

IN RE: PETITION FOR VARIANCE
S/S of Martell Avenue, 150 ft. E
centerline of West Avenue
12th Election District
7th Councilmanic District
(Lot 62, Martell Avenue)

Susan & Joseph Fanzone
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-275-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 62, 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 permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot per Section 304 of the B.C.Z.R.

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

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Date 3/18/04
By [Signature]

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 site plan for the Petitioner. By agreement, the Protestants did not have to appear at this 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 12,200 sq. ft., zoned D.R.5.5 and is unimproved. This property is Lot 62 of the subdivision known as the “Justus Martell Property” recorded in the Land Records 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 for zoning relief.

This is a companion case to Case Nos. 04-280-A, 04-279-A and 04-274-A which involve the identical request for relief for Lots 63, 64 and 61. 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

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Date 3/18/04
By J.C. Zimmerman

and evidence given by either side in this case also applies equally in Case Nos. 04-280-A, 04-279 and 04-274,

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 public 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.

Date 3/18/04
By R. O. [Signature]

At the hearing in Case No. 04-274-A, 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 this hearing, 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 requests.

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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Date 3/18/04
By [Signature]

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

ORDER RECEIVED FOR FILING

Date

3/18/04

By

[Signature]


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 18 day of March, 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 permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot per Section 304 of the B.C.Z.R., be and is hereby DENIED.

IT IS FURTHER ORDERED, that in any future petition for approval of this property as an undersized lot, that the zoning history shall include 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

ORDER RECEIVED FOR FILING
Date 3/18/04
By [Signature] M:raj

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

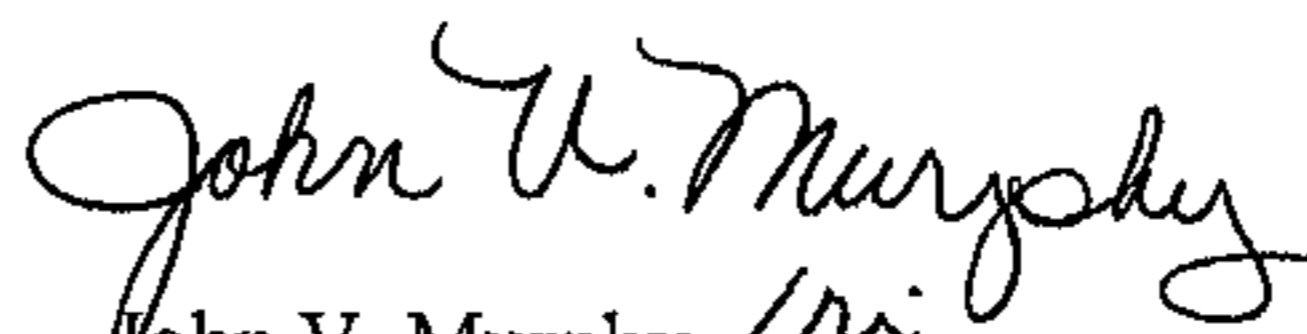
Re: Petitions for Variance
Case Nos. 04-274-A & 04-275-A
Property: Lot #61 & Lot #62, Martell Avenue

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 V. Murphy
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 Lot 62 Martell 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)

1B02.3.C.1 to permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot per Section 304 BCZR.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Joseph Fanzone

Name - Type or Print *— DECEASED - See Death Cert*

Signature

Susan Fanzone

Name - Type or Print

Susan Fanzone

Signature

7223 Holabird Avenue 410 282 3986

Address Telephone No.

Baltimore, MD 21222

City State Zip Code

Representative to be Contacted:

Site Rule Surveying, Inc

Name

200 E. Joppa Road Room 101 (410) 828-9060

Address Telephone No.

