

M E M O R A N D U M

DATE: September 19, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0352-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on September 18, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

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

(2720 Merrymans Mill Road) *

10th Election District *
3rd Council District *

Anne S. Riepe
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0352-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Anne S. Riepe (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve an existing barn to be converted into an accessory (sibling) apartment on the same owner occupied lot as the principal dwelling, and any other relief that the Administrative Law Judge (“ALJ”) deems to be necessary.

In addition, a Petition for Variance was filed pursuant to BCZR Sections 400.4.B.2 and 400.3 to permit an existing barn to be converted to an accessory (sibling) apartment with a footprint of 2,000 sq. ft. in lieu of the maximum 1,200 sq. ft., and 40 ft. in height in lieu of the maximum 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Anne S. Riepe and surveyor Bruce Doak appeared in support of the requests. There were no protestants or other interested persons in attendance. The Petition was advertised and posted as required by the BCZR. No substantive ZAC comments were received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 8/19/19

By Sen

SPECIAL HEARING

The subject property is 10 acres in size and split-zoned RC4/RC6. The large tract is improved with a dwelling constructed in 1851 and several outbuildings, including a large bank barn. Petitioner proposes to renovate the barn to provide living quarters for two of her siblings who are disabled. Petitioner submitted renderings of both the dwelling and existing barn, and the site is rural with a large number of mature trees which screen the property. I do not believe granting the request (*i.e.*, an accessory apartment in a detached structure) would have any discernable impact upon the surrounding community.

VARIANCE

As to the variance, it requires a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The large tract has an irregular shape and there are grade changes across the site. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because she would be unable to construct the proposed accessory apartment in the barn. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this 19th day of **August, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an existing barn to be converted into

ORDER RECEIVED FOR FILING

Date

8/19/19

By

sen

an accessory (sibling) apartment on the same owner occupied lot as the principal dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to BCZR Sections 400.4.B.2 and 400.3 to permit an existing barn to be converted to an accessory (sibling) apartment with a footprint of 2,000 sq. ft. in lieu of the maximum 1,200 sq. ft., and 40 ft. in height in lieu of the maximum 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 her 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.
- Petitioner must within 30 days of the date hereof record among the Baltimore County land records the Declaration of Understanding, a copy of which is attached hereto as Exhibit A.
- No separate utility meter shall be permitted in conjunction with the accessory apartment.

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 8/19/19

By sen

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on the 5th day of June 2019, by and between Anne S. Riepe (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

- A. The Declarant who is also the owner of this property has filed an application for a use permit and special hearing to allow the use of an existing detached accessory building (barn) located behind the existing dwelling in the rear yard of the subject property. The existing detached accessory building (barn) was built for the purpose of agricultural use.

The property being located at 2720 Merrymans Mill Road Phoenix, MD 21131 and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned RC 4 & RC 6 which is the particular zone in which the property is located.

- B. PAI (or) The Administration Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be housing for John Creighton Riepe, who is the brother and also Philinda Riepe Perl and Lawrence Henry Perl, who is the sister and brother in law of the property owner. The use permit must be renewed with PIA every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

- C. As a condition of approval of the Declarant's request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

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By Sen

Ex. A

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in the Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination, the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

4. The covenants, conditions and restrictions stated above shall run with and bind the Property and shall be enforced by Baltimore County, MD and by the owners the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

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By Sen

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: Brian E. Deak Amy S. Lipe

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 5 day of June, 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared _____

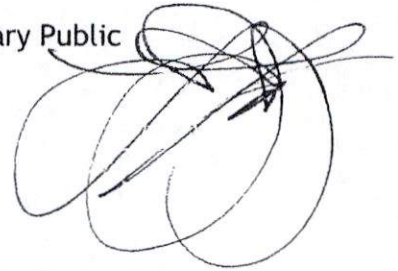
The declarant(s) herein, who is/ are also the owner(s) of this property, know to me (or satisfactorily proven) to be the person(s) whose name(s) is/ are subscribed to the within instrument, and who acknowledged that he/ she/ they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:

May 20/2021.
Baltimore County
State of Maryland

Notary Public



ORDER RECEIVED FOR FILING

Date 8/19/19

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 2720 MERRYMAN'S MILL ROAD which is presently zoned RC4 & RC6
 Deed References: SM 31521 / 38 10 Digit Tax Account # 1020030270
 Property Owner(s) Printed Name(s) ANNE S. RIEPE

(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

SEE ATTACHED PAGE

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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 THE 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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ANNE S. RIEPE / Name #1 - Type or Print Name #2 - Type or Print

ANNE S. RIEPE / Signature #1 Signature #2

2720 MERRYMAN'S MILL ROAD PHOENIX MD / Mailing Address City State

21131 / 410-960-7021 / RIEPEROOTS@COMCAST.NET / Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK / BRUCE E. DOAK CONSULTING, LLC / Name - Type or Print

BRUCE E. DOAK / Signature

3821 BAKER SCHOOLHOUSE ROAD FREELAND MD / Mailing Address City State

21053 / 410-419-4906 / Zip Code Telephone # Email Address

BD@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2019-0352-SPHA Filing Date 6/5/19

Do Not Schedule Dates:

Reviewer JE

ORDER RECEIVED FOR FILING REV. 10/4/11

Date 8/19/19

By Sen

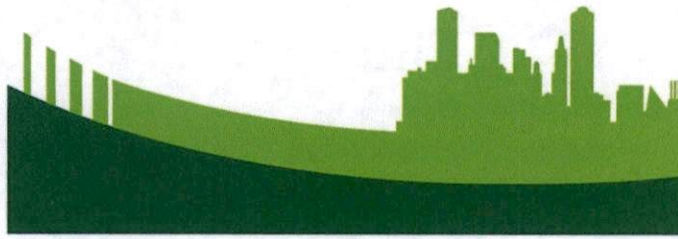
PETITIONS REQUESTED

Special Hearing

1. To approve an existing barn to be converted into an accessory (sibling) apartment on the same owner occupied lot as the principal dwelling.
2. Any relief that the Administrative Law Judge deems to be necessary.

