

M E M O R A N D U M

DATE: January 3, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0086-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on January 2, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

/dlw

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(7418 Chesapeake Road)		
15 th Election District	*	OFFICE OF
6 th Council District		
Matthew Riemer	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0086-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Matthew Riemer, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use, with no living quarters. A site plan was marked and admitted as Petitioner's Exhibit 1.

Matthew Riemer and Bernadette Moskunas appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS"). The DOP objected only to the kitchen remaining in the accessory building.

Petitioner constructed the pool house in 2014, at the same time the pool and single-family dwelling were constructed on the property. The improvements are located on a "double lot" (i.e., two 50 ft. wide lots, with the dwelling straddling the lot line) 20,000 square feet in size. Though permits were obtained for the single-family dwelling and pool, Petitioner stated a permit was never

ORDER RECEIVED FOR FILING

Date 12/3/18
By sen

obtained for the pool house. Petitioner believed the contractor who constructed the pool and pool house had obtained the necessary permits and approvals, but that was not the case.

An anonymous complaint was filed with code enforcement and Petitioner was instructed to obtain a permit for the accessory building. Petitioner has applied for that permit and indicated he was going to obtain the building permit after the hearing in this case concluded. DEPS staff visited the site in connection with the recent permit application (as is customary since the property is in the CBCA) and the reviewer noted the kitchen and bathroom facilities in the pool house, which lead to the filing of this Petition.

While bathroom facilities are often permitted in accessory buildings, kitchens are not. The concern, of course, is that the building will or could be used as a second residential dwelling on the lot. I do not believe those concerns are animated in this case, for the following reasons. First, the one-story structure is small (less than 500 sq. ft.) and has no bedroom or living quarters. Also, the building is constructed immediately adjacent to an in-ground pool in the rear yard, and is clearly used in connection with that amenity. Petitioner explained he hosts frequent gatherings and pool parties, and the bathroom and kitchen in the accessory building prevent guests from needing to enter the dwelling to use the restroom or get food/beverage.

As such I believe the Petition should be granted, consistent with several recent zoning orders where kitchens have been permitted in accessory buildings. *See, e.g.,* Case No. 2018-0224-SPH. In the cited case the DOP did not object to kitchen and living quarters in an accessory building, but that agency suggested the owner be required to file in the land records a declaration of understanding similar to the one required in accessory apartment applications under BCZR Section 400.4. I agreed with the DOP in that case that the declaration of understanding was a fair and effective way to address the County's concerns, and I will include a similar condition in this

ORDER RECEIVED FOR FILING

Date

12/3/18

By

Sen

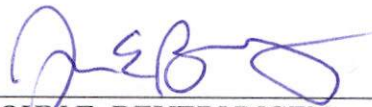
case.

THEREFORE, IT IS ORDERED this 3rd day of **December, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use, with no living quarters, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
2. The accessory building (pool house) shall not have living quarters and shall not be converted to residential use. No overnight habitation shall be permitted in the accessory structure.
3. Petitioner must within 60 days of the date hereof file among the land records of Baltimore County a declaration of understanding as approved by the DOP to address the concerns raised in that agency's October 9, 2018 ZAC comment.
4. Petitioner must prior to issuance of permits comply with Critical Area regulations.

Any appeal of this decision must be filed 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 12/3/18
By sln



CBCA

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 7418 Chesapeake Road which is presently zoned DR5.5
Deed References: 36989/211 10 Digit Tax Account # 1501950170
Property Owner(s) Printed Name(s) Matthew Riemer

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

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

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

To permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use, with no living quarters.

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)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Matthew Riemer
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

7418 Chesapeake Road Baltimore MD
Mailing Address City State

21220 443-829-1621 mr72@aol.com
Zip Code Telephone # Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying
Name - Type or Print

Bernadette Moskunas
Signature

200 E. Joppa Road Rm 101 Towson MD
Mailing Address City State

21286 410 828 9060 site@rite.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0086-SPH Filing Date 9/29/2018

Do Not Schedule Dates:

Reviewer ll

Zoning Property Description for #7418 Chesapeake Road

Beginning at a point on the north side of Chesapeake Road which is 30 feet wide (plat) at the distance of 115 feet west of the centerline of Greenbank Road which is 30 feet wide (plat).

Being Lots 125 and 126 in the subdivision of "Oliver Beach" as recorded in Baltimore County Plat Book No. 12, folio No. 56, containing 20,000 square feet, more or less. Located in the 15th Election District, 6th Council District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060



2019-0086-SP16

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/9/2018

Order #: 11634450
Case #: 2019-0086-SPH
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0086-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0086-SPH

7418 Chesapeake Road
N/s Chesapeake Road, west of Greenbank Road
15th Election District - 6th Councilmanic District

Legal Owners: Matthew Riemer

Special Hearing to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use with no living quarters

Hearing: Friday, November 30, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-837-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

n9

1

...and the other is the fact that the system is not yet fully operational.

0200-5101/01/2714-0000\$05.00/0

E. coli O157:H7 was isolated from ground beef samples collected from retail outlets in the United States during the outbreak period.

[illegible]

