

IN RE: PETITION FOR ADMINISTRATIVE	*	BEFORE THE
SPECIAL HEARING		
S/S of Ware Avenue, 150 ft. E from	*	DEPUTY ZONING COMMISSIONER
intersection of Ware and Baltimore Aves.		
9th Election District	*	OF BALTIMORE COUNTY
5th Councilmanic District		
(115 Ware Avenue)	*	CASE NO. 04-542-ASPH
 Roman Catholic Archbishop of Baltimore	*	
<i>Petitioner</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by the legal owner of the subject property, the Roman Catholic Archbishop of Baltimore. The property is located at 115 Ware 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 Sections 26-203(C)(8) and Section 26-278, to demolish and raze a structure located on the property. The Landmarks Preservation Commission at its July 22, 2004 meeting approved the demolition of the structure as set forth in inter-office correspondence dated July 1, 2004. This building is listed on the Maryland Historical Trust (MHT) Inventory as MHT #BA 1400, "The Cole House". 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. A comment from the Office of Planning indicated that the parish should provide a "campus plan" in lieu of documenting the structure to be razed. Notice was sent from this office of this request to the Petitioner on October 25, 2004 and again on December 1, 2004. Apparently, after consultation between the Petitioner and the Planning Office, a revised comment withdrawing the request for the Campus Plan was received from that office.

ORDER RECEIVED FOR PLANNING
 Date 12/7/04
 Ray

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 demolition/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 demolition/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 June 6, 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 0.08 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, the Landmarks Preservation Commission reviewed the Petitioner's proposal and approved the razing and demolition by a vote of 8-3 as set forth in their memo dated July 1, 2004 and approved at their July 22, 2004 meeting.. 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

COPIES RECEIVED FOR FILING

Date

12/27/04

By

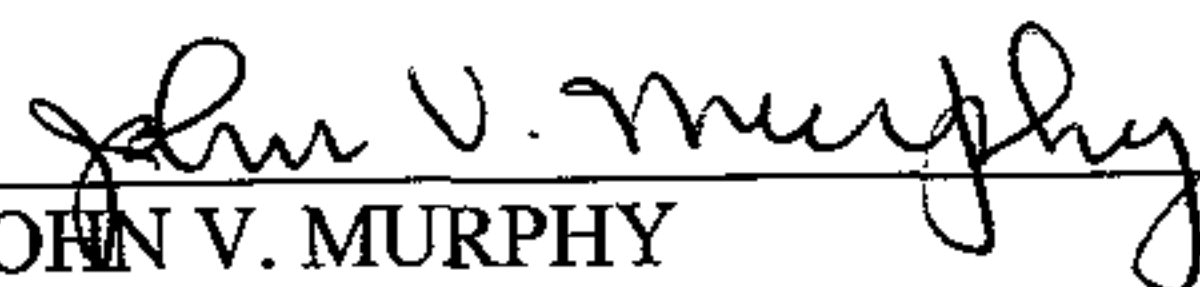
Ray

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 7 day of December, 2004, 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 demolish a structure, as approved by the Landmarks Preservation Commission in their memo dated July 1, 2004 and approved at their July 22, 2004 meeting, be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 12/26/04
By Raj

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
William J. Wiseman III, Zoning Commissioner

December 7, 2004

Ryan J. Potter, Esquire
Gallagher, Evelius & Jones, LLP
218 N. Charles Street
Baltimore, Maryland 21201

Re: Petition for Administrative Special Hearing
Case No. 04-542-ASPH
Property: 115 Ware Avenue

Dear Mr. Potter:

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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Roman Catholic Archbishop of Baltimore
320 Cathedral Street
Baltimore, MD 21201

Church of the Immaculate Conception, Towson
Roman Catholic Congregation, Inc.
Rev. Msgr. F. Dennis Tinder
200 Ware Avenue
Towson, MD 21204

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



Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County



for the property located at 115 Ware Avenue

which is presently zoned BM CT

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 demolish and raze the structure located on the property, which is listed on the Maryland Historic Trust Inventory as BA1400.

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: Church of the Immaculate Conception, Towson, Roman Catholic Congregation, Incorporated

Name - Type or Print

F. Dennis Tinder

Signature

200 Ware Avenue (410) 823-6175
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Attorney For Petitioner:

Ryan J. Potter, Esquire

Name - Type or Print

Ryan J. Potter

Signature

Gallagher Evelius & Jones LLP
Company Fax (410) - 468-2786
218 N. Charles Street (410) 951-1404
Address Telephone No.
Baltimore, Maryland 21201
City State Zip Code

Legal Owner(s):

Roman Catholic Archbishop of Baltimore, a corporation sole

Name - Type or Print

W. J. Murray, V.G.

Signature

320 Cathedral Street
Address Telephone No.
Baltimore, Maryland 21201
City State Zip Code

320 Cathedral Street
Address Telephone No.
Baltimore, Maryland 21201
City State Zip Code

Representative to be Contacted:

Rev. Msgr. F. Dennis Tinder
Name

200 Ware Avenue (410) 823-6175
Address Telephone No.
Towson, Maryland 21204
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 12/14/04 day of December 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. 04-542-SPH

Reviewed By UTM Date 5/24/04

Estimated Posting Date 6/6/04

FILED
RECEIVED FOR FILE
12/14/04
2004 9/18/04
etc

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 200 Ware Avenue
Address

Towson, Maryland 21204
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.

