

IN RE: **PETITION FOR ADMIN. VARIANCE**
SE/corner New Forge Road and
Forge View Road
(5001 New Forge Road)
11th Election District
5th Council District

Marvin K. Reed, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-156-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Marvin K. Reed, and his wife, Lorraine E. Reed. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (24' x 28' garage) to be located in the third of the lot closest to the street in lieu of the third of the lot furthest removed from the street. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

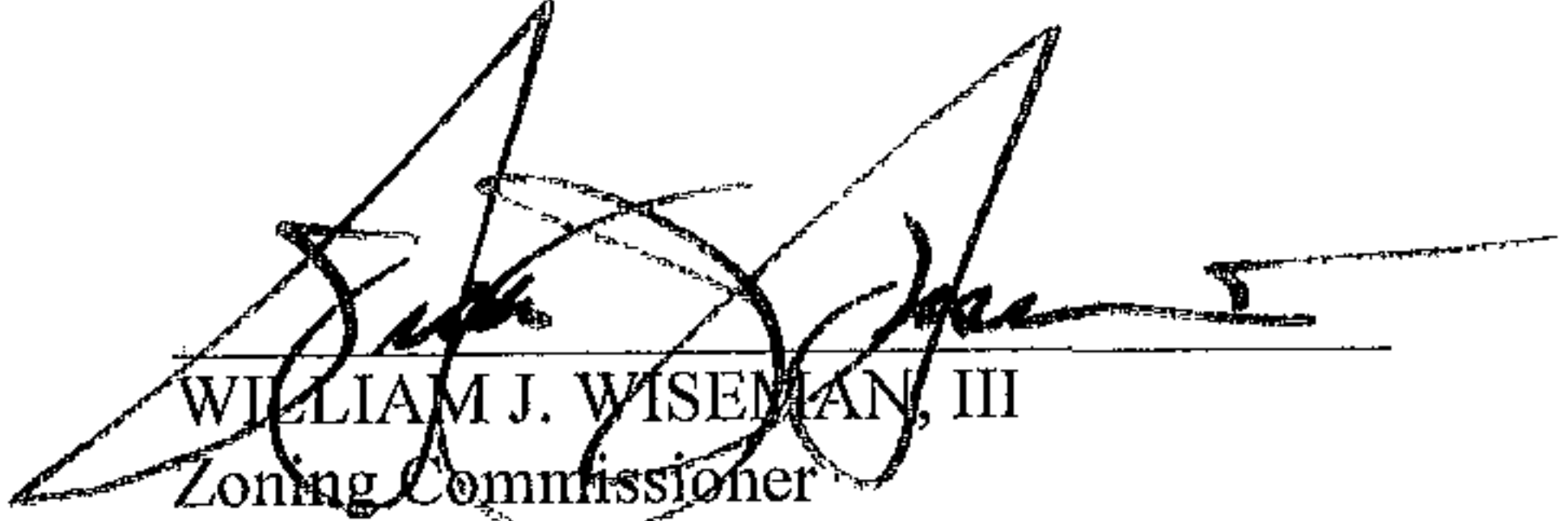
ORDER RECEIVED FOR FILING
Date 10/18/07
By [Signature]

Based upon the information contained within the case file, I am persuaded to grant the requested relief. As shown on the site plan, the proposed garage will be located in the rear, southeast corner of the lot, approximately 28 feet from Forge View Road, which is a dead-end street, and the nearest house from this point is at least 100 feet away. Moreover, the proposed garage will meet all setback and height requirements. Strict compliance with the regulations would require the installation of a lengthy driveway to access the garage and the loss of rear yard space. There were no adverse comments from any County reviewing agency and none of the neighbors voiced any opposition. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of October 2005 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (24' x 28' garage) to be located in the third of the lot closest to the street in lieu of the third of the lot furthest removed from the street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 10/18/05
By [Signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

