

MEMORANDUM

DATE: January 10, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0102-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 9, 2017. 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



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 8, 2016

The Keith B. Sullivan Revocable Trust
12227 Cleghorn Road
Cockeysville, MD 21030

RE: **MOTION FOR RECONSIDERATION**
Petition for Administrative Variance
Case No. 2017-0102-A
Property: 12227 Cleghorn Road

Dear Petitioner:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Adam M. Rosenblatt, Esq., Venable LLP, 210 W. Pennsylvania Ave.,
Suite 500, Towson, MD 21204
Patrick D. Jarosinski, P. O. Box 234, Riderwood, MD 21139
Goldberg Residence, 12225 Cleghorn Road, Cockeysville, MD 21030

IN RE: PETITION FOR ADMIN. VARIANCE *
(12227 Cleghorn Road)
8th Election District *
3rd Council District *
The Keith B. Sullivan Revocable Trust *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0102-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Motion for Reconsideration filed by Petitioner Keith Sullivan. The Petitioner originally filed an Administrative Variance for property located at 12227 Cleghorn Road. The relief was requested from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit a proposed 2-story detached garage with a height of 25 ft., a one-story detached pool house with a height of 25 ft. and a one-story pergola/pool equipment storage structure with a height of 20 ft. in lieu of the maximum allowed height of 15 ft., and (2) To permit the proposed detached garage and the pergola structures to be located in the side yard in lieu of the required in the rear yard, respectively.

By Opinion and Order dated November 14, 2016, the undersigned granted the Administrative Variance request, with conditions, in accordance with the site plan and documentation within the case file.

On November 29, 2016, Petitioner filed a timely Motion for Reconsideration of the November 14, 2016 Order. In the Motion, Petitioner raised concern about Condition No. 2, in particular not being able to have bathroom facilities in the accessory structures (pool house and detached garage). The Petitioner discussed with W. Carl Richards, Director of the Zoning

ORDER RECEIVED FOR FILING

Date 12-8-16

By 120

Review Office, the restrictions in the Order, and Mr. Richards indicated he was amenable to striking the condition provided certain restrictive language is placed on all permits and applications therefor. Petitioner also submitted (as requested by the undersigned) a letter from the adjoining neighbor stating he had no objection to the request.

After due consideration of the arguments raised by Petitioner, I will strike from the Order the restriction pertaining to bathrooms in the accessory buildings.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 8th day of **December, 2016**, that the Petitioner's Motion for Reconsideration, be and is hereby GRANTED, such that Condition No. 2 shall be reworded as follows:

- Petitioner or subsequent owners shall not convert the accessory structures (2-story detached garage, one-story detached pool house, and one-story pergola/pool equipment storage) into a dwelling unit or apartment. The accessory structures (2-story detached garage, one-story detached pool house, and the one-story pergola/pool equipment storage) shall not contain any sleeping quarters and/or living area.

IT IS FURTHER ORDERED that all other terms and conditions of the Order dated November 14, 2016 shall remain in full force and effect, subject to the following:

1. Petitioner shall include the following statement on all permit applications:

"Garage shall be for PRIVATE RESIDENTIAL USE ONLY. No commercial, business or professional activity of any kind shall be permitted."
2. The kitchen facilities permitted in the pool house shall be limited to a "kitchenette" or "convenience kitchen" only.

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Date 12-8-16

By ISW

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 12-8-16

By lw

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12227 Cleghorn Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
The Keith B. Sullivan Revocable Trust	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0102-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, The Keith B. Sullivan Revocable Trust ("Petitioner"). The Petitioner is requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit a proposed 2-story detached garage with a height of 25 ft., a one-story detached pool house with a height of 25 ft. and a one-story pergola/pool equipment storage structure with a height of 20 ft. in lieu of the maximum allowed height of 15 ft., and (2) To permit the proposed detached garage and the pergola structures to be located in the side yard in lieu of the required in the rear yard, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

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Date 11-14-16

By ISW

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 23, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). 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 information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the accessory structures (2-story detached garage, one-story detached pool house, and one-story pergola/pool equipment storage) height and usage, I will impose conditions that they shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 14th day of **November, 2016** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows:

(1) To permit a proposed 2-story detached garage with a height of 25 ft., a one-story detached

ORDER RECEIVED FOR FILING

Date 11-14-16

By [Signature]

pool house with a height of 25 ft. and a one-story pergola/pool equipment storage structure with a height of 20 ft. in lieu of the maximum allowed height of 15 ft., and (2) To permit the proposed detached garage and the pergola structures to be located in the side yard in lieu of the required in the rear yard, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner or subsequent owners shall not convert the accessory structures (2-story detached garage, one-story detached pool house, and one-story pergola/pool equipment storage) into a dwelling unit or apartment. The accessory structures (2-story detached garage, one-story detached pool house, and the one-story pergola/pool equipment storage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory structures (2-story detached garage, one-story detached pool house, and one-story pergola/pool equipment storage) shall not be used for commercial purposes.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-14-16

