IN RE: PETITION FOR VARIANCE

W/Side of Garfield Avenue, 642' S of the
c/line of Monkton Road

(16516 Garfield Avenue)

10<sup>th</sup> Election District

\* OF

3<sup>rd</sup> Council District

\* BALTIMORE COUNTY

Stephen P. Bellone, et ux
Petitioners

\* Case No. 07-527-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stephen P. Bellone, and his wife, P. Kelly Bellone. The Petitioners seek variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 23.5 feet, in lieu of the permitted 15 feet, and from Section 1A08.6.C.2.f of the B.C.Z.R. to permit the garage to be located in the front yard in lieu of the requirement that it be located in the rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were Stephen P. Bellone, property owner, Geoffrey Schultz, a land surveyor with McKee & Associates, Inc., who prepared the site plan, Wes Burton, AIA, of Burton Associates Architects, Inc., the architect who designed the garage, and David H. Karceski, Esquire, with Venable, LLP, attorney for Petitioners. There were no Protestants, however, Jim Fahey, who resides in the immediate area, appeared as an interested person and participated at the hearing.

The proffered testimony and evidence offered disclosed that the subject property is located at the terminus of Garfield Avenue, adjacent to a private access drive and the North Central Railroad Trail. The site, which contains 4.48 acres of R.C.7 zoned land, is an elongated

Date & -28-07 FILING

By 8-28-07 FILING

triangular-shaped lot served by private well and septic systems. Petitioners proposed garage will serve their principal dwelling as an accessory use to it. In addition to the site plan, which shows the topography of the site, Petitioners offered Petitioners' Exhibit 4, which are photographs of the existing conditions on the subject property. Petitioners offered those exhibits to show that, because of the irregularly-shaped lot's location at the terminus of a public road (Garfield Avenue) and the location of the septic reserve area on the lot, the Petitioners had very limited options for the location of their driveway and the garage.

In addition to these site constraints, the site is located entirely within the Monkton County Historic District. For that reason, Petitioners filed a plan with the Baltimore County Land Preservation Committee (LPC) and met with the LPC on December 8, 2005. The LPC was asked to approve the siting and design of the freestanding garage. Minutes from the LPC meeting, which were offered as Petitioners' Exhibit 5, confirm that Mr. Burton, testifying on behalf of Petitioners, specifically "asked the Commissioners to consider supporting an accessory structure [the garage] in the front yard." The minutes further show that Mr. Burton went on to describe the elevations for the garage and justified the roof pitch of it in the context of the surrounding properties. Ultimately, following its review of the materials and its questioning of Mr. Burton, the LPC unanimously accepted the plan as presented.

Additionally, the Office of Planning has issued a Zoning Advisory Committee (ZAC) comment on the proposed variance request, indicating that it "does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23.5 feet in lieu of the maximum permitted 15 feet and to be located in the front yard . . .". The Office of Planning has nevertheless qualified its support of Petitioners' request by requiring Petitioners to comply with two specific conditions, upon which I, in turn, will condition any granted relief.

Date 8 - 28 - 7 TING

I must consider the request in accordance with the law of *Cromwell v. Ward*, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. Under the mandates of that law, it must first be shown that the property is unique in some manner and that the uniqueness drives Petitioners' need for the variance relief. Secondly, upon a determination of uniqueness, it must then be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome.

Based on my review of the site plan, the elevations of the garage (Petitioners' Exhibit 6), the photographs, and the proffered testimony, I do find that the subject property is so constrained that it creates a unique condition and a practical difficulty in the strict adherence to the B.C.Z.R. It was demonstrated at the hearing that the Petitioners' irregularly shaped lot, its location at the terminus of a public road and within this historic district, as well as the location of the septic reserve area, all contribute to the uniqueness of the property. Due to these constraints, the B.C.Z.R. requirement that the garage be located in the rear of the house would create a practical difficulty and undue hardship for Petitioners. I further find that the height and location of the proposed garage is appropriate in this instance and within the spirit and intent of the zoning regulations and will not be out of character with the other homes in the area. There is no question but that the granting of the requested variance relief would not be injurious to the health, safety or general welfare of the neighborhood.

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

(detached garage) with a height of 23.5 feet, in lieu of the permitted 15 feet, and from Section 1A08.6.C.2.f of the B.C.Z.R. to permit the garage to be located in the front yard in lieu of the requirement that it be located in the rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities. The accessory structure shall not be used for commercial purposes. A copy of the ZAC comment, dated June 25, 2007, is attached hereto and made a part hereof.
- 3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

Order.

WJW:dlw

MLLIAMLI WISHMAN, III

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 28, 2007

David H. Karceski, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

W/Side of Garfield Avenue, 642' S of the c/line of Monkton Road (16516 Garfield Avenue)

10<sup>th</sup> Election District - 3<sup>rd</sup> Council District
Stephen P. Bellone, et ux - Petitioners

Case No. 07-527-A

Dear Mr. Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

Stephen P. & P. Kelly Bellone, 1122 E. Piney Hill Road, Monkton, Md. 21111
 Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Ste. 1,
 Hunt Valley, Md. 21030
 Wes Burton, AIA, Burton Associates Architects, Inc., 113 West Road,
 Towson, Md. 21204
 Jim Fahey, 18035 York Road, Parkton, Md. 21120
 People's Counsel; Office of Planning; File



## Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 16516 Garfield Avenue which is presently zoned RC-7

This Petitlon shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A08.6.C.2.f to permit a detached garage to be located in the front yard of the principal use, and from Section 400.3 to permit an accessory structure height of 23.5-feet in-lieu of the maximum permitted 15-feet.

