

M E M O R A N D U M

DATE: January 16, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0504-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on January 15, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2036 Tred Avon Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Thomas & Erin Neimiller	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0504-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 Thomas and Erin Neimiller, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 400.4.B of the Baltimore County Zoning Regulations ("BCZR") to approve accessory (in-law) apartment and Use Permit within a detached accessory building. A site plan marked and admitted as Petitioners' Exhibit 1.

Petitioners 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 Environmental Protection and Sustainability ("DEPS") and the Department of Planning ("DOP"). Neither agency opposed the request.

The subject property is 15,511 square feet in size and is zoned DR 3.5. The Neimillers previously filed a Petition (Case No. 2019-0200-SPH) seeking to use this accessory building as a "home occupation" in connection with their construction business. That relief was denied by the Administrative Law Judge upon a finding that the proposed use did not meet the definition of a home occupation use under the BCZR. Mr. Neimiller testified that the building has therefore remained vacant and that they would now like to use it as an "in-law" apartment to house one of

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Date 12/16/19

By Sen

their adult sons. He further explained that his 88 year old mother is in failing health and she will be moving up from Florida early in the New Year to stay with them so that they can help care for her. She would then also live in the accessory apartment. The Neimillers submitted photos of two other free standing "in-law" apartments that are currently in use on their block. (Petitioners' Exhibits 3 and 4). They also submitted letters from three immediate neighbors who state they have no objection to the requested relief. (Petitioners' Exhibits 5, 6 and 7).

Based on the testimony and record evidence I find that the proposed use of this accessory building as an "in-law" apartment for the use of the Neimillers' family is within the spirit and intent of the BCZR, will not be detrimental to the general public's health, safety or welfare, and will not cause any additional impacts to the environment.

THEREFORE, IT IS ORDERED this 16th day of **December, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve accessory (in-law) apartment and Use Permit within a detached accessory building, be and is hereby GRANTED.

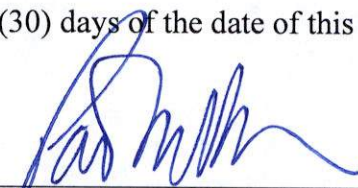
The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of Permits, Petitioners must comply with ZAC comments submitted by the DEPS and the DOP, copies of which are attached hereto and made a part hereof.
3. Prior to issuance of Permits a Declaration of Understanding in conformance with BCZR Sec. 400.4.A.1 shall be executed by Petitioners. This Declaration of Understanding shall be filed, along with a copy of this Order, in the land records of Baltimore County.

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Date 12/16/19
By Sen

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln

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Date 12/16/19

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 2036 Tred Avon Rd, Essex MD 21221 which is presently zoned DR 3.5
Deed References: J.L.E. No 38974, folio 50 10 Digit Tax Account # 1511570300
Property Owner(s) Printed Name(s) Thomas B. Neimiller and Erin K. 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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an accessory (in-law) apartment and use permit pursuant to Section 400.4.B, BCZR within a detached accessory building.

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)

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):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0504-SPH Filing Date 11/1/2019 Do Not Schedule Dates: _____ Reviewer JWP

REV. 10/4/11

EXHIBIT A

Zoning Property Description for 2036 Tred Avon Rd, Essex MD 21221

Beginning at a point on the north side of Tred Avon Rd, which is 75 feet wide at a distance of 5 feet north of the centerline of the nearest improved intersecting street Antietam Rd which is 15 feet wide.

Beginning for the first thereof, being known as designated as Lot No. 51, as shown on the Plat of the property of Middleborough Land Corporation of Baltimore County and which Plat is recorded among the Land Records of Baltimore Count in Plat Book W.P.C. No. 4, folio 191.

Beginning for the second thereof, being known and designated as the easterly $\frac{1}{2}$ of Lot No. 52, as shown on the Plat of Middleborough which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 191.

The improvements thereon being known as No. 2036 Tred Avon Rd, Essex MD 21221

2019-0504-SPH

Declaration of Understanding

This declaration of understanding is made on this 31th day of October 2019, by and between Thomas and Erin Neimiller and the Department of Permits, Approvals and Inspections.

A. Thomas and Erin Neimiller, who are the owners of this property have filed an application for a special hearing to add an accessory In-Law apartment in an accessory building on the same owner-occupied property. The proposed accessory building is located at the street on the right side. Although the structure has been completed, the building is vacant. The property being located at 2036 Tred Avon Rd, Essex Maryland 21221 and is more particularly described by metes and bounds in Exhibit A and Exhibit B attached hereto and made a part hereof. The property is zoned DR 3.5, which is the particular zone in which the property is located.

B. PAI has approved the Declaration request to create an Accessory Apartment completed with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory building apartment will be the housing for:

Marylou Ford – Grandparent

Dillon Neimiller – Son

Collin Neimiller – Son

The other residents of the property are:

Thomas Neimiller – Father

Erin Neimiller – Mother

Collin Neimiller – Son

Daniel Neimiller – Son

Christina Neimiller – Daughter

Emily Neimiller – Daughter

Taylor Ingoglia – Daughter

The use permit must be renewed with PAI every two years by filling a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of Thomas and Erin Neimiller'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.

Now, Therefore, in consideration of the premises and other good and valuable consideration, the receipt of sufficiency of which are hereby acknowledge, Thomas and Erin Neimiller and PIA hereby declare as follows:

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 the immediate family member listed in this Declaration and it is not to be used as an independent residential unit, nor sit 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 Land Records.

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.

Upon use permit termination:

IN the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

Thomas and Erin Neimiller upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

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

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.

EXHIBIT A

Zoning Property Description for 2036 Tred Avon Rd, Essex MD 21221

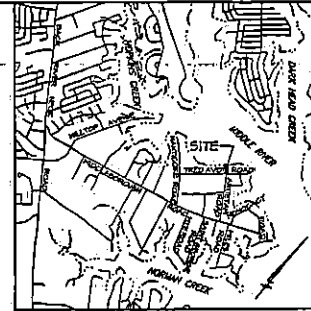
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The improvements thereon being known as No. 2036 Tred Avon Rd, Essex MD 21221

EXHIBIT B



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE RECORDED PLAT.
2. THE IMPROVEMENTS SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS FILES ORTC1 & ORCA1.
3. CENSUS TRACT: 4504 REGIONAL PLANNING DISTRICT: ESSEX
4. WATERSHED: MIDDLE RIVER
5. SCHOOL DISTRICT: ELEMENTARY - MIDDLEBOROUGH; MIDDLE - DEEP CREEK HIGH - CHESAPEAKE
6. A.D.C. MAP # 6820; 452201
7. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
9. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
10. THE SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
11. A PORTION OF THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
12. 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 NEUMILLER
2036 TRED AVON ROAD
BALTIMORE, MARYLAND 21221
443-841-8418

PLAT TO ACCOMPANY A PETITION FOR SPECIAL HEARING NEUMILLER PROPERTY

2036 TRED AVON ROAD
Deed Ref: J.L.E. No. 38474 folio 500
LOT 51 & EASTERLY 1/2 OF LOT 52
"MIDDLE BOROUGH"

PLAT BOOK M.P.C. No. 4, FOLIO 191
Tax Account Nos.: 15-11-570300 & 15-11-570301
Zoned DR 3.5; GIS Tiles 097C1 & 098A1
Tax Map 0097; Grid 0012; Parcel 0373; Lot 51
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=80'

Date: DECEMBER 21, 2018

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21206
(410) 823-4470

License Expires/Renewed 2/26/21

REVISION	DATE	DRAWN BY	CHECKED BY	FILE/JOB/NAME/Rev./Tred Avon/Neumiller/gerh

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

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

WITNESS: _____

State of Maryland, County of Baltimore to wit:

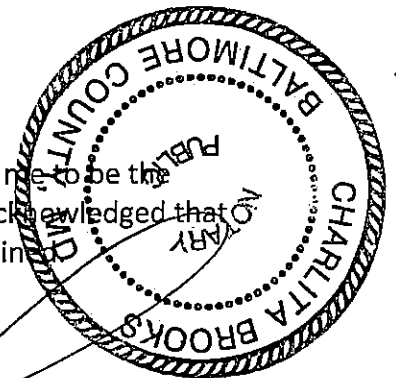
I hereby certify that on this 31st October day of 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared ERIN K. Neimiller & Thomas B. Neimiller

Thomas B. Neimiller
Erin K. Neimiller

The declarants herein, who are also the owners of this property, known to me to be the persons whose names are subscribed to the within instrument, and who acknowledged that 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: 8/4/2021



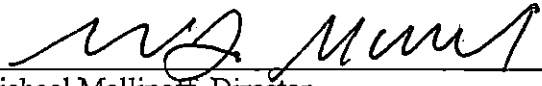
[Signature]

Notary Public



The Declaration of Understanding for the Accessory Apartment at:

2036 Tred Avon Road, Essex, Maryland 21221
Address of property

is approved: 
Michael Mallinoff, Director
Department of Permits, Approvals and Inspections

2-25-20
Date

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 4 day of March, 2020, that Erin Neimiller located at 2036 Tred Avon Rd should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a/ an Accessory
apartment case # 2019-0504-SPH

IRA. Mumf
Permit (or Receipt) Number
B967673

Revised 10/17/11

IRA. Mumf
Director, Permits, Approvals and Inspections

Planner's Initials gh

CERTIFICATE OF POSTING

Date: NOVEMBER 23, 2109

RE: Project Name: 2036 TRED AVON ROAD #1
Case Number /PAI Number: 2019-0504-SPH
Petitioner/Developer: NEIMILLER
Date of Hearing/Closing: DECEMBER 13, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2036 TRED AVON ROAD

The sign(s) were posted on NOVEMBER 22, 2019
(Month, Day, Year)

Nov 22, 2019 1:15:39 PM

ZONING NOTICE

CASE NO. 2019-0504-SPH

2036 TRED AVON ROAD

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

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

TIME: FRIDAY, DECEMBER 13, 2019 @ 11:00 AM

SPECIAL HEARING FOR AN ACCESSORY (IN-LAW)
APARTMENT AND USE PERMIT WITHIN A
DETACHED ACCESSORY BUILDING

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permit
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, MD 21204
(410) 552-3700

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. VIOLATIONS ARE HANDLED BY ACCESS UNIT

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

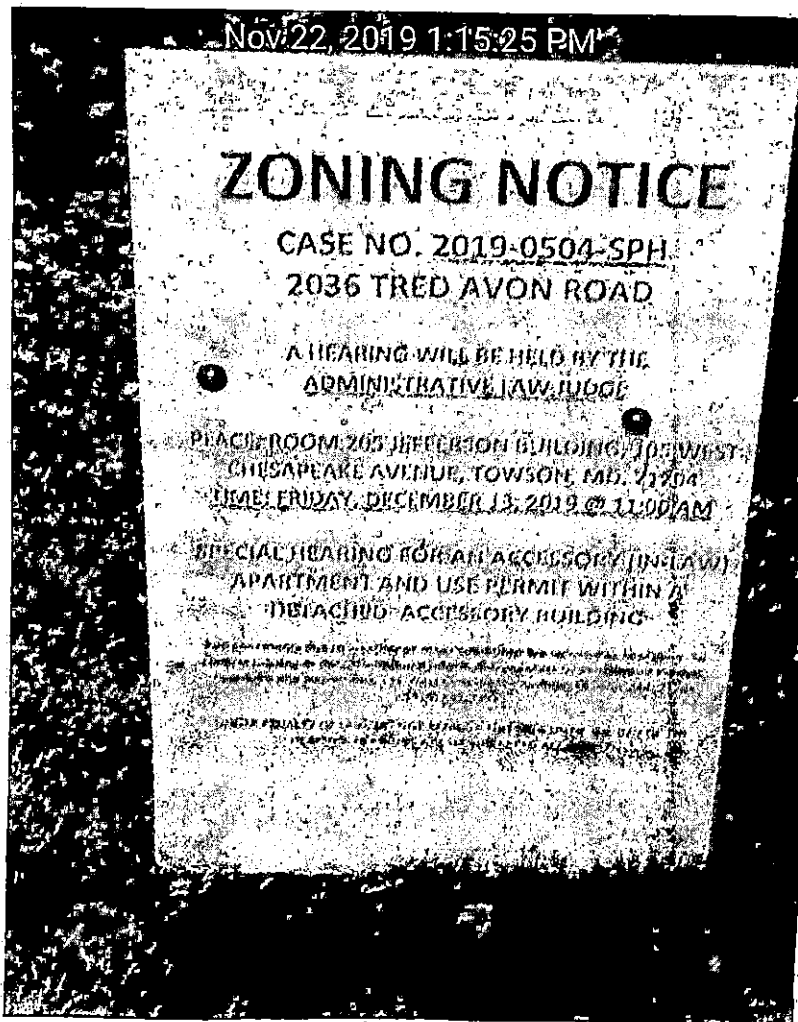
CERTIFICATE OF POSTING

Date: NOVEMBER 23, 2019

RE: Project Name: 2036 TRED AVON ROAD #2
Case Number /PAI Number: 2019-0504-SPH
Petitioner/Developer: NEIMILLER
Date of Hearing/Closing: DECEMBER 13, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2036 TRED AVON ROAD

The sign(s) were posted on NOVEMBER 22, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
2036 Tred Avon Road; NW/S of Tred Avon *
Road, Opposite Antietam Road * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Thomas & Erin Neimiller * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-504-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

NOV 05 2019

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 5th day of November, 2019, a copy of the foregoing Entry of Appearance was mailed to Thomas & Erin Neimiller, 2036 Tred Avon Road, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

Please forward billing to:
Erin Neimiller
2036 Tred Avon Road
Essex, MD 21221

443-841-6418

NOTICE OF ZONING HEARING

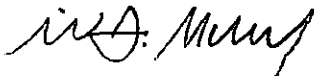
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0504-SPH

2036 Tred Avon Road
NW/s of Tred Avon Road, opposite of Antietam Road
15th Election District – 7th Councilmanic District
Legal Owners: Thomas & Erin Neimiller

Special Hearing for an accessory (in-law) apartment and use permit, within a detached accessory building.

Hearing: Friday, December 13, 2019 at 11:00 a.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.



JOHN A. OLSZEWSKI, JR.
County Executive

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

November 13, 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:

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2036 Tred Avon Road
NW/s of Tred Avon Road, opposite of Antietam Road
15th Election District – 7th Councilmanic District
Legal Owners: Thomas & Erin Neimiller

Special Hearing for an accessory (in-law) apartment and use permit, within a detached accessory building.

