

IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
W/S Spring Hill Road, 115' S
Spring Hill Road end, 1370' E
Greenspring Valley Road
4th Election District
2nd Councilmanic District
(2702 Spring Hill Road)

Evelyn B. and John C. Hilgenberg
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-374-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by Evelyn B. and John C. Hilgenberg, legal owners of that property known as 2702 Spring Hill Road in the Owings Mills area of Baltimore County. The Petitioners herein seek an Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278, for the demolition of a fire-damaged historic structure, as unanimously approved by the Landmarks Preservation Commission at its meeting on April 12, 2001.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose, and intent of the development regulations, and that the proposed development complies with all other County laws, ordinances, and regulations. In order to afford due process, the Director has designated the Deputy Zoning Commissioner (Hearing Officer) to

ORDER RECEIVED FOR THE

Date 4/26/01
By [Signature]

consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on March 30, 2001. There was no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. Thus, the matter is eligible for review and resolution by this Hearing Officer.

The Petitioners have filed the supporting affidavits as required by Section 26-127(b)(1) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 0.52 acres (22,650 sq. ft.), more or less, zoned DR 2. The information submitted is persuasive to a finding that the proposed demolition of the fire-damaged historic structure will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on April 12, 2001. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the Baltimore County Zoning Regulations and should therefore be approved.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of April, 2001, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278, for the demolition of a fire-damaged historic structure, as

UNFILED
DATE 4/26/01
BY J. J. JAMES

unanimously approved by the Landmarks Preservation Commission at its meeting on April 12, 2001, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated April 9, 2001 (with attachments), a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Monthly Wotoco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

4/26/61
R. J. Jensen



Baltimore County
Zoning Commissioner

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

April ²⁶25, 2001

Mr. & Mrs. John C. Hilgenberg
2705 Greenspring Valley Road
Owings Mills, Maryland 21117

Re: Petition for Administrative Special Hearing
Case No. 01-374-SPH
Property: 2702 Spring Hill Road

Dear Mr. & Mrs. Hilgenberg:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2702 SPRING HILL RD. ^(Formerly Known As Railroad 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 to 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 AND DEMOLISH AN ABANDONED HOUSE AND GARAGE.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4/26/01 day of April that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be posted.

Legal Owner(s):

JOHN P. HILGENBERG

Signature

EVELYN B. HILGENBERG

Name - Type or Print

Evelyn B. Hilgenberg

Signature

2705 GREENSPRING VALLEY RD 410-363-8072

Address

Telephone No.

OWINGS MILLS MD

City

State

21117

Zip Code

Representative to be Contacted:

EITHER OF ABOVE

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Case No. 01-374-SPH

Reviewed By JNP

Date 3/22/01

Estimated Posting Date 4/1/01

9/18/98

ORDER RECEIVED FOR FILING

Affidavit in Support of Administrative Special Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently ^{own} ~~reside at~~ 2702 SPRING HILL RD (formerly known as PHILBROD AVE)
Address
OWINGS MILLS, MD 21117
City State Zip Code

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature

JOHN C. HILGENBERG
Name - Type or Print

[Signature]
Signature

EVELYN B. HILGENBERG
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of MARCH, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Evelyn and John Hilgenberg

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3-21-01
Date

[Signature]
Notary Public

My Commission Expires 9-1-2001

Affidavit in Support of Administrative Special Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently ^{own} ~~reside at~~ 2702 SPRING HILL RD (formerly known as RA. - ROAD #105)
Address
OWINGS MILLS, MD 21117
City State Zip Code

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
JOHN C. HILGENBERG
Name - Type or Print

[Signature]
Signature
EVELYN B. HILGENBERG
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of MARCH, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Evelyn and John Hilgenberg

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3-21-01
Date

[Signature]
Notary Public

My Commission Expires 3-1-2004

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2702 SPRING HILL RD. ^(Formerly Known As Railroad 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 to 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 AND**

DEMOLISH AN ABANDONED HOUSE AND GARAGE.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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):

JOHN C. WILGENBERG

Signature

EVELYN B. WILGENBERG

Name - Type or Print

Evelyn B. Wilgenberg

Signature

2705 GREENSPRING VALLEY RD 410-

Address

Telephone No.

OWINGS MILLS MD

City

State

21117

Zip Code

Representative to be Contacted:

EITHER OF ABOVE

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No.

01-374-SPH

Reviewed By

JNP

Date

3/22/01

Estimated Posting Date

4/1/01

REV 9/18/98

**ZONING DESCRIPTION FOR 2702 SPRING HILL ROAD
(FORMERLY KNOWN AS RAILROAD AVENUE)
OWINGS MILLS, MARYLAND 21117**

Beginning 92 feet West* of a point on the West side of Spring Hill Road (formerly known as Railroad Avenue), which is 20 feet wide, such point being at a distance of 115 South of where said Spring Hill Road ends and 1,370 feet East and then North along the centerline of said Spring Hill Road from the centerline of the only intersecting street, Greenspring Valley Road, which is 40 feet wide. Also known as 2702 Spring Hill Road, and located in the 4th Election District, 2nd Councilmanic District.

As recorded in Deed Liber 14773, Folio 65, *containing .52 Acres*

Metes and bounds: N.86 31'W. 120.0 ft. N.02 56'E. 39.0 ft. Northerly 217.8 ft. Easterly 50.0 ft. N. 18 09'W. 127.6 ft. N.3 29'E. 100.0 ft. S. 86 31'E. 25.5 ft. S.02 56'W. 39.0 ft. to the place of the beginning.

* This property does not abut any improved road. Access to Spring Hill Road is obtained via a right of way through the property known as 2705 Greenspring Valley Road.