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

To be determined at hearing

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

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

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

#### Contract Purchaser/Lessee:

#### Legal Owner(s):

Name - Type or Print	Name - Type or Print
Signature	Signature Signature
Address Telephone No.	P. Kelly Bellone Name Pype or Print Record
City State Zip Code	Signature
Attorney For Petitioner: David H. Karoeski	1122 E. Piney Hill Road 410 404~7002 Address Telephone No.
Name - Type of Pript	Monkton, MD 2111.
	City State Zip Code
Signature	Representative to be Contacted:
Venable, LLP Company	McKee and Associates, Inc.
210 Allegheny Ave (410) 494-62853	
Address Telephone No.	5 Shawan Road, Ste 1 410-527-1555 Address Telephone No.
Towson, Maryland 21285-5517 City State Zip Code	Cockeysville, MD 21030
Th Code	City State Zip Code
	OFFICE USE ONLY
Case No. 07-527-A	ESTIMATED LENGTH OF HEARING
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#### Legal Owner(s):

	<del></del>		
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Nan	ne-Type of Parties Portione
Signalure	<del></del>		Signature
Address	<u>::- :</u>	Telephone No.	P. Kelly Bellone  Name Type or Print  PK 000 1 2 10 21
City	State	Zip Code	Signature
Attorney For Petition			1122 E. Piney Hill Road 410 404-700 Address Telephone No.
David H. Karcesk	<b>C1</b>		Monkton, MD 21111
Name - Type or Prid		City	State Zip Code
Signature			Representative to be Contacted:
Venable, LLP			McKee and Associates, Inc.
Company			Name
210 Allegheny Av Address	re (410) 494-		5 Shawan Road, Ste 1 410-527-1555
		Telephone No.	Address Telephone No.
Towson, Maryland	1 21285-5517 State	Zip Code	Cockeysville, MD 21030
		—,r <b>-</b> 0020	· Zp code
	-		OFFICE USE ONLY
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		<b>,</b>	CHOER RECEIVED POR FILING
			John . O

By

Engineering • Surveying • Environmental Planning Real Estate Development

May 1, 2007

ZONING DESCRIPTION 16516 GARFIELD AVENUE 10<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD

BEGINNING in the centerline of Garfield Avenue at the distance of 642-feet, more or less, from the centerline of Monkton Road then running with Garfield Avenue S 32° 33' W 41.59' then leaving Garfield Avenue and running N 56° 48' W 54.16', S 52° 57' W 769.93', N 57° 11' W 89.46' to the center of the Northern Central Railroad then binding on the centerline N 30° 12' E 49.65', then by a curve to the left having a radius of 5,729.65', a length of 693.51', then leaving said centerline and running N 60° 06' 45" W 484.59' to the point of beginning. Containing 4.48 acres.

Also known as 16516 Garfield Avenue and located in the 10<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

OFFICE OF BUDGET & S. Teppt CASHIER'S VALIDATION MICHIE STON 200 1930 5/21/2007 SAME Palithore Concy, Recot not (12794I) \$55.W \*\* F にに対 WHICH WASHING motion mount WHER ien iii 和原為財 Mary's selfs 地。地 

# HOURE OF ZONING HEARING

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

Case: \$67-527-A

16516 Garfield Avenue at the distance of 642 feet south of the centerline of Monkton Road

10th Election District - 3rd Councilmanic District

Legal Owner(s): Stephen P. and P. Kelly Bellone

Legal Owner(s): Stephen P. and P. Kelly Bellone

Variance: to permit a detached garage to be located in the front yard of the principal use, and to permit an accessory structure height of 23.5 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, August 13, 2007 at 9:00 a.m. In Hearing: Monday, August 13, 2007 at 9:00 a.m. In Hearing: Monday Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zonlng 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.

7/333 July 26

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[200]

that the annexed advertisement was published successive weeks, the first publication appearing wspaper published in Baltimore County, Md., in the following weekly nev THIS IS TO CERTIFY, once in each of

Times XI The Jeffersonian Arbutus Times

**Towson Times** Catonsville

Owings Mills Times

NE Booster/Reporter

North County News

Wullinger

LEGAL ADVERTISING

#### Engineering • Surveying • Environmental Planning Real Estate Development

DATE: July 27, 2007

TO: Baltimore County, Zoning ATTENTION:Mr. Timothy Kotr	# 16516 Garfie MAI :Job No. : 0	id Ave.
(X) We are submitting	( ) We are returning	( ) We are forwarding
() Herewith	( ) Under separate cover	
No.	Description	
1 Certificate Of Posting		
2 Photos		
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(X) For processing	( ) For your uso ( ) For y	
(A) i oi processing	() For your use () For y	our review
( ) Please call when ready	() Please return to this office	( ) In accordance with your request
Remarks:		
For further information, please	contact the writer at this office.	
	Very trul	Associates, Inc.
cc: File	William	D. Gulick, Jr.

#### **CERTIFICATE OF POSTING**

Baltimore County Dept. of Permits & Development Management 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

Attention: Mr. Timothy Kotroco / Ms Kristen Matthews

RE:Case Number: 07-527-A

Petitioner/Developer: Stephen P. & P. Kelly Bellone

Date of Hearing/Closing: Monday, August 13, 2007 at 9:00 am

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 # 16516 Garfield Avenue

The sign(s) were posted on

July 26, 2007

(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.

5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

Date: July 27, 2007

MAI Job No :06-078

SEE **ATTACH PHOTOGRAPH** OF

SIGN POSTED ON **PROPERTY** 

# ON ON NOTICE

BCASE#(©ZZE5627-A)

#### A PUBLIC MEARING WILL BE MELD BY THE ZONING COMMISSIONER IN TOWSON, ND

PACE: TOWSON: MODING ROOM 407

DATE AND TIME: MONDAUG.13,2007 9:00 AM

REQUEST: VARIANCE TO PERMIT A
DETACHED, GARAGE TO BE LOCATED
MATHEFRONT YARD OF THE PRINCIPAL
USE, AND TO PERMIT ANACCESSORY
STRUCTURE HEIGHT OF 23.5 FEET.
WE LIEU OF THE WAX MUM PERMITTED

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY: TO CONFIRM HEARING/CALL 887-3391

DO NOT REMOVE THIS SIGNAND POST UNTIL DAY, OF REARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE





JAMES T. SMITH, JR. County Executive

July 2, 2007
TIMOTHY M. KOTROCO, Director

#### CORRECTED NOTICE OF ZONING HEARING elopment Management

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: 07-527-A

16516 Garfield Avenue

W/side of Garfield Avenue at the distance of 642 feet south of the centerline of Monkton Road 10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Stephen P. and P. Kelly Bellone

Variance to permit a detached garage to be located in the front yard of the principal use, and to permit an accessory structure height of 23.5 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, August 13, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21285
Stephen & Kelly Bellone, 1122 E. Piney Hill Road, Monkton 21111
McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 28, 2007.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 26, 2007 Issue - Jeffersonian

Please forward billing to:

Stephen Bellone

1122 E. Piney Hill Road Monkton, MD 21111 410-404-7002

#### **CORRECTED NOTICE OF ZONING HEARING**

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Hearing: Monday, August 13, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

June 14, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

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16516 Garfield Avenue

W/side of Garfield Avenue at the distance of 642 feet south of the centerline of Monkton Road 10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Stephen P. and P. Kelly Bellone

Variance to permit a detached garage to be located in the front yard of the principal use, and to permit an accessory structure height of 23.5 feet in lieu of the maximum permitted 15 feet.

