

IN RE: PETITION FOR VARIANCE

S/S Chesapeake Road, 70' SE

c/l Susquehanna Road

15th Election District

5th Councilmanic District

(7405 Chesapeake Road)

Timothy J. & Patricia K. Martin

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-190-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Timothy J. & Patricia K. Martin. The variance request is for property they own at 7405 Chesapeake Road, located in the Oliver Beach area of Baltimore County. Specifically, the Petitioners are requesting a variance from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 2 recreational vehicles and 3 boats to be stored on the lot occupied by a single family dwelling in lieu of the required one recreational vehicle. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the petition for zoning variance.

Appearing at the hearing on behalf of the request were Timothy & Patricia Martin, property owners. Appearing as concerned citizens were Ted and Sandra Boyer.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.49 acres, more or less, zoned D.R.5.5. The subject property is improved with an existing single family dwelling and carport. Mr. & Mrs. Martin purchased the subject property in 1969 and have resided therein until the present time. They are requesting approval to continue the storage of 3 boats and 2 recreational vehicles on the property. They submitted photographs of the recreational vehicles they hope to store on the property, which consists of the

ORIGINAL FILED FOR FILING
1/18/2000
R. J. [Signature]

following: one 16 ft. Sea Ray Runabout, a Regal Sport Cruiser and a Grady White Center Cabin fishing boat, a 17 ft. Layton Travel Trailer and a small utility trailer not shown in the photographs submitted. Testimony indicated that the Martins have not yet purchased the utility trailer which they hope to use to transport motorcycles. The two larger boats identified in the photograph belong to the Petitioners' sons, Terry and Scott Martin. In the event the Petitioners' sons do not have other appropriate storage for their boats, they would like the option to park and store their boats at their parents property.

Appearing at the hearing as concerned neighbors were Mr. & Mrs. Boyer. The Boyers reside next door to the Martins. They have no objection to the Martins storing their personal recreational vehicles or boats on the property. They, therefore, support the Martins in their petition to store their travel trailer, their sons two boats, their small Sea Ray Runabout and the small utility trailer which the Martins intend to purchase in the future. Their main concern and purpose for attending the hearing was to prevent service work from occurring on the boats at the Petitioners' property. Apparently, the Petitioners' son Terry is engaged in the business of working on boat engines. He was servicing and repairing boats on the property until such time as a zoning inspector ordered him to cease and desist. The Petitioners' son no longer services boats at the property and has moved his business to a nearby marina. Therefore, the property owners have agreed to have a restriction imposed upon them that no service work will occur on any of the boats or RV's stored on the property.

After considering the testimony and evidence offered by all in attendance, I find that the variance request should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

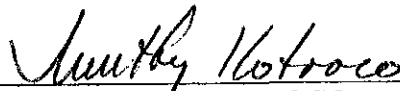
THEREFORE, IT IS ORDERED this 18th day of January, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 2 recreational vehicles and 3 boats to be stored on the lot occupied by a single family dwelling in lieu of the required one recreational vehicle, be

1/18/2000
R. Emerson

and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners shall be permitted to store their 17 ft. Layton Travel Trailer, a small utility trailer used for the purpose of transporting motor cycles or other small items, the Regal Sport Cruiser (as shown in the photographs submitted), and the Grady White Center Cabin fishing boat. In addition, the Petitioners shall be permitted to continue to store their 16 ft. Sea Ray Runabout on the property. The Petitioners shall be strictly forbidden from performing any service work on any of the boats or recreational vehicles stored on the property. There shall be no other boats or recreational vehicles not specifically identified by this Order, and the exhibits submitted at the hearing before me, stored on the property. As discussed at the hearing between the parties, the Petitioners shall be permitted to flush the outboard motor situated on his Sea Ray Runabout with fresh water from the garden hose, only after said boat has been used on a salt water fishing trip. Other than the flushing of the outboard motor, there shall be no other mechanical or service work performed on the property.

Any party has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2008-11-18/2008
R. J. Jemerson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 18, 2000

Mr. & Mrs. Timothy J. Martin
740 Chesapeake Road
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 00-190-A
Property: 7405 Chesapeake Road

Dear Mr. & Mrs. Martin:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. & Mrs. Ted Boyer
7407 Chesapeake Road
Baltimore, Maryland 21220



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7405 Chesapeake Rd

which is presently zoned Residential DR-SS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1.A

TO PERMIT 2 RECREATIONAL VEHICLES AND 3 BOATS TO BE STORED ON A LOT OCCUPIED BY A SINGLE FAMILY DWELLING IN LIEU OF THE REQUIRED 1 RECREATIONAL VEHICLE

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

*See Attached
To be Discussed At Hearing*

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State

Zip Code

Legal Owner(s):

Timothy J Martin

Name - Type or Print

Timothy J Martin

Signature

Patricia K Martin

Name - Type or Print

Patricia K Martin

Signature

410 335-2480

7405 Chesapeake Rd

Address

Balto

City

Md.

State

Telephone No.

21220

Zip Code

Representative to be Contacted:

Name

7405 Chesapeake Rd

Address

Balto

City

Md.

State

Telephone No.

