IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING

NW/Corner Joppa Road and

Washington Avenue

(706 Washington Avenue)

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

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

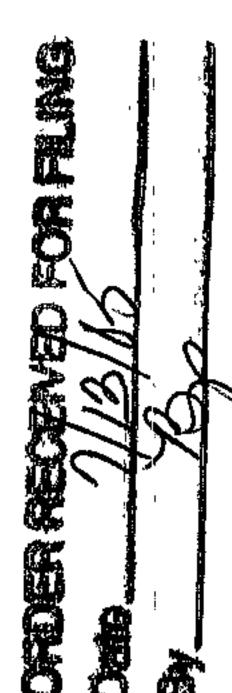
\* CASE NO. 05-672-ASPH

Manzo Development, LLC Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of an Administrative Special Hearing filed by the legal owner of the subject property, Manzo Development, LLC, through its attorney, Stuart D. Kaplow, Esquire. The Petitioner requests an Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-106 and 32-4-107(b) of the Baltimore County Code (BCC), of the requirements of Sections 32-4-221(b) and (c), 32-4-222 through 32-4-224, and 32-4-416 thereof, to raze an existing historical structure located on the property. The subject property and requested relief are more particularly described on Petitioner's Exhibit 1, the plat to accompany the Petition for Administrative Special Hearing.

Section 32-4-107(b) of the Baltimore County Code (BCC) provides that waivers from the requirements of Section 32-4-221 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 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 21, 2005. 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 32-3-303(a)(2)(i) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 0.26 acres, more or less, zoned BM-CT, and is improved with a dwelling that is listed on the Maryland Historic Trust Inventory as MHT #01405. The information submitted is persuasive to a finding that the proposed razing of the existing dwelling will not be inappropriate. The Landmarks Preservation Commission (LPC) reviewed the Petitioner's proposal at its June 9, 2005 meeting and approved the razing of the existing structure as set forth in inter-office correspondence received from the Office of Planning dated June 29, 2005. However, the memo states that the LPC agreed not to oppose the demolition provided a complete photographic documentation package in accordance with MHT standards is submitted to the Office of Planning's Preservation Services Division. In addition, a ZAC comment was also received from the Bureau of Development Plans Review dated July 5, 2005, a copy of which is attached hereto and made a part hereof.

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.

の変し、

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.

day of July 2005, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-106 and 32-4-107(b) of the Baltimore County (BCC), of the requirements of Sections 32-4-221(b) and (c), 32-4-222 through 32-4-224, and 32-4-416 thereof, to raze an existing historical structure located at 706 Washington Avenue (MHT #01405), as approved by the Landmarks Preservation Commission at their June 29, 2005 meeting, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their razing permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, Petitioners shall provide a complete photographic documentation package in accordance with MHT standards to the Office of Planning's Preservation Services Division.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

Order.

WJW:bis

POP RC

Zoning Commissioner 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 William J. Wiseman III, Zoning Commissioner

July 13, 2005

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/Corner Joppa Road and Washington Avenue
(706 Washington Avenue)
9<sup>th</sup> Election District – 5<sup>th</sup> Council District
Manzo Development, LLC - Petitioner
Case No. 05-672-ASPH

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Louis V. Manzo, Manzo Development, LLC P.O. Box 504, Towson, Md. 21286-5306 Office of Planning; People's Counsel; Case File

## Petition for Administrative Special Hearing

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 and Oction 20 202(0)(c) and Oction 20 272 to 172(b) Baltimore County and Development Management. The

to the Zoning Commissioner of Baltimore County

which is presently zoned BM-

for the property located at 706 Wishwaton ME, Towson

34-4-107(b), BCC OF SECTIONS 32-A-223. (8)	) AND SECTION 32-4-416 (4)(2) (800)
TO VILES OS SYSE THE BUNDIN	<b>18</b>
of the zoning regulations of Baltimore County, to the zoning la	aw of Baltimore County.
Property is to be posted and advertised as prescribed by the z l, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pure	ng, posting, etc. and further agree to and are to be bounded by the
	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):
	MMZO DEMENBAENT U.C
Name - Type or Print Name	- Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	7.0.Box 504 40.821-9400
STUADT D. KAPLOW	Address Telephone No. 21137-0504
Name - Type or Print  City	State Zip Code
Signature	Representative to be Contacted:
Signature D. Kalcon, P.A.	STURPET D. KAPLOW
Company 15 E. CHESAREAKE LUE 4103393900	Name 15 E. CHESNIENKE DIE 40.339 5900
Address Telephone No. 721286-5306	Address Telephone No.
City State Zip Code	Touson
A Public Hearing having been formally demanded and/or found to be reday of that the subject matter of this petition be	quired, it is ordered by the Zoning Commissioner of Baltimore County, this set for a public hearing, advertised, as required by the zoning regulations of
Baltin ore County and that the property be reposted.	,
	Zoning Commissioner of Baltimore County
CON 15 672 CPH	11
Case No Case No Reviewed By	- Date 0/000
9/18/98 Estima	ited Posting Date

