

IN RE: PETITION FOR ZONING VARIANCE  
SW/end of Barts Court, approx.  
320' S of Seminary Avenue  
(9 Barts Court, or Lot 10)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-30-A

IN RE: PETITION FOR ZONING VARIANCE  
S/S Barts Court, approx. 320'  
S of Seminary Avenue  
(10 Barts Court, or Lot 11)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-31-A

# AMENDED ORDER

WHEREAS, in Case No. 90-30-A, Petitioners requested a variance to permit a rear yard setback of 12 feet in lieu of the required 30 feet for a proposed addition and to amend the Final Development Plan for Ashley, Lot 10; and,

WHEREAS, in Case No. 90-31-A, Petitioners requested a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling and to amend the Final Development Plan for Ashley, Lot 11, both in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order dated August 30, 1989, the relief requested in Case No. 90-30-A was granted, subject to restrictions, and the relief requested in Case No. 90-31-A was denied;

WHEREAS, by letter dated September 23, 1989, Petitioners requested a reconsideration of the matter in Case No. 90-31-A and advised the Office of Zoning of discrepancies in the heading relative to the descrip-

tion and uses proposed for the two properties in question and a reference in the Order to Dr. Linda Burton Gotze as Dr. Lewis Gotze;

WHEREAS, the Deputy Zoning Commissioner has determined that it is appropriate to correct those discrepancies; however, the request for a reconsideration of the matter in Case No. 90-31-A shall be denied;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of October, 1989 that the Order issued August 30, 1989 be and the same is hereby AMENDED to correctly identify the two properties in question, as modified in the heading, and,

IT IS FURTHER ORDERED that the findings, conditions and restrictions contained in the Order dated August 30, 1989 shall remain in full force and effect.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 10/13/89  
By [Signature]

cc: Mr. & Mrs. Lewis Gotze  
9 Barts Court, Lutherville, Md. 21093  
Mr. Eric Dana  
318 Starlight Place, Lutherville, Md. 21093  
Ms. Arlene Bowes, Lutherville Community Association  
1603 Francke Avenue, Lutherville, Md. 21093  
People's Counsel  
File

IN RE: PETITION FOR ZONING VARIANCE  
SW/end of Barts Court, approx.  
320' S of Seminary Avenue  
(9 Barts Court)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-30-A

IN RE: PETITION FOR ZONING VARIANCE  
SE/S Barts Court, approx. 320'  
S of Seminary Avenue  
(11 Barts Court)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-31-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

In Case No. 90-30-A, the Petitioners request a variance to permit a rear yard setback of 12 feet in lieu of the required 30 feet for a proposed addition and to amend the Final Development Plan for Ashley, Lot 10, in accordance with Petitioner's Exhibit 1.

In Case No. 90-31-A, the Petitioners request a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling and to amend the Final Development Plan for Ashley, Lot 11, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Dr. Linda Gotze, appeared and testified. Mr. Gotze joined his wife after the hearing had started. Appearing as Protestants in the matter were Eric Dana, adjoining property owner, and Dr. Arlene Bowes, on behalf of the Lutherville Community Association.

Testimony indicated that the property known as 9 Barts Court (Lot 10 of Ashley), consists of .315 acres zoned D.R. 3.5 and is improved with a single family dwelling which has been Petitioners residence since 1978

ORDER RECEIVED FOR FILING  
Date 10/13/89  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/13/89  
By [Signature]

and is the subject of Case No. 90-30-A. In addition, Petitioners own the adjoining vacant property, known as Lot 11, which they purchased in 1982. Petitioners propose constructing a 22' x 24' addition to the rear of the existing dwelling on Lot 10 for use as a library/study for Dr. Lewis Gotze, who is on sabbatical from Towson State University. Testimony indicated the proposed addition will be two stories high with the lower level used as a basement storage area, while the upper level will be equal to the first floor of the house and used as the library/study area with an additional window area used as attic space. In response to comments submitted by the Office of Planning, Petitioners indicated their willingness to reduce their requested variance to 15 feet in lieu of the originally requested 12 feet. Testimony presented by Petitioners indicated that there was no room on the lot that would permit an addition of sufficient size to meet their needs and be in strict compliance with the zoning regulations.

Testimony presented relative to Case No. 90-31-A indicated that Petitioners purchased Lot 11 in 1982 for use as a future building lot and to insure that the property was maintained in a proper fashion since it adjoined their property. Petitioners testified they would like to build a house on Lot 11 that is approximately 68' x 44' wide in the next three to five years. The proposed dwelling would be larger than the existing home and would provide a nice study/office area and room for aging parents. Testimony indicated that the layout of the proposed dwelling will necessitate a rear yard setback of 15 feet. Petitioners testified that the neighbors on Barts Court do not object to their plans for either property.

Mr. Dana testified in opposition to the Petitioners' requests in both cases. Mr. Dana testified he lives at 318 Starlight Place and that

his rear yard property line abuts both properties. Mr. Dana testified that he and his adjoining neighbor, Ms. Doris Howard who, by letter, voiced her objection to the relief requested, indicated that the variances proposed will be detrimental to their enjoyment of their property. Mr. Dana and Dr. Bowes both contend the size of the proposed dwelling for Lot 11 and the addition to the existing dwelling on Lot 10, are larger and incompatible with those currently existing in Ashley. In response to Mr. Dana's concerns, Petitioners contend the homes in Lutherville contain various types and sizes, and that many of the Victorian style homes exceed the size proposed by Petitioners.

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. Solev, 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)

It is clear from the testimony that if a variance is granted, in Case No. 90-30-A, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.2.R. and would not result in substantial detriment to the public health, safety, and general welfare.

After due consideration of the testimony and evidence presented in Case No. 90-31-A, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested in this instance must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the variances requested in Case No. 90-30-A, as hereinafter modified, should be granted and, in Case No. 90-31-A, should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of August, 1989 that a variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed addition and to amend the final Development Plan for Ashley, Lot 10, be approved, and as such, the Petition for Zoning Variance in Case No. 90-30-A is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that such ceding at this time is at their own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed addition shall not exceed 16 feet in depth from the rear of the existing dwelling and no wider than 22 feet overall. Further, the proposed addition shall be constructed in the same location as

that originally proposed and set forth in Petitioner's Exhibit 1.

- 3) The materials used for the exterior of the proposed addition shall be similar in nature and in keeping with the design of the existing dwelling.
- 4) Prior to the issuance of any building permits, Petitioners shall submit a revised site plan of the proposed addition incorporating the relief granted herein and the restrictions imposed.

IT IS FURTHER ORDERED that a variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet for a proposed dwelling and to amend the Final Development Plan for Ashley, Lot 11, be approved, and as such, the Petition for Zoning Variance in Case No. 90-31-A is hereby DENIED.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

ORDER RECEIVED FOR FILING  
Date 10/13/89  
By [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Lewis Gotze  
9 Barts Court  
Lutherville, Maryland 21093

RE: PETITION FOR ZONING VARIANCE  
SW/end Barts Court, approx. 320' S of Seminary Avenue  
(9 Barts Court, or Lot 10, Ashley); and  
PETITION FOR ZONING VARIANCE  
SE/S Barts Court, approx. 320' S of Seminary Avenue  
(Lot 11, Ashley)  
8th Election District - 4th Councilmanic District  
Lewis G. Gotze, et ux - Petitioners  
Case Nos. 90-30-A and 90-31-A

Dear Mr. & Mrs. Gotze:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Zoning Variance have been granted in Case No. 90-30-A, and denied in Case No. 90-31-A in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: Mr. Eric Dana  
318 Starlight Place, Lutherville, Md. 21093

Ms. Arlene Bowes  
Lutherville Community Association  
1603 Francke Avenue, Lutherville, Md. 21093

