

IN RE: PETITION FOR ADMIN. VARIANCE
SW side of Falls Road, 30 feet E of
C/l of Racquet Road
3rd Election District
2nd Councilmanic District
(6240 Falls Road)

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BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Baltimore County Department of Permits
& Development Management; Timothy
Kotroco, Director

*

Petitioner
Emanuel and Melainie Smith
Respondents

*

CASE NO. 07-176-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before this Deputy Zoning Commissioner as a Petition for Administrative Special Hearing filed by the Baltimore County Department of Permits & Development Management; Timothy Kotroco, Director, for property located at 6240 Falls Road. The legal owners of the subject property are Emanuel and Melanie W. Smith. The Department requested a special hearing to approve a waiver pursuant to Sections 32-4-107 of the BCC of Sections 32-4-223.(8) and Section 32-4-416(a)(2) to raze a single family dwelling that is on the Baltimore County Final Landmark's list. The basis of this request it that the dwelling on the property is in violation of Section 32-7-502(b) B.C.C, demolition by neglect. The dwelling is known as the "Smith House" which is a contributing structure in the Bare Hills African American Survey District #260, and on the Final Landmarks List.

The property was posted with a notice of the request for administrative special hearing on October 25, 2006. Thereafter the owners of the property requested a public hearing in this matter on November 13, 2006. The property was posted with Notice of Public Hearing on December 11, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief.

12-27-06
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Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated October 30, 2006 which indicated the dwelling is in a state of severe disrepair and is being held up by braces placed in a very precarious manner. The Office of Planning states that it is in the public interest to allow the razing of the dwelling. Attached to the comment were the minutes from the Landmarks Preservation Commission Meeting on October 12, 2006 which authorized the demolition under these circumstances and a letter to the Respondents dated November 2, 2006 from the Office of Planning which notified the Respondents of the Landmarks Preservation Commission meeting and associated matters.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were County employees Douglas Swam, Supervisor Permits Services, Donald Brand, Buildings Engineer, and Caren Hoffberger, Office of Planning. Mike Comeau, Esquire, represented the County. Respondents Emanuel and Melanie W. Smith, owners of the subject property appeared at the hearing in opposition to the request. Peoples counsel, Peter Zimmerman, Esquire, entered his appearance in the case.

Testimony and Evidence

The subject property contains a single family dwelling known as the "Smith House" which is on the County Landmarks Preservation List and is a contributing structure to the Bare Hills Historic African American Survey District. Mr. Comeau described the history of complaints and hearings regarding this property starting with an Order of Enforcement Hearing Officer Shapiro in November 2001 that the building should be razed within 60 days. In addition he proffered that the County Buildings Engineer, Donald Brand, had recently inspected the structure and presented his report as County exhibit 1. This report described the deteriorated condition of the building and presented the Building Engineer's opinion that the structure was beyond saving, the structure was prone to vandalism and could fall down on its own posing a hazard to any person in the building.

The Respondents indicated that they did not oppose razing the structure if they were allowed to do the demolition themselves within a reasonable time. Mr. Smith noted that the structure contained valuable wood which could be salvaged to offset the cost of demolition. He recalled his past efforts to secure and save the building including expending \$22,000, his attempts to create a 501 3 C tax exempt entity to raise money for its restoration, the research efforts by Morgan State University and the history of the dwelling which he indicated was purchased by former slaves. He lamented losing this structure which is one of the last of its kind in the County.

Mr. Comeau recalled the earlier order of Enforcement Hearing Officer Shapiro of November 2001 in which Mr. Shapiro gave the Respondents until January 24, 2002 to raze the building. He noted the last order of Enforcement Hearing Officer Wisnom that the structure be razed by January 1, 2007. However to give the Respondents a final chance to raze the structure

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PZ

he agreed to give the Respondents until April 1, 2007. He opined that after this date the County would raze the structure and place a lien on the property for the cost of demolition.

Mr. Smith in response indicated he needed six months to demolish the structure due to the difficulty of working on it during the winter. After an extended discussion among the participants, the Parties agreed the Respondents have until May 1, 2007 to raze the structure. Thereafter the County may raze the structure, clean up the site and place an lien on the property for the cost of this work.

Mr. Brand indicated that he was worried about the lack of doors on the first floor which could invite vandals. Again after discussion, the Respondents and County agreed that the Respondents would install using wood screws plywood paneling on all doors and windows by December 31, 2006. Thereafter the County will secure the doors and windows and place a lien on the property for the cost of this work.

Findings of Fact and Conclusions of Law

The County requests a waiver pursuant to Section 32-4-107 of the BCC to allow the subject structure to be razed. Sections 32-4-416 and 32-4-223 of the BCC require historic structures and sites which are on the landmarks preservation list be preserved. The subject structure is listed on the landmarks list and is a contributing structure to the Bare Hills African American Survey District.

I find that the Director of the Department of Permits and Development Management has requested this waiver and that the request meets the criteria of Section 32-4-107 (a) (1) (ii) in that compliance with this title would cause unnecessary hardship. I find this structure is beyond repair as noted in the recent report by the Buildings Engineer, County exhibit 1. It poses and immediate danger to the community by the fact no one is living in the building, that the first floor doors and windows are open to vandals and by having such weakened structure that the

building could collapse at any time endangering passersby and neighborhood residents especially children. I find that these dangers constitute an unnecessary hardship on the citizens of the County and neighbors of the structure.

Consequently I will grant the request to waive preservation of this structure which although on the landmarks list is recommended for demolition by the Landmarks Preservation Commission and Planning Office. As agreed by all parties at the public hearing I will grant the Respondents until December 31, 2006 to secure all first floor openings through which vandals or children may enter the building. After December 31, 2006 if the building is not secure, the County may secure the building and place a lien on the property for the cost of same. In addition as agreed I will grant the Respondents until May 1, 2007 to raze the building. After May 1, 2007 if the structure is not razed and site cleaned to the satisfaction of the Department of Permits and Development Management, the County may enter the site, raze the structure and clean the site placing a lien on the property for the costs of same.

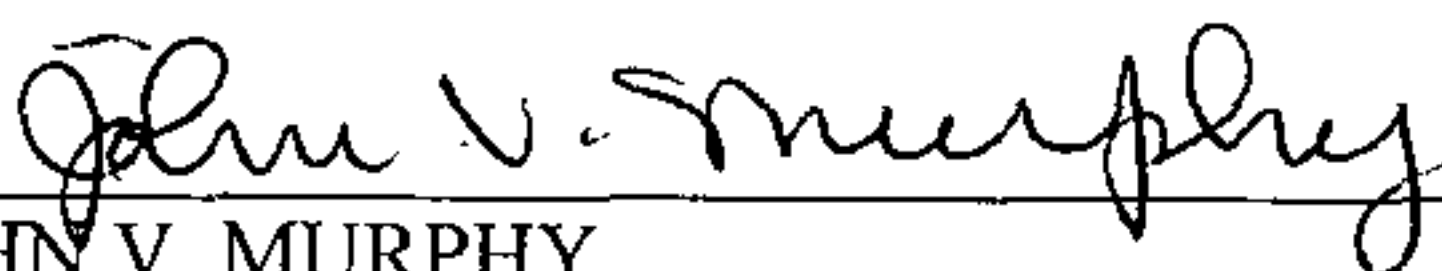
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 27th day of December, 2006, that the request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for property located at 6240 Falls Road for a waiver pursuant to Sections 32-4-107 of the BCC of Sections 32-4-223.(8) and Section 32-4-416(a)(2) to raze a single family dwelling that is on the Baltimore County Final Landmark's list. Demolition by neglect of said dwelling per Section 32-7-502(b) B.C.C. is hereby GRANTED subject to the following conditions:

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1. The Respondents shall secure all first floor openings through which vandals or children may enter the building on the subject property to the satisfaction of the Department of Permits and Development Management by December 31, 2006.
2. After December 31, 2006 if the building is not secure, the County may secure the building and place a lien on the property for the cost of same.
3. The Respondents shall raze the building and clean up the site to the satisfaction of the Department of Permits and Development Management by May 1, 2007.
4. After May 1, 2007 if the structure is not razed and site cleaned to the satisfaction of the Department of Permits and Development Management, the County may enter the site, raze the structure and clean the site placing a lien on the property for the costs of such work.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

12-27-06
902267
JVM

HISTORIC

Petition for Administrative Special Hearing



TAX Acct. 03-08-05590 to the Zoning Commissioner of Baltimore County
Map 69, Parcel 1021
for the property located at 6240 Falls Road
which is presently zoned DR-2

223.(8)

(32-4-107) This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections 32-4-107(b), BCC of Sections 32-4-293.(b) and Section 32-4-416(a)(2) to RAZE A S.F.D. that is
ON THE Baltimore County Final Landmark's List. Demolition
by neglect of said dwelling per SECTION 32-7-502(b) B.C.C.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

Baltimore County Permits &
Development Management Director

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

Contract Purchaser/Lessee:

Timothy M. Kotroco
Name - Type or Print

Timothy Kotroco
Signature

111 W. Chesapeake Ave.
Address

Towson MD. 21204
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

EMANUEL Smith & MELANIE W. Smith
Name - Type or Print

Signature

Name - Type or Print

Signature

314 PARADISIO Way
Address

CHESAPEAKE VA. 23322
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 07-176-SPH

Reviewed By WCR Date 10-17-06

REV 6/17/05

Estimated Posting Date 10-27-06

12-21-06
[Signature]

Affidavit

in Support of Administrative Special Hearing

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

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

Address

City

State

Zip Code

111 WEST CHESAPEAKE AVENUE
TOWSON MARYLAND 21204

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

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of October 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy M. Kotroco

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

AS WITNESS my hand and Notarial Seal

Date

Notary Public

My Commission Expires

REV 6/17/05



Catherine J. Popelawski

4-8-09

BEGINNING for the same on the Southwest side of the Falls Road 150 feet South $50\frac{3}{4}$ degrees from a stone X on the same side of said road and which stone is the place of beginning of the whole tract of land conveyed by John Zee Hook to Aquilla Scott and wife by Deed dated October 29, 1839 and recorded among the Land Records of Baltimore County in Liber T.K. No. 293 folio 357 and known as "Hector's Hop Yard" and running thence South 51 degrees West 117 feet 9 inches to a stake thence South $8\frac{3}{4}$ degrees East 57 feet 8 inches to a stake thence North 51 degrees East 156 feet to a stake on the Southwest side of Falls Road and thence binding on the Southwest side of said road North $50\frac{3}{4}$ degrees West 50 feet to the place of beginning.

CERTIFICATE OF POSTING

Date: _____

RE: Case Number 07-176-SP4

Petitioner: TIMOTHY KOTROCO, BALTO. CO

~~Date of Hearing~~/Closing Date: 11-13-06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6240 FALLS RD.

The sign(s) were posted on _____

10/25/06
(Month/Day, Year)

**ATTACH PHOTOGRAPH OF
SIGN POSTED ON PROPERTY
HERE**

[Signature]
(Signature of Sign Poster)

LEONARD WASILEWSKI
(Printed Name of Sign Poster)

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

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

* To sign poster,
Please take pictures of the
sign & house to be raze.

Thanks,

OFFICE 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: 407-176-SPH

6240 Falls Road
S.West of Falls Road at the distance of 30 ft. east of the centerline of Racquet Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Emanuel & Melanie W. Smith
Petitioner: Baltimore County Dept. of Permits & Development Management, Timothy Kotroco, Director.

Administrative Special Hearing: to approve a waiver pursuant to Sections 32-4-107, BCC, of Sections 32-4-223(8) and Section 32-4-416(a)(2) to raze a S.F.D. that is on the Baltimore County Final Landmarks list. Demolition by neglect of said dwelling per Section 32-7-502(b) BCC.
Hearing: Wednesday, December 27, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3668.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 12/637 Dec. 12, 118727

CERTIFICATE OF PUBLICATION

12/14/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/12/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING

6240 Falls Road; SW/S Falls Road,
30' E c/line of Racquet Road

3rd Election & 2nd Councilmanic Districts

Legal Owner(s): Emanuel & Melanie Smith
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-176-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

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 30th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed to Emanuel & Melanie Smith, 314 Paradisia Way, Chesapeake, VA 23322 and Timothy Kotroco, PDM Director, 111 W. Chesapeake Avenue, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

OCT 30 2006

Per. *RLM*

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 07- 176 -SPH Address 6240 FALLS ROAD

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

Filing Date: 10-17-06 Posting Date: 10-29-06 Closing Date: 11-13-06

Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE SPECIAL HEARING SIGN FORMAT

Case Number 07- 176 -SPH Address 6240 FALLS ROAD

Petitioner's Name BALTO. CO. /TIMOTHY KOTRO Telephone 410-887-3353

Posting Date: 10-29-06 Closing Date: 11-13-06

Wording for Sign: Administrative Special Hearing to ~~approve~~ raze a S.F.D. that is
on the Baltimore County Final Landmark's List. Demolition
by neglect of said dwelling per section 32-7-502 (b) B.C.C.

WCR - 6/28/00

**Department of Permits and
Development Management**



Baltimore County

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

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

November 16, 2006

NOTICE OF ZONING HEARING

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

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6240 Falls Road

S/west side of Falls Road at the distance of 30 ft. east of the centerline of Racquet Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Emanuel & Melanie W. Smith

Petitioner: Baltimore County Dept. of Permits & Development Management, Timothy Kotroco, Director

Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-107, BCC, of Sections 32-4-223(8) and Section 32-4-416(a)(2) to raze a S.F.D. that is on the Baltimore County Final Landmarks list. Demolition by neglect of said dwelling per Section 32-7-502(b) BCC.

