

IN RE: PETITION FOR ZONING VARIANCE
S/S Goettner Road, 200' E of
Belair Road
(7403 Goettner Road)
11th Election District
5th Councilmanic District
Richard J. Januszkiewicz
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-107-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Richard J. Januszkiewicz. The Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 409.4(c) to permit a driveway width of 10 feet in lieu of the required 22 feet; from Section 1A04.3.B.3 to permit a front yard setback of 65 feet from the centerline of the road in lieu of the required 75 feet; and a side yard setback of 13 feet in lieu of the required 50 feet; and from Section 409.6.A.2 to permit six (6) parking spaces in lieu of the required eight (8) spaces, for a retail sales operation, all as more particularly described on Petitioner's Exhibit 1.

Appearing and testifying on behalf of the Petition was Richard Januszkiewicz, property owner. Appearing and testifying in opposition to the relief requested was Charlotte Pine on behalf of the Greater Kingsville Association.

Testimony indicated that the subject property, known as 7403 Goettner Road, consists of 0.284 acres more or less, zoned B.1 and B.M. and is improved with a single family dwelling. Mr. Januszkiewicz testified that he and his wife operate a small pewter and collectible store in the basement of their home. Testimony indicated that the Petitioners have

resided on the property since 1978 and decided to open the subject business in the basement of their home in September of this year so that Mrs. Januszkiewicz could work at home and take care of their small child. Testimony further indicated that the variances requested herein are for existing conditions and that there will be no alterations to the property.

Testimony elicited on cross-examination by Charlotte Pine revealed that the Petitioners intend to keep the subject business as a family operation only. They do not intend to employ additional help other than family members. Further, the Petitioners agreed to limit the operation of the business to the basement of their home and not expand onto other levels of their dwelling. Mr. Januszkiewicz also agreed not to allow any customers to park on Goettner Road and to place a small sign on their property directing all customers to park in the rear of the subject property.

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).

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It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of November, 1992 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 409.4(c) to permit a driveway width of 10 feet in lieu of the required 22 feet; from Section 1A04.3.B.3 to permit a front yard setback of 65 feet from the centerline of the road in lieu of the required 75 feet; and a side yard setback of 13 feet in lieu of the required 50 feet; and from Section 409.6.A.2 to permit six (6) parking spaces in lieu of the required eight (8) spaces, for a retail sales operation, in accordance with Petitioner's Exhibit 1, be and is

- 3 -

herby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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 and if such time as the 60 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 relief granted herein for a retail sales operation is limited to the basement of the subject dwelling. The Petitioners shall not be permitted to expand the business to other levels of the dwelling unless approved at a future hearing.
- 3) The Petitioners shall also be restricted to employing members of their family only.
- 4) All ingress and egress to the subject site shall be from Goettner Road. In no event shall the panhandle drive that runs adjacent to Goettner Road from Belair Road to the subject site be used to access the subject property.
- 5) There shall be no customer parking permitted on Goettner Road. All customers shall be directed to park in the rear of the subject property in the parking spaces provided.
- 6) Pursuant to the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 14, 1992, the Petitioners shall cause to be installed a cast iron manhole riser and lid on the existing septic tank, which shall then be brought to grade. Cleanouts on both the septic tank and seepage pit must also be brought to final grade.
- 7) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 20, 1992

Mr. Richard J. Januszkiewicz
7403 Goettner Road
Kingsville, Maryland 21087

RE: PETITION FOR ZONING VARIANCE
S/S Goettner Road, 200' E of Belair Road
(7403 Goettner Road)
11th Election District - 5th Councilmanic District
Richard J. Januszkiewicz - Petitioner
Case No. 93-107-A

Dear Mr. Januszkiewicz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted 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 887-3351.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: Ms. Charlotte Pine
607 Baltimore Avenue, Towson, Md. 21204
People's Counsel



