

IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING

E/S Railroad Avenue, 317' S
centerline of Pennsylvania Avenue
9th Election District
4th Councilmanic District
(402 Railroad Avenue)

John F. & George E. Etzel
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-496-ASPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by the legal owners of the subject property, John F. and George E. Etzel. The property is located at 402 Railroad Avenue in the Towson area of Baltimore County. The subject property is zoned D.R.-10.5. 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, to raze an existing single-family dwelling and shed located on the lot. The Landmarks Preservation Commission in its Minutes of July 12, 2001 approved the demolition and "found that there was very little integrity to the structure". This building is listed on the Maryland Historical Trust (MHT) Inventory as MHT #BA 1072. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

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,

ORDER RECEIVED FOR FILING

Date

Bv

6/17/02

St. James

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 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 May 21, 2002. 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. The matter is now 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 0.1406 acres of land, more or less, zoned D.R.-10.5. The information submitted is persuasive to a finding that the proposed razing of the existing dwelling and accessory structure located on the property will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal and approved the razing as set forth in their minutes dated July 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 7th day of June, 2002, 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, to raze an existing single-family dwelling and shed located on the lot, as approved by the Landmarks Preservation Commission on July 12, 2001, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

6/17/02

By

H. C. Johnson



Baltimore County
Zoning Commissioner

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

June 7, 2002

Mr. John F. Etzel
Mr. George E. Etzel
1108 Valewood Road
Towson, Maryland 21286

Re: Petition for Administrative Special Hearing
Case No. 02-496-ASPH
Property: 402 Railroad Avenue

Dear Messrs. Etzel:

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 402 Railroad Ave
which is presently zoned DR-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 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 the existing dwelling and shed

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

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. 02-496-SP4

Reviewed By [Signature] Date 5-06-02

Estimated Posting Date 05-20-02

REV 9/18/98

ORDER RECEIVED FOR FILING
Date 6/27/02

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 reside at _____

Address

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

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

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

Date

Notary Public

My Commission Expires _____

ZONING DESCRIPTION

402 Railroad Avenue
Towson, Maryland

All that piece or parcel of land situate, lying and being in the 9th Election District, Baltimore County, State of Maryland.

Beginning for the same at a point on the east side of Railroad Avenue, 30 feet wide and distant South 11 degrees 16 minutes West 317 feet, measured along the east side of Railroad Avenue from the center line of Pennsylvania Avenue and running thence and binding on the east side of Railroad Avenue South 11 degrees 16 minutes West 50 feet, thence leaving said Avenue and running for lines of the property of 402 Railroad Avenue the four courses and distances, viz: South 78 degrees 44 minutes East 38.28 feet, North 86 degrees 03 minutes West 96.18 feet, North 12 degrees 19 minutes 40 seconds East 37.75 feet and North 78 degrees 44 minutes West 134.37 feet to the place of beginning.

Containing 0.1406 of an acre of land, more or less.



496

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Cash No. 13362
02-496-SPH

DATE 5-06-02 ACCOUNT R-001-006-6150
AMOUNT \$ 50.⁰⁰

RECEIVED FROM: John Etzel

FOR: Administrative Residential Special Hearing
filing fee - 402 Railroad Ave.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

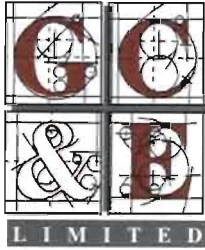
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/07/2002 5/06/2002 14:34:09
REG 0601 WALKIN JRIC JHR DRYER J.
RECEIPT N 090326 5/07/2002 UPLH
Dep 5 528 ZONING VERN LATTON
CR NO. 013362

Recpt Tot \$50.00
50.00 CR .00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE # 02-496-SPH
PETITIONER/DEVELOPER:
John F. Etzel
CLOSING DATE:
June 4, 2002

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

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

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

LOCATION:

402 Railroad Avenue

DATE: May 21, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



POSTED ON: May 20, 2002



05/21/2002

ZONING NOTI
ADMINISTRATIVE
SPECIAL HEAR
CASE # : 02-496-SPH

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: 02-496-SPH

Petitioner: John F. Etzel

Address or Location: 402 Railroad Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: 1108 Valewood Rd.

