

IN THE MATTER OF
ESTATE OF ROBERT L. MARTIN
CHRISTINE MARTIN, PR – LEGAL OWNER
ALPHA HOMES, LLC – CONTRACT PURCHASER
AND PETITIONERS FOR SPECIAL HEARING ON
THE PROPERTIES LOCATED AT 7002, 7004, AND
7006 RAILWAY AVENUE

12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* CASE NO. 19-022-SPH
and 19-023-SPH

* * * * *

ORDER OF DISMISSAL

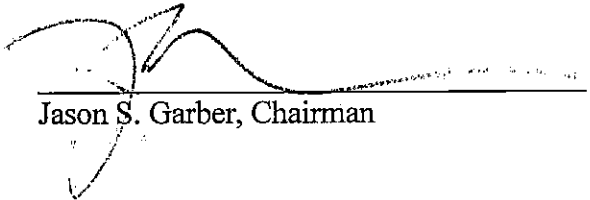
This matter comes to the Board of Appeals by way of an appeal filed by W. Timothy Sutton, Esquire on behalf of the Estate of Robert Martin, Christine Martin, Personal Representative, Legal Owner and Alpha Homes, LLC, Contract Purchaser, Petitioners and Appellants, from a final decision of the Administrative Law Judge dated October 1, 2018, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on January 22, 2019, by W. Timothy Sutton, Esquire, on behalf of Petitioners/Appellants requesting that the hearing scheduled for February 7, 2019 be cancelled (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner /Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 22, 2019,

IT IS ORDERED this 31st day of January, 2019 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 19-022-SPH and 19-023-SPH be and the same is hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Chairman



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 31, 2019

W. Timothy Sutton, Esquire
Maslan, Maslan & Rothwell, P.A.
7508 Eastern Avenue
Baltimore, Maryland 21224

Re: *In the Matter of: Estate of Robert L. Martin*
Christine Martin, PR – Legal Owners
Alpha Homes, LLC – Contract Purchaser
Case Nos.: 19-022-SPH and 19-023-SPH

Dear Mr. Sutton:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Christine Martin, PR/Estate of Robert L. Martin
Henry Valasquez
Dalila Sandoval/Alpha Homes, LLC
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Jeff Mayhew, Acting Director/Department of Planning
Michael Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

John and Kim Hock
Joanne Salvino
Marie Salvino
Ruth Peitsch

GARY R. MASLAN
gmaslan@mmandrlaw.com

Of Counsel:
Amanda Zorn**
azorn@mmandrlaw.com

W. Timothy Sutton
tsutton@mmandrlaw.com

Law Offices of
MASLAN, MASLAN & ROTHWELL, P.A.

7508 EASTERN AVENUE
BALTIMORE, MD 21224
410-282-2700 (OFFICE)
410-282-3336 (FAX)
Website: maslanmaslanrothwell.com

M. MICHAEL MASLAN
(1911-1996)

RALPH K. ROTHWELL, Jr.
(1949-2008)

**DC

January 22, 2019

County Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case: 2019-0023-SPH
7004 & 7006 Railway Avenue

Case: 2019-0022-SPH
7002 Railway Avenue

Dear Sir or Madam:

Please dismiss the appeals pending in the above referenced matters and cancel the hearing set for February 7, 2019 at 10 am. Thank you for your anticipated cooperation.

Very truly yours,



W. Timothy Sutton





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 15, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

19-022-SPH

Estate of Robert L. Martin
Christine Martin, PR – Legal Owner
Alpha Homes, LLC – Contract Purchaser
7002 Railway Avenue
12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve the continuance of the non-conforming use of the subject property as a commercial business (pub) in a residential zone.

10/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

-----SET WITH-----

IN THE MATTER OF:

19-023-SPH

Estate of Robert L. Martin
Christine Martin, PR – Legal Owner
Alpha Homes, LLC – Contract Purchaser
7004 & 7006 Railway Avenue
12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve the continuance of the non-conforming use of the subject property as a 2 dwelling unit building and to continue the non-conforming use of the accessory structure in the rear of 7004 Railway Avenue as a 2 dwelling unit building.

10/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

ASSIGNED FOR:

FEBRUARY 7, 2019, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

Notice of Assignment

In the matter of: The Estate of Robert L. Martin

Case number: 19-022-SPH and 19-023-SPH

November 15, 2018

Page 2

- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner
Contract Purchaser

: W. Timothy Sutton, Esquire
: Estate of Robert L. Martin c/o Christine Martin
: Alpha Homes, LLC

Protestants

: John and Kim Hock, Joanne Salvino,
Marie Salvino, Ruth Peitsch

Henry Valasquez

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel



DONALD I. MOHLER III
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 31, 2018

W. Timothy Sutton, Esq.
7508 Eastern Avenue
Baltimore, Maryland 21224



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0022-SPH
Property: 7002 Railway Avenue

Dear Mr. Sutton:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 30, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: John & Kim Hock, 6905 Railway Avenue, Baltimore, MD 21222
Joanne & Marie Salvino, 7005 Railway Avenue, Baltimore, MD 21222
Ruth Peitsch, 6998 Railway Avenue, Baltimore, MD 21222
Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Special Hearing
(7002 Railway Avenue)
12th Election District – 7th Councilmanic District
Legal Owner: Estate of Robert L. Martin & Christine Martin, PR
Contract Purchaser: Alpha Homes, LLC
Case No. 2019-0022-SPH**



Petition for Variance Hearing (August 2, 2018)

Zoning Description of Property

Certificate of Posting –

1st Posting- September 6, 2018- David Billingsley

2nd Posting- Re-Certification- September 21, 2018-David Billingsley

Newspaper Advertisement – September 7, 2018- The Daily Record

Notice of Zoning Hearing – August 27, 2018

People's Counsel Entry of Appearance –August 14, 2018

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets- one sheet

Petitioner(s) Exhibits –

1. Plan
2. Google Map photos

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)- N/A

Administrative Law Judge Order and Letter (DENIED October 1, 2018)

Notice of Appeal & Receipt – W. Timothy Sutton, Esq. October 30, 2018

GARY R. MASLAN
gmaslan@mmandrlaw.com

Of Counsel:
Amanda Zorn**
azorn@mmandrlaw.com

W. Timothy Sutton
tsutton@mmandrlaw.com

Law Offices of
MASLAN, MASLAN & ROTHWELL, P.A.

7508 EASTERN AVENUE
BALTIMORE, MD 21224
410-282-2700 (OFFICE)
410-282-3336 (FAX)
Website: maslanmaslanrothwell.com

M. MICHAEL MASLAN
(1911-1996)

RALPH K. ROTHWELL, Jr.
(1949-2008)

**DC

October 30, 2018

County Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case: 2019-0023-SPH
7004 & 7006 Railway Avenue

Case: 2019-0022-SPH
7002 Railway Avenue

Dear Sir or Madam:

Please note an appeal of the denial of the approval of the continuing use for both properties above. The Petitioner testified as to the existing uses of the property and no other evidence was presented to contradict that testimony. No county agency disputed the testimony or opposed the approval. I am enclosing two checks in the amount of \$265 for the filing of the appeal. Thank you for your anticipated cooperation.

Very truly yours,



W. Timothy Sutton



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

№ 143397

Date:

10/30/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				265.00

Total:

265.00

Rec

From:

W. TIMOTHY SUTTON CK# 10238

For:

Office of Administrative Hearings (CD OR APPEAL)

Case No. 2019-0022

Address OR Project: 7602 ROUTEWAY AVE

Hearing Date(s): 9-27-18

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS

ACTUAL

TIME

BRN

10/31/2018

10/30/2018

10:42:09

3

REG WSD3

WALKIN CAM

>>RECEIPT # 795576

10/30/2018

OFLN

Dept

5 528 ZONING VERIFICATION

CR NO.

