



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 1, 2023

Christopher Mudd, Esquire- cdmudd@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2023-0062-SPHA
Property: 5433 Patterson Road

Dear Mr. Mudd:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Ron Leubecker ronl@grasmicklumber.com
Bruce E. Doak – bdoak@bruceedoakconsulting.com
Charles R. Conner – crconner@venable.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(5433 Patterson Road)	*	OFFICE OF
11 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
James Trela		
Legal Owner	*	FOR BALTIMORE COUNTY
Ron Leubecker		
Contract Purchaser/Lessee	*	Case No. 2023-0062-SPHA

* * * * *

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 James Trela, legal owner and Ron Leubecker, contract purchaser/lessee (“Petitioners”) for the property located at 5433 Patterson Road, Baldwin (the “Property”).¹ The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7: (1) to permit an accessory (in-law) apartment permitted as a temporary use within an existing accessory building situated on the same owner-occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to §4004.B.4 of the BCZR; and (2) to modify the relief granted in Case No: 1990-0530-SPHA, by (i) permitting the granted variances to remain in place for the proposed repurposing of the accessory structure, and (ii) eliminating Restriction #2 contained in the August 23, 1990 Amended Order, so as to allow the use of the structure by this new Petitioner as an accessory (in law) apartment.

In addition, Variance relief was also requested from BCZR, §400.4.B.2 to permit the size of the existing 1,800 sf, second floor space within an existing accessory structure proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 sf. Variance

¹ After the filing the Petition, Ron Leubecker and his wife Jody Leubecker, became the legal owners of the Property.

relief is also requested from BCZR, §400.4.B.4 (if necessary) to permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners, James Trela and Ron Leubecker appeared at the hearing in support of the Petition along with Bruce E. Doak, licensed surveyor, of Bruce E. Doak Consulting who prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 1). Christopher Mudd, Esquire of Venable, LLP represented the Petitioners. There were no Protestants or interested citizens at the hearing.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), and Department of Planning ("DOP") which agencies did not oppose the requested relief.

The Property is 35.11 +/- acres and is improved with a single family home, a spring house and a detached garage/barn structure (the "barn"). It is zoned Agricultural (RC2). (Pet. Ex. 2). An aerial photograph of the Property shows isolated and oddly-shaped lot which is heavily wooded with significant steep slopes as shown by the topography. (Pet. Ex. 3). Street view photographs show the extent of the forest, the extended driveway, the detached garage/barn, and the distance to the single family home. (Pet. Exs. 4A-4P). It is believed that the barn was constructed in or around 1987. The barn has 2 overhead garage doors which provide parking on the first level. Interior photographs of the top floor is entirely open with a full bathroom including a shower, toilet and sink. (Pet. Ex. 5). A hand-drawn floor sketch confirms the same layout. (Pet. Ex. 6). The second floor is 1,800 sf and has its own utility/electric connection and separate septic system. It does connect to the well for the house.

In Case No.: 90-530-SPHA, the Property was granted Variance relief to confirm the existence of the same barn at a height of 23 ft. and a location in the front yard. In that Case, the initial Order and the Amended Order permitted the legal owners at the time to reside in the barn while they built the existence residence but thereafter, prohibited the use of the barn as a dwelling unit and required that within nine (9) months of completion of the home, the legal owners were to remove the shower in the barn. Apparently, this never occurred.

In this case, the Petitioners desire to have their daughter and son-in-law reside in the barn. In the event that the daughter and son-in-law move out of the barn, Petitioners may allow elderly parents to reside there. Either way, Petitioners intend to file and record the required Declaration of Understanding. Mr. Mudd articulated that the proposed use in the existing barn, as set within its isolated location, meets the size, location and purpose as contemplated by BCZR, §502.1. Petitioners seek to amend the restriction from Case No.: 90-530-SPHA so that the Petitioners may use the barn for the immediate family members to reside on a temporary basis.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative

practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the evidence, I find that the Special Hearing relief should be granted. The Order in the 1990 case was prior to the enactment of BCZR, §400.4 creating the accessory apartment use permit which, as Mr. Mudd highlighted, now has safeguards in place to restrict the illegal apartment rental. As the facts reflect, the prior owners constructed the barn to reside in it while they built the home. It is not surprising then that the barn already has a separate septic and utility/electric system as no other systems would have existed in 1987. There is only 1 well on the Property which services both the home and the barn. The proposed accessory apartment meets all the requirements of BCZR, §400.4 including the Special Exceptions factors in BCZR, §502.1. It is located on an isolated, 35 acre Property surrounded by forest. Accordingly, the Special Hearing relief will be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Property was previously adjudicated to be unique in Case No.: 90-530-SPHA due to its irregular shape and steep topography. As a result, the Property’s physical characteristics have not changed, that factual finding is applicable to this Case under the doctrine of collateral estoppel. *Garrity v. Maryland State Bd. of Plumbing*, 447 Md. 359, 368 (2016). (See also *Colandrea v.*

