IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Martha Avenue, 62 ft. SE
from centerline of Sparrows Point Road
15th Election District
7th Councilmanic District
(7204 Martha Avenue)

Darlene & Edris Evans, III

Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-201-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Darlene and Edris Evans, III. The variance request is for property located at 7204 Martha Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 5 ft. side yard in lieu of the required 10 ft. side yard and from Section 301.1A of the B.C.Z.R., to allow an open porch with a front yard setback of 17 ft. in lieu of the required 18.75 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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

Sich Fichier Frank Frank

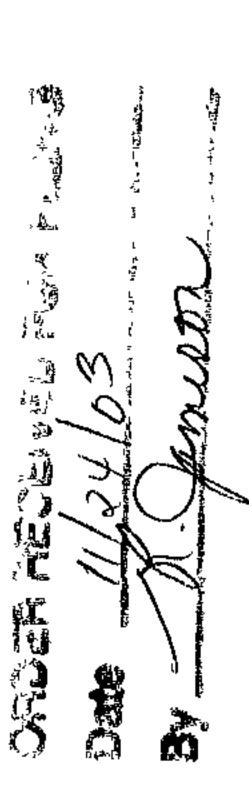
that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In addition, a Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 4, 2003 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof.

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 day of November, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 5 ft. side yard in lieu of the required 10 ft. side yard and from Section 301.1A of the B.C.Z.R., to allow an open porch with a front yard setback of 17 ft. in lieu of the required 18.75 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

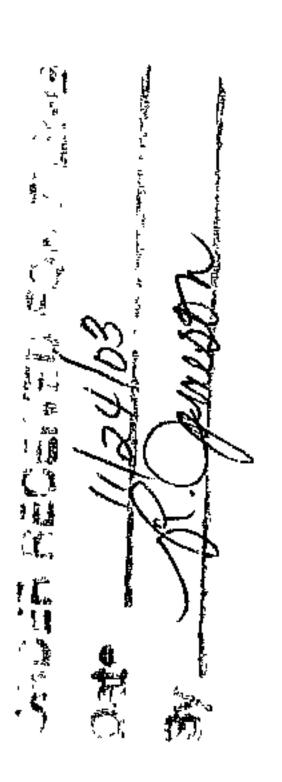
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioners' existing garage must be razed prior to the construction of the proposed garage with the second story living area;
- 3. Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by DEPRM on November 4, 2003, a copy of which is attached hereto and made a part hereof.



- 4. Compliance with any standards/regulations relative to construction in the flood plain, which may be implemented by the Bureau of Development Plans Review and the Department of Permits & Development Management.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 7204 MARTHA AVENUE which is presently zoned D.R. 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)

1802.3. C. I TO ALLOW A 5 FOOT SIDE YARD IN LIEU OF THE REQUIRED TO FOOT SIDE YARD AND SECTION 301. IA TO ALLOW AN OPEN PORCH WITH A FRONT YARD SETBACK OF IT FEET IN LIEU OF THE REQUIRED 18.75 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 declar perjury, that I/we are the is the subject of this Pet	legal owner(s) of the	ne penalties of property which
Contract Purchaser	Lessee:	•	Legal Owner(s):		
Name - Type or Print	<del>-</del>	· · · · · · · · · · · · · · · · · · ·	Name - Type of Print	5 <u>III</u>	<del></del>
Signature	<del></del>	<del></del>	Signature	Zunt-	<del></del>
Address	<u> </u>	Telephone No.	DAR LENE LEE Name - Type or Print	EVANS	<del></del>
City	State	Zip Code	Signature	ee Cuc	ens
Attorney For Petition	ner:		7204 MARTI- Address	A AVENUE	410)4-77-280 Telephone No.
Name - Type or Print		····	BALTIMORE	MD.	21219
	•		Representative to t	State	Zip Code
Signature			DAVID W. BILLING CENTRAL ORAFT	IGSLEY	SIGN. INC
Company	••••••••••••••••••••••••••••••••••••••		Name	COURT (410)	· · · · · · · · · · · · · · · · · · ·
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	M0. State	7104-0 Zip Code
A Public Hearing having be this day of regulations of Baltimore Count	en formally demande that y and that the property	d and/or found to be the subject matter of to be reposted.	required, it is ordered by the Z his petition be set for a public hea	oning Commissioner of aring, advertised, as req	Baltimore County, ulred by the zoning
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CASE NO.	hai n	•		oner of Baltimore County	<i>l.</i> }
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REV 10/25/01		Esti	mated Posting Date	11200	