143397

Recpt Tot

\$265.00

\$530.00 CK

\$1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

IN RE: PETITION FOR SPECIAL HEARING *

(7002 Railway Avenue)

12th Election District *

7th Council District

Estate of Robert L. Martin & *

Christine Martin, PR

Legal Owners *

Alpha Homes, LLC

Contract Purchaser *

Petitioners

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0022-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the Estate of Robert L. Martin, the legal owner of the subject property and Alpha Homes, LLC, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the continuance of the non-conforming use of the subject property as a commercial business (pub) in a residential zone. A site plan was marked as Petitioners' Exhibit 1.

Christine Martin and Henry Valasquez appeared in support of the petition. W. Timothy Sutton, Esq. represented Petitioners. Several citizens attended the hearing and opposed the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

The subject property is 4,725 sq. ft. in size and zoned DR 5.5. The property is improved with a building constructed in 1940, which is being operated as a bar known as "Hops Inn."

Christine Martin, personal representative of the estate of Robert L. Martin, testified the property has been used as a bar for nearly 80 years. She testified she has old liquor licenses, utility bills and similar records at home, although she did not present any documents at the

ORDER RECEIVED FOR FILING

Date

10/11/18

By

Sen

hearing. One neighbor testified she has lived in the area since approximately 1970, and that since that time a bar has been operated at the property. Other than this, no other evidence or testimony was presented concerning the status of the bar as a lawful nonconforming use. In these circumstances I believe the petition must be denied.

Generally speaking, a nonconforming use is one that was operating lawfully as of the date zoning regulations were first adopted which rendered the use non-permitted. *Howard County v. Meyer*, 207 Md. 389 (1955). The BCZR defines a nonconforming use as “[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use.” BCZR §101.1. The burden of proving the existence of a lawful nonconforming use falls upon the party asserting that claim. *County Comm’rs of Carroll County v. Uhler*, 78 Md. App. 140 (1989). Maryland’s highest court has held that “nonconforming uses pose a formidable threat to the success of zoning. They limit the effectiveness of land use controls, contribute to urban blight, imperil the success of the community plan, and injure property values.” *Prince George’s County v. E.L. Gardner, Inc.*, 293 Md. 259 (1982).

In many cases, evidence is produced to show the community was well aware of the use before the enactment of a zoning ordinance that would have prohibited that use. *Calhoun v. Baltimore County*, 262 Md. 265 (1971). In this case, one neighbor testified the bar was in operation when she moved to the area in about 1970. But that is insufficient to establish a nonconforming use since Baltimore County adopted in 1955 zoning regulations which would have prohibited commercial enterprises in residential zones. Petitioner was required to produce admissible evidence showing the use predated 1955, and (other than uncorroborated statements that the bar has been in operation for 80 years) such evidence was not produced at the hearing.

THEREFORE, IT IS ORDERED, this 1st day of **October, 2018**, by the Administrative

ORDER RECEIVED FOR FILING

Date 10/1/18

By Sen

Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to BCZR Section 500.7 to approve the continuance of the non-conforming use of the subject property as a commercial business (pub) in a residential zone, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 10/1/18

By sen

PLEASE PRINT CLEARLY

CASE NAME 2019-0023
CASE NUMBER 2019-0022
DATE 9-27-2018

PETITIONER
CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]



CERTIFICATE OF POSTING

SEPT. 21, 2018
Date: SEPTEMBER 6, 2018

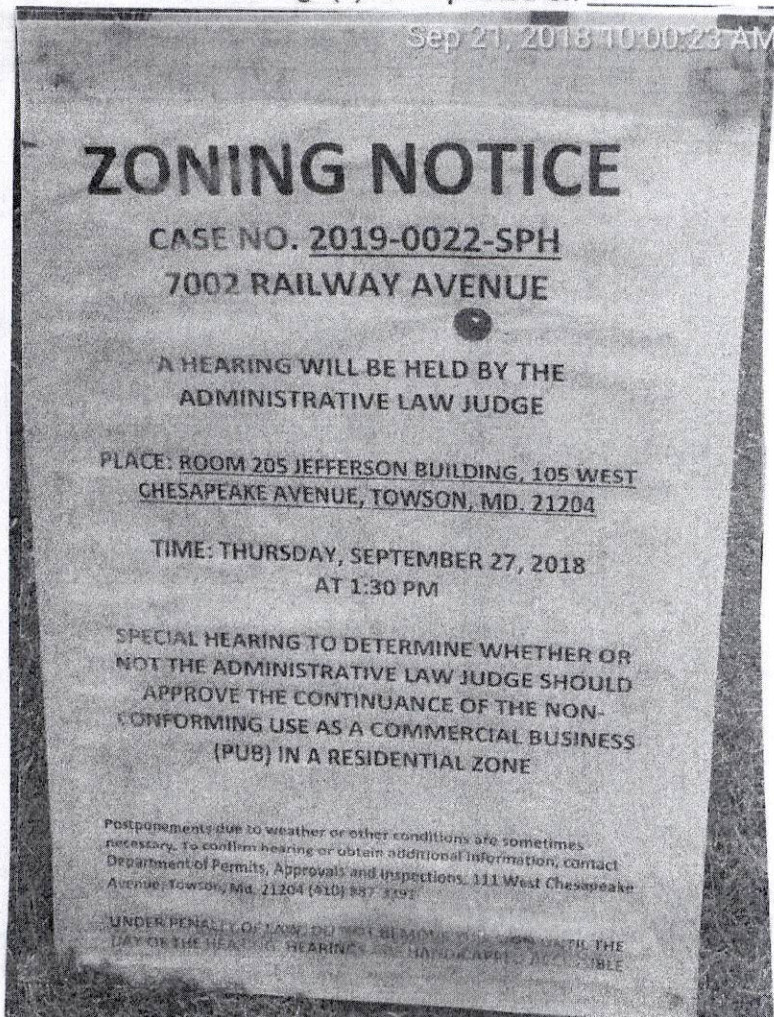
RE: Project Name: 7002 RAILWAY AVENUE # 1
Case Number /PAI Number: 2019-0022-SPH
Petitioner/Developer: DALILA SANDOVAL
Date of Hearing/Closing: SEPTEMBER 27, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7002 RAILWAY AVENUE

The sign(s) were posted on

RECEIVED SEPT. 21, 2018
SEPTEMBER 6, 2018

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

RECEIVED

SEP 21 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

SEPTEMBER 21, 2018

Date: SEPTEMBER 6, 2018

RE: Project Name: 7002 RAILWAY AVENUE # 2
Case Number /PAI Number: 2019-0022-SPH
Petitioner/Developer: DALILA SANDOVAL
Date of Hearing/Closing: SEPTEMBER 27, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7002 RAILWAY AVENUE

RECERTIFY
SEPTEMBER 21, 2018
SEPTEMBER 6, 2018

The sign(s) were posted on _____

(Month, Day, Year)

ZONING NOTICE

CASE NO. 2019-0022-SPH
7002 RAILWAY AVENUE

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204

TIME: THURSDAY, SEPTEMBER 27, 2018
AT 1:30 PM

SPECIAL HEARING TO DETERMINE WHETHER OR
NOT THE ADMINISTRATIVE LAW JUDGE SHOULD
APPROVE THE CONTINUANCE OF THE NON-
CONFORMING USE AS A COMMERCIAL BUSINESS
(PUB) IN A RESIDENTIAL ZONE

Postponements due to weather or other conditions are sometimes
necessary. To confirm hearing or obtain additional information, contact
Department of Permits, Approvals and Inspections, 111 West Chesapeake
Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE
DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Friday, September 21, 2018 12:57 PM
To: Administrative Hearings; June Wisnom
Cc: Timothy Sutton; dalila@teamalphahomes.com
Subject: 7002 RAILWAY AVENUE - 7004 & 7006 RAILWAY AVENUE CASE NOS. 2019-0022-SPH
& 2019-0023-SPH
Attachments: Scan1375.pdf

