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IN RE: PETITION FOR SPECIAL HEARING

SE/S of Philadelphia Road, at NE

Corner Taylor Lane.

(9913 Philadelphia Road)

15th Election District

6th Council District

White Marsh Commerce Park, LLC Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* Case No. 07-156-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for a Special Hearing filed by White Marsh Commerce Park, LLC, as owner of the property, by and through its attorneys John B. Gontrum, Esquire, and Whiteford, Taylor & Preston, LLP. The Petitioner requests a special hearing seeking approval of a waiver, pursuant to Sections 32-4-107(a) and 32-4-107(b) of the Baltimore County Code (B.C.C.), of the requirements of Sections 32-4-223(8) and 32-4-416(a)(2) thereof, to raze a structure (dwelling) placed on the Maryland Historical Trust Inventory of Historic Properties (BA # 3177). The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Kirsten Peeler, a project manager and Architectural Historian with R. Christopher Goodwin & Associates, Inc., Rick Chadsey, a professional engineer, and President of Chadsey Development Services, LLC (formerly an employee of George William Stephens, Jr. and Associates, Inc., the consultants who prepared the site plan under his supervision) and John B. Gontrum, Esquire, attorney for the Petitioner. Appearing in opposition to the Petition were Ms. Joan Buedel and Ms. Judith Davies.

As more particularly shown on the Petitioner's Exhibit 1, the dwelling on the site is identified as 9913 Philadelphia Road which is located in the Nottingham area of the County. The property consists of 9.69 acres zoned M.L. and D.R.3.5 and is improved with a dwelling listed on the Maryland Historical Trust (MHT) Inventory. Petitioner seeks permission to raze the dwelling. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies. The Office of Planning requested that the MHT Inventory Number be identified on the site plan and as evidenced on Exhibit 1, it is shown on the site plan.

At the outset of the hearing Ms. Davies raised, as a preliminary matter, a concern about the current status of the property as a Baltimore County Landmark. As the history discloses the subject dwelling and an adjacent cemetery located off-site had been placed on the Preliminary Landmarks List by the Landmarks Preservation Commission in May 2005 (Protestants' Exhibit 4). They both have the same MHT Inventory number even though they are separately owned properties. The properties were jointly presented to the County Council for public hearing on December 5, 2005. The Council, however, while approving the cemetery on the Final Landmarks List (No. 275) in Council Bill 13-06, elected to place the subject dwelling on the List.

Ms. Davies also raised concerns over the demolition of the dwelling, which she believed had been rented by her husband's grandparents to Ms. Rachel Carson in the early 1930's while Ms. Carson had been enrolled at Johns Hopkins University as a student. Ms. Carson is regarded by many as a major influence in raising the public interest in environmental conservation. Her book *Silent Spring* published in 1962 is regarded as a landmark in environmental work. Ms. Carson lived for much of her life in Silver Spring working for the

Federal government. Her first book was published in 1941 after she moved from the area (Protestants' Exhibit 2). Ms. Davies testified as to stories passed down by her husband's family that indicated that Ms. Carson lived at 9913 Philadelphia Road. Ms. Davies introduced copies of a series of letters, which she had obtained from a biographer, postmarked "Stemmers Run" from Ms. Carson from 1931 to 1935 (Protestants' Exhibit 3) as well as a photograph of Ms. Carson and her mother-in-law (Protestants' Exhibit 1). She believed that the house had been constructed in the early 1890's and had an addition put on it between 1913 and 1918.

Ms. Buedel residing across from the site raised concerns over the use of tractor trailers entering and exiting the Petitioner's property. She believed improvements would be required to assure trucks that entered and exited from Philadelphia Road would not utilize the lawns across Philadelphia Road as part of their turning movement.

Mr. Chadsey's familiarity with the site started in 2002. He prepared site plans and filed a proposed development plan with Baltimore County, which resulted in obtaining an exemption from the hearing process. He stated that the proposed plan had met county agency criteria and that area on the site for forest conservation and storm water management had been identified and approved. He testified, and the site plan indicates, that the Property has about 150 feet of road frontage on Philadelphia Road and runs (east) back from the road about 300 feet before widening. The front portion of the site consists of approximately a half acre zoned D.R.3.5, and the bulk of the site is zoned M.L. The existing dwelling is located in the M.L. portion of the site and has been abandoned for approximately four (4) years. He testified that in 2002 the structure was in very poor condition, and the electricity had been cut off. Mr. Chadsey opined that the house could not reasonably be expected to be converted to office space as it could not meet current building code requirements for conversion.

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New residential use of M.L. properties is no longer permitted as a matter of right. Mr. Chadsey testified that although the dwelling use was grandfathered, based on the change in the uses permitted in the zone prior to 1970, the house could no longer be reasonably used as a residence. He further testified that the positioning of the house within the site would have a very adverse impact on the use of the site for industrial or office uses. The location of the forest conservation area in the rear and the location of the area for parking, building and storm water management all create problems with development of the site, which coupled with the existing house site virtually preclude any reasonable redevelopment of the site.

Under both direct and cross-examination Chadsey testified that moving the house was not feasible. He did not believe that the house was capable of being moved. Moreover, if all or a portion of the house were capable of being moved, the house could not be relocated to the D.R. zoned portion of the site without requiring variances and would not be any more habitable elsewhere within the M.L. He explained that the State Highway Administration required a widening of Philadelphia Road along the site's road frontage which depletes the area of D.R. zoned property. Furthermore, he believed the application of the required averaging of the front yard setbacks from the road's right-of-way would push the house location back so that it straddled the M.L. zone line. In addition, this would put the house in very close proximity to Philadelphia Road as widened and directly adjacent to an industrial service road accessing the industrially zoned M.L. land. The service road has to be of an approved width to meet county standards.

Ms. Peeler testified as to the historical background of the house and property. She qualified as an expert in land preservation and familiarity with the local, State and Federal criteria for landmarks preservation. A brief biographical description of her career was received

as Petitioner's Exhibit 2. She testified that she had visited the site and done extensive research into the documented history of site and its improvements. Like Ms. Davies she had contacted the author of Ms. Carson's biography for information on the site, and had contacted the Yale Library's collection of Ms. Carson's papers, but there is absolutely no documentation of where Ms. Carson resided in the Stemmers Run area and consequently no documented evidence of her residence at this site.

Ms. Peeler stated that the significance of the lack of documentation is that it affirms the fact that if Ms. Carson was a resident of the house, it was not during a period when she produced the work for which she became renowned. Ms. Carson's house in Silver Spring is a National Landmark as is her birthplace in Pennsylvania. These sites are well documented through photographs, mail, census records, etc. She opined that the fact that a famous person resided for a time in a particular location does not in and of itself make the location worthy of preservation under the federal criteria for landmark preservation.

Baltimore County, Maryland follows Federal and State criteria as it is a Certified Local Government, which makes it capable of receiving funds for historic preservation. Failure to follow the criteria in placing landmark status on properties could jeopardize this important designation. Ms. Peeler did not believe that the dwelling met the criteria for inclusion on a landmarks list contained in the Baltimore County Code and consequently was not worthy of preservation. Although the house is over 100 years old, there is nothing particularly unique about its architecture. It is a typical farm house from the period. Consequently, while the house may be deemed old, it is not historic in the sense of being well-known or important in history.

Ms. Peeler also testified as to the significance of the MHT inventory. She pointed out that inclusion in the inventory is not a matter of "application" but a matter of someone submitting a form "nominating" a property. Inclusion in the inventory does not constitute a judgment as to whether a property is worthy of preservation. According to Ms. Peeler approximately 3,000 properties in Baltimore County are included in the inventory. There is no required notification of the property owner for inclusion in the inventory, for the inventory itself confers no rights or responsibilities.

Although the MHT Inventory confers no State responsibilities for preservation or burdens on the property owner, the B.C.C. regards the MHT Inventory as an important factor in development. B.C.C. Section 32-4-223(8) requires a development plan to identify structures on the site or contiguous to the site that are included on the Maryland Historical Trust Inventory of Historic Properties as well as structures that are on preliminary or final landmarks list, in the National Register of Historic Places, in a National Register District, or in a county Historic District. The B.C.C. has therefore elevated the MHT Inventory to a status it was not heretofore given by the State. Of more concern is that unlike properties on the Landmarks List, on the National Register, or in Historic Districts, there is no need for notification of the property owner of this status.

B.C.C. Section 32-4-416(a) states that "Each Development Plan shall preserve ... (2) Historic structures or sites identified on any of the lists referred to in Section 32-4-223(8) of this title." Questions arise with the meaning of this requirement. In this case no development plan is before me. There is a request for a razing permit. Does this section apply to a permit request? Individual permits are explicitly exempted from the development process, and no development plan is required. If, however, this section does not apply, then property owners

seeking development plan approval would simply file first for a razing permit, raze the structure and then apply for the development plan thereby circumventing the plain intent to try to preserve historic structures and sites. If the section does apply, then as noted it is troublesome that it equates the MHT Inventory properties with properties that have actually attained federal or local landmark status.

If Ms. Peeler is correct, and her testimony was not challenged, it is not a particularly difficult matter to have a site included on the MHT inventory. The Maryland Inventory of Historic Properties kept by the Maryland Historical Trust contains data on over 8,000 archeological sites and 80,000 historic and architectural resources. Thousands of sites including bridges and culverts are now included in the inventory of county sites. Obviously, not every site requires preservation in its current form.

The County has a very open process to attaining Final Landmark status. B.C.C. Section 32-7-301 states: "The Commission shall compile and maintain a register of public and private structures in the county that the Commission considers of significant historical, archeological, or cultural value." Article 32, Section 7, Subtitle 3 proceeds to discuss how structures come to be placed on a Preliminary Landmarks List after notice and hearing, how those structures are forwarded on to the County Executive and then on to the County Council for public hearing and possible placement on a Final Landmarks List. There is even a process for removing a structure from the final landmarks list that proceeds in a similar fashion (B.C.C. Section 32-7-304). Like the development regulations pertaining to treatment of structures and sites on the MHT Inventory there are numerous questions unanswered in the County Code provisions pertaining to Landmarks. Ms. Davies posited one of those questions, which is whether a structure on a Preliminary Landmarks List ever ceases to be on the list.

I believe that a structure or site on the Preliminary Landmarks List ceases to be on that list when after public hearing the County Council fails to place it on the Final Landmarks List. I reach this conclusion not only from what the Code says but also from what it does not say. The B.C.C. sets up a rather elaborate hearing and notification procedure that requires that all properties on the preliminary list must go to the Baltimore County Council for placement on a Final Landmarks List. If the Preliminary List has any status independent of the procedure for review until the Final Landmarks List, it is not stated. The clear purpose of being on the Preliminary Landmarks List is to preserve the site or structure until the County Council determines after notice and hearing whether it legislatively wishes to confer special status on the structure or site. There is no option for sites on the Preliminary List not to be considered for the Final Landmarks List. The Code also states that the Landmarks Preservation Commission makes recommendations. See, for example B.C.C. Section 32-7-304(3). Finally, the Code use of the word "preliminary" clearly indicates that there is something more to come. If ultimately the Council determines not to place the site or structure on a list, the preliminary status should not continue; otherwise, it becomes in fact a final list. If "Preliminary List" status is perpetual, a Final Landmarks List becomes redundant. If the County intended for the Preliminary List to be a final determination it would have said so. There is also a legal issue of whether the Council could legally delegate Final Landmark status to the Commission and meet its requirements as a Certified Local Government. In this particular case the County Council considered the cemetery nomination and the subject dwelling nomination for 9913 Philadelphia Road together and explicitly granted Final Landmark status to the cemetery but left the dwelling off the list.

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As stated above, the B.C.C. is not particularly clear on how permission to raze structures comes before the Zoning Commissioner as a special hearing. Years ago, however, it was determined as a matter of policy by the then Director of Permits and Development Management that because Code provisions conferring status on MHT Inventory structures exist and because there are no Hearing Officer Hearings on razing permits, or where development hearings have been waived or exempted, there should be some public input prior to destroying the structure. Consequently, at the request of the Director hearings are conducted pursuant to Section 32-4-107 to determine whether or not such structures on the MHT Inventory should be preserved.

The hearings are conducted, however, as zoning special hearings pursuant to Section 500.7. Section 100.5 of the B.C.Z.R. states:

The designation of any historic property, site or historic district does not change the zoning classification or any requirement with respect to that zoning classification, unless otherwise specified in these regulations. However, plans for renovation, reconstruction, alteration or demolition of any structure on the Baltimore County Landmarks Preservation Commission's preliminary or final landmarks list or in a Baltimore County Landmarks Preservation Commission's historic district require special approvals as set forth in Article 32, Title 7 of the Baltimore County Code.

No particular status is given in the B.C.Z.R. to sites or structures on the MHT Inventory list. Furthermore, it is noted that this section of the B.C.Z.R. does not confer any authority on the Zoning Commissioner to conduct hearings.

It is my opinion, however, that B.C.C. Section 32-3-102, when coupled with the waiver provisions of B.C.C. Section 32-4-107 and B.C.Z.R. 500.7, give the Director of Permits and Development Management the authority to require public hearings prior to the razing of structures on the MHT Inventory and gives the authority to the Zoning Commissioner pursuant to that request to conduct Special Hearings on those issues to determine whether based on the

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facts presented the structure is so worth saving that it should be saved over the desire of the property owner to develop or use his/her site as permitted in the zoning and development regulations. Consequently, I do have the authority to conduct this hearing and to make the determination as to the granting of the razing permit for this structure.

I also believe that the determination before me is a determination that is independent of the determination of the findings of the Landmarks Preservation Commission (LPC). If the structure were on the MHT Inventory and had never been before the LPC, my responsibilities would be no less. While the LPC has made a finding, which I do consider relevant, it is not binding upon me. Their recommendations are made after hearings that are limited in their time and in their scope of presentation. The facts that are presented to me may be very different in their nature and scope to those presented to the Commission and may contain issues that are beyond their jurisdiction to review.

Based on the facts presented to me I do not find the dwelling located at 9913 Philadelphia Road to be "historic". In order for a building to be deemed historic as that word is used in B.C.C. Section 32-4-416(a)(2) there should be at least a preponderance of proof that the building meets the criteria contained in B.C.C. Section 32-7-302(b). As Ms. Peeler testified, there are a series of standards published in the National Register that provide guidance for application of the County landmarks' criteria. Those criteria indicate that buildings associated with famous persons only meet preservation standards if the association with the famous person occurred during that period of time when the person produced the work for which he or she became famous. Residing in a location for a period of time is not sufficient. In addition, the standards call for documented facts showing the historic nature of the property. In this case, there is a notable lack of documented facts. It is particularly noteworthy that in the biography

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cited by both the Protestants and the Petitioner there is no reference to this dwelling. Even more significant is the fact that the biographer herself had no documentation with respect to it. Despite research of correspondence and research of personal files there is nothing to document the importance of this dwelling. Given the absence of the documentation and the lack of proof of an association of the dwelling with Ms. Carson's productive literary period it is understandable why the County Council did not afford permanent protection to the dwelling by placing it on the Final Landmarks List. The word "historic" is defined in Websters' Third New International Dictionary as meaning: "important, famous or decisive in history." This dwelling simply can not qualify under that definition.

It should be noted that Petitioner's Exhibit 3 states that the State Department of Housing and Community Development and Baltimore County did review this site for its historic significance as recently as 2004, and it found that there was nothing about this site that warranted landmark status. While I do not believe that this finding is in and of itself conclusive of the issue, it does indicate that as recently as two years ago there was no particular significance attached to the site. At that time it had not even been nominated for the MHT Inventory.

Based on the facts presented in this case I do not have to address Petitioner's hardship argument including the issue of whether the presumably grandfathered residential use of the M.L. property has been abandoned. I would note, however, that B.C.Z.R. Section 100.5 forbids any special zoning treatment for historic structures unless otherwise explicitly stated in the regulations. Even if the dwelling were deemed to be historic, it would have to abide by all of the zoning regulations applicable to any other dwelling.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the requested waiver shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of December, 2006, that the Petition for Special Hearing seeking approval of a waiver, pursuant to Sections 32-4-107(a) and 32-4-107(b) of the Baltimore County Code (B.C.C.), of the requirements of Sections 32-4-223(8) and 32-4-416(a)(2) thereof, to raze a structure (dwelling) placed on the Maryland Historical Trust Inventory of Historic Properties (BA # 3177), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) Petitioner may apply for their razing permit and be granted the same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

hereof.

WILLIAM L. WESEMA
Zening Commissioner

for Baltimore County

Vate 12 - 15 - Ob TLING

RE: PETITION FOR SPECIAL HEARING 9033 Philadelphia Road; SE/S Philadelphia

Road, NE corner Taylor Lane

15th Election & 6th Councilmanic Districts Legal Owner(s): White Marsh Commerce

Park, LLC

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 07-156-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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

12 2008

Per. 742

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9913 Philadelphia Road which is presently zoned M.L. 5 D.R. 3.5

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 under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached.

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.

