MEMORANDUM

DATE: February 9, 2021

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2020-0221-SPHA – Appeal Period Expired

The appeal period for the above-referenced cases expired on February 8, 2021. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(19675 Eagle Mill Road)	*	OFFICE OF
6th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Allison M. Rich & Weston R. Park		
Legal Owners	*	FOR BALTIMORE COUNTY
Petitoners	*	**Case No. 2020-0221-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Variance filed on behalf of Allison M. Rich and Weston R. Park, legal owners ("Petitioners"). The Special Hearing pursuant to § 500.7 and § 400.4 of the Baltimore County Zoning Regulations ("BZCR") to approve an accessory horticultural nursery and accessory apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling, which is in the RC-8 Zone. A Petition for a Variance was also filed pursuant to §1A09.7.B.5.b to permit the proposed accessory use In-Law Building 199 ft. from a cultivated pasture in lieu of the required 300 ft.

Due to COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

The property owners and petitioners, Allison M. Rich and Weston R. Park appeared at the hearing. An adjoining property owner, Raymond Seitz, also attended. Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability Development ("DEPS") and from the Department of Planning ("DOP"). They

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Date 1/7/21
By D Mugnon

did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.

The property is approximately 2.21 acres and is zoned RC 8. Allison Rich testified that they recently constructed a modest 1200 residence on the property. I note that this was permitted pursuant to variance relief approved in Case No. 2019-0108-A, wherein ALJ Beverungen found that the property was unique and granted the variance after these same petitioners modified the site plans to conform to the maximum extent possible with the RC-8 setbacks. Ms. Rich explained that her mother needs some daily living assistance and that they wish to construct this accessory apartment for that purpose. She further explained that they have worked with the DOP to design a connected horticulture nursery and shed to serve the purposes of this RC-8 zone and their expanding farmstead. She and Mr. Park testified that they have entered a contract to purchase an adjoining 3.5 acre parcel to the east in order to expand their agricultural footprint. They submitted architectural drawings depicting the compatible rural design of this proposed structure. (Petitioners' Exhibit 2). With regard to the accessory apartment, they also submitted the required declaration of understanding pursuant to BCZR § 400.4. (Petitioners' Exhibit 1).

Mr. Dietz, the adjoining property owner to the south and west, testified that based on the site plan he has no objection to the requested relief since the proposed structure will be sited as far as possible from his pasture land.

Based on this record evidence I find that the special hearing relief for a combined horticultural nursery and accessory apartment can be granted within the spirit and intent of the BCZR and without harm to the general health, safety, or welfare. I further find that the variance relief should also be granted. A variance request involves a two-step process, summarized as follows:

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By D Mugnon

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The property has already been found to be unique in Case No. 2019-0108-A. The petitioners would suffer practical difficulty and hardship if the variance were denied because they would not have sufficient setbacks anywhere on their property to construct the proposed accessory structure. Further, they have sited the proposed structure to conform to the maximum extent possible with the required setbacks, and should therefore be granted the relief, unless it would be inconsistent with the spirit and intent of the BCZR or harm the public health, safety or welfare, and I find that it will not. *See, Montgomery County v. Rotwein*, 169 Md. App. 716 (2006).

THEREFORE, IT IS ORDERED this 7th day of **January, 2021,** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BZCR") to approve an accessory apartment in a proposed new horticultural nursery building on the same owner-occupied lot as the principle dwelling that is in the RC-8 Zone is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to § §1A09.7.B.5.b to permit the proposed accessory use In-Law Building 199 ft. from a cultivated pasture in lieu of the required 300 ft. is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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

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By D Mignon

condition.

- The proposed structure shall not be used for commercial purposes and shall not have a separate utility meter.

- Prior to issuance of permits Petitioners must comply with the ZAC comments submitted by the DOP, and DEPS of which a copy is attached hereto and made a part hereof.

- Prior to issuance of permits Petitioners shall submit a fully executed Declaration of Understanding pursuant to BCZR § 400.4, which shall then be filed, along with a copy of this Order, in the land records of Baltimore County.[1]

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

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Date 1/7/21
By D Mugnon

[1] The Declaration of Understanding submitted as Exhibit 1 is unexecuted and is attached to an explanatory letter. Petitioners must fully execute and submit a separate and independent Declaration of Understanding.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 18, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0221-A
Address 19675 Eagle Mill Road
(Rich & Park Property)

Zoning Advisory Committee Meeting of **September 7, 2020.**

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

1. Ground Water Management will need to review the permit for an in-law building, especially since now the septic system on the property may need to be upgraded/increased.

Reviewer: Dan Esser

RECEIVED
SEP 18 2020
OFFICE OF ADMINISTRATIVE HEARINGS

ORDER RECEIVED FOR FILING
Date 1/7/21
By DMignon

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DRAFT

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 3 day of August 2020, by and between Allison M. Rich and Weston R. Park (hereinafter referred to as the "Declarants") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarants who are also the owners of this property have filed an application for a use permit and special hearing to: *Construct an in-law residence of 700 square feet, located between the primary owner residence and the back property line. The residence will include a single bedroom, kitchen, bathroom, living area, and laundry facility, and will share the same electrical connection, septic system, and well system as the primary residence.*

The property being located at: 19675 Eagle Mill Rd in Parkton, MD 21120 and is more particularly described by metes and bounds in **Exhibit** A (The Property) and **Exhibit** B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned ~~residential~~ RC 8, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Diane M. Sexton, mother of Declarant Allison M. Rich. The other residents of the property are:

- Allison M. Rich (owner, resides in main residence)
- Weston R. Park (owner, resides in main residence)
- Greyson M. Park (son of A. Rich and R. Park, resides in main residence)

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

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

gave original to Petitioner on 2/16/21

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

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

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

3. Upon use permit termination:

A. In the Accessory Apartment in the accessory building, removal of the kitchen and possibly other residential elements may be required, at the discretion of PAI.

B. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. 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.

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

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

WITNESS: Cody Hawley

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day of 2020, before the Subscriber, a Notary Public of State of Maryland, personally appeared

Weston R Park Allison Rich

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:
5/11/2022

CODY HAWLEY
Notary Public
Anne Arundel County
Maryland
My Commission Expires May 11, 2022

Cody Hawley Notary Public

Exhibit A (The Property Description)

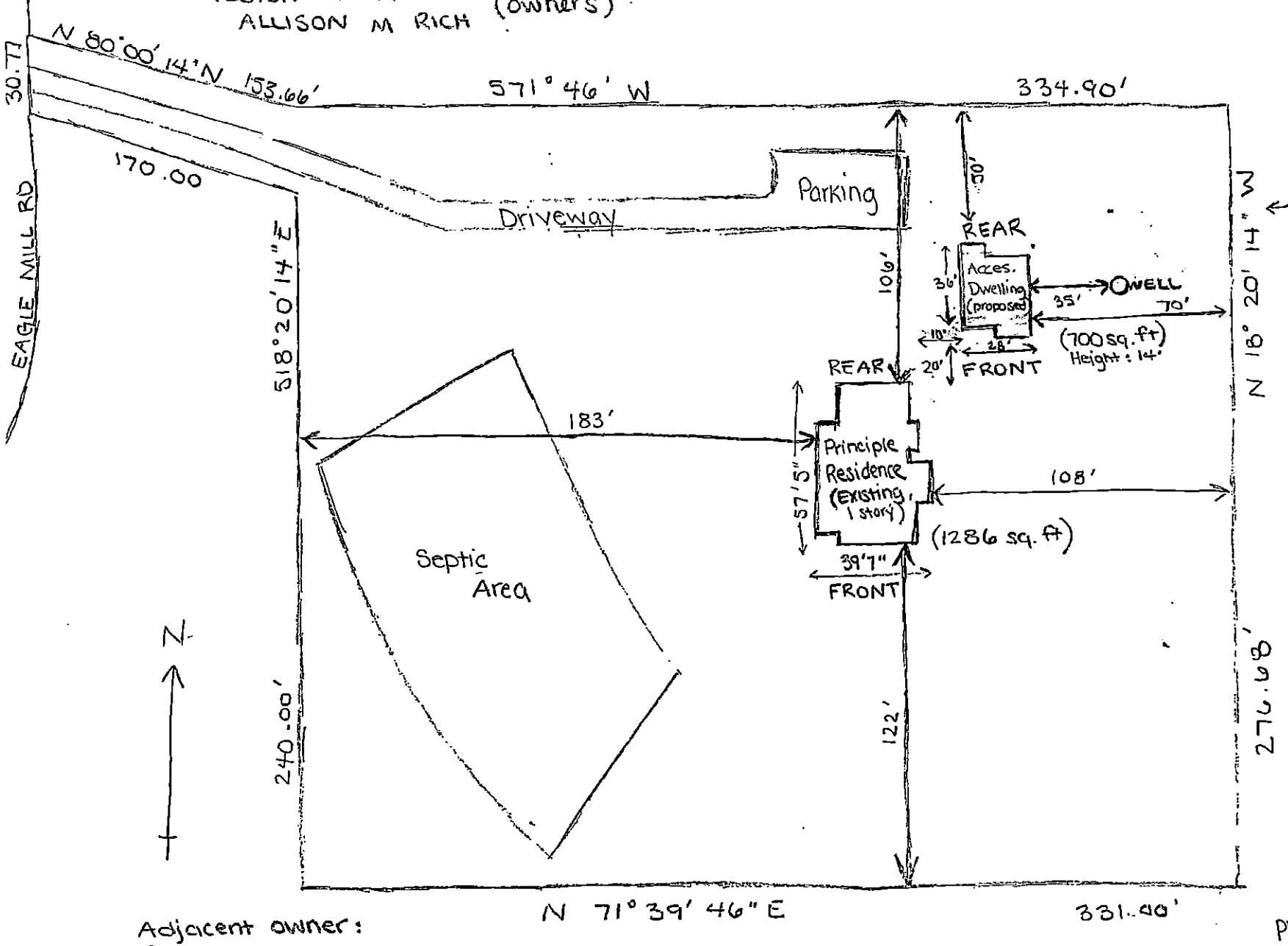
ZONING PROPERTY DESCRIPTION FOR 19675 EAGLE MILL RD

Beginning at a point on the east side of Eagle Mill Rd which is 30.77 feet wide at a distance of 9 feet east of the centerline of the nearest improved intersecting street, Eagle Mill Rd.

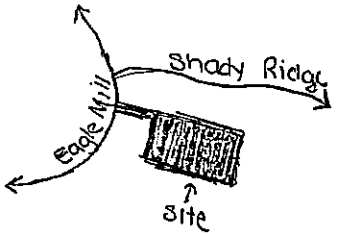
Beginning at a P.K. nail now set in Eagle Mill Road at the end of the first or South 01 degree 35 minutes 13 seconds West 30.33 foot line of the firstly herein described tract and running thence, South 01 degree 35 minutes 13 seconds West 30.77 feet to a P.K. nail set in Eagle Mill Road, thence South 80 degrees 00 minutes 14 seconds East 170.00 feet to an iron pin now set, thence South 18 degrees 20 minutes 14 seconds East 240.00 feet to an iron pin now set, thence North 71 degrees 39 minutes 46 seconds East 331.00 feet to the end of the fourth line of the aforesaid conveyance and running with and binding reversely on said fourth line and also on the third and second lines respectively of said conveyance the following three courses, viz: 5) North 18 degrees 20 minutes 14 seconds West 276.68 feet to an iron pin set, thence 6) South 71 degrees 39 minutes 46 seconds West 334.90 feet to an iron pin set, thence 7) North 80 degrees 00 minutes 14 seconds West 153.66 feet to the place of beginning, containing 2.217 acres of land more or less.

Zoning Hearing Plan for Special Hearing (In-Law Accessory Dwelling)
19675 Eagle Mill Rd
WESTON R PARK
ALLISON M RICH (owners)

TAX ID: 1700009723 Deed Ref #: 41743/291



Site vicinity map (not to scale)

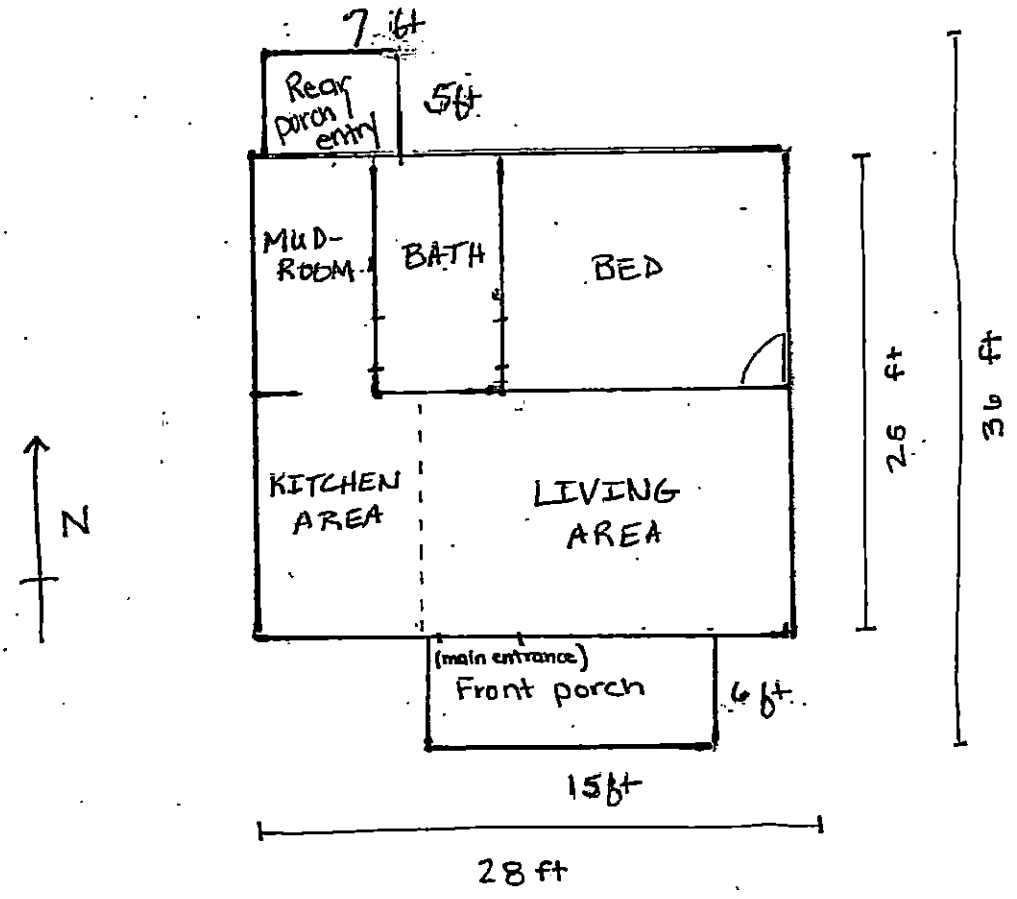


Adjacent owner:
ELEANOR HARD
1700009722
(VACANT, under contract to PARK & RICH)

Adjacent owner:
RAYMOND C SEITZ
ALISON B. SEITZ
34023 / 433
0613040360

[Scale: 1 inch = 60 ft.]

