

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

NE side of Westchester Avenue, 270 feet NW
of Hollow Road and Westchester Avenue
1st Election District
1st Councilmanic District
(2606 Westchester Avenue)

Curt Cashour
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2009-0073-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Curt Cashour. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a wood deck addition on the right side of the house and other existing additions to a nonconforming structure which exceed 25% of the existing dwelling area. Petitioner is also requesting Variance relief from Section 1B02.3.c.1 of the B.C.Z.R. to allow an 8 foot left side setback in lieu of the required 15 feet and a 9 foot right side setback in lieu of the required 11.25 feet for a total of 17 feet in lieu of 26.25 feet, and to allow a 4 foot front setback in lieu of the required 40 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Petitioner Curt Cashour. Also appearing in support of the requested relief was Brenda Young. There were no Protestants or other interested persons in attendance at the hearing.

APPROPRIATELY FILED FOR RECORD

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pm

Testimony and evidence presented revealed that the subject property is an irregular-shaped property consisting of approximately 7,372 square feet or 0.17 acre, more or less, zoned D.R.2. The property is located near the Baltimore County/Howard County line on the north side of Westchester Avenue, east of Ellicott City and west of Hollow Road, in the historic Oella area of Baltimore County. The property is improved with an existing two-story single-family dwelling. Petitioner acquired the property in 1999 as a duplex and has since made significant improvements to the dwelling, including interior renovations and a two-story garage addition to the left side of the property, an addition to the rear of the property, and replacement of the covered front porch area. At this juncture, Petitioner is in need of variance relief because he desires to add a deck to the right side of the property, as well as to legitimize the setbacks for the now existing garage addition and covered front porch.¹ The special hearing is to permit the new deck, which -- with the existing additions to the original nonconforming structure -- would extend beyond the maximum 25% of the ground floor area of the structure as set forth in Section 104.3 of the B.C.Z.R.

In support of the requested special hearing, Petitioner indicated that when he acquired the property 10 years ago, the dwelling was not in very good shape and was very small. A photograph of the property when he acquired it was marked and accepted into evidence as Petitioner's Exhibit 3. He noted that the dwelling was constructed in 1875. It had only two small bedrooms with low seven foot ceilings and very little space. Over the years, Petitioner has

¹ Petitioner indicated that when he decided to construct the garage addition several years ago, he requested an Administrative Variance for that addition and the addition to the rear of the home. It was anticipated that the side yard setback would be 12 feet and Petitioner was granted variance relief for those structures in Case No. 2007-0061-A; however, as it turned out, the side yard setback actually became 8 feet. In addition, Petitioner indicated the home originally had a covered front porch that was in disrepair and, due to its size and configuration, did not fit with the dwelling once it was converted from a duplex with two front doors to a single-family home with one front door. As a result, Petitioner replaced the porch; however, in moving the location of the home's front door, the location of the front porch also changed such that it became approximately one foot closer to the road than before. Petitioner indicated he was unaware he needed zoning relief to replace the front porch that existed previously.

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~
DATE 2-3-09 BY [signature]
[signature]

endeavored to improve the size and appearance of the dwelling, while at the same time not overcrowding the irregular-shaped lot. Most of the exterior improvements have been completed (except for the proposed new deck) and the interior improvements are ongoing. A photograph of the property since the garage and rear additions were constructed was marked and accepted into evidence as Petitioner's Exhibit 4. In order to balance the appearance of the home and provide additional useful space, Petitioner desires to add the deck along the right side of the dwelling. This would allow access to this side of the home and provide an area for Petitioner to enjoy the outdoors of the property. The original nonconforming dwelling was so small, practically any additional improvements would trigger the 25% maximum allowed. The newer photograph with the existing improvements shows a very attractive structure that appears to blend the character of the old style with the benefit of today's building materials.

In support of the variance requests, Petitioner indicated that the placement of the dwelling as well as the size and shape of his property drives the need for the setback relief. In viewing the zoning maps that were marked and accepted into evidence as Petitioner's Exhibits 2A and 2B, and the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 5, it is shown that the location of other homes on Westchester Avenue and other nearby streets varies; indeed, some are set back far from the road and others are located very close to the road. In the instant matter, Petitioner's home when built over 100 years ago was placed very close to the street.

