

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE - W/S Patterson Rd. \* DEPUTY ZONING COMMISSIONER  
1440' S of Patterson Farms Rd. \* OF BALTIMORE COUNTY  
(5433 Patterson Road)  
11th Election District  
6th Councilmanic District \* Case No. 90-530-SPHA  
James Trela, et ux  
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested a special hearing to approve an existing barn as being an accessory structure to a proposed dwelling, and, if approved, a variance to permit said accessory structure to be located in the front yard in lieu of the required rear yard, and to have a height of 23 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1;

WHEREAS, by Order issued July 27, 1990, the relief requested was granted, subject to restrictions;

WHEREAS, the Petitioners have requested a modification of Restriction No. 2 thereof to permit the retention of a portion of an existing bathroom;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of August, 1990 that Restriction No. 2 of the Order issued July 27, 1990 be and the same is hereby modified to read as follows:

"2) Petitioner shall not allow or cause the accessory structure (garage) or the existing spring house to be converted to a second dwelling unit and/or apartments. Neither building shall contain any sleeping quarters and/or kitchen or bathroom facilities, except for the existing toilet and sink in the accessory structure. However, the existing shower shall be removed within nine (9) months of the date of this Order or the completion of the principal residence, whichever occurs first."

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued July 27, 1990 shall remain in full force and effect.

*ANN M. NASTAROWICZ*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:hjs

cc: Mr. & Mrs. James Trela  
5433 Patterson Road, Baldwin, Md. 21013

Dr. & Mrs. James Gerlach  
5429 Patterson Road, Hydes, Md. 21082

People's Counsel

File

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE - W/S Patterson Rd. \* DEPUTY ZONING COMMISSIONER  
(5433 Patterson Road) \* OF BALTIMORE COUNTY  
11th Election District \* Case No. 90-530-SPHA  
6th Councilmanic District  
James Trela, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the existing barn as being an accessory structure to a proposed dwelling, and a variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and to permit said accessory structure height to be 23 feet in lieu of the maximum permitted 15 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Carol T. Trela, appeared and testified on behalf of herself and her husband. Also appearing on behalf of the Petition were Dr. & Mrs. James Gerlach, adjoining property owners. There were no Protestants.

Testimony indicated that the subject property, known as 5433 Patterson Road, consists of 35 acres more or less zoned R.C. 2, and is improved with an existing spring house and garage, or "barn" as referred to by Petitioners. Mrs. Trela testified that she and her husband purchased the property approximately 2 years ago with the intention of building a principal residence. She testified that while awaiting the sale of their then residence, Petitioners submitted plans for the construction of the "barn" for use as garage space and storage of personal items. Thereafter, Petitioners constructed the building, identified as Building No. 2 on Petitioner's Exhibit 1, after the issuance of Building Permit No. 101483.

A few months ago, when Petitioners submitted plans for the construction of a residential dwelling, they were advised that a building permit would not be issued or authorized by the Zoning Office until a determination had been made as to the appropriateness of the accessory structure, which under the plans submitted indicated it would be in the front yard and exceed height regulations. Clearly, the documentation presented at that time by Petitioners indicated that the use of the subject accessory structure was not as a barn, which under the Baltimore County Zoning Regulations (B.C.Z.R.), has no height or location restrictions. Petitioners conceded the building is not intended to be used in the furtherance of any agricultural uses.

Petitioners argued that the granting of the variances should be allowed as they proceeded with the construction of the subject accessory structure after issuance of a building permit, introduced as Petitioner's Exhibit 2. Petitioners further argued that practical difficulty would result if strict compliance with the zoning regulations is required as they have expended approximately \$150,000 on the subject structure. Mrs. Trela testified that the granting of the variance would not result in any detriment to the health, safety or general welfare of the community. She indicated that she has spoken to the Gerlachs and is aware of their concerns. In response to the issues raised by them, Mrs. Trela testified additional landscaping will be placed on the property and all lighting from the proposed dwelling and existing accessory structure shall be directed away from the Gerlachs' adjoining residential property. Mrs. Trela indicated that the lighting as it exists today is for security purposes as she is aware of recent thefts and break-ins in the neighborhood.

ORDER RECEIVED FOR FILING  
Date 8/28/90  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/28/90  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/28/90  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/28/90  
By [Signature]

In response to questions raised concerning the intended use of the accessory structure, Mrs. Trela testified that the first floor was intended to be used for the parking of vehicles and the second floor as a large family room with an area set aside for the pursuit of hobbies by she, her husband, and their two sons. A toilet, sink and shower are on the second floor. Testimony indicated the building will also be used for the storage of personal family property. Mrs. Trela testified that the second floor living space was not used as a second dwelling unit and that she would permit access by Baltimore County representatives to insure there was no such use. When questioned as to whether or not the building was intended for commercial use, Mrs. Trela testified that she is an antique dealer and is involved in shows across the country. She indicated that while there is no selling of items from the premises, she does store antiques for the business on the property. At the end of the hearing, Petitioners were requested to submit photographs of the building. Said photographs have been received and marked Petitioner's Exhibit A.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare, provided the restrictions imposed hereinafter are met.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, subject to restrictions, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. However, due to the nature and size of the accessory structure, restrictions must be imposed to insure that the spirit and intent of the regulations are met and that the structure is not used now or at any time in the future as a separate dwelling unit and/or the operation of a business, both of which would be in violation of the zoning regulations. The photographs identified as Petitioner's Exhibit A clearly show a structure which resembles a house more than a barn and/or garage. The potential for abuse of its use as a dwelling cannot be ignored and/or assisted. Clearly, the primary purpose is not for the storage of vehicles as the garage door is nominal in comparison to the other doors and windows in the structure. Mrs. Trela indicated that she intended to store antiques for her business on the property. Such storage would be in violation of the zoning regulations and would be closer to the definition of a warehouse use which is not permitted in the R.C. 2 zone. Clearly, to permit such storage may promote commercial activ-

ity on the subject property in conjunction with the operation of Petitioner's antique business.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief should be granted, subject to restrictions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of July, 1990 that the Petition for Special Hearing to approve the existing barn (garage) as an accessory structure to a proposed dwelling, and the Petition for Zoning Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and to permit said accessory structure height to be 23 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure (garage) or the existing spring house to be converted to a second dwelling unit and/or apartments. Neither building shall contain any sleeping quarters and/or kitchen or bathroom facilities. The existing toilet, sink and showering facilities shall be removed within nine (9) months of the date of this Order or the completion of the principal residence, whichever occurs first.
- 3) There shall be no commercial activity on the subject property and no warehousing or storage of any antiques used in the operation of Mrs. Trela's antique business.

- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

- 5) Within forty-five (45) days of the date of this Order, Petitioners shall file a new deed in the Land Records of Baltimore County which references this case and sets forth and addresses the restrictions and conditions of this Order.

- 6) All lighting for the accessory structure and any other buildings on the subject property shall be directed away so as not to reflect onto any adjoining properties.