Tax map: 0011
Parcel: 0187
Zoning: RC[redacted]
Election District: [redacted]6
Council District: 3
Lot acreage: 2.21
Historic?: NO
Flood plain?: NO
Water is: private
Sewage is: private
prior case (under previou owner):
2019-0108-A



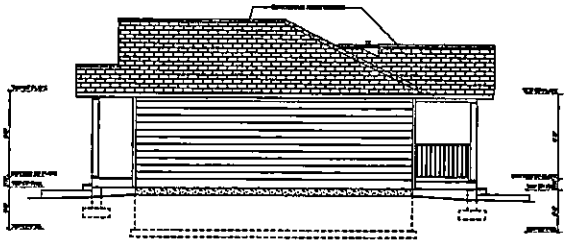
Scale = 1" = 10'

Sq. footage = 700 sq. ft.

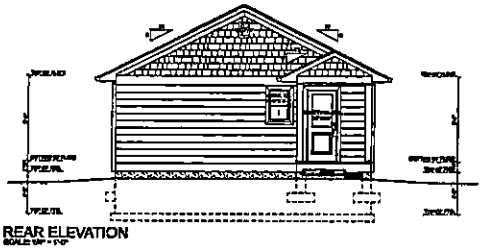
Accessory Dwelling (proposed)
19675 Eagle Mill Rd.

14' height

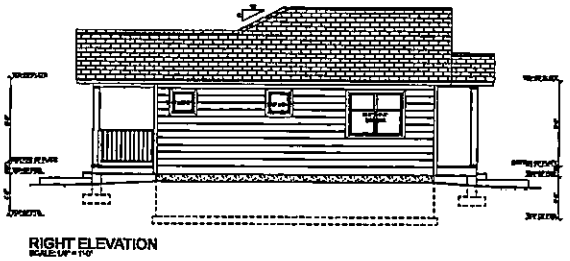
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Exterior Elevations

GIROUX DESIGN GROUP
www.girouxdesigngroup.com - www.westhomeplanners.com - www.houseplanhunters.com

PLAN NO. E3442D

A4

PE[redacted]ION FOR ZONING HEA[redacted]G(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 19675 Eagle Mill Rd **which is presently zoned** RC8

Deed References: 41743 / 291 10 Digit Tax Account # 1 7 0 0 0 9 7 2 3

Property Owner(s) Printed Name(s) Allison M. Rich and Weston R. Park

(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 in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC8 Zone.

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

3. X **a Variance** from Section(s) 1A09.7.B.5.b to permit the proposed accessory use In-Law Building 199 L.F. from a cultivated pasture in lieu of the required 300 L.F.

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)** TWO ATTACHED LETTERS. ATTACHED DECLARATION OF UNDERSTANDING, FLOOR PLANS, AND ELEVATION DRAWINGS. ANY AND ALL RELIEF NECESSARY.

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

Legal Owners (Petitioners):

Allison M. Rich / Weston R. Park
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

19675 Eagle Mill Rd Parkton MD
Mailing Address City State

21120 / 443-902-1310 / allisonmrich91@gmail.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 1/7/21
By

Representative to be contacted:

Allison M. Rich
Name – Type or Print

Signature

19675 Eagle Mill Rd Parkton MD
Mailing Address City State

21120 / 443-902-1310 / allisonmrich91@gmail.com
Zip Code Telephone # Email Address

CASE NUMBER 2020-0221-SPHA Filing Date 8/28/2020 Do Not Schedule Dates: ____ Reviewer

REV. 10/4/11

August 5, 2020

Zoning Review Office
Department of Permits, Approvals, and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

To Whom it May Concern:

Please find attached with this letter my family's application and petition for the approval to construct a 700 square foot accessory (in-law) apartment on our property, so that my aging mother may come to live with us. While I am fully cognizant of the pressures and constraints induced by the COVID-19 pandemic and its impacts within our county, our sincere hope is to begin to move forward with constructing this residence as soon as viable, as pressing health and financial concerns exacerbated by the pandemic have created a sense of urgency to bring my mother to the relative safety of our new home at 19675 Eagle Mill Rd in Parkton.

As such, if I can be of any assistance in helping to provide further information, clarification, etc., please do not hesitate to reach out to me at (443) 902-1310. We have just finished construction and completed occupancy inspections of our own home at this address, and remain grateful for the County's role in helping to bring our project to fruition!

Stay safe and well – and with best regards.

Allison M. Rich, Owner

August 24, 2020

Zoning Review Office
Department of Permits, Approvals, and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

To Whom it May Concern:

Please find attached with this letter my family's petition for a zoning variance to construct a 700 square foot accessory (in-law) apartment on our property, so that my aging mother may come to live with us. While I am fully cognizant of the pressures and constraints induced by the COVID-19 pandemic and its impacts within our county, our sincere hope is to begin to move forward with constructing this residence as soon as viable, as pressing health and financial concerns exacerbated by the pandemic have created a sense of urgency to bring my mother to the relative safety of our new home at 19675 Eagle Mill Rd in Parkton.

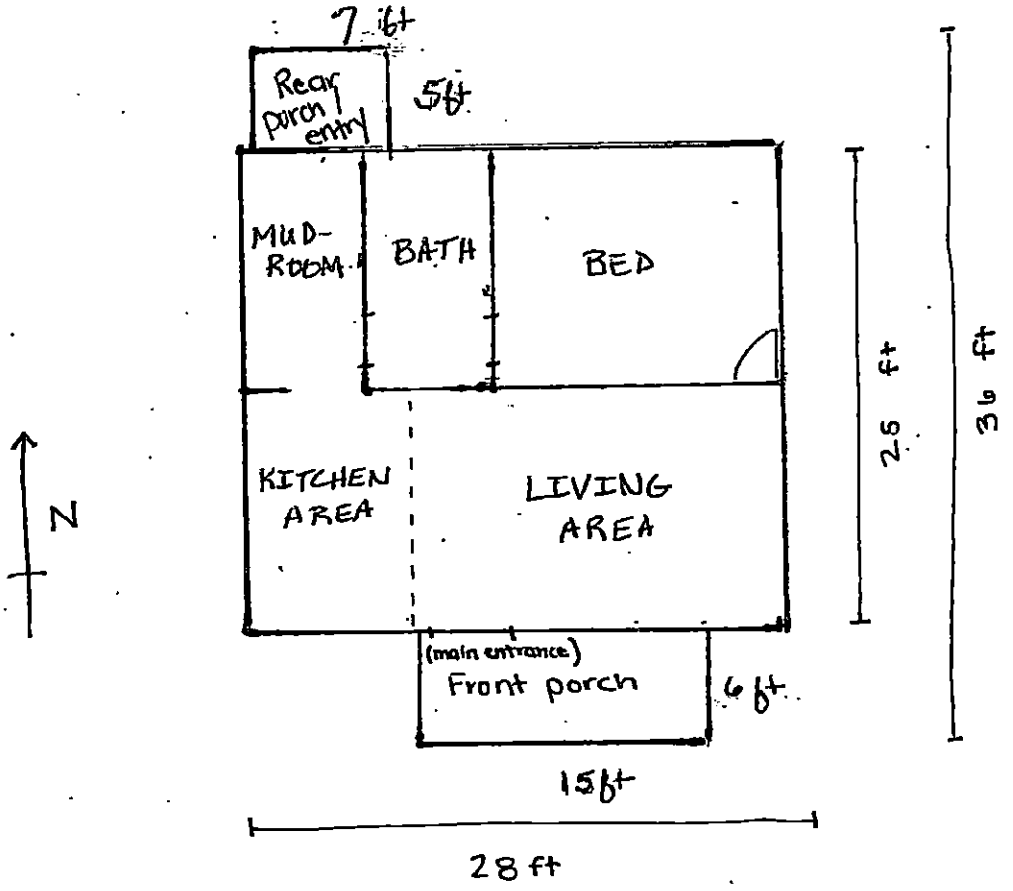
We are requesting this variance as the building of this accessory dwelling would necessarily occur within 300 feet of agricultural land, within our RC-8 zoning. The positioning and sizing of our property does not exceed this distance at any point, and thus without the variance the construction of this structure – extremely vital for the physical, emotional, and financial health of my aging and medically vulnerable mother – would be impossible. Without this approval, we would truly be at a loss as to how to provide her with the care she needs in a financially viable way, to ensure the proximity to her grandson we so value for both her and him, and to realize the dream we held for moving into rural Baltimore County and developing our own multigenerational farmstead.

A prior variance was approved for the construction of our primary residence on this same property (case 2019-0108-A, enclosed), and we believe the addition of this small building would uphold the spirit of that ruling. As you will see in the site plan, this structure would be located behind our dwelling, and thus farther from the agricultural pastureland, and would of course not require the disturbance of any further septic, electrical, well, or driveway construction. The total, combined square footage of the two structures would also not exceed 2,000 square feet, which is of course smaller than many modern single-family residences, and thus we believe protective of the integrity of this rural landscape. Similarly, great care will be taken to ensure the exterior of the two dwellings not only matches, but retains the farmhouse appeal so characteristic of the Parkton region, complete with metal roofing, board and batten siding, and gracious wooden porches.

Thank you so much for your consideration of this request – it is so meaningful to our family, and we are grateful. If I can be of any assistance in helping to provide further information, clarification, etc., please do not hesitate to reach out to me at (443) 902-1310. We have just finished construction and completed occupancy inspections of our own home at this address, and remain grateful for the County's role in helping to bring our project to fruition despite the challenges of the present pandemic!

Stay safe and well – and with best regards.

Allison M. Rich, Owner

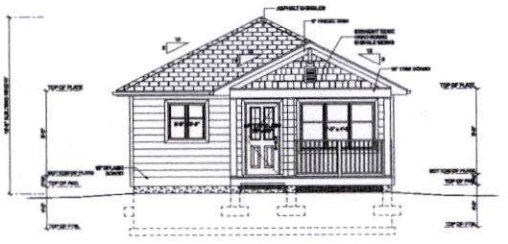


Scale = 1" = 10'

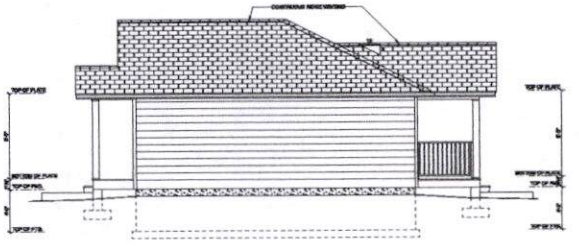
Sq. footage = 700 sq. ft.

Accessory Dwelling (proposed)
19675 Eagle Mill Rd.

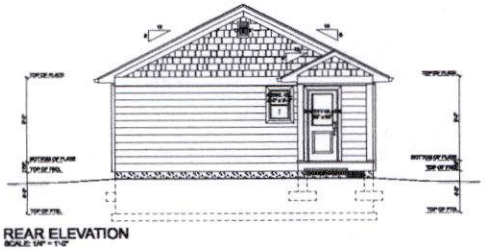
14' maximum height



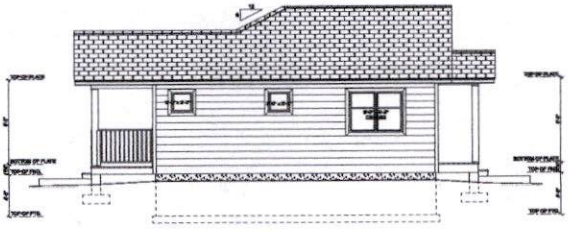
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Exterior Elevations

GIROUX DESIGN GROUP

PLAN NO. 836420

SHEET NO. A4

www.girouxdesigngroup.com - www.westhomeplanners.com - www.houseplanhunters.com

Exterior of proposed structure

IN RE: PETITION FOR VARIANCE (19675 Eagle Mill Road) 6th Election District 3rd Council District Eleanor Hardy *Legal Owner* Michael & Heather Brenner *Contract Purchasers* **Petitioners**	* * * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0108-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Eleanor Hardy, legal owner of the subject property and Michael & Heather Brenner, contract purchasers ("Petitioners"). Petitioners are requesting variance relief from Sections 1A09.7.B.5.b(1)(a) and 400.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to allow a proposed dwelling with a right side yard setback of 140 feet and a rear yard setback of 115 to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability; and (2) to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location. A site plan was marked as Petitioners' Exhibit 1.

Michael Brenner and surveyor Geoff Schultz appeared in support of the petition. Clay Seitz (a neighbor), who was represented by Gary Graham, Esq., opposed the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the requests.

The site is approximately 2.210 acres in size and is zoned RC-8. The property is unimproved and Petitioners propose to construct a single-family dwelling on the lot. Given the

ORDER RECEIVED FOR FILING
Date 12/19/18
By DED

EXHIBIT 1 2020-0221-SPHA

300' setback imposed in the RC-8 (Environmental Enhancement) zone, variance relief is required before a dwelling can be constructed on the lot.

A variance request involves a two-step process, summarized as follows:

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

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

The unique aspect of the property is its RC-8 zoning, which is a seldom seen zoning classification. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

The reality is that if a variance is not granted a dwelling could not be built on this lot, which could arguably constitute a taking or forfeiture. In any event, it would deny the Petitioners a reasonable use of their land and a return on their investment. The question concerns the magnitude of relief required to enable a home to be constructed at the site.

Maryland law requires that a petitioner seeking a variance must prove the request is the minimum reasonably necessary to overcome the exceptional circumstances or practical difficulties caused by the zoning ordinance. *Montgomery County v. Rotwein*, 169 Md. App. 716 (2006). In this regard, I believe the proposed home shown on the original (signed and sealed by Mr. Schultz on October 3, 2018) and amended (as forwarded via e-mail to the undersigned on December 13, 2018) site plans should be relocated north and east on the lot so the structure is as far as possible from the adjacent farm. This is the intent of the RC-8 setbacks and they should be honored to the

extent practicable.

THEREFORE, IT IS ORDERED, this 19th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR Section 1A09.7.B.5.b(1)(a) to allow a proposed dwelling with a right side (as one faces the front of the proposed home) yard setback of 160 feet and a rear yard setback of 150 feet to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability, be and is hereby GRANTED.

IT IS FURTHER ORDERED the Petition for Variance pursuant to BCZR Section 400.1 to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location, be and is hereby DENIED.