Hearing: Wednesday, July 25, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21285
Stephen & Kelly Bellone, 1122 E. Piney Hill Road, Monkton 21111
McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 2007.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 10, 2007 Issue - Jeffersonian

Please forward billing to:

Stephen Bellone

1122 E. Piney Hill Road Monkton, MD 21111 410-404-7002

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Hearing: Nednesday, July 25, 2007 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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.

Item Number or Case Nu	mber: <u>07-527-</u> A	
Petitioner: STEPHEN	P. BELLONE, P. KELLY BE	ELLONE
Address or Location: 10	0516 GARFIELD AVE	
PLEASE FORWARD ADV	P. BELLONE	
Address: 1122 E.	PINEY HILL ROAD	
	N MD 21111	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 9, 2007

David H. Karceski Venable, LLP 210 Allegheny Avenue Towson, Maryland 21285-5517

Dear Mr. Karceski:

RE: Case Number: 07-527-A, 16516 Garfield Avenue

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 18, 2007. This letter is not an approval, but only a NOTIFICATION.

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. Callibal)

WCR:amf Enclosures

c: People's Counsel

Stephen P. Bellone P. Kelly Bellone 1122 E. Piney Hill Road Monkton 21111 McKee & Associates, Inc. 5 Shawan Road, Ste 1 Cockeysville 21030

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

7-527 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23.5 feet in lieu of the maximum permitted 15 feet and to be located in the front yard in lieu of the required rear yard provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

Additionally the subject went before the Baltimore County LPC where the design for the principal and accessory structures was approved.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 7, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 11, 2007

Item Nos. 07-526 (527) 528, 529, 530, 532,

533, 535, 536, 537, 538, and 540

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-06072007.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**TO:** 

Timothy M. Kotroco, Director

**DATE:** June 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-527 - Variance

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Prepared by:

Section Chief:

AFK/LL: CM

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Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 6, 2007

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

RE: **Baltimore County** 

Item No. 7-527-

BELLONEPROPERTY

VARIANCE

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. 7-527A.

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



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 Facsimile 410-821-0147 www.venable.com

410-494-6285

dhkarceski@venable.com

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June 20, 2007

#### Via Hand Delivery

Timothy M. Kotroco, Director Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Petitioners: Stephen and Kelly Bellone

Location: 16516 Garfield Avenue

Case No: 07-527-A

Dear Mr. Kotroco:

I represent Stephen and Kelly Bellone, petitioners in the above-captioned matter. The hearing in this case has been scheduled for Wednesday, July 25, 2007 at 2:00 p.m. Unfortunately, one of petitioners' expert witnesses is unavailable to attend the hearing. Kristen Matthews in the Zoning Review Office indicated that Monday, August 13, 2007 at 9:00 a.m. is an available hearing date. Therefore, I am respectfully requesting that the hearing be re-scheduled for August 13th at that time.

Thank you for your assistance with this request.

David H. Karcesk

DHK/ad

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DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT 10N SJ 5001 BECEINED

#### Fire Department

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



#### Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 04, 2007

521

Item Number: 526 Through 541

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

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

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

cc: File



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

#### Fire Department

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



#### Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

5

527

Item Number: 512 through 529 and 522 and 523

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

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

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

cc: File



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

RE:	PETITION FOR VARIANCE
	16516 Garfield Avenue; W/S Garfield
	Avenue, 642' S c/line Monkton Road
	10 <sup>th</sup> Election & 3 <sup>rd</sup> Councilmanic Districts
	Legal Owner(s): Stephen & Kelly Bellone
	Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 07-527-A

#### **ENTRY OF APPEARANCE**

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

RECEIVED

JUN 0 7 2007

Permanen

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 7th day of June, 2007, a copy of the foregoing Entry of Appearance was mailed McKee & Associates, 5 Shawn Road, Suite 1, Cockeysville, MD 21030 and David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max 21 moveman

