IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE W/S of Big Falls Road, 1300 ft N of centerline of Bluemount Road 7th Election District 3rd Councilmanic District (17148 Big Falls Road)

Jerry and Tina Lopez

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 06-563-SPHA

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

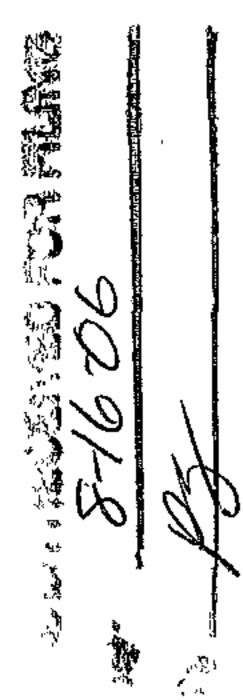
This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Jerry and Tina Lopez. The Petitioners are requesting special hearing and variance relief for property located at 17148 Big Falls Road. The special hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the subject property containing 1.35 acres as a building lot in lieu of 1.5 acres and to permit setbacks of 20 feet and 30 feet in lieu of 50 feet respectively. Variance from Section 1A04.3.B.2.b of the B.C.Z.R. to permit lot line setbacks of 20 feet and 30 feet in lieu of 50 feet in the alternative of the Special Hearing.

The property was posted with Notice of Hearing on June 19, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 20, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power



given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Department of Environmental Planning and Resource Management dated June 8, 2006 which contains restrictions. A ZAC comment letter was received from the Office of Planning dated June 19, 2006 which recommends referring this matter to the Landmarks Preservation Commission. A revised comment dated July 17, 2006 indicates the Office no longer requests the matter be referred to the LPC. Copies of which are attached and made a part hereof.

Interested Persons

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Appearing at the hearing on behalf of the variance and special hearing requests was Jerry Lopez, Petitioner. Mitch Kellman, DMW, Inc., prepared the site plan. No protestants or

interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

July 5. 2006 Hearing

At the outset of the case the Petitioner indicated that he recently became aware of the Planning Office comments to refer the request to the Landmarks Preservation Commission for review and approval because of proposed demolition of a structure on the property in the Big Falls African American Survey District. After some discussion the Petitioner requested the case be continued which request was granted. No further posting or publication is required for the continued case.

August 10, 2006 Hearing

Mr. Kellman proffered that he met subsequently to the initial hearing with the Planning Office and pointed out that the proposed demolition was that of a trailer on the property. Apparently after some discussion, the representative of the Planning Office agreed that the trailer did not contribute to the District, that a garage on site did contribute to the District and that, if the garage were preserved, the matter did not have to be referred to the Landmarks Preservation Commission after all. The Petitioner agreed to preserve the garage and the representative issued a revised comment dated July 17, 2006 which indicated the Planning Office did not object to demolition of the trailer as proposed.

Mr. Kellman presented Petitioner's exhibit 1, the plat to accompany, which indicated that the subject property was in the Survey District and that the garage on site would be preserved. He noted that lot size is 1.35 acres which until recently would have met the size required by the RC 5 regulations. However the lot size has been increased to 1.5 acres by recent legislation and

so this lot no longer meets the RC 5 lot size requirements pursuant to Section 1A04.3.B.1.b of the BCZR. He presented SDAT data sheet as exhibit 2, for this property which shows the structure was built in 1970 obviously prior to September 2003.

Mr. Lopez indicated that the trailer on the property was worn out, not properly maintained by the prior owner and is an eyesore to the neighborhood. He proposes to raze the trailer, clean up the lot and erect a new home on the property as shown on exhibit 1.

Mr. Kellman opined that the property was unique from a zoning standpoint given odd, almost triangular shape and its location in an African American Survey District. He noted that the new house should be skewed somewhat to be compatible with adjacent homes, and pushed back on the lot as far as practical. This is limited by the garage being preserved and other structures in the rear yard. The corners of the new home would be 20 feet and 30 feet from the property lines as shown.

The lot is 130 feet wide at the front foundation line and so if the 50 foot setback regulations of RC 5 were strictly enforced the new house would only be 30 feet wide. He opined that this width would not be compatible with the neighborhood homes. Finally he noted that although the Petitioners also own the adjacent lot to the west, there is an existing driveway along the western boundary which would prohibit a lot line adjustment favoring the subject lot and perhaps avoiding a variance request.

Finally he noted that the request for variances were filed in the alternative if the special hearing would be found not be appropriate.

Findings of Fact and Conclusions of Law

Special Hearing

There is no evidence that the subject lot and the adjacent lot were merged by some overt action of this or a prior owner. The SDAT information shows this as a separate account from the adjacent property owned by the Petitioners. There has been a separate residence (trailer) on the property for many years which apparently has been rented by prior owners.

In regard to the request for special hearing, I find the evidence supports the Petitioner's contention that the lot existed prior to September 2003 and as such qualifies for the relief available pursuant to Section 1A04.3.B.1.b. Given the limitations of a driveway on the western side of the boundary no additional land can reasonably be added to the subject lot by lot line adjustment to give the subject lot enough additional acreage to avoid the requested alteration of lot size. Similarly the side yard setbacks are driven by the odd shape of the lot and the need to preserve the garage in the rear. I find the Petitioners would suffer practical difficulty if they were forced by the regulations to build a 30 foot wide house in this setting. There is no density issue as the subject property already contains a dwelling. Finally I find the request to alter lot size and side yard setbacks can be granted within the spirit and intent of the regulations and will not adversely affect the community. On the contrary replacing the worn out trailer with a modern home will be an improvement to the community. I agree with the Planning Office that razing the trailer will not adversely affect the Survey District.

<u>Variances</u>

Having granted the request for special hearing, the request for variances are unnecessary.

THEREFORE, IT IS ORDERED, this _____day of August 2006, by the Deputy Zoning Commissioner, that the Petitioner's request for variance from Section

1A04.3.B.2.b of the B.C.Z.R. to permit lot line setbacks of 20 feet and 30 feet in lieu of 50 feet in the alternative of the Special Hearing is hereby DENIED as unnecessary, and

IT IS FURTHER ORDERED that the request from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the subject property containing 1.35 acres as a building lot in lieu of 1.5 acres and to permit setbacks of 20 feet and 30 feet in lieu of 50 feet respectively. is hereby GRANTED subject to the following conditions:

1. Soil evaluations must be conducted to determine a septic reserve area. A well must be drilled meeting minimum requirements. See ZAC comment from DEPRM dated June 8, 2006.

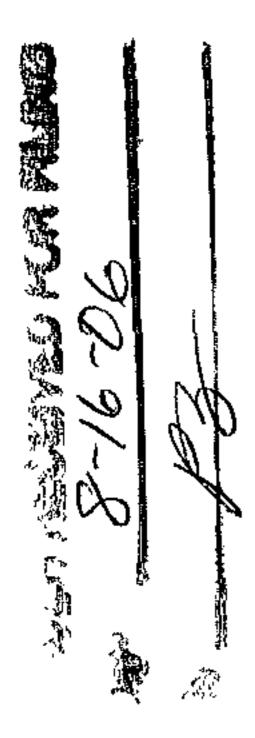
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 16, 2005

JERRY E. AND TINA M. LOPEZ 17144 BIG FALLS ROAD BALTIMORE MD 21111

Re: Petition for Special Hearing and Variance Case No. 06-563-SPHA

Property: 17148 Big Falls Road

Dear Mr. and Mrs. Lopez:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted with restrictions 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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:nz

Enclosure

c: Mitch Kellman, DMW, Inc., 200 East Pennsylvania Avenue, Towson MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 17148 Big Fulls Road which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

17148 Falls Road, containing 1.35 acres, as a belling lot. in lieu of 1.5 acres and 8 to permit schooks of 20 ft and 30ft in lieu of 50 ft.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City Zip Code State Signature Attorney For Petitioner: Address Telephone No. Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Address Telephone No. 21286 City Zip Code State State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _____ Case No. 06-563-5PHA UNAVAILABLE FOR HEARING ______ REV 9/16/98 10-0 Q Reviewed By JF Date 5/4/00



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17148 Big Falls Road which is presently zoned RC5

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 Variance from Section(s)

to permit 16+ 1100 setbacks of 20 ft and 30 ft in how of 50 ft in the atternative of the Special Hearing.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name - Type or Print Signature Signature Address Name - Type or Print Telephone No. City State Zip Code Signature Attorney For Petitioner: Address Telephone No. 2 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address City State Zip Code Zip Code State OFFICE USE ONLY Case No. 06-563-5PH & ESTIMATED LENGTH OF HEARING Reviewed By J WAVAILABLE FOR HEARING Date 5 REV 9/15/98 THE PARTY CONTRACTOR OF THE PARTY OF THE PAR

ZONING DESCRIPTION 17148 BIG FALLS ROAD

Beginning on the west side of Big Falls Road (variable right-of-way width) at the distance of 1300 feet north of the centerline of Bluemount Road. With a deed reference of 22614/676, not part of a recorded subdivision, but located on Tax Map 22, Grid 16, and Parcel 201. Also known as 17148 Big Falls Road containing 1.371 acres in the 7th Election District and 3rd Councilmanic District.

