

IN THE MATTER OF
THE APPLICATION OF
FRANK J. GOETTNER
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTHWEST SIDE OF
FRANK AVENUE, 322.29' NORTHEAST OF
GOETTNER ROAD (11720 FRANK AVENUE)
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-503-A

OPINION

This case comes before the Board as an appeal from the decision of the Zoning Commissioner dated December 20, 1988, denying Petitioner a variance for side yard setbacks. The subject property is located in the old Kingsville community bounded by Goettner Road and Bradshaw Road, and situated at 11720 Frank Avenue in the 11th Election District. This case was heard this day in its entirety.

The testimony presented by the Appellant indicated that the subject parcel of land of approximately one-half acre had been passed to his ownership from his father in 1968. Situated in an R.C. 5 zone, the lot was left undeveloped through a time when the requested variance would not have been necessary, but which now is subject to 50-foot setbacks and more stringent regulations governing septic field dimensions, which dictate the location of the projected house planned for the site.

Serving as lead spokesman for the Protestants, Mr. Gregory Herzog objected because of storm water run-off, the effect on wells, and the size of the lot which the Protestants consider unfit for use.

Testifying for the Appellant, Mr. Donald Lynch, a land surveyor long familiar with the subject property and engaged to prepare the site plan entered as Exhibit No. 1 in this case, reviewed the plan and indicated a very slight 3 percent grade to the property with no streams or swales on the site. He

Case No. 88-503-A
Frank J. Goettner

Further described access to the lot via Frank Avenue, a private right-of-way owned by the Appellant, and also serving existing family residences. Mr. Lynch noted that the lot was very similar in size to its neighboring properties. Mr. Lynch identified the properties on an aerial map as they appeared in 1958 and 1986. The larger properties were actually two lots creating larger sites. The proposed house would be at least 110 feet from any other house and face the sides of those dwellings. The house location on the lot will conform to current County regulations in regard to septic fields and well water supply.

Ms. Susan Farinetti, a sanitarian with the Department of Environmental Protection and Resource Management (DEPRM), testified to the facts of percolation tests she conducted on the property as early as 1979. The three test points were passed and those results are good today. The plan for the approved septic system of over 10,000 square feet with room for alternative location, well removed from adjacent septic areas, was declared by Ms. Farinetti to be of no danger to the health, safety and general welfare of the neighbors. The location of the well water supply was also approved by the department.

The Appellant, Mr. Frank J. Goettner, reviewed the history of the subject site and the surrounding properties deeded to the family since 1913. The plat of the lot dated in April 1931 shows the 30-foot right-of-way currently described as Frank Avenue, entered as Exhibit No. 6. Most of the adjacent home sites are shown to be one-half acre lots. A series of photographs were identified and described by Mr. Goettner, depicting the local roads, home sites and their proximity to one another. The single-family dwelling proposed and two other properties would be serviced by Frank Avenue. Counsel for the Appellant presented the 1989 Baltimore County tax bill confirming the lot area as .547 acre.

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Frank J. Goettner

In opposition to the petition were individuals who own adjoining properties or houses in the immediate neighborhood. Objections to water run-off, the negative effect on well systems, a home construction in the center of already developed properties, and the effect the subject property would bring to the terrain of the site were reasons of protest.

Mrs. Frieda Dippel, a resident of 42 years, raised strong objections to the erosion of her property from water run-off over the years and the possible increase with development of the subject lot. Well water supply is low, requiring many new wells in the neighborhood. Much of her water problems Mrs. Dippel attributes to Mr. Goettner's business operations.

Mrs. Theresa Grant testified to her surprise of the existence of Frank Avenue as a right-of-way passing her residence. This County "paper road" is more grass than road in the vicinity of her property which she regularly mows. That portion which is road bed creates a dust by vehicles recently making use of the drive. Purchased in 1988 for its privacy, Mrs. Grant sees a value decline in her property, a safety hazard to her children, and an increasing water run-off problem as she has experienced storm water in her basement. Mrs. Grant also stated that the previous owner had to add a 200-foot well in 1984. Her fears of the septic system were countered in cross-examination that revealed the proposed septic system would be downgrade from her property.

Mrs. Sandra Herzog affirmed her belief that properties would be devalued, wells would be further limited and there would be injury to the conditions of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Mrs. Helen Day, whose property is opposite the end of Frank Avenue at Bradshaw Road, testified to the water flow from the drive to the main connector road and the serious erosion and damage to the County-maintained gutter.

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Frank J. Goettner

In his summation, Counsel for the Appellant endeavored to establish that the location of the subject property and its terrain is not the cause of the water run-off problems experienced by the witnesses. As described earlier, the lot has a 3 percent incline, and is on the down-side of Protestants' properties and Frank Avenue. Counsel further declared that the variances will enable the subject site to be in character with neighboring properties. The Appellant has paid County taxes for many years and should not face the hardship of maintaining the one-half acre without benefit.

From the testimony heard in this case, the considerations of the Board must be carefully weighed in view of the standards of Section 307 of the B.C.Z.R. The Protestants declare that the granting of the requested variance will have a detrimental effect on what they testify to be current and serious water supply and storm water run-off conditions. Section 307 states that relief may be granted only if it creates no substantial injury to public health, safety and general welfare.

On the other side, the Appellant's appeal for relief to utilize his half-acre property is centered on that wording of Section 307 of the B.C.Z.R. which justifies the granting of variances from a regulation where strict compliance would result in practical difficulty or unreasonable hardship. The testimony and evidence presented in this matter directs this Board to support the Appellant and grant the requested variance, with restrictions.

Of particular importance in our deliberations was the testimony of Mrs. Farinetti, a sanitarian from DEPRM who gave convincing evidence that the well water supply and septic drainage system were fully approved. She further testified that these factors would not violate the conditions of Section 307.

In regard to the storm water problems affecting the properties in the general location, in the view of this Board the subject property and its

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Frank J. Goettner

location has been shown through testimony and evidence as not being the cause of these occurrences.

The construction of a new dwelling, more than 100 feet from any house, in what has been an open area of special attractiveness, will undoubtedly change vistas. However, to deny the subject property owner the opportunity to build a house with setback variances comparable to neighboring dwellings, in the view of the Board, would result in a practical difficulty, for the lot would become practically valueless to the owner.

The use of a private right-of-way, Frank Avenue, long dormant as a functioning road, arose as a point of protest, but documented evidence in this case proved it to be legally owned by the Appellant and useable for his purpose. However, testimony heard gives evidence that Frank Avenue does serve as a conduit for heavy rainfall run-off at its juncture with Bradshaw Road; is barely identified at places along its course; and lacks an acceptable road bed for most of its length.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of August, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variances requested is hereby granted with the following restrictions:

1. Prior to the construction of a house at 11720 Frank Avenue, the Appellant will provide a 20-foot roadway of crusher run the length of Frank Avenue, from its point of entry at Bradshaw Road to its terminus.

Case No. 88-503-A
Frank J. Goettner

2. Within two years from the date of this Order, a fencing of shrubs and trees, according to a plan approved by Baltimore County, shall have been planted at 15-foot intervals on both sides of Frank Avenue.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Lynn B. Moreland
Lynn B. Moreland

IN RE: PETITION FOR ZONING VARIANCE
NW/8 Frank Avenue, 322.29 NE
Goettner Road
(11720 Frank Ave.)
11th Election District
5th Councilmanic District
Frank J. Goettner
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-503A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setbacks of 15 feet and 38 feet in lieu of the required 50 feet each, as more particularly described on Petitioner's Exhibit 1 and A.

The Petitioner, Frank Goettner, appeared and testified and was represented by Francis F. Dziennik, Esquire. The following Protestants appeared and testified, namely, Ms. Sandy Herzog, Mr. Freddy Dippel, Ms. Helen Day and Mr. and Mrs. Milton V. Ester.

The evidence and testimony tend to indicate that the Petitioner wishes to develop a lot of land located at the rear of his existing property on a Paper Street known as Frank Avenue. Frank Avenue is accessed off of Goettner Road. All of the land in this area is zoned R.C. 5 and Petitioner's Exhibit 1 was submitted as the original site plan.

As a result of conflicting testimony between the Petitioner and some of the Protestants, the Zoning Commissioner required that a new plan be prepared and filed. On December 9, 1988, a new site plan was received by the Development Control section of the Office of Zoning. The new plan shows a new access point to Bradshaw Road. The old plan was for access to Goettner Road. The new plan has been accepted and is marked as Petitioner's Exhibit A.

ORDER RECEIVED FOR FILING
Date 10/10/89
By [Signature]

The Protestants are mostly individuals who own either immediately adjoining residential properties or residential properties in the immediate neighborhood. The sum and substance of most of the complaints have to do with the lack of available ground water for the necessary well systems and the fact that this property is located in the center of most of the already developed properties. That the storm water runoff problems for most of the adjoining properties would be extremely increased by future construction. Most of the Protestants are also opposed to this development and, therefore, the variances requested in order to facilitate the development because of the lack of adequate sewage areas because of the sloping terrain and stream systems on this site.

Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and/or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

Section 307 also states that relief may be granted only if it creates no substantial injury to public health, safety and general welfare.

In reviewing the Petition, it must be kept in mind that "the standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

ORDER RECEIVED FOR FILING
Date 10/10/89
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 3, 1989



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/S Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District, 5th Councilmanic District
FRANK J. GOETTNER - Petitioner
Case No. 88-503-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1989 by John B. Gontrum, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Frank J. Goettner
7410 Goettner Road, Kingsville, Md. 21087

Mr. John B. Gontrum, Romačka, Gontrum & Hennegan
809 Eastern Boulevard, Essex, Md. 21221

Frank J. Goettner
September 14, 1988
Page 2

If you need any further clarification of the additional details necessary, please contact me in this office at 494-3991.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

W. Carl Richards, Jr.
By: W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

cc: Francis N. Dziennik, Esquire
2437 Foster Avenue
Baltimore, MD 21224

Sourask G. Munshi
Don Lynch Assoc., Inc.
4907 Harford Road
Baltimore, MD 21214

APPEAL
Petition for Zoning Variance
NW/S Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District - 5th Councilmanic District
FRANK J. GOETTNER - Petitioner
Case No. 88-503-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: A. Five (5) Plats for Zoning Variance

1. Plat for Zoning Variance
2. Elevation Drawings

Zoning Commissioner's Order dated December 20, 1988 (Denied)

Notice of Appeal received January 11, 1989, from John B. Gontrum, Attorney on behalf of the Petitioner

cc: Mr. & Mrs. Frank J. Goettner
7410 Goettner Road, Kingsville, Md. 21087

Mr. John B. Gontrum, Romačka, Gontrum & Hennegan
809 Eastern Boulevard, Essex, Md. 21221

Ms. Sandy Herzog, 7449 Bradshaw Road, Kingsville, Md. 21087

Mr. Fred Dippel, 7445 Bradshaw Road, Kingsville, Md. 21087

Ms. Helen Day, 7448 Bradshaw Road, Kingsville, Md. 21087

Mr. & Mrs. Milton Ester, 16608 Cedar Lane, Kingsville, Md. 21087

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

THIS IS TO CERTIFY, that the annexed advertisement of
FOR ZONING VARIANCE ADVERTISING PETITION
NW/S FRANK AVE, 322.29 NE GOETTNER RD.
(11720 FRANK AVE) 11th E.D. GOETTNER RD.
SCOTT/FRANK J. GOETTNER, ET UX PETITIONING
809 LINES AT 494.39
was inserted in The Avenue News a weekly newspaper
published in Baltimore County, Maryland once a week for
successive week(s) before the 27th day of May 19 88
that is to say, the same was inserted in the issues of 5/26/ 19 88

The Avenue Inc.
per publisher
by: David Caldwell

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on Monday, June 13, 1988 at 2:00 PM.
Petitioner: FRANK J. GOETTNER, ET UX
Case Number: 88-503-A
NW/S Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District - 5th Councilmanic District
Petitioner(s): FRANK J. GOETTNER, ET UX
Hearing Date: Monday, June 13, 1988 at 2:00 PM.
Venue: to present a side yard setback of 15 feet and 30 feet in front of the required 50 feet each.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above at present at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
5029 May 26

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

July 19, 1988

Dennis F. Rasmussen
County Executive



Francis N. Dziennik, Esquire
2437 Foster Avenue
Baltimore, Maryland 21224

RE: Petition for Zoning Variance
Case #88-503 A
Hearing: June 13, 1988

Dear Mr. Dziennik:

I recently had an opportunity to visit the subject site. I have several questions about the site that prevent me from issuing an opinion at this time. I am requesting that the Petitioner have prepared, by a registered professional land surveyor, a site plan which shows the subject property in relationship to all existing properties, both developed and undeveloped, between Goettner Road and Bradshaw Road.

