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Re: OIG Investigative Report – Case No. 21-001-1

The mission of the Office of the Inspector General (“the Office”) is to provide increased accountability and oversight in the operations of the Baltimore County government (“the County”) by identifying fraud, abuse, and illegal acts, while also striving to find ways to promote efficiency, accountability, and integrity.

In 2021, the Office received a complaint that alleged the County gave a prominent developer, David Cordish (“Cordish”), preferential treatment concerning the proposed construction of a large enclosed tennis facility, at times referred to as a tennis barn, at his residence in Baltimore County. Specifically, the complaint alleged that a determination was made by the County, against the advice of senior staff in the Zoning Review Office (“Zoning Review”), that a proposed enclosed tennis facility consisting of about 15,000 square feet, which was to be larger than Cordish’s residence, met the definition of an Accessory Use or Structure per the Baltimore County Zoning Regulations (BCZR). Accordingly, the construction of the tennis facility did not need to be approved at a public hearing before an Administrative Law Judge (ALJ). The complaint further alleged the County asked for priority review of this residential project at the Soil Conservation District (SCD), a quasi-government agency tasked with reviewing plans for compliance with standards and specifications for soil erosion and sediment control even though the project did not meet the requirements for a priority review. In response to the complaint, the Office initiated an investigation into the proposed tennis facility project at the Cordish residence (“the Project”). The investigation included witness interviews and a review of records including: the Project’s development file, permits, permit-related documentation, prior opinions issued by the Office of Administrative Hearings, legal correspondence, and email communications.

The investigation confirmed that a determination had been made by the County, against the advice of the senior staff in Zoning Review, who are considered experts on zoning-related matters, that the Project did meet the definition of an Accessory Use or Structure per the BCZR. As a result, Cordish was not required to present the Project to an ALJ in a public hearing, referred to at times in this report as a Special Hearing. The investigation also found that the County’s

decision with regard to the Project was contrary to the County's treatment of numerous other petitioners with similar zoning matters. The investigation also revealed that the Project received priority treatment within SCD at the request of a County official, which resulted in an expedited review of the soil erosion and sediment control plans associated with the Project ahead of 33 other projects on file with SCD. Based on the investigation, the Project does not appear to meet the standard of projects that are typically given priority review status within SCD. Finally, the investigation determined that while Cordish ultimately did not move forward with the construction of the proposed tennis facility, the building permit remained active for a period of time and may still be active as of the date of this report.

I. Background

All proposed new development projects, regardless of whether they are residential or commercial, must be submitted for approval to Zoning Review, which is part of the County's Department of Permits, Approvals and Inspections (PAI). Zoning Review is tasked with ensuring that proposed new development projects in the County comply with the BCZR. The BCZR are a comprehensive set of rules governing development projects in the County. If a project does not fully comply with the BCZR, it is flagged by the staff at Zoning Review and referred to the County's Office of Administrative Hearings where an ALJ adjudicates the issue(s) in a public hearing. Written notice of the date and time of the public hearing is given to the community so that neighbors and other interested parties can participate in support of, or against, the project. A property owner cannot apply for permits and begin construction on a development project without the approval of Zoning Review and the Office of Administrative Hearings as needed.

II. Relevant BCZR Sections and Related Policies

BCZR Section 101.1 defines the following words and word usage:

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

OR — The word "or" shall mean "and/or" unless modified by use of the word "either" or unless the context otherwise clearly indicates another meaning.

BCZR Section 400 states the requirements for accessory buildings in residence zones as follows:

§ 400.1 - Location; lot coverage - Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40 percent thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2 – Setback - Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3 – Height - The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

The **Baltimore County Zoning Commissioner’s Policy Manual** states the following for tennis courts and unusual and/or large structures/uses:

Swimming Pools and Tennis Courts – (1) Swimming pools and tennis courts are considered accessory structures/uses.

Unusual and/or Large Structures/Uses not listed above or specifically exempted in 400.1.d below may be subject to a special hearing before the Zoning Commissioner.¹

Copies of the relevant BCZR sections and related policies are attached as **Exhibit 1**.

III. Chronology of Events Pertaining to the Project

A. Zoning Review

On or about February 24, 2020, an Administrative Zoning Petition (“the Petition”) was filed with the County on behalf of Cordish requesting two administrative variances for the construction of the Project – an enclosed tennis barn on Cordish’s property that was proposed to be approximately 126 feet wide by 150 feet deep by 32 feet high. It was originally proposed as a two-story structure consisting of over 15,000 square feet with spectator seating and an observation

¹ Zoning Commissioner is synonymous with ALJ.

balcony. The Petition had been filed because the proposed development was to be taller than the 15 feet allowed per Section 400.3 of the BCZR and the structure was proposed to be placed in the front yard as opposed to the rear yard as required per Section 400.1 of the BCZR. A copy of the Petition is attached as **Exhibit 2**. Also included in Exhibit 2 is a site plan and architectural drawings pertaining to the Project.

Prior to the initial filing, a meeting was held to discuss the Project. Present for the meeting were an attorney for Cordish from the law firm Venable LLP (“Cordish’s Attorney”), a consultant to the Project (“the Consultant”), and a representative from Zoning Review. During this meeting, the Zoning Review staff member informed Cordish’s Attorney and the Consultant that “since the building footprint of the accessory building/structure (indoor tennis court) was larger than the building footprint of the principal use dwelling, that a Special Hearing would be required in addition to the Variances.” A memo was then drafted by the Zoning Review staff member to ALJ Paul Mayhew advising that Cordish did not intend to pursue the Special Hearing for the Project even though the staff member had advised it would be required. The memo further stated that Zoning Review was of the opinion that “this is an incomplete and incorrect petition filing.” A copy of the memo documenting the meeting is attached as **Exhibit 3**.

On March 20, 2020, PAI received a letter from an attorney representing the Homeowners of Greenspring, Ltd. and the individual owners of properties within the homeowners’ association that lie within 1,000 feet of Cordish’s property. The letter requested a public hearing on the Petition for the two variances (i.e. the height variance and the location variance) and asked to be advised of the date of the hearing. A copy of this letter is attached as **Exhibit 4**.

On April 15, 2020, the Petition was amended to change the proposed height of the Project from 32 feet to 15 feet, thereby removing one of the two requirements for a zoning variance for the Project. In reality, the height of the building had generally not changed, but Cordish had decided to submerge part of the structure into the ground to meet the County’s height limitation requirement. This change was further documented in one of the several letters sent by Cordish’s Attorney to PAI as will be seen in Exhibit 17 later in the report.

Between approximately July 2020 and October 2020, several building permits for the Project were applied for on Cordish’s behalf. These permits were not approved as the proposed development still had zoning conflicts – the proposed location of the tennis barn on Cordish’s property required a variance and the size of the proposed accessory structure in relation to Cordish’s residence required a Special Hearing.

On October 8, 2020, an email was sent from the Zoning Review Supervisor to Cordish’s Attorney and the Consultant concerning the Project. At the time, the Zoning Review Supervisor had served in that position for about 30 years. The Director of PAI (“the PAI Director”) was copied on the email. The email, a copy of which is attached as **Exhibit 5**, stated:

This office has reviewed your site plan (including notes) and proposal for a large tennis barn on the above referenced property. We cannot approve the building permit until after a variance and/or special zoning hearing is granted. Variance issues include compliance with section 400 BCZR and special hearing issues

include compliance with zoning for an accessory building larger than the principal dwelling (Section 101).

After the October 8, 2020 email was sent by the Zoning Review Supervisor, the PAI Director forwarded the email to two senior members of the Administration (“the Senior Staff”) stating “FYI. This is a heads up because it is owned by David Cordish who will likely reach out through Venable. This is required as the structure is larger than the large home and is essentially a tournament tennis facility.” Subsequently, several emails were sent back and forth between the PAI Director and the Senior Staff discussing why the proposed development had zoning conflicts and the possible avenues of relief. This email thread is attached as **Exhibit 6**.

On October 23, 2020, the PAI Director and the Senior Staff communicated via email about the status of the Project. The PAI Director indicated that a meeting was being scheduled to allow Cordish’s Attorney to “state their case” and that the PAI Director was willing to allow an “at your own risk” letter, which would allow the Project to move forward within the County’s development review process even though the zoning conflicts had not been resolved.² A copy of this email exchange is attached as **Exhibit 7**.

In October 2020 and November 2020, there were several email communications between Cordish’s assistant and the Senior Staff about scheduling times for the Senior Staff to have phone calls with Cordish. Copies of these emails are attached as **Exhibit 8**. As can be seen from these emails and other emails referenced throughout this report, the Project occupied the time and attention of the Senior Staff and numerous other County employees for several months. One of those employees was an attorney with a background in real estate law assigned to PAI (“the PAI Attorney”).

On November 2, 2020, Cordish sent an email to one of the Senior Staff with the subject line “It’s not that hard.” In the email, Cordish asked “any chance the lawyer consultant that was brought in could call [Cordish’s Attorney’s colleague at Venable]. [Cordish’s Attorney’s colleague at Venable] is very respected in zoning circles throughout County Government. TEMPUS FUGIT!”³ Cordish’s reference to “the lawyer consultant” was a reference to the PAI Attorney. A copy of this email as well as the response from one of the Senior Staff is attached as **Exhibit 9**.

On or about November 6, 2020, a letter from Cordish’s Attorney was sent to PAI concerning the Project. The letter set forth the reasons why the Project was in compliance with the BCZR. Specifically, the letter stated that the Project met the definition of an “Accessory Use or Structure” under the BCZR and therefore, it did not require a Special Hearing before an ALJ. A copy of this letter is attached as **Exhibit 10**. This letter was forwarded to several County employees including the PAI Director, Zoning Review personnel, and the Senior Staff.

After the November 6, 2020 letter was received, email communications about the Project

² Under such an arrangement, the developer is allowed to move forward in the development process with the understanding that any issues that are in dispute with the County may not ultimately be resolved in their favor and therefore, the developer could end up incurring unnecessary costs.

³ Tempus fugit is a Latin phrase that is usually translated into English as “time flies”.

continued throughout mid-November 2020 among the PAI Director, Zoning Review personnel, the PAI attorney, and the Senior Staff. Copies of these emails are attached as **Exhibit 11**. Despite the arguments put forth in the letter by Cordish's Attorney, the staff at Zoning Review was still of the opinion that the Project had zoning conflicts that needed to be addressed by an ALJ in a public forum.

On November 12, 2020, Cordish sent an email to one of the Senior Staff with the subject line "ACCESSORY?" In the email, Cordish asked this individual to call him. A copy of this email is attached as **Exhibit 12**.

On or about November 13, 2020, Cordish's Attorney sent a revised version of the November 6th letter to PAI regarding the Project. A copy of this version of the letter is attached as **Exhibit 13**. In this version, Cordish's Attorney changed the description of the size of Cordish's property from 45 acres to 38 acres of land and added that Cordish's property would "remain in compliance with Section 400.1 of the Zoning Regulations." This revised section of the letter specifically addressed concerns raised by Zoning Review about how much space the Project would occupy in Cordish's yard. As noted later in the report in Exhibit 25, it appears that by December 2020, the Zoning Review staff had been able to resolve any concerns they had about the "rear yard location" of the tennis barn on Cordish's property, thereby eliminating the need for the administrative variance pertaining to the location of the Project.

On November 16, 2020, the PAI Attorney sent an email to the PAI Director referencing the second version of the letter stating "[Cordish's Attorney] revised without talking to me first. Again, it does not mention indemnification or why [the Zoning Review Supervisor] is wrong about the area issue." A copy of this email is attached as **Exhibit 14**.

On November 18, 2020, the PAI Attorney sent an email to Cordish's Attorney telling them to "address BCZR 400.3 specifically and make sure the sign off is the Department Director." Section 400.3 of the BCZR concerns the height restriction of accessory buildings in the County's residential zones. A copy of this email is attached as **Exhibit 15**.

On November 20, 2020, emails between Cordish's assistant and the Senior Staff indicated that some type of meeting was to take place between Cordish and the Senior Staff on November 20, 2020. Copies of those emails are attached as **Exhibit 16**.

On or about November 23, 2020, Cordish's Attorney sent a third version of the November 6th letter to PAI concerning the Project. In this version, Cordish's Attorney added a section addressing the height restriction of the Project. As noted earlier in Section 400.3 of the BCZR, the height of an accessory building is not permitted to be more than 15 feet unless an administrative variance is approved by an ALJ. The letter stated the Project "will not exceed the permitted height for an accessory building." A copy of this version of the letter is attached as **Exhibit 17**.

Subsequently, the PAI Attorney emailed the third version of the letter to the PAI Director and asserted in the email that Cordish's Attorney had made a "well-reasoned" argument that addressed the code sections that had been cited by the Zoning Review Supervisor in their email to Cordish's Attorney on October 8, 2020 (see Exhibit 5). The PAI Attorney went on to state "They

relied on both the facts of the property and the plain language of the Code. I am not aware of any other code sections or policies that would impact this application, and none were cited by [the Zoning Review Supervisor]. As such and without any indication to the contrary, the permit appears to comply with the definition of Accessory Structure without any further variance or hearing requirements to approve the permit.” A copy of the email is attached as **Exhibit 18**.

On November 24, 2020, the PAI Director and PAI Attorney exchanged emails, which are attached as **Exhibit 19**, regarding the latest version of the letter from Cordish’s Attorney, as follows:

PAI Director: How is this different than previous explanations and in this case when would a variance⁴ be needed – if ever?

PAI Attorney: The final draft addressed all aspects of Section 101, the definition of Accessory Structure, as well as 400.1 and 400.3, specific requirements for accessory structures. It also reaches the key conclusion that the hearing and variance are not required. A variance would be needed if the proposal did not comply in all measures with the definition of an accessory structure or with the requirements of Section 400 of the BCZR.

PAI Director: I’m going to need an oral briefing on this because I am not convinced. I do not feel comfortable signing off [on the permit]. I may need to delegate that to you as originally constructed.

As seen in the emails in Exhibit 7, the Senior Staff had scheduled a call with Cordish on November 25, 2020. Five days later on November 30, 2020, a fourth version of the November 6th letter was sent from Cordish’s Attorney to PAI about the Project. In this latest version of the letter, Cordish’s Attorney took the position that in Section 101.1 of the BCZR (see Exhibit 1) under subsection (b) of Accessory Use or Structure, the word “or” when used in the phrase “...is subordinate in area, extent or purpose...” means “or” and not “and/or.” In other words, the Project only needed to be subordinate in one of the three ways, and because the Project was subordinate in purpose, it met the definition of an Accessory Use or Structure under Section 101.1. A copy of the fourth version of the letter is attached as **Exhibit 20**.

After the fourth version of the letter was received by PAI, the PAI Attorney and the PAI Director had the following email exchange on November 30, 2020, a copy of which is attached as **Exhibit 21**:

PAI Attorney: Mr. Cordish’s attorney has responded to the interpretation by the Zoning staff regarding “or” in the definition of accessory structure.

PAI Director: Why can’t they just bring it to the ALJ. Like [Zoning Review Supervisor] or not, [he/she] said they are asking me to stand in the shoes of Judge Mayhew. Additionally, I now believe the reason they do not want to

⁴ It is believed that the PAI Director intended to say “Special Hearing” and not “variance.”

submit a building plan for permitting is I am told the structure height will be 35', rather than the 15' they told you.

PAI Attorney: You are the Director[.] It is your decision. If you have made it then I am just wasting everyone's time.

PAI Director: You think. Well you are wrong. I am allowed to have my doubts. I was willing to hear their point and receive your advice, which changed after you spoke to [the Zoning Review Acting Supervisor⁵]. I had not made up my mind, but I am being directed by others who have, I believe, made up their minds regardless of the merits. Consequently, I was looking for a path, either that will keep the department from looking like a tool and/or a way to do this that is not subterfuge (nice word). Amends if that makes no sense to you, but I cannot recall ever having to continually address special arrangements for certain people. Every week. And I am not new in this business.

PAI Attorney: If it is going to a hearing they could have been on the calendar already is all I meant. Having the continue[d] discourse with counsel at this point is not making progress. They have been lead to believe there may be a path without the hearing. They need to be told they have to have the hearing.

PAI Director: Thanks. But that is what I have been saying to [one of the Senior Staff] all along. Give a building permit subject to – remember the indemnification. The owner/[Cordish's Attorney's colleague at Venable] et al, have been pushing [one of the Senior Staff] on a daily basis. I was trying to help, a path, hoped for something more than we have received. Although the second ALJ is said, again, I will be pushed – pushed and pushed some more.

At the direction of one of the Senior Staff, a video conference was scheduled for December 3, 2020 to further discuss the Project. Included in the conference were the Senior Staff, the PAI Director, the PAI Attorney, the Zoning Review Acting Supervisor, Cordish's Attorney, and Cordish's Attorney's colleague from Venable. That evening, one of the Senior Staff sent an email to the PAI Attorney and the other Senior Staff to further discuss the definition of an Accessory Use or Structure as defined in Section 101.1 of the BCZR. In the email, a copy of which is attached as **Exhibit 22**, one of the Senior Staff stated the following:

I looked up the "OR" definition tonight. Doesn't and/or mean it is "and" or "or"? Meaning it can go either way? As in "I want pizza, ice cream, and/or French fries? That means I will take all 3 of pizza, ice cream, and French fries. But it also means I'd be ok with just French fries. So here, the sentence is "is subordinate in area, extent, and/or purpose to the principal use or structure." Meaning, it can be subordinate in area, extent AND purpose, OR it can just be subordinate in purpose. Well, it may not be subordinate in all 3, because the area is larger than the principal structure. But clearly it is subordinate

⁵ At this time, the Zoning Review Supervisor had retired and there was an Acting Supervisor.

in purpose. Tennis is subordinate to house. Am I reading that correctly? Also – I would think there is a very strong argument here that the context clearly indicates another meeting (sic), for some of the reasons [Cordish’s Attorney] advanced today. I know it is not your call, but I am still trying to make sure I grasp the arguments here.

On the following day, emails were sent among certain PAI employees, copies of which are attached as **Exhibit 23**, which show there was still not agreement within PAI about whether the Project needed a Special Hearing. At the beginning of the email thread, a Senior Zoning Review Employee told the PAI Director that they had been asked by the Zoning Review Acting Supervisor to look into the Project, and that the section in the Zoning Commissioner’s Policy Manual that deals with Unusual and/or Large Structures/Uses (see Exhibit 1) is applicable and “authorizes the Zoning Office to require a Special Hearing for ALJ review.” When this was brought to the attention of the PAI Attorney later in the email thread, the following exchange took place:

PAI Attorney: Tennis courts are listed above in that section of the [Zoning Commissioner’s] policy [Manual].

Senior Zoning Review Employee: That section does not negate the application of the Section on the following page; “UNUSUAL AND/OR LARGE STRUCTURES/USES”. For instance, greenhouses are permitted accessory structures in all residential zones, **unless**, it is an unusual..large...structure/use. Cited case 85-62-SPH. The tennis barn at issue, considering its size, spectator seating, observation balcony and, with such keen community interest which largely seems to be protestants, is an appropriate case for the ALJ to review by Special Hearing.

PAI Attorney: Agree to disagree. The words speak for themselves.

Senior Zoning Review Employee: Make your case [PAI Attorney]. Just saying you disagree is not an argument. The section you are referring to says, “TENNIS COURTS”, not TENNIS BARN. When that section was written there were many tennis barns in the County with the proper zoning, i.e.; commercial. This case involves a TENNIS BARN in a residential zone. Have you even looked at the interior floor plans for the proposed building? I’m guessing not. Your citing of the section on page 4-1.4 [of the Zoning Commissioner’s Policy Manual] is an absolutely erroneous application, it is addressing an entirely different matter. It is not addressing ACCESSORY STRUCTURES that are unusual and/or large structures or uses. It simply says, a tennis court is an accessory structure. So what? That does not affect the application of the section on page 4-1.5 which deals with “Unusual accessory structures”. Re-read both sections. Take note of the intervening sections. They are addressing two entirely different and distinct zoning issues.

On or about December 9, 2020, Cordish’s Attorney submitted a fifth version of the November 6th letter to PAI concerning the Project, which contained the understanding that even if the County did not require Cordish to go before an ALJ for the Project, Cordish was aware that someone could file for a Special Hearing before an ALJ pursuant to Section 500.7 of the BCZR. Under Section 500.7, any “interested person” has the right to petition an ALJ for a public hearing to determine the existence of any purported nonconforming use on any property. A copy of the fifth version of the letter is attached as **Exhibit 24**.

On December 11, 2020, the PAI Attorney issued an opinion to the PAI Director via email stating that the application to Zoning Review for the Project “satisfies all elements of Sections 101 and 400 of the BCZR, and as a tennis court/barn for personal use, the Zoning Policy Manual 400.1.e, ‘Swimming Pools and Tennis Courts’” and that “In so satisfying all these elements, and in the absence of any other law or regulation that may bear on the plain language of these provisions, there does not appear to be a requirement for a special hearing or variance for this permit application.” A copy of the email is attached as **Exhibit 25**.

According to the County Attorney, the opinion issued by the PAI Attorney concerning the Project, which consisted of an interpretation of the BCZR, was not discussed with him or anyone else in the Office of Law to his knowledge. Further, the County Attorney told the Office that he had no idea that the PAI Attorney was even working on legal issues pertaining to the Project. The County Attorney believed his office should have been apprised of this issue as it developed and certainly prior to the issuance of the opinion.

As a result of the PAI Attorney’s opinion, the building permit for the Project was issued to Cordish with the following entry made by the PAI Director in the Automated Permit Tracking System “[PAI Director] per [PAI Attorney] and [one of the Senior Staff]. A copy of the permit approval in the Automated Permit Tracking System is attached as **Exhibit 26**.