- 7) When applying for any permits for the subject property, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

*ANN M. NASTAROWICZ*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:hjs

ORDER RECEIVED FOR FILING  
Date 8/28/90  
By [Signature]

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Date 8/28/90  
By [Signature]

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Date 8/28/90  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/28/90  
By [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

July 27, 1990



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. James Trela  
5433 Patterson Road  
Baldwin, Maryland 21013

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
W/S Patterson Road, 1440' S of Patterson Farms Road  
(5433 Patterson Road)  
11th Election District - 6th Councilmanic District  
James Trela, et ux - Petitioners  
Case No. 90-530-SPHA

Dear Mr. & Mrs. Trela:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*A. M. NASTAROWICZ*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: Dr. & Mrs. James Gerlach  
5429 Patterson Road, Hydes, Md. 21082

People's Counsel

File

351  
PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-530-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure to be located in the front yard instead of the required rear yard. Section 400.3 to permit an accessory structure with a height of 23 feet instead of the permitted 15' maximum.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

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City and State

Attorney's Telephone No.:

MAP  
E.D. 1144  
DATE 4-8-90  
220  
1003  
DP 4-15-90

351  
PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-530-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the existing barn structure 30' x 60' x 23' high approved via building permit #101483 as being an accessory structure and accessory to a proposed dwelling to be constructed on the property in question. All as shown on the attached site plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

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Address

City and State

Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

351  
90-530-SPHA

SURVEY  
Beginning at a point in the center of Patterson Road, at a distance of 1440 feet, more or less, southeast of Patterson Farms Road and running thence along said centerline south 22 31' east, 179.20 feet; thence leaving said centerline and running south 55 03' west, 440.80 feet; thence south 39 31' east, 146.20 feet; thence south 32 47' east, 269.24 feet; thence south 38 39' west, 317.30 feet; thence south 59 05' west, 1225.16 feet; thence south 37 22' east, 692.99 feet; thence south 47 35.30 west, 365 feet; thence north 26 58' 21" west, 1472.33 feet; thence north 5 46' east, 864.52 feet; thence north 59 23' 30" east, 643.37 feet; thence north 67 18' east, 182.40 feet; thence north 55 03' east, 479.39 feet; to the point of beginning.

Trela  
5433 Patterson Road  
Baldwin, Md. 21013  
592-3956

Account: R-001-6150  
Number: 2992  
Date: 7/23/90  
90-530-SPHA  
N9100036

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Public Hearing Fees  
080 - POSTING SIGNS / ADVERTISING 1 X \$150.59  
TOTAL: \$150.59

LAST NAME OF OWNER: TRELA

04A04#0055M1CHRC  
BA C0D9#36A07-23-90  
\$150.59

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner  
DATE: 7-6-90

Mr. & Mrs. James Trela  
5433 Patterson Road  
Baldwin, Maryland 21013

Petition for Special Hearing and Zoning Variance  
CASE NUMBER: 90-530-SPHA  
4/8 Patterson Road, 1440' S of Patterson Farms Road  
5433 Patterson Road  
11th Election District - 6th Councilmanic District  
Petitioners: James Trela, et ux  
HEARING: FINAL, JULY 20, 1990 at 2:00 p.m.

Please be advised that \$150.59 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE POSTING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, BALTIMORE

JRH:js

receipt  
Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Account: R-001-6150  
Number: 2044  
Date: 4/06/90  
H9000351

Public Hearing Fees  
010 - ZONING VARIANCE (IRL) 1 X \$35.00  
030 - SPECIAL HEARING (IRL) 1 X \$35.00  
TOTAL: \$70.00

LAST NAME OF OWNER: TRELA  
038\*\*\*\*\*7000\* 3061F  
Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 28, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 21, 1990

THE JEFFERSONIAN,  
S. Zabe Orban  
Publisher

CERTIFICATE OF PUBLICATION

June 28, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 21, 1990

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER  
S. Zabe Orban  
Publisher  
PO 105527

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland  
90-530-SPHA  
District: 11th  
Date of Posting: 4/29/90

Posted for: Special Hearing + Variance  
Petitioner: James Trela et ux  
Location of property: 4/8 Patterson Rd, 1440' S of Patterson Farms Rd  
5433 Patterson Rd

Location of Sign: 4/8 Patterson Rd, across 15' E. roadway, on property of J. Trela  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 2

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 400.1 to permit an accessory structure to be located in the front yard instead of the required rear yard. Section 400.3 to permit an accessory structure with a height of 23 feet instead of the permitted 15' maximum. The hearing will be held on July 20, 1990 at 2:00 p.m. in Room 108 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21284.

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the existing barn structure 30' x 60' x 23' high approved via building permit #101483 as being an accessory structure and accessory to a proposed dwelling to be constructed on the property in question. All as shown on the attached site plan. The hearing will be held on July 20, 1990 at 2:00 p.m. in Room 108 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21284.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

MAY 30, 1990

NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:

Petition for Special Hearing and Zoning Variance  
CASE NUMBER: 90-530-SPHA  
W/S Patterson Road, 1,440 +/- S of Patterson Park Road  
5433 Patterson Road  
11th Election District - 6th Councilmanic  
Petitioner(s): James Trela, et ux  
HEARD: FRIDAY, JULY 20, 1990 at 2:00 p.m.

Special Hearing: The existing barn structure 30 ft. x 60 ft. x 23 ft. high approved via building permit #101483 as being an accessory structure and accessory to a proposed dwelling to be constructed on the property in question.

Variance to permit an accessory structure to be located in the front yard instead of the required rear yard; to permit an accessory structure with a height of 23 feet instead of the permitted 15 ft. maximum.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Trela

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

July 6, 1990

Mr. & Mrs. James Trela  
5433 Patterson Road  
Baldwin, MD 21013



Dennis F. Rasmussen  
County Executive

RE: Item No. 351, Case No. 90-530-SPHA  
Petitioner: James Trela, et ux  
Petition for Special Hearing

Dear Mr. & Mrs. Trela:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

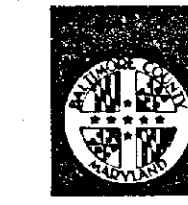
Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 30th day of May, 1990.

*J. Robert Haines*

J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: James Trela, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: June 19, 1990  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: James Trela, Item No. 351

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21284  
(301) 887-2554

June 6, 1990



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21284

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 351, 381, 382, 383, 384, 386, 389, 390, 391, 392 and 393.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvw

RECEIVED

JUN 13 1990

ZONING OFFICE

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21284-5500  
(301) 887-4500  
Paul H. Reincke  
Chief

MAY 21, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21284

RE: Property Owner: JAMES TRELA  
Location: W/S PATTERSON ROAD  
Item No.: 351 Zoning Agenda: MAY 29, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved  
Planning Group Special Inspection Division Fire Prevention *Paul H. Reincke*

JK/KEK

CAROL TRELA  
5433 PATTERSON ROAD  
BALDWIN, MARYLAND 21013

August 10, 1990

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21284

RE: Case no. 90-530-SPHA

Dear Ms. Nastarowicz:

We have received your decision regarding the above case dated July 27, 1990. We are, of course, pleased that our request for a variance was granted. The seven conditions imposed, are in general, reasonable under the circumstances. With this letter, I am asking that one sentence be reconsidered and amended. We have been advised that amended decisions are possible and that it is appropriate to request reconsideration.

The sentence is on page 5, number 2, second sentence: "The existing toilet, sink, and showering facility ..." We ask that the toilet and sink be allowed to remain in the building and that only the shower be removed. Our reasons for this request are as follows.

1. The bathroom was on the original plans submitted to Baltimore County Planning and Zoning; a permit to build this bath was issued by Baltimore County; and the bath was installed as per the plans and permit. Although no one at county government seems compelled by the argument that government must be consistent and fair, I submit that the County approved the plans for this building and should not require any major changes after its construction. While the County can impose restrictions on the uses of a building, requiring structural changes to a building that was previously approved and for which a permit was issued, is grossly unfair.