Wilde Lake Community Ass'n, Inc., 361 Md. 391 (2000); *Washington Suburban Sanitary Commission v. TKU Associates*, 281 Md. 1, 18-19 (1977)). I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if they had to reduce the size of the 1800 sf existing second floor to meet the 1200 sf maximum. I further find that they would suffer a practical difficulty and unreasonable hardship if they had to terminate the existing septic and utility lines and connect to the existing lines which service the house. Again, the separate septic and utility/electric lines were installed at a time prior to the 2011 enactment of BCZR, §400.4, and for the purpose of residing in the barn while the house was being built. I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 1st day of **May, 2023** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR §500.7 to permit an accessory (in-law) apartment permitted as a temporary use within an existing accessory building situated on the same owner-occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to §400.4.B.4 of the BCZR, and (2) to modify the relief granted in Case No: 1990-0530-SPHA, by (i) permitting the granted variances to remain in place for the proposed repurposing of the accessory structure, and (ii) eliminating Restriction #2 contained in the August 23, 1990 Amended Order, so as to allow the use of the structure by this new Petitioner as an accessory (in law) apartment, be, and they are hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §400.4.B.2 to permit the size of the existing 1,800 sf, second floor space within an existing accessory structure proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 sf, and from BCZR, §400.4.B.4 to permit the size of the existing accessory (in law) apartment building to

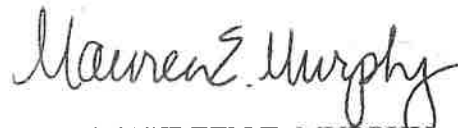
have a separate utility meter and sewerage services from the principal dwelling be, and they are hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The proposed accessory apartment shall not be used for commercial or industrial purposes.
3. Prior to issuance of permits, Petitioners must comply with the ZAC comment submitted by DEPS, a copy of which is attached hereto and made a part hereof.
4. The accessory apartment shall not be converted into a second dwelling beyond the scope of BCZR, §400.4. The accessory apartment shall only be utilized by the Petitioners and by those family members permitted in the definition of "Accessory Apartment" in BCZR, §101.1, and may not be occupied by any person other than those permitted therein for any other reason including non-permitted family members. When the accessory apartment is no longer occupied by the persons named in the Use Permit, or if the Property is sold, the use permit shall terminate. Upon termination, the improvements used in the accessory apartment shall be removed and the accessory structure shall be restored to a storage space/garage.
5. The accessory apartment is permitted to have separate utility and electric connection and service, as well as a separate septic system, subject to approval by DEPS.
6. Prior to the issuance of the Use Permit, Petitioners shall file and record at their expense, an executed and notarized Declaration of Understanding along with a property description, a copy of the proposed detailed floor plan and the Zoning Hearing Site Plan (Pet. Ex. 1) as well as a copy of this Order, in the Land Records of Baltimore County, and shall file a copy of the same with the Department of Permits, Approvals and Inspections.
7. Petitioners shall renew the Use Permit with Department of Permits, Approvals and Inspections every two (2) years by filing a renewal on a form approved by Department of Permits, Approvals and Inspections, to be dated

from the month of the Order herein, and shall list the name of any person occupying the accessory apartment.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy". The signature is written in dark ink and is positioned above the printed name and title.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm



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 5433 PATTERSON ROAD which is presently zoned RC2
 Deed References: 361381364 10 Digit Tax Account # 1113012342
 Property Owner(s) Printed Name(s) JAMES E. TRELA TRUSTEE & CAROL TRELA TRUSTEE

(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. **X** 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. **X** 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 THE 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:

RON LEUBECKER
 Name- Type or Print

X [Signature]
 Signature

1737 SHAMWICK COURT FOREST HILL MD
 Mailing Address City State

21050 | 410-215-2095 |
 Zip Code Telephone # Email Address

RONL@GRASMICKLUMBER.COM
 Attorney for Petitioner:

 Name- Type or Print

 Signature

 Mailing Address City State

 Zip Code Telephone # Email Address

CASE NUMBER 2023-0062-SPHA Filing Date 3/23/23

Legal Owners (Petitioners):

[Signature]
 Name #1 - Type or Print Name #2 - Type or Print

JAMES E. TRELA |
 Signature #1 Signature #2

450 KNIGHTS RUN AVE TAMPA FL APT #805
 Mailing Address City State

33602 | 410-236-0598 | JIM@TRELA.COM
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
 Name - Type or Print

[Signature]
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREEDOM MD
 Mailing Address City State

21053 | 410-419-4906 |
 Zip Code Telephone # Email Address

BD@BRUCEEDOAKCONSULTING.COM
 Do Not Schedule Dates: _____ Reviewer SL

PETITIONS REQUESTED

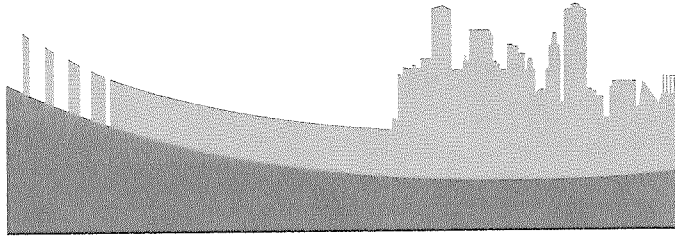
1. Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within an existing accessory building situate on the same owner occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to Section 400.4.B.4 BCZR.

