

MEMORANDUM

DATE: April 14, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0031-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on March 30, 2020. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(13941 Cuba Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
James Alban, IV	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0031-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 subject property, James Alban, IV (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a rear yard accessory structure (37 ft. x 19 ft. pool pavilion)¹ with a height of 25 ft. in lieu of the maximum allowed height of 15 ft. 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. A ZAC comment was received from the Department of environmental Protection and Sustainability (“DEPS”) dated February 25, 2020, indicating that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-129 of the Baltimore County Code), and all conditions of the May 17, 1996 forest buffer variance must continue to be met or a new variance requested for current disturbances within the Forest Buffer Easement; this compliance

¹ It is to be noted that OAH confirmed with Adam Rosenblatt, Esq. on February 26, 2020 that the accessory structure is in fact a pool pavilion even though page 1 of the petition and the County webpage reflected garage.

will be checked as part of EIR's review of any permit.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 9, 2020, 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 Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR 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 pool pavilion's height and usage, I will impose conditions that the pool pavilion shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes. Counsel for Petitioner (via email on February 26, 2020) indicated that it is an open pavilion, will contain no bathroom or kitchen facilities and it will be architecturally designed to match the existing structures. In addition, there will be electricity and a fire place.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 28th day of **February, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3

of the Baltimore County Zoning Regulations ("BCZR"), to permit a rear yard accessory structure (37 ft. x 19 ft. pool pavilion) with a height of 25 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner or subsequent owners shall not convert the pool pavilion into a dwelling unit or apartment. The proposed pool pavilion shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed pool pavilion shall not be used for commercial purposes.
- Petitioner shall comply with the DEPS ZAC comment, dated February 25, 2020; a copy of which is attached hereto and made a part hereof.

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

LMS:dlw



LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 2-28-2020

By DLW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 13941 Cuba Road Currently zoned RC 2
 Deed Reference 41529 / 00229 10 Digit Tax Account # 2 2 0 0 0 2 7 3 5 9
 Owner(s) Printed Name(s) James Alban IV

(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:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s)

From Section 400.3 of the BCZR to permit a detached garage with a height of 25 feet in lieu of the maximum 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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):

James Alban, IV

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

13941 Cuba Road

Cockeysville

MD

Mailing Address

City

State

21030

410-780-7217

JAlbanIV@albancat.com

Zip Code

Telephone #

Email Address

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

Adam M. Rosenblatt

Name – Type or Print

Adam Rosenblatt

Signature

Venable LLP, 210 W. Pennsylvania Ave, Ste 500, Towson, MD

Mailing Address

City

State

21204

410-494-6271

amrosenblatt@venable.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Adam M. Rosenblatt

Name – Type or Print

Adam Rosenblatt

Signature

(SAME)

Mailing Address

City

State

Zip Code

Telephone #

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 2020-0031-A Filing Date 1/31/20 Estimated Posting Date 2/9/20 Reviewer JS

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

Address:	13941 Cuba Road	Cockeysville	Maryland	21030
	Print or Type Address of property	City	State	Zip Code

The proposed pavilion will be architecturally similar to the existing structures on the property and will not have any impact on the surrounding area as it is internal to this large, wooded property. Site photos and architectural renderings are attached to this petition.

If the variance is denied, petitioner would be forced to construct a pavilion that does not match with structures that already exist on the property and is less aesthetically pleasing. This would result in a practical difficulty to the owner, who is simply trying to construct an accessory structure to improve the look and feel of the existing pool area.

Name- Print or Type _____

I HEREBY CERTIFY, this 23 day of January 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

2-10-2021

My Commission Expires





57 WEST TIMONIUM ROAD
SUITE 210
TIMONIUM, MD 21093
PHONE: (410) 252-4444
WWW.POLARISLC.COM

Zoning Description of
13941 Cuba Road
8th Election District
3rd Councilmanic District
Baltimore County, MD



Beginning at a point at the intersection of the East Side of Cuba Road (60 foot right-of-way) and the South Side of Gardiner Road (50 foot Right-of-way) and being known as Parcel 2, Second Amended Section One, Plat Three, "Nicholson's Manor" as recorded among the Land Records of Baltimore County in Plat Book 68 Folio 110.

Containing 76.118 acres of land as recorded in deed Liber 41529 Folio 229.

2020-0031-4

LAND SURVEYING - SUBDIVISION DESIGN - COMMERCIAL SITE DESIGN - LAND USE & PLANNING
STORM WATER MANAGEMENT - CONSTRUCTION SURVEYING - PROJECT MANAGEMENT - ZONING MATTERS

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Thursday, February 20, 2020 1:17 PM
To: Barbara Lukasevich; amrosenblatt@venable.com; jrfrankovich@venable.com;
Administrative Hearings
Subject: Recertification's For 2020-0031-A
Attachments: Re-Cert 1 2020-0031-A.doc; Re-Cert 2 2020-0031-A.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 13941 Cuba Road. Thanks.



