

IN RE: PETITION FOR VARIANCE  
W/S of Wills Court, 200 feet north of  
C/I of Wills Road  
12<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
(1902 Wills Court)

Maria Bell  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 06-673-A

\*  
\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Maria Bell. The Petitioner is requesting variance relief for property located at 1902 Wills Court. Variance relief is requested from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling on a lot with a lot width of 43 feet and side setbacks of 3.97 feet and 9 feet in lieu of the required 55 feet and 10 feet, respectively.

The property was posted with Notice of Hearing on August 8, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 8, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

Amended Petition

The Petitioner indicated at the outset of the hearing that the needed side yard setback for the proposed house is 3 feet not 3.97 feet as indicated in the Petition. He attributed this to a misunderstanding with the intake technician.

8-28-06  
P3



### Applicable Law

#### 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: A ZAC comment letter was received from the Office of Planning dated July 26, 2006. That office recommends denial of the Petitioner's request as the proposed configuration places the proposed dwelling too close to the public road and other dwellings in an area where access and space is already limited. The proposed development would land-lock the property at 1904 Wills Court. Additionally, vehicular access to Wills Court is not shown for the existing dwelling at 1904 Wills Court. A ZAC comment letter was received from the Bureau of Development Plans Review dated July 10, 2006 and contains restrictions. A copy of which is attached hereto and made a part hereof.



### **Interested Persons**

Appearing at the hearing on behalf of the variance request was Michael Bell for the Petitioner. There were no citizens or protestants at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### **Testimony and Evidence**

Mr. Bell indicated that the subject property contains 6969 square feet zoned DR 5.5 and is improved by an existing dwelling as shown in exhibit 1. His mother owns this lot and the adjacent lot at 1900 Wills Court. He indicated that the subject lot had a leased dwelling until recently, that the building is presently used for storage only and the structure is in very bad condition. Mr. Bell indicated that he would like to replace the existing structure with a 30 x 36 dwelling in which he would reside.

He presented a deed to the subject lot which also included the lot at 1900 Wills Court as exhibit 2. The deed refers to a deed for the subject lot dated July 1943 and a deed for the lot at 1900 dated February 1942. He noted that the Department of Assessments and Taxation treats both lots as one.

In regard to the Planning Office comment, he denied that approving the subject lot would land lock the house at 1904 Wills Court as the access to 1904 is via easement on the adjoining neighbor's property on Wills Court. He believes the subject lot was legally created by deed prior to the zoning and subdivision regulations contrary to the Planning Office comment. He disagreed with the comment from Development Plans Review regarding the need to widen Wills Court as this is a private road and therefore not subject to County exactions.

90-82-8  
CS



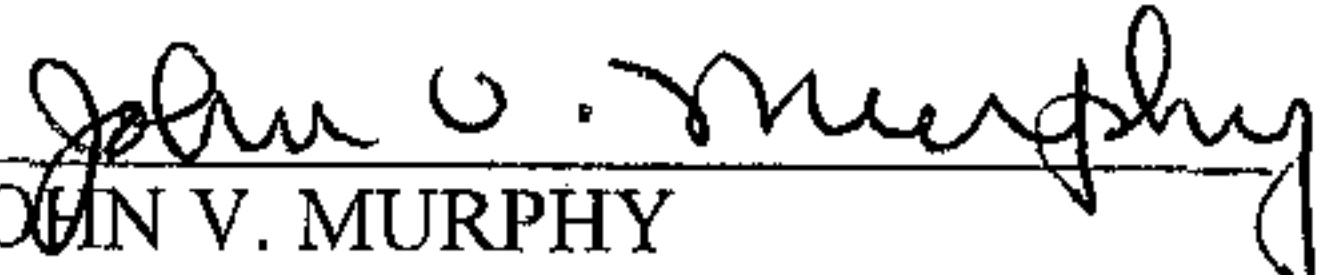
As explained at the hearing once the lots have merged, one remedy is to take the now merged lot through resubdivision. This will not be easy and very likely a variance will be required with at least the same relief as requested here. Another may be to keep one lot but request a special hearing to allow two dwellings on one lot with a zoning use division line. Again variances may be required. Both of these approaches have inherent difficulties.

Considering all the testimony and evidence presented, I find the subject lot and the lot at 1900 Wills Court have merged and therefore there is only one lot for zoning purposes. Having been merged, there is no common lot line or lot width which can be varied from a zoning standpoint.

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' variance request should be denied.

THEREFORE, IT IS ORDERED, this 28<sup>th</sup> day of August, 2006, by this Deputy Zoning Commissioner, that the Petitioner's variance request Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling on a lot with a lot width of 43 feet and side setbacks of 3 feet and 9 feet in lieu of the required 55 feet and 10 feet, respectively is hereby DENIED.

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:pz

RECEIVED FOR FILING  
8-28-06  
B3





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

August 28, 2006

MARIA BELL AND  
MICHAEL BELL  
1900 WILLS COURT  
DUNDALK MD 21222

Re: Petition for Variance  
Case No. 06-673-A  
Property: 1902 Wills Court

Dear Ms. Bell and Mr. Bell:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been denied 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

JVM:pz

Enclosure

RECEIVED FOR FILING  
8-28-06  
P3





C B C A

# Petition for Variance

**to the Zoning Commissioner of Baltimore County**  
**for the property located at** 1902 WILLS CT.  
**which is presently zoned** D.R.5.5

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) 1002.3C. (BCZR)

TO PERMIT A DWELLING ON A LOT WITH A LOT WIDTH OF 43-FEET AND SIDE SETBACKS OF 3.97-FEET AND 9-FEET IN LIEU OF THE REQUIRED 55-FEET AND 10-FEET, RESPECTIVELY.

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

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

**Contract Purchaser/Lessee:**

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Attorney For Petitioner:**

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Legal Owner(s):**

☒ MARIA BELL  
Name - Type or Print \_\_\_\_\_

☒ Maria Bell  
Signature \_\_\_\_\_

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

☒ 1900 WILLS CT 410-284-2428  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

☒ DUNDALK MD 21222  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Representative to be Contacted:**

MICHAEL BELL  
Name \_\_\_\_\_

1900 WILLS CT. 410-284-2428  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

DUNDALK MD 21222  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Case No. 06-673-A

Reviewed By 4.2800

REV 9/15/00

Date 6/28/06



ZONING DESCRIPTION FOR 1902 Wills Court.

