MEMORANDUM

DATE:

September 12, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0010-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 10, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE (602 Goucher Avenue)

8th Election District 3rd Council District

Melissa Le Roux (Peterson)

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0010-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Melissa Le Roux (Peterson) ["Petitioner"]. The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a garage in the side yard of an existing single family dwelling in lieu of the third of the year yard that is farthest removed from the side street. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 20, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in

| OUDTILLIA | |
|-----------|---------|
| Date | 8-10-18 |
| Bv | |

OPDER RECEIVED FOR FILING

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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>10th</u> day of August, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a garage in the side yard of an existing single family dwelling in lieu of the third of the year yard that is farthest removed from the side street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioner may apply for necessary permits and/or licenses upon receipt of this
Order. However, Petitioner is hereby made aware that proceeding at this time is at
her own risk until 30 days from the date hereof, during which time an appeal can be
filed by any party. If for whatever reason this Order is reversed, Petitioner would
be required to return the subject property to its original condition.

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

JOHN E. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date ____

Bv.

2



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

| Deed Reference Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITIF For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed the endoministrative Variances, the Affidavit on the reverse of this Petition form must be completed the endoministrative Variances, the Affidavit on the reverse of this Petition form must be completed the endoministrative Variances, the Affidavit on the reverse of this Petition form must be completed the endoministrative Variances, the Affidavit on the reverse of this Petition form must be completed the endoministrative Variances, the Affidavit on the reverse of this Petition form must be completed the endoministrative Variances, the Affidavit on the reverse of this Petition form must be completed the variance County and which is described as traction for an: 1ADMINISTRATIVE VARIANCE from Section(s) Section 400.1 To permit a garage in the side yard of an existing single family dwelling in the third of the rear yard that is farthest removed from the side street. Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 2ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107. County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) Of the Baltimore County Code, to the development law of Baltimore County. Owner(s)/Petitioner(s): | Perty located at: |
|--|---|
| For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed in the undersigned, who own and occupy the property situate in Baltimore County and which is described attached hereto and made a part hereof, hereby petition for an: 1ADMINISTRATIVE VARIANCE from Section(s) Section 400.1 To permit a garage in the side yard of an existing single family dwelling in the third of the rear yard that is farthest removed from the side street. If the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 2ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107. County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) If the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. If the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. If the Baltimore County Code, to the development law of Baltimore County. If the Baltimore County Code, to the development law of Baltimore County. | ×6750_ |
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| | |
| Nevissa Le Roox / Name #1 – Type or Print Name #2 – | - Type or Print |
| Signature #1 Signature # 602 Gouche Auru Luthanite Mailing Address City | # 2 MD State |
| 21095 14437210964 1M | issau (a hotmant. com ail Address |
| ttorney for Owner(s)/Petitioner(s): | |
| ame-Type or Print Name - Type or Print August 1 | h |
| ignature Signature Signature Signature Mailing Address City State | Perhalle uno |
| ignature ailing Address Active Email Address Zip Code Telephone # Email Address | state oska rryoycko: nail Address |
| PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administra county, this day of, that the subject matter of this petition be set for a public hearing, adverged by the zoning regulations of Baltimore County. | |
| Administrative Law Judge for Reltimore County | |

CASE NUMBER 2019-0010-A Filing Date 7,10, 2018 Estimated Posting Date 7,22, 18

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County; that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

