

IN THE MATTER OF

Frances & Josef L. Gehring
437 E. Pennsylvania Avenue
9th Election District; 4th Councilmanic Dist.

BEFORE THE

COUNTY BOARD

OF APPEALS OF

BALTIMORE COUNTY

Case No. ~~008~~ 00-235-SPH

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CONSENT ORDER

On December 5, 2000 a hearing was held before the Board of Appeals ("the Board") from a decision of the Zoning Commissioner relative to a Petition for a Special Hearing for the property known as 437 E. Pennsylvania Avenue, in Towson, Maryland ("the Property"). The property is owned by Josef L. Gehring and his wife, Frances Gehring ("the Gehrings"). The Department of Permits and Development Management ("PDM" or "the County") filed the Petition seeking approval of a waiver of certain provisions of the Baltimore County Code relating to the razing of the property. At the hearing before the Board, testimony was heard, exhibits were introduced and oral argument was had by the parties. Prior to the public deliberation of this matter which is scheduled for March 28, 2001, the parties have agreed to enter into a Consent Order and hereby stipulate and agree as follows:

1. The subject property is improved with a two-story structure which was at one time used as a dwelling. A portion of the rear of the structure is known as the "Jacob House" and is listed on the registry of the Maryland Historic Trust. This portion of the structure was formerly a log cabin and has significance as a building which is original to the historic black enclave of east Towson.
2. Since October, 1998, the building has been unoccupied as a result of a fire which caused significant structural damage and has rendered the building uninhabitable and, otherwise a public nuisance.
3. The County desires the Gehrings to raze the building because of concerns of public safety and the Gehrings are willing to move forward with the demolition of the structure.
4. The North East Towson Improvement Association ("the Improvement Association") wishes to preserve that portion of the structure known as the "Jacob House" which dates from the beginnings of this African-American community in the early 1800's to insure that it remains a part of the fabric of the community.

5. The County and the Improvement Association have been diligently working to identify a preservationist expert in historic log houses to work with them to develop a proposal to dismantle the house, inventory and tag the logs, and transport them to a storage facility.
6. The Improvement Association will contract with Douglas C. Reed and Preservation Associates, Inc. of Hagerstown, Maryland to undertake the dismantling and removal of the "Jacob House" prior to the razing of the remainder of the structure. The parties agree that work may commence immediately upon the execution of this Agreement and shall be completed no later than April 22, 2001.
7. The Improvement Association agrees to indemnify and hold harmless the Gehrings from and against any and all costs, liabilities and expenses with respect to any and all loss of life or property, or injury or damage to persons or property in connection with the dismantling and removal of the "Jacob House" from the Property. The Gehrings agree to relinquish any and all right, title and interest in and to the logs which are dismantled and removed.
8. The County and the Improvement Association hereby agree and stipulate that once the remnants of the Jacob House have been dismantled and removed in accordance with its contract with Preservation Associates, Inc., it will not object to the issuance of a demolition permit to Gehring *et ux* anytime after April 22, 2001.

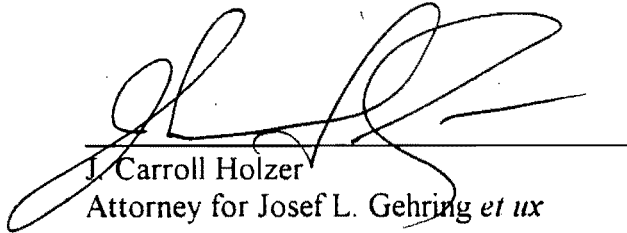
WHEREFORE, it is this 4th day of April, 2001 by the County Board of Appeals for Baltimore County hereby

ORDERED that the above referenced matter shall be subject to dismissal with prejudice provided that

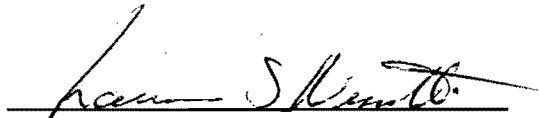
- 1) On or before April 22, 2001 Preservation Associates, Inc. dismantles the structure located at 437 E. Pennsylvania Avenue in Towson, Maryland and known as the "Jacob House," inventories and tags the logs, and transports them to a storage facility;
- 2) That thereafter Josef L. Gehring and his wife, Frances Gehring, apply for and are granted a building permit to be issued by the Buildings Engineer of Baltimore County and in fact complete the razing of the remainder of the structure in accordance with the Baltimore County Code and all applicable laws and regulations; and further that

