



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

December 31, 2024

Michael McCann, Esquire – michael@mmccannlaw.net
118 W. Pennsylvania Avenue
Towson, MD 21204

Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **Order on Motion to Dismiss**
Case No. 2024-0118-SPH
Property: 3366 and 3500 Belmont Avenue

Dear Messrs. McCann and Schmidt:

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,

A handwritten signature in blue ink, appearing to be "D. Baumgardner", with a stylized flourish at the end.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

Page Two
3366 and 3500 Belmont Avenue

C: Betsy Hayes mdhprselady@yahoo.com
 Diane Katlic, Esquire dkkatlic@msn.com
 Richard Harris, Esquire richard.harris@hklaw.com
 Peter Fenwick pfenwick@valleyholding.com
 Renee Hamidi renee@thevpc.org
 Michael Ruby - mildmanneredcomm@aol.com

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(3366 and 3500 Belmont Avenue)		
4th Election District	*	OFFICE OF
4th Council District		
Valley Planning Council and	*	ADMINISTRATIVE HEARINGS
Peter Fenwick, Trustee		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2024-0118-SPH
* * * * *		* * *

OPINION AND ORDER GRANTING RESPONDENTS’ MOTION TO DISMISS

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Valleys Planning Council (“VPC”) and Peter Fenwick, Trustee (“Fenwick”) (jointly referred to as “Petitioners”) for the properties located at 3366 Belmont Avenue and 3500 Belmont Avenue (“the property” or collectively “the properties”). Petitioners are a nonprofit land preservation organization and an adjacent property owner respectively. Special Hearing relief was filed pursuant to BCZR §§ 500.6, 500.7, 502.1, to determine various regulatory, zoning, and land use issues on the premises. Specifically, the Petition requests OAH to determine the following:

1. Whether the use of the subject property constitutes “spirits manufacture” under BCZR §1A01.2.C.31.f?
2. Whether temporary promotional events, including tastings and public gatherings, are a permitted use under the special exception for “spirits manufacture” in BCZR § 1A01.2.C.31.f?
3. Whether the subject property has been hosting temporary promotional events, such as tastings or public gatherings, associated with spirits manufacture?
4. Whether a catering hall is permitted as of right or by special exception in the RC2 zone.
5. Whether a property in the RC 2 zone may be rented or otherwise used for the housing of parties or other events?
6. Whether the subject property in the RC2 zone may be rented or otherwise used for the

hosting of parties or other events.

7. Whether the use of the subject property is a catering hall under the BCZR?
8. Whether the use of the subject property is an “agricultural support use” under BCZR § 1A01.2.C.31 of the BCZR?
9. Whether the use of the subject property otherwise conforms with the BCZR?
10. To determine such other issues as necessary and appropriate.

On November 18, 2024, Respondents, 3366 Belmont Road LLC and 3500 Belmont Road LLC, owners of the properties located at 3366 Belmont Road and 3510 Belmont Road LLC respectively, filed a Motion to Dismiss the underlying Petition for Special Hearing relief. On November 25, 2024, Petitioners filed a response to Respondents’ Motion to Dismiss. A motions hearing was scheduled for December 9, 2024, with a hearing on the merits scheduled for January 8, 2024 and January 10, 2024.

The motions hearing was conducted on December 9, 2024, using the virtual platform WebEx in lieu of an in-person hearing. Petitioners appeared at the hearing along with their attorney, Michael McCann, Esq. Lawrence Schmidt, Esq. of Smith Gildea & Schmidt, LLC appeared on behalf of Respondents, 3366 Belmont Road, LLC and 3500 Belmont Avenue, LLC. Richard Harris, Esq. of Holland & Knight, LLP also appeared on behalf of Respondents, admitted *pro hac vice*. Respondents argue that the subject Petition is not properly before OAH and a violation of their due process rights and should be dismissed. For the reasons that follow, I find that dismissal is warranted but grant leave to refile at the discretion of Petitioners in compliance with the terms of this Order.

BACKGROUND

The subject properties are located along Belmont Avenue in Glyndon, Baltimore County, Maryland, and have historically been used for equine and agricultural uses. The property is a

combination of three different parcels that are zoned RC 2. The lots are improved with a dwelling, multiple barns, and a longstanding equine operation on the premises. The property is encumbered by multiple conservation easements and the properties south of Belmont Road are encumbered by a Maryland Environmental Trust easement. A previous application for zoning relief was filed to use the property as a distillery and for promotional events, but that petition was withdrawn at the request of the owner. *See* 2022-0215-SPHXA.

The subject Petition requests Special Hearing relief under BCZR §§ 500.6, 500.7, and 502.1, to determine various regulatory, zoning, and land use matters with respect to these properties. Notably, the Petition is filed not by the property owner, but rather, jointly by a local preservation organization and a neighboring property owner. The Petition itself states “...Respondents have continued to host events at the properties. As a result, Petitioners remain concerned about the ongoing and proposed uses of the properties...”. Petitioners’ Response to Motion to Dismiss, p. 2. Presumably, Petitioners allege violations of BCZR, or at the very least, the Petition attempts to establish what uses, if any, are permitted on the property.

Respondents argue that the subject Petition is not properly before OAH and should be dismissed. This argument is essentially a jurisdictional one. Respondents contend that the property is not subject to any current code enforcement citations; the property has not been approved for any special exception use or the continuation of any nonconforming uses; and there is no active application with Baltimore County to use the property for anything other than permitted by right uses not requiring additional permits. Respondents further argue that the Petition lacks any factual details of alleged violations of BCZR or any other county regulations, depriving Respondents of the ability to adequately respond to the Petition. This argument is essentially a due process one, wherein a property owner is denied the information necessary to respond to unknown allegations.

Petitioners counter that a Petition for Special Hearing relief under BCZR §§ 500.6, 500.7, and 502.1 does not expressly require such predicates (e.g., OAH has jurisdiction) nor does the face of the Petition need to provide specific factual allegations to proceed to a hearing on the merits (e.g., there is no due process violation). For the reasons that follow, I find that OAH does not have jurisdiction to hear this case at this time, and the Petition, as filed, violates due process of law in that it lacks the factual basis necessary to afford a property owner sufficient fact to respond to the Petition at a hearing on the merits.

