

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S Martell Avenue, 372.7' W of  
West Avenue  
(7102 Martell Avenue)  
12th Election District  
7th Councilmanic District  
  
Charles D. Allen, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-190-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 7102 Martell Avenue, located in the vicinity of Holabird and Dundalk Avenues in Dundalk. The Petition was filed by the owners of the property, Charles D. and Frances J. Allen in response to a zoning violation notice they received from the Permits and Development Management (PDM) office concerning two accessory structures on their property. The Petitioners seek relief from Sections 400, 301.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (free-standing 10' x 20' carport) in the front yard in lieu of the required rear yard and to permit a side yard setback of 0 feet in lieu of the required 7.5 feet for an existing open projection (carport) attached to the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required

ORDER RECEIVED FOR FILING  
Date 8/13/95  
By [Signature]

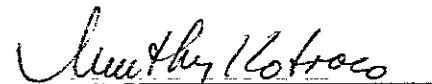
MICROFILMED

by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of December, 1995 that the Petition for Administrative Variance seeking relief from Sections 400, 301.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (freestanding 10' x 20' carport) in the front yard in lieu of the required rear yard and to permit a side yard setback of 0 feet in lieu of the required 7.5 feet for an existing open projection (carport) attached to the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If for any reason an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

December 13, 1995

Theodore J. Potthast, Esquire  
606 Baltimore Avenue  
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Martell Avenue, 372.7' W of West Avenue  
(7102 Martell Avenue)  
12th Election District - 7th Councilmanic District  
Charles D. Allen, et ux - Petitioners  
Case No. 96-190-A

Dear Mr. Potthast:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

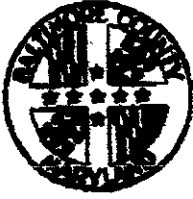
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Charles D. Allen  
7102 Martell Avenue, Baltimore, Md. 21222

People's Counsel

File



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

7102 Martell Avenue

for the property located at

which is presently zoned DR 5.5

96-190-A

This Petition shall be filed with the Office of Zoning Administration & 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)

*PK* 1B02.3 C.1 AND 301.1 TO PERMIT A DETACHED ACCESSORY STRUCTURE IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD AND OPEN PROJECTION IN LIEU OF THE REQUIRED 7 1/2 FT. (BOTH STRUCTURES ARE EXISTING) (reference C-96-1325) TO ALLOW A 0 FT. SIDE YARD SETBACK FOR AN EXISTING

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

*DMR* No other practical location exists for the subject property. ~~BE~~ THESE ARE ~~→~~ pre-existing conditions constructed by a licensed home improvement contractor nearly four years ago.

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.

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

Contact Purchaser/Lessee: N/A

(Type or Print Name) N/A

Signature N/A

Address N/A

City N/A State N/A Zipcode N/A

Agency for Postcard: N/A

(Type or Print Name) N/A

Signature N/A

Address N/A Phone No. N/A

City N/A State N/A Zipcode N/A

Legal Owner(s): Charles D. Allen

(Type or Print Name) Charles D. Allen

Signature Charles D. Allen

Name: Frances D. Allen

(Type or Print Name) Frances D. Allen

Signature Frances D. Allen

7102 Martell Ave. 288-3332/477-2386

Address 7102 Martell Ave. Phone No. 288-3332/477-2386

Baltimore County, Maryland 21222

City Baltimore State Maryland Zipcode 21222

Name, Address and phone number of representative to be contacted: Theodore J. Potthast

Name Theodore J. Potthast

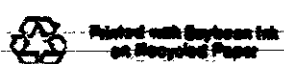
Address 606 Baltimore Avenue Phone No. 832-2900

ORDER RECEIVED FOR FILING  
Date 11/13/95  
BY [Signature]

A Public Hearing having been requested and/or being to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_ day of \_\_\_ 19\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

RECORDED & INDEXED  
Zoning Commissioner of Baltimore County

REVIEWED BY [Signature] DATE 11/9/95  
ESTIMATED FILING DATE 11/19/95



ITEM # 202

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7102 Martell Avenue  
address

Baltimore County, Maryland 21222  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See attached.

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

Charles D. Allen  
(signature)  
Charles D. Allen  
(type or print name)



Frances D. Allen  
(signature)  
Frances D. Allen  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2ND day of November, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles D. Allen and Frances D. Allen

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

AS WITNESS my hand and Notarial Seal.

