

IN RE: PETITION FOR VARIANCE  
 NW/Corner Lynch Road and  
 Quentin Road  
 (1956 Quentin Road)  
 12th Election District  
 7th Councilmanic District  
 Debra A. Lazzaro  
 Petitioner

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 94-54-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Debra A. Lazzaro. The Petitioner requests relief from Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 6-foot high wood fence within 8 feet of the intersection of a street and alley in lieu of the permitted 3-foot high fence, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Debra Lazzaro, property owner. Also appearing on behalf of the Petitioner was Betty Fares, a nearby property owner. There were no Protestants present at the hearing; however, it should be noted that the Petition was filed as a result of a complaint registered with the Zoning Enforcement Division of the Zoning Administration and Development Management Office as to the location of the existing fence on the property.

Testimony indicated that the subject property, known as 1956 Quentin Road, consists of .0646 acres, more or less, zoned D.R. 10.5 and is improved with a two-story townhouse dwelling with an attached deck, a swimming pool, and a shed. Said property is located at the corner of Quentin Road at its intersection with Lynch Road in the townhouse community of West Inverness in southeastern Baltimore County and lies within the Chesapeake Bay Critical Areas near Bear Creek. A 16-foot wide alley runs

across the rear of the property the length of Quentin Road. As previously stated, the Petition was filed as a result of a complaint registered with the Zoning Administration Office as to an existing 6-foot high fence which encompasses the side and rear yards of the subject property. The fence extends from the southwest corner of the front of the dwelling across the front yard, then along the side property line along Lynch Road in a north-easterly direction to the rear corner of the property, then extending northwesterly across the rear of the property to the adjoining property line. The fence is more particularly shown in the photographs submitted. The uncontradicted testimony and evidence presented indicated that this fence has existed on the property for the past 10 to 15 years. The Petitioner testified that the size of the fence was necessary due to her large dogs and to provide protection for her swimming pool. In response to the complaint which prompted the filing of this request, the Petitioner has proposed to adjust the fence at the northwest corner of the rear of her property in such a manner that the fence will be angled, or squared off at a distance of 8 feet from each side of the corner as shown on the site plan submitted and identified as Petitioner's Exhibit 1. In support of her request, the Petitioner submitted a statement signed by many of her neighbors indicating that they have no objections to the fence and that the fence does not create a visibility problem when entering or exiting the alley at Lynch Road.

It should also be noted that the Development Plan Review Section of the Department of Public Works recommended that the fence be relocated 10 feet from a right-of-way line along the northeast side property line. In the opinion of this Zoning Commissioner, to require the relocation of the fence as suggested would create practical difficulty for the Petitioner

and result in a considerable loss of use of the Petitioner's rear yard. The Petitioner's proposal to alter the fence at the rear northeast corner of her property should alleviate all concerns raised about visibility at this location. Therefore, I shall approve the Petitioner's request in accordance with that proposed on Petitioner's Exhibit 1.

As was previously noted, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their review of this proposal. The Petitioner is required to submit a findings plan to DEPRM for review and approval prior to the issuance of any permits. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1993 that the Petition for Variance requesting relief from Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 6-foot high wood fence within 8 feet of the intersection of a street and alley in lieu of the permitted 3-foot high fence, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING  
 Date 9/15/93  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 9/15/93  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 9/15/93  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 9/15/93  
 By [Signature]

2) The relief granted herein is contingent upon the subject fence being altered in the northeast corner of the subject property in accordance with that set forth on Petitioner's Exhibit 1. The Petitioner shall have sixty (60) days from the date of this Order in which to have the alteration accomplished.

3) The Petitioner shall submit a findings plan for review and approval by DEPRM prior to the issuance of any permits. The Petitioner shall comply with any recommendations made by DEPRM upon completion of their review.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bj

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21204

(410) 887-4386

September 15, 1993

Ms. Debra A. Lazzaro  
 1956 Quentin Road  
 Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE  
 NW/Corner Lynch Road and Quentin Road  
 (1956 Quentin Road)  
 12th Election District - 7th Councilmanic District  
 Debra A. Lazzaro - Petitioner  
 Case No. 94-54-A

Dear Ms. Lazzaro:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[Signature]  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bj

cc: Mr. Lou Russo  
 P.O. Box 36304, Baltimore, Md. 21222-7204

Chesapeake Bay Critical Areas Commission  
 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM  
 People's Council  
 210

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County

for the property located at 1956 QUENTIN RD  
 which is presently zoned DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5, B.C.Z.R. TO PERMIT A 6' HIGH WOOD FENCE WITHIN 8' OF THE INTERSECTION OF A STREET AND ALLEY IN LIEU OF THE PERMITTED 3' FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate whether or practical difficulty) 1) I HAVE TWO LARGE DOGS THAT WOULD JUMP THE FENCE AND BITE SOMEONE IF THE FENCE WERE ONLY 36 INCHES HIGH. 2) I HAVE A 4 FOOT POOL AND THERE ARE A LOT OF SMALL CHILDREN AROUND THE NEIGHBORHOOD THAT COULD GET IN THE YARD AND BROWN. 3) THE TRASH THAT WAS BEING THROWN IN THE YARD HAS MINIMIZED SINCE THE 6 FOOT FENCE

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 am I, or we, bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

DEBRA A LAZZARO  
 Debra A. Lazzaro  
 1956 QUENTIN RD. 410-499-9493

DEBRA A. LAZZARO  
 1956 QUENTIN RD. 410-499-9493

ORDER RECEIVED FOR FILING  
 Date 9/15/93  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 9/15/93  
 By [Signature]

94-54-A  
 ZONING DESCRIPTION FOR 1956 QUENTIN RD.  
 E.O. 12 C.D. 7  
 BEING THE PROPERTY BEING THE INTERSECTION FORMED BY LYNCH RD. AND QUENTIN RD. BEING LOT # 49, BLOCK 22 SECTION 6, IN THE SUBDIVISION OF WEST INVERNESS AS RECORDED IN BALTIMORE COUNTY RAT BOOK # 20, FOLIO 170, CONTAINING .0646 AC. ±, 2816' ±  
 AKA 1956 QUENTIN RD.

54

**CERTIFICATE OF POSTING**  
 BALTIMORE COUNTY  
 TOWSON, MARYLAND

District: 12th Date of Posting: 9/1/93  
 Posted for: Debra Lazzaro  
 Location of property: 1956 Quentin Rd, Towson, Md. 21286  
 Location of sign: Being installed in front of property of Debra Lazzaro  
 Remarks: None  
 Posted by: [Signature] Date of return: 9/2/93  
 Number of signs: 1

**receipt**

Baltimore County  
 Zoning Administration &  
 Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21286

Account: R-001-8180  
 Number: JCM

Date: 8-4-93

DEBRA LAZZARO - 1956 QUENTIN RD.  
VARIANCE (C010) 50.00  
POSTING (C090) 35.00  
85.00

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21204 (410) 887-3353

August 11, 1993

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21286 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-54-A (Item 54)  
 1956 Quentin Road  
 BMC Lynch Road and Quentin Road  
 12th Election District - 7th Councilmanic  
 Petitioner(s): Debra A. Lazzaro  
 HEARING: FRIDAY, SEPTEMBER 10, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

Variance to permit a 6 foot high fence within 8 feet of the intersection of a street and alley in line of the permitted 3 foot height.

Call John

Arnold Jablon  
 Director

cc: Debra A. Lazzaro

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

94-54-54-A (Item 54)  
 August 11, 1993 Item - Jeffersonian

Please forward billing to:  
 Debra Lazzaro  
 1956 Quentin Road  
 Baltimore, Maryland 21222  
 410-477-8793

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21286 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-54-A (Item 54)  
 1956 Quentin Road  
 BMC Lynch Road and Quentin Road  
 12th Election District - 7th Councilmanic  
 Petitioner(s): Debra A. Lazzaro  
 HEARING: FRIDAY, SEPTEMBER 10, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

Variance to permit a 6 foot high fence within 8 feet of the intersection of a street and alley in line of the permitted 3 foot height.

Lawrence E. Schmidt  
 LAWRENCE E. SCHMIDT  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., Aug 19, 19 93

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 19, 19 93.

THE JEFFERSONIAN,  
A. Henriksen  
 LEGAL AD. - TOWSON

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21204 (410) 887-3353

August 30, 1993

Ms. Debra A. Lazzaro  
 1956 Quentin Road  
 Baltimore, Maryland 21222

RE: Case No. 94-54-A, Item No. 54  
 Petitioner: Debra A. Lazzaro  
 Petition for Variance

Dear Ms. Lazzaro:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 4, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation  
 State Highway Administration

O. James Lighthizer  
 Secretary  
 Hal Kassoff  
 Administrator

8-13-93

Re: Baltimore County  
 Item No: 454 (JCM)

Ms. Helene Kehring  
 Zoning Administration and  
 Development Management  
 County Office Building  
 Room 109  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
 John Contestable, Chief  
 Engineering Access Permits  
 Division

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
 Zoning Administration and  
 Development Management

DATE: August 12, 1993

FROM: Pat Keller, Deputy Director  
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
 Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long  
Elmy L. Lewis  
 Division Chief

JK/JLW

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 12, 1993

FROM: Jerry L. Pfeiffer, Captain  
 Investigative Services

SUBJECT: August 23, 1993 - Meeting

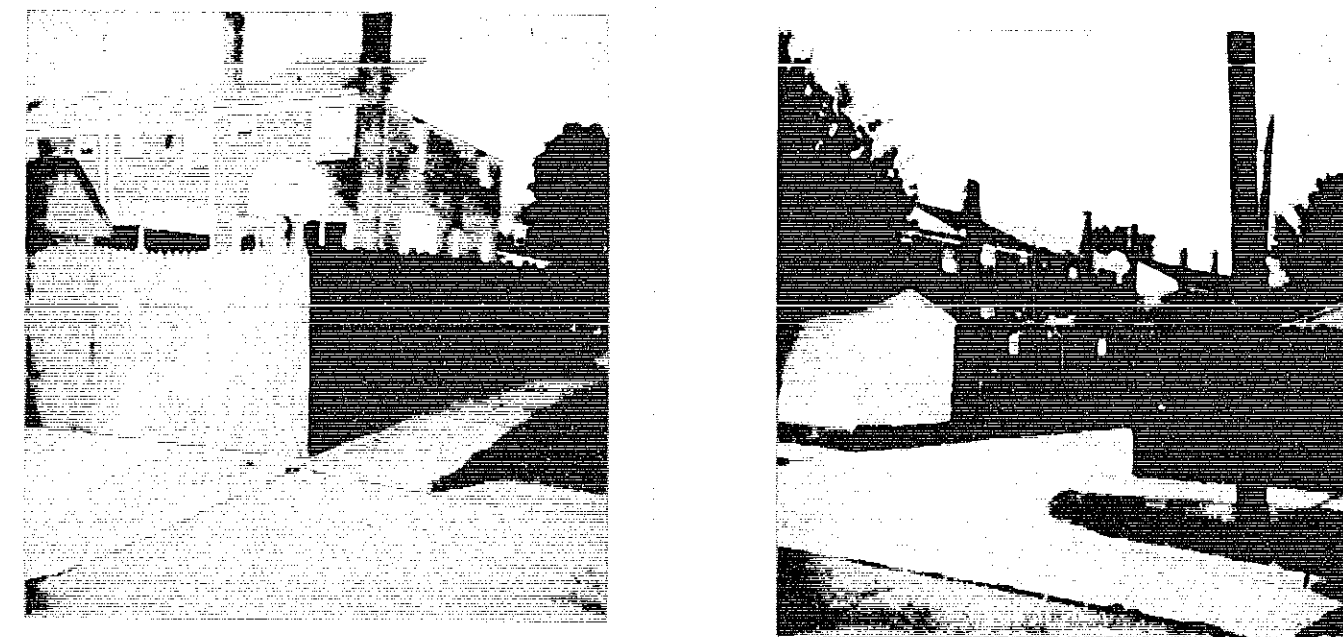
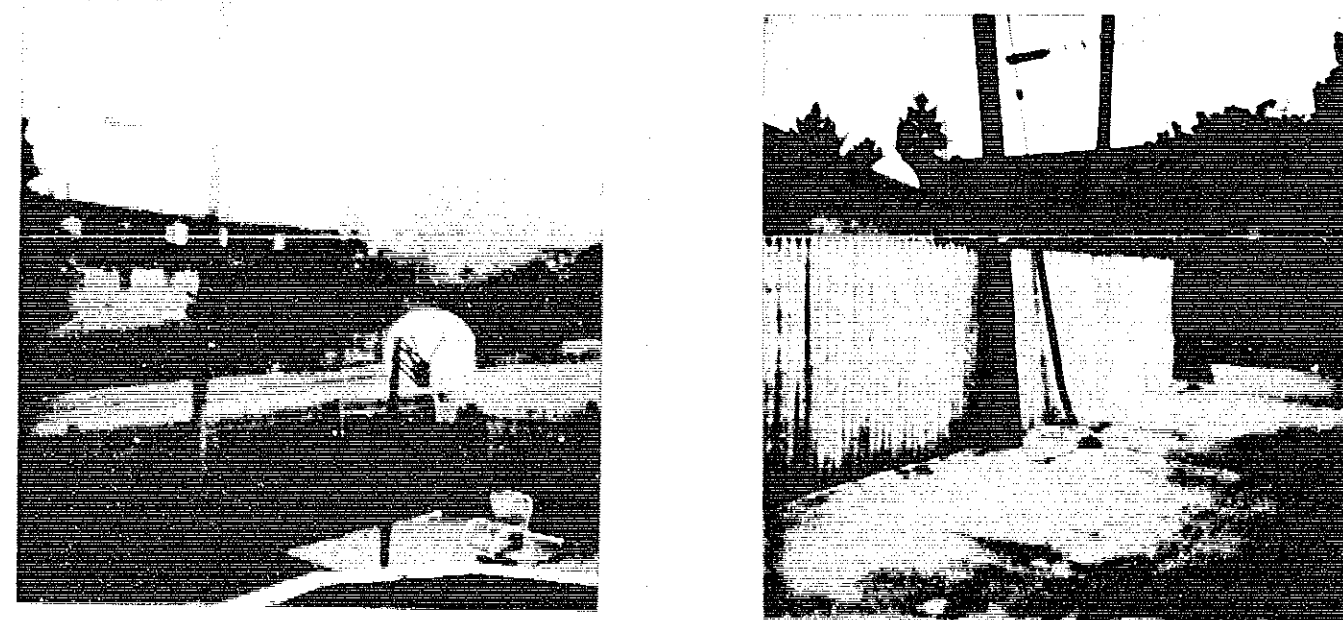
#46 - Proposed building shall comply with the 1991 Life Safety Code.  
 #50 - Proposed buildings shall comply with the 1991 Life Safety Code.  
 #51 - No comments.  
 #52 - No comments.  
 #53 - No comments.  
 #54 - No comments.  
 #55 - No comments.  
 #56 - No comments.  
 #57 - No comments.  
 #59 - No comments.  
 #60 - Building shall comply with the 1991 Life Safety Code.  
 #61 - Proposed addition shall comply with the 1991 Life Safety Code.  
 #63 - No comments.

JLP/dal  
 cci: lile

**RECEIVED**  
 AUG 18 1993  
**ZADM**



94-54-A



Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 1956 QUENTIN RD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: WEST INVERNESS

Plat book: 20, folios 170, 101 & 49 sections

OWNER: DEBRA LAZZARO

16' ALLEY

6' HIGH FENCE

LYNCH RD.

LOT 48

7330

1204026130

TAX ID# 1218049300

AB 30' PARKWAY

Porch

Scale of Drawing: 1" = 20'

North date: 7-2-93 prepared by: DL

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"-200" scale map: SE 4G

Zoning: ORIO 5

Lot size: 0.6412 - 2,816 sq. ft.

SEWER:  WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JCM 54 ITEM #: CASE#:

94-54-A

Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 1956 QUENTIN RD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: WEST INVERNESS

Plat book: 20, folios 170, 101 & 49 sections

OWNER: DEBRA LAZZARO

16' ALLEY

6' HIGH FENCE

LYNCH RD.

LOT 48

7330

1204026130

TAX ID# 1218049300

AB 30' PARKWAY

Porch

Scale of Drawing: 1" = 20'

North date: 7-2-93 prepared by: DL

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"-200" scale map: SE 4G

Zoning: ORIO 5

Lot size: 0.6412 - 2,816 sq. ft.

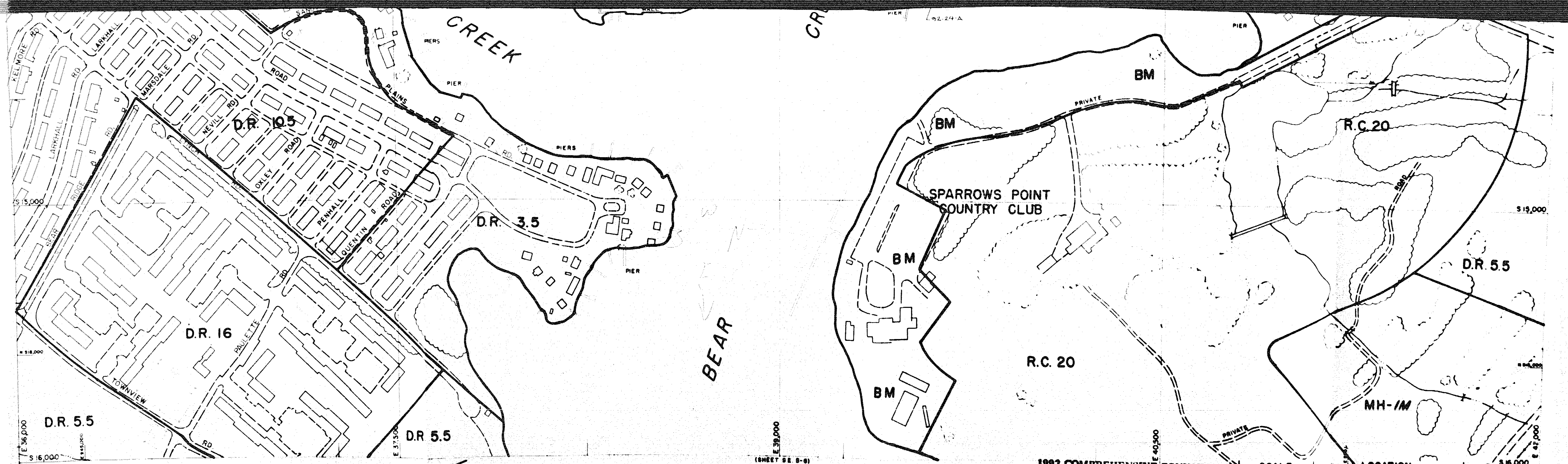
SEWER:  WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JCM 54 ITEM #: CASE#:



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 13, 1988

1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992

SCALE 1" = 200'

DATE OF PHOTOGRAPHY JANUARY 1986

LOCATION NORTH POINT INVERNESS

SHEET SE 4-G

Chairman, County Council

94-54-A