21220

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By LTM

Date 11/3/00

Case No. 00-190-A

REV 9/15/98

This waterfront community is a recreational area conducting to many types of outdoor recreational vehicles. Most home owners own multiple RV's in this area. I would be extremely unfair to require one senior citizen who has resided in the community most of his life to limit RV usage to one vehicle. Neither RV is blocking any road, easement or right of way with in the county. All have current tags and title. To require removal would create an inequity that I believe would not only be onerous, but unfair to single out one resident, what so many other are equally at fault. I have a 16' boat on a trailer and a 19' camper I use both all the time. I have two very nice sons that have boats too, and from time to time they store there boats in my yard through out the winter. Yes this would create hardship for me and my family. I get 5 weeks vacation now and I'm retiring in 4 years. I enjoy boating and camping and helping my sons and neighbors out.

#190

● Zoning Description ●

Zoning Description for 7405 Chesapeake Rd.

Beginning at a point on the South side of Chesapeake Rd.

which is 25' wide at the distance of 70 Southeast of the Centerline of the nearest improved intersection Street Susquehanna Rd. which is 50' wide. Being Lot #2

Block HA Section# HA in the Subdivision of Susquehanna as recorded in Baltimore County Plat Book #12-56 containing 20,000 Square Feet. Also known as 7405 Chesapeake Rd and located in the 15th Election District 5th Councilmanic District.

#190

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

190

No. **073254**

DATE 11/3/99 ACCOUNT 2001 6150

AMOUNT \$ 50.00

PAID BY MARTIN

FOR: TO ZOLLING VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTION 1999
11/05/1999 11/05/1999 12:05:00
REG 10506 CASHIER NOTE YES DEBIT
DEPT 5 509 ZOLLING VARIANCE
SOL 014 8 12/96/99 0111
CR 10 07/25/99

Receipt Tot 50.00
50.00 OK 00 11
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11-26, 1999

NOTICE OF ZONING HEARING

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

Case: #00-190-A

7405 Chesapeake Road

S/S Chesapeake Road, 70' SE of c/i of Susquehanna Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Timothy J. and Patricia K. Martin

Variance: to permit 2 recreational vehicles and 3 boats to be stored on a lot in lieu of the allowed 1 recreational vehicle.

Hearing: Friday, December 17, 1998 at 10:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/30/98 Nov. 25 0356784

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-25, 1999.

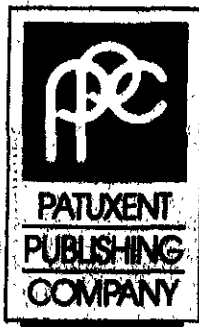
S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

ACCOUNT NO.

PHONE NUMBER

LEGAL ADVERTISING



CTIM5248

4103352480

10750 Little Patuxent Parkway

Columbia, MD 21044

Advertising 410-337-2425 (Ext. 3418) or (Ext. 3425)

Billing 410-730-3990 (Ext. 1217)

TINVEIN 52-2064223

INVOICE NO. C355784

- Columbia Flier
- Howard County Times
- Laurel Leader
- Soundoff!
- Gazette
- Annapolis Times
- Catonsville Times
- Owings Mills Times
- Towson Times
- Northeast Booster
- Northeast Reporter
- Baltimore Messenger
- Jeffersonian
- North County News

TIMOTHY AND PATRICIA MARTIN

7405 CHESAPEAKE ROAD
BALTIMORE MD 21220

00-190-A T & P MARTIN

PAYMENT DUE UPON RECEIPT OF INVOICE

INVOICE DATE

11/24/99

11/25/1	11/25/199	NOTICE OF ZONING HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a	70	1	70	66.50
P.O. NO. J 11/304		ADJUSTMENTS				
		PROOF CHANGES				
		PREPAID AMOUNT				
						66.50

RETURN THIS COPY WITH REMITTANCE

↑
This bill was paid
on 12-3-99 By check
NO. 4240

CERTIFICATE OF POSTING

RE: CASE #00-190-A
PETITIONER/DEVELOPER
(Timothy J. Martin)
DATE OF Hearing
(Jan 13, 2000)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
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
7405 Chesapeake Road Baltimore, Maryland 21220

The sign(s) were posted on 12-28-99
[Month, Day, Year]

Sincerely,


(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 18, 1999

NOTICE OF ZONING HEARING

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S/S Chesapeake Road, 70' SE of c/l of Susquehanna Road
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Legal Owner(s): Timothy J. and Patricia K. Martin

VARIANCE: to permit 2 recreational vehicles and 3 boats to be stored on a lot in lieu of the allowed 1 recreational vehicle.

HEARING: FRIDAY, DECEMBER 17, 1999 at 10:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Timothy and Patricia Martin

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 2, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
November 23, 1999 Issue - Jeffersonian

Please forward billing to:

Timothy and Patricia Martin
7405 Chesapeake Road
Baltimore, MD 21220
410-335-2480

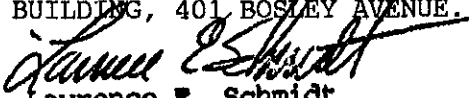
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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
7405 Chesapeake Road, S/S Chesapeake Rd,
70' SE of c/I Susquehanna Rd
15th Election District, 5th Councilmanic

Legal Owner: Timothy J. & Patricia K. Martin
Petitioner(s)

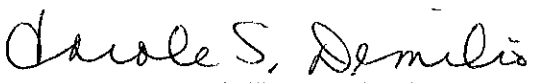
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-190-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Timothy J. & Patricia K. Martin, 7405 Chesapeake Road, Baltimore, MD 21220, Petitioners.


