

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S Sagamore Forest Lane, 360' *
 S of c/l Pemberly Court * ZONING COMMISSIONER
 12516 Sagamore Forest Lane *
 4th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District *
 Andrew M. Benjamin, et ux * Case No. 95-314-A
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 12516 Sagamore Forest Lane in the Reisterstown section of Baltimore County. The Petition is filed by Andrew M. Benjamin and Ora Linda Benjamin, his wife, property owners. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (shed) to be located in the front yard, in lieu of the required rear yard. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case were the aforementioned Andrew Benjamin and O. Linda Benjamin, property owners. Appearing in opposition to the request were nearby property owners, Mr. and Mrs. David Cuneo.

Testimony and evidence presented was that the subject site is 1.457 acres in area and is zoned R.C.5. The property is located in the Sagamore Forest subdivision, a community of large single family dwellings on substantially sized lots. The Petitioners' property fronts Sagamore Forest Lane and is improved with an existing dwelling which is depicted on both the site plan and in numerous photographs which were submitted. The Petitioners have owned the subject property and have resided thereon since September 1994.

CASE NO. 95-314-A
 4/18/95
 Date _____
 By M. Gook

MICROFILMED

Mr. Benjamin described the rear of the subject lot as containing steep slopes which fall away from the rear of the house. Moreover, the house does not contain a garage. In order to meet storage needs, the Petitioners decided to construct a storage shed on the property. The shed was built in November of 1994. The shed measures 10 ft. x 16 ft. in dimension and is 8 ft. high. Owing to the topography of the land, the shed has been placed in the front yard, as is shown on the site plan. The Petitioners indicated that the shed could not be constructed in the rear yard because of the above described topography. The shed is used solely for storage purposes, to house bicycles, a lawn mower, etc. Public utilities are not connected to the shed and the structure is and will not be used for commercial purposes.

Mr. and Mrs. Cuneo reside nearby, on Pemberly Lane. They have lived in the community for approximately 17 years. They fear diminution of property values and a dangerous precedent should the variance be granted. They note that other properties in the community contain sheds but, in those other cases, the structures are located in the rear or side yards. They also complain that the shed is visible to vehicular and pedestrian traffic. The photographs and a site visit demonstrate that although the shed is visible from the road, it is set back and partially screened by vegetation.

In order for the Petitioners' request to be granted, they must satisfy the requirements contained in Section 307 of the BCZR. Therein the Petitioner must demonstrate that they or their property would suffer a practical difficulty if the relief were denied. Moreover, evidence must be adduced that the property carries a unique feature which justifies the variance. Moreover, variance relief can be granted only if same is consis-

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4/18/95
Date
By Mr. Good

APR 18 1995

tent with the spirit and intent of the BCZR and not detrimental to the surrounding locale.

As to the practical difficulty/uniqueness test, I am persuaded that the Petitioner has satisfied same. In this respect, the topography of the site in the rear yard constitutes a unique factor which justifies the variance. The slope is, indeed, steep and placement of the shed in the rear yard is not possible.

Regarding the effect on the neighborhood, I am not convinced that the Protestants' argument that placement of the shed, where located, is detrimental to the surrounding locale. This is a large lot which is heavily wooded. Moreover, the regulations require this Zoning Commissioner to consider each case on its own merit. No precedential value attaches to the decision made. Other property owners in the neighborhood should not consider approval of this case as a green light to the construction of other sheds in their front yards. Each property must be adjudged on its own merits and considered accordingly. For these reasons, I am persuaded that the Petitioners have satisfied the required standard and that the relief should be granted.

Notwithstanding my approval of the variance, however, I am empowered to attach certain restrictions to the grant of the relief. In this respect, I shall require the Petitioners to submit a landscape plan for approval by the County Landscape Architect. This landscape plan should provide for the installation of trees and/or shrubs to entirely screen the shed from the roadway. Although the lot already is wooded, screening by pine or evergreen trees is appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

COPY RECEIVED FOR FILING

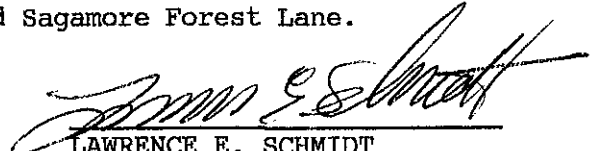
DEC

4/18/95
By: Mr. Gorb

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of April, 1995 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (shed) to be located in the front yard, in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions 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 submit a landscape plan to the County's Landscape Architect for approval showing that the subject shed will be entirely screened with trees and/or shrubs from neighboring properties and Sagamore Forest Lane.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

4/18/95

By



MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 18, 1995

Mr. and Mrs. Andrew M. Benjamin
12516 Sagamore Forest Lane
Reisterstown, Maryland 21136

RE: Case No. 95-314-A
Petition for Variance
Property: 12516 Sagamore Forest Lane

Dear Mr. and Mrs. Benjamin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. David Cuneo, 7 Pemberly Lane, Reisterstown

MICROFILMED



VIOLATION



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12516 Sagamore Forest Lane, Reisterstown
which is presently zoned RDP/RCS

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 hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, BCER TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Practical difficulty: The backyard slopes down at a continuous rate of approx. 5 feet per 25 feet. A substantial foundation would have to be built and/or land excavated to allow easy access and a safe level building.

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.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Gloria Linda Benjamin
(Type or Print Name)

[Signature]
Signature

Andrew M. Benjamin
(Type or Print Name)

[Signature]
Signature

12516 Sagamore Forest Ln
Address Phone No.

Reisterstown MD 2136
City State Zipcode

Name, Address and phone number of representative to be contacted.

SAME
Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: [Signature] DATE 3-9-95



Printed with Soybean Ink on Recycled Paper

MICROFILMED



306

Zoning Description

306
95-314-A

Zoning Description for 12516 Sagamore Forest Lane

Beginning at a point on the east side of Sagamore Forest Lane which is 60 feet* wide at the distance of 360 feet south of the centerline of the nearest improved intersecting street which is 20 feet wide. Being Lot #54, Section #3 in the subdivision of Sagamore Forest as recorded in Baltimore County Plat Book #A39:74, Folio # 74, containing 1.457 acres. Also known as 12516 Sagamore Forest Lane and located in the 4th Election District.

* The asphalt road itself is 25 feet wide.

12516 Sagamore Forest Lane

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-314-A

District 4th Date of Posting 3/17/95

Posted for: Variance

Petitioner: Ora + Andrew Benjamin

Location of property: 12576 Sagamore Forest Lane, E/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Hester Date of return: 3/24/95
Signature

Number of Signs: 1

WICKROY (L.M.F.)



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

93-314-A (Item 300)
12516 Sagamore Forest Lane
E/W Sagamore Forest Lane
380' S of c/o Pamberly Court
4th Election District
3rd Councilmanic

Legal Owner(s):

Ora Linda Benjamin
and Andrew M. Benjamin

HEARING: WEDNESDAY

APRIL 12, 1995 at 11:00
a.m. in Rm. 106, County Office Building.

Variance: to permit an accessory structure to be located in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3393.

(2) For information concerning the File and/or Hearing Please Call 887-3391.

3/320 March 23

TOWSON, MD.,

3/24

, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/23, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

~~Signature~~

306

receipt

95-314-A



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

X 01

Date

3-8-95

LINDA BENJAMIN

12516 SAGAMORE FOREST LN.

A VAR (010)

Permit (050)

50.00

35.00

85.00

MICROFILMED

01AD1#0348MICHR
BA 002:30PM03-08-95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



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/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 and placement of a notice in at least one newspaper of general circulation in the County.

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.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 306

Petitioner: LINDA BENJAMIN

Location: see Below

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Linda Benjamin

ADDRESS: 12516 Sagamore Forest Ln

Reisters town, MD 21136

PHONE NUMBER: 410-526-2465

AJ:ggg

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-314-A (Item 306)

12516 Sagamore Forest Lane

E/S Sagamore Forest Lane, 360' S of c/l Pemberly Court

4th Election District - 3rd Councilmanic

Legal Owner(s): Ora Linda Benjamin and Andrew M. Benjamin

HEARING: WEDNESDAY, APRIL 12, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Andrew and Linda Benjamin

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 5, 1995

Mr. and Mrs. Andrew Benjamin
12516 Sagamore Forest Lane
Reisterstown, Maryland 21136

RE: Item No.: 306
Case No.: 95-314-A
Petitioner: A. M. Benjamin, et ux

Dear Mr. and Mrs. Benjamin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 21, 1995

SUBJECT: 12516 Sagamore Forest Lane

INFORMATION:

Item Number: 306
Petitioner: Benjamin Property
Property Size: _____
Zoning: R.C.-5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to locate an accessory structure in the front yard in lieu of the required rear yard.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long

Division Chief: Carly Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 27, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for March 27, 1995
 Items 305, 306, 308, 310, 311, 312 and 313

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

APR 1 1995

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307,
308, 310, 311, 312 AND 313. ?

RECEIVED

MAR 24 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 306 (JCM)

Dear Ms. Watson:

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 project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3/20/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/20/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 305
306 ✓
308
311
312

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

RE: PETITION FOR VARIANCE
12516 Sagamore Forest Lane, E/S Sagamore
Forest Ln., 360' S of c/l Pemberly Ct.
4th Election District, 3rd Councilmanic

Andrew M. and O. Linda Benjamin
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-314-A

* * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Andrew M. and O. Linda Benjamin, 12516 Sagamore Forest Lane, Reisterstown, MD 21136, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

2025 MAR 29 10 11 AM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Linda Benjamin

12516 Sagamore Forest Ln Neikerston
12516 Sagamore Forest Ln.



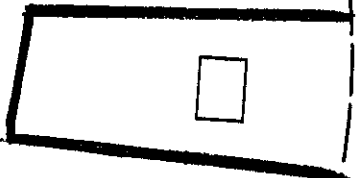


R.

W 51,000

95-314-A

5



R E E

FOREST

ST. PAUL

AVE.