# Affidavit & 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

7204 MARTHA AVENUE

Address

BALTIMORE MO. 21719

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 BRIEF

That the Affiant(s) acknowledge(s) that if a formal demand advertising fee and may be required to provide additional information of the second may be required to provide additional information.	is filed, Affiant(s) will be required to pay a reposting and mation.
Signature	Signature Lee Crows
EDRIS EVANS, III. Name - Type or Print	DARLENE LEE EVANS Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  I HEREBY CERTIFY, this day of October of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of the County afores	ned , dow 3 , before me, a Notary Public of the State red EVANS down as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	ry Public ommission Expires 1/11/200 4

# Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	7204	MARTHA	AVENUE		
	Address			······································	<del> <u>.</u> /+</del>
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BALTIMORE MO. Z1719
City State Zip Code

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SEE ATTACHED BRIEF

REV 10/25/01

That the Affiant(s) acknowledge(s) that if a formal demand advertising fee and may be required to provide additional information	is filed, Affiant(s) will be required to pay a reposting and nation.
Signature	Da Due Lee Evans Signature
EORIS EVANS, III. Name - Type or Print	DARLENE LEE EVANS Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
HEREBY CERTIFY, this 15th day of 0 c follow of Maryland, in and for the County aforesaid, personally appeared	ed, <u>2-003</u> , before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
Notary	v Public

My Commission Expires 1/19/204



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 7204 MARTHA AVENUE which is presently zoned D.R. 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)

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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 declar perjury, that I/we are the is the subject of this Pe	e legal owner(s) of the	he penalties of property which
Contract Purchaser/L	.essee:		Legal Owner(s):		
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Signature		······································	Signature		<del></del>
Address	<del></del>	Telephone No.	DAR LENE LEE Name Type or Print	0	
City	State	Zip Code	Signature	Jel Cu	en_
Attorney For Petition	<u>er:</u>		7204 MARTI	HA AVENUE	(410) 4-77- 280 Telephone No.
Name - Type or Print	<del></del>	· ····································	BALTIMORE	MD. State	Z/2/3 Zip Code
Signature Company			Representative to DAVID W. BILLIN CENTRAL ORAF	NGSLEY	SIGN, INC.
Address	······································	Telephone No.	GOI CHARWOOD	COURT (410)	
City	State	Zip Code	Address EOGEVVOOD City	M0.	Telephone No.  2 (04-0  Zip Code
A Public Hearing having been this day of day of egulations of Baltimore County	and that the proper	ted and/or found to be reat the subject matter of the ty be reposted.	equired, it is ordered by the also petition be set for a public he		·
CASE NO.	4-106-1	, Dt-		ioner of Baltimore County	1
REV 10/25/01	+ <del></del>		nated Posting Date	DX Date 10 21	03
				7 1	

# BRIEF TO ACCOMPANY PETITION FOR ZONING VARIANCE

#### 7204 MARTHA AVENUE

The existing garage located on the referenced property sustained substantial water damage during Hurricane Isabel. Rather than repair the existing structure, the owner wishes to raze it and construct a new garage with second story living area attached to the existing dwelling. Although this will require a variance to allow a five foot side yard in lieu of the required ten feet, the distance between the structure as proposed and the existing dwelling located at 7202 Martha Avenue will be increased to 23 feet instead of 13 feet which presently exist between the garage to be razed and the dwelling at 7202 Martha Avenue.

Additionally, the owner wishes to increase the width of the porch along the front of the existing dwelling from 4 feet to 8 feet so it can better function as a porch.

