

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

SE corner of Harrison Avenue and
Baker Avenue
15th Election District
6th Councilmanic District
(21 Harrison Avenue)

Nathan Carter
Legal Owner
Oscar Cordova
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

*
* **Case No. 2011-0103-SPHA**
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Nathan Carter, the legal property owner. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the office use granted by special exception dated October 13, 1975 in zoning Case No. 76-0082-XA permitting 8 off street parking spaces in lieu of the required 13 parking spaces has been vacated and terminated. Petitioner is also requesting Variance relief as follows:

- From Section 1B01.2.C of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard property line setback of 2 feet 8 inches from the front property line in lieu of the required 40 feet, a north side corner property line setback of 7 feet 9 inches in lieu of the required 35 feet, and a rear yard property line setback of 17 feet 5 inches in lieu of the required 30 feet; and
- From Section 409.6.4 of the B.C.Z.R. to permit 8 parking spaces in lieu of the required 10; and
- From Section 1B01.1.B.1.e.(2) of the B.C.Z.R. to permit a building setback to the Residential Transition Area (RTA) of 2 feet 8 inches in lieu of the required 75 feet; and

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Date 12-8-10

By [Signature]

- From Section 1B01.1.B.1.e.(3) of the B.C.Z.R. to permit a landscape buffer of 0 feet in lieu of the required 50 feet; and
- From Section 1B01.1.B.1.a(1) of the B.C.Z.R. to permit a RTA of 55 feet in lieu of the required 100 feet.

The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Petitioner Oscar Cordova, the contract purchaser, and Edward C. Covahey, Jr., Esquire, attorney for Petitioner. Also appearing in support of the relief were Javier Contaro, and Jose Centeno, as well as Brian Dietz with Dietz Surveying Co, the firm that prepared the site plan. Appearing as Protestants were Wiley T. Richardson and his brother William Richardson, and Victor Carnaggio.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management¹. A Code Inspections and Enforcement Correction Notice was issued to Petitioner on May 10, 2010 for failure to obtain a building permit for work being done to a commercial building including demolition on residential property. Petitioner continued to work despite the Stop Work Order and lack of permits. On March 6, 2010, Code Enforcement Hearing Officer issued Findings of Fact and Conclusions of Law sustaining the violation but reducing the civil penalty.

Testimony and evidence offered revealed that the subject property is rectangular shaped and contains approximately 0.225 acre or 9,810 square feet, more or less, zoned D.R.5.5. The property is located at the southeast corner of Baker Avenue and Harrison Avenue, just south of

¹ Case No: CO-0072287

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Date 12-8-10

By PJ

the Amtrak railroad tracks and east of the Chesapeake Industrial Park, in the Middle River area of Baltimore County. The subject site is improved with an existing one-story building measuring approximately 59 feet wide by 61 feet deep.

According to Petitioner's attorney, Mr. Covahey, the building is currently vacant and in need of extensive repairs. The Middle River branch of the Post Office was once located there for many years, but vacated the property over 10 years ago. He also indicated there was a prior special exception granted for office use and a variance for parking. Petitioner runs a church known as Iglesia Evangelica "Principe De Paz" and wishes to conduct church services at the subject property. The church is a permitted use at the property by right, but in order to utilize the property and building for a church, Petitioner is in need of variance relief from certain front, side, and rear setback requirements, parking, and Residential Transition Area ("RTA") requirements by virtue of the fact that the property is located in a residential zone, to be used for uses other than residential.

Mr. Covahey also indicated that the church services would be conducted primarily on Saturdays and Sundays and two nights during the week. Currently, the church leases space from another church located in the Middle River area. In support of the relief, Mr. Covahey and Mr. Dietz both explained that it is the building's construction in approximately 1940 and its size relative to the lot size, as well as its prior use as a Post Office that renders the property unique and drives the need for the variance relief. Specifically, the building was built as a nonresidential structure in 1940, prior to the adoption of the Zoning Regulations, and was built rather large compared to the size of the property -- certainly too large to be able to comply with today's front, side and rear setback requirements. Indeed, the setback variances are to legitimize these existing conditions that were created 70 years ago. In addition, the parking variance is also

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By PS

necessitated by the size of the building on the site and its potential use as a church. 10 parking spaces are required and 8 are proposed on site.

In addition, the variances related to the RTA building setback and landscape buffers are also generated by the building size and placement and its previous nonresidential uses. Although the property is located adjacent to residential transition, there is also adjacent business and commercial zoning, including B.R., B.M., and B.L. Mr. Dietz maintains that it would be impossible to achieve the required RTA setback and buffers without completely demolishing the building and starting over, or by not permitting a church here even though it is a permitted use.

Testifying in opposition to the requested relief was Wiley Richardson. Mr. Richardson owns the property directly south of the subject site and operates a 2½-story apartment building there on this B.L. zoned property. He objects to the relief and the proposed church use because he is concerned about the traffic that would be generated and overflow parking that would be taken onto Harrison Avenue. His brother, William Richardson, expressed similar concerns, as did Mr. Carnaggio who lives in Mr. Richardson's apartment building.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Fire Department dated August 17, 2010 which indicates that the proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code (July 19, 2010). The church will need to submit plans to the Baltimore County Office of Plans Review located at 111 West Chesapeake Avenue, Towson, Maryland for a review. The church will also need to apply for a change of occupancy to a place of assembly. A church is considered a place of assembly once the capacity reaches 50 or more people per the 2009 NFPA 101 Life Safety Code. After the renovations are completed, the church will need to contact the Baltimore County Fire Marshal's

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By mg

Office during the hours of 8:00 AM to 4:00 PM to request a capacity survey. Comments were received from the Office of Planning dated October 26, 2010 which indicates that they do not object to the requests with the exception of the following:

- Include a decorative fence on the south side of the property line to screen the parking area from the adjacent residence located at 19 Harrison Avenue.
- Indicate those improvements that will be made to the exterior of the building, as it is currently abandoned and in disrepair.
- Indicate how/where over flow parking will be accommodated.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. Although I can appreciate the concerns of the adjacent property owner, Mr. Richardson, and his tenant, Mr. Carnaggio, I believe the impact of the church services only a few days per week and with a relatively small congregation will be minimal. As to the variance requests in particular, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The building was constructed prior to the imposition of zoning on the property without regard to the requirements of today's Regulations. In addition, it has always had a nonresidential use, starting with a Post Office, and I believe its use as a church, which is specifically permitted by the Regulations, will be more benign than the Post Office was in its heyday.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The building could very well lay vacant for the foreseeable future while a permitted use is not utilized. Finally, I find the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Because of my own concerns with the lack of RTA setback and buffers, I will condition the relief on compliance with the Office of Planning's comments.