Hearing: Friday, December 13, 2019 at 11:00 a.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: Mr. & Mrs. Neimiller, 2036 Tred Avon Road, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 23, 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.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

11/22/2019

Order #: 11816291
Case #: 2019-0504-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0504-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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2036 Tred Avon Road

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15th Election District - 7th Councilmanic District

Legal Owners: Thomas & Erin Neimiller

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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.

n22

**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: 2019-0504-SPH
Property Address: 2036 Tred Avon Road
Property Description: NW 1/4 of Tred Avon Road, Opposite Antietam Road
Legal Owners (Petitioners): Thomas & Erin Neimiller
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Erin Neimiller
Company/Firm (if applicable): _____
Address: 2036 Tred Avon Rd
Essex MD 21221
Telephone Number: 443-841-6418

12-13

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NOV 26 2019

OFFICE OF
ADMINISTRATIVE HEARINGS**BALTIMORE COUNTY, MARYLAND**
INTER-OFFICE MEMORANDUM

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

DATE: 11/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-504

INFORMATION:

Property Address: 2036 Tred Avon Road
Petitioner: Thomas B. Neimiller, Erin K. Neimiller
Zoning: DR 3.5
Requested Action: Special Hearing

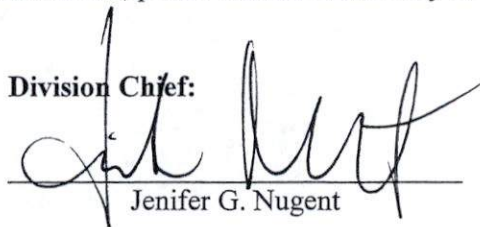
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the administrative law judge should approve an accessory in law apartment and use permit pursuant to Section 400.4.B of the Baltimore County Zoning Regulations (BCZR) within a detached accessory building.

A site visit was conducted on 11/13/2019. The site is located in the Middleborough community. The lot has water frontage on Middle River and the accessory building is located in the rear of the lot on Tred Avon Road.

The Planning Department has no objection to the request and offers the following comments:

1. Language stating that the living quarters are only available for family members should be contained in the order as a condition.
2. The statement on the site plan that states that the zoning relief requested is to allow a home occupation should be corrected to state that the zoning relief is requested to allow an accessory in law unit.

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

Division Chief:
Jenifer G. Nugent

CPG/JGN/LTM/

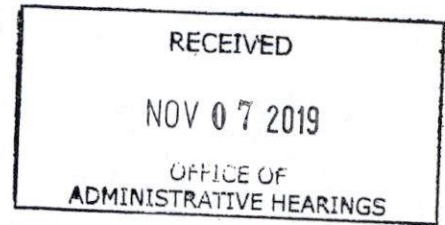
c: Laurie Hay
Thomas B. Niemiller
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/16/19
By sen

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 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0504-SPH
Address 2036 Tred Avon Road
(Neimiller Property)

Zoning Advisory Committee Meeting of **November 1, 2019.**

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 and is subject to Critical Area lot coverage requirements. The applicant is proposing a home occupation in an existing detached accessory structure. If the property is in compliance with Critical Area lot coverage requirements, the relief requested can result in minimal impacts to water quality. The lot coverage on this property cannot exceed 4,863 square feet. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). All site plans need to show all existing lot coverage on the property.

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

This waterfront property is located within a Modified Buffer Area (MBA) within the Critical Area. The subject accessory structure is located outside the Critical

ORDER RECEIVED FOR FILING
Date 12/16/19
By AM

Area buffer. If the property is in compliance with MBA requirements, impacts to fish, wildlife, and plant habitat can be minimal.

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 applicant's proposal can be consistent with this goal, and the relief requested can be consistent with established land-use policies provided that the applicant meets the Critical Area requirements stated above.

Reviewer: Paul Dennis, Environmental Impact Review



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 Fred Ave Rd Essex, MD 21221 which is presently zoned DR 35
 Deed References: S.L.E. No. 38974, File 800 10 Digit Tax Account # 1511572300
 Property Owner(s) Printed Name(s): Thomas B. Neimiller and Erin K. 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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an accessory (in-law) apartment and use permit pursuant to Section 400.4, B, BC2R within a detached accessory building.

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)

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):

Thomas B. Neimiller Erin K. Neimiller
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

2036 Fred Ave Rd, Essex MD 2
 Mailing Address City State

21221, 410-841-6418, erin.neimiller@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Samuel
 Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0504-SPM Filing Date 11/1/2019

Do Not Schedule Dates: _____ Reviewer J

REV. 10/4/11

ORDER RECEIVED FOR FILING
 12/16/19
 [Signature]

EXHIBIT A

Zoning Property Description for 2036 Tred Avon Rd, Essex MD 21221

Beginning at a point on the north side of Tred Avon Rd, which is 75 feet wide at a distance of 5 feet north of the centerline of the nearest improved intersecting street Antietam Rd which is 15 feet wide.

Beginning for the first thereof, being known as designated as Lot No. 51, as shown on the Plat of the property of Middleborough Land Corporation of Baltimore County and which Plat is recorded among the Land Records of Baltimore Count in Plat Book W.P.C. No. 4, folio 191.

Beginning for the second thereof, being known and designated as the easterly $\frac{1}{2}$ of Lot No. 52, as shown on the Plat of Middleborough which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 191.

The improvements thereon being known as No. 2036 Tred Avon Rd, Essex MD 21221

2019-0504-SPH

DRAFT COPY

Declaration of Understanding

This declaration of understanding is made on this 31th day of October 2019, by and between Thomas and Erin Neimiller and the Department of Permits, Approvals and Inspections.

A. Thomas and Erin Neimiller, who are the owners of this property have filed an application for a special hearing to add an accessory In-Law apartment in an accessory building on the same owner-occupied property. The proposed accessory building is located at the street on the right side. Although the structure has been completed, the building is vacant. The property being located at 2036 Tred Avon Rd, Essex Maryland 21221 and is more particularly described by metes and bounds in Exhibit A and Exhibit B attached hereto and made a part hereof. The property is zoned DR 3.5, which is the particular zone in which the property is located.

B. PAI has approved the Declaration request to create an Accessory Apartment completed with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory building apartment will be the housing for:

Marylou Ford – Grandparent

Dillon Neimiller – Son

Collin Neimiller – Son

The other residents of the property are:

Thomas Neimiller – Father

Erin Neimiller – Mother

Collin Neimiller – Son

Daniel Neimiller – Son

Christina Neimiller – Daughter

Emily Neimiller – Daughter

Taylor Ingoglia – Daughter

The use permit must be renewed with PAI every two years by filling a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of Thomas and Erin Neimiller'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.

Now, Therefore, in consideration of the premises and other good and valuable consideration, the receipt of sufficiency of which are hereby acknowledge, Thomas and Erin Neimiller and PIA hereby declare as follows:

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

2014-0504-SPH

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 the immediate family member listed in this Declaration and it is not to be used as an independent residential unit, nor sit 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 Land Records.

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.

Upon use permit termination:

IN the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

Thomas and Erin Neimiller upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

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

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.

EXHIBIT A

Zoning Property Description for 2036 Tred Avon Rd, Essex MD 21221

Beginning at a point on the north side of Tred Avon Rd, which is 75 feet wide at a distance of 5 feet north of the centerline of the nearest improved intersecting street Antietam Rd which is 15 feet wide.

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The improvements thereon being known as No. 2036 Tred Avon Rd, Essex MD 21221

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

WITNESS: _____

State of Maryland, County of Baltimore to wit:

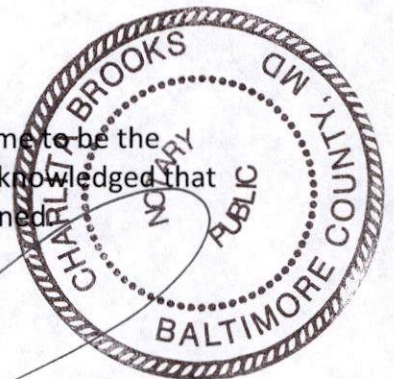
I hereby certify that on this 31st of October day of 2019, before the Subscriber,
a Notary Public of State of Maryland, personally appeared Erin K. Neimiller & Thomas B. Neimiller

Thomas B. Neimiller
Erin K. Neimiller

The declarants herein, who are also the owners of this property, known to me to be the persons whose names are subscribed to the within instrument, and who acknowledged that 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: 8/4/2021



Chantel Brooks
Notary Public



The Declaration of Understanding for the Accessory Apartment at:

Address of property

is approved: _____

Michael Mallinoff, Director
Department of Permits, Approvals and Inspections

Date

Clerk of the Circuit Court for
Baltimore County

County Courts Building

401 Bosley Avenue, PO BOX 6754
Towson, MD 21285-6754

(410)887-2601

LR - Declaration/Covenant Recording Fee
1x 20.00 20.00

Declarant Name: Neimiller

LR - Surcharge
1x 40.00 40.00

SubTotal: 60.00
Total: 60.00

CRD-Credit 60.00
Credit Card Confirmation : 07581D

03/04/2020 12:23
#13484548/542/67

CC03-SK

JULIE L. ENSOR
Clerk of the Court

2019-0504-SPH

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

No. 192013

PAID RECEIPT

Date:

11/1/2019

BUSINESS ACTUAL TIME DRW
11/04/2019 11/01/2019 10:43:11 3

REG W503 WALKIN CAM
>>RECEIPT H 037222 11/01/2019 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount	
001	806	0000		8150				75.00	192013
									Receipt Tot. \$ 75.00
									75.00 CK .00 CA
									Baltimore County, Maryland

Total: 75.00

Rec From: Erin Neimiller
For: Special Hearing - 2036 Tred Avon Road
2019-0504-SPH (Neimiller)

DISTRIBUTION

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

CASHIER'S
VALIDATION

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

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 _____)

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CB 1800641)

PRIOR ZONING

(Case No. 2019-0200-SPH)

NEWSPAPER ADVERTISEMENT

Date: 11/22/19SIGN POSTING (1st)Date: 11/22/19by BillingsleySIGN POSTING (2nd)Date: 12/9/19by " "

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

✓ JS 1-14-19

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2036 Tred Avon Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Thomas & Erin Neimiller	*	ADMINISTRATIVE HEARINGS
Legal Owners		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0200-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 Thomas and Erin Neimiller, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit a home occupation in an existing improved detached accessory building as more particularly shown on the site plan marked and admitted as Petitioners' Exhibit 1.

Petitioners and surveyor Scott Lindgren appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioners. Several neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability ("DEPS") and the Department of Planning ("DOP"). Neither agency opposed the request.

The subject property is 15,511 square feet in size and is zoned DR 3.5. Petitioners recently constructed a new single-family dwelling and detached accessory building on the site. When attempting to obtain an occupancy permit for the accessory building Petitioners were informed by a county inspector that the structure was in fact "living quarters" since it has a bathroom, shower and kitchen.

As stated at the outset of the hearing this is an unusual case. The petition was filed after Petitioners received a code citation for converting a garage into living quarters. The neighbors in attendance, however, do not oppose the bathroom, shower or other facilities in the structure. Instead, the neighbors believe Petitioners will use the building in connection with their general contracting business, which could generate a large volume of heavy equipment and truck traffic and perhaps storage of equipment and materials in the garage.

Petitioners' counsel is correct the accessory building itself is lawful and complies with the height and area restrictions in the BCZR. The question concerns what use is made of that structure. Petitioners obviously cannot store on site or in the accessory building construction vehicles, materials or supplies; that would constitute a "contractor's equipment storage yard" or "construction equipment storage yard," neither of which is permitted in the DR 3.5 zone.

Petitioners stated the building will be used as an office for their business. They believe the use would be permitted by right in the zone as a "home occupation" pursuant to BCZR Section 1B01.1.A.18. The BCZR specifies a home occupation must be "conducted entirely within a dwelling," BCZR §101.1. I do not believe such a use can be conducted in a detached building, since it would undercut the fundamental attribute of a home occupation; *i.e.*, that the use be "incidental to the main use of the building for dwelling purposes." *Id.*

In addition, I do not believe a business office as described by Petitioners would qualify as a "home occupation." The Zoning Commissioner's Policy Manual ("ZCPM") explains there must be a nexus between the household/dwelling and the home occupation at issue. The ZCPM provides that "the use must be of a domestic nature," and that manual lists "ironing or washing of clothes, sewing or dress making, and/or cooking" as examples that would satisfy the definition. ZCPM, p. 1-18. The manual states that computers and other modern devices can be used in connection with

a home occupation so long as their use is "associated in some way with the normal domestic functions of the dwelling." *Id.* In my opinion the use described by Petitioners constitutes a normal business office, not a "home occupation" as that term is defined under the BCZR.

THEREFORE, IT IS ORDERED this 24th day of **July, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to permit a home occupation in an existing improved detached accessory building, be and is hereby DENIED.

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:slh

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Tax Exempt: None		Special Tax Recapture: None								
Exempt Class: None										
Account Identifier:		District - 15 Account Number - 1511570300								
Owner Information										
Owner Name:		NEIMILLER THOMAS NEIMILLER ERIN KATHLEEN				Use: Principal Residence:		RESIDENTIAL 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:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0097	0012	0373	15070062.04	0000			51	2018	Plat Ref:	0004/ 0191
Special Tax Areas: None					Town:		None			
					Ad Valorem:		None			
					Tax Class:		None			
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	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
2	YES	STANDARD UNIT	SIDING/	5	5 full/ 1 half	2 Attached				
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2019		07/01/2020		
Land:			200,500	200,500						
Improvements			645,900	652,600						
Total:			846,400	853,100		850,867		853,100		
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		07/01/2019		07/01/2020				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt: None		Special Tax Recapture: None								
Exempt Class: None										
Homestead Application Information										
Homestead Application Status: Denied										
Homeowners' Tax Credit Application Information										



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 2, 2019

Thomas B. Nemiller
2036 Tred Avon Road
Essex MD 21221

RE: Case Number: 2019-0504-SPH, 2036 Tred Avon 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 November 01, 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/ki

Enclosures

c: People's Counsel

12-13

RECEIVED

NOV 26 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 11/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-504

INFORMATION:

Property Address: 2036 Tred Avon Road
Petitioner: Thomas B. Neimiller, Erin K. Neimiller
Zoning: DR 3.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the administrative law judge should approve an accessory in law apartment and use permit pursuant to Section 400.4.B of the Baltimore County Zoning Regulations (BCZR) within a detached accessory building.

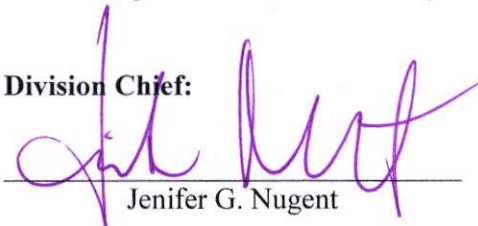
A site visit was conducted on 11/13/2019. The site is located in the Middleborough community. The lot has water frontage on Middle River and the accessory building is located in the rear of the lot on Tred Avon Road.

