

IN RE: PETITION FOR VARIANCE
N/W Corner Berwick & Wehr Roads
9th Election District
4th Councilmanic District
(1210 Berwick Road)

Nancy Wehr Niermann, *Legal Owner* and
Kristen F. & James R. Culp,
Contract Purchasers
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-223-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a requested approval of an Undersized Lot which is currently owned Nancy Wehr Niermann and under contract to be purchased by Kristen F. and James R. Culp. The property which is the subject of this undersized lot approval request is located on the north side of Berwick Road, containing a street address of 1210 Berwick Road. The subject property is unimproved at this time and is zoned D.R.2. The undersized lot has a lot width of 97.15 ft. along Berwick Road and is approximately 220 ft. in depth on average. It is, for the most part, rectangular in shape. The overall square footage of the subject lot is approximately 21,216 sq. ft.

The Baltimore County Zoning Regulations applicable to the D.R.2 zone mandate that the lot width for a buildable lot contain at least 100 ft. in width and a minimum of 20,000 sq. ft. in overall area. While the subject property satisfies the area requirements of the D.R.2 regulations, it falls short of the 100 ft. lot width requirement by 2.85 ft. Therefore, the Petitioners' have proceeded with this request for approval to construct a dwelling on this undersized lot.

Appearing at the hearing on behalf of the request were Kristen and Robert Culp, the contract purchasers of the property, Nancy Niermann, current owner of the property, Bruce Doak, property line surveyor with Gerhold, Cross & Etzel, Michael Bowers, III, professional

12/7/02
[Signature]

architect with Design Alternatives, Inc. and Rob Hoffman, attorney at law, representing the Petitioner. Also attending in support of the Petitioners' request were Frederick Wehr, Suzanne Walker and Elizabeth Bond. Appearing in opposition to the Petitioners' request were David and Josephine Albright and their daughter and son-in-law, Felicia Albright and Doug Scrivener. Also appearing in opposition to the Petitioners' request were Leza Ebeling, Susan Nathan and David and Mary Owens. The protestants are all property owners in the surrounding neighborhood. Appearing as interested citizens in the matter were Peggy Squitieri, representing the Ruxton/Riderwood/Lake Roland Area Improvement Association (RRLRAIA) and Biff Henry.

The testimony and evidence offered at the hearing clearly demonstrated that the unimproved lot which is the subject of this request, is deficient in lot width. That is, the subject property falls short of the 100 ft. lot width minimum requirement by approximately 2.85 ft. The evidence further demonstrated that the lot in question has been duly recorded by a valid deed prior to March 30, 1955. Furthermore, the home which the Petitioner proposes to construct on the property meets with all other height and area regulations of the Baltimore County Zoning Regulations. Finally, the owner of the subject property, Nancy Niermann, does not own sufficient adjoining land which can be added to the subject lot in order to have it meet minimum lot size requirements. Having met the threshold requirements of Section 304.1, the Petitioner proceeded with an application for a building permit. The subject property was posted and a formal demand for hearing was made by interested neighbors.

In furtherance of the requirements of Section 304.1, the applicant submitted elevation drawings of the home proposed to be constructed on this property to the Office of Planning for their full review. The Office of Planning reviewed the Petitioner's request and issued a written

2/7/02
R. G. Jones

comment dated November 5, 2001 recommending approval of the Petitioner's request to construct a dwelling on this lot. Said written recommendation, authored by Jeffrey Long, a representative of the Office of Planning, instructed the applicant to shift the proposed garage an additional 5 ft. further away from the rear property line. Mr. Long also requested landscaping in the area where the garage is proposed to be constructed.

Testifying in support of this request was Kristen Culp, the contract purchaser of the subject lot. Mrs. Culp canvassed the surrounding neighborhood and studied the many homes located not only along Berwick Road, but also along other streets in the surrounding neighborhood. Mrs. Culp attempted to incorporate many of the features found on the older, existing homes in this neighborhood into the home she proposes to construct on this property. She has engaged the services of Michael Bowers, a licensed architect, to design and draw plans of a dwelling, which, in her opinion, would be in character and keeping with the existing homes in the surrounding neighborhood. The elevation drawings of the house proposed to be constructed on the lot were submitted into evidence as Petitioners' Exhibit No. 1G. This is the same elevation drawing which was submitted to the Office of Planning for their review and approval.

The opinion of Mrs. Culp, as well as Mr. Bowers, was that the house they propose to construct on the property is in character with the existing homes in the surrounding community. They, therefore, have requested that a finding be made that the house to be constructed is appropriate and that their hearing request be granted.

As stated previously, many residents of the surrounding neighborhood appeared in opposition to the Petitioners' request. Ms. Leza Ebeling who resides at 1217 Boyce Avenue appeared in opposition to the Petitioners' request. Ms. Ebeling is a new resident to this

community and was disappointed that she did not have an opportunity to purchase the subject lot. Mrs. Ebeling's property is located to the rear of the lot in question and is contiguous thereto. She and her family will have a direct view of the rear of the house and garage proposed to be constructed on this lot. She objects to the construction of any home on this open land and would prefer to see the property remain undeveloped. The lot in its current state provides a nice open view for her family from the rear of their home. In the event a home is constructed on the property she would lose the view she currently enjoys. Should a home be built on this lot, Ms. Ebeling requested that a landscape buffer be provided between the new improvements and the rear of her property.

Also testifying in strong opposition to the Petitioners' request was Mrs. Josephine Albright. Mrs. Albright, along with her husband, who also attended the hearing, own the property which is situated immediately to the west of the lot in question. Mr. and Mrs. Albright purchased this property for their daughter and son-in-law, Felicia Albright and Doug Scrivener. The Albright's were under the impression that they would have the first opportunity to purchase this unimproved lot, once the property in question was placed on the market for sale. They are disappointed that they were not given this opportunity. They would have incorporated this vacant lot into their existing property.

In addition, the Albright's object to the manner in which the Culp's have chosen to orientate their house. That is, the house in question fronts toward Berwick Road. However, in other respects, it gives the appearance that the front of the house faces towards the dwelling owned by Mr. and Mrs. Albright. They particularly object to this unusual design. They are also concerned over any storm water runoff that might be generated onto their property by virtue of the improvements proposed to be constructed on this unimproved lot. The Albright's have made

22/7/02
J. Ebeling

substantial improvements to their home. They believe that constructing a dwelling on this undersized lot will have a detrimental impact on the value of their home. They, therefore, ask that the requested approval be denied.

Ms. Felicia Albright, who actually resides in the home located adjacent to this vacant lot, testified in opposition to the Petitioners' request. Ms. Albright testified that she was advised by the owner of the vacant lot that it would not be sold until such time as the owner's mother passed away. The owner's mother, who is 98 years of age, continues to reside on the south side of Berwick Road, on the east side of Wehr Road. Felicia Albright was upset that the property in question was offered for sale to the Culp's without first offering it to her family. She believes that allowing a home to be constructed on this open lot will detract from the rural character of this neighborhood and would result in an over development of this property. She also believes that the house, as situated on the site plan, is too tall in height, is located too close to Berwick Avenue and should be situated further to the rear of the lot. For these reasons and other reasons stated at the public hearing, Ms. Albright requests that the Petitioners' request be denied.

It should be noted that other residents of the neighborhood were in attendance at the hearing, but due to the length of the hearing itself had to leave before the afternoon session began. Susan Nathan, David Owens and Mary Owens all were on record as being in opposition to the Petitioners' request, by virtue of their attendance at the hearing, their signatures appearing on the protestant's sign-in sheet, and by a written letter submitted by David and Margaret Owens dated January 31, 2002.

The standard of review to be applied to this undersized lot is found in Section 304.4 of the Baltimore County Zoning Regulations. That section requires that I make a determination as to whether the proposed dwelling is appropriate for this particular lot. After considering all of

2/7/02
JP [signature]

the testimony and evidence offered at the hearing, both for and against this particular proposal, I find, pursuant to Section 304.4 of the Baltimore County Zoning Regulations, that the Petitioners' proposal to construct a dwelling on the subject undersized lot is appropriate and should be approved. In granting the Petitioners' request, great reliance is placed on the objective position of the Office of Planning and their written comment dated November 5, 2001. The Office of Planning in their review of this application took into consideration site design, architectural design, specifically the height, bulk or massing of the house to be constructed, the major divisions or architectural rhythm of the facades of the house to be constructed, as well as the proportions of the openings of windows and doors, the roof design of the house and the building materials and colors of the house to be constructed. The Office of Planning has given great attention to the details of the dwelling to be constructed on this property and has recommended approval of same.

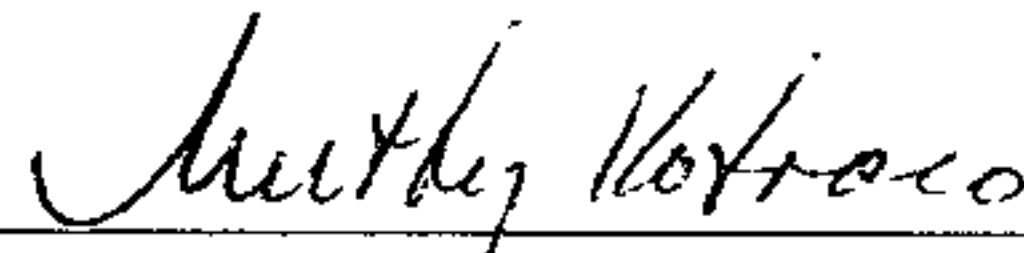
THEREFORE, IT IS ORDERED this 7th day of February, 2002, by this Deputy Zoning Commissioner for Baltimore County, that the Petitioners' request to construct a dwelling consistent with that shown on Petitioners' Exhibit No. 1G, the architectural rendition of the house, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall be required to submit to the Office of Planning a landscape plan for their full review and approval, taking into consideration appropriate landscaping along the rear of the lot in question, adjacent to the property owned by James and Leza Ebeling. Said landscape plan shall also provide for an appropriate buffer

2/7/02
J. J. [Signature]

between the subject lot and the property owned immediately to the west of this unimproved lot owned by David and Josephine Albright. Said landscape plan shall be submitted to the Office of Planning within thirty (30) days from the date of this Order for review and approval.

3. The Petitioners shall be required to construct the home as represented on the architectural drawings submitted into evidence as Petitioners' Exhibit 1G.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2/17/02
JP [signature]

IN THE MATTER OF
THE APPLICATION OF
NANCY WEHR NIERMANN-LEGAL OWNER;
JAMES R. AND KRISTEN F. CULP - C.P. /
PETITIONERS FOR APPROVAL OF AN
UNDERSIZED LOT LOCATED ON THE N/W
CORNER BERWICK & WEHR ROADS
(1210 BERWICK ROAD)

9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 02-223 (A)
*

* * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by David F. Albright, Esquire, on behalf of Jody Albright, David Albright, Felicia Albright and Douglas Scrivener, Appellants /Protestants, from the February 7, 2002 Order of the Deputy Zoning Commissioner in which the subject Petition was approved with restrictions.

WHEREAS, the Board is receipt of a letter of withdrawal of the subject Petition filed April 10, 2002 by David H. Karceski, Esquire, VENABLE, BAETJER AND HOWARD, LLP, Counsel for Petitioner, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the subject Petition filed in the above-referenced matter be withdrawn as of April 10, 2002,

IT IS THEREFORE this 18th day of April, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. 02-223(A) is **WITHDRAWN AND DISMISSED**, **without prejudice**, and that the Deputy Zoning Commissioner's Order of February 7, 2002, including any and all relief granted therein, is rendered **null and void**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Charles L. Marks, Chairman


Lawrence S. Wescott


Richard K. Irish

ALBRIGHT &
GOERTEMILLER, LLC
Law Offices

3/11/02
ilcf
S

120 East Baltimore Street
Suite 2150
Baltimore, Maryland 21202
Telephone (410) 244-0350
Facsimile (410) 244-0356

Writer's Direct Dial No.
(410) 244-0354

E-Mail: dalbright@albrightlaw.com

March 11, 2002

HAND DELIVER

Mr. Arnold Jablon, Director
PDM
Baltimore County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, Maryland 21204

RE: In re: Petition for Variance, Case No.: 02-223-A
Nancy Wehr Niermann (Owners); Kristen F. & James R. Culp (Purchasers)
NOTICE OF APPEAL OF DECISION DATED FEBRUARY 7, 2002

* * *

Appellants: Jody Albright, David Albright, Felicia Albright and
Douglas Scrivener, Owners of Lot 1214 Berwick Road

Dear Mr. Jablon:

Please consider this letter to be the formal request by the above named Appellants for appeal of the above-captioned decision dated February 7, 2002 regarding the lot on Berwick Road adjoining Lot 1214 Berwick Road. I am enclosing our check in the amount of \$210.00.

Please date stamp a copy of this letter and return same with the messenger.

Thank you for your assistance in this matter.

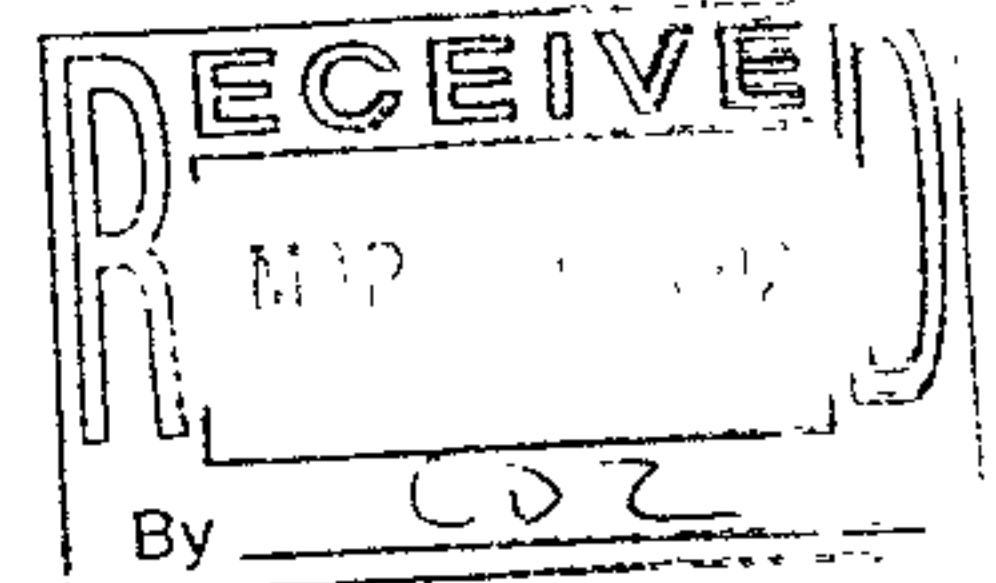
Very truly yours,


David F. Albright

DFA/sgd
Enclosure

cc: Robert A. Hoffman, Esq., Attorney for Appellees

02-744





Baltimore County
Zoning Commissioner

January 9, 2002

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Robert A. Hoffman, Esquire
Venable, Baetjer & Hoffman
210 Allegheny Avenue
Towson, Maryland 21204

RE: Hearing on Undersized Lot
NW/Corner Berwick & Wehr Roads
(1210 Berwick Road)
9th Election District – 1st Council District
Nancy Wehr Niermann, Legal Owner; Kristen F. & James R. Culp, Contract Purchasers
Case No. 02-223

Dear Mr. Hoffman:

This letter is to confirm that the above-captioned matter, which was scheduled for a public hearing this date, was postponed due to the unavailability of a Hearing Officer and the absence of some of the witnesses as a result of the inclement weather. By agreement of all parties who did appear, the matter has been rescheduled for Tuesday, January 29, 2002 at 9:00 AM in Room 407 of the County Courts Building. Moreover, pursuant to our telephone discussion this date, it was agreed that you will arrange to have the sign on the property revised accordingly so that all interested parties to the case are made aware of the new hearing date (same time and location).

