

MEMORANDUM

DATE: February 8, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0130-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 7, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(100 Villa Capri Circle)

15th Election District

7th Council District

Stephen Thomas

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0130-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Stephen Thomas, the legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from Sections 1B02.3.B & 504 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit an existing addition (two story deck) with a window to property line setback of 9.5 ft. in lieu of the required 15 ft.; and (2) to amend the Final Development Plan of VILLA CAPRI, Section No. 2, Lot No. 11 only. A site plan was marked as Petitioner's Exhibit 1.

Property owner Stephen Thomas appeared in support of the petition. There were no interested citizens or neighbors in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Environmental Protection and Sustainability ("DEPS"). That agency noted Petitioner must comply with Chesapeake Bay Critical Area ("CBCA") requirements.

The site is approximately 2,268 sq. ft. in size and split-zoned DR 16, DR 5.5 & BL. The property is improved with an end-of-group townhouse which was constructed in 1983. A vehicle struck the rear of Petitioner's home recently and damaged the deck. When he attempted to rebuild the structure Petitioner was informed he would need zoning relief to address a deficient setback.

ORDER RECEIVED FOR FILING

Date 11/8/18

By SEN

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).

Petitioner must contend with long-existing site conditions, and the property is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to reconstruct the damaged deck. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 8th day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§1B02.3.B & 504 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit an existing addition (two story deck) with a window to property line setback of 9.5 ft. in lieu of the required 15 ft.; and (2) to amend the Final Development Plan of VILLA CAPRI, Section No. 2, Lot No. 11 only, in accordance with the site plan admitted as Petitioner's Exhibit 1, be and 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 his 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. Petitioner must prior to issuance of permits comply with the Chesapeake Bay Critical Area regulations.

ORDER RECEIVED FOR FILING

Date

1/8/18

By

SEN

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 1/8/18
By slm

**CBCA****PETITION FOR ZONING HEARING(S)**

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 100 Villa Capri Circlewhich is presently zoned DR16, DR5.5, BLDeed References: 20862/0069410 Digit Tax Account # 1700013914Property Owner(s) Printed Name(s) Stephen A. Thomas(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. ☒ a **Variance** from Section(s)

... Sections 1B02.3.B., 504, (Section V.B.5.b. CMDP) – to permit an existing addition (two-story deck) with a window to property line setback of 9.5 feet in lieu of the required 15 feet; and to amend the Final Development Plan of VILLA CAPRI, Section #2, Lot #11 only.

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, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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

Legal Owners (Petitioners):

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2018-0130-AFiling Date 11/7/17

Do Not Schedule Dates: _____

Reviewer RJD

ZONING PROPERTY DESCRIPTION FOR 100 VILLA CAPRI CIRCLE

Beginning at a point on the north and the east sides of Villa Capri Circle, both have 24-foot right of ways, at a distance of +/-111 feet south of the centerline of the nearest improved intersecting street Virginia Avenue, which has a 60-foot right of way. Being Lot #11, Section #2 in the subdivision of VILLA CAPRI as recorded in Baltimore County Plat Book #41, Folio #95, containing 2268 square feet. Located in the 15th Election District and 7th Councilmanic District.

Item # 0130

NOTE TO FILE CASE #2018-0130-A

TO THE ADMINISTRATIVE LAW JUDGE

The petitioner has two open decks in the front of his dwelling: one on the ground/first floor and one on the second floor. Our office does not consider this structure as an "open projection" but, rather, as an "addition." Hence, Section 301 of the BCZR is not invoked in the relief request.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5339479

Sold To:

Stephen Thomas - CU00631208
100 Villa Circle
Essex, MD 21221

Bill To:

Stephen Thomas - CU00631208
100 Villa Circle
Essex, MD 21221

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 14, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0130-A
100 Villa Capri Circle
NE of Villa Capri Circle, 111 ft. S/of centerline of Virginia Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) Stephen Thomas

Variance: to permit an existing addition (two-story deck) with a window to property line setback of 9.5 ft. in lieu of the required 15 ft; and to amend the Final Development Plan of Villa Capri, Section #2, Lot #11 only.

Hearing: Friday, January 5, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/047 December 14 5339479

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

2018-0130-A

RE: Case No.: _____

Petitioner/Developer: _____

Stephen Thomas

January 5, 2018

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: Kristen Lewis:

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: _____

100 Villa Capri Circle

December 16, 2017

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

**Photo
Attached**

Sincerely,

 **December 16, 2017**

(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)

ZONING NOTICE

CASE # 2018-0130-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: Friday, January 5, 2018 at 10:00 a.m.

REQUEST: Variance to permit an existing addition
(two story deck) with a window to property line
setback of 9.5 ft. in lieu of the required 15 ft.; and
to amend the Final Development Plan of Villa
Capri, Section #2, Lot # 11 only.