01-374-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 93044

DATE 2/22/01 ACCOUNT R-001-016-6150

AMOUNT \$ 50.00

RECEIVED FROM:

Washington State Highway (Hwy 101)

FOR:

Washington State Highway

01-374-8PH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATE RECEIVED
2/22/01
TIME
1:22 PM
BY
CASHIER
528 ZINNO VERIFICATION
OF NO. 007064
Report to
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.

01-374-SPH

Petitioner/Developer

Evelyn and John
Hilgenberg

Date of Hearing/Closing

Closing - 4/16/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under penalties of perjury that the necessary sign(s) required by
law were posted conspicuously for the property known as

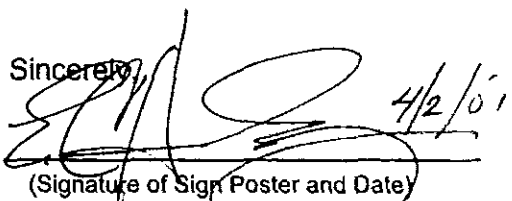
2702 Spring Hill Road

The signs were posted on Friday, March 30, 2001

(Signature)



Sincerely,

 4/2/01
(Signature of Sign Poster and Date)

Eric Hadaway

(Printed Name)

Daft- McCune- Walker, Inc.

200 East Pennsylvania Avenue

Towson, MD 21286

(Address)

410-296-3333

(Telephone Number)

**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: 01-374-SPH
Petitioner: Evelyn & John HILGENBERG
Address or Location: 2705 Greenspring Valley Rd Owings Mills
21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same
Address: _____

Telephone Number: 410-363-8072

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 01- 374 -SPH Address 2702 Spring Hill Rd. (Formally Known As Railroad Avenue)
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/22/01 Posting Date: 4/1/01 Closing Date: 4/16/01

Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE SPECIAL HEARING SIGN FORMAT

Case Number 01- 374 -SPH Address 2702 Spring Hill Rd. (Formally Known As Railroad Avenue)
Petitioner's Name John & Evelyn Hilgenberg Telephone 410-363-8072
Posting Date: 4/1/01 Closing Date: 4/16/01
Wording for Sign: Administrative Special Hearing to approve a waiver to and demolish an
abandoned house and garage.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

April 16, 2001

Evelyn B & John C Hilgenberg
2705 Greenspring Valley Road
Owings Mills MD 21117

Dear Mr. & Mrs. Hilgenberg:

RE: Case Number: 01-374-SPH, 2702 Spring Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 2001.

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: People's Counsel



AV
4/1/06

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: April 12, 2001

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

SUBJECT: No. 2702 Spring Hill Road

APR 12

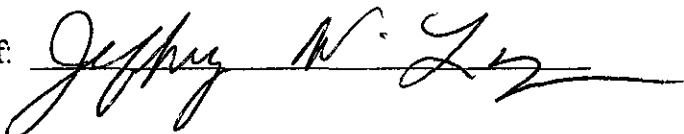
INFORMATION

Item Number: 01-374-SPH
Petitioner: John Hildenberg (owner)
Zoning: D.R. 2
Requested Action: Special Hearing

RECOMMENDATIONS ON THE PROPOSAL

The LPC will be reviewing the subject request on April 12, 2001 and comments will be forwarded soon after the meeting.

Section Chief:



AFK:KA:kra



Baltimore County
Fire Department

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

March 29, 2001

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: SEE BELOW

Location: DISTRIBUTION MEETING OF April 2, 2001

Item No.: See Below

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

365, 366, 372, 373, 374, 375, 376, 377,

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

cc: File

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4 . 2 . 01

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

RE: Baltimore County
Item No. 374

JHP

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,

for

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: File

FROM: Robert Powell, Supervisor,
Soil Evaluation Section

DATE: March 16, 2000

SUBJECT: Fire Damaged Structure Located 2702 Spring Hill Road, District 3

On Wednesday, March 8th, Barry Glotfelty (MDE) and I conducted an inspection of the above referenced property. Our site inspection revealed the structure on the site was boarded up since the fire and was not occupiable due to the extent of fire damage. Review of this Department's files indicates the structure has been unoccupied for approximately 7 years. Maryland Department of Environment Policy Directive #7 requires this Department to use every means possible; including use of a sewage holding tank, to correct a sewage disposal system for a legally occupied dwelling. The MDE policy directive requires that in order to be classified as such a dwelling, the structure must be either occupied or not have been vacant for more than 3 years. Since this is not the case, the property is considered as a vacant property and as such, must have achieved satisfactory soil percolation tests and a new sewage disposal system installed in order to renovate the structure. Consequently, soil percolation tests must be conducted in order to determine if the renovation can occur. An application for percolation tests will be required and the plan submitted with the owners' letter dated February 15th must be revised to accurately depict all adjacent wells and sewage disposal system components along with the existing well site on the property.

J:/ r. Powell, Spring Hill Rd., 2702, 3-16-00

4/26/01
R. Johnson

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: April 24, 2001

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

SUBJECT: No. 2702 Spring Hill Road

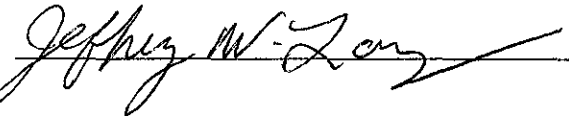
INFORMATION

Item Number: 01-374-SPH
Petitioner: John Hildenberg (owner)
Zoning: D.R. 2
Requested Action: Special Hearing

RECOMMENDATIONS ON THE PROPOSAL

At their April 12, 2001 meeting, the Landmarks Preservation Commission unanimously agreed to not oppose the proposed demolition of the fire-damaged historic structure. Given the low level of historic integrity of the building, the LPC did not request any photographic documentation as a condition of the issuance of the permit.

