

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1317 Western Run Road)	*	OFFICE OF
8 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Michael S. & Jennifer L. Cordes	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>		
Petitioners	*	Case No. 2019-0169-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Michael S. and Jennifer L. Cordes, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing barn (accessory structure) located on a lot without a principal structure. In addition, a Petition for Variance was filed pursuant to BCZR Section 400.3 to permit an existing accessory building with a height of 26' in lieu of the maximum height of 15'. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Michael S. Cordes appeared in support of the requests. One neighbor attended the hearing to express support for the requests. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”), and the Department of Planning (“DOP”). Neither of the reviewing agencies oppose the request.

SPECIAL HEARING

The special hearing request concerns an accessory structure (existing barn) located on a building lot without a principal structure. The property (shown as Lot 2 on a subdivision plat

ORDER RECEIVED FOR FILING

Date 1-15-19

By GW

recorded at PB 40, p. 108) is 5.889 acres in size and zoned RC 7. Mr. Cordes purchased the property in 2016, at which time a single family dwelling was located on the lot. He razed the dwelling and constructed a barn in essentially the same location. Since there is no longer a single family dwelling on the lot, the Office of Zoning Review informed Petitioners a special hearing was necessary. Mr. Cordes does not at present have plans to construct a dwelling on this lot, although he retains the right to do so since this is a "lot of record" shown on the plat. The barn is well-screened from the few homes located in the vicinity and there is no indication granting the request will have any discernable impact upon the community. As such, the request will be granted.

VARIANCE

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

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

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

The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be required to raze or reconstruct the barn. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County opposition and the support of Petitioners' neighbor.

THEREFORE, IT IS ORDERED this 15th day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from Section 500.7 of the

ORDER RECEIVED FOR FILING

Date 1-15-19

2

By 10w

Baltimore County Zoning Regulations ("BCZR") to permit an existing barn (accessory structure) located on a lot without a principal structure, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from BCZR Section 400.3 to permit an existing accessory building with a height of 26' in lieu of the maximum height of 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached hereto and incorporated herein.

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 1-15-19

By dlw



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1317 WESTERN RUN ROAD, COCKEYSVILLE 21030 which is presently zoned RC7
Deed References: 37512/00164 10 Digit Tax Account # 1700009727
Property Owner(s) Printed Name(s) MICHAEL S. + JENNIFER L. CORDES

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

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

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN ACCESSORY BUILDING WITHOUT A PRIMARY RESIDENCE.

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

3. A a Variance from Section(s) Attached

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MICHAEL S. CORDES / JENNIFER L. CORDES

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1315 WESTERN RUN ROAD COCKEYSVILLE, MD

Mailing Address City State

21030 / 410-925-2226 / MCORDES@CNREF.COM

Zip Code Telephone # Email Address

Representative to be contacted:

MICHAEL S. CORDES

Name - Type or Print

Signature

SAME AS ABOVE

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2019-0169 SDH Filing Date 11/29/18

Do Not Schedule Dates:

Reviewer JE

REV. 10/4/11

2019-0169-SPHA

Variance from section: 400.3 BCZR: To permit an existing barn (accessory structure) with a height of 26 feet in lieu of the maximum height of 15 feet.

Special Hearing: To permit an existing barn (accessory structure) located on a lot without a principle structure.

1317 Western Run Road

Property Description

Being in the 8th Election District and the 3rd Councilmanic District:

BEGINNING FOR THE FIRST and being known and designated as Lot No. 2 as shown on the Plat entitled "Property of Frank W. Davis," which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 40, folio 108.

Together with the right to use and Subject to the rights of others entitled thereto all rights-of-ways more fully described in the following instruments: Liber 5109, folio 467; Liber No. 5310, folio 271; Liber No. 5628, folio 406; Liber No. 5707, folio 939; and Liber No. 5107, folio 942.

Together with the right to use in common a fifty (50) foot right-of-way for ingress and egress over Lot No. 1 as shown on the aforesaid Plat.

The improvements thereon being known as No. 1317 Western Run Road

2019-0169-SPHA

CERTIFICATE OF POSTING

2019-0169-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Michael & Jennifer Cordes

January 14, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:



This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1317 Western Run Road **SIGN 2 Recertification**

December 22, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

A handwritten signature in black ink, appearing to read "Robert Black".

January 12, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
1317 Western Run Road; SW/S of Western * OF ADMINISTRATIVE
Run Road, NW 2,181' to c/line of Gerber Lane *
8th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Michael & Jennifer Cordes *
Petitioner(s) * BALTIMORE COUNTY
* 2019-169-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
DEC 06 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2018, a copy of the foregoing Entry of Appearance was mailed to Michael Cordes, 1315 Western Run Road, Cockeysville, Maryland 21030, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2019-0169-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Michael & Jennifer Cordes

January 14, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1317 Western Run Road

SIGN 1

December 22, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 December 22, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0169-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Michael & Jennifer Cordes

January 14, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1317 Western Run Road

SIGN 2

December 22, 2018

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



December 22, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

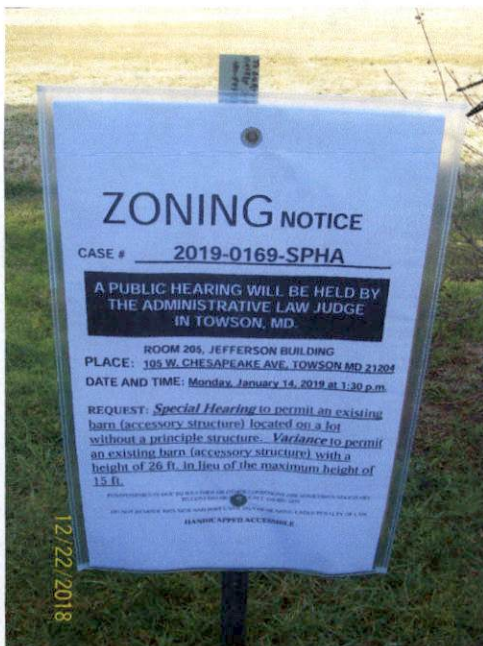
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/24/2018