The Planning Department has no objection to the request and offers the following comments:

1. Language stating that the living quarters are only available for family members should be contained in the order as a condition.
2. The statement on the site plan that states that the zoning relief requested is to allow a home occupation should be corrected to state that the zoning relief is requested to allow an accessory in law unit.

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

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/

c: Laurie Hay
Thomas B. Niemiller
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-13-19

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 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0504-SPH
Address 2036 Tred Avon Road
(Neimiller Property)

Zoning Advisory Committee Meeting of November 1, 2019.

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 and is subject to Critical Area lot coverage requirements. The applicant is proposing a home occupation in an existing detached accessory structure. If the property is in compliance with Critical Area lot coverage requirements, the relief requested can result in minimal impacts to water quality. The lot coverage on this property cannot exceed 4,863 square feet. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). All site plans need to show all existing lot coverage on the property.

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

This waterfront property is located within a Modified Buffer Area (MBA) within the Critical Area. The subject accessory structure is located outside the Critical

Area buffer. If the property is in compliance with MBA requirements, impacts to fish, wildlife, and plant habitat can be minimal.

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 applicant's proposal can be consistent with this goal, and the relief requested can be consistent with established land-use policies provided that the applicant meets the Critical Area requirements stated above.

Reviewer: Paul Dennis, Environmental Impact Review

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 11/7/19

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

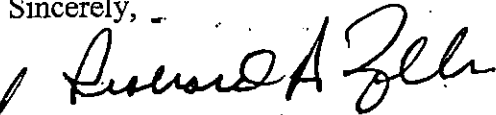
Dear Ms. Lewis:

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. 2019-0504-SPH

*Special Hearing
Thomas B. Nemiller & Erink Nemiller
2036 Ted Avon 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

PM 12-13-19
11Am

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Monday, December 9, 2019 5:40 PM
To: Administrative Hearings
Cc: Erin Neimiller
Subject: 2036 TRED AVON ROAD CASE NO. 2019-0504-SPH
Attachments: Scan_0568.pdf

CAUTION: This message from dwb0209@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

POSTING RECERTIFICATION ATTACHED
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL

CERTIFICATE OF POSTING

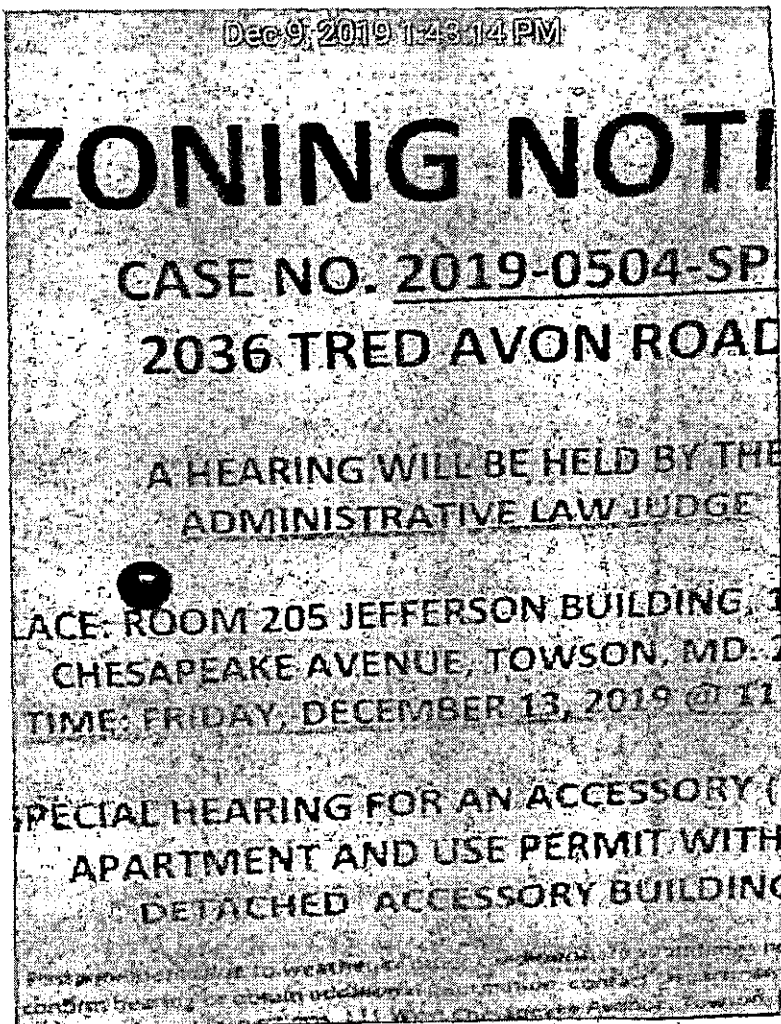
12/9/19 RECERTIFY
Date: NOVEMBER 23, 2109

RE: Project Name: 2036 TRED AVON ROAD #1
Case Number /PAI Number: 2019-0504-SPH
Petitioner/Developer: NEIMILLER
Date of Hearing/Closing: DECEMBER 13, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2036 TRED AVON ROAD

The sign(s) were posted on

12/9/19 RECERTIFY
NOVEMBER 22, 2019
(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

12/9/19 RECERTIFY

Date: NOVEMBER 23, 2109

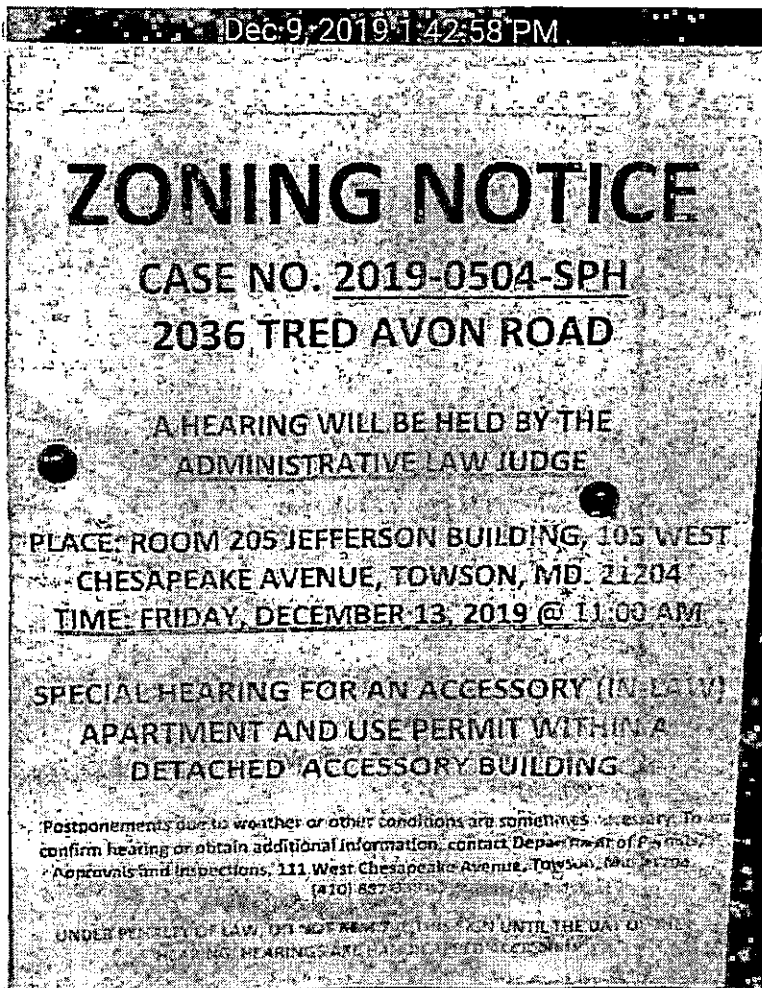
RE: Project Name: 2036 TRED AVON ROAD #2
Case Number /PAI Number: 2019-0504-SPH
Petitioner/Developer: NEIMILLER
Date of Hearing/Closing: DECEMBER 13, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2036 TRED AVON ROAD

The sign(s) were posted on _____

12/9/19 RECERTIFY
NOVEMBER 22, 2019

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

BALTIMORE COUNTY MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE:

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

From: Matt Gawel
Chief Building Inspector

SUBJECT: Item No:

Legal Owner/Petitioner: *Neiniller Thomas & Eric*

Contract Purchaser:

Property Address: *2036 Tred Ave Rd.*

Location Description: *Essex, MD 21221*

VIOLATION INFORMATION:

Case No.: *CB1800641*

Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case.

When the petition is for a public hearing, please notify the following person(s) regarding the hearing date:

NAME

ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint intake form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☒ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kristin Lewis in Room 111 in order that the appropriate action may be taken relative to the violation case.

Zoning Form

410 821 0070
LARRY SCHMIDT. UPDATE / MESSAGE FORM

DATE: _____

INSPECTOR: _____

CASE: _____

ADDRESS: 2036 Treed Avon

COMMENTS: 5.14.19 - JJK - No updates provided since
2.12.19. No zoning hearing scheduled. No
permit obtained. Citation issued for
failure to comply \$18000 penalty

Hearing 5/29/19.

A/C 5/28/19. (LK)

6.6.19 - JJK - Larry Schmidt has zoning
Hearing on 7/19/19. 2/ 7/22/19 (LK)

6.17.19 - JJK - Larry Schmidt USPS mailed a
summary letter to update case to the zoning
Hearing date of 7/19/19. Same A/C

7.25.19 - JJK - Attorney updated inspector about
variance hearing. Waiting for order from
ALJ. Beverungen. Entered into Envision
A/C 8/9/19. (LK)

11.1.19 - JJK - Mrs. Weimiller requested 90 day
extension for special variance. A/C 2/1/20
20



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1800641

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1800641	John Krach	09/13/2018	09/13/2018	Monitor	10/30/2018	

Complaint Description: Constructed living quarters with full kitchen in garage without obtaining permits or inspections.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
2036 TRED AVON RD ESSEX, MD 21221 Tax Id: 1511570300	NEIMILLER THOMAS NEIMILLER ERIN KATHLEEN 2036 TRED AVON RD BALTIMORE, MD 21221	John Krach 410-887-3953

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
John Krach	09/13/2018	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
John Krach	09/25/2018	Re-Inspection	Monitor	Monitor	
John Krach		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

9/13/2018: 9/5/18 While performing a final inspection on new residence (B928258) the inspector on new residence (B867957) converted into living quarters, including full kitchen. Permit B867957 never received a completion and expired 12/30/16.

9/13/18 Correction Notice posted to violation site and a copy of mailed to homeowner. R/C 9/27/18 ***JJK/lk

9/25/2018: Mr. Neimiller contacted inspector. He will apply for new dwelling permit today. Fine to be addressed after permit obtained. R/C 10/31/18. ***JJK/sph

11-2-18-JJK- Permit B952488 rec'd Refusal approval for use and occupancy for main dwelling. M.G. contacted. home owner. w/ update. R/C 12/3/18 (LP)

4-5-19 JJK- Left message w/ Attorney Larry Schmidt to return call w/ update. R/C 4/12/19



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1800641

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1800641	John Krach	09/13/2018	09/13/2018	Inspection Scheduled		

Complaint Description: Constructed living quarters with full kitchen in garage without obtaining permits or inspections.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
2036 TRED AVON RD ESSEX, MD 21221 Tax Id: 1511570300	NEIMILLER THOMAS NEIMILLER ERIN KATHLEEN 2036 TRED AVON RD BALTIMORE, MD 21221	John Krach 410-887-3953

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
John Krach		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

9.5.18-JJK- While performing a final inspection on New Residence (B928258); the inspector found a garage (B867957) converted into living quarters, including full kitchen. Permit B867957 never rec'd a completion and expired 12/30/16.

9.13.18-JJK- C.N. posted to violation site and a copy of C.N. mail to Home owner. R/c 9/27/18 LP

9.25.18-JJK- Mr. Neimiller contacted Inspector. He will be apply for new dwelling permit today. R/c 10/31/18. Fine to be addressed after permit obtain

CODE ENFORCEMENT REPORT

DATE: 9 / 13 / 18 INTAKE BY: LK CASE#: 1800641 INSPEC: JJK

COMPLAINT
LOCATION: 2036 Tread Arrow Rd.

ZIP CODE: _____ DIST: _____

COMPLAINT
NAME: Belt Co PHONE#: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Constructed living quarters w/ full kitchen
in garage w/ obtaining permits & inspection

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT
INFORMATION _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

John Krach

From: John Krach
Sent: Friday, November 01, 2019 3:08 PM
To: 'Erin Neimiller'
Subject: RE: Accessory Building

Erin,
As long as progress continues, I will grant the 90 day extension. Please keep me updated along the way.

-John

From: Erin Neimiller [mailto:erin.neimiller@gmail.com]
Sent: Friday, November 01, 2019 1:50 PM
To: Matt F. Gawel <mgawel@baltimorecountymd.gov>; John Krach <jkrach@baltimorecountymd.gov>; Tom Neimiller <tomneimiller@aol.com>
Subject: Accessory Building

CAUTION: This message from erin.neimiller@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.

Good afternoon,

Today I filed for a special hearing in an accessory structure (in-law apartment) see attached. I have an outstanding violation and I would greatly appreciate if your office could grant me 90 days to have this hearing heard and finally permitted.

I will notify your office with a hearing date.

Best regards,
Erin
443-841-6418

--

Erin Neimiller
American Home Services, Inc.
2036 Tred Avon Rd. Essex, MD 21221



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 Fred Arm Rd Essex, MD 21221 which is presently zoned AR 35
Deed References: S.L.E. No 389,74, Glib 1P Digit Tax Account # 15LL572300
Property Owner(s) Printed Name(s) Thomas B. Nunniller and Erik Nunniller

(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 an accessory (in-law) apartment and use permit pursuant to Section 400.4.B, BCZR within an accessory building.
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)

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

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):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0504-SPH Filing Date 11/1/2019 Do Not Schedule Dates: _____

Reviewer JNP

REV. 10/4/11

John Krach

From: John Krach
Sent: Thursday, July 25, 2019 7:54 AM
To: 'Alyssa Moyers'
Subject: RE: Neimiller/2036 Tred Avon Road

Alyssa,
I appreciate the update. I will update the complaint file.

John

From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Monday, July 22, 2019 2:02 PM
To: John Krach <jkrach@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Zachary J. Wilkins <zwilkins@sgs-law.com>
Subject: Neimiller/2036 Tred Avon Road

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

Mr. Krach,

Per your request, I am updating you on the above matter. We went before the Administrative Law Judge John Beverungen on Friday, July 19th for the zoning relief discussed to remedy the issues raised in the citation. We are awaiting an order which is typically issued by ALJ Beverungen 7-10 business days following a hearing.

