

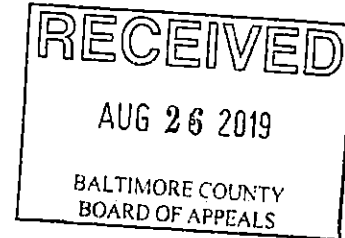


JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

August 26, 2019

Lawrence E. Schmidt, Esq.
Zachary J. Wilkins, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0200-SPH
Property: 2036 Tred Avon Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 23, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
William Parham and Mary Kolbe, 2034 Tred Avon Road, Essex, Maryland 21221
Micha Cane & Patricia Trebes, 2030 Tred Avon Road, Essex, Maryland 21221

APPEAL

**Petition for Special Hearing
(2036 Tred Avon Road)
15th Election District – 7th Councilmanic District
Legal Owners: Thomas & Erin Neimiller**

Case No. 2019-0200-SPH

Petition for Variance Hearing (January 2, 2019)

Zoning Description of Property

Certificate of Posting –

1st Posting- June 19, 2019 (Linda O’Keefe)

2nd Posting- Re-Certification- July 17, 2019 (Linda O’Keefe)

Newspaper Advertisement – June 28, 2019-The Daily Record
February 22, 2019-The Daily Record) **For the Original date
3/14/19 which was postponed.**

Notice of Zoning Hearing – June 3, 2019 for July 19, 2019 hearing date
February 12, 2019 for March 14, 2019 hearing date which was
granted a postponement.

People’s Counsel Entry of Appearance –January 9, 2019

Zoning Advisory Committee Comments

Petitioner’s Sign-in Sheets – one sheet

Citizen’s Sign-in Sheets-

Petitioner(s) Exhibits –

1. Site Plan
2. 2A-2C Aerial photos
3. 3A-3Z Photos of site
4. Order in 2011-150-A
5. Case File #94-259-A
6. 6A-6D Letters of Support

Protestants’ Exhibits – Attached file folder with letter and photos

Miscellaneous (Not Marked as Exhibits)- SDAT: Real Property, letter of Request for
Postponements, E-mails and Code Enforcement Complaint reports.

Administrative Law Judge Order and Letter (DENIED- July 24, 2019)

Notice of Appeal – Zachary J. Wilkins, Esq. with Smith, Gildea & Schmidt, LLC
August 23, 2019.



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 2036 Tred Avon Road

which is presently zoned D.R. 3.5

Deed References: 38974/00500

10 Digit Tax Account # 1511570300

1511570301

Property Owner(s) Printed Name(s) Thomas and Erin Neimiller

(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

Please see attached.

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Thomas Neimiller

Erin Neimiller

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2036 Tred Avon Road Baltimore MD

Mailing Address City State

21221 410-391-0500 erin.neimiller@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER

2019-0200 A

Filing Date

01/02/19

Do Not Schedule Dates:

Reviewer

AT

REV. 10/4/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING

2036 Tred Avon Road

Tax Account No.: 1511570300 & 1511570301

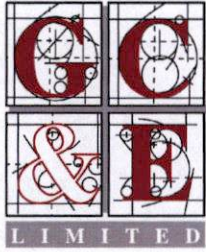
7th Councilmanic District

15th Election District

Special Hearing Relief:

1. To permit a home occupation pursuant to BCZR 1B01.1.A.18. in an existing improved detached accessory building as more particularly shown on the site plan attached to this Petition; and,
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2019-0200-A



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

December 27, 2018

Zoning Description #2036 Tred Avon Road

Beginning at a point on the northwest side of Tred Avon Road, 30 feet wide, opposite the center of Antietam Road, being Lot 51 and the easterly one half of Lot 52 as shown on the Plat of Middleborough as recorded in the Land Records in Platbook W.P.C. No. 4 folio 191. Containing 15,511 square feet or 0.36 acres of land, more or less. Located in the 15th Election District and 7th Councilmanic District, Baltimore County, Maryland.



License expires/renews 2/26/19

2019-0200-A



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

No.