563

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NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-563-SPHA

Case: #06-563-SPHA

17148 Big Falls Road
West side of Big Falls Road at the distance of 1300 feet north of centerline of Bluemount Road
7th Election District — 3rd Councilmanic District
Legal Owner(s): Jerry E. & Tina M. Lopez
Special Hearing: to approve 17148 Big Falls Road, containing 1.35 acres, as a building lot in lieu of 1.5 acres and to permit setbacks of 20 feet and 30 feet in lieu of 50 feet respectively, Variance: to permit lot line setbacks of 20 feet and 30 feet in lieu of 50 feet and 30 feet in lieu of 50 feet in the alternative of the Special Hearing

the Special Hearing.
Hearing: Wednesday, July 5, 2006 at 10:00 a.m. in
Room 407, County Courts Building, 401 Bosley Ave-nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

99311

JT 6/702 June 20

CERTIFICATE OF PUBLICATION

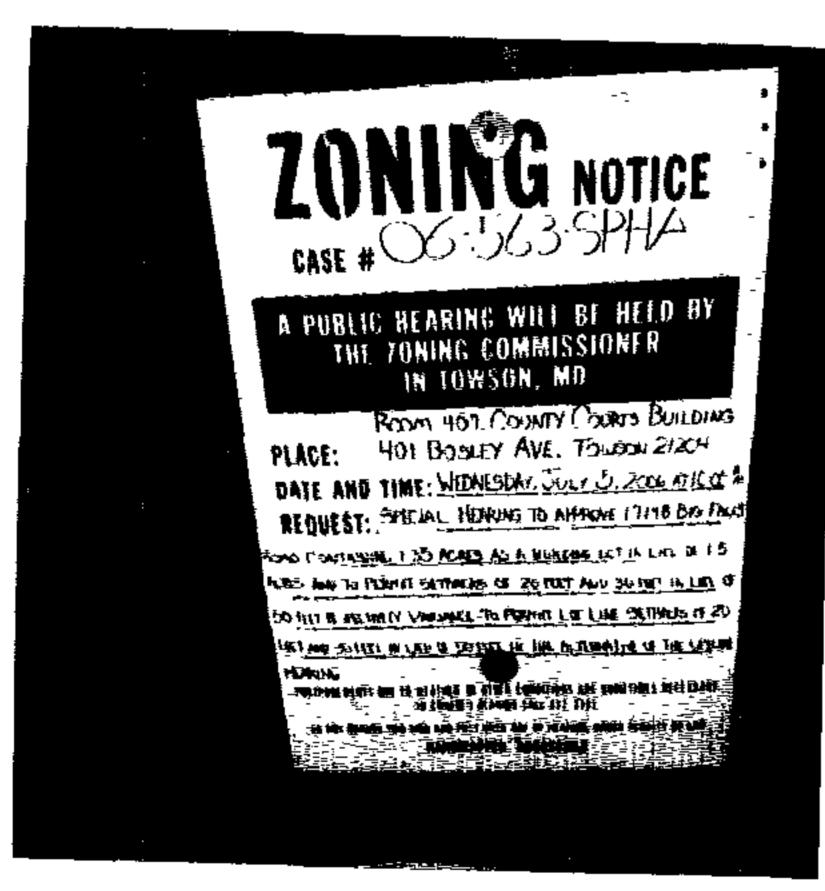
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $\frac{1}{2000}$, $\frac{1}{20000}$.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkinger
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: \(\sum_{\infty} = 563 \cdot SPHH\)

Petitioner/Developer: \(\sum_{\infty} \) \(\sum_{\inf

Sincerely,



•	Robert Black 6 20 - (Signature of Sign Poster) (Date)	QE
	(2. Breather of Digit Loster) (Diste)	
	SSG Robert Black	
	(Print Name)	
	1508 Leslie Road	l.
	(Address)	·
	Dundalk, Maryland 21222	
	(City, State, Zip Code)	
	(410) 282-7940	
	(Telephone Number)	

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 20, 2006 Issue - Jeffersonian

Please forward billing to:

Jerry & Tina Lopez 17144 Big Falls Road Baltimore, MD 21111 410-296-3333

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-563-SPHA

17148 Big Falls Road

West side of Big Falls Road at the distance of 1300 feet north of centerline of Bluemount Road 7th Election District – 3rd Councilmanic District

Legal Owners: Jerry E. & Tina M. Lopez

Special Hearing to approve 17148 Big Falls Road, containing 1.35 acres, as a building lot in lieu of 1.5 acres and to permit setbacks of 20 feet and 30 feet in lieu of 50 feet respectively. Variance to permit lot line setbacks of 20 feet and 30 feet in lieu of 50 feet in the alternative of the Special Hearing.

Hearing: Wednesday, July 5, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

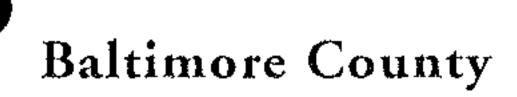
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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





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

May 16, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-563-SPHA

Muthy Kotroco

17148 Big Falls Road

West side of Big Falls Road at the distance of 1300 feet north of centerline of Bluemount Road 7th Election District – 3rd Councilmanic District

Legal Owners: Jerry E. & Tina M. Lopez

Special Hearing to approve 17148 Big Falls Road, containing 1.35 acres, as a building lot in lieu of 1.5 acres and to permit setbacks of 20 feet and 30 feet in lieu of 50 feet respectively. Variance to permit lot line setbacks of 20 feet and 30 feet in lieu of 50 feet in the alternative of the Special Hearing.

Hearing: Wednesday, July 5, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Jerry & Tina Lopez, 17144 Big Falls Road, Baltimore 21111 Mitch Kellman, 200 E. Pennsylvania Avenue, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 20, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 6-563 - 5PAA
Petitioner: Jerry and Tim Lopez
Address or Location: 17148 Big Falls Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jerry and Jim Lopce
Address: 17144 Big FN/S Roal
Balto MD
21111
Telephone Number: 410-296-3333



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 30, 2006

Jerry Lopez Tina Lopez 17144 Big Falls Rd. Baltimore, MD 21111

Dear: Mr. & Mrs. Lopez,

RE: Case Number: 06-563-SPHA, 17148 Big Falls Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 4, 2006.

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,

Calling Calling Control of the Calling Control of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel Mitch Kellman DMW, Inc. 200 E. Pennsylvania Ave. Towson, MD 21204

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



DECEIVED

JUN 0 8 2006

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Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 8, 2006

SUBJECT:

Zoning Item

06-563-SPHA

Address

17148 Big Falls Road

(Lopez Property)

Zoning Advisory Committee Meeting of May 15, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

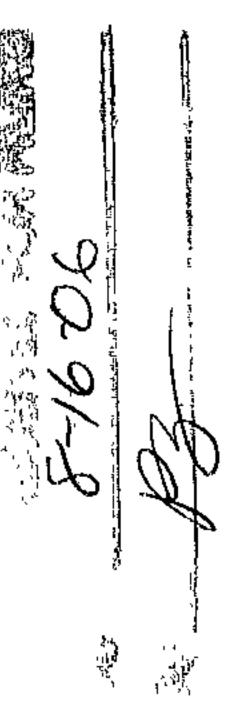
Soil evaluations must be conducted to determine a septic reserve area. A well must be drilled meeting minimum requirements.