PETER MAX ZIMMERMAN

#100

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-100-A
Petitioner: Timothy J Martin
Address or Location: 7405 Chesapeake Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy J Martin
Address: 7405 Chesapeake Rd.

Telephone Number: 410-335-2480



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 9, 1999

Mr. Timothy Martin
7405 Chesapeake Road
Baltimore, Maryland 21220

Dear Mr. Martin:

RE: Case Number 00-190-A , 7405 Chesapeake Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/3/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 29, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 22, 1999
Items No. 183, 185, 187, 188, 189,
190 191, 192, 193, 194, 195, 196,
197 & 198

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

RWB:HJO:cab

cc: File

ZAC1122.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 29, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 15, 1999

Item No.: See Below

Dear Ms. Stephens:

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:

183, 185, 186, 187, 189, 190, 191, 192, 193, 194, 195, 196,
197, 198

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 17, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - SK
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 190
PETITIONER: Timothy J. Martin and Patricia K. Martin

VIOLATION CASE NO.: 99-3298

LOCATION OF VIOLATION: S/S Chesapeake Rd., 70' SE of centerline
Susquehanna Rd. (7405 Chesapeake Rd.)

DEFENDANT(S): Timothy J. Martin and Patricia K. Martin

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

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/sk/lmh

Sign
12/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 30, 1999

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

NOV 30 1999
30

SUBJECT: 7405 Chesapeake Road

INFORMATION:

Item Number: 190

Petitioner: Martin Property

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the variance request provided that the Zoning Commissioner 1) restricts the storage of boats and recreational vehicles to Martin family members; 2) limits the number of boats and recreational vehicles to a combined total of five such vehicles; and 3) requires the petitioner to replace the current storage building with a more appropriate structure and submit elevations of same to the Office of Planning for review and approval.

If there should be any questions, please contact Karin Brown, Fifth District Community Planner, at 410-887-3480.

Section Chief:

Jeffrey W. Long

AFK/JL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: December 16, 1999

TO: File

FROM: Lloyd T. Moxley *CTM*
Planner II, Zoning Review

SUBJECT: Response to Martin Letter Dated 12/11/99
Zoning Case #00-190-A

- At 9:30 a.m. on December 16, 1999, Mr. Martin returned my telephone call.
- I indicated that his letter was referred to me because I had taken in his petition. I indicated that he responded in the affirmative when I asked both he and his wife if they understood what I was telling them.
- Mr. Martin indicated that he was not made aware of the list of sign posters. I responded that, at some point, he must have been aware of this information because he mentioned it in his letter but that, at this point, it was immaterial. He responded that he was not good at these things.
- I instructed Mr. Martin that his hearing was postponed. I told him he would receive a letter from Baltimore County detailing the new hearing date, time and place, listing the required posting dates and number to call if he has questions. I also told him he will receive a list of approved sign posters and that all of the foregoing would arrive by registered mail. I told Mr. Martin to act upon the instructions immediately upon his receipt of the letter and to call immediately if he had questions.
- I told Mr. Martin that I was to meet with the Code Enforcement Officer (Stuart Kelly), who cited him to determine if the postponement had any ramifications to the \$500 civil penalty found against him in violation case number 99-3298.

LTM:scj

C: Stuart Kelly, Enforcement

00-190-A



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 15, 1999

Mr. & Mrs. Timothy J. Martin
740 Chesapeake Road
Baltimore, MD 21220

Dear Mr. & Mrs. Martin:

RE: Case Number 00-190-A, 7405 Chesapeake Avenue

The above matter, previously scheduled for Friday, December 17, 1999, has been postponed due to the fact that the property was not posted. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small "sq" written below the end of the signature.

Arnold Jablon
Director

AJ:scj

C: Stuart Kelly, Enforcement Inspector





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 16, 1999

Mr. & Mrs. Timothy J. Martin
740 Chesapeake Road
Baltimore, MD 21220

Dear Mr. Martin

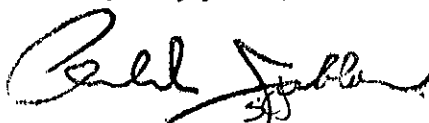
RE: Case Number 00-190-A, 7405 Chesapeake Road

The above matter, previously assigned to be heard on December 17, 1999 has been **rescheduled for Thursday, January 13, 2000 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.** The sign must be posted by December 29, 1999.

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,


Arnold Jablon
Director

AJ:scj

C: Stuart Kelly, Enforcement Inspector

Z 010 916 934

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	Mr. & Mrs. Timothy Martin
Street & Number	740 Chesapeake Rd
Post Office, State, & ZIP Code	Balto MD 21220
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$

Postmark or Date

12/16/99

PS Form 3800, April 1995





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

WHAT IS "PEOPLE'S COUNSEL?"

