

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **PAUL L. MARTIN** and **SANDRA J. MARTIN**, legal owner, 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an **D85.5** zone to an **Business Local** zone; for the following reasons:

1. Change in Neighborhood
2. Error in Map

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, 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.

Contract purchaser

Address

PAUL L. MARTIN
SANDRA J. MARTIN
Legal Owner

Address **P.O. BOX 26**

Chase, Maryland 21027

WILLIAM R. SUTTON, Petitioner's Attorney

Address **2115 Old Orems Road**
Baltimore, Maryland 21220 686/2200

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____ 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1973, at _____ o'clock

Zoning Commissioner of Baltimore County

(over)

LAW OFFICES
SUTTON AND SUTTON
208 OLD GREENS ROAD
BALTIMORE, MARYLAND 21202

WILLIAM R. SUTTON
WILLIAM R. SUTTON, JR.

900-2200-2202
Area Code 301

Baltimore County Office of Planning & Zoning
Office of Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

November 20, 1973

Attention: **Mrs. James E. Dyer**
Deputy Zoning
Commissioner

Re: **Petition for Reclassification**
NW/4 of Eastern Avenue, 2100' SW
of Ebenezer Road - 15th District
Paul L. Martin - Petitioner
No. 74-79-R (Item No. 35)

Dear Sir:

Please enter an appeal to the Baltimore County Board of Zoning Appeals in the above captioned case and forward all records to said Board.

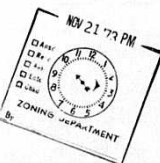
I am enclosing check # 6459 in the sum of Seveney Dollars (\$70.00) to cover costs of the appeal.

Very truly yours,

William R. Sutton

enclosure

WRS/mjb



RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from D.R. 5.5 to B.L. zone : FOR BALTIMORE COUNTY
NW/4 of Eastern Avenue 2100' : AT LAW
SW of Ebenezer Road : Misc. Docket No. 10
15th District : Folio No. 27
Paul L. Martin, et ux :
Petitioners-Appellants :
Case No. 74-79-R : File No. 5676

ORDER

For the reasons assigned at the conclusion of the hearing held herein, it is hereby,

ORDERED, this _____ day of March, 1978, that the Order of the County Board of Appeals of Baltimore County, entered on July 29, 1975 be and it is hereby affirmed.

JUDGE

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.L. zone : COUNTY BOARD OF APPEALS
NW/4 of Eastern Avenue 2100 feet : OF
SW of Ebenezer Road :
15th District :
Paul L. Martin, et ux : BALTIMORE COUNTY
Petitioners : No. 74-79-R

OPINION

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner dated October 31, 1973 wherein the petitioned for reclassification was denied. The petition involves property known as 12333 Eastern Avenue, being located on the northwest side of Eastern Avenue 2100 feet southwest of Ebenezer Road, in the 15th Election District of Baltimore County. It contains approximately .6 of an acre. The petition requests a reclassification from D.R. 5.5 to a B.L. zone for the purpose of adding a beauty shop as an addition to the Petitioner's residence, which is presently constructed on the subject property.

The testimony produced by the Petitioner, Mrs. Martin, and one of her neighbors and one of her customers from her existing beauty shop, which is presently located two and one-half blocks away from the subject property, indicated generally that they felt there was a need for this type of operation in the neighborhood, and that the Petitioner's proposal would produce a better and more accommodating operation for her customers than her present operation. However, there was no evidence produced to indicate any error in the present zoning as placed upon the subject property by the comprehensive zoning maps of 1971, nor was there any evidence of substantial change in the character of the immediate neighborhood, since the adoption of the present zoning maps.

There was one protestant to testify in opposition to the petition, as well as Mr. James Hoswell, from the office of Planning and Zoning, who stated that their official position was in opposition to the petition, and that their recommendations are that the present zoning should be retained and that the proposed petition would amount to illegal spot zoning.