People's Counsel

File

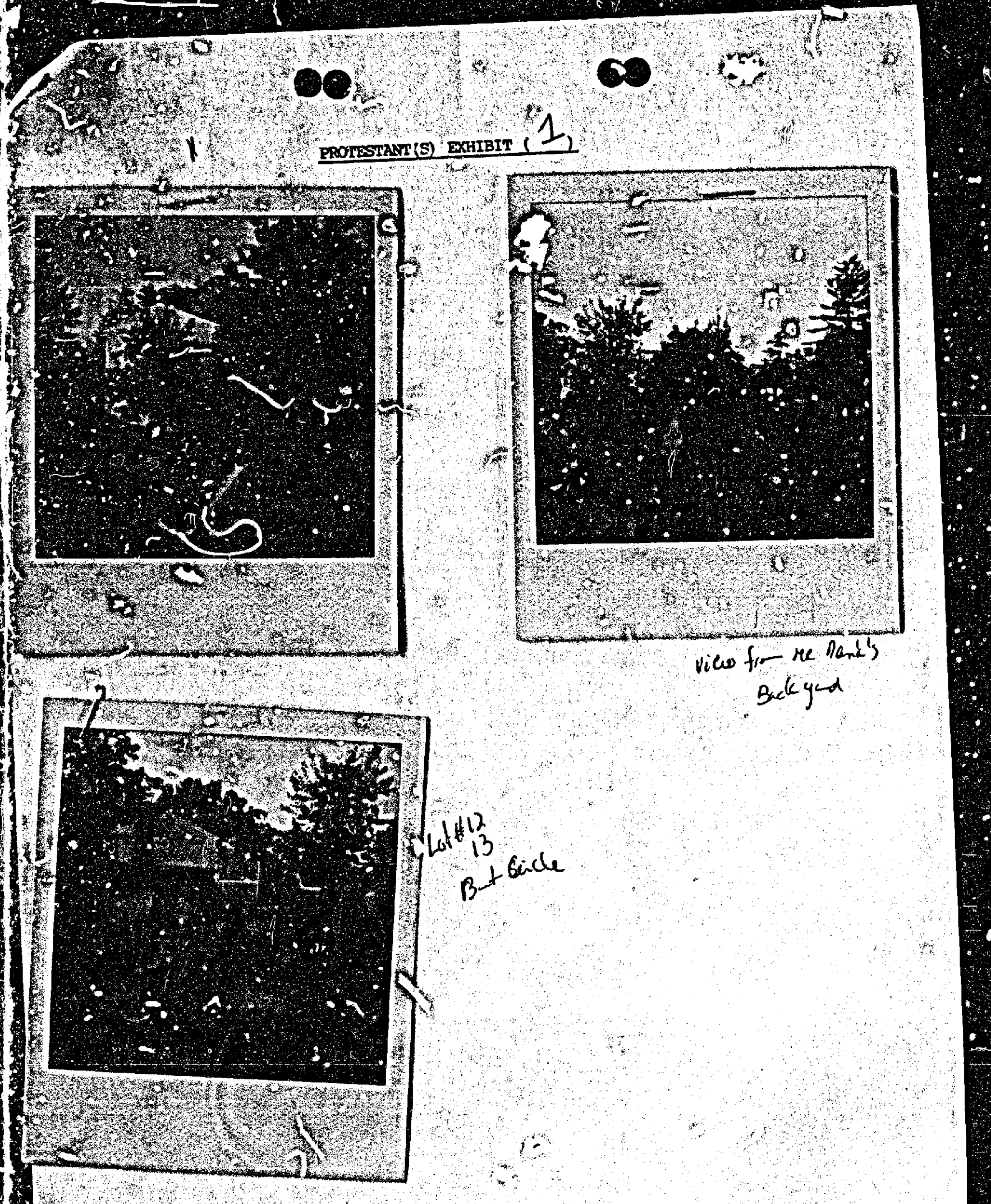


Dorinda F. Rasmussen  
County Executive









August 1, 1989  
 Ms. Linda Gotze  
 9 Barts Court  
 Lutherville, Maryland 21093

Dear Linda:  
 This will confirm Margie's and my conversation with you last evening concerning the variance that you have filed with the Zoning Commission. As indicated, we have no objections to either the addition or the possibility of a new home, so long as whatever you decide conforms to the existing decor of the neighborhood. Based upon what you have shown us, (drawings of the addition and picture of a model home) this concern appears to be satisfied.

Our other concern is the distance between property lines. The petition that we signed was for a variance less than the required 30' setback. This document did not specifically indicate exact distances. If it's not mistaken, the variance that you have filed is somewhere in the neighborhood of 10-12'. As Margie and I indicated, this distance is entirely too close to the property line. You, however, stated that you do not intend to build that close. It is our opinion that building that close to the property line would reduce the resale value of the homes in the neighborhood.

So that there is no misunderstanding with what we signed, which Margie and I support any addition or a new home so long as it is in keeping with the existing appearance of the neighborhood. We also have no problem with a variance of less than 30', however, a 10-12' setback is entirely too close.

We appreciated the fact that you discussed this with us, however, since our property is not contiguous to yours then we feel that any "setback" decision should be between you, the Dana's and the Howard's, since it will directly affect them.

Should there be any questions, please let me know.

Sincerely,  
 William B. Loden  
 322 Starlight Place  
 Lutherville, Maryland 21093

WBL/dmg  
 cc: Mr. Eric Dana  
 Ms. Doris Howard  
 Dr. Arlene Bowes

Poleski's Exhibit 2A

August 4, 1989  
 Zoning Commission  
 Baltimore County

Dear Sir or Madam,

This is to express our disapproval of the proposed zoning variances for the properties located at 9 and 11 Barts Court, Lutherville.

Since we have seen the plans for the addition and the new residence for these locations, we feel strongly that both of these proposed variances would negatively impact the present Ashley development as it is zoned as well as the future property values for the neighborhood.

It is our opinion, and those of other neighbors (see attached), that any new construction which reduces the distance between the homes would be detrimental to their resale value.

In conclusion, we are requesting that the Zoning Commission deny these variances on the basis that all of the homes conform to the existing regulations.

Respectfully submitted,

Eric C. Dana Elizabeth S. Dana  
 318 Starlight Place 318 Starlight Place  
 Lutherville, MD 21093 Lutherville, MD 21093

Lot #3

August 1, 1989

Linda:

I am writing this letter to make my feelings known that I would not be comfortable with the granting of a 10 - 12 foot variance.

I feel it would affect the property value in the immediate community, especially the Dana's and mine. I believe this because no definite plans were discussed as of our conversation on 7/31/89. Passing of this variance would allow too many options by you or future owners. This could possibly allow too large a building on too small a lot.

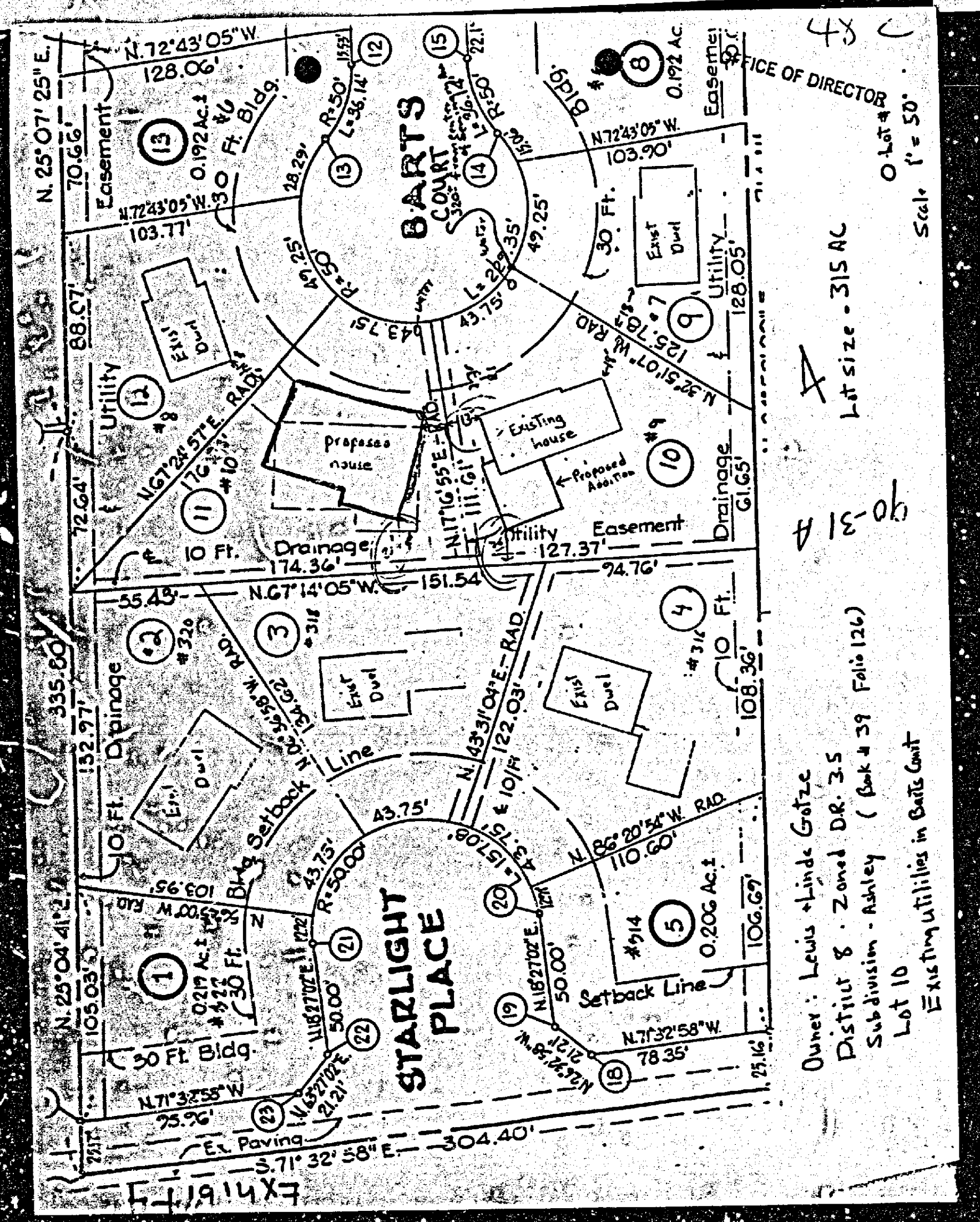
I would not be opposed to a variance, but 10 - 12 feet is too drastic. A 20 foot minimum would be the closest I could consider feasible. A 2 or 3 story structure closer than 20 feet to our property line would be overpowering.

