IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

North Side of Bird River Road, 5,523'

Southeast of c/l of Ebenezer Road

15th Election District

6th Councilmanic District

(11232 Bird River Road)

Joan Marie Little

Petitioner

* BEFORE THE

DEPUTY ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* CASE NO. 06-220-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Joan Marie Little. The Petitioner is requesting Special Hearing and Variance relief for property owned at 11232 Bird River Road in the White Marsh area of Baltimore County.

The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine that Lots 19 and 20 are not merged for zoning purposes, and to determine that Lot 20 is a separate entity and a legal building lot, and that overall density will not be affected.

The Variance request is filed pursuant to Section 1A.01.3.B.3 of the B.C.Z.R., for a side yard setback of 10 ft. on both sides in lieu of the required 35 ft., and to approve a lot area of 0.176 acres in lieu of the required 1 acre.

The property was posted with Notice of Hearing on November 22, 2005, for 15 days prior to the hearing scheduled for December 9, 2005, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 22, 2005, to notify any interested persons of the December 9, 2005 hearing. However due to the weather, the hearing was postponed and notice

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was given to the public by re-posting the property with notice of the January 17, 2006 hearing date and time on January 1, 2006.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

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

Section 307 of the B.C.Z.R. - Variances.

"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 the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated November 21, 2005 and the Bureau of Development Plans Review dated November 16, 2005, copies of which are attached hereto and made a part hereof.

CALTACTURE CALTERA

Interested Persons

Appearing at the hearing on behalf of the requested Special Hearing and Variance relief were Rick Richardson, professional engineer, from Richardson Engineering, LLC, who prepared the site plan, Jerry Ruth and Joan Marie Little, 'Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Richardson indicated that this property involves two (2) adjacent waterfront lots (Lots 19 and 20), which were recorded among the land records in 1925 being part of the Bird River Grove subdivision. Ms. Little owns both lots. She resides in the existing home on Lot 19 and would like to sell Lot 20 as a buildable lot.

The special hearing requests a finding that Lots 19 and 20 have not merged for zoning purposes, Lot 20 is a separate buildable lot and that overall density will not be affected. In this regard, Mr. Richardson presented separate deeds for each lot, Exhibits 2 and 3. He noted that the Petitioner bought Lot 20 several years after buying Lot 19. At the time, Lot 20 was improved by a single-family dwelling which she razed in 1978 as shown on the Permit to Demolish, Exhibit 4. Since that time, this lot has been vacant except that she stores a powerboat on the lot and cuts the grass. Mr. Richardson presented evidence that each lot is separately assessed by the State Department of Assessments and Taxation as shown on Exhibits 5 and 6.

In regard to the variance requests, Mr. Richardson indicated that the lot is only 50 feet wide so that enforcement of a 35-foot sideyard setback would eliminate any building on the lot. He asks for a 10-foot setback on each side, which would permit a reasonable size home to be

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Variance

In regard to the variance requests, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subject lot was created in 1925 much before the RC 2 regulations were imposed. Consequently, I find that Lot 20 is unique in a zoning sense as it is impacted differently from other lots in the area, which were created after the RC 2 regulations were imposed. I also find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Imposition of RC, 2 which is primarily intended to preserve agricultural uses, is very unusual in this neighborhood of 50 foot wide waterfront lots. Certainly, the lot is six (6) times smaller than that envisioned by the regulations. Yet, the lot is no smaller than all of the other lots in the area and so will not increase the residential density beyond that otherwise present. In addition, there was a single-family dwelling on Lot 20. The Petitioner cannot purchase more land nor take from Lot 19 without making it even more non-conforming.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Having a home built on this 50-foot lot will not change the pattern of development of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' Special Hearing request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this AD day of January, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine

that Lots 19 and 20 are not merged for zoning purposes, and to determine that Lot 20 is a separate entity and a legal building lot, and that overall density will not be affected, be and are hereby GRANTED.