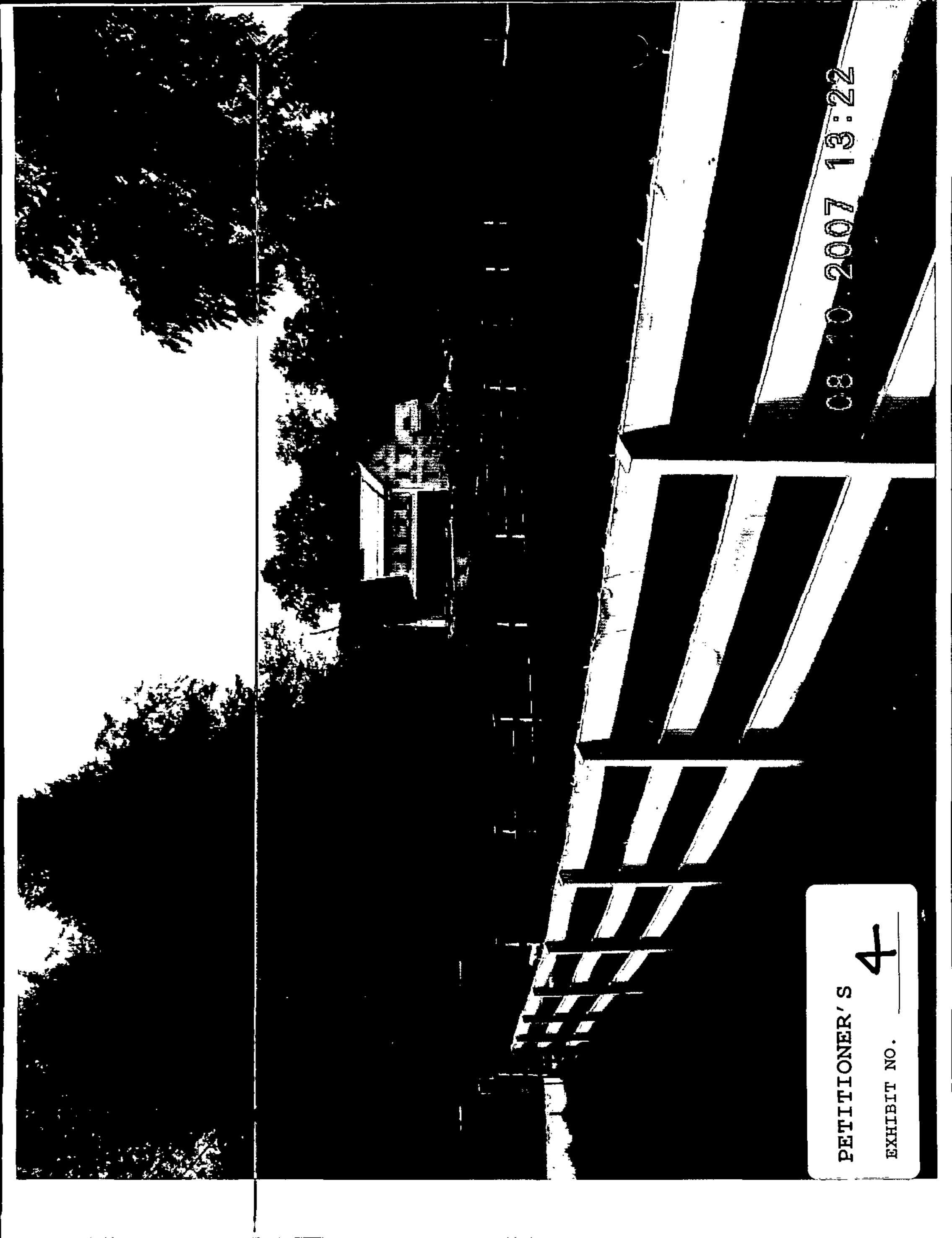
PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

PETITIONER'S SIGN-IN SHEE

EVERONARY CONTROLLARY VOE E- MAIL \* WEUKTON LONE Spell 21030 2//20 2111 7 STATE, ZIP 222 CITY, Monkto TO 1 50. ナマナ 1122 Piney Hill Rd ROAD ADDRESS 2 10 Allesh SHAWAN 113 WES 76037  $\boldsymbol{u}$ HULTZ DW & NAME GEOFFEY Stohen





## Minutes Landmarks Preservation Commission December 8, 2005

An informal, public, pre-meeting review of the Agenda was conducted by the staff. The Commission took no votes in the pre-meeting session.

The Chairman, Jim Matthews, convened the regularly scheduled meeting at 6:05 pm. The following Commissioners were:

#### <u>Present</u>

Mr. James E. Matthews, Chairman

Mr. John W. Hill, Vice-Chairman

Mr. Louis S. Diggs

Ms. Wendy McIver

Mr. Thomas L. Reynolds

Mr. Qutub Syed

Mr. James A. Stevens

Ms. Norma Secoura

Mr. Steven K. Fedder

Mr. Edward A. Griffith

Mr. Charles Bruce Boswell

Mr. H. Edward Parker Mr. Edward E. Hardester Jr.

#### Not Present

Mr. 'Spike' Schnitzker Ms. Sandra Caslin



Planning Office staff present included Caren Hoffberger, Vicki Nevy, Jeff Long, Karin Brown and Tim Dugan.

Mr. Matthews stated for the record that the Commission operates under Title 32 of the County Code, the Secretary of the Interior's Standards, and its own Rules of Procedure and Historic Guidelines and Regulations. Mr. Matthews updated the Commission on upcoming legislative issues. First, the Historic Preservation Task Force finalized its work on proposed amendments to the Historic Tax Credit Bill. Mr. Matthews informed his colleagues that the Law Office is finalizing the draft and putting it into bill format. A subcommittee of the Historic Preservation Task Force, was working with the Executive Office to find Council sponsors for the bill. If adopted, the Baltimore County historic property tax credit, would be one of the most progressive in the State, allowing a 20 percent tax credit for residential properties (rehabilitation costs exceeding \$1,000) and a 10 year tax freeze on commercial properties. The same Tax Credit Committee would also address the Notification to Owners Procedure, and the Comprehensive Survey of potential Baltimore County properties and Districts.

The Council enlarged the definition of "structure" to include its historic setting, and the Commission must develop standards and procedures for delineating historic districts. Mr. Matthews asked the staff to prepare a chart recording all historic structures approved by the LPC for Preliminary Landmarks listing during 2004 and 2005, and also to indicate which structures the County Council had adopted to the Final Landmarks List.

PETITIONER'S

EXHIBIT NO.

5 NO.

Mr. Matthews continued by reading the procedures for that night's meeting, which prescribed the length of time and order in which speakers could present their testimony.

#### Review of the Agenda

1. The attorney, representing the owner of 929 Quaker Bottom Road, item # 6, asked to be moved ahead, because he had to attend a Christmas party. Also, the owner of the Rider-Bushman House asked for a continuance to January 12, 2006. This was a last minute request. There were no further changes to the Revised Agenda.

#### **Approval of the Minutes**

2. There were several requests for corrections to the minutes. Ms. Secoura pointed out that on pages 9 and 11, Mr. Stuart Kaplow's name had been misspelled (Stewart instead of Stuart). Mr. Hardester asked that the minutes be corrected in concurrence with Ms. Fitchett's letter, which is filed with the minutes. Mr. Boswell identified two other spelling errors. On page 4, the term major should be replaced with mayor. On page 7, last paragraph, the proper spelling was Ms. Adeline Rackemann. Mr. Parker moved to approve the minutes as amended. Mr. Diggs seconded the motion. The motion passed, with all Commissioners voting in favor, except for Mr. Hill, who abstained because he was not present at that meeting.

#### Out-of-order - Nomination to the Landmarks List

16. Rider-Bushman House, 1812 Landrake Road, Riderwood (MHT # BA-400)

The owner of the Rider-Bushman House asked that the hearing be continued to January 12, 2006. She is a physician and was on call and would not be able to stay until later in the evening. Her request was granted.