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.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

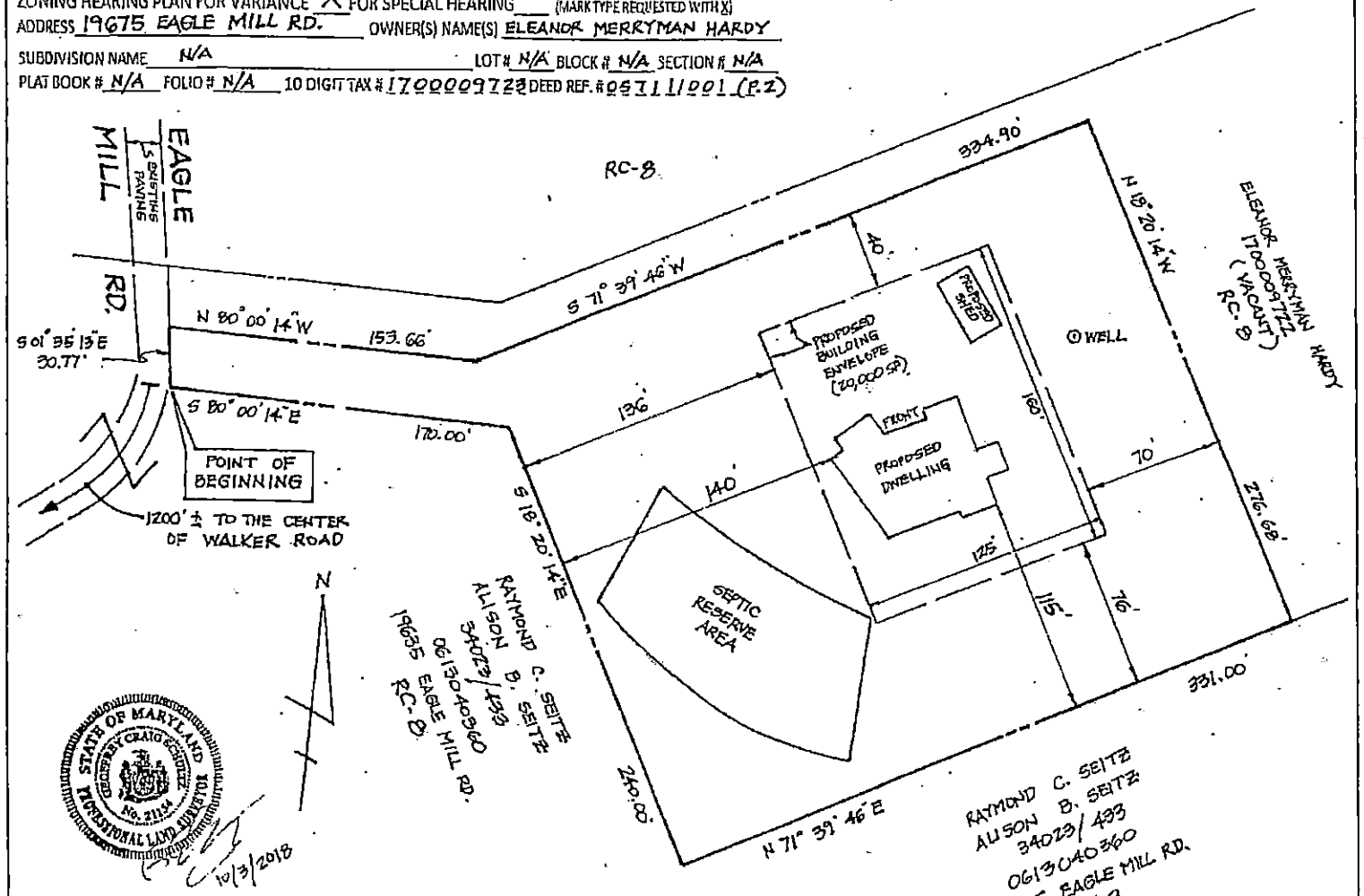
ORDER RECEIVED FOR FILING
Date 12/19/18
By sln

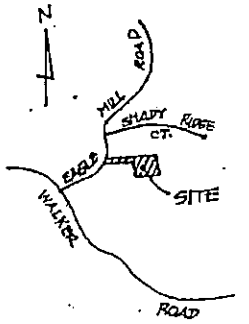
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ___ (MARK TYPE REQUESTED WITH X)

ADDRESS 19675 EAGLE MILL RD. OWNER(S) NAME(S) ELEANOR MERRYMAN HARDY

SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A

PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 1700009722 DEED REF. # 05111/001 (P.2)





VICINITY MAP
1" = 2000'

ZONING MAP # 012 A2
SITE ZONED RC-8
ELECTION DISTRICT 6
COUNCIL DISTRICT 3
LOT AREA ACREAGE 2.217
OR SQUARE FEET 96,573
HISTORIC ? NO
IN CBCA ? NO
IN FLOOD PLAIN ? NO
UTILITIES ? MARK WITH X
WATER IS:
PUBLIC ___ PRIVATE X
SEWER IS:
PUBLIC ___ PRIVATE X
PRIOR HEARING ? NO
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
N/A

STATE OF MARYLAND GEOFFREY CRAIG SCHITZ No. 21154 PROFESSIONAL LAND SURVEYOR

10/3/2018

Polaris LAND CONSULTANTS
10 GERARD AVENUE SUITE 101 TIMONIUM, MD 21093
PHONE: (410) 252-4444 FAX: (410) 252-4493 WWW.POLARISLC.COM

SCALE: 1" = 50'
DATE: 10/3/2018

2019-0108-A

Exhibit A (The Property Description)

ZONING PROPERTY DESCRIPTION FOR 19675 EAGLE MILL RD

Beginning at a point on the east side of Eagle Mill Rd which is 30.77 feet wide at a distance of 9 feet east of the centerline of the nearest improved intersecting street, Eagle Mill Rd.

Beginning at a P.K. nail now set in Eagle Mill Road at the end of the first or South 01 degree 35 minutes 13 seconds West 30.33 foot line of the firstly herein described tract and running thence, South 01 degree 35 minutes 13 seconds West 30.77 feet to a P.K. nail set in Eagle Mill Road, thence South 80 degrees 00 minutes 14 seconds East 170.00 feet to an iron pin now set, thence South 18 degrees 20 minutes 14 seconds East 240.00 feet to an iron pin now set, thence North 71 degrees 39 minutes 46 seconds East 331.00 feet to the end of the fourth line of the aforesaid conveyance and running with and binding reversely on said fourth line and also on the third and second lines respectively of said conveyance the following three courses, viz: 5) North 18 degrees 20 minutes 14 seconds West 276.68 feet to an iron pin set, thence 6) South 71 degrees 39 minutes 46 seconds West 334.90 feet to an iron pin set, thence 7) North 80 degrees 00 minutes 14 seconds West 153.66 feet to the place of beginning, containing 2.217 acres of land more or less.

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11944209
Case #: 2020-0221-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0221-SPHA

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:

12/17/2020

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

RECEIVED
JAN 04 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0221-SPHA
19675 Eagle Mill Road
East of Walker Road, s/eastside of Eagle Mill Road
5th Election District - 3rd Councilmanic District
Legal Owners: Allison Rich, Weston Park

Special Hearing for an accessory in-law apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC-8 zone. Variance to permit the proposed accessory use in-law building 199 L.F. from a cultivated pasture in lieu of the required 300 L.F.

Hearing: Wednesday, January 6, 2021 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

d17

CERTIFICATE OF POSTING

Date: 12/15/2020

RE: Project Name: ZONING HEARING

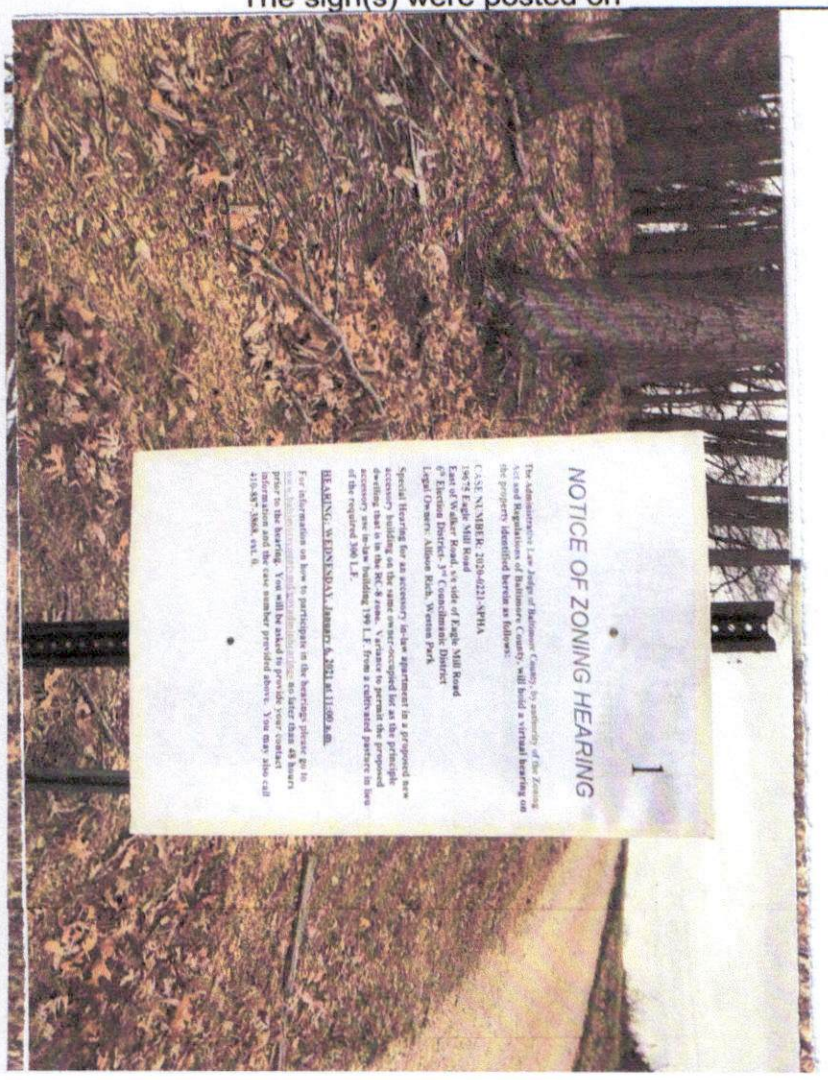
Case Number /PAI Number: 2020-0221-SPHA

Petitioner/Developer: Allison Rich, Weston Park

Date of Hearing/Closing: 01/06/2021

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 19675 Eagle Mill Road

The sign(s) were posted on 12/15/2020
(Month, Day, Year)



(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: 12/15/2020

RE: Project Name: ZONING HEARING

Case Number /PAI Number: 2020-0221-SPHA

Petitioner/Developer: Allison Rich, Weston Park

Date of Hearing/Closing: 01/06/2021

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The sign(s) were posted on 12/15/2020
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John M. Altmeyer
(Printed Name of Sign Poster)

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(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0221-SPHA
19675 Eagle Mill Road
East of Walker Road, s/east side of Eagle Mill Road
6th Election District – 3rd Councilmanic District
Legal Owners: Allison Rich, Weston Park

Special Hearing for an accessory in-law apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC-8 zone. Variance to permit the proposed accessory use in-law building 199 L.F. from a cultivated pasture in lieu of the required 300 L.F.

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Michael Mallinoff
Director

MM:kl

C: Allison Rich, Weston Park, 19675 Eagle Mill Road, Parkton 21120

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., DECEMBER 17, 2020.**

TO: THE DAILY RECORD
Thursday, December 17, 2020 - Issue

Please forward billing to:
Allison Rich
19675 Eagle Mill Road
Parkton, MD 21120

443-902-1310

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0221-SPHA
19675 Eagle Mill Road
East of Walker Road, s/east side of Eagle Mill Road
6th Election District – 3rd Councilmanic District
Legal Owners: Allison Rich, Weston Park

Special Hearing for an accessory in-law apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC-8 zone. Variance to permit the proposed accessory use in-law building 199 L.F. from a cultivated pasture in lieu of the required 300 L.F.

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE OFFICE
19675 Eagle Mill Road; E/S of Waker Road; SE/S of Eagle Mill Road	*	OF ADMINSTRATIVE
6th Election & 3rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Allison Rich & Weston Park Petitioner(s)	*	BALTIMORE COUNTY
	*	2020-221-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2020, a copy of the foregoing Entry of Appearance was emailed to Allison Rich, 19675 Eagle Mill Road, Parkton, Maryland 21120, allisonmrich91@gmail.com , Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2020-0221-SPHA

Property Address: 19675 Eagle Mill Rd. Parkton, MD 21120

Property Description: ~2.2 acres residential property

Legal Owners (Petitioners): Allison M. Rich & Weston R. Park

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Allison M. Rich

Company/Firm (if applicable): _____

Address: 19675 Eagle Mill Rd.
Parkton, MD 21120

Telephone Number: 443-902-1310

Revised 7/9/2015

JOHN A. OLSZEWSKI, JR.
County Executive

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

December 29, 2020

Allison Rich,
19675 Engle Mill Road
Parkton MD 21120

RE: Case Number: 2020-0221-SPHA, 19675 Eagle Mill Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 28, 2020. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 18, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0221-SPHA
Address 19675 Eagle Mill Road
(Rich & Park Property)

Zoning Advisory Committee Meeting of **September 7, 2020**.

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

1. Ground Water Management will need to review the permit for an in-law building, especially since now the septic system on the property may need to be upgraded/increased.

Reviewer: Dan Esser

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0221-A 19675 Eagle Mill Road.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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DATE: September 18, 2020

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Address 19675 Eagle Mill Road
(Rich & Park Property)

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Reviewer: Dan Esser

1-6-21
11 Am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/29/2020

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
DEC 29 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-221 (Revised Comment)

INFORMATION:
Property Address: 19675 Eagle Mill Road
Petitioner: Allison Rich & Weston Park
Zoning: RC 8
Requested Action: Special Hearing, Variance

The Department has reviewed the petition for a Special Hearing to approve an accessory In-Law Apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC-8 Zone; a Variance to permit the proposed accessory Use in-law building 199 feet from a cultivated pasture in lieu of the required 300 feet.

The area surrounding the property is a mix of rural residential and agricultural land.

Two issues were brought up in our initial December 21, 2020 comment. They involved a discrepancy involving the orientation of the dwelling and the request for an accessory building solely for the purpose of the proposed "accessory-in law" use. Subsequent to this comment going forward, the petitioners have proposed to amend their petition so that the "accessory building" will also include a shed and has submitted a plan showing that the built orientation indicating the proposed accessory structure to be to the rear of the building.

Furthermore, with respect to the variance request, the proposed location of the accessory structure as shown on the plan would appear to have the least impact on any adjacent agricultural use.

The Department of Planning does not oppose this request.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

S:\Planning\Dev Rev\ZAC\ZACs 2020\20-221 Wally 09-11-20\Shell\20-221 (revised comment).docx

CPG/JGN/KP/

c: Wally Lippincott, Northern Sector Planner
Joseph Wiley, Northern Sector Planner
Allison M. Rich
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-6-21
11 AM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/29/2020

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
DEC 29 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-221 (Revised Comment)

INFORMATION:
Property Address: 19675 Eagle Mill Road
Petitioner: Allison Rich & Weston Park
Zoning: RC 8
Requested Action: Special Hearing, Variance

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Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

ORDER RECEIVED FOR FILING
Date 1/7/21
By

S:\Planning\Dev Rev\ZAC\ZACs 2020\20-221\Wally 09-21-20\Shell\20-221 (revised comment).docx

CPG/JGN/KP/

c: Wally Lippincott, Northern Sector Planner
Joseph Wiley, Northern Sector Planner
Allison M. Rich
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/7/21
By DMignon

✓ Order
✓ ltr.

JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0221-SPHA
19675 Eagle Mill Road
East of Walker Road, s/east side of Eagle Mill Road
6th Election District – 3rd Councilmanic District
Legal Owners: Allison Rich, Weston Park

Special Hearing for an accessory in-law apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC-8 zone. Variance to permit the proposed accessory use in-law building 199 L.F. from a cultivated pasture in lieu of the required 300 L.F.

Hearing: Wednesday, January 6, 2021 at 11:00 a.m.

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Michael Mallinoff
Director

MM:kl

C: Allison Rich, Weston Park, 19675 Eagle Mill Road, Parkton 21120

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., DECEMBER 17, 2020.**

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 19675 Eagle Mill Rd **which is presently zoned** RC8

Deed References: 41743 / 291 10 Digit Tax Account # 1 7 0 0 0 0 9 7 2 3

Property Owner(s) Printed Name(s) Allison M. Rich and Weston R. Park

(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 in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC8 Zone.

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

3. X **a Variance** from Section(s) 1A09.7.B.5.b to permit the proposed accessory use In-Law Building 199 L.F. from a cultivated pasture in lieu of the required 300 L.F.

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)** TWO ATTACHED LETTERS. ATTACHED DECLARATION OF UNDERSTANDING, FLOOR PLANS, AND ELEVATION DRAWINGS. ANY AND ALL RELIEF NECESSARY.

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

Legal Owners (Petitioners):

Allison M. Rich / Weston R. Park

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

19675 Eagle Mill Rd Parkton MD

Mailing Address City State

21120 / 443-902-1310 / allisonmrich91@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Allison M. Rich

Name – Type or Print

Signature

19675 Eagle Mill Rd Parkton MD

Mailing Address City State

21120 / 443-902-1310 / allisonmrich91@gmail.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0221-SPHA **Filing Date** 8/28/2020 **Do Not Schedule Dates:** — **Reviewer** RJ

REV. 10/4/11

Debra Wiley

From:	Debra Wiley
Sent:	Monday, December 14, 2020 2:19 PM
To:	Kristen L Lewis
Cc:	Donna Mignon
Subject:	Link - 2020-0221-SPHA

Event Information

Event:	Zoning Hearing - Case No. 2020-0221-SPHA - 19675 Eagle Mill Rd. - Rich / Park
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e7bbb5
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e350fa6
Date and time:	Wednesday, January 6, 2021 11:00 am Eastern Standard Time (New York, GMT-05:00)
Duration:	1 hour
Description:	Zoning Hearing Case No. 2020-0221-SPHA 19675 Eagle Mill Road Allison Rich / Weston Park
Event number:	180 329 5809
Event password:	1234
Host key:	397324
Alternate Host:	Donna Mignon,Henry Ayakwah,Maureen Murphy
Panelist Info:	
Panelist password:	
Panelist numeric password:	980173
Video Address:	1803295809@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 180 329 5809

Debra Wiley

Subject:	Web seminar scheduled: Zoning Hearing - Case No. 2020-0221-SPHA - 19675 Eagle Mill Rd. - Rich / Park
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e135dafcf3cc940c1da5ddc1646962135
Start:	Wed 1/6/2021 11:00 AM
End:	Wed 1/6/2021 12:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	webex

When it's time, start the Webex event here.

Host: Debra Wiley (dwiley@baltimorecountymd.gov)
Event number (access code): 180 329 5809

Wednesday, January 6, 2021 11:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e135dafcf3cc940c1da5ddc16469
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec6b665cbbdebd6be4d51acf6f9c

Start event

Audio conference information
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application

Dial 1803295809@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 980173

If you are a host, click here to view host information:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e38a9ff77fa19d5ff764e62eb5349af25

Need help? Go to http://help.webex.com

/ JB 12-7-18

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(19675 Eagle Mill Road)		
6th Election District	*	OF ADMINISTRATIVE
3rd Council District		
Eleanor Hardy	*	HEARINGS FOR
Legal Owner		
Michael & Heather Brenner	*	BALTIMORE COUNTY
Contract Purchasers		
	*	**CASE NO. 2019-0108-A**
Petitioners		

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Eleanor Hardy, legal owner of the subject property and Michael & Heather Brenner, contract purchasers ("Petitioners"). Petitioners are requesting variance relief from Sections 1A09.7.B.5.b(1)(a) and 400.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to allow a proposed dwelling with a right side yard setback of 140 feet and a rear yard setback of 115 to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability; and (2) to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location. A site plan was marked as Petitioners' Exhibit 1.

Michael Brenner and surveyor Geoff Schultz appeared in support of the petition. Clay Seitz (a neighbor), who was represented by Gary Graham, Esq., opposed the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the requests.

The site is approximately 2.210 acres in size and is zoned RC-8. The property is unimproved and Petitioners propose to construct a single-family dwelling on the lot. Given the

300' setback imposed in the RC-8 (Environmental Enhancement) zone, variance relief is required before a dwelling can be constructed on the lot.

A variance request involves a two-step process, summarized as follows:

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

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

The unique aspect of the property is its RC-8 zoning, which is a seldom seen zoning classification. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

The reality is that if a variance is not granted a dwelling could not be built on this lot, which could arguably constitute a taking or forfeiture. In any event, it would deny the Petitioners a reasonable use of their land and a return on their investment. The question concerns the magnitude of relief required to enable a home to be constructed at the site.

Maryland law requires that a petitioner seeking a variance must prove the request is the minimum reasonably necessary to overcome the exceptional circumstances or practical difficulties caused by the zoning ordinance. *Montgomery County v. Rotwein,* 169 Md. App. 716 (2006). In this regard, I believe the proposed home shown on the original (signed and sealed by Mr. Schultz on October 3, 2018) and amended (as forwarded via e-mail to the undersigned on December 13, 2018) site plans should be relocated north and east on the lot so the structure is as far as possible from the adjacent farm. This is the intent of the RC-8 setbacks and they should be honored to the

extent practicable.

THEREFORE, IT IS ORDERED, this 19th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR Section 1A09.7.B.5.b(1)(a) to allow a proposed dwelling with a right side (as one faces the front of the proposed home) yard setback of 160 feet and a rear yard setback of 150 feet to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability, be and is hereby GRANTED.

IT IS FURTHER ORDERED the Petition for Variance pursuant to BCZR Section 400.1 to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location, be and is hereby DENIED.

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.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

1-6-21
11Am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/21/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-221

INFORMATION:
Property Address: 19675 Eagle Mill Road
Petitioner: Allison Rich & Weston Park
Zoning: RC 8
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a Special Hearing to approve an accessory In-Law Apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that in in the RC-8 Zone; a Variance to permit the proposed accessory Use in-law building 199 feet from a cultivated pasture in lieu of the required 300 feet.

The area surrounding the property is a mix of rural residential and agricultural land.

There is a discrepancy between this submitted plan for this case and submitted plan for the prior case 19-108. It appears that the orientation of the house has been reversed since the last case as with the setbacks labeled between the two plans. According to section 1A09.7.C.2.c of the Baltimore County Zoning Regulations, "dwelling should be front-oriented to public rights of way; reverse-fronted lots generally will not be permitted." An accessory building was proposed in case 19-108 in the same approximate location as the new proposed accessory in-law building which was denied by the ALJ at the time.

The Department of Planning does not support this request. The building is not a proposed accessory structure with an in-law apartment, but is being constructed as a 2nd dwelling on the property. The floor plan submitted with the plan shows no other uses along with the residence. The building is located in the same location as previously denied.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

S:\Planning\Dev Rev\ZAC\ZACs 2020\20-221 Joe W. 09-11-20\Shell\20-221.docx

CPG/JGN/KP/

c: Joseph Wiley, Northern Sector Planner
Allison M. Rich
Office of the Administrative Hearings
People's Counsel for Baltimore County

1/6/21 @ 11:00 a.m.

CASE NO. 2020-0221-SPHA

Order ✓
ltr ✓

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
9/18	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
12.21	PLANNING (if not received, date e-mail sent _____)	C Does Not ~~Support~~ Oppose
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2019-0108-A (See attached))

NEWSPAPER ADVERTISEMENT Date: 12/17/20

SIGN POSTING (1st) Date: 12-15-20 by Altmayer

SIGN POSTING (2nd) Date: 1-2-21 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☑ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Donna Mignon

From: Donna Mignon
Sent: Monday, January 4, 2021 3:01 PM
To: 'allisonmrich91@gmail.com'
Subject: 19675 Eagle Mill Road Case No: 2020-0221-SPHA

Good Afternoon,
We have not received any exhibits that you may want to present for your hearing on 1/6/2021.
Please email these to us immediately at administrativehearings@baltimorecountymd.gov.

Thank you. Have a great day.

From: Donna Mignon
Sent: Tuesday, December 22, 2020 1:54 PM
To: 'allisonmrich91@gmail.com' <allisonmrich91@gmail.com>
Subject: 19675 Eagle Mill Road Case No: 2020-0221-SPHA

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for January 6, 2021 at 11:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Tuesday, December 22, 2020 1:54 PM
To: 'allisonmrich91@gmail.com'
Subject: 19675 Eagle Mill Road Case No: 2020-0221-SPHA

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If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: John Altmeyer <jaltmeyer@aol.com>
Sent: Saturday, January 2, 2021 6:07 PM
To: Debra Wiley; Donna Mignon; allisonmrich91@gmail.com; wrp1869@gmail.com
Subject: Certificate of Posting (recheck) Case 2020-0221-SPHA 19675 Eagle Mill RD. Allison Rich / Weston Park
Attachments: CCF_000014.pdf

Donna: See attached recheck Certification and picture. I hope things are well and the Holidays enjoyable. Stay Healthy!

John M. Altmeyer

CERTIFICATE OF POSTING

Date: 12/15/2020 & re/ck 01/02/202

RE: Project Name: ZONING HEARING

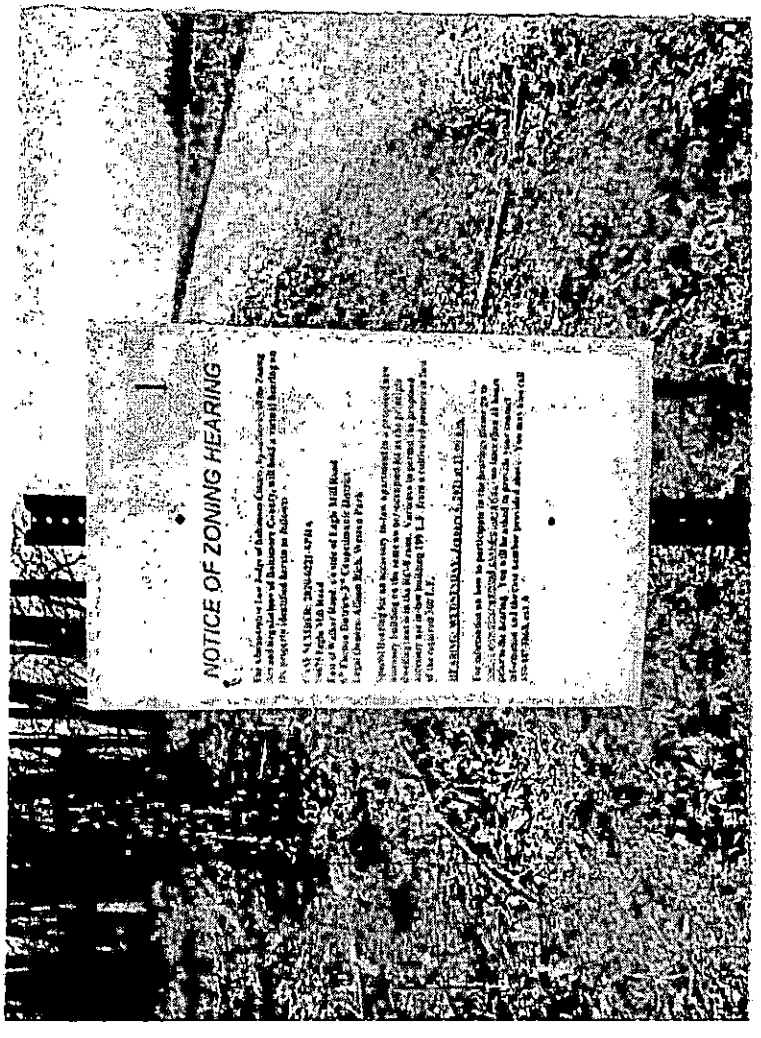
Case Number /PAI Number: 2020-0221-SPHA

Petitioner/Developer: Allison Rich, Weston Park

Date of Hearing/Closing: 01/06/2021

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 19675 Eagle Mill Road

The sign(s) were posted on 12/15/2020 recheck 01/02/2021
(Month, Day, Year)



(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: 12/15/2020 & re/ck 01/02/202

RE: Project Name: ZONING HEARING

Case Number /PAI Number: 2020-0221-SPHA

Petitioner/Developer: Allison Rich, Weston Park

Date of Hearing/Closing: 01/06/2021

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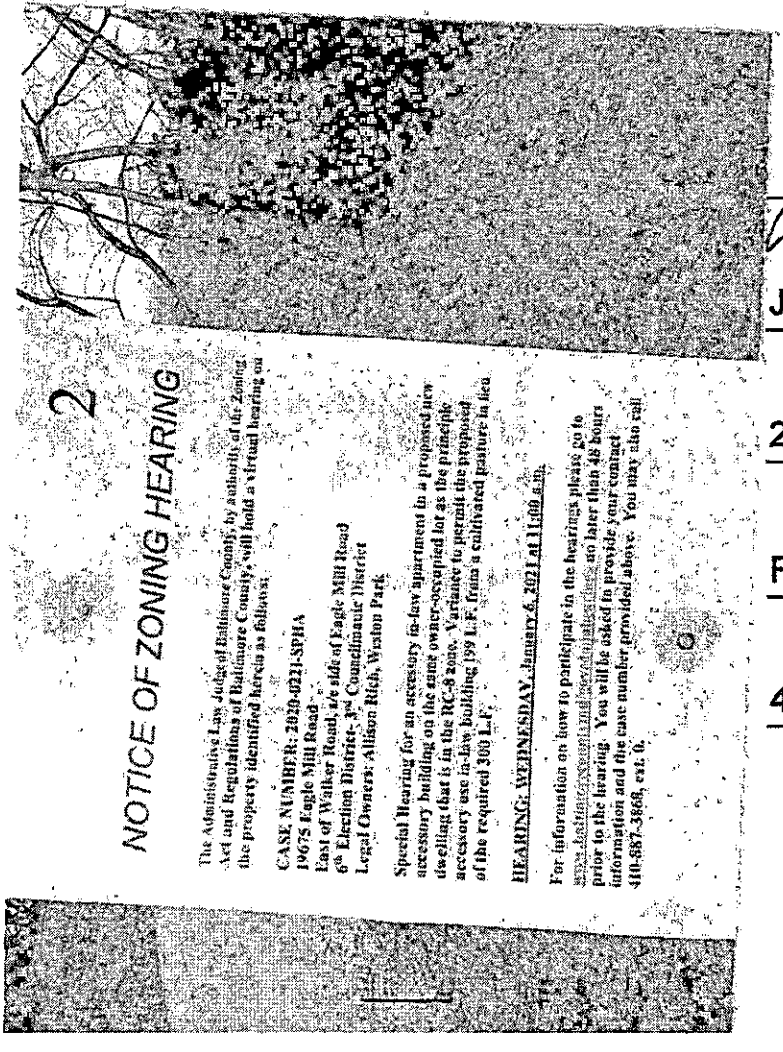
(Month, Day, Year)



(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

1-6-21
11 AM

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Thursday, December 31, 2020 3:29 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Raymond
Last Name	Seitz
Email	Jnk@clayseitz.com
Phone	4103574069
Address	19635 eagle mill rd
City	Parkton
State	Maryland
ZIP Code	21120
Case Number	2020-0221-SPHA
Scheduled Hearing Date	Jan 6, 2021

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Allison M. Rich and Weston R. Park	allisonmrich91@gmail.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Raymond Seitz	jnk@clayseitz.com	1-	New York Time	English	U.S.

