IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
E/S of Delaware Avenue,
North of Shealy Avenue
9th Election District
4th Councilmanic District

Josef L. Gehring,

Petitioner

514 Delaware Avenue

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-309-ASPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Special Hearing filed by the legal owner of the subject property, Josef L. Gehring. The property is located at 514 Delaware Avenue in the Towson area of Baltimore County. The subject property is zoned BM-CT. The Petitioner herein seeks an Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code, of Section 26-203(C)(8) and Section 26-278 to raze a 2 story structure. Prior to the issuance of a decision on this petition, the Petitioner amended its petition to add another waiver. 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 structure need be considered by the Baltimore County Landmarks Preservation Commission. This building is listed on the Maryland Historical Trust (MHT) Inventory as MHT #BA 1480. The subject property and requested relief are more particularly described on Petitioner's 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, 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 January 5, 2004. 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 Petitioner has 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 0.084 acres of land, more or less, and is zoned BM-CT. 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, Kimberly R. Abe, a historic preservationist in the Office of Planning, reviewed the Petitioner's proposal and advised the undersigned that the Office of Planning acknowledged that the subject structure has no historic value and therefore her department does not oppose the request to raze. 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.

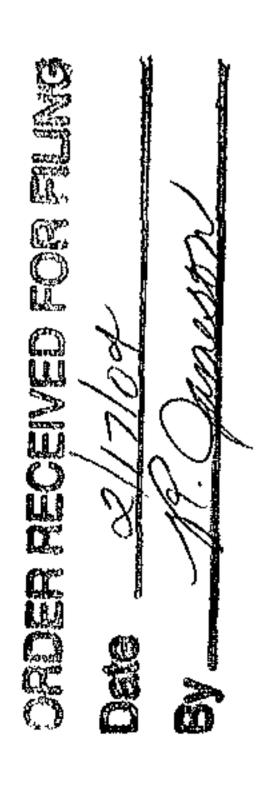
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 17th day of February, 2004, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Section 26-203(C)(8) and Section 26-278 to raze a 2 story structure is hereby GRANTED.

IT IS FURTHER ORDERED, that a waiver of the requirements 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 made within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES



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

February 17, 2004

Robert A. Hoffman, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

Re: Petitions for Administrative Special Hearing
Case Nos. 04-308-A - 515 Virginia Avenue
04-309-A - 514 Delaware Avenue
04-310-A - 517 & 519 Virginia Avenue

Dear Mr. Hoffman:

Enclosed please find the decisions rendered in the above-captioned cases. The petitions for administrative special hearing have 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: Josef of Vienna, Inc. 518 Virginia Avenue Towson, MD 21286 Towson Circle Joint Venture, LLP c/o Heritage Properties, Inc. 515 Fairmount Avenue Towson, MD 21286



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

Petition for Administrative Special Hearing

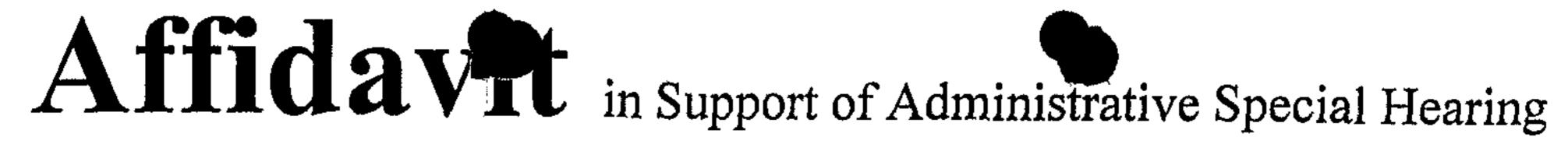
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to the Zoning Commissioner of Baltimore County

