. REFORE THE

· DEPUTY ZONING COMMISSIONER

Thomas L. Raines, et ux

1 Care No. 94-311-A

. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 5106 Forge Road, located in the Perry Hall area of northeastern Baltimore County. The Petition was filed by the owners of the property, Thomas L. and Linda G. Raines. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (S.C.Z.R.) to permit a buildable lot with a width of 138.4 feet in lieu of the minimum required 150 feet, and a front and rear yard setback of 45 feet each in lieu of the required 50 feet for both The subject property and relief requested are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Thomas and Linda Reines, property owners. There were no Protestants present.

Testimony revealed that the subject property consists of 43,124 sq.ft., or 0.99 acres, more or less, zoned D.R. 1. The Petitioners are desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. The property is roughly F-shaped with a width across the rear property line of 301.37 feet and a width across the front property line of 118.4 feet. The property is also served by a s00-foot panhandle drive leading in a southerly direction to Forge Road. In addition to its irregular shape, the property is also severely sloped.

Due to the ignorular shape of the lot and topographic constraints the relief requested is necessary in order to develop the property as proposed

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

- whether strict compliance with requirement would unrea-onably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdename.
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation that that applied for would give substantial relief; and

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

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

After the consideration of the testimony and evidence presented it is along that practical difficulty or pareagonable hardebin will result if the variance is not granted. It has been established that special stances 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 la.d 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. Purther, the granting of the Peti-

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tioner's request is in strict harmony with the spirit and intent of the

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 Deputy Zoning Commissioner for Baltimore County this 11th day of April, 1994 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 138 A feet in lies of the minimum required 150 feet, and a front and reas ward setback of 45 feet each in lieu of the required 50 feet for both. for a processed dwelling in accordance with Petitioner's Evhibit 1, he and in hereby CRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made meare that pro-ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has oxpired. If, for whatever reason, this Order is reversed, the relief granted bersin shall be rescinded.

THK:bis

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

huthy Kotrow TIMOTHY M VOTBOOD

(410) 887-4386

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

April 11, 1996

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

in the event any party finds the decision rendered in unfavorable, amble, amy party may file an appr'l to the County Mondre of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoming Administration and Development Management office at 889-1391

N/S Forge Road, 300' E of the c/l of Randall Avenue (5106 Forge Road) 11th Election District - 5th Councilmanic District

Thomas L. Raines, et ux - Petitioners

hr. E Mrs. Thomas L. Raines 4 Bandol Court Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 5106 Forge Rd, Baltimore, MD 21128 which is presently sensed DR 1

This Petition shall be filed with the Office of Zoning Administration & De The undersigned, legal cemer(s) of the property situate in Baltimore Count has to and marks a next harrest herein petition for a Variance from Set The most of partners, nowly present a Younge too Section Sect

of the Zorling Regulations of Baltimore County, to the Zoning Law of Baltim

1. Although the total width of our panhandle lot is 300 feet, the building envelope area is limited to a front line width of 138 feet.
2. Because of the sloping topography and the proposed building plans, it is necessary that we request a minimum 45 foot front

Froperly 1810 by 50 feet and 18 befried as prescribed by Zoning Regulations.

Lower specific property 1810 by 50 feet and 1810 befried as prescribed by Zoning Regulations.

Lower specific property of the pattern advantage posting, etc. upon time of this pattern, and further agree to and are to come, according provided in the Zonino Law for Ballmore County.

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Baltimore, MD 21237 The State Actions and phone hunder of legal cause, contact purchase or opposite to expense to an opposite to expense to exp
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ZONING DESCRIPTION 94-311-4

Thomas & Linda Raines 4 Bandol Ct Baltimore, MD 21237

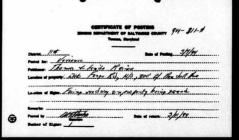
re: 5106 Forge Rd Baltimore, ND 2112F

Zoning description for 5106 Forge Rd. Baltimore, MD 21128 Election District- II Councilmanic District- 5

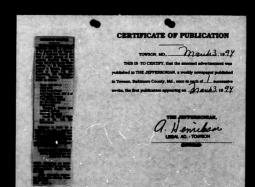
Beginning at a point on the north side of Forge Rd which is 30 ft wide at a distance of 300 ft east of the centerline of the nearest improved intersecting street Randall Ave which is 40 ft wide. As recorded in Deed Liber 8522, Folio: 226

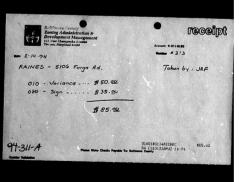
Defining the WE Sider in the center of 10th Carpe Road at the beginning of the lead which by dead dated Nech 21. 1973 and recorded some the Land Secords of the Initiators County in Lither C.I.a. 30. 1949 follow 10.7 was conveyed by Cattering and Sider of Land Seconds and Cattering and Seconds and Cattering and Seconds and Se

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Baltimore County Governme Office of Zoning Administrat Baltimore County Go Offy: of Zoning Adv and Development N 111 West Chesapeake A Townon, MD 21204 44100 MIZ-3353 111 West Chesapeake Avenue Towner MD 21204 (410) 887-3353 94-311-A (410) 007.9361 94-311-A 94-311-A 111 West Chesapeake Avenue Toward, MD 21204 (410) 887-3353 DUE DATE: CLOSING DATE OF HEARING DATE DON'THE HEARING ADVERTISANC AND POSTING RECUIREMENTS & PROC March 11, 1994 Baltimere County Romins Remistions require that notice be given to the general public/najabboring property consent relative to property which is the model of the remission of the property with the second public to the property of the property of a sign on the property and placement of a notice is at least one nowapper of second circulation in the County. The Saming Commissioner of Smittness County, by sotherity of the Saming Sot and Supulstians of County, will hald a public Secreta on the property identified Samon in Samon Mid of the County of Cliffon Smitter, 211 W. Chanacondo Seroms in Process, Suryland 20204 Thomas and Linda Raines 4 Bandol Court Raitimore, Maryland 21237 Mr. and Hrs. Thomas L. Raines 4 Bandol Court Baltimore, Maryland 21237 This office will ensure that the logal requirements for poeting and advertising are satisfied. However, the patitioner is responsible for the costs seconisted with these requirements. CORT CHESSION 99-201-4 (Files 513)
1000 Persp. Seed
100 Persp. ME: Case No. 94-311-A, Item No. 313 P-titioner: Thomas L. Rained, et ux. Petition for Variance CASE NUMBER/PROJECT NAME: 94-311-A (1) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$60.00 Due* Posting fees will be accessed and paid to this office at the time of filing. The Soning Place Solvinory Committee (IAC) has reviewed the place maintained to the solvinory committee (IAC) has reviewed the place maintained to the solvinory committee (IAC) and the solvinory committee (IAC) Variance to allow for a buildable let with a minimum width of 196.4 floot, a front authorit of 45 floot and year year methods of 45 floot in liles of the required 190 floot, 50 floot, and 50 floot respectively. (In lieu of payment, we ask that you make use of the following waiver) Buza INVOICE MAIVER Enclosed are all comments embatted thus far from the numbers of SEC that offer or request information on your patients. If debitional you, Otherwise, say comment that is not informative will be placed in the hearing file. This patient was accepted for filing on February 14, 1994, and a bearing use scheduled accordingly. For newspaper advertising: CASE NUMBER/PROJECT NAME: 94-311-A Returned _____ Zoning Notice Sign and Post Set(s). Trans There Prices 5104 Frece Ro Barra MA for ZADN Means Kares The director of Soning Administration and Development Renegation has instituted a system whereby sessioned soning atterneys the few that the state of the state o Boits Mo 21237 AND ALL OF A PART OF A PART OF AN ADDRESS OF A PART OF A *Amount Die waived upon return of the COMPLETE sign and post set(s).

Mhen you return same, bring this form with you. 410 574 8774 (Personal 04/09/91) Ø ----8----Maryland Department of Transporter State Highway Administration Hel Kessoli BALTIMORE COUNTY, MARTLAND 3-1-94 700 East Jopps Road Suite 901 Towson, MD 21286-5500 (410) 887-4500 Re: Baltimore County (JRF) DATE: 02/25/94 BALTIMORE COUNTY, MARYLAND TO: Arnold Jablon, Director DATE: March 7, 1994 Zoning Administration and Development Manage ent FROM: Part W Bowling, P.E., Chief Developers Engineering Section This office has reviewed the referenced item and we have no objection to opproval as it does not access a State roadway and is not effected by any State Highway Zoning Advisory Committee Meeting for Merch 7, 1994 Item #313 Item Nos. 299, 300, 312, #, 319, 321 and 322. Please contact Bob Small at 410-333-1350 if you have any questions. The Developers Engineering Jection has reviewed to the content of Thank you for the opportunity to review this item. Bob Snall Pursuant to your request, the referenced property has been surveyed this Eureau and the comments below are applicable and required to corrected or incorporated into the final plans for the property. DANID N. RAHSEY, ACTING CHIEF 7. The Fire Prevention Bureau has no comments at this time, FOR THE FOLLOWING ITEM SUMBERS: 312, \$20, 316, 317, 318, 319 MMD 322. ZADM REVISION: LT. ROBERT P. SAUGMALD Fire Prevention, PROME 887-4881, NS-1102F Marriand Petry Service for Impaired Hopping or Speech Dalling Address P.O. Dec 717 - Galleren, MD 21200-0717



DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

March 17, 1994

Mr. Arnold Jablon, Director Zoning Administration and Development Management J. Lawrence Pilson II SUBJECT: Zoning Item #313 - Raines Property
5106 Forge Road
Zoning Advisory Committee Meeting of February 28, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

Public sewerage is planned for this area in the future, however it is not currently available.

RA NES/DEPRM/TXTSBP

(410) 887-3353

26

March 21, 1994

Mr. and Mrs. Thomas L. Raines 4 Bandol Court Ballimore, Maryland 21237

RE: Case No. 94-311-A, Item No.313 5106 Forge Road Petition for Variance

Dear Mr. and Mrs. Raines:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on March 21, 1994 for the above-referenced case. If there are any questions, please do not hesitate to call me at

Sincerely.

Charlotte minten Charlotte Minton

Enclosure

111 West Chesapeake Avenue Towson, Mi) 21204

9131 Liberty Road PETITIONER :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



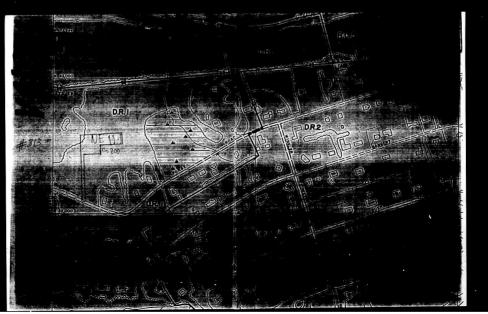
Peter Max Zimmerman People's Counsel for Baltimore County Carole S. Demilio Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-2188

Peter My Bromm

I HEREBY CERTIFY THAT on this 2" day of Man 4, 1994, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, 700 Court Towers, 210 Pennsylvania Avenue, Towson, MD 21204.

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PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

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