The position of People's Counsel was created by the citizens of Baltimore County when they amended the Baltimore County Charter in 1974. Originally, People's Counsel was to defend the comprehensive zoning maps, but in 1978 the voters expanded the function to include defense of the master plan and protection of the air, land and water resources of Baltimore County.

People's Counsel is an experienced Attorney, a Baltimore County resident, and a member of the Maryland Bar. The Charter intends that the position be free from political influence, and to act on behalf of the general public. In this connection, after appointment, People's Counsel has tenure, and there is no need for reappointment.

WHAT DOES PEOPLE'S COUNSEL DO?

People's Counsel may appear as a party before local, state, and federal administrative agencies and courts, on behalf of the public in general in land use and environmental cases. People's Counsel's standing in these cases is equal to that of other parties. This means that the office can pursue appeals to the Circuit Court and to the Appellate courts.

In addition, while the office cannot represent any individual person or association, it frequently helps to facilitate the presentation of land use cases

before the Zoning Commissioner or the County Board of Appeals by persons or groups without attorneys.

In accordance with the Charter mandate, People's Counsel also investigates special situations dealing with land use. This may take the form of site visits, consultations with various experts in or out of the county, legal or other research. The County Charter empowers People's Counsel to "have full access to the records of all county agencies," to "be entitled to call upon the assistance of county employees, and" to "have the benefit of all other facilities or information of the county in carrying out his duties."

WHAT MATTERS DOES PEOPLE'S COUNSEL ENTER?

People's Counsel enters an appearance in all cases involving reclassifications, Petitions for variances, special exceptions, and special hearings; as well as other land use related matters, to determine if legal involvement is appropriate. Standards for involvement are based on the possibility of broad public impact; adverse affect on the public health, safety, and welfare; establishment of important precedent for the future; and the existence of significant legal issues.

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

In the Matter of

Civil Citation No. 99-3298

Timothy Martin
Patricia Martin

7405 Chesapeake Rd.

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 3 November 1999, for a hearing on a citation for violations under the Baltimore County Zoning Regulations for operating a service garage for the

repair of boats, illegal storage of recreational vehicles, and failure to obtain a building permit for a temporary structure on residential property zoned DR, located at 7405 Chesapeake Rd.

M. Stuart Kelly, code enforcement inspector, stated that the county received a complaint concerning the use of the property. The property was inspected on several occasions and the inspector found on, 1 August 1999, a camper with expired tags, a recreational vehicle, and a service garage for boats.

On 1 August 1999, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1 and was served on the Respondents.

On 14 September 1999 pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked in evidence as PEx4 and was legally served on the Respondents.

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

The citation described the violations as follows: BCZR, § 101.1; 102.1; 450.A; 415A; BCC, §7-36; BOCA §107.1, running an illegal service garage for boats; illegal recreational vehicles; and failure to obtain a building permit. Further, the citation proposed a civil penalty of \$15,000 to be assessed. A code enforcement hearing date was scheduled for 3 November 1999. The Respondents appeared for the hearing and Timothy Martin testified. The inspector stated that he saw as many as 4 boats on the premises. He stated that a temporary structure had been built to allow work on boats during bad weather. He introduced photographs taken on 23 July 1999 and 26 August 1999, marked in evidence as PEx2 and 3 that showed the violations. The inspector stated that Timothy Martin's son was doing the boat repairs to make extra money. The son has since moved his service garage to another location. Mr. Martin said he has an appointment with zoning for a variance to maintain two recreational vehicles and three boats on his property. Mr. Martin introduced a letter from his neighbors saying that the repair of boats had ceased, and was marked in evidence as RespEx1.

Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed from 1 August 1999.

THEREFORE, IT IS ORDERED by the Code Enforcement Hearing Officer
this 9 day of November 1999, as follows:

1. A civil penalty is imposed in the amount of \$500;
2. The civil penalty in the amount of \$500 shall be suspended on condition the Respondents obtain a variance to maintain two recreational vehicles and three boats. If the Respondents fail to obtain the variance then all but one of the recreational vehicles must be removed or a civil penalty in the amount of \$500 shall be imposed.

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

IT IS FURTHER ORDERED that the inspector, monitor the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County code (effective June 6, 1997), an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

To Whom It May Concern:

We, the undersigned, have no objections to the Martins storing their own boats and RV's on their property. But, Mr Martin has mentioned to at least one neighbor that he will get his boat repair business back by obtaining a variance. In lieu of this, we feel that any variance granted to him should stipulate that any boats stored on his property be registered to him.

This variance should not be so that Mr Martin can have three different boats in his yard each week.

Mr & Mrs Greg J Trotta
7413 Chesapeake Rd

Mr & Mrs Chris Jones
7400 Chesapeake Rd.

Mr & Mrs Robert Crayton 1-8-00
7411 Chesapeake Rd.

Mrs. Steve Taylor
7358 Chesapeake Rd 1-11-00

Bobbie Gajarsik
7405 Gwynedd Rd. 1-11-00

→ wants name taken off

To Whom It May Concern:

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This variance should not be so that Mr Martin can have three different boats in his yard each week.

Mr. Theodore P. Boyer 1-8-2000
7407 CHESAPEAKE RD.

Marcel Smith
7414 Chesapeake Rd.

William W. Schell
7415 Chesapeake Rd.

