

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frank Scarfield, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504 (V.B. 5 b.) of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve on amendment to the final development plan of Villa Capri, Inc. 277-188-ASPH provided under Section 504 of Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser Frank Scarfield Address 8610 Holabird Avenue, Balto., Md. Legal Owner

Petitioner's Attorney John W. Hession, III Address County Office Building, Towson, Maryland 21204 Protester's Attorney

ORDERED BY the Zoning Commissioner of Baltimore County, this 15th day of March, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of March, 1977, at 10:00 o'clock A.M.

Eric D. Nienow
Zoning Commissioner of Baltimore County



Mr. Frank Scarfield
6610 Holabird Avenue
Baltimore, Maryland 21224

RE: Petition for Variance and Special Hearing
5/5 of Virginia Avenue, 775.68' SE of Eastern Boulevard - 15th Election District
Frank Scarfield - Petitioner
NO. 77-188-ASPH (Item No. 170)

Dear Mr. Scarfield:
I have this date passed my Order in the above referenced manner. Copy of said Order is attached.

Very truly yours,
Eric D. Nienow
Zoning Commissioner

SED/arl
Attachment
cc: John W. Hession, III, Esquire
People's Counsel

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frank Scarfield, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504 (V.B. 5 b.) of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve on amendment to the final development plan of Villa Capri, Inc. 277-188-ASPH provided under Section 504 of Baltimore County Zoning Regulations.

of 18 feet from tract boundary in lieu of the required 30 feet for a building without windows.

We have reduced dwelling units by 33-1/3% from previously approved plan and by using 30 foot restriction we will lose 1 lot.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser Frank Scarfield Address 8610 Holabird Avenue, Baltimore, Maryland 21224 Legal Owner

Petitioner's Attorney John W. Hession, III Address County Office Building, Towson, Maryland 21204 Protester's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 15th day of March, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of March, 1977, at 10:00 o'clock A.M.

Eric D. Nienow
Zoning Commissioner of Baltimore County



LOAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS
8012 BELAIR RD. / BALTIMORE, MD. 21201 (301) 668-1901
208 W. BALTIMORE STREET / BALTIMORE, MD. 21201 (301) 668-1901
115 E. MAIN STREET / WESTMINSTER, MD. 21157 (301) 668-1700
11 E. WASHINGTON ST. / WEST / EASTON, MD. 21601 (301) 823-9433

Re-typed 1/24/77

DESCRIPTION OF SECTION II- "VILLA CAPRI" 15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME on the South side of Virginia Avenue, 80 feet wide, as laid out and shown on Baltimore County Department of Public Works Bureau of Land Acquisition right of way plat No. H.M.W. 73-015, at a point distant 775.68 feet, measured southeasterly along said South side of Virginia Avenue from its intersection with The Southeast side of Eastern Blvd., 80 feet wide, said point of beginning also being situate at the Northeasternmost corner of the Boundary of Section II, Villa Capri, recorded among the land records of Baltimore County in Plat Book E.H.K., Jr. No. 39, Folio 33, thence leaving said place of beginning and running and binding on the South side of Virginia Avenue, 80 feet wide, referring all courses of this description to the Grid Meridian as established by the Baltimore County Metropolitan District, (1) Easterly by a line curving to the left with a radius of 830.00 feet for a distance of 140.01 feet, (the arc of said curve being subtended by a chord bearing North 77 degrees 42 minutes 54 seconds East 145.08 feet) to a point in line with the Southeasterly prolongation of the southwest side of Marie Avenue, 80 feet wide, as shown on Baltimore County Department of Public Works, Bureau of Land Acquisition right of way plat No. H.M.W. No. 58-242-B-A, thence running and binding on said Southeasterly prolongation of Marie Avenue, (2) South 36 degrees 12 minutes 39 seconds East 1.90 feet to the South side of said Virginia Avenue as shown on said plat of Section II, Villa Capri, thence running and binding on the South side of said Virginia Avenue as shown on said plat of Villa Capri, the 3 following courses and distances, viz: (3) North 85 degrees 52 minutes 36 seconds East 807.67 feet to a point of curve, (4) Northeasterly by a line curving to the left with a radius of 1457.29 feet for a distance of 398.57 feet (the arc of said curve being subtended by a chord bearing North 50 degrees 04 minutes

L. ALAN CYRUS, P.E., L.S.
J. CARROLL HAZAN, L.S.
GEORGE W. HOLDEFER, P.E.
JAMES W. HOLLEY
WESTMINSTER
RICHARD L. HALL, P.E.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER

PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
5/5 of Virginia Ave. 775.68' SE of Eastern Blvd., 15th District
FRANK D. SCARFIELD, Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr. John W. Hession, III
Charles E. Kuntz, Jr. John W. Hession, III
People's Counsel People's Counsel
County Office Building County Office Building
Towson, Maryland 21204 Towson, Maryland 21204
494-2188 494-2188

I HEREBY CERTIFY that on this 24th day of March, 1977, a copy of the foregoing Order was mailed to Mr. Frank D. Scarfield, 6610 Holabird Avenue, Baltimore, Maryland 21224, Petitioner.

John W. Hession, III
John W. Hession, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric D. Nienow, Zoning Commissioner Date: March 16, 1977
FROM: Norman S. Gerber, Acting Director of Planning
SUBJECT: Petition 277-188-ASPH, Petition for Variance to permit setback from tract boundary. Petition for Special Hearing to amend final development plan. South side of Virginia Avenue 775.68 feet Southeast of Eastern Boulevard Petitioner - Frank Scarfield

15th District

HEARING: Wednesday, March 30, 1977 (1:00 P.M.)

Any approval should be in conformance with the amended plan of Villa Capri approved by the Planning Board in December of 1976.

Norman S. Gerber
Norman S. Gerber
Acting Director of Planning

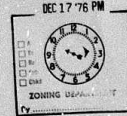
NRD:JDS:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric D. Nienow, Zoning Commissioner Date: December 17, 1976
FROM: George H. Pryor, Chief
SUBJECT: Development Plan-Villa Capri
Forwarding to you on this date 3rd Amended Development Plan of Villa Capri approved by the Baltimore County Planning Board, for Public Hearing.

George H. Pryor, Chief
Project and Development Planning



Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that in accordance with the power granted unto the Zoning Commission by Section 500.7 and the requirements of Section 100.13A.7 of the Baltimore County Zoning Regulations have been met, it is hereby determined that the variance requested, will not be detrimental to the health, safety, and general welfare of the community and would be within the spirit and intent of said Regulations; and, therefore, the Special Hearing to approve an amendment to the final development plan of Villa Capri, in the manner provided under Section 502 of the Baltimore County Zoning Regulations, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of April, 1977, that the herein Petition for the Special Hearing to approve an amendment to the final development plan of Villa Capri should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

H. H. H.
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and undue hardship upon the Petitioner.

the _____ Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a setback of 15 feet from the the tract boundary in lieu of the required 30 feet for a building without windows in a D.R.16 Zone should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of April, 1977, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Frank Scarfield

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 2nd day of February, 1977.

H. H. H.
S. Eric DiNenna
Zoning Commissioner

Petitioner: Frank Scarfield

Petitioner's Attorney:

cc: Evans, Hagan & Holder, Inc.
8013 Belair Road
Baltimore, Maryland 21236

Reviewed by: *H. H. H.*
Nicholas B. Commodari
Planning & Zoning
Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 23, 1977

RE: Special Hearing Petition
Item 170
Frank Scarfield - Petitioner

Dear Mr. Scarfield:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

Located on the south side of Virginia Avenue at the termination of Marie, Eugene, and Goeller Avenues, this currently vacant tract of land is part of the overall development of Villa Capri. Also part of this development are existing townhouses and a vacant lot on the north side of Virginia Avenue, with the surrounding property consisting of single family dwellings and the Riverside Nursing Home to the west.

Your original intention as shown on the 2nd Amended Final Development Plan of Villa Capri, was to construct apartments on this site, however, your proposal at this time is to change to townhouses. Because the existing townhouses have been sold and

Mr. Frank Scarfield
RE: Item 170
March 23, 1977
Page 2

coupled with Section 1801.3A.7b. of the Zoning Regulations, this Special Hearing to amend the approved final development plan is required. In addition, a Variance request to permit a building within 15 feet of the tract boundary in lieu of the required 30 feet is included.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Acting Chairman, Zoning
Plans Advisory Committee

ENCLOSURE

Enclosure

cc: Evans, Hagan & Holder, Inc.
8013 Belair Road
Baltimore, Maryland 21236

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

March 24, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #170 (1976-1977)
Property Owner: Frank Scarfield
5/8 Virginia Ave., 775.86' S/E Eastern Blvd.
Existing Zoning: D.R. 16 & B.L.
Proposed Zoning: Special Hearing to amend the Final
Development Plan of "Villa Capri".
Acres: 4.08 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County utilities and highway improvements are as secured by Public Works Agreement #157504 executed in conjunction with the development of "Villa Capri".

The proposed construction within tidal areas of a boat ramp, pier, etc., is subject to all local, state and federal regulations and requirements.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #170 (1976-1977).

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM: PWR: ss

cc: E. Norton
N. Shalowitz

T-SW Key Sheet
2 & 3 NE 25 & 26 Pos. Sheets
NE 1 & 2 Topo
97 Tax Map

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 404-3211

March 8, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #170, Zoning Advisory Committee Meeting, February 2, 1977, are as follows:

Property Owner: Frank Scarfield
Location: 5/8 Virginia Ave 775.86' SE Eastern Blvd
Existing Zoning: D.R. 16 and B.L.
Proposed Zoning: Special Hearing to amend the Final Development Plan of "Villa Capri"
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
JOHN L. WIMBLEY
Project and Development Planning

$$x = \frac{1}{2} + \frac{\sqrt{5}}{2} i \quad y = \frac{1}{2} - \frac{\sqrt{5}}{2} i$$

