

IN RE: PETITION FOR SPECIAL HEARING
NE/Corner Francke Avenue and
Seminary Avenue
(1501 Francke Avenue)
8th Election District
4th Council District

C. John Thomson, III
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-136-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, C. John Thomson, III. The Petitioner requests a special hearing to approve an existing three-apartment dwelling and a separate single family dwelling, making four dwelling units total on the subject property, as a legal, nonconforming use. 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 2.

Appearing at the requisite public hearing in support of the request were John Thomson, property owner, Lees T. Fox, Bruce E. Doak, the Surveyor who prepared the site plan for this property, and Carroll Klingelhofer, III, Esquire, attorney for the Petitioner. Earl P. Jones and Brian Hickey, nearby residents of the area, appeared as interested persons.

Testimony and evidence presented revealed that the subject property is an L-shaped parcel, containing approximately 2.0 acres in area, zoned D.R.2. The property is located on the northeast corner of Seminary Avenue and Francke Avenue in the older historic district of Lutherville. The property is improved with two dwellings, one of which is a large, two-story structure containing three apartments. This building fronts Francke Avenue and bears the address 1501 Francke Avenue. The second structure is a smaller, two-story frame dwelling located to the rear of the main dwelling. This structure fronts Seminary Avenue. The property also features a circular driveway, which provides access for both dwellings to both Francke Avenue and Seminary

ORDER RECEIVED FOR FILING

Date

By

11/30/06

By [Signature]

Avenue. In addition to the site plan, a number of photographs of the property and buildings at issue were offered. These exhibits fully described the subject property and improvements thereon.

Mr. Thomson testified, presented the plan, and described the uses on the property. He indicated that his family has owned the property for many years. In fact, he has resided on the property off and on since 1924. Mr. Thomson fully described the three apartment units located in the main dwelling. In addition, a floor plan depicting the layout of those units was submitted into evidence as Petitioner's Exhibit 3. That plan shows that there are two separate units on the first floor and a third apartment on the second floor. Mr. Thomson indicated that both buildings have been used for residential purposes for many years.

Relief is requested to find that the two buildings at issue are nonconforming, as defined in Section 101 of the B.C.Z.R. Essentially, that Section defines a nonconforming use as a use that predates the adoption of the zoning regulation that prohibits the use. In effect, the nonconforming use designation is utilized to grandfather an otherwise illegal use. If it can be established that the use predates the date of the adoption of the regulation that prohibits that use, the nonconforming use is permitted. Nonconforming uses are regulated under Section 104 of the B.C.Z.R.

In addition to the testimony offered by Mr. Thomson, a number of signed affidavits were submitted in support of the request. The testimony and evidence presented was persuasive to a finding that these two buildings have existed as residential structures for many years. In fact, it was indicated that the main house was constructed in 1862 and that the second building was converted from a barn/carriage house in approximately 1938. Both buildings have been used in their present fashion since the 1930s.

The first zoning regulations were adopted in Baltimore County in 1945. Thus, it is clear from the testimony that the subject buildings have been used residentially since prior to the adoption of Baltimore County's original zoning regulations. Additionally, the testimony was persuasive that this use has continued without interruption since that time. Thus, I easily find that the two dwellings on the property are nonconforming.

Based upon the foregoing, the Petition for Special Hearing shall be granted. It need be emphasized, however, that the findings set out herein are only as to the narrow question presented. I make no judgment as to the propriety of any potential subdivision of the property. Apparently, the neighbors who appeared are concerned over the possible future subdivision and/or expansion of the existing uses on the property. This opinion does not address those potential issues, but only grants the specific relief requested in the Petition.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November, 2000 that the Petition for Special Hearing to approve an existing three-apartment dwelling and a separate single family dwelling, making four dwelling units total on the subject property, as a legal, nonconforming use, in accordance with Petitioner's Exhibits 2 and 3, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/30/00
By bjs



Baltimore County
Zoning Commissioner

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

November 30, 2000

Carroll Klingelhofer, III, Esquire
409 Washington Avenue, Suite 820
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner Francke Avenue and Seminary Avenue
(1501 Francke Avenue)
8th Election District – 4th Council District
C. John Thomson, III - Petitioner
Case No. 01-136-SPH

Dear Mr. Klingelhofer:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John Thomson, 1501 Francke Avenue, Lutherville, Md. 21093
Mr. Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286
Mr. Earl P. Jones, 202 W. Seminary Avenue, Lutherville, Md. 21093
Mr. Brian Hickey, 109 W. Seminary Avenue, Lutherville, Md. 21093
People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1501 Francke Avenue
which is presently zoned D.R.-2

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

The non-conforming use of an existing dwelling with three (3) apartments and a separate existing single family dwelling, making a total of four family dwelling units. Under section 402 of the Baltimore County Zoning Regulations.

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.

