

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
ZONING VARIANCE *
SWC Martell and West Avenues * ZONING COMMISSIONER

7121 Martell Avenue * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * Case No. 97-570-A
Dennis W. Wipprecht, Sr., et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Dennis W. Wipprecht, Sr. and Sharon Wipprecht, his wife, for that property known as 7121 Martell Avenue in the Lorraine Park subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 6 ft. in lieu of the required 10 ft. for a proposed addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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

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 variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING

Date

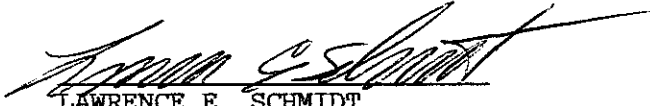
By

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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of July 1997 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 6 ft. in lieu of the required 10 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 7/18/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 17, 1997

Mr. and Mrs. Dennis W. Wipprecht, Sr.
7121 Martell Avenue
Baltimore, Maryland 21222

RE: Petition for Administrative Variance
Case No. 97-570-A
Property: 7121 Martell Avenue

Dear Mr. and Mrs. Wipprecht:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written in a cursive style.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



ORIGINAL KEEP IN FILE



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7121 Martell Avenue

which is presently zoned DR 5.5

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) 1302.3.C.1 TO PERMIT

A SIDE YARD SETBACK OF 6 FT. IN LIEU OF THE REQUIRED 10 FT. FOR A PROPOSED ADDITION.

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

See affidavit

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

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone No

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found 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 reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY

DATE

6/19/97

ESTIMATED POSTING DATE

6/29/97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 570

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 7121 Martell Avenue
address
Baltimore Md. 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)

We have 2 VERY small bedrooms located in the attic of our house.

Our son + grandson are moving back in.

We need 2 additional bedrooms to accommodate 2 extra

people. Anything smaller than 20' x 35' would make the

additional rooms too small. There is no other location available per B&Z

It would still leave over 6' to the fence between my house + my next
door neighbor + my fence is 6' away from my neighbor's house.

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.

Dennis W. Wipprecht
(signature)
Dennis W. Wipprecht
(type or print name)
CITY Sr



Sharon Wipprecht
(signature)
Sharon Wipprecht
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of JUNE, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

D + S. Wipprecht MARYLAND

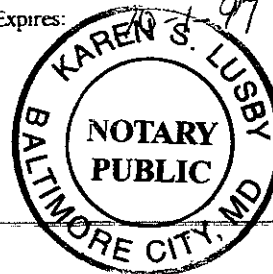
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6-19-97
date

Karen S. Lusby
NOTARY PUBLIC

My Commission Expires: 6-19-97



Affidavit in support of Administrative Variance

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

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City State Zip Code

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Our son + grandson are moving back in.

We need 2 additional bedrooms to accommodate 2 extra

people. Anything smaller than 20' x 35' would make the additional rooms too small. There is no other location available per BZC.

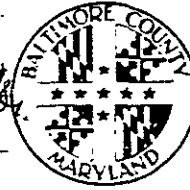
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That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Dennis W. Wipprecht
(signature)

Dennis W. Wipprecht
(type or print name)

City Sr



Sharon Wipprecht
(signature)

Sharon Wipprecht
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of JUNE, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

D + S. Wipprecht MARYLAND

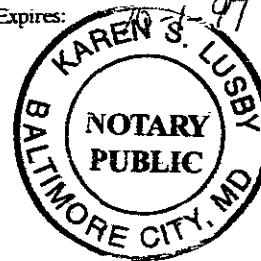
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6-19-97
date

Karen S. Lusby
NOTARY PUBLIC

My Commission Expires:



570 A

ZONING DESCRIPTION

TO WHOM IT MAY CONCERN;

The property with the proposed addition located at 7121 Martell ave. Baltimore County MD 21222, With a starting point on the southwest corner of Martell and West avenues being 50ft. wide PART OF LOTS 56 AND 57 'JUSTUS MARTELL' PLAT BOOK 4-82 in the subdivision of the TWELTH DISTRICT BALTIMORE COUNTY MARYLAND, 21222

