Petitioners

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY 15th Election District \* Case No. 94-75-A 5th Councilmanic District Lawrence Fenlock, Sr., et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

. . . . . . . . . . .

This matter comes before the Zoning Commissioner as an administrative variance filed by Lawrence Fenlock, Sr., and Joan M. Fenlock, his wife, for that property known as 112 Villa Capri Circle in the Villa Capri subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 504 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. front yard setback in lieu of 11.25 ft., for an open projection (attached deck), and to amend the Final Development Plan at Villa Capri, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT 18 ORDERED by the Zoning Commissioner for Baltimore County this 23 day of September, 1993 that the Petition for a Zoning Variance from Sections 504 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. front yard setback in lieu of 11.25 ft. for an open projection (attached deck), and to amend the Final Development Plan at Villa Capri, be and is hereby GRANTED, subject, however, to the tollowing restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated September 13, 1993, attached hereto and made a part thereof.

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LES:mmn

ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 112 Villa Court Circle which is presently sound DR 16

hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (V.13. 6.6.) and 301.1 40 permit a O' front yard Schlack in lieu of 11.25 \$41 Folio 95 for an open projection (attached Leck) und amend the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical deficults) 1. hardship maintaing Small patch of grass due to medical reasons (back and arthristis right ankle) because must bring equip around to front (inside house) 2. present allowable sized deck not compatible for desired pleasurable use.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

3. Price of construction not feasible for such limited space gained.
4. Privately maintained road and can t be increased in size no interference from 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.

Legal Owner(s)  Joan M. Feulock  Type or Print Name  Legal Owner(s)  Joan M. Feulock  Signature  Signature  Legal Owner(s)  January  Janua		I/We do 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 Petition
Signal Si	t Purchaser Lessee	Legal Owner(s)
State Zipcode  Signature  Laurence J-PenCole L.  Signature  112 Villa Capri Circle  Phone No  Phone No  City  Name Address and phone number of representative to the contacted	r Print Name)	Gives or Prof. Name:
State Zipcode  Signature  Laurence J-PenCole L.  Signature  112 Villa Capri Circle  Phone No  Phone No  City  Name Address and phone number of representative to the contacted	10	Signature
The Particular State of Phone No.  Address Phone No.  Balts Nd 3/2 of City State.  City Name Address and phone number of representative to be contacted.	•	CARTON CALCANIA (AREA CALCANIA)
Balts Md 2/2 c City State State Name Address and phone number of representative to be contacted	State Zipcode	,
Balts Md 2/2 c City State State Name Address and phone number of representative to be contacted	y for Petitioner	112 Villa Capri Circle
City State Zipcode Name Address and phone number of representative to be contacted	yr Print Name)	
Name Address and phone number of representative to be contacted		19
Phone No Name 700 - 6181	M9	
/XU - U - 10 - 10 - 10 - 10 - 10 - 10 - 10	Phone No	780-0486
State Zipcode Address Phane No	State Zipcode	Address Phone No

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general

Nome . 780 . 0486 after Sept 1 887-0509 in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 112 Villa Capri Circle

> That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrati 1. hardship maintaining small patch of grass due to medical problems

(bad back and arthristis right ankle) boxuse must bring equip around to front of house (inside house) 2. present allowable sized deck not compatible for desired Pleasurable use

3 price of construction not feasible for limited space gained 4 privately maintained road and can't be increased in Size not interference from deck

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee an LAWAGNES T FENLOCKSK STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

LAWRENCE J FENLOCK SK + JOAN M FENLOCK

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief 8-16-53

Karen K Smitana My Commission Expires: 100 V / 1954

Election District

74-75-A Beginning on the south side of Virginia Account, 60 feet wide, at the Ristance of 140 Her east of the - 1 line of Marie Avenue. Lunder Cuitin the sublivision of Villa Capri, Services 2; Plat Book 41, Folio 95, Being Let Number 17. Also known as 112 Cital Can Circle , containing . 0335 acres in the

Sun 8/20 /43

Juanstaurence Fewlock - 112 Villa Cyr. Circle

010 - Almin Variance - \$50.00

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Zorutay Commusionari

Office of Minning and Zosing

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (10) days of the

In the event the decision rendered is unfavorable to any party, please

'case. The Petition for Administrative Variance has been granted, in

date of the Order to the County Board of Appeals. If you require

Joen & tourous For lock

Location at property 117 Ville Caps. Circley 8/5 Vo Are Med Af Med- Are

Location of Signe Focial Product or PAPER to filler.

additional information concerning filing an appeal, please feel free \*/

ELIGNAM LANGE

September 22, 1885

Very truly yours,

Sawrence E. Sabmide

Zoning Commissioner

Suite 113 Courthouse

Towson, MD 21201

400 Washington Avenue

Mr. and Mrs. Lawrence J. Fenleck, Gr.

