



KEVIN KAMENETZ  
County Executive

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
JOHN E. BEVERUNGEN  
Administrative Law Judge

February 24, 2015

Sean William Dobbs  
4019 Old Federal Hill Road  
Jarrettsville, Maryland 21084

RE: Petition for Special Hearing and Variance  
Property: 21535 Middletown Road  
Case No.: 2015-0114-SPH

Dear Mr. Dobbs:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name and title.

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:sln  
Enclosure

c: Bruce E. Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053  
Nancy Sharper, 21333 Mikules Manor Road, Freeland, Maryland 21053  
Michael Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087

IN RE: PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE

(21535 Middletown Road) \*

6<sup>th</sup> Election District \*

3<sup>rd</sup> Council District \*

Sean W. & Megan W. Dobbs \*

*Legal Owners* \*

Petitioners \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0114-SPH

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit an accessory (in-law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; and (2) to permit such accessory (in-law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling. In addition, a Petition for Variance seeks the following: (1) to permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 square feet per §400.4B2; (2) to permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter per §400.4A1c; (3) to permit the accessory apartment/building to have a separate well and septic system in lieu of the same per §400.4B4; and (4) to permit the accessory apartment/building to be located in the side yard in lieu of the required rear yard per §400.1.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was Petitioner Sean Dobbs. Bruce Doak from Bruce E. Doak Consulting,

ORDER RECEIVED FOR FILING

Date

2/24/15

By

Sen

LLC, appeared on behalf of the Petitioners. Nancy Sharper and Michael Pierce appeared as Protestants.

Variances are granted under §307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent. ." of the zoning regulations. Maryland Appellate Courts are also clear on the subject. In Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008) the Court held that a Petitioner must prove (1) That the property is unique; and (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship. The oft quoted case of Cromwell v. Ward, 102 Md. App. 691, 700-01 (1995) holds that "the general rule is that variances and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances . . . A variance should be strictly construed . . ." It is clear that only physical aspects such as narrowness, shallowness, shape, or topographical or other extraordinary situations, would warrant the granting of a Variance Stacey, 239 Md. @ 193, 210a.2<sup>nd</sup> 540.

Petitioner has not met this test. He argues that this is a "unique" situation in part because this is the first such request in an RC 2 zone and more so because he believes that the already existing residence on the subject property is not adequate "in today's standards". Petitioner presented no evidence as to any unique situation or quality in the property's dimensions, topographically or other relevant factors.

ORDER RECEIVED FOR FILING

Date

2/24/15

By

Sen

Unfortunately, there is simply nothing about the Petitioners property that meets the definition of "uniqueness" in the B.C.Z.R. or in the applicable case law. Contrary to Petitioners suggestion, it being the first such request in an RC 2 zone has no "uniqueness" quotient at all; and additionally, there was testimony from Protestants that there are a number of older homes in the area, many of whom are remodeled and renovated.

As to a practical difficulty, nothing in the applicable zoning prevents Petitioner from improving or replacing the residence already on the properties; and including a "mother-in-law apartment" in that project.

As to the Special Hearing requests, the subject residence is neither "accessory" nor "subordinate" to an existing "main building" on the property. It is the "main building", in size and structure. To allow it to be determined simply to be "accessory" and then construct another "main building" would circumvent the regulations. In any event, without the granting of the requested Variance, the Special Hearing request is MOOT.

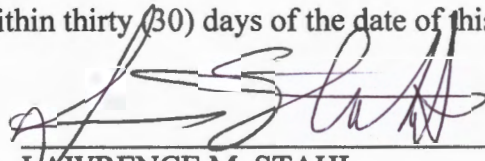
Finally, I find that the spirit and intent of the RC 2 zone is to clearly limit residential construction. Petitioner could build another structure on the property by availing himself of the one permitted sub-division. His present request could conceivably result in three dwelling structures on the property - - a result not envisioned as appropriate when the RC 2 zone was established.

THEREFORE, for all the above reasons, It Is Ordered this 24th day of February, 2015, by this Administrative Law Judge, of Baltimore County that the Petition for a Special Hearing and Variance set forth in this matter, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 2/24/15  
By Sen

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



LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/sln

ORDER RECEIVED FOR FILING

Date 2/24/15

By sln

✓\* **REVISED - VARIANCES - SEE ATTACHED**



## 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 21535 MIDDLETOWN ROAD FREELAND MD which is presently zoned RC2

Deed References: JLE 35038/288 21053 10 Digit Tax Account # 0607058236

Property Owner(s) Printed Name(s) SEAN W. DOBBS & MEGAN W. DOBBS

(SELECT THE HEARING(S) BY MARKING **X** 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

*SEE ATTACHED PAGE*

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

*SEE ATTACHED PAGE*

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:

Name- Type or Print

Signature

Date

Mailing Address

City

State

By

Zip Code

Telephone #

Email Address

### Legal Owners (Petitioners):

SEAN W. DOBBS / MEGAN W. DOBBS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1019 OLD FEDERAL HILL ROAD JARRETSVILLE

Mailing Address

City

State

MD

21089

Zip Code

413-463-7900

Telephone #

Email Address

### Representative to be contacted:

BRUCE DOAK  
BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address

City

State

21053

Zip Code

410-419-4906

Telephone #

BRUCE@BRUCEDOAK  
CONSULTING, LLC

Email Address

CASE NUMBER 2015-0114-SPHA

Filing Date 12/17/2014

Do Not Schedule Dates: \_\_\_\_\_

Reviewer TW

## Special Hearing

## REVISED - VARIANCES

1. To permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling.
2. To permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling.

## Variances

1. To permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 square feet. Per section 400.4 B2 (BCZR).
2. To permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter per section 400.4A1c (BCZR).
3. To permit the accessory apartment / building to have a separate well and septic system in lieu of the same per section 400.4 B4 (BCZR).
4. To permit the accessory apartment / building to be located in the side yard in lieu of the required rear yard per section 400.1 (BCZR).



# 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 21535 MIDDLETOWN ROAD FREELAND MO which is presently zoned RC2  
Deed References: JLE 3503B/288 21053 10 Digit Tax Account # 0607058236  
Property Owner(s) Printed Name(s) SEAN W. DOBBS & MEGAN W. DOBBS

(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

SEE ATTACHED PAGE

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)

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

SEAN W. DOBBS / MEGAN W. DOBBS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4019 OLD FEDERAL HILL ROAD JARRETSVILLE

Mailing Address

City

State

MO

21084 / 443-463-7900 /

Zip Code

Telephone #

Email Address

## Representative to be contacted:

BRUCE DOAK  
BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MO

Mailing Address

City

State

21053 / 410-419-4906 / BRUCE@BRUCEDOAK

Zip Code

Telephone #

Email Address CONSULTING.C

CASE NUMBER 2015-0114-SP4 Filing Date 11/20/2014 Do Not Schedule Dates: \_\_\_\_\_ Reviewer TW

## PETITIONS REQUESTED

1. To permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling.
2. To permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling.
3. Any relief that the Administrative Law Judge deems to be necessary.

2015-0114-SPH

# **Bruce E. Doak Consulting, LLC**

3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

## **Zoning Description**

21535 Middletown Road  
Sixth Election District Third Councilmanic District  
Baltimore County, Maryland

Commencing at a point on the northeast side of Middletown Road, opposite of the centerline of Baker Schoolhouse Road, thence running the two following courses and distances, viz: 1) Northeasterly 241.27 feet and 2) Northwesterly 23.79 feet to the point of beginning, thence running on the outlines of the subject property, the twelve following courses and distances, viz. 1) Southeasterly 798 feet  $\pm$ , 2) Northeasterly 774 feet  $\pm$ , 3) Southeasterly 259 feet  $\pm$ , 4) Northeasterly 589 feet  $\pm$ , 5) Northwesterly 580 feet  $\pm$ , 6) Southwesterly 327 feet  $\pm$ , 7) Northwesterly 436 feet  $\pm$ , 8) Southwesterly 915 feet  $\pm$ , 9) Southeasterly 44 feet  $\pm$ , 10) Southwesterly 333 feet  $\pm$ , 11) Southeasterly 604 feet  $\pm$  and 12) Southwesterly 188 feet  $\pm$  to the point of beginning.

Containing 40 acres 42 perches of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

CASE #2015-0114-SPU

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

No. **118474**

Date: **12/17/14**

DATE RECEIVED  
 12/17/2014

BUSINESS ACTUAL TIME 000

12/17/2014 12/17/2014 07:59:42

REL 0000 WASH 1000 LK

RECEIPT # 0000 12/17/2014 0000

3 20 ZONING VERIFICATION

1000

1000 1000

1000 1000

BALTIMORE COUNTY, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount    |
|------|------|------|----------|----------------|-------------|----------|---------|-----------|
| 001  | 206  | 0000 |          | 6150           |             |          |         | \$ 175.00 |
|      |      |      |          |                |             |          |         |           |
|      |      |      |          |                |             |          |         |           |
|      |      |      |          |                |             |          |         |           |
|      |      |      |          |                |             |          |         |           |
|      |      |      |          |                |             |          |         |           |
|      |      |      |          |                |             |          |         |           |
|      |      |      |          |                |             |          |         |           |

Total: **\$ 175.00**

Rec From: **Bruce Stark**

For: **6114 SPHA**

**LW**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

## No.

116290

Date:

11/20/14

[illegible]

2014 11/29/2014 07:13:17

RECEIVED - NEWARK LIBRARY  
JAN 15 1964

Baltimore County, Maryland

Total:

~~100.~~ 75.00

Rec

From:

Bence & Dink

For:

21535 Middleton Rd

2015-0614-55H<sup>2</sup>

## DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

## GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
VALIDATION**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
ZONING REVIEW OFFICE**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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.**

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**For Newspaper Advertising:**

Case Number: 2015-0114-SP4

Property Address: 21535 MIDDLETOWN ROAD FREELAND MD 21053

Property Description: 40.2625 ACRE PARCEL

Legal Owners (Petitioners): SEAN W. DOBBS & MELAN W. DOBBS

Contract Purchaser/Lessee: NA

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: SEAN W. DOBBS

Company/Firm (if applicable): \_\_\_\_\_

Address: 4019 OLD FEDERAL HILL ROAD  
JARROTSVILLE, MD 21084

Telephone Number: 443-463-7900



THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2927639

**Sold To:**

Sean Dobbs - CU00395882  
4019 Old Federal Hill Rd  
Jarrettsville, MD 21084

**Bill To:**

Sean Dobbs - CU00395882  
4019 Old Federal Hill Rd  
Jarrettsville, MD 21084

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 30, 2014

The Baltimore Sun Media Group

By *S. Wilkinson*  
Legal Advertising

**NOTICE OF ZONING HEARING**

The Administrative Law Judge 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: # 2015-0114-SPH**

21535 Middletown Road

SE/s Middletown Road opposite the centerline of Baker Schoolhouse Road

6th Election District - 3rd Councilmanic District

Legal Owner(s) Sean & Megan Dobbs

**Special Hearing** to permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; to permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling; any relief that the Administrative Law Judge deems to be necessary. Variance to permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 sq. ft., to permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter; to permit the accessory apartment/building to have a separate well and septic system in lieu of the same; to permit the accessory apartment/building to be located in the side yard in lieu of the required rear yard.

**Hearing: Friday, January 23, 2015 at 11:00 a.m. in Room 205, 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 12/927 December 30

2927639

# ZONING NOTICE

**CASE NO. 2015-0114 -SPHA**  
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE&TIME: Monday January 23, 2015 11:00 AM

REQUEST:  
SPECIAL HEARING TO PERMIT AN ACCESSORY (IN LAW)  
APARTMENT PERMITTED AS A TEMPORARY USE WITHIN AN  
ACCESSORY BUILDING SITUATE ON THE SAME OWNER OCCUPIED  
LOT AS THE PRINCIPAL DWELLING; TO PERMIT SUCH ACCESSORY  
(IN LAW) APARTMENT PRIOR TO THE ISSUANCE OF THE USE AND  
OCCUPANCY CERTIFICATE OF THE PRINCIPAL DWELLING; ANY  
RELIEF THAT THE ADMINISTRATIVE LAW JUDGE DEEMS TO BE  
NECESSARY.

VARIANCES TO PERMIT AN ACCESSORY APARTMENT WITHIN AN  
EXISTING ACCESSORY BUILDING WITH A SQUARE FOOTAGE OF  
2148 IN LIEU OF THE MAXIMUM 1200 SQ. FT.; TO PERMIT AN  
ACCESSORY APARTMENT BUILDING TO HAVE A SEPERATE UTILITY  
METER FOR ELECTRIC IN LIEU OF THE SAME METER; TO PERMIT  
THE ACCESSORY APARTMENT / BUILDING TO HAVE A SEPERATE  
WELL AND SEPTIC SYSTEM IN LIEU OF THE SAME; TO PERMIT THE  
ACCESSORY APARTMENT / BUILDING TO BE LOCATED IN THE SIDE  
YARD IN LIEU OF THE REQUIRED REAR YARD.

POST-ONMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3381.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, December 30, 2014 Issue - Jeffersonian

Please forward billing to:

Sean Dobbs  
4019 Old Federal Hill Road  
Jarrettsville, MD 21084

443-463-7900

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**CASE NUMBER: 2015-0114-SPH**

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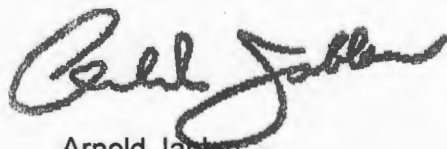
SE/s Middletown Road opposite the centerline of Baker Schoolhouse Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Sean & Megan Dobbs

Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; to permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling; any relief that the Administrative Law Judge deems to be necessary.

Hearing: Friday, January 23, 2015 at 11:00 a.m. in Room 205, 105 W. 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.



KEVIN KAMENETZ  
*County Executive*  
December 22, 2014

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

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SE/s Middletown Road opposite the centerline of Baker Schoolhouse Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Sean & Megan Dobbs

**Special Hearing** to permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; to permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling; any relief that the Administrative Law Judge deems to be necessary.

**Variance** to permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 sq. ft., to permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter; to permit the accessory apartment/building to have a separate well and septic system in lieu of the same; to permit the accessory apartment/building to be located in the side yard in lieu of the required rear yard.

Hearing: Friday, January 23, 2015 at 11:00 a.m. in Room 205, 105 W. Chesapeake Avenue,  
Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: Mr. & Mrs. Dobbs, 4019 Old Federal Hill Road, Jarrettsville 21084  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 3, 2015.**
- (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, December 30, 2014 Issue - Jeffersonian

Please forward billing to:

Sean Dobbs  
4019 Old Federal Hill Road  
Jarrettsville, MD 21084

443-463-7900

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21535 Middletown Road

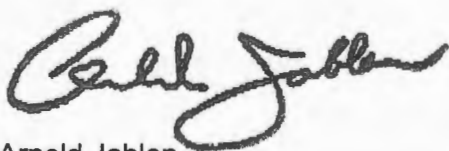
SE/s Middletown Road opposite the centerline of Baker Schoolhouse Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Sean & Megan Dobbs

Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; to permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling; any relief that the Administrative Law Judge deems to be necessary. **Variance** to permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 sq. ft., to permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter; to permit the accessory apartment/building to have a separate well and septic system in lieu of the same; to permit the accessory apartment/building to be located in the side yard in lieu of the required rear yard.

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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.



KEVIN KAMENETZ  
County Executive

December 1, 2014

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

## NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0114-SPH**

21535 Middletown Road

SE/s Middletown Road opposite the centerline of Baker Schoolhouse Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Sean & Megan Dobbs

Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; to permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling; any relief that the Administrative Law Judge deems to be necessary.

Hearing: Friday, January 23, 2015 at 11:00 a.m. in Room 205, 105 W. Chesapeake Avenue,  
Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: Mr. & Mrs. Dobbs, 4019 Old Federal Hill Road, Jarrettsville 21084  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 3, 2015.**
- (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.



KEVIN KAMENETZ  
*County Executive*  
December 22, 2014

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

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SE/s Middletown Road opposite the centerline of Baker Schoolhouse Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Sean & Megan Dobbs

**Special Hearing** to permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling; to permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling; any relief that the Administrative Law Judge deems to be necessary.

**Variance** to permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 sq. ft., to permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter; to permit the accessory apartment/building to have a separate well and septic system in lieu of the same; to permit the accessory apartment/building to be located in the side yard in lieu of the required rear yard.

Hearing: Friday, January 23, 2015 at 11:00 a.m. in Room 205, 105 W. Chesapeake Avenue,  
Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: Mr. & Mrs. Dobbs, 4019 Old Federal Hill Road, Jarrettsville 21084  
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**Bruce E. Doak Consulting, LLC**

3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

**CERTIFICATE OF POSTING**

January 4, 2015

Re:

Zoning Case No. 2015-0114-SPHA

Petitioner / Owner: Sean & Megan Dobbs

Date of Hearing: January 23, 2015

Baltimore County Department of Permits, Approvals & Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 111  
111 West Chesapeake Avenue Towson, MD 21204

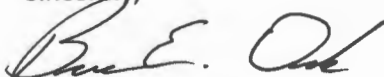
Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **21535 Middletown Road**.

