

505
88-115-A

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated 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 1802.3.B (208.3) to permit a side yard setback of 4.5 ft. in lieu of the required 15 ft. and a sum of side yard setbacks of 14.5 ft. in lieu of the required 25 ft.

in lieu of the required 15 ft. and a sum of side yard setbacks of 14.5 ft.
in lieu of the required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The birth of a third child and a growing family necessitates additional living space.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we agree to pay expenses of above Variance 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.

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.

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE ZONING COMMISSIONER
MISCELLANEOUS CASH RECEIPT

No. 85237

DATE: 11/16/87
AMOUNT: \$1.50

RECEIVED: 11/16/87
BY: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of August, 1987, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of September, 1987, at 9:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING: 1/2 HR.
AVAILABLE FOR HEARING: 10/23/87 - 10/24/87 (over)

ALL FOR REVIEW: []
REVIEWED BY: [] DATE: 6/3

The Petitioner explained that her family is growing and the house is too small for their needs. The petitioner stated her hardship is her family's need for more habitable space.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conforming use unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The variance statute of Baltimore County is found in Section 307 of the Baltimore County Zoning Regulations (BCZR) which places certain requirements upon the Petitioner. In the instant case, an area variance may be granted if the Petitioner meets her burden of proof that strict compliance with the BCZR will result in practical difficulty or unreasonable hardship, and further, that the variance requested is in strict harmony with the spirit and intent of the area regulations and will not cause substantial injury to the public's health, safety and general welfare.

The Petitioner acknowledged she had not read Section 307 of the BCZR and thus was not aware of the requirements of this section. The Petitioner offered evidence concerning the impact strict compliance with the BCZR would have upon her property and was unable to establish why her property could not be developed within the requirements set forth therein. The property clearly is large

IN THE MATTER OF
THE APPLICATION OF
RONALD LAMARTINA, ET UX
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTHWEST SIDE OF
LINCOLN WOODS DRIVE, 9' NORTHEAST
OF THE EXTENSION OF THE CENTERLINE
OF HUNTERS WOOD CIRCLE
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-115-A

OPINION

This case comes before the board on an appeal from the decision of the Zoning Commissioner denying a requested variance for setbacks.

Mrs. LaMartina, property owner, testified that she and her husband own the property and the improvements thereon, a split level, three-bedroom house with a garage, dining room, living room, two full baths, and a half-bathroom in the basement. They have three children, two boys ages 10 and 2 and a girl age 7, and are desirous of improving their home with an addition on the side.

Various exhibits were introduced, including the Zoning Commissioner's file, seven pictures of the property, and the Petitioner's plat. The Board has reviewed all of these exhibits as well as those of the Protestants and the testimony of all witnesses in this matter and finds as a fact the following:

1. Strict compliance with the side yard setback would unreasonably prevent the use of the property for additional living space in view of the architectural design and layout of the present living quarters;
2. The failure to grant the variance would do substantial injustice to the Appellants as well as other property owners in the district in view of the extensive list of neighbors approving the addition; and
3. The relief requested and the limited granting of same by this Board will result in the spirit of

enough to support the proposed addition, however, the Petitioner did not offer any reason for the requested placement of the addition, other than that was what she wanted and was told the Zoning Commissioner would grant her request.

As a result of the determination that the Petitioner was unaware of the requirements of Section 307 of the BCZR and did not know what burden of proof she needed to meet, the Zoning Commissioner offered her the right to request a postponement to better prepare her case. The Petitioner refused and stated she would rather take an appeal. Therefore, the case proceeded to its conclusion.

The burden of proof is upon the Petitioner to show that requirements of Section 307 of the BCZR are being met. Evidence must be presented to show that a practical difficulty or unreasonable hardship will exist if strict compliance is enforced. The Petitioner failed to offer any testimony or evidence that addressed the requirements of Section 307 concerning the health, safety and general welfare of the community, and failed to explain why the proposed addition could not be constructed in a manner consistent with the requirements of the BCZR. The Petitioner clearly believed she is entitled to the requested variances and refused to accept the fact that a hearing before the Zoning Commissioner is quasi-judicial and the requirements of the laws of Baltimore County, as promulgated in the BCZR, must be met before the requested relief can be granted. No one is entitled to a variance. Her failure to meet the burden of proof is fatal to her in this case.

The hardship created here was entirely self-created. In two recent decisions from the Board of Appeals of Baltimore County, *In Re: Harvey A. Kirk*, Case No. 86-238-A, and *In Re: Harry Shuman*, Case No. 86-454-ACFD, the requested variances were denied essentially for the same reasons. In *Kirk*, supra, the Board cited *Carney v. City of Balto.*, 93 A.2d 74 (1952): "...the need to justify an exception must be substantial and urgent and not merely for the conven-

Case No. 88-115-A
Ronald LaMartina, et ux

the ordinance being observed and the public safety and welfare secured.

The Board does not find, however, that the variance requested to the extent that the Petitioner requests will meet the above criteria but that the variance granted shall be six feet in view of the above findings of fact.