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL





DONALD I. MOHLER III
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

September 19, 2018

Christine Martin
7002 Railway Avenue
Dundalk MD 21222

RE: Case Number: 2019-0022 SPH, Address: 7002 Railway Avenue

Dear Ms. Martin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 2, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
W Timothy Sutton, Esquire, 7508 Eastern Avenue, Baltimore MD 21224
Alpha Homes LLC, Dalila Sandoval, 89 Mule Deer Court, Elkton MD 21921

Date: 8/13/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0022-SPH

*Special Hearing
Estate of Robert L. Martin & Christine Martin
7002 Railway Avenue.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

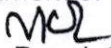
WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: September 5, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2018
Item No. 2019-0016-A, 0022, 0023-SPH, 0029-A, 0038-A, 0039-A, 0040-A
and 0042-SPHA

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

*

*

*

*

*

VKD: cen
cc: file

RECEIVED

AUG 31 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 8/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-022

INFORMATION:

Property Address: 7002 Railway Avenue
Petitioner: Estate of Robert L. Martin, Christine Martin PR
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the continuance of the non-conforming use of 7002 Railway Avenue as a commercial business (pub) in a residential zone.

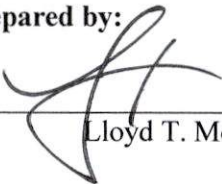
A site visit was conducted on August 22, 2018. There is an existing building on the site with a commercial component on the lower level (Hops Inn Bar) and a residence on the upper level with a separate entrance on the side.

The Department has no objections to granting the requested zoning relief.

The Department recommends any unsafe conditions that exist on site to include the wood pavilion with collapsed roof be addressed prior to the issuance of the zoning order in this case. It is further recommended that unless petitioners have already done so, all rental units should be registered with the Baltimore County Rental Housing Registration program.

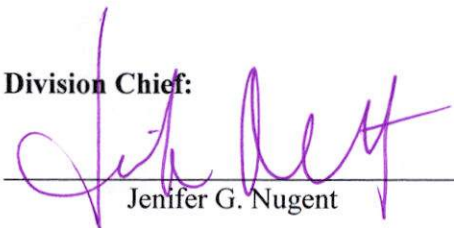
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
W. Timothy Sutton
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



9-27
RECEIVED

AUG 15 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 15, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0022-A
Address 7002 Railway Avenue
(Estate of Martin Property)

Zoning Advisory Committee Meeting of **August 20, 2018.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford



DONALD I. MOHLER III
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 27, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0022-SPH

7002 Railway Avenue

NW/s Railway Avenue, 10 ft. NE of centerline of intersection with Crofton Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Estate of Robert Martin & Christine Martin PR

Contract Purchaser/Lessee: Alpha Homes, LLC, Dalila Sandoval

Special Hearing to determine whether or not the Administrative Law Judge should approve the continuance of the non-conforming use of 7002 as a commercial business (pub) in a residential zone.

Hearing: Thursday, September 27, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: W. Timothy Sutton, 7508 Eastern Avenue, Baltimore 21224

Dalila Sandoval, 89 Mule Deer Court, Elkton 21921

Christine Martin, 7002 Railway Avenue, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 7, 2018.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
7002 Railway Avenue; NW/S of Railway *
Avenue, 10' NE of c/line with Crofton Avenue* OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts
Legal Owner(s): Estate of Robert Martin * HEARINGS FOR
By Christine Marin, P.R.
Contract Purchaser(s): Alpha Homes, LLC/ * BALTIMORE COUNTY
Dalila Sandoval
Petitioner(s) * 2019-022-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

AUG 14 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to W. Timothy Sutton, Esquire, 7508 Eastern Avenue, Baltimore, Maryland 21224, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/7/2018

Order #: 11612676
Case #: 2019-0022-SPH
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0022-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0022-SPH

7002 Railway Avenue

NW/s Railway Avenue, 10 ft. NE of centerline of intersection with Crofton Avenue

12th Election District - 7th Councilmanic District

Legal Owners: Estate of Robert Martin & Christine Martin PR

Contract Purchaser/Lessee: Alpha Homes, LLC, Dalila Sandoval

Special Hearing to determine whether or not the Administrative Law Judge should approve the continuance of the non-conforming use of 7002 as a commercial business (pub) in a residential zone.

Hearing: Thursday, September 27, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

s7

434171
470 5270-3.11

DOI: 10.1002/9781118471996.ch10

1. 04-1-25-231114-1999

1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved.

[illegible]

CERTIFICATE OF POSTING

Date: SEPTEMBER 6, 2018

Name: 7002 RAILWAY AVENUE # 1
PAI Number: 2019-0022-SPH
Applicant/Developer: DALILA SANDOVAL
Date of Hearing/Closing: SEPTEMBER 27, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7002 RAILWAY AVENUE

SEPTEMBER 6, 2018
(Month, Day, Year)

David Billingsley
(Signature of Sign Poster)

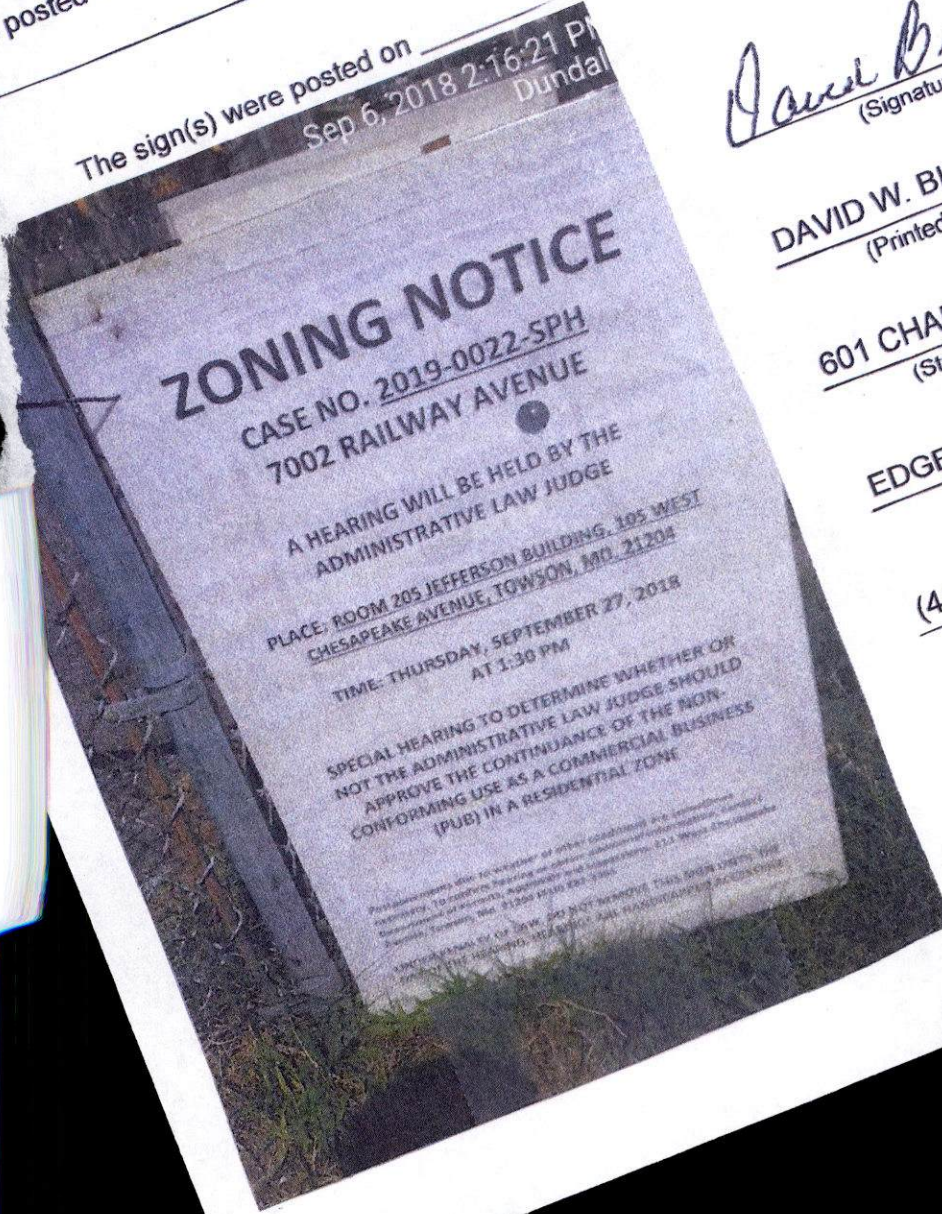
DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number)