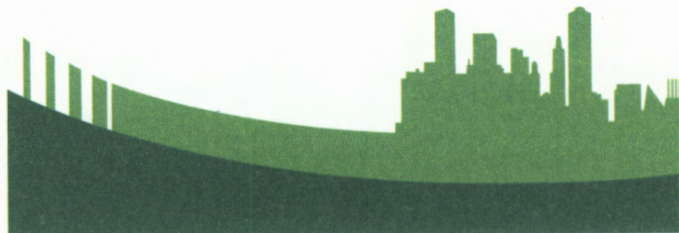
The sign(s) were posted on **January 2, 2015**.

Sincerely,



Bruce E. Doak  
MD Property Line Surveyor #531

**See the attached sheet(s) for the photos of the posted sign(s)**



Land Use Expert and Surveyor

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
21535 Middletown Road; NE/S Middletown Rd  
241.27' NE opposite Baker Schoolhouse Road \* OF ADMINISTRATIVE  
6<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts  
Legal Owner(s): Sean W. & Megan W. Dobbs \* HEARINGS FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2015-114-SPH

\* \* \* \* \*

**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 25 2014



*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

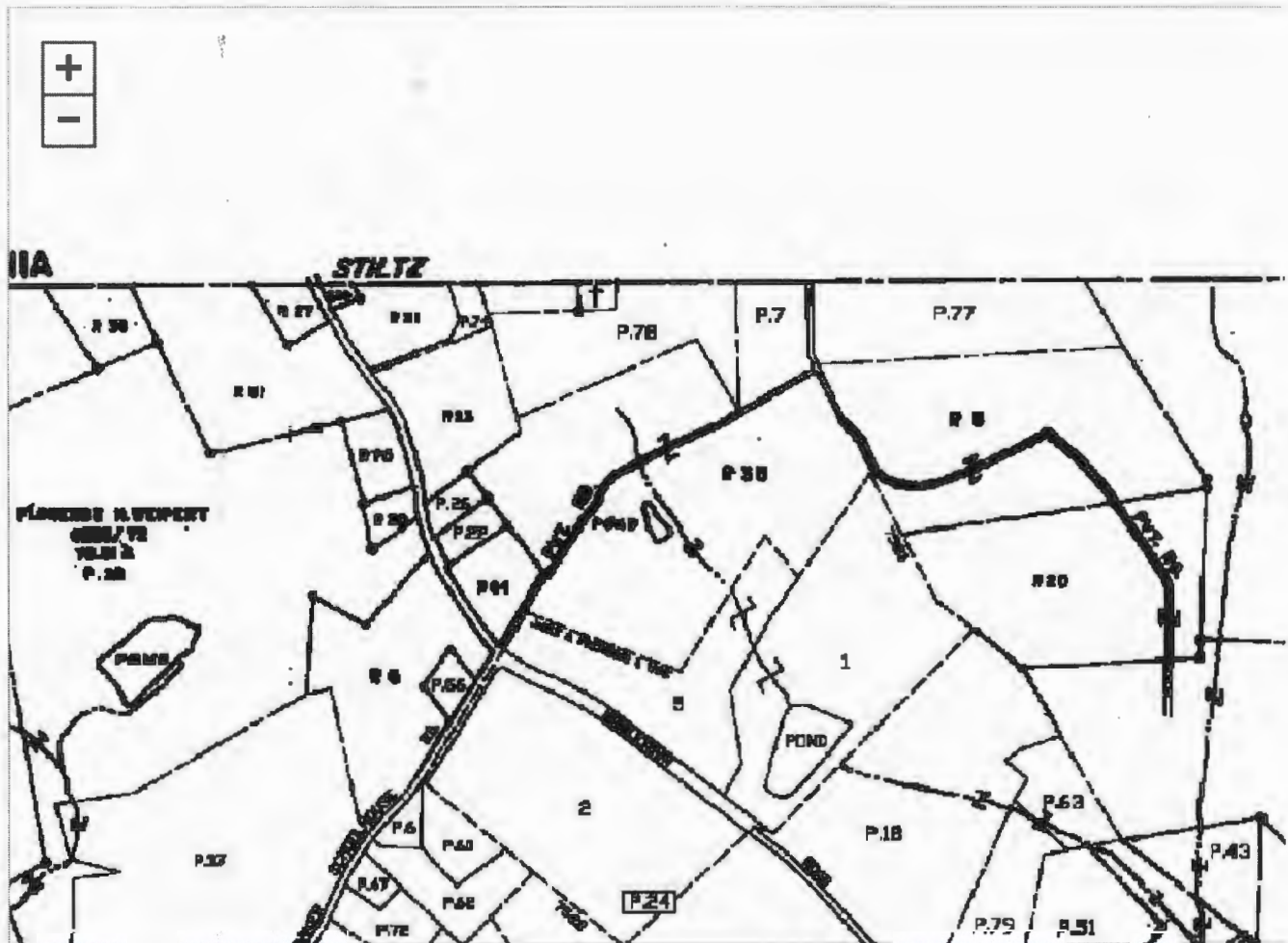
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of November, 2014, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **06** Account Number: **0607058226**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.



**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 11, 2014

RECEIVED

DEC 11 2014

HAND DELIVERED

OFFICE OF ADMINISTRATIVE HEARINGS

John Beverungen, Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

Re: Sean & Megan Dobbs  
21535 Middletown Road  
Case No.: 2015-114-SPH  
Hearing: January 23, 2015 at 11 A.M.

Dear Judge Beverungen,

This petition for special hearing requests an accessory (in-law) apartment as a temporary use in an accessory building on the same lot as the principal dwelling. The property occupies 40 acres on Middletown Road in northwest Baltimore County, close to the Pennsylvania line. Google earth photos, SDAT data, and My Neighborhood Map are enclosed.

Remarkably, Petitioners list their different home address in Jarrettsville. Yet the SDAT data lists this Middletown Road property as their principal residence.

This petition effectively replaces the petition in Case No. 2015-099, which requested 2 dwellings on a single lot in an R.C. 2 (Agricultural Zone). Upon review by telephone with Petitioner's consultant, Bruce Doak, we communicated on November 12, 2014 that this conflicted with the specific limitation to one principal dwelling per lot in BCZR Sec. 1A01.3.B.4. Coincidentally, Planner Wallace Lippincott accurately communicated this as well in his recommendation, adopted in the enclosed November 12, 2014 Planning Department correspondence. In view of the potential opportunity to request an "in-law" dwelling, Mr. Doak withdrew the 2015-099 case by the enclosed letter dated November 17, 2014. On November 20, 2014, he filed the present petition.

The building in question apparently exists. It is now vacant. Formerly, we are told, it was a tenant house on a farm.

We are pleased to see that Mr. Doak has taken a path for which the petitioner may potentially be eligible under BCZR Sec. 400.4. In 2011, the County Council enacted new legislation to govern in detail accessory in-law apartments, either in additions to dwellings or in separate buildings. The law applies equally to properties in the D.R. or R.C. Zones, as well to any other zone where a dwelling may lawfully exist (for example, a business zone adjacent to a D.R. Zone, or certain office zones which incorporate residential zones or uses).

Nevertheless, there are several issues which must be addressed:

1. There must be filed the requisite declaration of understanding on a form approved by the PAI department. This should include, among other things, a description of the request and the limitation to the particular requested in-law use. Given that the Petitioners do not list their address as on Middletown Road, the declaration of understanding needs to address precisely who is to live in each of the dwellings and be scrutinized with care.
2. The site plan, while revised to name the petition as for an accessory apartment, is virtually identical to the site plan filed in Case 2015-099. The site plan still shows the main "existing residence" and "existing garage" in one area and the second building over 500 feet away as a "proposed single family dwelling" rather than an accessory apartment. Moreover, there are no dimensions. From my conversation with Mr. Doak, it is my understanding that this is and/or will be a 2-story building. It will likely far exceed the 1200 square feet limit of BCZR Sec. 400.4.B.2. It also looks to be larger than the existing principal dwelling. This deviates from the definitional scope of accessory structure under BCZR Sec. 101.1, which does not allow for a structure larger than the main dwelling. It probably also will require separate utility meters and/or water and sewer service in the absence of necessity. BCZR Sec. 400.4.B.4. Moreover, it is proposed in the side yard rather the required rear yard under BCZR Sec. 400.1.
3. The site plan must be revised to show accurately the nature and dimensions of the existing and/or proposed uses, including but not limited to the building dimensions, heights, distances, and utility and water/sewer situations. It must also reference the declaration of understanding and should indicate the proposed relationships pertinent to the accessory apartment.
4. A petition for variances must be added to exceed the size limit, have an accessory building larger than the principal building, and place it in the side yard. There also must be a request for any separate utility meters and/or water and sewer service.

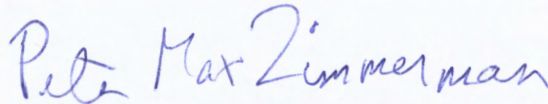
John Beverungen, Administrative Law Judge  
December 11, 2014  
Page 3

All of these things must be accomplished prior to posting the property for the public hearing, which is currently scheduled for January 23 at 11 A.M.

Upon an amended and corrected petition, petitioners must then produce proof at the hearing that they satisfy the relevant legal standards under BCZR Secs. 400.4.B and 400.4.C. These include special exception, variance and other criteria.

Thank you in advance for your consideration of this matter.

Sincerely,



Peter Max Zimmerman  
People's Counsel for Baltimore County

cc: Bruce Doak, consultant  
Sean and Megan Dobbs, Petitioners  
Carl Richards, Zoning Supervisor  
Wallace Lippincott, Department of Planning



My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 12/4/2014

Google

21535 middletown road



Sign in

Get directions

My places



**21535 Middletown Rd**  
Freeland, MD 21053

Directions Search nearby more

Maps Labs - Help

Google Maps - ©2014 Google - Terms of Use - Privacy

**21539 Middletown Rd, Freeland, Maryland, United States**  
Address is approximate



© 2014 Google Image Date: September 2013

Report a problem

Done

Internet | Protected Mode: Off

100%



Real Property Data Search ( w1)

Guide to searching the database

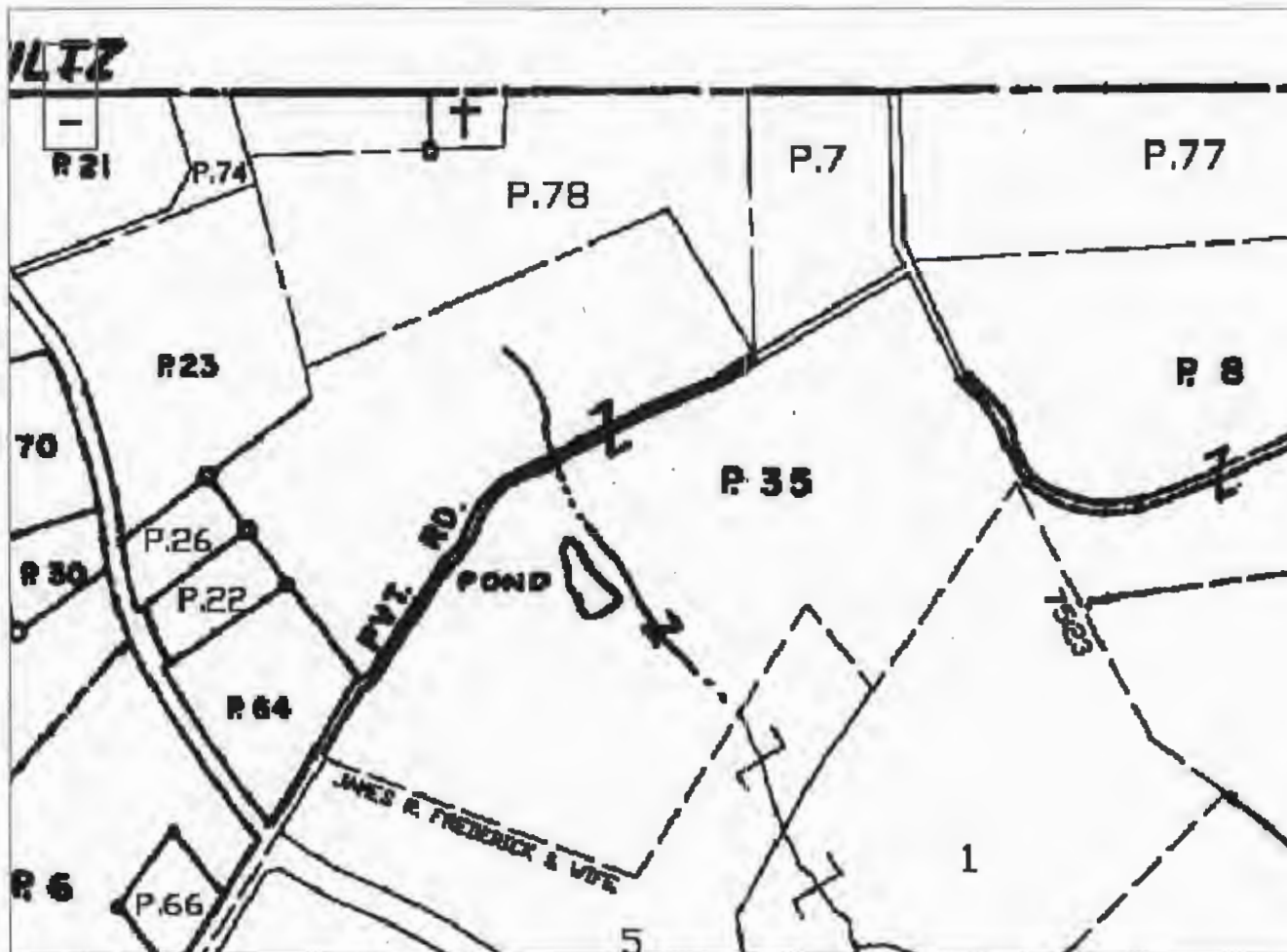
## Search Result for BALTIMORE COUNTY

|                                                        |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
|--------------------------------------------------------|-----------------|-----------------------------------------------|---------------|------------------------------------------|------------------------------|---------------------------------------------|----------------------------------------------------------|---------------------|-----------------------|
| View Map                                               |                 | View GroundRent Redemption                    |               |                                          |                              | View GroundRent Registration                |                                                          |                     |                       |
| Account Identifier:                                    |                 | District - 06 Account Number - 0607058226     |               |                                          |                              |                                             |                                                          |                     |                       |
| Owner Information                                      |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
| Owner Name:                                            |                 | DOBBS SEAN W<br>DOBBS MEGAN W                 |               |                                          | Use:<br>Principal Residence: |                                             | AGRICULTURAL<br>YES                                      |                     |                       |
| Mailing Address:                                       |                 | 21535 MIDDLETOWN RD<br>FREELAND MD 21053-9754 |               |                                          | Deed Reference:              |                                             | /35038/ 00288                                            |                     |                       |
| Location & Structure Information                       |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
| Premises Address:                                      |                 | 21535 MIDDLETOWN RD<br>FREELAND 21053-9754    |               |                                          | Legal Description:           |                                             | 40.2625 AC<br>21535 MIDDLETOWN RD<br>INT BAKER SCHHSE RD |                     |                       |
| Map:                                                   | Grid:           | Parcel:                                       | Sub District: | Subdivision:                             | Section:                     | Block:                                      | Lot:                                                     | Assessment Year:    | Plat No:<br>Plat Ref: |
| 0001                                                   | 0023            | 0035                                          |               | 0000                                     |                              |                                             |                                                          | 2014                |                       |
| Special Tax Areas:                                     |                 |                                               |               | Town:<br>Ad Valorem:<br>Tax Class:       |                              | NONE                                        |                                                          |                     |                       |
| Primary Structure Built<br>1901                        |                 | Above Grade Enclosed<br>1,776 SF              |               | Finished Basement Area                   |                              | Property Land Area<br>40.2600 AC            |                                                          | County Use<br>05    |                       |
| Stories<br>2                                           | Basement<br>YES | Type<br>STANDARD UNIT                         |               | Exterior<br>SIDING                       | Full/Half Bath<br>1 full     | Garage                                      | Last Major Renovation                                    |                     |                       |
| Value Information                                      |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
|                                                        |                 | Base Value                                    |               | Value<br>As of<br>01/01/2014             |                              | Phase-in Assessments<br>As of<br>07/01/2014 |                                                          | As of<br>07/01/2015 |                       |
| Land:                                                  |                 | 105,500                                       |               | 96,000                                   |                              |                                             |                                                          |                     |                       |
| Improvements                                           |                 | 117,200                                       |               | 107,200                                  |                              |                                             |                                                          |                     |                       |
| Total:                                                 |                 | 222,700                                       |               | 203,200                                  |                              | 203,200                                     |                                                          | 203,200             |                       |
| Preferential Land:                                     |                 | 10,500                                        |               |                                          |                              |                                             |                                                          | 10,500              |                       |
| Transfer Information                                   |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
| Seller: GRAY JOHN M JR<br>Type: ARMS LENGTH IMPROVED   |                 |                                               |               | Date: 06/05/2014<br>Deed1: /35038/ 00288 |                              | Price: \$565,000<br>Deed2:                  |                                                          |                     |                       |
| Seller: GRAY JOHN M, JR<br>Type: NON-ARMS LENGTH OTHER |                 |                                               |               | Date: 05/19/2009<br>Deed1: /28103/ 00285 |                              | Price: \$0<br>Deed2:                        |                                                          |                     |                       |
| Seller: PRICE GEORGE R<br>Type: ARMS LENGTH IMPROVED   |                 |                                               |               | Date: 03/30/1964<br>Deed1: /04279/ 00410 |                              | Price: \$10,000<br>Deed2:                   |                                                          |                     |                       |
| Exemption Information                                  |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
| Partial Exempt Assessments:                            |                 | Class                                         |               | 07/01/2014                               |                              | 07/01/2015                                  |                                                          |                     |                       |
| County:                                                |                 | 000                                           |               | 0.00                                     |                              |                                             |                                                          |                     |                       |
| State:                                                 |                 | 000                                           |               | 0.00                                     |                              |                                             |                                                          |                     |                       |
| Municipal:                                             |                 | 000                                           |               | 0.00 0.00                                |                              | 0.00 0.00                                   |                                                          |                     |                       |
| Tax Exempt:                                            |                 | Special Tax Recapture:                        |               |                                          |                              |                                             |                                                          |                     |                       |
| Exempt Class:                                          |                 | AGRICULTURAL TRANSFER TAX                     |               |                                          |                              |                                             |                                                          |                     |                       |
| Homestead Application Information                      |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |
| Homestead Application Status: No Application           |                 |                                               |               |                                          |                              |                                             |                                                          |                     |                       |

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)

District: 06 Account Number: 0607058226



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Property maps provided courtesy of the Maryland Department of Planning ©2011.