B. Soil Conservation District

Even though the Project had been approved by Zoning Review and the building permit for the Project had been issued, the Project could not get underway until all of the relevant County agencies had approved the Project’s development plans. One of the agencies was the Baltimore County Soil Conservation District (“SCD”). The SCD, which was established in 1944, provides technical assistance and advice to landowners and operators in managing and protecting their land and water resources.⁶ The SCD is responsible for the review of proposed development plans to ensure they comply with local and state laws regarding soil conservation. A review of a proposed project at SCD typically takes about six to eight weeks depending on the current backlog of projects. Projects are addressed by SCD on a first come, first served basis, to include resubmittals of project plans. However, the County and SCD have an arrangement whereby the County can request that a project be given priority review status by SCD, which moves the project to the front of the line. The standard for requesting that a project be given priority review status is the project must provide some type of benefit to the community.

⁶ See <https://www.SCD.org/about>.

In early January 2021, the Project was still pending at SCD. A prior version of the Project's plans had previously been reviewed by SCD, but the latest version was still awaiting review and approval. During that time period, the Administration monitored the Project while communications between Cordish and the Senior Staff continued. On January 6, 2021, an email was sent from Cordish to the Senior Staff stating "Gentleman and Lady, we are on [the] one yard line. Please see below. We desperately need to get started or lose our window to be complete for the coming [f]all. We are told there are no issues w[ith] submission to County EPA we just need them to review. Any little push to have them review this week would be most helpful and appreciated." A copy of this email is attached as **Exhibit 27**.

By January 12, 2021, the second review of the Project had been completed by SCD. Based on an email from Cordish to the Senior Staff on January 21, 2021, it appears that SCD had requested some additional changes to the Project's development plans. The email stated "All that is left is Sediment Control. They replied to our submission w[ith] suggested pro forma changes they wanted. We made them immediately and resubmitted. The resubmitted are 100% responsive to their request. We just need them to look at the resubmission, compare to their request, and approve. If we can get started [tennis] barn will not be ready for 21/22 season and 12 months lost. I will be [states age and birthday] and not getting any younger. All we are asking is they look at drawings. Thanks for your help." A copy of the email is attached as **Exhibit 28**.

On January 22, 2021, Cordish received an email with an approved copy of the Environmental Agreement for the Project from the County's Department of Environmental Protection and Sustainability (DEPS). Soon after, Cordish forwarded the email to the Senior Staff with the comment "We are down to Sediment Control. No issues just need a sign off." One of the Senior Staff replied to Cordish that they would continue to ask SCD for updates on the Project and keep him apprised. The Senior Staff member added that SCD is "quasi-independent and not directly accountable to the County." The email exchange is attached as **Exhibit 29**.

Four days later on January 26, 2021, Cordish sent an email to the Senior Staff stating "I did not have [one of the Senior Staff's] cell phone so I am texting [one of the Senior Staff] and emailing you both. Good news is I spoke directly to the reviewer at SCD, who was very sympathetic to the time pressures and had an excellent suggestion. There is a gentlem[a]n, [the Development Manager], in the Baltimore County Dept of Permits & Approvals who is point in the County for telling her to pull out a file, especially one that is already on resubmittal, and expediting her review. This is a routine procedure that she explained happens all the time, and she was very optimistic that [the Development Manager] would be sympathetic to the time pressure. Could either you or [one of the Senior Staff] please call [the Development Manager] ASAP and request that he call SCD and tell them to immediately review the new submission. The two numbers given to me for [the Development Manager] are [phone numbers for the Development Manager]. Even if we start next Monday construction, we will miss the month of November, but if there are no foul-ups we will get the December, January & February winter months. Many thanks." A copy of this email is attached as **Exhibit 30**.

The following day on January 27, 2021, Cordish again emailed the Senior Staff. In the email, Cordish stated "How did u make out w[ith] him. Should I call him directly myself." The next day on January 28, 2021, one of the Senior Staff responded via email to Cordish stating

“We’ve been regularly asking for status updates. I suggest we set up a call to discuss.” A copy of this email exchange is attached as **Exhibit 31**.

It is unclear whether a call between Cordish and the Senior Staff took place because at 10:51 a.m. on January 28, 2021, Cordish’s assistant sent an email to the Development Manager stating “I am following up on my voicemail this morning. I am the assistant to David Cordish, Chairman of The Cordish Company. County Exec ‘Johnny O’ suggested the two of you connect for a call soonest. If you could please suggest a few available times for a call, I would be most appreciative.” A few days later on February 1, 2021, the Development Manager replied via email to Cordish’s assistant and a call is scheduled for the following day. That same day, the Development Manager forwarded the email exchange with Cordish’s assistant to the PAI Director, a copy of which is attached as **Exhibit 32**, explaining as follows:

I am forwarding this to you for your information and input. I anticipate that Mr. Cordish will request that his project be made a priority review at the Balt Co. Soil Conservation District. For reasons never explained to me it seems that the Development Manager is the only person who may make that request. That notwithstanding, I do not make such requests unilaterally or without approval from the Director. Typically the standard is as we previously discussed in that the project proves some greater good. Im (sic) not sure this rises to that BUT it seems Mr. Cordish has the CE’s support. Mr. Cordish is to call me tomorrow (sic) at noon. Do you have any issues if it is made a priority? I know very little about the project but understand there is some zoning controversy. [The PAI Attorney] is familiar with it.

On the morning of February 2, 2021, the Development Manager and the PAI Attorney exchanged several emails concerning the Project. Copies of the emails are attached as **Exhibit 33**. At 10:57 am, the Development Manager sent an email to the PAI Attorney advising that they expected a call from Cordish at noon regarding the Project. In the email, the Development Manager asked the PAI Attorney if there was anything special they needed to know about the Project. At 11:19 am, the Development Manager sent another email to the PAI Attorney stating “Greenlighting a priority [SCD] review isn’t a big deal. I just wanted to know if there were any parties opposing the project that I should be aware of. I understand zoning had some issues but that seems to be resolved? I don’t want to put [the PAI Director] in hot water.” At 11:40 am, the PAI Attorney sent an email to the Development Manager stating “Well, it is my understanding that the applicant doesn’t just get to go directly to you for priority consideration without some kind of thumbs up from the powers above. Just want to verify if there was any intent for that [to] happen through the chain of command. But Zoning issues were ultimately resolved.” At 11:46 am, the Development Manager responded to the PAI Attorney stating “Cordish rep indicated that the County Exec. suggested the conversation so I gather he has his support. I have apprised [the PAI Director]. He has no knowledge of the project but will go with my decision.⁷ I will sound out Cordish on the CE angle and request that he put a formal request in writing via an email at minimum for...’the file’.”

⁷ By early 2021, a different individual was serving as the PAI Director and this individual had not participated in any of the historical communications concerning the Project.

On February 2, 2021 at 1:57 pm, Cordish sent an email to the Development Manager regarding the Project. A copy of the email is attached as **Exhibit 34**. The email stated the following:

Thoroughly enjoyed meeting and conversing with you today, and look forward to actually meeting in person one of these days. As we discussed, the above [reference to the Project] is being constructed at my house on [name of road] solely for family use, with no commercial purpose, and we are virtually out of time to complete the indoor facility by the [w]inter of 2021. Without commencing construction in the next week, we will miss an entire season and the project would be delayed until the [w]inter 2022.

We have received all sign off approvals from the various applicable Baltimore County departments, and we are waiting final approval from sediment control [SCD]. Some time ago we made our initial submission, and in due course received SCD's comments. Our engineer, Bohler Construction, incorporated without change or comment every single one of the half a dozen requests by SCD, and resubmitted to them. If SCD could quickly examine the resubmission and compare to its previous review and suggestions, it would be crucial to accommodating our schedule. Any assistance you can provide in this regard would be most appreciated, and I do feel from having talked directly to staff at SCD that they would welcome this direction.

On February 2, 2021 at 2:56 pm, the Development Manager sent an email to an SCD representative requesting that SCD perform an expedited review of the Project. Among the individuals copied on the email were the PAI Director, one of the Senior Staff, and Cordish. A copy of the email is attached as **Exhibit 35**.

On February 2, 2021 at 12:58 pm, approximately two hours prior to the Development Manager's request to SCD for an expedited review of the Project, the PAI Attorney had sent an email to the Development Manager stating "I have in fact confirmed with [one of the Senior Staff] that the Cordish tennis barn will not be designated as a priority review with the SCD, and in fact [one of the Senior Staff] said he advised the CE against priority review for this permit." At 3:21 pm the same day, the Development Manager responded to the PAI Attorney stating "Damn....I didn't see this until after I sent the request for priority review to [the SCD representative]. Mr. Cordish did send a request to me in writing. I copied [the PAI Director] and [one of the Senior Staff] on the email request. Guess I will wait for any fallout." A copy of this email exchange is attached as **Exhibit 36**.

Based on the content of an email sent on February 2, 2021 at 9:32 pm, it appears that the Senior Staff had learned that the Development Manager had requested that SCD make the Project a priority earlier the same day. In the email, one of the Senior Staff told the PAI Director "I don't think it is worth changing direction at this point, but just so you know, we did not request the priority review on this. We've spoken to Mr. Cordish and have been asking for updates, but did not request priority review." The following morning at 8:57 am, the PAI Director responded via email stating "Ok...I was relying on [the Development Manager's] professional judgment since I had no background on this." A copy of the email exchange is attached as **Exhibit 37**.

By February 3, 2021 at 11:58 am, it appeared that SCD had finished its priority review of the Project based on an email sent from an SCD representative to an individual at Bohler Engineering. A copy of the email is attached as **Exhibit 38**.

On March 24, 2021, the Development Manager was interviewed by the Office about their request to SCD to designate the Project for priority review. When asked how the Project, a tennis barn at a personal residence, would benefit the community and therefore justify priority review at SCD, the Development Manager stated “So here’s what I’m thinking in my head and this is what was in my head when things were going by. I don’t treat Mr. Cordish any better or worse than the guy with \$30 in the bank. Um, but in his particular... Because he’s a unique person. You know he...there, there’s only one of him. He...by his life and example and, and work, he has contributed greatly to the economic well-being and the employment prospects of, of citizens of Baltimore County. So, I’m thinking, here, here’s a man who wants...you know he’s 83 years old, wants to play tennis. In my mind, and, and I have you know, as far as I understand it, I, I have the, the capacity to do this. I’m thinking well his...you know, his good health is, is healthy for Baltimore County. For everybody that either works for him building these places or works for him employed in the places that he controls. You know, it’s just a good thing, and it didn’t...it wouldn’t hurt nobody.”

IV. Other Similarly Situated Projects

In order to determine whether the Project had received preferential treatment as alleged in the Complaint, the Office reviewed similarly situated projects that had gone through Zoning Review as well as other projects that had been given priority review status at SCD. Below are the results of those analyses.

A. Analysis of Prior Petitions for Proposed Accessory Structures

As part of the investigation, the Office interviewed Zoning Review employees and reviewed prior zoning petitions filed with the County. Zoning Review maintains hard copies of prior zoning petitions dating back to 1934. In 2017, the data related to these prior zoning petitions was transferred to an online database (“the Database”). The Database contains various information pertaining to over 32,000 prior and pending zoning petitions. While the Database contains information associated with petitions dating back to 1934, the quality of the data diminishes based on the age of the petition.

The Office searched the Database for any and all records containing the word “Special Hearing” and received 4,062 search results. The Office then searched within these 4,062 results for the word “accessory,” which narrowed the initial results to 534 records.⁸ Of these 534 records, 115 of them were residential property owners who had filed petitions with Zoning Review to get

⁸ Based on how the information had been entered into the Database by Zoning Review, it is possible that there are additional records in the Database that could have met the Office’s search criteria but were not captured during the Office’s search. In other words, the Database may contain entries that meet the search criteria, but due to incomplete data or misspelled words associated with those entries, they would not have been identified. Regardless, the Office did not believe a review of all of the prior zoning petitions would be a good use of its time and resources.

approval to build an accessory structure that would be larger than their principle dwelling. In other words, the Office located 115 projects that were similar to the Cordish tennis barn. However, unlike Cordish, these 115 petitioners were required to have their cases heard before an ALJ during a Special Hearing. A spreadsheet summarizing these 115 cases is attached as **Exhibit 39**. Based on the information contained in the database, it appears that while in most of these cases the petitioner received permission from an ALJ to build an accessory structure, there were instances in which petitions had been denied by an ALJ.

B. Case No. 2019-0433-SPH

One of the petitions listed on Exhibit 39 is 2019-0433-SPH. This Petition was filed by Dana Hickey regarding his property located at [REDACTED]. Hickey filed a petition with the County to construct an accessory building (a garage) on his property with a proposed footprint that was larger than the principal use dwelling. Hickey's petition required a Special Hearing before an ALJ. On November 7, 2019, the Honorable Paul M. Mayhew granted Hickey's request to construct his garage. A copy of the Opinion and Order is attached as **Exhibit 40**.

On April 6, 2022, the Office interviewed Hickey about his experience with the County concerning petition 2019-0433-SPH, and he provided the following information:

Hickey resides on a multi-acre farm that has been in his family for about 80 years. In or about 2019, Hickey hired a company to construct a garage on the property to be used for storage. When the company went to the County to pull the permit, they were told that Hickey needed special permission due to the size of the proposed garage (1,440 square feet) in relation to the principal dwelling (1,200 square feet). Subsequently, Hickey filed a petition with Zoning Review to get the approval of an ALJ through a Special Hearing. Hickey estimated that the entire process to obtain the ALJ's approval took several months. During that time period, Hickey estimated he had to make numerous phone calls and trips to Towson to understand the process, file the required paperwork, notify the public, and to ultimately appear before an ALJ. Even though Hickey obtained his approval, the process resulted in Hickey incurring various expenses, taking time off of work, and missing out on overtime opportunities at his job.

C. Other Priority Projects at Baltimore County Soil Conservation District

As part of the investigation, the Office requested information from SCD regarding projects that had received priority review between June 2018 and March 2021. In response to the request, SCD provided information on 31 projects including the Cordish tennis barn. The Office created a spreadsheet of these 31 projects, which is attached as **Exhibit 41**. As can be seen from a review of the spreadsheet, the only individual residential projects given priority review status during the stated timeframe are the Cordish tennis barn on February 2, 2021 and a residence located at 1124 Piney Hill Road on July 22, 2020. As noted in the footnote on Exhibit 41, the owners of the Piney Hill Road residence, absent a priority review at SCD, stood to lose their financing for the project. All of the remaining projects on the spreadsheet appear to have some type of benefit to the community in accordance with the County's policy for initiating a priority review at SCD.

V. Conclusion

Based on the investigation and the information set forth in this report, the Office has determined that the County appeared to give Cordish preferential treatment by issuing him a building permit for the Project without requiring him to have a Special Hearing before an ALJ, as has been customarily required in the County when a resident proposes to build a structure larger than their principal dwelling. As seen on Exhibit 39, there have been 115 cases since about 1996 in which residents, like Mr. Hickey, have had to take the required time and incur the necessary costs to meet all of the requirements set forth by the County to build a structure larger than their personal residence, including appearing before an ALJ in a public forum.

In the case of the Project, the senior staff of Zoning Review, who are considered the subject matter experts on zoning-related issues in the County, uniformly were of the opinion that the Project required a Special Hearing before an ALJ because its proposed size of approximately 15,000 square feet would be larger than Cordish's residence. The staff felt so strongly about this that they refused to sign the building permit even after the PAI Attorney issued their opinion that a Special Hearing was not required for the Project. The opinion of the Zoning Review staff was supported by the PAI Director, who also had extensive experience in land use matters. While the PAI Director did eventually sign the building permit for the Project, they only did so with the written caveat that the approval was "per [the PAI Attorney] and [one of the Senior Staff]."

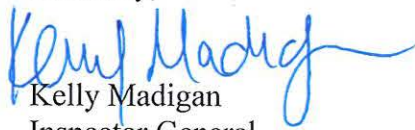
As for the opinion issued by the PAI Attorney, the Office has concerns that the opinion was the sole basis for allowing the Project to avoid a Special Hearing. Those concerns include: the opinion was at odds with the staff at Zoning Review, it was issued after five different versions of letters had been sent to PAI from Cordish's Attorney regarding the Project, and it was done without consulting the County Attorney or anyone else in the Office of Law. Also, it appears that the concerns raised by Cordish's neighbors, as noted in the March 20, 2020 letter (see Exhibit 4), were not taken into account when deciding whether the Project should go to a Special Hearing. While the March 20th letter only references the two variances, both of which had been resolved to PAI's satisfaction, it is reasonable to assume there were concerns among Cordish's neighbors about the overall scope of the Project. Given the disagreement within PAI over the intent of the word "or" in Section 101.1 of the BCZR and the dispute over whether a tennis barn is synonymous with tennis court for purposes of the Baltimore County Zoning Commissioner's Policy Manual, the matter should have gone to an ALJ for an interpretation. By referring this matter to an ALJ, the County could have ensured that the ruling on the size of the Project in relation to the size of Cordish's residence was consistent with the BCZR and past precedents, as well as fair and transparent for all of the interested parties.

With regard to the request made by the Development Manager of SCD that the Project be given priority treatment, the Office has two concerns. First, there was a reference in an email dated January 28, 2021 from Cordish's assistant to the Development Manager (see Exhibit 32), which implied that the County Executive had an interest in ensuring that the Project was given priority treatment within SCD. That implication was subsequently part of the basis used by the Development Manager to justify the request to SCD (see Exhibits 32 and 33). The investigation showed that no attempt was ever made by the Development Manager to verify with anyone in the Administration that the County Executive did indeed want the Project to be given priority status.

at SCD. In fact, the Office found no evidence that the County Executive wanted this or intended for it to happen. This is supported by the February 2, 2021 emails (see Exhibits 36 and 37). Second, after it was learned that the Development Manager had requested the Project be given priority review designation within SCD against the wishes of the Administration, no effort was made by the Development Manager or anyone else in the Administration to contact SCD and remedy the mistake. Thus, the Project was made a priority and reviewed prior to 33 other projects.

This matter is being referred to you for an official response. Please respond in writing by June 20, 2022, indicating what action has been taken or what action you intend to take regarding this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Kelly Madigan
Inspector General
Office of the Inspector General

cc: John A. Olszewski, Jr., County Executive
Patrick H. Murray, Chief of Staff
James R. Benjamin, Jr., County Attorney
C. Peter Gutwald, Director, Permits, Approvals and Inspections

- **SECTION 101 - Definitions**

[BCZR 1955]

- **§ 101.1. - Word usage; definitions.**

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

OR — The word "or" shall mean "and/or" unless modified by use of the word "either" or unless the context otherwise clearly indicates another meaning.

- **SECTION 400 - Accessory Buildings in Residence Zones**

[BCZR 1955; Bill No. 27-1963]

- **§ 400.1. - Location; lot coverage.**

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40 percent thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

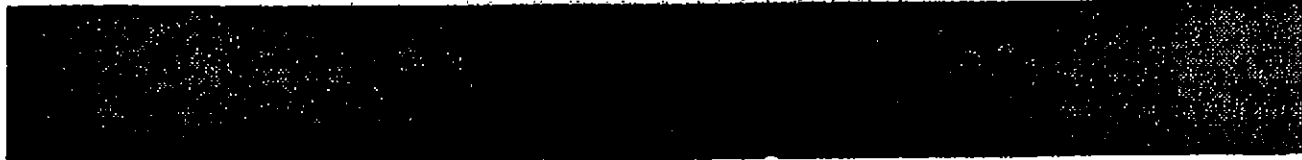
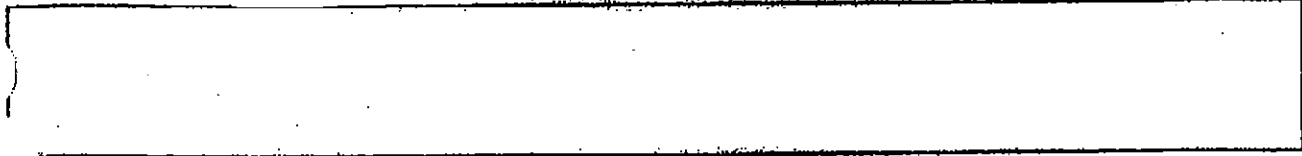
- **§ 400.2. - Setback.**

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

- **§ 400.3. - Height.**

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.



1992 Edition

Baltimore County Zoning Commissioner's Policy Manual



amended May 13, 1992

adopted May 21, 1991

Administrative Supplement to the Baltimore County Zoning Regulations

ZONING COMMISSIONER'S POLICY MANUAL

-INCINERATORS will be considered an an accessory structure, provided that it is incidental to the principal use, and meets Section 400 of the B.C.Z.R. requirements in residential zones and principal building requirements in commercial and industrial zones. (this does not apply to dumpsters)

-PIT BEEF STANDS - See Roadside Stands below. It must meet commercial site plan requirements.

-ROADSIDE STANDS

- (1) On public land, zoning has no authority or jurisdiction over any sales carried on within the public right-of-way which usually is both the street and the adjacent sidewalk.
- (2) Vendors or Hucksters are not regulated by zoning if they remain permanent or moving in the public right-of-way.
- (3) On private property, zoning does not permit roadside stands or sales temporary or permanent on residential property unless:
 - a. It is a garage or yard sale (see Garage and Yard Sales above)
 - b. It is a farmer's roadside stand (See Section 404.2 B.C.Z.R. & Z.C.P.M., Page 4-6)

-SATELLITE DISHES

- (1) Satellite television dish systems are permitted on residential property as an accessory use, only, and must comply with all of the provisions of Section 400, except that attaching the dish to the dwelling would not supplant the need for a variance hearing, if the requirements cannot be met.
- (2) See the following cases: C-04-735
85-341-A
- (3) Dishes are permitted on commercial and manufacturing buildings (no height limitation) i.e., a dish on a building in a U.L. zone may extend above 40' building limit.

