



**BALTIMORE COUNTY**

**M A R Y L A N D**

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

November 5, 2010

Carol Reed  
4800 Deer Park Rd.  
Owings, MD 21117

Dear: Carol Reed

RE: Case Number 2011-0081-SPHA, 4800 Deer Park Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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.

Very truly yours,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** September 16, 2010

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

**SUBJECT:** 4800 Deer Park Road

**INFORMATION:**

**Item Number:** 11-081

**Petitioner:** Carol A. Reed

**Zoning:** RC 4

**Requested Action:** Variance and Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and accompanying site plan and offers the following comments after visiting the site and speaking with the petitioner it appears that the subject garage constructed more than 20 years ago.

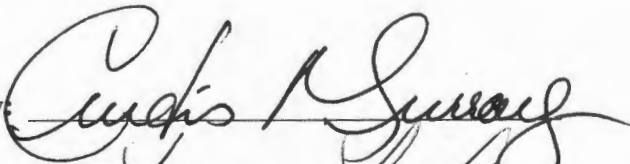
The property received a violation from code enforcement in April 2008. The complaint was filed alleging construction of an illegal apartment above the garage in Case 0040963. A building permit (B692351) issued for the subject property indicated the construction of a workshop above the garage, thus closing the aforementioned code violation investigation and case.

In June of 2010 a new complaint was filed Case 0080085, this complaint was for an apartment above the garage...

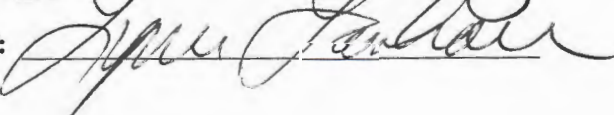
Nonetheless, the Office of Planning recommends denial of the requested variances and special hearing.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:  
AFK/LL: CM





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

Beverley K. Swalm-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 13, 2010

Ms. Kristen Matthews  
Baltimore County Office Of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 2011-0081-SPHA  
4800 DEER PARK ROAD  
CAROL REED PROPERTY  
SPECIAL HEARING -  
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0081-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For: Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/mb



**BALTIMORE COUNTY**  
MARYLAND

*Hein:*  
*11-10*

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

September 1, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 30, 2010

Item No.:

**Administrative Variance:** 2011-0073A

**Variance:** 2011-0026SPHXA, 2011-0074A – 0078A, 2011-0079SPHA, 2011-0081SPHA,  
2011-0082A

**Special Exception:** 2011-0026SPHXA

**Special Hearing:** 2011-0026SPHXA, 2011-0079SPHA, 2011-0080SPH,, 2011-0081SPHA

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

**The Fire Marshal's Office has no comments at this time.**

Don W. Muddiman, Acting Lieutenant  
Baltimore County Fire Marshal's Office  
700 E. Joppa Road, 3<sup>RD</sup> Floor  
Towson, Maryland 21286  
Office: 410-887-4880  
Mail Stop 1102  
**cc: File**

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 12 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: October 12, 2010

SUBJECT: Zoning Item # 11-081-SPHA  
Address 4800 Deer Park Road  
(Reed Property)

Zoning Advisory Committee Meeting of August 30, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

1. Any proposed bldg. permits will be reviewed by Groundwater Mgmt. – *Dan Esser; Groundwater Management*
2. Land Preservation: Supports the Planning Office's opinion. This is an example of the concern for when an accessory building is constructed that exceeds height standards (in this case illegally) ie that it will be converted to be used for an additional residence. One of the purposes of the RC zones is to limit development in the rural areas and thus limit the need for services and additional infrastructure such as wider roads and more schools. Permitting additional residential uses above that provided for in the zoning is contrary to that objective. – *W.S. Lippincott; Agricultural Preservation*

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits &  
Development Management

**DATE:** September 7, 2010

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 13, 2010  
Item Nos. 2011- 026, 073, 076, 077,  
078, 079, 081 and 082

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09132010 -NO COMMENTS.doc



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

September 1, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 30, 2010

Item No.:

**Administrative Variance:** 2011-0073A

**Variance:** 2011-0026SPHXA, 2011-0074A – 0078A, 2011-0079SPHA, 2011-0081SPHA,  
2011-0082A

**Special Exception:** 2011-0026SPHXA

**Special Hearing:** 2011-0026SPHXA, 2011-0079SPHA, 2011-0080SPH,, 2011-0081SPHA

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

**The Fire Marshal's Office has no comments at this time.**

Don W. Muddiman, Acting Lieutenant  
Baltimore County Fire Marshal's Office  
700 E. Joppa Road, 3<sup>RD</sup> Floor  
Towson, Maryland 21286  
Office: 410-887-4880  
Mail Stop 1102

**cc: File**

|                                                                   |   |                     |
|-------------------------------------------------------------------|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING                                  | * | BEFORE THE          |
| AND VARIANCE                                                      |   |                     |
| 4800 Deer Park Road; W/S Deer Park Road,                          | * | ZONING COMMISSIONER |
| 740' NW c/line Dotfield Road                                      |   |                     |
| 2 <sup>nd</sup> Election & 4 <sup>th</sup> Councilmanic Districts | * | FOR                 |
| Legal Owner(s): Carol Reed                                        |   |                     |
| Petitioner(s)                                                     | * | BALTIMORE COUNTY    |
|                                                                   | * | 2011-081-SPHA       |

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

SEP 08 2010

.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of September, 2010, a copy of the foregoing Entry of Appearance was mailed to Carol Reed, 4800 Deer Park Road, Owings Mills, MD 21117, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



## Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

July 14, 2011

Donna M.B. King, Esquire  
309 W. Pennsylvania Avenue  
Towson, MD 21204

Peter M. Zimmerman, Esquire  
Carole S. Demilio, Esquire  
Office of People's Counsel  
The Jefferson Building, Suite 204  
105 W. Chesapeake Avenue  
Towson, MD 21204

RE: Petition for Judicial Review  
Circuit Court Case No.: 03-C-11-006731  
In the Matter of: Carol Reed  
Board of Appeals Case No.: 11-081-SPHA

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules that a Petition for Judicial Review was filed on July 6, 2011 by Donna M.B. King, Esquire, on behalf of Carol Reed, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

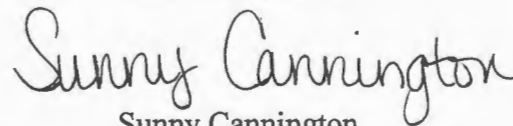
In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Donna M.B. King, Esquire, on behalf of Carol Reed, having taken the appeal, are responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rule 16-406d(B) which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

**Please be advised that the ORIGINAL transcripts must be provided to the Board of Appeals no later than September 2, 2011 so that they may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.**

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Sunny Cannington  
Legal Secretary

Enclosure  
Duplicate Original Letter

cc: Carol Reed  
James and Lisa Stevens  
Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Planning  
Nancy C. West, Assistant County Attorney  
Michael Field, County Attorney  
James Garland, Code Enforcement Inspector

**BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

**IN THE MATTER OF:** Carol Reed 11-081-SPHA

**DATE:** May 24, 2011

**BOARD/PANEL:** Lawrence S. Wescott  
Maureen Murphy  
Edward W. Crizer, Jr.

**RECORDED BY:** Theresa R. Shelton, Administrator

**PURPOSE:** To deliberate the following:

- 1) Petition for Special Hearing to allow an existing in-law apartment within an existing accessory structure; and
- 2) Petition for Variance to permit existing accessory building with a height of 22 ft ilo maximum allowed 15 ft.

**PANEL MEMBERS DISCUSSED THE FOLLOWING:**

**STANDING**

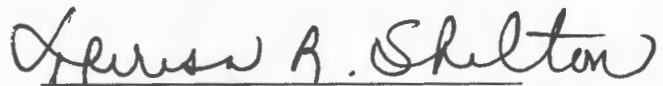
- The Board described the background of the accessory structure as a garage in RC 4 on 2.764 acres. The garage has 2 apartments; one original – upper level and the second apartment built – lower level, due to difficulties going up the stairs to the upper level. Petitioner assists with the care of the children and the dogs, eats dinner with the family, but lives in the garage dwelling.
- There was no testimony to the garage with regard to pre-existing regulations; no testimony as to grandfathering; and no testimony presented to the Board that the accessory structure was built prior to the zoning regulations. The Board reviewed the Baltimore County Zoning Regulations (BCZR), specifically 1A03.b(5). Several Zoning Commissioner Rulings were presented to the Board by Petitioner; however, these were all before the Zoning Commissioner and none of the cases were appealed; except for one that is currently before the the Court of Special Appeals: The Board denied the Petitioner's request. That case is very similar to the instant matter.

**DECISION BY BOARD MEMBERS:** Under the current zoning regulations, this matter does not meet the requirements to allow in-law living quarters in the existing accessory structure.

**FINAL DECISION:** After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the request to allow in-law living quarters in an existing accessory structure.

**NOTE:** These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

  
Theresa R. Shelton



Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

May 17, 2011

Donna M.B. King, LLC  
309 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Carol Reed – Legal Owner  
Case No.: 11-081-SPHA

Dear Ms. King:

The Chairman of the Board of Appeals has reviewed your correspondence dated April 27, 2011, wherein you entered your appearance on the above caption matter and provided additional information. The enclosed material, excluding the Notice of Appearance, which was received by this office on May 6, 2011, is herewith returned to you.

The Board concluded the hearing in the subject matter on April 12, 2011, with the receipt of argument from the parties to this case, at which time the record was closed (Closing Memorandum were not requested by the Board and are not being filed). Public Deliberation is scheduled and on the docket for Tuesday, May 24, 2011 at 9:15 a.m.

Per the Chairman, I am returning to you the enclosed documents which cannot be placed in the subject file nor become a part of the record in this matter, which was closed on April 12, 2011.

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton  
Administrator

Enclosures: Correspondence received from the office of Donna M.B. King, LLC  
dated April 27, 2011, minus the Notice of Appearance

c: Carol Reed  
Office of People's Counsel

IN RE PETITION FOR SPECIAL  
HEARING AND VARIANCE

4800 Deer Park Road  
Owings Mills, MD 21117

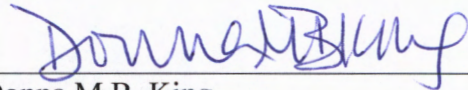
Carol Reed, Petitioner

\* BEFORE THE COUNTY  
\* BOARD OF APPEALS  
\* FOR BALTIMORE COUNTY  
\* Case No. 11-081-SPHA

\* \* \* \* \*

**NOTICE OF APPEARANCE**

Please note the appearance of Donna M.B. King, Esquire and the Law Office of  
Donna M.B. King, LLC as counsel for the Petitioner, Carol Reed, in the above-captioned  
matter.



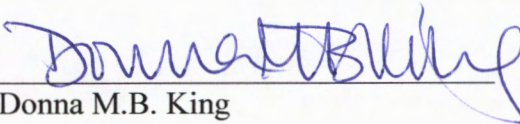
Donna M.B. King  
Law Office of Donna M.B. King, LLC  
309 West Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 494-1005 phone

Attorney for Petitioner Carol Reed

## **CERTIFICATE OF SERVICE**

I hereby certify on this 13th day of April 2011, I served the foregoing Notice of  
Appearance by First Class mail to the following:

Carole S. DeMilio, Deputy People's Counsel  
Jefferson Building  
Second Floor  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

  
Donna M.B. King



# County Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

April 18, 2011

Donna M.B. King, LLC  
309 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Carol Reed – Legal Owner  
Case No.: 11-081-SPHA

Dear Ms. King:

The enclosed material, including the Notice of Appearance, which was received by this office on April 15, 2011, is herewith returned to you.

The Board concluded the hearing in the subject matter on April 12, 2011, with the receipt of argument from the parties to this case, at which time the record was closed (Closing Memorandum were not requested by the Board and are not being filed). Public Deliberation is scheduled and on the docket for Tuesday, May 24, 2011 at 9:15 a.m., for which notice was sent on April 12, 2011. A copy of the Notice of Deliberation is enclosed.

Therefore, I am returning to you the enclosed documents which cannot be placed in the subject file nor become a part of the record in this matter, which was closed on April 12, 2011.

Very truly yours,

A handwritten signature in cursive script that reads "Theresa R. Shelton".

Theresa R. Shelton  
Administrator

Enclosures: Correspondence received from the office of Donna M.B. King, LLC  
Notice of Deliberation

c: Carol Reed  
Office of People's Counsel



KEVIN KAMENETZ  
County Executive

ARNOLD JABLON  
Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections

February 11, 2011

Dino LaFiandra, Esq.  
Whiteford, Taylor & Preston  
Towson Commons, Ste. 300  
One West Pennsylvania Avenue  
Towson, MD 21204

Dear Mr. LaFiandra:

RE: Case: 2011-0081-SPHA, 4800 Deer Park Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 28, 2010 by People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,  
A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

c: Administrative Law Hearings Office  
People's Counsel  
Carol Reed, 4800 Deer Park Road, Owings Mills 21117  
Marc Washington, 4800 Deer Park Road, Owings Mills 21117  
James Garland, Code Enforcement



## Baltimore County, Maryland

### OFFICE OF PEOPLE'S COUNSEL

Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, Maryland 21204

410-887-2188  
Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

December 28, 2010

Hand-delivered

George Klunk, Acting Director  
Department of Permits and  
Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING AND VARIANCE  
W/S Deer Park Road, 740' NW c/line Dolfield Road  
4800 Deer Park Road  
2<sup>nd</sup> Election District; 4<sup>th</sup> Councilmanic District  
Carol A. Reed - Petitioner  
**Case No.: 2011-0081-SPHA**

Dear Mr. Klunk:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated December 20, 2010 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel

RECEIVED

DEC 28 2010

PMZ/CSD/rmw

cc: Dino LaFiandra, Esquire

## **APPEAL**

Petition for Special Hearing & Variance  
4800 Deer Park Road  
W/s Deer Park Road, 740' NW c/line Dolfied Road  
2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District  
Legal Owners: Carol Reed

Case No.: 2011-0081-SPHA

Petition for Special Hearing & Variance (August 24, 2010)

Zoning Description of Property

Notice of Zoning Hearing (October 1, 2010)

Certification of Publication (The Jeffersonian – October 26, 2010)

Certificate of Posting (October 23, 2010) by J. Lawrence Pilson

Entry of Appearance by People's Counsel (September 8, 2010)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – None

Zoning Advisory Committee Comments

Petitioners' Exhibit

As listed on the attached Exhibit Sheet

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit)

\* Letter of Opposition dated November 2, 2010 from James & Lisa Stevens

Zoning Commissioner's Order (GRANTED – December 20, 2010)

Notice of Appeal received on December 28, 2010 from People's Counsel

c: Administrative Law Hearings Office  
People's Counsel of Baltimore County, MS #2010  
Arnold Jablon, Director of PAI  
See attached cover letter

*date sent February 11, 2011, kl*

## APPEAL

Petition for Special Hearing & Variance  
4800 Deer Park Road  
W/s Deer Park Road, 740' NW c/line Dolfied Road  
2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District  
Legal Owners: Carol Reed

Case No.: 2011-0081-SPHA

- ✓ Petition for Special Hearing & Variance (August 24, 2010)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (October 1, 2010)
- ✓ Certification of Publication (The Jeffersonian – October 26, 2010)
- ✓ Certificate of Posting (October 23, 2010) by J. Lawrence Pilson
- ✓ Entry of Appearance by People's Counsel (September 8, 2010)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
  - Protestant(s) Sign-In Sheet – None
  - Citizen(s) Sign-In Sheet – None
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
  - As listed on the attached Exhibit Sheet
  - Exhibits # 1-6
- Protestants' Exhibits – None
- Miscellaneous (Not Marked as Exhibit)
  - \* Letter of Opposition dated November 2, 2010 from James & Lisa Stevens
- ✓ Zoning Commissioner's Order (GRANTED – December 20, 2010)
- ✓ Notice of Appeal received on December 28, 2010 from People's Counsel

**RECEIVED**  
FEB 11 2011  
BALTIMORE COUNTY  
BOARD OF APPEALS

### Address List

#### *Petitioner:*

Carol Reed  
4800 Deer Park Road  
Owings Mills, MD 21117

~~Dino LaFiandra, Esquire  
Whitford, Taylor & Preston  
Towson Commons, Ste 300  
1 W. Pennsylvania Avenue  
Towson, MD 21204~~

#### *Interested Persons:*

James and Lisa Stevens  
4808 Deer Park Road  
Owings Mills, MD 21117

**From:** Theresa Shelton  
**To:** csdemil@aol.com  
**Date:** 4/18/2011 8:37 AM  
**Subject:** Carol Reed

Carole:

Good Morning.

The correspondence from Donna King, Esquire on Carol Reed, Case No.: 11-081-SPHA will be returned this date. I will copy you on the letter.

Theresa

Theresa R. Shelton, Administrator  
Board of Appeals for Baltimore County  
Suite 203, The Jefferson Building  
105 W. Chesapeake Avenue  
Towson, MD 21204

410-887-3180  
410-887-3182 (FAX)  
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pled

#### Confidentiality Statement

This electronic mail transmission contains confidential, privileged and confidential.

The information is intended only for the use of the intended recipient, you are hereby notified that an action based on the contents of this electronic mail received this electronic mail transmission in error, please immediately notify the sender.

message

For T  
From Carole Demilio  
Time 1:35 Date 4/15  
Phone \_\_\_\_\_  
☐ URGENT! Re: Reed

The record was  
closed at the end  
of the hearing.