ORDER RECEIVED FOR FILING

Date 12-8-10

By [Signature]

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 2010 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the office use granted by special exception dated October 13, 1975 in zoning Case No. 76-0082-XA permitting 8 off street parking spaces in lieu of the required 13 parking spaces has been vacated and terminated, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance requests as follows:

- From Section 1B01.2.C of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard property line setback of 2 feet 8 inches from the front property line in lieu of the required 40 feet, a north side corner property line setback of 7 feet 9 inches in lieu of the required 35 feet, and a rear yard property line setback of 17 feet 5 inches in lieu of the required 30 feet; and
- From Section 409.6.A of the B.C.Z.R. to permit 8 parking spaces in lieu of the required 10; and
- From Section 1B01.1.B.1.e.(2) of the B.C.Z.R. to permit a building setback to the Residential Transition Area (RTA) of 2 feet 8 inches in lieu of the required 75 feet; and
- From Section 1B01.1.B.1.e.(3) of the B.C.Z.R. to permit a landscape buffer of 0 feet in lieu of the required 50 feet; and
- From Section 1B01.1.B.1.a(1) of the B.C.Z.R. to permit a RTA of 55 feet in lieu of the required 100 feet,

be and are hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of

ORDER RECEIVED FOR FILING

Date

12-8-10

6

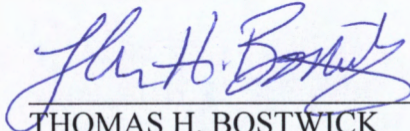
By

pro

this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code (July 19, 2010).
3. The church will also need to apply for a change of occupancy to a place of assembly. A church is considered a place of assembly once the capacity reaches 50 or more people per the 2009 NFPA 101 Life Safety Code.
4. After the renovations are completed, the church will need to contact the Baltimore County Fire Marshal's Office during the hours of 8:00 AM to 4:00 PM to request for a capacity survey.
5. Petitioner shall include a decorative fence on the south side of the property line to screen the parking area from the adjacent apartment building residence located at 19 Harrison Avenue.
6. Petitioner shall indicate the improvements that will be made to the exterior of the building, as it is currently abandoned and in disrepair.

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

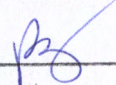


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 12-8-10

By 



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 8, 2010

EDWARD C. COVAHEY, JR., ESQUIRE
COVAHEY BOOZER DEVAN & DORE PA
614 BOSLEY AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2011-0103-SPHA
Property: 21 Harrison Avenue

Dear Mr. Covahey:

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 dark ink, appearing to read "Th H Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Oscar Cordova, 1014 Quail Trail Way, Baltimore MD 21205
Javier Contaro, 14759 Basingstoke Loop, Centerville VA 20120
Jose Centeno, 6 High Seas Court, Baltimore MD 21221
Brian Dietz, Dietz Surveying Co., 8119 Oakleigh Road, Baltimore MD 21234
Wiley T. Richardson, 1627 Riverwood Road, Baltimore MD 21221
William Richardson, 800 Bengies Road, Baltimore MD 21220
Victor Carnaggio, 19 Harrison Avenue, Baltimore MD 21220



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 21 Harrison Avenue 21000
which is presently zoned S-5

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

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 bound 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:

Oscar Cordova
Name - Type or Print
Signature
404 N. Bouldin Street 443-695-4156
Address Telephone No.
Baltimore MD 21224
City State Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.
Name - Type or Print
Signature
Covahey, Boozer, Devan & Dore, P.A.
Company
614 Bosley Avenue 410-828-9441
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

Nathan Carter
Name - Type or Print
Signature
Name - Type or Print
Signature
3700 Captain Wyndale Court Way
Address Telephone No.
Ft. Washington MD 20744
City State Zip Code

Representative to be Contacted:

Oscar Cordova
Name
404 N. Bouldin Street 443-695-4156
Address Telephone No.
Baltimore MD 21224
City State Zip Code

ORDER RECEIVED FOR FILING

Date 12-8-10

By 2011-0103-SPHA
Case No.

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By W Date 9/16/10

Special hearing:

To confirm that the office use granted by special exception dated October 13, 1975 in Zoning Case No. 76-0082-XA permitting eight (8) off street parking spaces in lieu of the required thirteen (13) parking spaces has been vacated and terminated.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 21 Harrison Avenue 21224

which is presently zoned D.R. 5.5

Deed Reference: 23441 / 217 Tax Account # 15-1502000520

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

See attached.

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

See attached.

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

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

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

Contract Purchaser/Lessee:

Oscar Cordova

Name - Type or Print

Signature

404 N. Bouldin Street 443-695-4156

Address Telephone No.

Baltimore MD 21224

City State Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey, Boozer, Devan & Dore, P.A.

Company

614 Bosley Avenue 410-828-9441

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Nathan Carter

Name - Type or Print

Signature

Name - Type or Print

Signature

3700 Captain Wyndale Court Way

Address Telephone No.

Ft. Washington MD 20744

City State Zip Code

Representative to be Contacted:

Oscar Cordova

Name

404 N. Bouldin Street 443-695-4156

Address Telephone No.

Baltimore MD 21224

City State Zip Code

Case No. 2011-0103-APHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 9/16/10

REV 8/20/07

ORDER RECEIVED FOR FILING

12-8-10

EXHIBIT A

For the property located at 21 Harrison Avenue

This Petition shall be filed with the Office of Zoning Administration & Development Management.

- I. The undersign legal owners 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 1B01.2C of the Baltimore County Zoning Regulations to permit the following:
 - A. A front yard property line setback of 2.8' from the front property line in lieu of the required 40'.
 - B. A north side corner property line setback of 7.9' in lieu of the required 35'.
 - C. A rear yard property line setback of 17.5' in lieu of the required 30'.
- II. The undersign legal owners 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 409.6.4 of the Baltimore County Zoning Regulations to permit eight (8) parking spaces in lieu of the required ten (10).
- III. The undersign legal owners 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 1B01.1.B.1.e.(2) to permit a building setback to the Residential Transition Area (RTA) of 2.8' in lieu of the required 75'.
- IV. The undersign legal owners 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 1B01.1.B.1.e.(3) to permit a Landscape Buffer of 0' in lieu of the required 50'.
- V. The undersign legal owners 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 1B01.1B1a(1) of the Baltimore County Zoning Regulations to permit a residential transition area (RTA) of 55' in lieu of the required 100'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons:

1. The subject property is unique in that the building that is situate on the site was constructed prior to the enactment of the Baltimore County Zoning Regulations.

2. The configuration of the building as constructed by the United States Postal Service creates a practical difficulty because of the manner in which it is placed on the lot.
3. The Petitioner seeks to conduct church services on the property and without the required variances it is impossible to use the subject site for church purposes.
4. The property immediately to the south of the site is zoned Business Local.
5. The property to the east at the intersection of Baker Avenue and Martin Boulevard is commercially zoned and occupied by two taverns.
6. That Zoning Case No. 76-0082-XA created special exceptions for offices.

ldr100708

EXHIBIT A

For the property located at 21 Harrison Avenue

This Petition shall be filed with the Office of Zoning Administration & Development Management.