We will forward it along to you as soon as we receive the same. Thanks.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 **Please consider the environment before printing this email.**

John Krach

From: Debra Wiley
Sent: Thursday, February 21, 2019 10:57 AM
To: Alyssa Moyers; John E. Beverungen
Cc: Lawrence Schmidt; Peter Max Zimmerman; Kristen L Lewis; Sherry Nuffer; John Krach
Subject: RE: 2019-0200-SPH

Good Morning,

As you're aware, Appendix G of the BCZR addresses postponement requests. Your request should be directed to the Director of PAI since it's more than 5 business days from the scheduled date of the hearing.

Thank you.

From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Thursday, February 21, 2019 10:47 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; John Krach <jkrach@baltimorecountymd.gov>
Subject: 2019-0200-SPH

Mr. Beverungen,

Please see the attached. Thank you.

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH

*Admitted in MD, FL, PA

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

February 21, 2019

Sent Via Email and First Class Mail

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

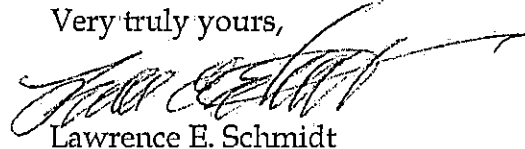
Re: Case No. 2019-0200-SPH
2036 Tred Avon Road
Legal Owners: Thomas and Erin Neimiller

Dear Judge Beverungen,

I am in receipt of the Notice of Zoning Hearing in connection with the above referenced matter. I understand that this matter has been scheduled for a hearing on March 14, 2019 beginning at 10:00 a.m. We are currently exploring other avenues to attempt to resolve the issues raised in the Correction Notice (Citation Case No: CB1800641). If resolved, the relief requested in the Petition for Special Hearing would no longer be needed and this matter would be moot. As such, we would appreciate this matter being postponed to a later date at the convenience of the Administrative Law Judge's calendar.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Kristen Lewis, Zoning Review, 111 W. Chesapeake Ave, Rm 111, Towson, MD 21204
John Krach, Code Inspections & Enforcement, 111 W. Chesapeake Ave, Towson, MD 21204



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 12, 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: 2019-0200-SPH

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

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Thomas & Erin Neimiller, 2036 Tred Avon Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 22, 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.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH**

*Admitted in MD, FL, PA

**Admitted in MD, NC

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS

of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

June 12, 2019

Sent Via E-Mail and Regular Mail

Mr. John Krach, Inspector
Bureau of Code Enforcement
Department of Approvals, Inspections and Permits
of Baltimore County
County Office Building
Room 213
Towson, MD 21204

RE: Neimiller, Tom & Erin - 2036 Tred Avon Road
Code Citation C01800641

Dear Mr. Krach::

This letter is to follow up your recent phone conversation with our offices regarding the above citation issued for the property known as 2036 Tred Avon Road (the "Property").

By way of background, on May 14, 2019, you issued a Code Enforcement Citation charging the owners of the Property (i.e. my clients, Thomas and Erin Neimiller) with violations of County law related to an accessory structure (detached garage) on the Property. Generally, these violations related to the use of the structure without my clients obtaining the requisite permits and inspections in advance. This Citation was issued after you determined that the Nielmillers had not corrected these alleged violations in accordance with the Correction Notice that you issued on September 13, 2018.

Our offices were engaged by the Neimillers in November 2018, shortly after the Correction Notice was issued. When our offices reviewed the Correction Notice, we instructed the Neimillers to apply for and obtain the necessary permit(s) for the detached garage with the Baltimore County Department of Approvals, Inspections and Permits in accordance with the appropriate Code provisions.

Mr. John Krach, Inspector

June 12, 2019

Page 2

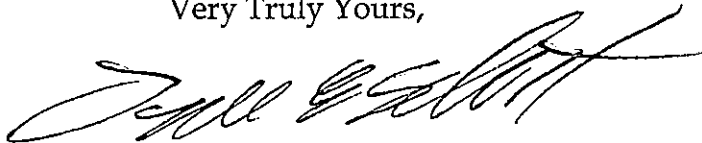
My clients thereafter applied for the permit. When the permit was taken to the Zoning Office for review, the reviewer there informed the Neimillers that the Department would not sign off on the building permit until the Neimillers filed for a zoning hearing before Administrative Law Judge John Beverungen and receive zoning approval for the detached garage. Specifically, the Zoning Office indicated that ALJ Beverungen had to approve the use of the garage as a facility for a "home occupation" in accordance with the regulations for the D.R. zone.

In accordance with these instructions, a site plan was prepared, the hearing application drafted and a petition for a zoning hearing for the detached garage was filed by our offices on January 2, 2019 and was assigned the following Case No.: 2019-0200-SPH. The zoning hearing was scheduled for March 14, 2019. While awaiting this date, our offices received a call from Carl Richards in Zoning that the zoning hearing may not actually be necessary. He explained that his office might be able to sign off on the permit without a hearing, depending upon the nature of facilities located in the garage. Thus, we believed that the detached garage could come into zoning compliance without the need for a zoning hearing in front of Administrative Law Judge John Beverungen.

In an effort to resolve the zoning issues with the Zoning Office without a hearing and in accordance with Mr. Richards' advice, our offices requested a postponement of the March 14, 2019 zoning hearing. This postponement was granted. We investigated the particulars of the garage and advised Mr. Richards of the nature of improvements. Unfortunately, after further evaluation, he advised that the hearing would be required and our offices then requested that the zoning hearing (Case No.: 2019-0200-SPH) be scheduled for a hearing before Administrative Law Judge John Beverungen. Recently, we have been advised that the zoning hearing for approval of the detached garage is now scheduled for July 19, 2019.

I will advise you after the hearing as to the results thereof. Typically, Mr. Beverungen issues a written opinion within 7-10 days of the hearing. We continue to work through these issues in order to bring this matter to a satisfactory conclusion for all. Please contact me if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized, flowing script.

Lawrence E. Schmidt

LES:

Enclosure

CC: Mr. and Mrs. Neimiller

S. SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH

*Admitted in MD, FL, PA

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS

of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

May 30, 2019

Sent Via Email and First Class Mail

Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections
County Office Building
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

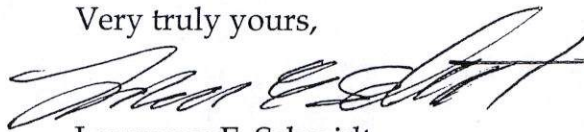
Re: Case No. 2019-0200-SPH
2036 Tred Avon Road
Legal Owners: Thomas and Erin Neimiller

Dear Director Mallinoff,

I am writing to follow up on the above referenced matter. We requested a postponement of the March 14, 2019 in February as we were exploring other avenues to attempt to resolve the issues raised in the Correction Notice (Citation Case No: CB1800641). However, those issues have not been resolved and we intend to move forward with the Special Hearing. As such, we would appreciate this matter being set back in for a hearing before the Administrative Law Judge as soon as possible.

Thank you for your courtesy. I look forward to hearing from your office with a new hearing date.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Kristen Lewis, Zoning Review, 111 W. Chesapeake Ave, Rm 111, Towson, MD 21204
John Krach, Code Inspections & Enforcement, 111 W. Chesapeake Ave, Towson, MD 21204

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code inspections and enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB1800641 Property No. 1511570300 Zoning: _____

Name(s): Neimiller Thomas

Neimiller Erin

Address: 2036 Tred Avon Rd

Baltimore, MD 21221

Violation Location: 2036 Tred Avon Rd

Baltimore, MD 21221

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
- \$1000 penalty to be paid prior to obtaining permit
- Detached garage constructed with permit B067957
expired on 12/30/16 without obtaining required
completion inspection
- Detached garage converted into living quarters,
including full kitchen, without obtaining required
permits and inspections.
- Obtain ALL required permits and inspections for
detached accessory structure.

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

ON OR BEFORE: 09 / 27 / 18 DATE ISSUED: 09 / 13 / 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 KRACH

STOP WORK NOTICE

PURSUANT TO INSPECTION 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

Baltimore County
Department of Permits,
Approvals And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

Citation Case No. CG1800641 Facility No. _____ Property No. 1511570300 Zoning: _____

Name(s): Neimiller Thomas
Neimiller Erin Kathleen

Address: 2036 Fred Avon Rd
Baltimore MD 21221

Violation Location: 2036 Fred Avon Rd
Baltimore MD 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2015 Baltimore County Council Bill 40-15 part 121.3

Failure to comply with the Building Official's order issued
in a correction notice dated 09/13/19 to obtain
ALL required permit and inspection on accessory
structure

Permit B3867957 was issued on 12/30/15 for
detached garage and enclosed, with no completion
approval, on ~~12/30/16~~ 12/30/16. A second dwelling was
constructed instead with no building, electric or plumbing permit.

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.

\$ 18,000

A quasi-judicial hearing has been pre-scheduled in the Jefferson Building, Room 205, 105 W. Chesapeake Avenue, Towson, MD 21204

DATE: 05/29/19 TIME: 9:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: John Krach

Inspector Signature: [Signature]

Date: 05/14/19

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

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 11:06:03 5
 REC 1000 WALKIN LRG
 >>RECEIPT # 957704 1/02/2019 OFLA
 Dept 5 503 ZONING VERIFICATION
 17747

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				\$150.00

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

Total: **\$150.00**

Rec From:

For:

2036 TREED AVON RD

209-0200-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 12, 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: 2019-0200-SPH

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

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Thomas & Erin Neimiller, 2036 Tred Avon Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 22, 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.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
*Admitted in MD, FL, PA

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

February 22, 2019

Sent Via Email and First Class Mail

Michael Mohler
Acting Director, Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

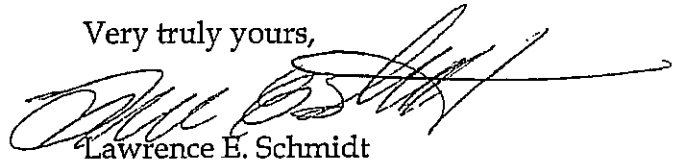
Re: Case No. 2019-0200-SPH
2036 Tred Avon Road
Legal Owners: Thomas and Erin Neimiller

Dear Director Mohler,

I am in receipt of the Notice of Zoning Hearing in connection with the above referenced matter. I understand that this matter has been scheduled for a hearing on March 14, 2019 beginning at 10:00 a.m. We are currently exploring other avenues to attempt to resolve the issues raised in the Correction Notice (Citation Case No: CB1800641). If resolved, the relief requested in the Petition for Special Hearing would no longer be needed and this matter would be moot. As such, we would appreciate this matter being postponed to a later date at the convenience of the Administrative Law Judge's calendar.

Thank you for your courtesy. I look forward to hearing from you.

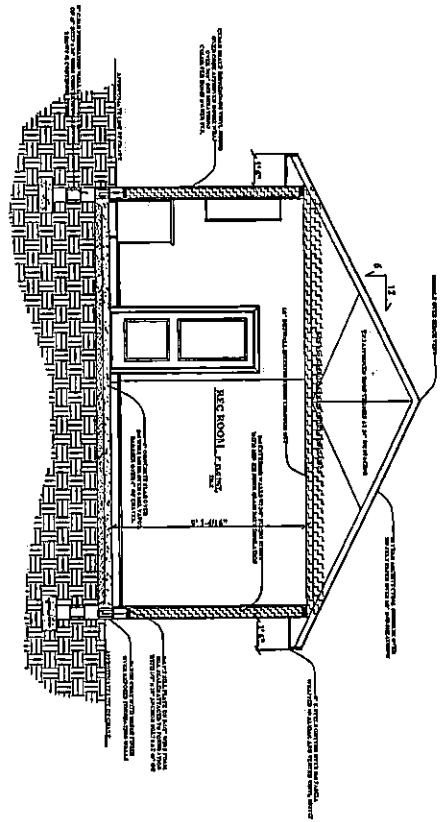
Very truly yours,



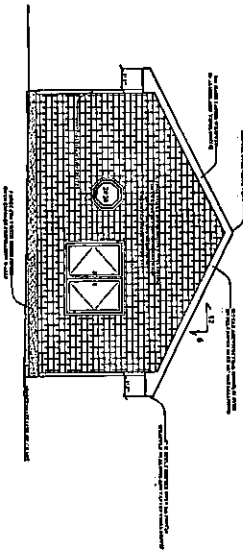
Lawrence E. Schmidt

LES/amf

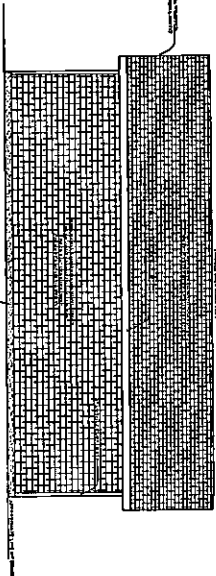
cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Kristen Lewis, Zoning Review, 111 W. Chesapeake Ave, Rm 111, Towson, MD 21204
John Krach, Code Inspections & Enforcement, 111 W. Chesapeake Ave, Towson, MD 21204



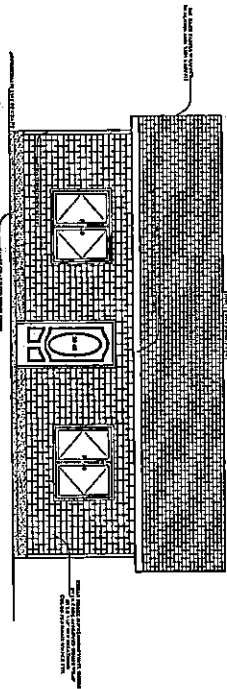
BUILDING SECTION
SCALE: 1/8" = 1'



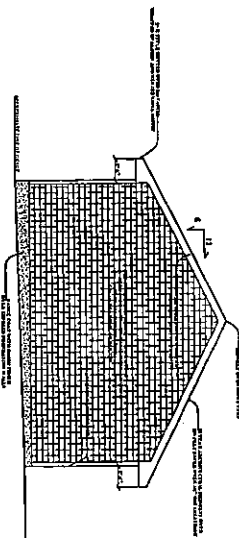
LEFT ELEVATION



REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION

REVISIONS BY	DATE
RB	3/20/19

RB Home Design
2061 D MOUNT HOREB RD STREET MD 21154
REHOMEDSIGN@HOTMAIL.COM
443-613-5115

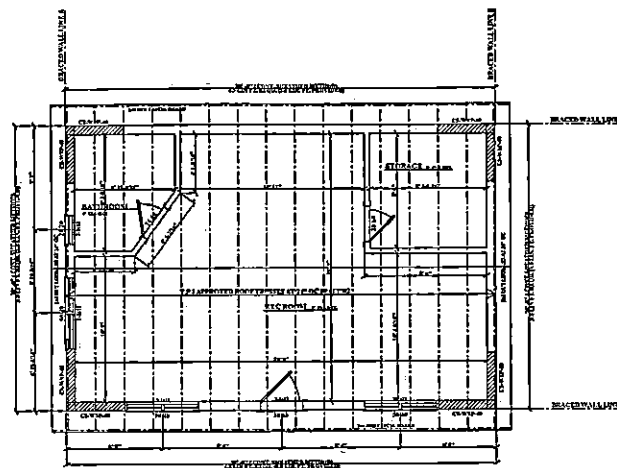
**THE NEIMILLER RES.
REC HOUSE
2036 TRED AVON RD
ESSEX MD 21221**

THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS TO BE CONFIRMED AND CORRELATED AT SITE FOR INFORMATION THAT PERTAINS SOLELY TO THE FABRICATION PROCESSES OR TO THE MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION OF THE WORK OF ALL TRADES

RB HOME DESIGNS
DATE : 3/20/19
SCALE: 1/4" = 1'
DRAWN :
R. BREDLOW
EXTERIOR ELEVATIONS
SHEET NO.

