



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 10, 2024

Manuel A. Tenezaca Quito
Maria L. Mainato Guaman – tonysfamily2011@hotmail.com
7135 Martell Avenue
Baltimore, MD

RE: **Motion for Reconsideration**
Case No. 2024-0150-A
Property: 7135 Martell Avenue

Dear Petitioners:

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 black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, stylized "M" and "E".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:d1m

Enclosure

c: Victor Brooks – vlbjrhandymanservice@gmail.com
Teresa Fedeli – mshomdeopt@verizon.net

IN RE: PETITION FOR VARIANCE

(7135 Martell Avenue
aka 1828 East Avenue)

12th Election District

7th Council District

Manuel Tenezaca Quito &

Maria Guaman

Legal Owners

Petitioners

*

BEFORE THE

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OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

*

CASE NO. 2024-0150-A

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* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration of the September 3, 2024 Opinion and Order issued in the above captioned case. Specifically, legal owner/Petitioners, Manuel Tenezaca Quito and Maria L. Mainato Guaman requested Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1, pursuant to Zoning Commissioner Policy S-19, to permit a replacement dwelling with a side street setback of 15 ft. in lieu of the minimum required 25 ft., for property located at 7135 Martell Avenue (also addressed as 1828 East Avenue), Dundalk (the “Property”). The sole Protestant at the hearing was Victor L. Brooks, Jr., 1827 East Avenue. The relief was granted.

On September 5, 2024, a timely Motion for Reconsideration was filed by Teresa Fedeli, who did not participate in the hearing, and did not previously submit any written objection to the requested relief. Moreover, the Motion does not provide any address for Ms. Fedeli in which to determine whether or not she has standing to file the Motion. Even assuming, without deciding, that she has standing as an adjacent property owner, she concedes in the Motion that she was out of town during the time of the hearing. The Office of Administrative Hearings (“OAH”) did not receive any requests for postponement of the hearing.

As to the merits of the Motion, Ms. Fedeli, similar to Mr. Brooks, is not opposed to the restoration or replacement of the existing dwelling, which is the exact relief which the Petitioners are seeking. Indeed, both Ms. Fedeli and Mr. Brooks are supportive of the improvement to the dwelling. Ms. Fedeli is concerned that the Petitioners are, or will, operate a business from the Property. To be clear, Petitioners have not, and could not file a Petition to change the zoning on the Property; the zoning remains residential (DR 5.5). However, any commercial activity relating to the operation of a business from the Property is subject to Code Enforcement regulations pursuant to which Ms. Fedeli can file a Complaint. At the hearing, Petitioners were asked about illegally parking commercial vehicles related to Petitioners' construction business at the Property (other than for construction services related to the home and/or garage), and they affirmed that they understood that the Property is for residential use only, not commercial. Accordingly, Ms. Fedeli's Motion for Reconsideration will be denied.

THEREFORE, IT IS ORDERED this 10th day of **September, 2024**, by this Administrative Law Judge that the Motion for Reconsideration is hereby **DENIED**.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlw



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 3, 2024

Manuel A. Tenezaca Quito
Maria L. Mainato Guaman – tonysfamily2011@hotmail.com
7135 Martell Avenue
Baltimore, MD

RE: Petition for Variance
Case No. 2024-0150-A
Property: 7135 Martell Avenue

Dear Petitioners:

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.

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Chief Administrative Law Judge
for Baltimore County

MEM:dlm

Enclosure

c: Victor Brooks – vlbjrhandymanservice@gmail.com

IN RE: PETITION FOR VARIANCE

**(7135 Martell Avenue
aka 1828 East Avenue)**

12th Election District

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Manuel Tenezaca Quito &

Maria Guaman

Legal Owners

Petitioners

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2024-0150-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioners, Manuel Tenezaca Quito and Maria L. Mainato Guaman for property located at 7135 Martell Avenue (also addressed as 1828 East Avenue), Dundalk (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1, pursuant to Zoning Commissioner Policy S-19, to permit a replacement dwelling with a side street setback of 15 ft. in lieu of the minimum required 25 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on August 20, 2024. The Petition was properly advertised and posted. Petitioners, Manuel Tenezaca Quito, and his son Noe Pizha, appeared at the hearing, *pro se*, in support of the Petition. A site plan was prepared and sealed by architect, Jose R. Morales, R.A. (the “Site Plan”). (Pet. Ex. 1A). Victor L. Brooks, Jr., 1827 East Avenue, testified in opposition. Deputy People’s Counsel provided an email dated June 26, 2024 opposing the requested relief on the basis of *res judicata*. (See File).

Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

The Property is 50-ft. wide, 11,950 sf +/- corner lot created as Lot 65 on the Plat of Martell which was recorded in the Land Records of Baltimore County on June 11, 1913 (Plat Book WPC 4, folio 83). (See File). The Property is located at the intersection of Martell Ave. and East Ave. and is part of a neighborhood of single family detached homes. It is improved with a 2-story, 1,380 sf home constructed in 1940 which has been vacant and boarded-up. The original home was not centered on the Lot but placed within 0.5 ft. of the western Property line. (Pet. Ex. 1A). The original front door faced East Ave. which is different than the other homes along Martell Ave. The Property is zoned Density Residential (DR 5.5).

