

**M E M O R A N D U M**

DATE: January 14, 2020  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0482-SPHA - Appeal Period Expired

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The appeal period for the above-referenced case expired on January 13, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File  
Office of Administrative Hearings

IN RE: <b>PETITIONS FOR SPECIAL HEARING</b> *	BEFORE THE
<b>AND VARIANCE</b>	
(Lots 27 & 28 Willis Drive) *	OFFICE OF
13 <sup>th</sup> Election District *	ADMINISTRATIVE HEARINGS
1 <sup>st</sup> Council District	
Harold John and Marguerite McKenna, *	FOR BALTIMORE COUNTY
<i>Legal Owners</i>	
Petitioners *	<b>Case No. 2019-0482-SPHA</b>
* * * * *	* * * * *

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Harold John and Marguerite McKenna, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to confirm that a merger did not take place between these lots (27 and 28) and (29 and 30), the adjacent lots. In addition, a Petition for Variance was filed pursuant to BCZR §1B02.3.C.1: (1) to permit a proposed dwelling on existing lots (27 and 28) with an area of 10,036 sq. ft. in lieu of the required 20,000 sq. ft.; and (2) to permit a front yard setback of 35 ft. and rear yard setback of 30 ft. in lieu of the required 40 ft., respectively. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Harold McKenna appeared in support of the requests. Petitioner was represented by Joshua Hoffman, Esq. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

ORDER RECEIVED FOR FILING

Date 12/13/19  
 By Sen

SPECIAL HEARING

Mr. McKenna testified that his wife, Marguerite McKenna, recently passed away. Mr. Hoffman proffered that the McKennas owned the properties in question as tenants by the entireties and that Mr. McKenna has therefore inherited them in fee simple. Mr. McKenna testified that they were married in 1979 and that he moved into the existing residence on Lots 29 and 30 that his wife had acquired in a divorce settlement with her previous husband. They then purchased lots 27 and 28 from her ex-husband's father. Mr. McKenna testified that lots 27 and 28 have always been vacant lots since the subdivision was created in 1924, as indicated on the development plat that was admitted as Petitioners' Exhibit 2. Further, Petitioners' Exhibit 3 is an aerial photo showing that Lots 27 and 28 are heavily wooded with mature trees, which further establishes that these lots have not merged with Lots 29 and 30. Finally, the properties all have separate tax accounts. Based on this evidence I find that there has been no merger between lots 27 and 28, and Lots 29 and 30. *See, Mueller v. People's Counsel for Baltimore County*, 177 Md. App. 43, 100-102 (2007) (only substantial physical structures used to support the adjoining residential use will result in merger).

VARIANCE

As to the variance, it requires a two-step process, summarized as follows:

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

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

The property is heavily wooded and exceptionally small for a property zoned DR2. Further, it backs to larger properties with substantial rear yards, one of them a church. As such, the property

ORDER RECEIVED FOR FILING

Date 12/13/19  
By sen

is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty and hardship because they would be unable to construct even the modest sized residence that they are proposing due to the 40 foot front and rear setback requirements and the small lot size. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. Indeed, as acknowledged in the DOP's comments, the proposed dwelling and setbacks are similar to those in the neighborhood, and there was no County and/or community opposition to the requested variance relief.

THEREFORE, IT IS ORDERED this **13th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to confirm that a merger did not take place between these lots (27 and 28) and (29 and 30), the adjacent lots, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a proposed dwelling on existing lots (27 and 28) with an area of 10,036 sq. ft. in lieu of the required 20,000 sq. ft.; and (2) to permit a front yard setback of 35 ft. and rear yard setback of 30 ft. in lieu of the required 40 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

  
\_\_\_\_\_  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING

Date 12/13/19  
By sln



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address LOTS 27 + 28 Willis Dr, Relay, 21227 which is presently zoned DR2  
Deed References: 15562/267 10 Digit Tax Account # 1305880109  
Property Owner(s) Printed Name(s) JOHN + MARGUERITE MCKENNA 1305880110  
HAROLD

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1.  **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should ~~approve~~ confirm that a merger did not take place between these lots (27-28) and (29-30) the adjacent lots.

