IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
E/S of Stanton Avenue, 350 +/- ft. S
from centerline of Lake Avenue
9th Election District
4th Councilmanic District
(6015 Stanton Avenue)

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-177-ASPH

Catherine & John Clarke, Sr. Petitioners

-

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Special Hearing filed by the legal owners of the subject property, Catherine & John Clarke, Sr. The property is located at 6015 Stanton Avenue in Baltimore County. The subject property is zoned D.R.5.5. 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. The Landmarks Preservation Commission at its December 11, 2003 meeting voted "not to oppose" the proposed demolition of the structure, which is included as a contributing structure in the proposed "Cow Hill" – Washingtonville National Register Historic District and is thereby on the Maryland Historical Trust Inventory. 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,

Date

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 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 October 17, 2003. 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 1.000. of land, more or less, and is zoned D.R.5.5. The information submitted is persuasive to a finding that the proposed razing of the existing dwelling 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 memorandum dated December 16, 2003. 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 Zoning Commissioner for Baltimore County this day of December, 2003, 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, as approved by the Landmarks Preservation Commission on December 11, 2003, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their permit 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj

Date AECEIVED FOR FILING

By A CAMPAGE

By A

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 18, 2003

Howard Alderman, Esquire Levin & Gann 502 Washington Avenue, 8th Floor Towson, Maryland 21204

Re: Petition for Administrative Special Hearing Case No. 04-177-SPHA
Property: 6015 Stanton Avenue

Dear Mr. Alderman:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj
Enclosure

c: Mr. & Mrs. John Clarke, Sr. 8742 Stockwell Road Parkville, MD 21234

Catoctin Homes, Inc. P. O. Box 512 Ellicott City, MD 21041



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

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of a

for the property located at 6015 STANTON AVENUE which is presently zoned DR 5.5

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

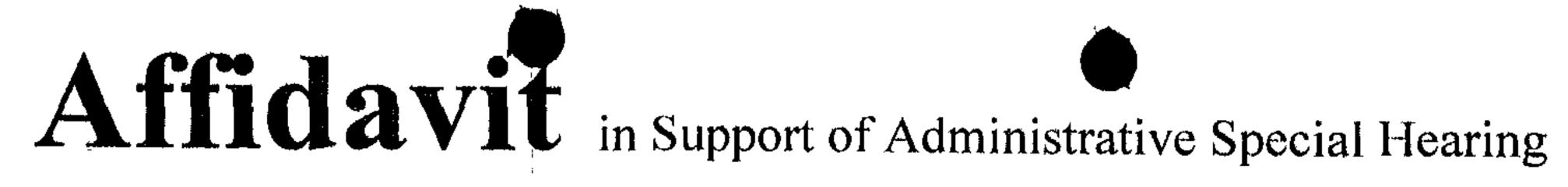
RAZE STRUCTURE

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.

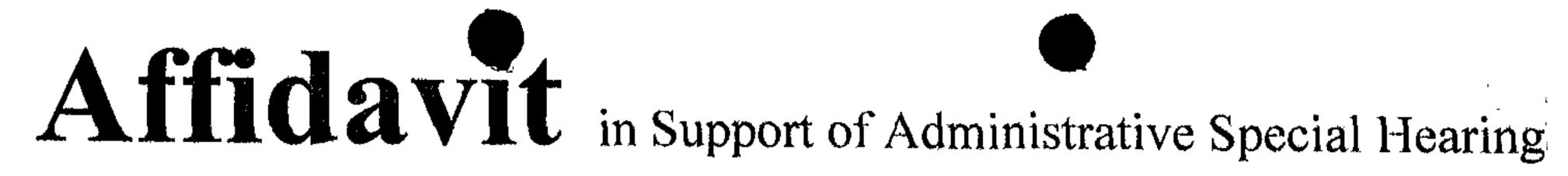
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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): CATOCTIN HOMES, INC. DOWN CLARICE, SR. PHILLIP G. HARADIS. Name - Type of Print Name - Type or Print VICE PRESIDENT Signature Signature CATHERINE CLARICE (CLINEDINST) P.O. BOX 5/2 4107725804 Telephone No. Address - Type or Print ELLICOTT CITY MD 21041 ZIp Code State **Attorney For Petitioner:** Telephone No. Address ALDERMAN HOWARD Name / Type or Print Representative to be Contacted: GANN **LEV**M Company Name FLOOR 4103210600 VOTTINGHAM CENTRO Telephone No. Address Telephone No. SOE WASHINGTON AVE 21204 OWSON State Zip Code City Zip Code State CC A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this Klday of regulations of Baltimore County and that the property be reposted. W ORDER RECEIVE Zoning Commissioner of Baltimore County 04-177- SPH Reviewed By D. THOMPSON Date 1018103 Estimated Posting Date R80 9/18/98



