

RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
106 Avondale Road; W/S Avondale Road,
180' S of Sollers Point Road
12th Election & 7th Councilmanic Districts
Legal Owner(s): Baltimore County
Contract Purchaser(s): Timothy Kotroco,
Baltimore County PDM Represenatative

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-155-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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Députy 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 12th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to Douglas Swam, 111 W. Chesapeake Avenue, Towson, MD 21204, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

OCT 12 2006

Per.....

HISTORIC

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County



for the property located at 106 Avondale RD

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections ~~32-4-107(a)~~, BCC of Sections ~~32-4-107(b)~~ and Section 32-4-416(a)(2) to

32-4-223.8

Raze a deteriorated SFD in an area with an MHT number.

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.

Baltimore County PDM Representative

Contract Purchaser/Lessee:

Timothy M. Kotroco

Name - Type or Print

Signature

111 W. Chesapeake Ave x 3353
Address Telephone No.
Towson MD 21204
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.
City State Zip Code

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.

Legal Owner(s):

Baltimore County

Name - Type or Print

Signature

Name - Type or Print

Signature

400 Washington Ave
Address Telephone No.
Towson MD 21204
City State Zip Code

Representative to be Contacted:

Douglas A Swam

Name

111 W. Chesapeake Ave 410-887-3900
Address Telephone No.
Towson MD 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. 07-155-SP4

Reviewed By WCR Date 10-4-06

REV 6/17/05

Estimated Posting Date 10-15-06

3:30 PM

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) ^{have offices at} does/do presently reside at 111 W. Chesapeake Ave
Address
Towson MD 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.

Fee waived -- County Application

Timothy Kotroco
Signature

Timothy M kotroco
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

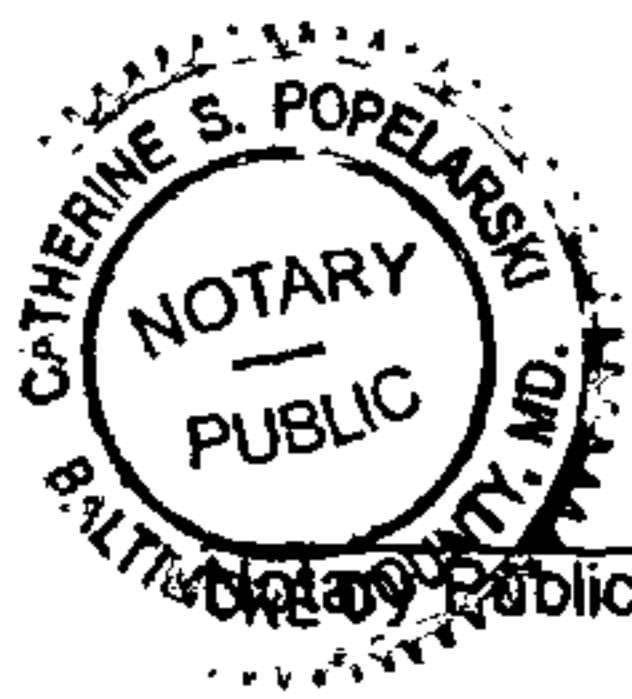
I HEREBY CERTIFY, this 3 day of October, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy Kotroco

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

10.3.06
Date



Catherine S. Popelarski

My Commission Expires

4-08-09

21907211

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 111 W. Chesapeake Ave
Address
Towson MD 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.

Fee waived - County Application

Timothy Kotroco
Signature

Signature

Timothy M Kotroco
Name - Type or Print

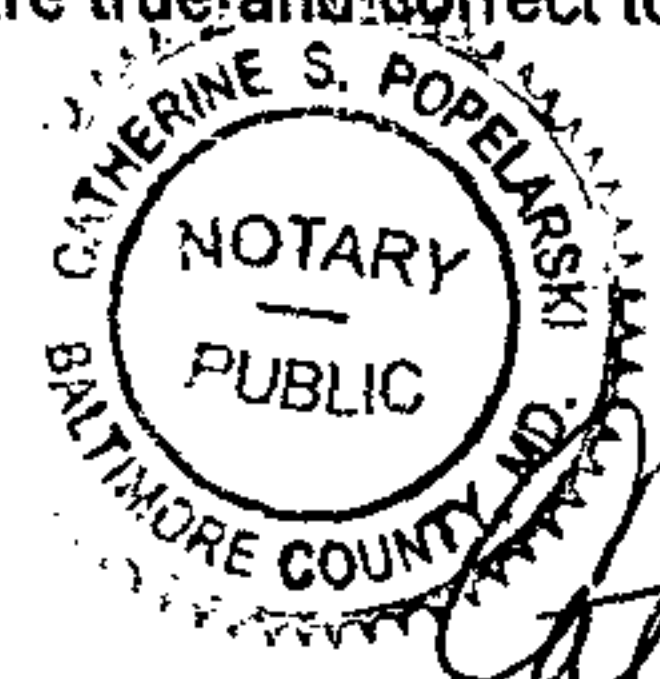
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 3 day of October, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy Kotroco
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

10.3.06
Date



Catherine S. Popelarski
Notary Public

My Commission Expires 4-08-09

HISTORIC

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 106 Avondale RD

which is presently zoned DR 5.5



This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections ~~32-4-233~~ (8) and Section 32-4-416(a)(2) to ~~32-4-107~~ 32-4-223.8

Raze a deteriorated SFD in an area with an MHT number.

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.

Baltimore County PDM Representative

Contract Purchaser/Lessee:

Timothy M. Kotroco

Name - Type or Print

Signature

111 W. Chesapeake Ave

Address

x 3353

Telephone No.

Towson

City

MD

State

21204

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Baltimore County

Name - Type or Print

Signature

Name - Type or Print

Signature

400 Washington Ave

Address

Towson

City

MD

State

21204

Telephone No.

Zip Code

Representative to be Contacted:

Douglas A Swam

Name

111 W. Chesapeake Ave

Address

Towson MD

City

410-887-3900

Telephone No.

21204

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. 07-155-SPH

Reviewed By WCR Date 10-4-06

REV 6/17/05

Estimated Posting Date 10-15-06

106 Avondale Rd

Description: Being lot 74 as recorded in Plat Book 5 Folio 10, Tax Map 110 Parcel 31, Tax Account 12-23-050391, located on the west side of Avondale Road approximately 180 feet south of Sollers Point Rd.

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: #07-155-SPH

106 Avondale Road

W/side of Avondale Road at a distance of 180 feet

south of Sollers Point Road

12th Election District - 7th Councilmanic District

Legal Owner(s): Baltimore County

Administrative Special Hearing: to approve a waiver pursuant to Sections 32-4-107 BCC of Sections 32-4-223.8 and Section 32-4-416 (a)(2) to raze a deteriorated SFD in an area with an MHT number.

Hearing: Friday, December 8, 2006 at 9:00 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 accommodations 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.

ST 11/686 Nov. 21 116725

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 of 1 successive weeks, the first publication appearing on 11/21/2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 10/13/06

RE: Case Number 07-155-SPH

Petitioner: Timothy Kotroco, Baltimore County

~~Date of Hearing~~ Closing Date: 10-30-06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 106 AVONDALE RD.

The sign(s) were posted on OCTOBER 13, 2006

(Month, Day, Year)



Jeff Radcliffe
(Signature of Sign Poster)

JEFF RADCLIFFE
(Printed Name of Sign Poster)

Balto. Co. Code Enforcement
(Street Address of Sign Poster)

Towson, MD 21204
(City, State, Zip Code of Sign Poster)



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

October 31, 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: 07-155-SPH

106 Avondale Road

W/side of Avondale Road at a distance of 180 feet south of Sollers Point Road

12th Election District – 7th Councilmanic District

Legal Owners: Baltimore County

Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-107 BCC of Sections 32-4-223.8 and Section 32-4-416 (a)(2) to raze a deteriorated SFD in an area with an MHT number.

Hearing: Friday, December 8, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over the printed name.

Timothy Kotroco
Director

TK:klm

C: Douglas Swam
People's Counsel
June Parrish

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 22, 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



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 07- 155 -SPH Address 106 AYONDALE RD

Contact Person: WCR Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10-4-06 Posting Date: 10-15-06 Closing Date: 10-30-06

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 07- 155 -SPH Address 106 AYONDALE

Petitioner's Name BALTIMORE CO / Doug Swom Telephone 410-887-3353

Posting Date: 10-15-06 Closing Date: 10-30-06

Wording for Sign: Administrative Special Hearing to approve raze a deteriorated
SFD in an area with an MHT number.

WCR - 6/28/00

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2006 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

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: 07-155-SPH

106 Avondale Road

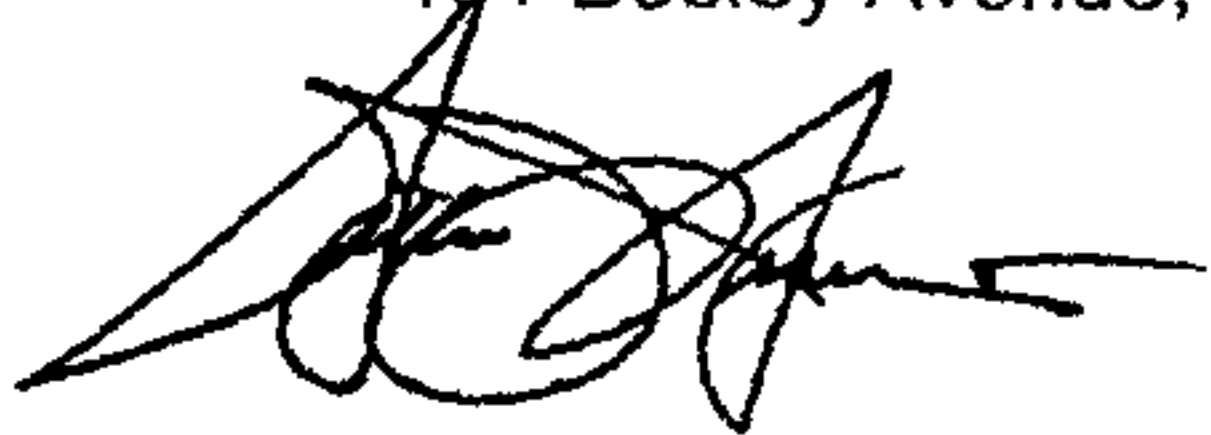
W/side of Avondale Road at a distance of 180 feet south of Sollers Point Road

12th Election District – 7th Councilmanic District

Legal Owners: Baltimore County

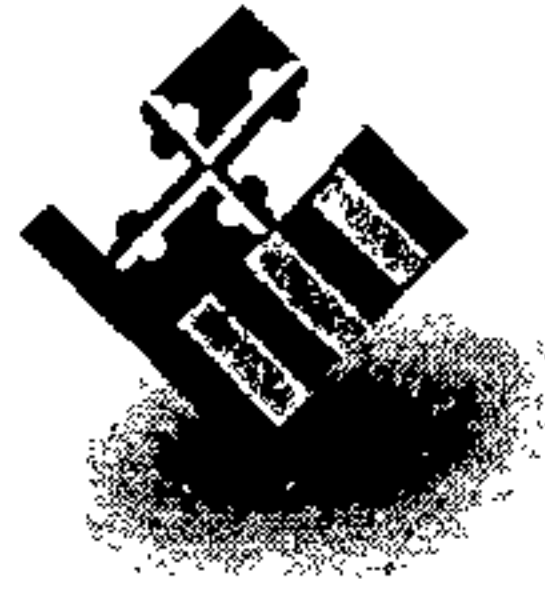
Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-107 BCC of Sections 32-4-223.8 and Section 32-4-416 (a)(2) to raze a deteriorated SFD in an area with an MHT number.

Hearing: Friday, December 8, 2006 at 9:00 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

November 29, 2006

To Whom It May Concern:

RE: Case Number: 07-155-SPH, 106 Avondale Road

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

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Doug Swam Permits Processing Baltimore County Office Building 111 W. Chesapeake
Avenue Towson 21204
June Parrish 37 Horseman Court Baltimore 21133



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

October 9, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 145 through 156

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2006
Item Nos. 07-145, 146, 147, 148, 149,
150, 151, 152, 153, 154, 155 and 156

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-10132006.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 15, 2006

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

RE: Baltimore County
Item No. 7-155-SPH
106 AVONDALE ROAD
BALTIMORE COUNTY PROPERTY
HEARING-TO APPROVE A WAIVED
TO RAZE A DETERIORATED SFD

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-155 SPA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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



BW 12/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 5, 2006

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

SUBJECT: 106 Avondale Road

INFORMATION:

Item Number: 7-155

Petitioner: Baltimore County

Zoning: DR 5.5

Requested Action: Administrative Special Hearing

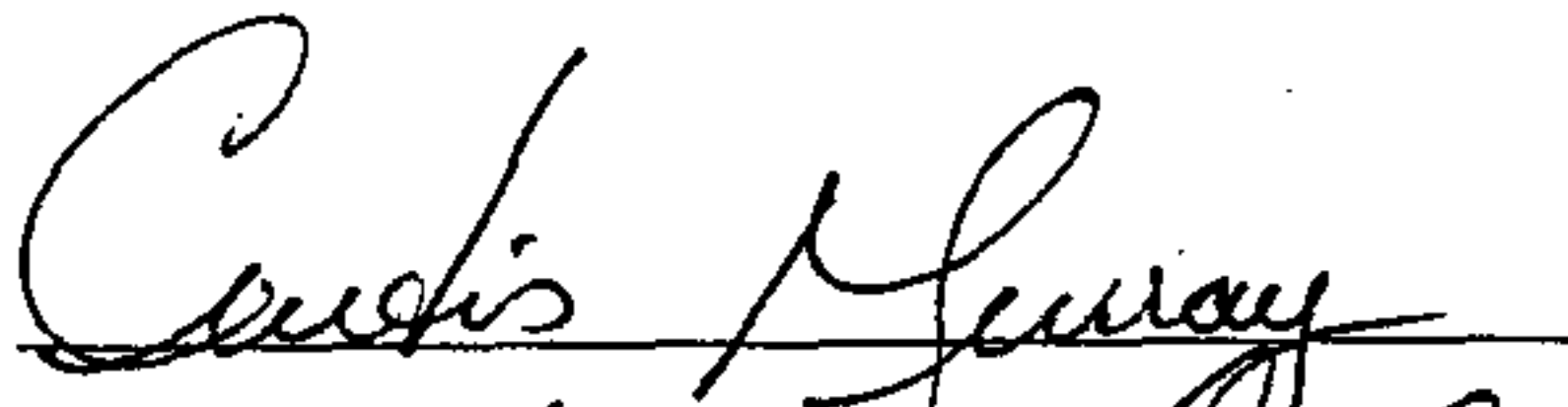
DEC 11 2006

SUMMARY OF RECOMMENDATIONS:

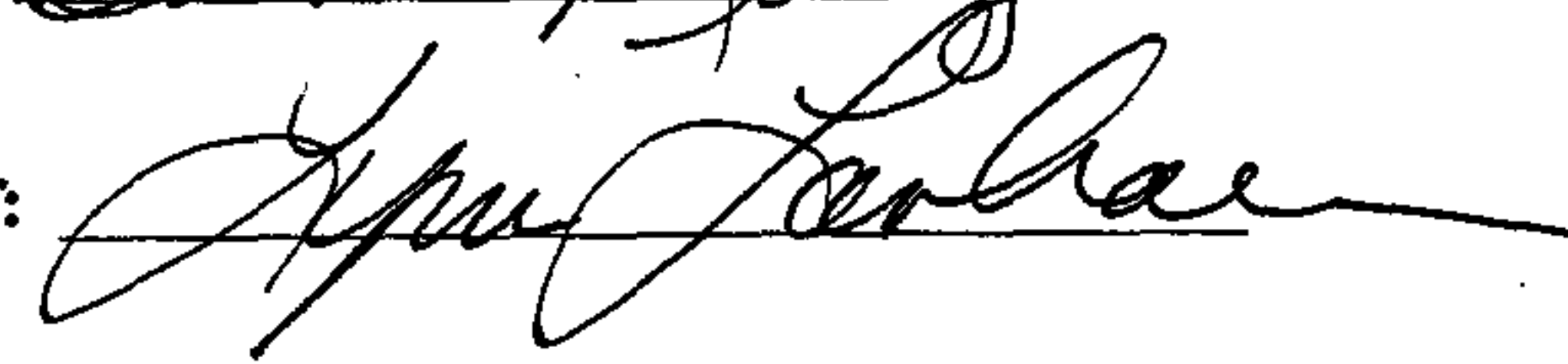
The Office of Planning has reviewed the petitioner's request and has discovered that the subject request involves the Baltimore County Landmarks Preservation Commission. The subject property has been slated to go before the commission on January 11, 2007. The Office of Planning respectfully requests that the Zoning Commissioner hold any decision until after that time. A subsequent recommendation is to follow after such time.

