IN RE: PETITION FOR VARIANCE
S/S of Martell Avenue, 1,175' E
of East Avenue
12th Election District
7th Councilmanic District
(7145 Martell Avenue)

V & W Homes, LLC By: Wayne M. Wilson, President Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-144-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed for property located at 7145 Martell Avenue. The Petitioners are requesting a variance to permit a lot width of 50 ft. for an existing dwelling in lieu of the required 55 ft.

Appearing at the hearing on behalf of the variance request was Vince Moskunas, a representative of Site Rite Surveying, Inc., the firm that prepared the site plan of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 11,600 sq. ft., zoned D.R.5.5. The subject property is improved with a single-family residential dwelling. The owner of the property also owns an adjacent vacant lot. That vacant lot is the subject of a variance request filed in Case No. 03-145-A. The property owner is interested in constructing a new single-family dwelling on the unimproved lot. By doing so the variance is generated for the lot whereupon his house sits.

The two properties, which are the subject of these companion zoning cases, are located on the south side of Martell Avenue in Dundalk. All homes located in this area are constructed on lots with a width of 50 ft. Furthermore, the subdivision itself was created in 1910. the existing house meets all setback requirements. Based on the testimony and evidence offered at

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the hearing and the lack of opposition, I find that the variance should be granted to allow the existing house to remain on Lot #69 in its present configuration.

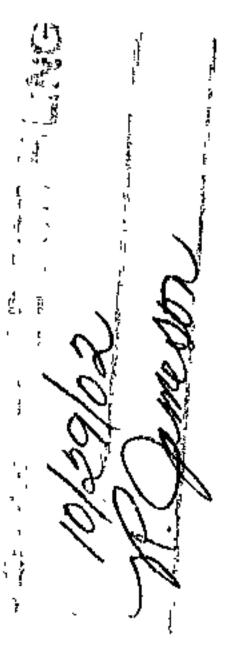
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

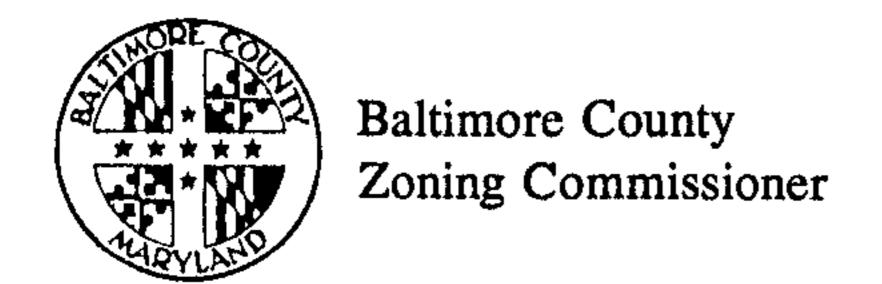
THEREFORE, IT IS ORDERED this Aday of October, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to allow a lot width of 50 ft. for an existing dwelling in lieu of the required 55 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

October 29, 2002

Mr. Vince Moskunas Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson, Maryland 21286

> Re: Petition for Variance Case No. 03-144-A

> > Property: 7145 Martell Avenue

Dear Mr. Moskunas:

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,

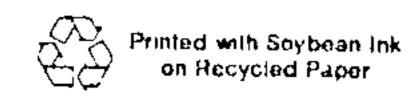
Timothy M. Kotroco

Muthy Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Wayne M. Wilson c/o V & W Homes, LLC 502 Sylvan Way Pasadena, MD 21122





# Petition for Variance

is the subject of this Petition.

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

to the Zoning Commissioner of Baltimore County, for the property located at 145 MWHILL AVENUE. which is presently zoned DF 5.5

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) 1 Bo 2.3. C. 1 To purmit a lot Widh of 50' (for an existing dwelling) in liw of the required 55 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:

(indicate hardship or practical difficulty)
1. Lot of record on plat recorded in 1910, all lots along Martell Avenue have a 50' street front, which was the standard lot width at the time approved.

Relief required will not cause injury to the public health, safety or general welfare and meets

the spirit and intent of the BCZR.

Strict compliance with the zoning regulations would unreasonably prevent the use of the property for the permitted purpose. 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.

V& W Homes, WC Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code Signature State City **Attorney For Petitioner:** Telephone No. Address Zip Code State City Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code State City Zip Code State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By SET WITH # 145

### ZONING DESCRIPTION #7145 MARTELL AVENUE

144

BEGINNING AT A POINT ON THE SOUTH SIDE OF MARTELL AVENUE WHICH IS 50 FEET WIDE AT THE DISTANCE OF 175 FEET EAST OF THE CENTERLINE OF EAST AVENUE WHICH IS 50 FEET WIDE. BEING LOT NO. 69 IN THE SUBDIVISION OF "JUSTUS MARTELL" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 4, FOLIO NO. 82, CONTAINING 11,600 SQUARE FEET, MORE OR LESS. ALSO KNOWN AS #7145 MARTELL AVENUE AND LOCATED IN THE 12TH. ELECTION DISTRICT, 7TH. COUNCILMANIC DISTRICT.

J. TILGHMAN DOWNEY, JR.

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SUITE 101 TOWSON, MD 21286 (410)828-9060

			CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 9 18 02 ACCOUNT DO COLG 6150	FOR LARCE KFC. LIT	DISTRIBUTION  ITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

HOTICE OF ZONING

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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: #03-144-A
7145 Martell Avenue
S/side of Martell Avenue
1,175' east of East Avenue
12th Election District
Th Councilmanic District
Legal Owner(s) V&W Homes,
LLC, Wayne M Wilson, V.P.
Variance: to permit a fot width of 50 ft (for an existing dwelling) in lieu of the required 55 feet
Hearing: Monday, October
28, 2002 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-

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 the File and/or
Hearing Contact the Zoning
Review Office at (410) 8873391

# TE OF PUBLICATION

10/17/2002

THIS IS TO CERTIFY, that the annexed advertisement was published

successive weeks, the first publication appearing ewspaper published in Baltimore County, Md., in the following weekly no once in each of