Variances

- 1) To permit an existing barn to be converted to an accessory (sibling) apartment to have a footprint of 2,000 sf in lieu of the required 1,200 sf per Section 400.4.B.2 (BCZR)
- 2) To permit an existing barn to be converted to an accessory (sibling) apartment to have a height of 40 feet in lieu of the required 15 feet per Section 400.3 (BCZR)



Zoning Description

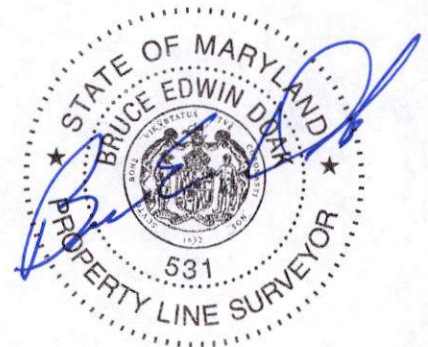
2720 Merryman Mill Road- 10 Acre Parcel
Tenth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northwest side of Merryman Mill Road, approximately 790 feet, more or less, northerly of the centerline of Summer Hill Road, thence running on the northwest side of Merryman Mill Road and running with and binding on the outlines of the subject property, the five following courses and distances, viz 1) North 16 degrees 20 minutes East 111.80 feet, 2) North 22 degrees 02 minutes East 105.46 feet, 3) North 32 degrees East 85 feet, 4) North 43 degrees 20 minutes East 105 feet and 5) North 47 degrees 20 minutes East 90 feet, thence leaving Merryman Mill Road and continuing to run and bind on the outlines of the subject property, the five following courses and distances, viz. 6) North 44 degrees 10 minutes West 267.73 feet, 7) North 3 degrees 20 minutes East 422.32 feet, 8) South 71 degrees 27 minutes West 581 feet, 9) South 3 degrees 20 minutes West 379.90 feet and 10) South 44 degrees 43 minutes 20 seconds East 688.78 feet to the point of beginning.

Containing 10 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
2720 Merrymans Mill Road; NW/S of * OF ADMINISTRATIVE
Merrymans Mill Rd, 790' N of Summer Hill Rd *
10th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Anne S. Riepe *
Petitioner(s) * BALTIMORE COUNTY
* 2019-352-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JUN 14 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 18, 2019

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: 2019-0352-SPHA

2720 Merrymans Mill Road

N/west side of Merrymans Mill Road at a distance of 790 ft. north of Summer Hill Road

10th Election District – 3rd Councilmanic District

Legal Owners: Anne Riepe

Special Hearing to approve an existing barn to be converted into an accessory (sibling) apartment on the same owner occupied lot as the principal dwelling. Any relief that the Administrative Law Judge deems to be necessary. Variance to permit an existing barn to be converted to an accessory (sibling) apartment to have a footprint of 2,000 sq. ft. in lieu of the required 1,200 sq. ft. To permit an existing barn to be converted to an accessory building (sibling) apartment to have a height of 40 ft. in lieu of the required 15 ft.

Hearing: Thursday, August 15, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Anne Riepe, 2720 Merrymans Mill Road, Phoenix 21131
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 26, 2019.**
- (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.

TO: THE DAILY RECORD
Friday, July 26, 2019 - Issue

Please forward billing to:

Anne Riepe
2720 Merrymans Mill Road
Phoenix, MD 21131

410-960-7021

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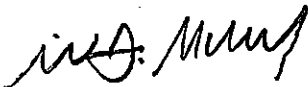
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10th Election District – 3rd Councilmanic District

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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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:

7/26/2019

Order #: 11770653
Case #: 2019-0352-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0352-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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CASE NUMBER: 2019-0352-SPHA

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N/west side of Merrymans Mill Road at a distance of 790 ft. north of Summer Hill Road

10th Election District - 3rd Councilmanic District

Legal Owners: Anne Riepe

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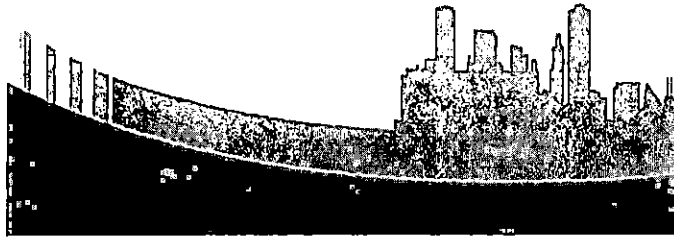
Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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

jy26



CERTIFICATE OF POSTING

July 26, 2019 (amended _____)

Re:

Zoning Case No. 2019-0352-SPHA

Legal Owner: Anne Riepe

Hearing date: August 15, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **2720 Merrymans Mill Road**.

The signs were posted on **Thursday July 25, 2019**.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0352-SPHA

2720 Merrymans Mill Road

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

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday August 15, 2019 1:30 PM

**REQUESTS: SPECIAL HEARING 1) TO APPROVE AN EXISTING
BARN TO BE CONVERTED INTO AN ACCESSORY (SIBLING)
APARTMENT ON THE SAME OWNER OCCUPIED LOT AS THE
PRINCIPAL DWELLING. 2) ANY RELIEF THAT THE
ADMINISTRATIVE LAW JUDGE DEEMS TO BE NECESSARY.**

**VARIANCES 1) TO PERMIT AN EXISTING BARN TO BE
CONVERTED TO AN ACCESSORY (SIBLING) APARTMENT TO
HAVE A FOOTPRINT OF 2,000 SQ. FT. IN LIEU OF THE
REQUIRED 1,200 SQ. FT. 2) TO PERMIT AN EXISTING BARN TO
BE CONVERTED TO AN ACCESSORY BUILDING (SIBLING)
APARTMENT TO HAVE A HEIGHT OF 40 FT. IN LIEU OF THE
REQUIRED 15 FT.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST 48 HRS. PRIOR TO THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2019-0352-SPHA