177747

Date:

01/02/19

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/02/2019 1/02/2019 11:06:08 5

REG WDS WALKIN LRB
 >>RECEIPT # 989704 1/02/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Amount 177747

Recpt Tot \$ 150.00
 150.00 CK .00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				\$150

Total:

\$150

Rec From:

For:

2036 TRED AVON RD

209-0200-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

1/30

DEPS

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

Comment

FIRE DEPARTMENT

3/20

PLANNING

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

Comment

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CB 1800641)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

6/28/19SIGN POSTING (1st)

Date:

6/19/19

by

O'KeefeSIGN POSTING (2nd)

Date:

7/17/19

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

TO: THE DAILY RECORD
Friday, June 28, 2019 - Issue

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2019-0200-A

2036 Tred Avon Road
N/w side of Tred Avon Road, n/e of Nanticoke Road
15th Election District – 7th Councilmanic District
Legal Owners: Thomas & Erin Neimiller

Special Hearing to permit a home occupation in an existing improved detached accessory building as more particularly shown on the site plan; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, July 19, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

TO: THE DAILY RECORD
Friday, February 22, 2019 - Issue

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

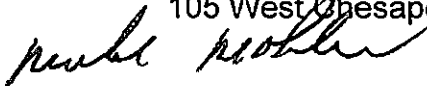
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0200-A

2036 Tred Avon Road
N/w side of Tred Avon Road, n/e of Nanticoke Road
15th Election District – 7th Councilmanic District
Legal Owners: Thomas & Erin Neimiller

Special Hearing to permit a home occupation in an existing improved detached accessory building as more particularly shown on the site plan; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, March 14, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
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.

Real Property Data Search (w2)

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 - 1511570300			
Owner Information					
Owner Name:	NEIMILLER THOMAS NEIMILLER ERIN KATHLEEN		Use:	RESIDENTIAL	
			Principal Residence:	YES	
Mailing Address:	2036 TRED AVON RD BALTIMORE MD 21221-		Deed Reference:	/38974/ 00500	
Location & Structure Information					
Premises Address:	2036 TRED AVON RD BALTIMORE 21221- Waterfront		Legal Description:	OPP ANTIETAM RD MIDDLEBOROUGH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0097	0012	0373		0000	51
					Assessment Year: 2018
					Plat No: 0004/0191
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2017	4,608 SF	800 SF	10,550 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	5 full/ 1 half	2 Attached
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	200,500	200,500			
Improvements	645,900	652,600			
Total:	846,400	853,100	848,633	850,867	
Preferential Land:	0			0	
Transfer Information					
Seller: NEIMILLER THOMAS	Date: 05/17/2017		Price: \$0		
Type: NON-ARMS LENGTH OTHER	Deed1: /38974/ 00500		Deed2:		
Seller: NEIMILLER THOMAS	Date: 12/04/2015		Price: \$0		
Type: NON-ARMS LENGTH OTHER	Deed1: /36947/ 00496		Deed2:		
Seller: KNOPP BARBARA M	Date: 04/16/2015		Price: \$315,000		
Type: ARMS LENGTH MULTIPLE	Deed1: /36066/ 00397		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					

**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 fifteen (15) 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: 2019-0200-A