The Board feels that the proposed petition for the use described by the

Phone: MU 7-6922

FRANK S. LEE
1277 NEIGHBORS AVENUE
BALTIMORE, MARYLAND 21227

March 24, 1973

Northwest side of Eastern Avenue 2100 feet more or less southwest of Ebenezer Road.
15th District Baltimore County, Maryland
Chase, Maryland

Beginning for the same on the northwest side of Eastern Avenue at the distance of 2100 feet more or less measured along the the northwest side of Eastern Avenue from the southwest side of Ebenezer Road, and thence running and binding on the northwest side of Eastern Avenue the two following courses and distances viz; South 49 degrees 09 minutes East 24.00 feet and South 44 degrees 42 minutes East 101 feet, thence running for a line of division North 49 degrees 08 minutes East 152.16 feet to the southern right of way line of the Pennsylvania Railroad, thence running and binding on part of said right of way North 50 degrees 56 minutes East 155.20 feet, and thence running for a line of division South 39 degrees 09 minutes East 170.02 feet to the place of beginning.

Containing 0.60 acres of land more or less.

William R. Sutton, Esquire
2115 Old Orems Road
Baltimore, Maryland 21220

RE: **Petition for Reclassification**
NW/4 of Eastern Avenue, 2100' SW
of Ebenezer Road - 15th District
Paul L. Martin - Petitioner
NO. 74-79-R (Item No. 35)

Dear Mr. Sutton:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JAMES E. DYER
Deputy Zoning Commissioner

JED:mce

Attachment

cc: **Lewis L. Fleury, Esquire**
407 W. Pennsylvania Avenue
Towson, Maryland 21204

Paul L. Martin, et ux - No. 74-79-R

Petitioner is innocuous and would perhaps even be a reasonable reclassification considering the location, etc. of the Petitioner's property, but that such a reclassification should properly be the result of a comprehensive rezoning process. The case before us must be decided on the basis of whether there was error in the zoning map on the existing zoning classification, or if there has been a substantial change in the character of the neighborhood since the adoption of the existing zoning maps. The Board is constrained to find that the Petitioner did not offer sufficient evidence to show either error on the part of the County Council in adopting the existing zoning maps, or substantial change in the character of the neighborhood since the adoption of said zoning maps. The petition will therefore be denied.

ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms the Order of the Deputy Zoning Commissioner dated October 31, 1973, and ORDERS, this 29th day of July, 1975, that the reclassification petitioned for be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 to B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
W. Giler Parker
Robert L. Gifford

Hennessey, Fleury and Seibert

THOMAS L. HENNESSEY
LEWIS L. FLEURY
EDWARD F. SEIBERT
DAVID D. MERRILL
JOHN P. RIVLAND

September 28, 1973

Honorable S. Eric DiNenna
Zoning Commissioner
Baltimore County, Maryland 21204

Re: **Petition of Paul L. & Sandra J. Martin**
Election District: 15
Geographical Group: 10
Item No: 35

Dear Mr. Commissioner:

Please enter the appearance of the undersigned as attorney for Protestants to the above requested reclassification from D.R. 5.5 to B.L.

Please also forward copies of all future communications concerning this proceeding to the undersigned.

Thank you very much for your cooperation.

Very truly yours,

Lewis L. Fleury
By: **Lewis L. Fleury**

LLF/blz



RE: PETITION FOR RECLASSIFICATION : BEFORE THE
NW/S of Eastern Avenue, 2100' SW of : DEPUTY ZONING
Ebenzer Road - 15th District : COMMISSIONER
Paul L. Martin - Petitioner :
NO. 74-79-R (Item No. 35) :
OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 5.5 Zone to a B.L. (Business, Local) Zone. The property in question contains .6 on an acre, more or less, and is located on the north side of Eastern Avenue, 2100' feet southwest of Ebenzer Road in the Fifteenth Election District of Baltimore County.

Testimony was presented on behalf of the Petition by Mrs. Sandra J. Martin, who owns the subject property jointly with her husband Paul L. Martin. The Martins live in a two story dwelling recently constructed on the subject property. Mrs. Martin proposes to relocate her present beauty shop from its present location in the commercial building located on the north side of Eastern Avenue, approximately 900 feet east of the subject property to a wing on the westernmost end of her dwelling. The area to be utilized for the beauty shop would contain 476 square feet. Access to the shop would be provided by a direct outside entrance and an entrance from within the dwelling through the laundry room. Parking spaces for three cars are proposed on the Eastern Avenue side of the dwelling. Mrs. Martin felt that traffic or parking spaces would not be a problem in that approximately fifty per cent to seventy-five per cent of her business would be walk-in trade from the neighborhood. This area, along Eastern Avenue lying between said avenue and the Pennsylvania railroad, was described as being spotted with commercial zoning and non-conforming uses.