Reviewer:

S. Farinetti

Date: May 24, 2006

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Jm 7/5

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

RECENTO

DATE: July 17, 2006

JUL 2 6 2006

ZONING COMMISSIONER

SUBJECT:

17148 Big Falls Road

INFORMATION:

Item Number:

6-563 (revision to original comments)

Petitioner:

Jerry E. Lopez

Zoning:

RC 5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The subject site is located in the Big Falls African American Survey District (Baltimore County Register # BA-3118). The petitioner proposes the demolition of a trailer located on the mentioned property. The Office of Planning has no objection to the razing of the said structure.

For further information concerning the matters stated here in, please contact Karin Brown at 410-887-3495.

Prepared by

Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\6-563revised.doc

Am 1/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 19, 2006

RECEIVED

JUN 2 9 2006

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

17148 Big Falls Road

INFORMATION:

Item Number: 6-563

Petitioner:

Jerry E. Lopez

Zoning:

RC 5

Requested Action:

Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The site is located in the Big Falls African American Survey District (Baltimore County Register #BA-3118). The petitioner proposes the demolition of an existing structure or structures. Demolitions of structures on the Baltimore County Register are subject to review by the Baltimore County Landmarks Preservation Commission. To assist in the Office of Planning's analysis and statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements, the applicant should provide the following to the Office of Planning, for review:

- Submit photographs of all sides of all existing buildings (indicating on the back, which structures are supposed to be demolished.
- Submit photographs of the structures on the properties immediately abutting the property (the two panhandle structures in the rear and structures along Big Falls Road).
- Submit elevation drawings of the proposed structures.
- Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

• Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

Additionally, amend note 6 to read the following "The site is located in the Big Falls African American Survey District (Baltimore County Register # BA-3118)."

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

Prepared by:

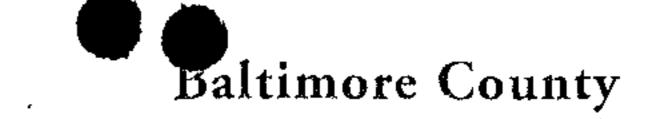
Division Chief: AFK/LL: CM

Fire Department



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





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

May 16,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: 558 thru 573

63

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.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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



INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 17, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kenbedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 22, 2006 Item Nos. 558, 560, 561, 562, 563, 564, 565, 566, 567, 568, 571, 572, 573

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-05172006.doc



ateHighway

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

Maryland Department of Transportation

Date: 5.16.06

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

RE: Ba

Baltimore County

Item No. 543

JZF

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,

Steven D. Foster, Chief

1. J. Shell

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

17148 Big Falls Road; W/S Big Falls Road,

1,300' N c/line Bluemount Road

7th Election & 3rd Councilmanic Districts

Legal Owner(s): Jerry & Tina Lopez

Petitioner(s)*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 06-563-A

* * * * * * * * *

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

Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 2006, a copy of the foregoing Entry of Appearance was mailed Mitch Kellman, 200 East Pennsylvania Avenue, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

MAY 16 2006

Per...

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME 17148 BIG FILL RUCASE NUMBER 06-563-5044

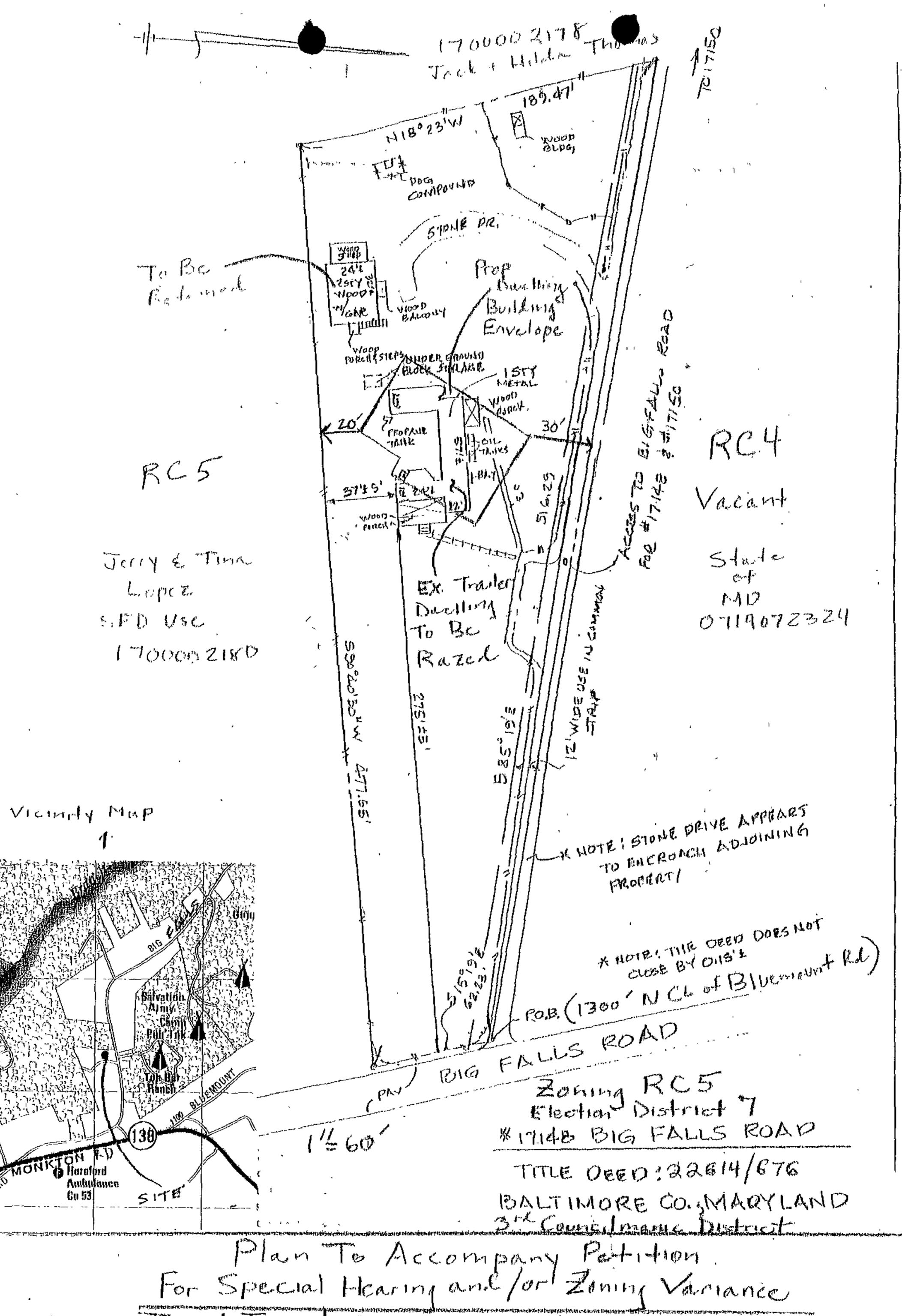
PETITIONER'S SIGN-IN SHEET

								Jerry (sper man	NAME
								17144 Bis Falls Rd	ADDRESS
								Monkton, MD 2/286	CITY, STATE, ZIP
								Thepozoe Casemason, con	E- MAIL

CASE NUMBER 17148 BIG Falls Roal
DATE Alg 10, 2006

PETITIONER'S SIGN-IN SHEET

									Jerry Copez	1	ļ
									17144 Big Falls Rd	Zoo E. Pennsylvania An	ADDRESS
									ikton	on mo	CITY, STATE, ZIP
									Z @ Cagoni	mkellmen @ DMW. Com	E- MAIL



1. Owner: Tima & Jerry Lopez 17144 Big Falls Rd Monkton, MD 21111

Z. Side Ac: 11371 Ac.

3. Tax Map 22 Gril 16 Parcel 201

4 Site is sorved by Brown to Utilities
5 The Site is not Within a Floodplain
or the CIBCA

6. The site is located in the Big Falls African American Survey District
(Buffin ore Guarty Register HEA 3118)

7. 1 = 200 Zonmy Map 02232

8. There's no prior zoning history

9. This proposal well not impact

the County Basic Senices Maps recorded subdivision

Click here for a plain text ADA compliant screen.