By [Signature]



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:

Address 12227 Cleghorn Road Cockeysville, Md 21030 Currently zoned RC5/DR5.5
Deed Reference 1 10 Digit Tax Account # 2400011906
Owner(s) Printed Name(s) KEITH A. SULLIVAN

(SELECT THE HEARING(S) BY MARKING **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:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.3 of BCZR to permit a proposed 2-story detached garage with a height of 25 feet, a one-story detached pool house with a height of 25 feet, and a one-story pergola/pool equipment storage structure with a height of 20 feet, in lieu of maximum allowed height of 15 feet; and from Section 400.1 of BCZR to permit the proposed detached garage and the pergola structures to be located in the side yard in lieu of the required in the rear yard, respectively.
- ☐ **ADMINISTRATIVE 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 Baltimore County Code, to the development law of Baltimore County.

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.

Owner(s)/Petitioner(s):

KEITH A. SULLIVAN

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

12227 Cleghorn Road Cockeysville MD

Mailing Address

City

State

21030

Zip Code

410-218-2477

Telephone #

ksullivan@armadacg.com

Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Patrick D. Jarosinski

Name- Type or Print

Signature

PO Box 234 Riderwood MD

Mailing Address

City

State

21139

Zip Code

410-494-1017

Telephone #

patrick@pdjassociates.com

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 11 day of November, 2017 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER

2017-0102-A

Filing Date

10/12/16

Estimated Posting Date

10/23/16

Reviewer

AT

Rev 5/8/2014

ORDER RECEIVED FOR FILING

Date

11-14-16

By

[Signature]

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.

Address: 12227 Cleghorn Road Cockeysville Maryland 21030
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SEE ATTACHMENT 'A'

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

KEITH B. SULLIVAN
Name- Print or Type

[Signature]
Signature of Owner (Affiant)

[Signature]
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3RD day of October, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: KEITH B. SULLIVAN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
5/17/20
My Commission Expires



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.

Address: 12227 Cleghorn Road Cockeysville Maryland 21030
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

NO ATTACHMENT 'A'

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

[Signature]
Signature of Owner (Affiant)

KEITH B. SULLIVAN
Name- Print or Type

[Signature]
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of October, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

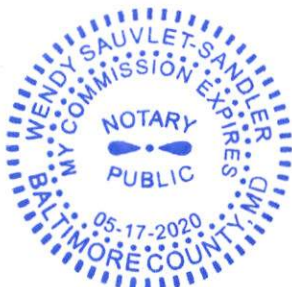
KEITH B. SULLIVAN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

5/17/20
My Commission Expires



REV. 5/8/2014



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:

Address 12227 Cleghorn Road Cockeysville, MD 21030 Currently zoned RCS/DR5.5

Deed Reference _____ 10 Digit Tax Account # 2400011906

Owner(s) Printed Name(s) KEITH A. SULLIVAN

(SELECT THE HEARING(S) BY MARKING 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:

- X ADMINISTRATIVE VARIANCE from Section(s) 400.3 of BCZR to permit a proposed 2-story detached garage with a height of 25 feet, a one-story detached pool house with a height of 25 feet, and a one-story pergola/pool equipment storage structure with a height of 20 feet, in lieu of maximum allowed height of 15 feet; and from Section 400.1 of BCZR to permit the proposed detached garage and the pergola structures to be located in the side yard in lieu of the required in the rear yard, respectively.
- ADMINISTRATIVE 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 Baltimore County Code, to the development law of Baltimore County.

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.

Owner(s)/Petitioner(s):

KEITH A. SULLIVAN

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

12227 Cleghorn Rd. Cockeysville, MD

Mailing Address

City

State

21030

Zip Code

410 218-2477

Telephone #

ksullivan@armadaecg.com

Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Patrick D. Jarosinski

Name – Type or Print

Patrick D. Jarosinski

Signature

PO Box 234 Riderwood MD

Mailing Address

City

State

21139

Zip Code

410 494-1017

Telephone #

patrick@pdjassociates.com

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0102-A

Filing Date 10/12/16

Estimated Posting Date 10/23/16

Reviewer AT

ORDER RECEIVED FOR FILING

Date 11-14-16

By [Signature]

