

M E M O R A N D U M

DATE: April 1, 2021
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0275-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 26, 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.'

c: Case File
Office of Administrative Hearings

/dlw

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

(1410 Gerber Lane) *
8th Election District *
3rd Council District *
Brian & Kelly Pieninck *
Legal Owners *

Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2020-0275-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 Brian D. Pieninck and Kelly Pieninck, legal owners (“Petitioners”). The Special Hearing to permit two accessory structures (pool & pavilion) on the subject property without a principal structure, and to amend the approval of Case No. 2003-0231-SPH. In addition, a Petition for a Variance to permit the height of an accessory structure (pavilion) of 26 ft. in lieu of the maximum height of 15 ft. per Baltimore County Zoning Regulations (“BCZR”) § 400.3.

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.

Tim Hartman, the builder of the proposed pavilion structure, appeared in support of the Petition. Bruce E. Doak from Bruce E. Doak Consulting also appeared and explained the site plan and requested relief. Neighboring property owners, Ken and Kerry Bosley, attended as interested citizens. Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability Development (“DEPS”) and from

ORDER RECEIVED FOR FILING

Date

2/24/21

By

D. Mignon

the Department of Planning ("DOP"). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.

Mr. Doak explained the following: The subject property consists of two adjoining lots, both owned by the petitioners: 1410 and 1412 Gerber Lane zoned RC 2. 1412 Gerber Lane is 2.5 acres and is improved with a large residence and several accessory structures. 1410 Gerber Lane is approximately 10.88 acres. It is currently vacant but once had a residence, a barn and several other farm structures associated with an emu farm. The electric and septic systems from the previous residence will be utilized by the proposed pool and pavilion, which will have much lesser septic capacity requirements than the former residence. The proposed pool and pavilion would be accessed by an existing driveway extending from the adjoining residence at 1412 Gerber Lane. The proposed pavilion structure will be "timber frame" so as to match the residence at 1412, and the proposed 26' height will also match the existing residence. The pavilion will have a vaulted two story atrium design in the main room and will have storage capacity in the adjoining room and attic area. There will be a refreshment area with sink and refrigerator and a powder room. Mr. Doak explained that there is insufficient area to construct the pool and pavilion behind the residence at 1412 Gerber Lane, and that it would not be within the spirit and intent of the BCZR to construct them in the front yard of that property, as they would be highly visible from Gerber Road.

Mr. Doak further explained that he has hired Devin Leary, an environmental consultant, to address the DEPS comments concerning the intrusions on the forest buffer and forest conservation easement associated with the stream on the property. Evidently modifications were made to an existing driveway through these buffer and easement areas by a previous owner. Mr. Doak explained that Mr. Leary is in consultation with Glenn Schaffer of DEPS regarding this

ORDER RECEIVED FOR FILING

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Date

By

2/24/21
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issue and petitioner understands that no building permits will issue until the environmental impacts have been remediated to the satisfaction of DEPS. Mr. Doak further explained that the net result of the requested relief will be that there is far less impervious surface on the 1410 Gerber Lane property than there was when the emu farm was located there. The Order and site plan from a previous case involving these properties (Case No. 03-231_SPH) were admitted as Petitioners' Exhibits 5 and 6, and confirm this point. Finally, Mr. Doak explained that pursuant to the instant Petition, the Special Hearing relief which granted permission for an "in-law" apartment in the former residence at 1410 Gerber Lane will be abandoned and extinguished.

Based on this record evidence I find that the special hearing relief can be granted within the spirit and intent of the BCZR. Although the proposed pool and pavilion are on a separate lot, they will be located directly adjacent to the residence at 1412 Gerber Lane and will be accessed by a common driveway. Further, as explained above, the environmental impacts of these proposed structures will be minimal on this 10 acre parcel, as they are located at the corner of the parcel furthest away from the forest buffer and conservation easement areas.

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 property is unique in that it has forest buffer and conservation easements and has steep topography. Further, as explained above, the adjacent property at 1412 Gerber Lane cannot accommodate the proposed pool and pavilion structures, thus necessitating the variance relief. I

find that the requested height variance will not visually impact any adjoining property owners and that the timber frame design is compatible with the adjacent residence and with the RC 2 zone.

THEREFORE, IT IS ORDERED this 24th day of **February, 2021**, by this Administrative Law Judge that the Petition for Special Hearing permit two accessory structures (pool & pavilion) on the subject property without a principal structure; and to amend the approval of Case No. 2003-0231-SPH is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to permit the height of an accessory structure (pavilion) of 26 ft. in lieu of the maximum height of 15 ft. per Baltimore County Zoning Regulations ("BCZR") § 400.3 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 condition.
- Prior to issuance of permits Petitioners must comply with the ZAC comment submitted by DEPS, a copy of which is attached hereto and made a part hereof.
- The pavilion structure shall not be used for commercial or residential purposes.
- The Special Hearing approval of an "in-law" apartment granted in Case No. 03-0231-SPH is hereby vacated and extinguished.

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

ORDER RECEIVED FOR FILING

Date

By

2/24/21
D. Mignone



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 1410 GERBER LANE which is presently zoned RC2
 Deed References: 41349/436 10 Digit Tax Account # 2400008517
 Property Owner(s) Printed Name(s) BRIAN D. PIENINCK & KELLY PIENINCK

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

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

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

SEE ATTACHED PAGE

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

BRIAN D. PIENINCK KELLY PIENINCK

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

[Signature] [Signature]

1412 GERBER LANE SPARKS MD

21152 267-246-7566

Zip Code Telephone # Email Address

BPIENINCK@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

[Signature]

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

21053 410-419-4906

Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2020-0275-SPHA Filing Date 11/13/2020 Do Not Schedule Dates: Reviewer RT

Zoning Hearing Petitions Being Requested

Case # 2020-0275-SPHA

Special Hearing

- 1) to permit two accessory structures (pool & pavilion) on the subject property without a principal structure
- 2) to amend the approval of Case #2003-0231-SPH

Variance

- 1) to permit the height of an accessory structure (pavilion) of 26 feet in lieu of the maximum height of 15 feet per Section 400.3 BCZR.

BALTIMORE COUNTY, CORRESPONDENCE
INTER-OFFICE CORRESPONDENCE

TO: Administrative Law Judge

FROM: Roz Johnson
Planner, Office of Zoning Review

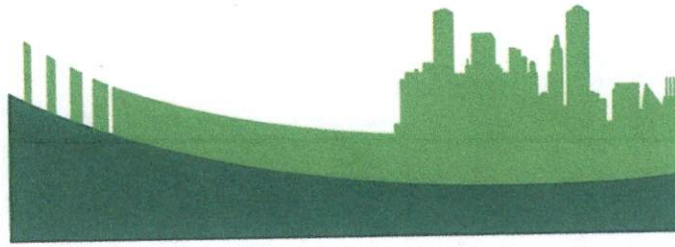
DATE: November 13, 2020

SUBJECT: Petition Case No. 2020-0275-SPHA
Location: 1410 Gerber Lane; Council Dist. 3, Election Dist. 8

The Baltimore County Office of Zoning reviewed the petitioner's request and recommended that the petition provide additional information on the intent of the request.

The representative will present necessary information at the hearing which may include an abandonment of zoning case 2003-0231-SPH.

rvj



Zoning Description

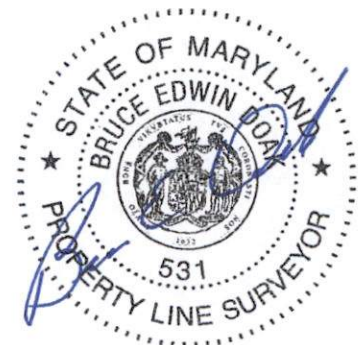
1410 Gerber Road- 10.878 Acre Parcel
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

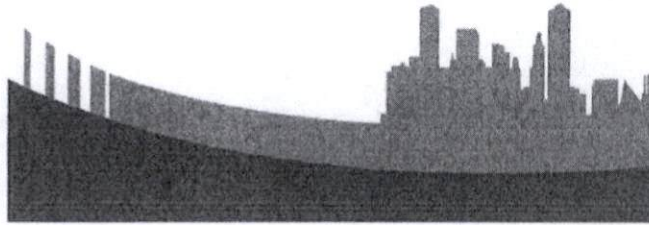
Beginning at the intersection of the north side of Gerber Road and the north side of Western Run Road, thence binding on the north side of Western Run Road and running with and binding on the outlines of the subject property, 1) North 81 degrees 40 minutes 11 seconds West 389.40 feet, thence leaving Western Run Road and continuing to run with and bind on the outlines of the subject property, the seven following courses and distances, viz. 2) North 06 degrees 23 minutes 09 seconds East 839.98 feet, 3) South 86 degrees 25 minutes 31 seconds East 484.28 feet, 4) South 01 degree 30 minutes 00 seconds East 116.51 feet, 5) South 14 degrees 30 minutes 00 seconds West 65.00 feet, 6) South 08 degrees 40 minutes 00 seconds West 90.00 feet, 7) South 01 degree 15 minutes 00 seconds West 90.00 feet and 8) South 86 degrees 25 minutes 31 seconds East 300.00 feet to a point on the west side of Gerber Lane, thence binding on the west side of Gerber Road and continuing to run with and bind on the outlines of the subject property 9) South 43 degrees 40 minutes 49 seconds West 669.15 feet to the point of beginning.

Containing 10.878 acres of land, more or less.

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

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





CERTIFICATE OF POSTING

February 04, 2021

February 20, 2021 amended for second inspection

Re:

Zoning Case No. 2020- 0275-SPHA

Legal Owner: Brian & Kelly Pieninck

Hearing date: February 24, 2021

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **1410 Gerber Lane**.

The signs were initially posted on **February 4, 2021**.