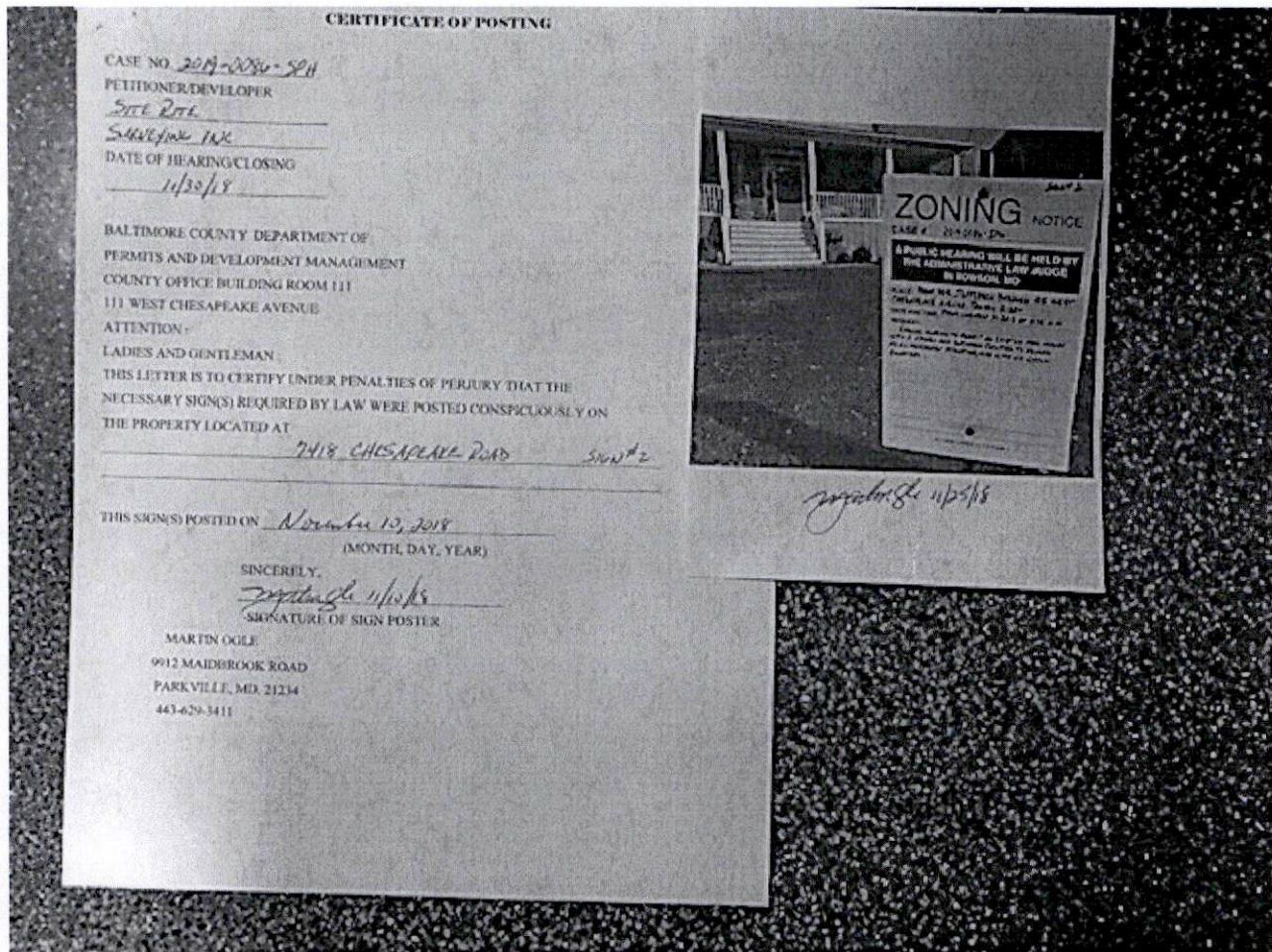
JB 11-30-18
10 AM

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Sunday, November 25, 2018 7:53 PM
To: Administrative Hearings
Subject: 2019-0086-SPH



2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2018-0086-SH

PETITIONER/DEVELOPER

Site Rite

Subdivision IAC

DATE OF HEARING/CLOSING

11/30/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

7418 CHESAPEAKE ROAD

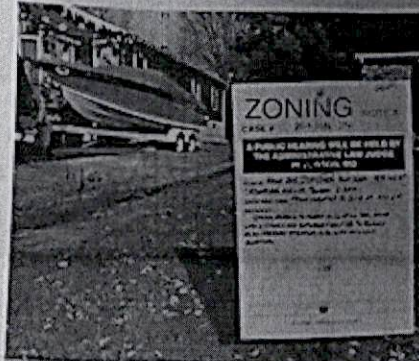
Sign #1

THIS SIGN(S) POSTED ON November 10, 2018
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/10/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDENBROOK ROAD
PARKVILLE, MD 21234
443-629-3411



11/25/18

Sent from my iPhone

RECEIVED

NOV 26 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

C ERTIFICATE OF POSTING

CASE NO. 2019-0086-SPH

PETITIONER/DEVELOPER

SITE RITE

SURVEYING INC.

DATE OF HEARING/CLOSING

11/30/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

7418 CHESAPEAKE ROAD SIGN #1

THIS SIGN(S) POSTED ON November 10, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/10/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING

NOTICE

CASE # 2019-0086-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, DECEMBER 30, 2018 AT 12:00 AM
REQUEST

SPECIAL HEARING TO PERMIT AN EXISTING POOL HOUSE
WITH A KITCHEN AND BATHROOM FACILITIES TO REMAIN
AS AN ACCESSORY STRUCTURE/USE WITH THE EXISTING
QUARTERS

- 18 -

GRAND OPENED MAIL SERVICE

rejection & 11/10/18

C **TIFICATE OF POSTING**

CASE NO. 2019-0086-SPH

PETITIONER/DEVELOPER

SITE RITE

SURVEYING INC.

DATE OF HEARING/CLOSING

11/30/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE

NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON

THE PROPERTY LOCATED AT

7418 CHESAPEAKE ROAD SIGN #2

THIS SIGN(S) POSTED ON November 10, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/10/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2019-0086-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, NOVEMBER 30, 2018 AT 10:00 A.M.

REQUEST:

SPECIAL HEARINGS TO PERMIT AN EXISTING POOL HOUSE
WITH A KITCHEN AND BATHROOM FACILITIES TO REMAIN
AS AN ACCESSORY STRUCTURE/USE WITH NO LIVING
QUARTERS

PROPOSED MODIFICATIONS TO THE ZONING ORDINANCE ARE SUBJECT TO THE DISCRETION OF THE ADMINISTRATIVE LAW JUDGE. THE ADMINISTRATIVE LAW JUDGE'S DECISION IS FINAL AND NOT SUBJECT TO REVIEW BY THE BOARD OF ZONING ADJUSTMENTS. THE BOARD OF ZONING ADJUSTMENTS WILL HOLD A PUBLIC HEARING ON THE PROPOSED MODIFICATIONS TO THE ZONING ORDINANCE ON THE DAY OF THE HEARING. THE PUBLIC HEARING WILL BE HELD AT THE BOARD OF ZONING ADJUSTMENTS, 1000 E. JEFFERSON AVENUE, TOWSON, MD 21204.