Go Back View Map New Search **Ground Rent**

County Use

Account Identifier:

District - 07 Account Number - 1700002179

Owner Information

Owner Name:

LOPEZ JERRY E

LOPEZ TINA M

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

17144 BIG FALLS RD

MONKTON MD 21111-1127

Deed Reference:

1) /22614/ 676

2)

Location & Structure Information

Premises Address

17148 BIG FALLS RD

Legal Description

1.371 AC WS

BIG FALLS RD 3100 N MONKTON RD

Map Grid **Subdivision Sub District** Parcel Section Block Lot Plat No: Assessment Area 16 Plat Ref: 201

Town Special Tax Areas **Ad Valorem**

Tax Class Primary Structure Built Property Land Area Enclosed Area 1970 1.37 AC 740 SF

04 **Stories Basement** Type Exterior NO MOBILE HOME SIDING

Value Information

Phase-in Assessments **Base** Value Value As Of As Of As Of 01/01/2005 07/01/2005 07/01/2006 Land: 41,480 134,810 Improvements: 44,510 43,610 Total: 85,990 116,800 147,610 178,420

Preferential Land:

Transfer Information

Seller: GREEN MARTIN J Date: 09/27/2005 \$235,000 Price: IMPROVED ARMS-LENGTH Type: **Deed1:** /22614/ 676 Deed2:

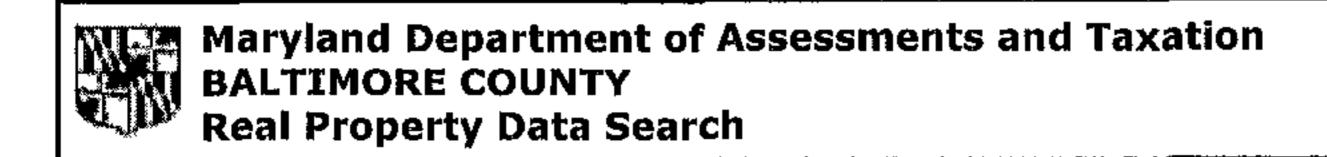
Seller: SNOW HOWARD EDWARD, JR 11/01/1999 Date: \$112,000 Price: IMPROVED ARMS-LENGTH Type: Deed1: /14123/ 311 Deed2:

Seller: SNOW LUCILLE A Date: 08/23/1994 Price: \$0 NOT ARMS-LENGTH Deed1: /10715/ 358 Type: Deed2:

Exemption Information

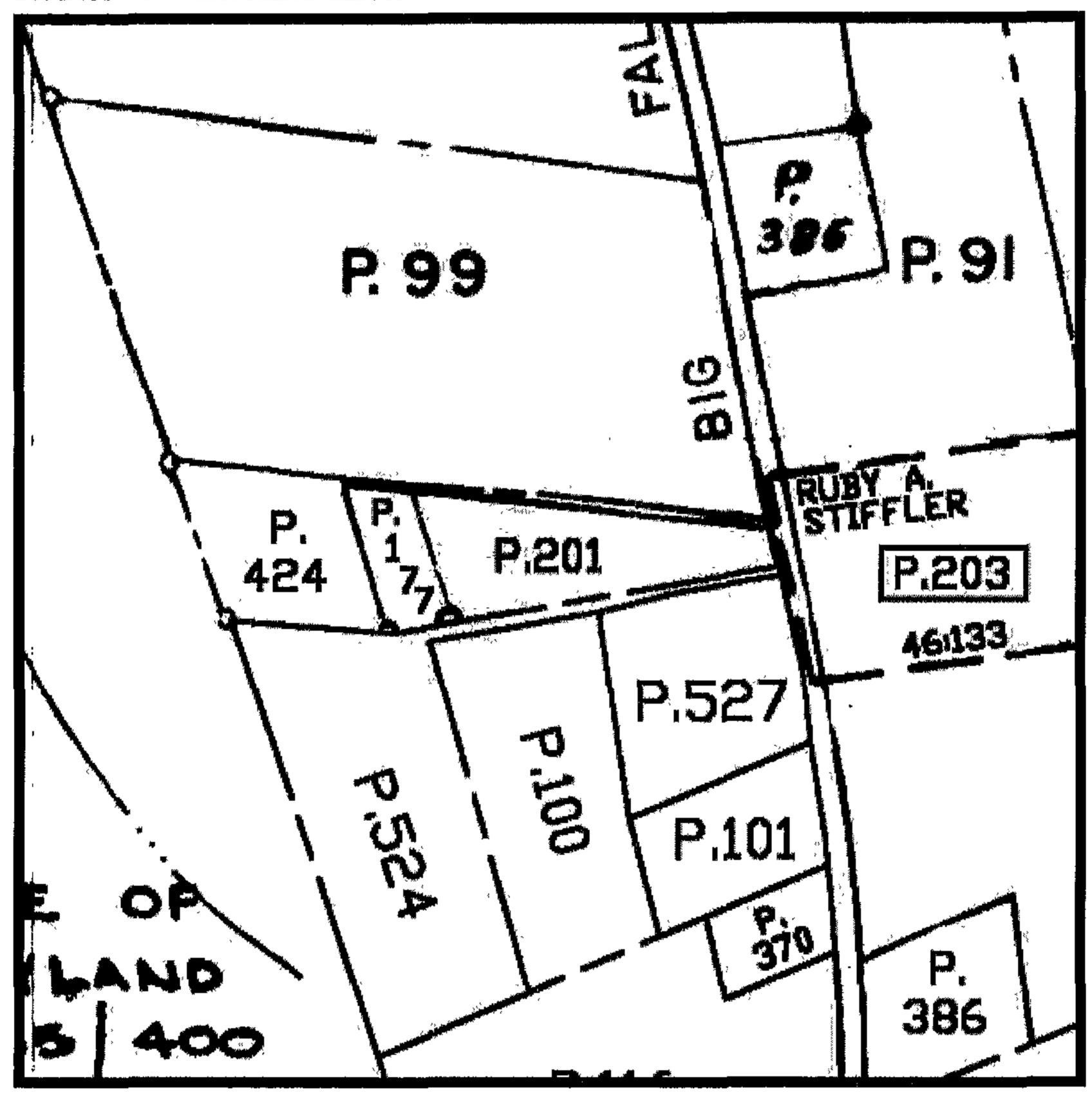
Partial Exempt Assessments 07/01/2005 07/01/2006 Class County State 000 Municipal 000

Det #2



Go Back View Map New Search

District - 07 Account Number - 1700002179



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

CAPSULE SUMMARY
BA-3118
Big Falls African American Survey District
Baltimore County, MD
1867-1950s

The Big Falls African American Survey District is situated within the Seventh District of Baltimore County. Founded in the mid-18th century, Hereford became a thriving town during the 19th century. By 1881, Hereford had 300 residents and was the center of a wealthy agricultural and grazing region. The Baltimore County Historic Inventory states that St. Luke's United Methodist Church was constructed in 1867. This African-American congregation acquired land across from Shaw's Meeting House donated by Martin Conn, a local white resident. By 1877, the town had grown to include a post office, an Odd Fellows Lodge, jeweler, dentist, undertaker, butcher, barber, hotel, schoolhouse, a Methodist Church, and a newspaper. On the west side of Hereford Road was an African American schoolhouse with a cemetery north of the school. The colored school remained in use until it was absorbed by Blue Mount School in 1936.

The Big Falls African American Survey District is comprised of two sections separated by Monkton Road (Rt. 138). A total of 21 historic buildings stand within the Big Falls survey district. Much of the district constitutes residential buildings augmented with one church and one school (converted to a dwelling). One section of the Big Falls survey district is centered around St. Luke's Methodist Episcopal (M.E.) Church on Hereford Road. This area includes Cromwell Whye Court, a dead-end road, extending to the west from Hereford Road. Along Cromwell Whye Court are eleven residences, three of which are considered historic as of 2003. A total of six historic dwellings exist in this section with the addition of the African American school (BA-2063), St. Luke's M.E. Church (BA-2062), and 16820 Hereford Road. The second section is strung along Big Falls Road beginning at Monkton Road extending to the Salvation Army Camp and contains 12 historic dwellings.