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(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



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Printed 12/4/2014

PMZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** November 12, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 21535 Middletown Road

**INFORMATION:**

**Item Number:** 15-099

**Petitioner:** Sean W. Dobbs & Megan W. Dobbs

**Zoning:** RC 2

**Requested Action:** Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The subject request is for a special hearing to allow a second dwelling on a RC-2 zoned property.

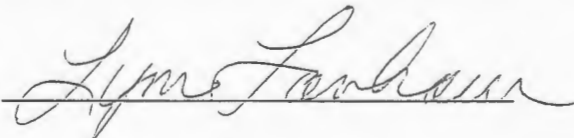
The Department of Planning has reviewed the petitioner's request and accompanying site plan, and subsequent to a site visit, the following comments and recommendations are offered.

- The applicants own a 40 acre parcel on Middletown Road in Northern Baltimore County and are requesting the right to build a new residential dwelling and to retain a second dwelling on the same lot.
- There are two options that would permit such a request. One is for a tenant involved in the farm operation and the second is if the use is for an accessory use for an in-law. This application is not requesting either of these.
- The proposal is inconsistent with the recently adopted Growth Management Tier 4 provisions which seek to reduce the amount of development on septic systems.
- The proposal is inconsistent with purposes of the RC 2 zone (BCZR Sec 1A01.1B) which is to "foster conditions favorable to continued agricultural use of productive land..." This land is productive and the building of more houses on the farm reduces the productive capability of the farm.

Therefore, it is the recommendation of this Department that as submitted, the requested relief to permit two dwellings on a single farm parcel be denied as it will be detrimental to the health, safety, or general welfare of the surrounding community and the primary agricultural uses of the property.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

**Division Chief:**  
AVA/LL





Bruce E. Doak Consulting, LLC  
Land Use Expert & Surveyor

November 17, 2014

Arnold Jablon  
Baltimore County Office of Zoning

Re: Withdraw of Case #2015-0099-SPH

Dear Mr. Jablon,

I am asking by way of this letter to withdraw case #2015-0099-SPH. Withdrawing and refiling a new case with a different request will allow me to utilize the recommendations provided to me by the other county agencies.

Thank you for your consideration of my request.

With regards,

A handwritten signature in black ink, appearing to read "B. E. Doak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bruce E. Doak

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road Freeland, MD 21053  
443-900-5535 office 410-419-4906 cell  
bdoak@bruceedoakconsulting.com



KEVIN KAMENETZ  
County Executive

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

January 15, 2014

Dean W & Megan W Dobbs  
4019 Old Federal Hill Road  
Jarrettsville MD 21084

RE: Case Number: 2015-0114 SPH, Address: 21535 Middletown Road

Dear Mr. & Ms. Dobbs:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 17, 2014. 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel  
Bruce E. Doak, Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

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



MARYLAND DEPARTMENT OF TRANSPORTATION

James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Date: 12/22/14

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

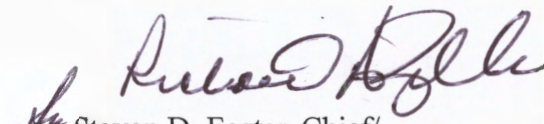
RE: Baltimore County  
Item No 2015-0114-SPH  
Special Hearing Variance  
Submitted by Megan W. Dobbs  
21535 Middletown Road

Dear Ms. Lewis:

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. 2015-0114-SPH.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

  
Steven D. Foster, Chief/  
Development Manager  
Access Management Division

SDF/raz

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** January 8, 2015

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 21535 Middletown Road

**INFORMATION:**

**Item Number:** 15-114 (Revised)  
**Petitioner:** Sean W. and Megan W. Dobbs  
**Zoning:** RC 2  
**Requested Action:** Special Hearing, Variance

RECEIVED

JAN 09 2015

OFFICE OF ADMINISTRATIVE HEARINGS

**SUMMARY OF RECOMMENDATIONS:**

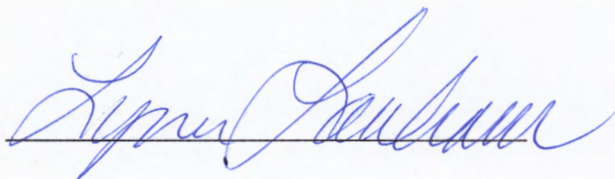
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a special hearing or variances to permit an accessory (in-law) apartment contingent on meeting all the other requirements of BCZR 400.

The applicants have recently purchased a 40 acre parcel on Middletown Road in Northern Baltimore County that they will be developing as a horse farm. They will be building a new dwelling and wish to retain and use the existing dwelling for a mother-in-law residence. Because they wish to utilize an existing structure, the request requires variances for the size and location of the structure. The proposed agricultural use is an appropriate use in the RC 2 zone and having another person on the property is potentially supportive of maintaining animals.

Therefore it is this Department's opinion that the requested accessory in-law apartment, so long as specifically conditioned to comply with Sec. 400.4.C.1.C., will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

**Division Chief:**  
AVA/LL



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** December 8, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 21535 Middletown Road

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**INFORMATION:**

DEC 08 2014

**Item Number:** 15-114

**Petitioner:** Sean W. and Megan W. Dobbs

OFFICE OF ADMINISTRATIVE HEARINGS

**Zoning:** RC 2

**Requested Action:** Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

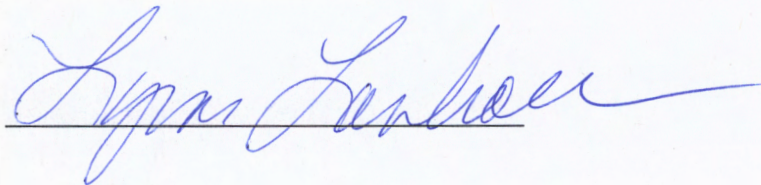
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is for a special hearing to permit an accessory (in-law) apartment as a temporary use within an accessory building on the same lot and to permit said accessory apartment prior to the issuance of the use and occupancy of the principal building.

The applicants own a 40 acre parcel on Middletown Road in Northern Baltimore County and are requesting the right to build a new residential dwelling and to retain the existing dwelling for the use as an in-law apartment. A concern in the rural area is that such a use will become permanent, however, BCZR Sec. 400.4.C.1.C provides for termination of the use.

The Department of Planning does not oppose the petitioner's request for a special hearing to permit an accessory (in-law) apartment contingent on meeting all the other requirements of BCZR 400. Therefore it is this Department's opinion that the requested accessory in-law apartment, so long as specifically conditioned to comply with Sec. 400.4.C.1.C., will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott at 410-887-3480.

**Division Chief:**  
AVA/LL



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



MARYLAND DEPARTMENT OF TRANSPORTATION

James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Date: 11/24/14

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

RE: Baltimore County  
Item No 2015-0114-SPH.  
Special Hearing  
Sean W. & Megan W. Dokas  
21535 Middletown Road.

Dear Ms. Lewis:

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. 2015-0114-SPH.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/  
Development Manager  
Access Management Division

SDF/raz

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

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

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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 01, 2014  
Item No. 2015-0114 and 0115

**DATE:** December 05, 2014

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\ZAC12012014 -.doc

## MEMORANDUM

DATE: March 27, 2015  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2015-0114-SPH – Appeal Period Expired

---

The appeal period for the above-referenced case expired on March 26, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File  
Office of Administrative Hearings

~~Bob~~

Sean William Dobbs

~~223~~ 4019 Old Federal Hill Rd.  
Jarrettsville, MD 21084

Cityman

Nancy Shaper

21333 Miles Manor Rd

Freeland MD 21053

Freeland Community Assn

Cityman

Michael Pierce

7448 Bradshaw Rd

Kingsville MD 21087

(representing self)

Port.

Bruce E. Doak

Bruce E. Doak Consulting

3801 Baker Schoolhouse Road

Freeland MD 21053

410-419-4906

## Debra Wiley

---

**From:** Bruce E. Doak <bdoak@bruceedoakconsulting.com>  
**Sent:** Sunday, February 08, 2015 6:00 PM  
**To:** Sean W. Dobbs  
**Cc:** Debra Wiley  
**Subject:** FW: Zoning petition 2015-114-SPH, 21535 Middletown Road, Sean and Megan Dobbs, Petitioners  
**Attachments:** Ltr to Stahl Dobbs 2015-114 SPH.pdf

RECEIVED

FEB 09 2015

February 8, 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Good evening,

Peter Zimmerman's most current opinion reflected in his letter represents his representation of his new client, the Freeland Community Association.

A couple years ago, the in law house would not have been considered in a DR zone. But because there was a need for families to take care their parents, it is now allowed. Zoning regulations are in place to protect the public as a whole, not to hurt people for trying to make a better life for his family. Zoning regulations need to evolve with society as it changes, not keep it stagnate.

Almost everything about this case is unique and would justify the requested variances. Nothing about our requests will be harmful or detrimental to the public.

We will see what is decided.

Bruce

---

**From:** Peter Max Zimmerman [mailto:pzimmerman@baltimorecountymd.gov]  
**Sent:** Friday, February 06, 2015 12:15 PM  
**To:** freeland@freelandcommunityassociation.org; Wallace S. Lippincott; bdoak@bruceedoakconsulting.com  
**Subject:** Zoning petition 2015-114-SPH, 21535 Middletown Road, Sean and Megan Dobbs, Petitioners

To: Bruce Doak, Petitioner's consultant; Andy Rathgeber, President, Freeland Community Association; and Wallace Lippincott, Department of Planning

Attached to this e-mail is a copy of a letter filed today with the Office of Administrative Hearings.

Another copy will follow in the regular mail.

Yours truly, Peter Max Zimmerman, People's Counsel

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, [www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)



## *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

February 6, 2015

**HAND DELIVERED**

Lawrence B. Stahl, Managing Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

Re: Sean & Megan Dobbs  
21535 Middletown Road  
Case No.: 2015-114-SPH

Dear Judge Stahl,

Previously, we wrote to Judge Beverungen about this case on December 11, 2014, then being under the impression that the case was assigned to him for hearing. After that, we have had communications both with Bruce Doak, Petitioners' surveyor, and Andy Rathgeber, President of the Freeland Community Association (FCA).

We then learned that the case went before you as administrative law judge and hearing officer on January 23, 2015. Having followed this case, as well as its withdrawn predecessor, and reviewed the record, we do not perceive there to be any material facts in dispute.

We have just received a copy of the letter dated February 4, 2015 from Mr. Rathgeber to your office stating FCA's opposition to the petition. Suffice it to say that our office agrees with the accurate and thorough FCA analysis.

The petition purports to be for an accessory apartment but realistically is a disguised petition for two dwellings on a lot in the R.C. 2 Zone, which is impermissible under BCZR Sec. 1A01.3.B.4. To say the least, the proposal does not meet the spirit and intent of the R.C. 2 Zone, does not satisfy the BCZR Sec. 502.1 standards, especially subsection G concerning the "purpose of the property's zoning classification." A special exception translates as a conditional use. Because of the multiple significant variances, the proposal is virtually disqualified because it does not meet pertinent conditions. See Umerley v. People's Counsel 108 Md. App. 497, 509-11, cert denied 342 Md. 584 (1996).

Lawrence B. Stahl, Managing Administrative Law  
February 6, 2015  
Page 2

Moreover, the petition for multiple variances does not meet the established test of "uniqueness" resulting in "practical difficulty" under BCZR Sec. 307.1. Umerley, supra, 108 Md. App. at 504-09; see also Trinity Assembly of God v. People's Counsel 407 Md. 53, 79-85 (2008); Riffin v. People's Counsel 137 Md. App. 90, cert. denied 363 Md. 660 (2001). As a practical matter, the petitioners have recently acquired the property and find it convenient to build a second dwelling. A variance may not be granted on the basis of such convenience.

As the FCA rightly points out, the R.C. 2 Zone does make available the opportunity to subdivide a 40-acre lot of record into two dwelling lots. BCZR Sec. 1A01.3.B.1. That would be the correct way to place two dwellings on this property.

Alternatively, as the FCA also observes, petitioners could possibly upgrade the existing dwelling and consider including an accessory apartment as an attached addition, subject to BCZR Sec. 400.4 generally and 400.4.A in particular.

In sum, as a matter of law, there does not appear to be any basis for this petition.

Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman". The signature is fluid and cursive, with the first name "Peter" and last name "Zimmerman" clearly distinguishable.

Peter Max Zimmerman  
People's Counsel for Baltimore County

cc: Bruce Doak, consultant and Petitioners' representative  
Andrew Rathgeber, President, Freeland Community Association  
Wallace Lippincott, Department of Planning

## Debra Wiley

---

**From:** Bruce E. Doak <bdoak@bruceedoakconsulting.com>  
**Sent:** Wednesday, February 11, 2015 9:23 AM  
**To:** 'Freeland Community Association'  
**Cc:** 'Sean W. Dobbs'; 'Bailey, Sharon'; 'Jen Talbott'; 'Jeff Lambert'; 'Renee O'Neill'; 'Nancy L Shaper'; andyrathg@gmail.com; Debra Wiley  
**Subject:** RE: Dobbs Property Zoning Case  
**Attachments:** Bruce E Doak.vcf

February 11, 2015

Good morning Andy,

I just wanted to clarify a scenario that wasn't mentioned and get your thought on it.

\* What if the farm house is approved as a tenant house in the near future, is Mr. Dobbs allowed per the proposed agreement to subdivide the property in the future to allow the farm (tenant) house & the new proposed house to be on the large farm lot and to have a second small lot for one of his children?

Please thank everyone for their additional efforts on this matter to help a neighbor.

With regards,  
Bruce

-----Original Message-----

**From:** Freeland Community Association [mailto:freeland@freelandcommunityassociation.org]  
**Sent:** Tuesday, February 10, 2015 9:33 PM  
**To:** Bruce E. Doak  
**Cc:** Sean W. Dobbs; Bailey, Sharon; Jen Talbott; Jeff Lambert; Renee O'Neill; Nancy L Shaper; andyrathg@gmail.com  
**Subject:** Re: Dobbs Property Zoning Case

Mr Dobbs, Mr. Doak,

The Board of the Freeland Community Association has reconvened on this issue and wishes to present the attached proposal for your consideration and response.

Feel free to contact me or the Board regarding our proposal.

Best Regards,  
Andy Rathgeber  
410-374-0525  
410-207-8748

Visit us on the web at [www.freelandcommmunityassociation.org](http://www.freelandcommmunityassociation.org) "Like" us on Facebook at [www.facebook.com/freelandcomm](http://www.facebook.com/freelandcomm)

## Debra Wiley

---

**From:** Freeland Community Association <freeland@freelandcommunityassociation.org>  
**Sent:** Wednesday, February 11, 2015 8:07 PM  
**To:** Bruce E. Doak  
**Cc:** 'Sean W. Dobbs'; 'Bailey, Sharon'; 'Jen Talbott'; 'Jeff Lambert'; 'Renee O'Neill'; 'Nancy L Shaper'; andyrathg@gmail.com; Debra Wiley  
**Subject:** Re: Dobbs Property Zoning Case

Bruce,

An important part of this issue for us is the potential for RC-2 properties to be developed beyond their legal density by allowing a larger dwelling with its own utilities (well, septic in particular) to be identified as an accessory structure, even though it will have the environmental impact (and all the other attributes) of a principal dwelling. If this were truly an accessory structure to a principal dwelling, it would not have a separate well or septic and we wouldn't be involved at all.

In our view, the only way to preserve the right of subdivision without introducing additional density and the associated environmental impact into the equation is to preclude the possibility of a third dwelling, irrespective of the intended use of any of them.

This is why we have taken this position, and why we are asking for the terms stated in our proposal to be included in an agreement that will allow the Dobbs to utilize two homes on their existing lot.

Andy

On 2/11/2015 9:22 AM, Bruce E. Doak wrote:

> February 11, 2015

>

> Good morning Andy,

>

> I just wanted to clarify a scenario that wasn't mentioned and get your thought on it.

>

> \* What if the farm house is approved as a tenant house in the near future, is Mr. Dobbs allowed per the proposed agreement to subdivide the property in the future to allow the farm (tenant) house & the new proposed house to be on the large farm lot and to have a second small lot for one of his children?

>

> Please thank everyone for their additional efforts on this matter to help a neighbor.