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

C. John Thomson III

Name - Type or Print _____

Signature *C. John Thomson III* _____

Name - Type or Print _____

Signature _____

1501 Francke Avenue (410) 823-3356
Address _____ Telephone No. _____

Lutherville MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Bruce Doak/Gerhold Cross & Etzel, Ltd.

Name _____ 410

320 E. Towsontown Blvd. 823-4470
Address _____ Telephone No. _____

Towson MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

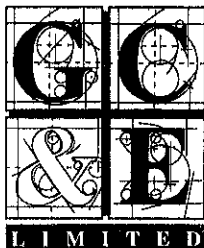
Reviewed By TAG Date 9-25-00

ORDER RECEIVED FOR FILING

Case No. 01-136 SPH

REC 9/15/98

Date _____
By _____



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 20, 2000

ZONING DESCRIPTION THOMSON PROPERTY 1501 FRANCKE AVENUE

All that piece or parcel of land situate, lying and being in the Eighth Election District, Fifth Councilmanic District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at an intersection of the centerline of Francke Avenue, 50 feet wide and Seminary Avenue, 60 feet wide, thence running and binding on the centerline of Seminary Avenue, (1) South 69 degrees 30 minutes East 300.00 feet, thence leaving Seminary Avenue and binding on the land of the herein petitioner, the eight following courses and distances, viz: (2) North 20 degrees 30 minutes East 30.00 feet, (3) South 69 degrees 30 minutes East 15.00 feet, (4) North 19 degrees 04 minutes East 360.00 feet, (5) North 69 degrees 30 minutes West 6.00 feet, (6) North 20 degrees 30 minutes East 25.61 feet, (7) North 69 degrees 30 minutes West 143.00 feet, (8) South 18 degrees 22 minutes 13 seconds West 215.00 feet, (9) North 68 degrees 51 minutes 25 seconds West 165.00 feet to the centerline of Francke Avenue, thence binding in the center of Francke Avenue, (10) South 20 degrees 30 minutes West 202.50 feet to the place of beginning.

Containing 2.16 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purpose of conveyance.



01-136-SPH

01-136-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 26862

DATE 9-25-00 ACCOUNT 6001 6150

AMOUNT \$ 250.00

RECEIVED FROM: John Thompson

FOR: Special Hearing - Commercial
1501 Franke Ave. 01-126 SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

RECEIVED
BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT
DATE 9-25-00 ACCOUNT 6001 6150
AMOUNT \$ 250.00
RECEIVED FROM: John Thompson
FOR: Special Hearing - Commercial
1501 Franke Ave. 01-126 SPH

01-136-SPH

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

**RE: CASE # 01-136-SPH
PETITIONER/DEVELOPER
(C. John Thomson III)
DATE OF Hearing
(11-3-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

1501 Francke Avenue Baltimore, Maryland 21093_____

THE SIGN(S) WERE POSTED ON _____ 10-16-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

**NOTICE OF ZONING
HEARING**

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

Case: #01-136-SPH
1501 Francke Avenue
NEC Seminary and Francke Avenue
9th Election District
4th Councilmanic District
Legal Owner(s): C. John Thompson III

Special Hearing: to approve the non-conforming use of an existing dwelling with 3 apartments and a separate existing single-family dwelling.

Hearing: Friday, November 3, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/10/18 Oct. 17 C427490

CERTIFICATE OF PUBLICATION

TOWSON, MD, 10/19/, 2000

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17/, 2000.

S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
1501 Francke Avenue,
NEC Seminary and Francke Aves.
9th Election District, 4th Councilmanic

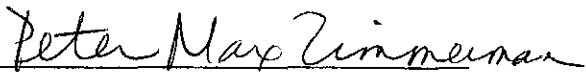
Legal Owner: C. John Thomson, III
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-136-SPH

* * * * *

ENTRY OF APPEARANCE

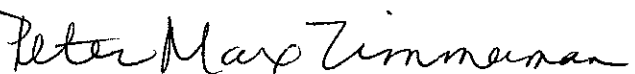
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., Suite 100, Towson, MD. 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

ZONING NOTICE

Case #: 02-136-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: *Rm 467 Town Square Bldg. 4401 Bayley Ave*
TIME & DATE: *9⁰⁰ AM FRI. November 3, 2000*

*SPECIAL HEARING TO APPROVE THE NON-CONFORMING
USE OF AN EXISTING DWELLING WITH 3 APARTMENTS
AND A SEPARATE EXISTING SINGLE FAMILY
DWELLING - 1501 FRANCKE AVE.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-526-7100 THE DAY BEFORE THE SCHEDULED HEARING DATE.
IF ANY PERSON HAS SPECIAL NEEDS, PLEASE CONTACT THE ZONING COMMISSIONER AT 410-526-7100.
HEARINGS ARE HANDICAPPED ACCESSIBLE.