The subject property was also inspected on **February 20, 2021**.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Doak".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0275-SPHA

1410 Gerber Road

**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.**

DATE & TIME: WEDNESDAY FEBRUARY 24, 2021 10:00 AM

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUESTS:

**SPECIAL HEARING TO PERMIT 2 ACCESSORY STRUCTURES (POOL
AND PAVILION) ON THE SUBJECT PROPERTY WITHOUT A PRINCIPAL
STRUCTURE. TO AMEND THE APPROVAL OF CASE NUMBER
2003-0231-SPH.**

**VARIANCE TO PERMIT THE HEIGHT OF AN ACCESSORY STRUCTURE
(PAVILION) OF 26 FT. IN LIEU OF THE MAXIMUM HEIGHT OF 15 FT.**

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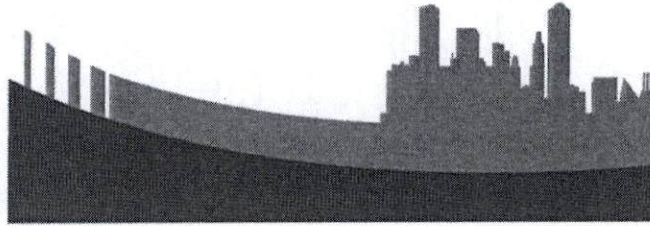
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2-24-21
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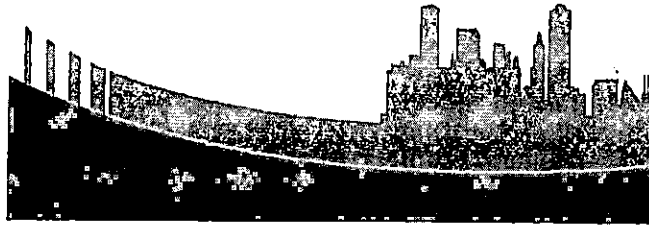
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Hearing date: February 24, 2021

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Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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3801 Baker Schoolhouse Road
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bdoak@bruceedoakconsulting.com

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CASE NO. 2020-0275-SPHA

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The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11957235
Case #: 2020-0275-A
Description:

NOTICE OF ZONING HEARING - 2020-0275-A

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:

2/4/2021



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0275-A

1410 Gerber Lane

N/west side of the intersection of Western Run Road and Gerber Lane
8th Election District - 3rd Councilmanic District

Legal owners: Brian & Kelly Phenick

Special Hearing to permit 2 accessory structures (pool and pavilion) on the subject property without a principal structure. To amend the approval of Case Number 2003-0231-SPII. Variance to permit the height of an accessory structure (pavilion) of 26 ft. in lieu of the maximum height of 15 ft.

Hearing: Wednesday, February 24, 2021 at 10:00 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 410-837-3808, ext. 0.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
 AND VARIANCE
 1410 Gerber Lane; NW/side of the intersection* OF ADMINISTRATIVE
 of Western Run Road and Gerber Lane.
 8th Election & 3rd Councilmanic Districts * HEARINGS FOR
 Legal Owner(s): Brian D. & Kelly Pieninck
 Petitioner(s) * BALTIMORE COUNTY
 * 2020-275-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 30th day of November, 2020, a copy of the foregoing Entry of Appearance was emailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, BDoak@BruceEDoakConsulting.com, Representative for 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/neighbor 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: 2020-0275-A
Property Address: 1410 GERBER LANE
Property Description: NW SIDE OF INTERSECTION OF
WESTERN RUN RD & GERBER LN.
Legal Owners (Petitioners): BRIAN & KELLY PIENINCK
Contract Purchaser/Lessee: Ø

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE DOAK
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING, LLC
Address: 3801 BAKER SCHOOLHOUSE RD.
FREELAND, MD 21053
Telephone Number: 410 / 419-4906



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

February 16, 2021

Bruce E. Doak,
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2020-0275-SPHA, 1410 Gerber Lane

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning
0Review, Department of Permits, Approvals, and Inspection (PAI) on November 13, 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,
A handwritten signature in black ink that reads "Jeffrey Perlow".

Jeff Perlow
Acting Supervisor
Department of Zoning

PCG

Enclosures

CC: 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: December 1, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0275-SPHA
Address 1410 Gerber Lane
Pieninck (formerly Bryan) Property

Zoning Advisory Committee Meeting of **November 30, 2020**.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

It appears that a driveway extension was constructed through the Forest Buffer & Forest Conservation Easement and across a stream without the required permits sometime after 2011. EIR will grant no further approvals for this property until it is brought into compliance with the laws above in accordance with the forthcoming enforcement order.

The site plan accompanying the zoning petition does not show any of the aforementioned resource protection easements or the stream therein, nor does it show a limit of disturbance for the proposed pool and associated pavilion. Therefore, EIR cannot determine if those structures would impact these easements in any way. The Declaration of Protective Covenants for these easements prohibits such disturbance.

Reviewer: Glenn Shaffer

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: 20-275

INFORMATION:

Property Address: 1410 Gerber Lane
Petitioner: Brian & Kelly Pieninck
Zoning: RC 2
Requested Action: Special Hearing, Variance

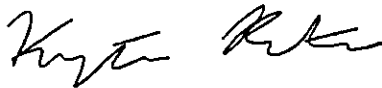
The Department of Planning has reviewed the petition for a Special Hearing to 1) permit two accessory structures (pool & pavilion) on the subject property without a principle structure; 2) amend the approval of case 03-231-SPH; and a Variance to permit the height of an accessory structure (pavilion) of 26 feet in lieu of the maximum height of 15 feet per section 400.3 of the BCZR.

The area is primarily agricultural with some rural residential to the north.

The Department of Planning does not object to these requests. The petitioners own two lots with their dwelling located on the neighboring. This parcel is used for their main access and this location also appears to be the flattest location on the property.

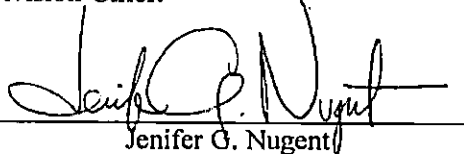
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:


Jenifer G. Nugent

CPG/JGN/KP/

c: Joseph Wiley, Northern Sector Planner
Bruce E. Doak, Bruce E. Doak Consulting LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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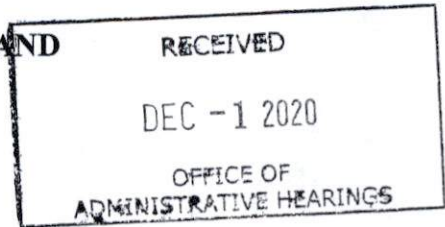
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Date

By

2/24/21
J. Livingston

IN RE: PETITION FOR SPECIAL HEARING

NW/Corner Gerber Lane and
Western Run Road
(1410 Gerber Lane)
8th Election District
3rd Council District

Cedric W. Bryan, et ux
Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-231-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Dr. Cedric W. Bryan and his wife, Eve L. Bryan. The Petitioners request a special hearing to approve a non-density transfer of a 6.820 acres and an in-law apartment in an existing dwelling. The subject property and request relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Eve L. Bryan, co-owner of the property, and Bruce E. Doak, Property Line Surveyor, who prepared the site plan for this property. Appearing as an interested person was Kenneth Bosley, a nearby resident of the area. No one appeared in opposition to the request.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest side of Gerber Lane at its intersection with Western Run Road in northern Baltimore County. The property consists of a gross area of 13.380 acres, more or less, zoned R.C.2 and is improved with a two-story dwelling, an in-ground swimming pool and pool house, and a series of outbuildings. In addition, the site contains a number of forest conservation easement and buffer areas. Testimony indicated that the property is actually comprised of two separate lots of record. One lot is unimproved and encompasses 6.820 acres, and is located immediately adjacent to the intersection of Western Run Road and Gerber Lane. Under the existing deed, this lot is designated as the "second parcel." The other lot contains 6.560 acres

1/27/13
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2020-0275-SPHA

in area, and contains the bulk of the improvements on the property, including the two-story dwelling in which the Petitioners reside. This lot is referred to as the "first parcel." These parcels are contiguous to one another and appear in the field as a single tract.

Dr. & Mrs. Bryan have owned and resided on the property for many years. It was indicated at the hearing that the Petitioners propose a subdivision and a re-subdivision of their property to create two new lots. Under Section 26-169 of the Baltimore County Code, subdivision means both the division of property into two or more lots, or the combination of lots, parcels, tracts or other units of property into a single parcel. Under this definition, the Petitioners propose a subdivision of their property to combine the two lots into one tract containing 13.380 acres in area. Upon combining the two parcels into a single tract, the Petitioners propose another subdivision of the property so as to create two new lots. As shown on the site plan, proposed Lot 1 will be 10.878 acres in area and contain all existing improvements. A second lot of 2.502 acres will be created and ultimately sold and developed with a single-family dwelling.

It is to be noted that the lot identified as the "second parcel" has no rights of density or subdivision attributable to it. Mr. Doak indicated that when acquired by a previous owner, that parcel was conveyed as a non-density transfer. The "first parcel" is 6.56 acres in area and under the R.C.2 zoning regulations, may be subdivided to create two lots. Thus, the overall tract can be subdivided so as to yield two dwelling lots.

Based upon the testimony and evidence presented, I am persuaded that the proposed non-density transfer and subdivision is appropriate. Mr. Doak indicated that the proposal has been reviewed by a number of agencies of the County including the Office of Planning and the Department of Environmental Protection and Resource Management. Those agencies will again review the proposal during the minor subdivision process, but apparently support the proposed concept.

The second prong of the relief requested relates to a proposed in-law apartment. In this regard, the plan shows that the Petitioners propose to construct a 10' wide x 45' long sunroom addition on the east side of the existing dwelling to connect same to an existing garage. Testimony

indicated that the garage would be converted for occupancy by Dr. Bryan's father, who is 93 years of age. These living quarters will be somewhat separate from the main body of the house to provide a degree of independence. Nonetheless, Dr. Bryan's father will be close enough so that other members of the family can render assistance to him if necessary.

During open hearing, the undersigned advised the Petitioner that the R.C.2 zoning regulations limit residential development on the subject property. Although an in-law apartment is permitted, the Petitioner was advised that the apartment cannot be used as a separate dwelling unit and must be occupied by a member of the Petitioners' family. The Petitioner was advised also that other outbuildings on the property cannot be used for residential purposes. In response thereto, it was indicated that these outbuildings would be used for storage or other purposes incidental to agricultural operations on the site.

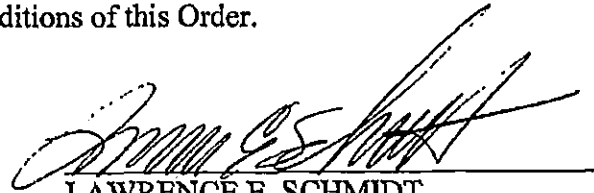
As noted above, Mr. Kenneth Bosley, a nearby resident of the area, appeared. He raised several questions, which were answered during the course of proceedings, and indicated that an adjacent property was misidentified as being owned by Daniel M. Bosley, Sr. Kenneth Bosley indicated that this parcel is actually owned by his brother, Donald W. Bosley. In any event, this designation does not directly impact the subject proposal.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of January 2003 that the Petition for Special Hearing to approve a non-density transfer of a 6.820 acres and an in-law apartment in an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The in-law apartment cannot be used as a separate dwelling unit and must be used by a family member.
- 3) None of the outbuildings on the subject site can be used for residential purposes or as separate dwelling units.
- 4) The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to any of the buildings on the subject property to insure compliance with this Order.
- 5) Development and use of the subject property shall comply with all environmental regulations as set forth in the ZAC comment submitted by DEPRM, dated January 13, 2003, a copy of which is attached hereto and made a part hereof.
- 6) Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of Baltimore County referencing this case and setting forth the terms and conditions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

1/29/03
bjs



ZAC AGENDA

Case Number: 2020-0275-SPHA **Reviewer:** Rosalie Johnson

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL HEARING, VARIANCE

Legal Owner: Brian D. Pieninck & Kelly Pieninck

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 1410 GERBER LN

Location: At North West side of the intersection of Western Run Road and Gerber Lane.

