

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

June 6, 2024

Michael and Christine Merryman – mdcsmbe@gmail.com 16518 Cedar Grove Road Sparks, MD 21152

RE:

Petition for Administrative Variance

Case No. 2024-0113-A

Property: 16518 Cedar Grove Road

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

(16518 Cedar Grove Rd.)

7th Election District * OFFICE OF ADMINISTRATIVE

3rd Council District

Michael & Christie Merryman * HEARINGS FOR

* BALTIMORE COUNTY

Petitioners * CASE NO. 2024-0113-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Michael and Christine Merryman ("Petitioners") for the property located at 16518 Cedar Grove Road, Sparks (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §400.1, to permit an accessory structure (in-ground swimming pool) in the side yard in lieu of the required rear yard.

The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1 (the "Site Plan"). Street view photographs of the Property were provided. (Pet. Exs. 2A-2C). No adverse Zoning Advisory Committee ("ZAC") comments were submitted by any of the County reviewing agencies.

The Petitioners have filed the supporting affidavits as required by §32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested Variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the Site Plan, photographs, and affidavit submitted provide sufficient facts that comply with the requirements of BCZR, §307.1. Furthermore, strict compliance with the BCZR would result

in practical difficulty and/or unreasonable hardship upon the Petitioners.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on May 19, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

THEREFORE, IT IS ORDERED, this 6th day of June, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §400.1, to permit an accessory structure (in-ground swimming pool) in the side yard in lieu of the required rear yard, be and it is hereby, GRANTED.

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

DEREK J. BAUMGARDNER Administrative Law Judge

for Baltimore County

DJB:dlw

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

To the Office of Administrative Hearings for Baltimore County for the property located at:
Address 16518 Cedar Grave Road, sparus MD Currently Zoned 18602
Doed Reference 29815 100237 10 Digit Tax Account# 25 0.000 7 5
Owner(s) Printed Name(s) Michael Wenzyman and Christine Meinguman
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:
the undersigned, will divide the property state the permit an accessory and administrative variance from Section(s) 400 of BCZR to permit an accessory structure (inground summing pool) in the side yard in her of the required rear yard.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
2ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
Property is to be posted and advertised as prescribed by the zoning regulations. If we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Owner(s)/Petitioner(s):
williand Merimon , constine werymon
Name #1 – Type or Print Name #2 – Type or Print
Signature # 2
Signature #1 Signature #1 Oct = 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
Mailing Address City State
2152, 443618 9791 macsulas (a) gmail . com
Zip Code Telephone #'s (Cell and Home)
Attorney for Owner(s)/Petitioner(s): Representative to be Contacted:
Name - Type or Print Name - Type or Print
Signature Signature Codes Costa Red Sources MO
City State
Mailing Address City State Mailing Address 2157 4 443669747 wdcswiee
Zip Code Telephone # Email Address Zip Code Telephone # Email Address Zip Code
A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for
the Author Subject matter of this petition be set for a public
Baltimore County, this
Administrative Law Judge for Baltimore County
Case Number 2024 - 0113 - A Filing Date 5 1 12024 Estimated Posting Date 5 12 Reviewer
Closing 5 27 24 Revised 8/2022

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

residential property described below is owned and occupied by the under	angrica.	21152
Address: 16518 Cedar Grove & Garle	State	Zip Code
Based upon personal knowledge, the following are the facts upon which variance at the above address. (Clearly state practical difficulty or have a state of our name and active have a state of our name and active have a state of our unit of active want a pool directly of have field. We want to have field. We want to	I/we base the request for ar	•
Signature of Owner (Amant) A. Salino INNATION MANAN M	is needed, label and attace ture of Owner (Affiant)	ch it to this Form)
The following information is to be completed by a No	otary Public of the State	e of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:		
and for the County aforesaid, personally appeared:		a Notary of Maryland, in
Print name(s) here:		
the Affiant(s) herein, personally known or satisfactorily identified to me	as such Affiant(s).	
Notary Public Notary Public My Commission Expires	WOTARL WOTARL SON	OW THE THE PARTY OF THE PARTY O

March 25, 2024

PART A

Zoning Property Description for 16518 Cedar Grove Road, Sparks MD 21152

Beginning at a point on the South side of Cedar Grove Road which is 20' wide at the distance of 2,652' west of the nearest intersecting street Arden Valley Court which is 59.6' wide.