LORRAINE PARK IN

P. W.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 6/19/97 ACCOUNT 00016150 AMOUNT \$ 50.00

No. 036199

PAID RECEIPT

PROCESS ACTUAL TIME
6/19/1997 6/19/1997 09:17:58
REG 18305 CASHIER GIVE INI DRAWER
MISCELLANEOUS CASH RECEIPT
RECEIPT # 011781
CR NO. 072199
\$50.00 CHECK
Baltimore County, Maryland

RECEIVED
FROM:

WIPPRECHT

FOR:

RV FILING

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-570-A

Petitioner/Developer:
(Dennis Wipprecht)

Date of Hearing/Closing:
(July 14, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____
7121 Martell Ave. Baltimore, Maryland 21222 _____

The sign(s) were posted on _____ Jun. 27, 1997 _____
(Month, Day, Year)

Sincerely,

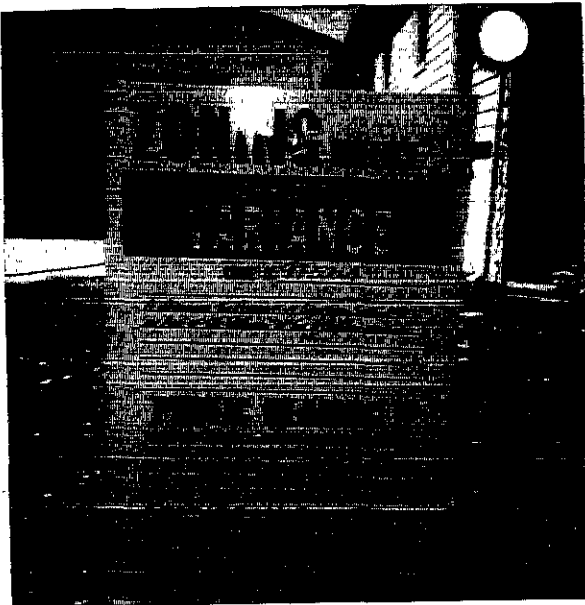
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221 _____

(410)-687-8405
(Telephone Number)



97-570-A



Baltimore County
Department of Permits and
Development Management

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

July 2, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-570-A
7121 Martell Avenue
SWC Martell and West Avenues
12th Election District - 7th Councilmanic
Legal Owner(s): Dennis W. Wipprecht, Sr. and Sharon Wipprecht
Post by Date: 06/29/97
Closing Date: 07/14/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, 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.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Dennis and Sharon Wipprecht



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6/29/97

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-570-AA VARIANCE TO PERMIT A SIDE YARD SETBACK OF 6 FT. IN LIEU OF
THE REQUIRED 10 FT. FOR A PROPOSED ADDITION**PUBLIC HEARING ?**

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

*** 7/14/97**

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

570A

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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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:

Item No.: 570

Petitioner: Dennis Wipprecht Sr.

Location: 7121 Martell Ave. Baltimore, Md 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dennis Wipprecht Sr.

ADDRESS: 7121 Martell Avenue

Baltimore Md. 21222

PHONE NUMBER: 410-285-5916

AJ:ggs

(Revised 09/24/96)

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage _____

square feet _____

PUBLIC PRIVATE

SEWER: ☐ ☐

WATER: ☐ ☐

yes no

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 7-1-97
Item No. 570 JLL

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

For Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

July 2, 1997

Arnold Lablitt, Director
Zoning Administrator and Development Management
Baltimore County Office Building
Towson, MD 21204
DATE: 0707 1105

RE: Property Owner: SEE BELOW

Location: CORPORATION MEETING OF June 10, 1997

Item No.: SEE BELOW

Zoning Agency:

Department:

In response to your request, the referenced property has been reviewed by the Council and the committee which the application and required to be submitted is incorporated into the final plans for the property.

2. The Planning and Zoning Office has no comments at this time.
3. REFERRED TO THE FOLLOWING ITEM NUMBERS:

565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576.