## BRIEF TO ACCOMPANY PETITION FOR ZONING VARIANCE

#### 7204 MARTHA AVENUE

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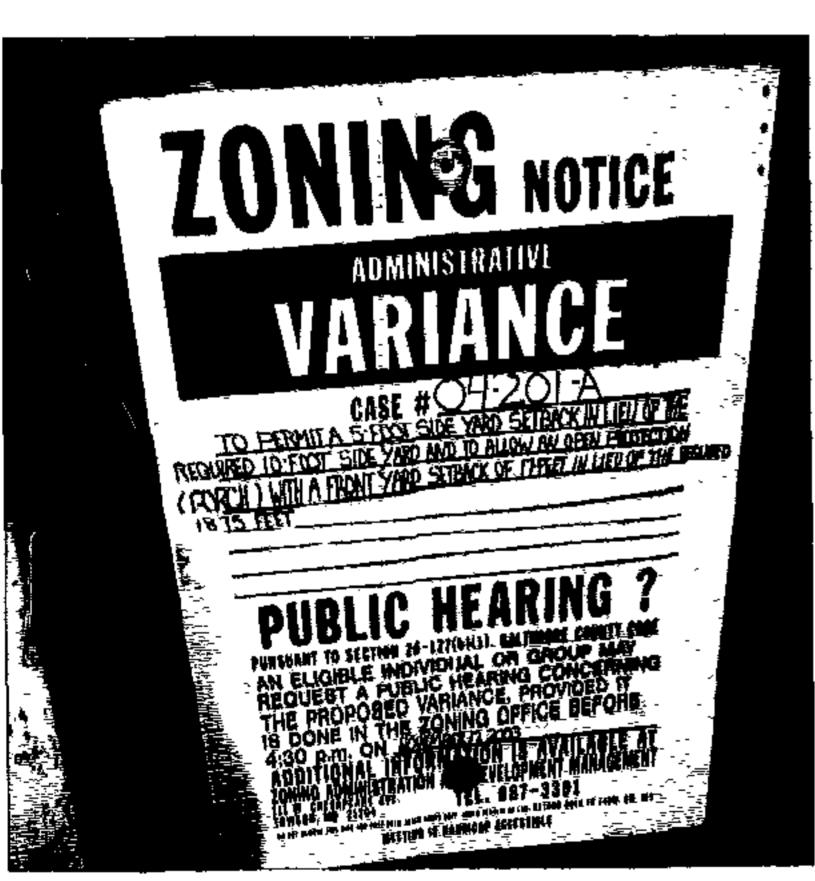
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DATE ICATION	ACCOUNT ON ONE SOL	A SECTION DESCRIPTION OF THE SECTION
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DISTRIBUTION  WHITE CASHIER PINK AGENCY	YELOW- CUSTOMER	CASHIER'S VALIDATION

4.5

## CERTIFICATE OF POSTING

RE: Case No.: 201-A

Petitioner/Developer: EVANS Date of Hearing/Closing: NOV/17, 2003 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: 7204 MARTHA AVE The sign(s) were posted on 2,2003 (Month, Day, Year) Sincerely.



-	~
Z	11/3/00
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
<del></del>	(City, State, Zip Code)
	(410) 282-7940
******	(Telephone Number)

## <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 04- 201 -A Address 7204 MARTHA AVE.
Contact Person: DONNA THOMPSON Phone Number: 410-887-339  Planner, Please Print Your Name
Filing Date: 102103 Posting Date: 11203 Closing Date: 1170
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. An reposting must be done only by one of the sign posters on the approved list and the petitione is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4 POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.  (Detach long Dotted Line)
Petitioner: This Part of the Fortie for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 04- 201 -A Address 7204 MARTHA AVE
Petitioner's NameEVANS Telephone 410-417-2800
Posting Date: 11203 Closing Date: 11703
Wording for Sign: To Permit A 5-FOOT SIDE YARD SETBACK IN LIEU OF THE
REQUIRED 10-FOOT SIDE YARD AND TO ALLOW AN OPEN PROJECTION
(PORCH) WITH A FRONT YARD SETBACK OF 17-FEET IN LIEU OF THE
REQUIRED 18.75-FEET.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

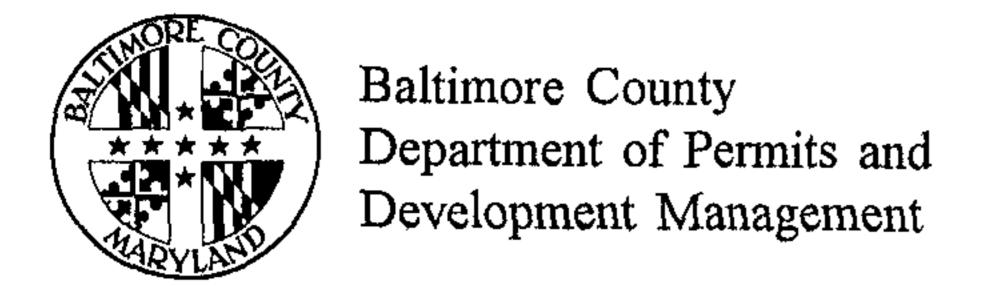
### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number: 04-201-A	<del></del>
Petitioner: EORIS AND DARLENE EVANS	
Address or Location: 7704 MARTHA AVENUE	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: EORGS EVANS III	<u></u>



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

November 17, 2003

Edris Evans, III Darlene Evans 7204 Martha Avenue Baltimore, MD 21219

Dear Mr. and Mrs. Evans:

RE: Case Number: 04-201-A, 7204 Martha Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 2003.