X The Jeffersonian

0

Arbutus Times

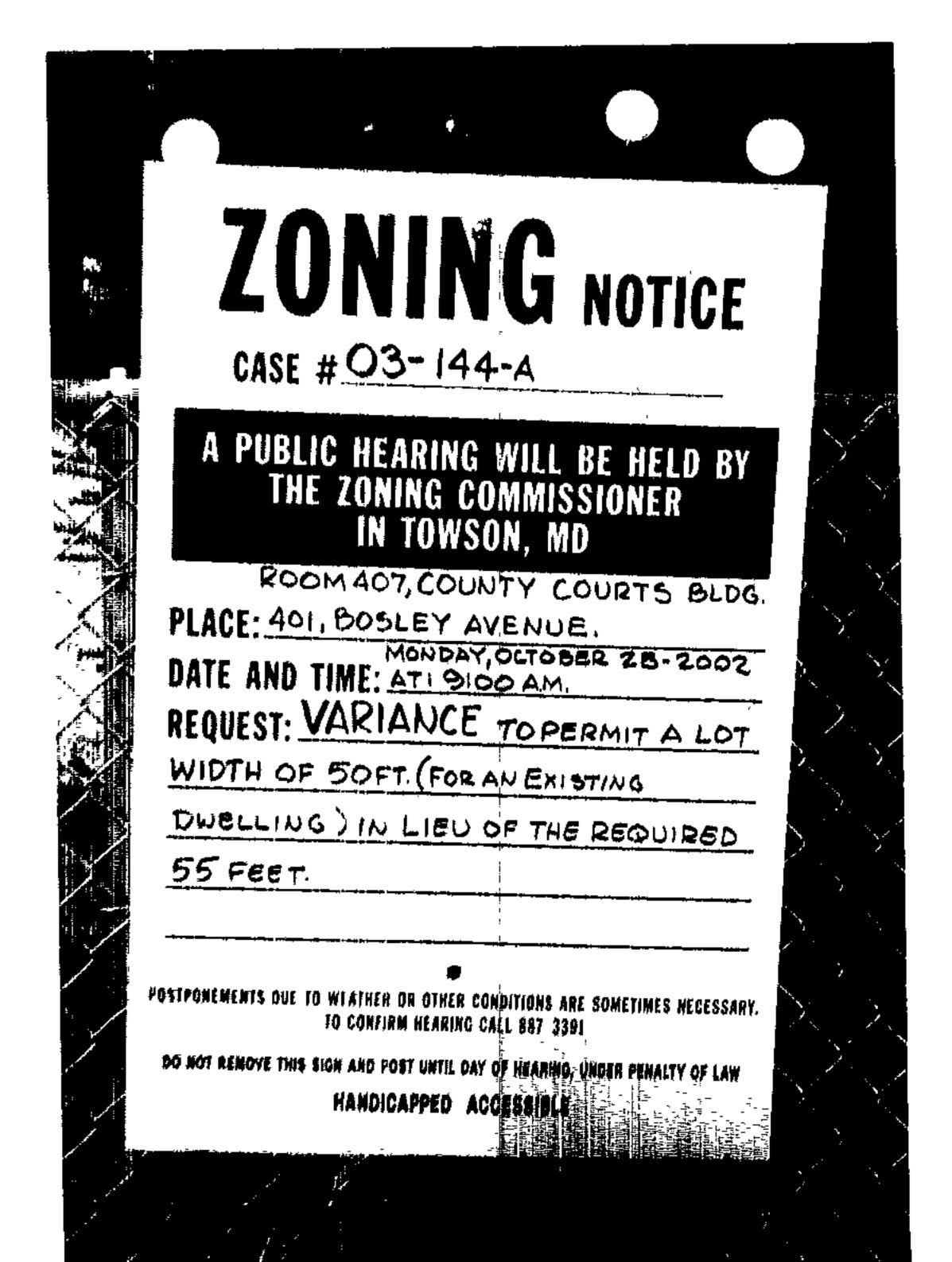
Catonsville Times

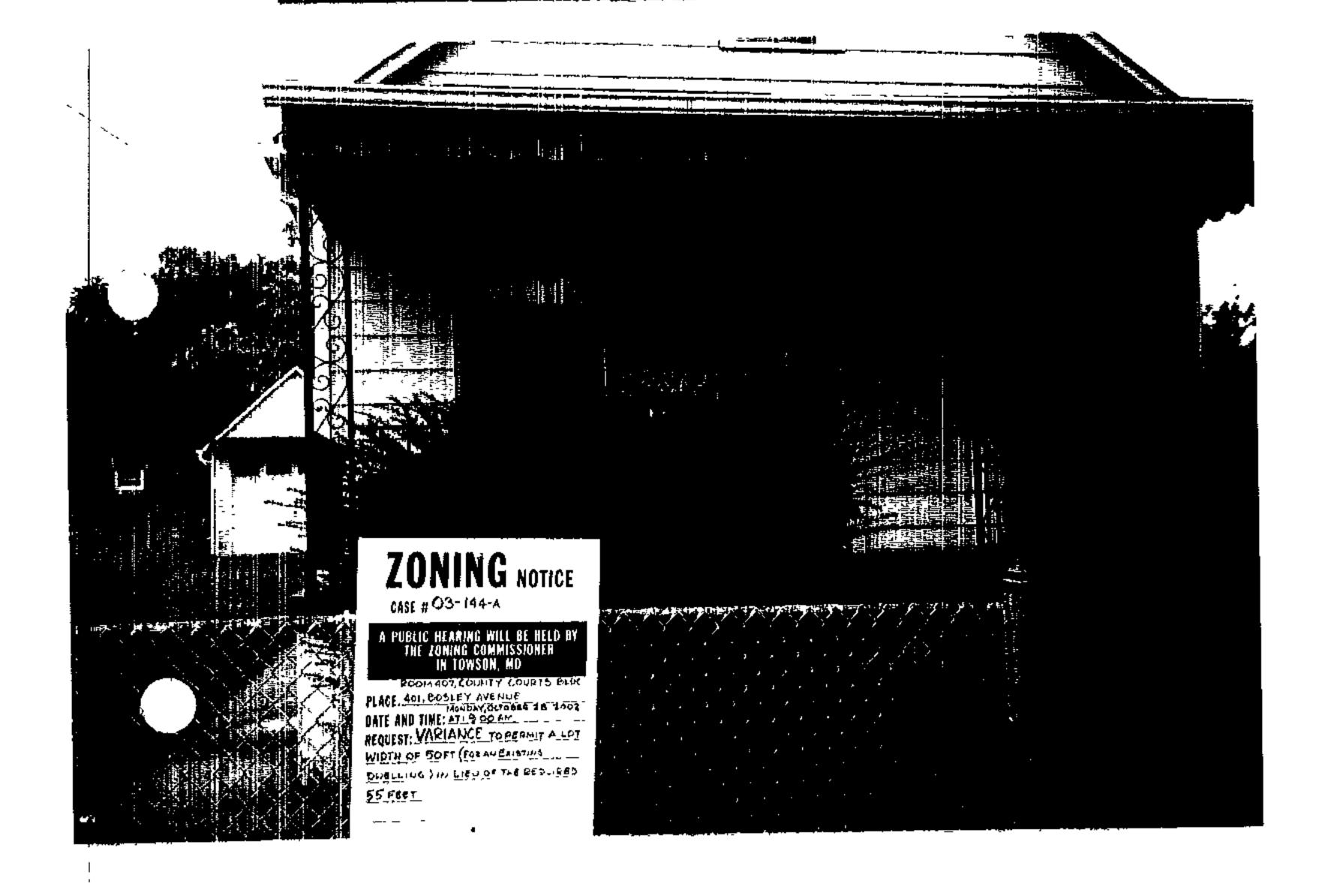
Towson Times

Owings Mills Times

NE Booster/Reporter North County News Mulmer

LEGAL ADVERTISING





## CERTIFICATE OF OSTING

:	RE: Case No.: 03-144-A
	Petitioner/Developer:
	V&W HOMES, LLC
	Date of Hearing/Closing: <u>の(7. 7%)</u> 7.00
Permits County 111 We	ie County Department of and Development Management Office Building, Room 111 st Chesapeake Avenue , MD 21204
Attentic	n: Ms. Gwendolyn Stephens
Ladies a	ind Gentlemen:
	ter is to certify under the penalties of perjury that the necessary sign(s) required by law sted conspicuously on the property located at
<del></del>	THE INDICE AND
The sign	(s) were posted on OCTOBER 12, 2007.  (Month, Day, Year)
	Sincerely,  Signature of Sign Poster and Date)
	GARLAND E, MOORE (Printed Name) 3225 RYERSONI CIRCLE
	(Address)  BALTIMORE, MD, 21227  (City, State, Zip Code)
	(410) 242-4263 (Telephone Miniber) VED
	DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

RE: PETITION FOR VARIANCE
7145 Martell Avenue S/side Martell Ave.
1,175' east of East Avenue
12<sup>th</sup> Election District 7<sup>th</sup> Councilmanic
District
Legal Owner: V & W Homes, LLC
Wayne M. Wilson, VP

Petitioner(s)

\* BEFORE THE

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 03-144-A

### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

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

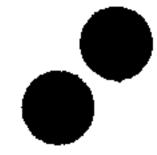
### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD. 21286 Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 15 2002 Issue – Jeffersonian

Please forward billing to: Wayne M. Wilson, VP

410-320-5316

502 Sylvan Way

Pasadena, MD 21122

### **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 NUMBER: 03-144 A

7145 Martell Avenue

S/side Martell Ave. 1,175 ft. east of East Avenue Election District 12th - Councilmanic District 7th

Legal Owner: V & W Homes, LLC, Wayne M. Wilson, V.P.

VARIANCE to permit a lot width of 50' (for an existing dwelling) in lieu of the required 55 feet.