Case No. 34-75 A

accordance with the attached Order.

contact our Appeals Clerk at 887-3391.

RE: Petition for Administrative Variance

Property: 112 Villa Capri Circle

112 Villa Capri Circle

Baltimore, Maryland 21221

Dear Mr. and Mrs. Fenlock:

Baltimore County Government Office of Zoning Administration and Development Management

.11 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

September 14, 1993

Mr. and Mrs. Lawrence J. Fenlock, Sr. 112 Vella Capri Circle Baltimore, Maryland 21221

> RE: Case No. 94-75-A, Item No. 88 Petitioner: Lawrence J. Fenlock, Sr., et al Potition for Administrative Variance

Dear Mr. and Mrs. Fenlock:

The Eoning Plans Advisory Committee (EAC) 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 20, 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.

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.

O. James Lighthizer Secretary Hal Kassoff Administrator

F 26 73

Re: Baltimore County - Item No∴ ≠ 88 (MJK)

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

Mr. Arnold E. Jablon

contact Ms. Patricia M. Farr at 887-3980.

September 13, 1993

JJD:NSP:tmm

c: Mr. and Mrs. Fenlock

FENLOCK/DEPRM/WQCBCA

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.

John Contestabile, Chief Engineering Access Permits

My telephone number is Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

The Zoning Variance shall be conditioned so the project proposal is in

compliance with the Chesapeake Bay Critical Area Regulations and Findings

listed above. This proposal does comply with Chesapeake Bay Critical Area

Regulations and is therefore approved. If there are any questions, please

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management

DATE: August 30, 1993

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

SUBJECT: Petitions from Moning Advisory Committee

The Office of Planning and Moning has no comments on the following petition(s):

Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88. 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.

ZAC.62/PZONE/ZAC1

(410) 887-3353

AUGUST 27, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

Joan and Lawrence Fenlock, Sr. 112 Villa Capri Circle Baltimore, Maryland 21221

> CASE NUMBER: 94-75-A (Item 88) 112 Villa Capri Circle S/S Virginia Avenue, 140° E of c/l Marie Avenue 15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 5, 1993. The closing date (September 20, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

To the Hearing Officer:

BALTIMORE COUNTY, MARY, AND

INTER-OFFICE CORRESPONDENCE

The subject property is located at 112 Villa Capri Circle. The tite

The applicant has requested a variance from section 504 and 301.1 at

setback in lieu of 11.25 feet for an open projection (attached deck) and to

the Baltimore County Zoning Regulations to permit "a G foot from yard

In accordance with the Chesapeake Bay Critical Area Program. and

project approvals shall be based on a finding which assures that proposed

projects are consistent with the following goals of the Critical Area (aw)

1. "Minimize adverse impacts on water quality that result from

pollutants that are discharged from structures on conveyances or

3. Establish land use policies for development in the Chesapeake Bay

Critical Area which accommodate growth and also address the fact

that even it pollution is controlled, the number, movement, and

activities of persons in that area can create adverse environ-

is within the Chesapeake Bay Critical Area and is classifind as an

OATE: September 13 1995

Mr. Arnold E. Jablon, Director

and Development Management

d. James Oleter

Intensely Developed Area ((DA),

SITE LOCATION

APPLICANT PROPOSAL

Fenlock Property

Office of Zoning Administration

5UBJECT: Petition for Zoning Variance - Item 88

APPLICANT'S NAME Mr. and Mrs. Lawrence Fenlock, Sr.

amend the Final Development Plan (FDP) of Villa Capri"

that have runoff from surrounding lands:

2. Conserve fish, wildlife and plant habitat; and

mental impacts" <COMAR 14.15.10.31.0>,

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

Chesapeake Bay Critical Area Findings

The applicant came into the Eining Counter for a building parant and was I Hold she needed a Carrame. She explained that everyone along her street but a deck like she to prosel. Some went to the Executive Office and space with Low hundrer. It called me and askel if I could help he -lik -this pertition. a I lik so you his rejest. It in got be helpfel to send a zoning inspector down in the sight to fee if the deck is compatible with the others along the street Any prestions let me know

Rok As of 8/15/00 . I am waiting for

of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Mr. Arnold E. Jablon

September 13, 1993

REGULATIONS AND FINDINGS

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

approved bulkheading shall not be permitted in any non-tidal and tidal

wetlands unless the proposed development consists of utility, bridge,

or street development in a non-tidal wetland and unless the Director

2.a. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" < Baltimore County Code Section

1. Regulation: "Dredging, filling, or construction other than

26-449(a)>. 2.b. Policy: "Redevelopment - if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline." <Baltimore County Department of Environmental

Protection and Resource Management Policy Manual> Findings: The Villa Capri subdivision is located adjacent to Back River. This deck is proposed to be located within the 100 foot buffer, but further back than the existing parking lot and road called Villa

Capri Circle. Therefore, the proposed deck is located within the area of existing permitted disturbance and shall not negatively impact the 100 foot buffer.