OK

1-11-21
11 Am

Donna Mignon

From: John Altmeyer <jaltmeyer@aol.com>
Sent: Saturday, January 2, 2021 6:17 PM
To: Debra Wiley; Donna Mignon; allisonmrich91@gmail.com; wrp1869@gmail.com
Subject: Case # 2020-0221-SPHA recheck Posting 19675 Eagle Mill Rd. Allison Rich / Weston Park

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

Debra:

I hope things are well and your family had an enjoyable Christmas and New Year. Stay Healthy!

John Altmeyer
410-382-6580

RECEIVED
DEC 04 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

Date: 12/15/2020 & re/ck 01/02/202

RE: Project Name: ZONING HEARING

Case Number /PAI Number: 2020-0221-SPHA

Petitioner/Developer: Allison Rich, Weston Park

Date of Hearing/Closing: 01/06/2021

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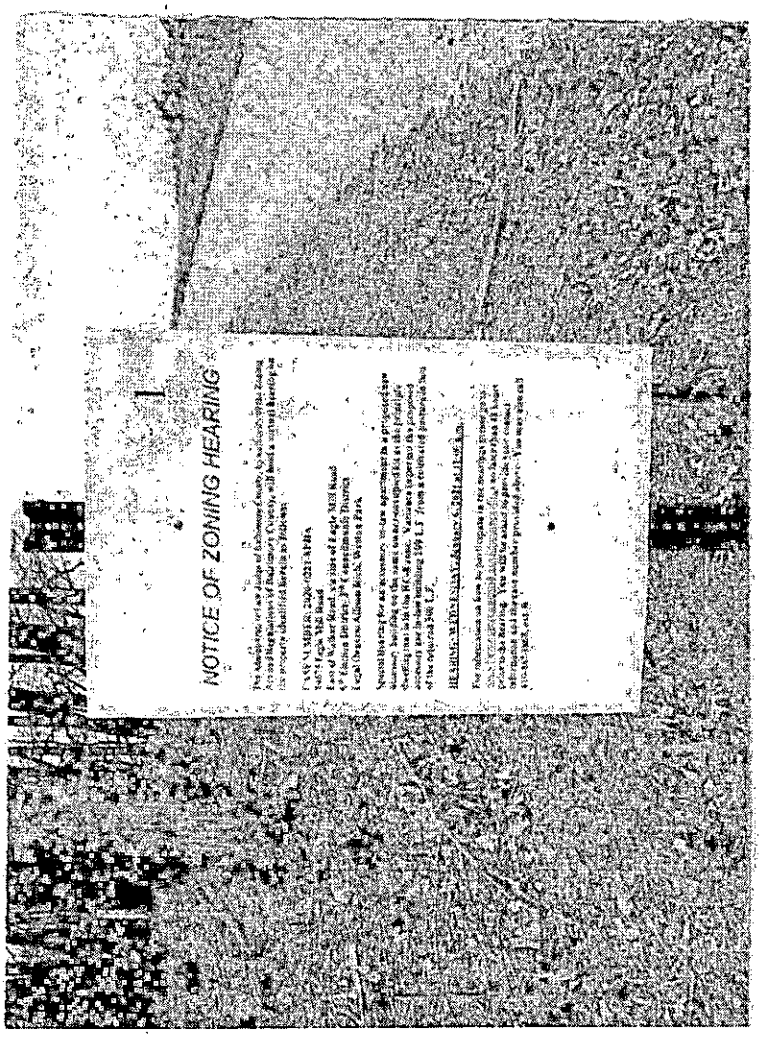
(Month, Day, Year)



(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

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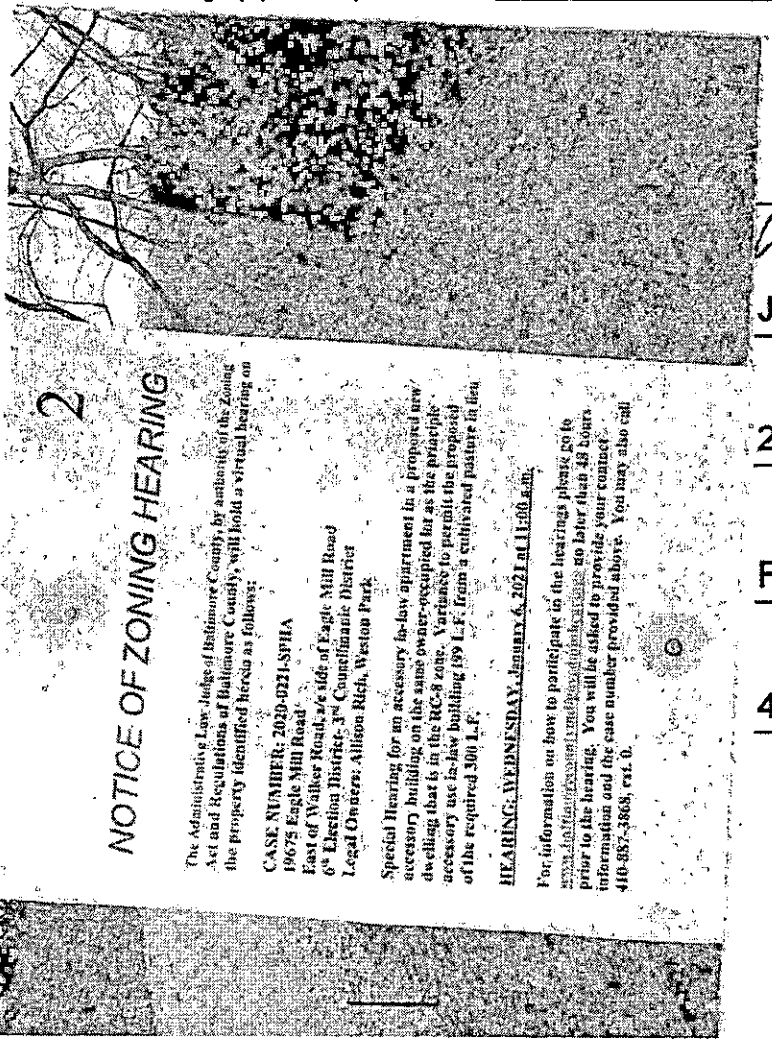

(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District** - 06 **Account Number** - 1700009723

Owner Information

Owner Name:	PARK WESTON R RICH ALLISON M	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	19675 EAGLE MILL RD PARKTON MD 21120-	**Deed Reference:**	/41743/ 00291

Location & Structure Information

Premises Address:	19675 EAGLE MILL RD PARKTON 21120-	**Legal Description:**	2.217 AC SER EAGLE MILL RD REAR 190 1000 E WALKER RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0011	0012	0187	6030007.04	0000				2020	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2020	1,326 SF		2.2100 AC	05

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	SIDING/	4	2 full		

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020	Phase-in Assessments As of 07/01/2021
Land:	110,900	110,900		
Improvements	193,200	214,500		
Total:	304,100	325,400	311,200	318,300
Preferential Land:	0	0		

Transfer Information

Seller: BRENNER MICHAEL JOSEPH	**Date:** 08/14/2019	**Price:** $180,500
Type: ARMS LENGTH VACANT	**Deed1:** /41743/ 00291	**Deed2:**
Seller: HARDY ELEANOR MERRYMAN	**Date:** 04/04/2019	**Price:** $135,000
Type: ARMS LENGTH VACANT	**Deed1:** /41286/ 00156	**Deed2:**
Seller: MERRYMAN N B AG USE 83-84	**Date:** 12/27/1976	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05711/ 00001	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 10/22/2020

Homeowners' Tax Credit Application Information

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

ZAC AGENDA

Case Number: 2020-0221-A **Reviewer:** Rosalie Johnson
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: Allison M. Rich & Weston R. Park
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 6 **Council Dist:** 3

Property Address: 19675 EAGLE MILL RD
Location: East of Walker Road on South East side of Eagle Mill Road.

Existing Zoning: RC 8 **Area:** 2.21 AC
Proposed Zoning:
SPECIAL HEARING:
An accessory In-Law Apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC -8 Zone.

VARIANCE:
1A09.7.B.5.b To permit the proposed accessory use In- law Building 199 L.F from a cultivated pasture in lieu of the required 300 L.F.
Attorney: Not Available
Prior Zoning Cases: 2019-0108-A
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

1-6-21
11 Am

January 4th, 2021

Office of Administrative Hearings
105 W. Chesapeake Ave
Suite 103
Towson, Maryland 21204

DM
1/6/21

Re: Exhibits for Case Number 20-221

To Whom It May Concern,

Below, please find the exhibits for the zoning hearing for an accessory building at 19675 Eagle Mill Road in Parkton, Baltimore County. The case number is referenced above.

Exhibit 1: Letter from the petitioners explaining the purpose and importance of the construction of the accessory building.

Exhibit 2: Portions of the architectural drawings for the accessory dwelling. The hand sketched portion is the inclusion of a barn structure based off revising plans from the comments provided by the Department of Planning. The entire structure's square footage will be 900 sq/ft.

Exhibit 3: A sketch of the location of the accessory building, including setbacks, property lines, and pre-existing property infrastructure such as the septic system and well.

Exhibit 4: A revised letter from the Baltimore County Department of Planning which shows no opposition to the construction of the revised structure as well as stipulating that the location of the structure "appears to have the least impact on any adjacent agricultural land".

Exhibit 5: Photos of the build site including…

- **5a:** Photo of the potential build site as viewed from the fence line of our agricultural neighbor
- **5b:** Photo of the potential build site as viewed from the rear tree line, facing towards the agricultural land.

We look forward to discussing the plans on January 6th.

Sincerely,

Weston R. Park, Owner
Allison M. Rich, Owner

1-6-21
11 Am

January 4th, 2021

Office of Administrative Hearings
105 W. Chesapeake Ave
Suite 103
Towson, Maryland 21204

Re: Exhibits for Case Number 20-221

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Exhibit 5: Photos of the build site including…

5a: Photo of the potential build site as viewed from the fence line of our agricultural neighbor

5b: Photo of the potential build site as viewed from the rear tree line, facing towards the agricultural land.

We look forward to discussing the plans on January 6th.

Sincerely,

Weston R. Park, Owner
Allison M. Rich, Owner

January 4, 2021

Your Honor:

What will follow this letter is my family's evidence supporting our request to construct a 900 square foot accessory structure, featuring both a storage barn and an in-law apartment, on our property, so that my aging and medically vulnerable mother may come to live with us. As the COVID-19 pandemic has wrought its financial pressures, as well as urgent health concerns for elderly folks living in communal settings, we feel an immense amount of gratitude and indeed, relief, to have this opportunity to bring her soon to live with us in the relative safety of our home at 19675 Eagle Mill Rd in Parkton.

We are requesting this variance as the building of this accessory structure would necessarily occur within 300 feet of agricultural land, within our RC-8 zoning. The positioning and sizing of our property does not exceed this distance at any point, and thus without the variance the construction of this structure – extremely vital for the physical, emotional, and financial health of my mother – would be impossible. Without this approval, we would truly be at a loss as to how to provide her with the care she needs in a financially viable way, to ensure the proximity to her grandson we so value for both her and him, and to realize the dream we held for moving into rural Baltimore County and developing our own multigenerational farmstead.

In devising this plan, we have taken the needs of both our own and neighboring landscapes into account, and have concluded that the location of this proposed structure is the most, if indeed not only, viable location on our property with respect to the contour of the land, the location of vital structures such as the well and septic system, and to avoid impact on the adjoining pasture land as well as our own agricultural undertakings. Further, we are under contract for the adjoining 3.5-acre lot, as we pursue the expansion of our own farmstead endeavors whilst also ensuring no conflict between the creation of this structure and the use of that adjoining property.

As additional exhibits will elucidate, in collaboration with the County's Planning team, we have devised a secondary use for this structure in the form of an attached storage barn, which will assure compliance with zoning code as well as providing us with substantial benefit. A partially heated, attached storage structure will ensure a safe space for brooding chicks, starting seedlings, and other vital activities that will well serve our own family, and we believe are in keeping with the larger purpose of both our property and its related zoning designation, preserving the agricultural intent of the Hereford Zone in which we feel privileged to reside.

Having built our primary residence intentionally smaller, at only 1,200 square feet, the total, combined square footage of these two structures scarcely matches that of many

modern single-family residences – a decision made with the goal of preserving the integrity of this rural landscape, not meant for excessive amounts of concrete and mortar. Similarly, great care will be taken to ensure the exterior of the two dwellings not only matches, but retains the farmhouse appeal so characteristic of the Parkton region, complete with metal roofing, board and batten siding, and gracious wooden porches.

Thank you so much for your consideration of this request – it is so meaningful to our family, and we are grateful.

Stay safe and well – and with the utmost respect.

Allison M. Rich, Owner
Weston R. Park, Owner

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 3 day of August 2020, by and between Allison M. Rich and Weston R. Park (hereinafter referred to as the "Declarants") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarants who are also the owners of this property have filed an application for a use permit and special hearing to: *Construct an in-law residence of 700 square feet, located between the primary owner residence and the back property line. The residence will include a single bedroom, kitchen, bathroom, living area, and laundry facility, and will share the same electrical connection, septic system, and well system as the primary residence.*

   The property being located at: 19675 Eagle Mill Rd in Parkton, MD 21120 and is more particularly described by metes and bounds in **Exhibit** A (The Property) and

Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned residential, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Diane M. Sexton, mother of Declarant Allison M. Rich. The other residents of the property are:

- Allison M. Rich (owner, resides in main residence)
- Weston R. Park (owner, resides in main residence)
- Greyson M. Park (son of A. Rich and R. Park, resides in main residence)

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

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

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

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

2. Once the Accessory Apartment is no longer occupied by the person named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed

changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination:

A. In the Accessory Apartment in the accessory building, removal of the kitchen and possibly other residential elements may be required, at the discretion of PAI.

B. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. 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.