As depicted on the site plan, it was also placed on property that has a very unusual shape. The front property line is approximately twice as wide as the rear property line, and the western property line is angled inward and is approximately 1½ times longer than the eastern property line. These odd angles and constraints have made it difficult for Petitioner to make the needed

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improvements to the property and result in the need for the instant variance requests. For example, prior to Petitioner replacing the covered front porch, the porch that existed was approximately 5 feet from the road, far less than the 40 feet required by the current Zoning Regulations. The concrete was deteriorated and the covered roof was unattractive. The replacement porch is actually smaller in size than the prior porch, but leaves a front setback of 4 feet rather than the required 40 feet. It should also be noted that the new deck would be approximately 25-30 feet deep by 12 feet wide and be elevated about 5-6 feet.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. A letter dated October 24, 2008 was received by the Zoning Review Office from Craig E. Close of 15 Benway Court, located south of the subject property. Mr. Close indicated that he does not agree with a variance request that requires a 40-foot setback to be to within 5 (or less) feet from the road.

Turning first to the Petition for Special Hearing, I am persuaded to grant the requested relief. In my view, the significant improvements Petitioner has made and continues to make to the dwelling enhances the appeal and aesthetics of the property and the surrounding area. Looking at the "before" and "after" photographs of the dwelling further illustrates that point. Although the new deck will add ground floor area to the nonconforming dwelling, I believe this new structure will have a benign appearance overall and have very little impact on the property.

As to the variance request, considering all of the testimony and evidence presented, I am convinced that the requests should be granted. First, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, the shape and configuration of the property is what drives the need for the variance

~~CONFIDENTIAL~~
2-3-09
[Signature]

relief. The irregular shape of the subject property is unlike others in the surrounding community. In fact, most of the properties in this area are rather dissimilar in terms of shape and square footage. The left side yard variance and the front yard variance requests are to correct existing conditions on the property. The right side yard variance request is to enable Petitioner to erect a deck along that side of the property. The odd angles of the property lines vis-à-vis the location of the dwelling thereon limit the opportunity for Petitioner to make much needed improvements to the property and cause the setback requirements to have a disproportionate impact on the subject property. Hence, I find the property to be unique in a zoning sense.²

I further find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Reference is made to a letter of support that was marked and accepted into evidence as Petitioner's Exhibit 7, which indicates that the adjacent neighbors to the immediate right of Petitioner's property -- on the same side where the deck is proposed -- have no objection to the construction of the deck.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of March, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a wood deck

² It should also be noted that Petitioner essentially addressed the left side yard setback issue last year when he sent a letter to the Zoning Review Office indicating that the side yard setback was actually 8 feet and not the 12 feet as requested in his Administrative Variance request and granted in Case No. 2007-0061-A. He received a reply to his letter from the Zoning Review Office dated June 16, 2008 indicating his revised setback was within the spirit and intent of the previous decision. A copy of that letter was marked and accepted into evidence as Petitioner's Exhibit 6.

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2-3-09
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relief. The irregular shape of the subject property is unlike others in the surrounding community. In fact, most of the properties in this area are rather dissimilar in terms of shape and square footage. The left side yard variance and the front yard variance requests are to correct existing conditions on the property. The right side yard variance request is to enable Petitioner to erect a deck along that side of the property. The odd angles of the property lines vis-à-vis the location of the dwelling thereon limit the opportunity for Petitioner to make much needed improvements to the property and cause the setback requirements to have a disproportionate impact on the subject property. Hence, I find the property to be unique in a zoning sense.²

I further find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Reference is made to a letter of support that was marked and accepted into evidence as Petitioner's Exhibit 7, which indicates that the adjacent neighbors to the immediate right of Petitioner's property -- on the same side where the deck is proposed -- have no objection to the construction of the deck.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of February, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow

² It should also be noted that Petitioner essentially addressed the left side yard setback issue last year when he sent a letter to the Zoning Review Office indicating that the side yard setback was actually 8 feet and not the 12 feet as requested in his Administrative Variance request and granted in Case No. 2007-0061-A. He received a reply to his letter from the Zoning Review Office dated June 16, 2008 indicating his revised setback was within the spirit and intent of the previous decision. A copy of that letter was marked and accepted into evidence as Petitioner's Exhibit 6.