Rev 5/8/2014

Attachment 'A' – 12227 Cleghorn Road, Cockeysville, Maryland 21030

We request an administrative variance at the above noted address for three separate structures. The request is for a height variance from the 15' above grade at the front of the structure allowed by the current zoning laws, in order to compliment the roof pitch and aesthetics of the existing main house, as well as the other houses in the neighborhood. The structures are noted below:

1. A 2-story detached 3-car garage with a height of 25' in the ^{side} rear yard
2. A 1-story detached Pool House with a height of 25' in the rear yard
3. A 1-story detached Pergola/Pool Equipment Storage structure with a height of approximately 20' in the ^{side} rear yard

2017-0102-A

ZONING PROPERTY DESCRIPTION

12227 CLEGHORN RD, COCKEYSVILLE, MD 21030

Beginning at a point on the East side of Cleghorn Road which is 50 feet wide at a distance of 35 feet North of the centerline of the nearest improved intersecting street (Katesford Road) which is 50 feet wide.

Being lot #32, Block N/A, Section #1 in the subdivision of Morningside as recorded in Baltimore County Plat Book #0056, Folio #0119, containing 9.44 acres. Located in the 8th Election District and 3rd Councilmanic District.

2017-0102-A

CERTIFICATE OF POSTING

RE: Case No. 2017-0102-A

Petitioner: Keith Sullivan

Closing Date: 11/07/16

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

12227 Cleghorn Road

_____ on 10/23/16

Sincerely,

 10/23/16

Richard E. Hoffman

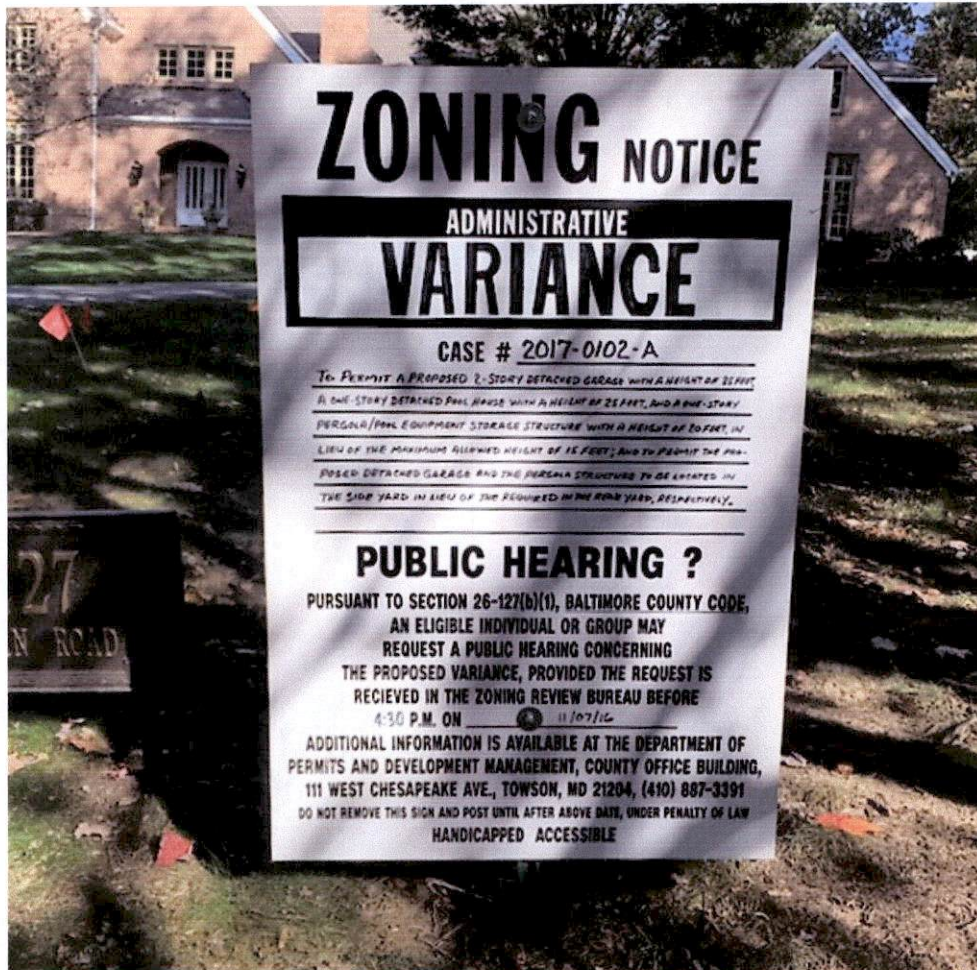
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2017-0102-A



12227 Cleghorn Road (1 of 2)

(Posted 10/23/16)