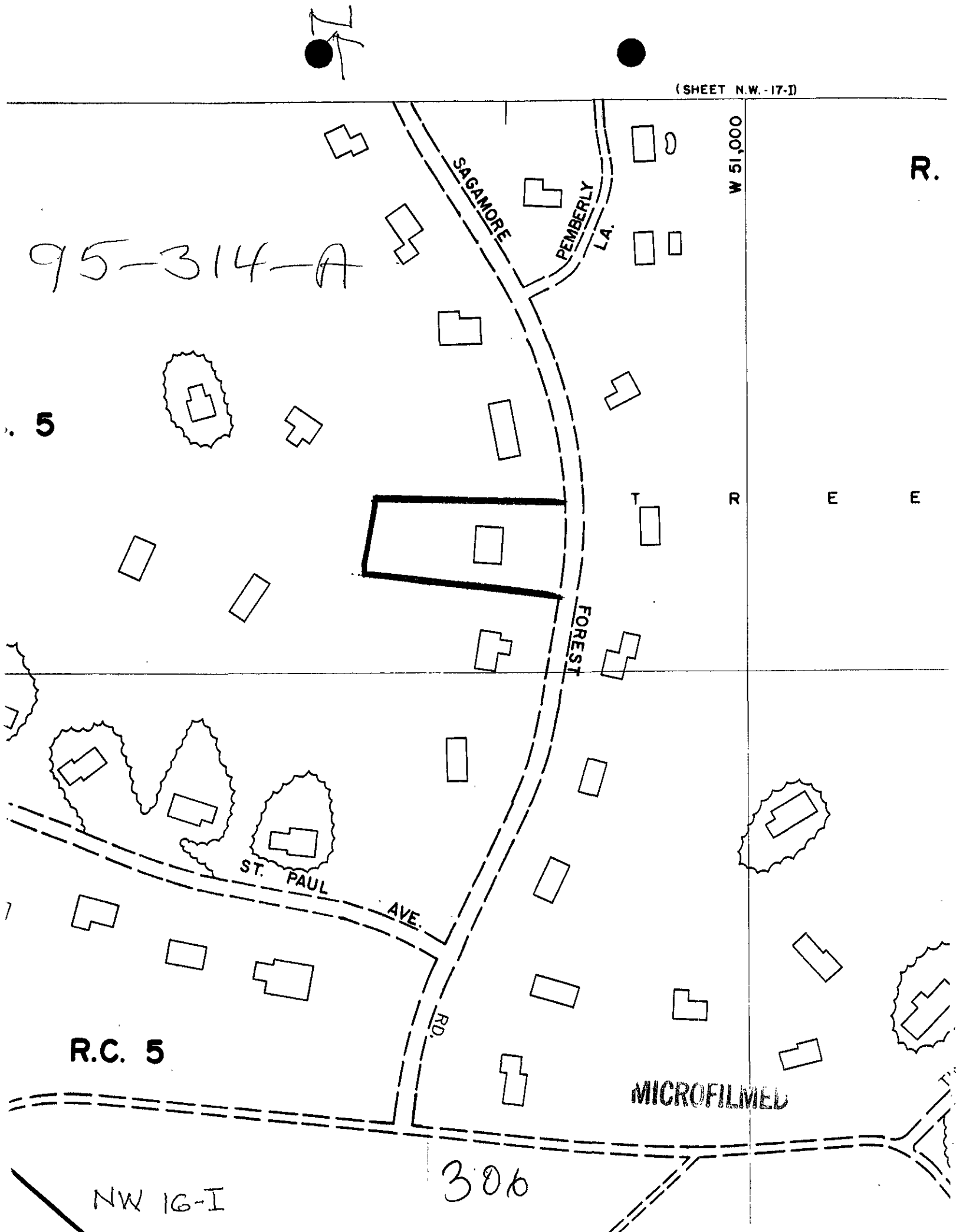
RD.

R.C. 5

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NW 16-I

30b



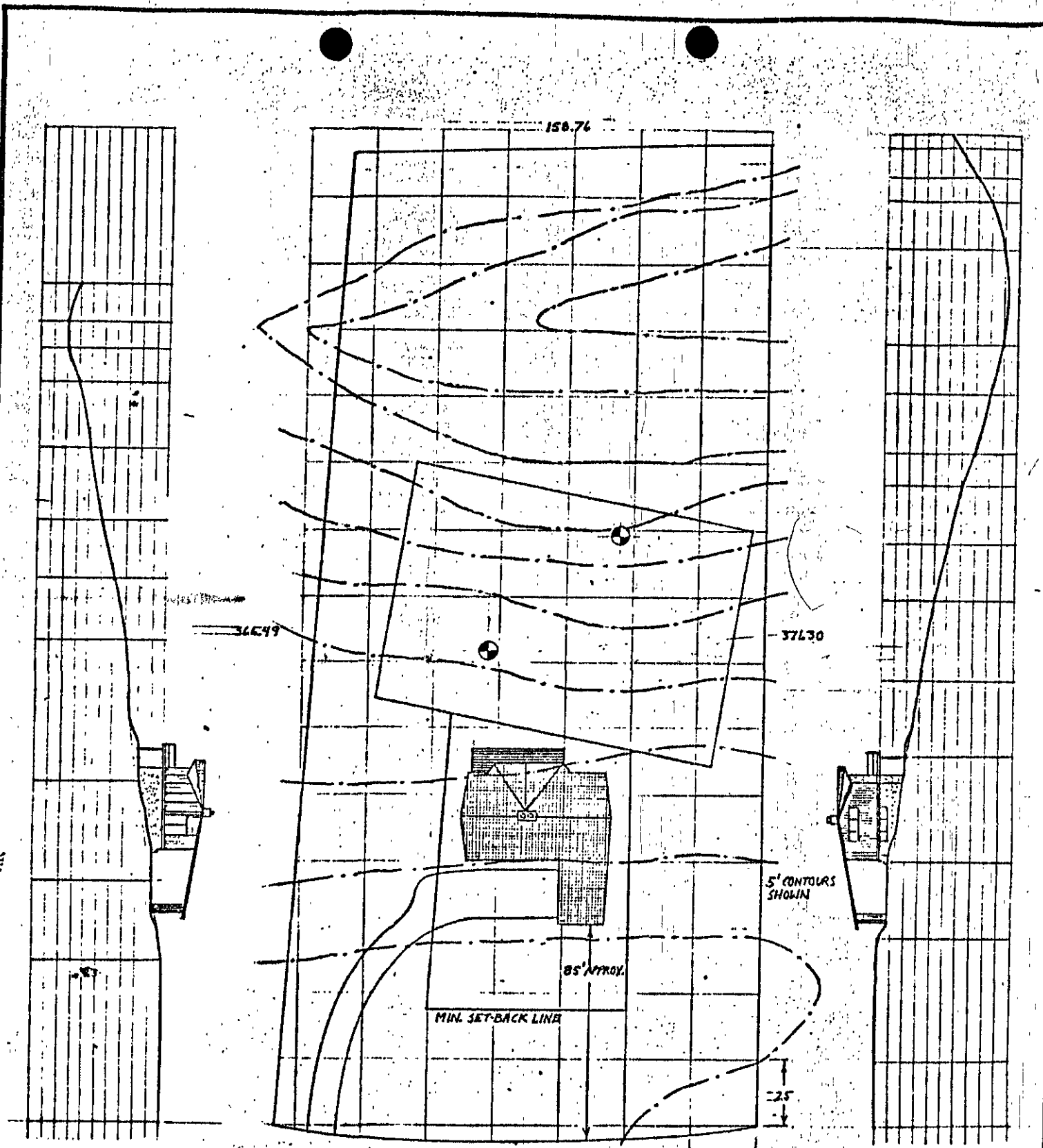
Re: Case 95-314-A
12516 Sagamore Forest Lane

We, residents of the Sagamore Forest/Worthington community, oppose the zoning variance requested at 12516 Sagamore Forest Lane allowing a shed to be placed in the front of the dwelling in violation of Baltimore County Code 400.1. It is not only in violation of county zoning regulations it could also reduce property values and is esthetically unattractive in our wooded community. There are no sheds placed in any front yard in this area of 250 homes and a precedent should not be made.

M/M David Curcio	7 Pemberly Ln	21136
M/M JOHN CASEY CHARK	9 PEMBERLY LANE	21136
M/M George Spanos	12 Pemberly Lane	21136
M/M Mark Allen	5 Pemberly Lane	21136
M/M Doug Carneal	2 " "	21136
M/M Dan Emerson	11 Pemberly Lane	21136
M/R Ron & Lisa Zeiver	Sagamore Forest 12601	
M/M J Schwartz	8 Pemberly	21136
Rebecca S. Maday	11 Worthington Ridge Court	

*Protestants
No 1*

ATTENTION



R= 870 L= 183.00
 SCRUB UNDERBRUSH TO BE CLEARED
 LARGE TREES & DOGWOODS TO BE RETAINED
 LANDSCAPING: NATURAL WOODS SETTING WITH
 SPRING & SUMMER BULBS
 PACHYSANDRA & GROUND COVER
 ASSORTED SHADE SHRUBS
 MODEL 726 DECKHOUSE - 3044 FT² FLOOR SPACE

Red No 3

SITE PLAN - LOT 54
 12516 Sagamore Forest Lane
 Sagamore Forest
 T.A. Stinnett



306

Gaylord Brooks Architectural Committee, Inc.

P.O. Box 193, 3314 Paper Mill Road, Phoenix, Maryland 21131
(301) 667-0800 Fax (301) 667-0078

January 31, 1995

Mr. & Mrs. Andrew Benjamin
12516 Sagamore Forest Lane
Reisterstown, MD 21136

Re: Garden Shed Approval
Sagamore Forest, Section III, Lot 54

Ref No 4

Dear Mr. & Mrs. Benjamin:

Please be advised that Gaylord Brooks Architectural Committee (GBAC) approves of the current location of your shed.

As we discussed during my site visit to your property on November 22, 1994, the present location makes sense due to the topography of your property. In making the decision, GBAC also took into account the following factors:

1. The shed is constructed of quality materials
2. The shed's brown color blends with its wooded location
3. The shed's visibility from the road is modified by the bank in front of the property