11/2/95  
date

Mary L. Brewer  
NOTARY PUBLIC

My Commission Expires: 3/10/98

96-190-A

The subject structures are a condition which has pre-existed the Correction Notice by nearly four years (case number C-96-1325). The contractor who sold and installed was responsible for obtaining the required permits, and to the best of our knowledge did so. He is licensed M.H.I.C. #7462. The posts are concrete-set. The property does not contain sufficient space for installation at another location. Sufficient area does not exist for the set-back requirements to be met.

1997 07 11

PROPERTY DESCRIPTION FOR 7102 MARTELL AVENUE

96-190-A

Beginning at a point on the north side of Martell Avenue at the distance of three hundred and seventy-two (372) feet and nine (9) inches, more or less, westerly from the corner or intersection of the north side of Martell Avenue and the west side of West Avenue, thence westerly along the north side of Martell Avenue fifty (50) feet to Lot No. 24 two hundred and fifty (250) feet to the south side of a fifteen foot alley, thence easterly along the south side of said alley with the use thereof in common, fifty (50) feet to Lot. No. 26, thence southerly parallel with West Avenue and along the Western outline of Lot No. 26 two hundred and fifty feet (250) to the place of beginning. Being Lot #25, Block -, Section# - in the subdivision of Lorraine Park as Recorded in Baltimore County Plat Book #4 folio 82, containing 12,500 square feet. Also known as 7102 Martell Avenue and located in the 12th Election District, 7th Councilmanic District.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

96-190-A

District: 12th \_\_\_\_\_ Date of Posting: 11/18/95

Posted for: Varones

Petitioner: Charles & Frances Brown

Location of property: 7102 Marshall Ave.

Location of Sign: Posting wood sign on property being zoned

Remarks: \_\_\_\_\_

Posted by: [Signature] \_\_\_\_\_ Date of return: 11/29/95

Number of Signs: 1





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

No.

2  
11/22  
8755

DATE 11/2/95 ACCOUNT R-116150

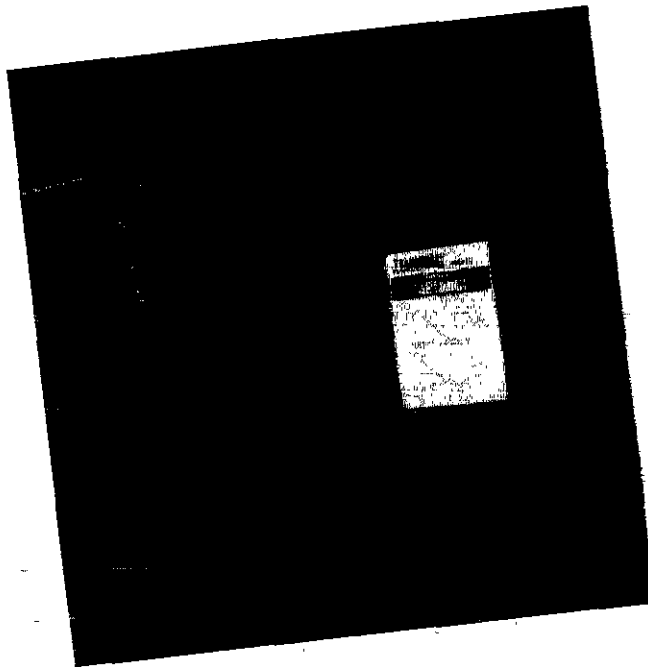
96-190-A AMOUNT \$ 85.00

RECEIVED FROM: ALLEN

7102 MARTELL AVE  
FOR: ADMIN VAR. FILING - 50.00  
TSIAU - 35.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER





Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Charles D. and Frances D. Allen

Item No.: 202 Petitioner:  
7102 Martell Avenue

Location: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Charles D. and Frances D. Allen

NAME: \_\_\_\_\_

ADDRESS: 7102 Martell Avenue  
Baltimore, Maryland 21222

PHONE NUMBER: (410) 288-3332



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 20, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-190-A (Item 202)  
7102 Martell Avenue  
N/S Martell Avenue, 372.7' W of West Avenue  
12th Election District - 7th Councilmanic  
Legal Owner: Charles D. Allen and Frances D. Allen

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 19, 1995. The closing date (December 4, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: Charles D. and Frances Allen