Hearing: Wednesday, December 27, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

*Posted 12/11/06 9:45AM
photo's taken JRA.*

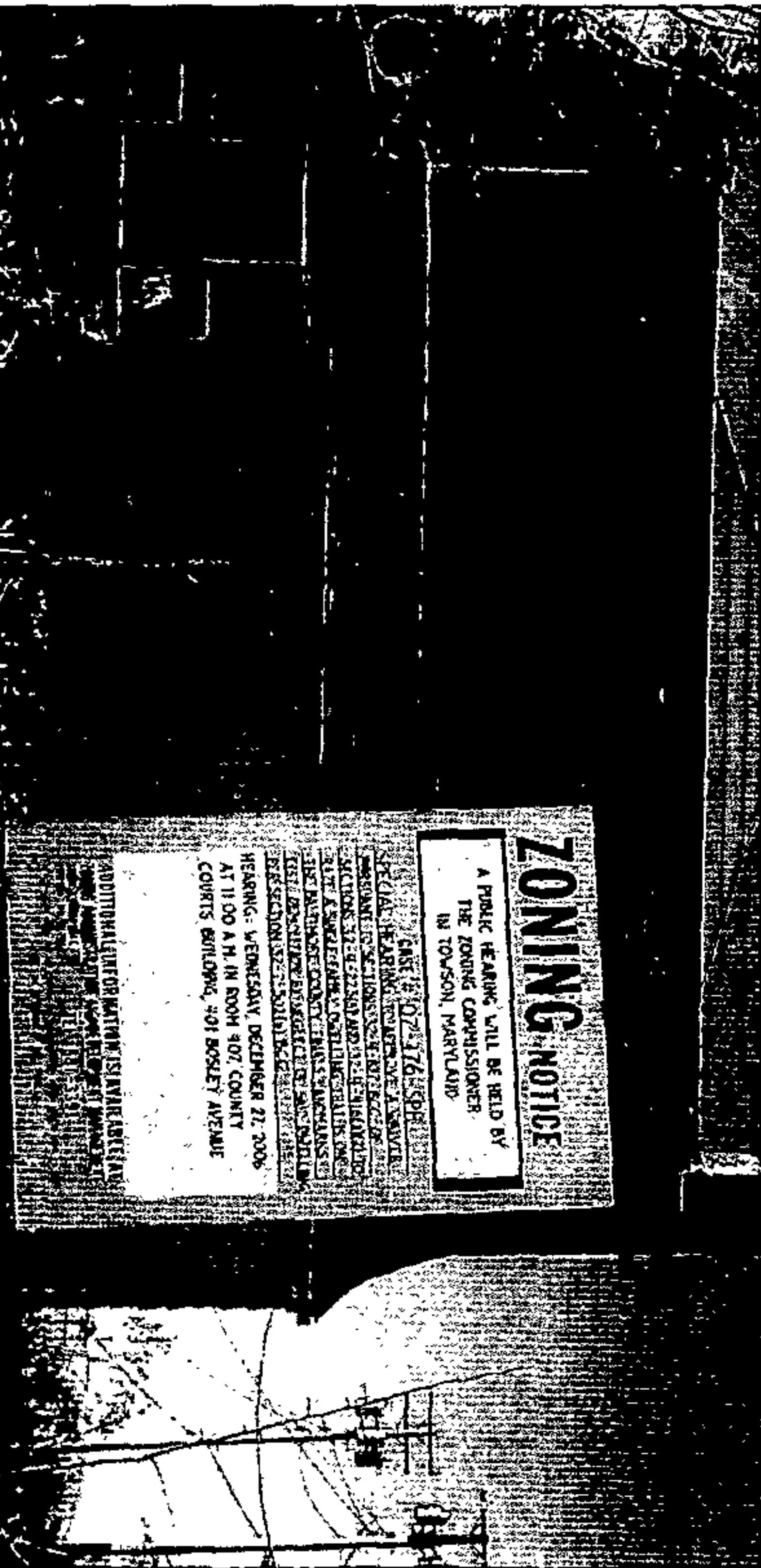
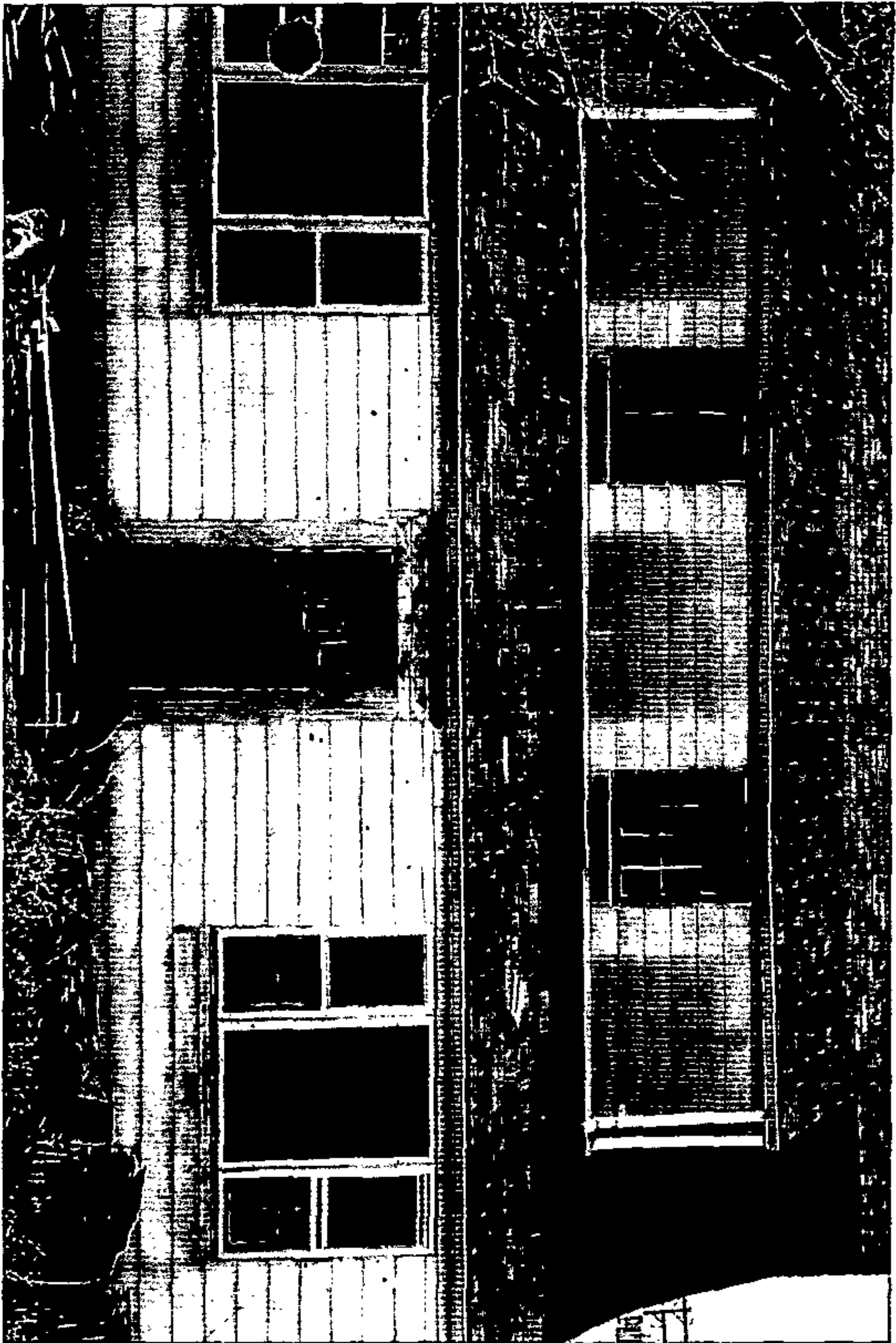
TK:klm