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

U. Callibal D

WCR:klm

**Enclosures** 

c: People's Counsel
David Billingsley, 601 Charwood Ct., Edgewood 21040



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.:

195, 197-211

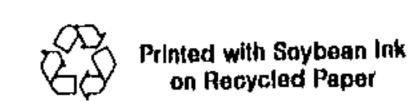
Dear Ms. Hart:

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.

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

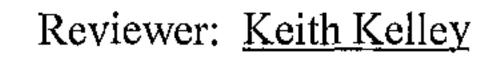
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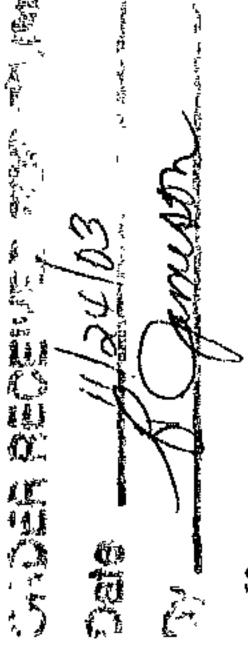


## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: November 4, 2003 Tim Kotroco TO: R. Bruce Seeley FROM: SUBJECT: Zoning Item #04-201 4204 Martha Avenue (Evans Property) Zoning Advisory Committee Meeting of November 3, 2003 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). \_\_\_ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other

Sections, of the Baltimore County Code).





### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 04-201 - Administrative Variance

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

EIVED

**DATE:** November 4, 2003

NOV - 4 2003

NING COMMISSIONER

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 10, 2003

Item No. 201

The Bureau of Development Plans Review has reviewed the subject-zoning item.

**DATE:** November 13, 2003

The flood protection elevation for this site is 10.4 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

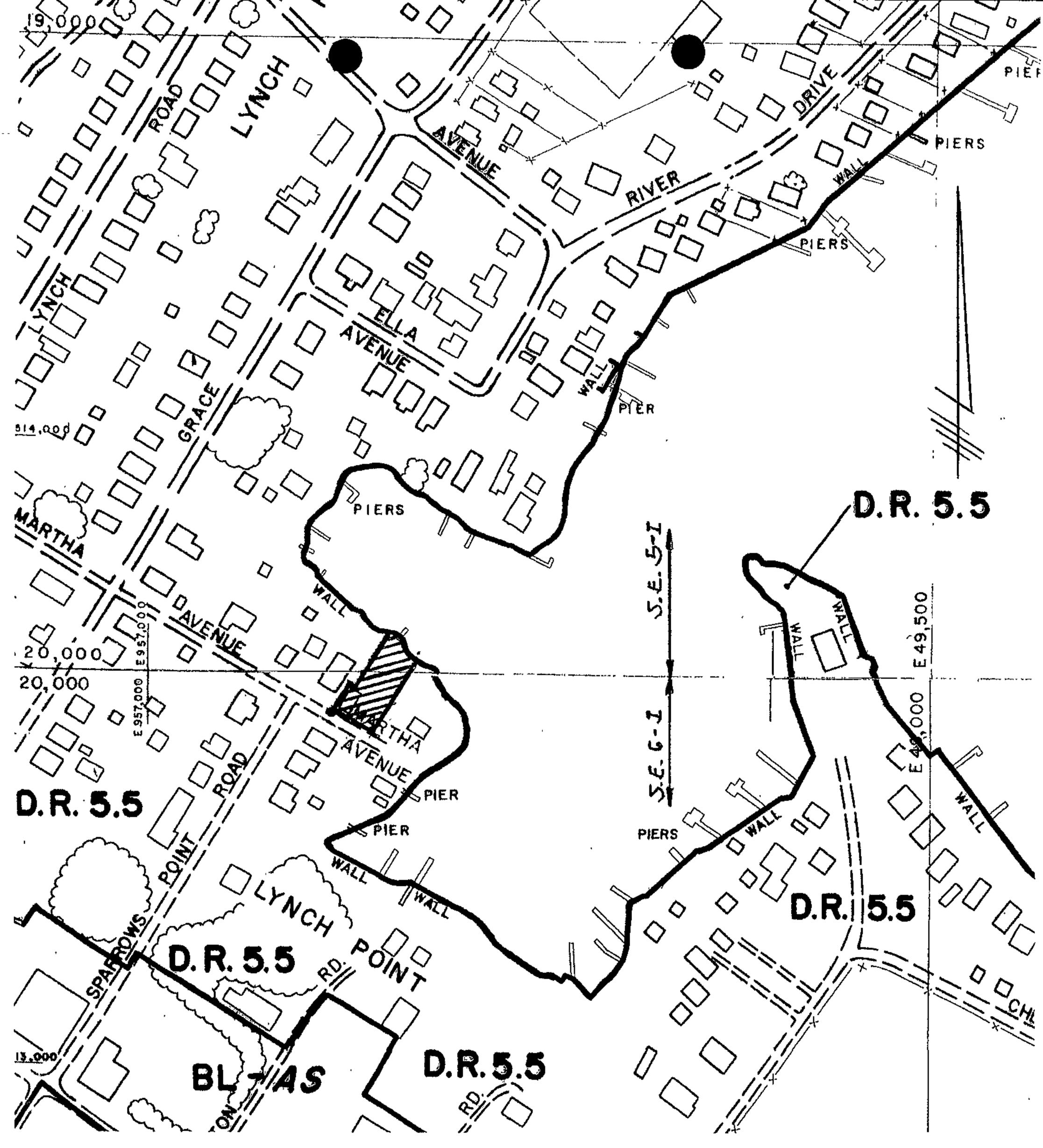
The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the County.

