

IN RE: PETITION FOR VARIANCE
S/S Westchester Avenue, 400' SW of the
c/I Oella Avenue
(2413 Westchester Avenue)
1st Election District
1st Councilmanic District

David B. Goucher, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-256-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, David B. and Christina R. Goucher. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 40 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David and Christina Goucher, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.4618 acres, more or less, zoned D.R. 2 and is presently unimproved. The property is located in the community of Oella in Catonsville and is also known as Lot 2 of the Moore property. The Petitioners are desirous of constructing a single family dwelling on the property; however, due to the site constraints associated with this lot, the requested variance is necessary in order to proceed with the proposed development. Testimony revealed that a steep slope exists towards the front portion of the lot and that drainage is a problem across the rear property line. Furthermore, an 8-inch sanitary sewer line traverses the rear third of the lot. In addition, a 20-foot

ORDER RECEIVED FOR FILING
Date 3/29/99
By [Signature]

wide private driveway easement runs along the western property line to provide access to Lot 3 of the Moore property which is located to the rear of the subject property. As can be seen from the site plan, a 20-foot front property line setback will be maintained and the house will be located 51 feet from the centerline of Westchester Avenue. It should also be noted that the house on the adjacent lot, known as 2415 Westchester Avenue, is located less than 30 feet from the street centerline.

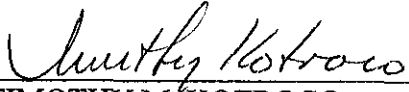
Further testimony revealed that in the future, the Petitioners would like to construct a garage to the rear of the dwelling, adjacent to the 20-foot wide private driveway easement which serves Lot 3. To require strict compliance with the zoning regulations would force the proposed dwelling further back on the lot where it tapers to a narrower width and closer to the sanitary sewer line, thereby preventing the Petitioners from building a garage in the most practical and appropriate location.

At the hearing, there was no opposition to the Petitioners' request and I was prepared to grant the variance. However, the Bureau of Developer's Plans Review Division of the Department of Permits and Development Management submitted Zoning Plans Advisory Committee comment, dated January 25, 1999, in which they requested a denial of the variance, due to the future widening of Westchester Avenue. Thus, I withheld making a final decision until I could further investigate this issue with Mr. Robert Bowling, Supervisor of the Developer's Plans Review Division. Mr. Bowling advised me that a 40-foot setback must be maintained to provide for the future roadway widening of Westchester Avenue with an adequate storm drain system or drainage swale along the front of the site. Thus, I am compelled to deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested must be denied.

ORDER RECEIVED FOR FILING
Date 3/29/99
By [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of March, 1999 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 40 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 3/29/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 22, 1999

Mr. & Mrs. David B. Goucher
2409 Westchester Avenue, 2nd Floor
Ellicott City, Maryland 21043

RE: PETITION FOR VARIANCE
S/S Westchester Avenue, 400' SW of the c/l Oella Avenue
(2413 Westchester Avenue)
1st Election District – 1st Councilmanic District
David B. Goucher, et ux - Petitioners
Case No. 99-256-A

Dear Mr. & Mrs. Goucher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2413 Westchester Ave.

which is presently zoned DR-2

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) Section 1802.3.C.1 to allow a front yard setback of 20ft. in lieu of the required 40ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. The steep slope of front of lot would cause problems with water drainage from front to back of lot.
2. Grading in front of house would also be a problem even with a 10' foundation.
3. By moving front setback forward, would allow more room on left side setback from the 20' easement right of way to lot # 3 and future garage could be placed to left side back off right of way.

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 _____

Legal Owner(s):

DAVID B. GOUCHER

Name - Type or Print _____

Signature David B. Goucher

CHRISTINA R. GOUCHER

Name - Type or Print _____

Signature Christina R. Goucher

2409 Westchester Ave. 2nd Flr 410-461-7582/H

Address _____ Telephone No. _____

Ellicott City Md. 21043

City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By BR Date 1/5/99

ORDER RECEIVED FOR FILING

Date 3/29/99
By [Signature]
REQ 9/15/98

Case No. 99-256-A

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2413 Westchester Ave.