PART B

Thence the following courses and distances: 1) N78 44' 43"E 1079.78' to 2) S88 40' 35"W 280.40' to 3) N19 29'09"W 1029.76' to 4) S85 14'47"E 931.85' to 5) S17 28'50"E 496.30' to 6) s61 14'07W 992.18' to 7) S59 54'46"E 148.10' to 8) N61 16'32"E 611.91' to 9) S60 00'12"E 506.96' to 10) N61 59'28"E 263.99' to 11) S19 41'16"E 426.85' to 12) N60 17'19"E 789.14' to 13) S33 15'41"E 1030.80' back to N78 44'43"E, as recorded in Deed Liber SM 22102 Folio 001, containing 31.80 acres in lot. Located in the 5th election district and 3rd council district. Also known as lot #2 in the minor subdivision case 07-270-A, as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

OFFICE	OF BUD	DUNTY, M DGET ANI JS CASH) FINANC	CE T Rev	Sub		230. 5/1	159 12024	-
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From:		m	D C	instr	ctio-	, Ser	ices	LIC	
For:									
For.	or: Alministrative Zoning Variance 16518 Cedar Gove Pl								4
Zoning Case # 2024-0113-A									1
- Louing Case # 2024-0113-14									-
4									CASHI
_DISTRIBU	TION								VALIDA
WHITE - C	ASHIER	PINK - AGE		YELLOW - S HARD!!		R	GOLD - AC	COUNTING	noch

ER'S NOITA

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2024-0113 A Address 16518 Cedor Grove Roal
Contact Person: 20, f.k. Kellman Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 5/1/2024 Posting Date: 5/12/2024 Closing Date: 5/27/2024
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner most use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The require notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
Z. DEADLINE: The closing date is the deadline for a neighbor foccupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) depy the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing [whether due to a neighbor's formal request or by order of the Administrative [aw lodge], notification will be forwarded to you. The sign on the property must be changed gwing notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the aftered sign must be forwarded to this office.
Petitioner: This Part of the Form is for the Sign Poster Only (Detach Mong Dotter Line)
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number: 2024-0113 -A Additions 16518 Codar Gove Roal
Petitioner's Name: of 13 Ufalo Run I, LLC Telephone (Cell) 443-618-9797
Permoner's Name: of 15017210 100 1, 22 Telephone them, 110 10 17
Fosting Date: 5/12/2024 Closing Date: 5/27/2024
Wording for Sign: To Permit an accessory structure
(Inground swimming pool) in the side yard in
Then at the required rear yard.
14 (ne 39 (985)

Revised 1/2022

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: 2624 - 0113 - A
Property Address: 16518 Colar Grove Roal Michael Merryman & Christine Marryman Legal Owners (Petitioners): of Buffelo Run I, LLC
Legal Owners (Petitioners): of Buffelo Run I, LLC
Contract Purchaser/Lessee: W/A
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): N/A (a 600c)
Address: Michael & Christine Merryman
16518 Cedar France Road
Sparks, MD 21152
Telephone Number: 443-618-9797

^{*}Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search () Search Result for BALTIMORE COUNTY

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier:

District - 05 Account Number - 2500007500

Owner Information

Owner Name:

BUFFALO RUN I LLC

AGRICULTURAL Use:

Principal Residence: NO

Mailing Address:

16518 CEDAR GROVE RD Deed Reference:

SPARKS MD 21152-

Location & Structure Information

Premises Address:

16518 CEDAR GROVE RD Legal Description:

31.804AC

SPARKS 21152-

16518 CEDAR GROVE RD 4320FT E BENSON MILL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year:

Plat No: MS

0027 0005 0134 5050006.04

0000

Plat Ref:

2 2023

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use 2020

352 SF

31.8000 AC

StoriesBasementType

1 1/2 YES

STANDARD UNITLOG/ 5 3 full

1 Detached

Value Information

	Base Value	Value	Phase-in Assessm		
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024	
Land:	100,000	104,500			
Improvements	405,500	526,900		589,433	
Total:	505,500	631,400	547,467		
Preferential Land:	5,500	5,500			