SPECIAL HEARING RELIEF (AS FILED UNDER BCZR §§ 500.6, 500.7, & 502.1)

BCZR §500.6 states that “the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.” BCZR Section 500.7 permits an interested party to file a petition “to determine the existence of any non-conforming use” and also allows the ALJ to hold hearings to “determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.” These provisions give broad discretion with few guidelines on what constitutes Special Hearing relief. However, when filed by persons other than the property owner, that discretion is circumscribed by general principles of fairness and due process. Further, “A request for special hearing is, in legal effect, a request for a declaratory judgment.” *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, “the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). As

a request for Special Hearing relief is akin to an action for declaratory judgment, pleading requirements remain, subject to the more flexible application of those requirements under administrative law practice. Lastly, BCZR §502.1 refers to the grant of a special exception, which is not requested under this Petition and is not addressed here.

A review of relevant authorities does not indicate that BCZR §§ 500.6 and 500.7 are analogous to citizen suit provisions as found in state and federal law which give private citizens the right to enforce laws and regulations outside of a regulated code enforcement process. Moreover, both parties agree that this matter is not before the ALJ as a Code Enforcement action. Rather, under the principles articulated under *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005), Special Hearing relief is sought here as an action for declaratory judgment. Under the Maryland Rules¹, an action for declaratory judgment requires an actual controversy between the parties, the parties must have antagonistic claims, a party must assert a right, status, or privilege, an issue must be ripe, among other preliminary pleading requirements. See Maryland Code Annotated, Court & Jud. Proc. Art. §§3-401, *et seq.* The Petition as presently filed does not satisfy these basic elements of a declaratory judgment action even when viewed in the light most favorable to Petitioners.

Petition for Zoning Hearing(s)

This Petition was filed on May 7, 2024. A review of the case file shows a series of delays and postponements but the extent of delay prior to the scheduling of this Motions hearing and the hearing on the merits is unclear. The Petition states various questions the answers of which are the relief requested by Petitioners. The Petition is accompanied by ownership information for the two

¹ OAH acknowledges that the Maryland Rules are not strictly applicable to an administrative hearing before OAH. However, they remain useful guidelines when legal principles arise that are not contemplated by agency rules, the Baltimore County Zoning Regulations, or the Baltimore County Code.

parcels, a Zoning description prepared by a licensed surveyor (metes and bounds only) joined by a prepared plat, a receipt for the fee paid for the filing, public posting confirmation for the previously scheduled merits hearing that was postponed, as well as the current public posting confirmation for the scheduled merits hearing. Tellingly, there are no substantive comments from county agencies. Planning's ZAC comment states:

“The Department contacted the petitioner via email, requesting detailed information about the property owner's activities that led to the request for a special hearing. The email sought visualizations such as images, diagrams, and modifications to the site plan to clarify the issues and requests involved in the hearing. However, the petitioner contends that his petition does not permit agencies to comment on the requests for relief, viewing them primarily as legal questions. The petitioner plans to present witnesses and exhibits during the hearing.”

ZAC Comment, Planning, p. 2. There is no documented code enforcement history for the property provided; no list of alleged activities on the property with approximate dates and times; no photographs, videos, or social media posts or references that OAH commonly sees when a property owner is accused of violating BCZR in some manner. Further, the Petition does not allege some controversy between the parties as to what activities are permitted or prohibited or provide further details for OAH or the property owner to discern the scope of activities that are at issue. Moreover, the Petition does not state or claim that petitioners were or continue to be harmed by any activities occurring on the property or that the use and enjoyment of their respective properties are somehow impacted. While there is no deficiency under the *filing* requirements under BCZR §§500.6 & 500.7, there is no express statement of actual controversy between the parties, no express allegation that the parties have antagonistic claims, no articulation of a right, status, or privilege claimed by petitioners, or that any issues are currently ripe for review given the length of time that has passed since the Petition was filed and case was scheduled for a hearing.

OAH Prior Practice

Petitioners correctly note that prior practice before this agency has been to permit individuals other than the subject property owner to file petitions for Special Hearing relief. However, that practice has historically been limited to matters where: (1) there is a prior approval relating to development or the authorization for a particular use of land (e.g. special exception, variance, modification, continuation of a nonconforming use, etc.); or (2) there is a dispute or controversy between a property owner, Baltimore County, or impacted community members over the proper use, regulation, or interpretation of BCZR, for which Special Hearing relief is sought to clarify or resolve that dispute, in the nature of declaratory judgment. For matters in which prior approvals are at issue, OAH maintains jurisdiction over those prior authorizations in perpetuity for modifications, violations, or others similar matters impacting that property. For documented disputes regarding BCZR regulations, OAH jurisdiction is invoked to interpret or clarify specific aspects of a property's use or compliance, and is typically invoked by the property owner themselves. While such relief is not exclusive to a property owner, prior practice has been to permit Special Hearing relief when a documented dispute exists.

Prior recent OAH decisions are consistent with this practice. *In the matter of 2800 Monkton Road (Inverness Case No. 2019-0541-SPH)*, impacted community members sought Special Hearing relief to interpret an Order issued by OAH with regard to a previously approved Special Exception. That Petition requested relief in the general, and that Order granted relief specific to a particular Order relating to the specific property in question. *In the matter of 11-12 Celadon Road (Jemicy Case No. 2024-0028-SPH)*, an impacted community member requested Special Hearing relief for a neighboring property with a long zoning history to determine whether the previously approved Special Exception and site plan should be amended given supposed changes to the

property that had allegedly occurred since the property since it last was granted zoning relief. In *Antwerpen v. Baltimore Cnty.*, 163 Md. App. 194, 196, 877 A.2d 1166, 1167 (2005), an automotive dealership learned that the Baltimore County zoning office took the position that a used-automobile dealership was not permitted in the B.M. zone. The automotive dealership filed a petition for special hearing seeking a contrary determination, “...asking whether it was permissible in a B.M. zone to use the land for “[t]he sale of used automobiles as a principal use in an automobile sales room and adjoining outdoor sales area....” *Antwerpen*, 163 Md. App. 194, 196, 877 A.2d 1166, 1167 (2005). In *Marzullo v. Kahl*, 366 Md. 158, 160, 783 A.2d 169, 170 (2001), a community member along with People's Counsel for Baltimore County filed a Petition for a Special Hearing before the Zoning Commissioner of Baltimore County to determine whether respondent’s business —the breeding, raising, and selling of reptiles—was permitted in an R.C.4 zone. In that case, the respondent used the property as his primary residence as well as the address for “Peter Kahl Reptiles, Inc.” *Inverness* and *Jemicy* both involved modifications to previously approved special exceptions, while *Antwerpen* was filed by the property owner seeking a determination regarding the proposed use of the property. Lastly, in *Marzullo*, there was no ambiguity about how the property was being used and the special hearing was sought solely to interpret BCZR with respect to this novel use. In all these prior cases, and many others, there is nexus between a prior Order or documented dispute in which OAH is called to adjudicate or interpret a matter expressly within its jurisdiction. The subject petition can be distinguished from these cases as the subject property is not subject to any special exception of other previous approvals, does not seek to clarify any stated conflict or disagreement between the parties or interpret any stated novel use of the property.