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

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

WITNESS: _____

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day of 2020, before the Subscriber, a Notary Public of State of Maryland, personally appeared

_____. _____

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:

_____ Notary Public

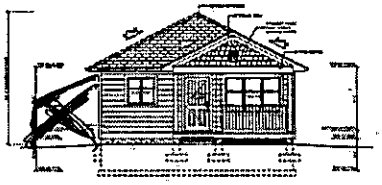
Exhibit A (The Property Description)

ZONING PROPERTY DESCRIPTION FOR 19675 EAGLE MILL RD

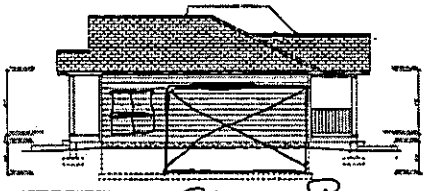
Beginning at a point on the east side of Eagle Mill Rd which is 30.77 feet wide at a distance of 9 feet east of the centerline of the nearest improved intersecting street, Eagle Mill Rd.

Beginning at a P.K. nail now set in Eagle Mill Road at the end of the first or South 01 degree 35 minutes 13 seconds West 30.33 foot line of the firstly herein described tract and running thence, South 01 degree 35 minutes 13 seconds West 30.77 feet to a P.K. nail set in Eagle Mill Road, thence South 80 degrees 00 minutes 14 seconds East 170.00 feet to an iron pin now set, thence South 18 degrees 20 minutes 14 seconds East 240.00 feet to an iron pin now set, thence North 71 degrees 39 minutes 46 seconds East 331.00 feet to the end of the fourth line of the aforesaid conveyance and running with and binding reversely on said fourth line and also on the third and second lines respectively of said conveyance the following three courses, viz: 5) North 18 degrees 20 minutes 14 seconds West 276.68 feet to an iron pin set, thence 6) South 71 degrees 39 minutes 46 seconds West 334.90 feet to an iron pin set, thence 7) North 80 degrees 00 minutes 14 seconds West 153.66 feet to the place of beginning, containing 2.217 acres of land more or less.

Storage Barn

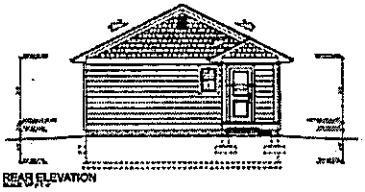


FRONT ELEVATION

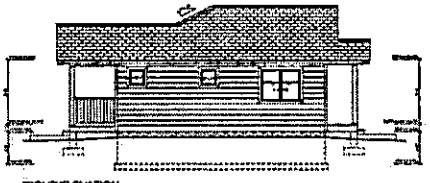


LEFT ELEVATION

Storage Barn



REAR ELEVATION



RIGHT ELEVATION

Exterior Elevations

GIROUX DESIGN GROUP
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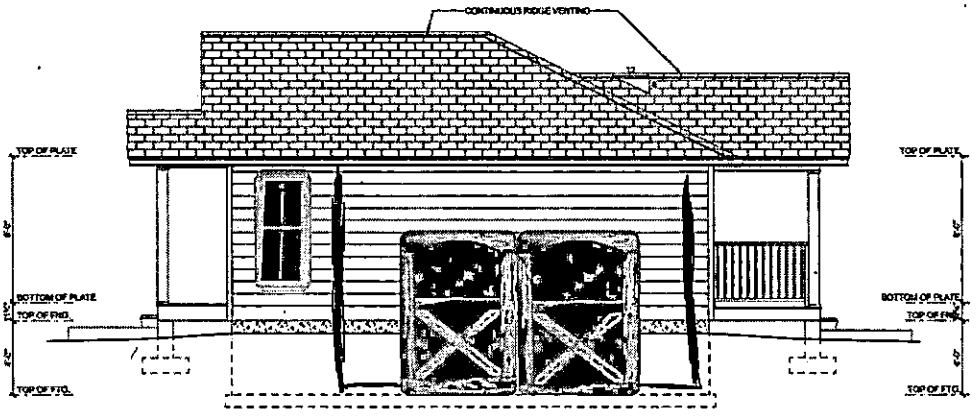
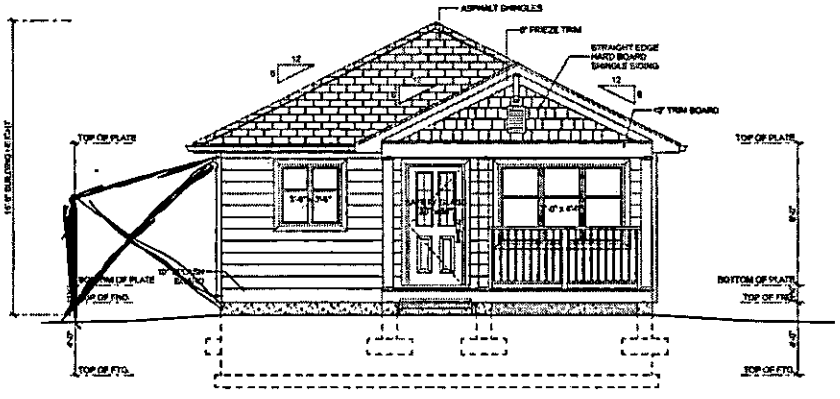
2

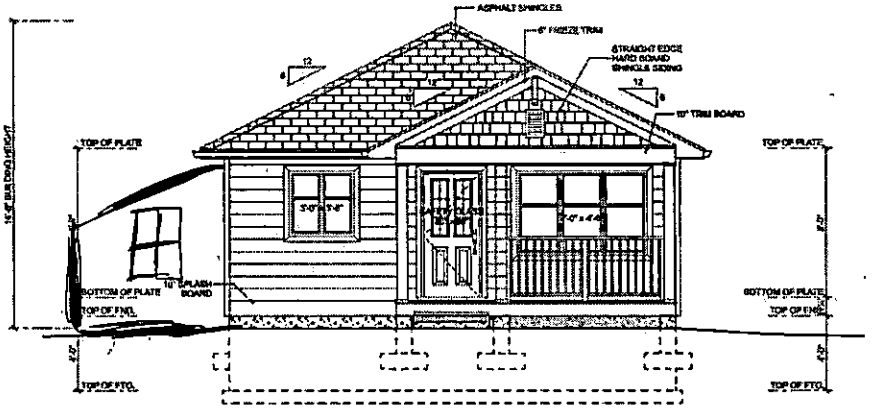


LEFT ELEVATION
SCALE: 1/4" = 1'-0"

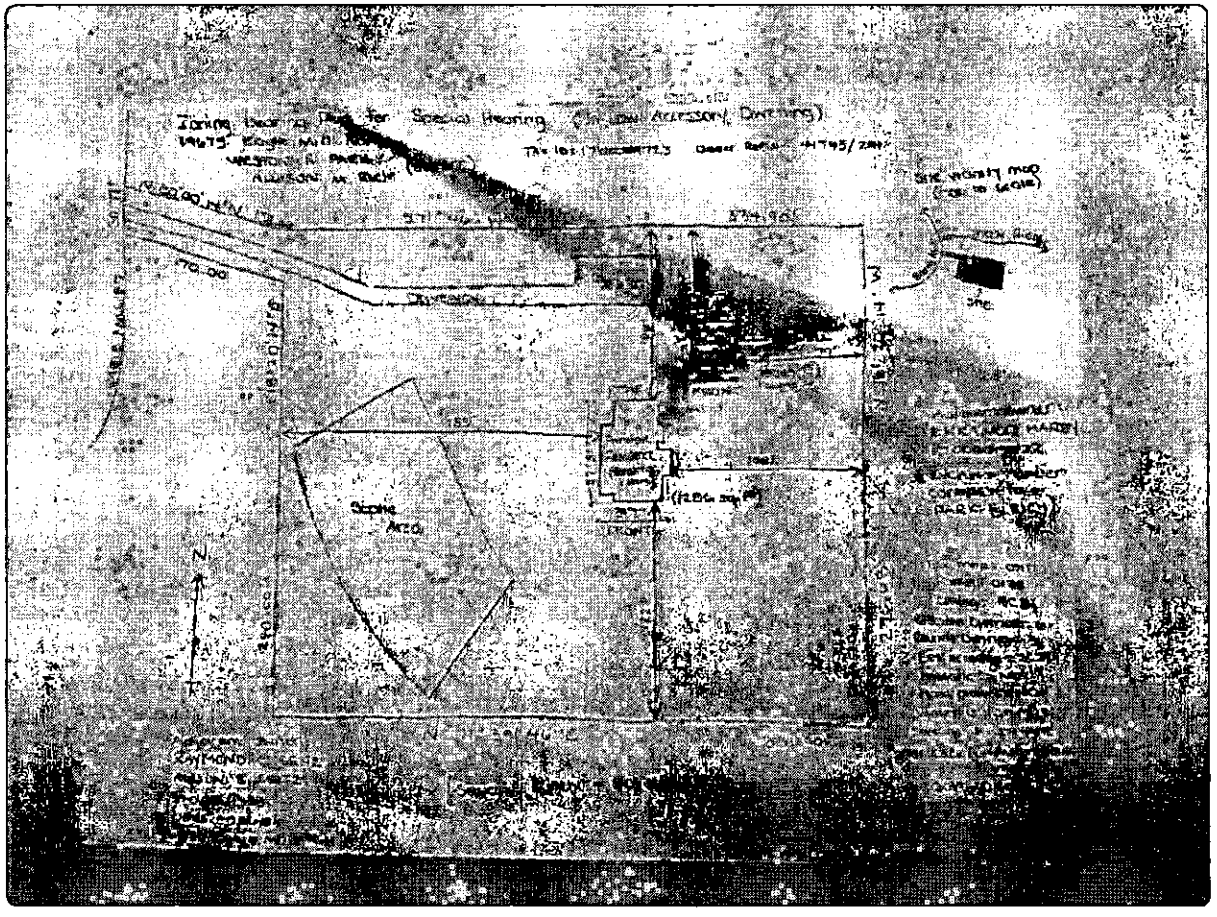
1



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"


Zoning Map for Special Hearing (In Low Accessory Dwellings)
Driveway
Storage Area
N

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/29/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-221 (Revised Comment)

INFORMATION:
Property Address: 19675 Eagle Mill Road
Petitioner: Allison Rich & Weston Park
Zoning: RC 8
Requested Action: Special Hearing, Variance

The Department has reviewed the petition for a Special Hearing to approve an accessory In-Law Apartment in a proposed new accessory building on the same owner-occupied lot as the principle dwelling that is in the RC-8 Zone; a Variance to permit the proposed accessory Use in-law building 199 feet from a cultivated pasture in lieu of the required 300 feet.

The area surrounding the property is a mix of rural residential and agricultural land.

Two issues were brought up in our initial December 21, 2020 comment. They involved a discrepancy involving the orientation of the dwelling and the request for an accessory building solely for the purpose of the proposed "accessory-in law" use. Subsequent to this comment going forward, the petitioners have proposed to amend their petition so that the "accessory building" will also include a shed and has submitted a plan showing that the built orientation indicating the proposed accessory structure to be to the rear of the building.

Furthermore, with respect to the variance request, the proposed location of the accessory structure as shown on the plan would appear to have the least impact on any adjacent agricultural use.

The Department of Planning does not oppose this request.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

S:\Planning\Dev Rev\ZAC\ZACs 2020\20-221 Wally 09-11-20\Shell\20-221 (revised comment).docx

4

CPG/JGN/KP/

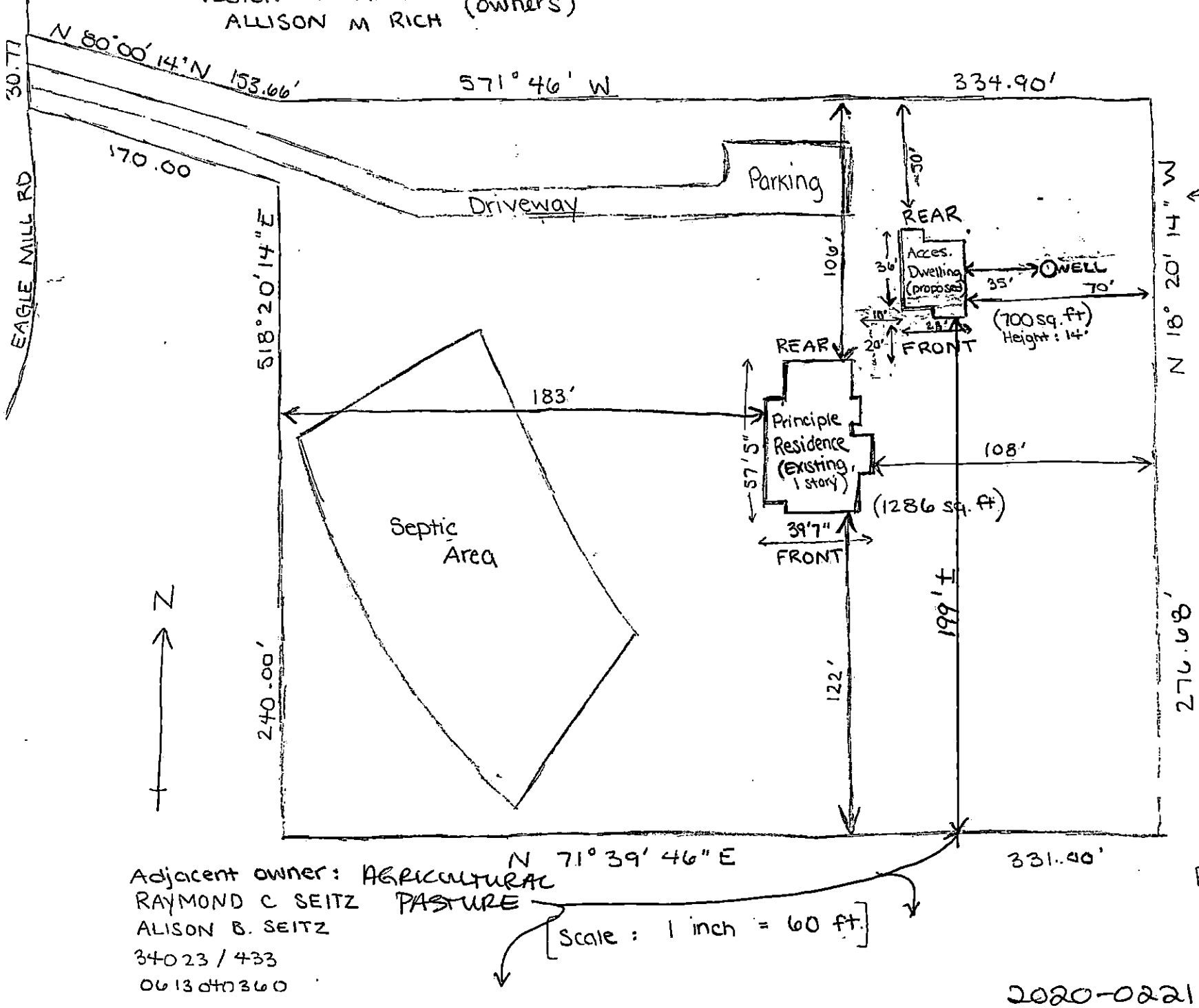
c: Wally Lippincott, Northern Sector Planner
Joseph Wiley, Northern Sector Planner
Allison M. Rich
Office of the Administrative Hearings
People's Counsel for Baltimore County

5A

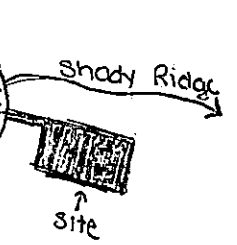
5B

Zoning Hearing Plan for Special Hearing (In-Law Accessory Dwelling)
19675 Eagle Mill Rd
WESTON R PARK
ALLISON M RICH (owners)