Order #: 11666526
Case #: 2019-0169-SPHA
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0169-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0169-SPHA

1317 Western Run Road

S/w side of Western Run Road, n/w of Garber Lane

8th Election District - 3rd Councilmanic District

Legal Owners: Michael & Jennifer Cordes

Special Hearing to permit an existing barn (accessory structure) located on a lot without a principle structure. Variance to permit an existing barn (accessory structure) with a height of 26 ft. in lieu of the maximum height of 16 ft.

Hearing: Monday, January 14, 2019 at 1:30 p.m. in Room 206, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

d24

CERTIFICATE OF POSTING

2019-0169-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Michael & Jennifer Cordes

January 14, 2019

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1317 Western Run Road

SIGN 1

December 22, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

Sincerely,

 December 22, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0169-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Michael & Jennifer Cordes

January 14, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

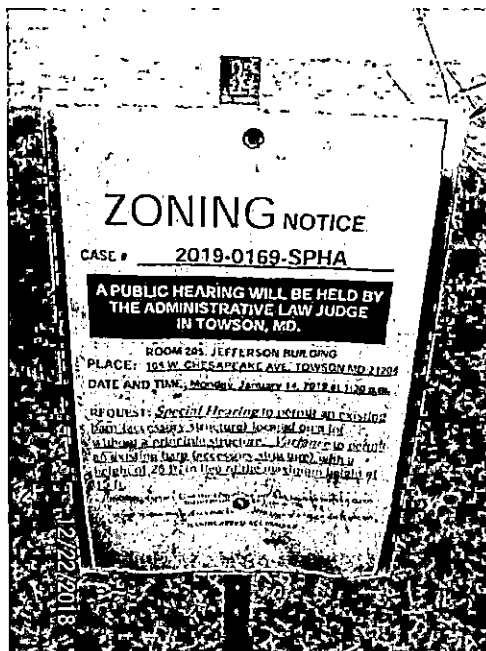
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1317 Western Run Road

SIGN 2

December 22, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 22, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

December 17, 2018

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0169-SPHA

1317 Western Run Road
S/w side of Western Run Road, n/w of Gerber Lane
8th Election District – 3rd Councilmanic District
Legal Owners: Michael & Jennifer Cordes

Special Hearing to permit an existing barn (accessory structure) located on a lot without a principle structure. Variance to permit an existing barn (accessory structure) with a height of 26 ft. in lieu of the maximum height of 15 ft.

Hearing: Monday, January 14, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Michael Cordes, 1315 Western Run Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 25, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Monday, December 24, 2018 - Issue

Please forward billing to:

Michael Cordes
1315 Western Run Road
Cockeysville, MD 21030

410-925-2226

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0169-SPHA

1317 Western Run Road
S/w side of Western Run Road, n/w of Gerber Lane
8th Election District – 3rd Councilmanic District
Legal Owners: Michael & Jennifer Cordes

Special Hearing to permit an existing barn (accessory structure) located on a lot without a principle structure. Variance to permit an existing barn (accessory structure) with a height of 26 ft. in lieu of the maximum height of 15 ft.

Hearing: Monday, January 14, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 2019-01 609 - SPHA
Property Address: 1317 Western Run Rd. Cockeysville, MD 21030
Property Description: _____

Legal Owners (Petitioners): Michael Cordes & Jennifer Cordes
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael S. Cordes
Company/Firm (if applicable): _____
Address: 1317 Western Run Rd,
Cockeysville, MD 21030
Telephone Number: (410) 925-2224

Revised 7/9/2015

No. 177712

Date:

"Admission" Slip - 1944 152

11-25-2019 at 5:00 PM

6/2/20	10/1/20	10/1/20
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RECEIPT # 075135 11 20 1998 1200

Dept. 5 528 704136 OFFICE LEADS

	712
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Karyk tot.	915,49
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4. (b) On 4/23/84 Co

• 311.6 • 9

Baltimore & Lehigh, No. 153

Total:

150. a.

From:

Michael Cordes

For:

1317 Weston Road

2019-0169-SP/HA

**CASHIER'S
VALIDATION**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

January 11 2019

Michael Cordes
1315 Western Run Road
Cockeysville, MD 21030

RE: Case Number: 2019-0169-SPHA, Address: 1317 Western Run Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 26, 2018. 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: kl

Enclosures

c: People's Counsel

Date: 12/6/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. *2019-0169-SPHA*

*Special Hearing, Variance
Michael Cordes
1317 Western Run 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0169-SPHA
Address 1317 Western Run Road
(Cordes Property)

Zoning Advisory Committee Meeting of **December 10, 2018.**

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

1. If a building permit gets filed for a proposed barn, then Ground Water Management must review the permit – if waste water gets generated, and a septic system and well are needed.

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-169

INFORMATION:

Property Address: 1317 Western Run Road
Petitioner: Michael S. Cordes, Jennifer L. Cordes
Zoning: RC 7
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition special hearing to determine whether or not the Administrative Law Judge should approve an existing barn (accessory structure) to be located on a lot without a principle structure and also the petition for variance from to permit an existing barn (accessory structure) with a height of 26 feet in lieu of the maximum height of 15 feet.