Existing Zoning: DR 2

Area: 10.88 AC

Proposed Zoning:

SPECIAL HEARING:

To permit two accessory structure (pool & pavilion) on the subject property without a principal structure.

To amend the approval of Case number 2003-0231-SPH.

VARIANCE:

To permit the height of an accessory structure (pavilion) of 26 feet in lieu of the maximum height of 15 feet per section 400.3 BCZR.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Special Tax Recapture: AGRICULTURAL TRANSFER TAX										
Account Identifier:			District - 08 Account Number - 2400008517							
Owner Information										
Owner Name:			PIENINCK BRIAN D PIENINCK KELLY				Use: Principal Residence:		AGRICULTURAL NO	
Mailing Address:			1412 GERBER LN SPARKS MD 21152-9621				Deed Reference:		/41349/ 00436	
Location & Structure Information										
Premises Address:			1410 GERBER LN SPARKS 21152-9621				Legal Description:		10.878 AC WS GERBER LANE COR OF WESTERN RUN RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0033	0011	0246	8040089.04	0000			1	2020	Plat Ref:	
Town: None										
Primary Structure Built			Above Grade Living Area		Finished Basement Area		Property Land Area 10.8800 AC		County Use 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:			215,700		215,700					
Improvements			0		0					
Total:			215,700		215,700		215,700		215,700	
Preferential Land:			3,200		3,200					
Transfer Information										
Seller: FILIPPELLI GUY L				Date: 04/24/2019				Price: \$3,350,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /41349/ 00436				Deed2:		
Seller: SILBERG KEITH E				Date: 11/30/2011				Price: \$700,000		
Type: ARMS LENGTH IMPROVED				Deed1: /31443/ 00154				Deed2:		
Seller: BRYAN CEDRIC W/EVE L				Date: 10/08/2004				Price: \$1,415,000		
Type: ARMS LENGTH IMPROVED				Deed1: /20807/ 00143				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: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

IN RE: PETITION FOR SPECIAL HEARING

NW/Corner Gerber Lane and
Western Run Road
(1410 Gerber Lane)
8th Election District
3rd Council District

Cedric W. Bryan, et ux
Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-231-SPH

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* * * * *

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1/27/13
[Signature]
[Signature]

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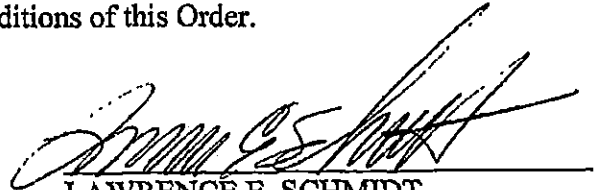
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Zoning Commissioner
for Baltimore County

LES:bjs

1/27/03
bjs

2/21/21
@ 10:00

CASE NO. 2020-

0275 SPHA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

✓ 1 hr
✓ order

12/1

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

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

FIRE DEPARTMENT

12/21

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

Comment
"Wetlands"

Comment
no obj.

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2003-0231 SPH)

NEWSPAPER ADVERTISEMENT

Date: 2-4-21

SIGN POSTING (1st)

Date: 2-4-21 by Doak

SIGN POSTING (2nd)

Date: 2-20-21 by "

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

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.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Brian & Kelly Pieninck	bpieninck@gmail.com	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Tim Hartman	tim6444@yahoo.com	1-	New York Time	English	U.S.
Tim Hartman	tim66444@yahoo.com	1-	New York Time	English	U.S.

2-24-21
10 Am

Debra Wiley

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Saturday, February 20, 2021 10:21 AM
To: Administrative Hearings
Subject: Case Posting Certs
Attachments: Posting cert 2020-0270-SPHA.pdf; Posting cert 2020-0275-SPHA.pdf; Posting cert 2020-0287-A.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

Enclosed are the 2nd posting cert for each of these cases:

Case #2020-0270-SPHA

Case #2020-0275-SPHA

Case #2020-0287-A

Thanks

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



CASE #2020- 0275-SPHA EXHIBITS
(In the order of submittal)

- 1) Plan to Accompany a Zoning Petition
- 2) GIS photo/ parcel sketch
- 3) 41349/ 436 title deed
- 4) Building Elevations
- 5) Case #2003-0231-SPH opinion (4 pages)
- 6) Case #2003-0231-SPH plat

2/24/21
D.M.

BW
4-1-21

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



PET. EXHIBIT # 2

Title Deed

Pet Exhibit #3

23

BOOK: 41349 PAGE: 436

AFTER RECORDING, PLEASE RETURN TO:

Brian D. Pieninck and Kelly Pieninck

1412 Gerber Lane

Sparks, MD 21152

Property Address: 1412 Gerber Lane, Sparks, MD 21152

Tax ID No. 08-2400008517 and 08-2400005354, 08-2400008517

File No. HSS-38465

LR - Deed (w Taxes)
Recording only \$1,200.00
Name: Pieninck, Brian D.
Ref: 08-2400008517
LR - Deed (w Taxes)
Surcharges \$1,200.00
LR - Deed (w Taxes)
Transfer \$1,200.00
LR - NR \$1,200.00
SubTotal \$1,200.00
Total \$1,200.00
04/24/2019 02:47:00
#1202388
Baltimore
County/Circuit
Register

This Deed, made this 18 day of April, 2019, by and between Guy L. Filippelli, erroneously on record as Guy Filippelli, and Raina Dawn Filippelli, GRANTORS and Brian D. Pieninck and Kelly Pieninck, GRANTEES.

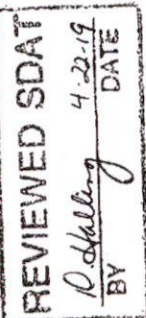
- Witnesseth -

That in consideration of the sum of Three Million Three Hundred Fifty Thousand Dollars and No Cents (\$3,350,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said GRANTORS, do hereby grant and convey to the said GRANTEES, Brian D. Pieninck and Kelly Pieninck, as tenants by the entirety, their assigns, the survivor of them, and the survivor's personal representatives, heirs and assigns, in FEE SIMPLE, all that lot of ground situate in Baltimore County in the State of Maryland and described as follows, that is to say:

BEING KNOWN as Lot No. 1 as shown on the minor subdivision Plat entitled "Bryan Property", which is more particularly described as follows:

BEGINNING FOR THE SAME at a point at the intersection of the centerline of Western Run Road and the centerline of Gerber Lane and at the beginning of a parcel of land secondly described in a deed dated June 8, 1990 and recorded among the Land Records of Baltimore County in Liber SM No. 8507 folio 1 which was conveyed by David D. Edelen and wife, to Cedric W. Bryan and Eve L. Bryan, his wife; and running thence in or near the center of Western Run Road and binding on the first line of said secondly described parcel of land, as the courses herein are now referred to the Maryland Coordinate System, NAD 83/91 (1) North 81 degrees 40 minutes 11 second West 389.40 feet, thence leaving said Western Run Road and running with and binding on the second line of said secondly described parcel of land and running with and binding on the third line of the firstly described parcel of land in said deed, (2) North 06 degrees 23 minutes 09 seconds East, passing over an iron bar and cap, now set at the distance of 35.74 feet, in all 839.98 feet to an iron bar and cap, now set at the end of said third line of the aforesaid first described parcel of land in said deed from Edelen to Bryan, thence running with and binding on a part of the fourth line of said parcel of land firstly described in said Deed from Edelen to Bryan, (3) South 86 degrees 25 minutes 31 seconds East 484.28 feet to an iron bar and cap, now set, thence leaving said outlines and running for lines of division, now made in 2003, the following four courses and distances, viz: (4) South 01 degrees 30 minutes 00 seconds East 116.51 feet, to an iron bar and cap, now set in the centerline of a stream, (5) South 14 degrees 30 minutes 00 seconds West 65.00 feet to a point in the centerline of said stream, (6) South 08 degrees 40 minutes 00 seconds West 90.00 feet an iron bar and cap now set three feet east of said stream and, (7) South 01 degrees 15 minutes 00 seconds West 90.00 feet to an iron bar and cap, now set in the division line between the aforesaid first and second parcel of land in the aforesaid deed from Edelen to Bryan, thence running and binding reversely on a part of the second line of said firstly described parcel of land and running with and binding on a part of the third line of the said secondly described parcel of

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41349, p. 0436, MSA_CE62_41206. Date available 04/26/2019. Printed 09/16/2020.



land, the following course and distance, viz: (8) South 86 degrees 25 minutes 31 seconds East, passing over an iron bar and cap, now set at the distances of 258.91 feet, in all 300.00 feet to the point in the center of Gerber Lane and at the beginning of said second line of the firstly described parcel of land and at the end of the third line of said secondly described parcel of land and thence running with and binding on the fourth line of the last line of said secondly described parcel of land and binding on the center of Gerber Lane, (9) South 43 degrees 40 minutes 49 seconds West 669.15 feet to the place of beginning, containing 10.878 acres of land, more or less.

For informational purposes only:

The improvements thereon are known as 1410 Gerber Lane, Sparks, MD 21152.
Tax ID No.: 08-2400008517

BEING the same property conveyed to Guy Filippeli and Raina Dawn Filippelli by virtue of Deed from Keith E. Silberg and Heidi Silberg, dated September 23, 2011 and recorded November 30, 2011, among the Land Records of Baltimore County, Maryland, in Liber JLE No. 31443, folio 154.

AND

BEGINNING FOR THE SAME at a point in the centerline of Gerber Lane and at the beginning of a parcel of land firstly described in a deed dated June 8, 1990 and recorded among the Land Records of Baltimore County in Liber SM No. 8507 folio 1 which was conveyed by David D. Edelen and Donna L. Edelen, his wife, to Cedric W. Bryan and Eve L. Bryan, his wife, and running thence on the centerline of Gerber Lane, and running with and binding on the first line of said firstly described parcel of land, as the courses herein are now referred to the Maryland Coordinate System, NAD 83/91, (1) South 43 degrees 40 minutes 49 seconds West 50.00 feet to a point at the beginning of the second line in the firstly described parcel of land, said point also being at the end of the third line of a parcel of land secondly described in the aforesaid deed from Edelen to Bryan, thence leaving said Gerber Lane and running with and binding on a part of said second line of the firstly described parcel of land, and binding reversely on a part of said third line of the parcel of land secondly described in said deed from Edelen to Bryan, the following course and distance, viz: (2) North 86 degrees 25 minutes 31 seconds West, passing over and iron bar and cap, now set at the distance of 41.19 feet, in all 300.00 feet to an iron bar and cap, now set, thence leaving said outlines and running for lines of division now made in 2003, the following four courses and distances, viz: (3) North 01 degree 15 minutes 00 seconds East 90.00 feet to an iron bar and cap, now set, three feet east of a stream, (4) North 08 degrees 40 minutes 00 seconds East 90.00 feet to a point in the centerline of said stream, (5) North 14 degrees 30 minutes 00 seconds East 65.00 feet to an iron bar and cap, now set, in the centerline of said stream, and (6) North 01 degree 30 minutes 00 seconds West 116.51 feet to an iron bar and cap, now set in the fourth line of the aforesaid firstly described parcel of land in a deed from Edelen to Bryan and thence running with and binding on the last line of said fourth line and running with and binding on the last line of said firstly described parcel of land, the following two courses and distances, viz: (7) South 86 degrees 25 minutes 31 seconds East 276.36 feet to an iron pipe, heretofore set, and (8) South 05 degrees 11 minutes 11 seconds East, passing over an iron bar and cap, now set at the distance of 288.84 feet, in all 325.00 feet to the point of beginning, containing 2.502 acres of land, more or less.