Area residents, who protested the Reclassification, felt that the availability of existing commercial properties in the immediate area alleviated any need for yet additional commercial zoning. Zoning in the area was

described as having been status quo for many years with a few exceptions dating back to the 1940's. They felt that a change in zoning would bring about additional changes and that the traffic problems would be increased.

Of the County and State agencies who reviewed the Petitioner's plans, the Department of Traffic Engineering comments are as follows:

"The subject petition in itself is not of sufficient size to create traffic problems. However, with the construction of Dundee Village (2,000 1/2 apartments) and 1000 1/2 apartment project on Carroll Island Road, serious capacity problems can be anticipated along Eastern Avenue, which at this time has no funds set aside for reconstruction."

Planning Board recommendations include the following:

"The Planning Board is of the opinion that the County Council was correct in adopting D.R. 5.5 zoning for this property, and that the Council provided ample commercial zoning in this area; e.g., approximately 3 acres of B.L. zoned land located approximately 150 feet northeast of this property, and a 10-acre vacant tract of B.M. zoned land about 3/4 of a mile to the southwest. With the exception of the railroad line along the rear, the property is surrounded by cottages on D.R. 5.5 zoned land; the Board believes that the granting of commercial zoning here would be "spot zoning."

It is therefore recommended that the existing zoning, D.R. 5.5, be retained."

After reviewing the above testimony, comments and evidence submitted in this case, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has failed to prove error in the Comprehensive Zoning Map as adopted by the County Council or that a genuine change in the neighborhood has taken place since the adoption of said map.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 31st day of October 1973, that the above Reclassification be and the same is hereby DENIED, and that the above described property or area be and the same is hereby continued as and to remain a D.R. 5.5 Zone.

James E. Hahn
Deputy Zoning Commissioner of
Baltimore County

4937-72
WRS, JR
3-28-73

PETITION FOR ZONING : ZONING COMMISSIONER
RE-CLASSIFICATION AND/OR :
SPECIAL EXCEPTION OF : OF
PAUL L. MARTIN and SANDRA :
J. MARTIN, his wife : BALTIMORE COUNTY,
P.O. Box 25 : MARYLAND
Chase, Maryland 21027

MEMORANDUM

PAUL L. MARTIN and SANDRA J. MARTIN, his wife, by William R. Sutton, their attorney, respectfully file this Memorandum and, in support of their Petition for re-classification from a DR 5.5 zone to a Business Local zone, respectfully represent:

That the area in which the subject property is located has changed substantially in character, in that there is one (1) business situate in the immediate vicinity, as well as other businesses in the overall area. That the Chase Post Office has been constructed within One hundred and fifty feet (150') of the subject property, thereby further changing the character of the neighborhood.

That the subject property is bounded on the north by the Pennsylvania Railroad.

It is therefore respectfully submitted that the zoning re-classification requested should be granted on the basis of a change in the neighborhood of the subject property.

RESPECTFULLY SUBMITTED,

William R. Sutton
WILLIAM R. SUTTON
Attorney for Petitioners
2115 Old Orleans Road
Baltimore, Maryland 21220
686-2200-2201

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 5.5 to B.L. :
NW/S Eastern Avenue 2100' : CIRCUIT COURT
SW of Ebenzer Road :
15th District : FOR
Paul L. Martin, et ux : BALTIMORE COUNTY
Petitioners-Appellants :
AT LAW
Case No. 74-79-R :
Misc. Docket No. 10
Folio No. 89
File No. 5676

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT;

And now come Walter A. Balter, Jr., W. Giles Parker, and Robert L. Gilland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 74-79-R
Apr. 13, 1973 Petition of Paul L. Martin, et ux, for reclassification from D.R. 5.5 to B.L. zone, on property located on the northwest side of Eastern Avenue 2100 feet southwest of Ebenzer Road, 15th District - filed
" 13 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for October 3, 1973 at 10:00 a.m.
" 13 Baltimore County Zoning Advisory Committee comments - filed
Baltimore County Planning Board Recommendations and map - filed
Sept. 13 Certificate of Posting of property - filed
" 13 Certificate of Publication in newspaper - filed
Oct. 3 At 10:00 a.m., hearing held on petition by Deputy Zoning Commissioner - case held sub curia
" 31 Order of Deputy Zoning Commissioner denying reclassification