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

3.  **a Variance** from Section(s) 1302.3.C.1: BZR to permit a proposed dwelling on existing lots (27-28) with an area of 10,036 sq. ft. in lieu of the required 20,000 sq. ft. and to permit a front yard setback of 35 feet and rear yard setback of 30 feet in lieu of the required 40 feet, respectively

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

### Contract Purchaser/Lessee:

Name- Type or Print  
Signature  
Mailing Address City State  
Zip Code Telephone # Email Address

### Legal Owners (Petitioners):

Harold John MCKENNA | MARGUERITE MCKENNA  
Name #1 - Type or Print Name #2 - Type or Print  
Harold John McKenna Marguerite McKenna  
Signature #1 Signature #2  
1711 Willis Dr Relay MD  
Mailing Address City State  
21227 | 410-491-3358 | duker50@yahoo  
Zip Code Telephone # Email Address

### Attorney for Petitioner:

Name- Type or Print  
Signature  
Mailing Address City State  
Zip Code Telephone # Email Address

### Representative to be contacted:

John MELLEMA SURVEYORS  
Name - Type or Print  
[Signature]  
Signature  
5409 EAST DR ARBATS MD  
Mailing Address City State  
21227 | 410-247-7488 | JCMLESEVERIZON.NET  
Zip Code Telephone # Email Address

CASE NUMBER 2019-0482-0P4A Filing Date 10/1/19

Do Not Schedule Dates: \_\_\_\_\_ Reviewer JF

ORDER RECEIVED FOR FILING  
12/13/19  
ADD

John C. Mellema, Sr. Inc.  
5409 East Drive  
Baltimore, Maryland 21227  
410-247-7488 fax 410-247-2507

Zoning Description  
Lots 27 and 28 Willis Drive  
Baltimore County Maryland  
Tax map 108 Grid 22 Parcel 163

Beginning for the same at a point on the Northeast side of Willis Drive, said point being 569' feet Southeasterly from the centerline of South Rolling Road , thence binding on the Northeast side of Willis Drive , Southeasterly 100' feet, thence leaving Willis Drive in a Northeasterly direction 100' feet , thence Northwesterly 100' feet , thence southwesterly 100' feet to the place of beginning.

Being known and designated as lots 27 and 28 on the plat of "Ohern Place" which is recorded in Baltimore County MD plat book 7 folio 190. Also being the same lot described in a deed dated August 1, 2018 between Marguerite McKenna party of the first part and Marguerite McKenna and Harold John McKenna , parties of the second part in liber 15562 folio 267.



Handwritten text, possibly a signature or initials, located in the lower center of the page.



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

October 30, 2019

## NOTICE OF ZONING HEARING

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

**CASE NUMBER: 2019-0482-SPHA**

Lot 27, Lot 28 Willis Drive

N/east side of Willis Drive at the distance of 569 ft. s/east of South Rolling Road

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic

Legal Owners: Harold & Marguerite McKenna

Special Hearing to confirm that a merger did not take place between these Lots (27, 28) and (29, 30) the adjacent lots. Variance to permit a proposed dwelling on existing Lots (27, 28) with an area of 10,036 sq. ft. and to permit a front yard setback of 35 ft. and rear yard setback of 30 ft. in lieu of the required 40 ft. respectively.

Hearing: Thursday, December 5, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff  
Director

MM:kl

C: Mr. & Mrs. McKenna, 1711 Willis Drive, Relay 21227  
John Mellema, 5409 East Drive, Arbutus 21227

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 15, 2019**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: THE DAILY RECORD  
Friday, November 15, 2019 – Issue

Please forward billing to:  
Harold John McKenna  
1711 Willis Drive  
Relay, MD 21227

410-491-3358

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## NOTICE OF ZONING HEARING

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**CASE NUMBER: 2019-0482-SPHA**

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N/east side of Willis Drive at the distance of 569 ft. s/east of South Rolling Road

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic

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105 West Chesapeake Avenue, Towson 21204

  
Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
 AND VARIANCE \*  
 Lots 27 & 28 Willis Drive; NE/S of Willis Drive,\* OF ADMINISTRATIVE  
 569' SE c/line of South Rolling Road \*  
 13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts \* HEARINGS FOR  
 Legal Owner: Harold John & Marguerite McKenna \*  
 Petitioner(s) \* BALTIMORE COUNTY  
 \* 2019-482-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People’s Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People’s Counsel on all correspondence sent and all documentation filed in the case.

*Peter Max Zimmerman*

\_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People’s Counsel for Baltimore County

*Carole S Demilio*

\_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People’s Counsel  
 Jefferson Building, Room 204  
 105 West Chesapeake Avenue  
 Towson, MD 21204  
 (410) 887-2188

**RECEIVED**

**OCT 09 2019**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9th day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to John Mellema Surveyors, 5409 East Drive, Arbutus, Maryland 21227, Attorney for Petitioner(s).

*Peter Max Zimmerman*

\_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People’s Counsel for Baltimore County

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/14/2019

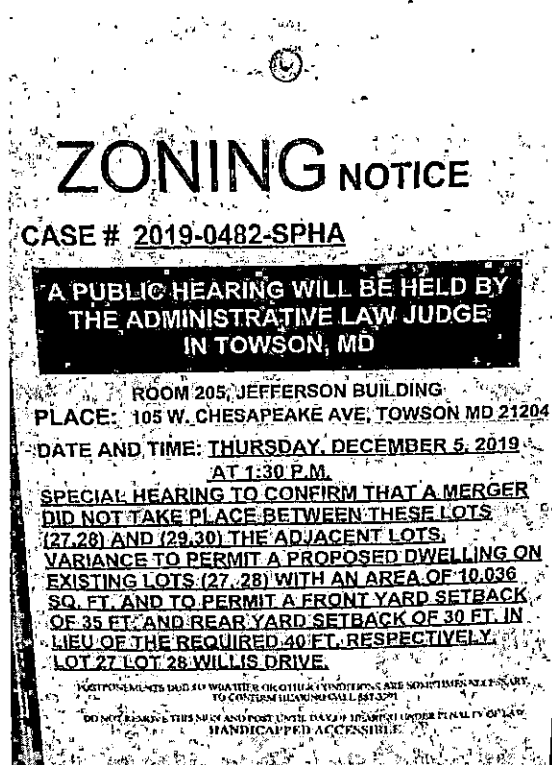
Case Number: 2019-0482-SPHA

Petitioner / Developer: JOHN MELLEMA ~ MR. & MRS. MCKENNA

Date of Hearing: DECEMBER 5, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: LOT 27, LOT 28 WILLIS DRIVE

The sign(s) were posted on: **NOVEMBER 14, 2019**



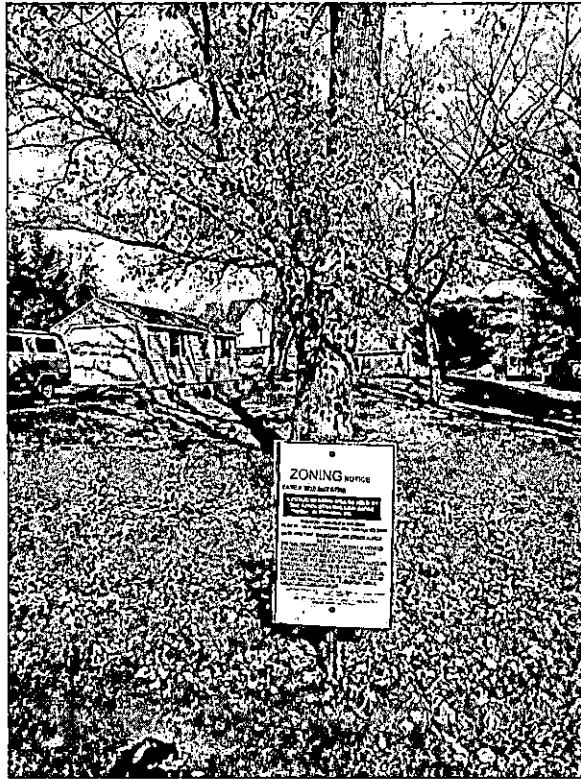
Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)



Background Photo 1<sup>st</sup> Sign @ 27 & 28 Willis Drive ~ 11/14/2019



Background Photo 2<sup>nd</sup> Sign @ 27, 28 Willis Drive ~ 11/14/2019

**CASE # 2019-0482-SPHA**

# The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11811781  
Case #: 2019-0482-SPHA  
Description:

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/15/2019

NOTICE OF ZONING HEARING - CASE NUMBER:  
2019-0482-SPHA



**Darlene Miller, Public Notice Coordinator**  
(Representative Signature)

**Baltimore County**

**NOTICE OF ZONING HEARING**

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

**CASE NUMBER: 2019-0482-SPHA**

Lot 27, Lot 28 Willis Drive

N/east side of Willis Drive at the distance of 569 ft. s/east of South Rolling Road

13th Election District - 1st Councilmanic

Legal Owners: Harold & Marguerite McKenna

Special Hearing to confirm that a merger did not take place between these Lots (27, 28) and (29, 30) the adjacent lots. Variance to permit a proposed dwelling on existing Lots (27, 28) with an area of 10,036 sq. ft. and to permit a front yard setback of 35 ft. and rear yard setback of 30 ft. in lieu of the required 40 ft. respectively.

Hearing: Thursday, December 5, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

n15

1000

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

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

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**For Newspaper Advertising:**

Case Number: 2019-0482-SP4A

Property Address: Lot 27 & 28 Willis Dr.

Property Description: \_\_\_\_\_

Legal Owners (Petitioners): John + Marguerite McKenna

Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: John McKenna

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

Address: 1711 Willis Dr.

Baltimore MD 21227

Telephone Number: 410 491-3358

PM 12-5-19  
1:30 PM

**Debra Wiley**

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**From:** Linda Okeefe <lucky linda1954@yahoo.com>  
**Sent:** Wednesday, December 4, 2019 11:49 PM  
**To:** Administrative Hearings  
**Subject:** Certifications Willis Drive.  
**Attachments:** Lot 27, 28 Willis Dr. Cert..jpeg; Lot 27, 28 Willis Dr. Photos.docx; 1711 Willis Dr. Cert.jpeg

**CAUTION:** This message from lucky linda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I am attaching the Second Certifications for Case # 2019-0482 @ Lot 27, Lot 28 Willis Drive & Case # 2019-0483-SPHA @ 1711 Willis Drive, that were re-photographed today. Hope these cases go well for this man. He is so very nice. That is what I like the most about this job is that I meet a lot of interesting people.  
Have a nice day,

Linda

Linda O'Keefe  
523 Penny Lane  
Hunt Valley MD 21030  
Phone # 410-666-5366  
Cell# 443-604-6431  
Fax# 410-666-0929  
lucky linda1954@yahoo.com

RECEIVED  
**DEC 05 2019**  
OFFICE OF  
ADMINISTRATIVE HEARINGS



# SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 12/4/2019

Case Number: 2019-0482-SPHA

Petitioner / Developer: JOHN MELLEMA ~ MR. & MRS. MCKENNA

Date of Hearing: DECEMBER 5, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:  
LOT 27, LOT 28 WILLIS DRIVE

The sign(s) were posted on: **NOVEMBER 14, 2019**

The sign(s) were re-photographed on: **DECEMBER 4, 2019**

**ZONING NOTICE**

CASE # 2019-0482-SPHA

**A PUBLIC HEARING WILL BE HELD BY  
THE ADMINISTRATIVE LAW JUDGE  
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING  
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21284  
DATE AND TIME: THURSDAY, DECEMBER 5, 2019  
AT 1:30 P.M.

**SPECIAL HEARING TO CONFIRM THAT A MERGER  
DID NOT TAKE PLACE BETWEEN THESE LOTS  
(27,28) AND (29,30) THE ADJACENT LOTS.  
VARIANCE TO PERMIT A PROPOSED DWELLING ON  
EXISTING LOTS (27, 28) WITH AN AREA OF 10,036  
SQ. FT. AND TO PERMIT A FRONT YARD SETBACK  
OF 35 FT. AND REAR YARD SETBACK OF 30 FT. IN  
LIEU OF THE REQUIRED 40 FT. RESPECTIVELY.  
LOT 27, LOT 28 WILLIS DRIVE.**

INFORMATION AS TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY  
TO CONFIRM HEARING CALL 410-336-1191

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

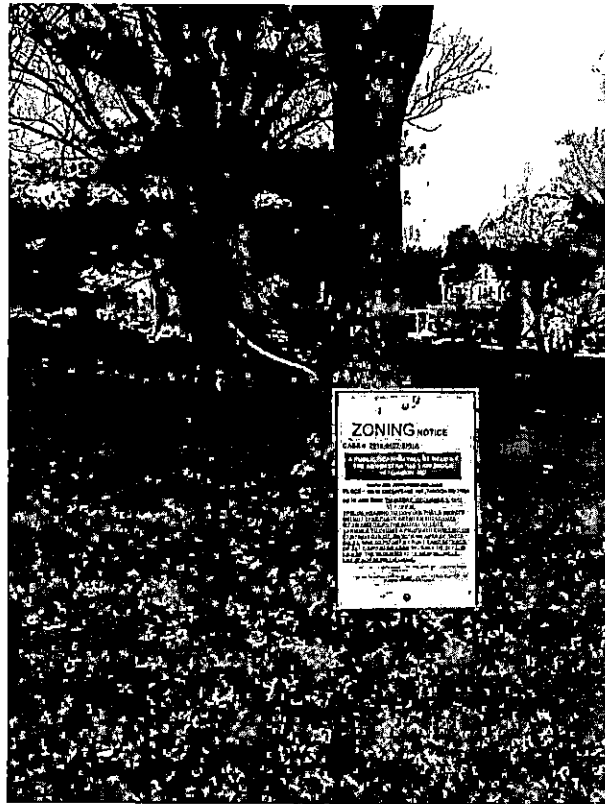
Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

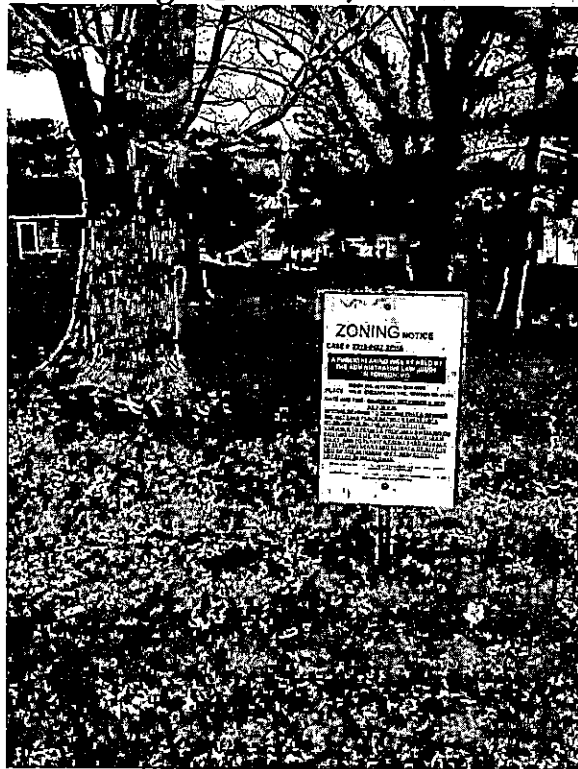
523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)



Re-Photographed 1<sup>st</sup> Sign @ Lot 27, Lot 28 Willis Drive ~ 12/4/2019



Re-Photographed 2<sup>nd</sup> Sign @ Lot 27, 28 Willis Drive ~ 12/4/2019

**CASE # 2019-0482-SPHA**



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

November 25, 2019

John Mellema  
5409 East Dr  
Arbutus MD 21227

RE: Case Number: 2019-0482-SPHA, Lots 27, 28 Willis Dr

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 01, 2019. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,  
A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over the words "Very truly yours,".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel  
Harold John & Marguerite Mckenna 1711 Willis Dr Relay MD 21227

12-5-19 1:30 PM

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 10/24/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-482



**INFORMATION:**

**Property Address:** Willis Drive, Lots 27 and 28  
**Petitioner:** Harold John McKenna  
**Zoning:** DR 2  
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should confirm that a merger did not take place between the lots 27-28 & 29-30 and also the petition for variance to permit a proposed dwelling on lots 27-28 with an area of 10,036 sq. ft., a front yard setback of 35 feet and rear yard setback of 30 feet in lieu of the required 20,000 sq.ft. and 40 feet respectively.

A site visit was conducted on October 18, 2019. Staff did not observe evidence of a merger in the field.

The Department of Planning has no objection to granting the requested variance relief. The proposed residential use reflects the pattern of development of the neighborhood. The Department will concur with the decision of the ALJ as to whether a merger has occurred.

For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

**Prepared by:**

Lloyd T. Moxley

**Division Chief:**

Jenifer G. Nugent

CPG/JGN/LTM/

c: Josephine Selvakumar  
John Mellema Surveyors  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 10/24/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 19-482

**INFORMATION:**

**Property Address:** Willis Drive, Lots 27 and 28  
**Petitioner:** Harold John McKenna  
**Zoning:** DR 2  
**Requested Action:** Special Hearing, Variance

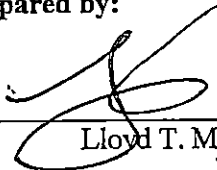
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The Department of Planning has no objection to granting the requested variance relief. The proposed residential use reflects the pattern of development of the neighborhood. The Department will concur with the decision of the ALJ as to whether a merger has occurred.

For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

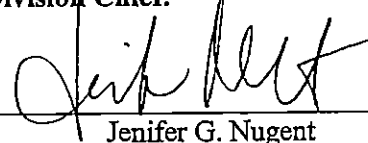
**Prepared by:**



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Lloyd T. Moxley

**Division Chief:**



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Jenifer G. Nugent

CPG/JGN/LTM/

c: Josephine Selvakumar  
John Mellema Surveyors  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

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

DATE: October 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0482-SPHA  
Address Lot 27,28 Willis Drive  
(McKenna Property)

Zoning Advisory Committee Meeting of **October 4, 2019**.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
Gregory Slater  
Administrator

Date: 10/7/19

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0482-SPHA

*Special Hearing, Variance  
John & Marguerite McKenna  
Lot 27, 28 Willis Drive*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ





CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>10/11</u>	DEPS (if not received, date e-mail sent _____)	<u>NO COMMENT</u>
_____	FIRE DEPARTMENT	_____
<u>10/24</u>	PLANNING (if not received, date e-mail sent _____)	<u>NO Objection w/ comment</u>
<u>10/7</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

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

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

NEWSPAPER ADVERTISEMENT Date: 11/15/19

SIGN POSTING (1<sup>st</sup>) Date: 11/14/19 by O'Keefe

SIGN POSTING (2<sup>nd</sup>) Date: 12-4-19 by "

PEOPLE'S COUNSEL APPEARANCE Yes  No

PEOPLE'S COUNSEL COMMENT LETTER Yes  No

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

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: None		Special Tax Recapture: None							
Exempt Class: None									
Account Identifier:		District - 13 Account Number - 1305880109							
Owner Information									
Owner Name:		MCKENNA MARGUERITE MCKENNA HAROLD JOHN				Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:		1711 WILLIS DR BALTIMORE MD 21227-4954				Deed Reference:		/15562/ 00267	
Location & Structure Information									
Premises Address:		WILLIS DR 0-0000				Legal Description: 603 S ROLLING RD OHERN PLACE			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0022	0163	13050084.04	0000			27	2019	0007/ 0190
Special Tax Areas: None					Town:		None		
					Ad Valorem:		None		
					Tax Class:		None		
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						5,000 SF		04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
			/						
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2019		07/01/2020	
Land:		32,700		32,700					
Improvements		0		0					
Total:		32,700		32,700		32,700		32,700	
Preferential Land:		0						0	
Transfer Information									
Seller: MCKENNA MARGUERITE				Date: 09/12/2001		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /15562/ 00267		Deed2:			
Seller: FOWLER JEFFREY M				Date: 03/14/2000		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /14354/ 00660		Deed2:			
Seller: GOLDSMITH DONALD W				Date: 11/18/1980		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /06231/ 00243		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt: None		Special Tax Recapture: None							
Exempt Class: None									
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application					Date:				

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: None		Special Tax Recapture: None							
Exempt Class: None									
Account Identifier:		District - 13 Account Number - 1305880110							
Owner Information									
Owner Name:		MCKENNA MARGUERITE MCKENNA HAROLD JOHN				Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:		1711 WILLIS DR BALTIMORE MD 21227-4954				Deed Reference:		/15562/ 00267	
Location & Structure Information									
Premises Address:		WILLIS DR 0-0000				Legal Description: 553 S ROLLING RD OHERN PLACE			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0022	0163	13050084.04	0000			28	2019	Plat Ref: 0007/0190
Special Tax Areas: None					Town:		None		
					Ad Valorem:		None		
					Tax Class:		None		
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						5,000 SF		04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
		/							
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		As of
					01/01/2019		07/01/2019		07/01/2020
Land:		32,700		32,700					
Improvements		0		0					
Total:		32,700		32,700		32,700		32,700	
Preferential Land:		0						0	
Transfer Information									
Seller: MCKENNA MARGUERITE				Date: 09/12/2001			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /15562/ 00267			Deed2:		
Seller: FOWLER JEFFREY M				Date: 03/14/2000			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14354/ 00660			Deed2:		
Seller: GOLDSMITH DONALD W				Date: 11/18/1980			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /06231/ 00243			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2019			07/01/2020		
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00			0.00 0.00		
Tax Exempt: None		Special Tax Recapture: None							
Exempt Class: None									
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application					Date:				

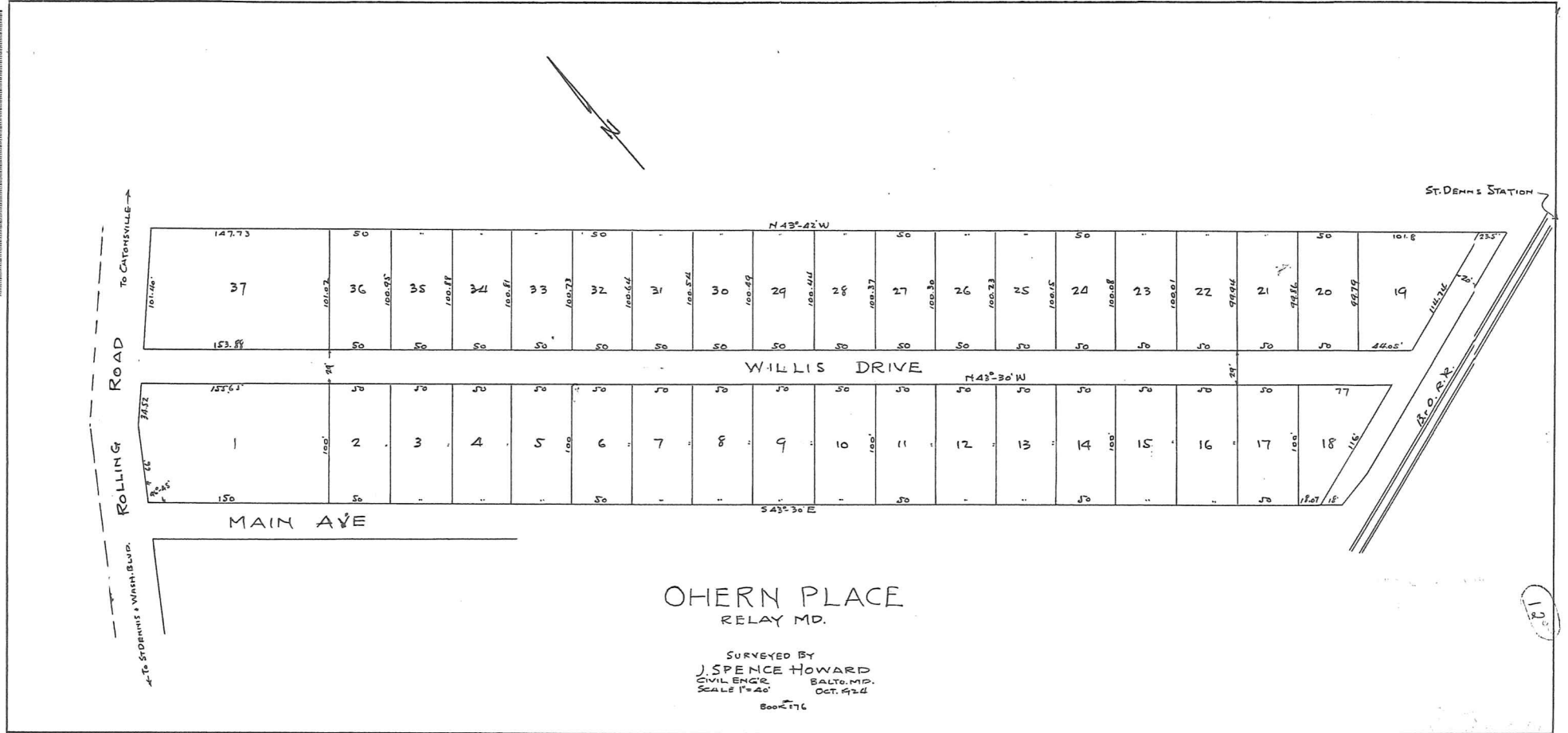


# PETITIONER'S

EXHIBIT NO. 2



BALTIMORE COUNTY CIRCUIT COURT (RM) PHE BANK WPC7, P. 150, USA, C2 US, 2500. Date available: 9/25/05 01:11 PM 10/02/08



181

100' DIA. 3/16-1/20

PETITIONER'S

EXHIBIT NO. 3



In-Amen Presbyterian Church

1711 Willis Drive

1121





**PETITIONER'S**

**EXHIBIT NO.** 5A

**District - 13 Account Number - 2000006817**

**Owner Information**

**Owner Name:** GRIMM FRANK T **Use:** RESIDENTIAL  
 GRIMM DEBORA L **Principal Residence:** YES  
**Mailing Address:** 1715 WILLIS DR **Deed Reference:** /41311/ 00414  
 BALTIMORE MD 21227

**Location & Structure Information**

**Premises Address:** 1715 WILLIS DR **Legal Description:** LTS 25-26  
 BALTIMORE 21227- O'HERN PLACE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0022	0163	13050084.04	0000			25	2019	Plat 0007/ Ref: 0190

**Special Tax Areas:** None **Town:** None  
**Ad Valorem:** None  
**Tax Class:** None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1984	1,040 SF		10,000 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Split Foyer	YES	SPLIT FOYER	SIDING/	4	2 full/ 1 half	1 Attached	

**Value Information**

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2019	07/01/2019	07/01/2020
<b>Land:</b>	65,500	65,500		
<b>Improvements</b>	131,400	166,200		
<b>Total:</b>	196,900	231,700	208,500	220,100
<b>Preferential Land:</b>	0			0

**Transfer Information**

<b>Seller:</b> GRIMM FRANK T	<b>Date:</b> 04/11/2019	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /41311/ 00414	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b> 04/01/1986	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /07016/ 00270	<b>Deed2:</b>



# PETITIONER'S

EXHIBIT NO. SB

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 1306450340

### Owner Information

Owner Name: FOWLER JEFFREY H Use: RESIDENTIAL  
 FOWLER AUDREY A Principal Residence: YES

Mailing Address: 1709 WILLIS DR Deed Reference: /41453/ 00055  
 BALTIMORE MD 21227-4954

### Location & Structure Information

Premises Address: 1709 WILLIS DR Legal Description: LT 31,32,33  
 BALTIMORE 21227-4954 1709 WILLIS DR  
 OHERN PLACE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0022	0163	13050084.04	0000			31	2019	Plat 0007/ Ref: 0190

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1955	1,056 SF		15,000 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full		

### Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2019	07/01/2019	07/01/2020
Land:	66,700	66,700		
Improvements	105,300	117,800		
Total:	172,000	184,500	176,167	180,333
Preferential Land:	0			0

### Transfer Information

Seller: FOWLER RICHARD L JR Date: 05/23/2019 Price: \$0  
 Type: NON-ARMS LENGTH OTHER Deed1: /41453/ 00055 Deed2:

**Tax Exempt: None**

**Special Tax Recapture: None**

**Exempt Class: None**

**PETITIONER' S**

**Account Identifier:** District - 13 Account Number - 13181003

**EXHIBIT NO.** 5C

**Owner Information**

**Owner Name:** MCKENNA MARGUERITE **Use:** RESIDENTIAL  
 MCKENNA HAROLD JOHN **Principal Residence:** YES  
**Mailing Address:** 1711 WILLIS DR **Deed Reference:** /15562/ 00267  
 BALTIMORE MD 21227-4954

**Location & Structure Information**

**Premises Address:** 1711 WILLIS DR **Legal Description:** LT 29-30  
 0-0000 453 S ROLLING RD  
 OHERN PLACE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0022	0163	13050084.04	0000			29	2019	Plat 0007/ Ref: 0190

**Special Tax Areas:** None **Town:** None  
**Ad Valorem:** None  
**Tax Class:** None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1980	1,306 SF		10,000 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Split Foyer	YES	SPLIT FOYER	SIDING/	4	2 full		

**Value Information**

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
<b>Land:</b>	65,500	65,500		
<b>Improvements</b>	144,900	183,300		
<b>Total:</b>	210,400	248,800	223,200	236,000
<b>Preferential Land:</b>	0			0

**Transfer Information**

**Seller:** MCKENNA MARGUERITE **Date:** 09/12/2001 **Price:** \$0

**Type:** NON-ARMS LENGTH OTHER **Deed1:** /15562/ 00267 **Deed2:**