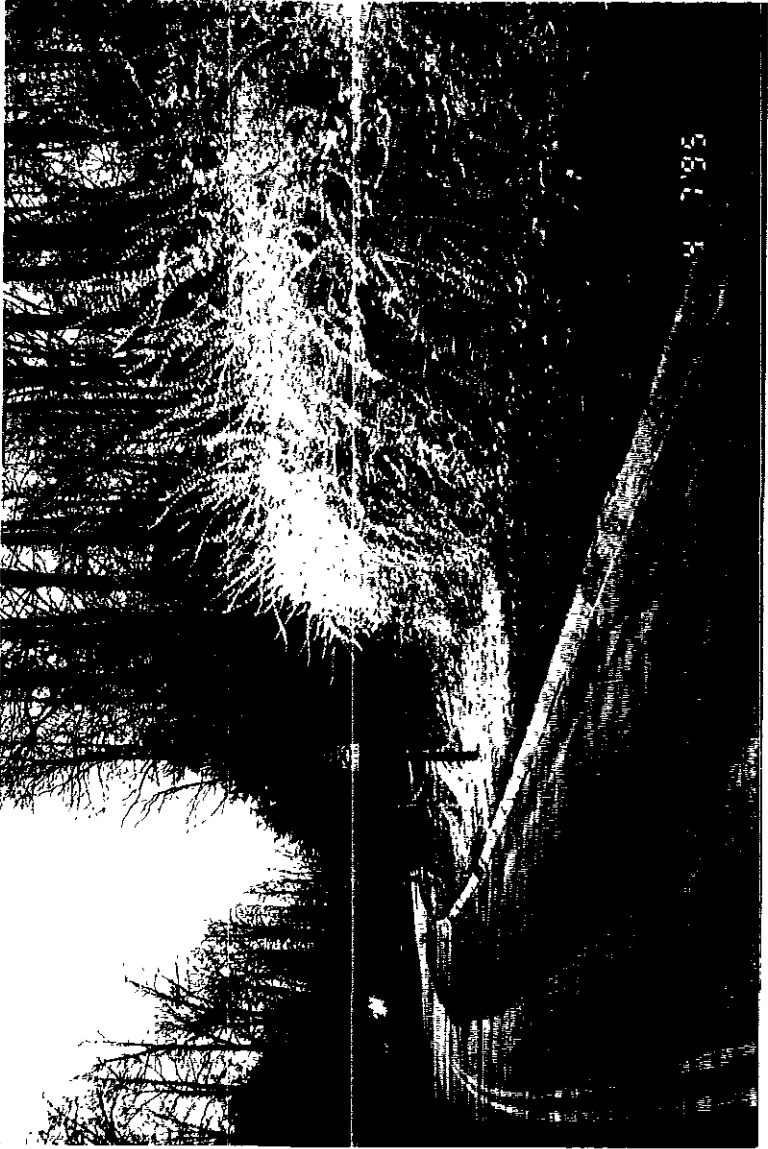
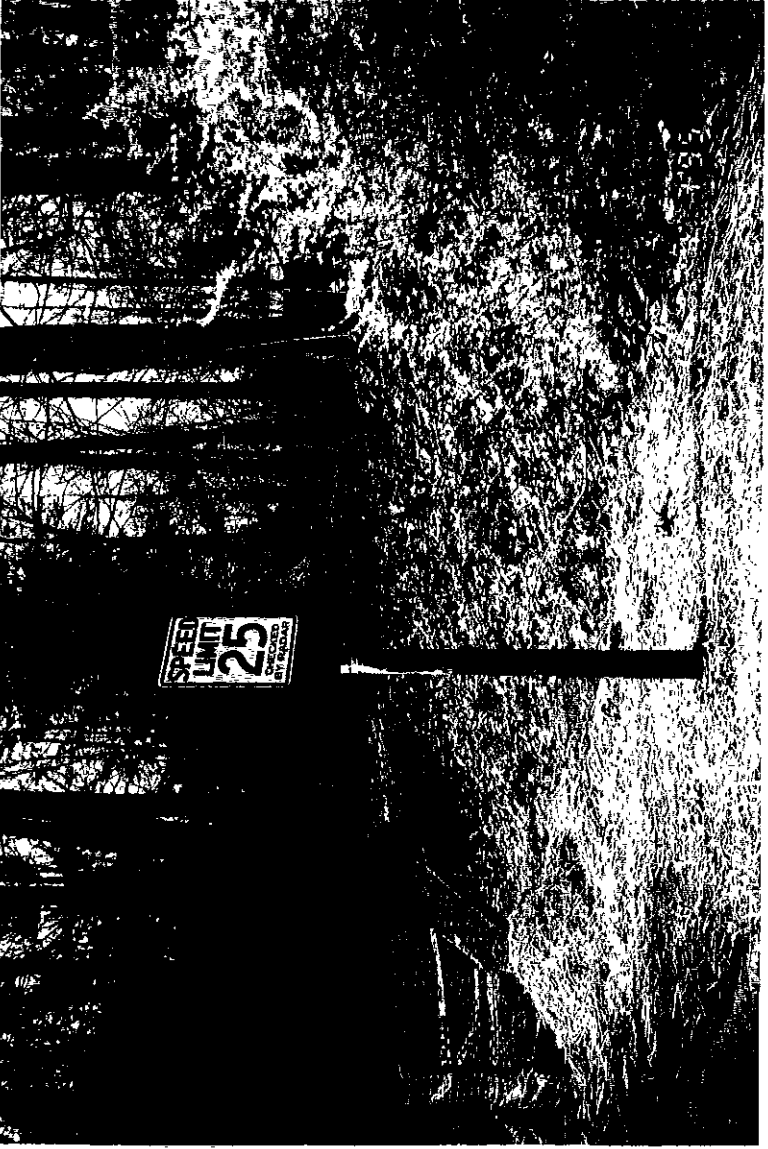
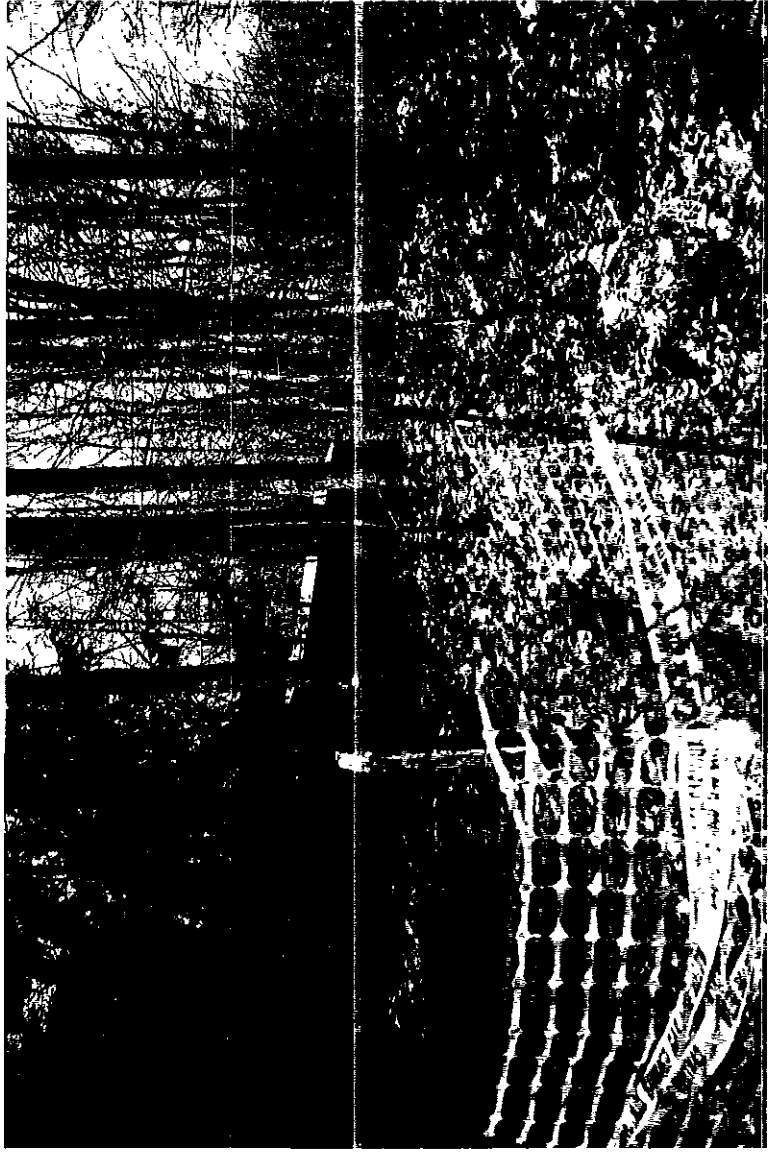
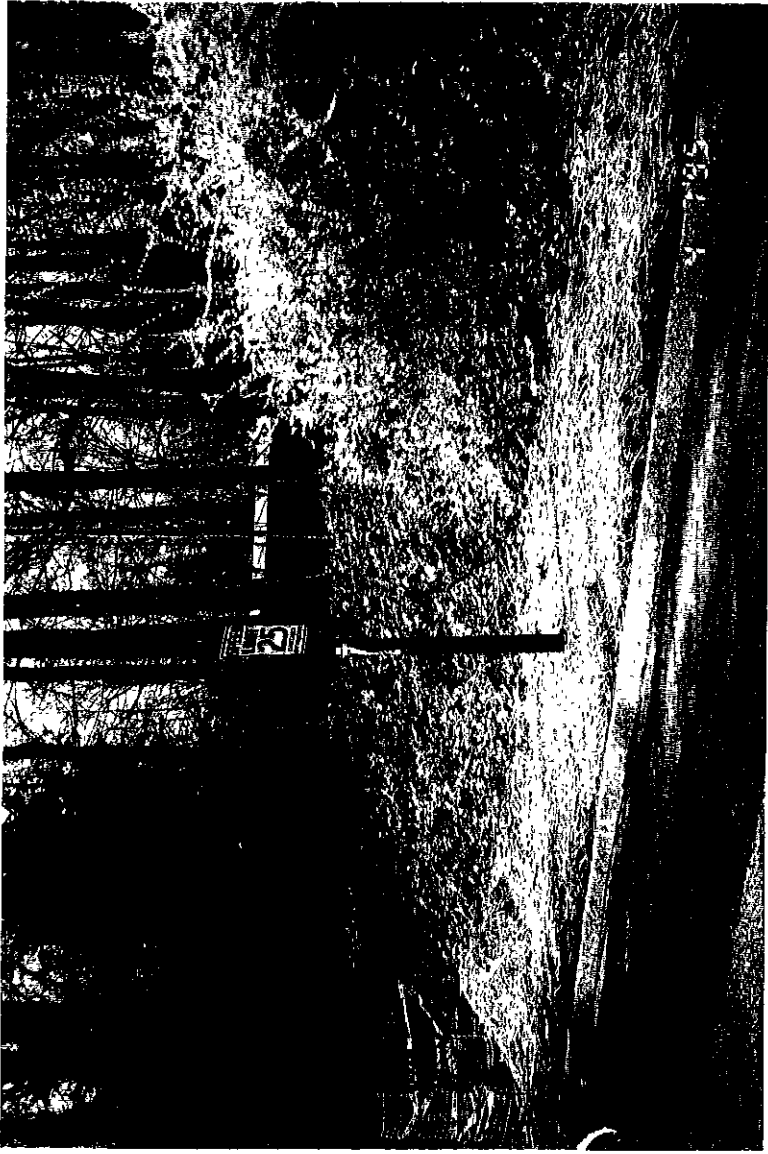
As a possible show of concern for the neighbors, I suggested you may want to plant some evergreens to further screen the site. I felt such planting could take place in the Spring of 1995 when the weather was more suited for such a project.