TOWSON, MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

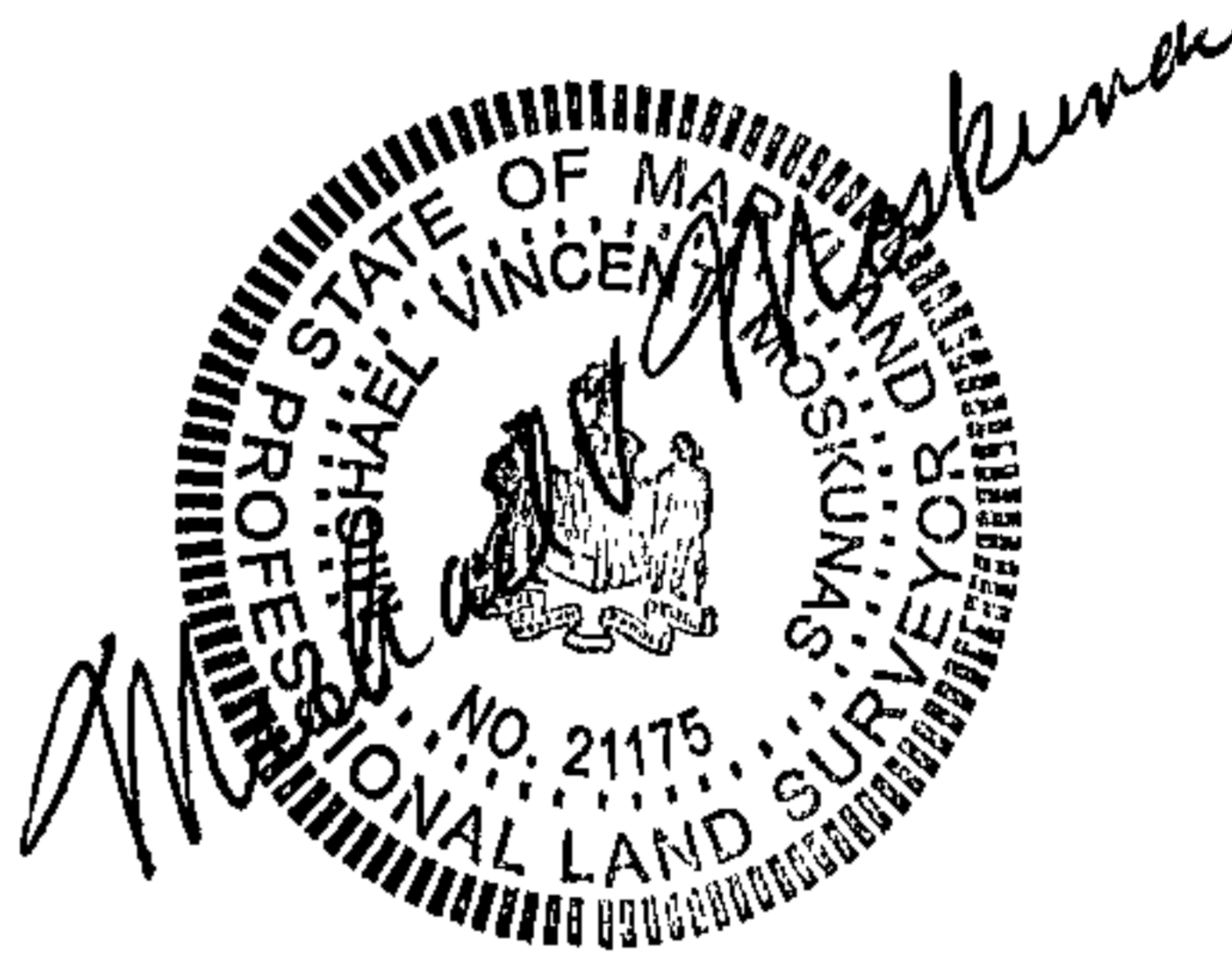
Reviewed By BK Date 12/4/03

JADEH RECEIVED FOR FILING
Date 3/18/04
By [Signature]
REV 9/15/03

Case No. 04-275-A

ZONING DESCRIPTION FOR #7129 MARTELL AVENUE

BEGINNING at a point on the south side of Martell Avenue which is 50 feet wide at the distance of 175 feet west of the centerline of East Avenue which is 50 feet wide. Being Lot No. 62 in the subdivision of Justus Martell as recorded in Baltimore County Plat Book No. 4, folio No. 82, containing 12,200 square feet. Also known as #7129 Martell Avenue and located in the 12th Election District, 7th Councilmanic District.



Michael V. Moskunas

**Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 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: # 04-275-A
Lot 62, Martell Avenue
S/side of Martell Avenue, 200 feet east of centerline of West Avenue
12th Election District - 7th Councilmanic District
Legal Owner(s): Joseph (Deceased) and Susan Fanzone
Variance: to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.
Hearing: Monday, February 23, 2004 at 2:00 p.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.
2/016 Feb. 5 C647999

CERTIFICATE OF PUBLICATION

2/5/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/5/2004.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

J. Wilkinson

LEGAL ADVERTISING

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

No. **30552**

DATE 12/4/03 ACCOUNT R001-006-6150

AMOUNT \$ 115.00

RECEIVED FROM: Site Rite Surveying

FOR: Unrevised Lot & Variance for

lot #62 Martell Ave.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 75

PAID RECEIPT

BUSINESS ACTION TIME DEPT
12/06/2003 12/06/2003 14:47:06
PE: 48901 WALKIN JRIC JAR
RECEIPT # 167271 12/06/2003 OFLH
DEPT 5 520 ZONING VERIFICATION
CP NO. 03232

Receipt Tot \$115.00
\$115.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-275-A

Petitioner/Developer: WAYNE WILSON-FANZONE

Date of Hearing/ Closing: FEB. 16, 2004

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

Attention: Becky Hart

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 LOT #62 MARTELL AVE,
200 FEET EAST OF WEST AVE.

The sign(s) were posted on JAN. 30, 2004
(Month, Day, Year)

Sincerely,

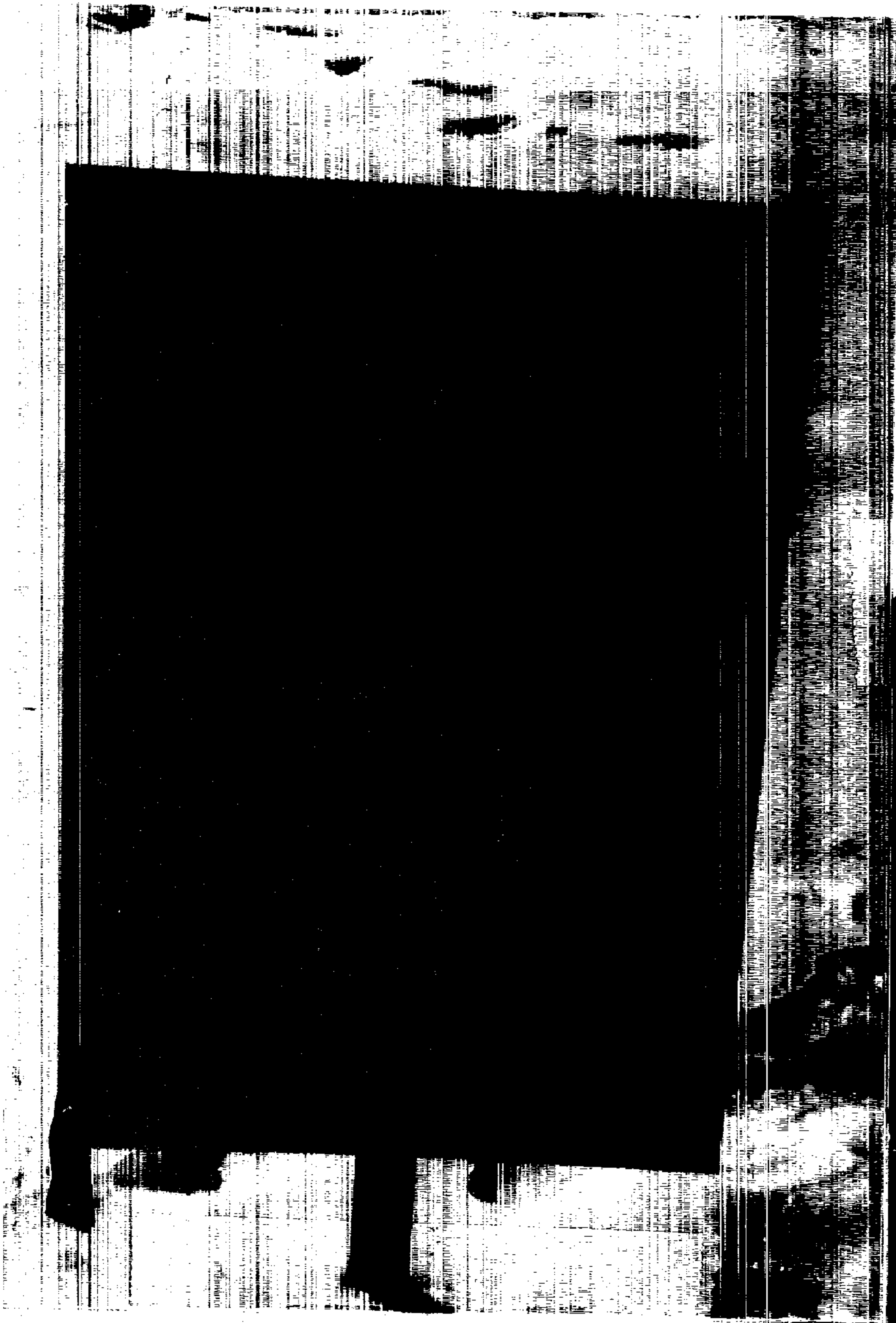
Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)