In the meantime, should anyone have any questions on the subject, please feel free to call this office.

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. James R. Culp, 3806 Beech Avenue, Baltimore, Md. 21211
Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
David Albright, Jody Albright, & Felicia Albright
1214 Berwick Road, Baltimore, Md. 21204
Ms. Peggy Squitieri, Executive Director, RRLRAIA,
P.O. Box 204, Riderwood, Md. 21139
Mr. George Zahner, DPDM; People's Counsel; Case/File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 7, 2002

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 02-223-A
Property: 1210 Berwick Road

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

Copies to:

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

Michael L. Bowers, III
Design Alternatives, Inc.
12420 Happy Hollow Road
Hunt Valley, MD 21030

Kristen & Rob Culp
3806 Beech Avenue
Baltimore, MD 21211

Nancy Wehr Niermann
6511 Darnell Road
Ruxton, MD 21204

Frederick T. Wehr
500 Edgevale Road
Baltimore, MD 21210

Suzanne T. Walker
1402 Berwick Road
Towson, MD 21204

Elizabeth O. Bond
7705 Rider Hill Road
Towson, MD 21204

David & Josephine Albright
1214 Berwick Road
Towson, MD 21204

Felicia Albright
Doug Scrivener
1214 Berwick Road
Towson, MD 21204

David & Margaret Owens
1217 Berwick Road
Towson, MD 21204

Susan Nathan
1216 Berwick Road
Towson, MD 21204

Leza Ebeling
1217 Boyce Avenue
Towson, MD 21204

Peggy Squitieri
Biff Henry
c/o RRLRAIA
P. O. Box 204
Riderwood, MD 21139

Date to be posted: Anytime before but no later than 11/03/0

Request for Use Permit: Class A Child Care, Parking, Undersized Lot, Farmer's Roadside Stand

Format for Use Permit Sign, Black Letters on White Background:

ZONING NOTICE

BUILDING PERMIT APPLICATION

TO APPROVE AN UNDERSIZE LOT
PER SECTION 304 (BCZR)

PUBLIC HEARING ?

PURSUANT TO SECTION 304.4, BALTIMORE COUNTY REGULATIONS,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED THE REQUEST
IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

November 18, 2001
REQUEST FOR HEARING MUST REFERENCE THE ADDRESS ON THIS SIGN.
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST
CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391.

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

HANDICAPPED ACCESSIBLE



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

6012

*** HEARING ROOM – Room 48 ***

Basement – Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF APRIL 15, 2002

TUESDAY 4/16 9:00 am Case No.: R-01-455 /DELIBERATION

In the Matter of:

*Michael James Lynch, et al
N/s Sweet Air Road, E of Sunburst Road
10th Election; 6th Councilmanic*

10:00 am Case No.: R-02 – Out of Cycle 2002

In the Matter of:

*Albert Bierman – Legal Owner – Petitioner
Reclassification: From D.R. 5.5 to M.L.-I.M.*

TO BE OPENED AND CONTINUED ON RECORD

11:00 am Case No.: 02-223 (ZC) /HEARING

In the Matter of:

*Nancy Wehr Niermann – Legal Owner
Mr. and Mrs. James Culp – Contract Purchasers
1210 Berwick Road
9th Election; 4th Councilmanic*

RE: Petitioner for Building Permit/Undersized Lot

WEDNESDAY 4/17 9:30 am Case No.: 01-096-SPH /DELIBERATION

In the Matter of:

*Lorraine E. and Daniel G. Narango
2635 Meredith Road, White Hall, MD 21161*

11:30 am Case No.: CBA-02-110 /HEARING

In the Matter of:

*Wal-Mart Real Estate c/o Wal-Mart Stores
2399 North Point Boulevard*

RE: Code Inspections and Enforcement Violation

THURSDAY 4/18 CASE POSTPONED

c:	Executive Office Law Office Director /PDM	People's Counsel Planning Office Court Info. Desk	County Council Board Members Court Reporter
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Prot. Ex #3

Biff Hearn, President
Ruxton-Riderwood-Lake Roland Area Improvement Assoc, Inc.
P.O. Box 204
Riderwood, MD 21139
410-494-RRLR

January 25, 2002

Dear Biff,

I am writing to express my opposition to the development of the Niermann property at 1210 Berwick Rd. The lot is undersized and therefore should not be developed.

Sincerely,

Case Thomas

1215 1/2 Boyce Ave.

Currently out west on a trip

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 08163

DATE 11/27/01 ACCOUNT R001 006 6150

AMOUNT \$ 40.00

RECEIVED FROM: FELICIA B ALBRIGHT

DEMAND FOR FORMAL HEARING
UNDERSIZED LOT

FOR: 1210 BERWICK ROAD
JAMES R CULP + KRISTEN F CULP

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 06678

DATE 10/22/01 ACCOUNT R001 006 6150

AMOUNT \$ 50.00

RECEIVED FROM: Culp

Undersized lot

FOR:

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
11/28/2001 11:38:23
REF #001 CASHIER JRIC JMR DRAWER 1
DEPT 5 528 ZONING VERIFICATION
CR NO. 006163

Receipt Tot 40.00
10.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

PAID RECEIPT

PAYMENT ACTUAL TIME
10/22/2001 10:00:28
REF #001 CASHIER ARRO ABC DRAWER 6
DEPT 5 528 ZONING VERIFICATION
CR NO. 006618

Receipt Tot 50.00
.00 CK 60.00 CA
10.00- CG

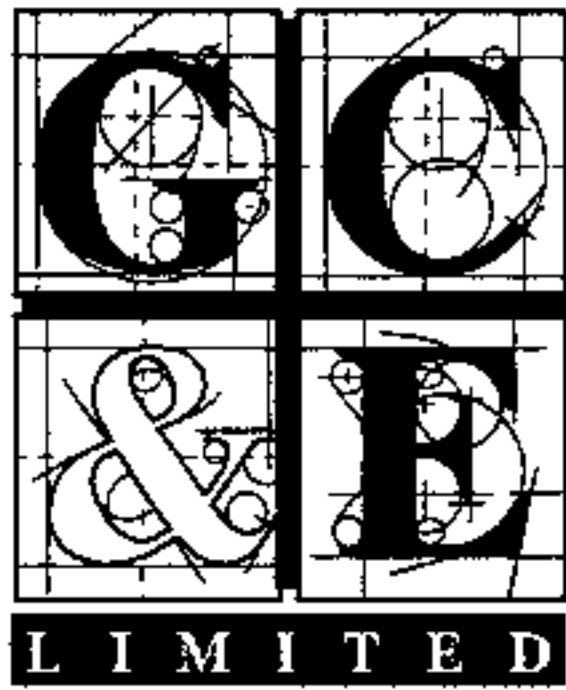
Baltimore County, Maryland

CASHIER'S VALIDATION

Bruno—

11/13/01

Silvia's lady is
appealing the underwrite
lot approval before
the 11/18/01 deadline.
Regardless of Jeff Long's
approval, get together
with George and see
what needs to be done.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE # 02-223-
PETITIONER/DEVELOPER:
Owner: Nancy Wehr Nierman
Contract Purchaser: Kristen & James
Culp
DATE OF HEARING:
January 09, 2002

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

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

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

LOCATION:

Northwest corner of Berwick Road and Wehr Road

DATE: 12/27/01

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

STED ON: 12/21/01



Baltimore County
Department of Permits and
Development Management

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

December 12, 2001

NOTICE OF ZONING HEARING

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

CASE NUMBER: 02-223

1210 Berwick Road

NW/corner Berwick & Wehr Roads

9th Election District – 1st Councilmanic District

Legal Owners: ~~Kristen F. & James R. Culp~~ Nancy Wehr Niermann

Contract Purchasers: Kristen F. and James R. Culp

DEMAND FOR FORMAL HEARING for undersized lot.

HEARING: Wednesday, January 9, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon GJZ
Director

C: Kristen & James Culp, 3806 Beech Avenue, Baltimore 21211
Felicia Albright, 1214 Berwick Road, Baltimore 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 22, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

~~As~~ As per Stella's phone conversation of this date with Mrs. Culp, changes have been made to this letter to reflect the proper legal owner of the property and the contract purchaser

1 | 10 | 02-R. Jameson



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 4, 2002

Kristen & James Culp
3806 Beech Avenue
Baltimore MD 21211

Dear Mr. & Mrs. Culp:

RE: Case Number: 02-223, 1210 Berwick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 22, 2001.

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

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

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. (11) 2
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Felicia Albright, 1214 Berwick Road, Baltimore 21204
People's Counsel

sem
1/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 18, 2001

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

SUBJECT: 1210 Berwick Road

INFORMATION:

Item Number: 02-223

Petitioner: James R Kristen

Zoning: DR 2

Requested Action: Special Hearing

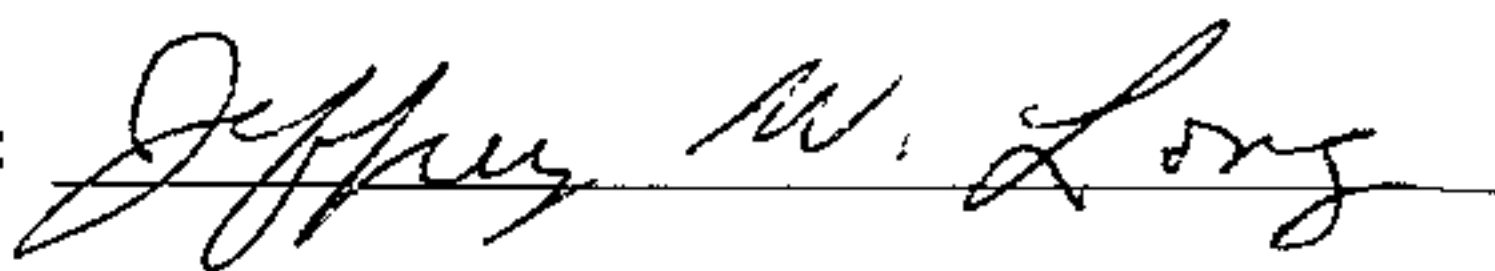
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's request provided the proposed garage and dwelling are shifted five (5) feet forward in order to increase the rear yard setback.

Prepared by:



Section Chief:



AFK:MAC:



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410 887-4880

December 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 3, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187,
188, 190, 191, 192, 193, 195, 198, 199, 223

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: December 26, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2001
Item Nos. 176, 177, 178, 179, 181, 184,
185, 186, 187, 188, 189, 193, 190, 191,
193, 194, 195, 196, 197, 198, 199, and


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

RWB:HJO:jrb

cc: File

Post EX # 4

**DAVID R. OWENS
MARGARET A. OWENS
1217 BERWICK ROAD
TOWSON, MD. 21204
410-337-5123 - H
443-573-4366 - W**

January 31, 2002

Timothy M. Kotroco
Baltimore County Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, MD. 21204

Re: 1210 Berwick Road.
Case 02-223

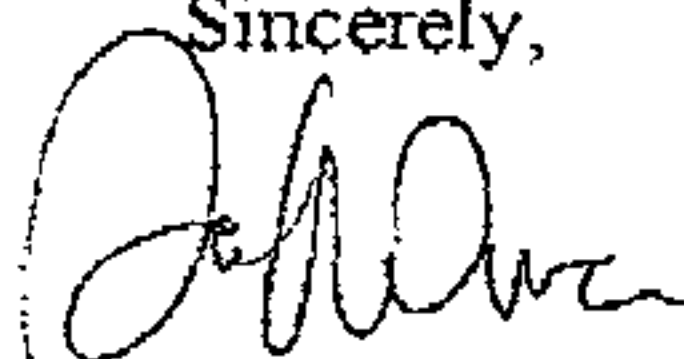
Dear Commisioner,

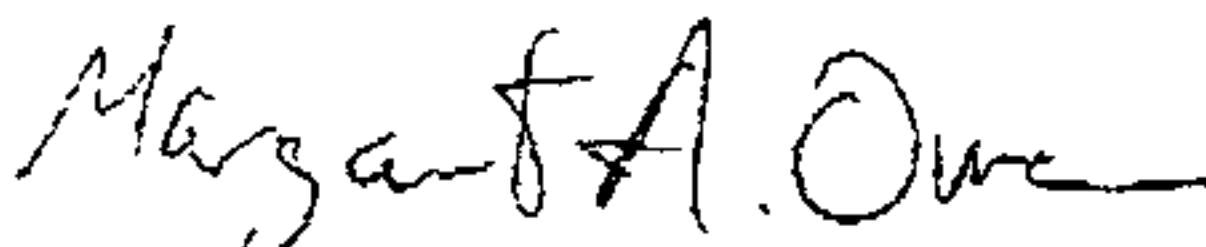
Thank you for allowing the neighborhood to present its feelings before you in the referenced case for a house to be built on this undersized lot. Maintaining open space and the rural character of Ruxton is an overriding concern of the neighborhood. Our property is directly opposite the subject property, and therefore greatly impacted by what, if anything, is ever built here.