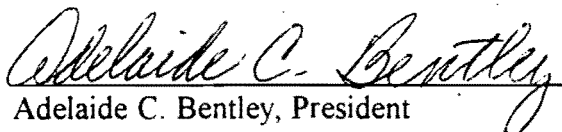
3) Because of the executory nature of the conditions stated herein this matter shall be subject to the continuing jurisdiction of the Board until such time as the parties notify it that all terms and conditions stated herein have been met.

APPROVED AS TO FORM AND
SUFFICIENCY

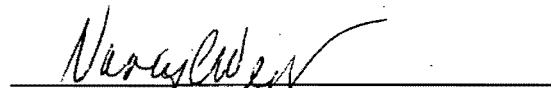

J. Carroll Holzer
Attorney for Josef L. Gehring *et ux*

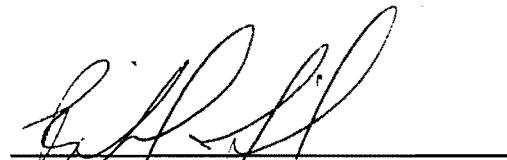
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott
Chairman


Adelaide C. Bentley, President
North East Towson Improvement
Association


Margaret Worrall


Nancy C. West
Assistant County Attorney for
Baltimore County, Maryland


Richard Irish



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

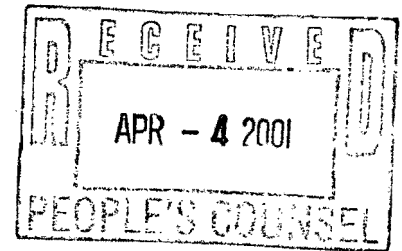
CP
PM2

April 4, 2001

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Nancy C. West, Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, MD 21204

Adelaide Bentley
Northeast Towson Improvement Association
409 E. Pennsylvania Avenue
Towson, MD 21286



RE: *In the Matter of: Josef & Frances L. Gehring* -Legal Owners;
Baltimore County, MD -Petitioner Case No. 00-235-SPH

Dear Counsel and Ms. Bentley:

Enclosed please find a copy of the Consent Order entered into by the parties to the subject matter and issued this date by the County Board of Appeals of Baltimore County.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosure

c: Mr. & Mrs. Josef Gehring
John Reisinger, Building Engineer /Baltimore County
Barbara Dennenberg
Kathryn Bailey
Kendra Weems-Brown
Kimberly Abe -Landmarks Preservation Commission
The Honorable Wayne Skinner /County Council
✓ People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence Schmidt /Zoning Commissioner
Kathy Briggs /Comm Conservation MS #1102-M
Donald T. Rascoe, /PDM
John Altmeyer /CIE -PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
N/S Pennsylvania Avenue, 230' E of the	* ZONING COMMISSIONER
c/l Railroad Avenue and 790' E of the c/l	* OF BALTIMORE COUNTY
Fairmont Avenue	* Case No. 00-235-SPH
(437 E. Pennsylvania Avenue)	
9 th Election District	
4 th Councilmanic District	
Joseph L. Gehring, et ux, Owners;	*
Baltimore County, Petitioners/Lienholders	
* * * * *	* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for the property known as 437 E. Pennsylvania Avenue in Towson. The property is owned by Joseph L. and Francis Gehring; however, the Petition was filed by the Baltimore County Department of Permits and Development Management (DPDM). Special hearing relief is requested to approve a waiver, pursuant to Sections 26-171, and 26-172(b) of the Baltimore County Code (B.B.C.), of Sections 26-203(C)(8) and 26-278 thereof to permit the razing of an existing building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Petition were John Reisinger, P.E., Building Engineer for Baltimore County, and Kimberly Abe, an employee of the Baltimore County Office of Planning and Administrative Secretary to the County's Landmarks Preservation Commission (LPC). Joseph L. Gehring, property owner, also appeared along with his attorney, J. Carroll Holzer, Esquire. Several neighbors from the surrounding community appeared, including Barbara Dennenberg, Kathryn Bailey, and Kendra Weems-Brown.