- I. The undersign legal owners 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 the Baltimore County Zoning Regulations to permit the following:
 - A. Section 1B01.2C to permit a front yard property line setback of 2.8' from the front property line in lieu of the required 40'.
 - B. Section 1B01.2C to permit a north side corner property line setback of 7.9' in lieu of the required 35'.
 - C. Section 1B01.2C to permit a rear yard property line setback of 17.5' in lieu of the required 30'.
- II. Section 409.6.4 to permit eight (8) parking spaces in lieu of the required ten (10).
- III. Section 1B01.1.B.1.e.(2) to permit a building setback to the Residential Transition Area (RTA) of 2.8' in lieu of the required 75'.
- IV. Section 1B01.1.B.1.e.(3) to permit a Landscape Buffer of 0' in lieu of the required 50'.
- V. Section 1B01.1B1a(1) to permit a residential transition area (RTA) of 55' in lieu of the required 100'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons:

1. The subject property is unique in that the building that is situate on the site was constructed prior to the enactment of the Baltimore County Zoning Regulations.
2. The configuration of the building as constructed by the United States Postal Service creates a practical difficulty because of the manner in which it is placed on the lot.
3. The Petitioner seeks to conduct church services on the property and without the required variances it is impossible to use the subject site for church purposes.
4. The property immediately to the south of the site is zoned Business Local.
5. The property to the east at the intersection of Baker Avenue and Martin Boulevard is commercially zoned and occupied by two taverns.
6. That Zoning Case No. 76-0082-XZ created special exceptions for offices.

2011-0103 - SPHA

Dietz Surveying
Professional Land Surveyor #21080
8119 Oakleigh Road, Parkville, MD 21234
Phone 410-661-3160 Fax 410-661-3163
www.dietzsurveying.net

June 30, 2010

Zoning Description

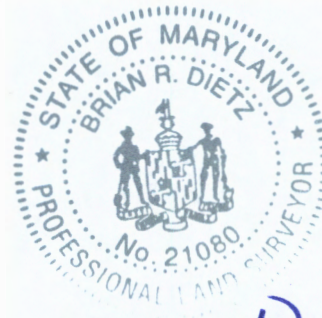
21 Harrison Avenue

All that piece or parcel of land situate, lying and being in the 15th Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the corner formed by the intersection of the south side of Baker Avenue with the east side of Harrison Avenue and running thence and binding on the east side of Harrison Avenue, South 18 degrees 46 minutes 44 seconds East 109 feet, thence leaving said Avenue and binding on the outlines of the land of the petitioners herein, the two following courses and distances viz: North 75 degrees 38 minutes 16 seconds East 90 feet and North 18 degrees 46 minutes 44 seconds West 109 feet to the south side of Baker Avenue and thence binding on the south side of said avenue, South 75 degrees 38 minutes 16 seconds West 90 feet to the place of beginning.

Containing 0.225 of an Acre of land more or less.

Being the land of the petitioners herein as shown on a plat filed in the office of the Zoning Commissioners, known as 21 Harrison Avenue.



Brian Dietz

2011-0103-SPHA

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-01-03 SAA

Petitioner: OSCAR CORDOVA

Address or Location: 21 HARRISON AVE 21220
21 Harrison Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD C. COVAHEY JR

Address: 614 BOSLEY AVE
TURKEY MD 21204

Telephone Number: 410-828-9441

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **59506**

Date: **9/16/10**

PAID RECEIPT

BUSINESS ACTUAL TIME FROM
 9/17/2010 9/16/2010 09:01:30 2
 REC NO. 59506 WALKIN ORG. NO.
 RECEIPT # 59506 9/16/2010 09:01
 S 520 200000 VERIFICATION
 CR 5. 059506
 Recpt Tot \$650.00
 \$650.00 00 \$ 0.00 00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				650.00

Total: **650.00**

Rec From: **Edward C. Cornbey Jr**

For: **21 Harrison Ave.**
21220 **2011-0103-SP11A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2011-0103-SPHA

21 Harrison Avenue

S/east corner of Harrison Avenue and Baker Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Nathan Carter

Contract Purchaser: Oscar Cordova

Special Hearing to confirm that the office use granted by special exception dated Oct. 13, 1975 in zoning case 76-0082-XA permitting eight (8) off street parking spaces in lieu of the required thirteen parking spaces has been vacated and terminated. **Variance:** to permit a front yard property line setback of 2.8 ft. from the front property line in lieu of the required 40 feet; to permit a north side corner property line setback of 7.9 ft. in lieu of the required 35 ft.; to permit a rear yard property line setback of 17.5 ft. in lieu of the required 30 ft.; to permit 8 parking spaces in lieu of the required 10 ft.; to permit a building setback to the residential transition area (RTA) of 2.8 ft in lieu of the required 75 ft.; to permit a landscape buffer of 0 ft. in lieu of the required 50 ft.; to permit a residential transition area (RTA) of 55 ft. in lieu of the required 100 ft.

Hearing: Monday, November 15, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
10/370 Oct. 28 259199

CERTIFICATE OF PUBLICATION

10/28/2010

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 10/28/2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/31/2010

Case Number: 2011-0103-SPHA

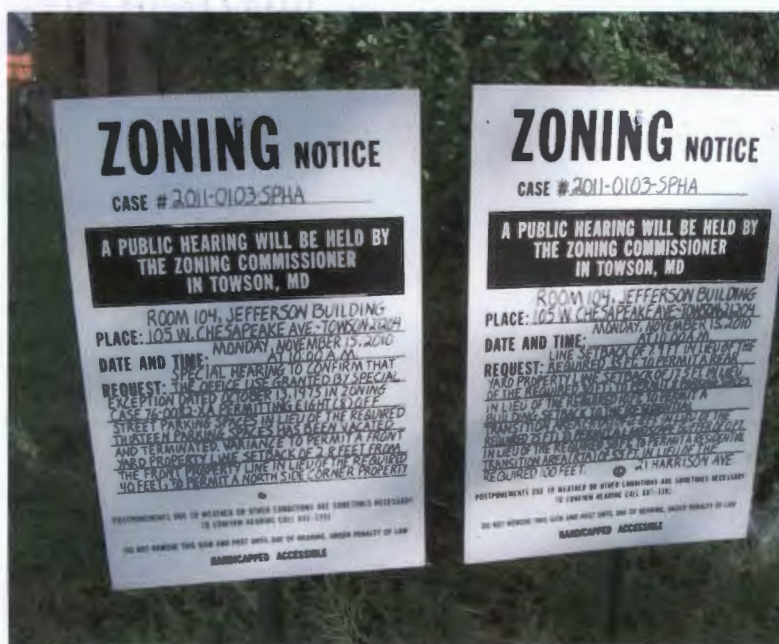
Petitioner / Developer: EDWARD COVAHEY, ESQ.~

