

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Westchester Ave, 125' W
centerline of Hollow Road
1st Election District
1st Councilmanic District
(2602 Westchester Avenue)

Leslie K. & Sean S. Wray
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-499-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Leslie K. and Sean S. Wray, legal owners, of that property known as 2602 Westchester Avenue in the western area of Baltimore County. The Petitioners herein seek relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 13.5 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Date

By

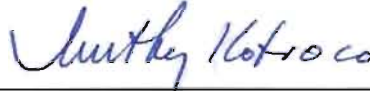
6/6/02

R. Jamison

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of June, 2002, that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 13.5 ft. in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

6/6/02

By

R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 6, 2002

Mr. & Mrs. Sean S. Wray
2602 Westchester Avenue
Ellicott City, Maryland 21043

Re: Petition for Administrative Variance
Case No. 02-499-A
Property: 2602 Westchester Avenue

Dear Mr. & Mrs. Wray:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2602 Westchester Ave
which is presently zoned D.R.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) 1802.3.C.1 AND 301.1 BCZR

To permit an open projection (deck) with a rear yard setback of 13.5' in lieu of the required 30'.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

2602 Westchester Ave 410-418-8560

Address Telephone No.

City State Zip Code

Name - Type or Print

Representative to be Contacted:

Signature

Sean Wray

Name

Company

2602 Westchester Ave 410-418-8560

Address Telephone No.

Address Telephone No.

Ellicott City Md 21043

City State Zip Code

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 6/6/02 day of June 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.

Zoning Commissioner of Baltimore County

CASE NO. 02-499-A

Reviewed By JRF Date 5-7-02

Estimated Posting Date 5-20-02

REV 10/25/01

ORDER RECEIVED FOR FILING

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

2602 Westchester Ave
Address
Ellicott City MD 21043
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):

As Baltimore County single-family homeowners we are attempting to improve our property by adding a larger deck off the rear of our home. The proposed deck will make our property more enjoyable and livable. It will also fit into the integrity of our home's style, and a professional woodworker will construct it.

Our property is in an older community where the property lots are configured in unique shapes and roads pass very close to many houses. Currently one rear corner of our house is less than 30 feet from our property boundary line. Many neighbors and even adjacent neighbors have structures (i.e., concrete patios, rear porches, etc.), which are also less than 30 feet from their boundary lines. Incidentally, the front of our house is about six feet from Westchester Avenue. Other houses are even closer to the road than our house.

Finally, our request from Baltimore County is to grant us a zoning variance to construct a larger deck in the rear of our property that will enhance the quality of our home.

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.

Sean S. Wray
Signature
Sean S. Wray
Name - Type or Print

Leslie K. Wray
Signature
Leslie K. Wray
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 07th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Sean S. Wray & Leslie K. Wray
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rose M. Cadenhead
Notary Public

My Commission Expires 3/1/2006



Commonwealth

Policy No. G32-0025577

File No. 3901-01

COMMONWEALTH LAND TITLE INSURANCE COMPANY

EXHIBIT "A"
Legal Description

BEGINNING FOR THE SAME at a stone planted in said road called Westchester Avenue at the end of the fourth line of that lot which by deed dated May 17, 1888, and recorded among the Land Records of Baltimore County in Liber JWS No. 171, folio 158, was granted and conveyed by Rebecca S. Collier to George W. Dykes and running and binding on said road North 75 degrees West 83 feet to the Southeast corner of that lot which by Deed dated May 25, 1888, and recorded among the said Land Records in Liber JWS No. 171, folio 342, was granted and conveyed by the said Rebecca S. Collier to Joseph Curtis, thence binding thereon North 19 degrees East 8 feet to a granite stone planted on the North side of the road and continuing in the same direction North 19 degrees East 72 feet to a granite stone planted in the third line of said lot conveyed by the said Rebecca S. Collier to George W. Dykes as aforesaid, as a corner of said lot conveyed by the said Rebecca S. Collier to the said Joseph Curtis aforesaid and binding on the said third line of said tract of land conveyed to Dykes as aforesaid, South 56 ¼ degrees East 62 feet to a granite stone; thence binding on the fourth line of said lot South 2 ¼ degrees East 63 feet to the place of beginning. Containing 18 square perches of land, more or less. The improvements thereon being known as 2602 Westchester Avenue.