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 1, 1995

Mr. and Mrs. Charles D. Allen  
7102 Martell Avenue  
Baltimore, MD 21222

RE: Item No.: 202  
Case No.: 96-190-A  
Petitioner: C. D. Allen, et ux


Dear Mr. and Mrs. Allen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 9, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,



W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Close  
12-1  
9/10-190-10

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director                      DATE: Nov. 29, 1995  
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for November 27, 1995  
Item No. 202

The Development Plans Review Division has reviewed the subject zoning item. According to record drawing #80-0054, an existing storm drain type "WR" inlet is located approximately 429 feet from the centerline of West Avenue, placing it near the entrance for the freestanding carport.

Martell Avenue is an existing 30-foot paving section on a 40-foot right-of-way.

RWB:sw



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

11-22-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 202 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

MICROFILMED

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/20/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 20, 1995.

Item No.: SEE BELOW

Zoning Agenda:

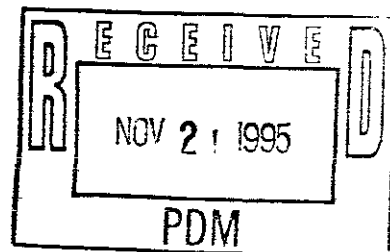
Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 194, 196, 197, 199, 200, 201,  
202 & 203.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



LOST  
12-4 96-1904  
✓

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: December 4, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. (202), 205, 209, 211, 213, and 214

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kern

PK/JL





**NEIGHBORS' STATEMENT**

ZONING VARIANCE  
7102 Martell Avenue  
Baltimore, Maryland 21222  
Charles D. and Frances D. Allen

TO WHOM IT MAY CONCERN, I wish to state that the car  
ports located on the above property are not offensive in any  
way to me and I do not object to a variance being granted.

Eileen Rogers                      Eileen Rogers  
PRINT NAME                              SIGNATURE

7130 Martell Ave Dundalk Md 21222  
PRINT ADDRESS

FLORENCE V. STAYLOR              Florence V. Staylor  
PRINT NAME                              SIGNATURE

7101 Martell ave Dundalk Md 21222  
PRINT ADDRESS

HOWARD NOONAN                      Howard Noone  
PRINT NAME                              SIGNATURE

