IN RE: PETITION FOR SPECIAL HEARING

SW/S Patterson Road, 3,070' S of the c/l

Patterson Farms Road

(5445 Patterson Road)

11th Election District
3rd Council District

Mary O'Rourk McKenzie Petitioner BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 04-034-SPH

* * * * * * *

*

ORDER ON THE MOTION FOR RECONSIDERATION

This matter comes before this Zoning Commissioner on a Motion for Reconsideration filed in the above-captioned matter on September 1, 2004 by James and Carol Trela and the Long Green Valley Association (Protestants). The Motion was filed pursuant to Rule 4K of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.). Pursuant to the Motion, the parties seek a review of former Zoning Commissioner Lawrence E. Schmidt's Opinion, dated August 26, 2004. The grounds for the Motion involve a clarification of a purported negotiated agreement thought by Commissioner Schmidt to have been reached between the parties. To their credit, the Motion was not objected to and the parties continued to discuss the areas of contention and were able to resolve their differences and reduce their agreement to writing.

By way of background, a Petition for Special Hearing was filed by the owner of the property, Mary O'Rourk McKenzie seeking approval of four dwellings on the subject property as a legal, nonconforming use, pursuant to Section 104 of the B.C.Z.R. In addition, the Petitioner sought approval of another building on the property as a fifth dwelling. The matter was scheduled for a public hearing before then Zoning Commissioner Lawrence E. Schmidt on July 26, 2004.

Appearing at that hearing were several members of the McKenzie family, all of who were represented by Arnold Jablon, Esquire. In addition, numerous residents of the surrounding community appeared in support of the request. However, Jan and Carol Trela, adjacent property owners, appeared in opposition to the request, and J. Carroll Holzer, Esquire, appeared on behalf of the Long Green Valley Association.

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Testimony and evidence received at that hearing disclosed that the subject property is comprised of three parcels. The first parcel is located on the northwest (top) side of the overall tract and contains 25.21 acres. That parcel is improved with a series of buildings, including six (6) dwellings, outbuildings/barns, etc. The second parcel is located to the southeast of the tract and is unimproved. That portion of the property contains 46.18 acres in area. The third parcel is a small lot, containing 1.05 acres in area and is identified as part of an old right-of-way. All three parcels abut one another and are collectively used as one single tract, zoned R.C.2.

At the onset of that hearing, Counsel for the Petitioner advised Commissioner Schmidt that an agreement had been reached by and between the parties. Essentially, the terms of that agreement were that: 1) there would be no more than six (6) dwelling units on the 25.21-acre parcel; 2) that there would be no more than one dwelling unit permitted on the 46.1-acre parcel and that the density associated therewith would not be transferred to any of the abutting parcels; and, 3) that the small 1.05-acre right-of-way parcel would be merged into the 46.1-acre parcel, with no additional density associated therewith. Moreover, the Petitioner's request to allow a fifth dwelling in another building, identified as "Building E", was also eliminated.

Testimony and evidence received at that hearing disclosed that Ms. McKenzie and her deceased husband purchased the 25.21-acre parcel in 1961 and in 1963, acquired the larger adjacent tract containing 46.18 acres. As noted above, the property is zoned R.C.2 and apparently that zoning classification has been attached to this property since the 1970s. Additionally, it was indicated that the various dwelling buildings on the property have been in existence and continuously occupied since 1961. In this regard, the Petitioner offered a series of notarized affidavits from various tenants of the property and others with knowledge of the use of the site. These affidavits, which total 17 in number, are persuasive to a finding that the property has been used in its current fashion since well prior to the adoption of the R.C.2 zoning classification in the 1970s. Additionally, the Petitioners offered a series of photographs which depict the main houses and other dwelling units that are located on the site and with other outbuildings. This testimony and evidence was persuasive to a finding that nonconforming status should be granted and

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Commissioner Schmidt issued an Order on August 26, 2004 granting the requested relief, pursuant to the agreement reached between the parties.

Subsequent to the issuance of said Order, Counsel for the Protestants filed the instant Motion for Reconsideration. Essentially, Counsel for the Protestants advised that while they anticipated that an agreement would be reached between the parties, no "final" agreement had been reached and that the matter should be scheduled for further proceedings. Concurrently, a letter was received from Carol Shaw on behalf of the Long Green Valley Association, requesting that Commissioner Schmidt's Order be "expunged" pending a resolution of the issues between the parties.

By his letter of September 16, 2004, Commissioner Schmidt advised all parties that he would hold the case open for a period of two weeks, pending receipt of a final agreement, with the stipulation that if additional proceedings were determined to be necessary, a hearing would be scheduled accordingly. Subsequently, by letter dated September 27, 2004, Commissioner Schmidt advised Counsel for the parties that in view of the fact that no "final" agreement had been reached, his Order of August 26, 2004 would be stricken from the record and that further proceedings would be necessary.

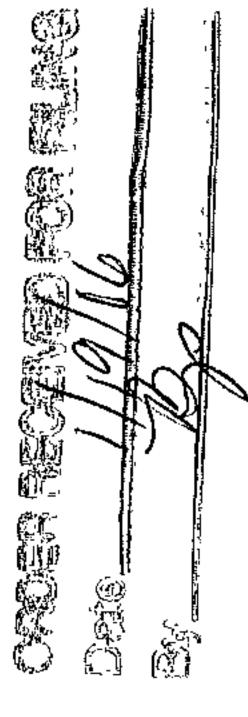
The parties continued to negotiate their respective positions and in December 2005, Counsel advised this Zoning Commissioner that the matter was ripe for continued proceedings and a hearing was scheduled for Friday, January 6, 2006.

Appearing at that hearing were Arnold Jablon, Esquire, attorney for Mary O'Rourk McKenzie, property owner, and J. Carroll Holzer, Esquire, attorney for James and Carol Trela, and the Long Green Valley Association. There were no other interested persons present.

At the hearing, Counsel presented an executed "Declaration of Restrictive Covenant" agreement signed by the parties on April 5, 2005, a copy of which was submitted into evidence and marked as "Reconsideration Exhibit 1." This document memorializes the terms and conditions of the agreement and will be incorporated into the record of this case and made a part hereof. It is also worthy to note that a great deal of time was consumed by the placement of Petitioner's lands under a Conservation Easement with Baltimore County, preparation of the Covenant Agreement,

and revised site plan, a copy of which was received and marked into evidence as "Reconsideration Exhibit 2." As a result of these efforts, the parties have stipulated to the following facts:

- Both former Zoning Commissioner Schmidt and the undersigned Zoning Commissioner have confirmed the existence of five (5) nonconforming dwelling houses and one legally existing dwelling house on Parcel 1. Thus, the Petitioner seeks to have the six dwellings on Parcel 1 confirmed as legal dwellings, in accordance with Reconsideration Exhibit 2. This finding shall therefore bind the Petitioner, her successors and assigns, and the Protestants to the following conditions as more fully set forth in the parties Declaration of Restrictive Covenants (Reconsideration Exhibit 1);
- The Petitioner is limited and restricted to six (6) dwelling houses on the subject property (Parcels 1, 2, and 3), all of which dwellings are located and to be located as shown on Parcel 1;
- There shall be no other density units available or accruing from the acreage consisting of Parcels 1, 2 and 3 and is limited to the six (6) existing dwellings now shown on Parcel 1;
- Petitioner is prohibited from subdividing Parcels 2 and 3;
- Petitioner is prohibited from transferring any density rights from the combined 47.94 acres identified above as Parcels 2 and 3 to any other parcel or lot of record;
- Protestants do not oppose the continued existence of the six (6) dwellings on Parcel 1 as shown on Reconsideration Exhibit 2;
- In the event Petitioner should pursue a subdivision of Parcel 1, she or her assigns shall be limited to the restrictions contained on the plat marked as Reconsideration Exhibit 2. The location of the three proposed lots depicted thereon, two of which will be children's lots, have been reviewed by the Landmarks Preservation Commission (LPC) and the Protestants and is acceptable to both;



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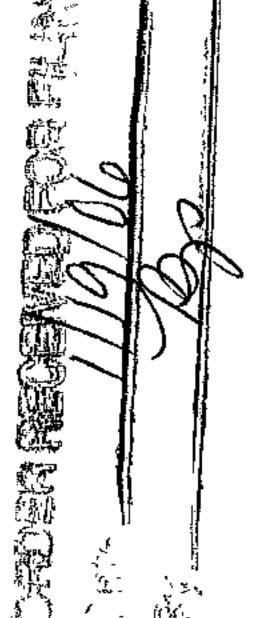
- a) The Protestants will not oppose a minor subdivision of Parcel 1 into three lots, two of which will be children's lots, pursuant to and subject to Reconsideration Exhibit 2;
- b) Petitioner is bound to the location of the three lots on Parcel 1 as shown on Reconsideration Exhibit 2;
- c) With respect to the dwelling labeled "E" on Reconsideration Exhibit 2, Petitioner will eliminate this dwelling upon approval of the minor subdivision and the issuance of a "use and occupancy permit" for the dwelling shown on proposed Lot 2, and on Reconsideration Exhibit 2;
- d) Petitioner shall be limited to no more than six dwellings on Parcel 1 and should a minor subdivision of this parcel occur, the Petitioner is limited to no more than four (4) dwellings on proposed Lot 1, one dwelling on proposed Lot 2, and one dwelling on proposed Lot 3, as shown on Reconsideration Exhibit 2.
- None of the nonconforming houses will ever be the subject of a request by the Petitioner or her assigns to obtain a separate deed, with the exception of the children's lots;
- The Petitioner shall not operate or permit to be operated on the property any tractor, truck or other repair facility of any kind;
- Petitioner, through her Counsel, shall record the "Declaration of Restrictive Covenants" among the Land Records of Baltimore County within 45 days of the receipt of this Order.

- 1) There will be no more than six (6) dwelling units on the 25.21 acre parcel designated as Lot 1;
- There will be no dwelling units permitted on the 46.8 acre parcel, designated as Lot 2 or the small 1.05 acre parcel designated as Lot 3 and the density associated therewith cannot be transferred to any of the abutting parcels;
- Occidentation of Restrictive Covenants entered into by and between the Petitioner, James and Carol Trela, and the Long Green Valley Association, dated April 5, 2005 (Reconsideration Exhibit 1), a copy of which has been incorporated into the record of this case and made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WJW:bjs

Zoning Commissioner for Baltimore County





JAMES T. SMITH, JR. Commodulation, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204 WILLIAM J. WISEMAN III Zoning Commissioner

RE: PETITION FOR SPECIAL HEARING/MOTION FOR RECONSIDERATION

SW/S Patterson Road, 3,070' S of the c/l Patterson Farms Road

(5445 Patterson Road)
11th Election District – 3rd Council District Mary O'Rourk McKenzie - Petitioner Case No. 04-034-SPH

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing/Motion for Reconsideration has 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 the Department of Permits and Development Management office at 887-3391.