Transfer Information

Seller: BUFFALO RUN I LLC Type: NON-ARMS LENGTH OTHER Seller: BUFFALO RUN I LLC,ET AL Type: NON-ARMS LENGTH OTHER

Date: 03/22/2019 Deed1: // Date: 08/26/2010 Deed1: /29815/ 00237 Price: \$0 Deed2: Price: \$0 Deed2:

Seller: Type:

Date: Deed1: Price: Deed2:

Exemption Information

Partial Exempt Assessments: Class County:

000

07/01/2023 0.00

07/01/2024

State: Municipal: 000 000

0.00 0.00|0.00

0.00|0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

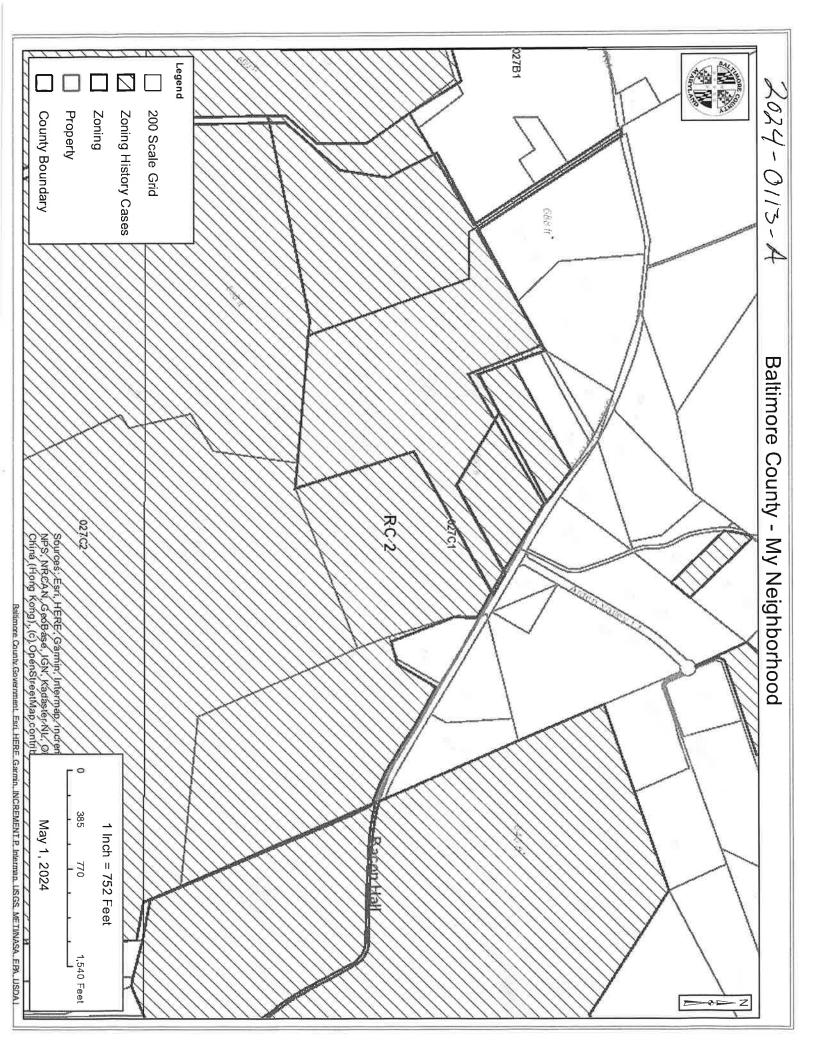
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0113-A



2024-0113-A



ARTICLES OF AMENDMENT for a Limited Liability Company

(1) Buffalo Run I, LLC

Insert full name of the Limited Liability Company (LLC)

A 9: 43

(2) The Charter of the Limited Liability Company is hereby amended as follows

This letter is to request the split of ownership for the Buffalo Run I, LLC to reflect Michael Merryman as a 50% owner and Christine Gardner as a 50% owner. The authorized persons on this account will be Michael Merryman and Christine Gardner.