Hearing: Monday October 28, 2002 at 9:00 am in Room 407 County Courts Building 401 Bosley Avenue

Lawrance B. Schmidt

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES:

(1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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.



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

September 27, 2002

### 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 NUMBER: 03-145 A

7143 Martell Avenue

S/side of Martell Ave., 125 ft. east of East Avenue Election District 12th - Councilmanic District 7th

Legal Owner: V & W Homes, LLC, Wayne M. Wilson, V.P.

VARIANCE to permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersize lot.

HEARING: Monday, October 28, 2002 at 10:00 a m in Room 407, County Courts Building 401 Bosley Avenue

Arnold Jablon

Director

Cc: Wayne M. Wilson, V & W Homes, Inc. 502 Sylvan Way Pasadena MD 21122 Site Rite Surveying 200 E. Joppa Road Room 101 Towson, MD 21286

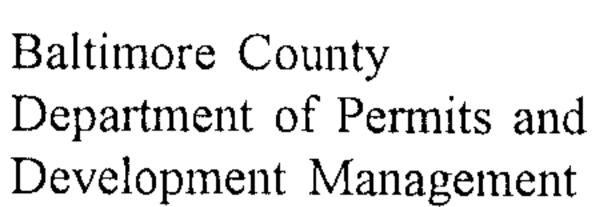
NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Monday. October 14, 2002

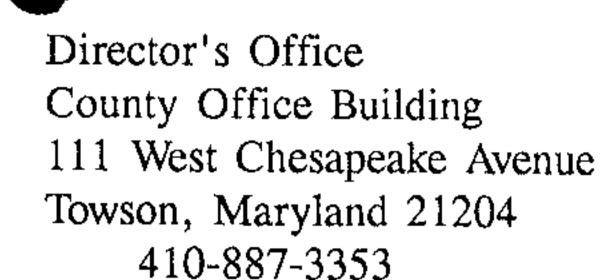
HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Gravland Please post these signs and sind me cutification please.







Fax: 410-887-5708

September 27, 2002

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CASE NUMBER: 03-144 A

7145 Martell Avenue

S/side Martell Ave. 1,175 ft. east of East Avenue Election District 12th - Councilmanic District 7th

Legal Owner: V & W Homes, LLC, Wayne M. Wilson, V.P.

VARIANCE to permit a lot width of 50' (for an existing dwelling) in lieu of the required 55 feet.

HEARING: Monday October 28, 2002 at 9:00 am in Room 407 County Courts Building 401 Bosley Avenue

Arnold Jablon

Director

Cc: Wayne M. Wilson, V.P. V & W Homes 502 Sylvan Way, Pasadena, MD 21122 Site Rite Surveying, Inc. 200 E. Joppa Rd. Room 101, Towson, MD 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .Monday October 14, 2002

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.