Very truly yours,

AM J. WISEMAN, III

La Sort a

Zoning Commissioner for Baltimore County

WJW:bjs

Ms. Mary O'Rourk McKenzie cc: 5445 Patterson Road, Baldwin, Md. 21013 Mr. Bruce Doak, Gerhold Cross & Etzel 320 E. Towsontown Boulevard, Towson, Md. 21286 Mr. & Mrs. James Trela, 5433 Patterson Road, Baldwin, Md. 21013 J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21204 Ms. Carol Shaw, 7 Country Hill Court, Fork, Md. 21051 People's Counsel; Case/File

DATE RECEIVED FOR FILING

BY

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IN RE: PETITION FOR SPECIAL HEARING

SW/S Patterson Road, 3,070' S of the c/l

Patterson Farms Road (5445 Patterson Road) 11th Election District 3rd Council District

Mary O'Rourk McKenzie Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- ^k Case No. 04-034-SPH

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Mary O'Rourk McKenzie, through her attorney, Carroll S. Klingelhofer, Esquire. The Petitioner requests a special hearing to approve four dwellings on the subject property as a legal, nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were several members of the McKenzie family, all of who were represented by Arnold Jablon, Esquire. Additionally, the sign-in sheets that were circulated at the hearing show that numerous residents of the surrounding community appeared in support of the request. Appearing in opposition to the request were Jan and Carol Trela, adjacent property owners, and J. Carroll Holzer, Esquire, who appeared on behalf of the Long Green Community Association.

At the onset of the hearing, Counsel advised the undersigned that an agreement had been reached by and between the parties and that the relief requested had been amended accordingly. The Petitioner originally sought approval of the nonconforming use of four existing dwellings on the subject property as set forth above. Additionally, the Petitioner proposed the use of one of the buildings, identified as Building E on the plan, as a fifth dwelling. The amended relief is more particularly shown on the site plan marked as Petitioner's Exhibit 1. As shown on

that plan, the property is actually comprised of three separate parcels. The first parcel is located on the northwest (top) side of the property and contains 25.21 acres. That parcel is improved with a series of buildings, including dwellings, outbuildings/barns, etc. The second parcel is located to the southeast of the tract and is unimproved. That portion of the property contains 46.18 acres in area. The third parcel is a small lot containing 1.05 acres in area and is identified as part of an old right-of-way. All three parcels abut one another and are collectively used as one single tract, zoned R.C.2.

As noted above, an agreement was reached by and between the Petitioners and the opponents and was set out in open hearing. The essential terms of that agreement are: 1) that there will be no more than six (6) dwelling units on the 25.21-acre parcel; 2) that there will be no more than one dwelling unit permitted on the 46.1-acre parcel and that the density associated with that parcel cannot be transferred to any of the abutting parcels; and, 3) that the small 1.05-acre right-of-way parcel shall be merged into the 46.1-acre parcel and that there will be no additional density associated therewith. The Petitioner's request to allow a dwelling in Building E was also eliminated.

Testimony and evidence offered in support of the agreement was that Ms. McKenzie and her deceased husband purchased the 25.21-acre parcel in 1961 and in 1963, acquired the larger adjacent tract containing 46.18 acres. As noted above, the property is zoned R.C.2 and apparently that zoning classification has been attached to this property since the 1970s. Additionally, it was indicated that the various dwelling buildings on the property have been in existence and continuously occupied since 1961. In this regard, the Petitioners offered a series of notarized affidavits from various tenants of the property and others with knowledge of the use of the site. These affidavits, which total 17 in number, are persuasive to a finding that the property has been used in its current fashion since well prior to the adoption of the R.C.2 zoning classification in the 1970s. Additionally, the Petitioners offered a series of photographs which depict the main houses and other dwelling units that are located on the site and within the outbuildings. The testimony and evidence offered was persuasive to a finding that nonconforming status should be granted in

accordance with the agreement reached by and between the parties. In this regard, nonconforming uses are defined in Section 101 of the B.C.Z.R. and regulated by Section 104 thereof. Often the nonconforming use designation is sought to grandfather an otherwise illegal use. That is, if the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as nonconforming. In this case, the undisputed testimony and evidence presented was persuasive that the nonconforming status should be afforded this property, in accordance with the agreement reached between the parties.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2004 that the Petition for Special Hearing to approve four dwellings on the subject property as a legal, nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) There will be no more than six (6) dwelling units on the 25.21-acre parcel;
- 2) There will be no more than one dwelling unit permitted on the 46.1-acre parcel and the density associated therewith cannot be transferred to any of the abutting parcels;
- 3) The small 1.05-acre right-of-way parcel shall be merged into the 46.1-acre parcel and there will be no additional density associated therewith.
- 4) There will be no dwelling in Building E.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be entered with thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

August 27, 2004

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING SW/S Patterson Road, 3,070' S of the c/l Patterson Farms Road (5445 Patterson Road) 11th Election District — 3rd Council District Mary O'Rourk McKenzie - Petitioner Case No. 04-034-SPH

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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 the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Ms. Mary O'Rourk McKenzie

5445 Patterson Road, Baldwin, Md. 21013

Mr. Bruce Doak, Gerhold Cross & Etzel

320 E. Towsontown Boulevard, Towson, Md. 21286

Jan & Carol Trela, 5433 Patterson Road, Baldwin, Md. 21013

J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21204

People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

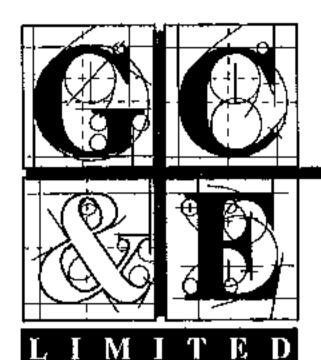
for the property located at 5445 Patterson Ro40

to the Zoning Commissioner of Baltimore County

which is presently zoned RCZ

THE NON-CONFORMING USE OF	FOUR DWELLINGS (HOUSES A' B' C'
F'D') ON ONE PARCEL OF LAN	O PER SECTION 104 OF THE B.C.Z.R.
December in the bounded and advantional on many without by the	
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised zoning regulations and restrictions of Baltimore County adopted put	sing, posting, etc. and further agree to and are to be bounded by the
	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/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	MARY O'ROURK M'KEUZIE Name - Type or Print O D D S D S
City State Zip Code	Signature Of Chenge
Attorney For Petitioner:	<u>5445 ATTERSON ROAO 4/0-592-953</u> Address Telephone No.
Name - Type or Print	BALDWIN Mo 21013 City State Zip Code
Matute /	Representative to be Contacted:
A10.828-0088	GERNOLD CROSS & ETZEL Name
SUITE 820 THE MERCANTILE - TOWSON BLOG.	320 E. Towsoutown Blue. 910-823-9476 Address Telephone No.
MO ZIZON	TOWSON MO 21086
State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 04-034-5 PM	UNAVAILABLE FOR HEARING
Cale No. 04-034-5 PM REV 9/15/98	viewed By <u>L777</u> Date <u>7/23/03</u>
KGU YIMI YA	

This Petition shall be filed with the Department of Permits and Development Management. 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

July 11, 2003

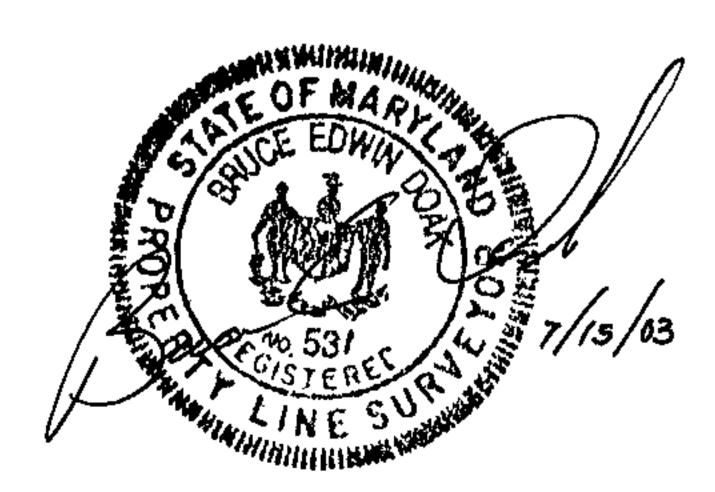
MCKENZIE PROPERTY 5445 PATTERSON ROAD BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Patterson Road being distant 3,070 feet, more or less, from the intersection of Sweet Air Road and Patterson Road, thence running with and binding on the centerline of Patterson Road, the following two courses and distances, viz: (1) South 19 degrees 55 minutes 25 seconds East 26.90 feet, and (2) South 64 degrees 39 minutes 25 seconds East 297.00 feet to the southwestern side of Patterson Road, thence running and binding on the southwestern side of Patterson Road, the following course and distance, viz: (3) South 46 degrees 49 minutes 25 seconds East 39.61 feet, thence leaving the side of Patterson Road and running and binding, the following eight courses and distances, viz: (4) South 43 degrees 58 minutes 49 seconds West 1,862.92 feet, (5) North 46 degrees 01 minutes 25 seconds West 692.99 feet, (6) North 50 degrees 28 minutes 35 seconds East 1,255.16 feet, (7) North 29 degrees 59 minutes 35 seconds East 317.30 feet, (8) South 41 degrees 26 minutes 25 seconds East 26.26 feet, (9) South 53 degrees 34 minutes 25 seconds East 113.29 feet, (10) North 33 degrees 01 minutes 35 seconds East 183.71 feet, and (11) North 33 degrees 01 minutes 35 seconds East 27.16 feet to the zoning point of beginning.

Containing 25.61 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



#34

BALTIMORE COUNTY, MARYLAN OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	ND No. 25057	
DATE 7/23/03 ACCOU	R0010056150	7/35/2005 7/25/2005 1:35:42 NEG MSOF MAIL JEW JEE - MECETPT & 28:5022 7/25-2005
AMOUI	NT \$ 65 00	Dept 5 528 ZONING VERIFICATION CP. NO. 025067 Fedet Tot \$65.00
RECEIVED GENHOLD	CROSS - ETTO	65.00 GK .00 GA Bailimore County, Maryland
FOR:	SPH	

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson.