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

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: 04-275-A

Lot 62, Martell Avenue
S/side of Martell Avenue, 200 feet east of centerline of West Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

Hearing: Monday, February 23, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. and Mrs. Fanzone, 7223 Holabird Avenue, Baltimore 21222
Site Rite Surveying, 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, FEBRUARY 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 Issue - Jeffersonian

Please forward billing to:
V & W Homes
502 Sylvan Way
Pasadena, MD 21122

410-320-5316

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: 04-275-A

Lot 62, Martell Avenue
S/side of Martell Avenue, 200 feet east of centerline of West Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

→ Hearing: Monday, February 23, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. 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.



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

January 14, 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: 04-275-A

Lot 62, Martell Avenue
S/side of Martell Avenue, 200 feet east of centerline of West Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

Hearing: Monday, February 23, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. and Mrs. Fanzone, 7223 Holabird Avenue, Baltimore 21222
Site Rite Surveying, 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 TUESDAY, FEBRUARY 3, 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, February 3, 2004 Issue - Jeffersonian

Please forward billing to:
V & W Homes
502 Sylvan Way
Pasadena, MD 21122

410-320-5316

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: 04-275-A

Lot 62, Martell Avenue
S/side of Martell Avenue, 200 feet east of centerline of West Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

Hearing: Monday, February 23, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. 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.



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

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: 04-275-A

Lot 62, Martell Avenue
S/side of Martell Avenue, 200 feet east of centerline of West Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

Hearing: Monday, February 16, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. and Mrs. Fanzone, 7223 Holabird Avenue, Baltimore 21222
Site Rite Surveying, 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:
V & W Homes
502 Sylvan Way
Pasadena, MD 21122

410-320-5316

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: 04-275-A

Lot 62, Martell Avenue

S/side of Martell Avenue, 200 feet east of centerline of West Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Joseph (Deceased) and Susan Fanzone

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

Hearing: Monday, February 16, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. 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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 04-275-A

Petitioner: V & W Homes

Address or Location: 7129 Mantol Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: V & W Homes

Address: 502 Sylvan Way
Pasadena MD 21122

Telephone Number: 410 320 5316



Baltimore County
Department of Permits and
Development Management

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

February 20, 2004

Mrs. Susan Fanzone
7223 Holabird Avenue
Baltimore, Maryland 21222

Dear Mrs. Fanzone:

RE: Case Number:04-275-A, Lot 62 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:clb

Enclosures

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

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



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

Robert L. Flanagan, *Secretary*
Nell J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.16.03

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

RE: Baltimore County
Item No. 275 BTR

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,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 23, 2003

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

SUBJECT: 7129 Martell Avenue

INFORMATION:

Item Number: 04-275

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**.

ORDER RECEIVED FOR FILING
Date 3/18/04
By [Signature]

Prepared by: [Signature]

Section Chief: [Signature]
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 29, 2003

FROM: *fwb* 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

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 04-275-A

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

RE: Undersized Lots

Residential Processing Fee Paid (\$50.00)
Accepted by <u>BJR</u>
Date <u>12/23/03</u>

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective 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 permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

V & W Homes 502 Sylvan Way Pasadena, MD 21222 1-410-320-5316
Print Name of Applicant Address Telephone Number

7129 Marcell Avenue Election District 12 Councilmanic District 7 Square Feet 12,200
Lot Address

Lot Location: N E / S W / side / corner of Marcell Avenue 175 feet from N E / S W / corner of East Avenue
(street) (street)

Land Owner: Joseph and Susan Fanzone Tax Account Number 1206000341

Address: 7223 Holabird Avenue Baltimore, MD 21222 Telephone Number () _____

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application (<u>pending approval</u>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (2 copies) available in Room 200, County Office Building (large sheets - hand)	<input type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly) Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECEIVED

6. Current Zoning Classification: D.P. 5.5

Post-it® Fax Note	7671	Date	<u>12/23/03</u>	# of pages	<u>2</u>
To	<u>Buro Rudaitis</u>	From	<u>Lynn Jablon</u>		
Co./Dept	<u>Zoning</u>	Co.			
Phone #	<u>(7129) Marcell</u>	Phone #	<u>3480</u>		
Fax #	<u>2824</u>	Fax #			

TO BE FILLED IN BY THE

RECOMMENDATIONS / COMMENTS:

Approval Disapproval Approval conditioned on rec

See ATTACHED

Signed by: Lynn Jablon
for the Director, Office of Planning and Community Conservation

Date: 12/23/03

RE: PETITION FOR VARIANCE * BEFORE THE
 Lot 62 Martell Avenue; S/side Martell Ave * ZONING COMMISSIONER
 200' E c/line of West Avenue *
 12th Election & 7th Councilmanic Districts
 Legal Owner(s): Joseph (deceased) & Susan * FOR
 Fanzone
 Petitioner(s) * BALTIMORE COUNTY
 * 04-275-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.

RECEIVED

DEC 1 / 2003

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 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

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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.

1. 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.
2. 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 method 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.
3. 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 build 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)

ORDER RECEIVED FOR FILING

Date

3/1/84

By

[Handwritten Signature]

04-275

WILLIAM H. KIMMICH

7128 Martell Ave
Baltimore, Maryland
21222

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

RECEIVED

MAR 8 2004

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
President

Enclosure

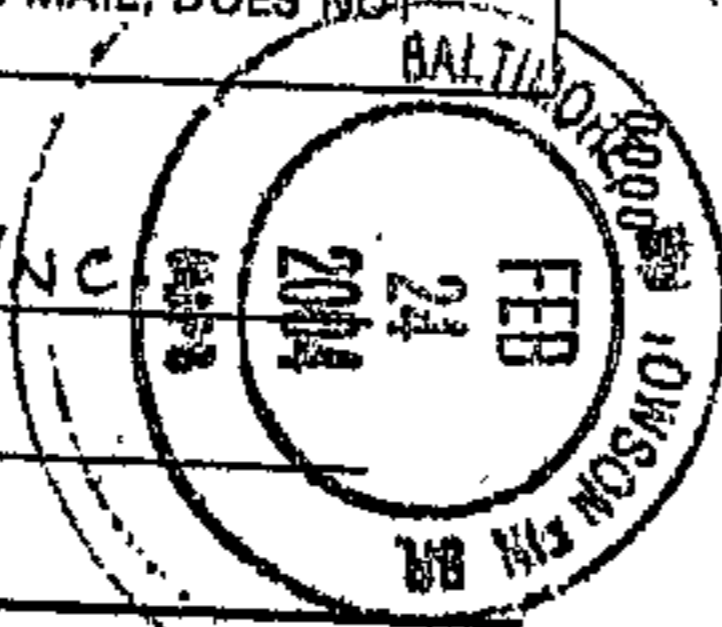
cc: Deputy Zoning Commissioner

File:\ martell.doc

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD.