The Property was the subject of a previous Opinion and Order in Case No.: 2023-0033-A wherein the Petitioners here, who were also *pro se* during that hearing, had requested Variance relief to permit the detached garage they were constructing to have a height of 24 ft. and, if necessary, to permit the garage to be larger than the original home. The Opinion and Order details that the Petitioners had obtained a building permit to construct a 1,085 sf +/- detached garage, with three (3) vehicles bays, but desired to have a second floor for storage, gym, and music studio, and therefore the need for the additional height. The Variance relief was denied based on a finding that the Property was not 'unique' under *Cromwell, supra*, in that the Property was "a rectangular lot similar to the others in the neighborhood." Notwithstanding the finding of lack of uniqueness of the Property and its nexus to the requested garage height, the Opinion and Order also noted that the Petitioners intended to demolish the "dilapidated dwelling" and "replace with a new 1,750 sq. ft. dwelling that they will construct." In the instant hearing, Petitioners admittedly constructed a 1,085 sf +/-, detached garage, but at a height of 17 ft., the additional 2 ft. in height for which was not included in this Petition for Variance.

As shown on the Site Plan, Petitioners now propose to construct a 1,633 sf +/- (23 ft wide, 71 ft. long) replacement dwelling at a height of 20 ft, which will be positioned in the center of the Property, 15 ft. from the side Property lines. Repositioning the home will move it away from the detached structure located at 7133 Martell Ave. However, due to the width of the Property of 50 ft., a replacement dwelling could not be constructed and also meet the 25 ft. side yard setbacks.

Protestant Victor Brook is not opposed to the construction of a replacement dwelling and agreed that the Petitioners are improving the otherwise vacant Property. As in Case No.: 2023-0033-A, Mr. Brooks is concerned that with the construction of the replacement dwelling and detached garage, these impervious surfaces will cause water run-off onto his property across East Ave. As he mentioned in the prior Case, he has a memorial pond dedicated to his daughter and does not want water run-off to damage the pond or his property. As was explained in the prior Order, the storm drain on Towson Avenue overflows during every storm event.

Variance

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).

While the prior Opinion and Order found that the Property was rectangularly shaped like other properties in the neighborhood and therefore not 'unique,' that finding was made in relation to the additional height requested for the garage. The prior Opinion and Order also recognized the original home would be replaced in the future. It appears that there was no nexus found between the requested additional height for the garage and the rectangular shaped lot. Additionally, there

is no mention in the prior Order of the Martell Plat which confirms that the Property has asymmetrical measurements which confirm that this Property is different from the other rectangular lots in the neighborhood. Specifically, each rectangular lot on the Plat actually has different measurements along their eastern and western boundary lines. This new evidence supports a finding of uniqueness about the Property's characteristics. Given that the Petitioners are *pro se*, they may not have known to provide a copy of the Plat in the prior Case.

Additionally, unlike the additional height requested for the garage, there is a nexus between the reduced 15 ft. setback for the replacement dwelling and the narrow lot width of the Property, as not dwelling could be constructed and meet the 25 ft. setback. Moreover, the proposal to more centrally locate the replacement dwelling away from the western Property line, is beneficial to the adjoining property at 7133 Martell Ave., which is also the property most likely affected by the replacement dwelling. Given this nexus, I find that the Petitioners would indeed suffer a practical difficulty and unreasonable hardship because residential dwellings are permitted by right in a DR 5.5 zone. If a replacement dwelling is not permitted to be built, then the existing vacant and dilapidated home must remain because the detached garage has already been constructed, and cannot be located on residential property without a principal dwelling.

With regard to the required lot width of 55 ft. as required in BCZR, §1B02.3.C.1, this relief was not requested in the Petition for Variance. However, Petitioners are *pro se* and I will allow amendment of the Petition to include Variance relief from the required lot width of 55 ft. For the reasons set forth above for granting the Variance relief, I find that the same analysis applies to the lot width and will grant the same.

While I am cognizant of Mr. Brooks' concern for water run-off, the construction of both a home and a garage on residential property is no different than what exists on his property and on

the surrounding properties. Because a home and garage currently exist on the Property, the water run-off should be similarly to the existing runoff. And as Mr. Brooks explained, the problem is actually with the Towson storm drain malfunctioning. In that regard, the Petitioners will have the same water runoff problem on their Property. As a result, I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

In regard to the detached garage which was measured by DOP during a site visit as being 17 ft. in height, Petitioners acknowledged that they did not seek Variance relief for the additional 2 ft. in height. While Petitioners should have added that Variance relief to the instant Petition, they are *pro se* and misunderstood that they also needed that relief. Based on the same reasons for granting the, I will include that relief in this Order.