Sincerely,

Doris Howard  
 Doris Howard  
 316 Starlight Place  
 Lutherville, MD 21093

cc: Eric Dana  
 Dr. Arlene Bowes

Lot #4



BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

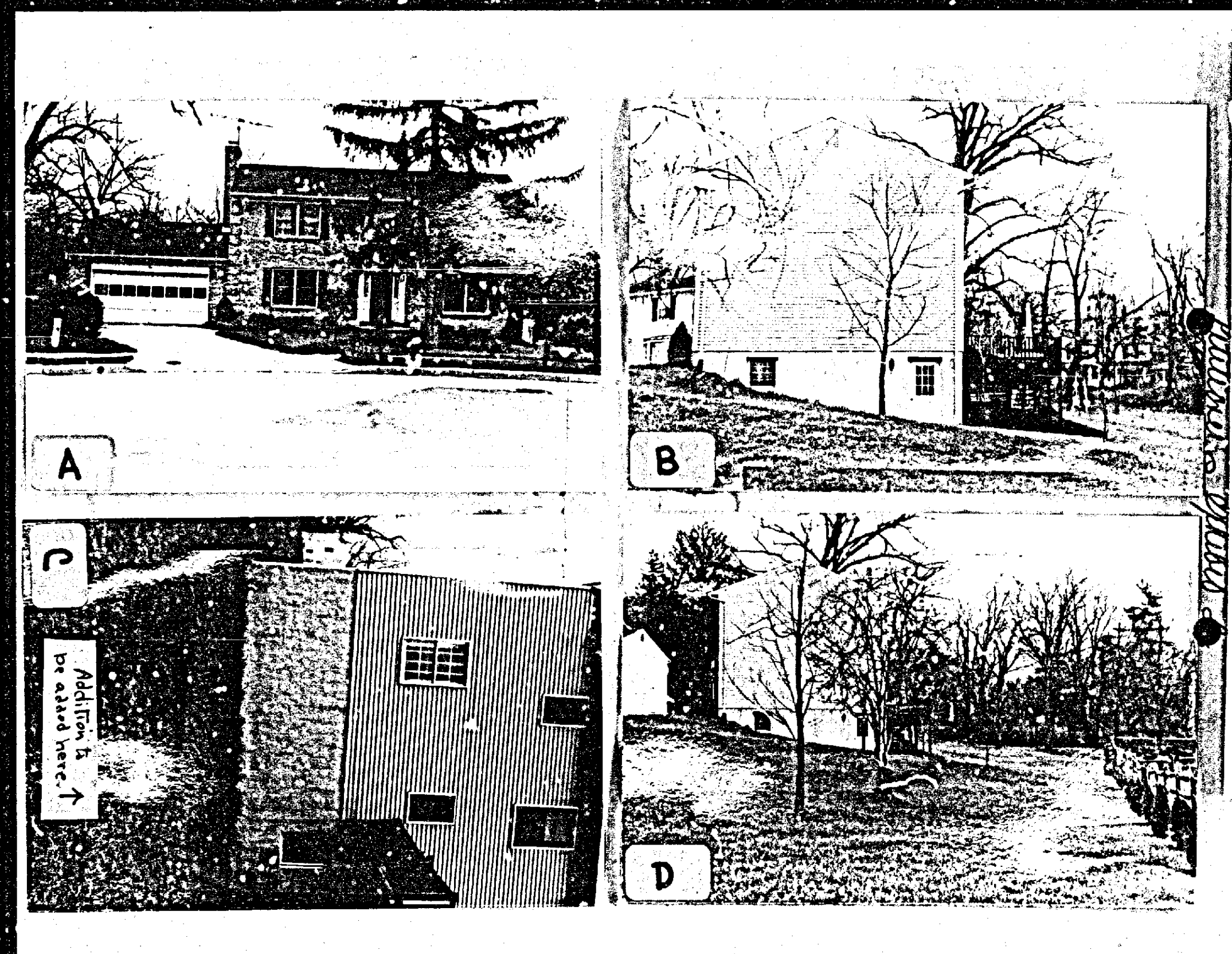
TO: J. Robert Haines, Zoning Commissioner  
 FROM: Pat Keller, Deputy Director, Office of Planning and Zoning  
 SUBJECT: Lewis Gotze, Item 483, Zoning Petition No. 90-31-A

The petitioner requests a variance to allow a rear yard of 15 feet in lieu of the required 30 feet and to amend the Final Development Plan. In reference to this request, staff offers the following comments:

The size of the proposed dwelling appears incompatible with the existing homes on Barts Ct. and Starlight Pl. Shifting the dwelling toward the front building envelope would lessen the impact of the requested variance. A 15 foot rear yard setback is minimal and may result in further variance requests for accessory structures. The need for a study/office is questionable due to the fact that a similar request has been made in a companion case (90-30). No separate cooking facilities should be permitted to minimize the possibility of a conversion at a later time.

PK/sf

Exhibit 4



Burton H. Scott  
 320 Starlight Place  
 Lutherville, Maryland 21093

Baltimore Co. Zoning Commission

August 3, 1989

Sir or Madam,

We have several concerns about the proposed zoning variances for the properties located at both 9 and 11 Barts Court in Lutherville.

We therefore request that these variances be denied.