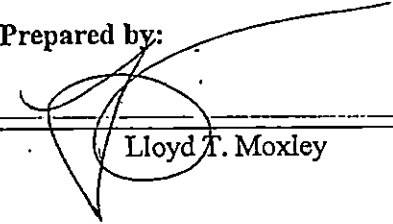
A site visit was conducted on 12/13/2018. The area is agricultural and rural residential.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

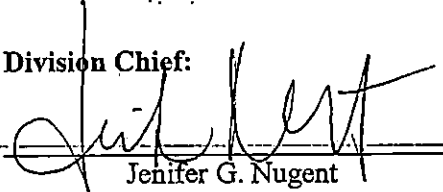
- The accessory structure shall not be used for principal residential or commercial purposes.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley
Michael S. Cordes
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0169-SPHA
Address 1317 Western Run Road
(Cordes Property)

Zoning Advisory Committee Meeting of **December 10, 2018.**

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

1. If a building permit gets filed for a proposed barn, then Ground Water Management must review the permit – if waste water gets generated, and a septic system and well are needed.

Reviewer: Dan Esser

1-14

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-169



INFORMATION:

Property Address: 1317 Western Run Road
Petitioner: Michael S. Cordes, Jennifer L. Cordes
Zoning: RC 7
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition special hearing to determine whether or not the Administrative Law Judge should approve an existing barn (accessory structure) to be located on a lot without a principle structure and also the petition for variance from to permit an existing barn (accessory structure) with a height of 26 feet in lieu of the maximum height of 15 feet.

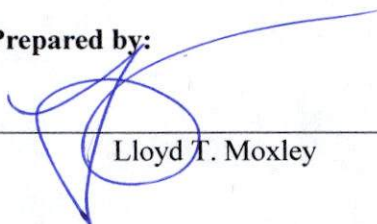
A site visit was conducted on 12/13/2018. The area is agricultural and rural residential.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall not be used for principal residential or commercial purposes.

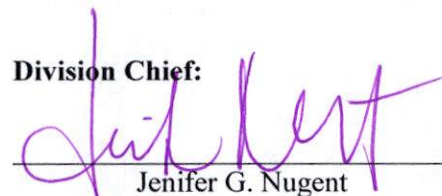
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

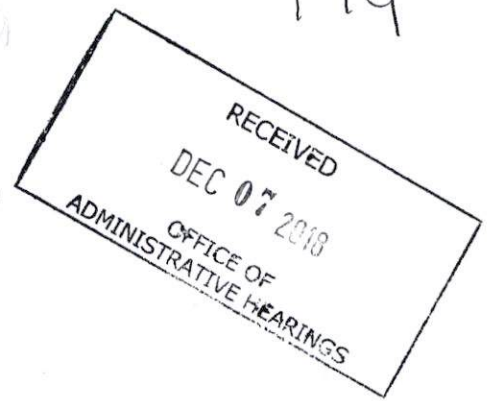
AVA/JGN/LTM/

c: Joseph Wiley
Michael S. Cordes
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0169-SPHA
Address 1317 Western Run Road
(Cordes Property)

Zoning Advisory Committee Meeting of **December 10, 2018**.

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

1. If a building permit gets filed for a proposed barn, then Ground Water Management must review the permit – if waste water gets generated, and a septic system and well are needed.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 1-15-19

By RSW

CASE NAME

CASE NUMBER

DATE _____

2019-169-SPHA

1317 Western Run Rd

1-14-2014

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment12/17
DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)12/20
DEPS
(if not received, date e-mail sent _____)12-26
FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)12-26
STATE HIGHWAY ADMINISTRATION12-26
TRAFFIC ENGINEERING12-26
COMMUNITY ASSOCIATION12-26
ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12-24-18 - The Daily RecordSIGN POSTING (1st) Date: 12-22-18 by BlackSIGN POSTING (2nd) Date: 1-12-19 by "PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

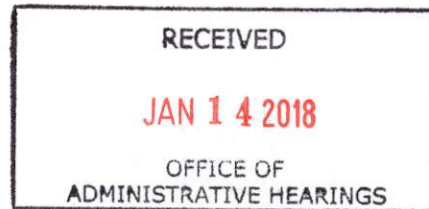
View Map			View GroundRent Redemption			View GroundRent Registration		
Tax Exempt:			Special Tax Recapture:					
Exempt Class:			NONE					
Account Identifier:			District - 08 Account Number - 1700009727					
			Owner Information					
Owner Name:			CORDES MICHAEL S CORDES JENNIFER L			Use: Principal Residence:		
Mailing Address:			214 TUNBRIDGE RD BALTIMORE MD 21212-3422			Deed Reference: /37512/ 00164		
			Location & Structure Information					
Premises Address:			1317 WESTERN RUN RD 0-0000			Legal Description: 5.889 AC 1317 WESTERN RUN RD FRANK W DAVIS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
0033	0016	0221		0000			2	2017
Special Tax Areas:			Town:			NONE		
			Ad Valorem:					
			Tax Class:					
Primary Structure Built 1980			Above Grade Living Area 2,152 SF			Finished Basement Area		
						Property Land Area 5.8800 AC		
						County Use 04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation		
2	YES	STANDARD UNIT	FRAME	2 full/ 1 half				
Value Information								
			Base Value		Value		Phase-In Assessments	
					As of		As of	
					01/01/2017		07/01/2018	
							As of	
							07/01/2019	
Land:			252,700		252,700			
Improvements			0		0			
Total:			252,700		252,700		252,700	
Preferential Land:			0				0	
Transfer Information								
Seller: KRAUSS RON GREGORY			Date: 05/13/2016			Price: \$1,065,000		
Type: ARMS LENGTH IMPROVED			Deed1: /37512/ 00164			Deed2:		
Seller: HOPKINS WALLACE A, JR			Date: 09/28/2005			Price: \$800,000		
Type: ARMS LENGTH IMPROVED			Deed1: /22624/ 00269			Deed2:		
Seller: GITTINGS RUSSELL			Date: 12/17/1976			Price: \$12,500		
Type: ARMS LENGTH IMPROVED			Deed1: /05707/ 00942			Deed2:		
Exemption Information								
Partial Exempt Assessments:			Class			07/01/2018		
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: No Application								
Homeowners' Tax Credit Application Information								
Homeowners' Tax Credit Application Status: No Application								
Date:								