2720 Merrymans Mill Road

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

**PLACE: Room 205 JEFFERSON BUILDING
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**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

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

No. **184705**

PAID RECEIPT

Date: **6/5/19**

BUSINESS ACTUAL TIME DRN
 6/07/2019 6/05/2019 14:24:24 5

REG W505 WALKIN LRB
 >>RECEIPT # 010277 6/05/2019 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 184705

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

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

Total: **150.00**

Rec

From: **ANNE J. RIEPE**

For: **2720 Merryman Mill Rd.**

272019 - 0352-0PH2

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: 2019-0352-SP4A

Property Address: 2720 MERRYMAN'S MILL ROAD

Property Description: 10 ACRES NORTHWEST SIDE OF MERRYMAN'S MILL
ROAD NORTHERLY 790'± FROM CENTERLINE OF SUMMER
HILL ROAD

Legal Owners (Petitioners): ANNE S. RIEBE

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANNE S. RIEBE

Company/Firm (if applicable): N/A

Address: 2720 MERRYMAN'S MILL ROAD
PHOENIX MD 21131

Telephone Number: 410-960-7021

Revised 5/20/2014



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

August 08, 2019

Bruce E. Doak
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2019-0352-SPHA, 2720 Merrymans Mill Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 05, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Anne S. Riepe 2720 Merrymans Mill Road Phoenix MD 21131

Date: 6/12/19

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

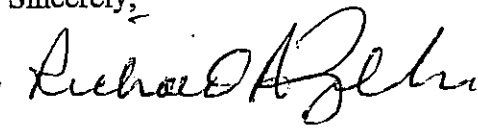
Dear Ms. Lewis:

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. 2019-0352-SPHA -

*Special Hearing, Variance
Anne Reipe
2720 Merryman Mill 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 7/11/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-352



INFORMATION:

Property Address: 2720 Merrymans Mill Road
Petitioner: Anne S. Reipe
Zoning: RC 4, RC 6
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an existing barn to be converted into an accessory apartment and the petition for variance to permit an accessory apartment to have a footprint of 2,000 square feet in lieu of the required 1,200 square feet.

A site visit was conducted on 6/25/2019.

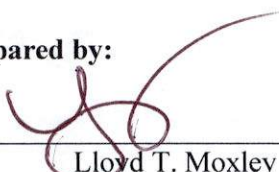
The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall not be used for principal residential or for commercial purposes.
- No separate utility meter shall be permitted.

Pursuant to BCZR§1A07.4.A the Department finds that the proposal is within the spirit and intent of the R.C.6 provisions contained in BCZR §1A07

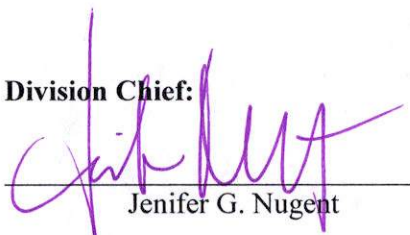
For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Kaylee Justice
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: July 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0352-SPHA
Address 2720 Merrymans Mill Road
(Reipe Property)

Zoning Advisory Committee Meeting of **June 17, 2019**.

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

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

Additional Comments:

Ground Water Management will need to review the adequacy of the septic system and well on the property – if a barn is to be converted to an apartment.

Reviewer: Dan Esser
Reviewer: Thomas Panzarella
Environmental Impact Review

CASE NAME Rieps
CASE NUMBER 2019-0352-SPHA
DATE 8/15/19

[illegible]

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on the 5th day of June 2019, by and between Anne S. Riepe (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

- A. The Declarant who is also the owner of this property has filed an application for a use permit and special hearing to allow the use of an existing detached accessory building (barn) located behind the existing dwelling in the rear yard of the subject property. The existing detached accessory building (barn) was built for the purpose of agricultural use.

The property being located at 2720 Merrymans Mill Road Phoenix, MD 21131 and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned RC 4 & RC 6 which is the particular zone in which the property is located.

- B. PAI (or) The Administration Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be housing for John Creighton Riepe, who is the brother and also Philinda Riepe Perl and Lawrence Henry Perl, who is the sister and brother in law of the property owner. The use permit must be renewed with PIA every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.
- C. As a condition of approval of the Declarant's request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

Ex. A

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in the Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination, the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

4. The covenants, conditions and restrictions stated above shall run with and bind the Property and shall be enforced by Baltimore County, MD and by the owners the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: Brian E. Deak Anna S. Lipe

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 5 day of June, 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared

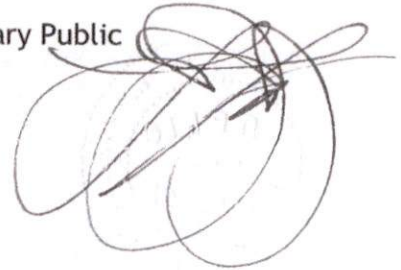
The declarant(s) herein, who is/ are also the owner(s) of this property, know to me (or satisfactorily proven) to be the person(s) whose name(s) is/ are subscribed to the within instrument, and who acknowledged that he/ she/ they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:

May 20/2021.
Baltimore County
State of Maryland

Notary Public



C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6/2</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7-26-19 Daily RecordSIGN POSTING (1st) Date: 7-25-19 by DoakSIGN POSTING (2nd) Date: 8-12-19 by "PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐Comments, if any. * Declaration of Understanding (Pet. / PAI) 6-5-19

