IN RE: PETITION FOR VARIANCE
S/S of Martell Avenue, 150 ft. E
centerline of West Avenue
12th Election District
7th Councilmanic District
(Lot 61, Martell Avenue)

Susan & Joseph Fanzone

Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-274-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, Susan and Joseph Fanzone. The Petitioners are requesting variance relief for property located at Lot 61, Martell 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 buildable lot (contiguous) with a width of 50 ft. in lieu of the minimum required 55 ft.

The property was posted with Notice of Hearing on January 30, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on February 5, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other



variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment from the Office of Planning dated December 23, 2003 opposing Petitioners' request, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Vincent Moskunas, Site Rite Surveying Inc, which company prepared the plat for the Petitioner. Donald Miller and William Kimmich, Protestants, appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of approximately 12,250 sq. ft., zoned D.R.5.5 and is vacant. This property is Lot 61 of the subdivision known as the "Justus Martell Property" recorded in the Land Records of Baltimore County in June 1910. See Petitioner's Exhibit No. 2. The lot as laid out is 50 ft. wide. The DR 5.5 zoning imposed on the property requires a 55 ft. wide lot and thus the request the "Justus Martell Property" recorded in the Land Records in June 1910. See Petitioner's Exhibit No. 2.

This is a companion case to Case Nos. 04-279-A, 04-280-A and 04-275-A which involve the identical request for relief for Lots 63, 62 and 64. Lots 61, 62 and 63 are vacant and the three proposed homes on the three vacant lots meet all County requirements except that the lots

are undersized per Mr. Moskunas. By agreement of the Petitioner and Protestants, all testimony and evidence given by either side in this case also applies equally in Case Nos. 04-280-A, 04-279 and 04-275.

Mr. Moskunas initially noted that these lots have been in the same ownership since 1946. However, in testimony and by means of deeds submitted during the hearing for Case No. 04-274, it appears that significant changes in title have occurred on these lots. Per Mr. Moskunas, Joseph and Susan Fanzone have owned Lots 61 and 62 since 1946. However, Joseph died subsequently and Susan sold these two lots to V&W Homes LLC after the petition was filed. Samuel and Dorothy Fanzone have owned Lots 63 and 64 since 1946. However, both Samuel and Dorothy have died subsequently and their estate is being handled by their son Carmen Fanzone, their personal representative. Apparently, Carmen Fanzone transferred Lot 64 to himself and sold Lot 63 to V&W Homes LLC after the petition was filed. Consequently, at the time of the hearings, V&W owned Lots 61, 62 and 63 while Carmen Fanzone owns Lot 64 with the existing home.

Mr. Moskunas indicated that pubic sewer connections have been planned for each lot, (see sewer drawing from Baltimore County, Petitioners' Exhibit No. 3) and that access to public water and sewer removes any concern that the undersized lots will not be large enough to accommodate well and septic systems.

The Office of Planning opposes the requested variances based upon the fact that Lots 61 & 62 and lots 63 & 64 are owned by the same persons. We now know that V&W Homes owns Lots 61, 62 and 63. The Office of Planning's initial argument that the owner merely needs to reconfigure two lots to arrive at a lot which will not require a variance is extended to include the three lots owned by V&W Homes. Thus, Planning sees no hardship or practical difficulty on the part of the owner, which could form the basis of a variance.

At the hearing, Mr. Miller brought a petition signed by numerous neighbors opposing the variances. There was some confusion regarding the petition, which stated that 4 homes were to be built instead of 3. However, in fact, only three new homes are planned to be built on all four lots. Nevertheless, Mr. Miller indicated his opposition to the variances. Also see Protestant's photographs, Exhibit No. 2, which he testified showed that there was not enough room for the new homes, that there were only two curb cuts onto Martell Avenue from the lots, and that there is a problem of flooding in the neighborhood.

He and Mr. Kimmich indicated that the neighborhood had been developed primarily with homes having double lots and that having homes on the single lots as proposed would be out of character for the neighborhood. See the zoning map which accompanied the petition. Mr. Moskunas, however, pointed out that the five homes on West Avenue were reoriented and consumed only two lots in being constructed.

On the day of the last hearing (Case No. 04-275), Mr. Moskunas presented Petitioners' Exhibit No. 9, which showed an arrangement of three new homes on the three vacant lots and lot line adjustments, which he proffered, required no variances. Essentially, he moved the new home on the middle lot toward the rear and away from Martell Avenue. As I indicated at the hearing, this evidence by definition indicates that there is no hardship or practical difficulty, which could form the basis for a variance. However, Mr. Moskunas pointed out that, if the requested variances are approved, the three new homes could be aligned along Martell Avenue in keeping with the other homes on the block and have large back yards just as the other homes on the block. He felt the Protestants should under these circumstances support the variance equests.

In fairness to the Protestants that had not seen the latest proposal, Mr. Moskunas agreed to send this new evidence to the Protestants and keep the record open for their response. After

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apparently some consultation with the County agencies, the Protestants decided to oppose the variances as shown by their March 4, 2004 letter included in the file.

Findings of Fact and Conclusions of Law

As stated to Mr. Moskunas at the hearing, by definition there can be no practical difficulty or hardship if he finds a way to do what he wants without a variance. Exhibit No. 9 shows such a plan. The Protestants, for whatever reason, did not accept his proposal to support the petitions of variance so that the three new home would align along Martell Avenue. Consequently, I must deny the variances. Petitioners' Exhibit No. 9 shows that by rearranging lot lines and positioning homes there is a means to comply within the zoning regulations and not require any variances. Thus, there is no unreasonable hardship or practical difficulty. In addition, regarding practical difficulty, V&W Homes owns three adjacent lots. As the Office of Planning indicates and Mr. Moskunas confirms, the owner can meet the regulations by reconfiguring these lots.

Finally, I note that the petition requests approval of the undersize lot pursuant to Section 304 of the Baltimore County Zoning Regulations. It has been this office's consistent position that Section 304 is an alternative route for approval of undersized lots. If a lot qualifies under Section 304 then nothing further is needed. However, Section 304.1 specifically requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. I find that in this case the owner does own sufficient land to comply with the width regulations and consequently is not entitled to approval under Section 304. Also note that the Zoning Commissioner's Policy Manual refers to the "six year rule" for properties considered for approval under Section 304 of the Baltimore County Zoning Regulations. This policy addresses the practice of some applicants who, prior to consideration of undersized adjoining lots, nominally transfer title to a third party prior to the hearing, which would then allow them to

claim that they have no interest in adjoining land, no means of combining lots, and, therefore, meet the requirement of not having sufficient adjoining land. I find that the "six year rule" of said Policy Manual is applicable to these properties.

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 denied.

THEREFORE, IT IS ORDERED, this 12 day of February, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a buildable lot (contiguous) with a width of 50 ft. in lieu of the minimum required 55 ft., be and is hereby DENIED; and

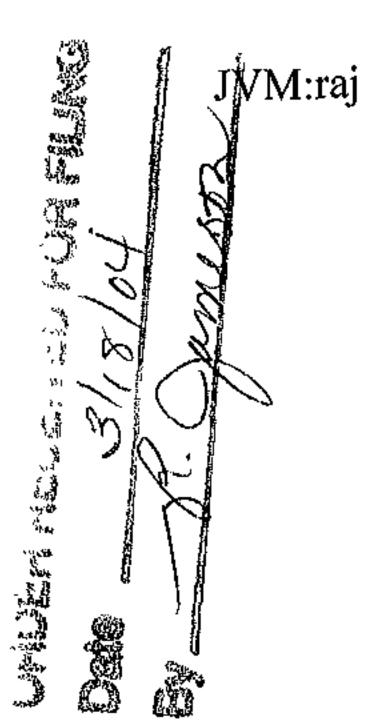
IT IS FURTHER ORDERED, that in any future petition for approval of this property as an undersized lot, that the zoning history includes the finding that the "six year rule" of Section 304 of the Zoning Commissioner's Policy Manual applies to this property.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY



Zoning Commissioner

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



Baltimore County

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

March 19, 2004

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

> Re: Petitions for Variance Case Nos. 04-274-A & 04-275-A Property: Lot #61 & Lot #62, Martell Avenue

Dear Mr. Moskunas:

Enclosed please find the decisions rendered in the above-captioned cases. The petitions for variance have been denied 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,

John W. Murphy Iris

Deputy Zoning Commissioner

JVM:raj Enclosure

cc: Susan Fanzone 7223 Holabird Avenue Baltimore, MD 21222 Donald S. Miller 1817 West Avenue Baltimore, MD 21222

Martha & William Kimmich 7128 Martell Avenue Baltimore, MD 21222



Visit the County's Website at www.baltimorecountyonline.info



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 10+6 Martin Avenue

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) | Boz. 3.0.1

To allow a buildable lot (contiquous) with a width of 50 pt. m

liev of the min, mom required 53 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) (a) the subject property is and has been a lot of record on a plat entitled "Justus Martell" recorded 4/82 since 1910. (b) the configuration of the lot hinders compliance with the Baltimore County Zoning Regulations (B.C.Z.R.); thus, strict compliance with such regulations would unreasonably prevent the use of the property as permitted. (c) the lots in the surrounding area are consistently 50' wide with an existing single family dwelling; therefore, the relief being requested is in strict harmony with the spirit and intent of the B.C.Z.R.