1501 Francke Avenue



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

October 6, 2000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-136-SPH
1501 Francke Avenue
NEC Seminary and Francke Avenue
9th Election District – 4th Councilmanic District
Legal Owner: C. John Thomson III

Special Hearing to approve the non-conforming use of an existing dwelling with 3 apartments and a separate existing single-family dwelling

HEARING: Friday, November 3, 2000, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".
GJZ

Arnold Jablon
Director

C: Bruce Doak, Gerhold Cross & Etzel, LTD, 320 E. Towsontown Blvd, Towson 21286
C. John Thomson III, 1501 Francke Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 16, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 17, 2000 Issue – Jeffersonian

Please forward billing to:
C. John Thomson
1501 Francke Avenue
Lutherville, MD 21093

410 823-4470

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-136-SPH
1501 Francke Avenue
NEC Seminary and Francke Avenue
9th Election District – 4th Councilmanic District
Legal Owner: C. John Thomson III

Special Hearing to approve the non-conforming use of an existing dwelling with 3 apartments and a separate existing single-family dwelling

HEARING: Friday, November 3, 2000, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt
GDL

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 01-136 SPA
Petitioner: C. John Thomson III
Address or Location: 1501 Francke Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. JOHN THOMSON
Address: 1501 FRANCKE AVE
LUTHERVILLE, MD, 21093
Telephone Number: 410-823-4470

Revised 2/20/98 - SCJ

01-136-SPA

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
 acreage square feet

SEWER: ☐ public ☐ private

WATER: ☐ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 27, 2000

Bruce Doak
Gerhold, Cross & Etzel, LTD
320 E. Towsontown Boulevard
Towson, MD 21286

Dear Mr. Doak:

RE: Case Number: 01-136-SPH, 1501 Francke Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 25, 2000.

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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: John Thomson III, 1501 Francke Avenue, Lutherville 21093
People's Counsel



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 9, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2000
Item Nos. 118, 136, 137, 138, 140, 141,
142, 143, 144, and 145

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

October 12, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: C. JOHN THOMSON III - 136

Location: DISTRIBUTION MEETING OF OCTOBER 10, 2000

Item No.: 136

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: October 19, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of October 10, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
118	9616 Reisterstown Road
136	1501 Francke Avenue
137	7659 Old Battle Grove Road
138	6300 Baltimore National Pike
139	8335 Philadelphia Road
140	1401 Broadway Road
141	15 Bright Sky Court
142	14400 Green Road
144	8204 Anita Road
145	404 Kauffman Road

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 2, 2000

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

SUBJECT: 1501 Francke Avenue

INFORMATION:

Item Number: 01-136

Petitioner: C. John Thomas III

Zoning: DR 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the designation of the subject use as being nonconforming is contingent upon the petitioner demonstrating that the subject use was established prior the adoption of the Baltimore County Zoning Regulations, or the amendment thereof.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 10-11-00

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

RE: Baltimore County
Item No. 136 TAG

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kr Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

The Lutherville Historic Advisory Committee
to the Baltimore Country Landmarks Preservation Commission

November 2, 2000

Office of The Zoning Commissioner
Lawrence E. Schmidt, Zoning Commissioner

Re: Non-Conforming Use Case # 01-136-SPH
1501 Francke Avenue

It is our understanding that the owner of the property at the above-mentioned address is petitioning the Zoning Commissioner in Special Hearing to approve the non-conforming use of an existing non-Owner occupied dwelling with 3 apartments and a separate existing single-family dwelling. On the surface, this does not necessarily warrant undue concern simply because it exists within a Historic District. However, in this particular case, we are concerned not for the present but for the future, for the precedents that may be set and for legitimizing certain development options that are not in the best interests of the Historic District.

The total property at this address is approximately two (2) acres. There is a distinct possibility that this owner (or a future owner) could pursue a minor subdivision, separating the "apartment building" lot from the remaining acreage. The land area required for a multi-family dwelling like this is a minimum of 32,000 square feet with a minimum frontage of 150 feet. This would leave slightly more than one acre remaining, or enough property theoretically for two homes. If, by allowing the non-conforming use to remain, the lot size requirements are waived or adjusted downward, the possibility exists that three homes could be accommodated on the same property. At least two of these homes would have to be located on panhandle lots, a situation we are trying to avoid in the Historic District, where the vast majority of homes have full street frontage.

We are also concerned that substantial development of the property would involve the removal of several large old-growth trees, one of the hallmarks of the Lutherville Historic District.

The Lutherville Historic Advisory Committee is not trying to thwart or usurp the rights of the Owner to use his property as he sees fit, within the limitations of applicable zoning regulations. However, we are very concerned that actions taken and judgments made under the guise of grand-fathering or legitimizing pre-existing conditions may ultimately undermine the true nature of what makes Lutherville a valuable and permanent historic asset.

Sincerely,

LUTHERVILLE HISTORIC ADVISORY COMMITTEE



Robert P. Wingard AIA
Chairperson

cc: Kimberly Abe, Landmarks Preservation Comm.
L. Finnegan, Lutherville Community Assn.
B. Hickey, Lutherville Community Assn.