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 Afflant(s) does/do presently reside at	8742 S ddress	Tockwei	L RD	. <u></u>
	PARICVILL	l,	MD State	2/234 2ip Code
That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	al demand is litional informa	filed, Affiant(s) ation.	will be required to p	ay a reposting and
John Cloube	L.	Signature	re Clonke	Cline Olins
MR. JOHN CLARKE, SR. Name - Type or Print	,	MRS. CAT Name - Type or Pri	HERINE CLAR	ICE(CLINEDIN
STATE OF MARYLAND, COUNTY OF BALTIMON	•	· · · · · · · · · · · · · · · · · · ·		
HEREBY CERTIFY, this Hay of October of Maryland, in and for the County aforesaid, person			before me, a Notary F	Public of the State
JOHN J. CLARKE, SR & CATHERING			· ->	
the Affiant(s) herein, personally known or satisfacto	-			h in due form of
law that the matters and facts hereinabove set forth				
AS WITNESS my hand and Notarial Seal				
Date NOTARY	Notary I My Con	Public nmission Expires	() () () () () ()	/2t/
PUBLIC PUBLIC				



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.

		and rate of that regard	' ' '
That the Afflant(s) does/do presently reside at	8742 STOCKWE	LL RD	
	BARKVILLE,	MO	21234
	City	State	Zip Code
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand is filed, Affian additional information.	nt(s) will be required	to pay a reposting and
Signature Could	Signature Signature	herne Clark	e Clinedina
R. John CLARICE, SR. Name - Type or Print	Mame - Type	CATHERINE C	LANCE (CLINO)
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STATE OF MARYLAND, COUNTY OF BALTIN			
I HEREBY CERTIFY, this 4 day of 27	TOBEK, 200	<u>り</u> , before me, a Not	ary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared		
To 1/4 550, make - p Q- mark/pour	· Manham Commanda	<u>-</u> ۲	
TOHNTCIARKE, SR 9-CATHERINE	_		
the Affiant(s) herein, personally known or satisfa			
law that the matters and facts hereinabove set for	orth are true and correct to th	e best of his/her/their	knowledge and belief.
AS WITNESS my hand and Notarial Seal			
RINES M. DIZZ	Motary Public My Commission Ex	pires ////	24
REU 9/18/98 PUBLIC PUBLIC			

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned DR 5.5

for the property located at 6015 STANTON AVENUE

This Petition shall be undersigned, legal owner(s) of the prope attached hereto and made a part hereof	rty situate in Ba , hereby petition	altimore (n for a S	County and which is dependently and which is de-	escribed in the des rove a waiver purs	scription and plat
26-171, 26-172(b), Baltimore County Co	RAZE			8 to	1
of the zoning regulations of Baltimore Co	unty, to the zoni	ing law of	Baltimore County.	5	
Property is to be posted and advertised a l, or we, agree to pay expenses of above Spezoning regulations and restrictions of Baltimor	ecial Hearing, adv	rertisina. 1	osting, etc. and further i	agree to and are to baltimore County.	e bounded by the
			I/We do solemnly declar perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	ne penalties of property which
Contract Purchaser/Lessee:			Legal Owner(s):		
Signature	6. PARAOI- PRESIDENT 772 SSO 4 Telephone No. 2104/ Zip Code		Name - Type or Print Signature MRS, CATHERI Name - Type or Print Catherine Signature 8742 Stock Address City Representative to	LARIFORME NE CLARKE Parke CC WE// Rd. MD State	SR. CLINEDINS (nedens) Telephone No. 2/234 Zip Code
Company		<u> </u>	Name	······································	
TOWSON MAD	1. 4/032/0 Telephone No. 2/204	·	Address		Telephone No.
Cíty State	Zíp Code		City	State	Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	ded and/or found at the subject matte ty be reposted.	to be requer of this pe	ired, it is ordered by the intition be set for a public he	Zoning Commissioner o aring, advertised, as red	of Baltimore County, quired by the zoning
		•	•	oner of Baltimore Coun	,
Case No. 04-177-SPH	**************************************	Reviewe	d By DITHOMPSON	1 Date 108	03
REV 9/18/98			ed Posting Date		<i>1</i>