I amel Ourmanial

Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>			
	White Marsh Commerce Park, LLC			
Name - Type or Print Nam	ne - Type or Print			
Signature	Signature 4 199			
	Lawrence Julio, Member			
Address Telephone No.	Name - Type or Print			
City State Zip Code	Signature 300			
Attorney For Petitioner:	216 Schilling Circle 410-628-6000			
	Address Telephone No.			
John B. Gontzum	Hunt Valley MD 21031			
Name - Type or Print City	State Zip Code			
47637/	Representative to be Contacted:			
Signature				
Whiteford, Taylor & Preston, LLP	<u></u>			
Company	Name			
210 W. Pennsylvania Ave. 410-832-20 Address Telephone No.	Address Telephone No.			
01004	Address releptione No.			
Towson MD 21204 City State Zip Code	City State Zip Code			
	OFFICE USE ONLY			
	ESTIMATED LENGTH OF HEARING			
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By				

From the Offices of GEORGE WILLIAM STEPHENS, Jr. and ASSOCIATES, INC. 215 Schilling Circle, Suite 114 Hunt Valley, Maryland 21031 Phone (410) 785-6640 Fax (410) 785-6647

Description of a 9.69 Acre Parcel of Land For Special Hearing September 22, 2005 Page 1 of 1

Beginning for the description of a 9.69 Acre area identified as Parcel 848 on Baltimore County Tax Map 82 also known as 9913 Philadelphia Road, at a point on or near the centerline of Philadelphia Road (MD Rte. 7), said point of beginning having a Maryland State (NAD83/91) Coordinate Value of North 617,936.85 and East 1,467,062.79 being measured South 30 degrees 50 minutes 5 seconds West 13.7 feet from the centerline intersection of said Philadelphia Road (MD Rte. 7) and Spotswood Road, running thence leaving said point of beginning the following twelve courses;

- 1) S63°48'39"E 301.04', thence
- 2) N30°34'21"E 199.99', thence
- 3) S63°43'06"E 815.31', thence
- 4) S25°29'11"W 402.44', thence
- 5) S65°11'49"E 190.55', thence
- 6) S40°41'44"W 97.60', thence
- 7) N58°25'17"W 590.20', thence
- 8) N33°03'28"E 52.84', thence
- 9) N58°14'02"W 52.50', thence
- 10) S33°09'52"W 38.01', thence
- 11) N58°25'17"W 680.10', to a point on or near the centerline of Philadelphia Road (MD Rte.7), thence binding on or near the centerline of said road
- 12) N30°50'36"E 155.57', to the point of beginning

Containing 422,096 Square Feet or 9.69 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



07-156.5pu

IN THE MATTER OF

THE APPLICATION OF

WHITE MARSH COMMERCE PARK, LLC

- LEGAL OWNER /PETITIONER FOR SPECIAL

HEARING ON PROPERTY LOCATED ON THE

SE/S OF PHILADELPHIA RD, AT NE/COR

TAYLOR AVE (9913 PHILADELPHIA ROAD)

15th ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

100

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 07-156-SPH

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated December 15, 2006 in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed on March 6, 2007 by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, on behalf of the Office of People's Counsel, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of March 6, 2007,

IT IS THEREFORE ORDERED this 28th day of March, 2007 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 07-156-SPH be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Margaret Brassil, Ph.D., Chair

Lawrence M. Stahl

Lawrence S. Wescott

WHITEFORD, TAYLOR & PRESTON L.L.P.

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115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

March 1, 2007

Kathleen C. Bianco, Administrator County Board of Appeals for Baltimore County 400 Washington Avenue, Room 49 Courthouse Towson, MD 21204

Re: White Marsh Commerce Park, LLC Case No. 07-156-SPH

Dear Ms. Bianco:

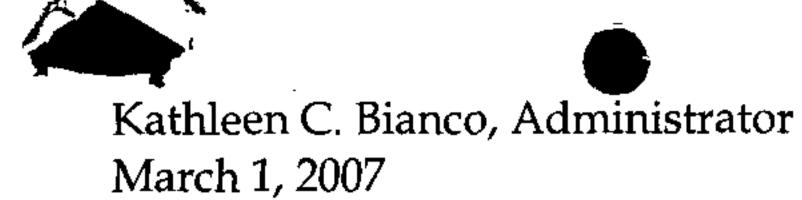
Attached please find a Motion to Dismiss and a Memorandum in Support of the Motion to Dismiss filed in the case of White Marsh Commerce Park.

This matter involves an appeal taken by the Office of People's Counsel to a determination by the Zoning Commissioner that a Razing Permit may be issued to take down a dwelling on the Maryland Historic Trust Inventory. We believe that there are important legal issues that must be addressed pertaining both to the standing of the Office of People's Counsel to even bring this appeal as well as to the ability of the Zoning Commissioner and the Board of Appeals to hear a case involving a Razing Permit. These are strictly legal arguments and should not involve lengthy time for the Board to hear these matters.

The issue is a dwelling located in an industrial zone off of Philadelphia Road. The dwelling has been vacant for many years and has deteriorated substantially. Further deterioration of the structure is not in the interest of either the Community or of the property owner. It would be requested that a speedy hearing on the Motion be held in order to determine whether or not the matter should even go to a factual hearing.

MAR 0 2 2007

BALTIMORE COUNTY BOARD OF APPEALS



greatly appreciated.

The factual hearing before the Zoning Commissioner took approximately an hour to an hour and a half, and it is not anticipated that the factual hearing in front of the Board would take more than a morning. Your indulgence in attempting to find a date when this matter can be heard before the Board in as soon as possible would be

Very truly yours,

John B. Gontrum

JBG:vm

Page 2

Cc: Peter Zimmerman, Esquire

Enclosure

377966

PETITION FOR SPECIAL HEARING SE/S OF PHILADELPHIA ROAD, NE corner Of Taylor Lane (9913 Philadelphia Road) 15th Election District 6th Council District BEFORE THE

COUNTY BOARD OF APPEALS

* OF BALTIMORE COUNTY

* CASE NO. 07-156 -SPH

White Marsh Commerce Park, LLC Petitioner

MOTION TO DISMISS

NOW COMES White Marsh Commerce Park, LLC by and through its attorneys John B. Gontrum and Whiteford, Taylor & Preston, LLC and moves the dismissal of the appeal filed by People's Counsel for Baltimore County in the above –referenced case and in support thereof says as follows:

- 1. People's Counsel for Baltimore County lacks the standing to bring an appeal on the issues raised in the above-referenced case.
- 2. The County Board of Appeals of Baltimore County lacks subject matter jurisdiction to hear the issues raised in the above-referenced case.
- 3. Ample reasons exist for the dismissal of this matter as are presented in the attached Memorandum of Petitioner.
- 4. Because of the nature of this appeal and the disruption that has occurred Petitioner requests a speedy hearing on the Motion and appeal.

Respectfully subplitted,

John B. Gontrum

PETITION FOR SPECIAL HEARING SE/S OF PHILADELHPIA ROAD, NE Corner of Taylor Lane (9913 Philadelphia Road) 15th Election District 6th Council District

*--- . * . * . *

White Marsh Commerce Park, LLC
Petitioner

- * BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF BALTIMORE COUNTY
- * CASE NO. 07-156-SPH

+ + + * * *

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

Petitioner, White Marsh Commerce Park, LLC, by and through its attorneys John B. Gontrum, Adam D. Baker and Whiteford, Taylor & Preston, LLC, files this Memorandum of Law in Support of its Motion to Dismiss the appeal filed by People's Counsel for Baltimore County in the above-captioned case.

Background

The above-captioned matter concerns itself with a request by the Petitioner to obtain a waiver, pursuant to §§ 32-4-107(a) & (b) of the Baltimore County Code ("BCC"), of the requirements of §§ 32-4-223(8) and 32-4-416(a)(2) thereof, to raze a structure placed on the Maryland Historic Trust ("MHT") Inventory of Historic Properties (BA # 3177). The structure is identified as 9913 Philadelphia Road, which is located in the Nottingham area of the County. The property on which the structure lies consists of 9.69 acres zoned M.L. and D.R.3.5.

In May 2005, the structure and an adjacent cemetery located off-site were placed on the Preliminary Landmarks List by the Landmarks Preservation Commission. Both the structure and the cemetery share the same MHT Inventory Number, even though

they are separately owned properties. Both properties were presented to the County Council for public hearing on December 5, 2005. The Council elected to approve the cemetery for the Final Landmarks List (No. 275) via Council Bill 13-06, but decided against placing the subject structure on the List.

The historic significance of the structure is linked to the belief that it was rented by Rachel Carson in the 1930s. An environmental activist, Ms. Carson is regarded by many as a major influence in raising the public interest in environmental conservation. Although thorough research was conducted, no documented evidence could be found which, in any way, links Ms. Carson to the structure on this site. Other than the tenuous link to Ms. Carson, there is nothing historic or significant about the structure.

White Marsh Commerce Park, LLC, complied with all laws, regulations and policies of Baltimore County in applying for the razing permit. The Petitioner was instructed by the Department of Permits and Development Management, however, that no razing permit could be issued until Petitioner obtained an order by the zoning commissioner pursuant to the development regulations of Baltimore County.

In short, the Director of Permits and Development Management requested the Zoning Commissioner conduct special hearings before razing permits could be issued for properties included on the MHT Inventory even though no development plan was pending. The Zoning Commissioner agreed.

The County agencies reviewed the Special Hearing application and made no adverse comments thereon. The Office of Planning merely requested that the MHT

Inventory Number be identified on the site plan, which was subsequently done.

Issuance of the permit was approved on December 15, 2006, via the Order of the Hearing Officer. This appeal of People's Counsel followed. For the purposes of this Motion, the Appellant in this matter is referred to as the "Protestant".

The Protestant Lacks Standing to Bring an Appeal on the Issues Raised in this Case

The office of People's Counsel was created by a charter amendment. Section 524.1 of the Baltimore County Charter provides that the county executive shall appoint a people's counsel to represent the interests of the public in general in zoning matters. As a creature of law, the authority of People's Counsel is limited to that which is expressly provided in the charter. Section 524.1(3)A of the Baltimore County Charter, which enumerates the powers and duties of People's Counsel, states:

He shall appear as a party before the zoning commissioner of Baltimore County, his deputy, the county board of appeals, the planning board, and the courts on behalf of the interests of the public in general, to defend any duly enacted master plan and/or comprehensive zoning maps as adopted by the county council, and in any matter or proceeding now pending or hereafter brought involving zoning reclassification and/or variance from or special exception under the Baltimore County Zoning Regulations, as now or hereafter in force and effect, in which he may deem the public interest to be involved. In defense of the zoning maps or master plan, he may appear as a party in interest before all state and federal agencies, boards, and courts on matters involving the preservation of the quality of the air, land, and water resources of Baltimore County, and/or may initiate such proceedings in the public interest. He shall have in such appearance, all the rights of counsel for a party in interest, including but not limited to the right to present his case, to cross examine, to object, to be heard, and to file and prosecute an appeal in his capacity as people's counsel from any order or act of the zoning commissioner of Baltimore County or his deputy, or of the county board of appeals to the courts as an aggrieved party pursuant to the provisions of Section 604 of this Charter to promote and protect the health, safety and general welfare of the community. The people's counsel may also prosecute an application before any state or federal court for injunctive and other relief incidental thereto,

to enjoin violation of any Baltimore County zoning maps or master plan or as authorized by resolution by the county council. (Bill No. 90, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978) [emphasis added]

As indicated above, the County Charter vests People's Counsel with broad authority to protect the public interest in zoning matters. In interpreting statutory construction, the fundamental goal is to ascertain the intention of the Legislature. *Oaks v. Connors*, 339 Md. 24, 35 (1995). When determining the legislative intent, the primary source is to examine the language of the statute. *In re Douglas P.*, 333 Md. 387, 392 (1993). The Court of Appeals has indicated that "when there is no ambiguity or obscurity in the language of the statute, there is no need to look elsewhere to ascertain the intent of the legislative body." *Montgomery County v. Buckman*, 333 Md. 516, 523 (1994). The statutory language establishing the power and authority of People's Counsel is neither vague nor ambiguous. As such, we must accept it for its plain meaning.

Pursuant to the statutory language, People's Counsel has the power to defend any duly enacted master plan or comprehensive zoning maps and any matter involving zoning reclassification and/or variance from or special exception under the Baltimore County Zoning Regulations ("BCZR") in which he deems the public interest to be involved. Although this provision conveys rather broad authority to People's Counsel, nowhere does it reference the ability of People's Counsel to challenge an application for a razing permit or a special hearing pertaining to razing a structure on the MHT Inventory.

The application for a razing permit is not governed by the BCZR. The only reference to the razing or demolition of a structure is in § 100.5. Section 100.5 of the BCZR provides that any structure listed on the Baltimore County Landmarks Preservation Commission's preliminary or final landmarks list that is scheduled for demolition must go through the special approvals process set forth in Article 32, Title 7 of the BCC. The structure in the instant case is on neither the preliminary nor the final landmarks list. It merely is one of approximately 80,000 structures listed among the MHT Inventory. Inclusion among the Inventory involves no regulatory restrictions or controls and offers no protection to the structures listed therein. More importantly, with the exception of an ancillary remark regarding site design in the C.B. and B.L.R. zones, the BCZR offers no mention of structures included among the MHT Inventory. Considering this, it appears that as the matter is completely unrelated to zoning, People's Counsel lacks standing to contest it.

One might argue, however, that Maryland case law imparts a broader authority on People's Counsel than that conveyed in statute. In *Baltimore County v. Wesley Chapel Bluemount Association, et al.*, the Court of Appeals indicated that "'People's Counsel has been given a broad charge to protect the public interest in zoning and related matters.'" 110 Md.App. 585, 609 (1995), *quoting People's Counsel v. Crown Development Corp.*, 328 Md. 303, 317 (1992). What those "related matters" are, the Court never expanded upon. The Court did, however, state that although development and zoning are conceptually

distinct, there can be some development issues which contain zoning components. *Id.* at 610-611.

A distinction, however, must be drawn between such scenarios and the instant matter. The context in which the Court of Special Appeals rendered the above comment was in reference to the approval of a subdivision plan which included zoning information. *Id.* The approval of the plan required analysis of whether it complied with certain zoning regulations. In the instant scenario, the Petitioner is not seeking approval of a development plan and there nothing which might trigger the regulations of the BCZR.

The BCC's references to the razing or demolition of a structure are limited to the requirement of obtaining a permit and, in cases that concern a structure on the preliminary or final Landmarks list, of obtaining approval of the Landmarks

Preservation Commission. See §§ 35-2-301, 32-7-201, and 32-7-403. Only in the latter scenario is a hearing proper. The application for a razing permit is not development and does not warrant a hearing. It falls under an entirely different process. See §§ 35-2-301 and 35-2-302.

Obtaining a razing permit does not even fall within the definition of "Development" as set forth in BCC §32-4-101(p). Consequently, there is no "Development Plan" as defined in BCC §32-4-101(q). Even if the razing of a structure were considered as a "Development" it would be exempt from the development

procedures contained in Subtitle 2 of the development regulations pursuant to BCC §32-4-106(a).

Pursuant to the BCC, in order to obtain a demolition permit, an applicant shall file an application with the Building Engineer and pay the requisite filing fee. *Id.* Upon review of the application and receipt of the fee, the Building Engineer shall either approve or deny the issuance of the permit. *Id.* There is no requirement for a hearing.

Considering the provisions of the BCZR and the BCC, as well as the power given to People's Counsel through the County Charter, it is evident that the instant matter falls well outside of the province of People's Counsel's authority. Consequently, this appeal should be dismissed.

It should be also noted that no allegation has been set forth indicating that the application for the razing permit in any way violates the Master Plan. In fact, it is clear that there is no Master Plan issue with respect to this property. A part of the Master Plan 2010 are duly adopted local plans, among which is the Philadelphia Road Corridor Study. That Study included a list of properties of historic and landmark importance. This property was never even mentioned. Consequently, if Protestant seeks standing based on a defense of the Master Plan, such standing fails because his appeal constitutes a rejection of the Community Plan adopted for the area as well as a repudiation of the legislation that failed to adopt the property as a landmark.

The Zoning Commissioner of Baltimore County Lacked Subject Matter Jurisdiction to Hear the Issues Raised in this Case

This case was not properly before the Zoning Commissioner. Much like People's Counsel, the Zoning Commissioner is a creature of statute. The position is created by statute and as a result its authority is limited to that which is contained within the statute. Neither the BCC nor the BCZR clarify how or why permission to raze structures comes before the Zoning Commissioner as a special hearing. BCZR \$500.7 states: "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided." As stated above, there is nothing contained in the zoning regulations that pertain to MHT Inventory structures and to a razing permit. Consequently, since the Zoning Commissioner draws its sole authority to conduct Special Hearings from the enforcement of the zoning regulations, the Zoning Commissioner never had jurisdiction over the subject matter.

The Zoning Commissioner as a hearing officer does have the ability to conduct hearings based on development plans under the development regulations, but that authority also is limited to "development" under Subtitle 2 of Title 34 of the BCC. A single razing permit neither requires a development plan nor is considered a "development." Considering this, it follows that the Zoning Commissioner had no authority to have heard this matter in the first place. Although the Petitioner was required to file a Special Hearing by the Department of Permits and Development

Management for a determination, the Zoning Commissioner should have denied the application as having no jurisdiction over the subject matter.

The County Board of Appeals of Baltimore County lacks the authority to hear it now because its powers on appeal also come from Section 500.7 of the BCZR, which provide for appeals to be heard on orders issued pursuant to that section by the Zoning Commissioner. If the Zoning Commissioner had no jurisdiction over the subject matter, then the Board has no jurisdiction over the subject matter.