A-1

- 2015 IRC CODE COMPLIANCE**
- R402.1 Climate zone 4A
- R402.2 Compliance Method
Mandatory and Prescriptive Provisions
- R402.1.1 Vapor Barrier
Wall assemblies in the building thermal envelope shall comply with vapor barrier requirements of Section R702.7 of the International Residential Code, 2015 Edition.
- R402.1.2 Airtight Envelope
R-49
- R402.1.3 Wood Frame Walls
R-20 or R-13 + R-5 continuous insulation.
- R402.1.4 Insulating Wall Installation
R-25-18 Full Panel Continuous, uninterrupted from Top to Bottom
- R402.1.5 Cavity Space Wall Installation
R-13-18 Full Panel Continuous from Top to Bottom extending from floor above to finish grade level and then vertically or horizontally to adjacent 2" air space
- R402.1.6 Floor Installation over Unfinished Basement
R-13 full insulation
- R402.1.7 Windows (U-Value) SHGC
U-0.35 (U-Value)
SHGC 0.45 (SHGC)
- R402.1.8 Slab on Grade Floor Less Than 12" Below Grade
R-10 Slab on Grade Floor Less Than 12" Below Grade or 2" air space
- R402.1.9 Air Airtightness
Air airtightness shall be continuous and unbroken R-49
- R402.1.10 Building Thermal Envelope (Air Leakage)
Exterior walls and penetration shall be tested per this section of the 2015 IRC with each, gaskets, weatherstripping or an air barrier of suitable material. Sealing methods between dissimilar materials shall allow for differential expansion and contraction.
- R402.1.11 Building Thermal Envelope Tightness Test
Building envelopes shall be tested and certified as having an air leakage rate of not exceeding 1 air change per hour. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 with blower doors at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building inspector.
- R402.1.12 Remote Lighting
Remote lighting shall be installed in the building thermal envelope shall be tested to meet air leakage.
- R402.1.13 Thermal
All building envelopes shall have at least (1) programmable thermostat for each separate heating and cooling system per 2015 IRC Section 403.1.1.
- R402.1.14 When a (1) zone system having supplementary climate controls used to heat the thermostat shall prevent the supplementary heat from causing an when heat pump can meet heating load.
- R402.1.15 Mechanical Duct Installation
Supply and Return Ducts in Attic R-49 minimum, R-49 when less than 2 inches. Supply and Return Ducts within conditioned spaces R-49 minimum. All other ducts except those located completely inside the building thermal envelope R-49 minimum. Ducts located inside conditioned spaces shall meet R-49 minimum.
- R402.1.16 Duct Sealing
All ducts, hot ducts, cold ducts shall be sealed. Joints and seams shall comply with Section 403.1.1 of the IRC.
- R402.1.17 Airtightness and "Duct Leakage" shall be tested and certified as having an air leakage rate of not exceeding 1 air change per hour. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 with blower doors at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building inspector.
- R402.1.18 Mechanical Ventilation
Outdoor (make-up and exhaust) air ducts to be provided with automatic or gravity device that closes when the ventilation system is not operating.
- R402.1.19 Whole-house mechanical ventilation system, fan efficiency to comply with TABLE R402.1.1.
- R402.1.20 Equipment Listing shall comply with R402.2.
- R402.1.21 Lighting Equipment
A minimum of 75% of all lamps (lighting) must be high-efficacy lamps.
- This contractor shall be responsible for providing Certificates of Compliance and affixing to electrical panel or within a foot of the electrical panel and to readily visible.



REC HOUSE FLOOR PLAN
BRACED WALL PLAN

BRACED WALL CONSTRUCTION
TOP OF WALL WITH STRUCTURAL PANELS SHALL BE SET TO FINISH WITH 4" OC AT PANEL EDGES AND 16" OC AT INTERMEDIATE JOINTS. THE WALL SHALL BE 16" OC DOUBLE TOP PLATE WITH 16" OC DOUBLE TOP PLATE AND 16" OC DOUBLE TOP PLATE. THE WALL SHALL BE 16" OC DOUBLE TOP PLATE WITH 16" OC DOUBLE TOP PLATE AND 16" OC DOUBLE TOP PLATE. THE WALL SHALL BE 16" OC DOUBLE TOP PLATE WITH 16" OC DOUBLE TOP PLATE AND 16" OC DOUBLE TOP PLATE.

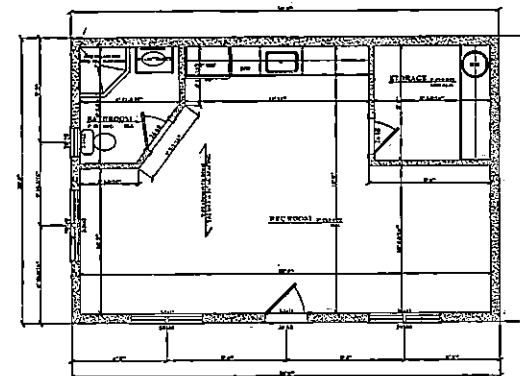
LEGEND
C3-WP CONTINUOUS SHEATHING - WOOD
C3-WP STRUCTURAL PANEL (ALUMINUM)
C3-WP 4" PARALLEL WALL (ALUMINUM)
C3-WP CONTINUOUS SHEATHING PORTAL FRAME
C3-WP ALTERNATE BRACED WALL
C3-WP 16" (18 STUDS)
C3-WP 48" (18 STUDS)
TIE DOWN DEVICE (-LBS)

WALL BRACING DESIGN INFO
LOCATION: BALTIMORE COUNTY, MARYLAND
WIND SPEED: 115 MPH
SEISMIC CATEGORY: B
METHOD: (WOOD SHEATHING) / CONTINUOUS SHEATHING
METHOD: (CONCRETE BRACE)

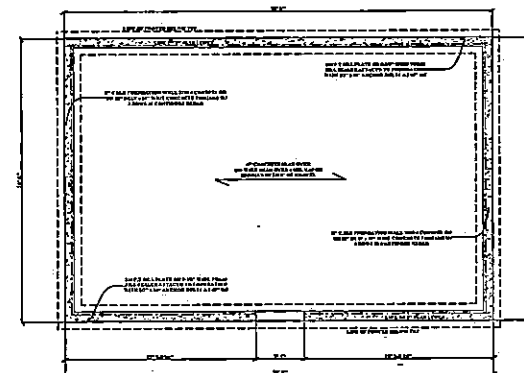
*THESE DRAWINGS ARE LIMITED TO THE WALL BRACING REQUIREMENTS ONLY

EXTERIOR WALLS TO BE 2x6 @ 16" OC W/ DOUBLE TOP PLATE
INTERIOR BEARING WALLS TO BE MIN. 2x4 @ 16" OC W/ DOUBLE TOP PLATE
INTERIOR NON BEARING WALLS TO BE 2x4 @ 16" OC W/ DOUBLE TOP PLATE

R402.10.4 CONTINUOUS SHEATHING - BRACED WALL LIVES WITH CONTINUOUS SHEATHING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THIS SECTION. ALL BRACED WALL LIVES ALONG EXTERIOR WALLS OF THE SAME STORY SHALL BE CONTINUOUSLY SHEATHED.



REC HOUSE FLOOR PLAN



FOUNDATION PLAN

REVISIONS BY
3/20/19 RB

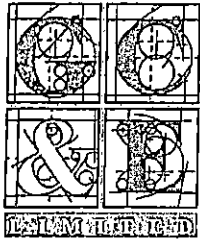
RB Home Design
2061 D MOUNT HOBBS RD STREET MD 21154
443-613-5115

THE NEIMILLER RES.
REC HOUSE
2036 TRED AVON RD
ESSEX MD 21221

THE CONTRACTOR IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE DESIGN OF THE FOUNDATION AND ALL TRADES

RB HOME DESIGNS
DATE: 3/20/19
SCALE: 1/4" = 1'
DRAWN: R. BREDLOW
REC HOUSE PLANS
SHEET NO.

A-2



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

October 24, 2018

Mr. Matthew Gawel
County Office Building
111 W. Chesapeake Avenue, Room G-21
Towson, MD 21204

Re: Neimiller Property, 2036 Tred Avon Road
Citation Case No. CB1800641

Dear Mr. Gawel,

Today I met with Mr. & Mrs. Neimiller to discuss the situation with their detached structure. They have engaged our firm to work with them to acquire the necessary approvals.

Sincerely,

Scott A. Lindgren
Principal
Maryland Professional Land Surveyor #21081

John Krach

From: Erin Neimiller <erin.neimiller@gmail.com>
Sent: Friday, October 26, 2018 4:34 PM
To: Matt F. Gawel
Cc: John Krach
Subject: Re: Neimiller - 2036 Tred Avon Rd
Attachments: American Home Services, 2036 Tred Avon Rd, 2015 Code-pass.pdf

Matt

I was able to forward you the blower report. (also attached in this email) Can you let me know if you are willing to move forward with issuing the deck permit and have the inspection on the footers (we would like to secure the structure).

Erin

On Fri, Oct 26, 2018 at 3:15 PM Erin Neimiller <erin.neimiller@gmail.com> wrote:

I had energy service complete the test today. I will send the report shortly today

On Fri, Oct 26, 2018 at 3:09 PM Matt F. Gawel <mgawel@baltimorecountymd.gov> wrote:

Erin,

The report that we are going to need is called a blower door and duct tightness test. This test is done on the HVAC system and will be done by a certified company. Hopefully your HVAC installer or building already had this done. I am forgoing this requirement for now so that the occupancy permit may be issued for the house, however I will need this report before the issue with the garage is finalized. This will give you time to either find the paper work or have the test done. If you have any questions feel free to call me.

From: Erin Neimiller [mailto:erin.neimiller@gmail.com]

Sent: Friday, October 26, 2018 2:37 PM

To: Matt F. Gawel <mgawel@baltimorecountymd.gov>; John Krach <jkrach@baltimorecountymd.gov>

Cc: Tom Neimiller <tomneimiller@aol.com>

Subject: Re: Neimiller - 2036 Tred Avon Rd

Good afternoon,

I have attached the Window and insulation reports.

Thanks,

Erin

1063

On Thu, Oct 25, 2018 at 4:14 PM Erin Neimiller <erin.neimiller@gmail.com> wrote:

Your Schedule New Inspection request was processed successfully.

Your confirmation number is: 3525791

The inspection date is: 10/26/2018

On Thu, Oct 25, 2018 at 4:13 PM Erin Neimiller <erin.neimiller@gmail.com> wrote:

I called in the final inspection for permit # B952488. (The alteration to complete)

Thanks,

Erin

On Wed, Oct 24, 2018 at 2:49 PM Erin Neimiller <erin.neimiller@gmail.com> wrote:

Good afternoon,

I want to thank you for taking the time to meet with Tom and I today. Again, I want to apologize for not following the County's procedures. I have secured an engineer firm. They will be sending you correspondence today stating we have retained their services.

The U&O will be called in tomorrow for final inspection on Friday. I will have the 3 items completed tomorrow (house number, garage step and secure the block walls to the patio) to obtain the final inspection. Once the final inspection is completed I will follow up with you to see if you would consider moving forward with the deck permit.

Thank you for your assistance,

Erin

443-841-6418

--

Erin Neimiller

American Home Services, Inc.

2036 Tred Avon Rd. Essex, MD 21221

--

Erin Neimiller

American Home Services, Inc.

2036 Tred Avon Rd. Essex, MD 21221

--

Erin Neimiller

American Home Services, Inc.

2036 Tred Avon Rd. Essex, MD 21221



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Erin Neimiller

American Home Services, Inc.

2036 Tred Avon Rd. Essex, MD 21221

1082

John Krach

From: Matt F. Gawel
Sent: Friday, November 02, 2018 7:46 AM
To: Erin Neimiller
Cc: John Krach
Subject: RE: 2036 Tred Avon Rd, Essex MD 21221

Erin,

I will have the deck permit issued today. With that being said I want an update on the where you stand with the garage no later than Dec. 3 2018. I will postpone the hearing until further notice. If at any time I feel that progress is not being made on resolving the issues with the garage I will have a hearing scheduled and a fine imposed. Communication is going to be the key to getting this resolved.

Once you receive the deck permit please dig next to each post and expose the footer and call for an inspection. Once this inspection is approved then construction may commence on the deck. If the inspector is not comfortable with the condition of the sub-soil we may require that the footings be certified by a licensed engineer.

As always if you have any questions feel free to contact me.

From: Erin Neimiller [mailto:erin.neimiller@gmail.com]
Sent: Thursday, November 01, 2018 3:39 PM
To: Matt F. Gawel <mgawel@baltimorecountymd.gov>
Subject: Re: 2036 Tred Avon Rd, Essex MD 21221

Good afternoon,

Please let me know if you were able to issue the permit for the deck.

Thanks

On Thu, Nov 1, 2018 at 9:22 AM Erin Neimiller <erin.neimiller@gmail.com> wrote:

----- Forwarded message -----

From: Scott Lindgren <slindgren@gcelimited.net>
Date: Mon, Oct 29, 2018 at 3:26 PM
Subject: Re: 2036 Tred Avon Rd, Essex MD 21221
To: Erin Neimiller <erin.neimiller@gmail.com>

Erin,

I just got back from the Zoning Office. I spoke with Joe Merrey. He does not believe any Variance is required. He believes we need to apply for a Special Hearing to allow an office in a detached accessory structure currently used as living quarters. He cautioned that employees are not permitted to visit a home office for any reason. He said it is up to the Administrative Law Judge that hears the request to determine if the kitchen can remain. I should be able to have the plan prepared in a few days. Due to the community opposition Joe recommended that you hire a good Zoning Attorney to represent you.