| Address (Collaboration Frint or Type Address of property | rille province | in MID office | Zin Code |
|--|----------------------|------------------------|--|
| | City | State | Zip Code |
| Based upon personal knowledge, the followir Administrative Variance at the above address | | | |
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| require that the driver | 190 Harry | gh the plan | yerd of Two |
| 1 1 1 | 1 11 2 1 1 1 1 | atron, there | 10 mg |
| Te be offed as shown in | Yac olde | yard mer | the ofreet |
| with a short driveway | wit interes | 2 Abrelide | luber Alexander |
| | 7.00 | <i>y</i> | The state of the s |
| | | | |
| (If additional space for the petition request or the | | | |
| Signature of Owner (Affiant) | Sig | nature of Owner (Affia | ant) |
| Melissa Le Roux | | | |
| Name- Print or Type | Nai | ne- Print or Type | |
| The following information is to be co | mpleted by a Nota | ry Public of the Stat | e of Maryland |
| STATE OF MARYLAND, COUNTY OF BAL | TIMORE, to wit: | | |
| HEREBY CERTIFY, this / day of and for the County aforesaid, personally appeare | | <i>∁</i> , before me | a Notary of Maryland, in |
| Print name(s) here: Deborah | Eubank/ | Me/155a | Le Roux |
| the Affiant(s) herein, personally known or satisfac | torily identified to | me as such Affiant(| s). |
| AS WITNESS DV hand and Notaries Seal | Debnal | Jane Eubo | -JL |
| E NOTAPLE ZE | Public Ó | 7-10-2021 | |
| My Co | mmission Expires | i | |
| 10-202 | | | REV. 5/5/2016 |
| Will COOK | | 70R | -0010-A |

ZOR-0010-A

Zoning property description for 602 Goucher Ave, Lutherville Timonium, MD 21286.

Beginning at a point on the NE side of Goucher Ave which is 40 feet wide at a distance of 20 feet NW of the centerline of Greenspring Dr which is 40 feet wide thence 71 feet NW thence 120 feet NE thence 58 feet SE thence 117 feet SW.

Being Lots 1 and 2 in the subdivision of "Luther Villa Plat1" in Baltimore County Plat Book #7 Folio #128 containing 11,845 square feet. Located in the 8th Election District and 3rd Council District.

Z019-0010-A

CERTIFICATE OF POSTING

Date: JULY 20, 2018 602 GOUCHER AVE # 1 RE: Project Name: 2019-0010-A Case Number /PAI Number: **PATTERSON** Petitioner/Developer: AUGUST 6, 2018 Date of Hearing/Closing: ____ This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 602 GOUCHER AVE The sign(s) were posted on _ JULY 20, 2018 (Month, Day, Year) Jul 20, 2018 9:41:43 AM Lutherville-Timonium ZONING NOTICE ADMINISTRATIVE VARIANCE DAVID W. BILLINGSLEY (Printed Name of Sign Poster) 602 GOUCHER AVENUE CASE NO. 2019-0010-A 601 CHARWOOD COURT (Street Address of Sign Poster) REQUEST: TO PERMIT A GARAGE IN THE SIDE YARD OF AN EXISTING SINGLE FAMILY DWELLING IN LIEU OF THE THIRD OF THE REAR EDGEWOOD, MD. 21040 YARD THAT IS FARTHEST REMOVED FROM THE (City, State, Zip Code of Sign Poster) SIDE STREET Pursuant to Section 26-127(b)(1), Baltimore County Code flightle individual or group may request a public bearing incorning the proposed variance, provided the regions is resolved in the Zoning Review Office before 5 of AE on: (410) 679-8719 AUGUST 6, 2018 (Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: JULY 20, 2018