### 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

October 28, 2002

Mr. Wayne Wilson, Vice President V & W Homes, LLC 502 Sylvan Way Pasadena, MD 21122

Dear Mr. Wilson

RE: Case Number: 03-144-A, 7145 Martell Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:rje

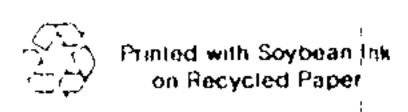
Enclosures

c:

Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson, MD

People's Counsel

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



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### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO

Arnold Jablon, Director Department of Permits & Development Management

**DATE:** October 22, 2002

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 7, 2002

Item Nos. 131, 133, 134, 135, 136, 137, 138, 139, 142, 143, 144, 145,

and 146

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

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB 1717

DATE:

October 23, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of September 30, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

44

132-138, 143-146

Suns

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 2, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

\*GT - 3 2002

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 03-132, & 03-144, & 03-145

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by

Section Chief:

AFK/LL:MAC







### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 10.1.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 144

JL

Dear. Mr. Zahner:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Grull

L.

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

# PLEASE PRINT CLEARLY

CASE NAME 7143 MARTCL AVE
CASE NUMBER 03-145-A 90CLOCK
DATE 10-28-02-145-A 100CLOCK

# PETITIONER'S SIGN-IN SHEET



Parris N Glendening
Governor

Kathleen Kennedy Townsend

Lt. Governor

Røy W. Kiemtz Secretary Mary Abrams Deputy Secretary

September 27, 2002

Mr. George Zahner
Baltimore County Dept. of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