Are you going to  
return the letter  
or should Carole  
respond?





## Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

July 22, 2011

Donna M.B. King, Esquire  
309 W. Pennsylvania Avenue  
Towson, MD 21204

Re: In the Matter of Carol Reed  
Board of Appeals Case No: 11-081-SPHA  
Circuit Court Case No: 03-C-11-006731

Dear Ms. King:

Enclosed please find the disk containing the Courtsmart recording of the hearing in the above referenced matter.

As per my conversation with your assistant, Connie, we are releasing this disk to you for the purposes of your having the official transcripts prepared by a certified transcriptionist pursuant to the Maryland Rules.

Please be advised that the ORIGINAL transcript with the disk must be provided to the Board of Appeals no later than September 2, 2011 for transmittal to the Circuit Court with the Record of Proceedings.

Please note for the transcriptionist, the Board of Appeals panel for this matter included Lawrence S. Wescott, Chairman, Maureen E. Murphy, and Edward W. Crizer, Jr.

Thank you for your attention to this matter. Should you have any problems or questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Sunny Cannington  
Legal Secretary

Enclosure

cc: Office of People's Counsel

James E. Stevens  
Lisa M. Stevens  
4808 Deer Park Road  
Owings Mills, MD 21117

111 W. Chesapeake Avenue, Room 111  
Towson, MD 21204

November 2, 2010

To Whom It May Concern,

This letter is to express my opposition to the rezoning request for 4800 Deer Park Road, Case #2011 0081 SPHA. My understanding is that the request is for a change in the maximum height allowed for the detached garage to allow for an in-law suite in the second story of the garage. I would ask to remain anonymous if possible due to the fact that I am the neighbor to this property.

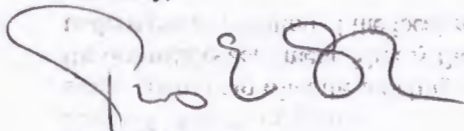
It is my impression that this rezoning request is not for converting the second story of the garage to an in-law suite but to get approval for the existing rental apartment. Shortly after the new owner moved in, the second story of the garage was converted into an in-law suite without a building or occupancy permit. The owner of the property occupied the second story of the garage while her daughter's family lived in the main house. Eventually construction was started on the main floor of the garage to convert it into living space. This was done without a building permit and was stopped by the county until a permit was acquired. A building permit was issued to convert it into a workshop. The owner converted it into living space, contrary to what the building permit stated. After completion of construction, the owner moved into the downstairs apartment. Shortly there after, tenants moved into the upstairs apartment in, as I understand it, violation of the local zoning.

What affect does the existence of these two detached apartments have on the property value of the surrounding homes? When I purchased my house, it was in a neighborhood of single-family homes. If given the knowledge that the neighboring property would be allowed to build two apartments on their property, I would have looked elsewhere. I had no plans to live next to a garage with two apartments in it and now, when I attempt to sell my property, I have the added burden of two apartments on the property directly beside my home.

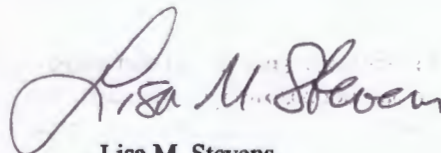
The area is zoned RC-4 Watershed Conservation to limit the amount of development in the area and the effects it has on the Liberty Watershed. A 2009 rezoning request for the thirteen acre parcel behind this property was denied because the owner wanted to increase the development density in the RC-4 zone. Has there been any investigation into the environmental impact of an additional two households residing on a 2.8 acre lot within the RC-4 zone? A tributary of Locust Run runs directly adjacent to the property at 4800 Deer Park Road. That stream flows into Liberty Reservoir. The main house and two garage apartments are using one well and one septic system. What will be the adverse affects on the watershed area from the excess waste discharged from an overburdened septic system? As well, what affects will the water usage of three separate households on one well have on the local water table?

I hope the zoning board takes these factors into consideration and denies the request to allow a rental apartment to continue to exist in the two story detached building at 4800 Deer Park Road. If you have any questions, feel free to contact me at 410-371-8119 or JStevens70@comcast.net.

Sincerely,



James E. Stevens



Lisa M. Stevens

Bill Wiseman - Fwd: Case # 2011 0081 SPHA

---

**From:** "Lisa M. Stevens" <LMStevens64@comcast.net>  
**To:** <wwiseman@baltimorecountymd.gov>  
**Date:** 11/09/10 12:43 PM  
**Subject:** Fwd: Case # 2011 0081 SPHA  
**Attachments:** 20101109131842.PDF

---

Mr Wiseman,

Thank you for your time and help in reference to Case # 2011 0081 SPHA.

Attached is a pdf that I just received from the People's Counsel with the Planning office's recommendation for requested variances and special hearing regarding this property. I'm sure you have already seen it, but if appropriate and helpful, please add this as a second page to the letter received from me, dated November 2, 2010.

Again, please call with any questions, 410-371-8119.  
Thank you,  
James Stevens

06-250-SPHA  
2010-0309-SPH  
~~2010-0087-SPHA~~ } Samples

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw2.3)  
BALTIMORE COUNTY

[Go Back](#)  
[View Map](#)  
[New Search](#)

Account Identifier:

District - 02 Account Number - 0202000080

## Owner Information

|                         |                                                 |                             |                      |
|-------------------------|-------------------------------------------------|-----------------------------|----------------------|
| <b>Owner Name:</b>      | REED CAROL                                      | <b>Use:</b>                 | RESIDENTIAL          |
| <b>Mailing Address:</b> | 4800 DEER PARK RD<br>OWINGS MILLS MD 21117-4712 | <b>Principal Residence:</b> | YES                  |
|                         |                                                 | <b>Deed Reference:</b>      | 1) /24998/ 395<br>2) |

## Location &amp; Structure Information

**Premises Address**  
4800 DEER PARK RD

**Legal Description**  
2.764 AC  
WS DEER PARK RD  
750FT N OF DOLFIELD RD

|            |             |               |                     |                    |                |              |            |                        |                  |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|------------------|
| <b>Map</b> | <b>Grid</b> | <b>Parcel</b> | <b>Sub District</b> | <b>Subdivision</b> | <b>Section</b> | <b>Block</b> | <b>Lot</b> | <b>Assessment Area</b> | <b>Plat No:</b>  |
| 66         | 10          | 46            |                     |                    |                |              |            | 1                      | <b>Plat Ref:</b> |

**Special Tax Areas**

|                   |
|-------------------|
| <b>Town</b>       |
| <b>Ad Valorem</b> |
| <b>Tax Class</b>  |

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <b>Primary Structure Built</b> | <b>Enclosed Area</b> | <b>Property Land Area</b> | <b>County Use</b> |
| 1907                           | 1,944 SF             | 2.76 AC                   | 04                |

|                |                 |                      |                 |
|----------------|-----------------|----------------------|-----------------|
| <b>Stories</b> | <b>Basement</b> | <b>Type</b>          | <b>Exterior</b> |
| 2              | YES             | STANDARD UNIT SIDING |                 |

## Value Information

|                           | <b>Base Value</b> | <b>Value</b> | <b>Phase-in Assessments</b> |              |
|---------------------------|-------------------|--------------|-----------------------------|--------------|
|                           |                   | <b>As Of</b> | <b>As Of</b>                | <b>As Of</b> |
|                           |                   | 01/01/2010   | 07/01/2010                  | 07/01/2011   |
| <b>Land</b>               | 105,840           | 157,600      |                             |              |
| <b>Improvements:</b>      | 378,090           | 262,700      |                             |              |
| <b>Total:</b>             | 483,930           | 420,300      | 420,300                     | 420,300      |
| <b>Preferential Land:</b> | 0                 | 0            | 0                           | 0            |

## Transfer Information

|                |                      |               |             |               |           |
|----------------|----------------------|---------------|-------------|---------------|-----------|
| <b>Seller:</b> | PERRY MATTHEW R      | <b>Date:</b>  | 01/02/2007  | <b>Price:</b> | \$508,000 |
| <b>Type:</b>   | IMPROVED ARMS-LENGTH | <b>Deed1:</b> | /24998/ 395 | <b>Deed2:</b> |           |
| <b>Seller:</b> | HAGEN DAVID STEVEN   | <b>Date:</b>  | 04/07/2003  | <b>Price:</b> | \$210,000 |
| <b>Type:</b>   | IMPROVED ARMS-LENGTH | <b>Deed1:</b> | /17800/ 649 | <b>Deed2:</b> |           |

PLEASE PRINT CLEARLY

CASE NAME Reed Property  
CASE NUMBER 2001-81-SPHA  
DATE 11/10/10

## PETITIONER'S SIGN-IN SHEET

[illegible]



2011-0081-SPHA



JRH  
4-15-88 — 2 jrh

MAP NW/DA

IN RE: PETITION FOR SPECIAL HEARING \*  
W/S Deer Park Road, 750' N of \*  
the c/l of Dolfield Road \*  
(4800 Deer Park Road) \*  
2nd Election District \*  
3rd Councilmanic District \*  
  
David Hagen, et ux \*  
Petitioners \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-412-SPH

ORDER OF DISMISSAL

Pursuant to receipt of a Voluntary Dismissal request from Counsel for  
the Petitioner to the Zoning Commissioner for Baltimore County,  
IT IS ORDERED this 2nd day of May, 1989 that the above-referenced  
matter be and is hereby DISMISSED without prejudice.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:bjs

cc: Leonard J. Grossman, Esquire  
Goodman, Meagher & Enoch  
111 N. Charles Street, 7th Floor  
Baltimore, Maryland 21201

People's Counsel

File

RECEIVED FOR FILING  
Date 5/16/89  
By [Signature]



Baltimore County  
Department of Permits and  
Development Management

Code Inspections and Enforcement  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

OFFICE HOURS 7:30 am - 3:30 pm

\*Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

|                                                                                |                                   |         |
|--------------------------------------------------------------------------------|-----------------------------------|---------|
| Citation Case No.<br><b>0080085</b>                                            | Property No.<br><b>0202000080</b> | Zoning: |
| Name(s): <b>CAROL Reed</b><br><b>Mark Washington (son in-law) 443-414-9753</b> |                                   |         |
| Address: <b>4800 Deer Park Rd</b>                                              |                                   |         |
| Violation Location: <b>4800 Deer Park Rd</b>                                   |                                   |         |

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

*Balt. County Zoning Regulations*  
*(32-3-102, 603) the authority to enforce the code*  
*SEC. 400; 101 the actual structure already there*  
*Must file for permit to occupy*  
*Accessory structure as*  
*Single Family dwelling*

**Zoning - 410-887-3391**

**Donna Thompson**

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

|                             |                             |
|-----------------------------|-----------------------------|
| ON OR BEFORE: <b>7.6.10</b> | DATE ISSUED: <b>6.25.10</b> |
|-----------------------------|-----------------------------|

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

|                                       |                      |
|---------------------------------------|----------------------|
| Print Name<br><b>JAMES G. GRIFFIN</b> | <b>410-887-3953</b>  |
| INSPECTOR:<br><b>James Griffin</b>    | <b>7:36-8-3-3:30</b> |

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

|               |              |
|---------------|--------------|
| ON OR BEFORE: | DATE ISSUED: |
|---------------|--------------|

INSPECTOR: \_\_\_\_\_

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4800 Deer Park Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME n/a

PLAT BOOK #      FOLIO #      LOT #      SECTION #     

OWNER Carol A. Reed

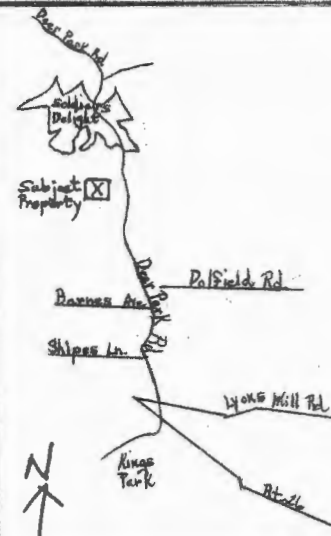


\*Note

- 1) Zoning Case no. -1988-0412-SPH withdrawn by previous owner
- 2) Citation Case no. 0080085

PREPARED BY                     

SCALE OF DRAWING: 1" = 100'



## LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 066B2

ZONING RC-4

LOT SIZE 2.764 119,791  
ACREAGE SQUARE FEET

|       | PUBLIC                   | PRIVATE                             |
|-------|--------------------------|-------------------------------------|
| SEWER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| WATER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                              | YES                      | NO                                  |
|------------------------------|--------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                      | YES                      | NO                                  |
|----------------------|--------------------------|-------------------------------------|
| 100 YEAR FLOOD PLAIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                             | YES                      | NO                                  |
|-----------------------------|--------------------------|-------------------------------------|
| HISTORIC PROPERTY/ BUILDING | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

PRIOR ZONING HEARING 1988-0412-SPH

## ZONING OFFICE USE ONLY

REVIEWED BY            ITEM #            CASE #           

A-TSUI | 0081 | 2011-0081-SPHA

Case No.: 2011-0081-SPHA 4800 DEER PARK RD

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                                                         |  |
|--------|-------------------------------------------------------------------------|--|
| No. 1  | Site Plan                                                               |  |
| No. 2  | Matthew Perry Certification<br>Garage listed @ 22' with living quarters |  |
| No. 3  | Floor Plan - 2nd Floor                                                  |  |
| No. 4  | Photo's Existing Conditions                                             |  |
| No. 5  | SUPPORT OF Neighbors                                                    |  |
| No. 6  | <del>Floor Plan - 1st Floor</del><br>Case NO. 03-C-09-07062             |  |
| No. 7  |                                                                         |  |
| No. 8  |                                                                         |  |
| No. 9  |                                                                         |  |
| No. 10 |                                                                         |  |
| No. 11 |                                                                         |  |
| No. 12 |                                                                         |  |

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

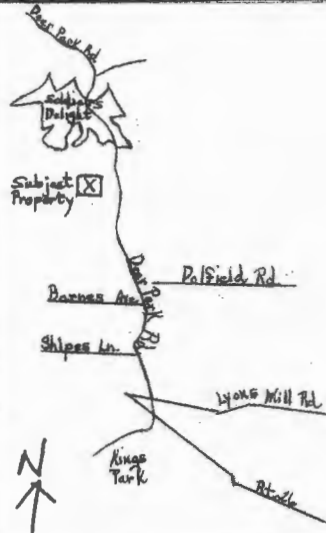
PROPERTY ADDRESS 4800 Deer Park Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME n/a

PLAT BOOK #      FOLIO #      LOT #      SECTION #     

OWNER Carol A. Reed



## LOCATION INFORMATION

ELECTION DISTRICT 2  
 COUNCILMANIC DISTRICT 4  
 1"=200' SCALE MAP # 066B2  
 ZONING RC-4  
 LOT SIZE 2.764 119,791  
                   ACREAGE      SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE  
 WATER ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO  
 100 YEAR FLOOD PLAIN ☐ YES ☒ NO  
 HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO  
 PRIOR ZONING HEARING 1988-0412-SPH

ZONING OFFICE USE ONLY  
 REVIEWED BY      ITEM #      CASE #     

A-TSUI | 0081 | 2011-0081-SPHA

\*Note

- 1) Zoning Case no. -1988-0412-SPH withdrawn by previous owner
- 2) Citation Caseno. 0080085

PREPARED BY     

SCALE OF DRAWING: 1" = 160'

PETITIONER'S

EXHIBIT NO.

Matthew and Sarah Perry  
3100 Timber Ridge Circle  
White Hall, MD 21161  
410-905-5508

To whom it may concern:

We would like to certify as previous owners of 4800 Deer Park Road that there was a living quarters above the garage as early as 1987, including a kitchen and a bathroom. The second owners of the property, Dave and Libby Hagen built this living area for family members to live in. When they sold us the home in 2003, they listed the property as having an in-law suite above the garage.

If you have any questions do not hesitate to contact me at the above number.