RWB:CEN:jrb

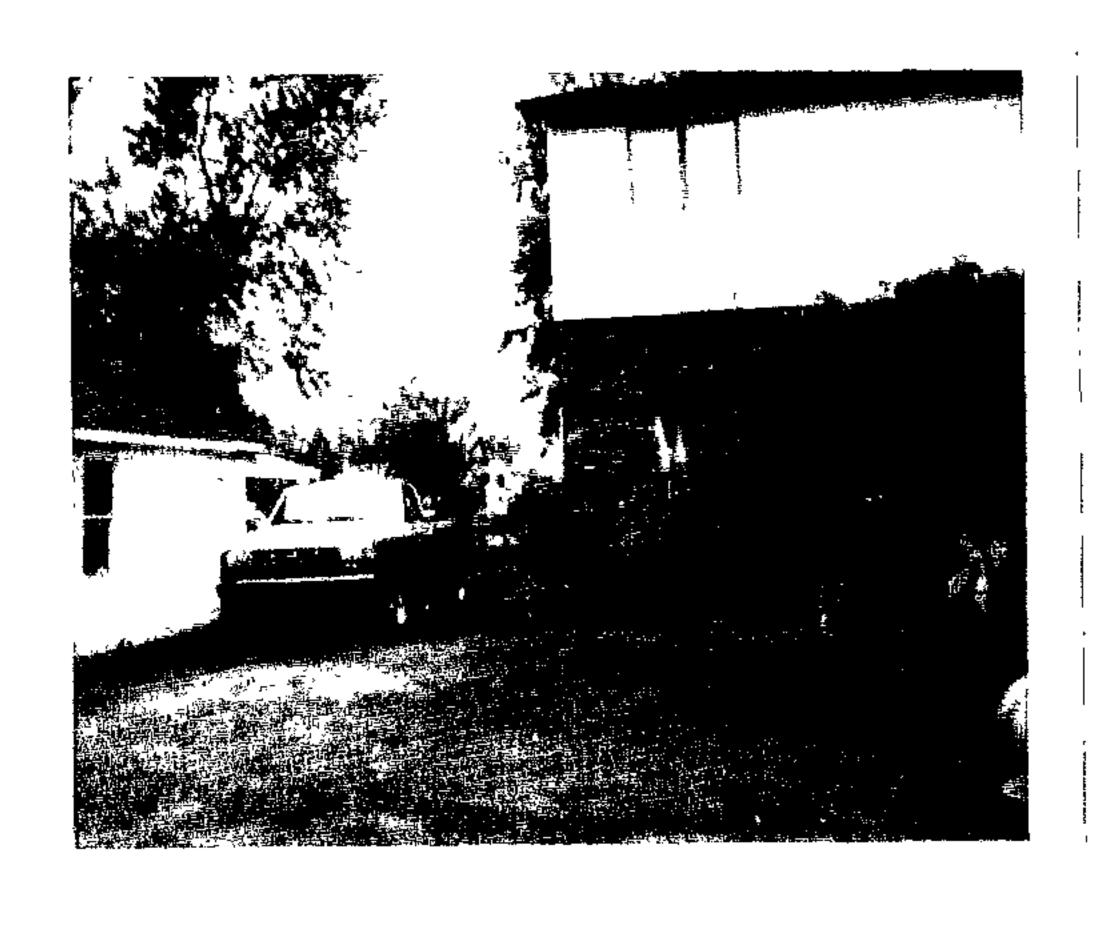
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