ALSO BEING KNOWN AND DESIGNATED as Lot No. 2, as shown on the minor Subdivision Plan of the "BRYAN PROPERTY", and recorded among the Land Records of Baltimore County, Maryland in Minor Subdivision Plat Book No. PDM #02-066M, and

BOOK: 41349 PAGE: 438

filed among the Records of Baltimore County Department of Permits and Development Management, and further recorded in Liber SM No. 1 folio 254.

For informational purposes only:

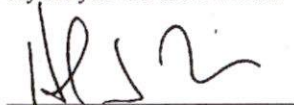
The improvements thereon are known as 1412 Gerber Lane, Sparks, MD 21152.
Tax ID No.: 08-2400005354

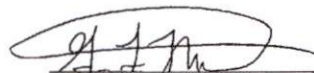
BEING the same property conveyed to Guy L. Filippelli and Raina D. Filippelli by virtue of Deed from Ron Gregory Krauss and Heidi Schmitt Krauss, dated September 2, 2011 and recorded September 16, 2011, among the Land Records of Baltimore County, Maryland, in JLE No. Liber 31192, folio 215.

To Have and To Hold the said parcel of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Brian D. Pieninck and Kelly Pieninck, as tenants by the entirety, their assigns, the survivor of them, and the survivor's personal representatives, heirs and assigns, in FEE SIMPLE. .

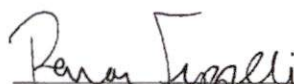
And the GRANTORS, hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that they will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

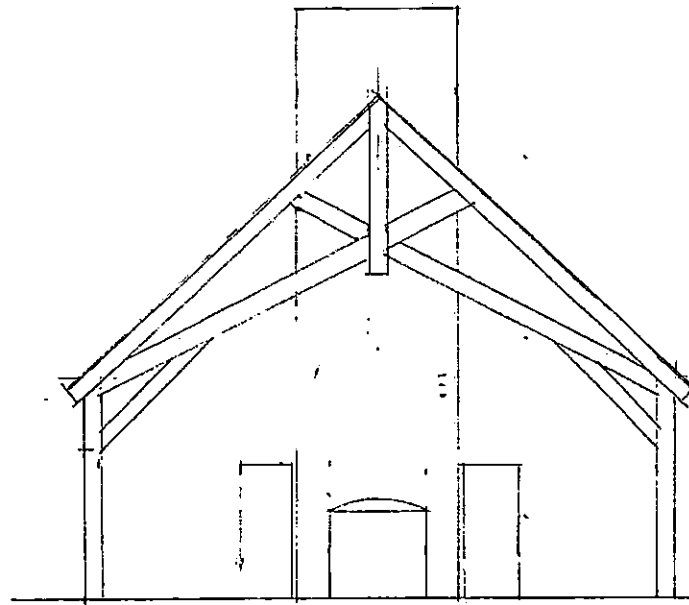
In Witness Whereof, GRANTORS have caused this Deed to be properly executed and sealed the day and year first above written.


Witness

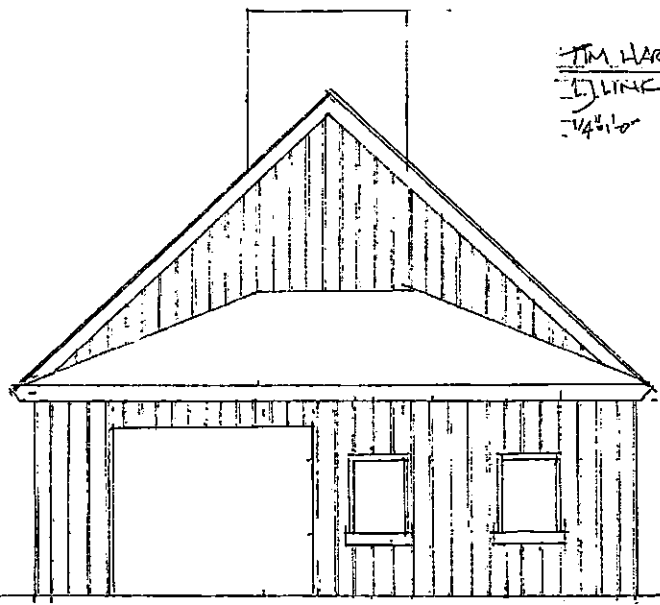

Guy L. Filippelli (SEAL)


Witness


Raina Dawn Filippelli (SEAL)

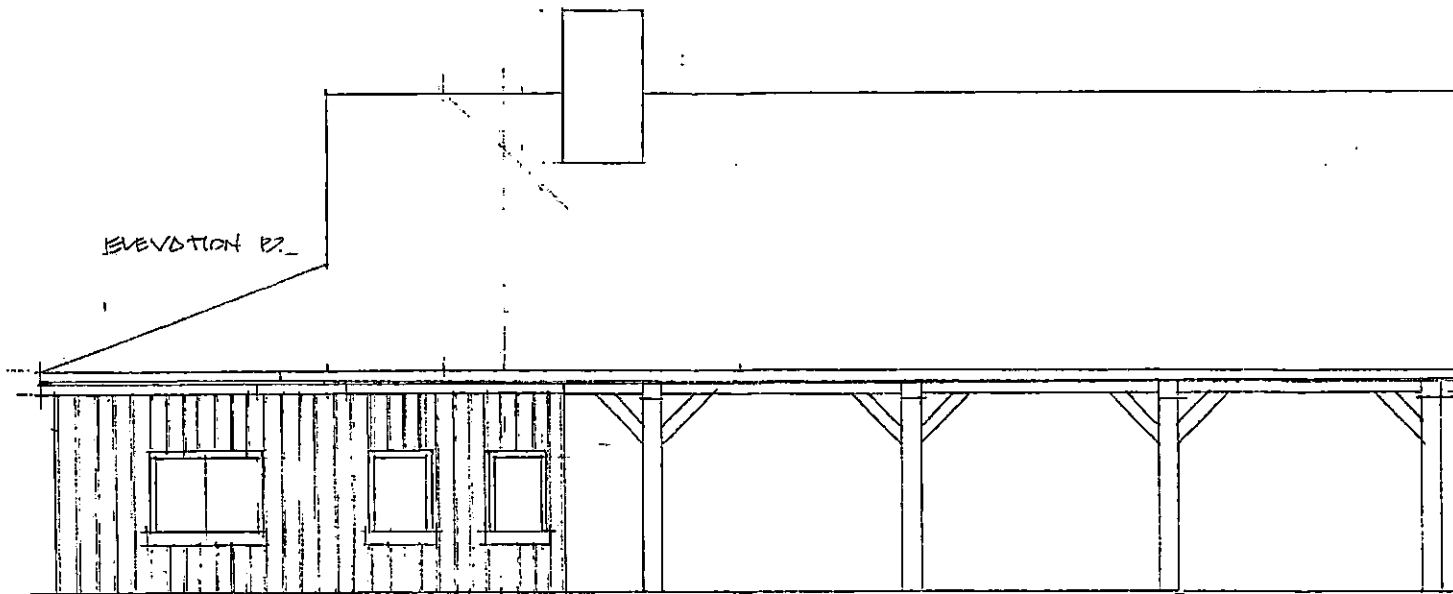


ELEVATION A



ELEVATION C

TIM HARTMAN — BUILDER
 LYNNE YRINEC — ARCHITECT
 1/4" = 1'0" KINGSBORO



ELEVATION B

IN RE: PETITION FOR SPECIAL HEARING
NW/Corner Gerber Lane and
Western Run Road
(1410 Gerber Lane)
8th Election District
3rd Council District

Cedric W. Bryan, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-231-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Dr. Cedric W. Bryan and his wife, Eve L. Bryan. The Petitioners request a special hearing to approve a non-density transfer of a 6.820 acres and an in-law apartment in an existing dwelling. The subject property and request relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Eve L. Bryan, co-owner of the property, and Bruce E. Doak, Property Line Surveyor, who prepared the site plan for this property. Appearing as an interested person was Kenneth Bosley, a nearby resident of the area. No one appeared in opposition to the request.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest side of Gerber Lane at its intersection with Western Run Road in northern Baltimore County. The property consists of a gross area of 13.380 acres, more or less, zoned R.C.2 and is improved with a two-story dwelling, an in-ground swimming pool and pool house, and a series of outbuildings. In addition, the site contains a number of forest conservation easement and buffer areas. Testimony indicated that the property is actually comprised of two separate lots of record. One lot is unimproved and encompasses 6.820 acres, and is located immediately adjacent to the intersection of Western Run Road and Gerber Lane. Under the existing deed, this lot is designated as the "second parcel." The other lot contains 6.560 acres

1/27/03
[Signature]
[Initials]

in area, and contains the bulk of the improvements on the property, including the two-story dwelling in which the Petitioners reside. This lot is referred to as the "first parcel." These parcels are contiguous to one another and appear in the field as a single tract.

Dr. & Mrs. Bryan have owned and resided on the property for many years. It was indicated at the hearing that the Petitioners propose a subdivision and a re-subdivision of their property to create two new lots. Under Section 26-169 of the Baltimore County Code, subdivision means both the division of property into two or more lots, or the combination of lots, parcels, tracts or other units of property into a single parcel. Under this definition, the Petitioners propose a subdivision of their property to combine the two lots into one tract containing 13.380 acres in area. Upon combining the two parcels into a single tract, the Petitioners propose another subdivision of the property so as to create two new lots. As shown on the site plan, proposed Lot 1 will be 10.878 acres in area and contain all existing improvements. A second lot of 2.502 acres will be created and ultimately sold and developed with a single-family dwelling.

It is to be noted that the lot identified as the "second parcel" has no rights of density or subdivision attributable to it. Mr. Doak indicated that when acquired by a previous owner, that parcel was conveyed as a non-density transfer. The "first parcel" is 6.56 acres in area and under the R.C.2 zoning regulations, may be subdivided to create two lots. Thus, the overall tract can be subdivided so as to yield two dwelling lots.

Based upon the testimony and evidence presented, I am persuaded that the proposed non-density transfer and subdivision is appropriate. Mr. Doak indicated that the proposal has been reviewed by a number of agencies of the County including the Office of Planning and the Department of Environmental Protection and Resource Management. Those agencies will again review the proposal during the minor subdivision process, but apparently support the proposed concept.