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 901-9801

DO NOT REMOVE THIS SIGN AND POSTER WITHOUT HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE





KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 22, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0130-A

100 Villa Capri Circle

NE of Villa Capri Circle, 111 ft. S/of centerline of Virginia Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Stephen Thomas

Variance to permit an existing addition (two-story deck) with a window to property line setback of 9.5 ft. in lieu of the required 15 ft.; and to amend the Final Development Plan of Villa Capri, Section #2, Lot #11 only.

Hearing: Friday, January 5, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Stephen Thomas, 100 Villa Capri Circle, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 16, 2017.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 14, 2017 Issue - Jeffersonian

Please forward billing to:
Stephen Thomas
100 Villa Circle
Essex, MD 21221

410-916-6966

NOTICE OF ZONING HEARING

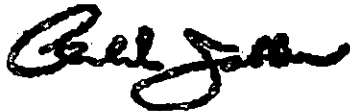
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100 Villa Capri Circle
NE of Villa Capri Circle, 111 ft. S/of centerline of Virginia Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Stephen Thomas

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Hearing: Friday, January 5, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
100 Villa Capri Circle; NE of Villa Capri Circle, *
111' S of c/line of Virginia Avenue * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Stephen Thomas * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-130-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 17 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 2017, a copy of the foregoing Entry of Appearance was mailed to Stephen Thomas, 100 Villa Capri Circle, Essex. Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0130-A
Property Address: 100 Villa Capri Circle
Property Description: north and east of Villa Capri Cir, 1/4-111'
south of Virginia Ave
Legal Owners (Petitioners): Stephen A. Thomas
Contract Purchaser/Lessee: Madison Bank

PLEASE FORWARD ADVERTISING BILL TO:

Name: Stephen Thomas
Company/Firm (if applicable): N/A
Address: 100 Villa Capri Circle
Essex, MD 21221
Telephone Number: 410 914 6946

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

NO 160528

Date: 11/7/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$150.00

Total: \$150.00

Rec

From:

For:

zoning hearing - case # 2018-0130-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PRIN RECEIPT

POSTED ACTUAL TIME 000
11/07/2017 11/07/2017 11:45:39
REG 160528 DEPT 806
RECEIPT # 929155 11/07/2017
Dept 5 529 ZONING VERIFICATION
CR NO 160528

Receipt tot 4150.00
\$150.00 CR 1.00 CR
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 28, 2017

Stephen Thomas
100 Villa Capri Circle
Essex MD 21221

RE: Case Number: 2018-0130 A, Address: 100 Villa Capri Circle

Dear Mr. Thomas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 7, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Date: 11/13/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0130-A

Variance
Stephen Thomas
100 Ville Capri Circle

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

1-5-18

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-130



INFORMATION:

Property Address: 100 Villa Capri Circle
Petitioner: Stephen Thomas
Zoning: DR 16, DR 5.5, BL
Requested Action: Variance

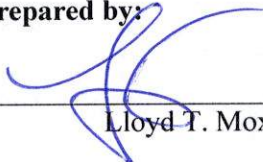
The Department of Planning has reviewed the petition for variance to permit an existing addition (two-story deck) with a window to a property line setback of 9.5 feet in lieu of the required 15 feet; and to amend the final development plan of Villa Capri, Section# 2, Lot # 11 only.

A site visit was conducted on November 14, 2017. There is an existing deck on site in disrepair.

The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
Stephen Thomas
Office of the Administrative Hearings
People's Counsel for Baltimore County

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
 Office of Administrative Hearings

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

DATE: November 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0130-A
 Address 100 Villa Capri Circle
 (Thomas Property)

Zoning Advisory Committee Meeting of **November 20, 2017.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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;

This property is located within an Intensely Developed Area and a Modified Buffer Area in the Chesapeake Bay Critical Area and development must meet the residential 10% pollutant reduction requirements and Critical Area buffer impact requirements to minimize adverse impacts on water quality that result from the development activities.

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

The structure that is the subject of this zoning variance request is within the Critical Area buffer. By meeting the residential 10% pollutant reduction requirements and the Modified Buffer Area requirements for the structure, watershed impacts can be managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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.

The zoning relief requested can be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis; Environmental Impact Review November 14, 2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: December 5, 2017

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 20, 2017
Item No. 2018-0126-A, 0129-A and 0130-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

*

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*

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/5/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-130

INFORMATION:

Property Address: 100 Villa Capri Circle
Petitioner: Stephen Thomas
Zoning: DR 16, DR 5.5, BL
Requested Action: Variance

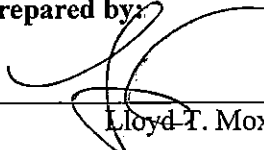
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The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
Stephen Thomas
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: November 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0130-A
Address 100 Villa Capri Circle
(Thomas Property)

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The zoning relief requested can be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis; Environmental Impact Review November 14, 2017