-SNOWBALL STANDS - See Roadside Stands above. It must meet commercial site plan requirements.

-SWIMMING POOLS AND TENNIS COURTS

- (1) Swimming pools and tennis courts are considered accessory structures/uses.
- (2) Community pools or tennis courts not located in the rear areas behind the subdivision dwellings are to be considered other principal buildings and subject to the standards in the C.M.U.P. If located in a residential transition area, these standards will also have to be met.
See also TENNIS FACILITIES Section 406A, Page 4-24
- (3) See the following cases: 82-270-A
88-206-SPH

-TANNING AND HOT TUB FACILITIES - are not specifically listed in the Zoning Regulations, but may be permitted as an accessory use to but not limited to the following uses:

Beauty Salons
Barber Shops
Racquet Ball

Health Spas
Tennis Courts
Country Clubs

ATTACHMENT #1 TO PETITION FOR
ADMINISTRATIVE VARIANCE

PETITIONER IS SEEKING THE FOLLOWING VARIANCES:

1. FROM SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) TO PERMIT AN ACCESSORY STRUCTURE FOR TENNIS TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD, AS SHOWN ON THE SITE PLAN FILED IN THE CASE, IF NECESSARY.

REVISED

ATTACHMENT #2 TO PETITION FOR
ADMINISTRATIVE VARIANCE

Facts to support variance request:

I live at [REDACTED] on approximately 38 acres of land, which is zoned R.C.2 and R.C.5. I request approval to construct an accessory indoor tennis barn on the northwest portion of the property, directly to the east of the existing athletic field. The tennis barn will be fully enclosed, and the specifics of the proposed improvements and location are shown on the attached plan to accompany a zoning petition. Tennis is one of the great things I have shared with my children and I want to continue to share this great sport with my grandchildren. I am so lucky to be able to afford this on such a personal level.

As I understand it, the Zoning Regulations only permit accessory buildings to be located in the rear yard in residential zones, with a maximum height of 15 feet. I am, therefore, requesting a variance to permit this accessory use, as described above, to be in the front yard, rather than the rear yard, and with a height of 32 feet, rather than the required 15 feet.

It is important to note that there are several physical characteristics of the property that make it unique in ways that relate to the requested variances for building height and yard location. These unique features also cause a practical difficulty in complying with the applicable provisions of the Zoning Regulations for the proposed tennis barn. Although the tennis barn is somewhat large, it will clearly be subordinate in extent and purpose as required by the definition for "accessory use or structure" contained in Section 101 of the Zoning Regulations. Technically, it may be that the "rear yard" of my property is in front of my house in-between it and [REDACTED] because my front door is on the north façade of the house. As a result, from a zoning perspective, the "rear yard" of my property has approximately 1,500 feet of linear frontage on [REDACTED] and acres of land that have been used as a horse pasture visible from this roadway, which is consistent with the area's reputation. Due to the rear yard's steep slopes, it is more than likely that the tennis barn could be built into the hillside of the horse pasture without the need for a variance. I am committed to preserving [REDACTED] scenery, and locating a sports facility in the rear yard – which is viewable from [REDACTED] would be inconsistent with the pasture use and interrupt the scenic views along [REDACTED] for those driving on this roadway. As indicated on the enclosed Photograph "A," the proposed location of the tennis barn will shield it from the view of vehicles traveling on [REDACTED]

Furthermore, [REDACTED] is a National Register Historic District (see Master Plan 2020, Page 96), and [REDACTED] is both a Baltimore County Scenic Route (see Master Plan 2020, Page 100) and a Maryland Scenic Byway ([REDACTED] is part of the "Falls Road Scenic Byway"), which also contribute to the uniqueness of the property. The Baltimore County Master Plan 2020 outlines policies to protect and preserve historic resources and scenic corridors and views, and locating the tennis barn in the rear yard, as required by the Zoning Regulations, would detract from the historic nature of the district and the subject property and be inconsistent with preservation of the scenic view.

Finally, my property is also unique in that it is the site of a landmark on the Baltimore County Final Landmarks List and Maryland Historic Trust inventory. My home, otherwise known as

ROSEN STEVEN M
MAP 0059 PARCEL 0274
TAX ACC. 230000491
L 37493 F. 00298

MUSOTTO MARA P
MAP 0059 PARCEL 0274
TAX ACC. 1700005573
L 0039 F. 0006

KANG CHANG WUK
MAP 0059 PARCEL 0274
TAX ACC. 1700005574
L 05910 F. 00496

KANG CHANG WUK
MAP 0059 PARCEL 0274
TAX ACC. 1700005574
L 05910 F. 00496

S08°53'35"W 62.05'

S86°27'27"W 63.60'

S86°25'57"W 9.66'

S05°29'41"W 257.63'

S29°25'14"W 54.22'

RC 5
RC 2

RC 5
RC 2

HINCEMAN BENJAMIN
MAP 0059 PARCEL 0162
TAX ACC. 0302001579
L 35845 F. 00482

DE HAVENON SUSAN
MAP 0059 PARCEL 0432
TAX ACC. 0302001576
L 32334 F. 00402

N05°51'35"W 47.28'

N53°23'33"W 25.00'

S3°W 50.00'

APPROX
LOCATION
BGE POLE

EX. BUILDING
(SEE SHEET 2)

EX. FENCE

ASPHALT (DRP)

EX. DRIVE DRIVEWAY

PROP. BUILDING
FF ELEV. 460.00'
EX. TURF FIELD

135.42'

260.28'

126.11'

162.10'

PROP. TENNIS COURTS
ELEV. 459.00'

BRUNDTGE ANN W TRUSTEE
MAP 0059 PARCEL 0364
TAX ACC. 0302003200
L 31712 F. 00240

EX. RESIDENCE

EX. DRIVE DRIVEWAY

EX. STRUCTURE

FOREST BUFFER EASEMENT

[REDACTED]

DAVID S. CORDISH

[REDACTED]

TAX

S69°05'

S26°47'

S74°05'

EX. DRIVE DRIVEWAY

EX. DRIVE DRIVEWAY

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

DATE: February 24, 2020

TO: Paul Mayhew, Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeffrey Perlow, Planner II, Zoning Review Office
Department of Permits, Approvals & Inspections

SUBJECT: Notification Regarding Zoning Case # 2020-0057-A

Prior to the February 24, 2020 Administrative Variance petition filing, a meeting was held with Property Owner's (Petitioner's) Attorney and Surveyor. At that meeting, I advised the attorney and surveyor that since the building footprint of the accessory building/structure (indoor tennis court) was larger than the building footprint of the principal use dwelling, that a Special Hearing would be required in addition to the Variances. Since the administrative variance petition procedure does not provide for a "special hearing" option (other than for historic buildings and properties), I advised the attorney and surveyor that a petition for a public hearing (for both the variances and special hearing) would be the required procedure. The attorney chose not to file this zoning case petition in that manner, and therefore, the Zoning Review Office is of the opinion that this is an incomplete and incorrect petition filing.

March 20, 2020

RECEIVED

**BY HAND-DELIVERY AND
E-MAIL(mmallinoff@baltimorecountymd.gov)**
Michael D. Mallinoff, Director
Permits, Approvals and Inspections
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

MAR 20 2020

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Re: Administrative Zoning Petition - [REDACTED]

2020-0057-A

Dear Mr. Mallinoff:

On behalf of The Homeowners of Greenspring, Ltd. and the individual owners of properties within the homeowners' association that lie within 1,000 feet of the lot in question, including Mr. and Mrs. [REDACTED] we request a public hearing on the petition for two variances: the first to permit an accessory structure in the front yard and the second to permit an accessory structure to be 32 feet in lieu of the required 15 feet.

Please let me know the date of the hearing.

Sincerely,



Herbert Burgunder III

HB3:bh

cc: The Honorable Paul M. Mayhew (by e-mail)
The Homeowners of Greenspring, Ltd. (by e-mail)

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 8, 2020 12:23 PM
To: [REDACTED]CONSULTING.COM; [REDACTED]@venable.com
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>;
[REDACTED]@baltimorecountymd.gov>
Subject: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

[REDACTED]

This office has reviewed your site plan (including notes) and proposal for a large tennis barn on the above referenced property. We cannot approve the building permit until after a variance and/or special zoning hearing is granted. Variance issues include compliance with section 400 BCZR and special hearing issues include compliance with zoning for an accessory building larger than the principal dwelling (Section 101).

[REDACTED]

From: [REDACTED]
Sent: Thursday, October 8, 2020 2:51 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 8, 2020 2:48 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

Ok.

Two questions:

1. Why December for a zoning hearing? Is that due to the current scheduling backlog? Yes and have not filed.
2. What is the underlying issue with 400 BCZR that requires a variance? Size of structure in relationship to principal residence. Variance issues include compliance with section 400 BCZR and special hearing issues include compliance with zoning for an accessory building larger than the principal dwelling (Section 30J). I will not speculate on commercial use.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 8, 2020 2:46 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

If they file ASAP.

From: [REDACTED]
Sent: Thursday, October 8, 2020 2:44 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

Hearing. Right now likely in December.

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 8, 2020 12:51 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

Thanks. This did come up just today actually. It says variance or special zoning hearing. What is the next step?

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 8, 2020 12:34 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: FW: [REDACTED]-Proposed indoor tennis barn (16945Sq.ft.)

FYI. This is a heads up because it is owned by David Cordish who will likely reach out or through Venable. This is required as the structure is larger than the large home and is essentially a tournament tennis facility.

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 8, 2020 12:23 PM
To: [REDACTED]CONSULTING.COM; [REDACTED]@venable.com
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: [REDACTED]--Proposed indoor tennis barn (16945Sq.ft.)

[REDACTED]

This office has reviewed your site plan (including notes) and proposal for a large tennis barn on the above referenced property. We cannot approve the building permit until after a variance and/or special zoning hearing is granted. Variance issues include compliance with section 400 BCZR and special hearing issues include compliance with zoning for an accessory building larger than the principal dwelling (Section 101).

[REDACTED]

From: [REDACTED]
Sent: Friday, October 23, 2020 3:16 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Cordish zoning issue

Not yet. [REDACTED] was going to set up a meeting with [REDACTED] to discuss to allow them to state their case. [REDACTED] is out today. Hope for Monday.

Also, I suggested to [REDACTED] that in the course of setting that up that I would be willing to allow an "at your own risk" letter to allow the permit review process to proceed if it has to go to zoning review. That would save them time.

[REDACTED]

From: [REDACTED]<[REDACTED]@baltimorecountymd.gov>
Sent: Friday, October 23, 2020 1:45 PM
To: [REDACTED]<[REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]<[REDACTED]@baltimorecountymd.gov>
Subject: Cordish zoning issue

[REDACTED]

Just checking in to see if you have any updates on the Cordish zoning issue we discussed. Please let me know. Thank you.

[REDACTED]

Office of the Baltimore County Executive
Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

Office: 410.887.2450

[REDACTED]

[REDACTED]

From: [REDACTED]@cordish.com>
Sent: Wednesday, November 25, 2020 10:03 AM
To: [REDACTED]
Cc: David Cordish
Subject: RE: Connecting with Mr. Cordish

[REDACTED]

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

Yes, that time works for David. Will you call his cell, [REDACTED]? If he doesn't answer for some reason, call me and I will track him down – I'm available at [REDACTED]

thanks --
[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Wednesday, November 25, 2020 9:51 AM
To: [REDACTED]@cordish.com>
Subject: Re: Connecting with Mr. Cordish

[REDACTED]

[REDACTED] I should be able to speak just after, hopefully in the 10:30 or 11am range. Would that work?

Sent from my iPhone

On Nov 25, 2020, at 9:33 AM, [REDACTED] <[REDACTED]@cordish.com> wrote:

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

Good Morning – let me know if there is a time that might work today for a call.

Thanks.
[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, November 24, 2020 5:52 PM
To: [REDACTED]@cordish.com>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: Re: Connecting with Mr. Cordish

Sorry. We have been tied up all day. Get back to you with availability for tomorrow.

Thanks,

Sent from my iPhone

On Nov 24, 2020, at 4:37 PM, [REDACTED]@cordish.com> wrote:

CAUTION: This message from [REDACTED]@cordish.com originated from a non Baltimore County Government or non BCPL em
Hover over any links before clicking and use caution opening attachments.

Following up- any luck with a call today? or tomorrow?

thanks -

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, November 24, 2020 12:20 PM
To: [REDACTED]@cordish.com>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>
Subject: RE: Connecting with Mr. Cordish

Hi [REDACTED] Let me take a look and I'll get back to you in a bit.

From: [REDACTED]@cordish.com>
Sent: Tuesday, November 24, 2020 12:05 PM
To: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>
Subject: RE: Connecting with Mr. Cordish

CAUTION: This message from [REDACTED]@cordish.com originated from a non Baltimore County Government or non BCPL em
Hover over any links before clicking and use caution opening attachments.

David was looking to connect with [REDACTED] for a quick 5-minute call today. If he can't get both of them together, he would appreciate being able to connect with one of them. Can you advise on availability for a call today?

thank you -

EA to David Cordish

From: [REDACTED]@baltimorecountymd.gov>
Sent: Monday, November 16, 2020 9:46 AM
To: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@cordish.com>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Connecting with Mr. Cordish

Good morning. It looks like 4 pm may work.

[REDACTED]
Baltimore County Executive Office
Historic Courthouse
400 Washington Blvd.
Towson, MD 21204
410.887.2450
[REDACTED]

[REDACTED]
From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, November 13, 2020 6:49 PM
To: [REDACTED]@cordish.com>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]
[REDACTED]@baltimorecountymd.gov>
Subject: RE: Connecting with Mr. Cordish

[REDACTED]
[REDACTED] would like to schedule time to connect with Mr. Cordish early next week. Looping you in with [REDACTED] who can help coordinate calendars. In talking with [REDACTED], it looks like Tues. afternoon could work.

Thanks so much,

[REDACTED]
Office of the County Executive
400 Washington Ave.
Towson, MD 21204
[REDACTED]

From: [REDACTED]@cordish.com>
Sent: Thursday, October 22, 2020 11:28 AM

To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Connecting with Mr. Cordish

CAUTION: This message from [REDACTED]@cordish.com originated from a non Baltimore County Government or non BCPL em
Hover over any links before clicking and use caution opening attachments.

2pm works for David (29)

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 22, 2020 11:25 AM
To: [REDACTED]@cordish.com>
Subject: RE: Connecting with Mr. Cordish

Hey there-

So I'm now running behind and have to join an 11:30. Can we please shoot for 2pm?

Thanks,

[REDACTED]

From: [REDACTED]@cordish.com>
Sent: Thursday, October 22, 2020 11:10 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Connecting with Mr. Cordish

CAUTION: This message from [REDACTED]@cordish.com originated from a non Baltimore County Government or non BCPL em
Hover over any links before clicking and use caution opening attachments.

Got it! [REDACTED] if you have any problems connecting with him on his cell, feel free to call or text me and I can get him on the line.

Thx,

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, October 22, 2020 11:08 AM
To: [REDACTED]@cordish.com>
Subject: Connecting with Mr. Cordish

[REDACTED]

David and I spoke yesterday and I told him that I would get back to him today, around 11, follow my conversation with [REDACTED] Please let him know I'm still planning to call before my 11:30 meeting – I just need to finish something up.

[REDACTED]

Office of the County Executive
400 Washington Ave.
Towson, MD 21204



<image001.jpg>

CONNECT WITH BALTIMORE COUNTY

<image002.jpg><image002.jpg><image002.jpg><image002.jpg><image002.jpg><image002.jpg>

www.baltimorecountymd.gov



From: [REDACTED]
Sent: Monday, November 2, 2020 8:17 PM
To: David Cordish
Subject: Re: It's not that hard



I believe she's in contact with one of [REDACTED] colleagues. Will check in tomorrow.

Thanks!

Sent from my iPhone

> On Nov 2, 2020, at 4:49 PM, David Cordish <[REDACTED]@cordish.com> wrote:

>

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

> -----

>

>

> [REDACTED], any chance the lawyer consultant that was brought in could call [REDACTED] [REDACTED] is very respected in zoning circles throughout County Government. TEMPUS FUGIT!

>

November 6, 2020

[REDACTED]
[REDACTED]
[REDACTED]@Venable.com

Via Electronic Transmission

[REDACTED]
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Room 127
Towson, Maryland 21204

Re: [REDACTED]
Building Permit for Accessory Structure

Dear [REDACTED]:

I am writing in support of a building permit application for the construction of an accessory structure (tennis barn) on the above-referenced property, which is located in the Lutherville-Timonium area (the "Property"). For your reference, the permit application number is B974479. David S. Cordish is the legal owner the Property, and his children and grandchildren are avid tennis players. His three children all played in college at a very high level. Mr. Cordish is pursuing this tennis barn to share time with his family in all weather conditions and enjoy a sport they love. Plus, to have a barn for indoor storage of material and feed for the horses immediately adjacent to the barn.

The purpose of this letter is to explain how the proposed barn meets the definition of "Accessory Use or Structure", as that term is defined in Section 101.1 of the Baltimore County Zoning Regulations ("BCZR" or "Zoning Regulations"). Section 101.1 of the BCZR defines an accessory use or structure as a use or structure which:

- (a) is customarily incident and subordinate to and serves a principal use or structure;
- (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a

November 6, 2020

Page 2

nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

A copy of the definition for accessory use or structure is enclosed with this letter. Each element of this definition is addressed individually below.

A. The athletics and storage barn is customarily incident and subordinate to and serves a principal use or structure on the Property.


The Property contains Mr. Cordish's principal residence, and he will continue to reside on the Property. As previously stated, the purpose of the barn is primarily to allow him to share time with his family in all weather conditions enjoying a sport that his children and grandchildren love. In order to ensure that the barn remains subordinate to the primary use of the Property as a single-family residence, Mr. Cordish is willing to put a number of restrictions on the use of the barn:

1. The barn may only be used by family members and guests and may not be used by any team, school group, or for any commercial enterprise, including non-profits – the barn may only be used for recreational use by family and guests of family;
2. No doors, windows, or openings will be installed on the north side of the barn;
3. No amplified sound may be used in the barn that can be heard outside the property;
4. There will be no vehicle parking at the barn, and all vehicle parking must be in the existing parking areas of the house; and
5. All construction vehicles and commercial vehicles coming to or leaving the property may only use the paved driveway at [REDACTED] and construction may only occur Monday through Friday from 8:00 a.m. to 6:00 p.m.

These conditions will ensure that the barn remains subordinate to the principal use of the Property and does not become a second principal use. There are no showers, no kitchen, no bathrooms in the barn.

B. The barn is subordinate in area, extent or purpose to the principal use or structure.

The purpose of the barn is simply to allow Mr. Cordish to enjoy the sport of tennis and other athletics with his family and for storage of animal feed and accessories. As outlined in the above-referenced conditions, the use of the barn will be limited to use by family members and guests of


November 6, 2020

Page 3

Mr. Cordish. This will ensure that the purpose of the tennis barn remains subordinate to the principal use of the Property, which is Mr. Cordish's residence. There will be no bedrooms or sleeping accommodations in the barn.

C. The barn is located on the same lot as the principal use or structure served.

The Property is a single lot that contains 45 acres of land. The proposed barn will, therefore, be located on the same lot as the principal residence.

D. The barn will contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

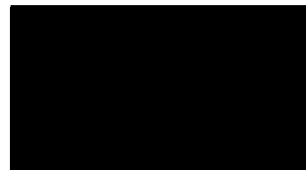
The proposed barn will provide comfort and convenience to Mr. Cordish by allowing him to play tennis with his family throughout the year. The restrictions placed on the use of the barn will ensure that the barn provides this comfort and convenience, without becoming a second or separate principal use on the Property.

As explained herein, the proposed barn, with the voluntary restrictions that Mr. Cordish is willing to place on his building permit application, meets all elements of an accessory use or structure, as defined in Section 101.1 of the Zoning Regulations. Clearly, the barn, as an accessory use, is not a "tennis facility" as that term is described in Section 406A of the Zoning Regulations.

Please confirm on behalf of the Department of Permits, Approvals and Inspections that the proposed tennis barn is an accessory use to the principal use of the Property by Mr. Cordish.

Thank you for your time and consideration of this request.

Very truly yours,



AGREED AND ACCEPTED


Department of Permits, Approvals and Inspections

[REDACTED]

From: [REDACTED]
Sent: Friday, November 13, 2020 10:38 AM
To: [REDACTED]
Subject: RE: Cordish Property- [REDACTED]

[REDACTED]

[REDACTED]

400.1 and 400.3

From: [REDACTED]
Sent: Friday, November 13, 2020 9:49 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish Property- [REDACTED]

Thanks.

[REDACTED] – what part of the Section 400 does this not meet? Just trying to understand that.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, November 13, 2020 9:41 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish Property- [REDACTED]

[REDACTED]

Perhaps. But not the intent of the law. Imagine if you or your neighbors decided to put a shed or garage on their property; and that shed or garage is larger in area than the main house. It may be subordinate in use, usually always is to a house, but not in area or size. Interpretations of that belong on the department and disputes at the ALJ.

[REDACTED] has asked the attorneys to respond to the original question, [REDACTED] interpretation and I am waiting to hear just that. I do believe I am owed the courtesy of hearing from the applicants as Director. We have offered the ability to proceed with the permitting process pending the outcome of the variance.