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Lucille M. Butler
AFFIANT (Handwritten Signature)

LUCILLE M. BUTLER
AFFIANT (Printed Name)

8013 YORK RD.
ADDRESS (Printed)

410-828-5074
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

- Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 1501 FRANKKE AVE. has been occupied as a 2 apartment dwelling since JAN 1935 1935 YES
(address) (month) (year) (answer)
(2, etc.)
- Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since JAN 1935 YES
(month) (year) (answer)
- Will you realize any gain from the sale of this property? NO *
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 28 day of August, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Lucille M. Butler, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Heene L. Thomson
NOTARY PUBLIC
My Commission Expires 3-1-2003

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Josephine T. Williams
AFFIANT (Handwritten Signature)

Josephine T. Williams
AFFIANT (Printed Name)

06108
270 Long Hill Street E. Hartford Ct.
ADDRESS (Printed)

1-860-289-0691
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at
1501 FRANKIE AVE. has been occupied as a 2 apartment
(address) (2, etc.)
dwelling since JAN 1935? YES
(month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by
renters every year since JAN 1935? YES
(month) (year) (answer)

3. Will you realize any gain from the sale of this property? NO *
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 25 day of August, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Josephine T. Williams, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Shelene L. Thomson
NOTARY PUBLIC
My Commission Expires 3-1-2003

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Wm. A. Brown
AFFIANT (Handwritten Signature)

Wm. A. BROWN
AFFIANT (Printed Name)

29361 WOODRIDGE DRIVE
ADDRESS (Printed)

410/822-8104
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

- Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 1501 FRANK AVE has been occupied as a 2 apartment dwelling since JUNE 1949? YES
(address) (month) (year) (answer)
- Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since JUNE 1949 SEPT 2000? YES
(month) (year) (year) (answer)
- Will you realize any gain from the sale of this property? No
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 4th day of October, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared WILLIAM A. BROWN, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Helene L. Johnson
NOTARY PUBLIC
My Commission Expires 3-1-2003

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Lees T. Fox
AFFIANT (Handwritten Signature)

LEES T FOX
AFFIANT (Printed Name)

109 ARMILGH DR 21212
ADDRESS (Printed)

410-377-8414
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 1501 Franke Ave (address) has been occupied as a 2 (2, etc.) apartment dwelling since 1938 (month) ? (year) Yes (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1938 (month) ? (year) Yes (answer)
3. Will you realize any gain from the sale of this property? No (answer) *

**If the answer is yes, this form cannot be approved.*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 6th day of October, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Lees T. Fox, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Arlene A. Johnson
NOTARY PUBLIC
My Commission Expires 3-1-2003

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE E. DOAK - GERHOLD, CROSS & ETZEL, LTD 320 E. TOWSONTOWN BLVD. TOWSON MD 21286
JOHN THOMPSON 1501 FRANKS AVE LOTHEDING, E