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/5</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>No Comment</u>
<u>11/15</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
_____	FIRE DEPARTMENT	_____
<u>12/16</u>	PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>11/13/17</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>12/14/17</u>	
SIGN POSTING	Date: <u>12/16/17</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1700013914							
Owner Information										
Owner Name:		THOMAS STEPHEN A				Use:		RESIDENTIAL		
						Principal Residence:		YES		
Mailing Address:		100 VILLA CAPRI CIR BALTIMORE MD 21221-7048				Deed Reference:		/20802/ 00694		
Location & Structure Information										
Premises Address:		100 VILLA CAPRI CIR 0-0000				Legal Description:		100 VILLA CAPRI CIR VILLA CAPRI AMENDED		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0097	0007	0821		0000	2		11	2018	Plat Ref:	0041/0095
Special Tax Areas:						Town:		NONE		
						Ad Valorem:				
						Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1983		1,416 SF		600 SF		2,268 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2	YES	END UNIT	SIDING	2 full						
Value Information										
			Base Value		Value		Phase-In Assessments			
					As of 01/01/2015		As of 07/01/2017		As of 07/01/2018	
Land:			62,000		62,000					
Improvements			106,500		106,500					
Total:			168,500		168,500		168,500			
Preferential Land:			0							
Transfer Information										
Seller: SINGER EDWARD H				Date: 10/07/2004			Price: \$98,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /20802/ 00694			Deed2:			
Seller: HUBBARD JOYCE M				Date: 09/19/2002			Price: \$108,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /16846/ 00019			Deed2:			
Seller: MARANTO SALVATORE C				Date: 08/28/1989			Price: \$120,000			
Type: ARMS LENGTH IMPROVED				Deed1: /08260/ 00257			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017			07/01/2018			
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00			0.00			
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: Approved 04/27/2011										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application						Date:				

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No subject

Open in browser tab Hide Ad

shawn thomas

To Stephen Thomas

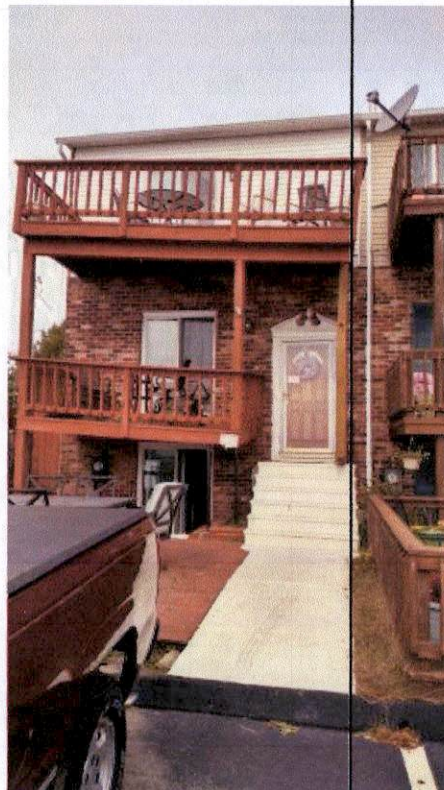
4 attachments View Download

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Size 6 MB
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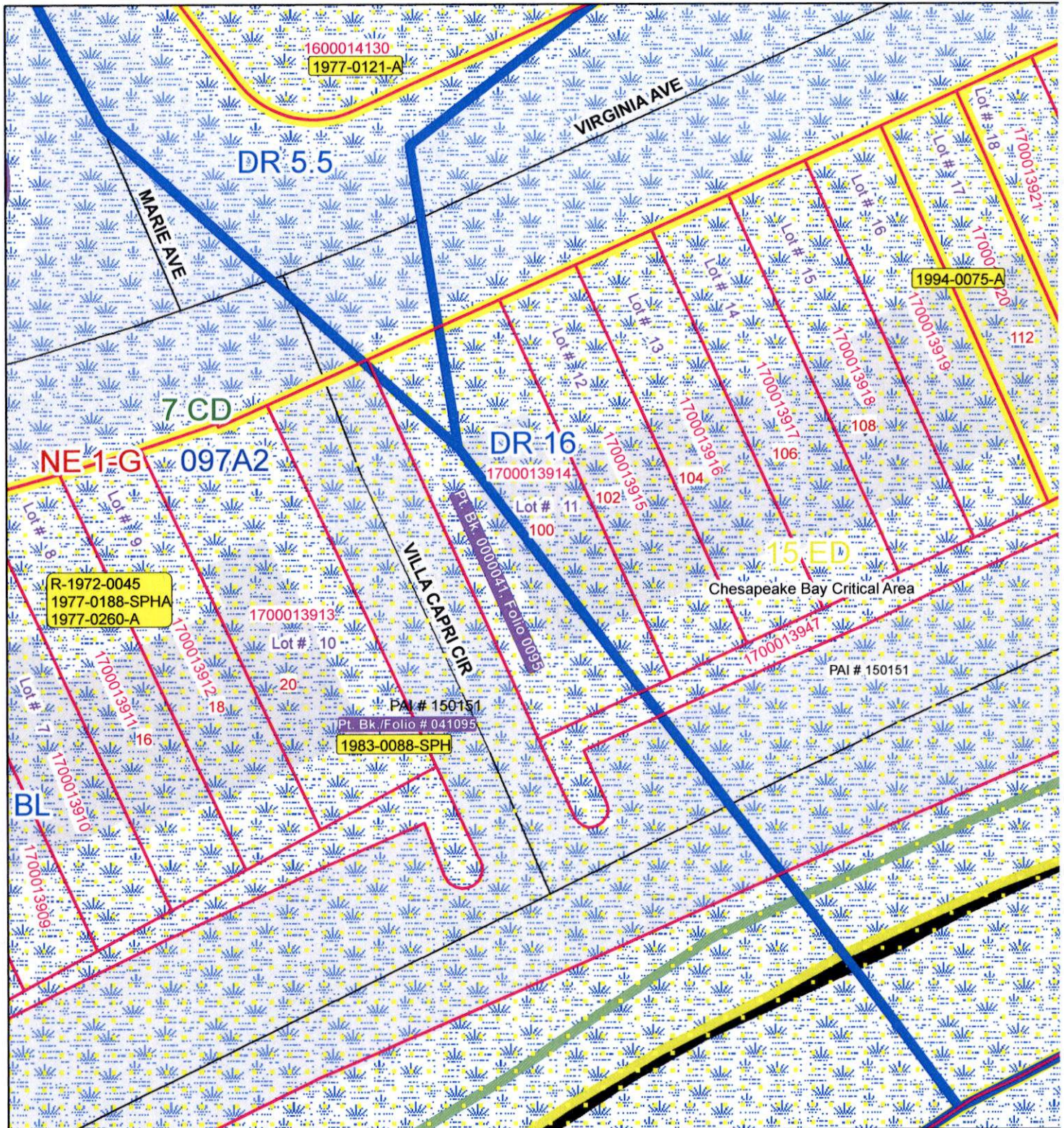