[REDACTED] last comment:

“Obviously it is not subordinate in area and it doesn’t meet section 400 BCZR. Now if would be exclusively an agricultural building and the Ag Board confirms this we could approve. Otherwise zoning conflicts are proposed.”

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, November 12, 2020 5:23 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish Property- [REDACTED]

[REDACTED]:

Here is where I think some of the dispute lies. We are saying he needs a variance because the tennis barn may exceed the size of the house. Size seems only to come up in the below part of the code. Where I thought they had a solid argument is that it says "area, extent, OR purpose" and not "area, extent, AND purpose". Clearly it is subordinate in at least purpose, so this section seems to be satisfied.

(b) is subordinate in area, extent or purpose to the principal use or structure

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, November 12, 2020 3:36 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: FW: Cordish Property- [REDACTED]

This is when and what we received.

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, November 6, 2020 2:55 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: Fwd: Cordish Property- [REDACTED]

[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]@Venable.com>
Date: November 6, 2020 at 2:34:50 PM EST
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@Venable.com>
Subject: Cordish Property- [REDACTED]

CAUTION: This message from [REDACTED]@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.

Please see our attached letter regarding the accessory use/structure (tennis barn).

We have not received a copy of the building permit application sheet from the Office of Permit Processing yet and have requested it. However, the building permit number is referenced in the letter and is B974479.

Thank you,



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

[REDACTED]

From: [REDACTED]
Sent: Friday, November 13, 2020 2:24 PM
To: [REDACTED]
Subject: FW: Cordish Property- [REDACTED]

[REDACTED]

I forgot to mention that the conjunction for (a)-(d) below is AND, so you have to read (a) and (b) together...

From: [REDACTED]
Sent: Friday, November 13, 2020 12:21 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: FW: Cordish Property- [REDACTED]

The definition of Accessory Structure in the definition section of the BCZR:

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; **and** (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

As a point of statutory interpretation, if (b) is to be read as [REDACTED] offers below, that renders (a) as surplusage, bc the purpose of (a) is to indicate that the use is subordinate. If the "or" in (b) meant only one of the area, extent or purpose was intended, and you read it to be the purpose, then you don't need (a), which states the structure is "incident and subordinate to...a principal use or structure". We are to read statutes in a way that does not render their provisions as "mere surplusage". That is why (b) is read to restrict the area. "Extent and purpose" are then read more as modifiers of the primary criteria, the area.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, November 13, 2020 9:49 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish Property- [REDACTED]

Thanks.

[REDACTED] – what part of the Section 400 does this not meet? Just trying to understand that.

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Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]

[REDACTED]@baltimorecountymd.gov>

Subject: RE: Cordish Property- [REDACTED]

Perhaps. But not the intent of the law. Imagine if you or your neighbors decided to put a shed or garage on their property; and that shed or garage is larger in area than the main house. It may be subordinate in use, usually always is to a house, but not in area or size. Interpretations of that belong on the department and disputes at the ALJ.

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[REDACTED] last comment:

"Obviously it is not subordinate in area and it doesn't meet section 400 BCZR. Now if would be exclusively an agricultural building and the Ag Board confirms this we could approve. Otherwise zoning conflicts are proposed."

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To: [REDACTED]@baltimorecountymd.gov>

Cc: [REDACTED]@baltimorecountymd.gov>

Subject: RE: Cordish Property- [REDACTED]

Here is where I think some of the dispute lies. We are saying he needs a variance because the tennis barn may exceed the size of the house. Size seems only to come up in the below part of the code. Where I thought they had a solid argument is that it says "area, extent, OR purpose" and not "area, extent, AND purpose". Clearly it is subordinate in at least purpose, so this section seems to be satisfied.

(b) is subordinate in area, extent or purpose to the principal use or structure

From: [REDACTED]@baltimorecountymd.gov>

Sent: Thursday, November 12, 2020 3:36 PM

To: [REDACTED]@baltimorecountymd.gov>

Subject: FW: Cordish Property- [REDACTED]

This is when and what we received.

From: [REDACTED]@baltimorecountymd.gov>

Sent: Friday, November 6, 2020 2:55 PM

To: [REDACTED]@baltimorecountymd.gov>

Cc: [REDACTED]@baltimorecountymd.gov>

Subject: Fwd: Cordish Property- [REDACTED]



Sent from my iPhone

Begin forwarded message:

From: [redacted]@Venable.com>
Date: November 6, 2020 at 2:34:50 PM EST
To: [redacted]@baltimorecountymd.gov>
Cc: [redacted]@Venable.com>
Subject: Cordish Property-[redacted]

CAUTION: This message from [redacted]@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.



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Thank you,



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[REDACTED]

From: David Cordish [REDACTED]@cordish.com>
Sent: Thursday, November 12, 2020 6:47 AM
To: [REDACTED]
Subject: ACCESSORY?

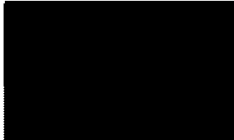
[REDACTED]

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

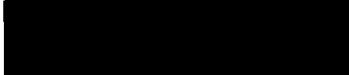
[REDACTED] could u give me a call. [REDACTED]

Sent from my iPhone

November 13, 2020



Via Electronic Transmission



Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Room 127
Towson, Maryland 21204

Re: [Redacted]
Building Permit for Accessory Structure

Dear [Redacted]

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The purpose of this letter is to explain how the proposed barn meets the definition of "Accessory Use or Structure", as that term is defined in Section 101.1 of the Baltimore County Zoning Regulations ("BCZR" or "Zoning Regulations"). Section 101.1 of the BCZR defines an accessory use or structure as a use or structure which:

- (a) is customarily incident and subordinate to and serves a principal use or structure;
- (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a

██████████
November 13, 2020

Page 2

nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

A copy of the definition for accessory use or structure is enclosed with this letter. Each element of this definition is addressed individually below.

A. The athletics and storage barn is customarily incident and subordinate to and serves a principal use or structure on the Property.

The Property contains Mr. Cordish's principal residence, and he will continue to reside on the Property. As previously stated, the purpose of the barn is primarily to allow him to share time with his family in all weather conditions enjoying a sport that his children and grandchildren love. In order to ensure that the barn remains subordinate to the primary use of the Property as a single-family residence, Mr. Cordish is willing to put a number of restrictions on the use of the barn:

1. The barn may only be used by family members and guests and may not be used by any team, school group, or for any commercial enterprise, including non-profits – the barn may only be used for recreational use by family and guests of family;
2. No doors, windows, or openings will be installed on the north side of the barn;
3. No amplified sound may be used in the barn that can be heard outside the property;
4. There will be no vehicle parking at the barn, and all vehicle parking must be in the existing parking areas of the house; and
5. All construction vehicles and commercial vehicles coming to or leaving the property may only use the paved driveway at ██████████ and construction may only occur Monday through Friday from 8:00 a.m. to 6:00 p.m.

These conditions will ensure that the barn remains subordinate to the principal use of the Property and does not become a second principal use. There are no showers, no kitchen, no bathrooms in the barn.

B. The barn is subordinate in area, extent or purpose to the principal use or structure.

The purpose of the barn is simply to allow Mr. Cordish to enjoy the sport of tennis and other athletics with his family and for storage of animal feed and accessories. As outlined in the above-referenced conditions, the use of the barn will be limited to use by family members and guests of

[REDACTED]
November 13, 2020

Page 3

Mr. Cordish. This will ensure that the purpose of the tennis barn remains subordinate to the principal use of the Property, which is Mr. Cordish's residence. There will be no bedrooms or sleeping accommodations in the barn.

C. The barn is located on the same lot as the principal use or structure served.

The Property is a single lot that contains 38 acres of land. The proposed barn will, therefore, be located on the same lot as the principal residence.

D. The barn will contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

The proposed barn will provide comfort and convenience to Mr. Cordish by allowing him to play tennis with his family throughout the year. The restrictions placed on the use of the barn will ensure that the barn provides this comfort and convenience, without becoming a second or separate principal use on the Property.

As explained herein, the proposed barn, with the voluntary restrictions that Mr. Cordish is willing to place on his building permit application, meets all elements of an accessory use or structure, as defined in Section 101.1 of the Zoning Regulations. Clearly, the barn, as an accessory use, is not a "tennis facility" as that term is described in Section 406A of the Zoning Regulations. In addition, the Property will remain in compliance with Section 400.1 of the Zoning Regulations. This section includes a limitation that accessory buildings in the rear yard may not occupy more than 40 percent of the rear yard area. [REDACTED] a Professional Engineer and Director of Engineering with The Cordish Companies, measured the total square footage of the rear yard of the Property, which is 632,143 square feet in size. The existing accessory buildings in the rear yard and the proposed tennis barn are 21,755 square feet in total, which amount covers only 3.44 percent of the rear yard.

Please confirm on behalf of the Department of Permits, Approvals and Inspections that the proposed tennis barn is an accessory use to the principal use of the Property by Mr. Cordish.

Thank you for your time and consideration of this request.

Very truly yours,

[REDACTED]

AGREED AND ACCEPTED

[REDACTED]

Department of Permits, Approvals and Inspections

[REDACTED]

From: [REDACTED]
Sent: Monday, November 16, 2020 10:51 AM
To: [REDACTED]
Subject: Fwd: Cordish Property-[REDACTED]

[REDACTED]

He revised without talking to me first. Again it does not mention indemnification or why [REDACTED] is wrong about the area issue.

[Redacted]

From: [Redacted]
Sent: Wednesday, November 18, 2020 12:07 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Cordish Property- [Redacted]

[Redacted]

Please address BCZR 400.3 specifically and make sure the sign off is the Department Director.

[REDACTED]

From: [REDACTED]@cordish.com>
Sent: Friday, November 20, 2020 3:51 PM
To: [REDACTED]
Cc: [REDACTED] David Cordish
Subject: RE: running late

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

4pm works – will jump back on in 10 mins. Thanks!

From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, November 20, 2020 3:49 PM
To: [REDACTED]@cordish.com>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: RE: running late

Let's go with 4pm!

From: [REDACTED]@cordish.com>
Sent: Friday, November 20, 2020 3:27 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: Re: running late

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

No problem

Get Outlook for iOS

From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, November 20, 2020 3:26:34 PM
To: [REDACTED]@cordish.com>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: running late

[REDACTED]

[REDACTED] are running late. Can we please adjust by 15 mins?

Thank you!

[REDACTED]

November 23, 2020



Via Electronic Transmission

[Redacted]
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Room 105
Towson, Maryland 21204

Re: [Redacted]
Building Permit for Accessory Structure

Dear [Redacted]

I am writing in support of a building permit application for the construction of an accessory structure (tennis barn) on the above-referenced property, which is located in the Lutherville-Timonium area (the "Property"). For your reference, the permit application number is B974479. David S. Cordish is the legal owner of the Property, and his children and grandchildren are avid tennis players. His three children all played in college at a very high level. Mr. Cordish is pursuing this tennis barn to share time with his family in all weather conditions and enjoy a sport they love. Plus, to have a barn for indoor storage of material and feed for the horses immediately adjacent to the barn.

The purpose of this letter is to explain how the proposed barn is in compliance with Sections 101 and 400 of the Baltimore County Zoning Regulations ("Zoning Regulations" or "BCZR"). The proposed barn meets the definition of "Accessory Use or Structure", as that term is defined in Section 101.1 of the Zoning Regulations. Section 101.1 of the BCZR defines an accessory use or structure as a use or structure which:

- (a) is customarily incident and subordinate to and serves a principal use or structure;
- (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use

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of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

A copy of the definition for accessory use or structure is enclosed with this letter. Each element of this definition is addressed individually below.

A. The athletics and storage barn is customarily incident and subordinate to and serves a principal use or structure on the Property.

The Property contains Mr. Cordish's principal residence, and he will continue to reside on the Property. As previously stated, the purpose of the barn is primarily to allow him to share time with his family in all weather conditions enjoying a sport that his children and grandchildren love. In order to ensure that the barn remains subordinate to the primary use of the Property as a single-family residence, Mr. Cordish is willing to put a number of restrictions on the use of the barn:

1. The barn may only be used by family members and guests and may not be used by any team, school group, or for any commercial enterprise, including non-profits – the barn may only be used for recreational use by family and guests of family;
2. No doors, windows, or openings will be installed on the north side of the barn;
3. No amplified sound may be used in the barn that can be heard outside the property;
4. There will be no vehicle parking at the barn, and all vehicle parking must be in the existing parking areas of the house; and
5. All construction vehicles and commercial vehicles coming to or leaving the property may only use the paved driveway at [REDACTED] and construction may only occur Monday through Friday from 8:00 a.m. to 6:00 p.m.

These conditions will ensure that the barn remains subordinate to the principal use of the Property and does not become a second principal use. There are no showers, no kitchen, no bathrooms in the barn.

B. The barn is subordinate in area, extent or purpose to the principal use or structure.

The purpose of the barn is simply to allow Mr. Cordish to enjoy the sport of tennis and other athletics with his family and for storage of animal feed and accessories. As outlined in the above-referenced conditions, the use of the barn will be limited to use by family members and guests of

VENABLE_{LLP}

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Mr. Cordish. This will ensure that the purpose of the tennis barn remains subordinate to the principal use of the Property, which is Mr. Cordish's residence. There will be no bedrooms or sleeping accommodations in the barn.

C. The barn is located on the same lot as the principal use or structure served.

The Property is a single lot that contains 38 acres of land. The proposed barn will, therefore, be located on the same lot as the principal residence.

D. The barn will contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

The proposed barn will provide comfort and convenience to Mr. Cordish by allowing him to play tennis with his family throughout the year. The restrictions placed on the use of the barn will ensure that the barn provides this comfort and convenience, without becoming a second or separate principal use on the Property.

As explained herein, the proposed barn, with the voluntary restrictions that Mr. Cordish is willing to place on his building permit application, meets all elements of an accessory use or structure, as defined in Section 101.1 of the Zoning Regulations. Clearly, the barn, as an accessory use, is not a "tennis facility" as that term is described in Section 406A of the Zoning Regulations.

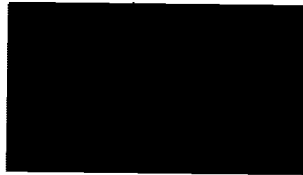
In addition, this project will comply with Section 400 of the Zoning Regulations. This section includes a limitation that accessory buildings in the rear yard may not occupy more than 40 percent of the rear yard area. [REDACTED], a Professional Engineer and Director of Engineering with The Cordish Companies, measured the total square footage of the rear yard of the Property, which is 632,143 square feet in size. [REDACTED] confirmed that the existing accessory buildings in the rear yard and the proposed tennis barn are 21,755 square feet in total, which amount covers only 3.44 percent of the rear yard. [REDACTED], a licensed architect and President of [REDACTED], measured the height of the proposed structure by application of the definition of "Building Height" contained in Section 101.1 of the Zoning Regulations and confirmed it will not exceed the permitted height for an accessory building, which is provided in Section 400.3.

Please confirm on behalf of the Department of Permits, Approvals and Inspections, by countersignature below, that the proposed tennis barn as described above in this letter is an accessory use to the principal use of the Property by Mr. Cordish in compliance with Sections 400 and 101 of the Zoning Regulations, addresses an email sent by [REDACTED] Supervisor for the Zoning Office, on October 8, 2020 (attached) and that the permit filed for the tennis barn is approved by your Department as complying with zoning requirements.


Thank you for your time and consideration of this request.

November 23, 2020
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Very truly yours,



AGREED AND ACCEPTED

 Director
Department of Permits, Approvals and Inspections

[REDACTED]

From: [REDACTED]
Sent: Monday, November 23, 2020 1:04 PM
To: [REDACTED]
Subject: FW: Cordish Property- [REDACTED]
Attachments: Letter to [REDACTED] re Accessory Structure(50518210.1).pdf

[REDACTED]

Attached is the written response to [REDACTED] email to [REDACTED]. [REDACTED] had asserted that the permit application for an accessory structure at the above referenced address required a variance and zoning hearing in order to be approved. Mr. [REDACTED] referred to sections 400.1 and 400.3 as the basis for his opinion. In the attached letter, property owner's counsel argues that the specs of the proposed project are consistent with the requirements of those sections to be processed as an Accessory Structure as defined in Section 101 of the BCZR, such that the application may be approved without a variance or hearing. Their argument is well-reasoned and addresses the code sections Mr. [REDACTED] cited. They relied on both the facts of the property and the plain language of the Code. I am not aware of any other code sections or policies that would impact this application, and none were cited by Mr. [REDACTED]. As such and without any indication to the contrary, the permit appears to comply with the definition of Accessory Structure without any further variance or hearing requirements to approve the permit.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, November 24, 2020 10:04 AM
To: [REDACTED]
Subject: RE: Cordish Property- [REDACTED]

[REDACTED]

I'm going to need an oral briefing on this because I am not convinced. I do not feel comfortable signing off. I may need to delegate that to you as originally constructed.

Received a call from VPC yesterday. What I was told was not correct. I think it will raise an eye or two.

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, November 24, 2020 9:54 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish Property- [REDACTED]

The final draft addressed all aspects of Section 101, the definition of Accessory Structure, as well as 400.1 and 400.3, specific requirements for accessory structures. It also reaches the key conclusion that the hearing and variance are not required. A variance would be needed if the proposal did not comply in all measures with the definition of an accessory structure or with the requirements of Section 400 of the BCZR.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, November 24, 2020 9:28 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish Property- [REDACTED]

[REDACTED]

How is this different than previous explanations and in this case when would a variance be needed – if ever?

[REDACTED]


November 30, 2020

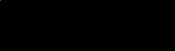


Via Electronic Transmission



Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Room 105
Towson, Maryland 21204

Re: 
Building Permit for Accessory Structure

Dear :

I am writing in support of a building permit application for the construction of an accessory structure (tennis barn) on the above-referenced property, which is located in the Lutherville-Timonium area (the "Property"). For your reference, the permit application number is B974479. David S. Cordish is the legal owner of the Property, and his children and grandchildren are avid tennis players. His three children all played in college at a very high level. Mr. Cordish is pursuing this tennis barn to share time with his family in all weather conditions and enjoy a sport they love. Plus, to have a barn for indoor storage of material and feed for the horses immediately adjacent to the barn.

The purpose of this letter is to explain how the proposed barn is in compliance with Sections 101 and 400 of the Baltimore County Zoning Regulations ("Zoning Regulations" or "BCZR"). The proposed barn meets the definition of "Accessory Use or Structure", as that term is defined in Section 101.1 of the Zoning Regulations. Section 101.1 of the BCZR defines an accessory use or structure as a use or structure which:

- (a) is customarily incident and subordinate to and serves a principal use or structure;
- (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use

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of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

A copy of the definition for accessory use or structure is enclosed with this letter. Each element of this definition is addressed individually below.

A. The athletics and storage barn is customarily incident and subordinate to and serves a principal use or structure on the Property.

The Property contains Mr. Cordish's principal residence, and he will continue to reside on the Property. As previously stated, the purpose of the barn is primarily to allow him to share time with his family in all weather conditions enjoying a sport that his children and grandchildren love. In order to ensure that the barn remains subordinate to the primary use of the Property as a single-family residence, Mr. Cordish is willing to put a number of restrictions on the use of the barn:

1. The barn may only be used by family members and guests and may not be used by any team, school group, or for any commercial enterprise, including non-profits – the barn may only be used for recreational use by family and guests of family;
2. No doors, windows, or openings will be installed on the north side of the barn;
3. No amplified sound may be used in the barn that can be heard outside the property;
4. There will be no vehicle parking at the barn, and all vehicle parking must be in the existing parking areas of the house; and
5. All construction vehicles and commercial vehicles coming to or leaving the property may only use the paved driveway at [REDACTED] and construction may only occur Monday through Friday from 8:00 a.m. to 6:00 p.m.

These conditions will ensure that the barn remains subordinate to the principal use of the Property and does not become a second principal use. There are no showers, no kitchen, no bathrooms in the barn.

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B. The barn is subordinate in area, extent or purpose to the principal use or structure.

An accessory use or structure need only be subordinate in one of three ways: area, extent, or purpose. The word "or" is defined in BCZR Section 101.1 as follows:

OR — The word "or" shall mean "and/or" unless modified by use of the word "either" or **unless the context otherwise clearly indicates another meaning.**

(emphasis added).

While the word "or" can mean "and" in certain circumstances, the context within the definition of "accessory use or structure" makes clear that the word "or" means "or" in subsection (b) of the definition. In subsection (a), the word "and" is used to require that an accessory use or structure be "customarily incident and subordinate to and serves a principal use or structure." In subsection (b), the word "or" was used, showing that an accessory use or structure need only be subordinate in area, extent, or purpose. The contrast between the wording of subsection (a) and subsection (b) show a clear intent to differentiate between requiring all items in subsection (a), and only one item in subsection (b) of the definition of accessory use or structure.

Here, the purpose of the barn is simply to allow Mr. Cordish to enjoy the sport of tennis and other athletics with his family and for storage of animal feed and accessories. As outlined in the above-referenced conditions, the use of the barn will be limited to use by family members and guests of Mr. Cordish. This will ensure that the purpose of the tennis barn remains subordinate to the principal use of the Property, which is Mr. Cordish's residence. There will be no bedrooms or sleeping accommodations in the barn.

C. The barn is located on the same lot as the principal use or structure served.

The Property is a single lot that contains 38 acres of land. The proposed barn will, therefore, be located on the same lot as the principal residence.

D. The barn will contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

The proposed barn will provide comfort and convenience to Mr. Cordish by allowing him to play tennis with his family throughout the year. The restrictions placed on the use of the barn will ensure that the barn provides this comfort and convenience, without becoming a second or separate principal use on the Property.

