

**Sayers, Margery**

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**From:** Michael Goldrich <mgoldrich@ipmglobal.org>  
**Sent:** Thursday, April 2, 2020 10:51 AM  
**To:** CouncilMail  
**Cc:** Michael Goldrich; Sahi Rafiullah  
**Subject:** Subject: CS0006540 - Proposals CB39-2020 and CB9-2020 Opposition

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

April 1, 2020  
Howard County Council Members  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

Dear Council Members,

This letter is to express our opposition to proposal CB39-2020, where the Adkinsons are proposing to add their barn to the historic register. We also don't support proposal CB9-2020 that contains language that would eliminate the need of a petitioner to obtain written approval of all parties to the easement.

My wife and I located to 12044 Open Run Road, Ellicott City, MD 21042 in 2011 because of our love of Riverwood and its neighboring communities. We strongly believe approval of these proposals will:

- Destroy the original and intended beauty of the Riverwood community that we and our neighbors have enjoyed
- Introduce an unacceptable and egregious noise level to Riverwood and surrounding communities that could never have been anticipated with exiting zoning restrictions
- Lower the property values of all houses in Riverwood and surrounding communities
- Introduce potential crime and vandalism into the Riverwood and surrounding communities and adversely affect and endanger children playing on the street
- Introduce dangerous driving circumstances on Castlebridge Road which is the main road for the Riverwood community for traffic entering from Homewood Rd.

We strongly urge the County to reject these proposals and encourage the Adkinsons to consider another location with approved zoning regulations, in existence, that can support their business plan. We are willing to meet with you to discuss our request further if you need more information.

Sincerely,

**Mike Goldrich and Sahira Rafiullah**  
12044 Open Run Road  
Ellicott City MD 21042  
3018540560



## Sayers, Margery

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**From:** Norm Long <NormLong@havtech.com>  
**Sent:** Wednesday, April 1, 2020 3:57 PM  
**To:** CouncilMail  
**Cc:** Denise  
**Subject:** CS0006540 - Proposals CB39-2020 and CB9-2020 Opposition

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

April 1, 2020

Howard County Council Members  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

Dear Council Members,

This letter is to express my strong opposition to proposal CB39-2020, where the petitioners are proposing to add their barn to the historic register—in order to operate a commercial event venue. I also don't support proposal CB9-2020 that contains language that would eliminate the need of a petitioner to obtain written approval of all parties to the any easement.

My wife and I built our home in 2008 at 11226 Kinsale Court, Ellicott City, MD 21042 for four main reasons:

1. because it was in Howard County (for the cultural openness and inclusivity the county represents)
2. because of our love of the layout of Riverwood landscape and common shared acreage
3. because it was a very private and secluded residential neighborhood
4. and finally because the surrounding communities were also **residential neighborhoods**.

At the time of our purchase-this was a residential neighborhood, and that continues to this day. We did not buy in the hopes that commercial event venues would follow us, rather we purchased a house in Riverwood for the exact opposite reason, that the residential environment/surroundings be maintained. The intent and request for approval of CB39-2020 is contradictory to the preservation of the residential neighborhood and **should not be approved**—there are plenty of other areas in Howard County where commercial operations for this type of venue can be located.

Approval of these two proposals will:

- Destroy the beauty of the Riverwood community that we bought into with the expectation that it would remain as a residential community with no commercial operations within the community or its neighboring communities
- Introduce un-acceptable high noise levels to Riverwood and surrounding communities due to increased traffic and entertainment at the venue
- Lower the property values of all houses in Riverwood and surrounding communities (this equates to a lower tax revenues for Howard County)
- Introduce crime into the Riverwood and surrounding communities
- Introduce reckless driving on Castlebridge Road which is the main road for the Riverwood community
- Increase the probability of those using Riverwood for egress from the venue being intoxicated and/or under the influence of other legal/illegal drugs due to the venue being for the gathering of people to socialize in the celebration of milestone events

I strongly urge the County to reject both of these proposals and encourage the petitioners to consider another location with approved zoning regulations that can support their business plan. I am willing to meet with you to discuss this request further.