Scott

On Fri, Oct 26, 2018 at 7:38 AM, Scott Lindgren <slindgren@gcelimited.net> wrote:

2012

Erin,

I am going to the Zoning Office on Monday to determine exactly what variance request we need to apply for.

Scott

On Thu, Oct 25, 2018 at 9:56 AM, Erin Neimiller <erin.neimiller@gmail.com> wrote:

Good morning,

I hate to bother you Siri soon. Could you let me know the timeframe we are looking at to submit the variance to zoning? I need to update Matt from building inspections daily.

On Wed, Oct 24, 2018 at 2:33 PM Erin Neimiller <erin.neimiller@gmail.com> wrote:

This is perfect, thank you so much!

On Wed, Oct 24, 2018 at 2:32 PM Scott Lindgren <slindgren@gcelimited.net> wrote:

Erin,

Please review the attached letter. I know it is short and sweet but I think it may do the trick to keep them at bay while we work through it.

Scott

On Tue, Oct 23, 2018 at 4:09 PM, Erin Neimiller <erin.neimiller@gmail.com> wrote:

Hi Scott, I'm trying to file paperwork with the Zoning office at Baltimore County. My name is Erin Neimiller, my number is 443-841-6418, my husband is Tom Neimiller, his number is 410-375-2050. My husband has built a Office on our property that was permitted for a residential detached garage. We are looking to have a Variances hearing. I do not intend to use the office (garage) as a living space and my objective is to not have it as a second residence. Would you be able to assist me in completing the hearing paperwork? I have included a copy of the original permit, copy of the complaint, a copy of the petition for zoning hearing, the application instructions, my property tax data, 2 graphs of the area.

Thank you for your assistance in this matter,
Erin

--

Erin Neimiller

2036 Tred Avon Rd. Essex, MD 21221

--

Scott A. Lindgren
MD Professional Land Surveyor 21081
Principal
Gerhold, Cross & Etzel, Ltd.
Suite 100
320 E. Towsontown Boulevard

John Krach

From: John Krach
Sent: Thursday, November 15, 2018 7:39 AM
To: 'Erin Neimiller'
Subject: RE: 2036 Tred Avon Rd, Essex MD 21221

Mrs. Neimiller,

Thank you for the update. There is no need for a framing inspection if I can see all of the connections when the deck is complete. If this is the case, you can just request a completion inspection.

John Krach

From: Erin Neimiller [mailto:erin.neimiller@gmail.com]
Sent: Wednesday, November 14, 2018 4:27 PM
To: Matt F. Gawel <mgawel@baltimorecountymd.gov>
Cc: John Krach <jkrach@baltimorecountymd.gov>
Subject: Re: 2036 Tred Avon Rd, Essex MD 21221

Good afternoon,

Tom has retained an attorney, Larry Schmidt. He will be submitting the paperwork for the garage changes later this week. I will keep you posted.

John - Do you want to do a framing inspection on the deck? If so, I will be calling it in today. Otherwise, I will move on and call in the final if you prefer.

Thanks,
Erin

On Fri, Nov 2, 2018 at 7:51 AM Erin Neimiller <erin.neimiller@gmail.com> wrote:

Thank you for your email. I will follow up on the garage.
I will call in an inspection today. Do you know who would be coming out?

Thanks,
Erin

On Fri, Nov 2, 2018 at 7:46 AM Matt F. Gawel <mgawel@baltimorecountymd.gov> wrote:

Erin,

I will have the deck permit issued today. With that being said I want an update on the where you stand with the garage no later than Dec. 3 2018. I will postpone the hearing until further notice. If at any time I feel that progress is not being made on resolving the issues with the garage I will have a hearing scheduled and a fine imposed. Communication is going to be the key to getting this resolved.

Once you receive the deck permit please dig next to each post and expose the footer and call for an inspection. Once this inspection is approved then construction may commence on the deck. If the inspector is not comfortable with the condition of the sub-soil we may require that the footings be certified by a licensed engineer.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH

*Admitted in MD, FL, PA

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS

of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

February 21, 2019

Sent Via Email and First Class Mail

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

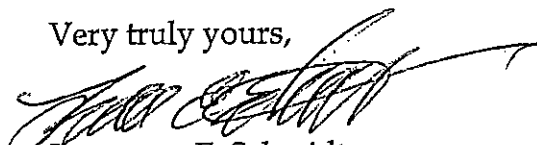
Re: Case No. 2019-0200-SPH
2036 Tred Avon Road
Legal Owners: Thomas and Erin Neimiller

Dear Judge Beverungen,

I am in receipt of the Notice of Zoning Hearing in connection with the above referenced matter. I understand that this matter has been scheduled for a hearing on March 14, 2019 beginning at 10:00 a.m. We are currently exploring other avenues to attempt to resolve the issues raised in the Correction Notice (Citation Case No: CB1800641). If resolved, the relief requested in the Petition for Special Hearing would no longer be needed and this matter would be moot. As such, we would appreciate this matter being postponed to a later date at the convenience of the Administrative Law Judge's calendar.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Kristen Lewis, Zoning Review, 111 W. Chesapeake Ave, Rm 111, Towson, MD 21204
John Krach, Code Inspections & Enforcement, 111 W. Chesapeake Ave, Towson, MD 21204



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, Director
Department of Permits,
Approvals & Inspections

February 12, 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: 2019-0200-SPH

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

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Thomas & Erin Neimiller, 2036 Tred Avon Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 22, 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.**

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 CITATION

Citation Case No. C01800641 Facility No. _____ Property No. 1511570300 Zoning: _____

Name(s): Neimiller Thomas

Neimiller Erin Kathleen

Address: 2036 Tred Avon Rd

Baltimore, MD 21221

Violation Location: 2036 Tred Avon Rd

Baltimore, MD 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2015 Baltimore County Council Bill 40-15 part 121.3

Failure to comply with the Building Official's order issued
on a correction notice dated 09/13/19 to obtain
ALL required permits and inspections on accessory
structure.

Permit B867957 was issued on 12/30/15 for
detached garage and expired, with no completion
approval, on ~~01/13~~ 12/30/16. A second dwelling was
constructed instead with no building, electric, or plumbing permit.

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.
\$ 18,000

A quasi-judicial hearing has been pre-scheduled in the Jefferson Building, Room 205, 105 W. Chesapeake Avenue, Towson, MD 21204

DATE: 05 / 29 / 19 TIME: 9:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: JOHN KRACH

Inspector Signature: [Signature]

Date: 05 / 14 / 19

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

NOTICE TO DEFENDANT

1. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.

2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.

3. If administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.

4. (a) Civil penalty a lien.

(1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.

(2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed shall:

(i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or

(ii) May be collected in the same manner as any civil money judgment or debt may be collected.

(b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in §3-6-402 of this subtitle.

5. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.

6. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.

7. A filing fee of \$225.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition.

See Baltimore County Code: 3-6-302

8. Inclement weather procedure: Should the Baltimore County Circuit Court be closed for weather, all code enforcement hearings will be cancelled and rescheduled.

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. CB1800641 Property No. 1511520300 Zoning: _____

Name(s): Weimiller Thomas
Weimiller Erin

Address: 2036 Tred Avon Rd
Baltimore, MD 21221

Violation Location: 2036 Tred Avon Rd
Baltimore, MD 21221

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
- \$1000 penalty to be paid prior to obtaining permit
- Detached garage constructed with permit B867957
expired on 12/30/16 without obtaining required
completion inspection
- Detached garage converted into living quarters,
including full kitchen, without obtaining required
permits and inspections.
- Obtain ALL required permits and inspections for
detached accessory structure.

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

ON OR BEFORE: 09/27/18 DATE ISSUED: 09/13/18

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 KRACH

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.

Case No.: 2019-0504-SPH 2036 Tred Avon Rd.

Exhibit Sheet

Petitioner/Developer

ISW
1-16-2020

Protestants

Sen
12-16-19

No. 1	Site Plan	
No. 2	Photo of Accessway	
No. 3	Photo of Neighbor's Accessway Bldg.	
No. 4	Photo of other Neighbor's Acc. Bldg.	
No. 5	Letter	
No. 6	Letter	
No. 7	Letter	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

FEMA FLOOD ZONE "AE/EL 61"
MAP 240010-04456, MAY 5, 2014

BALTIMORE COUNTY
FLOODPLAIN
BFE 4 (85) 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

20'±

EX.
1 STORY
DWELLING

AREA
15511 SQ. FT.
0.36 Ac.±

EXISTING
2 STORY
DWELLING

EXISTING
BUILDING
(VACANT)
HEIGHT
14.5'
3'±

CHARLES A. SOMMERS, 3rd
VIRGINIA L. SOMMERS
R.D.A., Jr. No. 24858 folio 45
LOT 50 "SECOND AMENDED
PLAT, LOTS 49 AND 50,
"MIDDLEBOROUGH"
PLATBOOK J.L.E. No. 179 folio 164
2100 TRED AVON ROAD

EX.
2 STORY
DWELLING

EX.
GARPORT

EX.
SHED

TRED AVON ROAD

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
COMPLETION INSPECTION

PERMIT #B867957, EXPIRED ON 12/20/16 WITHOUT
COMPLETION INSPECTION

LICENSE EXPIRES/RENEWS 2/26/21

LICENSE RENEWAL DATED	7/9/19
REVISION	DATE

ZONING RELIEF REQUESTED:
~~TO ALLOW A HOME OCCUPATION IN A DETACHED ACCESSORY BUILDING~~
To allow an in-law accessory apartment R.M.

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 097C1 & 098A1
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

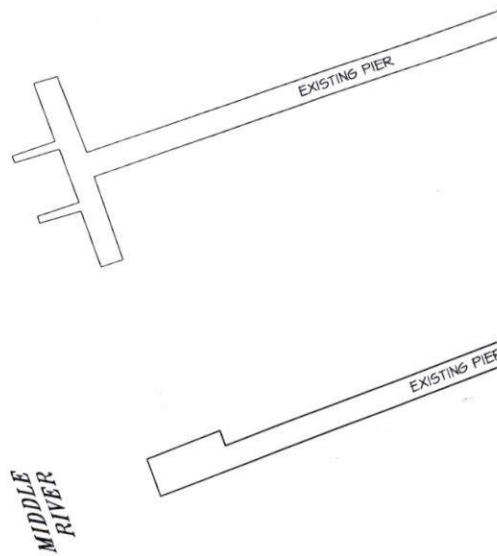
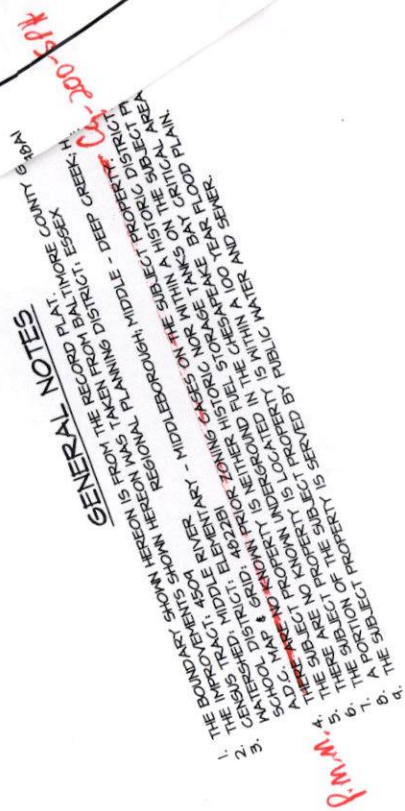
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

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

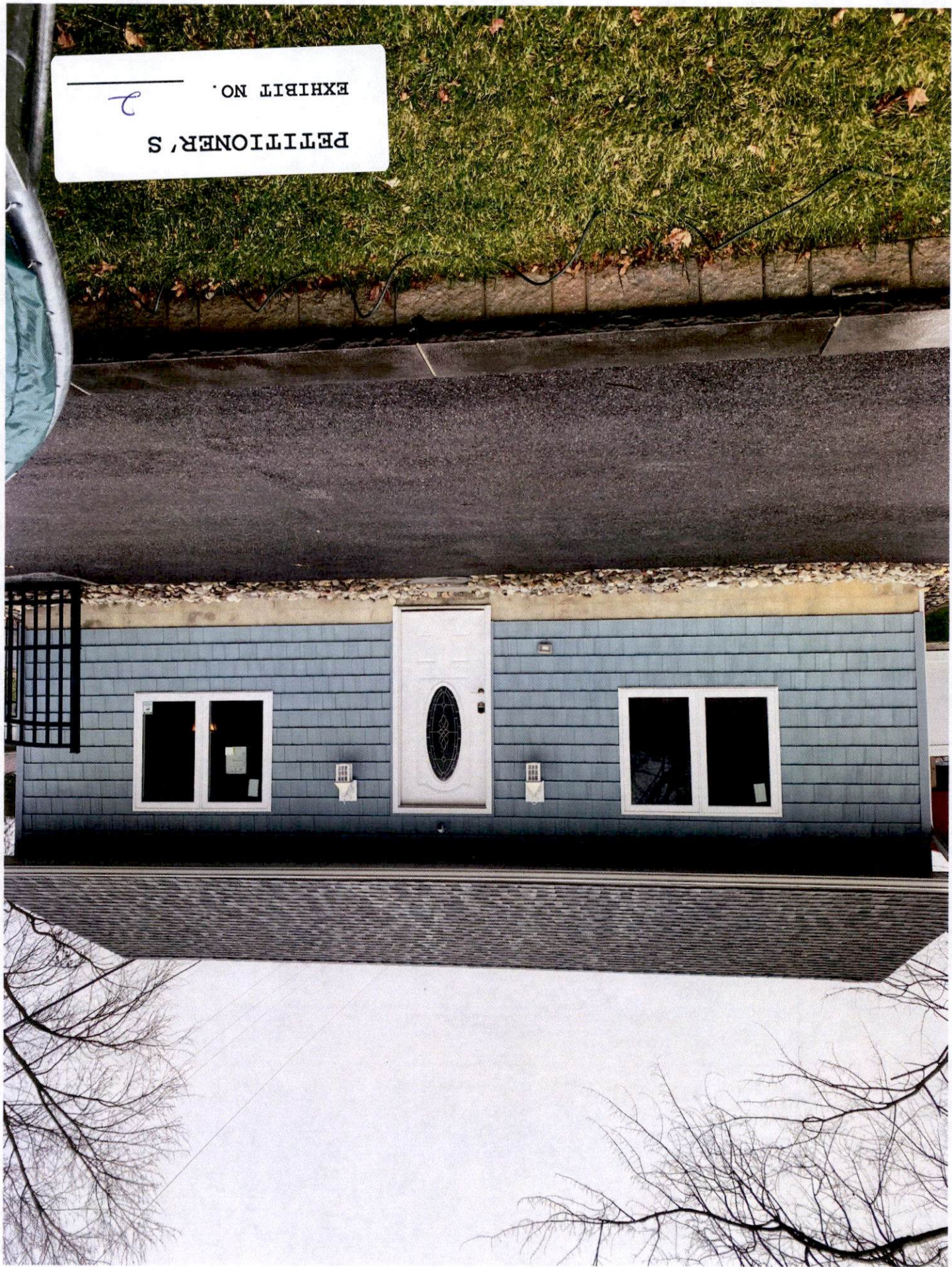
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PETITIONER'S

