IN RE: PETITION FOR SPECIAL HEARING E/S Railroad Avenue, 400' S of the c/l Pennsylvania Avenue

(4021/2 and 404 Railroad Avenue)

9<sup>th</sup> Election District 5<sup>th</sup> Council District

St. Ambrose Housing Aid Center Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-131-SPH

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, St. Ambrose Housing Aid Center, Inc., through its attorney, Kathleen Skullney, Esquire. The Petitioner requests a special hearing to approve a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, of Sections 26-203(C)(8) and 26-278 of the Baltimore County Zoning Regulations (B.C.Z.R.) to raze two existing structures. At the hearing, the Petition was amended to add another waiver request. Specifically, a second waiver is sought from Sections 26-542 and 26-544 of the Baltimore County Code from the requirement that the waiver request to raze the two structures need be considered by the Baltimore County Landmarks Preservation Commission. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 4.

Appearing at the requisite public hearing in support of the request were David Sann, Development Officer for St. Ambrose Housing Aid Center, Inc, property owner, and Kathleen Skullney, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the east side of Railroad Avenue, south of Pennsylvania Avenue in a historic African-American community in East Towson. The property contains a gross area of

0.169 acres, more or less, zoned D.R.10.5, and is improved with two structures, the largest of which is a single family dwelling known as 404 Railroad Avenue. The second building, known as 402½ Railroad Avenue, is an outbuilding that is not served by public utilities. The subject property and improvements thereon are more particularly described on the site plan marked as Petitioner's Exhibit 4.

The St. Ambrose Housing Center, Inc. has acquired the subject property along with a number of other properties in the area and is redeveloping these sites with affordable low-cost housing. The undersigned Zoning Commissioner has considered similar requests by this Petitioner for other properties on Lennox Avenue nearby. Ultimately, St. Ambrose will redevelop property in this community with 15 new houses. In the instant case, the Petitioner proposes to raze the two structures and construct three new dwellings, 18' x 45' in dimension on the site. Since the property is listed with the Maryland Historic Trust and located within the East Towson Historic District, the buildings "must be preserved," pursuant to Sections 26-203(C)(8) and 26-278 of the Code. Moreover, any request to raze structures located in a historic district must be reviewed by the Landmarks Preservation Commission (LPC), pursuant to Sections 26-542 and 26-544 of the Code.

A report prepared by Steven M. Brown, Professional Engineer, was submitted at the hearing indicating that the subject buildings are deteriorated beyond repair. Additionally, a copy of a Memorandum of Agreement signed by interested parties agreeing to the demolition was submitted at the hearing. That Agreement was executed by Mary L. Harvey, Director of Baltimore County's Office of Community Conservation, J. Rodney Little, Maryland Historic State Preservation Officer, Adelaide Bentley, President of the Northeast Towson Improvement Association, and Vincent Quayle, Executive Director of the St. Ambrose Housing Aid Center, Inc. (see Petitioner's Exhibit 5). Additionally, a recommendation to allow razing of the structures and a waiver of the LPC hearing was received from Mary L. Harvey (see Petitioner's Exhibit 1). Finally, the Office of Planning supports these waivers (see Petitioner's Exhibit 2).

Based upon the testimony and evidence offered, I am persuaded that the waivers should be granted, pursuant to the requirements of Sections 26-171 and 26-172 of the Code. The evidence

presented was persuasive that the Petitioner has satisfied the standards set forth therein for waiver relief and that the two existing structures should be razed to allow the proposed redevelopment.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December, 2003 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, of Sections 26-203(C)(8) and 26-278 of the Baltimore County Zoning Regulations (B.C.Z.R.) to raze the two existing structures, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a waiver of the requirement of Sections 26-542 and 26-544 of the Baltimore County Code that the matter be considered by the Baltimore County Landmarks Preservation Commission, be and is hereby GRANTED.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING Date

By

By

#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



#### Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

December 4, 2003

Ms. Kathleen Skullney
Attorney at Law
Mr. David Sann, Development Officer
St. Ambrose Housing Aid Center, Inc.
321 E. 25<sup>th</sup> Street
Baltimore, Maryland 21218

RE: PETITION FOR SPECIAL HEARING
E/S Railroad Avenue, 400' S of the c/l Pennsylvania Avenue
(402½ and 404 Railroad Avenue)
9<sup>th</sup> Election District – 5<sup>th</sup> Council District
St. Ambrose Housing Aid Center, Inc. - Petitioner
Case No. 04-131-SPH

Dear Ms. Skullney & Mr. Sann:

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

for Baltimore County

LES:bjs

cc:

People's Counsel; Case File





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	402/2+404	Roll	road Avenue
which is	s 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 under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A WAIVER PURSUANT TO SECTIONS 26-171, 26-172 (b), BCC OF SECTIONS 26-203 (C)(8) AND SECTION 26-278
TO RAZE: THE TWO EXISTING STRUCTURES.

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:	Legal Owner(s):								
	St. Ambrose Housing And Cator Inc								
Name - Type or Print	Name - Type or Print								
Signature	Signature David Sonn, Development Officer Finbr								
Address Telephone No.	Name - Type or Print								
City State Zip Code	Signature								
Attorney For Petitioner:	321 E. 25 1/2 Street 4/0-366-8550								
Lattle Skullow Staff Atheres	Address Telephone No. X25								
Name - Type or Print	City State Zip Code								
Kathleen S. Skullaun	Representative to be Contacted:								
Signature Ad Cato Inc	David Sann, St. Ambrose								
132/ A. 25 14 Street 4/10-366-8550 X 2/4									
Maddress Telephone No.  2/2/8	Address Telephone No. 21218								
State Zip Code	City State Zip Code								
	OFFICE USE ONLY								
	ESTIMATED LENGTH OF HEARING								
Case No. 04-131-SPH	UNAVAILABLE FOR HEARING								
Case No. <u>OH-131-SPH</u> Review  787 975198	red By D.THOMPSON Date 9/16/03								

406 WEST PENNSYLVANIA AVE. TOWSON, MARYLAND 21204-4228

(410) 494-4914 FAX (410)296-5326

#### ZONING DESCRIPTION 404-402 ½ RAILROAD AVENUE

Beginning for the same at a point on the east side of Railroad Avenue, 30' wide. Said point being 275 feet more or less south of East Pennsylvania Avenue. Thence leaving the right-of-way of Railroad Avenue and running the following four courses and distances viz:

- (1) South 79° 01' 19" East 135.32 feet thence,
- (2) South 12° 01' 17" West 50.01 feet thence,
- (3) North 79° 01' 19" West 134.41 feet to intersect the east side of Railroad Avenue hence,
- (4) Northerly along the east right-of-way of Railroad Avenue North 10° 58' 41" East 50.00 feet, to the place of beginning

Containing 6,347 square feet, or 0.145 acres of land, more or less.

Being all of that property recorded in the land records of Baltimore County in Liber SM 16996 Folio 050. Located in the Ninth Election District, Fifth Councilmanic District, of Baltimore County, Maryland. Also known as 404-402 ½ Railroad Avenue.

September 9, 2003 reports\zondesc\Railroad Ave.doc

Richard John Truelove P.E.

#### 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: # 04-131-SPH

402 1/2 and 404 Railroad Avenue

E/side Rahroad Avenue, 275 feet south of east Peint-sylvania Avenue

9th Election District-5th Councilmanic District

Legal Owner(s): St. Ambrose Housing Aid Center, Inc.,
David Sann, Development Officer.

Special Hearing: for waiver to the historic provisions of the County Code to raze the two existing structures.

Hearing: Thursday, November 13, 2003 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/10/775 Oct. 28

#### CERTIFICATE OF PUBLICATION

<del></del>
10/28,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 10 28  ,20 <u>03.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
J. WULLING- LEGAL ADVERTISING



#### 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 NO. 04-131\_SPH PETITIONER/DEVELOPER: David Sann, Development Officer DATE OF HEARING: November 13, 2003

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

ATTENTION: REBECCA HART

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

2003

28

October

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POSTED

ZONING NOTICE

A PUBL HEARING WILL BE FULLD BY CONING COMMISSIONER IN TOWSON, MD

PLACE Reom 4DT County Courts Building
411 Binsby Avenue Townen MD

TIME 8 9 100 and Hursday November 13, 2001

Special ffeeting for walver to the historic provisions of the County Code to faze the two existing strictures

HEARING ASSESSMENT

LOCATION:

402 ½ and 404 Railroad Avenue

DATE:

October 30, 2003

SIGNATURE OF SIGN POSTER

**BRUCE DOAK** 

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

Tuesday, October 28, 2003 Issue - Jeffersonian

Please forward billing to:

David Sann St. Ambrose Housing Aid Center 321 E. 25<sup>th</sup> Street Baltimore, MD 21218 410-366-8550 ext. 258

#### **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: 04-131-SPH

402 1 /2 and 404 Railroad Avenue

E/side Railroad Avenue, 275 feet south of east Pennsylvania Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: St. Ambrose Housing Aid Center, Inc., David Sann, Development Officer

Special Hearing for waiver to the historic provisions of the County Code to raze the two exiting structures.