 10/23/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

1. The first part of the document

2. The second part of the document

3. The third part of the document

4. The fourth part of the document

5. The fifth part of the document

6. The sixth part of the document

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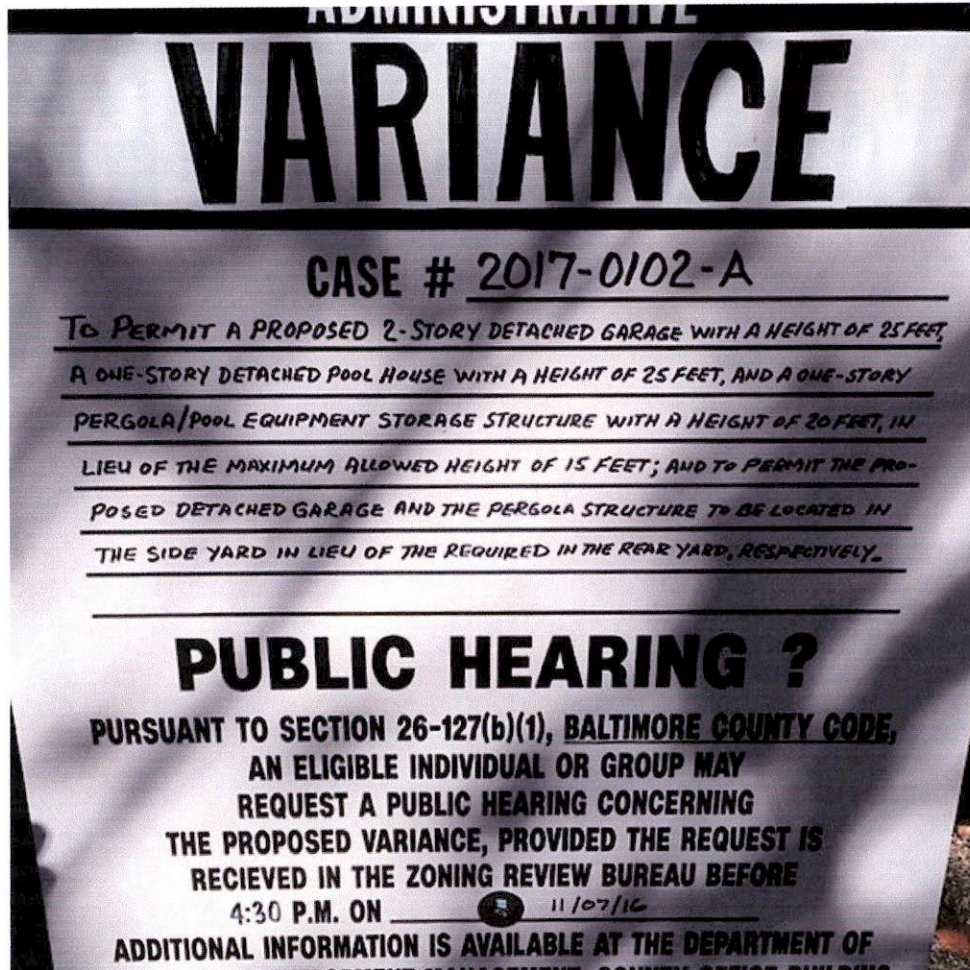
20. The twentieth part of the document

21. The twenty-first part of the document

22. The twenty-second part of the document

Certificate of Posting

Case No. 2017-0102-A



12227 Cleghorn Road (2 of 2)

(Posted 10/23/16)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0102 -A Address 12227 Cleghorn Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/12/2016 Posting Date: 10/23/16 Closing Date: 11/07/16

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 must use one of the sign posters on the approved list (on the reverse side of this form) 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 zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant 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.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0102 -A Address 12227 Cleghorn Road

Petitioner's Name Keith Sullivan Telephone 410-218-2477

Posting Date: 10/23/16 Closing Date: 11/07/16

Wording for Sign: To permit a proposed 2-story detached garage with a height of 25 feet, a one-story detached pool house with a height of 25 feet, and a one-story pergola/pool equipment storage structure with a height of 20 feet, in lieu of maximum allowed height of 15 feet; and to permit the proposed detached garage and the pergola structure to be located in the side yard in lieu of the required in the rear yard, respectively.

Revised 8/9/16

John E. Beverungen

From: Carl Richards Jr
Sent: Tuesday, December 06, 2016 12:20 PM
To: John E. Beverungen; Rosenblatt, Adam M.
Subject: RE: admin. variance

I am OK with **"PRIVATE RESIDENTIAL USE ONLY"** Not an office, professional, or any commercial ties or activity allowed.