Mr & Mrs Louis Lomas
7419 Chesapeake Rd. 21220

Mr & Mrs. Michael E. Mullen
7421 Chesapeake Rd. 21220

Raymond M. Reimer
7440 Greenbank Rd. 21220

7111
7361 CHESAPEAKE RD
B

December 11, 1999

Case # 00-190-A
7405 Chesapeake Road
s/s Chesapeake Road, 70' SE of c/1 of Susquehanna Road
15th Election District-5th Councilmanic District
Legal Owner (S) : Timothy J. and Patricia K. Martin

TO WHOM IT MAY CONCERN:

This is in reference of the zoning notice sign that was supposed to be post on the property of Timothy and Patricia Martin.

We were under the impression that the county was sending the sign for us to post, but as it stands at this point we do not have a sign or did we receive a listing of names to require about getting the sign made up.

Either the county did not send the paper with the names on it to contact or it got lost in the mail, and not knowing the sign was not made or posted.

We are sending you a copy of what papers the county send to us since we replied for the variance . At this point I do believe we were poorly informed of our rights to comply with the county.

Timothy J Martin
Patricia K Martin

00-190-A

To Whom it May Concern,

Mr. + Mrs. Stephen Taylor of
7358 Chesapeake Road wish to
Respectfully withdraw our signatures
from the petition Case #00-190-A
Concerning the Martins Zoning
Ordinance, We did not fully
understand the scope of the
Petition.

Thank You,
Mrs. Stephen Taylor

1-12-00

State of Maryland
County of Baltimore
Sworn and subscribed in due form
before me, this 12 day
of January 19 2000

Donald D. Seeger

My Commission Expires Dec 1, 2002

Sandy & Ted

Would it be a problem if Tim & Pat
Stored RV's on our property?

yes

no

Sign - I have no problem as long as
it doesn't get out of hand. Sandra & Boyer
7407 Chesapeake Rd
Baltimore Md. 21220

Sis Billings

Would it be a problem if Tim & Pat
Stored RV's on our property?

yes

(no)

Sign Madeline Billings

Michael R. Perry

Would it be a problem if Tim & Pat
Stored RV's on our property?

yes

(no)

Sign

Michael R. Perry
7400 CHESAPEAKE RD
BALT. Md. 21220
MICHAEL ROBERT ASBURY

190



View - Front of House
100 by 200



View of Back yard
100 by 200

#190



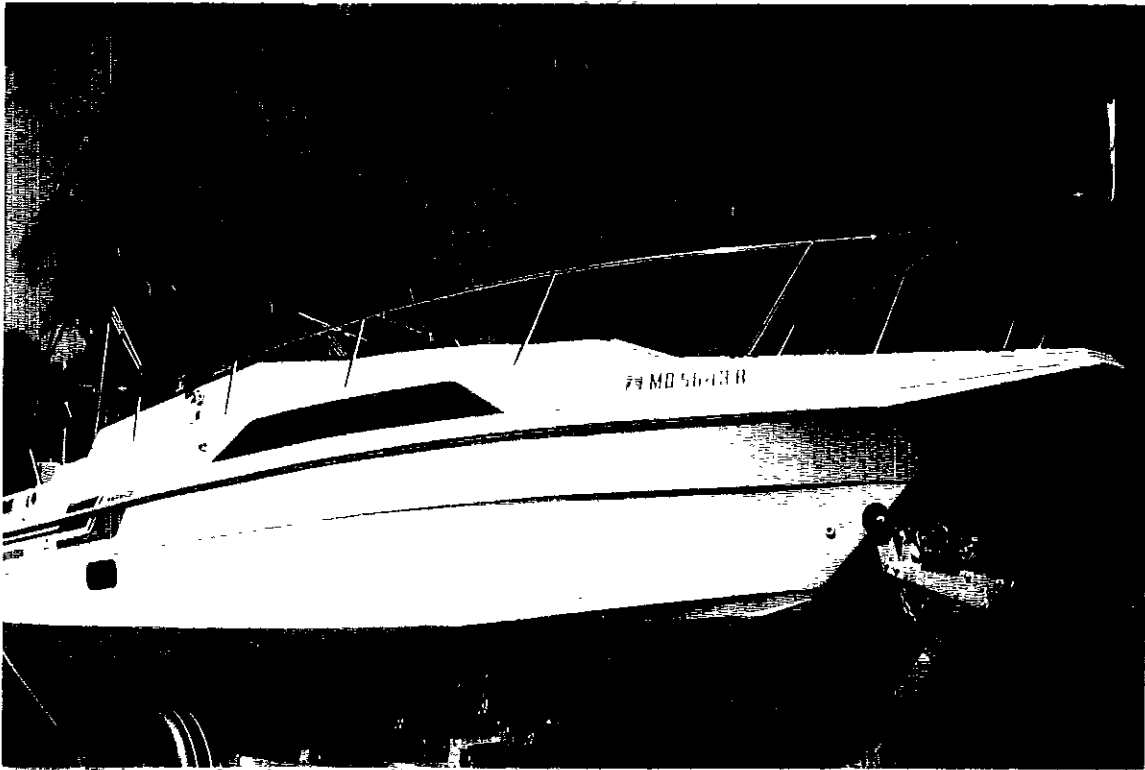
Side view of Property where boat and
camper sits