Maryland on the property identified herein as follows:

Case: #04-034-SPH
5445 Patterson Road
S/west side of Patterson
Road, 3, 070 feet southeast
of Sweet Air Road
11th Election District
3rd Councilmanic District
Legal Owner(s) Mary
O'Rourk McKenzie
Special Hearing: to permit
the nonconforming use of
four dwellings (Houses A,
B, C, & D on one parcel of
land).
Hearing: Wednesday,
September 17, 2003 at
9:00 a.m. in Room 407,
County Courts Building,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Piease Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.
JT/9/614 Sept. 2 C624289

CERTIFICATE OF PUBLICATION

} ₽
95,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 92 , 2003 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkinger

LEGAL ADVERTISING

NOTICE OF ZONDIG HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson.

Maryland on the property identified herein as follows:

Case: #04-034-SPH
5445 Patterson Road
S/west side of Patterson
Road, 3,070 feet s/east of
Sweet Air Road
11th Election District
3rd Councilmanic District
Legal Owner(s): Mary
O'Rourk McKenzie
Special Hearing: to permit
the nonconforming use of
four dwellings (Houses A,
B, C, and D) on one parcel
of land.
Hearing: Friday, May 28,
2004 at 11:00 a m in

Hearing: Friday, May 28, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Aveme.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391
5/103 May 13
5248

CERTIFICATE OF PUBLICATION

<u>5</u> 14,20 <u>04</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>5 13 </u> ,20 <u>04.</u>
The Jeffersonian
Arbutus Times
Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>. Maryland on the property identified herein as follows:

Case: #04-034-SPH

5445 Patterson Road

S/west side of Patterson Road, 3,070 feet southeast of Sweet Air Road

11th Election District - 3rd Councilmanic District

Legal Owner(s): Mary O'Rourk McKenzie

Special Hearing: to permit the nonconforming use of four dwellings (Houses A, B, C, & D on one parcel of land).

Hearing(s): Monday, October 20, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

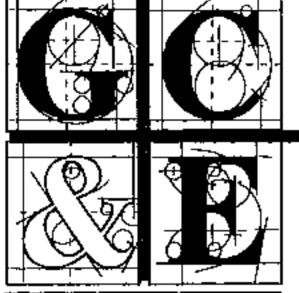
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386

(2) For information concerning the File and/or Hearing,: Contact the Zoning Review Office at (410) 887-3391. 10/027 Oct 2

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County Md
once in each ofsuccessive weeks, the first publication appearing on
The Jeffersonian Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking
LEIGHL ADVERTISING



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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE #04-034-SPH
PETITIONER/DEVELOPER:
Mary O'Rourk McKenzie
DATE OF HEARING:
September 17, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2003

ر ک

ON: September

LOCATION:

5445 Patterson Road

DATE:

September 3, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-034-SPH PETITIONER/DEVELOPER: Mary O'Rourk McKenzie

DATE OF HEARING: October 20, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2003

'n

October

ö

POSTE

LOCATION:

5445 Patterson Road

ZONING NOTICE

ADMINISTRATIVE

SPECIAL HEARING TO DEMITTHE NON-CONFORMING USE OF FOUR-DWELLINGS (HOUSE AS E. C. & D. C. ON ONE SARDEL OF LAID.)

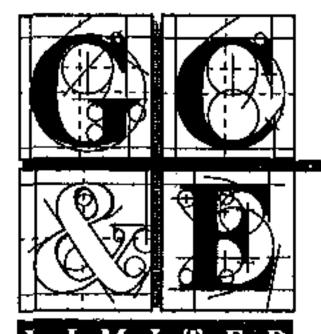
DIE TO SEE TO SEE

DATE:

October 3, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-034-SPH
PETITIONER/DEVELOPER:
Mary O'Rourk McKenzie
DATE OF HEARING: May 28, 2004

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION: 5445 Patterson Road

ON: May 10, 2004

05/08/2004

DATE:

May 11, 2004

SIGNATURE OF SIGN POSTER

BRUCE DOAK

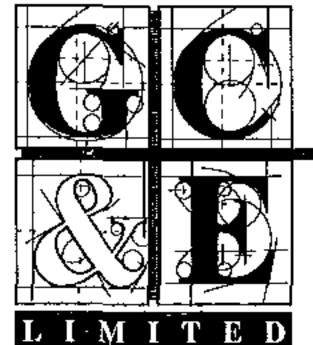
CERTIFICATE OF POSTING

	RE: Case No.: 04-034-5PH
The same of the sa	Petitioner/Developer: MARY O'ROURK
	MCKENZIE
	Date of Hearing/Closing:/MAY 28, 2004
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	*
This letter is to certify under the penalties of perjury the posted conspicuously on the property located at:	at the necessary sign(s) required by law were
5445 PATTERS	ON ROAD
The sign(s) were posted on	12/04:
(Month	i, Day, Year)
Sincere	ły,
	, ,
ZONIKO I I I I I I I I I I I I I I I I I I	Robert Bluck 5/12/04
CASE # 04034-5PH	(Signature of Sign Poster) (Date)
A PURIC HEARING WILL THELD BY THE ZONIE TO THE TO BE	SSG Robert Black
	(Print Name)
DATE AND TIME PRIORY MAY 28, 2021 AT IL CO A IN-	1508 Leslie Road
SEED FEEL GESTIFF HERBIRG TO LEGAND THE PORTORISMANN TON	(Address)
	Dundalk, Maryland 21222
PARTY OF THE REAL PROPERTY AND THE PROPERTY OF	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
į	

RECEIVED

MAY 14 2004

DEALTON BLAND SAND SAND



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-034-SPH PETITIONER/DEVELOPER: Mary O'Rourk McKenzie DATE OF HEARING: July 26, 2004

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2004

ထ်

ON: July

07/08/2004

LOCATION: 5445 Patterson Road

DATE:

July 9, 20<u>04</u>

SIGNATURE OF SIGN POSTER

BRUCE DOAK

RE: PETITION FOR SPECIAL HEARING

5445 Patterson Road; S/W side Patterson Rd

3,070' SE Sweet Air Road

11th Election & 3rd Councilmanic Districts Legal Owner(s): Mary O'Rourk McKenzie * BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-034-SPH

* * * * * * * * *

Petitioner(s)

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontowne Blvd, Towson, MD 21286, & to Carroll S Klingelhofer, III, 409 Washington Avenue, Suite 820, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 0 8 2003

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 2, 2003 Issue - Jeffersonian

Please forward billing to:

Mary O'Rourk McKenzie 5445 Patterson Road Baldwin, MD 21013

410-592-9531

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-034-SPH

5445 Patterson Road S/west side of Patterson Road, 3, 070 feet southeast of Sweet Air Road 11th Election District – 3rd Councilmanic District Legal Owner: Mary O'Rourk McKenzie

Special Hearing to permit the nonconforming use of four dwellings (Houses A, B, C, & D on one parcel of land).

Hearings:

Wednesday, September 17, 2003, at 9:00 a.m., in Room 407, County

Courts Building, 401 Bosley Avenue

Lewy B. Box Box 197

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 2, 2003 Issue - Jeffersonian

Please forward billing to:

Mary O'Rourk McKenzie 5445 Patterson Road Baldwin, MD 21013

410-592-9531

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-034-SPH

5445 Patterson Road

S/west side of Patterson Road, 3, 070 feet southeast of Sweet Air Road

11th Election District – 3rd Councilmanic District

Legal Owner: Mary O'Rourk McKenzie

Special Hearing to permit the nonconforming use of four dwellings (Houses A, B, C, & D on one parcel of land).

Hearings:

Monday, October 20, 2003, at 2:00 p.m., in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 13, 2004 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon Venable, LLP 210 Allegheny Avenue Towson, MD 21285-5517

410-494-6298

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-034-SPH

5445 Patterson Road

S/west side of Patterson Road, 3,070 feet s/east of Sweet Air Road

11th Election District – 3rd Councilmanic District

Legal Owner: Mary O'Rourk McKenzie

Special Hearing to permit the nonconforming use of four dwellings (Houses A, B, C, and D) on one parcel of land.

Hearing: Friday, May 28, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

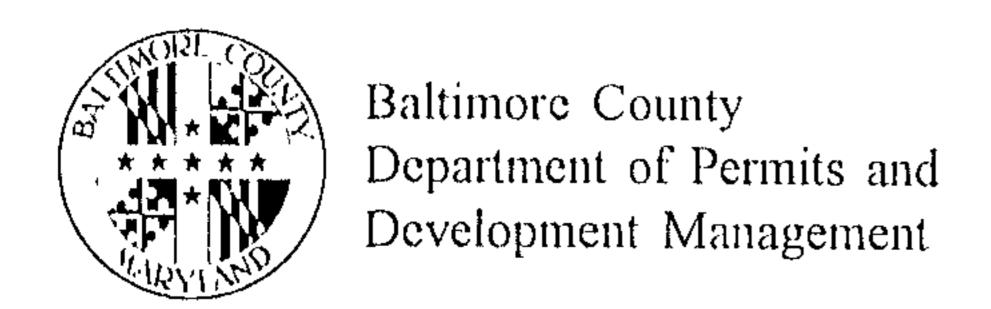
Author & State of the State of

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 7, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-034-SPH

5445 Patterson Road

S/west side of Patterson Road, 3, 070 feet southeast of Sweet Air Road

11th Election District – 3rd Councilmanic District

Legal Owner: Mary O'Rourk McKenzie

Special Hearing to permit the nonconforming use of four dwellings (Houses A, B, C, & D on one parcel of land).

Hearings:

Wednesday, September 17, 2003, at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Carroll Klingelhofer, III, Suite 820, The Mercantile-Towson Bldg., 409 Washington Ave., Towson 21204 Mary O'Rourk, 5445 Patterson Rd., Baldwin 21013

-Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21086

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 2, 2003.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 22, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-034-SPH

5445 Patterson Road

S/west side of Patterson Road, 3, 070 feet southeast of Sweet Air Road

11th Election District – 3rd Councilmanic District

Legal Owner: Mary O'Rourk McKenzie

Special Hearing to permit the nonconforming use of four dwellings (Houses A, B, C, & D on one parcel of land).

Hearings:

Monday, October 20, 2003, at 2:00 p.m., in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:rlh

C: Carroll Klingelhofer, III, Suite 820, The Mercantile-Towson Bldg., 409 Washington Ave., Towson 21204 Mary O'Rourk, 5445 Patterson Rd., Baldwin 21013 Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21086

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 4, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

April 20, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-034-SPH

5445 Patterson Road

S/west side of Patterson Road, 3,070 feet s/east of Sweet Air Road

11th Election District – 3rd Councilmanic District

Legal Owner: Mary O'Rourk McKenzie

Special Hearing to permit the nonconforming use of four dwellings (Houses A, B, C, and D) on one parcel of land.