Section Chief:



AFK:KA:kra

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: April 9, 2001
SUBJECT: Zoning Item #374
2702 Spring Hill Road (formerly known as Railroad Avenue)

Zoning Advisory Committee Meeting of April 2, 2001

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X All junk and debris must be removed to an acceptable landfill.
- X The house corner is approximately 260 feet from the stream.
- X See the attached comments from Mr. J. Robert Powell dated March 16, 2000, July 21, 2000 and April 6, 2001.

Reviewer: Betty Kelley
Reviewer: Rob Powell

Date: April 4, 2001
Date: April 9, 2001

COPIES FOR FILE
4/26/01
R. Powell

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: April 6, 2001

TO: Susan Farinetti, Supervisor,
Well Program

FROM: Robert Powell, Supervisor, 
Soil Evaluation Section
Ground Water Management

SUBJECT: Zoning Special Hearing (Case Number 01-374-SPH) to Raze
Dwelling Located 2702 Spring Hill Road, District 3

I have reviewed the proposal and discussed the situation with representatives of the Office of Zoning. The proposal is to raze the structure, which is fire damaged and uninhabitable. The prior property owner had requested *permission from this* office to rebuild the dwelling and were denied due to unsatisfactory soil conditions (See attached letter dated July 21, 2000). Consequently, when the structure is razed (as proposed); the existing drilled well and sewage disposal system currently located onsite, must be properly abandoned and backfilled.

J:/ R. Powell, Spring Hill Rd., 2702, Zon. SPH, 4-6-01

ORDER RECEIVED FOR FILING
Date 4/24/01
By J. P. [Signature]



Baltimore County
Department of Environmental Protection
and Resource Management
Ground Water Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-2762

Fax: 410-887-4804

July 21, 2000

Ms. Betty McCullough
212 Shipping Creek Drive
Stevensonville, MD 21666

RE: 2702 Spring Hill Road, D-3

Dear Ms. McCullough,

A representative of this office, Clare M. Brunner R.S., conducted soil evaluation tests on the referenced property, to determine if a septic reserve area could be found meeting current regulations. The results of the tests are attached. Due to the slow permeability of the soils and elevated water table, approval cannot be granted for the installation of a private sewage disposal system on the property.

Currently this property has an existing dwelling on it, which has been abandoned, and which has not been occupied in the last three years. As stated in the May 20, 1987 State Policy Directive #7, this property can not be considered as eligible to use a holding tank. Rather, it must meet criteria for a new construction project for unimproved property.

Be advised, that you have the right to have the decision reviewed in accordance with the provisions of the Administrative Procedure Act. All appeals shall be filed with the Director, Water Management Administration, within 30 days after notification by this letter.

If there are any questions regarding this matter, please contact me.

Sincerely,

J. Robert Powell, R.S.
Soil Evaluation Program

JRP:pj

Attachment

Handwritten notes and signatures in the left margin, including a date stamp "8/26/01" and a signature.

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



RE: PETITION FOR SPECIAL HEARING
2702 Spring Hill Road (formerly Railroad Ave),
W/S Spring Hill Rd, 115' S Spring Hill Rd end,
1370' E Greenspring Valley Rd
4th Election District, 2nd Councilmanic

Legal Owner: John C. & Evelyn B. Hilgenberg
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-374-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



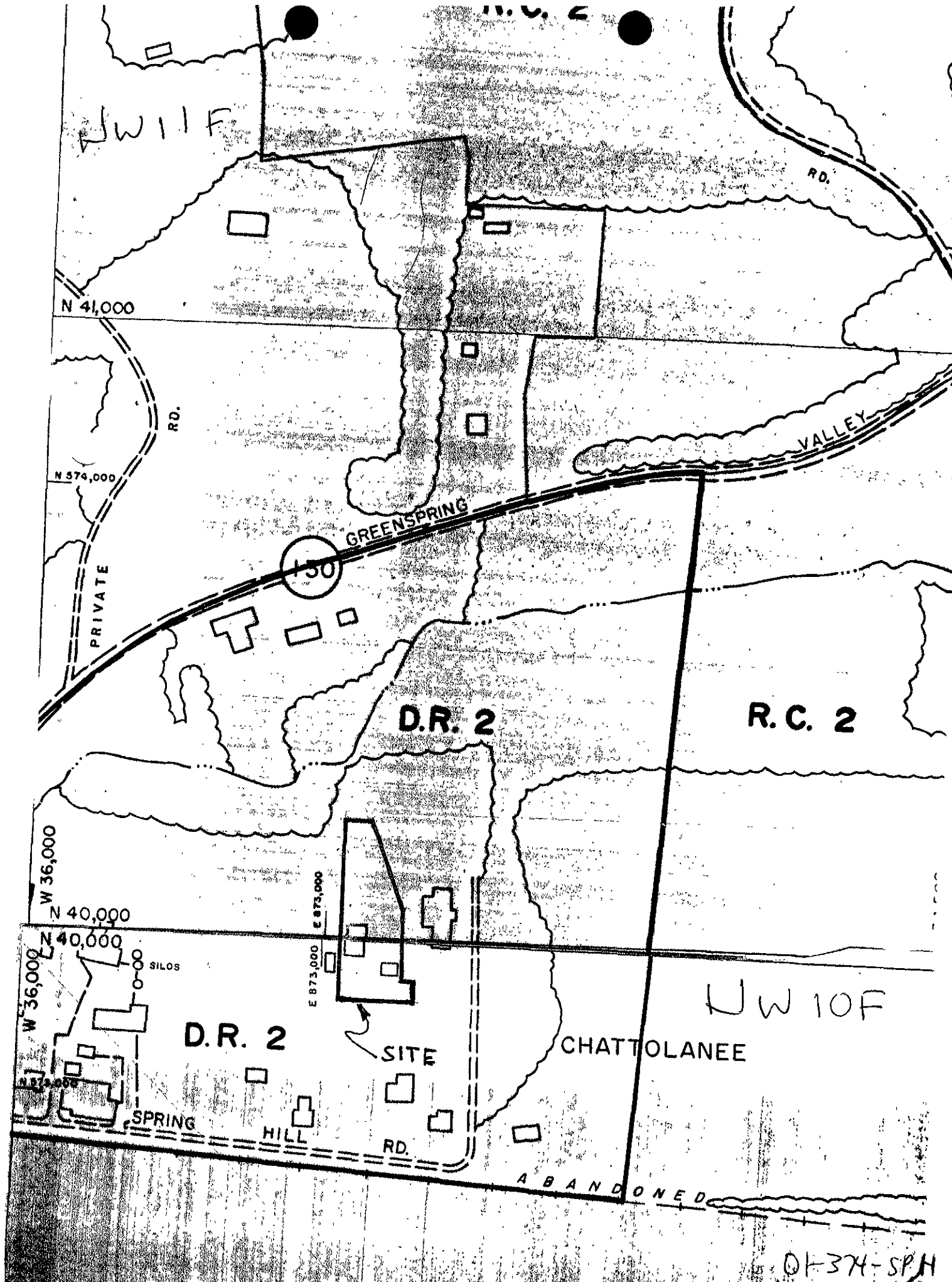
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner John C. & Evelyn B. Hilgenberg, 2705 Greenspring Valley Road, Owings Mills, MD 21117, Petitioner.