which is presently zoned BM-CT

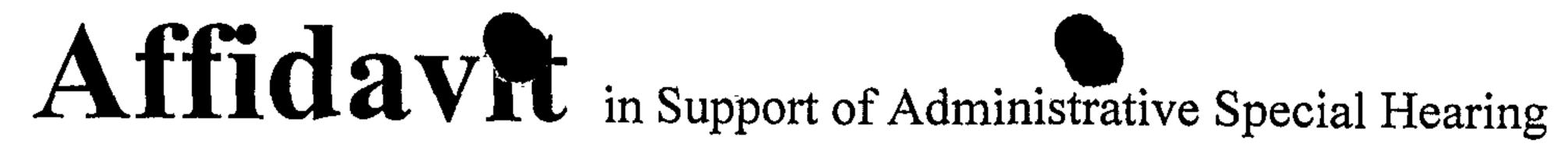
514 Delaware Avenue

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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		534/1	18645709	1/15
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the Affiant(s) herein, personally know	n or satisfac	torily identified	d to me as such Af	ffiant(s), and made o	ath in due form of
law that the matters and facts herein	above set for	rth are true an	d correct to the be	st of his/her/their kno	wledge and belief.
AS WITNESS my hand and Notarial	Seal				4
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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 534 Hubanovi About
Address State Address 100 Son 100 21254 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 Signature Signature Name - Type or Print Manual Control Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: HEREBY CERTIFY, this 5th day of Warrange Apply before me a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared ANNE CHRING and MICHAEL MARKER
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 1 5 0 4
My Commission Expires P/1/06 PUBLIC COMMISSION Expires

Petition for Administrative Special Hearing

for the property located at

to the Zoning Commissioner of Baltimore County

which is presently zoned BM-CT

514 Delaware Avenue

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DESCRIPTION TO ACCOMPANY ADMINISTRATIVE SPECIAL HEARING FOR

514 DELAWARE AVENUE 9TH ELECTION DISTRICT 5TH COUNCIL MANIC DISTRICT P. 405

Beginning at a point on the east side of Delaware Avenue which is 35-feet wide at the distance of 30.03-feet north 64° 51' 35" east of the centerline of Shealey Avenue 20-feet wide and Delaware Avenue 35-feet wide.

Thence the following courses and distances:

- 1. North 24° 29' 34" East 58.47-feet
- 2. South 86° 43' 50" East 67.47-feet
- 3. South 12° 03' 50" East 36.88-feet
- 4. South 82° 21' 57" West 100.14-feet

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CERTIFICATE OF POSTING

	RE: Case No.: 04-307-51-11
	Petitioner/Developer: DSEPH L
	GEHRING.
	Date of Hearing/Closing: FEB 2/0
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	r
This letter is to certify under the penalties of penaltie	erjury that the necessary sign(s) required by law were at:
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	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

RE: PETITION FOR ADMINISTRATIVE SPECIAL HEARING 514 Delaware Avenue; E/side Delaware Ave 30' E c/line Shealey Avenue 9th Election & 5th Councilmanic Districts Legal Owner(s): Josef of Vienna, Inc by Anne E Gehring, President Contract Purchaser(s): Towson Circle Joint Venture, LLP by Michael J Batza, Jr, CEO

BALTIMORE COUNTY

ZONING COMMISSIONER

BEFORE THE

04-309-SPH

FOR

Petitioner(s)

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.

RECEIVED

JAN 15 700

Permanan

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 15th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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: 04-309-SOH
Petitioner: Josef L. Gehring
Address or Location: 5/4 Delaware Arence
PLEASE FORWARD ADVERTISING BILL TO: Name: Any Dontell Address: 210 Alleghory Avenue Town 40 71204
Telephone Number: $(470) 494-6262$

<u>ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES</u>

Case I	<i>Ο</i> Φ Number_03-	309	-SPH	Address	514	Delawan	e Ave
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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

January 20, 2004

Robert Hoffman Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 04-309-SPH, 514 Delaware Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2004.

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. Callado

WCR:klm

Enclosures

c: People's Counsel Josef and Anna Gehring, 518 Virginia Avenue, Baltimore 21286 Towson Circle Joint Venture, 515 Fairmount Ave., Towson 21286



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

January 14, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 12, 2004

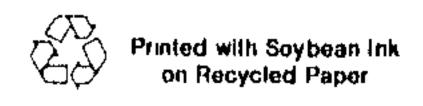
Item No.: 300-303, 305-310

Dear Ms. Hart:

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

LIEUTENANT JIM MEZICK Fire Marshal's Office TYPNE 887-4881 MS-110°F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 2, 2004

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 20, 2004

Item Nos. 302, 303, 304, 305, 306, 308,

309, and 310

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

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

January 16, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 12, 2004

__X_ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-302

04-303

04-305

04-308

04-309

04-310

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** January 27, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN 2 8 2004

SUBJECT:

ZONING COMMISSIONER Zoning Advisory Petition(s): Case 04-308, 04-309, and 04-310

Administrative Special Hearings

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.

Section Chief:

AFK/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORT WICH

1.13.04 Date:

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

RE:

Baltimore County

Item No. 309

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,

1. 1. Heell

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

Avenue

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