Sincerely,

On behalf of my wife and me:

Normand and Denise Long

11226 Kinsale Court

Ellicott City, MD 21042

[normlong@havtech.com](mailto:normlong@havtech.com)

[deelong22@aol.com](mailto:deelong22@aol.com)

## Sayers, Margery

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**From:** Akinwale Akinpelu <waleakinpelu@verizon.net>  
**Sent:** Wednesday, April 1, 2020 3:03 PM  
**To:** CouncilMail  
**Subject:** CS0006540 - Proposals CB39-2020 and CB9-2020 Opposition

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

April 1, 2020  
Howard County Council Members  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043  
Dear Council Members,

This letter is to express our opposition to proposal CB39-2020, where the Adkinsons are proposing to add their barn to the historic register. We also don't support proposal CB9-2020 that contains language that would eliminate the need of a petitioner to obtain written approval of all parties to the easement.

My wife and I built our retirement home at 12048 Open Run Road, Ellicott City, MD 21042 in 2009 because of our love of the layout of Riverwood and its neighborhood communities. We strongly believe approval of these proposals will:

- Destroy the beauty of the Riverwood community that we have enjoyed
- Introduce un-acceptable high noise level to Riverwood and surrounding communities
- Lower the property values of all houses in Riverwood and surrounding communities
- Introduce crime into the Riverwood and surrounding communities
- Introduce reckless driving on Castlebridge Road which is the main road for the Riverwood community

We strongly urge the County to reject these proposals and encourage the Adkinsons to consider another location with approved zoning regulations that can support their business plan. We are willing to meet with you to discuss our request further if you need more information.

Sincerely,  
Jackie & Wale Akinpelu  
12048 Open Run Road  
Ellicott City, MD 20142  
jakinpelu@verizon.net and waleakinpelu@verizon.net

## Sayers, Margery

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**From:** Kenneth Moreland <kmoreland78@yahoo.com>  
**Sent:** Tuesday, March 31, 2020 11:23 PM  
**To:** CouncilMail  
**Cc:** Jung, Deb; Yungmann, David; Rigby, Christiana; Jones, Opel; Walsh, Elizabeth; Ball, Calvin; Gowan, Amy  
**Subject:** Oppose CB9-2020

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

TO: Howard County Council

CC: County Executive Calvin Ball; Amy Gowan, DPZ

RE: Opposition to CB9-2020

Council Members:

My name is Kenneth Moreland, and my wife and I have been residents of Howard County for 32 years. We currently reside in West Friendship, Maryland, however, we are in the process of constructing a new home at 4898 Castlebridge Rd, Ellicott City, which should be completed this summer. I am writing to express our serious objection to CB9-2020, specifically the proposed changes that would eliminate the current requirement for a Conditional Use Petitioner to obtain the written approval of all property owners that are parties to an easement involving the Petitioner. The proposed changes would essentially result in the Petitioner having de facto power and authority to change the rights and obligations contained in an existing easement agreement, without the knowledge or consent of all parties involved.

This Bill is very relevant to my rights as a Howard County property owner who is party to an easement agreement. On Monday, March 9, 2020, there was a Pre-Submission Community meeting held where Mr. Carter Adkinson, his wife Kim, and their attorney, Mr. Sang Oh, presented plans for potentially filing a Conditional Use Petition for "Limited Social Assemblies" for a barn on their property. The Adkinsons purchased their property (a house, a buildable lot and barn on about 10 acres) at 4888 Castlebridge Rd, Ellicott City in the summer of 2019. Although it was not disclosed at this public meeting, I have since learned that this barn structure is one of two properties that is seeking to be added to the County's historic property inventory in CR 39-2020. It appears the Adkinsons want to get this barn on the Historic Inventory so that they can run a public "event" business on their property.

The Adkinsons, by virtue of their purchase of this property, are parties to an pre-existing Easement Agreement with five (5) other landowners for a paved private driveway that commences at the end of the "public" part of Castlebridge Road and terminates at the driveway to the Adkinson's residence. Under current zoning regulations and practices, the Adkinson's would be required to present the signatures of any and all parties to the Easement Agreement in order for the Conditional Use Petition to be considered by the Hearing Examiner. The proposed revisions to the Conditional Use regulations under CB9-2020 would presume validity of the easement, and deem the rights and obligations of the property owners subject to the easement to be irrelevant.