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No.

BA-3118

1. Name of F	roperty	(indicate prefer	ed name)							
historic	Big Falls A	frican American Survey	District							
other										
2. Location										
street and number	Hereford R	Hereford Road, Cromwell Whye Road, Big Falls Road not for publication								
city, town	Hereford			vicinity						
county	Baltimore (County								
3. Owner of	Property	(give names and ma	illing addresses of all own	ers)						
name	Multiple O	wnership		·						
street and number				telephone Not Available						
city, town			state	zip code						
4. Location	of Legal D	escription								
courthouse, registry	of deeds, etc.	Baltimore County Courtl	10use	tax map and parcel: tax map 22						
city, town	Towson			liber n/a folio n/a						
5. Primary L	ocation o	f Additional Da	ata							
Contributing Determined Determined Recorded by	Resource in Loc Eligible for the N Ineligible for the HABS/HAER	ional Register District al Historic District ational Register/Maryland National Register/Maryla Research Report								
6. Classifica	tion									
Category X district building(s) structure site object	Ownership public _X_ private both	Current Functionagriculturecommerce/trade defense X domestic education X funerary government health care industry	landscape recreation/culture X religion social transportation work in progress unknown vacant/not in use other:	Resource Count Contributing Noncontributing						

7. Description		Inventory No. BA-3118	
Condition			
excellent _X_ good _ fair	deteriorated ruins altered		

Prepare both a one paragraph summary and a comprehensive description of the resource and its various elements as it exists today.

The Big Falls African American Survey District, comprised of two sections separated by Monkton Road (Rt. 138), is part of the village of Hereford. Hereford is located south of the large Gunpowder Falls State Park and consists of a cross roads of York and Monkton Roads. A total of 21 historic buildings stand within the Big Falls survey district. Much of the district constitutes residential buildings augmented with one church and one school (converted to a dwelling).

One section of the Big Falls survey district is centered around St. Luke's Methodist Episcopal (M.E.) Church on Hereford Road. This area includes Cromwell Whye Court, a dead-end road, extending to the west from Hereford Road. Along Cromwell Whye Court are eleven residences, three of which are considered historic as of 2003. A total of six historic dwellings exist in this section with the addition of the African American school (BA-2063), St. Luke's M.E. Church (BA-2062), and 16820 Hereford Road. For a description of the Pringle House, originally known as the African American school, refer to the MIHP form BA-2063. The second section is strung along Big Falls Road beginning at Monkton Road extending to the Salvation Army Camp and contains 12 historic dwellings.

St. Luke's M.E. Church, built 1867, has a wood-frame structural system resting on a random-rubble stone foundation. Rising two-stories in height, the church measures one bay wide and four bays deep. Capped with a front-gable roof, St. Luke's Church features two interior-side-brick chimney, 4/4 and 6/6 wood-sash windows, and a two-story shed-roof addition on the rear elevation. The original weatherboard siding on the church is covered with German vinyl siding. A large vestibule on the façade is covered with a saltbox roof. The front and west elevations of the vestibule are pierced with double-leaf doors for entrance into the first and second floors. The windows on the second story feature pointed-arch transoms. To the rear of the church is a three-stall privy, built in the second half of the 20th century, constructed of concrete blocks and capped with a shed roof.

To the rear of St. Luke's M.E. Church is a large cemetery containing approximately 100 headstone markers. The perimeter of the cemetery is surrounded by a chain-link fence, and it is on a slightly sloping grassy land flanked by Hereford Road on the east side. The cemetery appears to date from 1885 to the present. It is probable there are interments within the cemetery that are not marked. Both headstones and footstones are scattered throughout the cemetery with the majority of the stones located close to the church. The oldest stones are located close to the church or are closest to Hereford Road. The cemetery is organized in rows and by clusters of family members. Stones visible throughout include both marble and granite. Types of markers include upright rounded, flat, obelisk, and the newer short tilted markers. Family names at the cemetery include Whye, Glascoe, Stevenson, Jones, Cromwell, Holmes, Hall, Reister, Dorsey, Johnson, King, and Neal. Aquilla Wilson, the pastor of Isaiah Baptist Church, died in 1898 and is buried at St. Luke's cemetery.

Dwellings along Cromwell Whye Court are predominantly built from the last half of the 20th century. This street consists of one-story structures built of wood-frame and either clad with stucco, aluminum, or vinyl siding and are capped with side-gable roofs.

Fifteen historic dwellings stand along Big Falls Road within the African American survey district. Several of these dwellings are wood-frame I-houses such as 17349 Big Falls Road. This dwelling, sited atop a small hill, is two stories high and three bays wide. The building is clad with stucco and is capped with a side-gable roof. Covering the full-width of the façade is a half-hipped-roof screened porch. The 6/6 wood-sash windows are visually supported with rowlock sills. Other features include an interior-end concrete-block chimney and an asphalt-shingle roof. The foundation was not visible at the time of the survey. Other I-houses in the area are quite similar: two stories high, three bays wide with a central entrance. They have either been reclad with aluminum siding, vinyl siding, or asbestos shingles. Some of these I-houses have replacement windows.

There is one concrete-block house within the Big Falls survey district standing at 17320 Big Falls Road. This dwelling is one-story high and three bays wide featuring a single-leaf off-center entry. The door is flanked by 2/2 horizontal-pane wood-sash windows. Capped with a side-gable roof, this house features an interior concrete-block chimney and a shed-roof porch. The house

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. BA-3118

Name	Big Falls African American Survey District
Continuation	Sheet
Number	7 Page 1

at 17306 Big Falls Road has the same form however this building is wood-frame clad with vinyl siding. It also features an exterior-end brick chimney and 6/6 wood-sash windows.

8. Signifi	cance				Inventory No. BA-3118						
Period Areas of Significance			C	heck and justify	bel	w					
1600-1699 1700-1799 _X_ 1800-1899 _X_ 1900-1999 2000-	arche arche arche arche arche arche art art comr comr	ulture eology tecture nunications nunity planning ervation	 X 	economics education engineering entertainment/ recreation ethnic heritage exploration/ settlement	<u> </u>	health/medicine industry invention landscape architecture law literature maritime industry military		performing arts philospohy politics/government religion science social history transportation other:			
Specific dates 1867-1950s Construction dates 1867-1950s		1867-1950s				Architect/Builder T	- Jnknov				
Evaluation fo	r:										
National Register				Maryla	and R	egister	X_	not evaluated			

Prepare a one-paragraph summary statement of significance addressing applicable criteria, followed by a narrative discussion of the history of the resource and its context. (For compliance reports, complete evaluation on a DOE Form - see manual.)

The Big Falls African American Survey District is situated within the Seventh District of Baltimore County. The Seventh District is bounded on the north by Pennsylvania, south by the Eighth and Tenth Districts, cast by Harford County, and west by the Fifth and Sixth Districts. In the latter part of the 19th century, the Seventh District was the largest and most populated region of the county. Approximately twenty-five miles north of Baltimore City, Big Falls is at the crossroads of Big Falls and Monkton Roads.