REVISOR: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 387-4981, 45-11025

117 File



SUPPORT LTRS. 570A

HOLABIRD AVENUE

ALLEY

MARTELL AVE

WEST AVE

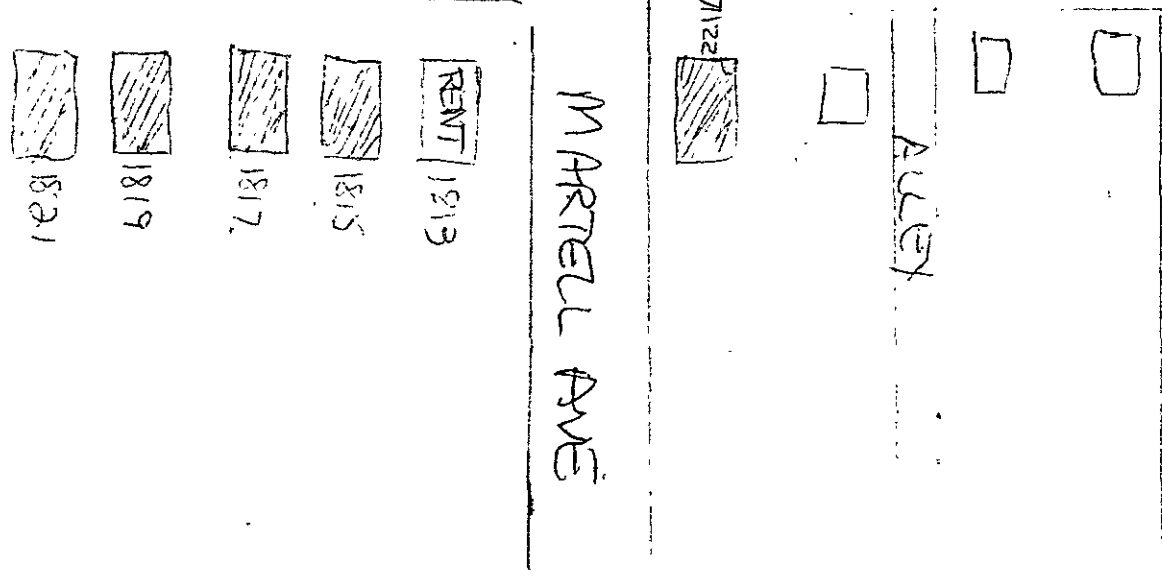
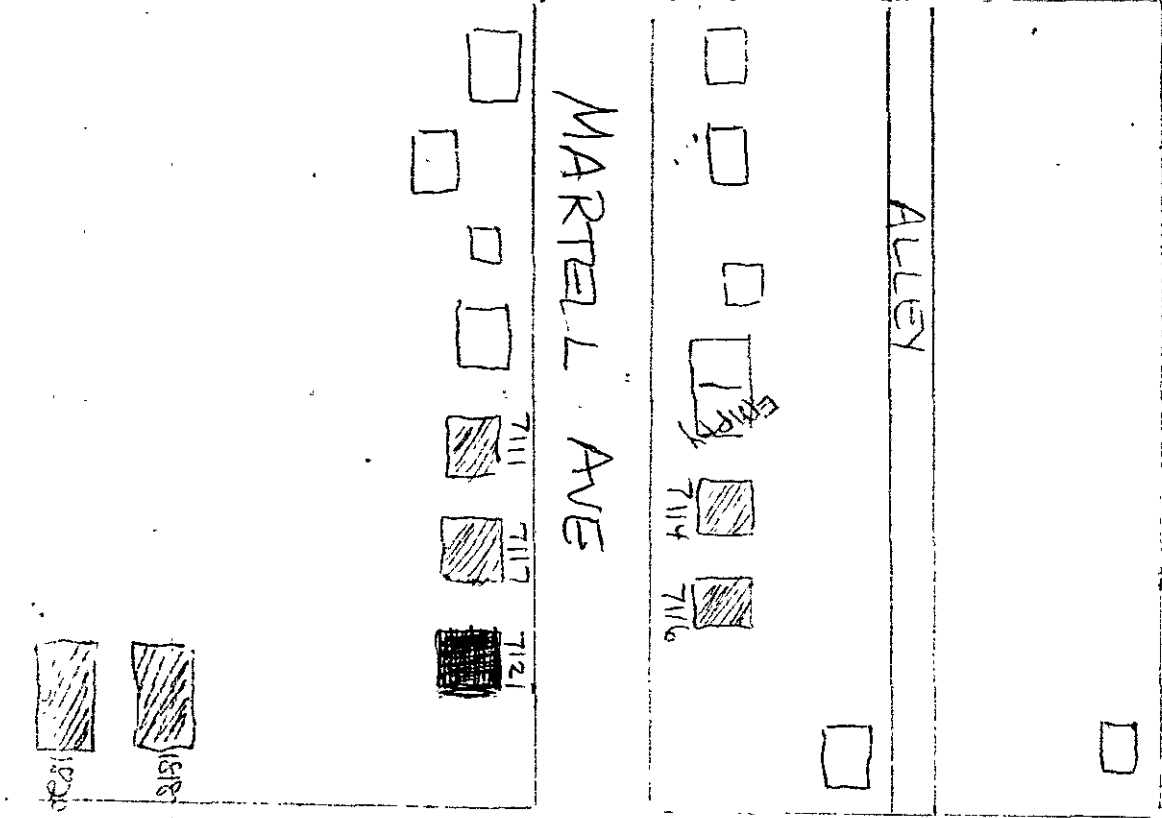
ALLEY

