryland, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners of the jurisdiction in which the place of business is located, its duly authorized agents and employees, and any peace officer of such jurisdiction to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted, at any and all hours.

RECEIVED

AUG 16 2019

RETURNS PROCESSING SECTION

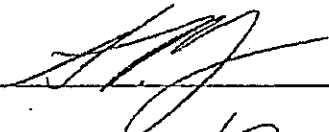
Form **APPLICATION FOR A BREWERY**
385 SPECIAL EVENT PERMIT



133850149

Affidavit

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

Signature		Type or print name	<u>Sandra P. Frank</u>
Title	<u>Owner / Pres.</u>	Date	<u>8/10/19</u>

Third Party Checks

Affidavit

I do solemnly declare and affirm under the penalties of perjury that the contents below are true and correct to the best of my knowledge, and that I am authorized and empowered to issue a check and make payment for the license/permit fee on behalf of the applicant.

Name of Corporation, Partners of Partnership, or Individual (include Trade Name)

Complete Mailing Address

Signature of Owner, Partner or Corporate Officer

Title

Federal Identification Number and/or Social Security Number

Date

Contact Information

Comptroller of Maryland
Revenue Administration Center
Licensing and Registration
P.O. Box 2999
Annapolis, Maryland 21404-2999
410-260-7980 or 800-MD-TAXES
www.marylandtaxes.com

Comptroller of Maryland

Permit No. BP-74135

Revenue Administration Division
Licensing and Registration
Annapolis, Maryland

Brewery Special Event Permit

THIS IS TO CERTIFY that

INVERNESS BREWING LLC

2800 MONKTON ROAD MONKTON MARYLAND 21111

is licensed by the STATE OF MARYLAND to provide samples not to exceed 2 fluid ounces per brand and sell by the glass (for on-premise consumption) beer produced by the licensee to any consumer, of legal drinking age, participating in the event at the brewery location.

Date(s) of event: DECEMBER 14, 15 & 16, 2018

Issued under authority of Article 2B of the Annotated Code of Maryland, as amended, title "Alcoholic Beverages."



WITNESS the hand and official seal of the Comptroller of Maryland

this 10TH day of DECEMBER, 2018

Cost of Permit \$ 25.00

No. 00447

Peter Franchot



PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

November 5, 2019

Michael R. McCann, Esq.
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, Maryland 21204-4518

Christopher D. Mudd, Esq.
Venable LLP
210 West Pennsylvania Avenue, Suite 500
Towson, Maryland 21204-5304

RE: Case No. 2017-0327-X
Property: 2800 Monkton Road
Hearing: 8/2/2017

Dear Counsel:

I have received your letters dated October 29, 2019 and November 4, 2019. I agree with Mr. Mudd that Condition 7 of Judge Beverungen's Order was to give the *Petitioners* an opportunity to request a public hearing after a year to seek modifications of the Conditions of the Order. It seems to me that the proper and established avenue for remedying alleged violations of the Order is through the Code Enforcement process.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew", is written over the word "Sincerely,".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

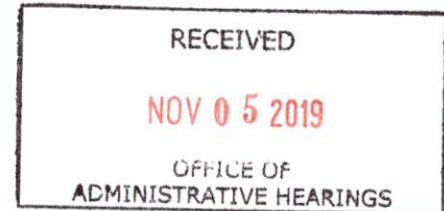
T 410.494.6271
F 410.821.0147
amrosenblatt@venable.com

November 4, 2019

Via Hand Delivery

Hon. Paul M. Mayhew
Office of Administrative Hearings
Jefferson Building, first floor
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Inverness Brewery
2800 Monkton Road
Case No. 2017-0327-X



Judge Mayhew:

This correspondence is in response to a letter from Michael R. McCann dated October 29, 2019. Without identifying any Protestants or clients, Mr. McCann requests that an additional hearing be held to address certain alleged impacts arising out of the farm brewery approved in this case. For the following reasons, no further hearing or action of any kind is necessary.

Mr. McCann bases his request for a hearing on Condition 7 contained in the August 8, 2017 Order approving this special exception. That condition states as follows: "After the proposed brewery has been in operation for one year, the restrictions contained herein are subject to **modification** following a public hearing, upon a showing of good cause" (emphasis added).

Mr. McCann was not present at the special exception hearing before Judge Beverungen and therefore was not fully informed as to the origin of Condition 7. The condition was requested by the Petitioners in order to provide them with the opportunity to modify and potentially reduce the restrictions placed on the beer production, hours of operation, and the number of special events that can be held in conjunction with this farm brewery. The condition was not included to give the opponents in attendance (who accepted the Order and did not file any appeal), a chance to seek new restrictions that exceed the scope of the existing conditions of approval.

Without knowing who Mr. McCann represents, it is difficult to properly respond to any complaints regarding the operation and impacts associated with the farm brewery. However, it appears that Mr. McCann's primary allegation is that standard farm brewery operations, such as having a band play music on the weekends, constitute "temporary promotional events or gatherings" that are limited by Condition 6 of the Order in this case to a maximum of 8 per year.

Coupling music with weekend farm brewery operations is consistent with the operation of all farm breweries throughout Baltimore County and the State of Maryland. Music does not equate to a

Hon. Paul M. Mayhew

November 4, 2019

Page 2

special promotional event or gathering. Had Mr. McCann been asked to represent the opponents at the hearing in this case, perhaps he could have negotiated a condition regarding the location or frequency of music in conjunction with this farm brewery. However, no limiting condition involving music was placed on this farm brewery, and there is no basis for adding such a condition when there is a final, unappealable order in this case.

The Petitioners have had several actual “temporary promotional events or gatherings,” including the Luau Pig Roast and Fall Farm Festival that are referenced in the attachments to Mr. McCann’s letters. As required by § 2-210 of the Alcoholic Beverages Article of the Maryland Code, the Petitioners registered with the State of Maryland and obtained permits for these special events. However, simply having a band play music on the 92-acre farm associated with this farm brewery does not constitute a special promotional event or gathering, particularly when there is no condition limiting live music on this property.

Additionally, testimony at the public hearing in this matter confirmed that the farm brewery would inevitably cause an increase in noise and traffic in and around the property. Judge Beverungen confirmed, however, that these impacts are inherent to the operation of any farm brewery and are therefore not grounds to deny a special exception. *See* Order, pp. 3-4. If any neighbors wished to further contest the impacts associated with the daily operations of the farm brewery, such as having bands play music on the weekend, they had a full opportunity to request that Judge Beverungen impose a limiting condition, and they had the ability to appeal Judge Beverungen’s Order to the Board of Appeals. However, they chose not to seek any conditions or any further administrative or judicial review of this matter and accepted the approval as is. There is no basis for these unnamed neighbors to now try to use a condition that was included for the benefit of the Petitioners to further limit the everyday operations of the farm brewery.

For these reasons, undersigned counsel respectfully submits that there is no reason to hold any additional hearings in this case.

Sincerely,



Christopher D. Mudd

Adam M. Rosenblatt

cc: Michael McCann, Esq.

Debra Wiley

From: Mudd, Christopher D. <CDMudd@Venable.com>
Sent: Monday, November 4, 2019 4:38 PM
To: Debra Wiley
Cc: Michael McCann (michael@mmccannlaw.net); Rosenblatt, Adam M.
Subject: Letter
Attachments: 47934902-v1-Response to October 29 Letter (2800 Monkton Road).PDF

JB 7-16-19
⑥ 7-17-19
Shante -
No Cond.

CAUTION: This message from CDMudd@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.

Debbie:

Attached is a letter in response to Mr. McCann's October 29, 2019 letter regarding Case No. 2017-0327-X. A hard copy will be delivered to your office in the morning.

Thank you,

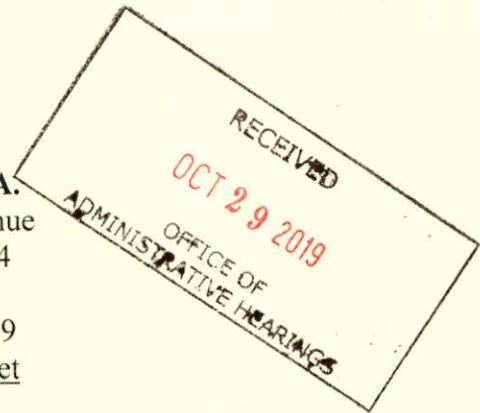
Chris

Christopher D. Mudd, Esq. | Venable LLP
t 410.494.6365 | f 410.821.0147 | m 410.271.9105
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

CDMudd@Venable.com | http://secure-web.cisco.com/1dWqurXncTMYhLGYW3ckWsPL8idbCjld0O6w8nF8yZ_j6vcyBZFi3bsxLumBRCYoU1QmnDkkKIBp6yKIRPIV87ifZeQjinchcBrltbY5MeBeB_Y_RMQ_yDdsF36xsdTmtRwUMkmCR_6yBrfEFDUAq2prLU7v86F6GQJrS1VoUvQ-zu63h23QrgTxYgpUlcd-drpvr-cTJnY7niQHox_buXYaCMHFuESdEP6Q25VD8c_HY3JomVAh-n-ZOMk5kb0zSrTIlzEjdKLvg1YL8n-TYMiwbwYy-2L5O10z4krmyMFH-m7-QGiNntT1jpoANnJGrynfcRDsGUo8Ni1kApINmx2xLx4GAQWzQu_yzuTv5ocW2ZJqvHOegSooaT85alhWoWZzeuXw12Zsuep7z3lk76ckl8zyvNc8gUmt-CHBEfj5zcf7J8ZI3D5ZA6Zxv1z0CZQINfsLX74wzTci6ejMCg/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.

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net



October 29, 2019

Via Hand-Delivery

Paul M. Mayhew
Managing Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Inverness Brewery
2800 Monkton Road
Case No. 2017-0327-X

Dear Judge Mayhew:

On August 8, 2018, your predecessor, Judge Beverungen, issued the attached Opinion and Order in which he approved a special exception for a Class 8 brewery at the above-mentioned property. In the Opinion, Judge Beverungen noted the Petitioners' testimony that their proposal called for a "small brewery" with "few if any truck deliveries" that would host "family friendly special promotional events." (Op. and Order, p. 2). Based on concerns expressed at the hearing by the community, Judge Beverungen ultimately imposed certain conditions on his approval of the special exception, including that (i) Petitioners were allowed to have only eight (8) "temporary promotional events or gatherings" per year, and (ii) such events are limited to the hours from noon to 10 p.m. At the conclusion of his Opinion, Judge Beverungen stated that, after the brewery was in operation for one year, the conditions he imposed "are subject to modification following a public hearing, upon a showing of good cause." (Op. and Order, p. 4).

We believe good cause exists for your Honor to conduct a hearing for the purpose of determining whether modification of the conditions imposed by Judge Beverungen is appropriate. Since last fall, my clients have documented and recorded numerous promotional events and gatherings held at the brewery, far in excess of the 8 permitted by Judge Beverungen. These events/gatherings, which occur nearly every weekend (Thursday, Friday and Saturday nights), attract large crowds and typically involve live, amplified music that can be heard from great distances in this rural part of the County. The brewery often holds these events/gatherings beyond

the permitted hours of operation. The brewery also has been advertising the rental of the facility for private gatherings for 25 to 100 people, a use clearly not permitted under the "Class 8, brewery" special exception or otherwise under the Zoning Regulations. In short, the Brewery has been operating, essentially, as a bar and restaurant.

Attached for your reference is a representative sampling of print-outs from the brewery's website and Facebook pages along with some photographs taken by my clients. Also attached is a thumb drive containing videos of four (4) recent events that took place at the brewery, which were downloaded from the brewery's Facebook page. These are typical of the events that have been held nearly every weekend since last fall. In case your system does not have the software to play these videos on the thumb drive, below are the internet links to these same videos.

<https://www.facebook.com/Invernessbrewing/videos/2324960117715640/>

<https://www.facebook.com/Invernessbrewing/videos/2624489654275923/>

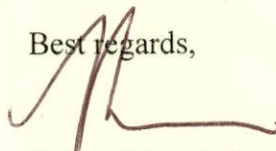
<https://www.facebook.com/Invernessbrewing/videos/2294956004098865/>

<https://www.facebook.com/Invernessbrewing/videos/646124632572020/>

We respectfully request that your Honor schedule this matter in for a public hearing, as contemplated by Judge Beverungen in his Opinion and Order.

Thank you for your consideration. Please contact me if you have any questions.

Best regards,

A handwritten signature in dark ink, appearing to be 'M. McCann', with a stylized, flowing script.

Michael R. McCann

Enclosures

cc: Christopher Mudd, counsel for Petitioner (*via* hand-delivery) (w/enclosures)





HAPPENINGS AT INVERNESS





HAPPENINGS AT INVERNESS



AUGUST 2019



SU	MO	TU	WE	TH	FR	SA
					1 3:30p Live Music: Homestead & New Beer Release: Cherry KDW Irie Cherry Pie Sour 7.6%	2 3:30p Live Music: Black Pale Band
	3 3:30p Live Music: Unstrung Heroes	4	5	6	7	8
					9 3:30p Live Music: John Zorn	10 3:30p Live Music: South Paw
	11	12	13	14	15 3:30p Live Music: Confused by Zebra	16 4p Live Music: The Party Shaker Bill Zee
	17	18 4p Live Music: The Mason Dixon Strings	19	20	21	22 3:30p Live Music: Bad Apples
					23 3:30p Live Music: Go For Broke	24
	25	26	27	28	29 4p Live Music: Steve Ross	30 4p Live Music: Dream Ticket & Food Truck: Smokin' Swine Food Truck
						31



GET IN TOUCH

16200 Markoe Road
Manokton, Maryland 21111
p: 443-829-2142
e: invernessbrewing@gmail.com



HAPPENINGS AT INVERNESS

SEPTEMBER 2019

SU	MO	TU	WE	TH	FR	SA
1 4p Live Music: Jess Arms & Food Truck, Smoke Hill	2	3	4	5	6 4p Live Music: Rachel Ann Morgan & New Beer Brewing, Mykonos Party Boat, Jess Arms & Food Truck	7 4p Live Music: Sky King & Food Truck, Green Goat
8 3p Live Music: Cape Mc Night & Food Truck, Smoke Hill	9	10	11	12	13 5p 1st Anniversary Westland Open 12-10pm! Live Music: Scriba 5-9pm	14 5p 1st Anniversary Weekend! Open 12-10pm! Live Music: The Fugitives 5-9pm & Food Truck: Fila Food Truck
15 4p 1st Anniversary Weekend! Surf Sunday: Open 12-10pm! Live Music: Josh Chittling 4-6pm	16	17	18	19	20 4p Live Music: Tumblehome Band	21 4p Live Music: Jason and the Strings
22 4p Live Music: Rats & Bees	23	24	25	26	27 4p Live Music: Whisper Road	28 4p Live Music: The Nuffs, Smoke Hill
29 4p Live Music: Blind Owl	30					



GET IN TOUCH

16200 Markoe Road
Montkion, Maryland 21111
p. 443-829-2142
e. invernessbrewing@gmail.com



HAPPENINGS AT INVERNESS

NOVEMBER 2019							
SU	MO	TU	WE	TH	FR	SA	
					1p Live Music: Skyline Acoustic	2p Live Music: Tumblehome 5 Food Truck: Green Bowl	
5p Live Music: Pally Reese							
					4p Live Music: Fried Pickin' Bluegrass	4p Live Music: The Grinders 5 Food Truck: Smokin' Swine	
2p Open Mic: 2pm-Close							
					5p Live Music: Amy- "Dream Ticket"	5p Live Music: Skyfing 6 Food Truck: Green Bowl	
					5p A Very Dear Friend's Birthday!	5p Live Music: SouthPaw 6 Food Truck: Brick N Fire Pizza	
5p Live Music: Josh Christina					5p Live Music: Whistler Road	5p Live Music: Black Orchid 6 Food Truck: Green Bowl	



GET IN TOUCH

16200 Markoe Road
Mankton, Maryland 21111
p: 443-829-2142
e: invernessbrewing@gmail.com



HAPPENINGS AT INVERNESS



OCTOBER 2019



SU	MO	TU	WE	TH	FR	SA
			1	2	3 4p Live Music: Jukebox Trio	4 4p Live Music: Chris Montcalmo & Food Truck: Smokin' Swine
	6 4p Live Music: The Rudones	7	8	9	10	11 4p Live Music: Jim Lewis & Food Truck: Fila Food Truck
	12 4p Live Music: The K Band	13	14	15	16 12p Event! Weekend- Open 12-10pm! Live Music: John LT Band (5-9pm)	17 12p Event! Weekend, Inverness Fall Festival- Open 12-10pm! Live Music: Blue Octone (2-3:50pm), FentyWood (4-5:30pm), Danny Paisley & Southern Grass (5-6:30pm)
17p Event! Weekend- Open 12-10pm! Live Music: Amy+ Dream Ticket	20	21	22	23	24 5p Live Music: Whistler Road	25 5p Live Music: Wanted Gravity & Food Truck: Smokin' Swine
27 5p Live Music: Josh Christina	28	29	30	31		



GET IN TOUCH

16200 Markoe Road
 Monkton, Maryland 21111
 p: 443-829-2142

e: invernessbrewing@gmail.com

DATE _____

2017-0327-X

8-2-2017

E - MAIL

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2017-0327-X

DATE AUG. 2, 2017

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
✓ DONALD HASSELL	9 PATCHWORK CT. V	MONKTON, MD 21111	
✓ Beth Ann Glass	10 Patchwork Ct.	" " "	
✓ SHEILA HASSELL	9 PATCHWORK CT.	" " "	
✓ Sam Yaffe	16109 Markoe Road	" " "	clbtsam@Comcast.net
✓ Caroline Owens	16413 JM Pearce Rd	Monkton MD 21111	
✓ MICHAELINE YAFFE	16109 Markoe Rd.	Monkton MD 21111	
✓ Kathleen Masterton	15336 Manor Rd	Monkton MD 21111	Kmasterton@verizon.net
✓ Nancy Ringgold	2524 Beckleyville Rd	Freeland 21053	nancyringgold@gmail.com
✓ Stephanie Fanti	16 Holy Cross Rd	Street MD 21154	
✓ KELLY DUDECK	114 GLENMORE AV 21226		KELLY@GROWANDFORTIFY.com
✓ Richard T. Reinhardt, Esq.	16209 Markoe Road	Monkton MD 21111	
✓ Paul Dentler	16211 Markoe Rd	Monkton MD 21111	caraldentler@aol.com
✓ ALISON WHITE	2937 MONKTON RD	MONKTON, MD 21111	
✓ Frank Marchant	2813 Monkton Rd	Monkton MD 21111	frankmarchant@yahoo.com
✓ John Hawk	2937 Monkton Rd	Monkton MD 21111	
✓ Mark Elmore	2950 Garrett Rd	White Hall MD 21161	mark@gaganation.com
✓ Peter Elmore	2950 Garrett Rd	White Hall MD 21161	peterelmore37@gmail.com
✓ Keith Willis	1614 E Churchville Rd #100	Bellevue MD 21015	Kwillis@NAFEC.org
✓ LYNNE JONES	815 STABLES CHURCH	PARKTON 21120	dryad101@hotmail.com
✓ MDCANGLER	576 Hopkins Landing Dr.	Essex, MD 21221	Denise.Gargus@GMail.com
✓ Robert Stanhope	15505 Chilcoat Rd, Sparks MD	Sparks MD 21152	stanhopes@verizon.net
✓ DONNA HOFMEISTER	2647 SHEPHERD RD	MONKTON MD 21111	hofcats@monkton.org
✓ Bill CRADDOCK	16331 MARKOE RD	MONKTON 21111	

DATE _____

ER 2017-327-X
8-2-2017

[illegible]

John E. Beverungen

From: SAM YAFFE <cbtsam@comcast.net>
Sent: Wednesday, August 02, 2017 9:04 PM
To: John E. Beverungen
Subject: Apologies

Dear Mr. Beverungen,

I am writing to apologize for my wife and myself leaving your hearing early this afternoon. I had a patient scheduled for 6:00 p.m., so I felt as though I had little choice. I trust you will understand and not hold this against us.

Also, we appreciated your demonstration of extreme patience, and wanted to say that we appreciated it.

Sincerely,

Samuel Yaffe, Ph.D.

1609 Markoe Road

Monkton, MD 21111-1716

June Wisnom

From: Gloria Pearce <gjpearce@verizon.net>
Sent: Tuesday, August 01, 2017 4:03 PM
To: June Wisnom
Subject: case#2017-0327X - 2800 Monkton Road

This is to inform Mr. Carl Richards, the Zoning Commissioner, that we are against the proposed "Special Exception" for a brewery, Class 8 to be built at the above address. This would cause traffic and safety problems on Markoe and J.M. Pearce Roads. Someone was killed on Markoe Road a few years ago, a block away from this location, due to Markoe Road being narrow, not enough room for two cars to pass easily without hugging the shoulder. Huge delivery trucks on this road would cause a hazardous problem.

My Lady's Manor has always been a rural area, and this community would like to keep it that way.

I am writing this for the following residents:

Robert and Gloria Pearce
16330 Markoe Road
Monkton, MD 21111

and

Sally Pearce
16417 J. M. Pearce Road
Monkton, MD 21111

Thank you for your attention to this matter.