C: Emanuel & Melanie Smith, 314 Paradisio Way, Chesapeake VA 23322
Code Enforcement

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 12, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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







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

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

November 16, 2006

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Hearing: Wednesday, December 27, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Emanuel & Melanie Smith, 314 Paradisio Way, Chesapeake VA 23322
Code Enforcement

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 12, 2006 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

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Hearing: Wednesday, December 27, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



6240 FALLS RD

069B3

3RD DIST

RD

S

BL

IM

BR

BR-AS

MLR

M

ML IM

BAREHILLS AVE

RACQUET RD

SERPENTINE RD

ML

CLARKVIEW RD

DR 2



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

November 14, 2006

Emanuel Smith
Melanie W. Smith
314 Paradise Way
Chesapeake, VA 23322

Dear Mr. and Mrs. Smith:

RE: Case Number: 07-176-SPH, 6240 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 17, 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

WCR:amf

Enclosures

c: People's Counsel

November 2, 2006

Melanie and Emanuel Smith
314 Paradiso Way
Chesapeake, VA 23222-6986

Re: 6240 Falls Road -- via mail and fax

Dear Mr. and Mrs. Smith:

Based on my conversation with you both on Tuesday, October 31, 2006 and then again yesterday, November 1, 2006 with Mr. Smith, I wanted to be certain to outline your options.

If you choose to raze your house yourselves, under the terms agreed to in Mr. Wisnom's letter dated October 27, 2006, you need not appear before the Landmarks Preservation Commission (LPC) on November 9, 2006.

If you choose to pursue your Section 501 (c) (3) status and raise monies to rehabilitate your house, you must come to the LPC meeting on November 9, 2006 at 6 p.m. At that time, you would first want to explain that you had short notice for the last meeting and that is why you have come. Then you would need to produce the papers for your non-profit and a ledger of the monies collected to date. It would then be up to the commission members to determine whether or not to reconsider their vote from the October meeting, which was to demolish this structure.

If you choose to raze your house but still wish to pursue monies for the rehabilitation of "Cousin Kitty's" house at 6242 Falls Road, "Cousin Kitty" should contact Mary Harvey directly to be sure she qualifies. Ms. Harvey can be reached at 410-887-3317. As you indicated, she is 93 and has a low income. Mary and her staff would need to follow up with her on that matter. And again, there would be no need to come before the LPC under this scenario.

I hope to hear from you before November 9, 2006 so that we can either remove you from the agenda or know to expect you both. I will be out of the office on Monday, November 6 and the office is closed Tuesday, November 7 for Election Day. However, Karin Brown is very familiar with your situation and would be happy to assist on Monday should you need to reach us. We share the same phone number 410-887-3495.

Sincerely,

Caren Beth Hoffberger

CBH:vkn

cc: Jeff Long
Mary Harvey
Rick Wisnom
Mike Field
Vicki Nevy
Karin Brown
Teri Rising
Lenwood Johnson
John Hill, Vice Chair
Landmarks Preservation Commission



FORMAL DEMAND FOR HEARING

CASE NUMBER: 07-176-SPH

Address: 6240 FALLS RD.

Petitioner(s): SMITH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We EMANUEL SMITH + MELANIE W. SMITH
Name - Type or Print

☒ Legal Owner OR ☐ Resident of

314 PARADISO WAY
Address

CHESAPEAKE VA 22322
City State Zip Code

757-482-6721
Telephone Number

which is located approximately _____ feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

 11/13/06
Signature Date

Melanie W. Smith 11/13/06
Signature Date
Revised 9/18/98 - wcr/scj

jm 12/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 30, 2006

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

SUBJECT: 6240 Falls Road

INFORMATION:

Item Number: 7-176

Petitioner: Baltimore County Permits and Development Management

Zoning: DR 2

Requested Action: Special Hearing

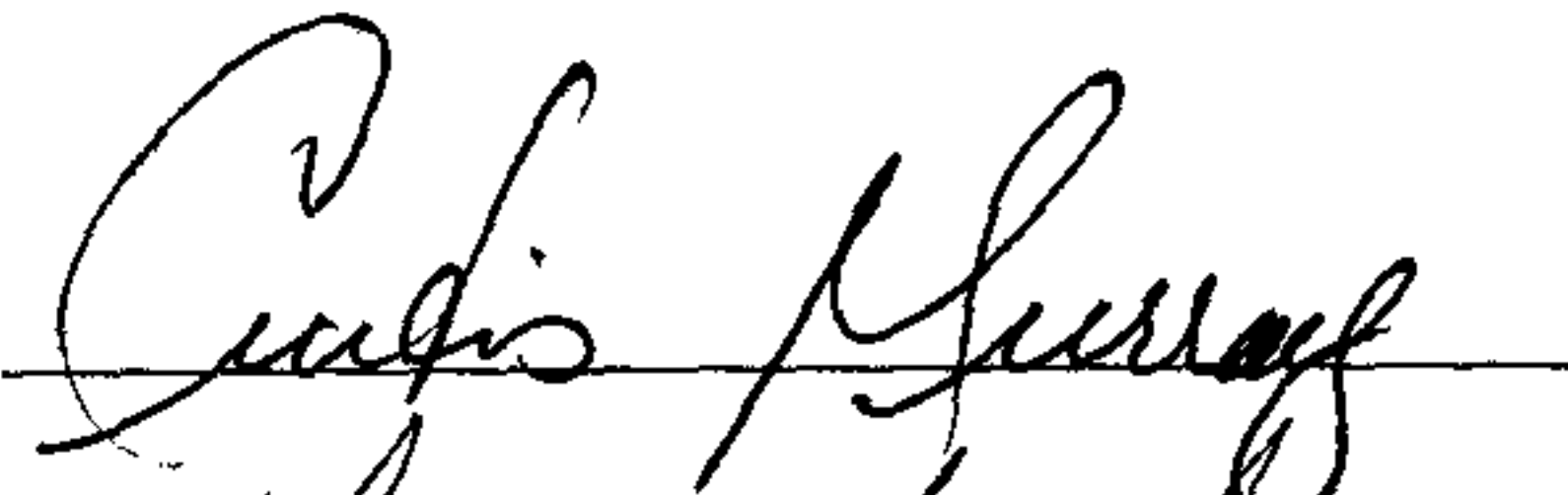
The property in question is within the Bare Hills historic African American survey district. The existing dwelling is in a state of severe disrepair. The Special Hearing would permit the razing of the existing structure, which is being held up by braces placed in a very precarious manner. The Baltimore County Landmarks Commission reviewed this item on October 12, 2006 and authorized the demolition under these circumstances. The property is within the Ruxton Riderwood Lake Roland Design Review area.