MARTELL AVE

WEST AVE

ALLEY

SHADED
NEIGHBORS
SIGNED
STATEMENTS
THAT
THEY HAVE
NO
OBJECTION
TO OUR
PETITION



TO WHOM IT MAY CONCERN:

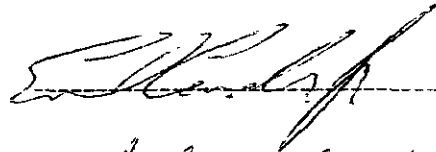
My neighbors, Dennis & Sharon Wipprecht are planning to build an addition to their home of 2 bedrooms. The total size of their proposed addition is 35' by 20'.

This addition would be 6' from the fence dividing our two houses and an additional 6' from my house to the fence on my side

Their home would still be 12' from my house even with the proposed addition We have no objection to our neighbor's proposed construction.

Our neighbors are improving their home in a constructive and attractive manner and this improvement can only add to the quality and resale value of all nearby homes

Respectively Yours-



7117 Martell Avenue
Baltimore, Md 21222

TO WHOM IT MAY CONCERN:

My neighbors, Dennis & Sharon Wipprecht are planning to build an addition to their home of 2 bedrooms. The total size of their proposed addition is 35' by 20'.

This addition would be across the street from my house. My neighbors, Dennis & Sharon, have a house on a corner lot which doesn't interfere with my home in anyway.

Our neighbors are improving their home in a constructive and attractive manner and this improvement can only add to the quality and resale value of all nearby homes.

Respectively Yours-

Dennis Wipprecht

Sharon Wipprecht

1821 West Ave

TO WHOM IT MAY CONCERN:

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Respectively Yours-

EJ McNeath

7114 Martell Avenue
Baltimore, Md 21222

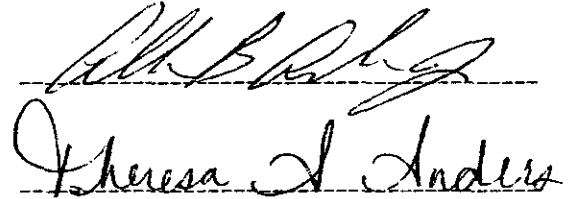
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Respectively Yours-


Theresa A. Anders

1815 West Avenue
Baltimore, Md 21222

TO WHOM IT MAY CONCERN:

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Respectively Yours-

Robert Johnson

1818 West Ave
Balto. Md-21222

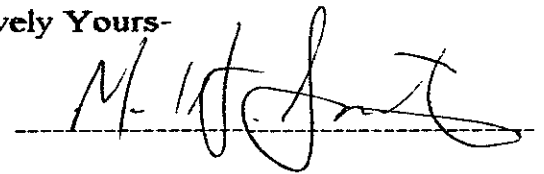
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Respectively Yours-

A handwritten signature in black ink, appearing to read "M. H. Smith", written over a horizontal dashed line.