The Board notes that there was some testimony and exhibits regarding certain covenants with the improvement association. The Board makes no finding of fact nor did it consider these covenants except giving them weight when considering the requirements regarding the overall public safety and welfare being secured. The question of enforcement of any covenants is outside the jurisdiction of this Board and remains with the equity courts.

ORDER

For the above reasons, it is therefore this 28th day of April 1988, by the County Board of Appeals of Baltimore County ORDERED that a six-foot setback variance will be GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
Thomas J. Bollinger, Acting Chairman

[Signature]
Henry H. Lewis

[Signature]
Patricia Phipps

ience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible..." The Board then stated that "[u]nder this reasoning, this Board must preserve the integrity of the setback ordinance and will therefore order that the petition for variance be denied."

The Protestants raised several interesting points, however, because the Petitioner was unable to meet the burden of proof, the Protestants' issues will not be addressed at this time.

The Petitioner's failure to offer any evidence to fulfill the requirements of Section 307 of the BCZR must result in her request for the instant zoning variance being denied. It is clear that if the variance were granted, such use as proposed would be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would not result if the variance was not granted. It has not been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Nor has it been established that the variance requested would not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held on this Petition, and for the reasons given above, the requested variance should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2 day of October, 1987, that the variances to permit a side yard setback of 4.5 feet in lieu of the required 15 feet and a sum of the side yard setbacks of 14.5 feet in lieu of the required 25 feet, as stated in the Petition for Zoning Variance, be and are hereby DENIED, and further that the amended request at the onset of the hearing, for variances to permit a side yard setback

IN RE: PETITION FOR ZONING VARIANCE
NW/3 Lincoln Woods Drive,
9' NE of the Ext. of the c/l
of Hunters Wood Circle
1st Election District
1st Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-115-A

Ronald LaMartina, et ux
Petitioners

The Petitioners herein request variances to permit a side yard setback of 4.5 feet in lieu of the required 15 feet and a sum of the side yard setbacks of 14.5 feet in lieu of the required 25 feet, as stated in the Petition for Zoning Variance.

Mary LaMartina was present and testified on behalf of herself and her husband, the Petitioners. The Protestants were Jan Hayden and George Henry.

At the onset of the hearing, the Petitioner was not clear as to the exact amount of setback variance she required. After a lengthy review by the Zoning Commissioner, the Petitioner indicated she wanted a side yard setback of 9 feet (in lieu of the required 15 feet) instead of the originally petitioned 4.5 feet. Furthermore, she requested a sum of the side yard setbacks of 19.5 feet (in lieu of the required 25 feet) instead of the 14.5 feet originally requested in the Petition. The amended variance requests are clearly and more particularly described on Petitioner's Exhibit 1.

Testimony indicated that the subject property, located on Lincoln Woods Drive and zoned D.R. 3.5 is improved with a single family dwelling. According to the site plan and the testimony provided, the Petitioner wishes to place a two-story addition to the house on the northeast side. The evidence presented clearly established that the variances requested are to allow for the addition of a 17' x 5.5' art room on the first floor and a 17' x 5.5' expansion of the Petitioners' bedroom. The Petitioner stated that the addition will allow the existing art room to be converted for use as a bedroom for their youngest son.

of 9 feet (in lieu of the required 15 feet), and a sum of the side yard setbacks of 19.5 feet (in lieu of the required 25 feet), be and are hereby DENIED.

[Signature]
J. Robert Haines
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

September 15, 1987

Mr. Ronald LaMartina
Mrs. Mary LaMartina
1416 Lincoln Woods Drive
Baltimore, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
NW/8 Lincoln Woods Dr., 9' NE of the extension
of the c/l of Hunters Wood Circle
1st Election District - 1st Councilmanic District
Ronald LaMartina, et ux - Petitioners
Case No. 88-115-A

Dear Mr. and Mrs. LaMartina:

This is to advise you that \$74.80 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to: Towson, Maryland

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

DATE 9/23/87 ACCOUNT 9 01 615 000

AMOUNT \$ 74.80

RETURNED Ronald D. LaMartina, 1416 Lincoln Woods Dr., Balto., Md. 21228

RECEIVED FROM: ADVERTISING & POSTING COSTS RE CASE #88-115-A

FOR 9 015 *****74801a 5232f

VALIDATION OR SIGNATURE OF CASHIER

Page 2

The restrictions and covenants were imposed to also give an open look to the Valley, without high fences, close buildings, etc. If we let one person build so close to the lot lines then others may do the same thing and we will lose lovely setting of the Valley and the homes there in, plus privacy.

