

JOHN A. OLSZEWSKI, JR. County Executive

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

June 26, 2024

Ryan and Leah Zimmerman – <u>ryan.zimmerman@gmail.com</u> 12203 Cleghorn Road Cockeysville, MD 21030

RE:

Petition for Administrative Variance

Case No. 2024-0141-A

Property: 12203 Cleghorn Road

Dear Mr. and Mrs. Zimmerman:

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

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

Sincerely,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure

c: Andy Niazy – andy@andyniazyarchitecture.com

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(12203 Cleghorn Road)

8th Election District * OFFICE OF ADMINISTRATIVE
3rd Council District * HEARINGS FOR
Ryan & Leah Zimmerman

* BALTIMORE COUNTY

Petitioners * CASE NO. 2024-0141-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 owners of the subject property, Ryan and Leah Zimmerman ("Petitioners"), for the property located at 12203 Cleghorn Road, Cockeysville (the "Property"). The Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Sections 103.1 and 1A04.3.B.4 (Vested Section 1A04.3.B.3 of the 1987 Zoning Regulations), to reduce the side setback on the south side of the lot to 33 ft. in lieu of the required 50 ft. setback to create a new attached garage structure. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs were marked and accepted into evidence as Petitioners' Exhibits 2A-2B.

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 ("DEP"), on June 20, 2024, indicating the following:

- 1. If the zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
 - a. The site plan submitted would not be acceptable for building permit approval by Ground Water Management.

- b. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an On-site Disposal System (OSDS) inspection report locating all septic system components, submission of perc test application and conducting percolation testing and potentially installing a new septic system or upgrading the existing septic system.
- c. The availability of a new web application that allows for scaled maps to be easily created for properties in Baltimore County can be utilized. The new web tool or "app" was originally developed by the Department of Environmental Protection and Sustainability (DEPS) and the Office of Information Technology (OIT) to help property owners and contractors prepare site plans that comply with GWM site plan requirements for properties served by private wells and septic systems (see attached requirements and site plan app instructions). Applicants can create acceptable site plans for submission as part of their permit applications for razing existing structures, accessory structures, decks, propane tanks, and minor additions. Maps created by this tool are not acceptable for submission with permits for new construction, replacement dwellings, major additions, or pools. This information is available on the Ground Water Management website:

https://www.baltimorecountymd.gov/departments/environment/ground-water-management/

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 8, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 to satisfy the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

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 26th day of June, 2024, by the Administrative Law

Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

County Zoning Regulations ("BCZR"), Sections 103.1 and 1A04.3.B.4 (Vested Section

1A04.3.B.3 of the 1987 Zoning Regulations), to reduce the side setback on the south side of the

lot to 33 ft. in lieu of the required 50 ft. setback to create a new attached garage structure, be and

is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon

receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners

would be required to return, and be responsible for returning, said property to its

original condition.

2. Petitioners must comply with the DEPS ZAC Comment received on June 20,

2024; 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.

DEREK J. BAUMGARDNER

Administrative Law Judge

for Baltimore County

DJB:dlw

3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

TO:

Hon, Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

June 10, 2024

SUBJECT:

DEPS Comment for Zoning Item

2024-0141-A

Address:

12203 CLEGHORN RD Legal Owner: Ryan & Leah Zimmerman

Zoning Advisory Committee Meeting of June 14, 2024.

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

- 1. If the zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
 - a. The site plan submitted would not be acceptable for building permit approval by Ground Water Management.
 - b. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an On-Site Disposal System (OSDS) inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.
 - The availability of a new web application that allows for scaled maps to be easily created for properties in Baltimore County can be utilized. The new web tool or "app" was originally developed by The Department of Environmental Protection and Sustainability (DEPS) and The Office of Information Technology (OIT) to help property owners and contractors prepare site plans that comply with GWM site plan requirements for properties served by private wells and septic systems (see attached requirements and site plan app instructions). Applicants can create acceptable site plans for submission as part of their permit applications for razing existing structures, accessory structures, decks, propane tanks, and minor additions. Maps created by this tool are not acceptable for

submission with permits for new construction, replacement dwellings, major additions, or pools. This information is available on the Ground Water Management website:

https://www.baltimorecountymd.gov/departments/environment/ground-water-management/

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



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

To the office of Administrative flearings for Balt	initial deality for the property located at:
Address 12203 Cleghorn Road	Currently Zoned RC 5
Deed Reference 43497 / 00014 10 Digit T	ax Account # _2000012939
Owner(s) Printed Name(s) Ryan & Leah Zimmerman	
(SELECT THE HEARING(S) BY MARKING $\underline{\mathbf{x}}$ AT THE APPROPRIAT	E 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 hereof, hereby petition for an:	and which is described in the plan/plat attached hereto and made a part
1X_ ADMINISTRATIVE VARIANCE from Section(s)	
of the zoning regulations of Baltimore County, to the zoning law of Baltimore Cou	ınty.
 ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to work in this space: i.e., to raze, alter or construct addition to building) 	o Section 32-4-107(b) of the Baltimore County Code: (indicate type of
of the zoning regulations of Baltimore County, to the zoning law of Baltimore Cou	intv
of the zoning regulations of Datamore County, to the zoning law of Datamore Cou	nty.
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 fu Baltimore County adopted pursuant to the zoning law for Baltimore County.	orther agree to be bound by the zoning regulations and restrictions of
Owner(s)/Petitioner(s):	
Leah Zimmerman Ryan Zimmerman	n
Name #1 – Type or Print Name #2 – Typ	
Leon Zimmerman Ruan Zi	mmamm
Signature #1 Signature	
12203 Cleghorn Road, Cockeysville MD	
Mailing Address City	State
	mmerman@gmail.com ail Address
zip Code Telephone #'s (Cell and nome)	
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted: Andy Niazy
Name - Type or Print	Name - Type or Print
Signature	Signature
Signature .	3816 Beech Ave Baltimore MD
Mailing Address City State	Mailing Address City State
/ / / Zip Code Telephone # Email Address	21211 / 617 407 9545 / andy@andyniazyarchitecture.com Zip Code Telephone # Email Address
Email Address	Zip dode Telephone # Liman Address
A PUBLIC HEARING having been formally demanded and/or found to be red	quired, it is ordered by the Office of Administrative Hearings for
Baltimore County, thisday of, earing, advertised, and re-posted as required by the zoning regulations of Baltin	that the subject matter of this petition be set for a public nore County.
	Administrative Law Judge for Baltimore County
Case Number 2024 - 0(41 - A Filing Date 5,31,20	Estimated Posting Date 6 / 9 124 Reviewer
	Clasing 6/24/24 Revised 8/2022

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

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

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

We are seeking an administrative variance to reduce the side setback on the south side of the lot from 150' to

City

State

Zip Code

12203 Cleghorn Road, Cockeysville MD 21030

Variance at the above address. (Clearly state practical difficulty or hardship here)

Print or Type Address of Property

Address:

33' to create a new attached garage structure.	side setback on the south side of the lot from 130 to
A. The adjacent lot is owned by Baltimore County and is building. Such a setback would render the lot unbuildable properties. The adjacent lot is used for drainage.	
The current house sits very close to the 50' side yard setl with the existing location of the septic, well, and current c viable option.	
We are not proposing an increase in permitted residentia	I density
(If additional space for the petition request or the above st	
Signature of Owner (Affiant)	Signature of Owner (Affiant)
Name - Print or Type	Leah Zimmermen 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 Law day of May and for the County aforesaid, personally appeared: Print name(s) here: Ryan Zimmerman and	, 2024 , before me a Notary of Maryland, in
Print name(s) here: Ryan Zimmerman and	d Leah Zimmerman
the Affiant(s) herein, personally known or satisfactorily identifie	en to me as such Attiant(s)
AS WITNESS my hand and Notaries Seal Tamana C Duttawan Notary Public 2 15 207 My Commission Expires	ARA C. ORTHING NO TAP LOSE ZEE ZEE ZEE ZEE ZEE ZEE ZEE ZEE ZEE Z

Zoning Petition Attachment

To permit a variance from 1A04.3.B.4 & 103.1 (Vested Section 1A04.3.B.4 of 1987 Zoning Regulations) to reduce the side setback on the south side of the lot to 33' in lieu of the required 50' setback to create a new attached garage structure.





410 803 3396 andyniazyarchitecture.com

Zoning Property Description for

Zimmerman Residence 12203 Cleghorn Road, Cockeysville MD 21030

Part A:

Beginning at a point at the east side of Cleghorn Road, which is street 25 feet wide at a distance of 695' to the centerline of the nearest improved intersecting street, Padonia Road, which is 30' wide.

Part B:

Being known and designated as Lot No. 14, as set out and shown on the plat entitled "Plat of Padonia Farms", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book SM No. 56, folio 23, containing 1.20 acres. Located in the 8th Election District and 3rd Council District.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	lumber: 202	.4	0141	-A	Address	12203 Cle	ghorn Rd		
Contac	ct Person:	Jesse	Krout					Phone N	umber: 410-887-3391
Coma	_		Plann	er, Plea	se Print You	r Name		-	
Filing I	Date:5/3:	1/24		Pos	ting Date:	6/9/24		Closing Date:	6/24/24
	ontact made ct person (pl					status of the	administra	tive variance	should be through the
1.	petitioner sign poster	is respo s on th ice sign	onsible fone approvenient on must b	r all p ved lisse e visib	rinting/port t and the ole on the	sting costs. petitioner is property o	Any repost	ing must be do onsible for all	approved list and the one only by one of the associated costs. The date noted above. It
2.	file a forma	l reque	est for a p	oublic	hearing. F		stand that		r) within 1,000 feet to no formal request for
3.	may: (a) gr for a publi notification	ant the contract of the contra	e request ing. If al whether sually ma	ed reli I Cour the pe	ief; (b) der nty/State a etition has	ny the reque agencies'co s been grant	sted relief; mments are ed, denied,	or (c) order th e received, yo or will proce	Law Judge. The judge at the matter be set in ou will receive writtened to a public hearing. order will be mailed to
1.	to a neigh forwarded	bor's f to you n. As v	ormal red . The sign when the	quest n on t sign v	or by ord he proper was origina	der of the A ty must be a ally posted, a	Administrati changed giv	ve Law Judge ing notice of	hearing (whether due), notification will be the hearing date, time e and a photograph of
Petitio	ner: This Pa	art of t	he Form i	is for t	the Sign Po	oster Only (D	etach Along Do	tted Line)	
			USE T	HE AD	MINISTRA	TIVE VARIA	NCE SIGN F	ORMAT	
Case N	umber:	13-11	-4	A Ad	dress				
Posting	g Date:				Closing [Date:			
Vordir	ng for Sign:	To Peri	mit						

Real Property Data Search () Search Result for BALTIMORE COUNTY

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 08 Account Number - 2000012939

Owner Information

Owner Name:

ZIMMERMAN RYAN MICHAEL Use: ZIMMERMAN LEAH AGNES

12203 CLEGHORN RD

Principal Residence: YES Deed Reference:

Mailing Address:

COCKEYSVILLE MD 21030-

/43497/ 00014

RESIDENTIAL

Location & Structure Information

Premises Address:

12203 CLEGHORN RD COCKEYSVILLE 21030-

Legal Description:

1.205 AC 12203 CLEGHORN RD PADONIA FARMS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 0051 0013 0076 8080152.04

0000

14 2023

Plat Ref: 0056/ 0023

Town: None

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

1497 SF

1.2000 AC

StoriesBasementType

ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

YES

STANDARD UNITBRICK/ 6 4 full/ 2 half 1 Attached

Value Information

	Base Value	Value	Phase-in Assessn	nents
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	408,000	408,000		
Improvements	574,800	803,100		
Total:	982,800	1,211,100	1,058,900	1,135,000
Preferential Land:	0	0		

Transfer Information

Seller: BENSON TAYLOR D				
Type: ARMS LENGTH IMPROVED				
Seller: HASKAL ZIV J				
Type: ARMS LENGTH IMPROVED				

Date: 10/20/2020 Deed1: /43497/00014 Date: 04/11/2014 Deed1: /34852/ 00436 Price: \$1,270,000 Deed2: Price: \$900,000 Deed2:

Seller: PERSAUD LAWRY W

Date: 08/21/2008

Price: \$1,150,000

07/01/2024

0.00|0.00

Deed2:

Type: ARMS LENGTH IMPROVED

Deed1: /27269/ 00413

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 01/12/2021

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application



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:

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of the zoning regulations of Baltimore County, to the zoning law of Baltimore Cou	intv
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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 fu Baltimore County adopted pursuant to the zoning law for Baltimore County.	orther agree to be bound by the zoning regulations and restrictions of
Owner(s)/Petitioner(s):	
Leah Zimmerman Ryan Zimmerman	n
Name #1 – Type or Print Name #2 – Typ	
Leon Zimmerman Ruan Zi	mmamm
Signature #1 Signature	
12203 Cleghorn Road, Cockeysville MD	
Mailing Address City	State
	mmerman@gmail.com ail Address
zip Code Telephone #'s (Cell and nome)	
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted: Andy Niazy
Name - Type or Print	Name - Type or Print
Signature	Signature
Signature .	3816 Beech Ave Baltimore MD
Mailing Address City State	Mailing Address City State
/ / / Zip Code Telephone # Email Address	21211 / 617 407 9545 / andy@andyniazyarchitecture.com Zip Code Telephone # Email Address
Email Address	Zip dode Telephone # Liman Address
A PUBLIC HEARING having been formally demanded and/or found to be red	quired, it is ordered by the Office of Administrative Hearings for
Baltimore County, thisday of, earing, advertised, and re-posted as required by the zoning regulations of Baltin	that the subject matter of this petition be set for a public nore County.
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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.

City

Zip Code

State

Address: _12203 Cleghorn Road, Cockeysville MD 21030

Print or Type Address of Property

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We are not proposing an increase in permitted residential	density
(If additional space for the petition request or the above state	tement is needed, label and attach it to this Form)
Sign Average (Afficient)	Signature of Owner (Affiant)
Signature of Owner (Affiant)	Signature of Owner (Amant)
Fyan Zimmaman	Leah Zimmerman
Name - Print or Type	Name - Print or Type
The following information is to be completed b	y a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this day of and for the County aforesaid, personally appeared: Print name(s) here: Ryan Zimmerman and	before me a Notary of Maryland, in
Print name(s) here:	Hear) - The free j
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal	MARA C. Dally
Jamaia C Nethaven	OMMISSION THE
Notary Public	- BIS NOTAP SE
2 13/2027	ALT FEB CO. S.
My Commission Expires	
	COUNTY WHITE

Zoning Petition Attachment

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/8/2024

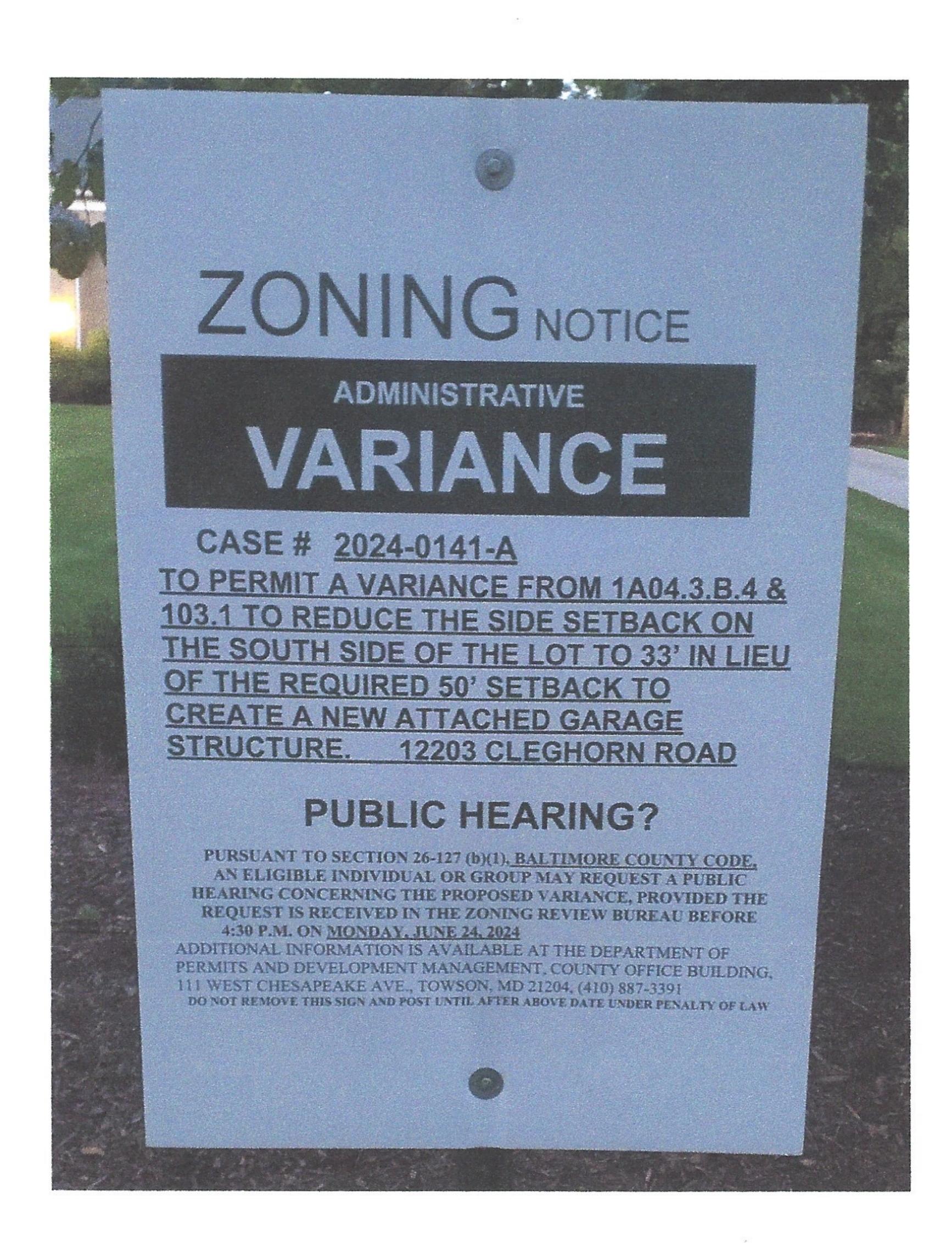
Case Number: 2024-0141-A

Petitioner / Developer: RYAN ZIMMERMAN

Date of Closing: JUNE 24, 2024

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 12203 CLEGHORN ROAD

The sign(s) were posted on: JUNE 8, 2024



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: June 10, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0141-A

Address: 12203 CLEGHORN RD Legal Owner: Ryan & Leah Zimmerman

Zoning Advisory Committee Meeting of June 14, 2024.

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

- 1. If the zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
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Reviewer: Mia Lowery, L.E.H.S.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: June 10, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0141-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.





View of property from Cleghorn Road



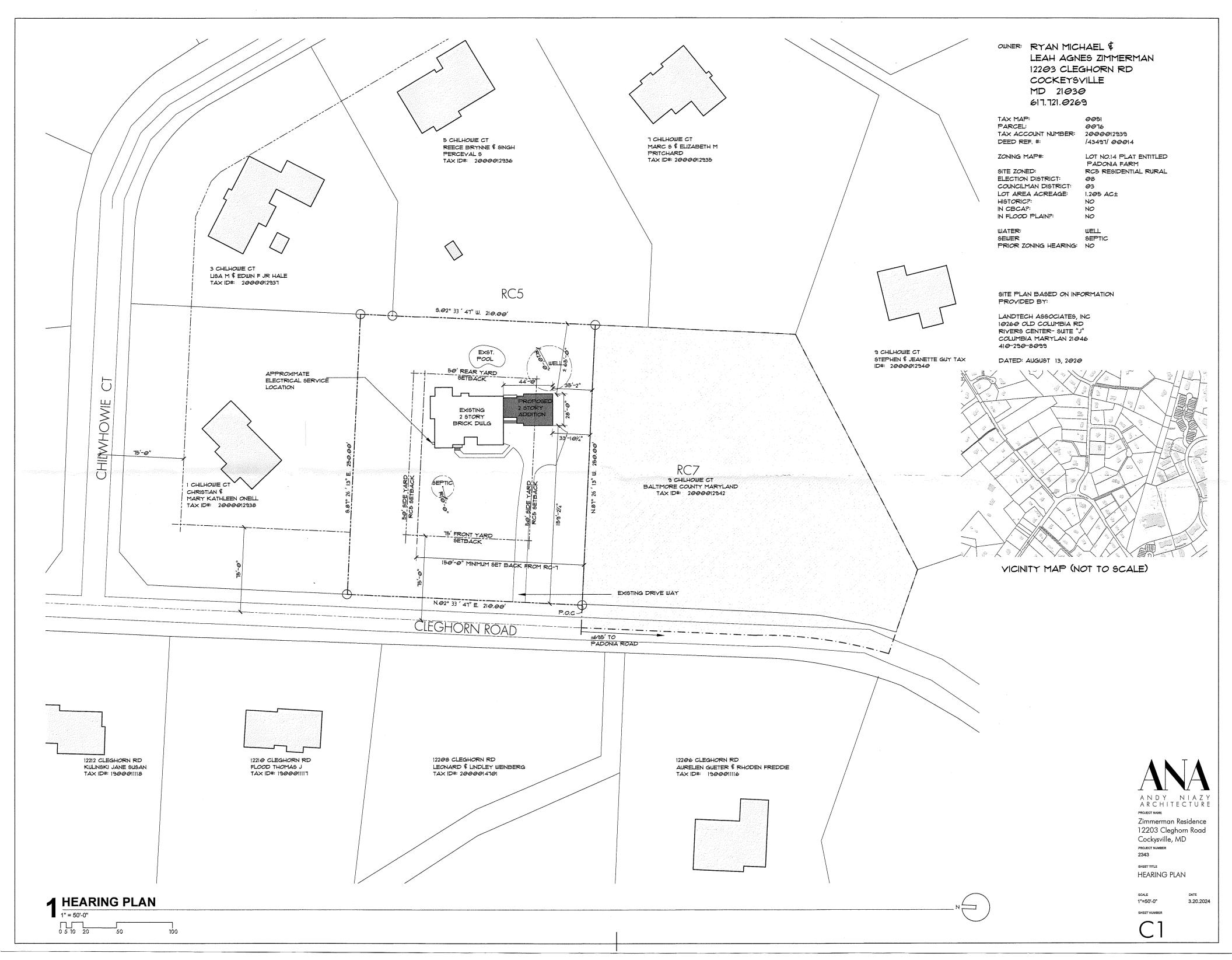
View of adjacent property to the North. 1 Chilhowie Ct.



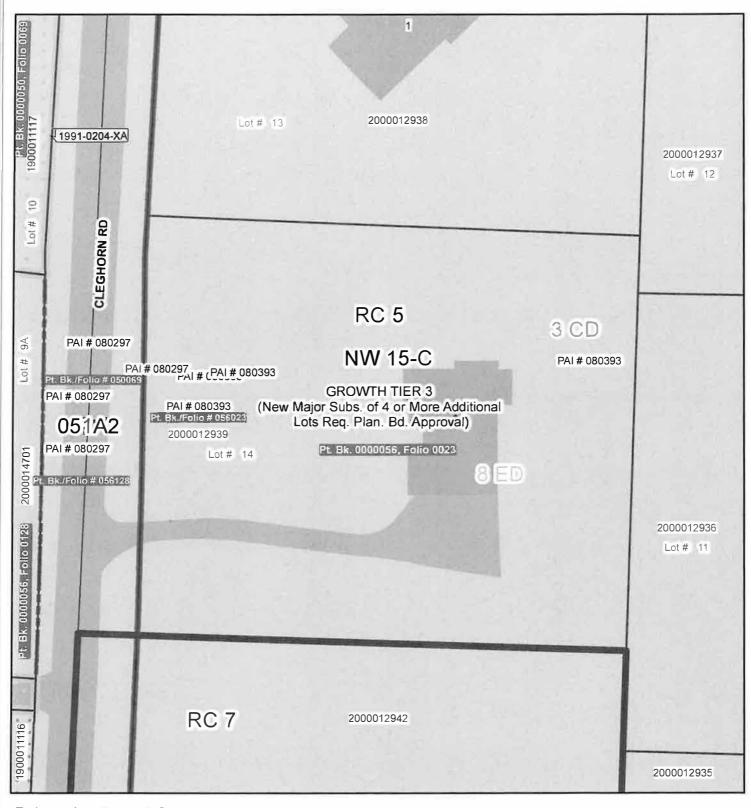




Two views of adjacent, Baltimore County owned property to the south



12203 Cleghorn rd



Publication Date: 5/31/2024



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



0 12.525	50	75	100
			Feet

1 inch = 48.583663 feet