F. Dennis Tinder
Signature

F. DENNIS TINDER
Name - Type or Print

F. Dennis Tinder
Signature

F. DENNIS TINDER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Rev. Msgr. F. Dennis Tinder

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.

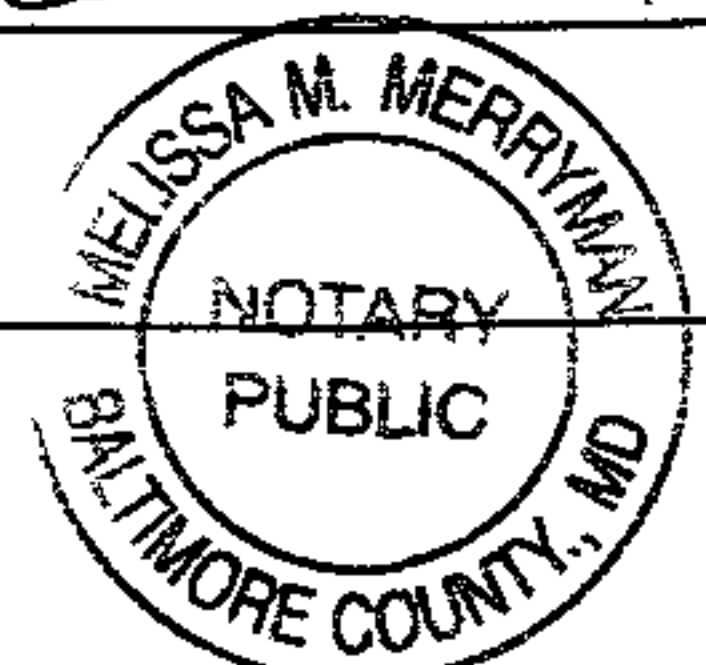
AS WITNESS my hand and Notarial Seal

10/6/03
Date

Melissa M. Meryman
Notary Public

My Commission Expires 2-1-05

REV 9/18/98



My Comm. Exps.
February 1, 2005

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 200 Ware Avenue
Address
Towson, Maryland 21204
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.

F. Dennis Tinder
Signature

F. Dennis Tinder
Signature

F. DENNIS TINDER
Name - Type or Print

F. DENNIS TINDER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Rev. Msgr. F. Dennis Tinder

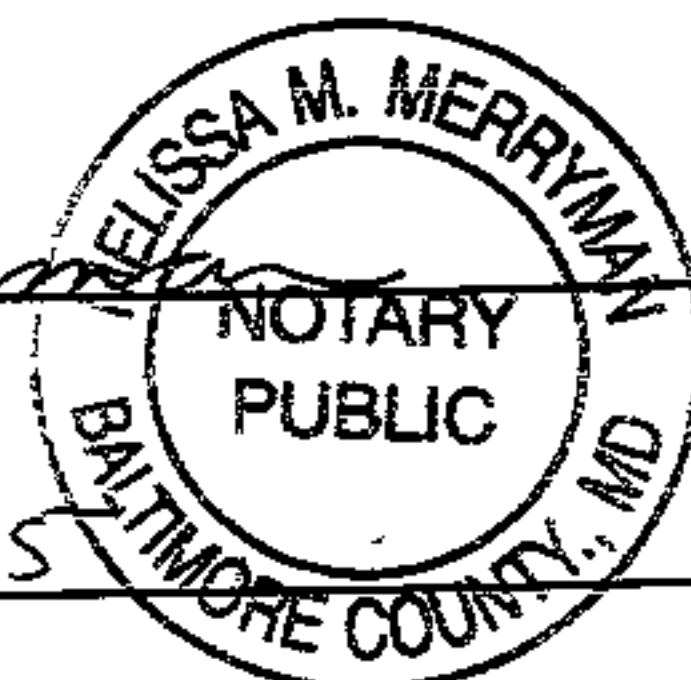
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

10/6/03
Date

Melissa M. Merryman
Notary Public

My Commission Expires 2-1-05



My Comm. Exps.
February 1, 2005

HISTORIC

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County



for the property located at 115 Ware Avenue

which is presently zoned BM CT

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 demolish and raze the structure located on the property, which is listed on the Maryland Historic Trust Inventory as BA1400.

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: Church of the Immaculate Conception, Towson, Roman Catholic Congregation, Incorporated

Name - Type or Print

Signature

200 Ware Avenue (410) 823-6175

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Attorney For Petitioner:

Ryan J. Potter, Esquire

Name - Type or Print

Signature

Gallagher Evelius & Jones LLP

Company

218 N. Charles Street (410) 951-1404

Address Telephone No.

Baltimore, Maryland 21201

City State Zip Code

Legal Owner(s):

Roman Catholic Archbishop of Baltimore, a corporation sole

Name - Type or Print

Signature

Name - Type or Print

Signature

320 Cathedral Street

Address Telephone No.

Baltimore, Maryland 21201

City State Zip Code

Representative to be Contacted:

Rev. Msgr. F. Dennis Tinder

Name

200 Ware Avenue (410) 823-6175

Address Telephone No.

Towson, Maryland 21204

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.