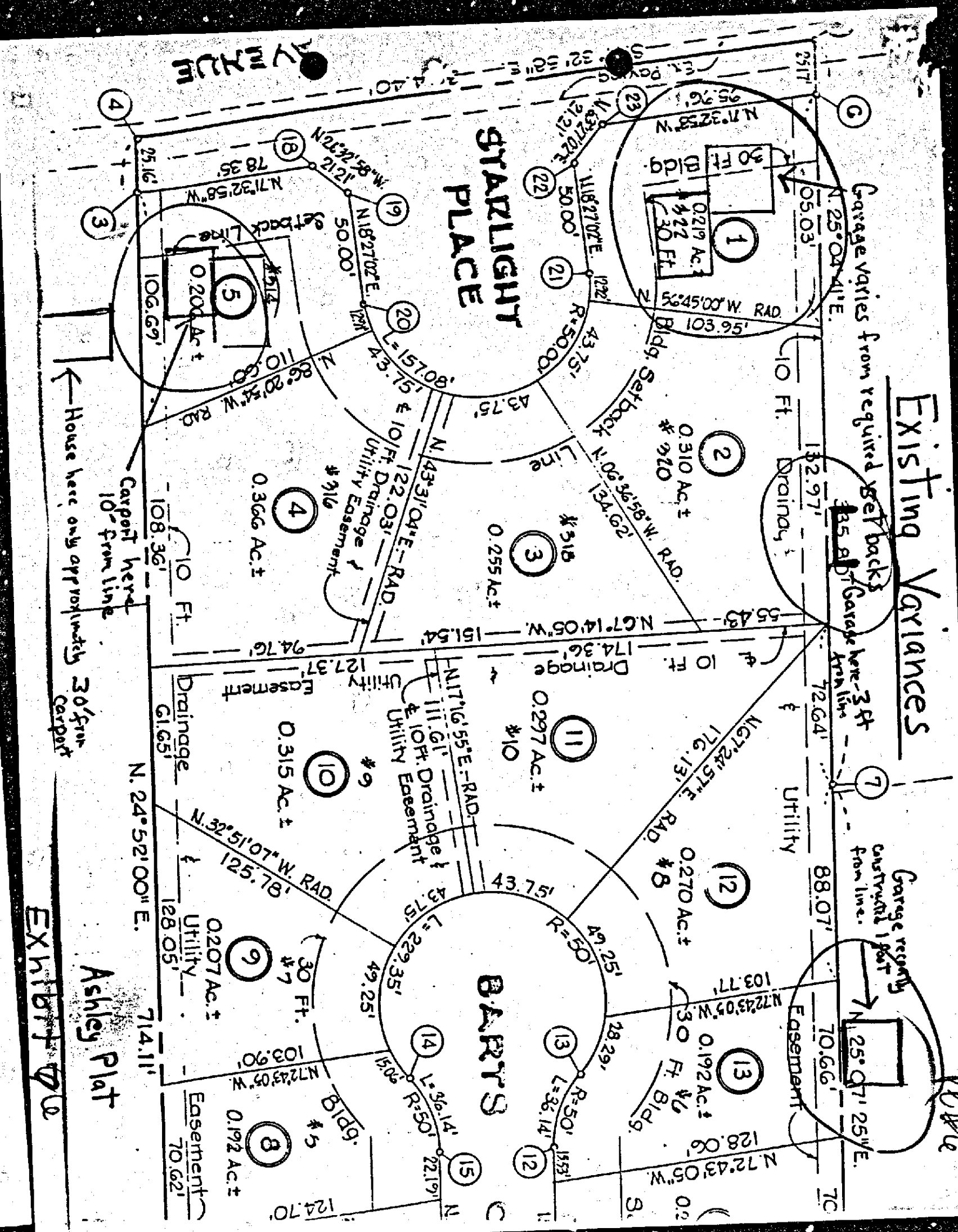
Sincerely,

Burton H. Scott  
 Michael J. Scott



I request to amend my original petition for zoning variance in case 90-30-A to request a setback of 15 feet as opposed to the 12 feet as earlier requested.

Linda Burt Hays  
Linda J. Hays 8/4/89



Variance Request Approval  
for  
10 Barts Court  
Case No. 90-38-A

I approve of the variance from the 30 foot rear setback for building house on lot 11 of Ashley plat.

| Signature        | Address       |
|------------------|---------------|
| Genevieve Holmes | 3 Barts Court |
| Brian G. West    | 1 Barts Court |
| Cindy H. West    | 1 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |

I approve of the variance to the 30 foot rear setback for building the house only with the below stated modifications or restrictions to plans and proposed setback.

| Name | Address | Modification or Restriction |
|------|---------|-----------------------------|
|      |         |                             |

Variance Request Approval  
for  
10 Barts Court  
Case No. 90-38-A

I approve of the variance from the 30 foot rear setback for building house on lot 11 of Ashley plat.

| Signature          | Address     |
|--------------------|-------------|
| Mayonnie M. Mullen | 7 Barts Ct. |
| Ry. Munn           | 6 Barts Ct. |
| James P. Harris    | 6 Barts Ct. |
| Delorah Nesbitt    | 4 Barts Ct. |
| W. H. Hays         | 4 Barts Ct. |

I approve of the variance to the 30 foot rear setback for building the house only with the below stated modifications or restrictions to plans and proposed setback.

| Name | Address | Modification or Restriction |
|------|---------|-----------------------------|
|      |         |                             |

Variance Request Approval  
for  
9 Barts Court  
Case No. 90-31-A

I approve of the variance from the 30 foot rear setback for building an addition to house.

| Signature        | Address       |
|------------------|---------------|
| Genevieve Holmes | 3 Barts Court |
| Brian G. West    | 1 Barts Court |
| Cindy H. West    | 1 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |
| Edith L. Hays    | 2 Barts Ct.   |

I approve of the variance to the 30 foot rear setback for building addition to house only with the below stated modifications or restrictions to plans and proposed setback.

| Name | Address | Modification or Restriction |
|------|---------|-----------------------------|
|      |         |                             |

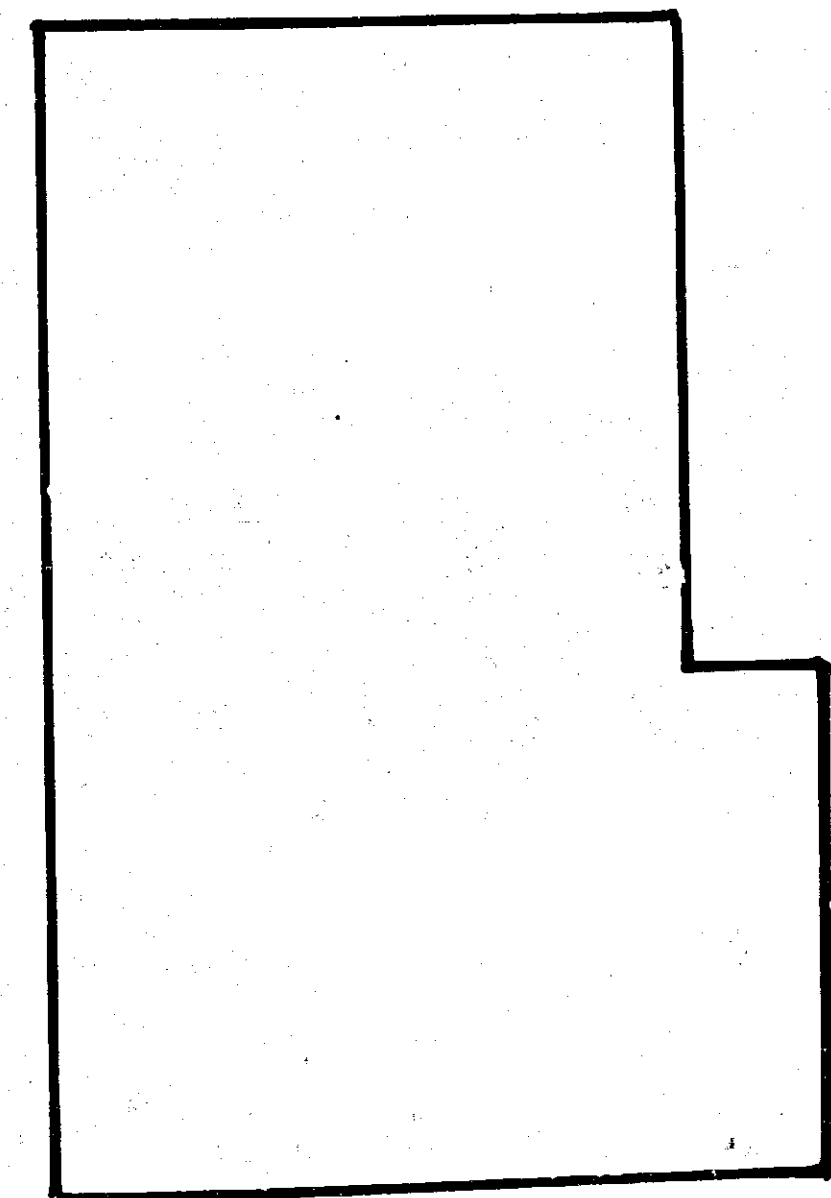
Variance Request Approval  
for  
9 Barts Court  
Case No. 90-31-A

I approve of the variance from the 30 foot rear setback for building an addition to house.

| Signature          | Address     |
|--------------------|-------------|
| Mayonnie M. Mullen | 7 Barts Ct. |
| Ry. Munn           | 6 Barts Ct. |
| James P. Harris    | 6 Barts Ct. |
| Delorah Nesbitt    | 4 Barts Ct. |
| W. H. Hays         | 4 Barts Ct. |