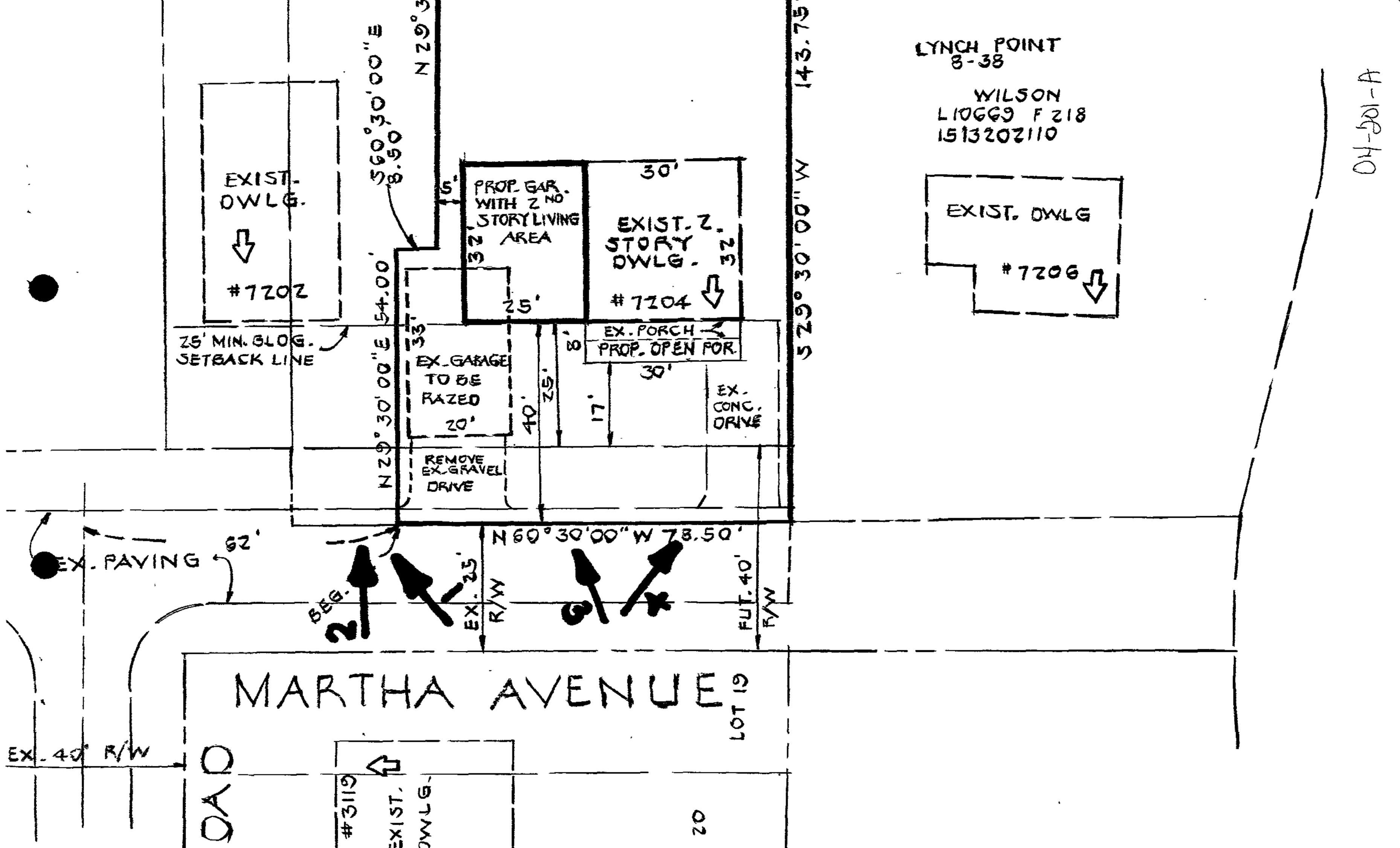
7704 MARTHA AVE. MAP J.E. 5-I AND J.E. G.I JCALE I": 700