The sign(s) were posted on Sep 6, 2018 2:16:21 PM
Dundal



Sign Post

of Sign

CERTIFICATE OF POSTING

Date: SEPTEMBER 6, 2018

7002 RAILWAY AVENUE # 2

Case Number: 2019-0022-SPH

Owner: DALILA SANDOVAL

Posting: SEPTEMBER 27, 2018

For the penalties of perjury that the necessary sign(s) required by law
on the property located at 7002 RAILWAY AVENUE

Sign(s) were posted on SEPTEMBER 6, 2018
(Month, Day, Year)

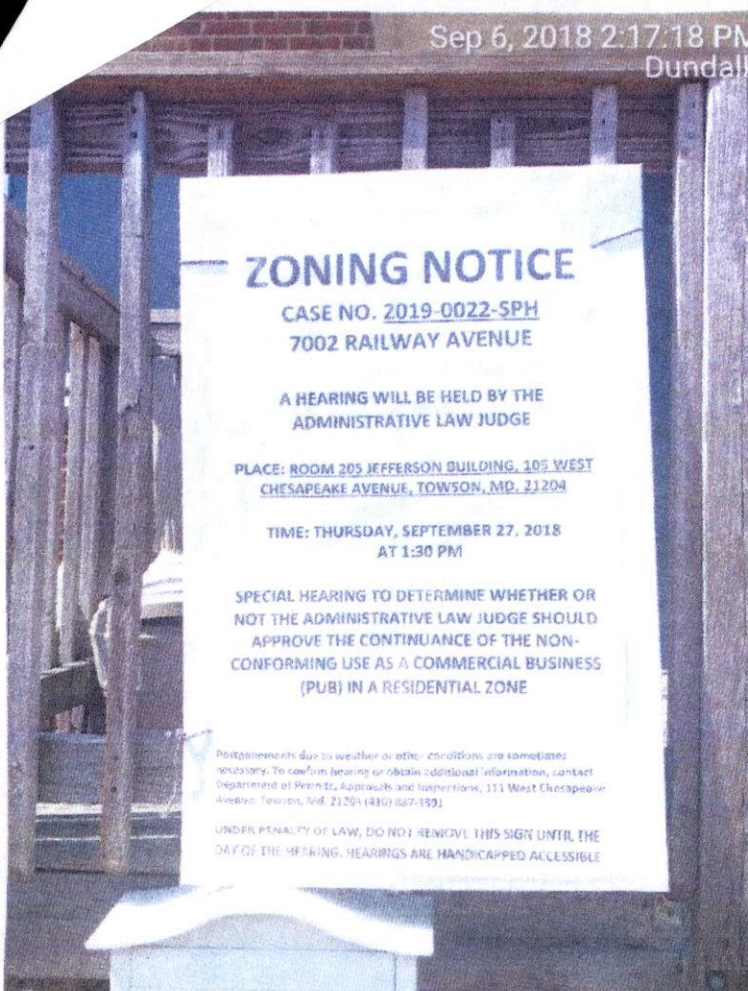
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)







PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7002 Railway Avenue

which is presently zoned DR 5.5

Deed References: 25182/584

10 Digit Tax Account # 1 2 1 6 0 4 5 9 8 0

Property Owner(s) Printed Name(s) Robert Lee Martin

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To continue the non-conforming use of 7002 as a commercial business(pub) in a residential zone.

2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ **a Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Alpha Homes LLC/Dalila Sandoval

Name- Type or Print Dalila Sandoval

Signature Dalila Sandoval

89 Mule Deer Court Elkton MD

Mailing Address City State

21921 3024160260 frontdesk@teamalphahome.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

W. Timothy Sutton

Name- Type or Print

Signature

7508 Eastern Ave Baltimore MD

Mailing Address City State

21224 4102822700 tsutton@mmndrlaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Estate of Robert L. Martin / Christine Martin PR

Name #1 - Type or Print Name #2 - Type or Print

Christine Martin

Signature #1 Signature #2

7002 Railway Ave Dundalk MD

Mailing Address City State

21222 443-722-7268 hopsinn@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Attorney

Name - Type or Print

ORDER RECEIVED FOR FILING

Signature 10/11/18

Date Den

Mailing Address City State

By

Zip Code Telephone # Email Address

CASE NUMBER 2019-0022-SPH Filing Date 8/2/18

Do Not Schedule Dates: SCHEDULE WITH Reviewer JS

2019-0023-SPH REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR 7002, 7004, 7006 Railway Avenue

PART A

Beginning for the same on the northwest side of Railway Avenue at the dividing line between lots no. 56 and 58 Block P as shown on the Plat of Fairlawn which Plat is recorded among the land records of Baltimore County in Plat Book 6 folio 100. Thence running northwesterly binding on the dividing line between lot 56 and 58 135 feet and running thence southwesterly parallel to Railway Avenue 85 feet to a point in the dividing line between lots 53 and 55 then running southeasterly 135 feet along the dividing line of lots 53 and 55 to the northwest side of railway avenue; and then running northeasterly 85 feet to the point of beginning.

PART B

Being Lot no. 55, 56, & 57 and 10 feet to the easternmost portion of Lot no. 54 in Block P of Fairlawn which Plat is recorded among the Land Records of Baltimore County in Plat Book 6 folio 100 containing 11,475 square feet. Located in Election district 12 and council district 7