Beginning at a point on the west side of Wills Court which is 20 feet wide at a distance of 200 feet north of the centerline of the nearest improved intersecting street Wills Road which is 20 feet wide. As recorded in Deed Liber 9211 Folio 42 and containing the following courses and distances: N58°55'00"W 23.00 ft., N33°50'00"E 200.00 ft., S74°54'48"E 22.32 ft., S18°02'00"W 94.47 ft., and S45°33'00"W 117.62 ft. to the place of beginning. Also known as Parcel 2 of 1900 Wills Court.

06-673-A



**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: # 06-673-A

1902 Wills Court  
West side of Wills Court,  
200 feet north of centerline  
of Wills Road

12th Election District

7th Councilmanic District

Legal Owner(s): Maria Bell  
Variance: to permit a  
dwelling on a lot width of  
43 feet and side setbacks of  
3.97 feet and 9 feet in lieu  
of the required 55 feet and  
10 feet respectively.

Hearing: Wednesday, Au-  
gust 23, 2006 at 11:00  
a.m. in Room 407, County  
Courts Building, 401  
Bosley Avenue, Towson  
21204.

WILLIAM J. WISEMAN, III  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible;  
for special accommoda-  
tions Please Contact the  
Zoning Commissioner's Of-  
fice at (410) 887-3868.

(2) For information con-  
cerning the File and/or  
Hearing, Contact the Zon-  
ing Review Office at (410)  
887-3391.

JT 8/659 Aug. 8 - 104993

## CERTIFICATE OF PUBLICATION

8/10/2006

THIS IS TO CERTIFY, that the annexed advertisement was published  
in the following weekly newspaper published in Baltimore County, Md.,  
once in each of 1 successive weeks, the first publication appearing  
on 8/8/2006.

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

*J. Wilkins*

LEGAL ADVERTISING



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET & FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **0354**

DATE 6/28/06 ACCOUNT 001006150

AMOUNT \$ 65.00

RECEIVED FROM MIKE BELL

FOR ITEM# 17111 06-695-4

1912.000000 (4) DT

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

**PAID RECEIPT**

BUSINESS ACTION TIME DATE  
6/28/2006 4:28:20PM 11/21/4

REF NO. 041006150

RECEIPT # 000010 6/28/2006 0311

Dept 5 721 BUDGET VERIFICATION

OR NL OTHER

REQD FOR \$65.00

\$65.00 OK \$1.00

Baltimore County, Maryland

**CASHER'S VALIDATION**



# CERTIFICATE OF POSTING

RE: Case No.: 06-673-A

Petitioner/Developer: MARIA

BELL

Date of Hearing/Closing: AUG 23, 2006

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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: \_\_\_\_\_

1902 WILLS COURT

The sign(s) were posted on \_\_\_\_\_

8-8-06  
(Month, Day, Year)

Sincerely,

Robert Black 8-10-06  
(Signature of Sign Poster) (Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

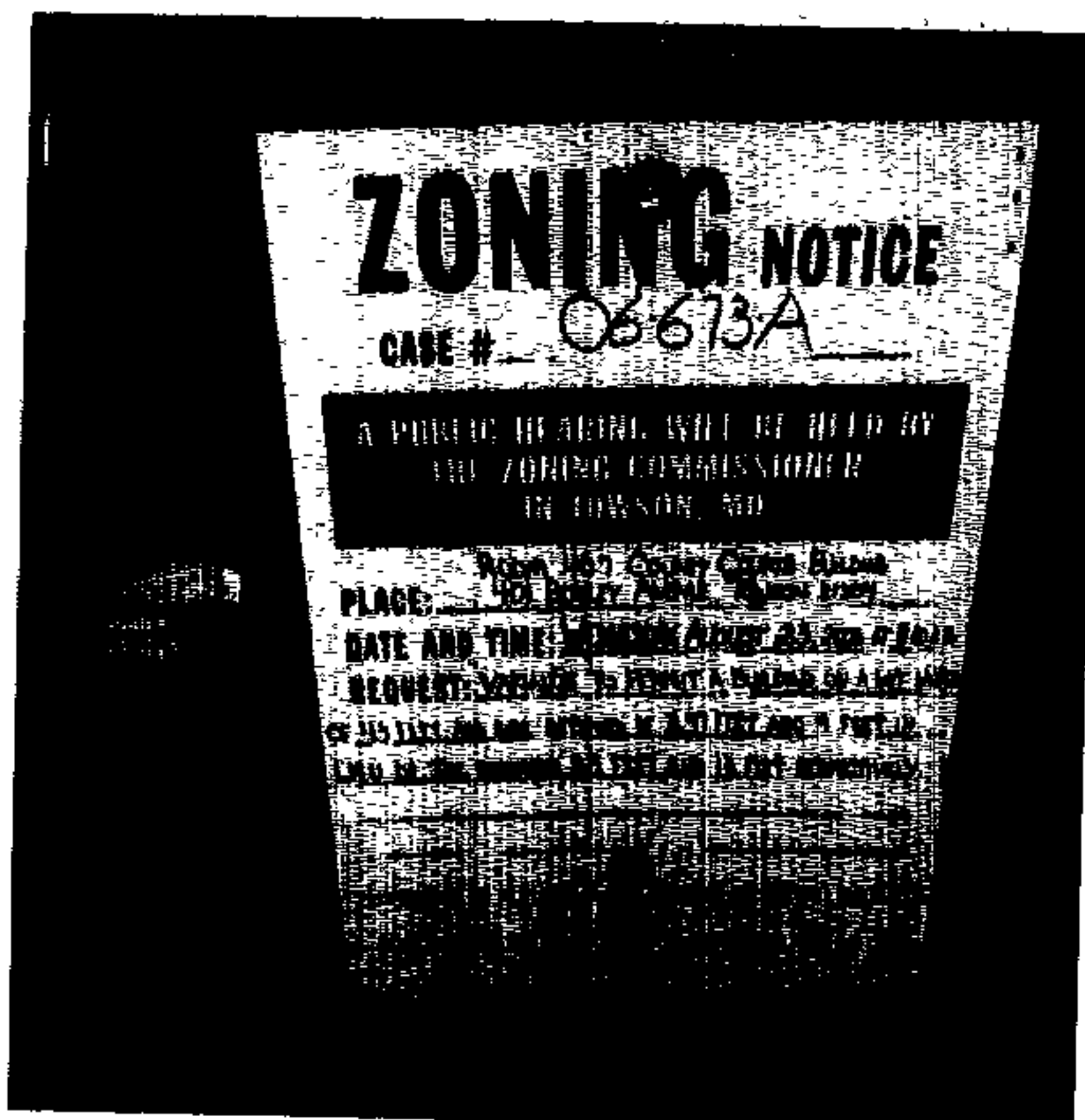
\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)





# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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: 06-673-A

Petitioner: BELL

Address or Location: 1902 WILLS COURT

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL BELL

Address: 1900 WILLS CT.

DUNDALK MD 21222

Telephone Number: 410-284-2428



**Department of Permits and  
Development Management**



**Baltimore County**

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

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

July 11, 2006

**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: 06-673-A**

1902 Wills Court

West side of Wills Court, 200 feet north of centerline of Wills Road

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Maria Bell

Variance to permit a dwelling on a lot width of 43 feet and side setbacks of 3.97 feet and 9 feet in lieu of the required 55 feet and 10 feet respectively.

Hearing: Wednesday, August 23, 2006 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Maria Bell, 1900 Wills Court, Dundalk 21222  
Michael Bell, 1900 Wills Court, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 8, 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.

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





TO: PATUXENT PUBLISHING COMPANY  
Tuesday, August 8, 2006 Issue - Jeffersonian

Please forward billing to:  
Michael Bell  
1900 Wills Court  
Dundalk, MD 21222

410-284-2428

---

## 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: 06-673-A**

1902 Wills Court

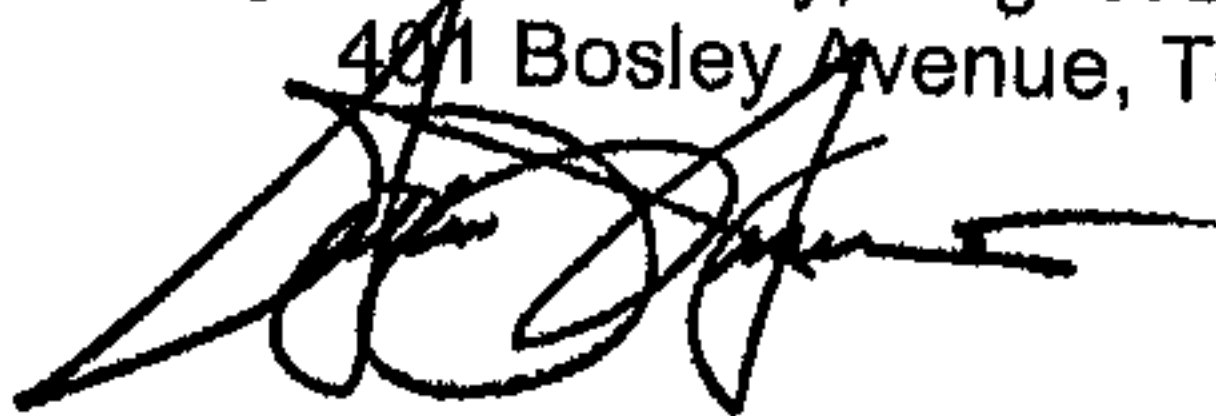
West side of Wills Court, 200 feet north of centerline of Wills Road

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Maria Bell

Variance to permit a dwelling on a lot width of 43 feet and side setbacks of 3.97 feet and 9 feet in lieu of the required 55 feet and 10 feet respectively.

Hearing: Wednesday, August 23, 2006 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III  
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.





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

TIMOTHY M. KOTROCO, *Director*  
Department of Permits and  
Development Management

August 16, 2006

Maria Bell  
1900 Wills Court  
Dundalk, MD 21222

Dear Ms. Bell:

RE: Case Number: 06-673-A, 1902 Wills Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 2006.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel  
Michael Bell 1900 Wills Court Dundalk 21222



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination *JAL*

DATE: August 11, 2006

SUBJECT: Zoning Item # 06-673-A  
Address 1902 Wills Court  
Baltimore, MD 21222

Zoning Advisory Committee Meeting of July 3, 2006

- \_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X   The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- \_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- \_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X   Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Intensely Developed Area of the CBCA. Any additional impervious surface area requires approved mitigation by this Department. It also is in a Buffer Management Area of the CBCA, which requires mitigation for any disturbance in the 100-foot buffer to tidal waters.

Reviewer: Kevin Brittingham

Date: July 13, 2006



jm 8/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** July 26, 2006

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

RECEIVED

**SUBJECT:** 1902 Willis Court

**INFORMATION:**

JUL 27 2006

**Item Number:** 6-673

**Petitioner:** Maria Bell

ZONING COMMISSIONER

**Zoning:** DR 5.5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has no record of a legal subdivision to create the subject lot. The Office of Planning recommends denial of the petitioner's request as the proposed configuration places the proposed dwelling too close to the public road and other dwellings in an area where access and space is already limited. The proposed development would land lock the property at 1904 Willis Court. Additionally, vehicular access to Willis Court is not shown for the existing dwelling at 1904 Willis Court.

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

8-28-06  
Prepared by:

Division Chief:  
AFK/LL: CM



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits & Development  
Management

**DATE:** July 10, 2006

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For July 10, 2006  
Item No. 673

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 Baltimore County roads is 40-feet. Show a 40-foot right-of-way centered on the existing 20-foot right-of-way. Revise the dwelling size and requested setbacks accordingly.