BEGINNING AT A POINT ON THE ^{South}~~North~~ SIDE OF

Westchester Ave., WHICH IS 20 feet WIDE AT THE DISTANCE

OF 400 ft. South West OF THE CENTERLINE OF THE NEAREST

IMPROVED INTERSECTING STREET Oella Ave., WHICH IS

20 feet WIDE. BEING LOT # 2 AS RECORDED IN BALTIMORE

COUNTY PLAT BOOK # ~~88~~, FOLIO # ~~105~~ CONTAINING

Minor Sub 93-134

20,000 sq. ft., ALSO KNOWN AS 2413 Westchester Ave. AND

LOCATED IN THE 1ST ELECTION DISTRICT, 1ST

COUNCILMAN DISTRICT.

99-256-A

#256

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **062427**

DATE 1/5/99 ACCOUNT Rowl 650

AMOUNT \$ 50.00

RECEIVED FROM: William & David Goucher

FOR: sub 010 zoning variance

99-256-A

PAID RECEIPT
PROCESS NO. 105/199 1575-19
DATE 01/05/99
CASHIER MICHAEL J. BAKER
5 MISCELLANEOUS RECEIPT
RECEIPT # 07660
DATE 01/05/99

Baltimore County, Maryland

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

J. Tom...

**NOTICE OF ZONING
HEARINGS**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-256-A
2413 Westchester Avenue
S/S Westchester Avenue, 400'
SW of Centertine Delta Avenue
1st Election District
1st Councilmanic District
Legal Owner(s):

Christina R. & David B. Goucher

Variance: to allow a front yard setback of 20 feet in lieu of the required 40 feet.
Hearing: Thursday, February 11, 1999 at 9:00 a.m. in Room 467, County Courts Bldg., 401 Rossley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-4886.
(2) For information concerning file, order, hearing, Please Call (410) 887-3387.

1/31/99 Jan. 28 C288516

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/28/, 1999

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 1/28/, 1999.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: CASE # 99-256-A
PETITIONER/DEVELOPER:
(David Goucher)
DATE OF HEARING
(Feb. 11, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

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 located at
2409 Westchester Ave. 2nd. Floor Ellicott City, Maryland 21043_____

The sign(s) were posted on _____ 1-26-99 _____
(Month, Day, Year)

Sincerely,

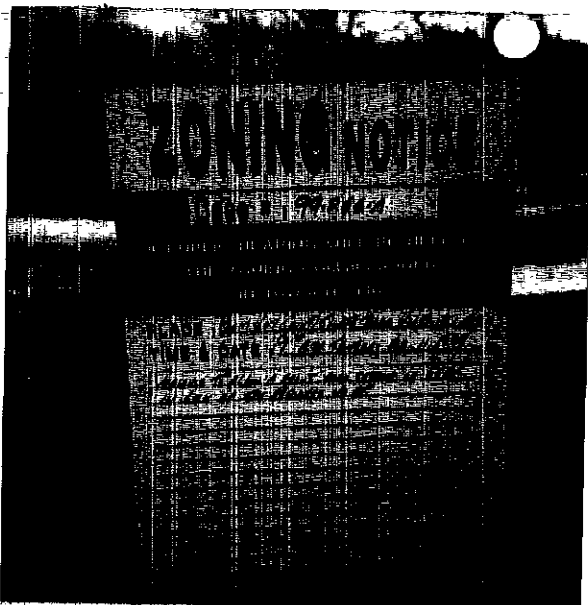

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 13, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-256-A
2413 Westchester Avenue
S/S Westchester Avenue, 400' SW of centerline Oella Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Christina R. & David B. Goucher

Variance to allow a front yard setback of 20 feet in lieu of the required 40 feet.

HEARING: Thursday, February 11, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script that reads "Arnold Jablon" with the number "34" written below it.