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**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING VIOLATIONS

Chesapeake Bay Critical Area



Publication Date: 11/6/2017



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

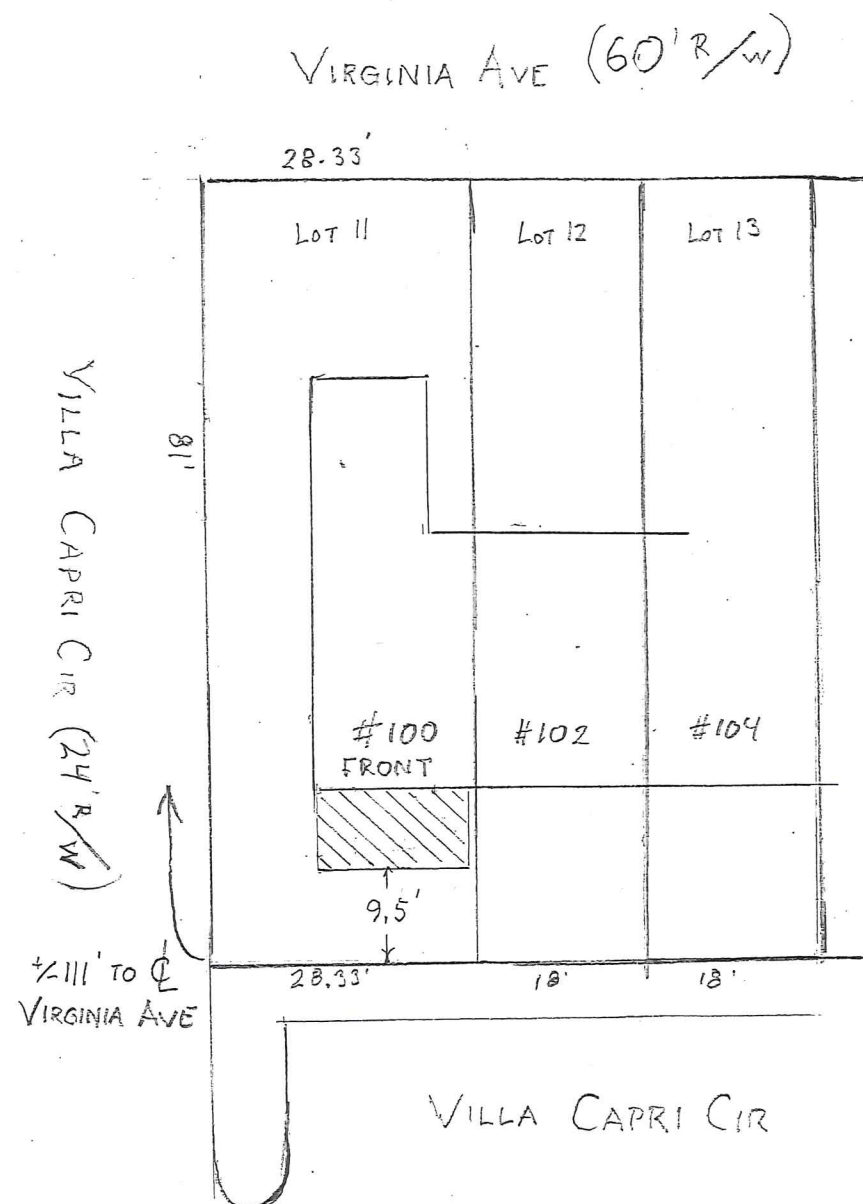


0 5 10 20 30 40
 Feet

1 inch = 30 feet

Item # 0130

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
 ADDRESS 100 Villa Capri Circle OWNER(S) NAME(S) Stephen A. Thomas
 SUBDIVISION NAME Villa Capri LOT # 11 BLOCK # SECTION # 2
 PLAT BOOK # 41 FOLIO # 95 10 DIGIT TAX # 1700013214 DEED REF. # 20802100694