HANDICAPPED ACCESSIBLE

revised 11/10/18



DONALD I. MOHLER III
County Executive

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

October 10, 2018

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: 2019-0086-SPH

7418 Chesapeake Road
N/s Chesapeake Road, west of Greenbank Road
15th Election District – 6th Councilmanic District
Legal Owners: Matthew Riemer

Special Hearing to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use with no living quarters.

Hearing: Friday, November 30, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Matthew Riemer, 7418 Chesapeake Road, Baltimore 21220
Bernadette Moskunus, 200 E. Joppa Road, Ste. 101, Baltimore 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 10, 2018.**
- (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 HEARING * BEFORE THE OFFICE
7418 Chesapeake Road; N/S of Chesapeake *
Road, 115' W of c/line of Greenbank Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Matthew Riemer * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-086-SPH

* * * * *

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
SEP 25 2018

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 25th day of September, 2018, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunus, Site Rite Surveying, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: THE DAILY RECORD
Friday, November 9, 2018 - Issue

Please forward billing to:
Matthew Riemer
7418 Chesapeake Road
Baltimore, MD 21220

443-829-1621

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: 2019-0086-SPH
7418 Chesapeake Road
N/s Chesapeake Road, west of Greenbank Road
15th Election District – 6th Councilmanic District
Legal Owners: Matthew Riemer

Special Hearing to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use with no living quarters.

Hearing: Friday, November 30, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

7418 Chesapeake Road 2019-0086-SPH



Publication Date: 9/20/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet



6 CD
15 ED
DR 5.5
084B1

#7418
SITE

NE 7-M

POB
115' WEST OF GREENBANK ROAD

GREENBANK RD

GUNPOWDER RD

CHESAPEAKE RD

2008-0573-A

1989-0229-A

2000-0017-A

1987-0030-A

PDM # 150754 00012, Folio 00651507470470

Pt. Bk./Folio # MP98135

Pt. Bk./Folio # 012056D

Pt. Bk. 0000009, Folio 0097

Pt. Bk. 0000009, Folio 0007

Pt. Bk. 0000012, Folio 0056

19-0086-JPH

**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: 2019-0086-SPA
Property Address: 7418 Chesapeake Road
Property Description: Located on the north side of Chesapeake Road, 115'
west of the center line of Greenbank Road.
Legal Owners (Petitioners): Matthew Riemer
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew Riemer
Company/Firm (if applicable): N/A
Address: 7418 Chesapeake Road
Baltimore, MD 21220
Telephone Number: 443-829-1621

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

No. **173227**

Date **9/20/18**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 9/20/2018 9/20/2018 09:16:43 5
 US001 WELKIN LRB
 RECEIPT # 975601 9/20/2018 OFEN
 5 528 ZONING VERIFICATION
 NO. 173227
 Recpt Tot 175.00
 175.00 DR 0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Accl	Amount	Dr
001	806	0000		6180				75.00	CR
Total								75.00	

Rec From: **GRM, LLC**

For: **7418 Chesapeake Road**

2019-0086 SPH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



DONALD I. MOHLER III
County Executive

November 20, 2018

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

Matthew Riemer
7418 Chesapeake Rd.
Baltimore, MD 21220

Dear Mr. Reimer:

RE: Case Number: 2019-0086SPH, Address: 7418 Chesapeake Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 20, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a rectangular stamp area. The signature is cursive and fluid.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Bernadette Moskumas 200 E. Joppa Rd. Rm 101 Towson, MD 21286

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: November 19, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0086-SPH
Address 7418 Chesapeake Road
(Riemer Property)

Zoning Advisory Committee Meeting of **October 1, 2018.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The plan submitted with this zoning petition requests to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use, with no living quarters. The property comprises 20,000 square feet (sf), and is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The LDA regulations impose lot coverage limits of 31 1/4% (6,250 sf), with mitigation between 25% (5,000 sf) and 31 1/4%. The LDA regulations also require 15% afforestation on the property, which equates to 2 trees for a property this size. The subject property was inspected by EIR personnel on November 14, 2018, and was found to be in compliance with these regulations, while including the existing pool house into the lot coverage calculations. By allowing the request by the petitioner, impacts on water quality will be avoided or minimized.

2. Conserve fish, wildlife, and plant habitat; and

The request by the petitioner has been reviewed, in consideration of the LDA regulations. Allowing the request will minimize impacts to buffer functions, and conserve fish, wildlife and plant habitat in nearby Gunpowder River and Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The petitioner's request, if granted, will be consistent with established land use policies and will minimize or avoid environmental impacts, given that the petitioner has met all Critical Area LDA requirements.

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-086

INFORMATION:

Property Address: 7418 Chesapeake Road
Petitioner: Matthew Riemer
Zoning: DR 5.5
Requested Action: Special Hearing

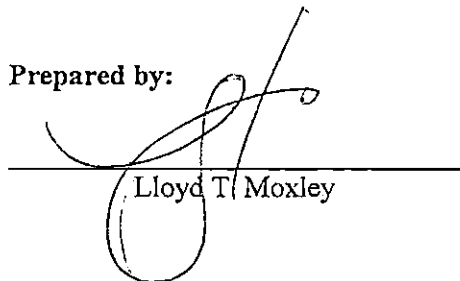
The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use, with no living quarters.

A site visit was conducted on October 4, 2018. The property is currently the subject of violation case # CB1800505.

The Department can only support granting the petitioned zoning relief conditioned upon the kitchen facilities being removed from the accessory structure. The Department recommends the accessory structure not be converted to principal residential or commercial uses.