From: John E. Beverungen
Sent: Tuesday, December 06, 2016 12:06 PM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Cc: Carl Richards Jr <CRichards@baltimorecountymd.gov>
Subject: RE: admin. variance

I have copied Mr. Richards so that he is aware of my concerns with regard to the office/bathroom in the garage. In my opinion, an office in the garage is not only unorthodox, but it changes the nature of the use. Why would this not require a special exception as an "office or studio...of a professional person...." under BCZR 1B01.1.C.12? As for limiting it to "personal use," of course the concern is that there is really no way for that to be enforced by the County, especially since the property is located off of a long private drive. But I don't want to belabor the point, and if Mr. Richards has no concerns with the request I will strike the condition with respect to the pool house and garage.

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]
Sent: Tuesday, December 06, 2016 11:47 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: RE: admin. variance

I understand 100%. As requested, I was able to obtain the attached neighbor consent for both the office/bathroom space in the garage and the bathroom/kitchen space in the pool house. I again met with Carl Richards after obtaining this sign off and he confirmed that office/bathroom space in the garage is acceptable, particularly with the neighbor's consent, and will be limited to "personal use only" through the building permit process.

I was just going to meet with you to explain this and to ask for condition No. 2 to be removed from the order with respect to both of these accessory structures. As you initially expressed hesitation to remove the condition with respect to the garage, I was going to explain my further conversations with Carl Richards confirming that this has been done before and will be appropriately limited through the building permit process.

I apologize for taking your time on this minor administrative variance, it is just very important to the owner that the condition be altered/removed as requested.

Thank you for your time and consideration,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Tuesday, December 06, 2016 11:39 AM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: admin. variance

Mr. Rosenblatt,

I hope you can understand I don't really want to get too bogged down with administrative variance matters. These things seem to keep popping up, and it takes time away from what I already have to do. What exactly is the problem?

John Beverungen

ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

John E. Beverungen

From: John E. Beverungen
Sent: Thursday, December 01, 2016 3:25 PM
To: Rosenblatt, Adam M.
Cc: Carl Richards Jr
Subject: Case # 2017-0102-A

Mr. Rosenblatt,

I have received and reviewed the (informal) motion for reconsideration you filed in the above case. I have also reviewed the file and the original order. You indicate the property is 12 acres, but the site plan lists it at 9.44 acres. In addition, while I agree the pool house and dwelling are some distance apart, the proposed garage appears to be immediately adjacent to the home. In addition, I do not believe it is customary for a "garage" to contain a personal office area and bathroom. As such, while I would be amenable to removing condition #2 as concerns the pool house, I do not believe it would be appropriate to do with respect to the garage.

Before I would formally strike that portion of condition #2, I would require the Petitioner to obtain written consent from the nearest neighbor, who appears to be at 12225 Cleghorn Road.

John Beverungen
AU

Debra Wiley

From: John E. Beverungen
Sent: Thursday, December 01, 2016 10:55 AM
To: Debra Wiley
Subject: FW: Condition No. 2 in Case No. 2017-0102-A
Attachments: Sullivan Admin Var Order.pdf

FYI...can you get this file

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]
Sent: Tuesday, November 29, 2016 4:58 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Carl Richards Jr <CRichards@baltimorecountymd.gov>
Subject: Condition No. 2 in Case No. 2017-0102-A

Judge Beverungen,

I have been retained by the owner of the property that is the subject of Case No. 2017-0102-A to request reconsideration or a re-wording of Condition Number 2 that was placed on the variance granted in this case. This was an administrative variance where no hearing was requested, no negative ZAC comments were received, and you approved a variance to permit a detached garage and pool house to be up to 25 feet tall in lieu of a maximum of 15 feet tall on this large residential property.

In similar fashion to an administrative variance case for which I requested reconsideration earlier this year, you placed a standard condition on the approval that the accessory structures "shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities." See Order, Condition No. 2. As in the prior case, this is a large property (12 acres) and there is some distance between the residence and accessory structures so that the owner is proposing to have a bathroom and convenience kitchen area in the pool house. The owner is also proposing to have a personal office area in the garage with a private bathroom. Accordingly, we are requesting that Condition No. 2 be modified or removed to permit the proposed kitchen/bathroom areas.

I have copied Carl Richards on this email, and after meeting to discuss this case he agreed that the requested bathroom and kitchen areas can be constructed in the proposed accessory structures as long as our ensuing building permit application contains a note stating that the office and bathrooms are "for private use only" and that the kitchen area in the pool house is a "convenience kitchen only." Mr. Richards suggested that, as in the prior case, I send this email copying him and explaining how we will limit the use of the pool house and garage through the building permit process.