The County Board of Appeals is also created by statute. According to the Baltimore County Charter, the County Board of Appeals has the power and authority to "exercise all the functions and duties relating to zoning described in Article 25A of the Annotated Code of Maryland [Ann. Code of Md., art. 25A] as such functions and powers may be prescribed by legislative act of the County Council." Baltimore County Charter § 602(a). Article 25A of the Annotated Code provides that the County Board of Appeals shall have the authority to consider applications for zoning variations or exceptions or amendments to zoning ordinance maps. Furthermore, Section 602(c) gives the Board the power to hear and decide all appeals from orders relating to building.

The Board, however, in reviewing an order on appeal is constrained by the jurisdiction of the body below in taking the action it did. If the zoning commissioner lacked jurisdiction to hear the issue, then the Board can not take independent

jurisdiction to hear the matter. The first determination should be whether the zoning commissioner had the requisite authority to make the decision.

As indicated above, the structure is among the 80,000 structures in Maryland with an MHT Inventory Number. This does not afford it any special treatment or protection. Indeed, notice of the property owner is not even required for a property to be listed. Only those structures which are on Baltimore County Landmarks

Preservation Commission's preliminary or final landmarks lists are protected under the BCZR and the BCC. See BCZR § 100.5, BCC §§ 32-7-302, 32-7-303, and 32-7-401. The only zoning or development restriction for structures listed on the MHT Inventory is that they be clearly shown on development plans. This case does not concern itself with a development plan. It is an application for a razing permit. The zoning commissioner had no jurisdiction to hear the matter and should have so decided.

Conclusion

There are three points which bear discussion in closing. First, as the position of People's Counsel is created by statute, his authority is limited to that which is specifically enumerated in the statute. Nowhere in the County zoning or development regulations is there any indication that People's Counsel has the power to challenge applications for permits. It was improper for People's Counsel to have entered his appearance in this matter and as such, his appeal should be dismissed for lack of standing.

Second, the structure is not included among the protected historic structures on the preliminary and final landmarks lists. Its inclusion among the MHT Inventory of Historic Properties has little, if any, impact. It is essentially unaffected by any regulatory control and is certainly not afforded any special protection. This being the case, it follows that the proper procedure for obtaining a razing permit is through the method prescribed in BCC §§ 35-2-301 and 35-2-302, which leads to the third and final point.

No hearing should have been conducted. As creatures of statute, neither the Zoning Commissioner nor the County Board of Appeals has any jurisdiction to entertain this matter. The County development and zoning regulations do not provide for such measures. For this reason, the appeal should be dismissed, based on the fact that the Zoning Commissioner never had authority to hear this matter and that consequently, the case was never properly brought for the Board to hear.

White Marsh Commerce Park, LLC, therefore, respectfully requests that this Board of Appeals dismiss the above-captioned appeal.

John B. Gontrum Adam D. Baker

Whiteford, Taylor & Preston L.L.P. 210 West Pennsylvania Avenue Towson, Maryland 21204-4515

(410) 832-2000

Attorneys for Petitioner

CERTIFICATE OF POSTING

RE: Case No.: 07-156-SPH

Petitioner/Developer: (UhITE MARSH)

Commerce PARK, LLC

Date of Hearing/Closing: 12-1-04

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

ATTN: Kristen Matthews {(410) 887-3394}~

Ladies and Gentlemen:

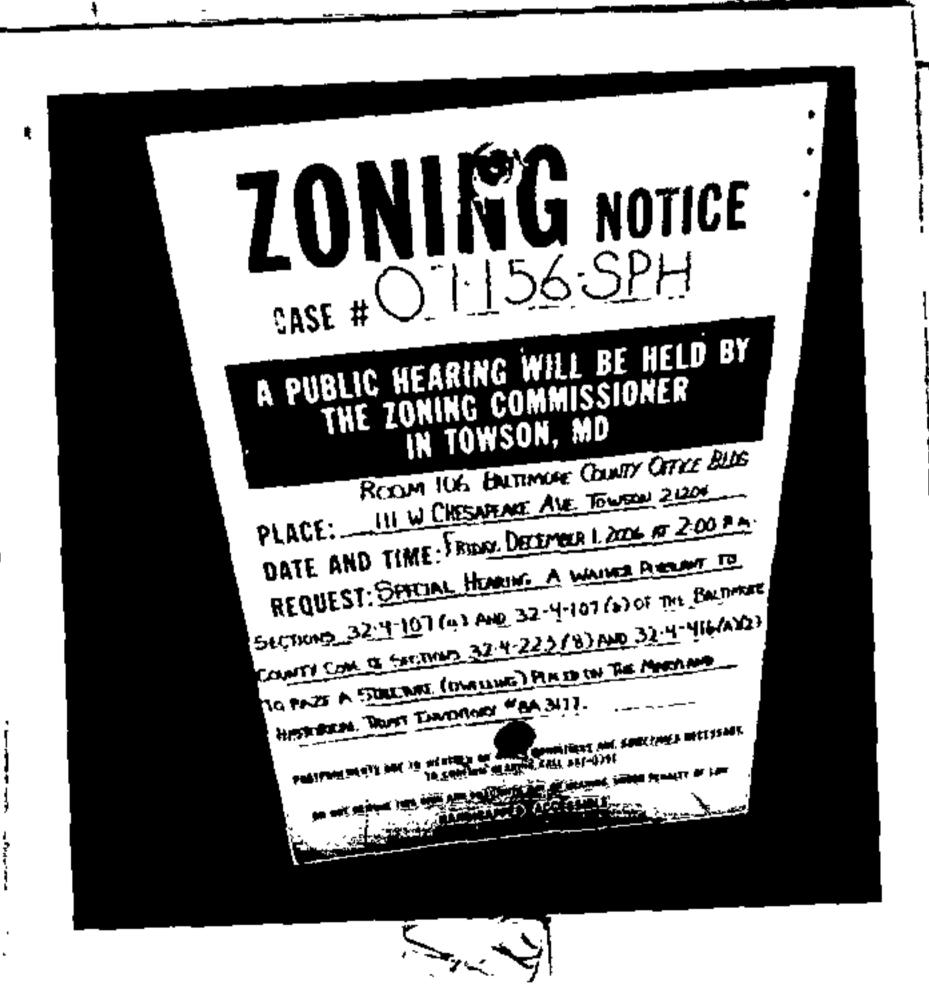
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

9913 PHILADELPHIA RD

The sign(s) were posted on

(Month, Day, Year)

Sincerely,



	Datit Rape	11-12-09
	(Signature of Sign Poster)	(Date)
	SSG Robert Black	•
	(Print Name)	* <u></u>
	1508 Leslie Road	
	(Address)	
,	Dundalk, Maryland 2122	22
	(City, State, Zip Code)
	(410) 282-7940	
	(Telephone Number)	<u>.</u>

				CASHIER'S WALIDATION
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE CLECK ACCOUNT ROLL BG 50	FROM: CHITCHES & CHICK TOCK	FOR STRONG LANGE TO TOTAL HISTORIA PAGE	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER STORY

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NOTICE OF ZONING HEARING

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

Case: #07-156-SPH

9913 Philadelphia Road

Southeast side of Philadelphia Road, at northeast corner of Taylor Lane.

15th Election District
6th Councilmanic District
6th Councilmanic District
6th Councilmanic District
15th Election District
15th Election District
15th Councilmanic District
8th Councilmanic District
15th Election District
15th

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
11/156 Nov. 9

OF PUBLICATION

IIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERT 20 of once in each O

X The Jeffersonian Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter County News North

Wulling

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 9, 2006 Issue - Jeffersonian

Please forward billing to:

Lawrence Julio
White Marsh Commerce Park, LLC
216 Schilling Circle, Suite 300
Hunt Valley, MD 21031

410-628-6000

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: 07-156-SPH

9913 Philadelphia Road Southeast side of Philadelphia Road, at northeast corner of Taylor Lane. 15th Election District – 6th Councilmanic District Legal Owner(s): White Marsh Commerce Park, LLC

SPECIAL HEARING A waiver pursuant to Sections 32-4-107(a) and 32-4-107(b) of the Baltimore County Code of Sections 32-4-223(8) and 32-4-416(a)(2) to raze a structure (dwelling) placed on the Maryland Historical Trust Inventory #BA 3177.

Hearing: Friday, December 1, 2006 at 2:00 p.m. in the Baltimore County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-156-SPU
Petitioner: (1) 1+17EVIAN-BU Commence Pu.
Address or Location: 9913 PHICADELPHIA TOP
PLEASE FORWARD ADVERTISING BILL TO:
Name: white Marsh Commence Park, UC
Address: <u>5017e</u> 300
216 Schillier Cincle
Hont valled, and 21031
Telephone Number: 410-628 -6000

Revised 7/11/05 - SCJ

07-156-SPU.



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 20, 2006

John B. Gontrum Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 07-156-SPH, 9913 Philadelphia 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Cal Robal D

WCR:amf

Enclosures

c: People's Counsel White Marsh Commerce Park, LLC Lawrence Julio, Member Suite 300 216 Schilling Circle Hunt Valley 21031

APPEAL

Petition for Special Hearing
9913 Philadelphia Road
SE/S of Philadelphia Road, at NE Corner Taylor Lane
15th Election District – 6th Councilmanic District
Legal Owners: White Marsh Commerce Park, LLC

Case No.: 07-156-SPH

Petition for Special Hearing (October 4, 2006)

Zoning Description of Property

Notice of Zoning Hearing (October 31, 2006)

Certification of Publication (Jeffersonian - November 9, 2006)

Certificate of Posting (November 10, 2006) by Robert Black

Entry of Appearance by People's Counsel (October 12, 2006)

Petitioner(s) Sign-In Sheet - 1 Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit:

- 1) Site Plan
- 2) Kirsten Peeler, Resume
- 3) 8/2/04 Letter of Elizabeth Cole subject house not eligible for National Register of Historic places
- 4) Maryland Historical Trust Form
- 5) Landmark Nomination Form
- 6) Ms. Peeler's presentation to Landmark
- 7) Photograph of subject house

Protestants' Exhibits:

- 1) Photo of Rachel Carson & Henrietta Davies
- 2) Rachel Carson Biography
- 3) 3 pieces of correspondence
- 4) Approval of preliminary Landmarks List
- 5) Photographs of property
- 6) Research from Nottingham Improvement Assn.
- 7) Deed history

Miscellaneous (Not Marked as Exhibit)

1) County Council of Baltimore County Bill No. 13-06

Zoning Commissioner's Order (GRANTED in accordance w/order - December 15, 2006)

Notice of Appeal received on received on January 9, 2007 from The People's Counsel

c: William J. Wiseman III, Zoning Commissioner

Timothy Kotroco, Director of PDM

People's Counsel

White Marsh Commerce Park, LLC Lawrence Julio, Member 216 Schilling Circle, Suite 300 Hunt Valley 21031 Judith Davies 9929 Philadelphia Road Baltimore 21237

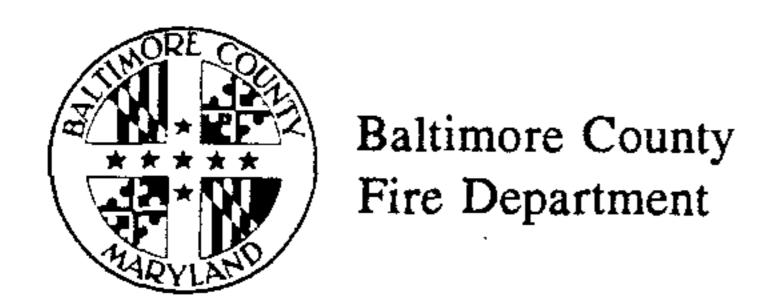
Joan Buedel 9211 Nottingham Road Baltimore 21237

Robert Mitzel 216 Schilling Circle Hunt Valley 21031

Rick Chadsey 1129 Gypsy Lane Towson 21286

Kirsten Peeler 241 E. 4th Street, Suite 100 Frederick 21701

date sent February 23, 2007, amf



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



Printed with Soybean Ink on Recycled Paper









BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 18, 2006

Department of Permits & Development

Management

FROM:

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

Dear Ms. Matthews:

RE: Baltimore County

Item No. 7-196-5PH

MD 7 (PHILADELPHIA RD)

WHITE MARSH COMMERCE

PARK, LLC

WALVER - TO RAZE A STRUCTURE

WAIVER- TO RAZE & STRUCTURE RACED IN MARKAND HISTORIC TRUST INVENTORY

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. 7-156A.

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO:

Timothy M. Kotroco, Director

DATE: December 21, 2006

Department of Permits & Development Management

FROM:

William J. Wiseman, IH

Zoning Commissioner

SUBJECT:

07-156-SPH

SE/S of Philadelphia Road, at NE Corner Taylor Lane

(9913 Philadelphia Road)

15th Election & 6th Council Districts

White Marsh Commerce Park, LLC - Petitioner

Upon further review of my Order, dated December 15, 2006, in the above-captioned matter, I would be remiss in not pointing out that there was a word of some importance missing in the last sentence of paragraph 2 on Page 2. That sentence should read: "The Council, however, while approving the cemetery on the Final Landmarks List (No. 275) in Council Bill 13-06, elected **not** to place the subject dwelling on the List." By way of interlineation, I would like to correct the record of the case and ask that you place this memorandum in the file in the event that there is ever a question with regard to the intent of this paragraph and sentence.

I apologize for any inconvenience this may cause.

WJW:dlw



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 27, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9913 Philadelphia Road

INFORMATION:

Item Number:

7-156

Petitioner:

White Marsh Commerce Park, LLC

Zoning:

M.L. and DR 3.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning The property in question is historic. The subject property is on the County Register as (MHT) BA # 3177, this shall be shown on the plan. Additionally, the Baltimore County Landmarks Commission (LPC) on February 10, 2005 placed the property in question on the Preliminary Landmarks List. The County Council chose not to include the structure on the Final Landmarks List.

The Office of Planning has no further comments to offer on the subject petition.

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

Prepared by:

1

MOV - 6 2000

Division Chief:

AFK/LL: CM

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	6 mitea (Sammer Services. com	J.CHADSEY, COSCUENZON. Nº	W Pecles as regonalin, com								
CITY, STATE, ZIP	14mt 1/4 21031	1	FED-PICK 21701								
ADDRESS	216 Hellina Circle	129 Ox 75 / CANO 2011	24 2. 4th 54 Sult 2 180								
NAME	Robert Mitzel	かられてからかり	Kipster Peclep								

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CITIZEN'S SIGN-IN SHEET

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CITY, STATE, ZIP	BALTIMORG MD 21237	ÌΫ										
ADDRESS		9211 NoTTING WOUND RN										
NAME	JUDITH DAVIES	3										

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2006, Legislative Day No. 2

All was a series of the series

Bill No. <u>13-06</u>

Mr. John Olszewski, Sr., Chairman By Request of County Executive

By the County Council,

A BILL ENTITLED

AN ACT concerning

Final Historical Landmarks List

FOR the purpose of adding new landmarks to the Final Historical Landmarks List; and generally relating to the Baltimore County Historical Landmarks List.

WHEREAS, the Landmarks Preservation Commission has met and compiled a preliminary list of additional structures to be added to the Final Historical Landmarks List; and

WHEREAS, the following structures have been identified on the preliminary landmarks list by the Commission and have been reviewed by the County Executive; and

WHEREAS, a public hearing was held by the County Council on December 5, 2005 to determine which structures should be included on the "final landmarks list"; and

WHEREAS, the County Council finds that the following structures contribute substantially to the architectural and historical heritage of the county, state or nation; now, therefore

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.

1	SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2	MARYLAND that new items 268 through 285, inclusive, be and they are hereby added to the Final
3	Historical Landmarks List, to read as follows:
4	Final Historical Landmarks List
5	The following historical landmarks are hereby adopted as part of the Final Historical Landmarks List:
6	(268) Chilham House, 10631 Jones Road, Bradshaw vicinity
7	(269) Kenilworth slave quarter, 1240 Paper Mill Road, Ashland vicinity
8	(270) Martin Fugate slave quarter, 17208 Troyer Road, Troyer vicinity
9.	(271) Pot Spring slave quarter, 2201 Pot Spring Road, Timonium vicinity
10	(272) Worthington slave barracks and two cemeteries, Granite (King Memorial Park)
11	(273) Hazel Thomas House, 2712 Spring Hill Road (Chattolanee African-American Survey District,
12	Green Spring Valley National Register Historic District)
13	(274) Ives property, 8413 Stevenson Road, Stevenson vicinity
14	275) Jones-Taylor-Henry family cemetery, 9913 Philadelphia Road, Nottingham vicinity
15	(276) "Belmont," (including the connected "slave quarter"), 3302 Belmont Avenue, Worthington Valley
16	(277) "Green Spring slave quarter," 112 Greenspring Valley Road, Chattolanee vicinity
17	(278) "Summerfield" house, 3 Running Fox Road, Loch Raven Reservoir vicinity
18	(279) "Springfield" house, 12605 Dulaney Valley Road, Long Green vicinity
19	(280) "Smallwood" house, barn, and slave-quarter, 14400 Bonnie View Road, Western Run Valley
20	(281) "Rockland" house, smokehouse, and stone oven, 10214 Falls Road, Rockland
21	(282) "Rowe-Jessop-Fosters Store, 16925 York Road, Hereford
22	(283) Farmers and Merchant Bank of Fowbelsburg, 15204 Old Hanover Road, Fowbelsburg
23	(284) "Rockland" Barn and Milk-house, 10214A Falls Road, Rockland
24 .	(285) Parkville Volunteer Fire Company, 2906 Taylor Avenue, Parkville
25	SECTION 2. AND BE IT FURTHER ENACTED, that this Final Historical Landmarks List shall be
26	maintained by the Landmarks Preservation Commission as provided in Section 32-7-105 of the Baltimore
27	County Code, 2003, as amended.
28	SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days from

29

the date of its enactment.