7100 MARTELL AVE. 21228  
PRINT ADDRESS

12

# Plat to accompany Petition for Zoning Variance Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

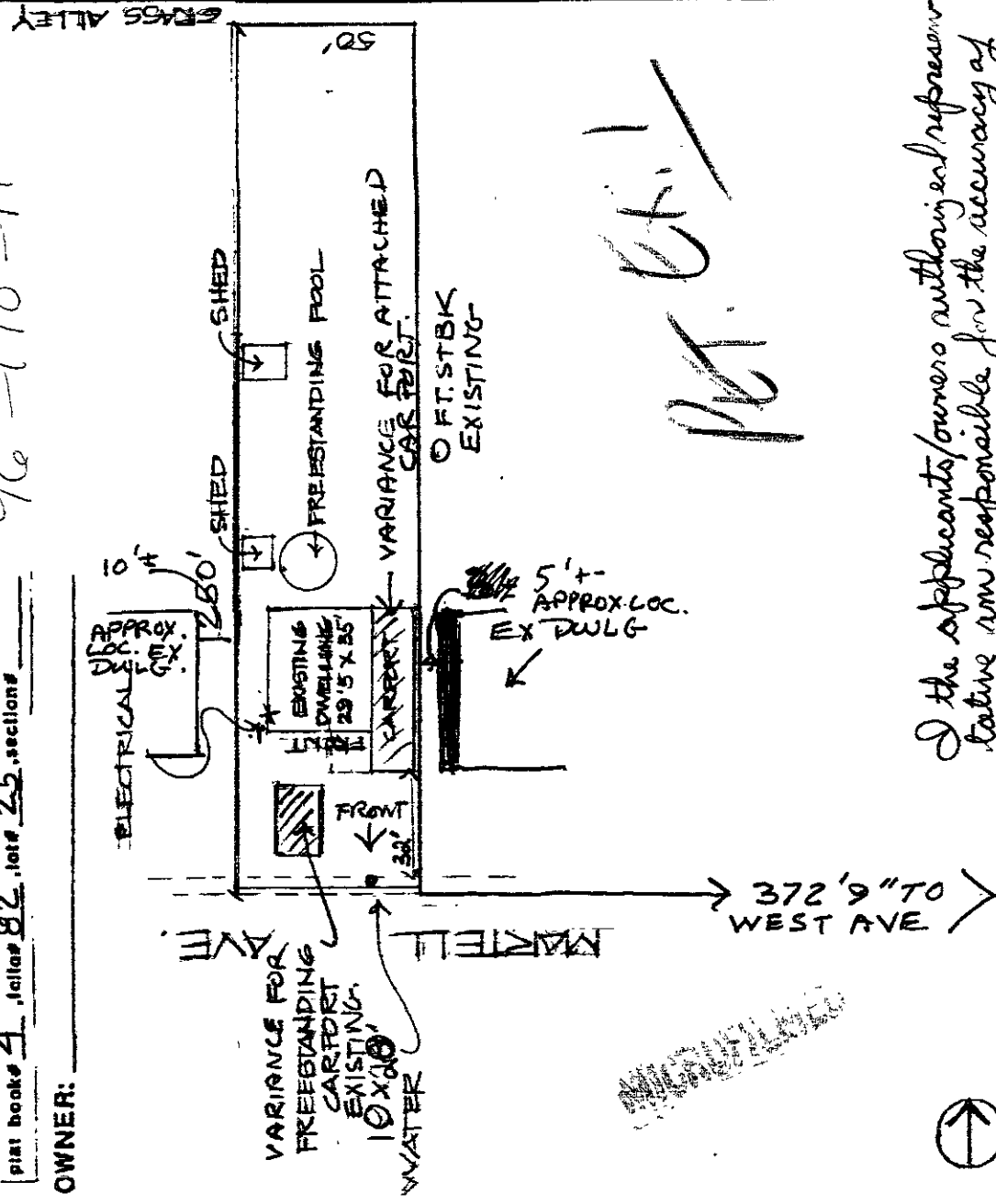
PROPERTY ADDRESS: 7102 MARTELL AVE.

Subdivision name: LORRAINE PARK

plat book # 4, folios 82, 83, 84, 85, sections 25

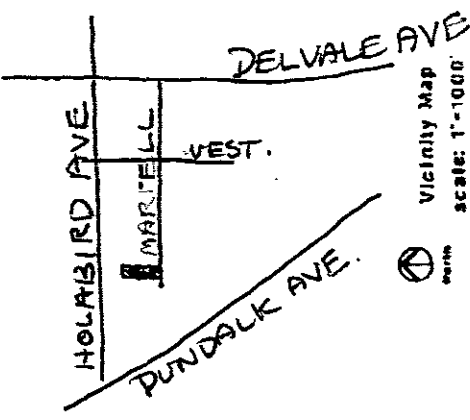
96-190-A

OWNER:



*I, the applicants/owners authorized representatives  
 state we are responsible for the accuracy of  
 all information drawn by Balto. Ct. DW Bfoote  
 11-9-95  
 DATE*

North  
 date: 11/5/95  
 prepared by: B. HEILD Scale of Drawing: 1" = 50'



## LOCATION INFORMATION

Election District: 12  
 Councilmanic District: 7  
 1"-200" scale map#: SE 3E  
 Zoning: DR 5.5  
 Lot size: 271 - 12,500 acreage square feet

public utilities  
 SEWER:   
 WATER:   
 GAS:

Chesapeake Bay Critical Areas:   
 Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 202 CASE#:  
[Signature]

# 207

96-190-A



IN RE: PETITION FOR ADMIN. VARIANCE  
11/2 Martell Avenue, 372.7' W of  
West Avenue  
(7102 Martell Avenue)  
12th Election District  
7th Councilmanic District  
Charles D. Allen, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 96-190-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 7102 Martell Avenue, located in the vicinity of Holabird and Dundalk Avenues in Dundalk. The Petition was filed by the owners of the property, Charles D. and Frances J. Allen in response to a zoning violation notice they received from the Permits and Development Management (PDM) office concerning two accessory structures on their property. The Petitioners seek relief from Sections 400, 301.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (freestanding 10' x 20' carport) in the front yard in lieu of the required rear yard and to permit a side yard setback of 0 feet in lieu of the required 7.5 feet for an existing open projection (carport) attached to the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

