



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 5, 2023

Manuel Tenezaca – tonysfamily2011@hotmail.com
7135 Martell Avenue
Dundalk, MD 21222

RE: Petition for Variance
Case No. 2023-0033-A
Property: 7135 Martell Avenue

Dear Mr. Tenezaca:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Terri Fedeli – mshomdeopt@verizon.net
Victor Brooks – vlbjrhandymanservice@gmail.com
Noe Pizha – noepizha@gmail.com
Lorin – peckumups1@yahoo.com
PAI – Code Enforcement – paienforce@baltimorecountymd.gov

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(7135 Martell Avenue)	*	OFFICE OF ADMINISTRATIVE
12th Election District	*	HEARINGS OF
7th Council District	*	BALTIMORE COUNTY
Manuel and Carlos Tenezaca	*	
Legal Owners	*	
Petitioners	*	CASE NO. 2023-0033-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioners, Manuel and Carlos Tenezaca, for property located at 7135 Martell Avenue, Dundalk. The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an accessory building (detached garage) with a height of 24 feet in lieu of the 15 feet and if necessary, from § 101 to permit an accessory building larger than the existing principal building (dwelling).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). They oppose the requested relief on the grounds that the taller garage structure would be out of character with the community and not in the public interest. One of the neighbors, Victor Brooks, attended the hearing and voiced concerns about the increased flooding caused by the Petitioners’ construction activities. Several other residents submitted written opposition to the variance request, explaining that they do not want a structure the size of a commercial garage there. They note that the Petitioners are currently parking commercial work

trucks at the site, which is prohibited in a residential zone.

The Petitioner, Manuel Tenezaca, and his son, Noe Pizha, appeared at the hearing. They submitted a site plan and architectural drawings of the garage that were admitted collectively as Petitioners' Exhibit 1. They explained the following facts. The subject property is approximately 11,950 sq. ft., and is zoned DR 5.5. It is bordered by East Avenue on the east, Towson Avenue on the south, and Martell Avenue on the north. There is a dilapidated dwelling on the site that they intend to raze and replace with a new 1,750 sq. ft. dwelling that they will construct. They are in the construction business. They are currently constructing the garage in question and testified that they have valid permits to do so. It is 48 ft. by 22.6 ft. and has three vehicle bays. They explained that they are seeking the variance for the additional height so that they can build storage space and a gym and music studio. Mr. Brooks explained that he has a memorial pond for his daughter on his property across the street from this site on East Avenue and that the construction on Petitioners' site has exacerbated the existing flooding problem in the area. Evidently the storm drain on Towson Avenue overflows during every storm event. He and other neighbors are concerned that any additional impervious surface will only make the flooding problem worse.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Further, under Maryland common law "the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." *Mueller v. Baltimore County*, 177 Md. App. 43, 71 (2007). This is because "a variance is an authorization for that which is prohibited

by a zoning ordinance.” *Cromwell, supra, at 699*. And because “citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations.” *Salisbury Bd. Of Zoning Appeals v. Bounds*, 240 Md. 547, 555-56 (1965). Therefore, “[t]he burden is on the applicant to show facts to warrant a variance,” and “the specific need for the variance must be substantial and urgent and not merely for the convenience of the applicant.” *Mueller*, 177 Md. App. at 70.

Based on the evidence presented the variance must be denied under these controlling legal principles. First, there is nothing particularly unique about the subject property. It is a rectangular lot similar to the others in the neighborhood. Further, while I understand that Mr. Terazaca would like to be able to build this 24 ft. tall garage for storage, a gym and a music studio, these preferred uses are not “substantial and urgent.” Rather, they are “merely for the convenience of the applicant.” Finally, it is understandable that the neighbors, and the DOP, do not want a structure of this size built on the site, for all the reasons discussed above. And, as set forth above, the neighbors are entitled to “strict enforcement of the existing zoning regulations.” *Salisbury Bd. Of Zoning Appeals v. Bounds, supra*.

THEREFORE, IT IS ORDERED, this 5th day of **April 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § 400.3 to permit an accessory building (detached garage) with a height of 24 feet in lieu of the 15 feet and if necessary, from § 101 to permit an accessory building larger than the existing principal building (dwelling) is hereby **DENIED**.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

23-0571 MJK



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7135 Martell ave Dundalk M.D 21222 Currently Zoned DR5.5
Deed Reference 42888 100316 10 Digit Tax Account # 2113022521
Owner(s) Printed Name(s) Manuel Tenezaque & Carlos Tenezaque

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

N/A

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

N/A

3. ☒ a **Variance** from Section(s) 400.3. to permit an accessory building (detached garage) with a height of 24 feet in lieu of 15 feet, and if necessary, from Section 101 to permit an accessory building larger than the existing principal building (dwelling).