Being the same property which by Deed dated August 31, 2000, and recorded in Liber 14710, folio 015, was granted and conveyed by Leonard T. Hackett and Robbin E. Hackett to Sean S. Wray and Leslie D. Kerhin.

#499

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 12771

DATE 5-7-02 ACCOUNT 001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Sam Wray
2002 Westchester Ave ITEM # 499
FOR: 01 VARIANCE TAKEN BY JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/08/2002 5/07/2002 15:49:01

REG 4504 WALKIN DOOL DMD DRAWER 2
RECEIPT # 181844 5/07/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 012771

Recpt: Tot \$50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-499-A

Petitioner/Developer: SEAN +

LESLIE WRAY

Date of Hearing/Closing: 6/4/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 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 2602 WESTCHESTER
AVE

The sign(s) were posted on 5/20/02
(Month, Day, Year)

Sincerely,

[Signature] 5/20/02
(Signature of Sign Poster and Date)

SSC ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 02-499-A

Petitioner: Sean S. Wray

Address or Location: 2602 Westchester Avenue, Ellicott City, MD 21043

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sean S. Wray

Address: 2602 Westchester Avenue
Ellicott City, MD 21043

Telephone Number: 410 418-8560

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 499 -AAddress 2602 WESTCHESTER AVE.Contact Person: JUN R. FERNANDO

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 5-7-02Posting Date: 5-20-02Closing Date: 6-4-02

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 02- 499 -AAddress 2602 WESTCHESTER AVE.Petitioner's Name Sean & Leslie WrayTelephone 410-418-8560Posting Date: 5-20-02Closing Date: 6-4-02Wording for Sign: To Permit an open projection (deck) with a rear yard setback of 13.5' in lieu of the required 30'.

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 3, 2002

Mr. & Mrs. Sean S Wray
2602 Westchester Avenue
Ellicott City MD 21043

Dear Mr. & Mrs. Wray:

RE: Case Number: 02-499-A, 2602 Westchester Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 7, 2002.

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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



Baltimore County
Fire Department

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 15, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 20, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

488, 490-500

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

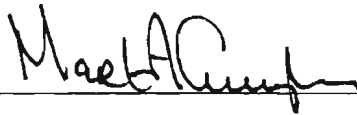
DATE: May 15, 2002

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

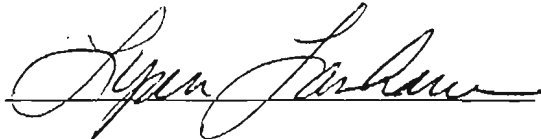
SUBJECT: Zoning Advisory Petition(s): Case(s) 02-487, 02-497, 02-499, and 02-500

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: _____



Section Chief: _____



AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.14.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 999 JRF

Dear Mr. Zahner:

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,

K Kenneth A. McDonald Jr., 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

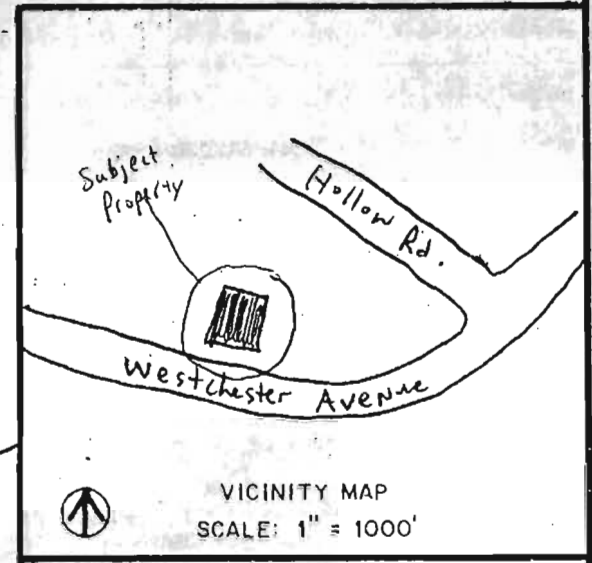
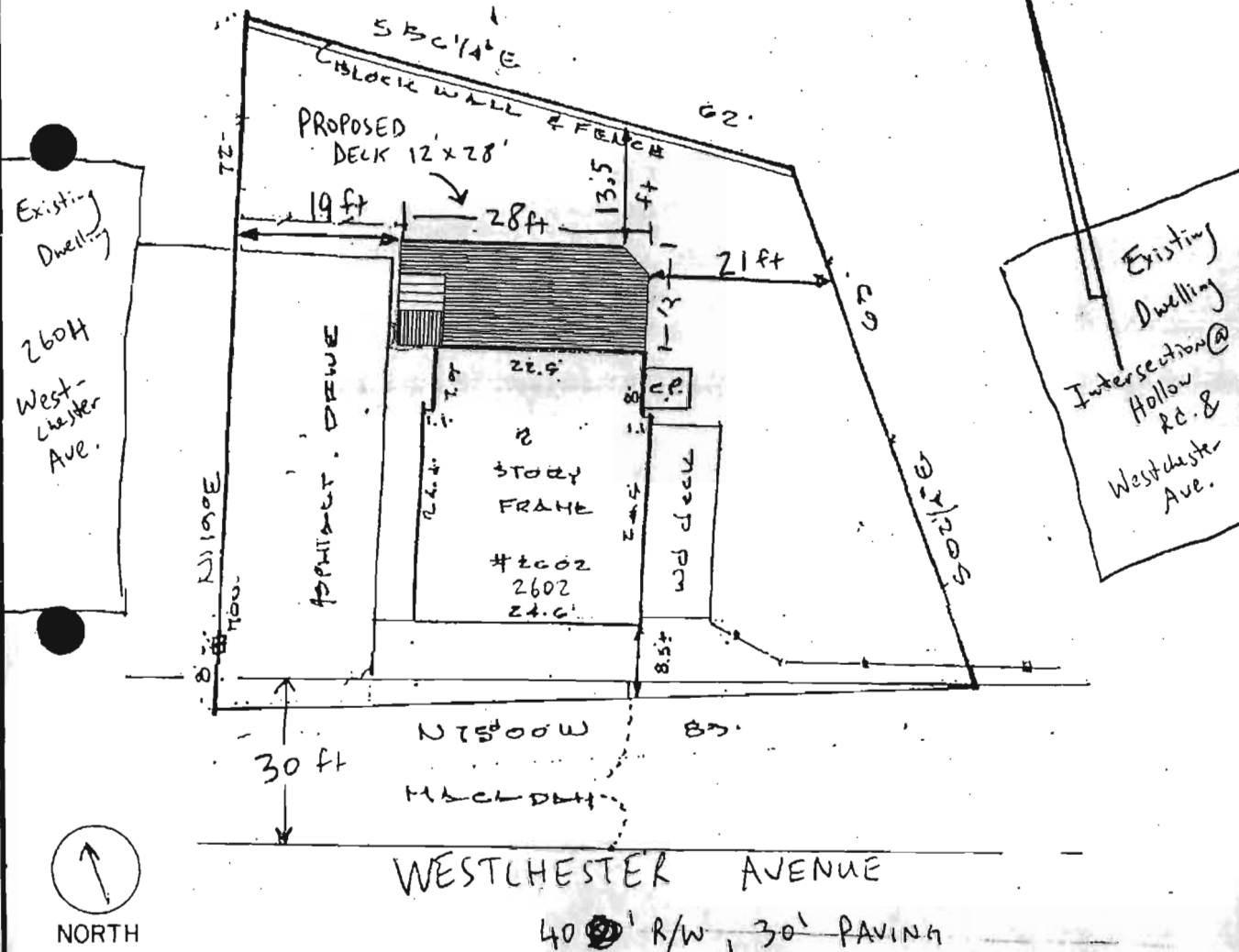
PROPERTY ADDRESS 2602 Westchester Ave

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

SUBDIVISION NAME Della Glen

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Sean S. Wray & Leslie K. Wray



LOCATION INFORMATION

ELECTION DISTRICT 01

COUNCILMANIC DISTRICT 01

1" = 200' SCALE MAP # SW 314

ZONING D.R. 2

LOT SIZE .1125 ACREAGE 4,900.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY

REVIEWED BY JRF ITEM # 499 CASE #

PREPARED BY LDE, Inc.