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The Petitioners have filed the supporting affidavits as required

by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of December, 1995 that the Petition for Administrative Variance seeking relief from Sections 400, 301.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (freestanding 10' x 20' carport) in the front yard in lieu of the required rear yard and to permit a side yard setback of 0 feet in lieu of the required 7.5 feet for an existing open projection (carport) attached to the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If for any reason an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Kotrocco*  
TIMOTHY M. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

December 13, 1995

Theodore J. Potthast, Esquire  
606 Baltimore Avenue  
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Martell Avenue, 372.7' W of West Avenue  
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12th Election District - 7th Councilmanic District  
Charles D. Allen, et ux - Petitioners  
Case No. 96-190-A

Dear Mr. Potthast:

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

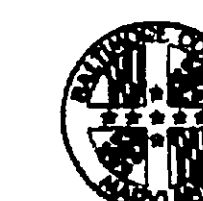
Very truly yours,  
*Timothy M. Kotrocco*  
TIMOTHY M. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Charles D. Allen  
7102 Martell Avenue, Baltimore, Md. 21222

People's Counsel

File



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 7102 Martell Avenue

which is presently zoned D/R 5.5  
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 Sections 400 B.C.Z.R. TO PERMIT A DETACHED ACCESSORY STRUCTURE IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD AND OPEN PROJECTION IN LIEU OF THE REQUIRED 7.5 FT. (BOTH STRUCTURES ARE EXISTING) (reference C-96-1325) TO ALLOW A 0 FT. SIDE YARD SETBACK FOR AN EXISTING OPEN PROJECTION IN LIEU OF THE REQUIRED 7.5 FT. (BOTH STRUCTURES ARE EXISTING) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
No other practical location exists for the subject property. THESE ARE pre-existing conditions constructed by a licensed home improvement contractor nearly four years ago.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and will be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Description: N/A	Legal Owner: Charles D. Allen
Type of Petition: N/A	Applicant: Charles D. Allen
Signature: N/A	Signature: Charles D. Allen
Address: N/A	Address: 7102 Martell Ave. 288-3332/477-2386
City: N/A	City: Baltimore, Maryland 21222
Phone: N/A	Phone: 288-3332
Address: N/A	Address: Theodore J. Potthast
City: N/A	City: 606 Baltimore Avenue 832-2900
Phone: N/A	Phone: 832-2900

ORDER RECEIVED FOR FILING  
Date: 12/13/95  
By: [Signature]

A Public Hearing having been requested and held in accordance with the Zoning Commission of Baltimore County, Md., and the subject matter of this petition be set for a public hearing, considered, or required by the Zoning Commission of Baltimore County, in the event of a hearing, throughout Baltimore County, and that the property be required.

FILED BY: [Signature] DATE: 11/9/95  
STANDARD POSTING DATE: 11/13/95

ORDER RECEIVED FOR FILING  
Date: 12/13/95  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 12/13/95  
By: [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify therein in the event that a public hearing is scheduled in the future with respect thereto.

That the Affiant(s) do(es) presently reside at  
7102 Martell Avenue  
Baltimore County, Maryland 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)  
See attached.

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

*Charles D. Allen*  
Charles D. Allen

*Frances D. Allen*  
Frances D. Allen

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:  
I HEREBY CERTIFY, this 2<sup>ND</sup> day of December, 1995, before me, a Notary Public of the State of Maryland, to and for the County aforesaid, personally appeared

Charles D. Allen and Frances D. Allen  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to the facts of law that the matters and facts hereinabove set forth are true and correct to the best of their personal knowledge and belief.

AS WITNESS my hand and Notarial Seal  
11/2/95  
My Commission Expires: 3/10/98

96-190-A  
The subject structures are a condition which has pre-existed the Correction Notice by nearly four years (case number C-96-1325). The contractor who sold and installed was responsible for obtaining the required permits, and to the best of our knowledge did so. He is licensed M.H.I.C. #7462. The posts are concrete-set. The property does not contain sufficient space for installation at another location. Sufficient area does not exist for the set-back requirements to be met.