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

September 19, 2003

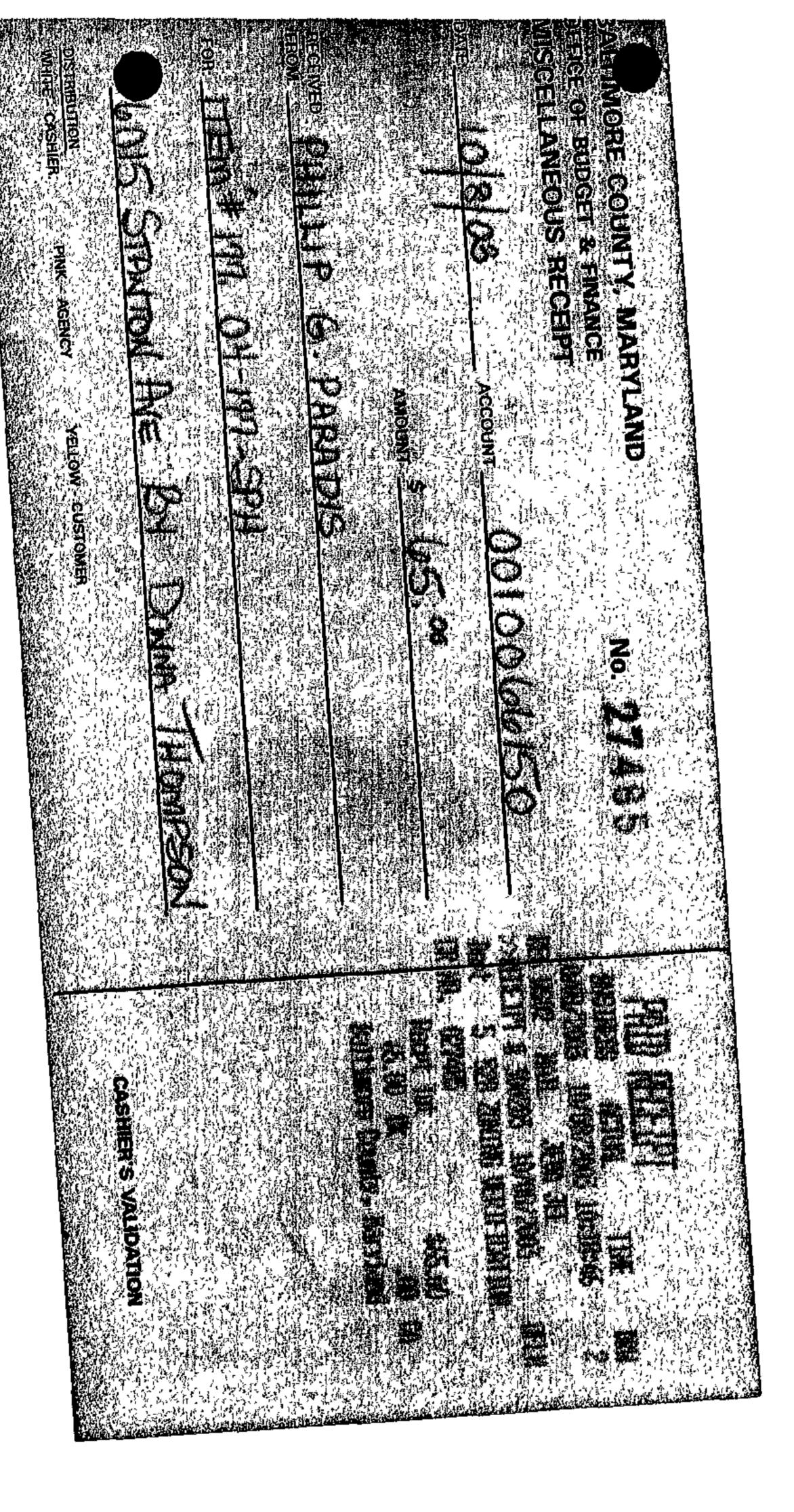
ZONING DESCRIPTION CLARKE PROPERTY 6015 STANTON AVENUE

Beginning for the same on the east side of Stanton Avenue, 350'+/southerly from the center of Lake Avenue, thence binding (1) North 80 degrees
54 minutes 10 seconds East 376.87 feet, (2) South 14 degrees 19 minutes 01
second East 115.71 feet, and (3) South 80 degrees 54 minutes 10 seconds West
379.50 feet to the east side of Stanton Avenue, thence binding on the east side
of Stanton Avenue, (4) North 13 degrees 01 minute 07 seconds West 115.50 feet
to the place of beginning.

Containing 1.000 Acre of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.







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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. 04-177-SPH PETITIONER/DEVELOPER: Catoctin Homes, Inc. DATE OF HEARING: November 3, 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

October

POSTED ON

ZONING NOTICE

MUNICIPALITY
SPECIAL HEARING

LAFE DATA WARRY SPECIAL HEARING TO
AND RECEIPMENT OF LAFE STRUCTURE

PUBLIC HEARING

AND RECEIPMENT OF RAZE STRUCTURE

AND RECEIPMENT OF RAZE STRUCTURE

AND RECEIPMENT OF RAZE STRUCTURE

PUBLIC HEARING

AND RECEIPMENT OF RAZE STRUCTURE

AND RECEIPMENT O

LOCATION:

6015 Stanton Avenue

DATE:

October 20, 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

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 04 177 -SPH Address 6015 STANTON AVE.
Contact Person: DONNA HOMPSON Phone Number: 410-887-3391
Filing Date: 10803 Posting Date: 101903 Closing Date: 11303
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.
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.
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.