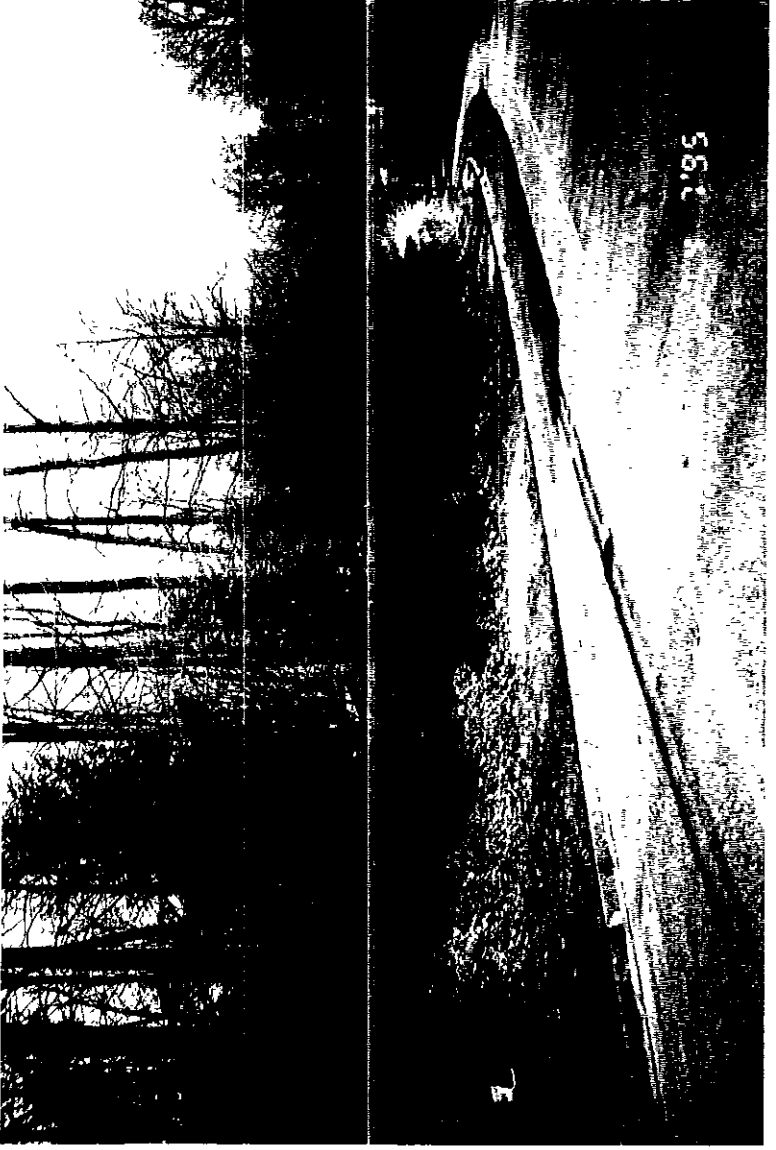
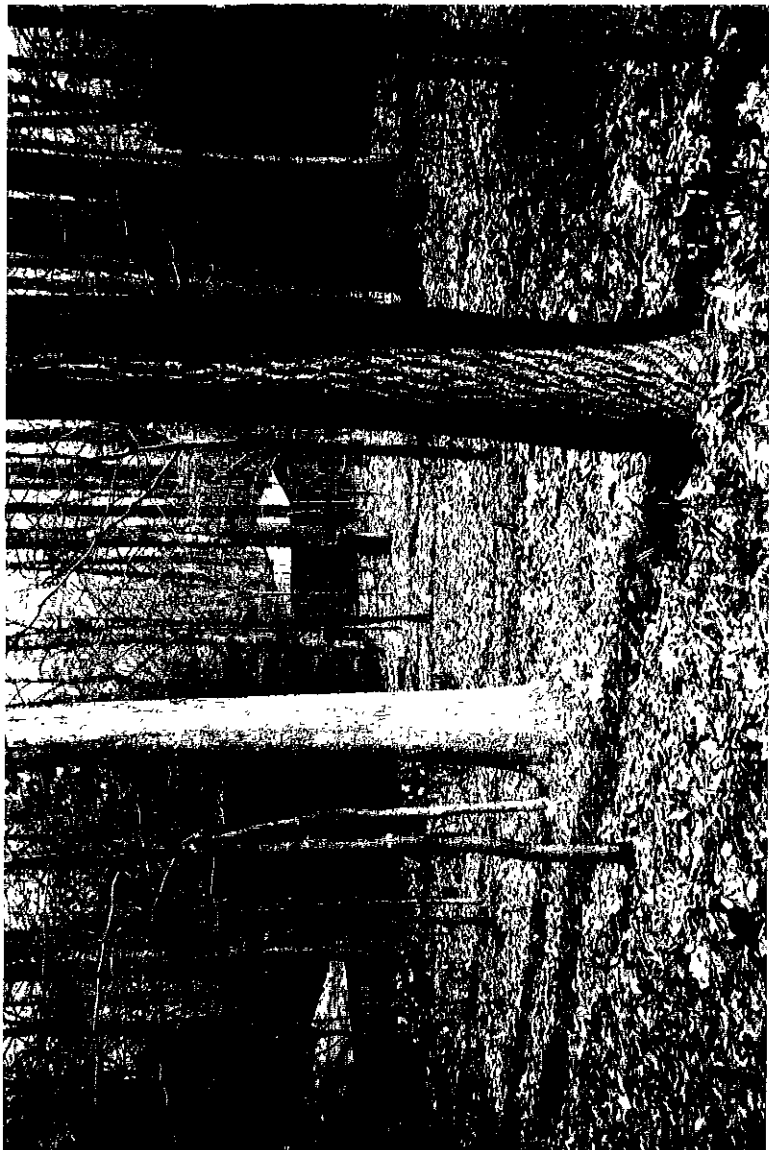
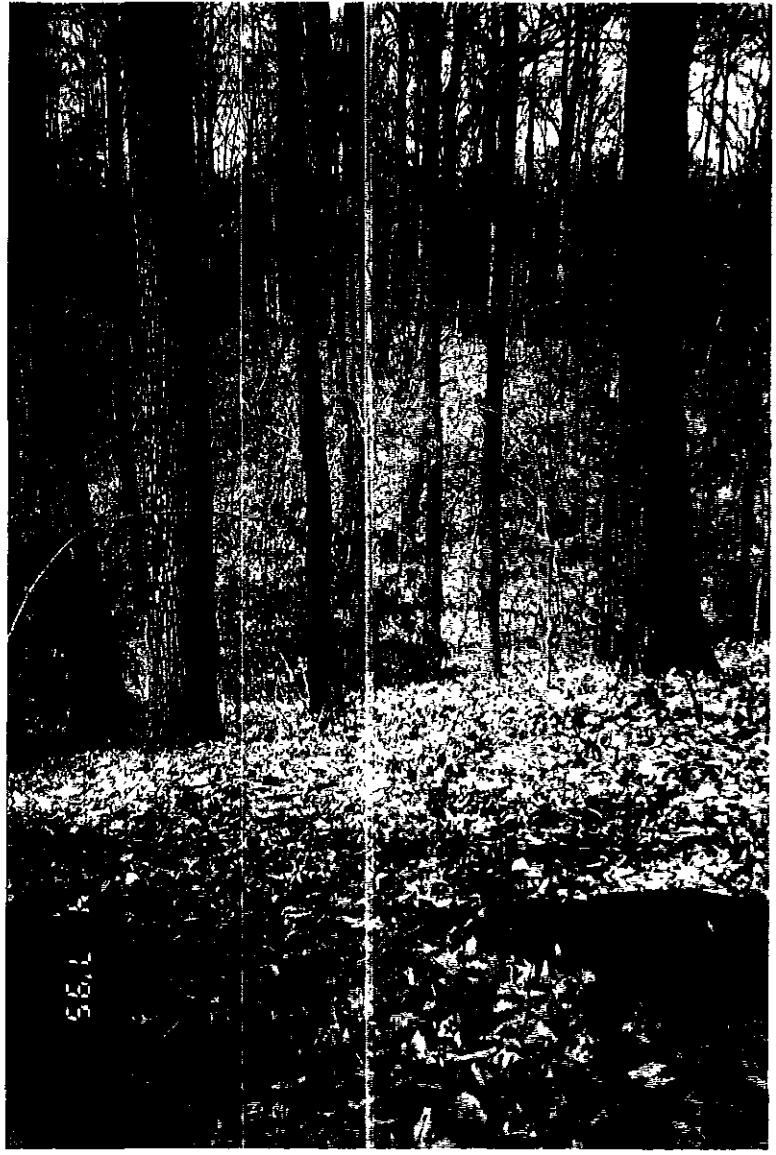
If GBAC can be of any further help, please give me a call (667-0800).