TAX ID: 1700009723 Deed Ref #: 41743/291



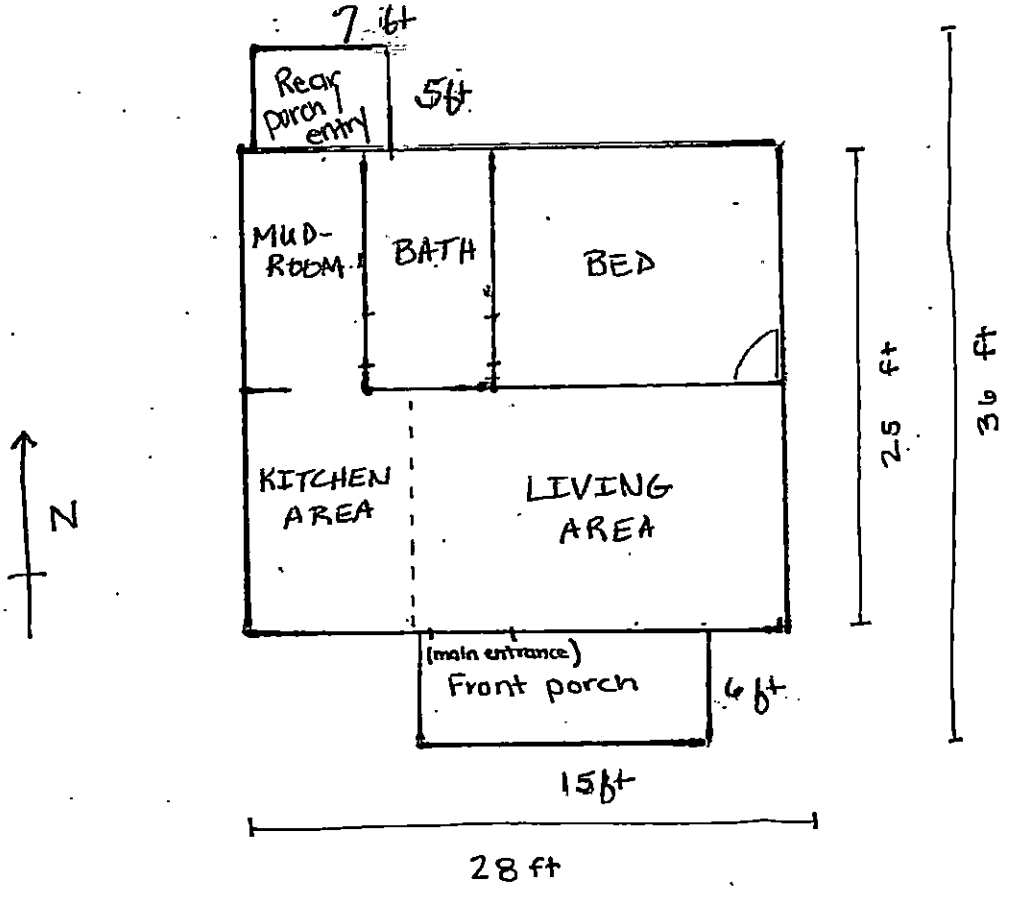
Site vicinity map (not to scale)



Adjacent owner:
ELEANOR HARDY
1700009722
(VACANT, under contract to PARK & RICH)

Tax map: 0011
Parcel: 0187
Zoning: RC
Election District: 6
Council District: 3
Lot acreage: 2.21
Historic?: NO
Flood plain?: NO
Water is: private
Sewage is: private
prior case (under previous owner):
2019-0108-A

2020-0221-SPHA

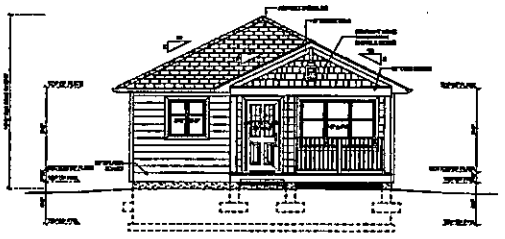


Scale = 1" = 10'

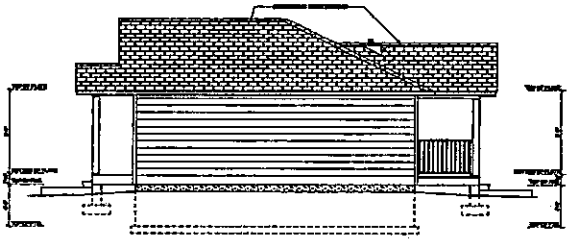
Sq. footage = 700 sq. ft.

Accessory Dwelling (proposed)
19675 Eagle Mill Rd.

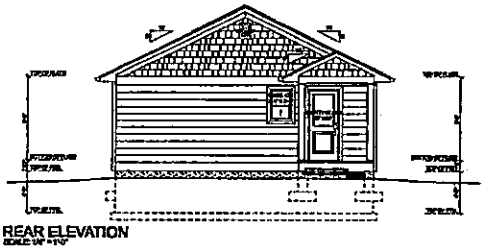
14' height



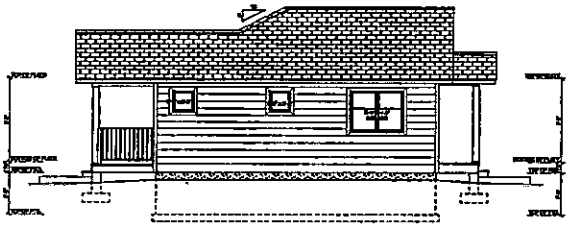
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Exterior Elevations

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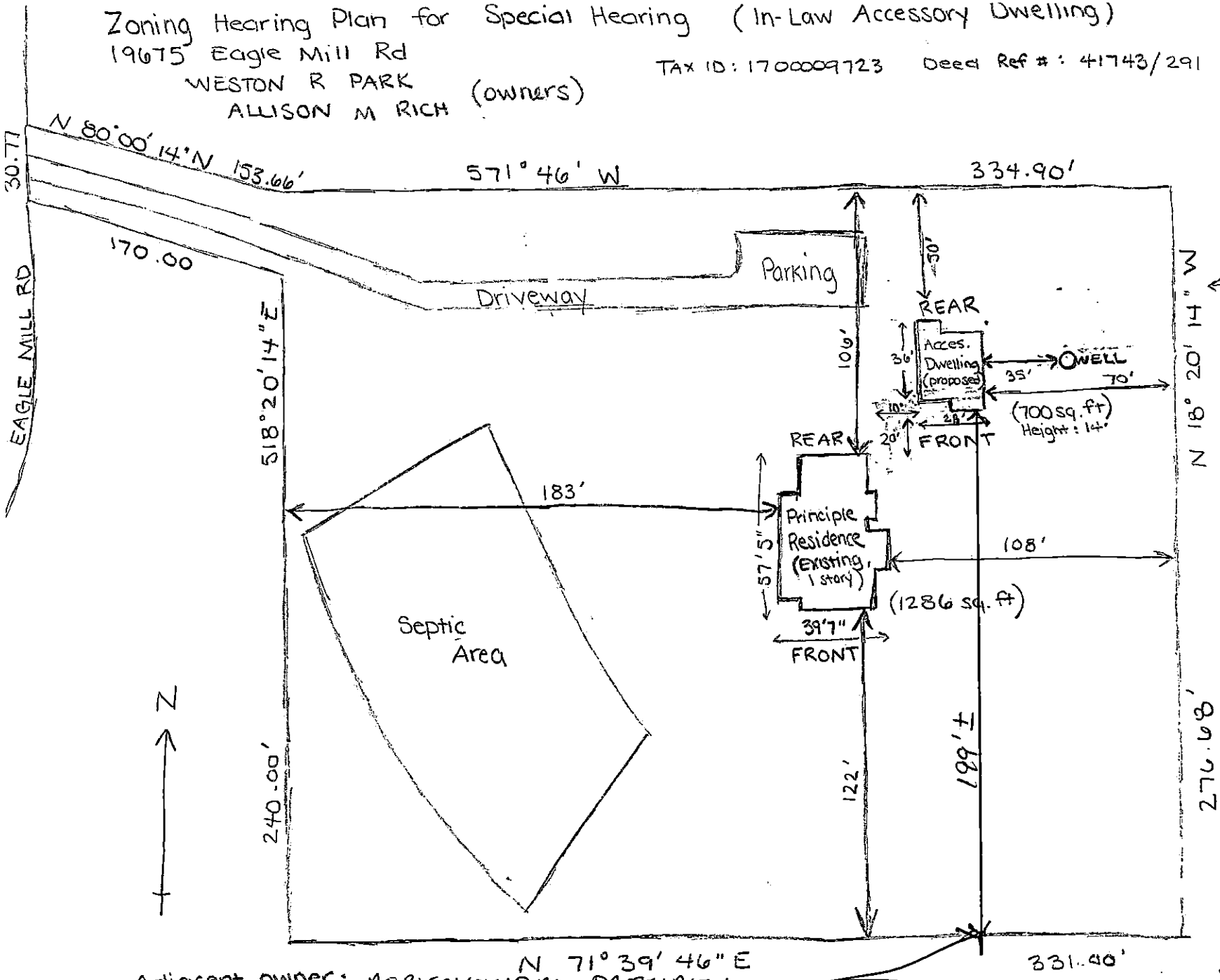
035420

A4

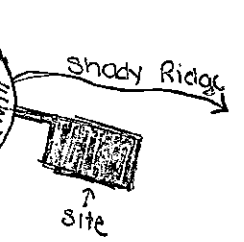
Exterior of proposed structure

Zoning Hearing Plan for Special Hearing (In-Law Accessory Dwelling)
19675 Eagle Mill Rd
WESTON R PARK
ALLISON M RICH (owners)

TAX ID: 1700009723 Deed Ref #: 41743/291



Site vicinity map (not to scale)



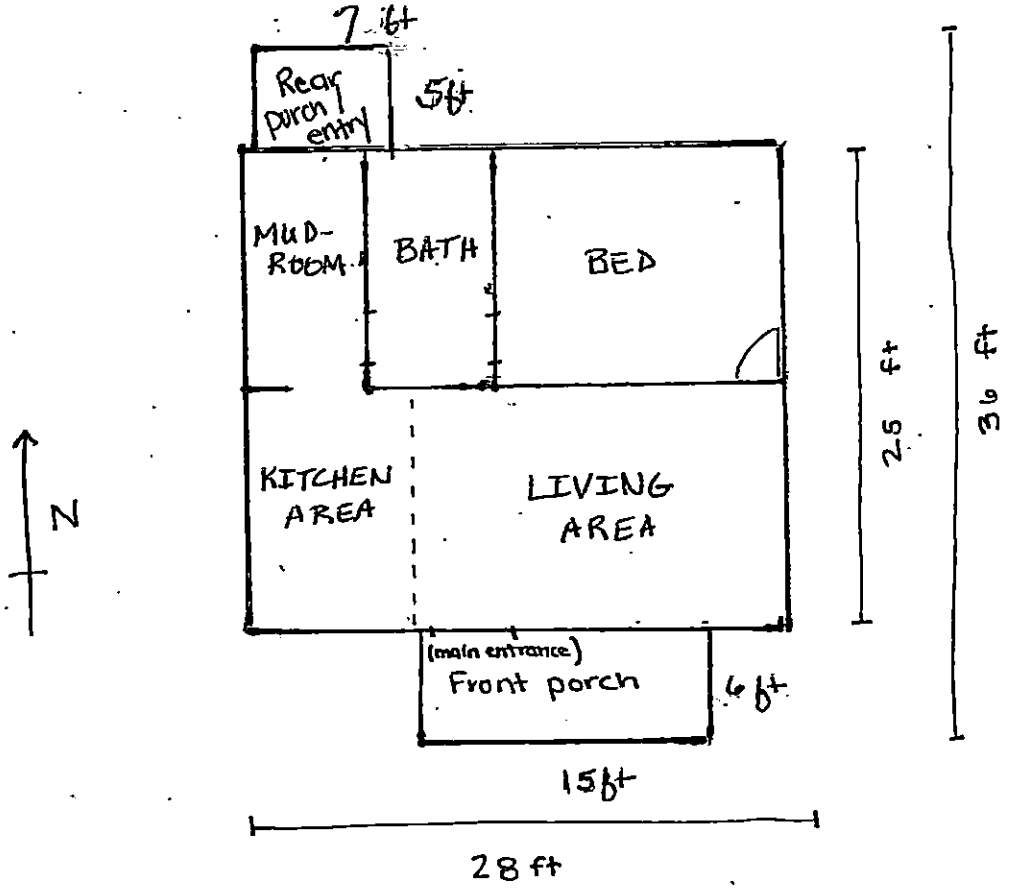
Adjacent owner:
ELEANOR HARD
1700009722
(VACANT, under contract to PARK & RICH)

Tax map: 0011
Parcel: 0187
Zoning: RC
Election District: 6
Council District: 3
Lot acreage: 2.21
Historic?: NO
Flood plain?: NO
water is: private
sewage is: private
prior case (under previous owner):
2019-0108-A

Adjacent owner: AGRICULTURAL PASTURE
RAYMOND C SEITZ
ALISON B. SEITZ
34023/433
0613040360

[Scale: 1 inch = 60 ft.]

2020-0221-SPHA



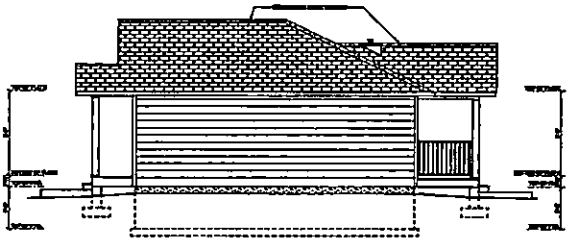
Scale = 1" = 10'

Sq. footage = 700 sq. ft.

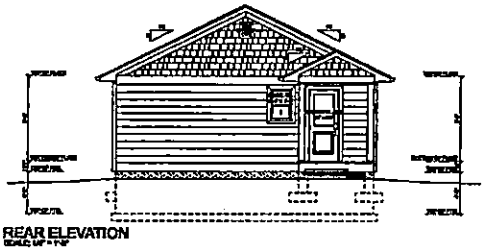
Accessory Dwelling (proposed)
19675 Eagle Mill Rd.

14' height

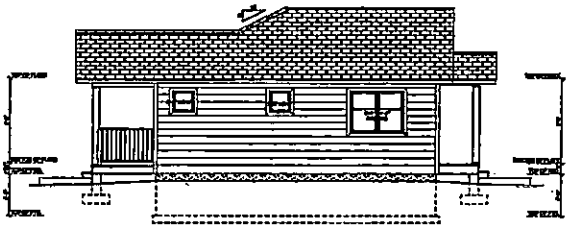
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Exterior Elevations

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A4

Exterior of proposed structure

§ 1A09.7. - Development area and standards.

A. Maximum height. No structure with a height greater than 35 feet is permitted, except as otherwise provided under Section 300.

