IN RE: PETITION FOR SPECTAL HEARING N/E Cor. Smithwood & Birch-ZONING COMMISSIONER wood Avenues (109 Smithwood Avenue) OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

Fred E. Jackson, et ux

Petitioners

Case No. 88-365-SPH

The Petitioners herein request a hearing for the approval of the existing apartments as a legal nonconforming use upon the subject site known as 109 Smithwood Avenue as more particularly described on Petitioner's Exhibit 7.

The Petitioner, represented by Thomas J. O'Connell, appeared and testified. His testimony was supported by the testimony of Mr. and Mrs. Walter T. Collins, Carlene Jackson, Mr. and Mrs. Thomas Tacka and Mr. Kenneth Tacka. The Reverend George J. McMillen appeared and testified in opposition.

The subject site contains a large frame 3-story building with a detached garage. The building consists of approximately 6,024 square feet and is depicted on Petitioner's Exhibit 7 and more clearly indicated on Petitioner's Exhibit 6 which contains four (4) photographs of the subject site. The Petitioner alleges that the structure was built in the late 1890s and was converted to seven (7) apartments prior to 1945. The Petitioner has presented affidavits (attached) from five (5) individuals indicating that the subject property has been a nonconforming apartment house since prior to 1945. The affidavits were provided by R. Phyllis Holtman, Katherine Diehlmann, Lillian A. Hart, Carmen L. Schindhelm and Mabel E. Craig.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and The Zoning Commissioner of Dartimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identi-fied herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing Came number: 88-365-SPH NK cor. Smithwood & Birdwood Avenues (109 Smithwood Avenue) lat Election District - 1st Councilmanic District Petitiners: Fred E. Jackson, et ux HFARING SCHEWLED: TUESDAY, MARCH 1, 1988 at 1:00 p.m.

Special Hearing: The existing opartments as a legal nonconforming use.

(FOR SNOW DATE, CALL 494-3391)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Robert flaires.

ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Nr. & Mrs. Fred E. Juckson Mr. Nicholam B. Coumodari

File /

The Petitioner also, through his attorney, provided the Zoning Commissioner with an affidavit from Gertrude Hopwood in support of the seven (7) apartment units. The testimony from both Mr. Tacka and the Petitioner indicates that the subject property has been used in a manner consistent with the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) . :

AND THE PROPERTY OF THE PROPER

The Protestant testified to various problems that he has had with the subject property and also testified to the questions that he had concerning the adequacy of this building to meet current fire code regulations and to be a safe habitable unit.

The Baltimore County Zoning Regulations (B.C.Z.R.) establishes a nonconforming use in Section 104.1:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used." (B.C.Z.R., 1955; Bill No. 18, 1976)"

The Maryland Court of Special Appeals in McKemy v. Baltimore County, Maryland 39 Md. App 257, 385 A2d 96 (1978) has established that the following factors should be reviewed in determining the scope of an activity in a

> "(1) to what extent does the current use of these lots reflect the nature and purpose of the original nonconform-

> > - 2 -

(2) is the current use merely a different marmer of utilizing the original nonconforming use or course it constitute a use different in character, nature and kind; (3) does the current use have a substantially different effect upon the neighborhood; (4) is the current upo a "drastic enlargement or extension "of the original nonconforming use."

Therefore, the issue is not rezoning, but a continuation of the multi-family use that has been present on the property since prior to 1945. I will not review this project for it's properness and/or desirability upon this site. The issue is whether or not it is a nonconforming use.

The facts and evidence in the record tend to indicate that the subject property has clearly been used as an apartment building since prior to January 1, 1945. The evidence is somewhat conflicting as to the exact number of apartments contained within the unit prior to January 1, 1945 and the evidence supplied by affidavit from the daughter of the individual who converted the building to apartments indicates that there were only three (3) apartments on the first floor, two (2) apartments on the second and one (1) apartment on the third. Therefore, the best evidence upon the subject of a number of apartments allowable under a nonconforming status indicates that there were only six (6) apartments contained within the building prior to January 1, 1945. The evidence, clearly, indicates that the building now contains seven (7) apartments.