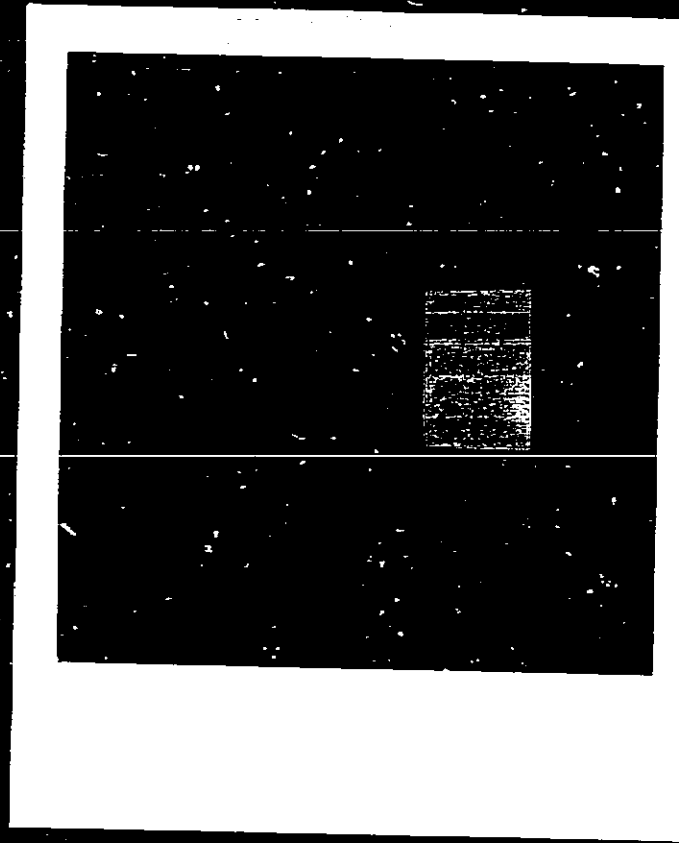
96-190-A  
PROPERTY DESCRIPTION FOR 7102 MARTELL AVENUE  
Beginning at a point on the north side of Martell Avenue at the distance of three hundred and seventy-two (372) feet and nine (9) inches, more or less, westerly from the corner or intersection of the north side of Martell Avenue and the west side of West Avenue, thence westerly along the north side of Martell Avenue fifty (50) feet to Lot No. 24 two hundred and fifty (250) feet to the south side of a fifteen foot alley, thence easterly along the south side of said alley with the use thereof in common, fifty (50) feet to Lot. No. 26, thence southerly parallel with West Avenue and along the Western outline of Lot No. 26 two hundred and fifty feet (250) to the place of beginning. Being Lot #25, Block -, Section# - in the subdivision of Lorraine Park as Recorded in Baltimore County Plat Book #4 folio 82, containing 12,500 square feet. Also known as 7102 Martell Avenue and located in the 12th Election District, 7th Councilmanic District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 11/19/95  
Posted for: Variance  
Petitioner: Charles & Frances Allen  
Location of property: 7102 Martell Ave.  
Location of Sign: Facing 700 & West Ave. per plat. Baray 2000 &  
Remarks:  
Posted by: [Signature] Date of return: 11/21/95  
Number of Signs: 1

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

No. 005795  
DATE: 11/2/95 ACCOUNT: R0016150  
AMOUNT: \$ 85.00  
RECEIVED FROM: ALLEN  
7102 MARTELL AVE  
PADMIN VAR FILING - 50.00  
(\$50) 35.00  
\$85.00  
E24P1802ASHITURE  
RA C010453AM11-09-95





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

ARNOLD JABLON, DIRECTOR

For newspaper advertising: Charles D. and Frances D. Allen

Item No.: 202 Petitioner: 7102 Martell Avenue

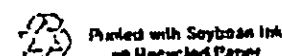
Location: 7102 Martell Avenue

PLEASE FORWARD ADVERTISING BILL TO:  
Charles D. and Frances D. Allen

NAME: 7102 Martell Avenue

ADDRESS: Baltimore, Maryland 21222

PHONE NUMBER: (410) 288-3332



12



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 20, 1995

**NOTICE OF CASE NUMBER ASSIGNMENT**

Re: CASE NUMBER: 96-190-A (Item 202)  
7102 Martell Avenue  
8/5 Martell Avenue, 372.7' W of West Avenue  
12th Election District - 7th Councilmanic  
Legal Owner: Charles D. Allen and Frances D. Allen

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before November 19, 1995. The closing date (December 4, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Zoning Commission. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commission), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Arnold Jablon*

Arnold Jablon  
Director

cc: Charles D. and Frances Allen



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 1, 1995

Mr. and Mrs. Charles D. Allen  
7102 Martell Avenue  
Baltimore, MD 21222

RE: Item No.: 202  
Case No.: 96-190-A  
Petitioner: C. D. Allen, et ux

Dear Mr. and Mrs. Allen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 9, 1995.