2. Special Hearing to modify the relief granted in Case 90-530-SPHA, by (i) permitting the granted variances to remain in place for the proposed repurposing of the accessory structure, and (ii) eliminating Restriction #2 contained in the August 23, 1990 Amended Order, so as to allow the use of the structure by this new Petitioner as an accessory (in law) apartment.

1. Variance to permit the size of the existing 1,800 square foot second floor space within an existing accessory structure proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR

2. Variance to permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per Section 400.4.B.4 BCZR (if necessary)

3. Any relief that the Administrative Law Judge deems to be necessary.



Zoning Description

5433 Patterson Road

Eleventh Election District Third Councilmanic District
Baltimore County, Maryland

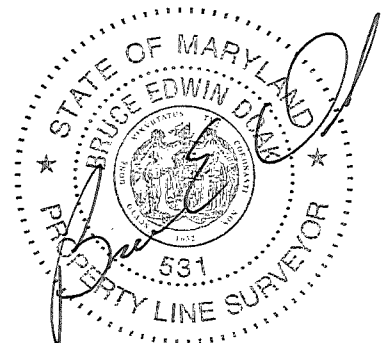
Beginning at a point in the center of Patterson Road, 1,470 feet, more or less, southeasterly from the centerline of Patterson Farm Road, thence running in the center of said road and on the outlines of the subject property 1) South 22 degrees 31 minutes East 179.20 feet, thence leaving said road and running on the outlines of the subject property, the twelve following courses and distances, viz.

- 2) South 55 degrees 03 minutes West 440.80 feet
- 3) South 39 degrees 31 minutes East 46.20 feet
- 4) South 32 degrees 47 minutes West 269.24 feet
- 5) South 38 degrees 39 minutes West 317.30 feet
- 6) North 59 degrees 08 minutes West 1255.16 feet
- 7) South 37 degrees 22 minutes East 692.99 feet
- 8) South 47 degrees 35 minutes 30 seconds West 365 feet
- 9) North 26 degrees 58 minutes 21 seconds West 1472.33 feet
- 10) North 57 degrees 46 minutes East 864.52 feet
- 11) North 59 degrees 23 minutes 30 seconds East 643.37 feet
- 12) North 67 degrees 18 minutes East 182.40 feet and
- 13) North 55 degrees 03 minutes East 479.39 feet to the point of beginning.

Containing 35.11 acres of land, more or less.

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

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



2023-0062-SPH/A

**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.

For Newspaper Advertising:

Case Number: 2023-0062-SP1-A

Property Address: 5433 PATTERSON ROAD

Property Description: 35.11 ACRE PARCEL SOUTHEAST SIDE OF
PATTERSON ROAD

Legal Owners (Petitioners): JAMES E. TRELA, TRUSTEE

Contract Purchaser/Lessee: RON LEUBECKER
(PETITIONER)

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on the ____ day of _____ 2023, by and between _____ (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

- A. The Declarant is the owner of this property filed an application for a use permit and special hearing to permit an accessory (in-law) apartment permitted as a temporary use within an existing [detached] accessory building situate on the same owner occupied lot as the principal dwelling (together with variance relief associated with existing conditions), located 175'± northwest and in the front yard of the existing principal dwelling and in the northwest portion of the subject property. The existing detached accessory building was built as a farm workshop / garage / barn.

The property is located at 5433 Patterson Road Baldwin, MD 21013 ("Property") and is more particularly described by metes and bounds in Exhibit A and shown on the hearing plan, Exhibit B, both 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. The Administrative Law Judge, by issuance of an Opinion and Order, dated _____, 2023, filed in Case No. 2023-_____ ("Opinion and Order"), approved the request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property ("Accessory Apartment"). The Opinion and Order contained certain conditions, including but not limited to: i) the Accessory Apartment shall not be used for commercial purposes; and 2) "If and when _____ is no longer living in this in-law apartment the Use Permit shall be null and void and any further residential use of this structure [Accessory Apartment] would require approval via another Special Hearing Petition." A copy of the Opinion and Order is being recorded herewith and is incorporated herein by reference. The Accessory Apartment will be housing for _____, who is the _____ of the Property owner. The other residents of the Accessory Apartment are _____, who is the _____. The use permit must be renewed with PAI 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's Petition and request, Bill No. 49-11 (BCZR § 400.4.C.2) 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.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant(s) 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 Opinion and Order, and all conditions or restrictions contained therein. The Opinion and 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 via another Special Hearing Petition.

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.