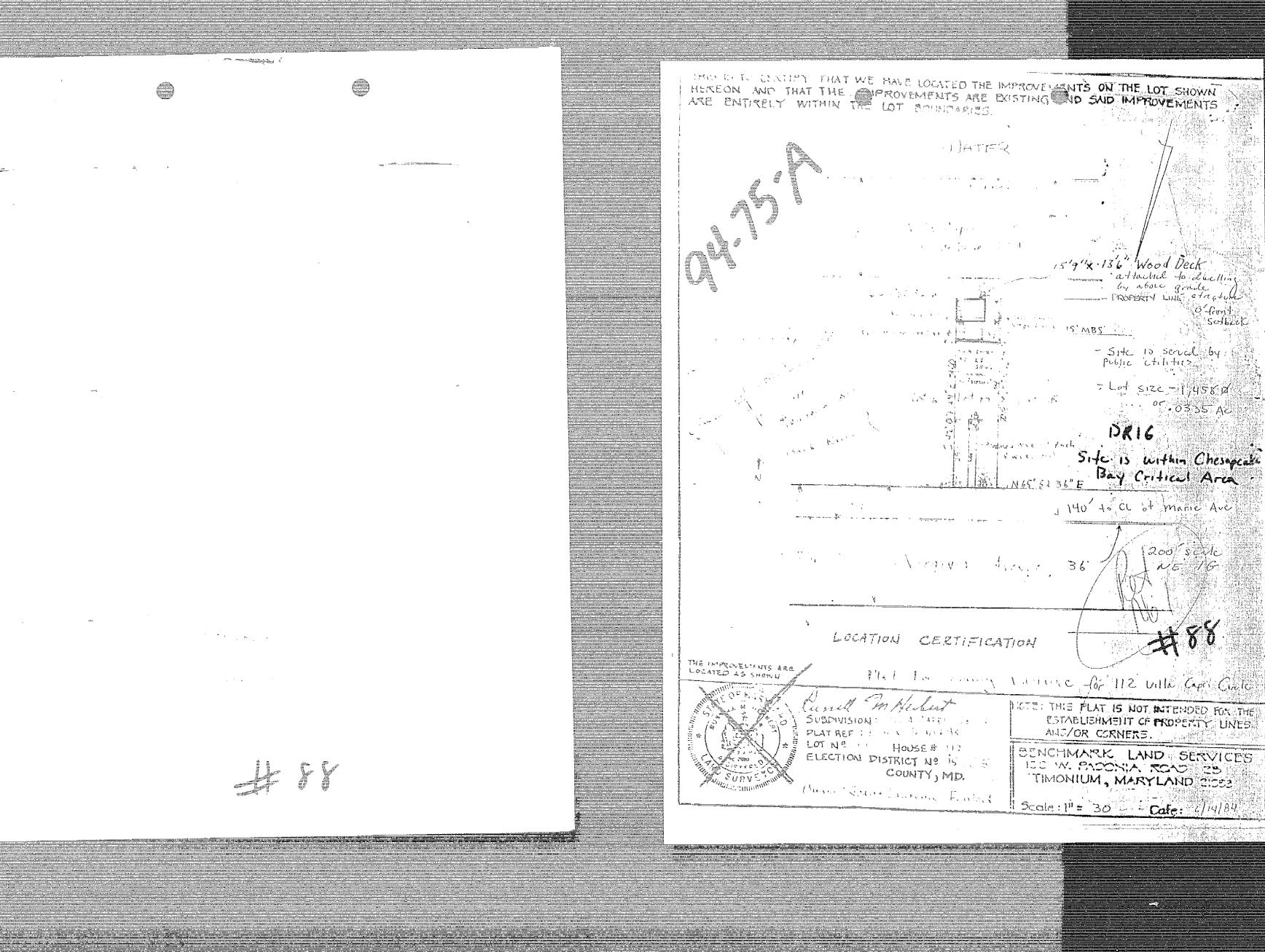
Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