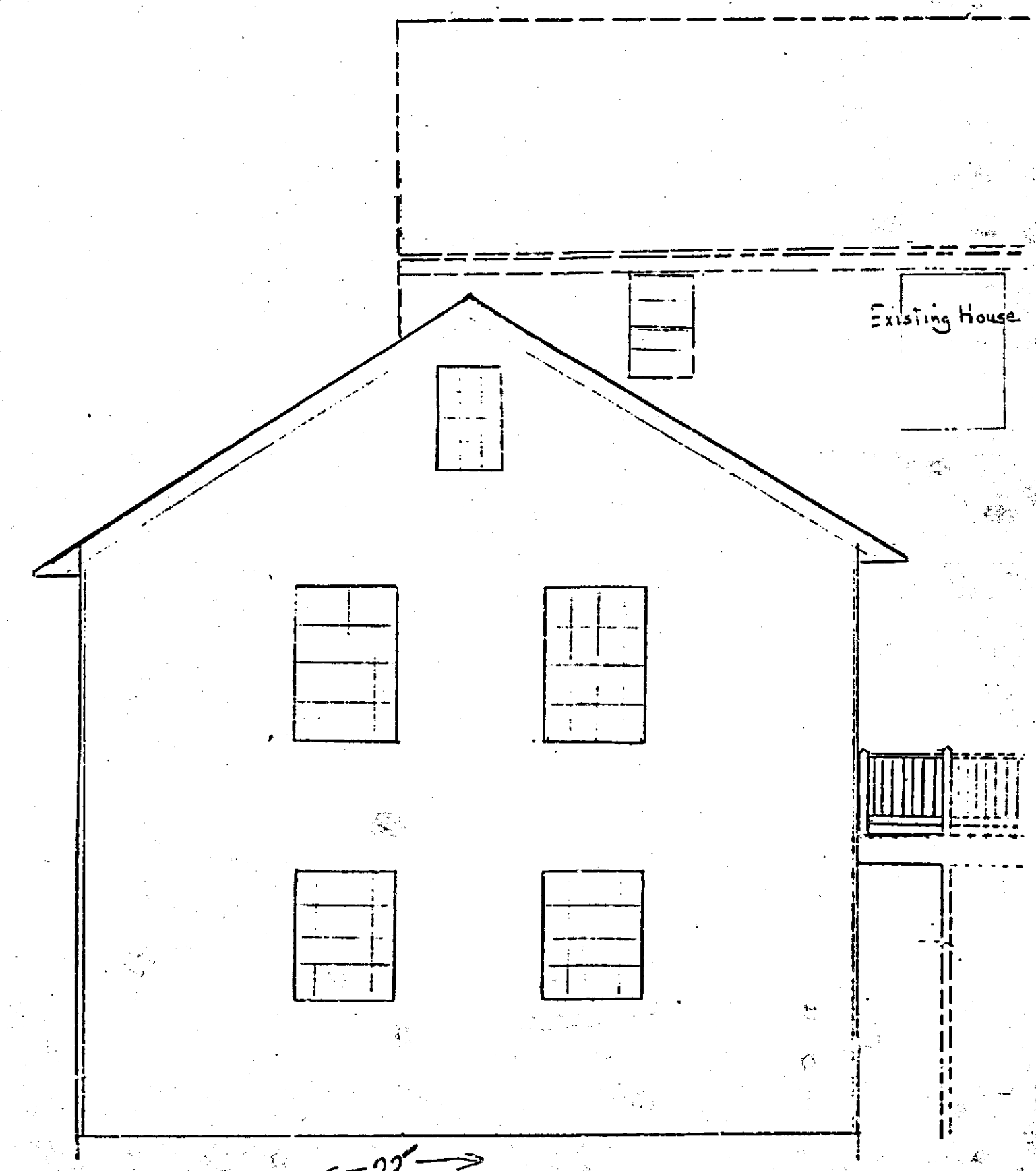
I approve of the variance to the 30 foot rear setback for building addition to house only with the below stated modifications or restrictions to plans and proposed setback.

| Name | Address | Modification or Restriction |
|------|---------|-----------------------------|
|      |         |                             |