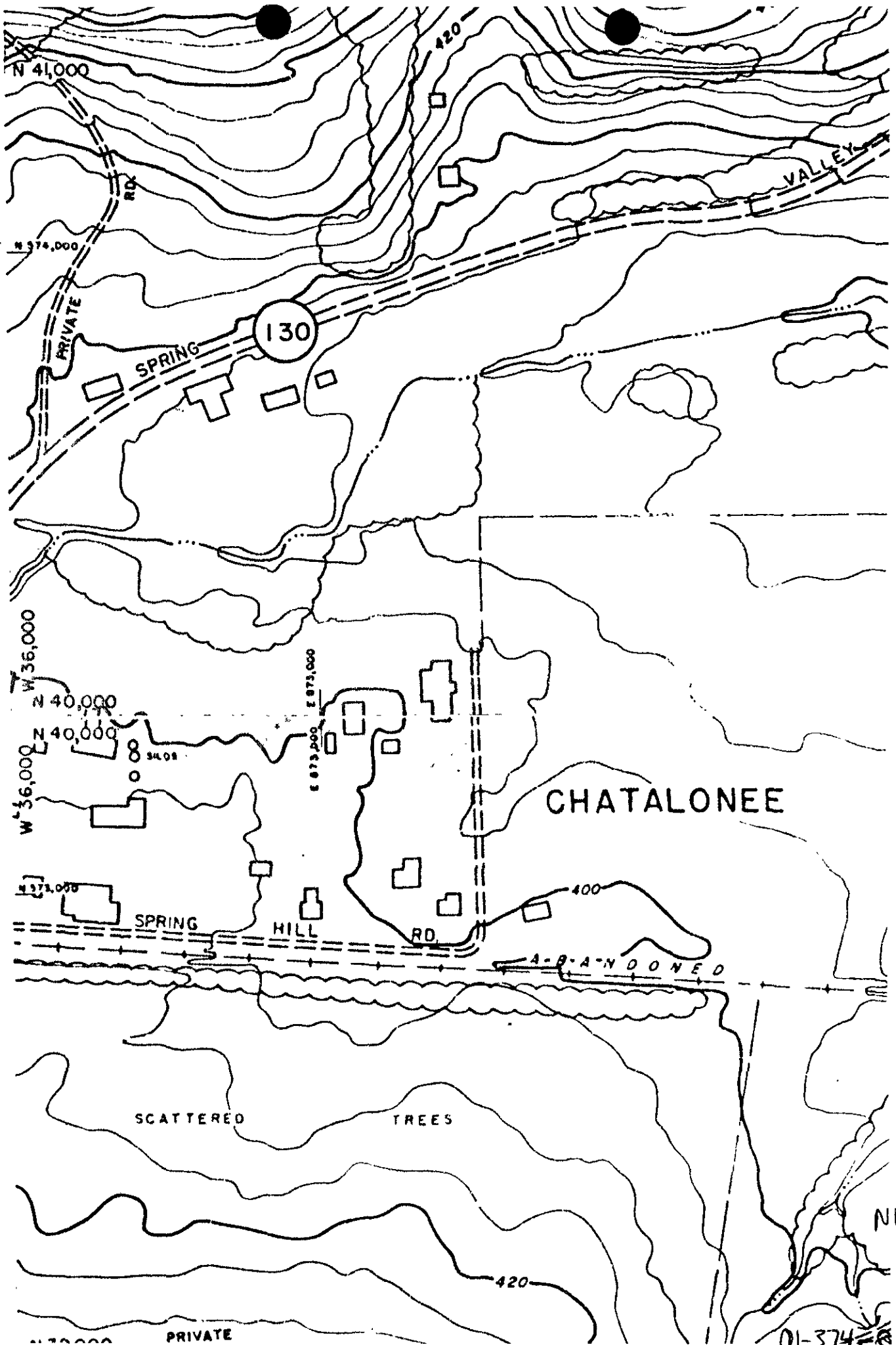


PETER MAX ZIMMERMAN



01-374-SPH

NW 11-F



NW 10-F

01-374-5 PH

PHOTOS ATTACHED

2702 Spring Hill Road

The dwelling at 2702 Spring Hill Road (formerly Railroad Avenue) is a small shingle cottage, half of which is believed to have been built between 1876 and 1900. At some time subsequent to its original construction a wing with dormer was added, nearly doubling the size of the structure. A one-car garage with no historical significance was built in more recent times.