Property Address: 2036 Tred Avon Road

Property Description: _____

Legal Owners (Petitioners): Thomas and Erin Neimiller

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014

NE:2-I

Martin State Airport Restriction

097C1

7-CD

098A1

15-ED

DR-3.5

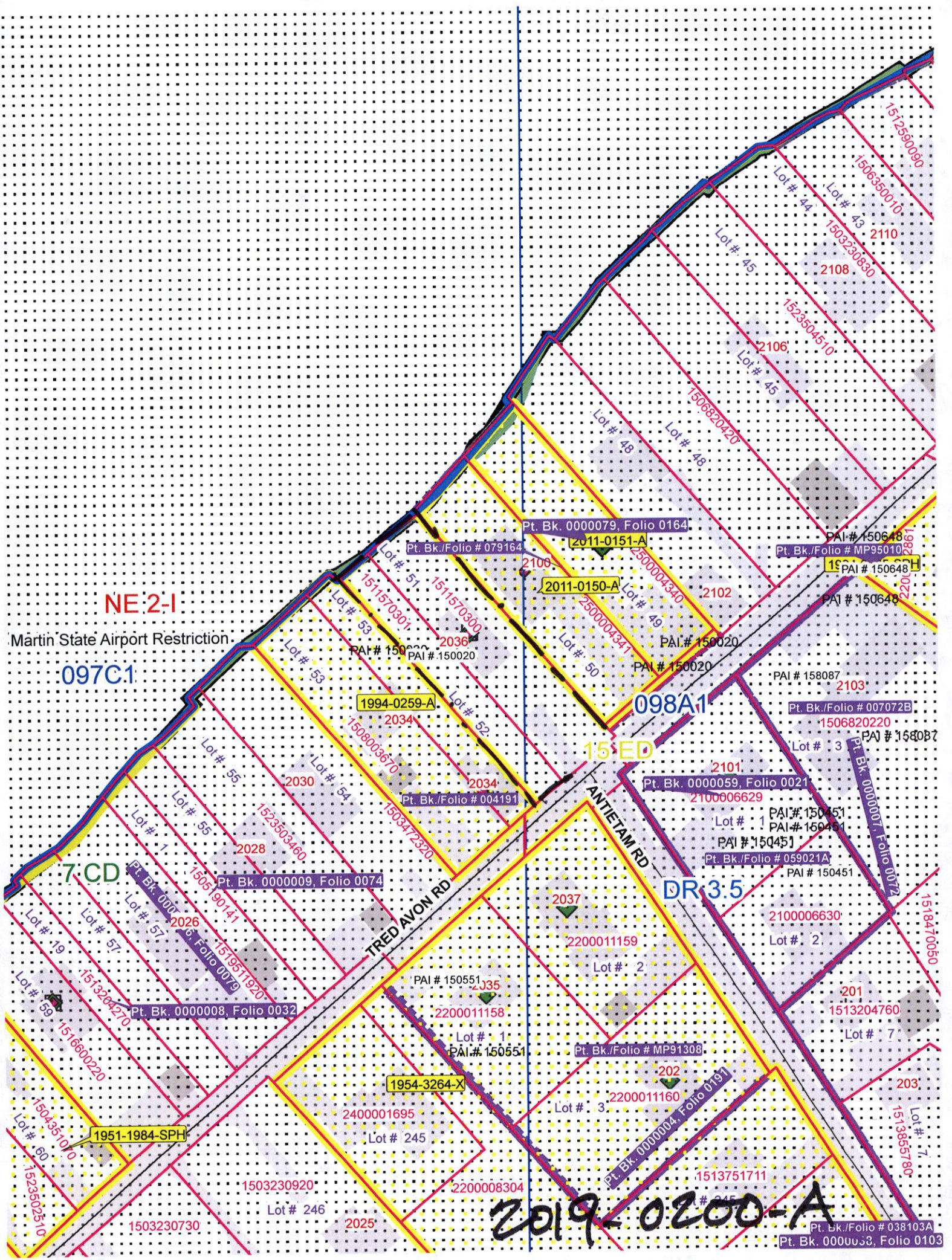
TRED AVON RD

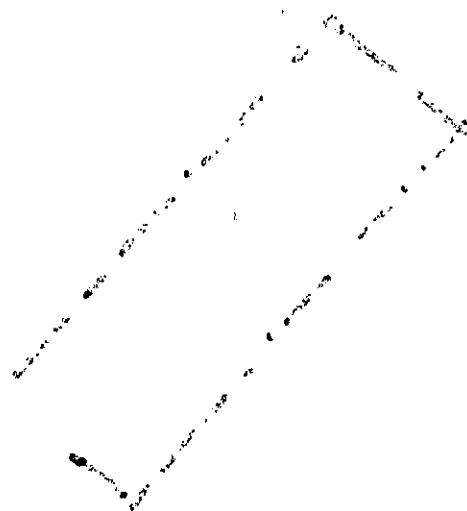
ANTIETAM RD

1951-1984-SPH

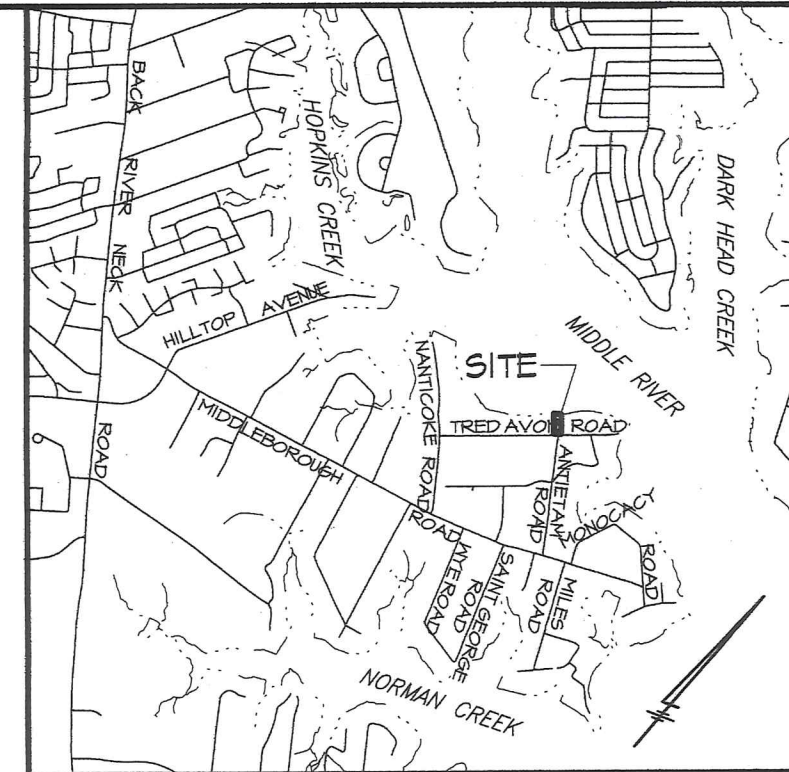
1954-3264-X

2019-0200-A





A-0050-9/105



VICINITY MAP

1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE RECORD PLAT.
2. THE IMPROVEMENTS SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 09TC1 & 09BA1
3. CENSUS TRACT: 4509 REGIONAL PLANNING DISTRICT: ESSEX
WATERSHED: MIDDLE RIVER
SCHOOL DISTRICT: ELEMENTARY - MIDDLEBOROUGH; MIDDLE - DEEP CREEK; HIGH - CHESAPEAKE
A.D.C. MAP # GRID: 4822B1
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. A PORTION OF THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
9. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

ZONING RELIEF REQUESTED:

TO ALLOW A HOME OCCUPATION IN A DETACHED ACCESSORY BUILDING

OWNERS

THOMAS & ERIN NEILMILLER
2036 TRED AVON ROAD
BALTIMORE, MARYLAND 21221
443-841-6418

PLAT TO ACCOMPANY A PETITION FOR SPECIAL HEARING NEIMILLER PROPERTY

2036 TRED AVON ROAD
Deed Ref: J.L.E. No. 38974 folio 500
LOT 51 & EASTERLY 1/2 OF LOT 52
"MIDDLE BOROUGH"

PLAT BOOK W.P.C. NO. 4, FOLIO 191
Tax Account Nos.: 15-11-570300 & 15-11-570301
Zoned DR 3.5; GIS Tiles 09TC1 & 09BA1