Pursuant to the advertisement, posting of the property and the public hearing on this Potition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

IT IS, THEREFORE, ORDERED by the Zoning Commissioner of Baltimore County this 57 day of May, 1988 that the relief requested in the Petition for

- 3 -

Located at the northeast corner of the centerline of Smithwood and Birdwood Avenues and running the following courses and distances:

Northerly along the centerline of Smithwood Avenue 136.13' (DEED), 141.24' (COMPUTED)

N 600 12' E 91' thence

N 350 45' E 6.5' thence

N 610 40' E 63.72' thence

S 290 00° E 161.0° to the centerline of Birdwood Avenue thence

S 660 43' W 166.0' to the place of beginning. Also known as 109 Smithwood Avenue.

Special Hearing to approve a nonconforming use for the property known as 109 Smithwood Avenue and more particularly described in Petitioner's Exhibit #7 as an apartment building for six (6) nonconforming apartments be and is hereby

> ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Peoples Counsel

Mrs. 12-3-87

BALTIMORE COUNTY, MARYLAND No. 45727 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

ACCEIVED MP C Mrs Frel E Jackson

- 6059*****1000C14 20344

VALIDATION OR SIGNATURE OF CASHIEF

HEARING

211

m R-01-1-15-000 in Baltimore County and which is e a part hereof, hereby petition for oning Regulations, to determine the 'ommissioner should approve.

by Zoning Regulations. ng advertising, posting, etc., upon ing of this Petition, and further agree to and are to be bound 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, 1/3 under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Contract Purchaser: Fred E. Jackson (Type or Print Name) Signature / Carleen E. Jackson Irlan E yackson

Attorney for Petitioner 7848 Oakdale Avenue 686-6849 (Type or Print Name)

Baltimore, Maryland 21217 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Nicholas B. Commodari

3607 Bonview Ave. Balto. Md. 21213
Address Phone No. 825-8400 Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day 2 Por Advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of _______ 1911, at _____ o'clock

Zoning Commussioner of Baltamore County.

E.C O. -No. 1 (over) _____ ESTIMATED LENGTH OF HEARING -1/28A. (+18A. AVAILABLE FOR REARING

AVAILABLE FOR REARING

MON./TUES./MD. - NEXT TWO MORTHS

ALL

OTHER

REVIEWED BIS 1977 100 DATE 12-2 677

TURING ESPARTMENT OF BALTIMORE COUNTY SF-365-SPH

Date of Posting 2-11-88 Special Hearing Location of property: N. E. Corner of Assattaward & Birdwood Location of Signer Close front of LRI Amathorox and

CERTIFICATE OF POSTING

The state of the s CERTIFICATE OF PUBLICATION

> THIS IS TO CERTIFY, that the annexed advertisement was NOTICE OF HEARING The Zoning Commissioner of Beltimore County, by suffortly of the Zoning Act and Regulations of Beltimore County, will held a public hearing on the property identified herein in Room 106 of the County Office Building, Fixaled et 111 W. Chesapeake Avenue in Towson published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on ryland as follows: Feb. 11. 19.88 Maryland as 1000vs.
> Petition for Special Hearing
> Case number: 88-365-SPH
> NE cor. Smithword & Birdwood Avenue
> 1st Election District — 1st Council

THE JEFFERSONIAN, Susan Senders Obrecht

\$ 32.18

manic District
Pentioners: Fred E. Jackson, et ux
HEARING SCHEDULED: Tue-day.
March 1, 1988 at 1:00 p.m.

FOR SNOW DATE, CALL 494-3391"

Special Hearing: The existing

apartments as a segment that use use.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shows. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing set above or presented at the hearing.

1. ROBERT HAINES

I, Geraldine Waldvogel Hopwood, 419 South Rolling Road, Catonsville, Maryland 21228, have been a lifelong resident of Catonsville, Maryland.