The second prong of the relief requested relates to a proposed in-law apartment. In this regard, the plan shows that the Petitioners propose to construct a 10' wide x 45' long sunroom addition on the east side of the existing dwelling to connect same to an existing garage. Testimony

indicated that the garage would be converted for occupancy by Dr. Bryan's father, who is 93 years of age. These living quarters will be somewhat separate from the main body of the house to provide a degree of independence. Nonetheless, Dr. Bryan's father will be close enough so that other members of the family can render assistance to him if necessary.

During open hearing, the undersigned advised the Petitioner that the R.C.2 zoning regulations limit residential development on the subject property. Although an in-law apartment is permitted, the Petitioner was advised that the apartment cannot be used as a separate dwelling unit and must be occupied by a member of the Petitioners' family. The Petitioner was advised also that other outbuildings on the property cannot be used for residential purposes. In response thereto, it was indicated that these outbuildings would be used for storage or other purposes incidental to agricultural operations on the site.

As noted above, Mr. Kenneth Bosley, a nearby resident of the area, appeared. He raised several questions, which were answered during the course of proceedings, and indicated that an adjacent property was misidentified as being owned by Daniel M. Bosley, Sr. Kenneth Bosley indicated that this parcel is actually owned by his brother, Donald W. Bosley. In any event, this designation does not directly impact the subject proposal.

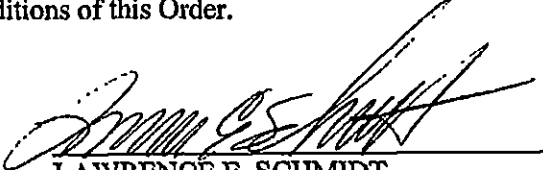
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of January 2003 that the Petition for Special Hearing to approve a non-density transfer of a 6.820 acres and an in-law apartment in an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

1/27/13
Jep

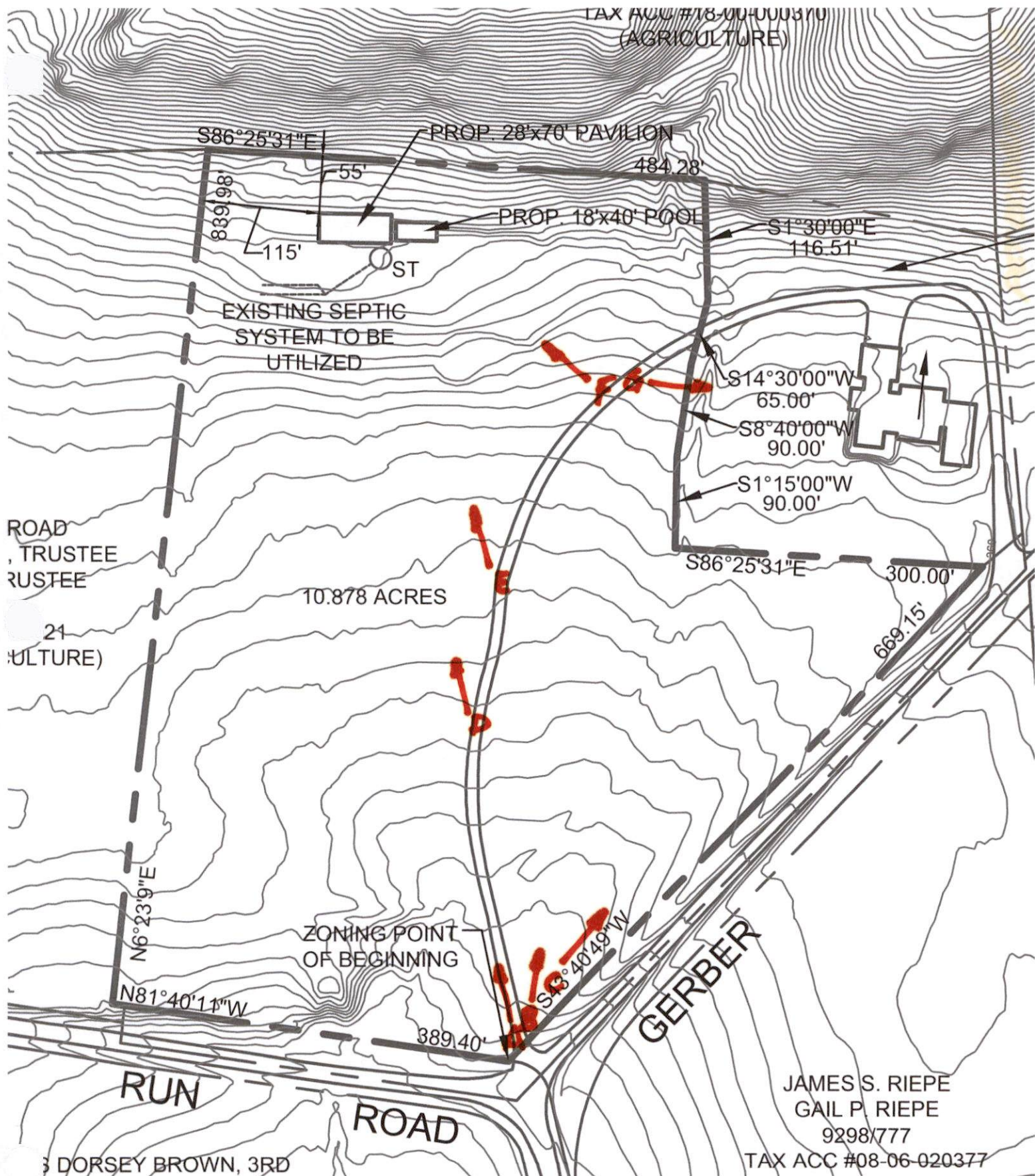
- 2) The in-law apartment cannot be used as a separate dwelling unit and must be used by a family member.
- 3) None of the outbuildings on the subject site can be used for residential purposes or as separate dwelling units.
- 4) The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to any of the buildings on the subject property to insure compliance with this Order.
- 5) Development and use of the subject property shall comply with all environmental regulations as set forth in the ZAC comment submitted by DEPRM, dated January 13, 2003, a copy of which is attached hereto and made a part hereof.
- 6) Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of Baltimore County referencing this case and setting forth the terms and conditions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

1/29/03
bjs



KEY SHEET FOR SITE PHOTOS

PET EXHIBIT #7



Key Street

POT EXHIBIT 17

PET EXHIBIT 8A



PET EXHIBIT #88



PET EXHIBIT #8C 88



PET EXHIBIT #8 D C

Pet. Exhibit #9 E





Pet. Exhibit # 8 F



Perpetua Evans 2005

Donna Mignon

From: Donna Mignon
Sent: Tuesday, February 16, 2021 2:49 PM
To: 'Bruce Doak'
Subject: Case No: 2020-0275-SPHA 1410 Gerber Road 2/24/21 at 10:00 a.m.

Good Afternoon,

As you are aware, a virtual Webex hearing has been scheduled for February 24, 2021 at 10:00 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. **Please bring a hard copy of all exhibits and drop them off in our lobby before the hearing date. Thank you.**

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: Kristen L Lewis
Sent: Thursday, January 28, 2021 11:16 AM
To: Donna Mignon; Debra Wiley
Subject: Webex 2020-0275-SPHA

Good morning,

Here is another case that needs a webex created.

Case Number 2020-0275-SPHA
1410 Gerber Road
Legal Owners: Brian & Kelly Pieninck
2/24/21 at 10:00 a.m.

Bruce Doak bdoak@bruceedoakconsulting.com
Brian & Kelly Pieninck Bpieninck@gmail.com

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391



Donna Mignon

Subject: Invitation to Web seminar: Zoning Hearing - Case No. 2020-0275-SPHA
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e77df6e2ea26cf1c0951e59729c2fb680>
Start: Wed 2/24/2021 10:00 AM
End: Wed 2/24/2021 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Debra Wiley

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

You are an alternate host for this Web seminar.

Host: Debra Wiley (dwiley@baltimorecountymd.gov)
Event number: 180 216 3132
Event password: 1234

Wednesday, February 24, 2021 10:00 am, Eastern Standard Time (New York, GMT-05:00)

Start event

Join the audio conference only
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application
Dial 1802163132@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 639799

Need help? Go to <https://help.webex.com>

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.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Brian & Kelly Pieninck	bpieninck@gmail.com	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

2/24 10 AM
2020-02-15-SM11A

Debra Wiley

From: Debra Wiley
Sent: Thursday, January 28, 2021 11:26 AM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - Case No. 2020-0275-SPHA - 2/24 @ 10 AM

Event Information

Event: Zoning Hearing - Case No. 2020-0275-SPHA
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e22>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e17>
Date and time: Wednesday, February 24, 2021 10:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No. 2020-0275-SPHA
1410 Gerber Road
Brian & Kelly Pieninck
Event number: 180 216 3132
Event password: 1234
Host key: 399792
Alternate Host: Donna Mignon, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 639799
Video Address: 1802163132@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: 180 216 3132
Maximum number of registrants: 10000

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 08 Account Number - 2400005354			
Owner Information					
Owner Name:	PIENINCK BRIAN D PIENINCK KELLY		Use:	RESIDENTIAL	
Mailing Address:	1412 GERBER LN SPARKS MD 21152-9621		Principal Residence:	YES	
			Deed Reference:	/41349/ 00436	
Location & Structure Information					
Premises Address:	1412 GERBER LN SPARKS 21152-9621		Legal Description:	2.502 AC 1412 GERBER LN NWS 600FT NE WESTERNR RUN RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: MS
0033	0011	0345	8040089.04	0000	2 2020 Plat Ref:
Town: None					
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area County Use
2005	11,857 SF		3800 SF		2.5000 AC 04
Stories	Basement	Type	Exterior	Quality	Full/Half Bath Garage Last Notice of Major Improvements
2 1/2	YES	STANDARD UNIT	FRAME/ STONE	7	7 full/ 1 half 1 Attached
Value Information					
	Base Value	Value		Phase-in Assessments	
		As of		As of	
		01/01/2020		07/01/2020	
				As of	
				07/01/2021	
Land:	287,500	287,500			
Improvements	1,181,900	1,318,900			
Total:	1,469,400	1,606,400		1,515,067	1,560,733
Preferential Land:	0				0
Transfer Information					
Seller:	FILIPPELLI GUY L		Date:	04/24/2019	
Type:	ARMS LENGTH MULTIPLE		Deed1:	/41349/ 00436	
Seller:	KRAUSS RON GREGORY		Date:	09/16/2011	
Type:	ARMS LENGTH IMPROVED		Deed1:	/03192/ 00215	
Seller:	BRYAN CEDRIC W/EVE L		Date:	02/09/2004	
Type:	ARMS LENGTH VACANT		Deed1:	/19578/ 00251	
Price:	\$3,350,000		Deed2:		
Price:	\$3,250,000		Deed2:		
Price:	\$349,000		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 09/30/2019					
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.