In approximately 1993 a gas explosion and fire consumed the West wall of the house, rendered the interior uninhabitable, and ruined much of the wall and roof structure. The owner immediately vacated the house and moved away. In July, 2000 (see attached), the owner sold the property "as is" to the present owners.

Today the house has deteriorated to the point of being an uninsurable neighborhood nuisance, a potential attractant for vagrants and rats, and a fire hazard for the house next door. The well and septic field have been abandoned, and efforts with the County authorities to re-establish a septic system have been exhausted due to multiple factors: permit expiration, failure of perc tests, and invasion of the old septic field by a dense bamboo grove. In other words, the house can never again be used as a human habitation or business.

The neighbor with the closest ties to the history of this property is Mrs. Harriet Brown, who is descended from the original Chattolanee settlers. Mrs. Brown knows the property well from the days when it was occupied by her cousin. She has told the present owners that she agrees that the property is too far gone to restore and that the house needs to come down.

01-374-SPH



Baltimore County
Department of Environmental Protection
and Resource Management
Ground Water Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-2762
Fax: 410-887-4804

July 21, 2000

Ms. Betty McCullough
212 Shipping Creek Drive
Stevensonville, MD 21666

RE: 2702 Spring Hill Road, D-3

Dear Ms. McCullough,

A representative of this office, Clare M. Brunner R.S., conducted soil evaluation tests on the referenced property, to determine if a septic reserve area could be found meeting current regulations. The results of the tests are attached. Due to the slow permeability of the soils and elevated water table, approval cannot be granted for the installation of a private sewage disposal system on the property.

Currently this property has an existing dwelling on it, which has been abandoned, and which has not been occupied in the last three years. As stated in the May 20, 1987 State Policy Directive #7, this property can not be considered as eligible to use a holding tank. Rather, it must meet criteria for a new construction project for unimproved property.

Be advised, that you have the right to have the decision reviewed in accordance with the provisions of the Administrative Procedure Act. All appeals shall be filed with the Director, Water Management Administration, within 30 days after notification by this letter.

If there are any questions regarding this matter, please contact me.

Sincerely,

J. Robert Powell, R.S. *uj*
Soil Evaluation Program

JRP:pj

Attachment



1997 Gold Award Recipient

Census 2000 For You, For Baltimore County Census 2000

Printed with Soybean Ink
on Recycled Paper

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

Perc Data

05/01/2000

Subdivision: CHATTOLANEE	a.k.a.:	Type: R	No. of Lots: 1
Street: 2702 Spring Hill Rd			District: 3
Location:			Tax Acct.: 03-02-030375

<u>Lot #</u>	<u>Perc Hole</u>	<u>Sanitarian</u>	<u>Draw Down</u>	<u>Depth</u>	<u>Test Date</u>	<u>Soil Profile</u>	<u>Remarks</u>
00							
	A	Brunner			4/26/00	Clay and gravel from the abandoned drain system 0-4' CMF sandy loam 4-10' water	
	B	Brunner	>30 min.	5 ft.	4/26/00	Clay 0-12' Sticky CMF @12'	
	C	Brunner			4/26/00	Clay 0-7' CMF sandy loam 7-9' water	
	D	Brunner			4/26/00	Clay 0-7' CMF dense SiL, massive structure 7-14'	
	E	Brunner			4/26/00	Clay 0-11' massive structure throughout	

House burned approximately 7 years ago, existing drilled well in good condition and a trench septic system, No area is suitable for a septic system except over test A, where the abandoned system exists. Condition of the existing tank is unknown.

Total Number of Perc Holes 5



General view of the house. Only the left half of the house is original. The right section including porch was added more recently.

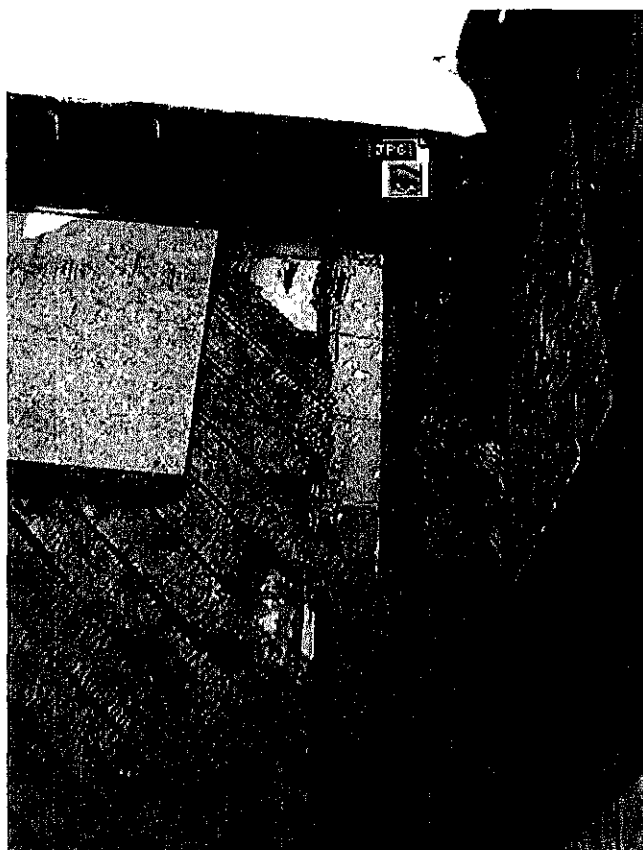
Setting: crowded up against adjacent rental units: a flat-roofed box with aluminum windows and vinyl siding.



Back porch, collapsing.



Back wall of house, first floor. Fire has consumed all shingles and burned through the planking in several places.