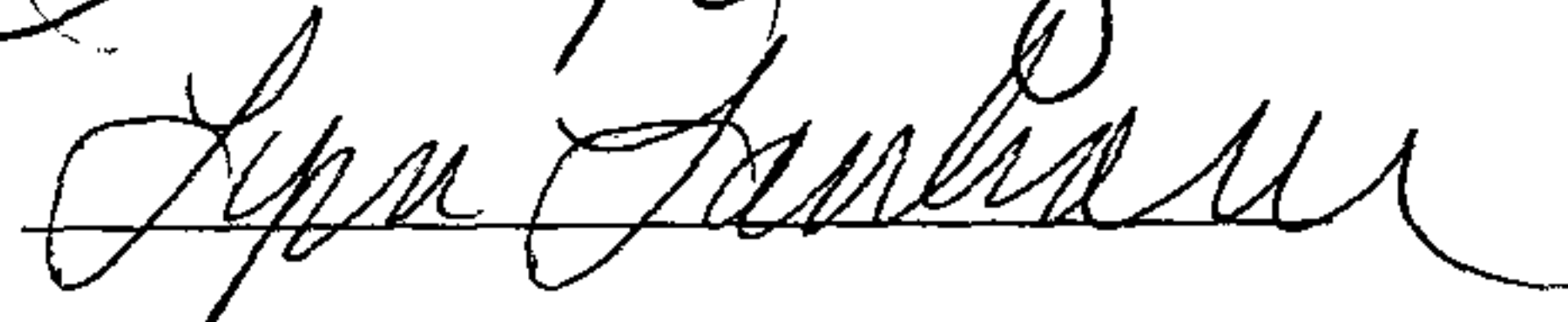
SUMMARY OF RECOMMENDATIONS:

The Office of Planning is of the opinion that it is in the public interest to allow the razing of this dwelling.

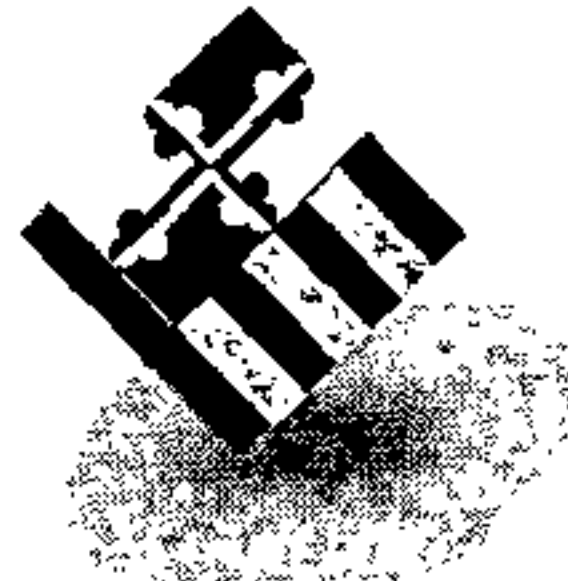
The Design Review Panel prior to application of any building permit must review any new construction. Contact Jennifer German, Community Designer at 410-887-3480 for additional information.

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

Prepared by: 

Division Chief: 

OCT 31 2006



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 27, 2006

Timothy Kotroco
Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson MD 21204

Re: Petition for Special Hearing
Case No. 07-176-SPH
Property: 6240 Falls Road

Dear Mr. Kotroco:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

- c: Emanuel and Melanie W. Smith, 314 Paradisio Way, Chesapeake VA 23322
Douglas Swam, Supervisor Permits Services, Department of Permits and Development Management
Mike Comeau, Esquire, Assistant County Attorney
Caren B. Hoffberger, Chief of Preservation Services, Office of Planning
Donald Brand, P.E., Building Engineer, Department of Permits and Development Management



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 170 through 182

176

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

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 26, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 30, 2006
Item Nos. 07-170, 171, 172, 174, 175,
176, 177, 178, 179, 180, 181. and 182

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-10262006.doc



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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: ~~OCTOBER~~ 31, 2006

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

RE: Baltimore County
Item No. 7-176-SPH
6240 FALLS RD.
MD25
SMITH PROPERTY
SPECIAL HEARING - TO
APPROVE A WAIVER

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-176-SPH.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Minutes
Baltimore County Landmarks Preservation Commission
October 12, 2006 Meeting

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

Present

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

Not Present

Mr. H. Edward Parker
Mr. Steven Fedder

County staff present included Vicki Nevy (Secretary to the Commission), Caren Beth Hoffberger (Chief of Preservation Services), Mike Field (Assistant County Attorney), Mary Harvey (Director of Community Conservation), Rick Wisnom (Baltimore County Hearing Officer for Permits and Development Management) Teri Rising and Karin Brown.

Preliminary Actions

There were no additions or deletions to the Revised Agenda, however, because Ms. Harvey had to leave early in order to attend another meeting, items 8, 9, 11 and 12, were moved up, following item 4. Mr. Matthews announced that he had made a power point presentation about the functions of the Baltimore County Landmarks Preservation Commission to the Baltimore County Planning Board Commission at its October 5, 2006 meeting. He thanked Ms. McIver, Ms. Allen, Mr. Diggs and Mr. Boswell for attending. The meeting was televised on Comcast Channel 25.

He continued - thanking Mr. Boswell, Mr. Diggs, Ms. McIver and Mr. Hill for serving on Technical Committees and reporting on the outcome of site visits. He reported that he attended the Maryland Preservation 75th Anniversary Annual Meeting. Senator Paul Sarbanes and former State Senator Julian Lapides were among the speakers and honorees. Part of the presentation was a film showing the importance of historic preservation. Mr. Matthews thought it beneficial to obtain a copy of the film for viewing by the LPC. Staff will be working to obtain a copy.

Approval of the Minutes

2. Mr. Syed moved to approve the September 20, 2006 Minutes, Mr. Diggs seconded the motion, which passed unanimously on a voice vote.

Consent Agenda

- 2A. Mr. Matthews had Ms. Hoffberger describe the items scheduled on the Consent Agenda and determined that no person present objected to its approval as submitted. Ms. Horst moved that, for the reasons stated, and in accordance with any conditions stated in the written Action Summaries provided to the members of the Commission by staff, items 7 and 13 be approved as submitted. Mr. Hill seconded the motion, which passed unanimously on a voice vote.

Public Hearings on Nominations to the Landmarks List

3. **"Mary's Meadows" house and setting, 2434 Geist Road, Glyndon; County Register (MHT) # BA-1116; built early 19th century [County Council District # 3]**

This item involved a request by the property owner to nominate the structure and the historic environmental setting to the Landmarks List. Ms. Hoffberger read staff's recommendation to vote placing "Mary's Meadows" on the Preliminary Landmarks List under criteria (1) – for its association with the agricultural development in the Worthington Valley, and (2) – its significance as an example of early 19th century vernacular architecture, several times expanded, and restyled in the 20th century by a noted restoration architect; and (b) to delineate the entire remaining 39.11 acre property containing the house (map 41, parcel 98) as its historic environmental setting.