Tax Map 0097; Grid 0012; Parcel 0373; Lot 51
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

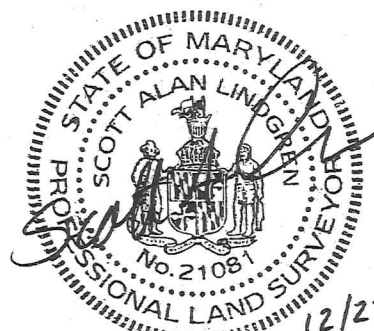
Scale: 1"=30'

Date: DECEMBER 21, 2018

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

DRAWN: SL CHECKED: GCE FILE: X:\NNeimiller_Tred Avon\zoningplan.pro



12/27/18

LICENSE EXPIRES/RENEWS 2/26/19

REVISION	DATE

MIDDLE
RIVER

FEMA FLOOD ZONE "AE(EL 6)"
MAP 240010-04436, MAY 5, 2014

BALTIMORE COUNTY
FLOODPLAIN
BFE 9 (8.5) NAVD88

LOT 53
MARY ANN KOLBE
S.M. No. 14546 folio 232
LOT 52 & WEST 1/2 OF LOT 52
"PLAT OF MIDDLEBOROUGH"
PLATBOOK W.P.C. No. 4 folio 191
15-08-003670
2034 TRED AVON ROAD

EX.
2 STORY
DWELLING

EXISTING
2 STORY
DWELLING

CHARLES A. SOMMERS, 3rd
VIRGINIA L. SOMMERS
R.D.A., Jr. No. 29853 folio 45
LOT 50 "SECOND AMENDED
PLAT, LOTS 49 AND 50,
MIDDLEBOROUGH"
PLATBOOK J.L.E. No. 74 folio 164
2100 TRED AVON ROAD

EX.
2 STORY
DWELLING

AREA
15,511 SQ.FT./
0.36 Ac.±

EX.
1 STORY
DWELLING

EXISTING
BUILDING
(VACANT)
HEIGHT
14.5'
3'±

EX.
SHED

EX. 8" SANITARY SEWER - DWG 63-516
TRED AVON ROAD

EX. 8" WATER - DWG 45-126

ANTIETAM
ROAD

BUILDING PERMIT #B867957
BUILDING PERMIT #B939603

CODE ENFORCEMENT CORRECTION NOTICE
CITATION CASE No. CB1800641
INSPECTOR: JOHN KRACH

REASONS FOR CITATION:

DETACHED GARAGE CONSTRUCTED WITH
PERMIT B867957, EXPIRED ON 12/20/16 WITHOUT
OBTAINING COMPLETION INSPECTION

DETACHED GARAGE CONVERTED INTO
LIVING QUARTERS, INCLUDING FULL
KITCHEN, WITHOUT OBTAINING REQUIRED
PERMITS AND INSPECTIONS