

IN RE: **PETITIONS FOR SPECIAL HEARING * BEFORE THE**
AND VARIANCE
W side Deer Park Road, 740 feet * OFFICE OF
NW of the c/line Dolfield Road *
(4800 Deer Park Road) * ADMINISTRATIVE HEARINGS
2nd Election District *
4th Council District * BALTIMORE COUNTY

Carol A. Reed *
Petitioner * **Case No. 2012-0110-SPHA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings 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 permit an accessory apartment in an accessory building situated on the same lot as a principle single-family detached dwelling with all occupants of a single-family non-conforming barn/garage structure in existence before the zoning regulations. 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 Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Carol A. Reed, property owner, and Donna M.B. King, Esquire. There were no Protestants or other interested persons present. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 1-19-12

By low

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated December 13, 2011, and offers the following comments:

1. Agricultural Preservation: Oppose. The BCZR 1A03.4.B5. specifically provides that only in the case of a tenant dwelling can there be more than one dwelling unit on a lot in an RC-4 zone. The RC-4 zone's purpose is to protect the water quality of the reservoir and to accomplish this by limiting the amount and intensity of use of a property. This request conflicts with that purpose and is specifically prohibited by the BCZR.
2. Groundwater Management: The property appears to have two dwelling units onsite that are served by one well and sewage disposal system. The well is a drilled well and is in good condition. The sewage disposal system consists of a 1,500 gallon concrete septic tank (with manhole riser to grade) and two seepage pits that were installed in 1979. The sewage levels in both pits were observed and found to be less than 50% of capacity, consequently the system appears to be functioning properly. Satisfactory soil percolation tests were conducted on the property on September 17, 1979 and a 10,000 sq. ft. sewage disposal reserve area was established at that time. There is ample room on the property to allow for repair of the septic system, consequently this section has no objections or comments regarding the proposal.

Testimony and evidence offered revealed that the subject property consists of 2.764 acres, more or less, and is zoned RC 4. The property is located on the west side of Deer Park Road in the Soldiers' Delight area of Baltimore County. The property is improved with a two story frame single family dwelling and a detached two story frame garage. The Petitioner, Carol Reed, has filed a special hearing request to approve an accessory apartment which is located on the first level of the two story frame garage. The Baltimore County Council recently passed Bill No. 49-11 which allows the accessory apartment to exist within the first floor of the two story garage as accessory to the principle dwelling on the subject property. The special hearing relief is necessary in that the apartment itself is located in a detached accessory building and not within the principle single family dwelling. Section 400.4.B.1 of the zoning regulations requires a hearing before this Administrative Law Judge for approval of this apartment. This law also specifically allows these

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Date 1-19-12

By aw

types of apartment dwellings to exist even in the RC 4 zone. The comment issued by the Department of Environmental Protection and Sustainability (DEPS) is wrong in that respect. This new law does allow accessory apartments to exist in the RC 4 zoning classification.

The testimony and evidence offered by the Applicant at the hearing demonstrated that the apartment in question meets all of the requirements of Section 400.4 relative to size, ownership, family relationship and all other matters applicable to the approval of this accessory apartment. Ms. Reed went on further to state that she will occupy the first floor apartment contained within the detached garage while her daughter and son-in-law reside within the single family dwelling. This arrangement is particularly convenient for the Petitioner in that she cares for and watches over her four grandchildren who also reside with her daughter and son-in-law, and then in turn look after her well being while she resides within the accessory apartment. This is exactly the situation that the County Council had in mind when approving this accessory apartment legislation this year.

Testimony regarding the accessory garage demonstrated that the second floor area of the garage which at one time was an apartment, has been converted into storage space and an exercise room. The members of the family use the second story of the garage as an exercise and gymnasium room and it in no way will be utilized as a second apartment. Only the first floor of the garage shall be utilized as an apartment and must be lived in by Carol A. Reed, the Petitioner herein.

An analysis of the property's septic system was undertaken by the Department of Environmental Protection and Sustainability. That Office issued a written comment to this file indicating that the septic system is more than adequate to accommodate this accessory apartment and that there is ample additional land for any additional septic system which might be needed in the future. That comment was dated December 13, 2011, and was signed by J. Robert Powell from the Groundwater Management Division of DEPS.

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Date 1-19-12

By [Signature]

In addition to the special hearing relief to approve the accessory apartment, a variance request has also been made to allow the garage to exist at a height of 22 feet in lieu of the maximum permitted 15 feet. The garage in question has always existed on the property and was constructed at a height of 22 feet. The Applicant does not intend to increase the height of the garage at all at this time. I see no reason why the garage should not be permitted to remain at the 22 feet height as it has existed for many years.

While no one appeared in opposition to the request, it should be noted that a letter of opposition was sent to this Office from James E. and Lisa M. Stevens, who reside at 4808 Deer Park Road. Mr. Stevens expressed concerns over the adequacy of the existing septic system for the house and apartment, and was also concerned that the Applicant may be attempting to utilize the second story of the garage as a second apartment. None of the testimony offered at the hearing indicated that the second floor was anything more than an exercise room and family room. In fact, the testimony offered at the hearing was that it will not be used as a second apartment. Furthermore, the written comment from the Department of Environmental Protection and Sustainability indicated that the septic system is perfectly capable of handling this additional apartment. The use of this apartment in the garage at this time shall be limited to Carol A. Reed and shall not be passed on or transferred to any other occupant or tenant in the future. Once Ms. Reed ceases occupying the apartment within this garage, the apartment use shall cease and terminate. The purpose of this special hearing and variance approval is to allow this family relationship to continue to exist on this property where Ms. Reed can reside in the apartment within the garage while her daughter, son-in-law and four grandchildren continue to reside in the principle dwelling.

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By aw

As to the special hearing relief, I find that the size, location and purpose of the accessory apartment conforms with Section 502.1 of the B.C.Z.R., and will not adversely affect the surrounding and neighboring properties. Accordingly, the special hearing shall be granted.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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 this Administrative Law Judge for Baltimore County this 19th day of January, 2012 that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory apartment in an accessory building situated on the same lot as a principle single-family detached dwelling with all occupants of a single-family non-conforming barn/garage structure in existence before the zoning regulations, 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.