I am the daughter or the late Raymond F. Waldvogel, who owned 109 Smithwood, Catonsville, from at least the 1920's through 1944. We lived as a family in 109 Smithwood, until my father began making it into epartments.

While I was still a schoolgirl, approximately 1920 to 1930, my father began to convert 109 Smithwood into epertments. When he finished, about 1930, he had made two spartments on the first floor, two spartments on the second floor, end one apertment on the third floor.

About 1940 or 1941, my father made three apertments on the first floor by splitting a sunperlor on the south side of the building. This made three spertments on the first floor, two spertments on the second floor, and one epertment on the third floor. It remained in that configuration until I moved ewey with my family in the Spring of 1944.

From late 1942 through 1943, I lived in the spertment on the southwest corner of the first floor. Then, there were three spertments on the first floor, two apartments on the second floor and one apartment on the third floor.

I believe my father then sold the building to a barber named Vince Provenza in 1944. From the fact that he added outside fire escepes to the building, I essume he added more epartments inside.

About 1930, we moved from 109 to 111 Smithwood when my father began making the apartments. We lived at 111 Smithwood until the Spring of 1944. when my family moved from Smithwood.

IN THE MATTER OF

BEFORE THE ZONING COMMISSIONER CF BALTIMORE COUNTY

109 SMITHWOOD AVENUE

PETITION FOR SPECIAL HEARING

* Case No. 88-365-SPH

COMMISSIONER:

In accordance with the Zoning Act and Regulations of Baltimore County, Rules of Practice and Procedure of the Zoning Commissioner of Baltimore, Rule IV, C, 2, please issue a subpoena duces tecum to the Baltimore Gas and Electric Company, Custodian of Records, 39 West Lexington Street, Charles Center, Baltimore, Maryland 21203, for the following information:

All records pertaining to the installation of electric and gas service, electric meters and gas meters, as well as all accounts for which service was provided from 1930 to present for the property known as 109 Smithwood Avenue (NE corner Smithwood and Birdwood Avenues), Catonsville, Maryland 21228.

Please made the same returnable to Room 106, County Office Building, 111W. Chesapeake Avenue, Towson, Maryland, 21204, on TUESDAY, MARCH 1, 1988 at 1:00 p.m.

> 1002 Frederick Road Catonsville, Maryland 21228 788-2300 Attorney for Petitioner, Jackson

I have not been in the building since 1944; but, know that it has been used as an apartment house continuously since at least 1930.

I solemnly effirm, under the penalties of perjury, and upon personal knowledge, that the contents of the foregoing Affidavit are true.

MCFARLAND, WEINKAM, O'CONNELL & MASTERS

1002 FREDERICK ROAD CATONSVILLE, MARYLAND 21228 - 5029

. VICTOR MCPARLAN LOUIS J. WEINKAM, SR. P.C. THOMAS J. O'CONHELL KENNETH H. MASTERS

April 13, 1988

Zoning Commissioner of Baltimore County Office of Planning and Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204

APR 14 1983

784 - 8189

744 - 3256

RE: Case #88-365-SPH 109 Smithwood Avenue

Dear Mr. Haines: Enclosed is the Affidavit of Mrs. Hopwood. Thank you for your patience and courtesies in this

THOMAS J. O'CONNELL

TJO'C:jfm enc. cc: Fred E. Jackson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer Zoning Supervisor James Thompson

FROM Zoning Enforcement Coordinator Item No.: // (if known)
SUBJECT Petitioner: (if known)

VIOLATION CASE C-88-45/LOCATION OF VIOLATION 109 Smithwood (wemme DEFENDANT Fred and Carloson Hochran ADDRESS 1848 Arkdale f

Please be advised that the aforementioned petition is the subject of an wactive violation case. When the petition is scheduled for a public hearing, please notify the following persons:

John Fattich 110 Smithwood Ovenie

110 Smith wood are 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

MCFARLAND, WEINKAM, O'CONNELL & MASTERS 1002 FREDERICK ROAD CATONSVILLE, MARYLAND 21228 - 5029

& VIGTOR MOPARLANG LOUIS J. WONKAME OR P. C. THOMAS J. O' GOWHELL EMHETH H. MAST CHE

March 10, 1988

Zoning Commission of Baltimore County Office of Zone and Planning 111 W. Chesapeake Avenue Towson, Maryland 21204

Case #88-365-SPH 109 Smithwood Avenue

At the hearing of this case on March 1, 1988, you granted me time to contact and interview a Mrs. Hopwood, reportedly the daughter of the owner of the property in 1942. She would have first hand knowledge of the existence of apartments, their location, and number.