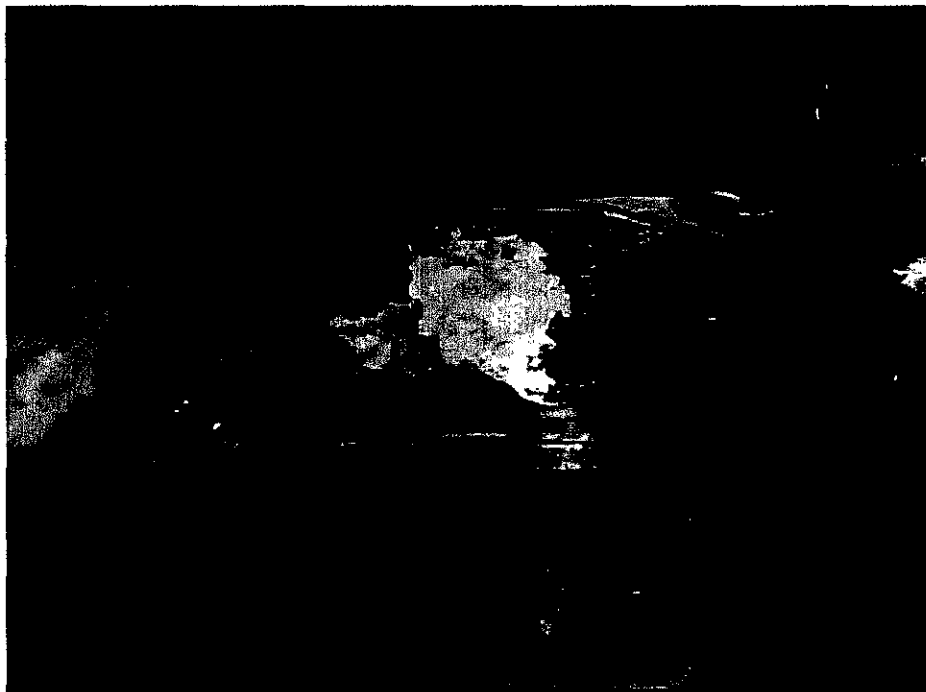


Second floor, showing fire damage to studs and boards.





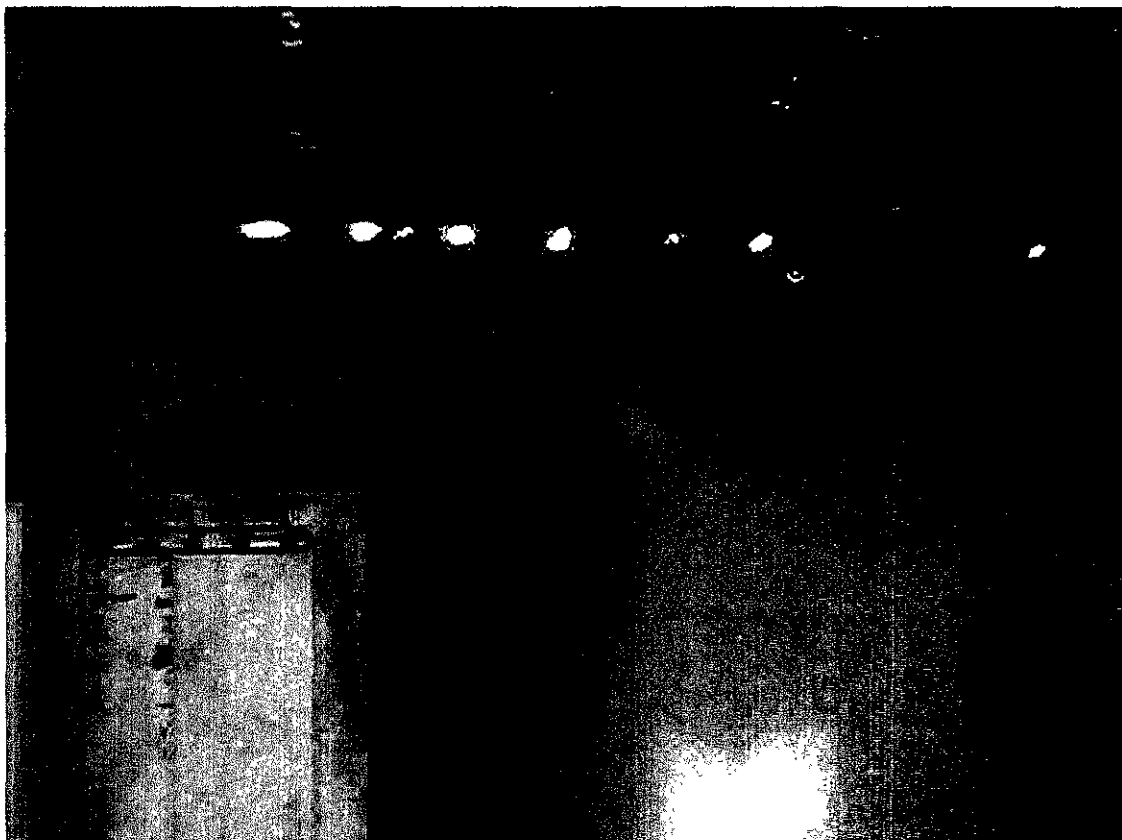
View up staircase from front door. Note upper balusters destroyed by interior fire. Daylight at top of stairs is one of the locations where fire has burned through the exterior structure.