When you granted my prior motion for reconsideration on the nearly identical issue, you stressed that you would have preferred that the petition identify that a kitchen and bathroom were proposed for the accessory structures. Had I filed this petition for the owner, I would have made that clear in the materials that accompanied the request for variance. However, I was only just retained after the Order in this case was issued, so I am respectfully requesting your modification or reconsideration with respect to Condition No. 2 at this time. I apologize for asking you to take the time to re-write an Order, and will certainly handle these issues up front for any future petitions that I file for my clients.

I believe the easiest way to handle this would be to simply remove the second sentence of the condition (the first sentence is obviously still applicable), and for the owner (through me) to present the building permit application to Carl Richards to make sure that it contains the appropriate language to limit the use of the garage and pool house and bathroom/kitchen area.

If you need me to submit a more formal motion or to present any other materials please just let me know. Thank you as always for your time and consideration.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

GOLDBERG RESIDENCE

12225 Cleghorn Road
Cockeysville, MD 21030

Via Hand Delivery

Office of Administrative Hearings
Jefferson Building, first floor
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. 2017-0102-A,
12227 Cleghorn Road

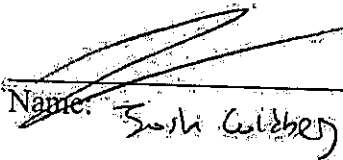
To Whom It May Concern:

I am the owner of the property known as 12225 Cleghorn Road, which is adjacent to 12227 Cleghorn Road, the property that is the subject of the above-referenced zoning case.

I am aware of the owner's request to construct a detached garage that includes personal office space and a bathroom, and a pool house that contains a bathroom and kitchen area. I have no objection to the relief being granted.

Thank you for your time and consideration.

Sincerely,


Name: Sushi Goldberg

12/3/16
Date

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2000014927			
Owner Information					
Owner Name:	GOLDBERG JOSHUA M GOLDBERG LISA R EDELMAN		Use:	RESIDENTIAL	
Mailing Address:	12225 CLEGHORN RD COCKEYSVILLE MD 21030		Principal Residence:	YES	
			Deed Reference:	/36139/ 00215	
Location & Structure Information					
Premises Address:		12225 CLEGHORN RD COCKEYSVILLE 21030-		Legal Description:	3.816 AC MORNINGSIDE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0051	0008	0622		0000	1 33 2017 0056/0119
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1994	6,120 SF		2000 SF	3.8100 AC	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	BRICK	4 full/ 2 half	1 Attached
Value Information					
	Base Value		Value	Phase-in Assessments	
			As of 01/01/2014	As of 07/01/2016	As of 07/01/2017
Land:	512,400		512,400		
Improvements	890,400		890,400		
Total:	1,402,800		1,402,800	1,402,800	
Preferential Land:	0				
Transfer Information					
Seller: KIM KAK RAE		Date: 05/05/2015		Price: \$1,450,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36139/ 00215		Deed2:	
Seller: KIM KAK RAE		Date: 04/01/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34815/ 00372		Deed2:	
Seller: O'NEIL THOMAS F JR		Date: 06/28/2012		Price: \$1,130,000	
Type: ARMS LENGTH IMPROVED		Deed1: /32265/ 00096		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 07/28/2015					

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10-28</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-19</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-23-16</u> by <u>Hoffman</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption	View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2400011906		
Owner Information				
Owner Name:		THE KEITH B SULLIVAN REVOCABLE TRUST		Use: Principal Residence: RESIDENTIAL YES
Mailing Address:		12227 CLEGHORN RD COCKEYSVILLE MD 21030-2218		Deed Reference: /38067/ 00243
Location & Structure Information				
Premises Address:		12227 CLEGHORN RD COCKEYSVILLE 21030-2218		Legal Description: 9.44AC SEC 11 PAR A 12227 CLEGHORN RD ES RER 1 MORNINGSIDE
Map:	Grid:	Parcel:	Sub District:	Subdivision:
0051	0008	0622		0000
Section:	Block:	Lot:	Assessment Year:	Plat No:
1		32	2017	0056/ 0119
Special Tax Areas:		Town: NONE		
		Ad Valorem:		
		Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area
1991		6,946 SF		1500 SF
		Property Land Area		County Use
		9.4400 AC		04
Stories	Basement	Type	Exterior	Full/Half Bath
2	YES	STANDARD UNIT	BRICK	5 full/ 1 half
		Garage	Last Major Renovation	
		1 Attached		
Value Information				
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2016 As of 07/01/2017
Land:		648,800	648,800	
Improvements		993,800	993,800	
Total:		1,642,600	1,642,600	1,642,600
Preferential Land:		0		
Transfer Information				
Seller: SULLIVAN KEITH B		Date: 09/27/2016		Price: \$0
Type: NON-ARMS LENGTH OTHER		Deed1: /38067/ 00243		Deed2:
Seller: SULLIVAN DIANE M		Date: 05/27/2015		Price: \$0
Type: NON-ARMS LENGTH OTHER		Deed1: /36224/ 00307		Deed2:
Seller:		Date:		Price: \$0
Type:		Deed1: /14822/ 00317		Deed2:
Exemption Information				
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017
County:	000	0.00		
State:	000	0.00		
Municipal:	000	0.00		0.00
Tax Exempt:		Special Tax Recapture:		
Exempt Class:		NONE		
Homestead Application Information				
Homestead Application Status: Approved 08/25/2014				