I have contacted Mrs. Hopwood, by phone, and she is the granddaughter of the original owner, and the daughter of the man who put in the apartments. Her brother is also alive.

However, before I could personally interview them for an affidavit, I got the flu, had an allergic reaction to the medicine, and now have severe laryngitis from the allergy.

Therefore, I request a postponement of the submission deadline, so that I might talk with the Hopwoods and secure the affidavits.

TJO'C:cac

Thomas J. O'Connell, Esquire McFarland, Weinkam, O'Connell and Masters 1002 Frederick Road Catonsville, Maryland 21228-5029

> RE: Case #88-365-SPH 109 Smithwood Avenue

Dear Mr. O'Connell:

I am in receipt of your letter dated March 10, 1988 regarding the above captioned matter.

Please be advised I will give you until Monday, April 11, 1988 to secure the affidavits. I hope that you will feel better very soon and, if you need any addi-tional information, please do not besitate to contact this office.

Very truly yours,

J. Robert Haines Zoning Cumissioner

JRH:mm

3/11 Willy railed & filetine at 1848 Caldete 2007

Mr. Robert Haires Zoning Commissioner 111 W. Chesapeake Ave. Towson, MD 21204

> RE: Case 88-365-SPH NE/C Smithwood & Birdwood Aves. Petitioner - Fred Jackson, et, ux

Dear Mr. Haines:

Please be advised that I am no longer involved in the above r. ferenced

All future correspondence (i.e. comments, advertising costs, etc.) should be directed to Mr. Jackson.

Thank you for your attention in this matter.

NC:bac

IN THE MATTER OF

PETITION

BEFORE THE ZO ZONING OFFICE **COMMISSIONER OF**

FOR SPECIAL HEARING 109 SMITHWOOD AVENUE

BALTIMORE COUNTY Case No. 88-365-SPH

RETURN OF PRIVATE PROCESS SERVER

The undersigned hereby certifies that he executed service of process upon Baltimore Gas and Electric Company, on January 25, 1988 at 39 West Lexington Street, Charles Center, Baltimore, Maryland 21203, by delivering and leaving with Kerry Fisher, Senior Attorney, Litigation Section, a copy of the Subpoena Duces Tecum issued by this Commission on February 25, 1988.

The undersigned further certified that he is over 18 years of age and is Petitioner's Counsel. I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

IN THE MATTER OF PETITION FOR SPECIAL HEARING * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 88-363-SPH

COMMISSIONER:

109 SMITHWOOD AVENUE

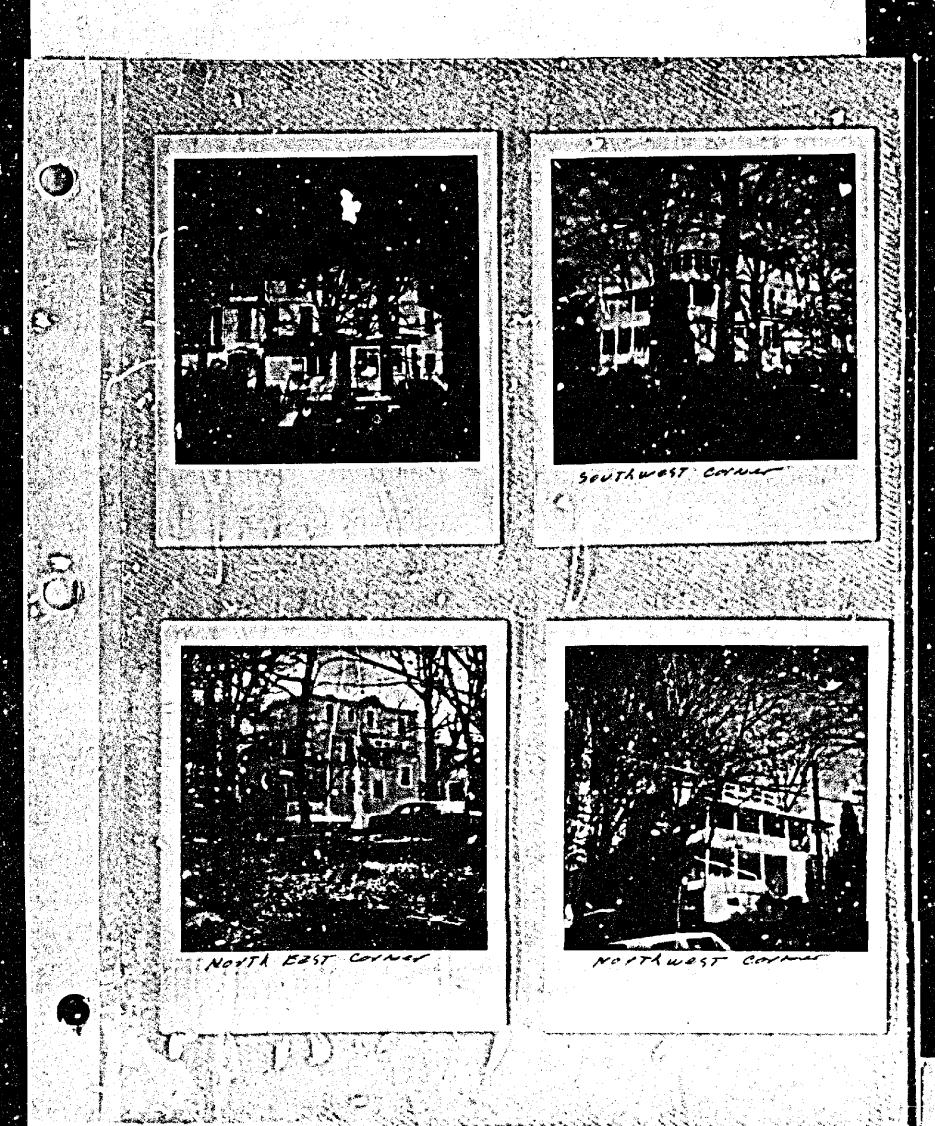
In accordance with the Zoning Act and Regulations of Baltimore County, Rules of Practice and Procedure of the Zoning Commissioner of Baltimore, Rule IV, C, 2, please issue a subpoena duces tecum to the Baltimore Gas and Electric Company, Custodian of Records, 39 West Lexington Street, Charles Center, Baltimore, Maryland 21203, for the tollowing information:

All records pertaining to the installation of electric and gas service, electric meters and gas meters, as well as all accounts for which service was provided from 1930 to present for the property known as 109 Smithwood Avenue (NE corner Smithwood and Birdwood Avenues), Catonsville, Maryland 21228.

Please made the same returnable to Room 106, County Office Building, 111W. Chesapeake Avenue, Towson, Maryland, 21204, on TUESDAY, MARCH 1, 1988 at 1:00 p.m.