OSCAR CORDOVA~NATHAN CARTER

Date of Hearing (Closing): NOVEMBER 15, 2010

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:
21 HARRISON AVENUE

The sign(s) were posted on: OCTOBER 29, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 28, 2010 Issue - Jeffersonian

Please forward billing to:

Edward Covahey, Jr.
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

NOTICE OF ZONING HEARING

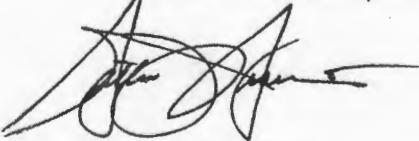
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0103-SPHA

21 Harrison Avenue
S/east corner of Harrison Avenue and Baker Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Nathan Carter
Contract Purchaser: Oscar Cordova

Special Hearing to confirm that the office use granted by special exception dated Oct. 13, 2015 in zoning case 76-0082-XA permitting eight (8) off street parking spaces in lieu of the required thirteen parking spaces has been vacated and terminated. Variance to permit a front yard property line setback of 2.8 ft. from the front property line in lieu of the required 40 feet; to permit a north side corner property line setback of 7.9 ft. in lieu of the required 35 ft.; to permit a rear yard property line setback of 17.5 ft. in lieu of the required 30 ft.; to permit 8 parking spaces in lieu of the required 10 ft.; to permit a building setback to the residential transition area (RTA) of 2.8 ft. in lieu of the required 75 ft.; to permit a landscape buffer of 0 ft. in lieu of the required 50 ft.; to permit a residential transition area (RTA) of 55 ft. in lieu of the required 100 ft.

Hearing: Monday, November 15, 2010 at 10:00 a.m., Rm. 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
October 14, 2010
Permits and Development Management

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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Hearing: Monday, November 15, 2010 at 10:00 a.m., Rm. 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Edward Covahey, 614 Bosley Avenue, Towson 21204
Oscar Cordova, 404 N. Bouldin Street, Baltimore 21224
Nathan Carter, 3700 Captain Wyndale Court Way, Ft. Washington 20744

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 30, 2010.**
(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.



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 10, 2010

Edward C. Covahey, Jr
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204

Case # 20110103 SPHA 21 Harrison Avenue

Dear Mr. Covahey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 2010. 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

WCR:rjc
Enclosures
c. People's Counsel
Nathan Carter 3700 Captain Wyndale Court Way Ft. Washington Md. 20744
Osar Cordova 404 N. Bouldin Street Baltimore Md 21224



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

Beverley K. Sweim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 15, 2010

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

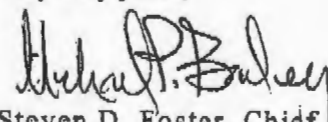
RE: Baltimore County
Item No. 2011-0103 SPHA
21 HARRISON AVE.
NATHAN CARTER
SPECIAL HEARING
VARIANCE -

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. 2011-0103 SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

TB 11/15 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2010

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

SUBJECT: 21 Harrison Avenue

INFORMATION:

Item Number: 11-103

Petitioner: Edward C. Covahey, Jr.

Zoning: DR 5.5

Requested Action: Special Hearing / Variance

RECEIVED

NOV 03 2010

ZONING COMMISSIONER

The Office of Planning has reviewed the subject request to:

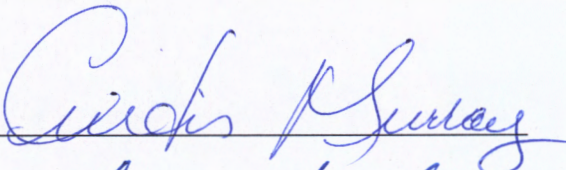
- a) Establish a church with 40 seats,
- b) Confirm that the office use granted by special exception case no. 76-0082-XA permitting 8 off street parking spaces in lieu of the required 13 has been vacated and terminated, and
- c) Grant variances for setbacks, parking, RTA, and landscape buffers.

The Office of Planning has no objection to the requests, with the exception of the following:

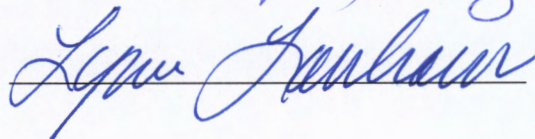
- Include a decorative fence on the south side of the property line to screen the parking area from the adjacent residence located at 19 Harrison Avenue.
- Indicate those improvements that will be made to the exterior of the building, as it is currently abandoned and in disrepair.
- Indicate how/where over flow parking will be accommodated.

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

Prepared by:



Division Chief:



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

DATE: October 7, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10182010 -NO COMMENTS.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 17, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of:

Item No.: **Special Hearing and Variance: 21 Harrison Avenue, Middle River, Maryland 21220**

Pursuant to your request, the referenced plan has been reviewed by the **Baltimore County Fire Marshal's Office** and the comments below are applicable and required to be corrected or incorporated into the final plans for the above listed property.

Comments:

The proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code (July 19, 2010)

The church will need to submit plans to the Baltimore County Office of Plans Review located at 111 W. Chesapeake Avenue, Towson, Maryland 21204 for a review. The church will also need to apply for a change of occupancy to a place of assembly. A church is considered a place of assembly once the capacity reaches 50 or more people per the **2009 NFPA 101 Life Safety Code**.

After the renovations are completed, the church will need to contact the Baltimore County Fire Marshal's Office during the hours of 8:00 A.M. to 4:00 P.M. to request for a capacity survey.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
cc: File

TB 11/15 10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 26, 2010
SUBJECT: Zoning Item # 11-103-SPHA
Address 21 Harrison Avenue
(Carter Property)

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 4, 2010.

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

Reviewer: JWL Date: 10/26/10



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 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
21 Harrison Avenue; SE corner of Harrison	*	ZONING COMMISSIONER
Avenue & Baker Avenue		
15 th Election & 6 th Councilmanic Districts	*	FOR
Legal Owner(s): Nathan Carter		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2011-103-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 12 2010

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Oscar Cordova, 404 N. Bouldin Street, Baltimore, Maryland 21224 and Edward C. Covahey, Jr, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2011.0103-SP4A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 15, 2010

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2011-0103-SPHA
Legal Owner/Petitioner: Carter, Nathan
Contract Purchaser: N/A
Property Address: 21 Harrison Ave.
Location Description: SE corner of Harrison Ave & Baker Ave

VIOLATION INFORMATION: Case No. 2011-0103
Defendants: Carter, Nathan

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Lewis Mayer	Building Inspections MS-1009

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☐ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/lm
C: Code Enforcement Officer

DATE: 10/14/2010

STANDARD ASSESSMENT INQUIRY (1)

TIME: 15:01:13

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 02 000520	15	3-0	07-00	N	NO		06/10/10

CARTER NATHAN

DESC-1.. IMPSPT LT 10-12

DESC-2.. MIDDLETON

3700 CAPTAIN WYNDALE COURT WAY

PREMISE. 00021 HARRISON

AVE

00000-0000

FT WASHINGTON

MD 20744-0000 FORMER OWNER: 21 HARRISON AVENUE LLC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	98,100	98,100				
IMPV:	118,900	146,200	TOTAL..	235,200	235,200	226,100
TOTL:	217,000	244,300	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 08/05 09/08