Given the fact that it is an undersized lot, we feel that the current design does not make enough effort to fit in with the rest of the neighborhood. The house footprint with 3100+ square feet plus an oversized garage is much bigger than any other Berwick Road houses on similar sized lots. Also, the looming 34+ ft. high front façade with an entrance on the side is not architecturally similar to any of the more traditional designs in this part of Berwick Road.

In summary, we feel that the design of the house is not typical of the rural character of this neighborhood and the massing of the structures is not appropriate for an undersized lot, and therefore, the plan should not be approved as such. Thank you again for your consideration.

Sincerely,


David R. Owens


Margaret A. Owens



Baltimore County
Department of Permits and
Development Management

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

March 13, 2002

Robert A Hoffman
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case No. 02-223, 1210 Berwick Road

Please be advised that an appeal of the above-referenced case was filed in this office on March 11, 2002 by David F. Albright, Albright & Goertemiller LLC, on behalf of Jody, David and Felicia Albright and Douglas Scrivener of Lot 1214 Berwick Road. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

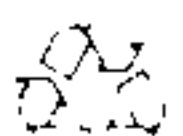
Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, stylized "J" and "A".

Arnold Jablon GDZ
Director

AJ: gdz

c: Mr. & Mrs. James Culp, 3806 Beech Avenue, Baltimore 21211
People's Counsel



APPEAL

Petition for Building Permit Application
1210 Berwick Road
NW/corner Berwick & Wehr Roads
9th Election District – 1st Councilmanic District
Nancy Wehr Niemann - Legal Owner
Mr. & Mrs. James Culp - Contract Purchaser
Case No.: 02-223

Petition for Building Permit (Undersize Lot) (dated 10/22/01)

Zoning Description of Property (on permit)

Notice of Zoning Hearing (dated 12/12/01)

Certification of Publication (The Jeffersonian issue dated 12/20/01)

Certificate of Posting (dated 11/01/01 posted Patrick O'Keefe)

Certificate of Posting (dated 12/20/01 posted Patrick O'Keefe)

Entry of Appearance by People's Counsel (none)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (2 pages)

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1A Permit Undersized Lot
- 1B Map of Area
- 1C Certificate of Posting
- 1D Lot Survey for Nancy Wehr Niemann
- 1E Site Plan Map
- 1F Certificate of Posting
- 1G Elevations
- 1H 4 Pictures (Abutters to Berwick Lot)
- 1I 3 Pictures (Views of the Lot)
- 1J 7 Pictures (Examples of Architecture in Neighborhood and two views of Berwick Road near the Lot)
- 2 6 Pictures (Examples of similar architecture in Ruston near or on Berwick Road)
- 3 6 Pictures (More examples of architecture near 1210 Berwick Rd)
- 4 Permit Undersized Lot
- 5 Plan to Accompany a Petition for a Special Hearing (dated 01/14/02)
- 6 11 Letters (Various letters of people who are not opposed)
- 6A Deed June 18, 1990
- 6B Deed May 21, 1974
- 6C Deed May 27, 1943

Protestants' Exhibits:

- 1 Boundary Survey (dated 05/21/01)
- 2 Deed December 7, 1976
- 3 Letter to Biff Hearn, President, Ruston-Riderwood-Lake Roland Area Improvement Assoc, Inc. from Rose Thomas (dated 01/25/02)
- 4 Letter to Timothy M Kotroco, Baltimore County Zoning Commissioner from David R. Owens and Margaret A. Owens (dated 01/31/02)

Miscellaneous (Not Marked as Exhibits):
(None)

Deputy Zoning Commissioner's Order (dated 02/07/02 - APPROVED)

Notice of Appeal received on March 11, 2002 from David F. Albright, Albright & Goertemiller, LLC, on behalf of Jody Albright, David Albright, Felicia Albright and Douglas Scrivener, Owners of Lot 1214 Berwick Road

c: Robert A Hoffman, Venable Baetjer & Howard, 210 Allegheny Avenue,
Towson 21204
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM



County Board of Appeals of Baltimore County

WCR

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 19, 2002

NOTICE OF ASSIGNMENT

**CASE #: 02-223 (ZC) — IN THE MATTER OF: *Nancy Wehr Niermann* –Legal Owner
Mr. & Mrs. James Culp - CP 1210 Berwick Road
9th Election District; 4th Councilmanic District**

2/07/2002 – D.Z.C.'s Order in which Petition for Building Application
/Undersized Lot was APPROVED subject to conditions (Per § 304, BCZR)

ASSIGNED FOR: TUESDAY, APRIL 16, 2002 at 11:00 a.m.

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

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

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

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

**Kathleen C. Bianco
Administrator**

c: Counsel for Appellants /Protestants	: David F. Albright, Esquire
Appellants /Protestants	: Jody Albright
	David Albright
	Felicia Albright
	Douglas Scrivener
	(Owners of Lot 1214 Berwick Road)
Counsel for Petitioners	: Robert A. Hoffman, Esquire
Petitioner /Legal Owner	: Nancy Wehr Niermann
Petitioners /Contract Purchasers	: Mr. & Mrs. James Culp
Office of People's Counsel	
Lawrence E. Schmidt /Zoning Commissioner	
Pat Keller, Planning Director	
Arnold Jablon, Director /PDM	

MAR 21 2002





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

WCR
file

April 18, 2002

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Nancy Wehr Niermann –Legal Owner;
James R. and Kristen F. Culp – Contract Purchasers /
/Petitioners Case No. 02-223(A)*

Dear Mr. Hoffman:

Enclosed please find a copy of the Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the above-referenced Petition has been withdrawn and dismissed.

Inasmuch as the subject Petition has been withdrawn, there is no further action pending before the Board of Appeals with the issuance of the enclosed Order.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: David H. Karceski, Esquire
Nancy Wehr Niermann
Mr. & Mrs. James Culp
David F. Albright, Esquire
Jody Albright
David Albright
Felicia Albright
Douglas Scrivener
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

02-1305
APR 18 2002



VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6285

dhkarceski@venable.com

April 10, 2002

HAND-DELIVERED

Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: 02-223-A
Property: 1210 Berwick Road
9th Election District, 4th Councilmanic District

Dear Mrs. Bianco:

I am writing on behalf of the Appellees to inform the Board that the Appellees have elected not to purchase or build upon the lot in question. Therefore, the appeal, which is scheduled to be heard on April 16, 2002, should be dismissed as moot. This is without prejudice to the right of any owners or contract purchasers of the lot to seek approvals in the future.

Very truly yours,



David H. Karceski

DHK/bl

cc: Robert A. Hoffman, Esquire
David F. Albright, Sr., Esquire
David Albright
Jody Albright
Felicia Albright
Douglas Scrivner

TO1DOCS1/DHK01/#134910 v1

02 APR 10 AM 10:27

DAVID R. OWENS
1217 Berwick Rd
Towson, MD. 21204
410-337-5123

11/16/01
WCR
To: Council
See Me
11/21/01

11/15/01

Zoning Administrator
111 W. Chesapeake Ave.
Towson, MD. 21204

To whom it may concern.

I would like to request a Zoning Hearing on the property located at 1210 Berwick Road. The property does not have the required minimum ^{lot} width of 100 feet, and it appears that the proposed garage does not meet minimum set-back requirements for a side yard. Thank you,

David Owens

Re: Zoning Appeals # _____

01-3878
NOV 16 2001
DEPT. OF PLANNING & ZONING
RECORDS SECTION

11/13/01

To: Arnold Jablon
Balto, County Zoning Administration

From: Felicia Albright
1214 Berwick Rd.
Balto, MD 21204
410-339-7925

I am requesting a regular zoning hearing
for the property adjacent to my property. This
property will be known as 1210 Berwick Rd. There
is no case number posted on the sign. The
lot is undersized by approximately 3-4 feet.

~~The~~

Sincerely,

Felicia Albright
1214 Berwick Rd.
410-339-7925

TO: Director, Office of Planning & Community Conservation
 Attention: Jeffrey Long
 County Courts Building, Room 406
 401 Bosley Avenue
 Towson, MD 21204

Permit or Case No. _____

FROM: Arnold Jablon, Director
 Department of Permits & Development Management

Residential Processing Fee Paid
 (\$50.00)

Accepted by BR
 Date 10/23/01

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

James Robert Culp + Kristen Farrow Culp 3806 Beech Avenue, Balt. MD 21211 410-235-7692
 Print Name of Applicant Address Telephone Number

Lot Address 1210 Berwick Road, Election District 9 Councilmanic District 4 Square Feet 21,216

Lot Location: (NE S W) side corner of Berwick Road, 150' feet from (NE S W) corner of Rider Hill Rd.
 (street) (street)

Land Owner: Nancy Wehr Niermann Tax Account Number 09-10-450081

Address 6511 Darnell Rd. Balt. MD 21204 Telephone Number (410) 821-0855

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
 PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (2 copies) available in Room 206 County Office Building - (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR-2</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations

Signed by _____
 for the Director, Office of Planning and Community Conservation

Date _____

**SCHEDULED DATES CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by Bruno Rudaitis on 10/22/01
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 11/3/01 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 11/18/01 C (B-3 Work Days)

TENTATIVE DECISION DATE 11/21/01 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____



Baltimore County
Zoning Commissioner

January 9, 2002

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Robert A. Hoffman, Esquire
Venable, Baetjer & Hoffman
210 Allegheny Avenue
Towson, Maryland 21204

RE: Hearing on Undersized Lot
NW/Corner Berwick & Wehr Roads
(1210 Berwick Road)
9th Election District – 1st Council District
Nancy Wehr Niermann, Legal Owner; Kristen F. & James R. Culp, Contract Purchasers
Case No. 02-223

Dear Mr. Hoffman:

This letter is to confirm that the above-captioned matter, which was scheduled for a public hearing this date, was postponed due to the unavailability of a Hearing Officer and the absence of some of the witnesses as a result of the inclement weather. By agreement of all parties who did appear, the matter has been rescheduled for Tuesday, January 29, 2002 at 9:00 AM in Room 407 of the County Courts Building. Moreover, pursuant to our telephone discussion this date, it was agreed that you will arrange to have the sign on the property revised accordingly so that all interested parties to the case are made aware of the new hearing date (same time and location).

In the meantime, should anyone have any questions on the subject, please feel free to call this office.

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. James R. Culp, 3806 Beech Avenue, Baltimore, Md. 21211
Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
David Albright, Jody Albright, & Felicia Albright
1214 Berwick Road, Baltimore, Md. 21204
Ms. Peggy Squitieri, Executive Director, RRLRAIA,
P.O. Box 204, Riderwood, Md. 21139
Mr. George Zahner, DPDM; People's Counsel; Case File

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 20, 2001 Issue – Jeffersonian

Please forward billing to:
Kristen & James Culp
3806 Beech Avenue
Baltimore MD 21211

410 235-7692

NOTICE OF ZONING HEARING

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

CASE NUMBER: 02-223

1210 Berwick Road

NW/corner Berwick & Wehr Roads

9th Election District – 1st Councilmanic District

~~Legal Owners:~~ Kristen F & James R Culp CONTRACT PURCHASER:

LEGAL OWNER: NANCY WEHR NIERMANN

DEMAND FOR FORMAL HEARING for undersized lot.

HEARING: Wednesday, January 9, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT CDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

11/13/01

To: Arnold Jablon

Balto, County Zoning Administration

From: Felicia Albright

1214 Berwick Rd.

Balto., MD 21204

410-339-7925

I am requesting a regular zoning hearing for the property adjacent to my property. This property will be known as 1210 Berwick Rd. There is no case number posted on the sign. & The lot is undersized by approximately 3-4 feet.

~~The~~

Sincerely,

Felicia Albright

1214 Berwick Rd.

410-339-7925

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME
Peggy SOUTIERI

Burr Haven

ADDRESS
RR LRA
P.O. Box 204
Ridenwood MD 21139
/



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman

210 Allegheny Ave 21204

Bruce E. Doak - Gerhold Cross & Etzel 320 E. TOWSONTOWN BLVD. TOWSON MD 21286

MICHAEL L. BOWERS III DESIGN ALTERNATIVES, INC 12420 HAPPY HOLLOW RD. HUNT VALLEY, MD 21030

Nancy Wehr Liermann 6511 DORNALL RD Ruxton

Kristen Culp 3806 Beech Ave. Balt. MD 21211

FREDERICK T. WEHR 500 EDGEVALE RD 21210

SUZANNE T. WALKER 1402 BERWICK ROAD 21204

Elizabeth O. Bond 7705 Rider Hill Rd 21204

Rob Culp, Kris Culp 3806 Beech Ave, Baltimore 21211



Case Number 02-223

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

Case Number 02 223

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

FILED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for
filing by Bryan Rudatis on 10/22/01
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a
decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all
current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be
expected within approximately four weeks. However, if a valid demand is received by the closing date
then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 11/3/01 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 11/18/01 C (B-3 Work Days)

TENTATIVE DECISION DATE 12/21/01 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

RC 1C

DEED S.M. 8522/584 MERIDIAN

B&C FOUND CO

SALVANIZED NAIL
SET IN BASE OF TREE

N88°28'00"E 96.34'

3/4" PIPE END

FENCE POST

proposed
garage
34' x 24'

52'

proposed
dwelling
73' x 62'
0.48 Acres of Land ±
#1311

BRICK
DWELLING
11' x 12' x 10' KL
2 1/2" lines

501°32'00"E 214.47'

N01°34'52"W 228.41'

2 STORY FRAME
DWELLING

1214 Perryman Rd
Baltimore, Maryland
11101

GRAVEL

PIPE FOUND

OLD PIPE FOUND

S80°13'02"W 97.15'

BERWICK Road

○ SANITARY SEWER

LOT SURVEY
FOR

NANCY WHER NIEMANN
LOCATED ON BERWICK AVENUE
4th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