Sincerely,

Gloria J. Pearce



C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment6/30DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment6/15DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

7/25/17PLANNING
(if not received, date e-mail sent _____)no obj w/conclusion6/14/17

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

7/13/17

SIGN POSTING

Date:

7/13/17

by

SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 10 Account Number - 1010095060								
Owner Information										
Owner Name:		FRANK RAYMOND V FRANK SANDRA P			Use: Principal Residence:		AGRICULTURAL YES			
Mailing Address:		2800 MONKTON RD MONKTON MD 21111-1717			Deed Reference:		/15235/ 00712			
Location & Structure Information										
Premises Address:		2800 MONKTON RD 0-0000			Legal Description:		92.325 AC ES 2800 MONKTON RD NW COR MARKOE ROAD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:	
0029	0010	0113		0000				2017		
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
2005		10,311 SF				92.3200 AC		05		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT		BRICK	9 full/ 1 half	1 Attached				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of 01/01/2017		As of 07/01/2016		As of 07/01/2017		
Land:		284,700		284,700						
Improvements		1,228,800		1,269,400						
Total:		1,513,500		1,554,100		1,513,500		1,527,033		
Preferential Land:		32,700						32,700		
Transfer Information										
Seller: MORGAN ARTHUR A DIENER ERWIN				Date: 05/25/2001			Price: \$1,300,000			
Type: ARMS LENGTH IMPROVED				Deed1: /15235/ 00712			Deed2:			
Seller: PAPENFUS R G AG USE 83-84				Date: 04/22/1980			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /06158/ 00502			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
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:										



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 2800 Monkton Road

which is presently zoned RC-2

Deed References: 15235/712

10 Digit Tax Account # 1 0 1 0 0 9 5 0 6 0

Property Owner(s) Printed Name(s) Raymond V Frank and Sandra P Frank

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

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

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

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
SEE 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 bound 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:

Inverness Brewing LLC

Name- Type or Print

Signature Sandra P. Frank

2800 Monkton Road Baltimore County, Maryland

Mailing Address City State

21111 / 443-829-2142 / sfrank59@yahoo.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esq.

Name- Type or Print

Signature Christopher Mudd / ANI

210 W. Pennsylvania Avenue Towson Maryland

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Raymond V Frank

Sandra P Frank

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Raymond V. Frank Signature #2 Sandra P. Frank

2800 Monkton Road Baltimore County, Maryland

Mailing Address City State

21111 / 443-829-2142 / sfrank59@yahoo.com

Zip Code Telephone # Email Address

Representative to be contacted:

Christopher D. Mudd, Esq.

Name - Type or Print

Signature Christopher Mudd / ANI

210 W. Pennsylvania Avenue Towson Maryland

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0327-X Filing Date 6/9/17

Do Not Schedule Dates: 8/8/17 Reviewer JF

Date 8/8/17

By sen

ORDER RECEIVED FOR FILING

REV. 10/4/11

Attachment to Petition for Special Exception

Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises, and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.



KEVIN KAMENETZ
County Executive

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

July 27, 2017

Raymond V & Sandra P Frank
2800 Monkton Road
Monkton MD 21117

RE: Case Number: 2017-0327 X, Address: 2800 Monkton Avenue

Dear Mr. & Ms. Frank:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 9, 2017. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Christopher Mudd, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204
Inverness Brewing LLC, 2800 Monkton Road, Monkton, MD 21117

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



Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/14/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0327-X

*Special Exception
Raymond V. & Sandra P. Frank
2800 Monkton Road.*

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

Sincerely,

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367



EXPERIENCE OUR TAPROOM

**TAKE A SEAT AT THE BAR AND ENJOY A
PINT OR TWO WITH FRIENDS, LISTEN TO
SOME GOOD TUNES, PLAY SOME GAMES,
AND GRAB A BITE FROM OUR ON
PREMISES FOOD TRAILER.**



[Home](#) | [What's On Tap?](#) | [Our Story](#) | [Our Taproom](#) | [Farm Life](#) | [More](#)

2019 Events

Saturday, April 6th: Band: Mark Hopkins and the Pretty War 3:30pm

Saturday, April 13th: Yoga at the Barn 11am- Tickets \$20

Visit Nomad Fitness LLC for tickets

Band: John Zorn 3:30pm

Saturday, April 20th: Band: The K Band 3:30pm

Saturday, April 27th: Band: Janelle 3:30pm



■ <https://www.invernessbrewing.com/events>



Home | [What's On Tap?](#) | [Our Story](#) | [Our Taproom](#) | [Farm Life](#) | [More](#)

2019 Events

Weekend of May 24th-25th

Friday, May 24th: Band: Homestead 4pm
Food: Pablo's Tacos

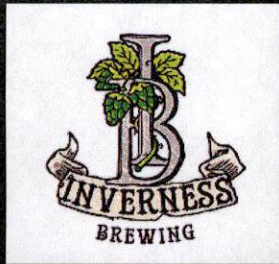
Saturday, May 25th: Band: The K Band 3:30pm

Weekend of May 31st- June 1st

Friday, May 31st: Band: Chris Montcalmo 4pm

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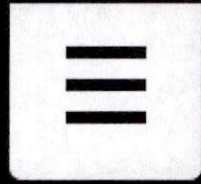
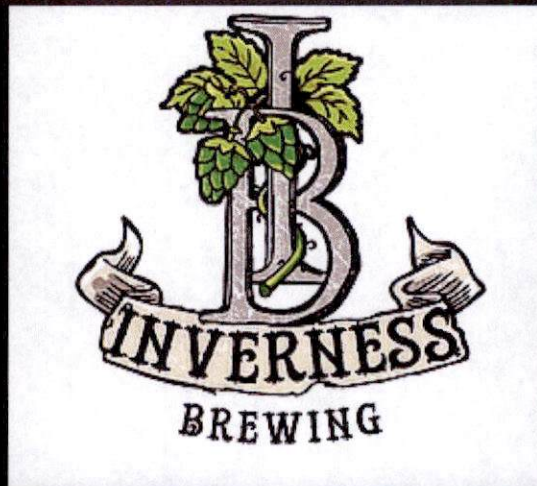
2019 Events

Weekend of May 31st- June 1st

Friday, May 31st: Band: Chris Montcalmo 4pm
Saturday, June 1st: Band: Mark Sucoloski 4-8pm

© 2018 INVERNESS BREWING • MONKTON, MARYLAND





2019 Events

Weekend of June 21-22

Friday, June 21st:

Band: Homestead 4pm

Saturday, June

22nd: Band: The Olde Port of Town 4pm

invernessbrewing.com



← BACK TO ALL EVENTS

LIVE MUSIC: WATER CYCLE

Friday, July 19, 2019

4:00 PM – 8:00 PM

invernessbrewing.com



← BACK TO ALL EVENTS

LIVE MUSIC: DUCK SOUP

Saturday, July 20, 2019

4:00 PM – 8:00 PM

invernessbrewing.com



← BACK TO ALL EVENTS

LIVE MUSIC: UNSTRUNG HERO'S

Sunday, August 4, 2019

3:30 PM – 8:00 PM

SUN, JUN 30 AT 1 PM - 6 PM

Pet Portrait Mini Sessions at Inverness Brewing in Monkton,...

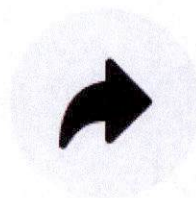
Inverness Brewing ·
Monkton, MD



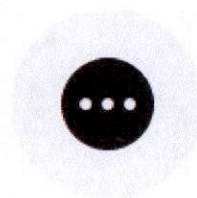
Interes
ted



Going



Share ▾



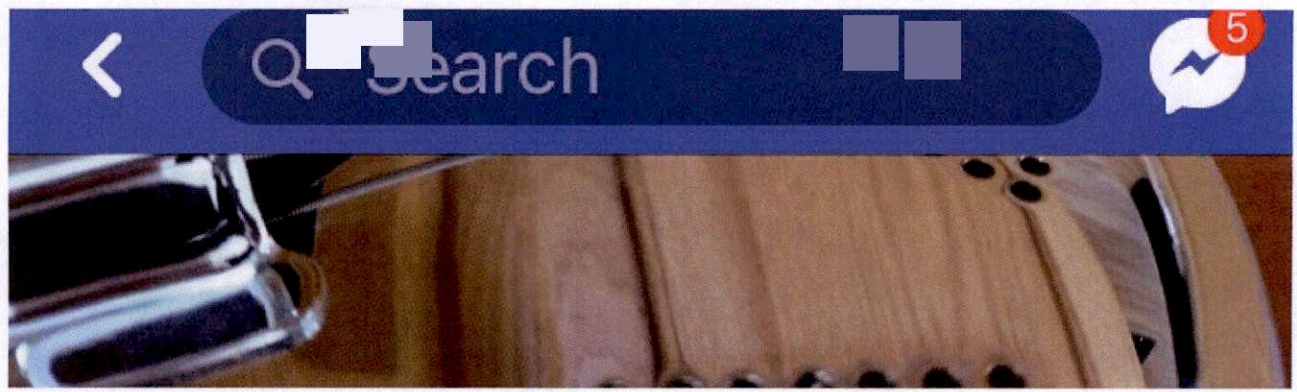
More



Public event by **Kirsten Smith Photography** and 2 others



Inverness Brewing
16200 Markoe Rd, Monkton,
Maryland 21111



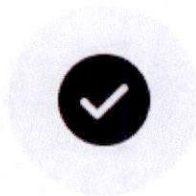
SUN, SEP 8 AT 3 PM - 7 PM

Open Mic at Inverness Brewing Sunday Sept 8!

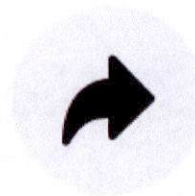
Inverness Brewing ·
Monkton, MD



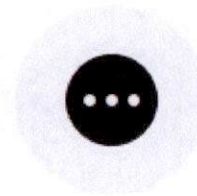
Interes
ted



Going



Share ▾



More

 Public event by **That Guy**
Andy on guitar

 Inverness Brewing

< 2

**Special Event -
Saturday September
28th 4-7 pm Artisan
pizza, Inverness
beer, Music by Jon
Zorn**

Today at 1:34 PM

Hybridoma Organic Fruit
Farm, Baldwin, MD 21013

September 24, 2019

Greetings: On September 28th from 4 pm
till 7 pm, Inverness Brewing Company from
Monkton is coming to the Hybridoma Farm!

[Archive Message](#)



SAT, OCT 6, 2018 AT 3 PM - 7 PM

Inverness Brewing

Inverness Brewing ·
Monkton, MD



Interested



Going



More



Public event by **K-band**
and **Inverness Brewing**



Inverness Brewing
16200 Markoe Rd, Monkton,
Maryland 21111

About

Discussion





Inverness Brew...



Home

Posts

Reviews

Videos

Upcoming Events · 3



SAT, OCT 12 AT 4 PM EDT

Sky King at Inverness Brewing

Inverness Brewing

Music

☆ Interested



Call Now



WELCOME TO INVERNESS BREWING

Born out of a love for entertaining friends and family, Inverness Brewing was created. In Monkton farm, is home to 50 black angus cattle, 600 thriving hop plants, seasonal crop: operation began in August 2018, making Inverness Brewing the 1st Baltimore County Farm Brewery.

We focus our beers on seasonal ingredients and take great pride in our "Crop to Keg" philosophy. We invite you to experience farm life, farm food, and fabulous brew!

MARK YOUR CALENDAR

UPCOMING EVENTS

**INVERNESS BREWING FIRST ANNUAL FALL FARM CELEBRATION
(FARM FESTIVAL)**

SATURDAY, OCTOBER 19, 2019

12:00 PM - 10:00 PM

Tickets: Adults General Admission- \$20

Non-Drinking Adult (10-20 years old)- \$10

Link to Ticket Purchase Below:

<https://www.mt.cm/inverness-brewing-first-annual-fall-farm-celebration>

Live Music, Pumpkins, Brewery Tours, Farm Animals, Food and of course Craft Beer

The GRAND OPENING of the NEW Inverness Bocce Ball Court

MISSIONTIX

DETAILS



Inverness Brewing First Annual Fall Farm Celebration (Farm Festival)

SATURDAY, OCTOBER 19, 2019 12:00 PM - 10:00 PM

DOOR TIME: 12:00 PM

THIS EVENT IS ALL AGES

OPTIONS

Adult (21+) GA (First beer and pint glass included in Adult GA ticket)

0



USD \$20.00

[MORE INFO](#)

Non- Drinking Adult and or GA (Age 10-20)

0



USD \$10.00

[MORE INFO](#)

[PURCHASE TICKETS](#)

EVENT MAP

Inverness Brewing

16200 Markoe Rd
Monkton, MD 21111



Inv
Liv

Liv

The

Fir

Liv



Inverness Brew...



Home

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SAT, NOV 9 AT 3:30 PM

The Grinders at the Inverness...

Inverness Brewing

Music



Interested



Call Now



Photos from Bad Apples's post
in Instagram Photos



Like



Comment



Share



Inverness Brew...



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Videos



Inverness Brewing



Yesterday at 2:10 PM · 🌐

Come join us for our LuauPig Roast today! We're open 12pm-10pm.



👍❤️ 40

1 Comment 1 Share





Q: IS THE TAPROOM AVAILABLE FOR PRIVATE EVENTS?

A: Please call the tap room and ask to speak to Sandy about hosting your next event at the farm. Private event spaces can accommodate 25-100 people.

OUR MENU

EVERYTHING NACHOS: \$14.75

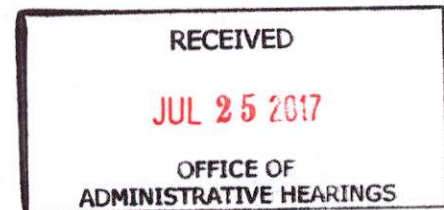
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-327

DATE: 7/20/2017



INFORMATION:

Property Address: 2800 Monkton Road
Petitioner: Raymond V. Frank, Sandra P. Frank
Zoning: RC 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the property for a Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

A site visit was conducted on July 5, 2017.

This property is located within the White Hall and Monkton Agricultural Priority Preservation Area (Master Plan 2020, pg. 40). The property was placed under a conservation easement through the Baltimore County Agricultural Preservation Program in June 2002. The Baltimore County Agricultural Land Preservation Advisory Board approved the proposed use to be farm related in accordance with the Deed of Conservation Easement Article II B. and the Baltimore County Code §24-3-108. The petitioners have constructed trellises and planted hops to be used in the processing of their beer as seen on the plan. The property is also located within the National Register Historic District of My Lady's Manor.

Monkton Road is a Baltimore County Scenic Route and a Maryland State Highway Administration Scenic Route (Horses and Hounds). All components of the proposed special exception use are existing and are substantially removed from the scenic route such that no adverse impact to the view is created.

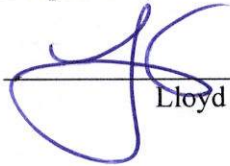
The Department has no objection to granting the petitioned zoning request conditioned upon the following:

- Submit for approval a landscape and lighting plan to the Baltimore County Landscape Architect prior to occupancy permit approval.
- Provide a refuse dumpster and indicate the location on the landscape plan. Said plan will show how the proposed dumpster area will be screened from view from the public right of way using plantings and an enclosure composed of materials similar to that of the existing structures.
- Any signage shall conform to BCZR § 450 and the aforesaid Deed of Conservation Easement. Other than diminutive directional signage, the Department does not support signage that will be visible from the scenic route.

Date: 7/20/2017
Subject: ZAC #17-327
Page 2

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Keeve Brine

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Christopher D. Mudd, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

8-2-17
1:30 PM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 19, 2017
Item No. 2017-0327

DATE: June 30, 2017

The Bureau of Development Plans Review has reviewed the subject zoning Items and we have the following comments.

If Special Excerption is granted Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

* * * * *

VKD:CEN
cc:file
ZAC-ITEM NO 17-0327-06192017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: June 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0327-X
Address 2800 Monkton Road
(Frank Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

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

Comments
1. A water usage letter must be submitted to Ground Water Management (GWM) detailing the size and scope of the proposed brewery operation along with an estimate of the volume (Design Flow) and strength of the wastewater that will be generated from the brewery operation and the "promotional events." See page 7 of the GWM Policy Manual for further information. It is advised that the owner/operator contact Mike Eisner at the Maryland Department of the Environment, Wastewater Permits Division (410-537-3771) about the possibility of land applying brewery wastewater through a Farm Plan. Depending on the volume and strength of waste to be disposed through an onsite sewage disposal system (OSDS), the owner may be required to hire an OSDS design consultant to propose an appropriate system.
2. An application for Soil Percolation Testing must be submitted to Baltimore County indicating the proposed sewage disposal area that will be sufficient to support the approved Design Flow for 300% design. See Perc Test Checklist for plan requirements.
3. Existing and proposed wells must be shown on the plan and meet current regulatory setback requirements and construction standards. It must be demonstrated that the proposed well to be used for the brewery has adequate yield and water quality to support the proposed use. Ultimately, the water supply for the brewery will be designated as a transient noncommunity water supply and will be

required to conduct quarterly and annual testing and submit results to the Baltimore County Dept. of Health.

4. The property owner must apply for a water appropriation permit or exemption through the Maryland Department of the Environment, Water Supply Program.
<http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/Documents/www.mde.state.md.us/assets/document/permit/MDE-WMA-PER077.pdf>

Reviewer: Kevin Koepenick

Date: 6/14/17

Debra Wiley

From: Debra Wiley
Sent: Friday, July 14, 2017 2:01 PM
To: June Wisnom
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: ZAC Comment for Case No. 2017-0327-X in wrong file
Attachments: 20170714141242546.pdf

Hi June,

The attached was in the file folder for administrative variance Case No. 2017-0337-A. Just want to return it to you to place in correct file.

Thanks and have a great weekend.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, July 14, 2017 2:13 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 07.14.2017 14:12:42 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

8-2-17
1:30 PM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 19, 2017
Item No. 2017-0327

DATE: June 30, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Excerpton is granted Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

* * * * *

VKD: ~~CEN~~
cc:file
ZAC-ITEM NO 17-0327-06192017.doc

8-2-17
1:30 PM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

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<http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/Documents/www.mde.state.md.us/assets/document/permit/MDE-WMA-PER077.pdf>

Reviewer: Kevin Koepenick

Date: 6/14/17



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5062170

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 13, 2017

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: # 2017-0327-X
2800 Monkton Road
Northwest corner of Monkton Road and Markoe Road
10th Election District - 3rd Councilmanic District
Legal Owner(s) Raymond & Sandra Frank
Contract Purchaser/Lessee: Inverness Brewing, LLC

Special Exception: Brewery, Class 8, including access, retail and wholesale distribution of beer produced on premises and temporary promotional events, such as tastings or public gatherings associated with the business.

Hearing: Wednesday, August 2, 2017 at 1:30 p.m.
Room 205, Jefferson Building, 105 West Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicap accessible. Please Contact the Zoning Review Office at (410) 887-3868.
(2) For information concerning this hearing, please contact the Zoning Review Office at (410) 887-3868.

7/034 July 13

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

2017-0327-X

RE: Case No.: _____

Petitioner/Developer: _____

**Raymond & Sandra Frank
Inverness Brewing, LLC**

August 2, 2017

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

2800 Monkton Road

July 13, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

July 13, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 13, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 2017-0327-X

2800 Monkton Road

Northwest corner of Monkton Road and Markoe Road

10th Election District – 3rd Councilmanic District

Legal Owners: Raymond & Sandra Frank

Contract Purchaser/Lessee: Inverness Brewing, LLC

Special Exception: Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

Hearing: Wednesday, August 2, 2017 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

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

June 29, 2017

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: 2017-0327-X

2800 Monkton Road
Northwest corner of Monkton Road and Markoe Road
10th Election District – 3rd Councilmanic District
Legal Owners: Raymond & Sandra Frank
Contract Purchaser/Lessee: Inverness Brewing, LLC

Special Exception: Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

Hearing: Wednesday, August 2, 2017 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", is written over a circular stamp that contains the word "Director".

Arnold Jablon
Director

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Inverness Brewing, LLC, Mr. & Mrs. Frank, 2800 Monkton Road, Baltimore 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 13, 2017.**
- (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.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
2800 Monkton Road; NW corner *
of Monkton Road & Markoe Road * OF ADMINISTRATIVE
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): Raymond & Sandra Frank * HEARINGS FOR
Contract Purchaser(s): Inverness Brewing LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2017-327-X

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 15 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2017, a copy of the foregoing Entry of Appearance was mailed to Christopher Mudd, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2017-0337-X
Property Address: 2800 Monkton Road
Property Description: Northwest ~~corner~~ corner of the intersection
of Monkton Road and Markoe Road.
Legal Owners (Petitioners): Raymond Frank and Sandra Frank
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich
Company/Firm (if applicable): Venable LLP
Address: 210 W. Pennsylvania Ave.
Suite 500
Towson, MD 21204
Telephone Number: (410) 494-6200

John E. Beverungen

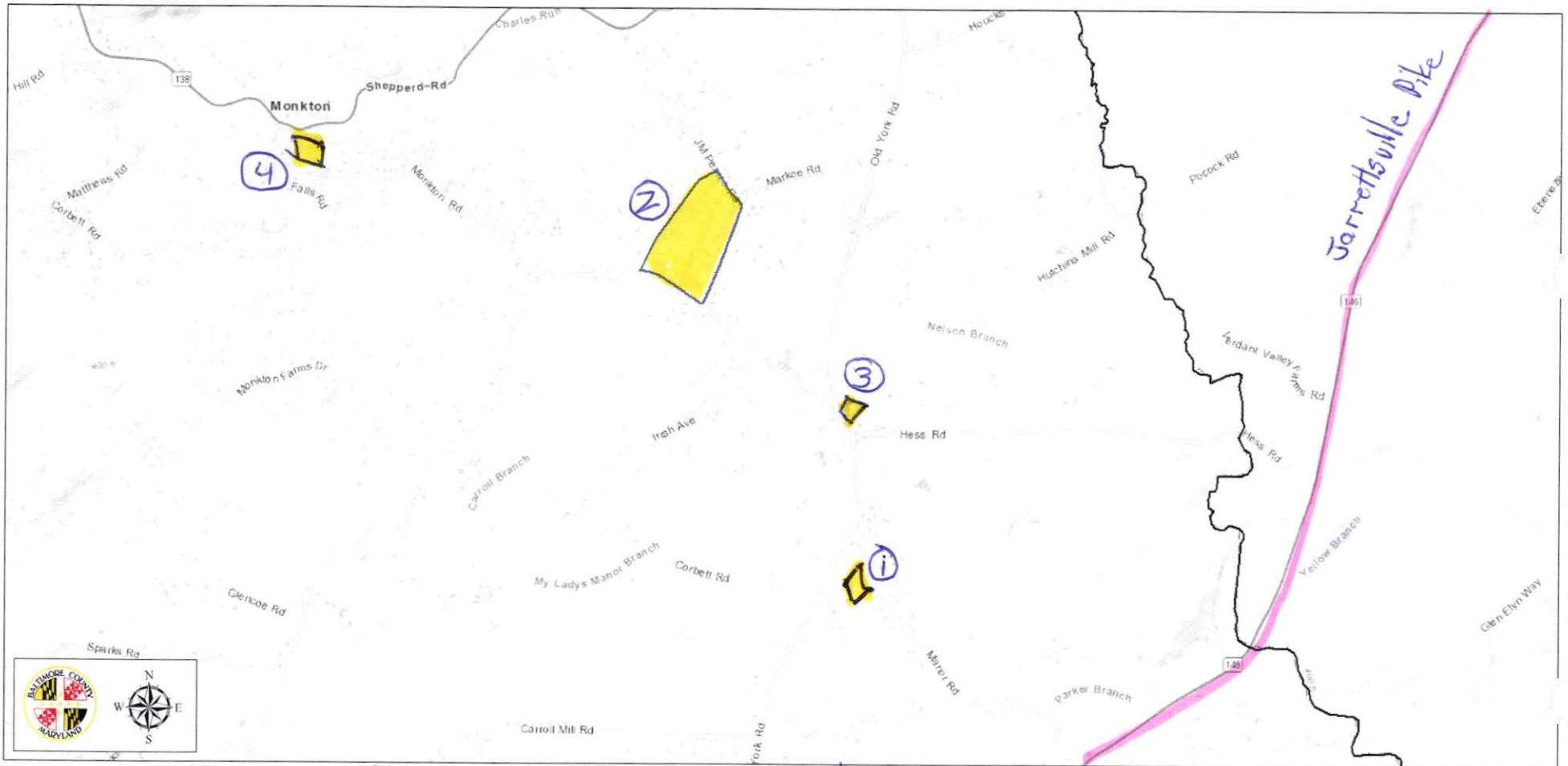
BREWERY, CLASS 8A brewery located on a minimum of 10 acres with a Class 8 (farm brewery) license, which sells and delivers malt beverage manufactured in a facility on the licensed farm with an ingredient from a Maryland agricultural product grown thereon, and produces no more than 15,000 barrels of malt beverage per year.