Hearings:

Thursday, November 13, 2003 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

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

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



#### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 6, 2003

#### **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: 04-131-SPH

402 1 /2 and 404 Railroad Avenue

E/side Railroad Avenue, 275 feet south of east Pennsylvania Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: St. Ambrose Housing Aid Center, Inc., David Sann, Development Officer

Special Hearing for waiver to the historic provisions of the County Code to raze the two exiting structures.

Hearings:

Thursday, November 13, 2003 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:rlh

C: St. Ambrose Housing Aid Center, Inc., David Sann, Development Officer, 321 E. 25 th Street, Baltimore 21218

Kathleen Shullaey, St. Ambrose Housing Aid Center, 321 E. 25<sup>th</sup> Street, Baltimore 21218

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 29, 2003.

- (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.



Visit the County's Website at www.baltimorecountyonline.info

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 04-131-SPH Petitioner: ST AMBROSE HOUSING AID CENTER INC.
Address or Location: 4025 + 404 RAILROAD AVE.
PLEASE FORWARD ADVERTISING BILL TO:
Name: DINIO SANN
Address: ST. AMBROSE HOUSING AID CENTER INC.
321 E. 25th St.
BALTO. MD 21218
Telephone Number: 410-366-8550 × 258

## Department of Permits and Development Management

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



#### Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

November 7, 2003

Kathleen Shulhey St. Ambrose Housing Ald Center, Inc. 321 E. 25<sup>th</sup> Street Baltimore, MD 21218

Dear Mr. Shulhey:

RE: Case Number: 04-131-SPH, 402 1/2 & 404 Railroad Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 2003.

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.

Supervisor, Zoning Review

U. Cal Richal

WCR:klm

Enclosures

c: People's Counsel David Sann, 321 E. 25<sup>th</sup> St., Baltimore 21218



Visit the County's Website at www.baltimorecountyonline.info

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700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.:

130 - 141, 143, 144, 147 - 150

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For October 13, 2003 Item Nos. 130, 131, 132, 133, 134, 135, 138, 139, 142, 143, 145, 146, 149, and 150

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

RWB:CEN:jrb

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 12, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

**AMENDED COMMENTS** 

402 1/2 and 404 Railroad Avenue

INFORMATION:

Item Number:

04-131

**Petitioner:** 

St. Ambrose Housing Aid Center, Inc.

Zoning:

DR 10.5

Requested Action:

Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The properties at 402 ½ and 404 are listed on the MHT Inventory and are therefore subject to Administrative Special Hearings for the proposed razing. The Office of Planning supports the recommendations of Mary L. Harvey, Director of Community Conservation, to waive the requirements of review by the Landmarks Preservation Commission per Section 26-172 of the Baltimore County Code.

**Section Chief:** 

AFK/LL

frg3

**DATE:** October 16, 2003

RECEIVED

ZONING COMMISSIONER

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

402 1/2 and 404 Railroad Avenue

**INFORMATION:** 

Item Number:

04-131

Petitioner:

St. Ambrose Housing Aid Center, Inc.

Zoning:

DR 10.5

Requested Action:

Special Hearing

#### **SUMMARY OF RECOMMENDATIONS:**

The properties at 402 ½ and 404 are listed on the MHT Inventory and are therefore subject to Administrative Special Hearings for the proposed razing. The LPC has been reviewing all razing proposals for MHT listed structures since April 1998. This proposal will be presented to the LPC on November 13, 2003 for their review and comments, which will be forwarded to the hearing officer prior to his decision on the proposed razing. The applicant is encouraged to attend this meeting on November 13, 2003 at 6:00 p.m. in room 406. On October 16, 2003, this office left a message in the voice mail of David Sann (project representative), regarding the LPC meeting.

Prepared by:

Section Chief:

State Figures to Excel

Administration

Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

RE:

Date: 10.7.03

Item No.

**Baltimore County** 

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

Dear, Ms. Hart:

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,

f

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

#### Office of Community Conservation

Drumcastle Center, 2nd Floor 6401 York Road Baltimore, Maryland 21212 Tel: 410-887-3317 • Fax: 410-887-5696 TTY: 410-887-2799



## Baltimore County

James T. Smith, Jr., County Executive Mary L. Harvey, Director

November 12, 2003

Department of Permits and Development Mangement 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Special Hearing Case No. 04-131 SPH 402 1/2 and 404 Railroad Avenue

This letter is to request that the requirements of Division 3, 4, and 5 of Title 26 of the Baltimore County Code be waived pursuant to Section 26-172(a) of the Code.

The above referenced properties are part of the East Towson Development Project and as such have been thoroughly reviewed by all relevant agencies as set forth in the Memorandum of Agreement attached hereto. Based on the consensus achieved within that review, I believe that the above referenced properties meet all the requirements necessary for such a waiver.

Thank you for your consideration and approval of this request.

Sincerely,

Mary L. Harvey
Director

MLH:em



## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** November 12, 2003

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: AMENDED COMMENTS

402 1/2 and 404 Railroad Avenue

**INFORMATION:** 

Item Number: 04-131

Petitioner: St. Ambrose Housing Aid Center, Inc.

Zoning: DR 10.5

Requested Action: Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The properties at 402 ½ and 404 are listed on the MHT Inventory and are therefore subject to Administrative Special Hearings for the proposed razing. The Office of Planning supports the recommendations of Mary L. Harvey, Director of Community Conservation, to waive the requirements of review by the Landmarks Preservation Commission per Section 26-172 of the Baltimore County Code.

Section Chief:

AFK/LL

PLEASE PRIN

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CITY, STATE, ZIP		1914 med 21218										
ADDRESS	St 184172	125 - 149 Had			•							
NAME	KATHEN/Skulwey	David San										

July 23, 2002

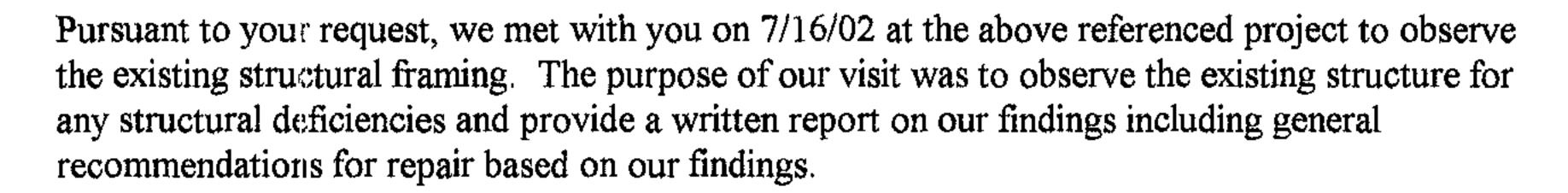
St. Ambrose Housing Aid Center 321 East 25<sup>th</sup> Street Baltimore, Maryland 21218

Attn: Mr. Kevin O'Reilly

Re: 404 Railroad Avenue

S&A Job No. 02326

Dear Kevin,



No attempt was made to determine the actual load carrying capacity of the floors, roofs or walls of the structure. The comments and recommendations, which are contained in our report are based on visual observations of the structure as it existed at the time of our visit. In many cases, the structural elements of the building were covered by architectural materials which, were not removed. Therefore, it is possible that some unseen conditions and latent structural defects, which would alter our report, may exist.

This project consists of a two story, 910 square foot per floor wood framed house located in Towson, Maryland. Photograph No. 1 is a front view of the house. The roof framing consists of an "A" frame type structure with the roof joists and the second floor ceiling joists spanning side to side. The ridge is non-structural which means that the roof load bears on the sidewalls of the house without any transfer to any interior walls. The second floor ceiling joists, however, do bear on an interior wall that runs down through the center of the house.

The second floor framing consists of 2x8 wood joists spanning side to side. The first floor framing was built over a crawl space and spans front to rear in the front section of the building, and side to side in the rear section of the building with intermediate beams and piers. There was no access to the crawl space so we were unable to determine precisely the pier locations and the beams sizes. But we were able to view the underside of the first floor framing through a hole that was busted through the side foundation wall.

There is a small front porch roof in the front of the house and a second story porch and roof on the rear which was filled in on the first floor and added to. See Photograph No. 2 for a side view

SKARDA

ASSOCIATES)

Structural Consultants

of the house showing the rear porch.