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 04-177 -SPH Address 6015 STANTON AVE.
Petitioner's Name CATOCTIN HOMES, INC. Telephone 410-772-5804
Posting Date: 101903 Closing Date: 113/03
Wording for Sign: <u>Administrative Special Hearing to approve</u> A WAINER PURSUANT TO
SECTIONS 26-171, Q6-172(b), BALTIMORE COUNTY CODE OF
SECTIONS 26-203(c)(8) AND SECTION 26-278 TO (RAZE)
STRUCTURE.

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 3, 2003

Howard Alderman Levin & Gann 502 Washington Avenue, 8th Floor Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 04-177-SPH, 6015 Stanton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 8, 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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel John and Catherine Clarke, 8742 Stockwell Road, Parkville 21234 Catoctin Homes, P.O. Box 512, Ellicott City 21041



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 16, 2003

Dept. of Permits & Development Management

FROM:

Landmarks Preservation Commission

Baltimore County, Maryland

RECEIVED
DEC 1 6 2003

DEC 1 6 2003
ZONING COMMISSIONER

INFORMATION

Item Number:

04-177-SPHA

Location:

6015 Stanton Avenue

Petitioner:

Cactoctin Homes, Inc.

Requested Action:

Special Hearing

RECOMMENDATIONS ON THE PROPOSAL

At their meeting on December 11, 2003, the Landmarks Preservation Commission voted "not to oppose" the proposed demolition of this structure, which is included as a contributing structure in the proposed Cow Hill - Washingtonville National Register Historic District, and is thereby on the Maryland Historical Trust Inventory.

Division Chief:

TD:td

MOTE RECEIVED FOR FILING

W.\LANDMARK\KIM\ZAC comments\ZAC-04-177-SPH doc



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 22, 2003 .