Towson, Md, 21286

Telephone Number: 410-825-7367

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 02- 496 -SPH Address 402 Railroad Ave.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-06-02 Posting Date: 5-20-02 Closing Date: 6-04-02

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 02- 496 -SPH Address 402 Railroad Ave.

Petitioner's Name John F. Etzel Telephone 410-825-7367

Posting Date: 5-20-02 Closing Date: 6-04-02

Wording for Sign: Administrative Special Hearing to approve the razing of the
existing dwelling and shed.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 3, 2002

John F & George E Etzel
1108 Valewood Road
Towson MD 21286

Dear Mr.'s Etzel:

RE: Case Number: 02-496-SPH, 402 Railroad Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 2002.

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

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





Baltimore County
Fire Department

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

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

May 15, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 20, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

488, 490-500

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

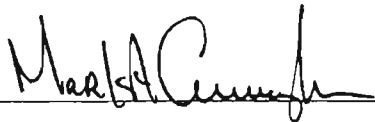
DATE: May 15, 2002

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

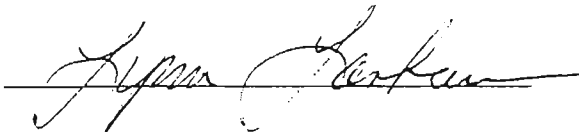
SUBJECT: Zoning Advisory Petition(s): Case(s) 02-477, 02-492, 02-493, 02-494, 02-495,
and 02-496

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

_____

Section Chief:

_____

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.14.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 496

JJS

Dear Mr. Zahner:

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,

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

RE: PETITION FOR SPECIAL HEARING
402 Railroad Avenue, E/S Railroad Ave,
317' S of c/l Pennsylvania Ave
9th Election District, 4th Councilmanic

Legal Owner: John F. & George E. Etzel
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-496-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 22nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Legal Owners John F. & George E. Etzel, 1108 Valewood Road, Towson, MD 21286, Petitioner.



PETER MAX ZIMMERMAN

For Z.C.'s file
496
see page 4
"d".

Minutes
Landmarks Preservation Commission
July 12, 2001

Present

Mr. Robert C. Scott
Dr. Rhoda M. Dorsey
Mr. W. Boulton Kelly
Mr. James Emerick
Mr. Roger Katzenberg
Mr. Thomas Lloyd Reynolds
Ms. Rosita Hill
Mr. Tim Rodgers
Mr. Arthur N. Rogers, III
Mr. John W. Hill
Ms. Marlene Koeppel
Ms. Sandra Caslin
Mr. Tom Carski

Not Present

Mr. David Goldsmith

The meeting was convened at 7:00 p.m. by Chairperson, Robert Scott, with ten members present. Planning Office staff present included Kimberly Abe (Administrative Secretary, LPC), John McGrain, Karyn Williams, and Tim Dugan.

The attendance sheet signed by the citizens present is filed with the meeting records.

Opening Statement

Mr. Scott stated for the record that the Commission operates under Title 26 of the County Code, the Secretary of the Interior's Standards, and its own Design Guidelines.

1. Review of Agenda

The published preliminary agenda was accepted without change.

2. Minutes of June 14, 2001

Mr. Rogers moved to approve the minutes of the meeting, as mailed. Dr. Dorsey seconded the motion, which was unanimously approved.

3. Public hearings

- a. "Clynmalira," 15315 Carroll Road, MHT #BA 112; owner-initiated nomination to the preliminary landmarks list

John McGrain, County Historian, presented slides of the structure describing it as a correctly executed Federal style house overlooking formal terraced gardens (called "falles"), built in 1824 on a 2000-acre land grant owned by Henry Carroll. Mr. McGrain stated that the two elegant fronts are entirely different and survive without alteration. The driveway front presents a recessed two-story arcaded porch. Mr. McGrain stated that the house is obviously the work of a

master builder who found stylistic details in the Federal town houses of Baltimore City to incorporate in Clynmalira. Mr. McGrain also noted that Roger Katzenberg was the architect of this award-winning restoration project. Mr. Katzenberg abstained from the vote. Ms. Hill moved that the LPC place the structure on the preliminary landmarks list under criteria (1), (2) and (3). Mr. Rogers seconded the motion, which was unanimously approved.