[Bill No. 64-2015]

BREWERYAn establishment with a valid alcoholic beverage manufacturer's license Class 5, 6, 7 or 8, issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207, 2-208 or 2-209.

[Bill Nos. 185-1995; 64-2015]

Baltimore County - My Neighborhood



August 2, 2017

Legend

County Boundary

- ① 15336 Manor Rd. - Masterton Residence
- ② 2800 Monkton Rd - proposed development
- ③ Manor Tavern
- ④ Cider Mill



15336 Manor Rd, Monkton, MD to 2800 Monkton Road, Drive 1.9 miles, 3 min
Monkton, MD

15336 Manor Rd

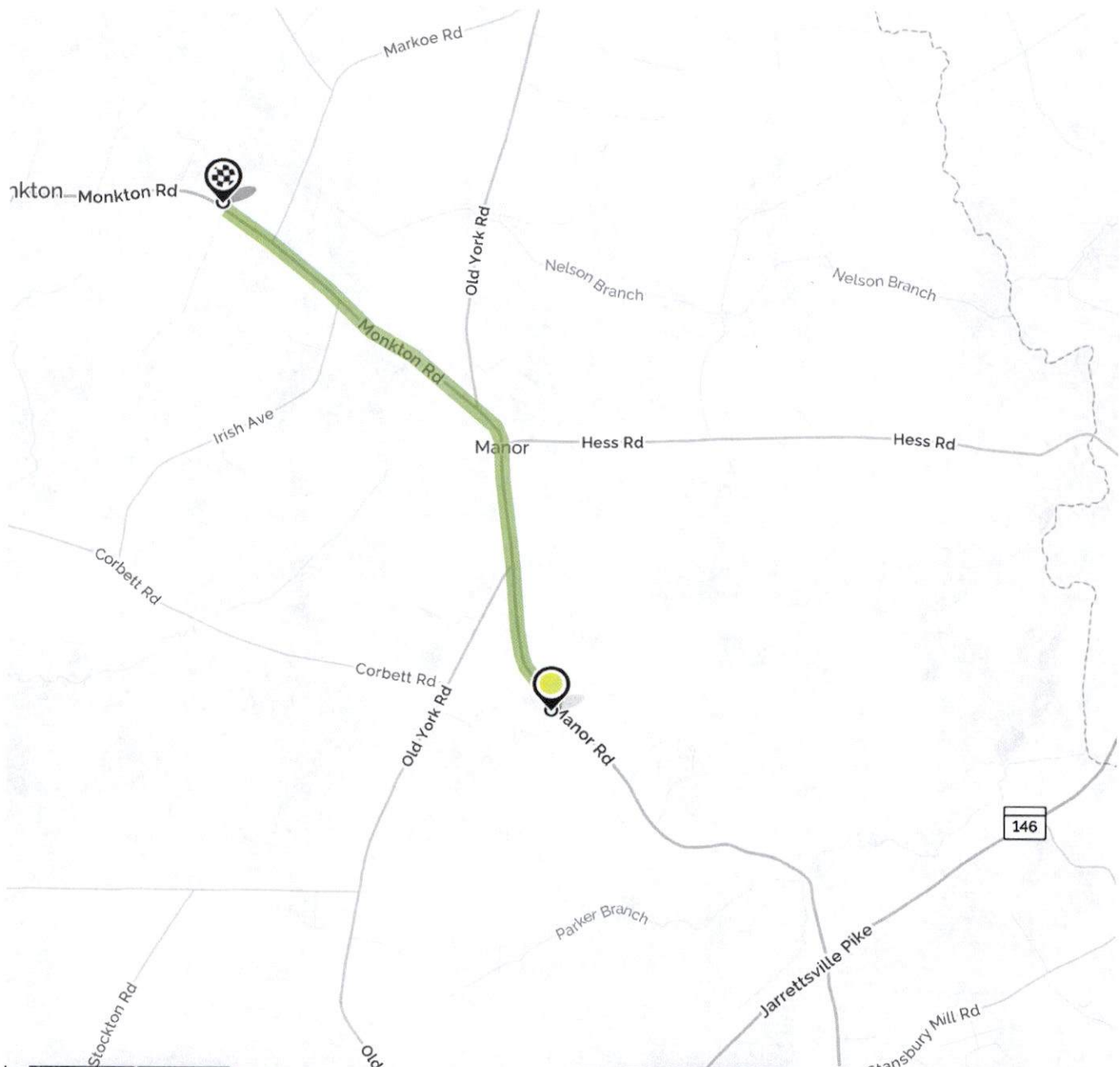
Monkton, MD 21111

- ↑ 1. Head northwest on Manor Rd toward Old York Rd
0.5 mi
- ↑ 2. Continue onto Old York Rd
0.5 mi
- ↑ 3. Continue straight onto Monkton Rd
0.8 mi
- ➔ 4. Turn right onto Markoe Rd
0.2 mi

2800 Monkton Rd

Monkton, MD 21111

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Book a hotel tonight and
save with some great deals!
(1-877-577-5766)



Car trouble mid-trip?
MapQuest Roadside
Assistance is here:
(1-888-461-3625)



15336 Manor Rd, Monkton, MD to Manor Tavern

Drive 0.9 mile, 1 min

15336 Manor Rd

Monkton, MD 21111

↑ 1. Head northwest on Manor Rd toward Old York Rd

0.5 mi

↑ 2. Continue onto Old York Rd

 Destination will be on the right

0.5 mi

Manor Tavern

15819 Old York Rd, Monkton, MD 21111

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

As Sam just pointed out, this part of Baltimore County is "beau colic." It is beau colic because there is no industry, no infrastructure, no public amenities and most of us who chose to live here are just fine with that. We would much rather have peace, quiet, clean air and water than public water, sewers, sidewalks, street lights and all other urban "improvements." A big reason that this area has remained beau colic, is that much of the property is part of My Lady's Manor Federal Historic District established in 1975, to protect the 10,000 acres that was Lord Baltimore's gift to his wife over 300 years ago. Inverness Farm is one of the original group of farms which formed this district, however, it was originally known as Belmore or Inverness/Holms farm.

The original farm was 235 acres on lot #54 of the 101 lots into which My Lady's Manor had been divided after the Revolution. It was acquired at auction by John Davidson in 1782. Through the years, pieces of the farm were either sold off or given to heirs and the 93-acre piece that became Belmore was owned by Mary Bacon Holms, widow, as listed on the 1823 tax assessment. She deeded it to Victor, her son and his new wife Elizabeth Stansbury. He built the house, which has since burned, in 1840.

This historic My Lady's Manor farm which was "recognized for its continued identity as a rural and agricultural treasure" by The Manor Conservancy, should do farming, not have "gatherings" for hire nor put a factory a.k.a a brewery on this beautiful agricultural land.

Another reason that a factory should not be allowed on this farm is that the present owners, Mr. And Mrs. Frank put the entire farm into an agricultural conservation easement in 2002. Thus, they agreed to keep the property in preservation which means the land would be used for "agricultural or open space in perpetuity."

Baltimore County paid the Franks \$368,356.80 or \$3990.00 per acre to not do anything commercial on this property. That means that they are not to sell lots to build houses, not to have commercial operations, not to have gatherings for which guests are charged.

Inverness Farm is to be a farm, not a disguise for commercial ventures. Please don't ruin this beau colic area that we all love, for the sake of greed.

Wendy McIver

Maryland's National Register Properties



Photo credit: MHT File Photo,

My Lady's Manor

Inventory No.: BA-2550, HA-1783

Other Name(s): Lady Baltimore's Manor

Date Listed: 4/15/1978

Location: Monkton, Baltimore County, Harford County

Category: District

Period/Date of Construction: 1713

[Open National Register Form](#)



Show Boundary Map

Description: My Lady's Manor is, and always has been, a rural or agricultural area, with one village, Monkton. Monkton first developed around a water-powered grist mill; it continued to thrive because of that available source of power and later in the 19th century it became a station on the Baltimore and Susquehanna, later the North Central, Railroad. The 10,000-acre manor itself was established in 1713. Throughout the region, population growth has been very slow through the past two centuries; while houses exist, representing almost every decade in those two centuries, their density seems remarkably unchanged, and remarkably unlike all other regions so close to a metropolitan center, Baltimore. The architecture of this region has always been very traditional, with few attempts at conscious style; indeed, those few attempts are quite conservative. The region abounds in good building stone, so stone has always been a common building material. Clay deposits have allowed brick to be a readily available alternate, frequently employed when a greater degree of sophistication was desired. Of course, the once-boundless forests have made log and frame structures commonplace. Over 60 principal structures, plus numerous important outbuildings associated with them, are included in the district.

Significance: My Lady's Manor is an important area in northern Baltimore and western Harford County whose historical origin dates to 1713 and which has, through the years, remained a relatively isolated agricultural area in which one can see the development of architectural styles from pre-1800 to the present day. This area, because it has been segregated from the influence of industrial development and relatively free of great sociologic change until recently, has not been subjected to the gross intrusions which have destroyed the character of so much of our countryside. In its present state, My Lady's Manor is an area which represents Colonial life, the antebellum years, the Victorian era, and adaptation to modern times without losing all of the color or artifacts of its past.



NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY MAP FORM

(Type all entries - attach to or enclose with map)

STATE Maryland	
COUNTY Baltimore	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME			
COMMON: Belmore			
AND/OR HISTORIC:			
2. LOCATION			
STREET AND NUMBER: Northeast corner intersection Markee and Menkton Hds.			
CITY OR TOWN: Menkton			
STATE: Maryland	CODE	COUNTY: Baltimore	CODE
3. MAP REFERENCE			
SOURCE: U.S.G.S. 7.5 minute map, Phoenix Quadrangle, Maryland			
SCALE: 1:24,000			
DATE: 1957			
4. REQUIREMENTS			
TO BE INCLUDED ON ALL MAPS			
1. Property boundaries where required.			
2. North arrow.			
3. Latitude and longitude reference.			

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

STATE Maryland	
COUNTY Baltimore	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME			
COMMON: Belmore			
AND/OR HISTORIC:			
2. LOCATION			
STREET AND NUMBER: Northeast corner intersection Markee and Menkton Hds.			
CITY OR TOWN: Menkton			
STATE: Maryland	CODE	COUNTY: Baltimore	CODE
3. PHOTO REFERENCE			
PHOTO CREDIT: R.M.N. Crosby, M. D.			
DATE OF PHOTO: January 1975			
NEGATIVE FILED AT: Maryland Historical Trust 21 State Circle, Annapolis, Md.			
4. IDENTIFICATION			
DESCRIBE VIEW, DIRECTION, ETC. South (front) facade			

SEE INSTRUCTIONS

SIGNIFICANCE			
PERIOD (Check One or More as Appropriate)			
☐ Pre-Columbian	☐ 16th Century	☐ 18th Century	☐ 20th Century
☐ 15th Century	☐ 17th Century	☒ 19th Century	
SPECIFIC DATE(S) (If Applicable and Known)			
AREAS OF SIGNIFICANCE (Check One or More as Appropriate)			
☐ Aboriginal	☐ Education	☐ Political	☐ Urban Planning
☐ Prehistoric	☐ Engineering	☐ Religion/Philosophy	☐ Other (Specify)
☐ Historic	☐ Industry	☐ Science	
☐ Agriculture	☐ Invention	☐ Sculpture	<u>Local history</u>
☒ Architecture	☐ Landscape	☐ Social/Humanitarian	
☐ Art	☐ Architecture	☐ Theater	
☐ Commerce	☐ Literature	☐ Transportation	
☐ Communications	☐ Military		
☐ Conservation	☐ Music		
STATEMENT OF SIGNIFICANCE			
Belmore is an example of a traditional structure of the Greek Revival period. Built approximately 1840. The house was built by Victor Holmes and except for an additional wing added later, is identical to Bellefield, built by his brother John Bacon Holmes about the same time. Belmore was built on lot 54. This land was acquired in the auction of October 1782 by John Davidson and measured 235 acres. (-1) A certificate of survey was issued to John Davidson (-2) A patent was issued to Rachel Goodwin in May of 1789 for this land. (Note error in patents concerning lot 10.) (-3) In the 1798 Federal Direct Tax Assessment a frame and log with weatherboard structure was described on this property and belonging to Rachel Goodwin, but this structure is no longer in existence. (-4) In 1802 the land measuring 219 1/2 acres was transferred to William Hines as a gift. (-5) Hines was Goodwin's grandson. He then sold off various portions to Thomas Pearce, William Curtis and the largest portion of 93 acres was sold to Gabriel Holmes in 1819 (-6) The 1823 Tax Assessment of District Five, Baltimore County lists Mary Bacon Holmes, Gabriel's widow, owning 93 acres of lot 54. About 1840 Victor Holmes, the son of Gabriel Holmes and Mary Bacon married Elizabeth Stansbury. About the time of his marriage, he built Belmore. This structure appears on the 1850 and 1877 map. Mrs. Sarah Besley Secor now resides at Belmore. References: 1. Salebook of Confiscated British Property 1781-85, pp. 55-56. 2. Certificate of survey 3006. 3. Return Book of Reserved Lands pp. 19-22, May 1789. 4. 1798 Direct Federal Tax Assessment, Items 1537, 1726. 5. Liber WQ#74 folio 104 6. Liber WQ#150 folio 150			

34-115

DESCRIPTION			
CONDITION	(Check One)		
	☐ Excellent	☐ Good	☒ Fair
	☐ Deteriorated	☐ Ruins	☐ Unexposed
	(Check One)		(Check One)
	☒ Altered	☐ Uncolored	☐ Moved
	☒ Original Site		
DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE			
Belmore is a stuccoed brick two and one-half storey gabled roof, three bay house with a two storey gabled roof, four bay rear (north) wing, all (apparently) of concurrent construction. A two bay, frame, two and one-half storey addition on the east (or right) end of the front section completes a nearly symmetrical five bay composition, and it is covered with German siding. At the rear or north end of the brick rear wing is a frame addition of one long bay, with an external stone fireplace chimney. The west wall of this section is unaccountably thick. A single chimney rises from each end of the main house, and an interior chimney rises from the middle of the rear wing. Only the east wall of the rear wing is of exposed brick, the other walls being stuccoed; it is of common bond, with every sixth course headers. The wood cornice of both front sections is continuous, suggesting that it was added uniformly across the principal facade when the addition was made. The stucco hides the support above the front windows, but rear windows and doors have wood lintels with simple, turned corner blocks. Windows are 6/6, with leuved blinds. Sidelights and an elliptically-arched transom surround the principal entrance in the (now) center bay, which was once sheltered by a one bay, one storey portico, now removed. A "Venetian" window in the east gable lights the attic storey of the east addition; it was relocated there from the original east gable. Three dormers -- two in the original section and one in the east addition -- are on the south front roof slope. Most interior trim is <u>in situ</u>, including mantels with columns or pilasters; corner block architraves; the staircase with its moderately-sized turned newel, roundrail of black walnut, scrolled step ends which, with landings, extends clear to the third storey; paneled doors with a horizontal panel across the top, two vertical panels beneath, another horizontal panel across immediately above the lock rail, and, below, below the lock rail, two more vertical panels; secondary paneled doors with six unmoulded panels in the usual arrangement; and the Carpenter-type rim locks. In the cellar, which is under the front section of the house only, are linteled recesses beneath the fireplaces. The general plan, form and details of this house, suggest a house of traditional form with simple Greek detailing, characteristic of ca. 1840-1845. The east addition, more or less "completing" the plan, was added very late in the 19th century or early in the 20th, consciously sympathetic with the original. This house is very similar to nearby Bellefield.			
James F. Wollen, Jr.			

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCES	

10. GEOGRAPHICAL DATA						
LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			OR	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	
NW	° ' "	° ' "		° ' "	° ' "	
NE	° ' "	° ' "		° ' "	° ' "	
SE	° ' "	° ' "		° ' "	° ' "	
SW	° ' "	° ' "		° ' "	° ' "	
APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 92 acres						

Acreage Justification:

Acreage owned by present resident comprises farm and is adequate to insure preservation of immediate environment.

SEE INSTRUCTIONS

11. FORM PREPARED BY:	
NAME AND TITLE: R.M.N. Crosby, M. D.	
ORGANIZATION My Lady's Manor Association	DATE January 1975
STREET AND NUMBER: Rt. 1, Box 42	
CITY OR TOWN: Henkton	STATE Maryland
12. State Liaison Officer Review: (Office Use Only)	

Significance of this property is:

National ☐ State ☐ Local ☐

Signature _____

NA-1783

Form No. 100-300a
Rev. 10-7-64

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

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NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 4

My Lady's Manor

are included in each, as appropriate.

Colonial with post-colonial additions, and closely related to similar buildings in Maryland

** St James' Church

Existing structure conforms to description of 1798, and retains identifiable early work

Gwynn House
Beautiful Meadows (probably; 1798 records incomplete)
Manor Glen (important outbuildings and barn, probably post 1798)
Gabriel Holmes House
Martin Fugate House

Existing structure retains some dimensional characteristic related to 1798 description

Breezewood (portion of library)
Greenbank Farm (any of the several sections of the wings)
Harmony Hall (size of middle wing, but not material)
Andor Farm (cellar beneath middle wing)
Bacon-Crosby House (wing)
Shepperds Lot

Existing structure retains some dimensional characteristic of a period earlier than the finished house, not described in 1798

Stonehaven (cellar not conforming to size of structure above)
Sparks-Ness House (evidence of gradual growth, both horizontally and vertically)
Guild House (cellar, possibly)

Larger structures of the very early 19th century

Verdant Valley Farm
* Melbourne Farm
Perdue-Moore Barn
McIntosh House

(See continuation sheet No. 5)

HA-1783

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INVENTORY -- NOMINATION FORM

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 5

My Lady's Manor

Larger structures, 1815-1840

With moulded brick cornice

Andor Farm

Clifford

Partridge House

Atlanta Hall (plan not typical)

With corbeled brick cornice, Flemish bond fronts

Christmas House

Harmony Hall (brick cornice eliminated)

Tally-Ho-Lindenhope (conjectured brick cornice
eliminated)

Sutton's Tavern (with a saw-tooth course)

Stone Houses

Brerewood-James Constable House

Fancy Hill

* Pearce-Ensor House

Others in period

Rectory

Sutton's Tavern-Riepe House

Manor View Farm

Smaller early 19th century structure

Retaining extensive original work

Hutchins House

Tenant House of Andor Farm

Henson House

Retaining little visible original work

Grant House

Gillespie House

* Bishop's Lot

Stone House ruin on railroad (possibly late 19th
century)

* Manor Glen tenant house

Traditional structures of the Greek-Revival period, 1840's

Houck House

Belmore

Bellefield

21-EAG-004
J.O.217-0001-2002
Item 1(E)
Election District 10C4

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT (this "Easement"), made this 6th day of June, 2002 by and among RAYMOND V. FRANK and SANDRA P. FRANK hereinafter referred to as the "Grantors," and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, to the use of the Department of Environmental Protection and Resource Management (herein after referred to as "DEPRM") on behalf of the Baltimore County Agricultural Land Preservation Advisory Board, hereinafter referred to as the "Grantee."

I. RECITALS

A. Article XI, Section 14-457, of the Baltimore County Code, 1988, as amended, created the Baltimore County Agricultural Land Preservation Program to preserve productive agricultural land; and

B. By authority of the Agricultural Land Preservation Article, Section 14-458, Baltimore County Code, 1988, as amended, the Grantee may purchase development rights or may accept the donation of development rights to restrict land to agricultural or open space use; and

C. The Grantors own in fee simple 92.32 acres of certain real property (the "Property") situate, lying and being in the Tenth Election District of Baltimore County, Maryland, and more particularly described in Exhibit "A" attached hereto, which was conveyed to the Grantors by Deed dated May 24, 2001, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 15235, folio 712, from Arthur A. Morgan and Erwin Diener, Co-trustees, to Raymond V. Frank and Sandra P. Frank, husband and wife.

D. The Grantors desire to convey an agricultural preservation easement to the Grantee to restrict the property to agricultural or open space use in perpetuity, in order to conserve and preserve the significant conservation values including: the natural, agricultural, forestry, environmental, scenic, rural, woodland and wetland characteristics of the property, maintain viable resource-based land use and proper management of tillable and wooded areas of the property, and, to the extent hereinafter provided, prevent the use or development of the property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition;

NOW, THEREFORE, THIS DEED OF EASEMENT, WITNESSETH, that for and in consideration of the sum of Three Hundred Sixty-Eight Thousand Three Hundred Fifty-six Dollars (\$368,356.80), which equals \$3,990.00 per acre, the receipt of which is hereby acknowledged, the Grantors for the Grantors and the Grantors' heirs, successors, personal representatives, and assigns, do hereby grant and convey to Baltimore County, Maryland, as Grantee, its successors and assigns, an agricultural preservation easement, in, on, and over the Property, subject to the covenants, conditions, limitations and restrictions herein set forth.