JB 1-14-19
1:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, January 13, 2019 9:39 PM
To: Administrative Hearings
Subject: Recertification's For 2019-0169-SPHA
Attachments: Re-Cert 1 2019-0169-SPHA.doc; Re-Cert 2 2019-0169-SPHA.doc

Recertification's for 1317 Western Run Road



RECEIVED

RECEIVED
JUN 1 1964
OFFICE OF
ADMINISTRATIVE SERVICES

CERTIFICATE OF POSTING

2019-0169-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

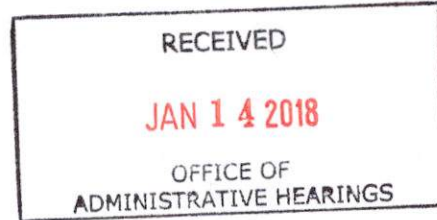
Michael & Jennifer Cordes

January 14, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:



Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

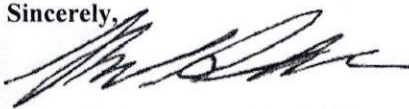
1317 Western Run Road **SIGN 1 Recertification**

December 22, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 January 12, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Former House &
Future Barn Site

PET. No. 2



View looking East from W. Run Road side



View looking North

PET. No. 3



View from W. Run Road



View from W. Run Road



View looking from barn towards W. Run Road

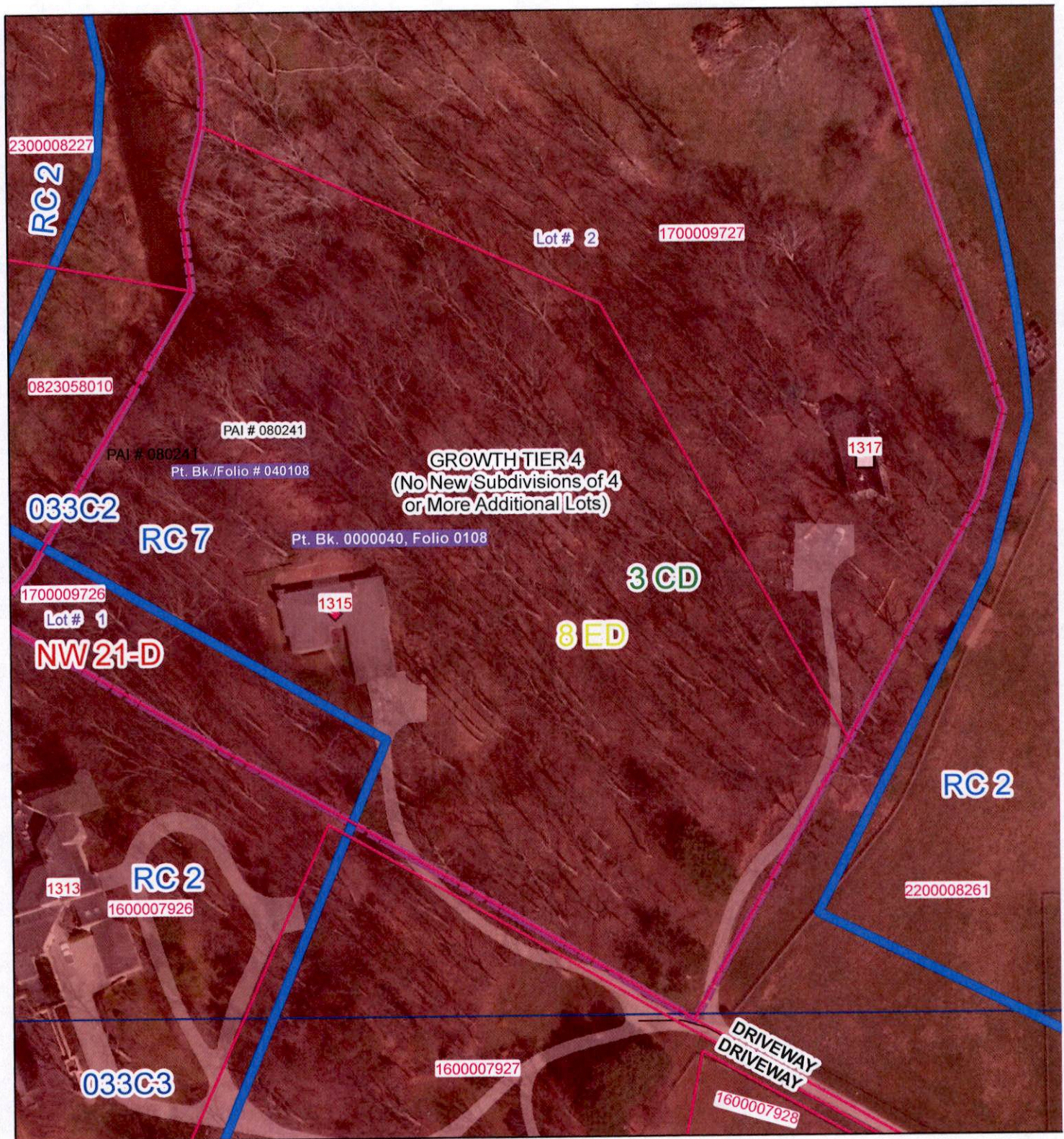


View looking from barn towards W. Run Road



View from 1315 W. Run Road House

Rossville Boulevard, Tax #14-19-073-375



Publication Date: 11/26/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

2019-0169-SPHA

Debra Wiley

From: John E. Beverungen
Sent: Thursday, January 31, 2019 2:46 PM
To: mcordes@cnref.com
Cc: Debra Wiley; Carl Richards Jr
Subject: Case No. 2019-0169-SPHA