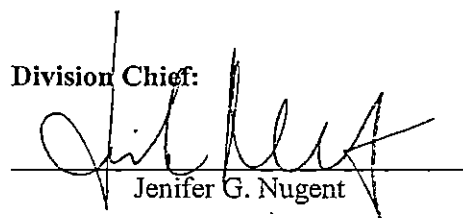
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
Bernadette Moskunus, Site Rite Surveying
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
NOV 19 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: November 19, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0086-SPH
Address 7418 Chesapeake Road
(Riemer Property)

Zoning Advisory Committee Meeting of **October 1, 2018**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The plan submitted with this zoning petition requests to permit an existing pool house with a kitchen and bathroom facilities to remain as an accessory structure/use, with no living quarters. The property comprises 20,000 square feet (sf), and is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The LDA regulations impose lot coverage limits of 31 1/4% (6,250 sf), with mitigation between 25% (5,000 sf) and 31 1/4%. The LDA regulations also require 15% afforestation on the property, which equates to 2 trees for a property this size. The subject property was inspected by EIR personnel on November 14, 2018, and was found to be in compliance with these regulations, while including the existing pool house into the lot coverage calculations. By allowing the request by the petitioner, impacts on water quality will be avoided or minimized.

2. Conserve fish, wildlife, and plant habitat; and

The request by the petitioner has been reviewed, in consideration of the LDA regulations. Allowing the request will minimize impacts to buffer functions, and conserve fish, wildlife and plant habitat in nearby Gunpowder River and Chesapeake Bay.

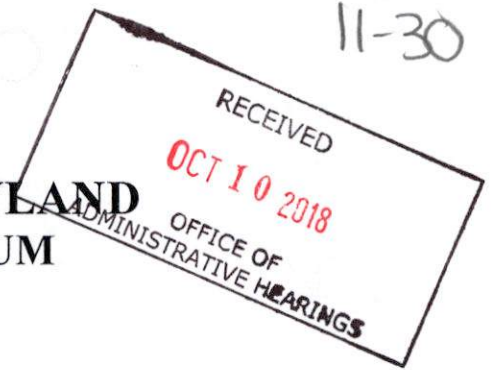
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The petitioner's request, if granted, will be consistent with established land use policies and will minimize or avoid environmental impacts, given that the petitioner has met all Critical Area LDA requirements.

Reviewer: Thomas Panzarella;
Environmental Impact Review

11-30

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: 10/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-086

INFORMATION:

Property Address: 7418 Chesapeake Road
Petitioner: Matthew Riemer
Zoning: DR 5.5
Requested Action: Special Hearing

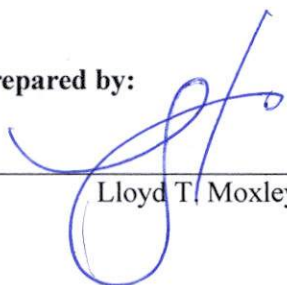
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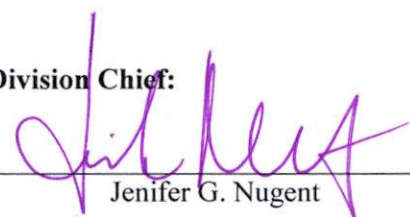
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

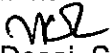
c: Krystle Patchak
Bernadette Moskunas, Site Rite Surveying
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: October 4, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 1, 2018
Item No. 2019-0055-A, 0062-A, 0081-A, 0082-A, 0083-A, 0084-SPH, 0085-A and 0086-SPH

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

*

*

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*

*

VKD: cen
cc: file

Date: 9/24/18

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

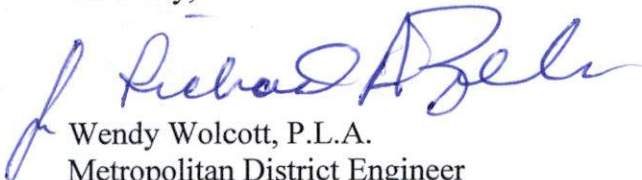
Dear Ms. Lewis:

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.

2019-0086-SPH
Special Hearing
Matthew Bremer
7418 Chesapeake 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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

CASE NAME 7418 Chesapeake Road
CASE NUMBER 2019-0086-SPH
DATE 30 Nov. 2018

[illegible]

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. C01800505 Property No. 1501950170 Zoning: _____

Name(s): Riemer, Matthew

Address: 7418 Chesapeake Rd
Baltimore MD 21220

Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2003 Baltimore County Code section 35.2-301, 304
2015 Baltimore County Council Bill 40-15 part 115.1

An accessory structure was constructed in the
rear of property without obtaining required
permits and required inspections.

A two story free standing deck was constructed
in the rear of property without obtaining required
permits and required inspections.

Obtain all required permits and inspections.

\$2000 penalty to be paid prior to obtaining permits.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 08.09.18 DATE ISSUED: 7.26.18

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: [Signature] PRINT NAME: JOHN REACH