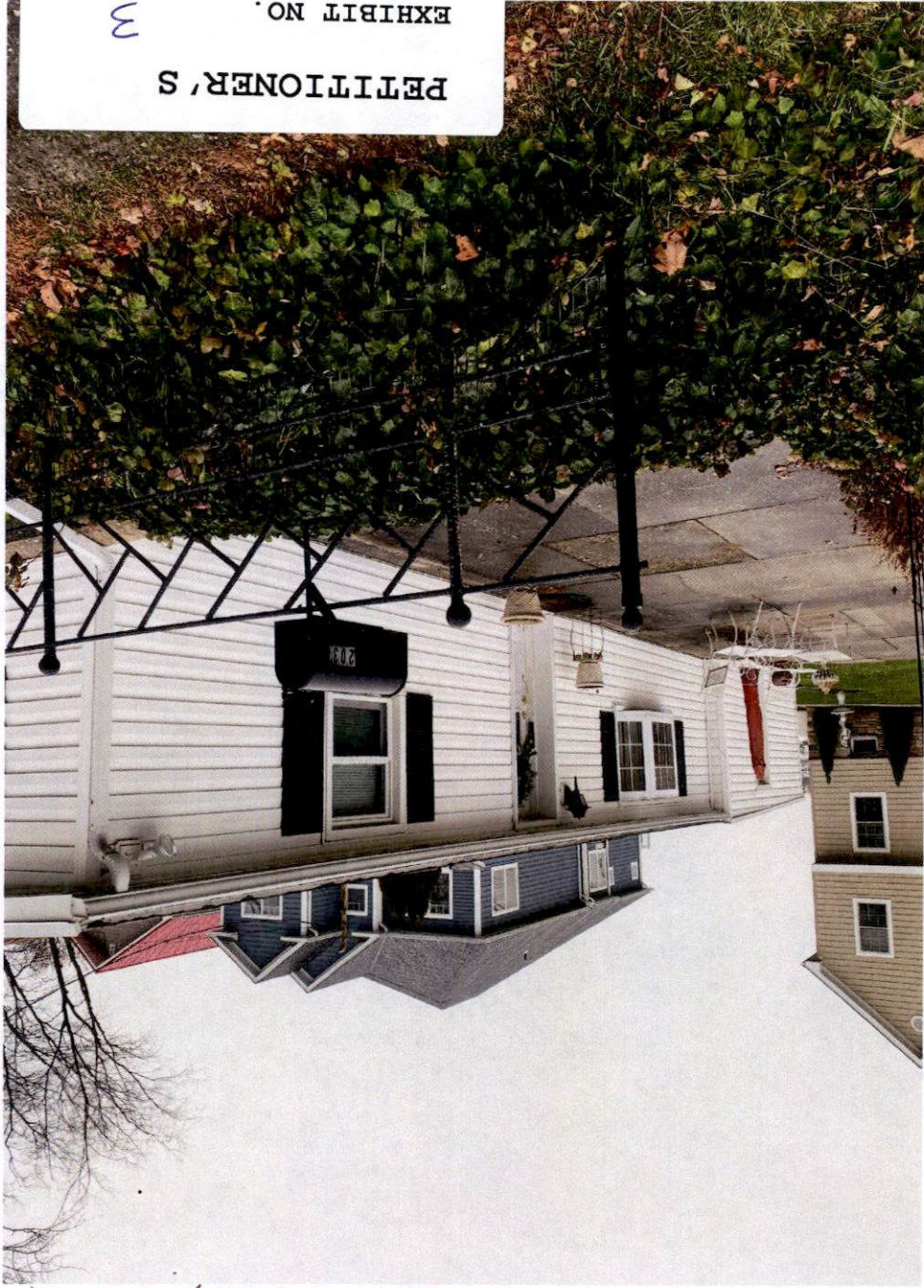
EXHIBIT NO. 1



2
PETITIONER'S
EXHIBIT NO.



20413
H



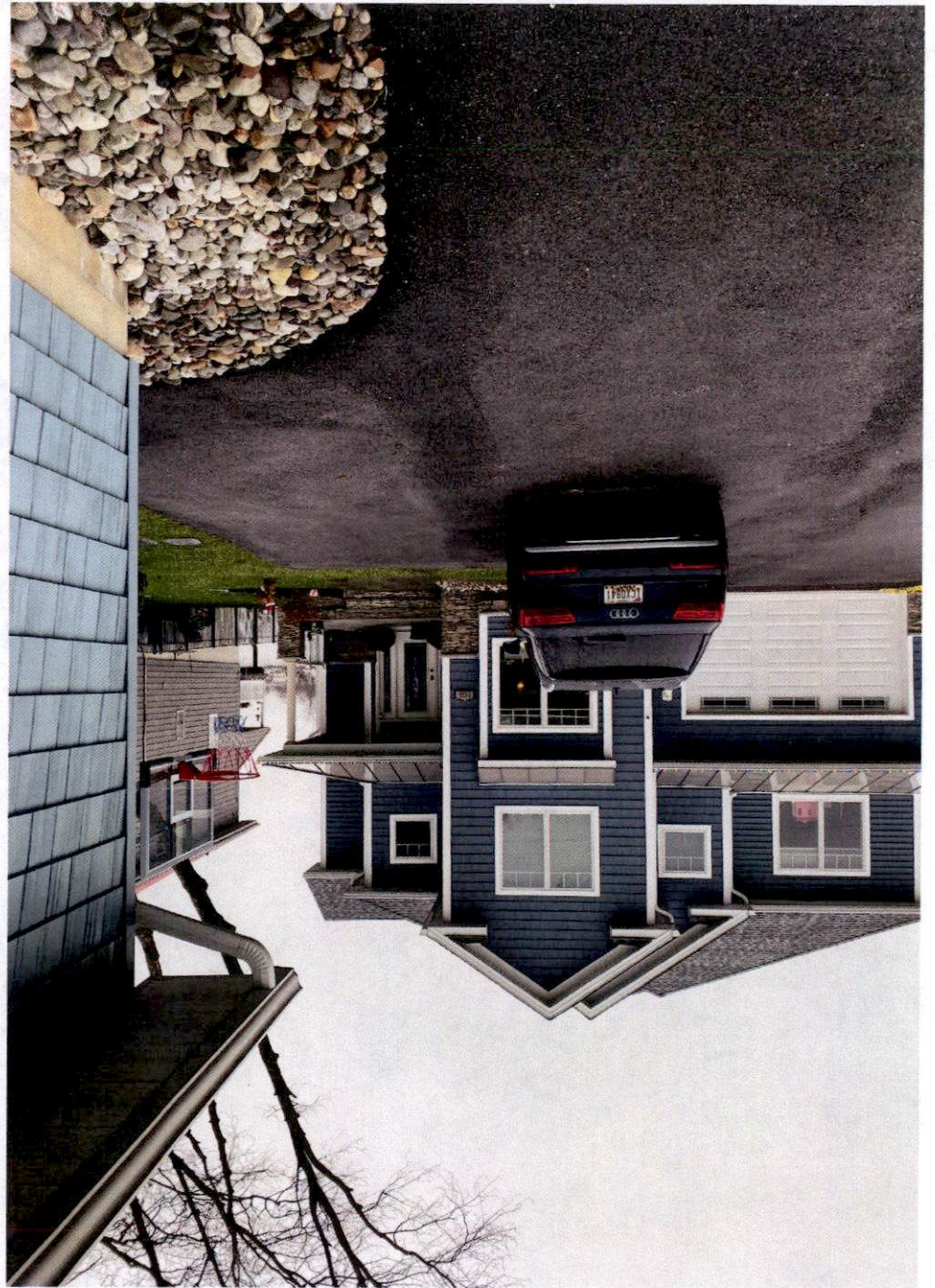
PETITIONER'S

EXHIBIT NO.

3

2034 Todd Ave.

SCAT (5)



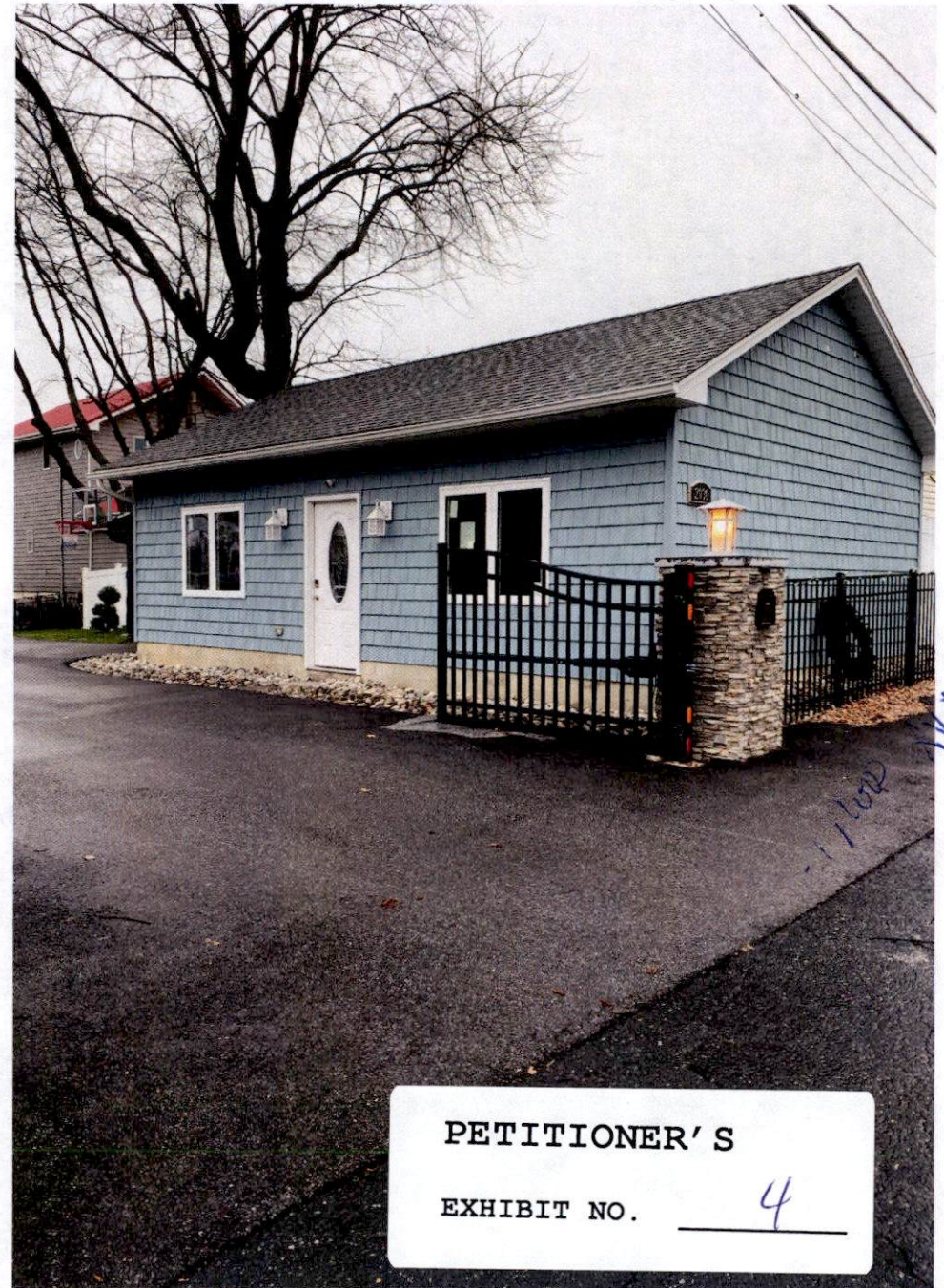
2036 Todd Ave.

EXHIBIT (4)

2102 Tred Avon Rd



2036 Tred Avon Rd



PETITIONER'S

EXHIBIT NO.

4

Exhibit (5)

December 12, 2019

Honorable Judge Mathew,

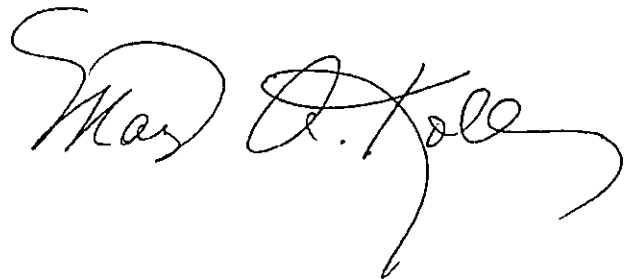
I, William L Parham Jr., and my wife Mary A Kolbe, reside at 2034 Tred Avon Road. We live in a home adjacent to the residence of Thomas and Erin Neimiller, also on Tred Avon Road. We are writing in regards to the proposed rezoning of the Neimiller property to allow for an "In-law suite" in the detached garage.

We have no objection to the proposed rezoning. Utilizing a detached building for a residence is a fairly common practice in our community and other communities like it, with no apparent ill effects. While parking on the street can be at a premium, the application of good sense, and consideration for neighbors can preclude any meaningful and/or lasting issues in that regard. We do not believe this rezoning request represents any real negative issues for the neighborhood, nor do we believe that it will adversely impact the property values within the neighborhood.

Respectfully,



William L Parham Jr. and Mary A. Kolbe



PETITIONER'S

EXHIBIT NO.

5

EXHIBIT (6)

December 12, 2019

To whom it may concern:

My name is Donald Fuchs Sr. I live at 2101 Tred Avon Rd, Baltimore, MD 21221. I have lived here for 60 years. My house is caddy corner from 2036 Tred Avon Rd, Tom and Erin Neimiller's residence. I have no problem with the smaller building on their property being used as a in-law apartment.

Donald Fuchs Sr.
410-504-3152

Donald Fuchs Sr

PETITIONER' S

EXHIBIT NO. 6

December 12, 2019

EXHIBIT (7)

To Whom it may concern,

Re- Case# 2019-0504-SPA

Being home owners across the street
from the above referenced property
located at 2036 Tred Avon Rd. Essex, Md. 21221,

We are not opposed the proposed
accessory (in-law) apartment and detached
accessory building.