Hearing: Friday, May 28, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

/

Timothy Kotroco

Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21285-5517
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21204
Mary O'Rourk McKenzie, 5445 Patterson Road, Baldwin 21013
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21086

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 13, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

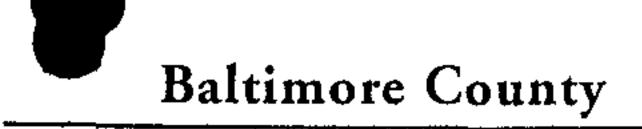
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 04-034-5PU
Petitioner: MARY O'ROURK MCKENZIE
Address or Location: 5445 PATIERSON RD
•
PLEASE FORWARD ADVERTISING BILL TO:
Name: MARY O'ROURY PATT MEKENZIE
Address: 5445 PATTERSON ZD
BALDWIH MD 21013
Telephone Number: (410) 592 - 9531

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

May 17, 2004

Carroll S.Klingelhofer III.
The Mercantile Towson Building
409 Washington Avenue, Ste. 820
Towson, Maryland 21204

Dear Mr. Klingelhofer:

RE: Case Number:04-034-SPH, 5445 Patterson Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 23, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

U. Call Rolla D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Mary O'Rourk McKenzie 5445 Patterson Road Baldwin 21013
Bruce E. Doak Gerhold Cross, & Etzel 320 E. Towsontown Blvd. Towson 21286



Visit the County's Website at www.baltimorecountyonline.info



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 August 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: August 4, 2003

Item No.:

34 036-045

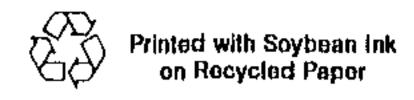
Dear Ms. Hart:

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 Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 11, 2003 Item Nos. 033, 034, 035, 036, 037, 039, 040, 041, 043, 045, and 046

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John Oltman, Jr

DATE:

May 24, 2004

SUBJECT:

Zoning Item

04- 034

Address

McKenzie Property

5445 Patterson Road

AGRICULTURAL PRESERVATION

Please refer to attached pages for comments.

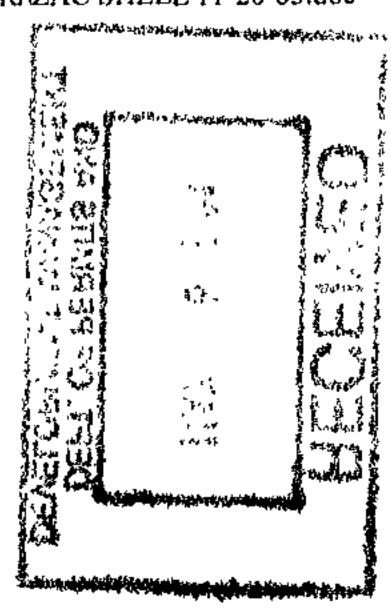
Reviewer:

Wally Lippincott, Jr

Date: May 20, 2004

Attachment

S:\Devcoord\ZAC SHELL 11-20-03.doc



MAY 2 6 2004

OG-1426

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND Interoffice Memorandum

DATE: December 17, 2003

TO: Wally Lippincott, Jr.

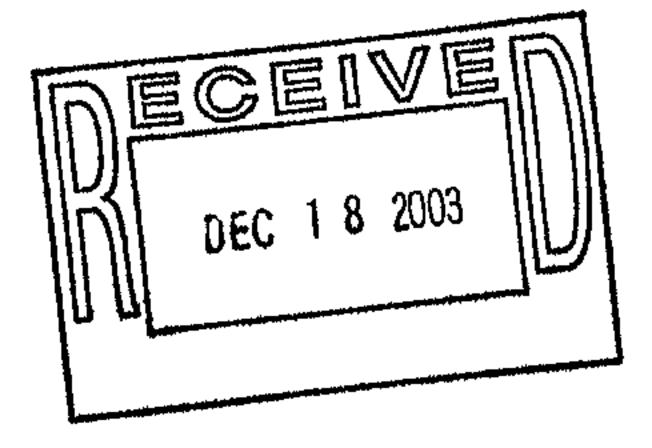
FROM: Carl Richards, Supervisor Zoning Review UC

Subject: McKenzie Property - S/west side Patterson Road

3 Parcels 25.22 acres, 46.89 acres, 1.01 acres

Zoning R.C. 2

This office has received your memo dated December 12, 2003 concerning the Long Green Valley Community concerns regarding an agricultural easement on the above referenced parcels. With emphasis on item #2 density, this office would concur with your assessment if "density" were the only criteria. If build ability or zoning approved is a factor in you assessment, this office could not accept the I.01 acres parcel without a zoning hearing. Should you need a non-detailed explanation contact John Lewis or myself in this office.



BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT RECEIVED

Inter-Office Correspondence

200107 Communication

Development Coordination

DATE: N

DATE: May 20, 2004

ZONING COMMISSIONER

FROM:

TO:

Wally Lippincott, Jr. (1997)

SUBJECT: McKenzie Property, 5445 Patterson Road

Sph 04-034

The following comments are provided for this requested petition. The Department of Environmental Protection and Resource Management has been under negotiations with Mrs. McKenzie for the sale of a development rights easements on her farm parcels. The property is located in the Long Green Valley and includes highly productive farm land that are important to protect.

While there has been extensive negotiation and progress on a purchase of an Agricultural Easement on this farm, an easement contract has not been approved by the County Council. If the easement goes to settlement, which is the intent of the Department and to date the landowner, then the easement will include certain restrictions and rights. Among those rights is that the seller of the easement has the option to subdivide two (2) child's lots from the farm.

It is, however, premature to show the proposed subdivision of the two childs lots on the Petition Exhibit Plan that indicates existing conditions. An Exhibit showing the future plans if the easement is settled should be provided for information purposes but at the present time the landowner does not have the right to subdivide three lots off the 25 acre parcel. In addition, the request for Petition for Special Hearing should be corrected to indicate that there are five nonconforming dwellings and a main dwelling or six building involving residential uses.

The Department has no information and thus no recommendation to offer regarding the factual basis for the nonconforming use request, however, in negotiating the easement the existence of the existing buildings and their uses were taken into consideration. Because these buildings are clustered around the main farm complex they were not determined to be detrimental to the farm use. However, in constructing the proposed easement document, a cap was established that limited the number of future residential uses including the child's lots to not exceed the number present at this time.

c. Arnold Jablon Carol Trela Carroll Holzer

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO:

Bill Wiseman

DATE: January 10, 2006

FROM:

Wally Lippincott, Jr. wsc

SUBJECT:

McKenzie Easement

Mrs. McKenzie placed her lands located on Patterson Road (see attachment) under a Conservation Easement with Baltimore County. I have requested a copy of the final deed of easement from Land Acquisition and will provide it as soon as I get it. In the interim, I have provided a copy of the tax map showing two of the three parcels that went under easement. The third parcel is a 1.0 acre sliver along a ROW.

If I can be of any additional assistance, please advise.

thanks

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): 'Case 04-034' and 04-056'

DATE: August 13, 2003

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco

DATE: August 16, 2004

Dept. of Permits & Development Management

FROM:

Arnold F. 'Pat' Keller, III Director, Office of Planning

SUBJECT:

St. Agnes Retail Center

PDM #I-516

Limited Exemption 04-034

The Office of Planning has reviewed the package submitted by the developer's engineer dated August 13, 2004. As required by the order granted for the above mentioned project granted on October 21, 2004, the Office of Planning offers the following comments with regard to the restrictions outlined on the petition for variance:

- 1. Clarify that sidewalk connection and appropriate crosswalks will be made from the public sidewalk to the building entrance.
- 2. Current building elevations are required for review by the Office of Planning prior to application for a building permit. Please provide the most recent set of building elevation plans to this office for review.

Prepared by

Approved by:

AFK:JG

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Marcard Department of Transport .

Date: 8.5.03

Baltimore County

Item No. 034

RE:

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Dear, Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



JAMES T. SMITH, JR. County Executive

December 28, 2005

WILLIAM J. WISEMAN III Zoning Commissioner

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

RE: MOTION FOR RECONSIDERATION PETITION FOR SPECIAL EXCEPTION

SW/S Patterson Road, 3,070' SE of the c/l Sweet Air Road

(5445 Patterson Road)

11th Election District – 3rd Council District Mary O'Rourk McKenzie – Petitioner Case No. 04-034-SPH

Dear Messrs. Jablon and Holzer:

This letter is to confirm that, pursuant to the Motion for Reconsideration filed by J. Carroll Holzer, Esquire on September 1, 2004, the Order issued in the above-captioned matter on August 26, 2004 was rescinded and the matter reopened for further proceedings. By agreement of the parties, a continued hearing has been scheduled for Friday, January 6, 2006 at 1:00 PM in Room 407 of the Circuit Court Building. Please notify your respective clients/witnesses of the continued hearing date, time and location. It is also to be noted that it will not be necessary to post or advertise the upcoming hearing.

In the meantime, should anyone have any questions on the subject, please do not hesitate to call me.

Very truly yours,

AMT. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bis

cc: Ms. Mary O'Rourk McKenzie, 5445 Patterson Road, Baldwin, Md. 21013 Mr. Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286 People's Counsel; Case File

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

May 28, 2004

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

RE: PETITION FOR SPECIAL EXCEPTION

SW/S Patterson Road, 3,070' SE of the c/l Sweet Air Road

(5445 Patterson Road)

11th Election District – 3rd Council District Mary O'Rourk McKenzie – Petitioner Case No. 04-034-SPH

Dear Messrs. Jablon and Holzer:

This letter is to confirm that by agreement of the parties, the above-captioned matter was postponed in open hearing this date and has been rescheduled for Monday, July 26, 2004 at 9:00 AM in Room 407 of the Circuit Court Building. Please notify your respective clients/witnesses of the new hearing date and time. It is to be noted that if necessary, an additional hearing date of Tuesday, July 27, 2004 has been selected; however, due to a conflict with Mr. Holzer's schedule, the hearing on that date will not reconvene until 1:00 PM.

Thank you for your cooperation in this matter and should you have any questions in the meantime, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

cc: Ms. Mary O'Rourk McKenzie, 5445 Patterson Road, Baldwin, Md. 21013 Mr. Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286 People's Counsel; Case File

LES:bjs

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 2, 2004

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

RE: PETITION FOR SPECIAL EXCEPTION

SW/S Patterson Road, 3,070' SE of the c/l Sweet Air Road

(5445 Patterson Road)

11th Election District – 3rd Council District Mary O'Rourk McKenzie – Petitioner

Case No. 04-034-SPH

Dear Messrs. Jablon and Holzer:

This Office is in receipt of a letter from James and Carol Trela, dated August 31, 2004 in which they have indicated there has been no agreement reached between them and the Petitioner in the above-captioned matter. Indeed, Mr. Holzer's letter of the same date confirms that negotiations are still ongoing between the parties and has requested that I reconsider the decision rendered on August 26, 2004.