Moreover, taking Petitioners' argument to its logical conclusion would suggest that, setting aside the issue of legal standing, any individual could file a Petition for Special Hearing for another's property located anywhere in the county with or without cause, triggering the oftentimes expensive public hearing process for that property with or without reason. Absent some express indication otherwise, such a result cannot be the purpose of the special hearing process as established by the Baltimore County Council. Such broad authority would create a haphazard and chaotic process by imposing on property owners the burden of defending their property interests against arbitrary filings instituted by any person, regardless of merit.

The Legislative Prerogative

Respondents argue that Petitioners' request impermissibly infringes on the authority of the Baltimore County Council to legislate zoning matters by requesting OAH to issue county-wide interpretations of BCZR. Specifically, Respondents highlight questions 2, 4 & 5 in the Petition as requesting relief beyond the power and authority of OAH. "These questions seek a ruling that relates to and will impact every RC-2 property in Baltimore County." Respondents' Motion to Dismiss, p. 4. I agree.

Petitions for Special Hearing are often dressed in generalities with regard to the specific relief requested, while the subsequent Orders resulting from those Petitions contain findings of facts and conclusions of law related to specific properties. While the language used on the Petition is not fatal by itself, by looking through that language to the intent and purpose of the request can be fatal if the purpose is to infringe on the legislative prerogative rather than invoke the quasi-judicial function of OAH. In this case, I find several counts of the Petition fall outside the jurisdiction of OAH and impermissibly encroach on the authority of the Baltimore County Council, namely:

2. Whether temporary promotional events, including tastings and public gatherings, are a permitted use under the special exception for “spirits manufacture” in BCZR §1A01.2.C.31.f.
4. Whether a catering hall is permitted as of right or by special exception in the RC-2 zone.
5. Whether a property in the RC-2 zone may be rented or otherwise used for the housing of parties or other events.

Whether a general use of property in Baltimore County is a permitted use, special exception, or prohibited use, is solely the function of the Baltimore County Council. OAH jurisdiction is only invoked when a dispute arises between interested persons and OAH is called to adjudicate and interpret whether a specific property owner is using, or plans to use, their specific property in compliance with BCZR or a prior Order. For at least counts 2, 4 & 5, this requirement is not met under this Petition, as these counts request general conclusions for uses of property located in any RC-2 zoned property in Baltimore County.

Conclusion

OAH is a quasi-judicial agency with only the limited authority granted to it by statute and local regulation. *See* Baltimore County Charter §522. OAH’s express powers are established under Baltimore County Code (BCC) §3-2-1203 and unlike a court of general jurisdiction, its authority is narrow in scope to adjudicate zoning and code enforcement matters, as well as other delegated adjudicatory functions from county agencies. Within that scope, Petitions for Special Hearing under BCZR §§ 500.6 & 500.7 offer one avenue for zoning relief. In exercising its authority to hear Petitions for Special Hearing, OAH is required to balance the rights of private property owners with the interests of Baltimore County and the community in consistent compliance with the rules and regulations contained within BCZR and the BCC. In balancing those interests in this matter, I find that this Petition does not articulate facts sufficient to establish OAH jurisdiction. Further, if

a request for Special Hearing were to move forward on the instant petition, I find that Respondents would be denied due process of law as they would be burdened by the requirement to respond to factual allegations not contained in the Petition. Such factual allegations would be known to Respondents in any other forum such as a code enforcement hearing, in which a citation detailing those alleged violations would be served upon a property owner, or a legal action in Circuit Court seeking injunctive relief, which would impose upon Petitioners pleading requirements under the Maryland Rules and a full evidentiary hearing. The bar is not lower here.

As such, there is an implied pleading requirement that a Petition for Special Hearing shall include, at a bare minimum, enough facts for OAH to ascertain with some degree of particularity just what issues are before it, and for a property owner subject to that Petition, what it should be prepared to respond to. This Petition lacks such information so as to deny basic aspects of due process of law to the property owner placing them in the untenable position of not knowing in what ways and at what times and places, they are alleged to be out of compliance with BCZR. Without this information, a property owner is unable to adequately prepare their case or call fact or expert witnesses to testify on their behalf or otherwise adequately respond to alleged violations.

Ripeness

As the parties agree and acknowledge, OAH in a special hearing has no authority to cite, fine, or order a property owner to cease and desist any activities on a property. As such, it is unclear, under these facts, what relief can be granted under the instant petition or how this matter is ripe for review. Moreover, the lack of factual allegations presented to support the Petition for Special Hearing denies OAH a proper foundation to understand at a very basic level the relief being requested. The Petition states a range of hypothetical uses from distillery to catering hall to event space. The very purpose of the public hearing process is to publicize and then scrutinize a

particular request to build, use, or develop land in a particular manner, not to obfuscate these elements. Petitioner is correct that OAH hearings do not provide for discovery and they do not require parties to divulge their “theory of the case” prior to a public hearing, but there must be some factual evidence presented that triggers the statutory authority for OAH to provide a forum to interpret provisions of BCZR that also satisfies due process. I therefore further find that this matter, as presented in the Petition, is not ripe for OAH review under BCZR §§ 500.6 & 500.7.

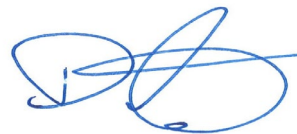
For these reasons, Respondent’s Motion to Dismiss is hereby **GRANTED** and this matter is hereby **DISMISSED WITHOUT PREJUDICE** with leave to refile providing supplemental facts or materials in accordance with this Order;

AND IT IS FURTHER ORDERED that the hearing on the merits scheduled for January 8, 2025, and January 10, 2025, is hereby **CANCELLED**; and

IT IS SO ORDERED this **31st** day of **December, 2024** by this Administrative Law Judge, that this Opinion and Order are subject to the following:

1. This decision is limited to the facts of this case and does not constitute any change of practice or policy by the Baltimore County Office of Administrative Hearings or any regulatory change to BCZR.