The Planning Board's report on this matter (ZRA 188), where the Planning Board voted 5-0 against the proposed changes in the Regulations, states: "Board members expressed concerns that the proposed amendments are designed to address issues on one property, however, they will apply countywide and could result in unintended consequences. Also, they

stated a preference for continuing to require property owner signatures on Conditional Use Petitions.” I **completely agree with these comments.** In fact, the situation described above regarding the private driveway portion of Castlebridge Road would be real life example of one such unintended consequence. Why? None of the parties to our Easement Agreement (other than the Adkinsons) are in favor of the Adkinson’s proposed Conditional Use for Limited Social Assemblies. If this bill is approved, our rights under the Easement Agreement are being completely undermined.

Our opposition is based on the following:

- This proposed change to Section 131 significantly impairs and alters the legal rights of many landowners in the county who are parties to easements; in short, they reduce the rights of parties that may have been intended when the easements were executed. The DPZ should not be allowed to presume an easement allows an easement holder/Petitioner all rights to another landowners’ property. **Requiring property owner’s signatures seems to be a fundamental right contemplated by the existing regulations and practices, both in our County and across the State of Maryland. This should not be changed.**
- The proposed change would bar the Hearing Examiner from considering the details of any easement, even if the easement specifically precluded the Conditional Use activity. How can the “rights and obligations” of the parties not be relevant? This seems to be illegal, thus will result in a significant increase in litigation, and related time and costs, to resolve these consequences. In our case, the easement we assumed upon purchasing this property expressly contemplates residential vehicle and farm equipment use for “**Private** Ingress, Egress, Maintenance, and Storm Water Management & Utilities” on a “**private** paved driveway.” It does not specify or contemplate any other uses, including public “social assemblies.”
- Conditional Uses are, by definition, uses that could have adverse impact on adjacent property owners. This is why we have additional governance procedures in our County regulations. We are not adjacent property owners in our situation; we own the property for which the Petitioner has an easement. The property owners with easements are likely to be the most impacted by Conditional Uses, and their rights and interests should be the highest priority in consideration of any Conditional Use Petition.
- The Petitioner is the one seeking an exemption for a use that is inherently incongruent with existing zoning for their property. Thus, if any property owner who is a party to an easement disagrees and declines to sign the Conditional Use Petition, then the Petitioner’s recourse should be through the Courts to affirm the Petitioner interpretation of their rights under the Easement. This should not be a “presumption” by the County or its officials.
- It is our understanding that if a guest of the Adkinsons social assemblies has an accident on our easement affiliated property, then we could be potentially held liable. How can the County impose that potential liability upon us by approving a use on our property to which we have not agreed?

Here is why we, and the other parties to the Easement Agreement (other than the Adkinsons) are opposed to the Adkinsons proposed Conditional Use Petition:

- We purchased our lot and are constructing our home in what we believe to be a secluded part of this Ellicott City area, at the end of a mature neighborhood and surrounded by preservation land. There are five buildable

lots on this private driveway. This means there is limited traffic currently or ever anticipated on this driveway. At its widest part, the private driveway is 16 feet wide, but narrows to about 12-13 feet wide after you pass the first two lots on this driveway. There are sharp turns, dips in the driveway, and limited sight line visibility on certain parts of the paved roadway. The paved roadway will not handle two-way traffic, thus vehicles may be forced off-road onto private property. Adding up to 150 guests, plus vendors and their staff, per "social assembly" on such a driveway will create significant safety concerns.