---- TAXABLE BASIS ---- FM DATE

ASSESS: 235,200 11/08/08

ASSESS: 226,100

ASSESS: 0

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

Notice of Civil Penalty Fee

03/31/2010

CARTER NATHAN
3700 CAPTAIN WYNDALE COURT WAY
FT WASHINGTON, MD 20744

Tax ID #: 1502000520
Premise: 21 HARRISON AVE
MIDDLE RIVER, MD 21220
Case #: CO0072287
Facility ID: FA0185714

Complaint Fee ID: XL0002934

Fee Type:	Civil Penalty Fee	Fee Amount Due:	\$5,000.00
Ticket/GW #:	N/A	Administrative Fee:	
Fee Date:	03/31/2010	Total Amount Due:	\$5,000.00

Dear Property Owner:

The above represents a Civil Penalty Fee imposed by the Hearing Officer, against the real property described as Premise above. If payment is not received within 30 days of the Fee Date above (by 04/30/2010), the Civil Penalty as authorized by the Hearing Officer shall be imposed and placed as a lien upon the property. The lien will be collected in the same manner as taxes. If the lien is not paid within 30 days (by 05/30/2010), interest may accrue at the rate of 1% per month.

For questions regarding the above charge, please call Permits & Development Management / Code Enforcement at 410 887-3351, weekdays between 8 a.m. and 4 p.m.

For payment questions please call 410 887-2404, weekdays between 8 a.m. and 4:30 p.m. Please use the enclosed bill for payment.

Send payments to:

Baltimore County Office of Budget and Finance
400 Washington Avenue, Rm 150
Towson MD 21204

Sincerely,

Mike Mohler
Deputy Director
Department of Permits and Development Management

Lien/Fee/Release Request

Inspector: Lewis Mayer Date: 3/30/10

Facility ID: 0185714 Case #: 00072287

Amount of lien to be placed: \$ 5000.00

Type of Lien/Fee

☒ 30 Day Civil Penalty Fee

☐ Property Maintenance Lien

GW# _____

☐ Property Maintenance

☐ Mobilization

Attached Documentation

- ☐ Final Order (You do not need to make a copy of it just attach original, support staff will return it to you)
- ☐ Contractors Bill
- ☒ Final Order Stated:
If all violations are corrected by 3/29/ the fine will be reduced to \$ _____.
- ☒ Property reinspected on 3/29/10
(date)
☐ compliant ☒ non-compliant
- ☒ Notes in Envision reflect above information.

RELEASE LIEN : Lien releases must be approved by Mike Mohler _____

- ☐ Administration Decision
- ☐ Property reinspected on _____
(date)
☐ compliant ☐ non-compliant
- ☐ Reduce lien by \$ _____
- ☐ Remove lien \$ _____
- ☐ Notes in Envision reflect above information.

Lewis Mayer
Signature of Inspector

3/30/10
Date

Revised 1/6/10

Scan Date: 3/31/10 KET

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.72287

Nathan Carter
3700 Captain Wyndale Court Way
Fort Washington MD 20744

21 Harrison Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 23, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-203; International Building Code (IBC) section 105.1, failure to obtain building permit for work being done to commercial building including demolition on residential property known as 21 Harrison Avenue, 21220.

On January 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER CO-77367	PROPERTY TAX ID 1502000520	DATE ISSUED 5/10/10
NAME(S): NATHAN CARTER		
MAILING ADDRESS 3700 CAPTAIN WYNDALE COURT WAY		
CITY FT. WASHINGTON	STATE MD	ZIP CODE 20744
VIOLATION ADDRESS 21 HARRISON AVE		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21220

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement. |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation/ obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|---|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☒ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ JBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☒ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|--|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

CUT ALL GRASS
REMOVE ALL BRICKS / WOOD / DEBRIS

NOTICE POSTED AND MAILED

POTENTIAL FINE: ~~\$~~ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE:

5/24/10

INSPECTOR NAME:

FISHER

PRINT NAME

(Rev 9/05)

AGENCY

MSH/K

Enforcement Officer

DATE:

7/29/2010

BALTIMORE COUNTY
MARYLAND

Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 105
Towson, Maryland 21204

Bill To

CASE #

77367

GW #

8541

FA#

PROPERTY OWNER
21 Harrison Ave
Baltimore MD 21220

Item	Description	Qty	Rate	Amount
1	Mow Grass	0.02	\$219.60	\$4.39
2	Bush Hog, Mow Brush, Saplings to 1"		\$658.78	\$0.00
3	Trim Along Walks, Buildings	200	\$0.21	\$42.39
4	Rake, Remove, Dispose of Grass		\$219.60	\$0.00
5	Tire Removal and Disposal		\$10.98	\$0.00
6	Litter & Bulk Trash Removal/Disposal	0.5	\$131.76	\$65.88
7	Remove and Recycle		\$263.52	\$0.00
8	Vehicle Removal and Scrap		\$329.39	\$0.00
9	Drain Pool Water into Storm Drain		\$0.11	\$0.00
10	Trim Bushes & Remove Brush Debris	1	\$47.66	\$47.66
11	Mobilization Fee for Numbers 1,2,3,4,9,10, & 13	1	\$87.84	\$87.84
12	Mobilization Fee for all other numbers	1	\$109.79	\$109.79
			Total	\$357.95

7/26/10
OIC RF
15-02-000520



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

08/02/10

CARTER NATHAN
3700 CAPTAIN WYNDALE COURT WAY
FT WASHINGTON, MD 20744

Tax ID #: 1502000520
Premise: 21 HARRISON AVE
MIDDLE RIVER, MD 21220
Case #: CO0077367
Facility ID: FA0185714

Complaint Lien ID: XL0003730

Lien Type:	Property Maintenance Lien	Lien Amount Due:	\$357.95
GW #:	8541	Administrative Fee:	\$75.00
Lien Date:	08/02/2010	Total Amount Due:	\$432.95

Dear Property Owner:

The above charge constitutes a lien against the real property to be collected in the same manner as taxes. If the charges are not paid within 30 days of notice date, interest will accrue at the rate of 1% per month.

For questions regarding the above charge, please call Permits & Development Management / Code Enforcement at 410 887-3351.

For payment questions please call 410 887-2404. Please use the enclosed bill for payment.

Send payments to:
Baltimore County Office of Budget and Finance
400 Washington Avenue, Rm 150
Towson MD 21204

Sincerely,

Mike Mohler
Deputy Director
Department of Permits and Development Management

COVAHEY, BOOZER, DEVAN & DORE, P. A.

**ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204**

**EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
FRANK V. BOOZER, JR.**

410-828-9441

FAX 410-823-7530

**ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204
410-828-5525
FAX 410-296-2131**

***ALSO ADMITTED TO D.C. BAR**

September 20, 2010

**Baltimore County Zoning
111 W. Chesapeake Ave., Room 111
Towson, Maryland 21204**

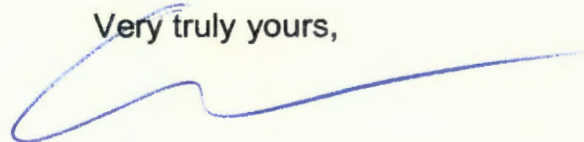
**Re: 21 Harrison Avenue
Case No. 2011-01-03SPHA**

Dear Sir/Madam:

It would be appreciated if I could be contacted before the above-captioned matter is set for a hearing on the Petition for Variance and the Petition for Special Hearing so that I do not have a Court conflict.

Thank you.

Very truly yours,



Edward C. Covahey, Jr.

**ECC/ldr
0916ldr15**

December 7, 2010

Marie Knopp
2135 Oakland Rd
Baltimore, MD 21220
410-391-4132

RECEIVED

DEC 10 2010

ZONING COMMISSIONER

Baltimore County Zoning Commission
105 W. Chesapeake Avenue
Room 104
Towson, MD 21204

Ref: Case No. Z011-0103 SPHA
Case No. Z011-0103 SPHA

Dear Sir,

I have many concerns pertaining to the parking situation at 21 Harrison Ave. Middle River 21220.

I wanted to attend the Zoning Hearing but like most working people, I could not.

My community; Old Middle River is the original neighborhood. Many of the homes are over one hundred years old – thus so are our streets. Harrison Avenue is maybe ¼ mile long and dead ends at four sets of high speed railroad tracks which are owned by A.M. Track. On the land they own there is a staging area where tractor trailers deliver supplies approximately fifteen to twenty loads a day. I tell you this because people cross these tracks everyday with children and babies in strollers and teens with headphones on listening to music. Four people have been killed this year on these tracks. I'm afraid using 21 Harrison as a church will cause a large increase in the amount of traffic.

Also along Harrison Avenue there is Hope Lutheran Church, Harrison Hair Salon, Nanny's Day Care also an Auto garage, a CPA office and a real estate office. All of the above use Harrison Avenue for parking. This small street is very busy and congested everyday.

Sir I have lived here for 25 years and at no time have there been any improvements made to the streets. There are no sidewalks just large deep open gutters throughout this community. The streets are so congested school buses are not allowed.

We cannot afford anymore parking on Harrison Avenue. We are out of room.

I invite you to come on a walking tour of my neighborhood with me so you will understand where I am coming from.

Please consider all the facts stated above before you make your decision. Remember you will be making a bad situation worse.

My next statement has nothing to do with the parking on Harrison. I feel these people are not honest. They have worked WITHOUT ZONING PERMIT'S for months. Inspectors would stop work, but they would tear down the notices and continue on. They have installed an I beam through holes they made in the outside walls. I feel this is to build a second story. These people have been deceptive in their approach to build a church. Remember this is suppose to be a Church.

Please make the right decision.

Sincerely,

A handwritten signature in cursive script that reads "Marie Knopp".

Marie Knopp

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2011-0103-SHA
DATE 11-15-10

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME

CASE NUMBER 2011-0103-SPHA

DATE 11-15-10

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 2011-0103-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

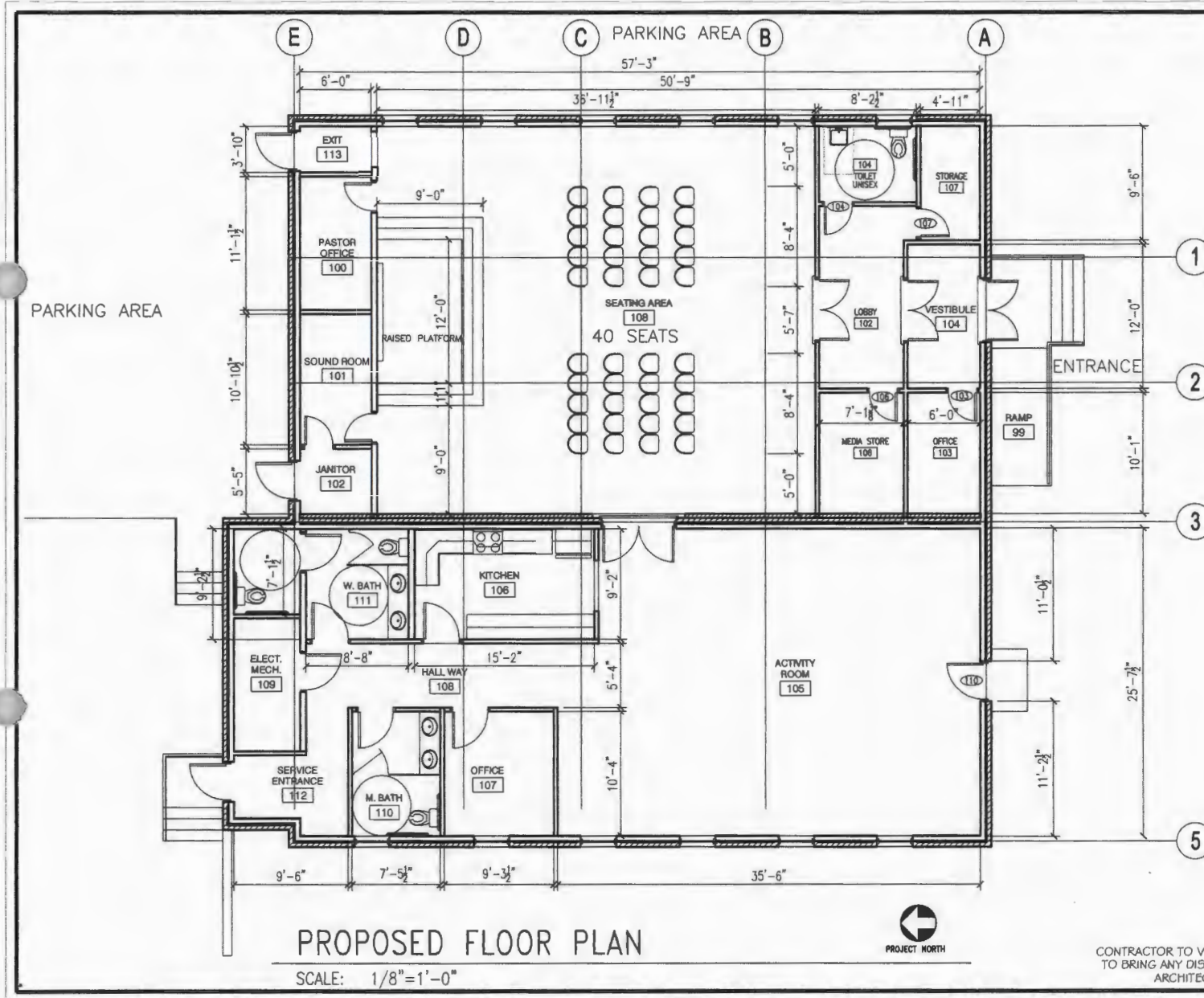
No. 1	<i>site plan</i>	
No. 2	<i>aerial photo + zoning map</i>	
No. 3	<i>water/sewer map</i>	
No. 4	<i>water main plan</i>	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S
EXHIBIT NO. 2



2011-0103-SPHQ



PETITIONER'S

EXHIBIT NO.