| RE: | Project Name: | 602 GOUCHER AVE # 2 |
|--------|---|--|
| | Case Number /PAI Number: | 2019-0010-A |
| | Petitioner/Developer: | PATTERSON |
| | Date of Hearing/Closing: | AUGUST 6, 2018 |
| were | | enalties of perjury that the necessary sign(s) required by law property located at _602 GOUCHER AVE |
| | The sign(s) were posted on _ | JULY 20, 2018 |
| | Jul 20, 2018 Luthervill | 9:40:31 AM e-Timonium |
| 2015 | COBURAC | David Billingste |
| Man | ONING NOTICE | (Signature of Sign Poster) |
| A | ADMINISTRATIVE VARIANCE | DAVID W. BILLINGSLEY |
| | 602 GOUCHER AVENUE CASE NO. 2019-0010-A | (Printed Name of Sign Poster) |
| REC | QUEST: TO PERMIT A GARAGE IN THE SIDE | 601 CHARWOOD COURT |
| OWE | VARD OF AN EXISTING SINGLE FAMILY CLLING IN LIEU OF THE THIRD OF THE REAR OF THAT IS FARTHEST REMOVED FROM THE | (Street Address of Sign Poster) |
| | SIDE STREET | EDGEWOOD, MD. 21040 |
| 0.10 | atterno Section 76-127(in)(1), hoteroors counts Code, an agistic individual or results may require the above learning the proposed vortices, a movided the request is colored in the Tarans, braides Office before 5 that on. AUGUST 6, 2018 | (City, State, Zip Code of Sign Poster) |
| Adduse | of of information is a cultable at the U-participat of Remain eats and Superiores Collingue County Office Building, I to West Climapeolis Avenue, Tawson, Mrs. 51206 | (410) 679-8719 |
| | (410) 387-4491 | (Telephone Number of Sign Poster) |
| UNIO | SE PENDLEY OF LAW, THE MENT METERS OF THE SHEW SHITE. | |

ADMINISTRATIVE VARIANCE INCORMATION SHEET AND DATES

| BALTIMORE COUNTY, MARYLAND DEFICE OF BUDGET AND FINANCE MISCELLANEOUS GASH RECEIPT | No. 171779 Date 7//4/8 | PALL RECEIPT BUSTNESS ACTUAL THE 1/11/2018 7/10/2018 09-51401 |
|--|--|--|
| | Sub Rev/ ub Obj. Dept Obj. BS Acct :: Amount | RE NSOL WALKIN LIR >> ECETET # 1753845 7/10/2018 0 0e £ 5 528 ZOWING VERIFICATION 37 WO. 171779 Respt of \$75.00 |
| Rec Lexity A Lund 6 | Total: 75 do | Baltispre County, faryland |
| Rec Levis A Land & For EC Gray A Denvis | 2 1 2017 - 0010 - A | |
| STRIBÚTION /HITE::CASHER PINK=AGENCY YEI PLEASE:PRES | | CASHIER'S VALIDATION |



DONALD I. MOHLER III County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 7, 2018

Melissa Le Roux 602 Goucher Avenue Lutherville MD 21093

RE: Case Number: 2019-0010 A, Address: 602 Goucher Avenue

Dear Ms. LeRoux:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 10, 2018. 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Larry R Lundberg, 9319 Pan Ridge Road, Parkville MD 21234

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

July 18, 2018

SUBJECT:

DEPS Comment for Zoning Item

2019-0010-A

Address

602 Goucher Avenue

(Roux Property)

Zoning Advisory Committee Meeting of July 23, 2018.

<u>X</u> The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

A STANDARY BUTTER TO THE STANDARY OF THE STAND



Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater

Date: 7/16/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0010-4-Administrative Variance Mellissa Le Roux 602 Couchan Avenue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

July 18, 2018

SUBJECT:

DEPS Comment for Zoning Item

2019-0010-A

Address

602 Goucher Avenue

(Roux Property)

Zoning Advisory Committee Meeting of July 23, 2018.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford



CASE NO. 2018- 0010-6

CHECKLIST

| Comment Received | <u>Dep</u> : | <u>artment</u> | | Conditions/ Comments/ No Comment |
|---------------------|---------------------------------|--------------------|---------|---|
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| 7-18 | DEPS (if not received, o | date e-mail sent _ |) | NC |
| | | | | |
| - | PLANNING (if not received, or | late e-mail sent _ | | |
| M-16 | Do Sjection | | | |
| - | TRAFFIC ENGI | NEERING | | |
| | COMMUNITY A | ASSOCIATION | | |
| | ADJACENT PRO | OPERTY OWNE | RS | *************************************** |
| ZONING VIOLA | ATION (C | ase No | 1 2 | |
| PRIOR ZONING | (0 | Case No | |) |
| NEWSPAPER A | DVERTISEMENT | Date: | | |
| SIGN POSTING | (1 st) | Date: | 7-20-18 | by Billingsley |
| SIGN POSTING | (2 nd) | Date: | | by |
| PEOPLE'S COU | NSEL APPEARANCI | E Yes | □ No □ | |
| PEOPLE'S COU | NSEL COMMENT LI | ETTER Yes | □ No □ | |
| Comments, if any | · | | | |
| | | | | |