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: | Legal Owner(s): | |
|---|---|--------------------------|
| Name - Type or Print | Name - Type or Palhit Decensed - See Death Signature | Poot |
| Signature | Signature ALLAIA FRIMZAINE | |
| Address | No. Name - Type or Print No. Name - Type or Print No. Tons | , |
| City State Zig <u>Attorney For Petitioner:</u> | Signature 1223 HO about Avenue 410 | 2823986 Telephone No. |
| Name - Type or Print | City State Zip C | ode |
| Signature | Representative to be Contacted: Soft Rufe Surveying Inc. Name Name 200 D. James Ray & Pin 101 410 | 828-9060 |
| Address Telephon | No. Address OWSON MP 21284 | elephone No. |
| Case vo: 04-274-2 | OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Date 12-04-03 | Zip Code |

ZONING DESCRIPTION FOR #7127 MARTELL AVENUE

BEGINNING at a point on the south side of Martell Avenue which is 50 feet wide at the distance of 150 feet east of the centerline of West Avenue which is 50 feet wide. Being Lot No. 61, in the subdivision of Justus Martell as recorded in Baltimore County Plat Book No. 4, folio No. 82, containing 12,250 square feet. Also known as #7127 Martell Avenue and located in the 12th Election District, 7th Councilmanic District.

MUSO NO 21175

MICHÄEL V. MOSKUNAS

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

2 m H

| BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT No. 28109 | THE DATE OF THE DATE OF | |
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CORRECTED 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: # 04-274-A

Lot 61, Martell Avenue S/side of Martell Avenue, 150 feet east of centerline of West Avenue

12th Election District — 7th Councilmanic District
Legal Owner(s): Joseph (Deceased) and Susan Fanzone
Variance: to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.
Hearing: Monday, February 23, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

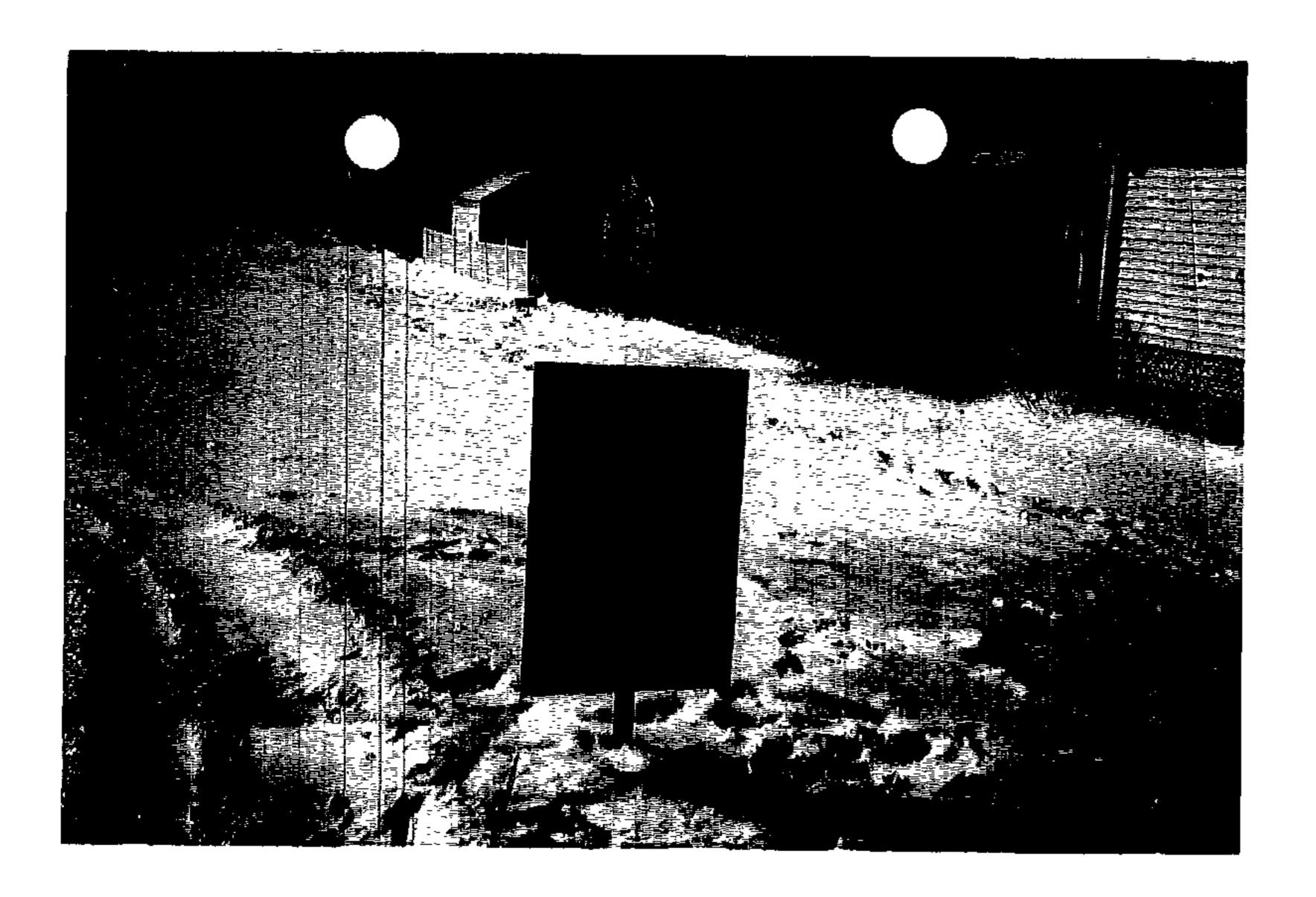
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

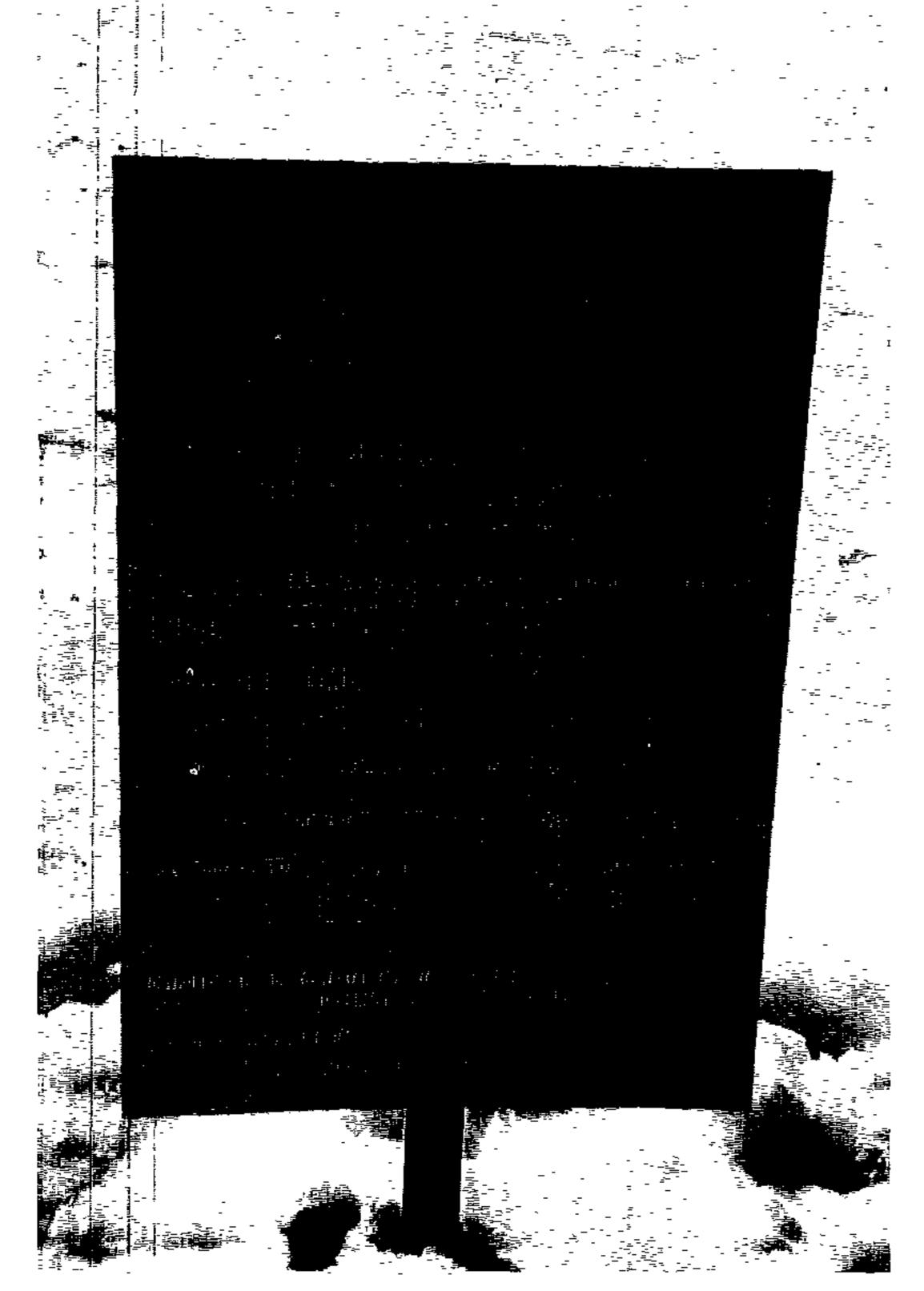
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

C647998 2/015 Feb. 5

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING





CERTIFICATE OF POSTING

| Baltimore County Department of | • |
|---|--|
| Permits and Development Management | |
| 111 West Chesapeake Avenue | |
| Towson, MD 21204 | |
| Attention: Becky Hart | |
| Ladies and Gentlemen: This letter is to certify under the | he penalties of perjury that the necessary sign(s) required by |
| law were posted conspicuously on the property located | dat LOT 61, MARTEULAVE. |
| 150' EAST OF WE | 557 AUG. |
| | |
| | |
| The sign(s) were posted on JAU. 30, 2 | 2004 |
| (Me | onth, Day, Year) |
| | Sincerely, |
| | DO DO |
| | (Signature of Sign Porton and Date) |
| · | (Signature of Sign Poster and Date) |
| | CHARLANDE, Woons (Printed Name) |
| | 3225 RYERSON CIRCLE |
| . | (Address) |
| | PDAUTINIORE, MD. 21227 |
| | (City, State, Zip Code) |
| | (Telephone Number) |
| | (terebuone tammer) |

RE: Case No.: 04-274-A

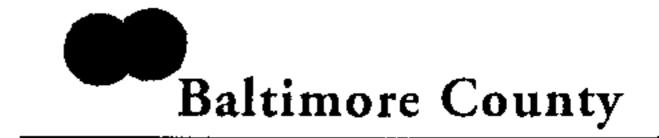
Petitioner/Developer: WAYNE WILSON - FANZONE

Date of Hearing/Closing: E5316, 2004

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

January 20, 2004

CORRECTED 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: 04-274-A

Lot 61, Martell Avenue S/side of Martell Avenue, 150 feet east of centerline of West Avenue 12th Election District – 7th Councilmanic District Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, February 23, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

buth Kotroco

Director

TK:klm

C: Mr. and Mrs. Fanzone, 7223 Holabird Avenue, Baltimore 21222 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY 7, 2004.

- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 5, 2004, 2004 Issue - Jeffersonian

Please forward billing to:
Site Rite Surveying, Inc.
200 E. Joppa Road, Rm. 101
Towson, MD 21286

410-828-9060

CORRECTED 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: 04-274-A

Lot 61, Martell Avenue

S/side of Martell Avenue, 150 feet east of centerline of West Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, February 23, 2004, at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

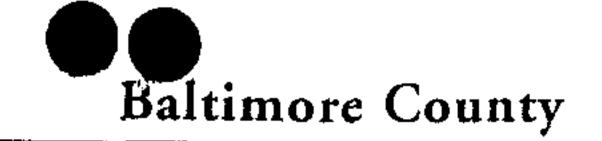
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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





James T. Smith, Jr, County Executive
Timothy M Kotroco, Director

January 14, 2004

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: 04-274-A

Lot 61, Martell Avenue

S/side of Martell Avenue, 150 feet east of centerline of West Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Joseph (Deceased) and Susan Fanzone

<u>Variance</u> to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, February 12, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Mr. and Mrs. Fanzone, 7223 Holabird Avenue, Baltimore 21222 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 28, 2004.
 - (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 27, 2004 Issue - Jeffersonian

Please forward billing to:

Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson, MD 21286

410-828-9060

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: 04-274-A

Lot 61, Martell Avenue

S/side of Martell Avenue, 150 feet east of centerline of West Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, February 12, 2004, at 11:00 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 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.

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

January 5, 2004

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: 04-274-A

Lot 61, Martell Avenue

S/side of Martell Avenue, 150 feet east of centerline of West Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, February 16, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Mr. and Mrs. Fanzone, 7223 Holabird Avenue, Baltimore 21222 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 31, 2004.

- (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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, January 29, 2004 Issue - Jeffersonian

Please forward billing to:
Site Rite Surveying, Inc.
200 E. Joppa Road, Rm. 101

Towson, MD 21286

410-828-9060

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: 04-274-A

Lot 61, Martell Avenue S/side of Martell Avenue, 150 feet east of centerline of West Avenue 12th Election District – 7th Councilmanic District Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to allow a buildable lot (contiguous) with a width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, February 16, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence 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.





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

| For Newspaper Advertising: | • |
|--|--------------|
| Item Number or Case Number 04-274-7 | |
| Petitioner Joseph Fanzone | |
| Address or Location: Lot 61, Mantell Ave, | +++ |
| PLEASE FORWARD ADVERTISING BILL TO Name: | |
| Address 200 E. Jupaq Rd., Room 101 | |
| Address 200 E. Jappa Rd., Room 10/ Towson, Md., 21286 | |
| Telephone Number: 410-828-9060 | , |



ZONING REVIEW

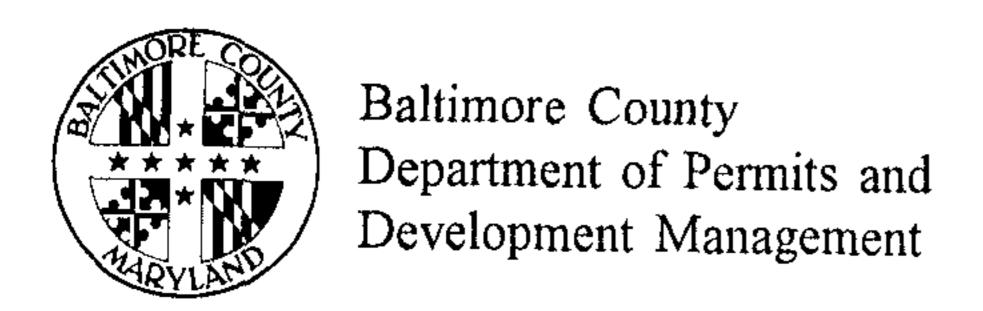
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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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: 04-274-4 Petitioner: V& W Howels |
| Address or Location: 1121 May Avunu |
| PLEASE FORWARD ADVERTISING BILL TO: Name: V& W TOWE! |
| Address: 502 8/1Van Wan |
| Middlia, Missing |
| Telephone Number: 40 320 5316 |



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

February 20, 2004

Mrs. Susan Fanzone 7223 Holabird Avenue Baltimore, Maryland 21222

Dear Mrs. Fanzone:

RE: Case Number:04-274-A, Lot 61 Martell Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 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, Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Site Rite Surveying 200 E. Joppa Road Rm. 101 Towson 21286



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: /2.16.03

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

RE:

Baltimore County

Item No. 274

115

Dear. Ms. Hart:

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. Dull

L

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 23, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

7127 Martell Avenue

DEC 2 4 2003

ZONING COMMISSIONER

INFORMATION:

Item Number:

04-274

Petitioner:

Joseph Fanzone

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request. Per Section 304 of the Baltimore County Zoning Regulations (BCZR), a one-family detached dwelling may be erected on a lot having an area or width at the building line less than that required by the BCZR if the owner of the lot does not own sufficient adjoining land to conform to the width and area requirement.

This office has determined that the owner of the subject 50-foot wide lot also owns the adjoining 50-foot wide lot. Therefore, this office recommends that the petitioner's variance and undersized lot request be **DENIED**.

Prepared by:

Section Chief:

AFK/LL:MAC:

6

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 29, 2003

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 December 22, 2003

Item Nos. 267, 269, 270, 271, 272, 273, 274, 275, 279, and 283

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

RWB:CEN:jrb

cc: File

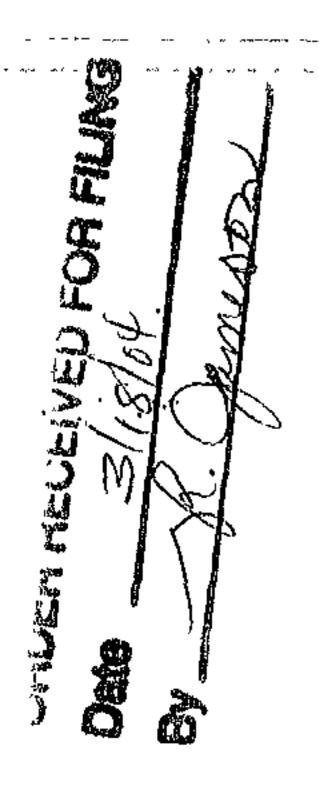
SECTION 304 -- USE OF UNDERSIZED SINGLE-FAMILY LOTS - Prior to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

- a. a copy of the pre-1955 deed or subdivision plat;
- b. (no additions)
- c. contiguous ownership

It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

- Section 304 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.
- It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious mothod used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
- If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 304c. may be used to allow the owner to huild pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c. would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.
- 4. Ownership Information Including:
 - (i) a property tax computer printout for all adjacent properties, in addition to the subject property;
 - (ii) copies of the deeds for all adjacent properties, in addition to the subject property; and
 - (iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

Interpretation: The Zoning Commissioner retains the right Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership Z.C.P.M., Page 1-23)



| RE: | PETITION FOR VARIANCE Lot 61 Martell Avenue; S/side Martell Ave | * | BEFORE THE |
|-----|--|---|---------------------|
| | 150' E c/line of West Avenue 12 th Election & 7 th Councilmanic Districts | * | ZONING COMMISSIONER |
| | Legal Owner(s): Joseph (deceased) & Susan Fanzone | * | FOR |
| | Petitioner(s) | * | BALTIMORE COUNTY |
| | | * | 04-274-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
Peter Max Zimmerman
People's Counsel for Baltimore County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of December, 2003, 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

Permit of Case No.

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation

Attention: Jeffrey Long County Courts Building, Room 408

101 Bosley Avenue Towson, MD 21204

FROM: Amold Jabion, Director

Department of Permits & Development Management

RE: Undersized Lots

Residential Processing Fee Paid (\$50.00)

Accepted by Accepted by Date

Pursuant to Section 304.2 (Bettimore County Zoning Regulations) affective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling parmit.

| MINIMUM APPLICANT SUPPLIED INFORMATION: | 4 |
|---|--|
| V&W Homes 502 Sylvan Way Pa | Sadeura MD 21122 1-410-320-5316 |
| NI I I | District 12 Councilmanic District 7 Square Feet 12,250 |
| | 100 feet from NE's W corner of West AWMUL (street) |
| Land Owner: JOSEPH AND SMAN FOUZONE | Tax Account Number 206000340 |
| Address: 7223 Holabird Avenue Baltimor M | 02/22/relephone Number () |
| CHECKLIST OF MATERIALS (to be aubmitted for design review by the Office of | f Planning and Community Conservation) |
| TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND | DEVELOPMENT MANAGEMENT ONLY! PROVIDED? |
| 1. This Recommendation Form (3 copies) | YES NO |
| 2. Permit Application (pending approval) | ************************************** |
| 3. Site Plan Property (3 copies) | |
| Topic Maps (A coplant provide to Prince 200, County Office Building Copped to be halfer | |
| 4. Building Elevation Drawings | |
| 6. Photographis (please label all photos clearly) Adjoining Buildings | "" " " " " " " " " " " " " " " " " " " |
| Surrounding Neighborhood B. Current Zoning Classification: | Post-It Fax Note 7671 Dale 2/2305 pages 2 To JALEVAND From AMMAN Co/Dopt. Zonund Co. |
| TO BE FILLED IN BY THE OF | Phone # 7/2-7 Mayell Phone # 3480 Fax # 2424 Fax # |
| RECOMMENDATIONS / COMMENTS: | |
| | modifications of the application to conform with the following recommendations O4 -274 Converto |
| Signed by: | Onto. 12/23/33 |

Copy sent to Vince Moskunas - 3 9 04

04-274

WILLIAM H. KIMMICH

7128 Martell Ave Baltimore, Maryland 21222

MAR 8 2004

410-284-2328 w.kimmich@earthlink.net ZONING COMMISSIONER

March 4th 2004

Mr. Murphy
Deputy Zoning Commissioner
Room 405 Courts Bldg

Sir:

Yesterday March 3,2004, I spoke to two sections of zoning and they told me that there has been no application to the DRC as of 3/3/04 and that it is legal to section off lots that they have presented. The center home only has to be a given number of feet behind the offset.