As noted in my prior Opinion and Order, it was my understanding that although negotiations were ongoing, the relief requested within the Petition for Special Hearing had been amended to reflect those discussions and that a final agreement would be reached by Wednesday, September 1, 2004. In anticipation of such an agreement, I issued my Findings of Fact and Conclusions of Law on August 26, 2004. However, in view of the representations made by Mr. & Mrs. Trela and Mr. Holzer, I am accepting Mr. Holzer's letter as a Motion for Reconsideration and hereby grant same and will hold this case for two weeks from the date of this letter. If in the next two weeks I am advised that an agreement is finalized, then I will reissue an Order accordingly. However, if additional proceedings are determined to be necessary, then the matter will be scheduled for another hearing.

Thank you for your cooperation in this matter and should you have any questions in the meantime, please do not hesitate to call me.

LINDENCE E SCHMI

Zoning Commissioner for Baltimore County

Very truly yours,

LES:bjs

cc: Ms. Mary O'Rourk McKenzie, 5445 Patterson Road, Baldwin, Md. 21013 Mr. Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286 Mr. & Mrs. James Trela, 5433 Patterson Road, Baldwin, Md. 21013 People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 16, 2004

Ms. Carol Shaw Long Green Valley Association P.O. Box 91 Baldwin, Maryland 21013

RE: PETITION FOR SPECIAL HEARING SW/S Patterson Road, 3,070' S of the c/l Patterson Farms Road (5445 Patterson Road) 11th Election District — 3rd Council District Mary O'Rourk McKenzie - Petitioner Case No. 04-034-SPH

Dear Ms. Shaw:

In response to your letter of September 7, 2004 concerning the above-captioned matter, the following comments are offered.

By letter of September 1, 2004, I advised the attorneys in this case that I had accepted Mr. Holzer's letter as a Motion for Reconsideration and agreed to hold the case open for a period of two weeks in anticipation that a final agreement would be reached between the parties. I expect to hear from the attorneys very shortly. If such an agreement is finalized, then I will reissue an Order accordingly. If however, additional proceedings are determined to be necessary, then the matter will be scheduled for another hearing and all parties to the case will be notified.

Thank you for your interest in this matter.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Arnold Jablon, Esquire, Venable, LLP
210 Allegheny Avenue, Towson, Md. 21204

J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286

Ms. Mary O'Rourk McKénzie, 5445 Patterson Road, Baldwin, Md. 21013

Mr. Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286

People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 27, 2004

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

RE: PETITION FOR SPECIAL EXCEPTION

SW/S Patterson Road, 3,070' SE of the c/l Sweet Air Road

(5445 Patterson Road)

11th Election District – 3rd Council District Mary O'Rourk McKenzie – Petitioner Case No. 04-034-SPH

Dear Messrs. Jablon and Holzer:

As a follow-up to my previous correspondence regarding the above-captioned matter, I granted Mr. Holzer's Motion for Reconsideration and was prepared to issue a new Order, pending further negotiations between Mr. & Mrs. Trela and the Petitioners. In view of the fact that there has apparently been no agreement reached between the parties, the Order issued on August 26, 2004 shall be stricken from the record. Moreover, a copy of this letter shall be forwarded to the Department of Permits and Development Management with the instruction that the matter be scheduled for further proceedings before the Zoning Commissioner's Office and that written notification of same be provided to all interested parties.

Should you have any questions in this regard, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Mary O'Rourk McKenzie, 5445 Patterson Road, Baldwin, Md. 21013

Mr. Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286

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

Ms. Carol Shaw, Long Green Valley Assoc., P.O. Box 91, Baldwin, Md. 21013

Ms. Kristen Matthews, DPDM; People's Counsel; Case File



P.O. Box 91 Baldwin, Maryland 21013

September 2, 2004

Mr. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
County Courts Building
Suite 405
Towson, Maryland 21204

Case #04-043-SPH

Mary McKenzie, Petitioner

RECEIVED

SEP - 7 2004

ZONING COMMISSIONER

Dear Mr. Schmidt:

Re:

I am writing on behalf of the Board of Directors of the Long Green Valley Association to protest the decision that you rendered with regard to this case on August 26, 2004. As you are aware, the Long Green Valley Association is supporting Dr. and Mrs. Trela in their opposition to this petition by Mrs. McKenzie.

It was intended that I be present at the aborted public hearing along with our attorney Carroll Holzer and Dr. and Mrs. Trela. I notice in your decision that there is no mention of the date of this abridged proceeding but my notes show that it was July 26, 2004. I was not at the hearing because of a misunderstanding of the hearing time. However, as you do note, we were represented by Mr. Holzer.

That evening after the hearing, I spoke with Mrs. Trela and she related to me exactly what she has related to you in her letter to you dated August 31, 2004, namely that 1) no agreement was reached; 2) that Mr. Jablon had sprung possible covenants upon our lawyer at that hearing itself and 3) that you specifically said that if no agreement could be reached then the case would continue at the Special Hearing level.

Mrs. Trela related these same conditions to our Board at our regular monthly meeting on Tuesday, August 17.

It is the strong feeling of the Board of Directors of the Long Green Valley Association that this decision should be expunged totally from the public record not only since it contains inaccuracies but also because, in our opinion, the hearing has not concluded.

Thank you for your timely consideration of this matter.

Sincerely,

Carol N. Shaw

Board of Directors

Long Green Valley Association

cc:

J. Carroll Holzer

Dr. and Mrs. James Trela

People's Counsel



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE OF COUNSEL

THE 508 BUILDING

508 FAIRMOUN'I AVE. Towson, MD 21286 (410) 825-6961

FAX: (410) 825-4923

August 21, 2003 Sperman Control of Sperman Land

HAND DELIVERED

Timothy Kotroco, Director Department of Permits & Development Management County Office Building Towson, MD 21204

> Re: Case No. 04-34-SPH 5445 Patterson Road, Baldwin, MD 21013

Dear Mr. Kotroco:

This morning I was contacted by members of the Long Green Valley Association in reference to the above referenced request for Special Hearing. I also understand that agricultural easements are also involved. Therefore, I herewith enter my appearance on behalf of the Long Green Valley Association and individuals Carol and James Trela and Carol Shaw. I also respectfully request a postponement of the hearing set for September 17, 2003. As you may know, my present trial and hearing schedule and my planned vacation from September 3 though September 8 preclude my ability to prepare for the hearing. If the postponement is granted, I will be glad to work with PDM and counsel to set the hearing in at a mutually convenient date.

If you have any questions, please call me at 410-825-6961

Sincerely yours,

J. Carroll Holzer

JCH:clh

cc: Long Green Valley Assn. Wally Lippincott



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE OF COUNSEL

August 31, 2004 #7421 THE 508 BUILDING

508 Fairmount Ave. Towson, MD 21286

(410) 825-6961 Fax: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

RECEIVED

SEP - 1 2004

ZONING CC. COSONER

Lawrence E. Schmidt, Esquire
Baltimore County
Zoning Commissioner
Suite 405
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE:

Case No. . 04-012-SPH

13240 Fork Road

Dear Mr. Schmidt:

I received the enclosed letter from my client, Carol Trela in regard to what the Agreement was when we concluded the above-captioned matter.

At this point, I am not sure whether we have an Agreement as I related to you on Monday, August 30, 2004, during the proceedings in another case. I have sent comments to Mr. Jablon and it may well be that an Agreement will be reached. However, Ms. Trela reminded me that the Agreement that was reached on the Record before you was that in the event no Agreement was concluded before Wednesday, September 1, 2004, the matter would come back to you for a hearing. I would therefore request that you consider this letter a Motion for Reconsideration and put this matter back in for a hearing before you unless Mr. Jablon and I notify you that an Agreement has been reached.

Very truly yours,

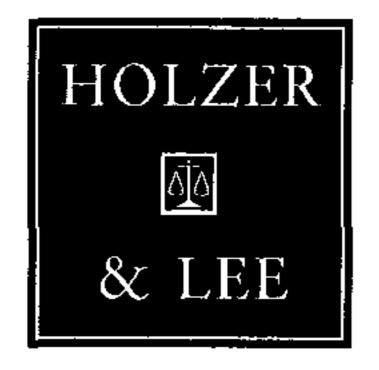
Carroll Holzer

JCH:mlg

Enclosure

cc: Arnold Jablon, Esquire

Ms. Carol Trela



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE. Towson, MD 21286

Fax: (410) 825-4923

(410) 825-6961

E-MAIL: JCHOLZER@BCPL.NET

August 31, 2004 #7432

RECEIVED

SEP - 2 2004

ZONNG COMMISSIONER

Lawrence E. Schmidt, Esquire **Baltimore County** Zoning Commissioner Suite 405 County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

> RE: Case No.: 04-034-SPH Mary McKenzie, Petitioner

Gentlemen:

Please disregard a letter that you will be receiving with a File Number of #7421 and a regarding line that reads as follows: RE: Case No.: 04-012-SPH, 13240 Fork Road. This letter is incorrect and should be discarded.

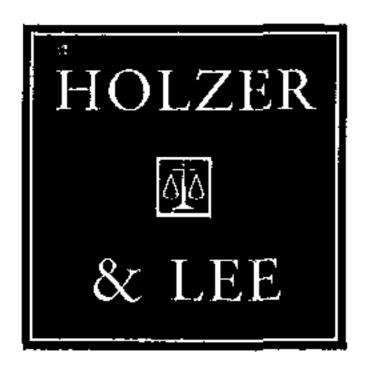
I apologize for any inconvenience.

J-Cervice Holzer

J. Carroll Holzer

JCH:mlg

Mrs. Carol Trela cc:



<u>VIA FAX – 410-887-3468</u>

Lawrence E. Schmidt, Esquire **Baltimore County** Zoning Commissioner Suite 405 County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE:

Case No.: 04-034-SPH Mary McKenzie, Petitioner

Dear Mr. Schmidt:

I received the enclosed letter from my client, Carol Trela regarding an Agreement that was discussed after the last hearing in the McKenzie matter.

At this point, I am not sure whether we have an Agreement as I related to you on Monday, August 30, 2004, during the proceedings in another case. I have sent comments to Mr. Jablon and it may well be that an Agreement will be reached. However, Ms. Trela reminded me that the Agreement that was reached on the Record before you was that in the event no Agreement was concluded before Wednesday, September 1, 2004, the matter would come back to you for a hearing. I would, therefore, request that you consider this letter a Motion for Reconsideration and put this matter back in for a hearing before Your Honor. Mr. Jablon and I will notify you if an Agreement has been reached.