Mr. Cordes,

I am in receipt of your e-mail dated January 30, 2019 in regard to the captioned matter. You indicated the zoning office will not approve a building permit for the barn unless the Order issued in this case on January 15, 2019 is amended to provide that a home office and bathroom would be permitted in the barn. I have copied on this e-mail Mr. Richards, who is the director of the County's zoning office.

As concerns the bathroom, nothing in the January 15 order or the zoning regulations prevents an owner from having a bathroom in an accessory structure. In fact, the Department of the Environment (DEPS), whose December 7, 2018 comment was attached to the zoning order, expressly stated that you would need approval from that agency for well/septic if waste water was generated. As such, provided DEPS has approved your building permit, a bathroom within the accessory structure (barn) would be consistent with the spirit and intent of the zoning regulations and the January 15, 2019 order.

With regard to the home office, the RC-7 zoning regulations expressly permit home occupations and offices of professional persons under certain circumstances. BCZR Sec. 1A08.3.A.7. Both of those permitted uses are allowed if conducted within the same building serving as the professional's primary residence. In this case, your primary residence is on the adjoining lot, and special hearing relief was granted to have the barn located on a lot without a principal residence. As such, I believe it would be within the spirit and intent of the January 15 order and the zoning regulations to permit a home office in the barn, subject to the restrictions set forth in the aforementioned zoning regulation.

John Beverungen
ALJ

Debra Wiley

JB 1-14-19
"MFR"

From: Administrative Hearings
Sent: Wednesday, January 30, 2019 10:40 AM
To: Michael Cordes
Subject: RE: Case No. 2019-0169-SPHA



This is to acknowledge receipt of your email, which will be forwarded to ALJ Beverungen.

Thank you.

From: Michael Cordes [mailto:MCordes@cnref.com]
Sent: Wednesday, January 30, 2019 9:49 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case No. 2019-0169-SPHA

Judge Beverungen,

As the County is insisting that I obtain a building permit for the barn that was the subject of the referenced zoning special hearing, I attempted to walk a building permit application through each of the requisite departments yesterday. I successfully got through all departments except for the Zoning Dept. Zoning advises that your decision must contain an amendment that affirmatively states that I am allowed to have an office and a bathroom in the barn. I believe I verbally apprised you during the hearing that I would be putting a home office and a bathroom in the loft of the barn, but I didn't realize during the hearing that those uses have to be explicitly specified in your decision for Zoning to allow a permit to be issued.

So I am requesting that you amend your decision to specify those uses within the barn as allowable. An email, electronic, amendment would be fine if that makes this request easier to handle. Please let me know if have any questions or require any additional information. My office is only a block away from your building so I'm happy to stop in, in person, at your convenience should we need to discuss any aspect of this amendment request. Thanks very much,

COLUMBIA NATIONAL
Real Estate Finance, LLC

Michael S Cordes
1 W Pennsylvania Avenue, Suite 915
Towson, MD 21204
410-347-8999 office
410-925-2226 mobile
mcordes@cnref.com
www.cnref.com

11 21 31 41 51 61 71 81 91 101 111 121 131 141 151

R1-100'S		
No.	NORTH	EAST
1	10440 81	9594 06
2	10496 50	9662 96
3	10673 77	9804 25
4	10666 42	9809 42
5	10721 71	9811 95
6	10680 70	9835 70
7	10792 82	9838 23
8	10820 24	9833 41
9	10856 20	9820 58
10	11052 64	9975 21
11	11050 23	10262 07
12	10456 22	10372 73
13	10397 62	10347 73
14	110053 35	10088 40
15	10925 65	10285 24
16	11251 68	10730 08
17	11309 01	10972 41
18	11293 48	10995 24
19	11240 06	10735 41
20	10721 71	10262 07