THEREFORE, IT IS ORDERED that the Variance request is filed pursuant to Section 1A.01.3.B.3 of the B.C.Z.R., for a side yard setback of 10' on both sides in lieu of the required 35', and to approve a lot area of 0.176 acres in lieu of the required 1 acre, be and is hereby GRANTED subject to the following restrictions:

- 1. The Petitioner shall comply with the ZAC comments from the Office of Planning, dated November 21, 2005, and the Bureau of Development Plans Review dated November 16, 2005, copies of which are attached hereto and made a part hereof.
- 2. Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate Environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw

6



JAMES T. SMITH, JR. County Executive

January 20, 2006

WILLIAM J. WISEMAN III Zoning Commissioner

Joan Marie Little 11234 Bird River Grove Road White Marsh, Maryland 21162

> Re: Petition for Special Hearing & Variance Case No. 06-220-SPHA Property: 11232 Bird River Grove Road

Dear Ms. Little:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted with restrictions 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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Rick Richardson, Richardson Engineering, LLC, 110 Old Padonia Road, Suite LC, Cockeysville, MD 21030

Jerry Ruth, 8001 Wood Avenue, Baltimore, MD 21219

Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,

Annapolis, MD 21401

People's Counsel; Case File



OKUR RECEIVED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1/232 BIRD RIVER GROVE RD which is presently zoned RC-Z

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing to determine that Lots 19 and 20 are not merged for zoning purposes, and to determine that Lot 20 is a separate entity and a legal building lot, and that overall density will not be affected.

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

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

		perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
Name - Type or Print	<u> </u>	Name - Type or Print Octor M. Little
Signature	····	Signature Signature JOAN M. Little
Address	Telephone No.	Name - Type or Print
City	Zip Code	Signature
Attorney For Petitioner:		1/234 BIRD RIVER GROVE RD 410-335-413 Address Telephone No.
Name - Type or Print		WHITE MARGH MD 2/16 Z. City State Zip Code
Signature		Representative to be Contacted: RICHARDSON ENGINEERING, LLC
Address	Telephone No.	Name 110 OLD PADONIA RD 51. LC 410-560-1502 Address Telephone No.
City	Zip Code	CockeYSVILLE MD 21030 City State Zip Code
		OFFICE USE ONLY ESTIMATED LENGTH OF HEARING
Gase No. 06 220-8PHA		UNAVAILABLE FOR HEARING
79 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	Rev	iewed By BR Date 10/24/05



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11232 BIRD RIVERGROVE RD which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Variance to Section 1A.01.3.B.3 for a side yard setback of 10' in lieu of the required 35', and

to approve a lot area of 0.176 acres in lieu of the required lacre.

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

To permit the construction of a house on an existing lot of record that does not meet the current zoning requirements and other information that may be applicable as presented at the hearing.

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

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

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

Contract Purchaser/Les	soo:		Logal Owner(s):		j
		· _ _	JOAN MAR	ie Little	
Name - Type or Print			Quan M.	PiH	
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Address	,	Telephone No	JOAN M.		
City	State	Zip Code	រាជ្ញារាមីហេ ខ	-	
Attorney For Petitioner:			11234 BIRD RI	VER GROVE RD.	410-335-4137 Telephone No
		<u> </u>	WHITE MARSH	MP_	21162
Namu - Type or Pool			City	* State	Zip Code
Signature			Representative to	be Contacted:	
3.	<u>.</u> ,	<u></u>	RICHARDSON	Enginbering	, LLC
этряря			110 OLD PADON	IA RD SUITE LC	410-560-1502
Actions		Telephone No.	COCKEYSVILLE		71030
City 9	Staté	Zip Cöde	ith	MD	Zip Coue
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110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION 11232 BIRD RIVER GROVE ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Bird River Grove Road, a right- of-way (30) feet wide at the distance of 5,523 feet south east of the centerline of the nearest improved intersecting street Ebenezer Road, a right- of- way (50) feet wide. Being lot #20, section "A" in the subdivision of BIRD RIVER GROVE as recorded in Baltimore County Plat Book #7, Folio #189, containing 7,686 Sq.Ft. or 0.176 Ac.+/-. Also known as 11232 Bird River Grove Road and located in the 15th. Election District, 6th Councilmanic District.

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: #06-220-SPH

11232 Bird River Grove Road

North side Bird River Grove Road, 5,523 feet southeast centerline Ebenezer Road.

15th Election District - 6th Councilmanic District

Legal Owner(s): Joan Marie Little

Special Hearing: to determine that Lots 19 and 20 are not merged for zoning purposes, to determine that Lot 20 is a separate entity and a legal building lot and that overall density will not be affected. **Variance:** to permit side yard setbacks of 10 feet on both sides in lieu of the required 35 feet and to approve the lot area of 0.176 acres in lieu of the required 1.00 agre.