One piece of ordinary mail addressed to:

MR & MRS WILLIAM H. KIMMICH
7128 MARTELL AVE.
BALTO., MD 21222

U.S. POSTAGE
PAID
BALTIMORE, MD
FEB 24 2004
AMOUNT
\$11.90
900-46470-04

PS Form 3817, Mar. 1989

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

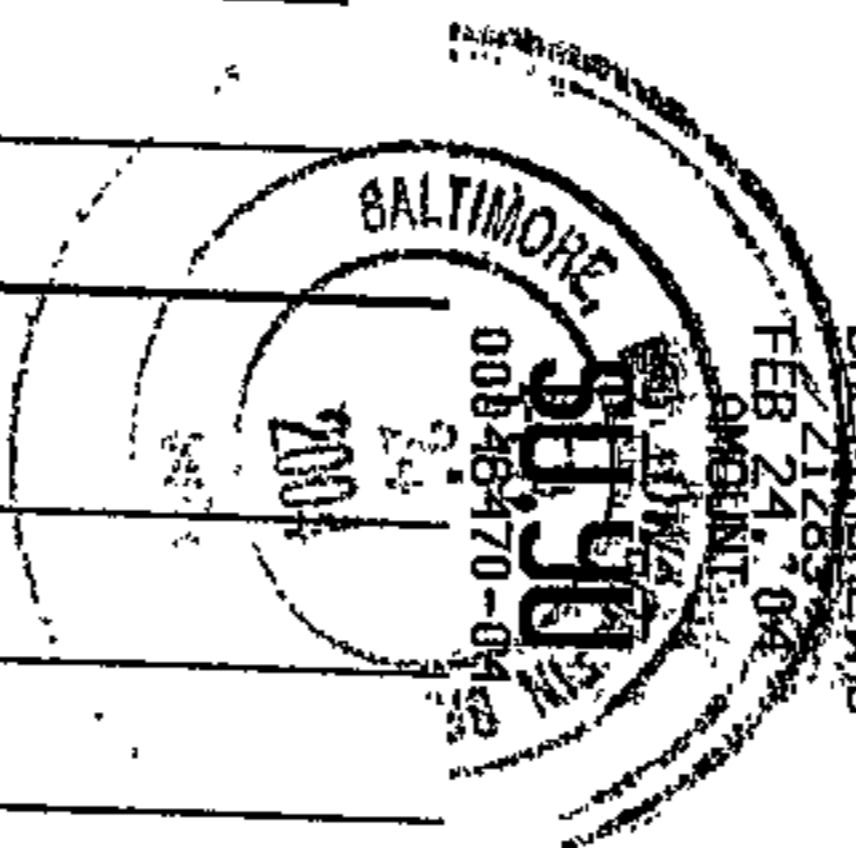
Received From:

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD.
TOWSON, MD. 21286



One piece of ordinary mail addressed to:

MR. DONALD S. MILLER
1817 WEST AVE.
BALTO., MD. 21222



U.S. POSTAGE
PAID
BALTIMORE, MD
FEB 24 2004
AMOUNT
\$11.90
0000
900-46470-04

PS Form 3817, Mar. 1989

IN THE ORPHANS' COURT

(OR)

BEFORE THE REGISTER OF WILLS

FOR

BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF

THE ESTATE OF

Samuel Fanzone

DECEASED

IN THE

ORPHANS' COURT FOR

BALTIMORE COUNTY

ESTATE NO. 114453

ORDER

UPON the foregoing *FIRST and Final* Administration Account, Certificate of Service and Verification, it is this *18th* day of *October*, *2001*, by the Orphans' Court of Baltimore County, Maryland,

ORDERED that the said *FIRST AND Final* Administration Account be and is hereby approved, subject to exceptions being filed within twenty (20) days from the date of this order, at which time this Order shall become final.

Sherris A. Lawler

Julie L. ENSOR

JUDGES

VALID ONLY
WITH
IMPRESSED
SEAL

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF A
RECORD ON FILE IN THE DIVISION OF VITAL RECORDS

DATE ISSUED:

OCT 18 2000

Renée G. Sparks
STATE REGISTRAR OF VITAL RECORDS

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

State of Maryland / Department of Health and Mental Hygiene

Certificate of Death

Reg. No.