At the time of our visit we noticed the following structural deficiencies:

- The front porch was not properly framed. It appeared that the original diagonal braces have failed and a temporary diagonal brace, loosely installed was somehow keeping this roof from falling down under its own weight.
- The rear addition and first floor enclosure of the second floor porch appeared to be in our opinion was not constructed in accordance with code. There was no exterior siding or adequate foundation. The wall and roof framing appeared to be constructed with spare lumber and it is our understanding by the current tenant.
- A 13'-6" section of the first floor intermediate bearing wall that used to support the second floor framing was removed. A 4x4 piece of lumber was installed acting as a temporary beam. Based on our analysis, this 4x4 is severely overstressed and is already experiencing excessive deflection. See Photograph No. 3.
- The concrete foundation wall along the north side of the house appeared to be approximately 75% deteriorated with no visible signs of reinforcing bars. See Photograph No. 4. It is our opinion that this damage was caused by long term exposure to storm water. This side of house is located a few feet away from the next adjacent house. The finish grade between the two houses appeared to be such that storm water would be retained in this area without any means of positive drainage.
- From the hole in the broken foundation, we could observe standing water within the crawl space. See Photograph No. 5. From the picture, you can also see that there are vertical wood columns in addition to the original brick & stone pier.
- The first floor joists in the rear section appeared to span the entire length width of the house. See Photograph No. 6. Given 2x8 floor joists @ 1"-4" on center, these joists are insufficient to safely support their intended loadings.
- Finally, it appeared that the moisture from the standing water was starting to attack the first floor framing. Mold growth was observed and moisture staining was present.

It is our opinion that there are several serious structural issues with this house that need to be addressed. The front porch roof, second floor porch and enclosure, and rear addition should be completely removed and reconstructed. The first floor bearing wall that was removed should be replaced or properly framed with new a new beam, posts and properly founded to the ground. The foundation wall along the entire north side of the house should be removed and a new cmu or

concrete foundation wall and footing should be installed. This would require a comprehensive shoring system to ensure that the remaining structure above would remain properly in place until a new foundation is in place. New beams and piers should be installed to properly support the existing first floor framing.

Furthermore, we strongly recommend that this structure be condemned immediately and any persons not associated with reconstructing this project be vacated. Structural failures have already been observed and it is our opinion that collapse of this structure is imminent.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Stephen M. Brown, P.E.

Vice President

Enclosures: Photograph Nos. 1 through 8



I hotograph No. 1



Photograph No. 2

Page 4 of 6



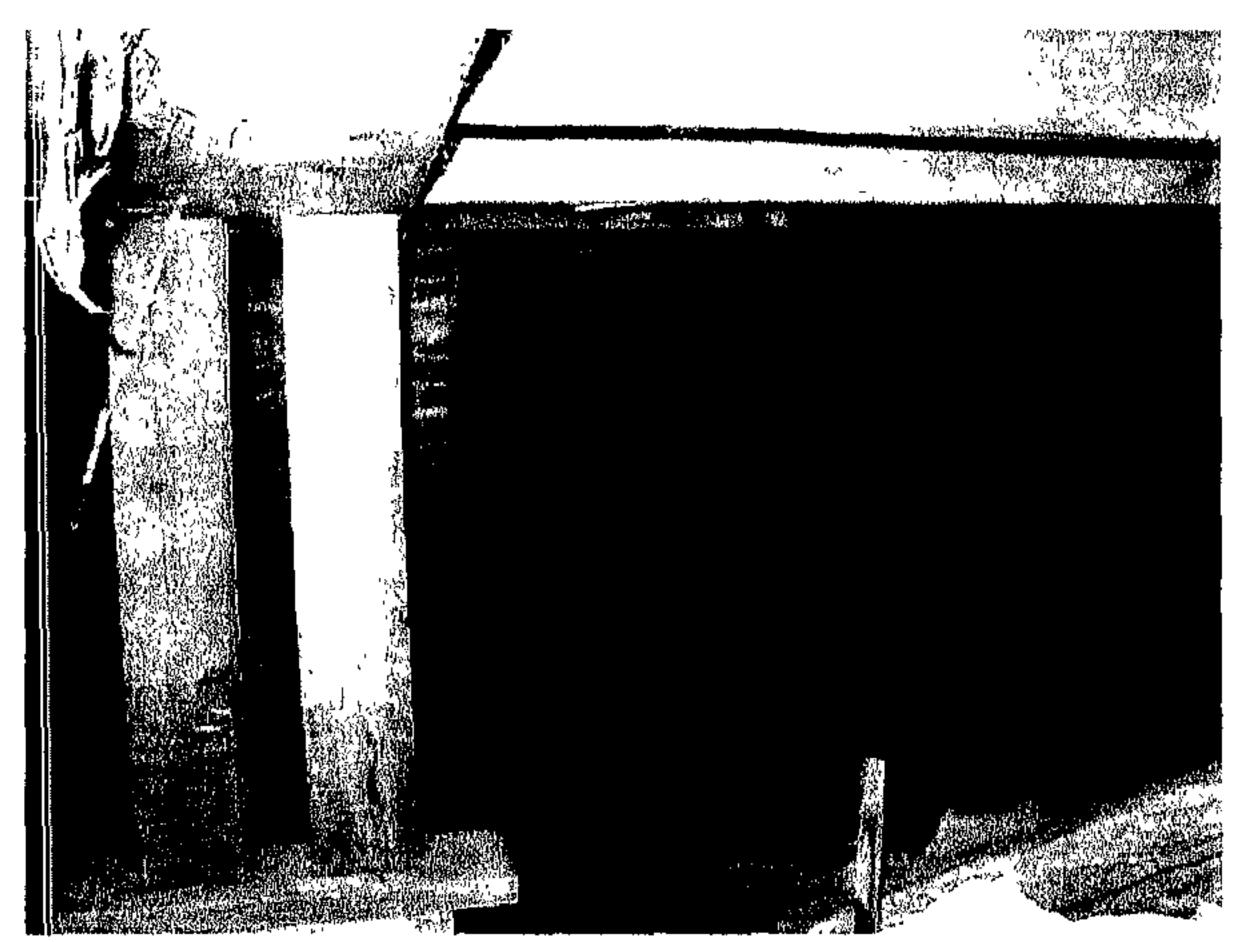
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Photograph No. 4

Page 5 of 6

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Fhotograph No. 5



Photograph No. 6

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## MEMORANDUM OF AGREEMENT AMONG

## THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE BALTIMORE COUNTY OFFICE OF COMMUNITY CONSERVATION, THE NORTH EAST TOWSON IMPROVEMENT ASSOCIATION,

AND

## THE SAINT AMBROSE HOUSING AID CENTER REGARDING THE EAST TOWSON DEVELOPMENT PROJECT

WHEREAS, the Baltimore County Office of Community Conservation (County) proposes to use HOME Investment Partnership Grant funds (HOME funds) provided by the U.S. Department of Housing & Urban Development (HUD) for implementation of the East Towson Development Project (Project); and

WHEREAS, the County will use HOME funds to cover the costs of new construction and rehabilitation of properties within the East Towson National Register of Historic Places eligible Historic District (MIHP No. BA-2564); and

WHEREAS, the East Towson Historic District is primarily eligible for the National Register under Criterion A for its association with African American History rather than Criterion C for its architecture; and

WHEREAS, HUD has delegated the responsibility for compliance with Section 106 of the National Historic Preservation Act for the use of HOME funds to the recipient to satisfy, in part, the requirements for an environmental assessment pursuant to 24 CFR Part 58; and