2. The installation and removal of a bathroom is costly. The total cost of installing a bath (one for which we received a permit from Baltimore County Zoning and Planning), and then removing the same bath (at the order of Baltimore County Planning and Zoning) will be about 2500 dollars. That is shamefully wasteful.

RECEIVED

AUG 16 1990

ZONING OFFICE

3. The building is not condemned. It will be used by humans (not for residential or commercial purposes) for a variety of recreational and related purposes. Having a toilet in the building is very reasonable. Pool houses, for example, usually have a toilet facility. In fact, males will not walk across the yard to the house to use the toilet and will probably just go behind the barn. That is undesirable and Baltimore County should not create the circumstances that will make this habit.

4. A building without kitchen or bathing facilities cannot be used for residential purposes. The interests of the county are therefore protected by these restrictions. The additional requirement that the toilet be removed is simply over zealous.

If you will recall that everything we have done has been forthright and in good faith; that the barn was built with a permit issued by Baltimore County; that no one opposed our request for a variance; and that a toilet is a necessary accompaniment of all human activity, this request, I hope, will appear reasonable.

Sincerely,

*Carol Trela*  
Carol Trela

PS. Although it did not appear to be a factor in your ruling, I would like to clarify an apparent misperception. There are garage doors (plural) and the entire lower level is garage space except in the center where there is a large wood burning stove which is supposed to be the primary source of heat when needed. A residence would never be designed this way.

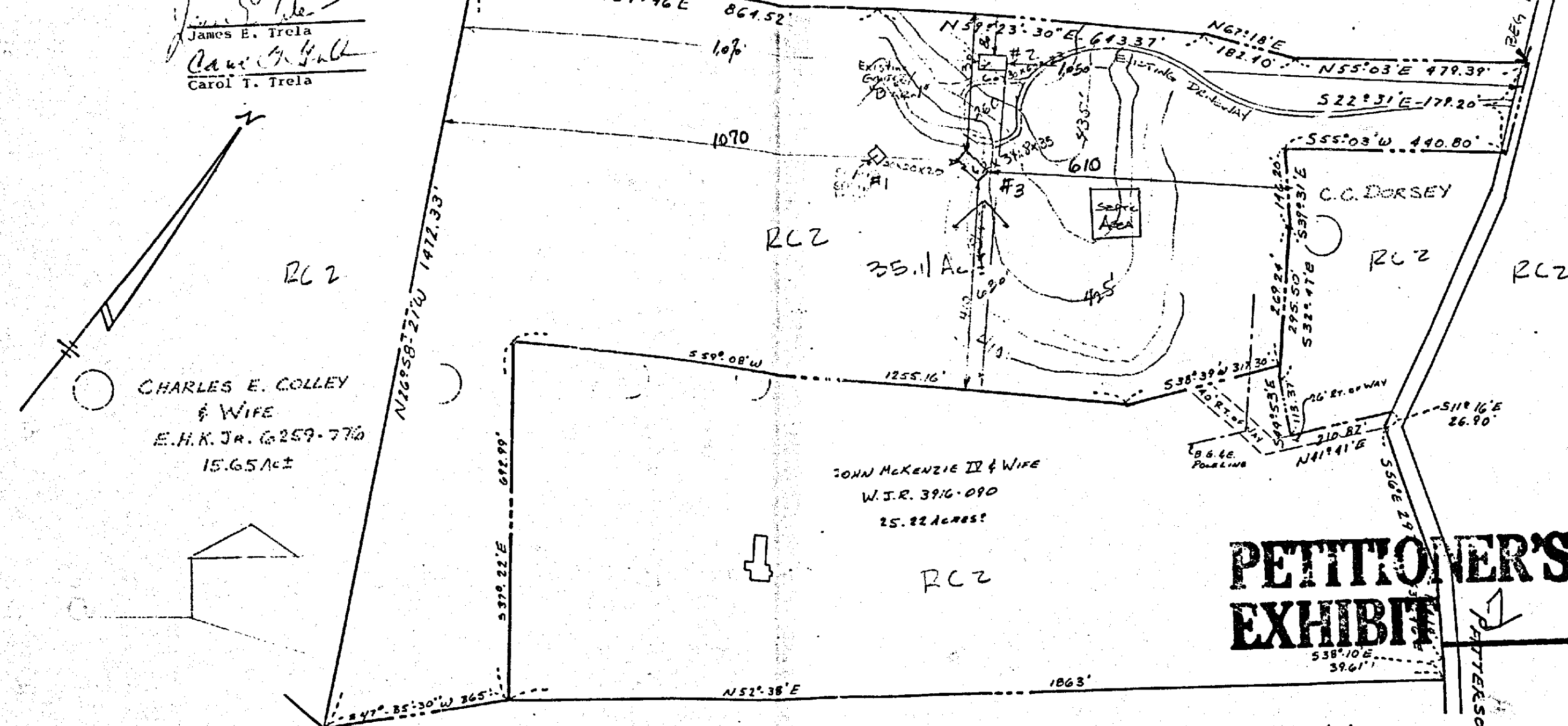
PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Dr. Mrs. James Trela 5433 Patterson Road, Hydrus Md
Carol T. Trela 5433 Patterson Rd, Baltimore Md 21013

90-530-SPHA (351)

To: C2
They did a fairly good job of getting all information on the drawings clearer as request in some instances it appears to be worse than before - I feel that we have spent enough time with them and am sending to hearing July 5/1/90

Owner's Statement: It is hereby acknowledged that the current property owner is fully and totally responsible for the accuracy of the information on this plat, and that said information is correct to the best of our knowledge.



90-530-SPHA

Plat to accompany petition for special hearing and variance hearing
USES: Building # 1 existing spring house - accessory storage for proposed dwelling
BUILDING # 2 existing garage and accessory storage for proposed dwelling
BUILDING # 3 proposed dwelling

PETITIONER'S EXHIBIT

351

Exhibit 1

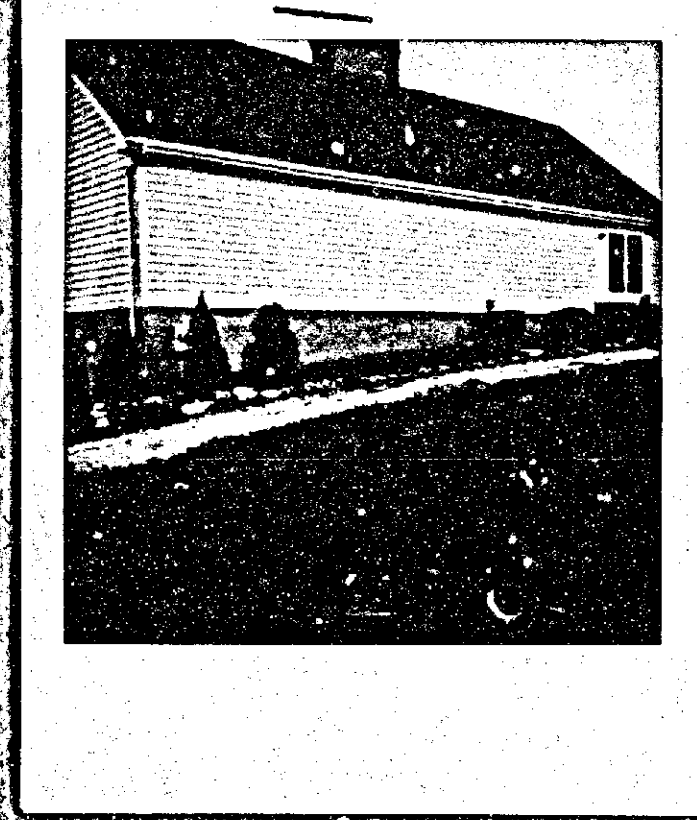
Steven W. Koehn, Project Forester
Department of Natural Resources
Md. Forest, Park and Wildlife
9405 Old Harford Road
Baltimore, Md. 21234
665-5820