gnature of Authorized Person(s)

I hereby consent to serve as Resident Agent for the above named Limited Liability Company

Signature required only for new resident agents

Revised 8/05

INSTRUCTIONS Limited Liability Company Articles of Amendment must be approved by the unanimous Consent of the members, signed by an authorized person, and filed with the Department of Assessments and Taxation at 301 W Preston Street, 8th Floor, and Baltimore, Maryland 21201 The Articles do not have to recite the approval of the members

The above form may be used or a document may be created based on the above format
The filing fee for this document is \$100, however other fees may apply for related services from the Corporate Charter Division



Maryland State Department of Assessments & Taxation

RESOLUTION TO CHANGE PRINCIPAL OFFICE OR RESIDENT AGENT

The directors/stockholders/general partn	er/authorized person of
Buffalo Run I, LLC	
(Name	e of Entity)
organized under the laws of Maryland	passed the following resolution:
(State (Check applicable boxes)	
The principal office is changed from: (of 1300 Cold Bottom Road	d address)
Sparks, MD 21152	
to: (new address) 16518 Cedar Grove Road	
Sparks, MD 21152	
Michael Merryman 1300 Cold Bottom Road, Sparks MD 21152 to: Michael Merryman	ent is changed from:
16518 Cedar Grove Road, Sparks MD 21152	
I certify under penalties of perjury the foregoing	signed
	Secretary or Assistant Secretary General Partner Authorized Person
I hereby consent to my designation in this docu	ment as resident agent for this entity.
	SignedResident Agent
	CUST ID:0003844747 WORK ORDER:0005061324 DATE:01-21-2021 09:25 AM AMT. PAID:\$25.00

2024-0113-A

СН Магугани CORPORATE CHARTER APPROVAL SHEET

Z024-0113-A ** KEEP WITH DOCUMENT **

# BUSINESS CODE # Close Stock Nonstock	1000352013058202
P.A. Religious Merging/Converting	
	ID # W19524362 ACK # 1000362013068202 PAGES: 0002 BUFFALO RUN I, LLC
Surviving/Resulting	01/21/2021 AT 09:25 A WO # 0005061324
Base Fee: Org. & Cap. Fee: Expedite Fee: Penalty: State Recordation Tax: State Transfer Tax: Certified Copies Copy Fee: Certificates Certificate of Status Fee: Personal Property Filings: NP Fund: Other: TOTAL FEES: Credit Card Check Cash Documents on Checks Approved By: COMMENT(S):	Change of Name Change of Principal Office Change of Resident Agent Change of Resident Agent Address Resignation of Resident Agent Designation of Resident Agent and Resident Agent's Address Change of Business Code Adoption of Assumed Name Other Change(s) Code Attention: Mail: Names and Address BUFFALO RUN I, LLC 16518 CEDAR GROVE ROAD SPARKS MD 21152
	Stamp Work Order and Customer Number HERE

CUST ID:0003844747 WORK ORDER:0005061324 DATE:01-21-2021 09:25 AM AMT. PAID:\$25.00

* -1

											(C)
	Issued on 09/07/2021 10:08 AM Ceremony may be performed only			() Relationship of the parties by blood or marriage: NONE SIG	Name: MICHAEL WA Residence: 16518 CEDAR SPARKS GLEI	Name: CHRISTINE M Residence: 16518 CEDAR SPARKS GLE	at Sparks (City or Town where ceremony was performed) Baltimore County, I united in marriage the following individuals:	I HEREBY CERTIFY, that on this		60	
	Issued on 09/07/2021 10:08 AM Ceremony may be performed only in Baltimore County, between 6:00 AM on the 9th day of September, 2021 and the 8th day of March, 2022.	City: Columbia	Title: Ordained Minister Address of Authorized Official: 7001 Co	r marriage: NONE SIGNATURE OF AUTHORIZED OFFICIAL: Printed Name of Authorized Official: De Na	MICHAEL WARFIELD MERRYMAN 16518 CEDAR GROVE ROAD SPARKS GLENCOE, MARYLAND 21152	CHRISTINE MARIE GARDNER 16518 CEDAR GROVE ROAD SPARKS GLENCOE, MARYLAND 21152	erformed) Government the marriage license of the following individuals:	or day of October (month)	STATE OF Baltimo	Secretaria Than athen and secretarian secr	
	on the 9th day of September, 2021	State	ister	ORIZED OFFICIAL: // Long Sim	Birthplace: MA Age: 28 Marital Status: SIN	Birthplace: MA Age: 31 Marital Status: SIN		<u>ටම්ටම්ටම්ටමටම්</u> , 20 <mark>ධ </mark> at	STATE OF MARYLAND Baltimore County	Mertificate	
FROM THE OWN OF	and the 8th day of March, 2022.	Maryland zip code: 21046	way	Ver Phone: 410-38-3809	MARYLAND 28 SINGLE	MARYLAND 31 SINGLE	issued by the Clerk of the Circuit Court for	5:00 ()A.M. P.M., (limc of day)	S C C C C C C C C C C C C C C C C C C C	O THOUSE COLORS	
						6 46				TYT	