AND the Grantors covenant for the Grantors and the Grantors' heirs, successors, personal representatives, and assigns, with the Grantee, its successors and assigns, to do and refrain from doing upon the property all and any of the various acts hereafter set forth, it being the intention of the parties that said property shall be preserved for the agricultural use and open space use as defined in and in accordance with the provisions of the Article XI, Section 14-457, of the Baltimore County Code, 1988, as amended, and that the covenants, conditions, limitations, and restrictions hereafter set forth are intended to limit the use of the above described land and are deemed to be and shall be construed as covenants running with the land.

II. COVENANTS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS

Subject to the reservations hereinafter contained and except as otherwise provided herein, the Grantors, for the Grantors and the Grantors heirs, successors, personal representatives and assigns, covenant and agree as follows:

A. This easement shall be in perpetuity. The Grantors hereby specifically waive any rights to terminate under Section 14-462 of the Baltimore County Code, 1988, as amended. The property shall not be converted to non-agricultural uses unless that use is consistent with maintaining the natural productivity of the land for future agricultural uses.

B. Other than farming, silviculture, horticulture, noncommercial hunting and fishing for the benefit of the owners and their guests, forestry and other types of agriculture (collectively, "Agriculture"), industrial, commercial recreational, or commercial activities are prohibited on the property, except for (a) other commercial or educational uses that relate to agriculture such as farm markets and farm festivals subject to Baltimore County zoning laws and regulations and the approval of the Grantee, (b) such activities as can be conducted in existing structures without alteration of the size and external appearance thereof, and for (c) all aspects relating to breeding, stabling, and training of horses as limited by the Baltimore County zoning laws and regulations, as amended from time to time. No approval shall be given if the use is detrimental to the agriculture production or productivity of the property

C. The Grantors shall manage the property in accordance with sound agricultural soil and water conservation practices using a conservation plan that is developed utilizing the standards and specifications of the Natural Resources Conservation Service (NRCS) and approved by the local soil conservation district so as to promote the agricultural capability of the property.

D. The Grantors shall implement all soil conservation and water quality practices that are contained within a Soil Conservation Plan (the "Plan") approved by the local soil conservation district, made or revised within the last ten (10) years of the date of the application to sell an easement, which lists all soil conservation and water quality problem areas on the Property provided no undue financial burden shall be imposed upon the Grantors. The Plan shall be implemented according to the schedule of implementation contained within the Plan that exists within six (6) months of easement settlement. Revisions to the schedule of implementation may be made as approved by the Board of Supervisors of the local soil conservation district, however, the Plan shall be fully implemented within ten (10) years of the easement settlement date. Exceptions may be considered by the Grantee on a case-by-case basis.

E. The Grantors shall manage wood lots in accordance with sound forestry practices in accordance with a Forest Stewardship Plan approved by the Maryland Department of Natural Resources, Forest Service that will consider multiple resource objectives and assure protection of soil and water resources.

F. Signs, billboards or outdoor advertising structures may not be displayed on the property, except that one sign, not exceeding applicable county zoning regulations, may be displayed to state the name of the property and the name and address of the occupant, to advertise an activity permitted above, and to advertise the property for sale or rental.

G. No dumping of ashes, sawdust, bark, trash, rubbish, or any other material, except that which is for regular agricultural use, shall be permitted on the property.

H. No other easements including, but not limited to, rights-of-ways to other properties, oil, gas, mineral, power line, microwave towers, forest mitigation, or other similar servitudes may be conveyed, or permitted to be established in, on, under or through the above described Property without the Grantee's express permission.

I. In case of doubt concerning the appropriateness or permissibility of the use of the property, the Grantors may submit a written request to the Grantee for consideration and approval of the use.

J. The rights reserved to the Grantors under Article III to request one lot exclusion shall be deemed a personal covenant only and one that is not intended to run with the land and may be exercised only by the conveyor of the easement so long as he/she shall own the property.

K. The Grantors reserve all other rights, privileges, and incidents to the ownership of the fee simple estate in the above described property not hereby conveyed or otherwise limited by the covenants, conditions, limitations, and restrictions herein set forth.

L. This instrument shall not be deemed to provide for or permit public access to any privately owned land.

M. The Grantors hereby grant to the Grantee all remaining development rights that are now or hereafter allocated to, implied, reserved or inherent in the property. All such granted development rights which may now or hereafter become or represent a transferable density right attributable to the Property are hereby assigned and transferred to the County and may be sold by it as a participant in any transferable density rights program for use outside of the Agricultural Preservation Areas, as defined in the 2010 Baltimore County Master Plan, as amended, but may not be used or transferred to any portion of the property as it now or hereafter may be bounded or described, or to any other protected property adjacent thereto nor used for the purpose of calculating permissible lot yield of the property.

III. SUBDIVISION, CONSTRUCTION AND IMPROVEMENTS

A. Subdivision for residential and commercial purposes is not permitted, however, upon written application to DEPRM, the conveyor of the easement shall retain as a personal covenant only and one that is not intended to run with the land the right to request the exclusion of lots for the purpose of construction of residential dwellings for either the conveyor of the easement or the children of the conveyor of the easement as limited below:

1. The conveyor of the easement who has owned the property for ten (10) years prior to the release may hereafter submit a written request to the Grantee to subdivide one lot for the use of the Conveyor. Satisfactory proof of the child's intent to build and reside on the newly created lots or to subdivide an existing dwelling, and documentation that the lot will have minimal impact on the agricultural and scenic characteristics of the property shall be submitted as well as a signed affidavit that the conveyor or the child or owner will reside in the dwelling for a minimum of three years.

2. The size of the lot shall be one acre or if necessary to meet Baltimore County requirements for well and septic or access and right-of-way requirements, the lot may be up to a maximum of two acres in size.

3. The location of the lot shall be subject to approval of the Grantee and shall not be located on Class I, II, or III soils as indicated in the Baltimore County Soil Survey unless no other location is suitable and locating a lot on these soils will not significantly diminish the agricultural resources and value of the property. The Grantee shall have the right to review and reject any proposed lot location that would have a significant negative impact on the scenic view from Monkton Road. The Grantee shall make a final determination of what constitutes "significant negative impact," however, the Grantee may not reject any reasonable location and must state its reasons for any rejection in writing to the Grantors.

4. The Grantors shall reimburse the County for the acreage released for the lot at the price per acre set forth on the first page of this Deed of Conservation Easement.

5. As used herein, "child" or "children" shall be construed in accordance with Section 14-461(b)(1)g. of the Baltimore County Code (Revised May 17, 1993). "Conveyor" shall be deemed to be those individuals listed on the Deed of Conservation Easement at the time of settlement. In the case of a partnership or corporation, the conveyor shall be limited to those individuals listed as owners on the legal document establishing the entity as indicated in Appendix C.

B. The Grantors have one tenant building on the Property. In the event that the tenant building is to be replaced, approval of the Grantee must be obtained. The tenant house shall be used for housing for individuals involved in the operation of a commercial farm. Should the nature of the farming operation change over time, the Grantors may apply to the Grantee for approval to convert the tenant house to another residential use as permitted by Baltimore County Zoning to remain compliant with the terms of the easement. If approved, restrictions on the requirement that such a house may not be subdivided or conveyed independent of the original parcel will remain in force and no additional tenant houses are permitted.

C. The Grantee acknowledges the existence of one main dwelling that exists on the property. This dwelling may not be subdivided from the easement. The Grantors may if necessary replace it with a new building utilizing the same location. If the Grantor wish to replace the dwelling with a new house elsewhere on the Property, the location is subject to the approval of the Grantee.

D. The Grantors may construct accessory structures designed, constructed and utilized for the purpose of serving the existing residence (for example, garage, well house, and swimming pool), so long as such structures have a footprint of six hundred (600) square feet or less with a maximum height of 15 feet and the Grantors have obtained the approval of the Grantee for the location.

E. The Grantors may construct, restore, and enlarge accessory and principal structures designed, constructed and utilized for agricultural purposes so long as the structures do not significantly negatively diminish the scenic view from Monkton Road and so long as the total amount of impervious surfaces do not exceed ten (10%) percent of the Property.

F. Subdivision shall be limited to agricultural purposes or minor lot line adjustments that do not result in any net loss to the agricultural resources or agricultural capability. Subdivision for agricultural purposes shall be only for the purpose of enhancing the commercial agricultural production of the property. It shall not be granted for residential purposes. Approval is at the discretion of the Grantee and will require a finding that the agricultural subdivision will enhance the commercial agricultural production of the Property.

IV. RIGHTS, INSPECTION, AND ENFORCEMENT

DEPRM or any other department, agency or other public body or person duly authorized by the County Executive, shall have the right with a minimum 14 day notice to the landowner to enter on the above-described Property from time to time for the sole purpose of inspection and enforcement of the easements, covenants, conditions, limitations, and restrictions herein contained. However, the Grantee shall not have the right to inspect the interior of any residential dwelling or building designated as a residential dwelling on the Property. Upon any breach of the terms of this easement by the Grantors, the Grantee may, exercise any or all of the following remedies:

1. Institute suits to enjoin any breach or enforce any covenant by ex parte, temporary, and/or permanent injunction either prohibitive or mandatory; and
2. require that the property be restored promptly to the condition required by this Deed of Conservation Easement.

The Grantee's remedies shall be cumulative and shall be in addition to any other rights and remedies available to the Grantee at law or equity. If the Grantors are found to have breached any of the terms under this easement, the Grantors shall reimburse the Grantee for any costs or expenses incurred by the Grantee, including court costs and reasonable attorney's fees.

ARTICLE V. EXHIBITS

The following exhibits are hereby made a part of this easement:

- A. Exhibit A: Boundary Description and Property Reference is attached hereto and made a part hereof. Exhibit A consists of one (1) page.
- B. Exhibit B: Inventory of Existing Structures and Signs is attached hereto and made a part hereof. Exhibit B consists of one (1) page.
- C. Exhibit C: Annotated aerial photograph of the Property With Labels is kept on file at the principal office of DEPRM and is fully and completely incorporated into this Easement as though attached hereto and made a part of this Deed of Conservation Easement.

VI. MISCELLANEOUS

A. The Grantors further covenant that the Grantors have not done or suffered to be done any act, matter, or thing whatsoever, to encumber the Property hereby conveyed; that the Grantors will warrant specially the property interest hereby conveyed; and the Grantors will execute such further assurances of the same as may be required.

B. As used herein the singular form of a word includes both the singular and plural, the plural form of a word includes both plural and singular, and reference the words of certain gender includes reference to all genders.

C. No determination by any court, governmental body, or otherwise that any provision of this Deed of Conservation Easement is invalid or unenforceable in any instance shall affect the validity or enforceability of (a) any other such provision or (b) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed wherever possible as being consistent with, applicable law.

D. The Grantors shall notify the Grantee in writing of the names and addresses of any party to whom the property, or any part thereof, is to be granted, conveyed or otherwise transferred at or prior to the time said transfer is consummated. The Grantors further agree to make specific reference to this easement in a separate paragraph of any subsequent deed or other legal instrument by which any interest in the property is granted, conveyed or otherwise transferred. The Grantors shall provide a copy of this easement to all subsequent grantees of the fee simple interest of any part or all of this property.

E. In the event that any applicable State or federal law imposes affirmative obligations on owners of land which, if complied with by the Grantors would be a violation of a term of this easement, the Grantors shall: (i) if said law requires a specific act without any discretion on the part of the Grantors, comply with said law and give the Grantee written notice of the Grantors compliance as soon as reasonably possible, but in no event more than thirty (30) days from the time the Grantors begin to comply; or (ii) if said law leaves to the Grantors discretion how to comply with said law, use the method most protective of the agricultural values of the Property.

F. Any notices by the Grantors to the Grantee pursuant to any term hereof shall be sent by registered or certified mail, return receipt requested, addressed to: Baltimore County, Maryland, Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, MD 21204 and to such other address as the Grantee may establish in writing on notification to the Grantors.

G. In any case where the terms of this easement require the approval of the Grantee, such approval shall be requested by written notice to the Grantee. Such approval shall be deemed to have been given unless within sixty (60) days after receipt of notice the Grantee mails notice to the Grantors of disapproval and the reason. The Grantee will take into account the terms and purposes of this Deed of Conservation Easement in determining whether to give such approval, but its decision shall be final and in its sole and absolute discretion.

H. The Grantee agrees to hold this easement exclusively for conservation purposes, as defined in Section 170(h)(4)(A) of the Internal Revenue Code.

I. The Grantors and the Grantee agree that all mortgages and deeds of trust affecting the Property are subordinate to the rights of the Grantee under this easement. The Grantor have provided a copy of this Deed of Conservation Easement to all mortgagees, and trustees and beneficiaries of deeds of trust affecting the Property as of the date of this easement, and each mortgagee, trustee and beneficiary has subordinated the mortgage or deed of trust to this Easement, by signing a subordination agreement which shall be recorded in the Land Records at the time of recording of this Deed of Conservation Easement.

J. This Deed of Conservation Easement shall be construed pursuant to the purposes set forth herein and the law of the State of Maryland, including the purposes of the statutes creating and governing the Maryland Agricultural Land Preservation Foundation, and the purposes of Section 2-118 of the Real Property Article of the Annotated Code of Maryland.

K. The terms of this Deed of Conservation Easement shall be in addition to any local, State or federal laws imposing restrictions to the Property and any real estate interests imposing restrictions to the property.

L. This instrument sets forth the entire agreement of the parties with respect to the easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Deed of Conservation Easement. If any term is found to be invalid, the remainder of the terms of this Deed of Conservation Easement, and the application of such term to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

M. The terms "Grantors" and "Grantee" wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantors and heirs, personal representatives, successors, and assigns and the above-named Grantee and their successors and assigns.

N. The Grantee shall record this Deed of Conservation Easement in a timely fashion among the Land Records of Baltimore County, Maryland, and the Grantee may re-record it at any time as may be required to preserve its rights hereunder.

O. Except to the extent provided for by State or local law, nothing herein contained shall relieve the Grantors of the obligation to pay taxes in connection with the ownership or transfer of the Property.

WITNESS the hands and seals of the Grantors and the Grantee as of the day and year first above written

WITNESS/ATTEST:

Deane D. Albert DeBellis

GRANTORS:

Raymond V. Frank (SEAL)
Raymond V. Frank

Deane D. Albert DeBellis

Sandra P. Frank (SEAL)
Sandra P. Frank

STATE OF MARYLAND, County of Harford, TO WIT:

I HEREBY CERTIFY, that on this 6th day of June, 2002, before me the subscriber, a Notary Public of the State aforesaid, personally appeared RAYMOND V. FRANK and SANDRA P. FRANK, husband and wife, known to me (or satisfactorily proven) to be a Grantors of the foregoing Deed of Conservation Easement and acknowledged that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Deane D. Albert DeBellis
Notary Public
My Commission Expires: 5/1/04

0016540 559

WITNESS/ATTEST:

Donna Morrison

GRANTEE:

BALTIMORE COUNTY, MARYLAND

By John M. Wasilis 6/19/02
(SEAL)
John M. Wasilis
County Administrative Officer

STATE OF MARYLAND, County of Harford, TO WIT:

I HEREBY CERTIFY, that on this 18 day of June, 2002, before me the subscriber, a Notary Public of the State aforesaid, personally appeared JOHN M. WASILISIN known to me (or satisfactorily proven) to be the Grantor of the foregoing Deed of Conservation Easement and acknowledged that she executed the same for the purposes therein contained and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

MaryAnn Humphreys
Notary Public
My Commission Expires: 6-1-04

Approved For Legal Form And Sufficiency*
(Subject To Execution By The Duly Authorized
Administrative Official and Chairman of the
County Council, As Indicated)

Jayna Spe 06-13-02
Office of the County Attorney 3104

*Approval Of Legal Form And Sufficiency
Does Not Convey Approval Or Disapproval
Of This Transaction. Approval Is Based Upon
Typeset Document. All Modifications
Require Re-Approval.

JOINDER BY TRUSTEES/BENEFICIARY

See the following Deeds of Trust for the benefit of Midatlantic Farm Credit, ACA, and recorded among the land records of Baltimore County, Maryland:

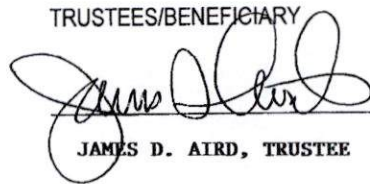
1. Deed of Trust dated May 24, 2001, and recorded in liber S.M. 15235, folio 717.
2. Deed of Trust dated May 24, 2001, and recorded in liber S.M. 15235, folio 724.
- 3.

The undersigned JAMES D. AIRD

Trustees or Beneficiary or Substitute Trustee(s), join(s) herein to assent to the terms and provisions of this Deed of Easement and assent to waive and subordinate the liens of said Deeds of Trust to the legal operation and effect of the interest being acquired by Baltimore County under this Deed of Easement.

(Add substitute of trustee information if necessary.)

TRUSTEES/BENEFICIARY

 (SEAL)

JAMES D. AIRD, TRUSTEE

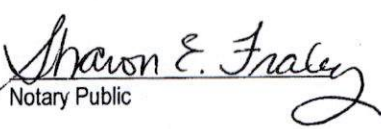
(SEAL)

STATE OF MD, CITY/COUNTY OF WASH., to wit:

I HEREBY CERTIFY, that on this 22nd day of May, in the year 2003, before me, the subscriber, a Notary Public, personally appeared JAMES D. AIRD, Trustee (or Beneficiary or Substitute Trustee) and he/she acknowledged the foregoing Deed of Easement to be his/her act as said Trustee (or Beneficiary or Substitute Trustee), and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

SHARON E. FRALEY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 30, 2006


Notary Public

STATE OF _____, CITY/COUNTY OF _____, to wit:

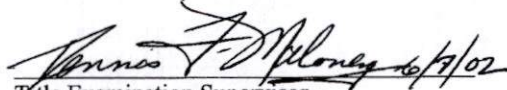
I HEREBY CERTIFY, that on this _____ day of _____, in the year _____, before me, the subscriber, a Notary Public, personally appeared _____, Trustee (or Beneficiary or Substitute Trustee) and he/she acknowledged the foregoing Deed of Easement to be his/her act as said Trustee (or Beneficiary or Substitute Trustee), and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

Notary Public

My Commission Expires: _____

This is to certify that the within instrument was prepared under the supervision of the Title Examination Supervisor who is an attorney admitted to practice before the Court of Appeals of Maryland.


Title Examination Supervisor

wsl/cntyprog/frank ease
1/16/02
6/4/02

DFM:AAD
Index: 5/14/02

EXHIBIT "A"

BEGINNING FOR THE SAME at a planted stone standing at the end of the North forty-one and one-half degrees West thirty perches line of the land which by Deed dated October 5, 1818, and recorded among the Land Records of Baltimore County (now located in Baltimore City) in Liber W.C. No. 150, folio 362, etc., was conveyed by William Hinds to Gabriel Holmes and running thence with and bounding on the outlines of said Deed North twenty-four and one-half degrees West thirty-four perches to a point in or near the centre of a Road leading from the Old York Road to Monkton, thence leaving said Road and Running thence South sixty-eight and three-fourths degrees West thirty perches, thence running with the given line of said Deed South forty-two and one-half degrees West one hundred three and ten one-hundredths perches to the place of beginning of said Deed, thence South thirty-four and three-fourths degrees West fifty-three perches to a point in the centre of the Manor Road, thence binding thereon and on or near the outlines of said Deed South seventy-four and seven-eighths degrees East thirteen and one-half perches to the centre of the road bed thereof, thence South sixty-two and five-eighths degrees East twelve and forty-five one-hundredths perches to the centre thereof, thence South fifty-nine and three-eighths degrees East eighteen and six-tenths perches to the centre thereof, thence South thirty-six and three-fourths degrees East seven and fifty-eight one-hundredths perches to the centre thereof, thence South forty-seven and one-half degrees East twenty-nine and thirty-one one-hundredths perches to the centre thereof; thence South forty-seven and one-fourth degrees East twenty-four and thirty-six one-hundredths perches to the centre thereof and of the Old York Road, thence binding reversely on the land which by Deed dated on or about June, 1912, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 398, folio 248, etc., was conveyed by Mary R. Markoe and husband to William D. Curry, thence binding on said Old York Road North thirty and three-fourths degrees East forty-eight and thirty-seven one-hundredths perches to a point on said Road, thence North twenty-eight and one-fourth degrees East sixty-seven and ninety-four one-hundredths perches to a point in said Road, thence North twenty-seven and one-fourth degrees East thirty-nine and forty-nine one-hundredths perches to a point in said Road, thence binding on the Road first herein mentioned and on said first mentioned Deed North thirty-five and three-fourths degrees West twenty-nine and six-tenths perches to the place of beginning. Containing 92 acres and 52 square perches of land, more or less.