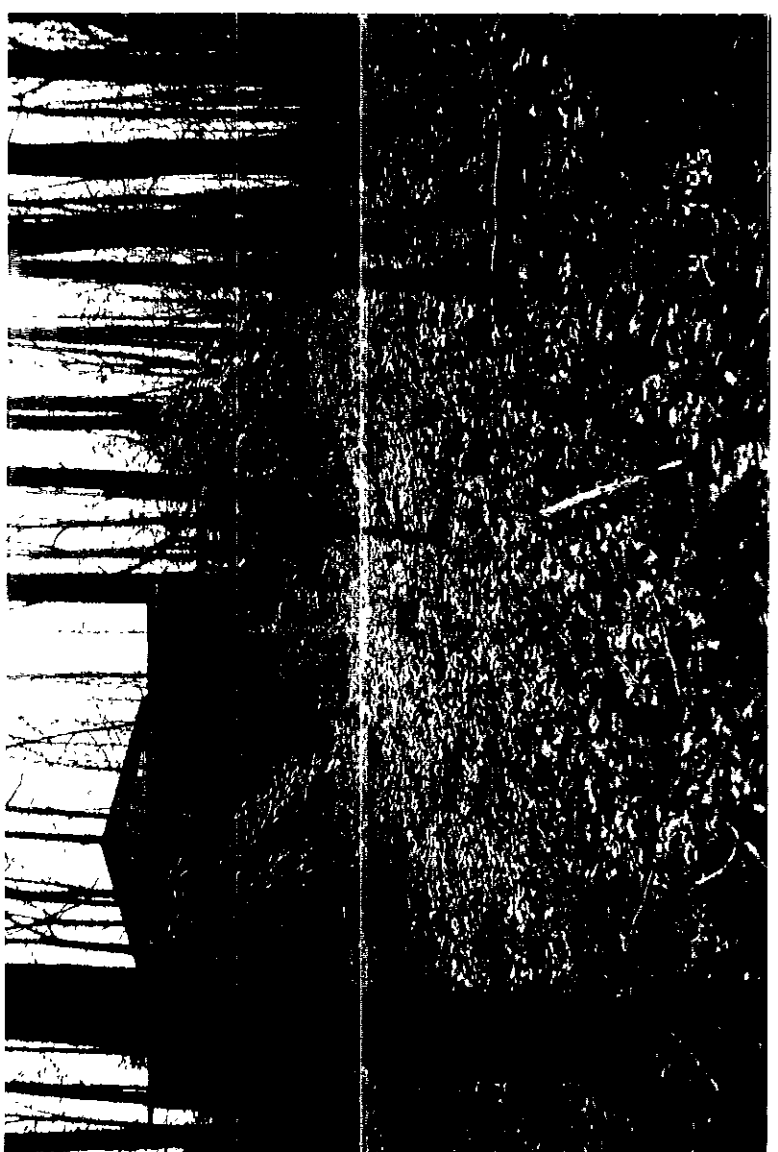
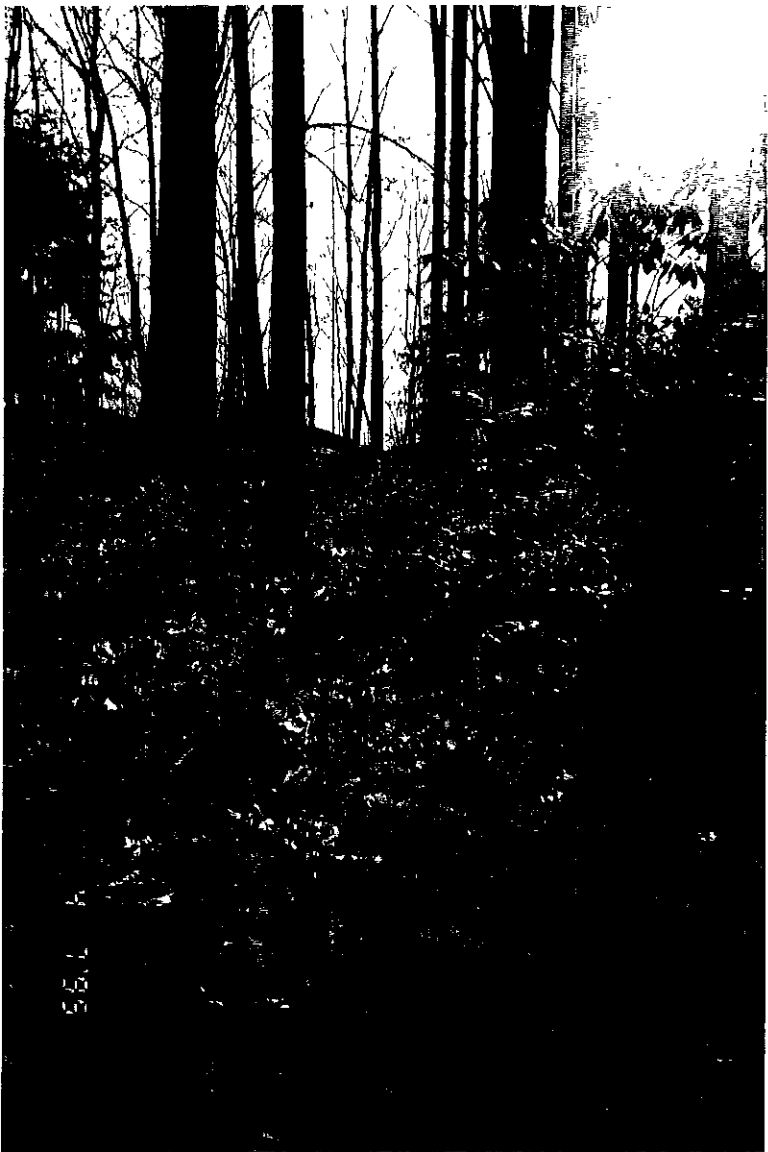
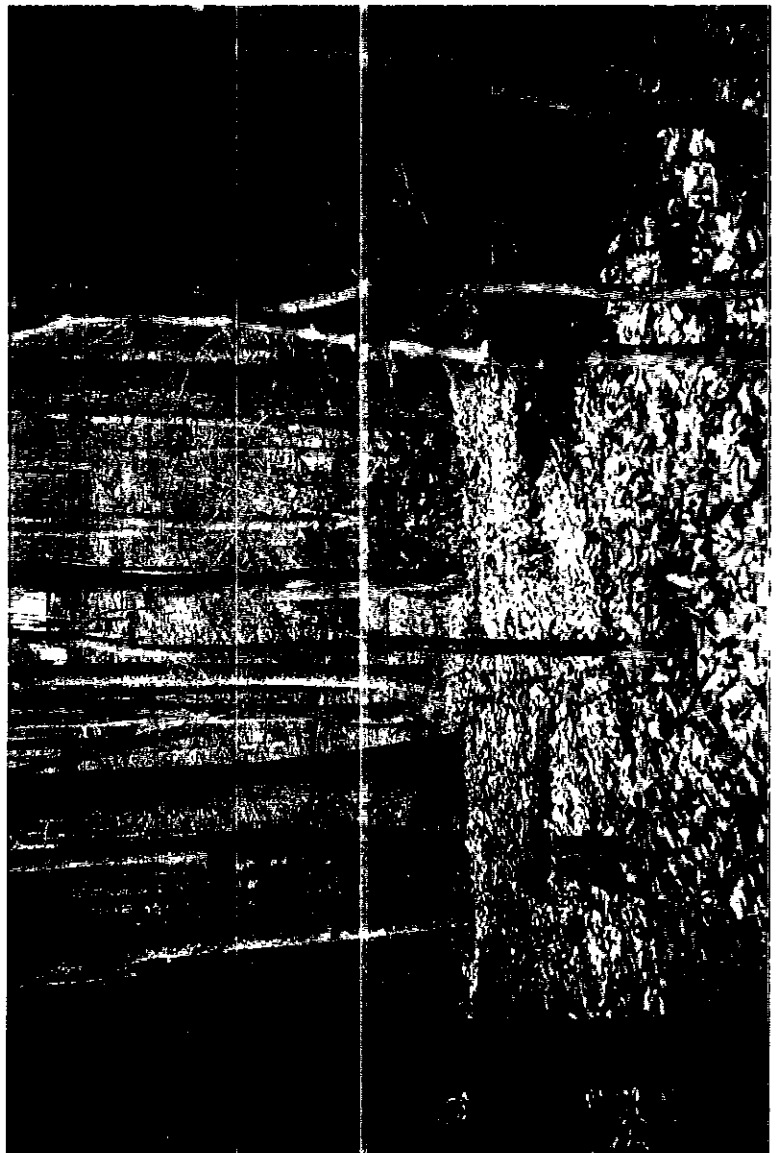
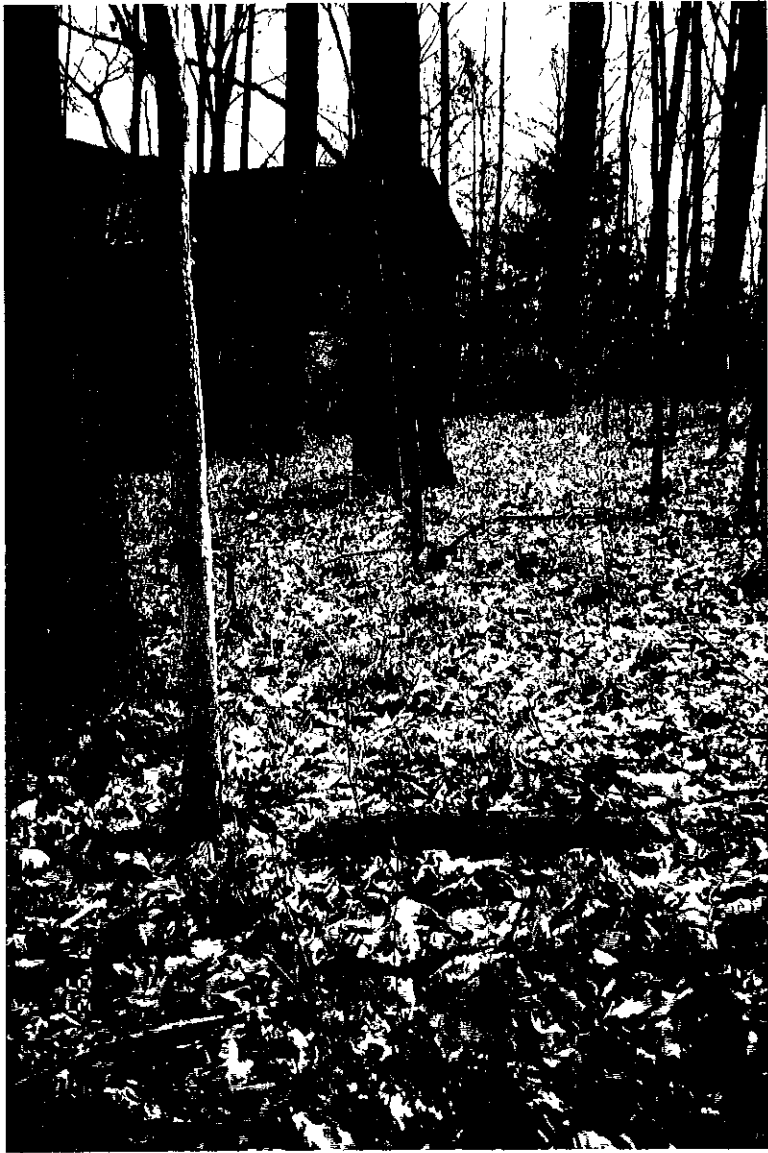
Very truly yours,

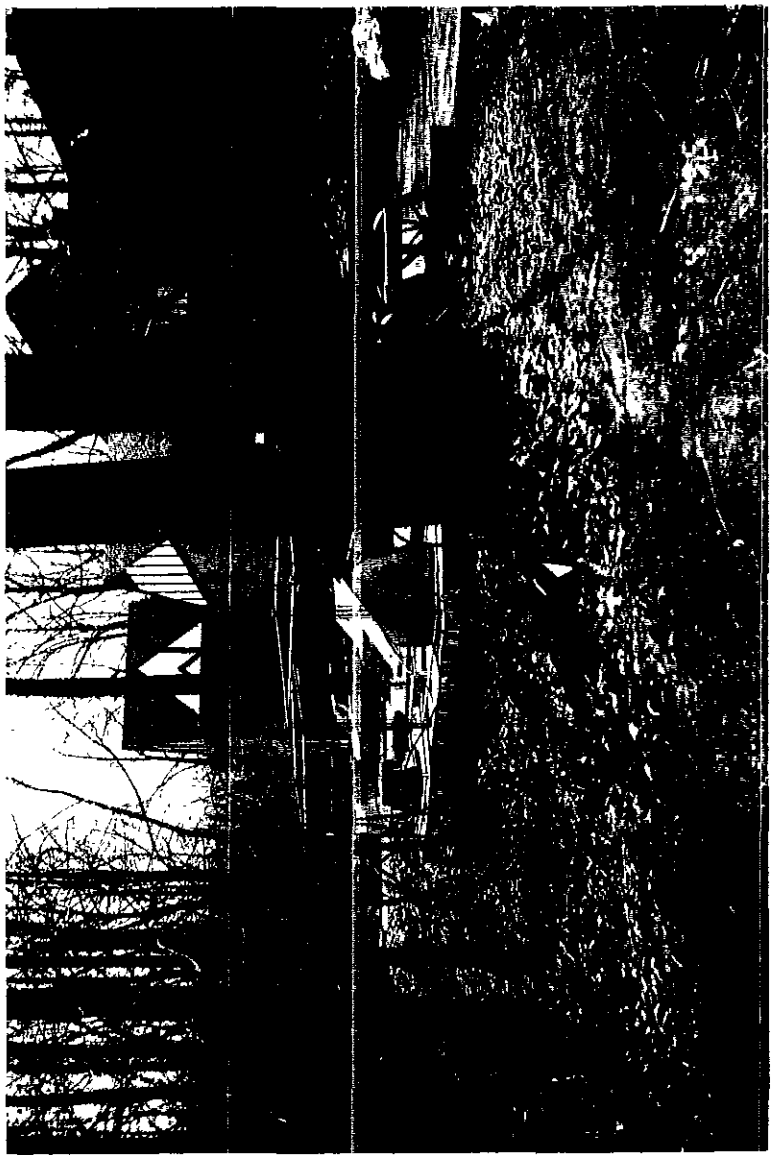
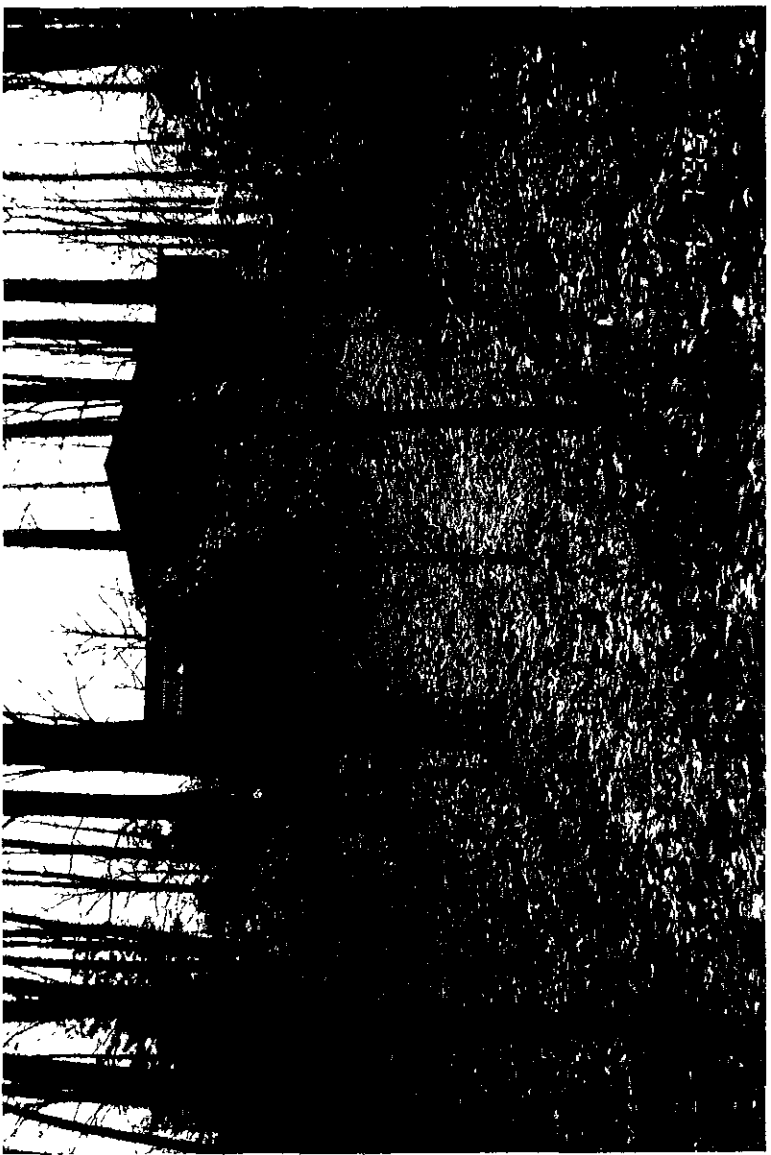
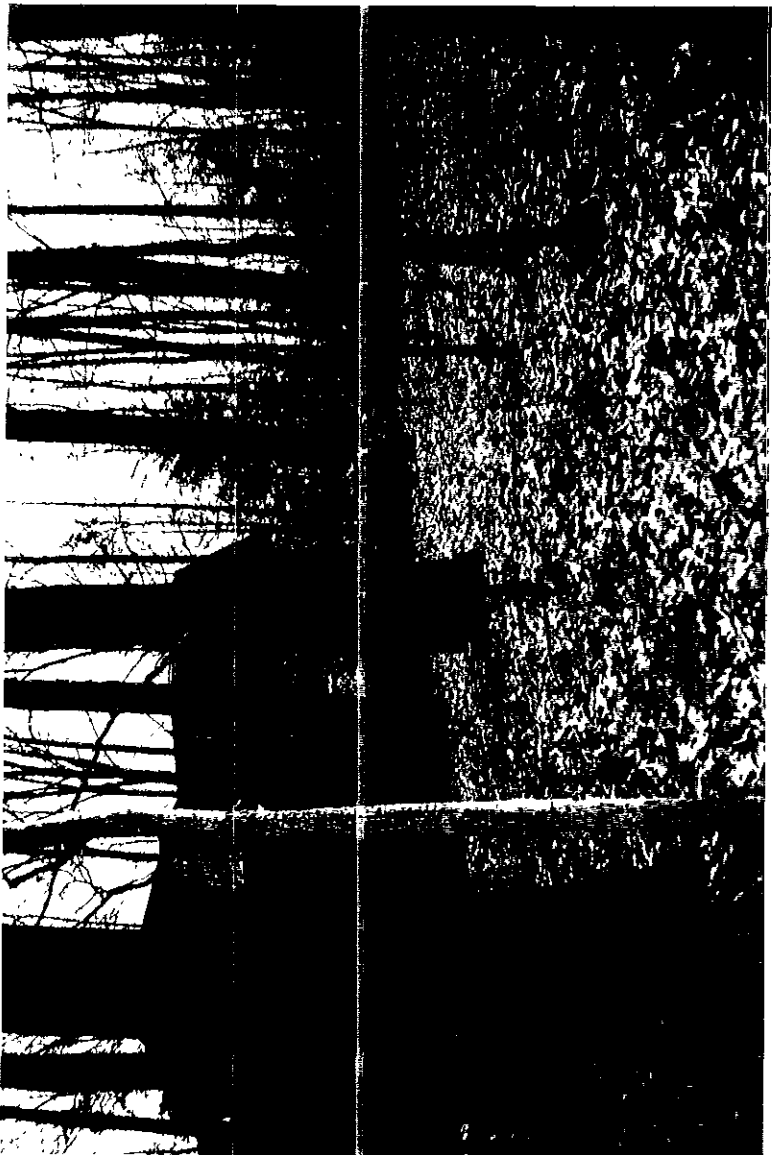