> Very truly yours, Lavou Nd Zer

J. Carroll Holzer

JCH:mlg

Enclosure

Arnold Jablon, Esquire cc;

Ms. Carol Trela

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE. Towson, MD 21286 (410) 825-6961

Fax: (410) 825-4923

E-Mail: JCHOLZER@BCPL.NET

September 1, 2004 #7432

RECEIVED

SEP - 2 2004

ZONING COMMISSIONER

ARNOLD JABLON (410) 494-6298

aejablon@venable.com

1 October 2003

Ms. Rebecca Hart
Department of Permits and Development Management
Zoning Office
County Office Bldg
Towson, Maryland 21204

Re:

Case No. 04-034 sph

5445 Patterson Road

Dear Ms. Hart::

Please be advised that I have just been retained to represent the above captioned party.

It is my understanding that a hearing date has just been scheduled for October 20, 2002 at 2:00 p.m. Unfortunately, I am unable to appear on that date due to a conflict in my schedule. In addition, this matter involves the request to confirm the existence of a non-conforming use. I need to be able to properly prepare, investigate and contact appropriate witnesses.

I have contacted Mr. Holzer's office, who represents the Protestants in this matter, and there is no objection to my request for postponement. I will contact you to re-schedule. Thank you for your consideration.

Sincerely,

Krnold Jabión

AEJ/aj

c: J. Carroll Holzer, Esq. 508 Fairmount Ave Towson, Maryland 21204

RECEIVED

James and Carol Trela 5433 Patterson Road P.O. Box 88

AUG 3 1 2004

Baldwin, Maryland 210130NNG COMMISSIONER

(410) 592-3956

e-mail Trela@starpower.net

Mr. Lawrence E. Schmidt Zoning Commissioner Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 August 31, 2004

Dear Mr. Schmidt,

This letter is a follow up to our conversation yesterday August 30, 2004 regarding case no 04-043-SPH and the letter you sent to Mr. Arnold Jablon and others on August 27, 2004.

As we discussed yesterday, your letter to Mr. Jablon contained several errors, an inaccurate conclusion was drawn and the decision rendered should be changed. In the third paragraph of your letter you state that "At the onset of the hearing, Counsel advised that the undersigned that an agreement had been reached by and between the parties..." This statement is not accurate. There was NO agreement reached. When Mr. Jablon asked my husband and myself at the day of the hearing to agree to the covenants he proposed, we informed him that we would need more time to consider them and questioned why we were not shown them before the hearing. Along with our lawyer, Mr. Carroll Holzer, we informed him that we needed more time to study these newly proposed covenants. There was NO agreement between us. The newly offered covenants were proposed by Mr. Jablon and we

agreed only to study them. You then asked each attorney to get back to you by September 1st regarding this issue. It should be noted that the plat presented by Mr. Jablon at the hearing contained some errors. There was no mention of this in your letter.

Mr. Jablon presented seventeen affidavits and pictures of the property but we presented no evidence at the time. Our attorney requested, if an agreement was not reached, that the case be presented before the zoning commissioner again and not to the County Board of Appeals. You agreed with this. However, in your letter you rendered a decision and said to "file an appeal to the County Board of Appeals." Both the rendering of a decision and statement to file an appeal to the Board of Appeals are in error.

Would you please correct these mistakes and notify all parties including those who received a "cc" copy of your letter as soon as possible? Thank you in advance for your consideration in this matter.

Sincerely,

Carol T. Trela

Cawl A. 4 M

FURTHER PROCEEDINGS ON CASE NO.

04-034-SPH. -PROPERTY DUNNED BY CKENZIE

5445 PAHLUSON KO UNDERSTAND, THE ORDER OF

INTHIS CASE

8/26/04 1 NEVER BECAME EFFECTIVE

AS THERE WAS NEVER A MEETING OF THE

MINDS OR ARREGMENT BETWEEN THE

PARTIES AS CONTAMPLATED BY THEN COMMISSIONE

LAA MINDS SEHMINT

04-034-5PH 5445 PATTERSON RD

This is subject of a

Code Enforcement Violation

(Case # 03-7012). Please

Motifef Sophia when

this case is

Mescheduled.

Manuel

1 Sapha 1/9/04 Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search **Ground Rent**

STR

Account Identifier:

District - 11 Account Number - 1113012341

Owner Information

Owner Name:

MCKENZIE JOHN IV

MCKENZIE MARY O

Use:

AGRICULTURAL

Principal Residence:

NO

Mailing Address:

5445 PATTERSON RD

BALDWIN MD 21013-9358

Deed Reference:

1) / 4207/ 108

Location & Structure Information

Premises Address

Special Tax Areas

PATTERSON AVE

Legal Description

46.89 AC SWS PATTERSON AV ADJ MD PA RR R/W

Subdivision Map Grid Parcel **Sub District** Section Block Lot 45 13 175 Town

Plat No: **Assessment Area** Plat Ref:

Ad Valorem

Tax Class Primary Structure Built

Enclosed Area Property Land Area 46.89 AC

County Use 05

Stories Basement

0000

Type

Exterior

Value Information

	Base	value	Phase-in Assessments			
	Value	As Of	As Of	As Of		
		01/01/2006	07/01/2005	07/01/2006		
Land:	17,580	17,580				
Improvements:	0	0				
Total:	17,580	17,580	17,580	17,580		
Preferential Land:	17,580	17,580	17,580	17,580		

PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE

Transfer Information

BROADWATER INC A G USE 83-84 Seller: Type:

IMPROVED ARMS-LENGTH Seller:

Date: 09/25/1963 **Deed1:** / 4207/ 108

Price: \$30,500 Deed2:

Price:

Deed2: Price: Deed2:

Exemption Information

Date:

Date:

Deed1:

Deed1:

Partial Exempt Assessments 07/01/2005 07/01/2006 Class 000 County State 000 0 0 Municipal 000 0

Tax Exempt: Exempt Class:

<u>Type:</u>

Seller:

Type:

МO

Special Tax Recapture: AGRICULTURAL TRANSFER TAX





Go Back View Man New Search

Account Identifier:

District - 11 Account Number - 1113012340

Owner Information

Owner Name:

MCKENZIE JOHN,4TH

MCKENZIE MARY C

Use:

AGRICULTURAL

Mailing Address:

5445 PATTERSON RD

BALDWIN MD 21013-9358

Deed Reference:

Principal Residence:

1) / 3916/ 90

2)

YES

Location & Structure Information

Premises Address

5445 PATTERSON RD

Zoning

Legal Description

25,22 AC

SWS PATTERSON RD W OF LONG GREEN RD

7,200

Grid **Sub District** Parcel Subdivision Map Section Block Lot Group Plat No: 13 160 45 Plat Ref: 82

Town

Ad Valorem Special Tax Areas Tax Class

Primary Structure Built Enclosed Area Property Land Area County Use 1852 5,086 SF 25.22 AC 05 **Stories Basement** Type **Exterior YES** STANDARD UNIT **BRICK**

Value Information

7,200

Base Value **Phase-in Assessments** PREFERENTIAL LAND Value As Of As Of As Of VALUE 01/01/2003 07/01/2003 07/01/2004 **INCLUDED IN LAND** Land: 234,700 234,700 VALUE Improvements: 427,610 462,220 Total: 662,310 696,920 673,846 685,382 **Preferential Land:**

7,200

Transfer Information

7,200

Seller: LANG CHARLES E A G USE 83-84 **Price:** \$65,000 Date: 11/02/1961 IMPROVED ARMS-LENGTH **Deed1**: / 3916/ 90 Type: Deed2: Seller: Date: Price: Deed1: Type: Deed2: Seller: Date: Price: Deed1: Deed2:

Exemption Information

Click here for a plain text ADA compliant screen.



£

Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search

STR

Account Identifier:

District - 11 Account Number - 1123054352

Owner Information

Owner Name:

MCKENZIE JOHN,4TH,ET AL

Use:

AGRICULTURAL

Principal Residence:

NO

Mailing Address:

5445 PATTERSON RD

BALDWIN MD 21013-9358

Deed Reference:

1) / 4932/ 176

2)

Location & Structure Information

Premises Address

Zoning

Legal Description

1.05 AC SWS

PATTERSON RD

3960 W OF LONG GREEN PIK

Subdivision Section Block Group Plat No: **Sub District** Lot Parcel Grid Map 82 Plat Ref: 344 Town **Ad Valorem** Special Tax Areas Tax Class **County Use Primary Structure Built Enclosed Area Property Land Area** 1.05 AC 05 0000 **Exterior** Type **Basement Stories**

Value Information

Base Value Phase-in Assessments As Of As Of Value As Of PREFERENTIAL LAND VALUE 07/01/2004 01/01/2003 07/01/2003 INCLUDED IN LAND VALUE 380 380 Land: Improvements: 380 380 380 Total: 380 380 380 380 380 **Preferential Land:**

Transfer Information

Price: \$0 04/22/1980 WISNIEWSKI E T A G USE 8384 Date: Seller: Deed1: / 4932/ 176 Deed2: NOT ARMS-LENGTH Type: Date: Price: Seller: Deed2: Deed1: Type: Price: Date: Seller: Deed2: Deed1: Type:

 Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2003
 07/01/2004

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class: NO

Special Tax Recapture: AGRICULTURAL TRANSFER TAX Proposed Agricultural Easement Project McKenzie Property Density Review December 9, 2003

Parcels owned by Mrs. McKenzie under consideration for easement purchase:

Map 45 Parcel 160 (red outline) Property 25.22 acres acquired by McKenzie from Lang in 1961 Deed Liber 3916 folio 90 indicates 25.22 acres Current tax assessment (Tax Id No. 1113012340) indicates 25.22 acres Property zoned RC2 Conclusion – Two density units.

Map 45 Parcel 175 (yellow outline)

Property 46.89 acres acquired by McKenzie from Broadwater et al. in 1963

Deed Liber 4207 Folio 108 indicates 46.89 acres

Current tax assessment (No. 1113012341) indicates 46.89 acres

Property zoned RC 2

Conclusion - Two density whits

one unit transfered to M. Trela 88-1285PH

Map 45 Parcel 344 (blue outline)

Property 1.01 acres acquired by McKenzie from Mercantile in 1968

Property acreage

Deed Liber 4932 folio 176

Location not shown on tax map

Property 20'by 2200' would need Special Hearing/Zoning Approval for reconfiguration for building purposes- Density potential One unit.

Conclusion

2 densety voits available for sale or for clevelopment peupses

Document being recorded in Land Records Settlement has occurred.