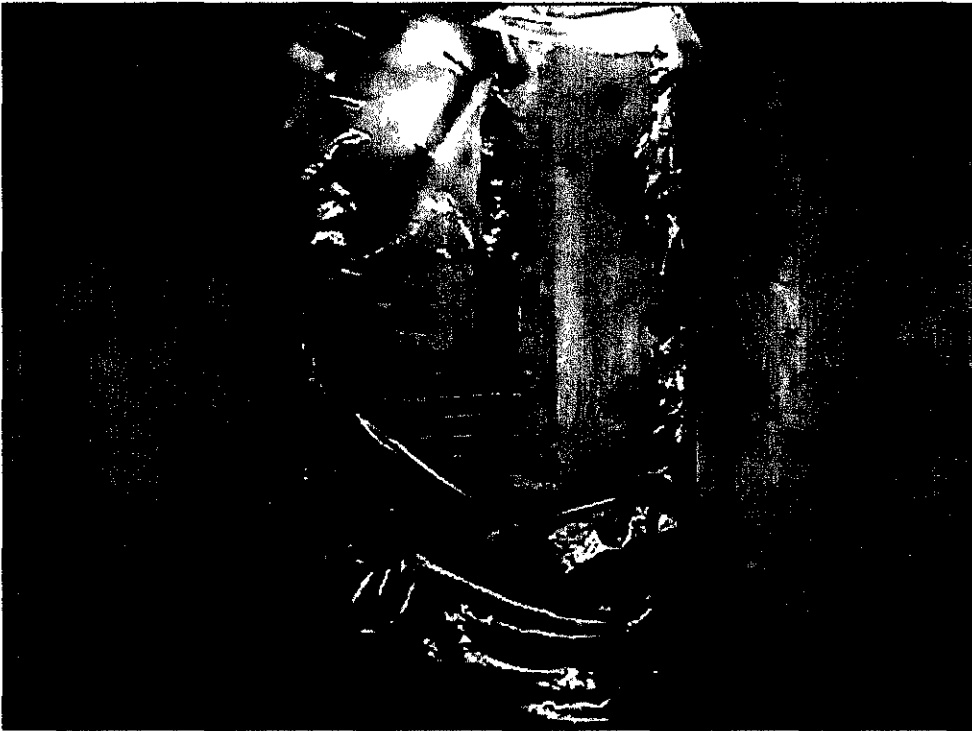
Daylight visible through hole burned in wall



Den. Fire, smoke, and water damage on wall.



Living room. Note daylight coming through wall
between timbers above collapsed ceiling.



Kitchen wall. Remains of lathing.



Kitchen. Soil pipe from upstairs (upper left) exposed through collapsed wall material.



Landing. Charred structural framing through collapsed wall.



Bathroom. The piece extending from the upper left to the center is a charred roof rafter.

Southeast bedroom ceiling. Attic floor above is too weak to walk on safely.





Southwest bedroom.
Charred exterior
boards showing
through ruined
interior wall.



Southwest bedroom. Plywood can't seal
charred window frame.

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

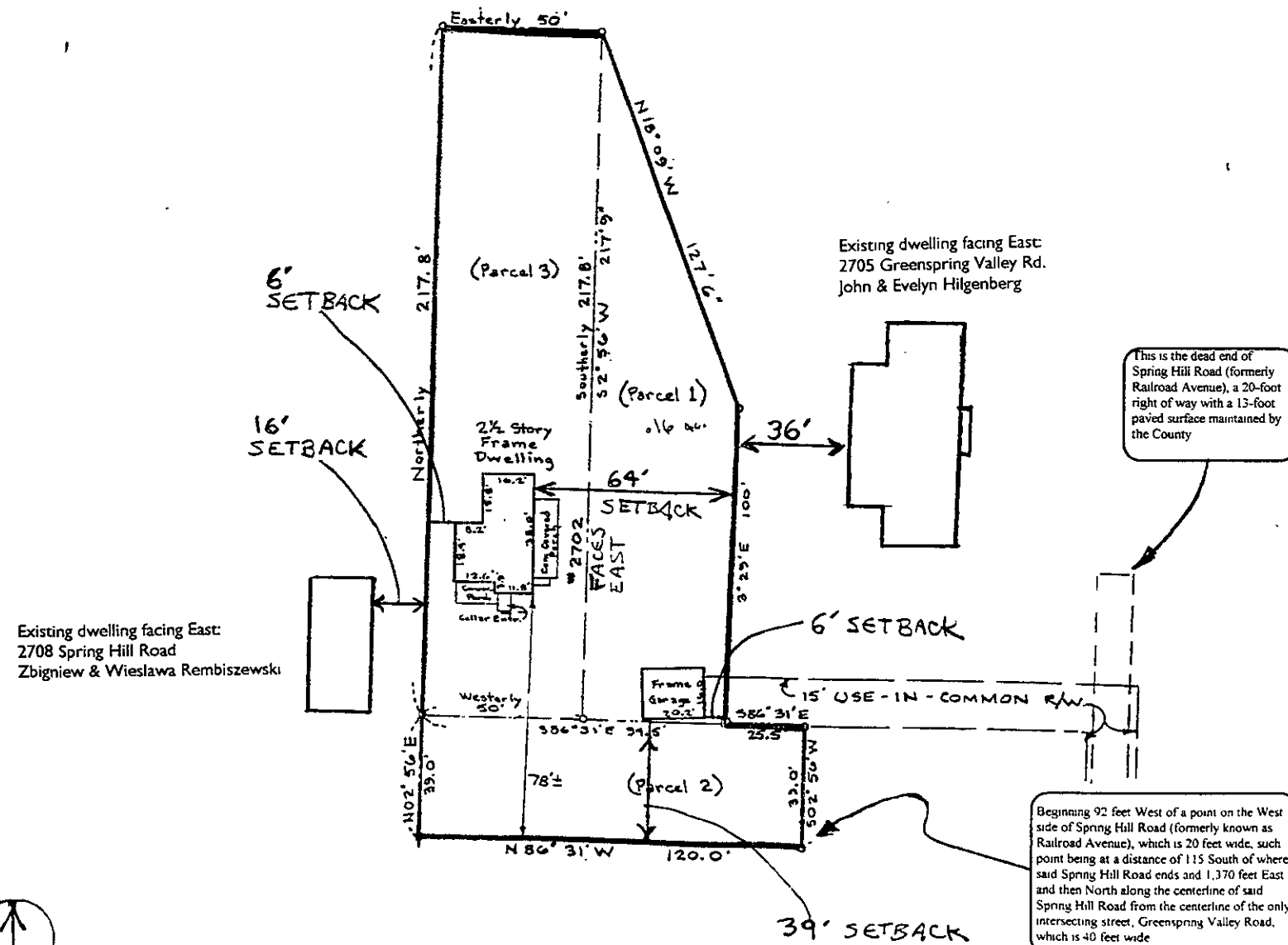
PROPERTY ADDRESS: 2702 SPRING HILL RD. (Formerly Known As Railroad Avenue)