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

Reviewed by:



Division Chief:
AFK/LL: CM



Bice Per Mike Comeau, all parties agreed 2/27 + I have confirmed w/ Mike. JEW



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 23, 2007

Wendell W. Webster, Esquire
Webster, Fredrickson & Brackshaw
Suite 600, 1775 K Street NW
Washington DC 20006

Mike Comeau, Esquire
Assistant County Attorney
Baltimore County Law Office
400 Washington Avenue
Towson MD 21204

Peter Max Zimmerman, Esquire
Peoples Counsel
Baltimore County
400 Washington Avenue
Towson MD 21204

RE: Petition for Administrative Special Hearing
Case No. 07-155-SPH - 106 Avondale Road

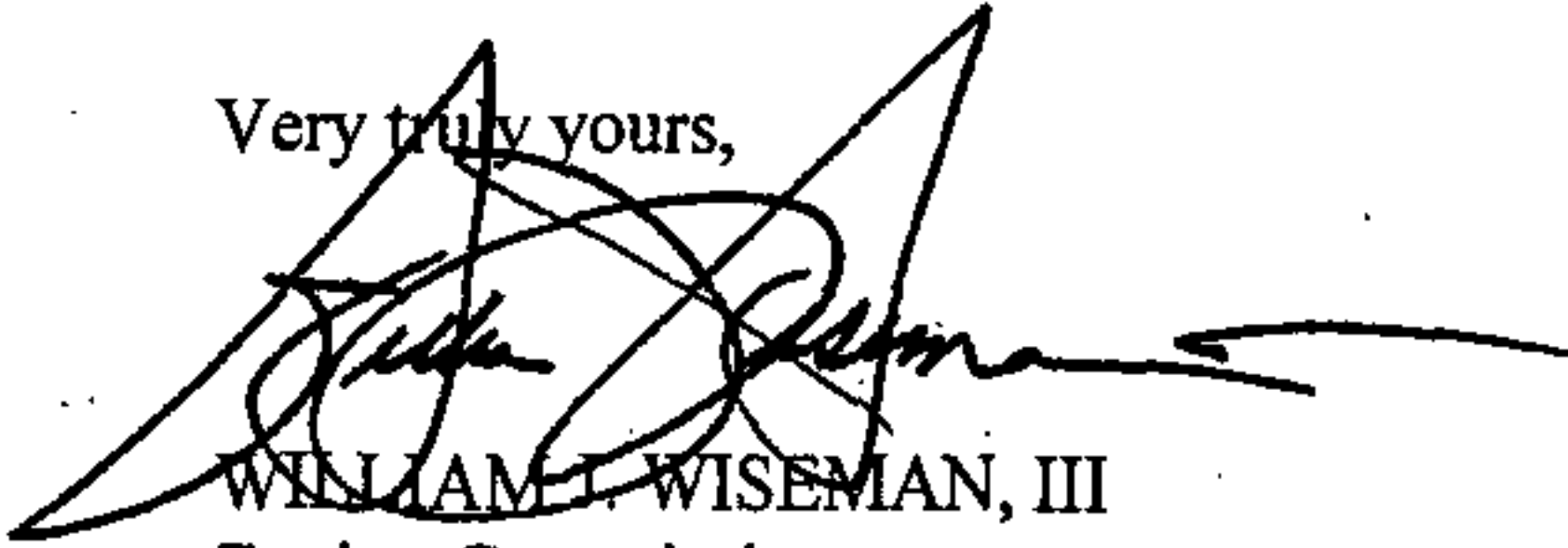
Dear Counsel:

As you will recall, the above-referenced case was scheduled for a public hearing on January 22, 2007. The case was continued because the Landmarks Preservation Commission had not reached its decision on the property. I understand the Commission will now meet on February 8, 2007. Therefore, we would like to reschedule the zoning hearing to resume on one of the following dates:

- February 22, 2007 at 9:00 am, room 106, County Office Building, 111 West Chesapeake Avenue, Towson Maryland
- February 23, 2007 at 9:00 am, room 407, County Courts Building, 401 Bosley Avenue, Towson, Maryland
- February 27, 2007 at 9:00 am, room 407, County Courts Building, 401 Bosley Avenue, Towson, Maryland

I respectfully ask the attorneys to coordinate the rescheduling of this matter for one of the above dates. Please contact each other and give me the benefit of your advice prior to February 6, 2007.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

c: Douglas Swam, Bureau of Permit Processing
Caren Hoffberger, Office of Planning

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

Bill Wiseman - Re: 106 Avondale

From: Mike Field
To: Hoffberger, Caren; Long, Jeff
Date: 02/12/07 12:29 PM
Subject: Re: 106 Avondale
CC: Comeau, Mike; Harvey, Mary; Swam, Doug; Wiseman, Bill; Wisnom, Raymond

I'm sorry, but this is not correct. Section 32-7-402 applies only to structures on the preliminary or final landmarks list and to structures in a historic district. See § 32-7-401 Scope. I checked the old code to see if I had made a mistake in the Code revision; I did not. Section 26-541 of the 1988 Code (the statutory precursor of § 32-7-402) clearly applies only to "a structure on the preliminary or final landmarks list or in an historic district which is owned by the county". This property is not on the PLL, FLL, or in an historic district.

Michael E. Field
 Assistant County Attorney
 Baltimore County Office of Law
 400 Washington Avenue
 Towson, Maryland 21204
 (410) 410-887-4420

"IN A PROPOSED OR DESIGNATED HISTORIC DISTRICT"

Survey Districts [NOT HISTORIC DISTRICTS]

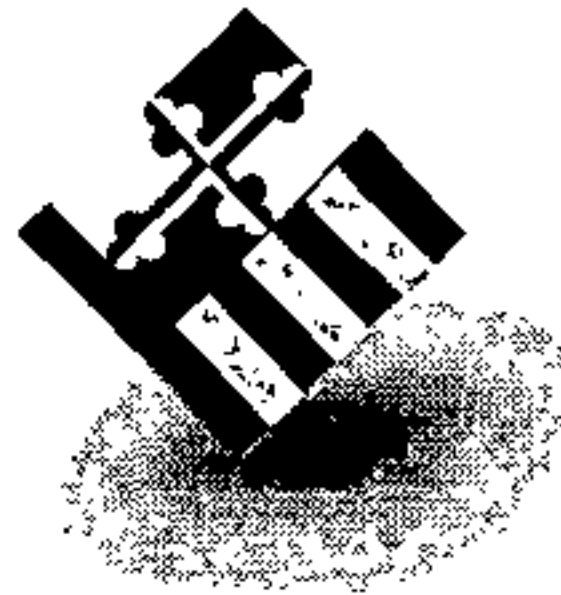
Not a landmark - Not declared -

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

>>> Caren Hoffberger 02/12/07 12:17 PM >>>

Bill has been reading our LPC Handbook and he said, it is great! And, that under 32-7-402, County Owned properties go to the LPC then, if the County doesn't like the decision of the LPC, they can ask for a determination by the County Administrative officer. It does not go to Bill or Jack. Reminder, the Riddix and Parrish families believe they still own the property but, Mike Comeau says the county does.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 9, 2007

Wendell W. Webster, Esquire
Webster, Fredrickson & Brackshaw
Suite 600, 1775 K Street NW
Washington DC 20006

Mike Comeau, Esquire
Assistant County Attorney
Baltimore County Law Office
400 Washington Avenue
Towson MD 21204

Peter Max Zimmerman, Esquire
Peoples Counsel
Baltimore County
400 Washington Avenue
Towson MD 21204

RE: Petition for Administrative Special Hearing
Case No. 07-155-SPH - 106 Avondale Road

Dear Counsel:

Contrary to the efforts of each of you in agreeing on February 27, 2007 as a convenient date to continue the hearing, I now hasten to write and inform you that I have decided to suspend this matter. I have been told and therefore believe that the Landmarks Preservation Commission (LPC) has elected to preserve the structure at its February 8, 2007 meeting. Additional time should be accorded to allow the parties time to evaluate their options and determine their respective course of action as to how they wish to proceed.

While the determination of this Commission is independent of the findings of the Landmarks Preservation Commission, their decision is considered relevant. Often, the LPC recommendations are made after hearings that are limited in their time and in their scope of presentation. In any event, it would be appreciated, if each of you would give me the benefit of your advice in writing by February 27, 2007 as to how you wish to proceed.

Should you have any questions or desire additional information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bill Wiseman".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Douglas Swam, Bureau of Permit Processing
Caren Hoffberger, Office of Planning
Kristen Matthews, DPDM
June Parrish, 37 Horseman Court, Baltimore MD 21133
Rose Parrish Riddix, 120 Carver Road, Baltimore MD 21222
Athena Parrish, 37 Horseman Court, Baltimore MD 21133
Geraldine Parrish, 5427 Radecke Ave, Baltimore MD 21206
Jonathan Riddix, 120 Carver Road, Baltimore MD 21222
Cleveland Parrish, 109 Avondale Road, Baltimore MD 21222

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www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING

FEB 5 2007

Memorandum

TO: Donald Brand
Doug Swam

DATE: February 12, 2007

FROM: Vicki Nevy

SUBJECT: Actions by the LPC in the February 8, 2007 meeting

Separately listed below are the outcomes of the actions by the LPC in their most recent meeting.

The following is now added to the Preliminary Landmarks List (which *should* already have been in the "flagging" system):

<u>PLL No., name</u>	<u>Address (nominated property)</u>	<u>Map/Parcel</u>	<u>Tax Id #</u>
348. "Dowden Chapel, Cemetery & Setting"	Ridge Road	81/949	1403049350

The LPC's action approving a notice-to-proceed for 29 Chatsworth Avenue in Glyndon will be communicated by separate memorandum.

Additionally, the LPC agreed not to object to the demolition of the following properties in the Towson vicinity:

- 1) County Register (MHT #) BA-2158; 1 Willow Avenue
County Register (MHT #) BA-2159; 29 Willow Avenue
County Register (MHT #) BA-2160; 31 Willow Avenue
County Register (MHT #) BA-2164; 22 Willow Avenue
County Register (MHT #) BA-2166; 26 Willow Avenue
County Register (MHT #) BA-2153; 9 Linden Terrace – already demolished
County Register (MHT #) BA-2154; 11 Linden Terrace
County Register (MHT #) BA-2155; 13 Linden Terrace
County Register (MHT #) BA-2156; 15 Linden Terrace
County Register (MHT #) BA-2147; 4 Linden Terrace

County Register (MHT #) BA-2148; 8 Linden Terrace
County Register (MHT #) BA-2149; 10 Linden Terrace
County Register (MHT #) BA-2150; 12 Linden Terrace
County Register (MHT #) BA-2151; 14 Linden Terrace
County Register (MHT #) BA-2165; 24 Willow Avenue

Further, the LPC agreed not to object to the demolition of the following properties:

- 1) County Register (MHT #) BA-671; 204 Pleasant Hill Road, Owings Mills
- 2) County Register (MHT#) BA-3056; 102 Avondale Road, Dundalk vicinity

The LPC however, **did object** to the demolition of 106 Avondale Road, County Register (MHT#) BA-3056 in the Dundalk vicinity.

Finally, the entire 0.79 acre property containing the house at 18907 Hillcrest Avenue in Parkton (map 17, parcel 268) and the entire 1.39 acre property containing the house at 18909 Hillcrest Avenue in the Parkton vicinity (map 17, parcel 222) were delineated as the historic environmental settings for those properties.

VKN:vkn

c. ✓ Bill Wiseman
John Murphy
Rick Wisnom

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING

Memorandum

TO: Donald Brand
Doug Swam
DATE: January 16, 2007

FROM: Vicki Nevy

SUBJECT: Actions by the LPC in the January 11, 2007 meeting

Separately listed below are the outcomes of the actions by the LPC in their most recent meeting.

* * * * *

The LPC's action approving a notice-to-proceed for properties at 1609 Kurtz Avenue in Lutherville, 211 Melancthon in Lutherville, 16951 York Road in Hereford and 1620 South Rolling Road in Relay will be communicated by separate memorandum.

Additionally, the LPC agreed not to object to the demolition of the following properties:

- 1) Oregon Ridge Park Properties, Shawan Road, Cockeysville vicinity
Overseer's House (MHT #BA-826)
Easterly Company House (MHT #BA-828)
Westerly Company House (MHT #BA-829)
- 2) 123 Sollers Road Road, Dundalk (Turners Station African American Survey District;
County Register MHT #BA-3056)
- 3) 411 Jefferson Avenue, East Towson (MHT #BA-1002)

The LPC however does object to the proposed demolition of the "Doctor Rider House" and accessory structures at 36 Church Road in the Owings Mills vicinity (MHT #BA-669).

Consideration of the proposed demolitions of both 106 Avondale Road and 102 Avondale Road in the Dundalk vicinity (Turners Station African American Survey District MHT #BA-3056) were tabled until the February 8, 2007 meeting of the LPC.

Further, the LPC agreed to recommend that the owners of 9000 Church Lane replace the aluminum windows on the Church Lane and McDonogh Road sides of the house with wood windows of true-divided light (2x2)) over the period of no more than three years.

Finally, the entire 3.64 acre property containing the house at 309 Gun Road in Avalon was delineated as the historic environmental setting (map 108, parcel 599) and a project for tax credits was applied for with regard to the property at 12656 Manor Road in Long Green. The project was approved and the LPC's action approving a notice-to-proceed will be forth coming as soon as possible.

VKN:vkn

c. Bill Wiseman
✓ John Murphy
Rick Wisnom
John Markley

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

DATE: May 1, 2007

FROM: William J. Wiseman, III
Zoning Commissioner

SUBJECT: Petition for Administrative Special Hearing
106 Avondale Road
Case No. 07-155-SPH

By virtue of the County Council passing the new Landmarks Preservation legislation (*See* Bill 26-07) in March, we are returning this file as it may or may not be necessary for this Commission to involve itself with the decision in this matter.

WJW:dlw
Attachment

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 6

Bill No. 26-07

Mr. S.G. Samuel Moxley, Chairman
By Request of County Executive

By the County Council, March 19, 2007

A BILL
ENTITLED

AN ACT concerning

Landmarks Preservation

FOR the purpose of creating a county inventory; providing a procedure for the inclusion of certain structures on the county inventory; providing for adding certain structures on the county inventory to the preliminary county landmarks list under certain circumstances; providing for the removal of certain structures from the county inventory and the preliminary county landmarks list under certain circumstances; providing a procedure for demolition of certain structures on the county inventory; limiting the ability to nominate certain structures to the county inventory and preliminary county landmarks list under certain circumstances; providing that a structure that is not placed on the final county landmarks list by a certain time is deemed removed from the county inventory and the preliminary county landmarks list; clarifying that certain structures are not subject to

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike-out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

certain parts of the landmarks preservation law; clarifying that certain proposed plans for

certain structures shall be approved by the Landmarks Preservation Commission in a certain manner; altering certain requirements regarding alterations to certain structures; altering certain definitions; defining certain terms; providing for the retroactive application of a portion of this Act; providing for the termination of the county inventory; and generally relating to landmarks preservation.

By repealing and reenacting, with amendments

Sections 32-4-223, 32-4-231(a), and 32-4-416(a)
Title 4. Development
Article 32. Planning, Zoning and Subdivision Control
Baltimore County Code, 2003

By adding

Section 32-4-418
Title 4. Development
Article 32. Planning, Zoning and Subdivision Control
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 32-7-101, 32-7-103, 32-7-106, 32-7-107, 32-7-201, 32-7-202(a), 32-7-203(a)(1), (2)(i), and (3) and (b)(1), (3), and (4), 32-7-301, 32-7-302, 32-7-303, 32-7-304, 32-7-401, 32-7-402(a) and (b), 32-7-403, 32-7-404(b)(1), 32-7-405(a)(2), 32-7-406, 32-7-502(a) and (b)(1) and 32-7-503(a)
Title 7. Historical and Architectural Preservation
Article 32. Planning, Zoning and Subdivision Control
Baltimore County Code, 2003

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 32-4-223, 32-4-231(a), and 32-4-416(a) of Title 4. Development of Article 32. Planning, Zoning and Subdivision Control of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

§ 32-4-223.

The Development Plan shall identify the following information concerning existing site conditions:

(1) Topography, and existing topography for adjacent properties as shown on the county photogrammetric plats or more recent information where available;

(2) Streams, springs, seeps, bodies of water, and forest buffers;

(3) Soil types in accordance with the soil survey, Baltimore County, Maryland, including identification of prime and productive soils;

(4) Wooded areas;

(5) Buildings on the property;

(6) One-hundred-year floodplains or flood areas for both riverine and tidal areas;

(7) Nontidal wetlands and tidal wetlands;

(8) Identification of any building, property, or site within or contiguous to the proposed development that is included in:

(i) The {Maryland Historical Trust Inventory of Historic Properties}
OR THE COUNTY INVENTORY;

(ii) The county preliminary or final landmarks list;

(iii) The National Register of Historic Places;

(iv) The Maryland Archeological [Survey or identification] SURVEY;

(V) ~~IDENTIFICATION of any~~ ANY county historic district; or

(v)(I) A National Register District covering the proposed development;

(9) Areas of critical state concern as designated under the procedures of § 5-611 of the State Finance and Procurement Article of the Annotated Code of Maryland;

(10) As known to the applicant, location and description of hazardous material as defined under § 7-101 of the Environment Article of the Annotated Code of Maryland;

(11) Any additional information as may be required by the Department of Environmental Protection and Resource Management to determine compliance with the critical areas local protection program, under § 33-2-202 of the Code.

§ 32-4-231.

(a) The Hearing Officer shall refer the Development Plan to the Planning Board when:

- (1) The Development Plan conflicts with the Master Plan;
- (2) The Baltimore County Zoning Regulations require Planning Board consideration;
- (3) The Development Plan involves a building, structure, or site included on the Landmarks Preservation Commission preliminary or final COUNTY LANDMARKS list or is located within a county historic district;
- (4) The applicant has made a written request, under the authority of COMAR 27.01.11.01.A, for a variation from the standards provided under Article 33, Title 2 of the Code; or
- (5) The proposal is a planned unit development.

§ 32-4-416.

- (a) Each Development Plan shall [preserve:
- (1) Natural] PRESERVE NATURAL features, including watercourses, waterfalls, beaches, and significant [vegetation; and
 - (2) Historic structures or sites identified on any of the lists referred to in § 32-4-223(8) of this title] VEGETATION.

SECTION 2. AND BE IT FURTHER ENACTED, That Section 32-4-418 of Title 4 .
Development of Article 32. Planning, Zoning, and Subdivision Review of the Baltimore County

Code, 2003, as amended, is hereby added to read as follows:

§ 32-4-418.

STRUCTURES, AS DEFINED IN TITLE 7 OF THIS ARTICLE, IDENTIFIED ON ANY OF THE LISTS REFERRED TO IN § 32-4-223(8)(I), (II) AND (V) OF THIS TITLE ARE SUBJECT TO THE PROVISIONS OF TITLE 7 OF THIS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Sections 32-7-101, 32-7-103, 32-7-106, 32-7-107, 32-7-201, 32-7-202(a), 32-7-203(a)(1), (2)(i), and (3) and (b)(1), (3), and (4), 32-7-301, 32-7-302, 32-7-303, 32-7-304, 32-7-401, 32-7-402(a) and (b), 32-7-403, 32-7-404(b)(1), 32-7-405(a)(2), 32-7-406, 32-7-502(a) and (b)(1) and 32-7-503(a) of Title 7.

Historical and Architectural Preservation of Article 32. Planning, Zoning, and Subdivision Review of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

§ 32-7-101.

(a) In this title the following words have the meanings indicated.

(B)(1) "ALTERATION" MEANS ANY EXTERIOR CHANGE THAT WOULD AFFECT THE HISTORIC, ARCHEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE OF A STRUCTURE.

(2) "ALTERATION" INCLUDES CONSTRUCTION, RECONSTRUCTION, MOVING, OR DEMOLITION.

(C)(1) "CERTIFICATE OF APPROPRIATENESS" MEANS A CERTIFICATE ISSUED BY THE COMMISSION IN ACCORDANCE WITH THIS TITLE INDICATING ITS APPROVAL OF PLANS FOR CONSTRUCTION, ALTERATION, RECONSTRUCTION, MOVING, OR DEMOLITION OF:

(I) A STRUCTURE ON THE PRELIMINARY OR FINAL COUNTY LANDMARKS LIST; OR

(II) A STRUCTURE WITHIN A COUNTY HISTORIC DISTRICT.