2019-0022-SPH

Case No.: 2019-0022-SPH

Exhibit Sheet

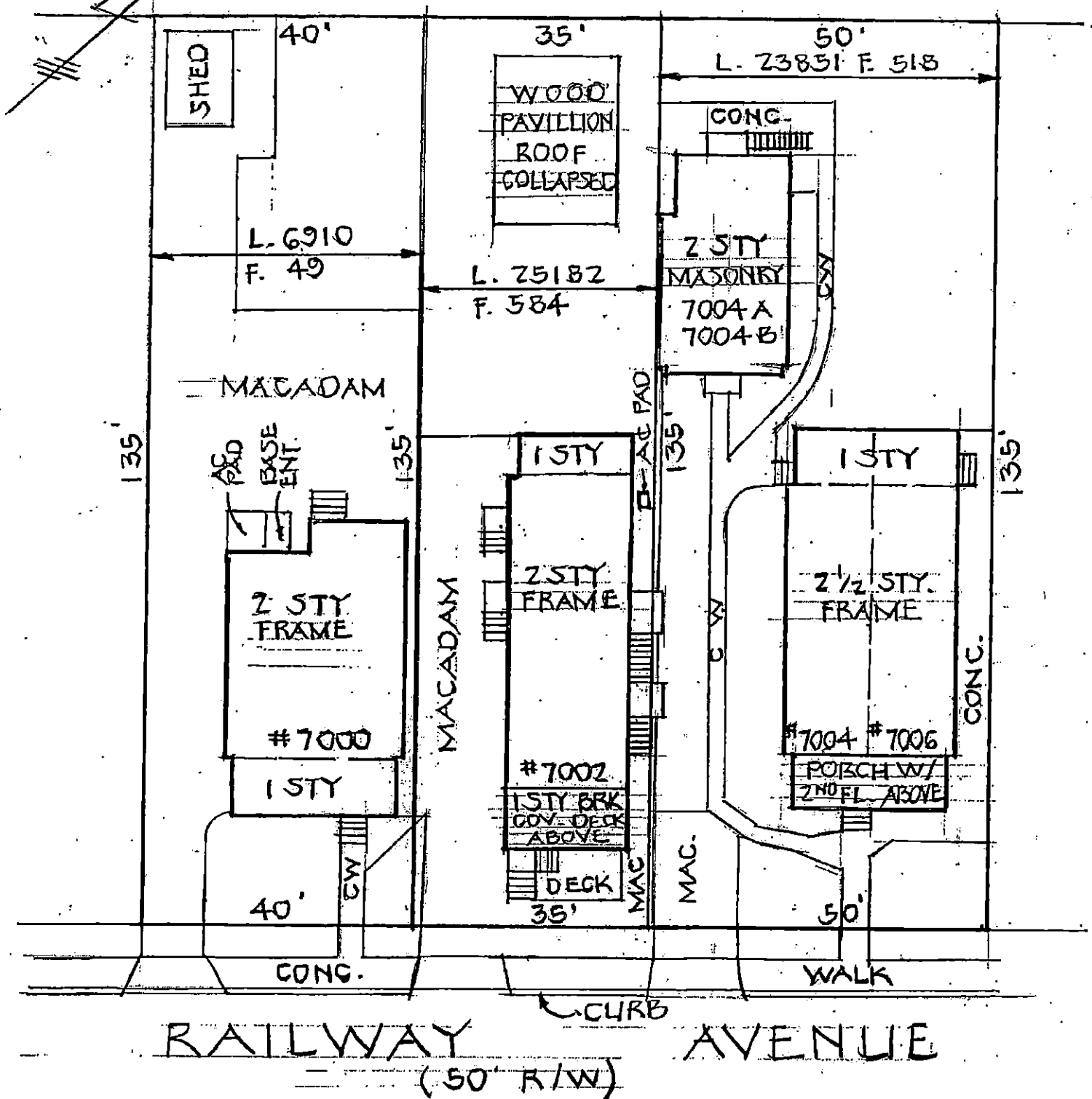
10/11/18
Sen

Petitioner/Developer

Protestants

No. 1	Plan	
No. 2	Google Maps photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PET. EX. 1



PLAT SHOWING EXISTING IMPROVEMENTS

7000 THRU 7006 RAILWAY AVENUE

ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 20 FEET JUNE 30, 2018

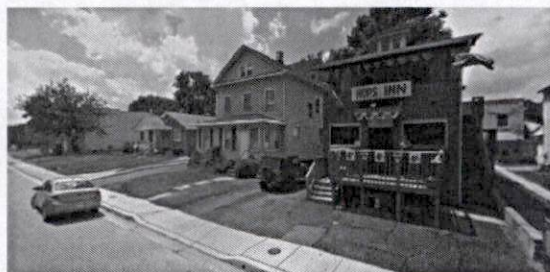
CENTRAL DRAFTING & DESIGN,
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

2019-0022-SPH - AND - 2019-0023-SPH

Google Maps 7002 Railway Ave



Imagery ©2018 Google, Map data ©2018 Google 20 ft



7002 Railway Ave
Dundalk, MD 21222



At this location

Appraise MD Homes
5.0 ★★★★★ (1)
Real Estate Appraiser · 7002 Railway Ave

Hops Inn
4.5 ★★★★★ (12)
Inn · 7002 Railway Ave



PET. EX. 2

Google Maps 7004 Railway Ave

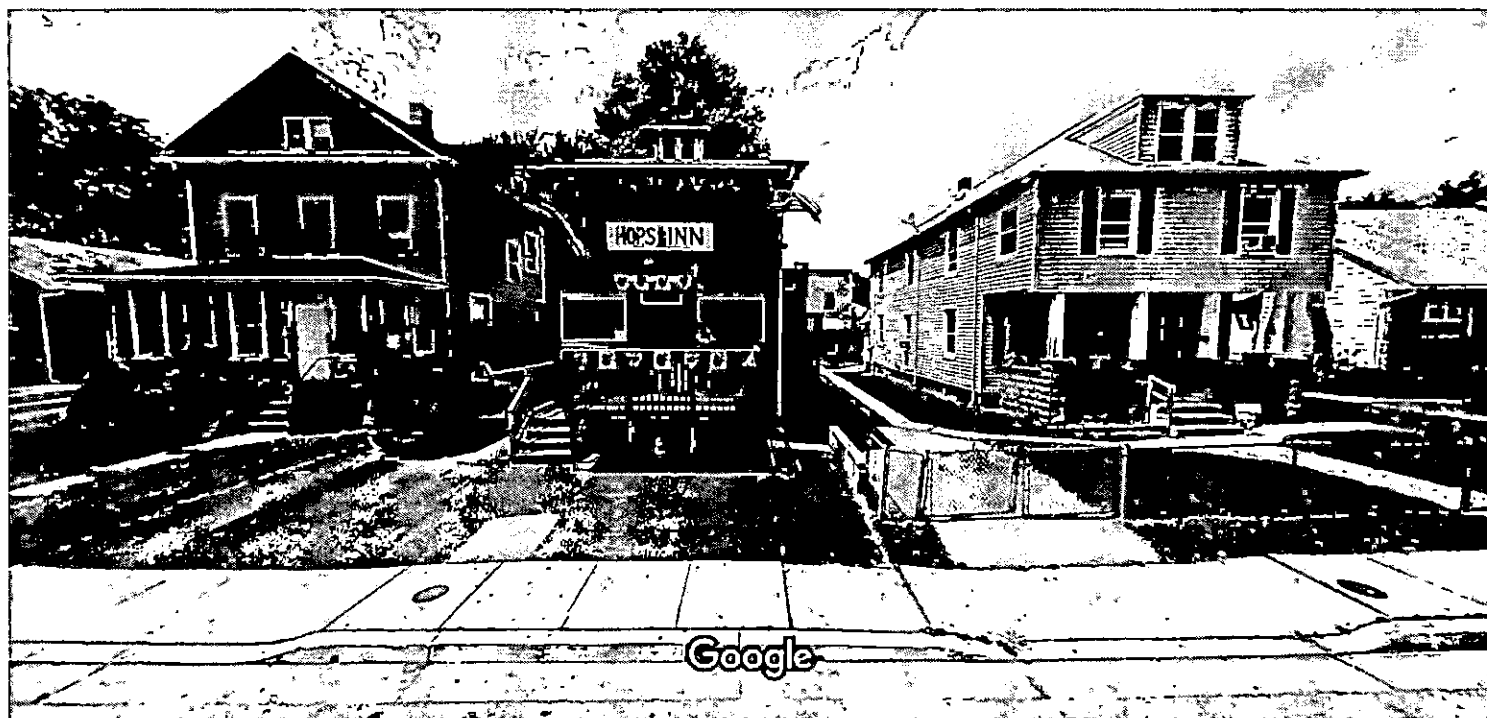
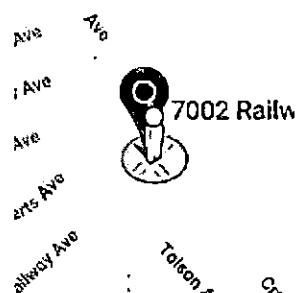


Image capture: Jul 2016 © 2018 Google

Dundalk, Maryland

 Google, Inc.