The property at issue is a small, rectangular shaped lot, containing roughly ¼ acres in area, zoned D.R.10.5 and was acquired by Mr. & Mrs. Gehring in March 1984. The property is improved with a two-story structure which was at one time used as a dwelling. A portion of the rear of the structure is known as the "Jacob House" and is listed as an item on the Maryland

Historic Trust. This portion of the structure was formerly a log cabin and has significance as an original building in the historic African-American community of East Towson. Apparently, the building has been added on to over the years, and at the present time, the structure contains the original log cabin, an addition to the front, and an added second floor.

Testimony received from the neighbors indicated that the property has been run down and unkempt for a number of years. In October, 1998, much of the building was damaged as the result of a fire. Since then, the building has been unoccupied and can be labeled as an eyesore. Photographs of the property were submitted at the hearing which show significant structural damage and that the building is uninhabitable.

Baltimore County is apparently concerned about the building from a public safety standpoint. Although unoccupied, the structure could be utilized by vagrants and does constitute a public nuisance. The County has repeatedly requested that Mr. Gehring take such steps as are necessary to raze the building; however, Mr. Gehring claims that he is unable to do so, owing to the historic designation of a part of the structure. Thus, the County filed the instant Petition in order to obtain Hearing Officer/Zoning Commissioner approval to raze the building, notwithstanding its historic designation.

Based upon the testimony and evidence offered, the following findings are hereby entered. First, the building should be razed as soon as possible. It presents a hazard to the public and a blight on the neighborhood. In its present state, the structure has limited, if any, historic significance. However, owing to the provisions of the County Code which allow an appeal of decisions made by the Hearing Officer/Zoning Commissioner within 30 days of the issuance of such a written decision, County policy prohibits razing during the appeal period. Obviously, the razing of the building would make an appeal moot. This policy was not addressed during the hearing but must be considered. The time for an appeal of this Order expires on February 2, 1999; thus, the Petitioners shall raze the building within one week of the expiration of the appeal period. Therefore, the building shall be razed and all debris removed from the lot by February 9, 2000.

Second, although the building has questionable historic value, the Landmarks Preservation Commission (LPC), or their designee, may have interest in the structure. I will require that Mr. Gehring provide the LPC or its designee the opportunity to remove the log cabin portion of the structure or materials used in connection with the construction therewith. The cost for removal shall be borne by the LPC or its designee; however, Mr. Gehring will not be compensated for these materials. At its meeting of January 13, 2000, the LPC will decide whether they wish to remove, reconstruct and/or relocate the building or parts thereof. They shall have the right to do so without payment to the property owner.

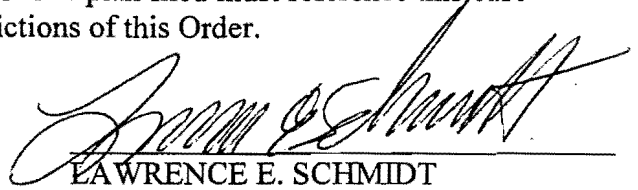
Third, on or before January 10, 2000, Mr. Gehring shall apply for a permit to remove utilities (electric, water, etc.) which serve the structure. This need be in place before the building is razed. Fourth, Mr. Gehring shall hire a contractor to undertake the demolition of the building, the cost of which shall be borne by him.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of January, 2000 that the Petition for Special Hearing to approve a waiver, pursuant to Sections 26-171, and 26-172(b) of the Baltimore County Code, of Sections 26-203(C)(8) and 26-278 of the Baltimore County Zoning Regulations (B.C.Z.R.), to raze the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The building shall be razed and debris removed on or before February 9, 2000.
- 2) Mr. Gehring will provide, at no cost, the LPC or its designee the opportunity to remove the log cabin portion of the structure and/or materials used in connection with the construction therewith. The cost for removal shall be borne by the LPC or its designee.
- 3) On or before January 10, 2000, Mr. Gehring shall apply for a permit to remove utilities (electric, water, etc.) which serve the structure.