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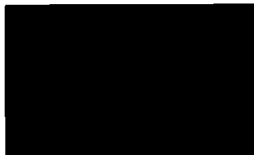
As explained herein, the proposed barn, with the voluntary restrictions that Mr. Cordish is willing to place on his building permit application, meets all elements of an accessory use or structure, as defined in Section 101.1 of the Zoning Regulations. Clearly, the barn, as an accessory use, is not a "tennis facility" as that term is described in Section 406A of the Zoning Regulations.

In addition, this project will comply with Section 400 of the Zoning Regulations. This section includes a limitation that accessory buildings in the rear yard may not occupy more than 40 percent of the rear yard area. [REDACTED] a Professional Engineer and Director of Engineering with The Cordish Companies, measured the total square footage of the rear yard of the Property, which is 632,143 square feet in size. [REDACTED] confirmed that the existing accessory buildings in the rear yard and the proposed tennis barn are 21,755 square feet in total, which amount covers only 3.44 percent of the rear yard. [REDACTED] a licensed architect and President of [REDACTED] measured the height of the proposed structure by application of the definition of "Building Height" contained in Section 101.1 of the Zoning Regulations and confirmed it will not exceed the permitted height for an accessory building, which is provided in Section 400.3.

Please confirm on behalf of the Department of Permits, Approvals and Inspections, by countersignature below, that the proposed tennis barn as described above in this letter is an accessory use to the principal use of the Property by Mr. Cordish in compliance with Sections 400 and 101 of the Zoning Regulations, addresses an email sent by [REDACTED] Supervisor for the Zoning Office, on October 8, 2020 (attached), that the permit filed for the tennis barn is approved by your Department as complying with zoning requirements, and that no variance or zoning relief will be required.

Thank you for your time and consideration of this request.

Very truly yours,



AGREED AND ACCEPTED

[REDACTED]
Department of Permits, Approvals and Inspections

[REDACTED]

From: [REDACTED]
Sent: Monday, November 30, 2020 12:39 PM
To: [REDACTED]
Subject: RE: Cordish Property- [REDACTED]

[REDACTED]

Thanks. But that is what I have been saying to [REDACTED] all along. Give a building permit subject to – remember the indemnification.

The owner/[REDACTED] et al, have been pushing [REDACTED] on a daily basis. I was trying to help, a path, hoped for something more than we have received. Although the second ALJ is said, again, I will be pushed – pushed and pushed some more.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Monday, November 30, 2020 12:28 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Re: Cordish Property- [REDACTED]

If it is going to a hearing they could have been on the calendar already is all I meant. Having the continued discourse with counsel at this point is not making progress. They have been lead to believe there may be a path without the hearing. They need to be told they have to have the hearing.

Sent from my iPhone

On Nov 30, 2020, at 11:41 AM, [REDACTED]@baltimorecountymd.gov> wrote:

You think. Well you are wrong. I am allowed to have my doubts. I was willing to hear their point and receive your advice, which changed after you spoke to [REDACTED] I had not made up my mind, but I am being directed by others who have, I believe, made up their minds regardless of the merits. Consequently, I was looking for a path, either that will keep the department from looking like a tool and/or a way to do this that is not subterfuge (nice word). Amends if that makes no sense to you, but I cannot recall ever having to continually address special arrangements for certain people. Every week. And I am not new in this business.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Monday, November 30, 2020 11:29 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Re: Cordish Property- [REDACTED]

You are the Director
It is your decision. If you have made it then I am just wasting everyone's time.

Sent from my iPhone

On Nov 30, 2020, at 11:27 AM, [REDACTED]
[REDACTED]@baltimorecountymd.gov> wrote:

Why can't they just bring it to the ALJ. Like [REDACTED] or not, he said they are asking me to stand in the shoes of Judge Mayhew. Additionally, I now believe the reason they do not want to submit a building plan for permitting is I am told the structure height will be 35', rather than the 15' they told you.

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Monday, November 30, 2020 11:23 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Fwd: Cordish Property- [REDACTED]

[REDACTED]

Mr Cordish's attorney has responded to the interpretation by the Zoning staff regarding "or" in the definition of accessory structure.

Sent from my iPhone

[REDACTED]

From: [REDACTED]
Sent: Thursday, December 3, 2020 8:24 PM
To: [REDACTED]
Subject: RE: Tennis Barn

[REDACTED]

Thanks. I agree that may be relevant depending on how it is typically applied.

I looked up the "OR" definition tonight. Doesn't and/or mean it is "and" or "or"? Meaning it can go either way? As in "I want pizza, ice cream, and/or French fries? That means I will take all 3 of pizza, ice cream, and French fries. But it also means I'd be ok with just French fries.

So here, the sentence is "is subordinate in area, extent, and/or purpose to the principal use or structure." Meaning, it can be subordinate in area, extent AND purpose, OR it can just be subordinate in purpose. Well, it may not be subordinate in all 3, because the area is larger than the principal structure. But clearly it is subordinate in purpose. Tennis is subordinate to house.

Am I reading that correctly?

Also – I would think there is a very strong argument here that the context clearly indicates another meeting, for some of the reasons [REDACTED] advanced today.

I know it is not your call, but I am still trying to make sure I grasp the arguments here.

OR — The word "or" shall mean "and/or" unless modified by use of the word "either" or unless the context otherwise clearly indicates another meaning.

(b) is subordinate in area, extent or purpose to the principal use or structure

[REDACTED]

From: [REDACTED]
Sent: Friday, December 4, 2020 11:06 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Tennis Barn

[REDACTED]

Make your case [REDACTED] Just saying you disagree is not an argument. The section you are referring to says, "TENNIS COURTS", not TENNIS BARN. When that section was written there were many tennis barns in the County with the proper zoning, i.e.; commercial. This case involves a TENNIS BARN in a residential zone. Have you even looked at the interior floor plans for the proposed building? I'm guessing not. Your citing of the section on page 4-1.4 is an absolutely erroneous application, it is addressing an entirely different matter. It is not addressing ACCESSORY STRUCTURES that are unusual and/or large structures or uses. It simply says, a tennis court is an accessory structure. So what? That does not affect the application of the section on page 4-1.5 which deals with "Unusual accessory structures". Re-read both sections. Take note of the intervening sections. They are addressing two entirely different and distinct zoning issues.

From: [REDACTED]
Sent: Friday, December 04, 2020 10:19 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: RE: Tennis Barn

Agree to disagree. The words speak for themselves

From: [REDACTED]@baltimorecountymd.gov>
Sent: Friday, December 4, 2020 10:17 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Tennis Barn

[REDACTED]

That section does not negate the application of the Section on the following page; "UNUSUAL AND/OR LARGE STRUCTURES/USES". For instance, greenhouses are permitted accessory structures in all residential zones, unless, it is an unusual..large...structure/use. Cited case 85-62-SPH. The tennis barn at issue, considering its size, spectator seating, observation balcony and, with such keen community interest which largely seems to be protestants, is an appropriate case for the ALJ to review by Special Hearing. [REDACTED]

From: [REDACTED]
Sent: Friday, December 04, 2020 9:58 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: RE: Tennis Barn

[REDACTED]

Tennis courts are listed above in that section of the policy

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, December 3, 2020 11:49 AM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Tennis Barn

Page 4-1.5, Zoning Office Policy Manual

From: [REDACTED]
Sent: Thursday, December 03, 2020 11:45 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Tennis Barn

Where is this found in the manual?

From: [REDACTED]@baltimorecountymd.gov>
Sent: Thursday, December 3, 2020 11:31 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: FW: Tennis Barn

From: [REDACTED]
Sent: Thursday, December 03, 2020 11:28 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Tennis Barn

[REDACTED]
[REDACTED] ask me about the above referenced matter. The following policy manual section is pertinent:

UNUSUAL AND/OR LARGE STRUCTURES/USES **not listed above** or specifically exempt in 400.1.d may be subject to a special hearing before the Zoning Commissioner.
Precedents provided. This section authorizes the Zoning Office to require a Special Hearing for ALJ review. [REDACTED]

December 9, 2020



Via Electronic Transmission

[REDACTED] Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Room 105
Towson, Maryland 21204

Re: [REDACTED]
Building Permit for Accessory Structure

Dear [REDACTED]

I am writing in support of a building permit application for the construction of an accessory structure (tennis barn) on the above-referenced property, which is located in the Lutherville-Timonium area (the "Property"). For your reference, the permit application number is B974479. David S. Cordish is the legal owner of the Property, and his children and grandchildren are avid tennis players. His three children all played in college at a very high level. Mr. Cordish is pursuing this tennis barn to share time with his family in all weather conditions and enjoy a sport they love. Plus, to have a barn for indoor storage of material and feed for the horses immediately adjacent to the barn.

The purpose of this letter is to explain how the proposed barn is in compliance with Sections 101 and 400 of the Baltimore County Zoning Regulations ("Zoning Regulations" or "BCZR"). The proposed barn meets the definition of "Accessory Use or Structure", as that term is defined in Section 101.1 of the Zoning Regulations. Section 101.1 of the BCZR defines an accessory use or structure as a use or structure which:

- (a) is customarily incident and subordinate to and serves a principal use or structure;
- (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

[REDACTED]

Page 2

A copy of the definition for accessory use or structure is enclosed with this letter. Each element of this definition is addressed individually below.

A. The athletics and storage barn is customarily incident and subordinate to and serves a principal use or structure on the Property.

The Property contains Mr. Cordish's principal residence, and he will continue to reside on the Property. As previously stated, the purpose of the barn is primarily to allow him to share time with his family in all weather conditions enjoying a sport that his children and grandchildren love. In order to ensure that the barn remains subordinate to the primary use of the Property as a single-family residence, Mr. Cordish is willing to put a number of restrictions on the use of the barn:

1. The barn may only be used by family members and guests and may not be used by any team, school group, or for any commercial enterprise, including non-profits – the barn may only be used for recreational use by family and guests of family;
2. No doors, windows, or openings will be installed on the north side of the barn;
3. No amplified sound may be used in the barn that can be heard outside the property;
4. There will be no vehicle parking at the barn, and all vehicle parking must be in the existing parking areas of the house; and
5. All construction vehicles and commercial vehicles coming to or leaving the property may only use the paved driveway at [REDACTED] and construction may only occur Monday through Friday from 8:00 a.m. to 6:00 p.m.

These conditions will ensure that the barn remains subordinate to the principal use of the Property and does not become a second principal use. There are no showers, no kitchen, no bathrooms in the barn.

B. The barn is subordinate in area, extent or purpose to the principal use or structure.

An accessory use or structure need only be subordinate in one of three ways: area, extent, or purpose. The word "or" is defined in BCZR Section 101.1 as follows:

OR — The word "or" shall mean "and/or" unless modified by use of the word

"either" or **unless the context otherwise clearly indicates another meaning.**

(emphasis added).

While the word "or" can mean "and" in certain circumstances, the context within the definition of "accessory use or structure" makes clear that the word "or" means "or" in subsection (b) of the definition. In subsection (a), the word "and" is used to require that an accessory use or structure be "customarily incident **and** subordinate to **and** serves a principal use or structure." In subsection (b), the word "or" was used, showing that an accessory use or structure need only be subordinate in area, extent, **or** purpose. The contrast between the wording of subsection (a) and subsection (b) show a clear intent to differentiate between requiring all items in subsection (a), and only one item in subsection (b) of the definition of accessory use or structure.

Here, the purpose of the barn is simply to allow Mr. Cordish to enjoy the sport of tennis and other athletics with his family and for storage of animal feed and accessories. As outlined in the above-referenced conditions, the use of the barn will be limited to use by family members and guests of Mr. Cordish. This will ensure that the purpose of the tennis barn remains subordinate to the principal use of the Property, which is Mr. Cordish's residence. There will be no bedrooms or sleeping accommodations in the barn.

C. The barn is located on the same lot as the principal use or structure served.

The Property is a single lot that contains 38 acres of land. The proposed barn will, therefore, be located on the same lot as the principal residence.

D. The barn will contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

The proposed barn will provide comfort and convenience to Mr. Cordish by allowing him to play tennis with his family throughout the year. The restrictions placed on the use of the barn will ensure that the barn provides this comfort and convenience, without becoming a second or separate principal use on the Property.

As explained herein, the proposed barn, with the voluntary restrictions that Mr. Cordish is willing to place on his building permit application, meets all elements of an accessory use or structure, as defined in Section 101.1 of the Zoning Regulations. Clearly, the barn, as an accessory use, is not a "tennis facility" as that term is described in Section 406A of the Zoning Regulations.

In addition, this project will comply with Section 400 of the Zoning Regulations. This section includes a limitation that accessory buildings in the rear yard may not occupy more than 40 percent

[REDACTED]

Page 4

of the rear yard area. [REDACTED] a Professional Engineer and Director of Engineering with The Cordish Companies, measured the total square footage of the rear yard of the Property, which is 632,143 square feet in size. [REDACTED] confirmed that the existing accessory buildings in the rear yard and the proposed tennis barn are 21,755 square feet in total, which amount covers only 3.44 percent of the rear yard. [REDACTED] a licensed architect and President of [REDACTED] measured the height of the proposed structure by application of the definition of "Building Height" contained in Section 101.1 of the Zoning Regulations and confirmed it will not exceed the permitted height for an accessory building, which is provided in Section 400.3.

Please confirm on behalf of the Department of Permits, Approvals and Inspections, by countersignature below, that the proposed tennis barn as described above in this letter is an accessory use to the principal use of the Property by Mr. Cordish in compliance with Sections 400 and 101 of the Zoning Regulations, addresses an email sent by [REDACTED] Supervisor for the Zoning Office, on October 8, 2020 (attached), that the permit filed for the tennis barn is approved by your Department as complying with zoning requirements, and that no variance or zoning relief will be required. Our client is aware that, consistent with our experience and that of your Department, someone may file for a Special Hearing before the Administrative Law Judge under Section 500.7 of the Zoning Regulations.

Thank you for your time and consideration of this request.

Very truly yours,

[REDACTED]

AGREED AND ACCEPTED

[REDACTED] Director
Department of Permits, Approvals and Inspections

[REDACTED]

From:

Sent: Friday, December 11, 2020 11:28 AM

To: [REDACTED]

Cc: [REDACTED]

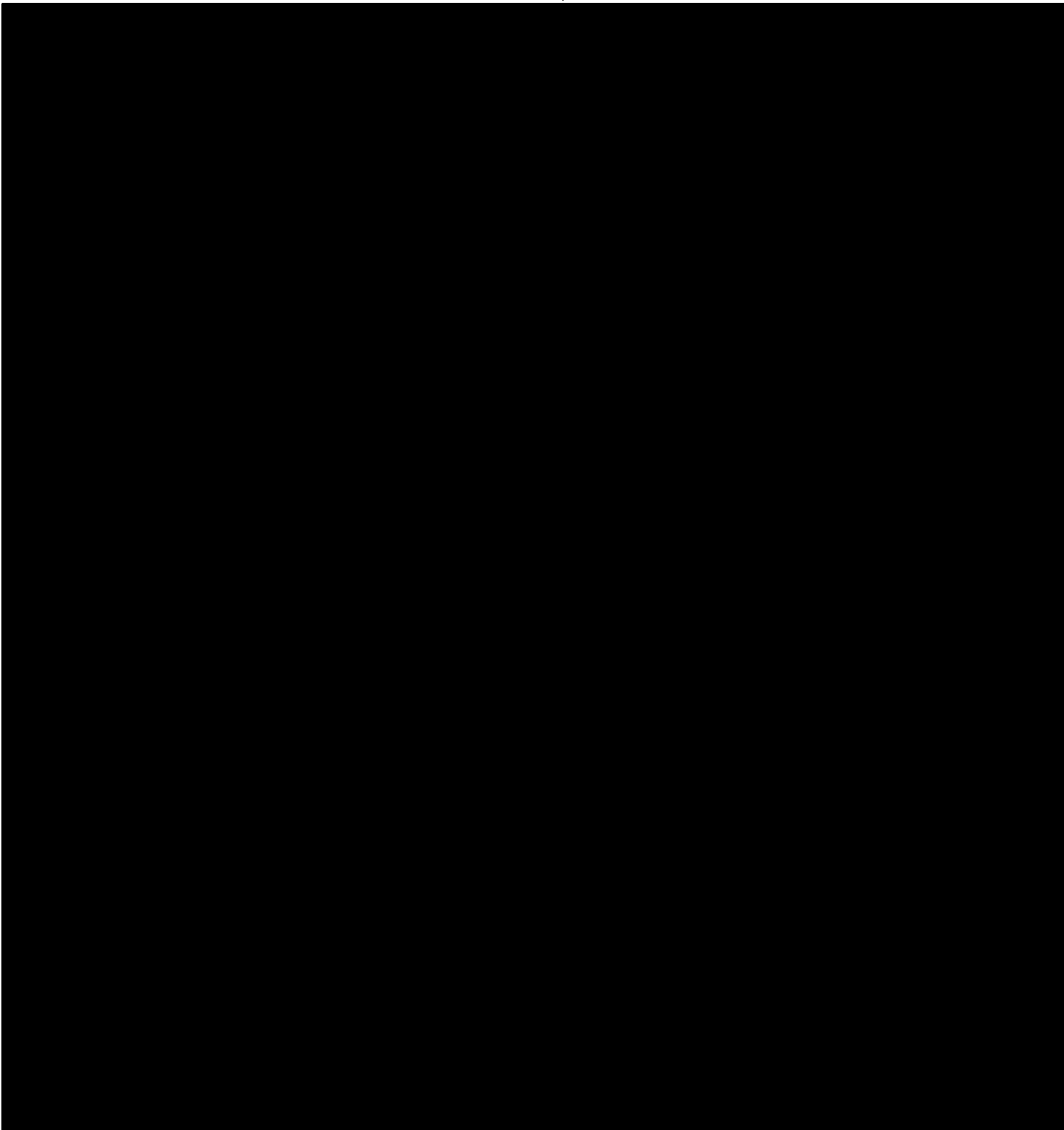
Subject: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]

Attachments: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



TIME: 15:00:04 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/16/2020
DATE: 02/25/2021 APPROVALS DETAIL SCREEN JNP 13:14:24

PERMIT #: B973601

PASSWORD :

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	12/09/2020	01	TK/ALB 10/14/20
ZONING	12/16/2020	01	[REDACTED] PER [REDACTED] & [REDACTED]
ENVRMNT	09/14/2020	12	GWM-9/14-DJE..EIR-11/25 GES/MB..SC-X3226
PLANNING	08/31/2020	01	JN/EDW
PERMITS	08/26/2020	10	NEED ACCESSORY LETTER

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL

PF4 - ISSUE PERMIT

PF9 - SAVE

CLEAR - MENU

From: [REDACTED]@cordish.com>

Sent: Wednesday, January 6, 2021 8:18 AM

To: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>

Subject: Fwd: Good news RE: Barn?- PERMITS

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

Gentleman and Lady, we are on one yard line. Please see below. We desperately need to get started or lose our window to be complete for the coming Fall. We are told there are no issues w submission to County EPA we just need them to review. Any little push to have them review this week would be most helpful and appreciated. Thanks. David

[REDACTED]

From: David Cordish <[REDACTED]@cordish.com>
Sent: Thursday, January 21, 2021 11:46 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: BARN

[REDACTED]

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

All that is left is Sediment Control. They replied to our submission w suggested pro forma changes they wanted. We made them immediately and resubmitted. The resubmitted are 100% responsive to their request. We just need them to look at the resubmission , compare to their request, and approve.

If we can get started barn will not be ready for 21/22 season and 12 months lost. I will be 81 Jan 30 and not getting any younger. All we are asking is they look at drawings.

Thanks for your help.

[REDACTED]

From: [REDACTED]
Sent: Friday, January 22, 2021 11:31 AM
To: David Cordish; [REDACTED]
Cc: [REDACTED]
Subject: RE: Cordish Residence

[REDACTED]

Thank you for the update. The Soil Conservation District is quasi-independent and not directly accountable to the County. That said, [REDACTED] from DEPS has stayed on top of it and has been providing me updates.

I will ask him for another status update on the SCD review and ask that he stay on top of it until complete.

Thank you.

[REDACTED]

From: David Cordish <[REDACTED]@cordish.com>
Sent: Friday, January 22, 2021 10:43 AM
To: [REDACTED]@cordish.com>; [REDACTED]
[REDACTED]@cordish.com>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>
Subject: Fwd: Cordish Residence

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

We are down to Sediment Control. No issues just need a sign off

David Cordish

Begin forwarded message:

From: [REDACTED]@baltimorecountymd.gov>
Date: January 22, 2021 at 10:23:34 AM EST
To: David Cordish <[REDACTED]@cordish.com>
Subject: Cordish Residence

Good morning Ms. Cordish,

I have attached an approved copy of the Environmental Agreement for the Cordish Residence Project.

Thank you.

[REDACTED]
Account Clerk III
Environmental Protection & Sustainability
County Office Building

[REDACTED]

From: David Cordish <[REDACTED]@cordish.com>
Sent: Tuesday, January 26, 2021 2:48 PM
To: [REDACTED]
Subject: Soil Conservation District [SCD]

[REDACTED]

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

[REDACTED]

I did not have [REDACTED] cell phone, so I am texting [REDACTED] and emailing you both. Good news is I spoke directly to the reviewer at SCD, who was very sympathetic to the time pressures and had an excellent suggestion. There is a gentlemen, [REDACTED] in the Baltimore County Dept of Permits & Approvals who is point in the County for telling her to pull out a file, especially one that is already on resubmittal, and expediting her review. This is a routine procedure that she explained happens all the time, and she was very optimistic that [REDACTED] would be sympathetic to the time pressure. Could either you or [REDACTED] please call [REDACTED] ASAP and request that he call SCD and tell them to immediately review the new submission. The two numbers given to me for [REDACTED] are 410-887-[REDACTED] and 410-887-[REDACTED]. Even if we start next Monday construction, we will miss the month of November, but if there are no foul-ups we will get the December, January & February winter months.