*Matthew R Perry*  
Matthew R. Perry



County/City of Chesapeake  
Commonwealth/State of Virginia  
The foregoing instrument was acknowledged  
before me this 9 day of July  
2010, by Matthew R Perry  
(name of person seeking acknowledgment)  
Karen Pendergrast Gaskins  
Notary Public  
My commission expires: 5/31/2010

PETITIONER'S

EXHIBIT NO. 2

2011-0081-SPHA

Owner:  
Carol A Reed

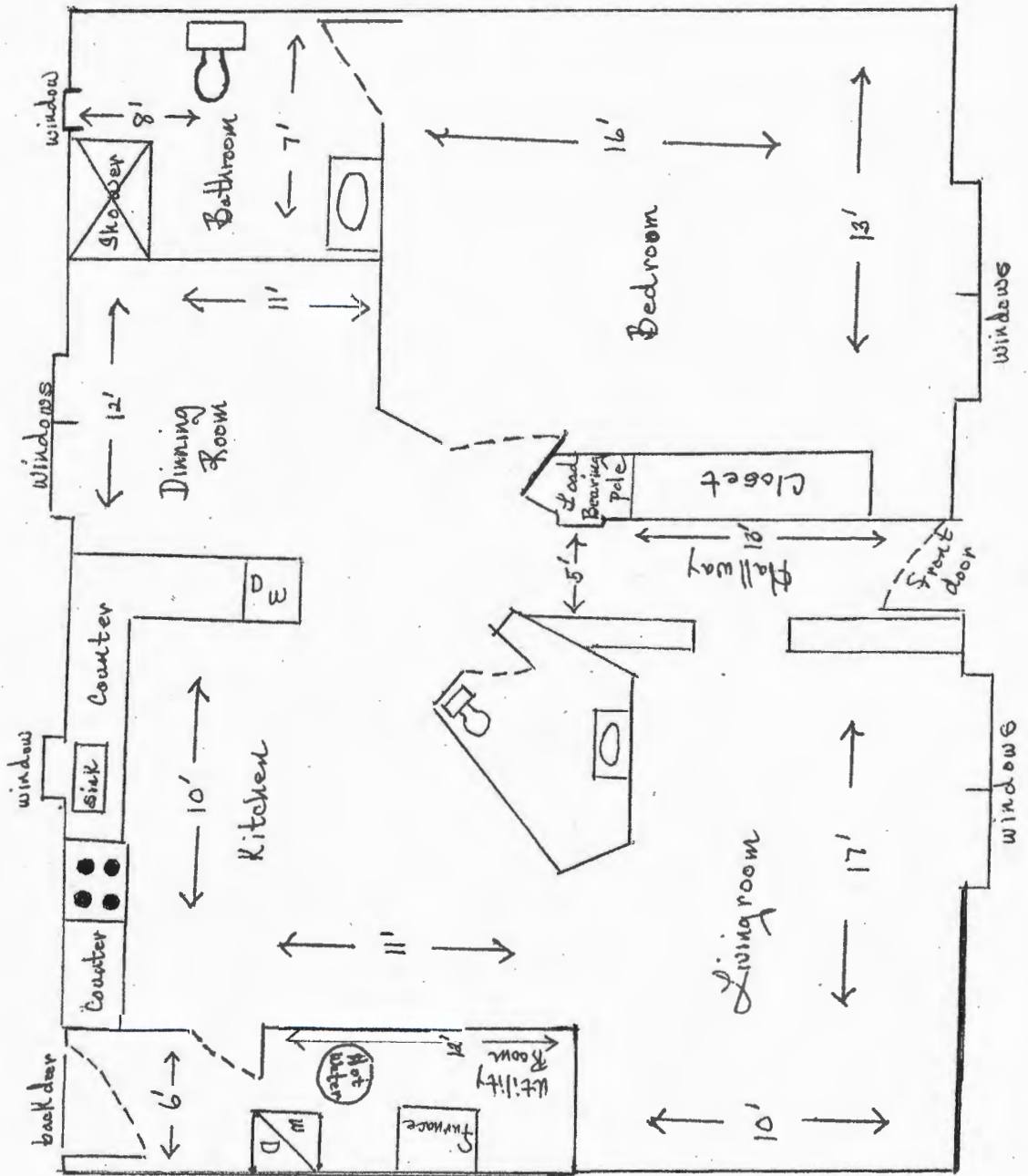
4800 Deer Park Rd Swings Mills

Lower Level

Accessory Building

Living Space

Intended Use for Owner

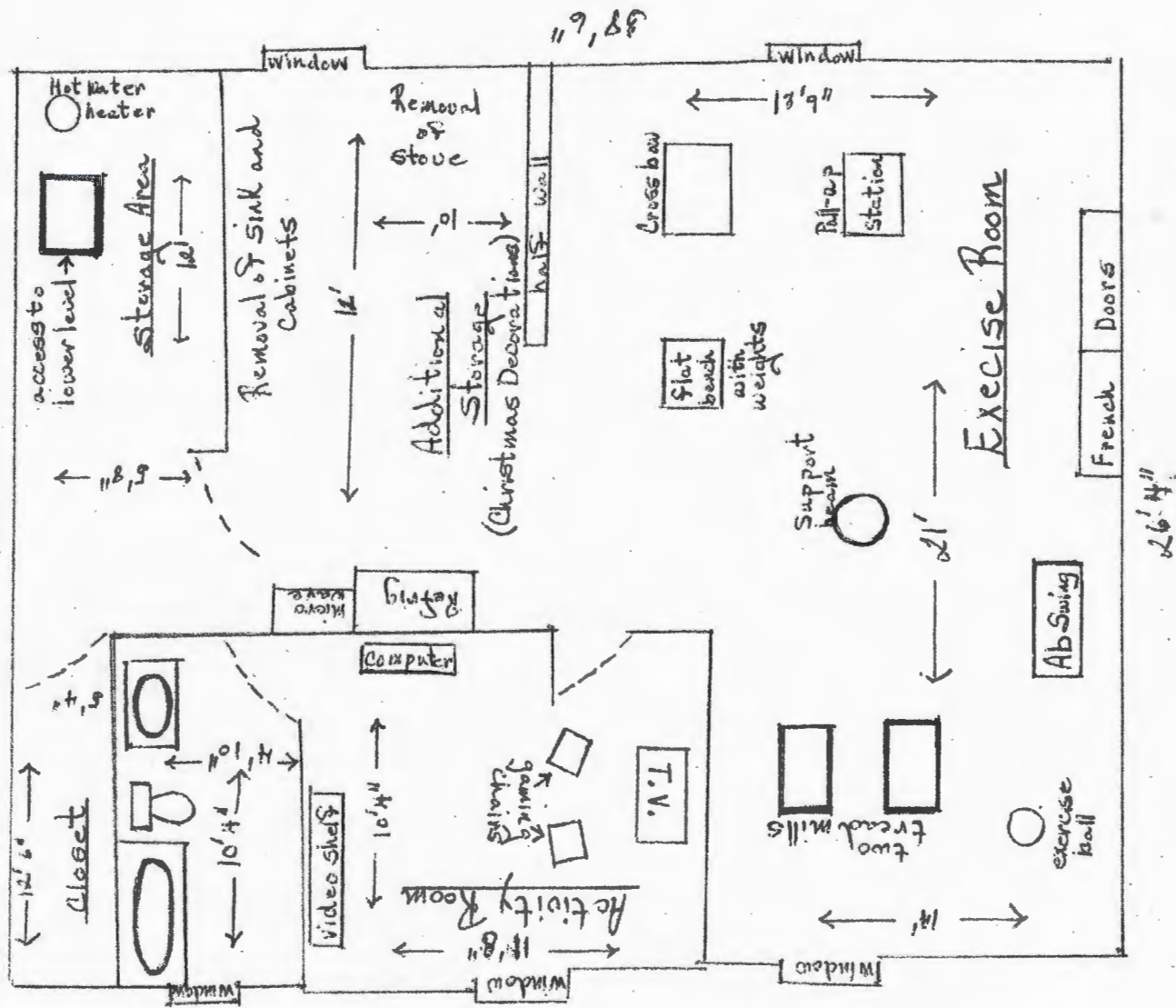


PETITIONER'S

EXHIBIT NO.

3A

Owner:  
 Carol A Reed  
 4800 Deer Park Rd  
 Owings Mills, MD 21117  
 Upper Unit in  
 Accessory Building -  
 Intended Use



PETITIONER'S

3B

EXHIBIT NO.



22' height



26.4' wide

PETITIONER'S

EXHIBIT NO.

4

38.5' long

2011-0081-SPHA



22' height



26.4' wide

38.5' long

2011-0081-SPHA



0219270080 4812 00001513 RC 5 BL CR  
0219270140 1600001508 4807  
1600014226 4808 1600013320 4805  
0207581151 4800 1600002409 4729  
4 CD RC 5  
NW 10-K 066B2 2 ED RC 4  
0202000080  
2100004959 1700003496  
0214000031 1800001512  
2100004960 0214000030 4716  
Lot # 12 Lot # 13

2011-0081-SPHA



22' height



26.4' wide

PETITIONER'S

EXHIBIT NO. 4

38.5' long

2011-0081-SPHA

# PETITION

**Zoning Hearing Case #2011-0081-SPHA**  
**4800 Deer Park Road**  
**2<sup>nd</sup> Election District- 4<sup>th</sup> Councilmanic District**  
**Legal Owner: Carol Reed**

**Special Hearing** to approve an existing in-law apartment on the second floor of an accessory building for the convenience of the owner, and a **Variance** to permit the existing accessory building to remain at a height of 22 feet instead the maximum of 15 feet.

We the undersign, are in favor of allowing the legal owner, Carol Reed, the right to have an existing in-law suite on the second floor of the pre-existing accessory building for her convenience. We also are without complaint regarding the height of the building being 22 feet instead of a maximum of 15 feet.

| NAME (print)             | ADDRESS           | PHONE NO.          | SIGNATURE                |
|--------------------------|-------------------|--------------------|--------------------------|
| James Goff               | 4805 Deer Park Rd | 410-521-4805       | James Goff Jr.           |
| Brian Grempler           | 4805 Deer Park Rd |                    | Brian Grempler           |
| James P. Goff Sr.        | 4805 DEER PARK Rd |                    | James P. Goff Sr.        |
| Amber M. Goff            | 4805 Deer Park Rd | 413-869-0363       | Amber M. Goff            |
| Jennifer Hahn            | 4729 Deer Park Rd | 443-414-9777       | Jennifer Hahn            |
| William L. Hahn          | 4729 Deer Park Rd | 410-948-5896       | William L. Hahn          |
| Josua Heimberger         | 4713 Deer Park Rd | 410-961-3043       | Josua Heimberger         |
| Barbara Knight           | 4713 Deer Park Rd | 443-851-6191       | Barbara Knight           |
| Richard Knight           | 4713 Deer Park Rd | 443-777-5598       | Richard Knight           |
| Elliot & Kimberly Peters | 4721 Deer Park Rd | 410-521-1959       | Elliot & Kimberly Peters |
| Lester Parks             | 4711 Deer Park Rd | 21117 410-496-5388 | Lester Parks             |
| Thomas Parks             | 4711 Deer Park Rd | 21117 410-496-5388 | Thomas Parks             |
| John L. Parks            | 4711 Deer Park Rd | (443) 547-3810     | John L. Parks            |

**PETITIONER'S**

**EXHIBIT NO.**

5

PETITION OF: J. GARY AND  
BARBARA MUELLER

\*

\* IN THE

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY BOARD  
OF APPEALS OF BALTIMORE CO.

\*

CIRCUIT COURT

\*

FOR BALTIMORE COUNTY

IN THE CASE OF:

\*

J. GARY AND BARBARA MUELLER

\*

Case No.: 03-C-09-07062

\* \* \* \* \*

#### OPINION AND RULING

This matter comes before this Court on a Petition for Judicial Review of the May 18, 2009 decision by the County Board of Appeals of Baltimore County (hereinafter "the Board").

#### BACKGROUND

The Petitioners in this case live in a 4600-square-foot single family home that sits on a 1.78acre lot in the Cockeysville area of Baltimore County. Behind the Petitioners' home to the rear of the property there is a detached garage which the Petitioners have upgraded and turned into a separate living space for their son Cole who is a college student. It is the converted garage structure which is the subject of the zoning dispute in this case.

The Petitioners originally sought to have this use ratified by the Office of the Zoning Commissioner of

PETITIONER'S

EXHIBIT NO. 6

Baltimore County and then after being denied subsequently took a de novo appeal to the Board. In its opinion denying the use requested by the Petitioners the Board found that the converted garage was an "accessory structure" and that the in-law apartment use as an accessory structure was not permitted by the Baltimore County Zoning Regulations (hereinafter, "BCZR"). The Petitioners now take this appeal of the Boards' decision.

#### STANDARD OF REVIEW

"Judicial review of administrative agency action is narrow". United Parcel Service, Inc. v. People's Counsel for Baltimore County, 336 Md. 569, 576 (2000). This Court may not substitute its own judgment for that of the administrative agency. Id. at 576-77. "[The] Court's role is limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." Id. at 577.

#### OPINION

The Petitioners argue, and this Court agrees, that if the Board makes a finding that an "accessory structure" exists the Board must then consider whether the specific use of that structure is proper in light of BCZR § 502.1.

The record clearly establishes that the converted garage at issue here was found to be an "accessory structure" by the Board. The Board's next step therefore should have been to determine by way of a hearing if the specific use Petitioners had requested, a living area for their son Cole, is permissible under BCZR § 502.1.

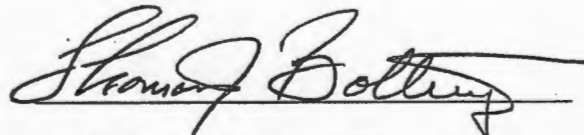
This Court finds that the Board erroneously concluded that an "accessory structure" may never be occupied by any person, including family members. The Board suggests in its May 18, 2009 opinion that it "cannot find anything in the BCZR that permits such an apartment as an accessory structure." The Board is correct that nothing in BCZR specifically allows a person use an accessory structure as a living space. This Court notes, however, that there is also nothing in the BCZR that specifically prohibits a person from living in an accessory structure.

This Court views that lack of prohibition in the BCZR together with a documented history of in-law apartments having being allowed in the past in determining that use of accessory structures as in-law type apartments are not prohibited. The one qualification of this general rule has always been that the occupants of the in-law apartment must be members of the same immediate family.

It is undisputed that the Petitioners' son is the person who occupies the accessory structure at issue here and the he is a member of their immediate family. Therefore, the sole issue left for the Board to decide is if the use by the Petitioners' son is somehow detrimental to the health, safety and general welfare of the area.

RULING

Accordingly, on this 15<sup>th</sup> day of March, 2010, the Circuit Court of Baltimore County hereby **REVERSES** the Opinion and Order of the County Board of Appeals of Baltimore County and **REMANDS** for a hearing on whether the specific use is permissible under BCRZ 502.1.



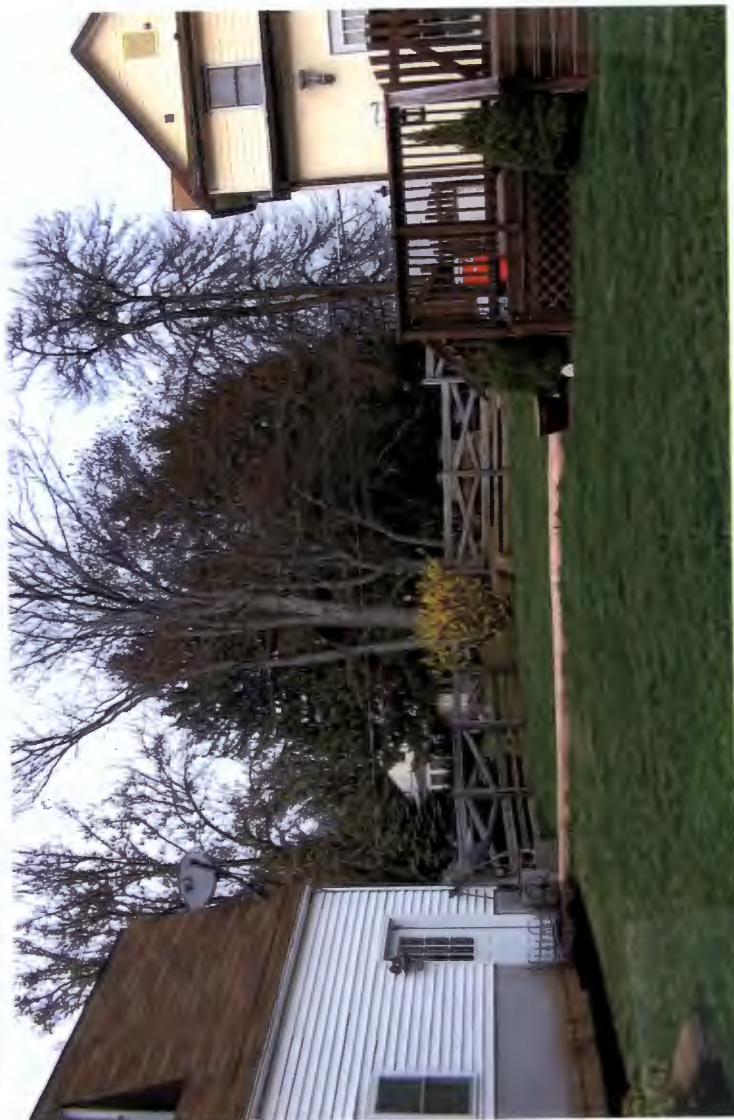
THOMAS J. BOLLINGER, JUDGE

CC: Lawrence E. Schmidt, esq.  
Carole DeMillo, esq.  
Michael R. McCann esq.

Case No: 11-081-SPHA Case Name: In the Matter of Carol Reed  
Exhibit List

Party: Petitioner Date: 4/12/11

| Exhibit No:                                 | Description:                                 |
|---------------------------------------------|----------------------------------------------|
| ✓ 1A                                        | Photo Side main house                        |
| ✓ 1B                                        | Photo Side main house + Acc Bldg             |
| ✓ 1C                                        | Photo 2 Bldgs                                |
| ✓ 1D                                        | Photo Acc Bldg                               |
| ✓ 1E                                        | Photo Frontal Acc Bldg                       |
| ✓ 1F                                        | Photo 20 Step staircase                      |
| ✓ 1G                                        | Photo Acc Bldg - siding                      |
| ✓ 1H                                        | Photo siding main house                      |
| ✓ 2                                         | Statement of Matthew + Sarah Pany            |
| ✓ 3                                         | Plat 3/2/1981                                |
| ✓ 4                                         | Plat.                                        |
| ✓ 5                                         | Drawing of Pet Apartment. <sup>2 pages</sup> |
| ✓ 6                                         | Statements of Neighbors Support.             |
| VERIFIED BY <u>tlw</u> DATE: <u>4/12/11</u> |                                              |







Matthew and Sarah Perry  
3100 Timber Ridge Circle  
White Hall, MD 21161  
410-905-5508

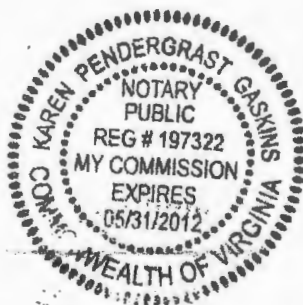
Pet. Exhibit 3  
11-081-SPHA  
Carol Reed

To whom it may concern:

We would like to certify as previous owners of 4800 Deer Park Road that there was a living quarters above the garage as early as 1987, including a kitchen and a bathroom. The second owners of the property, Dave and Libby Hagen built this living area for family members to live in. When they sold us the home in 2003, they listed the property as having an in-law suite above the garage.

If you have any questions do not hesitate to contact me at the above number.

*Matthew R Perry*  
Matthew R. Perry



County/City of Chesapeake  
Commonwealth/State of Virginia  
The foregoing instrument was acknowledged  
before me this 9 day of July  
2010, by Matthew R Perry  
(name of person seeking acknowledgment) Karen Pendergrast Gaskins  
Notary Public  
My commission expires: 5/31/2010

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

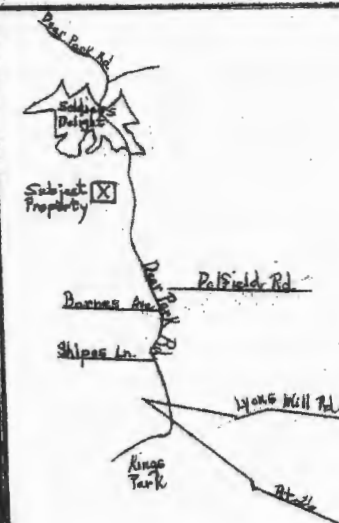
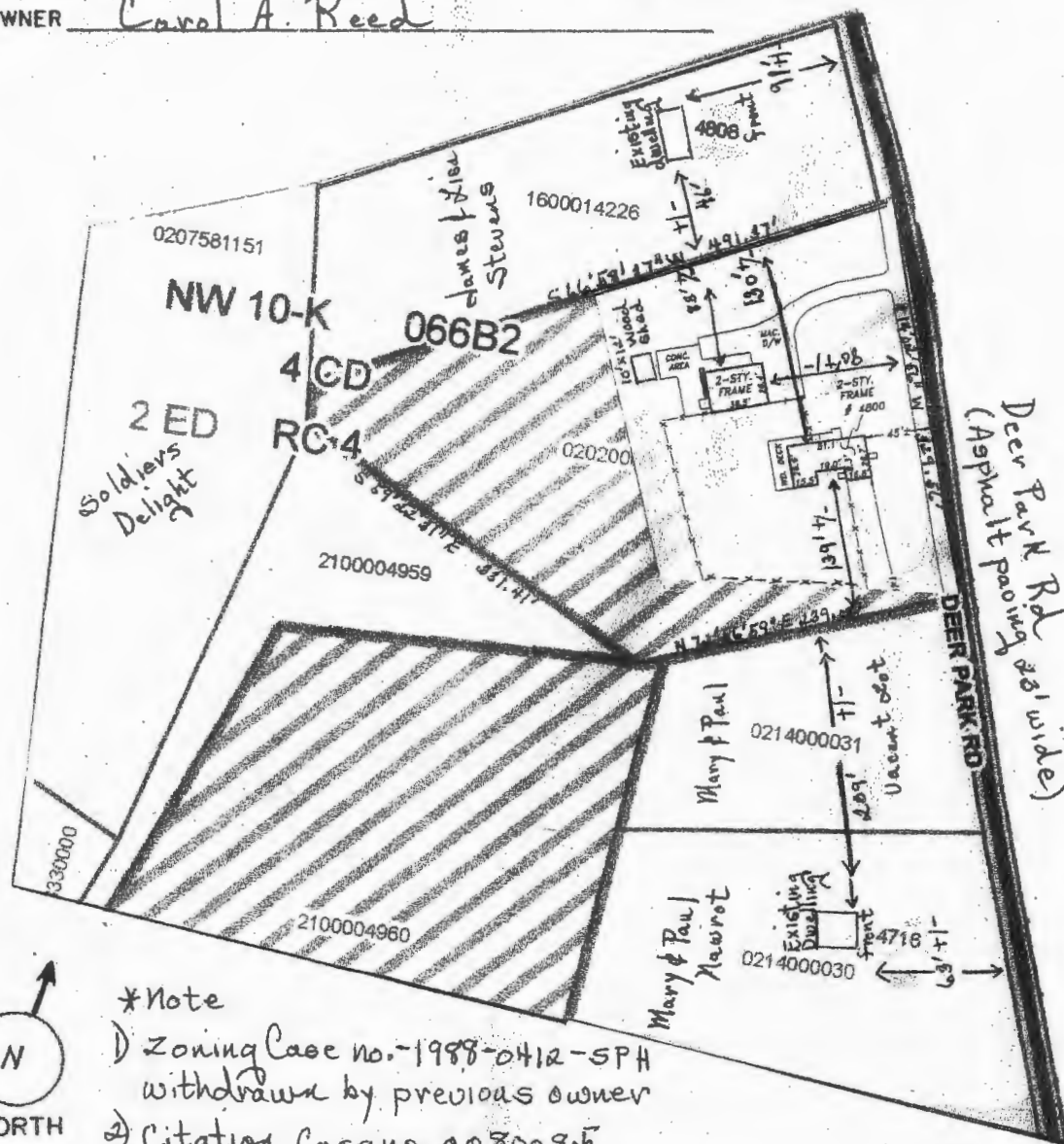
PROPERTY ADDRESS 4900 Deer Park Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME n/a

| PLAT BOOK # | FOLIO # | LOT # | SECTION # |
|-------------|---------|-------|-----------|
| 1           | 1       | 1     | 1         |
| 2           | 2       | 2     | 2         |
| 3           | 3       | 3     | 3         |
| 4           | 4       | 4     | 4         |
| 5           | 5       | 5     | 5         |
| 6           | 6       | 6     | 6         |
| 7           | 7       | 7     | 7         |
| 8           | 8       | 8     | 8         |
| 9           | 9       | 9     | 9         |
| 10          | 10      | 10    | 10        |
| 11          | 11      | 11    | 11        |
| 12          | 12      | 12    | 12        |
| 13          | 13      | 13    | 13        |
| 14          | 14      | 14    | 14        |
| 15          | 15      | 15    | 15        |
| 16          | 16      | 16    | 16        |
| 17          | 17      | 17    | 17        |
| 18          | 18      | 18    | 18        |
| 19          | 19      | 19    | 19        |
| 20          | 20      | 20    | 20        |
| 21          | 21      | 21    | 21        |
| 22          | 22      | 22    | 22        |
| 23          | 23      | 23    | 23        |
| 24          | 24      | 24    | 24        |
| 25          | 25      | 25    | 25        |
| 26          | 26      | 26    | 26        |
| 27          | 27      | 27    | 27        |
| 28          | 28      | 28    | 28        |
| 29          | 29      | 29    | 29        |
| 30          | 30      | 30    | 30        |
| 31          | 31      | 31    | 31        |
| 32          | 32      | 32    | 32        |
| 33          | 33      | 33    | 33        |
| 34          | 34      | 34    | 34        |
| 35          | 35      | 35    | 35        |
| 36          | 36      | 36    | 36        |
| 37          | 37      | 37    | 37        |
| 38          | 38      | 38    | 38        |
| 39          | 39      | 39    | 39        |
| 40          | 40      | 40    | 40        |
| 41          | 41      | 41    | 41        |
| 42          | 42      | 42    | 42        |
| 43          | 43      | 43    | 43        |
| 44          | 44      | 44    | 44        |
| 45          | 45      | 45    | 45        |
| 46          | 46      | 46    | 46        |
| 47          | 47      | 47    | 47        |
| 48          | 48      | 48    | 48        |
| 49          | 49      | 49    | 49        |
| 50          | 50      | 50    | 50        |
| 51          | 51      | 51    | 51        |
| 52          | 52      | 52    | 52        |
| 53          | 53      | 53    | 53        |
| 54          | 54      | 54    | 54        |
| 55          | 55      | 55    | 55        |
| 56          | 56      | 56    | 56        |
| 57          | 57      | 57    | 57        |
| 58          | 58      | 58    | 58        |
| 59          | 59      | 59    | 59        |
| 60          | 60      | 60    | 60        |
| 61          | 61      | 61    | 61        |
| 62          | 62      | 62    | 62        |
| 63          | 63      | 63    | 63        |
| 64          | 64      | 64    | 64        |
| 65          | 65      | 65    | 65        |
| 66          | 66      | 66    | 66        |
| 67          | 67      | 67    | 67        |
| 68          | 68      | 68    | 68        |
| 69          | 69      | 69    | 69        |
| 70          | 70      | 70    | 70        |
| 71          | 71      | 71    | 71        |
| 72          | 72      | 72    | 72        |
| 73          | 73      | 73    | 73        |
| 74          | 74      | 74    | 74        |
| 75          | 75      | 75    | 75        |
| 76          | 76      | 76    | 76        |
| 77          | 77      | 77    | 77        |
| 78          | 78      | 78    | 78        |
| 79          | 79      | 79    | 79        |
| 80          | 80      | 80    | 80        |
| 81          | 81      | 81    | 81        |
| 82          | 82      | 82    | 82        |
| 83          | 83      | 83    | 83        |
| 84          | 84      | 84    | 84        |
| 85          | 85      | 85    | 85        |
| 86          | 86      | 86    | 86        |
| 87          | 87      | 87    | 87        |
| 88          | 88      | 88    | 88        |
| 89          | 89      | 89    | 89        |
| 90          | 90      | 90    | 90        |
| 91          | 91      | 91    | 91        |
| 92          | 92      | 92    | 92        |
| 93          | 93      | 93    | 93        |
| 94          | 94      | 94    | 94        |
| 95          | 95      | 95    | 95        |
| 96          | 96      | 96    | 96        |
| 97          | 97      | 97    | 97        |
| 98          | 98      | 98    | 98        |
| 99          | 99      | 99    | 99        |
| 100         | 100     | 100   | 100       |

OWNER Carol A. Reed



### LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1"=200' SCALE MAP # 066 B2

ZONING RC-4

LOT SIZE 2.764 119,791  
ACREAGE SQUARE FEET

|       | PUBLIC                   | PRIVATE                             |
|-------|--------------------------|-------------------------------------|
| SEWER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| WATER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

CHESAPEAKE BAY  
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/  
BUILDING ☐ ☒

PRIOR ZONING HEARING 1998-0412-SPH

**ZONING OFFICE USE ONLY**

REVIEWED BY ITEM # CASE #

PREPARED BY

SCALE OF DRAWING: 1" = 150'

Ref. Exhibit-4

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 4800 Deer Park Rd.

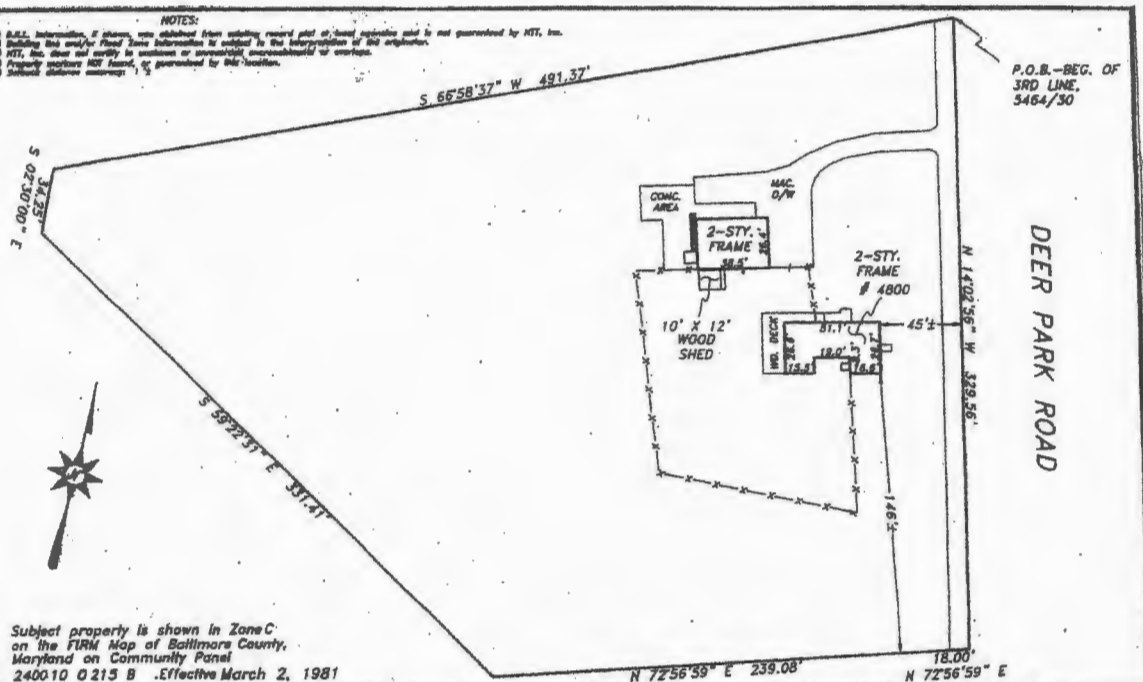
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME n/a

PLAT BOOK #      FOLIO #      LOT #      SECTION #     

OWNER Carol A. Reed

NOTES:  
1) N.T.S. Information, if shown, was obtained from existing record plat or land subdivision and is not guaranteed by N.T.S., Inc.  
2) Building this and/or Flood Zone Information is subject to the interpretation of the originator.  
3) N.T.S., Inc. does not certify to accuracy or completeness of work.  
4) Property boundaries not shown, or guaranteed by N.T.S. location.  
5) National distance surveying 1" = 1'.



Subject property is shown in Zone C on the FIRM Map of Baltimore County, Maryland on Community Panel 240010 0215 B Effective March 2, 1981

This is to certify that I have surveyed the property shown hereon, being known as 4800 Deer Park Road, as described in a deed recorded among the land records of Baltimore County, Maryland in Liber 17800 folio 649 for the purpose of locating the improvements thereon.

LOCATION DRAWING  
4800 Deer Park Road  
Baltimore County, Maryland  
Election District - 2

Scale: 1" = 60'  
Date: 12-12-06  
Field By: M.R.H.  
Drawn By: M.R.H.  
Drawing # 19600LFBEL



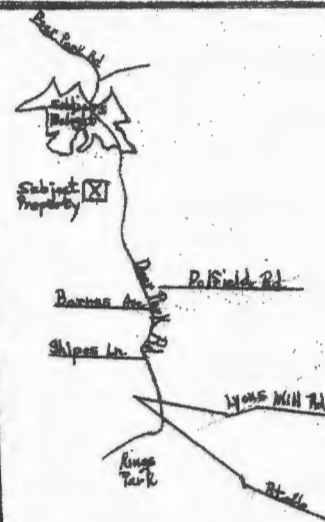
NORTH

\* NOTE:

1. ZONING CASE NO. 1988-0412-SPH WITHDRAWN BY PREVIOUS OWNER
2. CITATION CASE NO. 0080005

PREPARED BY

SCALE OF DRAWING: 1" = 60'



## LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 066B2

ZONING RC-4

LOT SIZE 2.764 119,791  
ACREAGE SQUARE FEET

|       | PUBLIC                   | PRIVATE                             |
|-------|--------------------------|-------------------------------------|
| SEWER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| WATER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