- 4) Mr. Gehring will hire a contractor to undertake the demolition of the subject building, the cost of which shall be borne by him.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

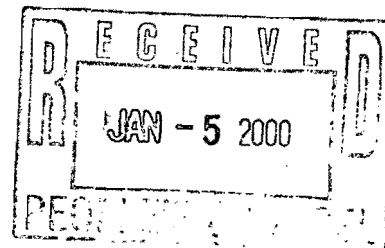


Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

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January 4, 2000

Mr. John M. Reisinger
Baltimore County Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204



RE: PETITION FOR SPECIAL HEARING
N/S Pennsylvania Avenue, 230' E of c/l Railroad Ave., 790' E of Fairmont Avenue
(437 E. Pennsylvania Avenue)
9th Election District - 4th Councilmanic District
Joseph L. Gehring, et ux, Owners; Baltimore County DPDM - Petitioners
Case No. 00-235-SPH

Dear Mr. Reisinger:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file
an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For
further information on filing an appeal, please contact the Zoning Administration and
Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Joseph L. Gehring
518 Virginia Avenue, Towson, Md. 21286

Ms. Kimberly Abe, Office of Planning; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 437 E. Pennsylvania Avenue

which is presently zoned D.R.10.5

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

a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278 to raze the building.

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

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

Lienholder:

~~Contract Purchaser/Lessee~~

Baltimore County

Name - Type or Print

Signature

111 W. Chesapeake Avenue

887-4585

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

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

Legal Owner(s):

Joseph L. Gehring

Name - Type or Print

Signature

Francis Gehring

Name - Type or Print

Signature

518 Virginia Avenue

Address

Telephone No.

Baltimore

MD

21286

City

State

Zip Code

Representative to be Contacted:

John Reisinger

Name

111 W. Chesapeake Ave.

887-4585

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By UCI Date 12-3-99

Case No. 00-235-SPH

REV 9/15/98

DROP OFF

No REVIEW

RE: PETITION FOR SPECIAL HEARING
437 E. Pennsylvania Avenue, N/S Pennsylvania Ave, 230'
E of c/I Railroad Ave and 790' E of c/I Fairmount Ave
9th Election District, 4th Councilmanic

Legal Owner: Joseph L. & Francis Gehring
Lienholder: Baltimore County, Md.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-235-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Joseph L. & Francis Gehring, 518 Virginia Avenue, Towson, MD 21286, and to Lienholder Baltimore County, Md., c/o John Reisinger, 111 W. Chesapeake Avenue, Towson, MD 21204, Petitioners.


PETER MAX ZIMMERMAN

CDM

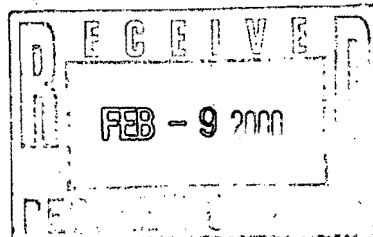


Baltimore County
Department of Permits and
Development Management

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

February 3, 2000

Mr. John Reisinger
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204



Dear Mr. Reisinger:

RE: Petition for Special Hearing, Zoning Case Number 00-235-SPH, 437 East
Pennsylvania Avenue, 9th Election District

Please be advised that an appeal of the above referenced case was filed in this office on February 2, 2000 by Adelaide Bentley, President on behalf of the North-East Towson Improvement Association, Inc.. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,


Arnold Jablon
Director

AJ:scj

- c: North-East Towson Improvement Association, 409 E. Pennsylvania Avenue,
Towson 21286
Francis & Joseph Gehring, 518 Virginia Avenue, Baltimore 21286
Barbara Dennenberg, 504 McManus Way, Baltimore 21286
Kathryn Bailey, 504 McManus Way, Baltimore 21286
Kendra Weems-Brown, 510 McManus Way, Towson 21286
People's Counsel



APPEAL

Petition for Special Hearing
437 East Pennsylvania Avenue
N/S Pennsylvania Avenue, 230' E of centerline Railroad Avenue and 790' E of
centerline Fairmont Avenue
9th Election District – 4th Councilmanic District
Francis & Joseph L. Gehring - Legal Owner
Baltimore County – Petitioner/Leinholder
Case Number: 00-235-SPH

Petition for Special Hearing (filed 12/3/99)

Description of Property

Notice of Zoning Hearing (12/3/99)

Certification of Publication (The Jeffersonian – 12/16/99)

Certificate of Posting (Gary Freund – 12/17/99)

Citizen Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat for zoning case 00-235-SPH