GERHOLD, CROSS & ETZEL, LTD

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

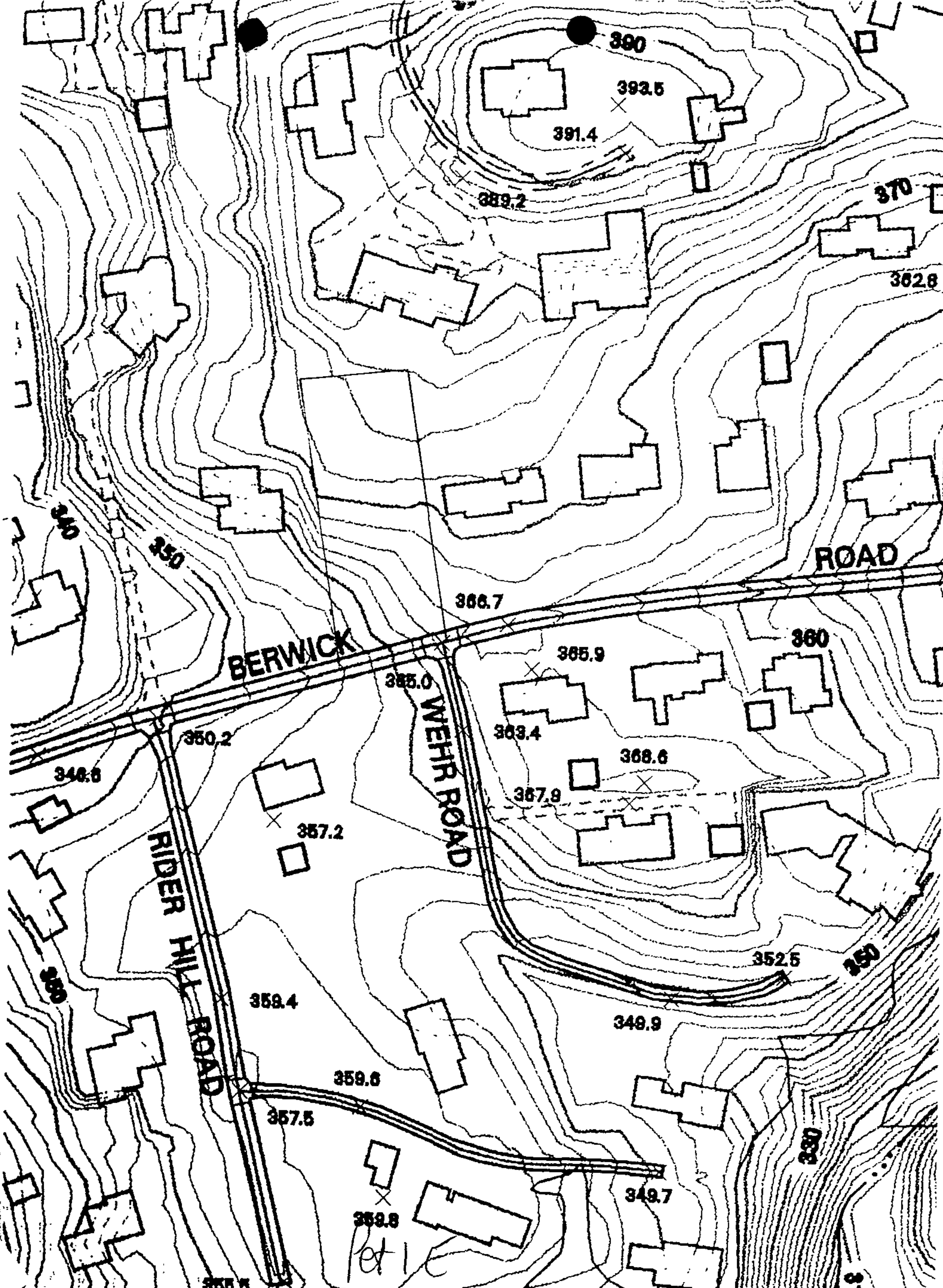
MAY 8, 2001 SCALE: 1"=30'

11145 1101 Pot 1 D

ID: 2

206 ft. y 02.

ID: 9-10-081



**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by Bruno Rudaitis on 10/22/01
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 11/3/01 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 11/18/01 C (B-3 Work Days)

TENTATIVE DECISION DATE 12/2/01 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Signature Date of Posting: _____

Number of Signs: _____

Ref IF

TO: Director, Office of Planning and Community Conservation
 Attention: Jeffrey Long
 County Courts Building, Room 406
 401 Bosley Avenue
 Towson, MD 21204

Permit or Case No. 11/15/01

FROM: Arnold Jablon, Director
 Department of Permits & Development Management

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)Accepted by BR
Date 10/22/01

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit

MINIMUM APPLICANT SUPPLIED INFORMATION:

James Robert Culp + Britten Farrow Culp

Print Name of Applicant

3806 Beech Avenue Balt. MD 21111

Address

410-235-7692

Telephone Number

Lot Address 1210Berwick RoadElection District 9Councilmanic District 4Square Feet 21,216

Lot Location: NE S W corner of Berwick Road 150' feet from NE S W corner of Rider H. H. Rd.
 (street) (street)

Land Owner Nancy Wehr NiemannTax Account Number 04-10-450081Address 6511 Darnell Rd. Balt. MD 21204Telephone Number (410) 821-0855

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

1. This Recommendation Form (3 copies)

YES

NO

2. Permit Application

3. Site Plan

Property (3 copies)

Topo Map (2 copies) available in Room 206 County Office Building - (please label site clearly)

4. Building Elevation Drawings

5. Photographs (please label all photos clearly)

Adjoining Buildings

Surrounding Neighborhood

6. Current Zoning Classification: DR-2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:



Approval



Disapproval



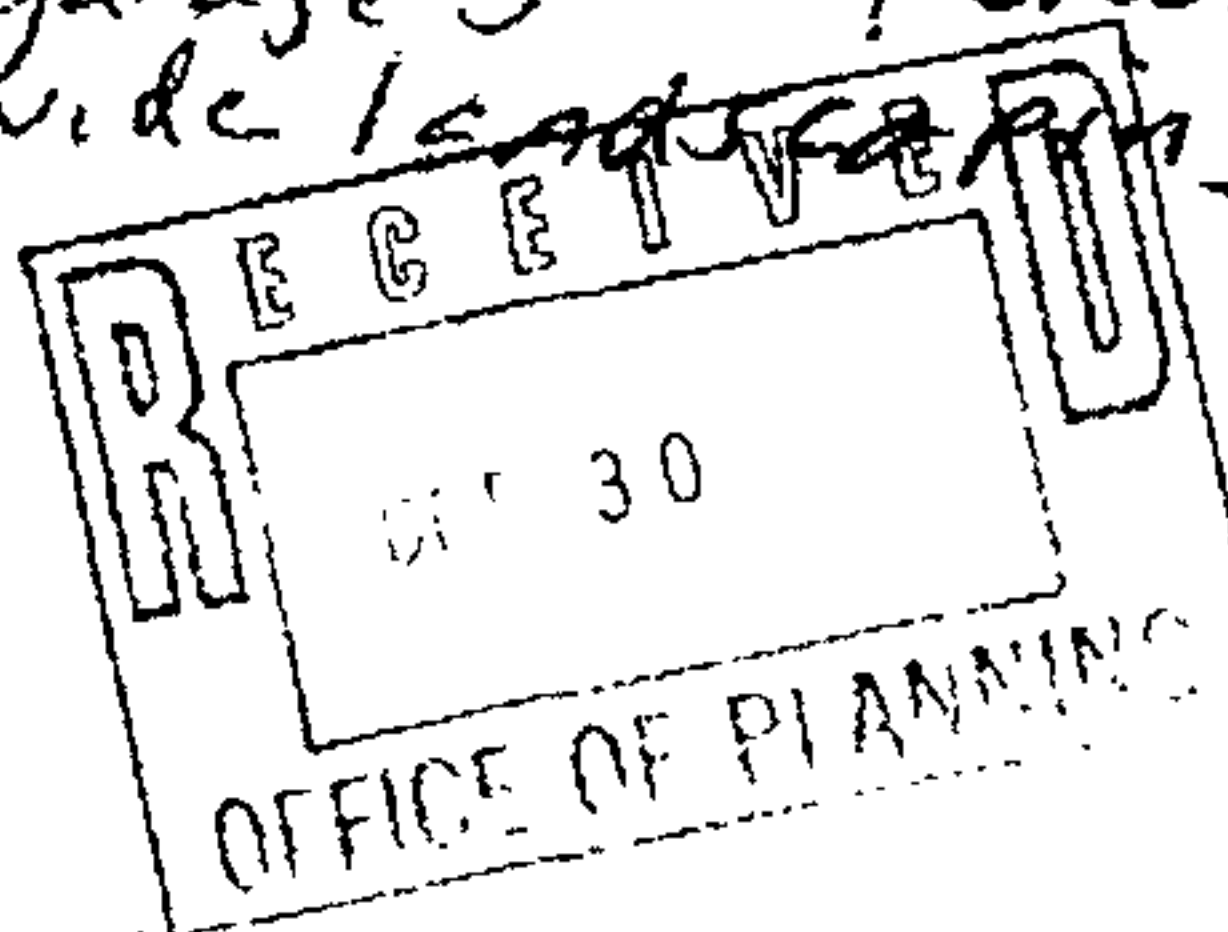
Approval conditioned on required modifications of the application to conform with the following recommendations

Applicant has agreed to shift garage 5' forward towards the proposed dwelling, and to provide landscaping in the area of the garage.

Signed by

Jeffrey W. Long
for the Director, Office of Planning and Community Conservation

Date

11/5/01

Revised 2/25/99

Pet Ex #4

Abutters to Berwick Road lot.



1214 Berwick Road
Abutter to the West



1208 Berwick Road
Abutter to the East



1217 Boyce Avenue
Abutter to the North (backyard neighbor)



1217 Berwick Road
Abutter to the South (across the street)

Ref 1 H

Views of the lot.



View from road on east side of lot.



View from road on west side of lot.



View from back part of lot towards
Berwick Road.

Ref 11

Examples of architecture in the neighborhood.
And, two views of Berwick Road near the lot.



1206 Berwick Road



1205 Berwick Road



1307 Berwick Road



1300 Berwick Road



1216 Berwick Road



P0 + 1-1

Examples of similar architecture to proposed project at 1210 Berwick Road.
(All examples are in Ruxton near or on Berwick Road)



1510 Berwick Road



1512 Berwick Road



? Carrolton Road

1414 Carrolton Ave



? Boyce Avenue 1410



1504

? Maywood Ave



1501 ? Locust Ave

Ref Ex #2

More examples of architecture near 1210 Berwick Road.



1204 Berwick Road



1202 Berwick Road



1200 Berwick Road



1201 Berwick Road



1209 Berwick Road



1304 Berwick Road

Per Ex 3

Pet ex #5

January 25, 2002

To: Baltimore County Department of Planning and Zoning

From: Bruns and Perrin Grayson
1402 Locust Ave.
Ruxton, MD 21204

Re: Residential Lot located between 1208 and 1214 Berwick Road, 21204

We understand that Rob and Kris Culp are interested in building on the lot located between 1208 and 1214 on Berwick Road but have run into opposition because of a minimal deviation in the size of the lot. After reviewing the proposed site plan and elevations for their new house, it's difficult to see how they would result in any objections. The house is set in the middle of the lot and is very attractive.

We have been residents of Ruxton for almost twenty years and would welcome the Culpes as neighbors. The empty lot would be put to much better use by the Culpes and would add to our tax base.

In light of the large houses that were built on the small lots on the corner of Labelle and Ruxton Rd., it seems surprising that there would be any objections to a plan like the Culpes.

Thank you for your time and attention.

BHG
RM Grayson

28 January 2002

To: Baltimore County Depts. of Planning, Zoning, et al.
Fr: Kent H. and Suzanne T. Walker
1402 Berwick Road
Ruxton MD 21204-6508
410.583.1402

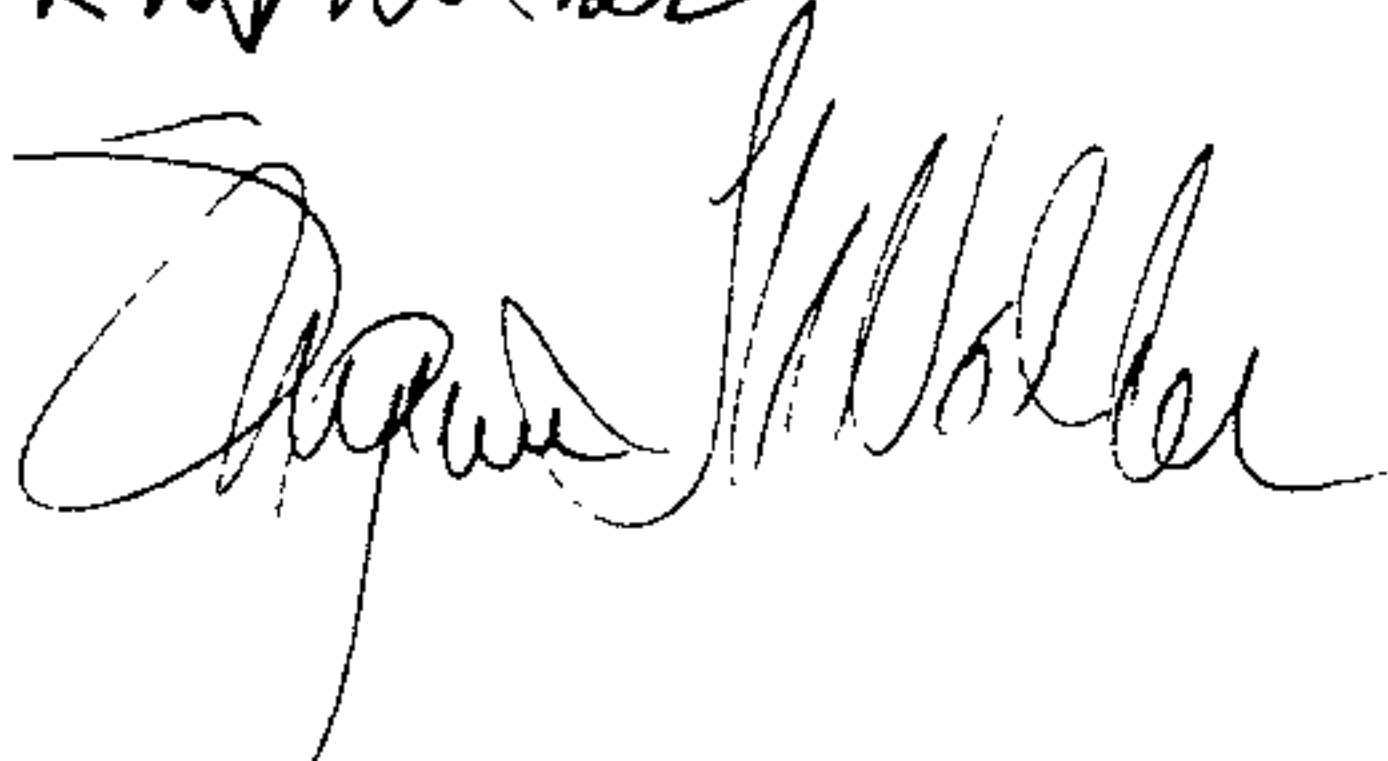
RE: Residential lot lying between 1214 and 1208 Berwick Road, 21204

As purchasers of and decade-long residents of the property previously occupied by the Ruxton Country School at 1402 Berwick Road, we are well aware of and sensitive to the character of the neighborhood which includes Berwick, Locust Ave , Labelle Ave., and Ruxton Road plus small connectors.