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 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 673-07072006.doc

8-28-06  
PB



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



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

Maryland Department of Transportation

Date: 6.30.06

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

RE: Baltimore County  
Item No. 673 DT

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





Baltimore County  
Fire Department

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

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

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 651 through 673

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.

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

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File



Printed with Soybean Ink  
on Recycled Paper

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



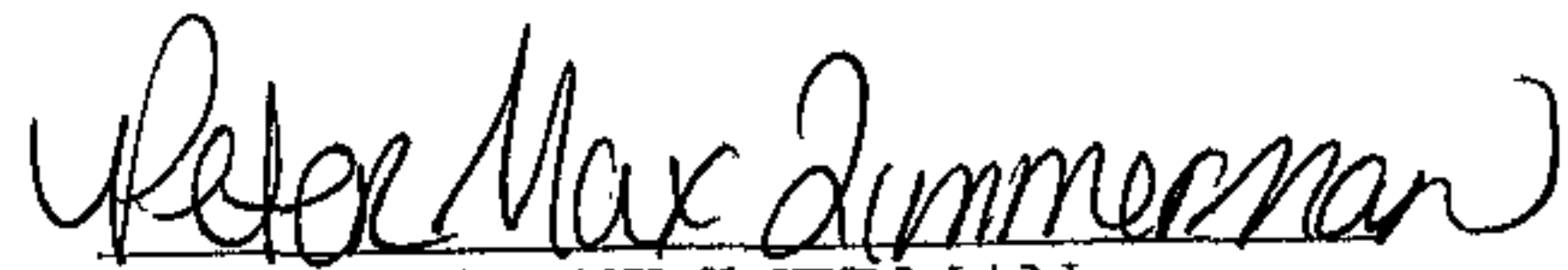
RE: PETITION FOR VARIANCE  
1902 Wills Court; W/S Wills Court,  
200' N c/line Wills Road  
12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Maria Bell  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 06-673-A

\* \* \* \* \*

**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 and all 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

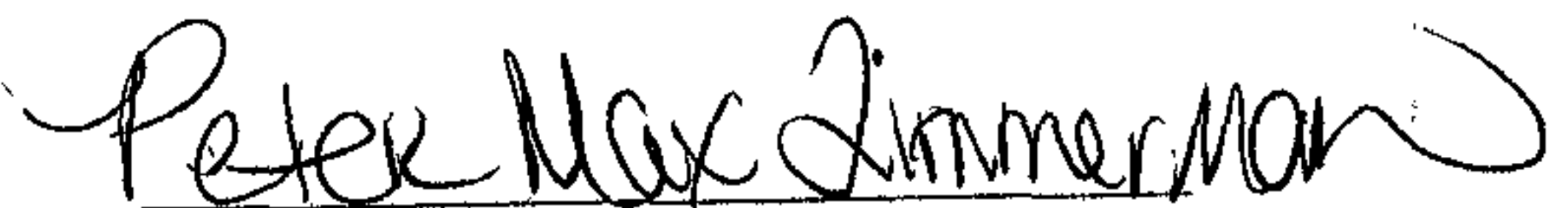
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to, Michael Bell, 1900 Wills Court, Dundalk, MD 21222, Attorney for Petitioner(s).