ATTEST/WITNESS:

DECLARANT/PROPERTY OWNER:

By: _____ (SEAL)

PAI:

By: _____ (SEAL)

[TITLE]

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2023, before the Subscriber, a Notary Public of State of Maryland, personally appeared _____, Owner of the above-referenced Property and Declarant herein, known to me (or satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument, and who acknowledged that, in his capacity as such sole member and Declarant, he 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



The Declaration of Understanding for the Accessory Apartment at:

Address of property

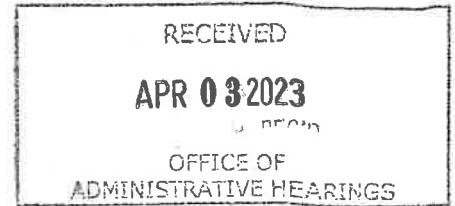
is approved: _____
Director
Department of Permits, Approvals and Inspections

Date

4-27 1:30 pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 3, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0062-SPHA
Address: 5433 Patterson Rd
Legal Owner: Ron Leubecker

Zoning Advisory Committee Meeting of April 3, 2023.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. The approval of a change of occupancy permit is required for the existing barn/storage to be used as living space.

Additional Comments:

Reviewer: Mia Lowery

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** April 28, 2023
Department of Permits, Approvals

FROM: *EFC for VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 03, 2023
Item No. 2023-0059-A, 0060-A, 0061-A, 0062-SPHA & 0064-A

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

*

*

*

*

*

VKD: cen
cc: file

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING March 27, 2023
FORMAL OR INFORMAL RESPONSE DUE AT April 3, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov; Jesse Krout, jkrout@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Earl Wrenn, EWrenn@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0059-A **Reviewer:** Jason Seidelman

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Meagan and John Baker

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

Property Address: 506 HIGHLAND AVE

Location: Property located on the Southwest corner of intersection of Highland Ave. (60 feet) and Allegheny Ave. (40 feet).

Existing Zoning: DR 3.5

Area: 7,125 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.C.1: To permit a side yard dwelling addition with a side yard setback of 5 feet and a rear yard setback of 8 feet 7 inches in lieu of the required 10 feet and 30 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: 2014-0140-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0060-A **Reviewer:** Mitchell Kellman

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Davis Yasharpour and Ayala Hakkakian

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 6806 CHEROKEE DR

Location: Property located on the Southwest side of Cherokee Dr., 512 feet South of the centerline of Lightfoot Dr.

Existing Zoning: DR 5.5

Area: 7,490 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.B ("A" Residence Zone, 1954): To permit a 5 foot side yard setback in lieu of 7 feet for a 1- story addition, and if necessary, amend Zoning Case No. 2015-0052-A.

Attorney: Joseph Haken

Prior Zoning Cases: 2015-0052-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/17/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0061-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Joseph and Alyson Bishop (trustee)
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

Property Address: 13 MANOR BROOK RD

Location: Property located on the Southwest side of Manor Brook Rd. 1,008 feet West of Monkton Rd.

Existing Zoning: RC 7, RC 4 (VESTED RDP)

Area: 4.34 ACRES

Proposed Zoning:

VARIANCE:

1.) BCZR 103.1; 103.3; 1A03.4.B.4 (section 1A00.3.B.3 of 1975 Zoning Regulation): To permit a front yard setback of 24 feet from the property line in lieu of the required 50 feet from any lot line.

2.) To permit any such further relief as may be deemed necessary by the Administrative Law Judge.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0062-SPHA **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: James Trela
Contract Purchaser: Ron Leubecker

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 3

Property Address: 5433 PATTERSON RD

Location: Property located beginning at center of Patterson Rd., 1,470 feet Southeast of Patterson Farm.

Existing Zoning: RC 2

Area: 35.11 ACRES

Proposed Zoning:

SPECIAL HEARING:

- 1.) To permit an accessory (in law) apartment permitted as a temporary use within an existing accessory building situated on the same owner occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to Section 400.4.B.4 BCZR.
- 2.) To modify the relief granted in Case 1990-0530-SPHA, by (i) permitting the granted variances to remain in place for the proposed repurposing of the accessory structure, and (ii) eliminating Restriction #2 contained in the August 23, 1990 Amended Order, so as to allow the use of the structure by this new Petitioner as an accessory (in law) apartment.

VARIANCE:

- 1.) BCZR 400.4.B.2.: To permit the size of the existing 1,800 square foot second floor space within an existing accessory structure proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 square feet.
- 2.) BCZR 400.4.B.4: (if necessary) To permit the size of the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling.
- 3.) Any relief that the Administrative Law Judge deems to be necessary.