>

> With regards,

> Bruce

>

> -----Original Message-----

> From: Freeland Community Association

> [mailto:freeland@freelandcommunityassociation.org]

> Sent: Tuesday, February 10, 2015 9:33 PM

> To: Bruce E. Doak  
> Cc: Sean W. Dobbs; Bailey, Sharon; Jen Talbott; Jeff Lambert; Renee  
> O'Neill; Nancy L Shaper; andyrathg@gmail.com  
> Subject: Re: Dobbs Property Zoning Case  
>  
>  
> Mr Dobbs, Mr. Doak,  
> The Board of the Freeland Community Association has reconvened on this issue and wishes to present the attached  
proposal for your consideration and response.  
> Feel free to contact me or the Board regarding our proposal.  
>  
> Best Regards,  
> Andy Rathgeber  
> 410-374-0525  
> 410-207-8748  
>  
>  
>  
>  
> Visit us on the web at [www.freelandcommunityassociation.org](http://www.freelandcommunityassociation.org) "Like" us  
> on Facebook at [www.facebook.com/freelandcomm](http://www.facebook.com/freelandcomm)

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Visit us on the web at [www.freelandcommunityassociation.org](http://www.freelandcommunityassociation.org)

"Like" us on Facebook at [www.facebook.com/freelandcomm](http://www.facebook.com/freelandcomm)

## DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2014, by and between Sean W. Dobbs and Megan W. Dobbs (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

### RECITALS

- A. The Declarants who are also the owners of this property have filed an application for a use permit and special hearing to allow the use of an existing detached accessory building located on the subject property. The existing detached accessory building was built for the purpose of housing a family member and has been used as such since that time.  
The property being located at 21535 Middletown Road Freeland MD 21053 and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned R.C. 2 which is the particular zone in which the property is located.
- B. PAI or The Administration Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be housing for the mother of Megan W. Dobbs (property owner). The other residents of the property are the children of the property owners. The use permit must be renewed with PIA every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.
- C. As a condition of approval of the Declarant request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single- family residence, unless otherwise approved by and at the discretion of PIA.

PAI  
07-11-14

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant and PIA 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. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in the Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination, the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

4. The covenants, conditions and restrictions stated above shall run with and bind the Property and shall be enforced by Baltimore County, MD and by the owners 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 the violation or to recover damages.

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

WITNESS: \_\_\_\_\_  
\_\_\_\_\_

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, before the  
Subscriber, a Notary Public of State of Maryland, personally appeared

\_\_\_\_\_

The declarant(s) herein, who is/ are also the owner(s) of this property, know to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/ are subscribed to the within  
instrument, and who acknowledged that he/ she/ they executed for the foregoing instrument  
for the purposes therein contained.

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

My Commission Expires:

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

Baltimore County, MD  
Friday, January 23, 2015

## ARTICLE 4. SPECIAL REGULATIONS

### SECTION 400. Accessory Buildings in Residence Zones

[BCZR 1955; Bill No. 27-1963]

#### § 400.1. Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

#### § 400.2. Setback.

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

#### § 400.3. Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

#### § 400.4. Accessory apartments.

[Bill No. 49-2011<sup>[1]</sup>]

An accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings, subject to the following requirements:

- A. If located within an existing single-family detached dwelling:
  - 1. An applicant shall file with the Department of Permits, Approvals and Inspections an application for a use permit for an accessory apartment, on a form approved by the Department. With the application, the applicant shall submit a declaration of understanding,

on a form approved by the Department, including but not necessarily limited to the following terms and conditions:

- a. The size of the accessory apartment may not exceed  $\frac{1}{3}$  of the overall floor area of the dwelling or 2,000 square feet, whichever is less;
    - b. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single-family residence; and
    - c. The accessory apartment may not have separate utility meters, such as gas and electric service.
  2. The Director may approve the application upon a finding that the size, location, and purpose of the accessory structure will not negatively affect the health, safety, or general welfare of the surrounding community.
- B. If located within an accessory building on the same owner-occupied property as the principal single-family detached dwelling:
1. An applicant shall file a request for a special hearing and a use permit with the Department, together with a declaration of understanding as required by Subsection A1 of this section, and a public hearing before the Office of Administrative Hearings is required.
  2. The size of the accessory apartment may not exceed 1,200 square feet, and the accessory building shall comply with the requirements of Section 400.
  3. Following a public hearing, the Office of Administrative Hearings may grant a request upon a finding that the size, location, and purpose of the accessory apartment conform with Section 502.1 and may impose such conditions, restrictions or regulations consistent with Section 502.2 as may be deemed necessary or advisable for the protection of surrounding and neighboring properties, including the express prohibition that the accessory apartment not be converted to a second dwelling beyond the scope of this section.
  4. The accessory apartment may not have separate utility meters or water and sewerage services unless approved by the Office of Administrative hearings based on specific findings of necessity for the accessory building.
- C. Approval; renewal.
1. Approval. The approval of an application for a use permit in Subsection **A** or a request for a special hearing and a use permit in Subsection **B** shall be subject to the following:
    - a. The declaration of understanding and property description, including any conditions, restrictions, or regulations imposed by the Department or the Office of Administrative Hearings, shall be recorded in the land records of Baltimore County and a copy shall be filed with the Department; and
    - b. The accessory apartment shall only be utilized by immediate family members as defined in Section 101 and may not be used by any person other than an immediate family member for any other reason.
    - c. If the accessory apartment is no longer occupied by any person named in the use permit or if the property is sold, the use permit shall terminate, and any proposed changes in occupancy to the accessory apartment by the property owner or subsequent purchaser shall require a new request for a use permit as applicable under Subsections **A** or **B**.

2. Renewal. The applicant shall renew the use permit with the Department every two years by filing a renewal on a form approved by the Department, to be dated from the month of the initial approval, and shall list the name of any person occupying the accessory apartment.

[1]: *Editor's Note: This Act stated that it applied retroactively to requests for in-law apartments filed on or after 8-1-2010, and also that owners of in-law apartments lawfully approved prior to the effective date of this Act must obtain a use permit required by this Act on or before 10-1-2012.*

LS 1/23/15

**Debra Wiley**

---

**From:** Bruce E. Doak <doakfarm@gmail.com>  
**Sent:** Friday, February 06, 2015 7:50 AM  
**To:** Debra Wiley  
**Cc:** Sean W. Dobbs  
**Subject:** Case #2015-0114-SPHA Dobbs Property  
**Attachments:** Easement agreement with FCA.doc; Freeland Comunity Assoc letter 2 04 15.pdf; Bruce E Doak.vcf

February 6, 2015

Good morning Larry,

I prepared the agreement (copy enclosed) and provided it to the association as you requested. They have responded with a letter to you (copy enclosed). They have not agreed to anything that we discussed in the hearing. I feel that their position is "their way or no way" and that is not fair. The Dobbs have come in openly and honestly with their request. I do not believe that what they are requesting will ever hurt the community or anyone personally. You will note that none of the surrounding neighbors attended the meeting. I feel that this is a case of big brother getting too big for his britches.

I talked to the president last night (lives across the street from me for over 15 years) and he said that they couldn't come to an agreement on how to hold him to anything, so they voted to oppose the whole zoning petition and make their position known for the future, instead of working with us and you. He also said that they probably would not appeal it if the decision went our way.

Thank you for your help in the hearing and your ability to find solutions to difficult issues.

With regards,

*Bruce E. Doak*

**Bruce E. Doak**  
Bruce E. Doak Consulting, LLC  
MD. Property Line Surveyor #531  
(443) 900-5535 Work  
(410) 419-4906 Mobile  
(410) 239-3715 Home  
bdoak@bruceedoakconsulting.com  
3801 Baker Schoolhouse Road  
Freeland, MD 21053

NO MONETARY CONSIDERATION  
NO TITLE EXAMINATION

**DECLARATION OF AGREEMENT**

THIS DECLARATION OF AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_ 2015, by and among SEAN W. DOBBS and MEGAN W. DOBBS and the FREELAND COMMUNITY ASSOCIATION.

**RECITALS**

WHEREAS, by virtue of a Deed dated May 9, 2014, and recorded among the Land Records of Baltimore County in Liber 35038, Folio 288, Sean W. Dobbs and Megan W. Dobbs ("owners") are the owners of real property located at 21535 Middletown Road in Freeland, Baltimore County, Maryland; and

WHEREAS, the Freeland Community Association ("association") is a membership association that was lawfully formed to provide oversight of the Freeland area.

WHEREAS, the owners wish to utilize an existing dwelling ("dwelling") as an accessory in law apartment as requested in Baltimore Zoning Case No. 2015-0114-SPHA and shown on a plat attached hereto and made a part of this agreement.

WHEREAS, the Owners and the Association have agreed to the following terms of this agreement, and

WHEREAS, the parties desire to memorialize an agreement regarding the use of the existing dwelling to be granted by Baltimore County, and to bind and benefit these and future parties of this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits to be received thereby, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Owners hereby agree that they will only be able to utilize the dwelling as an accessory in law apartment during the life of either of their parents and by any other conditions or restrictions that are imposed by the Administrative Law Judge in Case No. 2015-0114-SPHA.

2. The Owners, and their respective heirs, personal representatives, successors and assigns hereby agree that they will only be able to utilize the dwelling as a tenant house after gaining approval from Baltimore County to do so. This use of the dwelling can continue as long as Baltimore County deems that the requirements of a tenant house approval are being met.

3. The Owners, and their respective heirs, personal representatives, successors and assigns hereby agree that if the existing dwelling is not used as an accessory in law apartment or a tenant dwelling, then to continue the use of the dwelling, they will be required to gain subdivision approval from Baltimore County and record deeds so that the dwelling will be a principal dwelling on a separate lot.

4. The Owners, and their respective heirs, personal representatives, successors and assigns hereby agree that if the existing dwelling is not used as an accessory in law apartment, a tenant dwelling is not currently approved by Baltimore County and deeds for the subdivision of the property are not recorded, then the dwelling will be rendered uninhabitable by removing the kitchen.

5. The Association agrees that the owners should be able to utilize the dwelling under one or more of the four conditions above.

6. The Association agrees not to pursue an appeal of Baltimore County Zoning Case No. 2015-0114-SPHA.

7. The Association agrees not to oppose any building permit for the dwelling.

8. The Association agrees not to oppose the application of a tenant house on the owner's property.

9. The Association agrees not to oppose any use of the building, formerly the dwelling, as allowed by the RC 2 regulations of the Baltimore County Zoning Regulations.

10. The Association agrees not to oppose the subdivision of the owner's property, if one is required or desired.

11. This Agreement, and the obligations contained herein, is intended to constitute an agreement between the parties during the ownership of Sean W. Dobbs and Megan W. Dobbs (Owners) and their personal representatives, heirs successors and assigns and the Freeland Community Association and its current and future boards and memberships.

AS WITNESS the hands and seals of the parties hereto, the day and year first above written.

\_\_\_\_\_(SEAL)  
SEAN W. DOBBS

\_\_\_\_\_(SEAL)  
MEGAN W. DOBBS

\_\_\_\_\_(SEAL)  
FREELAND COMMUNITY ASSOCIATION PRESIDENT

\_\_\_\_\_(SEAL)  
FFREELAND COMMUNITY ASSOCIATION VICE PRESIDENT

February 4, 2015

Freeland Community Association  
P.O. Box 52, Freeland, MD. 21053-0052

Lawrence M. Stahl, Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, MD 21204

Re: Sean & Megan Dobbs  
21535 Middletown Road  
Case No.: 2015-114-SPH

Dear Judge Stahl,

After careful consideration the Freeland Community Association has unanimously voted to reject the "Declaration of Agreement" offered by the Petitioners. Our reasons for doing so are detailed below.

- The request is inconsistent with the spirit and intent of RC-2 zoning (§1A01.1 **Exhibit 1**).
  - Bill 178-1979 stipulates the parameters for subdivision, lot density, lot size and number of principal dwellings permitted on any RC-2 lot (§1A01.3 – **Exhibit 2**).
  - As stated in the Bill, no lot having a gross area between 2 and 100 acres may be subdivided into more than two lots total. The minimum lot size is one acre and no more than ONE principal dwelling is permitted on a lot. (Emphasis supplied).
  - Adherence to the above restrictions are important for the continued presence of agriculture in Baltimore County.
- The number (7) of variances requested are excessive. Also, the two regarding the maximum square footage of the accessory structure and its height are nearly *double* of that allowed by the Baltimore County Zoning Regulations (BCZR).

A principal dwelling already exists on the 40-acre lot. That dwelling is the 2,146 square foot, two story house plus basement built in 1901 (**Exhibit 3**). The Petitioners purchased the property in June 2014 for \$565,000. For property tax purposes SDAT values the land at \$96,000 and the house at \$107,200. An aerial view of the property is shown in **Exhibit 4**.

We were informed by Mr. Doak at the Hearing held January 23, 2015 that the Petitioners found the principal dwelling "unsuitable". Consequently, they propose to build a new house 500 feet from, and to the side of, the current dwelling. To accomplish this, and remain in compliance with Bill 178-1979 they have declared the existing principal dwelling an "accessory building". They further request that they be permitted an "accessory" apartment within the existing "accessory" building.

1. How is an "accessory" building defined by the BCZR?

- "One which is subordinate and customarily incidental to and on the same lot with a main building". (Emphasis supplied). (§101.1- **Exhibit 5**).
- Accessory buildings shall be located *only in the rear yard*. (§400.1 – **Exhibit 6**).
- The height of the accessory building *shall not exceed 15 feet*. (§400.3 – **Exhibit 7**) (Note that none of the exceptions in §300.1 apply in this case.)

Each of these regulations would require a variance. We also note that a variance for the building height was not even requested by the Petitioners.

2. How is an "accessory apartment" within an "accessory" building defined by the BCZR? (§400.4B - **Exhibit 8**).

- The size of the accessory apartment *may not exceed 1,200 square feet*.
- The accessory apartment *may not have separate utility meters*.
- The accessory apartment *may not have separate water*.
- The accessory apartment *may not have separate sewerage services*.

To obtain approval for their request, the Petitioners would need a variance for *each and every one of the seven* specified regulations.

An examination of the purpose of the regulations is useful. They reveal the type of structure the word "accessory" refers to. The structure is to be associated with the principal dwelling by the common use of utilities, water and septic. Consequently the owners of the principal dwelling are responsible for these expenses.

The structure is also a small, one story dwelling. How can a two story dwelling of 2,146 square feet that includes a basement plus all of its own utilities, water and septic is not an "accessory" structure.

As noted in §307.1 (**Exhibit 9**) "variance from height and area regulations should be granted only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and *where strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship*. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height and area regulations." (Emphasis supplied).

The dwelling on the Petitioners property is not peculiar or unique from others in the area. Many date from the time period of the Petitioners' dwelling or even earlier (mid-to late 1800's). A leading case on variances is *David Cromwell, et al, v. Arthur Thomas Ward, III* [102 Md.App.691,651 A.2d 424 (1995) (**Exhibit 10**)]. In that case the Court of Special Appeals stated:

- The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.
- The first step in the variance process requires a finding that the property whereon structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and

peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.

The Petitioners should have been aware of the zoning regulations for RC-2 property. If they deemed the dwelling unsuitable they could have purchased another property or enlarged and upgraded the existing dwelling as others in the neighborhood have done. To permit the current dwelling to become an "accessory" structure by merely claiming the house "unsuitable" is setting an extremely dangerous precedent considering that by the nature of the Petitioners' application, the structure clearly is or can be made suitable for habitation.

Finally we note that Mr. Doak stated in the Hearing that this was the first time that this "strategy" had been attempted for an RC-2 property. He added that it is done all the time for Density Residential (DR) property (generally small urban lots). However these two types of property are so different from each other that they each have their own section in the Zoning Regulations (**Exhibit 11**). If the current request is permitted this opens the door to land uses in RC zones that are inconsistent with the spirit and intent of the BCZR.

To be in compliance with the existing zoning regulations we propose that the Petitioners use their subdivision right to build their second house. This is the solution that the Freeland Community Association endorses and it does not set a precedent that will weaken the spirit and intent of the RC-2 zoning regulations.

Sincerely,

Andy Rathgeber  
President, Freeland Community Association

CC: Bruce E. Doak Consulting LLC  
Board of the Freeland Community Association  
Peoples Counsel of Baltimore County

## § 1A01.1 General provisions.

### EXHIBIT 1

#### A. Legislative statement of findings.

##### 1. Declaration of findings. It is found:

- a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
- b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
- c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
- d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;
- e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;
- f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and
- g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

#### B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

## ■ § 1A01.3 Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

[Bill No. 178-1979]

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record.

[Bill Nos. 199-1990; 125-2005]

2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.