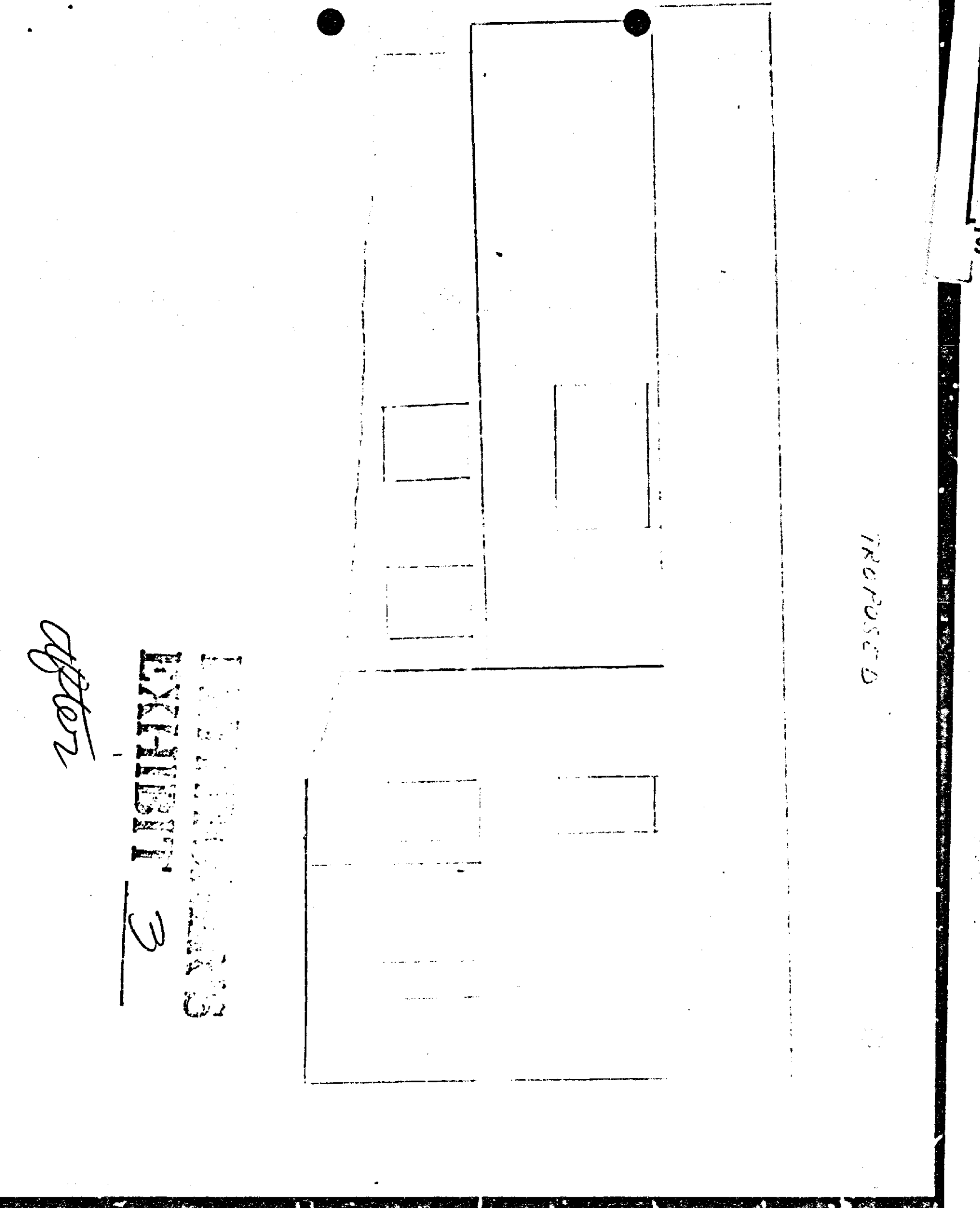
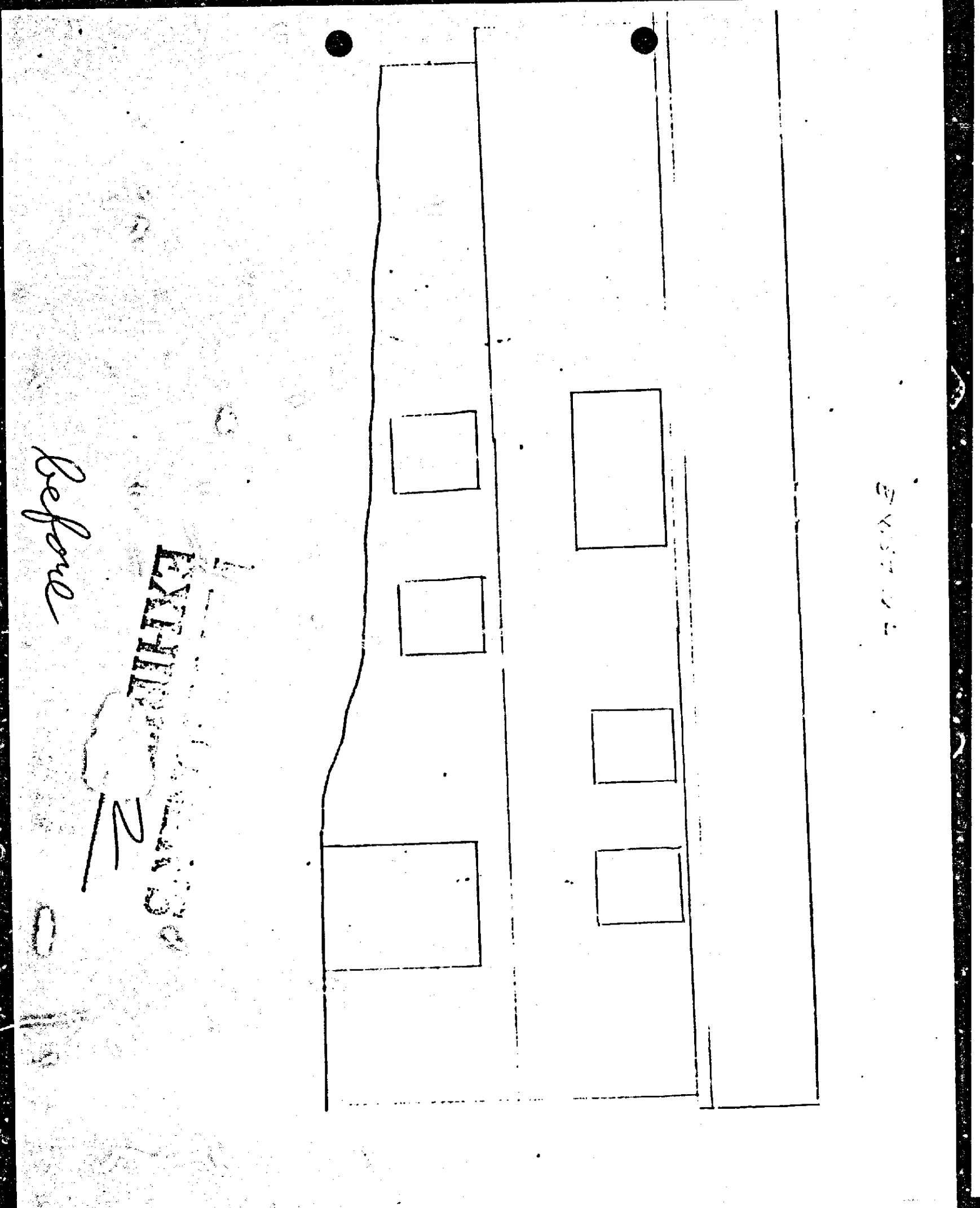
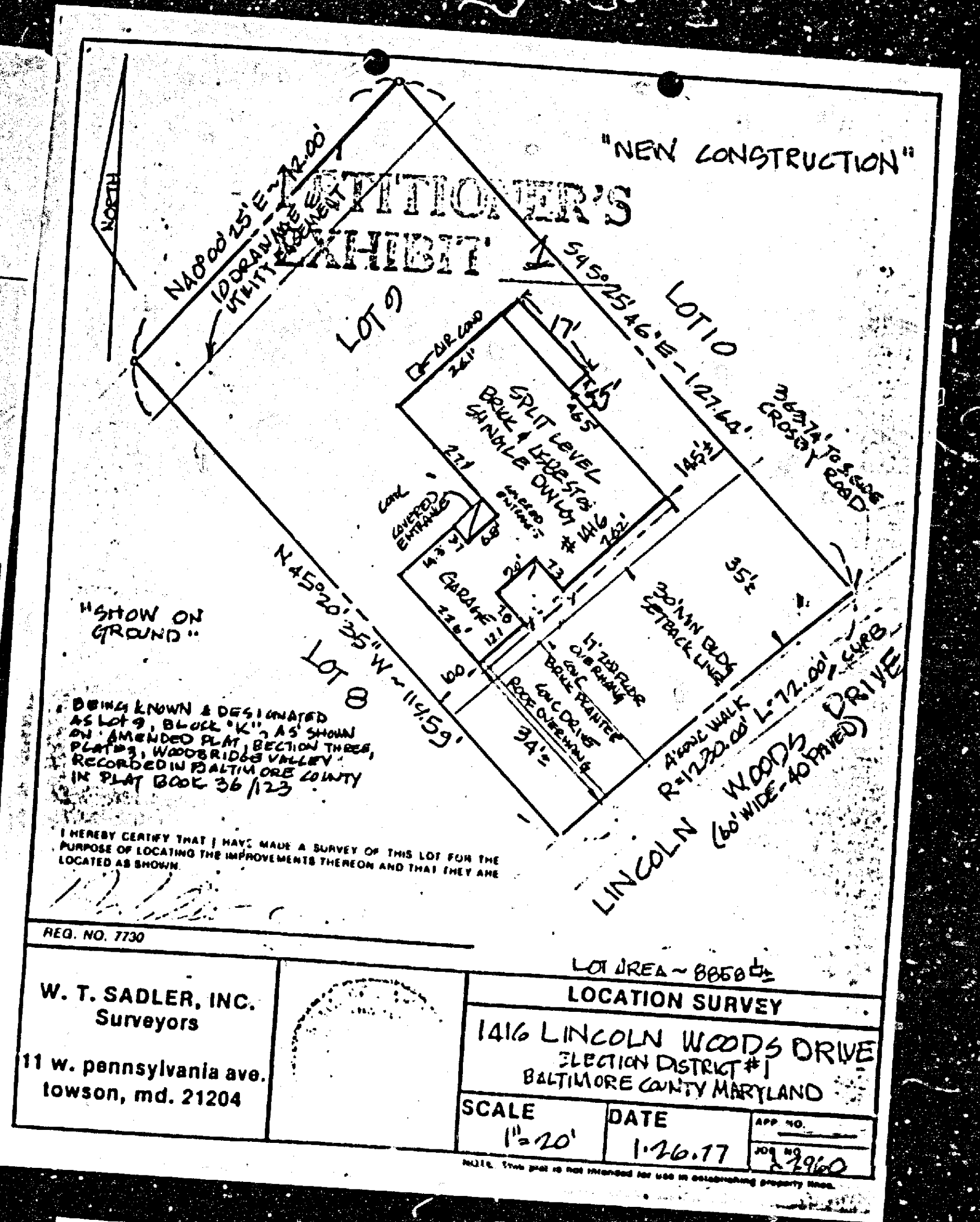
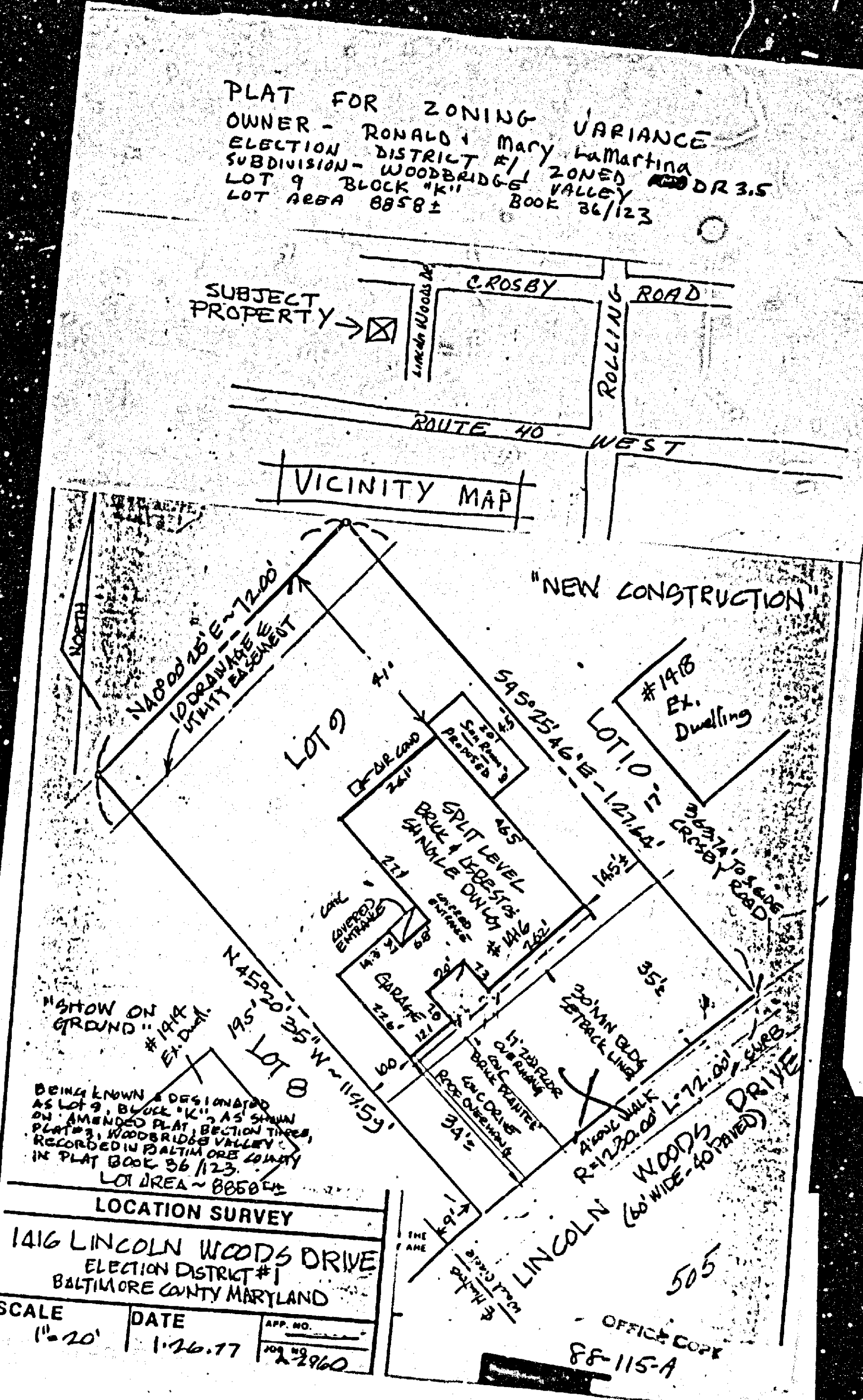
These statements are written by and attested to, by me, Shirley Hickinbotham, Chairman of the Covenant Committee of the Woodbridge Valley Improvement and Civic Association, as I can not be present to protest the variance in lot line restrictions as being asked for by the property owners of 1416 Lincoln Woods Drive of Catonsville, Md. 21228.