Many thanks,

David

P.S. I left this as a voice message on [REDACTED] office phone.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 28, 2021 8:58 AM
To: David Cordish; [REDACTED]
Subject: RE: [REDACTED]

[REDACTED]

Mr. Cordish,

We've been regularly asking for status updates. I suggest we set up a call to discuss.

Thank you.

[REDACTED]

-----Original Message-----

From: David Cordish <[REDACTED]@cordish.com>
Sent: Wednesday, January 27, 2021 1:57 PM
To: [REDACTED]@baltimorecountymd.gov; [REDACTED]@baltimorecountymd.gov
Subject: [REDACTED]

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

How did u make out w him. Should I call him directly myself

David Cordish

From: [REDACTED]
Sent: Monday, February 01, 2021 11:01 PM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Fw: Call w/ David Cordish [County Exec Johnny O]

[REDACTED]

I am forwarding this to you for your information and input. I anticipate that Mr. Cordish will request that his project be made a priority review at the Balt. Co. Soil Conservation District. For reasons never explained to me it seems that the Development Manager is the only person who may make that request. That notwithstanding, I do not make such requests unilaterally or without approval from the Director. Typically the standard is as we previously discussed in that the project proves some greater good. Im not sure this rises to that BUT it seems Mr. Cordish has the CE's support.

Mr. Cordish is to call me tomorrow at noon. Do you have any issues if it is made a priority?

I know very little about the project but understand there is some zoning controversy. [REDACTED] is familiar with it.

Thanks
[REDACTED]

From: [REDACTED]
Sent: Monday, February 1, 2021 1:29:57 PM
To: [REDACTED]
Subject: Re: Call w/ David Cordish [County Exec Johnny O]

[REDACTED]

I apologize for the delayed response as I was off the grid skiing the latter part of last week. With the weather being what it is I am still not in my office and so am not able to listen to my voicemail. That notwithstanding, I am available to speak tomorrow 2/2/21 between 12 to 4. I fully expect to be in my office by Wednesday at worst and can receive a call there at 410 887 [REDACTED] My cell # is [REDACTED]

If possible please respond to this message with a little background as to the nature of the call and identify the first 6 digits of the number you are calling from so I have an idea it will be you.

From: [REDACTED]@cordish.com>
Sent: Thursday, January 28, 2021 10:51:36 AM
To: [REDACTED]
Subject: Call w/ David Cordish [County Exec Johnny O]

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

Greetings [REDACTED]

I am following up my voicemail this morning. I am the assistant to David Cordish, Chairman of The Cordish Company. County Exec "Johnny O" suggested the two of you connect for a call soonest. If you could please suggest a few available times for a call, I would be most appreciative.

Best
[REDACTED]

EA to David Cordish
[REDACTED]

Exhibit 32

[REDACTED]

From: [REDACTED]
Sent: Tuesday, February 2, 2021 11:46 AM
To: [REDACTED]
Subject: RE: Cordish tennis barn

[REDACTED]

Cordish rep indicated that the County Exec. suggested the conversation so I gather he has his support. I have apprised [REDACTED]. He has no knowledge of the project but will go with my decision. I will sound out Cordish on the CE angle and request that he put a formal request in writing via an email at minimum for..."the file".

[REDACTED]
Development Manager
Baltimore County Government
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room123
Towson, Maryland 21204

From: [REDACTED]
Sent: Tuesday, February 02, 2021 11:40 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish tennis barn

Well, it is my understanding that the applicant doesn't just get to go directly to you for priority consideration without some kind of thumbs up from the powers above. Just want to verify if there was any intent for that happen through the chain of command. But Zoning issues were ultimately resolved.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 11:19 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish tennis barn

Greenlighting a priority BCSD review isn't a big deal. I just wanted to know if there were any parties opposing the project that I should be aware of. I understand zoning had some issues but that seems to be resolved? I don't want to put [REDACTED] in hot water.
thanks

[REDACTED]
Development Manager
Baltimore County Government
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room123
Towson, Maryland 21204

Exhibit 33

From: [REDACTED]
Sent: Tuesday, February 02, 2021 11:00 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: RE: Cordish tennis barn

Not to my knowledge. Ultimately, the review process and comments during that process seemed to be completely resolved by a review of the plans and clarification for the zoning reviewers. Let me reach out on this and try to get you some more direction

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 10:57 AM
To: [REDACTED]@baltimorecountymd.gov>
Subject: Cordish tennis barn

[REDACTED]
I am expecting a call from David Cordish today at noon regarding his tennis barn. The CE suggested he call me. I suspect it is to request priority review at the BCSD. Anything special I should know ?

Thanks

[REDACTED]
Development Manager
Baltimore County Government
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room123
Towson, Maryland 21204

[REDACTED]

From: David Cordish <[REDACTED]@cordish.com>
Sent: Tuesday, February 2, 2021 1:57 PM
To: [REDACTED]
Subject: Cordish Tennis Barn

[REDACTED]

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

Re: [REDACTED]
[REDACTED],

Thoroughly enjoyed meeting and conversing with you today, and look forward to actually meeting in person one of these days.

As we discussed, the above is being constructed at my house on [REDACTED] solely for family use, with no commercial purpose, and we are virtually out of time to complete the indoor facility by the Winter of 2021. Without commencing construction in the next week, we will miss an entire season and the project would be delayed until the Winter 2022.

We have received all sign off approvals from the various applicable Baltimore County departments, and we are waiting final approval from sediment control [SCD]. Some time ago we made our initial submission, and in due course received SCD's comments. Our engineer, [REDACTED] Construction, incorporated without change or comment every single one of the half a dozen requests by SCD, and resubmitted to them. If SCD could quickly examine the resubmission and compare to its previous review and suggestions, it would be crucial to accommodating our schedule. Any assistance you can provide in this regard would be most appreciated, and I do feel from having talked directly to staff at SCD that they would welcome this direction.

Best,

David

[REDACTED]

From: [REDACTED]
Sent: Tuesday, February 2, 2021 2:56 PM
To: [REDACTED]
Cc: [REDACTED] David Cordish
Subject: Cordish Tennis Barn- [REDACTED]

[REDACTED]

[REDACTED]

Please accept this request to perform an expedited review of the plan for the Cordish Tennis Barn- [REDACTED] [REDACTED] currently with the BCSD.

It is my understanding that said plan has had an initial review by your office, was returned to the engineer, [REDACTED] who then amended the plan in response to District comments. The amended plan has been returned to the District and it is at this time I ask that the amended plan be made a priority and reviewed at your very first opportunity.

Thank You

[REDACTED]

Development Manager
Baltimore County Government
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room123
Towson, Maryland 21204

[REDACTED]

From: [REDACTED]
Sent: Tuesday, February 2, 2021 3:21 PM
To: [REDACTED]
Subject: RE: Call w/ David Cordish [County Exec Johnny O]

[REDACTED]

Damn....I didn't see this until after I sent the request for priority review to [REDACTED] Mr. Cordish did send a request to me in writing. I copied [REDACTED] on the email request. Guess I will wait for any fallout.

[REDACTED]
Development Manager
Baltimore County Government
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room123
Towson, Maryland 21204

From: [REDACTED]
Sent: Tuesday, February 02, 2021 12:58 PM
To: [REDACTED]<[REDACTED]@baltimorecountymd.gov>
Subject: RE: Call w/ David Cordish [County Exec Johnny O]

I have in fact confirmed with [REDACTED] that the Cordish tennis barn will not be designated as a priority review with the SCD, and in fact [REDACTED] said he advised the CE against priority review for this permit.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, February 3, 2021 8:57 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Cordish Tennis Barn- [REDACTED]

[REDACTED]

Ok...I was relying on [REDACTED] professional judgment since I had no background on this.

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 9:32 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>
Subject: FW: Cordish Tennis Barn- [REDACTED]

[REDACTED]

I don't think it is worth changing direction at this point, but just so you know, we did not request the priority review on this. We've spoken to Mr. Cordish and have been asking for updates, but did not request priority review.

[REDACTED]

From: [REDACTED]@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 2:56 PM
To: [REDACTED]@baltimorecountymd.gov>
Cc: [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; [REDACTED]@baltimorecountymd.gov>; David Cordish [REDACTED]@cordish.com>
Subject: Cordish Tennis Barn- [REDACTED]

[REDACTED]

Please accept this request to perform an expedited review of the plan for the Cordish Tennis Barn- [REDACTED] currently with the BCSD.

It is my understanding that said plan has had an initial review by your office, was returned to the engineer, [REDACTED] who then amended the plan in response to District comments. The amended plan has been returned to the District and it is at this time I ask that the amended plan be made a priority and reviewed at your very first opportunity.

Thank You

[REDACTED]
Development Manager
Baltimore County Government
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room123
Towson, Maryland 21204

[REDACTED]

From: [REDACTED]
Sent: Wednesday, February 3, 2021 11:58 AM
To: [REDACTED]@bohlereng.com
Cc: [REDACTED]
Subject: David S. Cordish

[REDACTED]

[REDACTED]

We have completed the third review of the David S. Cordish project and the plans are available for pick up. We had a few minor comments but once those are addressed, please submit mylars for approval.

Thanks,

[REDACTED]

[REDACTED]

Urban Conservationist
Baltimore County Soil Conservation District
1114 Shawan Road
Cockeysville, MD 21030

[REDACTED]



Summary Of Zoning Petitions Where The Proposed Accessory Structure Was Larger Than The Principle Dwelling

	A	B	C	D	E	F	G
1	Case Number	Property Address	Petition Filing Date	Petition Type 1	Petition Request 1	Petition Type 2	Petition Request 2
2	2022-0058-SPHA	1424 MAPLE AVE	3/3/2022	SPECIAL HEARING	To allow an accessory building with a footprint larger than the primary structure (dwelling).	VARIANCE	BCZR 400.3: To permit an accessory building with a height of 30 feet in lieu of the maximum 15 feet.
3	2022-0002-SPHA	16309 YORK RD	1/6/2022	SPECIAL HEARING	To permit an accessory structure (barn) to be located on a different parcel of land than the principal structure. To permit an accessory structure (barn) with a size of 2,500 SQ FT. to be larger than the principal use dwelling that has an area of 2,472 SQ FT.	VARIANCE	BCZR 400.3: To permit the height of an accessory structure (barn) of 37 FT. in lieu of the required 15 FT.
4	2021-0222-SPHA	11 KAUFFMAN RD	7/27/2021	SPECIAL HEARING	BCZR 101 to permit a proposed accessory structure (garage) larger than the principle structure.	VARIANCE	BCZR 400.3 To permit a proposed accessory structure with a height of 27 FT in lieu of the maximum height of 15 FT.
5	2021-0170-SPHA	34 EDMONDSON RIDGE RD	6/2/2021	SPECIAL HEARING	To approve an accessory building (garage) with a building footprint greater than the principle dwelling.	VARIANCE	BCZR 400.1 and 303.1 To approve an accessory building (garage) in the side yard in lieu of the required rear yard only and to allow a front yard setback of 9 FT in lieu of the front yard average of 22 FT.
6	2021-0099-SPHA	20320 WEST LIBERTY RD	3/31/2021	SPECIAL HEARING	To permit a proposed rear yard accessory structure with a footprint larger than the principle use residence.	VARIANCE	BCZR 400.3 To permit the proposed rear yard accessory structure to have a height of 19 feet in lieu of the maximum allowed height of 15 feet.

	A	B	C	D	E	F	G
7	2021-0013-SPH	20061 MIDDLETOWN RD	1/14/2021	SPECIAL HEARING	To permit an accessory building (detached garage) with a building footprint larger than the footprint of the principal use dwelling.	-	-
8	2020-0223-SPH	4948 TULIP AVE	9/3/2020	SPECIAL HEARING	Accessory structure with footprint square footage larger than principle structure.	-	-
9	2020-0196-SPHA	8728 OAKLEIGH RD	8/4/2020	SPECIAL HEARING	Under section 400.1.E To have an accessory structure larger than the principle structure.	VARIANCE	From section 400.3 To allow an accessory structure to be 22' tall in lieu of the permitted 15' and section 400.1 to have it located in more than the 1/3 of the lot in the street corner side of the property furthest from the side street.
10	2020-0187-SPHA	1933 BULLS SAWMILL RD	7/28/2020	SPECIAL HEARING	To permit a proposed accessory structure (garage) larger than the existing principal structure (single family dwelling).	VARIANCE	To permit a proposed accessory structure (garage) to have a height of 24.0 feet in lieu of the maximum height required of 15 feet per Section 400.3 BCZR
11	2020-0178-SPHA	1618 MIDDLEBOROUGH RD	7/22/2020	SPECIAL HEARING	Section 500.7 Per zoning commissioners policy manual Section 400.1 E to have an accessory structure large than the principal structure.	VARIANCE	Section 400.3 to allow an accessory structure to be 22' tall in lieu of the permitted 15'.
12	2020-0125-SPHA	12402 JERUSALEM RD	5/27/2020	VARIANCE	Section 400.3 To permit an accessory building (pole barn) that will be 27 feet in height in lieu of the required 15 feet maximum height. Section 400.1 To permit an accessory building (pole barn) with a side setback of 6" (1/2 foot) in lieu of the minimum required 30" (2 1/2 feet).	SPECIAL HEARING	To permit an accessory building (pole barn) that is larger in area (building footprint) than the principal dwelling area (building footprint).

	A	B	C	D	E	F	G
13	2020-0113-SPHA	8208 MILLER ISLAND RD	5/7/2020	SPECIAL HEARING	A proposed accessory structure (pole barn) with a building footprint larger than the building footprint of the primary structure.	VARIANCE	To permit a proposed accessory structure (pole barn) to have a height of 25 feet in lieu of the maximum allowed height of 15 feet.
14	2020-0061-SPHA	13026 HARFORD RD	2/26/2020	SPECIAL HEARING	BCZR 101 AND ZCPM 400.1.e To approve an accessory structure (garage 60 ft x 40 ft) to be larger than the primary structure which is 30 ft x 32 ft.	VARIANCE	BCZR 400.3 To approve an accessory structure (garage 60 ft x 40 ft) at a height of 27 ft in lieu of the required maximum height of 15 ft.
15	2020-0039-SPHA	5222 BYERLY RD	2/10/2020	SPECIAL HEARING	To permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling).	VARIANCE	To permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. per Section 400.3 BCZR.
16	2020-0024-SPHA	4228 OSBORN RD	1/27/2020	SPECIAL HEARING	To permit an accessory structure (barn) larger than the principle structure.	VARIANCE	400.0 Of the BCZR To permit an proposed accessory structure (pole barn) in the side street yard in lieu of the required rear yard in the third of the lot farthest removed from any street and to permit height 25 feet in the lieu of the required 15 feet.
17	2019-0400-SPHA	9 ALBRIGHT AVE		SPECIAL HEARING	An Accessory Garage of 1,360 S.F which is larger than the primary structure which is 966 S.F.	VARIANCE	To permit an accessory garage at 23 feet high in lieu of the permitted 15 feet high.
18	2019-0503-SPHA	7328 GEISE AVE	10/31/2019	SPECIAL HEARING	BCZR 101 and ZCPM 400.1.e To approve an accessory structure (garage 30 feet X 30 feet) to be larger than the primary structure which is 30.0 feet X 24.4 feet.	VARIANCE	BCZR 400.3 To approve an accessory structure (garage 30 feet X 30 feet) at height of 18 feet in lieu of the required maximum height of 15 feet.

	A	B	C	D	E	F	G
19	2019-0501-SPHA	7738 NORTH POINT RD	10/29/2019	SPECIAL HEARING	To determine whether or not the Zoning Commissioner should approve an accessory structure of 2,500 square feet (50X50) that is larger than the principal structure on the property. That is 1,785 SQ FT.	VARIANCE	Section 400.3 to permit a 25' height for an accessory structure in lieu of the maximum permitted 15'.
20	2019-0433-SPH	8630 WRIGHTS MILL RD	8/20/2019	SPECIAL HEARING	A proposed accessory building (garage) with a building foot print (1440 SQ FT) larger than the principal use dwelling (1200 SQ FT).	-	-
21	2019-0371-SPH	32 STEMMERS RUN RD	6/18/2019	SPECIAL HEARING	An accessory use garage that is larger in area than the primary structure as defined in section 101.1 of the BCZR.	-	-
22	2019-0332-SPH	11800 HARFORD RD	5/20/2019	SPECIAL HEARING	To permit an accessory use garage to be 2,000 square feet which is larger than the existing primary structure that is 1,829 square feet.	VARIANCE	To permit a new accessory use garage height to be 30 feet in lieu of permitted 15 feet.
23	2019-0283-SPHA	6941 MOUNT VISTA RD	4/1/2019	SPECIAL HEARING	To approve a large accessory use garage that will be 1,536 square feet which is larger than the residence which is 720 square feet.	VARIANCE	To permit the height of the accessory use garage to be 18 feet, 6 inches in lieu of the permitted 15 feet.

	A	B	C	D	E	F	G
24	2019-0260-SPHA	1120 FREELAND RD	3/7/2019	SPECIAL HEARING	To approve Pole Barn, accessory building addition and garage with a footprint bigger than the principal dwelling.	VARIANCE	To permit an existing pole building with a setback of 0 feet in lieu of the required 2.5 feet and with a height of 19 feet in lieu of the required 15 feet. To permit a proposed accessory building addition with a height of 22 feet in lieu of the required 15 feet. To permit an existing detached garage to be located in the side yard in lieu of the required rear yard and with a height of 19 feet in lieu of the required 15 feet.
25	2019-0133-SPHA	1907 RIDGE RD	10/23/2018	SPECIAL HEARING	TO APPROVE AN ACCESSORY STRUCTURE (GARAGE) WITH A FOOTPRINT OF THE PRINCIPAL STRUCTURE (DWELLING)	VARIANCE	TO PERMIT AND ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 25 FT IN LIEU OF THE REQUIRED 15 FT PER SECTION 400.3 BCZR
26	2019-0113-SPHA	2630 MASSETH AVE	10/9/2018	VARIANCE	To permit a proposed accessory building (garage) with a height of 24 ft., in lieu of the maximum allowed 15ft.	SPECIAL HEARING	a proposed accessory building (garage) with a building footprint (1,400 sq. ft.) that is larger than the principle use dwelling footprint (1,050 sq. ft.).
27	2018-0285-SPHA	8929 PHILADELPHIA RD	4/20/2018	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve a proposed accessory building (garage) with a building footprint (3,000 sq. ft.) that is greater than the principal use dwelling (1,155 sq. ft.).	VARIANCE	To permit a proposed accessory building (garage) with a height of 25 ft. in lieu of the maximum allowed 15 ft.

	A	B	C	D	E	F	G
28	2018-0269-SPHA	11420 REISBERG LN	4/5/2018	SPECIAL HEARING	A proposed rear yard accessory structure (storage building for farm equipment) with a footprint larger than the primary structure.	VARIANCE	To permit a proposed rear yard accessory structure to have a height of 22 ft. in lieu of the maximum allowed height of 15 ft.
29	2018-0152-SPH	8432 OAKLEUGH ROAD	12/5/2017	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory structure larger than the primary dwelling for handicapped access.	-	-
30	2018-0065-SPHA	931 SUSQUEHANNA AVENUE	8/25/2017	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory structure (garage) with a footprint larger than the principal structure (dwelling).	VARIANCE	To permit an accessory structure (garage) with a height of 24 ft. in lieu of the maximum permitted 15 ft.
31	2017-0319-SPHA	1114 LOWER GLENCOE ROAD	-	SPECIAL HEARING	To permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling).	VARIANCE	1. To permit an accessory structure (garage) to be located in the side and front yards in lieu of the required rear yard. 2. To permit an accessory structure (garage) with a height of 25 ft. in lieu of the required 15 ft.
32	2017-0314-SPHA	6907 EBENEZER ROAD	5/23/2017	SPECIAL HEARING	To permit an accessory structure that is larger than the principal structure (single family dwelling)	VARIANCE	To permit a garage on a corner lot that is not on the 1/3 of the lot farthest removed from both streets with a height of 26 ft. in lieu of the required 15 ft.

	A	B	C	D	E	F	G
33	2017-0308-SPHA	908 LUTZ AVENUE	-	SPECIAL HEARING	To permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling).	VARIANCE	To permit an accessory structure (garage) with a height of 18 ft. in lieu of the required 15 ft.
34	2017-0263-SPHA	11903 LONG GREEN PIKE	3/30/2017	SPECIAL HEARING	The Administrative Law Judge should approve a detached accessory structure (garage) with a footprint greater than that of the principal dwelling.	VARIANCE	To permit a replacement open projection (deck) with a side yard setback as close as 1 ft. in lieu of the required 37.5 ft.; and to permit additions to an existing detached accessory structure (garage) with a side yard setback as close as 1 ft. in lieu of the required 2.5 ft.
35	2017-0237-SPHA	1922 STOCKTON RD	3/7/2017	SPECIAL HEARING	1. To allow the continued use of a second single family dwelling on the subject property that has been used by family every day and non-conforming since 1974. 2. To approve an accessory structure that is larger than the principle structure/dwelling	VARIANCE	1. To permit a garage to be located in the front yard of a dwelling in lieu of the rear yard. 2. To permit a garage with a maximum height of 18 ft. in lieu of the required 15 ft.
36	2017-0221-SPHA	1020 WINDSOR RD	2/21/2017	ADMINISTRATIVE VARIANCE	To permit a garage in the rear yard of an existing single family dwelling with a height of 23 ft. in lieu of the required 15 ft.	ADMINISTRATIVE SPECIAL HEARING	To permit an accessory structure (garage) to have a footprint greater than the single family dwelling
37	2017-0147-SPHA	3910 DANCE MILL RD	12/1/2016	SPECIAL HEARING	To permit a detached accessory in-law apartment with 4500 sq. ft. of living space and a footprint larger than the principal residence.	VARIANCE	To allow the proposed accessory in-law apartment to have a height of 28 ft. in lieu of the maximum allowed 15 ft.