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 - 10 Account Number - 1020030270			
Owner Information					
Owner Name:		RIEPE ANNE S		Use: RESIDENTIAL	
Mailing Address:		2720 MERRYMANS MILL RD PHOENIX MD 21131-1634		Principal Residence: YES	
				Deed Reference: /31521/ 00038	
Location & Structure Information					
Premises Address:		2720 MERRYMANS MILL RD 0-0000		Legal Description: 10 AC NWS WARREN RD 2720 MERRYMANS MILL RD 4300 SW JARRETTSVILLE PI	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0043	0009	0187		0000	2020
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1851		3,488 SF		10.0000 AC	
Property Land Area		County Use			
10.0000 AC		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	STANDARD UNIT	STONE	3 full	
Value Information					
Base Value		Value		Phase-in Assessments	
		As of 01/01/2017		As of 07/01/2019 As of 07/01/2020	
Land:		222,700		222,700	
Improvements		185,000		185,000	
Total:		407,700		407,700	
Preferential Land:		0			
Transfer Information					
Seller: THOMAS HELEN THOMAS ROBERT M JR		Date: 12/20/2011		Price: \$615,000	
Type: ARMS LENGTH IMPROVED		Deed1: /31521/ 00038		Deed2:	
Seller: THOMAS ROBERT M		Date: 07/30/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /27214/ 00015		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2019 07/01/2020	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					

Homestead Application Status: Approved 01/24/2012

Homeowners' Tax Credit Application Information

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

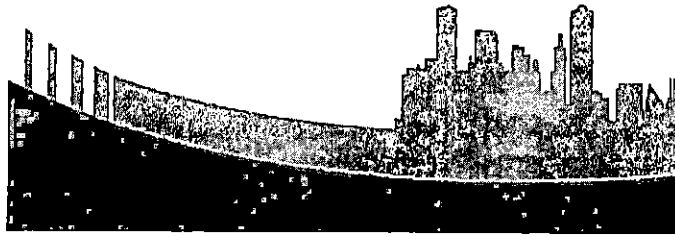
JB 8-15-19
1:30 PM

Debra Wiley

From: Bruce Doak <doakfarm@gmail.com>
Sent: Tuesday, August 13, 2019 1:55 PM
To: Sherry Nuffer
Cc: Administrative Hearings
Subject: Case 2019-0352-SPHA posting cert
Attachments: Case 2019-0352-SPHA Posting cert 8 13 19.pdf

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

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

July 26, 2019 (amended August 13, 2019)

Re:
Zoning Case No. 2019-0352-SPHA
Legal Owner: Anne Riepe
Hearing date: August 15, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 2720 Merrymans Mill Road.

The signs were posted on Thursday July 25, 2019.

The signs were inspected again on August 12, 2019.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2010-0352-SPHA
2720 Merrymans Mill Road

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

PLACE: Room 205 JAFFE TOWNSHIP
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday August 12, 2010 10:00 AM

REQUESTS: SPECIAL HEARING 1) TO PERMIT AN EXISTING
BARN TO BE CONVERTED INTO AN ACCESSORY (SIBLING)
APARTMENT ON THE SAME OWNER LOT AS THE
PRINCIPAL DWELLING. 2) ANY RELIEF THAT THE
ADMINISTRATIVE LAW JUDGE DEEMS TO BE NECESSARY.

VARIANCES 1) TO PERMIT AN EXISTING BARN TO BE
CONVERTED TO AN ACCESSORY (SIBLING) APARTMENT TO
HAVE A FOOTPRINT OF 2,000 SQ. FT. IN LIEU OF THE
REQUIRED 1,200 SQ. FT. 2) TO PERMIT AN EXISTING BARN TO
BE CONVERTED TO AN ACCESSORY BUILDING (SIBLING)
APARTMENT TO HAVE A HEIGHT OF 40 FT. IN LIEU OF THE
REQUIRED 15 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-637-3301.

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

ZONING NOTICE

CASE NO. 2019-0352-SPHA

2720 Merrymans Mill Road

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

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday August 15, 2019 10:00 AM

REQUESTS: SPECIAL HEARING 1) TO PERMIT AN EXISTING
BARN TO BE CONVERTED INTO A BARN AND 2) TO PERMIT AN
APARTMENT ON THE SAME OWNER-2019-0352-SPHA AT THE
PRINCIPAL DWELLING. 2) ANY RELIEF FROM THE
ADMINISTRATIVE LAW JUDGE DEEMS TO BE IN THE BEST INTERESTS.

VARIANCES 1) TO PERMIT AN EXISTING BARN TO BE
CONVERTED TO AN ACCESSORY (SIBLING) APARTMENT TO
HAVE A FOOTPRINT OF 2,000 SQ. FT. IN LIEU OF THE
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REQUIRED 15 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONVINCE THE HEARING CALL 410-271-1091.

DO NOT REMOVE THIS SIGN AND POSTER UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW
THE HEARING IS HANDICAPPED ACCESSIBLE





