

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Forge Road, 310 ft. E *
 of c/l Randall Avenue * ZONING COMMISSIONER
 5106 Forge Road *
 11th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District *
 Thomas L. Raines, et ux * Case No. 96-409-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 5106 Forge Road in Perry Hall. The Petition is filed by Thomas L. Raines and Linda G. Raines, his wife, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 40 ft., a side yard setback of 10 ft., and a sum of the side yard setbacks of 30.51 ft., in lieu of the minimum required 50 ft., 20 ft., and 50 ft., respectively. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were Thomas L. Raines and Linda Raines, property owners. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence presented was that Mr. and Mrs. Raines have owned the lot since 1991. When acquired, the parcel was unimproved. In July of 1995, the Raines began construction of a single family dwelling on the lot. The construction of the house is nearly complete, however, the Petitioners request variance relief in order to construct an attached garage. The Petitioners further observed that delay in construction on the subject lot was occasioned by a delay in obtaining public sewerage to the property. However, the sewer line has been completed and the connection made.

ORDER RECEIVED FOR FILING
 Date 5/30/96
 By Sh. Hoak

MICROFILMED

Furthermore, a review of the site plan shows that the property is approximately one acre in area and is zoned D.R.1. This is a flag shaped lot, with a lengthy stem of approximately 473 ft. which leads from Forge Road to the interior of the site. As shown on the site plan, the Petitioners are constructing their house so as to maintain a 41 ft. front yard setback and a 50 ft. rear yard setback. Two side yard setbacks, caused by the unusual shape of the site, are 10 ft. and 20.51 ft., respectively. The sum of the side yard setbacks is 30.51 ft.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. The testimony and evidence offered on behalf of the Petitioner is persuasive. I am convinced that the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The grant of variance relief, as requested, is appropriate particularly in view of the nature of the surrounding locale. Moreover, it is clear that the required variance relief is consistent with the BCZR and will not be detrimental to surrounding properties.

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 30th day of May, 1996 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 40 ft., a side yard setback of 10 ft., and a sum of the side yard setbacks of 30.51 ft., in lieu of the minimum required 50 ft., 20 ft., and 50 ft., respectively, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk

ORDER RECEIVED FOR FILING

Date

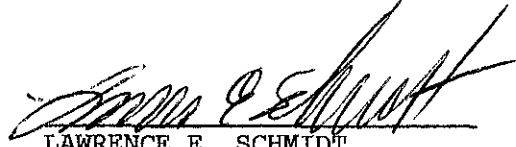
5/30/96

By

M. D. D. D.

MICROFILMED

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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 5/30/96
By M. Gork

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 30, 1996

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

RE: Case No. 96-409-A
Petition for Zoning Variance
Property: 5106 Forge Road, Perry Hall

Dear Mr. and Mrs. Raines:

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

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.

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-409-A

5106 Forge Rd, Perry Hall, MD 21128

which is presently zoned

DR1

This Petition shall be filed with the Department of Permits & 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) 1B02.3.C.1

To allow a front yard setback of 40 feet, a side yard setback of 10 feet and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet and 50 feet respectively.

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

We need to put a garage addition on the house because the house is located in a heavilywooded area. The garage would increase the safety of coming and going from the house.

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.

(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):

Thomas L. Raines

(Type or Print Name)

Signature

Linda G. Raines

(Type or Print Name)

Signature

4 Bandol Ct 574-8774
Address Phone No.

Baltimore, MD 21237
City State Zipcode
Name, Address and phone number of representative to be contacted.

Linda G. Raines
Name

4 Bandol Ct wk-574-4840
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

3/4 hr

the following dates

Next Two Months

ALL OTHER

REVIEWED BY: [Signature] DATE 4-19-96



Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

MICROFILMED

408

ZONING DESCRIPTION

408

Thomas & Linda Raines
4 Bandol Ct
Baltimore, MD 21237

96-409-A

re: 5106 Forge Rd
Baltimore, MD 21128

Zoning description for 5106 Forge Rd, Baltimore, MD 21128

Election District- 11 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

BEGINNING FOR THE SAME in the center of Old Forge Road at the beginning of the land which by deed dated March 21, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 1949 folio 72 was conveyed by Whitefield Davenport and Leslie E. Davenport to Reed C. Johnson and wife, thence leaving said place of beginning and the center of said road and running and binding reversely on the 7th or South 5 degrees 20 minutes 00 seconds East 473.52 foot line of said deed, (erroneously written as South 59 degrees 20 minutes 00 seconds East 473.52 feet in said deed), referring all courses of this description to the meridian of the aforesaid deed, (1) North 05 degrees 20 minutes 00 seconds West 473.52 feet to the end of the 6th line of the abovementioned deed, thence running and binding reversely on said 6th line (2) North 84 degrees 40 minutes 00 seconds East 301.37 feet to the end of the 5th line of the abovementioned deed and to the westernmost side of a road 15 feet wide, thence running and binding reversely on the 5th line of said deed also on the westernmost side of said road with the use thereof in common with others entitled thereto, (3) South 05 degrees 20 minutes 00 seconds East 90.50 feet to the end of the 4th line of the hereinmentioned deed, thence leaving said 15 foot road and binding reversely on the 4th line and on a part of the 3rd line of said deed two following courses and distances, viz:(4) South 84 degrees 40 minutes 00 seconds West 162.97 feet and thence (5) South 05 degrees 20 minutes 00 seconds East 69.49 feet, thence leaving the 3rd line of the aforesaid deed and running for new lines of division thru the land described therein of which the parcel now being described is a part, the 2 following courses and distances, viz: (6) South 84 degrees 40 minutes 00 seconds West 118.40 feet and thence (7) South 05 degrees 20 minutes 00 seconds East 327.79 feet to intersect the first line of the above mentioned deed and to the center of Old Forge Road, thence running and binding reversely on a part of said first line and also in the center of Old Forge Road (8) North 59 degrees 50 minutes 00 seconds West 24.57 feet to the place of beginning.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Varidner Date of Posting: 5/10/96

