

69 89-294 **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached, hereto and made a part hereof, hereby petition for a Variance from Section 1802.3B (III C3), to permit a side yard setback of 3 feet in lieu of the required 7 feet.

of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY - IF WE KEEP TO THE 5' WE MAY BE OUR NEIGHBORS PROPERTY LIVE OUR CARPORT WILL NOT BE WIDE ENOUGH FOR A CAR.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertisement, 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.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we am/are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

Legal Owner(s): **GRAY E. RAINES** (Type or Print Name) **JA**
Signature: **Gray E. Raines** **2-7-88**
Address: **ADA E. RAINES** (Type or Print Name) **BP**
City and State: **Baltimore, MD**
Attorney for Petitioner: **2513 OLD BATTLE CRO. RD. 222** (Type or Print Name) **2513**
Address: **2513 OLD BATTLE CRO. RD. 222** (Type or Print Name) **2513**
City and State: **Baltimore, MD**
Petitioner's Telephone No.: **510-740-5424**

ORDERED BY THE Zoning Commissioner of Baltimore County, this 11th day of December, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of December, 1987, at 9:00 o'clock.

J. Robert Haines
Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
To: Zoning Commissioner
Date: November 17, 1987

Norman E. Carver, AICP
FROM: Director of Planning and Zoning
Subject: Zoning Petition No. 88-238-A, 88-239-A, 88-239-A, 88-239-A

There are no comprehensive planning factors requiring comment on this petition.

REC:JCH:dc
cc: Ms. Shirley M. Bass, Legal Assistant, People's Counsel
File

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 3rd day of November, 1987.

Petitioner: **Gray E. Raines, et al**
Petitioner's Attorney: **Gray E. Raines, et al**
Received by: **James E. Dyer**
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 4, 1987

Mr. Gary F. Raines
7913 Old Battle Grove Road
Baltimore, Maryland 21222

Re: Item No. 69 - Case No. 88-231-A
Petitioner: Gary F. Raines, et al
Petition for Zoning Variance

Dear Mr. Raines:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, 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 the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kko
Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204 2306
484-4500

Phil H. Reiche
Lieut.

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Gary F. Raines, et al (critical area)
Location: E/O Old Battle Grove Road, 195' +/- +/- N. Patricia Lane
Item No. 69
Zoning Appendix Meeting of 8/25/87

Enclosures:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and requested to be corrected or incorporated into the final plan for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1974 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: **John F. O'Neill**
Special Inspection Division
Approved: **John F. O'Neill**
Fire Prevention Bureau

7/31

IN RE: PETITION FOR ZONING VARIANCE
E/O Old Battle Grove Road
approx. 195' +/- +/- N. Patricia Lane
(7913 Old Battle Grove Road)
19th Election District
7th Councilmanic District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-231-A

Gary F. Raines, et al
Petitioners

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a side yard setback of 3 feet in lieu of the required 7 feet for a carport, as more particularly described in Petitioner's Exhibit 1.

Mrs. Raines appeared and testified and was supported in her testimony by her next door neighbor, Everett Gilbert, 7511 Old Battle Grove Road.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner of Baltimore County this 13th day of December, 1987 that a side yard setback of 3 feet in lieu of the required 7 feet for a carport, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order, however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The carport is not to be enclosed or in any way converted to a room or addition to the main dwelling and furthermore, the carport may not be converted to habitable space at any time.

J. Robert Haines
Zoning Commissioner of Baltimore County

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
484-6554

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 40, 61, 63, 64, 65, 66, 67, 68, 69, and 70.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MF:fab

RECEIVED
SEP 30 1987
ZONING OFFICE

JRH:jhs

ORDER RECEIVED FOR FILING
Date: 12/13/87
By: [Signature]

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

Zoning Description

Beginning on the east side of Old Battle Grove Road 50 feet wide, at the distance of 190' N. north of the centerline of St. Patricia Lane. Being lot no. 12, in the subdivision of Battle Grove, Plat no. 4, Book no. 17, Folio 23. Also known as 7513 Old Battle Grove Road in the 15th Election District.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov. 19, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov. 19, 1987.