Hearing: Friday, December 9, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Ave-

nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/11/706 Nov 22 ______ 75921

CERTIFICATE OF PUBLICATION

1123,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
m 1122,2005
The Jeffersonian Arbutus Times
Catonsville Times
Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

	RE: Case No.: 00 - 220 - 5 PF
	Petitioner/Developer: JOAN MA
	LITTLE
	Date of Hearing/Closing: 1/17/0
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews	,
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjury posted conspicuously on the property located at: [1232 Bird Rive	1.5
	ofth, Day, Year) erely,
	Rest Black (2/0C. (Signature of Sign Poster) (Date) SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

1232 BIRD WINEL GROVE

CERTIFICATE OF POSTING

	RE: Case No.: 06-220-SPA
	Petitioner/Developer: DOAN MAR
	LITTLE
	Date of Hearing/Closing: 12-9-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjusosted conspicuously on the property located at: $1/232 B/RD R/VER$	I Secretary of the secr
he sign(s) were posted on/	1/- 22=05
	Month, Day, Year)
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	(Signature of Sign Poster) (Date)
	(Signature of Sign Poster) (Date)
	SSG Robert Black
•	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
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Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director December 15, 2005

Tel: 410-887-3353 • Fax: 410-887-NEW 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: 06-220-SPH

11232 Bird River Grove Road

North side Bird River Grove Road, 5,523 feet southeast centerline Ebeneezer Road.

15th Election District, 6th Councilmanic District

Legal Owner: Joan Marie Little

Special Hearing to determine that Lots 19 and 20 are not merged for zoning purposes, to determine that Lot 20 is a separate entity and a legal building lot and that overall density will not be affected. Variance to permit side yard setbacks of 10 feet on both sides in lieu of the required 35 feet and to approve the lot area of 0.176 acres in lieu of the required 1.00 acre.

Hearing: Tuesday, January 17, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK: clb

C: Joan Marie Little, 1234 Bird River Grove Road, White Marsh 21162 Richardson Engineering, 110 Old Padonia Road, Ste. LC, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 2, 2006.

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



DEPARTMENT OF IN MITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 06-220-504A	
Petitioner: Rick Richardson	
Address or Location: 110 BID PADONIA ROAD SUITE LC Cocheysuile MD 21	1030
PLEASE FORWARD ADVERTISING BILL TO:	
Name JOAN M. LITTLE	
Address 11234 BIRD RIVER GROVE RD.	
WHITE MARSH, MD 21162	
Telephone Number: 410-335-4137	

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 8, 2005

Tel: 410-887-3353 • Fax: 410-887-5708 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: 06-220-SPH

11232 Bird River Grove Road

North side Bird River Grove Road, 5,523 feet southeast centerline Ebeneezer Road.

15th Election District, 6th Councilmanic District

Legal Owner: Joan Marie Little

Special Hearing to determine that Lots 19 and 20 are not merged for zoning purposes, to determine that Lot 20 is a separate entity and a legal building lot and that overall density will not be affected.

<u>Variance</u> to permit side yard setbacks of 10 feet on both sides in lieu of the required 35 feet and to approve the lot area of 0.176 acres in lieu of the required 1.00 acre.

Hearing: Friday, December 9, 2005 at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco Director

Justy Kotroco

TK: clb

C: Joan Marie Little 11234 Bird River Grove Road White Marsh 21162 Richardson Engineering 110 Old Padonia Road, Ste. LC Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 23, 2005.

- (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.



Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

Joan M. Little

410-335-4137

11234 Bird River Grove Road White Marsh, Maryland 21162

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: 06-220-SPH

11232 Bird River Grove Road

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Hearing: Friday, December 9, 2005 at 2:00 p.m., in Room 407, County Courts Building,

#401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

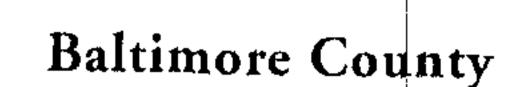
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 5, 2005

Joan Marie Little 11234 Bird River Grove Road White Marsh, Maryland 21162

Dear Ms. Little:

RE: Case Number: 06-220-SPHA, 11232 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 24, 2005.

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.