Arnold Jablon
Director

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 27, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
January 27, 1999 Issue – Jeffersonian

Please forward billing to:

David Goucher 410-461-7582
2409 Westchester Avenue
Ellicott City, MD 21043

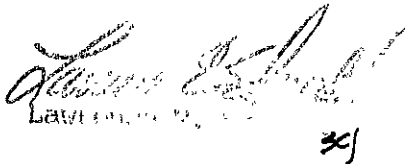
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CASE NUMBER: 99-256-A
2413 Westchester Avenue
S/S Westchester Avenue, 400' SW of centerline Oella Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Christina R. & David B. Goucher

Variance to allow a front yard setback of 20 feet in lieu of the required 40 feet.

HEARING: Thursday, February 11, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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/neighbor 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 which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 256

Petitioner: David + Christina Goucher

Location: 2413 Westchester Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David Goucher

ADDRESS: 2409 Westchester Ave.

Ellicott City Md. 21043

PHONE NUMBER: 410-461-7582

AJ:ggs

(Revised 09/24/96)

99.256-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-256-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to allow a front yard
setback of 20 ft. in lieu of the
required 40 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE
2413 Westchester Avenue, S/S Westchester Ave,
400' southwest of centerline Oella Avenue,
1st Election District, 1st Councilmanic

Legal Owners: David B. & Christina R. Goucher

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-256-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owners David B. & Christina R. Goucher, 2409 Westchester Avenue, 2nd Floor, Ellicott City, MD 21043, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 4, 1999

Mr. & Mrs. David B. Goucher
2409 Westchester Avenue
Ellicott City, MD 21043

RE: Item No.: 256
Case No.: 99-256-A
Location: 2413 Westchester Ave.

Dear Mr. & Mrs. Goucher:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on January 5, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 25, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for January 25, 1999
Item No. 256

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The ultimate location of the roadway widening with an adequate storm drain system or swale for drainage along the toe of slope requires us to deny this variance request and maintain the existing 40-foot setback.

RWB:HJO:jrb

cc: File

ZONE0125.256



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 15, 1999

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 JANUARY 19, 1999

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:

255, 256, 257, AND 258

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

cc: File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 1/22/99

FROM: R. Bruce Seeley *RBS/qs*
Permits & Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting for:

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

Item #'s: 255
256
258
99-238-SPHA



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 1.12.99

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

RE: Baltimore County
Item No. 256 TBR

Dear Ms Stephens:

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,

A handwritten signature in cursive script, appearing to read 'P. J. Lenhart'.