I cannot honestly approve the building of three homes in this lot the way it is proposed. Breaking up the center lot in that manner might be legal but how will it look. The driveway will also subtract from appearance.

Building (Two) 2 homes in that space would be agreeable & would not over crowd the area The number of homes on both sides of the street would be the same, maintaining the integrity of the neighborhood.

Bottom line none one wants three homes on that lot.

Very truly yours,

William H. Kimmich



February 24, 2004

200 E. Joppa Road Shell Building, Suite 101 Towson, MD 21286

tel. 410.828.9060 fax. 410.828.9066

www.siteritesurveying.com

Mr. Donald S. Miller 1817 West Avenue Baltimore MD 21222

Mr. William H. Kimmich 7128 Martell Avenue Baltimore MD 21222

Re: Undersize zoning cases on Martel Avenue

Gentlemen:

Please find enclosed a plat marked as Petitioner #9 which shows revisions to Lots 61 through 64. These are revisions which will eliminate the need for the undersize variances 04-274-A, 04-275-A, 04-279-A and 04-280-A.

Per letter dated December 23, 2004 from the Office of Planning re Item No. 04-275 stating the variance would be denied because the width of the lots were less than the fifty-five (55) feet needed under the zoning regulations. By the revisions to the property lines, this is now possible.

Mr. Murphy, the Deputy Zoning Commissioner, suggested that I send you this new information for your review and comments. He has allowed the variances to remain open for three (3) weeks for you to review the package and to give him a call on your decision. He can be reached at (410) 887-4386.

The developer would like to proceed with the fifty (50) foot lots without your protests. We feel V&W Homes design is aesthetically more appealing since the houses are more in line and closer to Martell Avenue which allows the two (2) car parking pad in front of each unit.

This letter and plat is being sent to each of you as your names appear on the Citizen's Sign-in Sheet dated February 18, 2004.

If you have any questions, please feel free to give me a call. If you do not, please give the Deputy Zoning Commissioner your decision on this matter.

Very truly yours,

Vincent J. Moskunas

Vincent & Mitheur

President

Enclosure

cc: Deputy Zoning Commissioner

File:\ martell.doc

U.S. POSTAL SERVICE CERTIFICATE OF MAILING

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOTPROVIDE FOR INSURANCE—POSTMASTER

Received From:

SITE RITE SURVEYING / NC BALTIMORE

ZOOE JOPPA ROAD.

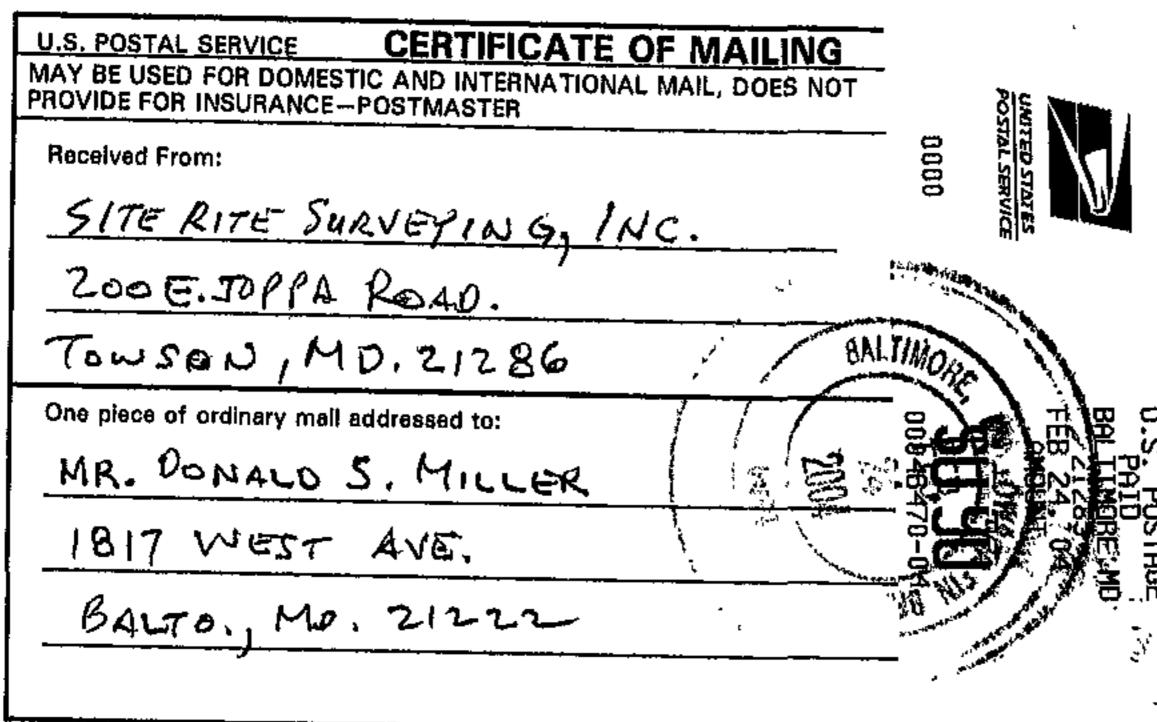
One piece of ordinary mail addressed to:

MR& MRS WILLIAM H. KIMMICH

7128 MARTELL AVE.

BALTO., MD, 21222

PS Form 3817, Mar. 1989



PS Form 3817, Mar. 1989

כֿ

VALID ONLY **WITH IMPRESSED** SEAL

I MEREBY CERTIFY THE HE ATTACHED IS A TRUE COPY OF A RECORD ON FILE IN THE DIVISION OF VITAL RECORDS.

عبد و ا<u>در هم</u>ههما، پ

STATE REGISTRAR OF VITAL RECORDS

Please Type or Print in Black Indelible Ink. Assure All Copies Are Legible.

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| James M. Fanz | · | | | | | Rural Route Numb | _ | | 210 |
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BUILDING LINE — The line established by law beyond which a building shall not extend.

BUILDING MATERIALS STORAGE AND SALES YARD — The use of any space, whether inside or outside a building used principally for the storage or sale of building materials or supplies. [Bill No. 149-1987]

BUS TERMINAL — A station for common carrier vehicles having a carrying capacity of 10 or more passengers. In addition to providing passenger services such as ticket sales, boarding and alighting, a bus terminal has areas for short-term storage of busses during layover periods not exceeding one night. This definition does not include mass transit administration vehicles or Baltimore County public school busses. [Bill No. 91-1990]

CAMPGROUND — A tract of land upon which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes. [Bill Nos. 73-2000; 74-2000]

CAMPING UNIT — A tent, cabin, lean-to, recreational vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. [Bill Nos. 73-2000; 74-2000]

CAMPSITE — Any plot of land within a campground intended for exclusive occupancy by a camping unit or units, occupied by a camper. [Bill Nos. 73-2000; 74-2000]

CAR WASH — An area of land and/or a structure with machine or hand-operated facilities used for the cleaning, washing, polishing or waxing of motor vehicles as a principal or accessory use. [Bill Nos. 108-1964; 172-1993]

CAR WASH, FULL-SERVICE — A car wash providing automated exterior washing or waxing services, or which provides cleaning, washing, waxing, drying or interior cleaning by hand. For the purpose of these regulations, a facility which provides complete interior and exterior detail cleaning that takes more than approximately two hours per car shall not be considered a full-service car wash. [Bill No. 172-1993]

CAR WASH, ROLL-OVER — A car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing. [Bill No. 172-1993]

CAR WASH, SELF-SERVICE — A car wash where equipment or facilities are provided for the self-service cleaning and washing of motor vehicles. [Bill No. 172-1993]

CATERING HALL — A facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant. [Bill No. 110-1993]

CELLAR — That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground (see definition of "basement").