#### Public Hearings on Nominations to the Landmarks List

6. Woodhouse-Reister House (Sparks State Bank property), 929 East Quaker Bottom Road, Sparks (built ca. 1882); contributing dwelling in the Sparks African-American Survey District, MHT # BA-3089

Mr. Matthews noted that a demolition application was on-hold, pending on LPC's decision. Mr. Edward Gillis, representing the Mercantile Safe Deposit and Trust Company, restated his request for postponement to the January 12, 2006 LPC meeting.

Mr. Kenneth Bosley declared that he had seen the property all his life and that the demolition of the building would not be a big loss. He did not believe that it was associated with the African American residents of the area. He did not think that it was architecturally significant and that much was added on later. Mr. Diggs had a problem with Mr. Bosley's statement that the property had never been owned by African Americans, according to his research, an African American woman had owned the property. Mr. Bosley responded that the area to the west is inhabited by African Americans, but not the property in question. Mr. Diggs indicated that his title search showed that during the latter part of the 19<sup>th</sup> century, African Americans owned the property.

Mr. Parker moved to continue the hearing to January 12, 2006. Mr. Hardester seconded the motion. Except for Mr. Diggs, all Commissioners voted in favor of the motion.

3. Parker-Stevenson House, 1721 Belfast Road, (MHT # BA-850)

This item is an owner-initiated request to place the Parker-Stevenson House on the Preliminary Landmarks List. Mr. Fedder moved to place the property on the Preliminary Landmarks List under criterion (2), as a distinctive example of a late 19<sup>th</sup> century rural vernacular dwelling, with unusual internal chimneys in three gable ends. Mr. Parker seconded the motion, which passed unanimously on a voice vote.

4. Edrich House, 3201 Edrich Way (built ca. 1856; demolition application on-hold pending Landmark decision. The LPC placed the property on the County Register at the October 19 meeting).

Mr. Matthews inquired whether anyone wished to testify on behalf of the Edrich House. A gentleman stated that he lived in the house for the past five years, but that he was not quite sure about the issue under consideration. After Mr. Matthews explained the situation, the gentleman responded that he did not wish the house to be demolished. Mr. Diggs moved to place the Edrich House on the Preliminary Landmarks List under criterion (1), for its association with the pattern of agricultural development in the greater Granite area; and criterion (2), as a distinctive example of a late 19<sup>th</sup> century rural vernacular dwelling, with evidence of early 20<sup>th</sup> century enlargement and modest Gothic Revival stylistic elements. Mr. Syed seconded the motion, which passed unanimously on a voice vote.

5. Ritter-Moore House, 48 Ritters Lane (built ca. 1921; demolition application on-hold pending Landmark decision. The LPC placed the property on the County Register at the October 19 meeting).

Mr. Matthews asked the Commission to consider whether to support the pending demolition application or to vote placing the Ritter-Moore House on the Preliminary Landmarks List under criterion (2), as a distinctive example of an early  $20^{th}$  century vernacular dwelling, with modest Gothic Revival stylistic elements, but with an unusual asymmetrical pattern of the second story windows, suggesting a phased construction sequence. Mr. Dugan stated for clarification purposes that the Ritter-Moore House was originally known as the Lei property – and that Mr. Lei was the current owner. Mr. Hardester moved to place the Ritter-Moore House on the Preliminary Landmarks List under the criterion previously mentioned. Mr. Diggs seconded the motion. Mr. Boswell interjected that the nomination should exclude the one story addition, which functions as an enclosed porch, because the addition was probably constructed in the 1950s. The Commissioners voted unanimously on the motion on the floor as amended.

- 6. Item # 6, the Woodhouse-Reister House, had been previously discussed.
- 7. Franklinville Cotton Factory and Millrace, Maple Drive, Franklinville (built ca. 1850; the LPC placed the property on the County Register at the October 19 meeting).

This item concerns a community-initiated request to place the Franklinville Cotton Factory and Millrace on the Preliminary Landmarks List. Mr. Matthews stated that the

Commission should consider whether to continue the hearing in February. The owner has agreed to grant access to the building. This would allow a Technical Committee to gain 1<sup>st</sup> hand knowledge prior to voting on the issue.

Ms. Leigh Keller, Ms. Robin Beers and Mr. Howard Beard, representing the Greater Kingsville Civic Association, testified jointly. Mr. Beard stated that he had been involved in the nomination of the Franklinville Baltimore County Historic District. The mill would have been included in the Franklinville district, but much was going on with the economic development of the mill, so that the community chose to exclude the mill from County historic district designation. However, the property is included on the MHT Inventory (BA-2408). Ms. Keller stated that she was the first president of the Greater Kingsville Civic Association. Her community had put together a petition to place the building on the Landmarks List. The mill is an integral part of Franklinville and offers a window into the colonial past, and should be placed on the Landmarks List.

Mr. Sam Talbot stated that he lived across from the mill for 50 years. He thought that the mill constitutes part of the larger "puzzle", together with the Jerusalem area as a whole, the covered bridge and the millrace, which is still in existence. The main building is a fine example of late 19<sup>th</sup> century mill architecture and is an important part of Franklinville and the Jericho Road area.

Mr. Hill moved to continue the hearing at the February 9, 2006 meeting. Mr. Parker seconded the motion, which passed unanimously on a voice vote. Mr. Hill and Ms. Secoura agreed to form the Technical Committee and to visit the site on January 9, 2006 at 10:00 AM.

8. Woodhall Wine Cellars structures (farmhouse, carriage house, springhouse, bank barn, retaining wall), 17912 York Road, Wiseburg vicinity (built ca. 1850; the LPC placed the property on the County Register at the October 19 meeting).

This item concerns a citizen request to place the Woodhall Wine Cellars structures on the Preliminary Landmarks List. Initially the owners were supportive of the nomination, then they had second thoughts because they feared [incorrectly] that the entire property would be placed on the Landmarks List. A dialogue (via e-mail) between the staff and he owner's attorney clarified that only the historic structures would be listed. Referring to this e-mail exchange, copies of which were provided to the Commissioners, Mr. Dugan explained that the owner's concerns were assuaged and that they did not oppose the nomination.