Paul L. Martin, et ux - No. 74-79-R

Nov. 21, 1973 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

June 3, 1975 Hearing on appeal before County Board of Appeals - case held sub curia

July 29 Order of County Board of Appeals denying reclassification

Aug. 7 Order for Appeal filed in the Circuit Court for Baltimore County

" 10 Certificate of Notice sent to all interested parties

" 22 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

Sept. 5 Motion to Extend Time for Transmission of Record and Order of Court granting same "up to and including October 8, 1978" - filed

" 18 Transcript of Testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Photos (7) on a sheet

" " 2 - Official Zoning Map (Chase-Bowleys Quarters 5-6)

" " 3 - List of supporters

Protestants' Exhibit A - Map of subject property

" " 5 - Photos (1 to 4)

" 19 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and are also the use district maps, and your Respondents respectfully suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: William R. Sutton, Esquire
John E. Bohlen, Jr., Esquire
Lewis L. Fleury, Esquire
John W. Hession, Jr., Esquire

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 5.5 to B.L. Zone : CIRCUIT COURT
NW/S of Eastern Avenue-2100 feet :
SW of Ebenzer Road : FOR
15th District :
Paul L. Martin, et ux : BALTIMORE COUNTY
Petitioners :
Case No. 74-79-R : MISC. Docket No. 10
Folio 89
File No. 5676

PETITION OF APPEAL RULE 1100 B2 E

The Petition of Paul L. Martin and Sandra Martin, by John E. Bohlen, Jr., their attorney, pursuant to the Maryland Rules of Procedure, respectfully represents:

1. That the Petitioners are owners of the property located at 12333 Eastern Avenue, being located on the northwest side of Eastern Avenue, 2100 feet southwest of Ebenzer Road, in the 15th Election District of Baltimore County, the property affected by the proposed reclassification and appeared before the County Board of Appeals of Baltimore County and testified in these proceedings known as Case No. 74-79 Petition of Paul L. and Sandra Martin.

2. That the Petitioners are aggrieved by the decision appealed from as required by Article 66 Sec. 4.08 (a) of the Annotated Code of Maryland 1974 Cumulative Supplement and Article 3 Section 604 of the Baltimore County Charter and Section 22 - 28 of the Baltimore County Code 1968 Edition as property owners.

3. That the Petitioners have duly entered an Appeal from the County Board of Appeals of Baltimore County's decision in these proceedings, in conformity with Rule 1101 B2A of the Maryland Rules.

4. That the said Order of the County Board of Appeals was improper, an abuse of administrative discretion, and illegal, arbitrary, capricious and contrary to law for the following reasons:

a. That the decision and Orders of the County Board of Appeals is inconsistent with and contrary to the weight of all the evidence as disclosed by the entire record and is not fairly debatable.

b. That the decision and Orders of the County Board of Appeals is against the competent substantial and material evidence as disclosed by the entire records and is not fairly debatable.

c. That said decision and Orders constituted an arbitrary and capricious act, and a gross abuse of administrative discretion in view of the entire record.

d. That the decision of the said Board, in not granting the requested reclassification, is not supported by any substantial testimony in the record pertinent to the issue.

e. That the said County Board of Appeals misinterpreted the evidence before them and misapplied the law in reaching their decision.

f. That there was no evidence to justify a conclusion that a substantial change had not occurred in the neighborhood.

g. That the Petitioners offered ample evidence to prove that the proposed reclassification generally would not present a hazard to the health, safety and welfare of the community.

h. For other and further reasons which will be set forth at the time of the argument on this Appeal.

WHEREFORE, the Petitioners respectfully request that the aforesaid Opinion and Order of the County Board of Appeals dated July 29, 1975 be reversed, set aside and annulled.