If there are any questions concerning this additional site plan, please contact Mr. Carl Richards, Zoning Coordinator, at 494-3391.

Thank you for your cooperation.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

cc: Ms. Sandy Herzog, Protestant
Fred Dippel, "
Ms. Helen Day "
Edward B. Rybczynski, Esquire

bcc: Harold Long

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD, May 26, 19 88

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 26, 19 88

THE JEFFERSONIAN,

S. Zake Orlov
Publisher

33.75

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on Monday, June 13, 1988 at 2:00 PM.
Petitioner: FRANK J. GOETTNER, ET UX
Case Number: 88-503-A
NW/S Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District - 5th Councilmanic District
Petitioner(s): FRANK J. GOETTNER, ET UX
Hearing Date: Monday, June 13, 1988 at 2:00 PM.
Venue: to present a side yard setback of 15 feet and 30 feet in front of the required 50 feet each.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above at present at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
5029 May 26

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th
Posted for: Variance
Petitioner: FRANK J. GOETTNER
Location of property: NW/S Frank Ave., 322.29 NE Goettner Rd.
11720 Frank Ave.
Location of Sign: Frank J. Goettner Rd. across 12th St. on corner of Frank Ave. and Bradshaw Rd. signs posted on both roads.
Remarks: See City of Baltimore Ord. 12-100-101.
Posted by: [Signature]
Number of Signs: 4

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

DATE: 6/13/88
AMOUNT: \$ 92.10
RECEIVED FROM: [Signature]
FOR: [Signature]
Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

April 18, 1989

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-503-A
NW/3 Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District - 5th Councilmanic District
Petitioner(s): Frank J. Goettner, et al
HEARING SCHEDULED: MONDAY, JUNE 13, 1989 at 2:00 PM

Variance to permit a side yard setback of 15 feet and 30 feet in lieu of the required 50 feet each.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Frank J. Goettner, et al
Francis F. Dilewis, Esq.
File

3/22/89 - Following notified of hearing set for Tuesday, July 11, 1989 at 10:00 a.m.:

Mr. and Mrs. Frank Goettner
John B. Gontrum, Esq.
Ms. Sandy Herzog
Mr. Fred Dippel
Ms. Helen Day
Mr. and Mrs. Milton Ester
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

February 3, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/3 Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District, 5th Councilmanic District
FRANK J. GOETTNER - Petitioner
Case No. 88-503-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1989 by John B. Gontrum, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours

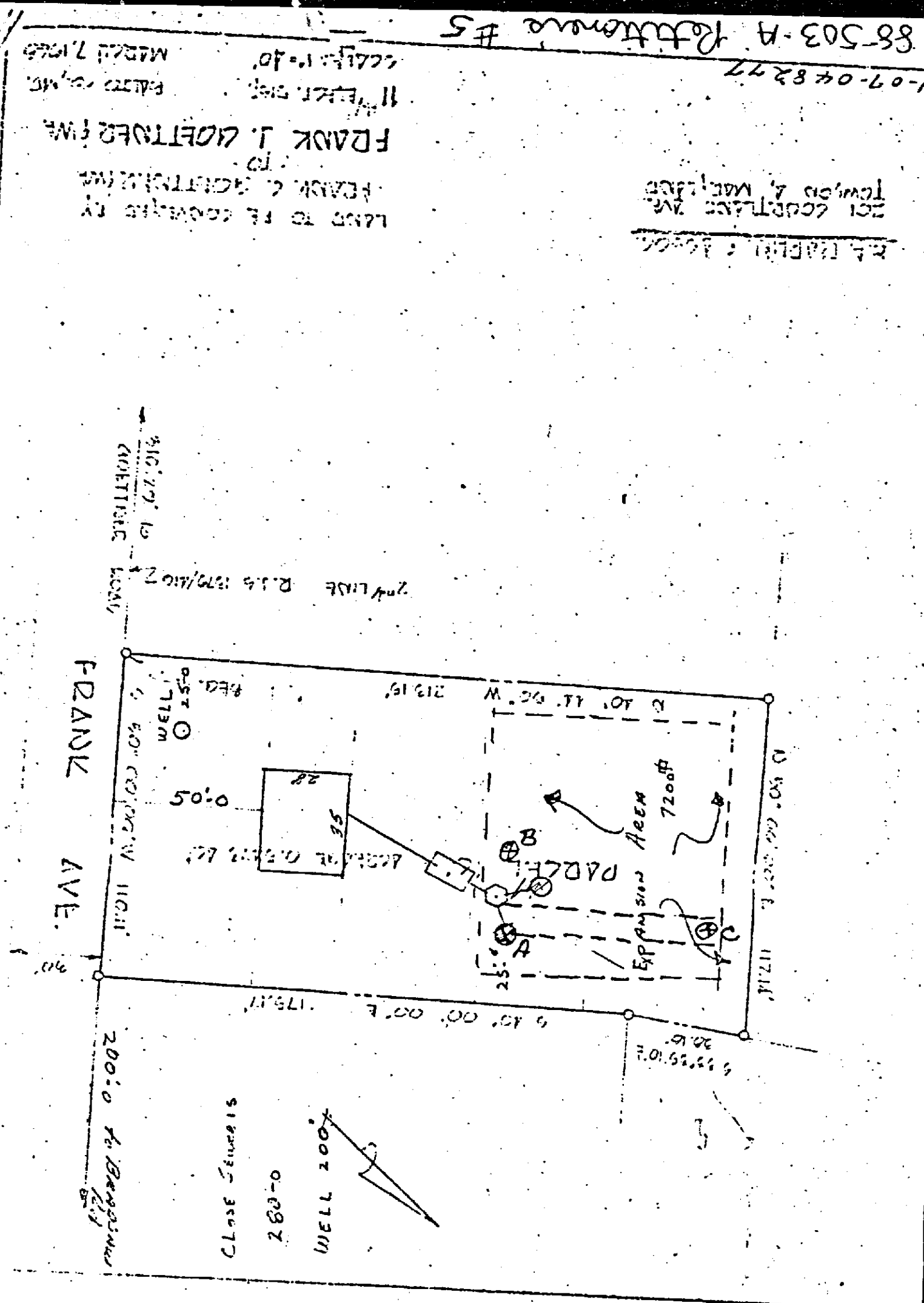
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Frank J. Goettner
7410 Goettner Road, Kingsville, Md. 21087

Mr. John B. Gontrum, Romadka, Gontrum & Hennegan
809 Eastern Boulevard, Essex, Md. 21221



APPEAL

Petition for Zoning Variance
NW/3 Frank Avenue, 322.29 NE Goettner Road
(11720 Frank Avenue)
11th Election District - 5th Councilmanic District
FRANK J. GOETTNER - Petitioner
Case No. 88-503-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: A. Five (5) Plats for Zoning Variance

1. Plat for Zoning Variance
2. Elevation Drawings

Zoning Commissioner's Order dated December 20, 1988 (Denied)

Notice of Appeal received January 11, 1989, from John B. Gontrum, Attorney on behalf of the Petitioner

cc: Mr. & Mrs. Frank J. Goettner
7410 Goettner Road, Kingsville, Md. 21087

* Mr. John B. Gontrum, Romadka, Gontrum & Hennegan
809 Eastern Boulevard, Essex, Md. 21221

Ms. Sandy Herzog, 7449 Bradshaw Road, Kingsville, Md. 21087

Mr. Fred Dippel, 7445 Bradshaw Road, Kingsville, Md. 21087

Ms. Helen Day, 7448 Bradshaw Road, Kingsville, Md. 21087

Mr. & Mrs. Milton Ester, 16608 Cedar Lane, Kingsville, Md. 21087

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk
Arnold Jablon, Esquire - Office of Law

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th
Posted for: Appeal
Petitioner: Frank J. Goettner, et al
Location of property: NW/3 Frank Avenue, 322.29 NE Goettner Rd.
Location of Sign: At the NW corner of the property, on the NW corner of the property.
Remarks: The sign is to be posted on the NW corner of the property.
Posted by: [Signature]
Number of Signs: 1

88-503-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
23rd day of March, 1989.

Petitioner Frank J. Goettner, et al
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 3, 1989

John B. Gontrum, Esquire
ROMADKA, GONTRUM & HENNEGAN
809 Eastern Boulevard
Essex, MD 21221

RE: Case No. 88-503-A
Frank J. Goettner

Dear Mr. Gontrum:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

Encl.

cc: Mr. & Mrs. Frank J. Goettner
Ms. Sandy Herzog
Mr. Fred Dippel
Ms. Helen Day
Mr. & Mrs. Milton Ester
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Ms. Sandy Herzog, 7449 Bradshaw Road, Kingsville, Md. 21087
Mr. Fred Dippel, 7445 Bradshaw Road, Kingsville, Md. 21087
Ms. Helen Day, 7448 Bradshaw Road, Kingsville, Md. 21087
Mr. & Mrs. Milton Ester, 16608 Cedar Lane, Kingsville, Md. 21087
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions #88-480-A, 88-481-A, 88-482-A,
88-483-A, 88-484-A, 88-485-A, 88-486-A, 88-487-A,
88-488-A, 88-489-A, 88-490-A, 88-491-A, 88-492-A,
88-493-A, 88-494-A, 88-495-A, 88-496-A, 88-497-A,
88-498-A, 88-499-A, 88-500-A, 88-501-A, 88-502-A,
88-503-A, 88-504-A, 88-505-A

There are no comprehensive planning factors requiring comments on these petitions.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat

RECEIVED
MAY 17 1988

ZONING OFFICE

cc: Francis P. Dzianick, Eng.
5/19/88

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Frank J. Goettner
7410 Goettner Road
Kingsville, Maryland 21087

RE: Item No. 328 - Case No. 88-503-A
Petitioners: Frank J. Goettner, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Goettner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment received, that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
484-3554

April 12, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 320, 324, 325, 326, 327, 328, 331, 333, 334 and 335.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

NSF/pml-b

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL ACTION AND RESOURCE MANAGEMENT

3/21/88

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #328, Zoning Advisory Committee Meeting of March 23, 1988
Property Owner: Frank J. Goettner et ux
Location: NW/4 Frank Ave. 322.29' NE of Goettner Rd. District 11
Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit application for renovation to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendages pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous material and soil wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3772.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been conducted. The results are valid until _____. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submittal of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others proposed well site must be at least 100' from existing wells and sewage disposal systems on adjoining property 100' from proposed sewage disposal area on this lot and 15' from established roads and right-of-ways. Proposed well site cannot be downgraded from sewage disposal systems or reserve areas.

Karon D. Thorey
Karon D. Thorey
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
Towson, Maryland 21204-2586
484-4500

April 5, 1988

Paul H. Reinke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Frank J. Goettner, et ux
Location: NW/4 Frank Avenue, 322.29' NE of Goettner Rd.

Item No.: 328 Zoning Agenda: Meeting of 3/22/88

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: _____
Planning and Zoning Fire Prevention Bureau
Special Inspection Division

PROPOSED LOT PLAN

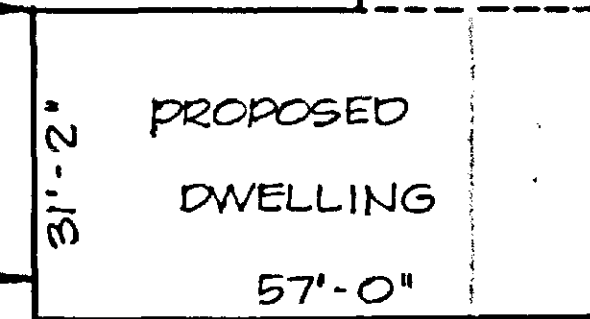
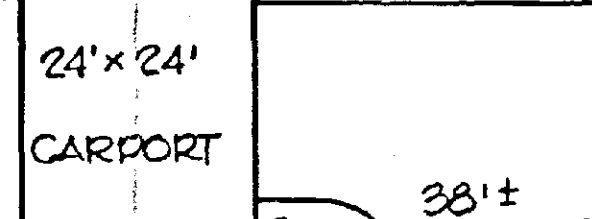
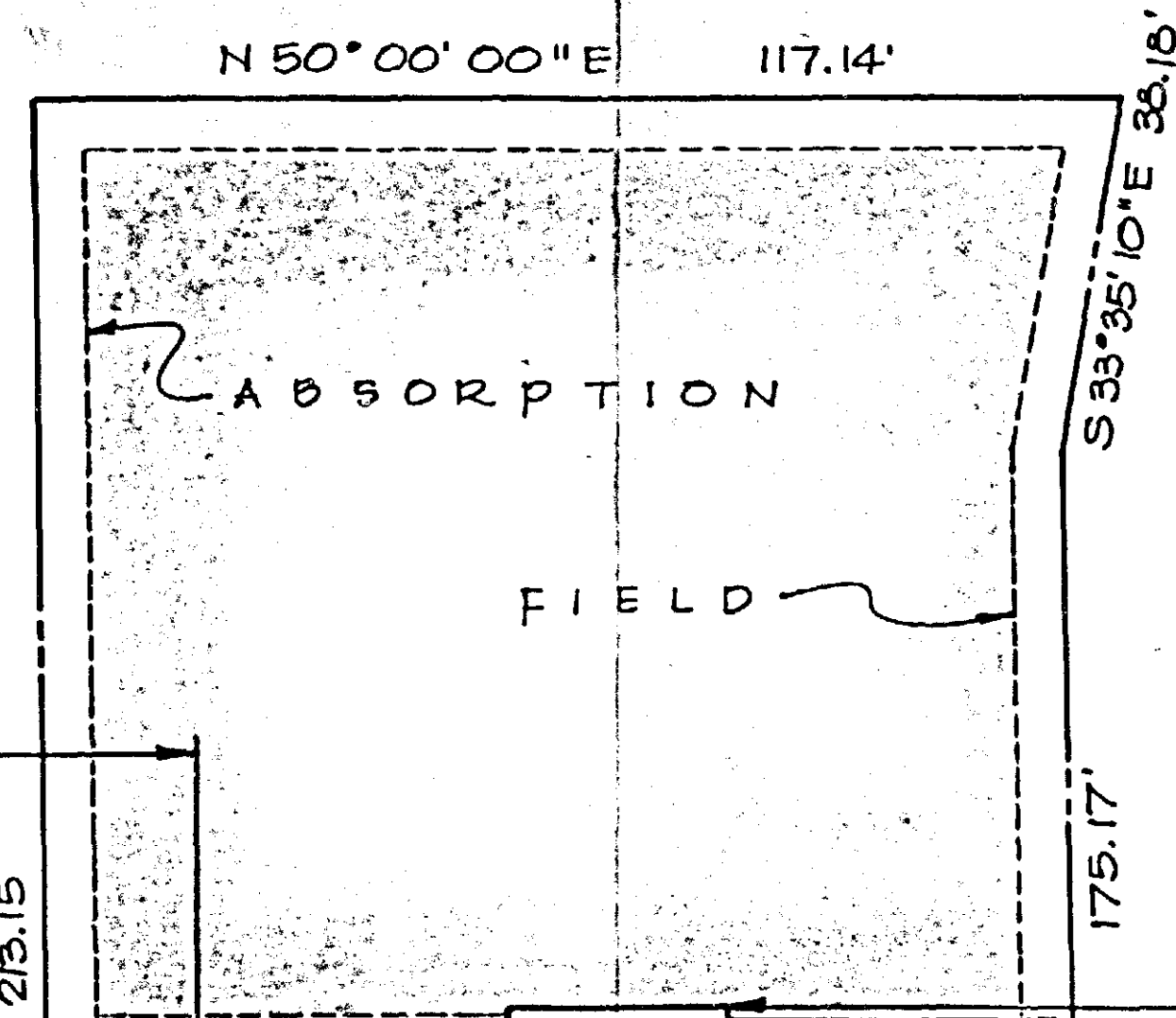
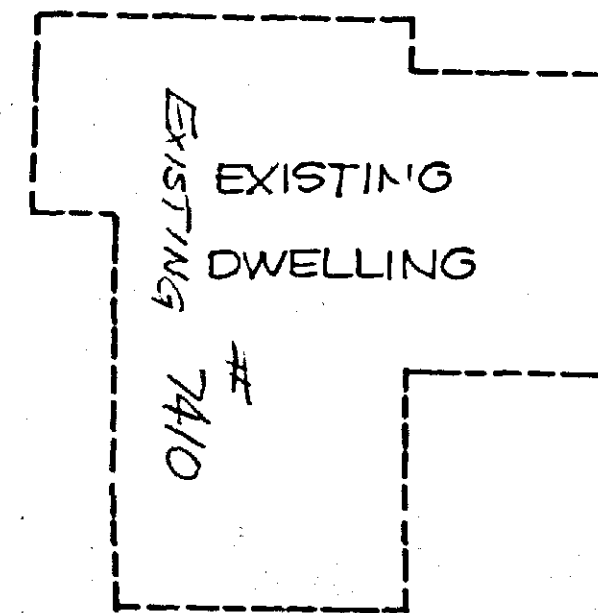
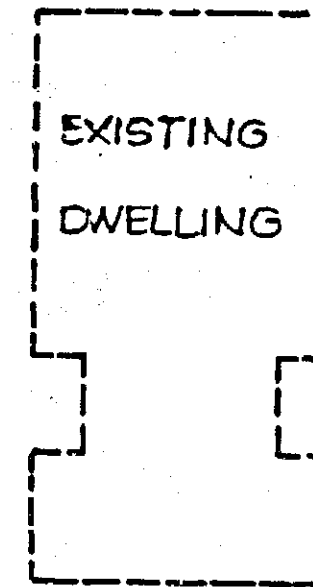
PROPERTY OF
FRANK J. GOETTNER
KINGSVILLE, MD.
PREPARED BY

FRED H. DALLENBURG & CO.
TOWSON, MD.

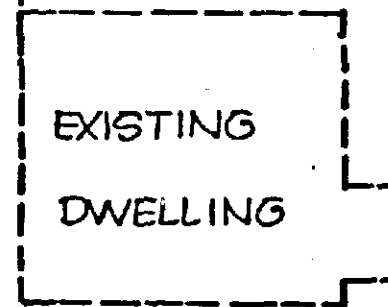
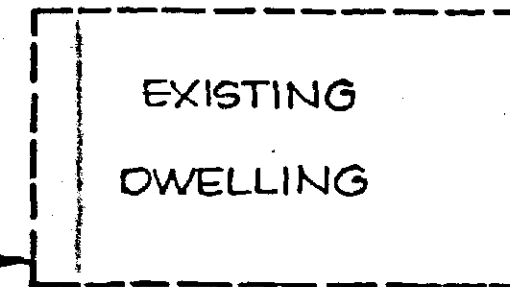
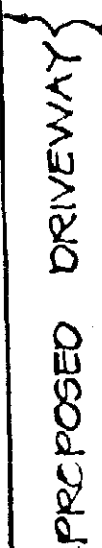
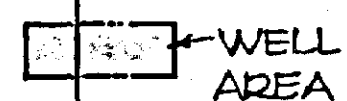
SCALE: 1" = 100' 0"

Petitioner #6

88-503-A

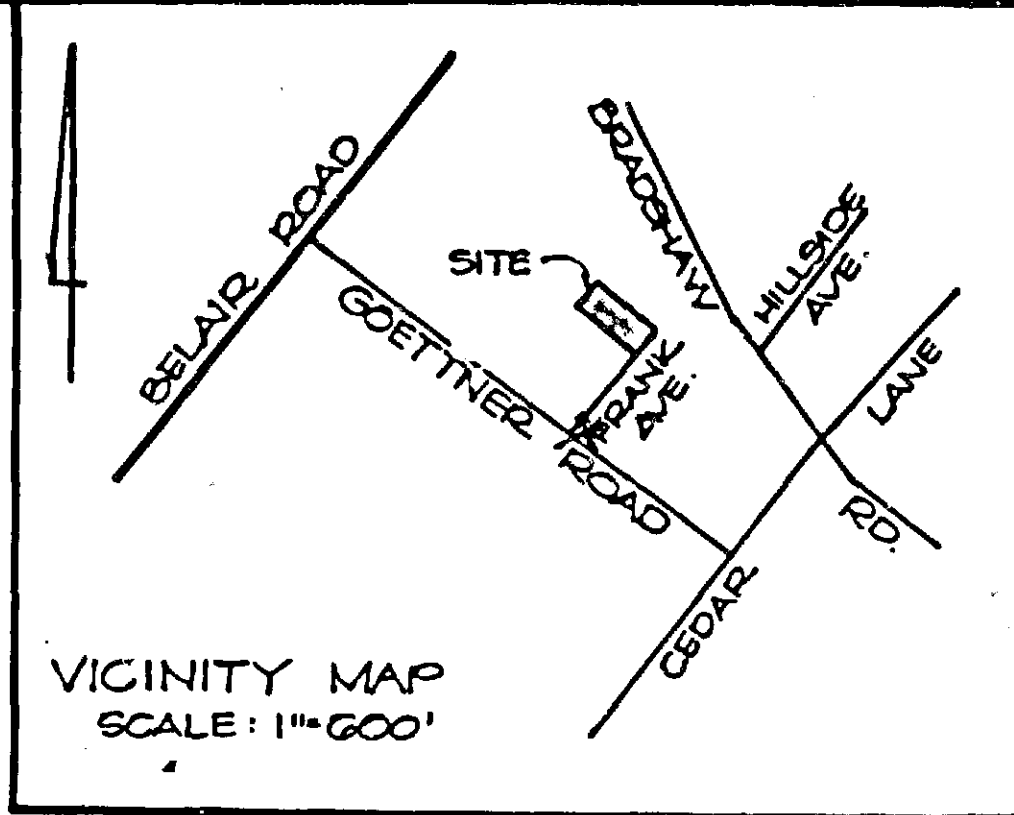


#11720



FRANK

AVENUE



PLAT FOR ZONING VARIANCE

OWNERS: FRANK & CARMELITA GOETTNER
 LOT SIZE: 0.5473 AC.±
 DEED REF.: O.T.G. 4890, F.144 PAR. 2
 NO EXISTING UTILITIES
 DISTRICT N° 11 ZONED RC-5



Bourabai Munn

PETITIONER'S
 EXHIBIT 1

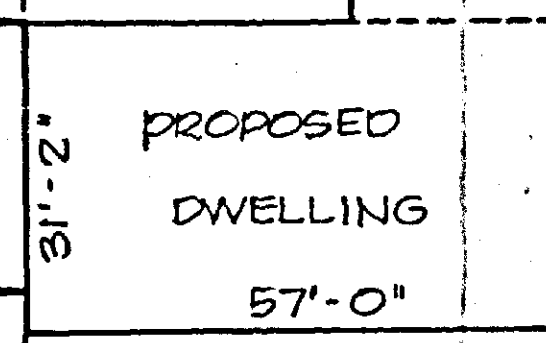
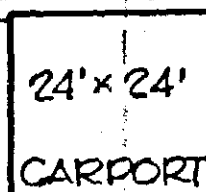
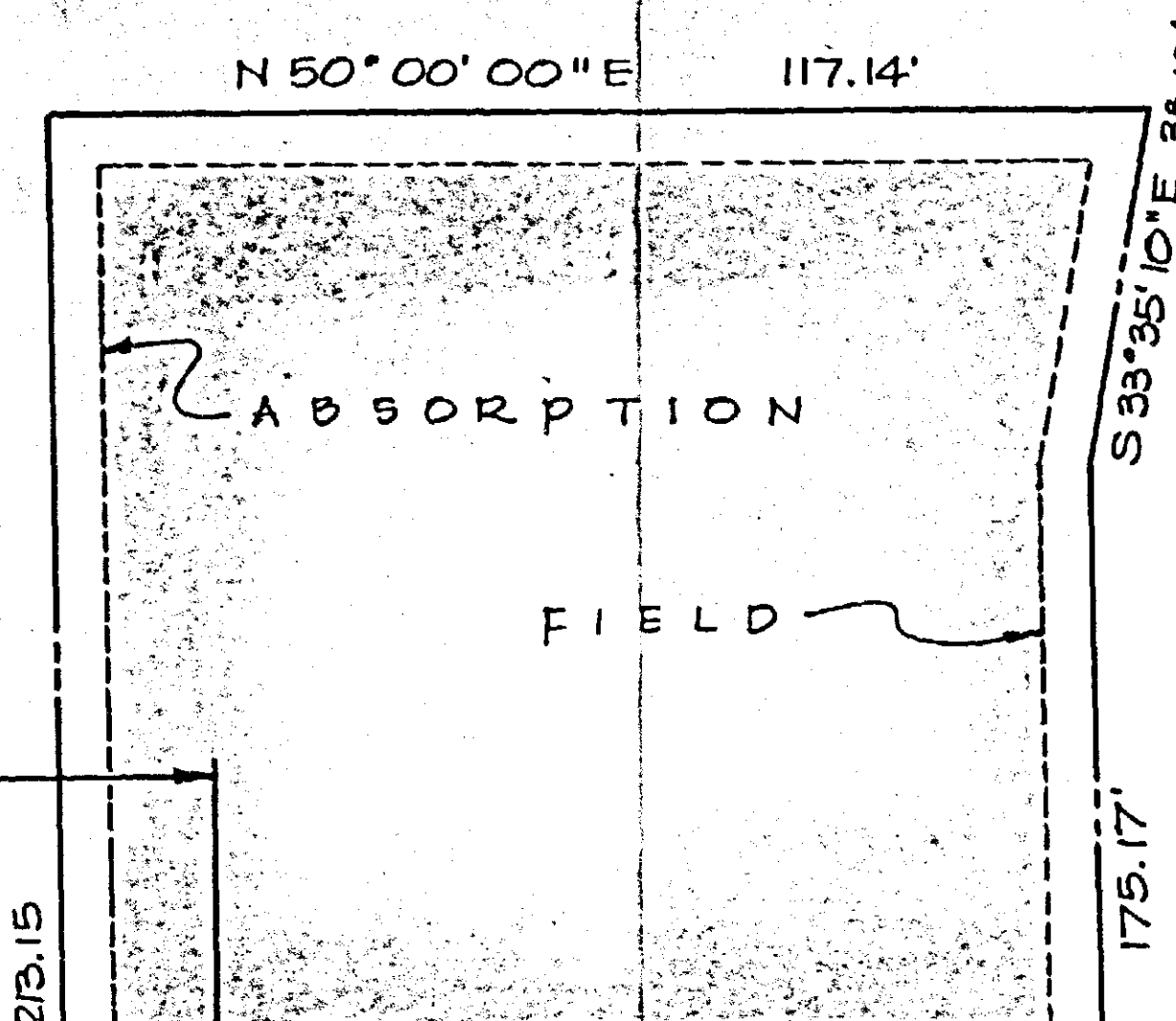
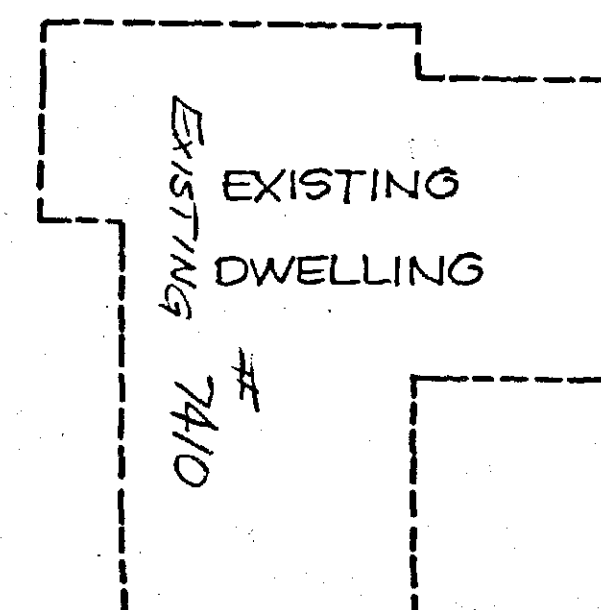
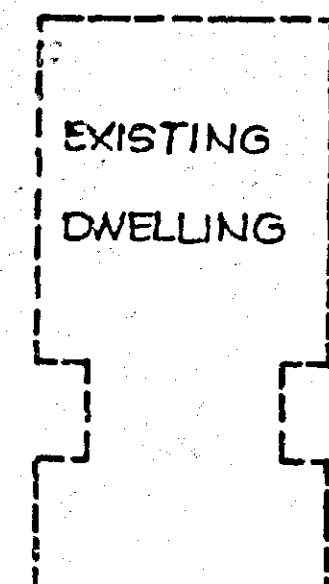
PREPARED BY:
 DON LYNCH ASSOC., INC.
 4907 HARFORD ROAD
 BALTIMORE, MARYLAND 21214
 SCALE: 1" = 20' DATE: FEB., 1988

1 Sign

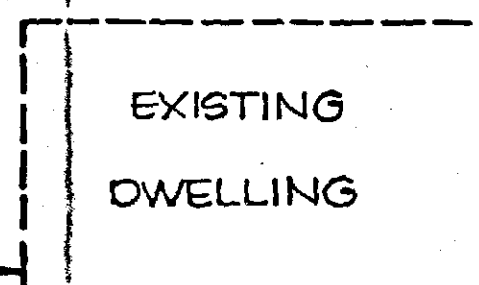
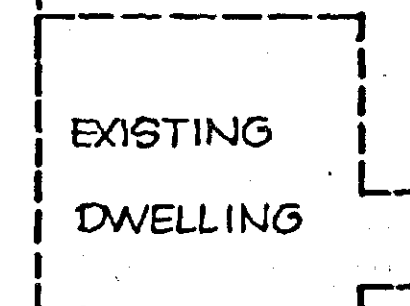
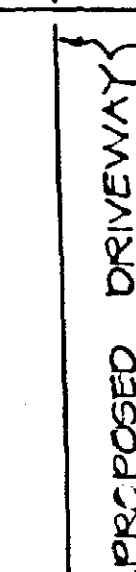
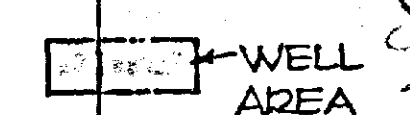
#328

*2/6/87
 By [Signature]
 LWS/ELW*

88-503-A

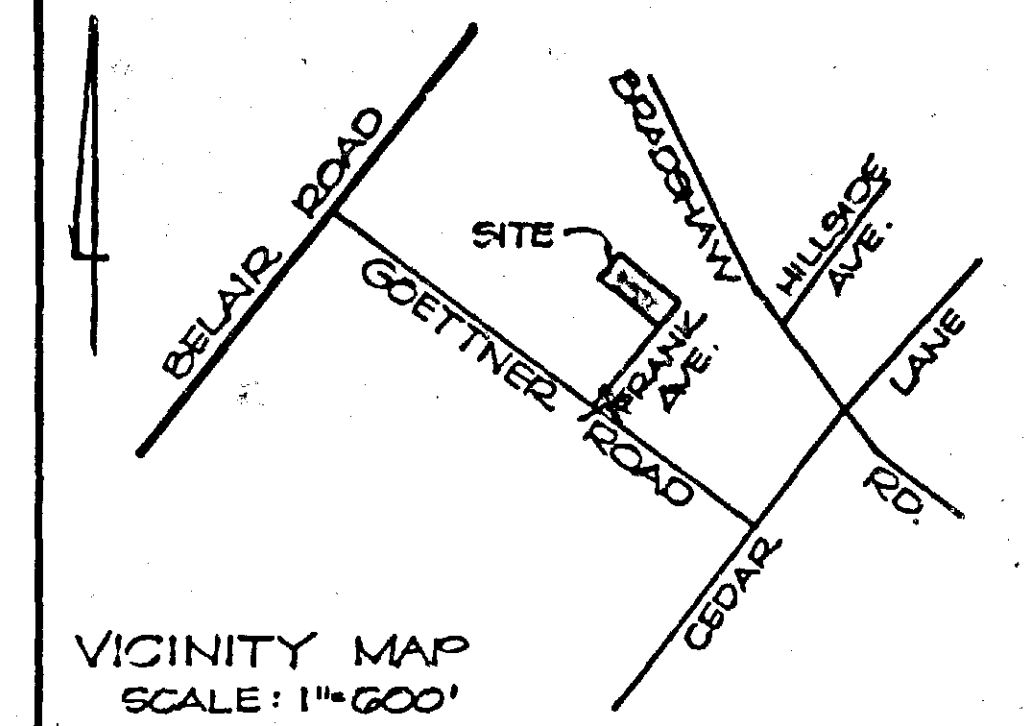


#11720



FRANK

AVENUE



PLAT FOR ZONING VARIANCE

OWNERS: FRANK & CARMELITA GOETTNER
 LOT SIZE: 0.5473 AC.±
 DEED REF: O.T.G. 4890, F.144 PAR. 2
 NO EXISTING UTILITIES
 DISTRICT N° 11 ZONED RC-5



Gourable Munn

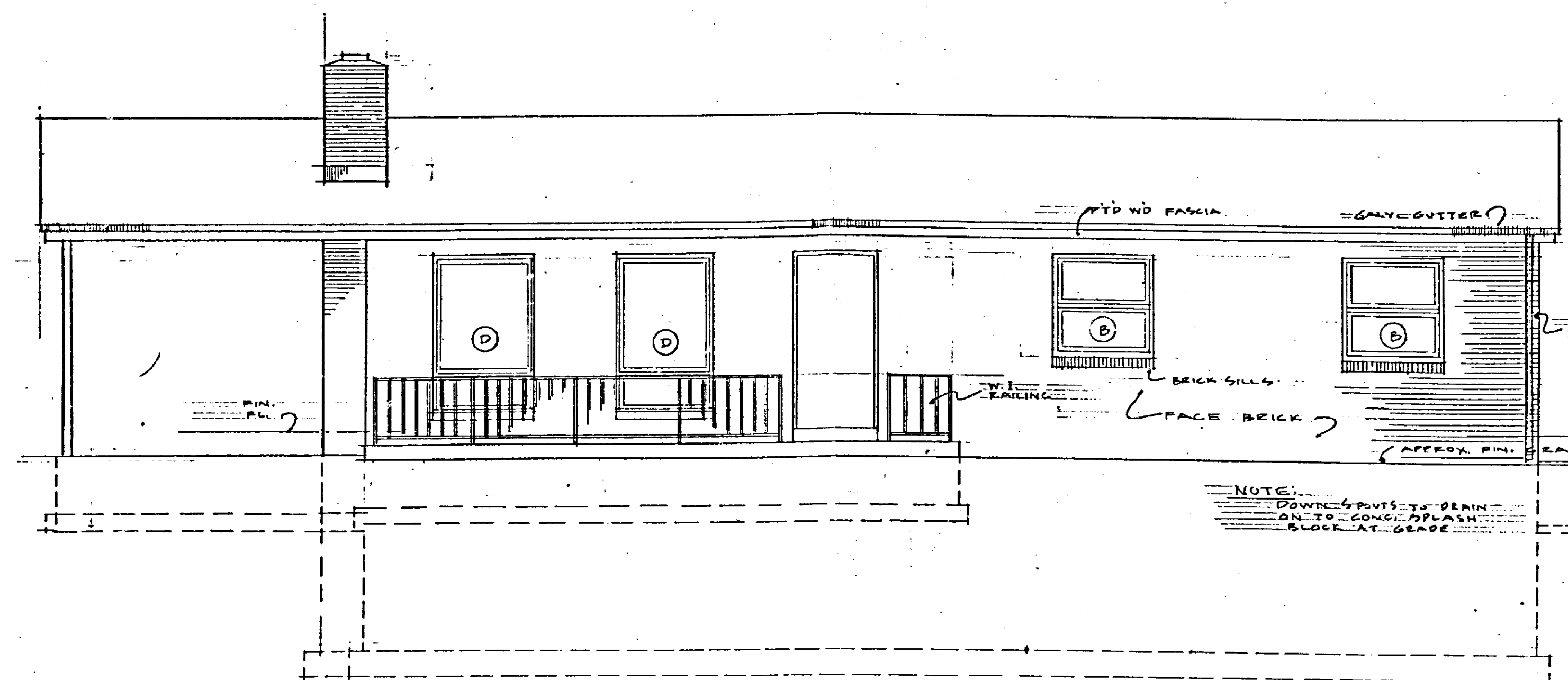
PETITIONER'S EXHIBIT 1

PREPARED BY:
DON LYNCH ASSOC., INC.
 4907 HARFORD ROAD
 BALTIMORE, MARYLAND 21214
 SCALE: 1" = 20' DATE: FEB., 1988

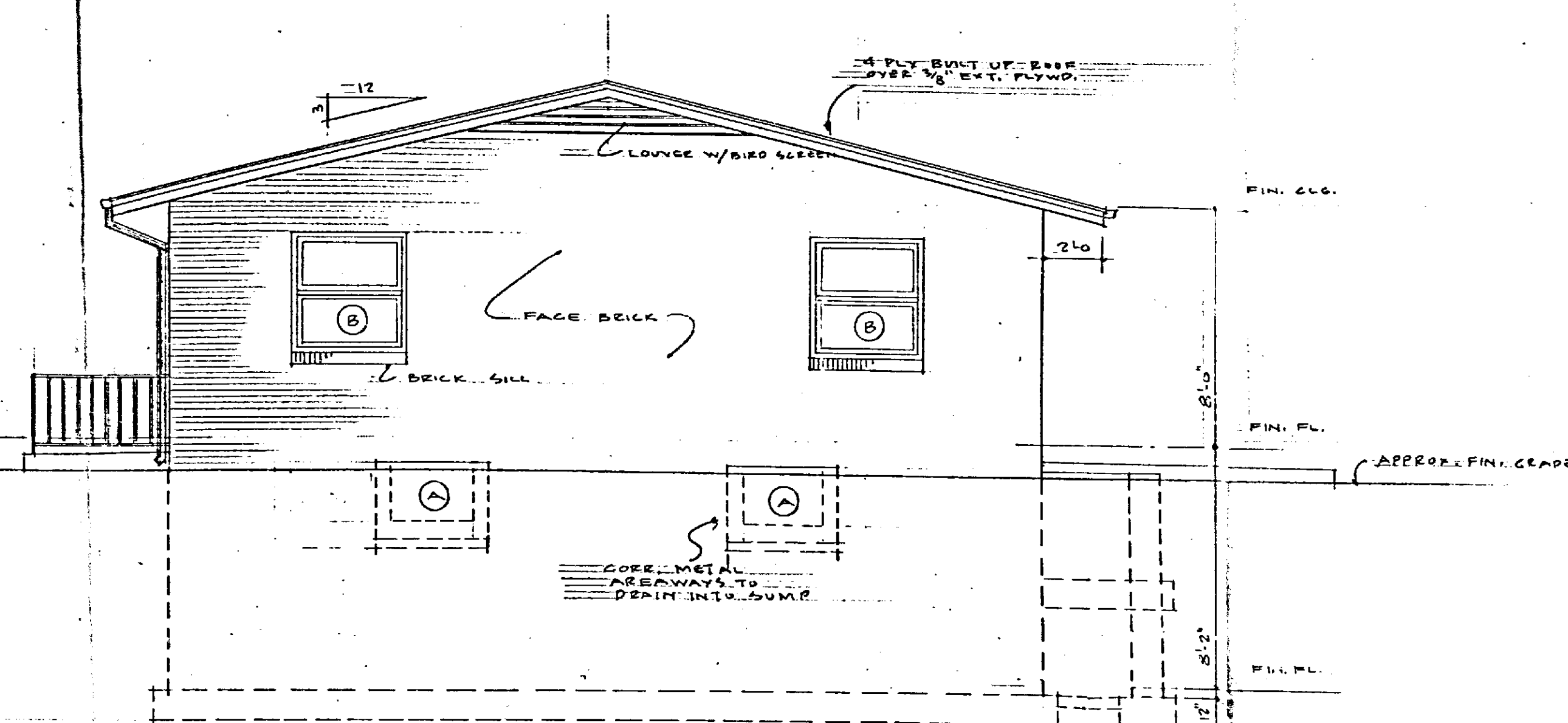
1 Sign

#328

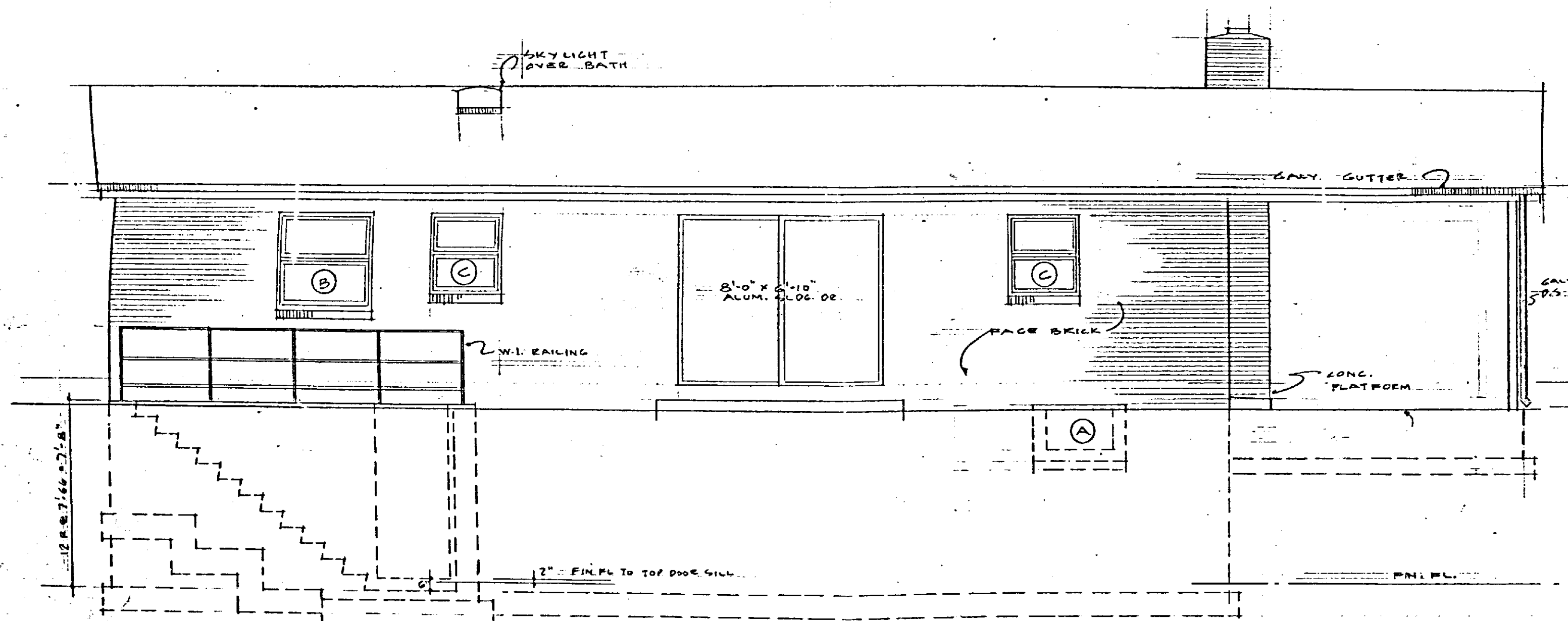
*7437
 2nd floor
 Luns & Co*



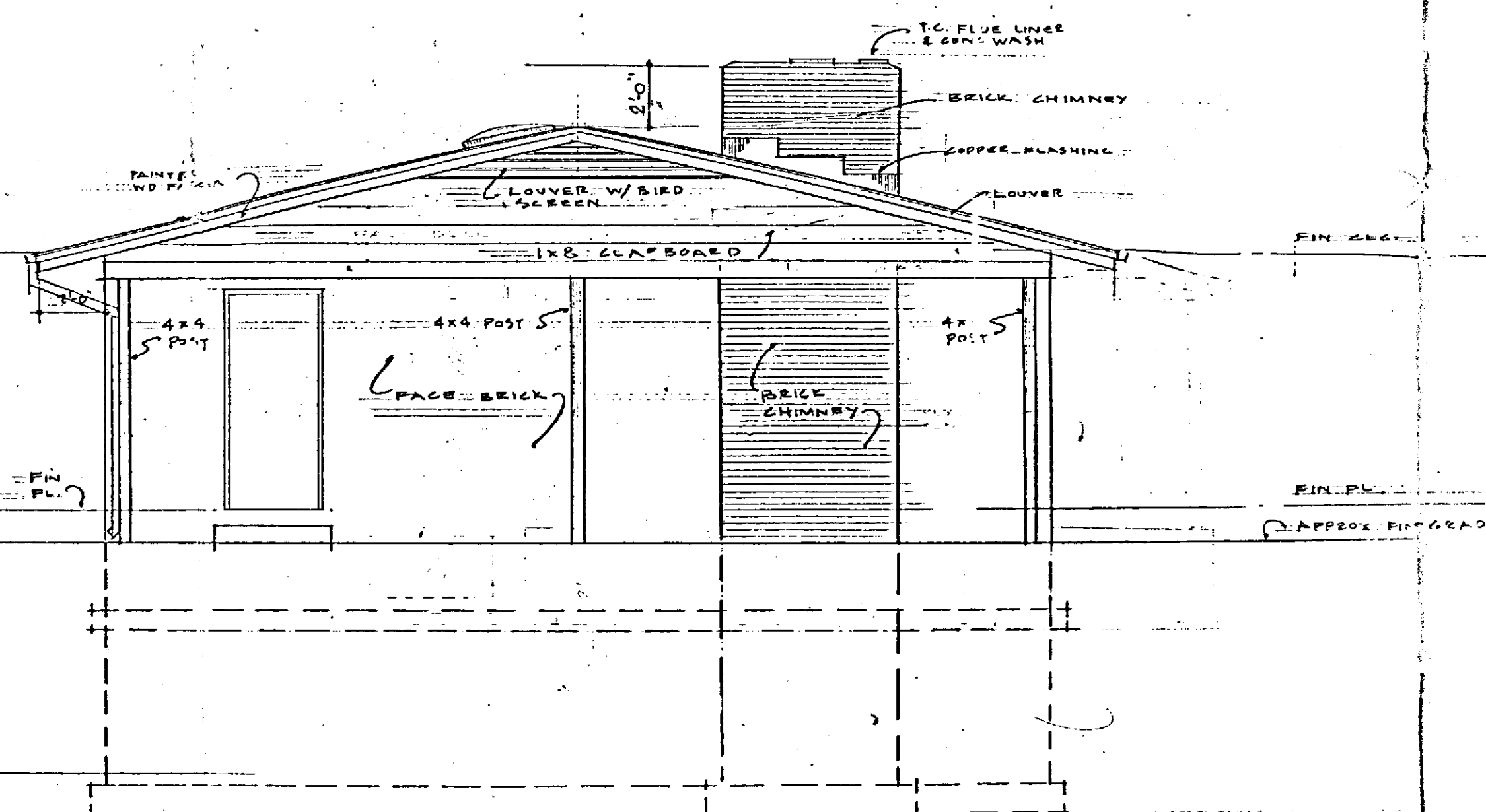
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

WINDOW SCHEDULE

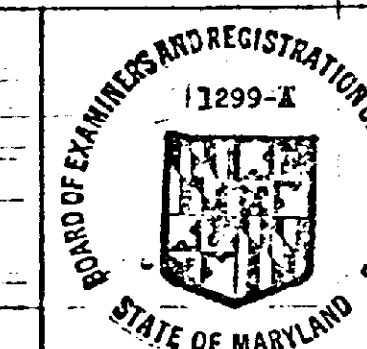
- (A) ANDERSON BASEMENT UNIT NO. 2817
- (B) ANDERSON FLEXIVENT NO. 381812
- (C) ANDERSON FLEXIVENT NO. 21412
- (D) ANDERSON COMBINATION NO. 1847A

FOR FRANK J. GOETTNER
CONSTRUCTION CO., INC.
KINGSVILLE, BALTIMORE COUNTY, MARYLAND

ELEVATIONS
SCALE 1/4" = 1'-0"