The relief granted herein shall be subject to the following:

1. The accessory apartment approved herein shall only be occupied by Carol Reed, the owner of the property. Should Ms. Reed no longer occupy the accessory apartment,

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Date 1-19-12

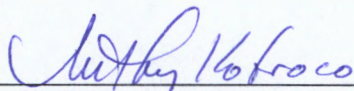
5

By [Signature]

then the approval granted herein shall expire and the apartment area shall be converted to normal residential garage use.

2. There shall be no second apartment dwelling on the second floor of the garage building. That area shall be for storage or exercise use and shall not contain any cooking or bathing facilities.
3. The Petitioner may apply for her building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


TIMOTHY M. KOTROCO
Zoning Commissioner
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 1-19-12

By TMK



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4800 DEER PARK ROAD which is presently zoned RC-4

Deed References: 24998/00395 10 Digit Tax Account # 0202000080

Property Owner(s) Printed Name(s) CAROL A. REED

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
 - Accessory apartment in an accessory building situated on same lot as a principal single-family detached dwelling, with all occupants of a single-family
 - nonconforming barn/garage structure in existence before zoning regulations
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

DONNA H.B. KING

Name- Type or Print

Signature

309 W. PENNSYLVANIA AVE, TOWSON, MD

Mailing Address City State

21204, 410-494-1005, dking@dking-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

CAROL A. REED

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

4800 DEER PARK ROAD, OWINGS HILLS, MD

Mailing Address City State

21117, 410-922-1418

Zip Code Telephone # Email Address

Representative to be contacted:

DONNA H.B. KING

Name- Type or Print

Signature

309 W. PENNSYLVANIA AVE, TOWSON, MD

Mailing Address City State

21204, 410-494-1005, dking@dking-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2012-0110-SPHA Filing Date 10/20/11

Do Not Schedule Dates: Reviewer Zu

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 1-19-12

By [Signature]



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4800 DEER PARK ROAD which is presently zoned RC-4
Deed References: 24998/00395 10 Digit Tax Account # 0202000080
Property Owner(s) Printed Name(s) CAROL A. REED

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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3. ☒ a Variance from Section(s)

400.3 of the BCZR to permit an existing accessory building with a height of 22 feet in lieu of the maximum 15 feet

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

DONNA H. B. KING

Name- Type or Print

Signature

309 W. PENNSYLVANIA AVE., TOWSON, MD

Mailing Address

City

State

21204, 410-494-1005, dking@dking-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CAROL A. REED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4800 DEER PARK ROAD, OWINGS MILLS, MD

Mailing Address

City

State

21117, 410-922-1418

Zip Code

Telephone #

Email Address

Representative to be contacted:

DONNA H. B. KING

Name - Type or Print

Signature

309 W. PENNSYLVANIA AVE., TOWSON, MD

Mailing Address

City

State

21204, 410-494-1005, dking@dking-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0110 SPHA Filing Date 10/20/11

ORDER RECEIVED FOR FILING

Do Not Schedule Dates:

Reviewer W

REV. 10/4/11

Date 1-19-12

By DW

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 19, 2012

DONNA M.B. KING, ESQUIRE
309 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204

Re: Petitions for Special Hearing and Variance
Case No. 2012-0110-SPHA
Property: 4800 Deer Park Road

Dear Ms. King:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

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

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, 4th Council manic District.

2012-0110-SPHA

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT**

No. **74451**

Date: **10/20/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0006		6150				150.00

Total: **150.00**

Rec From: **LAW OFFICE OF DONNA M.B. KING LLC**

For: **4800 Deer Park Rd
21117**

2012-0110-SPHA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BALTIMORE COUNTY, MARYLAND
DATE: 10/20/2011 10/20/2011 09:52:27 5
RECEIPT # 553539 10/20/2011 OFLH
5 S28 ZONING VERIFICATION
074451
Recpt Tot \$150.00
\$150.00 CK \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 16, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0110-SPHA

4800 Deer Park Road

W/side of Deer Park Road, 740 ft. n/west of the centerline of Dolefield

2nd Election District – 4th Councilmanic District

Legal Owners: Carol A. Reed

Special Hearing to permit an accessory apartment in an accessory building situated on same lot as a principle single-family detached dwelling, with all occupants of a single family nonconforming barn/garage structure in existence before zoning regulations. Variance to permit an existing accessory building with a height of 22 feet in lieu of the maximum 15 feet.

Hearing: Tuesday, December 13, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Donna King, 309 W. Pennsylvania Avenue, Towson 21204
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 MONDAY, NOVEMBER 28, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 29, 2011 Issue - Jeffersonian

Please forward billing to:
Carol Reed
4800 Deer Park Road
Owings Mills, MD 21117

410-922-1418

NOTICE OF ZONING HEARING

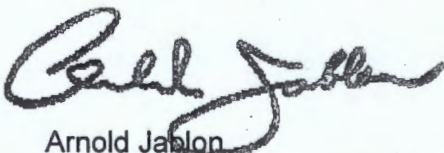
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4800 Deer Park Road
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2nd Election District – 4th Councilmanic District
Legal Owners: Carol A. Reed

Special Hearing to permit an accessory apartment in an accessory building situated on same lot as a principle single-family detached dwelling, with all occupants of a single family nonconforming barn/garage structure in existence before zoning regulations. Variance to permit an existing accessory building with a height of 22 feet in lieu of the maximum 15 feet.

Hearing: Tuesday, December 13, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CERTIFICATE OF POSTING

Date: 11/27/11

RE: Case Number: 2012-0110 - SPH A

Petitioner/Developer: Carol Reed

Date of Hearing/Closing: 12/13/11

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 11/27/11
(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)

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0110-SPHA

4800 Deer Park Road
W/side of Deer Park Road, 740 ft. n/west of the
centerline of Dolfield

2nd Election District - 4th Councilmanic District

Legal Owner(s): Carol A. Reed

Special Hearing: to permit an accessory apartment in an accessory building situated on same lot as a principle single-family detached dwelling, with all occupants of a single family nonconforming barn/garage structure in existence before zoning regulations. **Variance:** to permit an existing accessory building with a height of 22 feet in lieu of the maximum 15 feet.