1. Decedent's Name (First, Middle, Last) Samuel Fanzone		2. Date of Death Month Day Year October 17, 2000		3. Time of Death 4:15 PM	
4a. Facility Name (If not Institution, give street and number) Johns Hopkins Bayview			4b. City, Town, or Location of Death Baltimore		4c. County of Death
5. Social Security Number 218-07-7065	6. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	7. Age (In yrs. last birthday) 88 Yrs.		8. Date of Birth (Month, Day, Year) Mar. 20, 1912	9. Birthplace (State or Foreign Country) Pa.
Usual Residence of Decedent					
10a. State Md.	10b. County Baltimore	10c. City, Town or Location Dundalk			10d. Inside City Limits <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10e. Street and Number 7133 Martell Ave			10f. Zip Code 21222		10g. Citizen of What Country? USA
11. Marital Status <input type="checkbox"/> Never Married <input type="checkbox"/> Married <input checked="" type="checkbox"/> Widowed <input type="checkbox"/> Divorced		12. Was Decedent Ever in U.S. Armed Forces? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Give Year or Dates:	13. Was Decedent of Hispanic Origin? (Specify Yes or No. If Yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify:		14. Race - American Indian, Black, White, etc. Specify: White
15. Decedent's Education (Specify only highest grade completed) Elementary/Secondary (0-12) 11 yrs. College (1-4 or 5+)		16a. Decedent's Usual Occupation (Give kind of work done during most of working life. DO NOT use retired) Machinist		16b. Kind of Business/Industry Building Materials	
17. Father's Name (First, Middle, Last) Carmen Fanzone			18. Mother's Name (First, Middle, Maiden Surname) Marie Terravecchia		
19a. Informant's Name/Relationship (Type, Print) Ronald Fanzone son		19b. Mailing Address (Street and Number or Rural Route Number, City or Town, State, Zip Code) 5 Hunt Farms Ct. Sparks, Md. 21152			
20a. Method of Disposition <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify)		20b. Place of Disposition (Name of cemetery, crematory or other place) Bayview Crematory		Date Oct 21 2000	20c. Location - City or Town, State Baltimore City
21. Signature of Funeral Service Licensee <i>Anthony Connelly</i>		22. Name and Address of Facility Connelly Funeral Home of Dundalk, P.A. 7110 Sollers Point Rd. Dundalk, Md. 21222			
23a. Part 1. Enter the disease or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.					Approximate Interval Between Onset and Death
Immediate Cause (Final disease or condition resulting in death) a. Subarachnoid hemorrhage Due to (or as a consequence of)					
b. Due to (or as a consequence of):					
c. Due to (or as a consequence of):					
d. Due to (or as a consequence of):					
Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I Cerebrovascular disease, pneumonia					23b. Did tobacco use contribute to the cause of death? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Probably <input checked="" type="checkbox"/> Unknown
24a. Was an autopsy performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		24b. Were autopsy findings available prior to completion of cause of death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
25. Was case referred to medical examiner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		26. Place of Death (Check only one) Hospital: <input checked="" type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA Other: <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)			
27. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined		28a. Date of Injury (Month, Day Year)	28b. Time of Injury M	28c. Injury at Work? <input type="checkbox"/> Yes <input type="checkbox"/> No	28d. Describe how injury occurred
		28e. Place of Injury - At home, farm, street, factory, office building, etc. (Specify)		28f. Location (Street and Number or Rural Route Number, City or Town, State)	
29a. Certifier (Check only one) <input checked="" type="checkbox"/> Certifying Physician: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated <input type="checkbox"/> Medical Examiner: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner stated					
29b. Signature and title of certifier <i>Amy Knight MD</i>		29c. License number D47533		29d. Date signed (Month, Day, Year) October 17, 2000	
30. Name and address of person who completed cause of death (Item 23a) (Type, Print) Amy Knight, MD, 4940 Eastern Ave., Baltimore, 21224					
31. Date filed (Month, Day, Year) OCT 18 2000		32. Registrar's Signature <i>Renée G. Sparks</i>			

#279

VALID ONLY
WITH
IMPRESSED
SEAL

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

DATE ISSUED: **APR 20 1998**

John E. Davidson-Randall
STATE REGISTRAR OF VITAL RECORDS

Please Type or Print in Black Indelible Ink. Assure All Copies Are Legible.
State of Maryland / Department of Health and Mental Hygiene
Certificate of Death

Physician Medical Examiner	1. Decedent's Name (First, Middle, Last) JOSEPH FANZONE		2. Date of Death Month Day Year APRIL 17 1998		3. Time of Death 09:08AM
	4a. Facility Name (If not Institution, give street and number) THE JOHNS HOPKINS HOSPITAL		4b. City, Town, or Location of Death BALTIMORE CITY		4c. County of Death N/A
Registrar	5. Social Security Number 286-03-3811	6. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	7. Age (In yrs. last birthday) 84 Yrs.	If Under 1 Year Months Days	If Under 24 Hrs. Hours Min.
	8. Date of Birth (Month, Day, Year) July 27 1913			9. Birthplace (State or Foreign Country) PA	
To Be Completed by Funeral Director	10a. State MD		10b. County Baltimore		10c. City, Town or Location Dundalk
	10d. Inside City Limits <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		10e. Street and Number 7223 Holabird Ave		10f. Zip Code 21222
	10g. Citizen of What Country? USA		11. Marital Status <input type="checkbox"/> Never Married <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced		12. Was Decedent Ever in U.S. Armed Forces? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Give Year or Dates:
	13. Was Decedent of Hispanic Origin? (Specify Yes or No. If Yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify:		14. Race - American Indian, Black, White, etc. Specify: White		15. Decedent's Education (Specify only highest grade completed) Elementary/Secondary (0-12) 12 College (1-4 or 5+) _____
16a. Decedent's Usual Occupation (Give kind of work done during most of working life. DO NOT use retired) Machine Operator			16b. Kind of Business/Industry Western - Electric		
17. Father's Name (First, Middle, Last) Carmello Fanzone			18. Mother's Name (First, Middle, Maiden Surname) Maria Terravecchia		
19a. Informant's Name/Relationship (Type, Print) James M. Fanzone /son			19b. Mailing Address (Street and Number or Rural Route Number, City or Town, State, Zip Code) 12131 Little Patuxent Pkwy Columbia, MD 21044		
20a. Method of Disposition <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify)		20b. Place of Disposition (Name of cemetery, crematory or other place) Metro Crematory		20c. Location - City or Town, State Apr. 21 1998 Catonsville, MD	
21. Signature of Funeral Service Licensee <i>Anthony C. Connelly</i>			22. Name and Address of Facility Connelly Funeral Home of Dundalk 7110 Sollers Point Rd 21222		
To Be Completed by Physician/Medical Examiner	23a. Part I. Enter the disease, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.				Approximate Interval Between Onset and Death
	a. BOWEL ISCHEMIA Due to (or as a consequence of):				2 DAYS
	b. NECROTIC GALLBLADDER Due to (or as a consequence of):				2 DAYS
	c. CORONARY ARTERY DISEASE Due to (or as a consequence of):				10 YEARS
Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.					
23b. Did tobacco use contribute to the cause of death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Probably <input type="checkbox"/> Unknown				24a. Was an autopsy performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
24b. Were autopsy findings available prior to completion of cause of death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				25. Was case referred to medical examiner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Place of Death (Check only one) Hospital: <input checked="" type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA Other: <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)		27. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined			
28a. Date of Injury (Month, Day Year)		28b. Time of Injury M		28c. Injury at Work? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
28d. Describe how injury occurred			28e. Place of Injury - At home, farm, street, factory, office building, etc. (Specify)		28f. Location (Street and Number or Rural Route Number, City or Town, State)
29a. Certifier (Check only one) <input checked="" type="checkbox"/> Certifying Physician: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. <input type="checkbox"/> Medical Examiner: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated.					
29b. Signature and title of certifier <i>[Signature]</i> M.D. Ph.D.			29c. License number RES-000		29d. Date signed (Month, Day, Year) APRIL 17, 1998
30. Name and address of person who completed cause of death (Item 23a) (Type, Print) DANIEL R. BROWN 608 NORTH WOLFE STREET BALTIMORE MD 21287-9106					
31. Date filed (Month, Day, Year) APR 20 1998		32. Registrar's Signature <i>John E. Davidson-Randall</i>			