THE JEFFERSONIAN,

Susan Seidman Barrett
Publisher

NOTICE OF HEARING
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-231-4
15th Election District; 7th Councilmanic District
LOCATION: 5/2 Old Battle Grove Road, approx. 195' N of c/l of St. Patricia Lane (7513 Old Battle Grove Road)
DATE AND TIME: Friday, 12/11/87 at 9:00 AM
PUBLIC HEARING: Room 112, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required 7 feet.

Petition for Zoning Variance
Case No. 88-231-4

15th Election District; 7th Councilmanic District

LOCATION: 5/2 Old Battle Grove Road, approx. 195' N of c/l of St. Patricia Lane (7513 Old Battle Grove Road)

DATE AND TIME: Friday, 12/11/87 at 9:00 AM

PUBLIC HEARING: Room 112, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required 7 feet.

Being the property of Gary F. Raines, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within this thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JRH:bjs

NOTICE OF HEARING
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-231-4
15th Election District; 7th Councilmanic District
LOCATION: 5/2 Old Battle Grove Road, approx. 195' N of c/l of St. Patricia Lane (7513 Old Battle Grove Road)
DATE AND TIME: Friday, 12/11/87 at 9:00 AM
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Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required 7 feet.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45870
DATE: 12/11/87 R-11-615-000
AMOUNT: \$ 88.96
RECEIVED BY: *Borg Paine*
FOR: *Robert Haines*
By: *Robert Haines*
VALIDATION OF SIGNATURE OF CASHER

December 23, 1987

Mr. & Mrs. Gary F. Raines
7513 Old Battle Grove Road
Baltimore, Maryland 21227

RE: Petition for Zoning Variance
5/2 Old Battle Grove Road, approx. 195' N of c/l of St. Patricia Lane
15th Election District; 7th Councilmanic District
Case No. 88-231-4

Dear Mr. & Mrs. Raines:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjs
Enclosures

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41473
DATE: 8-13-87 ACCOUNT: 800-615
AMOUNT: \$ 35.00
RECEIVED FROM: *Mr. Lella K. Paine*
FOR: *James Varvara*
By: *James Varvara*
VALIDATION OF SIGNATURE OF CASHER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
410-3333
J. ROBERT HAINES
ZONING COMMISSIONER

Mr. Gary F. Raines

7513 Old Battle Grove Road
Baltimore, Maryland 21227

RE: Petition for Zoning Variance
5/2 Old Battle Grove Road, approx. 195' N of c/l of St. Patricia Lane
15th Election District; 7th Councilmanic Dist.
Case No. 88-231-4

Dear Mr. Raines:

This is to advise you that \$88.96 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

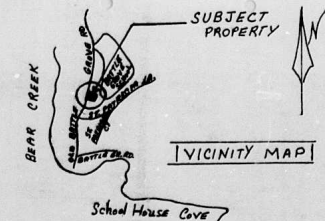
THIS FEE MUST BE PAID AND THE ORDERING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 112, County Office Building, Towson, Maryland 21204, before the hearing.

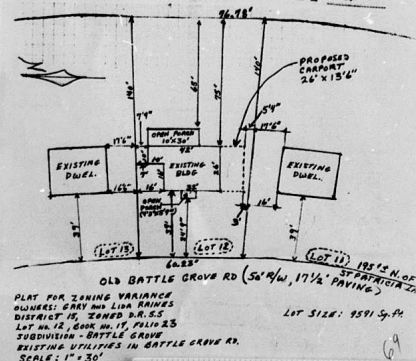
Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:d



PETITIONER'S EXHIBIT 1



CERTIFICATE OF PUBLICATION Office of THE AVENUE NEWS

442 Eastern Ave.
Baltimore, Md. 21201

NOV 16 1987

THIS IS TO CERTIFY, that the annexed advertisement of PAVANIA, 100' N. of c/l of St. Patricia Lane (7513 Old Battle Grove Road), approx. 195' N of c/l of St. Patricia Lane (7513 Old Battle Grove Road), 15th Election District; 7th Councilmanic District, was published in THE AVENUE NEWS, a weekly newspaper printed and published in Baltimore County, Md., appearing on Nov. 11, 1987.

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive weeks before the 22nd day of 1987. (That is to say, the same was inserted in the issue of 11/19, 19 87)

The Avenue Inc.

By: *David Bradford*
per publisher