CHESAPEAKE BAY  
CRITICAL AREA

YES NO  
☐ ☒

100 YEAR FLOOD PLAIN

☐ ☒

HISTORIC PROPERTY/  
BUILDING

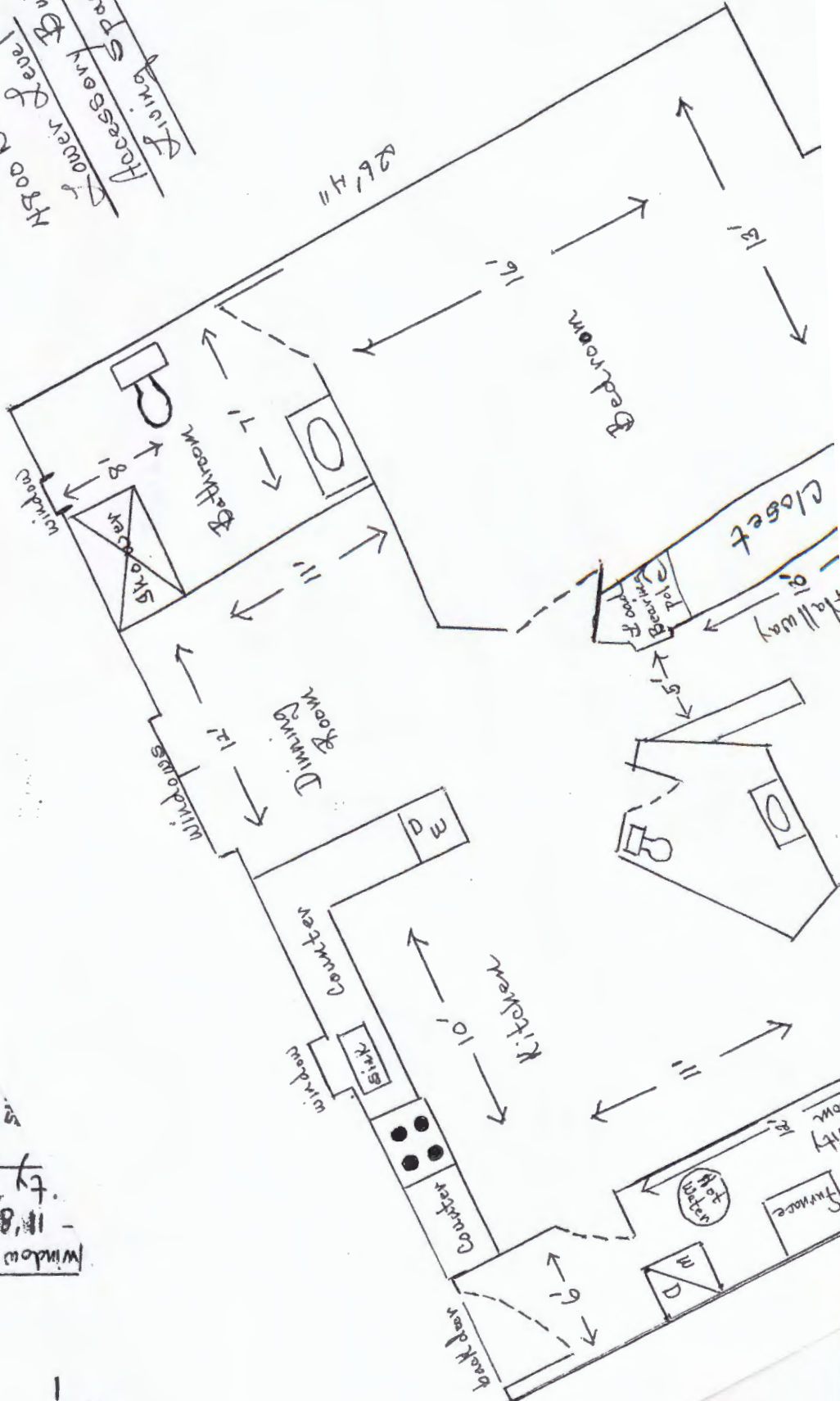
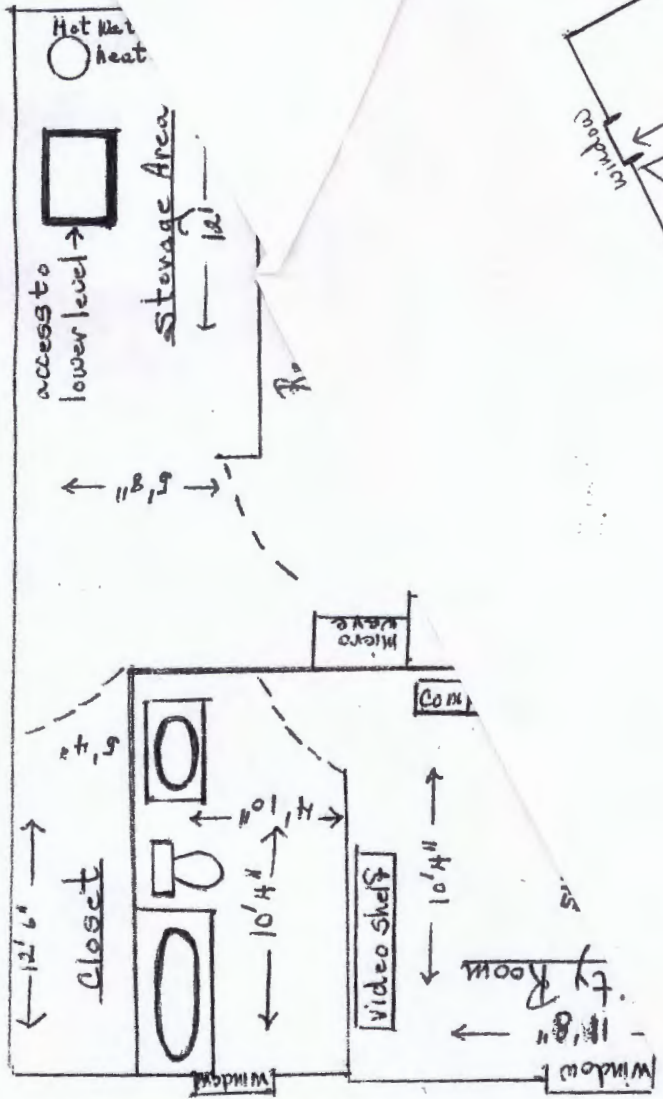
☐ ☒

PRIOR ZONING HEARING 1988-0412-SPH

ZONING OFFICE USE ONLY  
REVIEWED BY      ITEM #      CASE #

Case

Living Space  
Horseshoe Building  
Lower Level  
Horseshoe Building  
Carol A. Reed  
Horseshoe Building  
Wingsville



2<sup>nd</sup> Election District- 4<sup>th</sup> Councilmanic District  
Legal Owner: Carol Reed

Pet. Exhibit 6  
Case No: 11-081-  
SP44

**Special Hearing** to approve an existing in-law apartment on the second floor of an accessory building for the convenience of the owner, and a **Variance** to permit the existing accessory building to remain at a height of 22 feet instead the maximum of 15 feet.

We the undersign, are in favor of allowing the legal owner, Carol Reed, the right to have an existing in-law suite on the second floor of the pre-existing accessory building for her convenience. We also are without complaint regarding the height of the building being 22 feet instead of a maximum of 15 feet.

| NAME (print)             | ADDRESS           | PHONE NO.          | SIGNATURE                |
|--------------------------|-------------------|--------------------|--------------------------|
| James Goff               | 4805 Deer Park Rd | 410-521-4805       | James Goff Jr.           |
| Brian Grempler           | 4805 Deer Park Rd |                    | Brian Grempler           |
| James P. Goff Sr.        | 4805 Deer Park Rd |                    | James P. Goff Sr.        |
| Amber M. Goff            | 4805 Deer Park Rd | 413-869-0363       | Amber M. Goff            |
| Jennifer Hann            | 4729 Deer Park Rd | 443-414-9777       | Jennifer Hann            |
| William L. Hann          | 4729 Deer Park Rd | 410-948-5896       | William L. Hann          |
| Isabou Heimberger        | 4713 Deer Park Rd | 410-961-3043       | Isabou Heimberger        |
| Barbara Knight           | 4713 Deer Park Rd | 443-851-6191       | Barbara Knight           |
| Richard Knight           | 4713 Deer Park Rd | 443-777-5578       | Richard Knight           |
| Elliot & Kimberly Peters | 4721 Deer Park Rd | 410-521-1959       | Elliot & Kimberly Peters |
| Leslie Parks             | 4711 Deer Park Rd | 21117 410-496-5388 | Leslie Parks             |
| Thomas J. Parks          | 4711 Deer Park Rd | 21117 410-496-5388 | Thomas J. Parks          |
| John L. Parks            | 4711 Deer Park Rd | (443) 547-1810     | John L. Parks            |

Deer Park  
Thomas J. Parks

Case No: 11-081-SPHA Case Name: In The Matter of Carol Reed

Exhibit List

Party: People's Counsel Date: 4/12/11

| Exhibit No: | Description:                                                                           |
|-------------|----------------------------------------------------------------------------------------|
| ✓ 1         | Building Permit.                                                                       |
| ✓ 2A.       | Photo Bldgs + Son in law                                                               |
| ✓ 2B        | Photo Acc Bldg + Cars.                                                                 |
| ✓ 2C        | Photo Washington <sup>(Stairs)</sup> + Tenant.                                         |
| ✓ 2D        | Photo of <del>NOT IDENTIFIED</del> <sup>(appears back of acc Bldg)</sup> <sub>tr</sub> |
| ✓ 2E        | Photo from Road + 2 Bldgs.                                                             |
| ✓ 2F        | Same as 2D but ? <sup>(view from back)</sup> <sub>tr</sub>                             |
| ✓ 2G        | Photo Shed.                                                                            |
| 2H          |                                                                                        |
| ✓ (3)       | Q/Planning 9/16/10 Recommendation.                                                     |
| ✓ 4         | Petition Special Exception 1988<br>3 pages                                             |
|             |                                                                                        |
|             |                                                                                        |
|             |                                                                                        |
|             | VERIFIED BY <u>tr</u> DATE: <u>4/11/11</u>                                             |

PC Ex: 1 11-081-SPHA

# BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

*Timothy Kotroco*

TIMOTHY M. KOTROCO, Director



*Donald E. Brand*

DONALD E. BRAND, Buildings Engineer

### BUILDING PERMIT

PERMIT #: B692351 CONTROL #: MR DIST: 02 PREC: 21  
DATE ISSUED: 04/22/2008 TAX ACCOUNT #: 0202000080 CLASS: 04

PLANS: CONST 00 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO  
LOCATION: 4800 DEER PARK RD  
SUBDIVISION: 750FT N OF DOLFIELD RD

#### OWNERS INFORMATION

NAME: REED CAROL  
ADDR: 4800 DEER PARK RD OWINGS MILLS MD 21117-4712

#### TENANT:

CONTR: REED CAROL

ENGR:

SELLR:

WORK: CHANGE OF OCCUPANCY FROM DETACHED GARAGE TO  
RESIDENTIAL STORAGE/WORK SHOP. ALTERATION TO  
REMOVE EXISTING GARAGE DOORS & INSTALL WINDOWS  
& DOOR 770SF. NOT FOR COMMERCIAL USE

#### BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & ACCESSORY STRUCTURE ALT & COC  
EXISTING USE: SFD & DETACHED GARAGE

#### TYPE OF IMPRV: ALTERATION

USE: OTHER - RESIDENTIAL

#### FOUNDATION:

SEWAGE: PRIV. EXISTS

#### BASEMENT:

WATER: PRIV. EXISTS

#### LOT SIZE AND SETBACKS

SIZE: 2.760AC

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC

SIDE STR SETB:

REAR SETB: NC

02R INSPECTOR COPY

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

11-081-SPH4  
Pe 24

06/25/2010



CASE NO 11-081-S0244  
PC 2  
B



06/25/2010

Case NO 11-081-SP/HA Rez  
2

06/25/2010

Case No 11-081-SP44

PC 2  
D



06/25/2010

04/11/2011

PC 2E

CASE NO: 11-081-SRHA

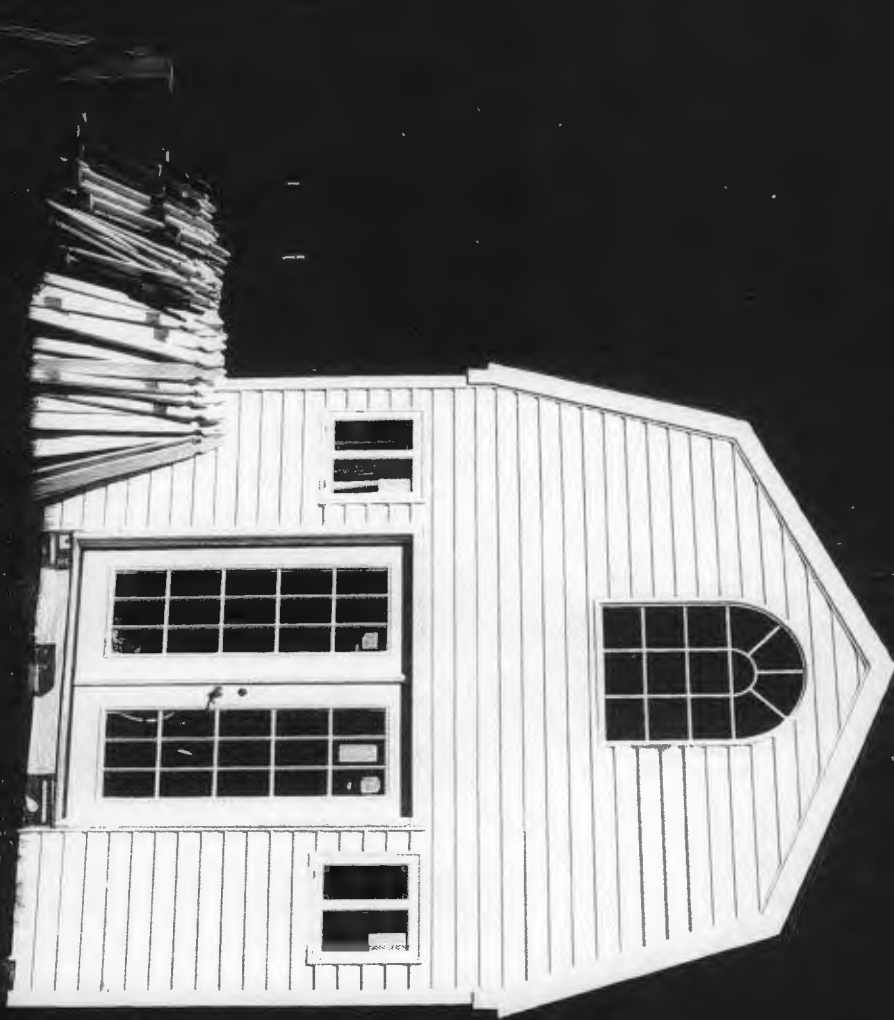




PE 2 F  
CASE NO.  
11-08-3144

04/11/2011

06/25/2010



Case No: 01-081-  
SPHA

Re  
270

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** September 16, 2010

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

**SUBJECT:** 4800 Deer Park Road

**INFORMATION:**

**Item Number:** 11-081

**Petitioner:** Carol A. Reed

**Zoning:** RC 4

**Requested Action:** Variance and Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and accompanying site plan and offers the following comments after visiting the site and speaking with the petitioner it appears that the subject garage constructed more than 20 years ago.

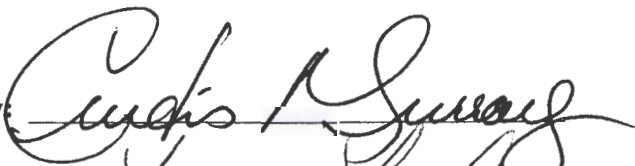
The property received a violation from code enforcement in April 2008. The complaint was filed alleging construction of an illegal apartment above the garage in Case 0040963. A building permit (B692351) issued for the subject property indicated the construction of a workshop above the garage, thus closing the aforementioned code violation investigation and case.

In June of 2010 a new complaint was filed Case 0080085, this complaint was for an apartment above the garage...

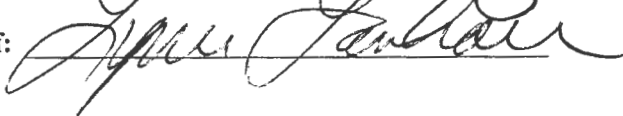
Nonetheless, the Office of Planning recommends denial of the requested variances and special hearing.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:  
AFK/LL: CM



PC 4 11-081-SPHA.

88 412-SPH

#256

# PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

To allow the existing additional dwelling unit to continue as constructed.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

David Hagen

(Type or Print Name)

Signature

Libby Hagen

(Type or Print Name)

Signature

|       |         |
|-------|---------|
| MAP   | NW10K   |
| IC    |         |
| E. D. | 2nd     |
| DATE  | 7/28/11 |
| 200   | Bf.     |
| 1000  | X       |
| DP    |         |

Attorney for Petitioner:

Leonard J. Grossman

(Type or Print Name)

Signature

111 N. Charles Street

Address

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: 752-3666

4800 Deer Park Road

Address

Phone No.

Owings Mills, Maryland 21117

City and State

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

Name

Address

Phone No.

Date

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

BALTIMORE COUNTY, MARYLAND  
DEPT. OF FINANCE - REVENUE DIVISION  
COLLATERAL CASH RECEIPT

No. 47454

ter of this petition be advertised, as papers of general circulation through-  
public hearing be had before the Zoning  
Office Building in Towson, Baltimore  
1955, at 2 o'clock

1-14-88 ACCOUNT R-01-015-00  
AMOUNT \$ 100.00

PAID BY Building Manager's Office

256

B 00470000100000011111

VALIDATION OR SIGNATURE OF CASHIER

Robert Haines  
Commissioner of Baltimore County.

2011-0081-SPHA

11/7/11

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

CAROL REED, legal owner  
4800 Deer Park Road  
Owings Mills, Maryland 21117

Case No. 03-C-11-006731

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BOARD OF APPEALS OF  
BALTIMORE COUNTY  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

IN THE MANNER OF

CAROL REED  
Case No. 11-081-SPHA

RECEIVED

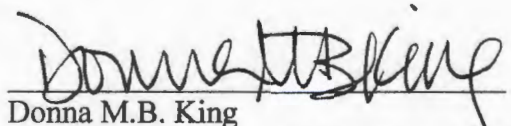
NOV 9 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

\* \* \* \* \*

NOTICE OF DISMISSAL

Petitioner Carol Reed and Respondent Office of People's Counsel, by their undersigned counsel, pursuant to Maryland Rule 2-506 hereby dismiss this appeal in its entirety.

