PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

				10000		PERSONAL CONTRACTOR
TO THE COUNT	Y BOARD	OF	APPEALS	OF	BALTIMORE	COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and or Variance, 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

Legal Owner(s): Contract Purchaser.

City and State Attorney for Petitioner Robert G. Carr, Esq. (Type or Print Name)

Signature 904 Equitable Towson Building

Towson, Martland 21204 City and State 1 18 Attorney's Telephone Np.: 296-4433

78. Hd =0 71 H7 833 BARC-Form 1 THOHILTYS BECEIAED

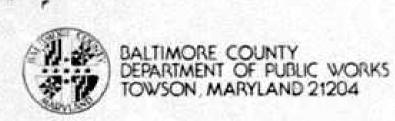
Marilyn T. Goschen

242-6464 5723 Oakland Road Baltimore, Maryland 21227 City and State

Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted Robert G. Carr, Attorney 904 Equitable Towson Building 296-4433

Towson, Maryland

Phone No.



HARRY I PISTEL P E DIRECTOR

April 19, 1982

Mr. William T. Hackett, Chairman Board of Appeals Court House Towson, Maryland 21204

> Re: Item #18 Zoning Cycle III (April-October 1982) Property Owner: George W. & Marilyn T. Goschen W/S Maiden Choice Lane 285' S/E from centerline of Wilkens Avenue Existing Lening: DR 5.5 Proposed Zoning: R-0 Acres: 1.82 District: 13th

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Maiden Choice Lane, an existing County road, is improved as a 44-foot closed section roadway generally on a 70-foot right-of-way in this vicinity; further highway improvements are not proposed at this time.

The indicated 10-foot right-of-way (paved between Maiden Choice Lane and Courtney Road), and Hertlein Avenue and 1st Avenue, (both unimproved), all shown on the plat "Wilkens Terrace", recorded W. .. C. 7 Polio 173, if improved in the future as public roads, would be as 30-foot closed section roadways on minimum 40-foot rights-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and provide holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item #18 Zoning Cycle III (April-October 1982) Property Owner: George W. & Marilyn T. Goschan Page 2 April 19, 1982

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacert properties, especially by the concentration of surface wavers. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 12-inch water main in Maiden Ch ice Lane and 8-inch public sanitary sewerage exists within an offsite Baltimore County utility easement, as shown on the submitted plan.

> Very truly yours, ROBERT A. MERTON, P.E., Chief

Bureau of Public Services

RAM: EAM: FWR: 88

cc: Jack Wimt'ey

G-SW Key Sheet 13 SW 16 Pos. Sheet SW 4 D Topo 101 Tax Map

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 3, 1982

COUNTY OFFICE BLUG. 111 W. Chesapuake Ave. Towson, Maryland 21204

Nicholas B. Commoderi Chairman

Robert G. Carr, Esquire 904 Equitable Towson Building Towson, Maryland 2120h

> RE: Item No. 18 - Cycle No. III Petitioner - George W. Goschen, et ux Reclassification Petition

Dear Mr. Carr:

Bureau of Engineering Department of Traffic Engineering State Boads Commissio Fire Prevention

Health Department Fraject Planning Building Department Board of Education Zoning Administration

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April - October '82 reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the approrriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 31. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subjects of this petition consist of two parcels of land somed D.R.5.5 and proposed to be reclassified to an R-O zone. The larger parcel is situated on the west side of Maiden Choice Lane southeast of Wilkens Avenue and is improved with a large dwelling and accessory structures, while the smaller parcel, also improved with a dwelling, is located to the rear of this site. To the north and west of these properties is D.R.5.5 zoned land, improved with individual dwellings, while apartments and toumhouses, zoned D.R.16 and D.R.10.5, exist to the south and east, respectively.

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the enclosed consents from this Committee are general in nature. If the requested reclassification is granted, a public hearing and/or Planning Board review and approval will be required prior to development. At that time, more specific comments will be provided.

Item No. 18 - Cycle No. III Petitioner - George W. Goschen, et ux Reclassification Petition

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September 1 and December 1982 will be forwarded to you in

Very truly yours,

Zoning Plans Advisory Committee

NBC: bac

Enclosures

cc: Paul Lee Engineering Inc. 304 W. Pennsylvania Avenue Towson, Maryland 21204



BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204 494-3550

STEPHEN E. COLLINS DIRECTOR

March 29, 1982

Mr. Wil' 'am Hackett Chairma Board of Appeals Office of Law, Courthouse Towson, Maryland 21204

> Cycle III - 1982, Meeting of March 16, 1962 Property Owner: George W. & Marilyn T. Goschen Location: W/S Maiden Choice Lane 285' S/E from centerline of Wilkens Avenue Existing Zoning: D.R. 5.5 Proposed *oning: R-O

Acres: 1.82 District: 13th

Dear Mr. Hackett:

The existing D.R. 5.5 zoning for this sile can be expected to generate approximately 120 trips per day and the proposed R-O zoning can be expected to generate approximately 700 trips per day.

Engineering Associate II

MSF/rlj

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOVSON, MARYLAND 21204 BALTIMORE COUNTY DEPARTMENT OF HEALTH DONALD I ROOP M.D. M.P.H. DEPUTY STATE G COUNTY HEALTH OFFICER

April 7, 1982

Mr. William Hackett, Chairman Board of Appeals Court House Towson, Maryland 21204

Acres:

Dear Mr. Hackett:

Comments on Item #18, Cycle III Meeting, March 16, 1982, are as

follows: George W. & Marilyn T. Goschet. Property Owner:

W/S Maiden Choice Lane 285' S/E from center-Location: line of Wilkens Avenue D.R. 5.5 disting Zoning:

Proposed Zoning: 1.82 13th District:

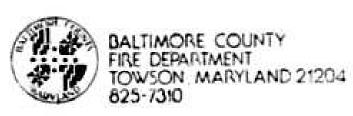
Metropolitan water and sewer are available. There is an existing cistern located on the northern side of the structure that should be backfilled with clean earth.

The Zoning Plan, as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make complete commenti.

Very truly yours,

princh Ian J. Forrest, Director

BUREAU OF ENVIRONMENTAL SERVICES



PAUL H REINCKE CHIEF

April 6, 1982

cc: William Hackett Mr. William Hammond Chairman of Board of Appeals Coming Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: George W. and Marilyn T. Goschen

W/S Maiden Choice Lane 285' S/E from centerline of Wilkens Avenue Zoning Agenda: Meeting of March 16, 1982

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shows at

EXCEEDS the maximum allowed by the Fire Department.

- (' 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safet; Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

Special Inspection Division

Pire Prevention Bureau

JK /mb / cm

George W. Goschen, et ux Case No. R-83-19, Item #18

Consequently, Mr. Goschen applied to the Historical Society to have the subject site treated as a Historical Landmark. He also aecided, if reclassification is granted, to move his insurance business into the property and to rent additional office space to a maximum of two tenants. Mr. Goschen reiterated his desire to restore the mansion in the Victorian style in which same was originally constructed.

Mr. John W. McGrain, Executive Secretary of the Maryland Historical Society, confirmed Mr. Goschen's application for treatment as a Historical Landmark and noted that preliminary approval of same had been rendered by his Commission. However, final approval can only occur through the action of the Baltimore County Council and, historically, such approval encompasses approximately two (2) years.

Mr. McGrain further indicated that his Commission, once preliminary approval of a Historical Landmark is given, and subsequently, once the County Council has rendered final approval, is authorized to monitor any changes to the exterior of a Historical Landmark. Further, if it is apparent to the Commission that the changes contemplated are detrimental to the Historical Landmark, his Commission is authorized to vero same.

The People's Counsel produced James Hoswell, County Planner, who testified that although the Director's report suggested that the reclassification petition be dismissed, in its present format, said recommendation was made prior to Mr. Goschen applying for historical treatment. Further, Mr. Hoswell indicated that, in his opinion, the Director's report, if submitted now, would recommend the reclassification, inasm. 1 as the restoration of the property is in the public interest and the reclassification of the property will enable Mr. Gaschen to accomplish the appropriate restoration.

After reviewing all the evidence, the Board is persuaded that the Petition for Reclassification should be granted.

The applicable law is contained in Sec. 2-58.1 of the Baltimore County Code. Specifically, subsection i (1) and (2) provide that before any property is reclassified. the Board of Appeals must find:

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204

TED ZALESKI, JR. DIRECTOR

April 19, 1982

Mr. William Hackett Board of Appeals

RE: Reclassification Petitions Cycle III - 1982 Meeting of March 16, 1982

Dear Mr. Hackett:

I have no comment at this time for the following Item numbers.

> Item No. Item No. Item No. 10 Item No. 11 Item No. 12 Item No. 14 Item No. 16 Item No. 17 VItem No. 18

Item No. 19

Charles E. Burnham Plans Review Chief

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 3/22/82

Mr. Walter Reiter Chairman, Board of Appeals Baltimore County Office Building 1111 Wast Chesapeake Avenue Towson, Maryland 21204

Zoning Cycle #111

RE: Item No: 18 Property Owner: George W. & Marilyn T. Goschen Location: W/S Maiden Choice Lane 285' S/E from centerline of Wilkens Ave. Present Zoning: D.R. 5.5 Proposed Zoning: R-0 Acreage: 1.82

School Situation

School .

Enrollment

Capacity

Over/Under

Acreage too small to have an effect on student population.

Student Yield With:

Existing Zoning

Zering

Elementary

Junior High

Senior High

Very truly yours, The wich telearly Wm. Nick Petrovich, Assistant Department of Planning

WNP/bp

George W. Goschen, et ux Case No. R-83-19, Item #18

> (1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error; and

(2) That the prospective reclassification of the property is warranted

Therefore, the Board finds, as a matter of fact, that although no error occurred in the present zoning classification of the property, a substantial change in the character of the neighborhood in which the presently is located has occurred. In the opinion of the Board, the granting of historical status to the subject property creates a substantial change in the character of the neighborhood. It is obvious that the cost of restoration of the property shall be expensive. The testimony elicited clearly indicates that the reclassification of the subject property will, in essence, assist in the restoration of said property and, in the process, improve the neighborhood.

The Board is further persuaded that Section 22-154 through 168 of the Baltimore County Code provides adequate safeguards and controls to protect this historical district and thus proclude the abuse which ordinarily could occur in a reclassification of this nature.

All of the evidence and the applicable law persuades this Board that not only should the Petition for Reclassification be granted, but that, indeed under the circumstances, such a reclassification is in the public interest.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 12th day of Aus at, 1982, by the County Board of Appeals, ORDERED that the subject Petition for Reclassification from D.R. 5.5 to an R.O. zone be and the same is hereby GRANTED.

Case No. R-83-19, Item #18

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans Leroy B. Spurrier RE: PETITION FU. ECLASSIFICATION

Petitioners

proposed reclassification.

property would be cost prohibitive.

IN THE MATTER OF

GEORGE W. GOSCHEN, et ux

FOR REZONING OF PROPERTY

Maiden Choice Lane, 495.87' SE

of the centerline of Wilkens Ave.

FROM D.R. 5.5 to R.O.

Wilkens Ave. (Parcel A)

Beginning 362.31' SW of

(Parcel B)

W/S of Maiden Choice Lane, 285' SE of the centerline of

. BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY W/S Maiden Choice Lane 285' SE from :

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. R-83-19

The above captioned matter comes before this Board on a Petition for

The Petitioner presented testimony from Mr. Paul Lee, an engineer and

Mrs. Eileen Miner testified that she resides directly across the street from

Mr. George W. Goschen, the owner of the subject property, testified

OPINION

Reclassification of two (2) improved tracts of land from D.R. 5.5 to an R. O. zone.

The subject property consists of two parcels of land, the larger of which (parcel A) is

located at a distance of 285' southeast of Wilkens Avenue and the smaller of which

expert in urban planning and development, who testified that the present zoning would

permit subdivisions and the possible construction of 12 residential properties on the two

parcels. He further testified that the subject site is surrounded by D.R. 10.5 and D.R. 16

zoning and in close proximity to the subject site are some R.O. and B.L. zones. Mr. Lee

further testified that the mansion existing on the site, though a beautiful structure, is far

too expensive to maintain as a private residence. Mr. Lee further alluded to the past use

the subject property, had worked in the mansion, and has noted a great improvement to both

the exterior and interior of the premises since January 4, 1982, when the subject property

was purchased by Mr. Goschen. She further testified that she had no objection to the

that initially he had purchased the subject property for use as a residence and an office.

However, upon undertaking the restoration of the mansion, he realized that such use of the

(parcel 8) is located 495.87' southeast of Wilkens Avenue.

(until 1980) of the mansion as a nursery school.

13th District : (Item #18) GEORGE W. GOSCHEN, et ux,

> 1:1:::: ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

from D.R. 5.5 to R -O Zone

centerline of Wilkens Avenue,

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III Psople's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2138

I HEREBY CERTIFY that on this 15th day of June, 1982, a copy of the foregoing Order was mailed to Robert G. Carr, Esquire, 904 Equitable Towson Building, Towson, Maryland 21204, Attorney for Petitioners.

George W. Goschen, et ux

GEORGE W. GOSCHEN MARILYN T. GOSCHEN 5723 Oakland Road Baltimore, Maryland 21227

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Petitioners

MEMORANDUM IN SUPPORT OF PETITION FOR ZONING RE-CLASSIFICATION OF 910 and 912 MAIDEN CHOICE LAN BALTIMORE COUNTY, MARYLAND

.

Now comes your Petitioners, George W. Goschen and Marilyn T. Goschen, his wife, by their attorney, Robert G. Carr, and submit to the County Board of Appeals of Baltirore County this Memorandum in support of the requested Zoning Re-Classification of the above mentioned real property.

STATEMENT OF CASE

Petitioners in this matter are requesting a zoning re-classification from D.R.5.5 zone to a R-O zone.

The subject property encompasses two parcels of adjoining land as follows:

> PARCEL "A" - 1.82 acres known as # 910 Maiden Choice Lane, Thirteenth Election District, Baltimore County, Maryland

> PARCEL "L" - 0.48 acres known as # 912 Maiden Choice Lane, Thirteenth Election District, Baltimore County, Maryland

on which there is presently a private dwelling located on Parcel "A". This dwelling was originally constructed approximately two hundred years ago. Parcels "A" and "B" are separated by unimproved 1st Ave.

ROBERT G. CARR ATTORNEY AT LAW Burtt \$64 Equipment Towners Burns COURT LIVE STURME Torsen. No. 21762

There is error in the present zoning maps for this property because:

- 1) at the time of the preparation of the present zonin, maps the principal use of sa'i property was not residential as shown on said maps.
- 2) for a period in excess of / years prior to the adeption of the present soning maps, the principal use of said property was that of a nursery and day-care school on a large commercial basis, and was licensed as such.
- 3) said school employed a number of professional teachers and had enrollments of children, at times, in excess of fifty (50).
- 4) said property had been inspected and approved for said school use by the Maryland Department of Health and was further inspected and approved for school use by the Baltimore County Fire Department.
- 5) in accordance with certain requirements of the Health Department and Fire Department the subject property was subject to building alterations for the safety of the children in attendance at the school, such as (a) size and number of exits from the building, (b) fire extinguishers (c) kitchen facilities, (d) toilet facilities and others.

It is therefore respectfully submitted that your Petitioners have shown ERROR in the present zoning maps in order to justify the zoning re-classification requested.

-2-

Respectfully Submitted,

ROBERT G. CARR
104 Equitor 904 Equitable Towson Building 401 Washington Avenue Towson, Maryland 21204 296-4433 Attorney for Petitioners

> ATTORNEY AT LAW CONTRACT TOWSON BUDG. Court House Soukes

ROBERT G. CARR

TUMBON, NO. 21202

GEORGE W. GOSCHEN MARILYN T. GOSCHEN 5723 Oakland Road Baltimore, Maryland 21227

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Petitioners

MEMORANDUM IN SUPPORT OF PETITION FOR ZONING RE-CLASSIFICATION OF 910 and 912 MAIDEN CHOICE LANE BALTIMORE COUNTY, MARYLAND

Now comes your Petitioners, George W. Goschen and Marilyn T. Goschen, his wife, by their attorney, Robert G. Carr, and submit to the County Board of Appeals of Baltimore County this Memorandum in support of the requested Zoning Re-Classification of the above mentioned real property.

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PARCET, "B" - 0.48 acres known as # 912 Maiden Choice Lane, Thirteenth Election District, Baltimore County, Maryland

on which there is presently a private dwelling located on Parcel "A". This dwelling was originally constructed approximately two hundred years ago. Parcels "A" and "B" are separated by unimproved 1st Ave.

> ROBERT G. CARR ACCOUNTY AT LAW Equitable Townson Book COURT HOUSE SQUARE TOWNSON, MO.: \$1202

> > 2 231.51 top to 00 part

There is error in the present zoning maps for this property because:

- 1) at the time of the preparation of the present zoning maps the principal use of said property was not residential as shown on said maps.
- twenty-five 2) for a period in excess of / years prior to the adoption of the present zoning maps, the principal use of said property was that of a nursery and day-care school on a large commercial basis, and was licensed as such.
- said school employed a number of professional teachers and had enrollments of children, at times, in excess of fifty (50).
- said property had been inspected and approved for said school use by the Maryland Department of Health and was further inspected and approved for school use by the Baltimore County Fire Department.
- 5) in accordance with certain requirements of the Health Department and Fire Department the subject property was subject to building alterations for the safety of the children in attendance at the school, such as (a) size and number of exits from the building, (b) fire extinguishers (c) kitchen facilities, (d) toilet facilities and others.
- It is therefore respectfully submitted that your Petitioners have shown ERROR in the present zoning maps in order to justify the zoning re-classification requested.

Respectfully Submitted,

Colut Car. ROBERT G. CARR 904 Equitable Towson Building 401 Washington Avenue Towson, Maryland 21204 296-4433

Attorney for Petitioners

June 24, 1982

Robert G. Carr, Esquire 904 Equitable Towson Building Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Reclassification W/S of Maiden Choice La., 285' SE of the centerline of Wilkens Avenue (Parcel A) and Begin. 362.31' SW of Maiden Choice La., 495.87' 3E of the centerline of Wilkens Avenue (Parcel B) George W. Goschen, et ux - Petitioners Case Nc. R-83-19 Item #18

TIME: 41:00 A. M.

Thur. AUG. 5, 1980 DATE: Tuesday, July 20, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

County Board of Appeals

494-3180

ROBERT G. CARR

ATTORNEY AT LAW

Service Both

SULTABLE TOWSON BLOG

COURT HOUSE SQUARE

County Board of Appeals Room 219, Court House Towson, Maryland 21204 August 12, 1982

Robert G. Carr, Esq. 904 Equitable Towson Bldg. Towson, Md. 21204

Dear Mr. Carr:

Re: Case No. A-83-19, Item #18 George W. Goschen, et ux

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

cc: George W. Goschen, et ux J. W. Hessian, Esq. W. Hammond J. Dyer N. Gerber J. Hoswell **Board of Education**

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E HAMMOND ZONING COMMISSIONER

Robert G. Carr, Esquire

904 Equitable Towson Building Towson, Maryland 21204

Re: Petition for Reclassification W/S of Maiden Choice La., 285' SE of the centerline of Wilkens Avenue (Parcel A) Begin. 362.31' SW of Maiden Choice La., 495.87' SE of the centerline of Wilkens Ave. (Parcel B) George W. Goschen, et ux - Petitioners Case No. R-83-19 Item #18

Dear Mr. Carri

This is to advise you that \$169.73 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

No. 108936

Very truly yours,

July 29, 1982

WILLIAM E. HAMMOND

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE 8/10/82 ACCOUNT 01-662

AMOUNT \$169,73

MECEIVES George W. Goechen Advertising & Posting of Reclassification Case No. R-83-19

8 072++++1697315 8113A

VALIDATION OR SIGNATURE OF CASHIER

Office of **PATUXENT** 10750 Little Patuxent Privy

-2-

JULY 22,

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR RECLASSIFICATION

was inserted in the following: Catonsville Times

X Arbutus Times weekly newspapers published in Baltimore County, Maryland once a week for ONE successive weeks before the same was inserted in the issues of

JULY 22, 1982

PATUXENT PUBLISHING CORP.

By Linguish Motile

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

William T. Hackett, Chairman County Board of Appeals	Date_June 30, 1982
Norman E. Gerber, Director	
PROM Office of planning and Zoning	

SUBJECT Zoning Reclassification Petition No. R-83-19 Goschen Property

This property is located on the south side of Maiden Choice Lane, east of Wilkens Avenue. The subject site as well as the surrounding properties are all zoned for residential use (D.R. 5.5, D.R. 10.5, and D.R. 16); adjacent properties contain single family dwellings, group homes and garden apartments. The petitioner is requesting a change from D.R. 5.5 to R.O. zoning and has chosen to submit plans that do not show a proposed use for the

Prior to the 1980 Comprehensive Zoning Map, the property was zoned D.R. 5.5 During the preparation and processing of this map, the zoning of the subject property was not identified as a specific issue before either the Planning Board or the County Council; the County Council reaffirmed D.R. 5.5 zoning here.

Were the above the only pertinent facts to be considered, this office would be opposed to the granting of the subject petition in that it would constitute spot zoning; i.e., the arbitrary and unreasonable devotion of a small area to use inconsistent with the uses to which the rest of the district is restricted and made for the sole benefit of the private interests of the owner. Because of the public value inherent in the preservation of the historic structure on the subject property, this office does not believe that the granting of R.O. zoning here would constitute spot zoning. For information as to the historical value of this structure, a memorandum on this subject from John McGrain dated May 28, 1982, has been attached.

The last issue to be dealt with here is petitione 's selection of the "open plat" submittal as set forth in Section 2-58.1 of the Baltimore County Code 1978 as amended. Consequently, the Planning staff cannot support the petition on the basis of a specific proposal, namely the renovation of the historic building for office use. Were the petiti mer to elect to submit a documented site plun in conformance with the applicable portions of the law (Sections 2-58.1 (1) and 2-58.1 (m)), this office would consider a favorable comment; only by this process can the preservation of the historic structure be made a condition of the granting of the R.O. zone.

July 15, 1982

Robert G. Carr. Enquire 904 Equitable Towson Building Towson, Maryland 21204

cc: People's Counsel

RESCHEDULED NOTICE OF HEARING Re: Petition for Reclassification W/S of Maiden Choice La., 285' SE of the centerline of Wilkens Avenue (Parcel A) and Begin. 362, 31' SW of Maiden Choice La., 495, 87' SE of the centerline of Wilkens Avenue (Parcel E) George W. Goschen, et ux - Petitioners Case No. R-83-19 Item #18

TIME:	10:00 A. M.
DATE:	Thursday, August 5, 1982
PLACE:_	Room 218, Courthouse, Towson, Maryland

William T. Hackett. Chairman County Board of Appeals

Zoning Reclassification Petition No. R-83-19 Goschen Property Page Two

It is therefore recommended that the petitioner's request in its present format be denied, and that the existing zoning, D.R. 5.5, be retained.

Director of Planning and Zoning

NEG:JGHslc

Attachment

cc: John W. Hessian, III People's Counsel

> Robert G. Carr, Esquire 904 Equitable Towson Building Towson, Maryland 21204

J.G. Hoswell

BALTIMORE COUNTY MARYLAND WAY 21 '82 AM

INTER-OFFICE CORRESPONDENCE

Mr. N. Commodori TO Office of Planning and Zoning Edith T. Eisenhart, Adm. Secretary PROM County Board of Appeals

ZONING DEPARTMENT

Item #18 - Cycle III - George W. & Marilyn T. Gosch

Per Mr. Dyer's instructions, we are attaching hereto a copy of the County Council resolution exempting the above entitled case from the cycle procedure.

Please be advised that we have set Tuesday, July 20, 1982 at 10 a.m. for the hearing of this case. Therefore, please arrange for posting and advertising accordingly.

Edith T. Eisenhart, Adm. Secretary

Encl.

P.S. - When this petition was filed the description and plat show two parcels of land involved. On your list of cases marked "Mexing of March 16, 1982" the location shown is for Parcel A only. Parcel A containe 1.82 acres and Parcel B .48 of an acre. In Mr. Carr's letter of April 14, 1982, he mentiond 2+ acres. Have these two parcels been combined and shown as only one location?

cc: Arlene January

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Norman E. Gerber, Director Date May 28, 1982 TO Office of Planning and Zoning. John McGrain, Secretary PROM Landmarks Commission

SUBJECT Zoning Reclassification Petition No. R-83-19
The Lydia Zink School, or Homewood

The Lydia Zink School, or Homewood is a large frame structure in the Queen Anne style, with a central cupola and three corner turrets. It was probably built by a Baltimore City architect, David Carson, who appears as owner on the 13th District map in the G.M. Hopkins Atlas of Baltimore County, Maryland, 1877. Carson occurr d this 13-acre property in 1871 and called it "Homewood." No house was shown here by maps of 1850, 1860, and 1863. However, the foundation of some older structure is enclosed in the basement of the present house. There are also some surviving walls built by the technique of nogging: the infilling of soft brick between timber uprights. The 1876 tax ledger of District 13 showed that David Carson had \$2,000 worth of improvements on the grounds. In 1877, David Carson sold to Herman Haupt, former Union general and agent of an oil company, the right-of-way to lay a petroleum pipe line down Maiden Choice Lane "outside of his fences."

In 1878 the property passed to Charles L. Carson, the architect who designed the first Enoch Pratt Free Library Building (400 Cathedral Street). The older Carson had designed one of the classic Baltimore City row-house blocks, Waverly Terrace (100 block North Carey Street). Subsequent owners were:

John T. Auer	1889-1891
Henry E. Eigenbrodt & wife (later Mrs. Louisa Herriein)	1891-1907 1907-1937
Wm. H. Weyforth	1937-1939
Wilton Farms Dairy, Inc.	1939-1940
Lydia Pearl Zink	1940-1982
George W. Goschen & wife	1982-

Among these owners, Henry Eigenbrodt operated a brewery in West Baltimore (near Catherine Street and Frederick Avenue) which still stands, used as a furniture storage warehouse. Mrs. Zink conducted a kindergarten or day-school until her recent retirement. In 1982 George W. Goschen, an independent insurance agent, acquired the property. Prior to his request for R-O zoning, he had the rooms damaged by the school children restored and repainted. The Goschens purchased most of the period furniture owned by Mrs. Zink. The Zink living area had survived intact, and the rooms are richly decorated with orginal Victorian wall paper and the dining room features a frieze made of inlaid leather scored with patterns of leaves and flowers.

Zoning Reclassification Petition No. R-83-19 The Lydia Zink School, or Homewood June 28, 1982 Page Two

This house is an outstandingly large and complex structure for its immediate neighborhood. If, as seems likely, it was designed by its owner David Carson, it is one of the few 19th century houses in this county that can be attributed to a particular architect.

The dimensions of this house as given in the 1918 tax ledger were:

Dwelling 40 x 40 \$10,500 26 x 38, two and a half story 8,244 Stable 32 x 60, two and a half story 472 Tenant House 14 x 40 254 20 x 26 562 Bowling Alley 16 x 90

NOTE: The local tradition that this house belonged to the Carrols of Mount Clare is probably based on the fact that the land once belonged to the Baltimore Company, the iron enterprise in which to Carrols were major partners. The ground here is called "Brown's Adventure," orginally surveyed for Thomas Brown in 1695 as a 1000-acre tract. In the 1798 tax list, only one house stood on Brown's Adventure; the owner then was the Baltimure Company and the tenant of the structure---which could have been almost anywhere--was Charles Griffin. The only notable dwelling was a two-story frame dwelling 24 x 18 with a log kitchen.

Pokus M. Thain

Landmarks Commission Secretary

JM:sc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. N. Commodari Date ____ May 20, 1982 TO Office of Planning and Zoning . Edith T. Eisenhart, Adm. Secretary FROM County Board of Appeals

SUBJECT ... Hen #18 - Cycle III - George W. & Marilyn T. Geschen

Per Mr. Dyer's instructions, we are attaching hereto a copy of the County Council resolution exempting the above a littled case from the cycle procedure.

Please be advised that we have set Tuesday, July 20, 1982 at 10 a.m. for the hearing of this case. Therefore, please arrange for posting and advertising accordingly.

Edith T. Elsenhart, Adm. Secretary

P.S. - When this petition was filed the descriptions and plat show two parcels of land involved. On your list of cases marked "Meeting of March 16, 1982" the location shown is for Parcel A unity. Parcel A contained 1.82 acres and Parcel B .48 of an acre. In Mr. Corr's letter of April 14, 1982, he mantioned 2+ acres. Have these two parcels been combined and shown as only one location?

cc: Arlene January



County Council of Baltimore County Cou.t House, Towson, Margland 21204 [301] 494-3196

COUNCIL

May 17, 1982

Ronald B. Hickernell Hest pistect.

Gary Huddles Mr. William T. Hackett, Chairman SECOND DISTRICT Board of Appeals Court House James T. Smith Jr. Towson, Maryland 21204 THIRD DISTRICT, CHARMAN

Dear Mr. Hackett:

Barbara F. Bachw FOURTH DISTAICT

Norman W. Lauenstein. FIFTH DISTRICT

Reference is made to the Zoning Reclassification Petition requested by George and Marilyn Goschen and to the Planning Board Resolution dated May 6. 1982.

Engene W. Gallagher Please be advised that the County Council approved the following resolution at their meeting on May 17, 1982 in connection with this petition: John W. C'Kourke

Thomas Toporoxich

SIX THE DISTRICT

SEVENTH DISTRICT

"Pursuant to Subsection 2-58.1 of the Baltimore County Code 1973, as amended, the Baltimore County Council approves the request of George and Marilyn Goschen to exempt from the zoning cycle the reclassification petition which is the subject of the Baltimore County Planning Board Resolution dated May 6, 1982."

This information is forwarded for your appropriate action.

Sincerely yours,

PN '82 BALTINGRE COU MR 19 4 05 PI COUNT / BOA OF APPEALS T FEW

TT:b1

Enclosures

CC: Norman E. Gerber, Secretary Planning Board

BALTIMORE COUNTY PLANNING BOARD RESOLUTION

May 6, 1982

WHEREAS,

Pursuant to Subsection 2-40.1 (i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by George and Marilyn Gaschen to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS,

The Planning Board believes that early action is required on this petition to assist in the efforts to preserve this historic structure; now, therefore, be it

RESOLVED,

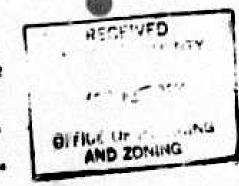
That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Patition w wild be in the public interest and is needed because of the emergency nature of the request.

I HEREBY CERTIFY that this resolution was duly adopted by the Baltimore County Flanning Board at its meeting in Towson, Maryland, on May 6, 1982.

Norman E. Gerber, Secretary Baltimore County Planning Board

terminated I was the server of the server of

ROBERT G. CARR ATTORNEY AT LAW BUITE BOA SQUITAGLE TOWSON BUILDING COURT HOUSE SQUARE TOWSON, MARYLAND 21204



April 14, 1982

Office Of Planning And Zoning County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Baltimore County Council Old Court House County Council Office 2nd Floor Towson, Maryland 21204

RE: Petition For Zoning Re-Classification From D.R.5.5 to R-O for the property known as 910-912 Maiden Choice Lane, 13th Election District, Baltimore County, Maryland

Gentlemen:

(901) 200-4455

Please be advised that the undersigned represents George W. Goschen and Marilyn T. Goschen, his wife, who on February 24, 1982 filed with the County Board Of Appeals Of Baltimore County their Petition For Zoning Re-Classification for the above property from a D.R.5.5 zone to a R-O zone. This letter is being written at this time because your Petitioners through counsel, are requesting that their Petition For Zoning Re-Classification be exempted from the regular cyclical procedure of sub sections (c) through (h) of the Baltimore County Zoning Regulations (1981), Appendix F, (Article V - Boards and Commissions) Section 2- 8-1(I). The Petitioners are making said request because they feel it is in the public interest and also because an emergency has been presented. Your Petitioners give the following reasons for their request:

1. Petitioners took title to the above two plus acres on January 4, 1982 and as stated above filed a Petition For Zoning Re-Classification on February 24, 1982. Said property contained a large single family residence of which the original sections were built over two hundred (200) years ago and is one of only four (4) Victorian structures still standing and in use in the State of Maryland. Two of these other structures are in Prince George's County and the third

April 7, 1982

Mr. William Hackett, Chairman Board of Appeals Court House Towson, Maryland 21204

Comments on Item #18, Cycle III Meeting, March 16, 1982, are as

George W. & Marilyn T. Goschen W/S Maiden Choice Lane 255' S/E from centerline of Wilkens Avenue D.R. 5.5

Existing Zoning: Proposed Zoning:

Metropolitan water and sever are available. There is an existing cistern located on the northern side of the structure that should be backfilled with clean earth.

The Kening Flan, as submitted, does not contain sufficient infor-nation; therefore the Baltimore County Department of Health cannot make conplete comments.

Very truly yours,

Inn J. Forrest, Director BUREAU OF REVIPOSBERTAL SERVICES

LJF/als/JRP

Office Of Planning And Zoning Baltimore County Council April '4, 1982

one is located in Baltimore City. It is believed that the subject property is the only standing Victorian structure still in use in Baltimore County at this time.

After taking title to said property, your Petitioners immediately undertook a very thorough examination of the premises and sub-structures in order to determine the feasibility of restoring said building to as close as possible, its original condition. This study revealed many portions of the building were in advance decay and unless they are given immediate attention, they could not be restored to their original condition. It would be in the public interest to maintain such a structure in Baltimore County and your Petitioners plan to expend a large sum of money to restore the structure as close as possible to its original condition and since their planned use is for an office to be used principally for your Petitioners' insurance business, the public will have easy access to said structure and its historical significance will not be lost.

Your Petitioners aver that to wait until after November, 1982 for the normal cycle in which their Petition For Zoning Re-Classification would be heard will highly jeopardize the present structure in the present decaying condition and cause even larger sums of money to be expended by your Petitioners in order to restore the structure. For this reason your Petitioners respectfully request that to exempt them from the regular cyclical procedure for these type of cases would be in the public interest and would avoid further emergencies in the decay of the structure.

2. That for the past twenty-five (25) years or more said structure was not used as a private residence but rather was principally used as that of a large commercial nursery and day care center for large numbers of children and their instructors. As such the building was allowed to decay further and was abused daily by the large number of children using same, repairs to the building were made in a piecemeal fashion with no comprehensive plan to maintain the building as a historic edifice. For this reason many of the required repairs at this time are of an emergency nature and require immediate expenditures of large sums of

Office Of Planning And Zoning Baltimore County Council April 14, 1982

money in order to restore the building and maintain its historical significance.

3. That the structure is too large and unwieldy to ever be used again as a private residence and your Petitioners feel that their requested use as an office would be harmonious with the surrounding areas and be the best possible use under the circumstances now and there existing and they wish to move as expediently as possible in order to stop further decay of this magnificant structure and to once again make it a beautiful and historic building in Baltimore County.

It is therefore respectfully submitted that your Petitioners have shown public interest and/or an emergency situation and therefore are properly requesting that this Petition For Zoning Re-Classification be exempted from the regular cyclical procedure and early action upon the Zoning Re-Classification Petition is manifestly required for the reasons stated above. Petitioners therefore request your early action upon their Zoning Re-Classification Petition and thank you very much for your consideration.

Respectfully submitted,

Robert G. Carr Attorney for Petitioners

cc: Mr. and Mrs. George W. Goschen

Paul Lea 96

Paul Lee Engineering Inc. 304 W. Fransylvania Ava. Towson, Maryland 21204 821-5941

DESCRIPTION

PARCEL "A" - 1.82 ACRE PARCEL KNOWN AS #910 MAIDEN CHOICE LANE THIRTEENTH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

This Description is for a Reclassification from DR 5.5 to R-O.

Beginning for the same at a point located on the west side of Maiden Choice Line said point also being located 285'+ southeasterly from the centerline of Wilkens Avenue, thence binding on the west side of Maiden Choice Lane (1) S 40 04'28" E 43.50 feet and (2) by a curve to the left with a radius of 3,035.00 feet for a distance of 167.37 feet, thence leaving said west side of Maiden Choice Lane (3) S 45007' W 322.31 feet to the east side of 1st Avenue (unimproved), thence binding on the east side of 1st Avenue (4) N 41°30' W 220.65 feet. thence leaving said east side of 1st Avenue (5) N 47°04' E 321.61 feet to the point of beginning.

Said Parcel "A" containing 1.82 acres+ of ground.



Engineers - Surveyors - Site Planners

D.R. 16

D.R. 16

PETITION FOR RECLASSIFICATION

13th Election District

ZONING:

Petition for Reclassification

LOCATION:

West side of Maiden Choice Lane, 285 ft. Southeast of the centerline of Wilkens Avenue (Parcel A) and Beginning 362.31 ft. Southwest of Maiden Choice Lane. 495.87 ft. Southeast of the centerline of Wilkens

Avenue (Parcel B)

DATE & TIME.

Thursday, August 5, 1982 at 10:00 A.M.

PUBLIC HEARING:

the Zoning Department.

Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearin

> Present Zoning: D.R. 5.5 Proposed Zoning: R.O.

Being the property of George W. Goschen, et ux, as shown on plat plan filed with

Hearing Date: Thursday, August 5, 1982 at 10:00 A.M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

All that parcel of land in the Thirteenth District of Baltimore County

Paul Lec Enzineering Inc. 304 W. Pransylvania Acc. Touson, Maryland 21201

821-5941

DESCRIPTION

PARCEL "B" - 0.48 ACRE PARCEL - KNOWN AS #912 MAIDEN CHOICE

LANE - THIRTEENTH ELECTION DISTRICT - BALTIMORE COUNTY,

MARYLAND

This Description is for a Reclassification from DR 5.5 to R-O.

Beginning for the same at a point, said point being located 495.87 feet \pm as measured along the west side of Maiden Choice Lane from the centerline of Wilkens Avenue and southwesterly S 45°07' W 362.31 feet \pm from the west side of Maiden Choice Lane, thence continuing on the same line (1) S 45°07' W 155 feet \pm thence northwesterly (2) N 30°13' W 163.9 feet, thence (3) N 49°35' E 119 feet \pm to the west side of 1st Avenue (unimproved), thence binding on said west side of 1st Avenue (4) S 41°30' E 150 feet \pm to the point of beginning.

Said Parcel "B" containing 0.48 acres <u>+</u> of ground and being a part of Lots 34-40 as shown on the plat of Wilkens Terrace and as recorded in Plat Book 7-173.



Engineers - Surveyers - Site Planners 2/19/8:

PETITION	M	MAPPING		PROGRESS		SHEET				
FUNCTION	Wall Map Or		Ori	iginal Duplic		icate	Tracing		200 Sheet	
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Petition number added to outline						Z				
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BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

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CERTIFICATE OF PUBLICATION

TOWSON, MD., July 1, 19.82

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., SECONDER one time SECONDER before the 20th day of July 1982, the EVE publication appearing on the 1st day of July 1982.

L. Leank Structur

Cost of Advertisement, \$

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN Manager.

Cost of Advertisement, \$