Thomas O. Moore

TOM/rb









Plat to accompany Petition for Zoning Variance Special Hearing

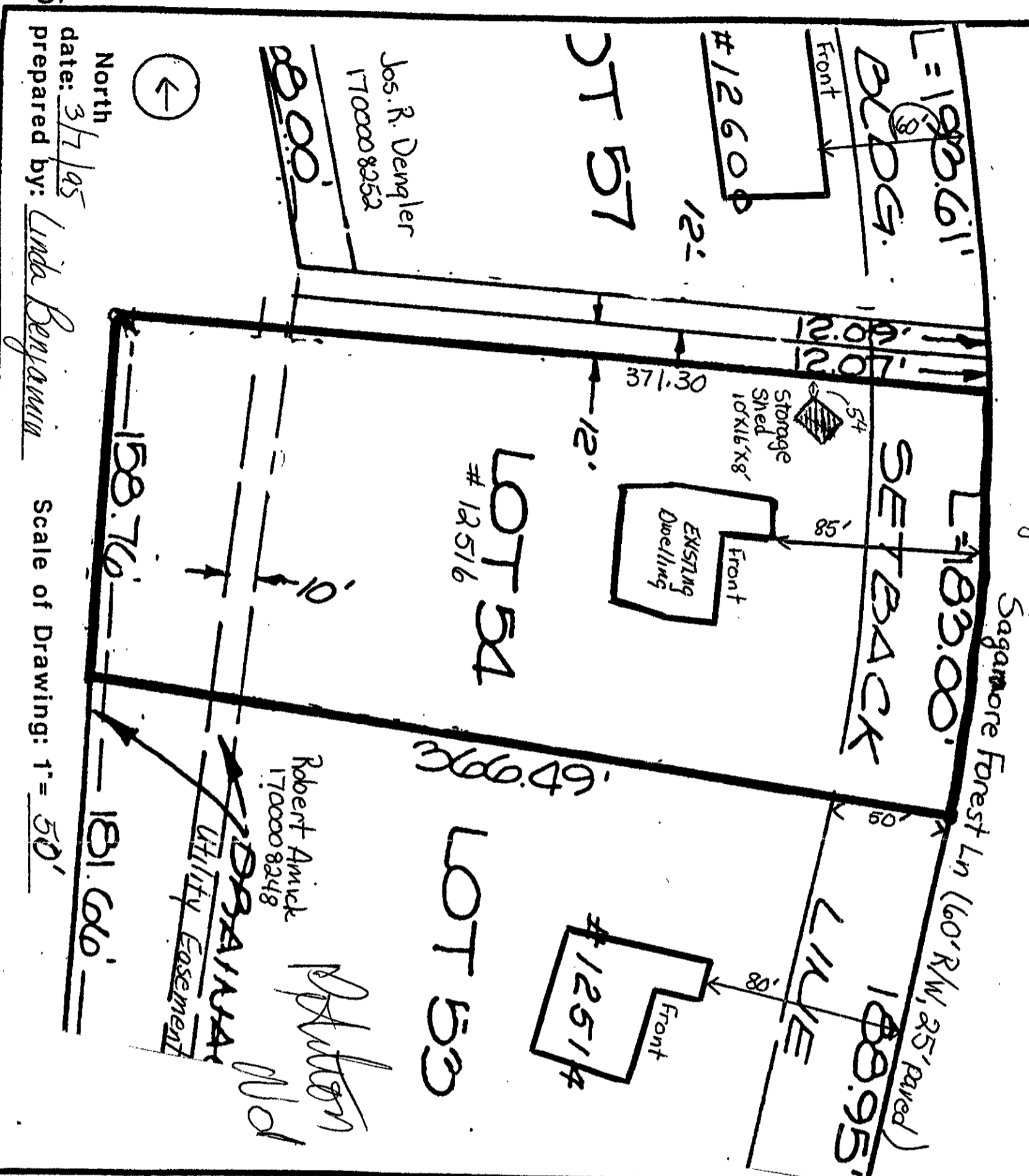
PROPERTY ADDRESS: 12516 Sagamore Forest Ln, Reisters town, MD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Sagamore Forest

plat book # 39, folio # 74, lot # 54, section # 3

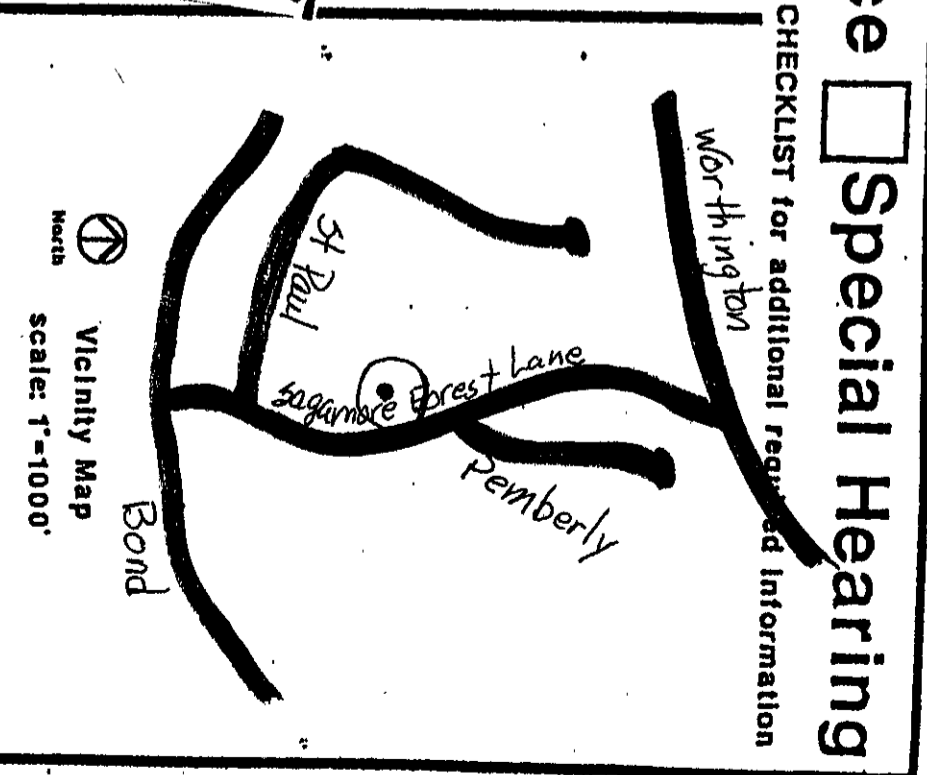
OWNER: Andrew M. and O. Linda Benjamin

95-314-A



North
date: 3/7/05
prepared by: Linda Benjamin

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 444
Councilmanic District: 3

1"=200' scale map#: NW 16-I

Zoning: RC5
Lot size: 1.457 acreage 63,466.9 square feet

SEWER: Public Private
WATER: Yes No
Chesapeake Bay Critical Area: Yes No
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: SWM ITEM #: 306 CASE#:



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

LOCATION
ST. GEORGE
VICINITY

SCALE
1" = 200' ±
DATE
16-1

95-314-A

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Sagamore Forest Lane, 360' * ZONING COMMISSIONER
S of c/1 Pemberly Court *
12516 Sagamore Forest Lane * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District * Case No. 95-314-A
Andrew M. Benjamin, et ux *
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 12516 Sagamore Forest Lane in the Reisterstown section of Baltimore County. The Petition is filed by Andrew M. Benjamin and Ora Linda Benjamin, his wife, property owners. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (shed) to be located in the front yard, in lieu of the required rear yard. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case were the aforementioned Andrew Benjamin and O. Linda Benjamin, property owners. Appearing in opposition to the request were nearby property owners, Mr. and Mrs. David Cuneo.

Testimony and evidence presented was that the subject site is 1.457 acres in area and is zoned R.C.5. The property is located in the Sagamore Forest subdivision, a community of large single family dwellings on substantially sized lots. The Petitioners' property fronts Sagamore Forest Lane and is improved with an existing dwelling which is depicted on both the site plan and in numerous photographs which were submitted. The Petitioners have owned the subject property and have resided thereon since September 1994.

Mr. Benjamin described the rear of the subject lot as containing steep slopes which fall away from the rear of the house. Moreover, the house does not contain a garage. In order to meet storage needs, the Petitioners decided to construct a storage shed on the property. The shed was built in November of 1994. The shed measures 10 ft. x 16 ft. in dimension and is 8 ft. high. Owing to the topography of the land, the shed has been placed in the front yard, as is shown on the site plan. The Petitioners indicated that the shed could not be constructed in the rear yard because of the above described topography. The shed is used solely for storage purposes, to house bicycles, a lawn mower, etc. Public utilities are not connected to the shed and the structure is and will not be used for commercial purposes.