3

JC
DESIGN BUILD
 Choice Design Build Quality
 14750 Basingstoke Loop,
 Centreville, VA 20120
 (703) 543.7339
 jconfero@jcdesignbuild.com
 JCDSIGNBUILD.COM

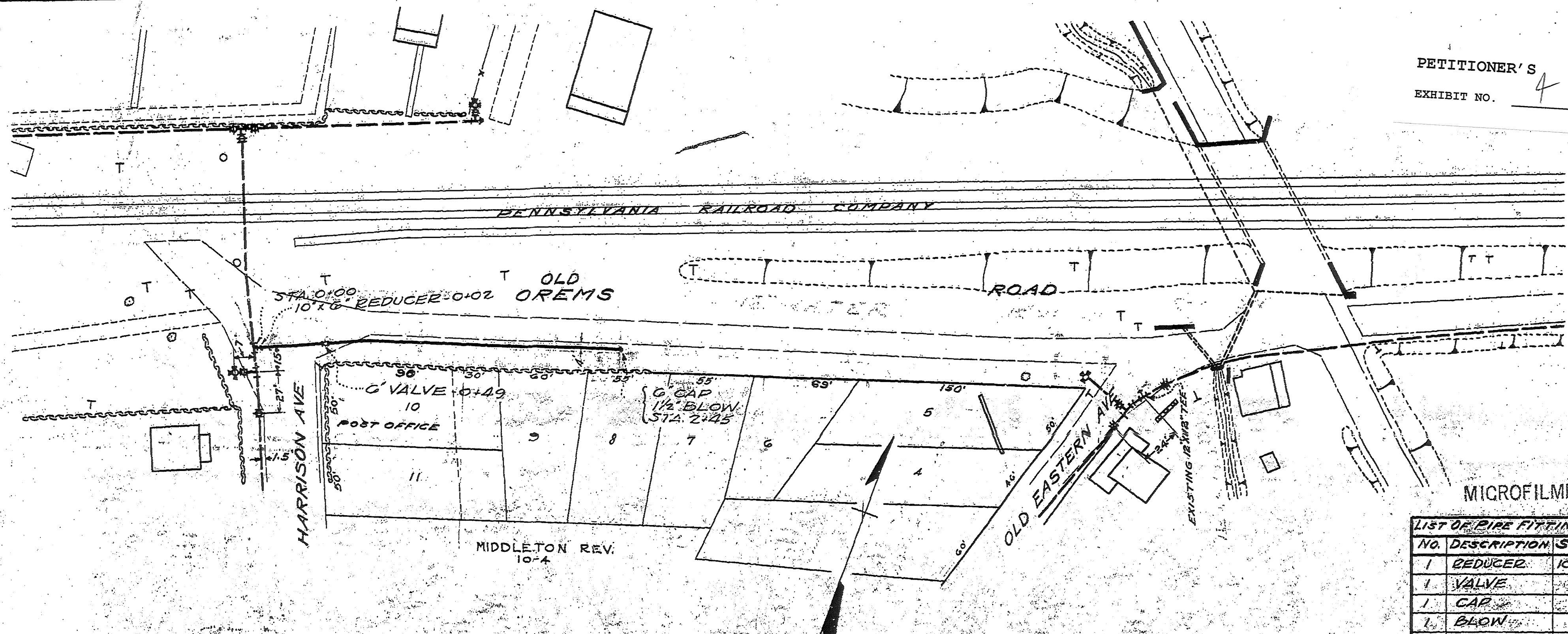
REVISIONS		
DATE	REVISION	BY

IGLESIA EVANGELICA " PRINCIPE DE LUZ "
 21 HARRISON AVE., MIDDLE RIVER, MD. 21220
FIRST FLOOR PLANS

DATE:	3.29.2010
DRAWN:	J.C. DESIGN
CHECKED:	
SCALE:	AS NOTED
SHEET:	A1.00
OF:	SHEETS

CONTRACTOR TO VERIFY ALL DIMENSIONS & CONDITIONS TO BRING ANY DISCREPANCY TO THE ATTENTION OF THE ARCHITECT'S BEFORE PROCEEDING WITH WORK.