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)

To be presented at hearing

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Manuel Tenezaque
Name - Type or Print

Manuel Tenezaque
Signature

7135 Martell ave Dundalk M.D
Mailing Address City State

21222 443-415-4455 Tony's Family
Zip Code Telephone # Email Address

2011@hotmail.com

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Manuel Tenezaque & Carlos Tenezaque
Name #1 - Type or Print Name #2 - Type or Print

Manuel Tenezaque & Carlos Tenezaque
Signature #1 Signature #2

7135 Martell Ave Dundalk M.D
Mailing Address City State

21222 443-415-4455 Tony's Family 2011@hotmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Manuel Tenezaque
Name - Type or Print

Manuel Tenezaque
Signature

7135 Martell Ave Dundalk M.D
Mailing Address City State

21222 443-415-4455 Tony's Family 2011@hotmail.com
Zip Code Telephone # Email Address

Case Number 2023-0033-A Filing Date 2/17/23 Do Not Schedule Dates Reviewer MJK

Zoning Property Description for
7135 Martell Ave, Baltimore MD, 21222

Beginning at a point on the ^{South}~~North~~ side of Martell Ave which is 50 feet wide at the distance of 30 feet ^{West}~~East~~ of the centerline of the nearest improved intersecting street East Ave, which is 30 feet wide

Being Lot # 65, Block # N/A, Section # N/A, in the Subdivision 0000 as recorded in Baltimore County plat book # 4, Folio 316, containing 11,968 Square Feet. Located in 1st Election district and 12th

2023-0033-A

CERTIFICATE OF POSTING

2023-0033-A

RE: Case No.: _____

Petitioner/Developer: _____

Manuel Tenezaca

March 15, 2023

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

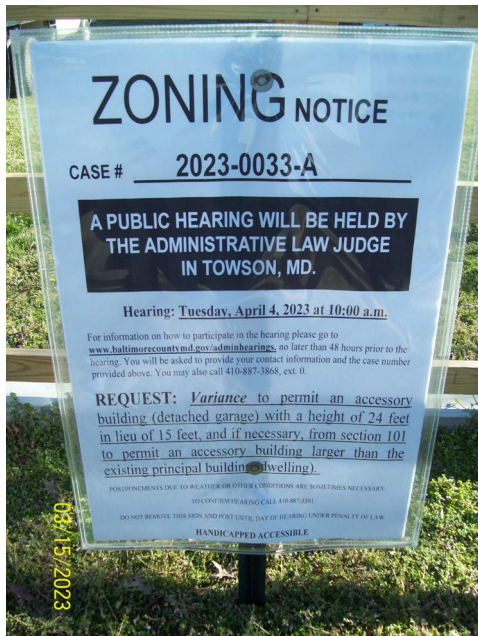
Ladies and Gentlemen:

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: _____

7135 Martell Avenue ***SIGN 1***

March 15, 2023

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **March 15, 2023**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2023-0033-A

RE: Case No.: _____

Petitioner/Developer: _____

Manuel Tenezaca

March 15, 2023

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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: _____

7135 Martell Avenue ***SIGN 2***

March 15, 2023

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 March 15, 2023
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

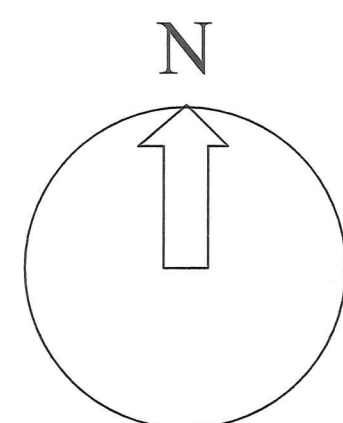
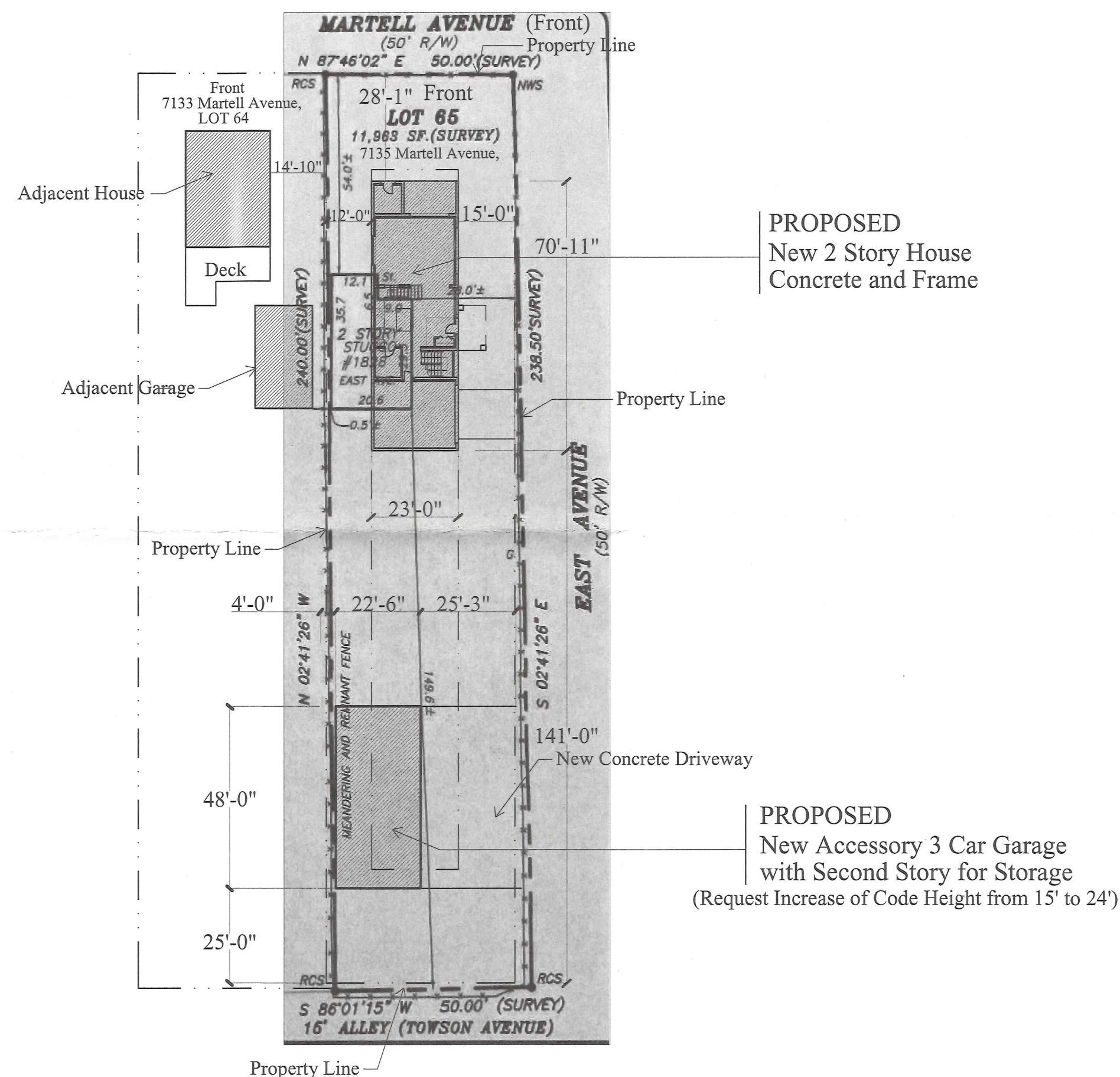
Dundalk, Maryland 21222