Ms. McIver moved to place the five Woodhall Wine Cellars structures on the Preliminary Landmarks List under criterion (1), for their association with the pattern of 19<sup>th</sup> century agricultural development in northern Baltimore County; and criterion (2), as a distinctive example of a 19<sup>th</sup> century vernacular farmstead and its cluster of contemporary accessory structures. Mr. Hill seconded the motion, which passed unanimously on a voice vote.

9. Dilworth-Dietz Farmstead (Dietz property), 12431 Belair Road, Kingsville vicinity (MHT Inventory # BA-3079); a demolition application is on-hold pending a decision by the LPC.

Ms. Mary Dietz, the property owner, confirmed that the house dates back to 1852. Widening of Rte. I caused the house to be located closer to the edge of the road. She

contacted an engineering firm inquiring whether the house could be moved further back, but the costs would have been prohibitive. Ms. Dietz stated that she had an approved minor subdivision plat. That plan showed the dwelling as "to be razed". She indicated that she had a contract on the house, but when the buyer found out that the demolition application was postponed, the contract was terminated. She reported that the dwelling had been placed on the MHT inventory without her knowledge.

Mr. Boswell asked Ms. Dietz whether she sold the 2 lots, which Ms. Ditz confirmed. She noted that the dwelling was in very poor condition and was about to fall down and that Baltimore County had given permission in 1995 to raze the structure. Addressing staff, Mr. Fedder inquired why the building should be preserved, stating he saw no evidence of the building's distinctiveness. Mr. Dugan pointed to a photograph that had been included in the Commissioner's mailed materials. Ms. Dietz stressed that the house has significant termite damage. Mr. Boswell asked whether 1991 was the last time someone lived in the building, which Ms. Dietz confirmed. Mr. Hill stated that Ms. Dietz presented a compelling argument, but that he did not wish to vote on the issue without having visited the site. He moved to continue the Hearing on January 12, 2006. Ms. Secoura seconded the motion. The motion passed with all Commissioners voting in favor, except for Mr. Parker, who was opposed.

Ms. Secoura, Mr. Hill, Mr. Stevens and Mr. Boswell agreed to accept the owner's offer and to form a Technical Committee to visit the site on January 10, 2006 at 11:00 AM.

#### **Unfinished Business**

10. Lanius House (ARMZ, LLC property), 301-303 Main Street (MHT # BA-894), contributing property in the Reisterstown National Register Historic District.

This item concerns approval of a proposed addition to a structure that was placed on the Preliminary Landmarks List on November 10, 2005. The applicant had come before the Commission on September 8, October 19 and November 10. Additionally, they met with a Technical Committee three times. There were other meetings between the owner/developers and community and business representatives. In response to LPC comments changes had been made to the design and massing of the proposed addition each time. The matter to be considered by the Commission, was whether the latest proposal met with the Commission's standards.

Mr. Matthews noted that the Commissioners have received letters and e-mails concerning the proposed addition and that no agreement had been reached between the developer and community representatives. Some of the questions raised concerned the actual footprint of the proposed addition.

Mr. Ben Bronstein, the attorney representing the owners, stated that his client received strong support from the Reisterstown Chamber of Commerce.

Mr. Mark Levin, architect and owner, explained the latest changes. The rear portion of the addition had been pulled back by 11 feet and the front façade was pushed back 1 foot. The total gross square footage of the addition and the principal (existing) structure is 10, 075 square feet. They eliminated a portion from the side elevation, but the rear remained essentially the same. There ensued a question and answer session regarding specific architectural details, as shown in the revised drawings.

Mr. Levin then explained why he could not implement suggested changes that he received from Mr. Keeney, a Reisterstown architect. That proposal would have reduced the height of the addition by four feet by lowering the addition into the ground. Mr. Levin maintained that if he lowered the addition by four feet, the front windows would not line up and they would loose ADA accessibility, as well as crawl space. Mr. Bronstein added that lowering the addition would put it below grade, which he considered unacceptable.

Mr. Boswell inquired whether the square footage had been decreased.

Mr. Elias Rizakos, a neighboring property owner, questioned the accuracy of the addition's square footage as stated by Mr. Levin. He also was concerned with the proposed setbacks of the parking lot. Ms. Karen Fitchett, another neighbor, stated that she still feels that the addition is too big and that permitting the addition as proposed would set a negative precedent. She had a petition with over 100 names opposing the addition.

Mr. Nick Bouyiouclis stated that he owned 309 Main Street together with Mr. Rizakos. To him the addition looked like a three-floor building. He feared that a 3<sup>rd</sup> floor might be added in the future. He would support a smaller addition. The smaller the addition, the better for the neighborhood. He also worried that the proposed addition would generate more traffic.

Ms. Patricia Bentz, executive director of the Baltimore County Historic Trust (BCHT), quoted from the Secretary of the Interior's Standard # 9 stating that "new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." She thought that the proposed addition was much too large. She felt the design was disrespectful of the community. BCHT was always pleased to see adaptive reuse, but it should not be done at the expense of the community.

Mr. Calvin Reeter, stated that he had lived in Reisterstown for 75 years and that he saw it change from farm land to a small city. He witnessed Main Street fall in shambles. When the project first was introduced, he was terrified, but he saw the project change and thought that it now was an acceptable plan. He knew that other buildings had made additions, but not much was said about them. He hoped that other owners would take a hint and improve their properties. He saw people every day in Reisterstown and he did not hear much opposition to the project, except from certain quarters.

Mr. Keeney, a neighboring property owner and architect, stated that he was a 68 year resident of Reisterstown. He felt it was his duty to preserve Reisterstown. The building at question was 209 years old. Pointing to his modification to the petitioner's elevation drawings (the same which had been discussed by Mr. Levin), Mr. Keeney stated that he proposed lowering the height by four feet and changing the roof line. His attempt was to scale the building down. He also questioned the accuracy of the square footage as presented by Mr. Levin and stated that his calculations came up with a total of 12,000 square feet.