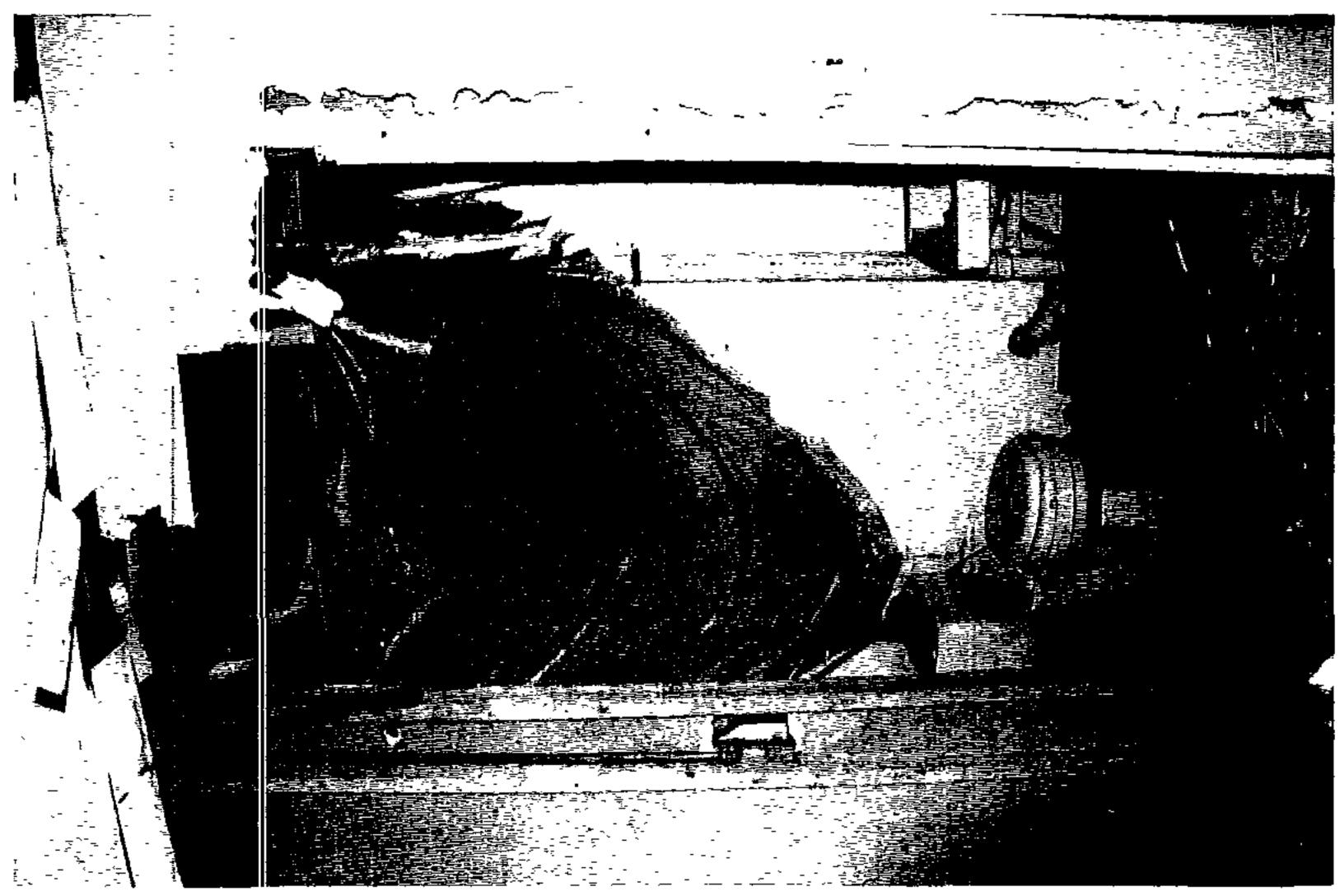
WHEREAS, the County has consulted with the Maryland Historical Trust (MD SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and determined that the Project will have an adverse effect upon historic properties; and

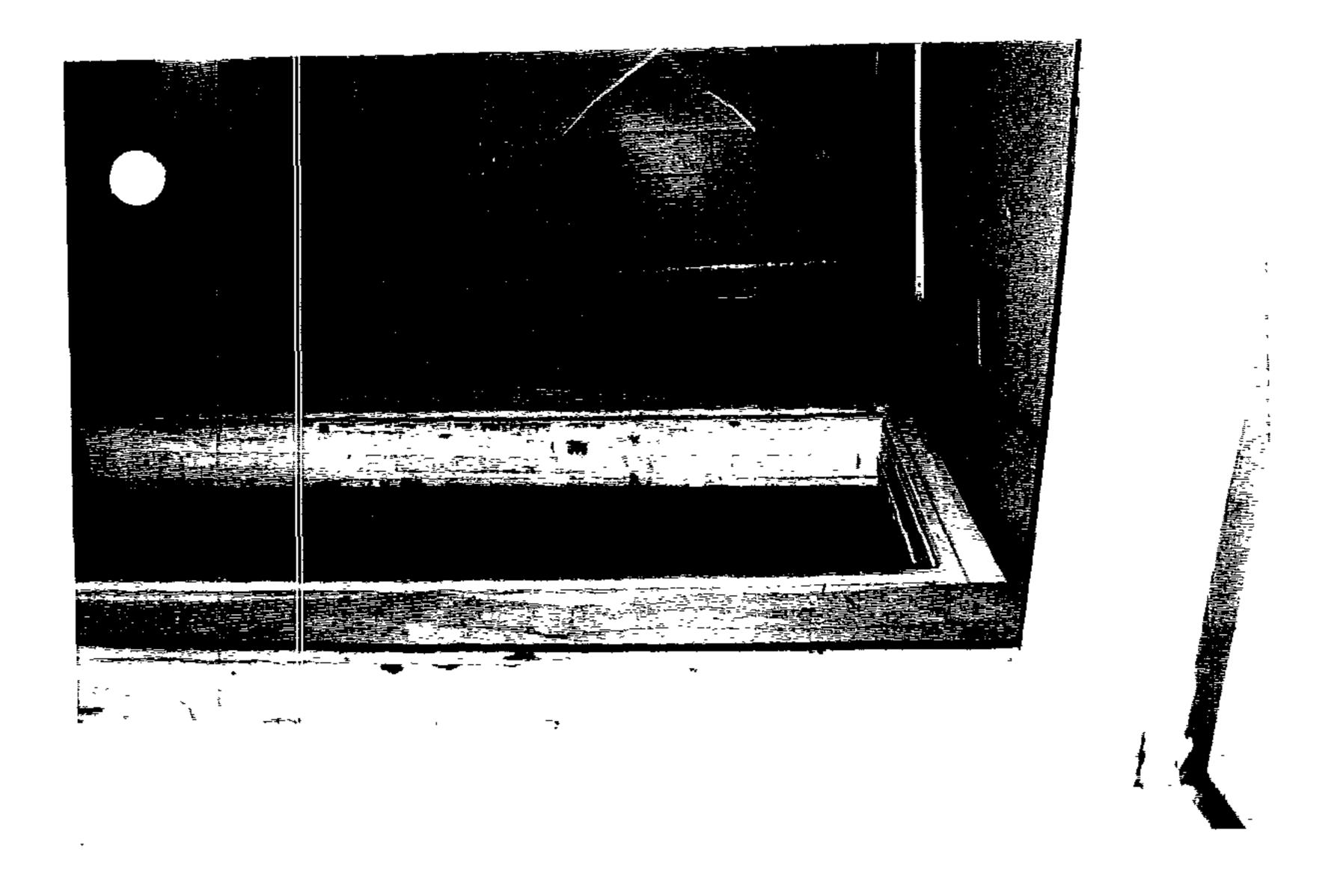
WHEREAS, the Advisory Council on Historic Preservation (Council) has been notified of the adverse effect determination in accordance with 36 CFR 800.6(a)(1) and has declined to participate in the consultation process for the Project; and

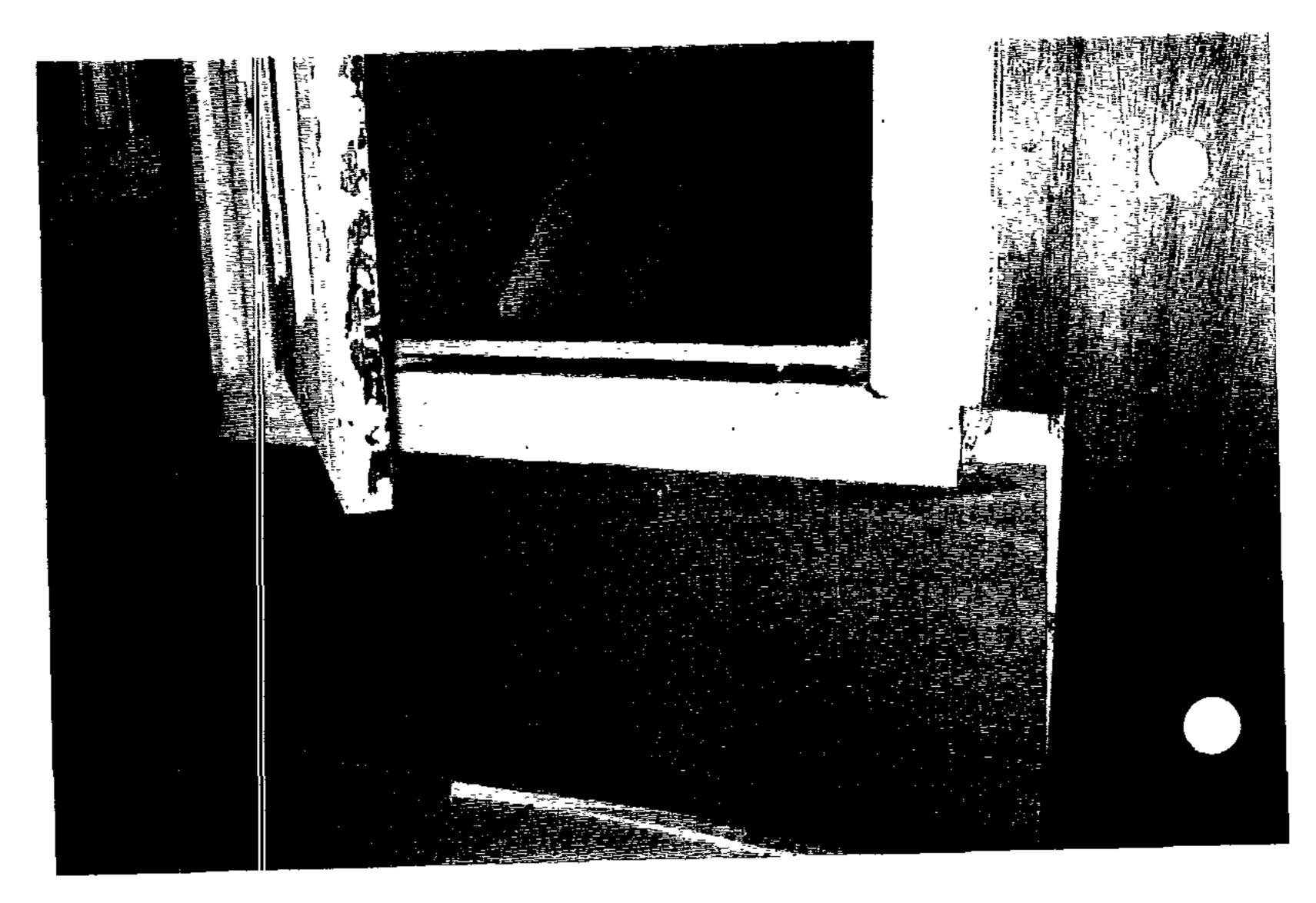
WHEREAS, the North East Towson Improvement Association (NETIA) and the Saint Ambrose Housing Aid Center (St. Ambrose) have participated in the consultation process, have been assigned responsibilities and have been invited to execute this Memorandum of Agreement (MOA).