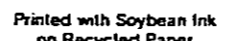
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 29, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for November 27, 1995  
Item No. 202

The Development Plans Review Division has reviewed the subject zoning item. According to record drawing #80-0054, an existing storm drain type "WR" inlet is located approximately 429 feet from the centerline of West Avenue, placing it near the entrance for the freestanding carport.

Martell Avenue is an existing 30-foot paving section on a 40-foot right-of-way.

RWB:sw

Close  
12-4  
96-190-A



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 202 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

11-27-95

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2288 Statewide Toll Free  
Mailing Address: P.O. Box 242 Baltimore, MD 21201  
Signal Address: 2024 7th St.

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/20/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 20, 1995.

Item No.: SEE BELOW Zoning Agenda:

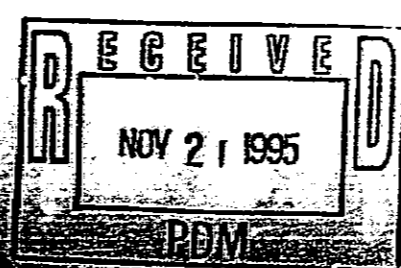
Gentlemen:

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

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 194, 196, 197, 199, 200, 201, 202 & 203.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 4, 1995  
Permits and Development Management

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 202, 205, 209, 211, 213, and 214

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Klein*

PK/JL

ITEM202/PZONE/ZAC1

Close  
12-4  
96-190-A

NEIGHBORS' STATEMENT

ZONING VARIANCE  
7102 Martell Avenue  
Baltimore, Maryland 21222  
Charles D. and Frances D. Allen

TO WHOM IT MAY CONCERN, I wish to state that the car ports located on the above property are not offensive in any way to me and I do not object to a variance being granted.

*Richard Noonan*  
RICHARD NOONAN Richard P. Noonan  
PRINT NAME SIGNATURE

7100 MARTELL AVE DUNDALK, MD 21222  
PRINT ADDRESS

*Rosemary Lepus*  
ROSEMARY LEPLUS Rosemary Lepus  
PRINT NAME SIGNATURE

7112 MARTELL AVE DUNDALK MD 21222  
PRINT ADDRESS

*Darlene McKrush*  
Darlene McKrush Darlene McKrush  
PRINT NAME SIGNATURE

7114 Martell Ave Balt. Md. 21223  
PRINT ADDRESS

202

202

NEIGHBORS' STATEMENT

ZONING VARIANCE  
 7102 Martell Avenue  
 Baltimore, Maryland 21222  
 Charles D. and Frances D. Allen

TO WHOM IT MAY CONCERN, I wish to state that the car ports located on the above property are not offensive in any way to me and I do not object to a variance being granted.

Eileen Rogers Eileen Rogers  
 PRINT NAME SIGNATURE

7130 Martell Ave Dundalk Md 21222  
 PRINT ADDRESS

FLORENCE STAYOR Florence V. Stayor  
 PRINT NAME SIGNATURE

7101 Martell Ave Dundalk Md 21222  
 PRINT ADDRESS

HOWARD DOORAN Howard Dooran  
 PRINT NAME SIGNATURE

7106 MARTELL AVE 21229  
 PRINT ADDRESS

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Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 7102 MARTELL AVE see pages 2 & 8 of the CHECKLIST for additional required information

Subdivision name: LORRAINE PARK

plat book # 4 section # 22 lot # 25 section # 96-190-A

OWNER: \_\_\_\_\_

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"-200' scale map: SE 3E

Zoning: DR 5.5

Lot size: 2711 12,500 square feet

SEWER:

WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

date: 11/5/95 prepared by: P. HEID Scale of Drawing: 1" = 50'

*I, the applicant/owner, authorize/representative am responsible for the accuracy of all information shown by this plat.*