Attorney: Not Available

Prior Zoning Cases: 1988-0128-SPH; 1990-0530-SPHA

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0063 **Reviewer:**
Existing Use: **Proposed Use:**
Type:
Legal Owner:
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Unknown **Flood Plain:** Unknown **Historic:** Unknown **Election Dist:** **Council Dist:**

Property Address:
Location:

Existing Zoning: **Area:**
Proposed Zoning:

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Case Number: 2023-0064-A **Reviewer:** Jason Seidelman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Anna and Andrew Janet
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 8304 BURNING WOOD RD
Location: Property located on the South side of Burning Woods Rd. (50 feet), 282 feet Northwest of Wood Valley Rd. (60 feet).

Existing Zoning: DR 2 **Area:** 27,878 SQ FT.

Proposed Zoning:
ADMINISTRATIVE VARIANCE:
BCZR 1B02.3.C.1. (1958 regulations): To permit a side dwelling addition with a side yard setback of 9.5 feet in lieu of the required 15 feet.

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 04/17/2023

Miscellaneous Notes:

GENERAL INFORMATION

1. Ownership: James E. Trela, Trustee & Carol Trela, Trustee
5433 Patterson Road, Baldwin, MD 21013
2. Address: 5433 Patterson Road Baldwin, MD 21012
3. Deed references: 36138/364
4. Area: 35.11 acres (per deed)
5. Tax Map / Parcel / Tax account #: 44 / 276 / 11-13-012342
6. Election District: 11 Councilmanic District: 3
ADC Map: GIS tile: 044C2 Position sheet: 73NE24
Census tract: 411201 Census block: 240054112011003
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
Growth Tier 4 - Preservation & conservation areas. No major subdivisions on septic.
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 044C2 and the information provided by Baltimore County on the internet.
8. Improvements: (1) Single family dwelling, (1) apartment / garage building & spring house.
All of the existing improvements will remain.

OFFICE OF ZONING

Zoning: R.C. 2

Zoning Case #1988-128-SPH Approval to transfer one density

Zoning Case #1990-530-SPHA Approval for an accessory structure to be located in the front yard and have a height of 23 feet.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of a public road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Lower Gunpowder Falls URDL land type: 1

1. The existing dwelling and the apartment/garage are both served by separate private septic systems.
2. The existing dwelling and the apartment/garage both share a private well.
3. There are no underground storage tanks on the subject property.
4. The subject property is not in the Chesapeake Bay Critical Area.
5. The subject property is not located within a 100 year flood plain.