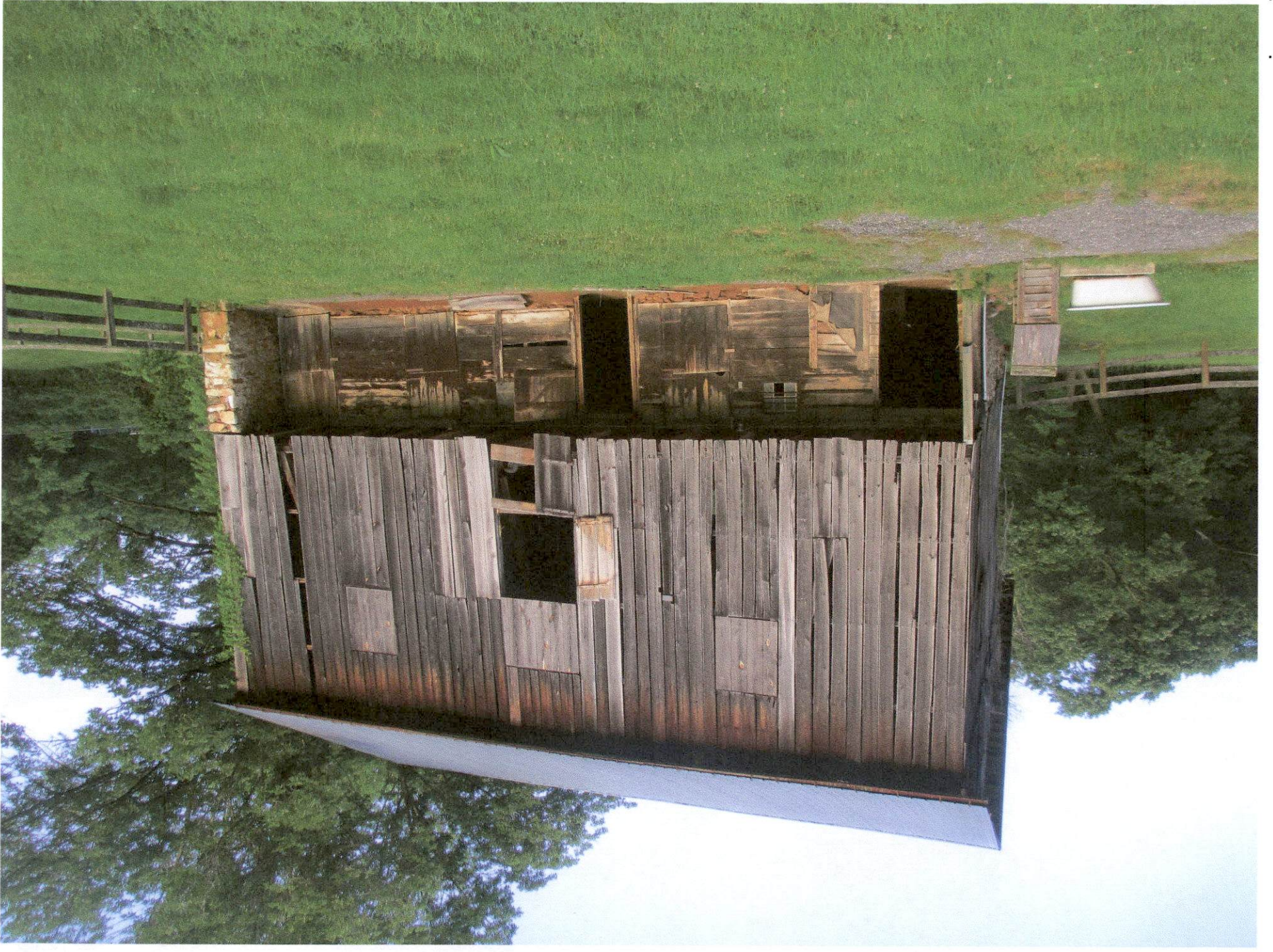






























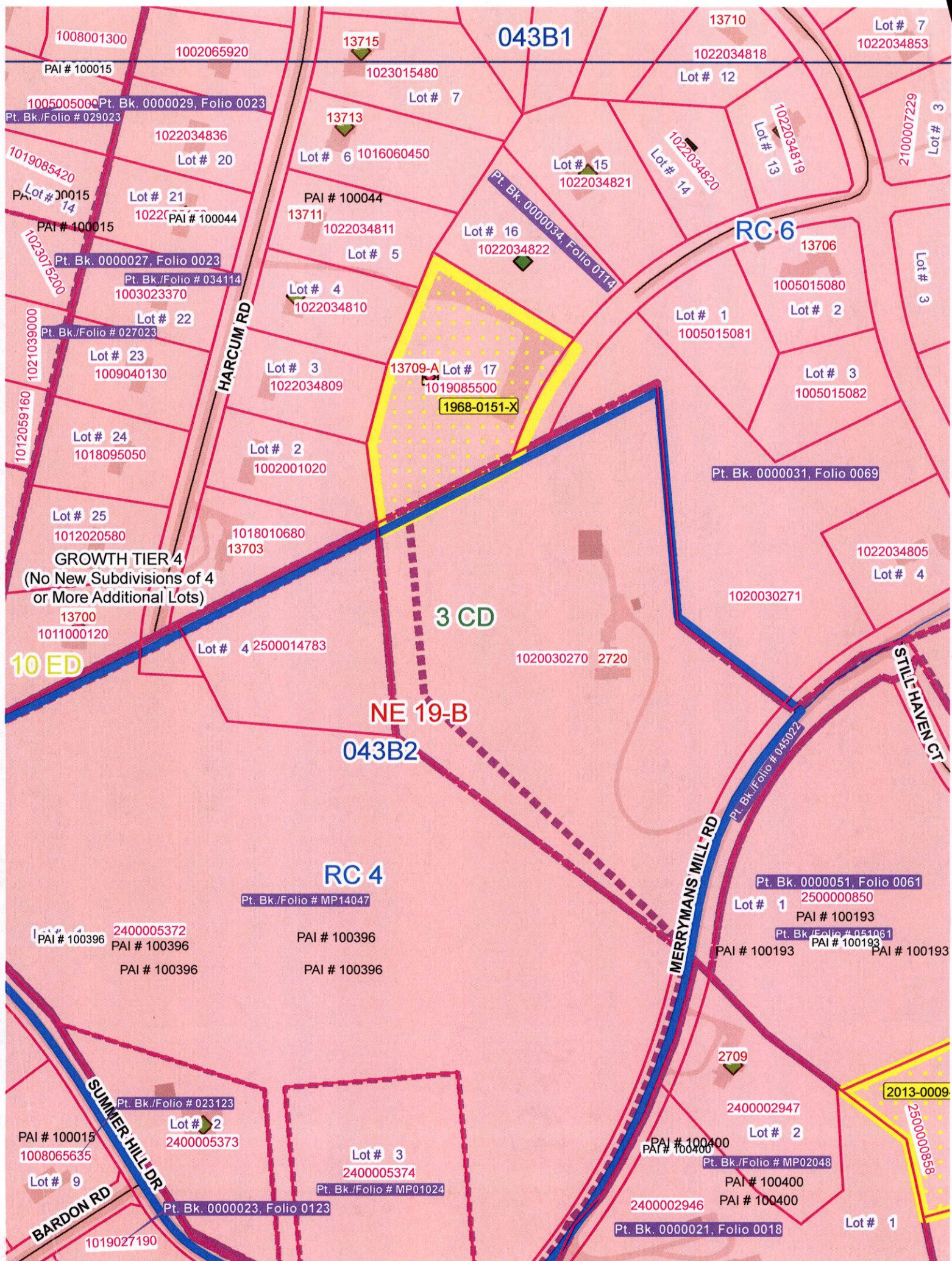


Baltimore County - My Neighborhood



PETITIONER' S

EXHIBIT NO. 2



GENERAL SITE INFORMATION

1. Ownership: Anne S. Riepe
2720 Merrymans Mill Road Phoenix, MD 21131
2. Address: 2720 Merrymans Mill Road Phoenix, MD 21131
3. Deed references: SM 31521/38
4. Area: 10 acres (per 31521/38)
5. Tax Map / Parcel / Tax account #: 43 / 187 / 10-20-030270
6. Election District: 10 Councilmanic District: 3
ADC Map: 4461G1 GIS tile: 043B2 Position sheet: 74NE6
Census tract: 407000 Census block: 240054070003006
Schools: Jacksonville ES Cockeysville MS Dulaney HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 043B2 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & barn. The existing dwelling and the barn will remain.

OFFICE OF ZONING

Zoning: RC 4 & RC 6

Zoning history: No prior cases

Parking Calculations

Required parking spaces: 4 (one existing & one proposed dwelling)