> 21--EAG-014 J.O. 217-0001-2002 Item 1(E) Election District 6C3

Deed of Conservation Easement

THIS DEED OF CONSERVATION EASEMENT (this "Easement"), made this day of 2003, by and among TREVOR WELLS and KELLY WELLS, husband and wife, hereinafter referred to as the "Grantors," and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, to the use of the Department of Environmental Protection and Resource Management, hereinafter referred to as "DEPRM," on behalf of the Baltimore County Agricultural Land Preservation Advisory Board, hereinafter referred to as the "Grantee."

I. RECITALS

- A. Article XI, Section 14-457, of the Baltimore County Code, 1988, as amended, created the Baltimore County Agricultural Land Preservation Program to preserve productive agricultural land; and
- B. By authority of the Agricultural Land Preservation Article, Section 14-458, Baltimore County Code, 1988, as amended, the Grantee may purchase development rights or may accept the donation of development rights to restrict land to agricultural or open space use; and
- C. The Grantors own in fee simple 52.5 acres of certain real property (the "Property") situate, lying and being in the Sixth Election District of Baltimore County, Maryland, and more particularly described in Exhibit "A" attached hereto, which was conveyed to the Grantors by Elmer R. Williams and Kathryn D. Williams by Deed dated June 29, 2000 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 14638, folio 191.
- D. The Grantors desire to convey an agricultural preservation Easement to the Grantee to restrict the Property to agricultural or open space use in perpetuity, in order to conserve and preserve the significant conservation values including the natural, agricultural, forestry, environmental, scenic, rural, woodland and wetland characteristics of the Property, maintain viable resource-based land use and proper management of tillable and woodled areas of the Property, and, to the extent hereinafter provided, prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition.

Motion FOR RECONSIDERATION"

04-034-SPH

Case No.:

RECONSIDERATION Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Settlement Accessment Declaration of Restrictive Covernments
No. 2	REVISED SEHLEMENT AG SITE PLAN - Referred to as ExHIBIT'I'm agreement
No. 3	as ExHIBIT I in agreement
No. 4	
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

CASE NAME My Cenzie CASE NUMBER 04-034-59# DATE July 26, 2004

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Walton B. White	5101 Hydes Rd	Alydes md 21082	
John M Crocker	1055 W. Joppa Rd #446	Tourson Md 21204	
MCCARL ROBERTS		Cockersuille mu 21030	
Betty Ruberts	13220 Falls Rd	Cockeysuill= ND 21030	
Rebecca Moreles	2800 Scarff Rd. Fallston MD	Fallston Mp. 21047	
W Kurt Avmanni	LIS WERDOWINGE BY	TOWSON, M9 2+20+	· · · · · · · · · · · · · · · · · · ·
gan Head	12718 manor th 4	Long Breen, nd 21092	
JEANNIE BOIEL JER	2217 GRIEN SPRING VO. PC.	STEVENSON My 21153	
ton De Jos	12720 hm, Green Pily	Hydes M) 21082	
ELIZABETH DEFORD	5300 LONG GREEN RUAD	GUEN ARM, MI) 21057	
Joan-Moriel Jarchard	8/5 Foxwell Rd	Soppatonne, MD21685	
Linda C. Colos	4 Chitkenden Care	Ownes Mills Mi) 2)))	
Catharine B. Corbin	6 Chittenden Lane	Owner Muls, MD 21117	
Mysal m Bally	1105 old Fallston Rd	Fallston, MN 21047	
Victor Bottery	609 Tun Brook Lane	JOPOL MD 21085	
Victor Botley			
Cheisea Dermott	1224 Jenny Rd.	BCIAIR, MD 21014	
Samura Mezydlo	800 Kil Der Ct.	Bel Air, MD 210A	
DAVID DURFEE	2740 QUARRY HEIGHTS WAY	BALTIMORE, MD 21209	
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CASE NAME MCKENZIE PROPERTY CASE NUMBER 04-034-5PH DATE JULY 26, 2004

PETITIONER'S SIGN-IN SHEET

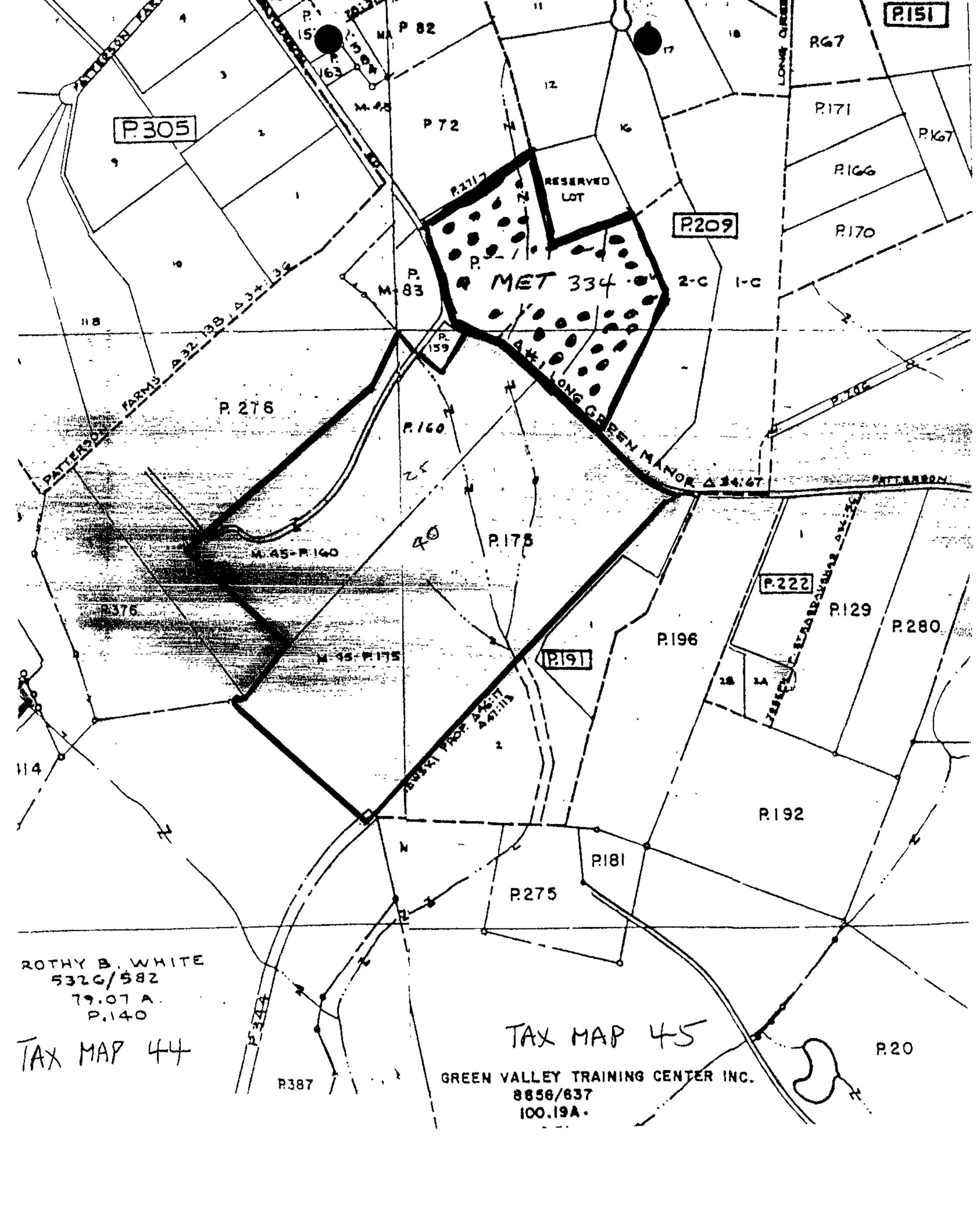
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
SCOTT LINDGREN	320 E. TOUSONTOWN BLVD SUITEIO	TOWSON, MD 21286	Slindgren Dace limited.com
A22000 JA460N	VENHAUR ZIO AURRHUNY		
Ohe ME Kenz E	5445 port auson ld.	13 ALD WM, 11013	
ARA KONIALIAN	5445 PATTERSON Rd		AKOPIALIAN AT TURSON. ede
In McKenze Bince	5445 Patterson 12d		adance @ spsfg. ung
CKIFTON CKEAR.Y	5 CHERRY HILL CT.	REIST. MD 21136	
Melville) JA cqueline Foster	1033 MARLEIGH CINCIP	Towson 110 21204	
ROBER-S. MASLIN	611 MEADOWRIDGE Rd	BALTIMORE MD 21204	RSMASUN@ AOL.COM
LESCIEP PATON	70036 DEL CATE DEW	LV NEV 89123	PATON 03 QUEN.COM
CHARLOTTE EDWARD	13575 FORK RD	BRIDWIN MD 21017	
William Ellword	12343 Long Green Pike	G/EM ARM Md. 21057	
Stacey Mckenzie	5441 Patterson Rd.	Baldwin Md. 21018	Shotley@hotmail.com
Bruce CLARK	2815 Merrymans Mille	Phoens Mig 15	
MICHARCH SPENCEN	13640 POPLAN HALRO	Phyener, MD 21131	spencera @ erols.
Dolores Wehrman	4928 Carrel Mann R1.	Baldwa MD 21013	
Bill Welsman	4928 Carroll Manor Rd.	Badwin Mo 21013	
Zather Joth	2514 Stowethill Rd	Balto MD 21208.	
Betsy Son	5203 Partury Farn R.	Negly MB 21082	ronsapp@mac.com
Ton Clark	28 15 MERRYMAN MILL RD	PHOENIX MD, 21131	
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CASE NAME	
CASE NUMBER	
DATE	· · · · · · · · · · · · · · · · · · ·

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL			
CAYOL TREZA	5433 PATHENSON RO.	BALDWIK, MJ. 21013				
Jan 6 /10/9		· Y	trela tumbe. ed 9			
Cong Coreen Com. ASS.	ley V. Canllfoly-	508 Farmet au				
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DECLARATION OF RESTRICTIVE COVENANT

"Declaration"), made this _____ day of ______ day of _______, 2005, by Mary O'Rourk McKenzie (hereinafter called "Grantor") party of the first part, and James E. Trela and Carol Trela, and Long Green Valley Association (hereinafter referred to as LGVA), parties of the second part (hereinafter referred to as "Grantees").