Mr. Murray, the property owner, stated that he and his wife consider themselves custodians of the property, rather than owners, and that they would like to preserve the building for future generations. Mr. Hill, Ms. McIver and Mr. Diggs commented on the exquisite beauty of the property. Ms. McIver moved to place the "Mary's Meadows" property on the Preliminary Landmarks List and to delineate the entire 39.11 acre property as its historic environmental setting. Mr. Hill seconded the motion, which was approved unanimously on a voice vote.

4. **"Garrison Farm" (Cockey-Myerberg House) and setting, 3511 Anton Farms Road, Pikesville vicinity; County Register (MHT) # BA-452 [County Council District # 2]**

This item concerned a nomination by a member of the LPC. Ms. Hoffberger read staff's recommendation to vote placing the "Garrison Farm" on the Preliminary

Landmarks List under criteria (1) – for its association with the agricultural development in the Greenspring Valley area, its notable role during the Civil War and for its association with the historically significant Cockey family; and (2) – its significance as an excellent example of early 19th century Classical Revival architecture; and (b) to delineate the entire remaining 4.38 acre property containing the house (map 68, parcel 1) as its historic environmental setting.

Mr. Jeffrey Scherr, attorney for the property owner, stated that his client did not object to having the structure placed on the Preliminary Landmarks List. However, in regard to the delineation of the historic environmental setting (HES), he requested that the area traversing the front yard portion of lot 5A not be included in the HES. He stated that his client agreed to draft a covenant that would preclude future construction in that area. Mr. Hill, and Ms. McIver had formed the Technical Committee that visited the site and proposed the delineation of the setting as shown. Mr. Hill stated that a covenant would address his concern. He moved to vote placing the “Garrison Farm” on the Preliminary Landmarks List and to change the bounds of the HES to exclude the front yard of lot 5 A. Ms. McIver seconded the motion, which was approved unanimously on a voice vote. (Note: This changed the total acreage included in the HES to 2.89 acres.)

Recommendations on Baltimore County Register (MHT Inventory)
Structures

Mr. Matthews noted that the Commission would deal next with items 9, 10 and 12 to allow for the testimony of Ms. Harvey and Mr. Wisnom, this would be followed by item 11.

9. 14 Shipley Avenue, Winters Lane African American Survey District, Catonsville vicinity; County Register (MHT) # BA-3067 [County Council District # 4]

This item concerns a demolition request that was initiated by Baltimore County. Mr. Wisnom, stated that he had made numerous attempts over the last several years to get the property owner to make needed repairs. On September 7, 2005, the owner agreed to repair the building, but once again failed to follow through. At a May 9th hearing a civil penalty of \$10,000 was placed on the property for failing to bring the house into compliance.

Mr. Diggs stated that he and Mr. Boswell visited the site, but were unable to go inside the house. Mr. Boswell noted that the dwelling was part of a unified streetscape and that its removal would have a negative visual impact on the historic streetscape - especially if the building would be replaced with a dwelling that differed in style, rhythm and massing with the existing streetscape. Mr. Hill moved to recommend against the demolition until further inspection would yield information regarding the structural soundness of the building. Mr. Syed

seconded the motion, which was approved unanimously on a voice vote. Mr. Hardester, Mr. Hill, Mr. Syed and Mr. Diggs volunteered to conduct a second site visit. Mr. Wisnom promised that he would make sure that the Technical Committee would gain entry into the house in order to examine the interior of the dwelling.

10. 2504 Sycamore Avenue, Edgemere African American Survey District; County Register (MHT) # BA-3061 [County Council District # 7]

This property concerned a County initiated demolition request. Mr. Wisnom reported that his office has made attempts to bring this building into compliance since 2001, without success. Mr. Diggs reported that he and Mr. Boswell had visited the site and determined that the dwelling was beyond rehabilitation. Mr. Boswell stated that the dwelling was not part of a unified streetscape. Mr. Diggs moved to support the demolition of the property. Mr. Boswell seconded the motion, which was approved unanimously on a voice vote.

12. "Smith House," 6240 Falls Road; Final Landmarks List # 260; Contributing structure in the Bare Hills African American Survey District, County Register (MHT) # 3050 [County Council District # 2]

Mr. Wisnom reported that Baltimore County had been dealing with this property since 2000. It constitutes a severe safety hazard. Ms. Harvey stated that the Office of Community Conservation has worked with the community and discussed rehabilitation loans, but there was no interest. Mr. Boswell stated that he thought the structure was too far-gone for rehabilitation. The owner neglected a building that is on the Baltimore County Final Landmarks List, which he thought constitutes "demolition by neglect." He wished that this issue be discussed. Mr. Field responded that the property was under Mr. Wisnom jurisdiction before it was nominated to the Landmarks List. That is, "demolition by neglect" preceded the landmarks listing.

Mr. Hardester moved to approve demolition of the structure. Mr. Hill seconded the motion. Ms. Allen, Mr. Boswell, Mr. Diggs and Ms. Secoura voted against the motion. Ms. Horst abstained. Mr. Bryan, Mr. Hardester, Mr. Hill, Ms. McIver, Mr. Reynolds, Mr. Syed and Mr. Matthews voted in favor of the motion. The motion passed. Ms. Hoffberger pointed out that the property was in the Ruxton-Riderwood Design Review Panel (DRP) area and thus any new structure would be subject to DRP review for compatibility in design.

Mr. Hill moved to reconsider the previous vote. Ms. Secoura seconded the motion. Mr. Matthews pointed out that Ms. Secoura could not second the motion because she had voted against the previous motion. He asked whether anyone who had voted in favor of the previous motion wished to second the motion. None of the members responded. The motion to reconsider was therefore denied.

11. **"Beal House," 5328 (a.k.a. 5200) Glen Arm Road, Long Green vicinity; contributing structure in the Long Green Valley National Register Historic District, County Register (MHT) # BA-1914; [County Council District # 3]**

This item concerned a demolition request. Ms. Hoffberger read staff's recommendation, which encouraged the members of the LPC to discuss the proposal in detail.

Mr. Scott Muffet, representing the owner, who resides in the State of Missouri, stated that he had requested the demolition because the structure presented a liability risk. He feared children might break into the property. Additionally there was a problem with mold. Mr. Boswell stated that he and Mr. Diggs had visited the site and found the building to be structurally in superb condition.

Mr. Bryan moved to deny the demolition request. Mr. Hill seconded the motion, which passed unanimously on a voice vote.

Alteration to properties in County Historic Districts or Landmark structures

Item 8 was dealt with next.

8. **"Simonds House" (Kassner property), 316 Central Avenue, Glyndon County Historic District; County Register (MHT) # BA 798 [County Council District # 3]**

This item concerns a request to replace an existing porch with a new porch, to create access to that porch and to replace an existing window with a new window. Ms. Hoffberger read staff's recommendation to vote issuing a notice to proceed with the following instructions from the Historic Glyndon design committee: Change the contemporary treated lumber decking material, originally to be left natural, to a painted lumber handrail and balusters resembling the porch railing on the front porch. Eliminate the proposed plastic divider grids in the windows and duplicate the original large one-over-one windows throughout the house.