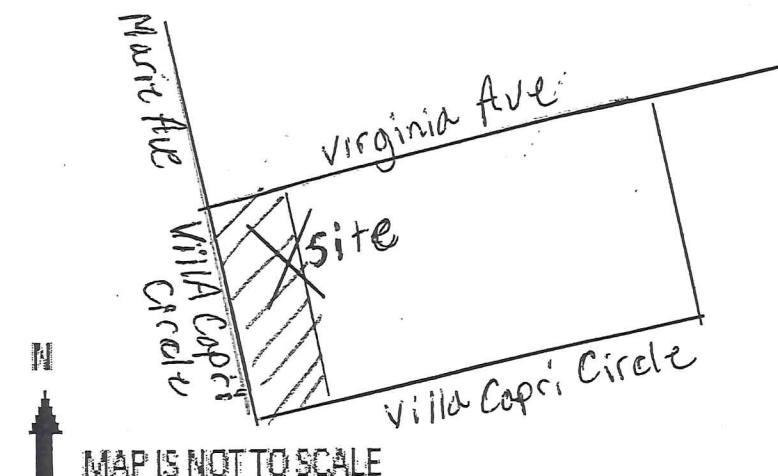


PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



ZONING MAP# 097A2

SITE ZONED DR16-DR55-BL

ELECTION DISTRICT 15th

COUNCIL DISTRICT 7th

LOT AREA ACREAGE _____

OR SQUARE FEET 8294.73

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

72-45-R, 77-188-SPHA,

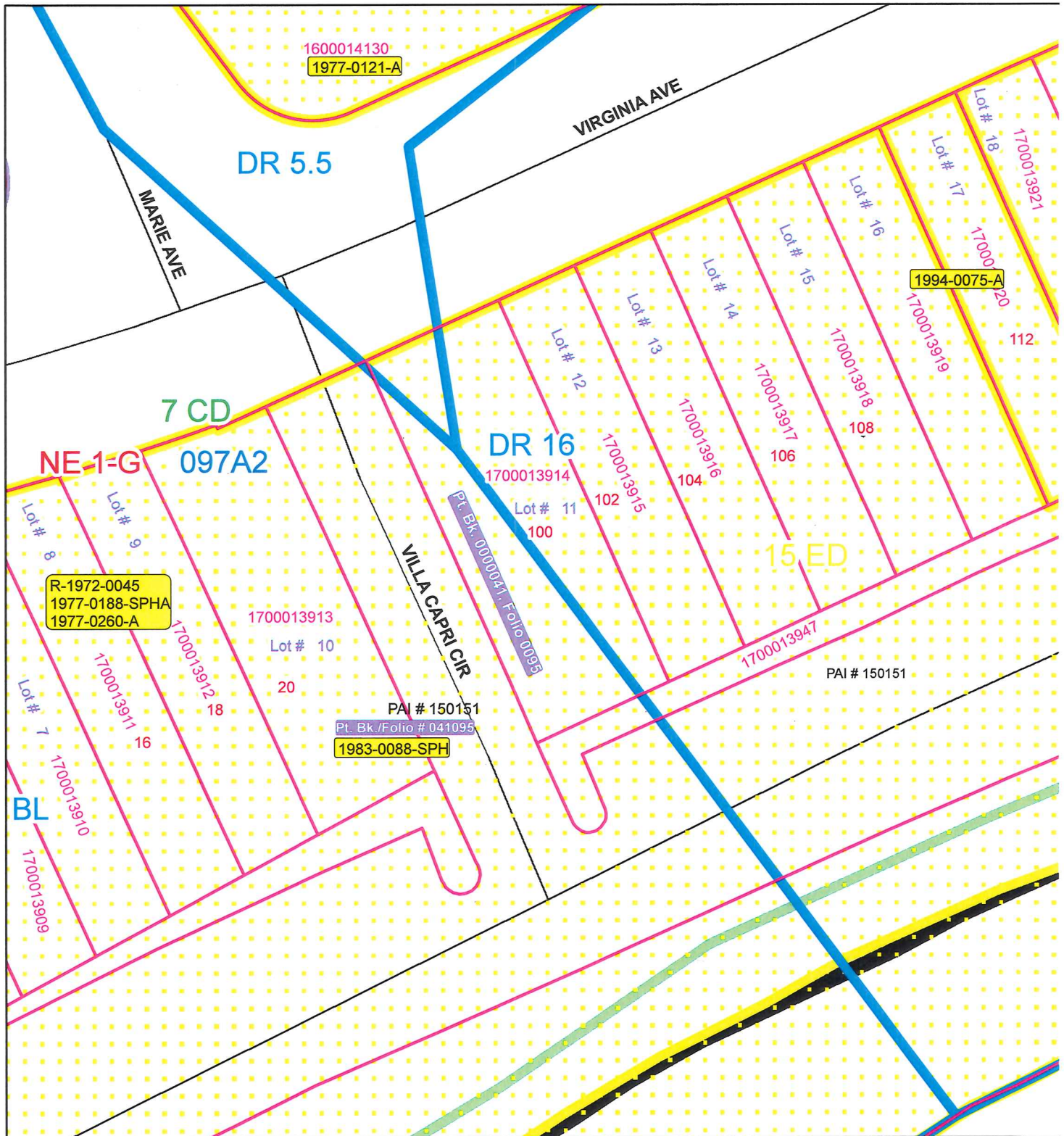
77-260-A, 83-88-SPH

VIOLATION CASE INFO:

Handwritten initials: RBP

Handwritten text: #2018-0130-A

100 Villa Capri Circle



Publication Date: 11/6/2017



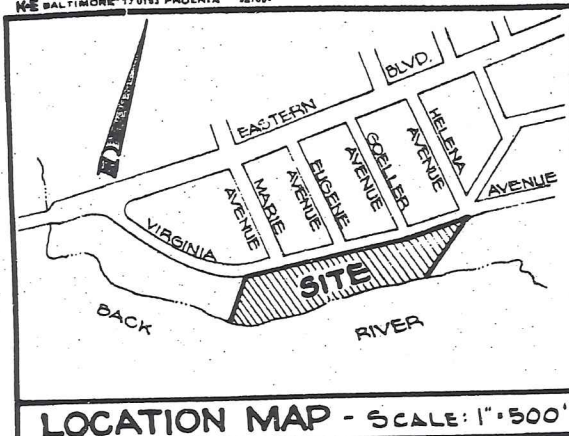
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



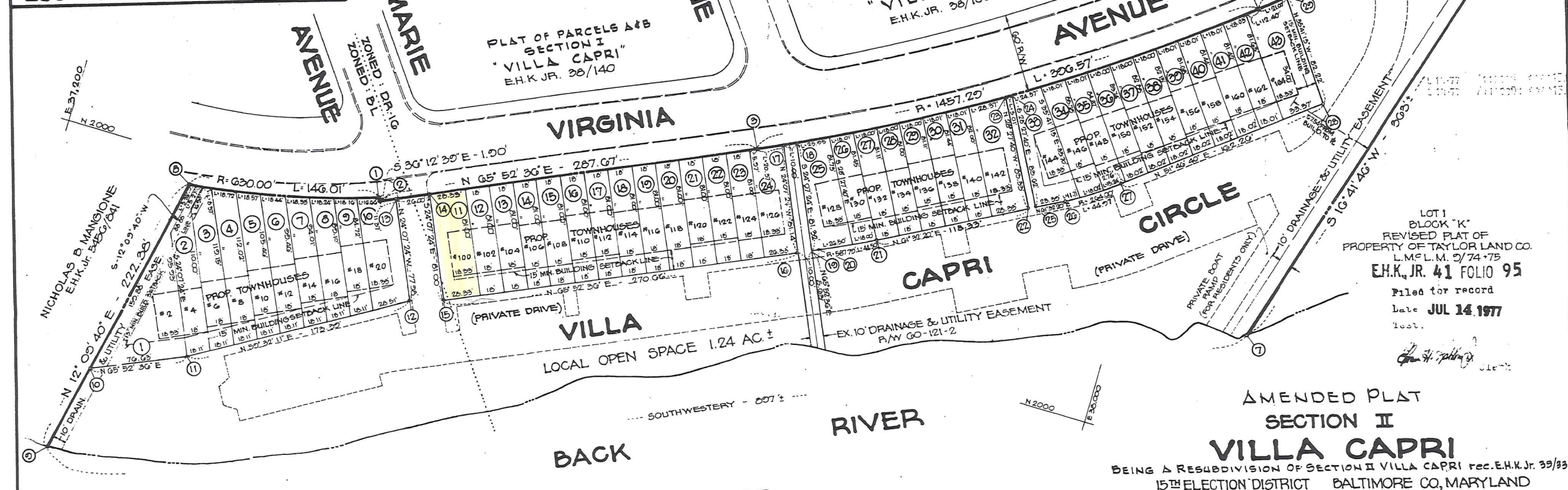
0 5 10 20 30 40
 Feet

1 inch = 30 feet

Item # 0130



COORDINATES					
POINT	NORTH	EAST	POINT	NORTH	EAST
1	2011.15	37441.85	16	2001.58	37757.74
2	2009.02	37443.00	17	2125.64	37724.08
3	2127.15	37705.55	18	2127.76	37728.01
4	2336.21	38041.11	19	2065.07	37760.37
5	2444.28	38202.54	20	2065.07	37771.50
6	2444.28	38202.50	21	2087.68	37811.89
7	2050.02	38058.06	22	2144.07	37915.42
8	1960.16	37253.53	23	2217.25	37875.71
9	1702.78	37252.03	24	2219.07	37875.77
10	1623.86	37265.85	25	2140.45	37915.82
11	1655.16	37335.79	26	2157.00	37940.26
12	1943.09	37455.25	27	2152.20	37977.90
13	2014.20	37455.37	28	2282.08	38105.37
14	2024.80	37477.10	29	2542.46	38057.41
15	1950.03	37510.21			