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 7403 Goettner Rd. Kingsville, Md.
which is presently zoned B.1 & B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.4.(C) TO PERMIT A DRIVEWAY 10 FEET WIDE IN LIEU OF THE REQUIRED 22', SECTION 1A04.3-B (3) TO ALLOW A FRONT YARD SETBACK OF 65' IN LIEU OF THE REQUIRED 75' FROM THE CENTER LINE OF THE ROAD AND A SIDE YARD SETBACK OF 13' IN LIEU OF THE REQUIRED 50', SECTION 409.6.A.2 TO ALLOW 6 PARKING SPACES IN LIEU OF THE REQUIRED 8 SPACES, of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) I wish to have a variance because I am a knucklehead and I want to make the existing 10 ft. driveway wider. I need to be able to have this variance so that I may use my property to its fullest potential and be able to keep my store open so that I can try to make a living because this property is not large enough to host a retail store or to allow for a parking lot. I need this variance also. 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.

(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.)

Legal Owner(s):
Richard J. Januszkiewicz
(Type or Print Name)
Signature: *Richard J. Januszkiewicz*
Address: 7403 Goettner Rd., (410) 592-937
City: Kingsville Md. 21087
State: Phone No: _____
Name: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Phone No: _____
Name: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Phone No: _____

ESTIMATED LENGTH OF HEARING: _____
The following date: _____ Next Two Months
ALL OTHER DATE: 1/24/93
REVIEWED BY: ZGO

ORDER RECEIVED FOR FILING
Date: 11/20/92
By: [Signature]

The property by visual appearance to public will not change except for improvement of new macadam driveway. The entrance is the first on Goettner Rd. off of Rt. 1 (Belair Rd.) which will bring no more traffic to any of the residence of Goettner Rd. It will not harbor any combustibles and construction is masonry. It will not draw or harbor any boarders and traffic is estimated to 3 to 5 cars a day. Does not interfere with any public requirements. Will not improve outside of property to change natural flow of air or light. Will not exceed all B.C.Z.R. requirements in that no sewer or drainage will be affected and vegetation will exist as is to retain all effective purposes.
Property faces BM on 3 sides divided by trees on 2 sides and parking lots. On the front side is open field with retail shopping center partially finished. The East side bordered by residential home separated by 6 foot vegetation with no view of proposed parking area.

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - CONVEYANCE

7129-2226

114 93-107-A

NO CONSIDERATION
NO TITLE SEARCH

This Deed, MADE THIS 15th day of February

in the year one thousand nine hundred and eighty-six by and between
RICHARD J. JANUSZKIEWICZ

of Baltimore County, State of Maryland of the first part, and
EDWIN JANUSZKIEWICZ and MARY C. JANUSZKIEWICZ, his wife, tenants by the entireties of the second part.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
WITNESSETH, That in consideration of the sum of no consideration
CLERK DATE
The said RICHARD J. JANUSZKIEWICZ
TRANSFER TAX NOT REQUIRED
AGRICULTURAL TRANSFER TAX NOT APPLICABLE
BALTIMORE COUNTY, MARYLAND
Per [Signature] Sec. 11-85 A
SIGNATURE DATE 11-23-92

does grant and convey to the said EDWIN JANUSZKIEWICZ and MARY C. JANUSZKIEWICZ, their

personal representatives successors and assigns
that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME at an iron bar set in the Southeast right of way line of the Bel Air Road at the beginning of the third or South 45 degrees 45 minutes East 200 foot line of the land described in deed dated September 30, 1938, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1045, folio 586, from Frank J. Goettner and Caroline M. Goettner, his wife, to Henry H. Watchman and Anna M.D. Watchman and his wife; and thence running and binding on the aforementioned line, South 45 degrees 45 minutes East 200-0/10 feet to the end of said line; thence with the fourth line in said deed, South 46 degrees 6 minutes West 75-0/10 feet to an iron bar set at the end of said line; thence binding reversely on the second or North 46 degrees 6 minutes East 100-0/10 feet line in the deed dated May 13, 1936, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 968, folio 390, from Frank J. Goettner and Caroline Goettner, his wife, to Henry H. Watchman and wife, South 46 degrees 6 minutes West 100-0/10 feet to the beginning of said line and to intersect the seventh or South 45 degrees 45 minutes East 1653 feet line of the property described in the deed dated February 9, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 584, folio 477, from Charles J. Huber and wife to Frank J. Goettner and wife; and running thence binding on said line, South 45 degrees 45 minutes East 50 feet; thence for new line of division parallel to Bel Air Road, North 46 degrees 6 minutes East 189-55/100 feet to the Southwest side of a 30 foot roadway now laid out; thence binding on said 30 foot roadway with the use thereof in common, North 45 degrees 45 minutes West 250 feet to a pipe set out in the Southeast right of way line of said Bel Air Road; thence binding on said Bel Air Road, South 46 degrees 6 minutes West 14-55/100 feet to the place of beginning; containing 267/1000 of an acre of land, more or less.