Mr. Diggs moved to issue a notice to proceed. Mr. Hardester seconded the motion, which was approved unanimously on a voice vote.

5. **"Hunt-Schmidt House" (Dillon property), 12656 Manor Road, Long Green vicinity; Final Landmarks List # 148; County Register (MHT) # BA-2114 [County Council District # 3]**

This item concerned a request to replace the original slate roof on a front porch with synthetic shingles. Ms. Hoffberger read staff's recommendation to discuss the proposal in greater detail.

Mr. and Mrs. Dillon, the property owners, stated that the synthetic slate would look identical to real slate and that the product had been approved in numerous instances for the rehabilitation of historic buildings. Samples were given to the members. Ms. Brown noted that the applicants had submitted excellent materials in support of their case, but that the materials were too voluminous to make copies for each member of the commission. During the ensuing discussion the LPC discussed the Secretary of the Interior's Standards, the impact of synthetic slate on the integrity of the historic structure and the cost of original slate vs. synthetic slate. Ms. Rising noted that the National Park Service used synthetic slate on roofs not mainly seen.

Ms. Secoura moved not to allow replacing the original slate with synthetic slate, and to issue a notice to proceed for replacing the original slate roof on the porch roof with slate. Mr. Hill seconded the motion. Mr. Hardester, Mr. Diggs and Ms. Horst voted against the motion. Ms. Allen, Mr. Bryan, Mr. Boswell, Mr. Hill, Ms. McIver, Ms. Secoura, Mr. Reynolds and Mr. Syed voted in favor of the motion. The motion passed.

6. **"Connolly House" (Amrein property), 12709 Manor Road, Long Green vicinity; Preliminary Landmarks List # 336; County Register (MHT) # BA-2112 [County Council District # 3]**

This item concerned a request to remove the existing non-historic siding, and to restore/repair the shutters, wood siding and roof. Ms. Hoffberger read staff's recommendation to issue a notice to proceed. Mr. Hardester moved to accept staff's recommendation. Mr. Hill seconded the motion, which was approved unanimously on a voice vote.

7. **Hill property, 1515 Bellona Avenue, Lutherville County Historic District [County Council District # 3]**

This item concerned a request to remove the existing non-historic aluminum siding.

Approved via the Consent Agenda to issue a notice to proceed.

Tax Credits

Request for LPC approval for County Part II Tax Credit application

13. **Bowie property, 1508 Bellona Avenue; contributing structure in the Lutherville County Historic District, County Register (MHT) # BA-291 [County Council District #3]**

Approved via the Consent Agenda to issue a notice to proceed.

Ms. Brown reported on tax credit items 14, 15 and 16. There was no vote required.

Report on Tax Credit applications approved

- 14. Scholl/Joellenbeck property, 7007 York Road, Stoneleigh; contributing structure in the Stoneleigh National Register District, [County Council District # 5]**

Approved Part II application because applicant submitted a signed (approved) State Part 2 application.

- 15. Senkus property, 5171 Viaduct Avenue, Relay; contributing structure in the Relay County Historic District [County Council District # 1]**

Approved Part II application because applicant submitted a signed (approved) State Part 2 application.

Report of Part III Application Processed

- 16. "Stemmer House" (Holdridge property); Final Landmarks List # 41; contributing structure in the Caves Valley National Register District [County Council District # 2]**

Rehabilitation work completed – Part III application forwarded to the Budget Office for final approval.

Other Business

- 17. Overview of draft LPC Booklet**

Ms. Hoffberger informed the members of the Commission that they would have a month to examine the materials, which would be discussed at the November 9, 2006 LPC meeting.

- 18. Site visits for November nominations**

Ms. Hoffberger noted that Mr. Matthews would not be present at the November meeting. There would be two nominations that required site visits, 303 Nicodemus Road and 1903 Old Court Road. Mr. Reynolds, Mr. Matthews, Mr. Hill, Ms. Horst and Ms. Allen volunteered to visit the Nicodemus site on October

18, 2006 at 11:00 a.m. Mr. Boswell, Ms. Horst, Mr. Diggs and Ms. Secoura volunteered to visit 1903 Old Court road on Monday October 30, at 9:00 a.m.

Ms. Hoffberger reminded the members of the Commission of the upcoming retreat that was scheduled for Friday, October 20, 2006, from 2:00 p.m. to 5:00 p.m. at the Banneker Center.

The meeting was adjourned at 8:45 p.m.

Memo to file

Subject: Report on condition of dwelling at 6240 Falls Road, Bare Hills Area of Baltimore County resulting from site visit. .

From: Donald E. Brand, P.E., Buildings Engineer

Date of visit: Thursday, December 21, 2006 (at 11:00 a.m.)

Building architecture: Observed an extremely deteriorated two story wooden frame six or seven room house with front gable roof, shed roof in the back and front porch with shed roof. The front portion has two rooms on each floor. The front doorway opens to a short entryway to staircase within the front right (south side) room leading to second floor. The front two room scheme appears to be repeated on the second floor. The first floor rear room appears to have served as a kitchen and dining area. The back door on the south side leads into a lean-to shed with rear doorway. The house exterior is sheathed with German siding nailed to stud walls. Siding is now covered by asphalt roofing shingles. .

Condition of interior: The interior walls were originally plastered which in most areas has parted from the wood lath strips. The side walls were plaster originally however the plaster was removed in all or part and where removed covered with gypsum wall board. Fiberglass insulation was observed in the from bearing wall installed between the German siding and the gypsum board. The gypsum wall board is torn off in some places, buckled in other places due to moisture penetration or is in poor condition elsewhere. Double hung wooden windows are in very poor condition, several open part way. Front door ajar and nailed on one end, no hinges. No rear door. Second floor joists in front supported mid-span by 2"X 4" common truss frame with no vertical member below, floor serving as bottom member of truss. There is no floor in the second floor rear. The first floor rear floor and the floor of the lean-to is rotten with holes through to ground or space below. The rear support wall has buckled causing the second floor joists and super structure to drop on the north side resulting in no structural integrity. An old flue opening was observed in the rear wall at the first floor level. Generally, the inside appears to have suffered extensively from water damage at one time. The only interior structure appearing to have any of its original integrity is the staircase.

Condition of exterior: The side walls are braced by vertical and diagonal two by fours attached to original wooden studs, nailed on top of the shingle covering. The north wall is braced at the second floor level by two untreated 2" X 4's" and two untreated 2" X 6's." The south wall has a slight bulge at the second floor level. As stated above, the rear wall has buckled and lost its structural integrity. The stone foundation is crumbling, mortar joints are deteriorating due to moisture, lack of maintenance on east, north and west side. Could not observe south side foundation. No rain gutters and downspouts observed except for the remnants of a downspout on the north east corner. The roof is covered by untreated (not waterproofed) particle board which is curling due to wet/dry cycles (water penetration followed by sun radiation). There is no face board or other protection for the rafter ends at the eaves.

County
#1

Summary: It is my considered opinion that the original structural elements of this wood frame dwelling have deteriorated to such a condition that they are beyond salvation. In addition, the site is located within an area zoned DR 2 with occupied residences in the immediate area. The house on the north side and the far rear do not appeared to be occupied; however, the dwelling is prone to vandalism and could fall down on its own due to deterioration which poses a hazard to any trespasser.