RECITALS

WHEREAS, Grantor is the owners of certain property consisting of approximately 73.16 acres, consisting of 3 parcels, located in Baltimore County, Maryland, as more particularly described in Paragraph 1 hereof, hereinafter sometimes referred to as the "subject property," and,

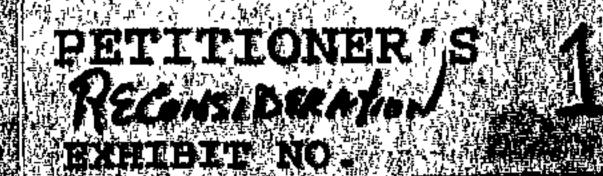
WHEREAS, the Grantor has filed before the Zoning Commissioner of Baltimore County, in case number 04-034 SPH, a Petition for Special Hearing in which she requests the confirmation of five non-conforming dwelling houses and one legally existing dwelling house for a total of six dwellings on parcel 1 of the subject property;

WHEREAS, the subject property is zoned RC 2, and, pursuant to the Baltimore County Zoning Regulations now in effect, no more than one principal dwelling is permitted on any lot in an RC 2 zone;

WHEREAS, the Grantees have agreed not to oppose the Grantor's request to confirm the existence of five non-conforming dwelling houses and one legal dwelling house presently located on Parcel (1) of the subject property, as shown on the attached Exhibit 1, dated 11/30/04;

WHEREAS, the Grantees have further agreed not to oppose the Grantor's request to enter into an Agricultural Easement on her property and to not oppose her request to subdivide Parcel (1) into three (3) lots, two of which shall be children's lots, as shown on Exhibit 1, attached hereto;

WHEREAS, on Parcel (1) of the subject property there does exist a principal dwelling house and five other dwelling houses, as is more particularly described on Petitioner's Exhibit I, which is attached here and incorporated by reference;



FOR PROPER

The undersigned	hereby	affirms	under	the	penalties	of	perjury	as	follows	:	That	the
information hereir	ı given is	within	the per	rsona	al knowled	dge	of the A	Affia	int and t	he .	Affiar	ıt is
competent to testi			.									

Affiant (handwritten signature)

Stacey Alice Otero Affiant (printed name)

5441 Patterson Rd, Baldwin, Maryland 21013

410-592-5080 telephone number

address (printed)

Date of Birth:

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

- 1. I verify by this affidavit and/or testify in court, if necessary, that I have personal knowledge about the property located at 5445 Patterson Road, Baldwin, Maryland 21013. I can attest that there existed on this property six separate and distinct dwellings, including the main house, three houses and two apartments during the period of time of which I am familiar. The period of time that I can verify the existence of the six dwellings is 1998 to present...
- I further verify and testify, if necessary, that each dwellings were occupied continuously and uninterruptedly by different families from 1998(date) to present(date).
- 3. I gained this personal information as a result of I moved to the property in October of 1998, and have lived there continuously and without interruption since and still live there. There is the main house, 3 tenant houses and 2 apartments attached to other buildings. While I have lived there since 1998, I have heard from many people that they have always had six dwellilngs with tenants.

STATE OF MARYLAND:

I HEREBY CERTIFY this 5th day of DECEMBER, 2003, before me, a Notary public of the State of Maryland, in and for Baltimore City/County, personally appeared Stacey Alice Otero, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the maters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

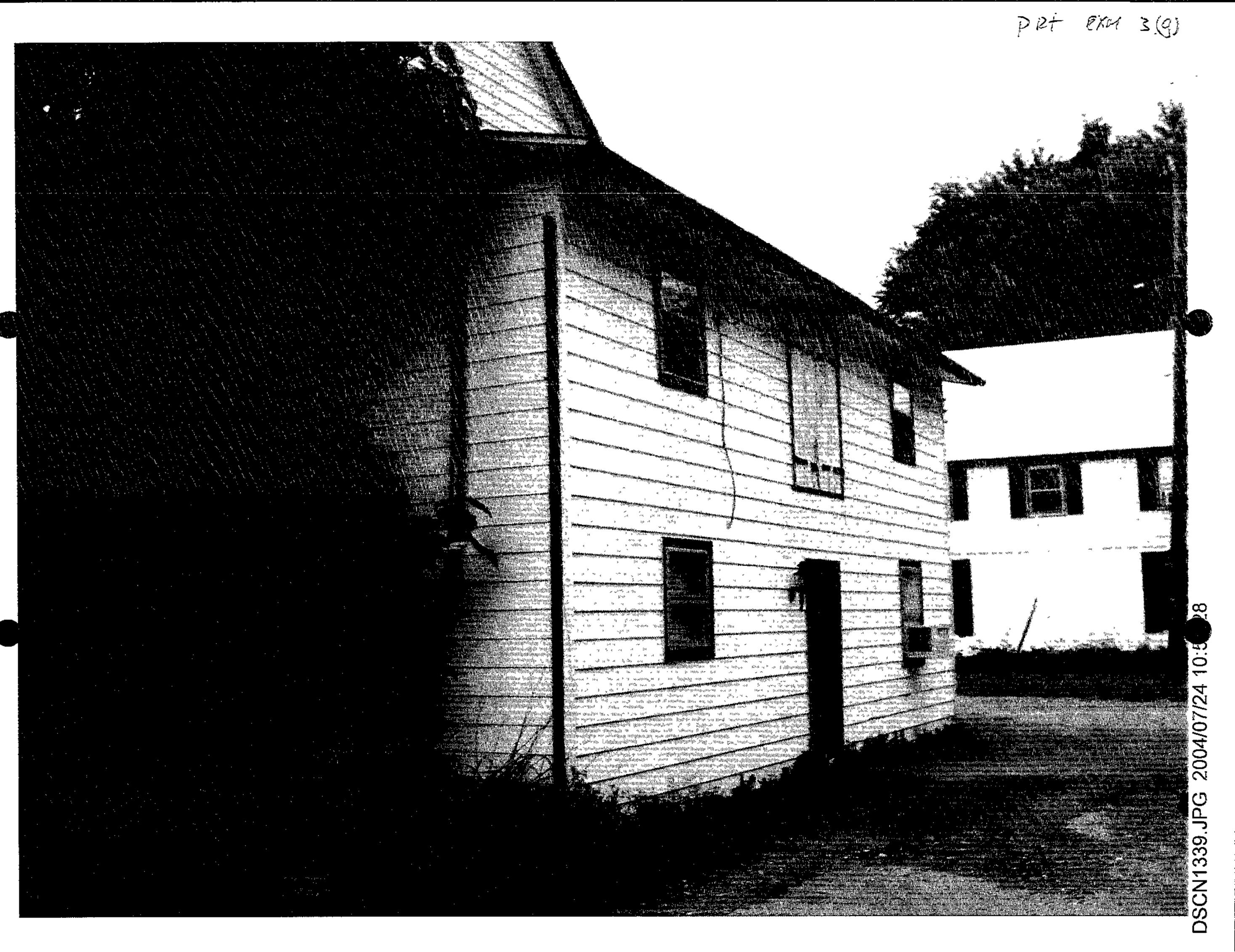
As witness my hand and Notarial Seal.

Notary Public

My commission expires.

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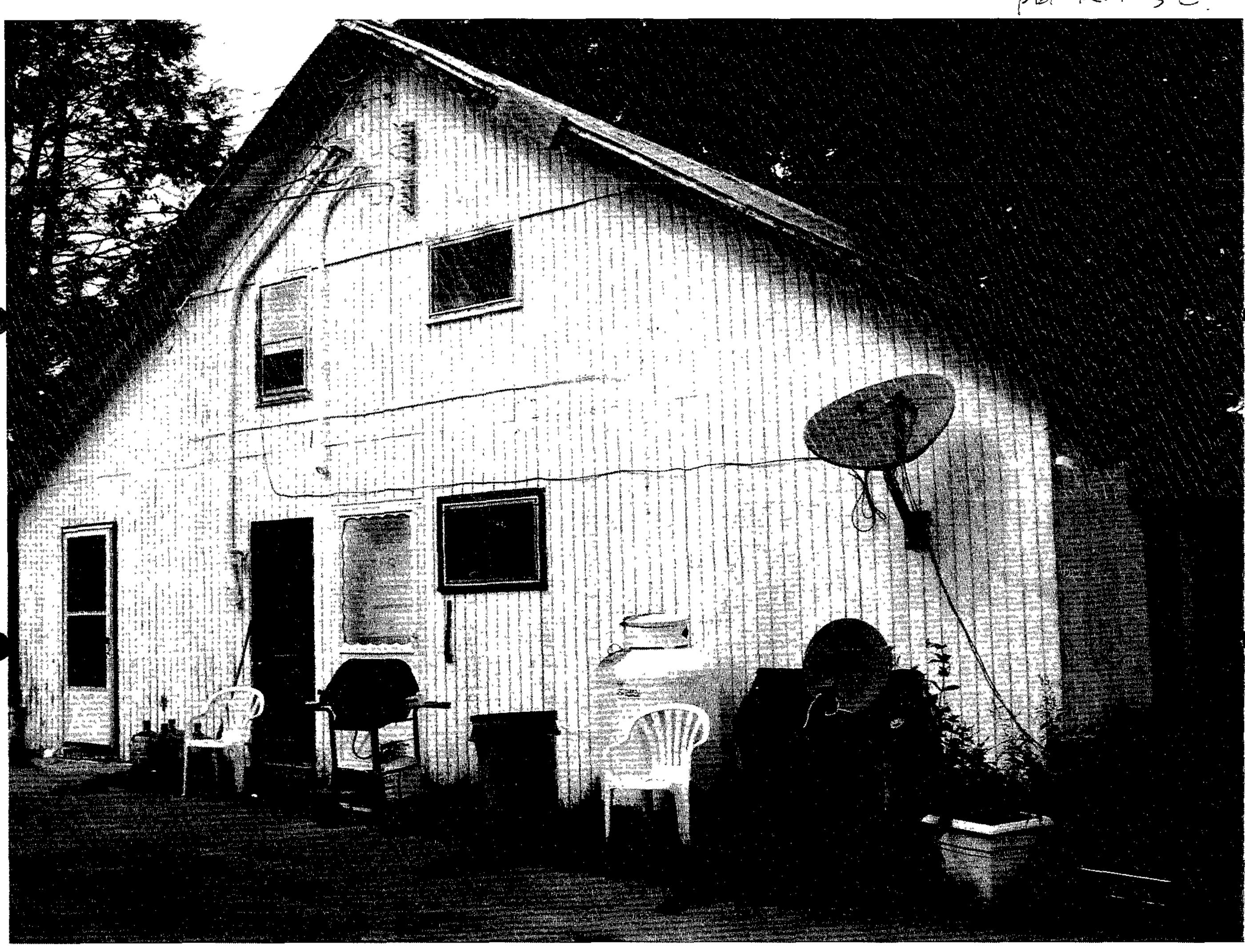


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