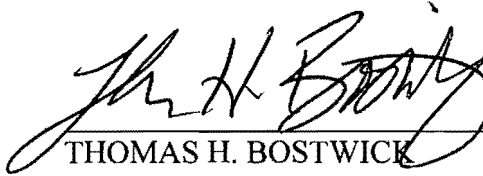
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a wood deck addition on the right side of the house and other existing additions to a nonconforming structure which exceed 25% of existing dwelling area be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's variance relief requests from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an 8 foot left side setback in lieu of the required 15 feet and a 9 foot right side setback in lieu of the required 11.25 feet for a total of 17 feet in lieu of 26.25 feet, and to allow a 4 foot front setback in lieu of the required 40 feet be and are hereby GRANTED, subject to the following:

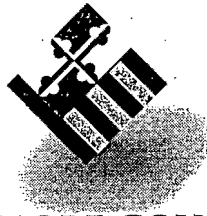
1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

APPROVED FOR FILE
2-3-09
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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 3, 2009

CURT CASHOUR
2606 WESTCHESTER AVENUE
ELLCOTT CITY MD 21043

Re: Petition for Special Hearing and Variance
Case No. 2009-0073-SPHA
Property: 2606 Westchester Avenue

Dear Mr. Cashour:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Brenda Young, 109 Smithwood Avenue #4, Catonsville MD 21228
Craig E. Close, 15 Benway Court, Catonsville MD 21228



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2606 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve wood deck addition on right side of house and other additions to nonconforming structure which exceed 25% of existing dwelling area.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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):

Curt Cashour

Name - Type or Print

Signature

Name - Type or Print

Signature

2606 Westchester Ave 410465-8115
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

Case No. 2009-0073-S/HA

REV 9/15/98

Reviewed By cm Date 9/11/09

RECEIVED FOR FILING
2.3.09
Bj



TAX. ACCOUNT 0111150590

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2606 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) 1802.3.C.1 TO ALLOW AN
~~Requesting~~ 8' left side setback in lieu of 15' and 9' right side setback in lieu of 11.25
for a total of 17' in lieu of 36.25' (for addition of wood deck on right side) ~~request~~
AND TO ALLOW A
~~Also requesting~~ 4' front setback in lieu of 40' on previously nonconforming setback of 4' 8"
due to slight change in size of front porch.

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

Dwelling was built circa 1894 and does not conform to current
Setback requirements

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):

Curt Patrick Cashour

Name - Type or Print

Signature

Name - Type or Print

Signature

2606 Westchester Ave

410-465-8115

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

Case No. 2009-0073-SHA

REV 9/15/98

Reviewed By CM

Date 9/11/09

Zoning description for 2606 Westchester Ave., Ellicott City MD 21043

Beginning at a point on the northeast side of Westchester Ave. which is 20 feet wide at the distance of 270 feet northwest of the centerline of the nearest improved intersecting street, Hollow Road, which is 20 feet wide.

Containing 0.17 acres, also known as 2606 Westchester Ave and located in the 1st Election District, 1st Councilmanic District. As recorded in deed liber: 13253 folio: 725 by the following metes and bounds: beginning for the first point North 19° 00' 00" East 72' 00" then 2) North 56° 50' 00" West 50.5' 00" then 3) South 50° 45' 00" West 119' 00" then 4) South 75° 00' 00" East 112' 00" to the place of beginning.

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: # 2009-0073-SPHA

2606 Westchester Avenue

N/east side of Westchester Avenue, 270' n/west of Hollow Road and Winchester Avenue

1st Election District — 1st Councilmanic District

Legal Owner(s): Curt Patrick Cashour

Variance: to allow an 8 feet left side setback in lieu of required 15 feet and 9 feet right side setback in lieu of 11:25 feet and to allow a 4 feet front setback in lieu of 40 feet. Special Hearing: for a wood deck addition on right side of house and other addition to nonconforming structure, which exceed 25% of existing dwelling area.

Hearing: Tuesday, February 10, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

JT 1/746 Jan. 27

192930

CERTIFICATE OF PUBLICATION

1/29/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/27/2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

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Hearing: November 6, 2008 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

JT/10/683 Oct. 21

186595

CERTIFICATE OF PUBLICATION

10/23/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0073-SP4

Petitioner/Developer: CURT
PATRICK CASHOUR

Date Of Hearing/Closing: 2/10/09

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2606 WESTCHESTER AVE

This sign(s) were posted on January 25, 2009
(Month, Day, Year)

Sincerely,

Martin Ogle 1/25/09
(Signature of sign Poster and Date)