As such, we have been pleased to learn that Kris and Rob Culp are interested in purchasing and building on the above-cited lot, which we understand to be a buildable lot. We have known the Culpes for several years (Kris is a founding member of a Ruxton-based book group now in its sixth year), have seen their proposed site plan and their proposed dwelling elevations, and strongly encourage whatever county entities are involved in decision-making regarding this lot to approve the Culpes' plans.

This is a family which would be an asset to our neighborhood. They propose a dwelling which is respectful of and consistent with existing dwellings and properties in the neighborhood and on our street. Moreover, the Culpes' plan offers lot usage which is sensitive to the preservation of green space within a residential context.

Given the recent building of two dwellings on very small lots on Labelle at the intersection of Labelle and Locust, as well as the building in the early 1980s of the dwelling immediately adjacent to our property, we are mystified as to why a dwelling of the dimensions and nature of the Culpes' proposed dwelling could in any way be unsuitable to the lot in question and why any objections might be raised in connection with the Culpes' plans.

January 28, 2002

TO: Baltimore County Departments of Planning and Zoning, et al.

FROM: Marilyn S. Warshawsky *msw* —
1506 Berwick Road
Ruxton, MD 21204-6508
410-828-5279

RE: Residential lot lying between 1214 and 1208 Berwick Road, 21204

I have lived at 1506 Berwick Road for the last 32 years and have seen this immediate area, known as Ruxton Heights, renovated and revitalized over these years. As a long-term resident, I am pleased to see young couples such as Chris and Rob Culp and their children move to this neighborhood, so that the vitality of the area continues. I have known Chris for four years, and I believe her future participation in the life of this community will be of great benefit to the Ruxton area.

I have seen drawings of the Culp's proposed home and find its design to be very compatible with other homes in this vicinity, especially those in the 1200 and 1300 blocks of Berwick Road. Equally important, their placement of the dwelling on the lot, with setbacks from the street and side properties, makes it more respectful of the property's size and relationship to surrounding dwellings than most of the new homes built on Berwick, Locust Avenue, or Labelle Avenue within the last few years.

I request that the Departments of Planning and Zoning give careful consideration to the merits of the Culp's design and approve their plans to build on the above-cited lot.

Joseph Adams, and Linda Barr
1405 Berwick Rd.
Towson, MD 21204

January 26, 2002

Baltimore County Department of Planning

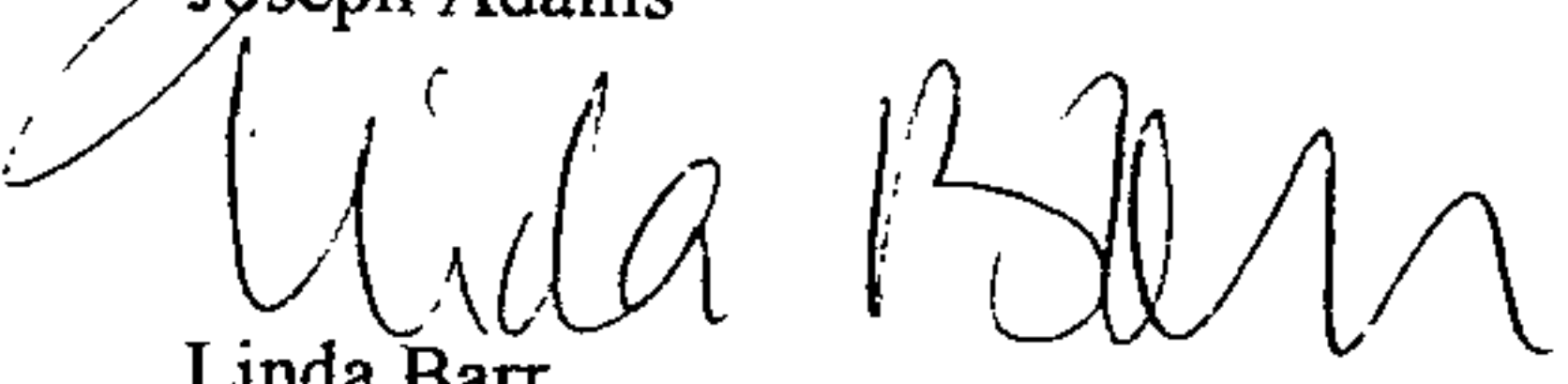
Re: residential lot between 1208 and 1214 Berwick Rd.

To Whom It May Concern:

We are writing as ten year residents of Berwick Rd to express our strong support for plans for a family to build a home on the aforementioned lot. The vacant lot currently detracts somewhat from the appearance and charm of the neighborhood. Also, new neighbors would represent a distinct benefit, especially a family with children such as the one proposing to move here. There is no overcrowding here so that would not be an issue. Our feelings are representative of the neighborhood in this matter.

Sincerely,


Joseph Adams


Linda Barr

J. M. ZIMMERMAN, M. D.
1202 BERWICK ROAD
RUXTON, MD 21204
(410) 825-3814

To whom it may concern:

This is to certify that the undersigned, owners and residents of 1202 Berwick Rd., support the sale of the lot at 1210 Berwick Rd. for the purpose of building a home on that site.

The lot is clearly of sufficient size to accomodate a residential dwelling.


Doris P. Zimmerman


Jack M. Zimmerman

1/3/02

LAW OFFICES
ALLEWALT & MURPHY, P.A.

805 NORTH CALVERT STREET
BALTIMORE, MD 21202-3798

(410) 727-6205
FAX (410) 625-4997
E-MAIL allewalt@bellsouth.net

DONALD L. ALLEWALT
EDWARD P. MURPHY
HARRIS P. MURPHY
TRACEY A. HARVIN

EASTERN SHORE OFFICE
HARRIS P. MURPHY
113 SPRING AVENUE
P.O. BOX 959
CHESTERTOWN, MD 21620
PHONE: 410-778-9220
FAX: 410-778-5711
E-MAIL: hplaw@dmv.com

January 22, 2002

Ms. Nancy Niermann
6511 Darnell Road
Ruxton, Maryland 21204

Dear Ms. Niermann:

Pursuant to my phone conversation with Fred, this is to inform you that I, as a long-term resident of 1205 Berwick Road, have no objection to the granting of a variance to permit the construction of a single family dwelling on the property known as 1210 Berwick Road.

Very truly yours,


EDWARD P. MURPHY

EPM:kas

>>> TO WHOM IT MAY CONCERN <<<

As long-time residents at 1304 Berwick Road, starting in the fall of 1949, we have known the Wehr family for a long, long time and certainly have no objections to having Mrs. Niermann sell her lot, and the nice house built on it.

I understand that it is the third largest building lot out of nine on the hill, a lot of record for many many years, and Baltimore County has approved everything.

We support the sale of this lot.

Frances B. Munsell
Alec Munsell
Frances B. Munsell
Alec Munsell
1304 Berwick Road
Baltimore, Md. 21204-6506

01/10/02 THU 14:08 FAX 410 385 3700

BALTIMORE M & S

002

CAMBRIDGE, MD
COLUMBIA, MD
EASTON, MD
FREDERICK, MD

LAW OFFICES
MILES & STOCKBRIDGE P.C.
10 LIGHT STREET
BALTIMORE, MARYLAND 21202-1487
TELEPHONE 410-787-6464
FAX 410-385-3700

McLEAN, VA
ROCKVILLE MD
TOWSON, MD
WASHINGTON, D C

RICHARD D. BENNETT
BALTIMORE PHONE: 410-385-8608
WASHINGTON PHONE: 202-787-8600
EMAIL: rbennett@milesstockbridge.com

January 10, 2002

VIA FACSIMILE

Mrs. Nancy Wehr Niemann

Facsimile No. 410-821-5603

Re: 1210 Berwick Road, Ruxton, Maryland

To Whom It May Concern;

It has come to my attention that some question has been raised as to the above-captioned lot and its suitability for the building of a home. I have lived at 1206 Berwick Road for almost 18 years and the lot at 1210 Berwick Road is almost the same lot size as the lot upon which I built my home 18 years ago.

The property at 1210 Berwick Road is a large open lot which is clearly suitable as a building lot. I have no objection to a home being built there. Indeed, the lots on the North side of Berwick -- both 1210 and 1206 -- tend to be larger than the lots on the South side of Berwick.

If I can answer any further questions, please do not hesitate to contact me.

Sincerely,



Richard D. Bennett

RDB/kif

1207 Berwick Rd.
Ruxton, Md. 21204

To whom it may concern:

Before we bought this lot in 1938, the land was vacant from 1204 to 1214. A few years later we bought the lot on the west side known as 1210. Eventually we sold it to Frederick Weyer of 1207 Berwick Rd. The lot was given to their daughter, Nancy Wexman, about 12 years ago.

East of 1208 a house was built with the same amount of front footage as 1210, address 1206.

Because land has been vacant for many years does not mean it should stay vacant.

I would rather see a house at 1210 than a public use.

Respectfully,
Ellen Padgett Jones
(Mrs. H. Edwin Jones)

MRS. GEORGE SCOTT WALLACE, JR.
1200 BERWICK ROAD
RUXTON, MARYLAND 21204

2 January 2002

To Whom it may Concern—
The lot at 1210 Berwick Road,
owned by Nancy Niemann, is
one of the largest lots on the
hill. I have no objection to
a house being built on this
property—
Jacqueline M. Wallace

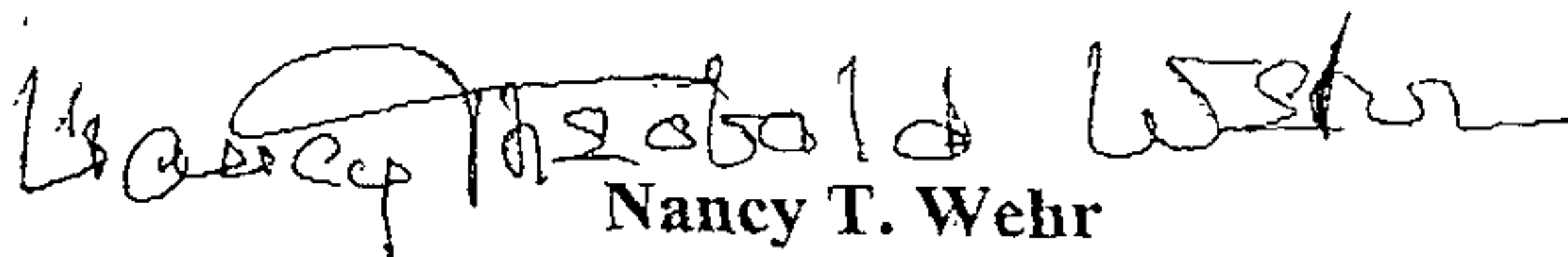
TO WHOM IT MAY CONCERN:

The lot at 1210 Berwick Road was created as a lot of record in 1943. My husband bought this lot in 1972 with the assumption that it was a "buildable lot".

This lot is over the square footage minimum required for DR 2 lots and is one of the largest of 9 lots on this end of Berwick Road (3rd largest).

I reside at 1209 Berwick Road and have no objection to a house being built on said property.

Sincerely,


Nancy T. Wehr

January 6, 2002

ALBRIGHT BROWN & GOERTEMILLER, LLC

5372

VENDOR ID: BALTIMOREC
PAYEE: Baltimore County

CHECK NO: 00005372
MEMO:

DATE: 03/11/02

INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	PREVIOUS PAY/CREDIT	DISCOUNT TAKEN	AMOUNT OF PAYMENT
-------------------	-----------------	-------------------	------------------------	-------------------	----------------------

CHECK TOTAL: *****\$210.00

Department of Permits and Development Management written recommendations concerning the application with regard to the following:

1. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.

OP standards of 2.- review

Architectural design. Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:

- a. Height.
- b. Bulk or massing.
- c. Major divisions, or architectural rhythm, of facades.
- d. Proportions of openings such as windows and doors in relation to walls.
- e. Roof design and treatment.
- f. Materials and colors, and other aspects of facade texture or appearance.

3. Design amendments. The Director may recommend approval, disapproval or modification of the building permit to conform with the recommendations proposed by the Office of Planning.

304.3 Public notice. Upon application for a building permit pursuant to this section, the subject property shall be posted conspicuously under the direction of the Department of Permits and Development Management with notice of the application for a period of at least 15 days.

304.4 Public hearing. Within the fifteen-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits and Development Management, or (2) the Director of Permits and Development Management may require a public hearing. The Department of Permits and Development Management shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate.

304.5 Final approval.

- A. The Director of the Department of Permits and Development Management may issue the building permit; or
- B. Notwithstanding any provision to the contrary, the Director of the Department of Permits and Development Management may require a public hearing before the Zoning Commissioner pursuant to Section 304.4 above; or

- C. If the Department of Permits and Development Management has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.
- 304.6 The decision of the Zoning Commissioner or the Director of the Department of Permits and Development Management may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within 45 days from receipt of the request.
- 304.7 The Director of the Department of Permits and Development Management shall establish appropriate fee schedules.

Section 305

Replacement of Destroyed or Damaged Dwellings

[BCZR 1955; repealed by Bill No. 124-1991; re-enacted by Bill No. 214-1991]

In case of complete or partial casualty loss by fire, windstorm, flood or otherwise of an existing dwelling that does not comply with height or area requirements of the zone in which it is located, such dwelling may be restored, provided area or height deficiencies of the dwelling before the casualty are not increased in any respect, and such restoration is subject to the limitations imposed by Section 104.2 of the Baltimore County Zoning Regulations.