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

SUBJECT PARCEL

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: AGRICULTURAL TRANSFER TAX					
Account Identifier:		District - 08 Account Number - 2400008517			
Owner Information					
Owner Name:	PIENINCK BRIAN D PIENINCK KELLY		Use:	AGRICULTURAL	
Mailing Address:	1412 GERBER LN SPARKS MD 21152-9621		Principal Residence:	NO	
			Deed Reference:	/41349/ 00436	
Location & Structure Information					
Premises Address:	1410 GERBER LN SPARKS 21152-9621		Legal Description:	10.878 AC WS GERBER LANE COR OF WESTERN RUN RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0033	0011	0246	8040089.04	0000	
Block:	Lot:	Assessment Year:	Plat No:	MS	
	1	2020		Plat Ref:	
Town: None					
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area	County Use
				10.8800 AC	05
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2020	07/01/2020	07/01/2021	
Land:	215,700	215,700			
Improvements	0	0			
Total:	215,700	215,700	215,700	215,700	
Preferential Land:	3,200			3,200	
Transfer Information					
Seller: FILIPPELLI GUY L	Date: 04/24/2019		Price: \$3,350,000		
Type: ARMS LENGTH MULTIPLE	Deed1: /41349/ 00436		Deed2:		
Seller: SILBERG KEITH E	Date: 11/30/2011		Price: \$700,000		
Type: ARMS LENGTH IMPROVED	Deed1: /31443/ 00154		Deed2:		
Seller: BRYAN CEDRIC W/EVE L	Date: 10/08/2004		Price: \$1,415,000		
Type: ARMS LENGTH IMPROVED	Deed1: /20807/ 00143		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: AGRICULTURAL TRANSFER TAX					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

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033C1

PAI # 080750

PAI # 080750
1800000370

PAI # 080750
PAI # 080750

0802059121

0819051225

1324

0802059120

1410

1410

2005-0193-A

2400005354 1412

Lot # 2

PAI # 080789

PAI # 080789

8 ED

NW 22-D

2100004021

2001-0307-SPH

Pt. Bk./Folio # MP02066

PAI # 080789

2400008517

2003-0231-SPH

Lot # 1

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

PAI # 080789

RC 2

3 CD

033C2

GERBER LN

WESTERN RUN RD

1999-0049-SPHA
2000-0159-SPH

3052900

0806020377

1700006872

GENERAL SITE INFORMATION

1. Ownership: Brian D. Pieninck & Kelly Pieninck
1412 Gerber Lane Sparks, MD 21152
2. Address: 1410 Gerber Lane Sparks, MD 21152
3. Deed references: JLE 41349/436
4. Area: 10.878 acres (per 41349/436) Lot 1 Minor Subdivision "Bryan Property" PDM #02-066-M recorded in Plat Book SM 1/254
5. Tax Map / Parcel / Lot / Tax account #: 33 / 246 / 1 / 24-00-008517
6. Election District: 8 Councilmanic District: 3
ADC Map: 4234D6 GIS tile: 033C2 Position sheet: 86NW16
Census tract: 408200 Census block: 240054082002020
Schools: Sparks ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 033C2 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

OFFICE OF ZONING

Zoning: R.C. 2
Previous zoning case on the subject parcels- Case #2003-0231-SPH

* Approval of a non-density transfer of 6.820 acres
* Approval of an in-law apartment in an existing dwelling

R.C. 2 Requirements for Accessory Buildings

Front: 2.5 feet from a property line
Height: 15 feet

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

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

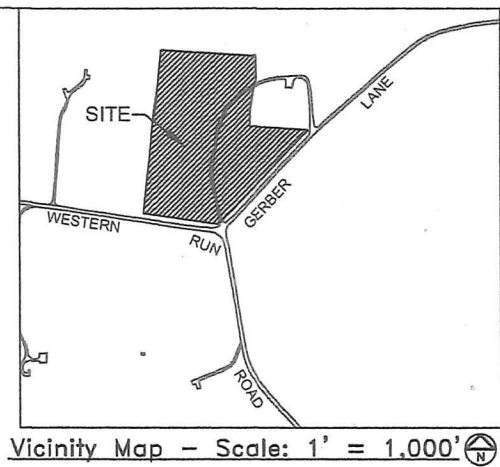
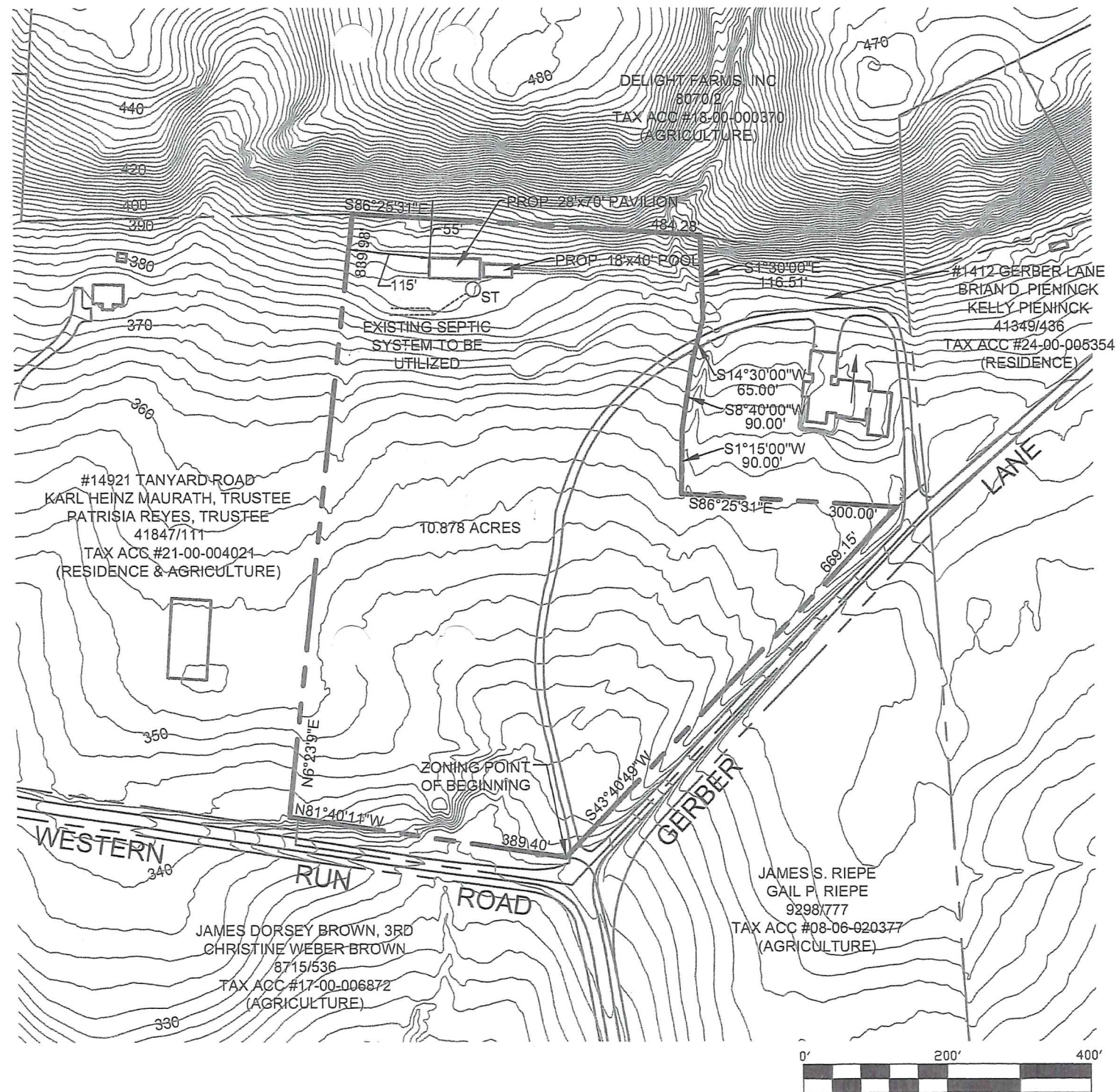
OFFICE OF PLANNING

Regional Planning District: Sparks District Code: 304

1. The subject property is vacant. The subject property is in the Western Run- Belfast Historic District.

PROPOSED DEVELOPMENT

To construct a pavilion and pool for residential use.



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

PLAN TO ACCOMPANY A
ZONING PETITION

FOR

#1410 GERBER ROAD

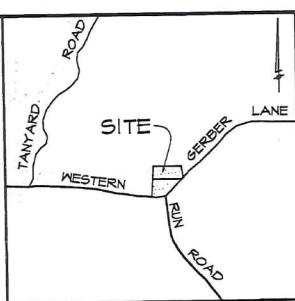
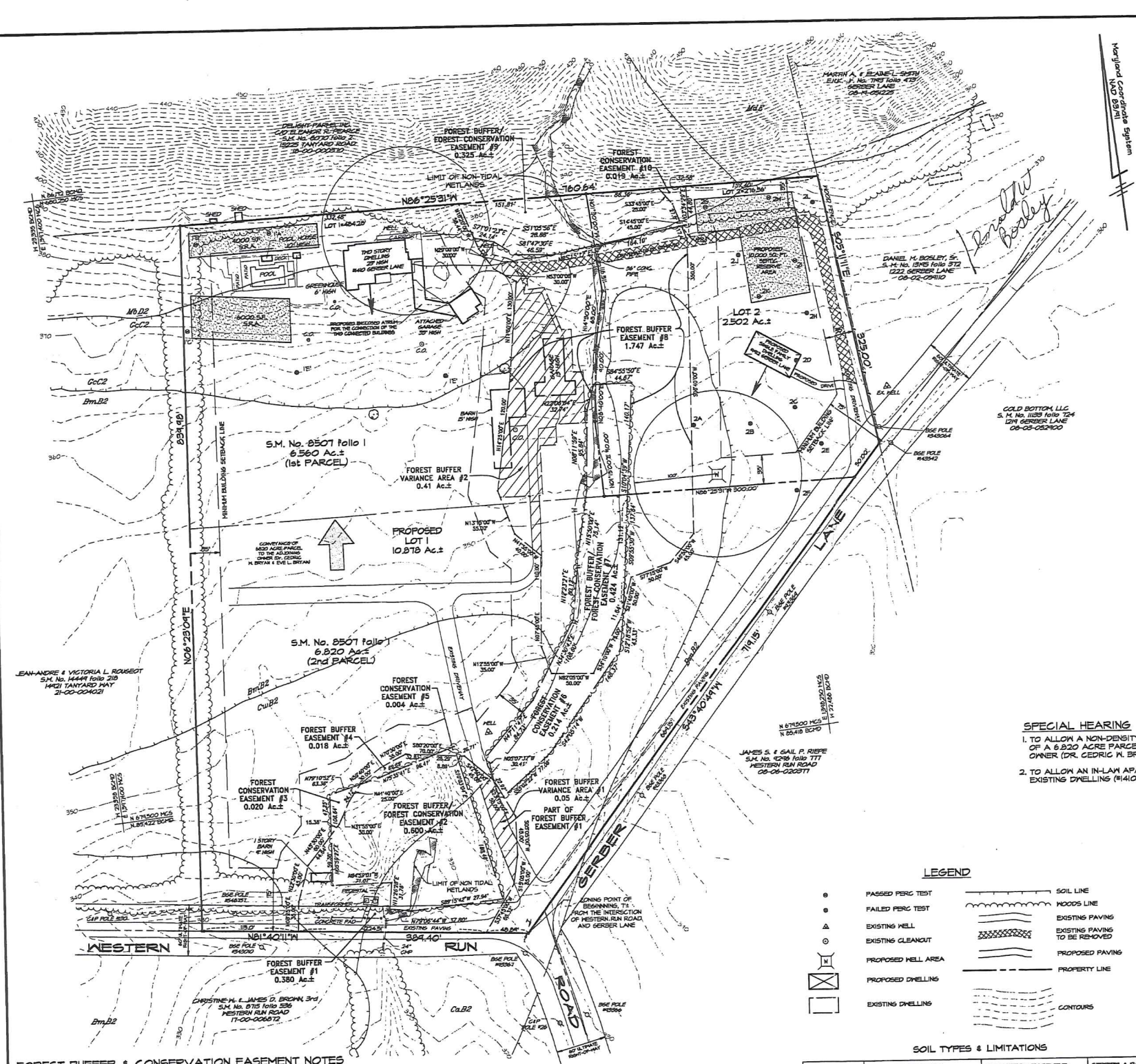
BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 10/5/20