THEREFORE, IT IS ORDERED this 3rd day of **September, 2024**, by this Administrative Law Judge, that the Petition for Variance from BCZR, §1B02.3.C.1, pursuant to Zoning Policy S-19, to permit a replacement dwelling with a side street setback of 15 ft. in lieu of the minimum required 25 ft. be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the amended Petition for Variance from BCZR, §1B02.3.C.1, to allow a lot width of 55 ft. in lieu of 50 ft be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the amended Petition for Variance from BCZR, §400.3 for an accessory structure (detached garage) of 17 ft. in lieu of the required 15 ft., be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal

can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. The Site Plan (Pet. Ex. 1A) is incorporated herein in its entirety.

3. Petitioners and all subsequent owners shall comply with the DOP ZAC comment attached hereto and incorporated herein.

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

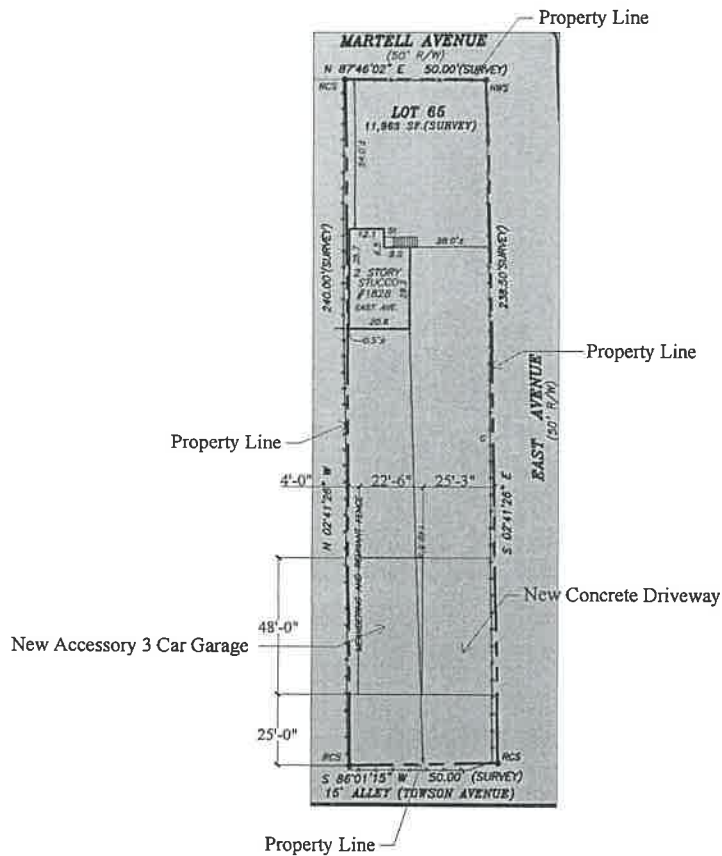
A handwritten signature in black ink, reading "Maureen E. Murphy". The signature is written in a cursive style with a horizontal line underneath the name.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

TENEZACA'S RESIDENCE

NEW CAR GARAGE / STORAGE



1 SITE PLAN
SCALE: 1" = 20'

SHEET NUMBER	SHEET NAME
CS/S/I	COVER SHEET / SITE PLAN / INDEX
N-1	GENERAL NOTES
A-1	NEW 1ST FLOOR PLAN / DETAIL NEW 2ND FLOOR PLAN / DETAIL NEW ROOF PLAN / DETAIL
A-2	NEW NORTH, SOUTH, WEST & EAST ELEVATIONS
A-3	STAIR & WINDOW DETAILS
F-1	FIRST FLOOR FRAMING PLAN SECOND FLOOR FRAMING PLAN ROOF FRAMING PLAN
WS-1	NEW WALL SECTIONS

Building Code: 2018 International Residential Code

7135 Martell Avenue, Baltimore, MD 21222

BALTIMORE COUNTY

ZONING / DR-5.5

MINIMUM LOT AREA 10,000 SQ.FT - LOT AREA 11,950 SQ.FT

GARAGE FLOOR SQ.FT. = 1,080 S.F. + HOUSE FLOOR SQ.FT. = 700 S.F. = 1,780 S.F.

MAX. LOT COVERAGE 40%

1,780 / 11,950 LOT = 15% OF LOT COVERAGE

MAX. HEIGHT 34' - GARAGE HEIGHT 26'-0"

SETBACKS: FRONT 50' / REAR 20' / EACH SIDE 7'

SCALE: 1"=20'-0"

IN DESIGN ARCHITECT, LLC
Joe B. Mendoza, R.A.
Architect
304 North Lane
Crown Point, MD 21111
410.791.7000
jrmendoza_arch@proton.com

OWNER
Manuel A. Tenezaca
Carlos Casado Tenezaca
7135 Martell Avenue
Baltimore, MD 21222
410.415.4435

TENEZACA'S RESIDENCE
NEW GARAGE / STORAGE
COVER SHEET / SITE PLAN / INDEX

"Professional Certification: I hereby certify that these documents were prepared or approved by me and that I am a duly licensed Registered Architect under the laws of the state of Maryland." License No. 16691, Expiration Date: September 19, 2023



ELECTRONIC SEAL

NO.	REVISION	DATE

SCALE AS NOTED

DATE OF PLOT

CS/I

Part 1A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

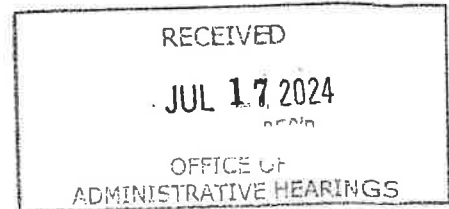
TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/17/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0150-A Revised
Property Address: 7135 Martell Avenue
Petitioner: Manuel Tenezaca
Zoning: DR 5.5
Requested Action: Variance



The Department of Planning has reviewed the petition for the following:

Variance - From Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit a replacement dwelling with a side street setback of 15 ft., in lieu of the minimum required 25 ft.