Misc. (Not Marked as Exhibits):

- Copy of Lein Against 437 Pennsylvania Avenue (dated 11/18/99)
- Copy of Deed (dated 3/15/84)
- Copy of Newspaper Article from The Towson Times (dated 4/15/99)
- Five Photographs

Zoning Commissioner's Order dated 1/3/00 (Granted, subject to restrictions)

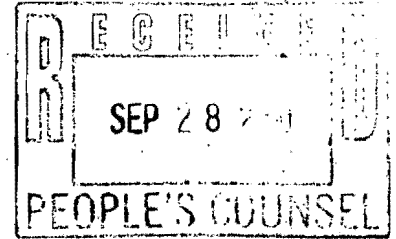
Notice of Appeal received on 2/2/00 from Adelaide Bentley, President on behalf of the North-East Towson Improvement Association, Inc.

C: John Reisinger, Baltimore County, 111 W. Chesapeake Avenue, Towson 21204
North-East Towson Improvement Association, 409 E. Pennsylvania Avenue,
Towson 21286
Francis & Joseph Gehring, 518 Virginia Avenue, Baltimore 21286
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM



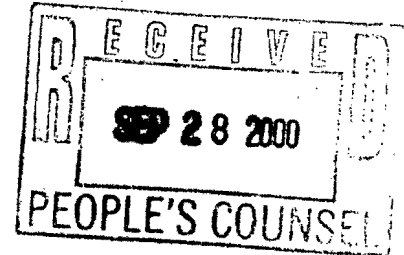
County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182



September 27, 2000

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286



RE: Case No. 00-235-SPH /Frances & Josef Gehring
Request for Postponement

Dear Mr. Holzer:

Enclosed for your information and comment is a copy of a letter received this date via FAX from Ms. Bentley regarding the subject matter.

Please note that since the case is scheduled for October 12, 2000, your earliest response would be most appreciated.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Frances and Josef Gehring
Adelaide Bentley /Northeast Towson Imp Assn
Kimberly Abe -Landmarks Preservation Commission
People's Counsel for Baltimore County
John Reisinger /Building Engineer
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

NORTHEAST TOWSON IMPROVEMENT ASSOCIATION

409 East Pennsylvania Avenue Towson, Maryland 21286

September 26, 2000

Ms. Margaret Worrall
Mr. Lawrence Stahl
Board of Appeals
401 Washington Avenue M.S. 3102
Towson, MD 21204

Re: Case #00-235-SPH

Dear Ms. Worrall and Mr. Stahl:

I write on behalf of the NorthEast Towson Improvement Association, which appeared before you on June 29, 2000 to oppose a request by Josef & Frances Gehring to demolish an historic property at 437 Pennsylvania Avenue in Towson. This property, known as the Jacob House, dates from the beginnings of the community in the early 1800s.

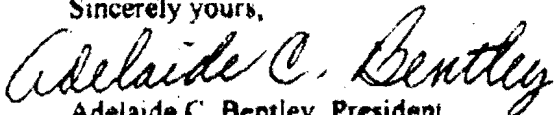
The community, aided by Baltimore County Department of Community Conservation, wants to purchase the property to ensure that it remains a part of the fabric of this community. In order to begin this process, however, we must have a valid appraisal.

At the hearing, Mr. Gehring, represented by his attorney Carroll Holzer, promised at the June hearing to give the community an appraisal within the week. As of this date, despite repeated calls and visits to both Mr. Holzer and to Mr. Gehring, we have not received an appraisal. In fact, Mr. Gehring told me that if we wanted the property, we should get our own appraisal.

We have proceeded in good faith to come to a resolution with Mr. Gehring, and have been working diligently with the Office of Community Conservation and various historic preservation and housing organizations to reach a fair solution to save the Jacob House. Because Mr. Gehring has not honored his word given to you at the hearing, we have been unable to proceed. We therefore ask the Board of Appeals to postpone the scheduled hearing to enable the community and appropriate county agencies and other organizations involved to work through the logistics necessary to save the house from destruction.

Thank you for your consideration of our request. Would you kindly notify us of your decision as soon as possible?

Sincerely yours,



Adelaide C. Bentley, President
NorthEast Towson Improvement Association

Cc: Councilman Wayne M. Skinner
Ms. Mary E. Harvey