U. Callinal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Richardson Engineering 110 Old Padonia Road Cockeysville 21030

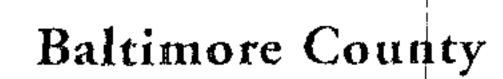


Visit the County's Website at www.baltimorecountyonline.info

Department of Permits did Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

January 16, 2006

Joan Marie Little 11234 Bird River Grove Road White Marsh, Maryland 21162

Dear Ms. Little:

RE: Case Number: 06-220-SPHA, 11232 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 24, 2005.

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,
U. Call Rillal Son

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Richardson Engineering 110 Old Padonia Road Cockeysville 21030



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 21, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11232 Bird River Grove Road

INFORMATION:

Item Number:

6-220

Petitioner:

Joan Marie Little

Zoning:

RC 2

Requested Action:

Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The Office of Planning has reviewed the petitioner's request and determined that the subject request does not create an inconsistent pattern in the neighborhood, and does not appear that it would negatively impact the adjacent property owners.

The applicant shall submit architectural elevations including colors, and materials to the Office of Planning for review and approval prior to the issuance of any building permits.

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

Prepared by:

Division Chief:

MFK/LL: CM

W:\DEVREV\ZAC\6-220.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 16, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2005

Item No. 220

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Bird River Grove Road centered on existing 30-foot right-of-way. Adjust the setback if necessary.

The base flood elevation for this site is 10.2 Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

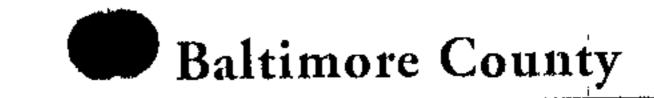
ZAC-ITEM NO 220-11162005.doc

Fire Department



700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, (220) 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234, 235, 236, 237, 238, 239, 241 and 242

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

11.15.05

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

RE:

Balt more County Item No. 2.22

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

11232 Bird River Grove Road; N/S Bird River* Grove Road, 5,523' SE c/line Ebenezer Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Joan Marie Little

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-220-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 110 Old Padonia Road, St. LC, Cockeysville, MD 21030, Representative for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Jack, 1/13/06

In preparing the Order, I noticed that the Certificate of Re-Posting was missing. This hearing had to be rescheduled due to the weather (snow). In any event, I spoke to Mr. Black today who indicated that he did re-post this sign and forwarded his certificate to PDM. In fact, according to Mr. Black, the sign is still up. I also spoke to Rose in PDM who's searching for the certificate.

As of this writing, I have not received any confirmation of the above.