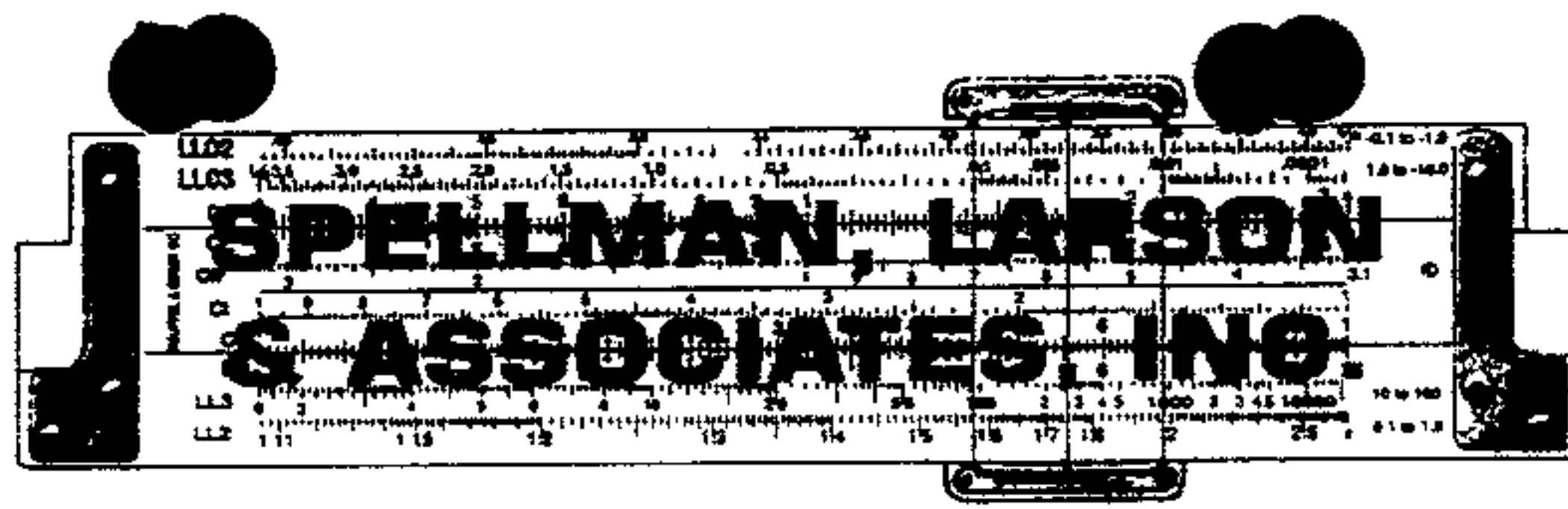
Zoning Commissioner of Baltimore County

Case No. 04-542-SPL

Reviewed By CTM Date 5/24/04

REV 9/18/98

Estimated Posting Date 6/6/04



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

**ZONING DESCRIPTION
IMMACULATE CONCEPTION PROPERTY
115 WARE AVENUE**

BEGINNING for the same at a point on the south side of Ware Avenue, at a distance of 150 feet easterly from the intersection of Ware and Baltimore Avenues; and running thence south 22 degrees 04 minutes 35 seconds west to the north line of a lot formerly owned by the Towson Fire Company; thence south 67 degrees 55 minutes 25 seconds east 40 feet; thence north 22 degrees 04 minutes 35 seconds east 85 feet to the south side of Ware Avenue; and thence north 67 degrees 55 minutes 25 seconds west 40 feet bounding on the south side of Ware Avenue, to the place of beginning, as recorded in Deed Liber 2346, Folio 255. The improvements thereon being known as No. 115 Ware Avenue, located in the 5th Councilmanic District and the 9th Election District. Containing 0.08 Acres of land more or less.

May 21, 2004

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10000

DATE 1/27/04

ACCOUNT

AMOUNT

RECEIVED FROM

FOR

DISTRIBUTION

WHITE CASHIER

PINK AGENCY

YELLOW (OPTION)

PAID RECEIPT

BUSINESS ACTUAL TIME
1/25/2004 8:30/2:00 11:15:00

RECEIVED BY WALKER, MEL HEN

RECEIPT IN BUCKS 1/25/2004 0121

AMOUNT \$ 520.00 ZERO VERIFICATION

RECEIPT NO. 0121

RECEIPT FOR

\$520.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. **04-542-SPH**
Petitioner/Developer:
**Roman Catholic Archbishop
of Baltimore**
Closing Date: **June 21, 2004**

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

Attention: Ms. Kristen Matthews:

Ladies and Gentlemen:

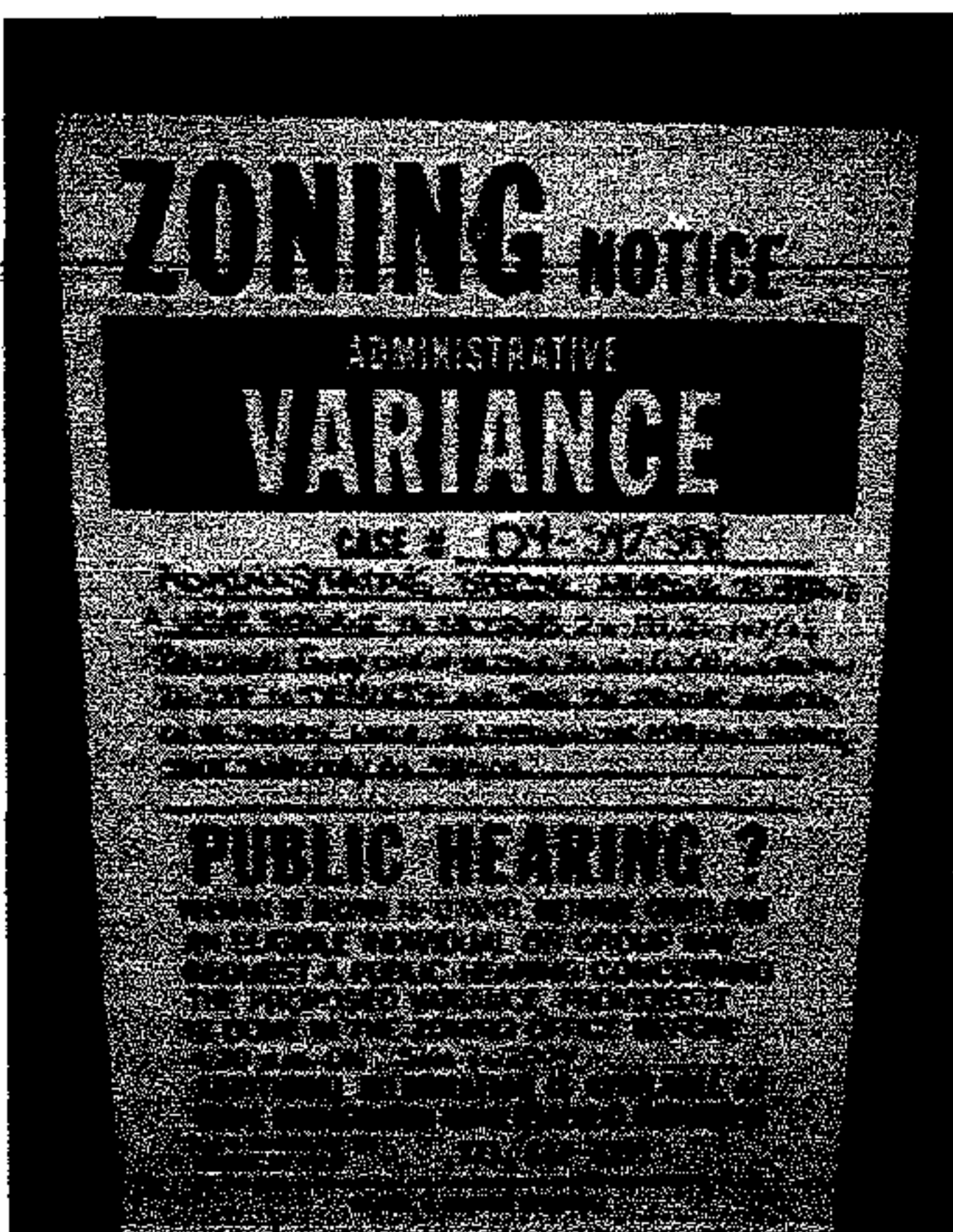
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located **115 Ware Ave.**

The sign(s) were posted on **6/6/04**.

Sincerely,



Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



**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: 04-542-SPH
Petitioner: Roman Catholic Archbishop of Baltimore, ~~et al~~ a corporation sole
Address or Location: 320 Cathedral Street
Balto., MD 21201

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ryan J. Potter, Esq.
Address: Gallagher, Evelius & Jones LLP
218 N. Charles Street, Suite 400
Baltimore, MD 21201
Telephone Number: 410-951-1404

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number ⁰⁴~~03~~-542 -SPH Address 115 WARE AVENUE

Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/24/04 Posting Date: 6/6/04 Closing Date: 6/21/04

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 ⁰⁴~~03~~-542 -SPH Address 115 WARE AVENUE

Petitioner's Name ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE Telephone (410) 823-6175

Posting Date: 6/6/04 Closing Date: 6/21/04

Wording for Sign: Administrative Special Hearing to ~~approve~~ 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 DEMOLISH AND RAZE THE STRUCTURE LOCATED ON THE PROPERTY, WHICH IS LISTED ON THE MARYLAND HISTORIC TRUST INVENTORY AS BA1400 WCR - 6/28/00

**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*

June 21, 2004

Ryan J. Potter
Gallagher, Evelius, & Jones, LLP.
218 N. Charles Street
Baltimore, Maryland 21201

Dear Mr. Potter:

RE: Case Number:04-542-SPH, 115 Ware Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 24, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Roman Catholic Archbishop of Baltimore 320 Cathedral Street Baltimore 21201
Immaculate Conception Roman Catholic Congregation 200 Ware Avenue Towson
21204
Rev. Msgr. F. Dennis Tinder 200 Ware Avenue Towson 21204

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



Baltimore County
Fire Department

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

June 8, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 7, 2004

Item No.: ⁵⁴² 540-549, 552 & 553

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.

6. 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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.5.04

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

RE: Baltimore County
Item No. 542 LTM

Dear Ms. Matthews:

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/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone: 410.545.0300 www.marylandroads.com



10/21 AN

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr
DATE: June 22, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 7, 2004

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

04-540
04-542
04-543
04-544
04-545
04-546
04-547
04-549
04-551
04-552
04-558

Reviewers: Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John V. Murphy
Deputy Zoning Commissioner

DATE: December 7, 2004

FROM: Jeffrey W. Long
Deputy Director, Office of Planning

SUBJECT: 115 Ware Avenue

INFORMATION:

Item Number: 04-542-SPH

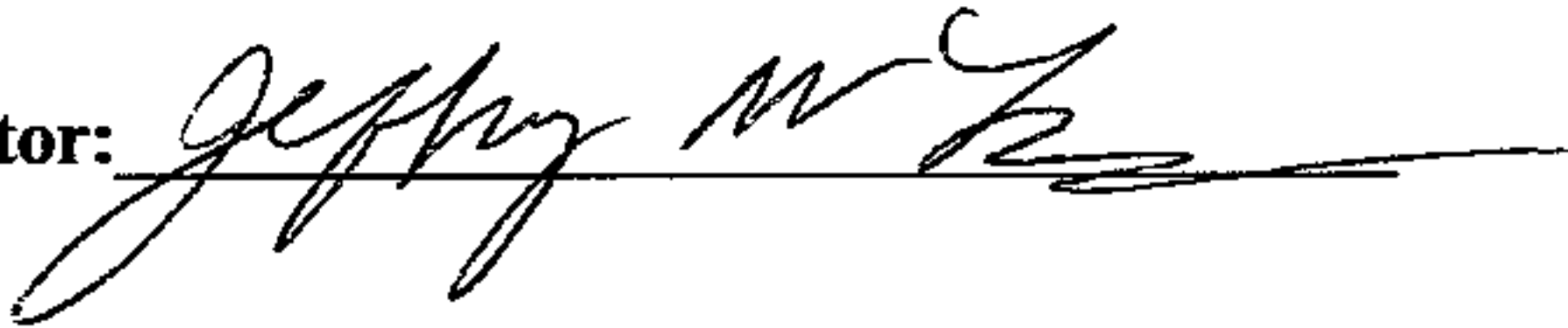
Petitioner: Roman Catholic Archbishop of Baltimore

Zoning: BM CT

Requested Action: Special Hearing

Please be advised that there is no need to submit a campus master plan at this time.
Please contact me on x3213 if you have any questions.

Deputy Director:

A handwritten signature in black ink, appearing to read "Jeffrey W. Long", is written over a horizontal line.

JL/jl

AV
6/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 27, 2004

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

RECEIVED

SEP 28 2004

SUBJECT: 115 Ware Avenue

INFORMATION:

Item Number: 4-542

Petitioner: Roman Catholic Archbishop of Baltimore

Zoning: BM CT

Requested Action: Special Hearing

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The attached July 1, 2004 staff memo was approved by the Landmarks Preservation Commission at their meeting on July 22, 2004. The recommendation is to require submittal of an overall "campus plan" in lieu of requiring documentation of the structure.

For further information concerning the matters stated herein, please contact Kim Abe at 410-887-3480.

Prepared by: Mark A. Cunniff

Division Chief: Jim L. Lohman

AFK/LL:MAC:

Baltimore County, Maryland
OFFICE OF PLANNING

Memorandum

TO: Landmarks Preservation Commission **DATE:** July 1, 2004
FROM: Tim Dugan, Chief, Preservation Services
SUBJECT: Cole House (Maryland Historical Trust Inventory # BA 1400)
115 Ware Avenue, Towson

In recent years the Archdiocese of Baltimore (Church of the Immaculate Conception) has steadily been removing the last vestiges of the historic residential character of the Ware Avenue neighborhood. This has been accomplished without any offsetting mitigation on behalf of Towson and Baltimore County history.

In the meeting on July 12, 2001, the LPC considered the proposed demolition of the former dwellings at 117 W. Joppa Road (MHT # BA 1407), 113 Ware Avenue (MHT # BA 1401), 111 Ware Avenue (MHT # BA 1402). Although agreeing that the structures had some loss of integrity and that they were not eligible for the landmarks list, the Commissioners discussed the steady loss of these types of buildings, which collectively, historically constitute the residential building stock of Towson. Mr. Katzenberg emphasized 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. On a split vote (8-to-3), the Commission agreed not to oppose the demolition of these buildings, and to recommend that the Hearing Officer require the submittal of National Register level photographic documentation as a record for future research.

The "Cole House" at 115 Ware Avenue (MHT # BA 1400), the third-last remaining residence, was built ca. 1921-22 as the replacement for an earlier house lost in a fire ca. 1917. Although architecturally unpretentious, the Cole house's contribution to the character of early twentieth century Towson as the County seat is recognized by its inclusion in the Maryland Historical Trust Inventory. Destruction of buildings on the Inventory should not casually be permitted, and, if justified, should ordinarily be preceded by at least complete professional (including photographic) documentation.

The Commission should expect the applicant (the Archdiocese) to demonstrate conclusively why this demolition is necessary – i.e., why the house cannot continue in residential use – as well as to state what mitigation will be offered to offset the loss of this historic resource.

Given the particular, modest character of this house and its unique, residual setting, an acceptable mitigation requirement, in lieu of the Cole house's historic documentation, could be that the Hearing Officer impose, as a condition on approval of the demolition, a requirement that, within six months, the applicant shall submit to the Office of Planning an overall "campus plan" for the Immaculate Conception Church area; the plan should include:

- All land owned by the Archdiocese or the parish
- Existing uses, landscaping, major vegetation, and other characteristics
- Architectural history of all existing buildings, including National Register-quality exterior photographs
- Proposed or anticipated future uses with approximate time frames for development.