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- Pre- and post-event traffic will increase as well. This traffic will include not only automobiles for people scoping out the venue, but delivery trucks for food, tents, portable toilets, event trash collection, etc.
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- Increased traffic and activity into this remote area creates other safety concerns, in terms of trespassing onto our property as social assembly guests come and go with the potential to become lost or disoriented given the private, narrow construct of the private driveway. In addition, the potential to have mail and packages taken from our mailboxes, and people otherwise "scouting" our properties for nefarious purposes under the guise of attending or planning a function at the barn. There are also concerns about litter along the private driveway.
- There is no County trash collection service on this private driveway; thus, as residents we are required to walk or drive our trash along the driveway to the end of the public portion of Castlebridge Road. This is also where all the private driveway mailboxes are located. Having drivers unfamiliar with the neighborhood roadways and this private driveway will create unsafe conditions for pedestrians and for stopped vehicles at the beginning of the private driveway.
- There are no street lights (except at the traffic circles) in the Riverwood and Gaither Hunt communities, which would be the only access routes to the Conditional Use property. This area is extremely dark and remote, such that great caution is required even by those familiar with the community. There is no lighting on the private driveway. Visitors in this area, especially in the evening, will create increased safety concerns due to their unfamiliarity with the conditions. Alcohol being served at these events will significantly increase these safety concerns.
- As the Adkinson's barn is at the very end of the private driveway, people who are lost or seeking directions will likely enter our properties to seek directions to the barn. This will be disconcerting and intrusive. Signage to attempt to alleviate this issue would be intrusive, unsightly, and unbecoming to the residential/rural nature of the neighborhood and surroundings.
- We and other property owners along the private driveway are very concerned about the intrusion of amplified music, as well as lighting pollution, emanating from the social events into their peaceful enjoyment of their homes and property.

Thank you very much for your service to our County, and for your consideration of my interests and views related to CB9-2020.

Sincerely,

Kenneth V. Moreland





## Sayers, Margery

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**From:** Sang Oh <soh@talkin-oh.com>  
**Sent:** Tuesday, March 31, 2020 2:31 PM  
**To:** CouncilMail  
**Cc:** Jung, Deb; Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Yungmann, David; Sidh, Sameer; Gowan, Amy  
**Subject:** Council Bill 9-2020

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members:

As you know, our firm represents the Glenelg Country School with respect to CB9-2020. It has come to our attention that various individuals in the Riverwood and Gaither Hunt developments have contacted Council members to express their views on CB9 that this legislation would allow Carter and Kimberly Adkinson to file a conditional use for a limited social assembly at 4888 Castlebridge Road, Ellicott City without the permission of the property owner of the shared driveway. I am writing to refute this interpretation of CB9.

As I have indicated to the Council previously, there is nothing within CB9 that would grant to a possible conditional use applicant the substantive right to have/not have a certain conditional use. That right exists or not independent of CB9. It is only in the event that such substantive right exists to establish the conditional use that a would-be applicant would be able to use CB9 to file a CU application. Otherwise, the CU process and even an approval would be meaningless if there is ultimately no legal right to have the use.

This firm also represents Carter and Kimberly Adkinson. The Adkinsons are in need of restoring a historic barn on their property. They wanted to have a conversation with their neighbors about using the barn for limited social assemblies. The attendees at the presubmission meeting were generally not supportive of the proposal. This was disappointing to the Adkinsons; however, they have not and will not rely on CB9 as the authority for them to file a conditional use application for a limited social assembly at 4888 Castlebridge Road. CB9 does not convey any substantive rights that do not already exist. Construing CB9 as the individuals in Riverwood and Gaither Hunt allege is unwarranted and would be a poor decision of time and resources for the Adkinsons and others who are similarly-situated. The Adkinsons have decided to cease their proposal for a limited social assembly CU. CB9 has had no effect on this decision.

I hope this helps to explain the current situation. Please contact me if you require further clarification. Thank you.

Sincerely,

Sang W. Oh  
Talkin & Oh, LLP  
5100 Dorsey Hall Drive  
Ellicott City, MD 21042  
410-964-0300  
410-964-2018 (f)

## Sayers, Margery

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**From:** KEITH JONES <hey-kej@sbcglobal.net>  
**Sent:** Friday, March 27, 2020 8:15 PM  
**To:** CouncilMail  
**Subject:** CB9-2020 is illegal and the county will have to go to court wasting taxpayer dollars

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

*I urge you to VOTE NO on this bill or we will be sure to vote you out of office. The entire community around where this barn owner who proposed this end around game bill is already shunned by our community. Don't be part of that illegal game!*

*Keith Edward Jones  
4884 Castlebridge Road  
Ellicott City, MD 21042*