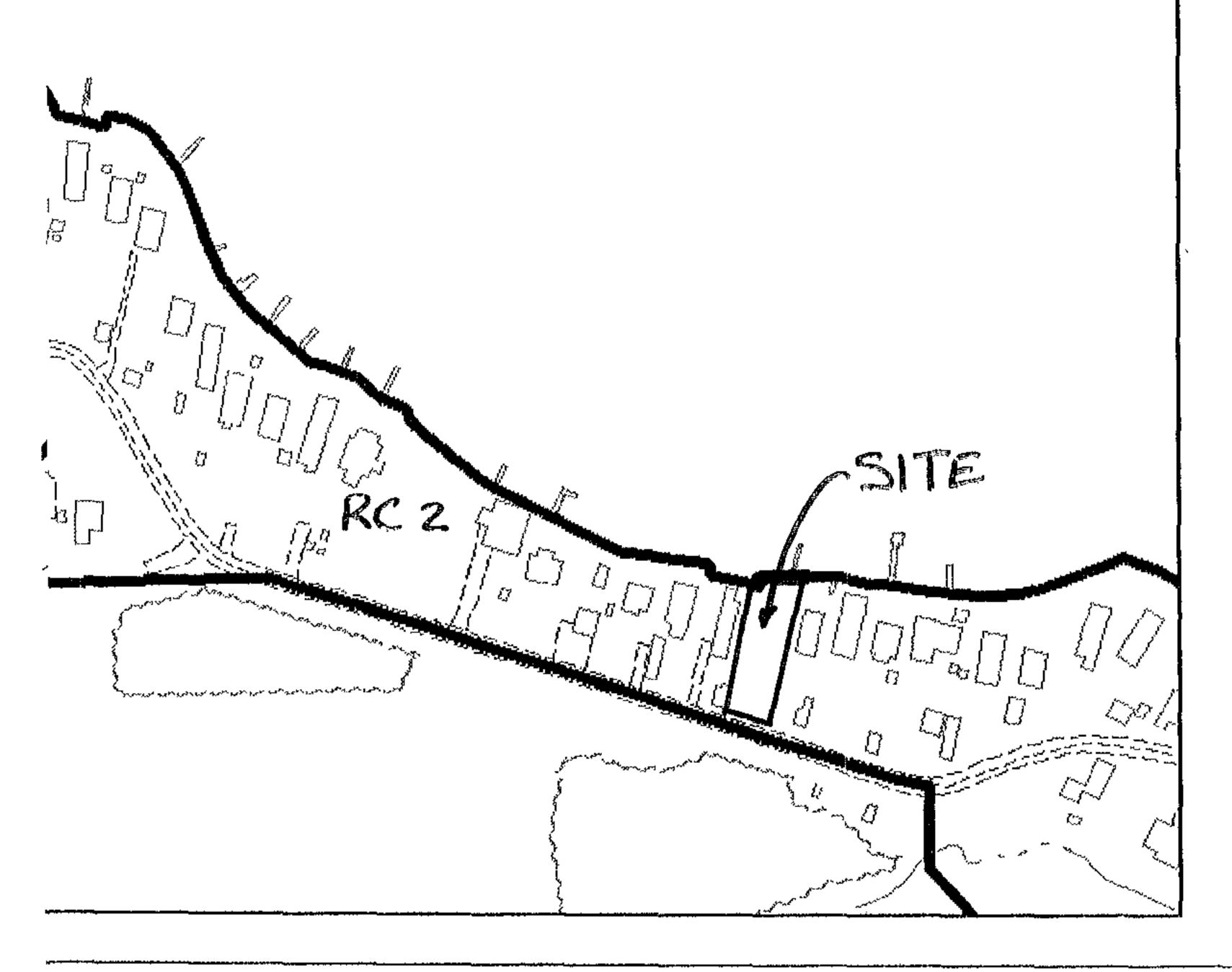
Debbie

PLEASE PRINT CLEARLY

CASE NAME 11232 BIRD RUCEGOUR CASE NUMBER 06 - 220 - SHIRA DATE 1/17/06

PETITIONER'S SIGN-IN SHEET

E- MAIL										
CITY, STATE, ZIP	WHITE ME ME 20162	Bane 70 21219								
ADDRESS	Surrele Surrele	2000 A.C.								
NAME	SOAN M. LITHE RICK RICHEDARY	なるがみる			ř					



Scale

1" = 200'

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Feet

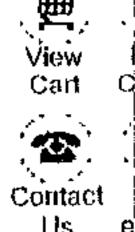
MAP# 073A3

Data Sources:

Planametric Data - Baltimore County OIT/GIS Services Unit 1:2400, from 1995/96 photography Zoning - Baltimore County Office of Planning 1:2400, 2004 house plans - home plans - floor plans - blueprints - home designs - dream house - dream home - garage plans



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Plan HWEPL06837 The Summercrest - Front Perspective 19 1999 Danald A. Gardner Architects, Inc.

Return to Summary Page

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LIBER 5 8 1 1 PAGE 1 1 1

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13 & 41 HALF DE LO-CODE-CIÁ AL CHIRAL

No documentary stamps or transfer taxes required.

NO TITLE EXAMINATION

This Deed, Made this 10 TH day of September in the year one thousand nine hundred and seventy-five , by and between WALTER J. LITT and JOAN MARIE LITTLE, his wife, Grantors, and Baltimore County in the State of Maryland, of the first part, and JOAN MARIE LITTLE, Grantor, of the second part,	
Service and the service and th	
Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,	
JOAN MARIE LITTLE	
heirs and sasigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County / State of Maryland , aforesaid, and described as follows, that is to say: ***MEMBERNER** BEING KNOWN and designated as Lot No. 19, Plat of Section A. Bird River Grove, and reconsists.	
Bird River Grove, and recorded among the Land Records of Baltimore County in Plat Book W.P.C., No. 7, folio 189, The improvements thereon being known as No. 144 BIRD RIVER GROVE.	
BEING the same lot of ground which by deed dated July 29, 1971, and recorded among the Land Records of Baltimore County in Liber O. T.G., No. 5205, olio 965, was granted and conveyed by RICHARD HAGGERTY, and MARY MARGARET IAGGERTY, his wife, unto the within Grantors.	