- b. 1211 Corbett Road, Monkton; owner-initiated nomination to the preliminary landmarks list

Ms. Abe stated that the owner requested a postponement of this nomination until further notice. Mr. Katzenberg moved that the LPC postpone the nomination until further notice. Mr. Rogers seconded the motion, which was unanimously approved.

4. Actions on changes to privately-owned structures

- a. 5121 S. Rolling Road (Relay County Historic District); proposed replacement of slate roof
(continued from June 14, 2001)

Ms. Abe stated that Mr. Hill, the chairperson of the technical subcommittee, recommended that the LPC deny the application to replace the slate roof with a new synthetic roof material which would resemble slate in appearance. The applicant, Derek Blottenberger, stated that the house was vacant between six to ten years, between 30 and 40 slates were missing, the whole side roof on the porch needed to be replaced, the wood was rotting on the roof rafters, and the flashing was deteriorated. Mr. Blottenberger argued that many of the slate roofs in the historic district have been replaced and that the estimates for replacement ran between \$22,000 and \$32,000. His proposal was for a \$15,000 Grand Manner replacement roof.

Mr. Katzenberg noted that, from the application materials submitted, it appeared that the roof might be reaching the end of its lifeline, and referencing a Sun article on July 8, 2001, he further explained that requiring repairs to the roof would be continuously necessary given the current state of many of the individual slates. Mr. Reynolds commented that the cost of installing a slate roof now probably would not exceed the cost of the *two* replacements with synthetic materials that would be necessary to achieve the same life span for the roof. In response to Mr. Rodgers inquiry, Ms. Abe stated that the local advisory committee was opposed to the slate replacement proposal, specifically noting that they had told the applicant about the Maryland State Rehab Tax Credits which could offset the difference in costs of materials. Mr. Carski moved that the LPC issue a notice to proceed for the proposed Grand Manner Roof. The motion was approved, with Mr. Rodgers and Mr. Reynolds voting in opposition.

- b. 3 Le Grande Court (Relay County Historic District); proposed sun porch on non-contributing structure

Ms. Abe stated that the proposal was for a sunroom on a non-contributing structure in the historic district and that the sunroom would not be visible from the public street. Ms. Abe noted that the letter from the Relay Historic District Committee specified that while although they recommended approval for this project, that this type of sunroom would not necessarily be appropriate for a contributing structure. Mr. Katzenberg moved that the LPC issue a notice to proceed. Mr. Emerick seconded the motion, which was unanimously approved.

- c. 5151 Viaduct Avenue (Relay County Historic District); proposed fence

Ms. Abe stated that the proposal was for the removal of a stockade fence surrounding the pool area to be replaced with a 6-ft. privacy fence made of wood, painted or stained a solid color white or of metal with maintenance free powder coat finish. Additionally, the proposal entails the removal of a split-rail fence along the front of the house to be replaced with a 4-ft. picket fence, also in the same alternative materials. The supporting recommendation from the Relay Historic District Committee was noted. Ms. Hill moved that the LPC issue a notice to proceed for the project. Dr. Dorsey seconded the motion, which was unanimously approved.

- d. 115 Melancton Avenue (Lutherville County Historic District); proposed addition on rear façade

Ms. Abe described the proposal, for which the Lutherville Historic Advisory Committee recommended approval, as a small airy rear yard addition which would have no negative impacts on the historic structure nor the historic district. Mr. Rogers moved that the LPC issue a notice to proceed for the proposal as presented. Ms. Hill seconded the motion, which was unanimously approved.

- e. 505 1/2 Sudbrook Avenue (Sudbrook Park County Historic District); proposed fence

Ms. Abe described the proposal for a fence along the northwest property line at 505 1/2 Sudbrook Avenue. Mr. Traband, the applicant and owner of the house, referenced Sudbrook Park, Inc.'s recommendation letter, and proceeded to describe the exact fence proposal as follows. The fence will be along the northwest surveyed property line from the back lot line to a point even with the rear of the Trabands' home. The fence posts will be 4 X 4 pressure treated lumber, 4-ft. high, concreted in, 5 feet between posts. The fences will be metal, small animal fencing, muted green in color. The location of the fence line is shown on the attached Outline Survey Plat dated May 16, 200. The proposed posts will be located at least 1 inch inside of the surveyed line, and the fencing will be attached to the outside of the posts. Additionally, the project entails the installation of 45 ft. of railroad ties, 6" X 6" X 8', at the front of their property where it meets the roadway. Ms. Caslin moved that the LPC issue a notice to proceed for this project. Mr. Emerick seconded the motion, which was unanimously approved.