4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

Account Identifier: District - 06 Account Number - 0007066226

Owner Information

Owner Name: DOBBS SEAN W Use: AGRICULTURAL  
DOBBS MEGAN W Principal Residence: YES  
Mailing Address: 21535 MIDDLETOWN RD Deed Reference: /35038/ 00288  
FREELAND MD 21053-9754

Location & Structure Information

Premises Address: 21535 MIDDLETOWN RD Legal Description: 40.2625 AC  
FREELAND 21053-9754 21535 MIDDLETOWN RD  
INT BAKER SCHHSE RD

|      |       |         |               |              |          |        |      |                  |           |
|------|-------|---------|---------------|--------------|----------|--------|------|------------------|-----------|
| Map: | Grid: | Parcel: | Sub District: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No:  |
| 0001 | 0023  | 0035    |               | 0000         |          |        |      | 2014             | Plat Ref: |

Special Tax Areas: Town: NONE  
Ad Valorem:  
Tax Class:

|                         |                           |                        |                    |            |
|-------------------------|---------------------------|------------------------|--------------------|------------|
| Primary Structure Built | Above Grade Enclosed Area | Finished Basement Area | Property Land Area | County Use |
| 1901                    | 1,776 SF                  |                        | 40.2600 AC         | 05         |

|         |          |               |          |                |        |                       |
|---------|----------|---------------|----------|----------------|--------|-----------------------|
| Stories | Basement | Type          | Exterior | Full/Half Bath | Garage | Last Major Renovation |
| 2       | YES      | STANDARD UNIT | SIDING   | 1 full         |        |                       |

Value Information

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As of      | As of                | As of      |
|                    |            | 01/01/2014 | 07/01/2014           | 07/01/2015 |
| Land:              | 105,500    | 96,000     |                      |            |
| Improvements       | 117,200    | 107,200    |                      |            |
| Total:             | 222,700    | 203,200    | 203,200              | 203,200    |
| Preferential Land: | 10,500     |            |                      | 10,500     |

Transfer Information

|                             |                      |                  |
|-----------------------------|----------------------|------------------|
| Seller: GRAY JOHN M JR      | Date: 06/05/2014     | Price: \$565,000 |
| Type: ARMS LENGTH IMPROVED  | Deed1: /35038/ 00288 | Deed2:           |
| Seller: GRAY JOHN M, JR     | Date: 05/19/2009     | Price: \$0       |
| Type: NON-ARMS LENGTH OTHER | Deed1: /28103/ 00285 | Deed2:           |
| Seller: PRICE GEORGE R      | Date: 03/30/1964     | Price: \$10,000  |
| Type: ARMS LENGTH IMPROVED  | Deed1: /04279/ 00410 | Deed2:           |

EXHIBIT 3



## § 101.1 Word usage; definitions.

### **ACCESSORY APARTMENT**

A second living quarters within a principal single-family detached dwelling or within an accessory building situated on the same lot as the principal single-family detached dwelling and in compliance with Section 400, with dedicated bathing and cooking facilities, and located on owner-occupied property, subject to the following:

[Bill No. 49-2011]

- A. The owner may occupy either the principal dwelling or the accessory apartment;
- B. The occupant(s) of the accessory apartment and the occupant(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption;
- C. The accessory apartment is provided without compensation; and
- D. The accessory apartment, whether located within the principal dwelling or in the accessory building, shall comply with all laws, regulations, and codes affecting residential occupancy.

### **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.

[Bill Nos. 100-1970; 26-1988]<sup>[1]</sup>

# SECTION 400: Accessory Buildings in Residence Zones

[BCZR 1955; Bill No. 27-1963]

|   |                                                                                         |   |
|---|-----------------------------------------------------------------------------------------|---|
| ◀ | ARTICLE 4: SPECIAL REGULATIONS<br>└ SECTION 400: Accessory Buildings in Residence Zones | ▶ |
| ■ | § 400.1 Location; lot coverage.                                                         | > |
| ■ | § 400.2 Setback.                                                                        | > |
| ■ | § 400.3 Height.                                                                         | > |
| ■ | § 400.4 Accessory apartments.                                                           | > |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| ■                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | § 400.1 Location; lot coverage. |
| <p><u>Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.</u></p> |                                 |
| EXHIBIT 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                 |

### ■ § 400.3 Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

### ■ § 300.1 Applicability.

- A. The height limitations of these regulations shall not apply to barns and silos, grain elevators or other accessory agricultural buildings, nor to church spires, belfries, cupolas, domes, radio or television aerials, drive-in theater screens, observation, transmission or radio towers, or poles, flagstaffs, chimneys, parapet walls which extend not more than four feet above the limiting height, bulkheads, water tanks and towers, elevator shafts, penthouses and similar structures, provided that any such structures shall not have a horizontal area greater than 25% of the roof area of the building. A satellite receiving dish is subject to the height limitations of the zone in which the dish is located. However, in residential zones, the height of an accessory satellite dish may not exceed 15 feet, unless it is located on the roof of a building.

[Bill Nos. 7-1962; 71-1987; 51-1993]

#### ■ § 400.4 Accessory apartments.

- B. If located within an accessory building on the same owner-occupied property as the principal single-family detached dwelling:
1. An applicant shall file a request for a special hearing and a use permit with the Department, together with a declaration of understanding as required by Subsection A1 of this section, and a public hearing before the Office of Administrative Hearings is required.
  2. The size of the accessory apartment may not exceed 1,200 square feet, and the accessory building shall comply with the requirements of Section 400.
  3. Following a public hearing, the Office of Administrative Hearings may grant a request upon a finding that the size, location, and purpose of the accessory apartment conform with Section 502.1 and may impose such conditions, restrictions or regulations consistent with Section 502.2 as may be deemed necessary or advisable for the protection of surrounding and neighboring properties, including the express prohibition that the accessory apartment not be converted to a second dwelling beyond the scope of this section.
  4. The accessory apartment may not have separate utility meters or water and sewerage services unless approved by the Office of Administrative hearings based on specific findings of necessity for the accessory building.

## SECTION 307: Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

### ARTICLE 3: EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

#### SECTION 307: Variances

#### § 307.1 Authority to grant variances; procedures and restrictions.

#### § 307.1 Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.<sup>[1]</sup> Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

[1]: *Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning R*

**DAVID CROMWELL, ET AL. v. ARTHUR THOMAS WARD, III.**

*Court of Special Appeals of Maryland.*

*Decided January 4, 1995.*

*Michael Paul Smith (Thomas G. Bodie and Bodie, Nagle, Dolina, Smith & Hobbs, P.A., on the brief),  
Towson, for appellants.*

*Newton A. Williams (Nolan, Plumhoff & Williams, Chtd., on the brief), Towson, for appellee.*

*Argued before WENNER, CATHELL and MURPHY, JJ.*

CATHELL, Judge.

Appellant, David Cromwell, appeals from the judgment of the Circuit Court for Baltimore County (Daniels, J., presiding) affirming the order of the Board of Appeals granting a height variance for an accessory building already built by appellee, Arthur Thomas Ward, III. Appellant poses the following questions:

I. Whether the self-imposed or self-created hardship discussed in the Maryland case law on variances requires an intentional act, such as ignoring or flaunting [sic] the zoning regulations. II. Does the record before the Honorable Lawrence Daniels support a finding that had the accessory building been built in accordance with the height regulations of Baltimore County, the accessory building would necessarily require a different pitch from all other buildings on the property? III. Can a difference in roof pitches between an accessory building and a home constitute a "practical difficulty or unreasonable hardship" within the meaning of § 307 of the Baltimore County Zoning Regulations?

While those questions are limited, appellant expands in his arguments supporting the questions and argues that

*[t]he restrictions of the applicable ordinance, taken in conjunction with the unique circumstances affecting the property, must be the proximate cause of the hardship*  
[Emphasis added.]

and

Section 307.1 requires that variances only be granted in cases where special circumstances or conditions exist *that are peculiar to the land or structure* which is the subject of the variance request.... [Emphasis added.]

EXHIBIT 10

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## THE REGULATIONS

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ARTICLE 1 GENERAL PROVISIONS



ARTICLE 1A RESOURCE CONSERVATION ZONES



ARTICLE 1B DENSITY RESIDENTIAL (D.R.) ZONES



ARTICLE 2 ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE  
ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING  
ZONES AND DISTRICTS



EXHIBIT 11



## *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 11, 2014

### HAND DELIVERED

John Beverungen, Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

Re: Sean & Megan Dobbs  
21535 Middletown Road  
Case No.: 2015-114-SPH  
Hearing: January 23, 2015 at 11 A.M.

Dear Judge Beverungen,

This petition for special hearing requests an accessory (in-law) apartment as a temporary use in an accessory building on the same lot as the principal dwelling. The property occupies 40 acres on Middletown Road in northwest Baltimore County, close to the Pennsylvania line. Google earth photos, SDAT data, and My Neighborhood Map are enclosed.

Remarkably, Petitioners list their different home address in Jarrettsville. Yet the SDAT data lists this Middletown Road property as their principal residence.

This petition effectively replaces the petition in Case No. 2015-099, which requested 2 dwellings on a single lot in an R.C. 2 (Agricultural Zone). Upon review by telephone with Petitioner's consultant, Bruce Doak, we communicated on November 12, 2014 that this conflicted with the specific limitation to one principal dwelling per lot in BCZR Sec. 1A01.3.B.4. Coincidentally, Planner Wallace Lippincott accurately communicated this as well in his recommendation, adopted in the enclosed November 12, 2014 Planning Department correspondence. In view of the potential opportunity to request an "in-law" dwelling, Mr. Doak withdrew the 2015-099 case by the enclosed letter dated November 17, 2014. On November 20, 2014, he filed the present petition.

The building in question apparently exists. It is now vacant. Formerly, we are told, it was a tenant house on a farm.

We are pleased to see that Mr. Doak has taken a path for which the petitioner may potentially be eligible under BCZR Sec. 400.4. In 2011, the County Council enacted new legislation to govern in detail accessory in-law apartments, either in additions to dwellings or in separate buildings. The law applies equally to properties in the D.R. or R.C. Zones, as well to any other zone where a dwelling may lawfully exist (for example, a business zone adjacent to a D.R. Zone, or certain office zones which incorporate residential zones or uses).

Nevertheless, there are several issues which must be addressed:

1. There must be filed the requisite declaration of understanding on a form approved by the PAI department. This should include, among other things, a description of the request and the limitation to the particular requested in-law use. Given that the Petitioners do not list their address as on Middletown Road, the declaration of understanding needs to address precisely who is to live in each of the dwellings and be scrutinized with care.
2. The site plan, while revised to name the petition as for an accessory apartment, is virtually identical to the site plan filed in Case 2015-099. The site plan still shows the main "existing residence" and "existing garage" in one area and the second building over 500 feet away as a "proposed single family dwelling" rather than an accessory apartment. Moreover, there are no dimensions. From my conversation with Mr. Doak, it is my understanding that this is and/or will be a 2-story building. It will likely far exceed the 1200 square feet limit of BCZR Sec. 400.4.B.2. It also looks to be larger than the existing principal dwelling. This deviates from the definitional scope of accessory structure under BCZR Sec. 101.1, which does not allow for a structure larger than the main dwelling. It probably also will require separate utility meters and/or water and sewer service in the absence of necessity. BCZR Sec. 400.4.B.4. Moreover, it is proposed in the side yard rather than the required rear yard under BCZR Sec. 400.1.
3. The site plan must be revised to show accurately the nature and dimensions of the existing and/or proposed uses, including but not limited to the building dimensions, heights, distances, and utility and water/sewer situations. It must also reference the declaration of understanding and should indicate the proposed relationships pertinent to the accessory apartment.
4. A petition for variances must be added to exceed the size limit, have an accessory building larger than the principal building, and place it in the side yard. There also must be a request for any separate utility meters and/or water and sewer service.

John Beverungen, Administrative Law Judge

December 11, 2014

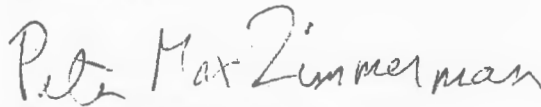
Page 3

All of these things must be accomplished prior to posting the property for the public hearing, which is currently scheduled for January 23 at 11 A.M.

Upon an amended and corrected petition, petitioners must then produce proof at the hearing that they satisfy the relevant legal standards under BCZR Secs. 400.4.B and 400.4.C. These include special exception, variance and other criteria.

Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in dark ink that reads "Peter Max Zimmerman". The signature is written in a cursive, slightly slanted style.

Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Bruce Doak, consultant  
Sean and Megan Dobbs, Petitioners  
Carl Richards, Zoning Supervisor  
Wallace Lippincott, Department of Planning



My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 12/4/2014

Google

21535 middletown road



Sign in

Get directions

My places



21535 Middletown Rd  
Freeland, MD 21053

Directions Search nearby more

Maps Labs Help

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© 2014 Google Image Date: September 20, 13

Report a problem

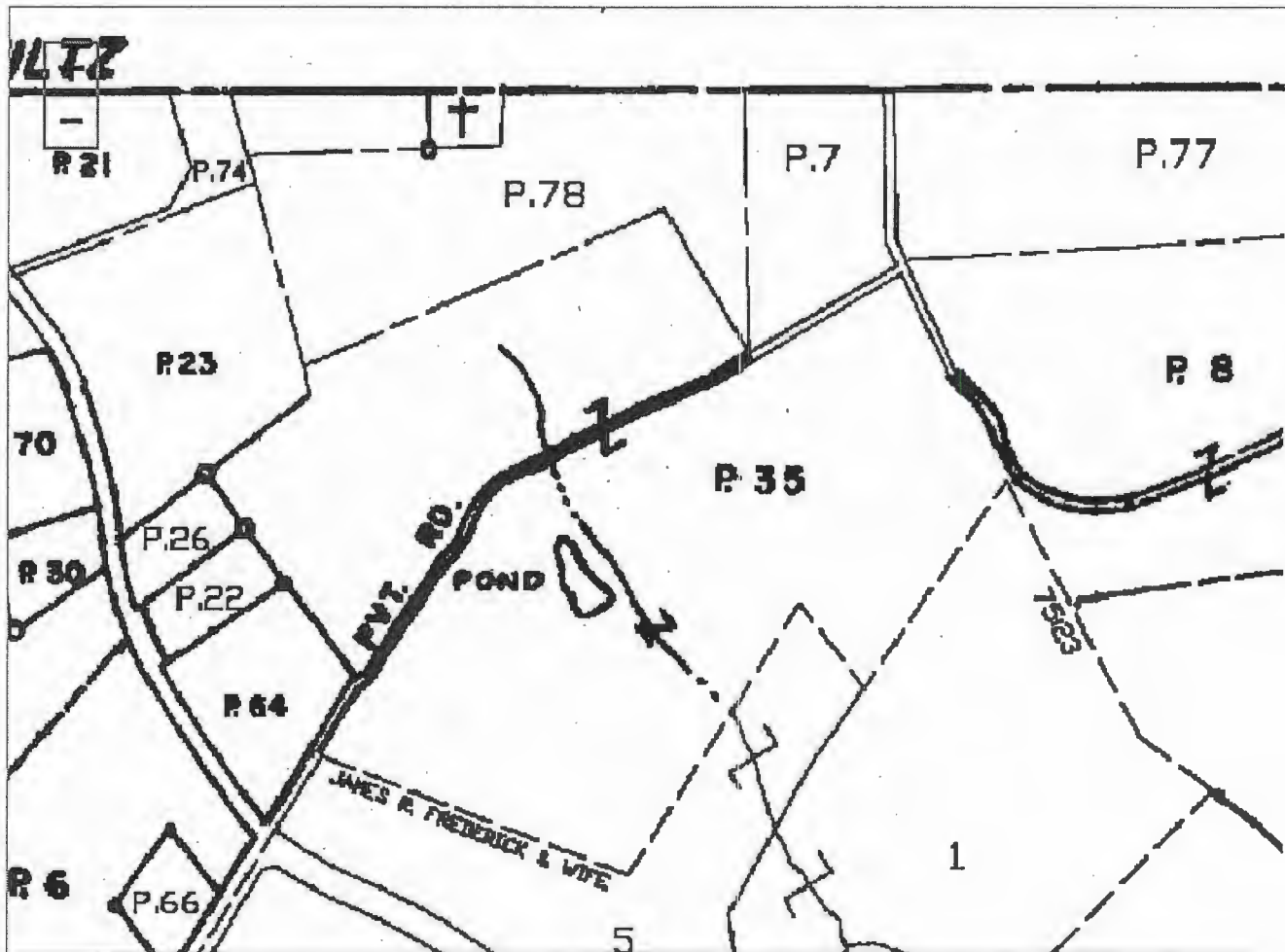
Done

| Real Property Data Search (w1)               |          |                                               |               | Guide to searching the database |           |                                                          |      |
|----------------------------------------------|----------|-----------------------------------------------|---------------|---------------------------------|-----------|----------------------------------------------------------|------|
| Search Result for BALTIMORE COUNTY           |          |                                               |               |                                 |           |                                                          |      |
| View Map                                     |          | View GroundRent Redemption                    |               | View GroundRent Registration    |           |                                                          |      |
| Account Identifier:                          |          | District - 06 Account Number - 0807058226     |               |                                 |           |                                                          |      |
| Owner Information                            |          |                                               |               |                                 |           |                                                          |      |
| Owner Name:                                  |          | DOBBS SEAN W<br>DOBBS MEGAN W                 |               | Use:<br>Principal Residence:    |           | AGRICULTURAL<br>YES                                      |      |
| Mailing Address:                             |          | 21535 MIDDLETOWN RD<br>FREELAND MD 21053-9754 |               | Deed Reference:                 |           | /35038/ 00288                                            |      |
| Location & Structure Information             |          |                                               |               |                                 |           |                                                          |      |
| Premises Address:                            |          | 21535 MIDDLETOWN RD<br>FREELAND 21053-9754    |               | Legal Description:              |           | 40.2625 AC<br>21535 MIDDLETOWN RD<br>INT BAKER SCHHSE RD |      |
| Map:                                         | Grid:    | Parcel:                                       | Sub District: | Subdivision:                    | Section:  | Block:                                                   | Lot: |
| 0001                                         | 0023     | 0035                                          |               | 0000                            |           |                                                          |      |
|                                              |          |                                               |               | Assessment Year:                | Plat No:  |                                                          |      |
|                                              |          |                                               |               | 2014                            | Plat Ref: |                                                          |      |
| Special Tax Areas:                           |          |                                               |               | Town: NONE                      |           |                                                          |      |
|                                              |          |                                               |               | Ad Valorem:                     |           |                                                          |      |
|                                              |          |                                               |               | Tax Class:                      |           |                                                          |      |
| Primary Structure Built                      |          | Above Grade Enclosed Area                     |               | Finished Basement Area          |           | Property Land Area                                       |      |
| 1901                                         |          | 1,776 SF                                      |               |                                 |           | 40.2600 AC                                               |      |
| County Use                                   |          |                                               |               |                                 |           |                                                          |      |
| 05                                           |          |                                               |               |                                 |           |                                                          |      |
| Stories                                      | Basement | Type                                          | Exterior      | Full/Half Bath                  | Garage    | Last Major Renovation                                    |      |
| 2                                            | YES      | STANDARD UNIT                                 | SIDING        | 1 full                          |           |                                                          |      |
| Value Information                            |          |                                               |               |                                 |           |                                                          |      |
|                                              |          | Base Value                                    |               | Value                           |           | Phase-in Assessments                                     |      |
|                                              |          |                                               |               | As of                           |           | As of                                                    |      |
|                                              |          |                                               |               | 01/01/2014                      |           | 07/01/2014                                               |      |
| Land:                                        |          | 105,500                                       |               | 96,000                          |           |                                                          |      |
| Improvements                                 |          | 117,200                                       |               | 107,200                         |           |                                                          |      |
| Total:                                       |          | 222,700                                       |               | 203,200                         |           | 203,200                                                  |      |
| Preferential Land:                           |          | 10,500                                        |               |                                 |           | 10,500                                                   |      |
| Transfer Information                         |          |                                               |               |                                 |           |                                                          |      |
| Seller: GRAY JOHN M JR                       |          | Date: 06/05/2014                              |               | Price: \$565,000                |           |                                                          |      |
| Type: ARMS LENGTH IMPROVED                   |          | Deed1: /35038/ 00288                          |               | Deed2:                          |           |                                                          |      |
| Seller: GRAY JOHN M, JR                      |          | Date: 05/19/2009                              |               | Price: \$0                      |           |                                                          |      |
| Type: NON-ARMS LENGTH OTHER                  |          | Deed1: /28103/ 00285                          |               | Deed2:                          |           |                                                          |      |
| Seller: PRICE GEORGE R                       |          | Date: 03/30/1964                              |               | Price: \$10,000                 |           |                                                          |      |
| Type: ARMS LENGTH IMPROVED                   |          | Deed1: /04279/ 00410                          |               | Deed2:                          |           |                                                          |      |
| Exemption Information                        |          |                                               |               |                                 |           |                                                          |      |
| Partial Exempt Assessments:                  |          | Class                                         |               | 07/01/2014                      |           | 07/01/2015                                               |      |
| County:                                      |          | 000                                           |               | 0.00                            |           |                                                          |      |
| State:                                       |          | 000                                           |               | 0.00                            |           |                                                          |      |
| Municipal:                                   |          | 000                                           |               | 0.00 0.00                       |           | 0.00 0.00                                                |      |
| Tax Exempt:                                  |          | Special Tax Recapture:                        |               |                                 |           |                                                          |      |
| Exempt Class:                                |          | AGRICULTURAL TRANSFER TAX                     |               |                                 |           |                                                          |      |
| Homestead Application Information            |          |                                               |               |                                 |           |                                                          |      |
| Homestead Application Status: No Application |          |                                               |               |                                 |           |                                                          |      |

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)

District: **06** Account Number: **0607058226**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.

->



## My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



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Printed 12/4/2014

PHZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

DATE: November 12, 2014

FROM: Andrea Van Arsdale  
Director, Department of Planning

SUBJECT: 21535 Middletown Road

INFORMATION:

Item Number: 15-099

Petitioner: Sean W. Dobbs & Megan W. Dobbs

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The subject request is for a special hearing to allow a second dwelling on a RC-2 zoned property.

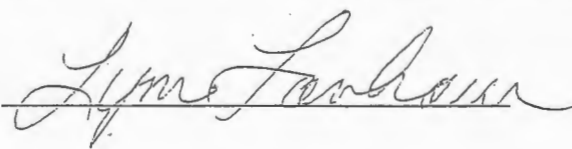
The Department of Planning has reviewed the petitioner's request and accompanying site plan, and subsequent to a site visit, the following comments and recommendations are offered.

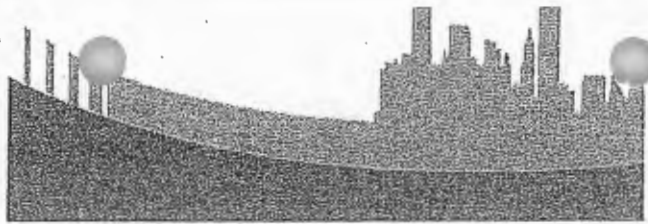
- The applicants own a 40 acre parcel on Middletown Road in Northern Baltimore County and are requesting the right to build a new residential dwelling and to retain a second dwelling on the same lot.
- There are two options that would permit such a request. One is for a tenant involved in the farm operation and the second is if the use is for an accessory use for an in-law. This application is not requesting either of these.
- The proposal is inconsistent with the recently adopted Growth Management Tier 4 provisions which seek to reduce the amount of development on septic systems.
- The proposal is inconsistent with purposes of the RC 2 zone (BCZR Sec 1A01.1B) which is to "foster conditions favorable to continued agricultural use of productive land..." This land is productive and the building of more houses on the farm reduces the productive capability of the farm.

Therefore, it is the recommendation of this Department that as submitted, the requested relief to permit two dwellings on a single farm parcel be denied as it will be detrimental to the health, safety, or general welfare of the surrounding community and the primary agricultural uses of the property.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:  
AVA/LL





Bruce E. Doak Consulting, LLC  
Land Use Expert & Surveyor

November 17, 2014

Arnold Jablon  
Baltimore County Office of Zoning

Re: Withdraw of Case #2015-0099-SPH

Dear Mr. Jablon,

I am asking by way of this letter to withdraw case #2015-0099-SPH. Withdrawing and refiling a new case with a different request will allow me to utilize the recommendations provided to me by the other county agencies.

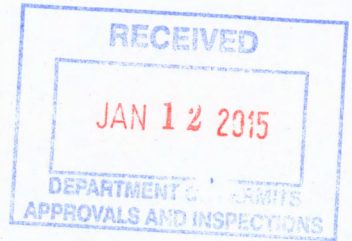
Thank you for your consideration of my request.

With regards,

Bruce E. Doak

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road Freeland, MD 21053  
443-900-5535 office 410-419-4906 cell  
bdoak@bruceedoakconsulting.com

1/13/15  
WCL



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** January 8, 2015

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 21535 Middletown Road

**INFORMATION:**

**Item Number:** 15-114 (Revised)  
**Petitioner:** Sean W. and Megan W. Dobbs  
**Zoning:** RC 2  
**Requested Action:** Special Hearing, Variance

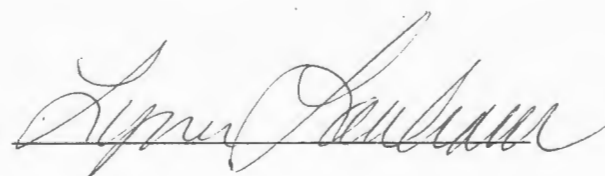
**SUMMARY OF RECOMMENDATIONS:**

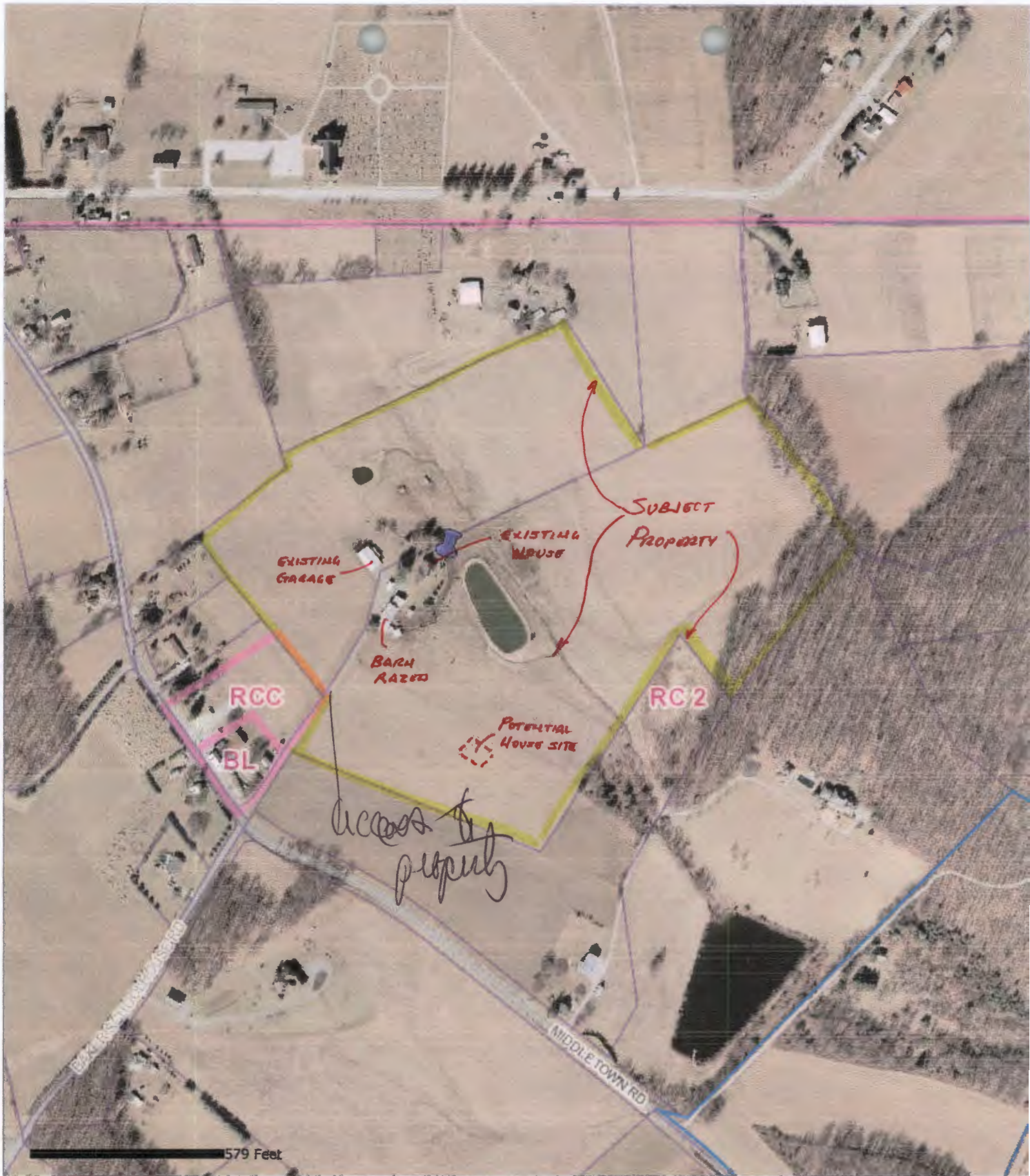
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a special hearing or variances to permit an accessory (in-law) apartment contingent on meeting all the other requirements of BCZR 400.

The applicants have recently purchased a 40 acre parcel on Middletown Road in Northern Baltimore County that they will be developing as a horse farm. They will be building a new dwelling and wish to retain and use the existing dwelling for a mother-in-law residence. Because they wish to utilize an existing structure, the request requires variances for the size and location of the structure. The proposed agricultural use is an appropriate use in the RC 2 zone and having another person on the property is potentially supportive of maintaining animals.

Therefore it is this Department's opinion that the requested accessory in-law apartment, so long as specifically conditioned to comply with Sec. 400.4.C.1.C., will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

**Division Chief:**   
AVA/LL



My Neighborhood Map

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Baltimore County  
My Neighborhood



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Printed 1/23/2015

Pct. Ex #2

(F)



view of access in low end

(G)



shed

②



garage/barn

③



side of new house

(8)



proposed site of new principle  
a building

(9)



front of proposed 10 low apt.

④



existing building



## *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

February 6, 2015

HAND DELIVERED

Lawrence B. Stahl, Managing Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

RECEIVED

FEB 06 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Sean & Megan Dobbs  
21535 Middletown Road  
Case No.: 2015-114-SPH

Dear Judge Stahl,

Previously, we wrote to Judge Beverungen about this case on December 11, 2014, then being under the impression that the case was assigned to him for hearing. After that, we have had communications both with Bruce Doak, Petitioners' surveyor, and Andy Rathgeber, President of the Freeland Community Association (FCA).

We then learned that the case went before you as administrative law judge and hearing officer on January 23, 2015. Having followed this case, as well as its withdrawn predecessor, and reviewed the record, we do not perceive there to be any material facts in dispute.

We have just received a copy of the letter dated February 4, 2015 from Mr. Rathgeber to your office stating FCA's opposition to the petition. Suffice it to say that our office agrees with the accurate and thorough FCA analysis.

The petition purports to be for an accessory apartment but realistically is a disguised petition for two dwellings on a lot in the R.C. 2 Zone, which is impermissible under BCZR Sec. 1A01.3.B.4. To say the least, the proposal does not meet the spirit and intent of the R.C. 2 Zone, does not satisfy the BCZR Sec. 502.1 standards, especially subsection G concerning the "purpose of the property's zoning classification." A special exception translates as a conditional use. Because of the multiple significant variances, the proposal is virtually disqualified because it does not meet pertinent conditions. See Umerley v. People's Counsel 108 Md. App. 497, 509-11, cert denied 342 Md. 584 (1996).

Lawrence B. Stahl, Managing Administrative Law  
February 6, 2015  
Page 2

Moreover, the petition for multiple variances does not meet the established test of "uniqueness" resulting in "practical difficulty" under BCZR Sec. 307.1. Umerley, supra, 108 Md. App. at 504-09; see also Trinity Assembly of God v. People's Counsel 407 Md. 53, 79-85 (2008); Riffin v. People's Counsel 137 Md. App. 90, cert. denied 363 Md. 660 (2001). As a practical matter, the petitioners have recently acquired the property and find it convenient to build a second dwelling. A variance may not be granted on the basis of such convenience.

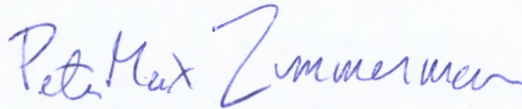
As the FCA rightly points out, the R.C. 2 Zone does make available the opportunity to subdivide a 40-acre lot of record into two dwelling lots. BCZR Sec. 1A01.3.B.1. That would be the correct way to place two dwellings on this property.

Alternatively, as the FCA also observes, petitioners could possibly upgrade the existing dwelling and consider including an accessory apartment as an attached addition, subject to BCZR Sec. 400.4 generally and 400.4.A in particular.

In sum, as a matter of law, there does not appear to be any basis for this petition.

Thank you in advance for your consideration of this matter.

Sincerely,



Peter Max Zimmerman  
People's Counsel for Baltimore County

cc: Bruce Doak, consultant and Petitioners' representative  
Andrew Rathgeber, President, Freeland Community Association  
Wallace Lippincott, Department of Planning

February 4, 2015

Freeland Community Association  
P.O. Box 52, Freeland, MD. 21053-0052

Lawrence M. Stahl, Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, MD 21204

RECEIVED

FEB 06 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Sean & Megan Dobbs  
21535 Middletown Road  
Case No.: 2015-114-SPH

Dear Judge Stahl,

After careful consideration the Freeland Community Association has unanimously voted to reject the "Declaration of Agreement" offered by the Petitioners. Our reasons for doing so are detailed below.

- The request is inconsistent with the spirit and intent of RC-2 zoning (§1A01.1 **Exhibit 1**).
  - Bill 178-1979 stipulates the parameters for subdivision, lot density, lot size and number of principal dwellings permitted on any RC-2 lot (§1A01.3 – **Exhibit 2**).
  - As stated in the Bill, no lot having a gross area between 2 and 100 acres may be subdivided into more than two lots total. The minimum lot size is one acre and no more than ONE principal dwelling is permitted on a lot. (Emphasis supplied).
  - Adherence to the above restrictions are important for the continued presence of agriculture in Baltimore County.
- The number (7) of variances requested are excessive. Also, the two regarding the maximum square footage of the accessory structure and its height are nearly *double* of that allowed by the Baltimore County Zoning Regulations (BCZR).

A principal dwelling already exists on the 40-acre lot. That dwelling is the 2,146 square foot, two story house plus basement built in 1901 (**Exhibit 3**). The Petitioners purchased the property in June 2014 for \$565,000. For property tax purposes SDAT values the land at \$96,000 and the house at \$107,200. An aerial view of the property is shown in **Exhibit 4**.

We were informed by Mr. Doak at the Hearing held January 23, 2015 that the Petitioners found the principal dwelling "unsuitable". Consequently, they propose to build a new house 500 feet from, and to the side of, the current dwelling. To accomplish this, and remain in compliance with Bill 178-1979 they have declared the existing principal dwelling an "accessory building". They further request that they be permitted an "accessory" apartment within the existing "accessory" building.