KEES T. FOX
Carroll Klinge Hofer

109 Armagh Dr 21212
409 Wash. Ave #F20 21204



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

EARL P JONES

Bo Hickey

208 W SEMINARY AVE 21093

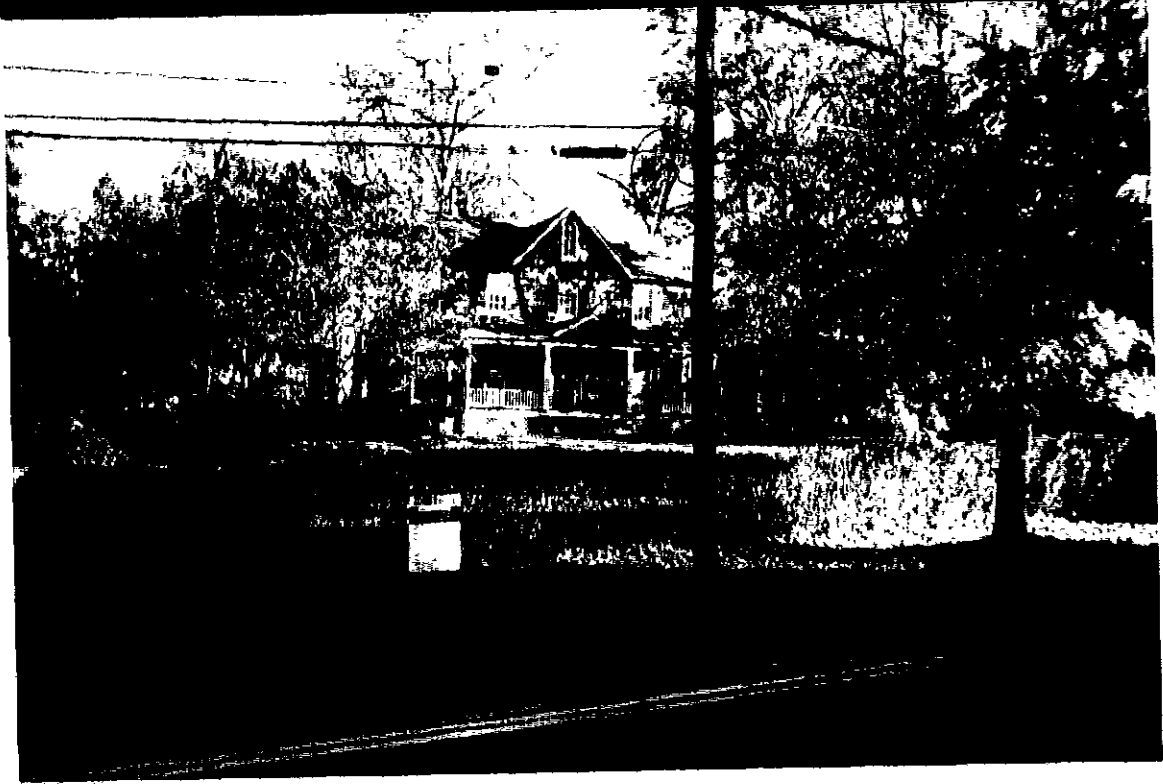
109 W SEMINARY AVE 21093



01-136-5PN

Petitioner's
Exhibit 1

photographs 1-15