2 1/2 car drive way - 20 feet wide
100 by 200



Better view of Side Property

2 1/2 car drive way - 20 feet wide
100 by 200 #190



Feith

Son's boat That might be stored on property



Scott

Son's Boat That might be stored on property

190

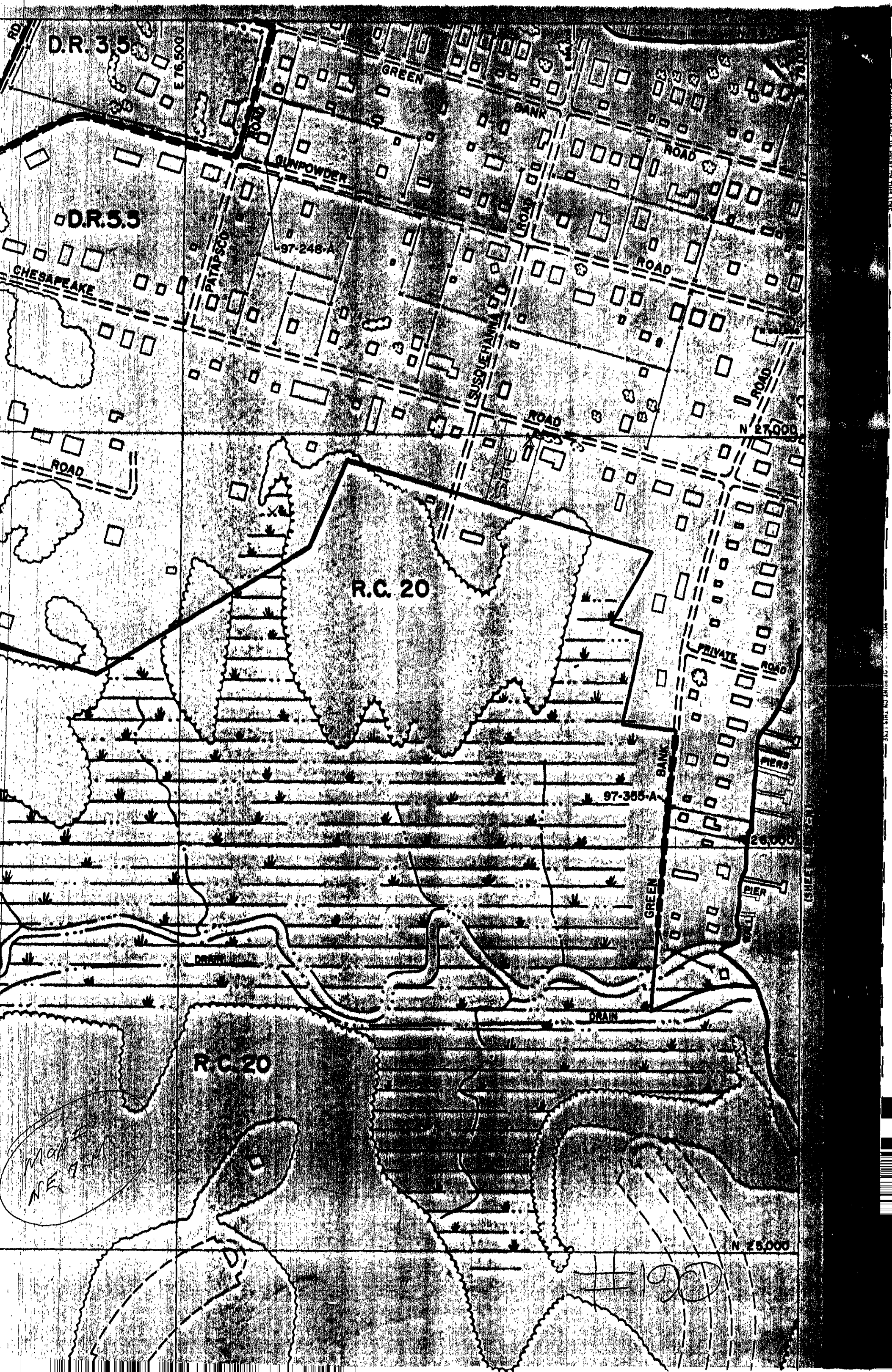
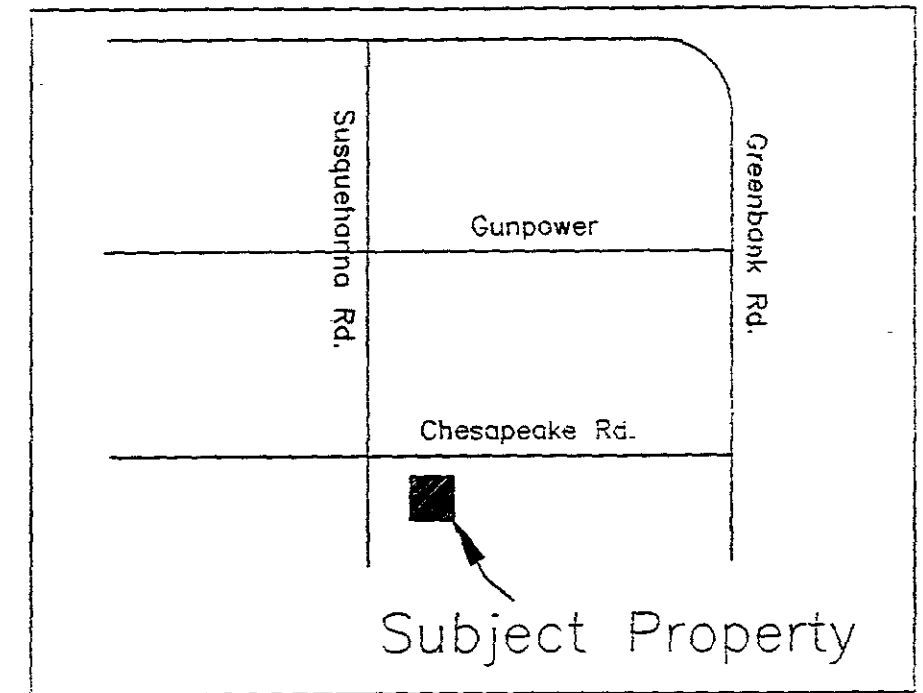