Street View - Jul 2016



Google Maps 7001 Railway Ave

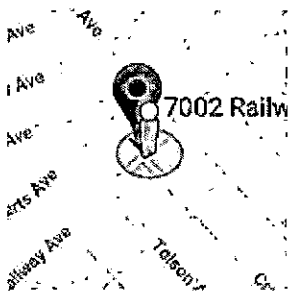


Image capture: Jul 2016 © 2018 Google

Dundalk, Maryland

 Google, Inc.

Street View - Jul 2016





DONALD I. MOHLER III
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 31, 2018

W. Timothy Sutton, Esq.
7508 Eastern Avenue
Baltimore, Maryland 21224



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0022-SPH
Property: 7002 Railway Avenue

Dear Mr. Sutton:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 30, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: John & Kim Hock, 6905 Railway Avenue, Baltimore, MD 21222
Joanne & Marie Salvino, 7005 Railway Avenue, Baltimore, MD 21222
Ruth Peitsch, 6998 Railway Avenue, Baltimore, MD 21222
Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Special Hearing
(7002 Railway Avenue)
12th Election District – 7th Councilmanic District
Legal Owner: Estate of Robert L. Martin & Christine Martin, PR
Contract Purchaser: Alpha Homes, LLC
Case No. 2019-0022-SPH**

Petition for Variance Hearing (August 2, 2018)

Zoning Description of Property

Certificate of Posting –

1st Posting- September 6, 2018- David Billingsley

2nd Posting- Re-Certification- September 21, 2018-David Billingsley

Newspaper Advertisement – September 7, 2018- The Daily Record

Notice of Zoning Hearing – August 27, 2018

People's Counsel Entry of Appearance –August 14, 2018

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets- one sheet

Petitioner(s) Exhibits –

1. Plan
2. Google Map photos

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)- N/A

Administrative Law Judge Order and Letter (DENIED October 1, 2018)

Notice of Appeal & Receipt – W. Timothy Sutton, Esq. October 30, 2018



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7002 Railway Avenue

which is presently zoned DR 5.5

Deed References: 25182/584

10 Digit Tax Account # 1 2 1 6 0 4 5 9 8 0

Property Owner(s) Printed Name(s) Robert Lee Martin

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To continue the non-conforming use of 7002 as a commercial business(pub) in a residential zone.

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Alpha Homes LLC/Dalila Sandoval

Name- Type or Print

Signature

89 Mule Deer Court Elkton MD

Mailing Address City State

21921 / 3024160260 / frontdesk@teamalphahome.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

W. Timothy Sutton

Name- Type or Print

Signature

7508 Eastern Ave Baltimore MD

Mailing Address City State

21224 / 4102822700 / tsutton@mmandriaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Estate of Robert L. Martin / Christine Martin PR

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7002 Railway Ave Dundalk MD

Mailing Address City State

21222 / 443-722-7268 / hopsinn@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Attorney

Name - Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0022-SPH

Filing Date 8/2/18

Do Not Schedule Dates: SCHEDULE WITH

Reviewer JS

2019-0023-SPH

REV. 10/4/11



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7002 Railway Avenue

which is presently zoned DR 5.5

Deed References: 25182/584

10 Digit Tax Account # 1 2 1 6 0 4 5 9 8 0

Property Owner(s) Printed Name(s) Robert Lee Martin

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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3. ☐ a **Variance** from Section(s)

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Contract Purchaser/Lessee:

Alpha Homes LLC/Dalila Sandoval

Name- Type or Print

Signature

89 Mule Deer Court Elkton MD

Mailing Address

City

State

21921 / 3024160260

frontdesk@teamalphahome.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

W. Timothy Sutton

Name- Type or Print

Signature

7508 Eastern Ave Baltimore MD

Mailing Address

City

State

21224 / 4102822700

tsutton@mmandrlaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Estate of Robert L. Martin, Christine Martin PR

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7002 Railway Ave

Dundalk

MD

Mailing Address

City

State

21222 / 443-722-7268

hopsinn@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Attorney

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0022-SPH

Filing Date 8/2/18

Do Not Schedule Dates: SCHEDULE WITH Reviewer

2019-0023-SPH REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR 7002, 7004, 7006 Railway Avenue

PART A

Beginning for the same on the northwest side of Railway Avenue at the dividing line between lots no. 56 and 58 Block P as shown on the Plat of Fairlawn which Plat is recorded among the land records of Baltimore County in Plat Book 6 folio 100. Thence running northwesterly binding on the dividing line between lot 56 and 58 135 feet and running thence southwesterly parallel to Railway Avenue 85 feet to a point in the dividing line between lots 53 and 55 then running southeasterly 135 feet along the dividing line of lots 53 and 55 to the northwest side of railway avenue; and then running northeasterly 85 feet to the point of beginning.

PART B

Being Lot no. 55, 56, & 57 and 10 feet to the easternmost portion of Lot no. 54 in Block P of Fairlawn which Plat is recorded among the Land Records of Baltimore County in Plat Book 6 folio 100 containing 11,475 square feet. Located in Election district 12 and council district 7

2019-0022-SPH

CERTIFICATE OF POSTING

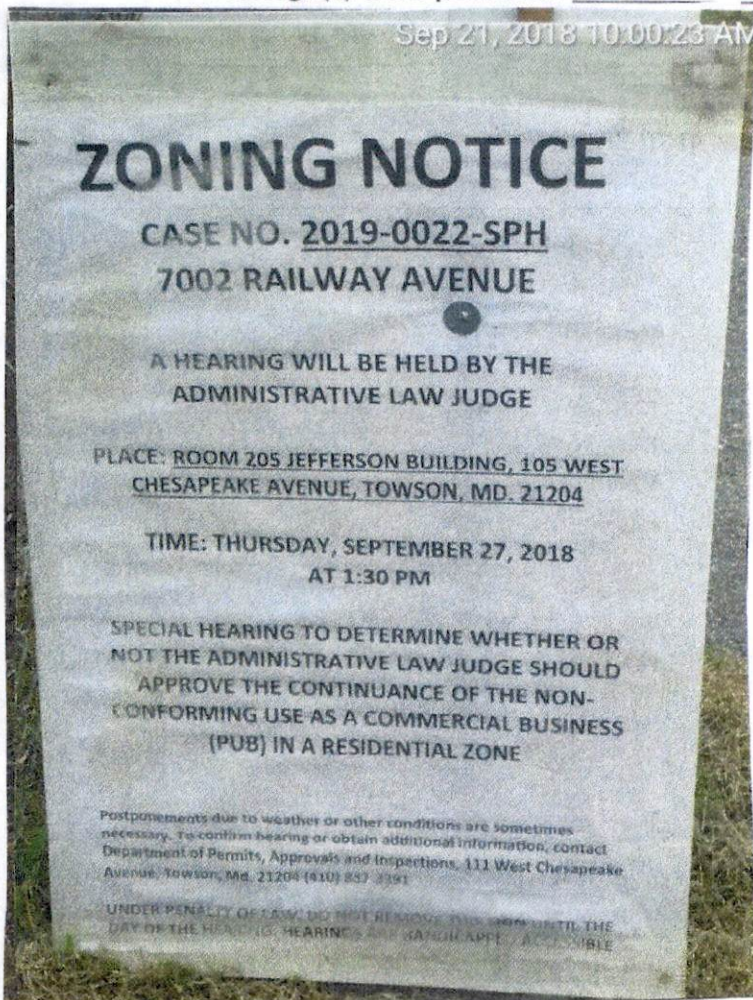
Date: SEPT. 21, 2018
SEPTEMBER 6, 2018

RE: Project Name: 7002 RAILWAY AVENUE # 1
Case Number /PAI Number: 2019-0022-SPH
Petitioner/Developer: DALILA SANDOVAL
Date of Hearing/Closing: SEPTEMBER 27, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7002 RAILWAY AVENUE

The sign(s) were posted on

RECERTIFIED SEPT. 21, 2018
SEPTEMBER 6, 2018
(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: SEPTEMBER 21, 2018
SEPTEMBER 6, 2018