Contact persons Note re. meeting

PLAN NOTE: 68 trees per acre hardwood 10x10 spacing 436 trees per acre \$90 per 1000 trees 65% cost share

\$75 per acre to plant x 30 acres
2250 to plant 1878
4138 to re-forest 900 rework mow
5838 900 mow 5938
\$5938 Cost of project 3859.70 trees share 2078.30 cost share

Maintenance costs are on alone



BACK OF BARN Trela 5433 Patterson Rd #90-530-SPHA
FRONT OF BARN
July 21, 1990

NOTE: THIS IS THE LOCATION OF DR. GERLACH'S HOUSE. WE HAVE PLANTED 6 WHITE PINES TO ACT AS A SHIELD. WE ARE 1/4 MILE AWAY AND THERE IS A 20 FT. DROP IN THE TOPOGRAPHY BETWEEN THE TWO PIECES OF PROPERTY.

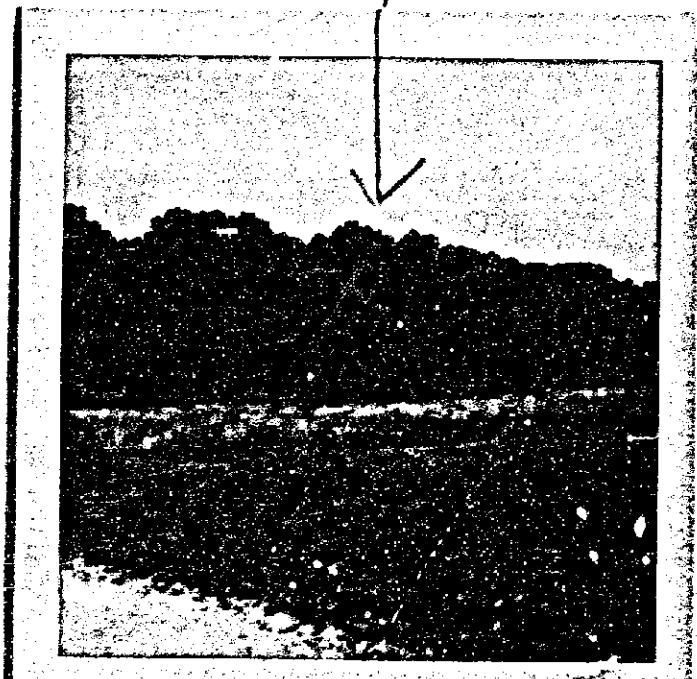


Exhibit 2a

December 11, 1987
Mr. & Mrs. James Trela
2350 Baldwin Mill Rd.
Baltimore, Md. 21013
Subject: Construction Management
Barn
Patterson Md.

Dear Carol and Jim:
The following agreement reflects the fees involved in managing the construction of your Barn. These fees are based on a preliminary budget of \$118,690.00 (see attached) which is approximately \$37.90 net/square foot of finished space (2132 SF) shown on your plans; to be dated (figures do not include management fee).

Your Barn will be bid by the construction manager with the best sub-contractors and suppliers available. Bid specs will be explained and detailed to each sub-contractor and a final list, including prices, will be presented for your approval and contract signature. Design Alternatives, Inc. will act as manager/agent for James and Carol Trela. If Design Alternatives, Inc. has any interest, direct or indirect, in the business of any subcontractor, the nature of such interest will be stated in writing.

During the construction phase the construction manager will be responsible for scheduling all trades, purchasing all materials, and obtaining all required inspections by Baltimore County needed to complete your New Home. These will be completed on your behalf, according to the approved plans. All billing will be processed by the construction manager and presented to you for your approval and payment. Invoices are due within five (5) working days of presentation, unless otherwise stated.

As construction begins, all changes in either plans or specs must be approved by you before changes can be made. Change orders which affect the final cost of your New Home will be included in the figures on which my fee will be based. The construction manager cannot be responsible for an extended construction schedule resulting from change orders which you approve.

Construction time will not be less than two (2) months and will not exceed four (4) months unless there are delays caused by adverse weather conditions, damage caused by fire, storm,

Deposit on Barn + House

DESIGN ALTERNATIVES \$4203.88
FOR THOUSAND DOLLARS AND NO/100 CENTS
4203.88 DOLLARS

DESIGN ALTERNATIVES \$1483.63
FOR THOUSAND DOLLARS AND NO/100 CENTS
1483.63 DOLLARS

NOTES:
1) Plat needs a begin point, and distance to nearest intersecting street.
2) zoning classification for this and adjoining properties
3) Height, same should be indicated.
4) CHANGE NOTE ON EXHIBIT: Two 6-1024 DWS in REAR of SITE.
5) Title on Drawings:
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE HEARING
REINFORCE HEAR 11/90
NOTES:
ZONED RC2
SPECIAL HEARING: TO DETERMINE STATUS OF BARN/ACCESSORY BUILDINGS
VARIANCE TO PERMIT: ACCESSORY BUILDING HEIGHT OF 23' INSTEAD OF 15'
VARIANCE TO PERMIT: ACCESSORY STRUCTURE IN FRONT YARD.
OWNER'S STATEMENT: IT IS HEREBY ACKNOWLEDGED THAT THE PROPERTY OWNER IS FULLY AND TOTALLY RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAT, AND THAT SAID INFORMATION IS CORRECT TO THE BEST OF OUR KNOWLEDGE.

Exhibit 4

2950 Baldwin Mill Road  
Baldwin, MD 21013  
May 10, 1988

John Picco  
Department of Plans Review  
Towson, MD

Dear Mr. Picco:

Regarding permit # 101483. This is a multipurpose building and is intended for the following use:

1. It is a two car garage. We prefer not to have garages attached to our residence. The plans for the house that will be built on the same lot call for a three car garage. We have eliminated that part of the plans.
  2. It is a studio/study. Dr. Trela is a professor at the University of Maryland Baltimore County and needs (as is typical of all university faculty) a study. I have a business and also need an office for records, phone etc.
  3. It is a storage facility. My business, an antique business, requires that I do antique shows on many Thursday through Sunday weekends. The inventory for these shows will be stored in part of the upper level of the building. This use is best illustrated by the upper level of the building. I will do shows in the D.C. suburbs (5-8); the D.C. Armory in downtown Washington (12-15); West Chester Pa. (19-22); and at the York County Fair Grounds (25-29). Each show is different (formal vs. informal; expensive vs. no so expensive etc.) and requires a different set of items to show and sell. Between shows, the inventory will be stored at the above Barn. Items sold but not yet paid for will be stored also etc.
  4. It is a storage facility for recreational equipment. Son Eric is a bicycle enthusiast. You, I am sure, think that bicycles and related equipment could be stored in a cold place. I am told that this is not the case — hence where we live now, bicycles are stored in the family room.
- The barn will not be used as a residence. It will not be used as a business open to the public.