(2) "CERTIFICATE OF APPROPRIATENESS" INCLUDES A CERTIFICATE ISSUED BY THE COMMISSION IN ACCORDANCE WITH THIS TITLE INDICATING ITS APPROVAL OF PLANS FOR DEMOLITION OF A STRUCTURE ON THE COUNTY INVENTORY.

[(b)] (D) "Commission" means the COUNTY Landmarks Preservation Commission.

[(c)] (E) "Damage due to weathering" means that condition of any building material of a structure which if unprotected and exposed to the natural elements, including wind, rain, snow, and ice, would fail to meet a minimum durability test.

[(d)] (F) "Demolition" includes demolition by neglect.

[(e)] (G)(1) "Demolition by neglect" means willful neglect in the maintenance, repair, or both maintenance and repair of a [building or] structure ON THE PRELIMINARY OR FINAL COUNTY LANDMARKS LIST OR A STRUCTURE WITHIN A COUNTY HISTORIC DISTRICT resulting in any of the following conditions:

[(1)] (I) The deterioration of any exterior architectural feature so as to create or allow the creation of a hazardous or unsafe condition;

[(2)] (II) The deterioration of exterior walls or other vertical supports;

[(3)] (III) The deterioration of roofs or other horizontal members;

[(4)] (IV) The deterioration of exterior chimneys;

[(5)] (V) The deterioration or crumbling of exterior plaster, mortar, or masonry;

[(6)] (VI) The ineffective waterproofing of exterior walls, roofs, and

foundations, including broken windows and doors; or

[(7)] (VII) Deterioration resulting from damage due to weathering.

(2) "DEMOLITION BY NEGLIGENCE" DOES NOT INCLUDE ~~WILLFUL~~
NEGLECT IN THE MAINTENANCE OR REPAIR OF A HISTORIC ENVIRONMENTAL
SETTING.

[(f)] (H) "Exterior architectural features" means the architectural style, general design,
and general arrangement of the exterior of a building or other structure, including the kind and
texture of the building materials and the type and style of all windows, doors, light fixtures,
signs, and other similar exterior features.

[(g)] (I)(1) "COUNTY Historic district" means an area in the county DESIGNATED BY
THE COUNTY COUNCIL in which there are located structures that have historical, cultural,
educational, or architectural value, the preservation of which is deemed to be for the educational,
cultural, economic, and general welfare of the inhabitants of the county.

(2) "COUNTY HISTORIC DISTRICT" INCLUDES ALL PROPERTY WITHIN
THE BOUNDARIES DEFINED BY THE COUNTY COUNCIL IN ACCORDANCE WITH
THIS TITLE.

(J) "COUNTY LANDMARK" MEANS ANY STRUCTURE DESIGNATED BY THE
COUNTY COUNCIL TO BE ON THE COUNTY FINAL LANDMARKS LIST. ~~THAT HAS
BEEN DETERMINED TO BE OF EXCEPTIONAL HISTORIC, ARCHEOLOGICAL, OR
ARCHITECTURAL SIGNIFICANCE.~~

[(h)] (K) "Minimum durability test" means to show visible deterioration so that the
structure cannot perform the function for which it is intended.

[(i)] (L) "Owner" means those persons who appear as the owners of record in the
assessment records of the State Department of Assessments and Taxation.

(M) "RECONSTRUCTION" MEANS THE PROCESS OF REPRODUCING BY NEW CONSTRUCTION THE EXACT FORM AND DETAIL OF A VANISHED STRUCTURE, OR PART OF A VANISHED STRUCTURE, AS IT APPEARED AT A SPECIFIC PERIOD OF TIME.

(N) "RESTORATION" MEANS THE PROCESS OF ACCURATELY RECOVERING THE FORM AND DETAILS OF A PROPERTY AS IT APPEARED AT A SPECIFIC PERIOD OF TIME BY MEANS OF REMOVAL OF LATER WORK AND THE REPLACEMENT OF WORK MISSING FROM THAT PERIOD.

[(j)] (O)(1) "Structure" means any man-made or natural combinations of materials to form stable constructions and includes the property or lot or portion thereof which constitutes the historic environmental setting of the structure.

(2) "Structure" includes buildings, bridges, FENCES, towers, walls, trees, archeological sites, and rock formations.

[(k)] (P) "Historic environmental setting" means the property or lot or portion thereof, as delineated by the Commission, which is historically, architecturally, archeologically, or culturally connected to the historic significance of a landmark structure.

§ 32-7-103.

This title may not be construed to:

- (1) Prevent any ordinary maintenance or repair of an exterior architectural feature which involves no change in design, material, or outward appearance of a structure:
 - (i) In any proposed or designated COUNTY historic district;
 - (ii) On the preliminary COUNTY landmarks list; or
 - (iii) On the final COUNTY landmarks list;
- (2) Prevent the construction, reconstruction, alteration, or demolition of any exterior

architectural feature which the Building Engineer certifies is required for the public safety because of an unsafe or dangerous condition; or

(3) Prevent or prohibit the owner or occupant, if any, of a structure on the COUNTY landmarks list or in [an] A COUNTY historic district from using that structure in any lawful manner, so long as the use does not involve the demolition of the structure or the alteration of its exterior architectural features.

§ 32-7-106.

The COUNTY INVENTORY, THE preliminary and final COUNTY landmarks lists and the list of COUNTY historic districts shall be maintained by the Commission and shall be made available for public inspection at all public libraries in the county and at the Office of Planning as provided for in § 32-7-303 of this title.

§ 32-7-107.

The seller of any real property that appears on the preliminary COUNTY landmarks list, the final COUNTY landmarks list, or THAT is located within any proposed or designated COUNTY historic district shall disclose in writing to the buyer before the execution of a contract of sale that the property is on either of the COUNTY landmark lists, is located within [an] A PROPOSED OR DESIGNATED COUNTY historic district, or is both on a COUNTY LANDMARKS list and located in [an] A COUNTY historic district.

§ 32-7-201.

(a) On the petition of owners of 75% of the property included in the proposed COUNTY historic district, the Commission may, after study and public hearing, delineate any area within the county as a proposed COUNTY historic district by delineating the boundary of the COUNTY historic district.

(b) During the time period between the delineation by the Commission of the

boundary of the proposed COUNTY historic district and the enactment of a law creating a COUNTY historic district, the construction of any structure within the boundary of the proposed COUNTY historic district, and the renovation, reconstruction, alteration, or demolition of the exterior of any existing structure in the proposed COUNTY historic district is subject to the requirements of Subtitle 4 of this title.

§ 32-7-202.

(a) After the Commission has delineated the proposed COUNTY historic district, the Commission shall:

- (1) Notify the owner of each property lying wholly or partially within the proposed COUNTY historic district, by first-class mail, of the delineation of the boundaries; and
- (2) Submit the proposed COUNTY historic district to the County Executive for review.

§ 32-7-203.

(a)(1) (i) The County Council shall conduct a hearing on a proposed COUNTY historic district.

(ii) The County Council shall give at least 20 days advance notice of a hearing on a proposed COUNTY historic district, including publication in a newspaper of general circulation.

(2) (i) At least 45 days before the hearing, the Commission shall notify the owner of each property wholly or partially lying within the proposed COUNTY historic district of the time and place of the hearing.

(3) During the period of notice, information about the proposed COUNTY historic district shall be available in the Office of Planning or at another public place as the County Council may designate for public inspection.

(b) (1) The County Council shall approve or reject the proposed COUNTY historic district or any portion of the COUNTY historic district.

(3) An area may not be deemed to be [an] A COUNTY historic district unless and until it has been so designated by a law subject to the provisions of Section 308 of the Charter.

(4) If the Council approves a portion of the proposed COUNTY historic district, that portion not included in the district may not be deemed to be [an] A COUNTY historic district.

§ 32-7-301.

(A)(1) The Commission shall compile and maintain a [register of public and private] COUNTY INVENTORY OF structures in the county that [the Commission considers to] POTENTIALLY MAY be of significant historical, architectural, archeological, or cultural value.

(2) THE COUNTY INVENTORY SHALL FUNCTION AS AN INVENTORY OF STRUCTURES THAT MAY BE EVALUATED FOR POSSIBLE INCLUSION ON THE PRELIMINARY COUNTY LANDMARKS LIST.

(B)(1) ALL STRUCTURES INDIVIDUALLY LISTED ON THE MARYLAND INVENTORY OF HISTORIC PROPERTIES ON OR BEFORE APRIL 29, 2007 SHALL BE INCLUDED ON THE COUNTY INVENTORY.

(2) STRUCTURES PROPOSED TO BE INCLUDED ON THE COUNTY INVENTORY AFTER APRIL 29, 2007 ARE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

(C) ANY PERSON MAY PROPOSE A STRUCTURE THAT IS 50 YEARS OLD OR OLDER TO BE INCLUDED ON THE COUNTY INVENTORY BY SUBMITTING AN APPLICATION TO THE OFFICE OF PLANNING.

(D)(1) THE COMMISSION SHALL SEND NOTICE OF THE PROPOSAL FOR INCLUSION OF A STRUCTURE ON THE COUNTY INVENTORY, BY FIRST-CLASS MAIL, TO THE OWNER OF EACH STRUCTURE.

(2) THE NOTICE SHALL INFORM THE OWNER OF THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION NOT LESS THAN 30 DAYS AFTER THE OWNER RECEIVES THE NOTICE.

(3)(I) IF THE OWNER REQUESTS A HEARING, THE COMMISSION SHALL CONDUCT A PUBLIC HEARING TO DETERMINE WHETHER A STRUCTURE MAY BE INCLUDED ON THE COUNTY INVENTORY.

(II) THE PUBLIC HEARING SHALL BE HELD NO SOONER THAN 45 DAYS AND NO LATER THAN 60 DAYS AFTER THE OWNER FILES THE REQUEST FOR A HEARING.

(E) THE COMMISSION MAY PLACE A STRUCTURE ON THE COUNTY INVENTORY IF IT DETERMINES THAT THE STRUCTURE IS 50 YEARS OLD OR OLDER.

(F)(1) THE OWNER OF A STRUCTURE THAT IS ON THE COUNTY INVENTORY MAY PETITION THE COMMISSION FOR REMOVAL OF THE STRUCTURE FROM THE COUNTY INVENTORY AT ANY TIME.

(2) AFTER THE NOTICE AND PUBLIC HEARING REQUIREMENTS IN § 32-7-302(C) OF THIS SUBTITLE, THE COMMISSION SHALL APPROVE OR DENY THE REMOVAL OF THE STRUCTURE FROM THE COUNTY INVENTORY BASED ON THE CRITERIA AS SET FORTH IN § 32-7-302(B) OF THIS SUBTITLE.

(3) IF THE COMMISSION FINDS THAT THE PROPERTY DOES NOT MEET THE ELIGIBILITY CRITERIA IN § 32-7-302(B) OF THIS SUBTITLE:

(I) THE COMMISSION SHALL REMOVE THE STRUCTURE FROM THE COUNTY INVENTORY; AND

(II) THE STRUCTURE MAY NOT BE NOMINATED FOR INCLUSION ON THE COUNTY INVENTORY OR THE PRELIMINARY COUNTY LANDMARKS LIST BY ANY PERSON OTHER THAN THE OWNER FOR THREE YEARS AFTER THE DATE OF THE COMMISSION DECISION.

(4) IF THE COMMISSION DENIES THE PETITION TO REMOVE THE STRUCTURE FROM THE COUNTY INVENTORY BY DETERMINING THAT THE STRUCTURE MEETS THE ELIGIBILITY CRITERIA IN § 32-7-302(B) OF THIS SUBTITLE:

(I) THE STRUCTURE SHALL BE DEEMED TO BE ON THE PRELIMINARY COUNTY LANDMARKS LIST; AND

(II) THE COMMISSION SHALL TAKE ACTION IN ACCORDANCE WITH § 32-7-302(E) OF THIS SUBTITLE.

(G)(1) WITHIN 5 WORKING DAYS AFTER RECEIPT OF AN APPLICATION FOR A DEMOLITION PERMIT FOR A STRUCTURE ON THE COUNTY INVENTORY, THE BUILDING ENGINEER SHALL FORWARD TO THE COMMISSION:

(I) THE APPLICATION FOR THE DEMOLITION PERMIT; AND

(II) ALL PLANS AND SPECIFICATIONS RELATIVE TO THE APPLICATION.

(2) THE BUILDING ENGINEER MAY NOT ISSUE A DEMOLITION PERMIT UNTIL THE COMMISSION APPROVES THE DEMOLITION PERMIT APPLICATION.

(3) THE COMMISSION SHALL FOLLOW THE NOTICE AND PUBLIC HEARING PROCEDURES UNDER § 32-7-302(C) OF THIS SUBTITLE.

(4)(I) AFTER THE PUBLIC HEARING, IF THE COMMISSION FINDS THAT THE STRUCTURE MEETS THE ELIGIBILITY REQUIREMENTS IN § 32-7-302(B) OF THIS SUBTITLE, THE COMMISSION SHALL DENY THE DEMOLITION PERMIT APPLICATION.

(II) AFTER THE PUBLIC HEARING, IF THE COMMISSION FINDS THAT THE STRUCTURE DOES NOT MEET THE ELIGIBILITY REQUIREMENTS IN § 32-7-302(B) OF THIS SUBTITLE:

1. THE COMMISSION SHALL APPROVE THE DEMOLITION PERMIT APPLICATION;

2. THE STRUCTURE IS DEEMED REMOVED FROM THE COUNTY INVENTORY; AND

3. THE STRUCTURE MAY NOT BE NOMINATED FOR INCLUSION ON THE COUNTY INVENTORY OR THE PRELIMINARY COUNTY LANDMARKS LIST BY ANY PERSON OTHER THAN THE OWNER FOR THREE YEARS AFTER THE DATE OF THE COMMISSION DECISION.

(5) IF THE COMMISSION DENIES THE DEMOLITION PERMIT APPLICATION IN ACCORDANCE WITH THIS SECTION BY DETERMINING THAT THE STRUCTURE MEETS THE ELIGIBILITY REQUIREMENTS IN § 32-7-302(B) OF THIS SUBTITLE:

(I) THE STRUCTURE SHALL BE DEEMED TO BE ON THE PRELIMINARY COUNTY LANDMARKS LIST; AND

(II) THE COMMISSION SHALL TAKE ACTION IN ACCORDANCE WITH § 32-7-302(E) OF THIS SUBTITLE.

(6)(I) AS A CONDITION OF APPROVAL OF THE DEMOLITION PERMIT IN

ACCORDANCE WITH THIS SECTION, THE COMMISSION MAY REQUIRE THE OWNER OF THE STRUCTURE TO COMPLETE ARCHIVAL DOCUMENTATION OF THE PROPERTY BEFORE RECEIVING THE DEMOLITION PERMIT.

(II) ANY ARCHIVAL DOCUMENTATION REQUIRED BY THE COMMISSION SHALL BE SUBMITTED TO THE OFFICE OF PLANNING.

(7) THE COMMISSION SHALL FORWARD TO THE BUILDING ENGINEER THE DECISION OF THE COMMISSION TO APPROVE OR DENY THE DEMOLITION PERMIT APPLICATION WITHIN 10 WORKING DAYS AFTER THE DECISION.

(8) THE BUILDING ENGINEER IS BOUND BY THE DECISION OF THE COMMISSION.

(9) A DEMOLITION PERMIT APPLICATION FOR A STRUCTURE OR SITE THAT IS NOT LISTED ON THE COUNTY INVENTORY:

(I) IS NOT SUBJECT TO THE AUTHORITY OF THE COMMISSION;

AND

(II) SHALL BE APPROVED IN ACCORDANCE WITH ARTICLE 35, TITLE 2 OF THE CODE.

(H) THE PROCEEDINGS PROVIDED BY THIS SECTION ARE EXCLUSIVE.

(I) THE EXTERIOR OF ANY STRUCTURE UNDER CONSIDERATION FOR INCLUSION ON THE PRELIMINARY COUNTY LANDMARKS LIST MAY NOT BE RENOVATED, RECONSTRUCTED, ALTERED, OR DEMOLISHED, AS APPLICABLE, DURING THE TIME PERIOD BETWEEN:

(1) THE DATE THE REQUEST TO REMOVE THE STRUCTURE FROM THE COUNTY INVENTORY IS FILED WITH THE COMMISSION UNDER SUBSECTION (F) OF THIS SECTION AND THE DATE OF THE DECISION OF THE COMMISSION; OR

(2) THE DATE AN APPLICATION FOR THE DEMOLITION OF A STRUCTURE ON THE COUNTY INVENTORY IS FILED WITH THE BUILDING ENGINEER UNDER SUBSECTION (G) OF THIS SECTION AND THE DATE OF THE DECISION OF THE COMMISSION.

§ 32-7-302.

(a) The Commission may adopt a preliminary COUNTY landmarks list.

(b) Before any structure may be placed on the preliminary COUNTY landmarks list, the Commission must specifically find that the structure qualifies by contributing substantially to the architectural, or historical heritage of the county, state, or nation because of any one or more of the following:

(1) It is associated with a personality, group, event, or series of events of historical importance;

(2) It is a distinctive example of a particular architectural style or period;

(3) It is a good example of the work of a noted architect or master builder;

(4) It is a work of notable artistic merit ~~or an object of singular natural beauty;~~

or

(5) It has yielded ~~or~~ AND may be likely to yield information or materials important in prehistory or history.

(c)(1) The Commission shall conduct public hearings to determine [which structures on the register] IF A STRUCTURE may qualify to be included on the preliminary COUNTY landmarks list.

(2) (i) For each structure or group of structures selected [on the register] FOR CONSIDERATION, a sign shall be conspicuously posted by the Commission giving notice of the public hearing on whether a structure should be included on the preliminary COUNTY

landmarks list.

(ii) The public hearing shall be held no sooner than 45 days nor later than 60 days after the sign is posted.

(3) The Commission:

(i) Shall send notice of the hearing, by first-class mail, to the owner of each structure; and

(ii) May provide additional forms of notice in accordance with its rules.

(d) During the time period between the public notice required in subsection (c) of this section and the decision of the commission, the exterior of any structure proposed for inclusion on the preliminary COUNTY landmarks list may not be renovated, reconstructed, altered, or demolished.

(e) (1) The Commission shall act within 30 days after the public hearing or any continuation of the public hearing.

(2) The Commission shall submit the approved preliminary COUNTY landmarks list to the County Executive for review before introduction in the County Council for adoption as a final COUNTY landmarks list.

(3) The County Executive's review period may not exceed [60] 30 days.