#275

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04. 275A

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)

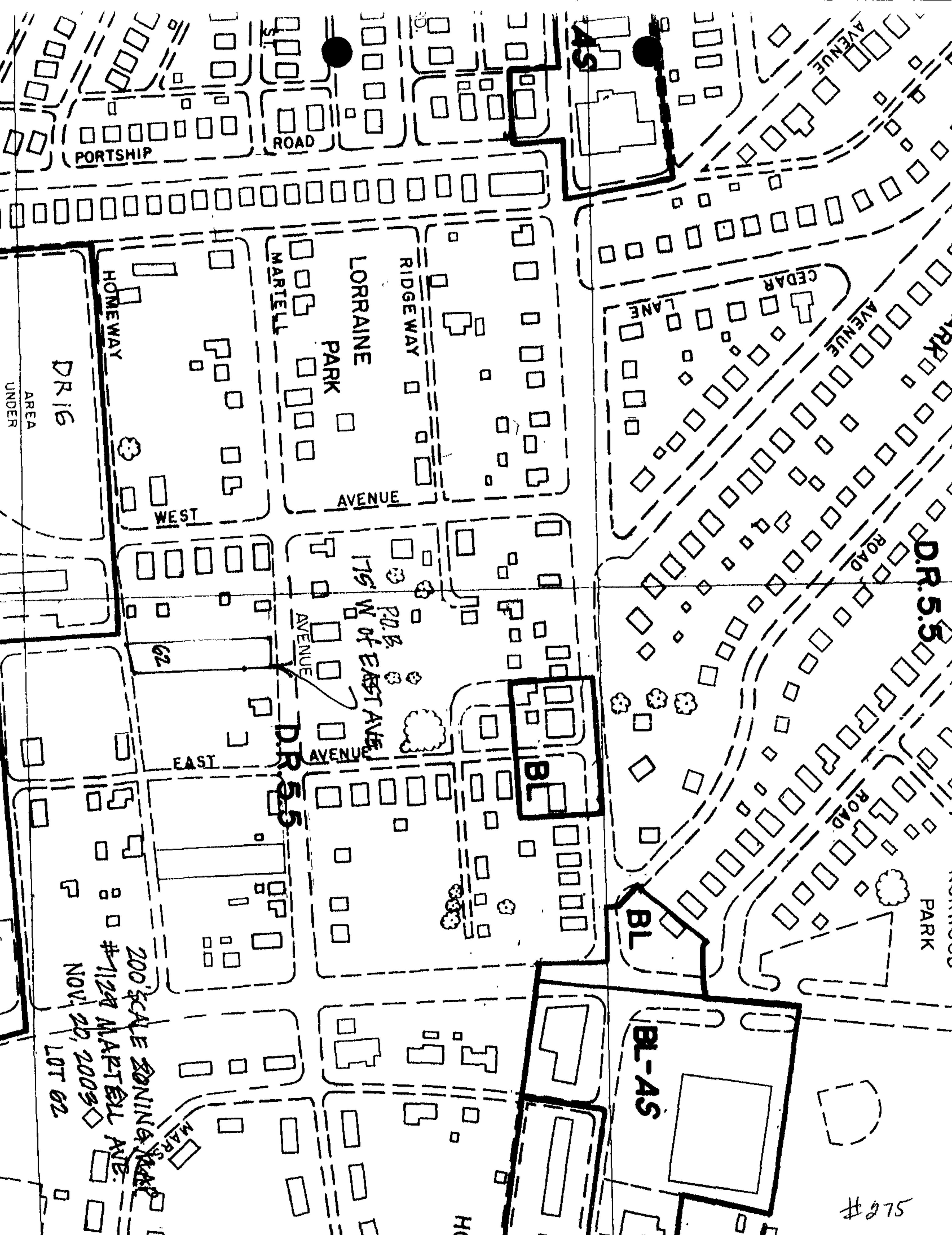
2/5/04

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

02/20/04
CLB

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)



PORTSHIP ROAD

ROAD

AS

AVENUE

HOMEWAY

MARTELL

LORRAINE

RIDGEWAY

CEDAR

LANE

AVENUE

DR 16

AREA UNDER

PARK

AVENUE

WEST

DR 5.5

175' W of EAST AVE

AVENUE

62

BL

EAST

DR 5.5

AVENUE

BL

PARK

ROAD

200' SCALE ZONING MAP #1124 MARTELL AVE. NOV. 20, 2009 LOT 62

BL-AS

#975

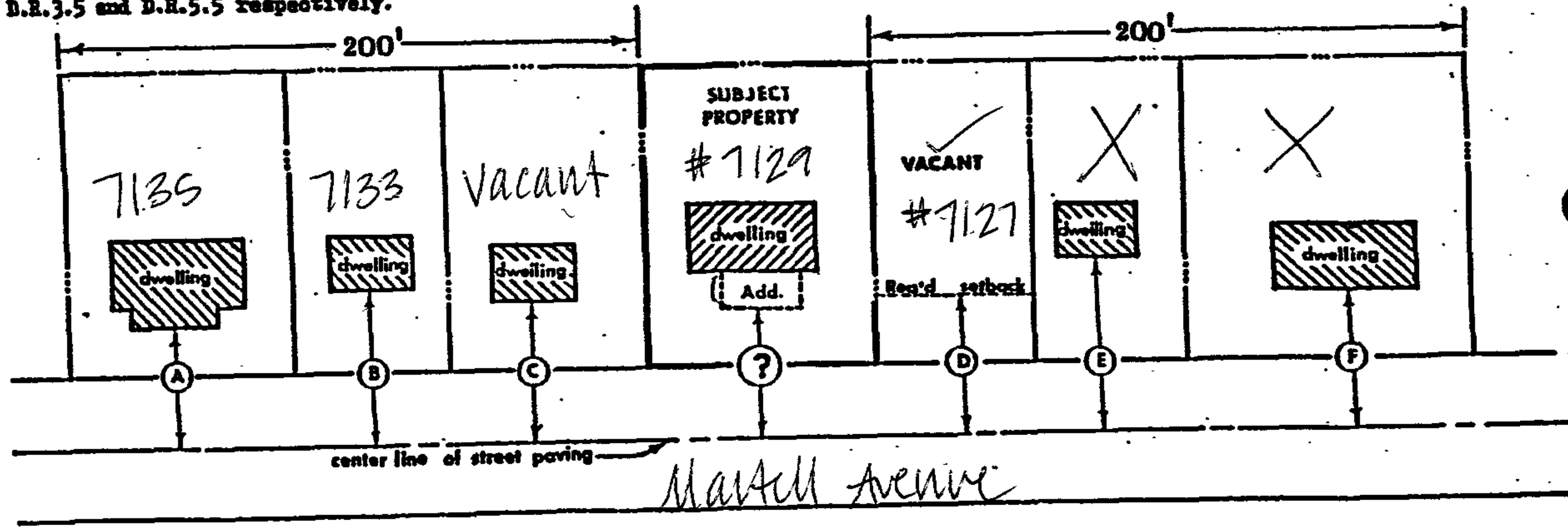
SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES
WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED
 Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the 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 each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential 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.

A	54	FT.
B	15	FT.
C	25	FT.
D	25	FT.
E		FT.
F		FT.
TOTAL (119) ÷ (4) = 30		
		# of dwellings
		REQUIRED FRONT SETBACK (averaged)

V&W Homes
 applicant's name
 7129 March Avenue
 building address
 November 20, 03
 date

NORMAL REQUIRED SETBACKS
 D.R.2 - 65 ft.
 D.R.3.5- 55 ft.
 D.R.5.5- 50 ft.



WE THE UNDERSIGNED ARE HOMEOWNERS & RESIDENTS OF
DUNDALK, MD.

43

THIS PETITION IS TO PROTEST THE VARIANCE CHANGES REQUESTED IN ORDER TO BUILD 4 NEW HOMES ON MARTELL AVENUE.

THE VARIANCE APPLICATION NUMBERS ARE:

04-274-A

04-275-A

04-280-A

04-279-A

THE PERSON WHO JUST PURCHASED THIS LAND WANTS TO BUILD 4 HOMES INSTEAD 3 HOUSES, WHICH WOULD MEET BALTIMORE COUNTY REGULATIONS.

OUR NEIGHBORHOOD IS KNOWN FOR LARGE YARDS AND NO ONE SHOULD BE ALLOWED TO CRAM IN AN EXTRA HOME, JUST TO MAKE A BIGGER PROFIT.

HE SHOULD FOLLOW THE LAW IN BALTIMORE COUNTY, WHICH CALLS FOR 55 FT TO BUILD A NEW HOME

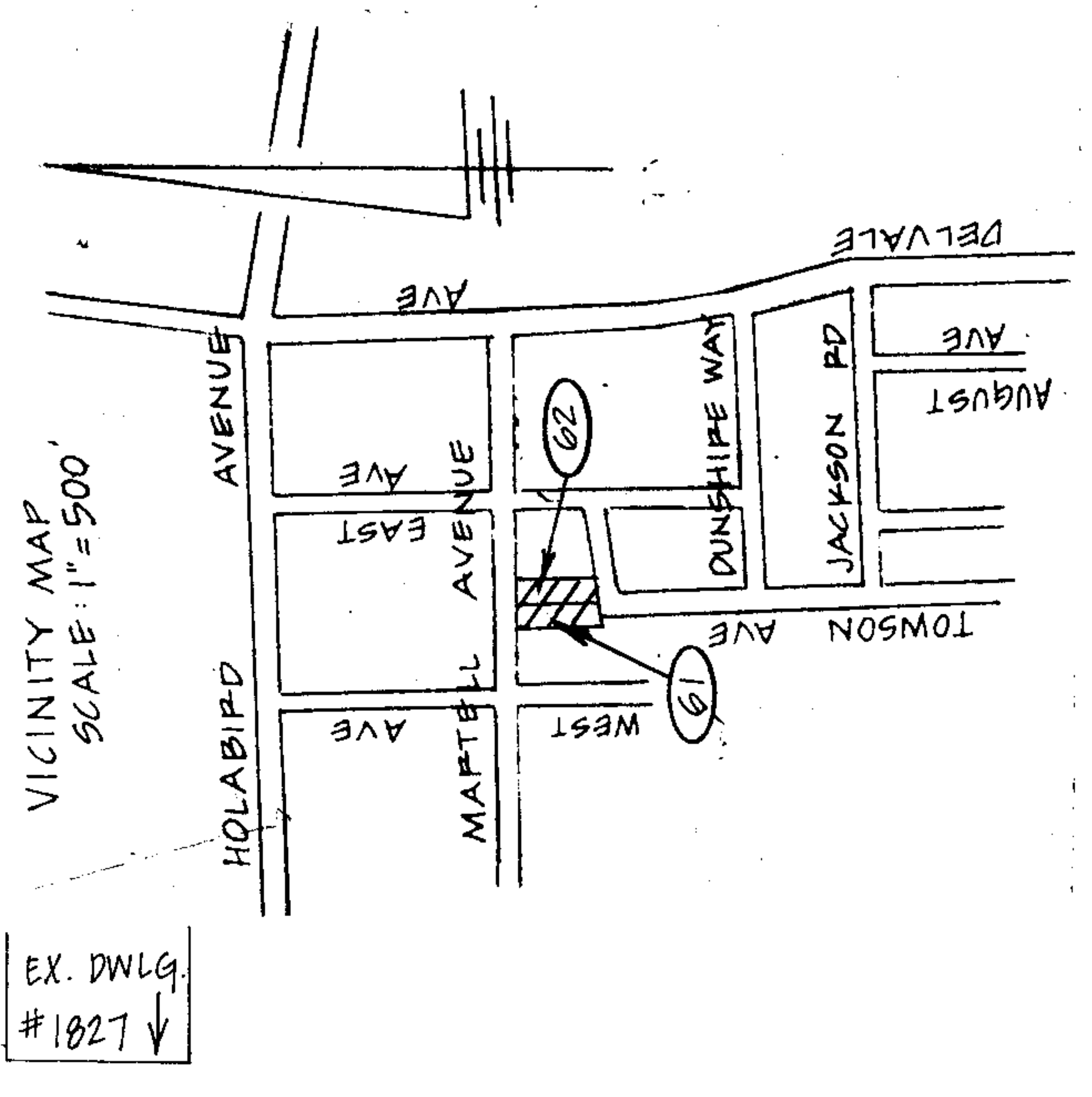
ALSO, WE ARE VERY CONCERNED ABOUT HAVING AN ALLEY OR ACCESS SPACE BEHIND THE HOMES ADJACENT ON WEST AVENUE. IN THE EVENT OF A FIRE OR OTHER EMERGENCY.