> 1002 Frederick Road Catonsville, Maryland 21228 Attorney for Petitioner, Jackson

- lastes a red by IMN DZ



Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 Mr. & Mrs. Fred E. Jackson 7848 Oakdale Avenue Baltimore, Maryland 21237

Re: Petition for Special Hearing Case number: 88-365-SPH NE cor. Smithwood & Birdwood Avenues (109 Smithwood Avenue)

1st Election District - 1st Councilmanic District Petitiners: Fred E. Jackson, et ux HEARING SCHEDULED: TUESDAY, MARCH 1, 1988 at 1:00 p.m. Dear Mr. & Mrs. Jackson:

Please be advised that \(\frac{1}{\psi} \) is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until 1.2 day of the hearing.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANGOUS CASH RECEIPT County, Maryland and forward mm 113, Towson, Maryland 21204. B 135 *** 6 5 9 = 3 (55 - 5 PTT VALIDATION OR SIGNATURE OF CASHIER

cc: Nicholas B. Commodari

File

Notice of Hearing - Case # 88-365-SPH Catonsville Times
Arbutus Times weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 13th day of February 1988, that is to say, the same was inserted in the issues of February 11, 1988

() To whom it may concern Having been a resident at 117 Smithwood ave since 1921 I hereby state Mat 109 Smithwad Ave has been an apartment house. since I was 12 years old. Iam now 73. It has remained an aparlment house ever since. Dabel Enery Craig Artsentel Refre Dro at Obsello. Co, Prol Dea 17/1987 By Commy 4p as 7/1/90

> PETITIONER'S EXHIBIT 5

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5 Love of Montand Bellina Jus lever Volam Public

EXHIBIT 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner February 22, 1988 P. David Fields
FROM Director of Planning and Zoning Zoning Petition Nos. 88-345-SPH, 88-342-SPH, SUBJECT 88-350-SPH, 88-376-SPH, 88-377-SPH, 88-387-SPH

March 1

February 17, 1988

In view of the subject of this petition, this office offers no commenter

P. David Fields per Hosevell P. David Fields

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

AFFIDAYIT

I, Katherine D. Diehlmann, 2104 Oak Lodge Road, Catonsville, Maryland, 211228, have been a lifelong resident of Catonsville, Maryland. I resided at 114 Smithwood Avenue, until 1958. During the entire time, 109 Smithwood Avenue was always an apartment house, with at least seven apartments; three on the first floor, three on the second, and the top as one apartment. This condition existed prior to 1935, the year of my high school graduation. I played with children who resided in that apartment house. One resident was named Emma All, who was hurt in a sled accident on Smithwood Avenue, while I was a wenager

I solemnly affirm under the persities of perfury and upon personal knowledge that the contents of the foregoing paper are true.