Donald E. Brand, P.E.

Buildings Engineer

Baltimore County Department of Permits & Development Management

DATE: 10/16/2006

STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:56:09

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
03 08 055901	03	2-0	04-00	N	YES		10/03/06
SMITH MELANIE W				DESC-1.. IMPSLT WS FALLS RD			
SMITH EMANUEL				DESC-2.. 300 N ALTAMONT AVE			
314 PARADISIO WAY				PREMISE. 06240 FALLS		RD	

00000-0000

CHESAPEAKE

VA 23322-6986 FORMER OWNER: SMITH MELANIE L

FCV			PHASED IN		
PRIOR	PROPOSED		CURR	CURR	PRIOR
			FCV	ASSESS	ASSESS
LAND:	35,500	56,180			
IMPV:	21,930	27,070	TOTAL...	83,250	83,250
TOTL:	57,430	83,250	PREF...	0	0
PREF:	0	0	CURT...	0	0
CURT:	0	0	EXEMPT.	0	0
DATE:	06/01	07/04			

TAXABLE BASIS		FM DATE
ASSESS:	83,250	12/05/05
ASSESS:	74,642	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 10/16/2006

STANDARD ASSESSMENT INQUIRY (2)

TIME: 09:59:33

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
03 08 055901	03	2-0	04-00	N	YES		10/03/06
LOT....		BOOK....	0000	MAP.....	0069	LOT WIDTH.....	50.00
BLOCK..		FOLIO...	0000	GRID....	0021	LOT DEPTH.....	.00
SECTION..				PARCEL..	1021	LAND AREA..	7187.000 S
PLAT..						YEAR BUILT.....	27

-----TRANSFER DATA-----

NUMBER..... 292296
DATE..... 08/05/04
PURCHASE PRICE..... 0
GROUND RENT..... 0
DEED REF LIBER..... 20499
DEED REF FOLIO..... 0744
CONVEYED IND..... 9
TOT-PART TRAN IND..... T
GRANTOR ACCT NO.. 03-08-055901

CRITICAL	NEW CONST	CARD
AREAS CODE	YEAR	NO
		07680

-----EXEMPT DATA-----

STATUS.....
CLASS CODE..... 000
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT.... 0
PRIOR STATE EX ASMT... 0
CURR COUNTY EX ASMT... 0
PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE	SQ. FEET
	1342

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-176-SPH

Date Completed/Initials

10/17/06

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

Formal Demand 11/14/06
UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Emanuel & Melanie Smith
314 Paradise Way
Chesapeake Virginia 23322
(757) 482 6721

November 14, 2006

To whom it may concern;

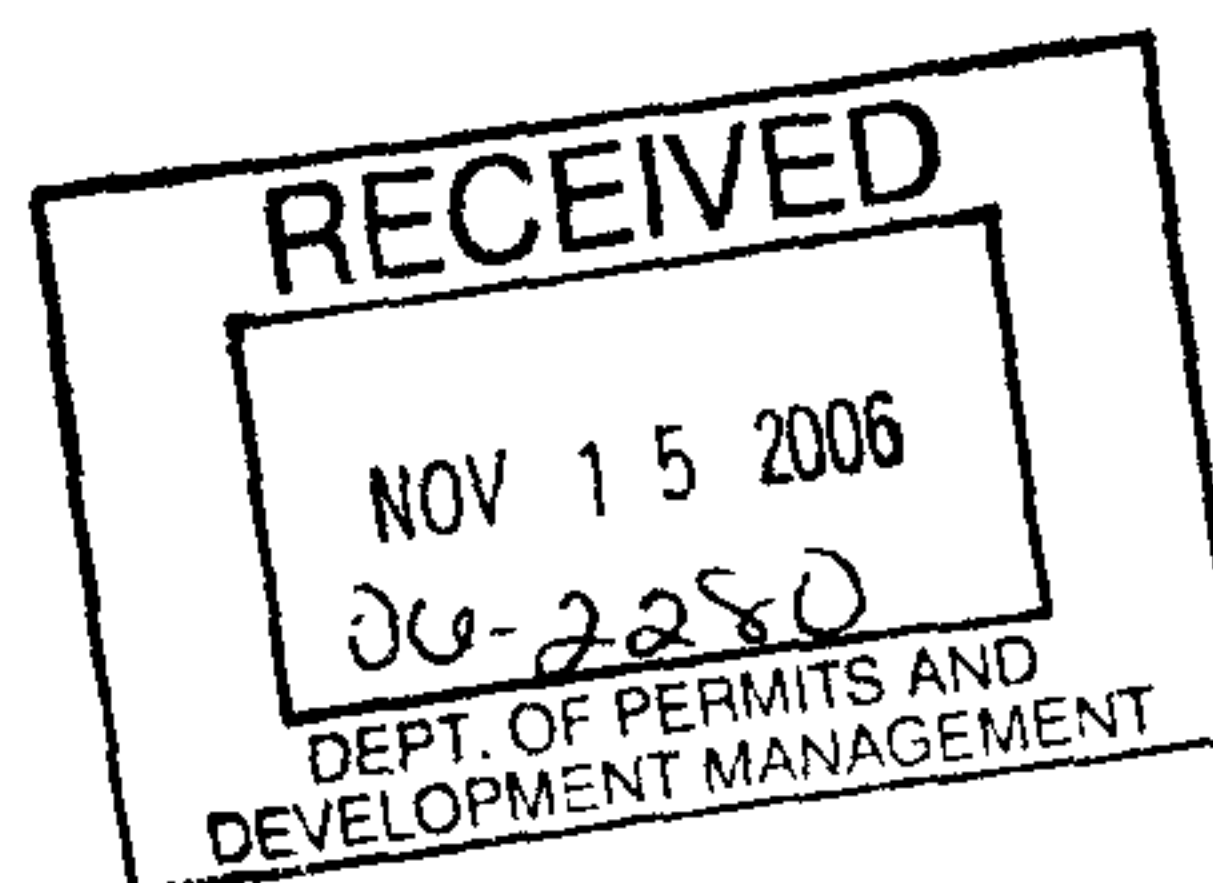
My wife and I are the owners of 6242 Falls rd, we came into your office on the 13th of November for what we thought was a hearing concerning the razing of this historic property. Upon our arrival to our amazement we were told that the hearing was not being held however if we wanted to have a hearing concerning this process that we were to file a partition to do so by 4:30 on yesterday as we did so.

I do want to take this time to say first of all thank you to, Mr. Richards, Ms. Kristen Matthews and Ms. Donna Thompson for your help and guidance. Enclosed please find a money order as you instructed in the amount of Fifty Dollars to file the motion for a hearing for case # 07-176JPH.

We do look forward to hearing from you concerning this case and you can expect our full cooperation no matter what the findings.

All the best


Emanuel & Melanie Smith.



CASE NAME _____
CASE NUMBER 07-176-SPN
DATE _____

CASE NAME _____
CASE NUMBER 07-176-SPN
DATE _____

[illegible]