STOP WORK NOTICE

PURSUANT TO INSEPTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

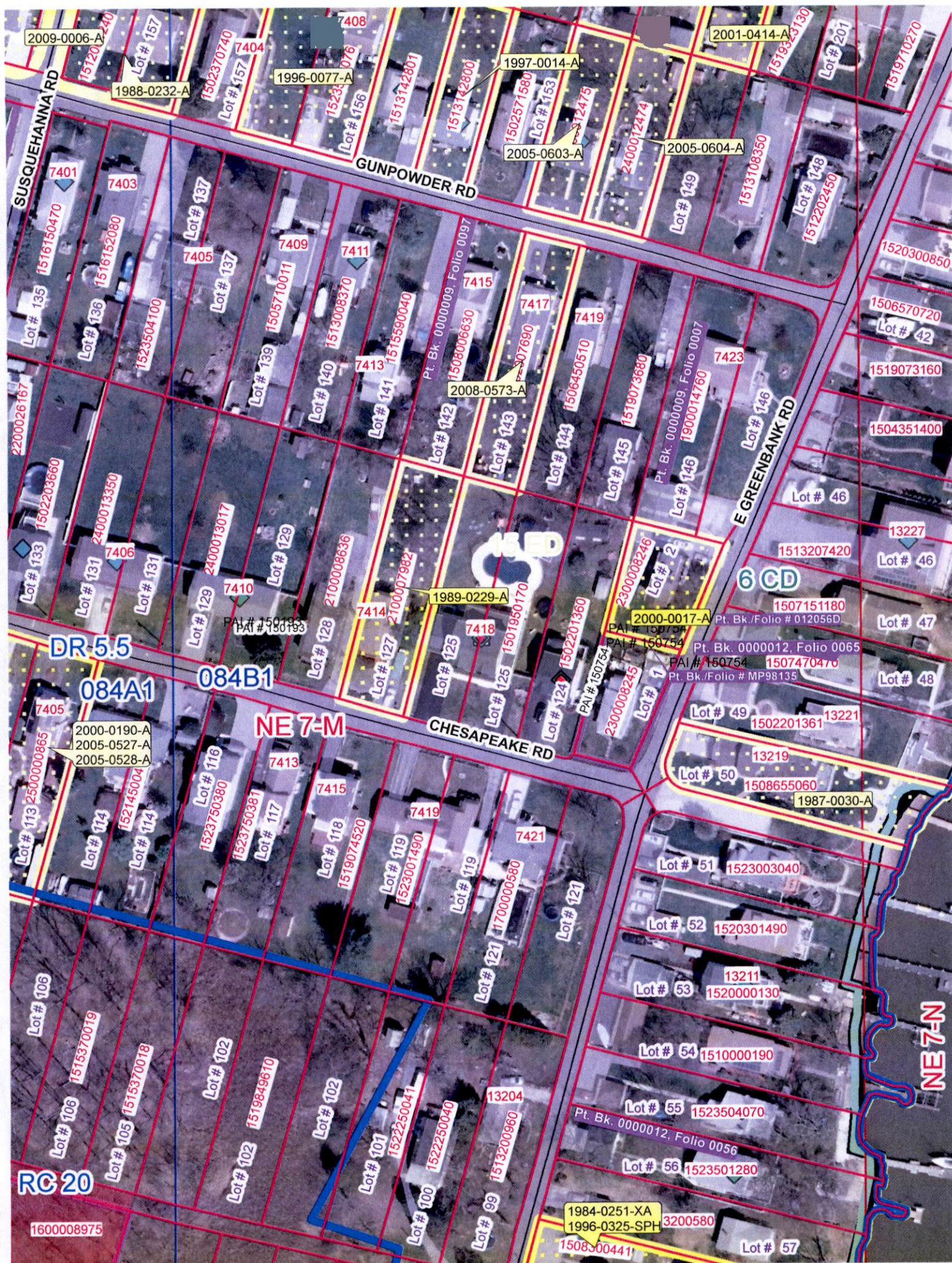
ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

NOTICE TO DEFENDANT

If you fail to comply with applicable requirement of County Code or other code, regulation or standard cited on the reverse side, a Code Enforcement Citation will be issued which may subject you to (1) the imposition of a civil penalty, (2) a requirement to reimburse the County for fees or costs incurred to correct any violation and/or (3) reasonable conditions as to the time and manner of the correction of any violation.



CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
10/4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No Comments
11/19	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
10/10	PLANNING (if not received, date e-mail sent _____)	Comment
9/24/18	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 11/9/18	
SIGN POSTING (1 st)	Date: 11/10/18 by Ogile	
SIGN POSTING (2 nd)	Date: 11/25/18 by Ogile	
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			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Account Identifier:			District - 15 Account Number - 1501950170						
Owner Information									
Owner Name:		RIEMER MATTHEW				Use:		RESIDENTIAL	
						Principal Residence:		NO	
Mailing Address:		7418 CHESAPEAKE RD BALTIMORE MD 21220-0000				Deed Reference:		/36989/ 00271	
Location & Structure Information									
Premises Address:		7418 CHESAPEAKE RD BALTIMORE MD 21220-				Legal Description:		LTS 125,126 7418 CHESAPEAKE RD OLIVER BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0084	0002	0040		0000	A		125	2018	Plat Ref: 0012/0056
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
2014		4,200 SF				20,000 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
3	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached				
Value Information									
			Base Value	Value	Phase-in Assessments				
				As of	As of		As of		
				01/01/2018	07/01/2018		07/01/2019		
Land:			89,000	89,000					
Improvements			343,300	478,500					
Total:			432,300	567,500	477,367		522,433		
Preferential Land:			0		0				
Transfer Information									
Seller: 7418 CHESAPEAKE ROAD LLC				Date: 12/17/2015			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /36989/ 00271			Deed2:		
Seller: AVERELLA TINA A				Date: 09/27/2013			Price: \$100,000		
Type: ARMS LENGTH VACANT				Deed1: /34271/ 00411			Deed2:		
Seller: AVERELLA JOSEPH J				Date: 11/05/2008			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /27432/ 00230			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018			07/01/2019		
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00			0.00 0.00		
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Homestead Application Information									
Homestead Application Status: No Application									

Homeowners' Tax Credit Application Information

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



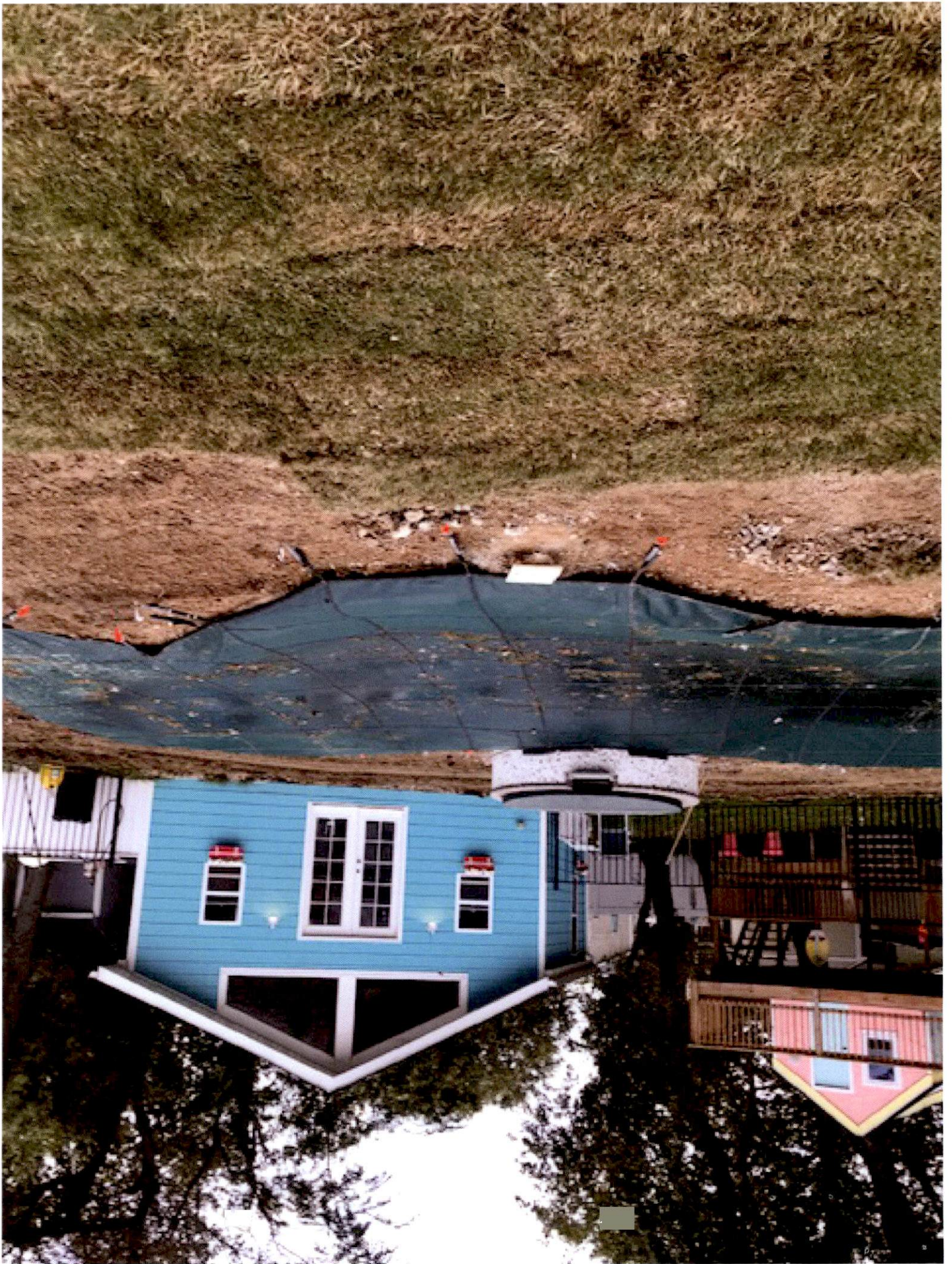
PETITIONER' S

EXHIBIT NO. 2A-I



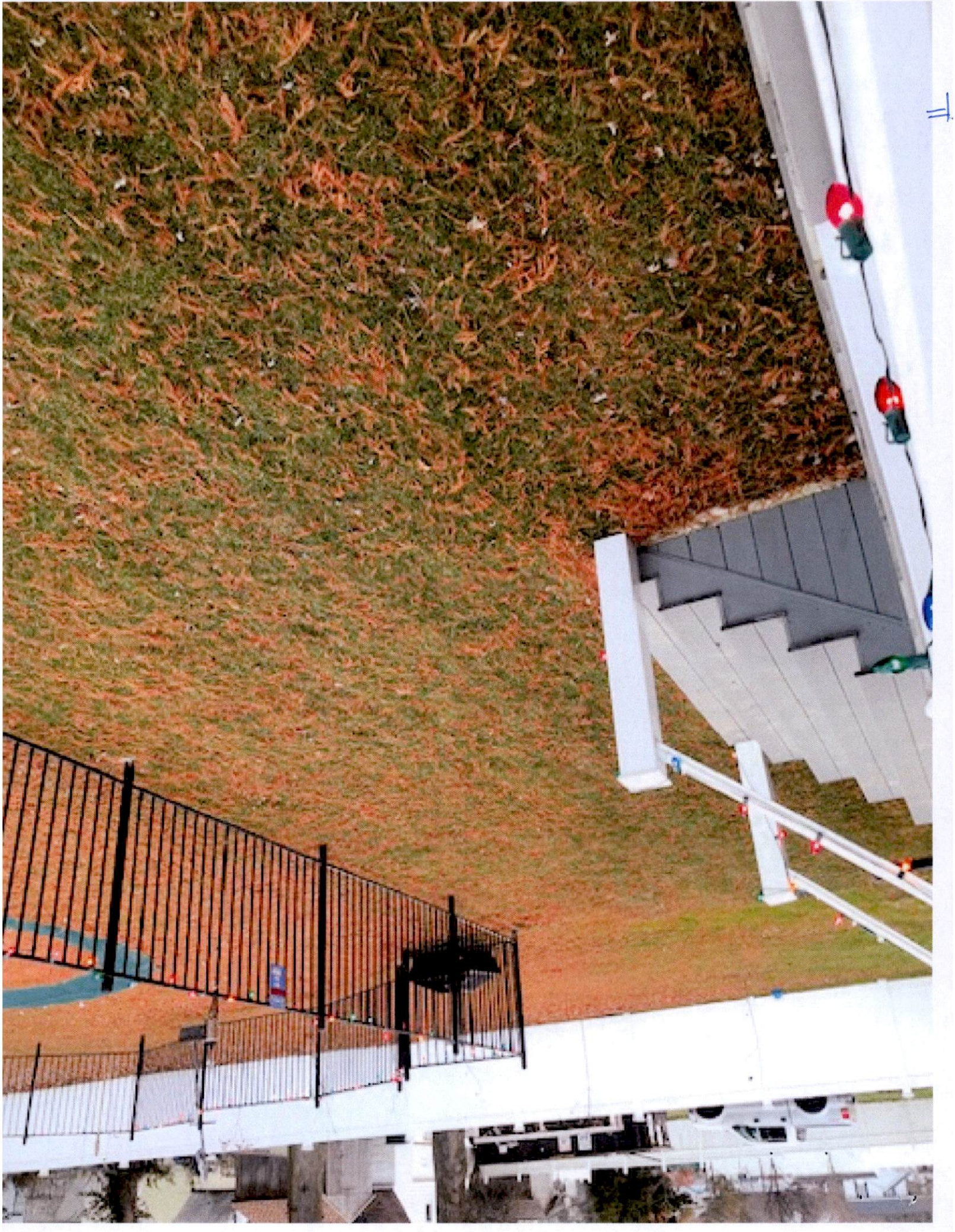
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A