The improvements thereon being known as No. 2800 Monkton Road

00006540 563

**Deed of Conservation Easement
Raymond V. Frank and Sandra P. Frank
Exhibit B.
Inventory of Existing Structures and Signs
Page One of One**

Main Residence
Tenant House
Residential Accessory Structure
Long Stable
Bank Barn
Run-in Shed
Well Building
Tennis Court

Wsl/cntyprog/frank exhibitb.doc

16540 561

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

SM BAE5
 Jun 21, 2002 10:19 am

1	Type(s) of Instruments	☐ Check Box if Addendum Intake Form is Attached.			
		☒ Deed <u>Easement</u>	Mortgage	Other	Other
2	Conveyance Type Check Box	☐ Improved Sale	☐ Unimproved Sale	☐ Multiple Accounts	☐ Not an Arms-Length Sale [9]
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation			
		State Transfer			
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$ 368,356.80	Transfer and Recordation Tax Consideration	
5	Fees	Any New Mortgage	\$	Transfer Tax Consideration	\$
		Balance of Existing Mortgage	\$	X () % =	\$
		Other:	\$	Less Exemption Amount -	\$
		Other:	\$	Total Transfer Tax =	\$
		Full Cash Value	\$ 368,356.80	Recordation Tax Consideration	\$
			\$	X () per \$500 =	\$
			\$	TOTAL DUE	\$
			\$	Agent:	
			\$	Tax Bill:	
			\$	C.B. Credit:	
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map
		10	10-28-09-060	15235/112	029
7	Transferred From	Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)
8	Transferred To	Parcel No.	Plat Ref.	SqFt/Acreage (4)	Var. LOG
		0113		92.32ac	
9	Other Names to Be Indexed	Location/Address of Property Being Conveyed (2)			
		2800 Monkton Rd.			
10	Contact/Mail Information	Other Property Identifiers (if applicable)			
		Water Meter Account No.			
11	Assessment Information	Residential ☐ or Non-Residential ☐	Fee Simple ☐ or Ground Rent ☐	Amount:	
		Partial Conveyance? ☐ Yes ☒ No	Description/Amt. of SqFt/Acreage Transferred:	92.32ac, Conservation Easement	
12	Assessment Use Only - Do Not Write Below This Line	If Partial Conveyance, List Improvements Conveyed:			
		Doc. 1 - Grantor(s) Name(s)			
13	Assessment Use Only - Do Not Write Below This Line	Doc. 2 - Grantor(s) Name(s)			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			
14	Assessment Use Only - Do Not Write Below This Line	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
		Doc. 1 - Grantee(s) Name(s)			
15	Assessment Use Only - Do Not Write Below This Line	Doc. 2 - Grantee(s) Name(s)			
		New Owner's (Grantee) Mailing Address			
16	Assessment Use Only - Do Not Write Below This Line	Old Carthouse, Towson, Md. 21204			
		Doc. 1 - Additional Names to be Indexed (Optional)			
17	Assessment Use Only - Do Not Write Below This Line	Doc. 2 - Additional Names to be Indexed (Optional)			
		Instrument Submitted By or Contact Person			
18	Assessment Use Only - Do Not Write Below This Line	Name:	Bureau of Land Acq.		
		Firm:	Baltimore County, Md.		
19	Assessment Use Only - Do Not Write Below This Line	Address:	Towson, Md. 21204		
		Phone:	(410) 887-3284		
20	Assessment Use Only - Do Not Write Below This Line	Return to Contact Person ☐			
		Hold for Pickup ☒			
21	Assessment Use Only - Do Not Write Below This Line	Return Address Provided ☐			
		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
22	Assessment Use Only - Do Not Write Below This Line	Yes ☒ No Will the property being conveyed be the grantee's principal residence?			
		Yes ☒ No Does transfer include personal property? If yes, identify:			
23	Assessment Use Only - Do Not Write Below This Line	Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
		Terminat Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification ☐			
24	Assessment Use Only - Do Not Write Below This Line	Deed Reference:	Assigned Property No.:		
		Map	Sub	Block	
25	Assessment Use Only - Do Not Write Below This Line	Grid	Plat	Lot	
		Use	Section	Occ. Cd.	
26	Assessment Use Only - Do Not Write Below This Line	Parcel	Sect	Occ. Cd.	
		Ex. St.			
27	Assessment Use Only - Do Not Write Below This Line	TAX NOT REQUIRED			
		Director of Budget and Finance			
28	Assessment Use Only - Do Not Write Below This Line	BALTIMORE COUNTY, MARYLAND			
		COUNTY TRANSFER TAX			
29	Assessment Use Only - Do Not Write Below This Line	Per <u>John Bugeon</u> Sec 33-139			
		RECORDATION TAX			
30	Assessment Use Only - Do Not Write Below This Line	Per <u>John Bugeon</u> T.P. ART 12-108			
		Date <u>6/20/02</u>			

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 16540, p. 0564, MSA_C662_16395. Date available 03/07/2005. Printed 07/26/2017.

Space Reserved for County Validation

Distribution: White - Clerk's Office
 Canary - SBA
 Pink - Office of Finance
 Goldenrod - Preparer
 AOC-CC-300 (6/95)

ALJ

Prot. 2

Your Honor, I hope you will forgive my evident discomfort. I have never even seen a hearing like this one on TV, and my last public speaking was some two decades ago, teaching graduate students: I was nervous then, and I am uneasy now.

Your Honor, I am here to try to convince you to deny this *special exception* to the zoning code. Such *special exceptions* should be justified, I believe, by their contribution to the community, and by their lack of destructive consequences. Please accept this packet of information relevant to my argument.

As the map in the packet shows, while the petitioner's address is on Monkton Road, the property is also bordered by Markoe and J.M. Pearce Roads. You should know that, while a few parcels in this immediate neighborhood, like that of the petitioner, are in the 50-100 acre range, my property on Markoe Road is but 10 acres, and most of my neighbors' are in that range or less. Thus, we live in a predominantly residential neighborhood. Women jog past my home on Markoe Road pushing baby carriages, and adults and children ride their bikes past.

My wife and I moved to My Lady's Manor about a quarter century ago to escape the stink, noise, traffic, and pollution of the city. We reveled in the pastoral paradise we had found, where hours can go by without a single car, and the loudest noise in the evenings tends to be the peeper frogs in the pond. And there was a bonus: the historic property at 2800 Monkton Road, which was nominated for the National Register of Historic Places

[http://msa.maryland.gov/megafile/msa/stagsere/se1/se5/003000/003300/003347/pdf/msa_se5_3347.pdf], with race horses grazing just across the street. This was what we had scrimped and saved for!

This bucolic dream was interrupted a few years ago, when the petitioner for this *special exception* began storing large equipment on the property, bringing incessant BEEP-BEEP-ing as the vehicles backed up. Someone filed a complaint, and that practice ended.

Then - I believe it was in about 2013 - the petitioner for this *special exception* had a large party with amplified music at the barn mentioned in the petition, nearly directly across the street from us. The noise was enough to disrupt our sleep, but we were tolerant, as it was the wedding of our next door neighbor. But then there were other weddings. A complaint assured that the amplified music would end by 11:00 p.m., a welcome improvement; however, the weddings became more and more frequent, until they were almost every weekend from May to September.

A complaint to Arnold Jablon, Director of Permits, Approvals and Inspections, got an investigation by a Mr. Cohen, who felt constrained to credit the story that all of these weddings were just friends and family. An internet search provided Mr. Jablon enough data to render this "friends and family" story implausible, and today's petitioner was enjoined to cease and desist, which was done, largely, albeit not entirely [<https://citizenaccess.baltimorecountymd.gov/CitizenAccess/Cap/CapDetail.aspx?Module=Enforcement&TabName=Enforcement&capID1=16CAP&capID2=00000&capID3=00IM8&agencyCode=BALTCO&IsToShowInspection=>]. Much of that email exchange with Mr. Jablon is in the packet I gave you earlier.

Now comes this proposed brewery, which will undermine the core features of the neighborhood for which my wife and I, and many of our neighbors, moved here, bringing stink, noise, traffic, and pollution, thus putting at risk the health, safety, and general welfare of our community, and undermining the value of our properties.

We know six things at least about this proposed brewery.

(1) The brewery will be located in a barn the access to which is generally from Markoe Road, a small, residential road supporting pedestrian activities.

(2) The brewery will be allowed under the law, Section 101.1, to produce up to 15,000 barrels of beer a year. At 31 gallons

per barrel, and about 10 12-oz bottles per gallon; that's about 14,900 6-packs a week. That's a lot of beer for a small residential area.

So, Your Honor, *you* are being asked to make a *special exception* that will permit (a) a rather high volume of people to drive to and from that barn weekly, and/or (b) a rather high volume of trucks to be driven to and from that barn weekly, past the which barn children ride their bikes and women jog with their babies on a rural residential street.

(3) The brewery will emit an uncomfortable, noxious odor, one that has been compared to a "sewer," a "skunk smell," and to "rotten eggs," all quite inappropriate for this primarily residential neighborhood, and guaranteed to reduce the value of local properties [<http://www.thedenverchannel.com/news/beerery-blamed-for-obnoxious-odor>]. And, as it happens, I and many of my neighbors, are located to the east and thus generally downwind of the barn in question, as are the church and school at St. James. Indeed, the school's property is contiguous with mine, and we can hear children playing outside there virtually all year long.

(4) The brewery will produce liquid waste, which will threaten to foul wells in the neighborhood, as well as the extremely delicate watershed ecology of the area, and thus is also guaranteed to reduce the value of local properties. Years ago, the county put a pipe under Markoe Road to funnel storm drainage from the barn area to a channel, which leads eventually to the Little Gunpowder River, and thence to the Bay. Surely, wells and wetlands are something that zoning should be used to protect. Has there been an environmental impact study presented to Your Honor?

(5) The brewery will involve traffic, with trucks coming and going to deliver supplies and take the product to market. There will be many parking spaces, for customers, and for retail distribution and "temporary promotional" events, all guaranteed to increase the traffic on Markoe Road, and thus to reduce the value of local properties.

Parenthetically, I will ask here what exactly is the meaning of "temporary event," other than a redundancy; for, are not all events temporary, in that they have a beginning and an end? Or, is this just an excuse to restart the aforementioned weddings?

(6) The brewery appears to violate the terms of the deed to 2800 Monkton Road, which I'm told states that the "property shall not be converted to non-agricultural uses unless that use is consistent with maintaining the agricultural productivity of the land for future agricultural uses." A beer store? A bar? A beer tasting zone like that in the Clipper Mill area of Baltimore? Really? Your Honor, do you believe that the zoning regulations are supposed to put alcoholic beverage outlets in rural residential areas?

In sum, your honor, this *special exception*, if *you* grant it, will bring the stink, noise, traffic, and pollution my wife and I, and most of our neighbors, came here to avoid. I rather suspect that some will welcome the addition of a smelly, loud, high traffic, and polluting beer factory, store, and party venue to our bucolic midst. For my wife and I, however, and I believe for the great majority of our neighbors, such an enterprise will undermine the health, safety, and general welfare of our community. It will distort and pervert the rural character of My Lady's Manor that the zoning was designed to maintain. Indeed, for the great majority of my neighbors in My Lady's Manor, this *special exception*, if *you* grant it, will despoil the very reasons we all chose to live there.

I urge you, Your Honor, to reject the proposed *special exception*. Please, do not destroy the rural character the Monkton zoning was designed to preserve. It is valuable, fragile, and well worth protecting.

Note: Residential area east of proposed brewery (downwind); St. James Church and Academy on East side of Yaffe property.

Neighborhood Map from website: <http://sdat.dat.maryland.gov/realproperty/maps/showmap.html?countyid=04&accountid=10+1600006641>

Dear Mr. Jablon,

Here are some URLs for weddings at Inverness Farms, 2800 Monkton Road; forgive us if there are a many duplicates.

Please note the professional photographs included near the end of the list, showing the venue more or less as we would see it from the front of our driveway, and an aerial view of one of the events showing much, but not all, of the cars parked there. (If the images do not come through in this email, they are visible at the provided URLs.)

A Google search on *Inverness Farms, Monkton, MD* yielded these URLs:

<http://livingradiant.com/blog/justin-tiffany-married-inverness-farm-private-residence-monkton-md>
<https://www.weddingwire.com/c/md-maryland/monkton/wedding-venues/11-vendors.html>
<http://www.hoppywifehoppylife.com/#may-21-2016>
<http://www.theknot.com/wedding/Swift-and-Scanlan/view/9899048194137551/36747256>
<http://mcdermottfrank.ourwedding.com/view/6335747613770826/29338033>
<http://www.welove711.com/our-wedding/>
<https://uk.pinterest.com/pin/240520436327630457/>
<https://websta.me/n/denisegangler>

A Google search on *2800 Monkton Road, Monkton, MD* yielded these URLs:

<http://www.theknot.com/wedding/view/9895199640348959/39561732>
<https://www.weddingwire.com/c/md-maryland/monkton/wedding-venues/11-vendors.html>
<http://mcdermottfrank.ourwedding.com/view/6335747613770826/29338033>
<http://www.hoppywifehoppylife.com/monkton/>

A Google search on *Inverness Farm MD Wedding* (a search suggested by Google at the bottom of the prior search!) yielded these URLs:

<http://livingradiant.com/blog/justin-tiffany-married-inverness-farm-private-residence-monkton-md>
<http://www.rusticbride.com/category/maryland/>
<https://www.weddingwire.com/c/md-maryland/monkton/wedding-venues/11-vendors.html>
<http://www.theknot.com/wedding/Swift-and-Scanlan/view/9899048194137551/36747256>
<http://mcdermottfrank.ourwedding.com/view/6335747613770826/29338033>
<http://www.welove711.com/our-wedding/>
<https://twitter.com/hashtag/swiftwedding2014>
<http://www.hoppywifehoppylife.com/#may-21-2016>
<https://www.google.com/search?q=inverness+farm+md+wedding&sa=N&espv=2&biw=1818&bih=1067&tbm=isch&tbo=u&source=univ&ved=0ahUKEwjy7qL0jvPMAhXBHB4KHZruDcQ4ChCwBAhc> - For a photograph of the property, see the first image, first row; for a photograph of the crowd, see the first image, fifth row; both reproduced below (we hope the images come through in this email):

[pix did not copy from email]

Obviously, some of the images on this page are NOT of my neighbor's property, but there is no doubt that these two images are. Chasing the aerial image, I found this URL:

<https://www.theknot.com/us/alex-malphrus-and-gina-ibello-nov-2016>, which includes the image and the address.
And chasing the first image took me to this URL, again with image and address included:
<http://www.theknot.com/wedding/Swift-and-Scanlan/view/9899048194137551/36747256>

We trust that this information satisfies most of your questions. Please advise us how we can be of further assistance, and of any progress made by your team.

Sincerely,

Samuel and Michaeline Yaffe

16109 Markoe Road
Monkton, MD 21111
cbtsam@comcast.net

On 5/23/16 12:07 PM, Arnold Jablon wrote:

Would you send us the link on the Internet?

On May 23, 2016, at 7:04 AM, Sam Yaffe <cbtsam@comcast.net> wrote:

Dear Mr. Jablon,

Thanks so much for your remarkably prompt response.

In answer to your questions, (1) we do not know if they are advertising, but we often find the weddings on the internet; (2) we can and will take photos of the cars & traffic without trespassing; (3) we are willing to testify, but we don't know about the neighbors, although we can try to find out.

Sincerely,

Samuel and Michaeline Yaffe

On 5/22/16 4:14 PM, Arnold Jablon wrote:

Are they advertising these events? Can u take photos of the cars and traffic w/o trespassing? Are you and your neighbors willing to testify? I'll ask Code Enforcement to fill me in on and will get back to you this week.

Arnold Jablon

On May 22, 2016, at 10:32 AM, Sam Yaffe <cbtsam@comcast.net> wrote:

May 22, 2016

Arnold Jablon
Director Permits, Approvals and Inspections
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, Maryland, 21204
Phone: 410-887-3353
Fax: 410-887-5708
Email: ajablon@baltimo

recountymd.gov

Dear Mr. Jablon,

We have been trying for some time to get some relief from the behavior of neighbors at 2800 Monkton Road. We have corresponded with Robyn. C. Clark, who assigned the issue to Inspector Cohen. Still, the problem continues.

They stage large (attended by 50 or more vehicles generally, including a large bus last night) and loud (greater than 65 db *on our* property) events in their barn, which is almost directly across Markoe Road from our home. Mr. Cohen reported speaking with the residents, Mr. and Mrs. Frank, who reported that the events – generally large weddings – that took place on their property were for "family and friends," and not commercial enterprises. That account strains credulity, given the number and size of the events, yet Mr. Cohen seemed bent on simply taking the Franks' word for it.

We advised Mr. Cohen of events on 5/10/14, 5/24/14, 6/6/14, 10/4/14, 10/11/14, and five others in the Spring and Summer of 2015, including extremely large events on 5/16/15, 7/11/15, and 7/26/15.

Since we last corresponded with Mr. Cohen, there have been the following events, with some of the details we have discovered:

- 9/5/15, a wedding of people named Justin and Tiffany, event-planned & catered by Zeffert & Gold Catering;
- 9/19/15, a large undetermined party;
- 9/26/15, a wedding of people named Higgins and Carney;
- 10/3/15, a large undetermined event;
- 10/10/15, a large wedding catered by Linwoods;
- 5/21/16, the latest, last night, a wedding of people named Hopp and Reddish.

The Franks appear to have a remarkable number and variety of family and friends!

The Agri-Tourism Bill, you may recall, was defeated. It is unseemly that the County Government continues to allow these private landowners, who lack commercial zoning and do not pay commercial taxes, to hold the exact same sort of events.

We are writing to request action to have this outrageous behavior addressed by the appropriate authorities.

Sincerely,

Samuel and Michaeline Yaffe
16109 Markoe Road
Monkton, MD 21111
cbtsam@comcast.net

Baltimore County Zoning Board
Towson, Maryland

September 6, 2015

Dear Sir/Madam:

I am writing to complain about the loud, commercial enterprise my neighbors have begun. They have begun hosting large, catered, and very loud parties, attended by fifty (50) or more vehicles, on weekends, mostly in the evenings.

Their property is located on the north side of Monkton Road, at the corner of Markoe Road. The address is 2800 Monkton road, and they use their barn, which is across Markoe Road from our own property at 16109 Markoe Road. The volume is enough to keep us awake, suggesting that the level of noise is well above 65 decibels. I have no idea what impact all of these people are having on this watershed property.

So far, they have had these parties on May 10, May 24, June 6, October 4, and October 11, 2014, and five more so far this Spring & Summer, including an extremely large event on May 16, 2015, another on July 11, 2015, yet another on July 26, 2015, and the most recent on September 5; the internet shows a wedding for October 10.

We understand that the agri-tourism bill did NOT pass, yet what we are witnessing appears to fall under that rubric. With our agricultural zoning, we are used to the sounds of frogs, cows, horses, etc. I do not think the sounds of rock and roll bands belong here.

This is hardly the first letter we have submitted on this issue, and we would appreciate being advised why there seems to be no response to any of them. If we are addressing this concern to the wrong person, please advise whom we should address.

Thank you very much for your prompt attention to this matter.

Sincerely,

Samuel & Michaeline Yaffe
16109 Markoe Road
Monkton, Maryland 21111

Dear Mr. Cohen,

Thanks for stopping by the other day. I have thought a great deal about a couple of your comments at that time. I must be missing something, because they have me rather confused, so I am writing for the sort of clarification you have been so good at in the past.

As I recall it, you said that this was a “civil matter” between the Yaffes and the Franks, and so we would have to be prepared to testify with proof that the Franks are staging these huge parties for profit, rather than as a kindly gesture toward family and friends. You also stated, several times as I recall it, that you hoped that we would not report to you further instances of the Franks hosting major parties.

I confess that I find myself reverting again and again to another view of the matter. My picture is that my representatives, for whom I voted, and whose salaries I pay with my taxes, passed zoning laws and enacted regulations to put those laws into effect, in part in order to protect the property values of me and my neighbors. They then hired and instructed county officers, such as Mr. Jablon and yourself, to enforce those laws and regulations, again in order to protect the property values of me and my fellow citizens.

I presented Mr. Jablon with enough evidence that he saw fit to arrange to have Code Enforcement issue a correction notice to stop immediately and to say that, “If they continue, a citation will be issued.” I assume that is a citation for violating the law. Now, when I receive a citation for exceeding the speed limit, that is not a civil matter: I am hauled into court to confront an officer of the county charged with enforcing the law (or I can often elect to simply pay a fine). And if I am repeatedly cited, I lose my license to operate a motor vehicle.

So I am puzzled, Mr. Cohen, regarding (1) why is this a civil matter, (2) why will we have to provide proof of the Frank's business arrangements, and (3) why did you so fervently hope that we would not report another party? Presumably, you already have proof that something unlawful is occurring, which I imagine is why a correction notice was issued, by you yourself as I understand it, and why a citation would be issued if they continue. And, I would assume, it is the responsibility of the government – you and/or your colleagues – to produce proof when the government's laws and regulations are violated, if the matter comes to court. The government would do this, I would assume, by subpoenaing the Frank's records, and the testimony of some of those many whose weddings were celebrated at the Frank's, in violation of county law. And, it seems to me, you would indeed hope that I *would* report another violation, as it is a civic duty to assist the authorities in enforcing the law.

Clearly, as I said above, I must be missing something, and I look forward to your clarification, so that I might come to understand the matter as you do.

Sincerely,

Samuel Yaffe
cbtsam@comcast.net

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

1 Section 101.1. Word usage; definitions.

2 BREWERY – An establishment with a valid alcoholic beverage manufacturer’s license Class
3 5, 6, [or] 7 OR 8 issued in accordance with the Annotated Code of Maryland, Article 2B,
4 Section 2-206, 2-207, [or] 2-208 OR 2-209.

5 BREWERY, CLASS 8 – A BREWERY LOCATED ON A MINIMUM OF 10 ACRES
6 WITH A CLASS 8 (FARM BREWERY) LICENSE, WHICH SELLS AND DELIVERS
7 MALT BEVERAGE MANUFACTURED IN A FACILITY ON THE LICENSED FARM
8 WITH AN INGREDIENT FROM A MARYLAND AGRICULTURAL PRODUCT
9 GROWN THEREON, AND PRODUCES NO MORE THAN 15,000 BARRELS OF MALT
10 BEVERAGE PER YEAR.

11 Section 1A01 R.C.2 (Agricultural Zone)

12 1A01.2 Use Regulations.

13 C. Use permitted by special exception. The following uses, only, may be permitted by special
14 exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the
15 petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity;

Prot. 2



**Sparks-Glencoe Community
Planning Council
P.O. Box 937, Sparks, MD 21152**

Prot. #1

August 2, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Jefferson Building
Towson, MD 21204

Dear Judge Beverungen,

The Sparks-Glencoe Community Planning Council opposes the grant of a special exception for the creation of a brewery at 2800 Monkton Road in Monkton. There are three primary reasons for this position.