Scale: 1"=200"



Pet. Exhibit #1



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 11L.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 11L.
4. CENSUS TRACT 4002 A.D.C. MAP 4 GRID 11C-2
5. SCHOOL DISTRICT 141 REGIONAL PLANNING DISTRICT 304
6. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
7. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE GREENBELT BAY CRITICAL AREA.
10. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
11. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
12. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
13. ADITS 2 x 12.4 x 24.8
14. OPEN SPACE IS NOT REQUIRED ON MINOR SUBDIVISIONS.
15. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
16. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
17. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TV.
18. THE 1ST PARCEL OF S.M. NO. 0507 FOLIO 001, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE SEPTEMBER 1, 1973. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PARCEL HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. THE SECOND PARCEL (6.820 AC.) WAS CREATED DECEMBER 18, 1991, AND THEREFORE HAS NO DENSITY.
19. THERE ARE NO ZONING LINES WITHIN 200' OF THE SITE.
20. LOT 2 WILL REQUIRE AN EJECTOR PUMP SEPTIC SYSTEM.
21. THERE IS NO ZONING HISTORY ON THE SUBJECT PROPERTY.
22. ALL ACCESSORY STRUCTURES ARE TO REMAIN.
23. THE 6.820 ACRE PARCEL, PREVIOUSLY DESCRIBED IN S.M. 0507/1 AS THE SECOND PARCEL, WILL STAY INTACT AND OWNED BY THE CURRENT OWNERS.

SPECIAL HEARING

1. TO ALLOW A NON-DENSITY TRANSFER OF A 6.820 ACRE PARCEL TO AN ADJOINING OWNER (DR. CEDRIC M. BRYAN & EVE L. BRYAN)
2. TO ALLOW AN IN-LAW APARTMENT IN THE EXISTING DWELLING (1410 GERBER LANE)

DENSITY CALCULATIONS

TOTAL GROSS AREA	13.280 Ac.
GROSS AREA 1st PARCEL	6.560 Ac.
LOTS PERMITTED 1st PARCEL	2
LOTS PROPOSED 1st PARCEL	2
GROSS AREA 2nd PARCEL	6.820 Ac.
LOTS PERMITTED 2nd PARCEL	(SEE NOTE 15)

OWNER/DEVELOPER

DR. CEDRIC M. BRYAN
& EVE L. BRYAN
1410 GERBER LANE
SPARKS, MD 21152
410-472-4455

**CASE #03-231-SPH
PLAT TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING**

**OF THE
BRYAN PROPERTY**

(PDM# 02-066-M)
GERBER LANE & WESTERN RUN ROAD
Dead Ref: S.M. No. 0507 Folio 1
Tax Account No.: 08-05-019151
16-00-011865
Zoned R.C. 2; Map NW 22D
Tax Map 33; Grid 11; Parcels 246 & 76
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 60' OCTOBER 16, 2002

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Tomsontown Boulevard
Tomson, Maryland 21286
(410) 823-4470

LEGEND

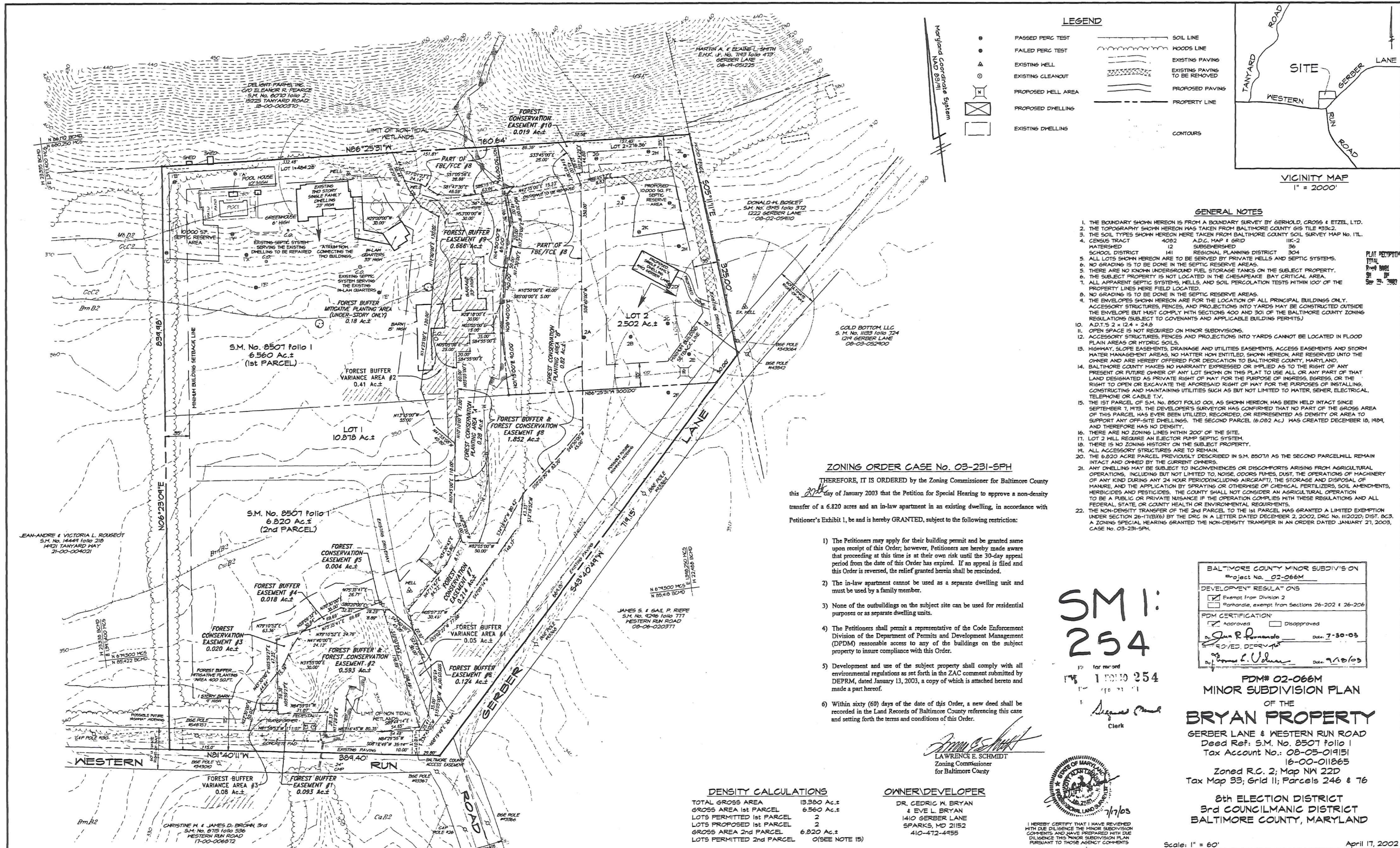
- PASSED PERC TEST
- FAILED PERC TEST
- △ EXISTING WELL
- EXISTING CLEANT
- PROPOSED WELL AREA
- PROPOSED DWELLING
- EXISTING DWELLING
- SOIL LINE
- MOODS LINE
- EXISTING PAVING
- EXISTING PAVING TO BE REMOVED
- PROPOSED PAVING
- PROPERTY LINE
- CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	MOHRETS W/SEWAGE	STREETS & PARKING
BmB2, CbB2	Slight	Slight	Moderate: slope
BmC2, GcC2	Moderate: slope	Moderate: slope	Severe: slope
GcB2	Severe: slow permeability seasonally perched water table	Moderate: seasonally perched water table	Moderate: seasonally perched water table
MdC2, YdE	Severe: slope	Severe: slope	Severe: slope

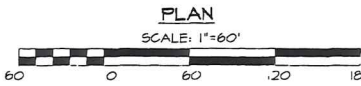
FOREST BUFFER & CONSERVATION EASEMENT NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
3. A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS WHICH BECAME EFFECTIVE JANUARY 1, 1991. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS.



FOREST BUFFER EASEMENT & FOREST CONSERVATION EASEMENT NOTES

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2. ANY FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
3. ON JUNE 10, 2003, A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS, CONTINUED USE OF 0.3 ACRES OF THE REQUIRED FOREST BUFFER EASEMENT FOR EXISTING STRUCTURES, ASSOCIATED USE, AND PARKING/ACCESS HAS BEEN APPROVED UNDER THIS VARIANCE. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS. THOSE CONDITIONS INCLUDE PLANTING TO ENHANCE THE FOREST BUFFER ALONG THE EXISTING STREAM AND ADJACENT TO THE EXISTING STRUCTURE WITHIN THE BUFFER NEAR WESTERN RUN ROAD. THE VARIANCED AREAS ARE OUTLINED ON THE MINOR SUBDIVISION PLAN AND FOREST BUFFER PROTECTION PLAN FOR THIS PROJECT.