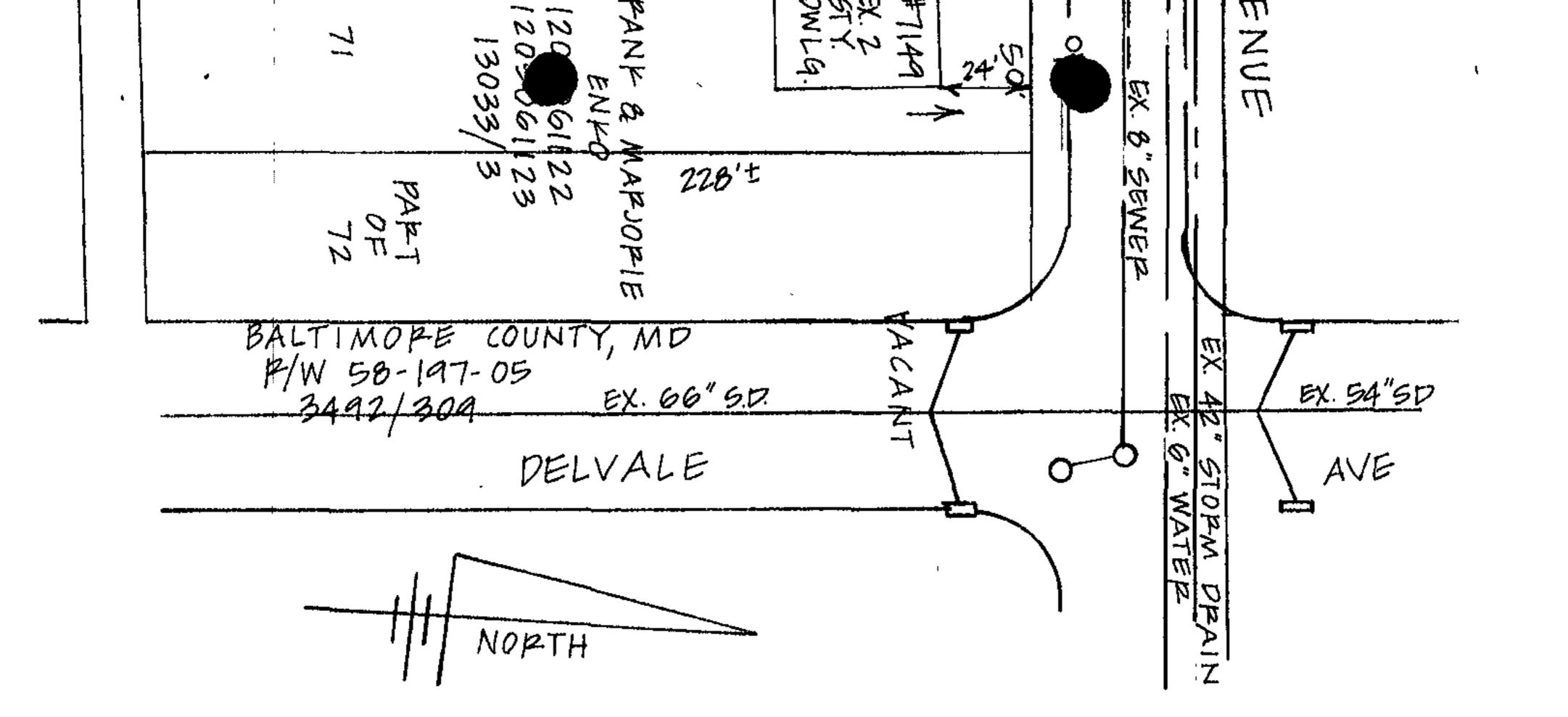
Manager

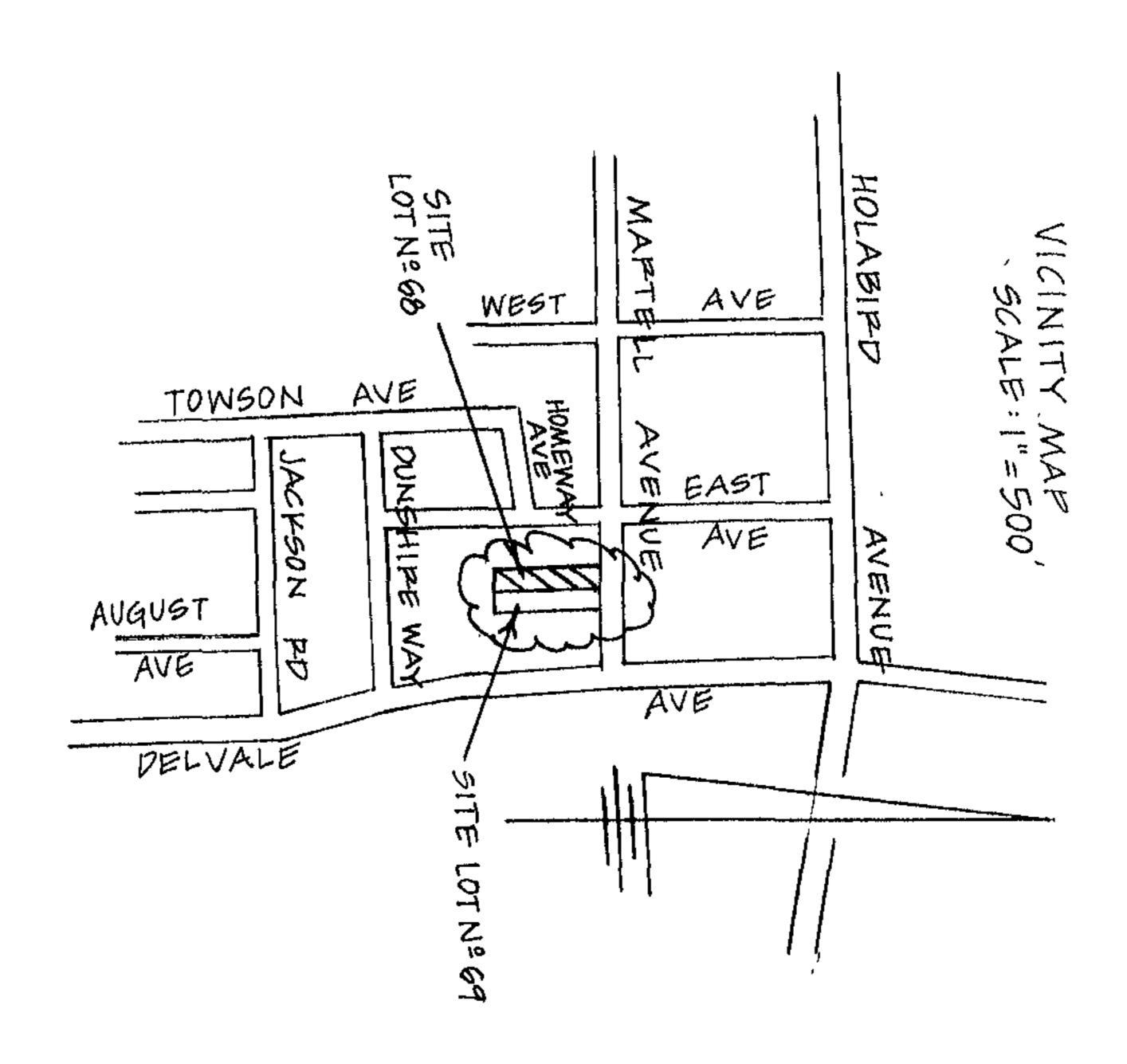
Metropolitan Planning

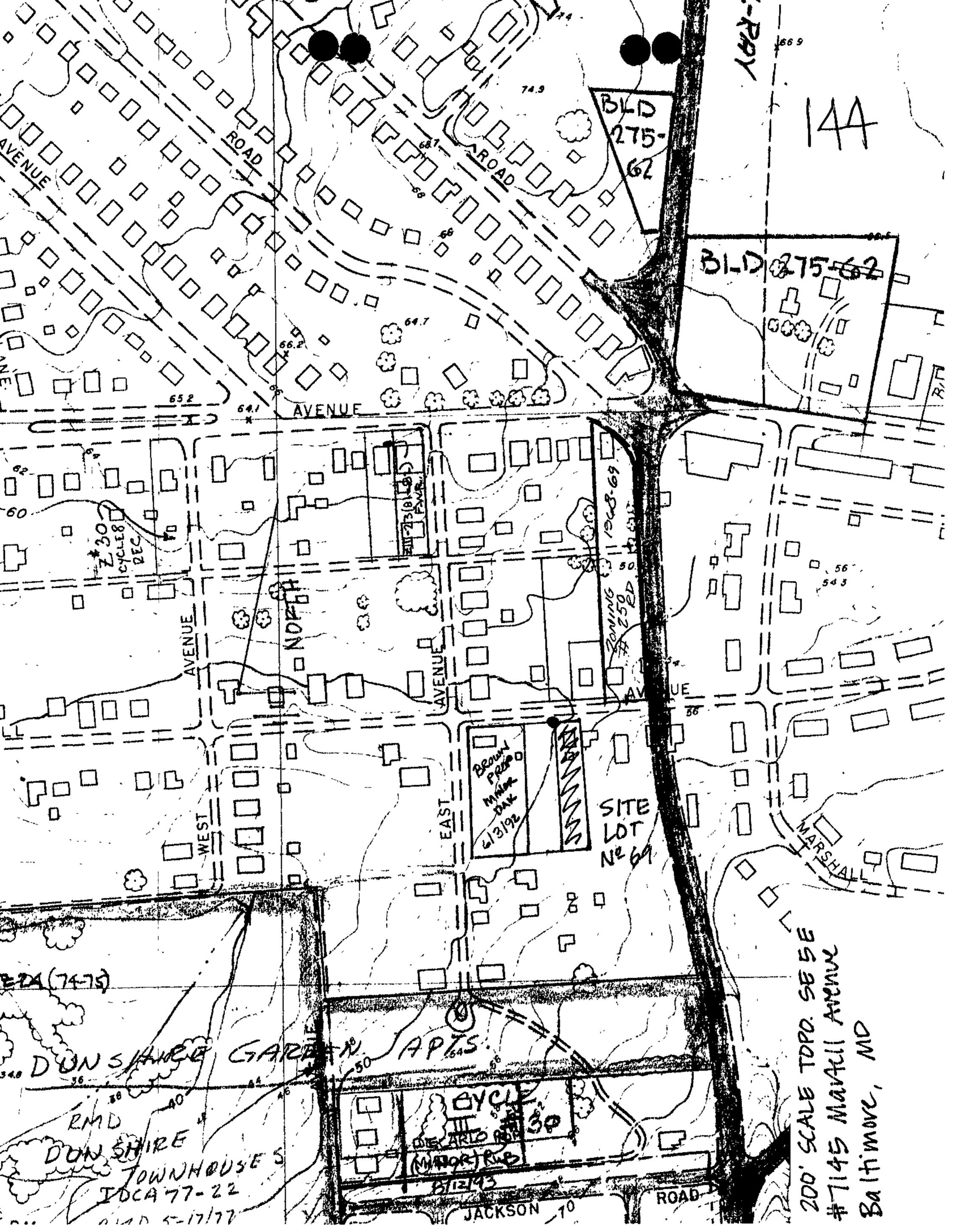