(City, State, Zip Code)

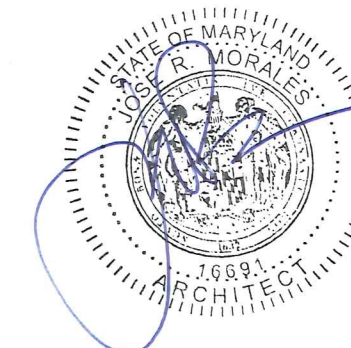
(410) 282-7940

(Telephone Number)

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ MARK TYPE REQUESTED WITH (X)
 ADDRESS 7135 Martell Avenue, Baltimore, MD 21222 OWNER(S) NAME(S) MANUEL TENEZACA
 SUBDIVISION NAME Martell Plat LOT# 65 BLOCK # N/A SECTION # N/A
 PLAT BOOK # 4 FOLIO # 82 10 DIGIT TAX# 1213022521 DEED REF. # N/A / N/A

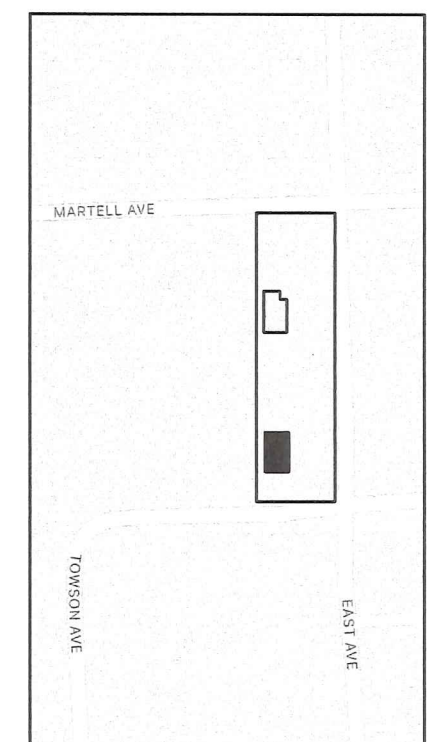


2023-6033-A
 Revised Plan
 3/16/2023



Plan Drawn by Jose R. Morales, RA Date 3/13/2023 Scale: 1 Inch = 30 Feet

Site Vicinity Plan



Map is Not to Scale

Zoning Map # 108C1
 Zoning DR 5.5
 Election District 12th
 Council District 7th
 Lot Area Acreage .2743
 Lot Square Footage 11,950
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is:
 Public X Private _____
 Sewer is:
 Public X Private _____
 Prior Hearing (Yes or No) No
 If (Yes) List Case Numbe(s)
 and Order Results Below:

Violation Case Numbe(s)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 3, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0033-A
Address: 7135 Martell Ave.
Legal Owner: Manuel and Carlos Tenezaca

Zoning Advisory Committee Meeting of March 6, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1415 Rosewick Avenue; SW/S of Rosewick *
Avenue, 820' NW c/line of Redmore Road * OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts *
Legal Owner(s): Jara Custom Designs LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2023-031-A

* * * * *

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.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Roxanne Jara, 1415 Rosewick Avenue, Rosedale, Maryland 21237, Roxymarie87@gmail.com and Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, gilliss@rmmr.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7135 Martell Avenue; S/S of Martell Avenue, *
W/S of East Avenue * OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Manuel & Carlos Tenezaca * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2023-033-A

* * * * *

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.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Manuel Tenezaca, 7135 Martell Avenue, Dundalk, Maryland 21222, itonysfamily2011@hotmail.com, 'Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
8485 Honeygo Boulevard; Corner of N/S	*	OF ADMINISTRATIVE
Of Mercantile Road, E/S of Honeygo Blvd		
11 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 8485 Honeygo LLC		
by Fazal Sirhandi	*	BALTIMORE COUNTY
Petitioner(s)	*	2023-035-SPHXA

* * * * *

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.