COLLECTION TRAILER — A trailer whose express purpose is to accommodate the collection of recyclable items for the good of the general public by:

Reducing the amount of waste to be picked up and disposed of by the county;

1

shall not be considered wireless telecommunications antennas or radio operator antennas. [Bill Nos. 71-1987; 30-1998]

SAWMILL OPERATION — The process whereby sawlogs are debarked and sawn into dimension lumber. Such operations include, but are not limited to, forestry and logging operations, harvesting, extracting, transporting, processing, yarding, drying, finishing, marketing and shipping of dimension lumber or ancillary products such as firewood, slabs, edging and trim, sawdust, mulch and chips. [Bill No. 151-1992]

SETBACK — The required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side or rear property line. [Bill No. 138-1962]

SEWAGE SLUDGE COMPOSTING — Sewage sludge composting is defined as a process wherein material is produced by subjecting a mixture of sewage sludge and a bulking agent, such as wood chips, to aerobic decomposition in a manner so as to destroy primary pathogenic and malodorous components. [Bill No. 46-1982]

SEWERAGE SYSTEM, PUBLIC — A sewerage system which is operated by the county or a public agency of metropolitan or regional jurisdiction and which is owned by or meets design and performance standards whereby it is eligible for ownership by the county or such agency, whether or not it is part of or connected with the physical facilities of the metropolitan or regional sewerage system. [Bill No. 100-1970]

SHOPPING CENTER — A group of three or more commercial uses which: (a) are designed as a single commercial group; (b) are under common ownership or control; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways designed to facilitate customer interchange between the uses; (d) share a common parking area; and (e) otherwise present the appearance of one continuous commercial area. This term shall not include a "shopping center, planned" as defined in this section. A grouping of predominantly nonretail uses which meet the criteria specified in (a) through (e) herein shall not be deemed a shopping center. [Bill No. 26-1988]

SHOPPING CENTER, PLANNED — An integral retail shopping development for which an overall plan has been approved by the Office of Planning and which: is under common ownership or control; has a site at least three acres in net area; has vehicular access to physically separate buildings on the site by means of interior service drives or ways; and has no more than two points of vehicular access from the site to public streets except as follows:

A planned shopping center may have one additional vehicular access point to a public street for each 250 feet of street frontage thereon in excess of 500 feet; and

A planned shopping center may have a greater number of vehicular access points than as defined above if an overall plan for such center has been approved by the Office of Planning before the adoption of this definition, provided that the number of vehicular access points is not further increased after the adoption of this definition.²² [Bill No. 40-1967]

Editor's Note: This definition was added by Bill No. 40-1967, which was passed by the County Council on May 1, 1967, and was enacted and became effective on May 8, 1967.

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. DH 274-A

| Date Completed/Initials | |
|-------------------------|---|
| 1-5-04 | PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder) |
| | DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing) |
| | TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place) |
| | UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office) |
| | COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office) |
| | POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer) |
| | RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder) |
| | INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) |
| 2/5/04 02/20/04 | ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file) |
| 02/20/04 CL18 | COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file) |
| | FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following |

week every Friday and administrative files on Tuesday; verify that checklist on front of

hearing file has been completed; secure all papers under clips in file; send files for

hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

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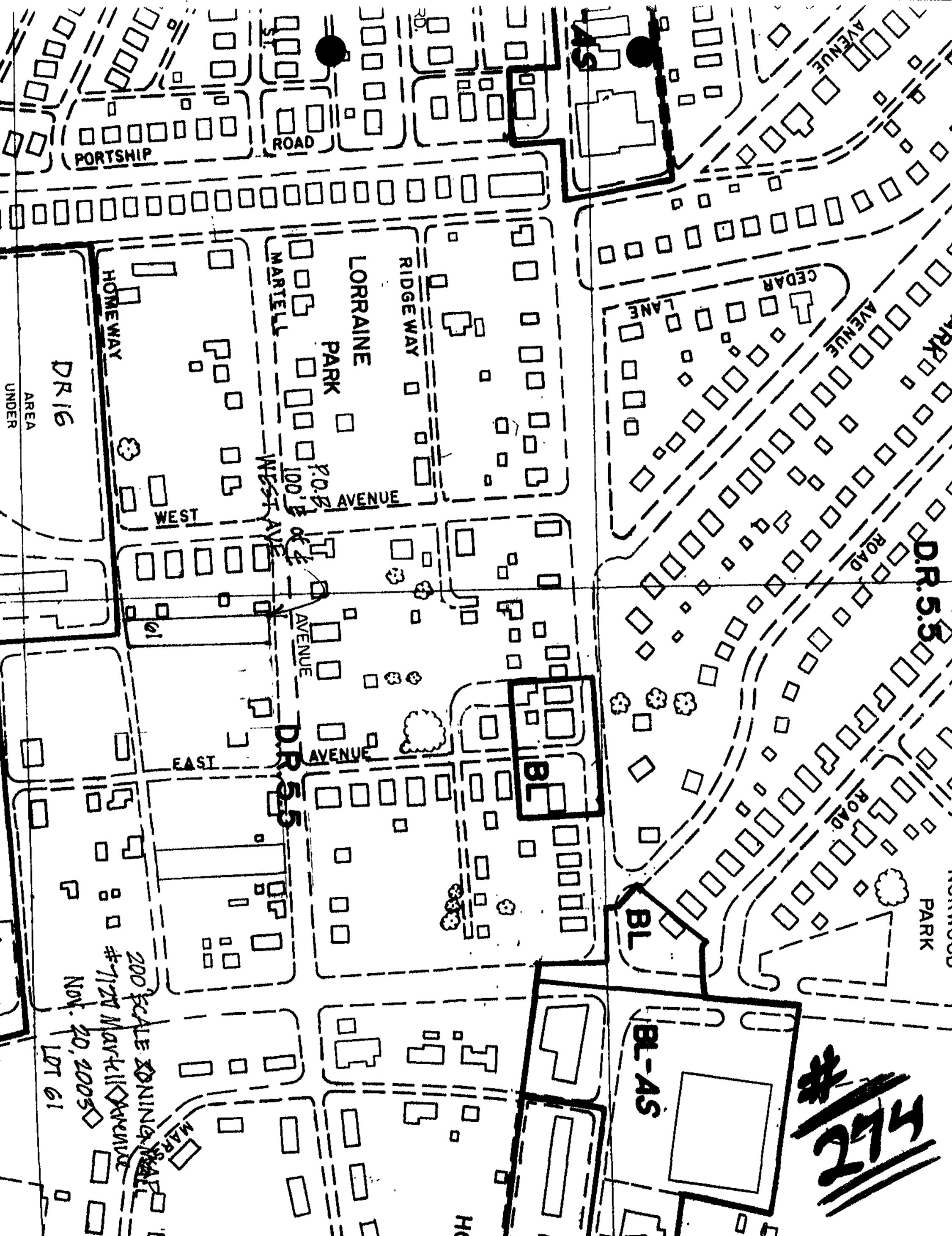
CITIZEN'S SIGN-IN SHEET

| CNAME_ | ADDRESS | CITY, STATE, ZIP | E- MAIL |
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| SITEPLITE SURVEYING VIUCENT J. MOSKUNAS | 200 E. JOPPA Rd | Towson, MD. 21286 | VJM MVM CAOL. Com |
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| CASE NAME | |
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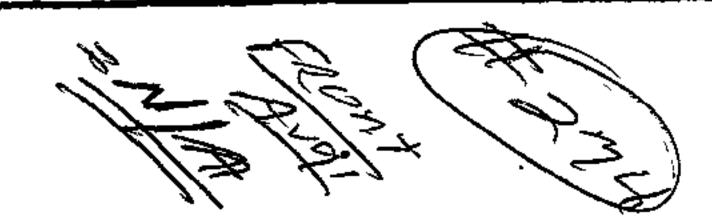
PETITIONER'S SIGN-IN SHEET

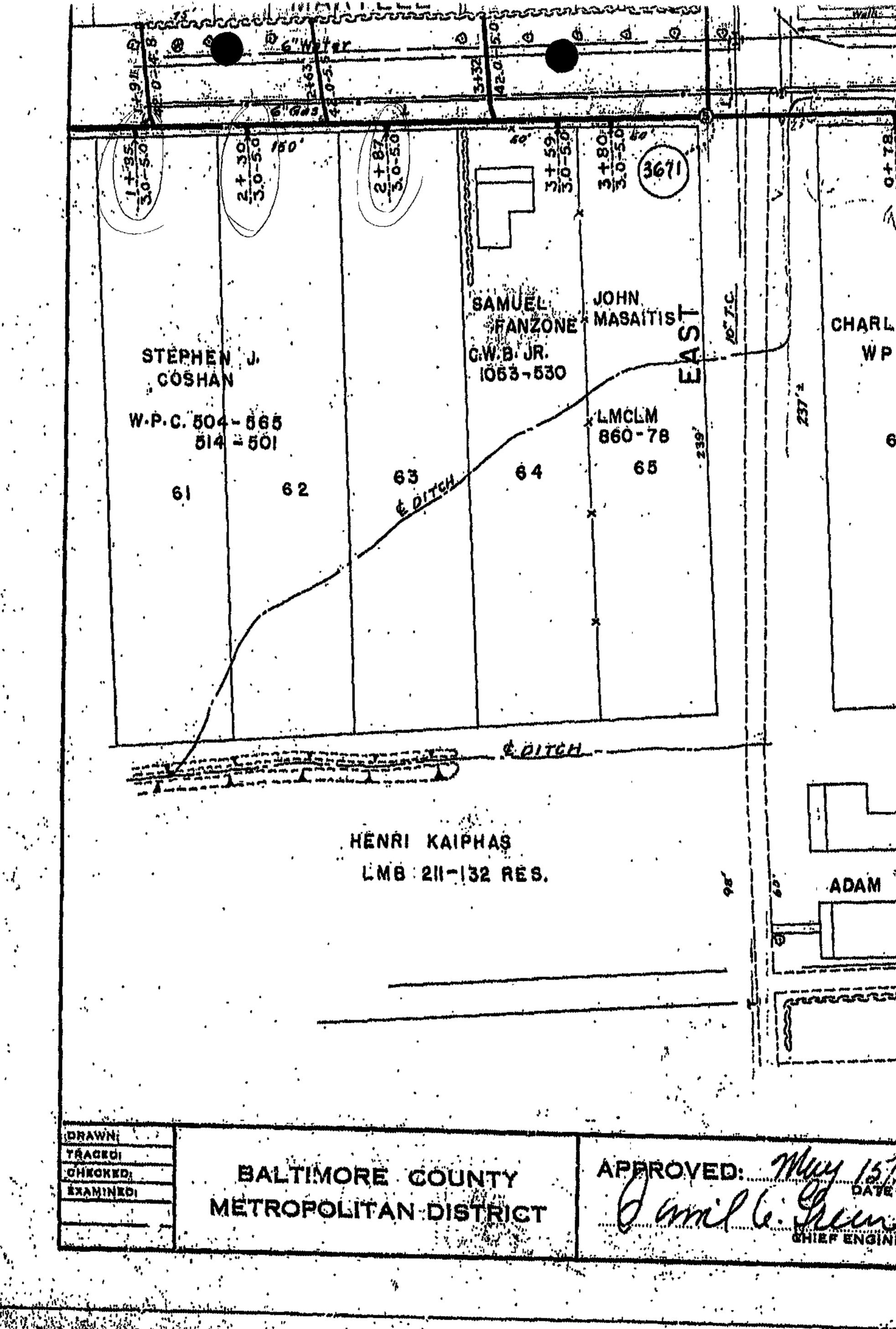
| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL | | |
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| Donald E Miller | 1817 Wesy Ave | BALTO Md 2/222 | | | |
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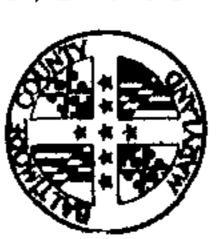


SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 -In D.R.2, D.R.3.5 and D.R.5.5 Zones the FT. front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on FT. building address each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immedistely adjoining lots are not both so improved, then FT. the depth of the front yard of any building hereafter greated shall be not less than the average depth of FT. the front yards of all improved lots within 200 feet NORMAL REQUIRED SETBACKS on each side thereof, provided that no dwelling shall TOTAL be required to be set back more than 60 feet in D.R.2 D.R.2 - 65 ft. REQUIRED FRONT gomes, 50 feet in D.R.3.5 gomes and 40 feet in D.R.5.5 SEIBACK D.R.3.5- 55 ft. zones. In no case, however, shall nonresidential (averaged) D.R.5.5- 50 ft. principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively. 200 200 SUBJECT Vacant PROPERTY Vacawit VACA quilling dwelling dweiling. enillewb Resid_setback Add. center line of street paving.







Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg.
401 Bosley Avenue Towson, Maryland 21204

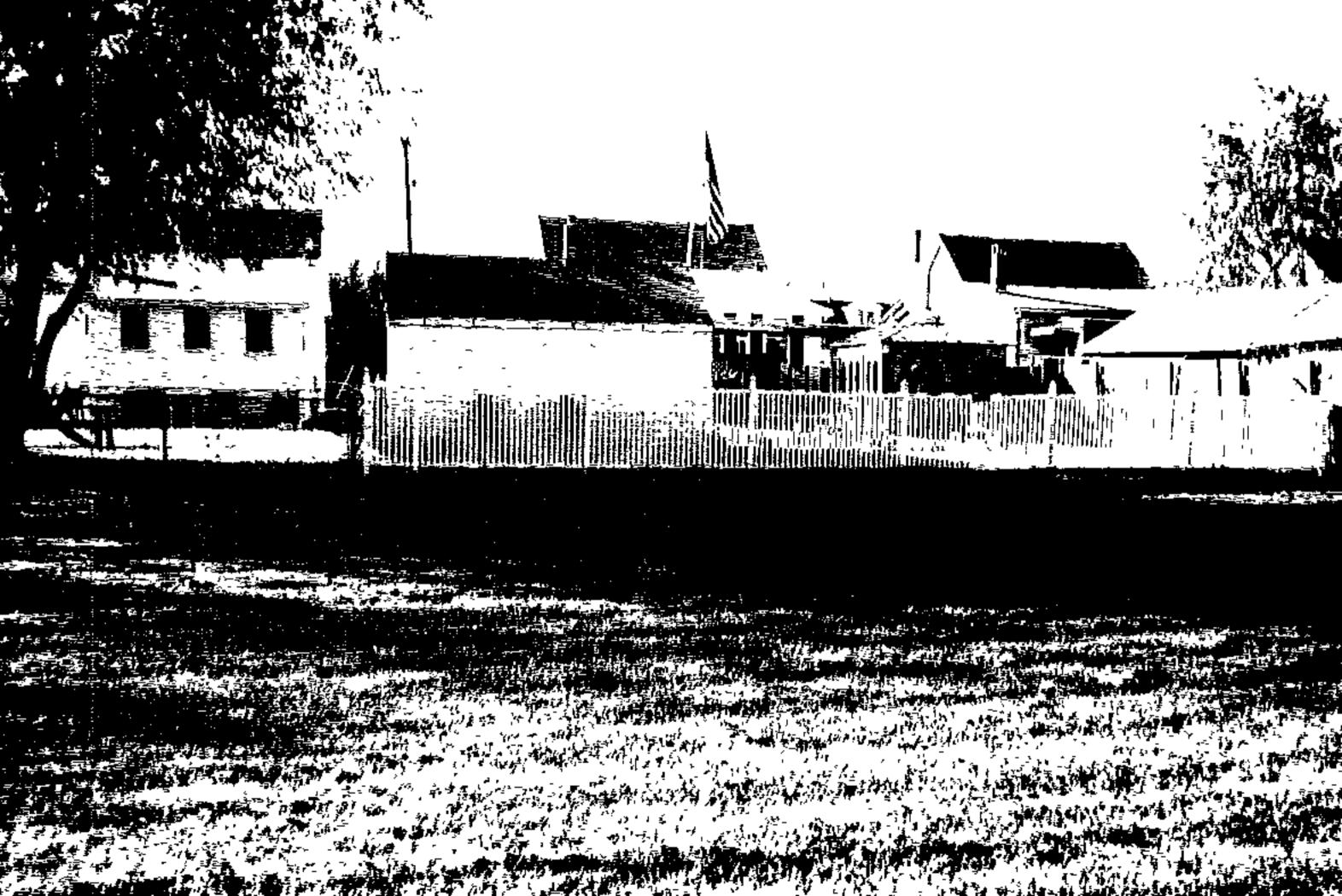
















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| LOCATION CROSS ST NAME | | ROAD | MARTE BECKAH | LL AVE | NUE | | | LOG IN INSPD LOG OUT | 7 | 01/08/03 01/22/03 01/30/03 | MAP COORD:N COORD:E ELECTION | 44F3 12 |
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| ERO | ODING SION IMENT | □ F | OUSE (SULAWN) IRE DEPT | • | | HOUS | E (SEF | EPAGE) | | ROADSIDE I DITCH/CHA SWALE STREAM | l | |

DESCRIPTION: ALLEY

INSPECTOR DAVE BEUTELSPACHER

INQUIRY PONDING OF WATER @ REAR YARD. WAS PREVIOUSLY ADVISED BY HWY MAINT. FOR ALLEY RECONSTRUCTION PETITION PRESENTLY NO QUORUM. STATED S.D. INLETS OPPOSITE ALLEY BUT NOT CAPTURING FLOW. WANTS INSPECTION, CALL FIRST.

INSPCOMM

MARTELL AVE IS AN IMPROVED ROAD WITH S.D SYSTEM. OVERLAND FLOW ON THIS THIS PROPERTY DRAINS FROM MARTELL AVE IN THE FRONT TO THE REAR WHERE THERE IS AN UNPAVED ALLEY THAT IS HIGHER THAN THE PROPERTY THUS TRAPPING WATER. IN ADDITION THERE ARE SEVERAL FLAT SPOTS CAUSING WATER TO POND. ON THE OTHER SIDE OF THE ALLEY THERE IS A TOWNHOUSE COMMUNITY THAT HAS DITCHES IN PLACE, ADVISED PO THAT ITS POSSIBLE THAT REAR YARD COULD BE RAISED TO GET WATER TO THESE DITCHES BUT IT WOULD INVOLVE EXTENSIVE GRADING. PROPER RELIEF OF THIS SITUATION WOULD COME ONLY IF A PETITION WAS OBTAINED TO IMPROVE THIS DIRT ALLEY.

Property Tax No. 12-06-000340 Address - Lot No. 61, Plat of Justus Martell 4/62

Property Tax No. 12-06-000341
Address - Lot No. 62, Plat of
Justus Martell 4/62

NO COMBIDERATION/NO TITLE EXAMINATION

THIS DEED, made this ______ day of March, 1997 by and between JOSEPH FRANCIS FANSONE and SUSAN ANN FANSONE, his wife, of the State of Maryland, County of Baltimore, parties of the first part, and JOSEPH FRANCIS FANSONE and SUSAN ANN FANSONE, parties of the second part, and JOSEPH WAYNE FANSONE and CARNEN ROMALD FANSONE, of the State of Maryland, parties of the third part.