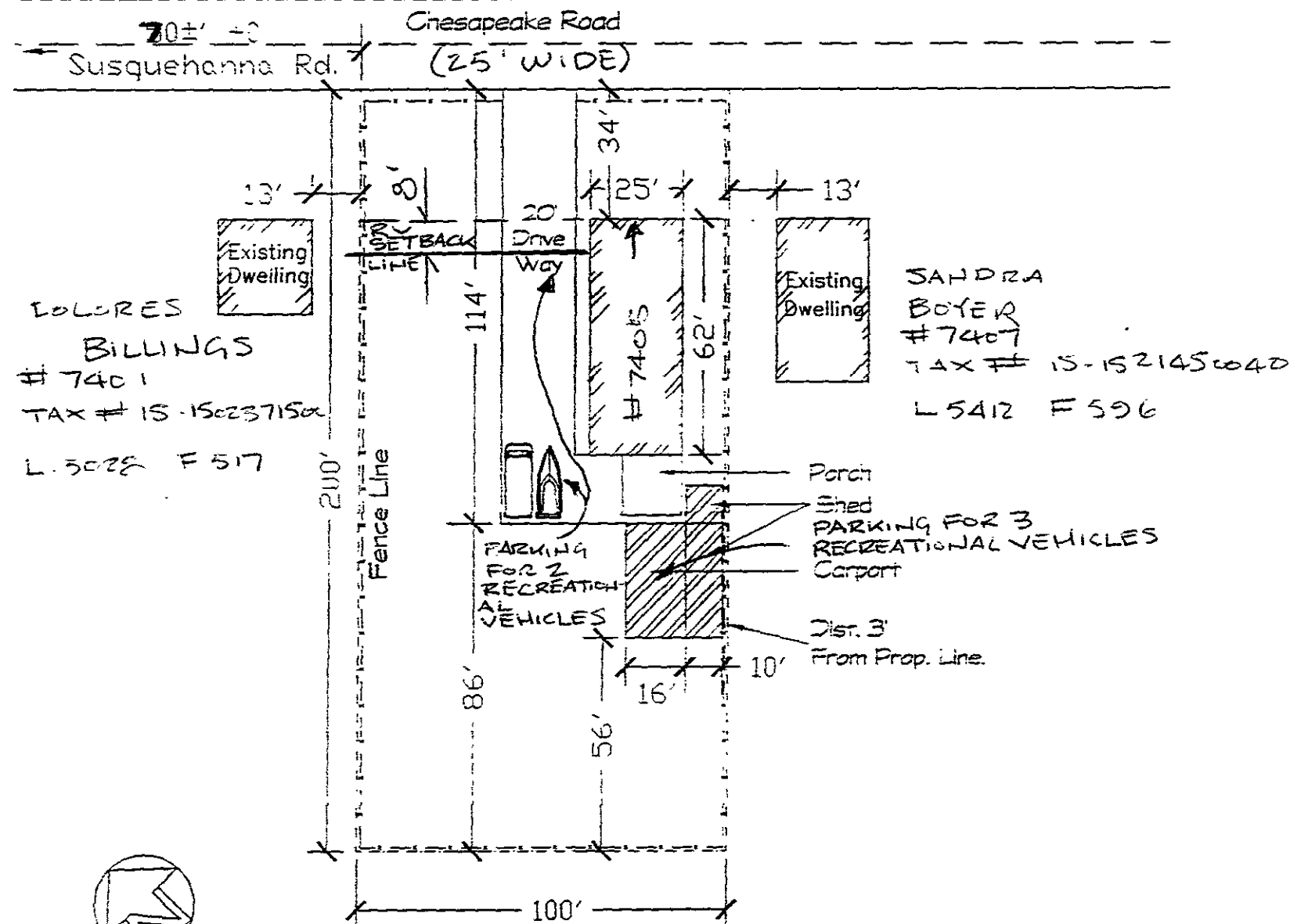
Plate to Accompany Petition for Zoning Variance
Owner Name: Timothy & Patricia Martin
Location: 7405 Chesapeake Rd., Baltimore, Md. 21220
Records of Baltimore County in Plate Book C.W.B. JR, Number 12-56.