	A	B	C	D	E	F	G
38	2017-0041-SPHA	414 RIVERSIDE RD	8/9/2016	SPECIAL HEARING	To permit an accessory structure with a foot print greater than the foot print of the principal building (single family dwelling).	VARIANCE	To permit a garage/polebarn in the rear yard of an existing single family dwelling with a height of 15 ft. 11 in. in lieu of the required 15 ft.
39	2016-0228-SPH	2826 FLORIDA AVE	3/24/2016	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an addition to an existing garage that would create a detached accessory structure with a footprint larger than the footprint of the principal dwelling.	-	-
40	2015-0267-SPH	17203 FALLS RD	5/22/2015	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory structure exceeding the sq. ft. of the dwelling.	-	-
41	2015-0260-SPHA	11110 REYNOLDS RD	5/19/2015	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should permit a proposed accessory structure which will be larger than the principle dwelling.	VARIANCE	To permit a proposed accessory structure to have a height of 28 ft. in lieu of the maximum allowed height of 15 ft.
42	2015-0209-SPHA	7126 DOGWOOD RD	3/25/2015	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should allow existing and proposed detached accessory structures with a combined area footprint greater than that of the principal building.	VARIANCE	To permit a proposed detached accessory structure (storage building) with a height of 24 ft. in lieu of the maximum allowed 15 ft.

	A	B	C	D	E	F	G
43	2015-0202-SPHA	8911 MILLERS ISLAND RD	3/13/2015	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling.	VARIANCE	To permit an accessory structure (detached garage) to be located in the side yard with a height of 23 ft. in lieu of the required rear yard placement and maximum height of 15 ft.
44	2015-0123-SPHA	352 UPPERLANDING RD	11/26/2014	ADMINISTRATIVE SPECIAL HEARING	To approve an accessory building with a footprint larger than the principal dwelling	ADMINISTRATIVE VARIANCE	To permit a proposed accessory building (detached storage building) with a height of 20 ft. in lieu of the maximum allowed 15 ft.
45	2014-0205-SPHA	12305 BELAIR RD	4/4/2014	SPECIAL HEARING	To permit an accessory structure (pole barn) to be larger than the principal structure	VARIANCE	1. To permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement. 2. To permit an accessory structure (pole barn) to be 28 ft. high in lieu of the maximum height of 15 ft.
46	2014-0061-SPHA	3812 CHESTNUT RD	12/1/2013	SPECIAL HEARING	1. For a waiver to expand an existing garage in the front yard (22 ft. X 24 ft.) with a 22 ft. X 24 ft. addition for a total of 1,056 sq. ft. in lieu of the maximum 900 sq. ft. in a tidal floodplain; and	VARIANCE	To permit an accessory structure (garage) (22 ft. X 24 ft. existing in the front yard and a proposed 22 ft. x 24 ft. addition) with a height of 22 ft. in lieu of the required 15 ft.
47	2014-0009-SPHA	542 BACK RIVER NECK RD	7/9/2013	SPECIAL HEARING	2. To approve a completed garage which will be larger than the principal dwelling; and	VARIANCE	To permit an accessory structure (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 ft. in lieu of the maximum permitted 15 ft.

	A	B	C	D	E	F	G
48	2013-0242-SPHA	514 SPRING LN	4/22/2013	SPECIAL HEARING	3. To amend the previously approved site plans in cases 2000-0344 A and 2010-0213 A	VARIANCE	To permit a proposed 2-story accessory building (garage with loft area) with a height of 23 ft. 10 in. in lieu of the maximum allowed 15 ft.
49	2013-0219-SPHA	326 MAPLE AVE	4/1/2013	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory structure (detached garage) in the rear yard with an unusual and large structure per section 400.1.e (page 4-1.5) of the Zoning Commissioner's Policy Manual and that the accessory structure is not subordinate in area, extent or purpose to the principle structure per BCZR section 101.1-Definition of Accessory Structure.	VARIANCE	To permit a proposed accessory structure (detached garage) with a height of 20 ft in lieu of the maximum allowed 15 ft.
50	2013-0154-SPHA	4433 FOERSTER RD	1/4/2013	SPECIAL HEARING	To allow an accessory structure to be larger than the principle dwelling	VARIANCE	To permit an accessory structure to be placed in the front yard in lieu of the required rear yard and to allow the height of the accessory structure to be 26 ft. in lieu of the maximum allowed 15 ft.

	A	B	C	D	E	F	G
51	2013-0152-SPHA	8038 BRADSHAW RD	1/3/2013	SPECIAL HEARING	To determine whether or not the Zoning Commissioner should approve an accessory structure (garage) to have a larger footprint (1500 sq. ft.) than the existing dwelling (1280 sq. ft.)	VARIANCE	To allow an accessory structure (garage) to have a height of 18 ft. in lieu of the maximum permitted 15 ft.
52	2013-0122-SPHA	10518 VINCENT FARM RD	11/26/2012	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory building (garage) with a footprint of 960 sq. ft. which is larger than that of the principal use (dwelling) 825 sq. ft.	VARIANCE	To permit an accessory building (garage) with a height of 18 ft. in lieu of the permitted 15 ft.
53	2013-0095-SPHA	708 GRANTWOOD RD	10/22/2012	SPECIAL HEARING	To allow an accessory structure larger than the principle structure.	VARIANCE	To permit an addition to an existing detached accessory structure to be located on the third of the lot closest to the street in lieu of the required farthest removed and a height of 23 ft. in lieu of the maximum allowed 15 ft.
54	2013-0079-SPHA	1615 MIDDLEBOROUGH RD	10/1/2012	SPECIAL HEARING	To determine whether or not the Administrative Law Judge should approve an accessory building (garage) having a footprint of 1920 sq. ft. which is larger than the sq. ft. of the principal use (dwelling).	VARIANCE	To permit an accessory building (garage) with a height of 20 ft. in lieu of the permitted 15 ft.
55	2013-0049-SPHA	734 ESSEX AVE	8/30/2012	SPECIAL HEARING	to determine whether or not the Administrative Law Judge should approve an accessory building (garage) having a footprint of 2400 sq. ft. which is larger than the 1200 sq. ft. of the principal use (dwelling).	VARIANCE	to permit an accessory building (garage) with a height of 19 ft. in lieu of the permitted 15 ft.

	A	B	C	D	E	F	G
56	2012-0301-SPHA	411 LORRAINE AVE	5/24/2012	SPECIAL HEARING	to permit a 1200 sq. ft. accessory building (garage) which is larger than the 1065 sq. ft. principal structure (dwelling)	VARIANCE	to permit an accessory building (garage) with a height of 18 ft. in lieu of the permitted 15 ft.
57	2012-0280-A	1703 MIDDLEBOROUGH RD	5/4/2012	SPECIAL HEARING	to permit an accessory building (garage) having a footprint of 1600 sq. ft. which is larger than the 816 sq. ft. of the principal use (dwelling).	VARIANCE	to permit an accessory building (garage) to be located other than in the third of the lot farthest removed from any street with a height of 19 feet 4 inches in lieu of the permitted 15 ft.
58	2012-0232-A	2420 BULLS SAWMILL RD	3/26/2012	SPECIAL HEARING	to determine whether or not the Zoning Commissioner should approve an accessory building with a building footprint that is larger than the principal dwelling.	-	-
59	2012-0176-SPHA	5661 GUNPOWDER RD	1/25/2012	SPECIAL HEARING	to permit an accessory structure (garage) larger than the footprint of the dwelling.	VARIANCE	to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet.
60	2012-0066-SPH	6630 EBENEZER RD	9/6/2011	SPECIAL HEARING	to permit the addition to an existing garage and creating a detached accessory structure with a footprint potentially as large as the principal structure.	-	-
61	2011-0357-SPHA	1407 VESPER AVE	6/14/2011	VARIANCE	to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet.	SPECIAL HEARING	to permit a proposed accessory building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use

	A	B	C	D	E	F	G
62	2011-0355-SPHA	14423-14425 THORNTON MILL RD		SPECIAL HEARING	to permit a detached accessory structure (proposed garage) in an ML zoned portion of a residential (RC-6 zoned) lot and also approve the size to be larger than the principal dwelling (2,606 sq. ft. as compared to the 1,464 sq. ft. dwelling) as limited by the definition of accessory building structure under Section 101.1 BCZR.	VARIANCE	to permit a garage (detached accessory) building with a height of 22 1/2 feet in lieu of the maximum allowed 15 feet.
63	2011-0107-SPHA	2006 EMMANUEL CTR	9/17/2010	SPECIAL HEARING	A proposed accessory building with a footprint that is larger than the principal use dwelling, and approve a personal use carlift within the proposed accessory building .	VARIANCE	To permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet.
64	2010-0354-SPHA	11706 REYNOLDS RD	6/15/2010	SPECIAL HEARING	A proposed accessory structure (garage) that is larger than the dwelling as limited by section 101 BCZR definition of accessory structure.	VARIANCE	To permit a proposed accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet.
65	2010-0344-SPHA	11100 CEDAR LN	6/9/2010	SPECIAL HEARING	An accessory building (garage, shop and storage building) with a footprint area (5040 Square Feet) larger than the footprint area (3115 Square Feet) of the principal building.	VARIANCE	To permit an accessory building (garage, shop & storage building) with a height of 38 feet in lieu of the permitted 15 feet.
66	2010-0267-SPHA	3804 SCHROEDER AVE	4/5/2010	SPECIAL HEARING	A proposed structure (garage) with an area footprint larger than that of the principal dwelling.	VARIANCE	To permit a proposed detached accessory structure (garage) to have a height of 16 feet in lieu of the maximum allowed 15.

	A	B	C	D	E	F	G
67	2010-0115-SPHA	14614 MANOR RD	9/30/2009	VARIANCE	To permit a proposed detached garage with a height of 22 feet and located in front yard in lieu of the maximum allowed height of 15 feet and required location in rear yard.	SPECIAL HEARING	A proposed accessory building that is larger than the principal dwelling in light of the definition limits for accessory building in section 101 of BCZR.
68	2009-0318-SPHA	19912 MIDDLETOWN RD	6/8/2009	VARIANCE	To permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet.	SPECIAL HEARING	a proposed accessory building (storage barn) with a building footprint that is greater than the principal use dwelling.
69	2009-0283-SPH	4420 WALNUT AVE	4/22/2009	SPECIAL HEARING	To permit an addition to an existing accessory structure (garage) with a footprint larger than the principal structure (single family dwelling).	-	-
70	2009-0233-SPHA	12916 GENT RD	3/6/2009	SPECIAL HEARING	To permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure, 26' in height; which is larger or equal to the foot print of the existing house, to remain on lot 1 of the petitioner's subdivision, known as the Waters Property, or in alternative;	VARIANCE	1. To permit an existing accessory structure, a barn, if not subject to section 3001.1, BCZR, 26' in height in lieu of the permitted 15'; and 2. To confirm that it may remain on lot 1 of the petitioner's subdivision, known as the Waters Property, although larger or at least equal to the foot print of the existing house.
71	2009-0158-SPHXA	17815 FORESTON RD	12/3/2008	VARIANCE	To permit an accessory building (Garage) with a height of 30 feet in lieu of the permitted 15 feet.	SPECIAL HEARING	To permit a proposed detached garage with an area larger than the area of the principal building.

	A	B	C	D	E	F	G
72	2008-0455-SPHA	4011 BAY DR	-	SPECIAL HEARING	To approve an accessory building (proposed two-story detached garage attached to existing one-story detached garage) with an area 1248 square feet (existing dwelling 1225 square feet) and a height of 23 feet.	VARIANCE	To permit an accessory building (proposed two-story detached garage with a height of 23 feet in lieu of the allowed 15 feet on rear of existing dwelling).
73	2008-0444-SPHA	1153 E RIVERSIDE AVE	-	SPECIAL HEARING	To approve a proposed detached accessory structure (storage shed) to occupy an area footprint larger than the principal building.	VARIANCE	To permit a proposed detached accessory structure (storage shed) to have a height of 25 feet in lieu of the maximum allowed 15 feet.
74	2008-0225-SPHA	16809 YORK RD	-	SPECIAL HEARING	to approve accessory structure (barn) larger than the principal building.	VARIANCE	To allow an accessory structure (barn) with a height of 21 feet in lieu of the required 15 feet.
75	2008-0216-SPH	8819 AVONDALE RD		SPECIAL HEARING	to permit a non-conforming two-story (24 foot) accessory structure, garage, which will be larger than the foot print of a proposed dwelling to remain on lot #3 of the proposed minor subdivision 07-024-M) for the Uhlik Property.		
76	2008-0158-SPHA	6014 SHADY SPRING AVE	-	SPECIAL HEARING	To approve an accessory structure (detached garage) bigger than the principal dwelling.	VARIANCE	To permit an accessory structure (detached garage) with a height of 21 feet in lieu of the required 15 feet.
77	2008-0120-SPHA	14 BERRYMANS LN		SPECIAL HEARING	To allow a proposed garage to occupy an area greater than the footprint of the existing dwelling.	VARIANCE	To permit a proposed detached accessory structure (garage) to have a height of 24 feet, 10 inches in lieu of the maximum allowed 15 feet.

	A	B	C	D	E	F	G
78	2007-0528-SPHA	641 REISTERSTOWN RD	-	SPECIAL HEARING	To allow an accessory building larger than the principal dwelling on lot.	VARIANCE	To permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet.
79	2007-0507-SPHA	7902 DOGWOOD RD	-	SPECIAL HEARING	To permit an accessory structure (proposed storage building) to be larger than the principal building, in conflict with the definition of an accessory structure in Section 101, BCZR.	VARIANCE	To permit an accessory structure (proposed storage building) with a height of 20 feet in lieu of the required maximum height of 15 feet.
80	2007-0262-SPHA	4116 CHURCH RD	-	SPECIAL HEARING	To approve Special Order gun sales in an RC-2 zone as a home occupation pursuant to BCZR Section 1A01.2.B.9.c; and if necessary, to permit an accessory structure with attached lean-to structures, with a total footprint greater than the footprint of the principal structure.	VARIANCE	To permit a setback of 13 feet in lieu of the required 35 feet for an existing dwelling and to allow accessory structures in the side yard in lieu of the required rear yard.
81	2007-0213-SPHA	8539 BRADSHAW RD	-	SPECIAL HEARING	To permit an accessory structure (garage) with the same footprint as the existing dwelling.	VARIANCE	To permit an accessory structure (detached garage) with a height of 27 feet in lieu of the maximum permitted 15 feet.
82	2007-0084-SPH	18527 BRICK STORE RD	-	SPECIAL HEARING	To approve an accessory building (pole barn) with an area larger than that of the principal structure (dwelling) 2880 square feet and 1950 square feet respectively.	VARIANCE	To permit an accessory structure (pole barn) with a height of 24 feet in lieu of the permitted 15 feet.
83	2007-0053-SPHA	5004 SWEET AIR RD	-	SPECIAL HEARING	To approve an accessory structure (garage) with a footprint larger than that of the principal dwelling. (Section 101, BCZR).	VARIANCE	To permit a garage with a height of 22 feet in lieu of the permitted 15 feet.

	A	B	C	D	E	F	G
84	2007-0051-SPHA	9 BOXWOOD LN	-	SPECIAL HEARING	To permit an accessory structure with a footprint larger than the principal structure.	VARIANCE	To permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet.
85	2006-0579-SPHA	4231 OVERTON AVE	-	SPECIAL HEARING	To permit an accessory structure (detached garage) to be larger than the dwelling.	VARIANCE	To permit the garage with a height of 20 feet in lieu of the maximum permitted 15 feet.
86	2006-0567-SPHA	156 RIVERSIDE RD	-	SPECIAL HEARING	To permit an accessory structure (garage) with an area larger than that of the principal structure (dwelling), 1600 square feet and 1008 square feet respectively.	VARIANCE	To permit an accessory building (garage) 22 feet high in lieu of the permitted 15 feet.
87	2006-0477-SPHA	318 BOURQUE AVE	-	SPECIAL HEARING	To allow an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory structure.	VARIANCE	To allow an accessory structure with a height of 22.5 feet in lieu of the maximum allowed of 15 feet.
88	2006-0458-SPHA	4614 MOUNT CARMEL RD	-	SPECIAL HEARING	To permit an accessory structure (storage building) with an area larger than that of the principal structure (dwelling) 4,000 square feet and 2,353 square feet respectively.	VARIANCE	To permit an accessory building with a height of 20 feet in lieu of the permitted 15 feet.
89	2006-0202-A	1808 SUNNYSIDE LN	-	VARIANCE	to permit an accessory structure with a height of 25 feet in lieu of the required 15 feet.	SPECIAL HEARING	to permit an accessory structure with a foot print larger than the principle dwelling.
90	2006-0182-SPH	5217 BUSH ST	-	SPECIAL HEARING	to allow an accessory structure (garage) with an area larger than that of the principal structure (dwelling) 896 sq.ft. and 729 sq.ft. respectively.	-	-

	A	B	C	D	E	F	G
91	2006-0104-SPH	4205 NORTH POINT RD	-	SPECIAL HEARING	to allow an accessory structure (detached garage) to be larger than the dwelling.	-	-
92	2006-0008-SPHA	1907 TOLSON AVE	-	SPECIAL HEARING	to allow an accessory structure (24' x 32' garage) to be larger than the principal dwelling (24' x 30').	VARIANCE	to permit an accessory structure (garage) be located 10 feet from the centerline of an alley in lieu of the required 15 feet.
93	2005-0469-SPHA	10617 SAINT PAUL AVE	-	SPECIAL HEARING	to allow a garage (accessory structure) with a foot print larger than the footprint of the dwelling (principal).	VARIANCE	to permit a garage to be built in the front yard in lieu of the required rear yard.
94	2005-0372-SPHA	3925 NORTH POINT BLVD	-	SPECIAL HEARING	to permit an accessory building (proposed garage) on a lot that is not improved with a principal building and that is also larger than the principal building (dwelling) on the adjacently owned lot.	VARIANCE	to permit an accessory building (proposed garage) with a 19 foot height in lieu of 15 feet.
95	2005-0228-SPHA	1104 MOUNT CARMEL RD	-	SPECIAL HEARING	to allow the area of an accessory structure to exceed the area of a principal structure.	VARIANCE	to permit an accessory structure (garage) with a height of 18 feet to be located in the front yard in lieu of the permitted 15 feet and rear yard.
96	2005-0140-SPHA	10324 VINCENT RD	-	VARIANCE	to permit a garage setback of 1 foot in lieu of 2 1/2.	SPECIAL HEARING	to permit an accessory structure larger than the principal structure.
97	2005-0139-SPHA	703 WAMPLER RD	-	SPECIAL HEARING	to allow an accessory building (proposed detached garage) to be larger than the principle dwelling.	VARIANCE	to permit an accessory building (proposed detached garage) to be located in the side and front yards in lieu of the required third of the rear yard farthest removed from any street (for corner lots).