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

November 9, 2016

Keith Sullivan
12227 Cleghorn Road
Cockeysville MD 21030

RE: Case Number: 2017-0102 A, Address: 12227 Cleghorn Road

Dear Mr. Sullivan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 12, 2016. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Patrick D Jarosinski, P O Box 234, Riderwood MD 21139

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 10/14/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No.

2017-0102-A
Administrative Variance
Keith B. Sullivan
12227 Cleg horn Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

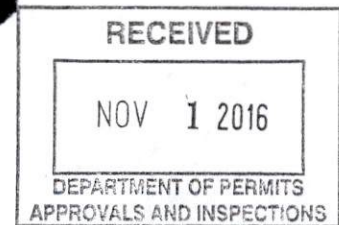
Sincerely,

A handwritten signature in blue ink, appearing to read "Richard A. Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 24, 2016
Item No. 2017-0099, 0102, 0103 and 0106

DATE: October 28, 2016

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10242016.doc

Sullivan Residence Administrative Variance Photo Log
12227Cleghorn Road, Cockeysville, Maryland 21030



1/ View east from Cleghorn Road towards existing house, proposed garage on the right rear, and pool house and pergola/storage structure to the left rear



2/ Detail view of existing house to illustrate roof lines and height of structure

2017-0102-A



3/ View northeast towards proposed pool house and pergola/storage structure to the left rear



4/ View north from rear yard towards proposed pool house and pergola/storage structure

2017-0102-A



5/ View south from proposed pergola/storage structure towards pool house, existing house and Cleghorn Road



6/ View southwest from proposed pool house towards existing house, Cleghorn Road and western neighbors



7/ View northeast from proposed pool house towards neighbors



8/ View southeast from proposed pool house towards neighbors



9/ View south from proposed pool house towards garage and neighbor



10/ View east from proposed pool house towards neighbors

Sullivan Residence Administrative Variance Photo Log
12227Cleghorn Road, Cockeysville, Maryland 21030