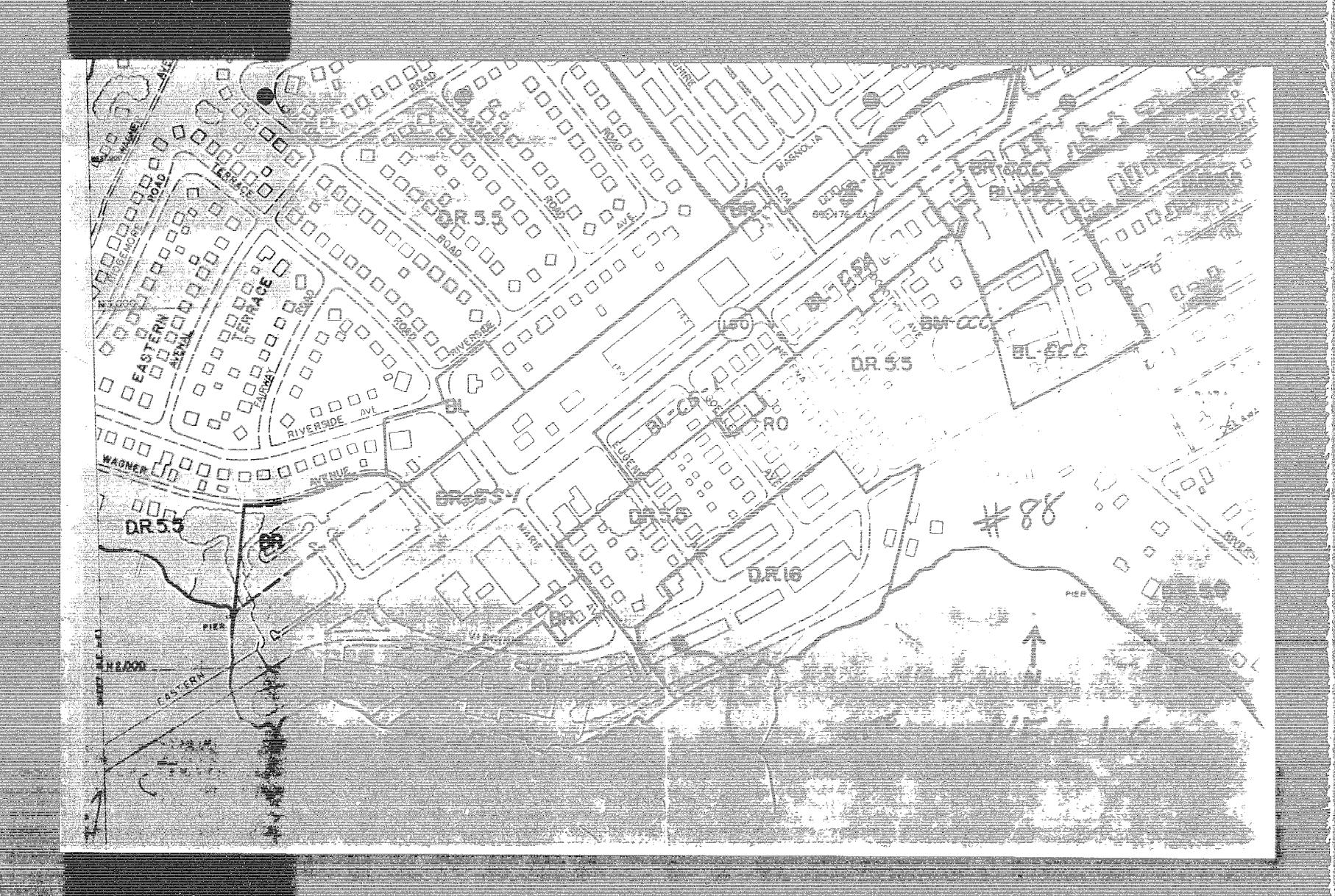
Finding: In order to comply with the above regulation, the deck shall be constructed over a gravel base, to encourage infiltration of rainwater. In addition the property owner agrees to plant one tree and two shrubs on the property. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

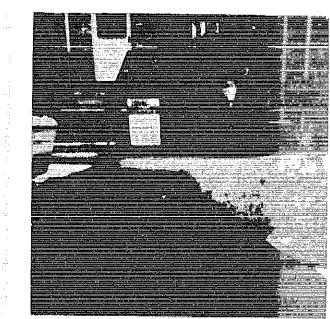




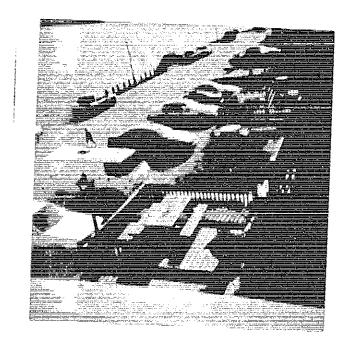
1/15/1- #88

净1-75-A

## Francisco (Activity) Francisco (Activity)



Foot of 12 Villa Caprice.



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