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.:

170-175.

(177)-181

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

RE: PETITION FOR SPECIAL HEARING

6015 Stanton Avenue; E/side Stanton Avenue,

350' S of c/line Lake Avenue

×

9th Election & 2nd Councilmanic Districts

Legal Owner(s): John, Sr & Catherine

Clarke (Clinedinst)

Contract Purchaser(s): Catoctin Homes, Inc.,*

Philip G. Paradis, VP

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-177-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

OCT 2 4 2003

Per.....

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

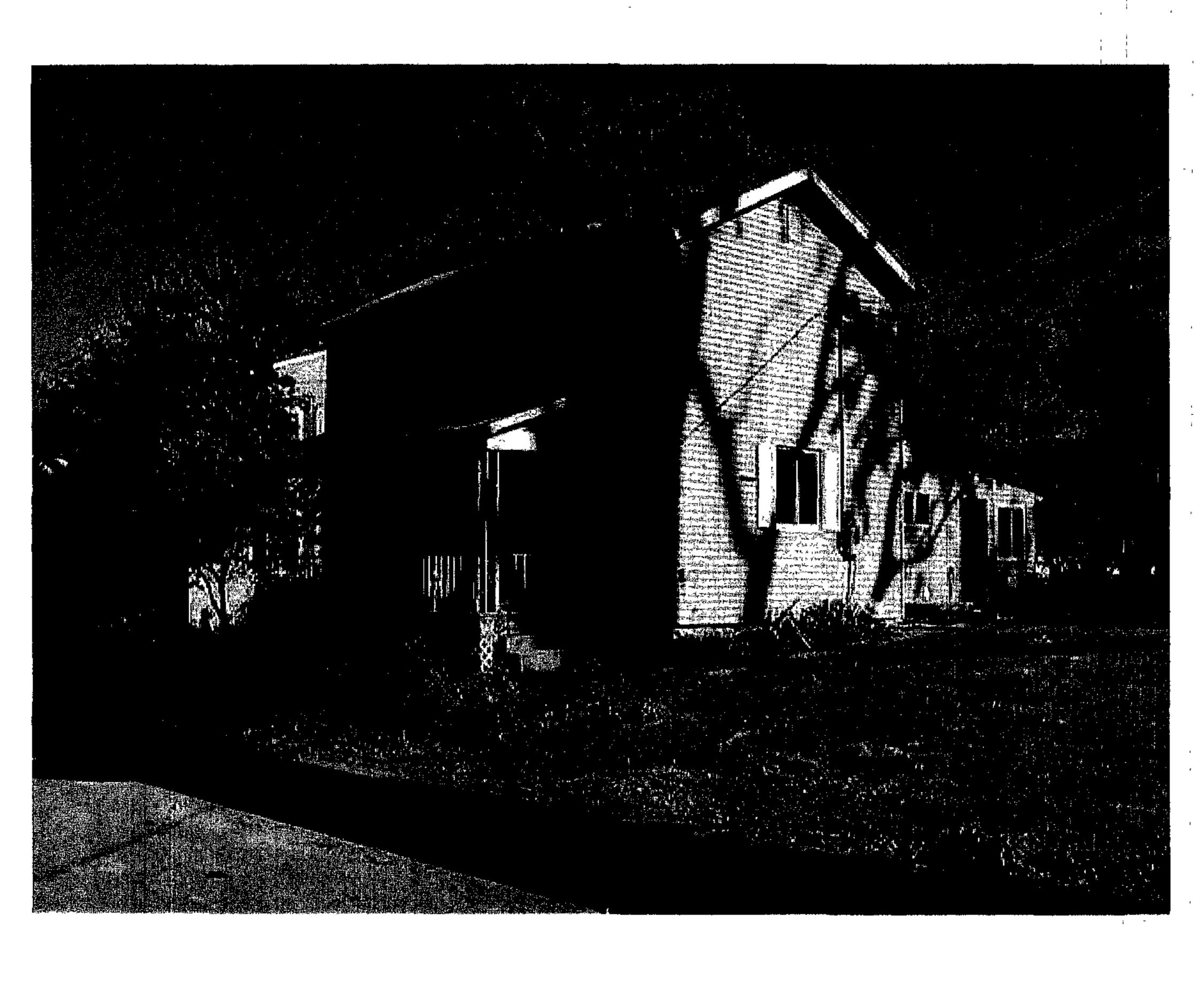
CERTIFICATE OF SERVICE

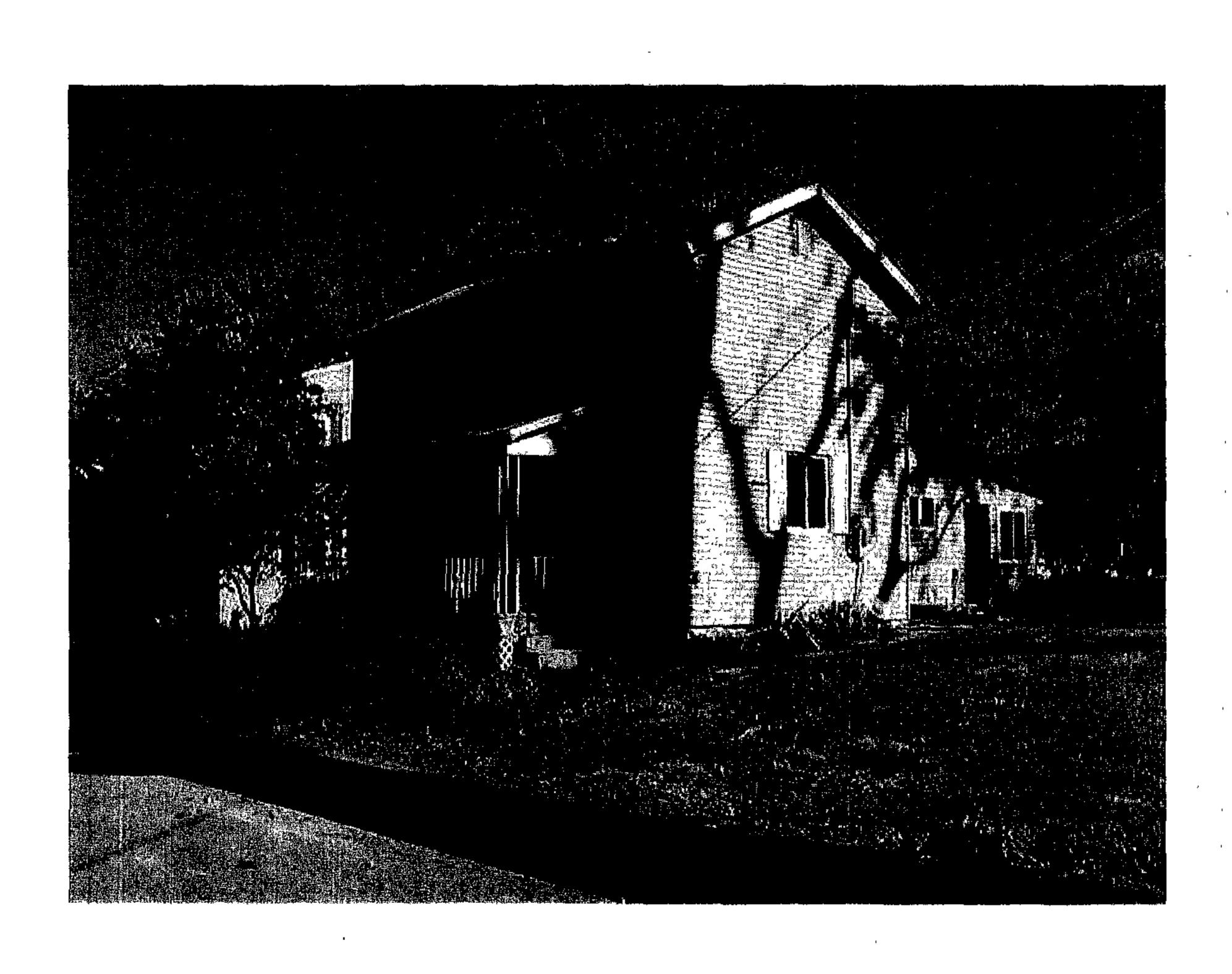
I HEREBY CERTIFY that on this Kaday of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Howard L Alderman, Jr, Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