Sincerely,  
*Carol Trela*  
Carol Trela

Exhibit 5

2950 Baldwin Mill Road  
Baldwin, Maryland 21013  
June 19, 1988

John Picco  
Baltimore County Plans Review  
111 West Chesapeake Avenue  
County Office Building, Rm 122  
Towson, Maryland 21204

Dear Mr. Picco:

I am writing regarding our two phone conversations from last week. In reference to changing the light storage area of our multi-purpose building (Permit # 101483 at 5433 Patterson Road in Baldwin, Md.), you stated I was to do the following things.

Enclosed please find the plans with the loading area designated for light storage marked in red. As you can see we will not use the entire upper level for light storage. Only the small area near the door shall be used for this purpose (approximately 14 X 20 feet). I shall have a sign made to designate the weights of the separate areas as you stated. Of course, even better than the sign will be the oriental rug I shall place in the other office type area. (I certainly would not want to store on my new rug!!).

According to our conversation this is what was necessary in order to change the light storage area from the entire area to only a quarter section in our multipurpose building. This is in keeping with Building code from 1984 section 906.2. I hope all is now in order as the building is progressing slowly. Thank you once again for your kind consideration in this matter.

Sincerely,  
*Carol Trela*  
Carol T. Trela  
(301) 557-9827

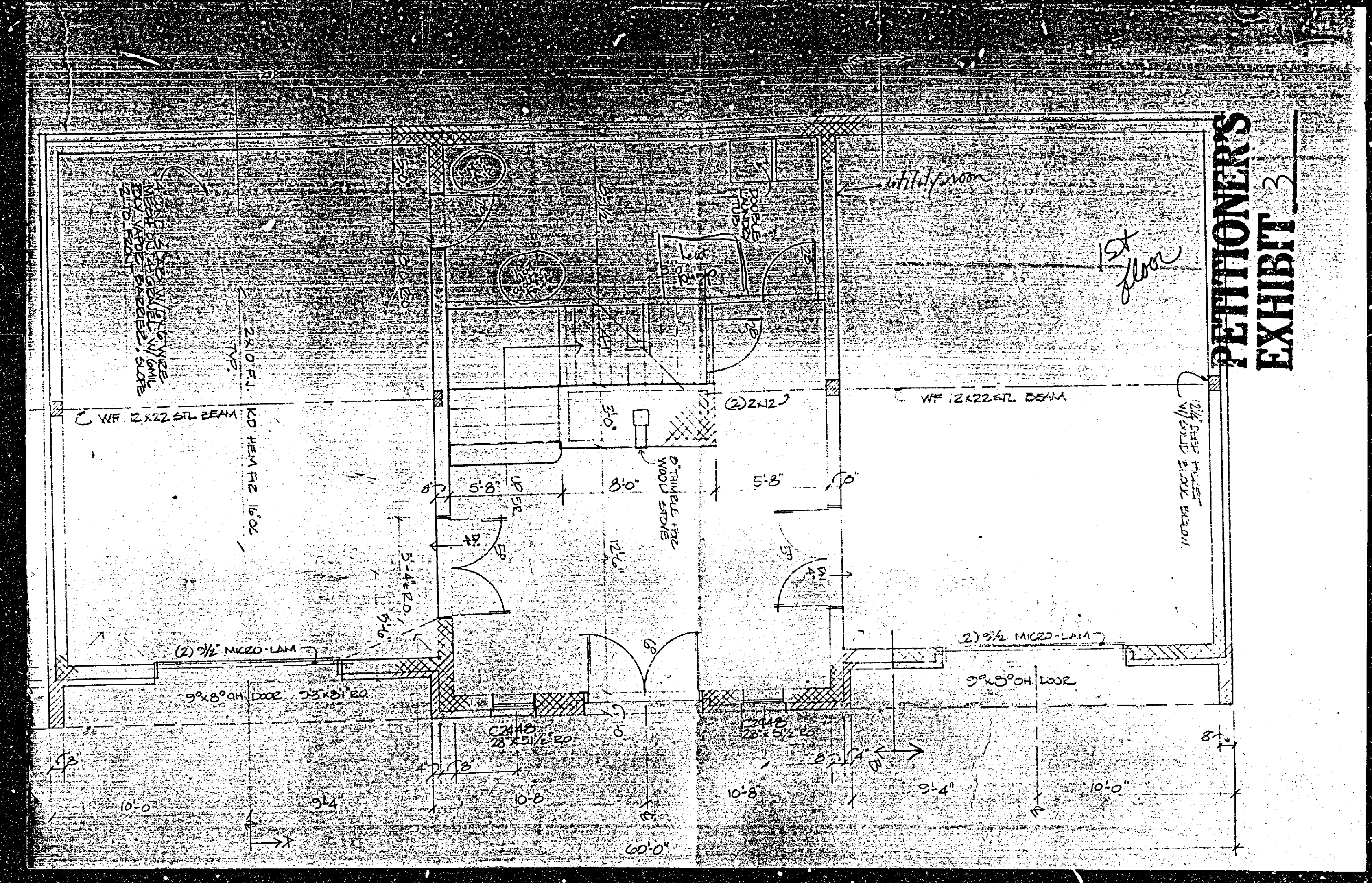


Exhibit 4

2950 Baldwin Mill Road  
Baldwin, MD 21013  
May 10, 1988

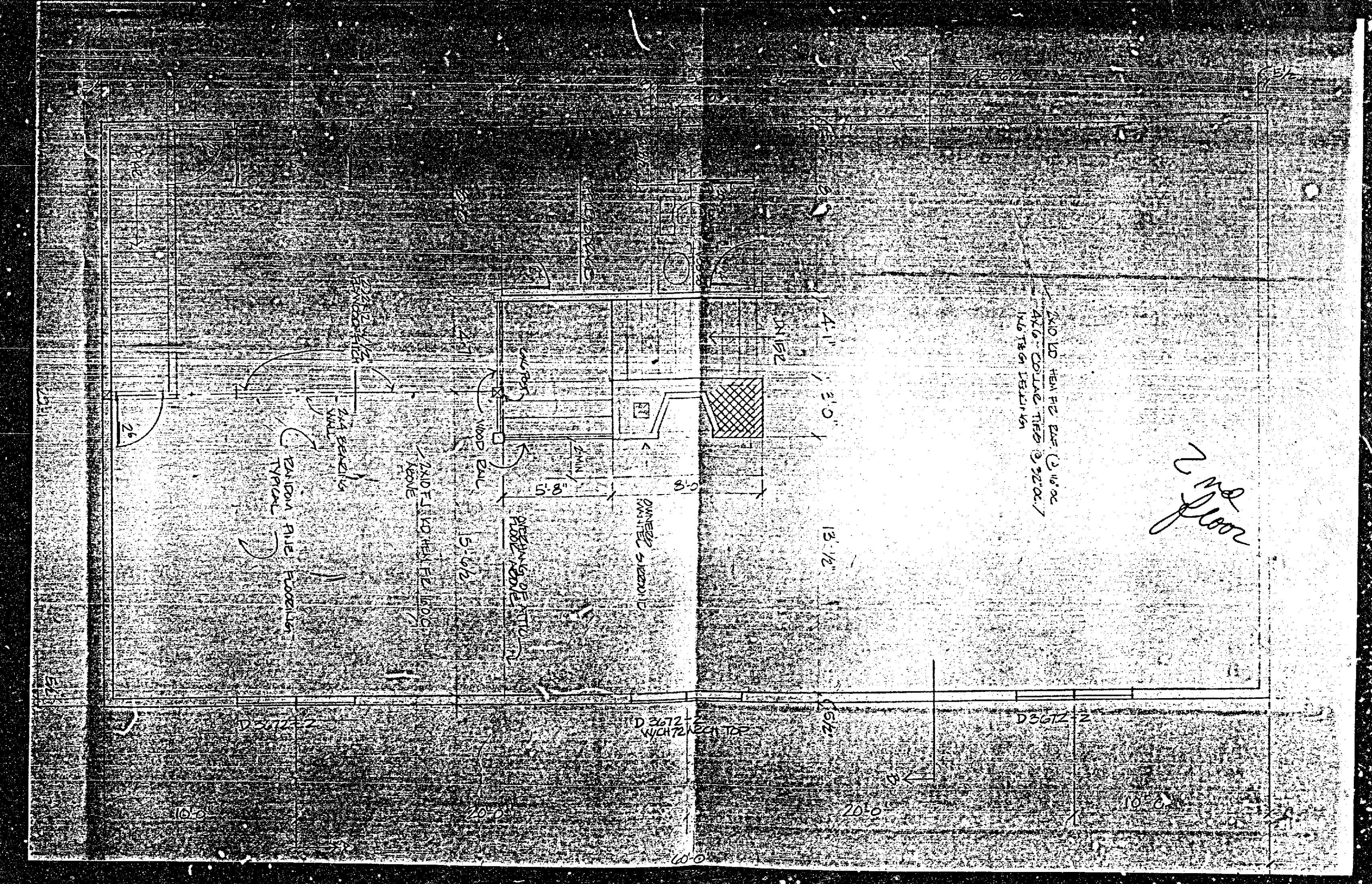
John Picco  
Department of Plans Review  
Towson, MD