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

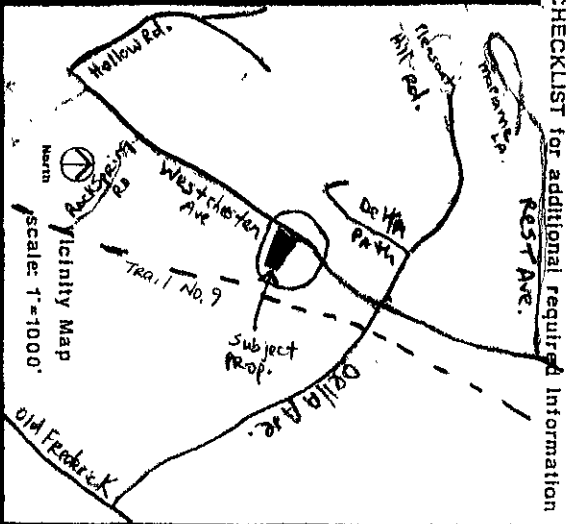
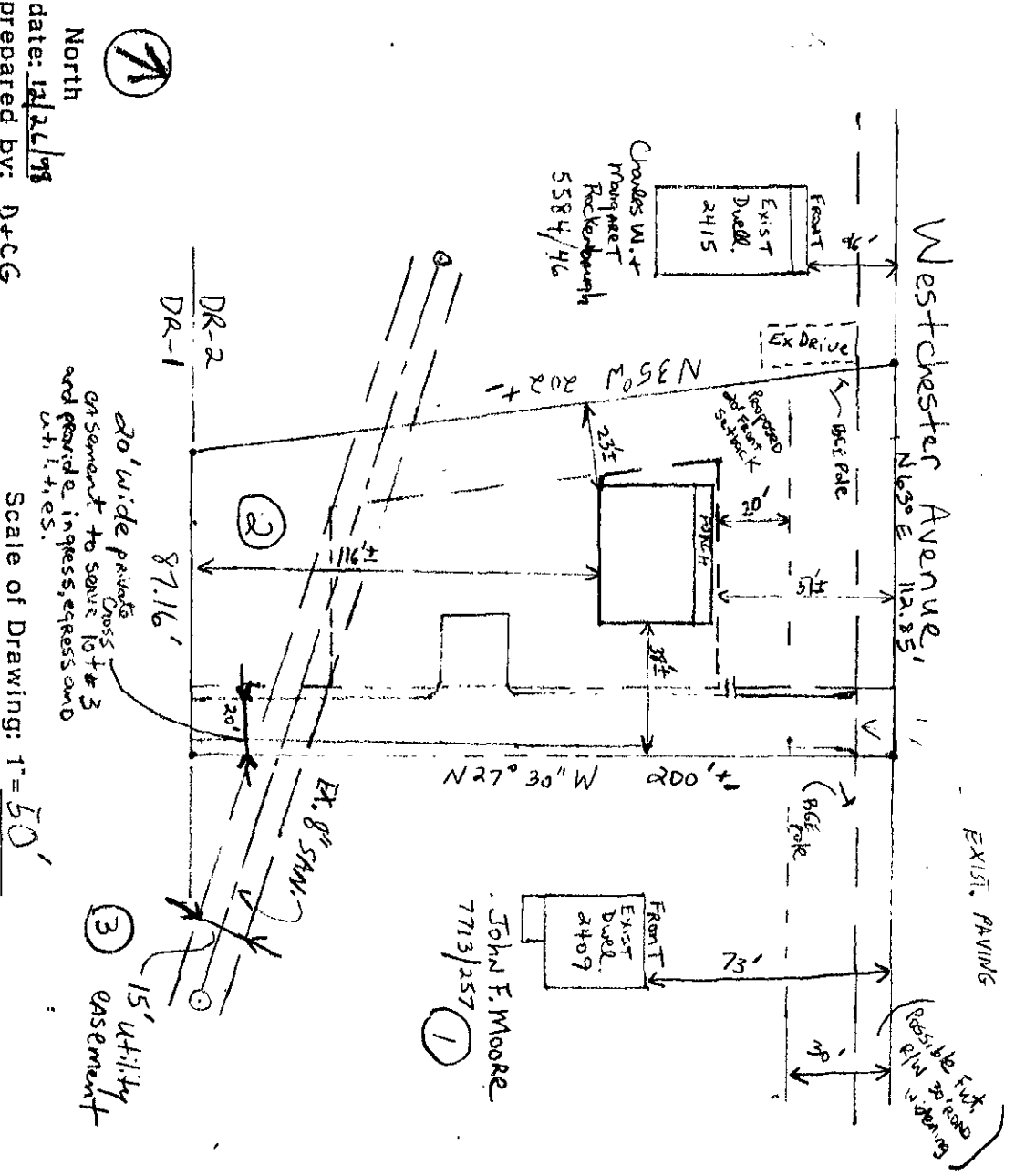
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 2413 Westchester Ave. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Oella Moore Subdivision of Moore Property

Plat book # 98, folio # 125, lot # 2, section # 93-1301-1

OWNER: David + Christina Goucher



LOCATION INFORMATION

Election District: 1
 Councilmanic District: 1

1"=200' scale map #: SW 3 H

Zoning: DR-2
 Lot size: 0.4618 20,000
 acreage square feet

SEWER: public private
 WATER:

Chesapeake Bay Critical Area: Yes No
 Prior Zoning Hearings: NONE

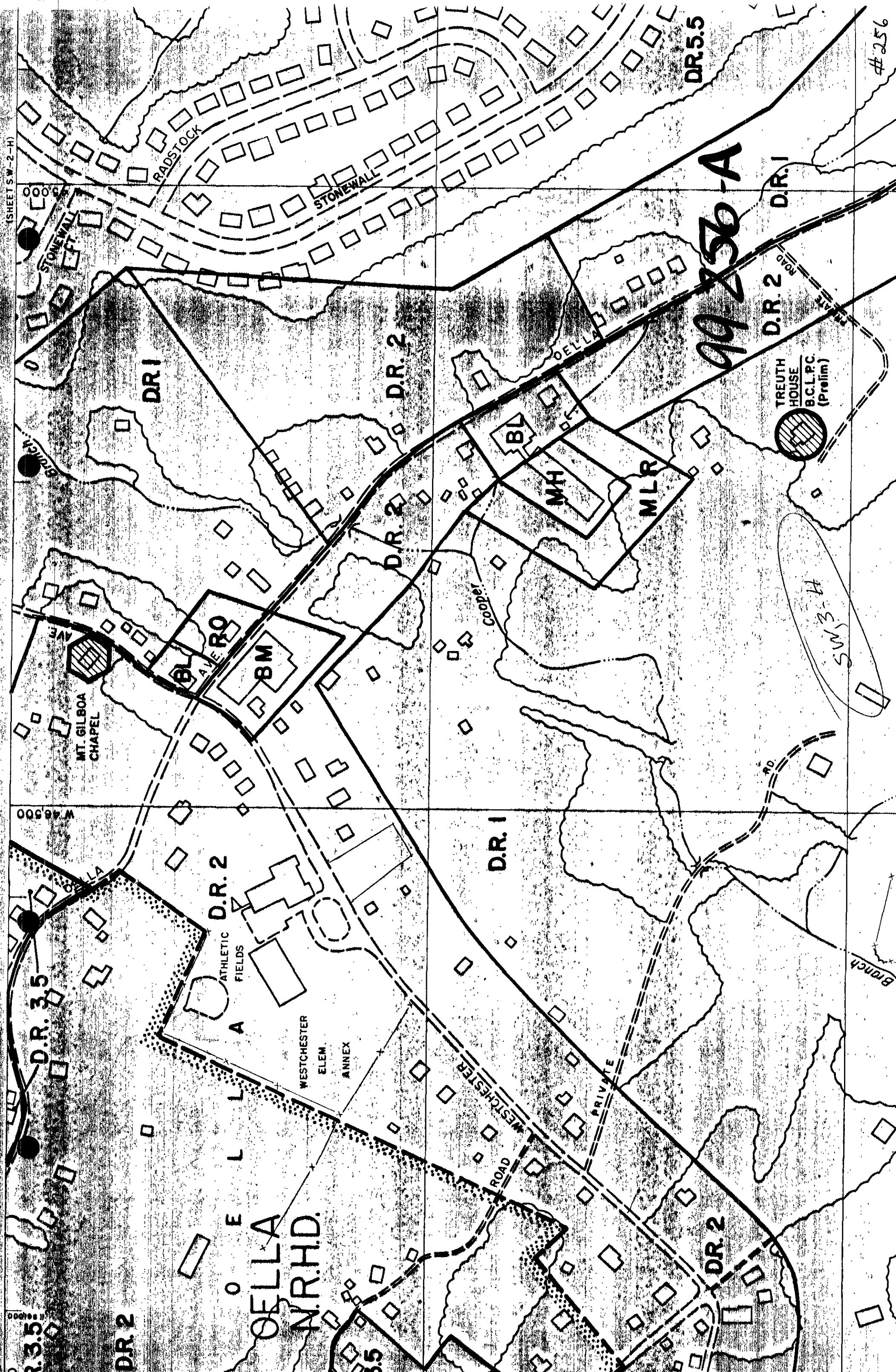
Zoning Office USE ONLY!
 reviewed by: _____ ITEM #: _____ CASE#: _____

Prepared by: D+C G 98 256 99-256-A

North
 date: 12/24/98
 prepared by: D+C G

Scale of Drawing: 1"=50'

Petitioners ex 17



DR. 3.5

DR. 2

DR. 3.5

DR. 2

DR. 1

DR. 2

DR. 1

DR. 5.5

DR. 1

DR. 2

MT. GILBOA CHAPEL

ATHLETIC FIELDS

WESTCHESTER ELEM. ANNEX

TREUTH HOUSE B.C.L.P.C. (Prelim)

DELLA W.R.H.D.

99-250-A

SW 3-A