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

Subdivision name: _____

plat book # 4773, folio # 65, lot # _____, section # _____

OWNER: EVELYN & JOHN HILGENBERG

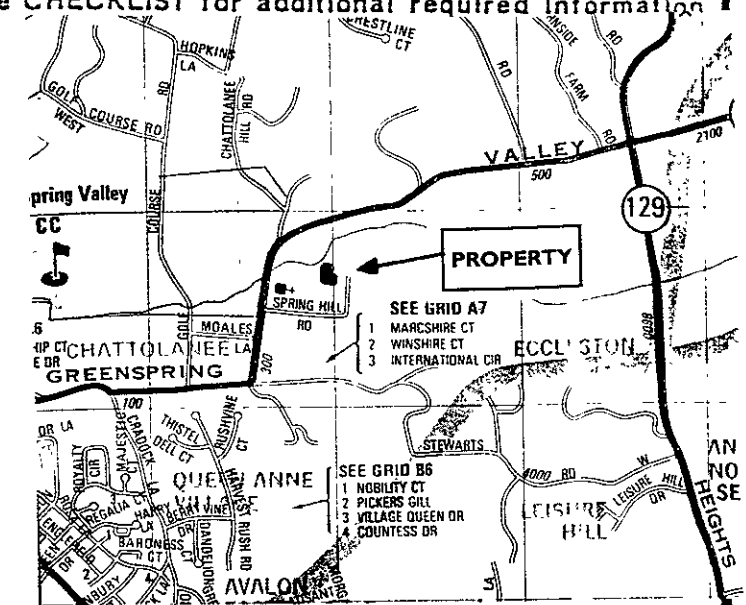


North

date: 3/16/01

prepared by: JCH

Scale of Drawing: 1" = 50'



Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Election District: 4TH

Councilmanic District: 2ND

1"=200' scale map #: NW-10F 4TH 10F

Zoning: D.R. 2

Lot size: 0.52 22,650
acres square feet

SEWER: ☐ NONE PUBLIC ☐ PRIVATE
WATER: ☐ NONE PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

Historic District: YES

Zoning Office USE ONLY!

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

JNP 374 01-374-SPH



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±		ECCLESTON PO	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986		CHATTOLANEE	11-F

MICROFILMED
01-374-004

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SHEET

N.W.
10-F

LOCATION

GREY ROCK
ECCLESTON PO.

SCALE

1" = 200'

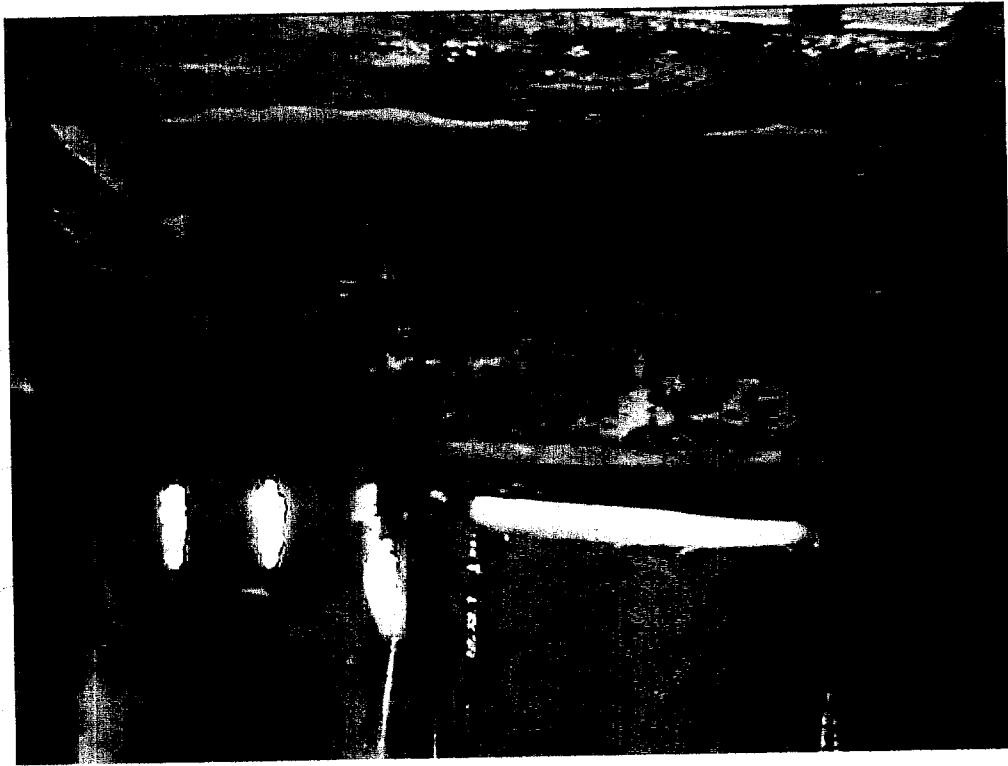
DATE

OF

PHOTOGRAPHY

JANUARY

1986



North bedroom.
Fallen ceiling reveals
charred interior roof
structure.



Attic. Gable end
burned out. Rafters
deeply charred.
Floor unsafe.