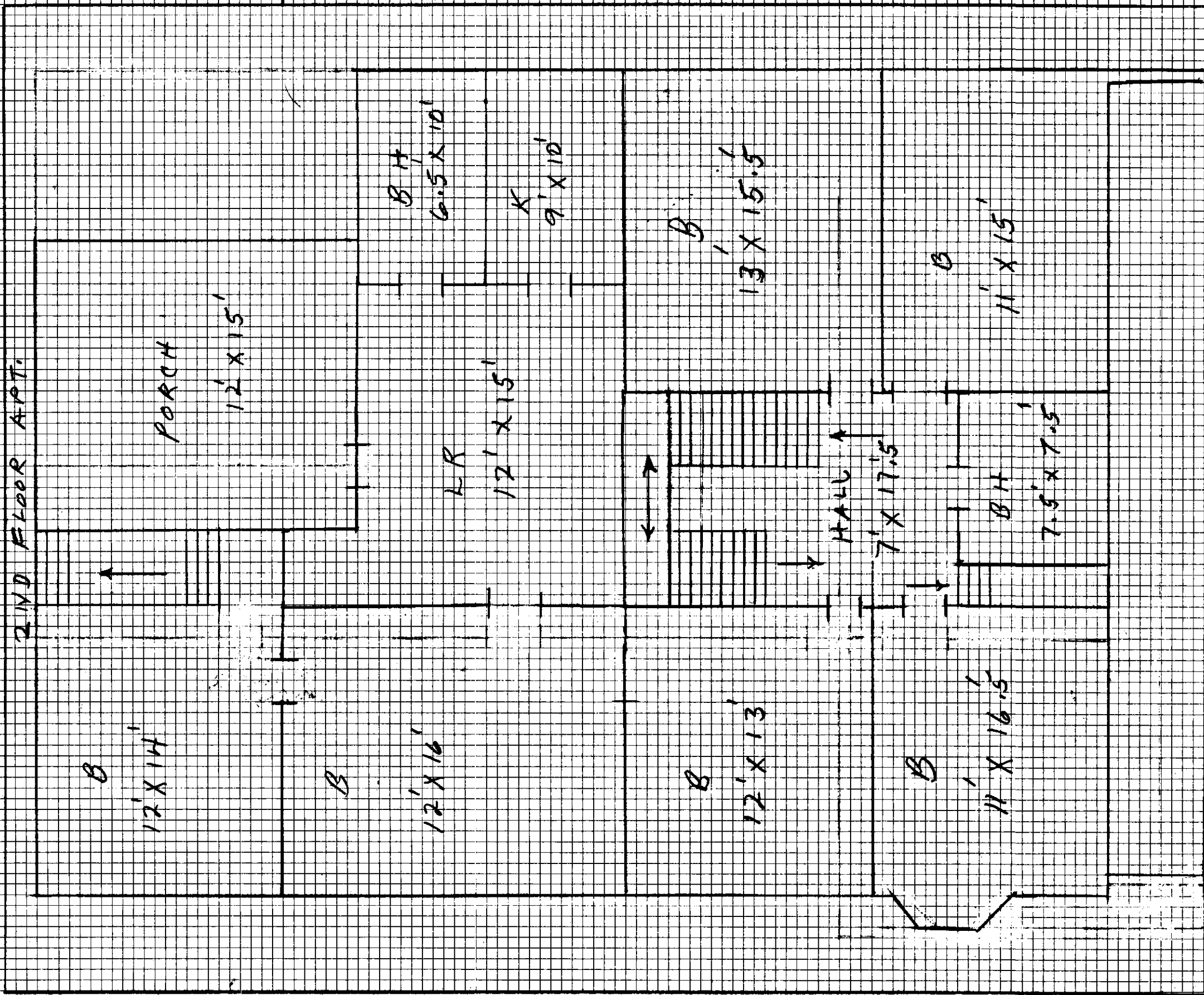




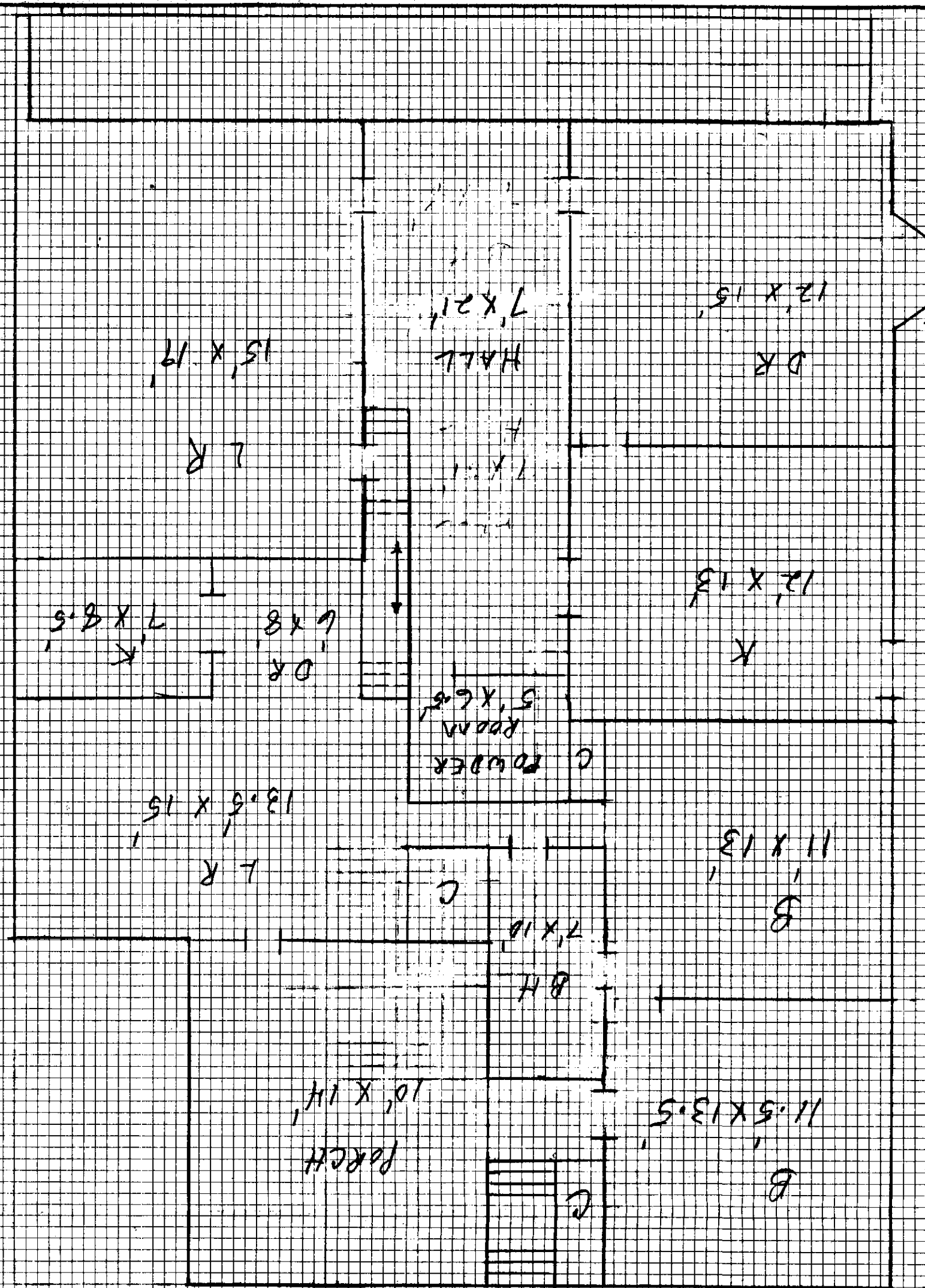


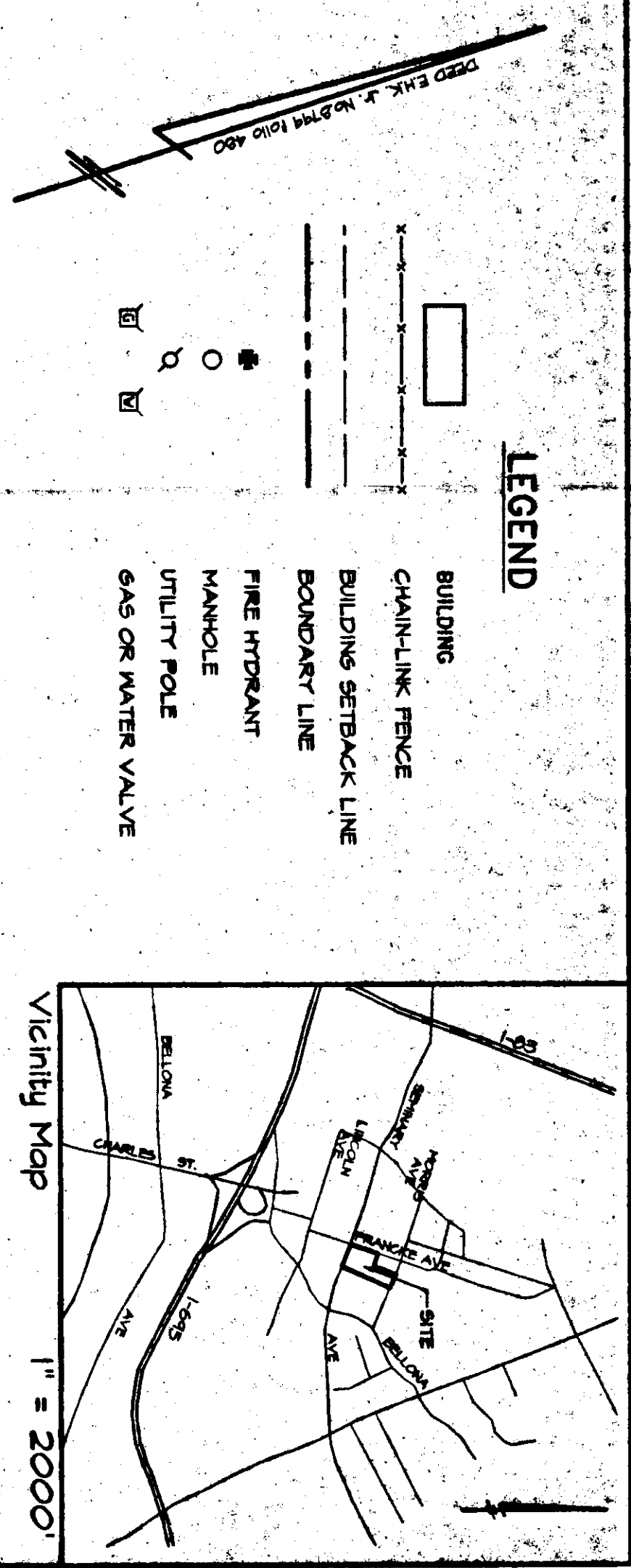
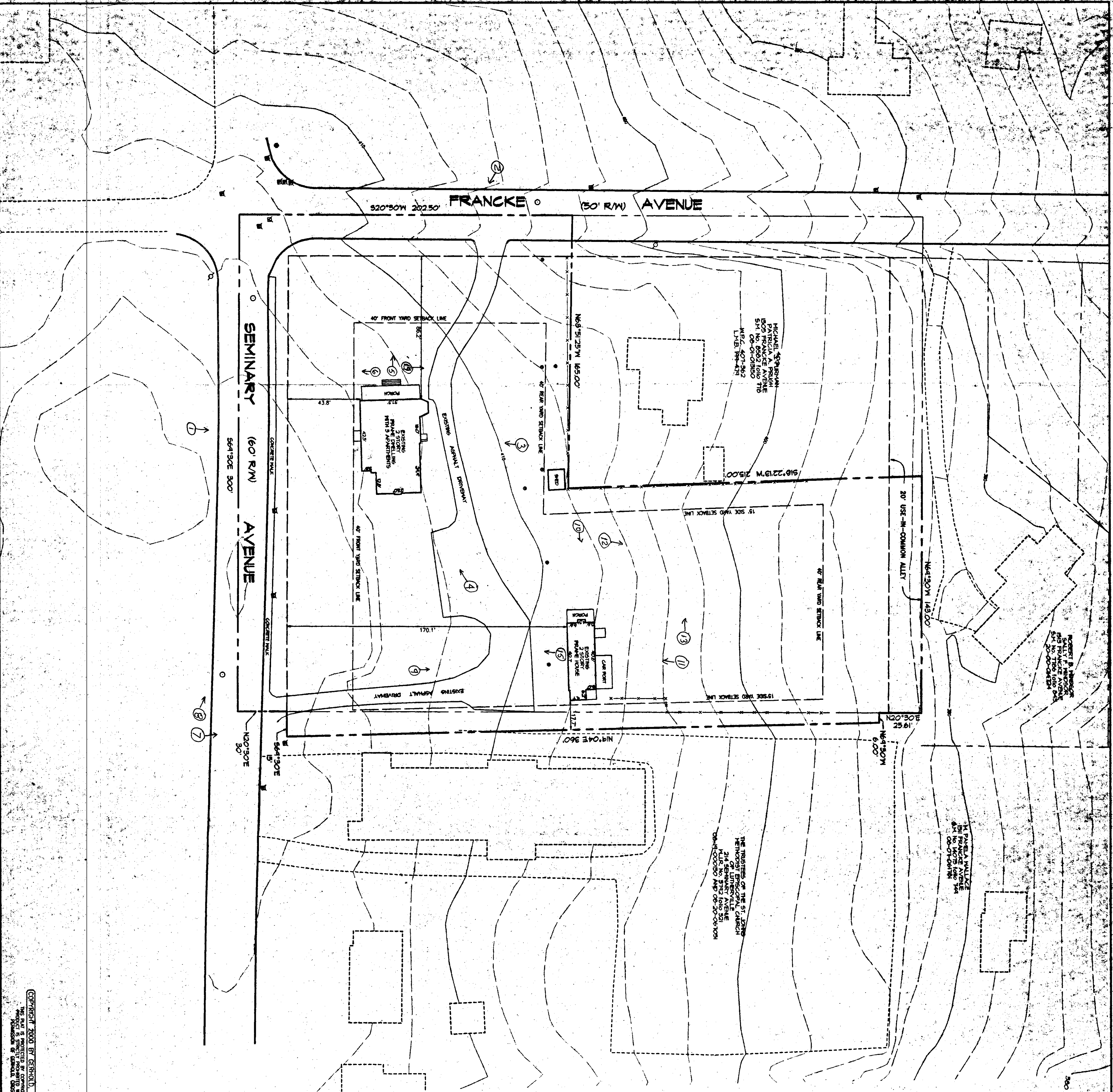