October 18, 2005

Mr. & Mrs. Marvin K. Reed
5001 New Forge Road
Perry Hall, Maryland 21128

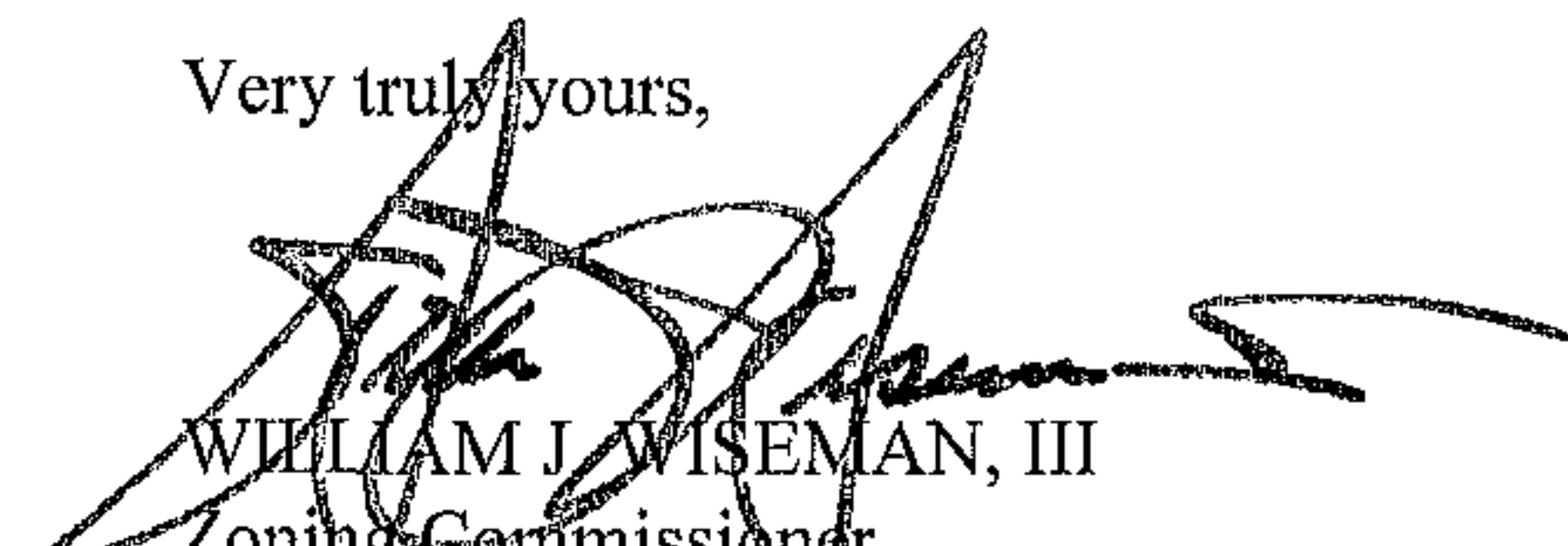
RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/Corner New Forge Road & Forge View Road
(5001 New Forge Road)
11th Election District – 5th Council District
Marvin K. Reed, et ux - Petitioners
Case No. 06-156-A

Dear Mr. & Mrs. Reed:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info



ZONING DESCRIPTION FOR 5001 NEW FORGE RD.
(address)

Beginning at a point on the SOUTH side of
(north, south, east or west)

NEW FORGE RD. which is 70'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 25' EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street FORGE VIEW RD.
(name of street)

which is 50' wide. *Being Lot # 1,
(number of feet of right-of-way width)

Block —, Section # — in the subdivision of FORGE VIEW
(name of subdivision)

as recorded in Baltimore County Plat Book # 28, Folio # 40,

containing 21,500 ±. Also known as 5001 NEW FORGE RD.
(square feet or acres) (property address)

and located in the 11th Election District, 5th Councilmanic District.