NOW, THEREFORE, the MD SHPO, the County, NETIA and St. Ambrose agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.







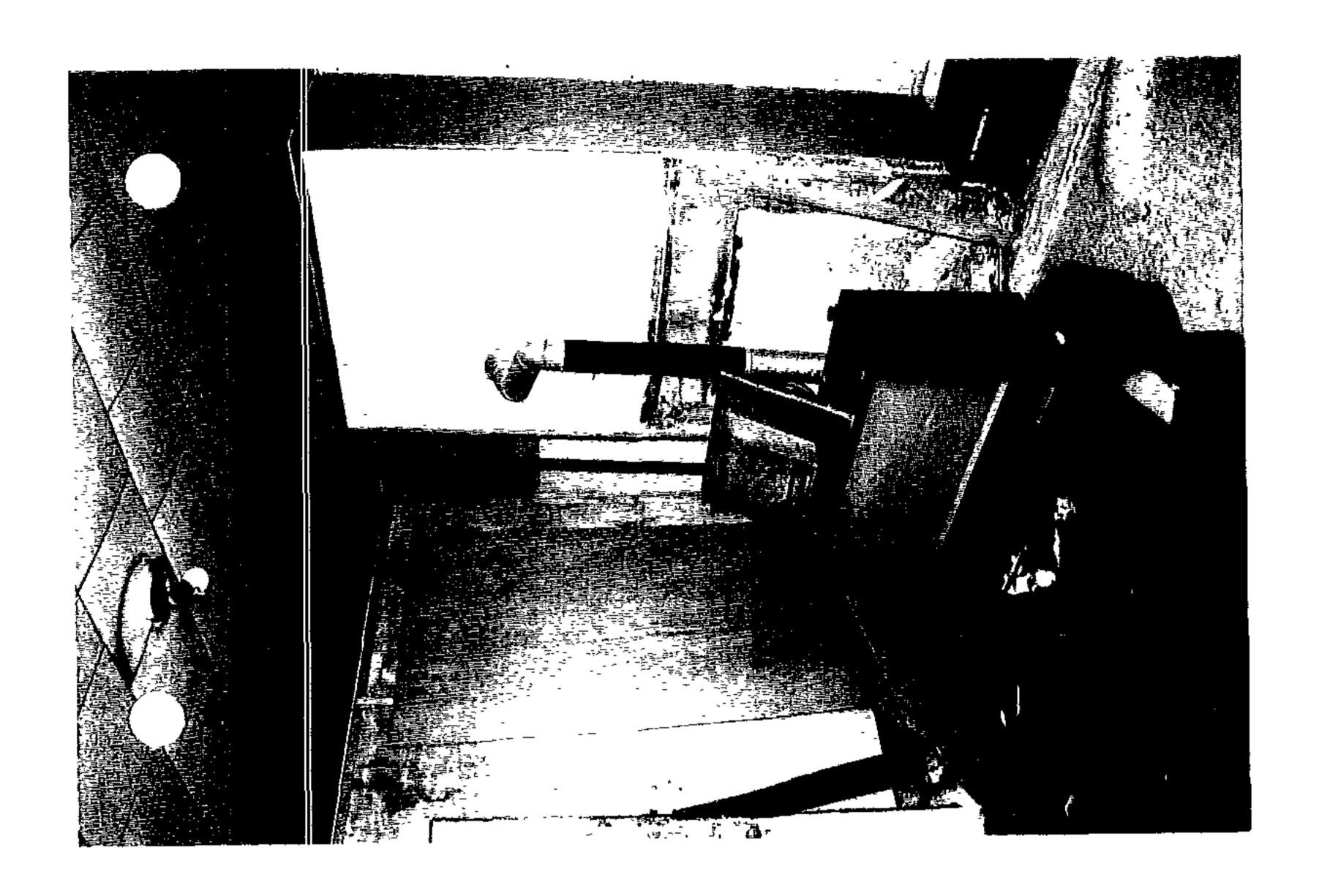