John E. Bohlen, Jr.
JOHN E. BOHLEN, JR.
Attorney for the Petitioner
6708 Belair Road
Baltimore, Maryland 21206
685-9477

I HEREBY CERTIFY that on this 2nd day of August 1975, a copy of the foregoing Petition of Appeal was mailed to William R. Sutton, Esq., 2115 Old Orleans Road, Baltimore, Maryland 21220, Attorney for the Petitioners, Lewis L. Fleury, Esq., 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Protestants, John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel, and County Board of Appeals of Baltimore County, Maryland, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

John E. Bohlen, Jr.
JOHN E. BOHLEN, JR.
Attorney for the Petitioners

MAY 20 1976

RE: PETITION FOR RECLASSIFICATION
From D. R. 5.5 to B. 1. Zone
NW 1/4 of Eastern Avenue 2100' SW of Ebenezer Road
15th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Paul L. Martin, et ux,
Petitioners

Case No. 74-79-B

Misc. Docket No. 19
Folio No. 89
File No. 5676

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 5-2 (d) of the Maryland Rules of Procedure, Walter A. Sutton, Jr., W. Otis Parker and Robert L. Gilman, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before its assembly, William R. Sutton, Esquire, 2115 Old Orams Road, Baltimore, Maryland 21220 and John E. Bohlen, Jr., Esquire, 6708 Belair Road, Baltimore, Maryland 21204, Attorneys for the Petitioners, and Lewis L. Fleury, Esquire, 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, a copy of which also is attached hereto and prayed that it may be made a part thereof.

WM. R. SUTTON, JR., Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
494-9388

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to William R. Sutton, Esquire, 2115 Old Orams Road, Baltimore, Maryland 21220 and John E. Bohlen, Jr., Esquire, 6708 Belair Road, Baltimore, Maryland 21204, Attorneys for the Petitioners, and Lewis L. Fleury, Esquire, 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, on this 15th day of August, 1975.

cc: Zoning, B. Anderson (App. 8/7/75)
Planning, J. Howell

WM. R. SUTTON, JR., Secretary
County Board of Appeals of Baltimore County

PAUL L. MARTIN, et ux
vs.
COUNTY BOARD OF
ZONING APPEALS

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
ZONING APPEAL
NO. 74-79-B

APPEAL

MR. CLERK:

Please enter an appeal from the County Board of Appeals of Baltimore County's Opinion dated July 28, 1975.

JOHN E. BOHLEN, JR.
Attorney for the Petitioners
6708 Belair Road
Baltimore, Maryland 21206
665-9477

PAUL MARTIN
SANDRA MARTIN

I HEREBY CERTIFY, that on this 16th day of August 1975, a copy of the captioned Appeal to the Circuit Court of Baltimore County was mailed to the County Board of Appeals of Baltimore County, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

JOHN E. BOHLEN, JR.

RE: PETITION FOR RECLASSIFICATION
From D. R. 5.5 to B. 1. Zone
NW 1/4 of Eastern Avenue 2100 feet SW of Ebenezer Road
15th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Paul L. Martin, et ux
Petitioners

Case No. 74-79-B

MISC. Docket No. 19
Folio 89
File No. 5676

MOTION TO EXTEND TIME FOR TRANSMISSION OF RECORD

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Paul L. Martin and Sandra Martin, by John E. Bohlen, Jr., their attorney, moves, pursuant to Maryland Rule 1101 (b), that the time for transmission of the record in this action to the Circuit Court of Baltimore County be extended. The grounds for the motion are as follows:

1. The 30 day period prescribed by Maryland Rule 1101 (b) for filing the record in this action in the Circuit Court of Baltimore County will expire on September 8, 1975.
2. The movants ordered a transcript of the testimony upon filing the appeal, their counsel has been advised by the court stenographer that a transcript of testimony can not be delivered until the first part of October 1975.
3. Movants are, therefore, requesting an extension of time for the filing of the record in this action in the Circuit Court for Baltimore County.

JOHN E. BOHLEN, JR.
Attorney for the Petitioners
6708 Belair Road
Baltimore, Maryland 21206
665-9477

STATE OF MARYLAND)
COUNTY OF BALTIMORE) TO WIT:

I HEREBY CERTIFY, that on this 4th day of September, 1975, a copy before me, a Notary Public for said state and county, personally appeared John E. Bohlen, Jr., attorney for the Petitioners, and made oath in due form of law on behalf of the Petitioners, that the matters and facts set forth in the foregoing motion are true to the best of his knowledge, information and belief.