)3.8**** SUSSESS CT-ES TR

TRANSFER TAX NOT REQUIRED
Withom F. Loudeman
Acting Director of Finance
Port Office II Ville
Authorized Signature
Rea / Jan /A //

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Det #

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opportaining.
To Have and To Hold the said lot of ground und premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and adventages thereto belonging or appertaining unto and to the proper was and buselft of the mid
JOAN MARIE LITTLE, her

And the said parties of the first part bereby coverant but they he we
not done or suffered to be done any act, matter or thing whatsoever, to encumber the preparty hereby
conveyed; that t he ywill warrant specially the property granted and MM They will execute such further
assurances of the same as may be requisite.
Witness the hands and seel of seld grantors
BENJAMIN K, SUGAR JEST: JELLY LITTLE WALTER JELITTLE ORANTORS ORANTORS
STATE OF MARYLAND, CITY OF BALTIMORE , to wit:
I HEREBY CERTIFY, That on this 10 TH
in the year one thousand nine hundred and seventy-live ,heles me, the subscriber, a Notary Public of the State of Maryland, in and for Bultimere City, aferenid, personally appeared WALTER J. LITTLE, and JOAN M. LITTLE, his wife,
the above named granter a ,and they acknowledged the Secondary Dood to be their ark. As Witness my hand and Notarial Seel. Reprid for manned. Stiff 23 1975 at The BENJAMMIK ASPOAR _ Indiany Public.
For Black M. Kabilines Street Clark My Commission Expired - 07/01/78

Reselph Man Landie C. 14500

My Commission Experies

10.9 JATOT

FDPL 45 - REVISED 1/7? BALTIMORE COUNTY 104/27 ٠ ٤ COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204 No. D 69452 CASH SLIP RECEIPT 4.74.78 Littelien APPLICANT! APPLICANT'S ADDRESS CHECK CODE * ITEMS ITEM 01.201 Amusement Devices 01,204 Tanicobs 01.221 Electrical Adm. Board Liconsus 01,222 Plumbing Board Licenses 01.224 Solicitors & Convassers Permit 01.233 Towing Vehicles License 01.235 Refuse Collectors' & Disposers' Parmits 01.237 Fire Prevention Code 01.241 Public Swimming Pool & Bathing Beach 01.254 Animal Licenses 01.256 Elevator Licenses 01.258 Trailer Permits 01.260 Electrical Permits 01.304 Amusement Device Penalties 01.305 Animal License Penaltica 01.607 Bingo Applications 903.10 Electrical Adm. Board Examination Fees D1.610 Electrical Adm. Board Tuitlan-Code School 01.664 Sale of Building Cade Banks 01.671 Trailer Comps 01.672 Control of Day Nurseries 01.675 Percolution Tests (F1:67.7 Food Service Facility Permit 14-201/10 APRI Binga Licenses DU VICTORY 31.606 Water Applications (See Raverse Side) AUDHORIZIO ETGA 31.711 Sale of Plumbing Code Books 31.605 Sewer House Connection Applications 31.603 Plumbing Permit Application 3T:603 Sub-soil Deain Permit Applications - . 31.203 Storm Drain Applications 31.202 Septic Tank Permits 31.201 Gas Permit Applications 30,601 Sewer Service Charge Pro-roted 31.614 Sewer System Connection Charge 31.615 Water System Connection Charge 32.604 Water Distribution Account 10. and 01.251 Building Permit Applications 10. Pm TOTAL (Make check payable to Baltimere County, Md.) Description DEPT. OF PERMITS & LICENSES APPLICANTS COPY

> THIS IS NOT A PERMIT OR LICENSE AND DOES NOT AUTHORIZE CONSTRUCTION OF ANY KIND. NO BUILDING PERMIT FEES REFUNDED.

