

IN THE MATTER OF:
912 SUE GROVE, LLC
912 SUE GROVE ROAD
ESSEX, MARYLAND 21221

15th ELECTION DISTRICT
7th COUNSEL DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 25-017-A

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals (“Board”) as an appeal of a March 10, 2025, Opinion by Administrative Law Judge Maureen E. Murphy denying a request for a variance at 912 Sue Grove Road, Essex, Maryland 21221 (“subject property”).

An in-person *de novo* hearing was held by the Board on June 18, 2025. Property owner, 912 Sue Grove Road, LLC (Petitioner”) was represented by Paul M. Mayhew, Esquire. Rebecca Machin, Secretary of the Rockaway Beach Improvement Association (“RBIA”) was also present and participated.

DISCUSSION

Before the Administrative Law Judge, the Petitioner had sought three variances. It sought a variance for a left side setback of 7 feet instead of the required 10 foot setback; a variance for the combined side yard setback of 22 feet instead of the required 25 feet; and finally, approval of a garage at a total height of 20 feet instead of the required 15 foot maximum. Before the Board, the Petitioner abandoned his appeal as to the height variance and sought only the side yard variances. As a result, the Rockaway Beach Improvement Association withdrew its opposition to the variance request. Accordingly, it was agreed that Petitioner could make his showing to the Board by proffer.

Petitioner proffered the testimony of Mitchell Kellman, an expert in engineering and the relevant zoning requirements. In effect, the proffer established the property was unique in that it was both unusually shaped and undersized in comparison to many other lots in the community. It was proffered that many other homeowners in the community had received similar variances, including the two lots on either side of the subject property. It was proffered that the owner would incur considerable hardship if the side variances were not granted in that he could not turn the house into a “modern” house that would be comparable in value to the surrounding homes. It was also proffered that there would be no injury to the surrounding properties. The proffer also included Mr. Kellman’s opinion that the requested side variances satisfied all of the requisites for the granting of a variance under the Baltimore County Zoning Regulations Section 1B01.2.C.1 and *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Counsel for the Petitioner also proffered that the Petitioner had agreed to file in the County land records a restrictive covenant associated with the subject property. This covenant essentially codified the agreement between Petitioner and the RBIA as to this matter and further provided that no further variances would ever be sought for the subject property which thereby foreclosed the possibility of the Petitioner seeking the height variance in the future.

Ms. Machin of the RBIA accepted and agreed with the proffer in its entirety. The evidence was concluded, and the hearing adjourned.

The Board held a public deliberation directly following the close of the hearing on the merits. For the reasons described above, the Board found that all of the requirements for the side variances were met and ruled that Petitioner was entitled to a variance on the left side of the property for a side setback of 7 feet instead of the required 10 feet. Additionally, the Board ruled that Petitioner was entitled to a combined side variance of 22 feet instead of the required 25 feet.

ORDER

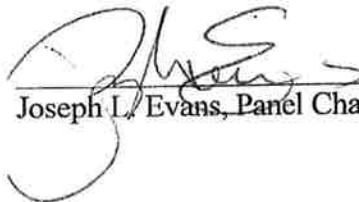
THEREFORE, IT IS THIS 19th day of August, 2025 by the Board of Appeals of Baltimore County, hereby

ORDERED, that the Petitioner's request for a variance of the side setback on the left side of his house of 7 feet in lieu of the required 10 feet is **GRANTED**; and it is further

ORDERED, that the Petitioner's request for a variance of the combined side setback of 22 feet in lieu of the required 25 feet is **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

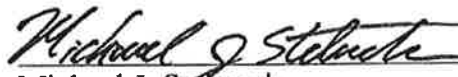
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Joseph L. Evans, Panel Chair



Sharonne R. Bonardi



Michael J. Stelmack



Board of Appeals of Baltimore County

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August 19, 2025

Paul M. Mayhew, Esquire
Kotroco & Associates, LLC
210 Allegheny Avenue, Suite 100
Towson, Maryland 21204

Deborah Harris, Vice President
Rebecca Machin, Secretary
Rockaway Beach Improvement Assn.
628 Rockaway Beach Avenue
Essex, Maryland 21221

RE: In the Matter of: *912 Sue Grove, LLC*
Case No.: 25-017-A

Dear Messrs. Mayhew, Harris and Machin:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington Hagen".

Krysundra "Sunny" Cannington
Executive Secretary

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Joseph Haken/912 Sue Grove, LLC
Michael Williams
Gary W. Bull
Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law