(F) IF THE COMMISSION FINDS THAT THE PROPERTY DOES NOT MEET THE ELIGIBILITY CRITERIA IN SUBSECTION (B) OF THIS SECTION:

(1) IF APPLICABLE, THE COMMISSION SHALL REMOVE THE STRUCTURE FROM THE COUNTY INVENTORY; AND

(2) THE STRUCTURE MAY NOT BE NOMINATED FOR INCLUSION ON THE COUNTY INVENTORY OR THE PRELIMINARY COUNTY LANDMARKS LIST BY

ANY PERSON OTHER THAN THE OWNER FOR THREE YEARS AFTER THE DATE OF THE COMMISSION DECISION.

§ 32-7-303.

(a) The County Council may adopt a final COUNTY landmarks list.

(b) The County Council may consider any structure or portion of a structure for inclusion on the final COUNTY landmarks list if the structure was subject to the notice and hearing requirements of § 32-7-302(c) of this subtitle.

(c) (1) (i) The County Council shall conduct public hearings to determine if the structures on the list should be included on the final COUNTY landmarks list.

(ii) The County Council shall give at least 20 days advance notice of a hearing on the final COUNTY landmarks list, including publication in a newspaper of general circulation.

(2) (i) At least 30 days before the hearing, the commission shall notify the owner of each property of the time and place of the hearing.

(ii) The notice to the property owner shall be sent by certified mail, return receipt requested, to the owner.

(iii) If service of the notice is unsuccessful, notice subsequently may be sent by regular mail, postage prepaid.

(3) During the period of notice, the preliminary COUNTY landmarks list shall be available in the Office of Planning or at another public place as the County Council may designate for public inspection.

(d) (1)(I) The County Council shall adopt a final COUNTY landmarks list within 90 days after the public hearing.

(II) IF THE COUNTY COUNCIL DOES NOT ADOPT A STRUCTURE

ON THE PRELIMINARY COUNTY LANDMARKS LIST FOR INCLUSION IN THE FINAL COUNTY LANDMARKS LIST WITHIN 90 DAYS AFTER THE PUBLIC HEARING:

1. PRELIMINARY COUNTY LANDMARK STATUS IS REVOKED;
2. IF APPLICABLE, THE STRUCTURE IS DEEMED REMOVED FROM THE COUNTY INVENTORY; AND
3. THE STRUCTURE MAY NOT BE NOMINATED FOR INCLUSION ON THE COUNTY INVENTORY OR THE PRELIMINARY COUNTY LANDMARKS LIST BY ANY PERSON OTHER THAN THE OWNER FOR THREE YEARS AFTER THE 90TH DAY.

(2) A structure may not be deemed to be a COUNTY landmark unless and until it has been so designated by a law subject to the provisions of Section 308 of the Charter.

(e) The final COUNTY landmarks list shall be available for public inspection in the Department of Permits and Development Management, the Office of Planning, the Land Records Office of the county, all branches of the county public library, and in the office of the Commission.

§ 32-7-304.

[(1)] (A) The owner of any structure that appears on the final COUNTY landmarks list may petition the Commission for removal from the list.

[(2)] (B) The Commission shall then follow the notice and public hearing procedures under § 32-7-302(c) of this subtitle.

[(3)] (C) If the Commission determines that the structure no longer qualifies as a landmark in accordance with § 32-7-302 of this subtitle, the Commission shall recommend the removal of the structure from the list in accordance with §§ 32-7-302(e) and 32-7-303 of this subtitle.

(D) IF THE COUNTY COUNCIL REMOVES A STRUCTURE FROM THE FINAL COUNTY LANDMARKS LIST:

(1) IF APPLICABLE, THE STRUCTURE IS DEEMED REMOVED FROM THE COUNTY INVENTORY; AND

(2) THE STRUCTURE MAY NOT BE NOMINATED FOR INCLUSION ON THE COUNTY INVENTORY OR THE PRELIMINARY COUNTY LANDMARKS LIST BY ANY PERSON OTHER THAN THE OWNER FOR THREE YEARS AFTER THE DATE THE COUNTY COUNCIL BILL REMOVING THE STRUCTURE FROM THE FINAL COUNTY LANDMARKS LIST WENT INTO EFFECT.

§ 32-7-401.

This subtitle applies only to a structure that is:

- (1) In a proposed or designated COUNTY historic district;
- (2) On a preliminary COUNTY landmarks list;
- (3) On a final COUNTY landmarks list; or
- (4) Any combination of items (1) through (3) of this section.

§ 32-7-402.

(a) The agency having responsibility for the preparation of plans for alteration, demolition, reconstruction, EXCAVATION, MOVING, or renovation of any structure that is owned by the county shall refer the plans to the Commission for approval before county action approving or otherwise authorizing the implementation of the plans.

(b) (1)(I) IF THE AGENCY SUBMITS A COMPLETE SET OF PROPOSED PLANS NOT LESS THAN 14 DAYS BEFORE THE NEXT REGULARLY SCHEDULED COMMISSION MEETING, THE COMMISSION SHALL CONSIDER AND APPROVE OR DENY THE PROPOSED PLANS AT THE NEXT REGULARLY SCHEDULED

COMMISSION MEETING AT WHICH THERE IS A QUORUM PRESENT.

(II) IF THE AGENCY SUBMITS A COMPLETE SET OF PROPOSED PLANS LESS THAN 14 DAYS BEFORE THE NEXT REGULARLY SCHEDULED COMMISSION MEETING, THE COMMISSION SHALL CONSIDER AND APPROVE OR DENY THE PROPOSED PLANS AT THE REGULARLY SCHEDULED COMMISSION MEETING AT WHICH THERE IS A QUORUM PRESENT AFTER THE NEXT REGULARLY SCHEDULED COMMISSION MEETING.

(2) If the Commission determines that the proposed plans are inappropriate, it shall promptly provide the requesting agency with a report specifying its reasons.

[(2)] (3) If the Commission has not approved the plans or provided a report on the plans to the requesting agency within [45] 10 WORKING days after [receipt of the plans] THE REGULARLY SCHEDULED COMMISSION MEETING AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, the plans shall be deemed to be approved by the Commission.

§ 32-7-403.

A person shall apply for and receive from the Building Engineer a permit before a person may begin any:

(1) [Excavation or the construction] EXCAVATION, CONSTRUCTION, ALTERATION, RECONSTRUCTION, MOVING, DEMOLITION, REMOVAL, or erection of any building, fence, wall, or other new structure of any kind in a proposed or designated COUNTY historic district;

(2) Alteration, demolition, reconstruction, MOVING, ERECTION, or removal of an exterior architectural feature of any existing structure; or

(3) Demolition of any structure.

§ 32-7-404.

(b)(1) All plans, elevations, and other information considered necessary by the commission to determine the appropriateness of the proposed excavation, REMOVAL OF AN exterior architectural feature, CONSTRUCTION, ALTERATION, RECONSTRUCTION, MOVING, or demolition of any structure shall be made available to the Commission.

§ 32-7-405.

(a)(2) [If the Commission does not act on the application for permit within 45 days after receipt of the completed application, the application shall be deemed approved by the

commission.] (I) IF THE APPLICANT SUBMITS A COMPLETE SET OF PROPOSED PLANS NOT LESS THAN 14 DAYS BEFORE THE NEXT REGULARLY SCHEDULED COMMISSION MEETING, THE COMMISSION SHALL CONSIDER AND APPROVE OR DENY THE PROPOSED PLANS AT THE NEXT REGULARLY SCHEDULED COMMISSION MEETING AT WHICH THERE IS A QUORUM PRESENT.

(II) IF THE APPLICANT SUBMITS A COMPLETE SET OF PROPOSED PLANS LESS THAN 14 DAYS BEFORE THE NEXT REGULARLY SCHEDULED COMMISSION MEETING, THE COMMISSION SHALL CONSIDER AND APPROVE OR DENY THE PROPOSED PLANS AT THE REGULARLY SCHEDULED COMMISSION MEETING AT WHICH THERE IS A QUORUM PRESENT AFTER THE NEXT REGULARLY SCHEDULED COMMISSION MEETING.

(III) IF THE COMMISSION HAS NOT APPROVED THE PLANS OR PROVIDED A REPORT ON THE PLANS TO THE APPLICANT WITHIN 10 WORKING DAYS AFTER THE REGULARLY SCHEDULED COMMISSION MEETING AS PROVIDED IN THIS PARAGRAPH, THE PLANS SHALL BE DEEMED TO BE APPROVED BY THE COMMISSION.

§ 32-7-406.

(a) In passing upon appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historic or architectural value and significance, architectural style, general design, arrangement, texture, and material of the exterior architectural features of other structures in the immediate neighborhood.

(b) (1) If the Commission does not issue a certificate of appropriateness or notice to proceed promptly, within 15 days after receipt of a complete application for a permit and the plans and specifications relative to the application, the Commission shall cause a sign to be posted conspicuously located on the property involved, giving notice of a public hearing to be held by the Commission on the application [no sooner than 45 days nor later than 60 days after the sign is posted] AS PROVIDED IN § 32-7-405(A)(2) OF THIS SUBTITLE.

(2) The sign shall inform the public of the time and place of the hearing and the nature of the change proposed.

(c) As soon as convenient after the conclusion of the public hearing but in any event within 10 days after the hearing or within any further time as the applicant for the permit approves in writing, the Commission shall determine:

(1) Whether the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, MOVING, or demolition would be appropriate to the preservation of the particular COUNTY historic district or to the preservation of the structure appearing on the preliminary COUNTY landmarks list or on the final COUNTY landmarks list, and may issue a certificate of appropriateness;

(2) Whether, notwithstanding that the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, MOVING, or demolition would be inappropriate, the work would not result in substantial detriment to the

public welfare nor in substantial derogation from the intent and purposes of this title and denial of the application would result in substantial hardship to the applicant, in which case the Commission may issue a notice to proceed in lieu of a certificate of appropriateness; or

(3) Whether neither a certificate of appropriateness nor a notice to proceed should be issued.

(d)(1) If the Commission makes the determination provided for under subsection (c)(1) or (c)(2) of this section, the secretary of the Commission shall promptly forward to the Building Engineer a certificate of appropriateness or a notice to proceed, as applicable, along with the application and the plans and relevant specifications.

(2) (i) If the Commission makes the determination under subsection (c)(3) of this section, the Commission shall:

1. Issue written findings and conclusions for the determination; and
2. May include a recommendation regarding the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, MOVING, or demolition.

(ii) The Commission shall notify the applicant and the Building Engineer of the determination, transmitting to each of them an attested copy of the reasons and recommendations.

(e)(1) Upon return to the Building Engineer of the application and the plans and specifications by the Commission, the Building Engineer is bound by the determination of the Commission.

(2) The Building Engineer shall approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed excavation,

construction or erection, reconstruction, alteration, removal of an exterior architectural feature, MOVING, or demolition of any building or structure in [an] A COUNTY historic district or on the final COUNTY landmarks list in accordance with the Commission's determination.

(f)(1) If the Commission determines that the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, MOVING or demolition of any building or structure on the preliminary COUNTY landmarks list is inappropriate, the commission shall notify the Building Engineer in writing to postpone the issuance of the permit.

(2) (i) The Building Engineer shall postpone the issuance of the permit for a period not to exceed 90 days after the date of the notification of determination by the Commission or until notified by the Commission to issue the permit, whichever occurs first.

(ii) *Thereafter, the Building Engineer shall issue the permit if it complies with all legal requirements.*

(3) Within the period of postponement, the commission shall meet with the applicant for the permit and shall consult with civic groups, public agencies, and interested citizens to ascertain what the county may do to preserve the building.

(G) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT MAINTENANCE THAT DOES NOT ALTER THE EXTERIOR FABRIC OR FEATURES OF A DESIGNATED STRUCTURE, CUSTOMARY FARMING OPERATIONS, OR LANDSCAPING WHICH WILL HAVE NO MATERIAL EFFECT ON THE HISTORIC, ARCHEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE OF A COUNTY LANDMARK OR COUNTY HISTORIC DISTRICT.

§ 32-7-502.

(a) Upon application of the Commission and in accordance with the Charter, the

circuit court for the county may:

(1) Restrain or enjoin the excavation, construction or erection, reconstruction, alteration, removal of any exterior feature, MOVING, or demolition of any building or structure in [an] COUNTY historic district or on the preliminary COUNTY landmarks list or the final COUNTY landmarks list, if found to be in violation of this title; and

(2) Order the removal of any exterior architectural feature constructed or reconstructed in violation of this title.

(b)(1) The Building Engineer shall notify the Commission of all instances of demolition by neglect with respect to structures in [an] A COUNTY historic district or on the preliminary or final COUNTY landmarks list which are brought to the attention of the Building Engineer.

§ 32-7-503.

(a) A person may not excavate, construct or erect, reconstruct, alter, or remove any exterior architectural [feature] FEATURE, MOVE or demolish any buildings or structures in any COUNTY historic district or any building or structure on the preliminary COUNTY landmarks list or on the final COUNTY landmarks list in violation of the provisions of this title.

SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of § 32-7-303(d)(1)(ii) of the Baltimore County Code, 2003 shall apply retroactively to any structure placed on the preliminary county landmarks list before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the Landmarks Preservation Commission may authorize the Office of Planning to review the structures included on the county inventory under § 32-7-301(b)(1) of the Baltimore County Code, 2003 in order to identify structures that should not be included on the county inventory. The types of structures

that the Office of Planning may identify include structures that no longer exist, structures that have been altered so significantly that they have no historical value and any other types of structures as determined by the Commission and delegated to the Office. A structure may only removed from the county inventory by vote of the Commission at a duly announced and advertised hearing of the Commission but the Office of Planning is not required to provide the notice that would otherwise be required under § 32-7-301 of the Code. The Commission may vote on a slate of structures to remove them from the county inventory under the authority of this Section.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of this Act that the Special Administrative Hearing for structures on the Maryland Inventory of Historic Properties formerly established by administrative order is hereby repealed.

SECTION 7. AND BE IT FURTHER ENACTED, That §32-7-301 of the Baltimore County Code, 2003 does not apply to any structure that has received a notice to proceed with demolition or certificate of appropriateness from the Landmarks Preservation Commission before the effective date of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That the county inventory, as established in §32-7-301 of the Baltimore County Code, 2003 shall cease to exist after April 29, 2010 without the necessity of further action by the County Council. After that date, structures formerly considered to be included on the county inventory or currently or thereafter included on the Maryland Inventory of Historic Properties may not be considered to be subject to any regulation under Article 32, Title 7 of the Baltimore County Code, 2003 unless the structure has

been nominated for placement on the preliminary county landmarks list, is on the preliminary or final county landmarks list or is in a proposed or designated county historic district.

SECTION 6 9. AND BE IT FURTHER ENACTED, That this Act, having been passed by an affirmative vote of five members of the County Council, shall take effect April 29, 2007.

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Minutes
Baltimore County Landmarks Preservation Commission
January 11, 2007 Meeting

Mr. James Matthews, Chairman, opened the regular monthly meeting of the Baltimore County Landmarks Preservation Commission (LPC) at 6:03 p.m. The following Commission members were:

Present

Mr. James E. Matthews, Chairman
Ms. Carol Allen
Mr. C. Bruce Boswell
Mr. Thomas L. Reynolds
Mr. Louis S. Diggs
Ms. Wendy McIver
Ms. Norma Secoura
Mr. David J. Bryan
Ms. Nancy Horst
Mr. Steven Fedder
Mr. John W. Hill, Vice-Chairman
Mr. Qutub K. Syed
Dr. Robert Gregory

Not Present

Mr. Edward E. Hardester, Jr

County staff present included Vicki Nevy (Secretary to the Commission), Jeff Long (Deputy Director for the Office of Planning), Mike Field (Assistant County Attorney), Teri Rising and Karin Brown.

Preliminary Actions

Mr. Matthews introduced Dr. Robert Gregory as the newest member of the Landmarks Preservation Commission. He stated that Dr. Gregory is replacing Mr. Edward Parker as the member representing the Planning Board with the LPC and proceeded to summarize Dr. Gregory's biographical statement.

Mr. Diggs announced that he will give a presentation on the African American Survey Districts at the February 8, 2007 LPC meeting. Mr. Hill let it be known that in honor of Dr. Martin Luther's birthday, MICA and the Maryland Historical Society are presenting "*At Freedom's Door*." Dr. Gregory informed his fellow Commissioners that he is a board member of the Maryland Historical Society and that he will make sure all members receive invitations.

Annual election of Chairman and Vice-Chairman

1. Mr. Matthews stated that the annual election of officers was at hand. He let it be known that he agreed to serve another year as Chairman and that Mr. Hill would

be willing to serve another year as Vice-Chairman. Mr. Hill moved to elect Mr. Matthews as Chairman. Mr. Diggs seconded the motion, which was approved unanimously on a voice vote. Mr. Boswell moved to elect Mr. Hill as Vice-Chairman. Mr. Syed seconded the motion, which was approved unanimously on a voice vote.

Review of the Agenda

2. Ms. Rising informed the Commission that there was a minor change to the Revised Agenda. Item 12 - 211 Melancthon Avenue, in Lutherville, would not be presented as a consent agenda item, because the owner would like for the LPC to consider a different design alternative than that proposed in the staff recommendation.

Approval of the Minutes

3. There were a few requests for corrections to the Minutes. The first concerned item 10, the "Station Master's House." Regarding that item, the Minutes include the following statement: "Ms. McIver noted that she did not have a problem with the addition, but thought the windows were too large." Ms. McIver asked that the phrase be changed to "but thought the windows were too modern." Mr. Diggs noted that on page 4, second paragraph, the correct spelling of one of the community representatives is Reverend J. C. Bradford. Mr. Hill pointed out that on the same page, second to last paragraph, Mr. Boswell's name had been misspelled. Mr. Diggs moved to approve the November 9, 2006 Minutes, as corrected. Mr. Fedder seconded the motion, which passed unanimously on a voice vote.

Consent Agenda

- 3A. Mr. Matthews asked Ms. Rising to describe the items scheduled on the Consent Agenda and determined that no person present objected to its approval as submitted. Mr. Diggs moved that, for the reasons stated, and in accordance with any conditions stated in the written Action Summaries provided to the members of the Commission by staff, items 11, 13, 14, 15 and 16, be approved as submitted. Mr. Boswell seconded the motion, which passed unanimously on a voice vote.

Recommendations on Baltimore County Register (MHT Inventory) Structures

4. **Oregon Ridge Park properties, Oregon Ridge; Overseer's House, County Register (MHT) # BA-826; Easterly Company House, County Register (MHT) # BA-828; Westerly Company House, County Register (MHT) # BA-829 [County Council District # 3]**

This item involved a request to demolish the above three structures. Ms. Rising read staff's recommendation to vote issuing a notice to proceed.