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, jvettori@sgs-law.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
10725 & 10733 York Road; E/S of York Road,	*	OF ADMINSTRATIVE
403' S of c/line of Cockeysville Road	*	HEARINGS FOR
8 th Election & 3 rd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): MGK Realty, LLC	*	2023-036-A
Petitioner(s)		

* * * * *

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.

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to William Bafatis, P.E., 1249 Engleberth Road, Baltimore, Maryland 21221, bafitisassoc@comcast.net and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, tkotroco@gmail.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
13312 Brighton View Court; N/S of Brighton *
View Court, 460' W of Dance Mill Road * OF ADMINISTRATIVE
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): Chad & Wendi Gauss * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2023-037-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.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Adam Carballo, 1816 Aliceanna Street, Baltimore, Maryland 21231, info@carballoarch.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING February 27, 2023
FORMAL OR INFORMAL RESPONSE DUE AT March 6, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov; Jesse Krout, jkrout@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0030-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Nicholas Mayfield and Brittany Pizzano
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 16951 BIG FALLS RD

Location: Property located on the South East side of the intersection of Big Falls Rd. & Monkton Rd.

Existing Zoning: RC 4 **Area:** 24,567 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3: To permit a proposed accessory building with a height of 25 feet in lieu of the maximum height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/13/2023

Miscellaneous Notes:

Case Number: 2023-0031-A **Reviewer:** Mitchell Kellman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Jara Custom Desgins, LLC.
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 14 **Council Dist:** 6

Property Address: 1415 ROSEWICK AVE

Location: Property located on the Southwest side of Rosewick Ave., 820 feet Northwest centerline of Redmore Rd.

Existing Zoning: DR 5.5 **Area:** .543 ACRES

Proposed Zoning:

VARIANCE:

BCZR 400.1: To permit an accessory building (detached garage) in the side yard in lieu of the rear yard, and if necessary, to be located outside of the third of the lot furthest removed from any street.

Attorney: Edward Gillis

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0032-A **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Matthew and Samantha Bell
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 11 MIDDLE WOODS CT

Location: Property located beginning at the East side of Middle Woods Ct. at a distance of 1,060 ft. South of Middle Town Rd.

Existing Zoning: RC 4 (VESTED RC 5)

Area: 2.32 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 103.3, 1A00.4, 1B01.3A.1 (1A04.3.B.3 vested BCZR 1994 Zoning regulations RC5): To approve a garage addition on the left side of the existing dwelling with a setback of 14 feet in lieu of the required 50 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/06/2023

Miscellaneous Notes:

Case Number: 2023-0033-A **Reviewer:** Mitchell Kellman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Manuel and Carlos Tenezaca
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 7135 MARTELL AVE

Location: Property located on the corner of South side of Martell Ave., West side of East Ave.

Existing Zoning: DR 5.5

Area: 11,950 SQ FT.

Proposed Zoning:

VARIANCE:

BCZR 400.3: To permit an accessory building (detached garage) with a height of 24 feet in lieu of 15 feet, and if necessary, from section 101 to permit an accessory building larger than the existing principal building (dwelling).

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0034-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Amy Goldberg
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 2

Property Address: 1 OVERLOOK LN

Location: Property located at the intersection of Overlook Place and Overlook Lane.

Existing Zoning: DR 2 AND DR 16

Area: 4.9816 ACRES

Proposed Zoning:

VARIANCE:

- 1.) BCZR 400.1: To permit a proposed accessory building (pool house) to be located partially in the side yard outside of the one third of the lot farthest removed from any street.
- 2.) BCZR 400.1: To permit an existing accessory structure (pool) to be located partially in the side yard outside of the one third of the lot farthest removed from any street.
- 3.) BCZR 400.1: To permit a proposed accessory building(garage/gym) to be located in the side yard and partially in the front yard and outside of the one third of the lot farthest removed from any street.
- 4.) BCZR 1B02.3.C.1(chart): If necessary, to permit a front yard setback of 30 feet in lieu of the required 40 feet if the proposed accessory structure (garage/gym) is deemed to be attached.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0035-SPHXA **Reviewer:** Mitchell Kellman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE, SPECIAL EXCEPTION, SPECIAL HEARING
Legal Owner: Fazal Sirhandi, 8485 Honeygo, LLC.
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 8485 HONEYGO BLVD

Location: Property located the corner of North side of Mercantile Rd., East side of Honeygo Blvd.

Existing Zoning: BR-AS **Area:** 1.69 ACRES

Proposed Zoning:

VARIANCE:

- 1.) BCZR 405.4.A.3.c: To permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and
- 2.) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

SPECIAL EXCEPTION:

- 1.) BCZR 236.2 and 405: For the expansion, reconstruction or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 Square Feet, and roll over car wash; and
- 2.) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

SPECIAL HEARING:

- 1.) BCZR 405: The amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations;
- 2.) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Attorney: Jason Vettori

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0036-A **Reviewer:** Mitchell Kellman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE
Legal Owner: MGK Realty, LLC.
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: YORK RD

Location: Property located on the East side of York Rd., 403 feet South of the centerline of Cockeysville Rd.

Existing Zoning: BL-AS/ BM **Area:** .664 ACRES

Proposed Zoning:

VARIANCE:

BCZR 409.6: To permit 37 parking spaces in lieu of the required 51.

BCZR 303.2: To permit a front average setback of 10 feet in lieu of the required 41 feet.

And for such other and further relief as the nature of this case may require.

Attorney: TIM KOTROCO

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0037-SPH **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Chad and Wendi Gauss
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

Property Address: 13312 BRIGHTON VIEW CT
Location: Property located on the North side of Brighton View Ct.; 460 feet west of Dance Mill Rd.

Existing Zoning: RC 4 **Area:** 1.52 ACRES
Proposed Zoning:
SPECIAL HEARING:
BCZR 500.7: To construct an accessory building (pool house) to be used for personal entertainment purposes only, with a full bath and full kitchen.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Case Number: 2023-0038-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Sara and William Eckard
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 8105 MURRAY PT. RD
Location: Property located on the West side of Murray Pt. Rd. North 239 feet to centerline of Dundalk Ave.

Existing Zoning: DR 5.5 **Area:** 5,842 SQ FT.
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
BCZR 400.1: To permit a proposed accessory building (shed) located in the side yard in lieu of the required rear yard.
Attorney: Not Available
Prior Zoning Cases: 2000-0371-A
Concurrent Cases: None
Violation Cases: None
Closing Date: 03/20/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0039-A **Reviewer:** Shaun Crawford

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Christopher and Jacqueline Lom

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 1501 RIDGE RD

Location: Property located beginning at the South side of Ridge Rd. at a distance of 158 feet West of Oak Forest Park.

Existing Zoning: DR 2

Area: 10,000 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.C.3.C.1: To permit a proposed dwelling addition with a side yard setback of 2 feet and a sum of side yard setback of 21 feet in lieu of the required 15 feet and 40 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/20/2023

Miscellaneous Notes:

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: 2023-0033-A
Property Address: 7135 Martell Avenue
Bethesda, MD 20814
Legal Owners (Petitioners): Manuel Tenczaca & Carlos Tenczaca
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Manuel Tenczaca
Address: 7135 Martell Avenue
Bethesda, MD 20814
Telephone Number: 443-415-4455

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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

No. 221138

Date: 2/17/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	866	0000		6150					75.00
Total:									\$ 75.00

Rec From: Tony's General Contractor LLC

For: Residential Zoning Variance
7135 Martell Avenue
Zoning Case # 2023-0033-A

DISTRIBUTION

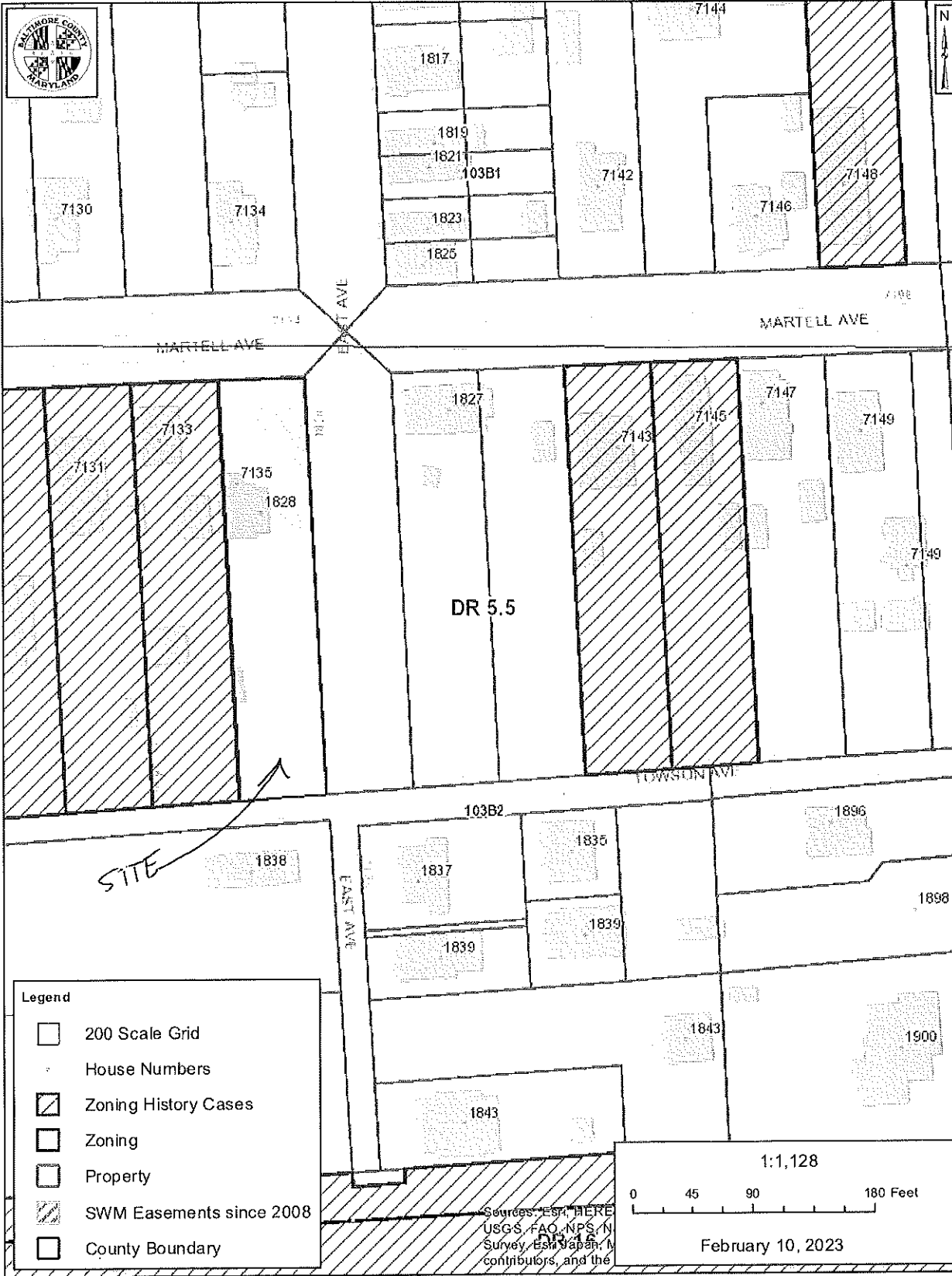
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
PLEASE PRESS HARD!!!!

GOLD - ACCOUNTING

CASHIER'S
VALIDATION

MJK

Baltimore County - My Neighborhood



- Legend**
- ☐ 200 Scale Grid
 - ☐ House Numbers
 - ☒ Zoning History Cases
 - ☐ Zoning
 - ☐ Property
 - ☒ SWM Easements since 2008
 - ☐ County Boundary

1:1,128
0 45 90 180 Feet

Sources: Esri, HERE
USGS, FAO, NPS, N
Survey, Esri, DeLorme,
contributors, and the

February 10, 2023

Baltimore County Government, Harford County Government, VTA, Esri

2023-0033-A

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1213022521

Owner Information

Owner Name: QUITO MANUEL A TENEZACA Use: RESIDENTIAL
QUITO CARLOS OSWALDO TENEZACA Principal Residence: NO

Mailing Address: 6707 BOSTON AVENUE Deed Reference: /42888/ 00316
BALTIMORE MD 21222-

Location & Structure Information

Premises Address: 1828 EAST AVE Legal Description: AKA 7135 MARTELL AVE
BALTIMORE 21222-3135 MARTELL PLAT

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0103 0010 0425 12040071.04 0000 65 2021 Plat Ref: 0004/ 0082

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1940	1,386 SF		11,950 SF	04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

2	NO	STANDARD UNIT STUCCO/3	2 full	
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Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2022 As of 07/01/2023	
Land:	50,900	50,900		
Improvements	69,400	66,600		
Total:	120,300	117,500	117,500	117,500
Preferential Land:	0	0		

Transfer Information

Seller: HARTMAN ELIZABETH A	Date: 05/27/2020	Price: \$90,200
Type: ARMS LENGTH IMPROVED	Deed1: /42888/ 00316	Deed2:
Seller: BRADDS KENNETH	Date: 01/09/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19421/ 00054	Deed2:
Seller: BRADDS KENNETH BRADDS ROSA	Date: 08/27/1985	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06983/ 00100	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

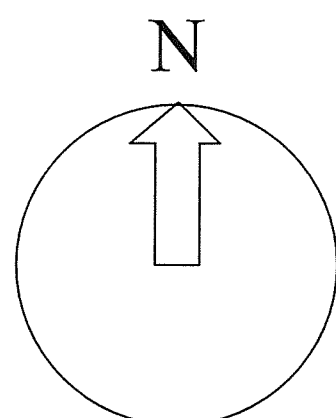
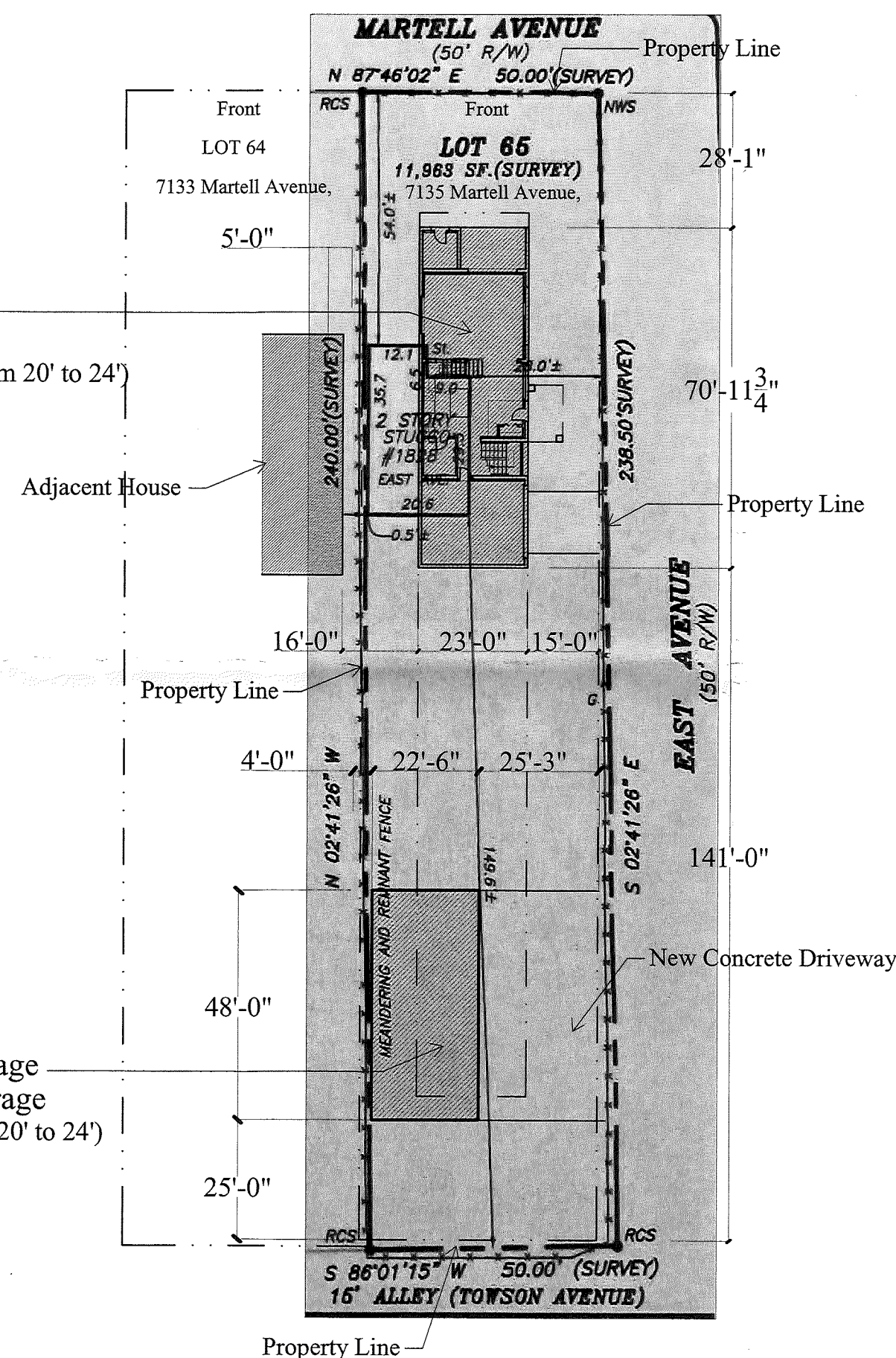
Homeowners' Tax Credit Application Status: No Application Date:

2023-0033-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ MARK TYPE REQUESTED WITH (X)
 ADDRESS 7135 Martell Avenue, Baltimore, MD 21222 OWNER(S) NAME(S) MANUEL TENEZACA
 SUBDIVISION NAME 0000 LOT# 65 BLOCK # N/A SECTION # N/A
 PLAT BOOK # 4 FOLIO # 316 10 DIGIT TAX# 1213022521 DEED REF. # N/A / N/A

PROPOSED
 New 2 Story House
 Concrete and Frame
 (Request Increase of Code Height from 20' to 24')

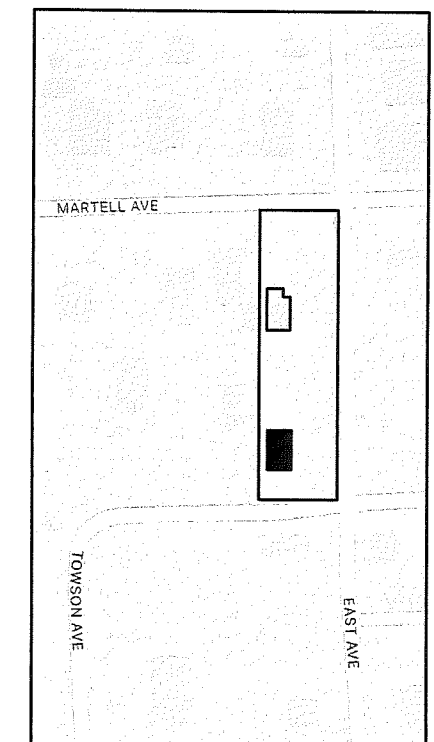
PROPOSED
 New Accessory 3 Car Garage
 with Second Story for Storage
 (Request Increase of Code Height from 20' to 24')



2023-0033-A

Plan Drawn by Jose R. Morales, RA Date 1/28/2023 Scale: 1 Inch = 30 Feet

Site Vicinity Plan

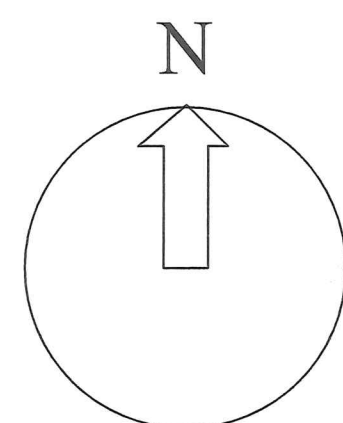
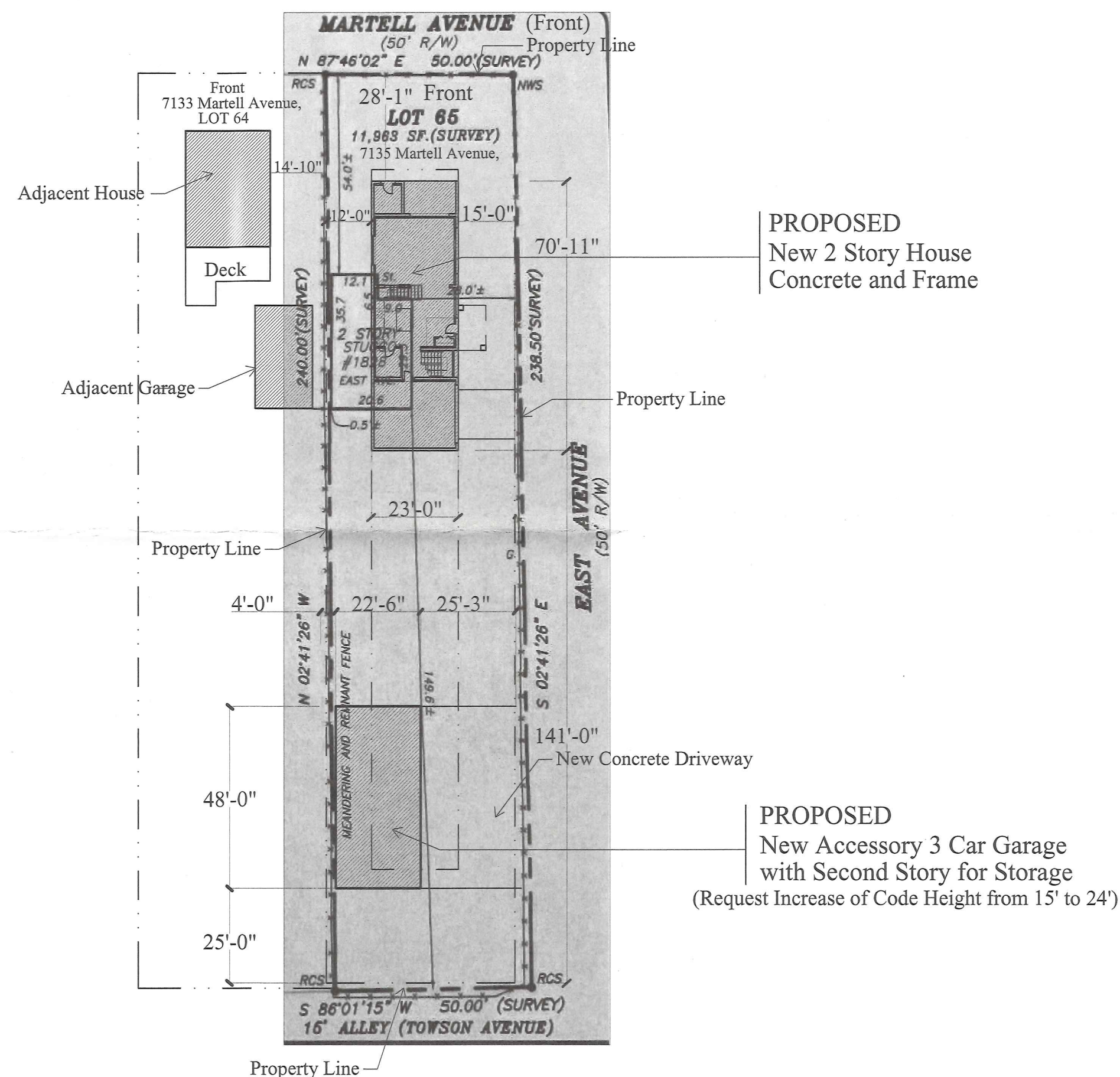


Map is Not to Scale

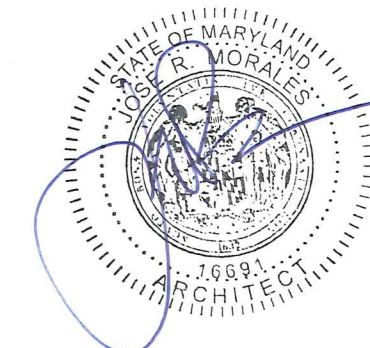
Zoning Map # 108C1
 Zoning DR 5.5
 Election District 1st
 Council District 13th
 Lot Area Acreage .2743
 Lot Square Footage 11,950
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is:
 Public X Private _____
 Sewer is:
 Public X Private _____
 Prior Hearing (Yes or No) No
 If (Yes) List Case Numbe(s)
 and Order Results Below:

Violation Case Numbe(s)

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ MARK TYPE REQUESTED WITH (X)
 ADDRESS 7135 Martell Avenue, Baltimore, MD 21222 OWNER(S) NAME(S) MANUEL TENEZACA
 SUBDIVISION NAME Martell Plat LOT# 65 BLOCK # N/A SECTION # N/A
 PLAT BOOK # 4 FOLIO # 82 10 DIGIT TAX# 1213022521 DEED REF. # N/A / N/A

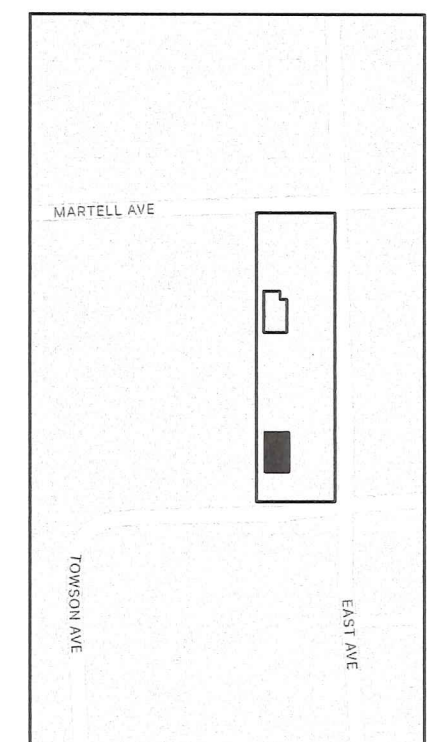


2023-6033-A
 Revised Plan
 3/16/2023



Plan Drawn by Jose R. Morales, RA Date 3/13/2023 Scale: 1 Inch = 30 Feet

Site Vicinity Plan



Map is Not to Scale

Zoning Map # 108C1
 Zoning DR 5.5
 Election District 12th
 Council District 7th
 Lot Area Acreage .2743
 Lot Square Footage 11,950
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is:
 Public X Private _____
 Sewer is:
 Public X Private _____
 Prior Hearing (Yes or No) No
 If (Yes) List Case Numbe(s)
 and Order Results Below:

Violation Case Numbe(s)