Mr. Syed asked whether Mr. Keeney meant that he did not believe the total square footage to be 10,075, that is, that the addition amounted to 7,800 square feet. Mr. Keeney

responded that the problem was that they never saw floor plans as requested. Mr. Seyed asked whether, now that they had received the elevations, he was concerned with the height of the building. Mr. Keeney still thought the building was too high. He also thought the addition was three to four times larger than the historic building. Mr. Keeney refuted Mr. Levin's claim that his changes would prevent the building from being ADA accessible, because not every floor had to be ADA accessible and the proposed elevator would provide access to the second floor. He also cited the existence of a basement in the historic building as proof that the building could be lowered by four feet. Mr. Fedder asked whether Mr. Keeney had any idea about the cost difference between his and Mr. Levin's proposal. Mr. Keeney thought that the cost would be similar. Mr. Levin refuted that statement. He stated that digging into the ground would be significantly more expensive. Likewise a flat roof, as proposed by Mr. Keeney, would be more expensive to maintain.

Mr. Reynolds declared that his opinion regarding the proposed addition was well known. He thought it inappropriate and did not think it would benefit the community.

Mr. Seyed moved to approve the design as shown in the architect's drawings dated November 10, 2005 (and submitted that day to the Commission), as revised in the drawings accompanying the December 6, 2005 letter from Mr. Levin, provided that the proposed second-story, shed-roofed dormer on the rearmost (east) part of the building shall be deleted, and further provided that the size of the proposed addition shall not exceed a maximum of 7,600 square feet.

Mr. Reynolds stated that the Commission is appointed to protect historic buildings. He thought the Commission will fail in its mission if they vote to accept the proposal. Mr. Parker complimented the citizens who participated in the process. It had served them well, but it was a double edged sword and did not please everybody. The LPC was responsible to do what was best for Baltimore County. He thought the applicant had operated in good face and that the proposal was a good compromise. Mr. Parker, Mr. Hardester, Mr. Fedder, Mr. Seyed and Mr. Griffith voted in favor of the motion. Ms. McIver, Mr. Reynolds, Mr. Diggs, Ms. Secoura, Mr. Hill and Mr. Boswell voted against the motion. The motion failed.

# 11. Bellone property, 1122 East Piney Hill Road, Monkton \_\_\_ Current aldum

This item concerns a proposed new construction on an unimproved lot in the Monkton County Historic District. The applicant proposes a new dwelling and a freestanding garage. The Commission was required to approve the siting and design.

Mr. Wesley Burton, the project's architect, stated that he is and he tried to create a design that was compatible with the prevailing architectural style in Monkton. To the right of the proposed house there is a property with a stone house and an accessory structure in the front yard. Mr. Burton asked the Commissioners to consider supporting an accessory structure [the garage] in the front yard. He described the elevation of each side of the proposed house, along with its distinguishing elements. The principal building materials proposed are a combination of stone and wood siding.

Mr. Matthews inquired why the applicant chose stone. The owners replied that they preferred stone and many of the buildings in Monkton are constructed of stone. Mr. Hill asked why the roof pitch was so steep, noting that other buildings in the area did not have

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a like pitch, and that it gave the proposed dwelling a late 19<sup>th</sup> century look. Mr. Burton replied that the adjacent house has a 12/12 pitch. Mr. Parker moved to accept the plan as presented. Mr. Diggs seconded the motion, which passed unanimously on a voice vote.

#### 12. Mueller property, 918 Adana Road, Sudbrook Park

This item concerns the proposed replacement of windows, gutter and downspout, routine maintenance of the slate roof and repointing of brickwork on a contributing structure in the Sudbrook Park County Historic District. Routine maintenance work is not subject to the LPC's review. The applicant, however, is proposing replacing historic windows, which needs to be evaluated in consideration of the Secretary's Standards # 1, 2, 9, and 10 that recommend repair instead of replacement.

Mr. Dugan noted that the local advisory committee supported the proposed work. Also, the owners, commendably, will retain and repair the original slate roof. The windows that would be replaced are not at a very visible location and the new windows would be true divided light. Mr. Diggs inquired whether the replacement windows would be required to meet the Secretary's Standards. Mr. Dugan replied that that was the question, whether replacing windows instead of repairing them was in compliance with the Standards. Mr. Hill noted that his reading of the Standards was to retain the historic windows whenever possible, but that allowances were made for exceptions. He thought that it was acceptable for the Commission to make an exception if the windows were true divided light and identical to the existing windows. Mr. Parker moved to approve the proposal as submitted and to issue a notice to proceed. Mr. Boswell commented that if the property were in Federal Hill, the replacement of windows would not be permitted. Mr. Syed seconded the motion, which passed unanimously on a voice vote.

#### 13. Stephen James property, 634 Main Street, Reisterstown

This item concerns a request by the owner's architect to place the carriage house - stable on the Landmarks List. The building was constructed ca. 1910-1914. Because the property is not yet included on the County Register, the action includes placing it on the Register.

Mr. Bill Keeney, the architect representing the owner, stated that the principal building on the property (a former dwelling) has been carefully restored and adapted to office use. The owner would like to also restore the stable and convert it to office use.

Mr. Hardester inquired whether there was any opposition to the request. Hearing none, Mr. Boswell moved to place the carriage house - stable on the County Register and to schedule a public hearing on February 9, 2006. Ms. McIver seconded the motion, which passed unanimously on a voice vote.

#### 14. Iwouha property, 4301 Windy Hill Road, Harrisonville vicinity.

This item concerns a demolition request for a pre-1850 structure. Because the structure is not included on the County Register, the action includes placing it on the Register.

Mr. Namdi Iwouha, the property's owner, stated that he had done due diligence and researched whether the structure was historic. He was informed that it was not on any historic list. The structure is in such poor condition that he is unable to insure it. He

purchased the land in the hope of building a new dwelling. He first heard of the structures historic nature when he received a telephone call from Ms. Brown, after submitting his demolition permit.

Mr. Dugan stated that very little is yet known about the building, but that more information will be available in time for the February 9<sup>th</sup> LPC meeting. Mr. Diggs inquired whether photos of the structure were available. There being none, he asked for the formation of a Technical Committee and a site visit. Mr. Diggs moved to place the house on the County Register and to schedule a public hearing on February 9, 2006. Mr. Hardester seconded the motion. Mr. Iwouha noted that he would not be in town on February 9. After confirming that the owner would be available in March, Mr. Boswell amended the motion by changing the hearing date to March 9, 2006. The amended motion passed unanimously on a voice vote. Mr. Reynolds, Mr. Diggs, Mr. Boswell and Mr. Syed agreed to be part of the Technical Committee, which would visit the site on March 2<sup>nd</sup> at 10:00 AM.