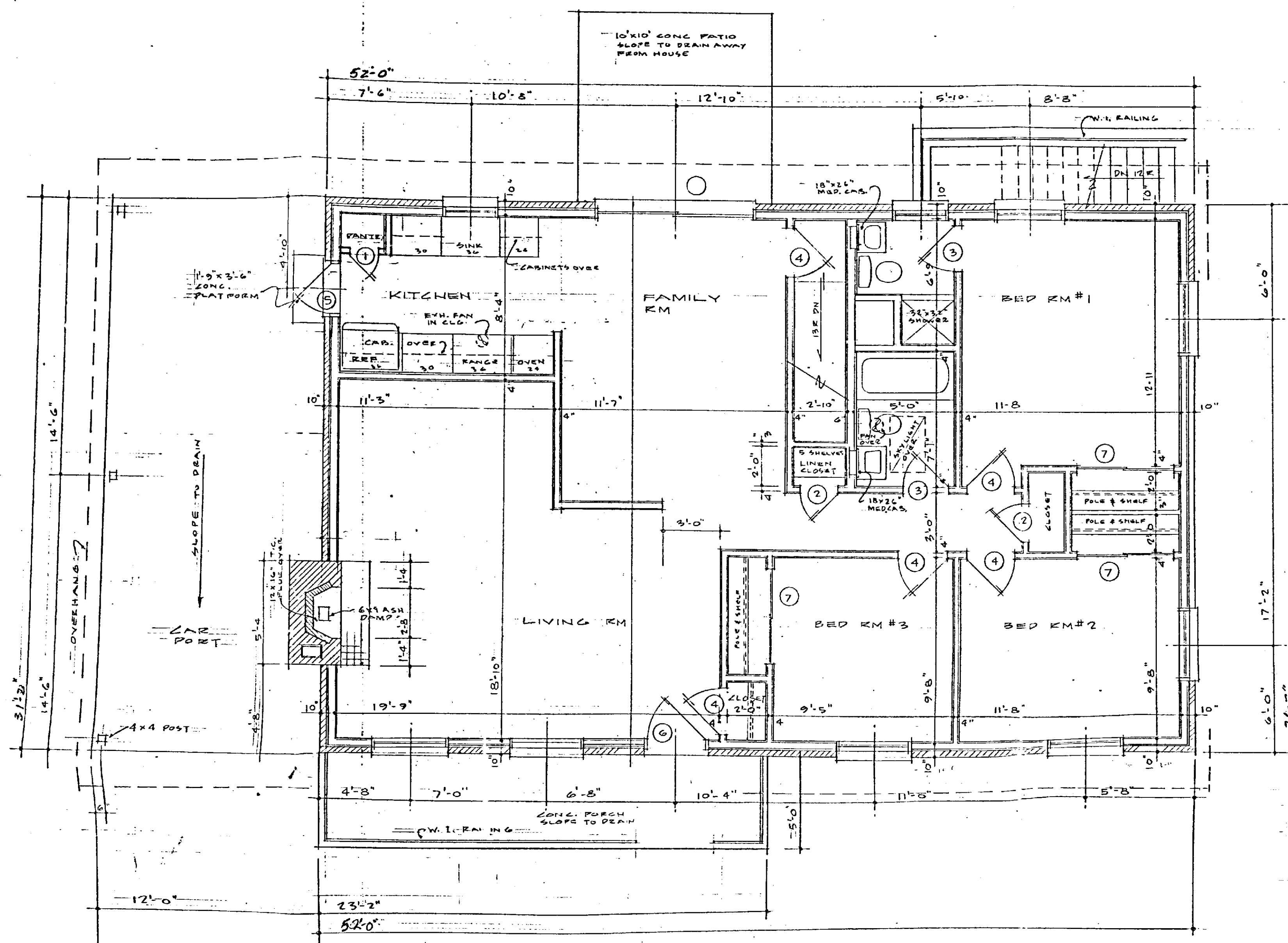
A-3

NORMAN E. KEELY
ARCHITECT
124 TIMONIUM ROAD
BALTIMORE COUNTY, MARYLAND
REVISED APRIL 1, 1960
JANUARY 18, 1960

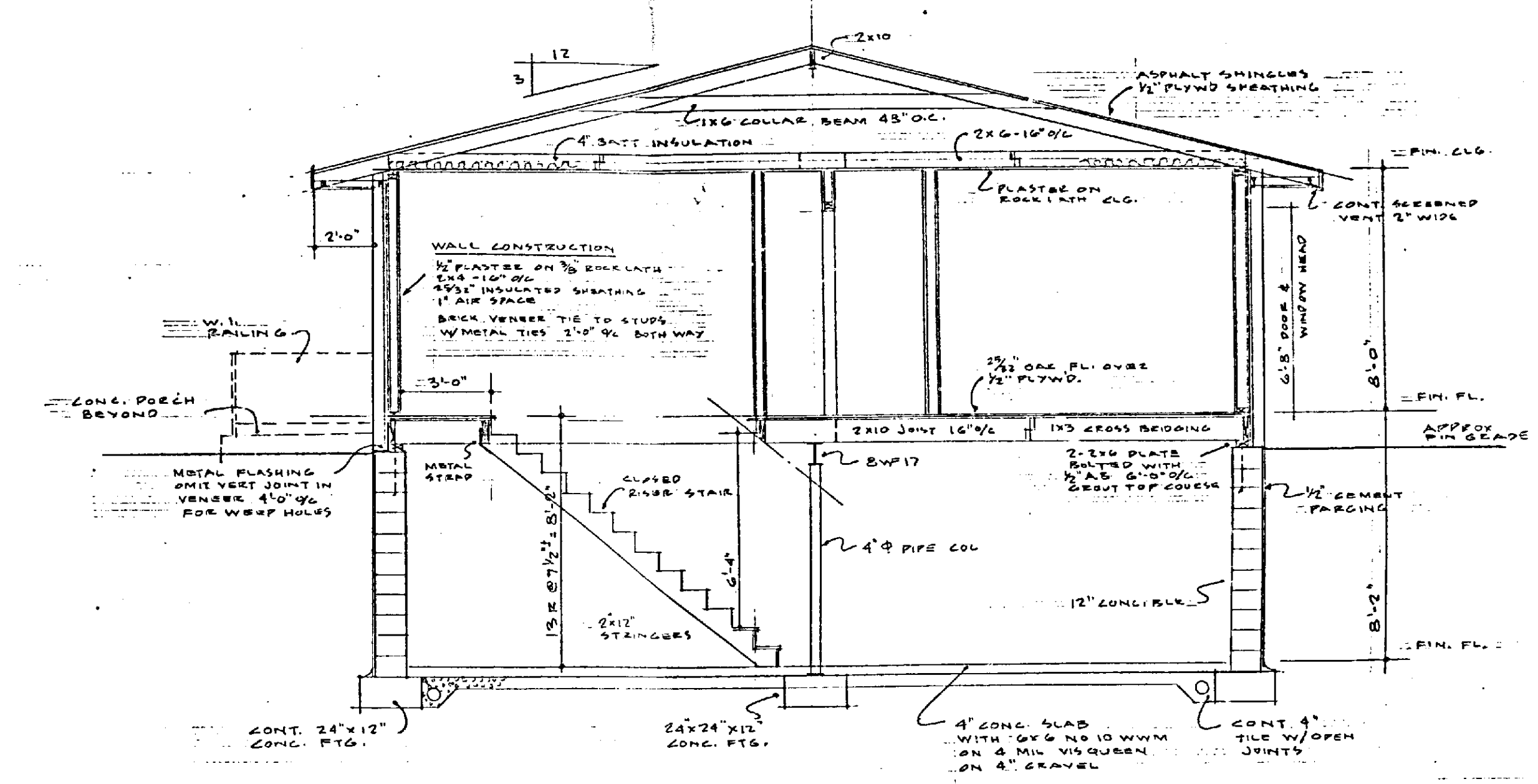


PETITIONER'S
EXHIBIT 2

88-503-A



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

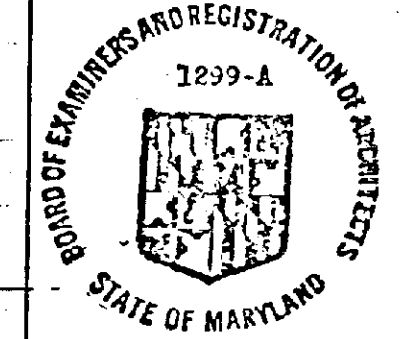


SECTION THRU STAIR A-A
SCALE: 1/4" = 1'-0"

MARK	SIZE	THICK	TYPE
1	1'-6" W	1 3/8"	HOLLOW FLUSH WD.
2	2'-0" W	1 3/8"	HOLLOW FLUSH WD.
3	2'-4" W	1 3/8"	HOLLOW FLUSH WD.
4	2'-6" W	1 3/8"	HOLLOW FLUSH WD.
5	3'-0" W	1 3/8"	WD. PANEL GLAZED
6	3'-0" W	1 3/8"	SOLID CORE FLUSH WD.
7	5'-0" W	1 3/8"	HOLLOW FLUSH WD. SLIDING

FOR
FRANK J. GOETTER
CONSTRUCTION CO., INC.
KINGVILLE, BALTIMORE COUNTY, MARYLAND
FIRST FLOOR PLAN & SECTION
SCALE: 1/4" = 1'-0"

NORMAN E. KELLY
ARCHITECT
124 TIMONUM ROAD
BALTIMORE COUNTY, MARYLAND
REVISED: APRIL 1, 1960
JANUARY 18, 1950



Back Floor Finishes

Ernest C. Jr. & Doris G. Muths
L. 4890 F. 150

N 50° 00' 00" E 117.14'

Martin J. & Frieda D. Dippel
L. 2020 F. 110

Martin J. & Frieda D. Dippel
L. 1967 F. 177

Gregory C. & Sandra M. Herzog
L. 6602 F. 733

Bonnie May Harkins
L. 6053 F. 200

EXISTING
DWELLING

EXISTING
DWELLING

Frank J. & Carmelita
Goettner
L. 3398 F. 34

Jarretts & Frances G.
Bell
L. 4890 F. 147

Frances G. Bell
L. 5951 F. 291

W. H. Hofstetter Jr. & Mary D.

John N. & Gerould Michele L.
Benesch
L. 7266 F. 237

Jarretts & Frances G.
Bell
L. 4890 F. 147

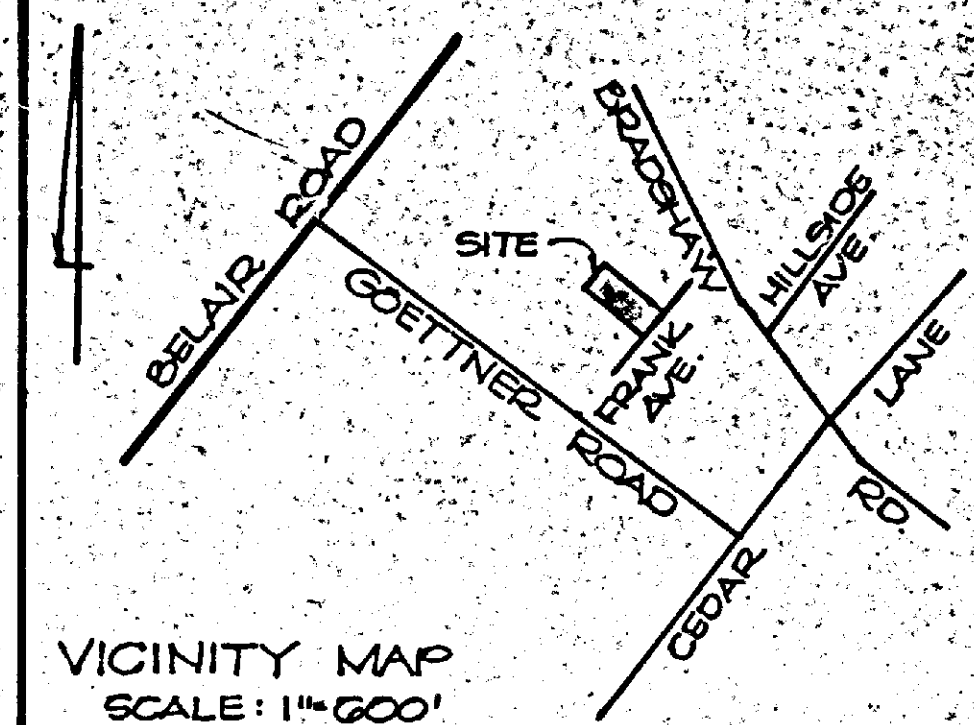
Carl Edward
Sappington Jr.
L. 6638 F. 78

PLAT FOR ZONING VARIANCE

OWNERS: FRANK & CARMELITA GOETTNER
LOT SIZE: 0.5473 AC. ±
DEED REF.: O.T.G. 4890, F. 144, PAR. 2
NO EXISTING UTILITIES
DISTRICT N° 11 ZONED RC-5



Carroll Munn



BRADSHAW
ROAD

PETITIONER'S
EXHIBIT **A**

PREPARED BY:
DON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MARYLAND 21214
SCALE: 1" = 20' DATE: FEB. 1988

Revised 8-29-88
Revised 11-29-88

88-503-A

Ernest C. Jr. & Doris G. Muths
L. 4890 F. 150

N 50° 00' 00" E 117.14'

Martin J. & Frieda D. Dippel
L. 2020 F. 110

Martin J. & Frieda D. Dippel
L. 1867 F. 177

Gregory C. & Sandra M. Herzog
L. 6602 F. 733

Bonnie May Harkins
L. 6053 F. 206

John N. & Gerould Michele L. Benesch
L. 7266 F. 237

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Frank J. & Carmelita Goettner
L. 3398 F. 34