Posted for: _____
Petitioner: Thomas & Heidi Reims

Location of property: 5706 Forge Rd N/S

Location of Signer: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 5/10/96

Number of Signs: 1

MICROFILMED



NOTICE OF HEARINGS

The Zoning Commissioners 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, 21284, or Room 118, Old Courthouse, 400 Westlinton Avenue, Towson, Maryland 21284 as follows:

Case #96-409-A
(Item 408)
5106 Forge Road
MS Forge Road, 310' E of c1
Rearall Avenue
11th Election District
5th Courthouse
Legal Offices
Thomas E. Barnes and Linda
Reidys

Variances to allow a front yard setback of 47 feet, a side yard setback of 10 feet, and a sum of side yard setbacks of 30.57 feet in lieu of the minimum required 50 feet, 20 feet, and 50 feet respectively.
Hearing: Wednesday, May 29, 1996 at 1000 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.

5/28 May 2

CA8576

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/2, 19 96

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 5/2, 19 96.

THE JEFFERSONIAN,
A. H. Enright
LEGAL AD. - TOWSON.

RECORDED



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 assessed 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.: 408 Petitioner: TOM + LINDA RAINES
 Location: 5106 FORGE Rd BALTO, MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

NAME: TOM RAINES
 ADDRESS: 4 BANDO CT
BALTO MD 21237
 PHONE NUMBER: 410 574 8774

MICROFILMED

5106 Forge Road
 N/S Forge Road, 310' E of c/l Randall Avenue
 11th Election District - 5th Councilmanic
 Legal Owner(s): Thomas L. Raines and Linda Raines

Variance to allow a front yard setback of 40 feet, a side yard setback of 10 feet, and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet, and 50 feet respectively.

HEARING: WEDNESDAY, MAY 29, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Plat to accompany Petition for Zoning

PROPERTY ADDRESS: _____

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



North

date: _____ prepared by: _____

Scale of Drawing: 1" = _____

TO: PUTUXENT PUBLISHING COMPANY
May 2, 1996 Issue - Jeffersonian

Please forward billing to:

Thomas and Linda Raines
4 Bandol Court
Baltimore, MD 21237
574-8774

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: 96-409-A (Item 408)
5106 Forge Road
N/S Forge Road, 310' E of c/l Randall Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Thomas L. Raines and Linda Raines

Variance to allow a front yard setback of 40 feet, a side yard setback of 10 feet, and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet, and 50 feet respectively.

HEARING: WEDNESDAY, MAY 29, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

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: 96-409-A (Item 408)
5106 Forge Road
N/S Forge Road, 310' E of c/l Randall Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Thomas L. Raines and Linda Raines

Variance to allow a front yard setback of 40 feet, a side yard setback of 10 feet, and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet, and 50 feet respectively.

HEARING: WEDNESDAY, MAY 29, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas and Linda Raines

- 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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

Mr. and Mrs. Thomas L. Raines
4 Bandol Court
Baltimore, MD 21237

RE: Item No.: 408
Case No.: 96-409-A
Petitioner: Thomas Raines, et ux

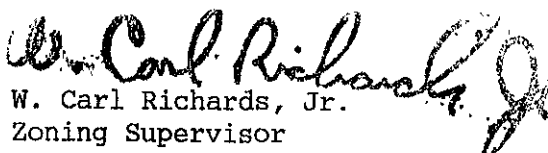
Dear Mr. and Mrs. Raines:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 19, 1996.

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 (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/re
Attachment(s)

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 6, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 6, 1996
Item Nos. 399, 401, 402, 405, 406, 408

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

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

TO: PDM

DATE: 5-1-96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 4-29-96

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

Item #'s: 401, 402, 404, 407, 408

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/30/96

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 APRIL 29, 1996.

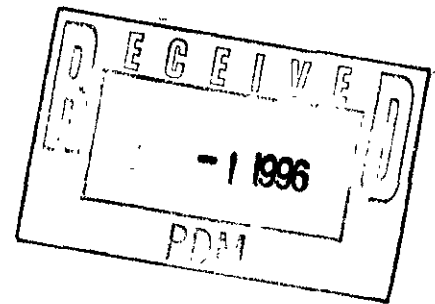
Item No.: SEE BELOW

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: 400, 401, 402, 403, 404, 405,
406, 407, 408 and 409.



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

cc: File

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: May 1, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 399, 400, 406, 407, 408 and 409. (S)

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kern

PK/JL:lw



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

4-30-96

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

RE: Baltimore County
Item No. 400 (JJS)


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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

RE: PETITION FOR VARIANCE
5106 Forge Road, N/S Forge Road, 310' E
of c/l Randall Avenue, 11th Election
District, 5th Councilmanic

Thomas and Linda Raines
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-409-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 20th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Thomas and Linda Raines, 4 Bandol Court, Baltimore, MD 21237, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tom RAINES
Linda RAINES