THE IMPROVEMENTS thereon being known as No. 7403 Goettner Road. BEING the same property which by Deed dated April 29, 1960, and

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93-107-A 114



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

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

10

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 114 Date of Posting: 10/21/92
Posted for: Richard J. Januszkiewicz
Petitioner: Richard J. Januszkiewicz
Location of property: 7403 Goettner Road, 200' E of Belair Road
Location of Sign: Facility Roadway, on property being zoned
Remarks: None
Posted by: Richard J. Januszkiewicz Date of return: 10/23/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

Case 93-107-A
Item 114
Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
11th Election District
5th Councilmanic District
Petitioner: Richard J. Januszkiewicz
Hearing: Monday, November 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse

Variances: to allow a driveway width of 10 feet in lieu of the required 22 feet; to allow a front setback of 45 feet from the centerline of the road in lieu of the required 75 feet; and to allow a side yard setback of 13 feet in lieu of the required 50 feet; and to allow 6 parking spaces in lieu of the required 8 spaces.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353, 10/12/92, Extension 8

TOWSON, MD., 10/8, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992.

THE JEFFERSONIAN,

S. Zake
Publisher

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

PAID PER HAND-WRITTEN RECEIPT dated 6/21/92

9/28/92

H9300114

PUBLIC HEARING FEES	QTY	PRICE
920 - ZONING VARIANCE (OTHER)	1 X	\$250.00
TOTAL:		\$250.00

LAST NAME OF OWNER: JANUSZKIEWICZ

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 26, 1992

(410) 887-3353

Mr. Richard J. Januszkiewicz
7403 Goettner Road
Kingsville, MD 21087

RE: Item No. 114, Case No. 93-107-A
Petitioner: Richard J. Januszkiewicz
Petition for Variance

Dear Mr. Januszkiewicz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

11-9-92 HEARING

93-107

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
21st day of September, 1992.

Arnold Jarlem
ARNOLD JARLEM
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard J. Januszkiewicz

Petitioner's Attorney:

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10/20/92

Richard J. Januszkiewicz
7403 Goettner Road
Kingsville, Maryland 21087

RE:
CASE NUMBER: 93-107-A (Item 114)
S/S Goettner Road, 200' E of Belair Road
7403 Goettner Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Januszkiewicz
HEARING: MONDAY, NOVEMBER 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING. THE USER SHALL NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via registered mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jarlem

ARNOLD JARLEM
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-107-A (Item 114)
S/S Goettner Road, 200' E of Belair Road
7403 Goettner Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Januszkiewicz
HEARING: MONDAY, NOVEMBER 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse

Variances: to allow a driveway width of 10 feet in lieu of the required 22 feet; to allow a front yard setback of 45 feet from the centerline of the road in lieu of the required 75 feet and a side yard setback of 13 feet in lieu of the required 50 feet; and to allow 6 parking spaces in lieu of the required 8 spaces.

Zoning Commissioner of
Baltimore County

cc: Richard J. Januszkiewicz

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353, 10/12/92, Extension 8

Rec'd 10/14/92



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +114 (LEO)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 10/5/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 5 1992

ZONING OFFICE

Rec'd
10/5/92

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 13, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
October 5, 1992

The Office of Planning and Zoning has no comments on the following petition(s):

Richard J. Januszkiewicz, Item No. 114

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: _____

EMCD/FM:bjs

114. ZAC/ZAC1

Rec'd 10/14/92

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date 10/14/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Ronald I. and Gisela J. Canary 109 10-5-92