SCALE OF DRAWING: 1" = 20'

Det. 2601

#495

SW 31H
1" = 200'

$$1'' = 200'$$

D.R. 2

D.R. 1

D.R. 8.5

NR.H.D.

ALFO

WESTCHESTER
ELEM.
ANNEX

D.R. 2

ATHLETIC
FIELDS

A

—

W
O

Σ
∞

22

AD

~~PRIVATE~~

☐ ROAD

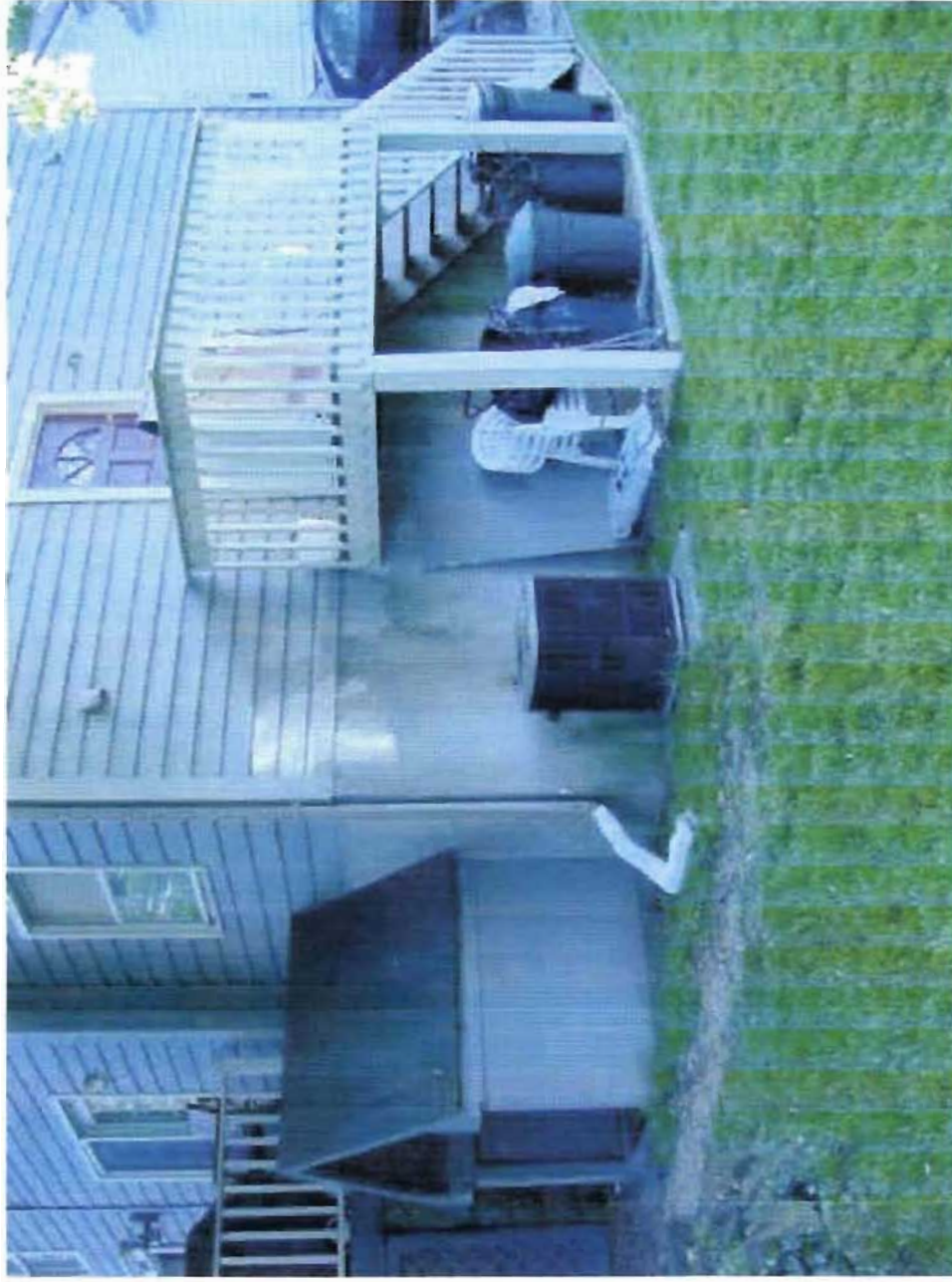
col

Branch



Rear yard