06-156-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0048

DATE

9/15/05

ACCOUNT

R000-006-6150

AMOUNT

\$ 65.00

RECEIVED FROM:

M. W. M. & L. M. M. Reed

FOR:

Adm. V. - 5001 New Forge Road

06-156-A (Keep)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS

DATE

TIME

ISS

7/10/2005

11:00 AM

09/14/05

1

RECEIVED

BY: M. W. M. & L. M. M. Reed

DATE

9/15/05

10:15

RECEIVED

BY: M. W. M. & L. M. M. Reed

DATE

9/15/05

10:15

RECEIVED

BY: M. W. M. & L. M. M. Reed

DATE

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BY: M. W. M. & L. M. M. Reed

DATE

9/15/05

RECEIVED

BY: M. W. M. & L. M. M. Reed

DATE

9/15/05

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-156-A

Petitioner/Developer: MARVIN
S LORRAINE REED

Date Of Hearing/Closing: 10/10/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 5001 NEW FORGE ROAD

This sign(s) were posted on September 24, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 9/24/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

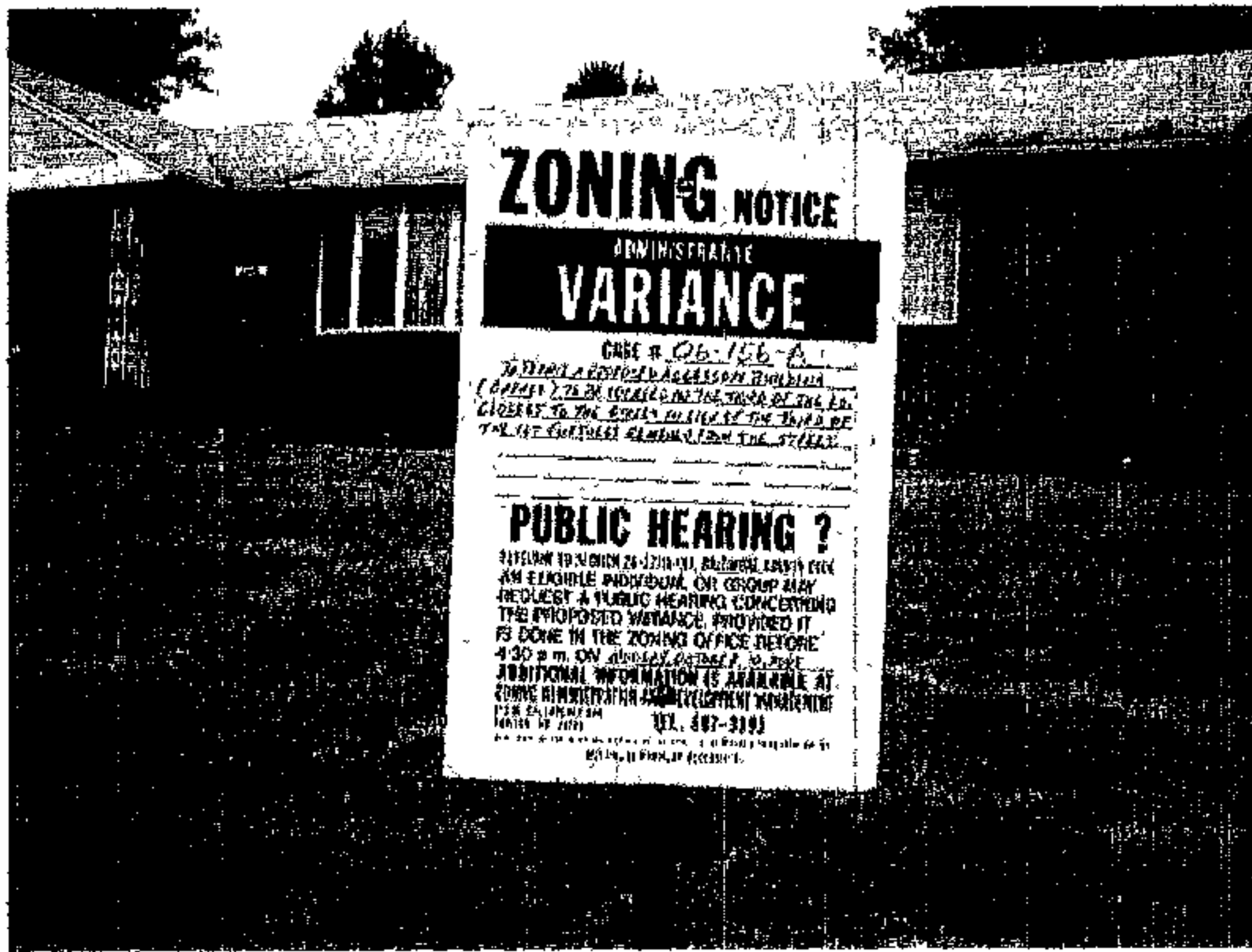
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000415 (576x432x24b jpeg)