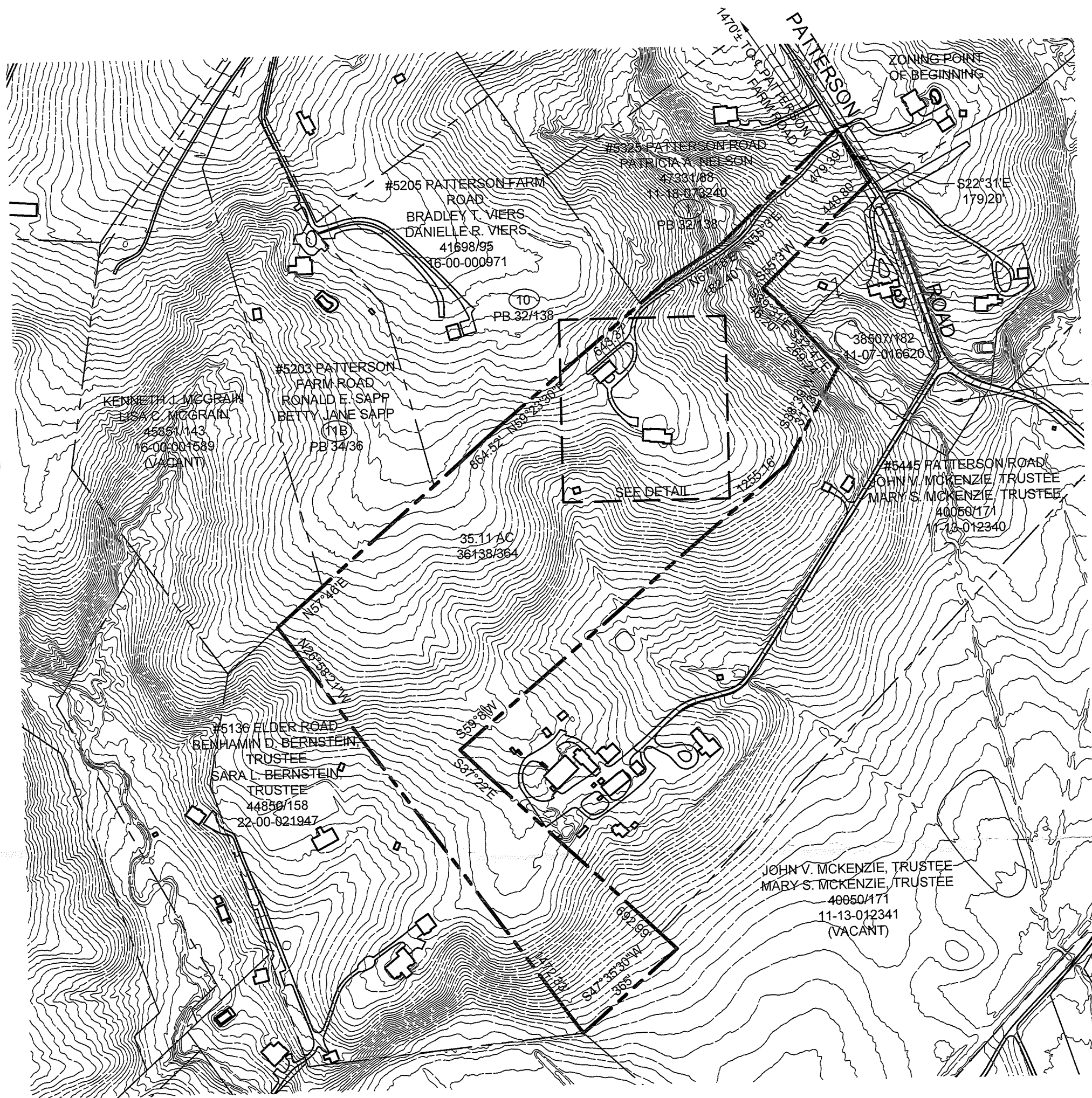
OFFICE OF PLANNING

Regional Planning District: Fork District Code: 310

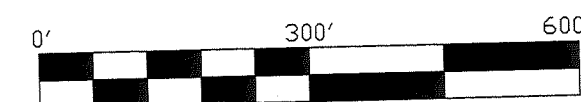
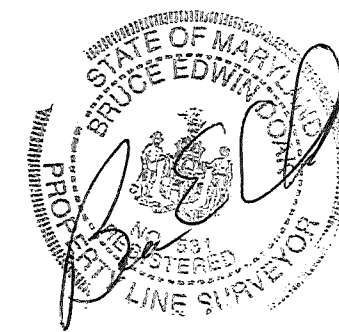
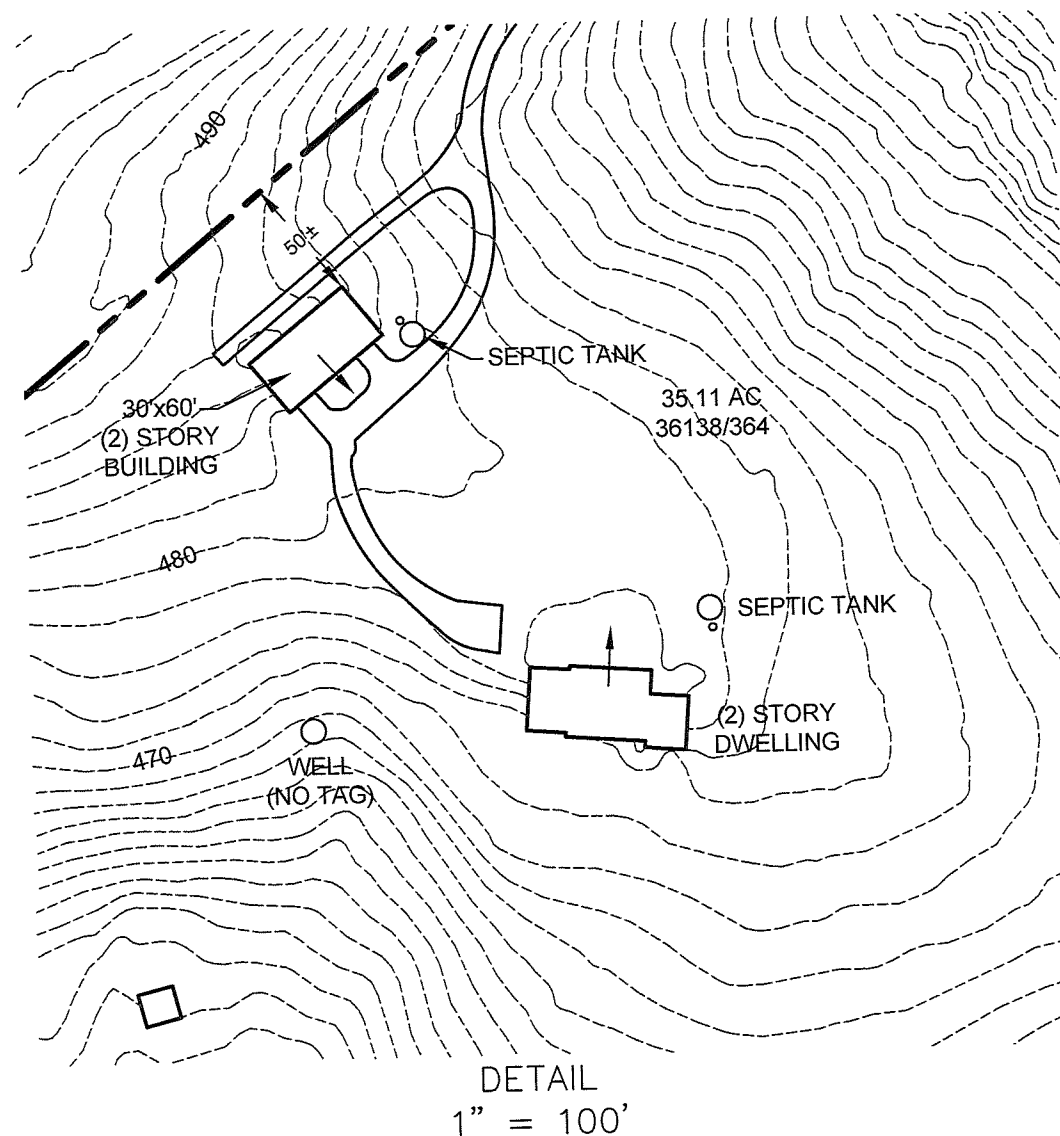
1. The subject dwelling is not historic. The subject property is in the Long Green Valley National Register Historic District.