Proposed location of 12' x 28' deck

#499



(rear) back yard

Proposed location of 12' x 28' deck

4999



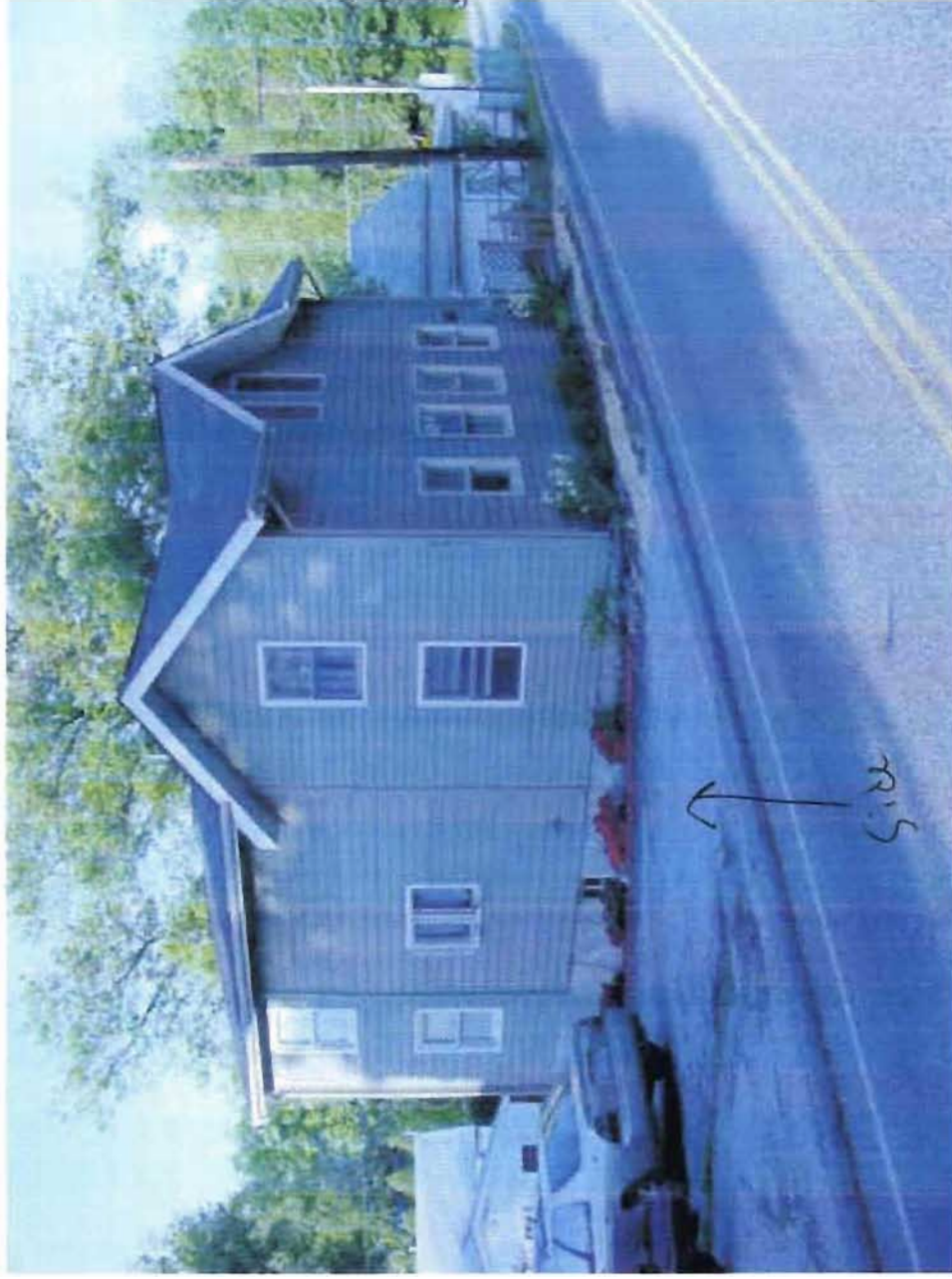
side yard / front yard

#499



Side yard & view of rear

499



Front of house & side

#499



Side yard & view of rear

#499