Real Property Data Search

Search Result for BALTIMORE COUNTY

| View Map View GroundRent Redemption | | | | | | View GroundRent Registration | | | | | | |
|-------------------------------------|---------|--|-------------------------|----------------------|-------------------------------|------------------------------|----------------------------|----------------|----------|------------------------|--------------|--|
| Tax Exempt: Exempt Class: | | Special 7 | Tax Reca | pture: | | | | | | | | |
| Account Identifie | er: | District - | 08 Acc | ount Num | ber - 0802 | 2086750 | | | | | | |
| | | | | Owner I | nformation | n | | | | | | |
| Mailing Address: 602 GOU LUTHERV | | SON MELISSA Use: Principa | | | pal Residence: YES | | | ENTIAL | | | | |
| | | 602 GOUCHER AVE LUTHERVILLE TIMONIUM MD 21093-5007 | | | Deed Reference: /26223/ 00482 | | | | | | | |
| | | | Loca | ation & Stru | cture Info | rmation | | | | | | |
| Premises Addres | ss: | 602 GOU 0-0000 | CHER A | AVE | | Legal D | escription | | | 2 DUCHER R VILLA | | |
| Map: Grid: | Parcel: | Sub District: | Subdiv | rision: S | Section: | Block: | Lot: | Asses Year: | sment | Plat No: | 1 | |
| 0060 0017 | 0568 | | 0000 | N | И | | 1 | 2017 | | Plat Ref: | 0007 0128 | |
| Special Tax Are | eas: | | | A | own: d Valore ax Class: | | | | NONI | E | | |
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| Stories Bas 1 1/2 NO | ement | Type STANDARD U | JNIT | Exterior FRAME | Full/H 2 full/ | alf Bath 2 half | Garage 1 Carpo | | ast Majo | or Reno | vation | |
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| | | Base V | /alue | V | alue | | Phase-in | Asses | sments | | | |
| | | | | As | s of | | As of | | As | of | | |
| | | | | | 1/01/2017 | | 07/01/201 | 7 | 07 | 01/2018 | 1 | |
| Land: | | 122,90 | | 122,900 | | | | | | | | |
| Improvements | | 126,200 | | 137,100 | | | | | | | | |
| Total: | | 249,100 | | 260,000 | | 252,733 256,367 | | | | | | |
| Preferential La | na: | 0 | | Transfer | Informatio | 10 | | | 0 | | | |
| Seller: MOEHN | KE PERR | Y S | | Date: 10/ | | 7.1 | | Pric | e: \$367 | 000 | | |
| Type: ARMS LE | | | | Deed1: /26223/ 00482 | | | Price: \$367,000 Deed2: | | | | | |
| Seller: MELITO | THOMAS | ij | | Date: 03/12/2003 | | | Price: \$217,000 | | | | | |
| Type: ARMS LE | | | | Deed1: /17665/ 00277 | | | Deed2: | | | | | |
| Seller: ROUSE THOMAS J | | | Date: 04/24/1996 | | | Price: \$138,000 | | | | | | |
| Type: ARMS LENGTH IMPROVED | | | Deed1: /11549/ 00004 | | | | Deed2: | | | | | |
| | | | | Exemption | Informat | ion | | | | | | |
| Partial Exempt Assessments: | | | | 07/01/2017 | | 17 | 7 07/01/2018 | | | | | |
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| Municipal: | | 000 | | | | 0.00 0.00 |) | | 0.00 0.0 | 00 | | |
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| | | | Hama | stead Appl | | | | | | | | |





Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:





Case Number: 2019-0010-A Reviewer: Leonard Wasilewski

Existng Use: RESIDENTIAL Proposed Use:

Type: ADMINISTRATIVE VARIANCE Legal Owner: Melissa Le Roux

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 8 Council Dist: 3

Property Address: 602 GOUCHER AVE

Location: NE/S of Goucher Avenue at the NW corner of Greenspring Drive

Existing Zoning: DR 5.5 Area: 11845 SQ. FT.

Proposed Zoning:

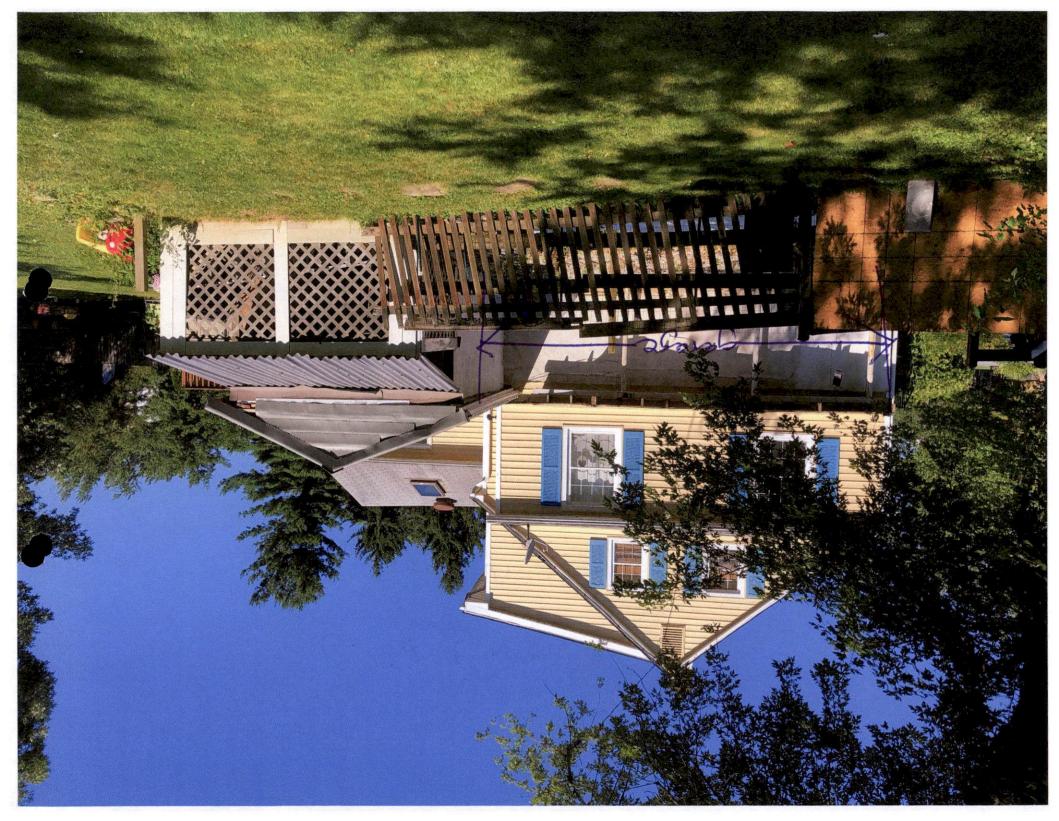
ADMINISTRATIVE VARIANCE:

To permit a garage in the side yard of an existing single family dwelling in lieu of the third of the year yard that is