4 BANDO CA
BALTO MD 21237

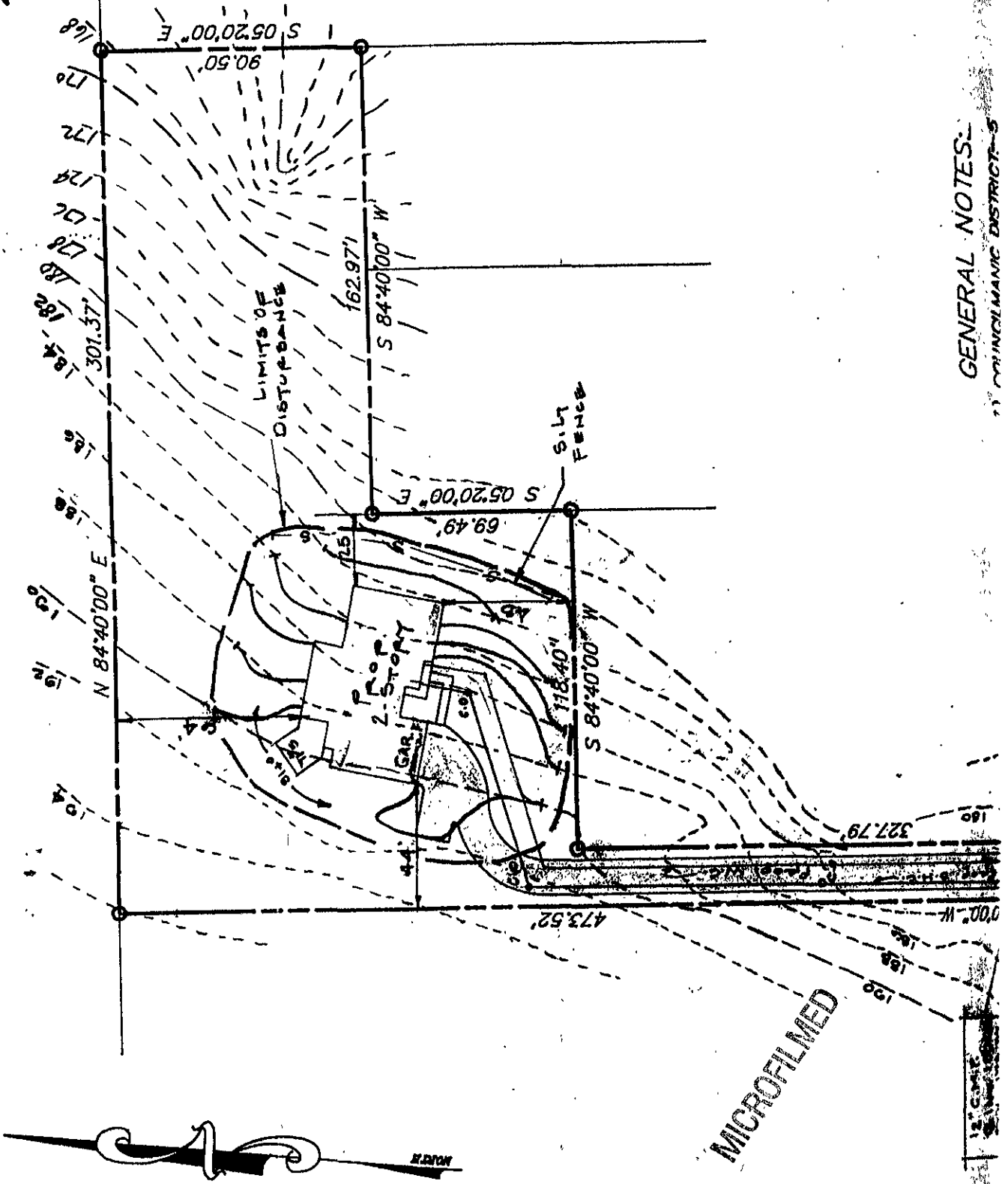


Printed with Soybean Ink
on Recycled Paper

MICROFILMED

408
25/10

96-409-A



GENERAL NOTES:
MUNICIPAL DISTRICT-5

MICROFILMED

12' CORNER



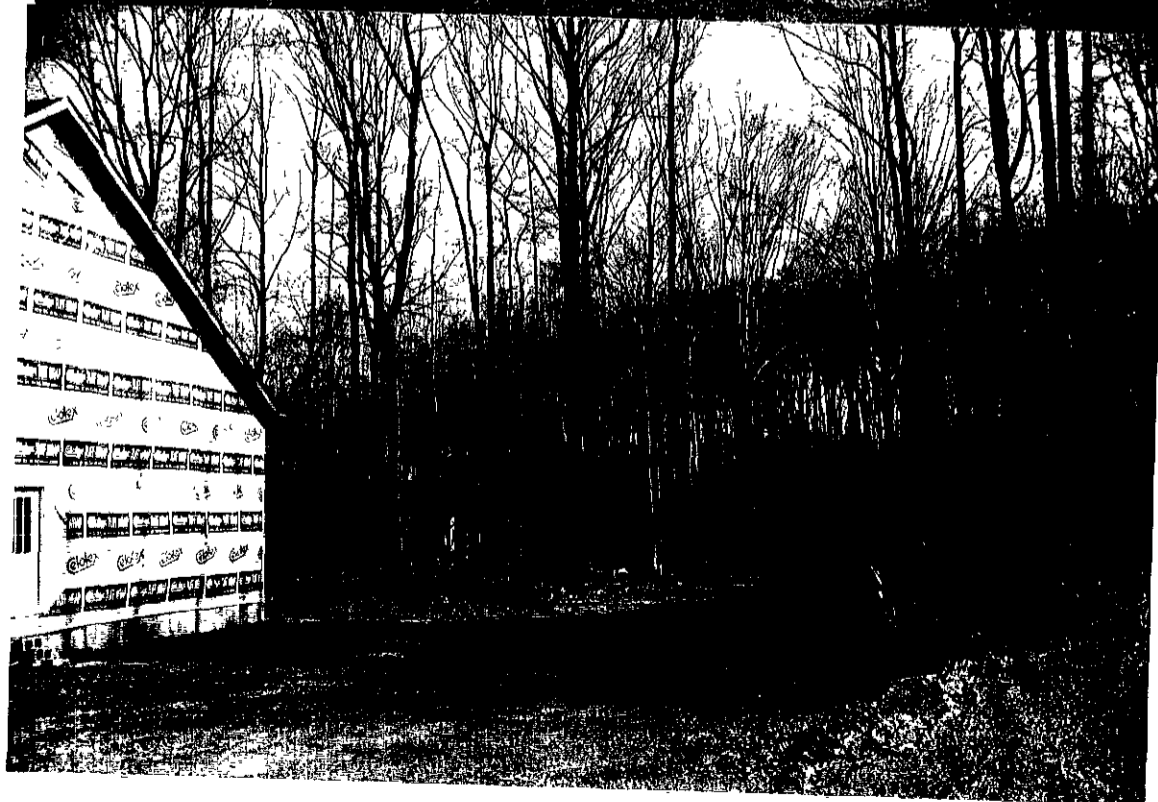
Driveway
entranced
from road
to house

Kodak *ds*
digital science™

DEMO



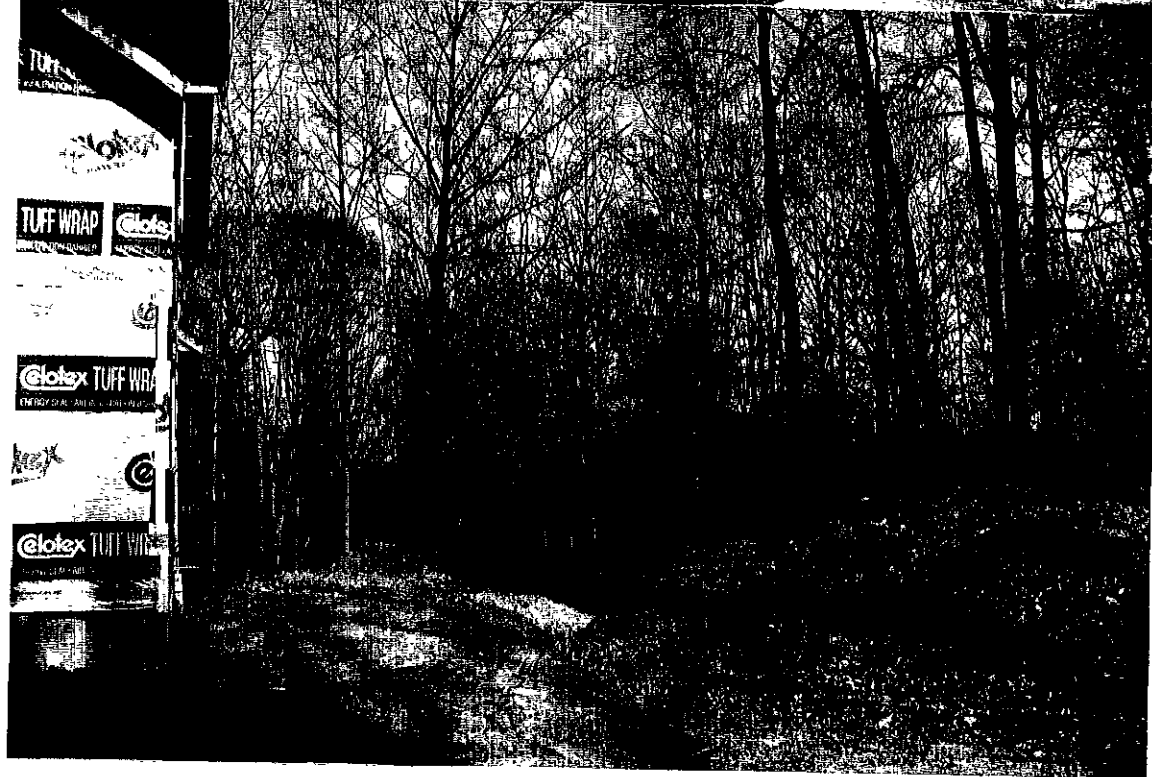
of house.



Rear of
property
looking
toward
road.



driveaway
out to
road



Looking
from drive-
way to
side of
house



view from
near of
property
heading out
driveway

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Forge Road, 310 Ft. E * ZONING COMMISSIONER
of c/1 Randall Avenue * OF BALTIMORE COUNTY
5106 Forge Road *
11th Election District *
5th Councilmanic District *
Thomas L. Raines, et ux *
Petitioners *
Case No. 96-409-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5106 Forge Road in Perry Hall. The Petition is filed by Thomas L. Raines and Linda G. Raines, his wife, property owners. Variance relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 40 ft., a side yard setback of 10 ft., and a sum of the side yard setbacks of 30.51 ft., in lieu of the minimum required 50 ft., 20 ft., and 50 ft., respectively. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were Thomas L. Raines and Linda Raines, property owners. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence presented was that Mr. and Mrs. Raines have owned the lot since 1991. When acquired, the parcel was unimproved. In July of 1995, the Raines began construction of a single family dwelling on the lot. The construction of the house is nearly complete, however, the Petitioners request variance relief in order to construct an attached garage. The Petitioners further observed that delay in construction on the subject lot was occasioned by a delay in obtaining public sewerage to the property. However, the sewer line has been completed and the connection made.

Furthermore, a review of the site plan shows that the property is approximately one acre in area and is zoned D.R.1. This is a flag shaped lot, with a lengthy stem of approximately 473 ft. which leads from Forge Road to the interior of the site. As shown on the site plan, the Petitioners are constructing their house so as to maintain a 41 ft. front yard setback and a 50 ft. rear yard setback. Two side yard setbacks, caused by the unusual shape of the site, are 10 ft. and 20.51 ft., respectively. The sum of the side yard setbacks is 30.51 ft.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. The testimony and evidence offered on behalf of the Petitioner is persuasive. I am convinced that the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The grant of variance relief, as requested, is appropriate particularly in view of the nature of the surrounding locale. Moreover, it is clear that the required variance relief is consistent with the BCZR and will not be detrimental to surrounding properties.