First, the request for this special exception comes from individuals with a documented history of non-compliance with zoning regulations. There has, or will be, testimony about the nature and extent of these past violations, but no one can deny that they are considerable. This means that there is reason to believe that they will not abide by any restrictions that are imposed in conjunction with the special exception. Further, our experience over the years with Code Enforcement demonstrates, sadly, that that process is inadequate. Code Enforcement is over burdened with responsibilities, and much of the actual evidence collection and impetus is delegated to the neighborhood.

Secondly, a brewery should not be permitted on this property because of the nature of breweries. They are a notoriously obnoxious commercial activity, generating noise, traffic, and most of all particularly distasteful aromas. The surrounding property owners do not deserve to be subjected to this type of significant neighborhood disruption.

Finally, if the special exception is granted, it is requested that the public events be limited to four beer tastings per year. Many of those who opposed the special exception believe that the brewery is something of a subterfuge to enable the owners to resume the private events that were shut down and precluded in the past. The limitation to four events would enable authentic beer tasting but deny the ability to hold events which are not truly related to the brewery activity, such as weddings or private parties. By suggestion of this limitation, we do not want to be understood as implicitly endorsing or acquiescing in the special exception request.

Thank you.

Sincerely,

Lynne Jones, President

Contact us @: www.sgcpc.org or www.facebook.com/sgcpc

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Jeffrey Perlow

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☐ [Tracking Number](#) [PAI Number](#) [Project Name](#)☐ [ACIMP-2017-03308](#)☐ [ACIMP-2017-03310](#)☐ [ACIMP-2017-03309](#)☐ [CC1604960](#)

BFR

☐ [CC1511283](#)

ZONING

Record Type	Status	Number	Street Name	Opened Date	Created By
Animal Impoundment	Return to Field	2800	MONKTON	06/23/2017	MSHUGHES
Animal Impoundment	Adopted	2800	MONKTON	06/23/2017	MSHUGHES
Animal Impoundment	Adopted	2800	MONKTON	06/23/2017	MSHUGHES
Constituent Complaint	In Compliance	2800	MONKTON	05/26/2016	RCCLARK
Constituent Complaint	No Violation	2800	MONKTON	09/09/2015	ARWILLIAMS

1 2

Access is denied. Please contact the administrator (capDetailForm 8209R).

PETITIONER'S

EXHIBIT NO.

11

8/1/2017

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☐ CE99CO0126903
☐ CB99CO0125214
☐ CG99CO0114641

Record Type	Status	Number	Street Name	Opened Date	Created By
Electrical Complaint	Closed	2800	MONKTON	04/12/2013	ERIESNER
Building Complaint	Closed	2800	MONKTON	03/13/2013	GBERRY
Grading Complaint	Closed	2800	MONKTON	07/17/2012	MGAWEL

1 2

Access is denied. Please contact the administrator (capDetailForm 8209R).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/20/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-327

INFORMATION:

Property Address: 2800 Monkton Road
Petitioner: Raymond V. Frank, Sandra P. Frank
Zoning: RC 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the property for a Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

A site visit was conducted on July 5, 2017.

This property is located within the White Hall and Monkton Agricultural Priority Preservation Area (Master Plan 2020, pg. 40). The property was placed under a conservation easement through the Baltimore County Agricultural Preservation Program in June 2002. The Baltimore County Agricultural Land Preservation Advisory Board approved the proposed use to be farm related in accordance with the Deed of Conservation Easement Article II B. and the Baltimore County Code §24-3-108. The petitioners have constructed trellises and planted hops to be used in the processing of their beer as seen on the plan. The property is also located within the National Register Historic District of My Lady's Manor.

Monkton Road is a Baltimore County Scenic Route and a Maryland State Highway Administration Scenic Route (Horses and Hounds). All components of the proposed special exception use are existing and are substantially removed from the scenic route such that no adverse impact to the view is created.

The Department has no objection to granting the petitioned zoning request conditioned upon the following:

- Submit for approval a landscape and lighting plan to the Baltimore County Landscape Architect prior to occupancy permit approval.
- Provide a refuse dumpster and indicate the location on the landscape plan. Said plan will show how the proposed dumpster area will be screened from view from the public right of way using plantings and an enclosure composed of materials similar to that of the existing structures.
- Any signage shall conform to BCZR § 450 and the aforesaid Deed of Conservation Easement. Other than diminutive directional signage, the Department does not support signage that will be visible from the scenic route.

PETITIONER'S

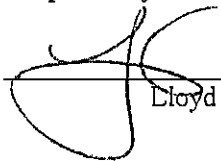
EXHIBIT NO.

7

Date: 7/20/2017
Subject: ZAC #17-327
Page 2

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Keeve Brine

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Christopher D. Mudd, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204**CURRICULUM VITAE**
DAVID L. MARTIN, L.A.**Martin & Phillips Design Associates, Inc., Principal
Director of Land Planning / Landscape Architecture****Professional Registration:** Landscape Architect

Maryland - No. 776

Pennsylvania - No. 573-E

Education:

The Pennsylvania State University

Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

American Society of Landscape Architects, Member

Urban Land Institute, Member

Boards:

Baltimore County, Design Review Panel

Professional practice includes 46 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts. He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including; Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitemarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park, Catholic Charities Senior Housing at the Village Crossroads, Brandywine PUD and the Chapel Springs Senior Housing PUD.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County in every CZMP cycle since 1992 and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

Baltimore County - ... Neighborhood



August 1, 2017

Legend

Census Blocks

County Boundary



Zoning

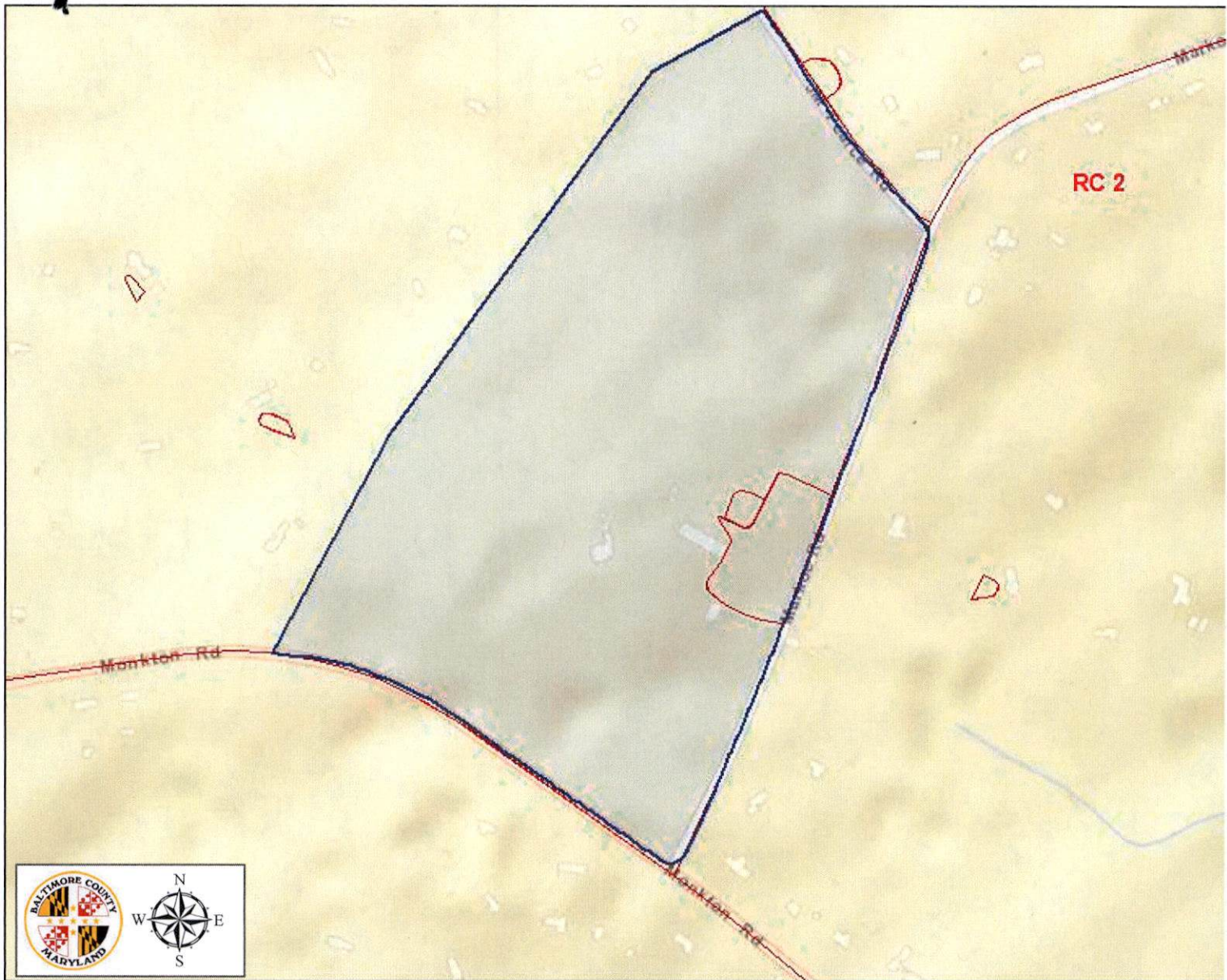
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PETITIONER' S

EXHIBIT NO.

9

Baltimore County - ... Neighborhood



August 1, 2017

Legend

Census Blocks

County Boundary



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



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

FRANK RAYMOND V FRANK SANDRA P
2800 MONKTON RD
MONKTON, MD 21111-1717

CASE NUMBER	PROP.TAX ID
CC1604960	1010095060
VIOLATION ADDRESS	
2800 MONKTON RD MONKTON, MD 21111-1717	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 101; 102.1; ZCPM: Illegal home occupation	Cease all activities on the premise such as weddings, receptions, gatherings etc IMMEDIATELY these activities are not allowed in an RC2 zone -

Failure to comply with this correction notice, may result in a **\$200.00** fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 05/27/2016	INSPECTOR NAME: Paul Cohen
	ISSUED DATE: 05/27/2016

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

IS THIS CITATION CLOSED OUT?

PETITIONER'S

EXHIBIT NO.

10

Case No.: 2017-327-X

Exhibit Sheet

SLR
8-8-17

Petitioner/Developer

D³
9-8-17

Protestant

No. 1	Plan	Sparks - Glencoe Letter 8-2-17
No. 2	Photos	Letter w/ attachments from Samuel Yaffe
No. 3	Photos	Letter w/ attachments from Wendy McIver
No. 4	Photos	Google Map print-outs
No. 5	"Brewery Plan"	
No. 6	Letters of support w/ map of locations	
No. 7	DOP ZAC comment	
No. 8	Martin CV	
No. 9	My Neighborhood Aerial photo	
No. 10	Code Enforcement correction notice	
No. 11	Spreadsheet of BC Code Complaints	
No. 12		

July , 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception; request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Neil J. Gerthe
Olivia A. Gerthe
1915 Monkton Rd.
Monkton, MD 21111
443-212-5161

July , 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

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Thank you for your consideration of our position.

Sincerely,


16201 Marlowe Rd.

July 31, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

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Thank you for your consideration of our position.

Sincerely,


16405 Markoe Rd

July 31, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

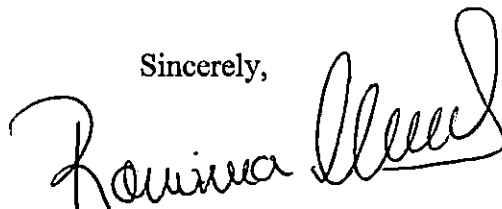
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Thank you for your consideration of our position.

Sincerely,

 Romina Chandler
16311 Markoe Rd.
Monkton, MD 21111

July 31, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Carol Dentler
16211 Markol Rd
Monkton, Md 21111

July 30, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely, *Valerie Lucas*
(Lucy Adams)

2513 Monkton Rd
Monkton, MD 21111

July 28, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Adele & Richard Reinhardt
16209 Markoe Rd.
Monkton, Md.

21111

July 21, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,


Tara G. Berlage
16422 JM Pearce Rd.
Monkton, MD 21111
cell (717) 368-2866

July 27, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

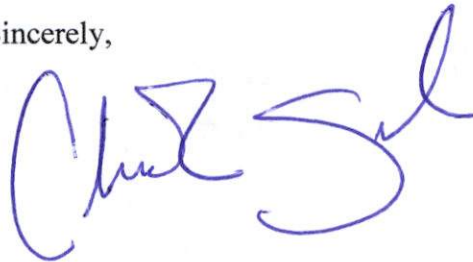
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Thank you for your consideration of our position.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sel".

16531 JM PEARCE RD
MONKTON, MD
21111

July 26, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Natalie Ferguson
2710 Mountain Rd

July 25, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Aileen White
2937 Monkton Rd.
Monkton, MD 21111

July 28, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

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Thank you for your consideration of our position.

Sincerely,

Robert L. Robinson
2900 MONKTON ROAD

We are delighted that the Frank's are pursuing this brewery. It will add character and charm to bring the community together. We are all in!

July 27, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

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Thank you for your consideration of our position.

Sincerely,

Jennifer Belt
Donald P. Belt
16336 Markoe Rd.

July 25, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

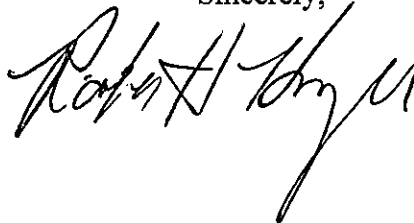
Re: Case No. 2017-0327-X

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Thank you for your consideration of our position.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Bryan". The signature is fluid and cursive, with the first name "Robert" and last name "Bryan" being the most prominent parts.

July 25, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

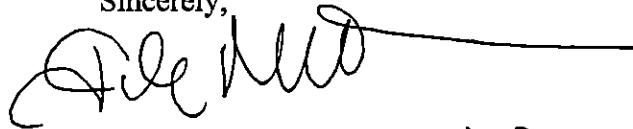
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Thank you for your consideration of our position.

Sincerely,



2813 Monkton Rd
Monkton MD 21111

Frank Marchant my wife + I
Live across the street + support
this completely -

July 25, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

*John Hawks
2439 Monkton Rd.
We live across the road and are big
supporters of Ray & Sandy. The
family has been farmers in
the Maryland AG for generations
a ^{deserve} ~~deserve~~ ^{deserve} support.
John Hawks*

July 25, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

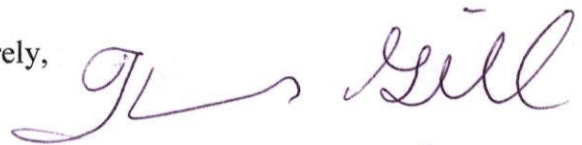
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Thank you for your consideration of our position.

Sincerely,

A handwritten signature in purple ink, appearing to read "J. Gill".

2701 MonKton Rd.
MonKton Md. 21111

July 24, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Allison Holt

Raymond Frank

*2716 Mornton Rd.
Contiguous Neighbor*

July 30, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Charles Tinner
16335 Mark Rd
Monkton MD

July 30, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

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Thank you for your consideration of our position.

Sincerely,



16307 Markoe Rd
Monkton MD 21111

July 31, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

I am writing to express support for the Petition for Special Exception request for the farm brewery filed by Raymond and Sandra Frank. The Franks have lived in our community for over a decade, during which time they have continually maintained their property in an exemplary manner and have been good neighbors. After reviewing the site plan with the Franks, it is my belief (along with many other neighbors) that the proposed farm brewery will cause no impact to the neighborhood. As an ancillary use on the Franks' farm, the brewery will enhance our community, without detracting from the primary farming operations. We think it will be a real asset to the neighborhood.

Thank you for your consideration of our position.

Sincerely,

Tom Lowing
16401 Markoe RD

July 31, 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

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Thank you for your consideration of our position.

Sincerely,

Clyde Sacum
Markoe R.D.

July , 2017

The Honorable John E. Beverungen
Administrative Law Judge
Baltimore County Office of
Administrative Hearings
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 2017-0327-X

Dear Judge Beverungen:

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Thank you for your consideration of our position.

Sincerely,

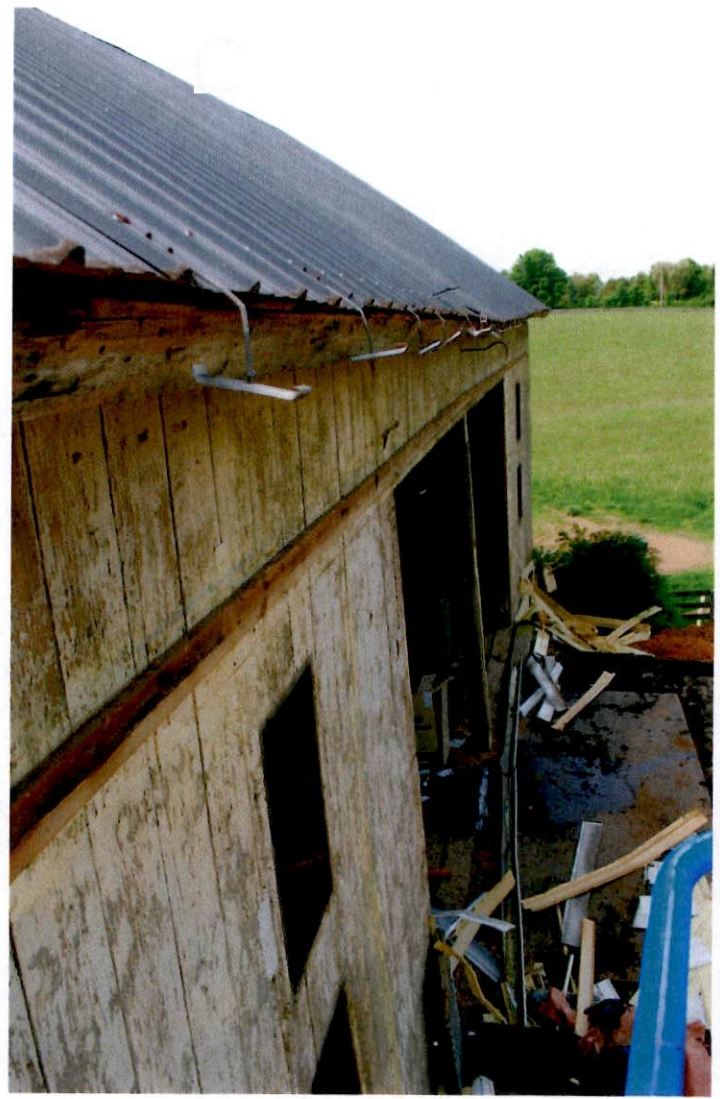
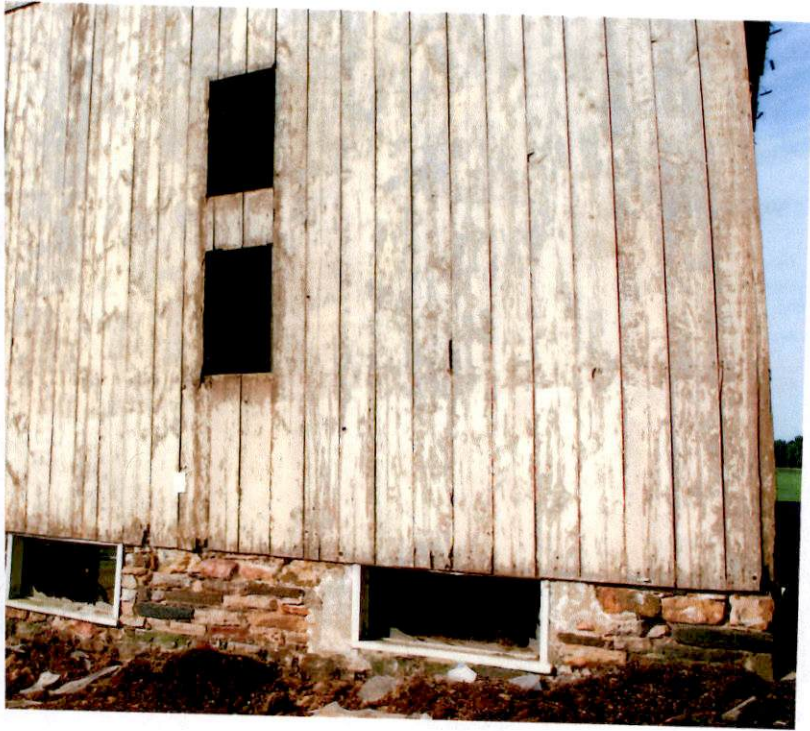
Sharon L. Gutz
14501 Jm Pearce Rd
Monkton, Md 21111