**RECEIVED**

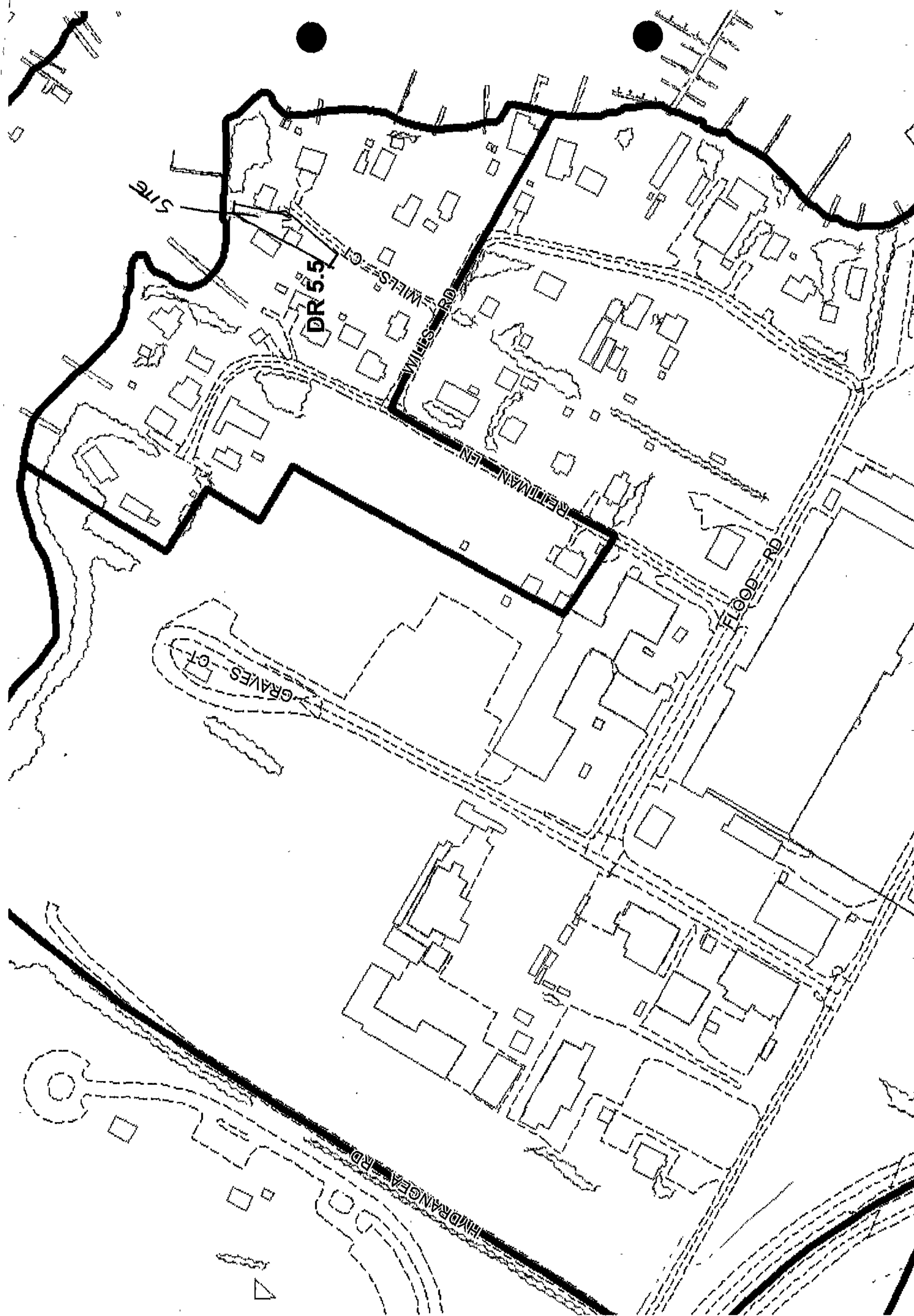
**JUL 07 2006**

Per.....



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County





10303





103C3



DATE \_\_\_\_\_

**PETITIONER'S SIGN-IN SHEET**

[illegible]



**This Deed,** Made this

day of

in the year one thousand nine hundred and ----fifty-nine-----, by and between ADRIAN P. BREIGHNER  
and SARAH L. BREIGHNER, his wife,-----

of Baltimore County----- in the State of Maryland, of the first part, and

LOUIS F. BAUER, SR. and LEOMA C. BAUER, his wife, of Baltimore County, State of Maryland-----

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 ADRIAN P. BREIGHNER and SARAH L. BREIGHNER, his wife,-----

do - grant and convey unto the said LOUIS F. BAUER, SR. and LEOMA C. BAUER, his wife, as tenants  
by the entireties, their assigns, and unto the survivor of them, his or her-----

heirs and assigns, in fee simple, all -----those lots-----of the ground, situate, lying and being in  
Baltimore County, State of Maryland-----, aforesaid, and described as follows, that is to say:—

Beginning for the first at a point on the waters of Bear Creek at the beginning of the north 64 degrees 45 minutes West 40 feet line of Lot "B" as shown on a plat recorded with the last will and testament of Ellen Jane Merritt filed in the office of the Register of Wills of Baltimore County in "Wills" Liber J.P.C. No. 29, folio 102 and running thence binding on the waters of Bear Creek and on the outlines of said Lot "B" the two following courses and distances, viz: North 64 degrees 45 minutes West 40 feet and North 83 degrees 15 minutes West 107.50 feet thence leaving said outline and the waters of Bear Creek and running thence for lines of division of the two following courses and distances, viz: South 18 degrees 02 minutes West passing through a small wild cherry tree on the bank of the creek 94.47 feet to an iron pipe and South 80 degrees 16 minutes East passing over a pipe set near the edge of Bear Creek 146.70 feet to the waters of Bear Creek and to intersect the North 18 degrees East 100 feet line of said Lot "B" and thence binding on the waters of Bear Creek and on a part of said line North 18 degrees East 89.27 feet to the place of beginning. Containing 0.32 of an acre of land, more or less.

TOGETHER with the right and use of an existing Private Road leading from the above described property to Stansbury Lane.

BEING the same lot of ground which by Deed dated February 25, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1219, folio 118 was granted and conveyed by ELIZA C. MERRITT, unmarried, unto ADRIAN P. BREIGHNER and SARAH L. BREIGHNER, his wife, the within Grantors.

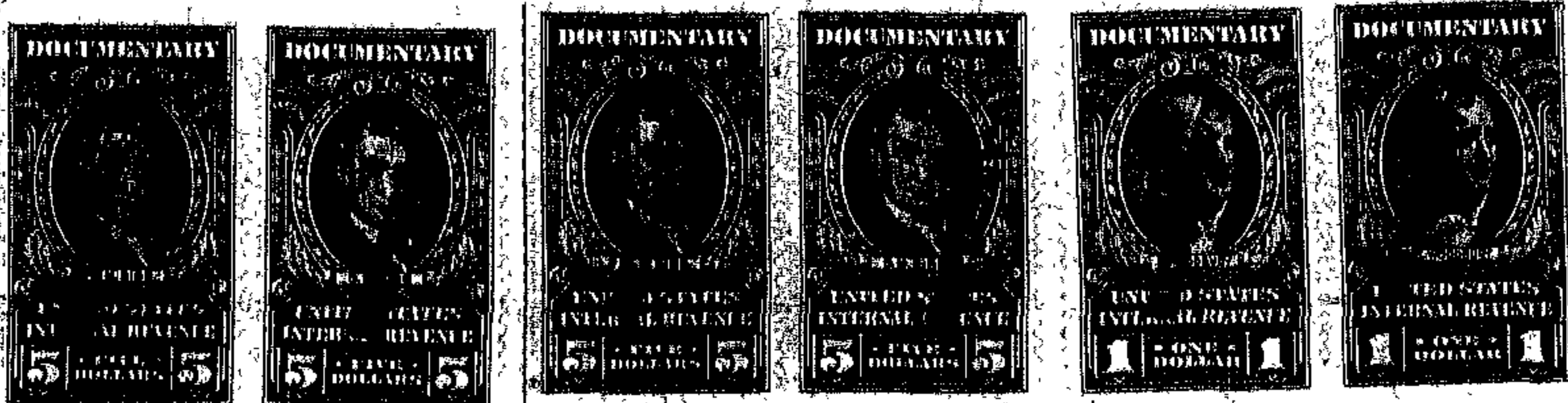
BEGINNING for the second thereof at a point on the waters of Bear Creek at the beginning of the third line of a parcel of land which by Deed dated February 25, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1219, folio 118 was conveyed by Eliza C. Merritt to Adrian P. Breighner and wife, and thence binding on said third line of said parcel of land South 18 degrees 02 minutes West 94.47 feet to an iron pipe thence running for lines of division the three following courses and distances, viz: South 45 degrees 33 minutes West binding on the northwest side of a private road leading to Stansbury Lane 117.62 feet to an iron pipe North 58 degrees 55 minutes West 23 feet



Road.

to a nail driven in the roof of a wild cherry tree and North 33 degrees 50 minutes East passing over a pipe set on the South bank of Bear Creek, 200 feet to the waters of Bear Creek and thence binding on the waters of Bear Creek in an easterly direction 23 feet, more or less to the place of beginning. Containing 0.16 of an acre of land, more or less. The improvements on the two described lots of ground being known as No. 1900 Wills Court or TOGETHER with the right and use of the existing Private Road leading from the above described property to Stansbury Road.

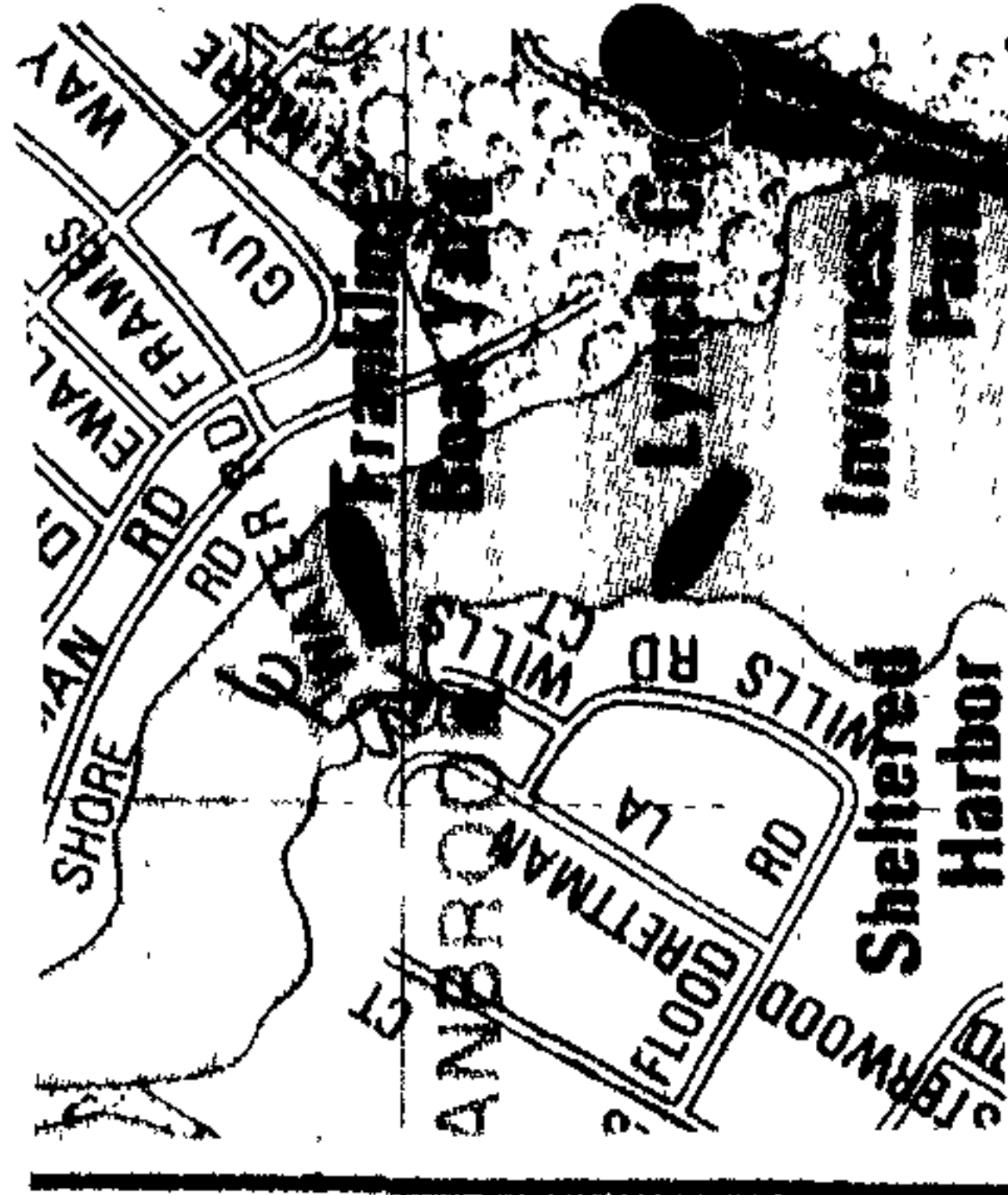
BEING the same lot of ground which by Deed dated July 7, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1296, folio 46, was granted and conveyed by ELIZA C. MERRITT, unmarried, unto ADRIAN P. BREIGNER and SARAH L. BREIGNER, his wife, the within Grantors.





PLAT TO ACCOMPANY PETITION FOR  
ZONING VARIANCE

PROPERTY ADDRESS 1901 WILLS COURT  
SUBDIVISION NAME \_\_\_\_\_  
PLAT BOOK # -        FOLIO # -        LOT # -        SECTION # -         
OWNER MARIA BELL



LOCATION INFORMATION

ELECTION DISTRICT 12  
COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 10303

ZONING D.R.55

LOT SIZE .16 ACRES 6969.9 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

YES/NO

CHESAPEAKE BAY  
CRITICAL AREA ☒ ☐

100 YEAR FLOOD PLAIN ☐ ☒

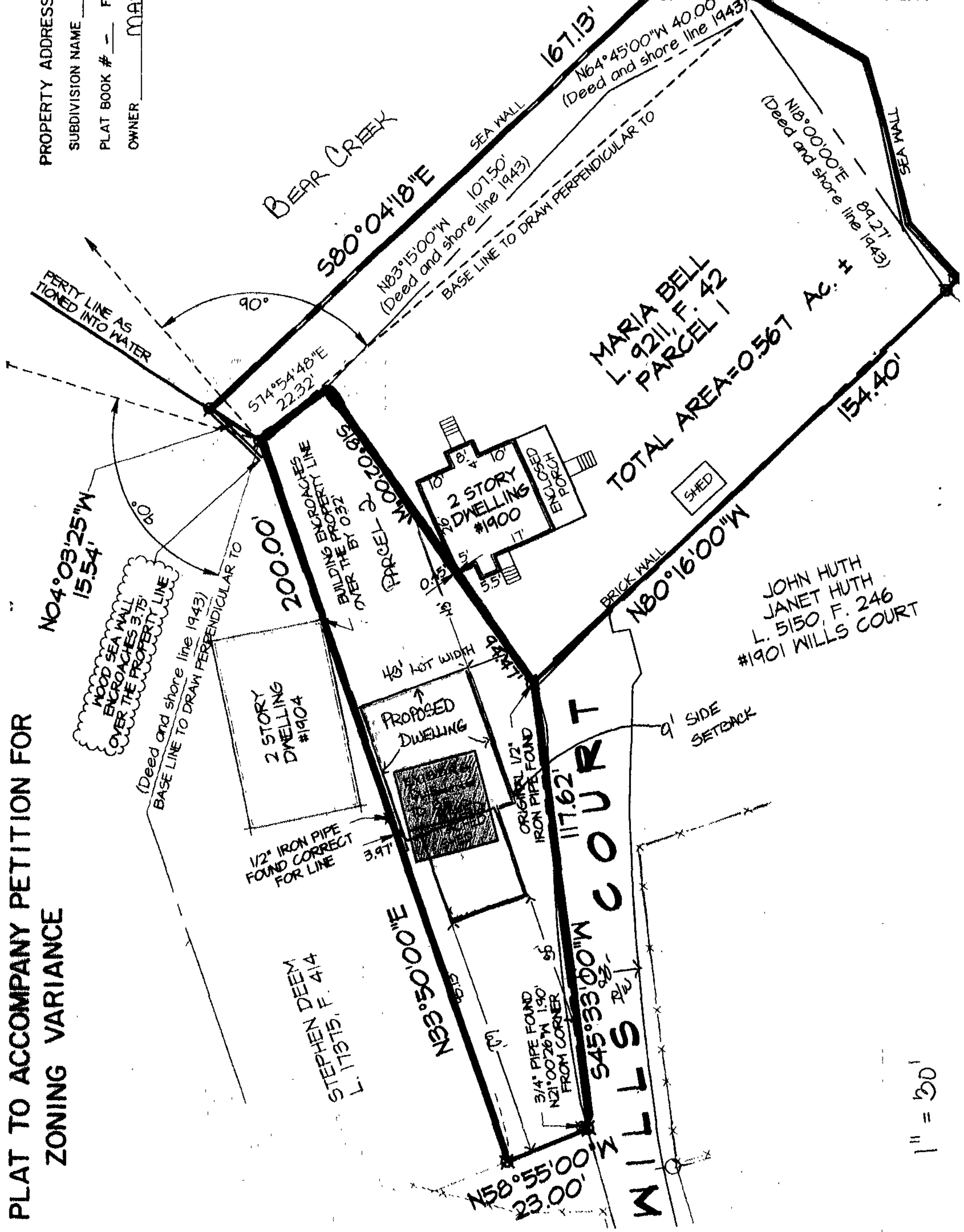
HISTORIC PROPERTY/  
BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY  
REVIEWED BY \_\_\_\_\_ ITEM # \_\_\_\_\_ CASE # \_\_\_\_\_

D.T. 1 673 06-673-A

1" = 20'

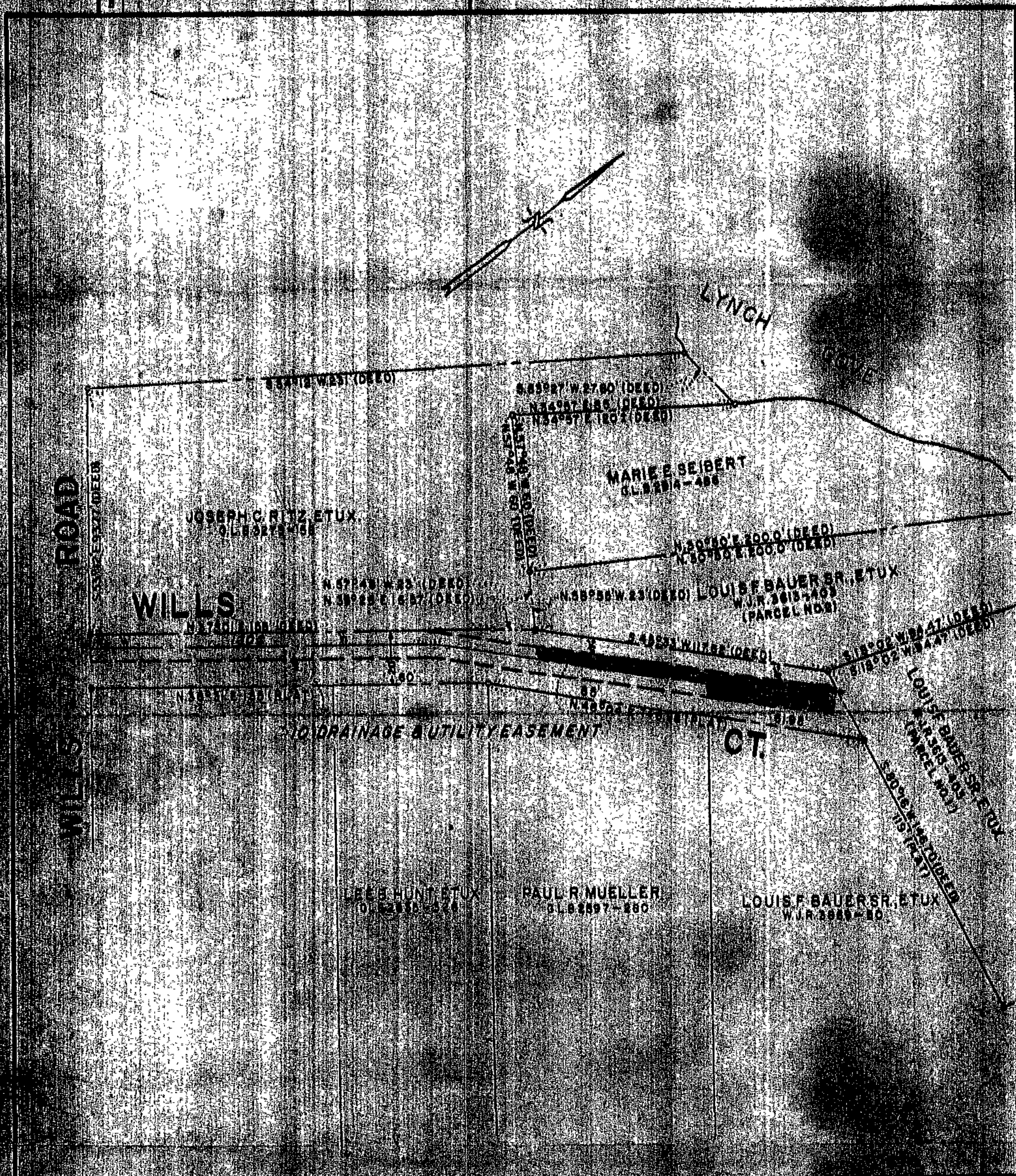




| ACQUISITIONS |               |
|--------------|---------------|
| NO.          | ACQUIRED FROM |
| 1            |               |
| 2            |               |
| 3            |               |
| 4            |               |
| 5            |               |
| 6            |               |
| 7            |               |
| 8            |               |
| 9            |               |
| 10           |               |
| 11           |               |
| 12           |               |
| 13           |               |
| 14           |               |
| 15           |               |
| 16           |               |
| 17           |               |
| 18           |               |
| 19           |               |
| 20           |               |
| 21           |               |
| 22           |               |
| 23           |               |
| 24           |               |
| 25           |               |
| 26           |               |
| 27           |               |
| 28           |               |
| 29           |               |
| 30           |               |
| 31           |               |
| 32           |               |
| 33           |               |
| 34           |               |
| 35           |               |
| 36           |               |
| 37           |               |
| 38           |               |
| 39           |               |
| 40           |               |
| 41           |               |
| 42           |               |
| 43           |               |
| 44           |               |
| 45           |               |
| 46           |               |
| 47           |               |
| 48           |               |
| 49           |               |
| 50           |               |
| 51           |               |
| 52           |               |
| 53           |               |
| 54           |               |
| 55           |               |
| 56           |               |
| 57           |               |
| 58           |               |
| 59           |               |
| 60           |               |
| 61           |               |
| 62           |               |
| 63           |               |
| 64           |               |
| 65           |               |
| 66           |               |
| 67           |               |
| 68           |               |
| 69           |               |
| 70           |               |
| 71           |               |
| 72           |               |
| 73           |               |
| 74           |               |
| 75           |               |
| 76           |               |
| 77           |               |
| 78           |               |
| 79           |               |
| 80           |               |
| 81           |               |
| 82           |               |
| 83           |               |
| 84           |               |
| 85           |               |
| 86           |               |
| 87           |               |
| 88           |               |
| 89           |               |
| 90           |               |
| 91           |               |
| 92           |               |
| 93           |               |
| 94           |               |
| 95           |               |
| 96           |               |
| 97           |               |
| 98           |               |
| 99           |               |
| 100          |               |

## NOTES:

- ① VERTICAL LETTERING INDICATES EXISTING PROPERTY LINES.  
② SLANT LETTERING DENOTES PROPOSED CHANGES TO PROPERTIES.  
③ ALL AREAS FOUND BY PLANIMETER, UNLESS OTHERWISE NOTED.



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

## PLAN TO ACCOMPANY RIGHT-OF-WAY AGREEMENT

10 DRAINAGE UTILITY BASELINE

BUREAU OF LAND ACQUISITION

COORDINATES SHOWN HEREON ARE BASED ON N.C. WIDE TRAVERSE STATION OR HUBS AS FOLLOWS:

...and the

2-36-1962

CONSTRUCTION PLAN NO. 8 - 078 A-4E

## DIVISION OF DRAFTING

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

## MURDERER

...and

**CRICK**

THIS PLAN IS COMPILED FROM DEEDS AND SURVEYS. THE COURSES AND DISTANCES SHOWN ON PROPERTIES ADJOINING THE PROPOSED RIGHT-OF-WAY ARE THOSE CONTAINED IN THE DEED REFERRED TO BY THEM AND FOLIO NUMBERS AND DO NOT NECESSARILY REFER TO THE MERIDIAN SHOWN HEREON NOR DO THEY IMPLY A CURRENT SURVEY OF SAID PROPERTIES UNLESS SO NOTED.



AREA TO B  
ACQUIRED  
BLORE ARE  
EXISTING  
COUNTY N/  
AREA TO B  
RELEASED

**THE**

103-2-100

DISTRICT 11

RW 61-163



He pointed out the long narrow configuration of the subject lot which is 43 feet at its widest point and opined that if no side yard setback relief were granted, he could only build a house which is 22 feet wide and insufficient for his needs. He indicated that he could live with a 10 foot setback on the Wills Court side of the proposed house.

**Findings of Fact and Conclusions of Law**

As pointed out at the hearing Maryland has a new way of looking at small lots as of May, 2005 and described by the case of *Remes v Montgomery County*. It is clear that the subject lot and the lot at 1900 started separately in the 1940's but subsequent owners merged the lots at some point in time. They did not want to pay taxes on two buildable lots. Consequently some prior owner approached SDAT to have the two lots viewed as one. While this saves considerable real property taxes, it comes at a price of having the lots considered as one for zoning purposes.

In addition the two lots were conveyed after the 1940's by one deed. Most importantly the location of the house at 1900 is almost on the property line. Clearly this location shows an intent to treat the two lots as one. This location would have required a setback variance if the lots were truly separate. Mr. Bell did not know if such a variance was ever requested much less granted. Of course, if the lots were merged there would be no need for a variance and the house at 1900 could be built as shown.

I have no way to judge whether or not the dwelling Mr. Bell described as leased some time ago was in fact a legally built residence. It may have simply been an accessory building such as a garage to which bathroom and kitchen facilities were added. The simple fact the structure may have been leased some years ago can not overcome the obvious intent by prior owners to merge the lots.

RECEIVED FOR FILING  
8-28-06  
P3