2 parking spaces per dwelling
Parking spaces provided on site: 4

R.C. 4 Setbacks for Residential Buildings

Front: 25 feet from the street right of way or property line
Side / Rear: 25 feet from property line
Height: 35 feet
Lot coverage: 10%

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The existing dwelling is currently served by a private well and septic system.
2. The proposed dwelling will be served by a private well and septic system.
3. There are no underground storage tanks on the subject property.
4. The subject property is not in the Chesapeake Bay Critical Area.
5. The subject property is not located within a 100 year flood plain.

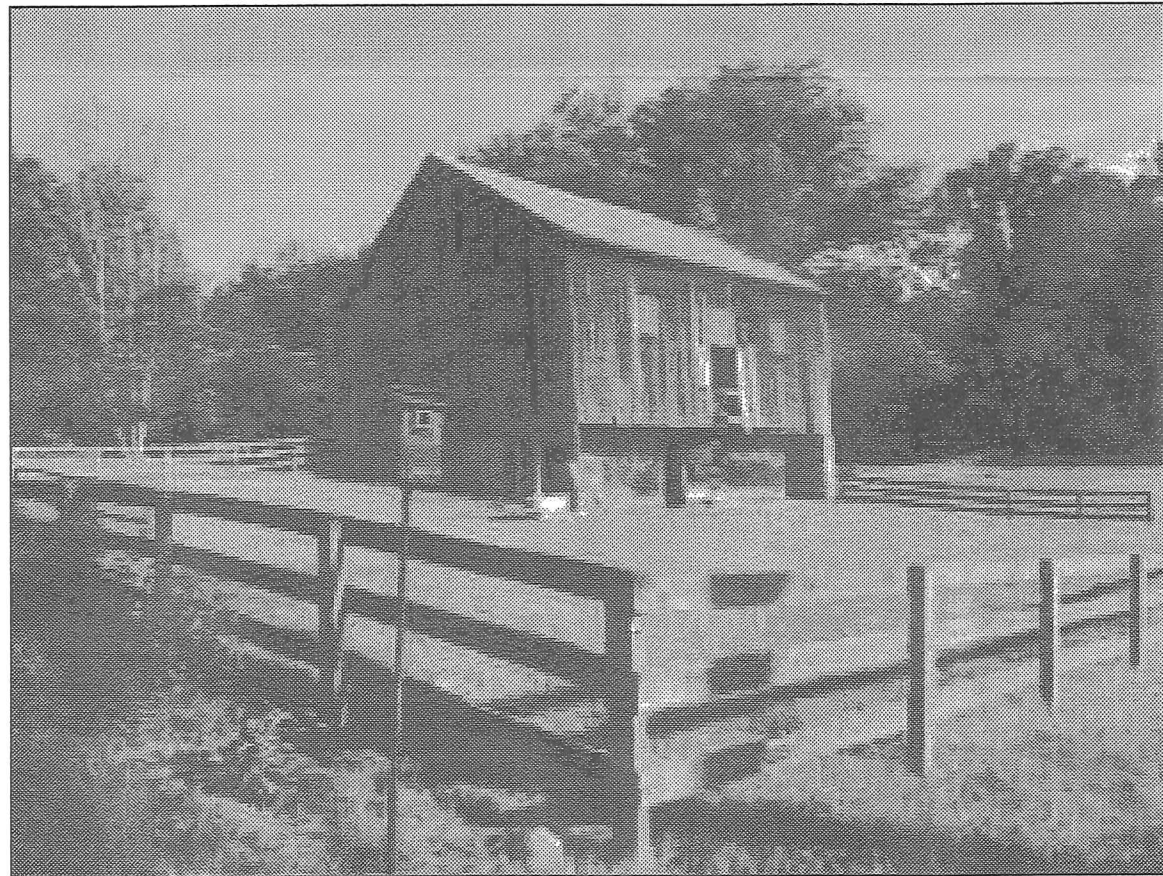
OFFICE OF PLANNING

Regional Planning District: Jacksonville District Code: 305

1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

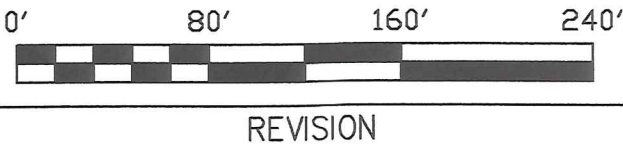
Utilize the existing barn as a sibling dwelling. A new well and septic system will be installed for the proposed barn conversion.