62:50 9661-52-8

ZOMINIS, Du

-417116Y

Page 1 of 1

Click here for a plain text ADA compliant screen. Go Back View Map Maryland Department of Assessments and Taxation New Search BALTIMORE COUNTY Ground Rent Real Property Data Search District ~ 15 Account Number ~ 1506000940 Account Identifier: **Owner Information** RESIDENTIAL Use: LITTLE JOAN MARIE NO Principal Residence: Owner Name: 1) / 5811/ 111 Deed Reference: 11234 BIRD RIVER GR RD 7,686 P OR 0.176 Act 2) Mailing Address: WHITE MARSH MD 21162-1804 Location & Structure Information ZONED RC 2 Legal Description **Premises Address** OC. **BIRD RIVER GROVE** BIRD RIVER GROVE RD WATERFRONT Plat No: Assessment Area Block Lot Section 7/ 189 Subdivision Plat Ref: Sub District Parcel Grid Мар 324 Town Ad Valorem Special Tax Areas Tax Class **County Use Property Land Area Enclosed Area** 34 Primary Structure Built 7,700.00 SF Exterior 0000 Type Basement Stories Value Information Phase-in Assessments ¥ลแด Base As Of As Of As Of Value 07/01/2006 07/01/2005 01/01/2003 25,700 25,700 Land: Improvements: NOT AVAIL 25,700 25,700 25,700 Total: NOT AVAIL Preferential Land: Transfer Information \$16,500 Price: 10/06/1977 Date: Deed2: FABIAN STEPHEN M Deed1: / 5811/111 Seller: IMPROVED ARMS-LENGTH Price: Type: Date: Deed2: Seller: Deed1: Price: Type: Date: Deed2: Seller: Deed1: Type: Exemption Information 07/01/2006 07/01/2005 Class Partial Exempt Assessments 000 County 000State 000 Municipal Special Tax Recapture: NO Tax Exempt: * NONE * Exempt Class: Carelmanic Distance 6th

Carelmanic MSHRICT
Regional Planning District 322B

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Real Property Search - Individual Report

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ONLE Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 15 Account Number - 1508006550

Owner Information

Owner Name:

LITTLE JOAN MARIE

Use:

RESIDENTIAL

Mailing Address:

11234 BIRD RIVER GR RD WHITE MARSH MD 21162-1804 Principal Residence:

YES

Deed Reference:

1) / 5568/ 681

Location & Structure Information

Section

Premises Address

CONED 12CZ

Legal Description

11234 BIRD RIVER GROVE RD

3790 E EBENZER RD

6688# OR 0.154 Act

WATERFRONT Subdivision Sub District

BIRD RIVER GROVE Assessment Area

Plat No: 7/ 189 Plat Ref:

Map Grid Parcel 324

Special Tax Areas

Town Ad Valorem

Tax Class

County Use **Property Land Area** 34 6,680.00 SF

Primary Structure Built 1946 **Stories**

Basement NO

Type STANDARD UNIT

Block Lot

Exterior ASBESTOS SHINGLE

Value Information

Chase-in Assessments Value Base As Of As Of As Of Value 07/01/2006 07/01/2005 01/01/2003 60,680 60,680 14,050 14,060 74,740 74,740 74,740

Enclosed Area

860 SF

Total: Preferential Land:

Improvements:

Land:

NOT AVAIL NOT AVAIL

Transfer Information

Seller: LITTLE WALTER J NOT ARMS-LENGTH Type: Seller: Type:

09/23/1975 Date: Deed1: / 5568/ 681 Date:

\$0 Price: Deed2: Price: Deed2:

Deed1: Date: Deedl.:

Price: Deed2:

Exemption Information

Partial Exempt Assessments County State Municipal

07/01/2005

07/01/2006

Tax Exempt:

Seller:

(ver:

NO

Special Tax Recupture:

DEGIONAL PLANTING DISTRICT 3228

CENSUSTRACT 45121 UZ

http://sdatcert3.resiusa.org/rp_rewrite/detail.asp?accountnumber=15+1508006550&county... 9/30/2005