DENSITY CALCULATIONS

TOTAL GROSS AREA	13,380 Ac.±
GROSS AREA 1st PARCEL	6,560 Ac.±
LOTS PERMITTED 1st PARCEL	2
LOTS PROPOSED 1st PARCEL	2
GROSS AREA 2nd PARCEL	6,820 Ac.±
LOTS PERMITTED 2nd PARCEL	0 (SEE NOTE 15)

OWNER/DEVELOPER
DR. CEDRIC W. BRYAN
& EVE L. BRYAN
1410 GERBER LANE
SPARKS, MD 21152
410-472-4455

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TYPE	SEPTIC FILTER FIELDS	HOMESITE W/BASEMENT	STREETS & PARKING
BmB2, CnB2	Slight	Slight	Moderate: slope
BmC2, CcC2	Moderate: slope	Moderate: slope	Severe: slope
CaB2	Severe: slow permeability seasonally perched water table.	Moderate: seasonally perched water table.	Moderate: seasonally perched water table; slope.
McD2, MxE	Severe: slope	Severe: slope	Severe: slope

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES REVISSED	6/10/03
FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES REVISSED	6/10/03
REVISSED PER ADDITIONAL PERC TESTS AND GROUND WATER MANAGEMENT FIELD INSPECTION	3/13/03
SEPTIC RESERVE AREAS REVISSED	3/13/03
ADDED APT. BOX, W/SEC. NOTES, BUILDING HEIGHTS, & ROAD R/W	10/16/02
REVISION	DATE

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

ZONING ORDER CASE No. 03-231-SPH
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of January 2003 that the Petition for Special Hearing to approve a non-density transfer of a 6.820 acres and an in-law apartment in an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The in-law apartment cannot be used as a separate dwelling unit and must be used by a family member.
3. None of the outbuildings on the subject site can be used for residential purposes or as separate dwelling units.
4. The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPM) reasonable access to any of the buildings on the subject property to insure compliance with this Order.
5. Development and use of the subject property shall comply with all environmental regulations as set forth in the ZAC comment submitted by DEPRM, dated January 13, 2003, a copy of which is attached hereto and made a part hereof.
6. Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of Baltimore County referencing this case and setting forth the terms and conditions of this Order.

SM 1: 254

100 254

Signature
Clerk



I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION PLAN AND HAVE PREPARED THIS DUE DILIGENCE MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 02-066M

DEVELOPMENT REGULATIONS

☒ Exempt from Division 2
☐ Otherwise, exempt from Sections 26-202 & 26-206

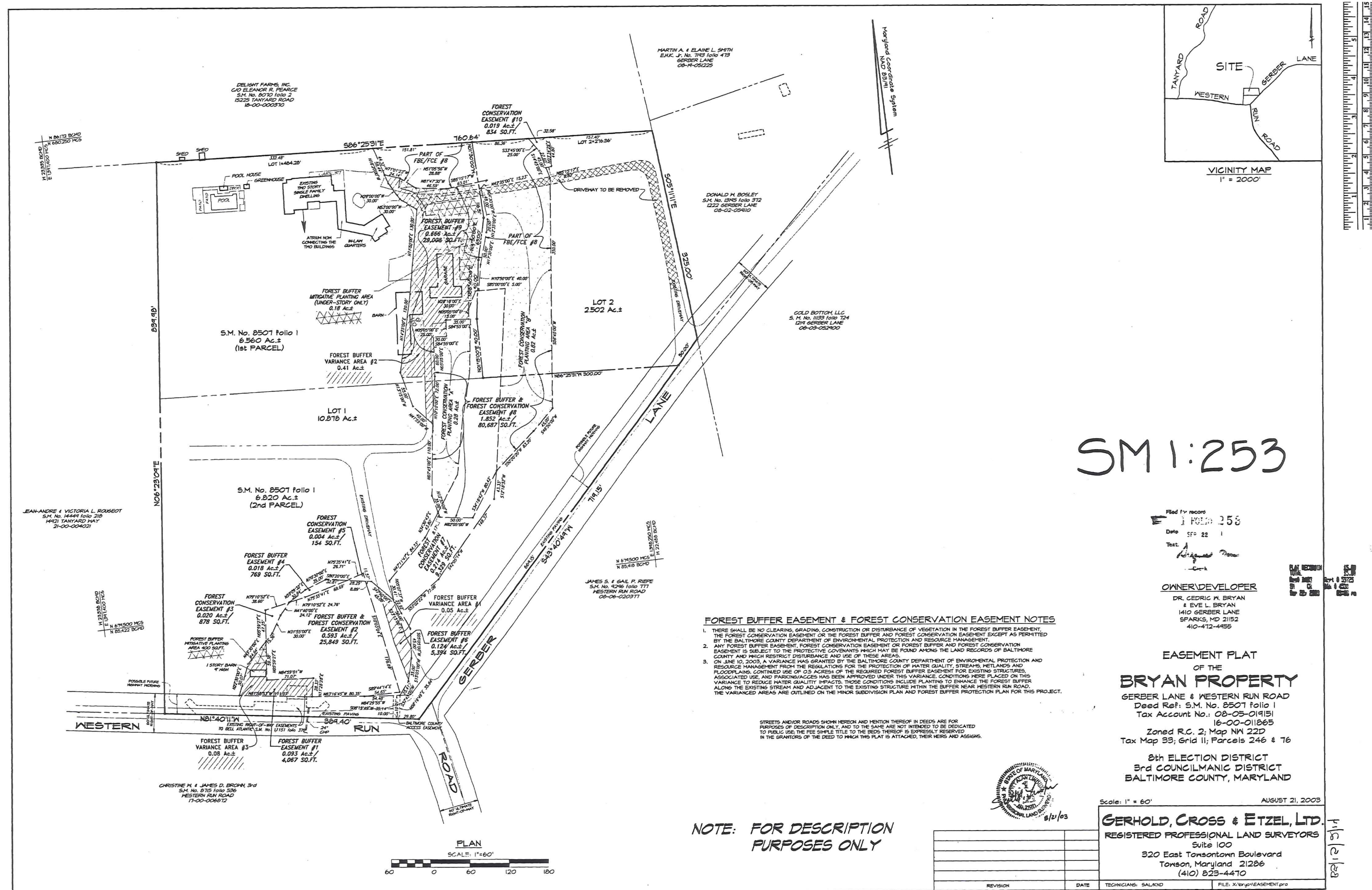
PDM CERTIFICATION

☒ Approved ☐ Disapproved

Signature
Date: 7-30-03

PDM# 02-066M
MINOR SUBDIVISION PLAN
OF THE
BRYAN PROPERTY
GERBER LANE & WESTERN RUN ROAD
Deed Ref: S.M. No. 8507 folio 1
Tax Account No.: 08-05-019151
16-00-011865
Zoned R.C. 2; Map NW 22D
Tax Map 33; Grid 11; Parcels 246 & 76
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 60' April 17, 2002



SM 1: 253

86724 MSA SSU 1236-11164

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1412 Gerber Lane Sparks, MD 21152
- 2. Address: 1410 Gerber Lane Sparks, MD 21152
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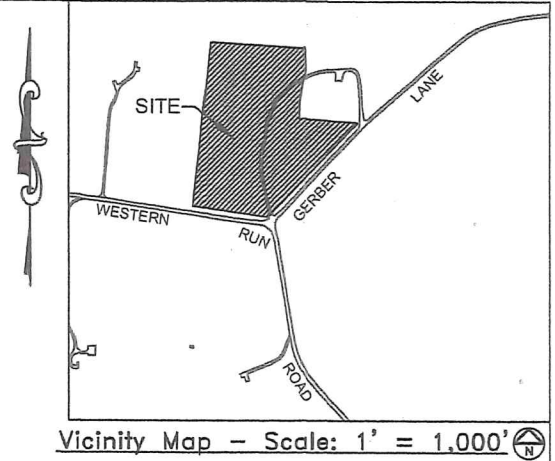
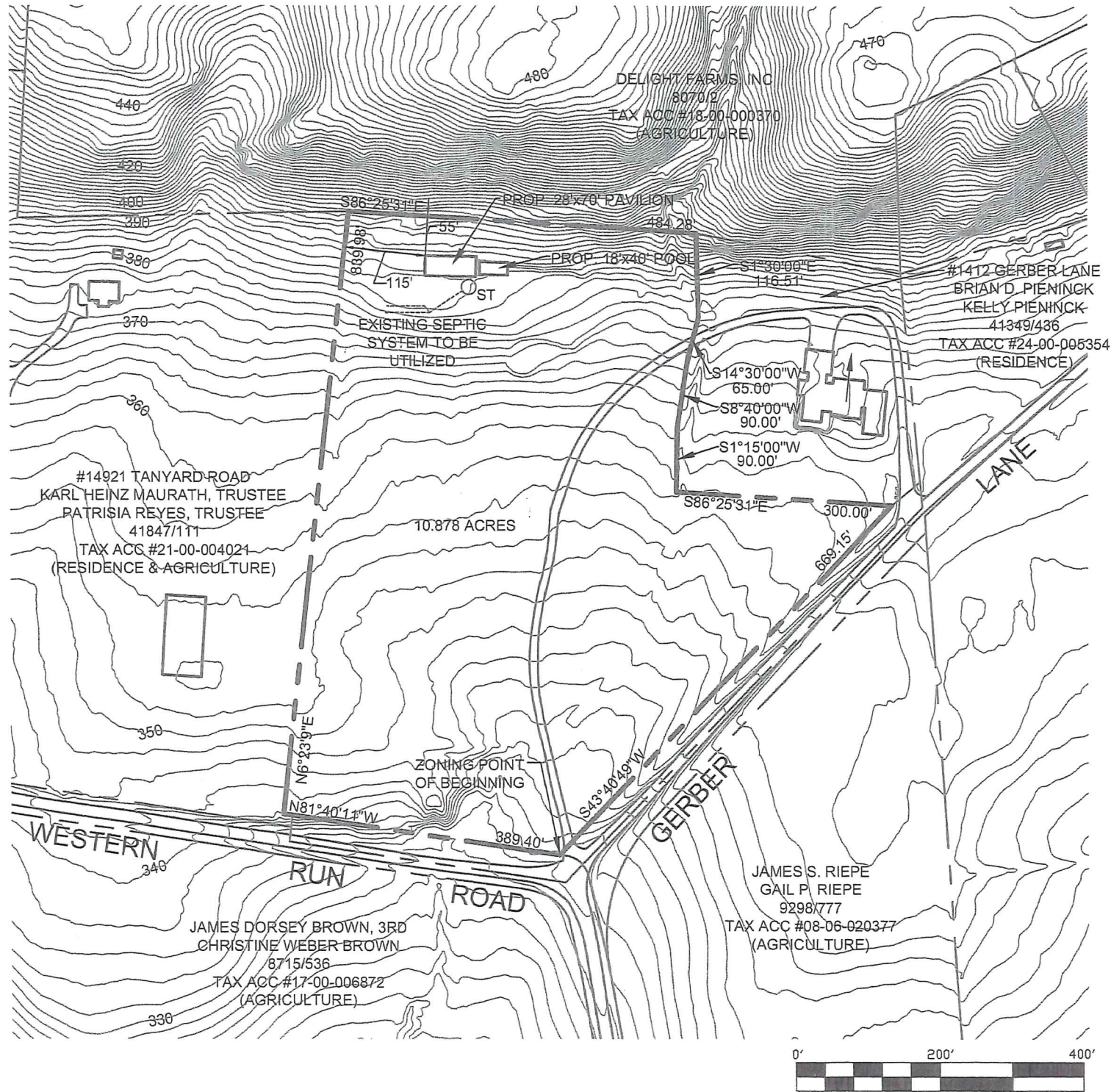
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2020-0275-SPHA