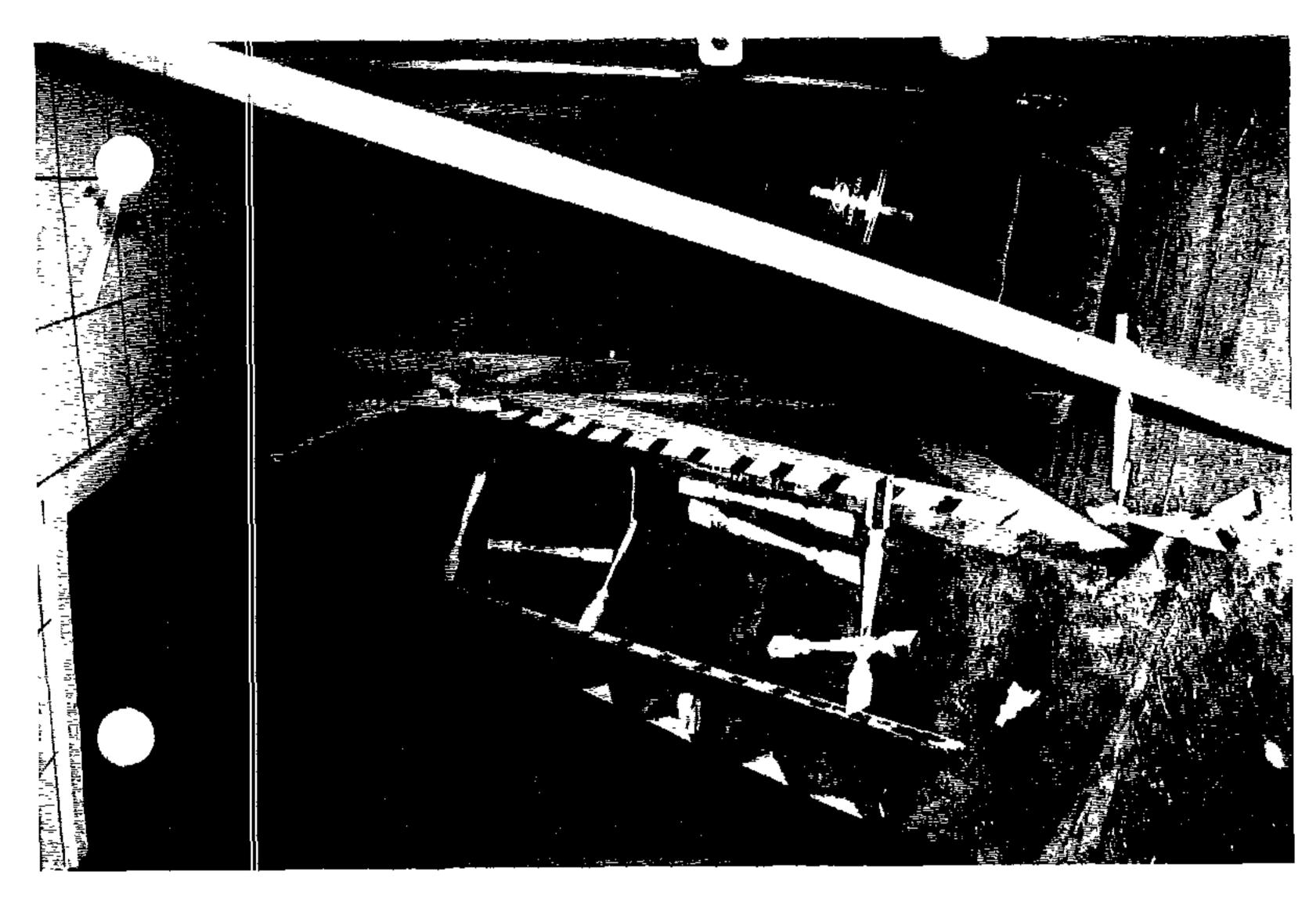




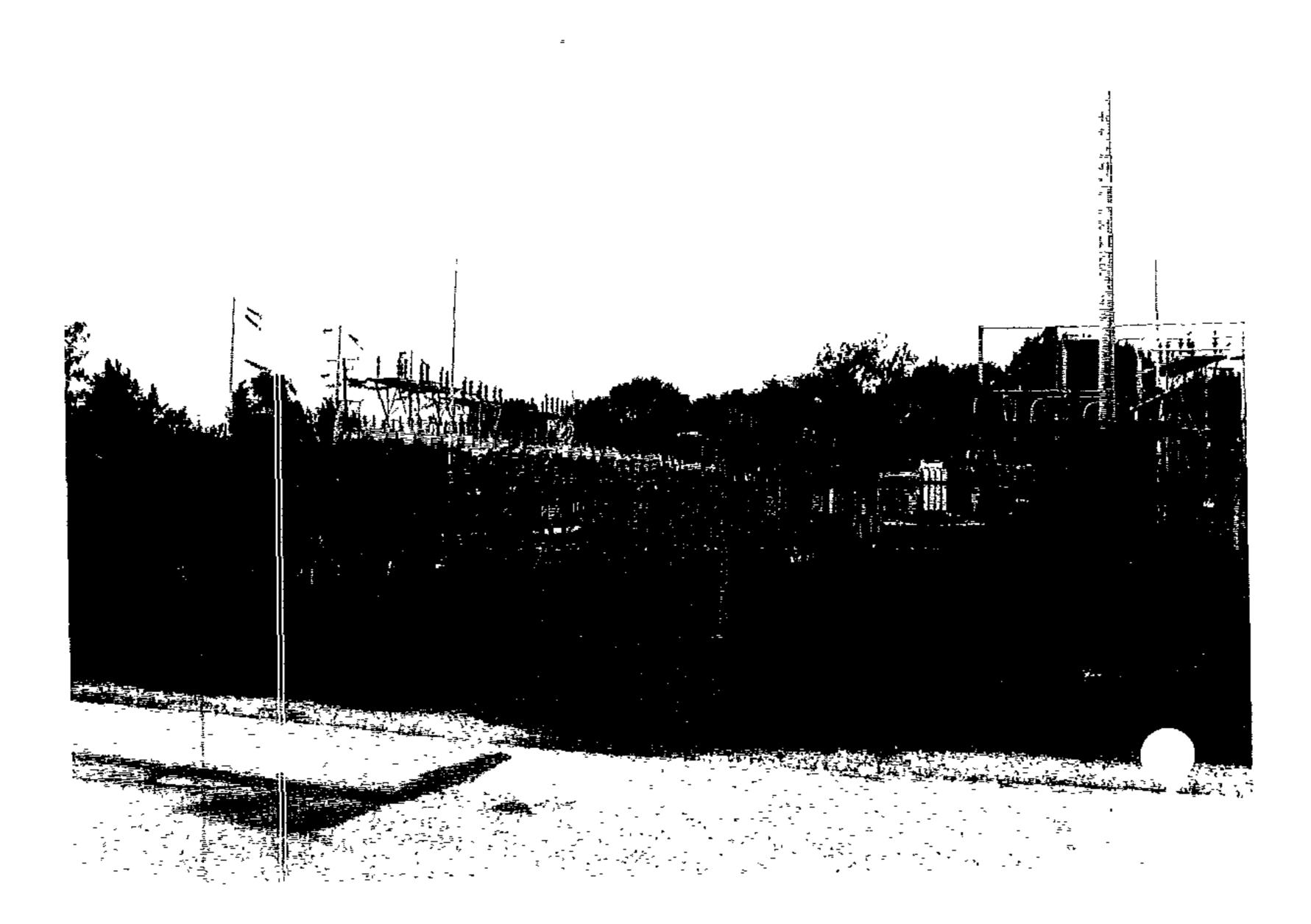














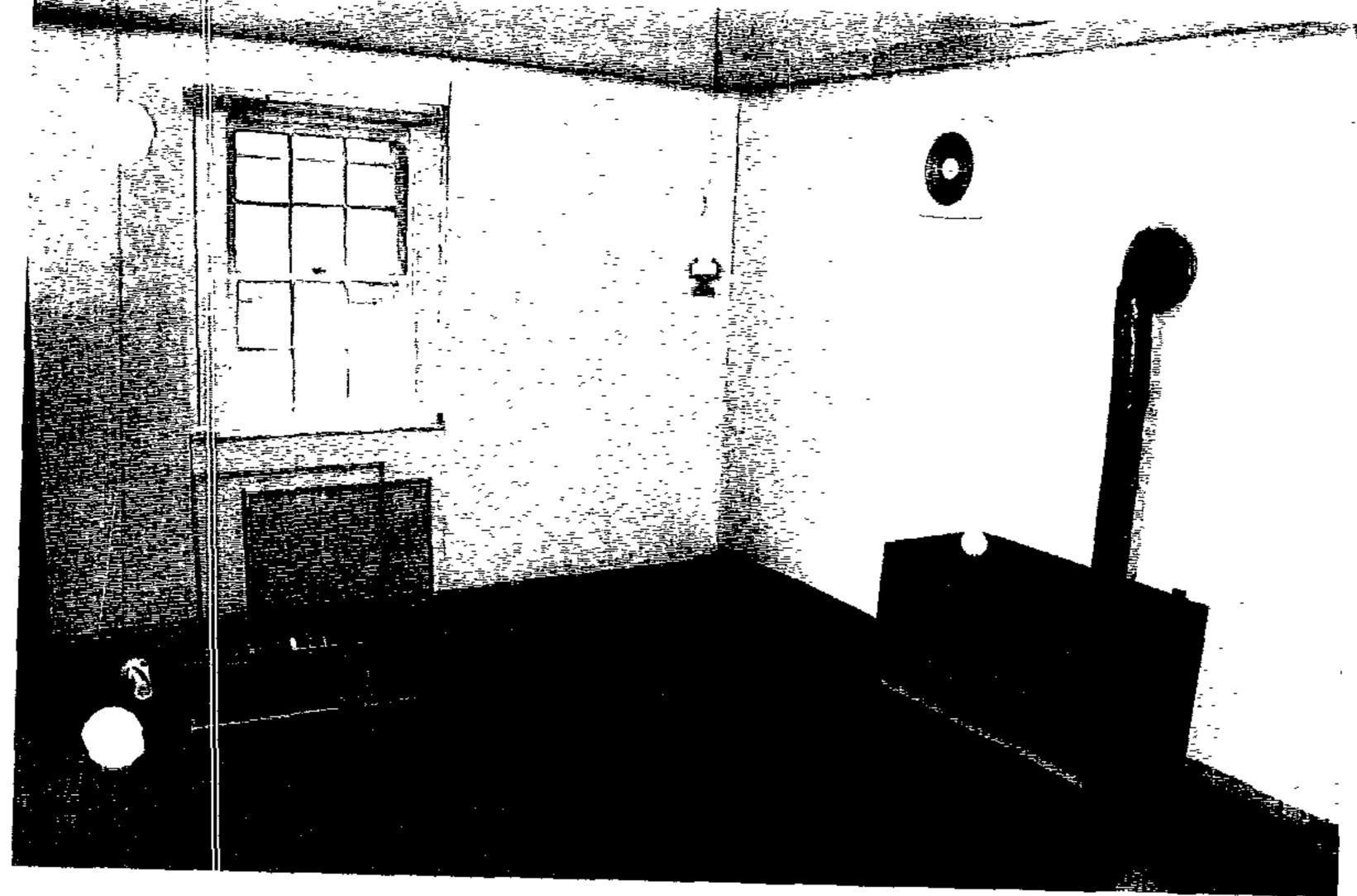