Mr. and Mrs. Cuneo reside nearby, on Pemberly Lane. They have lived in the community for approximately 17 years. They fear diminution of property values and a dangerous precedent should the variance be granted. They note that other properties in the community contain sheds but, in those other cases, the structures are located in the rear or side yards. They also complain that the shed is visible to vehicular and pedestrian traffic. The photographs and a site visit demonstrate that although the shed is visible from the road, it is set back and partially screened by vegetation.

In order for the Petitioners' request to be granted, they must satisfy the requirements contained in Section 307 of the BCZR. Therein the Petitioner must demonstrate that they or their property would suffer a practical difficulty if the relief were denied. Moreover, evidence must be adduced that the property carries a unique feature which justifies the variance. Moreover, variance relief can be granted only if same is consis-

tent with the spirit and intent of the BCZR and not detrimental to the surrounding locale.

As to the practical difficulty/uniqueness test, I am persuaded that the Petitioner has satisfied same. In this respect, the topography of the site in the rear yard constitutes a unique factor which justifies the variance. The slope is, indeed, steep and placement of the shed in the rear yard is not possible.

Regarding the effect on the neighborhood, I am not convinced that the Protestants' argument that placement of the shed, where located, is detrimental to the surrounding locale. This is a large lot which is heavily wooded. Moreover, the regulations require this Zoning Commissioner to consider each case on its own merit. No precedential value attaches to the decision made. Other property owners in the neighborhood should not consider approval of this case as a green light to the construction of other sheds in their front yards. Each property must be adjudged on its own merits and considered accordingly. For these reasons, I am persuaded that the Petitioners have satisfied the required standard and that the relief should be granted.

Notwithstanding my approval of the variance, however, I am empowered to attach certain restrictions to the grant of the relief. In this respect, I shall require the Petitioners to submit a landscape plan for approval by the County Landscape Architect. This landscape plan should provide for the installation of trees and/or shrubs to entirely screen the shed from the roadway. Although the lot already is wooded, screening by pine or evergreen trees is appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of April, 1995 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (shed) to be located in the front yard, in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions 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 submit a landscape plan to the County's Landscape Architect for approval showing that the subject shed will be entirely screened with trees and/or shrubs from neighboring properties and Sagamore Forest Lane.

LES/mmm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

FOR FILING
4/18/95
Sh. Schmidt

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
April 18, 1995

Mr. and Mrs. Andrew M. Benjamin
12516 Sagamore Forest Lane
Reisterstown, Maryland 21136
RE: Case No. 95-314-A
Petition for Variance
Property: 12516 Sagamore Forest Lane

Dear Mr. and Mrs. Benjamin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
cc: Mr. and Mrs. David Cuneo, 7 Pemberly Lane, Reisterstown

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 12516 Sagamore Forest Lane, Reisterstown, Maryland, which is presently zoned ROP/R06

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situated 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(s) 400.1, BCZR TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
Practical difficulty: The backyard slopes down at a continuous rate of approx. 8 feet per 25 feet. A substantial foundation would have to be built and/or land excavated to allow easy access and a safe level building.

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.

Contract Purchaser/Lessor: _____
(Type or Print Name)
Signature: _____
Address: _____
City: _____ State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____ Phone No: _____
City: _____ State: _____
ESTIMATED LENGTH OF HEARING: _____
the following date: _____
REVIEWED BY: *Quin* DATE: *2-2-95*
306

Zoning Description
Zoning Description for 12516 Sagamore Forest Lane

Beginning at a point on the east side of Sagamore Forest Lane which is 60 feet* wide at the distance of 360 feet south of the centerline of the nearest improved intersecting street which is 20 feet wide. Being Lot #54, Section #3 in the subdivision of Sagamore Forest as recorded in Baltimore County Plat Book #A32-74, Folio #74, containing 1.457 acres. Also known as 12516 Sagamore Forest Lane and located in the 4th Election District.

* The asphalt road itself is 25 feet wide.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: *4th* Date of Posting: *4/17/95*
Posted for: *Variance*
Petitioner: *Ora & Linda Benjamin*
Location of property: *12516 Sagamore Forest Lane, Md.*
Location of Sign: *Along roadway on property being zoned*
Remarks: _____
Posted by: *LES* Date of return: *4/21/95*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION
TOWSON, MD., *3/24*, 1995
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of *1* successive weeks, the first publication appearing on *3/23*, 1995.
THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON

306 receipt
 95-314-A
 Account: R 0014150
 Number: XM
 Date: 3-8-95
 LINDA BENJAMIN 12516 SAGAMORE FOREST LN
 A VAR (010) 52.00
 POSTAGE (050) 35.00
 87.00
 Please Make Checks Payable To: Baltimore County
 Cashier Validation

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/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 and placement of a notice in at least one newspaper of general circulation in the County.
 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.
PAYMENT WILL BE MADE AS FOLLOWS:
 1) Posting fees will be accessed and paid to this office at the time of filing.
 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.
 Arnold Jablon, Director
 For newspaper advertising:
 Item No.: 306
 Petitioner: Linda Benjamin
 Location: see below
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: Linda Benjamin
 ADDRESS: 12516 Sagamore Forest Ln
 Reisterstown, MD 21136
 PHONE NUMBER: 410-526-8465
 AJ:ggg (Revised 04/09/93) 13

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353
 March 20, 1995
NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 95-314-A (Item 306)
 12516 Sagamore Forest Lane
 E/S Sagamore Forest Lane, 360' S of c/l Peabody Court
 4th Election District - 3rd Councilmanic
 Legal Owner(s): Gen Linda Benjamin and Andrew M. Benjamin
HEARING: WEDNESDAY, APRIL 12, 1995 at 11:00 a.m. in Room 106, County Office Building.
 Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
 Arnold Jablon, Director
 cc: Andrew and Linda Benjamin
NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353
 April 5, 1995
 Mr. and Mrs. Andrew Benjamin
 12516 Sagamore Forest Lane
 Reisterstown, Maryland 21136
 RE: Item No.: 306
 Case No.: 95-314-A
 Petitioner: A. M. Benjamin, et ux
 Dear Mr. and Mrs. Benjamin:
 The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 8, 1995.
 Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.
 If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).
 Sincerely,
 W. Carl Richards, Jr.
 Zoning Supervisor
 WCR/jw
 Attachment(s)

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 TO: Arnold Jablon, Director
 Zoning Administration &
 Development Management
 FROM: Pat Keller, Director
 Office of Planning and Zoning
 DATE: March 21, 1995
 SUBJECT: 12516 Sagamore Forest Lane
INFORMATION:
 Item Number: 306
 Petitioner: Benjamin Property
 Property Size: _____
 Zoning: R.C.-5
 Requested Action: Variance
 Hearing Date: _____
SUMMARY OF RECOMMENDATIONS:
 The applicant requests a Variance to locate an accessory structure in the front yard in lieu of the required rear yard.
 While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.
 Prepared by: Jeffrey M. Long
 Division Chief: _____
 PK/JL

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 TO: Arnold Jablon, Director
 Zoning Administration and Development Management
 DATE: March 27, 1995
 FROM: Robert W. Bowling, P.E., Chief
 Developers Engineering Section
 RE: Zoning Advisory Committee Meeting
 for March 27, 1995
 Items 305, 306, 308, 310, 311, 312 and 313
 The Developers Engineering Section has reviewed the subject zoning items and we have no comments.
 RWB:aw

Baltimore County Government
 Fire Department
 700 East Joppa Road Suite 901
 Towson, MD 21286-5500 (410) 887-4500
 DATE: 03/22/95
 Arnold Jablon
 Director
 Zoning Administration and
 Development Management
 Baltimore County Office Building
 Towson, MD 21204
 MAIL STOP-1105
 RE: Property Owner: SEE BELOW
 LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.
 Item No.: SEE BELOW Zoning Agenda:
 Gentlemen:
 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
 B. The Fire Marshal's Office has no comments at this time.
 IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307, 308, 310, 311, 312 AND 313. ?
RECEIVED
 MAR 24 1995
ZADM
 REVIEWER: LT. ROBERT P. SAUERWALD
 Fire Marshal Office, FMCNE 887-4881, MS-1106F
 cc: File

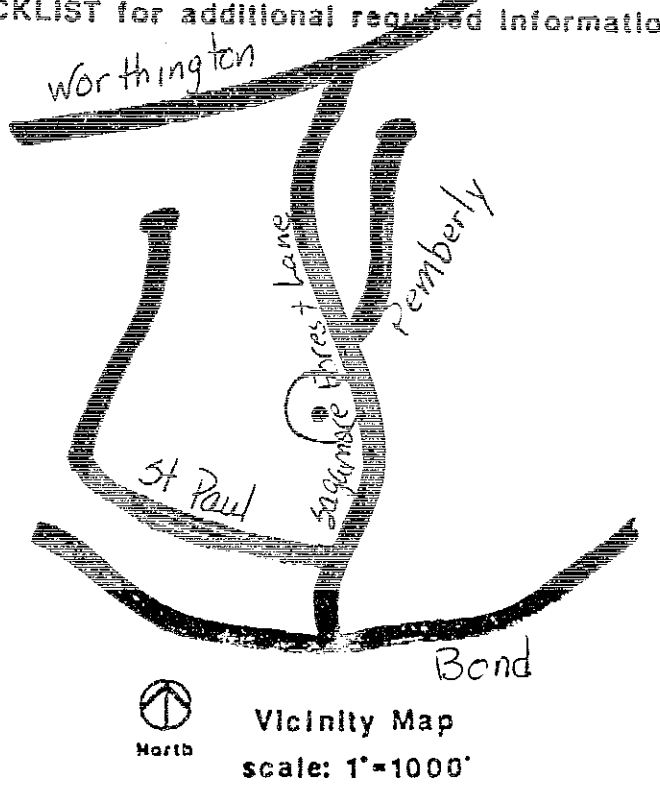
Maryland Department of Transportation
 State Highway Administration
 O. James Lighthizer
 Secretary
 Hal Kassoff
 Administrator
 3-21-95
 Ms. Joyce Watson
 Zoning Administration and
 Development Management
 County Office Building
 Room 109
 111 W. Chesapeake Avenue
 Towson, Maryland 21204
 Re: Baltimore County
 Item No.: 306 (JCM)
 Dear Ms. Watson:
 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 project.
 Please contact Bob Small at 410-333-1350 if you have any questions.
 Thank you for the opportunity to review this item.
 Very truly yours,
 Bob Small
 for Ronald Burns, Chief
 Engineering Access Permits
 Division
 ES/
 My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-8758 Statewide Toll Free
 Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 12516 Sagamore Forest Ln, Reisterstown, MD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Sagamore Forest
 Plat book # 39:141010# 74, lot # 54, section # 3