Jarretts & Frances G. Bell
L. 4890 F. 147

Frances G. Bell
L. 5951 F. 291

Jarretts & Frances G. Bell
L. 4890 F. 147

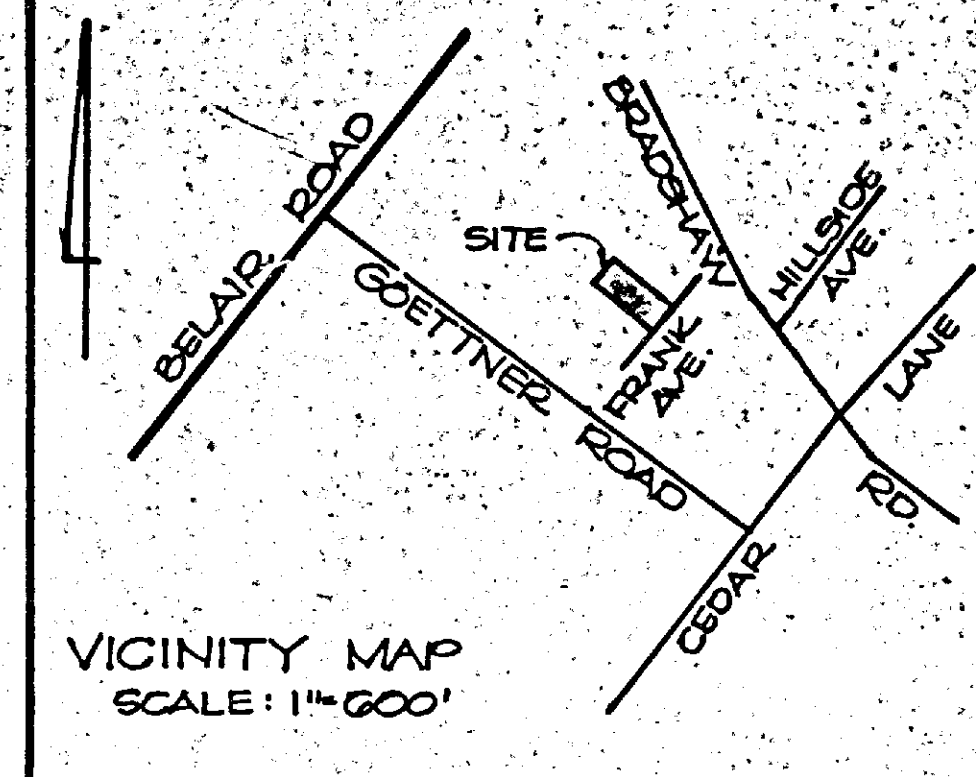
Carl Edward Sappington Jr.
L. 6638 F. 78

PLAT FOR ZONING VARIANCE

OWNERS: FRANK & CARMELITA GOETTNER
LOT SIZE: 0.5473 AC. ±
DEED REF.: O.T.G. 4890, F. 144, PAR. 2
NO EXISTING UTILITIES
DISTRICT N° 11 ZONED RC-5



Sejarah Menn



BRADSHAW ROAD

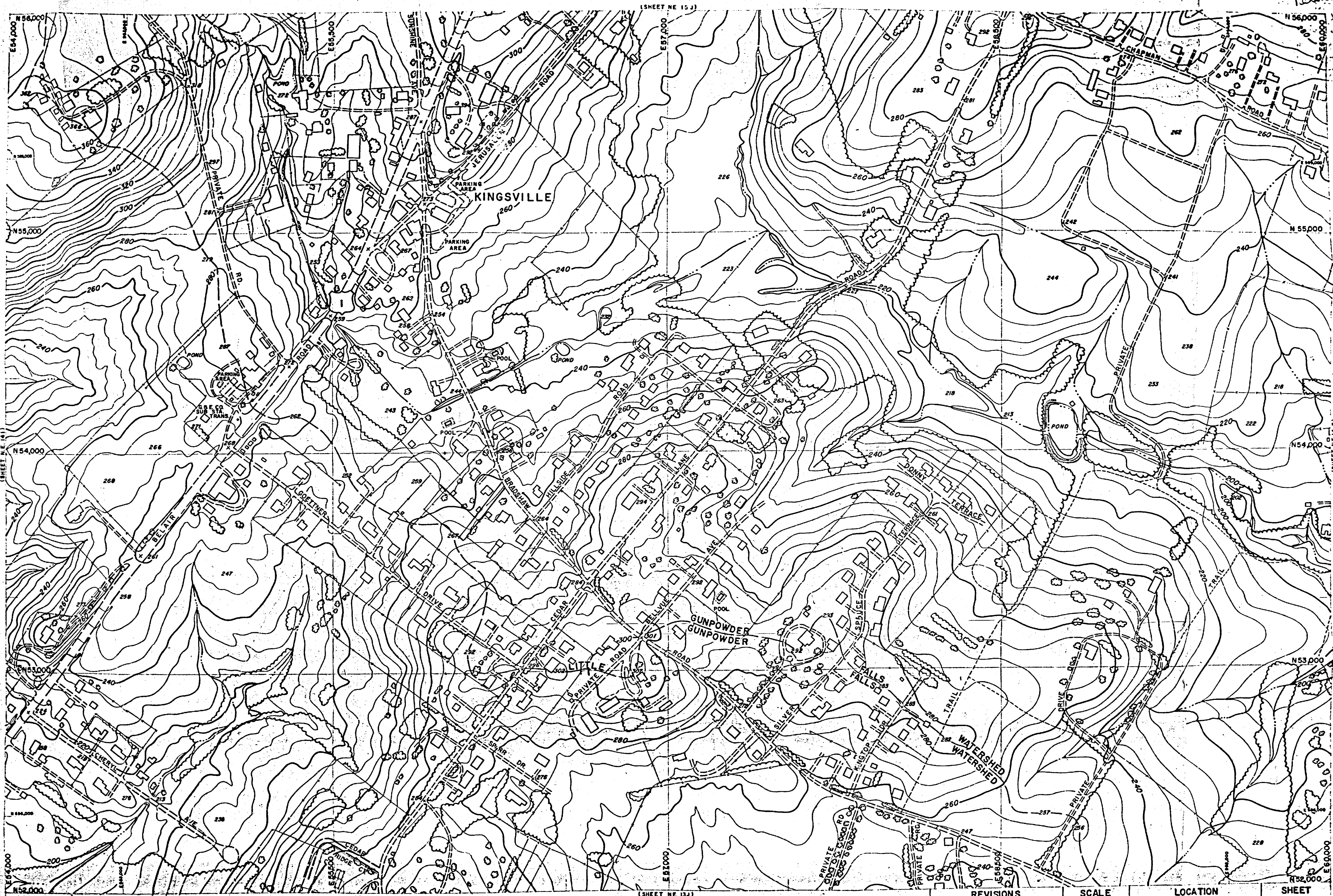
PETITIONER'S
EXHIBIT A

PREPARED BY:
DON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MARYLAND 21214
SCALE: 1" = 20' DATE: FEB., 1988

Revised 8-28-88
Revised 11-28-88

88-503-A

85-513-A
Palm Beach

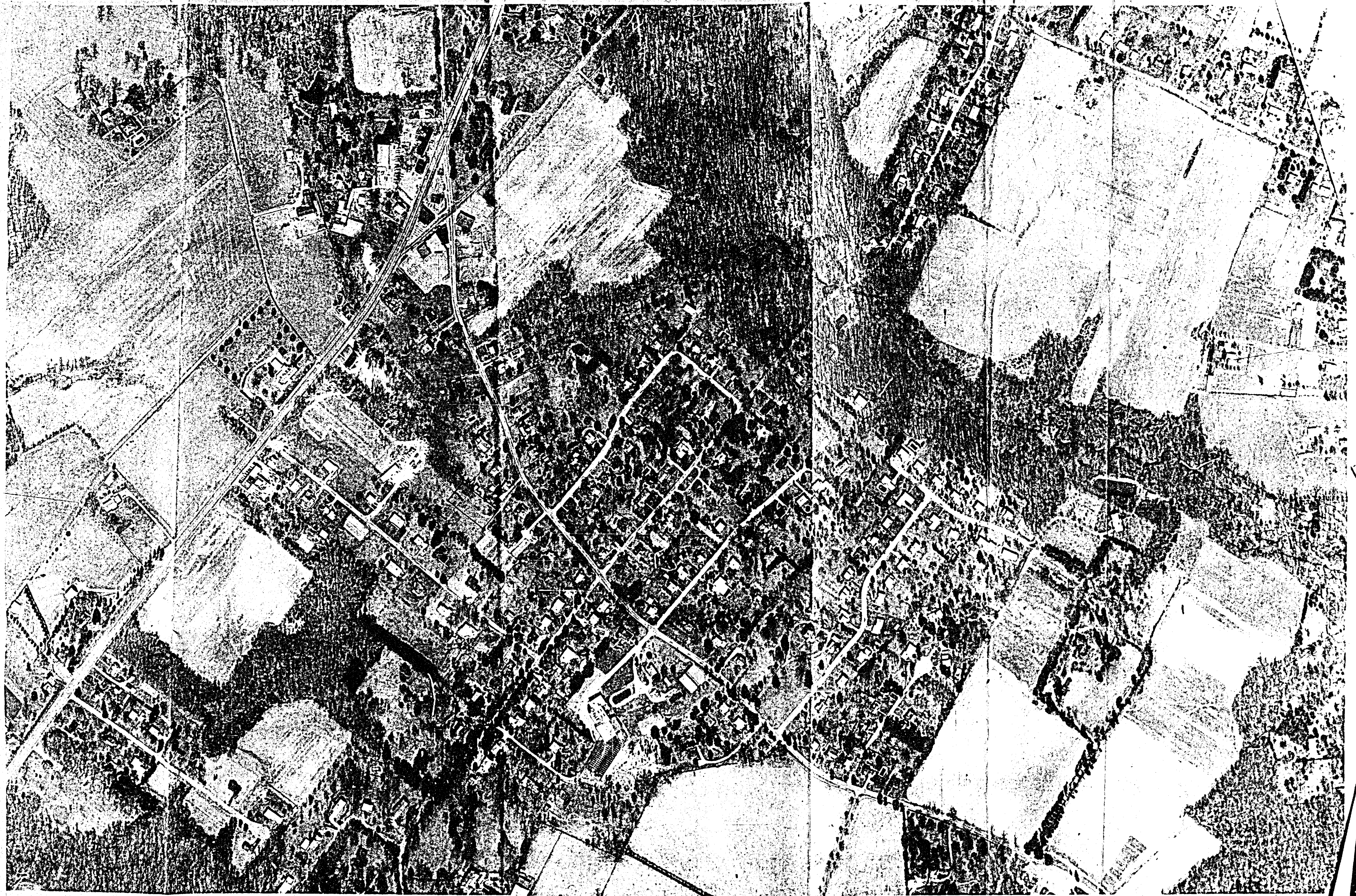


Q-NE QQ-NW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	KINGSVILLE	N. E.
			DATE OF PHOTOGRAPHY APRIL 1958		
Topography Compiled By Photogrammetric Methods					14 - J
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND					

9-1-71



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

88-503-A
Retitioner's #3

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	KINGSVILLE	N.E. 14-J
DATE OF PHOTOGRAPHY JANUARY 1986		

Ernest C. Jr. & Dore G. Maths
L. 4890 F. 150

N 50° 00' 00" E 117.14'

Martin J. & Frieda D. Dippel
L. 2020 F. 110

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Jarretts & Frances G. Bell
L. 4890 F. 147