Dear Mr. Picco:

Regarding permit # 101483. This is a multipurpose building and is intended for the following use:

1. It is a two car garage. We prefer not to have garages attached to our residence. The plans for the house that will be built on the same lot call for a three car garage. We have eliminated that part of the plans.
  2. It is a studio/study. Dr. Trela is a professor at the University of Maryland Baltimore County and needs (as is typical of all university faculty) a study. I have a business and also need an office for records, phone etc.
  3. It is a storage facility. My business, an antique business, requires that I do antique shows on many Thursday through Sunday weekends. The inventory for these shows will be stored in part of the upper level of the building. This use is best illustrated by the upper level of the building. I will do shows in the D.C. suburbs (5-8); the D.C. Armory in downtown Washington (12-15); West Chester Pa. (19-22); and at the York County Fair Grounds (25-29). Each show is different (formal vs. informal; expensive vs. no so expensive etc.) and requires a different set of items to show and sell. Between shows, the inventory will be stored at the above Barn. Items sold but not yet paid for will be stored also etc.
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- The barn will not be used as a residence. It will not be used as a business open to the public.

Sincerely,  
*Carol Trela*  
Carol Trela



APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204 JRN

2 44  
17/13/012342

5433 PATTERSON RD.  
DATE ISSUED: MAY 27 1988  
101483  
JAMES E. & CAROL TRELA  
MR 11 1  
3550 BALDWIN MILL RD., BALDWIN MD., 21013

OWNER  
N/A

SWS PATTERSON RD., 2255 SE SWEET AIR RD.

**A. TYPE OF IMPROVEMENT**  
 NEW BUILDING CONSTRUCTION  
 ADDITION  
 ALTERATION  
 REPAIR  
 REMOVING EXISTING NO. UNITS DEDUCTED  
 MOVING  
 OTHER

**C. TYPE OF USE**  
 RESIDENTIAL:  
 ONE FAMILY  
 TWO FAMILY  
 THREE AND FOUR FAMILY  
 FIVE OR MORE FAMILY (ENTER NO. UNITS)  
 BOARDING HOUSE  
 GARAGE  
 BARN  
 OTHER

**B. OWNERSHIP**  
 PRIVATELY OWNED  
 PUBLICLY OWNED  
 HOUSING (ENTER NO. UNITS)  
 BARN FOR CARS & STORAGE  
 VACANT LOT

30 X 60' BANK BARN W/(1) INTERIOR FIREPLACE, PP ATTACHED.

PETITIONER'S EXHIBIT 2

PETITIONER'S EXHIBIT 2

JAMES AND CAROL TRELA  
5433 Patterson Road  
Baldwin, Maryland 21013

July 19, 1990

Dr. and Mrs. James Gerlach  
Patterson Road  
Baldwin, MD 21013

Dear Dr. and Mrs. Gerlach:

This letter is to confirm our telephone conversation of July 19. In that conversation you expressed some concern about the outside spot lights on the corner of our building. Our building, about one quarter of a mile from your home is at a considerably higher elevation -- 480 as opposed to your 460 feet above sea level. At your request, we are providing the following information.

1. We have planted two rows of white pine trees between our respective properties on a line with the center of the two buildings. We actually did this last year to ensure our own privacy. It is our intention to expand our planting in future years both on the side of our common border and elsewhere. We have had several discussions with the state about a major planting of trees over most of this land. It is uncertain whether this plan will come to fruition.

2. We will turn the lights on the corner of the building away from your building -- downward or back toward the East if possible.

I am sure that in the long run the first measure will work well and in the short run the second will help.

Sincerely,

*James E. Trela*

James E. Trela

**PETITIONER'S  
EXHIBIT 5**

MICROFILMED

DR. JAMES AND CAROL TRELA  
5433 Patterson Road  
Baldwin, Maryland 21013

March 23, 1990

Mr. William Evans  
Councilman, Chairman County Council  
Sixth District Office  
7856 Belair Road  
Baltimore, Maryland 21236

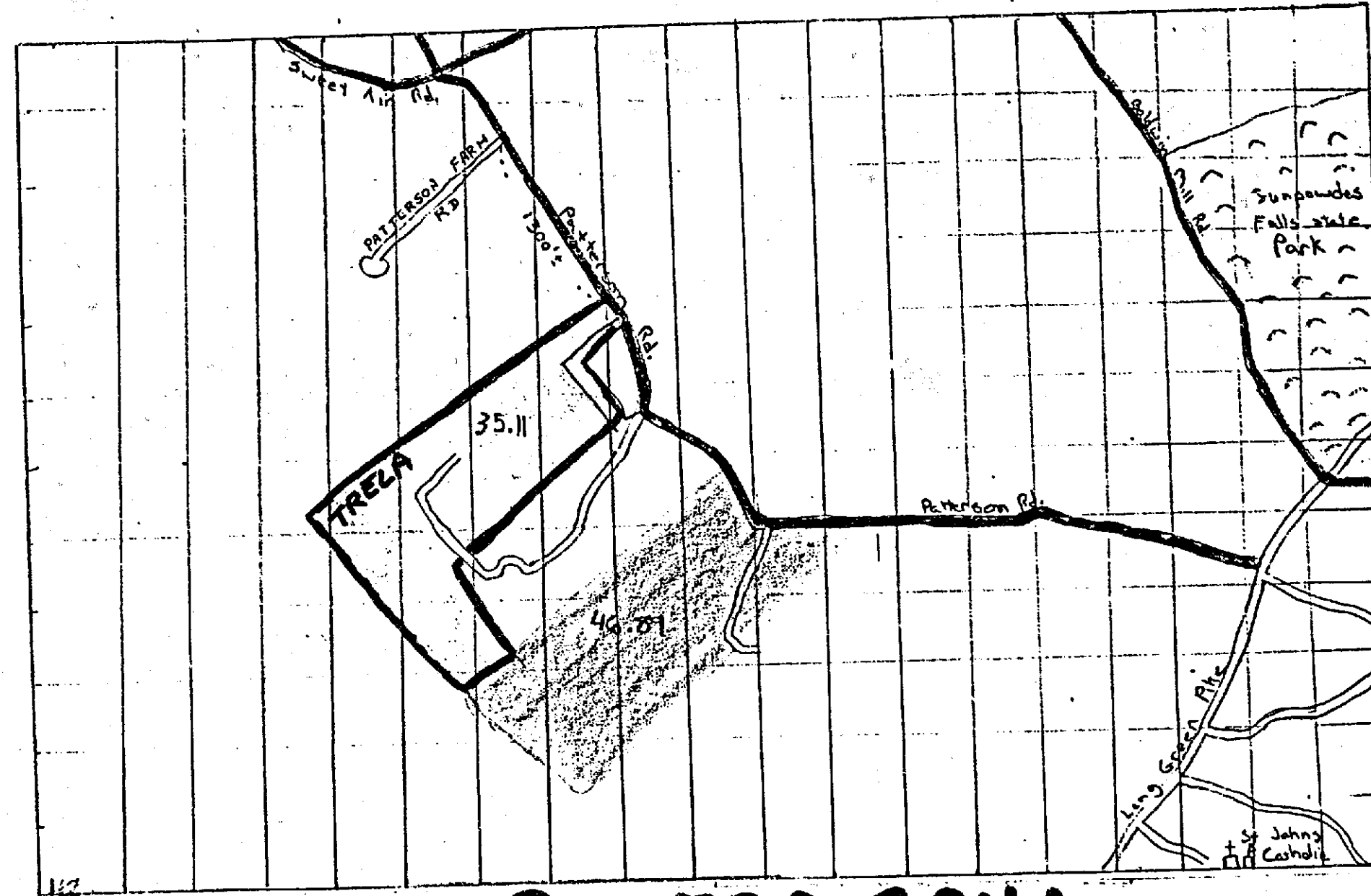
Dear Councilman Evans:

This letter is to ask your advice on a matter involving us and the County Department of zoning.

We have applied for a permit to build our house on 35 acres in the Long Green Valley of Baltimore County. The permit application has passed all of the County departments but one where it is being held because there is a barn on the property that is regarded as *potentially* habitable. The Department of Zoning now wants to reclassify the building from barn to accessory structure. As an accessory structure the barn is too tall and hence a variance would be required. The result is that we find ourselves with 400 thousand dollars invested in what was going to be home but with no house and no prospect of building one.

If Zoning reclassifies our building then a special variance must be obtained. Of course, the building has already been built with all permits in order and with the approval of the County. The consequences of this are catastrophic to us. The County says it made an error (issuing a permit for the barn) but will take no responsibility in the matter. If we are forced to request a special hearing and to obtain a variance (a three to four month process at best) and the request is denied then what happens? Will we be forced to tear it down in order to build a house or will we be forced to live in the barn and turn it in to a house. The barn is nice but it is one big room with no divisions (except a door to the bathroom). Neither of these choices is acceptable to us.

MICROFILMED



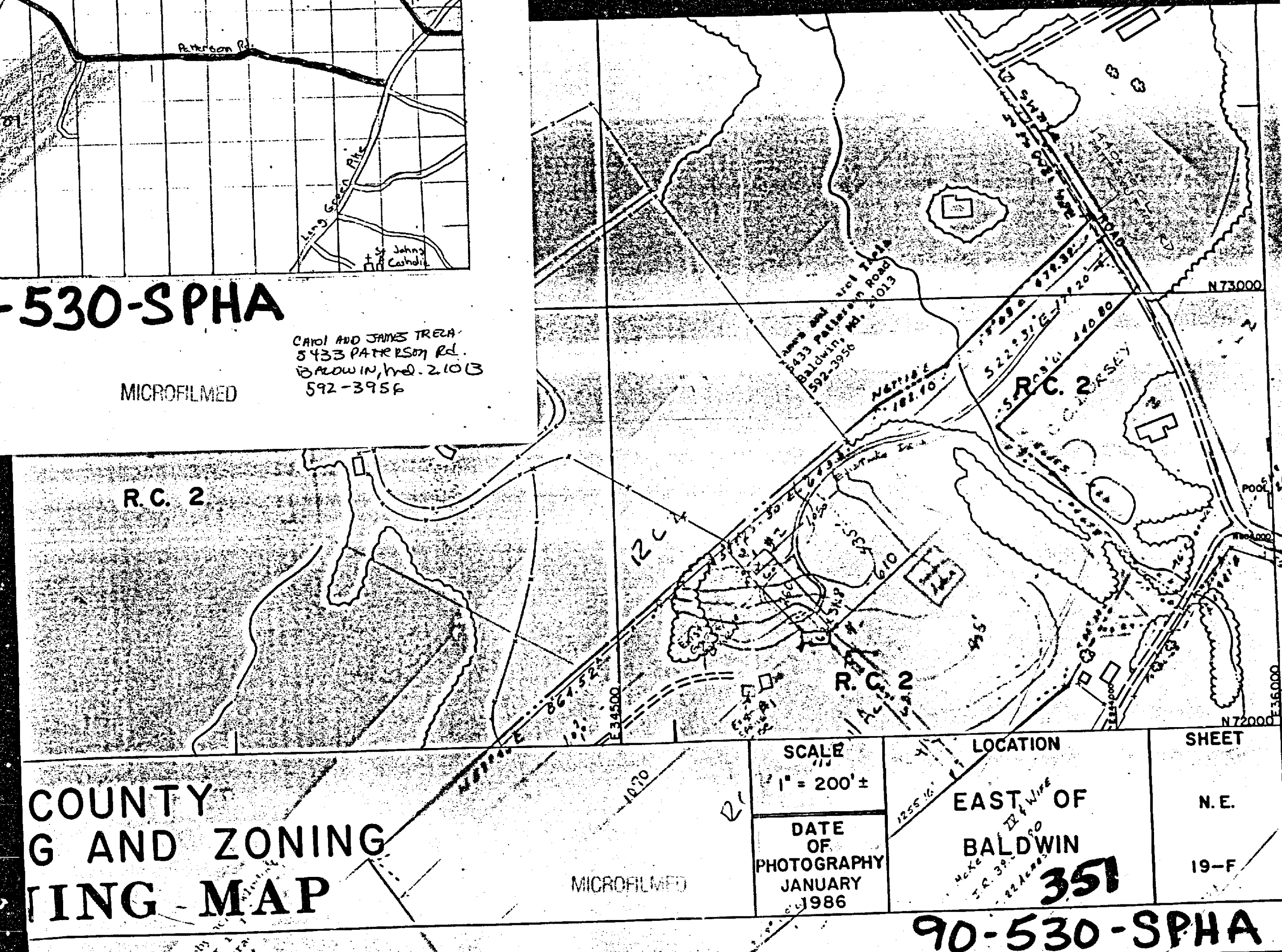
Scale 1" = 1000'