- f. 1008 Windsor Road (Sudbrook Park County Historic District); proposed roof connection on rear façade

Ms. Abe stated that the proposal is to connect two second floor rooflines at the rear of the house. Ms. Abe stated that Sudbrook Park, Inc. recommended approval of the project. Dr. Dorsey moved that the LPC issue a notice to proceed. Mr. Carski seconded the motion, which was unanimously approved.

5. No scheduled actions on changes to County-owned structures

6. Recommendations on development proposals

- a. "Kroh House," MHT # BA 2638, 18315 Peters Avenue; proposed in-law addition via a breezeway connection to the main house

Ms. Doreen Passaniti, and her mother, presented their project for an in-law addition to the historic house, which would minimally connect with the existing structure via a new door entrance on the rear façade and a connecting breezeway. They noted that the addition was

essentially a separate structure which would not architecturally compromise the Italianate design of the circa 1860 house, and that the new structure would require the demolition of an early 20th century garage which was in disrepair. The LPC reviewed the elevations for the proposed in-law addition.

Mr. Scott moved that the Commission recommend a finding by the Hearing Officer that the addition as proposed is consistent with Section 26-278, must be preserved. Mr. Rodgers seconded the motion, which was unanimously approved.

- b. "St. John's Rectory," MHT # BA 1877; proposed demolition (confirmation from LPC that the rectory proposed for demolition is not the rectory listed on the MHT Inventory)

Ms. Pamela Wright, architect, stated that she had been retained by St. John's Church to process a razing permit for what was believed at the time of the application to be the St. John's Church Rectory. Ms. Wright stated that, through pictorial research and other data sources, she determined that the building proposed for demolition was not the rectory listed on the Maryland Historic Trust (MHT) Inventory. Ms. Wright displayed photos depicting the Victorian style rectory, as was described on the Inventory, as a three-bay wide house adjacent to the Church building. Ms. Wright then displayed the current photos of the four square style plain structure proposed for demolition and indicated its location several hundred feet from the Church building. The LPC analyzed the materials. Ms. Wright explained that she sought a confirmation from the LPC that this structure was not listed on the Maryland Historic Trust (MHT) Inventory.

Mr. Rogers moved that that the LPC confirm that the structure proposed for demolition is not the structure listed on the MHT Inventory, and that the LPC does not object to the demolition. Dr. Dorsey seconded the motion, which was unanimously approved.

- c. 117 W. Joppa Road (MHT # BA 1407), 113 Ware Avenue (MHT # BA 1401), 111 Ware Avenue (MHT # BA 1402); proposed demolition

Mr. Thomas Biddison, legal representative to the Church of the Immaculate Conception, stated his client's intent to demolish these three structures for campus improvement plans. Ms. Pamela Wright, architect representing the Church, presented photographs of the structures, noting some loss of integrity, particularly of the bungalow. Ms. Wright stated that the structures were not eligible for the landmarks list. Mr. Katzenberg, Dr. Dorsey, and Mr. Rodgers discussed the steady loss of these types of buildings, which collectively constituted the building stock of historic Towson. They also discussed options for moving the buildings if possible rather than their complete destruction. Mr. Katzenberg stated that it was unfortunate that these frame buildings, although contributing structures, are not individually valuable enough to warrant moving and that their loss also destroys the streetscape and the scale of historic Towson.

Mr. Carski moved that the LPC not oppose the demolition of these buildings, and that the hearing officer require the submittal of national register level photographic documentation as a record for future research. Eight commissioners approved the motion, with Ms. Hill, Mr. Reynolds, and Mr. Rodgers voting in opposition.