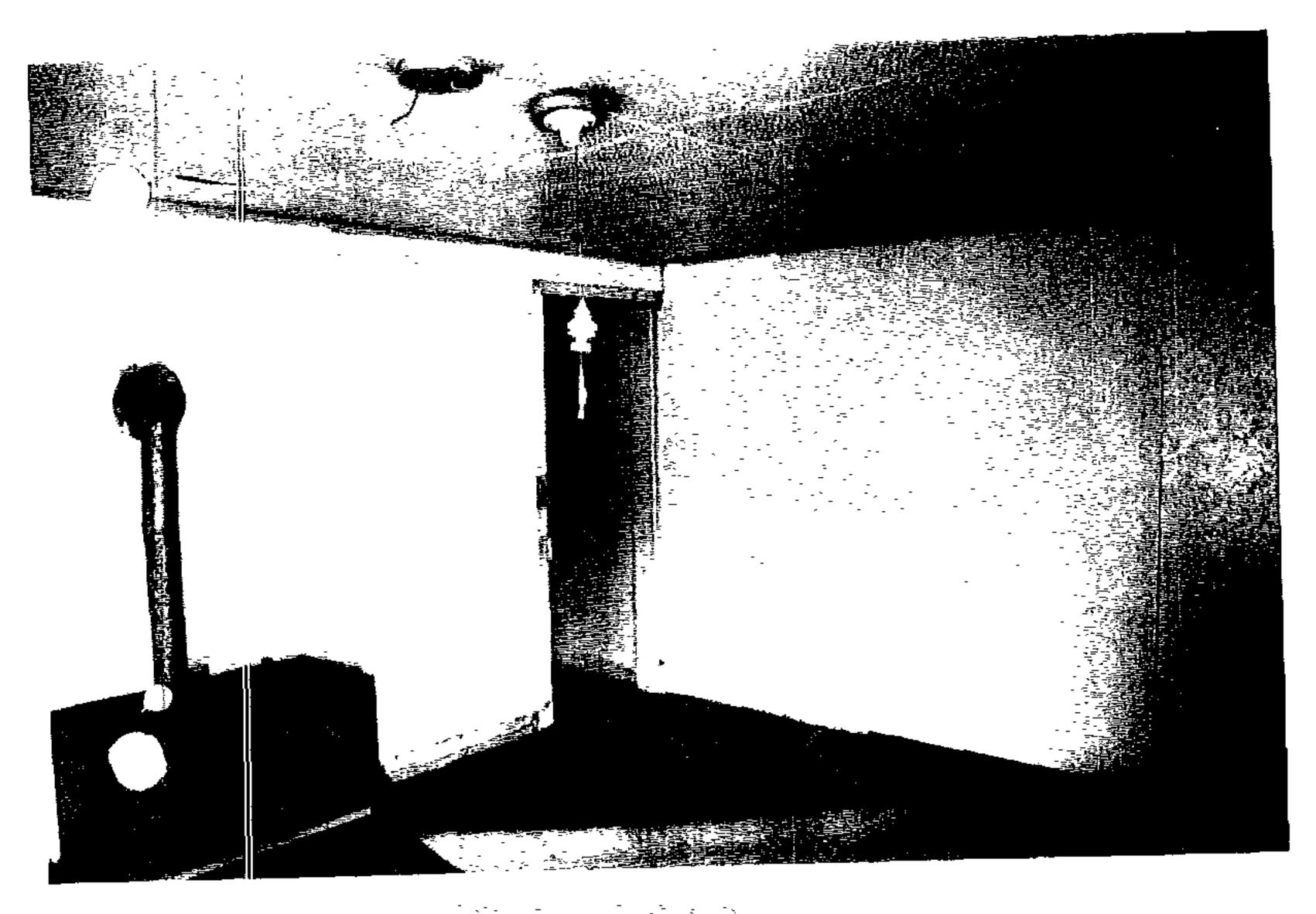


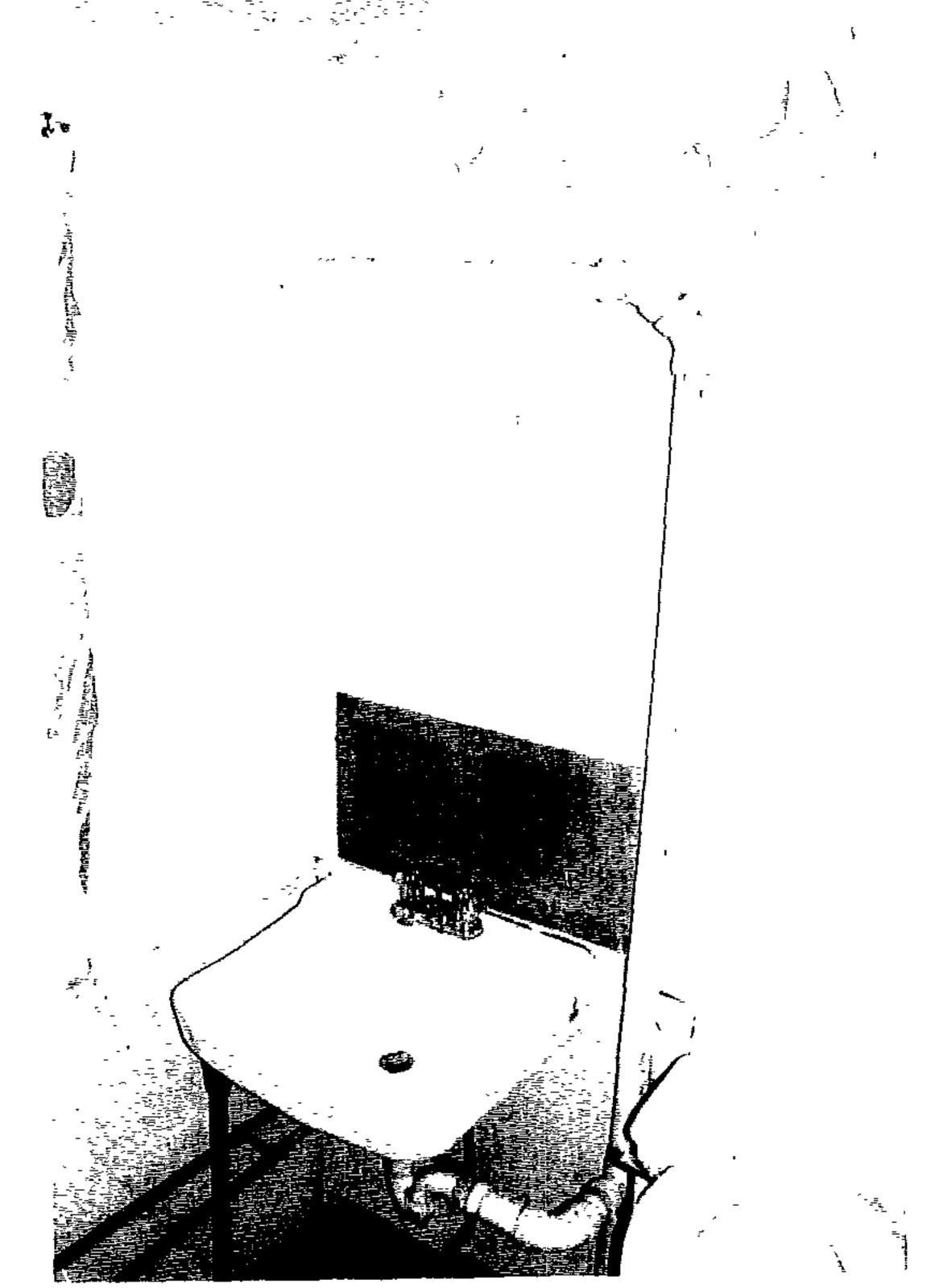
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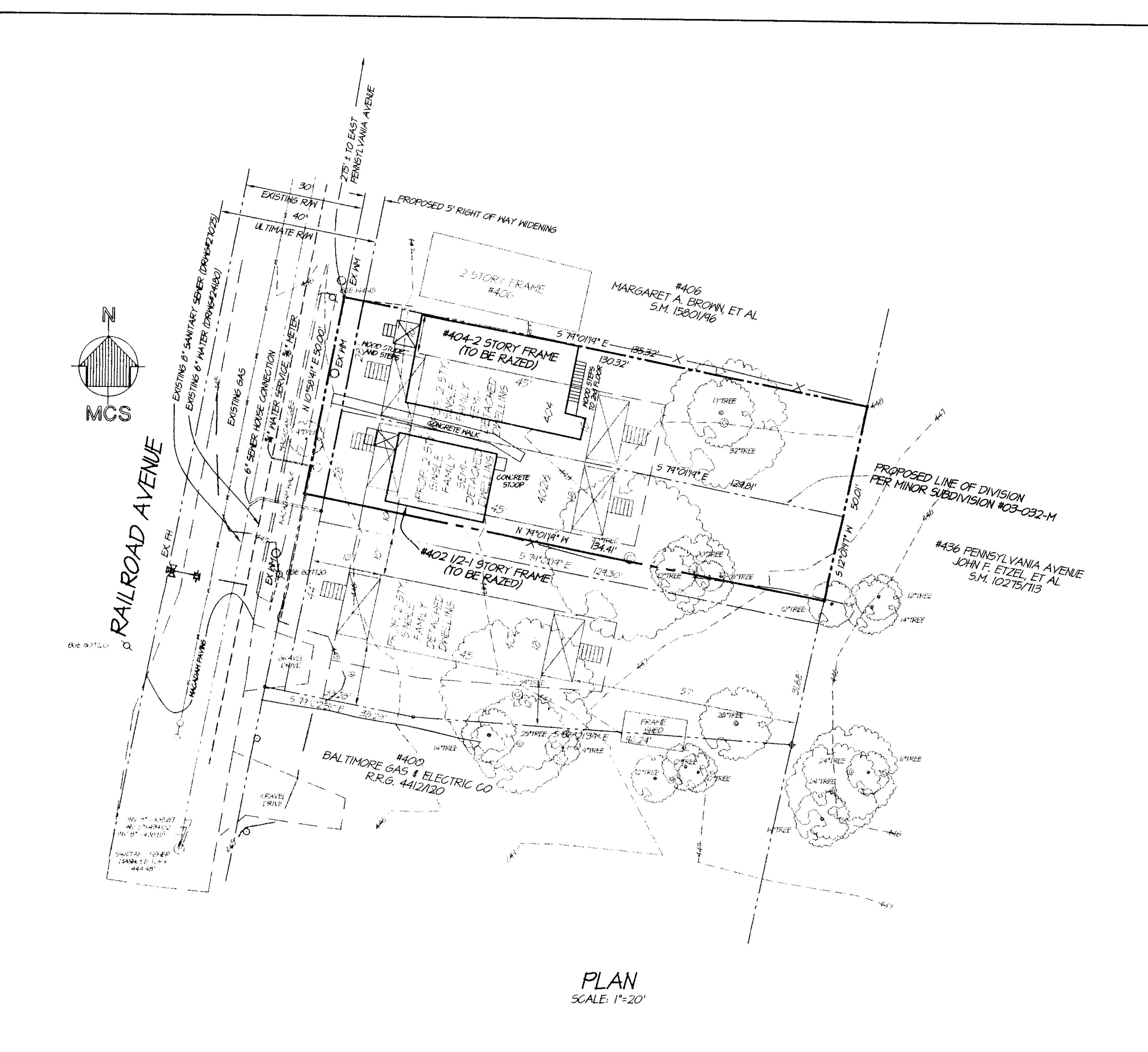






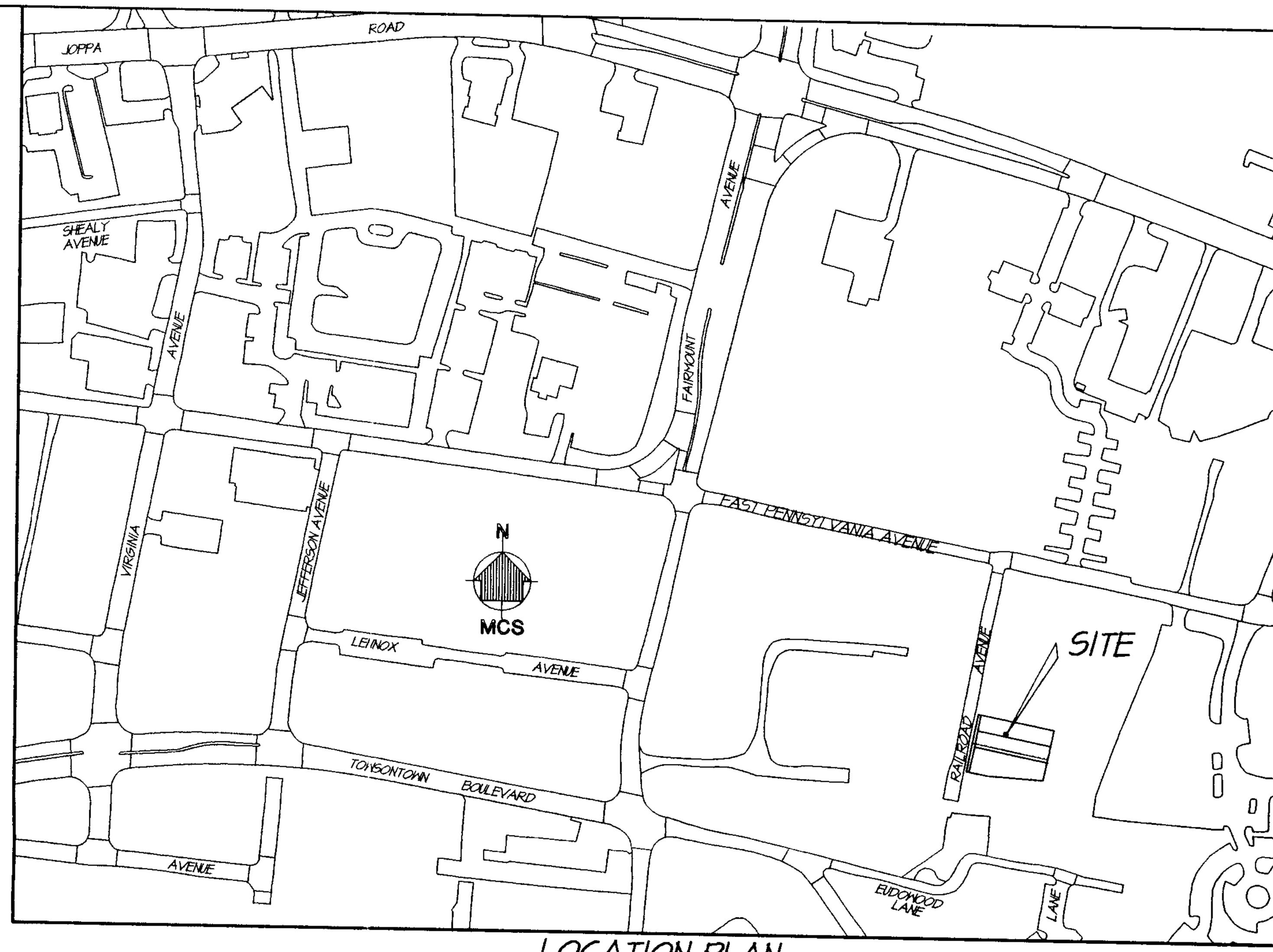


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### LEGEND

EXISTING CONTOURS..... (OR INDIVIDUAL TREES) PROPOSED UTILITY CONNECTIONS ...... (AS LABELED) PROPERTY LINE ..... FRONT PORCH COVERED SINGLE PROPOSED -- FAMILY
NEW HOUSE NOTE: THE FIRST FLOOR ADDRESS # 404 IS WOOD. THE GRADES OUTSIDE THE HOUSE MAINTAIN THE MINIMUM DISTANCE FROM THE WOOD SILL TO THE GROUND. THE FINISHED FLOOR ELEVATION SHALL BE ESTABLISHED IN THE FIELD TO BE A MINIMUM OF 4' ABOVE THE STREET GRADE OUTSIDE THE HOUSE.



GENERAL NOTES

LOCATION PLAN

1) AREA OF TRACT = 0.145 Ac. ± (6347 S.F.) GROSS AREA = 0.169 Ac.±

2) EXISTING ZONING: DR 10.5 (see 200 scale zoning map NE 10A )

3) PROPERTY OWNER:
MR. DAVID SANN c/o
ST. AMBROSE HOUSING AID CENTER, Inc.
32I EAST 25th STREET
BALTIMORE, MD. 21218
410-366-8550 X 258

#404 : DEED REFERENCE 16996/050 ACCT # 09-22-00019440 TAX MAP 70A, PARCEL 324

4) CENSUS TRACT 490900 REGIONAL PLANNING DISTRICT 315 SCHOOL DISTRICT: HAMPTON ELEMENTARY, DUMBARTON MIDDLE, TOWSON HIGH WATERSHED BACK RIVER SUBSEWERSHED 55

5) OFF STREET PARKING I. PARKING REQUIRED: 2 SPACES per DWELLING UNIT 2. TOTAL SPACES PROVIDED: 2 PER DWELLING UNIT

6) BUILDING SETBACK REQUIREMENTS (SECIBO2.3, DR 10.5 ZONE) FRONT - 10' FROM FRONT PROPERTY LINE, SIDE 10', REAR 50'

7) MINIMUM LOT AREA REQUIRED FOR SMALL LOTS IN DR 10.5 ZONE = 3000 s.f. MINIMUM LOT AREA PROPOSED = 3626 s.f.

8) SETBACKS PROVIDED FRONT = 10', SIDE = 10.0' (MIN.), REAR = 57' (MIN.)

9) THE PROPERTY LINES SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY COMPLETED BY GERHOLD, CROSS, AND ETZEL Ltd. DATED DECEMBER 12, 2002. THE TOPOGRAPHY SHOWN HEREON IS BASED ON THAT SURVEY.

IO) SITE IS NOT IN A FLOODPLAIN. THERE ARE NO STREAMS ON THE SITE.

II) SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

12) THERE ARE NO WETLANDS, OR ENDANGERED SPECIES HABITAT ON THE SITE

13) THERE HAVE BEEN NO ZONING CASES FOR THIS PROPERTY.

14) ALL SOILS ARE GLENVILLE-URBAN GUB

IS) THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEM HELD INTACT SINCE 1966. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY, OR AREA, TO SUPPORT ANY OFF-SITE DWELLINGS.

16) PROPERTY IS CURRENTLY THE SUBJECT OF MINOR SUBDIVISION 03-032-M.

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PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING 404 RAILROAD AVENUE

9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN

SEPTEMBER 4, 2003



PLAN PREPARED BY:

RICHARD TRUELOVE P.E., Inc.

registered civil engineer

06 West Pennsylvania Avenu

owson, Maryland 21204-422

(410)494-4914 FAX (410)296-5326