Area Map

Location Information

MATIC
Council ~~Mark~~ District 5
Election District 15
Zoning (Residential) DR-5.5
Lot Size .49AC/20,000Sq.Ft.
~~average square feet~~
Sewer X=Public
Water X=Public
Chesapeake Bay Critical Area-Yes
Prior Zoning Hearing None
Zoning Map # NE, 7-M
VIOLATION NOTICE # 99-32-98



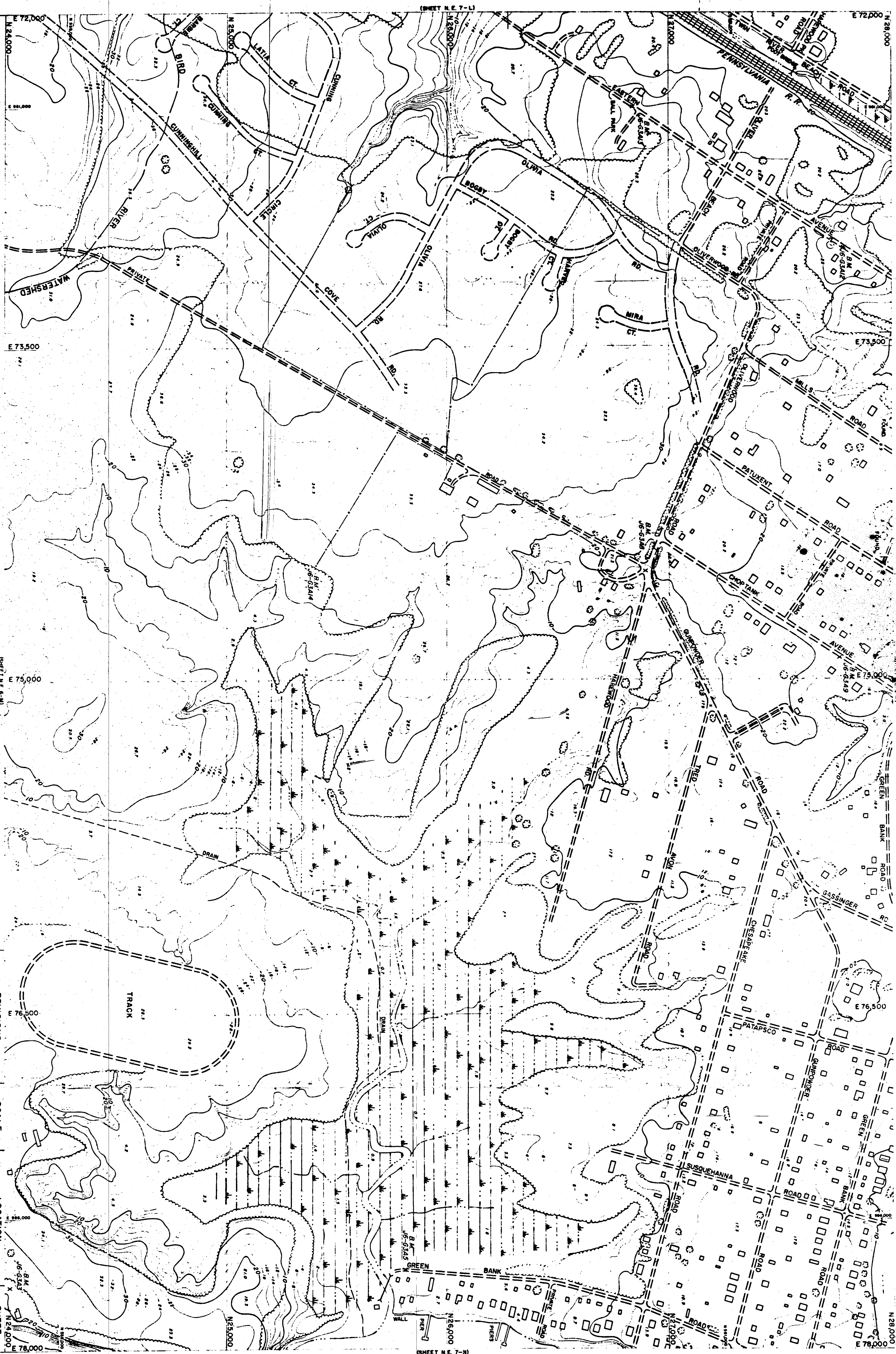
PLAN VIEW.

Scale: 1" = 40'

STATE PARK
LANDS
(ST OF MD)

PREPARED BY LM

JOB NAME: Subject Property of Owner Timothy & Patricia Martin LOCATION: 7405 Chesapeake Rd.	
	Scale: As Noted
	DATE: Oct. 18, 1999
	NO NUMBER 1 SHEET: 1 of 1
DESCRIPTION: Plat Drawing of Lot #112 and #113	00-190-A 



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
BY	DATE				
	9-1-51		1" = 200'	HAREWOOD	N.E.
DATE OF PHOTOGRAPHY				OLIVER BEACH	7-M
DEC. 1954					
Topography Compiled By Photogrammetric Methods					
ABRAMS AERIAL SURVEY CORP. LANSING, MICH.					

#190