11/ View west from proposed garage towards Cleghorn Road

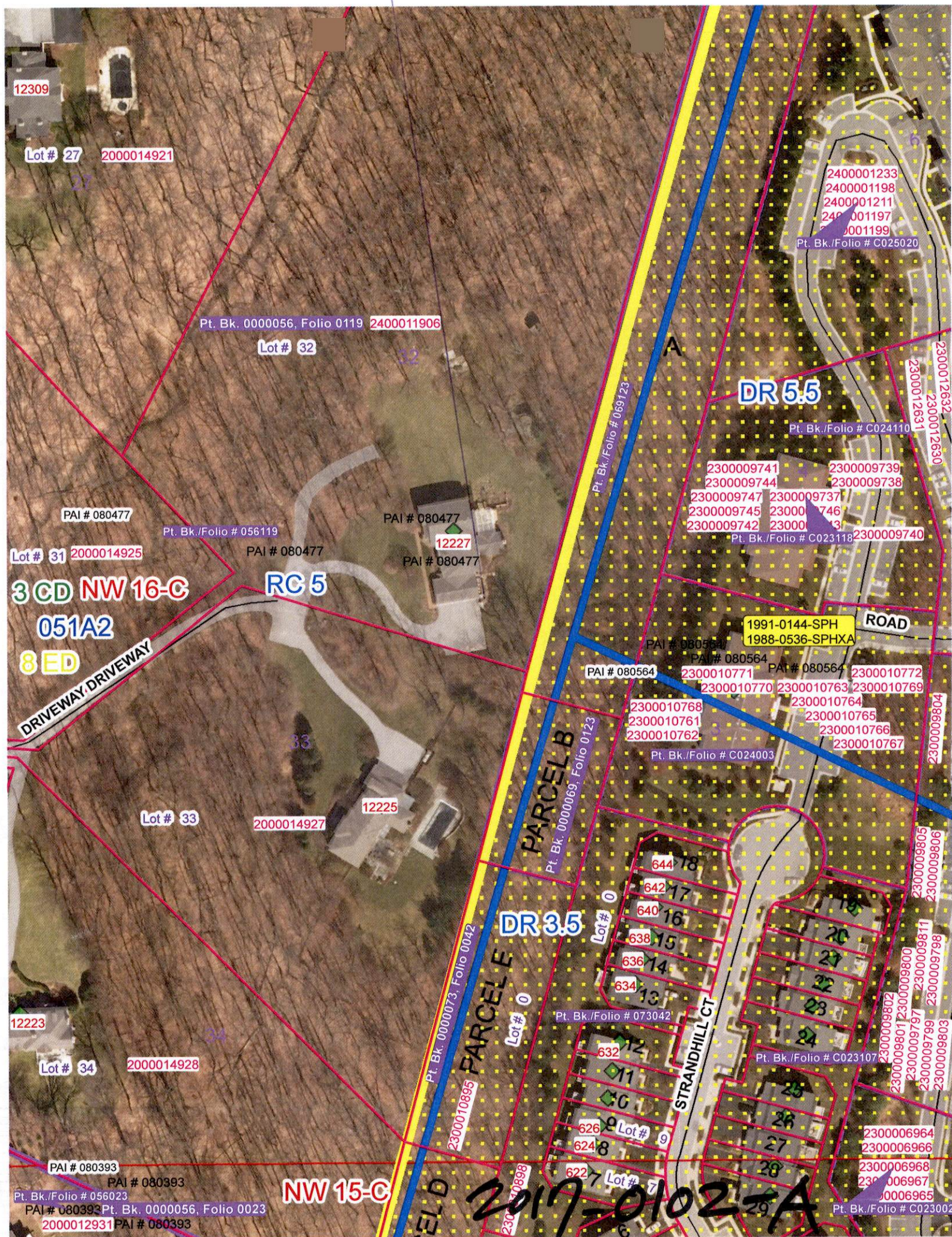


12/ View south from proposed garage towards neighbor

2017-0102-A



13/ View east from proposed garage towards neighbors





beechbrookla.com

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-DESIGN TEAM-

PATRICK D. JAROSINSKI & ASSOCIATES
P.O. BOX 234
RIDERWOOD, MD 21139
410.494.1017

-ZONING INFORMATION-

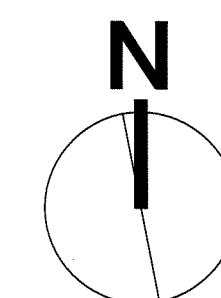
ZONING MAP # 051A2
SITE ZONED: RCS & DR5.5
ELECTION DISTRICT: 8TH
COUNCIL DISTRICT: 3RD
LOT AREA ACREAGE: 9.44 AC±
OR SQUARE FEET: 411,206 SF±
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES?
WATER IS: PRIVATE
SEWER IS: PRIVATE
PRIOR HEARING? NO

SULLIVAN
RESIDENCE

CLEGHORN
12227 CLEGHORN RD
COCKEYSVILLE, MD 21030

-DRAWING TITLE-

ZONING HEARING
PLAN FOR
VARIANCE



Age Group	Percentage of Respondents
0'	~10%
25'	~15%
50'	~10%
100'	~65%

-SCALE-
1"=50'-0"

-ISSUE-
CD SET - FOR PERMIT

-SHEET NUMBER

L1.00

-DATE-
OCTOBER 5, 2016

-DATE-
OCTOBER 5, 2016
2017-0102-A



BEECHBROOK
landscape architecture

(Mailing Address)
P.O. Box 100
Riderwood
MD 21139

(Office Address)
326 St. Paul Place
Suite 201
Baltimore, MD 21202

(office) 410.685.5263
(fax) 410.685.5264
beechbrookla.com

-OWNERSHIP & USE OF DOCUMENTS-

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-DESIGN TEAM-

PATRICK D. JAROSINSKI & ASSOCIATES
P.O. BOX 234
RIDERWOOD, MD 21139
410.494.1017

-ZONING INFORMATION-

ZONING MAP # 051A2
SITE ZONED: RCS & DR5.5
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**SULLIVAN
RESIDENCE**

CLEGHORN
12227 CLEGHORN RD
COCKEYSVILLE, MD 21030

-DRAWING TITLE-

ZONING HEARING
PLAN FOR
VARIANCE

0' 25' 50' 100'

-SCALE-
1"=50'-0"

-ISSUE-
CD SET - FOR PERMIT

-SHEET NUMBER-
L1.00

-DATE-
OCTOBER 5, 2016

2017-0102-A