PETITIONER'S
EXHIBIT NO. 4



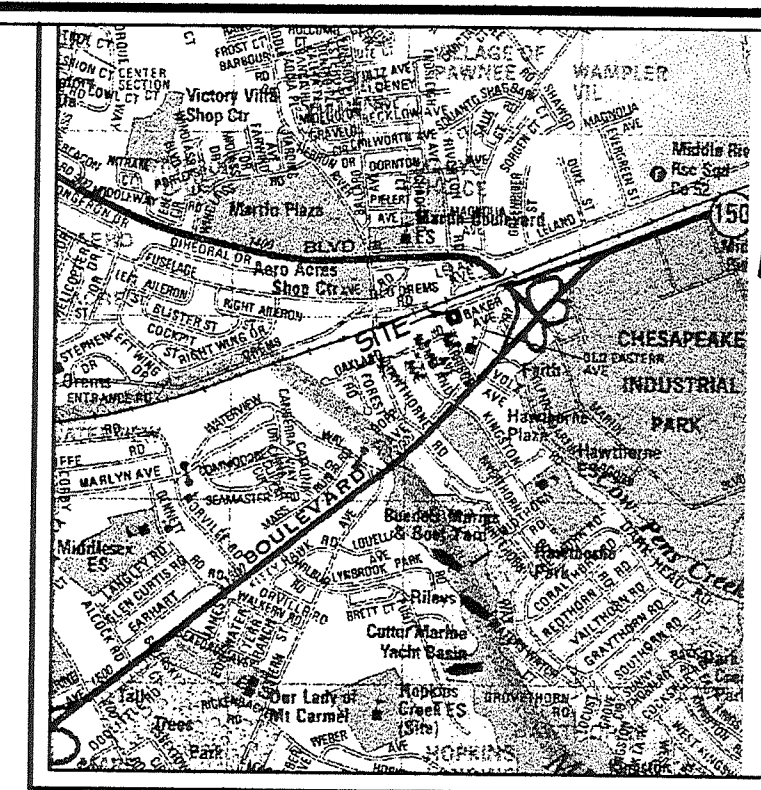
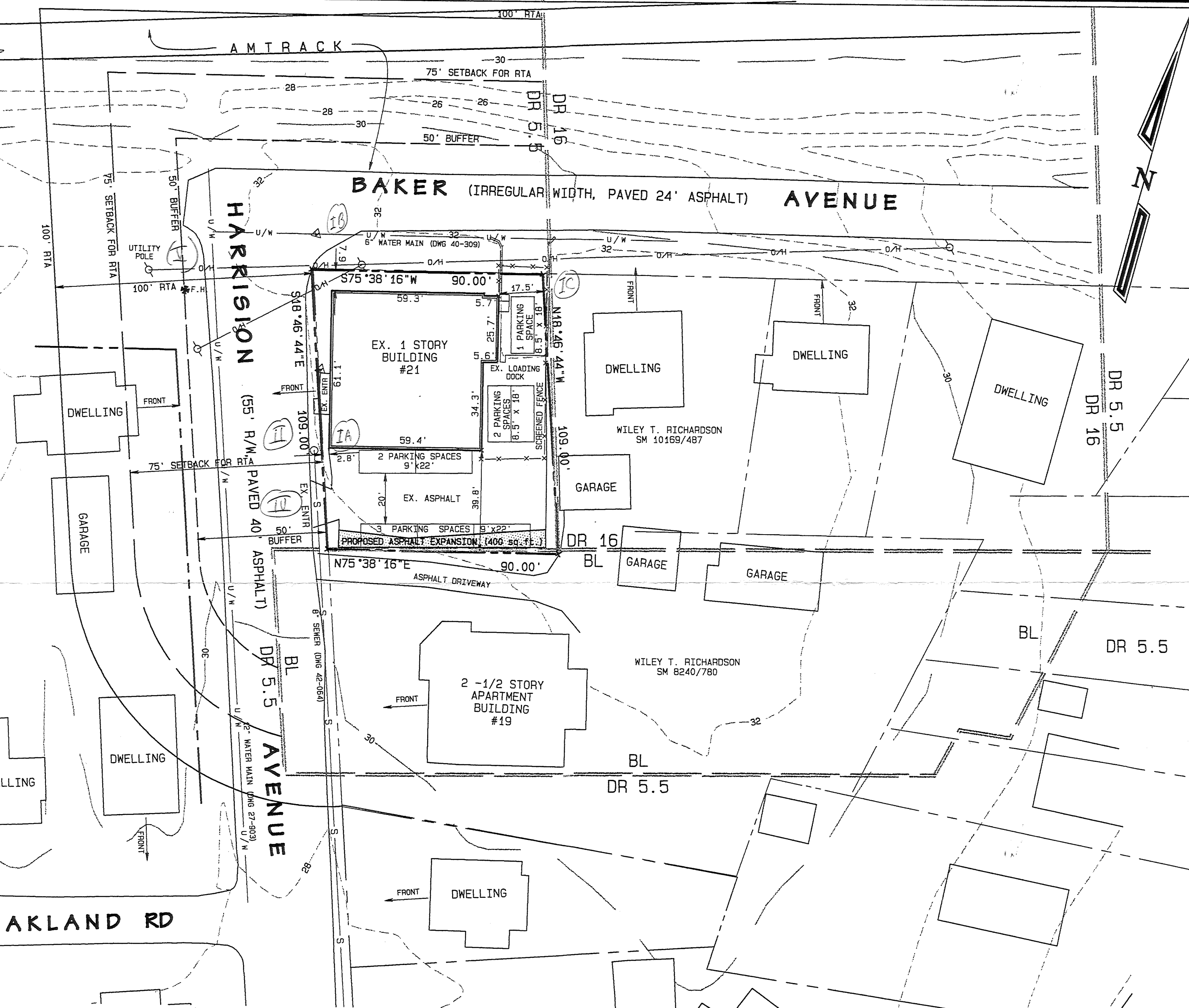
MICROFILMED

LIST OF PIPE FITTINGS		
NO.	DESCRIPTION	SIZE
1	REDUCER	10' x 6'
1	VALVE	6'
1	CAP	6'
1	BLOW	1 1/2'

C.W.O. 17525

245' OF 6' PIPE
REVISED AS PER RECORD PRINT SMITH 1/31/42

DRAWN: TRACED: CHECKED: EXAMINED: PRIN. ASST. ENGR. FORM 53	BALTIMORE COUNTY METROPOLITAN DISTRICT	APPROVED <i>July 18/40</i> <i>John C. Bell</i> CHIEF ENGINEER	BALTO. CO. HIGHWAY PERMIT 41165 GRADE ESTABLISHED & LOCATION APPROVED <i>18.5.05.16.1941</i> <i>Norman S. Wagner</i> ROADS ENGINEER BALTO. COUNTY	APPROVED FOR CITY OF BALTIMORE Nov. 1, 1941 <i>George Colby</i> WATER ENGINEER PC & CHIEF ENGINEER	6" WATER MAIN IN OREMS ROAD FROM HARRISON AVE TO OLD EASTERN AVE. MIDDLE RIVER ELECT. DIST. No. 15	DRAWING No. 1 OF 1 MICROFILMED	SCALE 1" = 50' MICROFILMED	102825 401308 FILE 446 73 NE 33634
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Notes

- Owner: Nathan Carter
3700 Captain Wyndale Court Way
Ft. Washington, MD 20744
- Tax # 1502000520
- Zoned: DR 5.5
- Area = 9810 sq.ft or 0.225 Ac.±
- This site is not in the Chesapeake Bay Critical Area or the 100 year flood plain.
- There are no underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by public water and sewer.
- Prior Zoning Case 76-0082-XA Zoning Hearing.
(Originally zoned DR 16)
-Special Exception for offices Granted, October 31, 1975
-Variance to allow 8 off street parking spaces in lieu of the required 13 Granted, October 31, 1975.

PETITIONER'S

EXHIBIT NO.

2011-0103-SPHA

**Plat to Accompany a Zoning Petition
for a
Special Hearing and Variance**

**of the
CARTER PROPERTY
21 Harrison Avenue
Baltimore County, Maryland**

**15th Election District, 6th Councilmanic District
Scale: 1"= 30' Date: June 25, 2010**

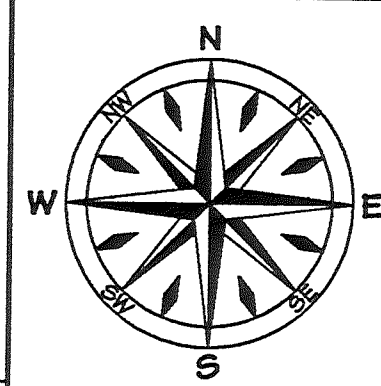
PARKING REQUIREMENTS

parking space per 4 seats: 40 seats = 10 parking spaces required
8 parking spaces provided

parking area surface is dustless and durable.

LESSEE

Oscar Cordova
404 N. Bouldin Street
Baltimore MD 21224



Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Plot Date: 9/16/2010
File Name: X:\Harrison Ave 21\ZONING.pro

Job No. 10091
Party Chief: BRD