Hearing: Tuesday, December 13, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/11/702 Nov. 29 291875

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/29, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 19 day of January, ²⁰¹²2011, by and between Carol A. Reed (hereinafter referred to as the Declarant") and the Department of Permits and Development Management (hereinafter referred to as "PDM").

RECITALS

The Declarant has filed an application for permit with PDM requesting approval to construct an addition to the improvements on the property located at 4800 Deer Park Road, Owings Mills, Maryland 21117, and more particularly described by notes and bounds in Exhibit A (the "Property") and attached hereto and made a part herein. The property is zoned RC4, which is the particular zone in which the property is located.

A. PDM approved the Declarant's request to maintain an in-law apartment in an accessory structure, a garage, complete with kitchen, provided the improvement and accessory apartment are used as a single family residence. The addition is the housing for Declarant, an older individual, with the benefit of being with to her family, which consists of her daughter, son-in-law and minor grandchildren. The second kitchen will be removed and the accessory apartment's living space will be converted back to garage space upon the death of the Declarant, if the Declarant leaves or moves from the residence, or if the Declarant moves or sells the property, whichever occurs first.

B. As a condition to its approval of the Declarant's request, PDM has required the filing of this Declaration amongst the Land Records of Baltimore County to provide notice to any future owners, subsequent bona fide purchasers or users of this Property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvement shall be only used as a single family residence, unless otherwise approved by and at the discretion of PDM.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant and

2012-0110-SP4A

PDM hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.

2. The kitchen for the accessory apartment shall be an accessory use to the principal use of the Property as a single-family residence. Living quarters for the Declarant shall be used only by the Declarant and not as an independent residential unit, and shall not be used by any other person or for any other reason.

3. Upon the death of the Declarant, if the Declarant leaves or otherwise vacates, or the Declarant moves or sells the Property, whichever occurs first, the living space of the accessory apartment will be converted back to garage space for the exclusive use of the Declarant or subsequent purchaser or user and the second kitchen removed.

4. The Covenants, conditions, and restrictions above shall run with and bind the Property and shall be enforceable by Baltimore County, Maryland and by the owners of all or any portion of the Property.

5. Enforcement of the covenants shall be by proceedings, at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

DECLARANT:

Justine A. Almond

Carol A. Reed

State of Maryland, City/County of Baltimore: to wit:

I HEREBY CERTIFY that on this 19th day of October 2011, before the Subscriber, a Notary Public of the State of Maryland, personally appeared Carol A. Reed herein known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and she acknowledged that she executed for the foregoing instrument for the purposes therein contained.

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

Constance G. Almond

NOTARY PUBLIC

My Commission Expires:

May 28, 2012

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

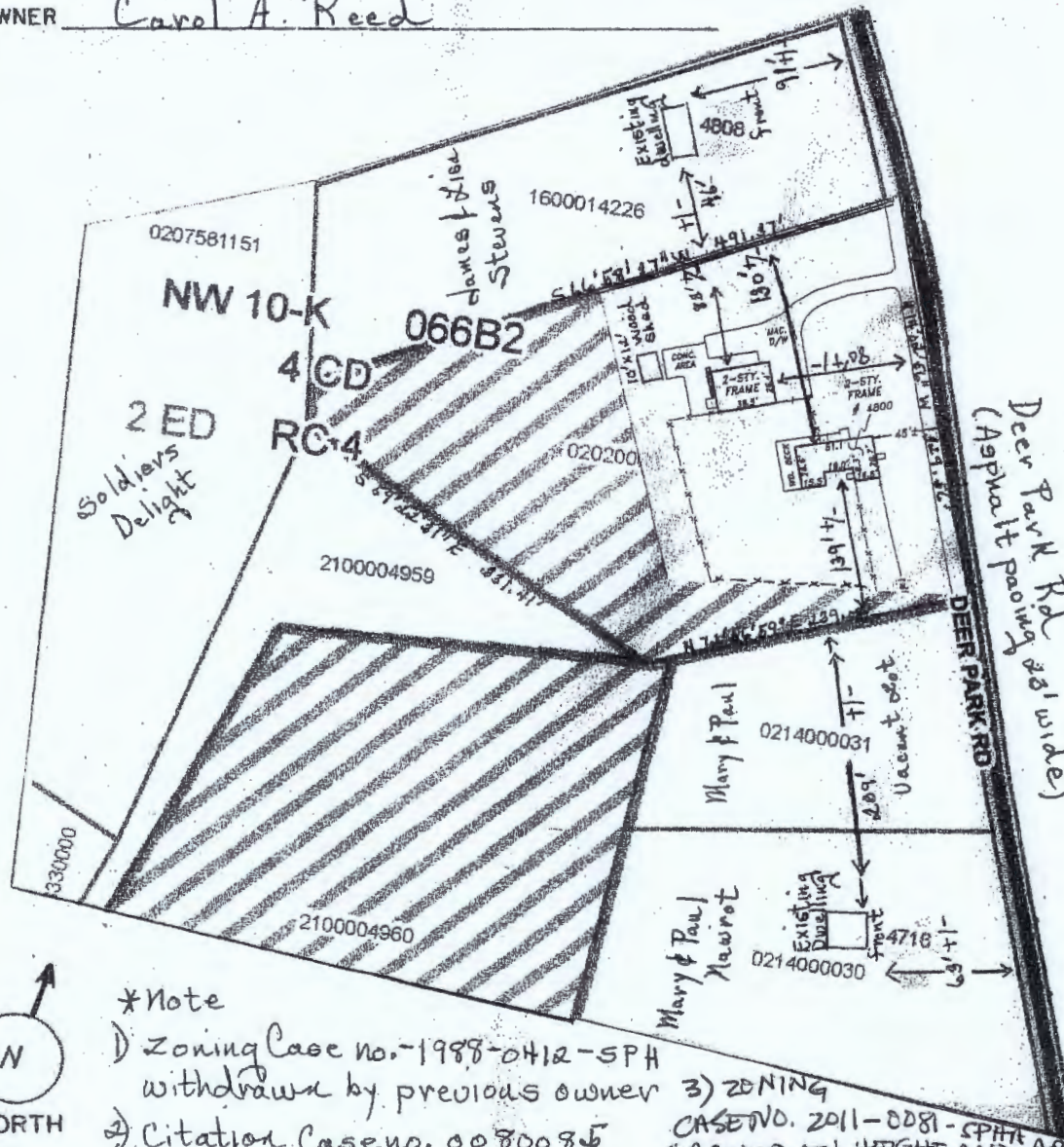
PROPERTY ADDRESS 4900 Deer Park Rd

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

SUBDIVISION NAME n/a

PLAT BOOK # FOLIO # LOT # SECTION #

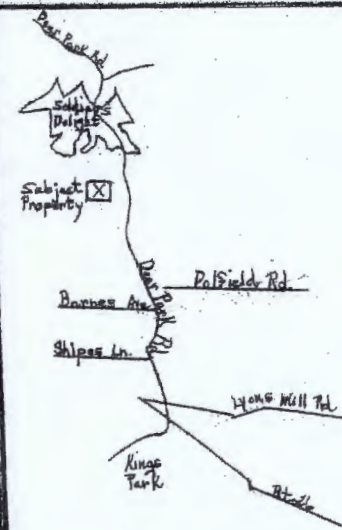
OWNER Carel A. Reed



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

3) ZONING CASE NO. 2011-0081-SPH GRANTED ON HEIGHT AND APARTMENT, THEN OVERTURNED BY BOARD OF APPEALS
SCALE OF DRAWING: 1" = 180'

PREPARED BY



LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1"=200' SCALE MAP # 066B2

ZONING RC-4

LOT SIZE 2.764 ACREAGE 119,791 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 2011-0081-SPH
1988-0412-SPH

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

W 2012 0110SPHA

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒

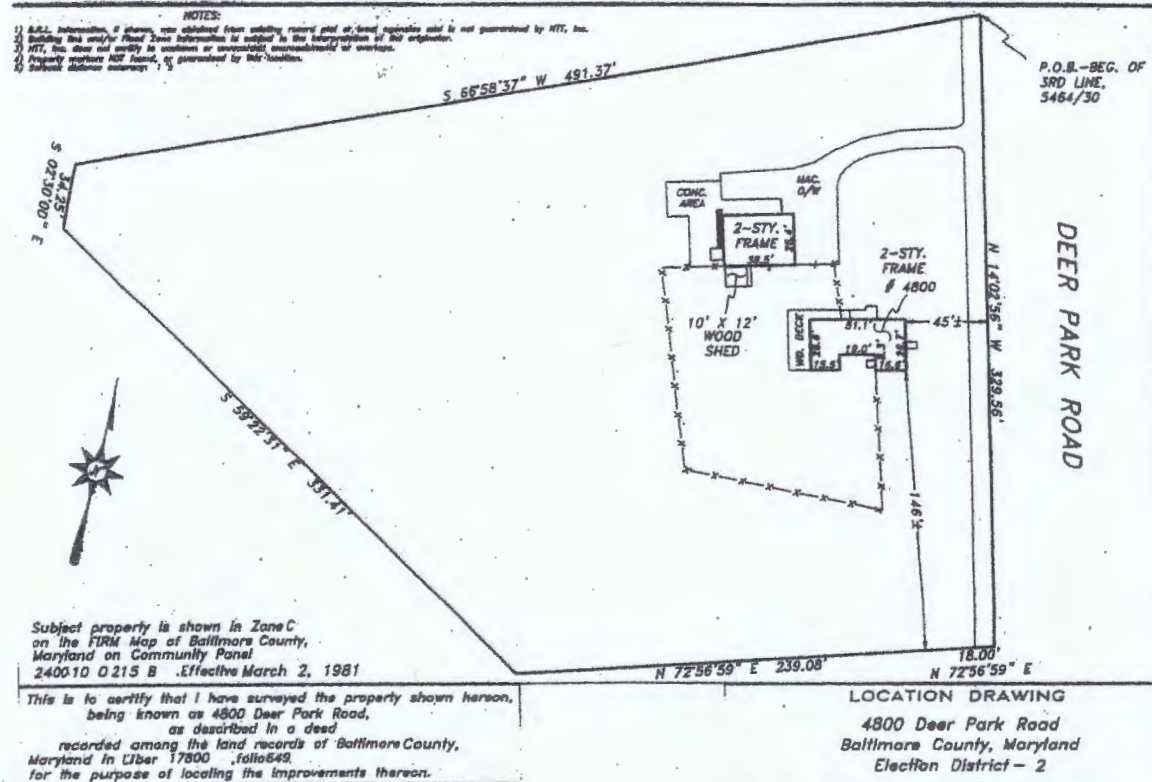
PROPERTY ADDRESS 4800 Deer Park Rd.

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

SUBDIVISION NAME n/a

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Carol A. Reed



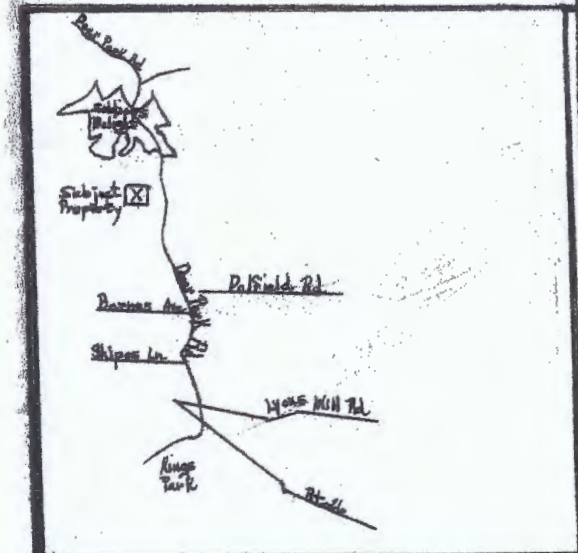
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* NOTE:

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2. CITATION CASE NO. 0080085

PREPARED BY

SCALE OF DRAWING: 1" = 100'



LOCATION INFORMATION

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COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 066B2

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ACREAGE SQUARE FEET

PUBLIC PRIVATE
SEWER ☐ ☒
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CHESAPEAKE BAY CRITICAL AREA ☐ ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING 1988-0412-SPH
2011-0081-SPH

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

2012 0110 SPHA



PETITIONER'S

EXHIBIT NO.