Case No.: 07-156 - SPH 9913 PHILADELPHIA RS

Exhibit Sheet

Petitioner/Developer

Protestant

	4	
No. 1		PHOTO OF RActific CARSON
	SITE PLAN	HENRIEHA DAVIES - MAS DAVIES HUS
1	· · · · · · · · · · · · · · · · · · ·	1 -
No. 2	KIRSTEN PEELER	Rachel Carson
	RESUME	1
	<u> </u>	B10 Sophy
No. 3	8/2/04 LETTER 1) ELIZABETH Cols Subject House Not eligible for Nath Register of Historic Blaces	7 Pierce DE
	Subject House Not eligible	
\	for Nath Register of Historic Places	
No. 4	Md. Historical Trust	APPROVAL, OF
	Fra Constated by McCoain	DO -1 1 1
	WRONG INFO 'TAYLOR	House. Prelemnay landmarks LIST
No. 5	Land Mark Nonneton	Photo's of Property
	· · · · · · · · · · · · · · · · · · ·	1 ray and
	FORM	
No. 6	MIS PEELERS	RESEARCH
		NZ SCHICCI I
	RESENTATION to LANDMARK	
No. 7	PULL CRAPH DE	TEED HISTORY
	PHOTOGRAPH OF SUBJECT HOUSE	The services in the services of the services o
<u></u>	DUBLIECT HOUSE	
No. 8		
No. 9		
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No. 10		
No. 11		
No. 12		

Bill Wiseman - Zoning Commission Question re: Case 07-156-SPH @ 9913 Philadelphia Road

From:

Patricia Zook

To:

jdavies@jhmi.edu

Date:

12/05/06 3:21:28 PM

Subject:

Zoning Commission Question re: Case 07-156-SPH @ 9913 Philadelphia Road

CC:

Swam, Doug; Wiseman, Bill

Hello Mrs. Davies-

Bill Wiseman asked that I respond to your email. The Department of Permits and Development Management will, provide information on the razing of structures. Their telephone number is 410-887-3353.

You may also want to contact Doug Swam, Permits Services Supervisor, with that office. His telephone number is 410-887-4455.

The Zoning Commissioner's order for this case should be issued in the next few weeks.

Patti Zook
Legal Secretary
Baltimore County
Office of the Zoning Commissioner
410-887-3868
>>> Bill Wiseman 12/4/2006 4:30:50 PM >>>
>>> "Judy Davies" <> 12/04/06 1:11 PM >>>
In reference to the hearing for 9913 Philadelphia Road:

- 1. What would be the method used to raze the house and outbuildings?
- 2. If the house is to be razed how would the matter of possible asbestos in the exterior shingles be addressed?

From:

Teri Rising

To:

Brown, Karin; Hoffberger, Caren; Nevy, Vicki

Date:

7/17/2006 11:47:26 AM

Subject:

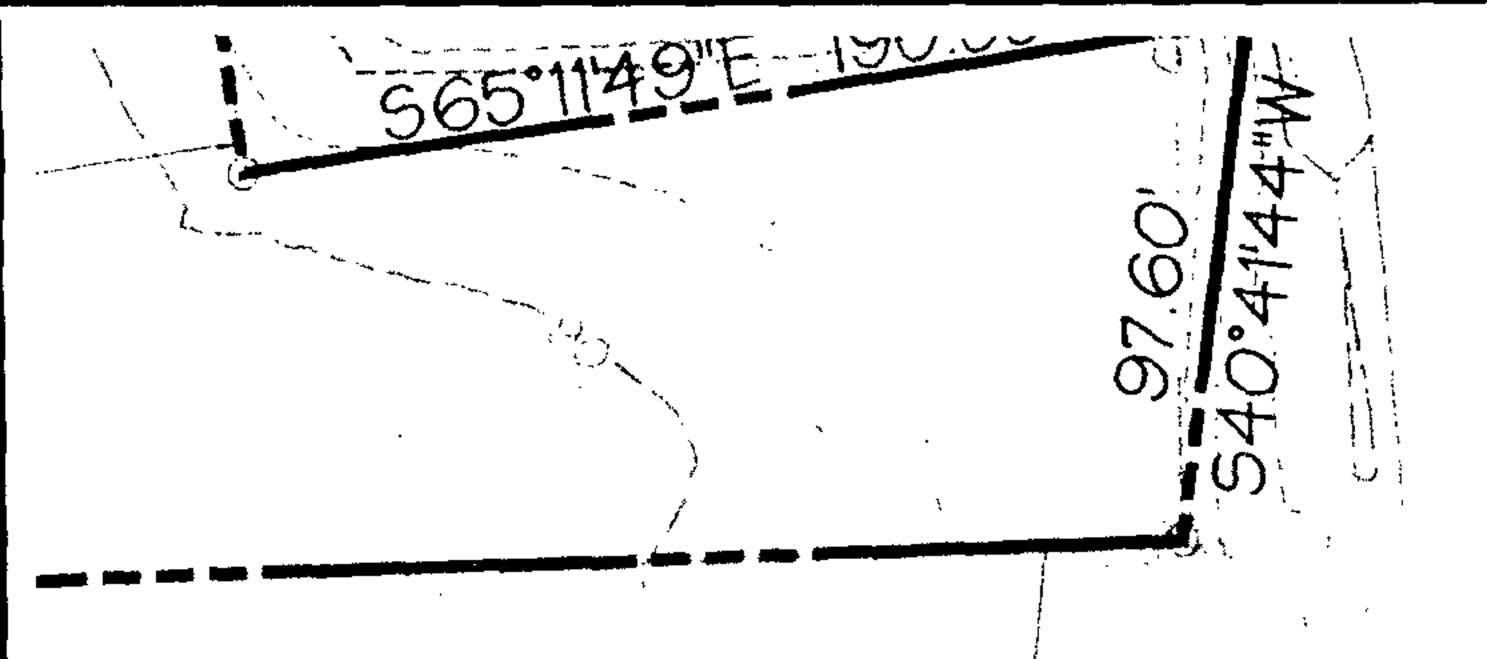
Re: 9913 Philadelphia Road Henry (f.k.a. Taylor) House

I made the change to the database also. It now just says Henry (fka Taylor) Cemetery.

Teri L. Rising
Historic Preservation Planner
Baltimore County Office of Planning
410.887.3495
trising@co.ba.md.us

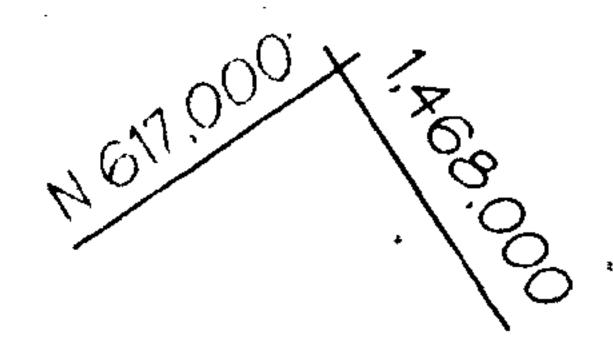
>>> Caren Hoffberger 07/14/06 4:48 PM >>>

This property is no longer on the Preliminary Landmarks List. Mike checked with Tom Peddicord today and it did have a public hearing before the County Council (back in December 2005) and over 90 days have passed since then and it has not been placed on the Final Landmarks List. So, when the permit comes in for demolition, as long as they have a picture of the house, we can sign off on the permit.



. AREA.

OF A



PETITIONER'S

EXHIBIT NO.

1

Plat To Accompany Request for Special Hearing

9913 PHILADELPHIA ROAD

BALTIMORE COUNTY, MARYLAND 15TH ELECTION DISTRICT

SEPTEMBER 22, 2006 6TH COUNCILMATIC DISTRICT

07-156-584

KIRSTEN G. PEELER, M.A., B.A. PROJECT MANAGER-ARCHITECTURAL HISTÓRIAN

EDUCATION

Master of Science in Historic Preservation, Columbia University, New York, NY, 1996 Bachelor of Arts in International Relations, Mount Holyoke College, South Hadley, MA, 1991 Academic Year Abroad, Université de Nice, Nice, France, 1989-1990

PROFESSIONAL EXPERIENCE

Project Manager - Architectural Historian, R. Christopher Goodwin & Associates, Inc., Frederick, Maryland, September 2001 - Present

Historic Preservation Planner, City of Frederick, Frederick, Maryland, June 2000 - September 2001

Project Coordinator, Historic Warehouse District Development Corporation (HWDDC), Cleveland, Ohio, June 1996 – June 2000

Intern, Historic Warehouse District Development Corporation (HWDDC), Cleveland, Ohio, May 1995 - August 1995

Assistant to the Vice President of the Department for Public Policy, National Trust for Historic Preservation, Washington, D.C., May 1993 – July 1994

MANUSCRIPTS, PUBLICATIONS, AND PAPERS PRESENTED

- Design Guidelines for the Historic Warehouse District. Prepared for Historic Warehouse District Development Corporation.
- 2001a Frederick Town Historic District Design Guidelines. Prepared for City of Frederick.
- 2001b Frederick Town: A User's Guide to Property Ownership in the Historic District. Prepared for City of Frederick.
- 2001c Jesup Blair House and Park, Montgomery County, Maryland, Maryland Inventory of Historic Properties Form (with Kathryn M. Kuranda). Prepared for Montgomery College.
- 2002 Baltimore East/South Clifton Park Historic District National Register Nomination (with Katherine E. Grandine, Brian Cleven, Carrie Albee, and Nathaniel S. Patch). Prepared for Center Development Corporation.
- 2003a Neighborhood Design Guidelines for Army Wherry and Capehart Family Housing (with Kathryn M. Kuranda and Reid Wraase). Prepared for U.S. Army Environmental Center.

PETITIONER'S

EXHIBIT NO. _____

- Cultural Resource Investigations at the Proposed Ridgely Business Park, Caroline County, Maryland (with Kathleen Child, William Lowthert IV, and Christine Heidenrich). Prepared for Whitman, Requardt and Associates, LLP.
- 2003c Broadway School B-3929 (Public School 109) Results of Archival Research for Drawings (with Chris Heidenrich). Prepared for Kennedy Krieger Institute.
- 2003d Krantz Farmstead, Frederick County, Maryland, Maryland Inventory of Historic Properties Form.

 Prepared for Detrick Overlook, LLC.
- 2003e Rosaryville State Park (PG 82A-51), Prince George's County, Maryland, Maryland Inventory of Historic Properties Form (with Aaron Leventhal and Chris Heidenrich). Prepared for Maryland Historical Trust.
- Housing an Army: The Wherry and Capehart Era Solutions to the Family Housing Shortage (1949-1962) A Historic Context (with Kathryn M. Kuranda, Carrie Albee, Chris Heidenrich, and Katherine Grandine). Prepared for U.S. Army Environmental Center.
- Historic Properties Component of the Integrated Cultural Resource Management Plan. For certification and implementation under Army Alternate Procedures to Section 106 of the National Historic Preservation Act. Prepared for U.S. Army Environmental Center and Fort Benning.
- 2004b Determination of Eligibility Forms for the Improvements of Ijamsville Road and Bridge Over Bush Creek, Frederick, County, Maryland. Prepared for Brudis and Associates, Inc.
- The Military Heritage Guidebook and Accompanying Regional Maps (with Kathryn Dixon).

 Prepared for the U.S. Army Environmental Center.
- 2004d Langley Air Force Base (AFB) Historic Building Treatment Plans (with Katherine Grandine and Kathryn Dixon). Prepared for U.S. Army Corps of Engineers, Fort Worth District.
- 2005a Determination of Eligibility Form for Griffith's Adventure (Joshua F.C. Worthington House BA-0011). Prepared for Whitney, Bailey, Cox & Magnani.
- Determination of Eligibility Forms for Demarr Property (CH812), Quarles Property (CH-814), and Vliet Property (CH-813) (with Kathryn Dixon and Christine Heidenrich). Prepared for Whitman, Requardt and Associates, LLP.
- 2005c Determination of Eligibility Form for Elmwood Farm, Washington County, Maryland, MIHP No. WA-I-018 (with Kathryn G. Dixon). Prepared for Elmwood Farm Development, LLC, c/o Terra Consultants, Inc.
- 2005d National Register of Historic Places Nomination for Whiteford-Cardiff Historic District (with Christine A. Heidenrich). Prepared for Whiteford, Pylesville, Cardiff Community Association, Inc.
- 2005e Historic Context for Washington State Air National Guard (with Kirsten Peeler, Dean A. Doerrfeld, and Christine Heidenrich). Prepared for Air National Guard Readiness Center.

- Determination of Eligibility Form for Smith Farm (F-2-11) (with Kay Dixon). Prepared for Jefferson Valley, LLC, c/o Ausherman Development.
- 2005g Historic American Engineering Record Documentation: Ouachita River Bridge, Harrisonburg, Louisiana (with Brian Cleven and Christine Heidenrich). Prepared for Louisiana Department of Transportation and Development.
- 2005h Historic American Engineering Record Documentation: Tensas River Bridge, Newlight Louisiana (with Brian Cleven and Christine Heidenrich). Prepared for the Louisiana Department of Transportation and Development
- Housing an Air Force and a Navy: The Wherry and Capehart Era Solutions to the Postwar Family Housing Shortage (1949-1962) (with Kathryn M. Kuranda, Katherine Grandine, Christine Heidenrich, and Dean Doerrfeld). Submitted to the United States Departments of the Air Force and Navy.



MARYLAND DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

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ANDLANGING

August 2, 2004

Robert L. Ehrlich, Jr.

Governor

Michael S. Steele

Lt. Governor

Victor L. Hoskins

Secretary

Shawn S. Karimian

Deputy Secretary

Mr. Jeffrey Y. Dreyer
Baltimore County Department of Public Works
Bureau of Engineering and Construction
Highway Design Section
111 W. Chesapeake Avenue
Towson. MD 21204

Re:

Campbell Boulevard Extension Baltimore County, Maryland

Dear Mr. Dreyer:

The Maryland Historical Trust (Trust) recently received a copy of a cultural resources assessment for the above-referenced project, for review and comment. The assessment includes a brief letter report providing information on the historic built environment in the vicinity of the project area. The well-prepared documentation greatly facilitated our review of this undertaking. We have reviewed the documentation in accordance with Section 106 of the National Historic Preservation Act, as amended, and are writing to provide our comments.

According to your letter and accompanying documentation, Baltimore County proposes to extend Campbell Boulevard between MD 7 and the proposed extension of MD 43 in White Marsh. Portions of the project will occur on new alignment. The report delineated an Area of Potential Effect (APE), provided a brief historic context and included Determination of Eligibility (DOE) forms for all historic resources within the APE. The Trust concurs that the APE adequately encompasses the area in which the undertaking may cause direct or indirect changes in the character or use of historic structures. A total of eleven (11) resources were identified within the APE.

We concur that the following resources are not eligible for listing in the National Register of Historic Places:

- Nottingham/Philadelphia Road Neighborhood (BA-3164)
- Bird River Road Neighborhood (BA-3169)
- Gladway/Hacker Neighborhood (BA-3172)
- Car Care Associates Property, 1465 Mohrs Lane
- Holman Property, 1431 Mohrs Lane
- Mohrs Lane Bridge, Mohrs Lane over CSX RR
 Our Lady Queen of Peace, 10003 Bird River Road
- Warwick Property, 1454 Mohrs Lane

PETITIONER'S

EXHIBIT NO.

3

Before we are able to complete our review of the undertaking, we request that Baltimore County supply the following additional information:

Spiegel Farm (BA-3171): More documentation is necessary to before we can make a determination of eligibility for this resource. The National Register evaluation should specifically state how the property is not associated with significant events or trends (e.g. agricultural history). If agriculture is significant in this area of Baltimore County, then how is this property not significantly associated with it? In general, the evaluation statements should explicitly



Mr. Jeffrey Y. Dreyer Campbell Boulevard Extension Project August 2, 2004 Page 2

utilize the historic context developed for the project area in support of the eligibility determinations. The inclusion of additional photographs will help illustrate the condition of the property.

<u>Dudinski Bungalow (BA-2440) and Holtzner House (BA-2441):</u> These two previously surveyed resources were included in the DOE form prepared for the Nottingham/Philadelphia Road Neighborhood (BA-3164). While it is acceptable to combine resources to create one ineligible entity when adequate justification exists, no documentation was supplied to update our inventory records that the Dudinski Bungalow (BA-2440) and Holtzner House (BA-2441) are not eligible for the National Register. According to our Standards and Guidelines, DOE forms must completed for all resources with MIHP numbers. Please prepare individual DOE forms for the Dudinski Bungalow and Holtzner House that discuss their association with the ineligible Nottingham/Philadelphia Road Neighborhood and state that they are not individually eligible for the National Register.