DATE: 3/1/88

Service of the servic

PETITIONS

EXHIBIT 2

APPIDATIE

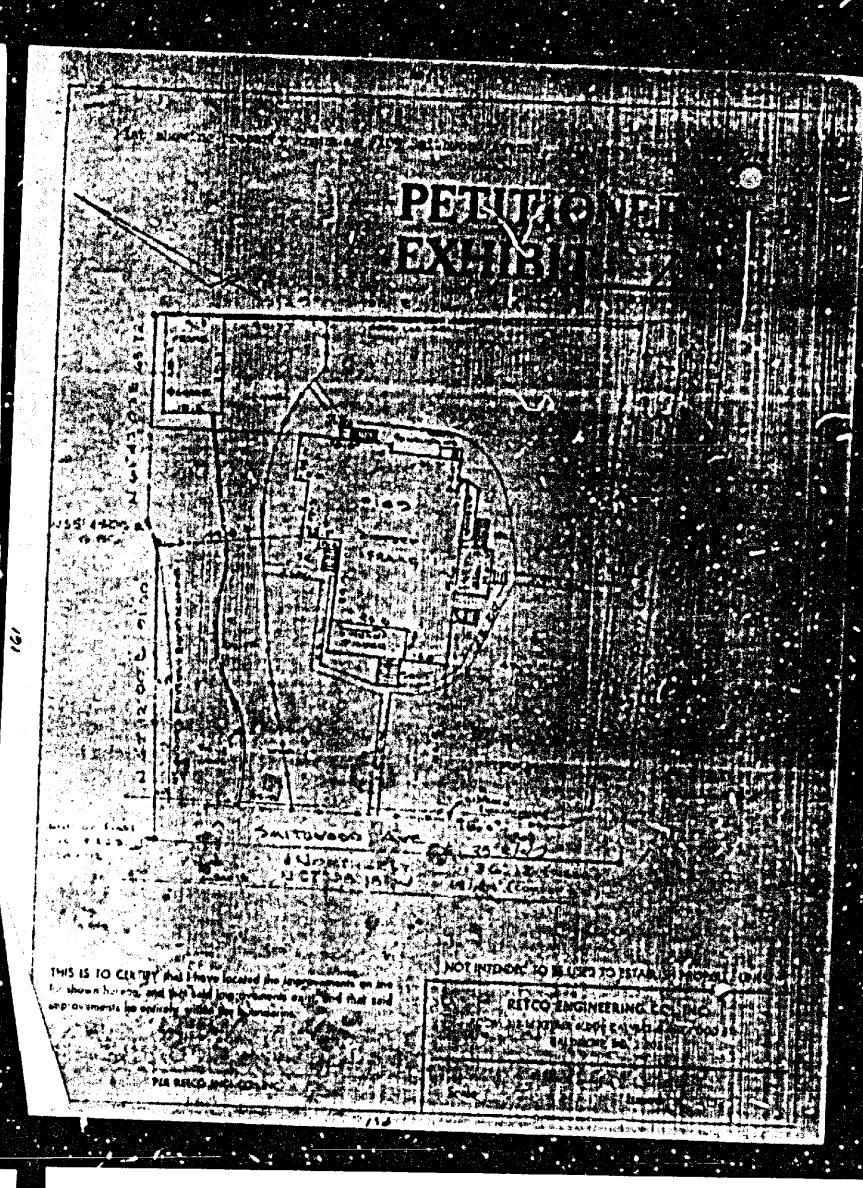
I, R. PHYLLIS HOLTMAN, of 114 Smithwood Avenue, Campville, Maryland, 21228, have been a lifelong resident of Catonsville. I have lived all my his at 114 simithwood Avenue, and can assify that 109 Smithwood has always been an apartment house of seven to nine apartments. I am not sum of the exact amount, but know of at least seven by count. My earliest date recollection is 1942, because I graduated from high school that year, and several of my fairn's lived in 109 Smithwood Avenue, which had at least seven apartments at that time.

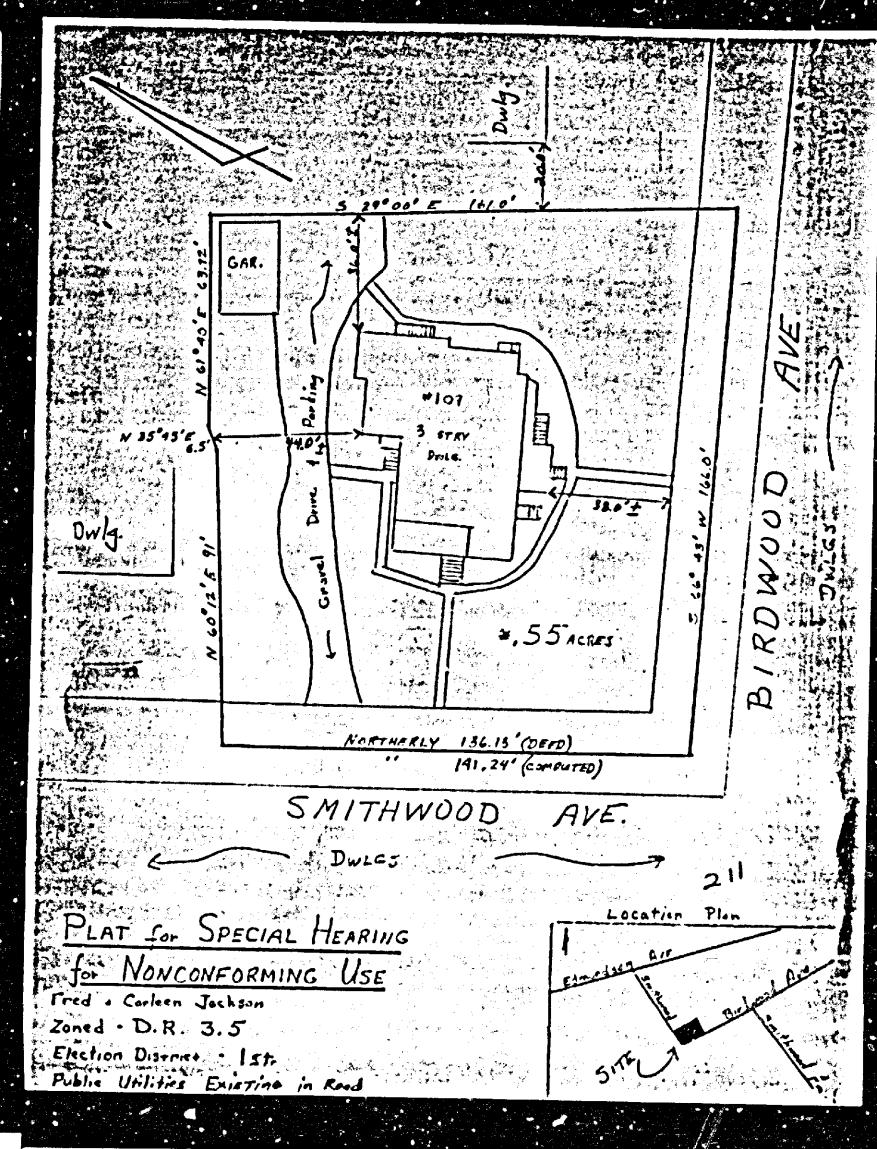
I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and behaf.