Martin Ogle

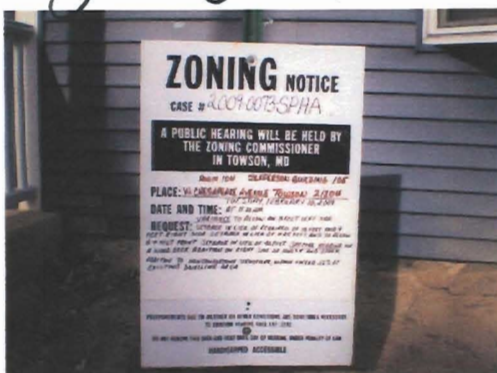
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



01/25/2009

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 26589

Date: 9-11-09

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 9/11/2009 9/11/2009 09:22:47 1

REC W501 WALKER JERIC JOE
 RECEIPT # 392603 9/11/2009 OFLW
 Det 5 528 ZONING VERIFICATION
 CR NO. 1026587

Receipt Tot \$130.00
 \$130.00 CF \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	Det
001	001			1152				130.00	

Total: 130.00

Rec From: C. Carter
 For: 7604 Woodchute Ave
ELLSWORTH CITY, MD 21043
OFFICE HOURS / VOUCHER
2009-0073-SPAD

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 21, 2008 Issue - Jeffersonian

Please forward billing to:
Curt Cashour
2606 Westchester Avenue
Ellicott City, MD 21043

410-465-8115

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: 2009-0073-SPHA

2606 Westchester Avenue

N/east side of Westchester Avenue, 270' n/west of Hollow Road and Winchester Avenue

1st Election District – 1st Councilmanic District

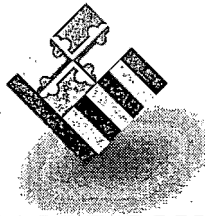
Legal Owners: Curt Patrick Cashour

Variance to allow an 8 feet left side setback in lieu of required of 15 feet and 9 feet right side setback in lieu of 11.25 feet and to allow a 4 feet front setback in lieu of 40 feet. . Special Hearing for a wood deck addition on right side of house and other addition to nonconforming structure, which exceed 25% of existing dwelling area.

Hearing: Thursday, November 6, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
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
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 1, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0073-SPHA

2606 Westchester Avenue

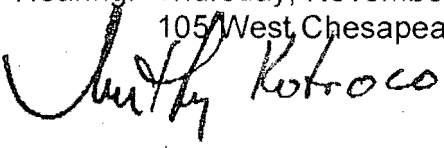
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1st Election District – 1st Councilmanic District

Legal Owners: Curt Patrick Cashour

Variance to allow an 8 feet left side setback in lieu of required of 15 feet and 9 feet right side setback in lieu of 11.25 feet and to allow a 4 feet front setback in lieu of 40 feet. Special Hearing for a wood deck addition on right side of house and other addition to nonconforming structure, which exceed 25% of existing dwelling area.

Hearing: Thursday, November 6, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Curt Patrick Cashour, 2606 Westchester Avenue, Ellicott City 21043

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., OCTOBER 22, 2008.**
- (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.

M E M O R A N D U M

DATE: November 6, 2008

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

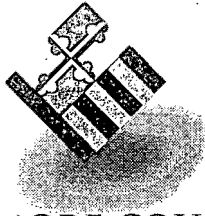
SUBJECT: Case No. 2009-0073-SPHA – Curt Patrick Cashour

The above-referenced case was scheduled for a hearing on Thursday, November 6, 2008 at 10:00 AM. A review of the case file and a telephone conversation with the Petitioner confirmed that the required posting was not done.

There were no persons present for the hearing. I did not open the hearing or take any testimony. The Petitioner is to contact Kristen Matthews to have the matter rescheduled in the normal course. The property shall be posted and re-advertised at the Petitioner's expense.

The case file is being returned to the Department of Permits and Development Management.

c: Kristen Matthews, Zoning review Office



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 8, 2009
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW 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: 2009-0073-SPHA

2606 Westchester Avenue

N/east side of Westchester Avenue, 270' n/west of Hollow Road and Winchester Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Curt Patrick Cashour

Variance to allow an 8 feet left side setback in lieu of required of 15 feet and 9 feet right side setback in lieu of 11.25 feet and to allow a 4 feet front setback in lieu of 40 feet. Special Hearing for a wood deck addition on right side of house and other addition to nonconforming structure, which exceed 25% of existing dwelling area.