Shirley Hickinbotham 9/14/87

Shirley Hickinbotham
6428 Clifton Forge Circle
Catonsville, Md. 21228 747-4131

A lot line building of an attached garage was fought and won in court over the 10' restriction on Stuart Mills Court by the Woodbridge Valley Asso. - *W. G. W. W.*

PROTESTANT'S EXHIBIT 1



WOODBRIDGE VALLEY IMPROVEMENT AND CIVIC ASSOCIATION

DATE: 5/13/87

FROM: Woodbridge Valley Improvement and Civic Association

TO: Mr. B. B. Jones

PROPOSAL: Amended Change To Remodeling Proposal

We have changed the actual dimensions with lot size and planned of present house on lot.

This is to notify you that your above noted project has NOT been approved. Contact us for further clarification. We will follow Baltimore County Code's findings.

Sincerely,

Chairman *Shirley Hickinbotham*
Woodbridge Valley Improvement and Civic Association

PETITIONER'S EXHIBIT 5

THE UNDERSIGNED HEREBY AGREE TO THE ADDITION PLANNED BY THE LAMARTINA FAMILY OF HIS LINCOLN WOODS DRIVE, THAT BEING TO EXTEND OUT PARALLEL TO THE FENCE 5' AND LENGTHWISE 17'. THE COVENANT AGREEMENTS PERMIT 5 1/2'.

Joseph J. Walker 1415 Lincoln Woods Dr.
Archie J. Walker 1415 Lincoln Woods Dr.
Archie J. Walker 1415 Lincoln Woods Dr.
Allen J. Walker 1415 Lincoln Woods Dr.
Earl E. Walker 1415 Lincoln Woods Dr.
Fredrick Kuchel 1413 Lincoln Woods Dr.
Ray J. Kuchel 1413 Lincoln Woods Dr.
Robert J. Kuchel 1413 Lincoln Woods Dr.
Barbara Brader 4 York Mills Ct.
I feel this addition will greatly enhance the Lamartina's already beautiful property - and consequently, the neighborhood's.
Walter J. Brader 4 York Mills Ct.
John J. Brader 1417 Lincoln Woods Dr. 21228
Robert J. Brader 1417 Lincoln Woods Dr. 21228
John J. Brader 308 Clifton Forge Cir. 21228

PETITIONER'S EXHIBIT 4

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1987

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

Mr. and Mrs. Ronald LaMartina
1416 Lincoln Woods Drive
Baltimore, Maryland 21228

RE: Item No. 505 - Case No. 88-115-A
Petitioner: Ronald LaMartina, et ux
Petition for Zoning Variance

Dear Mr. and Mrs. LaMartina:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204 2536
494-4800

Paul H. Reincke

June 18, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Ronald LaMartina, et ux

Location: NW/4 Lincoln Woods Dr., 9' NE of the extension of the c/l of Hunters Wood Circle

Item No. 505

Zoning Agenda: Meeting of 6/16/87

Gentlemen:

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 _____ 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 operation.

(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 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]*
Planning Group
Special Inspection Division

Noted and Approved: *[Signature]*
Fire Prevention Bureau

/s/

EVENTS AND PROCEEDINGS WITH MR. AND MRS. R.D. LAMARTINA (P.S.)
re property located at 1416 Lincoln Woods Drive
Catonsville, Md. 21228

1. March 4, 1987, I received a copy of plans for a partial second story addition over existing garage area. (Original to George Henry) There would be no increase in area of original plans in respect to lot lines. Covenant Committee's Decision: Approval was given and sent 3/11/87 with notation that Woodbridge Valley Civic Association would possibly need heights, colors and materials to be used.

2. 5/11/87 alternative plans were received, stating briefly and with no drawings: a. room to extend out 4 1/2' (width) and 16' length, supposedly being 10 1/2' from side lot line towards 1418 Lincoln Woods Drive.
b. 20'x4' deck facing 1414 Lincoln Woods Dr. from lot line
c. 20'x4' deck facing rear of lot (woods)
d. Sliding doors on both decks

Covenant Committee's Decision: Plans denied. Noted that variance would be needed from Baltimore County Zoning Commission to use 10 1/2' from line as 15' is present County standard. Woodbridge Valley Covenants require 10'. Mrs. LaMartina told she could do most anything as long as it was within WVA covenants and Baltimore County Building codes. 5/12/87

3. August 3, 1987 I received material pertaining to a different proposed addition to 1416 Lincoln Woods property, again addressed to George and Stephanie Henry but with NO copies to the Covenants committee of WVA. Plans are for a 8'x20' ground floor room on 1418 side of house, but NO detailed drawings with dimensions except room to be 9' height and to extend to with in 7'x6". This plan is unacceptable with Woodbridge Valley Association: our covenants restrict to 10' on side lot line. This was never discussed with the Association, so how could we give approval?