Imposing this requirement would have the dual public benefit of providing documentation on the historic characteristics of the parish's not-insignificant other buildings, as well as enhancing predictability on future development of the parish complex in relation to neighboring properties and public roads.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
115 Ware Avenue; S/side of Ware Avenue,
150' E c/line of Baltimore Avenue * ZONING COMMISSIONER
9th Election and 5th Councilmanic Districts
Legal Owner(s): Roman Catholic Archbishop* FOR
of Baltimore
Contract Purchasers: Immaculate Conception* BALTIMORE COUNTY
Towson, Roman Catholic Congregation, Inc.
Petitioner(s) * 04-542-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 June, 2004, a copy of the foregoing Entry of Appearance was mailed to Ryan J. Potter, Esquire, Gallagher Evelius & Jones LLP, 218 N. Charles Street, Baltimore, MD 21201, Attorney for Petitioner(s).

RECEIVED

JUN 15 2004

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

October 25, 2004

Ryan J. Potter, Esquire
Gallagher, Evelius & Jones, LLP
218 N. Charles Street
Baltimore, Maryland 21201

Re: Petition for Administrative Special Hearing
Case No. 04-542-ASPH
Property: 115 Ware Avenue

Dear Mr. Potter:

I am in the process of reviewing the church's request to demolish 115 Ware Avenue, which is adjacent to the Church of the Immaculate Conception in Towson. The file indicates that the Landmark Preservation Commission voted not to oppose the demolition nor require photographic documentation of this structure, but requested instead that I require the church to submit a "Campus Plan" as a condition of approval. See the September 27, 2004 memo with attachment enclosed herewith.

I wanted you to have an opportunity to respond to this request for a "Campus Plan" if your client was so inclined. Would you please let me know your position in this regard.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Tim Dugan, Chief Preservation Services
Office of Planning

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



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
William J. Wiseman III, Zoning Commissioner

Diary 12/16/04

December 1, 2004

Ryan J. Potter, Esquire
Gallagher, Evelius & Jones, LLP
218 N. Charles Street
Baltimore, Maryland 21201

Re: Petition for Administrative Special Hearing
Case No. 04-542-ASPH
Property: 115 Ware Avenue

Dear Mr. Potter:

Just a note to let you know its my understanding that Ms. Meekins from the church will contact Tim Dugan in the Office of Planning to address both the church and county perspectives concerning the "Campus Plan" requested by the Office of Planning. As such, the case is being held until the parties inform me that the matter is resolved or whether either party wants me to decide what, if anything, should be required of the church. In the latter case, I will schedule a public hearing to take testimony and evidence in this regard.

Please let me hear from you at your convenience.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Tim Dugan, Chief Preservation Services
Office of Planning



ZONING MAP NE 10A

SCALE: 1" = 200'

BM-AS

BR-AS

SITE

BM-CT

CATHOLIC CHURCH

SCHOOL

CATHOLIC CHURCH

SCHOOL

ROAD

WARE

JOPPA

AVE.

RD.

AVE.

ALLEGHENY

AVE.

BALTIMORE

PENNSYLVANIA

WATKINS

WAY

141

OLD TOWSON
HIGH SCHOOL



AVE.

SON
TARY
SCHOOL

CENTRAL

AVE.