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/dlm



PETITION FOR ZONING HEARING(S)

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:

Address 3366 and 3500 Belmont Avenue Currently Zoned RC2
Deed Reference 26834/00408 and 25156/00185 10 Digit Tax Account # 2100004316, 2100004317 and 2200026118
Owner(s) Printed Name(s) 3366 Belmont Road LLC and 3500 Belmont Road LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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:

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

See Attachment 1

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

3. a **Variance** from Section(s)

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

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

I/ 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.

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:~~ Petitioners

See Attachment 2

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Michael R. McCann

Name - Type or Print

Signature

118 W. Pennsylvania Ave. Towson MD

Mailing Address City State

21204 410 825 2150 michael@mmccannlaw.n

Zip Code Telephone # Email Address

~~Legal Owners (Petitioners):~~

See Attachment 2

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Larry Schmidt

Name - Type or Print

Signature

600 Washington Ave.

Towson

MD

Mailing Address

City

State

21204 410 821 0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Case Number 2024-0118-SPH Filing Date 5 / 7 / 2024 Do Not Schedule Dates

Reviewer MSK

ATTACHMENT 1

Petition for Special Hearing (BCZR, §§ 500.6, 500.7, 502.1)

Special hearing to determine:

1. Whether the use of the subject property constitutes “spirits manufacture” under BCZR § 1A01.2.C.31.f?
2. Whether temporary promotional events, including tastings and public gatherings, are a permitted use under the special exception for “spirits manufacture” in BCZR § 1A01.2.C.31.f?
3. Whether the subject property has been hosting temporary promotional events, such as tastings or public gatherings, associated with spirits manufacture?
4. Whether a catering hall is permitted as of right or by special exception in the RC2 zone?
5. Whether a property in the RC 2 zone may be rented or otherwise used for the hosting of parties or other events?
6. Whether the subject property in the RC2 zone may be rented or otherwise used for the hosting of parties or other events?
7. Whether the use of the subject property is a catering hall under the BCZR?
8. Whether the use of the subject property is an “agricultural support use” under BCZR §1A01.2.C.31 of the BCZR?
9. Whether the use of the subject property otherwise conforms with the BCZR?
10. To determine such other issues as necessary and appropriate.

ATTACHMENT 2

Petitioners:

Valleys Planning Council
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter Fenwick, Trustee
3302 Belmont Avenue
Glyndon, MD 21071-4903

Legal Owners:

3366 Belmont Avenue (tax id nos. 2100004317 and 2100004316)

3366 Belmont Road, LLC
3366 Belmont Avenue
Glyndon, MD 21136
410-821-0070 (counsel: Larry Schmidt)

3500 Belmont Avenue (tax id no. 2200026118)

3500 Belmont Road, LLC
3510 Belmont Avenue
Glyndon, MD 21136
410-821-0070 (counsel: Larry Schmidt)

Dietz Surveying, Inc.
Land Surveying and Land Planning
8119 Oakleigh Road, Baltimore, MD 21237
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
Sagamore Farm
Belmont Avenue
April 23, 2024

Beginning in the center of Belmont Avenue, distant 1,950 feet +/- westerly along the center of Belmont Avenue from the center of Tufton Avenue, thence running,

1. South 09 degrees 07 minutes 28 seconds East 1,479.85 feet,
2. North 89 degrees 18 minutes 29 seconds West 1,852.00 feet,
3. South 81 degrees 41 minutes 30 seconds West 1,123.00 feet,
4. South 77 degrees 29 minutes 21 seconds West 254.00 feet,
5. North 31 degrees 11 minutes 39 seconds West 1,042.00 feet,
6. North 04 degrees 54 minutes 39 seconds West 1,359.00 feet,
7. North 49 degrees 00 minutes 21 seconds East 258.00 feet,
8. North 43 degrees 23 minutes 21 seconds East 618.35 feet, to the southwest side of Belmont Avenue,
9. South 19 degrees 48 minutes 28 seconds East 275.80 feet, to the center of Belmont Avenue, thence along the center of Belmont Avenue,
10. By a line curving to the left, having a radius of 265.00 feet, for an arc distance of 233.66 feet,
11. South 70 degrees 19 minutes 40 seconds East 240.00 feet, thence leaving the center of Belmont Avenue,
12. North 21 degrees 38 minutes 39 seconds West 593.65 feet,
13. North 35 degrees 01 minute 21 seconds East 205.00 feet,
14. South 45 degrees 01 minute 49 seconds East 170.00 feet,

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15. South 01 degree 43 minutes 56 seconds East 419.70 feet,
16. South 75 degrees 28 minutes 39 seconds East 830.00 feet,
17. North 22 degrees 22 minutes 25 seconds East 199.78 feet,
18. North 22 degrees 22 minutes 25 seconds East 516.86 feet,
19. North 01 degree 49 minutes 26 seconds West 1,100.06 feet,
20. North 37 degrees 37 minutes 16 seconds West 751.42 feet,
21. North 37 degrees 31 minutes 18 Seconds East 650.97 ffet,
22. South 71 degrees 31 minutes 52 seconds East 824.04 feet,
23. South 71 degrees 31 minutes 52 seconds East 901.40 feet,
24. South 18 degrees 39 minutes 10 seconds West 569.51 feet,
25. South 72 degrees 39 minutes 39 seconds East 270.68 feet,
26. South 05 degrees 13 minutes 29 seconds West 2,297.13 feet, and,
27. South 08 degrees 16 minutes 31 seconds East 99.15 feet, to the place of beginning.

Containing 286.665 Acres of land, more or less. Being located in the 4th Election District, 4th Councilmanic District, of Baltimore County, Maryland.