RE: Project Name: 7002 RAILWAY AVENUE # 2
Case Number /PAI Number: 2019-0022-SPH
Petitioner/Developer: DALILA SANDOVAL
Date of Hearing/Closing: SEPTEMBER 27, 2018

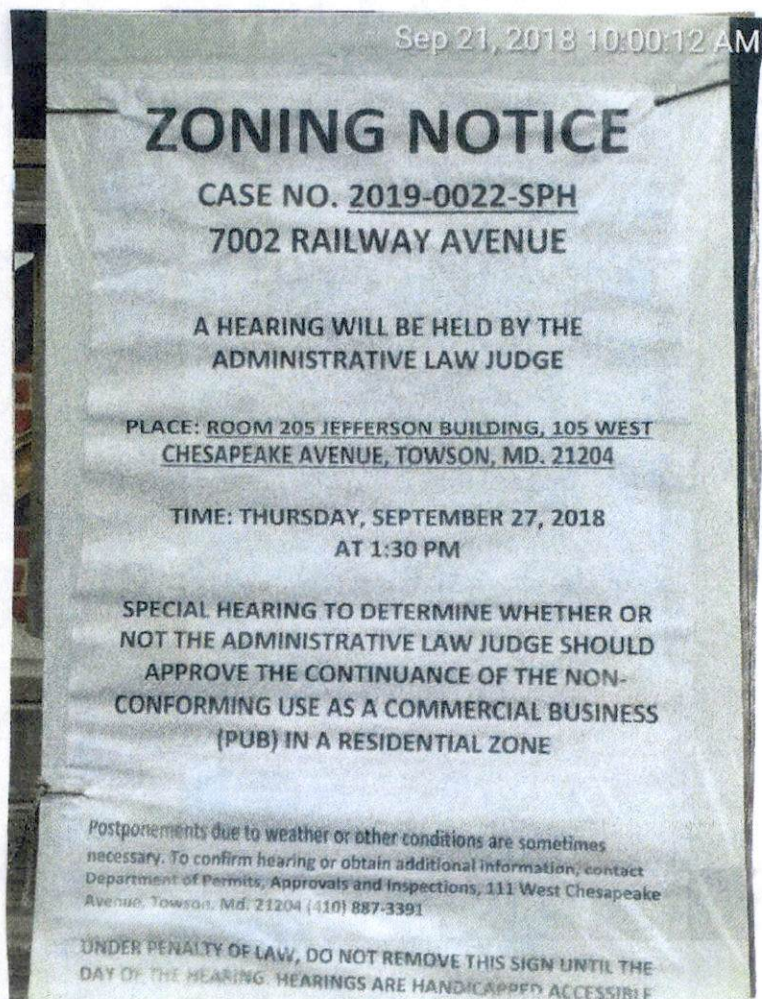
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7002 RAILWAY AVENUE

The sign(s) were posted on _____

RECERTIFY
SEPTEMBER 21, 2018

SEPTEMBER 6, 2018

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

C H E C K L I S T**Comment
Received****Department****Support/Oppose/
Conditions/
Comments/
No Comment**9/5DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment8/15DEPS
(if not received, date e-mail sent _____)No Comment8/28

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)No Objection8/13

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/7/18SIGN POSTING (1st)

Date:

9/16/18by BillingsleySIGN POSTING (2nd)

Date:

9/21/18by Billingsley

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 12 Account Number - 1216045980			
Owner Information					
Owner Name:		MARTIN ROBERT LEE		Use: COMMERCIAL	
Mailing Address:		7002 RAILWAY AVE BALTIMORE MD 21222-1134		Principal Residence: NO	
				Deed Reference: /25182/ 00584	
Location & Structure Information					
Premises Address:		7002 RAILWAY AVE 0-0000		Legal Description: LT 55 PT 54 FAIRLAWN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0103	0003	0513		0000	
					Block: P
					Lot: 55
					Assessment Year: 2019
					Plat No: 0006/0100
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1940		1921		4,725 SF	
Property Land Area		County Use			
4,725 SF		06			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		TAVERN			
Value Information					
Base Value		Value		Phase-in Assessments	
		As of 01/01/2016		As of 07/01/2018	
				As of 07/01/2019	
Land:		47,200		47,200	
Improvements		87,100		87,100	
Total:		134,300		134,300	
Preferential Land:		0		134,300	
Transfer Information					
Seller: PISHALSKI JOHN		Date: 02/06/2007		Price: \$30,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /25182/ 00584		Deed2:	
Seller: PISHALSKI JOHN		Date: 02/23/1984		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /03158/ 00151		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 8/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-022

INFORMATION:

Property Address: 7002 Railway Avenue
Petitioner: Estate of Robert L. Martin, Christine Martin PR
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the continuance of the non-conforming use of 7002 Railway Avenue as a commercial business (pub) in a residential zone.

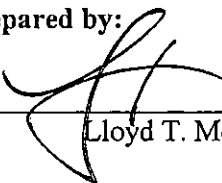
A site visit was conducted on August 22, 2018. There is an existing building on the site with a commercial component on the lower level (Hops Inn Bar) and a residence on the upper level with a separate entrance on the side.

The Department has no objections to granting the requested zoning relief.

The Department recommends any unsafe conditions that exist on site to include the wood pavilion with collapsed roof be addressed prior to the issuance of the zoning order in this case. It is further recommended that unless petitioners have already done so, all rental units should be registered with the Baltimore County Rental Housing Registration program.

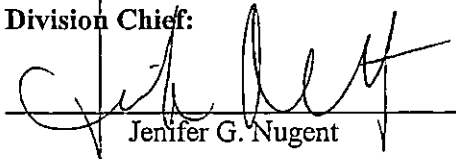
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
W. Timothy Sutton
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 15, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0022-A
Address 7002 Railway Avenue
(Estate of Martin Property)

Zoning Advisory Committee Meeting of **August 20, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

TO: THE DAILY RECORD
Friday, September 7, 2018 Issue

Please forward billing to:

Timothy Sutton
Maslan, Maslan & Rothwell
7508 Eastern Avenue
Baltimore, MD 21224

410-282-2700

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0022-SPH

7002 Railway Avenue

NW/s Railway Avenue, 10 ft. NE of centerline of intersection with Crofton Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Estate of Robert Martin & Christine Martin PR

Contract Purchaser/Lessee: Alpha Homes, LLC, Dalila Sandoval

Special Hearing to determine whether or not the Administrative Law Judge should approve the continuance of the non-conforming use of 7002 as a commercial business (pub) in a residential zone.

Hearing: Thursday, September 27, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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.