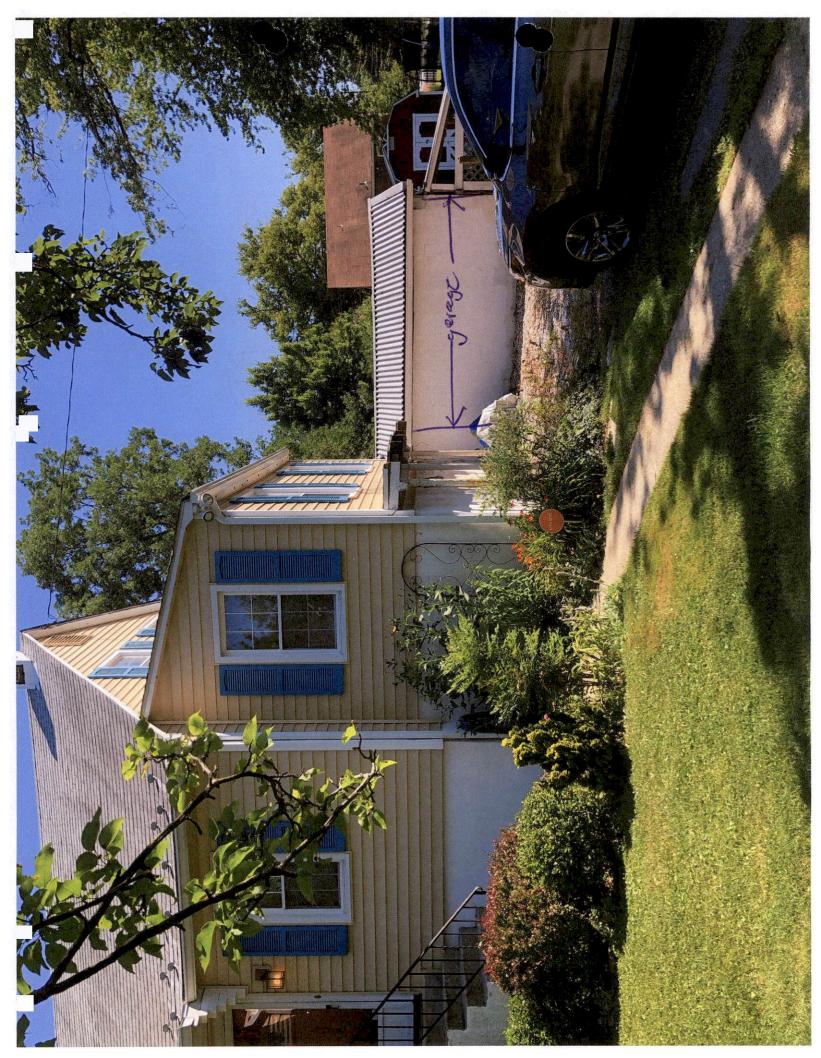
farthest removed from the side street.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 08/06/2018