  
Donna M.B. King  
Law Office of Donna M.B. King, LLC  
309 West Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 494-1005

Attorney for Petitioner Carol Reed

  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
*express permission*

Attorney for Respondent Office of  
People's Counsel

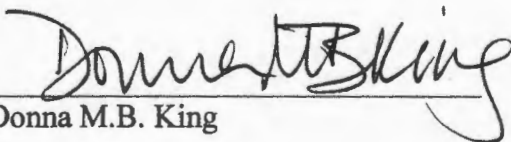
CIVIL DEPT. NOV 7 2011

### **CERTIFICATE OF SERVICE**

I hereby certify on this 7th day of November 2011, I served the foregoing Notice of Dismissal by facsimile and First Class mail to the following:

Board of Appeals  
of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Peter M. Zimmerman  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

  
Donna M.B. King

11/3/11

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

CAROL REED, legal owner  
4800 Deer Park Road  
Owings Mills, Maryland 21117

Case No. 03-C-11-006731

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BOARD OF APPEALS OF  
BALTIMORE COUNTY

Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

IN THE MANNER OF

CAROL REED  
Case No. 11-081-SPHA

RECEIVED

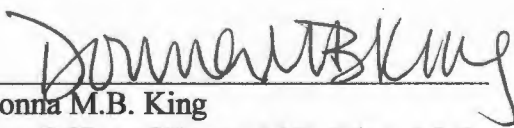
NOV 7 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

\* \* \* \* \*

NOTICE OF DISMISSAL

Petitioner Carol Reed, by her undersigned counsel, hereby dismisses this appeal in its entirety.

  
Donna M.B. King  
Law Office of Donna M.B. King, LLC  
309 West Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 494-1005 phone

Attorney for Petitioner Carol Reed

### **CERTIFICATE OF SERVICE**

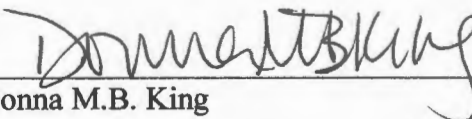
I hereby certify on this 3rd day of November 2011, I served the foregoing Notice of

Dismissal by First Class mail to the following:

Board of Appeals  
of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

---

Peter M. Zimmerman  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

  
Donna M.B. King

10/6/11

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED  
OCT 6 2011

PETITION OF:

CAROL REED, legal owner  
4800 Deer Park Road  
Owings Mills, Maryland 21117

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BOARD OF APPEALS OF  
BALTIMORE COUNTY  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

IN THE MANNER OF

CAROL REED  
Case No. 11-081-SPHA

Case No. 03-C-11-006731

\* \* \* \* \*

**SECOND CONSENT MOTION FOR EXTENSION OF TIME FOR PREPARATION  
OF TRANSCRIPT**

Petitioner Carol Reed, by and her attorney, requests a second extension of time in which Petitioner is to submit the transcript of the proceedings before the Baltimore County Board of Appeals ("Board"), and state as follows:

1. This is a second request for extension of time in which Petitioner is to prepare the transcript of the proceedings of the County Board of Appeals. In accordance with Maryland Rule 7-206(c), the transcript is to be prepared by Petitioner and sent to the Board for submission to the Circuit Court within sixty (60) days of the appeal. The Board originally requested the transcript from Petitioner by September 2, 2011 for submission by

September 6, 2011. On August 31, 2011, this Court granted an extension to October 5, 2011 for the preparation of the transcript.

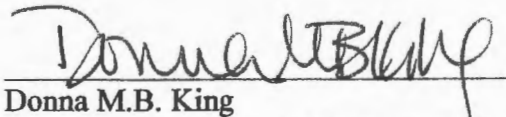
2. This appeal involves the right of Petitioner to have an apartment in an accessory building, namely, a garage, under the Baltimore County Zoning Regulations. The dispute here was whether the Baltimore County Zoning Regulations permit or prohibit such use. The parties requested and received the first extension of time because there was at the time a proposed amendment to the Zoning Regulations before the County Council that would amend the regulations to specifically permit such apartments. The amendment passed, Bill No. 49-11 before the County Council. Under the new law, because Petitioner's accessory apartment is in a separate building from the main house, she will need to file a Petition with the Zoning Commissioner. Petitioner is working on a new Petition and would like it to be filed before dismissing this action. Petitioner anticipates filing the new Petition in the next few weeks, and then will dismiss this action after the Petition is accepted for processing.

3. Petitioner requests that this Court permit, pursuant to Maryland Rule 7-206(d), an extension of time of one additional month in which Petitioner is to prepare the transcript. This extension of time likely will prevent Petitioner from undergoing the expense of preparing the transcript. Maryland Rule 7-206(c) permits a total time of 60 days for extensions. This new extension, with the prior extension, would equal 60 days.

4. The Office of People's Counsel, by Carole S. Demilio, Deputy People's Counsel, does not object to the extension.

WHEREFORE, Petitioner Carol Reed respectfully requests, pursuant to Maryland Rule 7-206(d), that this Court grant an extension of time of one additional month, to

November 5, 2011, in which Petitioner is to prepare the transcript of the Baltimore County Board of Appeals proceedings.

A handwritten signature in dark ink, appearing to read "Donna M.B. King", written over a horizontal line.

Donna M.B. King  
Law Office of Donna M.B. King, LLC  
309 West Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 494-1005 phone

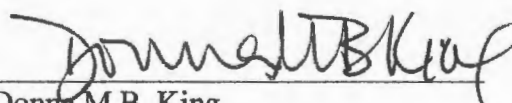
Attorney for Petitioner Carol Reed

### CERTIFICATE OF SERVICE

I hereby certify on this 4<sup>th</sup> day of October 2011, I served the foregoing Second Consent Motion for Extension of Time for Preparation of Transcript by First Class mail to the following:

Board of Appeals  
of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Peter M. Zimmerman  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

  
Donna M.B. King

10/4/11

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED  
OCT 6 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

PETITION OF:

CAROL REED, legal owner  
4800 Deer Park Road  
Owings Mills, Maryland 21117

Case No. 03-C-11-006731

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BOARD OF APPEALS OF  
BALTIMORE COUNTY  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

IN THE MANNER OF

CAROL REED  
Case No. 11-081-SPHA

\* \* \* \* \*

ORDER ON SECOND CONSENT MOTION FOR EXTENSION OF TIME FOR  
PREPARATION OF TRANSCRIPT

Upon consideration of Petitioner Carol Reed's Consent Motion for Extension of  
Time for Preparation of Transcript, and the consent of Office of People's Counsel, and for  
good cause shown, it is on this 4<sup>th</sup> day of October \_\_, 2011 hereby

ORDERED that, pursuant to Maryland Rule 7-206(d), Petitioner Carol Reed and  
Office of People's Counsel's Joint Motion for Extension of Time for Preparation of  
Transcript is GRANTED, and it is further

ORDERED that the deadline for preparation of the transcript of proceedings before  
the Baltimore County Board of Appeals is extended to November 5, 2011.

**True Copy Test**

JULIE L. ENSOR, Clerk

Per Donna Reddish  
Assistant Clerk

H. V. Stine  
Judge, Circuit Court for Baltimore County

FILED OCT 4 - 2011

CIRCUIT COURT FOR BALTIMORE COUNTY  
Julie L. Ensor  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258  
Maryland Toll Free Number (800) 938-5802

RECEIVED  
OCT 6 2011  
BALTIMORE COUNTY  
BOARD OF APPEALS

Case Number: 03-C-11-006731

TO: BOARD OF APPEALS  
Jefferson Bldg, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204



LAW OFFICE OF  
**DONNA M.B. KING, LLC**

309 W. Pennsylvania Avenue  
Towson, Maryland 21204

410-494-1005  
f 410-769-8333

[dking@dking-law.com](mailto:dking@dking-law.com)  
[www.dking-law.com](http://www.dking-law.com)

October 4, 2011

**RECEIVED**  
OCT 6 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

**BY FIRST CLASS MAIL**

Board of Appeals  
of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: *Petition of Carol Reed*  
On Appeal from the Board of Appeals of Baltimore County  
Case No. 11-081-SPHA

Dear Board and Ms. Demilio:

Enclosed please find Petitioner's Second Consent Motion for Extension of Time for Preparation of Transcript, along with the Order of the Circuit Court granting the motion.

Very truly yours,

Donna M.B. King

Enclosures

8/21/11

RECEIVED  
SEP 8 2011

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

BALTIMORE COUNTY  
BOARD OF APPEALS

PETITION OF:

CAROL REED, legal owner  
4800 Deer Park Road  
Owings Mills, Maryland 21117

Case No. 03-C-11-006731

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BOARD OF APPEALS OF  
BALTIMORE COUNTY  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

IN THE MANNER OF

CAROL REED  
Case No. 11-081-SPHA

\* \* \* \* \*

CONSENT ORDER ON MOTION FOR EXTENSION OF TIME  
FOR PREPARATION OF TRANSCRIPT

Upon consideration of Petitioner Carol Reed's Motion for Extension of Time for  
Preparation of Transcript, and for good cause shown, it is on this 31<sup>st</sup> day of August ✓, 2011  
hereby

ORDERED that, pursuant to Maryland Rule 7-108(c), Petitioner Carol Reed's Motion for  
Extension of Time for Preparation of Transcript is GRANTED, and it is further

ORDERED that the deadline, for preparation of the transcript of proceedings before the  
Baltimore County Board of Appeals, is extended to October 5, 2011.

True Copy Test

JULIE L. ENSOR, Clerk

Per Darlene Paulk  
Assistant Clerk

[Signature]  
Judge, Circuit Court for Baltimore County

FILED AUG 31 2011

CIRCUIT COURT FOR BALTIMORE COUNTY  
Julie L. Ensor  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258  
Maryland Toll Free Number (800) 938-5802

RECEIVED  
SEP 8 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

Case Number: 03-C-11-006731

TO: BOARD OF APPEALS  
Jefferson Bldg, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204



LAW OFFICE OF  
**DONNA M.B. KING, LLC**

309 W. Pennsylvania Avenue  
Towson, Maryland 21204

410-494-1005  
f 410-769-8333

[dking@dking-law.com](mailto:dking@dking-law.com)  
[www.dking-law.com](http://www.dking-law.com)

August 31, 2011

**RECEIVED**  
SEP 2 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

**BY FIRST CLASS MAIL**

Board of Appeals  
of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Peter M. Zimmerman  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: *Petition of Carol Reed*  
On Appeal from the Board of Appeals of Baltimore County  
Case No. 11-081-SPHA

Dear Board, Mr. Zimmerman and Ms. Demilio:

Enclosed please find Petitioner's Motion for Extension of Time for Preparation of Transcript, along with the Order of the Circuit Court granting the motion.

Very truly yours,

Donna M.B. King

Enclosures

8/31/11

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

CAROL REED, legal owner

4800 Deer Park Road

Owings Mills, Maryland 21117

Case No. 03-C-11-006731

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BOARD OF APPEALS OF  
BALTIMORE COUNTY

Jefferson Building

Second Floor, Suite 203

105 W. Chesapeake Avenue

Towson, Maryland 21204

IN THE MANNER OF

CAROL REED

Case No. 11-081-SPHA

\* \* \* \* \*

CONSENT MOTION FOR EXTENSION OF TIME FOR PREPARATION  
OF TRANSCRIPT

Petitioner Carol Reed, by her attorney, requests an extension of time in which Petitioner is to submit the transcript of the proceedings before the Baltimore County Board of Appeals ("Board"), and state as follows:

1. In accordance with Maryland Rule 7-108(a), the transcript is to be prepared by Petitioner and sent to the Board for submission to the Circuit Court within sixty (60) days of the appeal. The Board has requested the transcript from Petitioner by September 2, 2011 for submission by September 6, 2011.

2. This appeal involves the right of Petitioner to have an apartment in an accessory building, namely, a garage, under the Baltimore County Zoning Regulations.

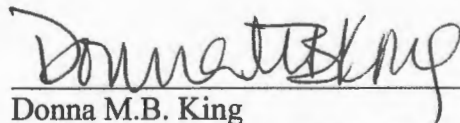
FILED AUG 31 2011

3. The dispute here is whether the Baltimore County Zoning Regulations permit or prohibit such use. There currently is a proposed amendment to the Zoning Regulations before the County Council on this issue. It is anticipated that the amendment will be ruled on later in September. If the amendment permits a use under certain conditions, Petitioner may apply for the use under the new legislation.

4. Petitioner requests that this Court permit, pursuant to Maryland Rule 7-108(c), an extension of time of one month in which Petitioner is to prepare the transcript. This extension of time may prevent Petitioner from undergoing the expense of preparing the transcript.

5. The Office of People's Counsel, by Carole S. Demilio, Deputy People's Counsel, does not object to the extension.

WHEREFORE, Petitioner Carol Reed respectfully requests, pursuant to Maryland Rule 7-108(c), that this Court grant an extension of time of one month, to October 5, 2011, in which Petitioner is to prepare the transcript of the Baltimore County Board of Appeals proceedings.



Donna M.B. King  
Law Office of Donna M.B. King, LLC  
309 West Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 494-1005 phone

Attorney for Petitioner Carol Reed

**CERTIFICATE OF SERVICE**

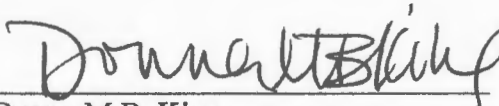
I hereby certify on this 31<sup>st</sup> day of August 2011, I served the foregoing Motion for

Extension of Time for Preparation of Transcript by First Class mail to the following:

**Board of Appeals  
of Baltimore County  
Jefferson Building**

Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Peter M. Zimmerman  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

  
Donna M.B. King

7/14/11  
IN THE PETITION OF CAROL REED  
FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

\* IN THE  
\*  
\* CIRCUIT COURT

IN THE CASE OF CAROL REED  
LEGAL OWNERS/PETITIONERS FOR SPECIAL  
HEARING AND VARIANCE ON PROPERTY LOCATED\*  
On W/S Deer Park Road, 740' NW c/line Dotfield Road  
(4800 Deer Park Road)

\*  
FOR

2<sup>nd</sup> Election District, 4<sup>th</sup> Councilmanic District

\* BALTIMORE COUNTY

Case No. 2011-081-SPHA  
Before the County Board of Appeals

\* Case No.: 03-C-11-006731

\* \* \* \* \*

**RESPONSE TO PETITION FOR JUDICIAL REVIEW**

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, in accordance with Maryland Rule 7-204, submits this response to the Petition for Judicial Review filed by CAROL REED and states that they intend to participate in this action for Judicial Review. The undersigned participated in the proceeding before the County Board of Appeals.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

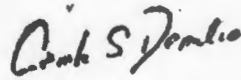
CAROLE S. DEMILIO  
Deputy People's Counsel  
The Jefferson Building  
105 W. Chesapeake Avenue, Room 204  
Towson, MD 21204  
(410) 887-2188

RECEIVED  
JUL 14 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of July, 2011, a copy of the foregoing Response to Petition for Judicial Review was mailed to County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, Maryland 21204 and Donna King, Esquire, Law Offices of Donna King, LLC, 309 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.



---

CAROLE S. DEMILIO  
Deputy People's Counsel for Baltimore County

7/14/11  
IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF:  
CAROL REED

CIVIL ACTION  
NO: 03-C-11-006731

FOR JUDICIAL REVIEW OF THE OPINION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
JEFFERSON BUILDING – ROOM 203  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

IN THE MATTER OF :  
CAROL REED – LEGAL OWNER/PETITIONER  
FOR SPECIAL HEARING AND VARIANCE ON  
THE PROPERTY LOCATED ON THE W/S DEER\*  
PARK ROAD, 740' NW C/LINE DOLFIELD RD  
(4800 DEER PARK ROAD)

2<sup>ND</sup> ELECTION DISTRICT  
4<sup>TH</sup> COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 11-081-SPHA

RECEIVED AND FILED

2011 JUL 14 AM 9:27

CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

\* \* \* \* \*

**CERTIFICATE OF COMPLIANCE**

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Donna M.B. King, Esquire  
309 W. Pennsylvania Avenue  
Towson, MD 21204

Carol Reed  
4800 Deer Park Road  
Owings Mills, MD 21117

James and Lisa Stevens  
4808 Deer Park Road  
Owings Mills, MD 21117

James Garland, Code Enforcement Inspector  
Office of Permits, Approvals and  
Inspections  
County Office Building  
111 W. Chesapeake Avenue, Suite 105  
Towson, MD 21204

Peter M. Zimmerman, Esquire  
Carole S. Demilio, Esquire  
Office of People's Counsel  
The Jefferson Building, Suite 204  
105 W. Chesapeake Avenue  
Towson, MD 21204

Lawrence M. Stahl, Managing Judge  
Office of Administrative Hearings  
The Jefferson Building, Suite 103  
105 W. Chesapeake Avenue  
Towson, MD 21204

Andrea Van Arsdale, Director  
Office of Planning  
The Jefferson Building, Suite 101  
105 W. Chesapeake Avenue  
Towson, MD 21204

Arnold Jablon, Director  
Office of Permits, Approvals and  
Inspections  
County Office Building  
111 W. Chesapeake Avenue, Suite 105  
Towson, MD 21204

Nancy C. West, Assistant County Attorney  
Office of Law  
400 Washington Avenue  
Towson, MD 21204

Michael Field, County Attorney  
Office of Law  
400 Washington Avenue  
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

**I HEREBY CERTIFY** that on this 14<sup>th</sup> day of July, 2011, a copy of  
the foregoing Certificate of Compliance has been mailed to the individuals listed above.