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 30th day of May, 1996 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 40 ft., a side yard setback of 10 ft., and a sum of the side yard setbacks of 30.51 ft., in lieu of the minimum required 50 ft., 20 ft., and 50 ft., respectively, be and is hereby GRANTED, subject, however, to the following restriction:

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.

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

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 30, 1996

Mr. and Mrs. Thomas L. Raines
4 Bandoi Court
Baltimore, Maryland 21237

RE: Case No. 96-409-A
Petition for Zoning Variance
Property: 5106 Forge Road, Perry Hall

Dear Mr. and Mrs. Raines:

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

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:mmn
att.

ORDER RECEIVED FOR FILING
Date 5/30/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/30/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/30/96
By [Signature]

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 5106 Forge Rd, Perry Hall, MD 21128 which is presently zoned DRI

96-409-A

This Petition shall be filed with the Department of Permits & 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 1802.3.C.1

To allow a front yard setback of 40 feet, a side yard setback of 10 feet and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet and 50 feet respectively.

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

We need to put a garage addition on the house because the house is located in a heavily wooded area. The garage would increase the safety of coming and going from the house.

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.

Who do solemnly declare and affirm, under the penalty of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Thomas L. Raines

Linda G. Raines

4 Bandoi Ct. 574-8274

Baltimore, MD 21237

Linda G. Raines

4 Bandoi Ct. WK-574-4840

Baltimore, MD 21237

ESTIMATED LENGTH OF HEARING: 3/4 hr.

REVIEWED BY: [Signature] DATE: 4-19-96

ZONING DESCRIPTION

Thomas & Linda Raines
4 Bandoi Ct
Baltimore, MD 21237

re: 5106 Forge Rd
Baltimore, MD 21128

Zoning description for 5106 Forge Rd, Baltimore, MD 21128
Election District- 11 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

BEGINNING FOR THIS SAME in the center of Old Forge Road at the beginning of the land which by deed dated March 21, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.P. No. 1949 folio 72 was conveyed by Whitefield Davenport and Leslie E. Davenport to Reed C. Johnson and wife, thence leaving said place of beginning and the center of said road and running and binding reversely on the 7th or South 5 degrees 20 minutes 00 seconds East 473.52 foot line of said deed, (erroneously written as South 59 degrees 20 minutes 00 seconds East 473.52 feet in said deed), referring all courses of this description to the meridian of the aforesaid deed, (1) North 05 degrees 20 minutes 00 seconds West 473.52 feet to the end of the 6th line of the abovementioned deed, thence running and binding reversely on said 6th line (2) North 84 degrees 40 minutes 00 seconds East 301.37 feet to the end of the 5th line of the abovementioned deed and to the westernmost side of a road 15 feet wide, thence running and binding reversely on the 5th line of said deed also on the westernmost side of said road with the use thereof in common with others entitled thereto, (3) South 05 degrees 20 minutes 00 seconds East 90.50 feet to the end of the 4th line of the hereinmentioned deed, thence leaving said 15 foot road and binding reversely on the 4th line and on a part of the 3rd line of said deed two following courses and distances, viz: (4) South 84 degrees 40 minutes 00 seconds West 152.97 feet and thence (5) South 05 degrees 20 minutes 00 seconds East 69.49 feet, thence leaving the 3rd line of the aforesaid deed and running for new lines of division thru the land described therein of which the parcel now being described is a part, the 2 following courses and distances, viz: (6) South 84 degrees 40 minutes 00 seconds West 118.40 feet and thence (7) South 05 degrees 20 minutes 00 seconds East 327.79 feet to intersect the first line of the above mentioned deed and to the center of Old Forge Road, thence running and binding reversely on a part of said first line and also in the center of Old Forge Road (8) North 59 degrees 50 minutes 00 seconds West 24.57 feet to the place of beginning.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 5/2/96

Posted for: Variance

Petitioner: Thomas & Linda Raines

Location of property: 5106 Forge Rd, N/S

Location of Sign: Forge Road, Perry Hall, MD 21128

Remarks: [Blank]

Posted by: [Signature] Date of return: 5/14/96

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/2, 1996

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 5/2, 1996.

THE JEFFERSONIAN,
A. Henriksen
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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 assessed 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.: 408 Petitioner: Tom & Linda Raines

Location: 5106 Forge Rd, Balto, MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Tom Raines

ADDRESS: 4 Bandoi Ct

BALTO MD 21237

PHONE NUMBER: 410 574 8274

TO: SUBMITTER PUBLISHING COMPANY
May 2, 1996 Issue - Jeffersonian

Please forward billing to:

Thomas and Linda Raines
4 Bando Court
Baltimore, MD 21237
574-8774

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: 96-409-A (Item 408)
5106 Forge Road
N/S Forge Road, 310' E of c/l Randall Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Thomas L. Raines and Linda Raines

Variance to allow a front yard setback of 40 feet, a side yard setback of 10 feet, and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet, and 50 feet respectively.

HEARING: WEDNESDAY, MAY 29, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

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: 96-409-A (Item 408)
5106 Forge Road
N/S Forge Road, 310' E of c/l Randall Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Thomas L. Raines and Linda Raines

Variance to allow a front yard setback of 40 feet, a side yard setback of 10 feet, and a sum of side yard setbacks of 30.51 feet in lieu of the minimum required 50 feet, 20 feet, and 50 feet respectively.