Jania Refile

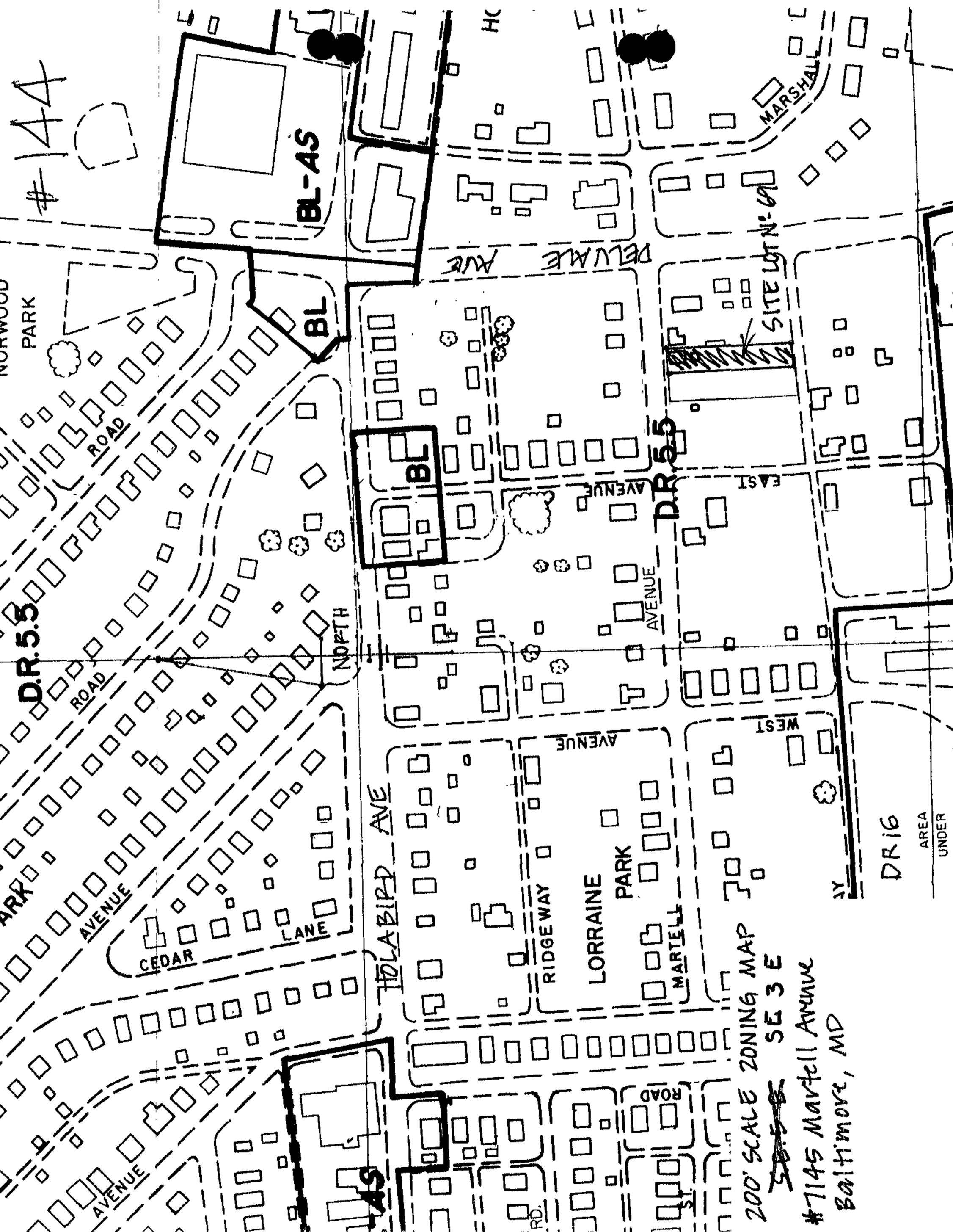
Local Planning Assistance Unit

cc: Mike Nortrup



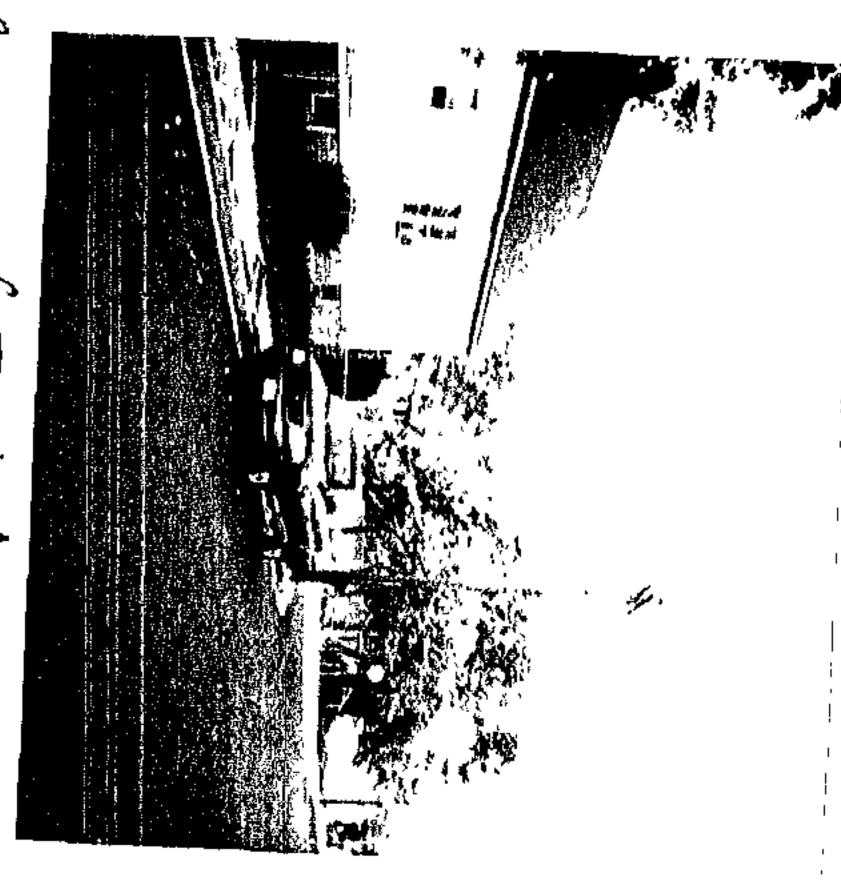