REAR VIEW



FRONT VIEW

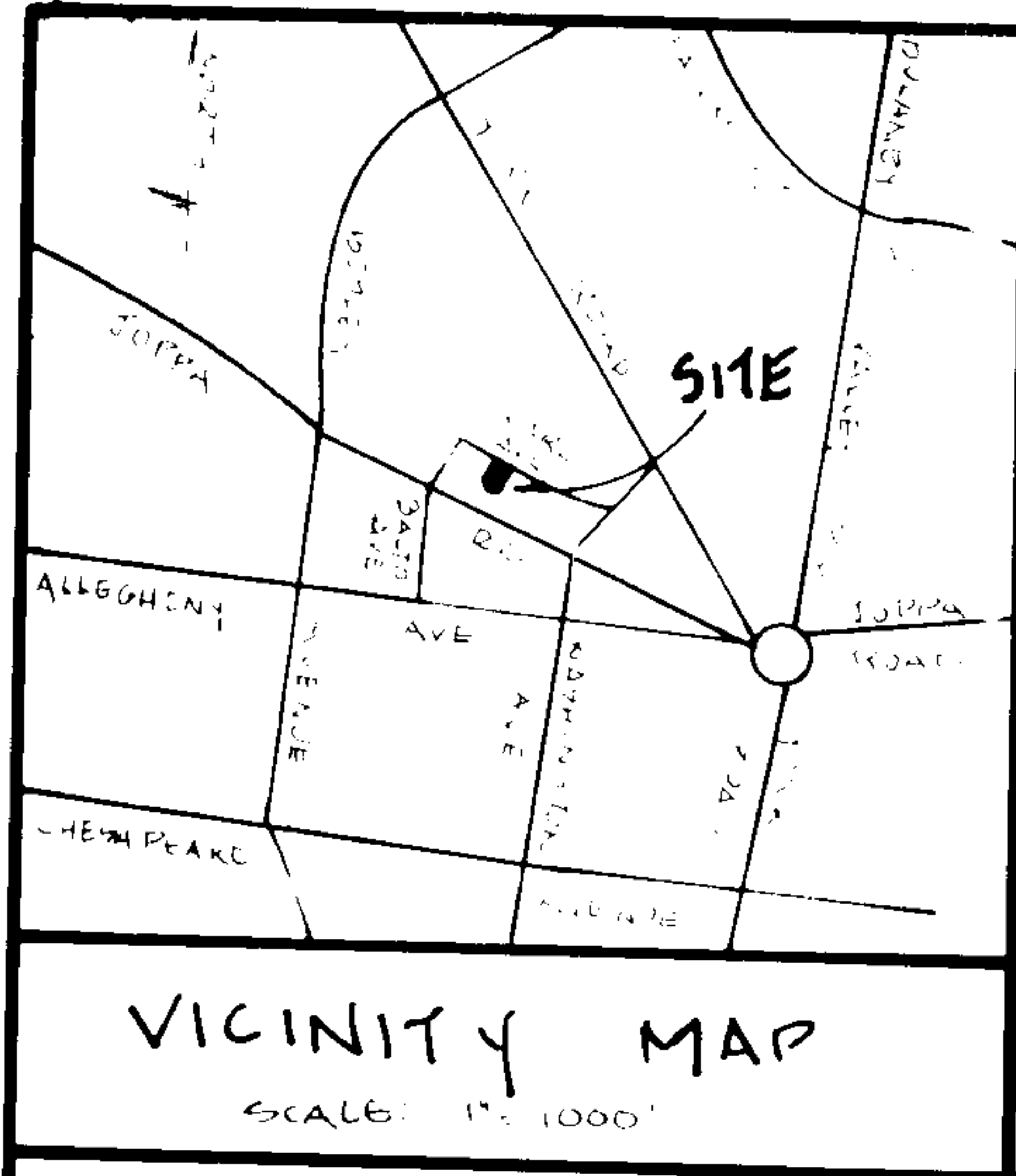


WEST VIEW



EAST VIEW

PHOTO EXHIBIT



OWNER INFORMATION
 KBOUGH FRANCIS P, MORT RBY
 200 WARE AVENUE
 BALTIMORE, MD 21204

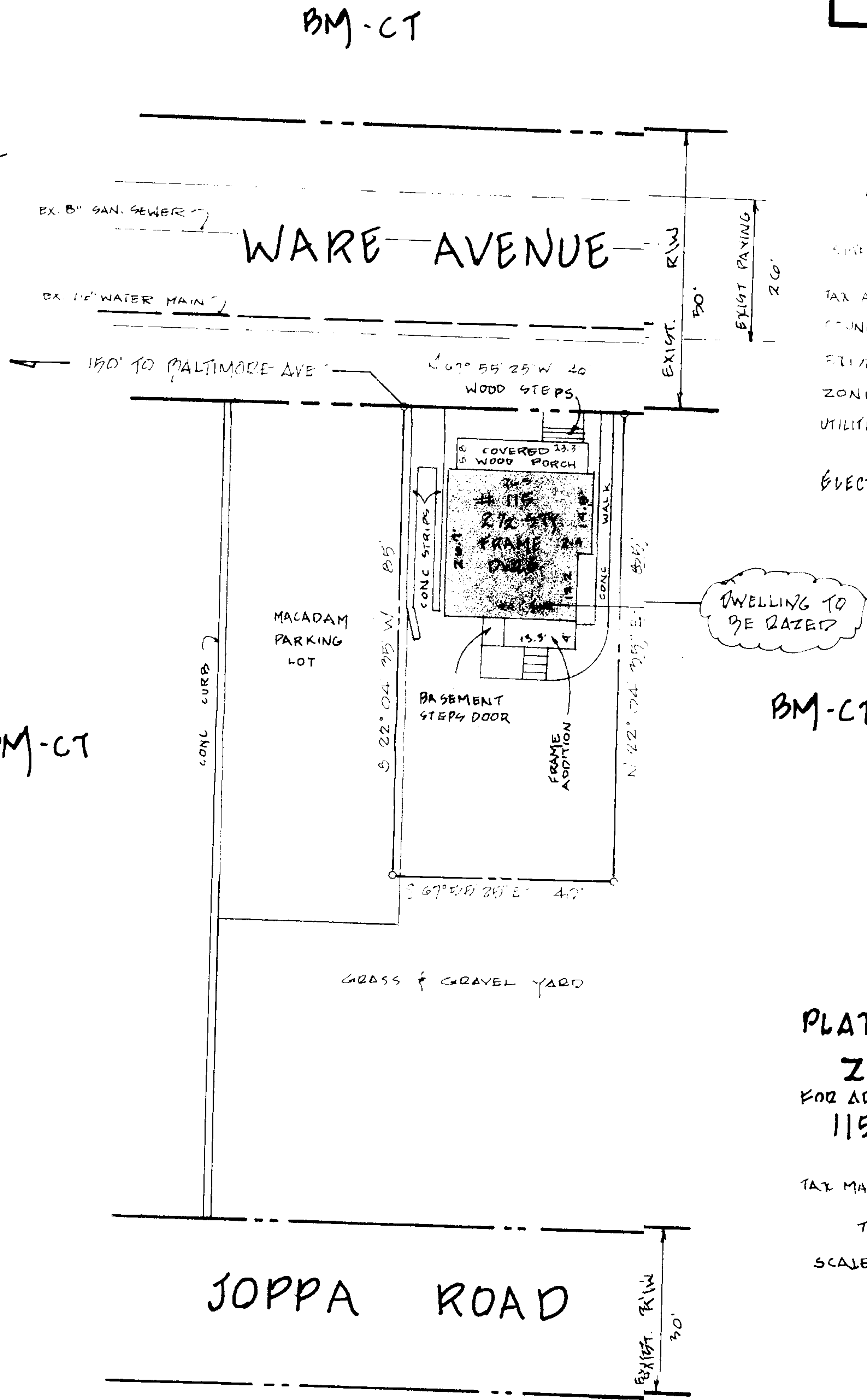
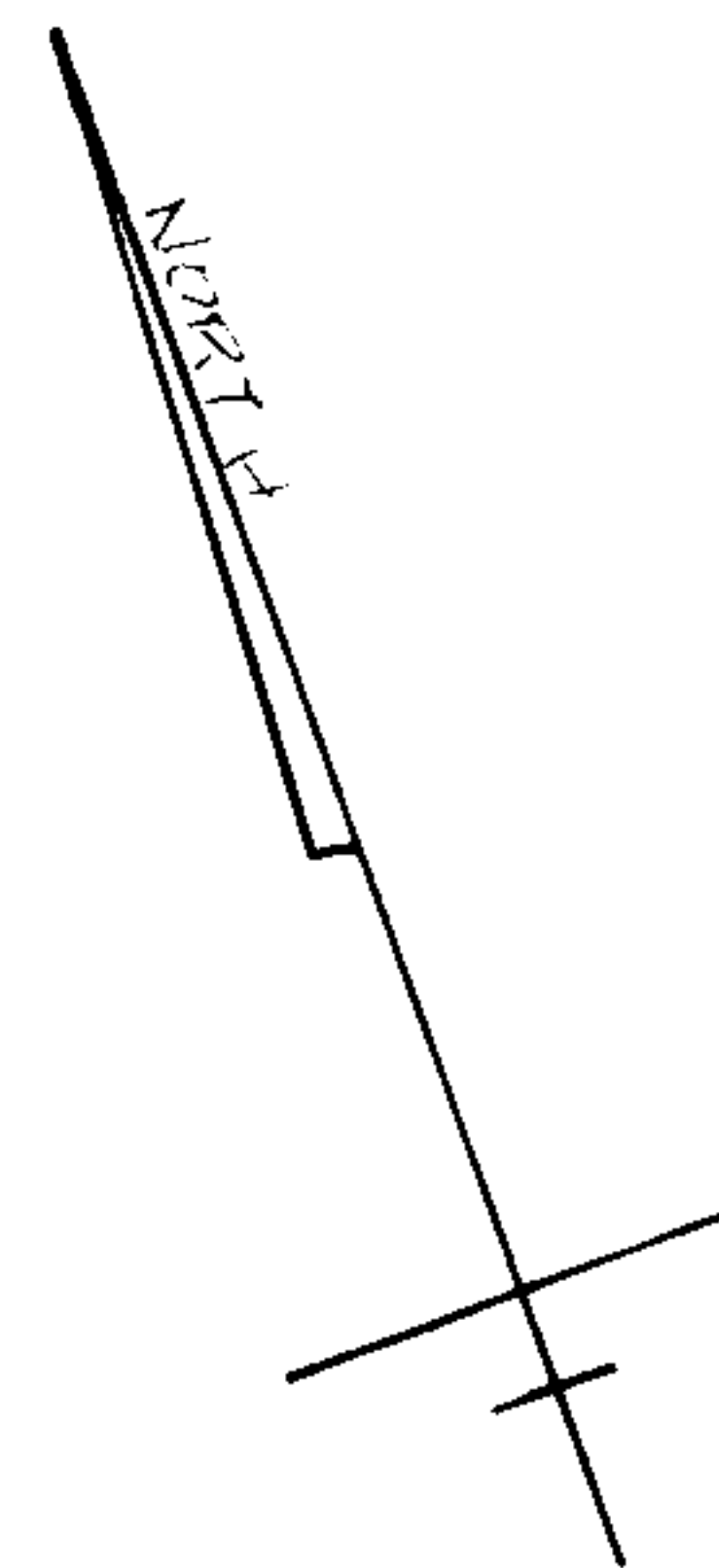
SITE DATA