I

OWNER: MATTHEW RIEMER
7418 CHESAPEAKE ROAD
BALTIMORE, MD 21220
443-829-1621
POOL HOUSE PERMIT B950503
TREE HOUSE/DECK B950507

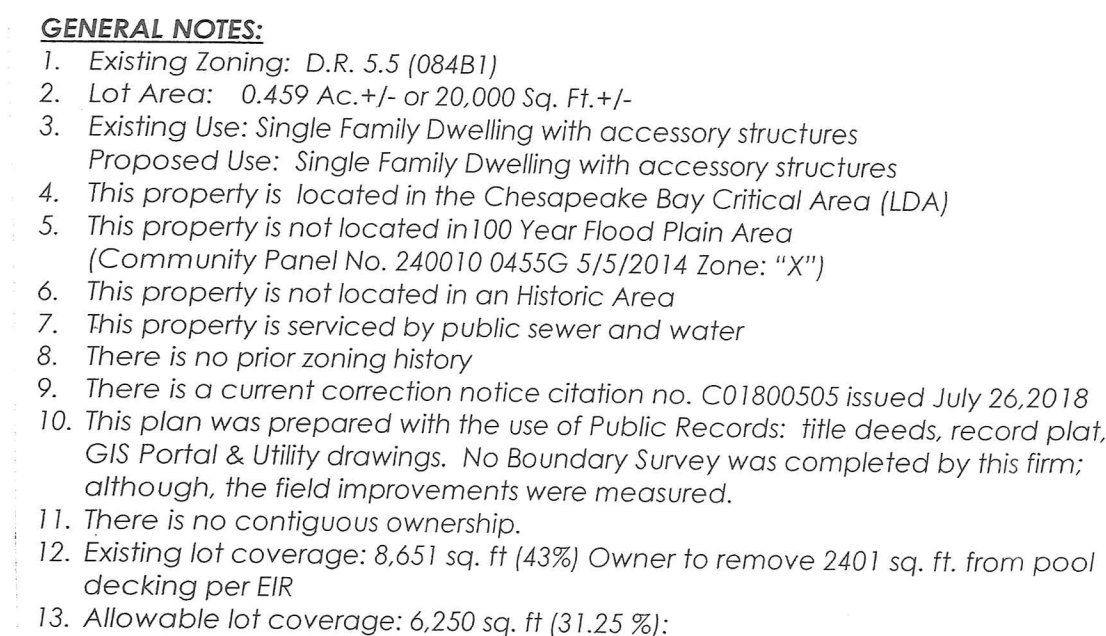


EXHIBIT NO.

JOB #9953

OWNER: MATTHEW RIEMER
7418 CHESAPEAKE ROAD
BALTIMORE, MD 21220
443-829-1621
POOL HOUSE PERMIT B950503
TREE HOUSE/DECK B950507

— P.O.B. 115' WEST OF &
OF E. GREENBANK ROAD

THESE LOTS HAVE DWELLINGS THAT FRONT
GUNPOWDER ROAD

N 66° 56' W

100'