PROPOSED DEVELOPMENT

To continue to use of the second floor of the existing apartment/ garage building as an accessory in law apartment.



Vicinity Map - Scale: 1" = 2000'



REVISION

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
AND
USE PERMIT
FOR
#5433 PATTERSON ROAD

BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 3/14/23

Scale: 1"=300'

2023-0062-SPH/A

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

No. 220016

Date: 3/23/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	000		615					\$ 150

Total: \$ 150

Rec

From:

Bruce Doak

For:

SPHA 2023-0062 SPHA

5433 Patterson Road

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

SC

BRUCE E DOAK 12-12
BRUCE E DOAK CONSULTING
3801 BAKER SCHOOLHOUSE RD
FREELAND, MD 21053-9738

2965

15-3/540
429

3/15/23

Date

Pay to the

Order of

BALTIMORE COUNTY, MARYLAND

\$ 150. 00

ONE HUNDRED FIFTY AND 00/100

Dollars

PNC BANK

PNC Bank, N.A. 040

For

LEUBCKER ZONING PET.

BCD

Photo
Safe
Deposit®
Details on back

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 11 Account Number - 1113012342

Owner Information

Owner Name: TRELA JAMES E TRUSTEE Use: AGRICULTURAL
TRELA CAROL TRUSTEE Principal Residence: NO
Mailing Address: PO BOX 88 Deed Reference: /36138/ 00364
BALDWIN MD 21013-0088

Location & Structure Information

Premises Address: 5433 PATTERSON RD Legal Description: 35.11 AC
0-0000 5433 PATTERSON RD SWS
2255 SE SWEET AIR RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0044 0018 0276 11060053.04 0000 2021 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1990 3,817 SF 35.1100 AC 05

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 YES STANDARD UNIT BRICK/ 6 2 full/ 1 half

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	162,400	192,400		
Improvements	611,000	736,100		
Total:	773,400	928,500	876,800	928,500
Preferential Land:	12,400	12,400		

Transfer Information

Seller: TRELA JAMES E	Date: 05/05/2015	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /36138/ 00364	Deed2:
Seller: TRELA JAMES E	Date: 10/04/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24573/ 00345	Deed2:
Seller: MCKENZIE JOHN, 4TH	Date: 11/10/1987	Price: \$245,000
Type: ARMS LENGTH IMPROVED	Deed1: /19008/ 00187	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Denied