Please contact us with any questions,

at 443-829-2239

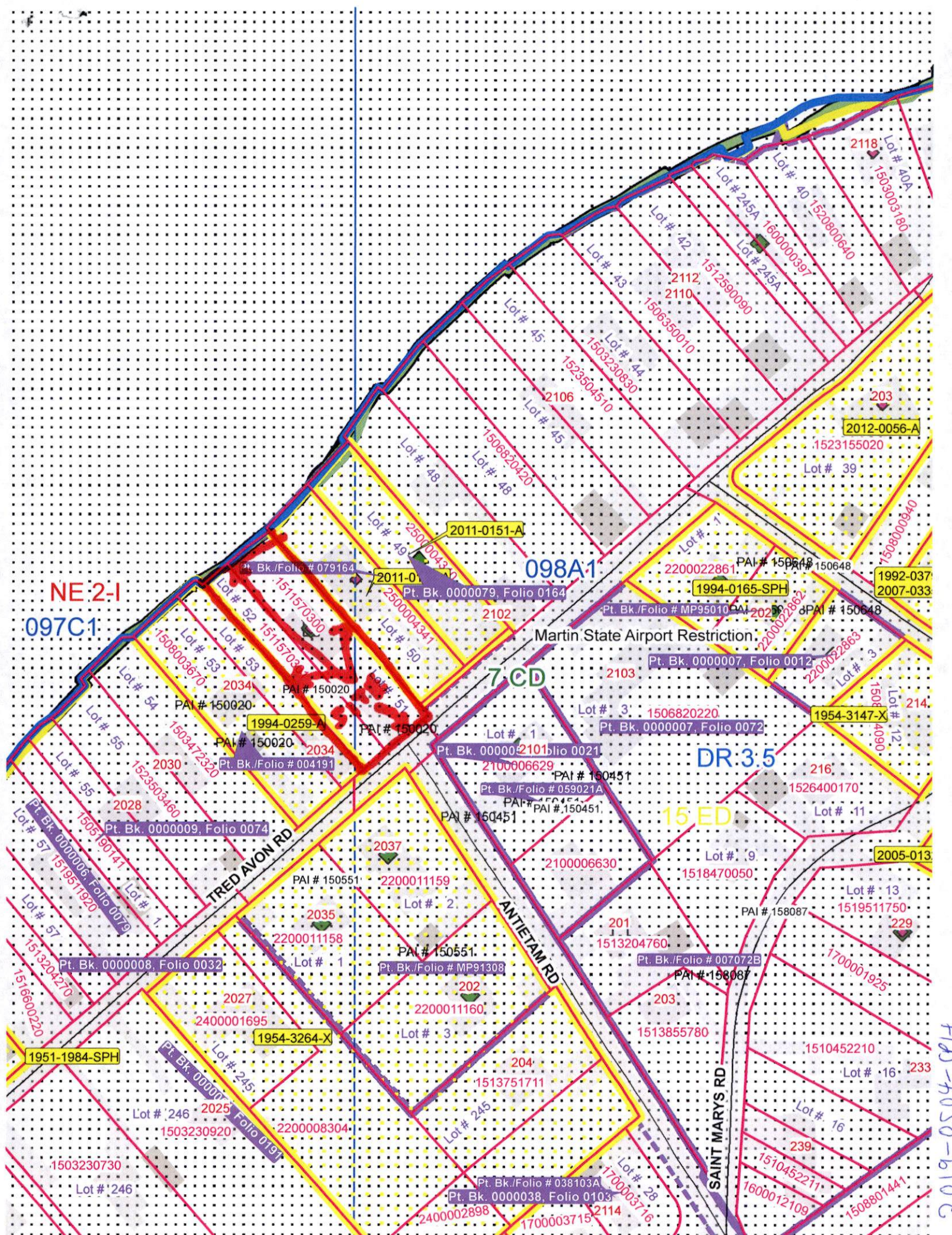

Dale Amato


Sherri Lee

PETITIONER'S

EXHIBIT NO.

7



HA-4050-6102
2019-0504-SPH



NE 2-I

Martin State Airport Restriction

097C1

15 FD

7 CD

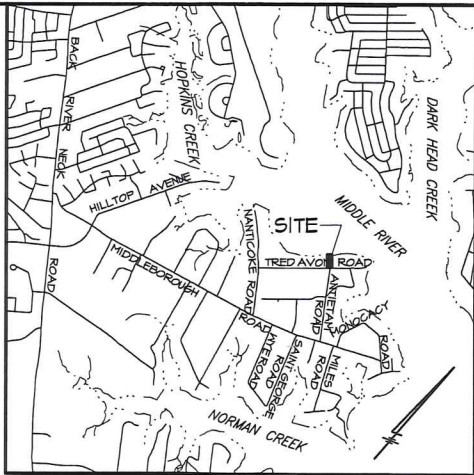
098A1

DR 3.5

TRED AVON RD

ANTIETAM RD

Handwritten note: Hds-4050-0100



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 097C1 & 098A1
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. *P.M.M. Case No. 2019-200-SPK*
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~~
To allow an in-law accessory apartment P.M.M.

OWNERS

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

PLAT TO ACCOMPANY A PETITION FOR SPECIAL HEARING NEIMILLER PROPERTY

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LOT 51 & EASTERLY 1/2 OF LOT 52
"MIDDLE BOROUGH"

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Tax Account Nos.: 15-11-570300 & 15-11-570301
Zoned DR 3.5; GIS Tiles 097C1 & 098A1
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.

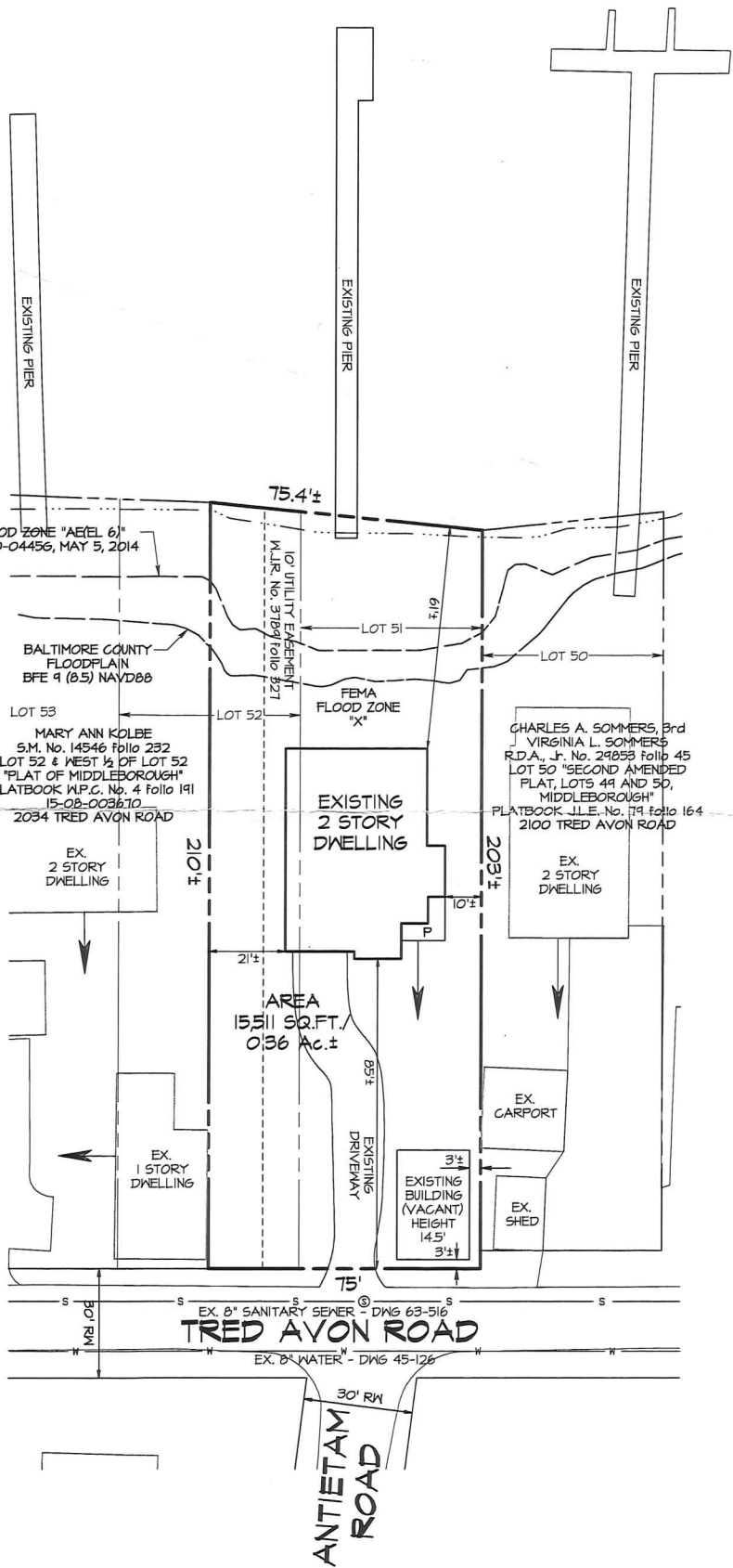
REGISTERED PROFESSIONAL LAND SURVEYORS

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

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PETITIONER'S

EXHIBIT NO. 1



BUILDING PERMIT #B867957
BUILDING PERMIT #B939603

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

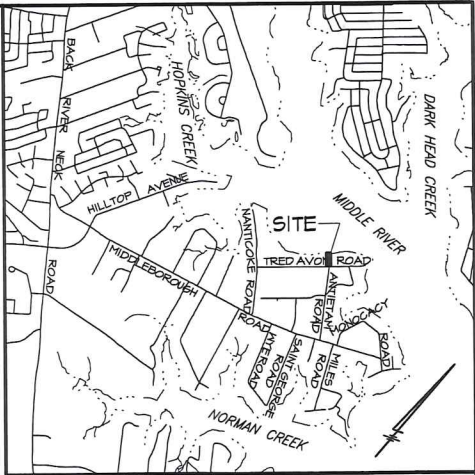
REASONS FOR CITATION:

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

LICENSE EXPIRES/RENEWS 2/26/21

LICENSE RENEWAL DATED UPDATED	7/19/19
REVISION	DATE



VICINITY MAP
1" = 2000'

GENERAL NOTES

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TO ALLOW A HOME OCCUPATION IN A DETACHED ACCESSORY BUILDING

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2036 TRED AVON ROAD
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PLAT TO ACCOMPANY A
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NEIMILLER PROPERTY

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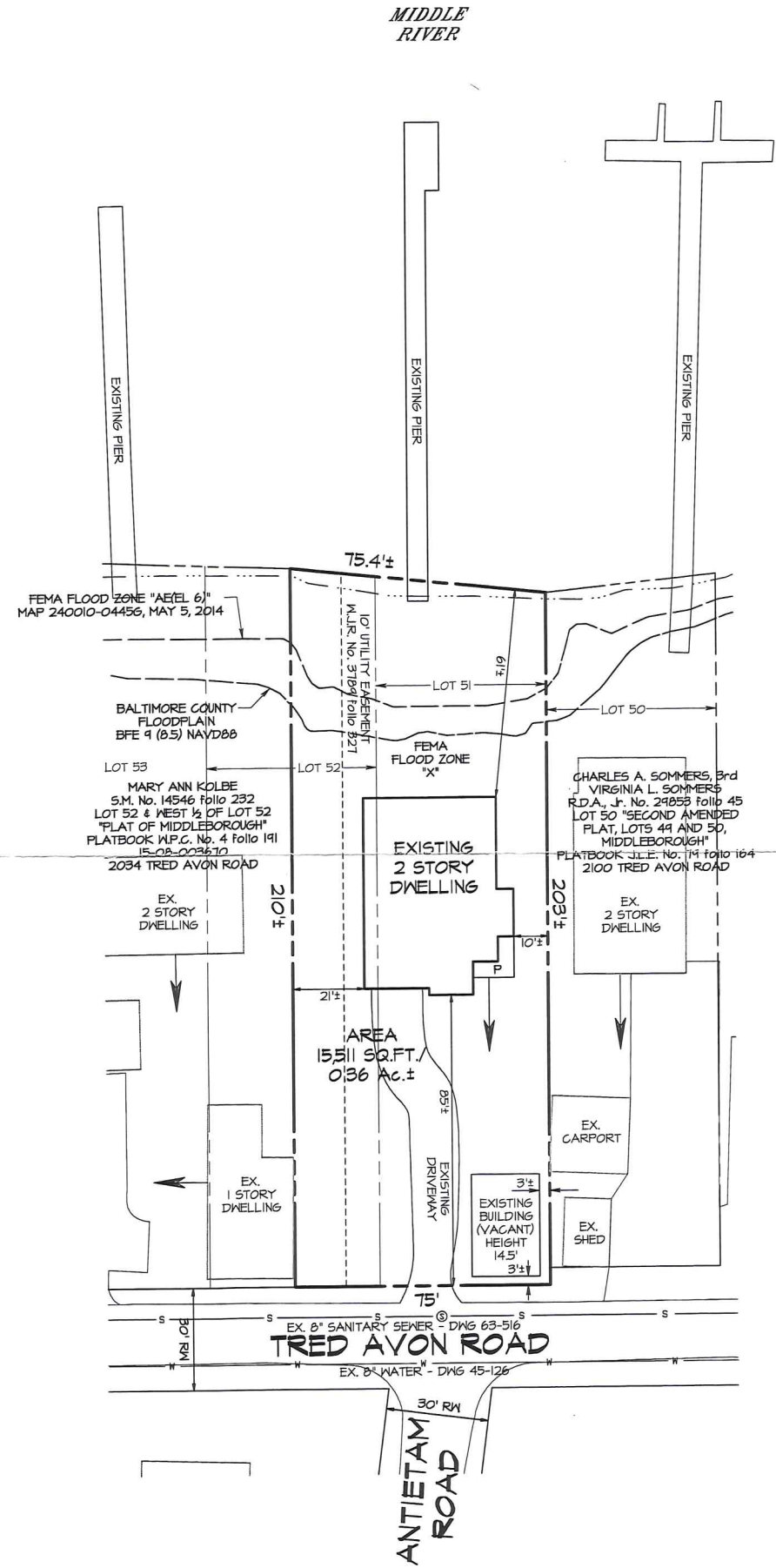
Scale: 1"=30'

Date: DECEMBER 21, 2018

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

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

DRAWN: SL CHECKED: GCE FILE: X:\NNeimiller_Tred Avon\zoningplanpro



BUILDING PERMIT #B867957
BUILDING PERMIT #B939603

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

REASONS FOR CITATION:
DETACHED GARAGE CONSTRUCTED WITH
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LICENSE RENEWAL DATED UPDATED	7/19/19
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