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

No. 230484

Date: 5/7/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 501

Total: \$ 501

Rec
From:

Michael R. McCann

For:

Special Hearing Filing

Case # 2024-0118-SPH

3366 & 3500 Belmont Ave

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

[Signature]

**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: 2024-0118-SPH
Property Address: 3366 Belmont Avenue and 3510 Belmont Avenue Glyndon, MD
21136
Legal Owners (Petitioners): 3366 Belmont Road, LLC and 3510 Belmont Road, LLC
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Michael R. McCann
Address: 118 W. Pennsylvania Avenue, Towson, MD 21204

Telephone Number: 410 825 2150

*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.

Revised 3/2022

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0118-SPH

3366 & 3500 BELMONT AVENUE

North of S/s of Belmont Avenue, 1,950 ft.

West of centerline of Tufton Avenue

Council District: 4, Election District: 4

gatherings, are a permitted use under the Special Exception for "spirits manufacture" in BCZR, Section 1A01.2.C.31.f. To determine whether the subject property has been hosting temporary promotional events, such as tastings or public gatherings, associated with spirits manufacture.

Hearing Date: Wednesday, January 8, 2025-1:30 PM

AND Friday, January 10, 2025 – 10:00 AM

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0118-SPH

3366 & 3500 BELMONT AVENUE

North of S/s of Belmont Avenue, 1,950 ft.

West of centerline of Tufton Avenue

Council District: 4, Election District: 4

To determine whether a catering hall is permitted as of right or by Special Exception in the RC 2 zone. To determine whether a property in the RC 2 zone may be rented or otherwise used for the hosting of parties or other events; whether the use of the subject property is an "agricultural support

Hearing Date: Wednesday, January 8, 2025-1:30 PM

AND Friday, January 10, 2025 – 10:00 AM

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

2nd Sign

3rd Sign

Photos taken of 1st Set of Signs ~ 12/15/2024

CASE # 2024-0118-SPH

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/25/2024

Case Number: 2024-0118-SPH

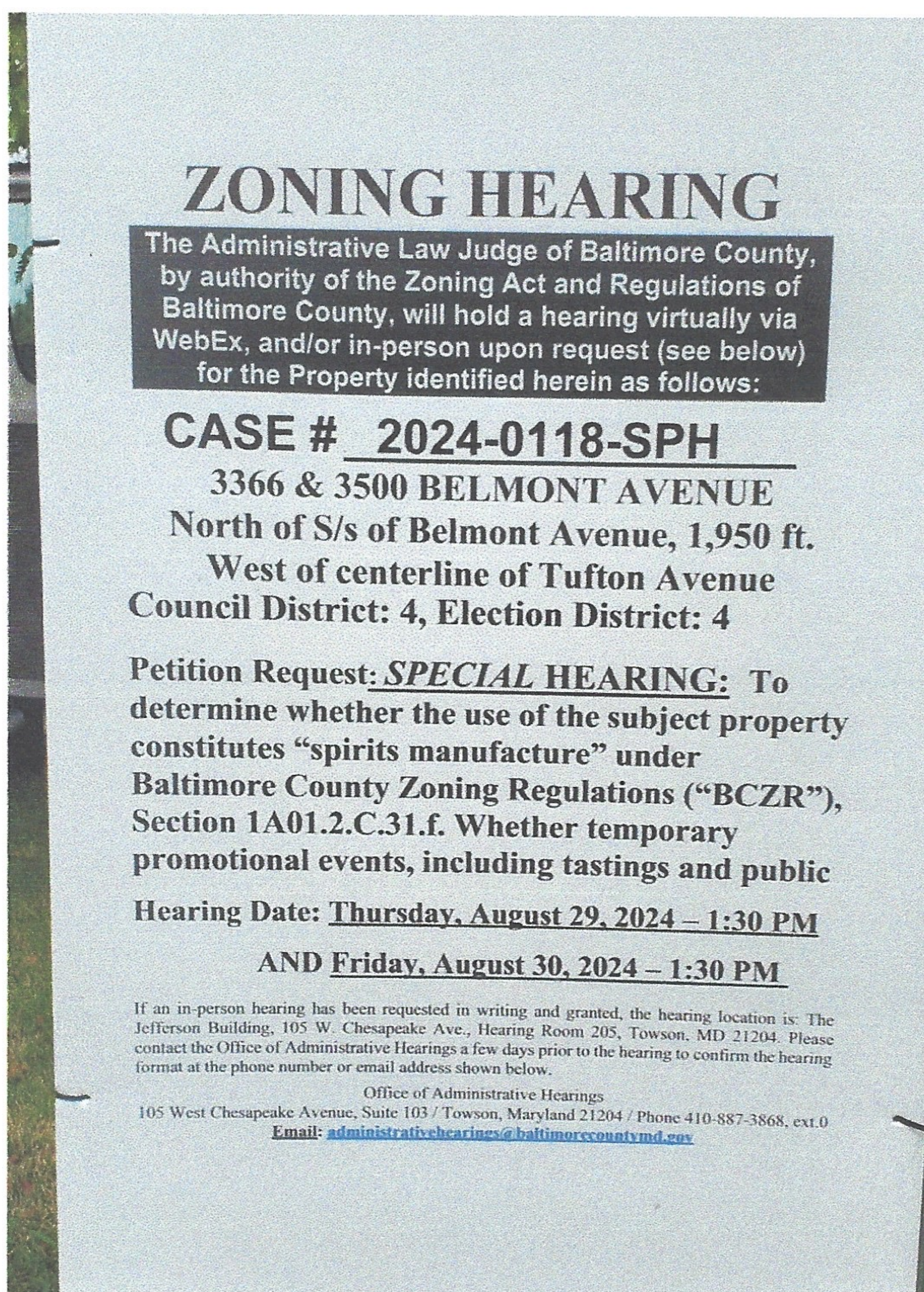
Petitioner / Developer: MICHAEL McCANN, ESQ. ~

LARRY SCHMIDT, ESQ. ~3366 BELMONT ROAD, LLC, 3500 BELMONT AVENUE, LLC

Date of Hearing: AUGUST 29, 2024 & AUGUST 30, 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:
3366 & 3500 BELMONT AVENUE

The sign(s) were posted on: JULY 25, 2024



Linda O'Keefe
(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)

1st Sign

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: May 17, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0118-SPH
Address: 3366 & 3500 BELMONT AVE
Legal Owner: 3366 Belmont Road, LLC, 3500 Belmont Avenue, LLC

Zoning Advisory Committee Meeting of May 21, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 15, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0118-SPH

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 LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 5/28/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0118

INFORMATION:

Property Address: 3366 and 3500 Belmont Avenue
Petitioner: 3366 and 3500 Belmont Road, LLC
Zoning: RC-2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Hearing to determine -

- A. Whether the use of the subject property constitutes "spirits manufacture" under BCZR § 1A01.2. C.31.f?
- B. Whether temporary promotional events, including tastings and public gatherings, are a permitted use under the special exception for "spirits manufacture" in BCZR § 1A01.2. C.31.f?
- C. Whether the subject property has been hosting temporary promotional events, such as tastings or public gatherings, associated with spirits manufacture?
- D. Whether a catering hall is permitted as of right or by special exception in the RC2 zone?
- E. Whether a property in the RC 2 zone may be rented or otherwise used for the hosting of parties or other events?
- F. Whether the subject property in the RC2 zone may be rented or otherwise used for the hosting of parties or other events?
- G. Whether the use of the subject property is a catering hall under the BCZR?
- H. Whether the use of the subject property is an "agricultural support use" under BCZR §1A01.2. C.31 of the BCZR?
- I. Whether the use of the subject property otherwise conforms with the BCZR?
- J. To determine such other issues as necessary and appropriate.

The subject property is located directly along Belmont Avenue. The property is a combination of three different properties all of which is around 55 acres each and zoned RC-2 in the Reisterstown area of Baltimore County. There is a dwelling, multiple barns, and an equine operation on the property. This property is also encumbered by multiple conservation easements. The properties south of Belmont Road are encumbered by Maryland Agricultural Preservation Foundation Easements, and parcel 147 is encumbered by a Maryland Environmental Trust easement

The RC 2 zone was created to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in the RC 2 zone. Continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area

The Department contacted the petitioner via email, requesting detailed information about the property owner's activities that led to the request for a special hearing. The email also sought visualizations such as images, diagrams, and modifications to the site plan to clarify the issues and requests involved in the hearing. However, the petitioner contends that his petition does not permit agencies to comment on the requests for relief, viewing them primarily as legal questions. The petitioner plans to present witnesses and exhibits during the hearing.

It is important to note that Case 2022-0215-SPHXA was previously filed and subsequently withdrawn for this property. Given the legal complexities and the need for nuanced interpretation, the Department has no comments and defers all decision-making to the Administrative Law Judge.

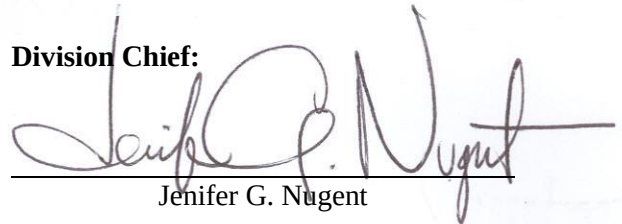
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Michael R. McCann (Petitioner)
Larry Schmidt (Representative / Counsel)
Megan Benjamin, Joseph Wiley and Abigail Rogers
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

2024-0118-SPH

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 - 04 Account Number - 2100004316

Owner Information

Owner Name: 3366 BELMONT ROAD LLC Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: 3366 BELMONT AVE Deed Reference: /26834/ 00408
GLYNDON MD 21136-3832

Location & Structure Information

Premises Address: BELMONT RD Legal Description: 50 AC NS BELMONT RD
GLYNDON 21136- 1960 NW TUFTON AV

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0016 0147 4020022.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
50,000 AC 05

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	7,500	7,500		
Improvements	18,400	19,900		
Total:	25,900	27,400	26,900	27,400
Preferential Land:	7,500	7,500		

Transfer Information

Seller: DURRETT GEORGE M	Date: 04/01/2008	Price: \$4,985,250
Type: ARMS LENGTH MULTIPLE	Deed1: /26834/ 00408	Deed2:
Seller: MAFFEZZOLI RICHARD D	Date: 08/27/1990	Price: \$1,125,000
Type: ARMS LENGTH IMPROVED	Deed1: /08578/ 00738	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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:

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 - 04 Account Number - 2200026118

Owner Information

Owner Name: 3500 BELMONT ROAD LLC Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: 3510 BELMONT AVE Deed Reference: /25156/ 00185
GLYNDON MD 21136-3838

Location & Structure Information

Premises Address: 3500 BELMONT RD Legal Description: 186.66 AC
GLYNDON 21136-3838 SS BELMONT RD
3100 FT SE BUTLER RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0022 0169 4020022.04 0000 2022 Plat Ref:
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1924	14,678 SF		186.6600 AC	05

Stories	Basement Type	Exterior	Quality Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT WOOD SHINGLE/6	5 full	1 Detached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	349,900	349,900		
Improvements	2,550,500	2,638,600		
Total:	2,900,400	2,988,500	2,959,133	2,988,500
Preferential Land:	79,900	79,900		

Transfer Information

Seller:	Date:	Price:
WARD JAMES J,III	01/31/2007	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /25156/ 00185	Deed2:
Seller: WARD PATRICIA A	Date: 06/15/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24012/ 00269	Deed2:
Seller: MAFFEZZALI RICHARD D	Date: 04/18/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /11539/ 00244	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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:

2024-0118-SPH

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 - 04 Account Number - 2100004317

Owner Information

Owner Name: 3366 BELMONT ROAD LLC Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: 3366 BELMONT AVE Deed Reference: /26834/ 00408
GLYNDON MD 21136-3832

Location & Structure Information

Premises Address: 3366 BELMONT RD Legal Description: 50 AC NS BELMONT RD
GLYNDON 21136-3832 1925 NW TUFTON AV

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0016 0146 4020022.04 0000 2022 Plat Ref:
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1995	10,541 SF	1134 SF	50.0000 AC	05

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2 1/2	YES	STANDARD UNIT	BRICK/ 7	10 full/ 1 half	1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	187,200	187,200		
Improvements	1,620,500	1,700,800		
Total:	1,807,700	1,888,000	1,861,233	1,888,000
Preferential Land:	7,200	7,200		

Transfer Information

Seller: DURRETT GEORGE M	Date: 04/01/2008	Price: \$4,985,250
Type: ARMS LENGTH MULTIPLE	Deed1: /26834/ 00408	Deed2:
Seller: WARD JAMES J,3RD	Date: 05/16/1989	Price: \$750,000
Type: ARMS LENGTH IMPROVED	Deed1: /08175/ 00091	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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:

Title

2624-0118-SPH



040B2

040C2

RC 2

040B3

Legend

-  200 Scale Grid
-  Zoning History Cases
-  Zoning
-  Property
-  County Boundary

1 Inch = 752 Feet

0 385 770 1,540 Feet

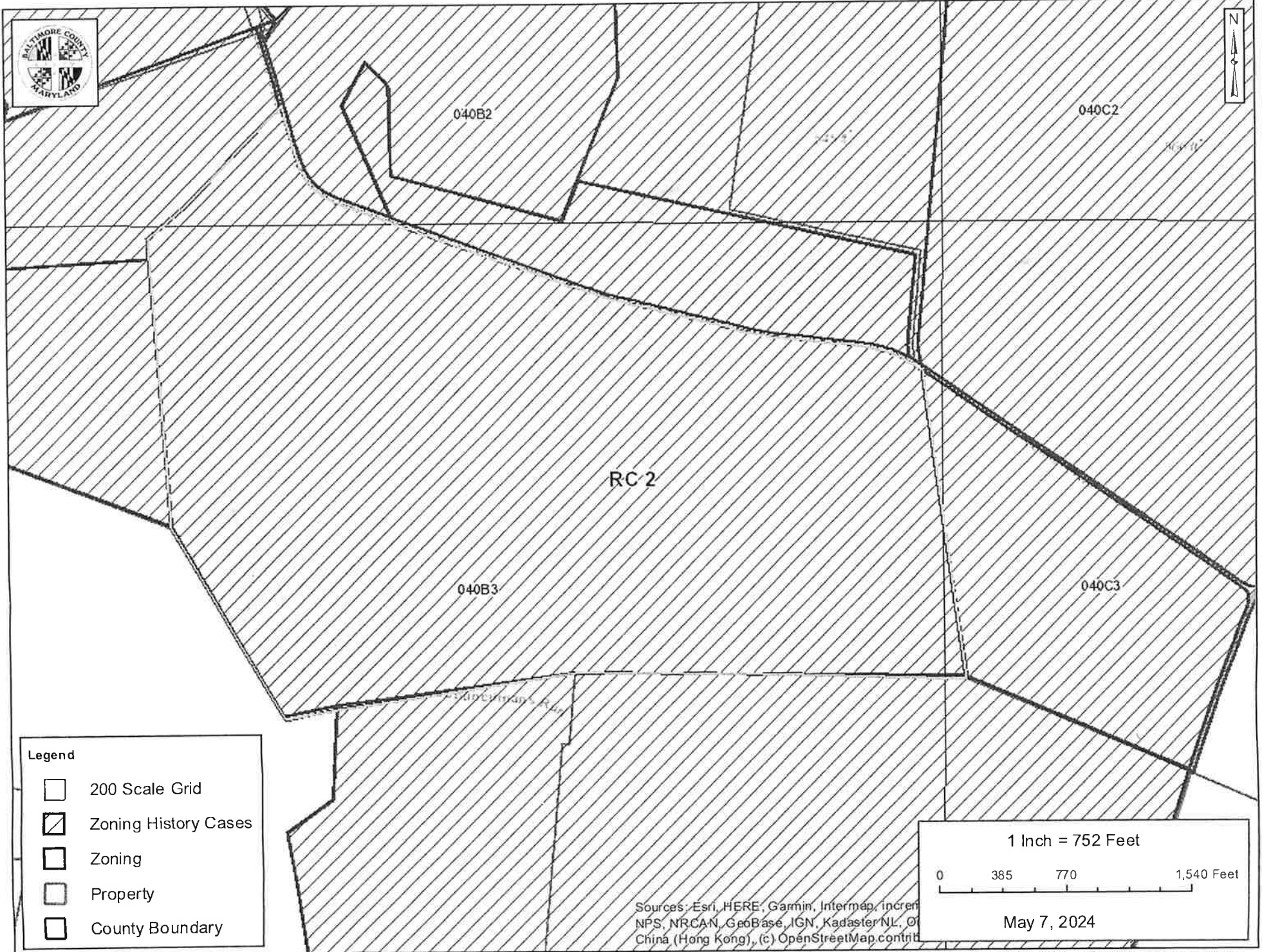
May 7, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, Swisstopo, Mapbox, OpenStreetMap contributors, Swisstopo, China (Hong Kong), (c) OpenStreetMap contributors, Swisstopo

Baltimore County Government, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, MET/NASA, EPA, USDA