Section 306

Minor Public Utility Structures

[BCZR 1955; Resolution, November 21, 1956]

Minimum lot area regulations in any zone shall not apply to repeater, booster or transformer stations, or small community dial offices.

Section 307

Variances

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

- 307.1 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

Ret Ex 5A

NO TITLE EXAMINATION
NO CONSIDERATION

THIS DEED, Made this 18th day of June, in the year one thousand nine hundred and ninety (1990), by and between **NANCY T. WEHR**, party of the first part, hereinafter called GRANTOR and **NANCY WEHR NIERMANN**, her daughter, party of the second part, hereinafter called GRANTEE.

WITNESSETH: That in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said **NANCY WEHR NIERMANN**, her heirs and assigns, in fee simple, all that lot or parcel of land situate, lying and being in Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same in the center line of Berwick Avenue, thirty feet wide, at the end of the third line of the land described in a deed from Albertus Cotton and wife to H. Edwin Jones, dated April 21, 1938 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1029, folio 221, and running thence binding on the center line of Berwick Avenue south eighty degrees and fourteen minutes west ninety-seven and thirty-four one-hundredths feet to the end of the fourth line of the land described in a deed from Albertus Cotton and wife to William G. McConnel, dated April 12, 1943, and duly recorded among said Land Records of Baltimore County; thence binding reversely on said fourth line north one degree and thirty-two minutes west two hundred twenty-eight and forty-one one-hundredths feet to the beginning of said fourth line; thence running for a line of division, now made, north eighty-eight degrees, and twenty-eight minutes east ninety-six and thirty-four one-hundredths feet to the beginning of the third line in the deed to H. Edwin Jones first herein referred to, and thence running with and binding on said third line south one degree and thirty-two minutes east two hundred fourteen and forty-seven one-hundredths feet to the place of beginning.

BEING the same property conveyed to **FREDERICK L. WEHR** and **NANCY T. WEHR**, his wife, as tenants by the entireties, by **H. EDWIN JONES** and **ELLEN P. JONES**, his wife, by Deed dated May 21, 1974 and recorded among the Land Records of Baltimore County in Liber 5448, folio 224; the said **FREDERICK L. WEHR** having since departed this life on or about December 2, 1975, thereby vesting title to said property in Nancy T. Wehr, by operation of law.

THE party of the first part, Grantor herein, declares and affirms under the penalties of perjury that there is no consideration paid or to be paid for this transfer within in the meaning of MD. TAX PROP. CODE ANN. §12-103 or §13-203(as amended).

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described lot or parcel of ground unto and to the use of the said party of the second part, her heirs and assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will Warrant Specially the title to the property hereby granted; and that she will execute such further assurances of the same as may be requisite or necessary.

WITNESS the hand and seal of the Grantor herein.

WITNESS:

[Signature]

[Signature] (SEAL)
NANCY T. WEHR

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
6-22-90
Date

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE *[Signature]* DATE 6-22-90
TRACED TO RECORD REQUIRED
BALTIMORE COUNTY, MARYLAND
Date 6-22-90 Sec 11-85 C

12.00
12.00
114:11
06/26/90

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 18th day of JUNE, 1990, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **NANCY T. WEHR**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, who signed the same in my presence.

WITNESS my hand and Notarial Seal.

Harold G. Bush
NOTARY PUBLIC

My commission expires:
R/012-kl

MY COMMISSION EXPIRES JANUARY 22, 1994

Mail to
Nancy Wehr Niemann
6511 Darnall Rd.
21204

Jones - NATZ. R. B

THE TITLE GUARANTEE COMPANY
(Individual Form)
App. H-83742

This Deed, Made this TWENTY-FIRST day of MAY, in the year one thousand nine hundred and seventy-four, by and between H. EDWIN JONES and ELLEN P. JONES, his wife, parties of the first part, Grantors; and FREDERICK L. WEHR and NANCY T. WEHR, his wife, parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantees, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, all that -----

----- lot(s) of ground
situate in the Ninth Election District of Baltimore County, -----
in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same in the center line of Berwick Avenue, thirty feet wide, at the end of the third line of the land described in a deed from Albertus Cotton and wife to H. Edwin Jones, dated April 21, 1938 and recorded among the Land Records of Baltimore County in Liber C.W.B.Jr. No. 1029, folio 221, and running thence binding on the center line of Berwick Avenue south eighty degrees and fourteen minutes west ninety-seven and thirty-four one-hundredths feet to the end of the fourth line of the land described in a deed from Albertus Cotton and wife to William G. McConnel, dated April 12, 1943, and duly recorded among said Land Records of Baltimore County; thence binding reversely on said fourth line north one degree and thirty-two minutes west two hundred twenty-eight and forty-one one-hundredths feet to the beginning of said fourth line; thence running for a line of division, now made, north eighty-eight degrees, and twenty-eight minutes east ninety-six and thirty-four one-hundredths feet to the beginning of the third line in the deed to H. Edwin Jones first herein referred to, and thence running with and binding on said third line south one degree and thirty-two minutes east two hundred fourteen and forty-seven one-hundredths feet to the place of beginning.

BEING the same lot of ground which by Deed dated May 27, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1288, folio 464, was granted and conveyed by Albertus Cotton and wife unto the within named Grantors.

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said

MAY 23-74	1381078	***11275
MAY 23-74	1381078	****6250
MAY 23-74	13810688	****4125
MAY 23-74	13810588	*****900

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

WITNESS:

Allen A. Davis, Jr.
Allen A. Davis, Jr.

H. Edwin Jones [Seal]
H. Edwin Jones

Allen A. Davis, Jr.
Allen A. Davis, Jr.

Ellen P. Jones [Seal]
Ellen P. Jones

State of Maryland, City of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 21st day of May, 1974,
before me, a Notary Public of the State aforesaid, personally appeared H. Edwin Jones and
Ellen P. Jones

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

2:05 PM

Anne H. Pokras
Notary Public

Rec'd for record MAY 23 1974 at

Per Elmer M. Kahline, Jr., Clerk
Mail to THE TITLE GUARANTEE COMPANY

Receipt No. 9005

My Commission expires: 7/1/74

Liber 1288

Ref Ex Bc

(Notarial seal)

John J Timanus

Notary Public

Recorded May 28 1943 at 1.30 P M & EXD

Per Robert J Spittel

Clerk

(Rec By R D B)

(EXAMINERS S & P)

40535

Albertus Cotton and wife

Deed to

H Edwin Jones and wife

U S 3 \$2.20 S R T \$1.60

This Deed Made this 27th day of May in the year one thousand nine hundred and forty three by and between Albertus Cotton and Florence A Cotton his wife of Baltimore County in the State of Maryland parties of the first part and H Edwin Jones and Ellen P Jones his wife of Baltimore County in the State of Maryland

parties of the second part

Witnesseth that in consideration of the sum of five dollars (\$5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said parties of the second part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple all that lot of ground situate in the Ninth Election District of Baltimore County in the State of Maryland and which by recent survey of Howard C Sutton Surveyor dated May 8 1943 is more particularly described as follows

Beginning for the same in the centre of Berwick Avenue thirty feet wide at the end of the third line of the land described in a deed from Albertus Cotton and wife to H Edwin Jones dated April 21 1938 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 1029 folio 221 and running thence binding on the center line of Berwick Avenue south eighty degrees and fourteen minutes west ninety seven and thirty four one hundredths feet to the end of the fourth line of the land described in a deed from Albertus Cotton and wife to William G McConnell dated April 12 1943 and duly recorded among said Land Records of Baltimore County thence binding reversely on said fourth line north one degree and thirty two minutes west two hundred twenty eight and forty one one hundredths

foot to the beginning of said fourth line thence running for a line of division now made north eighty eight degrees and twenty eight minutes east ninety six and thirty four one hundredths feet to the beginning of the third line in the deed to H Edwin Jones first herein referred to and thence running with and binding on said third line south one degree and thirty two minutes east two hundred fourteen and forty seven one hundredths feet to the place of beginning

Being part of the land firstly described in a deed from Elsie Nesbit widow to Albertus Cotton and Florence Cotton his wife dated June 14 1935 and recorded among the Land Records of Baltimore County in Liber 3 W B Jr No 952 folio 303

Together with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the said lot of ground and premises unto and to the use of the said parties of the second part as tenants by the entireties their heirs and unto the survivor of them his or her heirs and assigns in fee simple forever

And the said Grantors hereby covenant that they have not done nor suffered to be done any act matter or thing whatsoever to encumber the property hereby granted that they will warrant specially the property hereby granted and conveyed and they will execute such further assurances of said land as may be requisite

Witness the hands and seals of the within named Grantors

Witness

Edward C Golder

Albertus Cotton

(SEAL)

Florence A Cotton

(SEAL)

State of Maryland Baltimore City to wit

I Herby Certify that on this 27th day of May in the year one thousand nine hundred and forty three before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County personally appeared Albertus Cotton and Florence A Cotton his wife the within named Grantors and they acknowledged the foregoing Deed to be their respective act

In Testimony Whereof I hereunto set my hand and affix my Notarial seal

(Notarial seal)

Edward C Golder

Notary Public

Recorded May 28 1943 at 1:30 P M & EXD

Per Robert J Spittel

Clerk

(Rec By R D B)

(EXAMINERS S & P)

40536

Frank Nigren and wife

Deed to

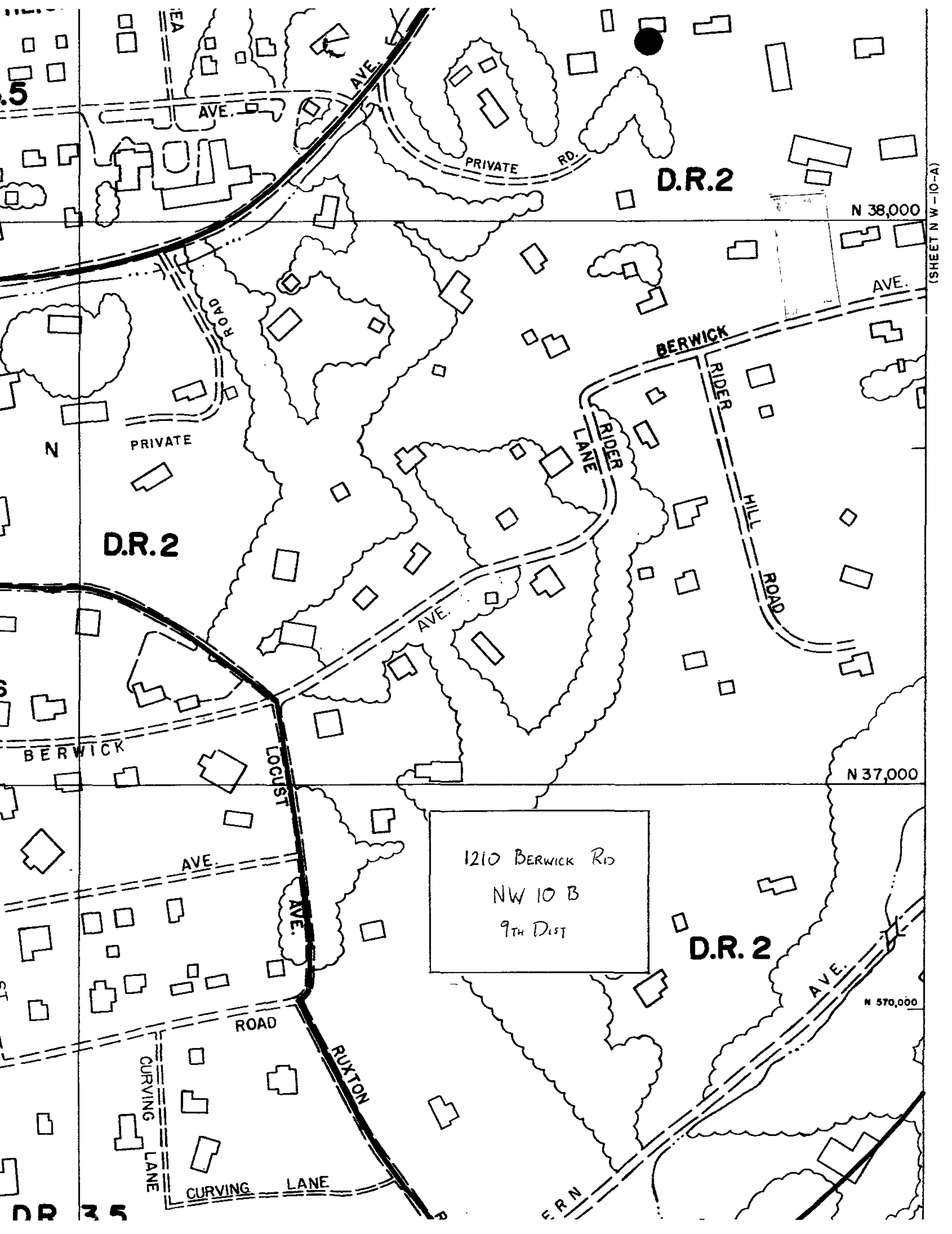
James B Mann and wife

U S S \$2.20 S-R T \$1.80

This Deed Made this 26th day of May in the year one thousand nine hundred and forty three by and between Frank Nigren and Daisy Nigren his wife of Baltimore City in the State of Maryland of the first part and James B Mann and Mary E Mann his wife of said City and State of the second part

Witnesseth that in consideration of the sum of Five dollars (\$5.00) and divers

61 MAY 1943



5

D.R.2

N 38,000

(SHEET NW-10-A)

D.R.2

N 37,000

1210 BERWICK RD
NW 10 B
9TH DIST

D.R.2

N 570,000

DR 35

DEED S.M. B522/509 MERIDIAN

B&C FOUND CO

SALVANIZED NAIL
SET IN BASE OF TREE

N88°28'00"E 96.34'

3/4" PIPE FND

FENCE POST

proposed
garage
34' x 24'

52'

proposed
dwelling
78' x 62'

0.489 Acres of Land ±

#1316

S01°32'00"E 214.47'

BRICK
DWELLING

1.14 15' x 10' x 10' KL

ETZEL LINES

N01°34'52"W 228.41'

GRAVEL

PIPE FOUND

OLD PIPE FOUND

S80°13'02"W 97.15'

○ SANITARY SEWER

BERWICK Road

LOT SURVEY
FOR

NANCY WHER NIEMANN
LOCATED ON BERWICK AVENUE
49th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