- d. 402 Railroad Avenue, MHT # BA 1072, East Towson; proposed demolition

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Ms. Abe stated that the Office of Planning and the Office of Community Conservation were working together, along with the property owner, Mr. Etzel, and community representatives on an infill project in the Railroad Avenue area which would potentially necessitate the demolition of one of the historic structures. The project, which would avail community members of affordable homeownership housing opportunities, would not eliminate any other contributing structures in the historic East Towson area. Ms. Abe explained how staff from both offices met on site and toured the interior of the structure to evaluate its physical condition and its historic fabric, if any. The group found that there was very little integrity to the structure and checked the walls to ensure that, like some buildings in East Towson, it was not in fact of log construction. The group did note that the plaster on the second story walls did contain animal hair and after consulting with John McGrain, found that animal hair was used in plaster well into the late 19th century in many parts of Baltimore County. Ms. Abe stated that the windows were aluminum, the siding aluminum, and that the majority of the additions to the rear of the building were constructed in concrete block.

Mr. Etzel confirmed that he was cooperating with St. Ambrose Housing and Office of Community Conservation on a potential housing project. The LPC discussed the continued loss of these types of structures which collectively form very significant historic areas in Towson and the County, and also expressed concern about the steady loss of historic materials on these vernacular structures which paves the way for their ultimate demolition.

Ms. Caslin moved that the LPC not oppose the demolition of this structure conditioned on a redevelopment plan suitable with the scale and character of the neighborhood. Mr. Emerick seconded the motion, which was approved, with Mr. Rodgers voting in opposition.

7. Other business

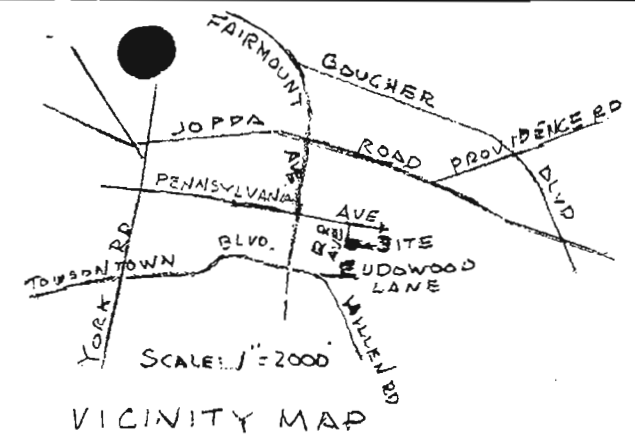
Ms. Abe stated that there were four owner-initiated nominations for the preliminary landmarks list, as follows: "The Fort Garrison Farmhouse," 2 Garrison Farms Court, MHT # BA 34; 14737 Carroll Road, Phoenix; "English Consul Mansion," 2820 Oak Grove Avenue, MHT # BA 142; "Chapman House," 4535 Allen Drive, MHT #BA 22.

Mr. Rogers moved that the LPC schedule public hearings on September 13, 2001 to consider all four structures for the preliminary landmarks list. Mr. Kelly seconded the motion which was unanimously approved.

The meeting adjourned at 9:00 p.m.

#496

PROPERTY ADDRESS: 402 RAILROAD AVE.
TOWSON, MD 21286
OWNERS: JOHN F. ETZEL
GEORGE E. ETZEL
1108 VALEWOOD RD TOWSON, MD 21286
PHONE: 410-825-7367



LOCATION INFORMATION

ELECTION DISTRICT - 9th
COUNCILMANIC DISTRICT - 4th
1"=200' SCALE MAP # N.E. 10.A
ZONING - DR 10.5
LOT SIZE - 0.141 AC 6,129
ACREAGE SQUARE FT.

PUBLIC PRIVATE

SEWER ☒ WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☒ NO

100 YEAR FLOOD PLAIN ☒

HISTORIC PROPERTY BUILDING ☒

PRIOR ZONING HEARING NONE

NOTE: SEE MINUTES OF LANDMARKS PRESERVATION COMMISSION DATED JULY 12, 2001.