E.H.K. JR. 40 JULIO 108

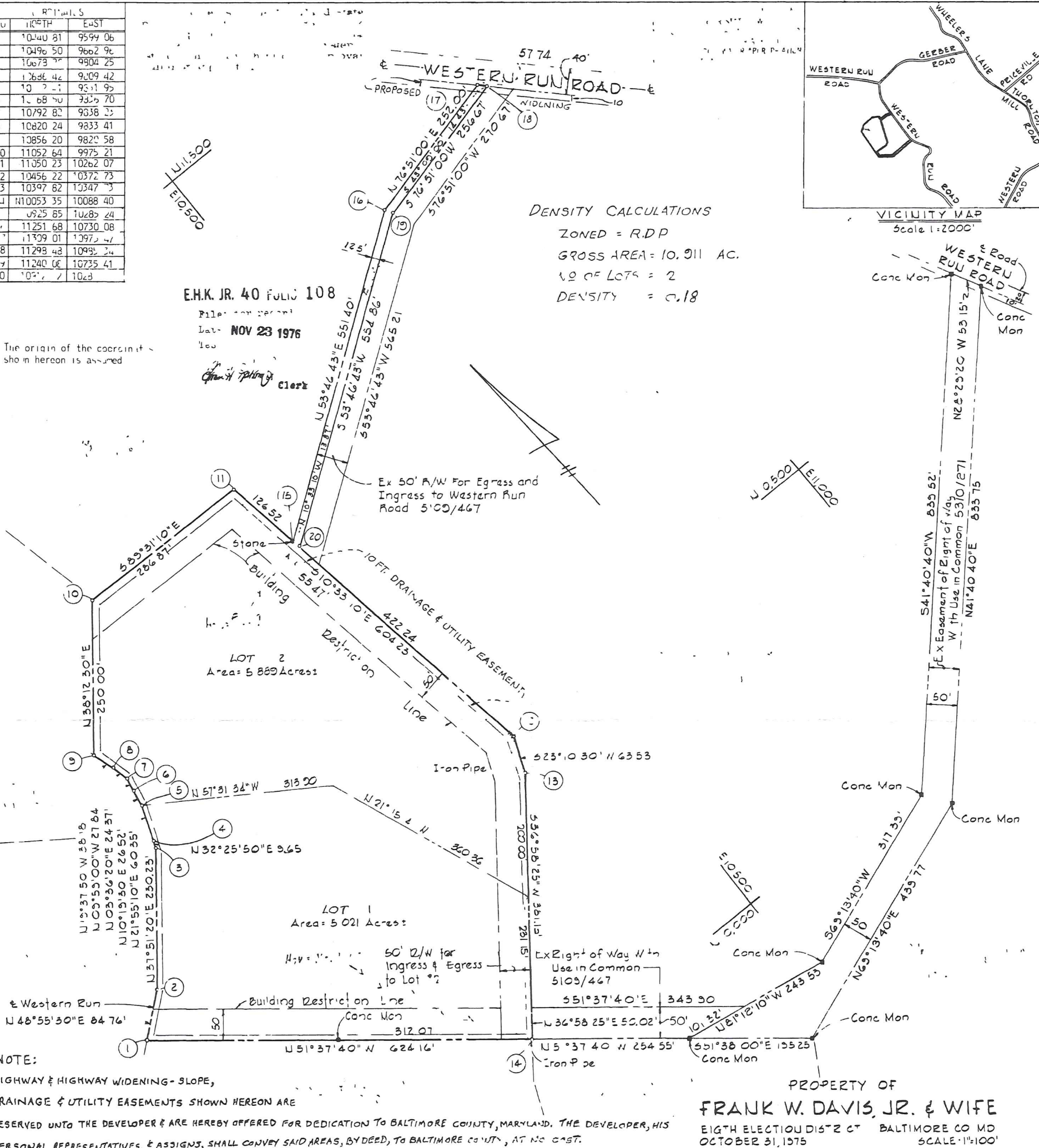
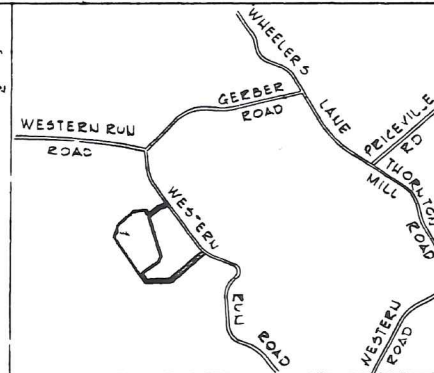
File for Record
Date NOV 23 1976
By

Clerk

The origin of the coordinate system shown hereon is assumed

DENSITY CALCULATIONS

ZONED = R.D.P.
GROSS AREA = 10.911 AC.
NO OF LOTS = 2
DENSITY = 0.18



NOTE:

HIGHWAY & HIGHWAY WIDENING - SLOPE,
DRAINAGE & UTILITY EASEMENTS SHOWN HEREON ARE
RESERVED UNTO THE DEVELOPER & ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS
PERSONAL REPRESENTATIVES, & ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTIMORE COUNTY, AT NO COST.

APPROVED BALTIMORE COUNTY HEALTH
DEPARTMENT

APPROVED

County Roads Engineer

APPROVED BALTIMORE COUNTY PLANNING
BOARD

Deputy State & County
Health Officer

Director

NOTE

The state and local government and the
nation thereof are for the purpose of descrip-
tion only and the same are not intended to be dedicated
to the public. The fee and title to the beds
thereof is expressly reserved in the grantors of the
deeds to which this plat is attached their heirs and
assigns

NONE DRI

CSB 11/4/76

PURDUM
AND
JESCHKE

CONSULTING ENGINEERS
AND LAND SURVEYORS

1023 N. Calvert Street
Baltimore Maryland 21202

OWNERS CERTIFICATE

The requirements of Section 72-B Article 17 of
the Annotated Code of Maryland. (Flack 1947 Supple-
ment) as far as they relate to the preparation of this
plan have been complied with

L. McLane Fisher

Frank W. Davis

SURVEYORS CERTIFICATE

I William G. Rasch II, a registered Professional
Engineer and Land Surveyor of the State of Maryland
do hereby certify that the land shown hereon has been
laid out and the plat thereon prepared in accordance
with the provisions of the law relating to the sub-
division of land known as House Bill 459 Chapter
1016 of the Acts of 1945 and subsequent amendments
thereto