Baltimore County - My Neighborhood

2024-0118-SPH



Title

2024-0118-SPH



Legend

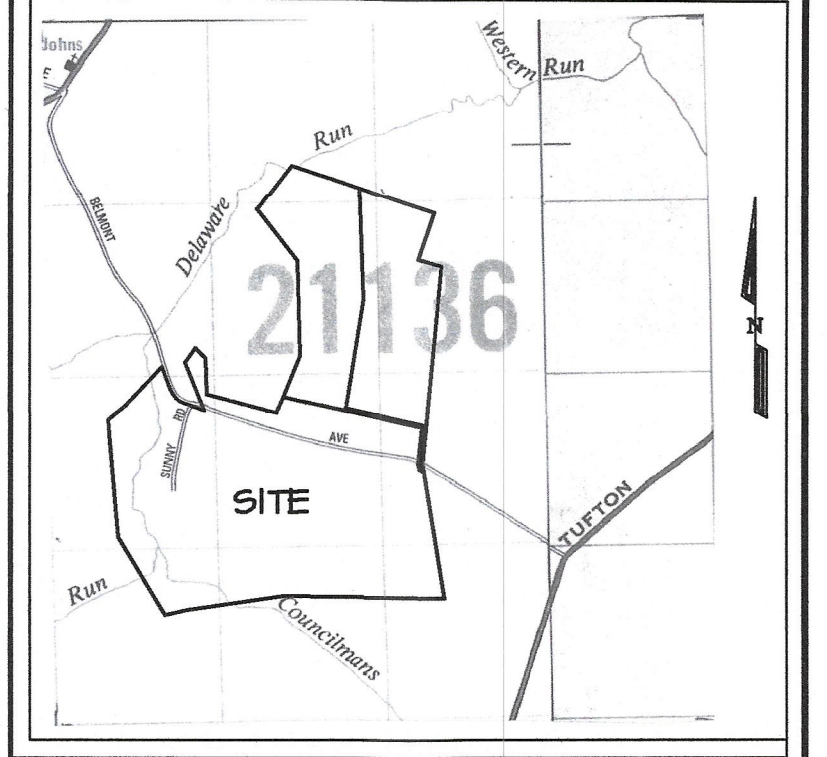
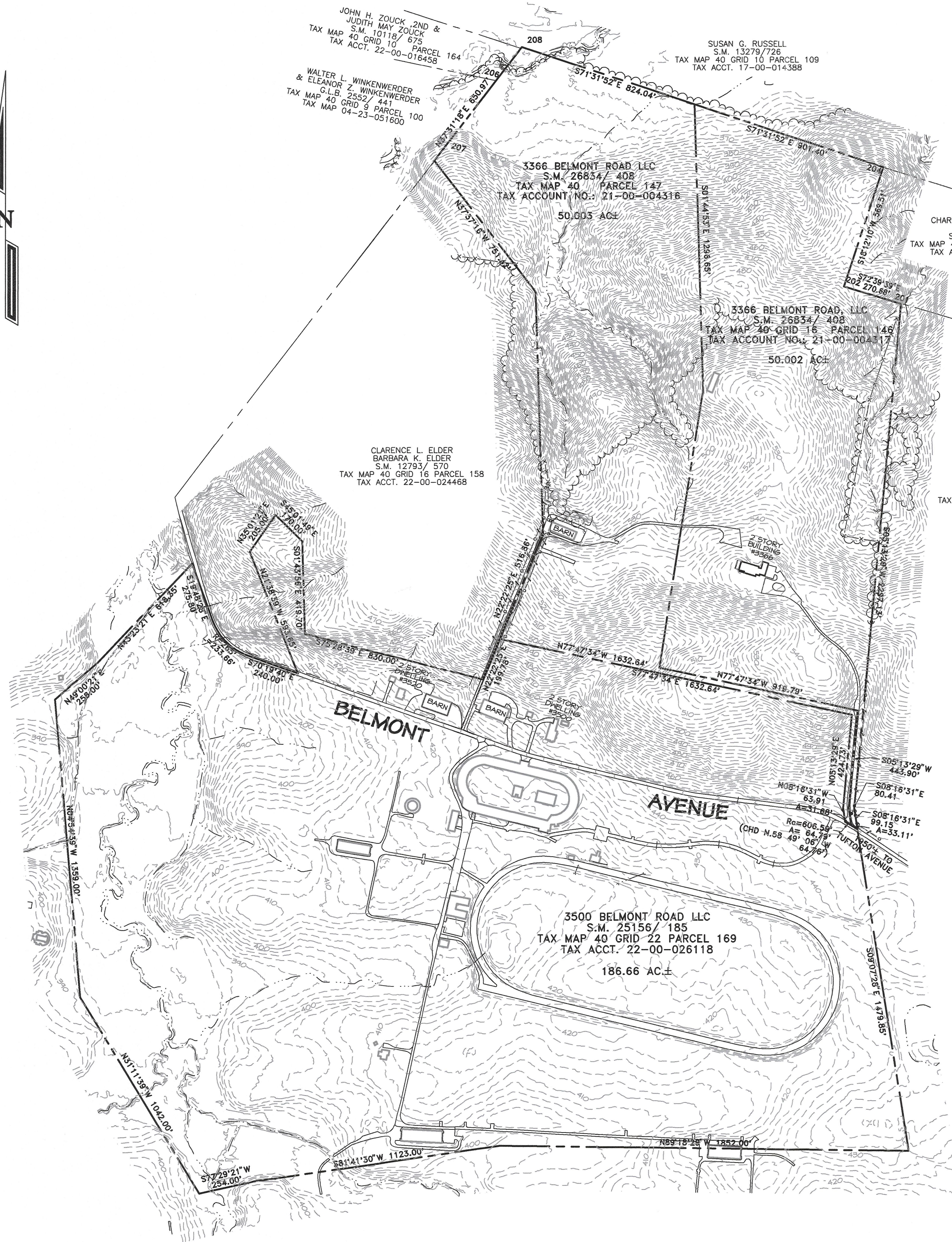
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-  Property
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OpenStreetMap contributors, and the GIS User Community

1 Inch = 752 Feet

0 385 770 1,540 Feet

May 7, 2024



Vicinity Map Scale: 1" = 2000'

Notes

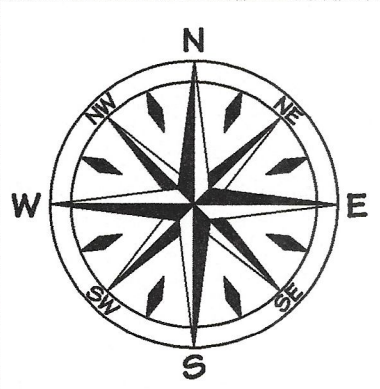
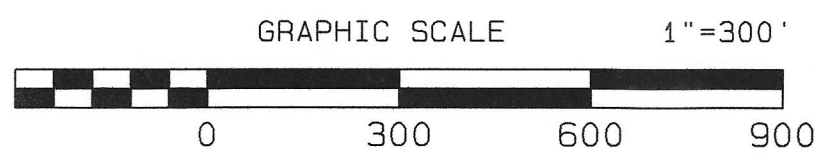
- Owner: 3366 Belmont Road LLC
3500 Belmont Road
Glyndon, MD 21136
Deed Ref.: 26834/408

3500 Belmont Road LLC
3516 Belmont Avenue
Glyndon, MD 21136
Deed Ref.: 25156/185
- Zoned: RC 2
- Total Area = 286.665 Ac.±
- This site is not in the Chesapeake Bay Critical Area.
- Portions of the properties are in the 100 year flood plain.
- These properties lie in the Worthington Valley National Register Historic District.
- This site is serviced by private well and private septic.
- Prior Zoning Hearings:
1989-0052-SPH - Denied
1996-0169-SPH - Dismissed

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING of

SAGAMORE FARM

Belmont Avenue
Baltimore County, Maryland
Tax Map 40; Grids 16 & 22; Parcels 146, 147 & 169
4th Election District, 4th Councilmanic District
Scale: 1"=300' Date: April 9, 2024



Dietz Surveying Inc.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Revisions	Date	Plot Date: 4/21/2024	FIELD:	DRAWN: SAL	Job No. 24
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