B. Area regulations.

1. Maximum lot density. A contiguous tract of land, whether or not in one or more parcels, not part of an approved subdivision may be developed in an R.C.8 Zone at the following density:

[Bill No. 48-2017]

Number of Acres	Number of Lots
1 to 10	1
Greater than 10 up to 30	2
Greater than 30 up to 50	3
Greater than 50 acres	0.02 lot per acre

2. Lot area. The area of any proposed residential lot in a major or minor subdivision must not be less than three acres.

3. Building envelope. For residential development, the maximum area of the building envelope on any residential lot other than a farm is 20,000 square feet, and no single dwelling, garage or accessory building shall have a building footprint that exceeds 5,000 square feet. The placement of the building envelope is determined on the basis of:

   a. The goals for the zone; and

   b. The minimum setbacks for the zone.

4. Minimum development allowance. Any lot of record or parcel of land lawfully existing on August 6, 2004, may be developed with a single dwelling.

5. Setbacks.

   a. Any principal building constructed in an R.C.8 Zone shall be situated at least:

      (1) Thirty-five feet from the right-of-way of public or private interior streets;

      (2) Eighty feet from any principal building; and

      (3) Fifty feet from the rear lot line.

   b. (1) As determined by the Director of Environmental Protection and Sustainability, any dwelling or accessory residential structure to be constructed shall be located at least 300 feet from an adjacent property that is either:

[Bill No. 122-2010]

(a) Cultivated or used for pasture, or received preferential agriculture assessment at any time over the past five years;

(b) Land that is suitable for agriculture production, excluding forestry, that is not in production as part of a federal or state conservation program; or

(c) Land that is suitable for agriculture production, excluding forestry, and is subject to an agricultural or conservation easement.

(2) A modification to a residential dwelling in existence prior to August 6, 2004, is exempt from the requirements of this subsection.

6. Impervious surface coverage, nonresidential development. Except for residential lots which are subject to a building envelope restriction, no more than five percent of any lot may be covered by impervious surfaces such as structures or pavement.

7. Historic properties. No building or structure on a development tract which is officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Places, or which is subject to an easement held by the Maryland Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that:

a. There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical Trust, surrounding the building, structure or landmark to preserve the integrity of its historic setting;

b. An overall photographic and written description of the building, structure or landmark identified has been submitted and is determined to be in compliance with the Secretary of the Interior's standards for the treatment of historic properties;

c. Documentation of the preservation, restoration and protection for the building, structure or landmark has been approved by the Director of Planning in consultation with the Maryland Historical Trust prior to issuance of any building permit; and

d. When provisions of this paragraph apply to any development, the conditions for approval must be noted on the concept plan and development plan, or the minor subdivision plan.

C. Performance standards. Conditions for approval pursuant to this section must be noted on the concept plan and development plan, or minor subdivision plan. The following standards are intended to foster creative development that promotes the goals stated in Section 1A09.1.B.

1. Stormwater management. Stormwater management facilities shall be integrated into the site design to utilize nonstructural practices unless it is demonstrated that this is not possible.

2. Buildings.

a. Buildings must be located on the least visually prominent portion of the site from the public road, consistent with effective resource protection, except where appropriate to continue an established pattern of development along the edge of the road.

b. Buildings should reflect the traditional rural character of the area in architectural form, scale, materials and detailing and in landscaping context.

c. Dwellings and other principal use buildings should be front-oriented to public rights-of-way; reverse-fronted lots generally will not be permitted.

d. All of the exterior walls of a building must be treated similarly with respect to materials, color and architectural details.

e. Structures accessory to residential use, excluding agricultural buildings, but including solar panels, antennas and storage sheds, are not permitted in the front yard of any principal use. Section 400.1 is not applicable in an R.C.8 Zone; however, the height of accessory structures is subject to the provisions of Section 400.

f. If buildings are located in open fields because of site constraints, additional landscaping and berms, or either of them, may be required to soften views.

3. Roads, parking areas and storage areas.

   a. Interior roads must conform to Baltimore County's standards for rural roads, and no paved section of road may exceed a width of 18 feet, except for turnaround areas.

   b. Curbing must not be used unless required for storm drainage, as determined by the Department of Public Works.

   c. Perimeter fencing of residential properties must be in keeping with rural character. Fences must be either split rail or board on post, and the type of fence must be consistent throughout the development.

   d. Off-street parking and vehicle or equipment storage areas, when necessary for nonresidential or non-farm uses, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from the public roads and dwellings.

   e. Areas for the outside storage of materials or supplies for nonagricultural commercial uses, except merchandise offered for sale by antique shops, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from all public roads and dwellings.

   f. Lighting, such as streetlights, elevated security lights, floodlights, high-intensity house and barn lights are not permitted. However, low-intensity, low-level accent lights and sensor lights no more than 20 feet above the ground may be requested as part of the development review. The light fixtures should be of a style that diffuses light by use of full cutoffs.

4. Screening. Visual screening for privacy or to block distracting views should be natural in appearance and sensitive to grade relationships. Screens should not disrupt the harmony of the natural landscape or obstruct scenic views.

5. Signs.

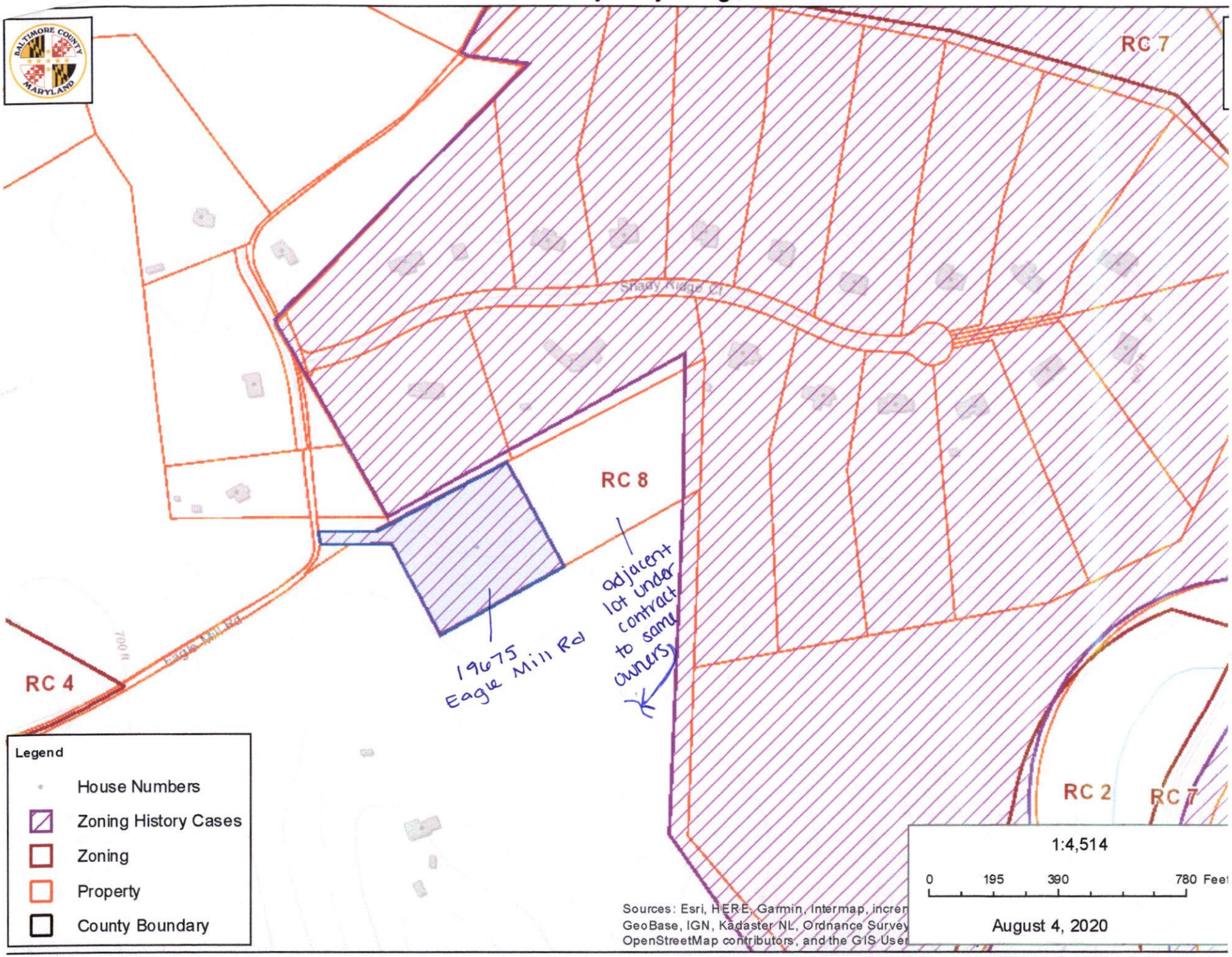
   a. Community signs are prohibited. Subdivisions may be identified by street signs.

   b. A nonresidential principal use may be identified by:

      (1) An enterprise sign, subject to Section 450; or

      (2) An identification sign, subject to Section 450.

Baltimore County - My Neighborhood



2020-0221-SPHA

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District - 06 Account Number -** 1700009723

Owner Information

Owner Name:	PARK WESTON R RICH ALLISON M	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	2921 CHURCH ROAD PARKVILLE MD 21234-	**Deed Reference:**	/41743/ 00291

Location & Structure Information

Premises Address:	19675 EAGLE MILL RD PARKTON 21120-	**Legal Description:**	2.217 AC SER EAGLE MILL RD REAR 190 1000 E WALKER RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0011	0012	0187	6030007.04	0000				2020	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			2.2100 AC	05

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	100,900	100,900		
Improvements	0	0		
Total:	100,900	100,900	100,900	100,900
Preferential Land:	0			0

Transfer Information

Seller: BRENNER MICHAEL JOSEPH **Type:** ARMS LENGTH VACANT	**Date:** 08/14/2019 **Deed1:** /41743/ 00291	**Price:** $180,500 **Deed2:**
Seller: HARDY ELEANOR MERRYMAN **Type:** ARMS LENGTH VACANT	**Date:** 04/04/2019 **Deed1:** /41286/ 00156	**Price:** $135,000 **Deed2:**
Seller: MERRYMAN N B AG USE 83-84 **Type:** NON-ARMS LENGTH OTHER	**Date:** 12/27/1976 **Deed1:** /05711/ 00001	**Price:** $0 **Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

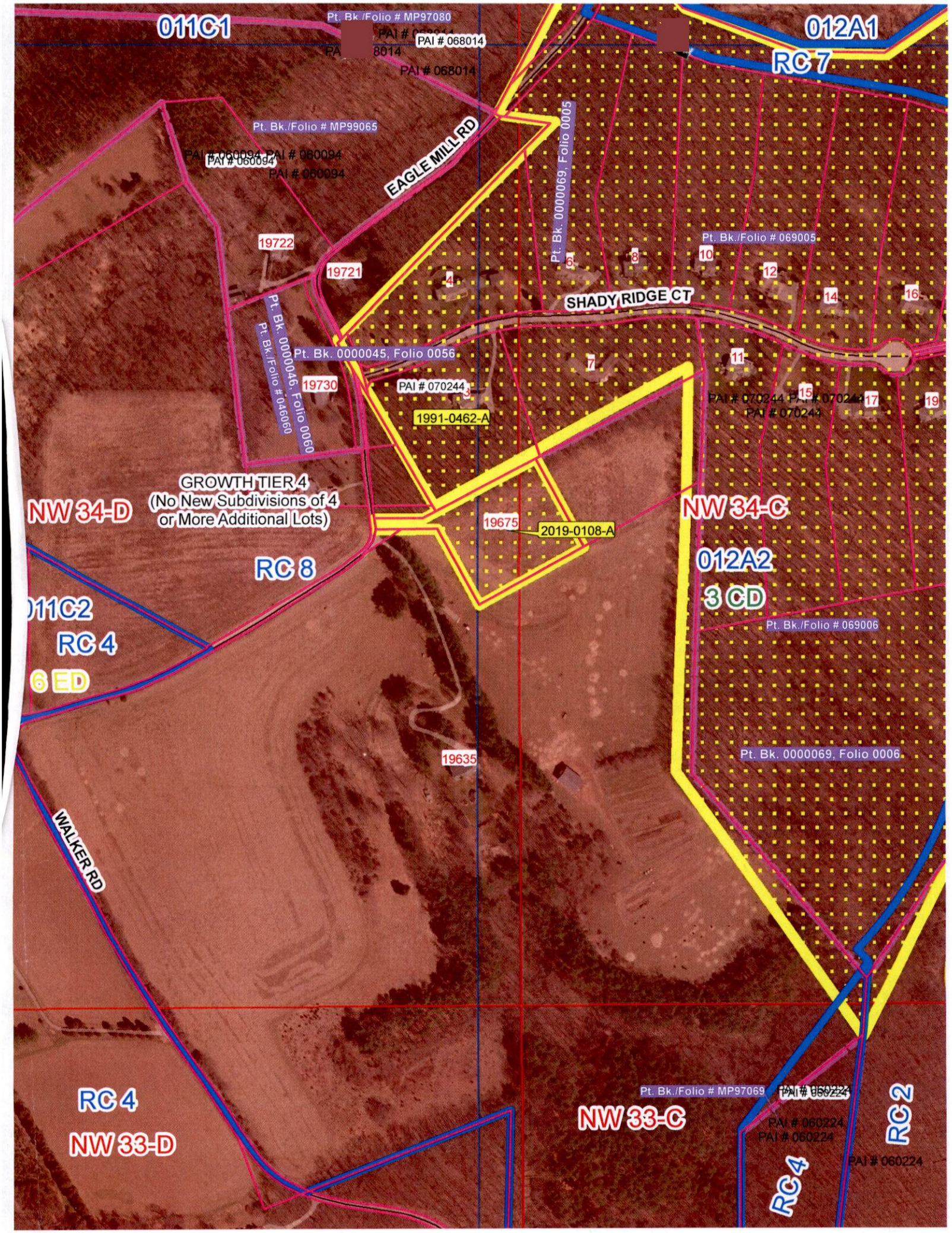
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2020-0221-SPHA


011C1
Pt. Bk./Folio # MP97080
PAI # 068014
PAI # 068014
012A1
RC 7
Pt. Bk./Folio # MP99065
PAI # 060094
PAI # 060094
PAI # 060094
EAGLE MILL RD
Pt. Bk. 0000069, Folio 0005
19722
19721
Pt. Bk./Folio # 069005
SHADY RIDGE CT
Pt. Bk. 0000046, Folio 0060
Pt. Bk./Folio # 046060
Pt. Bk. 0000045, Folio 0056
19730
PAI # 070244
1991-0462-A
PAI # 070244
PAI # 070244
PAI # 070244
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
NW 34-D
19675
2019-0108-A
NW 34-C
RC 8
012A2
3 CD
011C2
RC 4
6 ED
Pt. Bk./Folio # 069006
19635
Pt. Bk. 0000069, Folio 0006
WALKER RD
RC 4
NW 33-D
Pt. Bk./Folio # MP97069
PAI # 060224
NW 33-C
PAI # 060224
PAI # 060224
RC 2
RC 4
PAI # 060224