4. August 31, 1987 I am notified that a variance request sign 88-115-A from Baltimore County Zoning Commission is posted on the LaMartina property, with meeting to be held September 23rd, but for a room 10'x20'. On talking to Mrs. LaMartina, concerning the variance request, she told me she was using the wider figure 10'x20' in order toicker for a smaller room- 6'x20', using the 12' enclosure factor to stay within the 10' allowed by Woodbridge Valley Civic Association.

The Woodbridge Valley Improvement and Civic Association was formed to continue the restrictions, covenants, conditions, agreements and reservations set down by the Forum Realty Co., Inc. A body corporate of the State of Maryland, when the development was begun. Each homeowner accepted these conditions on receiving title to his/her home in the Valley.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: September 3, 1987

FROM: Norman E. Gerber, AICP
Director of Planning and Zoning

SUBJECT: Zoning Petition Nos. 88-114-A, 88-115-A, 88-116-A, 88-120-XSPRA

There are no comprehensive Planning factors requiring comment on the above numbered petitions.

[Signature]
Norman E. Gerber, AICP

NEG:KAK:ime

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
SEP 14 1987
ZONING OFFICE

CPS-006

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 491-3180
April 28, 1988

S. Eric DiNenna, Esquire
Suite 600, Mercantile - Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. 88-115-A
Ronald LaMartina, et ux

Dear Mr. DiNenna:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

[Signature]
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Ronald LaMartina
Thomas J. O'Connell, Esquire
Jan Hayden
George Henry
Phyllis Cole Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney

10/19/87 - Following were notified of hear. set for Wed. Feb. 24, 1988, at 10 a.m.:

Mr. and Mrs. LaMartina
Jan Hayden
George Henry
Phyllis Friedman
Norman Gerber, J. Hoswell
J. R. Haines, A. Nastarowicz, J. Dyer, B. duBois

3/22/88 - Per TJB - Opinion on hold --he will get back to this office shortly.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 491-3180
October 19, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-115-A

RONALD LAMARTINA, ET UX

NW/4 Lincoln Woods Dr., 9' NE of the extension of the c/l of Hunters Wood Cir.

1st Election District

Var. - Setbacks

10/2/87 - Variances denied by Z.C.

WEDNESDAY, FEBRUARY 24, 1988, at 10 a.m.

ASSIGNED FOR:

CC: Mr. & Mrs. Ronald LaMartina

Jan Hayden

George Henry

Phyllis C. Friedman

Norman E. Gerber

James Hoswell

J. Robt. Haines

Ann Nastarowicz

James Dyer

Deffy duBois

Petitioners

Protestant

"

People's Counsel

RECEIVED
ZONING OFFICE

June Holmen, Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 1, 1987

Mr. & Mrs. Ronald LaMartina
1416 Lincoln Woods Drive
Baltimore, Maryland 21228

RE: Petition for Zoning Variance
NW/4 Lincoln Woods Drive, 9' NE of the Extension of the c/l of Hunters Wood Circle
1st Election District, 1st Councilmanic District
Case No. 88-115-A

Dear Mr. & Mrs. LaMartina:

Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance, as well as the amendments presented at the onset of the hearing, have been Denied.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

Enclosures

cc: Jan Hayden
1421 Pleasant Valley Drive
Catonsville, Maryland 21228

George Henry
1418 Lincoln Woods Drive
Catonsville, Maryland 21228

People's Counsel

Title

PETITION FOR ZONING VARIANCE

1st Election District - 1st Councilmanic District
Case No. 88-115-A

LOCATION: Northwest Side of Lincoln Woods Drive, 9 feet Northeast of the extension of the Centerline of Hunters Wood Circle
DATE AND TIME: Wednesday, September 23, 1987, at 9:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 4.5 feet in lieu of the required 15 feet and a sum of side yard setbacks of 14.5 feet in lieu of the required 25 feet

Being the property of Ronald L. Martins, et ux, as shown on plat plan file: W. 111 the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Ronald and Mary LaMartina
1416 Lincoln Woods
Baltimore, Maryland 21228
September 28, 1987

Zoning Commission
Baltimore County, Maryland

Dear Sir:

In reference to case 115A heard September 23, 1987. We wish to appeal the decision.

Enclosed is the \$70.00 filing fee.

Please forward the file to the Board of Appeals. Thank you.

Sincerely,
Mary LaMartina

RECEIVED
SEP 28 1987
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

October 5, 1987



Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/4 Lincoln Woods Drive, 9' NE of the
Extension of the c/l of Hunters Wood Circle
1st Election District, 1st Councilmanic District
Ronald LaMartina, et ux - Petitioners
Case No. 88-115-A

Dear Board:

An appeal of the above-referenced matter was filed in this office on September 28, 1987 by Mary LaMartina, the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: Mr. & Mrs. Ronald LaMartina
1416 Lincoln Woods Drive, Catonsville, Md. 21228

Jan Hayden
1421 Pleasant Valley Drive, Catonsville, Md. 21228

George Henry
1418 Lincoln Woods Drive, Catonsville, Md. 21228

File

WOODBRIDGE VALLEY IMPROVEMENT AND CIVIC ASSOCIATION

DATE: 5/13/87

FROM: Woodbridge Valley Improvement and Civic Association

TO: Mr. & Mrs. B.B. LaMartina

PROPOSAL: *Retain Change To Remodeling Proposal*
We need drawings with the actual dimensions with lot size and placement of present house on lot.
This is to notify you that your above noted project HAS NOT been approved. Contact us for further clarification. We will follow Baltimore County Code's findings

Sincerely,

Chairman *Shirley Hackett*
Woodbridge Valley Improvement and Civic Association

PETITIONER'S
EXHIBIT 5



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
October 19, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-115-A

RONALD LAMARTINA, ET UX

NW/4 Lincoln Woods Dr., 9' NE of the extension of the c/l of Hunters Wood Cir.