2

2012 - 0110-SPHA







BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

DEC 13 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: December 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0110-SPHA
Address 4800 Deer Park Road
(Reed Property)

Zoning Advisory Committee Meeting of October 31, 2011.

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

1. **Agricultural Preservation:** Oppose. The BCZR 1A03.4.B5. specifically provides that only in the case of a tenant dwelling can there be more than one dwelling unit on a lot in an RC-4 zone. The RC-4 zone's purpose is to protect the water quality of the reservoir and to accomplish this by limiting the amount and intensity of use of a property. This request conflicts with that purpose and is specifically prohibited by the BCZR. – *W.S. Lippincott; Agricultural Preservation*
2. **Groundwater Management:** The property appears to have two dwelling units onsite that are served by one well and sewage disposal system. The well is a drilled well and is in good condition. The sewage disposal system consists of a 1,500 gallon concrete septic tank (with manhole riser to grade) and two seepage pits that were installed in 1979. The sewage levels in both pits were observed and found to be less than 50% of capacity, consequently the system appears to be functioning properly. Satisfactory soil percolation tests were conducted on the property on September 17, 1979 and a 10,000 sq. ft. sewage disposal reserve area was established at that time. There is ample room on the property to allow for repair of the septic system, consequently this section has no objections or comments regarding the proposal. – *J. Robert Powell; Groundwater Management*

BALTIMORE COUNTY, MARYLAND

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Inter-Office Correspondence

DEC 13 2011

OFFICE OF ADMINISTRATIVE HEARINGS



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Debra Wiley - ZAC Comments - Distribution Meeting of 10/31

From: Debra Wiley
To: Murray, Curtis; Lanham, Lynn; Kennedy, Dennis; Muddiman, Don; Lykens, Da...
Date: 10/30/2011 2:27 PM
Subject: ZAC Comments - Distribution Meeting of 10/31

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0108-A - 37 Belfast Road
No hearing date as of 10/28

2012-0109-A - 39 Belfast Road
No hearing date as of 10/28

2012-0110-SPHA - 4800 Deer Park Road
No hearing date as of 10/28

2012-0111-A - 822 Wamper Road
Administrative Variance (Closing Date: 11/14)

2012-0112-A - 100 Lionhead Court
No hearing date as of 10/28

2012-0113-A - 11 Misty Hollow Court
Administrative Variance (Closing Date: 11/21)

2012-0014-A - 906 Chariot Road
Administrative Variance (Closing Date: 11/21)

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

December 5, 2011

Carol A. Reed
4800 Deer Park Road
Owings Mills, MD 21117

RE: Case Number 2012-0110-SPHA, 4800 Deer Park Road

Dear Ms. Reed,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 2011. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Donna B. King, 309 W. Pennsylvania Avenue, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: November 3, 2011

FROM: *for MKA*
Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 14, 2011
Item Nos. 2012-108,109, 110, 111,112,113
And 114.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11142011 -NO COMMENTS.doc

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



Beverley K. Swain-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-2-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

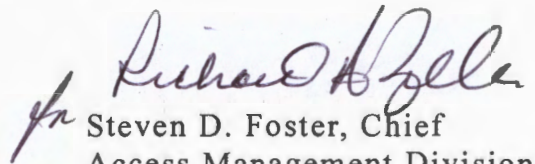
RE: Baltimore County
Item No. 2012-0110-SPHA
Special Hearing Variance
Carol A. Reed
4800 Deer Park Road.

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. *2012-0110-SPHA*.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

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 nd Election & 4 th Councilmanic Districts	*	FOR
Legal Owner(s): Carol Reed		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-110-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

NOV 07 2011

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 1st day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to Donna King, Esquire, 309 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Arnold Jablon
To: Stahl, Lawrence
Date: 12/12/2011 12:09 PM
Subject: Fwd: Rezoning request for 4800 Deer Park Road, Case # 2012 0110 SPHA

I don't know which ALJ will be hearing this matter, but please insure that it is brought to the ALJ's attention. Thanks.

>>> <jstevens70@comcast.net> 12/11/2011 7:18 PM >>>

James E. Stevens
Lisa M. Stevens
4808 Deer Park Road
Owings Mills, MD 21117
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

December 9, 2011

Mr. Arnold Jablon,

This letter is to express my opposition to the rezoning request for 4800 Deer Park Road, Case # 2012 0110 SPHA, special hearing to permit an accessory apartment in an accessory building situated on same lot as a principal single-family detached dwelling, with all occupants of a single-family -non-conforming barn/garage structure in existence before zoning regulations. Variance to permit an existing accessory building with a height of 22 feet in lieu of the maximum 15 feet. Unfortunately I am unable to take time from work to attend the meeting on December 13, 2011 and I hope that this letter will suffice.

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 the space into a workshop and furniture storage, but the owner continued converting it into an apartment. After completion of construction the owner moved into the downstairs apartment and tenants moved into the upstairs apartment.

Currently the downstairs apartment is used as an in-law suite by Mrs. Reed. My concern is that when the apartment is no longer used as an in-law suite that it will be used as a rental apartment. I am concerned about the affect on the property value of the surrounding homes by the existence of these two rental apartments. 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 convincing any prospective buyers to live next to two apartments on the adjacent property.