LOT 126

OT 125

LOT 124
7420 CHESAPEAKE ROAD LLC
1502201360
35405/395

MS# NO. 98135M
PART OF LOT 123
JOSHUA WOODS & ALAYNA KOUPE
2300008246
31140 / 420
13222 E. GREEN BANK ROAD

MSP NO. 98135M
BOTTLEIB FLEIG
2300008245
21504/252

GREENBANK ROAD
30' R/W

EX. DWLG
#7420

Carole R.
Riemer

EX. DWLG
#7422

66° 56' E

$$\frac{50}{100'}$$

CHESAPEAKE ROAD

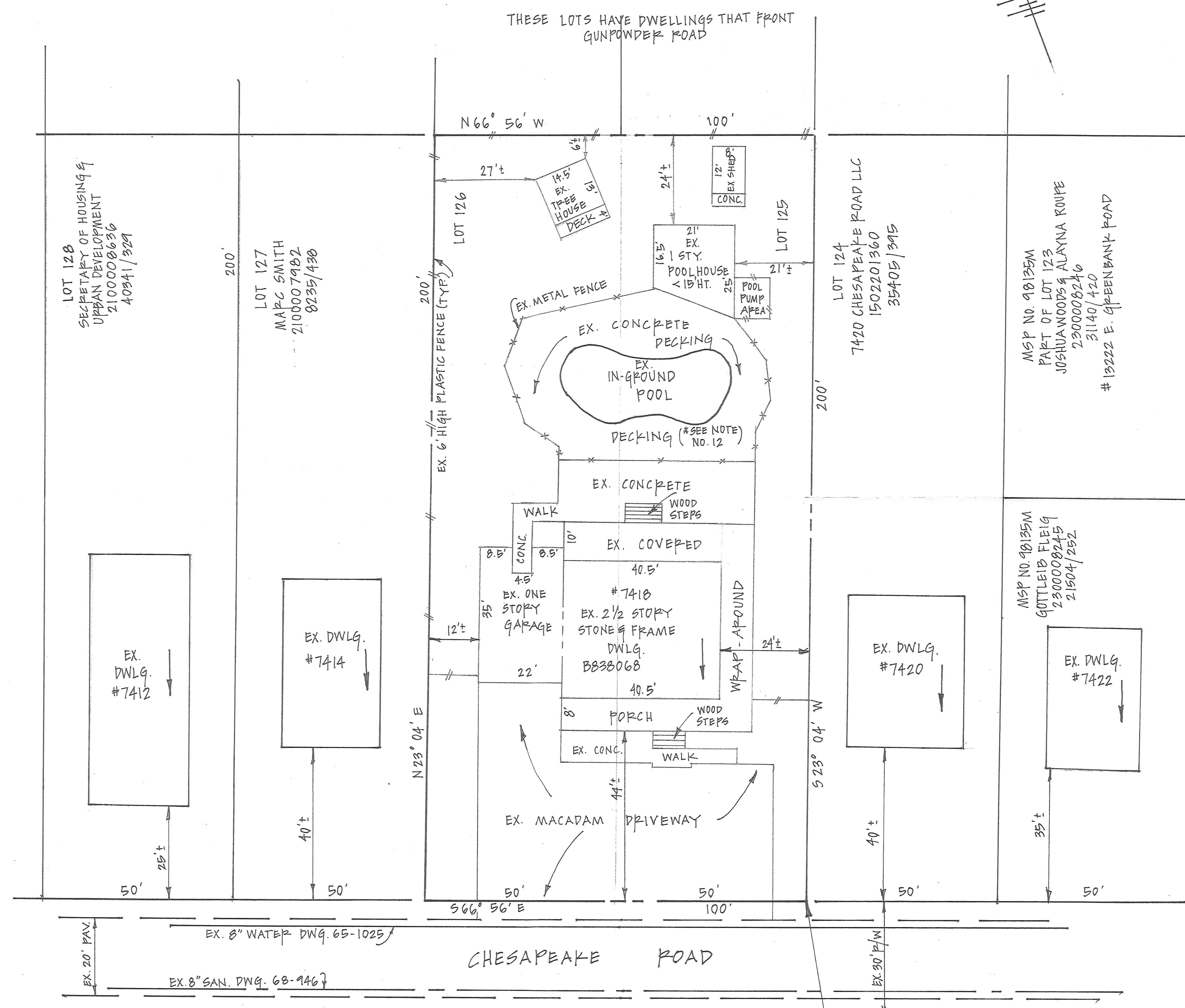
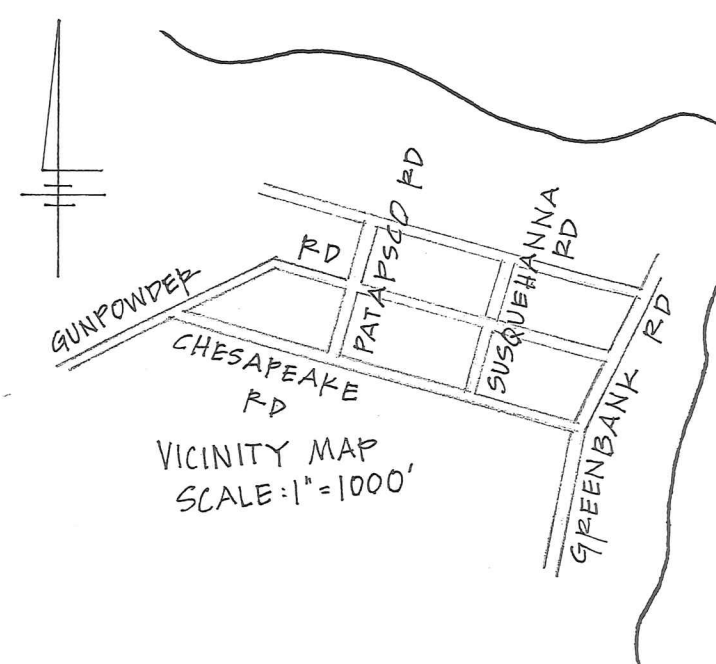
EX. 20' PAV.

EX. 8" SAN. DWG. 68-946

T: (410)828-9060
F: (410)828-9066

200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286





- GENERAL NOTES:**
- Existing Zoning: D.R. 5.5 (084B1)
 - Lot Area: 0.459 Ac. +/- or 20,000 Sq. Ft. +/-
 - Existing Use: Single Family Dwelling with accessory structures
Proposed Use: Single Family Dwelling with accessory structures
 - This property is located in the Chesapeake Bay Critical Area (LDA)
 - This property is not located in 100 Year Flood Plain Area
(Community Panel No. 240010 0455G 5/5/2014 Zone: "X")
 - This property is not located in an Historic Area
 - This property is serviced by public sewer and water
 - There is no prior zoning history
 - There is a current correction notice citation no. C01800505 issued July 26, 2018
 - This plan was prepared with the use of Public Records: title deeds, record plat, GIS Portal & Utility drawings. No Boundary Survey was completed by this firm; although, the field improvements were measured.
 - There is no contiguous ownership.
 - Existing lot coverage: 8,651 sq. ft (43%) Owner to remove 2401 sq. ft. from pool decking per EIR
 - Allowable lot coverage: 6,250 sq. ft (31.25 %):



200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286

T: (410) 828-9060
F: (410) 828-9066



OWNER: MATTHEW PIEMER
7418 CHESAPEAKE ROAD
BALTIMORE, MD 21220
443-829-1621
POOL HOUSE PERMIT B950503
TREE HOUSE/DECK B950507

PLAN TO ACCOMPANY PETITION FOR
VARIANCE *Special Hearing*
"7418 Chesapeake Road"
TAX MAP: 84 GRID: 2 PARCEL: 40
TAX ACCT. NO. 1501950170
DEED REF.: 36989/271
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD
September 20, 2018
SCALE: 1" =
JOB #9953

2019-0086-SPH