Sunny Cannington  
Sunny Cannington, Legal Secretary  
County Board of Appeals  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3180

7/11

CIRCUIT COURT FOR BALTIMORE COUNTY

Julie L. Ensor  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258  
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-11-006731

TO: BOARD OF APPEALS  
Jefferson Bldg, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204

RECEIVED

JUL 13 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED

JUL 13 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

PETITION OF:

CAROL REED, legal owner  
4800 Deer Park Road  
Owings Mills, Maryland 21117

\*

\*

\*

Case No.

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

\*

\*

BOARD OF APPEALS OF  
BALTIMORE COUNTY  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

\*

\*

\*

IN THE MANNER OF

\*

CAROL REED  
Case No. 11-081-SPHA

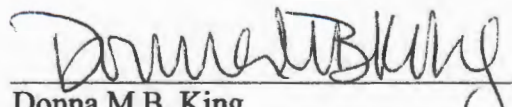
\*

\*

\* \* \* \* \*

PETITION FOR JUDICIAL REVIEW

Petitioner Carol Reed, by and through her undersigned attorney, in accordance with Maryland Rule 7-202, hereby requests judicial review of the Opinion and Order of the Board of Appeals of Baltimore County dated June 10, 2011. Petitioner was a party to the agency proceeding below.

  
Donna M.B. King  
Law Office of Donna M.B. King, LLC  
309 West Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 494-1005 phone

Attorney for Petitioner Carol Reed

2011 JUL -1 PM 3:11

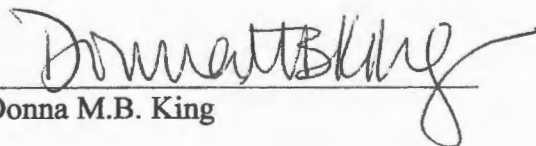
CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

# **CERTIFICATE OF SERVICE**

I hereby certify on this 1st day of July 2011, I served the foregoing Petition for  
Judicial Review by First Class mail to the following:

Board of Appeals  
of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Peter M. Zimmerman  
Carole S. Demilio  
Office of People's Counsel  
Jefferson Building  
Second Floor, Suite 204  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

  
Donna M.B. King

6/16/11  
IN THE MATTER OF  
CAROL REED/LEGAL OWNER - APPLICANT  
W/s Deer Park Rd; 740' NW of c/l of Dolfield Rd.  
(4800 Deer Park Road)  
2<sup>nd</sup> Election District, 4<sup>th</sup> Councilmanic District

RE: Petition for Special Hearing  
Petition for Variance

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CBA Case No.: 11-081-SPHA

\* \* \* \* \*

### OPINION

This case comes to the Board on an appeal from People's Counsel for Baltimore County, from a decision of the Zoning Commissioner (ZC) on a Petition for Special Hearing and Petition for Variance filed by Legal Property Owner, Carol Reed, which was granted with certain conditions. Petitioners sought relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to approve an existing in-law apartment within an existing accessory structure; and relief pursuant to Section 400.3 of the BCZR to permit the existing accessory building with a height of 22 feet, in lieu of the maximum allowed 15 feet.

A *de novo* hearing was held before the Board on April 12, 2011. Petitioner, Carol Reed was represented by Donna M.B. King, Esquire. People's Counsel participated and was represented by Deputy People's Counsel Carole S. Demilio. Oral argument was taken on April 12, 2011 at the close of the hearing and no closing briefs were submitted. A Public Deliberation was held on May 24, 2011.

### Background

The property in question is located on the west side of Deer Park Road, north of Dolfield Road, south of Soldiers Delight in Owings Mills. It is an irregularly shaped property and contains approximately 2.764 acres, more or less, zoned RC 4.; located in Baltimore County.

Carol Reed is the property owner. Ms. Reed purchased the property in 2006 for the purpose of allowing her daughter (Harley) and son-in-law (Mark) to live in the main house with her family and for Ms. Reed to live on the same property in an in-law apartment that had existed in the accessory building on the property when it was purchased. The dwelling house is an old structure, having been built in 1907. The accessory building is also old, but not as old as the original home. Initially, it appears that the accessory building was a barn or a large garage. When Ms. Reed purchased the property, the accessory building contained an apartment on the second floor.

Testimony and Evidence

In April of 2008, Ms. Reed received a building permit to make alterations to the accessory building. The building permit stated:

"change of occupancy from detached garage to residential storage/workshop. Alteration to remove existing garage doors and install windows and doors 770 SF. Not for commercial use."

When she purchased the property, Ms. Reed was told that there was a one bedroom apartment above the garage and that the previous owners had been renting it to the brother of the wife of the couple. Ms. Reed then stated that approximately two (2) years ago, she moved from the apartment above the garage to the first floor, because of the number of steps that were required to get to the second floor apartment. Ms. Reed stated that she was 65 and had no pension plan, only Social Security. It was her intention to live in the apartment to be near her family and that she would help take care of the children, run errands, and take care of the dog. Ms. Reed takes her meals with the family every evening.

Ms. Reed testified that the main house has three (3) bedrooms and two (2) baths and that the basement has a dirt floor and is unfinished. The attic has stairs going to it but is not suitable for living accommodations. She stated that there is only 4,000 square feet in the primary structure and there is not enough room for her to live in the primary structure.

No one lives upstairs in the apartment in the accessory building, but a friend of her son-in-law did live there for about a year, although he did not pay rent. She said that there is no plan to rent the upstairs apartment or her apartment.

Holly Washington, Ms. Reed's daughter testified on behalf of her mother and re-affirmed the testimony of Ms. Reed. She stated that her mother has medical issues and had been in the hospital for 4 or 5 days. She also stated that the attic was not suitable for a living space since a person could only stand up in the middle of the attic, where the roof peaked.

James Garland, a Baltimore County Building Inspector, testified on behalf of People's Counsel. He stated that he received a complaint in June of 2010 that a new garage was being built without a permit; and that someone was living in the upstairs of the accessory building. He visited the property and saw a large building near the main building with steps going up the outside leading to the upstairs. Mr. Garland inspected the building and issued a correction notice to file for a building permit and follow the zoning regulations, which led to the instant case.

On cross-examination, Mr. Garland stated that the accessory building is in the shape of a barn. He stated that the law allows a single family dwelling as well as a barn on the property. He had checked the records and there was no indication of permits for construction from 1989 forward. He stated that the owner had made an application after 1989, but that application was denied.

David Green of the Office of Planning also testified on behalf of People's Counsel. He stated that he had reviewed the current Petition and the position of the Office of Planning was that it was opposed to the apartment being occupied in the accessory building as well as the height of 22 feet, in lieu of the 15 feet that was sought in the Variance. He stated that the RC 4 zone allows for one family unit per property and if there were two (2) family units on a property, it could be detrimental to the drinking water in Baltimore County. He stated that an accessory use under the BCZR did not include the use of an apartment in an accessory building.

Closing Arguments

In closing argument, Ms. King argued that Ms. Reed was a member of the family unit. She stated that the family includes a parent or grandparent and that Ms. Reed helps with the children and functions as a member of the family unit.

She stated that it is clear that the accessory structure called a barn or a garage is on the same lot as the principal structure and contributes to the comfort, convenience or necessity of the occupants of the principal structure within the meaning of Section 101.1 of the BCZR. She stated that the wood siding on the main house and the accessory structure were similar and that the structure is included in the use of the main house. The structure was utilized for the comfort of the family and enabled the family to have their grandmother close to them to assist the family. She stated that it is long precedent in Baltimore County for permitting in-law apartments in structures within the County.

In support of her position, Counsel submitted for Petitioner, a number of decisions of the Zoning Commissioners. She also stated that the Mueller decision upon which the Zoning Commissioner based his decision was before the Court of Special Appeals now and should be

considered by the Board. She requested that the Board grant the Special Hearing and the Variance.

People's Counsel stated in her closing argument that two (2) principal uses are not permitted on the same property in the RC 4 zone by the BCZR. Unless a use is specifically authorized, it is not permitted. Two (2) separate dwelling units are present here. This is not one family detached unit.

People's Counsel cited two Decisions of this Board; case number 07-332 and 08-132, in support of her position. She stated that to her knowledge, the Board has never allowed an apartment to be occupied in an accessory building. Ms. Demilio cited BCZR Section 1A03.4B.5 that states:

"Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C.4 Zone, except that tenant dwellings may be approved if the Land Preservation Advisory Board certifies that:

a. Any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and

b. That any such dwelling, in the location proposed, will not interfere with the operation of the farm."

Ms. Demilio cites Kowalski v. Lamar 25 Md App. 493 and the Marzulla case at 366 Md 158 in support of her position. She also stated that with respect to the Variance, the Petitioner had not proved that the property was unique within the meaning of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995).

Decision

Section 101 of the Baltimore County Zoning Regulations (BCZR) sets forth the definition of Accessory Use and Accessory Building as follows:

**"ACCESSORY BUILDING**

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

**ACCESSORY USE OR STRUCTURE**

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

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

An accessory building or structure customarily contributes to the comfort and convenience of the primary building and serves the occupants thereof. Such examples are a garage, a tool shed, a swimming pool, etc.

Section 1A03.4B.5 states as follows:

"Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C.4 Zone, except that tenant dwellings may be approved if the Land Preservation Advisory Board certifies that:

- a. Any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and
- b. That any such dwelling, in the location proposed, will not interfere with the operation of the farm."

The property in question is 2.764 acre(s). It does not qualify as a 'farm'. The burden of proof for compliance with Section 500.7 is on the Petitioner. After a review of the evidence and testimony taken in this matter, the Board has determined that Petitioner has not met that burden of proof. An additional dwelling unit is prohibited by the Baltimore County Zoning Regulations and therefore the Special Hearing request to allow the additional dwelling unit in an accessory structure on Ms. Reed's property will be denied.

In support of its position, the Board cites its decision in the matter of Gary and Barbara Mueller, Case No.: 08-471-SPH. Reversed by the Baltimore County Circuit Court, Case No.:

03-C-09-07062, March 15, 2010, currently before the Court of Special Appeals, Case No.: 00304.

We also cite our decisions in the matter of Brian P. and Robin L. Znanirowski, Case No.: 07-332- SPHA, decided November 20, 2007 and in the matter of Christopher and Charlotte Oktavec, Case No.: 08-132-SPHA, decided January 20, 2009, affirmed by the Court of Special Appeals, Unreported, September Term 2009. The Board notes that the Mueller case involves property zoned RC 4, like the property in the instant case. The Znanirowski and Oktavec cases involve property zoned RC 5.

BCZR Section 1A03.4B.5 pertains to the RC 4 Zones. BCZR Section 1A04.3B.5 pertains to RC 5 Zones. Both Sections proscribe no more than one (1) dwelling unit per lot. In all three cases, the Board prohibited the use of a garage or separate building accessory structure as a second dwelling unit on a single lot.

All of the cases cited by Petitioners were cases decided by the Zoning Commissioners and were not appealed to the Board. They involved in-law apartments that were attached to the principal dwelling, or were in-law apartments in accessory structures granted by the Zoning Commissioner where there were no protestants at the hearings. The one North Carolina case cited by Petitioners involved a local ordinance which allowed accessory buildings to be inhabited or used by the owners of the property or its employees. The Court found that the inhabitants of the accessory building, the son and family of the owner of the property, were within the definition of "owners" within the meaning of the ordinance and allowed them to occupy the accessory building.

Since the Special Hearing is denied the issue with respect to the Variance is moot and will be denied.

**ORDER**

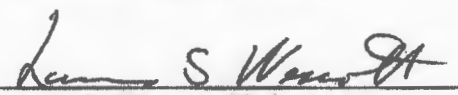
THEREFORE, IT IS THIS 10<sup>th</sup> day of June, 2011 by the Board of Appeals of Baltimore County

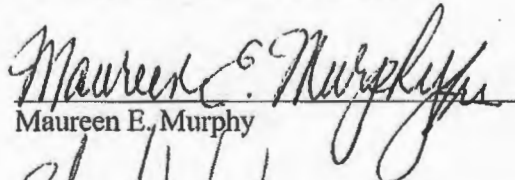
**ORDERED** that the Petitioners Request for Special Hearing relief filed pursuant to to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to approve an existing in-law apartment within an existing accessory structure be and the same is hereby **DENIED**; and it is further

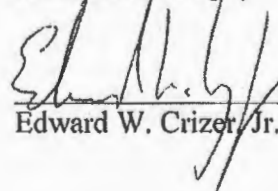
**ORDERED** that the Petitioners requested relief pursuant to Section 400.3 of the BCZR to permit the existing accessory building with a height of 22 feet, in lieu of the maximum allowed 15 feet is **DENIED**, since the request is **MOOT** with respect to the accessory structure.

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Lawrence S. Wescott, Chairman

  
Maureen E. Murphy

  
Edward W. Crizer, Jr.



Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

June 10, 2011

Donna M.B. King, Esquire  
309 W. Pennsylvania Avenue  
Towson, MD 21204

Peter M. Zimmerman, Esquire  
Carole S. Demilio, Esquire  
Office of People's Counsel  
The Jefferson Building, Suite 204  
105 W. Chesapeake Avenue  
Towson, MD 21204

RE: *In the Matter of: Carol Reed – Legal Owner/Petitioner*  
Case No.: 11-081-SPHA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Theresa Shelton/kc*

Theresa R. Shelton  
Administrator

TRS/klc  
Enclosure  
Duplicate Original Cover Letter

c: Carol Reed  
James and Lisa Stevens  
Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Planning  
Nancy C. West, Assistant County Attorney  
Michael Field, County Attorney  
James Garland, Code Enforcement Inspector

12/20/10  
IN RE: PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE – W/S Deer Park Road,  
740' NW c/line Dolfield Road \*  
(4800 Deer Park Road)  
2<sup>nd</sup> Election District \*  
4<sup>th</sup> Council District \*

Carol A. Reed  
Petitioner \*

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
Case No. 2011-0081-SPHA

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Carol A. Reed. The Petitioner requests a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing in-law apartment within an existing accessory building for the convenience of the owner. In addition, variance relief is requested from Section 400.3 of the B.C.Z.R. to permit an existing accessory building with a height of 22 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Carol A. Reed, property owner, Marc A. Washington, son-in-law, and Dino Lafiandra, Esquire, with Whiteford, Taylor & Preston, L.L.P. There were no Protestants or other interested persons present; however, this matter came before me as the result of a Code Enforcement Correction Notice relative to the occupancy of the accessory structure as a single-family dwelling. A resolution of the violation case (Case No. 0080085) is pending the outcome of this request. It should be noted that the fact that a code violation is issued is generally not considered evidence in a zoning case.

ORDER RECEIVED FOR FILING

Date

By

12-20-10  
193

Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to issue Correction Notices and Citations, and to impose fines and other penalties for violation of law. On the other hand, the role of this office in this matter is to decide the discreet legal issue of whether the Petitioner is entitled to the requested special hearing and variance relief pertaining to the subject property.

Testimony and evidence offered revealed that the subject property is located on the west side of Deer Park Road north of Dolfield road and just south of Soldiers Delight in Owings Mills. It is irregularly shaped and consists of 2.764 acres more or less and zoned R.C. 4. Ms. Reed purchased the property in 2006 for the purpose of allowing her daughter (Holly) and son-in-law (Marc) to live in the main house with their family, and for Ms. Reed to live on the same property in the in-law apartment that she says existed in the accessory building on the property when she bought the property. In fact, the dwelling is quite old, having been built in 1907 and therefore dating back to the beginning of the 20<sup>th</sup> century or earlier. The accessory building is old as well, although perhaps not quite as old as the dwelling. It is unclear what the original use of the accessory building was. Initially, it may have been a barn or a large garage. Now, it is primarily used accessory to the residential uses for storage, and activities and the in-law apartment that is the subject of this hearing.

At the time Ms. Reed filed her petition, she was living in an in-law apartment on the upper level of the accessory building. At the hearing, Ms. Reed submitted a floor plan of the upper level in the configuration that she had envisioned using the space. By the time the hearing transpired, Ms. Reed had in fact abandoned the use of the upper level of the accessory building for living space and instead had begun living in the lower level of the accessory building. The undersigned Commissioner asked Ms. Reed to submit a floor plan of the lower level as Ms. Reed

ORDER RECEIVED FOR FILING

Date

By

had configured it for her use, and Ms. Reed has done so. The floor plan, entitled, "Lower Level, Accessory Building, Living Space, Intended Use for Owner" depicts a living space of approximately 38.5 feet by 26.33 feet, with one bedroom, a bathroom, a powder room, a living room, a dining room and a kitchen (Exhibit 3A). Ms. Reed also submitted a floor plan of the upper level, entitled, "Upper Unit in Accessory Building, Intended Use", which depicts storage areas, activity areas, and an exercise area (Exhibit 3B). There is a bathroom, a refrigerator and a microwave depicted on the upper level floor plan, but there are no sleeping facilities of any type on the second floor, and there is no internal stairway between the two levels (there is a pass-thru the floor of the upper level to the ceiling of the lower level, but this is certainly not for the passage of a person from one level to the other.) The only way to get to the upper level of the accessory building is by way of an external stairway along the side of the accessory building.

The building appears to be about seven feet in excess of the 15 foot height limitation for accessory buildings in the R.C. 4 zone. I am persuaded that a variance for this excessive height should be granted. It was built well prior to the adoption of the zoning regulations.