11-9-95 DATE

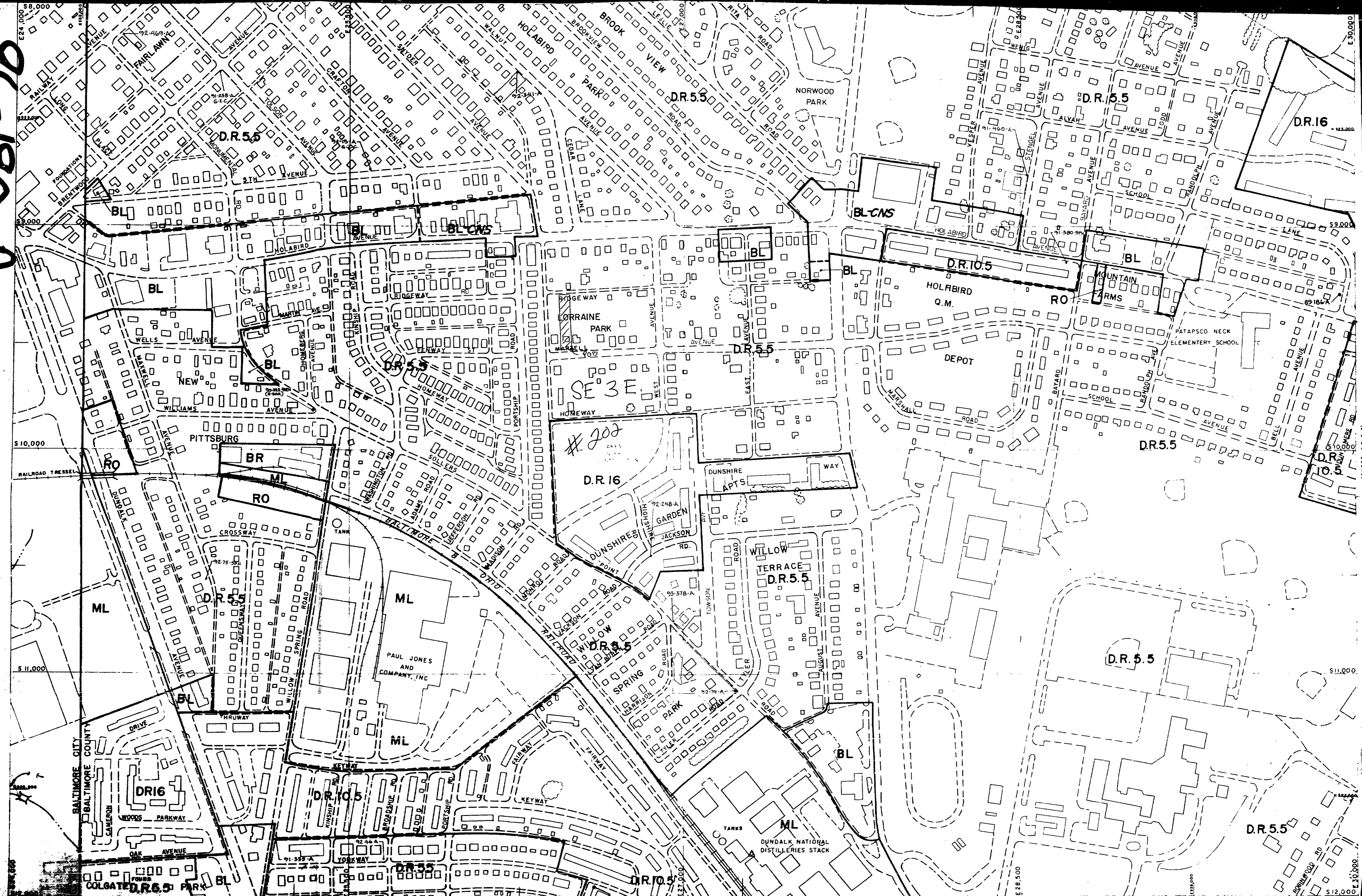
202

#202

96-190-A



96-190-A



1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 October 25, 1988

**BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992

*William Howard*  
 Chairman, County Council

SCALE 1" = 200' ±	LOCATION DUNDALK	SHEET SE 3-E
DATE OF PHOTOGRAPHY JANUARY 1986		





BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 PHOTOGRAPHIC MAP

96-190-A

PREPARED BY AIR PHOTOGRAPHICS, INC.  
 MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'±	DUNDALK	S. E. 3-E
DATE OF PHOTOGRAPHY		
JANUARY 1986		