Hearing: Tuesday, February 10, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Curt Patrick Cashour, 2606 Westchester Avenue, Ellicott City 21043

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 26, 2009.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 27, 2009 Issue - Jeffersonian

Please forward billing to:

Curt Cashour
2606 Westchester Avenue
Ellicott City, MD 21043

410-465-8115

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: 2009-0073-SPHA

2606 Westchester Avenue

N/east side of Westchester Avenue, 270' n/west of Hollow Road and Winchester Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Curt Patrick Cashour

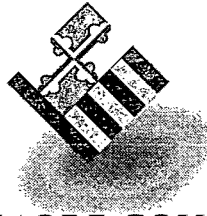
Variance to allow an 8 feet left side setback in lieu of required of 15 feet and 9 feet right side setback in lieu of 11.25 feet and to allow a 4 feet front setback in lieu of 40 feet. Special Hearing for a wood deck addition on right side of house and other addition to nonconforming structure, which exceed 25% of existing dwelling area.

Hearing: Tuesday, February 10, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 28, 2008

Curt Patrick Cashour
2606 Westchester Ave.
Ellicott City, MD 21043

Dear: Curt Patrick Cashour

RE: Case Number 2009-0073-SPHA, 2606 Westchester Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB 11/6
10 km

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 16, 2008
SUBJECT: Zoning Item # 09-073-SPHA
Address 2606 Westchester Avenue
(Cashour Property)

RECEIVED
OCT 16 2008

BY:

Zoning Advisory Committee Meeting of September 22, 2008

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: J. Livingston

Date: 10/16/08

IB 11/6
10 AM
not posted

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 3, 2008

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

RECEIVED
OCT 14 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-073- Variance**

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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

Curtis P. Surry

Division Chief:
CM/LL

John J. Farhan

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2008
Item Nos. 2009-0065, 0066, 0067, 0068,
0070, 0072, 0073, 0074, and 0076

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

DAK:CEN:lrk
cc: File
ZAC-09232008 -NO COMMENTS

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: SEPT. 23, 2008

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

RE: Baltimore County
Item No 2009-0073-SPHA
2606 WESTCHESTER AVE
CASNOUR PROPERTY
VARIANCE SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0073-SPHA

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2606 Westchester Avenue; NE/S Westchester * ZONING COMMISSIONER
Ave., 270' W Hollow Road & Westchester Ave *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Curt Cashour *
Petitioner(s) * BALTIMORE COUNTY
* 09-073-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED
SEP 29 2008
.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to Curt Cashour, 2606 Westchester Avenue, Elliott City, MD 21043, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Craig E Close
15 Benway Ct
Catonsville, MD 21228
24 October 2008

Kristen Matthews
MS 1105
400 Washington Ave Courthouse
Towson, MD 21204

From the current electronic community newsletter:

Zoning Hearings - 2606 Westchester Avenue

Location: Northeast side of Westchester Avenue, 270 feet northwest of Hollow Road and Westchester Avenue. 1st Election District

Case Number: 2009-0073-SPHA/

Legal Owner(s): Curt Cashour

Meeting location: Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Date/Time: 11/06/2008 10 a.m. - 11/06/2008 11 a.m.

Description: Variance to allow an 8 foot left side setback in lieu of the required 15 feet and 9 feet right side setback in lieu of 11.25 feet and to allow a 4 feet front setback in lieu of 40 feet. Special Hearing: Wood deck addition on the right side of house and other addition to non-conforming structure which exceed 25% of existing dwelling area.

Information: Kristen Matthews 410-887-3391

As a nearby resident of the location in question I have some interest in this request. I will not be able to attend the hearing on this matter but I want to comment.

My interpretation of this request is that the owner desires to extend a new deck – and perhaps other structure - to within 5 (five or less!) feet from the road. As a waiver to a required 40 foot setback, this request, in my opinion, is outrageous. To request halving the requirement might be acceptable for a deck, but probably not for a building.

Thank you for your attention to this comment. If there is any question you can contact me at closecr@comcast.net or you can try to reach me at (443) 286-6030.



Craig E Close

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2009-0073-SPNA

DATE 2-10-09

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Curt Cashour

2606 Westchester Ave

Ellicott City md 21043

rockybat@hotmail.com

Brenda Young

109 Smithwood Ave, #4

Catonsville MD 21228

bsyoung@comcast.net

Case No.: 2009-0073-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2 A+B	Zoning Maps	
No. 3	Photo of Home (Before)	
No. 4	Photo of Home (After)	
No. 5	Aerial Photo of property + surrounding properties	
No. 6	6-16-08 letter from Zoning Review Office	
No. 7	Letter of Support	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Previous Case

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Westchester Avenue, NW of c/l of
C/Hollow Road
1st Election District
1st Councilmanic District
(2606 Westchester Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Curt Cashour
Petitioner

Previous Order
* CASE NO. 07-061-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Curt Cashour. The variance request is for property located at 2606 Westchester Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 20 feet and side setback of 12 feet in lieu of 40 feet and 15 feet respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that his house is small and is situated on a small and unusual shaped lot. The street in front of the home is narrow and has no available street parking. Petitioner wants to construct a garage to allow safe exit from cars. Due to the small size of the home the Petitioner wants to construct a second story above the proposed garage to allow them to have a master bedroom. The home currently has two small bedrooms with low 7 foot ceilings. The addition would allow them to have normal 8 foot ceilings. The Petitioner also wishes to construct an addition onto the rear of the home to provide additional living space for his family. The proposed two story addition measures 20 feet x 22 feet in size. The proposed rear addition measures 12 feet x 25 feet in size.

-15-

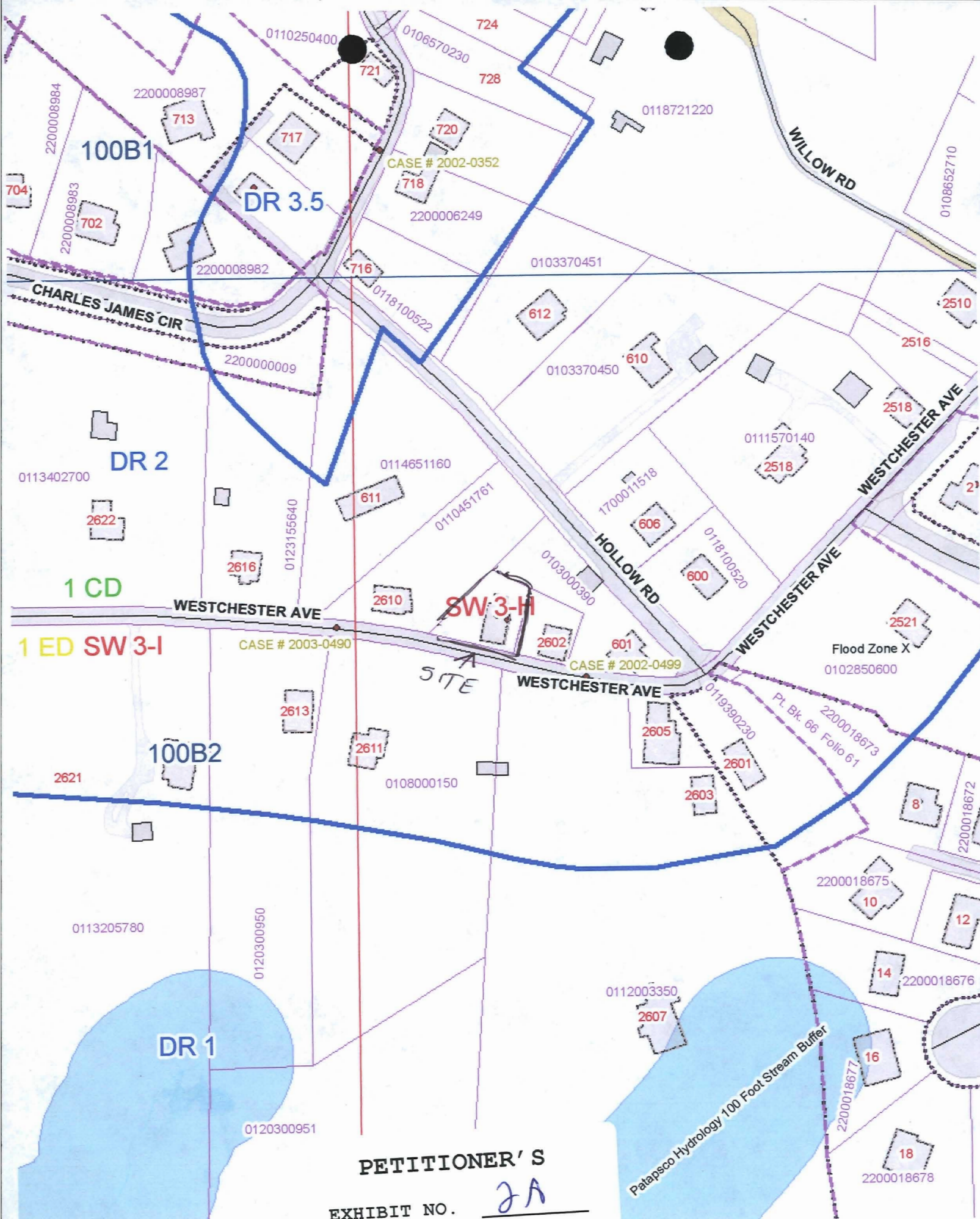
OR ADDITIONAL REQUIRED INFORMATION

DEED REFERENCE: LIBER 3253 FOLIO 725



CM 10073

2009-
0073
5844



PETITIONER'S
EXHIBIT NO. 2A

DR 3.5

0103370451

0103370450

011570140

0114651160

611

1700011518

606

0110451761

1 CD

1 ED

100B2

DR 2

2610

SW 3-H

0111150590

0103000390

Flood Zone X

0102653690

2602

601

WESTCHESTER AVE

WESTCHESTER AVE

CASE # 2002-0499

SW 3-I

0108000150

2611

0112003350

2605

1600005856

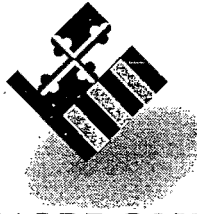
0119390230

PETITIONER'S

EXHIBIT NO.

2B

DR 1



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Mr. Curt Cashour
2606 Westchester Ave.,
Ellicott City, Maryland 21043

June 16, 2008

Dear Mr. Cashour:

RE: 2606 Westchester Ave, Spirit and Intent Case No. 07-061-A

Your June 6, 2008 letter addressed to Department of Zoning on the subject matter refers. In your letter, you requested that the side and rear setback be further reduced from 9 feet and 15 feet to 8 feet and 14 feet respectively. You also attached a signed letter from your neighbor at 2610 Westchester Avenue indicating their support and approval of such proposed setback changes. After careful review of your request included with this letter and your previous requests, the zoning records for this property, and my consultation with Mr. William Wiseman, the Zoning Commissioner, the following has been determined.

The revisions (with 8 feet side setback and 14 feet rear setback for the proposed addition) as indicated in your June 6, 2008 letter are considered to be **within the "spirit and intent" of the final decision and order found in zoning case 07-061-A** on the conditions as follows:

1. Your immediate neighbor Mr. & Mrs. Todd & Betsy Marks at 2610 Westchester Avenue have full understanding and support, and consented with your proposed aforesaid change of setbacks.
2. Any further changes not in compliance with the zoning order in case#07-061-A and this Spirit and Intent letter will result a public hearing.
3. A copy of this letter must be presented to the Building Permits Office and Office of Zoning Review at the time of building permit application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Tsui'.

Aaron Tsui

Planner II, Zoning Review

c.c.File- Zoning Case no.07-061-A
08-277

PETITIONER'S

EXHIBIT NO.

6

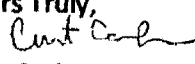
Curt Cashour
2606 Westchester Ave
Ellicott City, MD 21043
410-465-8115

September 2, 2008

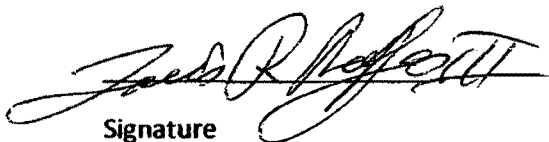
Louis & Lindsey Rolfes
2602 Westchester Ave
Ellicott City MD 21043

Dear Louis & Lindsey:

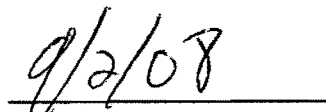
I am planning to construct a wooden deck on the right side of my home. The deck would extend 12' from the side of the house. If you have no objection to the construction of the deck, please sign below to indicate your agreement.

Yours Truly,

Curt Cashour

We agree to the construction of the deck as described:

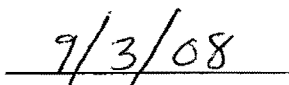

Signature

Louis Rolfes


Date


Signature

Lindsey Rolfes


Date

PETITIONER' S

EXHIBIT NO. 7