1. How is an “accessory” building defined by the BCZR?

- “One which is *subordinate and customarily incidental to* and on the same lot with a main building”. (Emphasis supplied). (§101.1- **Exhibit 5**).
- Accessory buildings shall be located *only in the rear yard*. (§400.1 – **Exhibit 6**).
- The height of the accessory building *shall not exceed 15 feet*. (§400.3 – **Exhibit 7** (Note that none of the exceptions in §300.1 apply in this case.)

Each of these regulations would require a variance. We also note that a variance for the building height was not even requested by the Petitioners.

2. How is an “accessory apartment” within an “accessory” building defined by the BCZR? (§400.4B - **Exhibit 8**).

- The size of the accessory apartment *may not exceed 1,200 square feet*.
- The accessory apartment *may not have separate utility meters*.
- The accessory apartment *may not have separate water*.
- The accessory apartment *may not have separate sewerage services*.

To obtain approval for their request, the Petitioners would need a variance for *each and every one of the seven* specified regulations.

An examination of the purpose of the regulations is useful. They reveal the type of structure the word “accessory” refers to. The structure is to be associated with the principal dwelling by the common use of utilities, water and septic. Consequently the owners of the principal dwelling are responsible for these expenses.

The structure is also a small, one story dwelling. How can a two story dwelling of 2,146 square feet that includes a basement plus all of its own utilities, water and septic is not an “accessory” structure.

As noted in §307.1 (**Exhibit 9**) “variance from height and area regulations should be granted *only* in cases where special circumstances or conditions exist that are *peculiar* to the land or *structure* which is the subject of the variance request and *where strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship*. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height and area regulations.” (Emphasis supplied).

The dwelling on the Petitioners property is not peculiar or unique from others in the area. Many date from the time period of the Petitioners' dwelling or even earlier (mid-to late 1800's). A leading case on variances is *David Cromwell, et al, v. Arthur Thomas Ward, III* [102 Md.App.691,651 A.2d 424 (1995) (**Exhibit 10**). In that case the Court of Special Appeals stated:

- The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.
- The first step in the variance process requires a finding that the property whereon structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and

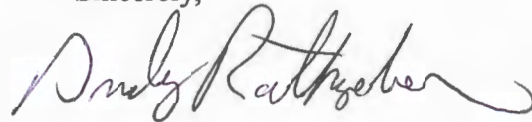
peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.

The Petitioners should have been aware of the zoning regulations for RC-2 property. If they deemed the dwelling unsuitable they could have purchased another property or enlarged and upgraded the existing dwelling as others in the neighborhood have done. To permit the current dwelling to become an "accessory" structure by merely claiming the house "unsuitable" is setting an extremely dangerous precedent considering that by the nature of the Petitioners' application, the structure clearly is or can be made suitable for habitation.

Finally we note that Mr. Doak stated in the Hearing that this was the first time that this "strategy" had been attempted for an RC-2 property. He added that it is done all the time for Density Residential (DR) property (generally small urban lots). However these two types of property are so different from each other that they each have their own section in the Zoning Regulations (**Exhibit 11**). If the current request is permitted this opens the door to land uses in RC zones that are inconsistent with the spirit and intent of the BCZR.

To be in compliance with the existing zoning regulations we propose that the Petitioners use their subdivision right to build their second house. This is the solution that the Freeland Community Association endorses and it does not set a precedent that will weaken the spirit and intent of the RC-2 zoning regulations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andy Rathgeber", with a stylized, flowing script.

Andy Rathgeber  
President, Freeland Community Association

CC: Bruce E. Doak Consulting LLC  
Board of the Freeland Community Association  
Peoples Counsel of Baltimore County

■ § 1A01.1 General provisions.

**EXHIBIT 1**

A. Legislative statement of findings.

1. Declaration of findings. It is found:

- a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
- b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
- c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
- d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;
- e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;
- f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and
- g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

- B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

### ■ § 1A01.3 Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

[Bill No. 178-1979]

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record.

[Bill Nos. 199-1990; 125-2005]

2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.

4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

EXHIBIT 2

Account Identifier: District - 06 Account Number - 0607058226

Owner Information

Owner Name: DOBBS SEAN W Use: AGRICULTURAL  
DOBBS MEGAN W Principal Residence: YES  
Mailing Address: 21535 MIDDLETOWN RD Deed Reference: /35038/ 00288  
FREELAND MD 21053-9754

Location & Structure Information

Premises Address: 21535 MIDDLETOWN RD Legal Description: 40.2625 AC  
FREELAND 21053-9754 21535 MIDDLETOWN RD  
INT BAKER SCHHSE RD

|      |       |         |               |              |          |        |      |                  |           |
|------|-------|---------|---------------|--------------|----------|--------|------|------------------|-----------|
| Map: | Grid: | Parcel: | Sub District: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No:  |
| 0001 | 0023  | 0035    |               | 0000         |          |        |      | 2014             | Plat Ref: |

Special Tax Areas: Town: NONE  
Ad Valorem:  
Tax Class:

|                         |                           |                        |                    |            |
|-------------------------|---------------------------|------------------------|--------------------|------------|
| Primary Structure Built | Above Grade Enclosed Area | Finished Basement Area | Property Land Area | County Use |
| 1901                    | 1,776 SF                  |                        | 40.2600 AC         | 05         |

|         |          |               |          |                |        |                       |
|---------|----------|---------------|----------|----------------|--------|-----------------------|
| Stories | Basement | Type          | Exterior | Full/Half Bath | Garage | Last Major Renovation |
| 2       | YES      | STANDARD UNIT | SIDING   | 1 full         |        |                       |

Value Information

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As of      | As of                | As of      |
|                    |            | 01/01/2014 | 07/01/2014           | 07/01/2015 |
| Land:              | 105,500    | 96,000     |                      |            |
| Improvements       | 117,200    | 107,200    |                      |            |
| Total:             | 222,700    | 203,200    | 203,200              | 203,200    |
| Preferential Land: | 10,500     |            |                      | 10,500     |

Transfer Information

|                             |                      |                  |
|-----------------------------|----------------------|------------------|
| Seller: GRAY JOHN M JR      | Date: 06/05/2014     | Price: \$565,000 |
| Type: ARMS LENGTH IMPROVED  | Deed1: /35038/ 00288 | Deed2:           |
| Seller: GRAY JOHN M, JR     | Date: 05/19/2009     | Price: \$0       |
| Type: NON-ARMS LENGTH OTHER | Deed1: /28103/ 00285 | Deed2:           |
| Seller: PRICE GEORGE R      | Date: 03/30/1964     | Price: \$10,000  |
| Type: ARMS LENGTH IMPROVED  | Deed1: /04279/ 00410 | Deed2:           |

EXHIBIT 3



## § 101.1 Word usage; definitions.

### **ACCESSORY APARTMENT**

A second living quarters within a principal single-family detached dwelling or within an accessory building situated on the same lot as the principal single-family detached dwelling and in compliance with Section 400, with dedicated bathing and cooking facilities, and located on owner-occupied property, subject to the following:

[Bill No. 49-2011]

- A. The owner may occupy either the principal dwelling or the accessory apartment;
- B. The occupant(s) of the accessory apartment and the occupant(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption;
- C. The accessory apartment is provided without compensation; and
- D. The accessory apartment, whether located within the principal dwelling or in the accessory building, shall comply with all laws, regulations, and codes affecting residential occupancy.

### **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.

[Bill Nos. 100-1970; 26-1988]<sup>[1]</sup>

## SECTION 400: Accessory Buildings in Residence Zones

[BCZR 1955; Bill No. 27-1963]

|   |                                                                                         |   |
|---|-----------------------------------------------------------------------------------------|---|
| ◀ | ARTICLE 4: SPECIAL REGULATIONS<br>└ SECTION 400: Accessory Buildings in Residence Zones | ▶ |
| ■ | § 400.1 Location; lot coverage.                                                         | > |
| ■ | § 400.2 Setback.                                                                        | > |
| ■ | § 400.3 Height.                                                                         | > |
| ■ | § 400.4 Accessory apartments.                                                           | > |

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|   |                                 |
|---|---------------------------------|
| ■ | § 400.1 Location; lot coverage. |
|---|---------------------------------|

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

EXHIBIT 6

## SECTION 307: Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

### ARTICLE 3: EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

#### SECTION 307: Variances

#### § 307.1 Authority to grant variances; procedures and restrictions.

#### § 307.1 Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.<sup>[1]</sup> Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

[1]: *Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning R*

**EXHIBIT 9**

**DAVID CROMWELL, ET AL. v. ARTHUR THOMAS WARD, III**

*Court of Special Appeals of Maryland.*

*Decided January 4, 1995.*

*Michael Paul Smith (Thomas G. Bodie and Bodie, Nagle, Dolina, Smith & Hobbs, P.A., on the brief), Towson, for appellants.*

*Newton A. Williams (Nolan, Plumhoff & Williams, Chld., on the brief), Towson, for appellee.*

*Argued before WENNER, CATHELL and MURPHY, JJ.*

CATHELL, Judge.

Appellant, David Cromwell, appeals from the judgment of the Circuit Court for Baltimore County (Daniels, J., presiding) affirming the order of the Board of Appeals granting a height variance for an accessory building already built by appellee, Arthur Thomas Ward, III. Appellant poses the following questions:

I. Whether the self-imposed or self-created hardship discussed in the Maryland case law on variances requires an intentional act, such as ignoring or flaunting [sic] the zoning regulations. II. Does the record before the Honorable Lawrence Daniels support a finding that had the accessory building been built in accordance with the height regulations of Baltimore County, the accessory building would necessarily require a different pitch from all other buildings on the property? III. Can a difference in roof pitches between an accessory building and a home constitute a "practical difficulty or unreasonable hardship" within the meaning of § 307 of the Baltimore County Zoning Regulations?

While those questions are limited, appellant expands in his arguments supporting the questions and argues that

[t]he restrictions of the applicable ordinance, *taken in conjunction with the unique circumstances affecting the property*, must be the proximate cause of the hardship [Emphasis added.]

and

Section 307.1 requires that variances only be granted in cases where special circumstances or conditions exist *that are peculiar to the land or structure* which is the subject of the variance request.... [Emphasis added.]

**EXHIBIT 10**

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**THE REGULATIONS**

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|                          |                                                                                                                                         |   |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---|
| <input type="checkbox"/> | ARTICLE 1 GENERAL PROVISIONS                                                                                                            | > |
| <input type="checkbox"/> | ARTICLE 1A <u>RESOURCE CONSERVATION ZONES</u>                                                                                           | > |
| <input type="checkbox"/> | ARTICLE 1B <u>DENSITY RESIDENTIAL (D.R.) ZONES</u>                                                                                      | > |
| <input type="checkbox"/> | ARTICLE 2 ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING ZONES AND DISTRICTS | > |

**EXHIBIT 11**

CASE NO. 2015-0114-SPH

CHECKLIST

Support/Oppose/  
Conditions/  
Comments/  
No Comment

Comment  
Received

Department

12/5

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

N/C

DEPS  
(if not received, date e-mail sent \_\_\_\_\_)

FIRE DEPARTMENT

1/8

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

C

12/22

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date:

12/30/14

SIGN POSTING

Date:

1/2/15

by

Doak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: \_\_\_\_\_

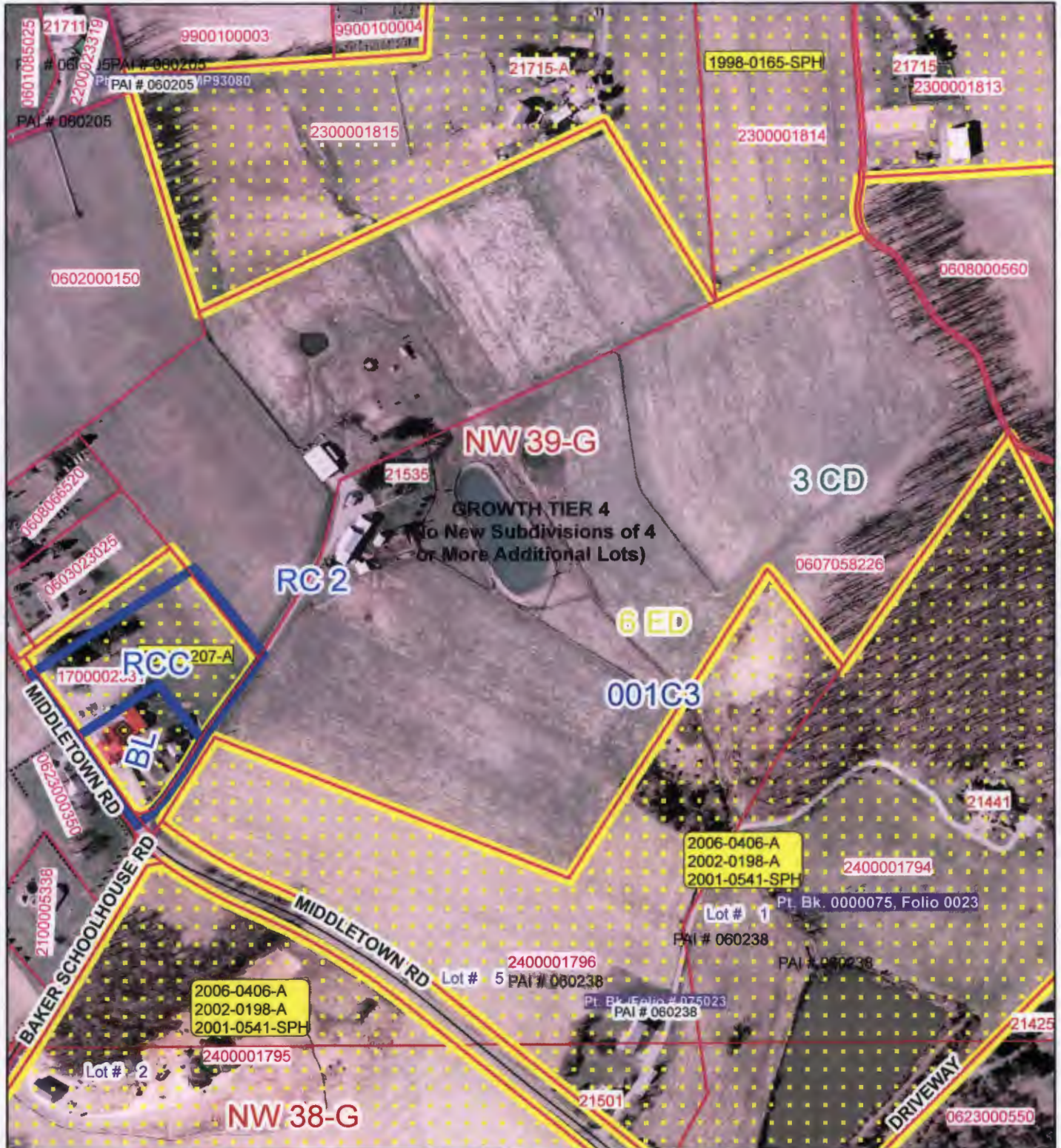
## Real Property Data Search (w1)

## Guide to searching the database

## Search Result for BALTIMORE COUNTY

| View Map                                               |                 | View GroundRent Redemption                    |               |                                          |                              | View GroundRent Registration                |                                                          |                       |                       |
|--------------------------------------------------------|-----------------|-----------------------------------------------|---------------|------------------------------------------|------------------------------|---------------------------------------------|----------------------------------------------------------|-----------------------|-----------------------|
| Account Identifier:                                    |                 | District - 06 Account Number - 0607058226     |               |                                          |                              |                                             |                                                          |                       |                       |
| Owner Information                                      |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |
| Owner Name:                                            |                 | DOBBS SEAN W<br>DOBBS MEGAN W                 |               |                                          | Use:<br>Principal Residence: |                                             | AGRICULTURAL<br>YES                                      |                       |                       |
| Mailing Address:                                       |                 | 21636 MIDDLETOWN RD<br>FREELAND MD 21053-9754 |               |                                          | Deed Reference:              |                                             | /35038/ 00288                                            |                       |                       |
| Location & Structure Information                       |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |
| Premises Address:                                      |                 | 21636 MIDDLETOWN RD<br>FREELAND 21053-9754    |               |                                          | Legal Description:           |                                             | 40.2626 AC<br>21636 MIDDLETOWN RD<br>INT BAKER SCHHSE RD |                       |                       |
| Map:                                                   | Grid:           | Parcel:                                       | Sub District: | Subdivision:                             | Section:                     | Block:                                      | Lot:                                                     | Assessment Year:      | Plat No:<br>Plat Ref: |
| 0001                                                   | 0023            | 0035                                          |               | 0000                                     |                              |                                             |                                                          | 2014                  |                       |
| Special Tax Areas:                                     |                 |                                               |               | Town:<br>Ad Valorem:<br>Tax Class:       |                              |                                             | NONE                                                     |                       |                       |
| Primary Structure Built<br>1901                        |                 | Above Grade Enclosed Area<br>1,776 SF         |               | Finished Basement Area                   |                              | Property Land Area<br>40.2600 AC            |                                                          | County Use<br>05      |                       |
| Stories<br>2                                           | Basement<br>YES | Type<br>STANDARD UNIT                         |               | Exterior<br>SIDING                       | Full/Half Bath<br>1 full     |                                             | Garage                                                   | Last Major Renovation |                       |
| Value Information                                      |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |
|                                                        |                 | Base Value                                    |               | Value<br>As of<br>01/01/2014             |                              | Phase-in Assessments<br>As of<br>07/01/2014 |                                                          | As of<br>07/01/2015   |                       |
| Land:                                                  |                 | 105,500                                       |               | 96,000                                   |                              |                                             |                                                          |                       |                       |
| Improvements                                           |                 | 117,200                                       |               | 107,200                                  |                              |                                             |                                                          |                       |                       |
| Total:                                                 |                 | 222,700                                       |               | 203,200                                  |                              | 203,200                                     |                                                          | 203,200               |                       |
| Preferential Land:                                     |                 | 10,500                                        |               |                                          |                              |                                             |                                                          | 10,500                |                       |
| Transfer Information                                   |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |
| Seller: GRAY JOHN M JR<br>Type: ARMS LENGTH IMPROVED   |                 |                                               |               | Date: 06/05/2014<br>Deed1: /35038/ 00288 |                              | Price: \$565,000<br>Deed2:                  |                                                          |                       |                       |
| Seller: GRAY JOHN M, JR<br>Type: NON-ARMS LENGTH OTHER |                 |                                               |               | Date: 05/19/2009<br>Deed1: /28103/ 00285 |                              | Price: \$0<br>Deed2:                        |                                                          |                       |                       |
| Seller: PRICE GEORGE R<br>Type: ARMS LENGTH IMPROVED   |                 |                                               |               | Date: 03/30/1964<br>Deed1: /04279/ 00410 |                              | Price: \$10,000<br>Deed2:                   |                                                          |                       |                       |
| Exemption Information                                  |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |
| Partial Exempt Assessments:                            |                 | Class                                         |               | 07/01/2014                               |                              | 07/01/2015                                  |                                                          |                       |                       |
| County:                                                |                 | 000                                           |               | 0.00                                     |                              |                                             |                                                          |                       |                       |
| State:                                                 |                 | 000                                           |               | 0.00                                     |                              |                                             |                                                          |                       |                       |
| Municipal:                                             |                 | 000                                           |               | 0.00 0.00                                |                              | 0.00 0.00                                   |                                                          |                       |                       |
| Tax Exempt:                                            |                 | Special Tax Recapture:                        |               |                                          |                              |                                             |                                                          |                       |                       |
| Exempt Class:                                          |                 | AGRICULTURAL TRANSFER TAX                     |               |                                          |                              |                                             |                                                          |                       |                       |
| Homestead Application Information                      |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |
| Homestead Application Status: No Application           |                 |                                               |               |                                          |                              |                                             |                                                          |                       |                       |