# Affidaviton Support of Administrative Social Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	Address	CONISTON	Sono	
	City	uson	State	21204 Zip Code
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide	ormal dema additional	and is filed, Af information.	ffiant(s) will be	e required to pay a reposting and
			2	Λ
Signature	· · · · · · · · · · · · · · · · · · ·	Signature	<u> </u>	1
		ما	ues V. Ym	120
Name - Type or Print	N	ame - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTII  I HEREBY CERTIFY, this day of  of Maryland, in and for the County aforesaid, pe	ersonally ap	peared	<u>උපර</u> ු, befor	e me, a Notary Public of the State
the Affiant(s) herein, personally known or satisf	actorily ide	ntified to me as	s such Affiant(	s), and made oath in due form of
law that the matters and facts hereinabove set t	forth are tru	ue and correct	to the best of	nis/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal		•		•
Date Date		Takain Distal		
Date	N	lotary Public		K 1 200
	M	ly Commission	Expires	5-1-2009

REV 9/18/98

BEGINNING for the same at a point where Joppa Road (formerly the Old Court Road), intersects Chew Avenue (now called Washington Avenue) as now opened and running thence bounding on Chew Avenue north forty-six degrees, east one-hundred and fifty seven feet to the south side of Ware Avenue, as laid out on the plat of land of Eliza C. Ware thence bounding on said Ware Avenue, north sixty-four degrees west one hundred and two and one-half feet, thence south twenty-seven degrees west one-hundred and fifty feet to the north side of the Old Court Road thence bounding on the north side of said road south sixty four and one half degrees east fifty three feet to the place of beginning. The improvements thereon being known as 706 Washington Avenue.

6

FOR THE CASHIER PINK - AGENCY YELLOW - CUSTOMER	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  ACCOUNT MONOTE  PROCEIVED  AMOUNT \$ 325.00  AMOUNT \$ 325.00
CASHER'S VALDATION	

k.

# CERTIFICATE OF POSTING

	RE: Case No.: 05.672-5PH
· ·	Petitioner/Developer: MANZO
·	DEVELOPMENT
•	Date of Hearing/Closing: JULY 6, 200
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	•
posted conspicuously on the property located at:	ury that the necessary sign(s) required by law were
	Shington Ave
The electrical and the second	
The sign(s) were posted on	6-21-05 Month, Day, Year)
	incerely,
	Robert Black 6-22-05 (Signature of Sign Poster) (Date)
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

706 WAShINGTON AVE

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

05
Case Number 6 - 672 -SPH Address 706 WASHINGTON AVE
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: 6/20/05 Posting Date: 7/03/05 Closing Date: 7/18/6
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. An 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 closin date.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to fill 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 zonin commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (corder 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 hearin (whether due to a neighbor's formal request or by order of the zoning or deputy zonin 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 original posted, certification of this change and a photograph of the altered sign must be forwarded 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 612 -SPH Address 706 WASHINGTON FUE
Petitioner's Name Manzo Development ILC Telephone
Posting Date:
Wording for Sign: <u>Administrative Special Hearing to approve</u> THE RAZING OR
ACTERATION OF A HOUR BULDING
·
·

# 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.

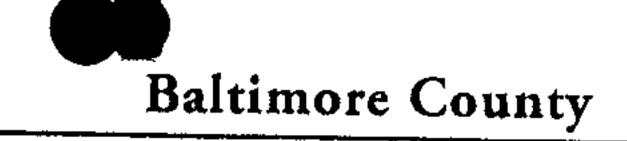
For Newspaper Advertising:
Item Number or Case Number: 05-672 - 5PH
Petitioner: MANZO DEVELOPMENT LLC
Address or Location: 706 WASHINGTON AVE.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Louis V. Manzo
Address: Marzo Donacanout, UC
P.O. Box Sex
Rivermoon MD 21139-0000
Telephone Number: 410-821-9400

Revised 2/20/98 - SCJ

# Department of Permits and Development Management

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





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

July 8, 2005

Stuart D. Kaplow 15 E. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Kaplow:

RE: Case Number: 05-672-SPH, 706 Washington Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 20, 2005.

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. Calliball

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel

Manzo Development, LLC P.O. Box 504 Riderwood 21139-0504

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

### Fire Department



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



# Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-666, 668=678

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lt J.D.Mezick Fire Marshal's Office 410-887-5178 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: 6.27.05

RE:

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

Dear. Ms. Matthews:

Item No. (472)

Baltimore County

JLL

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 question's regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

#### 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

RECEIVED

**DATE:** June 29, 2005

**SUBJECT:** 

706 Washington Avenue

JUL - 6 2005

70NWG COMMISSIONER

INFORMATION:

Item Number:

5-672

Petitioner:

Manzo Development LLC

Zoning:

BM-CT

Requested Action:

Administrative Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following:

On June 9<sup>th</sup>, 2005, the Baltimore County Landmarks Commission agreed not to oppose the demolition of the existing historic structure on 706 Washington Avenue (MHT # 01405), provided a complete photographic documentation package in accordance with MHT standards is submitted to the Office of Planning's Preservation Services Division.

For further information concerning the matters stated here in, please contact Karin Brown at 410-887-3480.

Prepared by:

Qivision Chief:

AFK/LL: CM

W:\DEVREV\ZAC\5-672,doc

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 5, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 30, 2005 Item No. 672

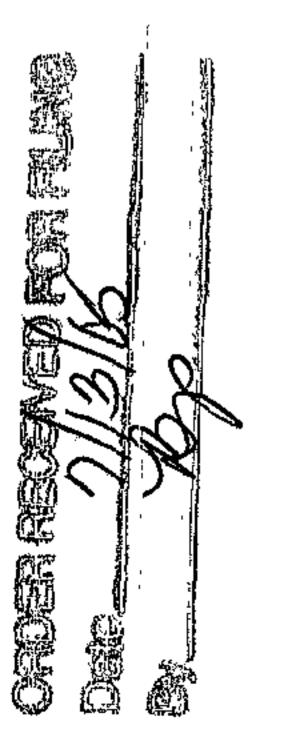
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Be advised that the ultimate right-of-way for Washington Avenue will impact this property when the property is developed.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 672-07052005.doc



RE: PETITION FOR ADMINISTRATIVE

SPECIAL HEARING

706 Washington Avenue; NW corner

Washington Avenue & Joppa Road

9th Election & 5th Councilmanic Districts

Legal Owner(s): Manzo Development, LLC

by Louis V. Manzo, Managing Member

Petitioner(s)

\*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-672-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 sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Stuart Kaplow, Esquire, 15 E. Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

JUN 27 200

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

9672

## STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910

FACSIMILE 410-339-3912

E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

June 14, 2005

<u>Via Hand Delivery</u>

Timothy M. Kotroco, Director Dept. Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Drop Off Filing of Zoning Petition

<u>Manzo – 706 Washington Avenue</u>

Dear Mr. Kotroco:

In furtherance our exchange of emails some days ago, by way of a drop off filing, please find attached the petition for administrative special hearing "to raze or alter the building" at 796 Washington Avenue in Towson (i.e., posting the property).

Be aware that on June 9, 2005, the Landmarks Preservation Commission voted unanimously to recommend to the Zoning Commissioner that the relief sought in the petition (i.e., the razing or altering of the building) be permitted.

Specifically, find enclosed:

- 1. Three original petitions with affidavits,
- 2. Five copies of an abbreviated site plan,
- 3. Three metes and bounds descriptions, and
- 4. This firm's check in the amount of \$250.00

If anything else is required, of course do not hesitate to have someone give me a call.

There are no violations of the property. And no one from PADM has reviewed this matter in advance of this submittal.

It is, of course, my client's hope that this property can be posted as soon as possible. Thank you for your courtesies in this matter.

Sincerely,

Stuart D. Kaplow

Stuart Kaplow

MOTES, TUIS PADWARS 19 BETWE PURSUED BETCHURS THIS IS AN OLD BULLDING ON THE
MITTUIT, BUT IS NOT AN HISTORIC BULLDING WORTH OF PARSONNESS, AS PETERWIND
BY THE CPC ON 6/9/05.

#### Bill Wiseman - 706 Washington Avenue

From:

"Stuart D. Kaplow, Esquire" < skaplow@stuartkaplow.com>

To:

"William J Wiseman, Esquire" < www.seman@co.ba.md.us>

Date:

7/11/2005 11:40:05 AM Subject: 706 Washington Avenue

With respect to Lou Manzo's petition for administrative special hearing for Turnbull's old office at 706 Washington Avenue, case 05-672 sph, I understand that Christin brought the file over Friday afternoon ...

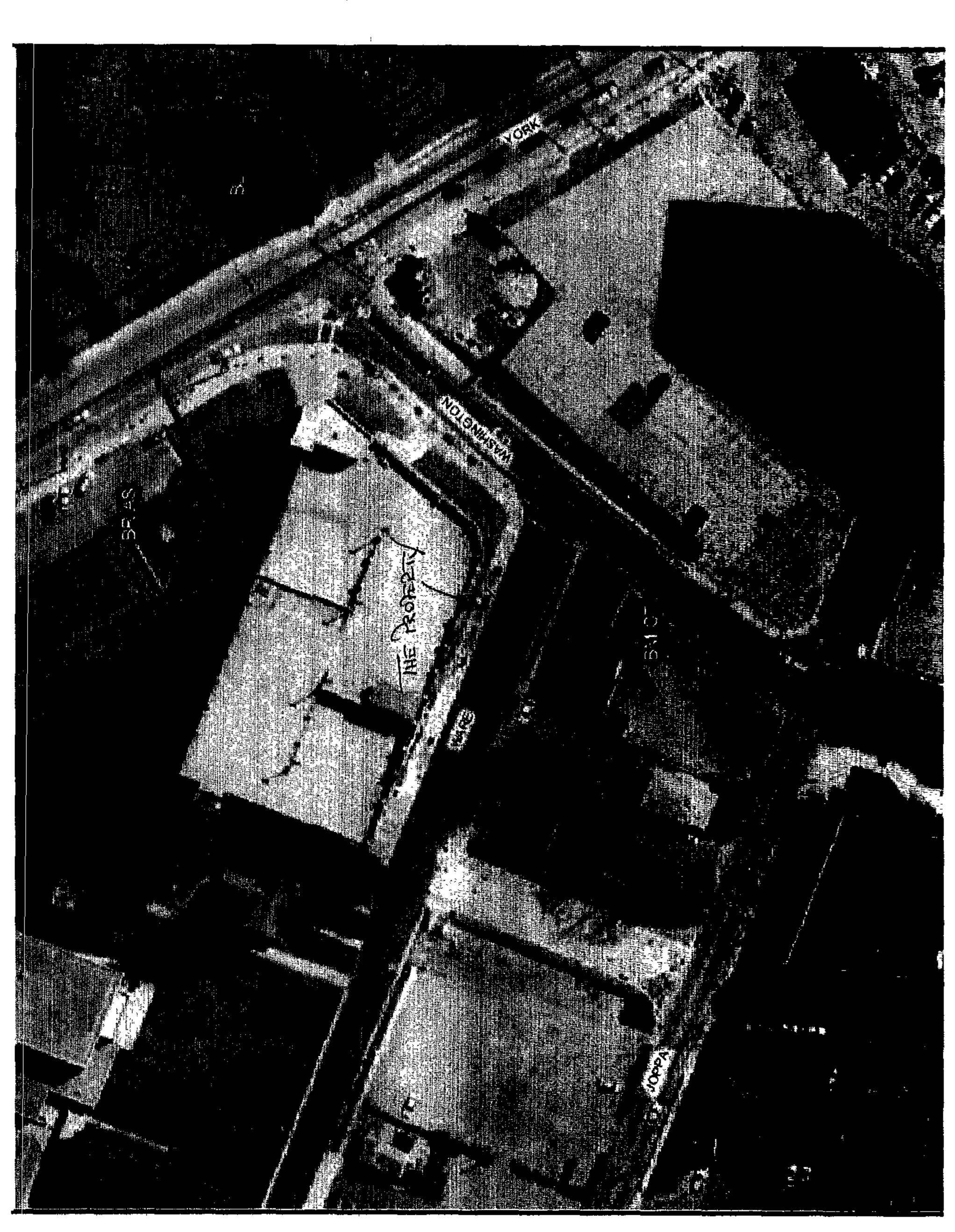
My purpose in writing is not to request that you address this matter out of order or with any particular haste, but rather to simply request that when you do issue an order that you cause a copy to be faxed to me at 410-339-3912, the client is anxious to get going.

Thank you and should there be any questions, of course do not hesitate to give me a call. Stuart Kaplow

Stuart D. Kaplow, Esquire Stuart D. Kaplow, P.A. Real Estate Attorneys Tel 410-339-3910 Fax 410-339-3912 15 East Chesapeake Avenue Towson, Maryland 21286-5306 Email skaplow@stuartkaplow.com Web www.stuartkaplow.com

Virus scanned by Symantec Norton Internet Security 2004

Confidentiality Notice: This email may contain confidential information belonging to the sender, which may be legally privileged information. If you are not the intended recipient, please immediately respond to this email or telephone us.



Tile has been sent over earlier te cause closing; postring dates were expedited per TMK. Charged to 1/4/05