SITE AREA 3400 SQ. FT.
 TAX ACCOUNT NO. 091151102
 COUNCILMANIC DIST 5th
 EXIST. ZONING BM-CT
 ZONING MAP NE 10 A
 UTILITIES EX WATER - PUBLIC
 EX SEWER - PUBLIC
 ELECTION DIST. 9th

ZONING PETITION
 THIS PLAT ACCOMPANIES A ZONING PETITION TO
 DEMOLISH & RAZE THE STRUCTURE LOCATED ON THE
 PROPERTY WHICH IS LISTED ON THE MARYLAND HISTORIC
 TRUST INVENTORY AS BA1400

GENERAL NOTES

1. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESEBROUGH-BAY CRUISE AREA.
2. THERE ARE NO ZONING MAPS WITHIN 200 FEET OF THE SITE.
3. THE SUBJECT PROPERTY IS NOT A HISTORIC SITE.
4. THE SUBJECT PROPERTY IS NOT A HISTORIC SITE WITHIN A 100 YEAR PERIOD.
5. THERE ARE NO OTHER NEAR SITES ON THE SUBJECT PROPERTY.



**PLAT TO ACCOMPANY
 ZONING PETITION
 FOR ADMINISTRATIVE SPECIAL HEARING
 115 WARE AVENUE**

TAX MAP 10 GRID 6 PARCEL 523
 TOWSON, MD. 21204
 SCALE: 1" = 20' MAY 21, 2004

Ret. E. L. #1
**SPELLMAN, LARSON
 & ASSOCIATES, INC.**
 CIVIL ENGINEERS AND LAND SURVEYORS
 SUITE 406, JEFFERSON BUILDING
 TOWSON, MARYLAND 21204
 PHONE: 410-823-3535
 FAX: 410-825-5215