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/19/2024

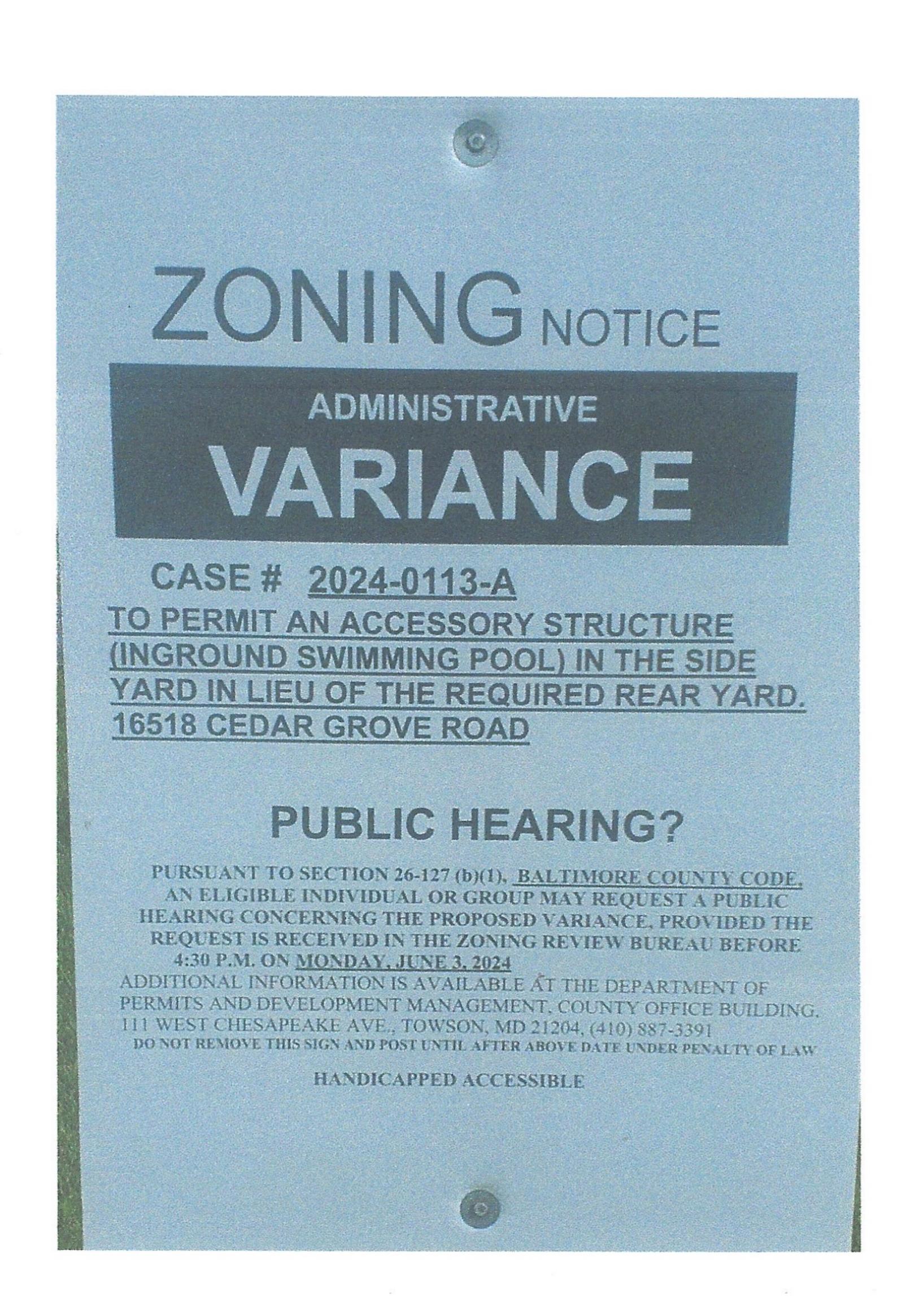
Case Number: 2024-0113-A

Petitioner / Developer: MICHAEL & CHRISTINE MERRYMAN

Date of Closing: JUNE 3, 2024

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: 16518 CEDAR GROVE ROAD

The sign(s) were posted on: MAY 19, 2024



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: June 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0113-A

Address: 16518 CEDAR GROVE RD Legal Owner: Michael & Christine Merryman

Zoning Advisory Committee Meeting of May 21, 2024.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
 - <u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