Mr. John Markley, Deputy Director of the Department of Recreation and Parks and Dr. George Brauer, Archaeologist for the Baltimore County Public Schools, testified on behalf of the County. Mr. Markley stated that all three buildings were connected with the former iron mining facilities at Oregon Ridge. The structures are deteriorated to a point where it is no longer safe to keep them. He stated that the building's foundations would be kept for future archeological studies. Dr. Brauer, who is in charge of the archeological research at Oregon Ridge, corroborated that the preservation of the foundations would allow for future interpretation of the site's history.

Mr. Fedder stated that he visited the site and felt the County's request should be supported. Mr. Syed moved to issue a notice to proceed. Mr. Hill seconded the motion. All members of the Commission voted in favor of the motion, except for Ms. Secoura, who voted against it. The motion passed.

5. 106 Avondale Road, Turner's Station African American Survey District; Dundalk vicinity; County Register (MHT) # BA-3056 [County Council District # 7]

This item concerned a County initiated demolition request. The property had been purchased by Baltimore County at a tax sale after the previous owners failed to pay the fines imposed in response to code violations. Ms. Rising read staff's recommendation, which encouraged the LPC to discuss the proposal. Ms. Rose Parish Riddich and Mr. Jonathan Riddich represented the previous owners of the property, who attended, but did not testify. Mr. Wendell Webster, attorney, also represented the former owners.

Mr. Webster summarized the events leading up to the demolition request. He alleged the property never posed a safety problem caused by neglect. He stated that over time taxes and penalties accumulated rendering his clients unable to pay. He viewed the matter as a Civil Rights case. He felt that razing the property would exacerbate the situation. Ms. Parish Riddich and Mr. Riddich reiterated the statement that the house was not deteriorated and that Turner's Station would lose an important part of its history if the structure were to be demolished.

Ms. Terri Kingeter, Southeast Sector Coordinator with the Office of Community Conservation, stated that she worked directly with the Turner's Station community and that the code violation notices and the subsequent demolition request were community initiated. This desire is reflected in a letter from Dunbar Brooks, a community activist and Chairman of the Turner's Station Development Corporation.

A discussion ensued among the members of the Commission whether the dwelling could or should be rehabilitated. Because Mr. Wisnom, the Baltimore County Hearing Officer and Ms. Harvey, the director of Community

Conservation, who had dealt with the issue in the past, were unable to attend the meeting, Mr. Hill moved to table item 5 (106 Avondale Rd.) and item 6 (102 Avondale Rd). Mr. Fedder seconded the motion, which was approved unanimously on a voice vote.

6. **102 Avondale Avenue, Turner's Station African American Survey District; Dundalk vicinity; County Register (MHT) # BA-3056 [County Council District # 7]**

This item concerned a demolition request that was initiated by Baltimore County. It was tabled – see item 5. above.

7. **"Bellamy House" 123 Sollers Point Road, Turner's Station African American Survey District; Dundalk vicinity; County Register (MHT) # BA-3056 [County Council District # 7]**

This item concerned a demolition request. Ms. Rising read staff's recommendation, which encouraged the LPC to discuss the proposal.

Mr. Cosgrove, representing Ms. Belamy, the owner, stated that he and his client were in favor of the demolition request. Mr. Boswell and Mr. Diggs had visited the site and agreed that the house was in a very deteriorated state. They also had viewed the proposed elevation of the replacement structure. Mr. Long reminded the Commission that it was not within the purview of the LPC to comment on the design of a structure in an African American Survey District (Note: In accordance with County law, the Commission can only make design decisions for new structures in a County Historic District, or a structure on the Preliminary or Final Landmarks List). Dr. Gregory moved to issue a notice to proceed. Mr. Diggs seconded the motion, which was approved unanimously on a voice vote.

Alteration to properties in County Historic Districts or Landmark structures

8. **"Seymour Ruff House," (Graham Residence) 9000 Church Lane, Fieldstone; Fieldstone County Historic District; County Register (MHT) # BA-2900; [County Council District # 4]**

This item concerned a contributing structure in the Fieldstone County Historic District. The historic windows had been replaced with non-historic vinyl windows, without obtaining LPC approval. The issue had been before the LPC on November 9, 2006, at which time the Commission tabled the matter, suggesting that the owners and the local historic advisory group work out a compromise. Ms. Rising read staff's recommendation to replace the aluminum windows on the Church Lane and McDonogh Road sides of the house with wood windows of true-divided light (2 x 2) over the period of no more than three years. Staff also recommended applying for the appropriate corresponding County tax credits. Mr. Bryan offered his assistance in filling out the appropriate tax credit applications.

Mr. Matthews suggested bringing the matter before the Board of Realtors. He thought that while the contract of sale contained a notice indicating that the property was historic, the realtor failed to spell out what it meant to be located in a County Historic District. Mr. Fedder moved to accept staff's recommendation. Mr. Syed seconded the motion. Mr. Hill amended the motion by requesting that the new wooden replacement windows be in each case the same type as the original windows, i.e. the 2 over 2 windows be replaced in kind and the windows in the sunroom, be replaced with appropriate, in kind, windows. Ms. Allen, Mr. Boswell, Ms. Horst, Ms. McIver, Mr. Hill, Mr. Reynolds, Mr. Syed and Ms. Secoura voted for the motion. Mr. Diggs and Dr. Gregory voted against the motion and Mr. Bryan abstained. The motion passed.

9. Towsontown Lodge, 411 Jefferson Avenue, East Towson African American Survey District; County Register (MHT) # BA - 1002 [County Council District # 5]

This item concerned a demolition request. Ms. Rising read staff's recommendation, which encouraged the LPC to discuss the proposal. Mr. Diggs stated that the building was in horrible shape. He also informed the Commission that the community is in support of demolishing the building. Mr. Diggs moved that the demolition request be approved. Ms. Allen seconded the motion, which was approved unanimously on a voice vote.

10. "Doctor Rider House," 36 Church Road, Owings Mills vicinity; County Register (MHT) # BA-669 [County Council District # 4]

This item concerned a demolition request. The building had been recently stripped of all its significant features, that is, Second Chance, a company that recycles historic materials, had removed windows, doors and flooring. Ms. Rising read staff's recommendation, which encouraged the LPC to discuss the proposal.

Mr. Dino LaFiandra, counsel to the Baltimore-Washington Conference of the Methodist Church, summarized the events leading up to the night's meeting. He asked the Commission to support his client's demolition request. Ms. Mary Lou Kaestner, trustee of the Church, stated that demolishing the building would allow the Church to redevelop the site. Ms. Patricia Bentz, Executive Director of the Baltimore County Historical Trust, Inc. stated that Ms. Rider gave the property to the Church. Her will clearly indicated that her intent was to preserve the building. Mr. Matthews stated that it was outside the scope with the LPC to interpret the will.

Mr. Boswell stated that he visited the site and found it, apart from minor termite damage, structurally sound. Until it was stripped of its historically significant features, it was perfectly functional. Mr. Boswell noted that there were 10 outbuildings on the site. Together they form a self-sufficient farmstead - showing life in Baltimore County around 1900. Ms. Rising noted that she performed a

cursory search and found that the farmstead's builder, Dr. Rider, was instrumental in the development of Riderwood.

Dr. Gregory moved not to approve the demolition request. Ms. McIver seconded the motion. Except for Mr. Reynolds and Mr. Hill, the members voted for the motion. The motion passed.

**11. "Saint Paul's Lutheran Church," 1609 Kurtz Avenue, Lutherville;
Lutherville County Historic District and the Lutherville National Register
District; County Register (MHT) # BA-290 [County Council District # 3]**

This item concerned the placement of a freestanding identification sign on the premise. The property is a contributing structure in the Lutherville County Historic District and the Lutherville National Register District. The Lutherville Historic Advisory Committee had reviewed the proposal and approved its design.

Approved via the consent agenda to issue a notice to proceed.

**12. "Elmnook" (Mathews Property), 211 Melancton Avenue, Lutherville;
Lutherville County Historic District and the Lutherville National Register
District; County Register (MHT) # BA-311 [County Council District # 3]**

This item concerned a contributing structure in the Lutherville County Historic District and the Lutherville National Register District. The property owner constructed concrete steps and a concrete wall at the dwelling's rear elevation without obtaining LPC approval. The matter had been before the LPC at the November 9, 2006 meeting, at which time the Commission voted to order the removal of the already constructed wall and concrete steps and requested that all future exterior changes should be submitted to the Lutherville Advisory Committee (LAC) and the LPC for approval. The applicant engaged an architect, who prepared two design scenarios. The proposals had been submitted to LAC. Staff's recommendations reflect LAC's comments.

Ms. Rising read staff's recommendation to vote to issue a notice to proceed subject to the following conditions:

1. Cut down the height of the entrance concrete block wall to the height shown in Scheme 2. The height should replicate the height of the existing stone foundation.
2. Cover the existing concrete block wall surfaces with a stone veneer that matches the existing stone foundation.
3. Employ the railing as shown in Scheme 2. Railing height over the entrance wall should match the height of the railing on the porch and should be made of wood.

4. Should the portion of the porch, labeled "A" in Scheme 1, not be added, the original lattice screen, or a wooden lattice screen, identical to the original screen, should be reinstalled in its original place between the porch column and the house (see photograph showing the wooden screen in place).

Dr. Gregory moved to accept staff's recommendation. Mr. Hill seconded the motion, which was approved unanimously on a voice vote.

13. **"Batchelor's Store," 16951 York Road, Hereford; Final Landmarks List # 319, County Register (MHT) # BA 2047 [County Council District # 3]**

This item concerned the replacement of an existing retaining wall with a new retaining wall.

Approved via the consent agenda to issue a notice to proceed.

14. **Relay Children's Center, 1620 South Rolling Road, Relay County Historic District [County Council District # 1]**

This item concerned the replacement of an existing fence, with a new fence.

Approved via the consent agenda to issue a notice to proceed.

15. **"Avalon," (Pommetto-Adams property) 309 Gun Road, Avalon; Final Landmarks List # 230 [County Council District # 1]**

This item concerned a request by the owner to delineate the entire 3.64-acre property (map 108, parcel 599) as the Historic Environmental Setting.

Approved via the consent agenda to delineate the entire 3.64-acre property as the Historic Environmental Setting.

Tax Credits

Request for LPC approval for County Part II Tax Credit application

16. **"Hunt-Schmidt House," (Dillon property), 12656 Manor Road, Long Green [County Council District # 3]**

This item concerned a request by the owner to approve a part II tax credit for a structure on the Final Landmarks List and to delineate the entire 1.45-acre property (map 53, parcel 248) as the Historic Environmental Setting.

Approved via the consent agenda to issue a notice to proceed and to delineate the entire 1.45-acre property as Historic Environmental Setting.

Report on County Tax Credit application

Ms. Brown reported that the following historic property tax credit applications were approved because the applicants had submitted a signed/approved Part 2 State Tax Credit application:

18. Broussard property, 918 Wellington Road, Stoneleigh National Register District [County Council District # 5]
19. Bauer/Wittelsberger property, 206 W. Seminary Avenue, Lutherville County Historic District [County Council District # 3]
20. Fishman/Roberts property, 5105 South Rolling Road, Relay County Historic District [County Council District # 1]
21. O'Connell property, 6905 Marlborough Rd. Stoneleigh National Register District [County Council District # 5]
22. MacGregor property, 7009 Kenleigh Road, Stoneleigh National Register District [County Council District # 5]
23. LeVan property, 6901 Marlborough Road, Stoneleigh National Register District [County Council District # 5]

Other Business

24. Ms. Rising reported that the County Council has held a Public Hearing on structures and their setting that had been placed on the Preliminary Landmarks List on April 25, 2006, July 13, 2006 and October 12, 2006.
25. Mr. Field, reporting on the status of the Glyndon fence, stated that the Board of Appeals had heard the case at the end of December. The briefs are due by the end of February and the public deliberation is expected to come to a conclusion by the end of March.
26. Mr. Field reported that the case concerning 9913 Philadelphia Road had been heard. He urged that the members of the Commission read the Zoning Commissioner's ruling for it provides an excellent summary of the law and its limitations.
27. 6240 Falls Road, Bare Hills: Mr. Field reported that the Zoning Commissioner held a Special Administrative Hearing regarding the demolition request for said

property. The owner asked that the demolition be deferred. The Zoning Commissioner stipulated that if the property does not meet Code requirements by April 30, 2007, the demolition would be authorized.

28. Ms. Rising informed the members of the Commission that their comments and suggestions had been incorporated into the LPC booklet update.

The meeting was adjourned at 9:30 p.m.

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

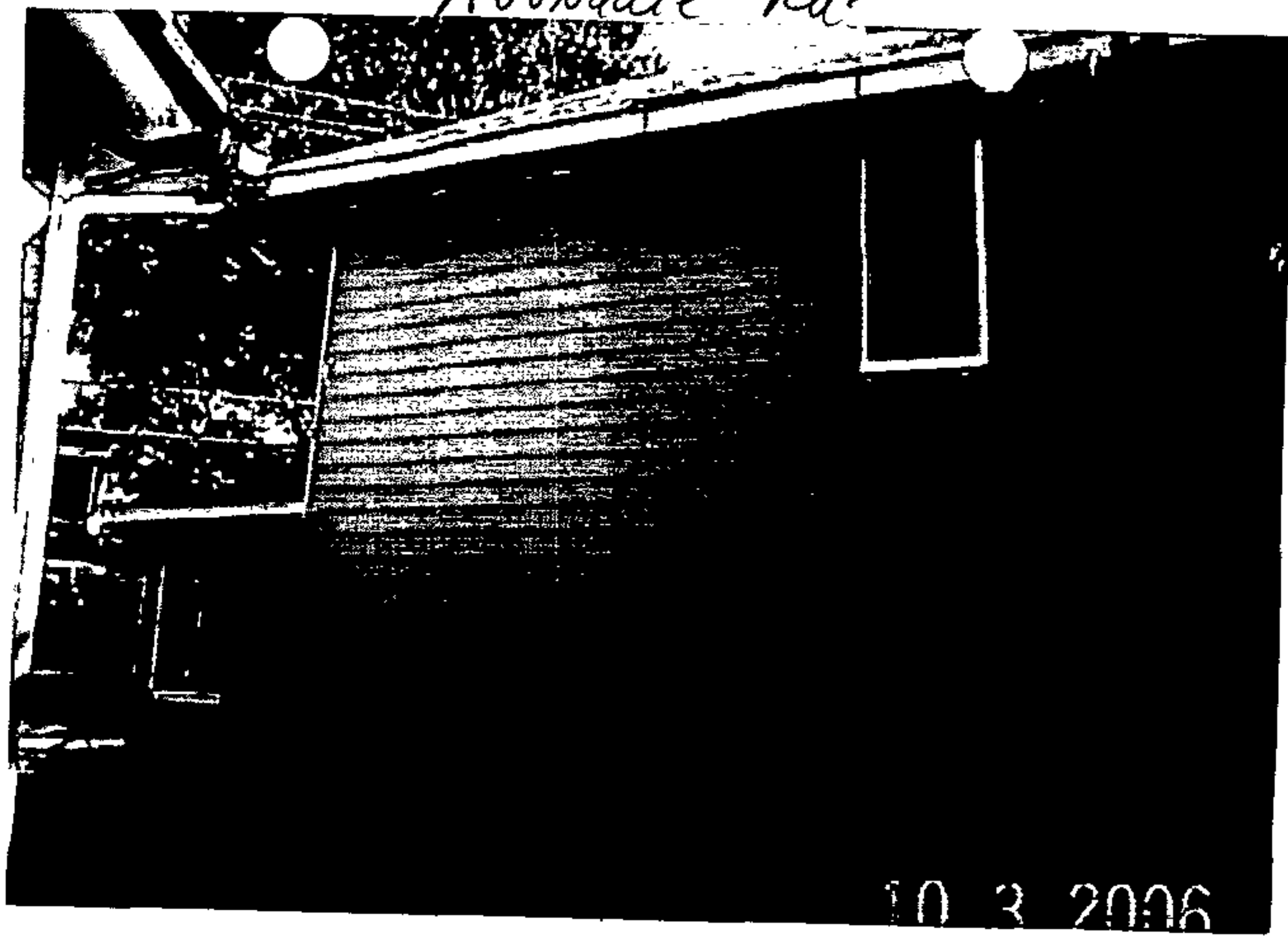
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WEBSTER, FREDRICKSON & BRACKSHAW

WENDELL W. WEBSTER
ATTORNEY AT LAW

SUITE 600
1775 K STREET, N.W.
WASHINGTON, D.C. 20006
WWW.WEB-LAW.COM
(202) 659-8510
FAX: (202) 659-4082
WWWEBSTER@WFB-LAW.COM

Avondale Rd.



Avondale



Avondale



Avondale Rd.



Avondale Rd.



CASE NAME _____
CASE NUMBER _____
DATE _____

E-MAIL

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Rose Parrish Riddix	120 Parkview Rd	Bethesda, MD 20812	
Thomas Parrish	37 Holseman Ct	Bethesda, MD 20813	
Geraldine Parrish	5427 Radcliffe Ave	Bethesda, MD 20814	
Jordan Parrish	120 Parkview Rd	Bethesda, MD 20812	
Cleveland Parrish	109 Arundale Rd	Bethesda, MD 20812	

Dispute over run-down Turners Station house simmers between family, county



Rose M. Riddix is battling Baltimore County in court over the condition of a house owned by a family member. She says the county unfairly cited the property. Inspectors say the house fails to meet code.

PHOTOS BY JED KIRSCHBAUM [SUN PHOTOGRAPHER]

Razing vs. restoring

BY JOSH MITCHELL
[SUN REPORTER]

Code inspectors who visited an uninhabited house in the Turners Station community of Baltimore County last fall reported that the floor was bare earth and the sky could be seen through holes in the roof. After months of issuing citations, the county government is ready to send in the wrecking ball.

But relatives of the woman who owns the house are fighting the government's plans to demolish it, saying the county illegally issued the citations and more than \$90,000 in fines.

And yesterday, a county judge took the unusual step of visiting the house.

"She said she didn't trust the inspectors to be honest about it, so I decided to come here to see for myself," Circuit Judge Lawrence R. Daniels said, referring to testimony from property owner Geraldine L. Parrish. "I wanted to bend over backward to give her the opportunity to



Circuit Judge Lawrence R. Daniels went to the property because he wanted to "bend over backward" to make sure it was up to code.

show us the property was back up to code."

The dispute is taking place in the historically black neighborhood of Turners Station in Dundalk.