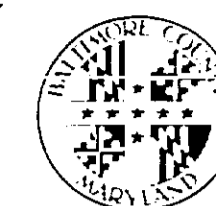
HEARING: WEDNESDAY, MAY 29, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Carl Jablon
Arnold Jablon
Director

cc: Thomas and Linda Raines

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.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

Mr. and Mrs. Thomas L. Raines
4 Bando Court
Baltimore, MD 21237

RE: Item No.: 408
Case No.: 96-409-A
Petitioner: Thomas Raines, et ux

Dear Mr. and Mrs. Raines:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 19, 1996.

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 (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.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management Date: May 6, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 6, 1996
Item Nos. 399, 401, 402, 405, 406, 408

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJC:jrb

cc: File

70N9

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

TO: PDM DATE: 5-1-96
FROM: R. Bruce Saeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 4-29-96

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

Item #'s: 401, 402, 404, 407, 408

RBS:sp
BRUCEZ/DEPRM/TXTSPP

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 04/30/96

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 APRIL 29, 1996.

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: 400, 401, 402, 403, 404, 405, 406, 407, 408 and 409.

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

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management DATE: May 1, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 399, 400, 406, 407, 408 and 409.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*
Division Chief: *Cary L. Kern*

PK/JL:lx

ZAC399/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

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

RE: Baltimore County
Item No. 408 (JTB)

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

RE: PETITION FOR VARIANCE
 5106 Forge Road, N/S Forge Road, 310' E
 of c/j Randall Avenue, 11th Election
 District, 5th Councilmanic
 Thomas and Linda Raines
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 CASE NO. 96-409-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 21284
 (410) 587-2188