EXISTING BARN



PROPOSED BARN - SIMILAR IN DESIGN



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#2720 MERRYMANS MILLS ROAD

BALTIMORE COUNTY, MARYLAND
10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 6/4/19
Scale: 1"=80'



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OFFICE OF ZONING

Zoning: RC 4 & RC 6

Zoning history: No prior cases

Parking Calculations

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R.C. 4 Setbacks for Residential Buildings

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Height: 35 feet
Lot coverage: 10%

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The existing dwelling is currently served by a private well and septic system.
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3. There are no underground storage tanks on the subject property.
4. The subject property is not in the Chesapeake Bay Critical Area.
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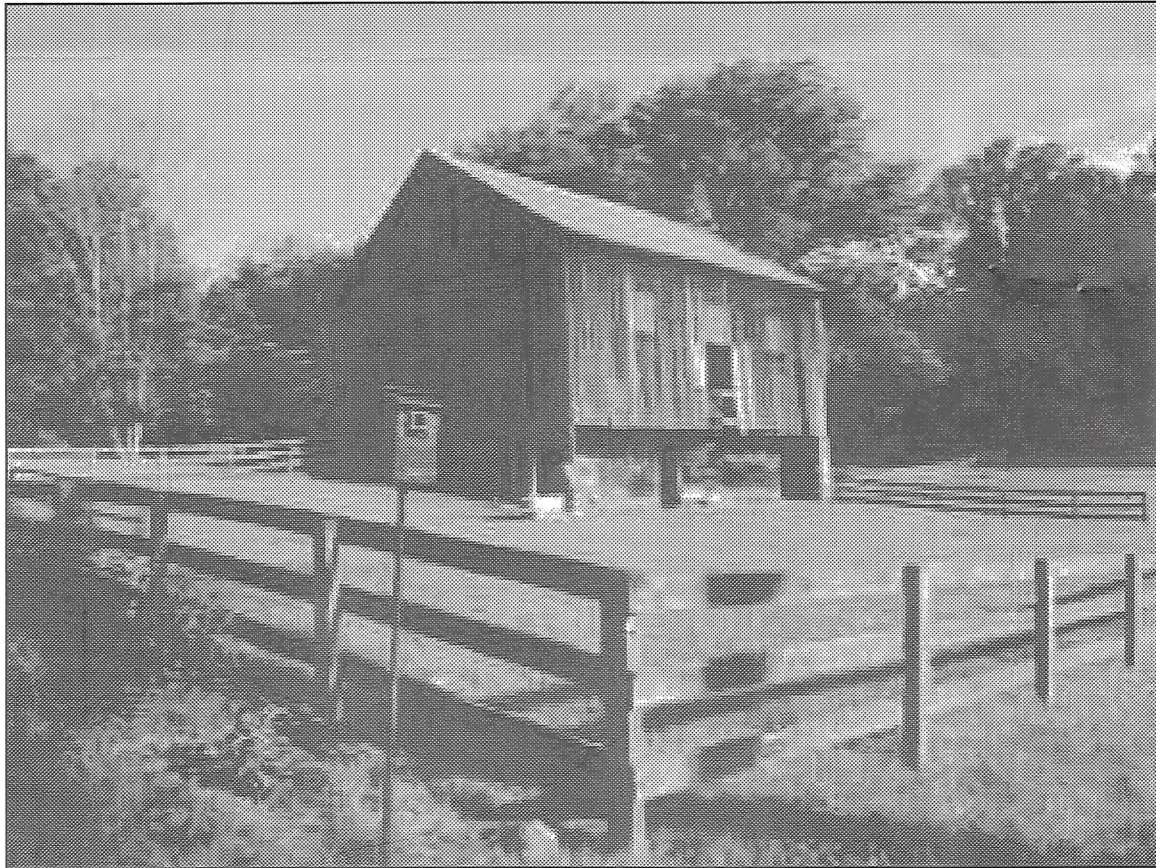
OFFICE OF PLANNING

Regional Planning District: Jacksonville District Code: 305

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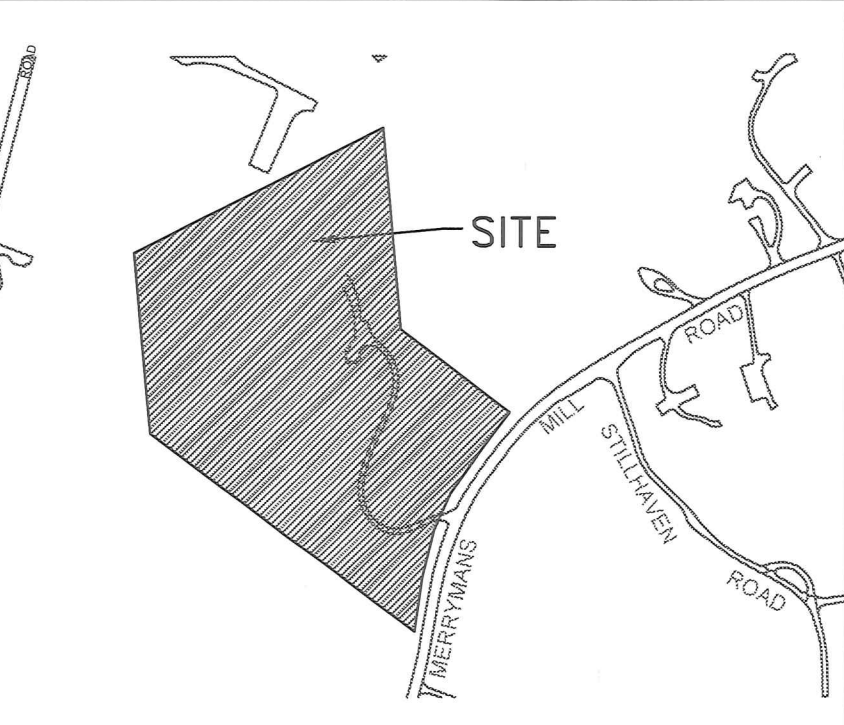
Utilize the existing barn as a sibling dwelling. A new well and septic system will be installed for the proposed barn conversion.