Founded in the mid-18th century, Hereford became a thriving town during the 19th century. The village was named by the prominent Merryman family who had emigrated from Herefordshire in England in the 19th century. The area historically consisted of rolling hills, traversed by major transportation corridors. It was supported by the cultivation of wheat, corn, oats, fruit, dairy, and the breeding of cattle. By 1881, Hereford had 300 residents and was the center of a wealthy agricultural and grazing region.(1)

According to the 1850 J. C. Sidney Map of Baltimore County, Hereford was home to a Baptist church, a tavern, and numerous residences along York Turnpike. On the east side of town on its outskirts, was Hereford Road and Monkton Road. Depicted along the east side of Hereford Road was Shaws Meeting House, a school house, and further south a residence associated with Wheeler. (2)

The Baltimore County Historic Inventory states that St. Luke's United Methodist Church was constructed in 1867. This African-American congregation acquired land across from Shaw's Meeting House donated by Martin Conn, a local white resident. Members met in the abandoned 1798 Meeting House until the completion of their own church.(3)

By 1877, the town had grown to include a post office, an Odd Fellows Lodge, jeweler, dentist, undertaker, butcher, barber, hotel, schoolhouse, a Methodist Church, and a newspaper. On the west side of Hereford Road was an African American schoolhouse with a cemetery north of the school.(4)

To encourage the establishment of African-American schools, the School Board of Baltimore County appropriated money to every 'colored school' in the county having twenty or more pupils enrolled. The colored school located on Hereford Road was constructed by way of private efforts before County School Commissioners began providing funding for black pupils. The school stood on property owned by St. Luke's Church until 1884 when School Commissioners took title. The trustees for St. Lukes M.E. Church in 1884 were Acquilla Wilson, Samuel Powell, George Nelson, Henry Gillage, and Nicholas Mays. In the December 31, 1884 deed between the trustees to the Board of County School Commissioners the congregation was called the "Foster Methodist Episcopal Church near Hereford." The Presiding Elder was Edward W.S. Peck, and the Preacher in Charge was Reverend Richard Henry Adams. In 1898, Reverend Carter proposed the remodeling of the church to expand it to two stories in height. The name St. Luke's M.E. Church was adopted in 1925 when the church was incorporated. The trustees at this time included John I. Wilson, William Watkins, Samuel W. Williams, George Young, Edward Hill, Calvin Chetman, Albert Bryant, George Gray, and William Johnson.(5)

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No BA-3118

Name	Big Falls African	American Survey District
Continua	ation Sheet	
Number	8 Page	<u>1</u>

The colored school remained in use until it was absorbed by Blue Mount School in 1936. In 1947, the Board of Education sold the building to George Alex Bull and Beulah B. Bull, who had also purchased the surplus white school in Hereford. The present owners took title in 1956 and extended the building one bay to the west. The structure, the present Pringle House, no longer resembles a schoolhouse.(6) Refer to MIHP form for BA-2063 for information on this African American schoolhouse on Hereford Road.

ENDNOTES

- 1. Thomas Scharf, History of Baltimore City and County From the Earliest Period to the Present Day: Including Biographical Sketches of Their Representative Men (Philadelphia, PA: Louis H. Everts, 1881. Reprinted by Higginson Book Company, Salem, MA), p. 874.
- 2. Map of the City and County of Baltimore, Maryland, from Original Surveys, (Baltimore, MD: J.C. Sidney, 1850).
- 3. Baltimore County Historic Inventory, Office of Planning, Towson.
- 4. Atlas of Baltimore County, Maryland (Philadelphia, PA: G. M. Hopkins, 1877).
- 5. Baltimore County Historic Inventory, Office of Planning, Towson.
- 6. S. B. Clemens and C. E. Clemens, From Marble Hill to Maryland Line, (np. C. E. Clemens and S. B. Clemens, 1976), p.21.

9. Major Bibliographical References

Inventory No. BA-3118

See continuation sheet.

10. Geographical Data				
Acreage of surveyed property Acreage of historical setting	51 acres Unknown			
Quadrangle name	Hereford, MD	Quadrangle scale	1:24,000	

Verbal boundary description and justification

The Big Falls African American Survey District is located in the Seventh District of Baltimore County. The properties within the survey district have historically been associated with tax map 22 since their construction.

11. Form Prepared By

name/title	Kristie Baynard, Architectural Historian	
organization	EHT Traceries, Inc.	dat 6/20/2003
street and number	1121 Fifth Street, NW	telephone 202,393,1199
city or town	Washington	state DC zip code 20001

The Maryland Inventory of Historic Properties was officially created by an Act of the Maryland Legislature to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 supplement.

The survey and inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

return to:

Maryland Historical Trust

DHCD/DHCP

100 Community Place Crownsville MD 21032

410-514-7600

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. BA-3118

Name Big Falls African American Survey District Continuation Sheet

Number 9 Page 1

Atlas of Baltimore County, Maryland. Philadelphia, PA: G. M. Hopkins, 1877.

Baltimore County Historic Inventory.

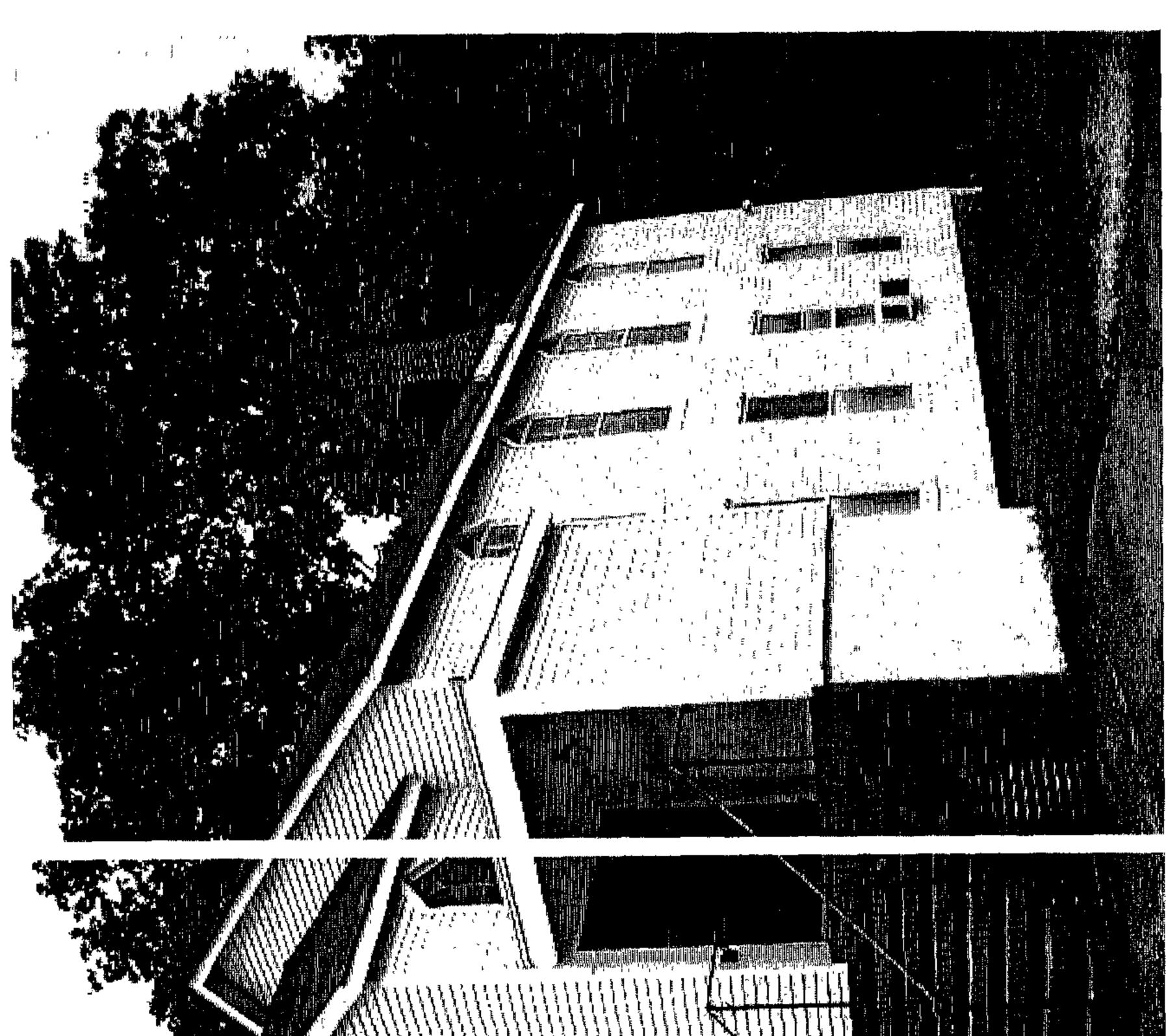
Brooks, Neal A. and Eric G. Rockel. A History of Baltimore County. Towson, MD: Friends of the Towson Library, Inc., 1979.