The one-story structure, no bigger than an old-time schoolhouse, was built in 1929. It has been in Parrish's late hus-

band's family for decades, once housing a neighborhood grocery store and then a barber shop, said Rose M. Riddix, Parrish's sister-in-law.

She said the family hopes to refurbish the house and eventually turn it back into a grocery store.

Parrish is disabled, Riddix said, and family members have been fighting on her behalf to save the house.

Riddix says the county wants to seize the property and others so that it can redevelop the land.

"It's just as predatory as you can be," Riddix said. "It's actually stealing from the homeowner."

Donald I. Mohler, a spokesman for the administration of James T. Smith Jr., said he could not comment on an ongoing legal dispute.

Dunbar Brooks, a Turners Station activist, said tighter code enforcement was a goal of a community plan created by residents several years ago.

"It's just a part of many of the older [Please see HOUSE, 8B]

FROM THE COVER

Run-down house ignites dispute in Balto. County

HOUSE (From Page 1B)

neighborhoods, whether it's blighted housing or vacant housing or abandoned autos," said Brooks. "We want to be able to keep young people and be able to create the kind of housing opportunities that will draw young families to the communities."

Posing a hazard

Standing among a group of people outside the house yesterday, Robyn Clark, a county code inspector, said the structure poses a safety hazard.

She said inspectors have responded to complaints about the house numerous times in the past several years and have cited a long list of violations, including overgrown weeds and a faulty gutter system. They have had several inoperable cars towed from the property.

In a visit to the house in fall 2005, Clark and another inspector saw the inside through an open door, she said.

"You could see the dirt" where the floor should have been, Clark said. "The entire structure of the floor had deteriorated away."

Clark said inspectors sent the owner a warning and then a citation but never received a re-

sponse.

When inspectors went back to see if improvements had been made, two men told them to get off the property, Clark said.

The county has issued fines for the violations and charged Parrish for actions by the county to address some of the violations, such as having the cars towed away.

Riddix said she has been told that Parrish owes \$90,000 on the property.

The county is attempting to foreclose on the property after a tax sale, an assistant county attorney said.

Escalating fines

Riddix said the inspectors trespassed when they stepped on the property and looked inside the house. But an assistant county attorney said county law allows inspectors on private property.

Her husband, Jonathan Riddix, said the county would be setting a "dangerous precedent" by foreclosing on the house.

"Their pattern is to escalate minor violations into huge fines, call them taxes, and then take the property," Jonathan Riddix said.

Earlier this year, the Landmarks Preservation Commission voted to allow the county to demolish

the restaurant was merely "a

Baltimore County personnel and relatives of the property owner gather at the Turners Station house. The circuit judge who is hearing the dispute visited the house to see the conditions firsthand.

The trial is to resume March 26.

iosh.mitchell@baltsun.com

ZONING REVIEW

HEARING CHECKLIST

REVISED 08/30/01

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the relief you have requested is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. Either the zoning commissioner or the deputy zoning commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the BCZR.

Fourth: No employee of the Department of Permits and Development Management (PDM) may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive in any case. Only the decision of the zoning commissioner/deputy zoning commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:



Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204
Telephone: 410-887-3391

INDIVIDUAL RESIDENTIAL LOTS

Variances
Administrative Variances
Special Hearings
Posting & Waivers

AUTHORITY AND PETITIONER'S BURDEN

All requests for zoning residential lot variances and special hearings are handled by the Department of Permits and Development Management (PDM), Bureau of Zoning Review. Applications are obtained from, and filed with, Zoning Review and all hearings are scheduled before the Zoning Commissioner. The enabling legislation that provides the zoning commissioner with the authority is located in Sections 307 & 500 of the BCZR. The Director of PDM interprets and enforces the BCZR. Any disagreement with said interpretation may be taken to the Zoning Commissioner per Section 500.7 (BCZR).

Legal representation is recommended in all cases, but in the case of a corporation, it is a requirement. The information that proceeds is provided to give the petitioner a basic understanding of the legal burden of proof that must be satisfied prior to the granting of the petition. It is not a substitute for private legal counsel nor should it be construed as legal advice.

Variances:

Under the authority of Section 307.1 (BCZR), the Hearing Officer, applying the two-step test set forth in Cromwell v. Ward, 100 Md. App. 691 (1995), has the authority to grant variance from the height, area, parking, and sign regulations.

- A. The first step requires the petitioner to prove, to the satisfaction of the hearing officer, that the property whereon structures are to be placed (or uses conducted) is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties.
- B. The second step of the test requires that the petitioner must demonstrate that strict compliance with the BCZR would result in either practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
 - 1. "To prove undue hardship for a use variance, the following three criteria must be met:
 - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
 - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
 - (iii) Hardship was not the result of applicant's own actions.

Administrative Special Hearing Waiver for Historic Properties (Residential and Non-residential)

Pursuant to Section 500.7 BCZR and Title 26 Baltimore County Code. Alterations to historic properties may require a posting notification/or a possible public hearing similar to the Administrative Variance process as indicated above and below.

If the subject property or structure is included in a historic district or registered or listed on a historical inventory as determined by the Landmarks Preservation Commission representative in the Office of Planning (410-887-3495), then:

- A. Baltimore County Landmarks Preservation Commission approval, and/or
- B. A posting or special hearing procedure may be required.

To determine if the alteration to the property/building is regulated, contact the Zoning Review Office at 410-887-3391 or Permits at 410-887-3900. If a waiver is required, a special hearing form is utilized with the following wording:

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(c)(8) and Section 26-278 to (raze, alter or construct addition to building) _____ (specify here)

Administrative Variance Must Contain:

1. All requirements of item #1 through #5 on page 7 (The Application Must Contain).
2. Affidavit forms (reverse side of petition form) with original signatures and complete notarized statement that petitioners reside or, upon purchase, will reside at the property.
3. Filing Fees: The following fee is subject to change. Contact Zoning Review (410-887-3391) to confirm the proper fee. Administrative variance - \$50.00 filing fee, payable at the time of petition filing.
4. Photographs of the property indicating existing conditions, immediately adjacent dwellings, and area of proposed changes.

The first blank section of the petition form which requests the section of the BCZR may be left open until the filing appointment. The planner will assist the petitioner in interpreting the provisions of the BCZR applicable to their particular case. However, the final wording of the request and all other documents submitted shall be the responsibility of the petitioner.

EXAMPLE 1 -- Applications

3 ORIGINALS OF THE APPROPRIATE FORM



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _____
which is presently zoned _____

This Petition shall be filed with the Department of Permits and Development Management, Baltimore County and which is described in made a part hereof, hereby petition for a Special Hearing under Section 51 County, to determine whether or not the Zoning Commissioner should approve

Property is to be posted and advertised as prescribed by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning laws of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Contract Purchaser/Lessee:

Name - Type or Print

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County that the information herein given is within the personal knowledge competent to testify thereto in the event that a public hearing is scheduled in the future.

That the Affiant(s) does/do presently reside at

Address

City

That based upon personal knowledge, the following are the facts upon which the Affiant(s) bases the request for a Variance at the above address (indicate hardship or practical difficulty):

LIST REASON(S) THE ZONING REGULATIONS CANNOT BE MET ON YOUR PROPERTY:

- 1.
- 2.
- 3.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) advertising fee and may be required to provide additional information.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____ of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires _____

REV 10/25/01



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at _____
which is presently zoned _____

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) _____



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at _____
which is presently zoned _____

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) _____

LEAVE BLANK, IF YOU NEED ASSISTANCE WITH SECTION NUMBER OR WORDING

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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.

* ONLY IF YOU ARE A CONTRACT PURCHASER.

Contract Purchaser/Lessee:

*

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No

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, 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

CASE NO. _____

REV 10/25/01

Reviewed By _____ Date _____

Estimated Posting Date _____

Legal Owner(s):

MR. LEGAL A. OWNER

Name - Type or Print

Legal A. Owner

Signature

MRS. LEGAL B. OWNER

Name - Type or Print

Mrs. Legal B. Owner

Signature

Address

Telephone No

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

(Indicate

the zoning

laws of

which

phone No.

Zip Code

phone No.

Zip Code

SPECIAL HEARING WORDING FOR WAIVER OF PRESERVATION OF HISTORIC BUILDINGS OR SITES

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203 (C)(8) and Section 26-278 to raze, alter or construct addition to building.
(indicate work here)

Baltimore County Code:

Sec. 26-171. Limited exemptions.

(a) The following development is exempt from division 2 of this article only. Compliance with divisions 3, 4 and 5 is required as is compliance with all applicable zoning regulations.

(b) The following development is exempt from the community input meeting and hearing officer's hearing pursuant to sections 26-202 and 26-206:

Sec. 26-172. Waivers.

(b) A waiver from the requirements of section 26-203 of this Code and from the hearing officer's hearing may be granted under the following conditions:

(1) After consultation with appropriate county agencies the director finds:

- a. That the size, scope, and nature of a proposed development does not justify strict compliance with these regulations; and
- b. That a waiver would be within the scope, purpose, and intent of these regulations; and
- c. That the proposed development complies with all other county laws, ordinances, and regulations.

Sec. 26-203. The development plan.

(a) The plan shall be filed within twelve (12) months after the final community input meeting is concluded. It shall be drawn to an appropriate scale in a clear and legible manner and shall be filed with the department of public works. Copies shall be transmitted to the known parties.

(b) The plan shall contain the following background information:

(c) The plan shall identify the following information concerning existing site conditions:

- (8) Identification of any building, property or site within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, the county preliminary or final landmarks list, the National Register of Historic Places, the Maryland Archeological Survey or identification of any county historic district, or national register district covering the proposed development;

Sec. 26-278. Preservation of natural or historic features.

Natural features (including watercourses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in section 26-203(b)(8) must be preserved. In particular, the county must find that an adequate method of protecting any known habitat of an endangered species has been proposed.
(Code 1978, § 22-100)

PC Exh 16

BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

HENRY CAMPBELL BLACK, M. A.

Author of Treatises on Judgments, Tax Titles, Intoxicating Liquors,
Bankruptcy, Mortgages, Constitutional Law, Interpretation
of Laws, Rescission and Cancellation of Contracts, Etc.

FIFTH EDITION

BY

THE PUBLISHER'S EDITORIAL STAFF

Contributing Authors

JOSEPH R. NOLAN

Associate Justice, Massachusetts Supreme Judicial Court
and

M. J. CONNOLLY

Associate Professor of Linguistics
and Eastern Languages, Boston College

ST. PAUL MINN.
WEST PUBLISHING CO.
1979

Pre-sentence hearing. Procedural step prior to sentencing at which a judge may examine the presentence report and all other relevant material before imposing sentence. Sentencing is a "critical stage" of a criminal prosecution requiring assistance of appointed counsel. *Mempa v. Rhay*, 389 U.S. 128, 88 S.Ct. 254, 19 L.Ed.2d 336. See **Pre-sentence investigation**; **Pre-sentence report**.

Pre-sentence investigation. Investigation of the relevant background of a convicted offender, usually conducted by a probation officer attached to a court, designed to act as a sentencing guide for the sentencing judge. Fed.R.Crim.P. 32(c).

Pre-sentence report. The report prepared from the presentence investigation, which is designed to assist the judge in passing sentence on a convicted defendant. Presentence reports vary in scope and focus, but should contain at least the following items: (1) complete description of the situation surrounding the criminal activity; (2) offender's educational background; (3) offender's employment background; (4) offender's social history; (5) residence history of the offender; (6) offender's medical history; (7) information about environment to which the offender will return; (8) information about any resources available to assist the offender; (9) probation officer's view of the offender's motivations and ambitions; (10) full description of the defendant's criminal record; and, (11) recommendation as to disposition.

Presenter. Any person presenting a draft or demand for payment for honor under a credit even though that person is a confirming bank or other correspondent which is acting under an issuer's authorization. U.C.C. § 5-112(3). See also **Presentment**.

Presenting bank. Any bank presenting an item except a payor bank. U.C.C. § 4-105(e).

Presently. Immediately; now; at once. A right which may be exercised "presently" as opposed to one in reversion or remainder.

Presentment. The written notice taken by a grand jury of any offense, from their own knowledge or observation, without any bill of indictment laid before them at the suit of the government. A presentment is an accusation, initiated by the grand jury itself, and in effect an instruction that an indictment be drawn. *U. S. v. Briggs*, C.A.Fla., 514 F.2d 794, 804. A written accusation of crime made and returned by the grand jury upon its own initiative in the exercise of its lawful inquisitorial powers, is in the form of a bill of indictment, and in practice is signed individually by all the grand jurors who return it. *State v. Hudson*, Tenn.Cr.App., 487 S.W.2d 672, 674. See also **Indictment**; **Information**; **Presenter**.

The production of a negotiable instrument to the drawee for his acceptance, or to the drawer or acceptor for payment; or of a promissory note to the party liable, for payment of the same. Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder. U.C.C. § 3-504(1).

Present recollection recorded. A witness may use any document which helps revive or "jog" his memory of a past event and such document does not thereby

become evidence. His testimony is the evidence though the opponent is entitled to see and examine the document and to impeach the credibility of the witness with it. Fed.Evid.R. 612.

Present recollection revived. The use by a witness of some writing or other object to refresh his recollection so that he may testify about past events from present recollection. *Askins v. State*, Md.App., 284 A.2d 626, 631. See also **Present recollection recorded**.

Presents. The present instrument. The phrase "these presents" is used in any legal document to designate the instrument in which the phrase itself occurs.

Preservation. Keeping safe from harm; avoiding injury, destruction, or decay; maintenance. It is not creation, but the saving of that which already exists, and implies the continuance of what previously existed. See **Maintenance**.

Preside. To occupy the place of authority as of president, chairman, moderator, etc. To direct, control or regulate proceedings as chief officer, moderator, etc. To possess or exercise authority. To preside over a court is to "hold" it,—to direct, control, and govern it as the chief officer. A judge may "preside" whether sitting as a sole judge or as one of several judges.

President. One placed in authority over others; a chief officer; a presiding or managing officer; a governor, ruler, or director. The chairman, moderator, or presiding officer of a legislative or deliberative body, appointed to keep order, manage the proceedings, and govern the administrative details of their business.

The chief officer of a corporation, company, board, committee, etc., generally having the main direction and administration of their concerns. *Roe v. Bank of Versailles*, 167 Mo. 406, 67 S.W. 303. The term does not ordinarily include "vice president." *First Nat. Bank v. C. H. Meyers & Co.*, Tex.Civ.App., 283 S.W. 265, 266.

The chief executive magistrate of a state or nation, particularly under a democratic form of government; or of a province, colony, or dependency. In the United States, the word is commonly used in reference to the private as well as public character of the nation's chief executive. *U. S. v. Metzdorf*, D.C. Mont., 252 F. 933, 937.

Presidential electors. A body of electors chosen in the different states, whose sole duty it is to elect a president and vice-president of the United States. Each state appoints, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state is entitled in congress. Const.U.S. Art. 2, § 1; Amendment XII; *McPherson v. Blacker*, 146 U.S. 1, 13 S.Ct. 3, 36 L.Ed. 869. The usual method of appointment is by general ballot, so that each voter in a state votes for the whole number of electors to which his state is entitled. See **Electoral college**.

Presidential powers. See **Executive powers**.

President of the United States. The official title of the chief executive officer of the federal government in the United States.

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2001, Legislative Day No. 16

Bill No. 79-01

Mr. S.G. Samuel Moxley, Chairman
By Request of County Executive

By the County Council, September 4, 2001

A BILL
ENTITLED

AN ACT concerning

Baltimore County Code, 1998 - Eighteenth Enactment

FOR the purpose of enacting the Baltimore County Code, 1998 and adding one title to the Baltimore County Code, to be designated and known as "Title 4. Development"; to revise, restate, renumber, and recodify the laws of the County relating and pertaining to general powers and duties of various departments and officers of the County, development plats, public and private improvements, development and concept plans, hearing, appeals, and reclamation of property; providing for the construction and application of this Act; transferring certain provisions; defining certain terms; providing for a contingent effective date of this Act; and generally relating to the laws of the County.

By repealing

Sections 26-166, 26-167, 26-168, 26-169, 26-170, 26-171, 26-172, 26-173, 26-174, 26-175, 26-176, 26-177, 26-178, 26-179, 26-180, 26-181, 26-182, 26-201, 26-202, 26-203, 26-204, 26-205, 26-206, 26-206.1, 26-207, 26-208, 26-209, 26-210, 26-211, 26-212, 26-

213, 26-214, 26-215, 26-216, 26-218, 26-219, 26-220, 26-236, 26-237, 26-238, 26-239,
26-240, 26-241, 26-242, 26-243, 26-244, 26-245, 26-246, 26-247, 26-248, 26-249, 26-
261, 26-262, 26-263, 26-264, 26-265, 26-266, 26-267, 26-268, 26-269, 26-270, 26-271,
26-272, 26-273, 26-274, 26-275, 26-276, 26-277, 26-278, 26-279, 26-280, 26-281, 26-
282, 26-283, 26-301, 26-302, 26-303, 26-304, and 26-305
Title 26. Planning, Zoning and Subdivision Control
Baltimore County Code, 1988

By adding

Article 32. Planning, Zoning and Subdivision Control
Title 4. Development
Baltimore County Code, 1998

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the following sections of the Baltimore County Code, 1988, as
3 amended, be and are hereby repealed:
4 Title 26. Planning, Zoning and Subdivision Control
5 Sections 26-166, 26-167, 26-168, 26-169, 26-170, 26-171, 26-172, 26-173, 26-174, 26-
6 175, 26-176, 26-177, 26-178, 26-179, 26-180, 26-181, 26-182, 26-201, 26-202, 26-203, 26-204,
7 26-205, 26-206, 26-206.1, 26-207, 26-208, 26-209, 26-210, 26-211, 26-212, 26-213, 26-214, 26-
8 215, 26-216, 26-218, 26-219, 26-220, 26-236, 26-237, 26-238, 26-239, 26-240, 26-241, 26-242,
9 26-243, 26-244, 26-245, 26-246, 26-247, 26-248, 26-249, 26-261, 26-262, 26-263, 26-264, 26-
10 265, 26-266, 26-267, 26-268, 26-269, 26-270, 26-271, 26-272, 26-273, 26-274, 26-275, 26-276,
11 26-277, 26-278, 26-279, 26-280, 26-281, 26-282, 26-283, 26-301, 26-302, 26-303, 26-304, and
12 26-305

13 SECTION 2. AND BE IT FURTHER ENACTED, That Article 32. Planning, Zoning
14 and Subdivision Control, Title 4. Development, be added to the Baltimore County Code, 1998,

as amended, to read as follows:

TITLE 4. DEVELOPMENT.