Master Dgl September 24, 2005

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-756-A

Petitioner: REED

Address or Location: 5001 NEW FORGE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marvin & Lorraine Reed

Address: 5001 New Forge Road
Perry Hall, Md 21128

Telephone Number: 410-256-3457

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 156 -A Address 5001 New Forge Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/15/05 Posting Date: 9/25/05 Closing Date: 10/10/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 156 -A Address 5001 New Forge Road

Petitioner's Name Marvin & Lorraine Reed Telephone 410-256-3457

Posting Date: 9/25/05 Closing Date: 10/10/05

Wording for Sign: To Permit a proposed accessory building (garage) to be located in the third of the lot closest to the street in lieu of the third of the lot furthest removed from the street.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5001 NEW FORGE Rd
which is presently zoned RESIDENCE DR 2
(Formerly R-20)

This Petition shall be filed with the Department of Permits and 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, BC2R to permit a proposed accessory building (garage) to be located in the third of the lot closest to the street in lieu of the third of the lot furthest removed from the street.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10/15/05 day of October, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Representative to be Contacted:

Name

Address

City

State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 9/15/05

Estimated Posting Date 9/25/05

CASE NO. 06-156-A

REV 10/25/01

ORDER RECEIVED FOR FILING
Date 10/15/05
By [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

5001 NEW FORGE Rd
Address
PERRY HALL Md 21128
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I would like to request a Variance in order to have a stand alone garage positioned 28 feet off Forge View Rd. instead of 72 feet. This would keep me from having a 72 foot drive way & free-up my Back yard.

1- Forge View Rd is a dead end road which ends at my property line.

2- I have a portable shed now, which is 28' off the property line

3- I have lived at this residence since 1971

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Marvin K. Reed
Signature
MARVIN K. REED
Name - Type or Print

Lorraine E. Reed
Signature
LORRAINE E. REED
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Marvin K. Reed & Lorraine E. Reed
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Denise M. Engle
Notary Public
My Commission Expires 3-1-2017

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 11, 2005

Marvin K. Reed
Lorraine E. Reed
5001 New Forge Road
Perry Hall, Maryland 21128

Dear Mr. and Mrs. Reed:

RE: Case Number: 06-156-A, 5001 New Forge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 15, 2005.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: **October 3, 2005**

Item No.: **155-166**

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 9.21.05

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

RE: Baltimore County
Item No. 156 JHT

Dear Ms. Matthews:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 4, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 5001 New Forge Road

INFORMATION:

Item Number: 6-156

Petitioner: Marvin K. Reed

Zoning: DR 2

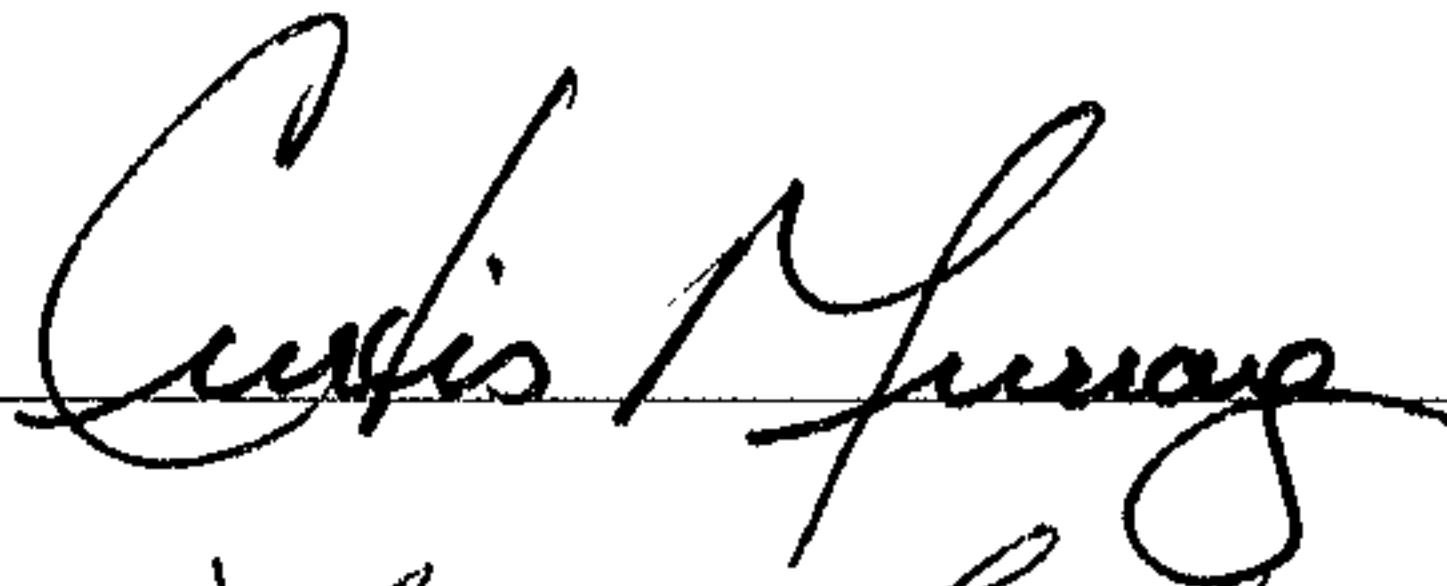
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

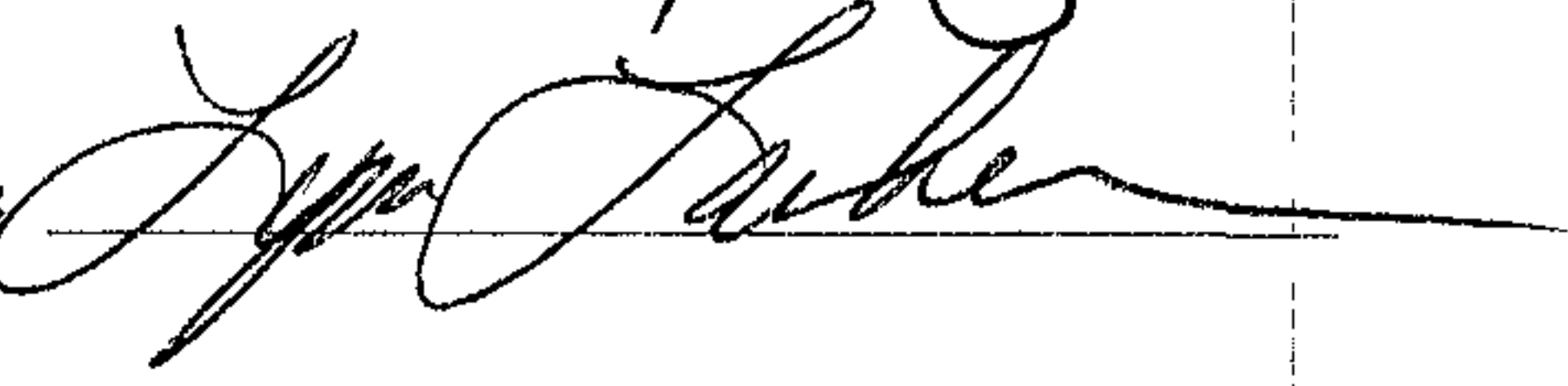
The Office of Planning does not oppose the petitioner's request provided the newly constructed garage does not exceed 15 feet in height, and must have all facades articulated with materials consistent with the existing single-family dwelling. These materials should include but are not limited to brick cladding and/or white painted wood, hardi-plank or an appropriate equivalent.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: September 27, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 10, 2005
Item Nos. 155, 156, 157, 159, 160, 161,
162, 163, 164, 165 and 166

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09272005.doc



06-156-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 501 New Forge Rd

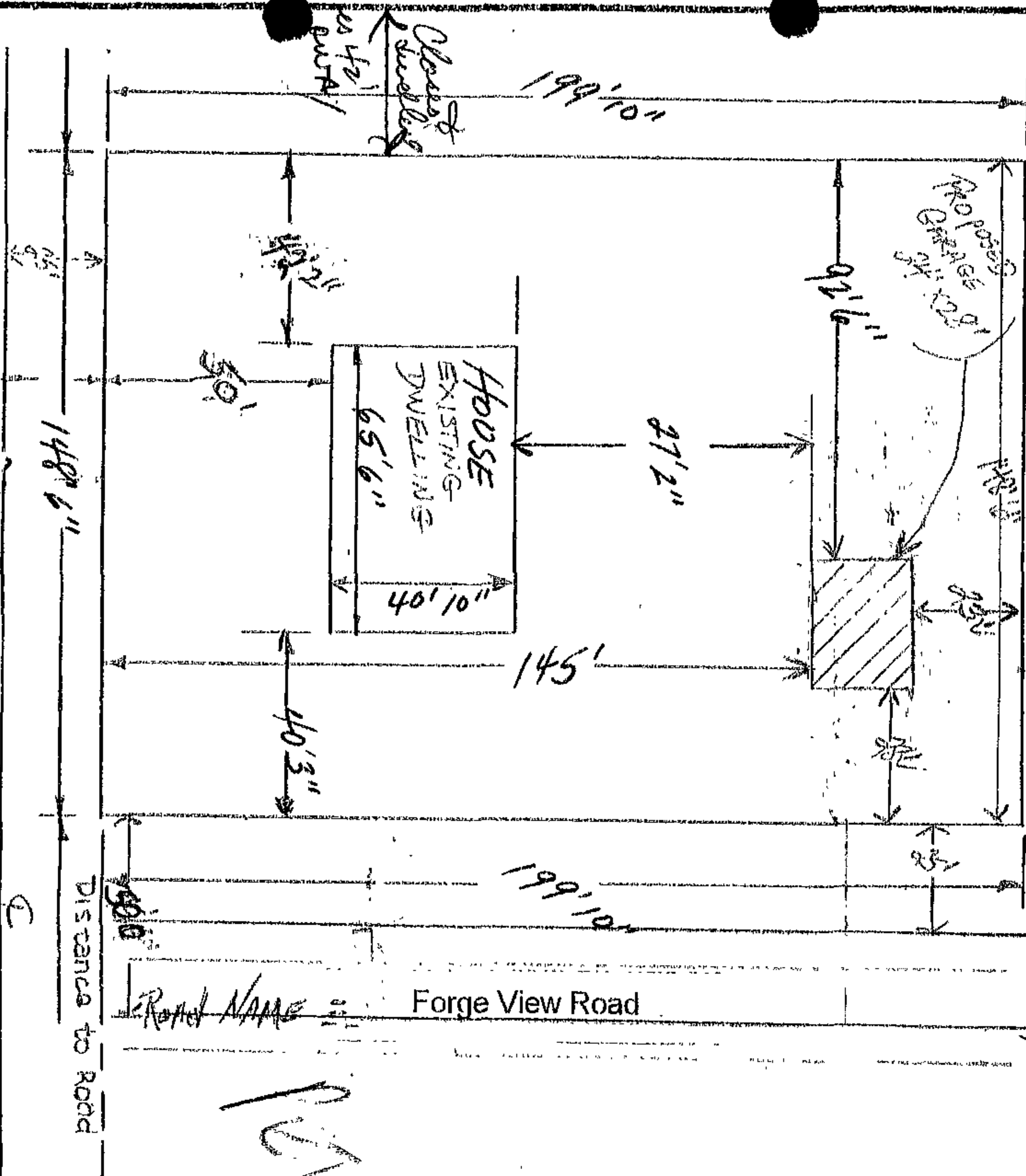
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Forge View

PLAT BOOK # 28 FOLIO # 40 LOT # 1 SECTION # 4

OWNER Marvin & Catherine Reed

Closest dwelling west of road
no party



Road Name: Forge View Road

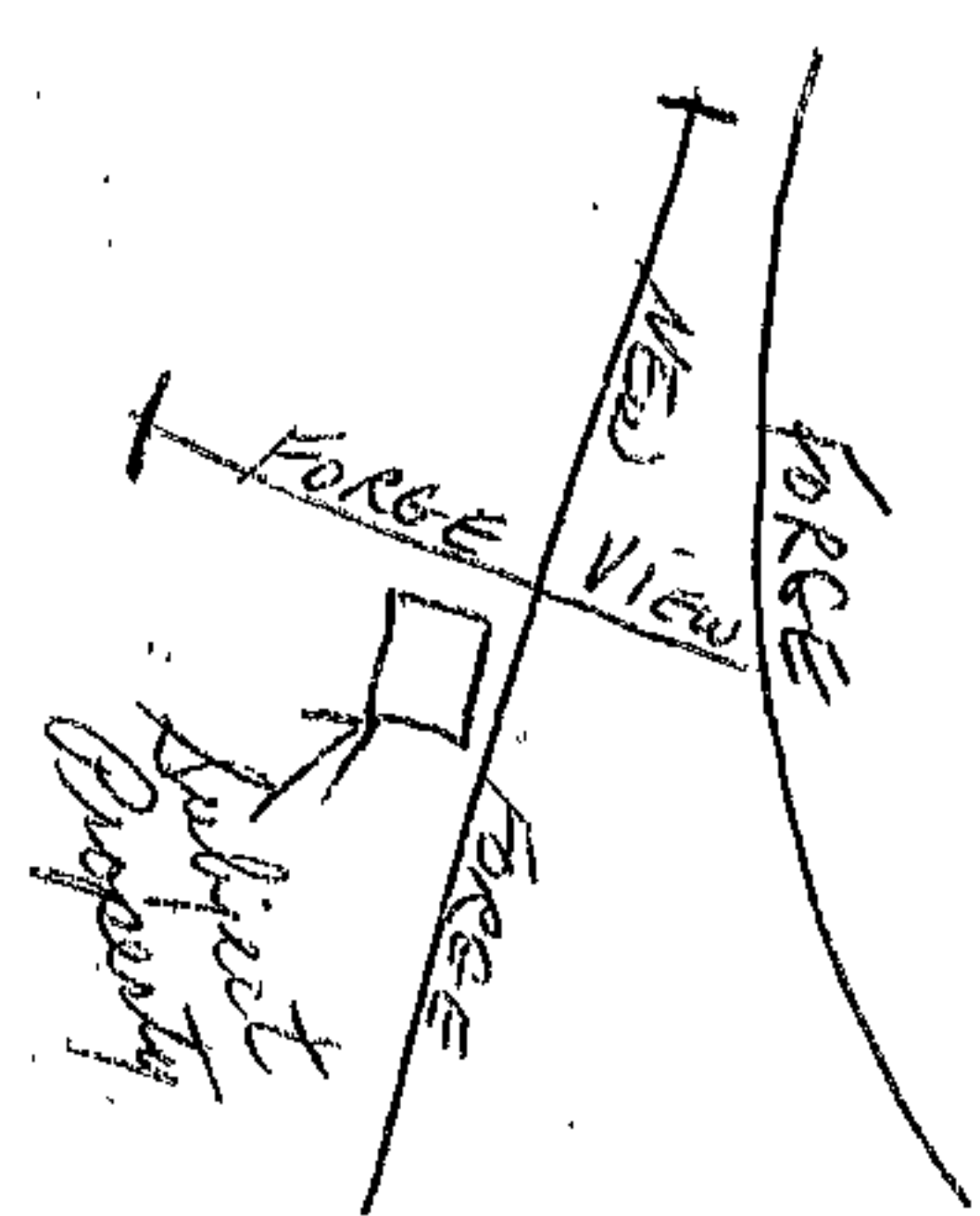
Distance to Road

Road Name: New Forge Road

PREPARED BY Marvin Reed SCALE OF DRAWING: 1" = 40'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 079221

ZONING DR2 - (formerly R-2)

LOT SIZE 21500.000 SQUARE FEET

ACREAGE

PUBLIC PRIVATE

SEWER

WATER

CHESAPEAKE BAY CRITICAL AREA

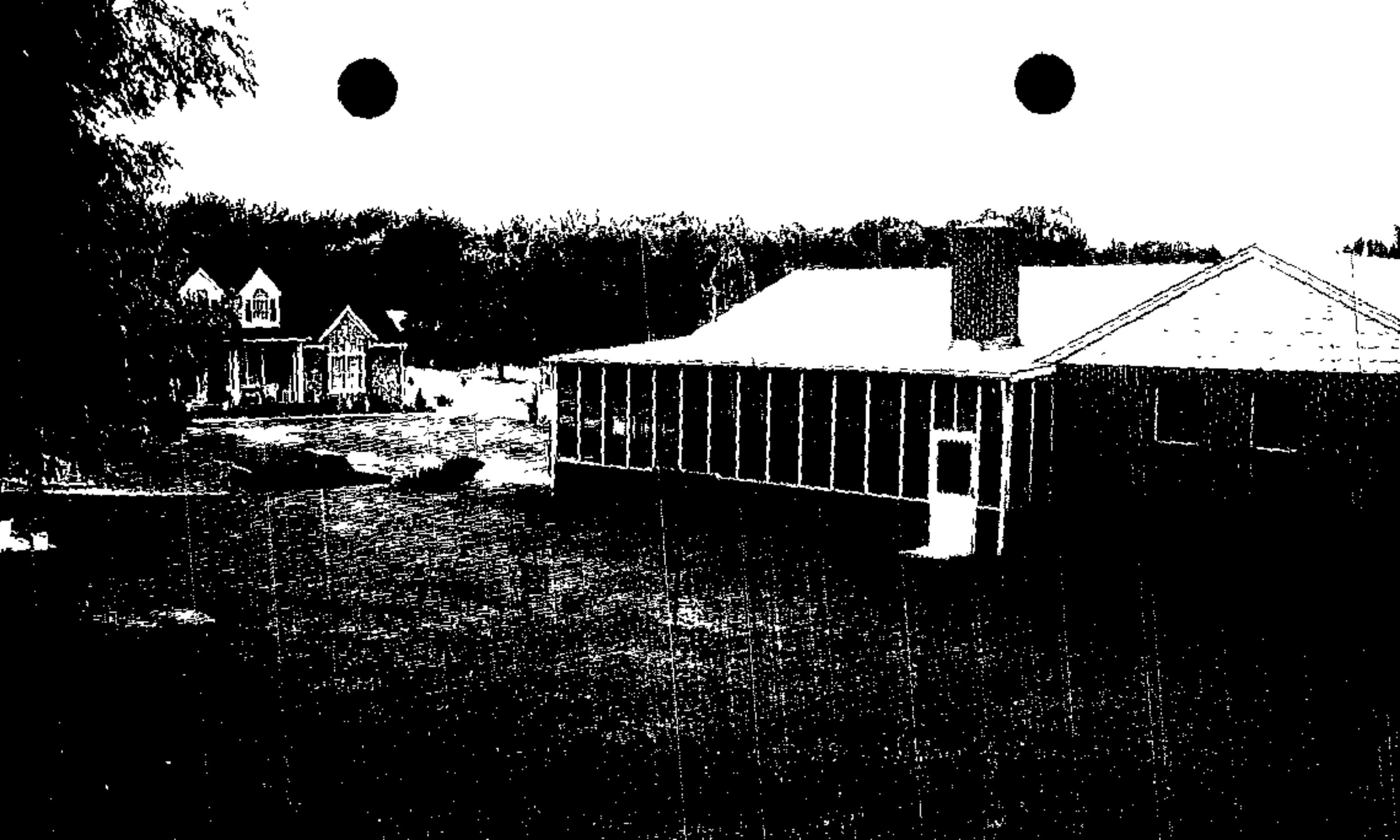
100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JNP 156 106-156-A



Rear of 5001 New Forge Rd.

Neighbors House across
~~the~~ Forge View Rd

06-156-A



Rear of 5001 New Forge Rd
Negles House in Back
of my House

06-156