LOT 1
BLOCK "K"
REVISED PLAT OF
PROPERTY OF TAYLOR LAND CO.
L.M. L.M. 2/74-75
E.H.K. JR. 41 FOLIO 95
Filed for record
Date JUL 14 1977
Test.

AMENDED PLAT SECTION II VILLA CAPRI

BEING A RESUBDIVISION OF SECTION II VILLA CAPRI rec. E.H.K. Jr. 39/33
15TH ELECTION DISTRICT BALTIMORE CO, MARYLAND

FOR
FRANK SCARFIELD & HOLABIRD
GGIO HOLABIRD AVE.
BALTIMORE, MARYLAND 21224

EVANS, HAGAN & HOLDEFER, INC.
SURVEYORS & ENGINEERS
8013 BELAIR ROAD - BALTIMORE, MD. 21236
(301) 668-1501

DATE JULY 7, 1977 SCALE 1"=50'



DENSITY NOTES

- GROSS AREA SECTION II: 4.08 Ac.±
- EXISTING ZONING: DR-1G & DL
- Nº OF UNITS ALLOWED: 4.08 x 10 = 40.8 DENSITY UNITS
- Nº OF UNITS PROVIDED: 43 x 15 = 64.50 DENSITY UNITS
- OPEN SPACE REQUIRED: 15% OF 4.08 = 0.61 Ac.±
- OPEN SPACE PROVIDED: 1.24 Ac.±
- PARKING REQUIRED: 64.5 x 1.5 = 96.75 SPACES
- Nº PARKING SPACES PROVIDED: 105 SPACES
- DRAINAGE AREA: BACK RIVER DRAINAGE AREA - ESSEX PUMPING STATION.

REVISED: 7-7-77 ADD. LOT 43, COORDIN. PTS. 25, 29, DENSITY NOTES 4, 7

SURVEYOR'S CERTIFICATE

I, L. ALAN EVANS A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN COMPLIANCE WITH SECTIONS 72A TO 72E, INCLUSIVE, OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION AS ENACTED OR AMENDED BY THE ACTS OF 1945 AND 1947 AND SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO.

OWNER'S CERTIFICATE

THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION, CHAPTER 1016 OF THE ACTS OF 1945, AS AMENDED BY CHAPTERS 84 AND 786 OF THE ACTS OF 1947, AND SUBSEQUENT ACTS IF ANY, AMENDATORY THERETO SO FAR AS THEY CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS, HAVE BEEN COMPLIED WITH.

FRANK SCARFIELD, PRESIDENT
OWNER OF LAND SHOWN HEREON

BY: *[Signature]*

MSA 55W 1236-8074 41-95

APPROVED: BALTIMORE COUNTY PLANNING BOARD
BY: _____
DIRECTOR

DATE: _____

APPROVED: BALTIMORE COUNTY HIGHWAYS DEPARTMENT
BY: *[Signature]*
HIGHWAYS ENGINEER

DATE: *[Date]*

APPROVED: BALTIMORE COUNTY HEALTH DEPARTMENT
BY: *[Signature]*
DEPUTY STATE AND COUNTY HEALTH OFFICER

DATE: _____

P. W. A. Campbell
Final Plat Check
Planning: *[Signature]*
Engineering: *[Signature]*
Street Names: _____
House Nos: _____

CURVE DATA					
POINT NOS	RADIUS	LENGTH	DELTA	TANGENT	CHD BEAR & DISTANCE
3-4	1457.20	326.57	15° 35' 20"	100.52	N 58° 34' 51" E - 305.24
4-5	270.00	124.95	11° 20' 55"	37.60	N 50° 02' 35" E - 104.02
5-6	920.00	146.01	13° 16' 44"	73.38	N 77° 42' 54" E - 145.06
20-21	587.79	44.50	04° 20' 10"	22.20	N 63° 42' 25" E - 44.49
26-27	264.00	44.27	00° 45' 40"	22.54	N 56° 39' 30" E - 44.92