PETITIONER' S

EXHIBIT NO. 2







PETITIONER' S

EXHIBIT NO. 3

A-1



A-2



A-3



A-4



A-5

A-6





A-7



A-8



A-9



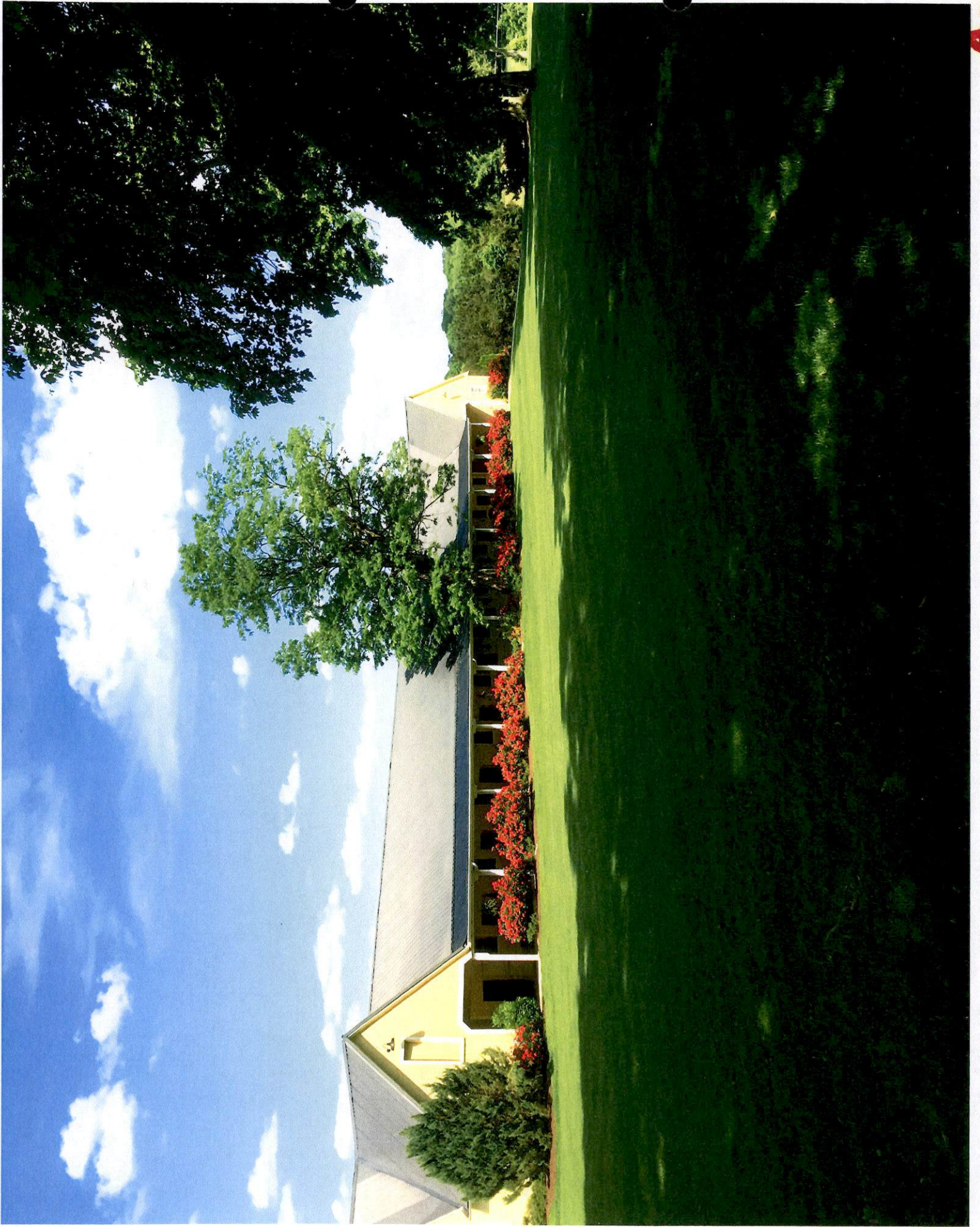
A-10



A-11



A-12





A-14



A-15



A-16



A-17



A-18



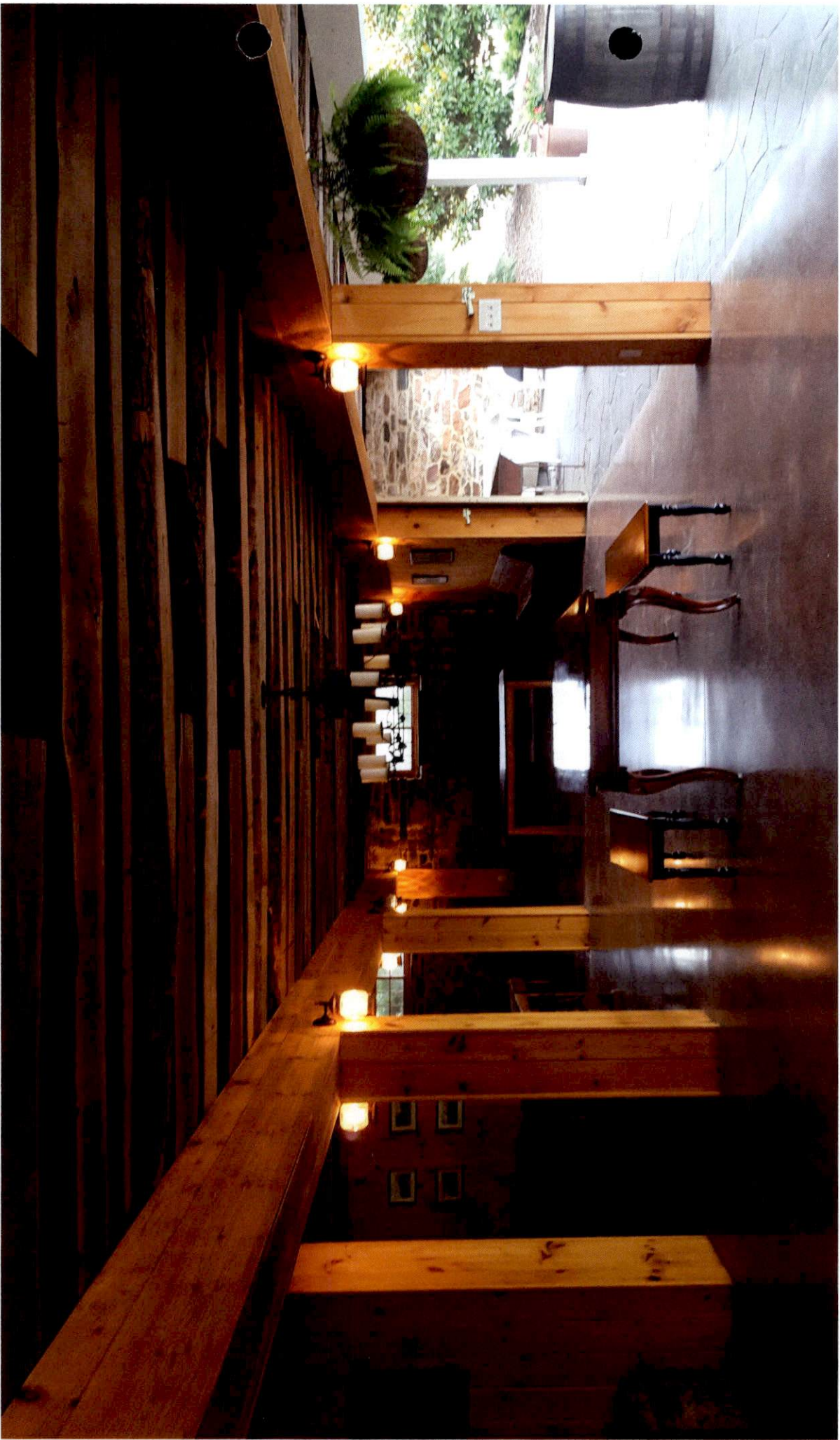
A-19



A-20



A-21



A-22



A-23



A-24



PETITIONER' S

EXHIBIT NO. 4

B-1



B-2



8-8



B-4

B-5



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: June 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0327-X
Address 2800 Monkton Road
(Frank Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

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

Comments
1. A water usage letter must be submitted to Ground Water Management (GWM) detailing the size and scope of the proposed brewery operation along with an estimate of the volume (Design Flow) and strength of the wastewater that will be generated from the brewery operation and the "promotional events." See page 7 of the GWM Policy Manual for further information. It is advised that the owner/operator contact Mike Eisner at the Maryland Department of the Environment, Wastewater Permits Division (410-537-3771) about the possibility of land applying brewery wastewater through a Farm Plan. Depending on the volume and strength of waste to be disposed through an onsite sewage disposal system (OSDS), the owner may be required to hire an OSDS design consultant to propose an appropriate system.
2. An application for Soil Percolation Testing must be submitted to Baltimore County indicating the proposed sewage disposal area that will be sufficient to support the approved Design Flow for 300% design. See Perc Test Checklist for plan requirements.
3. Existing and proposed wells must be shown on the plan and meet current regulatory setback requirements and construction standards. It must be demonstrated that the proposed well to be used for the brewery has adequate yield and water quality to support the proposed use. Ultimately, the water supply for the brewery will be designated as a transient noncommunity water supply and will be

required to conduct quarterly and annual testing and submit results to the Baltimore County Dept. of Health.

4. The property owner must apply for a water appropriation permit or exemption through the Maryland Department of the Environment, Water Supply Program.
<http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/Documents/www.mde.state.md.us/assets/document/permit/MDE-WMA-PER077.pdf>

Reviewer: Kevin Koeppenick

Date: 6/14/17

ORDER RECEIVED FOR FILING

Date 8/8/17

By Sen



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 2800 Monkton Road which is presently zoned RC-2
 Deed References: 15235/712 10 Digit Tax Account # 1 0 1 0 0 9 5 0 6 0
 Property Owner(s) Printed Name(s) Raymond V Frank and Sandra P Frank

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
SEE 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:

Inverness Brewing LLC

Name- Type or Print
 Signature

2800 Monkton Road Baltimore County Maryland
 Mailing Address City State
 21111 / 443-829-2142 / sfrank59@yahoo.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esq.

Name- Type or Print
 Signature
 210 W. Pennsylvania Avenue Towson Maryland
 Mailing Address City State
 21204 / 410-494-6365 / cdmudd@venable.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Raymond V Frank

Name #1 - Type or Print
 Signature #1

2800 Monkton Road Baltimore County Maryland
 Mailing Address City State
 21111 / 443-829-2142 / sfrank59@yahoo.com
 Zip Code Telephone # Email Address

Sandra P Frank

Name #2 - Type or Print
 Signature #2

Representative to be contacted:

Christopher D. Mudd, Esq.

Name - Type or Print
 Signature
 210 W. Pennsylvania Avenue Towson Maryland
 Mailing Address City State
 21204 / 410-494-6365 / cdmudd@venable.com
 Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2017-0327-X Filing Date 6/9/17

Do Not Schedule Dates: 8/8/17 Reviewer JF

Date 8/8/17 REV. 10/4/11

By [Signature]

Attachment to Petition for Special Exception

Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises, and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.



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 2800 Monkton Road

which is presently zoned RC-2

Deed References: 15235/712

10 Digit Tax Account # 1 0 1 0 0 9 5 0 6 0

Property Owner(s) Printed Name(s) Raymond V Frank and Sandra P Frank

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

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SEE ATTACHED

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(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 bound 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:

Inverness Brewing LLC

Name- Type or Print

Signature

2800 Monkton Road Baltimore County Maryland

Mailing Address City State

21111 / 443-829-2142 / sfrank59@yahoo.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esq.

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson Maryland

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Raymond V Frank

Name #1 - Type or Print

Signature #1

2800 Monkton Road

Mailing Address

21111 / 443-829-2142

Zip Code Telephone #

Sandra P Frank

Name #2 - Type or Print

Signature #2

2800 Monkton Road Baltimore County Maryland

Mailing Address City State

21111 / 443-829-2142 / sfrank59@yahoo.com

Zip Code Telephone # Email Address

Representative to be contacted:

Christopher D. Mudd, Esq.

Name - Type or Print

Signature

210 W. Pennsylvania Avenue Towson Maryland

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

CASE NUMBER

2017-0327-X

Filing Date

6/9/17

Do Not Schedule Dates:

8/8/17

Reviewer

JP

By

sen

REV. 10/4/11

Attachment to Petition for Special Exception

Brewery, Class 8, including accessory retail and wholesale distribution of beer produced on the premises, and temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

ZONING DESCRIPTION

May 30, 2017

2800 Monkton Road
Monkton, MD 21111-1717

Beginning for the description of a 92.325 acre tract identified as Parcel 0113 Tax Map 0029, at a point at the centerline intersections of Monkton Road and Markoe Road thence N 45° 34' 23" W 84.71 feet more or less to a Point of Beginning at the southeastern most corner of the subject property thence the following courses:

- 1) N55° 21' 15"W, 925.60', thence to a curve on Monkton Road having a
- 2) Radius of 1325.00' with a chord bearing of N69° 32' 01"W, and a length of 649.14', thence,
- 3) N83° 42' 47"W, 85.24', thence
- 4) N27° 41' 25"E, 790.04', thence
- 5) N35° 48' 49"E, 1659.19, thence
- 6) N61° 22' 58"E, 472.92', thence
- 7) S33° 52' 55" E, 563.55', thence
- 8) S40° 54' 52"E, 196.16, thence
- 9) S42° 31' 03"E, 236.68', thence to a curve fillet on Markoe Road having a
- 10) Radius of 60.00' with a chord bearing of S12° 12' 04"E, and a length of 60.57', thence
- 11) S18° 06' 54"W, 108.15' thence
- 12) S 20° 19' 32"W, 428.93', thence
- 13) S 20 35' 00"W, 882.99', thence
- 14) S 21° 46' 21"W, 444.41', thence
- 15) S 23° 13' 52"W, 573.97', thence to a curve fillet on Monkton Road having a
- 16) Radius of 60.00' with a chord bearing of S73° 56' 19"W, and a length of 92.87', thence back to the point of beginning.

Containing 4,021,677 Square Feet or 92.325 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175



MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

ZONING DESCRIPTION

May 30, 2017

2800 Monkton Road
Monkton, MD 21111-1717

Beginning for the description of a 92.325 acre tract identified as Parcel 0113 Tax Map 0029, at a point at the centerline intersections of Monkton Road and Markoe Road thence N 45° 34' 23" W 84.71 feet more or less to a Point of Beginning at the southeastern most corner of the subject property thence the following courses:

- 1) N55° 21' 15"W, 925.60', thence to a curve on Monkton Road having a
- 2) Radius of 1325.00' with a chord bearing of N69° 32' 01"W, and a length of 649.14', thence,
- 3) N83° 42' 47"W, 85.24', thence
- 4) N27° 41' 25"E, 790.04', thence
- 5) N35° 48' 49"E, 1659.19, thence
- 6) N61° 22' 58"E, 472.92', thence
- 7) S33° 52' 55" E, 563.55', thence
- 8) S40° 54' 52"E, 196.16, thence
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FAX: 410.321.1175



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

Nº 153091

Date: 6/9/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	801	0000		6170						500.00

Total: 500.00

Rec From: VENDOR

For: Special Exception
2017-0327-X
2800 Market Rd.

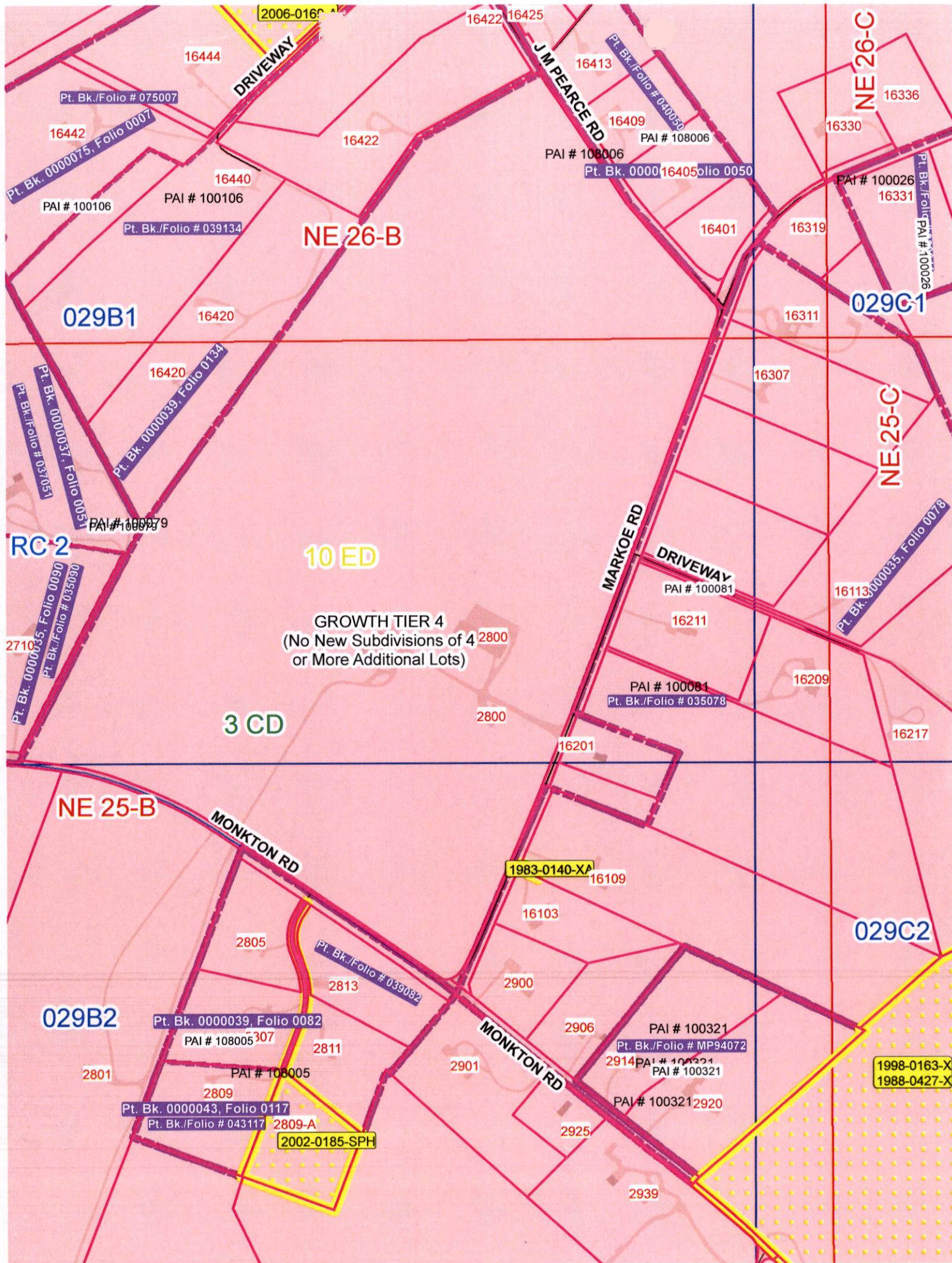
DISTRIBUTION

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

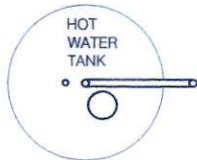
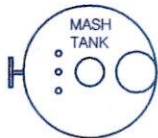
PAID RECEIPT

BUSINESS ACTUAL TIME TRN
6/09/2017 6/09/2017 09:20:29 1
REG 0801 WALKIN LJR
>>RECEIPT # 724511 6/09/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 153091
Recpt Tot \$500.00
\$500.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

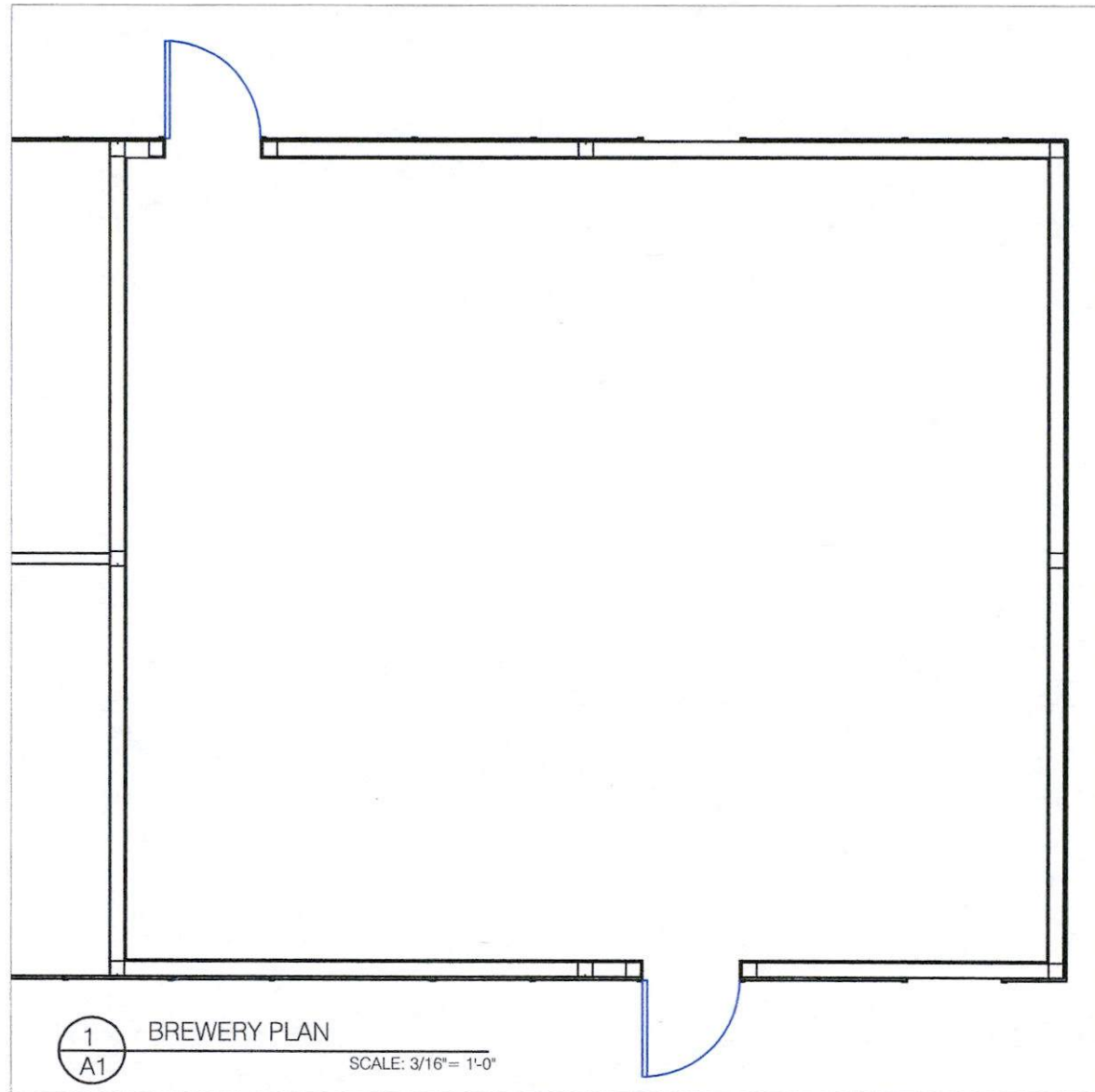






EQUIPMENT

SCALE: 3/16" = 1'-0"



These drawings are the property of
S&S&C, and shall not be reproduced,
copied, loaned or used for any
purpose other than that which they
were furnished and will be returned
upon demand.

Frank Brewery
2800 Monkton Road
Monkton, MD 21111

DRAWING TITLE:
PLAN

These drawings are the property of
S&S&C, and shall not be reproduced,
copied, loaned or used for any
purpose other than that which they
were furnished and will be returned
upon demand.

DRAWN BY: S.F.