Please forward to the Trust the original photographs and negatives at your earliest convenience.

Once we have received the additional information requested in this letter, the Trust will continue its review of the undertaking and provide appropriate comments and recommendations. The comments contained in this letter are limited to the historic structure investigations undertaken by Baltimore County. The Trust has not commented on the need for archeological investigations. In our letter of 24 November 2003, we requested a detailed project description and project plans to allow us to make informed recommendations concerning the need for archeological investigations. When available, please forward this information to the Trust.

We look forward to working with you to complete your historic preservation requirements for this undertaking. If you have questions or require further assistance, please contact Tim Tamburrino (for historic built environment) at 410-514-7637 / tamburrino@dhcd.state.md.us or me (for archeology) at 410-514-7631 / cole@dhcd.state.md.us. Thank you for providing us this opportunity to comment.

Sincerely,

Elizabeth J. Cole

Administrator,

Project Review & Compliance

EJC/TJT 200401864

Don Sparklin (SHA) cc:

Kimberley Abe (Baltimore County Landmarks Preservation Commission)

MARYLAND HISTORICAL TRUST DETERMINATION OF ELIGIBILITY FORM

NR Eligible:	yes	
	no	

Property Name: Nottingham/Philadelphia Road Neighborhood	Inventory Number: [BA-3164]
Address: Philadelphia/Nottingham/Ravenwood Road	Historic districts
City: Baltimore Zip Code: 21220	County: Baltimore County
USGS Quadrangle(s): Middle River	
Property Owner: Multiple Owners	Tax Account ID Number: multiple
Tax Map Parcel Number(s): Multiple Tax Map Number	The state of the s
Project: Campbell Boulevard Extension Agency	
Agency Prepared By: A.D. Marble & Company	
Preparer's Name: Stephanie Foell	Date Prepared: 5/5/2004
Documentation is presented in:	
Preparer's Eligibility Recommendation: Eligibility recommended	X Eligibility not recommended)
Criteria: A B C D Considerations: A B	
Complete if the property is a contributing or non-contributing resource	to a NR district/property:
Name of the District/Property:	
Inventory Number: Eligible:yes	Listed: yes
Site visit by MHT Staf yes X no Name:	Date:
Description of Property and Justification: (Please attach map and photo)	
Architectural Description	
The Nottingham/Philadelphia neighborhood is comprised of residential buildings data buildings flank Philadelphia Road/Maryland Route 7, an early turnpike in the region common rural buildings of the time and include I-houses, bungalows, and an interpresidences date primarily from the 1950s during a period of intense construction who development was built. These residences consist of Minimal Traditional, Cape Cod clad in brick. Interspersed are several stone Ranch houses constructed in the 1960s. neighborhood. Two of these buildings were previously identified but not evaluated, designated as BA-2440 and the house at 10004 Philadelphia Road was designated as	n. These houses are vernacular examples of retation of a Cotswald cottage. Later sen the majority of the Nottingham, and Colonial Revival dwellings and most are. There are approximately 35 buildings in the The house at 10000 Philadelphia Road was 8A-2441.
The residence at 9913 Philadelphia Road is an I-house form with a prominent cross- from the road on a large parcel of land, and a close inspection of the property was no in wood, with evenly placed, multi-pane, double-hung sash windows punctuating the located on the façade. Two interior chimneys are located on the cross-gable roof.	gable. The house is set back substantially) of permitted. However, it appears to be clady e façade. A-full-width, single-story porch is
MARYLAND HISTORICAL TRUST REVIEW	
Eligibility recommended Eligibility not recommended	
Criteria: A B C D Considerations: A I	C D E F G
MHT Comments:	
Reviewer, Office of Preservation Services	Date
Reviewer, National Register Program	Date

Page 2

A similar building is located at 10004 Philadelphia Road. It is an I-house with a projecting, central cross gable. The residence has been heavily altered. Portions of the full-width, single-story porch have been enclosed, and one-over-one, double-hung replacement windows are found throughout the building.

A vernacular interpretation of Dutch Colonial Revival architecture is found at 10006 Philadelphia Road. The building sits atop a raised, rusticated concrete-block foundation. The side-gambrel roof features a prominent shed roof dormer with two windows. Throughout the residence, six-over-one, double-hung, replacement windows occur. The off-center front entrance is sheltered by a round-headed pediment.

A small, single-story bungalow with a square footprint is located at 10000 Philadelphia Road. It has a hipped roof and a full-façade porch. Tall, double-hung windows punctuate each elevation. The building is devoid of architectural ornamentation.

A substantially altered building also dates from the earlier era of construction along this portion of Philadelphia Road. The residence, which is also in very poor condition, is located at 9907 Philadelphia Road. It retains no original materials, and original architectural details are not discernable.

The vast majority of buildings in the Nottingham/Philadelphia Road neighborhood date from the first half of the 1950s. These houses are located on Nottingwood Road, Spotswood Road, and Ravenwood Road. These residences share numerous characteristics. Most are one-and-one half story, Minimal Traditional/Cape Cod style dwellings that are clad in red bricks. Front-facing gables, many of which contain siding, are also common. Most of the houses have some type of bay or picture window. Small attached and detached garages are also common.

There are single, late examples of Colonial Revival and Dutch Colonial Revival styles. Both are vernacular interpretations that display only some of the characteristics of each style.

Other residences dating to the mid-50s display elements of the Ranch style. They are more horizontally oriented than the Minimal Traditional/Cape Cod styles and are a single story in height. Later examples of the Ranch style more fully incorporate architectural details associated with the style. These residences, which date to the 1970s, emphasize the horizontality of the style and form large rectangular footprints. Large expanses of glass which provide views to the outdoors are also common.

History/Significance

General Regional History

The Nottingham/Philadelphia Road neighborhood group is located in eastern Baltimore County in the White Marsh area. In the eighteenth and nineteenth centuries, much of the area developed as a result of its proximity to Philadelphia Road, a major thoroughfare within the region. From the early years of settlement into the twentieth century, much of the land of this portion of Baltimore County was involved in small-scale farming. After World War II, the growing suburbanization of the Baltimore region reached White Marsh and much of the farmland was subdivided into smaller lots. Many post-War neighborhoods containing small residences are concentrated in this part of Baltimore County.

Philadelphia Road

The area of Baltimore County that is now Rosedale developed largely as a result of its proximity to Philadelphia Road/Maryland Route 7, a road that originated as a Native American trail (Brooks and Rockel 1979:134). In 1729, the City of Baltimore was platted as a future port and commerce center. During that time, surveyors laid out the Philadelphia Road, linking Philadelphia, the

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<u></u>	Reviev	rogram	Date									

Page 3

New World's largest port city, with points south and west, including Baltimore.

The roadway's importance grew over time as interstate commerce became more prevalent. By the 1740s, commercial thoroughfares were being constructed to move farm produce, mill products, lime, and iron castings to the port city of Baltimore, and taverns and hotels sprang up along the Philadelphia Road. In 1814, after several attempts to establish a turnpike, the Baltimore and Havre de Grace Turnpike Company received a charter to construct a toll road on the bed of the Philadelphia Road. The turnpike company initially enjoyed a period of prosperity. However, after only 20 years, railroads began offering intense competition (Hollifield 1978:81-82).

As Baltimore continued its expansion eastward, portions of the tumpike were ceded to the city. In 1888, Harford County assumed control of the tumpike contained within its boundaries. The end of the tumpike came in 1894, when Baltimore County assumed control of the remaining roadway within its jurisdiction.

During the twentieth century, traffic continued to increase on Philadelphia Road, particularly when automobiles became prevalent. Businesses arose along the former turnpike to serve the traveling public, and many thought the road would continue to be the favored route for those traveling between Philadelphia and points south. However, in the late 1930s, the state held discussions regarding Works Progress Administration funds available for highway construction. A decision was made either to improve the existing Philadelphia Road, by then designated as Maryland Route 7, or construct a new roadway parallel to the old one. The businesses along the existing route fought to retain their source of business, but constructing a new, parallel road became the final decision, and work commenced on the new road, the Pulaski Highway, which eventually replaced Philadelphia Road as the primary thoroughfare through the area.

Agricultural Development in Eastern Baltimore County

European settlement of eastern Baltimore County likely began circa 1660. Because of the costly and complex land grant process, many wealthy landowners purchased parcels of land in Baltimore County, viewing these holdings as either investments in the future or potential bequests for heirs. Even land that had been purchased remained vacant (Marks 2000:7).

Consequently, during the early eighteenth century, land patterns consisted of small settlements, trails, and wilderness. Small-scale farmers, woodcutters, and miners were the primary residents, not the structured society of the southern Maryland gentry. This trend continued into later centuries as farmers continued to cultivate smaller plots of land than their Southern, plantation-owning counterparts (Marks 2000:11).

White Marsh was originally part of an agricultural region: Generally, farms were small in size and produced relatively minor amounts of what were known as "stoop crops," vegetables which required bending over to harvest. These included carrots, parsnips, beans, etc. These crops were either sold at markets throughout Baltimore City (usually the Belair Market, the closest to the area) or by the farmers themselves, a practice known as truck farming which was prevalent throughout the area. Also at this time, as greenhouses came into widespread use, this area of Baltimore County became an important center for the production of year-round cut flowers for weddings, funerals, and bouquets (McGrain 1990:17).

Suburban Growth

Substantial suburban growth would not come to White Marsh until the 1940s and 1950s. Following World War II, there was a housing shortage in the Baltimore area, and developers purchased many farms for housing developments. Returning war veterans took advantage of the Servicemen's Readjustment Act of 1944, commonly called the G.I. Bill of Rights, which provided guarantees on home mortgages. Furthermore, Americans' growing reliance on the automobile allowed a massive residential shift away from Baltimore to the suburbs. This change is particularly evident in portions of Rosedale, where new streets were laid out

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MARYLAND HISTORICAL TRUST	REVIEW		
Eligibility recommended	Eligibility not recomme	ended	
Criteria: A B C MHT Comments:	D Considerations:	A B C D E F	G
Reviewer, Office of Prese	ervation Services	Date	
Reviewer, National Reg	ister Program	Date	

Page 4

and small Minimal Traditional-style residences, common in the post-War years, are plentiful. Residential growth in this locality began in the 1950s and continued steadily over the following decades, with 75 percent of the 1990 extant housing units constructed between 1950 and 1979.

The Nottingham/Philadelphia Road neighborhood group is an example of an unplanned suburban neighborhood, a "cluster of buildings not conceived as a planned neighborhood or planned development and . . . built within a wide date range (Suburbanization Historic Context and Survey Methodology n.d.:b)." Unplanned neighborhoods in Maryland often developed along major transportation routes such as Philadelphia Road/Maryland Route 7, with buildings first occurring along the main route and later expanding onto new streets.

The earliest houses within the Nottingham/Philadelphia Road neighborhood grouping were constructed in the 1920s. These buildings include an I-house, bungalows, and a Dutch Colonial Revival residence. The majority of these early buildings have been altered, most notably with the application of siding and the installation of replacement windows. Following this earliest period of construction, Minimal Traditional and Ranch houses appeared in the 1950s. These buildings comprise the majority of buildings in the neighborhood. In addition to the alterations to the earliest buildings, subsequent construction in the 1960s and 70s greatly obscures the remaining historic character of the neighborhood.

Cape Cod and Minimal Traditional residences (which are not distinguished from each other by some scholars) are the consequence of the dire need for small residences in the years at the end of and directly following World War II. Quick, efficient, and affordable construction was of paramount importance, and the resulting houses display little architectural ornamentation. Commonly one or one-and one-half stories, roofs are gabled and the eaves are usually close to the building (McAlester and McAlester 1984:477-478).

This broad range of construction dates gives the neighborhood a somewhat incoherent appearance, although all of the residences are of similar size and scale and respect a consistent setback.

Beyond the boundaries of the current area of potential effect/study area, the greater White Marsh area displays a similar lack of coherence, with turn-of-the century farmhouses intermingled with early-twentieth century bungalows and a strong majority of post-War Cape Cod and Minimal Traditional houses.

Determination of Eligibility

The Nottingham/Philadelphia Road neighborhood grouping is a collection of primarily mid-twentieth century, residences. Several residences remain from the 1920s. These earliest buildings have undergone substantial alterations to their original building materials.

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of significant persons in our past; or

C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

MARYLAND HISTORICAL T	RUST REVIEW		
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Criteria: A B MHT Comments:	C D Considerations:	A B C D E F	G.
Reviewer, Office of	Preservation Services	Date	
Reviewer, Nationa	al Register Program	Date	

D. that have yielded or may be likely to yield, information important in history or prehistory.

The Nottingham/Philadelphia Road neighborhood grouping is not eligible for listing in the National Register of Historic Places. Under Criterion A, it is not associated with any significant events that impacted the broad patterns of American history. Although a small subset of neighborhoods have a strong historic association with suburbanization trends and/or impacted later neighborhoods, the Nottingham/Philadelphia Road grouping does not have these important associations which would make it eligible under Criterion A. Similarly, research did not uncover any associations with prominent persons which would make the grouping eligible under Criterion B.

The Nottingham/Philadelphia Road neighborhood grouping is not eligible under Criterion C as an example of an unplanned suburban neighborhood. According to Suburbanization Historic Context and Survey Methodology, for an unplanned neighborhood to be eligible under Criterion C, it must possess an exceptionally high level of integrity of materials, design of individual properties, feeling, and setting to represent a direct association with the suburban movement. Most of the residences in the Nottingham/Philadelphia Road grouping retain little architectural integrity due in large part to alterations in building materials and fenestration. No properties within the Nottingham/Philadelphia Road grouping are individually eligible for the National Register. The neighborhood was not evaluated under Criterion D.

Key References

Bromley, George W. and Walter A.

1915 Atlas of Baltimore County Maryland. G.W. Bromley & Company. Philadelphia, Pennsylvania.

Brooks, Neal A. and Eric G. Rockel

1979 A History of Baltimore County. Friends of the Towson Library, Incorporated, Towson, Maryland.

Hollifield, William

1978 Difficulties Made Easy: History of the Turnpikes of Baltimore City and County. Baltimore County Historical Society, Cockeysville, Maryland.

Hopkins, Griffith Morgan

1877 Atlas of Baltimore County. G.M. Hopkins, Philadelphia, Pennsylvania.

Marks, David

2000 The History of Perry Hall, Maryland. Gateway Press, Inc., Baltimore, Maryland.

McAlester, Virginia and Lee McAlester

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http://www.marylandroads.com/keepingcurrent/maintainRoadsBridges/bridges/oppe/suburbs/suburban0.asp

MARYLAND HISTORICAL TRU	ST REVIEW	
Eligibility recommended	Eligibility not recom	mended
Criteria: A B C MHT Comments:	D Considerations	E F G
Reviewer, Office of Pro	eservation Services	Date
Reviewer, National R	Legister Program	Date

•			
NR-ELIGIBIL	ITY RE	VIEW I	FORM

BA-3164

Page 6

Nottingham/Philadelphia Road Neighborhood

National Park Service

2002 Historic Residential Suburbs; Guidelines for Evaluation and Documentation for the National Register of Historic Places. National Register Bulletin.

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1850 Map of the City and County of Baltimore, Maryland. James M. Stephens, Baltimore, Maryland.

Taylor, Robert

1857 Map of the city and county of Baltimore, Maryland.

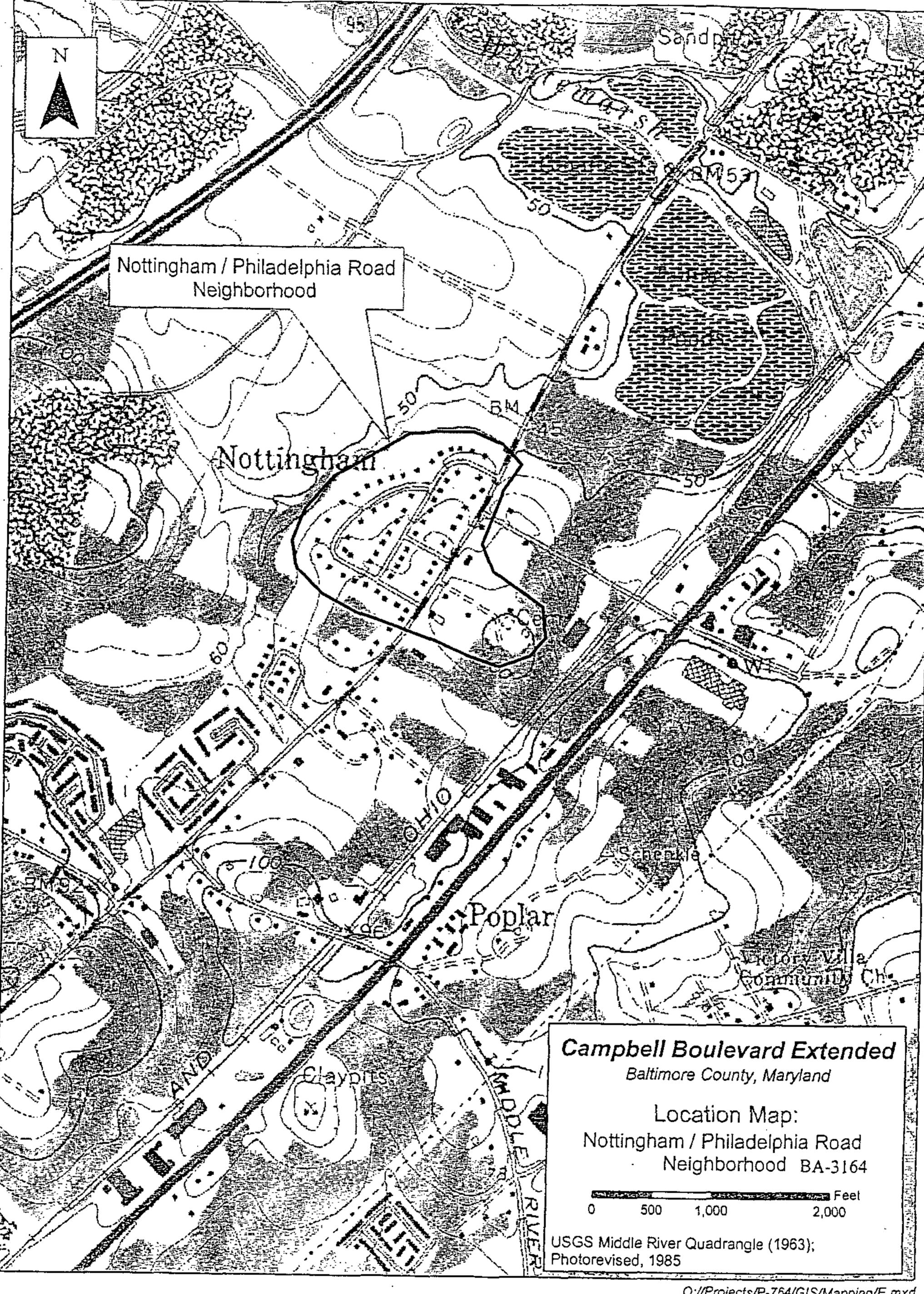
USGS

1890-1969 Quadrangle Maps for Baltimore East, Gunpowder, Middle River, and White Marsh. USGS 15 Minute Series. United States Department of the Interior.