Délit 6





View of property from Bird River Grove Road



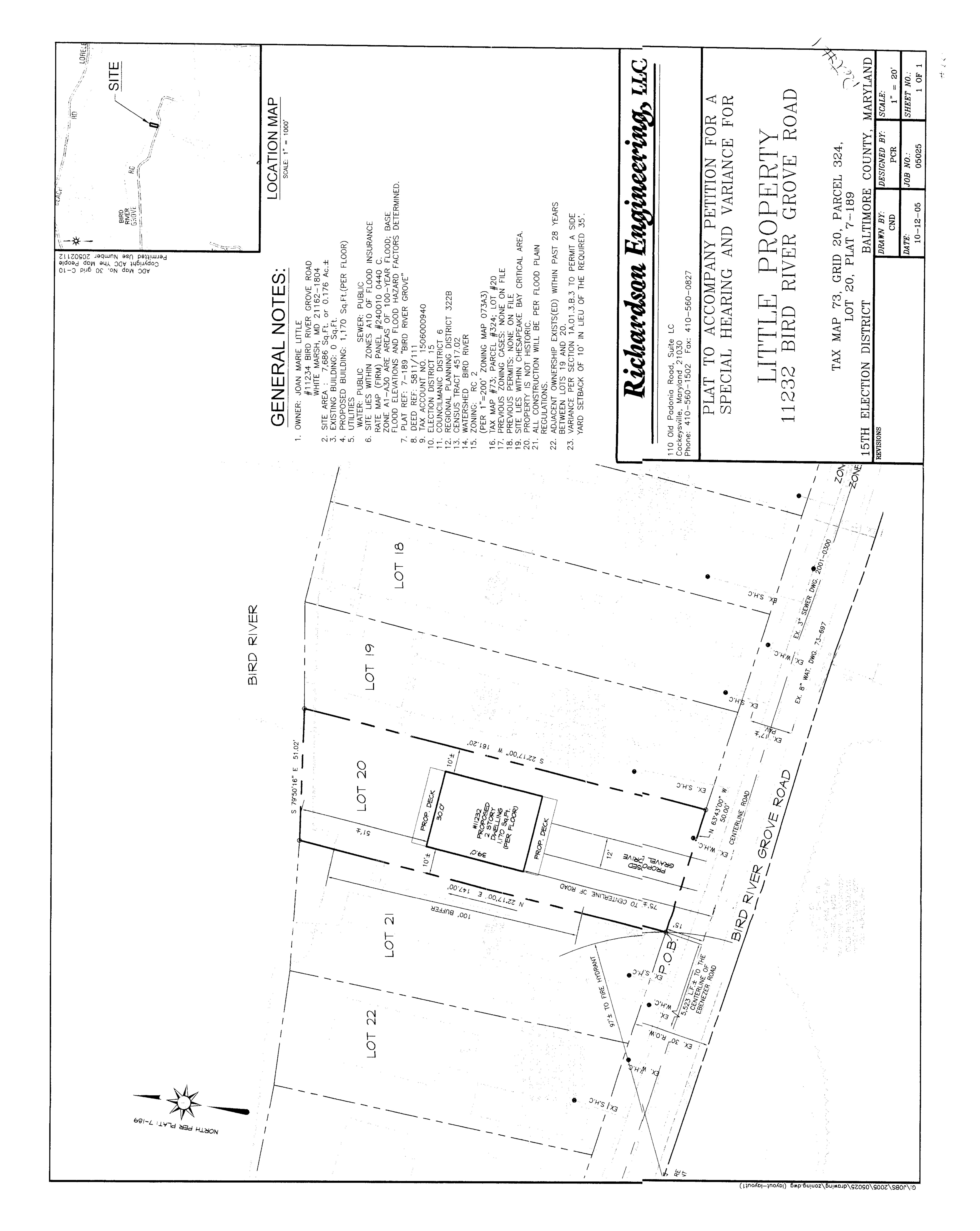
View of existing house west of property



View of existing house east of property

4

4



built. With 10 feet on each side, emergency equipment hopefully could get to Bird River as a source of water.

He noted the requested widening of Bird River Grove Road to a full 40 feet, but indicated that this would not require another variance as the distance to the proposed house is measured from the centerline of the road. This does not change even though the right-of-way width changes. In regard to the lot size, the RC 2 regulations require 1 acre whereas this lot has only 0.176 acres. He noted that there was no property for sale, which when combined with this lot would allow the Petitioner to meet the size regulations. He also pointed out that all of the lots along the waterfront are small 50 foot wide lots on which RC 2, intended for agricultural preservation was imposed.

Findings of Fact and Conclusions of Law

Special Hearing

All the evidence presented indicates that neither this nor a prior owner intended to merge these lots. The lots were purchased separately in separate deeds and are assessed separately. The only evidence that the lots are merged is that the Petitioner stores a boat on the subject lot and cuts the grass. Neither require a permit and so lack the overt public action which was evident in *Remes v Montgomery County* 387 Md 52, 874 A 2d 470 (2005). I suppose one could argue that razing the house next door on Lot 20 required a permit, Exhibit 4, and removed the strongest possible evidence that the owners intended not to merge these two (2) lots. Obviously, separate houses on separate lots are powerful evidence of lack of intent to merge. However, in my view, simply removing one (1) house does not imply an intent to treat the two (2) lots as one. As the *Remes* case illustrates, there should be some overt action in a public forum which demonstrates the owner's intent to merge. I do not find this occurred in this case.