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. The septic systems in the area are already limited in their capacity due to the poor percolation of the land in the area. In 2007 the owner of 4818 Deer Park Rd tried to redevelop the property but failed when the property would not pass a percolation test. 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 permanent apartments 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

Case No.: 2012-0110-SPHA

Exhibit Sheet

1/13/12
PZ

1/19/12
DW

Petitioner/Developer

Protestants

No. 1	Site Plan of the property	
No. 2	Photos of the Site	
No. 3	Petition of Support	
No. 4	Floor plan of property.	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2nd Election District- 4th 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.

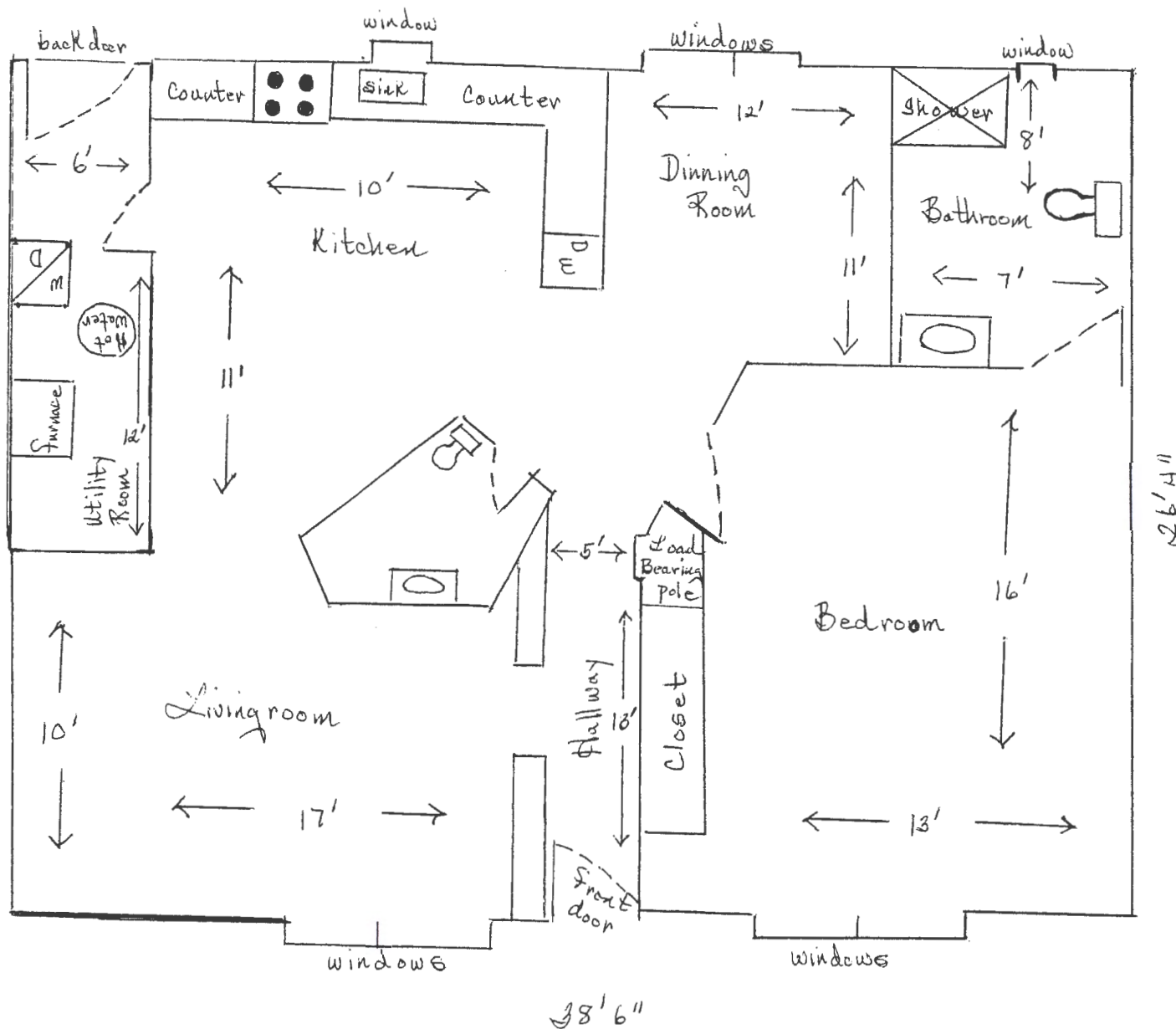
We the undersign, are in favor of allowing the legal owner, Carol Reed, the right to have an existing in-law suite on the second floor of the pre-existing accessory building for her convenience. We also are without complaint regarding the height of the building being 22 feet instead of a maximum of 15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

NAME (print)	ADDRESS	PHONE NO.	SIGNATURE
James Goff	4805 Deer Park Rd	410-521-9805	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
Isabell Heininger	4713 Deer Park Rd	410-961-3043	Isabell Heininger
Barbara Knight	4713 Deer Park Rd	443-887-0691	Barbara Knight
Richard Knight	4713 Deer Park Rd	443-797-5590	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) 547-3810	John L. Parks

PETITIONER'S

EXHIBIT NO.

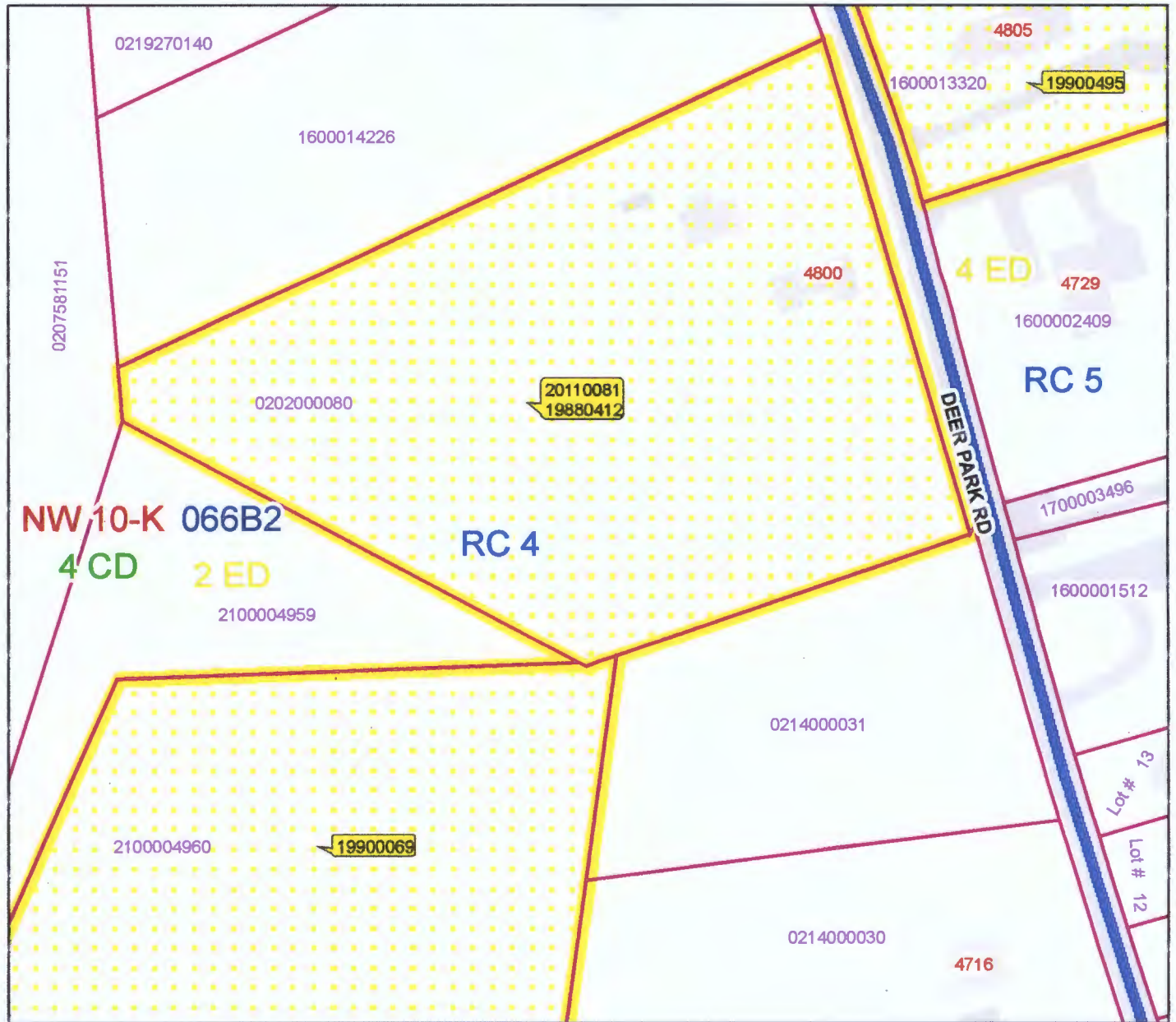
3



Owner:
Carol A Reed
 4800 Deer Park Rd
Lower Level Dwings .11E
Accessory Building
Living Space

PETITIONER'S
 EXHIBIT NO. 4

4800 Deer Park Road 2012-0110-SPHA



Publication Date: October 20, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200
Feet

1 inch = 100 feet

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

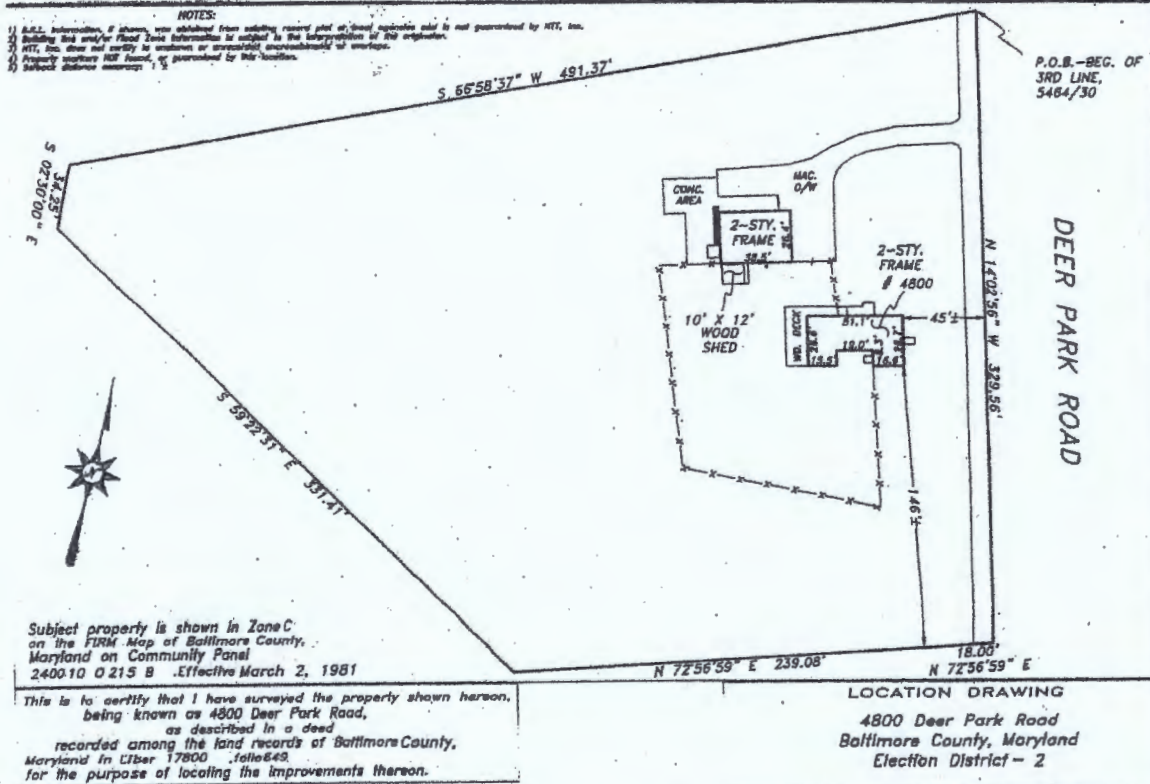
PROPERTY ADDRESS 4800 Deer Park Rd.