MARYLAND HISTORICAL	TRUST REVI	EW				·	·	· <u>-</u>	
Eligibility recommended Eligibility not recommend		nded	•						
Criteria: A B MHT Comments:	CD	Considerations:	A	B	C .	D	E_	F	G
Reviewer, Office of Preservation Services		·	· - · · · · · · · · · · · · · · · · · ·	Date		• • • <u>• • • • • • • • • • • • • • • • </u>			
Reviewer, National Register Program				Date	···				



9913 Philadelphia Road (BA-3164)



Maryland Historical Trust Maryland Inventory of Historic Properties Form

1. Name	of Property	(indicate preferre	d_name)		
historic	Holtzner House (B. House, Dudnanski	A-2441), Buck's Sc Bungalow (BA-244	hoolhouse (BA-2477 0), Davies' House (E), Taylor House BA-3166	and Cemetery, Clay
2. Locati	on				······································
street and nut	Nottingham Vil Baltimore	lage	hia Road, 1454 Moh	_ <u>X</u>	not for publication vicinity
name	of Property See continuation		g addresses of all owner	s)	<u> </u>
street and nui		i Sirect	state	telephone zip code	
city, town	Towson tax ma _ Contributing Resource in _ Contributing Resource in _ Determined Eligible for to _ Determined Ineligible for _ Recorded by HABS/HAE _ Historic Structure Report _ Other: _ Maryland Invent	National Register District Local Historic District he National Register/Ma the National Register/M R or Research Report at	ryland Register laryland Register E MHT	ETITIONE	R'S
. Classifi	ication				
Category	Ownership	Current Fun	ction	Resource Co	unt
district X_building(s)structure X_siteobject	publicX_privateboth	agriculturecommerce/tradedefense _X_domesticeducation _X_funerarygovernmenthealth careindustry	landscaperecreation/culturereligionsocialtransportationwork in progressunknownvacant/not in useother:		Noncontributing buildings sites structures objects Total ontributing Resources sted in the Inventory

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Name Maryland Historical Trust Inventory No.

Continuation Sheet

<u>. Taylor House.</u> This a late Victorian era house in mostly vernacular style, its only feature a Gothic gable perk with round-topped double hung sash window. This frame structure is five bays wide and has a full width front porch only slightly above grade. The porch roof is a shed roof supported by round posts topped by wooden capitals. Windows are 4-over-4 double hung sash types. This house was by local tradition built in 1870 and seems to be the Jones house found in the 1877 G. M. Hopkins *Atlas of Baltimore County, Maryland*. The house is one bay deep and has fully developed sash windows at two levels but lacks gable peak attic windows. Most windows have shutters. Outer covering is composition shingle. There is also a nearby cemetery, 52 by 52 feet, with intact stones of the Jones, Taylor, and Henry families but that is on a different property. The house was reported to be vacant in late 2004.



A Henry family stone.



Taylor House

Jones, Taylor, Henry Family Cemetery. This 52-foot-square private burying ground apparently belongs to neither the property owner on the north or on the south. It is reached by a long straight private road along the south edge of the former Taylor property. The cemetery was apparently not maintained in 2004. Mr. Frankoviak had maintained it in the past, possibly as a civic duty.

Clay House. The Clay House is a pleasing Dutch Colonial house three bays wide with paired sash windows except for the center bay. On the left end of the façade there is a small gable roofed center entrance porch a few steps above grade; the porch is sheltered by a hipped roof. The same end of the façade had a chimney of cast concrete blocks. This structure is recalled as a Sears pre-cut house. It is set back a comfortable distance from the highway traffic.

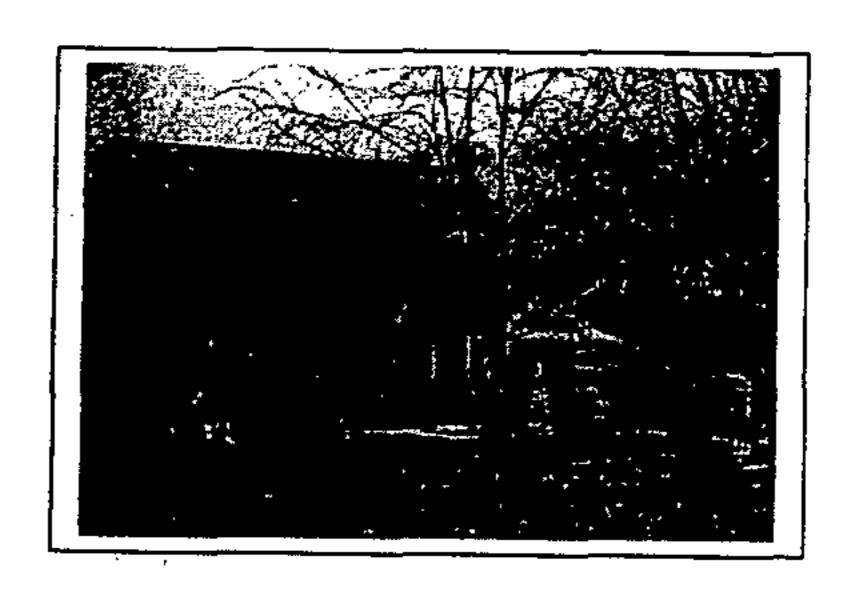
Maryland Historical Trust Maryland Inventory of Historic Properties Form

Name Maryland Historical Trust Inventory No.

Continuation Sheet

Davies House. The Davies House is frame, Dutch Colonial, and manufactured by Sears in 1928. This structure is three bays wide. Its lower story apparently has been retrofitted with three-sided bay windows. The second story windows on the main façade are double-hung sash types, one-over-one. All five façade windows have louvered shutters. A very shallow entrance porch under a gable-roofed entry leads to the paneled front door, which is equipped with vertical sidelights but no transom. The supports of the porch roof are wood box columns in the Colonial Revival style. The house faces toward Philadelphia Road and its original owner probably owned all the ground out to that road. The present address is Mohr's Lane. The house presents its left end to Mohr's Lane. It still has quite spacious grounds. Mohr's Lane leads to some truck terminals and to a humped bridge over the B. & O. Railroad's Philadelphia extension.

Davies House, Mohrs Lane, January 1. 2005



8. Signific	ance		•	Inventory No.
Period 1600-1699 1700-1799	X agriculturearcheology	Area economics education	s of Significance health/medicine industry	Check and justify below performing arts philosophy
X 1800-1899 X 1900-1999 _ 2000-	 X architecture commerce communications _ community planning _ conservation 	engineering entertainment/ recreation ethnic heritage exploration/ settlement	invention landscape architecture law literature maritime history military	politics/government
Specific dates			Architect/Builder	

Maryland Historical Trust Maryland Inventory of Historic Properties Form

Name
Maryland Historical Trust Inventory No.

Continuation Sheet

siding, which was still in progress on January 1, 2005. This structure turns its short dimension to face the road; the house sits on a rather high stone foundation of antique appearance. Buck's School House Road was a very long road marked by sharp bends as depicted in the 1877 G. M. Hopkins atlas. Building the Interstate I-95 in the early 1960s chopped that road in two, and the segment nearest the Philadelphia Road was abandoned. The Maryland Journal in 1878 reported that Benjamin Buck lived to be 88 and his home had been the Half-Way House kept as an inn by his father in the stage coach era. The Buck farm was marked as Golden Mine tract in the 1877 atlas; Buck's father was apparently also Benjamin Buck because his property was advertised in the American, June 16, 1838. The elder Buck had also owned Maxwell's Point, "regarded as the best point for shooting ducks on the river."

<u>Taylor House.</u> This house was built about 1870 by the Taylor family according to local traditions, although it seems to be the William Jones House shown in the 12th Election District map of G. M. Hopkins' 1877 county atlas. In 1914 it was sold by Mary R. Henry to Dr. John Oliver Davies for \$2000. Dr. Davies was a country practitioner serving patients in the immediate area. In 1930, Dr. Davies moved but retained ownership and rented the house to various tenants. One tenant was the noted environmentalist, Rachel Carson. The last owner, John Franckowiak, died in 2002 and his heirs sold the property to the White Marsh Commerce center LLC in 2003. The house was reported as unoccupied in 2004.

. Taylor-Jones Cemetery. The Taylor House property adjoins a family cemetery with intact stones of the Jones, Taylor, and Henry families. The earliest stone is marked 1893. A lack of cemetery maintenance was reported in 2004. But the cemetery does not belong to the owner of the Taylor house because the property line clearly skirts around the "private burying ground" running NE, SE, and SW as described in a deed of November 18, 1943, from Dr. J. Davies to J. Carl Blankenship (RJS 1312:399). Presumably, the cemetery belongs to the unknown heirs of the Jones family. The Jones Memorial Church, a congregation of the Maryland Annual Conference of the Methodist Protestant Church was built on the lower part of the present Taylor House property, and its opening was reported in the Sun of October 8, 1866, its location 10 miles out Philadelphia Road. This church was apparently not incorporated for many years and merely occupied some of the Jones land. An item in the Maryland Journal of August 4, 1894, called it "Poplar M. P. Church" and announced that the Rev. E. O. Ewing would preach there the following Sunday. Browley's 1898 atlas shows the church well back from the road, surrounded by the property of Mrs. Elizabeth Jones (Plate 24). Mrs. Jones had sold a parcel to the church trustees on July 24, 1894 (Deeds LMB 204:534). The church appeared on both Plates 29 and 30 of the 1915 G. W. Bromley Atlas of Baltimore County, Maryland. Plate 29 showed the church by name, but Plate 30 shows it surrounded by Mrs. Henry's property, accessed by a short right of way. James P. Henry and wife Mary R. Henry bought back the church lot property on October 20, 1902 (Deeds NBM 264:366). Then they made a new deed for a half-acre lot that is now occupied by a dwelling numbered as 9907 Philadelphia Road; The church conference sold that lot to Ivan Hugh Taylor on January 22, 1945 (Deeds RJS 1378:102). The church was shown on Plate 29 of the 1915 Bromley atlas as if it were very close to the road. The cemetery appears on present-day tax maps as a small rectangle reached by a long straight access road. The cemetery is also shown in Plat Book WPC 7:37. The cemetery lacks a parcel number in the tax system—being tax exempt.

9. Major Bibliographical References

Inventory No.

John McGrain, "Roads to Philadelphia," Office of Planning, Towson, November 1989

William Hollifield, "Difficulties Made Easy. History of The Turnpikes of Baltimore City and County" (B.C. Historical Society: Cockeysville, 1978).

Rudolph F. Fischer, Sr., "The Fischer Family of Baltimore County, Maryland: A Picture of the Life of a German-American Family in the Early Twentieth century," *The Report*, 45 (2004): 19 –20.

10. Geographical Data

Acreage of surveyed property Acreage of historical setting	See chart	•	
Quadrangle name	White Marsh	Quadrangle scale:	1:24,000

Verbal boundary description and justification

See Continuation Sheet

11. Form Prepared by

name/title

John McGrain, County Historian

organization

Office of Planning

street & number

401 Bosley Avenue, Balto., MD 21204

telephone

410-887-3495

date

January 21, 2005

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

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

return to:

Maryland Historical Trust

DHCD/DHCP 100 Community Place Crownsville, MD 21032-2023 410-514-7600

Baltimore County Landmark Nomination Form Name of Landmark: TAYLOR PROPERTY Location: Street address: 9913 PHILADELPHIA ROAD, BALTIMORE, MARYLAND 21237 Locality: NOTTINGHAM VILLAGE (BALTIMORE COUNTY) Inclusion in surveys: Is the property already listed in: National Register of Historic Places? — Yes (Date ______ National Register Historic District? Yes (Name_____ Maryland Historical Trust Inventory? Yes (#_____ Other survey Type of structure(s): Building (identify each separate building if more than one) Queen Anne-Style Farm House, Circa 1870, with Family Graveyard Structure (e.g. gate, wall, bridge) Site (location of event or building now removed) Object (e.g., milestone) Other Historic use & significance: This residence was built in 1870 by the Taylor Family. In 1914 it was sold by Mary R. Henry to Dr. John Oliver Davies for \$2,000.00. Doctor Davies was a country doctor serving patients in the area. In 1930, Dr. John Davies moved, but rented the farm house to others. Ms. Rachel Carson, a noted environmentalist, was one of the renters. Period(s) of significance: 6. PETITIONER'S Prehistoric 1800-1899 1634-1699 1900-current EXHIBIT NO. 1700-1799 Present use: ☐ Agriculture Industry Private residence ☐ Commerce Military Religious Education Museum Scientific Entertainment Park or recreation ☐ Transportation Government Other Unoccupied residence

Continued on page 2

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

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

Account Identifier:

District - 15 Account Number - 1503230900

Owner Information

Owner Name:

GOODWIN REALTY LLC

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

11847 GLEN ARM RD

GLEN ARM MD 21057-9452

Deed Reference:

1) /14676/ 278

Location & Structure Information

Premises Address 9911 PHILADELPHIA RD

Legal Description

3.58 AC 7 & 9

200FT NW HENRY ST

Grid Map Parcel 16 572

Sub District

Subdivision Section

Block Lot Group Plat No: 82 Plat Ref:

7/ 37

Special Tax Areas

Ad Valorem

Tax Class

Town

Enclosed Area

1,272 SF

Property Land Area 3.58 AC

County Use 07

Stories

Basement

Type

Exterior

\$282,000

Value Information

Base Value

Value As Of 01/01/2003 Phase-in Assessments As Of 07/01/2003

As Of 07/01/2004

Land: Improvements: Total:

Preferential Land:

Primary Structure Built

0000

144,900 72,600 217,500

Class

000

000

000

243,800 34,800 278,600

237,866

258,232

Transfer Information

Seller: IACOBONI REALTY LLC IMPROVED ARMS-LENGTH Type:

Seller: CHRYST GEORGE E IMPROVED ARMS-LENGTH Type:

TAYLOR IVAN H Seller: **NOT ARMS-LENGTH** Type:

Date: 09/06/2000 Deed1: /14676/ 278

Price: Deed2: 02/21/1996 Price:

\$237,600 Deed2:

Date: 06/22/1948 Deed1:

Deed1: /11442/ 9

Date:

Price: \$0 Deed2:

Exemption Information

0

07/01/2003

Partial Exempt Assessments County State Municipal

07/01/2004 0

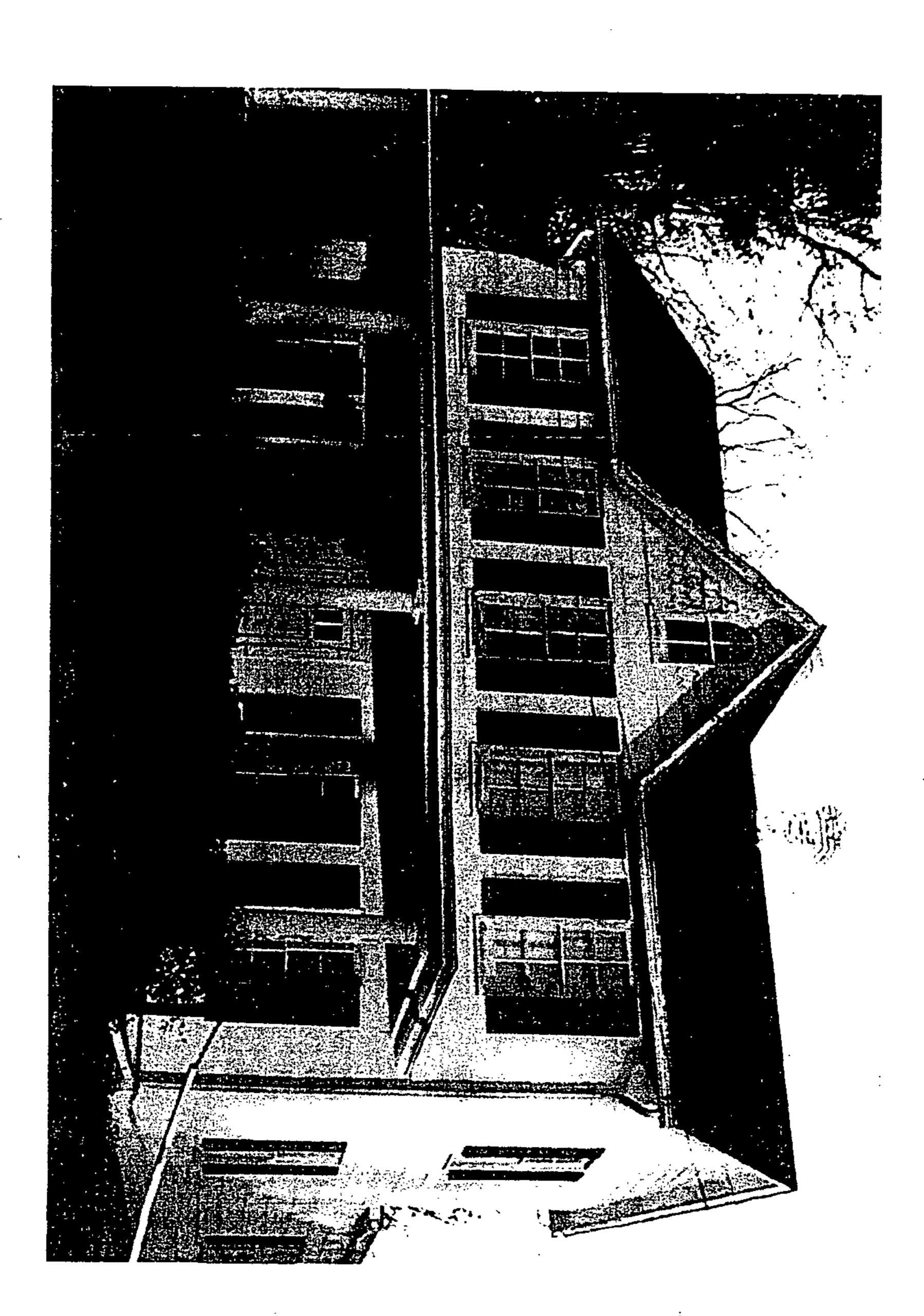
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Special Tax Recapture:

Tax Exempt: **Exempt Class:**

NO

* NONE *



9913 Philaidelphia Road White Marsh, Maryland

PETITIONER'S

EXHIBIT NO.

(72.15C.SD.

Property Description

...

Property constructed ca. 1893

Two-story, woodframe building clad in asbestos shingles Mid-20th century alterations



DE

Setting



Dwelling is recessed from the road

Mature pines and oaks provide a border for the property

Mowed lawns surround the dwelling

Four mid-20th century outbuildings are located on the < 10-acre property

The dwelling was constructed by 1893 when the house was painted
In 1899 it was described in a deed as the "new house"



Previous Research

ficant by Baltimore

- NOISI yland a S IPC distorical of the Campbell Bouleva Trust reviewed th
- 30 ot historically significant a national levels with the finding that the

Most Recent Action

ryland Inventory of H timore County Plannin istoric Properties form completed in ng staff

The property was not evaluated for historical significance

Baltimore (advocates County Landmarks Nomination form prepared by k

Road forms confuse property ownership between 9913 Philadand 9911 Philadelphia Road

that Ms. Carson rented mecdotal testimony presented before the Commission indica arson rented the "Jones Property" while a student

Research

onta ted Tec P Suuo esea 99 5/5 ch at Yale University Hopkins University on Rachel historic maps, and histo (Carson

(0)at the Baltimore Count

Conducted Census research

Oemelve records at the Maryland State,

P D

Jones

William Jones 1862 to 1894 Elizabeth A. Jones 1894 to 1899

Mary R. Henry 1899 to 1918

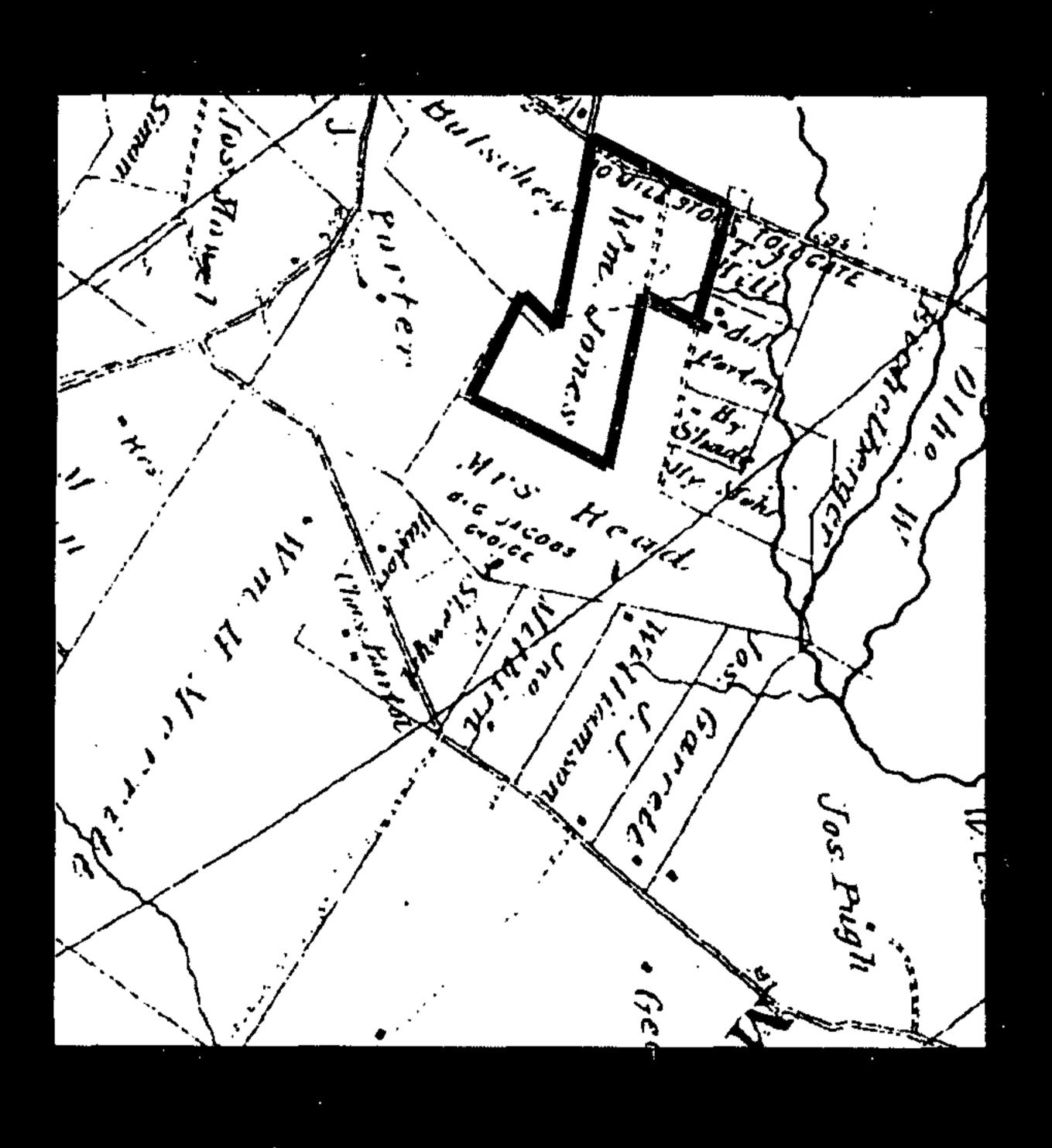
- pn o parcels with I "new house a veyed to Mary ise and 4 acres containing burial Henry Were
- Mê ne ar church Drie esuoi Henry in COUNE 902 the 2 acres James K tenry and <u>S</u>

- Iliver Davies & wife Davies the dwelling wife
- āS,
- I lived in the area in ded in 1937 Director
- 7.76 acres were conveyed
- <u>esjyie</u> ne cemetery was not conveyed

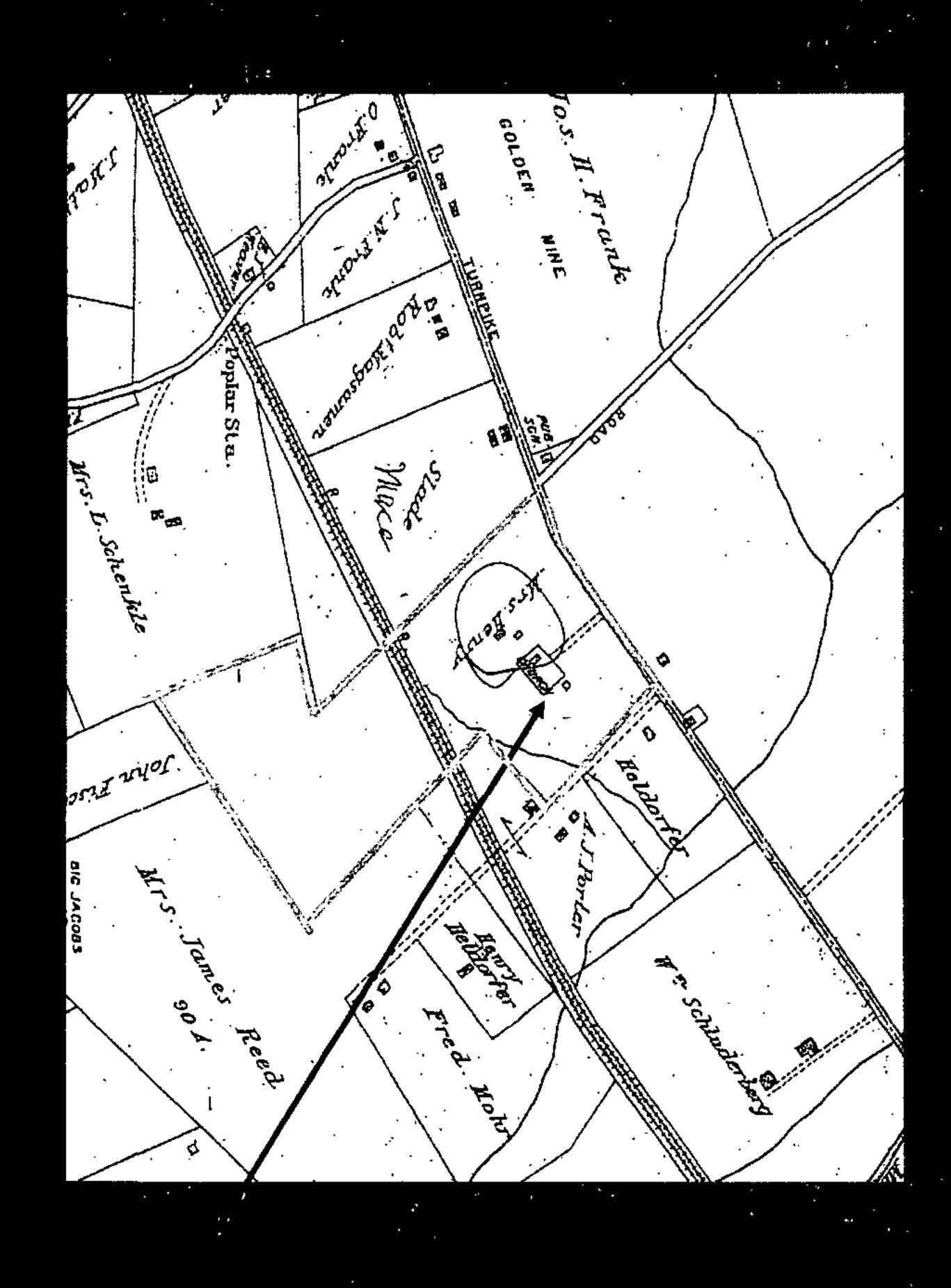
lankenship, Fimith families transferred to Franckowiak,

Acquired the property in

1877 Hopkins Map



1915 Bromley Atlas



Spuilleme Dwelling:

The dwelling at 9913
Philadelphia Road is located east of the cemetery. This is the dwelling owned by the Davies and currently owned by White Marsh Commerce Park, LLC.

The adjoining property is located west of the cemetery and was occupied by Mrs. Henry. A ca. 1940s dwelling, the Taylor House, currently occupies the parcel at 9911 Philadelphia Road.



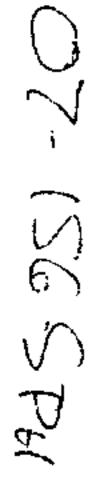


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BSNOL [0]SSOCIATION Road

SUIDIT Him 3 MESILY

- Springdale, Pennsylvania
- Spring, Maryland



(O) Ŋā are wernment, Baltimore County consistent with the National Re

Criterion A: Event

1 ...

Criterion B. Person

Criterion C: Design/Construction

Criterion D: Information Potential

77.17-C.Spu

Moissinning Presentation

Criterion 1

(0)in Stemmers Run between erson's productive life June 1937

- Raci was at Johns Hopkins University
- addresses available for Stemmers Rur
- moved to Silver Spring in 1937
- 7 ş'nog book, Under the Sea-Wind wa

@mb amers 29

- Was an out-of-town place
- Had a tennis court
- Had a grove of oak trees
- i Had a big open fireplace

S SUDIJOID biographer provided Of the Stemme

- 9 than house in Springda
- No central heating
- surrounding the house

Carson Tenancy in Baltimore County

itanu () O unti Ø

Run was substantially larger tr Springa

∬@ at 991 larger Desed Philadelphia Road

<u>(a)</u> <u>回</u> ga Dac 8 0f 991 louse dwelling is **BSNO** ıiladelı not substantiall goes Birja Road ma

Two dwellings on parcel

- Jones house (ca. 1870)
- Davies house (ca. 1893)

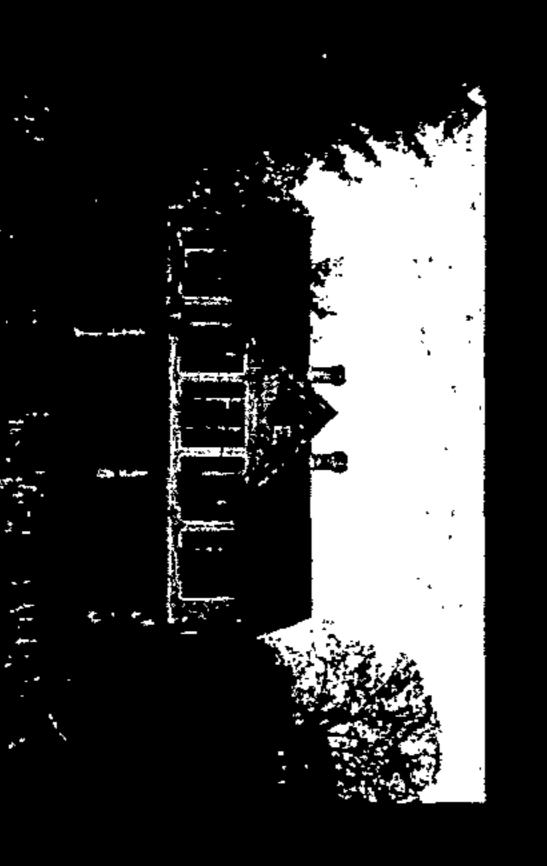
esivies resided in the Stemmers Run area

- from 1910
- 937 Polk's Baltimore City Directory in Sternmers Run

Testimony presented to the LPC

- lavies recount that she rer ing at the "Jones property that she remembers
- ne Jones property is located at 9911 Philadelphia Road

Ce <u>Eeting</u> ostantial egg



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Criterion 1

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- Noinail

Chierion 2

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Criterion 4

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Chicerion 5

a Applies to archeology

Conclusion

We temmers <u></u> Road state, listorically wolf ur (D)

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EXHIBIT NO. 7

Case No.: 07-156 - SPH 9913 PHILADELPHIA RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	PHOTOOI RACHEL CARSON HENRIEHA DAVIES - MRS DAVIES H
No. 2	KIRSTEN PEELER. RESUME	Rachel Carson BioSophy
No. 3	8/2/04 LETTER 1) ELIZABETH Cols Subject House Not eligible for Nat'L Register of Historic Places	20.
No. 4	Md. Historical Trust FORM - Completed by M'Grain NRONG INFO 'HAYLOR	APPROVAL OF
No. 5	Land Mark Normann	Photo's of Property
No. 6	M's PEECERS PRESENTATION to LANDMARKE	RESEARCH
No. 7	PHOTOGRAPH OF SUBJECT HOUSE	FEED HISTORY
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Rachel CARSON HELRISTA DAVISE
C. 1031

PROTESTANT'S

EXHIBIT NO.