GERHOLD, CROSS & ETZEL, LTD

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
930 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

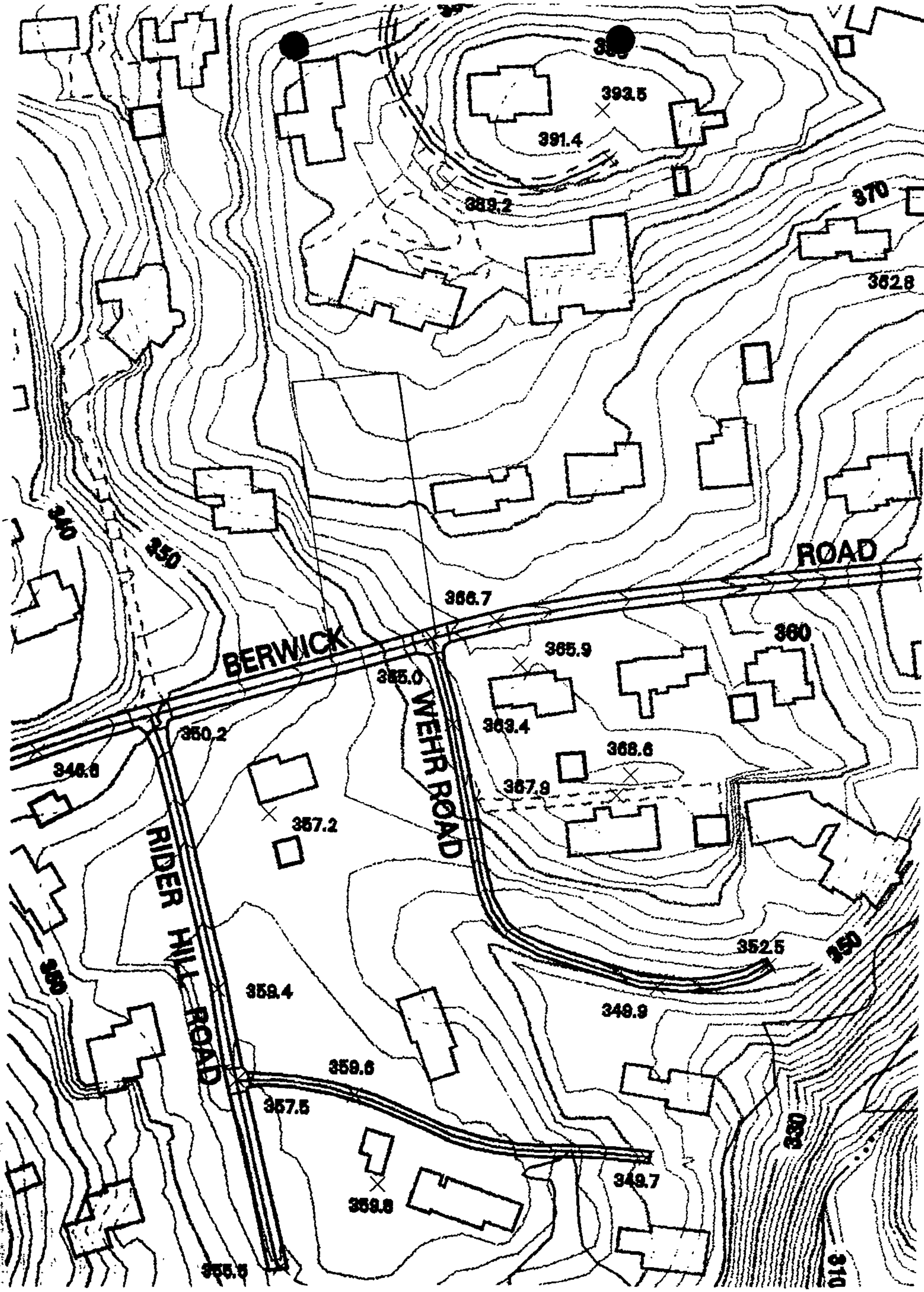
MAY 8, 2001 SCALE: 1"=30'

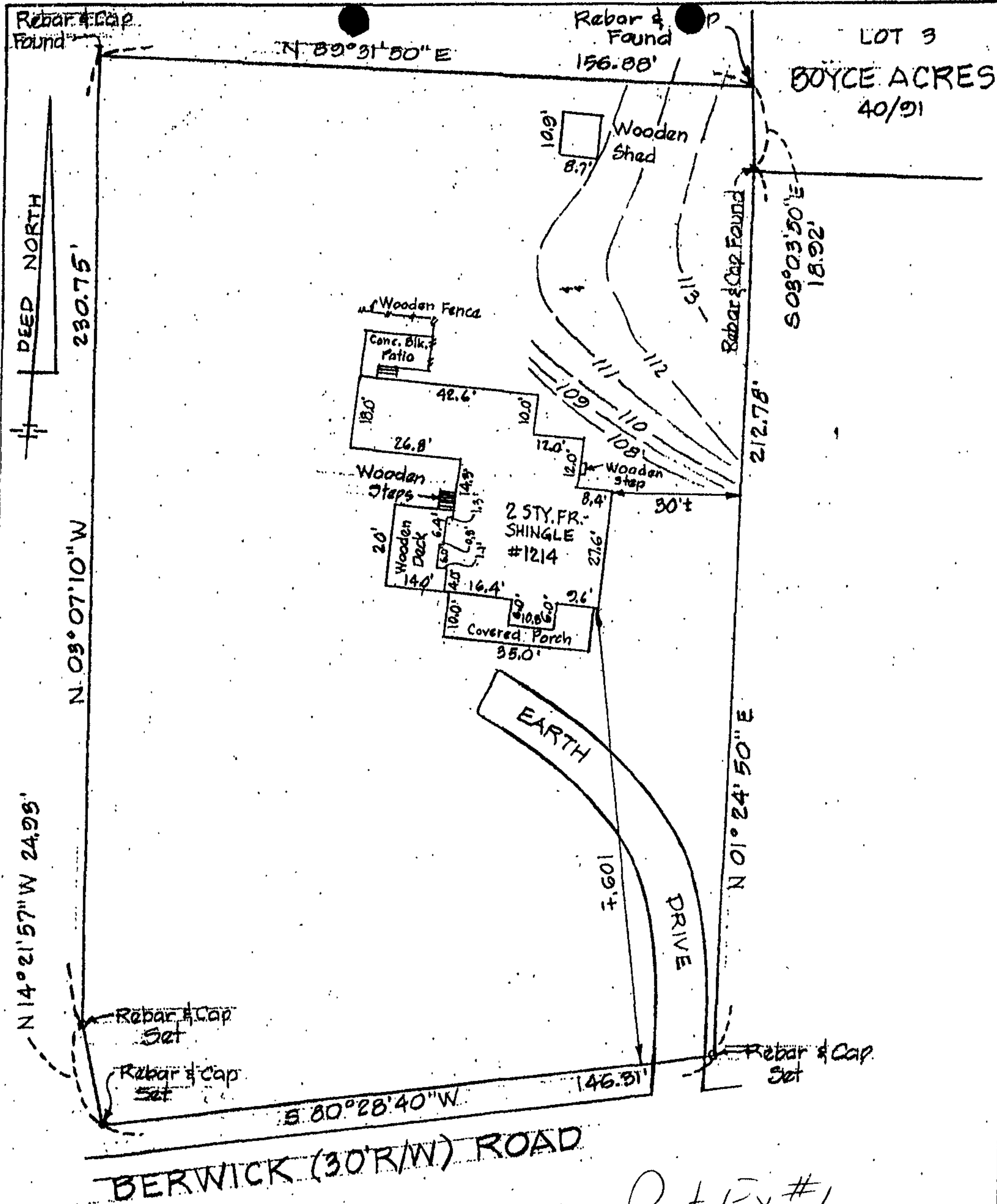
152 15 1110450061

ID:
2

206
11.
Y
02.

ID:
9-10-
081





THE LOT SHOWN HEREON IS IN FLOOD
 ZONE C PER F.E.M.A. FLOOD INSURANCE
 RATE MAP PANEL # 240010 0245 E

I hereby certify to David F. Albright and Josephine
 F. Albright, that I have surveyed the property shown
 hereon for the purpose of establishing outlines and
 locating the improvements thereon and that the out-
 lines and improvements are as shown.



H

HICKS ENGINEERING CO., INC.
 ENGINEERS, SURVEYORS & PLANNERS
 200 EAST JOPPA ROAD - SUITE 402
 TOWSON, MARYLAND 21286
 TELEPHONE: (410)494-0001

BOUNDARY SURVEY

#1214 BERWICK ROAD DEED REF. 14271/721

BALTIMORE COUNTY, MARYLAND

DATE: MAY 21, 2001 SCALE: 1" = 30' FILE:

Prot Ex #2

GIFT-NO CONSIDERATION
NO RECORDATION OR TRANSFER TAX

DEED

THIS DEED, Made this ¹⁴ ~~11~~ ^{December} day of ~~November~~ in the year one thousand nine hundred and seventy-six, by and between NANCY THEOBALD WEHR, party of the first part, and FREDERICK T. WEHR and GRACE M. WEHR, His Wife, parties of the second part,

WITNESSETH, that in consideration of the sum of \$5.00 and other good and valuable considerations the receipt of which is hereby acknowledged the said party of the first part does hereby grant and convey unto the said parties of the second part, their successors and assigns, as tenants by the entireties, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

Beginning for the same at a point on the north side of Berwick Avenue and in the first line of a parcel of land which by a deed dated September 29, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1891 folio 209 was conveyed by William G. McConnel and wife to Frederick L. Wehr and wife, said point being distant North 80 degrees 28 minutes 40 seconds East 20.13 feet measured along said first line from the beginning of said parcel of land and running thence with and binding on a part of said first line and binding on the north side of Berwick Avenue, North 80 degrees 28 minutes 40 seconds East 39.13 feet to the end of the fourth line of a parcel of land which by deed dated October 27, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4819 folio 534 was conveyed by Frederick L. Wehr and wife to Frederick T. Wehr and wife, thence leaving said Berwick Avenue and binding reversely on said fourth line and reversely on the third line of said parcel of land, the two following courses and distances viz: North 2 degrees 19 minutes 40 seconds West 194.45 feet and North 89 degrees 31 minutes 50 seconds East 20 feet to the end of the second line of a parcel of land which by a deed dated March 10, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2661 folio 315 was conveyed by Frederick L. Wehr and wife to Frederick T. Wehr and wife, thence binding reversely on the second and first lines of said last mentioned parcel of land, the two following courses and distances viz: North 89 degrees 31 minutes 50 seconds East 81.91 feet and South 1 degree 24 minutes 50 seconds East 15 feet to the beginning of said parcel of land and to the end of the second line of a parcel of land which by a deed dated June 4, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2303 folio 242 was conveyed by Frederick L. Wehr and wife to Frederick T. Wehr and wife, thence binding reversely on said

RECORDED

by R. P. Hordson

Deputy of Grace

Per

Approved Signatures

second line, South 1 degree 24 minutes 50 seconds East 163.61 feet to a point on the north side of said Berwick Avenue, thence binding on the north side of Berwick Avenue, North 80 degrees 28 minutes 40 seconds East 12.12 feet to the beginning of the second line of the first herein mentioned parcel of land which was conveyed by William G. McConnell and wife to Frederick L. Wehr and wife, thence leaving said Berwick Avenue and running with and binding on said second line and on a part of the third line of said last mentioned parcel of land, the two following courses and distances viz: North 1 degree 24 minutes 50 seconds West 212.78 feet and North 3 degrees 03 minutes 50 seconds West 18.92 feet, thence leaving said outlines and running for a line of division now made, South 89 degrees 31 minutes 50 seconds West 156.88 feet more or less to intersect a line drawn North 3 degrees 07 minutes 10 seconds West from the place of beginning and thence binding reversely on said line so drawn and running for a part parallel with and distant 20 feet easterly measured at right angles from the last line of the aforesaid parcel of land which was conveyed by William G. McConnell and wife to Frederick L. Wehr and wife, South 3 degrees 07 minutes 10 seconds East 255.75 feet to the place of beginning.

Being a part of a parcel of land which by deed dated September 29, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1891 folio 209 was conveyed by William G. McConnell and wife to Frederick L. Wehr and Nancy Theobald Wehr, his wife, the said Frederick L. Wehr having departed this life on December 2, 1975 thereby vesting absolute fee simple title in this said party of the first part.

The right of way set forth in the deed from Frederick L. Wehr and Nancy Theobald Wehr to Frederick T. Wehr and wife dated June 4, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2303 folio 242 is included in the above herein described parcel of land; it is the intent hereof that said right of way is to be forever extinguished. Party of the first part grants, conveys and releases to the party of the second part any right of use and may have in said right of way.

TOGETHER with the buildings and improvements thereupon erected, made of being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, their successors and assigns, as tenants by the entireties, forever in fee simple.