Foot print of house  
for  
#10 Barts Ct

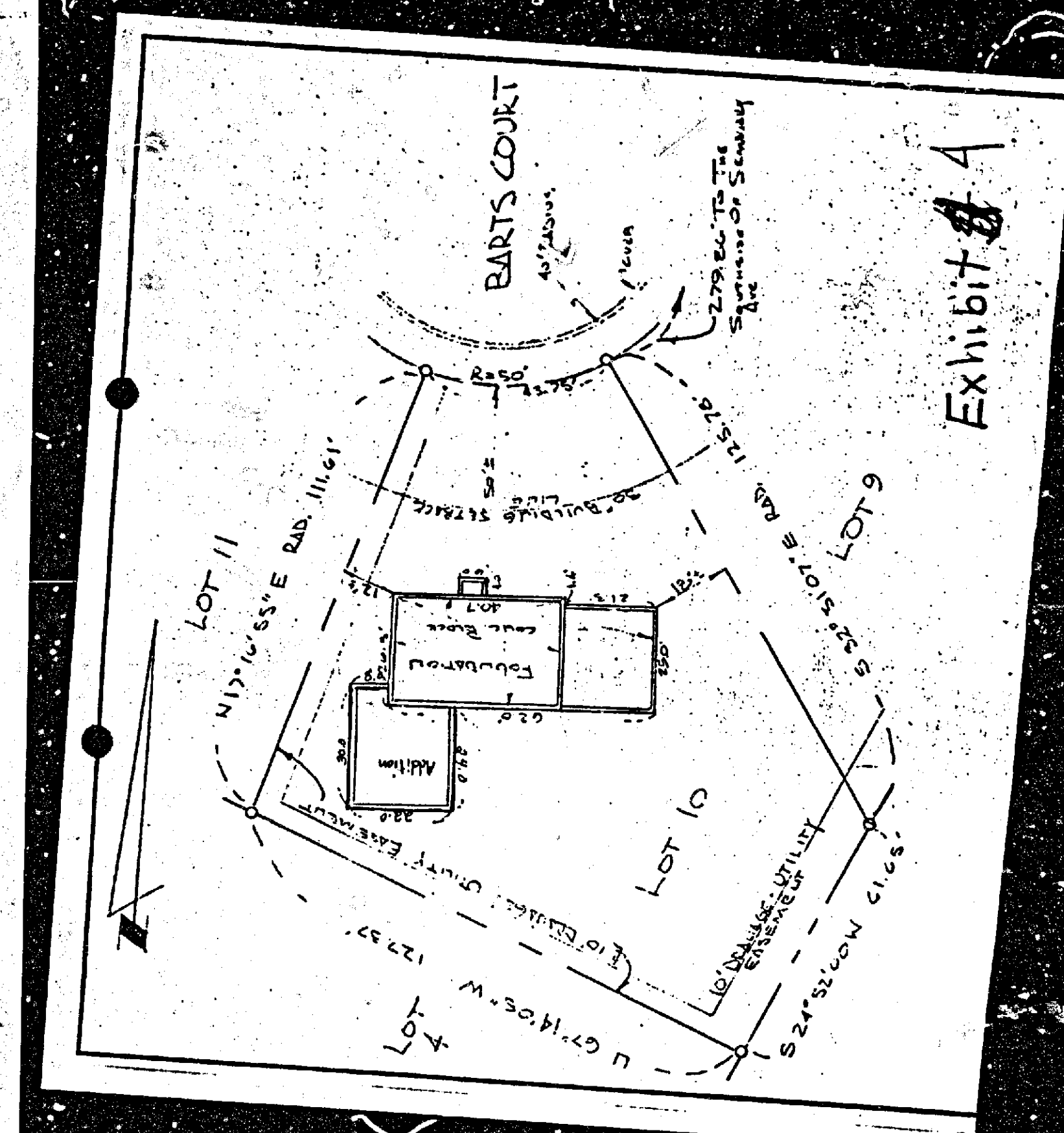
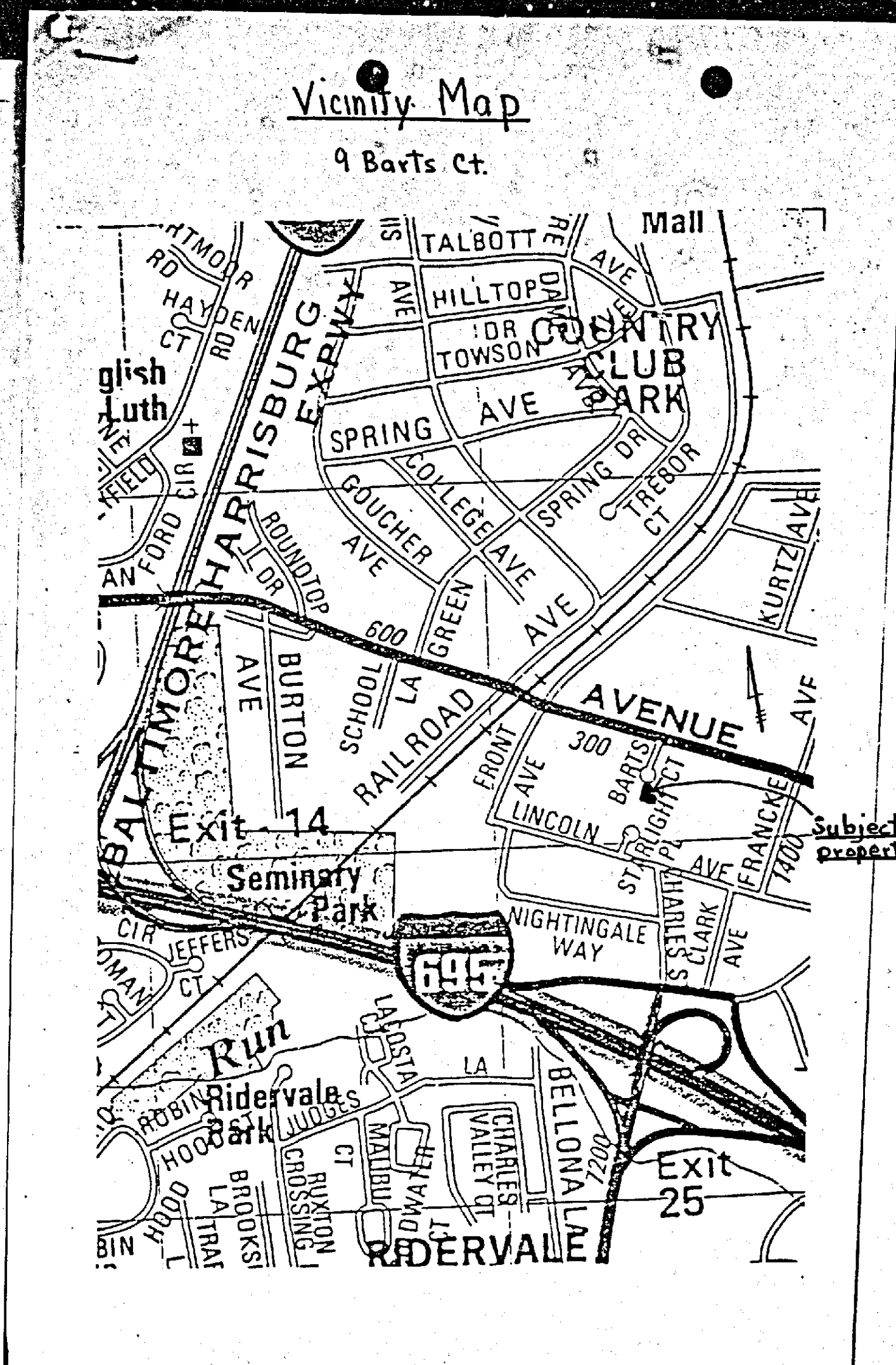
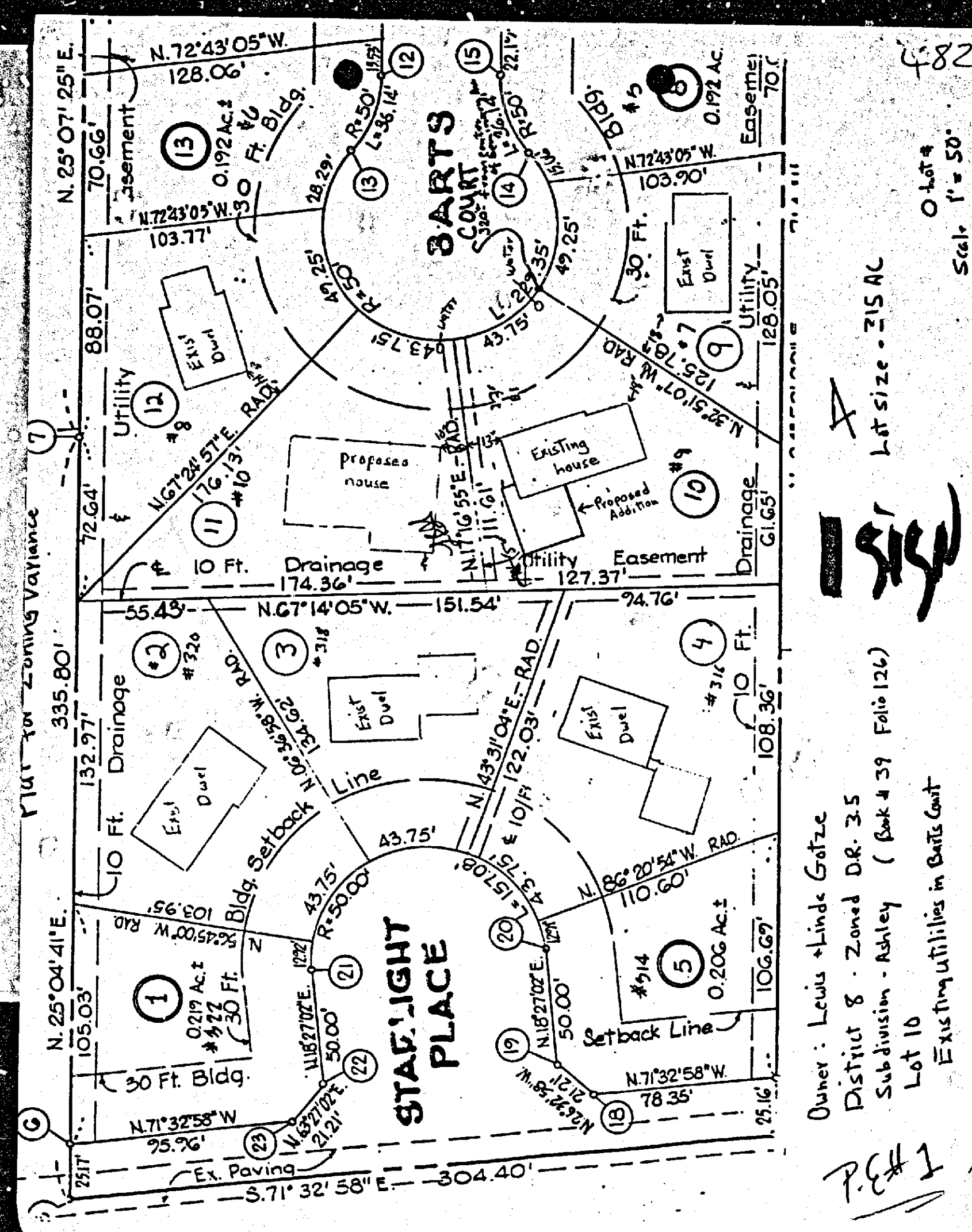
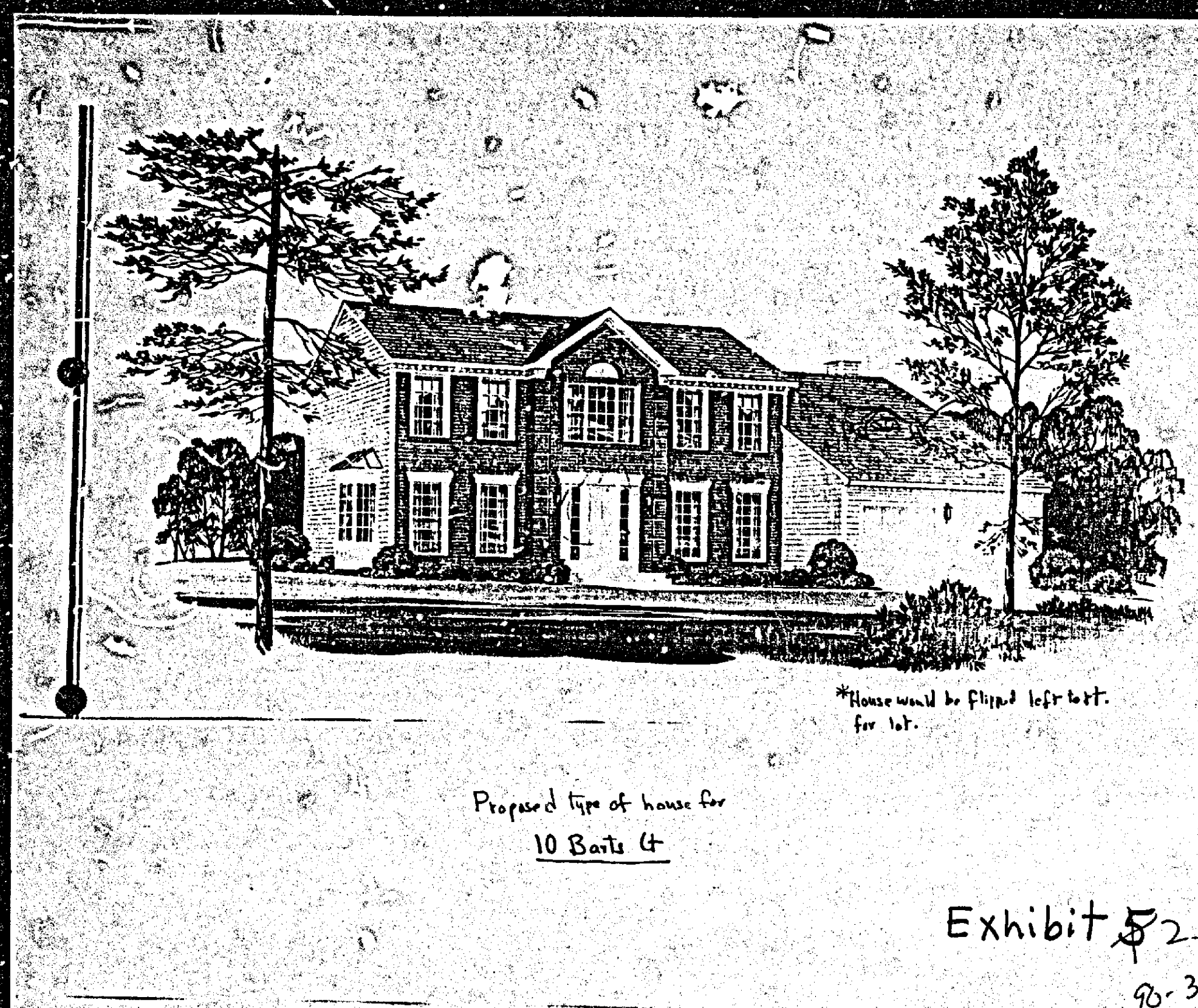
Exhibit 3