Carl Edward Sappington Jr.
L. 6638 F. 78

PLAT FOR ZONING VARIANCE

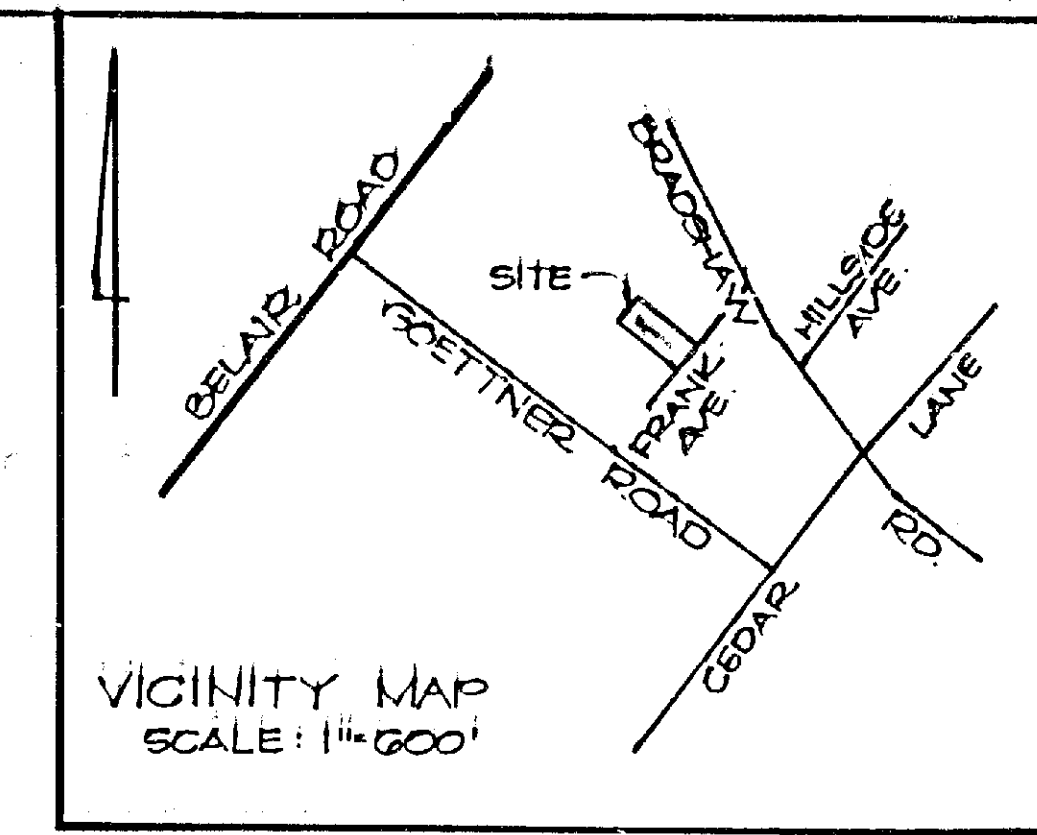
OWNERS: FRANK & CARMELITA GOETTNER
LOT SIZE: 0.5473 AC. ±
DEED REF.: O.T.G. 4890, F. 144 PAR. 2
NO EXISTING UTILITIES
DISTRICT N° 11 ZONED RC-5

VICINITY MAP
SCALE: 1" = 600'

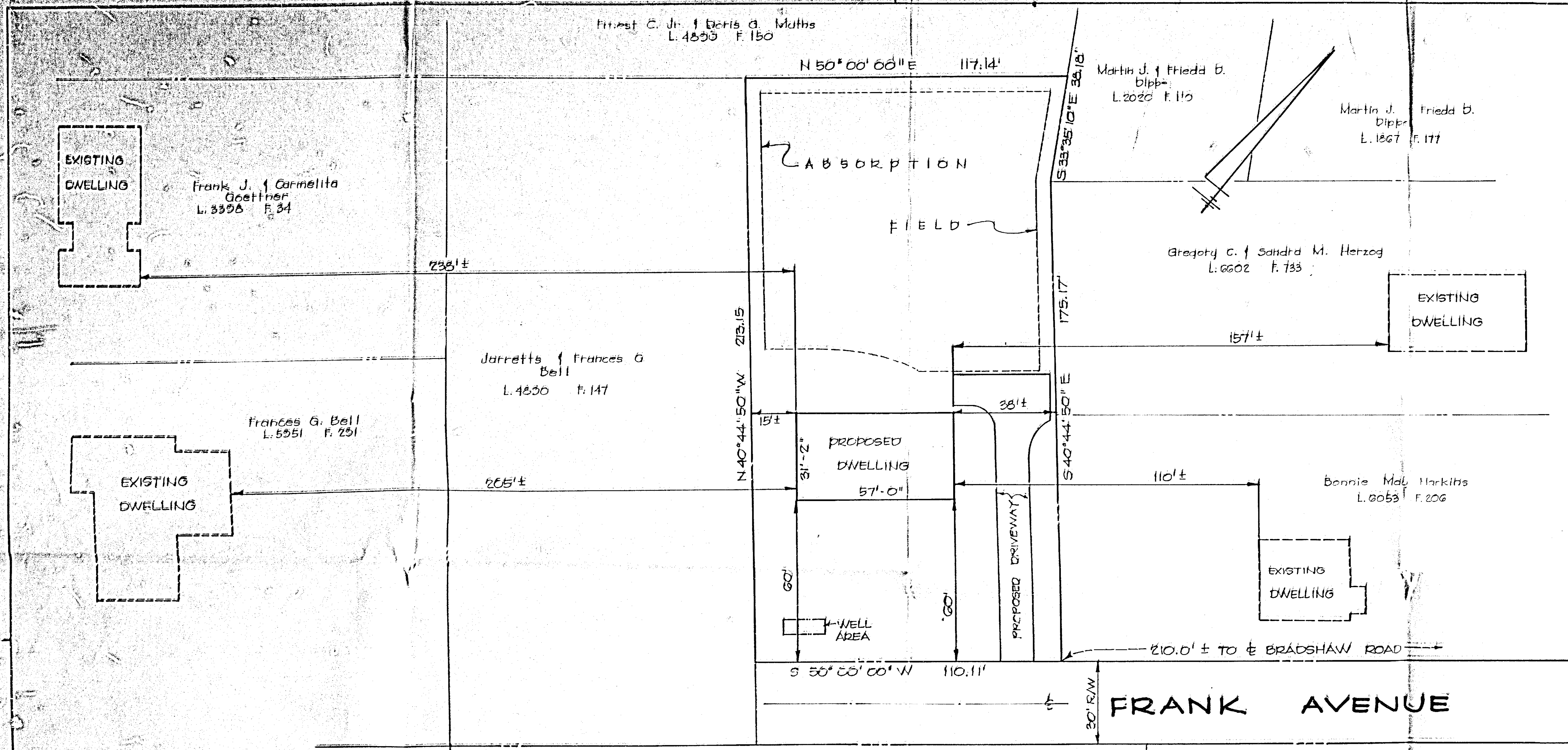
PREPARED BY:
DON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MARYLAND 21214
SCALE: 1" = 20' DATE: FEB., 1988

Received
9-1-88

88-503-A
 Petition
 #1



88-503-A



PLAT FOR ZONING VARIANCE
 OWNERS: FRANK & CARMELITA GOETTNER
 LOT SIZE: 0.5473 AC. ±
 DEED REF.: O.T.G. 4890, F. 144, PAR. 2
 NO EXISTING UTILITIES
 DISTRICT N° 11 ZONED RC-5

PREPARED BY:
DON LYNCH ASSOC., INC.
 4907 HARFORD ROAD
 BALTIMORE, MARYLAND 21214
 SCALE: 1"=20' DATE: FEB. 1988

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship. I find the evidence is that a hardship does not exist on the subject site.

From the very limited testimony provided by the Petitioner which did not demonstrate any practical difficulty or reasonable hardship other than those created by the Petitioner, himself, by the proposed development of the land. There is no evidence or testimony to support the requirements set forth in McLean v. Soley 270 Md. 208 (1973).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference

-3-

rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

The evidence, clearly, shows that this is a very poor site for development. The lot being created by the Petitioner is an extremely sub-standard lot in the R.C. 5 zone. This small lot is, clearly injurious to the health, safety and general welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of December 1988 that the Petition for Zoning Variance to permit side yard setbacks of 15 feet and 38 feet in lieu of the required 50 feet each, as more particularly described on Petitioner's Exhibit 1 and A be and is hereby DENIED.

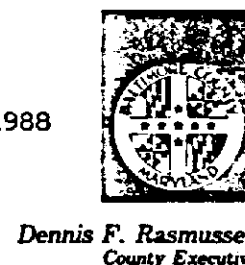
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel
Ms. Sandy Herzog, 7449 Bradshaw Road, 21087
Mr. Fred Dippel, 7445 Bradshaw Road, 21087
Ms. Helen Day, 7448 Bradshaw Road, 21087
Mr. and Mrs. Milton V. Ester, 11608 Cedar Lane, 21087
John B. Contrum, Esquire

ORDER RECEIVED FOR FILING
Date 12/20/88
By J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

December 19, 1988



Francis F. Dziennik, Esquire
2437 Foster Avenue
Baltimore, Maryland 21234

RE: Petition for Zoning Variance
Case No. 88-503A
Frank J. Goettner, Petitioner

Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att:
cc: Peoples Counsel
Ms. Sandy Herzog, 7449 Bradshaw Road, 21087
Mr. Fred Dippel, 7445 Bradshaw Road, 21087
Ms. Helen Day, 7448 Bradshaw Road, 21087
Mr. and Mrs. Milton V. Ester, 11608 Cedar Lane, 21087
John B. Contrum, Esquire

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 11A04.3.1.3 to permit side yard setbacks of 15 feet and 38 feet in lieu of the required 50 feet each.

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

1. That the lot in question is part of a tract of land which was subdivided many years ago.
2. That the lot in question is situated in a residentially zoned area.
3. That the lot in question is not suited for any other purpose than to be residentially developed.

(Continued on attached sheet of paper.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Francis F. Dziennik

(Type or Print Name)

Signature

2437 FOSTER AVENUE

Address

Baltimore, Maryland 21224

City and State

Attorney's Telephone No.: 276-8406

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day

of MARCH, 1988, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore

County, on the 13th day of JUNE, 1988, at 2 o'clock

P.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING 1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS (over)
ALL OTHER
REVIEWED BY: UCR DATE 3/7/88

IN RE: PETITION FOR ZONING VARIANCE
NW/8 Frank Avenue, 322.29NE
Goettner Road
(11720 Frank Avenue)
Frank J. Goettner
Petitioner

DEAR ZONING COMMISSIONER:
Please enter an appeal to the Board of Appeals for Baltimore County in the above referenced case on behalf of the Petitioner.

John B. Contrum
John B. Contrum
Romadka, Contrum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274
Attorney for Petitioner.

I HEREBY CERTIFY that on this 5 day of January, 1989, a copy of the foregoing was mailed postage prepaid to People's Counsel, Law Firm, 809 Eastern Boulevard, Maryland 21204, Sandy Maryland 21087, Fred Maryland 21087, Helen Maryland 21087, and Mr. ne, Kingsville,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 1-17-89 ACCOUNT 001-006-6150

AMOUNT \$ 90.00

RECEIVED JOHN B. CONTRUM
FOR: ANNUAL FILING - CASE # 88-503A
FRANK J. GOETTNER, PETITIONER

B 022*****900018 5136F
VALIDATION OR SIGNATURE OF CASHIER
DATE: CASHIER FIRM: AGENCY YELLOW: CUSTOMER

PETITION FOR ZONING VARIANCE

(continued from page 1 of Petition)

4. That the owner, Mr. Goettner, is a builder of dwelling units and believes the proposed dwelling unit is well suited for the lot in question.
5. That the area variances petitioned for, herein, are necessary in order to avoid practical difficulty in the proper development of the lot.
6. That the proposed dwelling unit is in harmony with the surrounding dwelling units already constructed.
7. That the area variances petitioned for propose no substantial injury to public health, safety, and welfare.

ZONING DESCRIPTION (11th Election District of Baltimore County)

Re: Petition for Zoning Variance
Frank J. Goettner
Carmelita T. Goettner (wife)
7410 Goettner Road
Kingsville, Maryland 21087

BEGINNING on the northwest side of Frank Avenue (30 feet wide) 322.29 feet northeast of the centerline of Goettner Road. Thence the four following courses and distances:

1. North 40 degrees 44 minutes 50 seconds West 213.15 feet.
2. North 50 degrees 00 minutes 00 seconds East 117.14 feet.
3. South 33 degrees 35 minutes 10 seconds East 79.18 feet.
4. South 40 degrees 44 minutes 50 seconds East 175.17 feet.
5. South 50 degrees 00 minutes 00 seconds West 110.11 feet to the place of beginning.

Containing 24,500 square feet in the 11th Election District of Baltimore County. Dead Reference O.T.G. 4890-144 Parcel 2. Also known as number 11720 Frank Avenue.

FRANK J. GOETTNER
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-503-A

SUBPOENA

Please issue a Subpoena Duces Tecum for the following:

Susan Farinetti
Department of Water and Sewer
401 Bosley Avenue
Room 416
Townson, Maryland 21204

to be present and testify beginning at 10:00 a.m. on July 11, 1989, County Board of Appeals for Baltimore County, Room 301, Court Office Building, Towson, Maryland 21204, and to bring with you all records and documents pertaining to 11720 Frank Avenue.

John B. Contrum
John B. Contrum, Esquire
Romadka, Contrum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

LAW FIRM
ROMADKA,
CONTRUM &
HENNEGAN
ESSEX, MARYLAND

68 JUN 23 PM 2:55
RECEIVED
COUNTY BOARD OF APPEALS