CERTIFICATE OF POSTING

2020-0031-A

RE: Case No.: _____

Petitioner/Developer: _____

Pike Park Associates, LLP, Pike Park Venture, LLC

February 24, 2020

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:

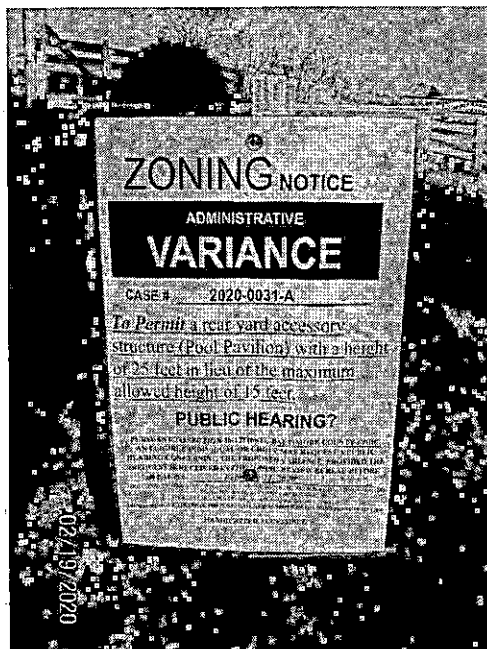
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

13941 Cuba Road

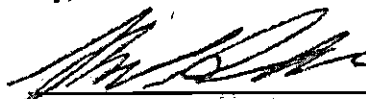
SIGN 1 Recertification

February 9, 2020

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



Sincerely,

 February 19, 2020
(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

2020-0031-A

RE: Case No.: _____

Petitioner/Developer: _____

Pike Park Associates, LLP, Pike Park Venture, LLC

February 24, 2020

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:

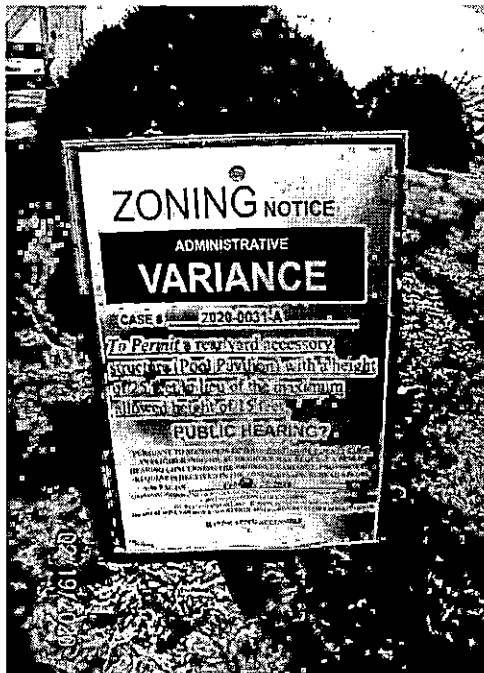
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

13941 Cuba Road

SIGN 2 Recertification

February 9, 2020

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



Sincerely,

February 19, 2020

(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

2020-0031-A

RE: Case No.: _____

Petitioner/Developer: _____

Pike Park Associates, LLP, Pike Park Venture, LLC

February 24, 2020

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: _____

13941 Cuba Road

SIGN 1

February 9, 2020

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



Sincerely,

 February 9, 2020
(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

2020-0031-A

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Pike Park Associates, LLP, Pike Park Venture, LLC

February 24, 2020

Date of Hearing/Closing: _____

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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: _____

13941 Cuba Road

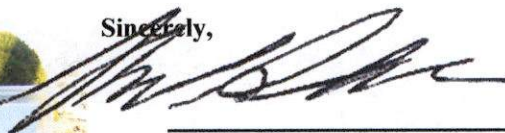
SIGN 2

February 9, 2020

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



Sincerely,

 February 9, 2020

(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

2020-0031-A

RE: Case No.: _____

Petitioner/Developer: _____

Pike Park Associates, LLP, Pike Park Venture, LLC

February 24, 2020

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:

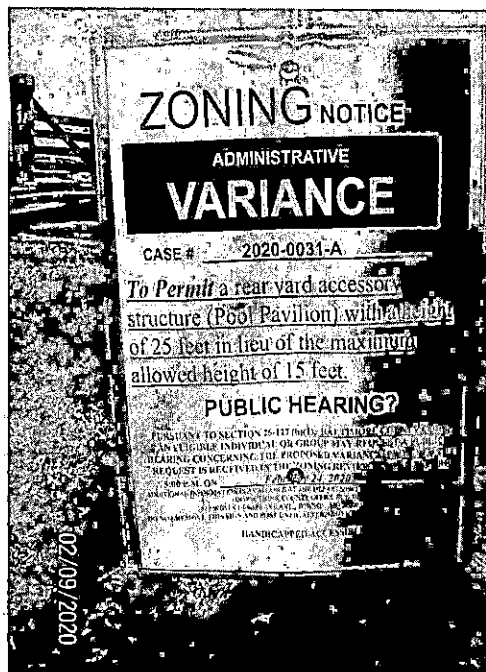
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

13941 Cuba Road

SIGN 1

February 9, 2020

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



Sincerely,

February 9, 2020

(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

2020-0031-A

RE: Case No.: _____

Petitioner/Developer: _____

Pike Park Associates, LLP, Pike Park Venture, LLC

February 24, 2020

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:

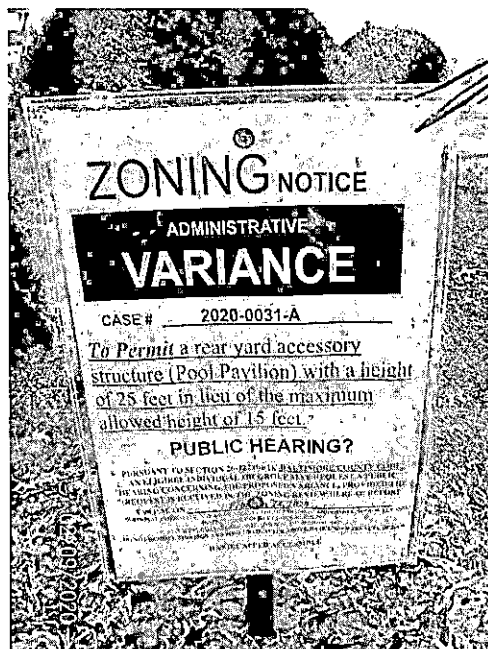
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

13941 Cuba Road

SIGN 2

February 9, 2020

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



Sincerely,

February 9, 2020

(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0031 -A Address 13941 CUBA ROAD, 21030
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Filing Date: 1/31/20 Planner, Please Print Your Name Posting Date: 2/9/20 Closing Date: 2/24/20

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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 2020- 0031 -A Address: 13941 CUBA ROAD, 21030
Petitioner's Name: JAMES ALBAN IV Telephone: 410-780-7217
Posting Date: 2/9/20 Closing Date: 2/24/20

Wording for Sign:

TO PERMIT A REAR YARD ACCESSORY STRUCTURE (POOL PAVILION)
WITH A HEIGHT OF 25 FEET IN LIEU OF THE MAXIMUM ALLOWED
HEIGHT OF 15 FEET.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2020-0031-A

Property Address: 13941 CUBA ROAD

Property Description: _____

Legal Owners (Petitioners): JAMES ALBAN IV

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASOVICH

Company/Firm (if applicable): Venable LLP

Address: 210 W. Penn Ave, Ste 500
Towson, MD 21204

Telephone Number: 4104946200



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

February 25, 2020

Adam M. Rosenblatt
210 W. Pennsylvania Ave Ste 500
Towson MD 21204

RE: Case Number: 2020-0031-A, 13941 Cuba 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 January 31, 2020. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
James Alban, IV 13941 Cuba Road Cockeysville MD 21030

Date: **2/3/20**

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

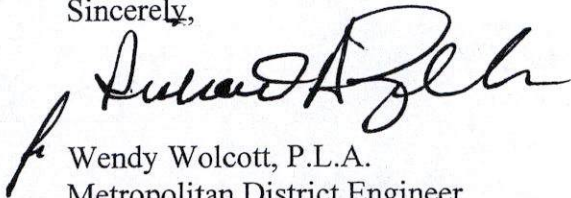
Dear Ms. Lewis:

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. **2020-0031-A-**

*Administrative Variance
James Alton IV
13941 Cuba 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@mdot.maryland.gov).

Sincerely,

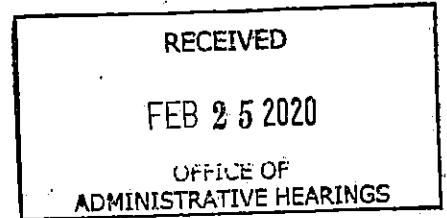


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 25, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0031-A
Address 13941 Cuba Road
(Alban, James IV Property)

Zoning Advisory Committee Meeting of February 10, 2020.

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

Additional Comments:

All conditions of the May 17, 1996 forest buffer variance must continue to be met or a new variance requested for current disturbances within the Forest Buffer Easement. This compliance will be checked as part of EIR's review of any permit.

Reviewer: Glenn Shaffer

Debra Wiley

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, February 26, 2020 2:56 PM
To: Debra Wiley
Subject: RE: Alban Administrative Variance

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

It is an open pavilion, no bathroom or kitchen. It will be architecturally designed to match the existing structures. There will be electricity and a fire place but no kitchen/bathroom.

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: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Wednesday, February 26, 2020 12:23 PM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: RE: Alban Administrative Variance

Adam,

Larry wants to know more specific details about the pavilion as paperwork is very vague (i.e., food facilities, bathroom facilities, open pavilion, etc.).

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, February 26, 2020 12:18 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Alban Administrative Variance

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

There is a "detail" on the plan in the upper left hand corner that contains the dimensions (37 x 19). With respect to the website posting, the law governing the height of accessory structures is the same whether you are proposing the structure to be a garage or a pool pavilion. As this does not substantively impact our requested variance, this should have no impact on the ALJ's decision.

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: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Wednesday, February 26, 2020 12:13 PM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: RE: Alban Administrative Variance

Adam,

It was not posted on the County website reflecting pool pavilion. Also, what are the dimensions?

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, February 26, 2020 12:04 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Alban Administrative Variance

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

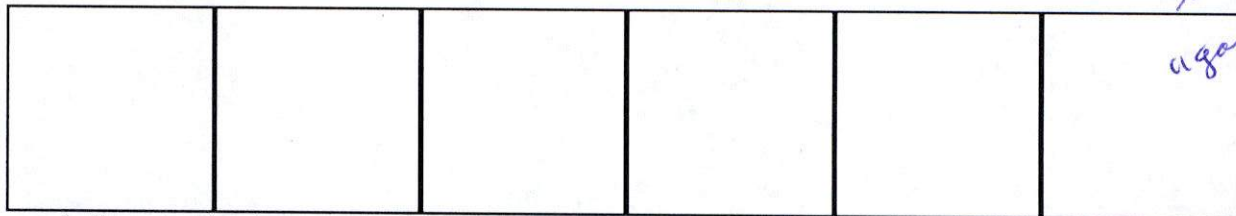
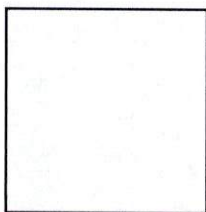
The proposed structure is a pool pavilion. It was advertised correctly. Thank you for checking.

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

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CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

*Left Adam
v.m. 2/26
11:55 am.
re:
post (ps.1)
and
was post.
ref'd
"garage"*

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C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/Conditions/Comments/No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>2-25</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-3</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 (1 st) Date: <u>2-9-20</u> by <u>Black</u>		
SIGN POSTING (2 nd) Date: _____ by _____		
PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐		
PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐		
Comments, if any: <u>Travis photo - Jason ✓</u> <u>Left again 2/26 11:55 am</u>		

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
Account Identifier: District - 08 Account Number - 2200027359		
Owner Information		
Owner Name:	ALBAN JAMES IV ALBAN GARLAND O	Use: AGRICULTURAL Principal Residence: YES
Mailing Address:	13941 CUBA RD COCKEYSVILLE MD 21030-1208	Deed Reference: /41529/ 00229
Location & Structure Information		
Premises Address:	13941 CUBA RD COCKEYSVILLE 21030-1208	Legal Description: 76.118 AC PARCEL 2 13941 CUBA RD NS NICHOLSONS MANOR
Map:	Grid:	Parcel:
0041	0005	0061
Neighborhood:	Subdivision:	Section:
8040074.04	0000	
Block:	Lot:	Assessment Year:
	0	2020
Plat No:	Plat Ref: 0068/ 0110	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1800	9,355 SF	
Property Land Area	County Use	
76.1200 AC	05	
Stories	Basement	Type
2 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
STONE/ FRAME	7	6 full/ 2 half
Garage	Last Notice of Major Improvements	
1 Detached	2000	
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	477,700	477,700
Improvements	1,182,100	1,215,400
Total:	1,659,800	1,693,100
Preferential Land:	27,700	
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		1,659,800
		1,670,900
		27,700
Transfer Information		
Seller: GOETZE RANDLE M III	Date: 06/14/2019	Price: \$6,000,000
Type: ARMS LENGTH MULTIPLE	Deed1: /41529/ 00229	Deed2:
Seller: EVANS JOHN G	Date: 01/07/1998	Price: \$1,485,000
Type: ARMS LENGTH MULTIPLE	Deed1: /12591/ 00199	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2019
State:	000	0.00
Municipal:	000	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:		

ZAC AGENDA

Case Number: 2020-0030-A **Reviewer:** Jeffrey Perlow
Existng Use: INSTITUTIONAL **Proposed Use:** INSTITUTIONAL
Type: VARIANCE
Legal Owner: Bell Olga A Trustee
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

Property Address: 8522 OLD HARFORD RD
Location: West side of Old Harford Road.

Existing Zoning: BR **Area:** 5,771 AC

Proposed Zoning:

VARIANCE:

From BCZR section 238.2, for a side setback between buildings of 25 feet in lieu of the required 60 feet.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: 1978-0077-XA; R-1956-3700-X; R-1956-3888

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2020-0031-A **Reviewer:** Jason Seidelman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: James Alban IV
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 13941 CUBA RD
Location: East side of Cuba road (60') South of Gardiner Road (50').

Existing Zoning: RC 2 **Area:** 76.118 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

From section 400.3 of the BCZR to permit a detached garage with a height of 25 feet in lieu of the maximum 15 feet.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 02/24/2020

Miscellaneous Notes:

Development, Zoning Hearings & Meetings

Go Web page

Location:
 1st Council District
 2nd Council District

Type:
 Event or Activity
 Meeting

Keyword(s):

Previous Feb 2020 Next

Select 26 27 28 29 30 31 1

Select 2 3 4 5 6 7 8

Select 9 10 11 12 13 14 15

Select 16 17 18 19 20 21 22

Select 23 24 25 26 27 28 29

Show Events By: [Day](#) [Week](#) [Month](#) [RSS](#)

Monday, February 24, 2020

Administrative Variances - 1307 Gateshead Road 3rd Council District
 8:30am - 4:30pm

Administrative Variances - 13941 Cuba Road 3rd Council District
 8:30am - 4:30pm

Administrative Variances - 4103 Halifax Road 3rd Council District
 8:30am - 4:30pm

Administrative Variances - 4516 Old Court Road 2nd Council District
 8:30am - 4:30pm

Administrative Variances - 4708 Osborn Road 3rd Council District
 8:30am - 4:30pm

See attached
 web posting
 reflecting
 "garage"
 not
 power
 partition

[Back](#)

- [Download](#)
- [Reminder](#)
- [Share](#)

Administrative Variances - 13941 Cuba Road

Date/Time:

Mon. Feb 24, 2020 8:30am - 4:30pm

Location:

3rd Council District

Details:

Case Number: 2020-0031-A

Location: East side of Cuba Road, south of Gardiner Road

8th Election District

Legal Owners: James Alban IV

Administrative Variance to permit a detached garage with a height of 25 ft. in lieu of the maximum 15 ft.

Closing date: Mon., February 24, 2020 at 4:30 p.m., 111 W. Chesapeake Avenue, Rm.111, Towson 21204

Contact:

PAI 410-887-3391

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- [Reminder](#)
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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 25 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 25, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0031-A
Address 13941 Cuba Road
(Alban, James IV Property)

Zoning Advisory Committee Meeting of **February 10, 2020.**

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

Additional Comments:

All conditions of the May 17, 1996 forest buffer variance must continue to be met or a new variance requested for current disturbances within the Forest Buffer Easement. This compliance will be checked as part of EIR's review of any permit.

Reviewer: Glenn Shaffer

Debra Wiley

From: Debra Wiley
Sent: Tuesday, February 25, 2020 10:03 AM
To: Stephen Ford
Subject: FW: Zoning Petition Comments
Attachments: ZAC 20-0023-A 12018 Deer Bit Lane.doc; ZAC 20-0024-SPHA 4228 Osborn Road.doc; ZAC 20-0025-A 4103 Haklifax Road.doc; ZAC 20-0026-A 4708 Osborn Road.doc; ZAC 20-0027-A 1307 Gateshead Road.doc; ZAC 20-0028-A 4516 Old Court Road.doc; ZAC 20-0029-A 909 Belfast Road.doc; ZAC 20-0030-A 8522 Old Harford Road.doc; ZAC 20-0031-A 13941 Cuba Road.doc

Hi Steve,

Can you forward 2020-0031-A (Cuba Rd.) again including a date as this one is missing ?

Thanks.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Stephen Ford <sford@baltimorecountymd.gov>
Sent: Wednesday, February 12, 2020 8:55 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Jenae Johnson <jnjohnson@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Subject: Zoning Petition Comments

For your files.
Thanks,

Stephen A. Ford
Engineering Associate III
Department of Environmental Protection
And Sustainability
Development Coordination
111 West Chesapeake Avenue, Room 319
Towson, Maryland 21204
sford@baltimorecountymd.gov
410-887-5859
410-887-4804 fax

✓
Rec'd
2/25/2020

2-24

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2020-0031-A
Address 13941 Cuba Road
(Alban, James IV Property)

Zoning Advisory Committee Meeting of **February 10, 2020.**

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Reviewer: Glenn Shaffer

13941 Cuba Road



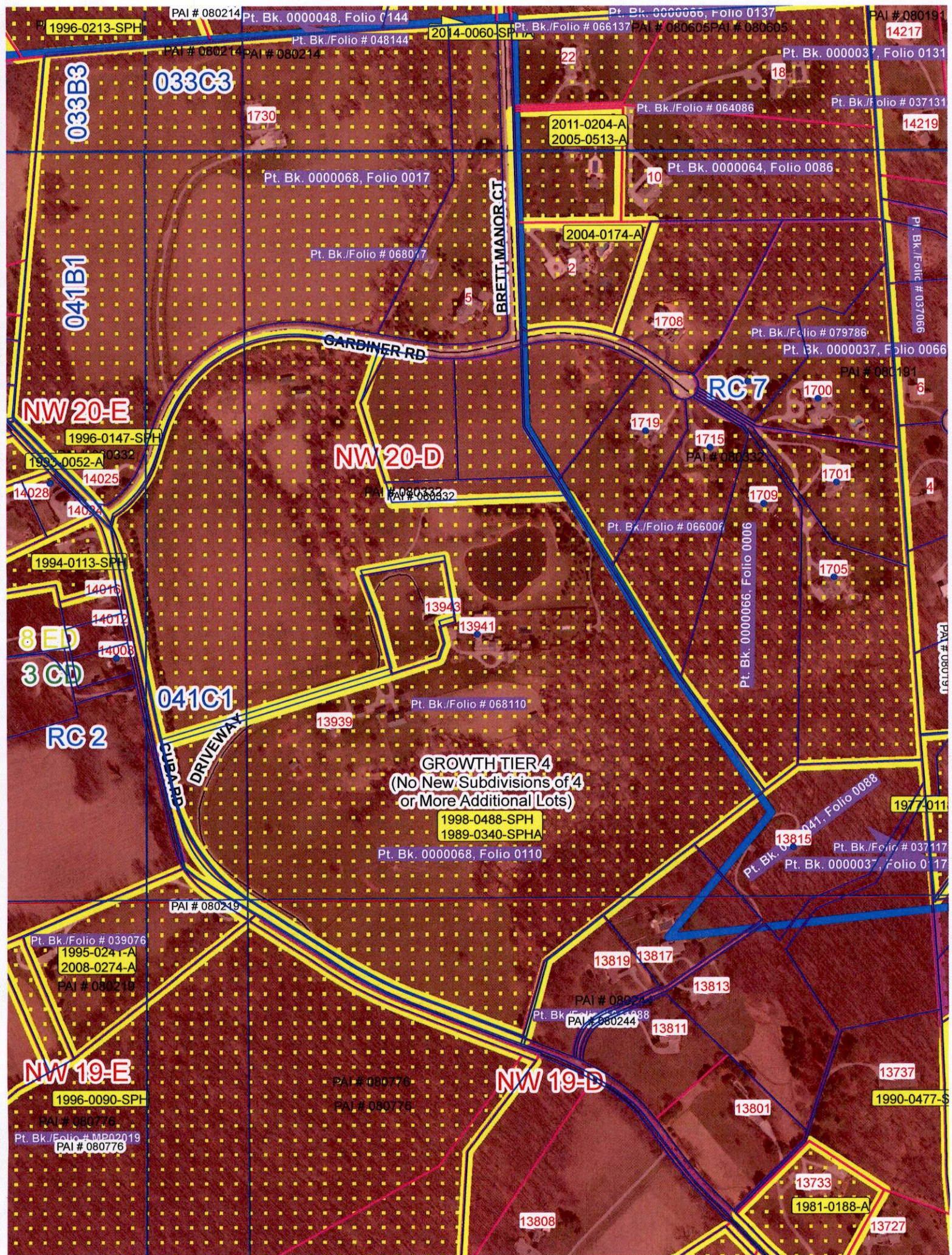
Legend

- House Numbers
- Zoning
- Property
- County Boundary

1:4,514

0 195 390 780 Feet

January 31, 2020



Alban - Stone Hall Residence Administrative Variance Photo Log
13941 Cuba Road, Hunt Valley, Maryland 21030



1 - View southwest towards Cuba Road entrance to property



2 - View south towards Cuba Road neighbors

Alban - Stone Hall Residence Administrative Variance Photo Log
13941 Cuba Road, Hunt Valley, Maryland 21030



3 - View west towards main house



4 - View northwest towards Gardiner Road neighbors

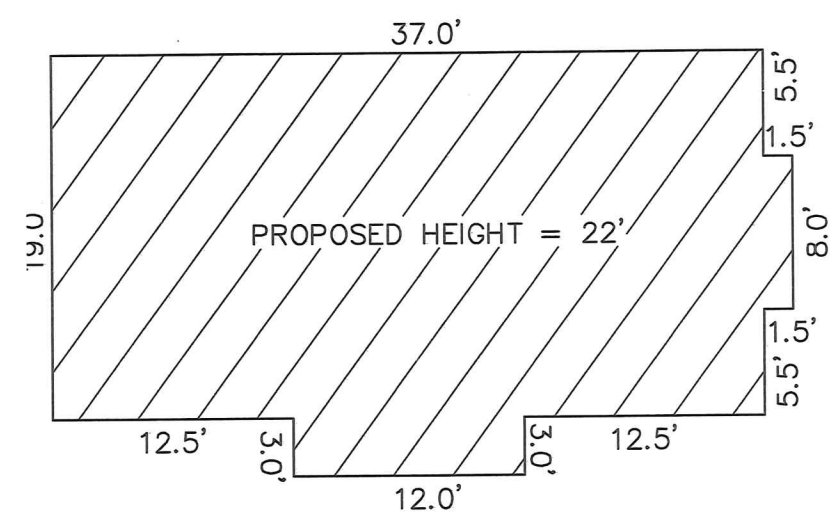
Alban - Stone Hall Residence Administrative Variance Photo Log
13941 Cuba Road, Hunt Valley, Maryland 21030



5- View north

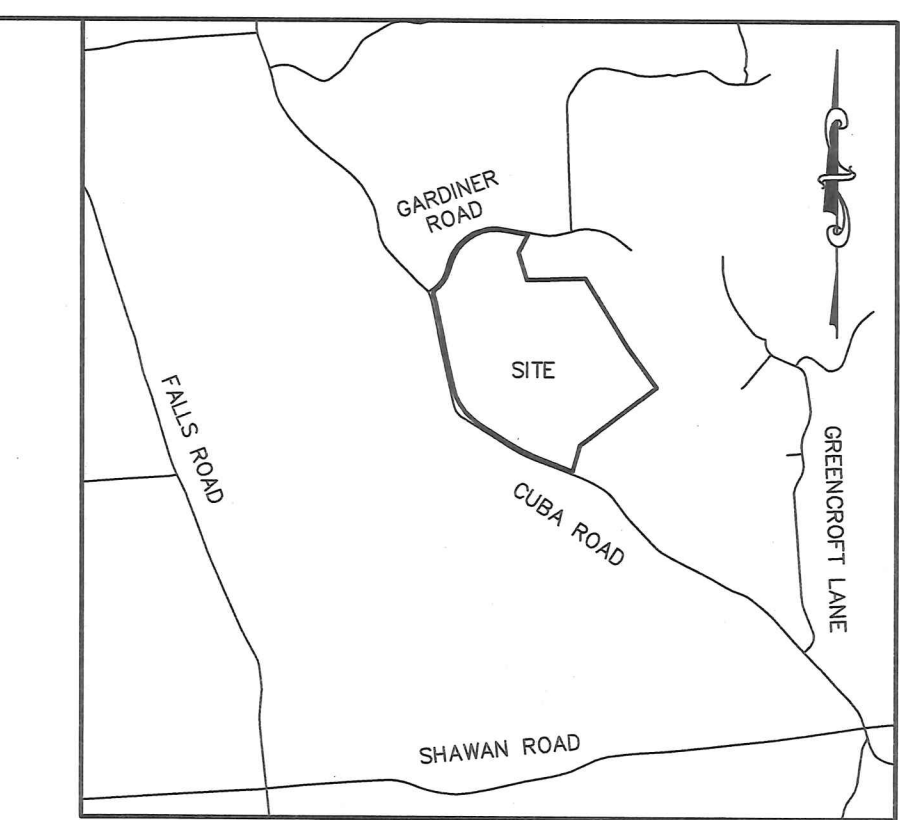


6 – View east towards Cuba Road neighbors



**DETAIL
PROPOSED POOL
PAVILION**
SCALE: 1" = 10'

1730 GARDINER ROAD
DEED REF: 34422/262
TAX ACCT No.: 22-00-025093
GENTSVILLE FARM LLC



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. EXISTING ZONING: RC-2
2. GROSS AREA: 3,315,700 SF = 76.118 AC.
3. NET AREA: 3,315,700 SF = 76.118 AC.
4. EXISTING USE: RESIDENTIAL
5. PROPOSED USE: RESIDENTIAL
6. SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA
7. THERE IS NO 100 YEAR FLOOD PLAIN ON THIS SITE
8. THIS SITE IS HISTORIC (SEE HISTORIC NOTE)
9. THIS SITE OPERATES ON PRIVATE WELL AND SEPTIC
10. ZONING MAP Nos. 041B1 AND 041C1
11. NO CURRENT ZONING VIOLATIONS

PREVIOUS ZONING HEARINGS

CASE No.: 89-0340-SPHA
DATE: APRIL 6, 1989
ORDER: VARIOUS SPECIAL HEARING REQUESTS AND VARIANCES APPROVED

CASE No.: 96-147-SPH
DATE OF ORDER: FEBRUARY 16, 1996
ORDER: SPECIAL HEARING APPROVED TO PERMIT THE RELOCATION OF ONE PERMITTED DWELLING UNIT AND A RECONFIGURATION OF LOT LINES WITHIN THE TRACT BOUNDARIES OF TWO CONTIGUOUS RC-2 LOTS OF RECORD AND APPROVAL TO AMEND A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN AND AMEND THE ORDER IN THE APPROVED SPECIAL HEARING CASE No. 89-340-SPHA

CASE No.: 98-488-SPH
DATE: JULY 23, 1998
ORDER: PETITION FOR SPECIAL HEARING APPROVING A WAIVER, PURSUANT TO SECTIONS 26-172(b) AND 26-203(c)(8) OF THE BALTIMORE COUNTY CODE (BCC), AND A FINDING THAT THE PROPOSED IMPROVEMENTS ARE CONSISTENT WITH SECTION 26-278(BCC) AS THOSE REGULATIONS RELATE TO THE PRESERVATION OF HISTORICAL BUILDINGS AND SITES

HISTORIC NOTE

THE EXISTING DWELLING AT 13941 CUBA ROAD WAS BUILT BEFORE 1783. IT IS KNOWN AS "STONE HALL" AND IS A CONTRIBUTING STRUCTURE IN THE WESTERN RUN-BELFAST NATIONAL REGISTER DISTRICT, AND WAS INDIVIDUALLY LISTED ON THE NATIONAL REGISTER IN 1973. IT IS MARYLAND HISTORIC TRUST INVENTORY NUMBER BA89.

2020-0031-A

PHOTO EXHIBIT

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
13941 CUBA ROAD**

PARCEL 2
SECOND AMENDED
SECTION ONE - PLAT THREE
"NICHOLSON'S MANOR"
PLAT REFERENCE: 68/110

PROPERTY INFORMATION
OWNER: JAMES ALBAN IV
& GARLAND O. ALBAN
DEED REFERENCE: 41529/229
TAX ACCT. No.: 22-00-027359

8th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
3rd COUNCILMANIC DISTRICT
DATE: JANUARY 22, 2020

SCALE: 1" = 100'

SHEET 1 OF 1

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91 VERTICAL - NAVD 88

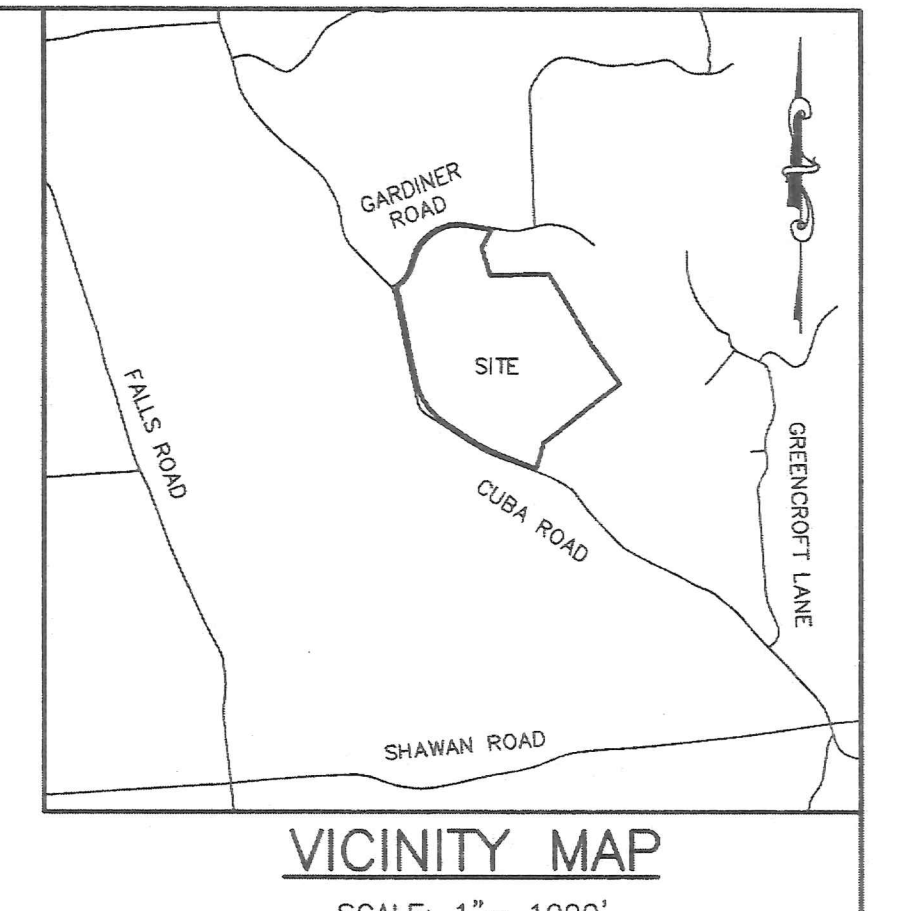
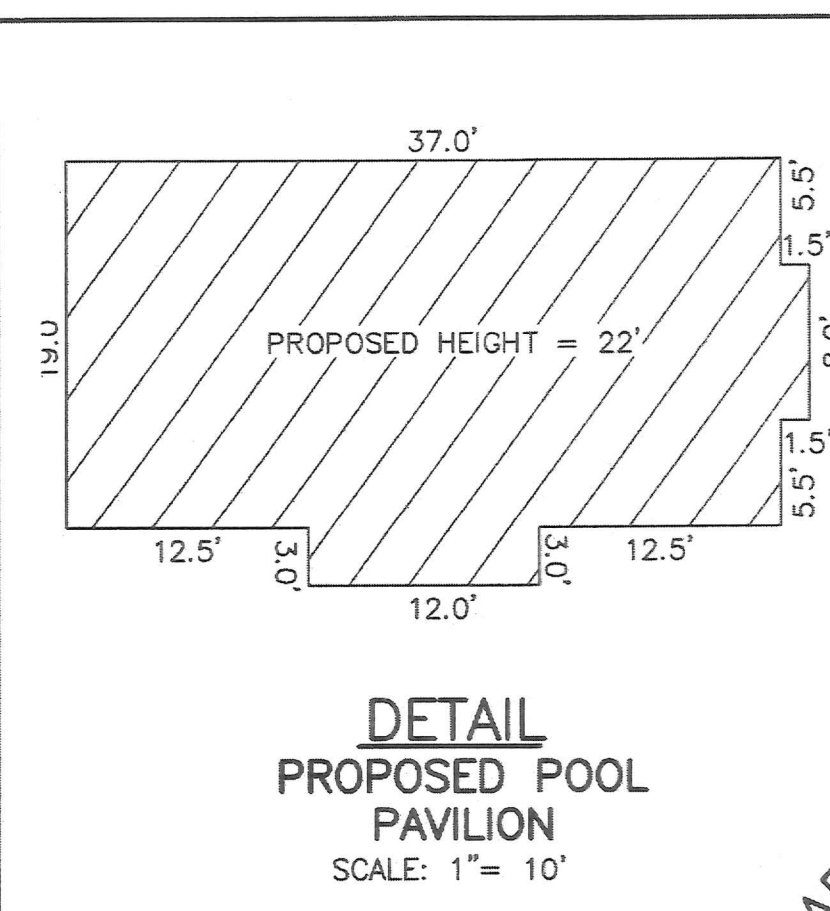
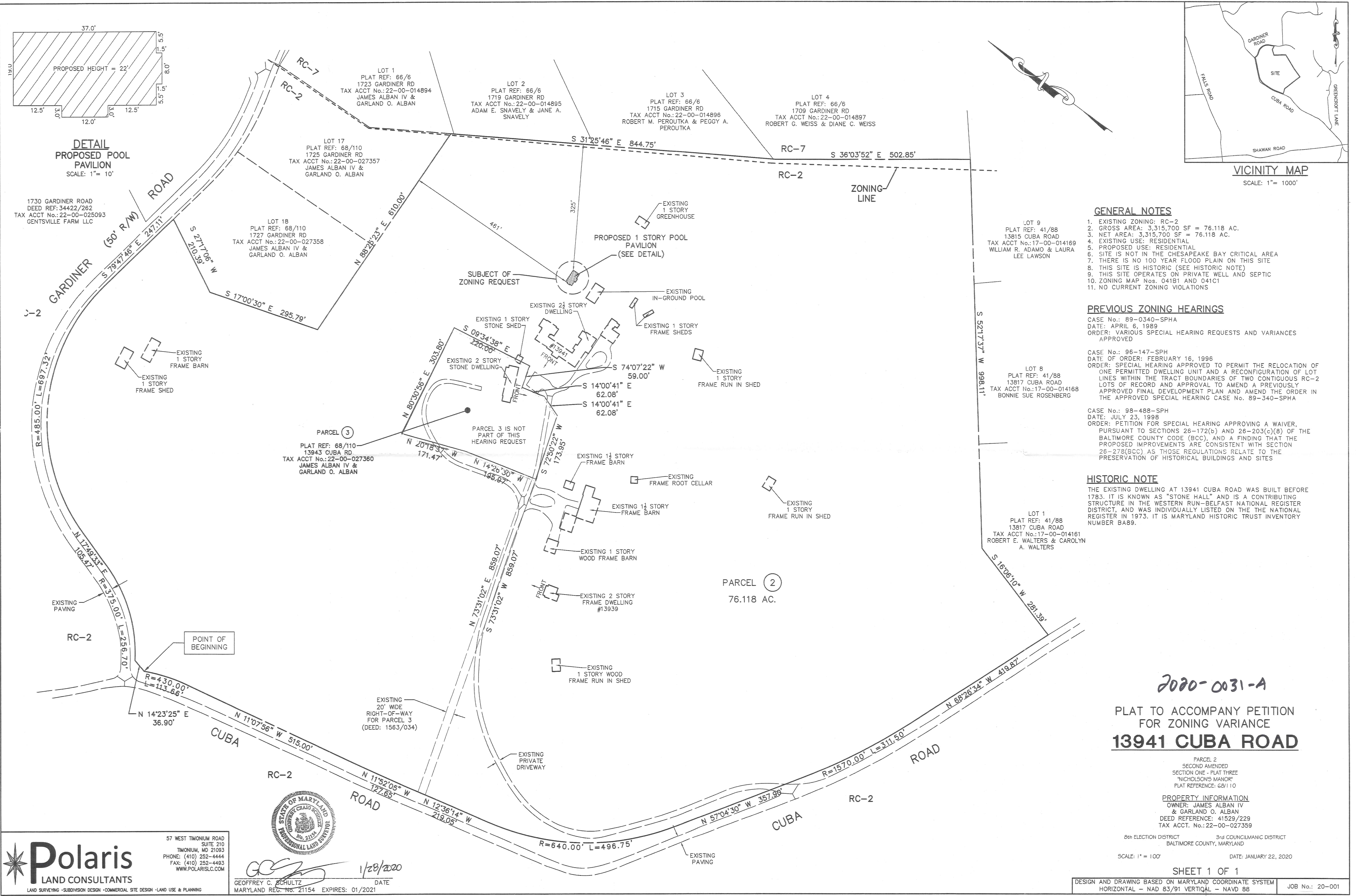
JOB No.: 20-001

Polaris
LAND CONSULTANTS

57 WEST TIMONIUM ROAD
SUITE 210
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLC.COM

GEOFFREY C. SCHULTZ
MARYLAND REG. No. 21154 EXPIRES: 01/2021





- GENERAL NOTES**
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2020-0031-A

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
13941 CUBA ROAD

PARCEL 2
SECOND AMENDED
SECTION ONE - PLAT THREE
"NICHOLSON'S MANOR"
PLAT REFERENCE: 68/110

PROPERTY INFORMATION
OWNER: JAMES ALBAN IV
& GARLAND O. ALBAN
DEED REFERENCE: 41529/229
TAX ACCT. No.: 22-00-027359

6th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
3rd COUNCILMANIC DISTRICT
SCALE: 1" = 100'
DATE: JANUARY 22, 2020