	A	B	C	D	E	F	G
98	2004-0503-SPH	366 TOWNSEND RD	-	SPECIAL HEARING	to permit the area of an accessory structure (1,680 sq.ft.) to exceed the area (foot print) of a principal structure (1,007sq.ft.).	-	-
99	2004-0397-SPHA	5501 NEW FORGE RD	-	SPECIAL HEARING	to permit an accessory structure (garage) to have an area greater than the principal structure.	-	-
100	2004-0290-SPHA	1657 CAPE MAY RD	-	SPECIAL HEARING	to permit a accessory building larger than either dwelling on the lot.	-	-
101	2004-0214-SPHA	2206 CORSICA RD	-	SPECIAL HEARING	to permit a accessory structure larger in area than the principal structure.	-	-
102	2004-0154-SPH	5607 WINDSOR MILL RD		SPECIAL HEARING	to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPHA to include two storage sheds located in the front of the property.		
103	2004-0074-SPHA	7925 OAKDALE AVE	-	SPECIAL HEARING	to permit an accessory building to be larger than the principal dwelling.	-	-
104	2003-0519-SPHA	15401 HANOVER RD	-	SPECIAL HEARING	SPECIAL HEARING to permit an accessory structure (existing barn) with a footprint larger than the dwelling.	-	-

	A	B	C	D	E	F	G
105	2003-0473-SPHA	413 MIDDLE RIVER RD		SPECIAL HEARING	to permit structure, carport/shed that is larger than the principal use dwelling. VARIANCE to permit an accessory structure, detached carport/shed, to be located partially in the side yard in lieu of the required rear yard only and to permit a height of 18 feet in lieu of the maximum allowed height of 15 feet.		
106	2003-0471-SPHA	1503 SHORE RD	-	SPECIAL HEARING	SPECIAL HEARING to permit the construction of detached accessory building which is larger than existing dwelling. VARIANCE to permit a proposed detached garage with 23 feet height in lieu of 15 feet to be located partially in side yard in lieu of all in rear yard.	-	
107	2003-0444-SPHA	4017 PERRY HALL RD	-	SPECIAL HEARING	SPECIAL HEARING to permit an accessory structure larger than the principal structure. VARIANCE to permit an accessory building located in a side yard in lieu of the required rear yard.	-	
108	2003-0374-SPHA	14616 OLD HANOVER RD	-	VARIANCE	VARIANCE to permit (2) accessory structures, (existing barn and existing shed) with a height of 31.5 feet and 20 feet in lieu of the maximum permitted 15 feet. SPECIAL HEARING to permit 2 accessory structures to have a combined foot print greater than the existing dwelling.	-	

	A	B	C	D	E	F	G
109	2003-0259-SPHA	2436 SAWMILL RD	-	SPECIAL HEARING	SPECIAL HEARING to permit an accessory structure to have a building footprint larger than the principal structure. VARIANCE to permit an accessory structure to have a height of 22 feet in lieu of the maximum permitted 15 feet.	-	-
110	2003-0258-SPHA	4536 TODD POINT LN	-	SPECIAL HEARING	SPECIAL HEARING to permit a accessory structure to be replaced with a new 30 feet x 30 feet, 900 square feet two car garage 80 square feet larger than the primary structure. VARIANCE to permit a front yard setback of 22 feet for an accessory structure in lieu of the required front yard average of 33 1/2 feet for a dual frontage lot.	-	-
111	2003-0202-SPH	6724 SUNSHINE AVE	-	SPECIAL HEARING	SPECIAL HEARING to approve an accessory structure (shed) larger than the principal dwelling.	-	-
112	2003-0174-SPHA	9940 BIRD RIVER RD	-	SPECIAL HEARING	SPECIAL HEARING to permit a accessory (garage) structure larger than the principal dwelling. VARIANCE to permit an accessory structure (garage) with a height of 20.5 feet in lieu of the required 15 feet.	-	-

	A	B	C	D	E	F	G
113	2003-0155-SPH	10415 VINCENT FARM LN	-	SPECIAL HEARING	SPECIAL HEARING to approve a proposed accessory building (Pole Barn) with a foot print larger than the existing principle use dwelling, and said accessory building to be located in an R.C. 2 zone with the existing principle use dwell is located in an R.C. 3 zone.(Both on the same lot of record).	-	-
114	2002-0260-A	13519 JARRETTVILLE PIKE		VARIANCE	VARIANCE to allow an accessory structure (pool buildindg) to be located in side yard in lieu of the required rear yard and Special Hearing to allow the total accessory structures square footage to be larger then the dwelling.		
115	2000-0026-SPHA	5700 GLEN FALLS RD		SPECIAL HEARING	SPECIAL HEARING to allow the structures Ex. Barn #1 and Ex. Barn #2 to remain and be recognized as accessory structures. VARIANCE to permit Ex. Barn #1 to have an area larger than the principal dwelling and an existing height of 28 feet in lieu of the 15 feet permitted; to permit an existing, residential, principal dwelling to remain located 8 feet from the building face to a public street right-of-way property line in lieu of the 25 feet required; and to permit an existing, residential, principal dwelling to remain located 38 feet from the building face to an existing, adjacent R.C.2 zoning line in lieu of the 100 feet required.		

	A	B	C	D	E	F	G
116	1996-0130-SPHA	3301 WHITEWORTH RD		SPECIAL HEARING	SPECIAL HEARING to approve a pool house as an accessory building and to amend the final development plan. VARIANCE to permit an accessory building to have a height of 24 feet in lieu of the permitted 15 feet.		

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
[REDACTED]	*	OFFICE OF
2 nd Election District	*	ADMINISTRATIVE HEARINGS
4 th Council District	*	FOR BALTIMORE COUNTY
Dana A & Malinda L. Hickey,	*	
<i>Legal Owners</i>	*	
Petitioners	*	Case No. 2019-0433-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Dana A. and Malinda L. Hickey, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a proposed accessory building (garage) with a building footprint (1,440 sq. ft.) larger than the principal use dwelling (1,200 sq. ft.). A site plan was marked and admitted as Petitioners’ Exhibit 1.

Mr. Hickey appeared in support of the petition. There were no protestants or interested citizens in attendance. Mr. Hickey submitted a letter signed by all of his surrounding neighbors affirming that they have no objection to the proposed storage garage. The letter was admitted as Petitioners’ Exhibit 2. 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”).

The subject property is 7.28 acres in size and is split-zoned RC-2 and RC-6. Mr. Hickey explained that this property is part of a larger parcel that the Hickeys farmed for generations. The remaining 7.28 acre parcel was subdivided into two lots by his father so that Dana and Malinda

could build their home on Lot 2. That home is actually substantially larger than the proposed 1,440 sq. ft. storage structure but they are requesting this Special Hearing relief because the original family home on Lot 1 (where he grew up) is only 1,200 sq. ft. He testified that he still has a small farming operation and he needs the building to store his farm equipment and house a small work shop. He understands that he is not permitted to use the structure for residential or commercial purposes and that no separate utility meters are permitted. He testified that he has discussed his plans with all the surrounding neighbors and that they had no objection to him building this structure, as evidenced by Exhibit 2. He showed the undersigned photos of the model of the pre-fabricated structure he intends to build, which is architecturally attractive.

Based on the above I find that the Petitioners are entitled to the Special Hearing relief requested and that it can be granted within the spirit and intent of the BCZR and with no harm to the public health, safety or welfare.

THEREFORE, IT IS ORDERED this 7th day of November, 2019 by this Administrative Law Judge, that the Petition for Special Hearing for a proposed accessory building (garage) with a building footprint (1,440 sq. ft.) larger than the principal use dwelling (1,200 sq. ft., 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. There should be no second utility meter(s).
3. The proposed structure shall not be used for commercial purposes.

4. Prior to issuance of permits Petitioners must comply with the ZAC submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

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

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln/dlw

**Requests for Priority Review Made by the County to Baltimore County Soil Conservation District
Between June 2018 and March 2021**

	Date	Description of Property	Type of Property
1	02/25/2021	Red House Run Elementary School	Commercial/School
2	02/09/2021	5 W. Aylesbury Road/Curio Wellness	Commercial
3	02/02/2021	██████████/Cordish Tennis Barn	Residential
4	11/23/2020	Hamm Property/Beaver Dam Road/BGE	Commercial
5	10/20/2020	Aviation Station, PAI#15-0981	Commercial
6	09/14/2020	United House of Prayer	Commercial
7	07/22/2020	██████████ ¹	Residential
8	06/01/2020	Bridge No. B-0237 Old Court Road	Commercial/Bridge
9	05/13/2020	Associated Way (Charitable organization)	Commercial
10	03/13/2020	Loyola Blakefield High School (Turf Replacement)	Commercial/School
11	03/13/2020	Baltimore Crossroads at 95 area 3 ESC	Commercial
12	02/19/2020	Towson Station (PAI# 09-0856)	Commercial
13	10/16/2019	Greenleigh at Crossroads Sec	Commercial
14	04/19/2019	Mt. DeSales Academy	Commercial/School
15	04/19/2019	Hunt Valley Community Lot 45 B-Point Breeze Credit Union	Commercial
16	04/16/2019	Avenue Grand White Marsh	Commercial
17	04/01/2019	ATAPCO CREG Nottingham Logistics Lot 40 White Marsh Community	Commercial
18	03/22/2019	Chadwick Elementary School Replacement	Commercial/School
19	03/15/2019	Stella Maris Rehab	Commercial
20	03/14/2019	Longview Ridge	Commercial
21	03/07/2019	Ordakowski Minor Sub 17-042M	Commercial
22	02/21/2019	The Shoppes at Kenilworth	Commercial
23	01/24/2019	Ferraro and Spanellis (PAI No 14-0481)	Commercial
24	01/03/2019	CBRE/Quest Diagnostics/ 1901 Sulphur Springs Road	Commercial
25	11/09/2018	River Road Bridge No B-0184	Commercial/Bridge
26	10/25/2018	Greenleigh at Crossroad	Commercial
27	10/17/2018	White Marsh Business Park/ Days Cove Road	Commercial
28	09/13/2018	Jindra Minor Subdivision	Commercial
29	09/07/2018	Third Mine Branch Wetland Mitigation and Stream Restoration	Commercial
30	07/30/2018	AG Center Riding Facility	Commercial
31	06/29/2018	CCBC Essex Carole Diane Eustis Center for Health Professions	Commercial

¹ The property owner for this residential property contacted the Baltimore County Soil Conservation District (BCSCD) with concerns that their financing arrangement for the project could be jeopardized by the length of time it would take for BCSCD to review and approve their plans. In response, they were given information about how to initiate a priority review through the County. A request for priority review was subsequently received by BCSCD from the County for the project.



JOHN A. OLSZEWSKI, JR.
County Executive

STACY L. RODGERS
County Administrative Officer

June 29, 2022

Ms. Kelly Madigan
Inspector General
Office of the Inspector General
Baltimore County Government
400 Washington Avenue
Towson, Maryland 21204

RE: IG Investigative Report 21-001-1

Dear Ms. Madigan:

Thank you for the submission of report 21-001-1 regarding the proposed construction of a tennis facility at the residence of David Cordish (Cordish). We have carefully reviewed the report. Even though a final building permit was never issued and the tennis facility was never constructed, the report raises several important issues that we address below. Please accept this communication as the Administration's response to your findings regarding this matter.

Response Regarding the Legal Opinion and Zoning Determination

The first section of the report's Conclusion relates to the legal opinion issued by an Assistant County Attorney (the PAI Attorney) assigned to the Department of Permits, Approvals, and Inspections (PAI). That opinion involved an interpretation of the Baltimore County Zoning Regulations (Zoning Regulations) and the Zoning Policy Manual. In matters where interpretation of County Code is at issue, as it was here, it is customary for an Assistant County Attorney to be consulted for guidance on the issue.

The PAI Attorney submitted a legal opinion to the PAI Director on December 11, 2021. This legal opinion stated that the PAI Director "asked for verification that the proposed accessory structure at [REDACTED] does not need a zoning hearing or variance..." After some discussion and analysis, the PAI Attorney concludes that "the application specifications appear to be consistent with the plain language of sections 101 (definition of accessory structure) and 400 (provisions specific to accessory structures) of the Baltimore County Zoning Regulations and relevant sections of the Zoning Policy Manual..." The opinion goes on to state, "In so satisfying **all** these elements, and in the absence of any other law or regulation that may bear on the plain language of these provisions, there does not appear to be a requirement for a special hearing or variance for this permit application" (emphasis in original).

The report notes that this opinion was relied upon by the PAI Director to issue Zoning approval to the proposed project. The PAI Director entered Zoning approval into the Automated Permit Tracking System (Tracking System) with a comment it was per the PAI Attorney and a member of Senior Staff. According to the report, it was this entry into the Tracking System which resulted in "issuing him (Cordish) a building permit."

The Administration would like to first clarify the assertion that Cordish was issued a building permit. A building permit was never issued, and as such, we believe this assertion that appears throughout the report is in error. In preparing this response, the Administration asked the current Director of PAI to confirm whether any permits were issued for this project. He confirmed that no permits had been issued.

Although the former PAI Director approved the Zoning portion of the building permit application, not all approvals required for issuance of a building permit were obtained and the building permit itself was never fully approved or issued. Accordingly, and as noted in the report, the proposed facility was never actually constructed.

That said, Zoning approval is a necessary step in the permit process. Therefore, we want to address the notation in the Tracking System that the approval was “per” the PAI Attorney and a member of Senior Staff. This is an unusual notation - neither the senior staff member referenced nor other members of the Executive Office approved or were made aware of the comment at the time it was entered in the Tracking System. By practice, the Executive Office does not enter or authorize Zoning approvals, nor does the Executive Office have direct access to the Tracking System to view or enter such a comment. Moreover, the notation that the Zoning approval was “per” the PAI and Senior Staff appears to be contradicted by the contents of emails not included as an Exhibit to the report (see **Appendix**). The original email in **Appendix** is the legal opinion of the PAI Attorney (**Exhibit 25** in the report). However, email correspondence subsequent to that email is relevant to the notation made in the Tracking System. Specifically:

- The opinion of the PAI attorney was sent to the PAI Director and a member of Senior Staff on December 11, 2020.
- Five days later, on December 16, the Senior Staff member responded by stating “I am just following up to determine whether the loop has been closed here. Has any decision been communicated back to the applicant or his counsel?”
- In response to that email, the PAI Director stated “I have instructed [Zoning staff] to follow PAI Attorney’s analysis and to notify the applicant accordingly.”

This exchange does not support the notation that Zoning approval was “per” the PAI Attorney and a member of Senior Staff.

The report notes there was internal debate and disagreement about interpretations leading up to the legal opinion. These disagreements are documented in email exchanges attached to the report as **Exhibits 21 and 23**. The Administration notes that the Executive Office was not included in these exchanges and was therefore unaware of the nature and extent of these conversations. Rather, Senior Staff was included only on the final legal opinion and the exchange described above.

We would like to make several other comments regarding this topic and related actions by the Administration:

- This matter involved interpreting the intent of the Zoning Regulations and the Baltimore County Zoning Commissioner’s Policy Manual. While the report concludes that the matter should have gone to an ALJ for interpretation, the Administration will examine the sections in question for possible legislative or policy adjustments that will bring clarity to these types of situations in the future.

- The Administration empowers department directors and staff to make the best possible decision with the information that is before them. The Administration understands that department
- directors and staff are faced with countless decisions in the course of their work, many of which do not have definite and clear answers.
- We will continue to reinforce that we support directors and staff to make the decision they think is right and that they are supported in doing so. This is true regardless of who brings a matter to the County's attention.
- The report notes 115 cases where the facts appear similar to the case at hand. The Administration agrees that prior decisions should be considered in matters of interpretation of unclear sections of County Code. The legal opinion did not include analysis of these cases.
- In matters of statutory and policy interpretation, it is reasonable to expect there will be internal deliberation and debate about correct interpretation. In such cases, the Administration relies upon the County's professional staff of Assistant County Attorneys to provide advice and guidance to assist in the decision-making process. The Administration and County Attorney have an expectation and assumption that all Assistant County Attorneys will make the best possible determination in each case based on their research, analysis, applicable precedent, and professional judgment.

We would also like to address the concern noted in the report that the PAI Attorney's legal opinion was not reviewed and approved by the County Attorney. As structured at the time of the actions covered in the report, there were numerous Assistant County Attorneys throughout County government assigned to departments. Those County Attorneys served as legal advisors and counsel to department directors and staff, without a reporting line to the County Attorney. Therefore, the work product of those attorneys assigned to departments was not required to be reviewed or approved by the County Attorney.

Recognizing the need for all Assistant County Attorneys to be accountable directly to the County Attorney, the Administration reorganized the Office of Law in January 2021. Under the new structure, all Assistant County Attorneys report to the County Attorney, even if an Assistant County Attorney is assigned to a department. The Administration recognized this structure as a best practice and took action accordingly. As such, all legal opinions like the one that is discussed in this report are now reviewed and approved by the County Attorney or their designee prior to being finalized.

Regarding the *appearance of preferential treatment*, the Administration reaffirms our commitment to the avoidance of any actions that give such an appearance. Unequivocally, the Administration expects that all issues handled by County government and its employees be handled in a fair and equitable manner, no IG matter who brings the issue to our attention. Our Administration will continue to reinforce the importance of fair and impartial decision making in all matters considered by County leadership and staff.

Response Regarding Sediment Control District Priority Review

The report also notes several concerns regarding the priority review designation of the tennis facility project before the Sediment Control District. As noted in the report, the County has the authority and discretion to designate certain projects a priority with the Sediment Control District, a quasi-County agency. The traditional standard applied to such designations was that the project must deliver some type of benefit to the public. The report further notes that it was unusual for a project at a personal residence to be designated as a priority, and that most other projects with the priority review designation were commercial projects.

The Administration shares the concern raised in the report that this project received the priority designation from PAI. As cited in **Exhibits 36 and 37** of the report, the Executive Office indicated on several occasions that this project did not satisfy the standard for priority review and should not be designated as such.

The Administration appreciates the acknowledgment in the report that “the Office found no evidence that the County Executive wanted this or intended for it to happen.” The Administration agrees, therefore, that priority designation for this project was inappropriate.

This matter has been addressed in several ways:

1. The leadership of PAI has addressed the proper expectations and standards on the Sediment Control District priority determinations with PAI staff.
2. In October 2021, PAI implemented a new process for determining how and whether a project should be designated for priority review:
 - A cross-departmental committee of department head-level officials, rather than in a single staff member, now makes priority review determinations. The committee consists of the Directors (or their designees) of PAI, the Department of Environmental Protection and Sustainability, the Department of Planning, the Department of Public Works and Transportation, and the Department of Economic and Workforce Development. The new process requires that the group collectively agree that a given project be designated for priority review.
 - PAI has replaced the very broad traditional standard for determining whether a project is a priority with a written policy that includes specific criteria regarding whether a project has a significant economic or community impact.

Thank you for the opportunity to respond. Please let me know if you have questions or need further information.

Sincerely,



Stacy L. Rodgers, MPA
County Administrative Officer

cc: John A. Olszewski, Jr. County Executive
James R. Benjamin, County Attorney
C. Pete Gutwald, Director, Permits, Approvals and Inspections

From: [Drew Vetter](mailto:Drew.Vetter)
To: [Michael Mallinoff](mailto:Michael.Mallinoff); [Amy Hicks Grossi](mailto:Amy.Hicks.Grossi)
Subject: RE: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]
Date: Wednesday, December 16, 2020 10:07:00 AM

Very good, thank you.

From: Michael Mallinoff <mmallinoff@baltimorecountymd.gov>
Sent: Wednesday, December 16, 2020 10:07 AM
To: Drew Vetter <dvetter@baltimorecountymd.gov>; Amy Hicks Grossi <agrossi@baltimorecountymd.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]

I do not but will inquire after my morning meetings.

Mike

From: Drew Vetter <dvetter@baltimorecountymd.gov>
Sent: Wednesday, December 16, 2020 10:06 AM
To: Michael Mallinoff <mmallinoff@baltimorecountymd.gov>; Amy Hicks Grossi <agrossi@baltimorecountymd.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]

Ok. Do you know whether that has happened yet?

From: Michael Mallinoff <mmallinoff@baltimorecountymd.gov>
Sent: Wednesday, December 16, 2020 10:04 AM
To: Drew Vetter <dvetter@baltimorecountymd.gov>; Amy Hicks Grossi <agrossi@baltimorecountymd.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]

I have instructed Mr. Perlow to follow Ms. Grossi's analysis and to notify the applicant accordingly.

Mike

From: Drew Vetter <dvetter@baltimorecountymd.gov>
Sent: Wednesday, December 16, 2020 9:45 AM
To: Amy Hicks Grossi <agrossi@baltimorecountymd.gov>; Michael Mallinoff <mmallinoff@baltimorecountymd.gov>
Subject: RE: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]

I am just following up to determine whether the loop has been closed here.

Has any decision been communicated back to the applicant or his counsel?

From: Amy Hicks Grossi <agrossi@baltimorecountymd.gov>
Sent: Friday, December 11, 2020 11:28 AM
To: Michael Mallinoff <mmallinoff@baltimorecountymd.gov>
Cc: Drew Vetter <dvetter@baltimorecountymd.gov>
Subject: ATTORNEY-CLIENT PRIVILEGE LEGAL ADVICE [REDACTED]

Mike-

You have asked for verification that the proposed accessory structure at [REDACTED] does not require a zoning hearing or variance, in response to the email from Carl Richards to Bruce Doak, dated October 8, 2020, and attached hereto.

To that end, I requested from counsel for the applicant a response to Mr. Richards's interpretation of the BCZR. It is also attached.

It is my understanding that staff in the Zoning Office has followed up with counsel for the applicant and cleared up some factual matters that were not fully vetted in October when Mr. Richards initially opined on the application. Some of the below items were resolved and confirmed by the Zoning staff, including rear yard location, setbacks and above grade height.

Upon review of the Baltimore County Zoning Regulations, the Zoning Commissioners Policy Manual, plans, and the correspondence in this matter, the application specifications appear to be consistent with the plain language of sections 101 (definition of accessory structure) and 400 (provisions specific to accessory structures) of the Baltimore County Zoning Regulations and relevant sections of the Zoning Policy Manual, which define "accessory structure", state specific requirements for accessory structures, and further identify a specific list of improvements that are acknowledged by policy to be accessory structures. The application for [REDACTED] tennis court/barn satisfies all elements of Sections 101 and 400 of the BCZR, and as a tennis court/barn for personal use, the Zoning Policy Manual 400.1.e, "Swimming Pools and Tennis Courts." In so satisfying all these elements, and in the absence of any other law or regulation that may bear on the plain language of these provisions, there does not appear to be a requirement for a special hearing or variance for this permit application.

Section 101 Definition

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

The tennis use is incident and subordinate to the residential principal use or structure. The tennis

court/barn is subordinate in area, extent or purpose to the principal residential use of the property. The tennis court/ barn is located on the same lot. The tennis court/barn contributes to the convenience of the occupant.

§ 400.1. - Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40 percent thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2. - Setback.

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3. - Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

The tennis court/ barn is in the rear yard and is not more than 40% of the area.

The site plan shows that tennis court/barn satisfies the setbacks.

The site for the structure will be excavated and it will be in part below grade, such that the above grade height of the building as shown on the plan and represented by counsel for the applicant complies with the height restriction.

The Zoning Commissioners Policy Manual section 400.1.3 is also attached as a pdf above. The "Unusual and/or Large Structures or Uses" section by its own terms applies to structures "not listed above". "Tennis Courts" are listed above. Therefore, the permissive language for the special hearing does not pertain to tennis courts.

For the reasons stated above, the permit application for the tennis court/ barn at [REDACTED] [REDACTED] complies with the plain reading of the relevant provisions of the BCZR for accessory structures without the requirement of a special hearing or variance.