EVERYONE WOULD RATHER KEEP ANY OPEN LAND UNDEVELOPED- BUT, IF SOMEONE NEEDS TO BUILD HOUSES ON IT- WE INSIST HE ONLY BUILD 2 OR 3 TASTEFULLY DESIGNED HOMES & NOT BE ALLOWED TO SQUEEZE IN AN EXTRA HOME.

WE FEEL THAT THE PRESENT REQUIREMENT OF 55 FT TO BUILD A NEW HOME, SHOULD BE UPHELD!!

NAME	ADDRESS	PHONE
Eileen Rogers	7130 Martell Ave - 21222	410-288-4481
William H. Kimmick	7128 Martell Ave 21222	410-284-2328
Andrea Pagliaro	1821 West Ave, 21222	410-284-3003
Allen B Andrews Jr	1815 West Ave 21222	410-284-0958
Robert R. Hurley, Sr.	7116 Martell Ave. 21222	410-285-6687
Martha E. Kimmick	7128 Martell Ave 21222	410-284-2328
Joe Salgado	7134 Martell ave, 21222	410-282-5175

Pro # 1



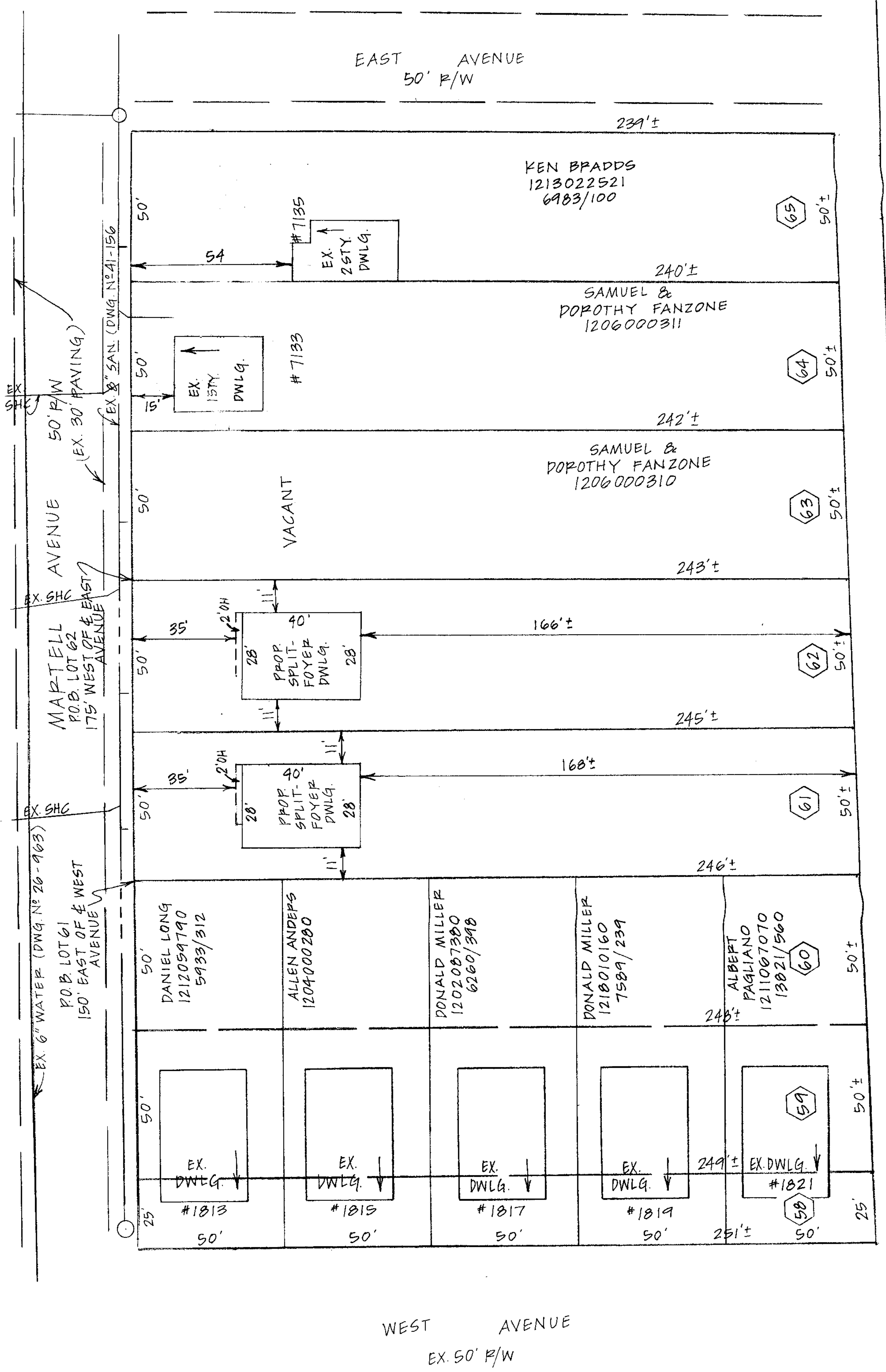
EX. DWLG. #1827

HELEN BROWN
1214010730
6445/452

PLAT TO ACCOMPANY AN UNDERSIZE LOT APPLICATION & PETITION FOR VARIANCE
LOT NO. 61 MARTELL AVENUE
 "JUSTUS MARTELL" 482
 TAX MAP: 103 GRID: 10 PARCEL: 425
 TAX ACCT. NO. 1206000340
 DEED REF.: 12084/51
 ELECTION DISTRICT NO.: 12
 COUNCILMANIC DISTRICT NO. 7
 SCALE: 1" = 30'
 NOVEMBER 12, 2003
 8275

PLAT TO ACCOMPANY AN UNDERSIZE LOT APPLICATION & PETITION FOR VARIANCE
LOT NO. 62 MARTELL AVENUE
 "JUSTUS MARTELL" 482
 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" = 30'
 NOVEMBER 12, 2003
 8275

LOT 61 & LOT 62
 OWNER: JOSEPH FANZONE & SUSAN FANZONE
 7223 HOLABIRD AVENUE
 BALTIMORE, MD 21222



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 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
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Site Rite Surveying, Inc.
 200 E. Joppa Road
 Shell Building, Room 101
 Towson, MD 21286
 (410) 228-9060