WITHESSETH, that in consideration of the sum of No Dollars (\$0.00) and of their mutual love and affection and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part doth grant and convey to the said parties of the second part as tenants by the entireties, the survivor of them, for and during the term of their natural lives and the life of the survivor, with the powers hereinafter expressed and fully set forth and from and after the demise of the survivor of the said parties of the second part, without him, her or them having exercised his, her or their powers of disposition, remainder over unto the said parties of the third part, as joint tenants and not as tenants in common, the survivor of . them, his personal representatives and assigns, in fee simple, all that lot of ground situate in the State of Maryland, County of Baltimore and described as follows, that is to say:

Avenue at the distance of one hundred and twenty-five feet easterly from the corner or intersection of the south side of Martell Avenue and the east side of West Avenue (both of which avenues are set out on the plat mentioned above), thence running easterly along the south side of Martell Avenue fifty feet, thence southerly parallel with the east side of West Avenue two hundred and forty-five feet to the north side of a fifteen foot wide alley, there laid out,

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
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AGRICULTURAL TRANSFER THE STREET CAPTURE CAPTU

EAUMMTEN & SAUBMTEN ATTORNEYD AT LAW ON SAITBEN BOULDVARD BINET, MARYLAND MIN Q JX XX

Case No.: 11000724MSA-ma-/

Title Insurer: Chicago Title Insurance Company

Tax Account No.: 12-1206000310

THIS DEED

THIS DEED, made this 30th day of December, 2003, by and between <u>Carmen Ronald</u> Fanzone and Joseph Wayne Fanzone, Personal Representatives of the Estate of Samuel Fanzone, parties of the first part, and V & W Homes, L.L.C., a Maryland Limited Liability Company, party of the second part:

WITNESSETH, that in consideration of the sum of grant and convey under the penalties of perjury as the acknowledged, and which the parties of the first part certify under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said parties of the first part do grant and convey unto the party of the second part, its outstanding, the said parties of the first part do grant and convey unto the party of the second part, its successors and assigns, in fee simple, all that property situate in Baltimore County, Maryland, and as described as follows, that is to say;

BEGINNING FOR THE SAME THEREOF on the south side of Martell Avenue at the distance of two hundred and twenty five feet easterly from the corner or intersection of the south side of Martell Avenue and the east side of West Ave (both of which avenues are set out on the plat above mentioned) thence running easterly along the south side of Martell Avenue fifty feet thence southerly parallel with the east side of West Avenue two hundred and forty two feet to the north side of a fifteen foot alley there laid out thence westerly along the north side of said alley with the use thereof in common fifty feet more or less to the Lot No. Sixty Two (62) thence northerly parallel with the east side of West Avenue two hundred and forty three feet to the place of beginning. Being known and designated as Lot No. 63 on the plat of the land belonging to Juatus Martell which Plat is recorded among the Land Records of Baltimore County, MD in Plat Book No. 4, folio 62.

Records of Baltimore County, MD in Liber No. 1389, folio 311, was granted and conveyed by Annie Coshan unto Samuel Fanzone. The said Samuel Fanzone having died on or about October 17, 2000, and by Order of the Orphans' Court of Baltimore County, Maryland, Carmen Ronald Fanzone and Joseph Wayne Fanzone, were appointed Personal Representatives. See Also: Estate Number 114453 as filed in the Orphans' Court of Baltimore County State of Maryland.

AFFIDAVIT OF "TOTAL PAYMENT"

The undersigned Grantor(s) certify under penalties of perjury that the "Total Payment" for purposes of Section 10-912(b) of the Tax General Article of the Annotated Code of Maryland is \$______.

SUBJECT to covenants, easements and restrictions of record.

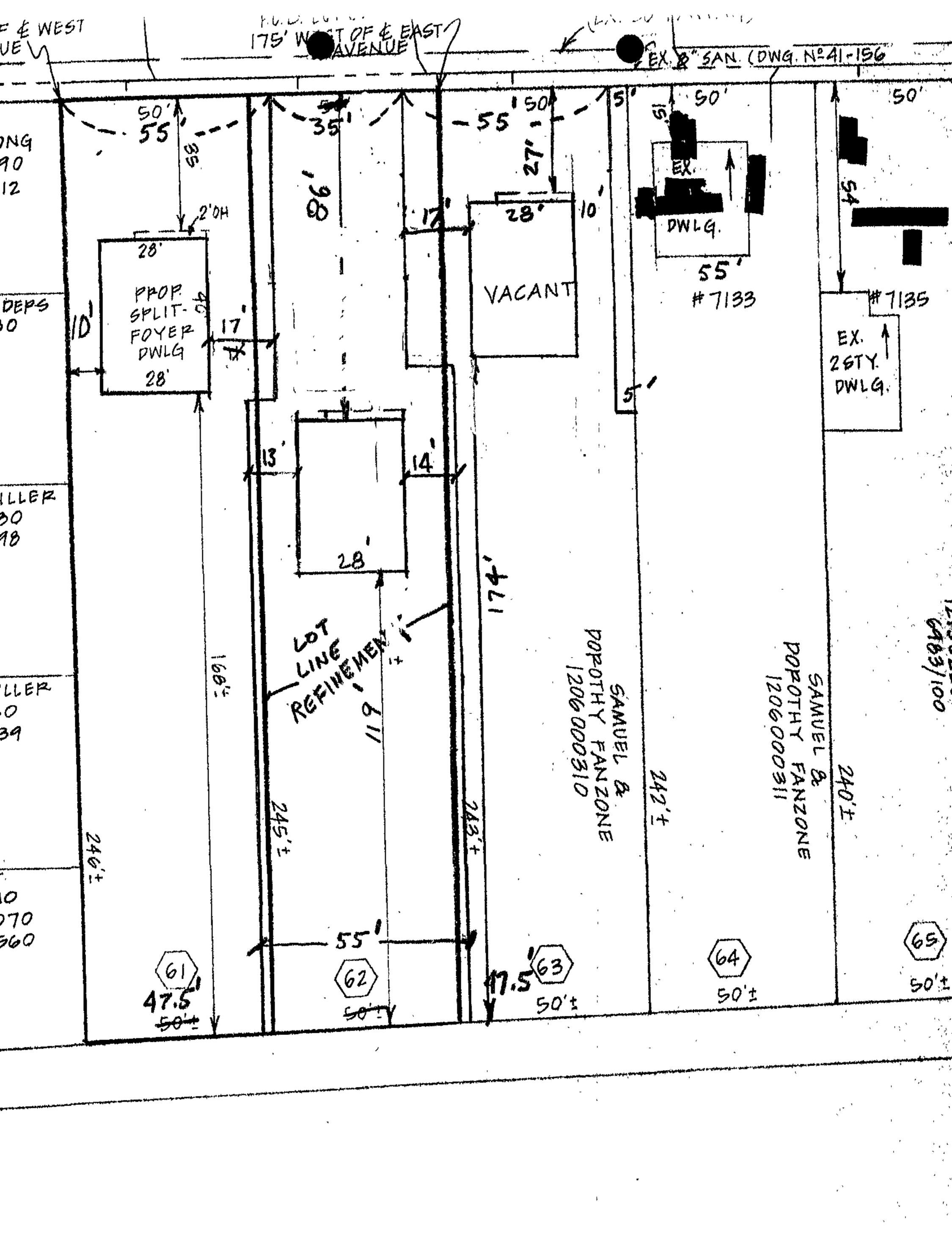
TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only and benefit forever of said party of the second part, its successors or assigns, in fee simple.

AND said parties of the first part do hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

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LOT 61

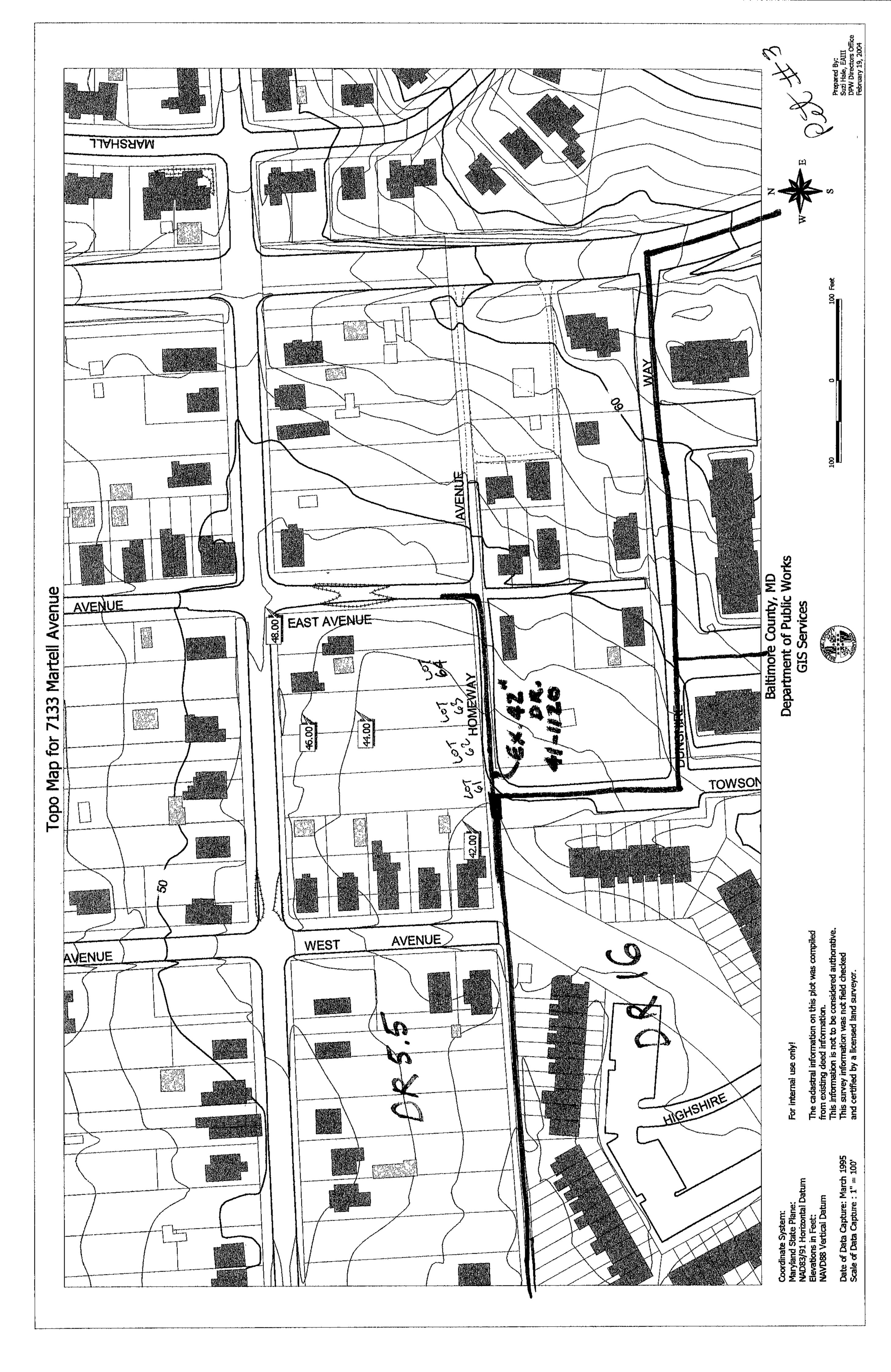
GENERAL NOTES:

- 1. LOT SIZE: 12,250 S.F.+/- OR 0.28 AC.+/-
- 2. EXISTING ZONING: D.R. S.S.
- 3. 200' SCALE ZONING MAP: S.E. 3-E 4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- 5. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN
- 6. NOT LOCATED IN THE HISTORIC AREA 7. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 240010 0420B

LAIN

CRITICAL AREA

ZONE: "C"



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PLAT TO ACCOMPANY AN UNDERSIZE LOT APPLICATION & PETITION FOR VARIANCE LOT NO. 6 | MARTELL AVENUE "JUSTUS MARTELL" 4/82 TAX MAP: 103 GRID: 10 PARCEL: 425

TAX ACCT. NO. 1206 000340 DEED REF.: 12084 /51 ELECTION DISTRICT NO.: 12 COUNCILMANIC DISTRICT NO. 7 SCALE: 1" = 30' NOVEMBER 12,2003

PLAT TO ACCOMPANY AN UNDERSIZE LOT APPLICATION & PETITION FOR VAPIANCE LOT NO. 62 MARTELL AVENUE "JUSTUS MARTELL" 4/82 TAX MAP: 103 GRID: 10 PARCEL: 425 TAX ACCT. NO. 1206000341 DEED REF.: 12084/51 ELECTION DISTRICT NO.: 12 COUNCILMANIC DISTRICT NO. 7 SCALE: 1" = 30NOVEMBER 12,2003

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GENERAL NOTES:

1. LOT SIZE: 12,200 S.F.+/- OR 028 AC.+/-

2. EXISTING ZONING: D.R. 5.5

3. 200' SCALE ZONING MAP: S.E. 3-E

4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA 5. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN

6. NOT LOCATED IN THE HISTORIC AREA

7. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 240010 0420B

ZONE: "C"

8. EXISTING USE: VACANT

PROPOSED USE: SINGLE FAMILY DWELLING

9. NO PRIOR ZONING HISTORY

10. RECORD PLAT DATED JUNE 11,1913

11. EXISTING SANITARY HOUSE CONNECTION STUBS

GENERAL NOTES:

LOT 61

1. LOT SIZE: 12,250 S.F.+/- OR 0.28 AC.+/-

2. EXISTING ZONING: D.R. 5.5

3. 200' SCALE ZONING MAP: S.E. 3-E

4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA 5. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN

6. NOT LOCATED IN THE HISTORIC AREA

7. FLOOD INSURANCE RATE MAP:

COMMUNITY PANEL NO. 240010 0420B

ZONE: "C"

8. EXISTING USE: VACANT

PROPOSED USE: SINGLE FAMILY DWELLING

9. NO PRIOR ZONING HISTORY

10. RECORD PLAT DATED JUNE 11,1913

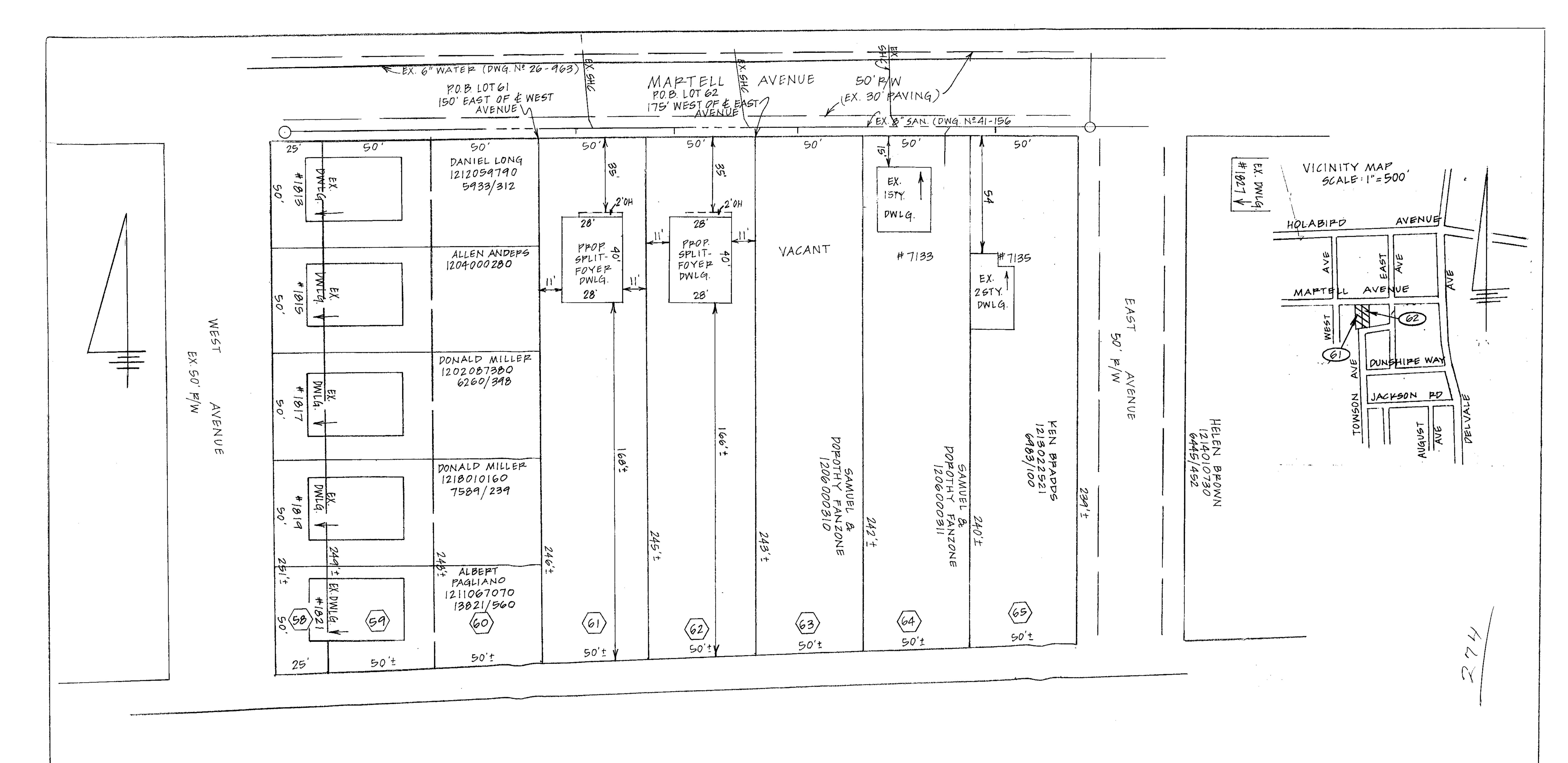
11. EXISTING SANITARY HOUSE CONNECTION STUBS

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Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101

LOT 61 & LOT 62

OWNER: JOSEPH FANZONE & SUSAN FANZONE 7223 HOLABIRD AVENUE BALTIMORE, MD 21222



LOT 62

GENERAL NOTES:

1. LOT SIZE: 12,200 S.F.+/- OR 0.28 AC.+/-

2. EXISTING ZONING: D.R. 5.5

3. 200' SCALE ZONING MAP: S.E. 3-E

4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA

5. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN

6. NOT LOCATED IN THE HISTORIC AREA

7. FLOOD INSURANCE RATE MAP:

COMMUNITY PANEL NO. 240010 0420B ZONE: "C"

8. EXISTING USE: VACANT PROPOSED USE: SINGLE FAMILY DWELLING

9. NO PRIOR ZONING HISTORY

10. RECORD PLAT DATED JUNE 11,1913

11. EXISTING SANITARY HOUSE CONNECTION STUBS

LOT 61

GENERAL NOTES:

1. LOT SIZE: 12,250 S.F.+/- OR 0.28 AC.+/-

2. EXISTING ZONING: D.R. 5.5

3. 200' SCALE ZONING MAP: S.E. 3-E

4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA

5. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN

6. NOT LOCATED IN THE HISTORIC AREA

7. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 240010 0420B

ZONE: "C"

8. EXISTING USE: VACANT PROPOSED USE: SINGLE FAMILY DWELLING

9. NO PRIOR ZONING HISTORY

10. RECORD PLAT DATED JUNE 11,1913

11. EXISTING SANITARY HOUSE CONNECTION STUBS

LOT APPLICATION & PETITION FOR VARIANCE LOT NO. 61 MARTELL AVENUE "JUSTUS MARTELL" 4/82 TAX MAP: 103 GRID: 10 PARCEL: 425 TAX ACCT. NO. 1206 000340 DEED REF.: |2084 |5| ELECTION DISTRICT NO.: 12

PI_AT, TQACCQMPANY, AN, UNDERSIZE

COUNCILMANIC DISTRICT NO. 7 SCALE: 1"=30' NOVEMBER 12,2003

8275

PLAT TO ACCOMPANY AN UNDERSIZE LOT APPLICATION & PETITION FOR VAPIANCE LOT NO. 62 MARTELL AVENUE "JUSTUS MARTELL" 4/82

TAX MAP: 103 GRID: 10 PARCEL: 425 TAX ACCT. NO. 1206000341 DEED REF.: |2084/5| ELECTION DISTRICT NO.: 12 COUNCILMANIC DISTRICT NO. 7 SCALE: 1"=30

NOVEMBER 12,2003



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

LOT 61 & LOT 62

OWNER: JOSEPH FANZONE & SUSAN FANZONE 7223 HOLABIRD AVENUE BALTIMORE, MD 21222