NOTARY PUBLIC

I HEREBY CERTIFY, that on this 4th day of September, 1975, a copy of the foregoing Motion to Extend Time for Transmission of Record and Order was mailed to William R. Sutton, Esq., 2115 Old Orams Road, Baltimore, Maryland 21220, Attorney for the Petitioners, Lewis L. Fleury, Esq., 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Protestants, John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel, and County Board of Appeals of Baltimore County, Maryland, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

JOHN E. BOHLEN, JR.
Attorney for the Petitioners

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE April 13, 1973

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

William R. Sutton, Esquire
2115 Old Orams Road
Baltimore, Maryland 21220

RE: Petition for Reclassification
Paul L. Martin, et ux - Petitioners
Item No. 35 - Fifth Zoning Cycle

Dear Mr. Sutton:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comment are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of the plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northwest side of Eastern Avenue, 2100 feet southwest of Ebenezer Road, in the Fifteenth District of Baltimore County. This property, which is currently zoned D. R. 5.5, is being improved with a two (2) story frame and brick dwelling that is currently under construction. The Petitioner is requesting a Reclassification to permit a beauty shop on one end of the structure. On either side of the subject property there are existing dwellings and there are residences on the opposite side of Eastern Avenue. No curb and gutter exists along Eastern Avenue at this location.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Friday, June 1, 1973 in order to allow time for final Committee review and

William R. Sutton, Esquire
April 13, 1973
Page Two

and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1973 and October 15, 1973 will be forwarded to you well in advance of the date and time.

Very truly yours,
John J. Dillon, Jr.
Chairman
Zoning Advisory Committee

JJD:gc
Enclosure

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

ORDER

Upon the foregoing Motion and Affidavit, it is this day of 1975, ORDERED by the Court that the time for transmitting the records to the Circuit Court for Baltimore County in this Action is extended up to and including October 8, 1975.

JUDGE

Baltimore County, Maryland
Department Of Public Works
 COUNTY OFFICE BUILDING
 TOWSON, MARYLAND 21204

Division of Engineering
 ELLSWORTH N. DIVER, P.E., CHIEF

April 26, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #35 (April to October 1973 - Cycle V)
 Property Owner: Paul and Sandra Martin
 N/W of Eastern Avenue, 2100' S/W of Ebenezer Road
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to B.L.
 District: 15th No. Acres: 0.60

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee.

Highways

Eastern Avenue (Md. Route 150) is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Sediment Control

A grading permit will be required in connection with any grading or stripping of top soil.

Storm Drains

Eastern Avenue is a State Road; therefore, drainage requirements as they affect this road come under the jurisdiction of the State Highway Administration.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers

Public water and sanitary sewerage are available to serve this property.

Very truly yours,
Ellsworth N. Diver
 ELLSWORTH N. DIVER, P.E.
 Chief, Bureau of Engineering

END:RAM:DPH:ms
 MM-SW Key Sheet
 22 N 16 Pos. Sheet
 NE 6L Topo Sheet

BALTIMORE COUNTY, MARYLAND
 JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MELESSE
 CHIEF DEPUTY TRAFFIC ENGINEER

April 27, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item 35 - Cycle Zoning V - April to Oct. 1973
 Property Owner: Paul & Sandra Martin
 Eastern Ave. SW of Ebenezer Road
 Reclass. to BL - District 15

Dear Mr. DiNenna:

The subject petition in its if is not of sufficient size to create traffic problems. However, with the construction of Dundee Village (2,000 2 apartments) and 1000 2 apartment project on Carroll Island Road, serious capacity problems can be anticipated along Eastern Avenue, which at this time has no funds set aside for reconstruction.

Very truly yours,

C. Richard Moore
 C. Richard Moore
 Assistant Traffic Engineer

CRM:mc



Maryland Department of Transportation

State Highway Administration

Harry R. Hughes
 Director
 James J. O'Donnell
 Acting Administrator

April 25, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Bldg.
 Towson, Md. 21204

Re: RECLASSIFICATION April 1973
 Property Owner: Paul & Sandra Martin
 Location: N/W of Eastern Avenue,
 (Route 150) 2100' S/W of Ebenezer Rd.
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to B.L.
 District: 15
 No. Acres: 0.60 acres

Dear Mr. DiNenna:

The frontage of the subject site must be improved with paving and curb and gutter. The roadside face of curb is to be 24" from and parallel to the centerline of Eastern Avenue.