William G. Rasch II

Date

MSR SSN 1336-5600

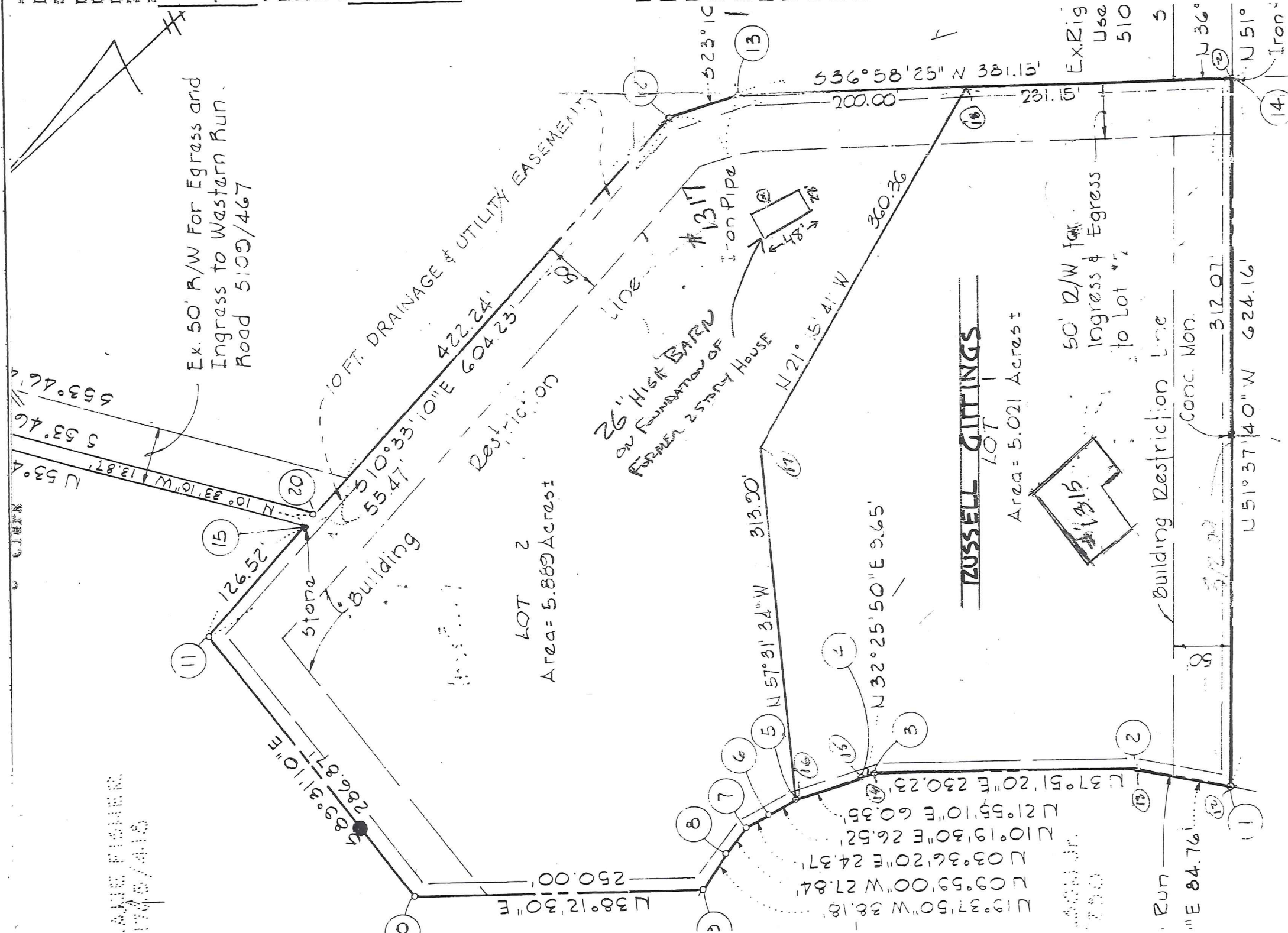
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1317 WESTERN RUN ROAD, COCKEYSVILLE 21030 OWNER(S) NAME(S) MICHAEL S. & JENNIFER L. CORDES

SUBDIVISION NAME FRANK W DAVIS

LOT # 2 BLOCK # _____ SECTION # _____

PLAT BOOK # 0040 FOLIO # 0108 10 DIGIT TAX # 1700009727 DEED REF. # 37512/00164

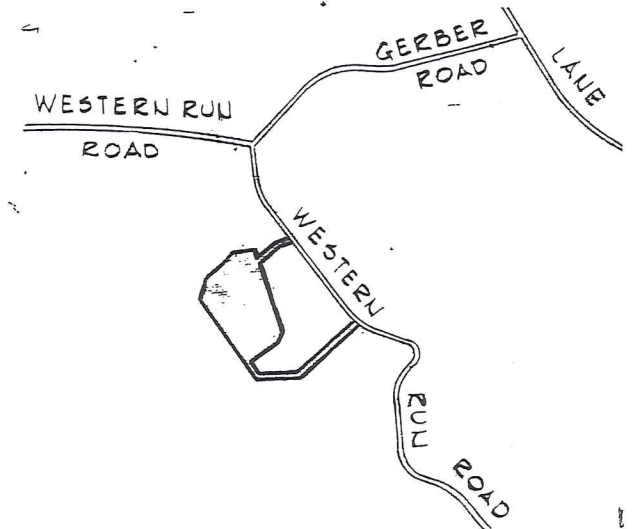


PLAN DRAWN BY MICHAEL S CORDES

DATE NOV. 26, 2018 SCALE: 1 INCH = 100 FEET

0019-0169-5011A

SITE VICINITY MAP



ZONING MAP # 0033

SITE ZONED RC7

ELECTION DISTRICT 8TH

COUNCIL DISTRICT 3RD

LOT AREA ACREAGE 5.889

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

PET. No. 1

VIOLATION CASE INFO:

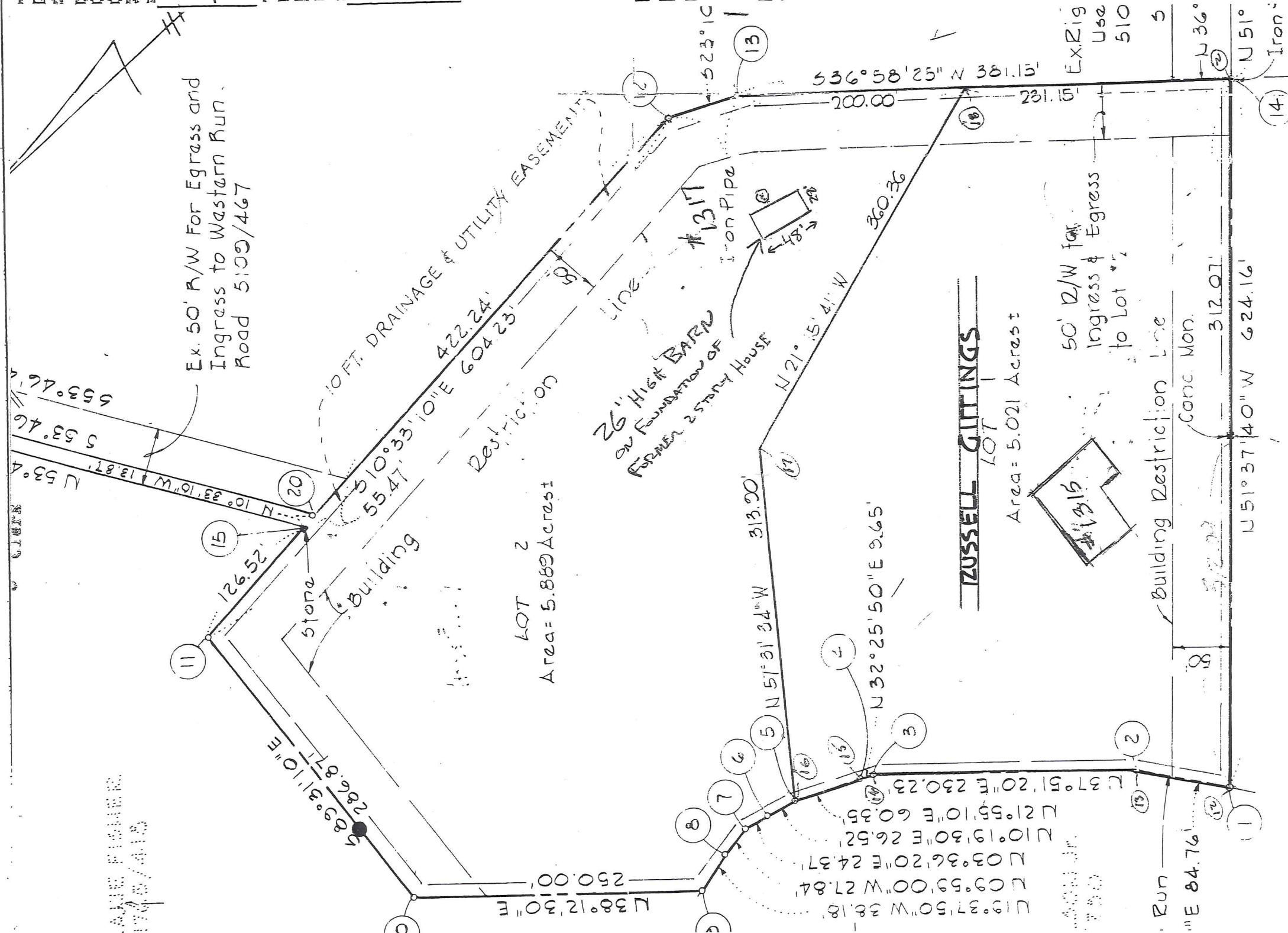
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1317 WESTERN RUN ROAD, COCKEYSVILLE 21030 OWNER(S) NAME(S) MICHAEL S. & JENNIFER L. CORDES

SUBDIVISION NAME FRANK W DAVIS

LOT # 2 BLOCK # _____ SECTION # _____

PLAT BOOK # 0040 FOLIO # 0108 10 DIGIT TAX # 1700009727 DEED REF. # 37512/00164

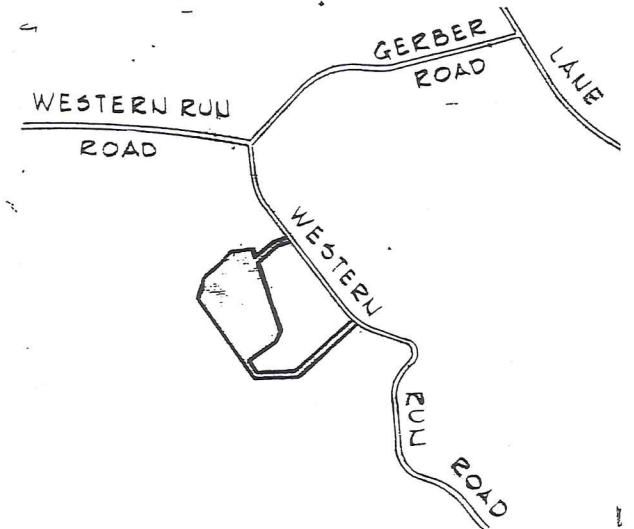


PLAN DRAWN BY MICHAEL S. CORDES

DATE NOV. 26, 2018 SCALE: 1 INCH = 100 FEET

2019-0169-5011A

SITE VICINITY MAP



ZONING MAP # 0033

SITE ZONED RC7

ELECTION DISTRICT 8TH

COUNCIL DISTRICT 3RD

LOT AREA ACREAGE 5.889

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: