

**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. 2019-0483-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: **PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE \*  
(1711 Willis Drive) \*  
13<sup>th</sup> Election District \*  
1<sup>st</sup> Council District \*  
Harold John and Marguerite McKenna, \*  
*Legal Owners* \*  
Petitioners \***

BEFORE THE  
OFFICE OF  
ADMINISTRATIVE HEARINGS  
FOR BALTIMORE COUNTY  
**Case No. 2019-0483-SPHA**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Harold John McKenna, legal owner (“Petitioner”).<sup>1</sup> 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 (29 and 30) and (27 and 28), the adjacent lots. In addition, a Petition for Variance was filed pursuant to BCZR §§1B02.3.C.1 and 301.1: (1) to permit an existing dwelling on existing Lots (29 and 30) with an area of 10,045 sq. ft. in lieu of the required 20,000 sq. ft.; (2) to permit an existing front yard setback of 35 ft. and an existing rear yard setback of 37 ft. in lieu of the proposed 40 ft., respectively; and (3) to permit an existing deck with a rear yard setback of 23 ft. in lieu of the required 30 ft. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Harold McKenna appeared in support of the requests. He 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

<sup>1</sup> As explained in the companion case, Case No. 2019-0482-SPHA, Mr. McKenna’s wife, Margeruite McKenna, recently passed away and he has inherited all four parcels in question in fee simple.

ORDER RECEIVED FOR FILING

Date 12/13/19  
By Den

("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

SPECIAL HEARING

For the reasons set forth in companion Case No. 2019-0482-SPHA, no merger occurred between Lots 29 and 30 and Lots 27 and 28. Further, the DOP concurs that no merger was observed when they conducted their site visit.

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).

Lots 29 and 30 are exceptionally small lots for a DR2 zone. In addition, Lots 29 and 30 back to a church property with a long narrow parking lot. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty and extreme hardship because he moved into the existing residence in 1979 and he would essentially have to raze the structure and rebuild an even smaller residence in order to now meet the 40 foot rear and front setbacks. 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. This is demonstrated by the absence of County and/or community opposition. As noted above, the slightly reduced rear setbacks will not adversely impact the adjoining neighbor to the rear because it is a church with a long parking lot in the rear.

ORDER RECEIVED FOR FILING

Date 12/13/19

By Sen

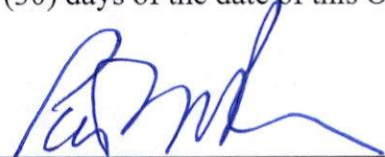
THEREFORE, IT IS ORDERED this **13th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to confirm that a merger did not take place between these lots (29 and 30) and (27 and 28), the adjacent lots, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: 1) to permit an existing dwelling on existing Lots (29 and 30) with an area of 10,045 sq. ft. in lieu of the required 20,000 sq. ft.; (2) to permit an existing front yard setback of 35 ft. and an existing rear yard setback of 37 ft. in lieu of the proposed 40 ft., respectively; and (3) to permit an existing deck with a rear yard setback of 23 ft. in lieu of the required 30 ft., 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 1711 Willis Dr Relay 21227 which is presently zoned DR2  
Deed References: 15562/267 10 Digit Tax Account # 1318100311  
Property Owner(s) Printed Name(s) John + MARGUERITE MCKENNA  
HAROLD

(SELECT THE HEARING(S) BY MARKING  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 does not take place between ~~these~~ lots (29-30) + (27+28) the adjacent lot.

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

3.  a **Variance** from Section(s) 1 B02.3.C.1 And 301.1 B2R to permit an existing dwelling on existing lot(s) (29-30) with an area of 10,045 sq. ft. in lieu of the required 20,000 sq. ft. and to permit an existing front yard setback of 35 feet and an existing rear yard setback of 37 feet in lieu of the required 40 feet, respectively. And lastly to permit an existing deck with a rear yard setback of 23' in lieu of the required 30 feet

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 Melissa Sweeney  
Name - Type or Print  
[Signature]  
Signature  
5409 East Dr Arbutus MD  
Mailing Address City State  
21227 / 410-247-7466 / JCHLSWEENY@COMNET  
Zip Code Telephone # Email Address

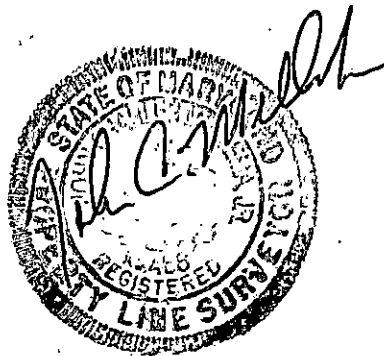
CASE NUMBER 2019-0483-UPHA Filing Date 12/1/19 Do Not Schedule Dates: \_\_\_\_\_ Reviewer JA

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

Zoning Description  
1711 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 469' 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 29 and 30 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.



# SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 12/4/2019

Case Number: 2019-0483-SPHA

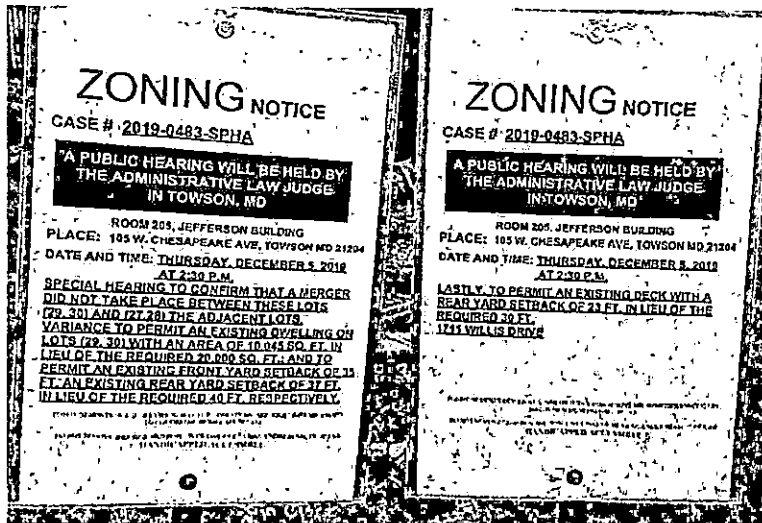
Petitioner / Developer: JOHN MELLEMA ~ MR. & MRS. MCKENNA

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:  
1711 WILLIS DRIVE

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

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



*Linda O'Keefe*  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

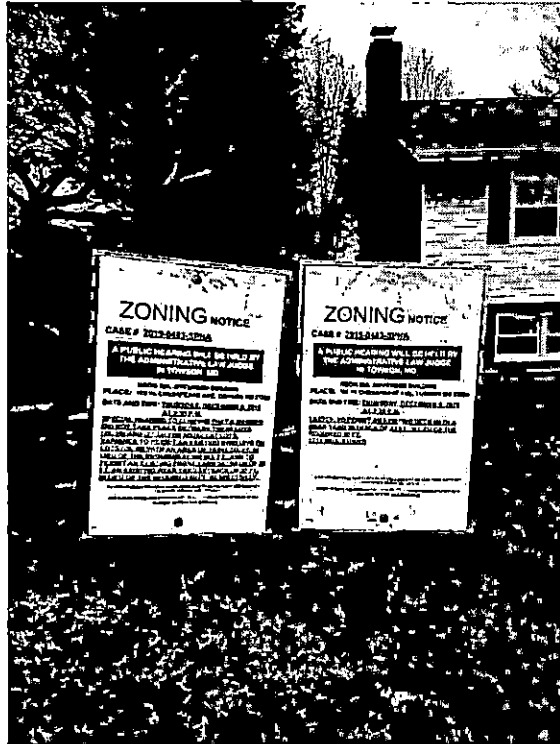
523 Penny Lane  
(Street Address of Sign Poster)

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

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



Re-Photographed 1<sup>st</sup> Set of Signs @ 1711 Willis Dr. ~ 12/4/2019



Re-Photographed 2<sup>nd</sup> Set of Signs @ 1711 Willis Dr. ~ 12/4/2019  
**CASE # 2019-0483-SPHA**





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: 2019-0483-SPHA**

1711 Willis Drive

N/east side of Willis Drive, 469 ft. s/east of South Rolling Road

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

Legal Owners: Harold & Marguerite McKenna

Special Hearing to confirm that a merger did not take place between these Lots (29, 30) and (27, 28) the adjacent lots. Variance to permit an existing dwelling on existing lots (29, 30) with an area of 10,045 sq. ft. in lieu of the required 20,000 sq. ft.; and to permit an existing front yard setback of 35 ft. and an existing rear yard setback of 37 ft. in lieu of the required 40 ft. respectively. Lastly, to permit an existing deck with a rear yard setback of 23 ft. in lieu of the required 30 ft.

Hearing: Thursday, December 5, 2019 at 2:30 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 Surveyors, 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.

# The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11811793  
Case #: 2019-0483-SPHA  
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:  
2019-0483-SPHA

## 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



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: 2019-0483-SPHA**

1711 Willis Drive

N/east side of Willis Drive, 469 ft. s/east of South Rolling Road

13th Election District - 1st Councilmanic District

Legal Owners: Harold & Marguerite McKenna

Special Hearing to confirm that a merger did not take place between these Lots (29, 30) and (27, 28) the adjacent lots. Variance to permit an existing dwelling on existing lots (29, 30) with an area of 10,045 sq. ft. in lieu of the required 20,000 sq. ft.; and to permit an existing front yard setback of 35 ft. and an existing rear yard setback of 37 ft. in lieu of the required 40 ft. respectively. Lastly, to permit an existing deck with a rear yard setback of 23 ft. in lieu of the required 30 ft.

Hearing: Thursday, December 5, 2019 at 2:30 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 410-887-5368.

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

n15

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

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: 2019-0483-SPHA**

1711 Willis Drive

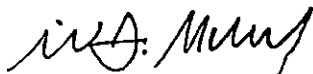
N/east side of Willis Drive, 469 ft. s/east of South Rolling Road

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

Legal Owners: Harold & Marguerite McKenna

Special Hearing to confirm that a merger did not take place between these Lots (29, 30) and (27, 28) the adjacent lots. Variance to permit an existing dwelling on existing lots (29, 30) with an area of 10,045 sq. ft. in lieu of the required 20,000 sq. ft.; and to permit an existing front yard setback of 35 ft. and an existing rear yard setback of 37 ft. in lieu of the required 40 ft. respectively. Lastly, to permit an existing deck with a rear yard setback of 23 ft. in lieu of the required 30 ft.

Hearing: Thursday, December 5, 2019 at 2:30 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.

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
 AND VARIANCE \* OF ADMINSTRATIVE  
 1711 Willis Drive; NE/S of Willis Drive, \*  
 469' 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  
 \* 2019-483-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: 2019-0483-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:  
1711 WILLIS DRIVE

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

**ZONING NOTICE**

CASE # 2019-0483-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 21204  
DATE AND TIME: THURSDAY, DECEMBER 5, 2019  
AT 2:30 P.M.

SPECIAL HEARING TO CONFIRM THAT A MERGER  
DID NOT TAKE PLACE BETWEEN THESE LOTS  
(29, 30) AND (27, 28) THE ADJACENT LOTS.  
VARIANCE TO PERMIT AN EXISTING DWELLING ON  
LOTS (29, 30) WITH AN AREA OF 10,045 SQ. FT. IN  
LIEU OF THE REQUIRED 20,000 SQ. FT.; AND TO  
PERMIT AN EXISTING FRONT YARD SETBACK OF 35  
FT. AN EXISTING REAR YARD SETBACK OF 37 FT.  
IN LIEU OF THE REQUIRED 40 FT. RESPECTIVELY.

POSTPONEMENT DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETHING NECESSARY,  
TO A PUBLIC HEARING CALL 410-336-1991

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)

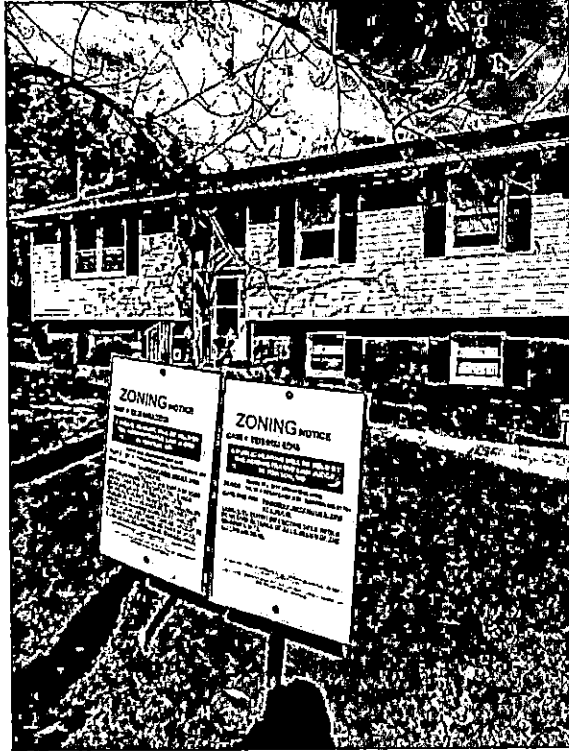
523 Penny Lane  
(Street Address of Sign Poster)

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

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



Background Photo 1<sup>st</sup> Set of Signs @ 1711 Willis Drive 11/14/2019



Background Photos 2<sup>nd</sup> Set of Signs @ 1711 Willis Dr. ~ 11/14/2019

**CASE # 2019-0483-SPHA**

**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: 2019-0483-SP4A

Property Address: Lot 29 & 30 1711 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.

Belts, Md 21227

Telephone Number: 410-491-3358



JOHN A. OLSZEWSKI, JR.  
*County Executive*

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

November 25, 2019

John Mellema Sr.  
5409 East Dr  
Arbutus MD 21227

RE: Case Number: 2019-0483-SPHA, 1711 Willis Drive

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 a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

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



12-5-19 2:30 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: 19-483



**INFORMATION:**  
**Property Address:** 1711 Willis Drive, Lots 29 and 30  
**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 29-30 & 27-28 and also the petition for variance to permit a proposed dwelling on lots 29-30 with an area of 10,045 sq. ft., a front yard setback of 35 feet and rear yard setback of 37 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 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 # 2019-0483-SPHA  
Address 1711 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



BALTIMORE COUNTY, MARYLAND

JOHN A. OLSZEWSKI, JR.  
County Executive

Inter-Office Correspondence MICHAEL D. MALLINOFF, Director  
Department of Permits,  
Approvals & Inspections



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 # 2019-0483-SPHA  
Address 1711 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. 2019-0483-SPHA

Special Hearing Variance  
John & Marguerite McElwanna  
1711 Willets 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

Comment Received

Department

Support/Oppose/ Conditions/ Comments/ No Comment

\_\_\_\_\_  
DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

\_\_\_\_\_

10/11

DEPS  
(if not received, date e-mail sent \_\_\_\_\_)

NO Comment

\_\_\_\_\_  
FIRE DEPARTMENT

10/24

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

NO OBJECTION w/ comment

10/7

STATE HIGHWAY ADMINISTRATION

No Objection

\_\_\_\_\_  
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: \_\_\_\_\_

PM 12-5-19  
2:30 pm

**Debra Wiley**

---

**From:** Linda Okeefe <lucky linda1954@yahoo.com>  
**Sent:** Wednesday, December 4, 2019 11:52 PM  
**To:** Administrative Hearings  
**Subject:** 1711 Willis Drive Photos  
**Attachments:** 1711 Willis Dr. .docx

**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,

The file was too large so I had to send these photos separately for Case # 2019-0483-SPHA @ 1711 Willis Drive.

Thanks,

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

**Debra Wiley**

---

**From:** Linda Okeefe <luckylinda1954@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 luckylinda1954@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  
luckylinda1954@yahoo.com

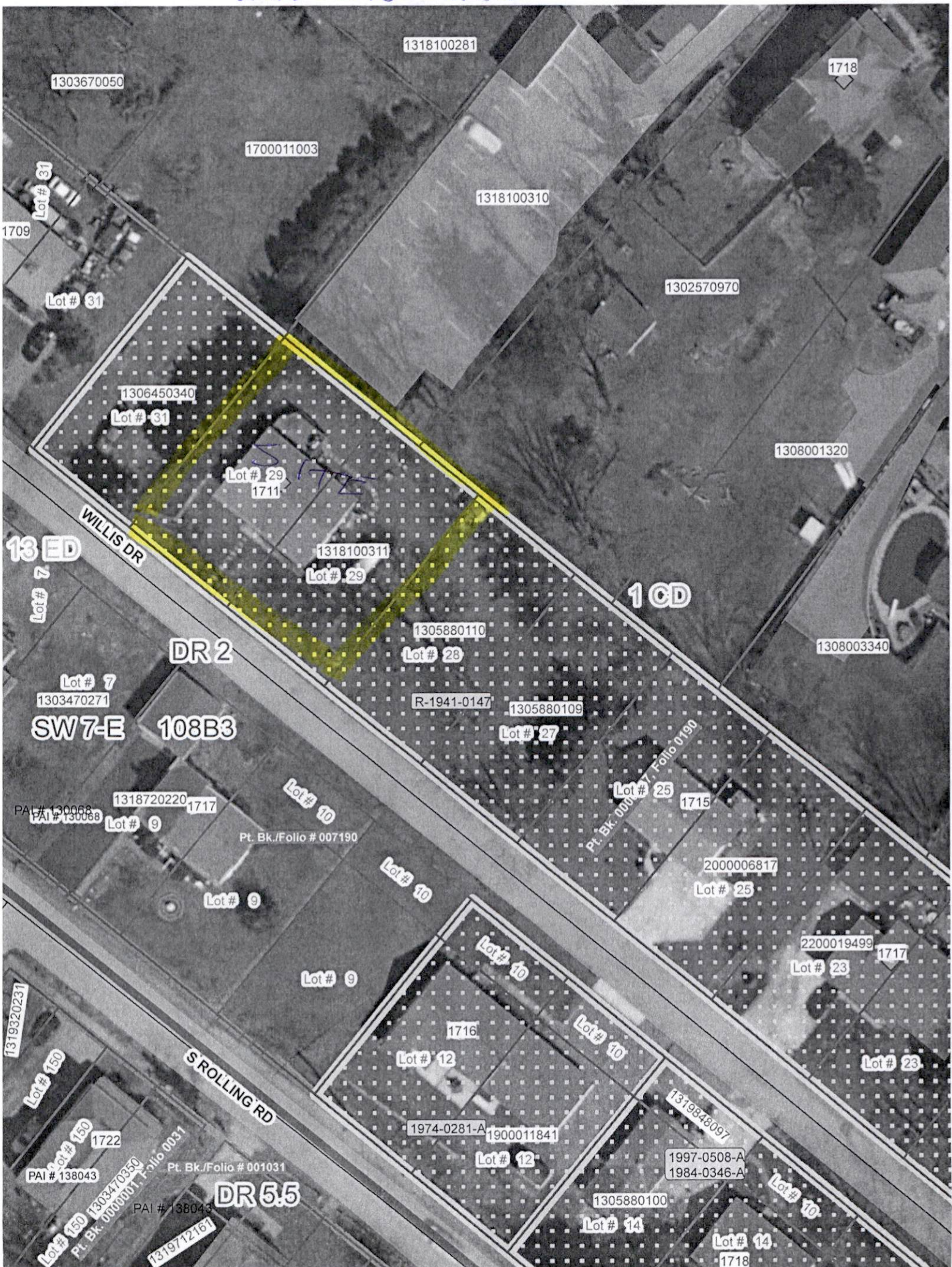


## Real Property Data Search

## 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 - 1318100311							
Owner Information									
Owner Name:		MCKENNA MARGUERITE MCKENNA HAROLD JOHN			Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		1711 WILLIS DR BALTIMORE MD 21227-4954			Deed Reference:		/15562/ 00267		
Location & Structure Information									
Premises Address:		1711 WILLIS DR 0-0000			Legal Description:		LT 29-30 453 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 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	
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		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2019		07/01/2020	
Land:		65,500		65,500					
Improvements		144,900		183,300					
Total:		210,400		248,800		223,200		236,000	
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 H				Date: 03/14/2000			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14354/ 00660			Deed2:		
Seller: FOWLER RICHARD L				Date: 02/14/1980			Price: \$3,500		
Type: ARMS LENGTH IMPROVED				Deed1: /06136/ 00376			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: Approved 12/11/2012									
Homeowners' Tax Credit Application Information									

2017-0750-0170



1318100281

1718

1303670050

1700011003

1318100310

1709

Lot # 31

1302570970

Lot # 31

1306450340

Lot # 31

1308001320

Lot # 29  
1711

13 ED

WILLIS DR

1318100311

Lot # 29

1 CD

1308003340

DR 2

1305880110

Lot # 28

R-1941-0147

1305880109

Lot # 27

Lot # 7

1303470271

SW 7-E

108B3

Pt. Bk./Folio # 0190

1318720220

1717

Lot # 10

Pt. Bk./Folio # 007190

Lot # 25

1715

PAI # 130068

PAI # 130068

Lot # 9

2000006817

Lot # 25

Lot # 9

Lot # 10

2200019499

Lot # 23

1717

Lot # 9

Lot # 10

Lot # 23

1319320231

Lot # 150

S ROLLING RD

1716

Lot # 12

Lot # 10

1319940097

1997-0508-A  
1984-0346-A

Lot # 10

Lot # 150

1722

Pt. Bk./Folio # 001031

1974-0281-A

1900011841

Lot # 12

1305880100

Lot # 14

PAI # 138043

1303470350

PAI # 138043

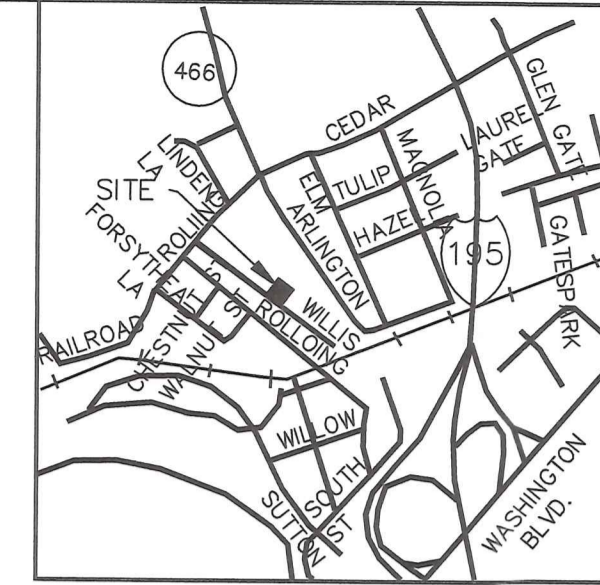
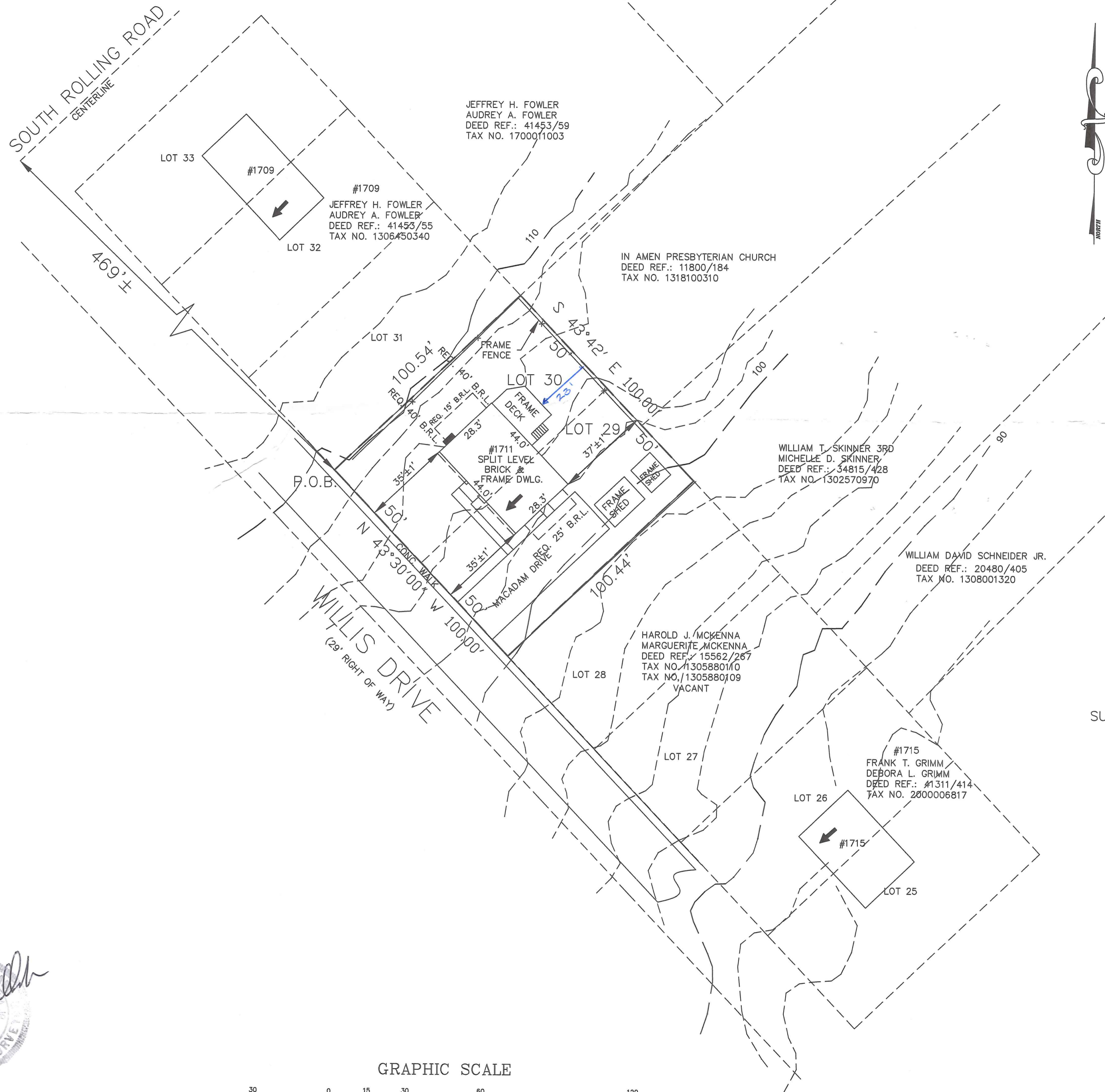
DR 5.5

1319712161

Lot # 14

1718

PLAT TO ACCOMPANY VARIANCE & SPECIAL HEARING



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 1  
 ELECTION DISTRICT: 13  
 ZONING: D.R. 2  
 1"=200' SCALE MAP: 108B3

LOT SIZE: 10,045 SQ. FT.

	YES	NO
PUBLIC SEWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PUBLIC WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/>	<input checked="" type="checkbox"/>

P.B. W.P.C. NO.7 FOLIO 190

SUBDIVISION NAME: OHERN PLACE  
 PRIOR ZONING HEARING: R1941-0147  
 DEED REFERENCE: 15562/267

HAROLD JOHN MCKENNA  
 MARGUERITE MCKENNA  
 #1711 WILLIS DRIVE  
 BALTIMORE MD 21227  
 PHONE: 410-491-3358  
 TAX NO. 1318100311

DATE: SEPTMBER, 2019  
 SCALE: 1"=30'