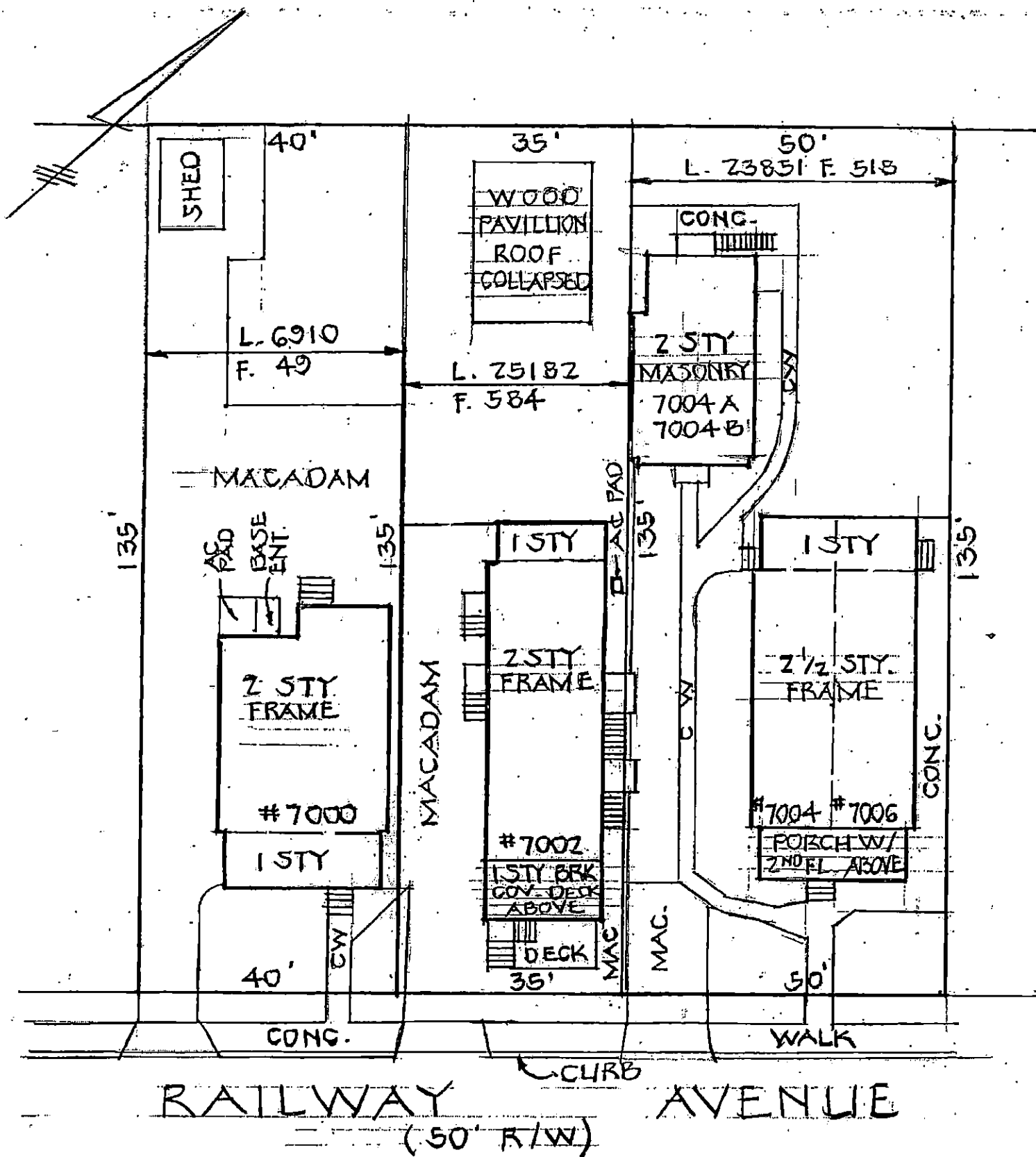
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019-0022-SPH
Property Address: 7002, 7004, 7004a, 7004b, 7006
Property Description: lots 55, 56, and 57 and eastern 10 feet of 54
of in Block P of Fairlane, Plat Book 6 Folio 100
Legal Owners (Petitioners): Estate of Robert L. Math
Contract Purchaser/Lessee: alpha homes LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Sutton
Company/Firm (if applicable): Maslan, Maslan, + Rothwell
Address: 7508 Eastern Ave
Baltimore md
Telephone Number: 410-282-2700



PLAT SHOWING EXISTING IMPROVEMENTS

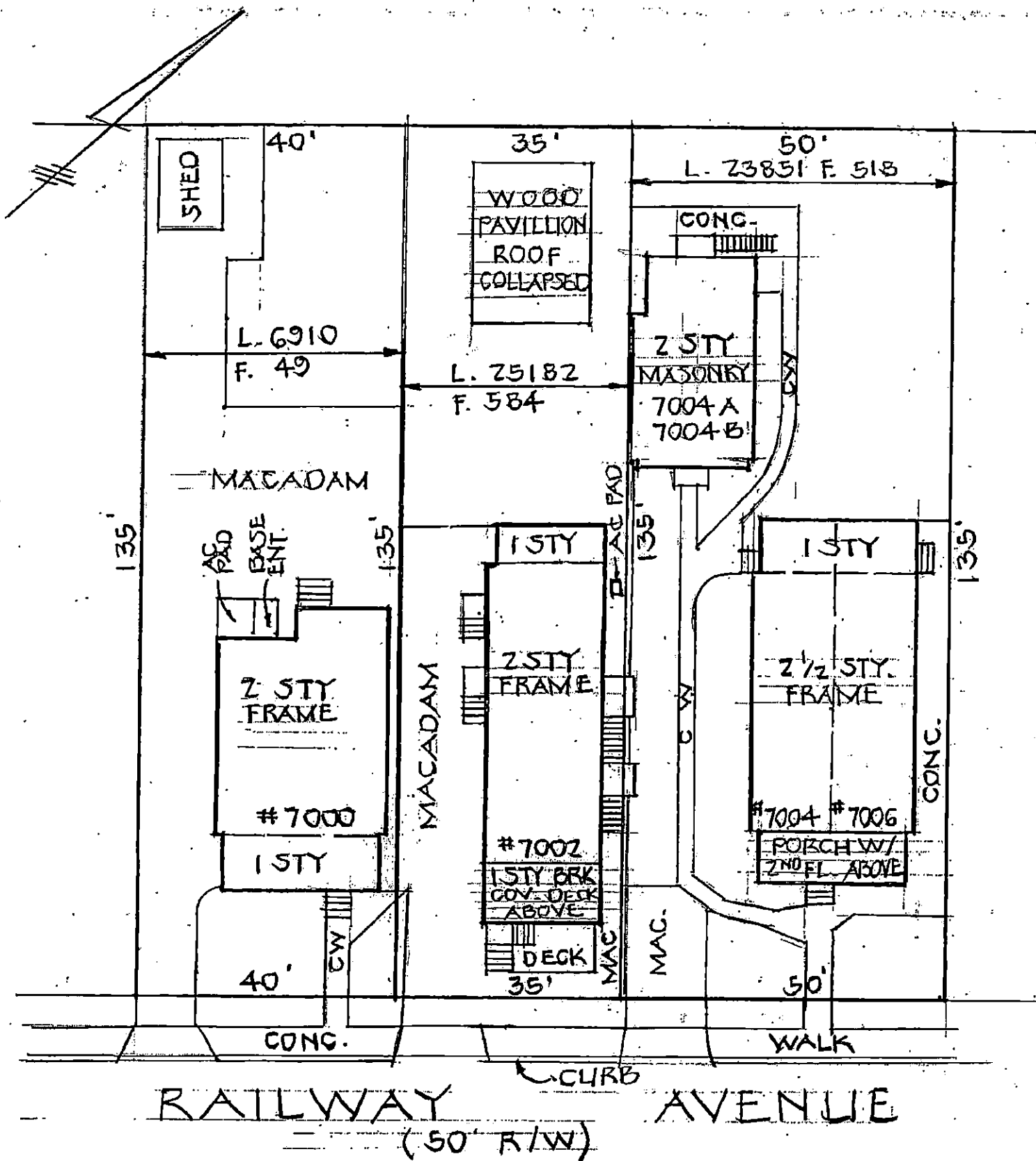
7000 THRU 7006 RAILWAY AVENUE

ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 20 FEET JUNE 30, 2018

CENTRAL DRAFTING & DESIGN,
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

2019-0022-SPH - AND - 2019-0023-SPH



PLAT SHOWING EXISTING IMPROVEMENTS

7000 THRU 7006 RAILWAY AVENUE

ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 20 FEET JUNE 30, 2018

CENTRAL DRAFTING & DESIGN,
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

2019-0022-SPH - AND - 2019-0023-SPH



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1218011251

Lot # 612

Lot # 612

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Lot # 614

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6749

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1219032120

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PAI # 120038

Pt. Bk./Folio # 006105
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