Proposed Addition

Exhibit 3





# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 466, 468, 469, 470, 471, 474, 475, 476, 478, 480, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a reversible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 478 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

Robert W. Bowling, P.E., Chief  
Developers Engineering Division

RWB:s

Baltimore County  
Fire Department  
Townson, Maryland 21204-2536  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Townson, MD 21204

Re: Property Owner: Lewis G. Gotze, et ux  
Location: SW end of Barts Court, approx., 320' S of Seminary Ave.  
(#10 Barts Court)  
Item No.: 481  
Zoning Agenda: May 16, 1989

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 or \_\_\_\_\_ 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: [Signature] Noted and Approved: [Signature]  
Special Inspection Division Fire Prevention Bureau

/s/

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 24, 1989

Mr. & Mrs. Lewis G. Gotze  
9 Barts Court  
Lutherville, MD 21093

RE: Item No. 481, Case No. 90-30-A  
Petitioner: Lewis G. Gotze, et ux  
Petition for Zoning Variance

Dear Mr. Gotze:

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 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 867-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

90-30-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Townson, Maryland 21204

Your petition has been received and accepted for filing this  
17th day of May, 1989.

Petitioner: Lewis G. Gotze, et ux Received by: James E. Dyer  
Petitioner's Attorney: [Signature] Chairman, Zoning Plans Advisory Committee

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Townson, Maryland 21204  
(301) 887-3554

June 6, 1989

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 253, 313, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, and 486.

Very truly yours,

Michael S. Flanagan  
Michael S. Flanagan  
Traffic Engineer Assoc. II

MSF/lvw



IN RE: PETITION FOR ZONING VARIANCE  
S/nd of Barts Court, approx.  
320' S of Seminary Avenue  
(9 Barts Court, or Lot 10)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-30-A

IN RE: PETITION FOR ZONING VARIANCE  
S/S Barts Court, approx. 320'  
S of Seminary Avenue  
(10 Barts Court, or Lot 11)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-31-A

AMENDED ORDER

WHEREAS, in Case No. 90-30-A, Petitioners requested a variance to permit a rear yard setback of 12 feet in lieu of the required 30 feet for a proposed addition and to amend the Final Development Plan for Ashley, Lot 10; and,

WHEREAS, in Case No. 90-31-A, Petitioners requested a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling and to amend the Final Development Plan for Ashley, Lot 11, both in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order dated August 30, 1989, the relief requested in Case No. 90-30-A was granted, subject to restrictions, and the relief requested in Case No. 90-31-A was denied;

WHEREAS, by letter dated September 23, 1989, Petitioners requested a reconsideration of the matter in Case No. 90-31-A and advised the Office of Zoning of discrepancies in the heading relative to the descrip-

tion and uses proposed for the two properties in question and a reference in the Order to Dr. Linda Burton Gotze as Dr. Lewis Gotze;

WHEREAS, the Deputy Zoning Commissioner has determined that it is appropriate to correct those discrepancies; however, the request for a reconsideration of the matter in Case No. 90-31-A shall be denied;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of October, 1989 that the Order issued August 30, 1989 be and the same is hereby AMENDED to correctly identify the two properties in question, as modified in the heading, and,

IT IS FURTHER ORDERED that the findings, conditions and restrictions contained in the Order dated August 30, 1989 shall remain in full force and effect.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. Lewis Gotze  
9 Barts Court, Lutherville, Md. 21093

Mr. Eric Dana  
318 Starlight Place, Lutherville, Md. 21093

Ms. Arlene Bowes, Lutherville Community Association  
1603 Franconia Avenue, Lutherville, Md. 21093

People's Counsel

File

ORDER RECEIVED FOR FILING  
Date 10/14/89  
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE  
S/nd of Barts Court, approx.  
320' S of Seminary Avenue  
(9 Barts Court)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-30-A

IN RE: PETITION FOR ZONING VARIANCE  
S/S Barts Court, approx. 320'  
S of Seminary Avenue  
(11 Barts Court)  
8th Election District  
4th Councilmanic District  
Lewis G. Gotze, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-31-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In Case No. 90-30-A, the Petitioners request a variance to permit a rear yard setback of 12 feet in lieu of the required 30 feet for a proposed addition and to amend the Final Development Plan for Ashley, Lot 10, in accordance with Petitioner's Exhibit 1.

In Case No. 90-31-A, the Petitioners request a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling and to amend the Final Development Plan for Ashley, Lot 11, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Dr. Linda Gotze, appeared and testified. Mr. Gotze joined his wife after the hearing had started. Appearing as Prose-  
tants in the matter were Eric Dana, adjoining property owner, and Dr. Arlene Bowes, on behalf of the Lutherville Community Association.

Testimony indicated that the property known as 9 Barts Court (Lot 10 of Ashley), consists of .315 acres zoned D.R. 3.5 and is improved with a single family dwelling which has been Petitioners residence since 1978

ORDER RECEIVED FOR FILING  
Date 10/14/89  
By [Signature]

his rear yard property line abuts both properties. Mr. Dana testified that he and his adjoining neighbor, Ms. Doris Howard who, by letter, voiced her objection to the relief requested, indicated that the variances proposed will be detrimental to their enjoyment of their property. Mr. Dana and Dr. Bowes both contend the size of the proposed dwelling for Lot 11 and the addition to the existing dwelling on Lot 10, are larger and incompatible with those currently existing in Ashley. In response to Mr. Dana's concerns, Petitioners contend the homes in Lutherville contain various types and sizes, and that many of the victorian style homes exceed the size proposed by Petitioners.

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. 209 (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).

It is clear from the testimony that if a variance is granted, in Case No. 90-30-A, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING  
Date 10/14/89  
By [Signature]

After due consideration of the testimony and evidence presented in Case No. 90-31-A, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested in this instance must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the variances requested in Case No. 90-30-A, as hereinafter modified, should be granted and, in Case No. 90-31-A, should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of August, 1989 that a variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed addition and to amend the final Development Plan for Ashley, Lot 10, be approved, and as such, the Petition for Zoning Variance in Case No. 90-30-A is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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

- 2) The proposed addition shall not exceed 16 feet in depth from the rear of the existing dwelling and no wider than 22 feet overall. Further, the proposed addition shall be constructed in the same location as

that originally proposed and set forth in Petitioner's Exhibit 1.

- 3) The materials used for the exterior of the proposed addition shall be similar in nature and in keeping with the design of the existing dwelling.

- 4) Prior to the issuance of any building permits, Petitioners shall submit a revised site plan of the proposed addition incorporating the relief granted herein and the restrictions imposed.

IT IS FURTHER ORDERED that a variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet for a proposed dwelling and to amend the Final Development Plan for Ashley, Lot 11, be approved, and as such, the Petition for Zoning Variance in Case No. 90-31-A is hereby DENIED.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING  
Date 10/14/89  
By [Signature]

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-31-A

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 1202.3.A.2 (1901.2.C.2, 100-75) To allow a rear yard setback of 15' in lieu of the required 30' and to amend the Final Development Plan.

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

Request to build house with set back from rear line being 14 feet rather than 30 feet as stated in Ashley plat. This request is being made so house can contain space for study/office which is needed to carry out requirements of job as professor. and to have room in house for aging parents.

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:       | Legal Owner(s):                                                                                       | MAP 100-75   |
| (Type or Print Name)      | Lewis G. Gotze                                                                                        | E.D. 100-75  |
| Signature                 | [Signature]                                                                                           | DATE 10-1-89 |
| Address                   | (Type or Print Name)                                                                                  | 200 6F       |
| City and State            | Signature                                                                                             | 1000 X       |
| Attorney for Petitioner:  | 9 Barts Court                                                                                         | 296-4875     |
| (Type or Print Name)      | Address                                                                                               | Phone No.    |
| Signature                 | Lutherville, MD 21093                                                                                 |              |
| Address                   | City and State                                                                                        |              |
| City and State            | Name, address and phone number of legal owner, contractor purchaser or representative to be contacted |              |
| Attorney's Telephone No.: | Name                                                                                                  | Phone No.    |
|                           | Address                                                                                               |              |

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day

of May 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 4th day of August, 1989, at 2:30 o'clock

11:00 A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date 10/14/89  
By [Signature]



# Zoning Description

Situated at the south southeastern end of Barts Court with a 43.75' frontage on Barts Court, and being 320' south of the center of Seminary Avenue. Being lot #10 in the subdivision of Ashley, Book E.H.K. Jr No. 39, Folio 126. Also known as 9 Barts Court in the 8th election district.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 8th Date of Posting July 19, 1989  
Posted for: Variance  
Petitioner: Lewis G. Gotze, et ux  
Location of property: 1/2 side Barts Court, approx. 320' S Seminary Ave.  
Location of Sign: in front of 9 Barts Court  
Remarks: S. J. Gotze  
Posted by: S. J. Gotze Date of return: July 14, 1989  
Number of Signs: 1

I Lewis Gerald Gotze give permission to my wife Dr. Linda Burton Gotze to represent me in Petition for Zoning Variance Case numbers 90-30A and 90-31A on August 4, 1989.