> Walmmorman PETER MAX ZIMMERMAN

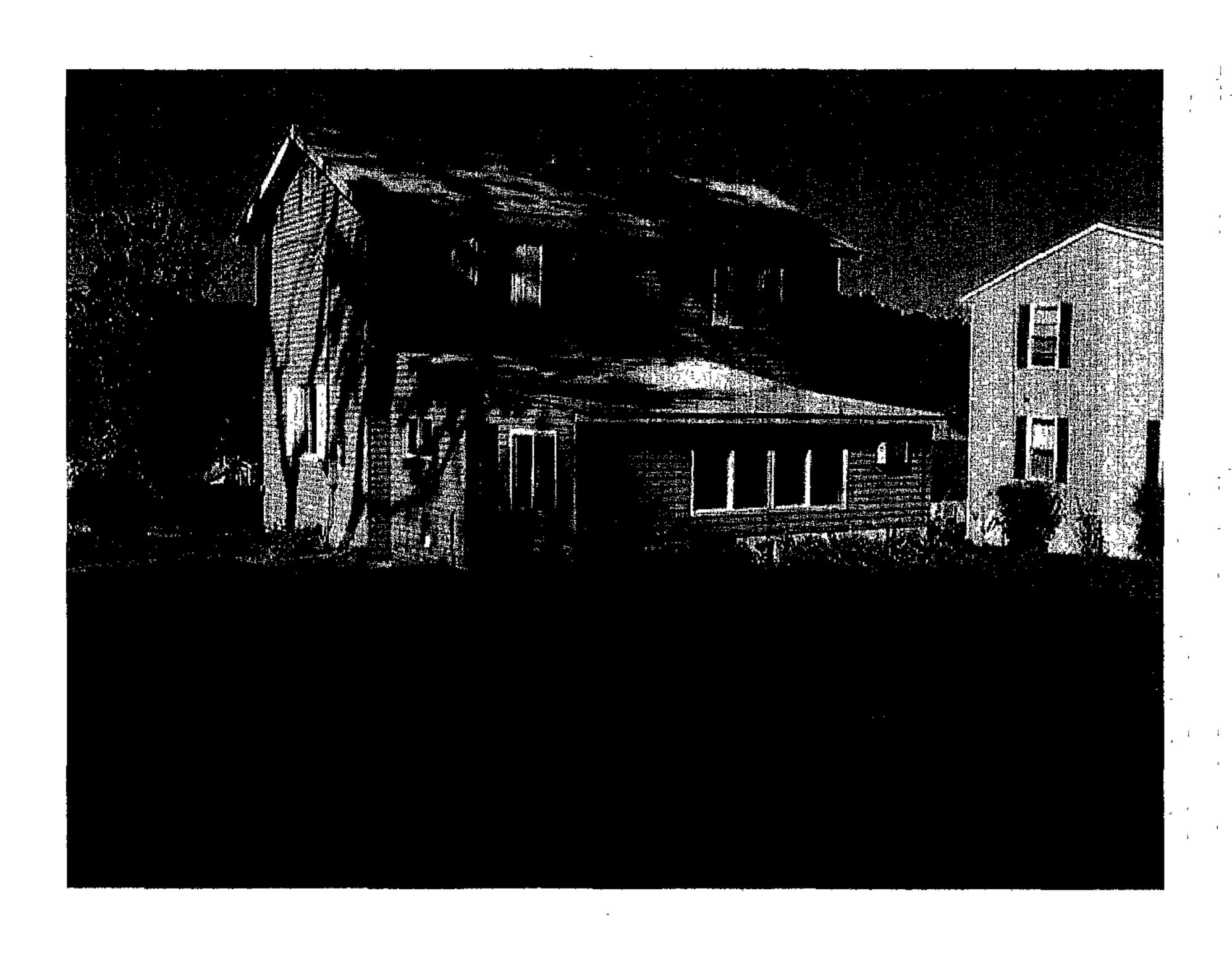
People's Counsel for Baltimore County

3015 STANTON AVE