PETITIONER'S EXHIBIT 1

Dennis F. Rasmussen County Executive

to Whom I to May Concern to trebuser a nearl privabil 6491 sanie sul boowlime TII boomstime POI talt et to greenal & nett exical trantrago no sour sul. Aubsculed Defineme at Balto Co. Mil My Commission expre 7/1/90 PETITIONER'S EXHIBIT 4





Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

January 7, 1988

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 206, 208, 209, 210, 211) 213, and 214.

> Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue

Your petition has been received and accepted for filing this day of January

Petitioner Fred E. Jackson, et ux Petitioner's Attorney

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines
Zoning Commissioner





Dennis F. Rasmussen

Thomas J. O'Connell Esquire McFarland, Weinkam, O'Connell and Masters 1002 Frederick Road Catonsville, Maryland 21228-5029

> RE: Case # 88-365 SPH Petition for Special Hearing Fred E. Jackson, et ux, Petitioners

Dear Mr. O'Connell:

Pursuant to recent hearing held on the subject case, please be advised that your Petition for Special Hearing has been Granted, copy attached.

If you have any questions concerning this matter, please do not hesitate to contact this office.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE February 18, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21206 Mr. Fred E. Jackson 7848 Oakdale Avenue Baltimore, Maryland 21237

Bureau of Engineering Department of

Board of Education

Zoning Administration

Traffic Engineering State Roads Commission Bureau of Health Department Project Planning Building Department

RE: Item No. 211 - Case No. 88-365-SPH Petitioner: Fred E. Jackson, et ux Petition for Special Hearing

Dear Mr. Jackson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, JAMES E. DYER /KB Zoning Plans Advisory Committee

JED:kkb

Enclosures

co: Mr. Nicholas B. Commodari 3607 Bonview Avenue Baltimore, Maryland 21213

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

December 30, 1987

Re: Property Owner: Fred E. Jackson, et ux

Location: NE corner Smithwood and Birdwood Avenues

Item No.: 211

Coming Acedda: Meeting of 12/15/87 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be

located at intervals or feet along an approved road in accordance with Bultimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCERDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protestion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER Calt 1 100 1/1 1/1 1/2 1/2 Approved:

| Planning Group | Fire Prevention Bureau | Special Inspection Division

Towson, Maryland 21204 020111 Received by: James E. Dye:

Chairman, Zoning Plans
Advisory Committee

May 6, 1988