This is an 80' right of way proposed for Eastern Avenue (60' from center) that must be indicated on the plan. The parking lot should be planned accordingly.

The plan should be revised prior to the hearing.

The entrance will be subject to approval and permit from the State Highway Administration.

The 1972 average daily traffic count for this section of Eastern Avenue is 3,600 vehicles.

Very truly yours,
 Charles Lee, Chief

Development Engineering Section

John E. Meyers
 John E. Meyers
 Asst. Development Engineer

CLJ:JHP

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
 TOWSON, MARYLAND 21204

April 9, 1973

DONALD J. ROOP, M.D., M.P.H.
 DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on reclassification, Zoning Advisory Committee Meeting, April 4, 1973, are as follows:

Property Owner: Paul and Sandra Martin
 Location: N/W of Eastern Ave., 2100' S/W of Ebenezer Road
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to B.L.
 District: 15
 No. Acres: 0.60

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
 Thomas H. Devlin, Director
 BUREAU OF ENVIRONMENTAL SERVICES

HVB:mc

**BOARD OF EDUCATION
 OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: April 26, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Z.A.C. Meeting of:

Re: Item 35
 Property Owner: Paul and Sandra Martin
 Location: N/W of Eastern Avenue, 2100' S/W of Ebenezer Road
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to B.L.

District: 15
 No. Acres: 0.60 acres

Dear Mr. DiNenna:

Acres too small to effect student population.

Very truly yours,
W. Nick Petrovich
 W. Nick Petrovich
 Field Representative

WNP/nl

H. ENGLISH PARKS, President
 EUGENE C. HESS, Vice President
 MRS. ROBERT L. GENTRY

MARCUS M. BOTSARIS
 JOSEPH N. MCGOWAN
 ALVIN LORICK
 JOSHUA R. WHEELER, Superintendent

T. BAYARD WILLIAMS, Jr.
 RICHARD W. TRACEY, V.M.O.
 MRS. RICHARD K. RICHTEL

WILLIAM D. FROMM
 Director
 J. ERIC DINENNA
 ZONING COMMISSIONER



May 23, 1973

Mr. S. Eric DiNenna, Zoning Commissioner
 Zoning Advisory Committee
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Dear Mr. DiNenna:

Property Owner: Paul and Sandra Martin
 Location: NW/S of Eastern Avenue, 2100' SW of Ebenezer Road
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclassification to B.L.
 District: 15
 No. Acres: 0.60

The proposed widening of Eastern Avenue must be shown on the site plan and parking must be a minimum of 8 feet from the proposed widening line.

Very truly yours,

John L. Wimbley
 John L. Wimbley
 Planning Specialist II
 Project Planning Division
 Office of Planning and Zoning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 SUITE 301 JEFFERSON BUILDING 100 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
 AREA CODE 301 PLANNING 484-3211 ZONING 484-3261

Baltimore County Fire Department



J. Austin Deitz
 Chief

Towson, Maryland 21204
 873-7319

Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Attention: Mr. ~~Jack Dillon~~ Chairman
 Zoning Advisory Committee