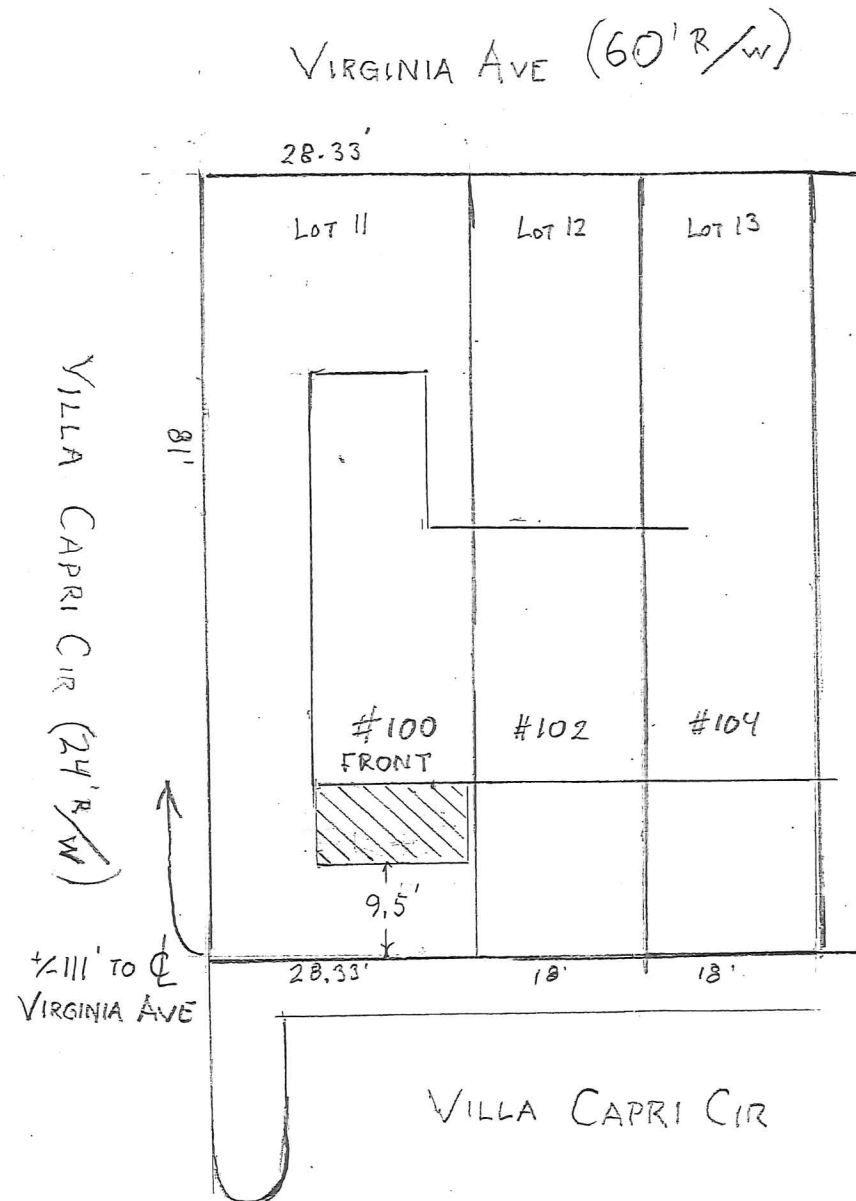
THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS, ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE REFERRED TO THE FOLLOWING TRAVERSE STATIONS.

X-G751 E 28188.53 N 2483.58
X-G752 E 37864.76 N 2930.14

Item #0130

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 100 Villa Capri Circle OWNER(S) NAME(S) Stephen A. Thomas
SUBDIVISION NAME Villa Capri LOT # 11 BLOCK # _____ SECTION # 2
PLAT BOOK # 41 FOLIO # 95 10 DIGIT TAX # 1700013214 DEED REF. # 20802100694

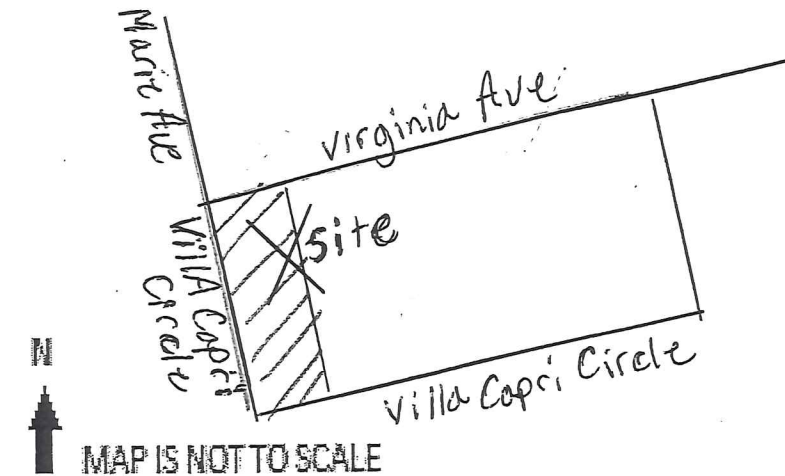


PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



ZONING MAP# 097A2

SITE ZONED DR16-DR55-BL

ELECTION DISTRICT 15th

COUNCIL DISTRICT 7th

LOT AREA ACREAGE _____

OR SQUARE FEET 8294.73

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IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

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77-260-A, 83-88-SPH

VIOLATION CASE INFO:

R.M.

#2018-0130-A

Ex-1