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STATING NOT TO OPPOSE DEMOLITION OF 402 RAILROAD AVE

GORDON T. LANGDON ET AL
S.M. No 10275-713
0.4 09 0916602680

JOHN F. ETZEL
GEORGE E. ETZEL
S.M. No 7531-293
09-04-003 150
0.141 OF ALL ACRE

B.G. & E. COMPANY
W.J. 4037-165



JOHN F. ETZEL REG. LAND SURVEYOR

DATE: APRIL 29, 2002

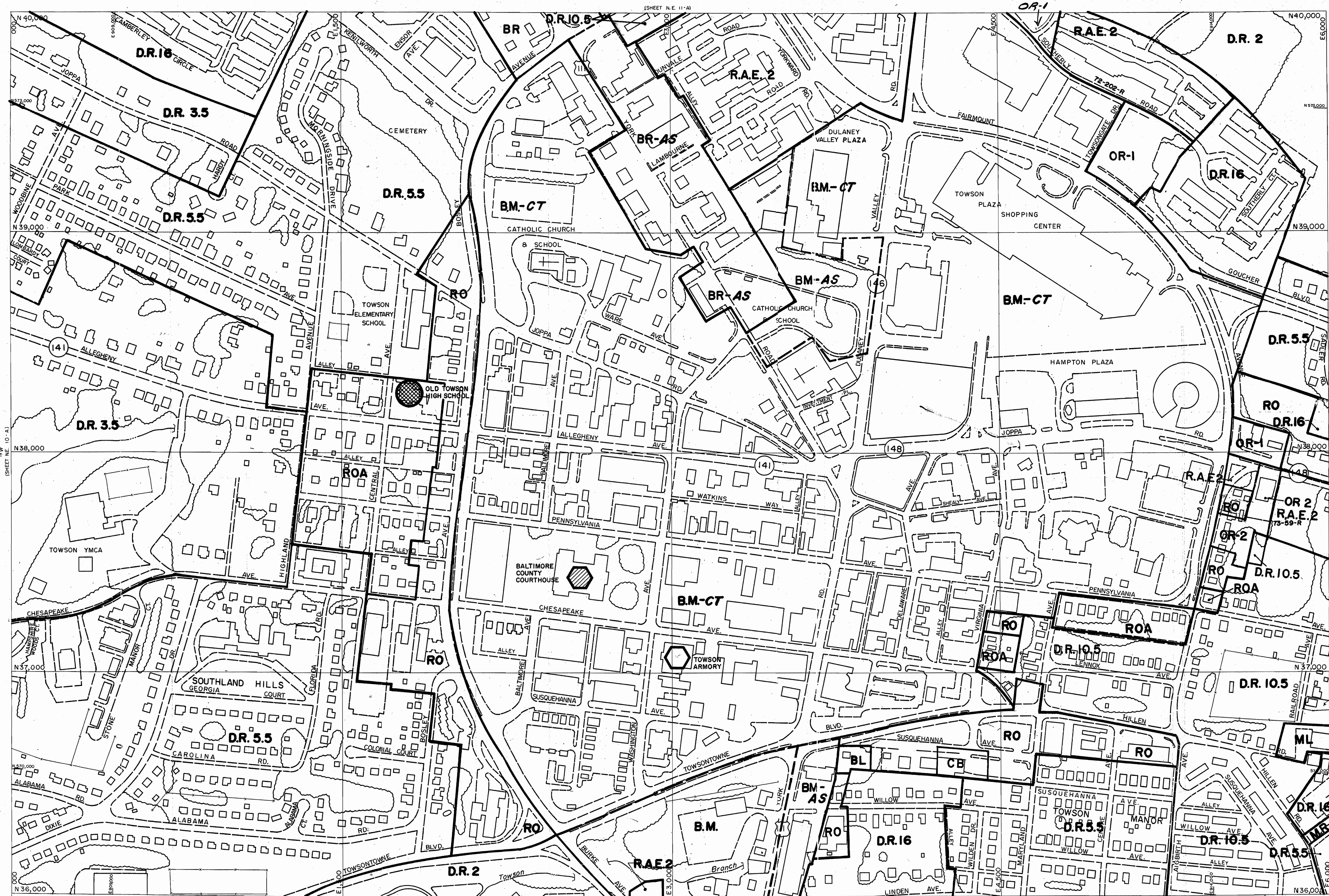
SCALE: 1"=20'

FIELD WORK:

DRAWN: J.F.E.

PLAT ACCOMPANY PETITION
FOR ZONING SPECIAL HEARING
FOR DEMOLITION PERMIT FOR
402 RAILROAD AVE. TOWSON, MD.





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