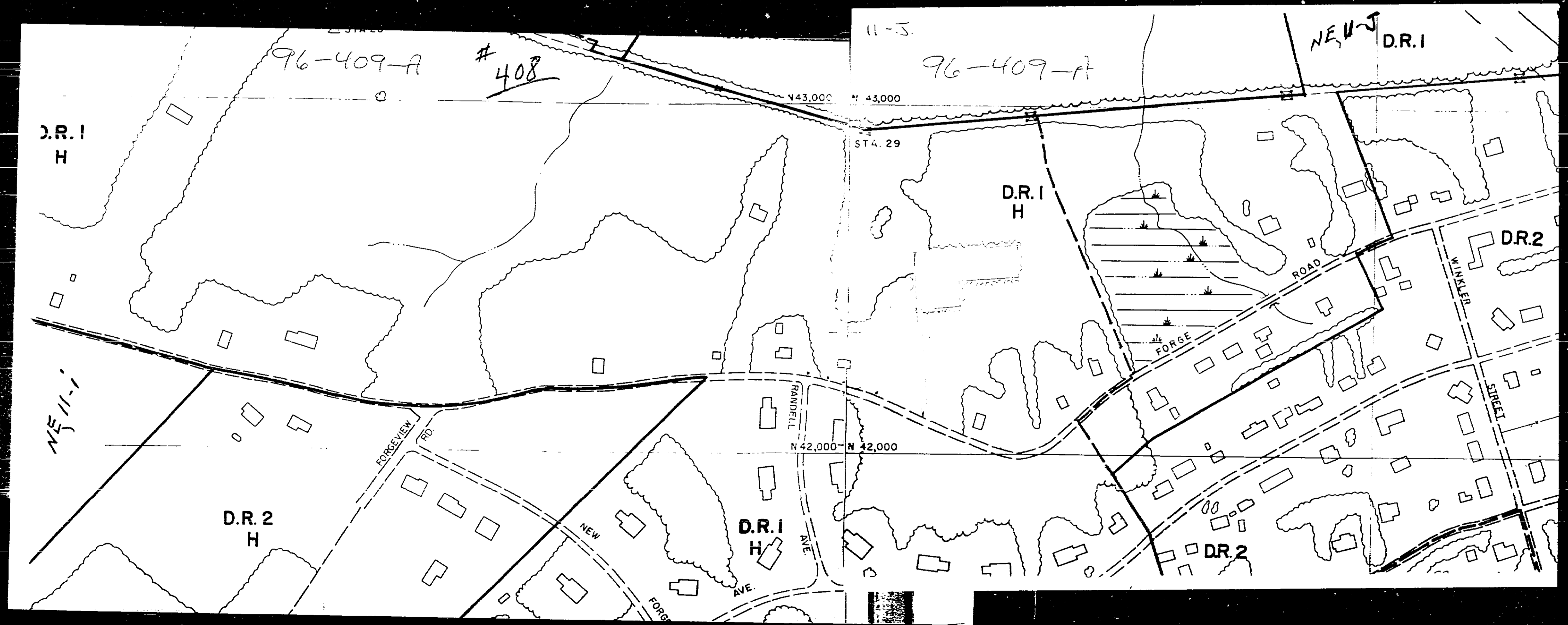
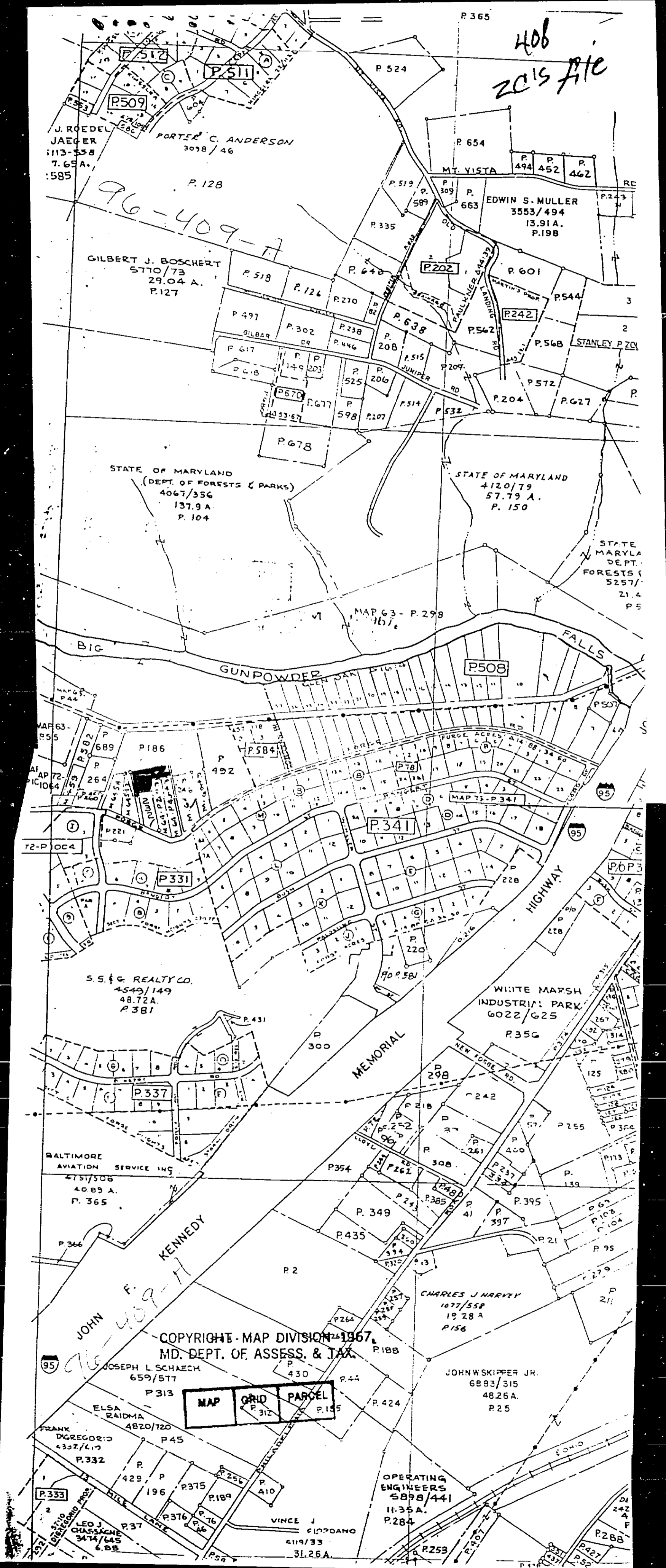
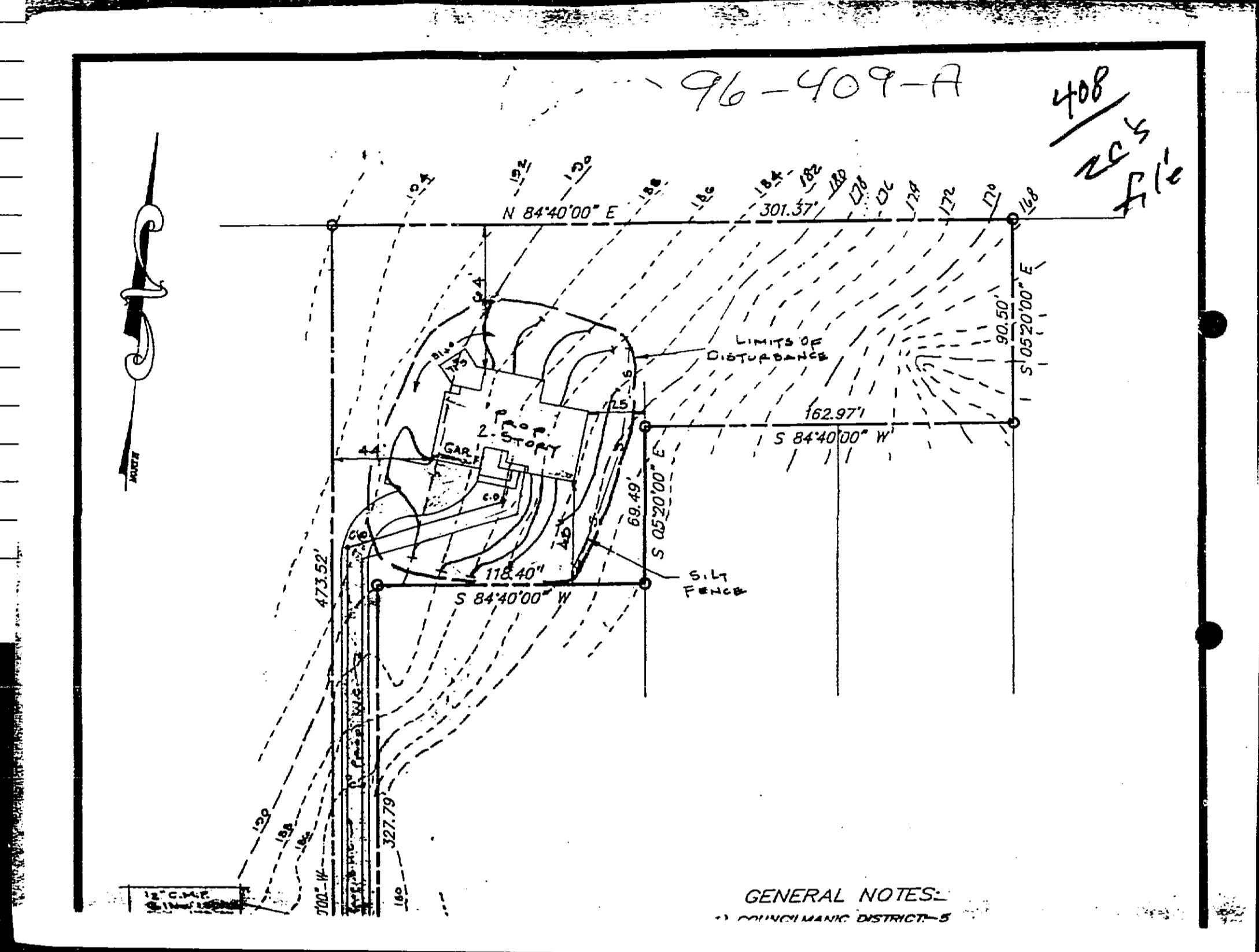
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Thomas and Linda Raines, 4 Bandol Court, Baltimore, MD 21237, Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Tom Raines</i>	<i>4 Bandol Ct</i>
<i>Linda Raines</i>	<i>BALTO MD 21237</i>





96 409-A
Driveway entrance from road to house



Driveway from front of house.