OWNER: Andrew M. and O. Linda Benjamin



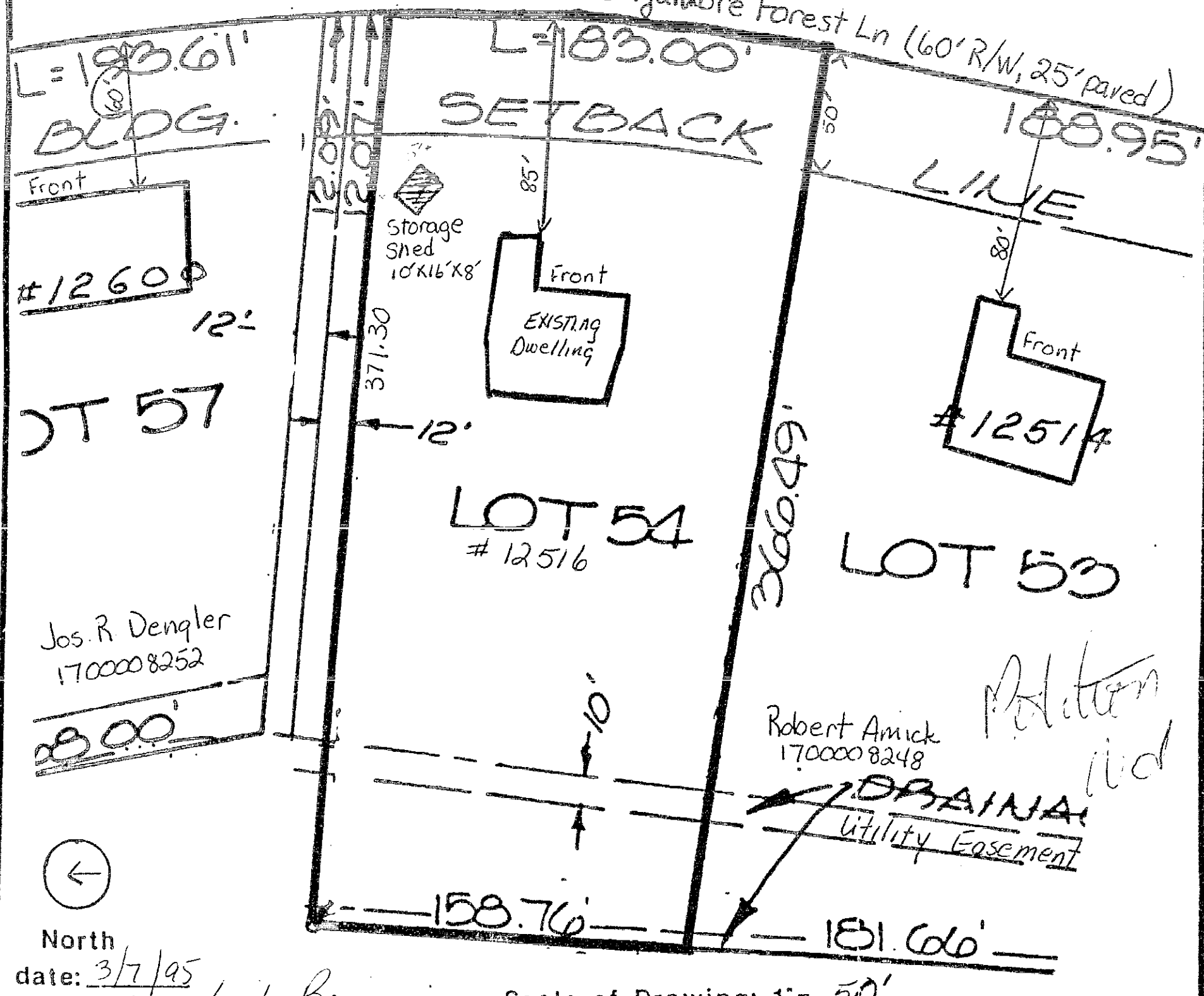
LOCATION INFORMATION

Election District: 4th
 Councilmanic District: 3
 1"=200' scale map#: NW 16-I
 Zoning: RC5
 Lot size: 0.457 acreage, 63,466.9 square feet

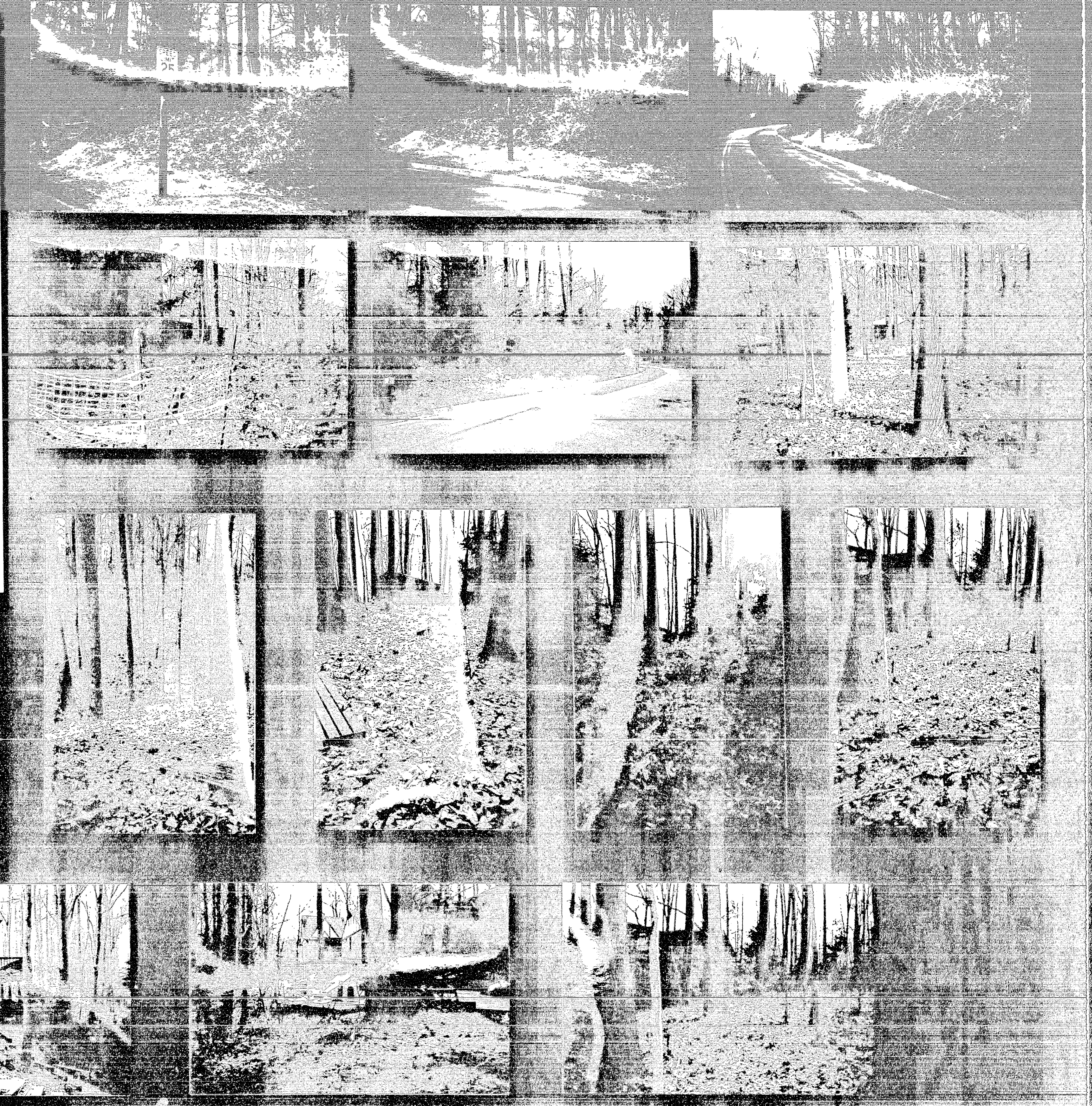
Public Private
 SEWER:
 WATER:
 Chesapeake Bay Critical Area:
 Prior Zoning Hearings: none

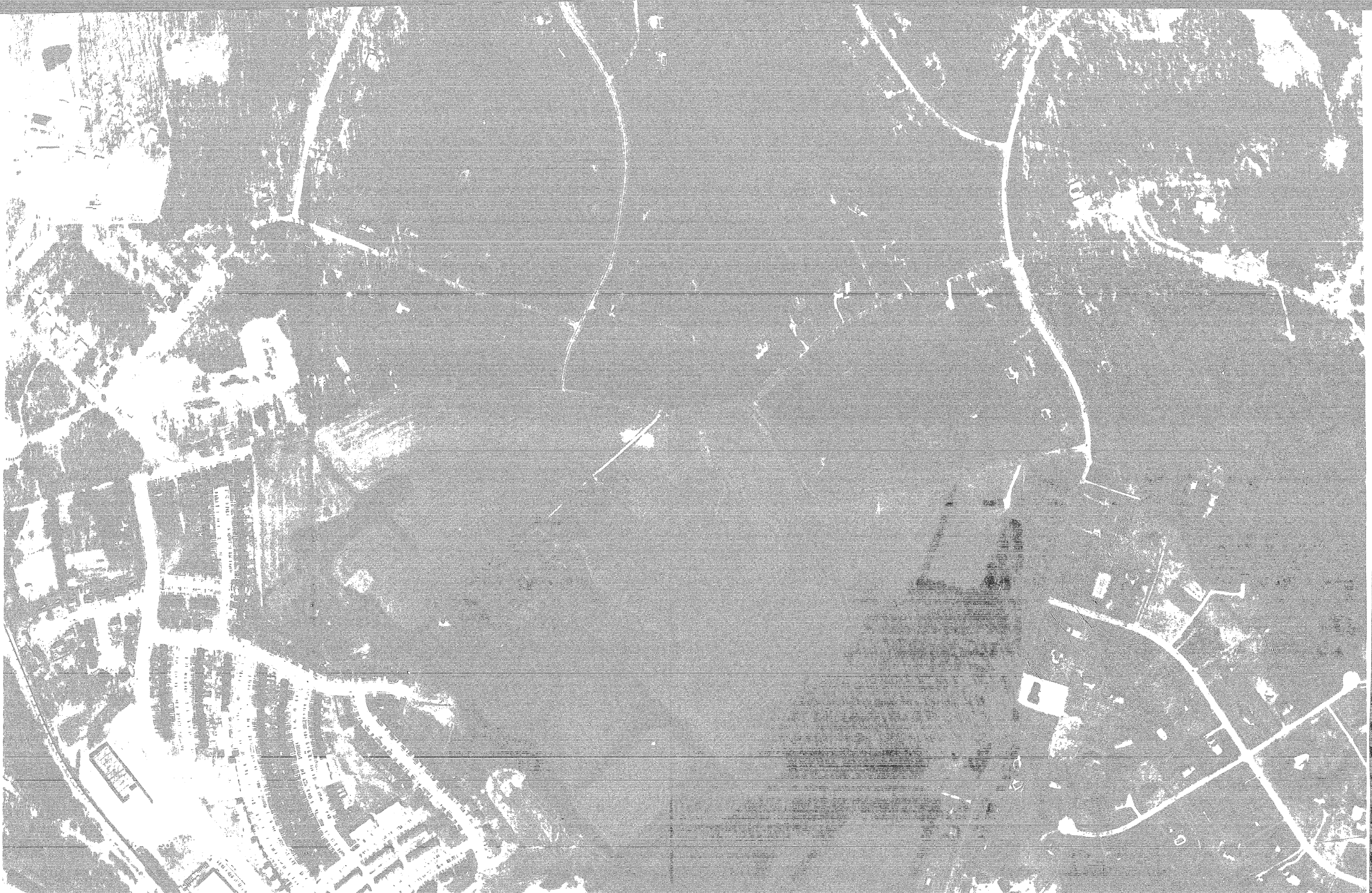
Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 306 CASE #:



North
 date: 3/7/05
 prepared by: Linda Benjamin
 Scale of Drawing: 1" = 50'





95-314-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

SCALE	LOCATION	SHEET
1" = 200' ±	ST GEORGE	N W
DATE	VICINITY	16-1