**90-530-SPHA**

351

MICROFILMED

CAROL AND JAMES TRELA  
5433 PATTERSON RD.  
BALDWIN, MD. 21013  
592-3956

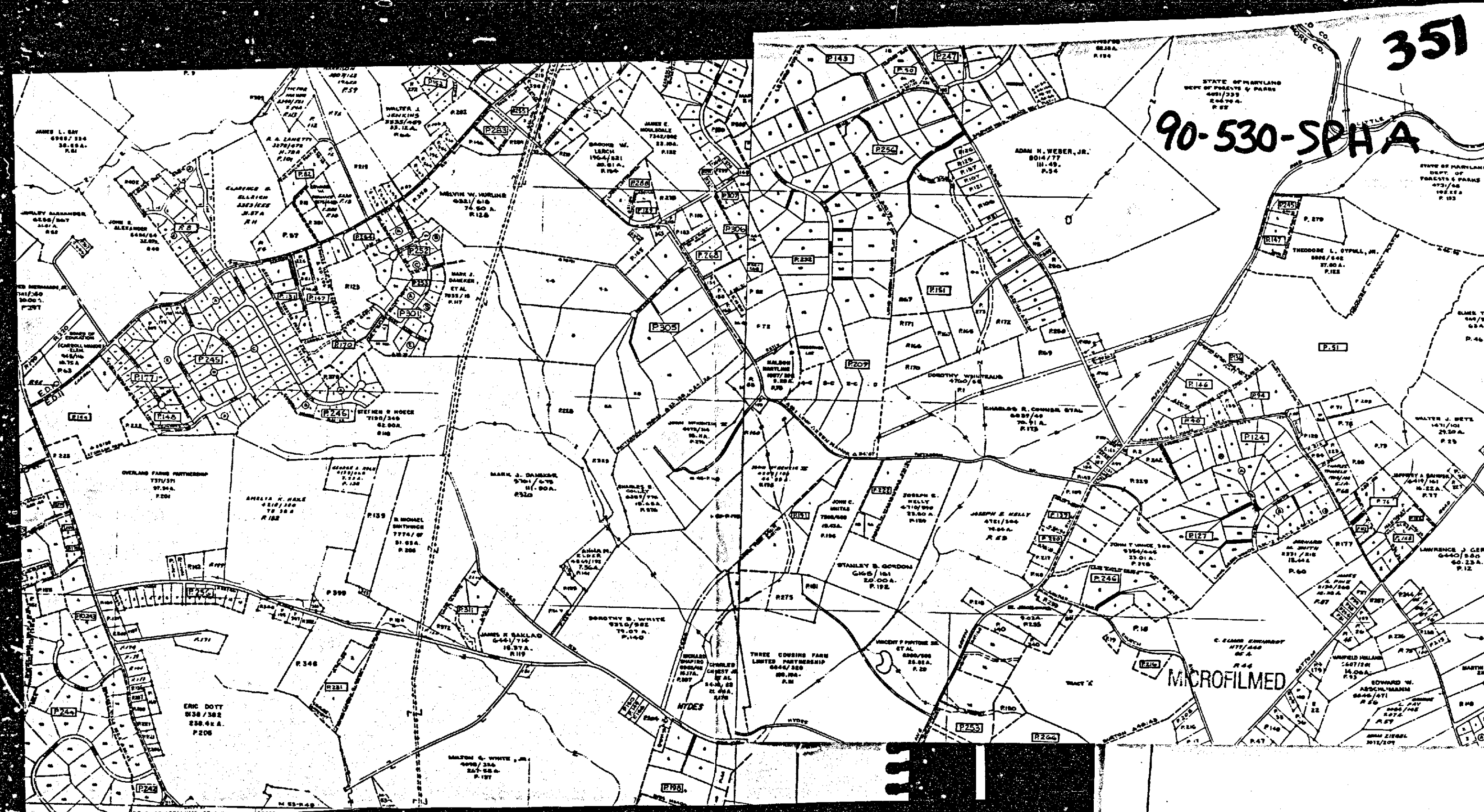


COUNTY  
G AND ZONING  
MAP

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
EAST OF  
BALDWIN  
SHEET  
N.E.  
19-F

**90-530-SPHA**

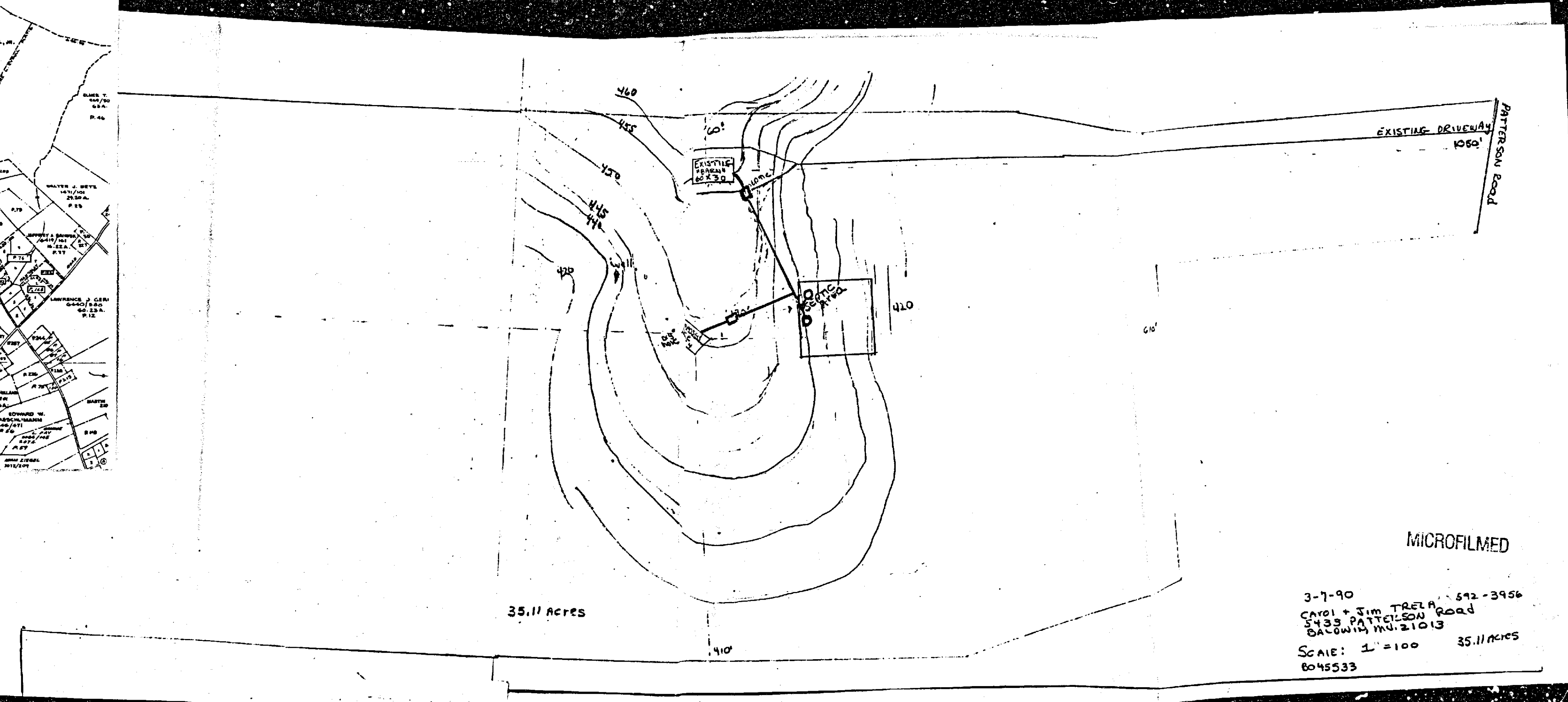


MICROFILMED

351

**90-530-SPHA**

35.11 Acres



MICROFILMED

3-7-90  
CAROL & JIM TRELA  
5433 PATTERSON ROAD  
BALDWIN, MD. 21013  
SCALE: 1" = 100'  
6045533