The GIS aerial taken in 2023 indicates that the Forest Buffer Easement shown on R.W. plat 09-049-06 and recorded at 28936/151 is being disturbed without authorization from DEPS and in violation of its Declaration of Protective Covenants. Environmental Impact Review (EIR) will not approve any permit at this property until it is brought into compliance with the above referenced law.

Reviewer: Glenn Shaffer

Additional Comments:

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:

- a. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements.
- b. Areas to be graded must be clearly shown with existing and proposed topography.

Reviewer: Mia Lowery, L.E.H.S.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: May 15, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0113-A

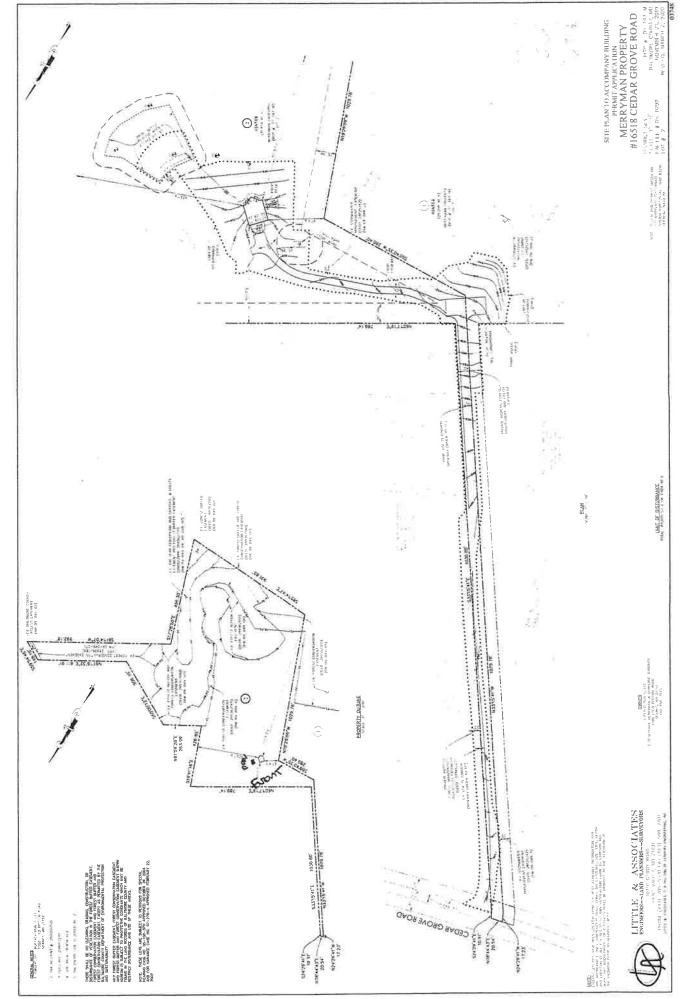
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOC & No Greenways affected.



2024-0112-4