1820 West Ave.
Balt. Md 21222

TO WHOM IT MAY CONCERN:

My neighbors, Dennis & Sharon Wipprecht are planning to build an addition to their home of 2 bedrooms. The total size of their proposed addition is 35' by 20'.

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Respectively Yours-

Donald E. Miller

Judith E. Miller

1817 West Avenue
Baltimore, Md 21222

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Respectively Yours-

Brena Lipinski

Arthur Lipinski

7122 Martell Avenue
Baltimore, Md. 21222

TO WHOM IT MAY CONCERN:

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Respectively Yours-

Robert B. Hurley, Sr.

Karen J. Hurley

7116 Martell Avenue
Baltimore, Md. 21222

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Respectively Yours

Adele Speca Holleran
Kenn W. Holleran

7111 Martell Avenue
Baltimore, Md 21222

TO WHOM IT MAY CONCERN:

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Respectively Yours-

Deborah Peduch

101 Highshire Ct. 21222

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

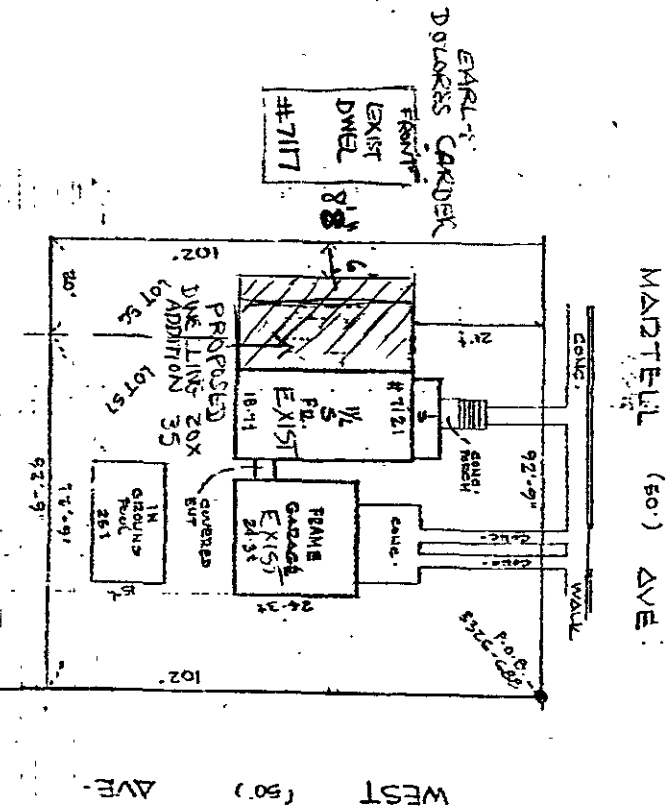
PROPERTY ADDRESS: 7121 MARTELL AVENUE

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

Subdivision name: LOKRAIVE OFFER

plat book # 61, folio # 82, plate 56 + 57

OWNER: DENNIS + SHEPON WIPRECHT



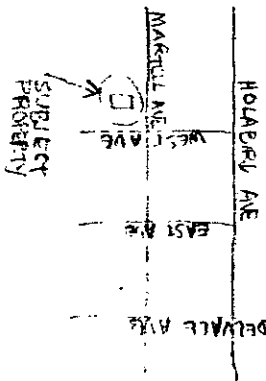
North

date: 6-18-97

prepared by: S. Wiprecht

Scale of Drawing: 1" = 40'