*Lewis G. Gotze*  
Lewis G. Gotze

## CERTIFICATE OF PUBLICATION

TOWSON, MD., July 13, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1989.

THE JEFFERSONIAN  
TOWSON TIMES,  
*S. Zeke Nelson*  
Publisher

PO 13701  
reg H31015  
ca 90-31-A  
price \$95.29

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE 7/21/89

Mr. & Mrs. Lewis G. Gotze  
9 Barts Court  
Lutherville, Maryland 21093

Re: Petition for Zoning Variance  
CASE NUMBER 90-31-A  
S/SE side Barts Court, approx. 320' S Seminary Avenue  
9 Barts Court  
8th Election District - 4th Councilmanic  
Petitioner(s) Lewis G. Gotze, et ux  
HEARING SCHEDULED: FRIDAY, AUGUST 4, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Gotze:

Please be advised that \$ 120.29 is due for advertising and posting of the above captioned property.  
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 074609  
DATE 7/21/89 ACCOUNT PAID  
AMOUNT \$ 120.29  
RECEIVED FROM Lewis G. Gotze, et ux  
FOR PA 90-31-A  
B 0015\*\*\*\*\*12029;a 3046F  
VALIDATION OR SIGNATURE OF CARRIER  
DATE/TIME: \_\_\_\_\_ FIRM: \_\_\_\_\_ VEHICLE: \_\_\_\_\_ DRIVER: \_\_\_\_\_

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

June 29, 1989

## 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 Petition 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: 90-31-A  
S/SE side Barts Court, approx. 320' S Seminary Avenue  
9 Barts Court  
8th Election District - 4th Councilmanic  
Petitioner(s) Lewis G. Gotze, et ux  
HEARING SCHEDULED: FRIDAY, AUGUST 4, 1989 at 9:30 a.m.

Variances to allow a rear yard setback of 15 ft. in lieu of the required 30 ft. and to amend the Final Development Plan.

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*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Mr. & Mrs. Gotze  
File

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Lewis Gotze, Item #89-31-A  
Zoning Petition No. 90-31-A

DATE: July 26, 1989

The petitioner requests a variance to allow a rear yard of 15 feet in lieu of the required 30 feet and to amend the Final Development Plan. In reference to this request, staff offers the following comments:

The size of the proposed dwelling appears incompatible with the existing homes on Barts Ct. and Starlight Pl. Shifting the dwelling toward the front building envelope would lessen the impact of the rear yard variance. A 15 foot rear yard setback is minimal and may result in further variance requests for accessory structures. The need for a study/office is questionable due to the fact that a similar request has been made in a companion case (90-30). No separate cooking facilities should be permitted to minimize the possibility of a conversion at a later time.

PK/sf

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 24, 1989

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

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Lewis G. Gotze  
9 Barts Court  
Lutherville, MD 21093

RE: Item No. 482, Case No. 90-31-A  
Petitioner: Lewis G. Gotze  
Petition for Zoning Variance

Dear Mr. Gotze:

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 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 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WYHARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

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

JED:jw

Enclosures

Gwen & Sophia,  
These two cases should be set at the same time (Items 481-482) they are contiguous properties with the same ownership - also the petitioner is out of town on vacation Aug 21-25 (last schedule) both should be under 1/2 hr. (Not in old calendar)

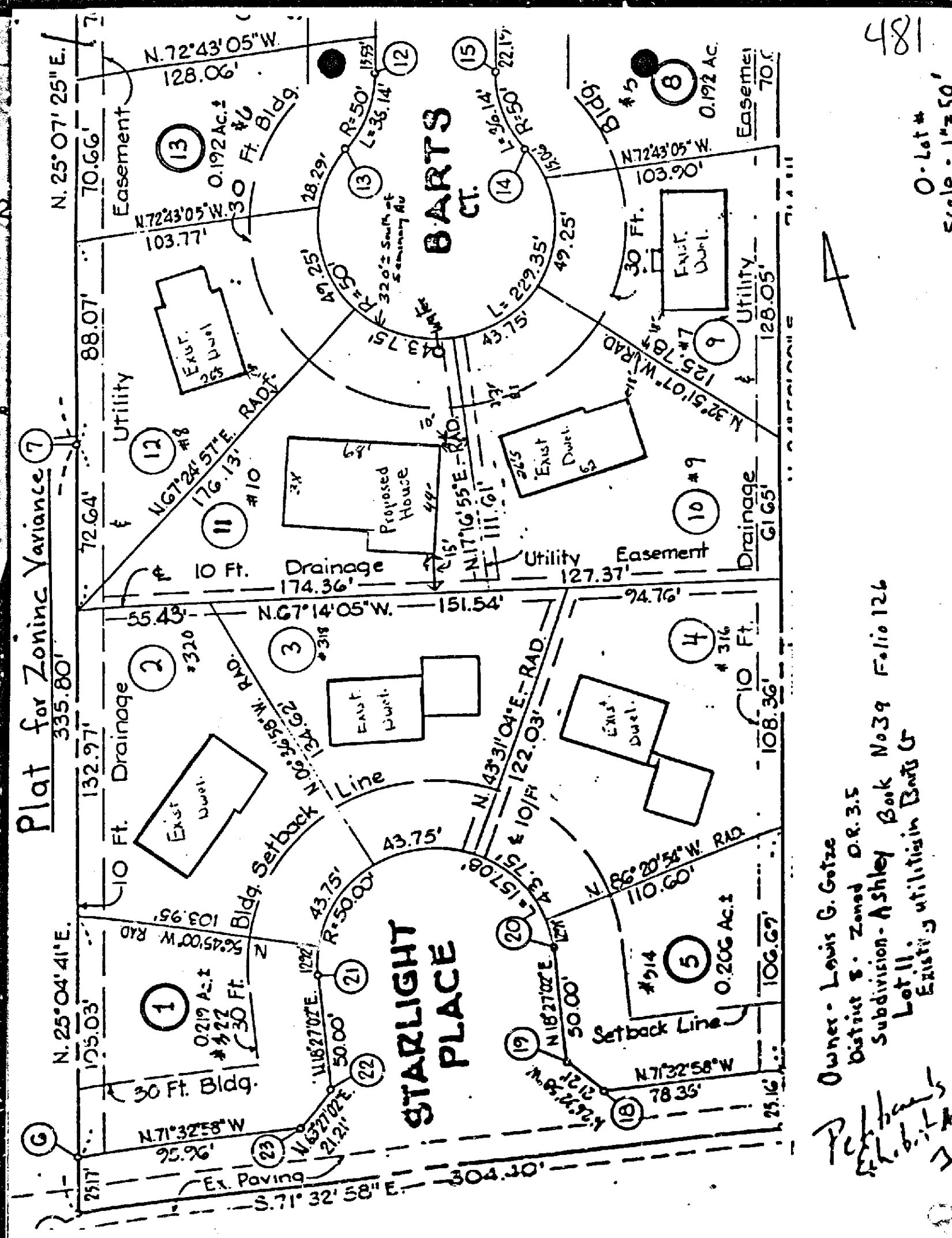
Items 481-482

90-31-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 17th day of May, 1989.

Petitioner Lewis G. Gotze Received by: James E. Dyer  
Petitioner's Attorney \_\_\_\_\_ Chairman, Zoning Plans Advisory Committee





Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

June 6, 1989



Dennis F. Rasmussen  
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 253, 313, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, ~~482~~ 483, 484, 485, and 486.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lvw

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
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: Lewis G. Gotzav

Location: SSE side of Barts Court  
(#9 Barts Court)

Item No.: 482

Zoning Agenda: May 16, 1989

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 or \_\_\_\_\_ 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: *Cap. Kelly* 5-11-89  
Planning Group  
Special Inspection Division

Noted and  
Approved: *Cap. Wm. Brady*  
Fire Prevention Bureau

/j1

MAY 17 1989

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 466, 468, 469, 470, 471, 474, 475, 476, 478, 480, 481, ~~482~~ 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a revertible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

JUN 02 1989