Re: Property Owner: Paul and Sandra Martin

Location: N/W/S of Eastern Avenue, 2100; S/W of Ebenezer Road

Item No. Reclassification Zoning Agenda Tuesday, April 10, 1973

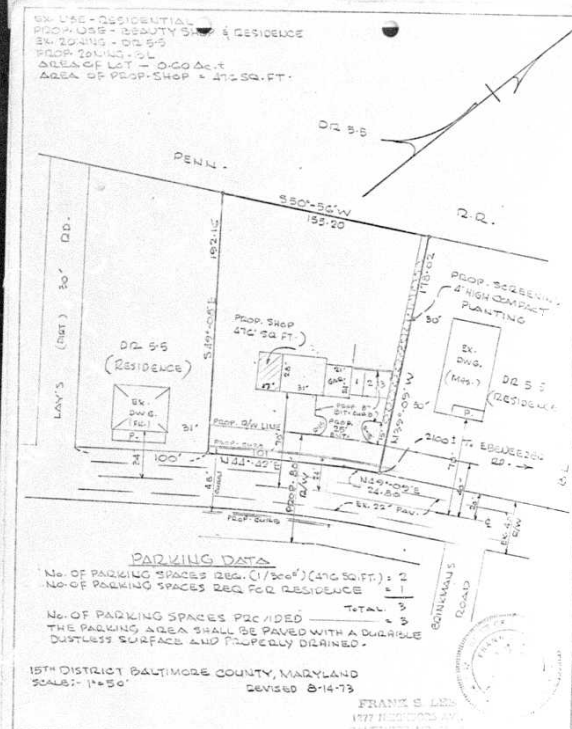
35

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *J. Austin Deitz* Noted and Approved: *Paul H. Reinisch*
 Special Inspection Division Deputy Chief
 Fire Prevention Bureau

ms
 4/25/73



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#74-74-R

District 154 Date of Posting 12-7-73
Posted for: Paul L. Martin
Location of property: N.W. 1/4 Sec. 7, Lot 10 or 2100' S.W. 1/4 of Chas. Rd.
Location of Sign: 1 Sign, Post 1 NW 1/4 Sec. 7, Lot 10 or 2100' S.W. of Chas. Rd.
Remarks: _____
Posted by: Paul H. New Date of return: 12-13-73
Signature

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#74-79-R

2ND POSTING

District 154 Date of Posting 2/22/74
Posted for: _____
Petitioner: _____
Location of property: _____
Location of Sign: Reposted 1st notice. Request 1 Sign
Remarks: _____
Posted by: Paul H. New Date of return: 2/11/74
Signature

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>JBS</u>	Revised Plans: Change in outline or description _____ Yes _____ No									
Previous case: _____	Map # _____									

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received* this 20th day of

March 1973 Item # _____

H. D. N.
S. Eric D. Nanna
Zoning Commissioner

Petitioner MARTIN Submitted by SUTTON

Petitioner's Attorney SUTTON Reviewed by JBS

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

William R. Sutton, BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
2115 Old Ocean Road
Baltimore, Maryland 21206

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 18th day of April 1973.

H. D. N.
S. Eric D. Nanna
Zoning Commissioner

Petitioner Paul L. Martin, et ux

Petitioner's Attorney William R. Sutton, Esq. Reviewed by H. D. N.
at Frank G. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21209
Chairman,
Zoning Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 12454

DATE Oct. 2, 1973 ACCOUNT 01-662

AMOUNT \$110.32

DISTRIBUTION
WHITE - CASHIER
Sandy's Beauty Shop
Eastern Ave., Beltsville
Chase, Md. 21027
Pink - AGENCY
Yellow - CUSTOMER
Advertising and posting of property for Paul L. Martin
#74-79-R 110326

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 12754

DATE November 27, 1973 ACCOUNT 01-662

AMOUNT \$70.50

DISTRIBUTION
WHITE - CASHIER
William R. Sutton, Esquire
Pink - AGENCY
Cost of filing of an Appeal on Case No. 74-79-R
Yellow - CUSTOMER
NW/8 of Eastern Avenue, 2100' SW of Ebeneser Road -
15th District
Paul L. Martin, et ux - Petitioners 7006

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8355

DATE May 3, 1973 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER
Mrs. Sutton & Sutton
Pink - AGENCY
2115 Old Ocean Rd.
Yellow - CUSTOMER
Baltimore, Md. 21206
Petition for Reclassification for Paul L. Martin
50006

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15326

DATE 8/22/75 ACCOUNT 01-712

AMOUNT \$20.00

DISTRIBUTION
WHITE - CASHIER
John E. Schlen, Jr., Esq.
Pink - AGENCY
6708 Belair Road
Yellow - CUSTOMER
Baltimore, Md. 21206
Certified documents -
Case No. 74-79-R
Paul L. Martin, et ux
20006

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 14727

DATE April 18, 1974 ACCOUNT 01-662

AMOUNT \$5.00

DISTRIBUTION
WHITE - CASHIER
Cost of Posting Property of Paul L. Martin, et ux. for an
Pink - AGENCY
Appeal Hearing
Yellow - CUSTOMER
NW/8 of Eastern Avenue. 2100' SW of Ebeneser Road -
15th District
Case No. 74-79-R 12247 19 50006