#### 15. "Scott's Tavern" (Shek property) and accessory structures, 11806 Greenspring Avenue, Caves Valley vicinity (MHT # BA-2311)

This item concerns a nomination, by staff, to place the "Scott's Tavern" and related and accessory structures on the Landmarks List. The property was brought to staff's attention as a proposed two-lot subdivision. The proposal does not involve any demolition request, but the proposed new dwelling would be located in an area presently occupied by ruins. Initially it was not clear whether the ruins were historic or not. The petitioner provided photographic evidence that the ruins, which consist of poured cement blocks, are part of a more recent structure. Mr. Dugan stated that the initial assessment had been based on an aerial photograph. The nomination was performed in the absence of a site visit. Staff was willing to withdraw nomination of the ruins, which meant the owners could go forward with their subdivision. Accordingly the ruins were excluded from the nomination request.

Ms. Shek, the property owner, stated that she was a great supporter of the Landmarks process. She noted that she and her husband bought the property because it was historic, and that they planned to do the right thing. The proposed dwelling would be compatible with the historic structure, and she had submitted elevation drawings to Ms. Brown.

Mr. Diggs inquired whether the ruins had been identified. Ms. Shek replied that the structure originally served as a cow-barn. Ms. Secoura stated that she regretted not having an archeologist on staff. She was concerned there may be archeological artifacts on the site. Mr. Hill suggested that the Commission require for the seller to conduct an archeological survey. Mr. Dugan noted that the Commission could only place structures on the Landmarks List. He thought it a good idea to protect potential archeological resources, but impossible to implement. Mr. Parker moved to schedule the "Scott's Tavern" and related and accessory structures, except the ruins, for a public hearing on February 9. Mr. Hardester seconded the motion, which passed unanimously on a voice vote. Mr. Reynolds, asked Ms. Shek for permission to visit the property, which was granted.

#### 16. Rider-Bushman House, 1812 Landrake Road, (MHT # BA-1161)

As noted above, this item was rescheduled to the January 12, 2006 meeting.

#### 16A "Holly Hillside," 20101 Valley Mill Road, Freeland vicinity (MHT # BA-400)

This item concerns the owner's nomination of the property on the Landmarks List.

Mr. Hardester moved to schedule a public hearing on February 9, 2006. Mr. Parker seconded the motion, which passed unanimously on a voice vote.

#### Other business

#### 17. Request by Historic Towson, Inc. for support on a letter to Federal and State officials

This item concerns three properties that had been nominated by Historic Towson, Inc. for placement on the Landmarks List. The Baltimore County Law Office advised the Commission not to place Federal- or State-owned properties on the Landmarks List, because local jurisdictions have no authority to regulate their use.

Mr. Les Graef described the three nominations – the Towson National Guard Armory, the Towson Post Office and Stephens Hall – as unique buildings and worthy of additional consideration. Mr. Graef suggested that the LPC send a letter to the respective State and Federal agencies inquiring about the future plans for these buildings. Mr. Graef did not think that Stevens Hall or the Towson Post Office were in danger, but he was concerned about the Armory, because the National Guard had moved their facility to a new building at York Road and the Beltway. Mr. Graef agreed to Mr. Matthews' request that he draft such a letter.

Mr. Hardester inquired whether the Commission should obtain an opinion from the Law Office, regarding the appropriateness of such a letter. Mr. Hill moved to ask staff to prepare three letters for review and signature by Mr. Matthews, using Mr. Graef's draft. Mr. Hardester seconded the motion, which passed unanimously on a voice vote.

#### 18. Further discussion on notification procedures (text for public hearing on January 12, 2006)

Mr. Matthews informed the Commission that a first draft had been prepared and would be shortly available for review. The process would be closely tailored after the Comprehensive Zoning Map Process (CZMP). For example, if someone would request a zoning map change on Mr. Parker's property, Mr. Parker would be notified of that request. The name of the person requesting the map change would not be mentioned. Mr. Matthews suggested that the LPC follow the same system.

Ms. McIver agreed that it was not necessary for a person to know who made a nomination. Ms. Caren Hoffberger stated that the information was in the file and that any citizen had the right to look at the file.

Mr. Long stated that in the case of the recent "Towson 22" nominations a significant number of people came before the Commission complaining that Historic Towson did not make an effort to contact the property owner. Mr. Seyed thought that the letter should indicate who nominated the property. Mr. Boswell cautioned that some people might be fearful of nominating a property if their name would be revealed. He did not think that it would be necessary to include the name of the nominating entity in the notification letter.

He wondered what would happen if a building warranted being nominated, but no one wanted to follow through for fear of revealing a name. He thought the Commission needed to take a closer look at the nominating form.

Mr. Long noted that during the CZMP process, if a citizen, or a group wished to raise a legitimate request for a zoning map change, but feared repercussions, the County would raise it. Nevertheless, he thought that property owners had the right to know who made a nomination. Ms. Hoffberger stated that as a former Council Aide, she knew of cases were people did not raise a zoning issue out of fear of retaliation.

Ms. Secoura observed that putting down your name on a nomination could be scary. On the other hand, she was quite disappointed with Historic Towson that they did not make an attempt to work with the property owners.

The next issue to be discussed was how many notification letters should be sent out and whether the letter should be sent by registered mail, as well as first class mail. The time span between mailing the notification letter and the hearing was also discussed. The Commissioners agreed that unless a property was owner nominated, a notification letter should be sent 30 days prior to the meeting. Mr. Parker thought the draft needed more work. Mr. Matthews stated that another draft would be sent to the Commissioners via e-mail.

As a separate matter, Ms. Bentz congratulated the Commission for its record year for properties having been placed on the Preliminary Landmarks List.

Mr. Matthews wished every one "Happy Holidays" and thanked his fellow Commissioners and staff for all the work done

The meeting was adjourned at 9:15 p.m.

Case No.: 07-527-A

16516 GARFIELD AVE.

#### Exhibit Sheet

#### Petitioner/Developer

#### Protestant

No. 1	Sitz PLAN
No. 2	
	2A - ZONING MAP 2B - aerial GIS
	HISTORIC MAP
No. 4	Photograph 8/10
No. 5	land nerts preservation commette minuted 051
No. 6	Proto's of Stone budge
No. 7	Presented of Review.
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