SUBTITLE 1. IN GENERAL.

32-4-101. DEFINITIONS.

(A) IN GENERAL.

[(26-168).

(a) In this article, the following words have the meanings indicated:

...]

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was § 26-128(a).

The term "title" is substituted for the former reference to "article" to clarify the scope of these definitions.

The only other changes are in style.

(B) ACCESSORY STRUCTURE.

[(26-168).

...

(b)(1) "Accessory structure" means a building or other improvement to property:

(i) where the use or intended use of which is subordinate and customarily incidental to the use of the principal building; and

(ii) that is located on the same lot, parcel or tract.

(2) "Accessory structure" includes additions or modifications to the principal building.

(c) On prime and productive soils, within the RC-2 zone, no plan or plat may be approved unless the county finds that construction, excavations, buildings, structures, pavements, grading, clearing or other disturbances of the soils will be limited or restricted in accordance with policies established by the department of environmental protection and resource management to promote agricultural uses and protect the county's soil resources.]

ON PRIME AND PRODUCTIVE SOILS WITHIN THE RC-2 ZONE, THE COUNTY MAY NOT APPROVE A DEVELOPMENT PLAN OR PLAT UNLESS THE COUNTY FINDS THAT CONSTRUCTION, EXCAVATIONS, BUILDINGS, STRUCTURES, PAVEMENTS, GRADING, CLEARING, OR OTHER DISTURBANCES OF THE SOILS WILL BE LIMITED OR RESTRICTED IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT TO PROMOTE AGRICULTURAL USES AND PROTECT THE COUNTY'S SOIL RESOURCES.

REVISOR'S NOTE: This section formerly was § 26-277.

Throughout this section, the reference to the "county" are added to expressly state and clarify the scope of the county's authority in administering this section.

The only other changes are in style.

32-4-416. PRESERVATION OF NATURAL OR HISTORIC FEATURES.

(A) PRESERVATION OF FEATURES

[(26-278).

Natural features (including watercourses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in section 26-203(c)(8) must be preserved. ...]

EACH DEVELOPMENT PLAN SHALL PRESERVE:

(1) NATURAL FEATURES, INCLUDING WATERCOURSES, WATERFALLS, BEACHES, AND SIGNIFICANT VEGETATION; AND

(2) HISTORIC STRUCTURES OR SITES IDENTIFIED ON ANY OF THE LISTS REFERRED TO IN § 32-4-228(8) OF THIS TITLE.

(B) DUTY TO PROTECT HABITATS.

[(26-278).

...In particular, the county must find that an adequate method of protecting any known habitat of an endangered species has been proposed.]

THE COUNTY SHALL REQUIRE ADEQUATE PROTECTION OF ANY KNOWN HABITAT OF AN ENDANGERED SPECIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 26-278.

In subsection (a) of this section, the reference to "each development plan" is added to clarify whose responsibility it is to preserve certain natural and historic features.

In subsection (b) of this section, the former reference to "in particular" is deleted as surplusage.

SUBTITLE 5. RECLAMATION OF PROPERTY.

32-4-501. RECLAMATION PLAN.

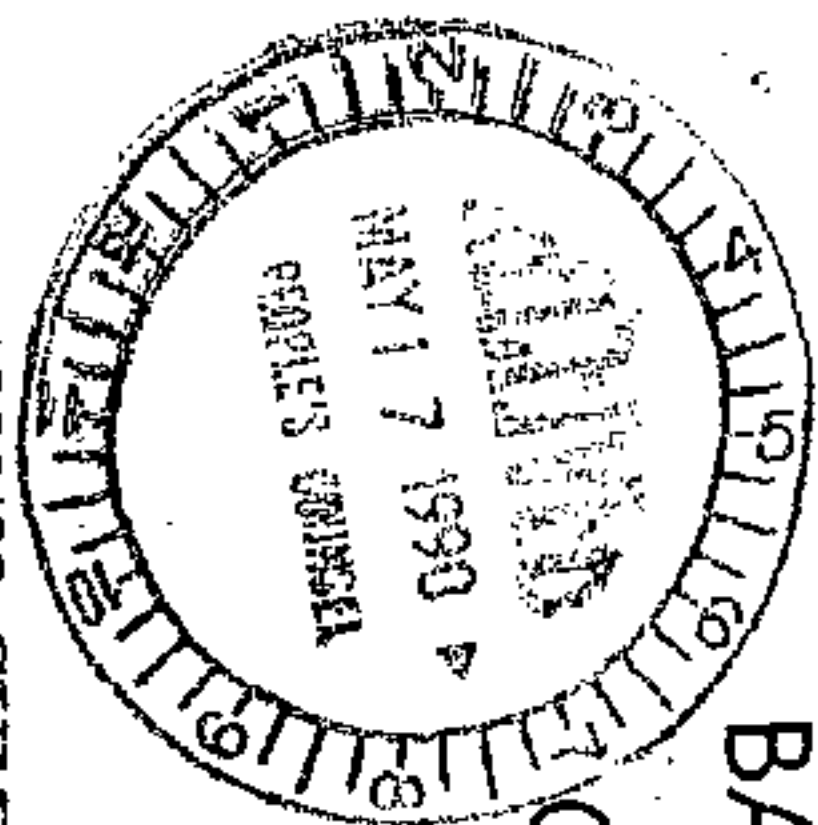
(A) IN GENERAL.

1 successor unit shall be considered in all respects as having the powers and obligations granted
2 the former unit.

3 SECTION 9. AND BE IT FURTHER ENACTED, that the continuity of every
4 commission, office, department, agency, bureau, or other unit in existence on the effective date
5 of this Act is retained. The personnel, records, files, furniture, fixtures, and other properties and
6 all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued
7 as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets,
8 liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 10. AND BE IT FURTHER ENACTED, that except as expressly provided to
the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate
by any commission, office, department, agency, bureau, or other unit established or continued by
any statute amended, repealed, or transferred by this Act is considered for all purposes to be
licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued
under this Act for the duration of the term for which the license, registration, certification, or
permit was issued, and may renew that authorization in accordance with the appropriate renewal
provisions.

SECTION 11. AND BE IT FURTHER ENACTED, that this Act shall take effect
contingent on the passage by the county council of a resolution stating that the council is
adopting as complete the Baltimore County Code, 1998 compiled and codified in accordance
with § 1005(a) of the Charter. The resolution also shall provide a date on which the Baltimore
County Code, 1998 shall take effect.



1988/89 CUMULATIVE SUPPLEMENT

BALTIMORE
COUNTY
CODE
1978

Containing all additions and amendments to the Baltimore
County Code, 1978, through the 1989 Session of the
Baltimore County Council,
Bill No. 149-89



MUNICIPAL CODE CORPORATION
Tallahassee, Florida 1990

§ 22-36.1 BALTIMORE COUNTY CODE

- (5) The amount of the fine assessed as a civil penalty.
- (6) The instructions for paying the fine.
- (7) The right to elect to stand trial for the civil zoning violation, along with the instructions for making such election.
- (e) (1) Any person who receives a citation may pay the fine or may elect to stand trial for the offense by filing with the zoning commissioner, at least five (5) days before the date of payment as set forth in the citation, a notice of intention to stand trial.
- (2) On receipt of a notice of intention to stand trial, the zoning commissioner shall forward a copy of the citation and of the notice of intention to stand trial to the District Court of Maryland for Baltimore County.
- (3) The county attorney shall prosecute civil zoning violations in the district court.
- (f) (1) The zoning commissioner shall send a formal notice of violation to any person who received a citation and who fails to either pay the fine or elect to stand trial for the civil zoning violation.
- (2) If the fine remains unpaid at the expiration of thirty-five (35) days from the date of the formal notice of violation, the zoning commissioner may request adjudication of the case in the district court.
- (3) If the citation is not satisfied within fifteen (15) days from the date of the formal notice of violation, the person is liable for an additional fine not to exceed twice the original fine.
- (g) Nothing contained in this section shall prevent the county from instituting any appropriate action or proceeding at law or in equity for the enforcement of zoning violations or the correction of such violations, and the provisions of this section shall be in addition to any other remedy allowed by law to the county for this purpose. (Bill No. 43, 1982, § 1; Bill No. 18, 1983, § 2)

1988/89 CUMULATIVE SUPPLEMENT § 22-37

ARTICLE IV. DEVELOPMENT REGULATIONS
OF BALTIMORE COUNTY*

DIVISION 1. IN GENERAL

Sec. 22-37. Development policies.

- (a) All development of land must conform to the master plan and these regulations. Land to be developed should be of such character that it can be used safely for building purposes without danger to health or peril from flood, fire, erosion or other menace.
- (b) These regulations are intended to protect and promote public health, safety and welfare and to ensure provision for public facilities, services and amenities. To this end, these regulations are designed and intended to ensure the safety, adequacy and convenience of proposed provisions for the following:
 - (1) Circulation of motor vehicles, bicycles, and pedestrians, including appropriateness of proposed locations and design of transit facilities, streets and paths to their anticipated functions and to existing facilities;
 - (2) Water supply, sewerage, storm water drainage, street lighting, fire protection and emergency services, including adequacy of water volume, water pressure and emergency access to all parts of the property;
 - (3) Community services, including but not limited to schools, parks and other open spaces, recreation areas and facilities, and other amenities for users or occupants of the property and for its neighborhood; and
 - (4) Prevention of environmental degradation and promotion of environmental enhancement, including adequacy of landscaping and energy conservation measures, and of protection of floodplains, steep slopes, watersheds, wetlands, vegetation.

*Editor's note—Section 1 of Bill No. 56, 1982, repealed §§ 22-37—22-140, which constituted art. IV of this title; and § 2 enacted a new art. IV, §§ 22-37—22-105. The article was formerly derived from Balto. Co. Code, 1958, §§ 44-1—44-79; Bill No. 80, 1960; Bill No. 48, 1963, § 2; Bill No. 68, 1963; Balto. Co. Code, 1968, §§ 22-32—22-135; Bill No. 32, 1972, § 1; Bill No. 5, 1979, § 1; Bill No. 26, 1979, § 1; Bill No. 61, 1979, §§ 1—3; Bill No. 84, 1980, § 1; Bill No. 121, 1981, §§ 1, 2; and Bill No. 124, 1981, §§ 1, 5.

tation, other natural features, and historical sites or areas; and

- (5) Preservation of agricultural lands, including adequacy of protection of prime and productive soils from inappropriate development. (Bill No. 56, 1982, § 2; Bill No. 134, 1989, § 1)

Sec. 22-38. Purposes.

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety and general welfare of Baltimore County.
- (b) To implement the future growth and development of Baltimore County in accordance with the master plan.
- (c) To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of land and undue congestion of population.
- (d) To protect the character and the social and economic stability of all parts of the county and to encourage orderly and beneficial development.
- (e) To protect and conserve the value of property throughout the county and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (f) To implement public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, drainage, schools, parks, street lights and sidewalks, open space tracts, playgrounds, and other recreation facilities and other public requirements and facilities.
- (g) To provide the most beneficial relationships between the uses of land and buildings and the circulation of traffic throughout the county, having particular regard to the avoidance of congestion in the streets and highways, the provisions of access for fire-fighting and other emergency equipment, and the pedestrian traffic movement appropriate to the various uses; and to provide for the proper location and width of streets and building lines.

- (h) To establish reasonable standards of design and procedures for development, in order to further the orderly layout and use of land and to ensure that the same standards are applied to all applicants and developments; and to ensure proper descriptions of property boundaries.

- (i) To encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability and beauty of the community and the value of property.

- (j) To preserve the natural beauty and topography of the county and to ensure appropriate development with regard to these natural features.

- (k) To provide for open spaces in order to offer recreational opportunities close to home, to enhance the appearance of neighborhoods through the preservation of natural green spaces, to counteract the effects of urban congestion and monotony, and to encourage participation by all age groups in the use and care of local open space tracts.

- (l) To ensure an adequate supply of land suitable for development.

- (m) To simplify and clarify the development review and approval process.

Compliance with the development regulations hereinafter set forth shall be deemed the fulfillment of the development policies set forth in section 22-37 and purposes set forth in section 22-38. (Bill No. 56, 1982, § 2)

Sec. 22-39. Definitions.

As used in these regulations, the following words and terms have the meaning indicated:

Accessory structure means a building or other improvement to property the use or intended use of which is subordinate and customarily incidental to the use of the principal building and located on the same lot, parcel or tract, including additions or modifications to the principal building.

Residential development means the development of land for any purpose or use permitted as of right or by special exception in the following zones and districts of the county: All D.R. and R.C. zones, R.A.E.1, R.A.E.2, R.O., and residential transition areas.

Steep slope means an area where the natural grade is twenty-five (25) per cent or greater.

Street means any street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge or other way, which is an existing state or county highway, or a street or way shown on a plat duly filed and recorded in the office of the clerk of the circuit court for the county, and includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavements, shoulders, curbs and gutters, sidewalks, parking areas and other areas within the street right-of-way lines.

Subdivision means the division of property into two (2) or more lots, or the combination of lots, parcels, tracts or other units of property previously divided, for the purpose, whether immediate or future, of sale, rental or building development.

Wetland means:

- (1) A private wetland or a state wetland as defined in section 9-101 of the Natural Resources Article of the Annotated Code of Maryland, and, if a private wetland, as delineated under the procedures of section 9-301 of that article; or
- (2) A wetland as defined in section 1302, title 16, of chapter 29 of the United States Code Annotated and as described in section 7.152.2 of volume 7 of the Code of Federal Regulations; or
- (3) An area not designated under these provisions but which is inundated or saturated by surface water or groundwater and which supports vegetation predominantly adapted to saturated soils and which has been designated as a wetland by ordinance of the county council. (Bill No. 56, 1982, § 2; Bill No. 24, 1984, § 1; Bill No. 134, 1989, § 1)

Sec. 22-40. Scope of regulations.

(a) These regulations shall apply to all development except such development which, prior to the effective date of this article (June 11, 1982), has received tentative approval of the preliminary plan by the planning board or for which development a valid, unexpired building permit exists, or for which development a current executed public works agreement exists, all of which development shall be governed by the subdivision regulations in effect at the time of said preliminary plan approval, building permit issuance or public works agreement execution, as the case may be.

(b) In addition to complying with the regulations set forth in sections 22-37 through 22-119, development of land within the critical area as delineated on the official critical area map of Baltimore County as maintained by the zoning commissioner shall comply with the regulations contained in division 6 of this article IV of title 22. (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 1)

Sec. 22-41. General exemption.

The subdivision of land for agricultural purposes is exempt from these regulations if no new streets are involved. (Bill No. 56, 1982, § 2)

Sec. 22-42. Limited exemptions.

The following development is exempt from division 2 of these regulations:

- (1) The building or preparation of land for building for a dwelling for one (1) or two (2) families (i) on a single lot or tract which is not part of a recorded plat, or (ii) on a lot or lots exempt from the lapse provisions of section 22-68.
- (2) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building or preparation of the land for building if the lot of record did not result from a subdivision of land exempt under section 22-41.
- (3) The construction of one (1) tenant house or the location of one (1) trailer on a farm tract.

§ 22-42 BALTIMORE COUNTY CODE

- (4) The subdivision of property pursuant to court order, a will, or the laws of interstate succession.
- (5) The subdivision of land into three (3) or fewer lots for residential single-family dwellings.
- (6) The subdivision of land into three (3) or fewer lots for residential single-family dwellings.
- (7) The construction of accessory structures.
- (8) The construction of a building owner and operated by a Baltimore County volunteer fire, ambulance or rescue company which is used primarily for storage or training purposes, fund-raising activities, or other purposes related to rescue or fire suppression activities. (Bill No. 56, 1982, § 2; Bill No. 73, 1984, § 1)

Sec. 22-43. Waivers.

- (a) If the director of planning and zoning finds (i) that the size, scope and nature of a proposed development does not justify strict compliance with these regulations, and (ii) that a waiver would be within the scope, purpose and intent of these regulations, and (iii) that all other county laws, ordinances and regulations have been complied with, he may grant a waiver from any part of these regulations in the following cases:
 - (1) Lot line adjustments, including the combination of lots or parcels.
 - (2) The subdivision of property pursuant to court order, a will, or the laws of interstate succession.
 - (3) Amendments to an approved plan or plat which do not materially alter the proposed development.
 - (4) The subdivision of land in an approved agricultural land preservation district for the purpose of the conveyance of lots to the owner or his children pursuant to title 2, subtitle 5 of the Agriculture Article of the Annotated Code of Maryland.
 - (5) The subdivision of a farm tract into two (2) lots.

1988/89 CUMULATIVE SUPPLEMENT § 22-44

- (6) The subdivision of land in an R.C. zone if no new roads are required.
- (7) The subdivision of land into three (3) or fewer lots for residential single-family dwellings.
- (8) A commercial development of land involving only one (1) building for a single use.
- (9) An industrial development of land involving only one (1) building for a single use.
- (10) A minor development.
- (11) The construction of public buildings.
- (12) The construction of accessory structures.
- (13) Any proposed development, if the director finds that compliance with these regulations would cause unnecessary hardship.
- (b) If the director of planning and zoning determines that a waiver is appropriate, prior to granting such waiver, the director shall give written notice to the planning board of the nature of the contemplated waiver action and the reasons therefor. At the next scheduled meeting of the planning board, a majority of the members of the board in attendance at said meeting may vote to deny or amend with the consent of the applicant, in writing, the director's contemplated waiver action; and the director shall deny or amend the waiver in accordance with the majority vote of the planning board. If no action is taken by the planning board at said meeting, the director may grant the waiver in accordance with the written notification to the planning board.
- (c) Before proposing to grant a waiver for development within the critical area, the director of planning and zoning shall obtain recommended findings from the director of environmental protection and resource management which shall be based on the standards specified in section 22-58(b). (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 2)

Sec. 22-44. Transfer of land in unapproved or expired subdivision.

- (a) A person may not convey any lot, parcel or tract of a subdivision unless a plat, if required, has been recorded in accordance

with these regulations, and the plat is effective at the time of said conveyance.

(b) The transferee of any lot, parcel or tract conveyed in violation of this section may bring an action in the circuit court for rescission of the conveyance and return of any deposit or purchase money paid, as well as reimbursement for reasonable expenses, including attorney's fees, incurred in connection with the conveyance. (Bill No. 56, 1982, § 2)

Sec. 22-45. Recording unapproved plat.

A person may not offer and the clerk of the circuit court may not accept any plat for recording in the plat records of Baltimore County unless the same has been approved for recording as required by these regulations. (Bill No. 56, 1982, § 2)

Sec. 22-46. Enforcement and remedies.