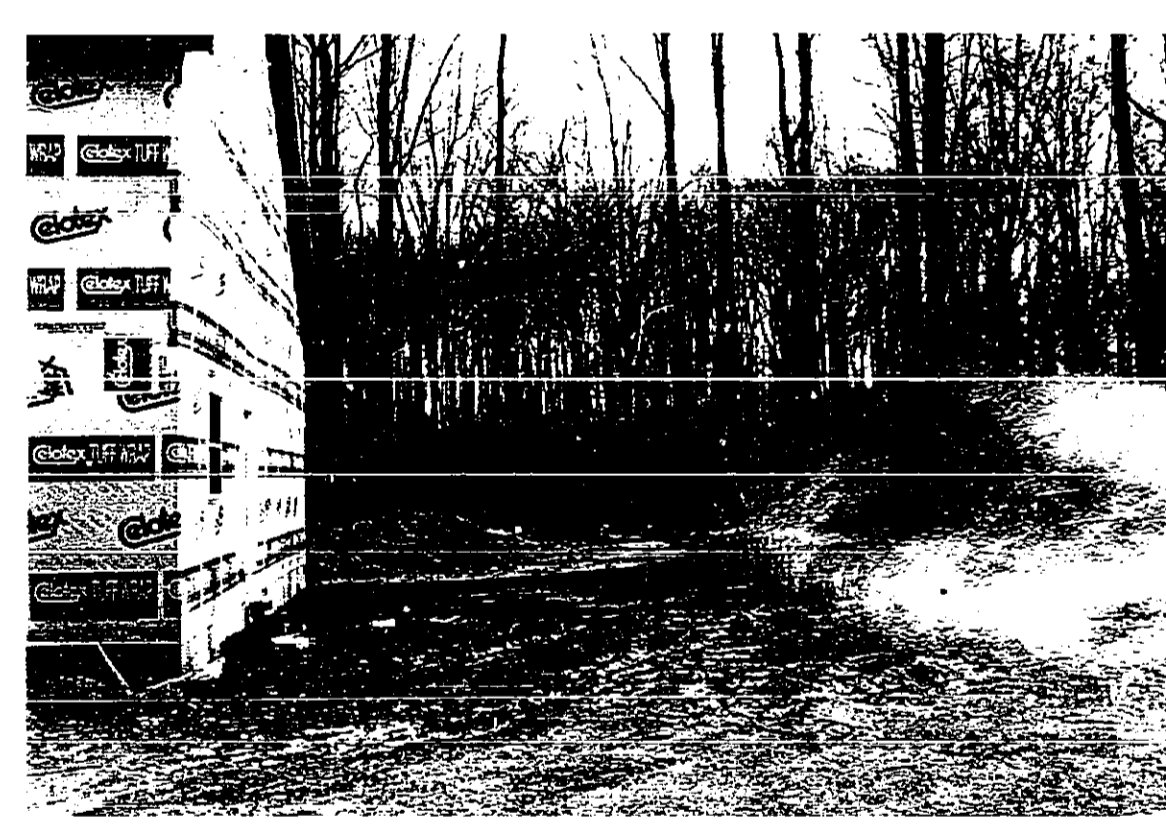
Rear of property looking toward road.



96 409-A
Driveway exit to road

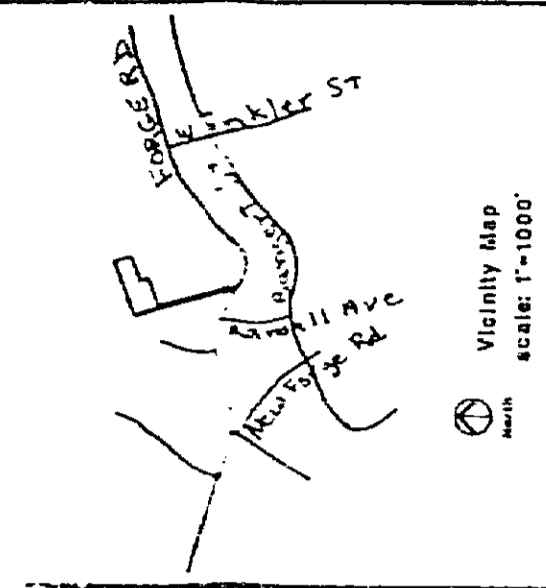


Looking from driveway to side of house



96-409-A
view from rear of property heading at driveway

96-409-A



LOCATION INFORMATION
Complaints District: 5
Election District: 11
1-2000 ACSU map: NE 113
Zoning: DR 1
Lot size: 18,124 sq ft
Parcel ID: 0409010000

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearing: 94-311-A
Zoning Office Use Only:
reviewed by: [signature]
ITEM #: 408

Tom Ralves	
5104 Forge Rd	
Baltimore, MD 21148	
Year: 7/1/50	Form: 3/30/96
City: Baltimore	Parcel: 0409010000
Case No: 96-408	Case Name: 96-408

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 5104 Forge Rd, Baltimore, MD 21148 see pages 5 & 6 of the checklist for additional required information

OWNER: Thomas L. & Linda C. Ralves