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

SUBDIVISION NAME n/a

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Carol A. Reed



3. ZONING CASE NO. 2011-0081-SPHA
GRANTED FOR HEIGHT AND APARTMENT,
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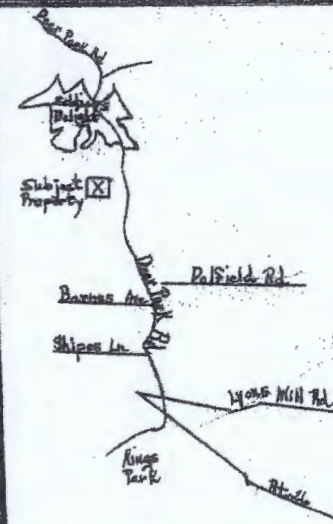
* NOTE:

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
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ACREAGE SQUARE FEET

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SEWER ☐ ☒
WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARING 1988-0412-SPH
2011-0081-SPH

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

ZW 2012 0110 SPHA

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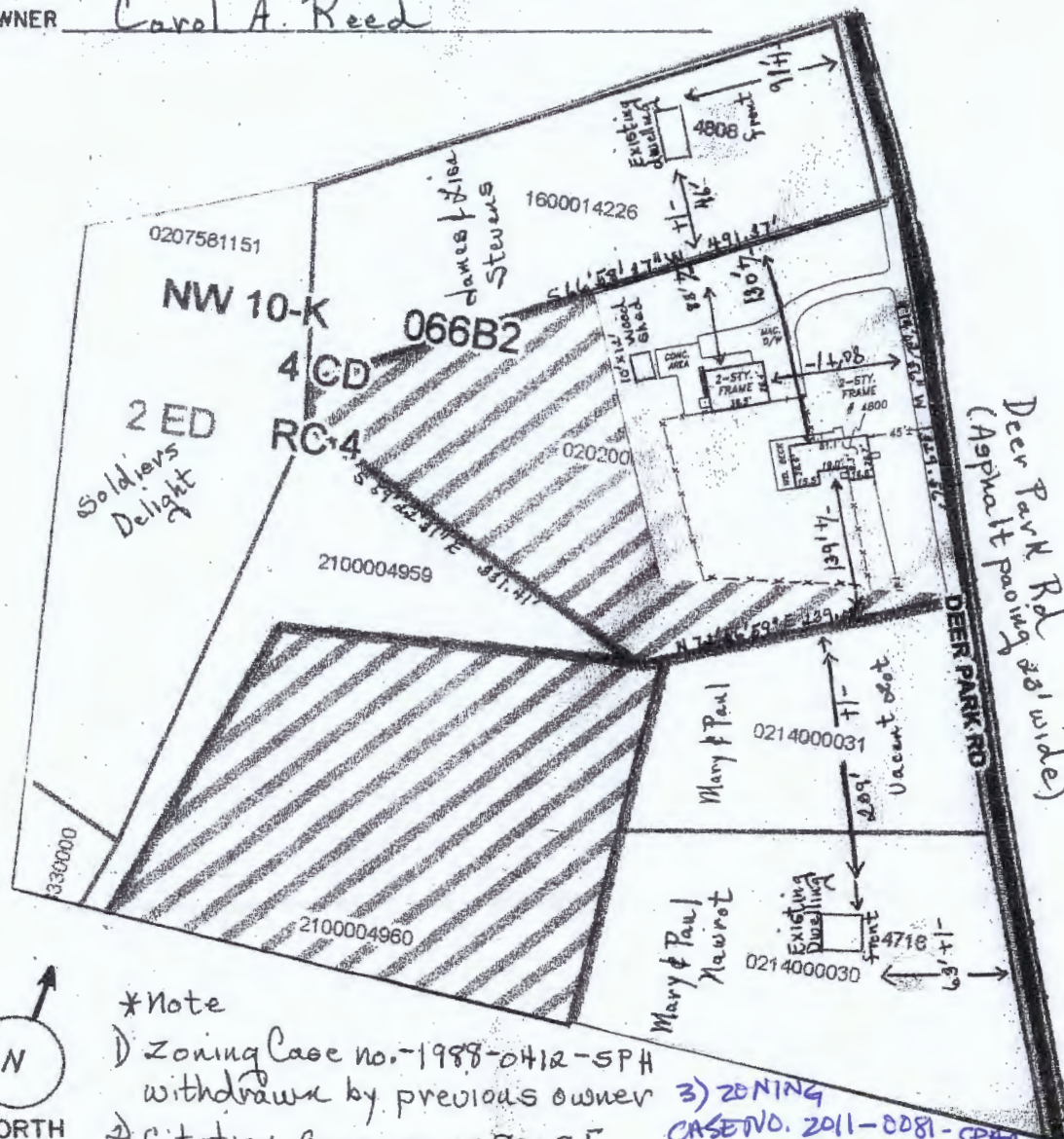
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PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Carol A. Reed



*Note

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

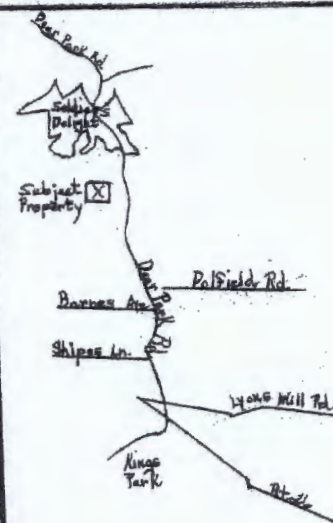
2) Citation Case no. 0080085

3) ZONING

CASE NO. 2011-0081-SPH GRANTED ON HEIGHT AND APARTMENT, THEN OVERTURNED BY BOARD OF APPEALS

SCALE OF DRAWING: 1" = 180'

PREPARED BY



LOCATION INFORMATION

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COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 066B2

ZONING RC-4

LOT SIZE 2.764 ACREAGE 119,791 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

	YES	NO
100 YEAR FLOOD PLAIN	☐	☒

	YES	NO
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING 2011-0081-SPH 1988-0412-SPH

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

Zu | 2012 | 0110 SPH