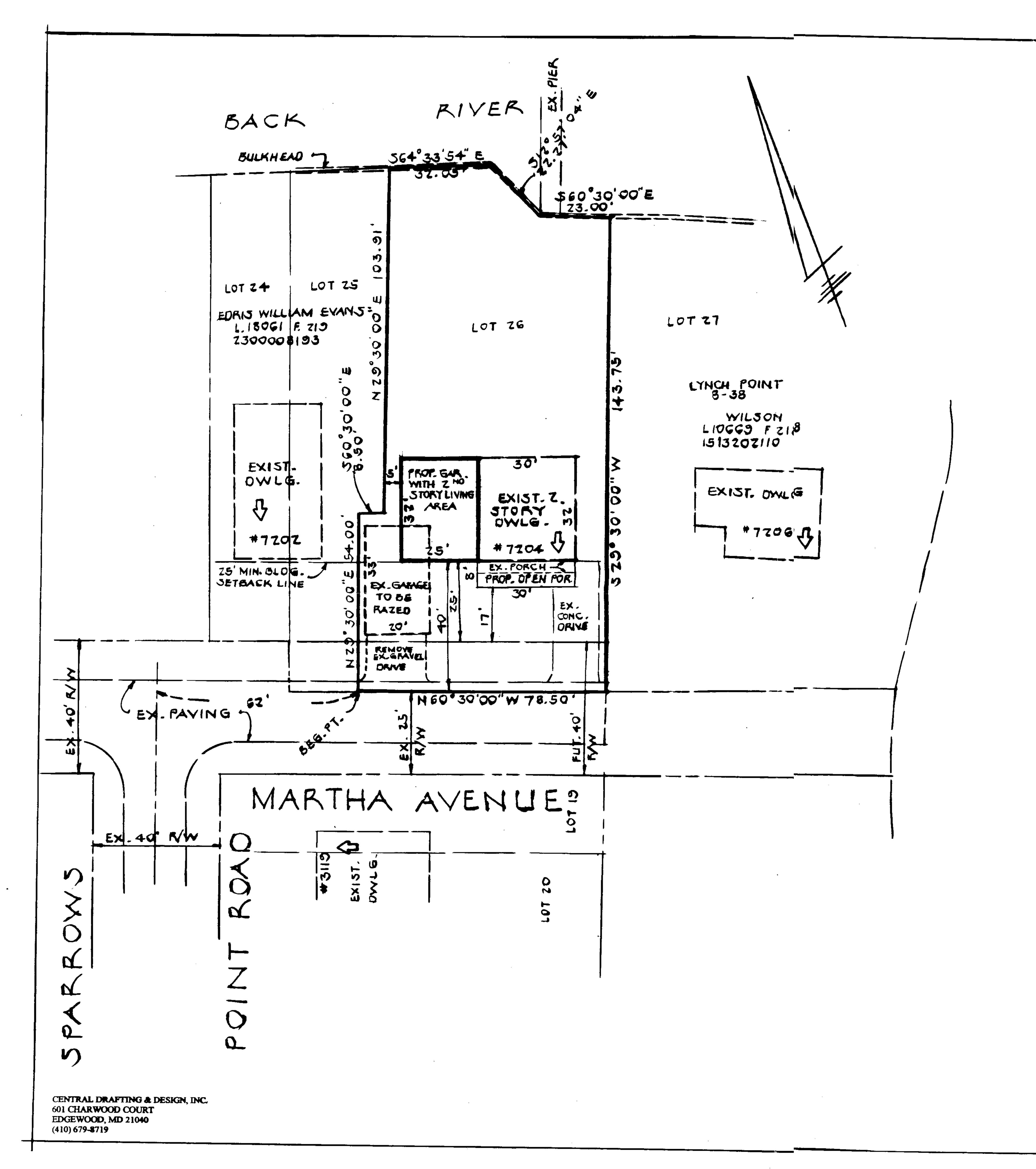


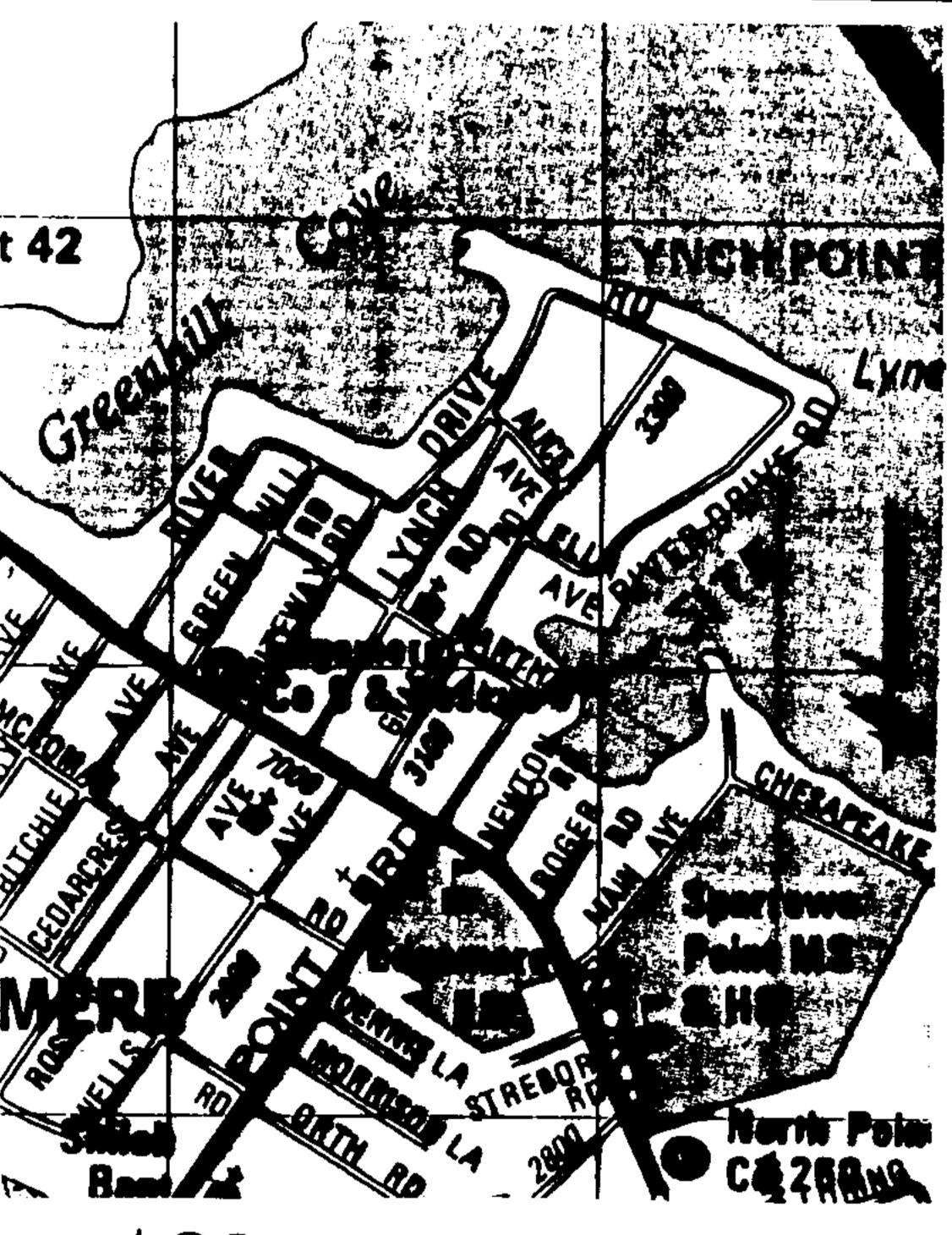












LOCATION PLAN 5 CALE: 1" 1000

### NOTES:

- 2. AREA......11,133 S.F. = 0.2556 AC.
- 3. THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- 4. NO PRIOR ZONING HISTORY IS KNOWN
- 5. PUBLIC WATER AND SEWER EXIST
- 6. ALL PROPOSED STRUCTURES WILL COMPLY WITH STANDARDS FOR CONSTRUCTION IN A TIDAL FLOODPLAIN
- 7. THIS SITE IS LOCATED IN 100 YEAR FLOODPLAIN ZONE A

VARIANCES ARE REQUESTED FROM SECTION 1B02.3.C.1 TO ALLOW A SIDE YARD OF 5 FEET IN LIEU OF THE REQUIRED 10 FEET AND SECTION 301.1A TO ALLOW AN OPEN PORCH WITH A FRONT YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 18.75 FEET

EDRIS EVANS, 3 RD DARLENE LEE EVANS 7704 MARTHA AVENUE BALTO., MO., 21219 L. 10347 F. 712 PROP. NO. 2300008194

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
7204 MARTHA AVENUE
LOT 26 LYNCH POINT PB 71 F 96
ELECTION DISTRICT 15,C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 20 FEET
OCTOBER 17, 2003

## Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

November 24, 2003

Mr. & Mrs. Edris Evans, III 7204 Martha Avenue Baltimore, Maryland 21219

> Re: Petition for Administrative Variance Case No. 04-201-A Property: 7204 Martha Avenue

Dear Mr. & Mrs. Evans:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj
Enclosure