AND the said party of the first part hereby covenant that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property granted and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor

WITNESS:

[Signature]

[Signature] (Seal)
NANCY THEOBALD WEHR

STATE OF MARYLAND,

I HEREBY CERTIFY, That on this 7th day of December, 1976, before me, the subscriber, a Notary Public of the State of Maryland personally appeared NANCY THEOBALD WEHR, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission expires:

July 1, 1978

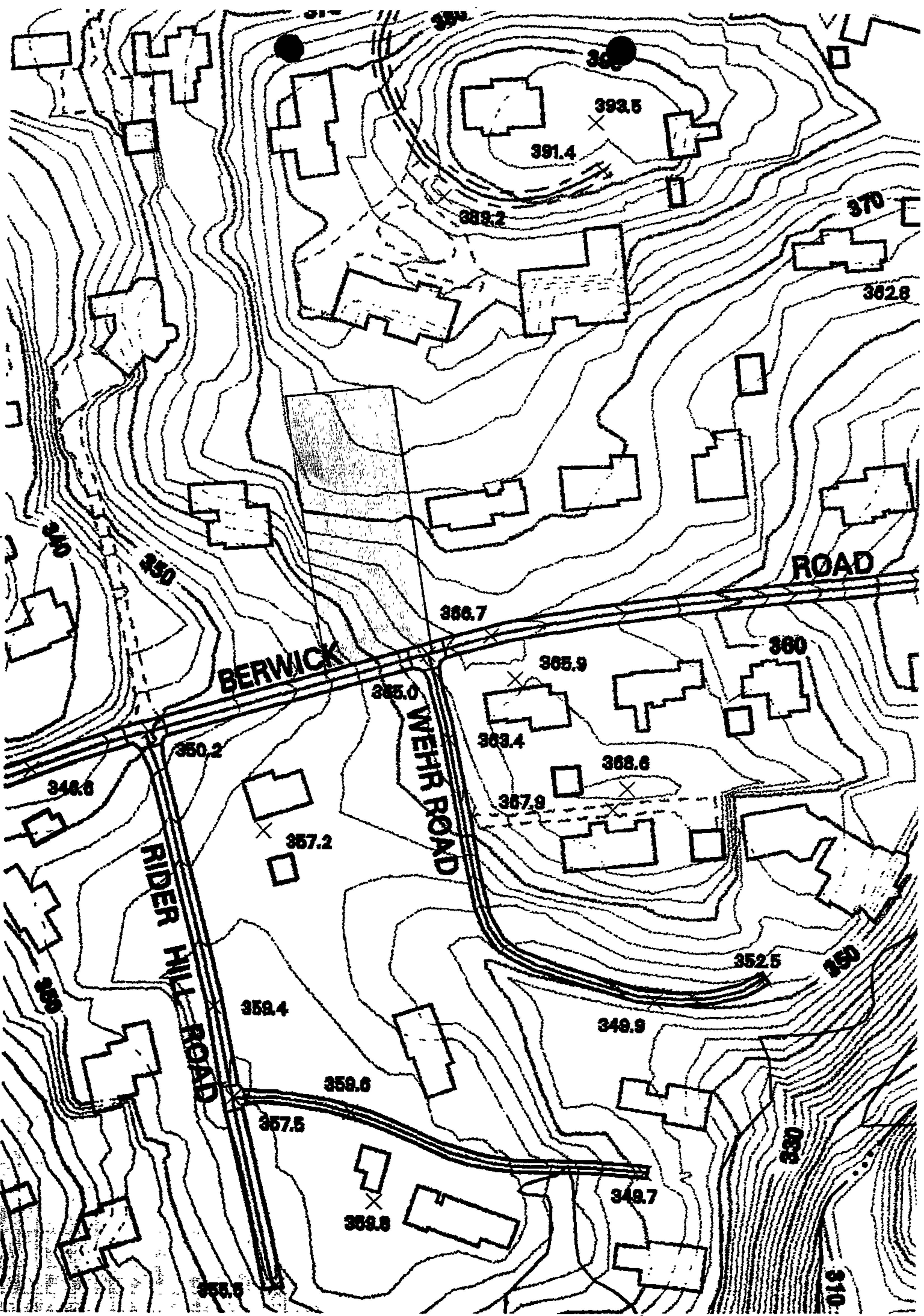
Rec'd for record DEC 14 1976 at 1:30 PM
Per Elmer H. Kahling, Jr., Clerk
Mail to [Signature]
Receipt No. 3 10.48

ID: 2

206 ft. y. es.

ID: 9-10-081

1210 Berwick Rd.



all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]

- 303.2 In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

Section 304

Use of Undersized Single-Family Lots [BCZR 1955; Bill No. 47-1992]

- 304.1 [Bill Nos. 64-1999; 28-2001] Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- 1 A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- 2 B. All other requirements of the height and area regulations are complied with; and
- 3 C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

304.2 Building permit application.

- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits and Development Management, at the time of application for a building permit, plans sufficient to allow the Office of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood. *OP review*
- B. At the time of application for the building permit, as provided above, the Director of the Department of Permits and Development Management shall request comments from the Director of the Office of Planning (the "Director"). Within 15 days of receipt of a request from the Director of the Department of Permits and Development Management, the Director shall provide to the

Jim
1/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 18, 2001

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

SUBJECT: 1210 Berwick Road

JAN 25

INFORMATION:

Item Number: 01-223

Petitioner: James R Kristen

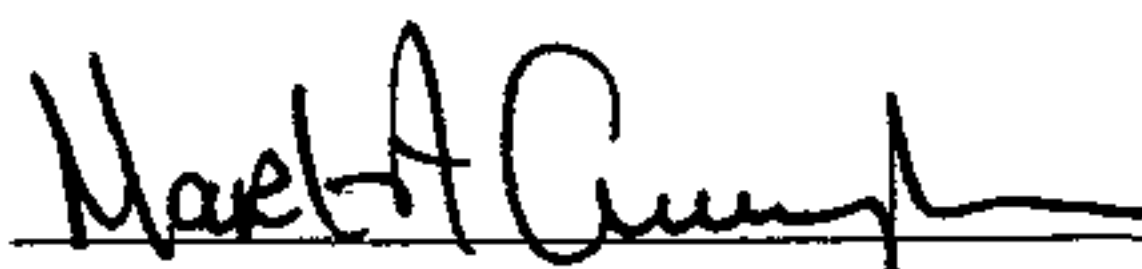
Zoning: DR 2

Requested Action: Special Hearing

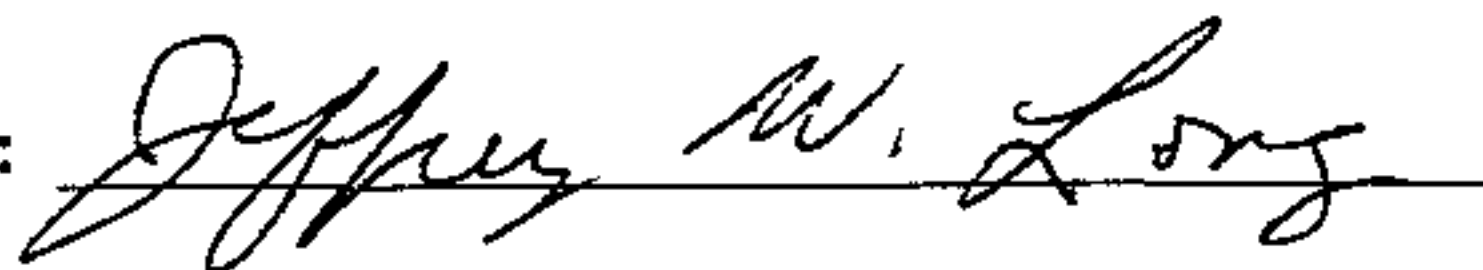
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's request provided the proposed garage and dwelling are shifted five (5) feet forward in order to increase the rear yard setback.

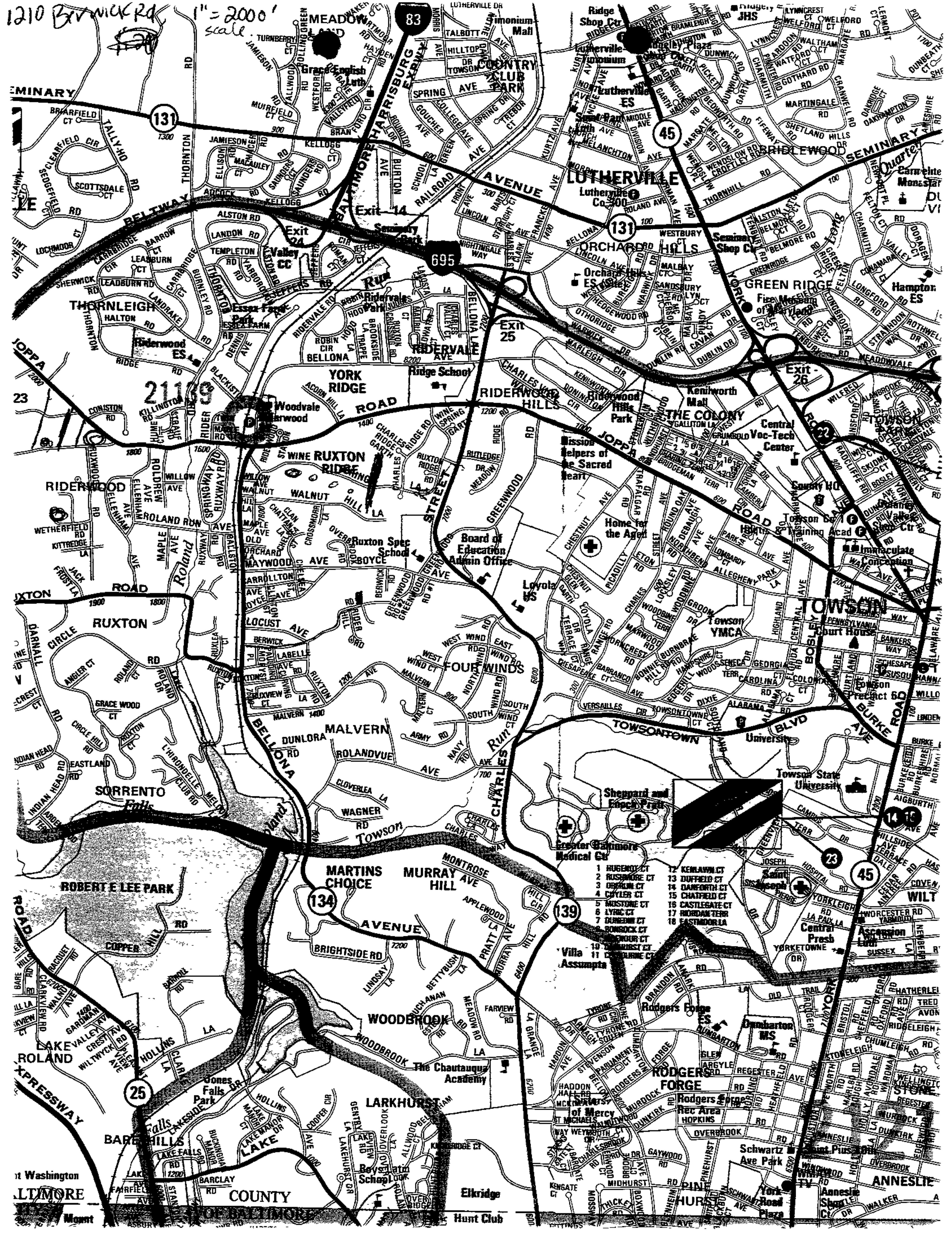
Prepared by:

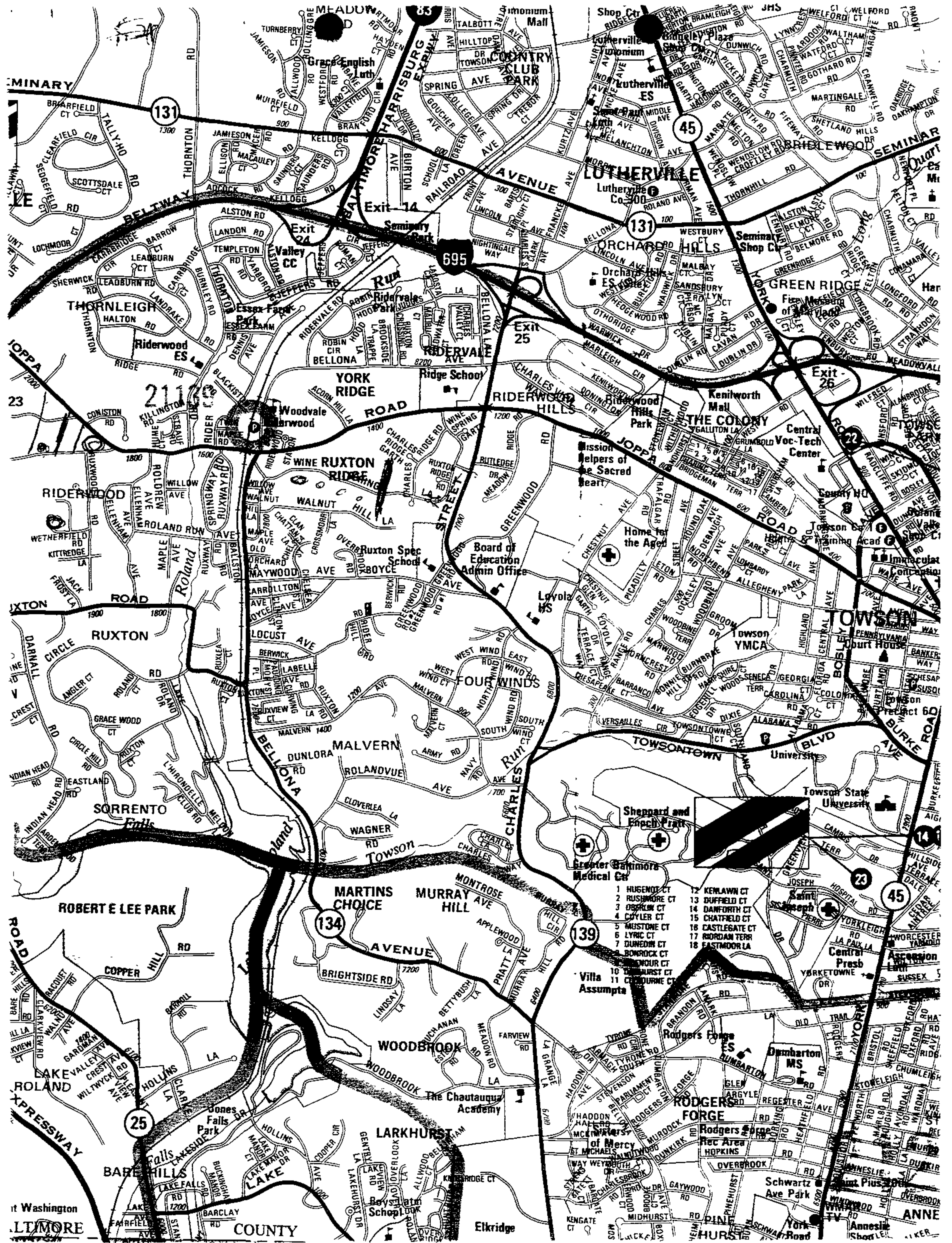


Section Chief:



AFK:MAC:





- 1 HUGENOT CT
2 RUSHMORE CT
3 OAKLON CT
4 COYLER CT
5 MUSTONE CT
6 LYRIC CT
7 DUNEDIN CT
8 BONROCK CT
9 BONDROCK CT
10 BONDROCK CT
11 BONDROCK CT
12 KENLAWN CT
13 DUFFIELD CT
14 DANFORTH CT
15 CHATFIELD CT
16 CASTLEGATE CT
17 RORDAN TERR
18 EASTMOOR LA