Ref



Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1" = 200' scale map: SE 3E

Zoning: DR 5.5

Lot size: 0.25 9475.8 acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

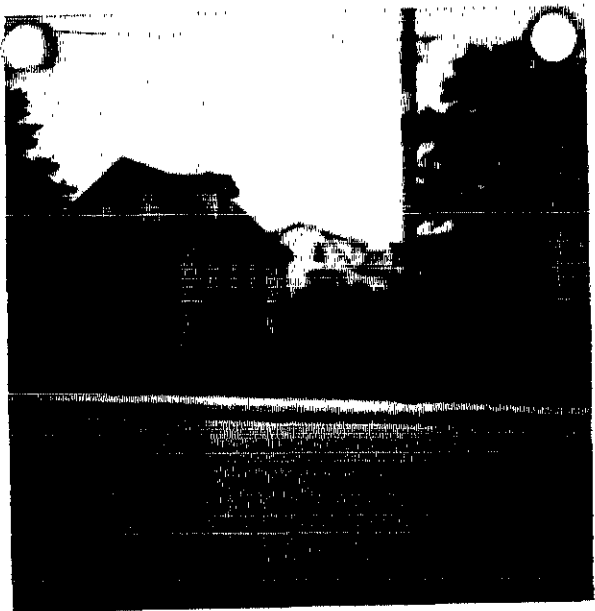
Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings: NONE

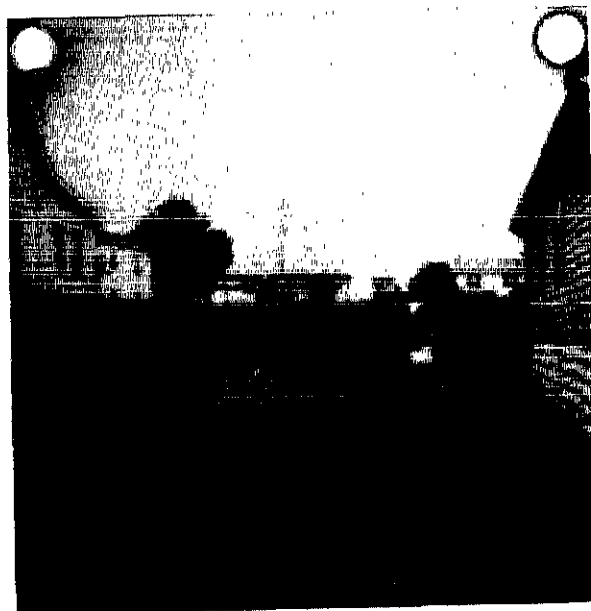
Zoning Office USE ONLY

reviewed by: _____ ITEM #: _____ CASE#: _____

5704



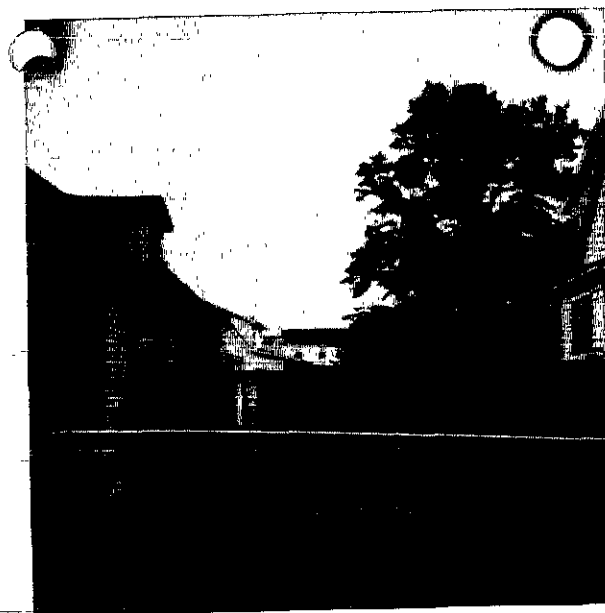
570 A



570 A



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