ISSUE DATE: 7/17/2017

REVISION DATE

REVISION DATE

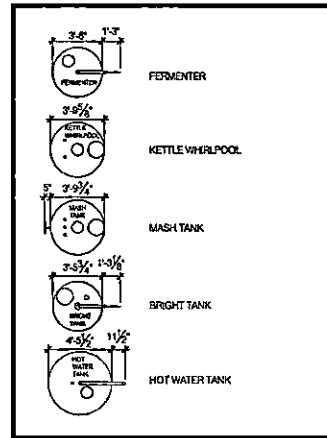
SHEET:

A-1

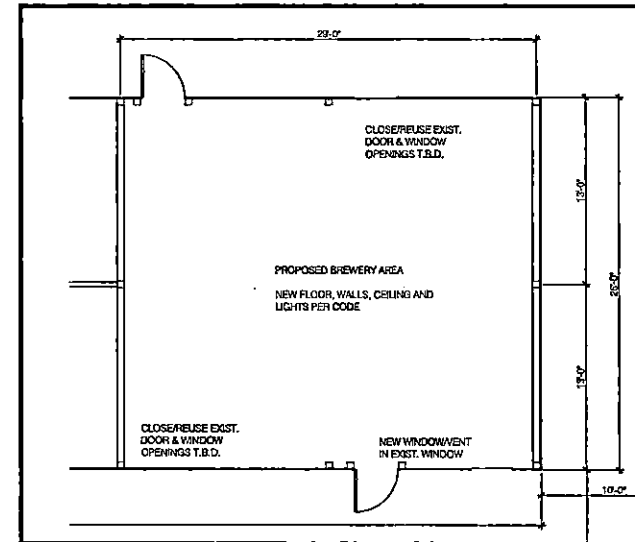
PETITIONER' S

EXHIBIT NO.

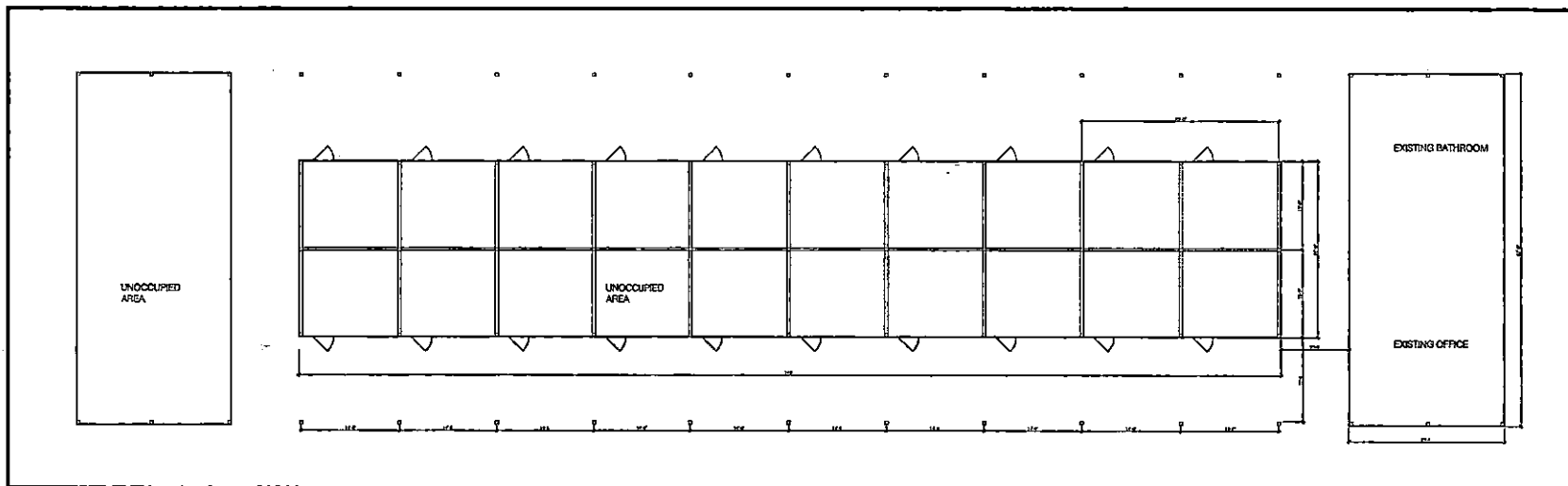
5



3
A1 BREWERY EQUIPMENT
SCALE: 1/4" = 1'-0"



1
A1 BREWERY AREA
SCALE: 1/4" = 1'-0"



2
A1 AS-BUILT/DEMOLITION PLAN OF ENTIRE BUILDING
SCALE: 1/8" = 1'-0"



FRANK BREWERY
2800 MONKTON ROAD
MONKTON, MD 21111

Frank Brewery
2800 Monkton Road
Monkton, MD 21111

DRAWING TITLE:
AS-BUILT PLAN

These drawings are the property of the owner and are not to be reproduced or used for any purpose other than that for which they were prepared and are to be returned to the owner upon completion of the project.

DRAWN BY: S.F.

ISSUE DATE: 7/17/2017

REVISION DATE

1

SHEET:

A-1

NOTES:

SITE DATA:

OWNERS: RAYMOND V. FRANK
SANDRA P. FRANK

PARCEL ADDRESS: 2800 MONKTON ROAD,
MONKTON, MD 21111

PETITIONER: INVERNESS BREWING LLC
RESIDENT AGENT: SANDRA P. FRANK
2800 MONKTON ROAD
MONKTON, MD 21111

TAX ACCOUNT ID - 10-10095060
TAX MAP: 0029, GRID 0010, PARCEL 0113

ELECTION DISTRICT: 06
COUNCILMANIC DISTRICT: 03
GIS TILE/ZONING: 029B1

PROPERTY AREA: 92.325 ACRES (4,021,677 S.F.)
PROPERTY ZONED: RC-2
EXISTING USE: FARM
PROPOSED USE: CRAFT BREWERY PERMITTED BY
SPECIAL EXCEPTION
AREA OF PROPOSED SPECIAL EXCEPTION: 92.325 ACRES.
THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR
THIS PROPERTY.
THIS PROPERTY IS SUBJECT TO A CONSERVATION
EASEMENT.

35 PARKING SPACES ARE MARKED ON THE EXISTING
PAVED AREA AS SHOWN ADJACENT TO THE EX. BARN.

THERE ARE NO PREVIOUS ZONING CASES SHOWN FOR
THIS PROPERTY.

THERE IS A 100 YEAR FLOODPLAIN ON OR IMMEDIATELY
ADJACENT TO THIS PROPERTY. (30 AC. DRAINAGE AREA)

THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE
BAY CRITICAL AREA.

THIS PROPERTY IS NOT LOCATED WITHIN A TRAFFIC
DEFICIENT AREA BASED ON THE 2017 BASIC SERVICES
TRANSPORTATION MAP.

THIS PROPERTY IS NOT SERVED BY PUBLIC UTILITIES.

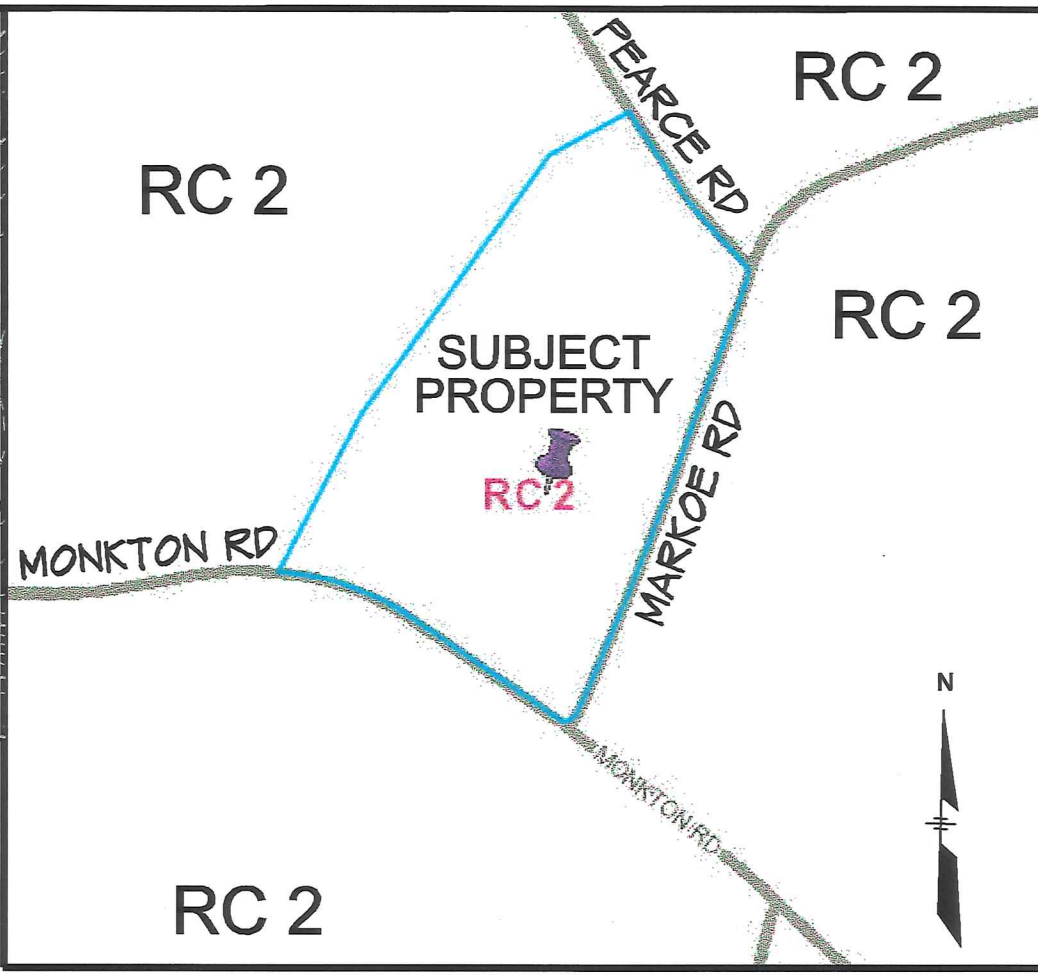
MONKTON ROAD, MARKOE ROAD AND J.M. PEARCE
ROAD ARE PUBLIC ROADS.

THE PROPERTY IS ACCESSED BY THE EXISTING FARM
ENTRANCES ON MONKTON ROAD & MARKOE ROAD.

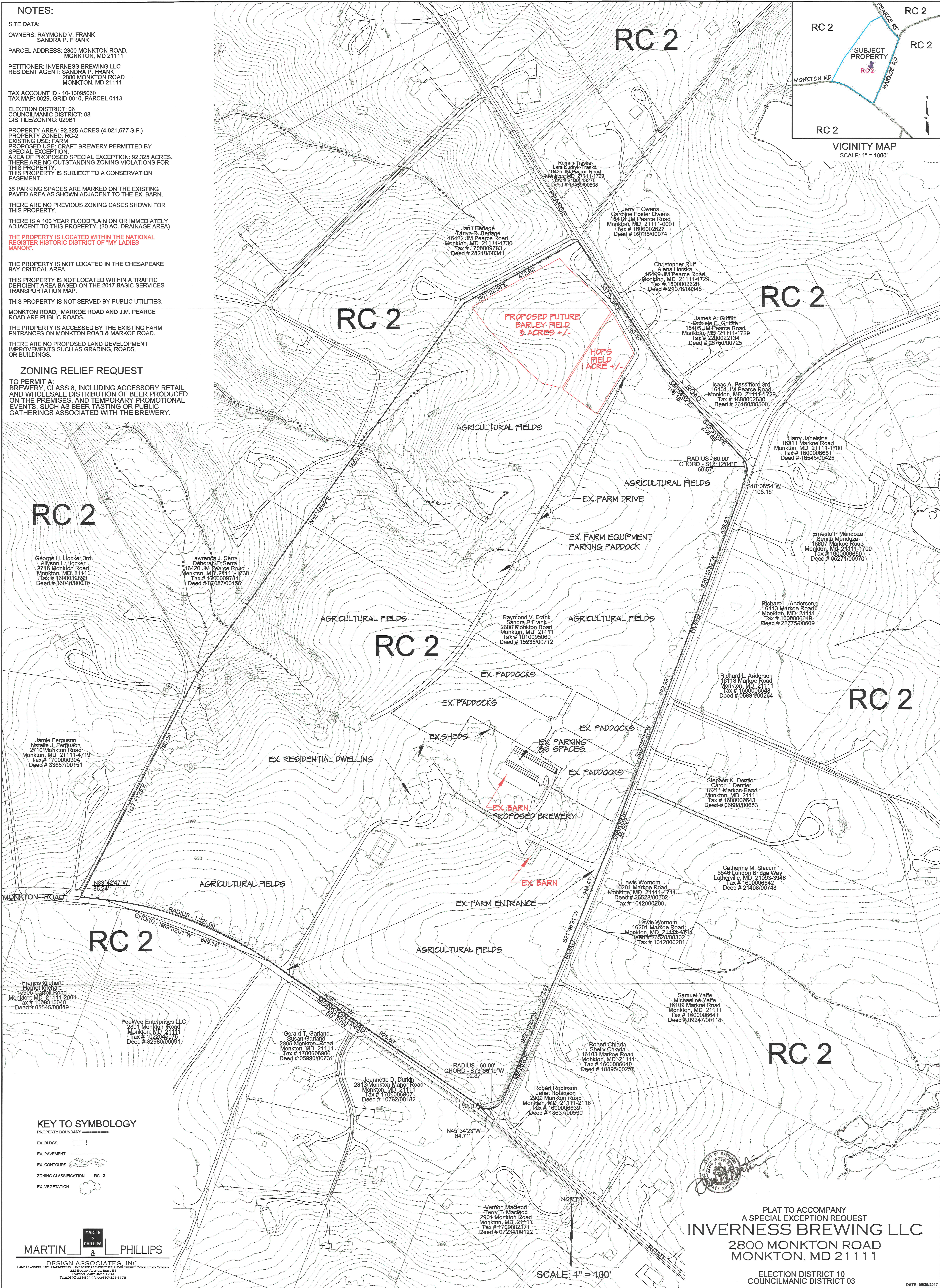
THERE ARE NO PROPOSED LAND DEVELOPMENT
IMPROVEMENTS SUCH AS GRADING, ROADS,
OR BUILDINGS.

ZONING RELIEF REQUEST

TO PERMIT A:
BREWERY, CLASS 8, INCLUDING ACCESSORY RETAIL
AND WHOLESALE DISTRIBUTION OF BEER PRODUCED
ON THE PREMISES, AND TEMPORARY PROMOTIONAL
EVENTS, SUCH AS BEER TASTING OR PUBLIC
GATHERINGS ASSOCIATED WITH THE BREWERY.



VICINITY MAP
SCALE: 1" = 1000'



KEY TO SYMBOLOGY

- PROPERTY BOUNDARY
- EX. BLDGS.
- EX. PAVEMENT
- EX. CONTOURS
- ZONING CLASSIFICATION RC-2
- EX. VEGETATION

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
TOWSON, MARYLAND 21204
TELEPHONE 410-521-1844 / FAX 410-521-1175



PLAT TO ACCOMPANY
A SPECIAL EXCEPTION REQUEST
INVERNESS BREWING LLC
2800 MONKTON ROAD
MONKTON, MD 21111

ELECTION DISTRICT 10
COUNCILMANIC DISTRICT 03

DATE: 05/30/2017
P/N: 17-1281

PETITIONER'S
EXHIBIT NO. 1

NOTES:

SITE DATA:
OWNERS: RAYMOND V. FRANK
SANDRA P. FRANK
PARCEL ADDRESS: 2800 MONKTON ROAD,
MONKTON, MD 21111
PETITIONER: INVERNESS BREWING LLC
RESIDENT AGENT: SANDRA P. FRANK
2800 MONKTON ROAD
MONKTON, MD 21111
TAX ACCOUNT ID - 10-10095060
TAX MAP: 0029, GRID 0010, PARCEL 0113
ELECTION DISTRICT: 08
COUNCILMANIC DISTRICT: 03
GIS TILE/ZONING: 029B1

PROPERTY AREA: 92.325 ACRES (4,021,677 S.F.)
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EXISTING USE: FARM
PROPOSED USE: CRAFT BREWERY PERMITTED BY
SPECIAL EXCEPTION
AREA OF PROPOSED SPECIAL EXCEPTION: 92.325 ACRES.
THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR
THIS PROPERTY.
THIS PROPERTY IS SUBJECT TO A CONSERVATION
EASEMENT.

35 PARKING SPACES ARE MARKED ON THE EXISTING
PAVED AREA AS SHOWN ADJACENT TO THE EX. BARN.
THERE ARE NO PREVIOUS ZONING CASES SHOWN FOR
THIS PROPERTY.

THERE IS A 100 YEAR FLOODPLAIN ON OR IMMEDIATELY
ADJACENT TO THIS PROPERTY. (30 AC. DRAINAGE AREA)

THE PROPERTY IS NOT WITHIN A HISTORIC DISTRICT
AND THERE ARE NO HISTORIC BUILDINGS OR
SIGNIFICANT ARCHEOLOGICAL FEATURES ON THE
PROPERTY.

THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE
BAY CRITICAL AREA.

THIS PROPERTY IS NOT LOCATED WITHIN A TRAFFIC
DEFICIENT AREA BASED ON THE 2017 BASIC SERVICES
TRANSPORTATION MAP.

THIS PROPERTY IS NOT SERVED BY PUBLIC UTILITIES.

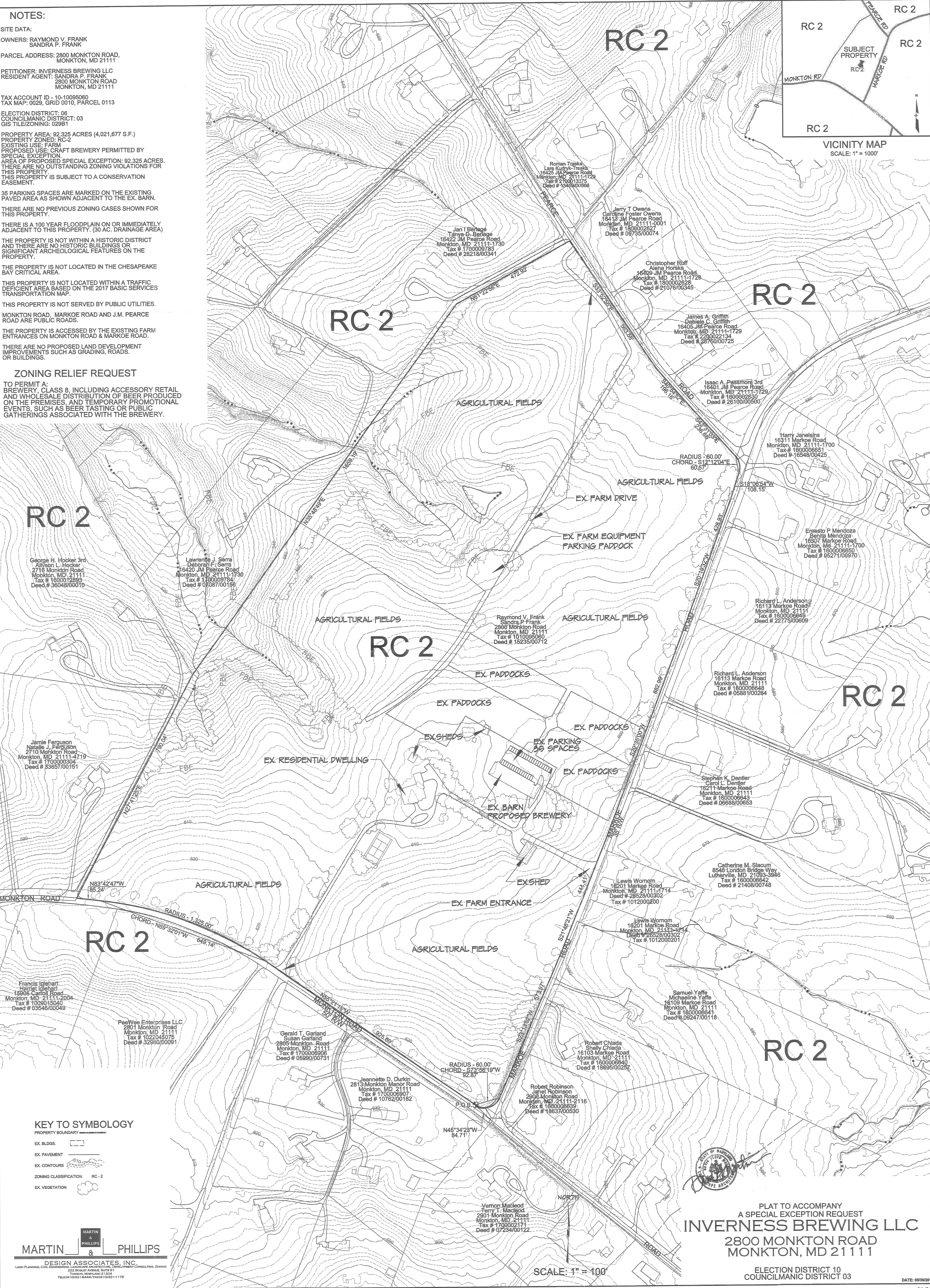
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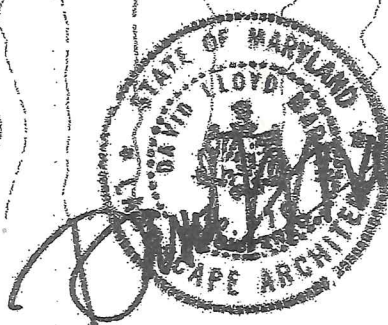
ZONING RELIEF REQUEST

TO PERMIT A:
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KEY TO SYMBOLOGY
PROPERTY BOUNDARY
EX. BLDGS.
EX. PAVEMENT
EX. CONTOURS
ZONING CLASSIFICATION RC-2
EX. VEGETATION

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
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2222 BROADWAY AVENUE, SUITE 201
TOWSON, MARYLAND 21204
TELEPHONE (410) 544-4444 FAX (410) 544-1175



PLAT TO ACCOMPANY
A SPECIAL EXCEPTION REQUEST
INVERNESS BREWING LLC
2800 MONKTON ROAD
MONKTON, MD 21111

ELECTION DISTRICT 10
COUNCILMANIC DISTRICT 03

DATE: 05/30/2017
PN: 17-1251