# 21535 Middletown Road 2015-0114-SPH



Publication Date: 11/20/2014



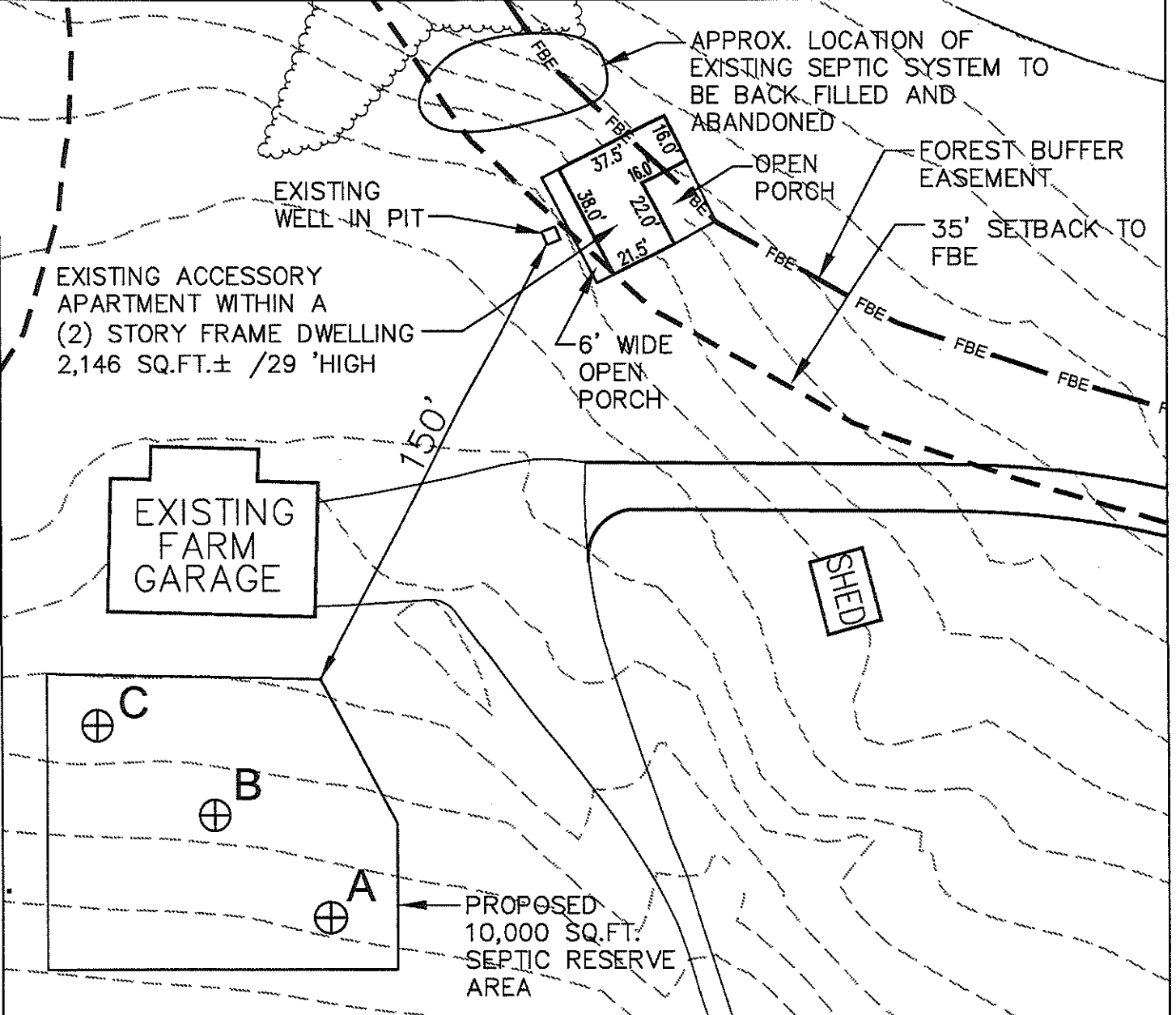
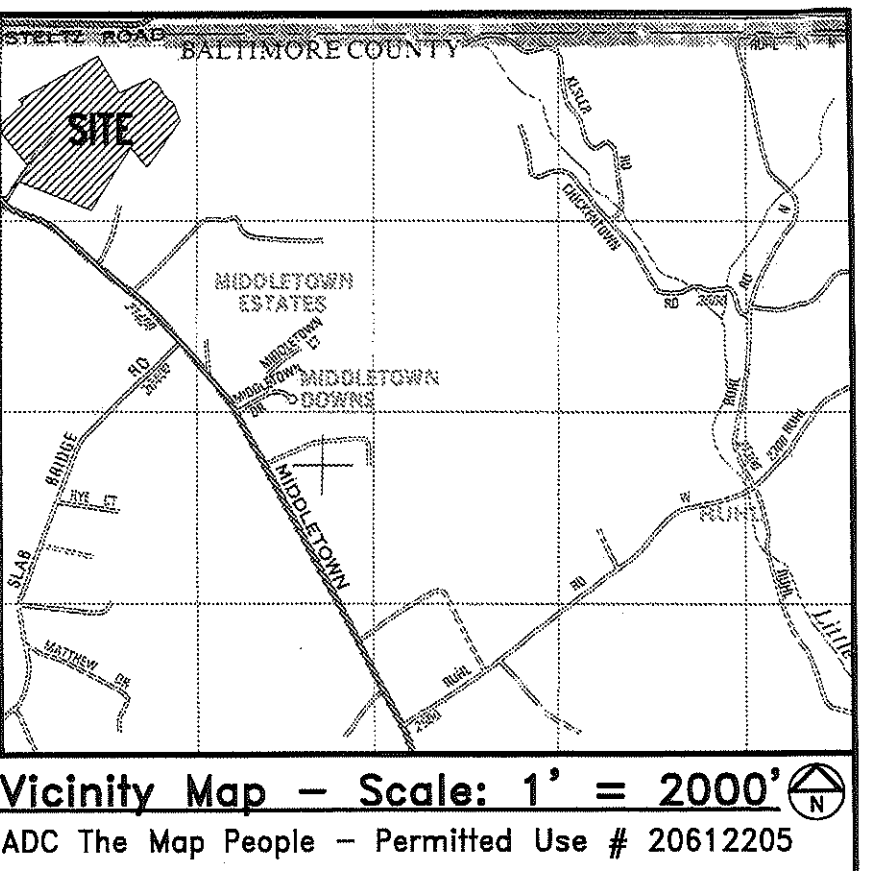
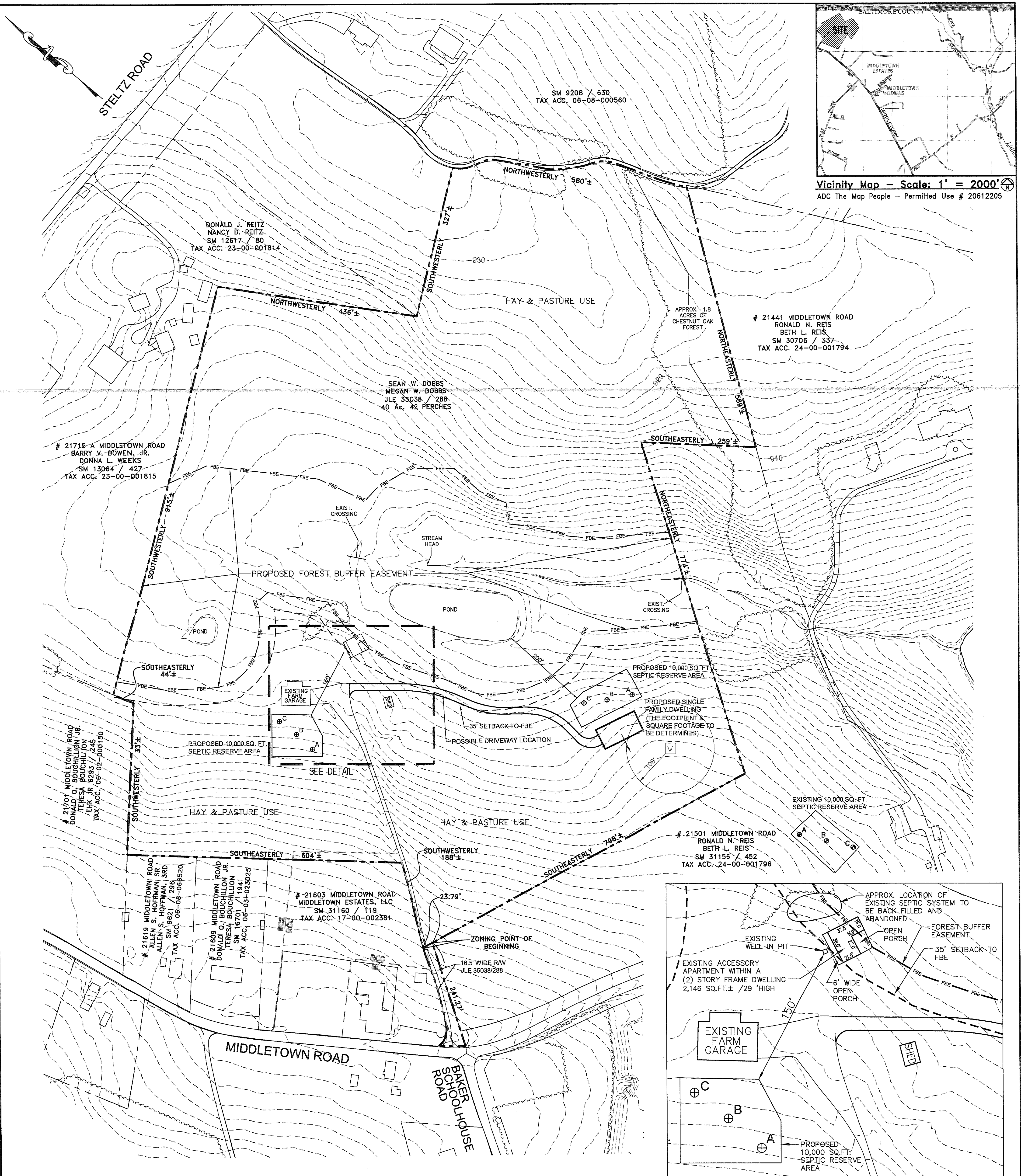
Publication Agency: Permits, Approvals & Inspections  
 Projection/Datum: Maryland State Plane,  
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 75 150 300 450 600 Feet

1 inch = 300 feet





ENVIRONMENTAL IMPACT

PETITION REQUESTED

DETAIL  
Scale: 1"=50'

GENERAL NOTES

- Ownership: Sean W. Dobbs & Megan W. Dobbs
- Addresses: 21535 Middletown Road
- Deed reference: JLE 35038 / 288
- Property area: 40.2625 acres (per SDAT)
- Election District: 6th Councilmanic District: 3rd
- Tax Map 01 Parcel 35 Tax Acc. # 06-07-058226
- ADC Map Grid: 400616
- Position Sheets: 153NW27, 153NW28, 154NW27 & 154NW28
- GIS Tile Numbers: 001C3
- Regional Planning District: Hereford / Maryland Line Regional Planning Dist. Code: 301
- Growth Tier: 4 Growth Tier Description: Preservation & Conservation Areas
- Watershed Name: Loch Raven Reservoir
- URDL Land Types: 1
- School Districts: Prettyboy ES Hereford MS Hereford HS
- Census Block: 240054060002 Census Tract: 406000
- The boundary shown hereon is from SDAT Records. The description of the subject property in JLE 35038 / 288 is incomplete. A boundary survey would need to be performed to provide an accurate description.
- The topography shown hereon is from GIS tiles 001C3
- the two proposed dwellings will have separate electric meters.
- The proposed "in law / accessory apartment building" shall have a smaller total square footage than the proposed dwelling.

GROUND WATER MANAGEMENT

- Existing dwelling & buildings:
- Approval from the Office of Zoning will be requested for the continued use of the existing dwelling for the mother of the owner.
  - The septic system for the existing dwelling will be back filled and abandoned. A new septic system will be installed.
  - The well for the existing dwelling is located in a concrete pit. This well will continue to be utilized.
  - There are no underground fuel tanks on the subject property.
  - The perc tests shown hereon are for a replacement septic system for the existing dwelling.
  - The two dwellings will have separate wells and septic systems.

- Proposed dwelling:
- The perc tests shown hereon are proposed and will be performed prior to the application for a building permit for the proposed dwelling.

Forest Conservation

- A Single Lot Declaration of Protective Covenants to Baltimore County for the protection of the existing forest to meet the Forest Conservation Act requirements will be provided.

Forest Buffer

- A wetlands delineation was performed by Human & Rohde in October 2014.
- The Declaration of Protective Covenants to Baltimore County for the protection of the existing streams and wetlands to meet the Forest Buffer requirements will be provided.
- A variance for the following will be applied for:
  - \* continued residential use of the existing house and surrounding it
  - \* continued recreational use around each of the two ponds
  - \* continued agricultural use within the proposed forest buffer easement
- No flood plain for the tributary is shown on the current FEMA FIRM Map.
- The subject property is not located within a 100 year flood plain.
- The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

All of the subject property is currently being used for agricultural purposes.

Agricultural Note

Any dwelling may be subject to inconveniences or discomforts arising from agricultural operations, including, but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state or county health or environmental requirements.

STORM WATER MANAGEMENT

- All regulations for storm water management will be met during the construction of the proposed dwelling

OFFICE OF PLANNING

- The subject property is not located in a National Register Historic District or on any other preservation list.
- Middletown Road is not designated as a Baltimore County scenic.

Special Hearing

- To permit an accessory (in law) apartment permitted as a temporary use within an accessory building situate on the same owner occupied lot as the principal dwelling.
- To permit such accessory (in law) apartment prior to the issuance of the use and occupancy certificate of the principal dwelling.

Variances

- To permit an accessory apartment within an existing accessory building with a square footage of 2146 in lieu of the maximum 1200 square feet. Per section 400.4 B2 (BCZR).
- To permit an accessory apartment building to have a separate utility meter for electric in lieu of the same meter per section 400.4A1c (BCZR).
- To permit the accessory apartment / building to have a separate well and septic system in lieu of the same per section 400.4 B4 (BCZR).
- To permit the accessory apartment / building to be located in the side yard in lieu of the required rear yard per section 400.1 (BCZR).

OFFICE OF ZONING

Current Zoning RC 2

Devolution of Title

The subject property as shown on this plan has been held intact since March 14, 1893 (LMB 202/ 266).

Zoning History

There have been no past zoning hearings for the subject property

R.C. 2 Setbacks for Residential Single Family Dwellings

Front: 75 feet from the centerline of any street or road  
Side / Rear: 35 feet from any lot line other than a street or road line

The owner will request in a special hearing and with variances to keep the existing dwelling.

Revised

2015-0114-SPHA

**Bruce E. Doak Consulting, LLC**  
Land Use Expert and Surveyor  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION FOR THE  
**DOBBS PROPERTY**  
21535 MIDDLETOWN ROAD  
6th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND

Date: 12/12/14  
Scale: 1"=100'

STATE OF MARYLAND  
BRUCE EDWIN DOAK  
JUL 25 2014  
REGISTERED  
PROPERTY LINE SURVEYOR