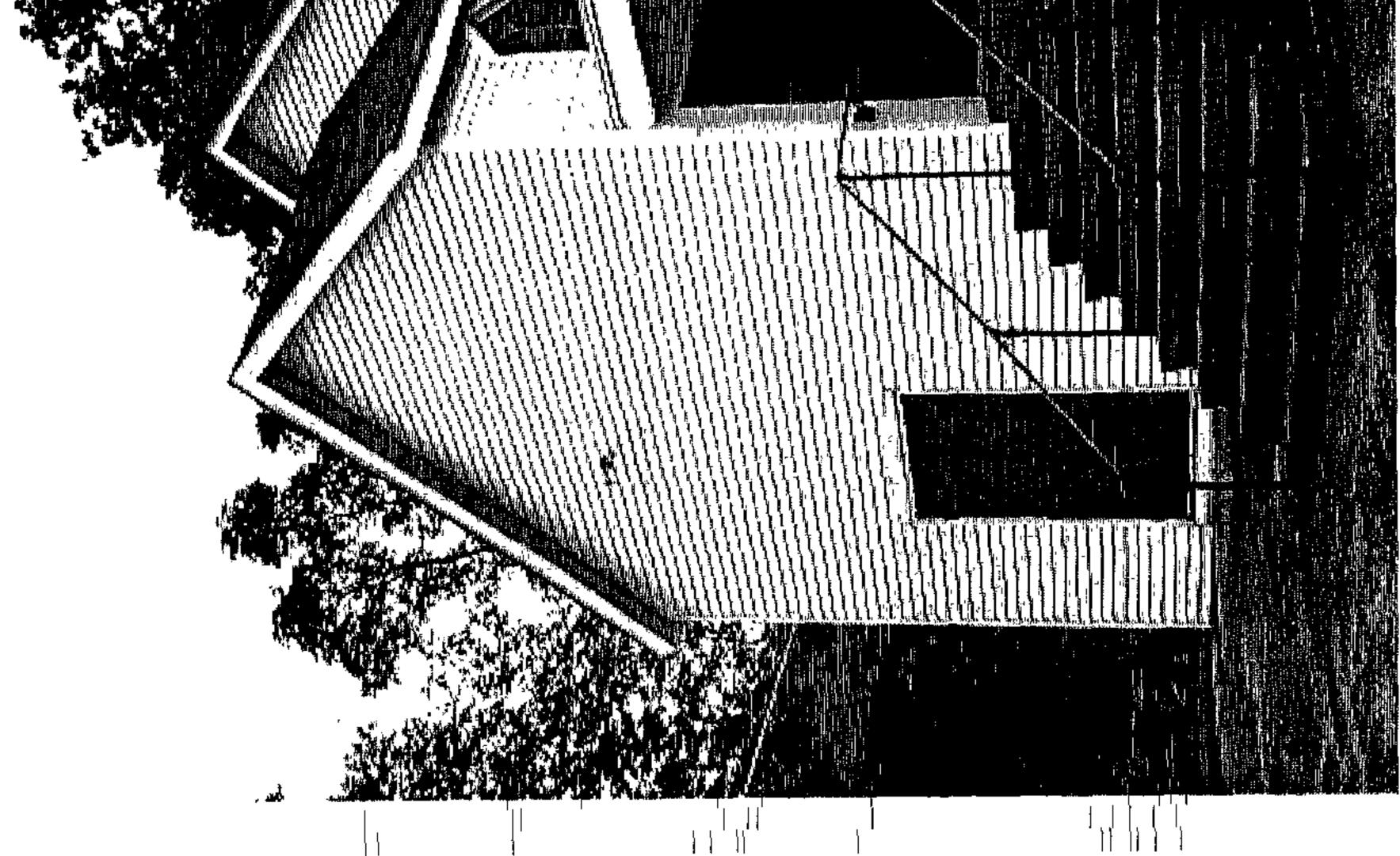
Clemens, S. B. and C. E. Clemens, From Marble Hill to Maryland Line, Not Pupblished: C. E. Clemens and S. B. Clemens, 1976.

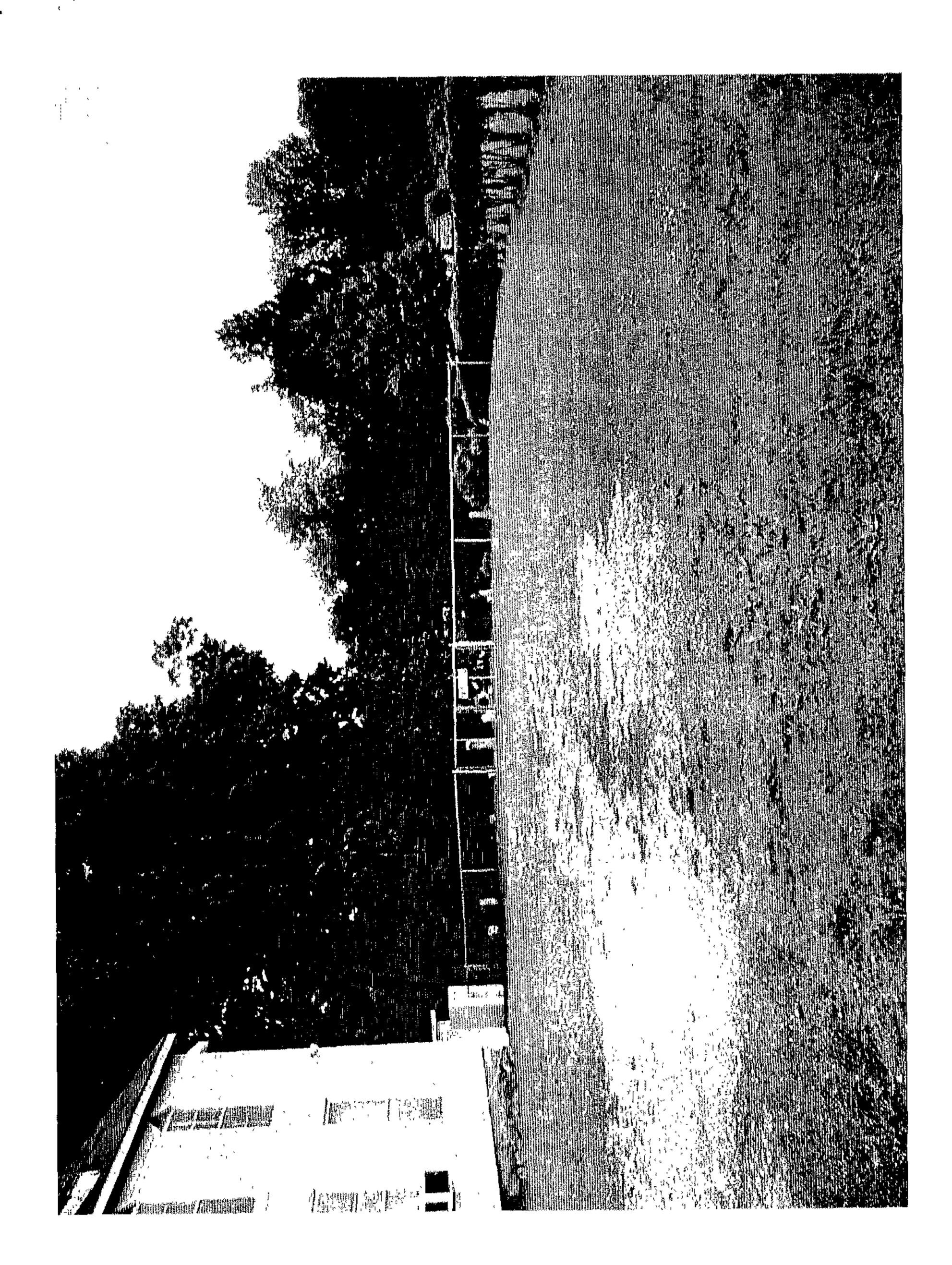
Map of Baltimore County. Philadelphia, PA: G. W. Bromley, 1915.

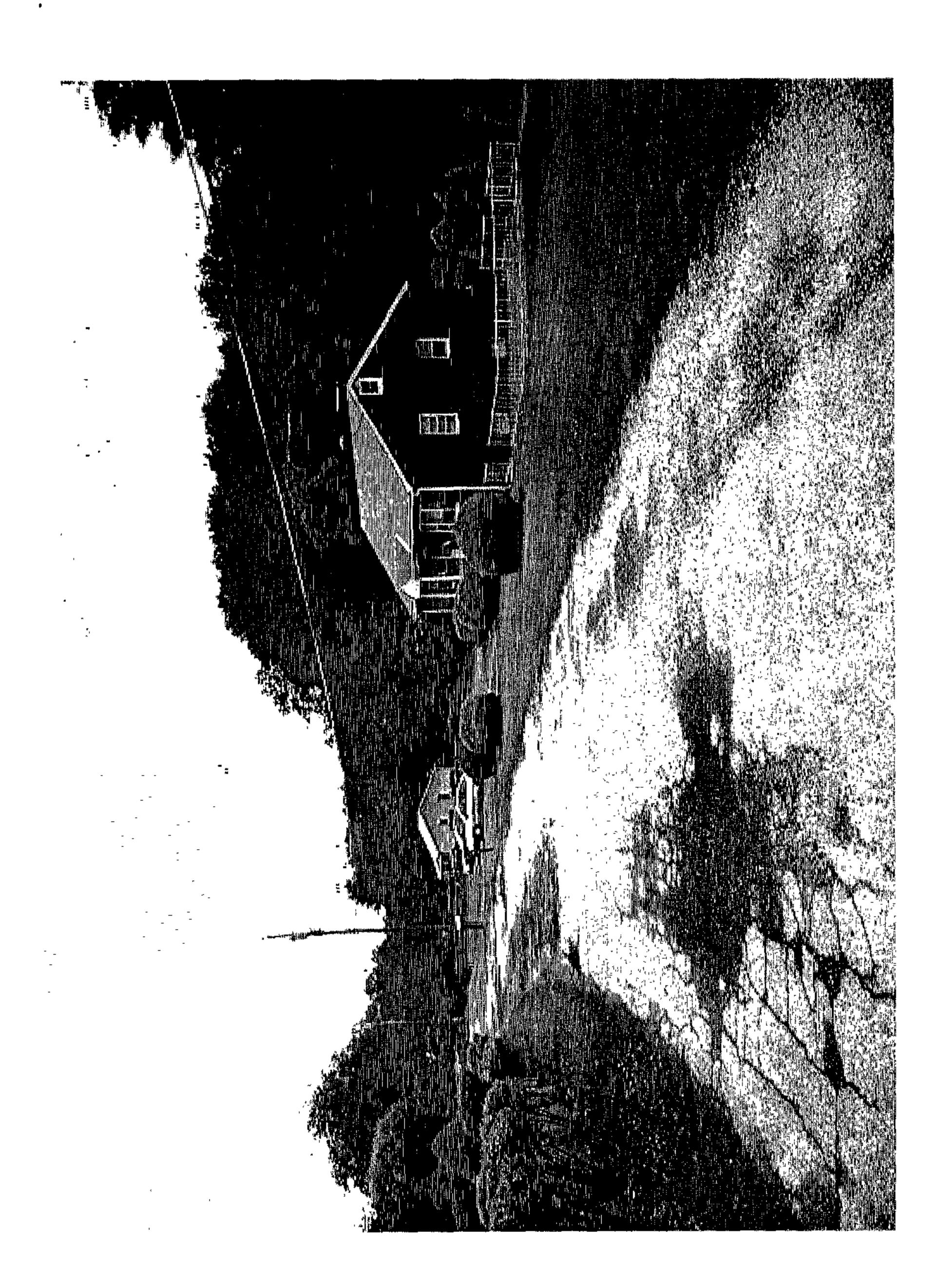
Scharf, J. Thomas. History of Baltimore City and County From the Earliest Period to the Present Day: Including Biographical Sketches of Their Representative Men. Philadelphia, PA: Louis H. Everts, 1881. Reprinted by Higginson Book Company, Salem, MA.

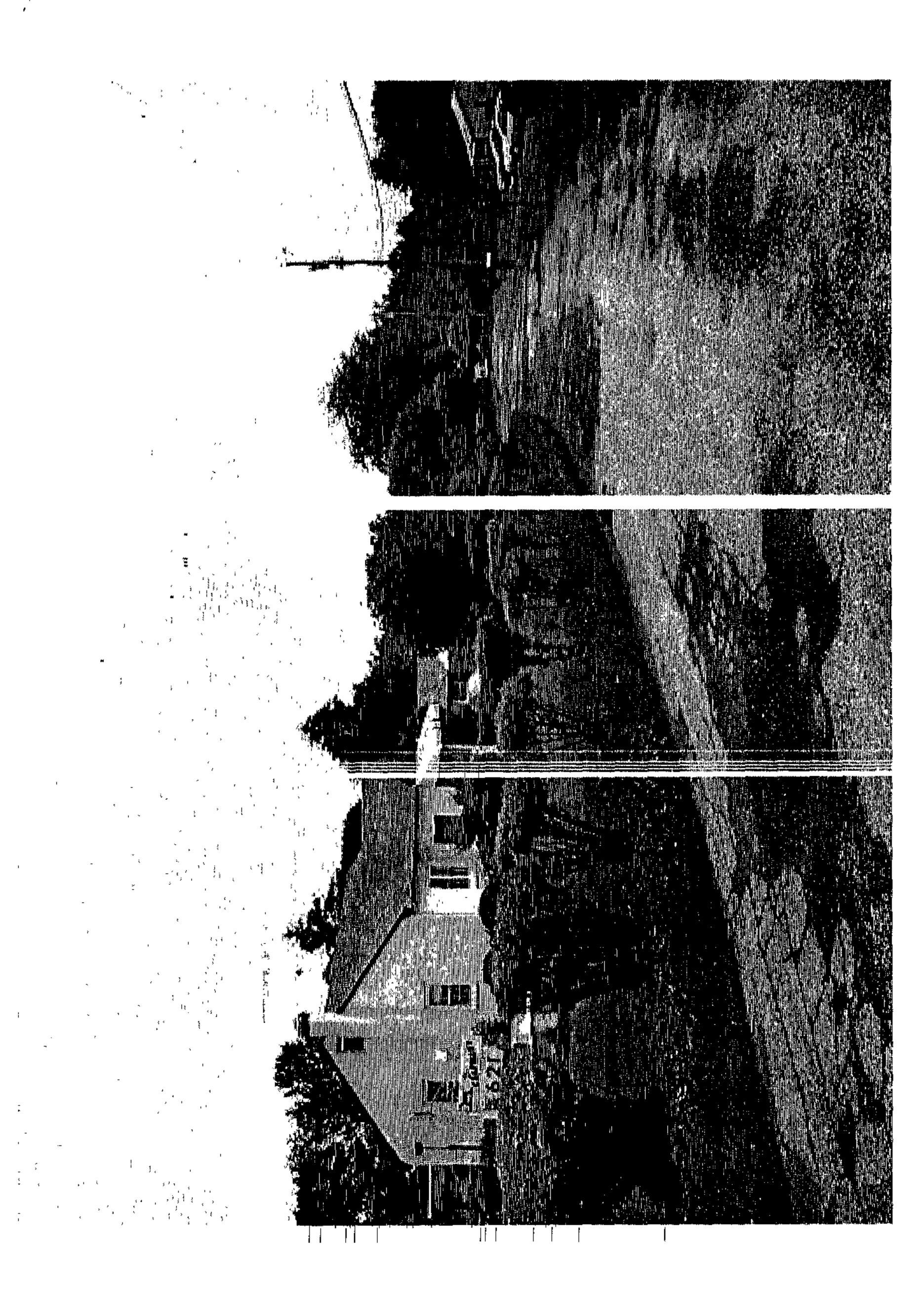
Sidney, J. C. Map of the City and County of Baltimore, Maryland, from Original Surveys. Baltimore, MD: James M. Stephens, 1850.











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