EXISTING BARN



PROPOSED BARN - SIMILAR IN DESIGN



Vicinity Map - Scale: 1' = 400'

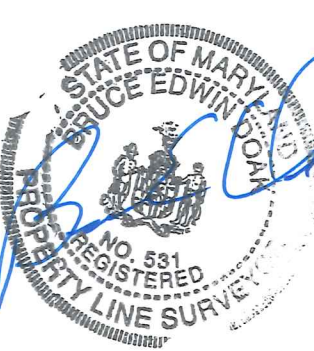


REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
P 443-900-5535 M 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#2720 MERRYMAN'S MILLS ROAD

BALTIMORE COUNTY, MARYLAND
10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 6/4/19

Scale: 1' = 80"

PET. 1

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OFFICE OF ZONING

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- 1. The existing dwelling is currently served by a private well and septic system.
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OFFICE OF PLANNING

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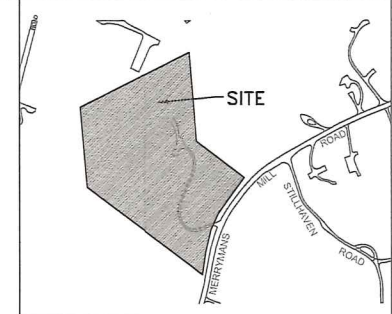
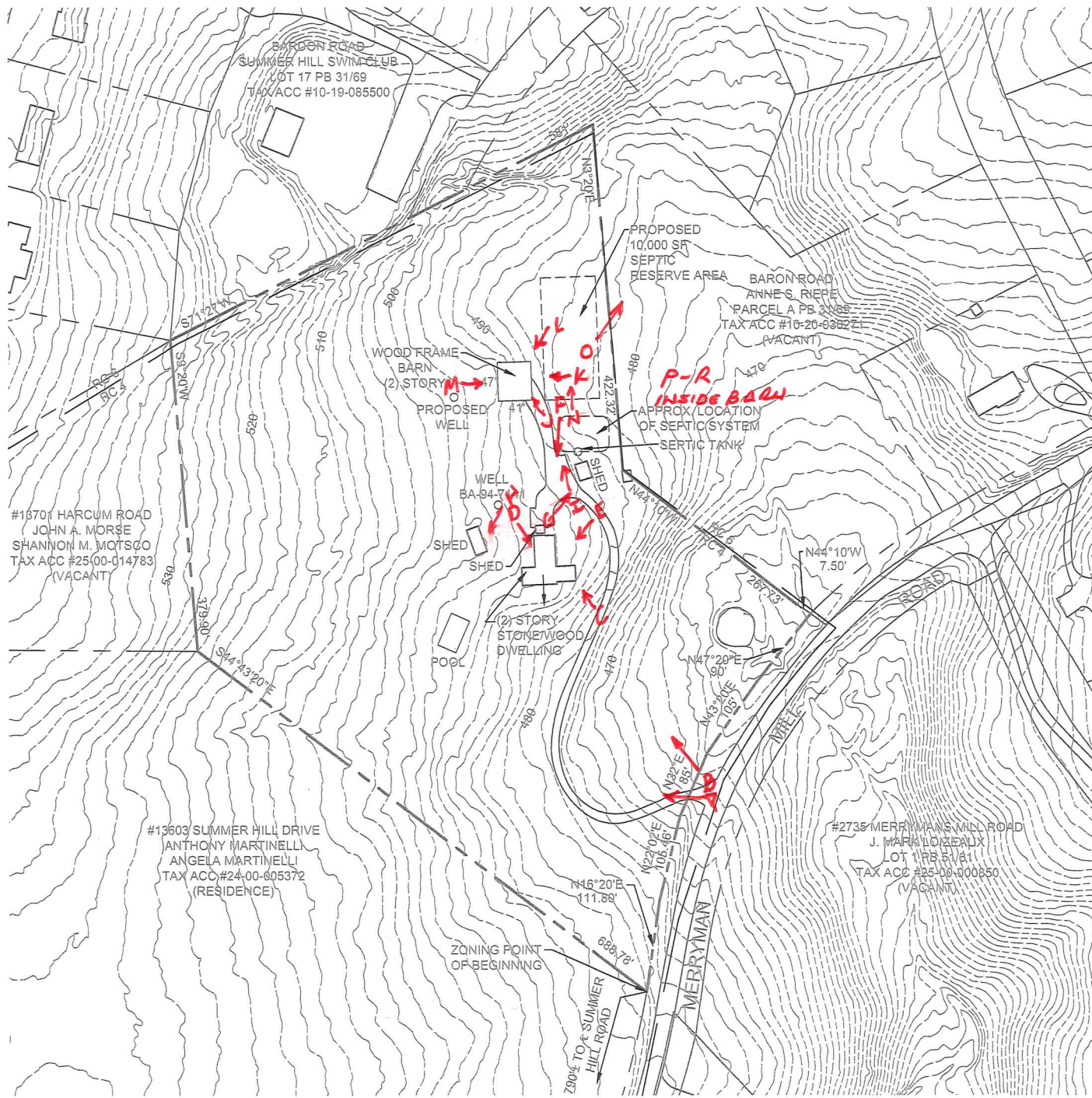
Utilize the existing barn as a sibling dwelling. A new well and septic system will be installed for the proposed barn conversion.



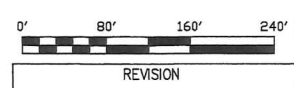
EXISTING BARN



PROPOSED BARN - SIMILAR IN DESIGN



Vicinity Map - Scale: 1" = 400'



REVISION

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PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#2720 MERRYMAN'S MILLS ROAD
BALTIMORE COUNTY, MARYLAND
10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
Date: 6/4/19
Scale: 1"=80'

PLAN TO ACCOMPANY PHOTOGRAPHS

PETITIONER'S
PHOTOS A-R
EXHIBIT NO. 3