PETITIONER'S

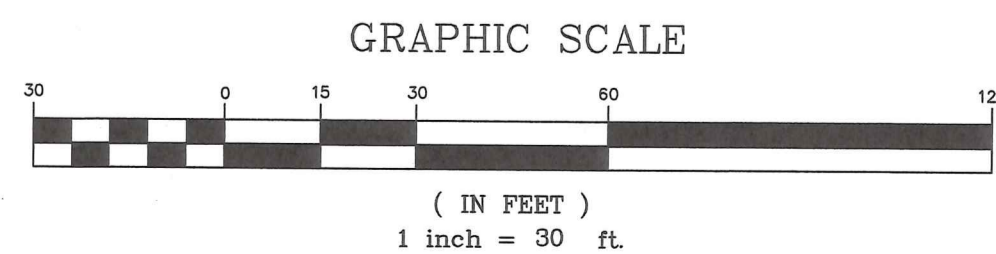
EXHIBIT NO. 1

#1711 WILLIS DRIVE  
 LOT 29 & 30  
 OHERN PLACE

BALTIMORE COUNTY, MARYLAND  
 TAX MAP 108 GRID 22 PARCEL 163  
 SCALE: 1"=30' DATE: SEPTEMBER, 2019



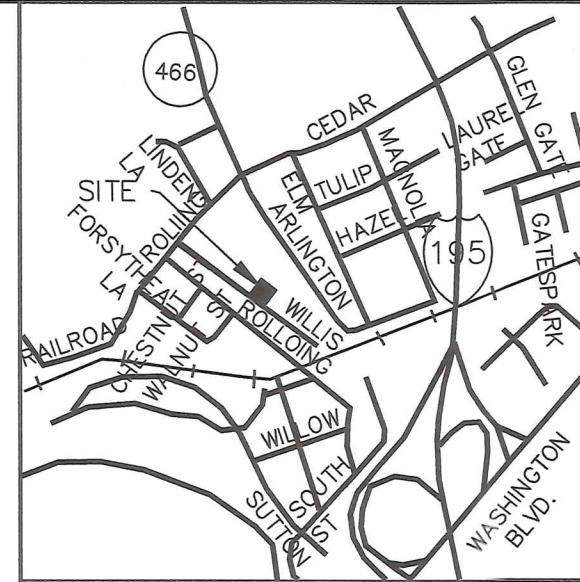
PREPARED BY:  
 JOHN C. MELLEMA SR., INC.  
 LAND SURVEYORS  
 5409 EAST DR. BALTO., MD. 21227  
 PHONE: 410-247-7488 FAX: 410-247-2507



D.R.2 REGULATIONS  
 MINIMUM LOT AREA 20,000 SQ. FT.  
 MINIMUM LOT WIDTH 100'  
 MINIMUM FRONT YARD SETBACK 40'/AVERAGE  
 MINIMUM SIDE YARD SETBACK = 15' SUM OF SIDE =40'  
 MINIMUM REAR YARD SETBACK=40'

PLAT TO ACCOMPANY VARIANCE & SPECIAL HEARING

SOUTH ROLLING ROAD  
CENTERLINE



VICINITY MAP  
SCALE: 1"=1000'

LOCATION INFORMATION

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ZONING: D.R. 2  
1"=200' SCALE MAP: 108B3

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PUBLIC WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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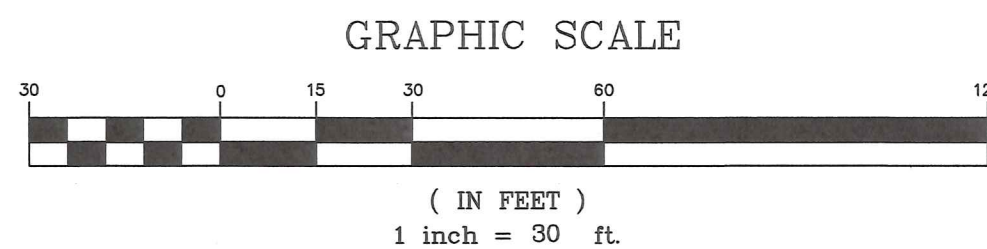
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