2ND FLOOR APT.



IST Floor Apt.





GENERAL NOTES

1. OWNER: C. JOHN THOMSON
2. TAX ACCOUNT NO.: 08-20-08080
3. TITLE DEED NO.: 2011-0116 400
4. TOTAL AREA: 2.01 AC.
5. THE PROPERTY IS ZONED P.R. 2
6. 200' SCALE ZONING MAP NO. 101-2-A
7. THE BOUNDARY MAP NO. 101-2-A DEED
8. A BOUNDARY MAP NOT PERFORMED BY GERHOLD CROSS & ETZEL LTD.
9. 1. GERHOLD, CROSS & ETZEL LTD. 4000
10. 24 REGISTERED
11. 24 REGIONAL PLANNING DISTRICT 908
12. 6. THIS SITE IS SERVICED BY PUBLIC SEWER AND WATER
13. 4. NO PRIOR ZONING CHANGES

PETITION FOR A SPECIAL HEARING

TO APPROVE THE NON-CONFORMING USE OF AN EXISTING DWELLING WITH 3 APARTMENTS AND A SEPARATE EXISTING SINGLE FAMILY DWELLING, MAKING A TOTAL OF FOUR FAMILY DWELLING UNITS, UNDER SECTION 402 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

PLAT TO ACCOMPANY PHOTOGRAPHS OF SITE

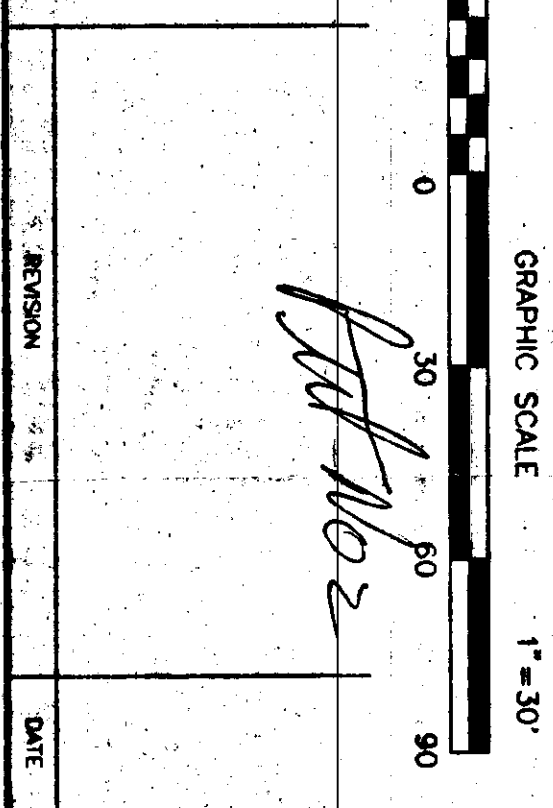
PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING OF THE

C. JOHN THOMSON
PROPERTY

1501 FRANCKE AVENUE
Deed Ref: E.H.K.J. No. 8794 folio 460
Tax Account No.: 08-20-08080
Zoned P.R.-2
Tax Map 60, Grid 24, Parcel 608
8th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS

COPYRIGHT 2000 BY GERHOLD, CROSS & ETZEL LTD.
THIS PLAN IS PREPARED BY GERHOLD, CROSS & ETZEL LTD.
AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM GERHOLD, CROSS & ETZEL LTD.



DATE	REVISION
7/25/2000	1.00

S - SE R - SW

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 9, 1996

OCTOBER 1, 1996
 ENTH. MON. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1" x 200' ±	LUTHERVILLE
DATE OF PHOTOGRAPHY JANUARY 1986	

N.W.

NW 12-A

Δ1-136-5PK