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0002-SPHA

5433 PATTERSON
BARN

2ND FLOOR

DRIVEWAY

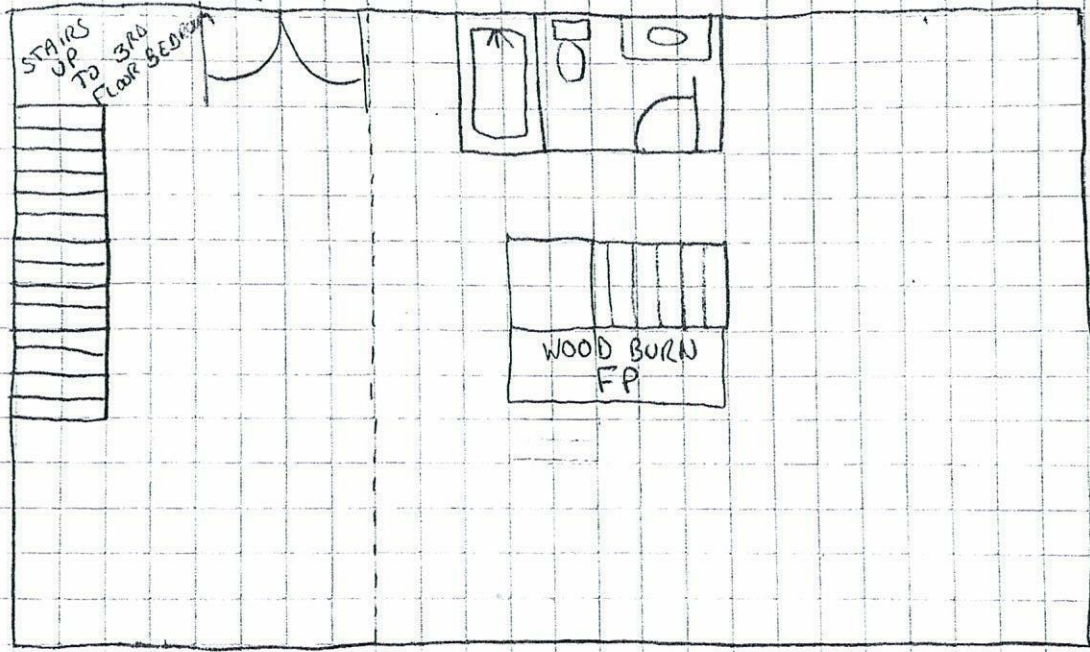
GROUND LEVEL
REAR ACCESS

STAIRS
UP
TO 3RD
FLOOR BEDROOM

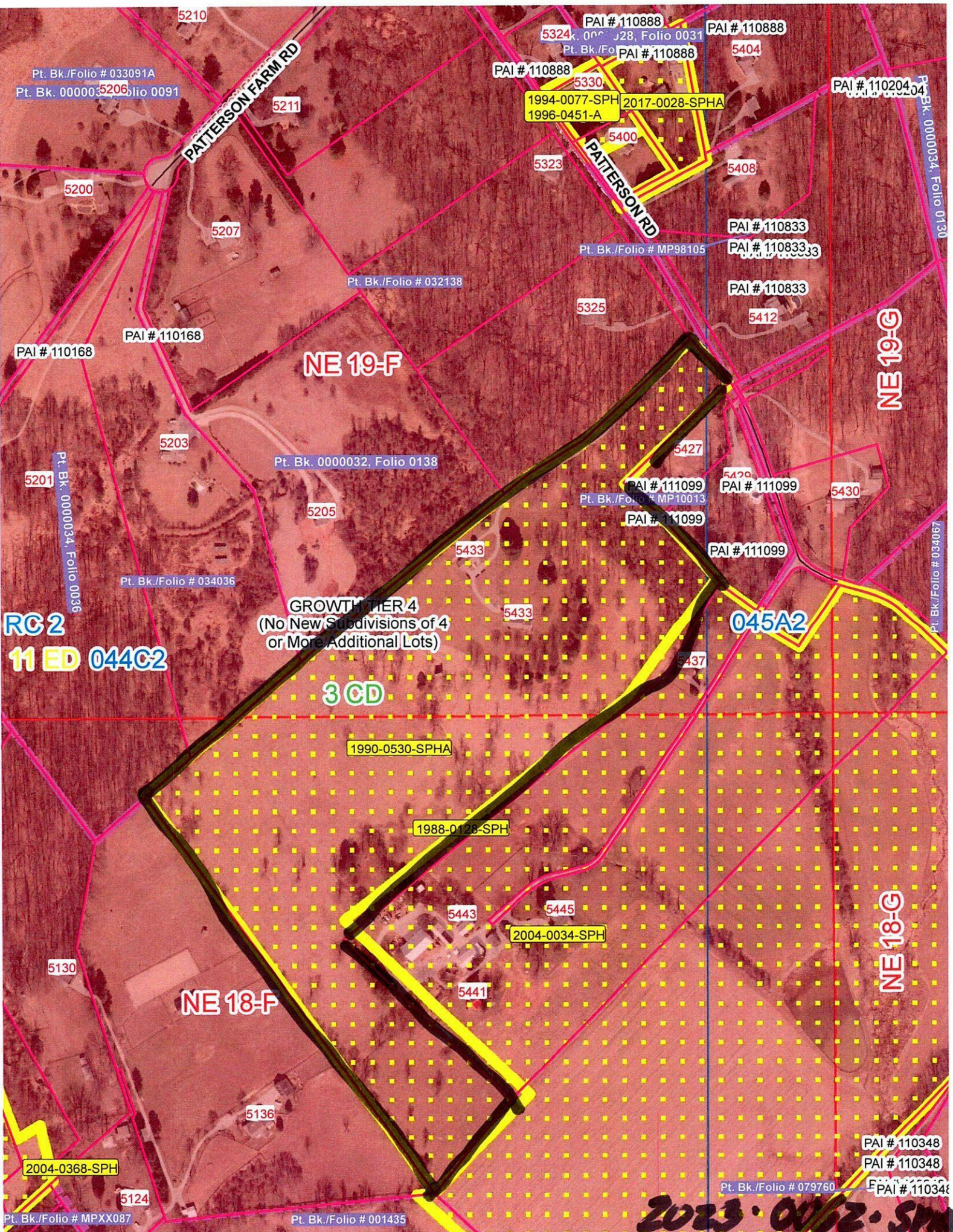


30x60

WOOD BURN
FP



2013-0062-SPHA



NE 19-F

NE 19-G

NE 18-G

NE 18-F

3 CD

045A2

RG 2
11 ED 044C2

2023-01-02-SPH