February 5, 2001 VOL. 30, NO. 20

Hopkins
History: Rachel
Carson, Marine
Biologist and
Writer

By James Stimpert Special to The Gazette

The Gazette Online

In September 1962, a book was published that would have a profound impact on conservation policy and the public's attitude toward the environment. The book was *Silent Spring* and its author was Rachel Carson. Carson was born in Springdale; Pa., in 1907 and attended the Pennsylvania College for Women (now Chatham College). Intending to major in English and composition, she discovered an interest in biology, which led her to Johns Hopkins.

Carson earned a master's degree in marine biology from Hopkins in 1932, under R.P. Cowles. Prevented from pursuing her doctorate because of financial difficulties, she paired her interest in marine biology with her writing talent to get a job with the U.S. Fish and Wildlife Service, producing brochures and pamphlets, and also pursued an independent writing career. Beginning with *Under the Sea Wind* in 1941, followed by *The Sea Around Us* in 1951 and *The Edge of the Sea* in 1955, Carson wrote about what she loved most—the marine environment and its relationship with land and with mankind. Her first three books, serialized in popular magazines, were acclaimed for their ability to explain scientific ideas in terms understandable to nonscientists.



Rachel Carson

PROTESTANT'S

EXHIBIT NO.

While finishing her research for *The Edge of the Sea*, Carson noticed disturbing trends involving sea creatures and the birds that live along the shore. Their populations were declining drastically and the cause, she came to believe, was indiscriminate use of persistent chemical pesticides, including DDT. Developed during World War II, DDT appeared to give mankind the ability to control nature, assisting farmers to grow healthier crops. What was not understood at the time was that these chemicals remained active in the soil for a long time and did not affect just insects but every living creature in the food chain. One of the publicized effects of DDT was the thinning of egg shells, preventing birds of prey, such as the bald eagle, from hatching their young.

In preparing to write Silent Spring, Carson relied on meticulous research compiled by many scientists. After publication, she was asked to testify before two U.S. Senate committees investigating environmental hazards. Soft-spoken and polite, yet firm in her beliefs, she was an effective advocate for the fledgling environmental movement. Although she faced criticism and ridicule from chemical companies and their lobbyists, the research that she and others compiled has withstood the test of time. She has been credited as the catalyst in an effort that led eventually to the banning of DDT and similar pesticides. The most visible result of her efforts has been gradually increasing populations of birds of prey in our coastal areas.

Carson died of cancer in April 1964, less than two years after her landmark book was published. In 1997, Linda Lear wrote a definitive biography titled Rachel Carson: Witness for Nature, relying in part on the university's Ferdinand Hamburger Jr. Archives to document Carson's years at Hopkins.

James Stimpert, of MSEL Special Collections, is Homewood archivist. This is part of an occasional series of historical pieces that will appear in the year leading up to the 125th anniversary of the founding of Johns Hopkins. Previous biographical sketches can be found at http://www.jhu.edu/~125th.

GO TO FEBRUARY 5, 2001 TABLE OF CONTENTS. GO TO THE GAZETTE HOME PAGE.

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JOHNS HOPKINS UNIVERSITY BUREAU OF

The Johns Hopkins University of the Property of the APPOINTMENTS without the printer written parmission of the Johns Hopkins University.

REGISTRATION BLANK

This material has been copied from
THE LEAR/CARSON COLLECTION
Charles E. Shain Library
Connecticut College
Connecticut O6320-4196

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Name in full	Rachel Laure Stemmers Run	e Carson Co Baltimore Co	unty Inde_	
Permanent address				
Temporary address	Essex 88-F-11	May we tel	at your expense:	
Telephone number			Comparative analo	7 *
Position desired: Teaching: (1)	Subject Biological	sciences, Expecially	Jenether Botany	
	Kind of institution	1) Junior	<u> </u>	

PROTESTANT'S

EXHIBIT NO. 3

This material has been corried from THE LEARCARDON INTELECTION Charles E. Shain Library Connecticut College New London, Connecticut 06320-4196

Stemmers Clum Saltimore Country maryland Lebruary 27, 1931

Miss Margaret Stuart Pennsylvahia College for Homen Pittsburgh, Pennsylvania

I sincerely hope conditions will be improved during the spring. Yours sincerely, Rachel L. Carron

This material assets a second asset THE LEAR/CARSON Charles E. Shain Library Connecticut College New London, Connecticut 06320-4196

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PRELIMINARY and FINAL LANDMARKS LISTS (Continued)

PRELIMINARY LANDMARKS LIST

Approved by the Landmarks Preservation Commission for the Preliminary Landmarks List on May 12, 2005 and awaiting a vote by the County Council to place it on the Final Landmarks List

278. Henry (f.k.a. Taylor) House, 9913 Philadelphia Road, Nottingham vicinity [BA-3177]

Approved by the Landmarks Preservation Commission November 10, 2005 and awaiting a vote by the County Council for the Final Landmarks List

- 304. "Gott's Hope" (log house portion only), 507 Chestnut Avenue, West Towson [BA-2400]
- 307. Stange Stansbury House, 1610 Cottage Lane, Knettishall [BA-2298]

Approved by the Landmarks Preservation Commission on January 12, 2006 and awaiting a vote by the County Council for the Final Landmarks List

321. Dilworth-Dietz Farmstead, (not including the additions on north and rear), 12431
Belair Road, Kingsville [BA-3079]

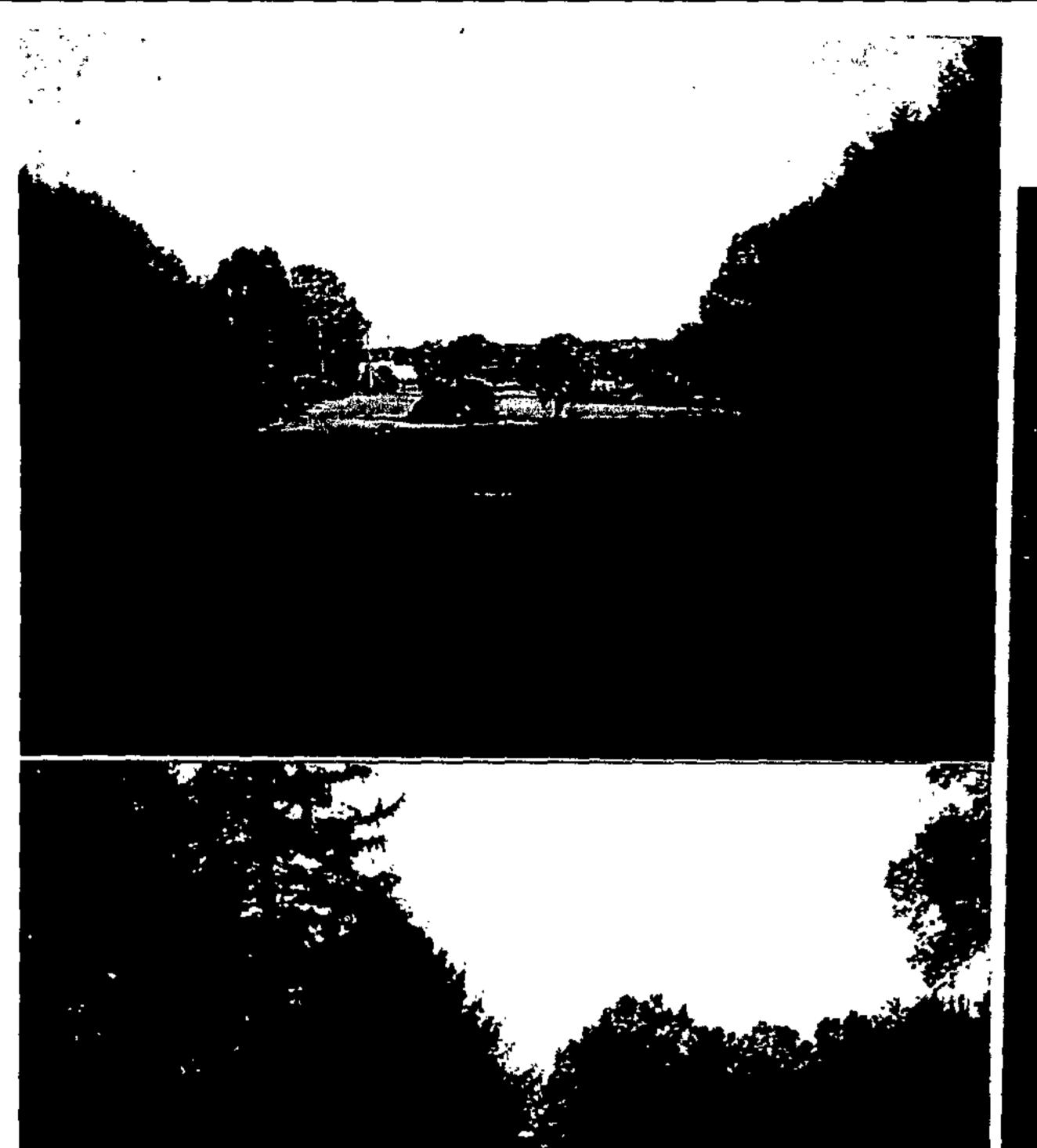
Approved by the Landmarks Preservation Commission on March 15, 2006 and awaiting vote by the County Council for the Final Landmarks List

331. "Wickcliffe" stone garage/carriage-house at "Maryvale" Greenspring Valley Road [BA-1602; contributing property in the Greenspring Valley National Register Historic District]

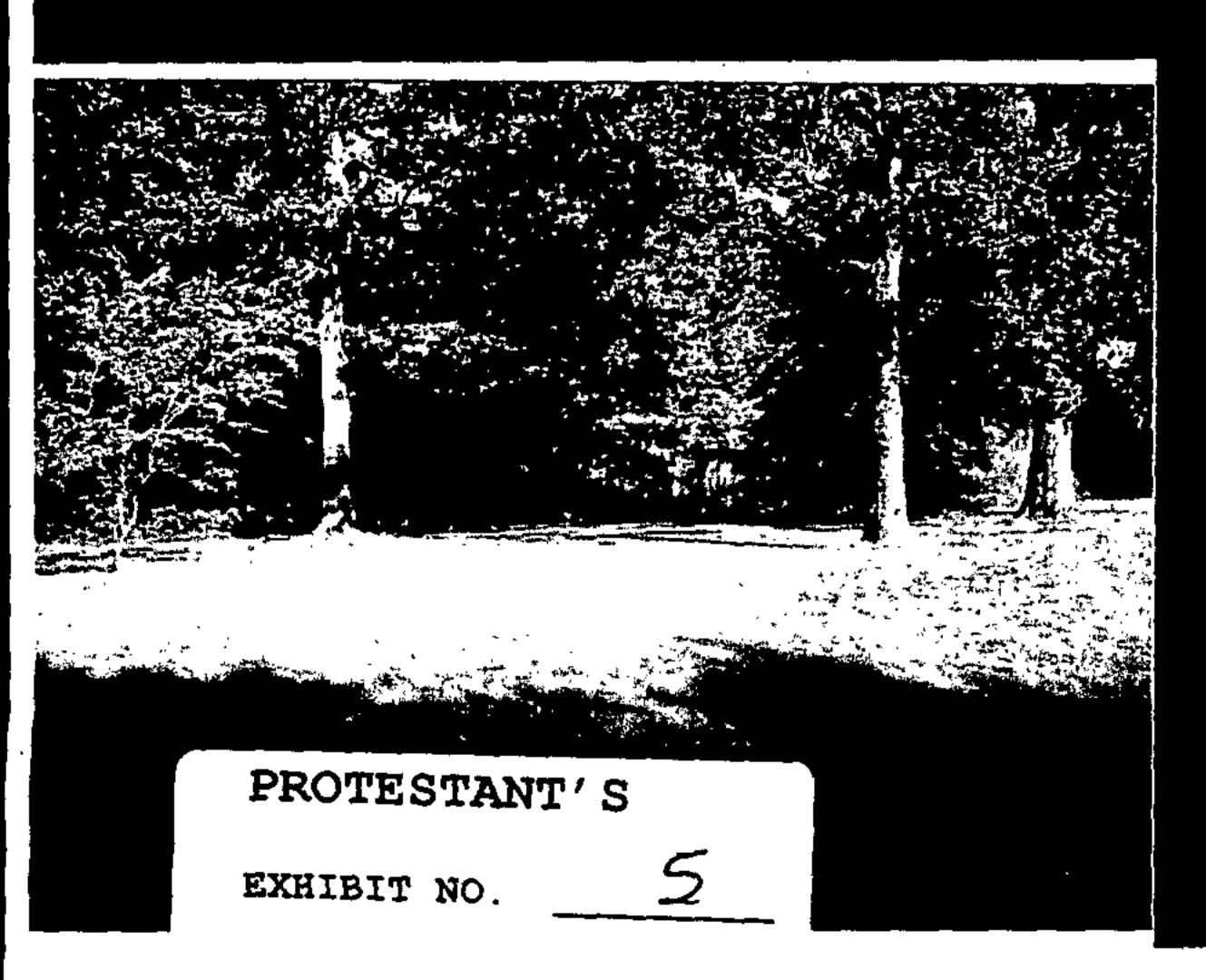
Added to the Preliminary Landmarks List on April 25, 2006

- 334. "Stiltz's Folly," farmhouse, bank barn, spring house, and setting, 616 Gifford Lane, Hereford (Built ca. 1850)
- 335. **White-Merrill House and setting**, 403 Gun Road, Avalon vicinity (County Register/MHT # BA-2541)
- 336. Connolly House (Amrein property), accessory buildings, and setting, 12709 Manor Road, Long Green (County Register/MHT # BA-2112; built ca. 1852): Proposed for demolition
- 337. **Pine Grove School and setting**, 9423 Old Harford Road, Doncaster Village vicinity (County Register/MHT # BA-284)

PROTESTANT'S











House at 9913 Philadelphia Road

PROT. St. S.

Nottingham Improvement Association



Baltimore County Landmark Committee James Matthews, Chairman

April 11, 2005

Dear Mr. Matthews,

The Nottingham Improvement association submitted Landmark Nomination Forms for 9913 Philadelphia Road. A form was submitted for the house, designated as the Taylor House. We would like the designation changed to the Jones Property. In researching the deeds for this property it was ascertained that the property was deeded to William Jones and his wife, Elizabeth Jones, in 1862. The property was held by the Jones family until 1899 when it was deeded to Mary R. Henry. The Jones family deeded a two acre parcel of the property "the new house and burying ground" to the Methodist Protestant Church in 1894. This would seem to indicate that the present structure was built sometime between 1862 and 1894. The house and burial ground were deeded back from the Methodist Church to the then owners, the Henry family, in 1902. In 1918 the house was purchased by Dr. J. Oliver Davies, who owned the property until 1943. Doctor Davies and his family lived in the house from approximately 1913 to 1930. He rented the property after 1930 to various tenants. One of the tenants was Rachel Carson, author of Silent Spring, The Sea Around Us and other works dealing with the environment. In the biography, Rachel Carson: Witness for Nature, by Linda Lear it is documented that she and her family rented a house in the spring of 1930 13 miles NE of Baltimore on Old Philadelphia Road. She wrote to friends of the "lovely woods at the very back door" From anecdotal reports of their former neighbor, Henrietta Davies, the house that Carson lived in until 1938 was the house at 9913 Philadelphia Road, the "Jones Property". This also has been ascertained from other Davies family members who recall the Carson family as residents at this location.

PROTESTANT'S

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Miss Carson in a letter to her agent, Marie Rodell, wrote," The dismal truth is that the shores such as we are proposing to describe are fast disappearing, and may well do so completely within the life of some of us. This is not alarmist speculation, but a conclusion based on recent factual surveys and predictions by those qualified to know. Only vision, understanding, and bold action can better the situation. Feeling this so deeply as I do, I cannot write about the shores I love without pointing out their peril, even though briefly. For it is only as people are informed of dangers that threaten such priceless regions that they can be saved". Miss Carson's words about our waterways hold true even more today. Her warnings about fast disappearing resources and priceless regions are just as applicable to our historical properties as they are to other resources.

We ask that the Commission in their vision and boldness approve our request to designate 9913 Philadelphia Road as a landmark, so that it can be maintained as a part of Baltimore County and Maryland history.

Sincerely,

cc Committee Members

Deeds for 9913 Philadelphia Road

2/18/1859 - Great Falls Iron Company to Jonathan Turner and Phillip Cole - 70 1/2 acres

12/1/1862 - Jonathan Turner and Phillip Cole to William Jones- 70 1/2 acres

8/1/1894 -Elizabeth A. Jones(widow) to the Trustees of the Maryland Annual Conference of the Methodist Protestant Church Chapter 181-2 acres

2/28/1899- Elizabeth A. Jones to Mary R. Henry - 70 ½ acres excepting from the property 4 acres- 2 acres thereof know as church lot and 2 acres thereof known as new house and burial lot

10/20/1902- Trustees of the Maryland Annual Conference of the Methodist Protestant Church Chapter 181- 2 acres to James K.P. Henry and wife Mary

3/26/1918 - Mary R. Henry to John Oliver Davies and wife- 17.76 acres

11/18/1943-John Oliver Davies to J. Carl Blankenship and wife- 10 acres

8/11/1947- J. Carl Blankenship and wife to John Franckowiak and Josephine Franckowiak-10 acres

3/19/03- Estate of John Franckowiak to White Marsh Commerce Park LLC 9.70 acres

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07-156.50-1