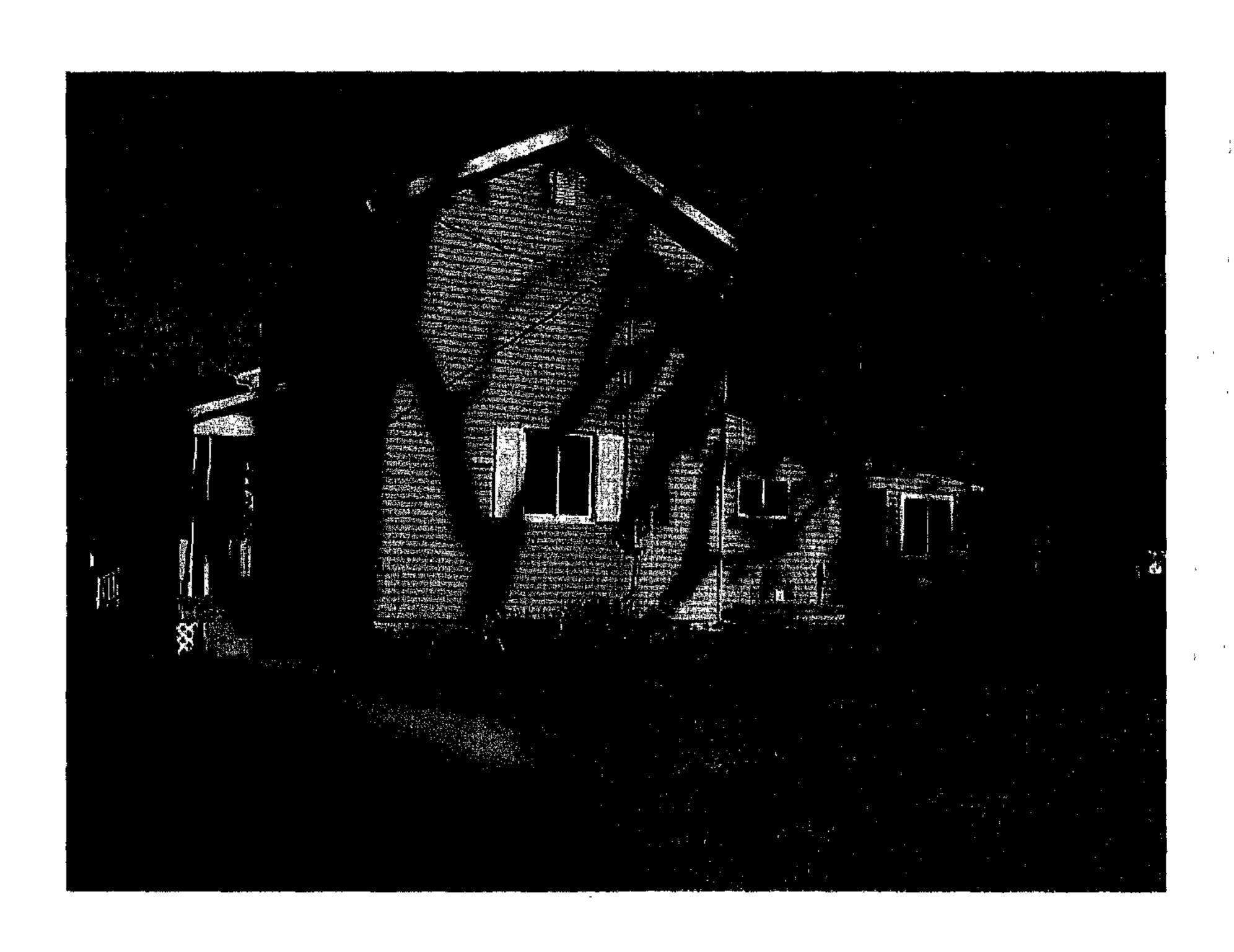





6015 STANTON AVQ




6015 STANTON AVE



RH-177-SPH





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