Variance - From Section 400.3 of the Baltimore County Zoning Regulations 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).

The subject site is an 11,950 square foot parcel in the Dundalk area. The property, listed on the application as 7135 Martell Avenue, is also known as 1828 East Avenue. The subject site is within the boundaries of the Eastern Baltimore County Revitalization Strategy and the Greater Dundalk-Edgemere Community Conservation Plan. The Greater Dundalk-Edgemere Plan encourages maintaining and preserving the quality of housing stock in the area, as well as improving the conditions and quality of life for residents (Page 35). The plan also references stronger inspection and enforcement procedures to ensure compliance with laws, regulations, and development and zoning decisions.

Previous code enforcement complaints have either been closed or brought into compliance. Through confirmation from an on-site visit June 28, 2024, and reassurances from the Owner, the finished garage is to be used for residential use only and solely as an accessory structure to the proposed single-family home to be constructed. The actual finished height of the garage was confirmed during the latest site visit where it was measured and confirmed to be no more than 17' in height to the peak of the roof. The application for this variance requests a garage height of 24' in lieu of the allowed 15'.

The Department of Planning recommends approval of the requested variance for the garage and proposed single family home as shown on the site plan with the following conditions:

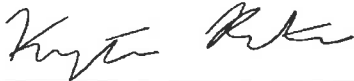
1. The accessory building (detached garage) shall not be granted a variance to exceed its current maximum height of 17' as currently constructed.

2. The accessory building (detached garage) shall not be used for commercial purposes or converted to a dwelling unit.
3. All setbacks for the single family detached "new 2 Story House" in a DR zone, as shown on the site plan provided with the variance application, should comply with Planning's CMDP-Comprehensive Manual of Development Policy, Residential Standards Section for SFD-Single Family Dwellings.
4. Minimum setbacks for the proposed SFD should conform to the CMDP Residential Standards for Traditional Housing, Pgs. 16.1-16.3 as follows:
 - 25' Minimum front setback (building face to a public street).
 - 12' minimum between side building faces.
 - 10' from a side building face to a public street right-of-way or tract boundary.
 - From a rear building face to a property line-the setback shall include 12 feet depth of yard area, the depth of the garage or parking, and 3 feet between the rear garage face and the alley right-of-way.
5. The current lot width shown on the site plan of 50' is undersized. The required lot width according to BCZR 1B02.3(C)(1) – (A) in a DR 5.5 classified zone is a minimum of 55'. The Department of Planning would support a variance for the proposed house on the existing 50' lot since it is comparable in width to the adjacent lots and most of the existing lots in the neighborhood.

The Department of Planning also approves of the requested Variance - From Section 1B02.3.C.1 of the BCZR to permit a replacement dwelling with a side street setback of 15 ft., in lieu of the minimum required 25 ft.

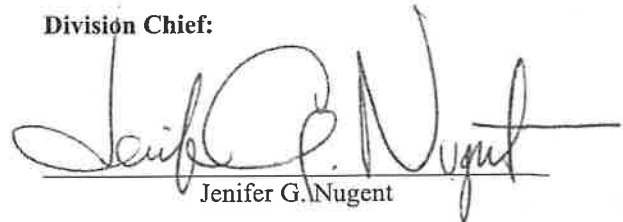
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Manuel Tenezaca
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



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 Currently Zoned DR 5.5
Deed Reference _____ / _____ 10 Digit Tax Account # 1213022521
Owner(s) Printed Name(s) Manuel A Tenezcaca Quito Maria Lina Mainato Guzman

(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

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

3. ✓ a **Variance** from Section(s)

See attached

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/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:

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0150-A Filing Date 6, 12, 24

Legal Owners (Petitioners):

Manuel A Tenezcaca Quito, Maria L Mainato Guzman

Name #1 - Type or Print _____

Name #2 - Type or Print _____

Manuel Tenezcaca

Maria Mainato

Signature #1 _____

Signature #2 _____

6707 Boston Ave

Baltimore

MD

Mailing Address _____

City _____

State _____

21222, 443-415-4455

Tonysfamily2011@hotmail.com

Zip Code _____

Telephone #'s (Cell and Home) _____

Email Address _____

Representative to be contacted:

Name - Type or Print _____

Signature _____

Mailing Address _____

City _____

State _____

Zip Code _____

Telephone # _____

Email Address _____

Do Not Schedule Dates _____

Reviewer M

Petition Attachment

To request a variance from Sections 400.3 and 400.1 to allow an accessory garage with a height of 24 feet (in lieu of the maximum 15 feet) and a 0-foot setback (in lieu of the required 2.5-foot setback).

ZONING PROPERTY DESCRIPTION FOR 7135 Martell Ave

Part A

Beginning at a point on the east side of East Ave which is 18 feet wide of right-of-way width at the distance of 100 feet South-East of the centerline of the nearest improved intersecting street Martell Ave which is 30 feet wide.

Part B

Being Lot #65, Section # N/A in the subdivision of Martell Plat as recorded in Baltimore County Plat book #4, folio 82 containing 11,950 square foot lot located in the 12th Election District and 7th Council District.



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 Currently Zoned DR 5.5
Deed Reference _____ / 10 Digit Tax Account # 1213022521
Owner(s) Printed Name(s) Manuel A Tenezcaca Quito Maria Lir Mainato Guaman

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

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Case Number 2024-0150-A Filing Date 6, 12, 24 Do Not Schedule Dates _____ Reviewer M

Legal Owners (Petitioners):

Manuel A Tenezcaca Quito, Maria L Mainato Guaman

Name #1 - Type or Print

Name #2 - Type or Print

Manuel Tenezcaca

Maria Mainato

Signature #1

Signature #2

6707 Boston Ave

Baltimore

MD

Mailing Address

City

State

21222, 443-415-4455

Tonysfamily 2011@hotmail.com

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Petition Attachment

To request a variance from Sections 400.3 and 400.1 to allow an accessory garage with a height of 24 feet (in lieu of the maximum 15 feet) and a 0-foot setback (in lieu of the required 2.5-foot setback).

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Part B

Being Lot #65, Section # N/A in the subdivision of Martell Plat as recorded in Baltimore County Plat book #4, folio 82 containing 11,950 square foot lot located in the 12th Election District and 7th Council District.

CERTIFICATE OF POSTING

2024-0150-A

RE: Case No.: _____

Petitioner/Developer: _____

Manuel Tenezaca Quito, Maria Guaman

August 20, 2024

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: Jeff Perlow:

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 1A & 1B***

July 30, 2024

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

Sincerely,

July 30, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

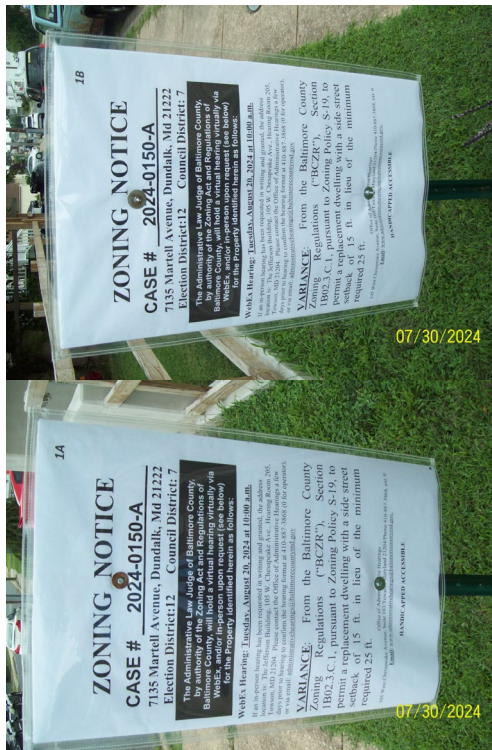
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 24, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0150-A
Address: 7135 MARTELL AVE
Legal Owner: Manuel Tenezaca Quito, Maria Guaman

Zoning Advisory Committee Meeting of June 24, 2024.

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

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 24, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0150-A
Address: 7135 MARTELL AVE
Legal Owner: Manuel Tenezaca Quito, Maria Guaman

Zoning Advisory Committee Meeting of June 24, 2024.

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

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 15, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0150-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 10, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0150-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment – LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/17/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0150-A Revised
Property Address: 7135 Martell Avenue
Petitioner: Manuel Tenezaca
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - From Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit a replacement dwelling with a side street setback of 15 ft., in lieu of the minimum required 25 ft.

Variance - From Section 400.3 of the Baltimore County Zoning Regulations 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).

The subject site is an 11,950 square foot parcel in the Dundalk area. The property, listed on the application as 7135 Martell Avenue, is also known as 1828 East Avenue. The subject site is within the boundaries of the Eastern Baltimore County Revitalization Strategy and the Greater Dundalk-Edgemere Community Conservation Plan. The Greater Dundalk-Edgemere Plan encourages maintaining and preserving the quality of housing stock in the area, as well as improving the conditions and quality of life for residents (Page 35). The plan also references stronger inspection and enforcement procedures to ensure compliance with laws, regulations, and development and zoning decisions.

Previous code enforcement complaints have either been closed or brought into compliance. Through confirmation from an on-site visit June 28, 2024, and reassurances from the Owner, the finished garage is to be used for residential use only and solely as an accessory structure to the proposed single-family home to be constructed. The actual finished height of the garage was confirmed during the latest site visit where it was measured and confirmed to be no more than 17' in height to the peak of the roof. The application for this variance requests a garage height of 24' in lieu of the allowed 15'.

The Department of Planning recommends approval of the requested variance for the garage and proposed single family home as shown on the site plan with the following conditions:

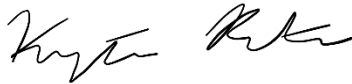
1. The accessory building (detached garage) shall not be granted a variance to exceed its current maximum height of 17' as currently constructed.

2. The accessory building (detached garage) shall not be used for commercial purposes or converted to a dwelling unit.
3. All setbacks for the single family detached “new 2 Story House” in a DR zone, as shown on the site plan provided with the variance application, should comply with Planning’s CMDP- Comprehensive Manual of Development Policy, Residential Standards Section for SFD-Single Family Dwellings.
4. Minimum setbacks for the proposed SFD should conform to the CMDP Residential Standards for Traditional Housing, Pgs. 16.1-16.3 as follows:
 - 25’ Minimum front setback (building face to a public street).
 - 12’ minimum between side building faces.
 - 10’ from a side building face to a public street right-of-way or tract boundary.
 - From a rear building face to a property line-the setback shall include 12 feet depth of yard area, the depth of the garage or parking, and 3 feet between the rear garage face and the alley right-of-way.
5. The current lot width shown on the site plan of 50’ is undersized. The required lot width according to BCZR 1B02.3(C)(1) – (A) in a DR 5.5 classified zone is a minimum of 55’. The Department of Planning would support a variance for the proposed house on the existing 50’ lot since it is comparable in width to the adjacent lots and most of the existing lots in the neighborhood.

The Department of Planning also approves of the requested Variance - From Section 1B02.3.C.1 of the BCZR to permit a replacement dwelling with a side street setback of 15 ft., in lieu of the minimum required 25 ft.

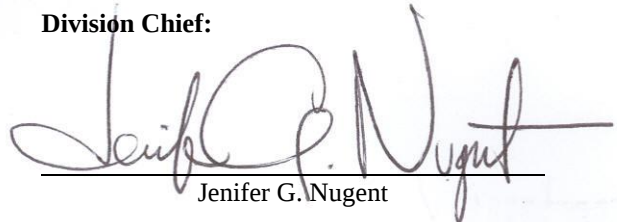
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Manuel Tenezaca
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Office of Administrative Hearings
People’s Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/1/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0150-A

INFORMATION:

Property Address: 7135 Martell Avenue

Petitioner: Manuel Tenezaca

Zoning: DR 5.5

Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - From Section 400.3 of the Baltimore County Zoning Regulations 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).

The subject site is an 11,950 square foot parcel in the Dundalk area. The property, listed on the application as 7135 Martell Avenue, is also known as 1828 East Avenue. The property was also the subject of ZAC# 2023-033-A, which was denied by the ALJ.

The subject site is within the boundaries of the Eastern Baltimore County Revitalization Strategy and the Greater Dundalk-Edgemere Community Conservation Plan. The Greater Dundalk-Edgemere Plan encourages maintaining and preserving the quality of housing stock in the area, as well as improving the conditions and quality of life for residents (Page 35). The plan also references stronger inspection and enforcement procedures to ensure compliance with laws, regulations, and development and zoning decisions.

Previous code enforcement complaints have either been closed or brought into compliance. Through confirmation from an on-site visit of June 28, 2024, and reassurances from the Owner, the finished garage is to be used for residential use only and solely as an accessory structure to the proposed single-family home to be constructed. The actual finished height of the garage was confirmed during the latest site visit where it was measured and confirmed to be no more than 17' in height to the peak of the roof. The application for this variance requests a garage height of 24' in lieu of the allowed 15'.

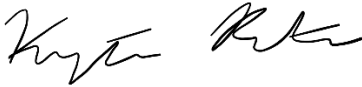
The Department of Planning recommends approval of the requested variance for the garage and proposed single family home as shown on the site plan with the following conditions:

1. The accessory building (detached garage) shall not be granted a variance to exceed its current maximum height of 17' as currently constructed.

2. The accessory building (detached garage) shall not be used for commercial purposes or converted to a dwelling unit.
3. All setbacks for the single family detached “new 2 Story House” in a DR zone, as shown on the site plan provided with the variance application, should comply with Planning’s CMDP-Comprehensive Manual of Development Policy, Residential Standards Section for SFD-Single Family Dwellings.
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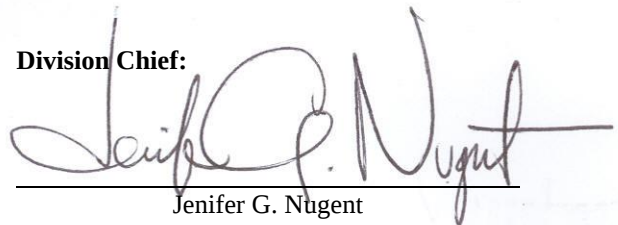
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

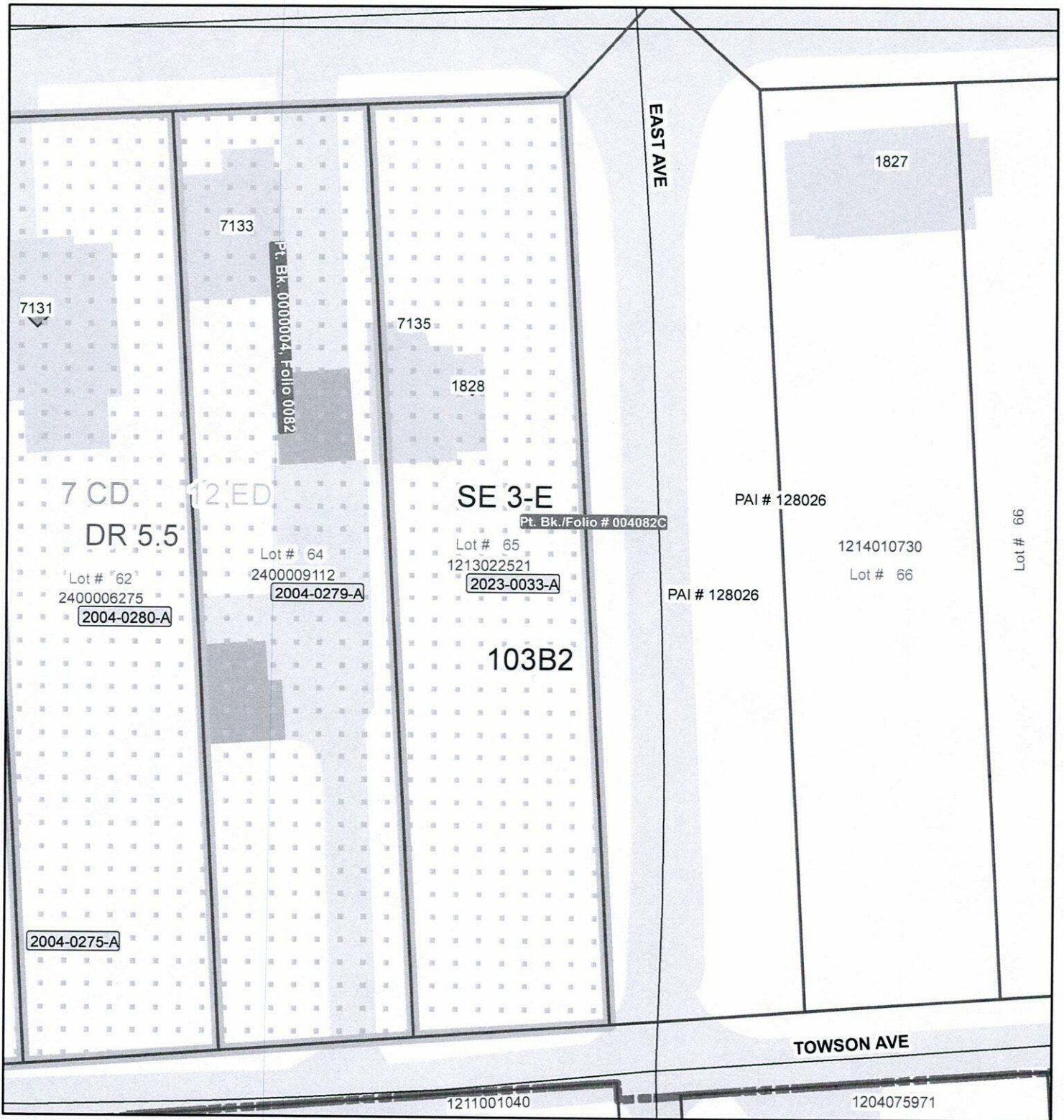
c: Manuel Tenezaca

David Birkenthal, Community Planner
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People’s Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration		
Special Tax Recapture: None				
Account Identifier:	District - 12 Account Number - 1213022521			
Owner Information				
Owner Name:	QUITO MANUELA TENEZACA Use: RESIDENTIAL GUAMAN MARIA LIA MAINATO Principal Residence: NO			
Mailing Address:	1828 EAST AVE Deed Reference: /48461/ 00256 BALTIMORE MD 21222-3135			
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 2024 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				
StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements				
2 NO STANDARD UNITSTUCCO/3 2 full				
Value Information				
	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	50,900	84,900		
Improvements	66,600	87,100		
Total:	117,500	172,000	117,500	135,667
Preferential Land:	0	0		
Transfer Information				
Seller: QUITO MANUELA TENEZACA	Date: 10/16/2023	Price: \$0		
Type: NON-ARMS LENGTH OTHER	Deed1: /48461/ 00256	Deed2:		
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:		
Exemption Information				
Partial Exempt Assessments: Class	07/01/2023	07/01/2024		
County:	000	0.00		
	000	0.00		

7135 Martell ave



Publication Date: 6/12/2024



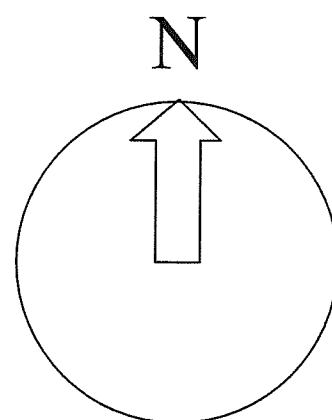
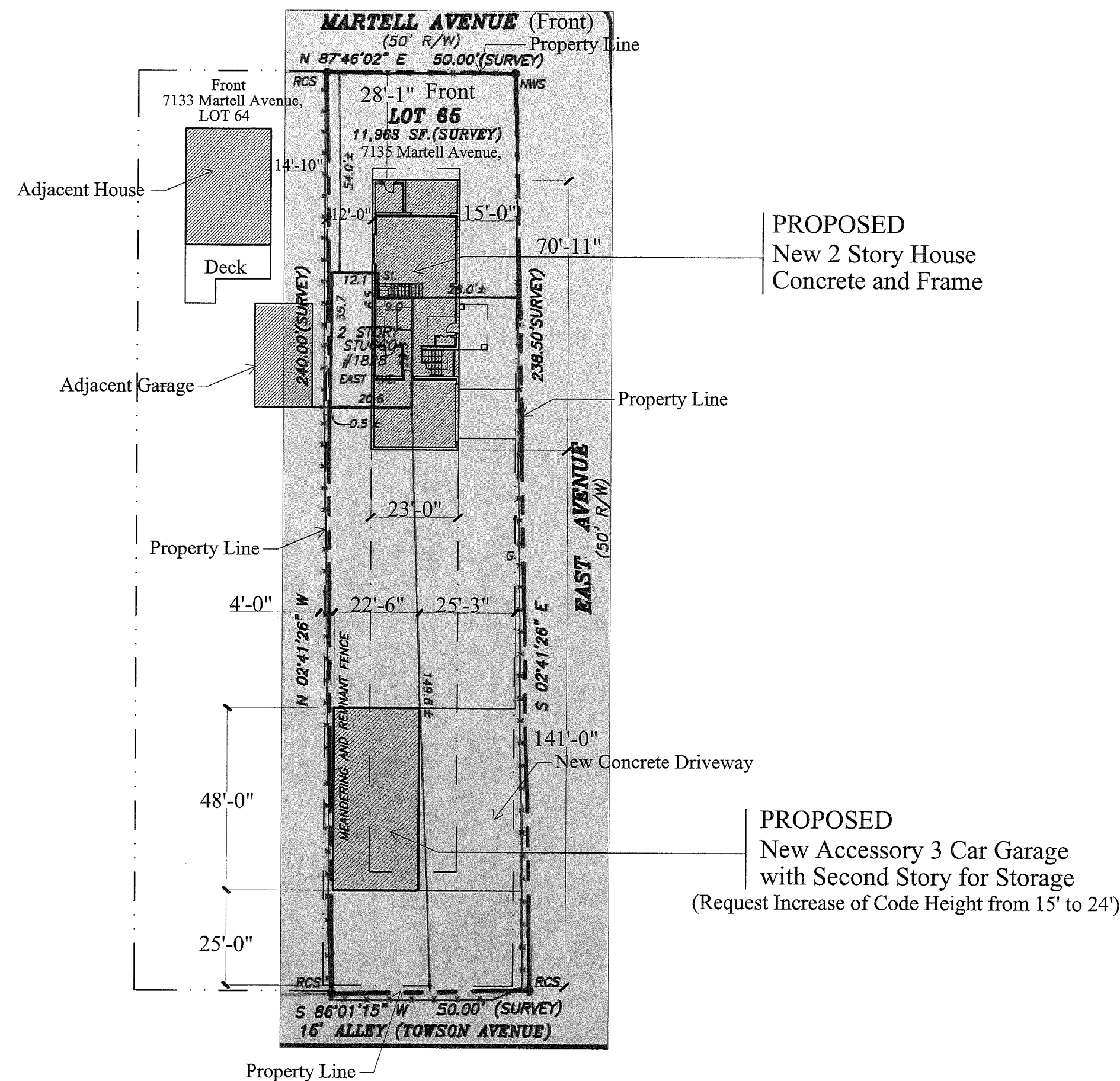
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

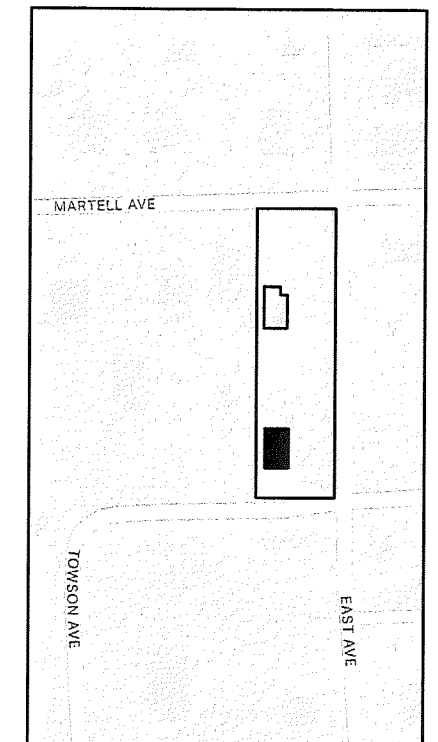
1 inch = 35.284996 feet

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



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)