As for the in-law apartment on the Lower level of the accessory building, I am directed by the Circuit Court case of J. Gary and Barbara Mueller, Case No. 03-C-09-07062, that an in-law apartment in an accessory building is a permissible use in a residential zone if it is occupied by a member of the immediate family of the occupants of the primary dwelling, and if the use otherwise is not detrimental to the health, safety and general welfare of the locality involved in the context of B.C.Z.R. Section 502.1. (See Opinion and Ruling received as Petitioners' Exhibit 6) As noted, the primary dwelling is occupied by Ms. Reed's daughter and her family, who are the immediate family of Ms. Reed. Furthermore, I find that the use of the accessory building pursuant to the floor plans submitted by Ms. Reed and noted above is not detrimental to the

health, safety or general welfare of the neighborhood and the community, and to be otherwise consistent with the requirements of B.C.Z.R. Section 502.1.

At the suggestion of her counsel, Ms. Reed voluntarily agreed to several conditions to this Order, which will be incorporated below.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 20<sup>th</sup> day of December, 2010 that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing in-law apartment in an existing accessory building for the convenience of the owner, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance seeking relief from Section 400.3 of the B.C.Z.R. to permit an existing accessory building with a height of 22 feet in lieu of the maximum allowed 15 feet, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief conferred herein:

- 1) The relief granted herein shall be effective only so long as the principal dwelling and the in-law apartment shall be occupied by members of the same immediate family, meaning by persons related by blood, marriage, or adoption.
- 2) The apartment shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code.
- 3) The Petitioner shall within 30 (thirty) days of a final, non-appealable Order in this matter record amongst the Land Records of Baltimore County a Covenant to the Deed for the Property (in the form attached) by which the Petitioner agrees that the kitchen/cooking facilities contained in the in-law apartment shall be removed upon the first to occur: 1) the date on which Ms. Reed ceases to own the property, or 2) within 45 days of the principal dwelling and the in-law apartment no longer being occupied by members of the same immediate family.

ORDER RECEIVED FOR FILING

Date

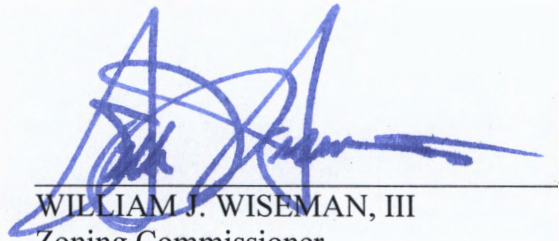
12-20-10

By

193

- 4) The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management reasonable access to the in-law apartment to inspect for compliance with this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.



WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:pz

ORDER RECEIVED FOR FILING

Date 12-20-10

By WJW

## COVENANT

WHEREAS, in the Petition for Special Hearing and Variance before the Zoning Commissioner of Baltimore County, Case No. 2011-0081-SPHA, Carol A. Reed, the Petitioner, in said hearing, requested a permit for an in-law apartment within an existing accessory building for the convenience of the owner, and additionally, a variance to permit the accessory building to be 22 (twenty-two) feet high in lieu of the maximum allowed 15 (fifteen) feet.

The Zoning Commissioner, by Order dated December 20, 2010, granted the request providing the following Covenant be added to the Deed, which Deed was recorded in the Land Records of Baltimore County at Liber 24998, Folio 395.

Carol A. Reed, hereby covenants that the accessory building shall be used as living quarters for herself or persons related by blood, marriage or adoption, and that such use shall terminate either at the death of Ms. Reed or upon the sale of the property, or if she should reside elsewhere, whichever occurs first. No subsequent purchaser shall maintain the in-law apartment for any reason or purpose without a subsequent special hearing which shall be subject to the terms and conditions contained herein.

AS WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Carol A. Reed (SEAL)

ORDER RECEIVED FOR FILING

Date

12-20-10

By

103

STATE OF MARYLAND     )  
                                  ) To Wit:  
COUNTY OF BALTIMORE )

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
before me, a Notary Public of the State of Maryland, in and for Baltimore County, personally  
appeared Carol A. Reed, known to me or satisfactorily proven to be the person whose name is  
subscribed to the within instrument, and acknowledged that she executed the same for the  
purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

ORDER RECEIVED FOR FILING

Date 12-20-10

By 192



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

December 20, 2010

Dino Lafiandra, Esquire  
Whiteford, Taylor & Preston, L.L.P.  
Towson Commons, Suite 300  
One West Pennsylvania Avenue  
Towson, MD 21204

**RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE**  
**(4800 Deer Park Road)**  
Carol A. Reed – Petitioner  
Case No. 2011-0081-SPHA

Dear Mr. Lafiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Carol A. Reed, 4800 Deer Park Road, Owings Mills, MD 21117  
Marc A. Washington, 4800 Deer Park Road, Owings Mills, MD 21117  
People's Counsel; DEPRM; Office of Planning; File  
James Garland, Division of Code Inspections and Enforcement, DPDM



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 4800 Deer Park Rd  
which is presently zoned RC-4

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 AN EXISTING IN-LAW

APARTMENT ON THE SECOND FLOOR OF AN EXISTING  
ACCESSORY BUILDING FOR THE CONVENIENCE OF THE OWNER.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

See attachment

### Contract Purchaser/Lessee:

Name - Type or Print n/a

Signature \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Name - Type or Print Carel A. Reed

Signature Carel A. Reed

Name - Type or Print n/a

Signature n/a

Address 4800 Deer Park Rd (410) 922-1418

City Dwings Mills, MD State 21117 Zip Code \_\_\_\_\_

### Representative to be Contacted:

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By A. TSUI Date 8/24/2010

Case No. 2011-0081-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 12-20-10

By OW



TAX. ACCOUNT # 0402000080

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 4800 Deer Park Rd  
which is presently zoned RC-4

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 Variance from Section(s) 400.3 OF BCZR TO PERMIT AN

EXISTING ACCESSORY BUILDING WITH A HEIGHT OF 22 FEET  
IN LIEU OF THE MAXIMUM ALLOWED 15 FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attachment

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

### Contract Purchaser/Lessee:

Name - Type or Print n/a  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Name - Type or Print Carol A. Reed  
Signature Carol A. Reed

Name - Type or Print n/a  
Signature n/a

Address 4800 Deer Park Rd Telephone No. (410) 922-1418  
City Swings Mills, MD State \_\_\_\_\_ Zip Code 21117

### Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By A. Tsui Date 8/24/2010

Case No. 2011-0081-SPHA

Regarding the property known as **4800 Deer Park Rd. Owings Mills, MD 21117**, the issues are as I understand them, the height of the barn shaped building and the one bedroom living space that occupies that building.

Personal testimony from Matthew and Sarah Perry, the family from which I purchased the property, said the structure and the apartment existed since 1986. The Perry's indicated, as stated in their notarized statement, that David and Elizabeth Hagan, from whom they purchased the property in 2003, had advertised it as a single family home with a three car garage and a one bedroom apartment. Neighbors William and Jenny Hann who reside at 4729 Deer Park Road, also stated that the barn shaped structure and the apartment existed since the 1980's. According to County records, Mr. Hagan applied for a Special Hearing in 1988 to "allow the existing additional dwelling unit to continue as constructed." Permission was denied and Mr. Hagan withdrew his request in 1989. The request was dismissed on May 2, 1989 by the Zoning Department. Though the kitchen in the unit may have been dismantled, at some point it was reconstructed. The Perry's told me that the Hagen's had two different relatives that lived in the apartment at different times for extended periods. The Perry's themselves rented the apartment to Joseph Purcell, Mrs. Perry's brother. He was occupying the unit when I purchased the property. In fact the Perry's rented the property back from me for the remainder of December, January, and most of February. Mr. Purcell did not vacate at the same time as his brother-in-law and sister. For that reason, I was unable to move into the unit until March 10, 2006. The unit needed painting and cleaning.

If the Hagan's Requested a special hearing in 1988, then the barn shaped structure existed at least since the 1980's. If the height of the building was an issue, it should have been addressed at that time. The building does exceed the 15 foot limit. It measures approximately 20 feet on one end and 22 feet on the other. I contend that the building has existed longer than that. At some point one of the previous owners covered the two structures with aluminum siding. Gaps in the siding on both buildings show the same original weathered gray boards. A water leak in the main house necessitated the removal of drywall and exposed the same weathered gray boards between the kitchen's former exterior and the family room addition. Since the property was once a dairy farm, perhaps the building in question really was originally a barn.

On December 20, 2006, I purchased this property from Matt and Sarah Perry in the amount of \$508,000. The reason I bought is was two fold. I owned a town home that had three stories and four flights of steps. Because of my age and my family's financial situation, I saw this purchase as an opportunity to downsize, and help my daughter and family own a home of their own. Poor credit did not allow them to secure a loan, so I purchased the property investing all of my assets. They would pay the mortgage and care for me as I grow old. At the age of 64 years old, I would like to retire some day, and social security is not enough to subsist on.

Considering the facts concerning the pre-existence of both the structure and the one bedroom unit, I ask the board to please consider granting me a non-conforming use as an in-law-suite for my convenience. I did not know that laws governing the height of buildings or number of living spaces existed. I am a senior citizen who just wants to live near family in my old age and still maintain some sense of independence.

2011-0081-SPTA

## Zoning Description

### ZONING DESCRIPTION FOR: 4800 Deer Park Road Owings Mills, MD 21117

Beginning at a point on the west side of Deer Park Road which is 25 feet wide at the distance of 740 feet Northwest of the centerline of the nearest improved intersecting street Dolfield Road which is 40 feet wide.

BEGINNING FOR THE SAME at the beginning of the third line described in a Deed dated July 22, 1974, and recorded among the Land Records of Baltimore County in Liber No. 5464 Folio 30 was conveyed by Erna L. Baxter to LeRoy Godfrey Baxter and Joan Marie Baxter, his wife, thence binding on said third line as now surveyed, South 66 degrees 58 minutes 37 seconds West 491.37 feet to a pipe found at the intersection with the second line described in a Deed dated January 26, 1940 and recorded among the Land Records of Baltimore County in Liber No. 1089 Folio 405 was conveyed by George McC. Baxter and Sarah M. Baxter, his wife, to John T. Baxter and Erna L. Baxter, his wife thence binding on said second line for a part of its distance and on the third line the two following courses and distances viz: (1) South 02 degrees 30 minutes 00 seconds East 34.25 feet to a stone previously planted (2) South 59 degrees 22 minutes 31 seconds East 331.41 feet to a stone previously planted thence reversely binding on the fifth and sixth lines described in a Deed dated March 9, 1950 and recorded among the Land Records of Baltimore County in Liber 1816 Folio 150, etc which was conveyed by Joseph P. Nawrot, Jr. and Anne M. Nawrot, his wife, to Paul T. Nawrot and Mary C. Nawrot, his wife the two following courses and distances, viz: (1) North 72 degrees 56 minutes 59 seconds East 239.08 feet to a stone previously planted (2) North 72 degrees 56 minutes 59 seconds East 18.00 feet to a point in or near the center of Deer Park Road thence binding therein North 14 degrees 02 minutes 56 seconds West 329.56 feet to the place of beginning. Containing 2.764 acres of land, more or less. BEING the remaining part of land of John T. and Erna L. Baxter, secondly above described. The improvements thereon being known as No. 4800 Deer Park Road.

Containing 2.764 acres. Also known as 4800 Deer Park Road Owings Mills, MD 21117 and located in the 2nd Election District, 4<sup>th</sup> Council manic District.

2011-0081-SPHA

## No.

**CASHIER'S  
VALIDATION**

# 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: # 2011-0081-SPHA

4800 Deer Park Road

W/side of Deer Park Road, 740 feet n/west of the centerline of Dolfeld Road

2nd Election District — 4th Councilmanic District

Legal Owner(s): Carol Reed

**Special Hearing:** to approve an existing in law apartment on the second floor of an existing accessory building for the convenience of the owner. **Variance:** to permit an existing accessory building with a height of 22 feet in lieu of the maximum allowed 15 feet.

**Hearing:** Wednesday, November 10, 2010 at 9:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

JT 10/791 October 26

259076

## CERTIFICATE OF PUBLICATION

10/28/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/26/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

Date: 10-23-10

RE: Case Number: 2011-0081-SPHA

Petitioner/Developer: Carol Reed

Date of Hearing/Closing: Nov 10, 2010 9AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4800 Deer Park Rd

The signs(s) were posted on 10-23-10

(Month, Day, Year)

J. Lawrence Pilson  
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

# ZONING NOTICE

CASE # 2011-0081-CPHA

**A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD**

JEFFERSON BLDG, ROOM 104

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: WED., NOV. 10, 2010 9AM

REQUEST: SPECIAL HEARING TO APPROVE

AN EXISTING IN-LAW APARTMENT ON THE  
SECOND FLOOR OF AN EXISTING ACCESSORY  
BUILDING FOR THE CONVENIENCE OF THE OWNER.  
WANTING TO PERMIT AN EXISTING ACCESSORY BLDG.

WITH A HEIGHT OF 22 FEET IN LIEU OF THE  
MAXIMUM ALLOWED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 837-3593

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE



## County Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

Jefferson Building - Second Floor  
Hearing Room #2 - Suite 206  
105 W. Chesapeake Avenue

April 12, 2011

### **NOTICE OF DELIBERATION**

**CASE #: 11-081-SPHA**      **IN THE MATTER OF:** Carol Reed, Legal Owner /Petitioner  
4800 Deer Park Road/2<sup>nd</sup> Election District; 4<sup>th</sup> Councilmanic District

Re:      Petition for Special Hearing to allow an existing in-law apartment within an existing accessory structure;  
Petition for Variance to permit existing accessory building with a height of 22 ft ilo maximum allowed 15 ft.

12/20/10      Findings of Fact and Conclusion of Law issued by Zoning Commissioner GRANTING the Special  
Hearing and Variance relief requested with conditions.

*Having concluded this matter on 4/12/2011, a public deliberation has been scheduled for the following:*

**ASSIGNED FOR:      TUESDAY, MAY 24, 2011 AT 9:15 A.M.**

LOCATION      :      Jefferson Building - Second Floor  
Hearing Room #2 - Suite 206  
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton  
Administrator

---

c:      Petitioner/Legal Owner      : Carol Reed, *pro se*  
Protestant/Appellant      : Office of People's Counsel

James and Lisa Stevens

Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Jeff Mayhew, Acting Director/Office of Planning  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney  
James Garland, Code Enforcement Inspector



## County Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-887-3180  
FAX: 410-887-3182

Jefferson Building - Second Floor  
Hearing Room #2 - Suite 206  
105 W. Chesapeake Avenue

March 2, 2011

### **NOTICE OF ASSIGNMENT**

**CASE #: 11-081-SPHA**      **IN THE MATTER OF:** Carol Reed, Legal Owner /Petitioner  
4800 Deer Park Road/2<sup>rd</sup> Election District; 4<sup>th</sup> Councilmanic District

Re:      Petition for Special Hearing to allow an existing in-law apartment within an existing accessory structure;  
Petition for Variance to permit existing accessory building with a height of 22 ft ilo maximum allowed 15 ft.

12/20/10      Findings of Fact and Conclusion of Law issued by Zoning Commissioner GRANTING the Special  
Hearing and Variance relief requested with conditions.

**ASSIGNED FOR:      TUESDAY, APRIL 12, 2011 AT 10:00 A.M.**

**NOTICE:** This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

**IMPORTANT:** No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

**Theresa R. Shelton, Administrator**

c:      Petitioner/Legal Owner

: Carol Reed, *pro se*

Protestant/Appellant

: Office of People's Counsel

James and Lisa Stevens

Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Jeff Mayhew, Acting Director/Office of Planning  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney  
James Garland, Code Enforcement Inspector

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, October 26, 2010 Issue - Jeffersonian

Please forward billing to:

Carol Reed  
4800 Deer Park Road  
Owings Mills, MD 21117

410-922-1418

---

## 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: 2011-0081-SPHA**

4800 Deer Park Road

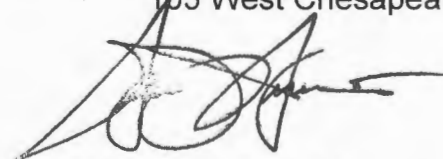
W/side of Deer Park Road, 740 feet n/west of the centerline of Dolfield Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Carol Reed

Special Hearing to approve an existing in law apartment on the second floor of an existing accessory building for the convenience of the owner. Variance to permit an existing accessory building with a height of 22 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, November 10, 2010 at 9:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
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.



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
October 1, 2010

**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: 2011-0081-SPHA**

4800 Deer Park Road

W/side of Deer Park Road, 740 feet n/west of the centerline of Dolfield Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Carol Reed

Special Hearing to approve an existing in law apartment on the second floor of an existing accessory building for the convenience of the owner. Variance to permit an existing accessory building with a height of 22 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, November 10, 2010 at 9:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy M. Kotroco in black ink.  
Timothy Kotroco  
Director

TK:kl

C: Carol Reed, 4800 Deer Park Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 26, 2010.**
- (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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2011-0081-SPHA  
Petitioner: Carol A. Reed  
Address or Location: 4800 Deer Park Rd Owings Mills, MD 21117

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Carol A Reed  
Address: 4800 Deer Park Rd  
Owings Mills, MD 21117  
Telephone Number: (410) 922-1418