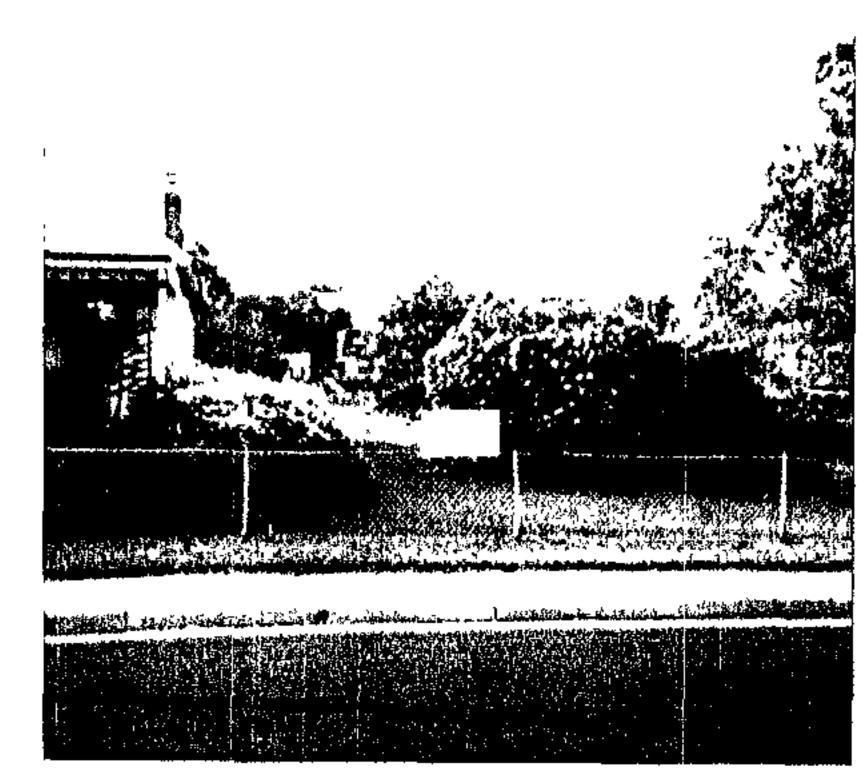
Jan Jan

Corner of East Avenue and Martil Arence





Subject Proputy/10+ to the right fairing East Ave.