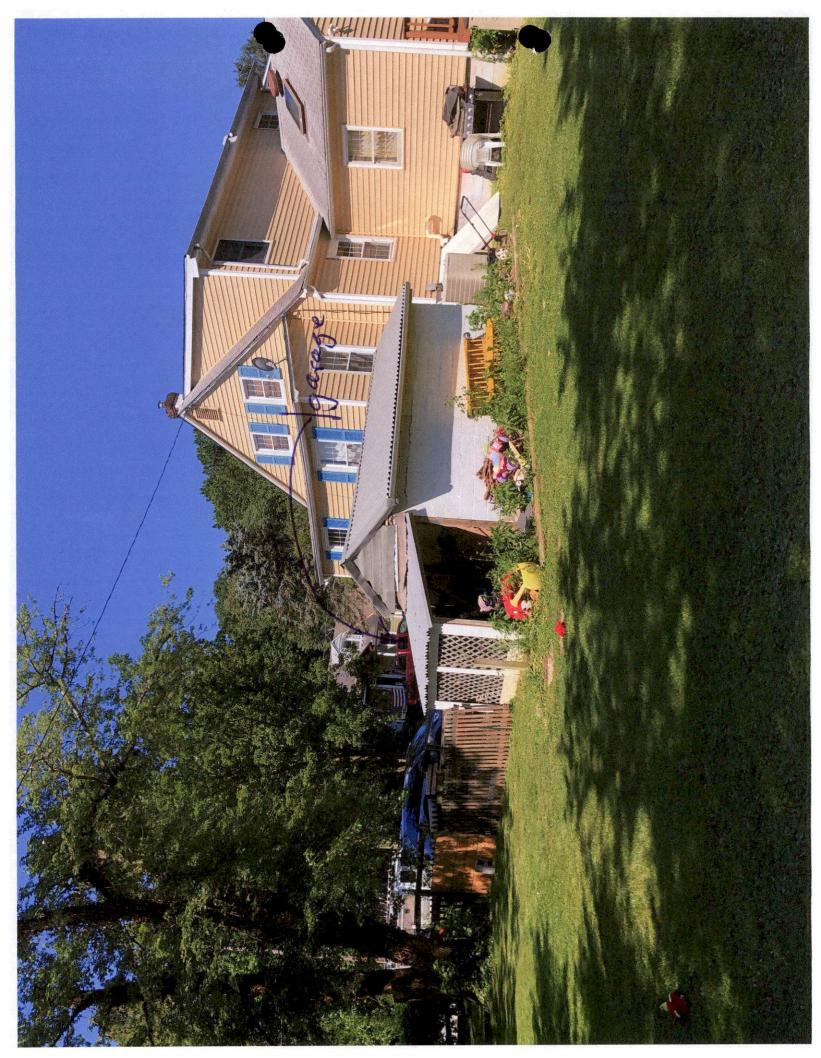
Miscellaneous Notes:



Side view Cod Gowher Ave

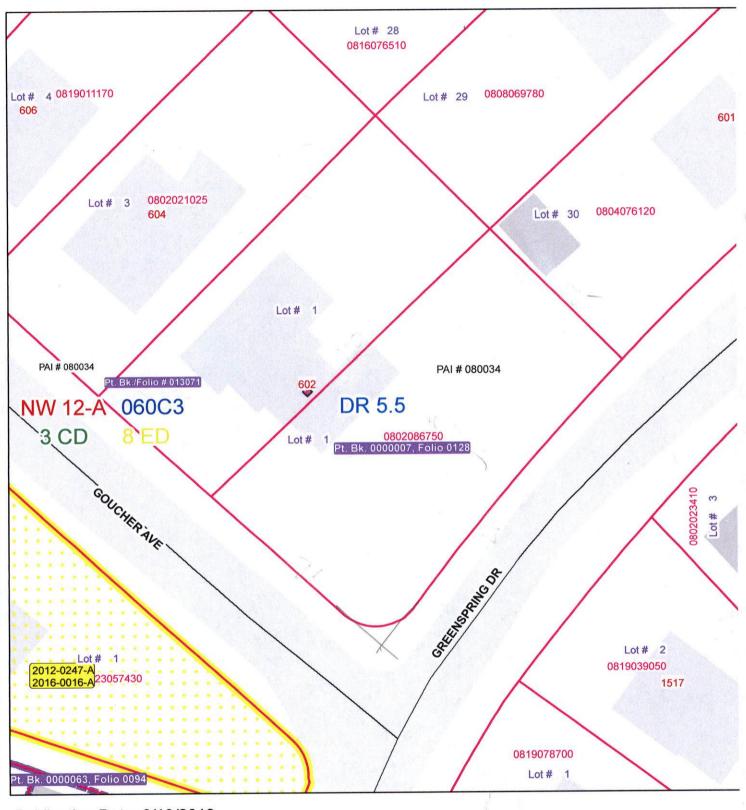


GOD Goucher Ave Front view



602 Gouchar Aur

602 Goucher Aver e



Publication Date: 6/13/2018



Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