(a) The county may bring an action for specific performance of these regulations or may move to set aside a conveyance made in violation of these regulations at the cost and expense of the transferor.

(b) A permit may not be issued without compliance with these regulations. (Bill No. 56, 1982, § 2)

Sec. 22-47. Failure of county agency to act.

If any county agency fails to act on any plan or plat submitted in accordance with these regulations within the prescribed time, the plan or plat shall be deemed to have been approved by the agency unless the failure to act has been excused by the administrative officer, in writing, no later than seven (7) days after the expiration of the prescribed time. (Bill No. 56, 1982, § 2)

Sec. 22-48. Fees.

The county administrative officer may establish, from time to time, the fees to be charged for any function of any county agency under the provisions of these regulations, except that a fee may not be charged for the predevelopment conference required by section 22-54. (Bill No. 56, 1982, § 2)

Sec. 22-49. Rules of procedure.

The directors of the department of public works and office of planning and zoning shall adopt and, from time to time, may amend a comprehensive manual of administrative procedures for the review and processing of plans and plats under the provisions of division 2 of these regulations. (Bill No. 56, 1982, § 2)

Sec. 22-50. Delinquent accounts.

(a) All delinquent accounts of any applicant shall be paid before the county may process plans or permits for any proposed development of such applicant.

(b) The provisions of subsection (a) do not apply if the applicant disputes the county's claim and posts collateral to satisfy the claim pending resolution of the dispute. (Bill No. 56, 1982, § 2)

Sec. 22-51. Compliance with other laws and regulations.

In addition to compliance with these development regulations, all development shall comply with all other applicable laws, rules or regulations of the county. All other laws, rules or regulations of the county affecting development are not superseded by these development regulations unless specifically so provided herein. (Bill No. 56, 1982, § 2)

Sec. 22-52. Baltimore County Code references.

All references in the Baltimore County Code to a preliminary plan of subdivision shall be deemed to mean the "plan" as defined in these regulations, and all references to the process of the subdivision of land shall be deemed to mean the "development" of land pursuant to these regulations. (Bill No. 56, 1982, § 2)

DIVISION 2. DEVELOPMENT REVIEW AND APPROVAL PROCESS

Sec. 22-53. General provisions.

Subject to the provisions of sections 22-41 through 22-43, an approved plan is required for all development and a plat is required for any subdivision. Additionally, all development activi-

§ 22-53 BALTIMORE COUNTY CODE

ties on land within the critical area as delineated on the official critical area map of Baltimore County shall have completed with section 22-208 prior to the filing of a plan pursuant to section 22-55. (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 1)

Sec. 22-54. Predevelopment conference.

Prior to the filing of a plan for approval, an applicant shall meet with the office of planning and zoning and the department of public works for a predevelopment conference. For proposed development activities in the critical area, the applicant shall also meet with the department of environmental protection and resource management. The predevelopment conference may be waived by written agreement of the applicant and the directors of public works and planning and zoning, and, if applicable the director of environmental protection and resource management. The purpose of this conference is to provide the applicant with information about government policies, standards, and legislation which could pertain to the applicant's property. Such information would include but not be limited to:

- (a) Zoning.
- (b) Master plan intent and conflict, including basic services maps.
- (c) Environmental constraints, including areas subject to tidal and riverine flooding, tidal and nontidal wetlands, areas of wet soils, county-designated critical areas, steep slopes, agricultural potential, watercourses, and areas inhabited by endangered species.
- (d) Historical and archeological sites.
- (e) Proximity of sewer and water.
- (f) Plan review and approval process.
- (g) State or federal permits which may be applicable.
- (h) Critical area findings (section 22-56(b)(1)) and standards (division 6). (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 1)

1988/89 CUMULATIVE SUPPLEMENT § 22-55

Sec. 22-55. Plan.

(a) The plan shall set forth an informative, conceptual and schematic representation of the proposed development by means of maps, graphs, charts or other written or drawn documents so as to enable the county and all reviewing agencies an opportunity to make reasonably informed decisions regarding the development.

(b) The plan shall be filed with the department of public works and shall contain the following information:

- (1) Proposed and existing well and septic areas;
- (2) Water and sewer lines;
- (3) Soil types in accordance with the soil survey, Baltimore County, Maryland, including identification of prime and productive soils;
- (4) Existing topography as shown on Baltimore County photographic plates;
- (5) Existing streams, bodies of water and springs;
- (6) Existing wooded areas;
- (7) Existing buildings on the property;
- (8) Identification of any building or property within the proposed development that has been included and mapped on the Maryland Historical Trust Inventory, the Landmarks Preservation Commission Preliminary or Final Landmarks List, the National Register of Historic Places or Districts, the Maryland Archeological Survey, or Baltimore County Historic District;
- (9) A hydrogeological study and an environmental effects report, if the lot, parcel or tract is within the watershed of a public water supply reservoir, or if required by the department of health;
- (10) Current zoning of the subject property and surrounding properties, including the location of any residential transition areas;

- (11) Ownership of the subject property and adjacent properties, including deed references, as shown on the most recent tax maps as published by the department of assessments and taxation, or on the basis of more current information if the same is available to the applicant;
- (12) Existing buildings on property adjacent to the subject property;
- (13) Designated areas of critical state concern identified as such under the procedures of article 88c, section 2(b)(3) of the Annotated Code of Maryland, and as mapped and available for inspection in the office of planning and zoning;
- (14) General schematic proposal for grading, including the anticipated alteration or removal of vegetation of other natural features;
- (15) Proposed lot or building layout with parking;
- (16) Proposed street layout with paving and right-of-way widths indicated;
- (17) Proposed common open space and acreage;
- (18) Storm water management areas;
- (19) Existing and proposed storm drainage and utility systems and fire hydrants;
- (20) One-hundred-year floodplains or flood areas for both riverine and tidal areas;
- (21) Wetlands;
- (22) Existing and proposed county, state and private streets, along with estimated proposed average daily trips attributable to the development in the plan;
- (23) Census tract, watershed and subwatershed;
- (24) Vicinity map showing election and councilmanic districts and site location;
- (25) Subdivision name and applicant's name and address;
- (26) A chart indicating required and proposed area of common open space and parking spaces and indicating the number of units permitted and proposed;

- (27) Location and description of potentially hazardous material as defined by title 10, state department of health and mental hygiene, subtitle 51;
- (28) Location of existing and proposed easements or rights-of-way, public and private;
- (29) Name and address of person who prepared the plan; and
- (30) In the case of a plan involving a use in a residential transition area, the following:
 - (i) The residential transition area and existing and proposed uses therein;
 - (ii) The height and width of elevation of proposed buildings;
 - (iii) Proposed building setbacks and the distance between principal buildings;
 - (iv) Existing and proposed vegetation and buffer areas;
 - (v) Existing and proposed lighting.
- (31) In the case of a plan involving development in an R-O Zone, the plan shall show the following additional items:
 - (i) Locations, heights, coverage, floor areas, character and exterior materials of all proposed buildings, principal uses and of all existing buildings to be retained;
 - (ii) Any existing building to be removed;
 - (iii) Any sign visible outdoors;
 - (iv) Hours of operation and maximum number of employees;
 - (v) Parking and loading facilities;
 - (vi) Storm drain systems, waterlines, sewerage, and all streets or drives giving access to or lying within the site, including proposed entrances and exits and any proposed service-drive easement or other reservations;

The plan may show the location of a precise building envelope in lieu of the precise location of a building; may show precise maximums and minimums in lieu of fixed values; may set forth lists (reasonably limited) of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

(32) In the case of a plan involving development in an O-1, O-2 or OT zone, the plan shall show the following additional items:

- (i) Locations, heights, coverage, floor area, character, exterior materials, and shadow patterns of buildings to be retained;
- (ii) Principal uses to be continued;
- (iii) Sidewalks, paths, streets and drives, including off-site facilities substantially relating to circulation aspects of the proposed development;
- (iv) Transit service as it relates to the site;
- (v) Descriptions, locations, floor areas, hours of operation, and maximum number of employees of principal uses, and any accessory conference facilities or commercial uses;
- (vi) All signs visible outdoors;
- (vii) Parking and loading facilities;
- (viii) Roads and ways within the site, including pedestrian ways;
- (ix) Any changes in off-site circulation facilities substantially relating to the development or use;
- (x) Extensions and any other changes of utility systems servicing the site;
- (xi) Sediment control and storm water management or drainage devices or facilities.

The plan may show the location of a precise building envelope in lieu of the precise location of a building; may show precise maximums and minimums in lieu of fixed values; may set forth reasonably limited lists of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

(33) In the case of a plan proposing open space, the plan shall contain the information required by the open space manual.

(34) A schematic landscape plan showing existing vegetation and proposed planting (location and quantity) shall be submitted based on the standards contained in the Baltimore County Landscape Manual.

(35) All additional information contained on the critical area findings plan as specified in section 22-206(b).

(c) The plan shall contain a certification under oath that there are no delinquent accounts for any other development with respect to any of the following: The applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development. (Bill No. 56, 1982, § 2; Bill No. 156, 1983, § 2; Bill No. 30, 1984, § 1, 2; Bill No. 34, 1984, § 2; Bill No. 35, 1988, § 2; Bill No. 134, 1989, § 2)

Sec. 22-56. Preliminary review.

(a) Within fifteen (15) days of the receipt of the plan and the necessary review fee, the department of public works shall review the plan for compliance with section 22-55 of these regulations; and if the plan is in compliance, the plan shall be accepted for filing and copies of the plan shall be forwarded to the county review group (CRG) for its action. An incomplete plan shall be returned to the applicant with an explanation for its return. For development activities within the critical area, the plan shall not be accepted until recommended findings have been made by the director of the department of environmental protection and resource management in accordance with section 22-208.

(b) The department of public works shall schedule a meeting of the CRG which shall occur no earlier than fifteen (15) days and no later than thirty (30) days after the plan has been accepted as filed. (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 1)

Sec. 22-57. County review group (CRG).

(a) The CRG consists of the directors of the department of public works and office of planning and zoning or their designated representatives.

(b) The director of public works or his designated representative shall serve as chairman of the CRG.

(c) The CRG may adopt rules for the conduct of its meetings.

§ 22-57 BALTIMORE COUNTY CODE

(d) The chairman of the CRG may request other county agencies to be represented at meetings of the CRG.

(e) The chairman of the CRG shall provide copies of all filed plans to the following agencies and shall notify said agencies of all scheduled meetings of the CRG concerning said plans:

- (1) Health;
 - (2) Traffic engineering;
 - (3) Recreation and parks;
 - (4) Fire;
 - (5) The landmarks preservation commission, if the plan involves any building or site identified on any one (1) of the lists referred to in section 22-56(b)(8);
 - (6) State highway administration; and
 - (7) Any agency represented pursuant to subsection (d) of this section.
- (f) (1) Any agency listed in subsection (e) shall submit written comments to the CRG on the plan prior to the initial CRG meeting. Such comments shall be considered by the CRG and shall become a permanent part of the plan file.
- (2) The CRG shall be bound by the comments submitted by the director of recreation and parks with regard to the proposed local open space and acreage identified in the plan, except as provided in section 22-58(k)(2).

(g) Notice of the date, time and place of the initial meeting of the CRG shall be conspicuously posted by the county on the lot, parcel or tract which is the subject of the plan at least fifteen (15) days prior to the meeting. A plan may not be considered by the CRG unless the subject property has been posted in accordance with this section.

(h) Prior to the initial meeting of the CRG to review a plan, representatives of the department of public works and office of planning and zoning shall visit the site. (Bill No. 56, 1982, § 2; Bill No. 156, 1983, § 2).

1988/89 CUMULATIVE SUPPLEMENT § 22-58

Sec. 22-58. CRG action.

(a) Any person may attend any meeting of the CRG and shall be given a reasonable opportunity to comment either verbally or in writing on the plan.

(b) At the initial meeting, the CRG shall take any of the following actions as applicable and shall summarize the action taken, in writing, as a permanent part of the plan file:

- (1) Final action on a plan; Provided that, before taking final action on a plan involving any development activities in the critical area, the CRG shall consider the findings recommended by the director of the department of environmental protection and resource management pursuant to section 22-208, and shall make written findings that the proposed development and resource protection activities:
 - (i) Minimize adverse impacts of water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
 - (ii) Conserve fish, wildlife, and plant habitat; and
 - (iii) Are consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts;
 - (2) Referral of a plan to the planning board pursuant to section 22-59; or
 - (3) Continuation of the CRG meeting in order to receive additional information or to resolve any development matter raised at the initial meeting regarding the plan.
- (c) (1) The CRG may require the applicant or any person to submit additional information regarding the plan and shall continue its meeting in order to receive such additional information.
- (2) In any request for additional information, the CRG shall state the nature of the information requested and the reasons therefor.

- (3) If the applicant fails to submit any additional information requested by the CRG within ninety (90) days of its meeting or such longer period as established by the CRG, the plan shall be considered as withdrawn.
- (4) The CRG shall continue its meeting if development matters raised at such meeting require additional time for resolution.
- (5) The CRG shall resolve all development matters raised at its meeting within forty-five (45) days of such meeting or such longer period of time as agreed to by the applicant in writing.
- (d) Within five (5) days of the receipt of any additional information requested by the CRG, or within five (5) days of the resolution of any development matters raised at the CRG meeting, the CRG shall refer the plan to the planning board if, as a result of such additional information or resolution of such matters, such referral is required pursuant to section 22-59.
- (e) If the CRG has continued its meeting, the CRG shall schedule the resumption of said meeting as follows:
 - (1) Within five (5) days of the receipt of any additional information requested or the resolution of any development matters raised at the CRG meeting, if referral to the planning board was not required; or
 - (2) Sixty (60) days after the receipt by the CRG of the decision of the planning board pursuant to a referral to the planning board under section 22-59(a)(1); or
 - (3) Within five (5) days of the receipt by the CRG of the decision of the planning board pursuant to a referral to the planning board under section 22-59(a)(2), (3), (4), or (5).
- (f) (1) The CRG chairman shall mail notice of the date, time and place of any continued meeting at least fifteen (15) days prior to the date of such meeting to those persons who provided their names and addresses to the CRG and (i) attended the CRG meeting or (ii) submitted written comments on the plan.

- (2) The posting requirements of section 22-57(g) shall not apply to any continued CRG meeting.
- (g) At the continued meeting, the CRG shall take either of the following actions as applicable and shall summarize the action taken, in writing, as a permanent part of the plan file:
 - (1) Final action on a plan; or
 - (2) Continuation of the CRG meeting in order to receive additional information or to resolve any development matter raised at the meeting regarding the plan.
- (h) If a plan is disapproved, the chairman of the CRG shall mail a copy of the summary of the CRG action to the applicant at the address indicated in the plan.
- (i) (1) An approved plan shall be signed by the directors of the department of public works and office of planning and zoning or their designees. If the directors are unable to agree with respect to final action on a plan, the applicant may, within thirty (30) days of the initial or any continued CRG meeting, request the administrative officer to resolve the conflict and to direct that final action on a plan be taken by the CRG. The administrative officer shall act within thirty (30) days of the applicant's request, and the CRG shall take final action on a plan as directed by the administrative officer within five (5) days of receipt by the CRG of the decision of the administrative officer.
- (2) If the directors of public works and office of planning and zoning acting as the CRG and/or the applicant are unable to agree with the comments submitted by the director of recreation and parks with respect to final action on a plan, the applicant may request the administrative officer to resolve the conflict as provided in section 22-58(i)(1).
- (j) Copies of any portion of the plan file shall be available to any person upon request and payment of any necessary fees.
- (k) The proceedings at any CRG meeting shall be recorded. Any person may have access to the recorded proceedings upon request and upon the payment of any fees or costs involved. (Bill No. 56, 1982, § 2; Bill No. 156, 1983, § 2; Bill No. 10, 1986, § 1; Bill No. 35, 1988, § 1)

pavements, grading, clearing or other disturbances of the soils will be limited or restricted in accordance with policies established by the department of environmental protection and resource management to promote agricultural uses and protect Baltimore County's soil resources. This regulation shall apply to all development except such development which has been accepted for filing under section 22-56 by the department of public works prior to October 1, 1989. (Bill No. 56, 1982, Bill No. 134, 1989, § 1)

Sec. 22-100. Preservation of natural or historic features.

Natural features (including watercourses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in section 22-56(b)(8) must be preserved. In particular, the county must find that an adequate method of protecting any known habitat of an endangered species has been proposed. (Bill No. 56, 1982, § 2)

Sec. 22-101. Street layout generally.

The proposed street layout must adequately separate dwelling units from adjacent arterial streets. In addition, the approval authority may require curvilinear, cul-de-sac, or U-shaped streets where necessary to meet the purposes of these regulations. Any cul-de-sac or dead-end street (including any permitted temporary dead-end street) must have adequate paved turning space; and the county may limit the length of such a street. (Bill No. 56, 1982, § 2)

Sec. 22-102. Names of development and streets.

The county may require a change in the proposed name of any streets or of a proposed development. (Bill No. 56, 1982, § 2)

Sec. 22-103. Designated areas.

For those improvements described in sections 22-82, 22-83 and 22-84, the county may require specifications for materials and design that further the objectives of revitalization areas, growth areas, and rural agricultural areas. (Bill No. 56, 1982, § 2)

Sec. 22-104. Development in R.C.C., R-O, O-1, O-2, or O.T. zone and C.R. districts.

- (a) (1) Development of property in an R-O zone shall be appropriate to the specific circumstances of the site taking into account surrounding uses; tree preservation; protection of watercourses and bodies of water from erosion and siltation; and safety, convenience, and amenity for the neighborhood.

- (2) In determining the appropriateness of class B office buildings, design elements of proposed buildings shall be evaluated in relation to existing adjacent or surrounding buildings. Unless determined otherwise by the director of the office of planning and zoning to be considered appropriate, new buildings shall be similar to existing ones in the following respects:

- (i) Height;
- (ii) Bulk and general massing;
- (iii) Major divisions or rhythms of the facade;
- (iv) Proportion of openings (window-wall-relation);
- (v) Roof treatment;
- (vi) Materials, colors, textures;
- (vii) General architectural character:
 - a. Horizontal or vertical emphasis;
 - b. Scale;
 - c. Stylistic features and themes—porches, colonnades, pediments, cupolas, cornices, coins, detail and ornament;
- (viii) Relation to street;
- (ix) Exterior lighting. Buildings shall not be lighted on the exterior, and any lighting provided for safety reasons should be minimized and directed away from adjoining residential property.

- (b) Development of property in an O-1, O-2 or O.T. zone shall be designed to achieve the following objectives:

- (1) The development will not produce significant adverse environmental effects. The following are among the matters that must be considered in making this finding: