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 Ouentin 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 northeasterly 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

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 Petition-

- 2-

er 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 Beltimore 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 McLean v. Soley, 270 Md. 208 (1973). To prove practical

- 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

- 3-

difficulty for an area variance, the Petitioner must meet the following:

GENVED FOR I

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 Balti more County this 15 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.

> > - 4-

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

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

> Zoning Commissioner for Baltimore County

LES:bjs

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 MM/Corner Lynch Road and Quentin Road (1956 Quentin Road) 12th Election District - 7th Councilmanic District Debra A. Laszaro - Petitioner Case No. 94-54-A 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, Roming Commissioner for Baltimere County Chesapeake Day Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Nd.

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 1956 QUENTIN RD which is presently send DR10.5 This Petition shall be filed with the Office of Zening Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Bellimore 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; BCZR, TO PERMIT A 61 HIGH WOOD FENCE WITHIN 8' OF THE INTERSECTION OF A STREET AND ALLEY IN LIEU OF THE PERMITTED 3' HT. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardenip or prestice) 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 ALOT OF SMALL CHILDREN AROUND THE NEIGHBORHOOD THAT COULD GET IN THE YARD AND BROWN. THE TRASH THAT WAS BEING THROWN IN THE YARD HAS MINIMIZED SINCE THE & FOOT Property is to be posted and advertised as prescribed by Zoning Regulations.

Let we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this pattlern, and further agree to and are to DIF I be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

FURTIMER THAN B'ONEACH SIDE I

WOULD HAVE TO CUT INTO A

CONCRETE PAD TO PUT A POLE.

Whe do extending declare and afron. When the partition of partition of the Police. DEBRA A LAZZARO 1956 QUENTIN RD. 410-499-8795 DEBAA A. LAZZARO 1956 QUENTINES 410-499-8993

94-54-A

ZONING DESCRIPTION FOR 1956 QUENTIN BO

E.D. 12

C.D. 7

- BEING THE PROPOSITY LOT #49, BLOCK 22 1. SECTION 6, IN THE SUBDIVISION OF INVERNESS AS PERCEDED IN BACTIMORE COUNTY PLAY

115/43

- 5-

12/4	- 9/19/93
reled for Versenos	
O. bre Losz ero	
scatter of property: 1956 Pure 7 12 Re	, Nator Lynch & Doubin
,	
of latetrans.	of moderns on property
of Patriconer.	
/ Marks:	
mind in Milleater	Det of 8/20/93

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

THE JEFFERSONIAN.

**Baltimore County Government** Office of Zoning Administration and Development Management



(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:

111 West Chesapeake Avenue

Towson, MD 21204

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

1. 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.

19 Jen 19

CAZZARO - 1956 QUENTIN 20

Baltimore County Government Office of Zoning Administration and Development Management

(410) 867-3353

NOTICE OF HEARING

The Soning Commissioner of Bultimore County, by authority of the Soning Act and Regulations of Bultimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Cheseposhe Avenue in Tource, Haryland 21204

1956 Quentin Road IMC Lynch Road and Quentin Road 12th Election District - 7th Councilmenic Petitioner(s): Debra A. Lazzaro HEARING: FRIDAY, SEPTEMBER 10, 1993 at 10:00 a.m. in Nm. 106, County Office Building.

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

111 West Chesapeake Avenue

Towson, MD 21204

(2) HEARINGS ARE HAMDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMPRISED PLEASE CALL 887-3353. (3) FOR IMPONENTION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-1391.

1956 Qualin Road Stickers, Haryland 21222 410-477-6793

NOTICE OF HEARING

Commissioner of Baltimore County, by authority of the Soming Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Soom 106 of the County Office Building, 111 M. Chesepseks Svenus in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Hashington Avenue, Tousen, Maryland 21204 as follows:

1956 Quentin Road MHC Lynch Road and Quentin Road 12th Election District - 7th Councilmunic Petitioner(s): Debre &. Lexzero

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 lieu of the permitted 3 foot height.

ZONING COMMISSIONER FOR BALTIMORS COMPTY

NOTES: (1) HEARINGS MAR HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (2) FOR IMPONENTION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff

8-13-93.

Re: Baltimore County
Item No.: \$54 (JCM)

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

BALTIMORE COUNTY, NARYLAND

INTER-OFFICE CORRESPONDENCE

. 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):

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 867-3480.

Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

PK/JL: lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 12, 1993

FROM: <u>Jerry L. Pfeifer. Captain</u>
Investigative Services SUBJECT: August 23, 1993 - Meeting

Proposed building shall comply with the 1991 Life Safety Code.

- Proposed buildings shall comply with the 1991 Life Safety Code.

No comments.

No comments.

"ilding shall comply with the 1991 Life Safety Code.

#61 - Proposed addition shall comply with the 1991 Life Safety Code.

JLP/dal

cc: | ile

ZADM

BAUTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Cablon, Director DATE: August 03, 1993 Zoning Administration and Development Management YROM () Become W. Bowling, Senior Engineer Movelopment Plan Review Section RE: Zoning Advisory Committee Meeting

for August 23, 1993

Item No. 54

The Development Flam Review Section has reviewed the subject zoning item. If the variance is granted, the fence should be located at least 10 feet off the right-of-way with planting on the street side. The fence should not extend beyond the front corner of the bouse. The recommended fence specification is enclosed.

SWE:a

Encla.

The second secon

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

7548-93

DATE: September 3, 1993 Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 54 Lazzaro Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1956 Quentin Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Ms. Debra Lazzaro

APPLICANT PROPOSAL

The applicant has requested a variance from section 102.5 of the Baltimore County Zoning Regulations to permit "a six foot high wooden fence within eight foot of the intersection of a street and alley in lieu of the permitted three foot height."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

 "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. Arnold E. Jablon September 3, 1993 Page 2

DEFINITIONS

"Development Activities" means the construction or substantial alteration of residential, commercial, industrial, or transportation facilities or structures." <COMAR 14.15.01.01.A(21)>.

REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: No proposed development activities as defined above, are proposed for this site. Therefore, this project shall not need to reduce pollutant loadings by 10% of the on-site level. However, any construction or alteration of structures shall be required to comply with all Critical Area requirements.

CONCLUSION

This project proposal does not require a Chesapeake Bay Critical Area Findings for the reasons stated above.

Please contact Ms. Patricia M. Farr at 887-3980 if you require additional information.

> James Dieter, Director Vepartment of Environmental Protection and Resource Management

JJD:NSP:tmm

cc: Ms. Debra Lazzaro

OUENTIN/DEPRM/WOCBCA

(410) 887 2188 I HEREBY CERTIFY that on this 25th day of August , 1993,

People's Counsel for Baltimore County

: BEFORE THE ZONING COMMISSIONER

: OF BAID IMORE COUNTY

a copy of the foregoing Entry of Appearance was mailed to Debca A. Lazzaro, 1956 Quentin Road, Baltimore, MD 21222, Petitioner.

RE: PETITION FOR VARIANCE

final Order.

(1956 Ouentin Ed.)

12th Election District

NWC Lynch & Ouentin Rds.

DEBRA A. LAZZARO, Pettrioner :

7th Councilmante District : Case No. 94-54-A

1 1 1 1 1 1

ENTRY OF APPEARANCE

Please enter the appearance of the People's Commsel to the above

Peter Max 21mmerman

Carole S. Demillo

Room 47, Courthouse

400 Washington Avenue

Deputy People's Counsel

Towson, Maryland 21204

captioned matter. Notices should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or

Peter Max Zimmerman

AUG 20 1991

Taur Taylor (agency 11)





BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards Zoning Coordinator August 17, 1993

FROM: James H. Thompson -LJW Zoning Enforcement Coordinator

RE: Item No. 54 Petitioner: DEBRA LAZZARO

VIOLATION CASE # C-93-2092

LOCATION OF VIOLATION 1956 QUENTON ROAD

DEFENDANT DEBRA LAZZARO

ADDRESS 1956 QUENTON ROAD, 21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

LOU ROMEO PO. BOX 35204

BALTIMORE, MD. 21222-7204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

a sign on the property and placement of a notice in at least one

newspaper of general circulation in the County.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

DEBRA LAZZARO

477-8793

1956 QUENTIN RO, BALTD. Md. 21222

PLEASE FORWARD ADVERTISING BILL TO:

(Revised 04/09/93)

TO WHOM IT MAY CONCERN:

THIS IS TO STATE THAT WE THE NEIGHBORS OF DEBRA LAZZARO WHO RESIDES AT 1956 QUENTIN RD. HAVE NO PROBLEM WITH THE FENCE THAT SURROUNDS MS LAZZARO'S BACKYARD SHE MAINTAINS THE UPKEEP OF THE FENCE AND IT'S SURROUNDINGS VERY WELL WE FEEL THAT THIS FENCE HAS BEEN A SAFE STRUCTURE, DOLE TO THE FACT THAT MS LAZZARO HAS A 4 FOOT POOL IN HER YARD WE HAVE NO PROBLEM WITH VIEW TO THE ENTRANCE OF THE ALLEY OR TO LYNCH ROAD.

gret Speilper 1947 Questin Rel Julaus 1948 Quenka Ros Linda Polee 1950 Quentin Flog Linda Polee 1952 Quentin Pel Shiele Y. Belcaster 1932 Questin De Lincent A Belcastro Jo. Carol Scens 1937 POWALLED

Citizen Sign-in Sheet PLEASE PRINT CLEARLY DEBRA LAZZARO 1956 QUENTIN RD 1948 Quentin Rd 