Subject Property 7143 Martell Avenue

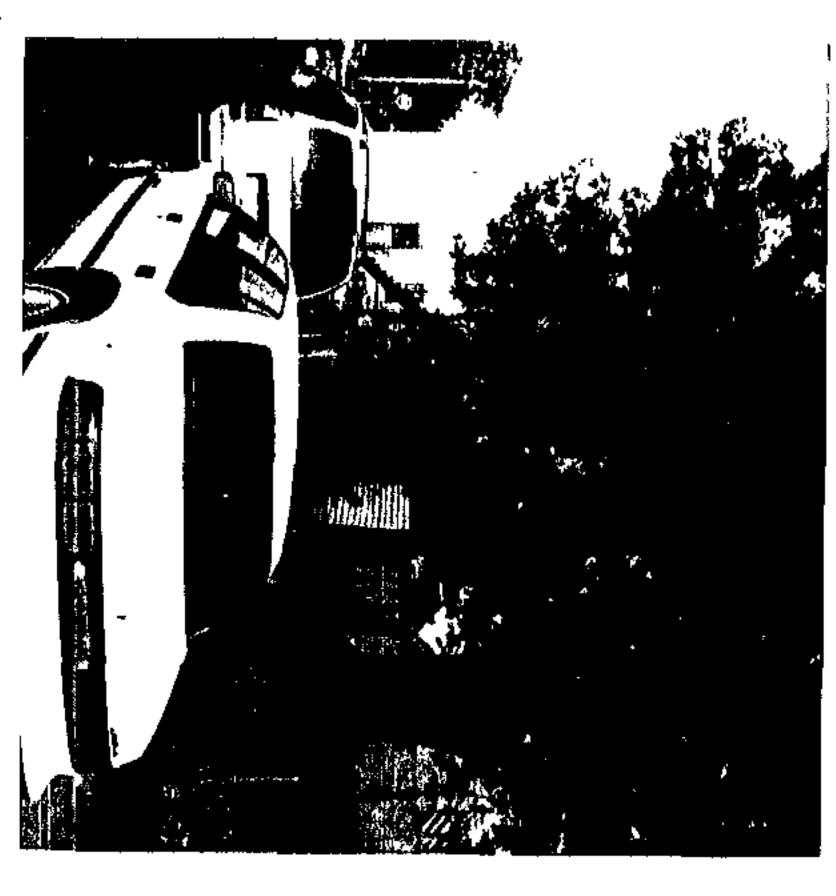


#7145 Martl Avenue



#7147 Mantell. Avenue

Corner of East Are, and on Mark! Arena





Aaross me street 7142 Martell Avenue



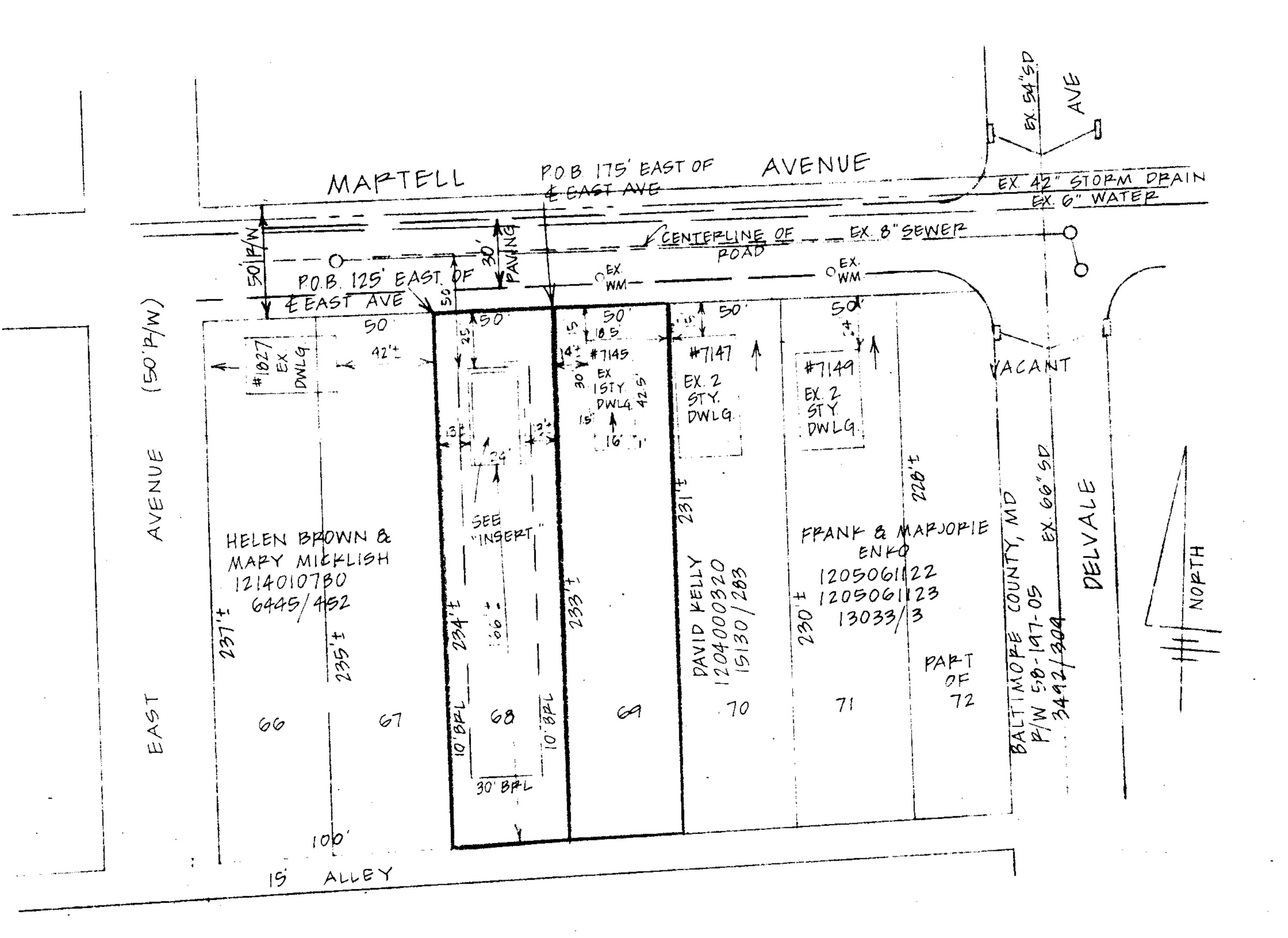
Vacant 10+ across the street #7144 Martell Avenue



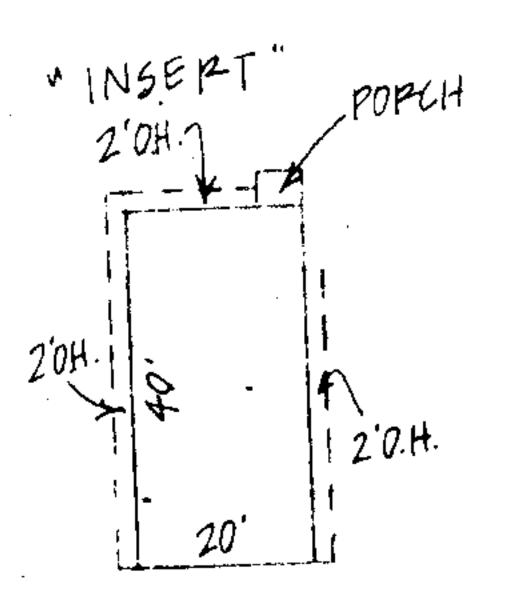
Looking toward East Ave



toward Delvale Avenue



Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286 (410)828-9060



PROPOSED DWELLING LOT Nº 68 SPLIT FOYER SCALE: 1" = 30"

VICINITY MAP SCALE: 1"=500

GENERAL NOTES

1. 101 SIZF: 101 NO. 63: 11.675 S.F.+/- OR 0.268 AC.+/-101 NO. 69: 11.600 S.F.+/- OR 0.266 AC.+/-

2. EXISTING ZONING: D.R. 5.5 SE 3-E

3. PUBLIC WATER AND SEWER AVAILABLE

4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA

5. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AREA COMMUNITY PANEL NO.: 240010 0420B

ZONE: "C"

6. NOT LOCATED IN THE HISTORIC AREA

7. EXISTING USE LOT NO. 68: VACANT

FXISTING USE LOT NO. 69: SINGLE FAMILY DWELLING

3. FROPOSED USE LOT NO. 68: SINGLE FAMILY DWELLING

PROPOSED USE LOT NO. 69: SINGLE FAMILY DWELLING 10 REMAIN 9. NO FRIOR ZONING HISTORY FOR EITHER 101

10. CONTIGUOUS OWNERSHIP FOR LOT NOS. 68 & 69

PLAT TO ACCOMPANY PETITION FOR

VARIANCE FOR LOT NO. 69 LOT NO. 68: #1413 MARIFH AVENUE PM

1.01 NO. 69: #7145 MARTELL AVENUE "JUSTUS MARTELL"

ELECTION DISTRICT NO. 12 COUNCII MANIC DISTRICT NO. 7 BALTIMORE COUNTY, MARYLAND SCALE: 1" = 50"

SEPTEMBER 19,2002 8638

OWNER: V&W HOMES, ILC WAYNE WILSON. V.P. 502 SYIVAN WAY PASADENA, MD 21122 TAX MAP: 103 GRID: 10 PARCEL: 425 TAX ACCOUNT: 1212022470 DEED REF.:



## Baltimore County Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

September 27, 2002

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

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 144

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

cc: File

RECEIVED