1st Election District

Var.-Setbacks

10/2/87 - Variances denied by Z.C.

ASSIGNED FOR:

cc: Mr. & Mrs. Ronald LaMartina Petitioners

Jan Hayden

Protestant

George Henry

"

Phyllis C. Friedman

People's Counsel

Norman E. Gerber

James Hoswell

J. Robt. Haines

Ann Nastrovitz

James Dyer

Betty Dubois

June Holmen, Secretary

BALTIMORE COUNTY BOARD OF APPEALS
OLD COURT HOUSE
TOWSON, MARYLAND 21204

OCT 11, 1987

RE: CASE 88-115 A

On December 9, 1987 my wife and I attended a meeting of the Woodbridge Valley Improvement and Civic Association. This meeting was called to discuss a proposed addition to the home of Mr. & Mrs. Ron LaMartina, located at 1416 LINCOLN WOODS DRIVE.

The association meeting consisted of a presentation by Mr. & Mrs. LaMartina covering the need for the addition. This was followed by a presentation by the neighbors stating the problems with the addition and the requested variance.

After listening to both sides I am AGAINST granting the variance.

My reasons for the objection:

1. The addition, as proposed, violates the covenants which apply to this property
2. The addition violates Baltimore County zoning
3. The residences are already too close together.
4. The addition would make this house too large for the lot it is on and when combined with the large fence on the opposite side of the lot would give the visual appearance of solid structure from one side of the lot to the other. This visual impression is caused by the arched fence gate which is at least 6 feet tall.

Granting this request for variance is NOT supported by the Woodbridge Valley Association due to the fact that it would violate covenants, however, the fact that it is against the zoning is a more serious problem.

Please do not grant the variance.

sincerely
Lawrence E. Doyle
Lawrence E. Doyle
6629 Hunterswood Circle
Catonsville, Md 21228

Telephone 539-5123

RECEIVED
COUNTY BOARD OF APPEALS

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

3 LEX DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE TOWSON BUILDING
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

November 18, 1987

Baltimore County Board of Appeals
Court House, Room 200
Towson, Maryland 21204

RE: Case No.: 88-115-A
Ronald LaMartina, et ux
Variance Petition

Gentlemen/Ladies:

Please enter my appearance on behalf of the Petitioners/Appellants, concerning the above captioned matter.

I see that this matter is set for Wednesday, February 24, 1988, at 10:00 A.M.

This is to advise you that I am sitting as a Master in the Circuit Court for Baltimore County and must respectfully request another date for the hearing. If at all possible, I request that the matter be moved forward and would appreciate it if your office would contact me to discuss a date convenient to all parties involved.

Thank you for your anticipated cooperation.

Very truly yours,
S. ERIC DINENNA

SED:jec

Enc to next has matter raised this case to be heard as scheduled
WBT

RECEIVED
COUNTY BOARD OF APPEALS

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

3 LEX DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE TOWSON BUILDING
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

January 6, 1988

Baltimore County Board of Appeals
Court House, Room 200
Towson, Maryland 21204

RE: Case No.: 88-115-A
Ronald LaMartina, et ux
Variance Petition

Gentlemen/Ladies:

Please refer to my letter of November 18, 1987, wherein I indicated a request for a change of the hearing set for February 24, 1988, at 10:00 A.M.

It appears at this time that that date is suitable in as much as my docket as a Master has been changed to another date and accordingly, we can go forth with the hearing on February 24, 1988.

If you have any questions concerning this, please do not hesitate to call me. In addition, I request that you forward me notification of any other attorneys or protestants in this matter.

Very truly yours,
S. ERIC DINENNA

SED:jec
cc: Mr. and Mrs. LaMartina

RECEIVED
COUNTY BOARD OF APPEALS

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:
I hereby swear upon penalty of perjury that I am currently a
duly elected member of the Board of Governors and Chairperson of the
Covenants Committee of the Woodbridge Valley Improvement and Civic
Association.

ATTEST:
Shirley H. Linbotheam
Linda B. Moberg Secretary
J.P. Flannery President

68-115-1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
11111 Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this
the _____ day of _____, 1987

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: _____
Petitioner's Attorney: _____
Received by: _____
Chairman, Zoning Plans
Advisory Committee



No. 68-115-1

1st District
NW/4 Lincoln Woods Dr., 9' NE of the extension of
the C/L of Hunters Wood Circle
Ronald LaMartina, et ux
1 SIGN

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204