DED DEPRM RP STP TE 109 w/c

J. Homer Weidemeyer 110 N/C

DED DEPRM RP STP TE 110

Irvin C. Ludloff, Jr. 111 N/C

DED DEPRM RP STP TE 111

Emanuel Baptist Church 112 w/c

DED DEPRM RP STP TE 112

Jean P. Fraunfelter 113 w/c

DED DEPRM RP STP TE 113

Richard J. Januszkiewicz 114 N/C

DED DEPRM RP STP TE 114

COUNT 6

May C. Brewer 107 w/c 10/5/92

DED DEPRM RP STP TE 107

COUNT 1

Stonegate at Patapsco (Azreal Property) 6-1-92

90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

Sudbrook Associates 106 9-28-92

DED DEPRM RP STP TE 106

COUNT 1

Rec'd 10/14/92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 14, 1992

FROM: J. Lawrence Pilson JLP/PLS
Development Coordinator, DEPRM

SUBJECT: Zoning Item #114
7403 Goettner Road
Zoning Advisory Committee Meeting of October 6, 1992

A cast iron manhole riser and lid must be installed on the septic tank and brought to grade. Cleanouts on both the septic tank and seepage pit must be brought to final grade.

LP:sp

GOETTNER/TXTSRP

Rec'd 10/14/92

Baltimore County Government
Fire Department



700 East Joppa Road - Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD J. JANUSZKIEWICZ

Location: #7403 GOETTNER ROAD

Item No.: +114 (LEO) Zoning Agenda: OCTOBER 5, 1992

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: John J. Sullivan, Jr.
Planning Group
Special Inspection Division

JP/REK

Rec'd 10/21/92

Development Review Committee Response Form
Authorized signature _____ Date 10/13/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Ronald I. and Gisela J. Canary 109 10-5-92

DED DEPRM RP STP TE 109 No Comment

J. Homer Weidemeyer 110 No Comment

DED DEPRM RP STP TE 110

Irvin C. Ludloff, Jr. 111 No Comment

DED DEPRM RP STP TE 111

Emanuel Baptist Church 112 No Comment

DED DEPRM RP STP TE 112

Jean P. Fraunfelter 113 No Comment

DED DEPRM RP STP TE 113

Richard J. Januszkiewicz 114 No Comment

DED DEPRM RP STP TE 114

COUNT 6

May C. Brewer 107 10/5/92

DED DEPRM RP STP TE 107 No Comment

COUNT 1

FINAL TOTALS

COUNT 7

*** END OF REPORT ***

Rec'd 10/14/92

93-107-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

September 10, 1992

(410) 887-3353

Ms. Trula Januszkiewicz
All Peuter-Peuter & Collectibles
7403 Goettner Road
Kingsville, MD 21087

RE: Variance Petition
7403 Goettner Road
11th Election District

Dear Ms. Januszkiewicz:

Per our telephone conversation, sealed site plans are required for a commercial variance as stated in the sample booklet which you have already received. The decision on accepting non-sealed site plans rests with the Hearing Officer (Zoning Commissioner or Deputy Zoning Commissioner). However, I have written an inter-office memo to the Hearing Officer to go in the file stating that in this instance the Zoning Office recommends the approval of the existing site plans.

If you have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II

JJS/jaw

cc: File
Hearing File

93-107-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMO

September 10, 1992

TO: Lawrence Schmidt or Timothy Kotroco
Zoning Commissioner Duty Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planner II

SUBJECT: Sealed Site Plans
Variance Petition
7403 Goettner Road

Several weeks ago, Ms. Trula Januszkiewicz visited this office for approval of a traders license for retail sales from a residence in a B.L. zone. At the time the license was approved, but the "counter person" did not review any site plan nor inform Ms. Januszkiewicz of the change of occupancy permit procedure. Ms. Januszkiewicz then proceeded to purchase over \$50,000 worth of merchandise to sell. Upon my review of the unsealed building permit site plan I found that several variance are required. Based on the aforementioned, Arnold Jablon approved my "conditional" approval of the permit pending a Variance Hearing to be petitioned as soon as possible. It is my recommendation that the requirement of sealed site plans be waived in this instance.

JJS:jaw

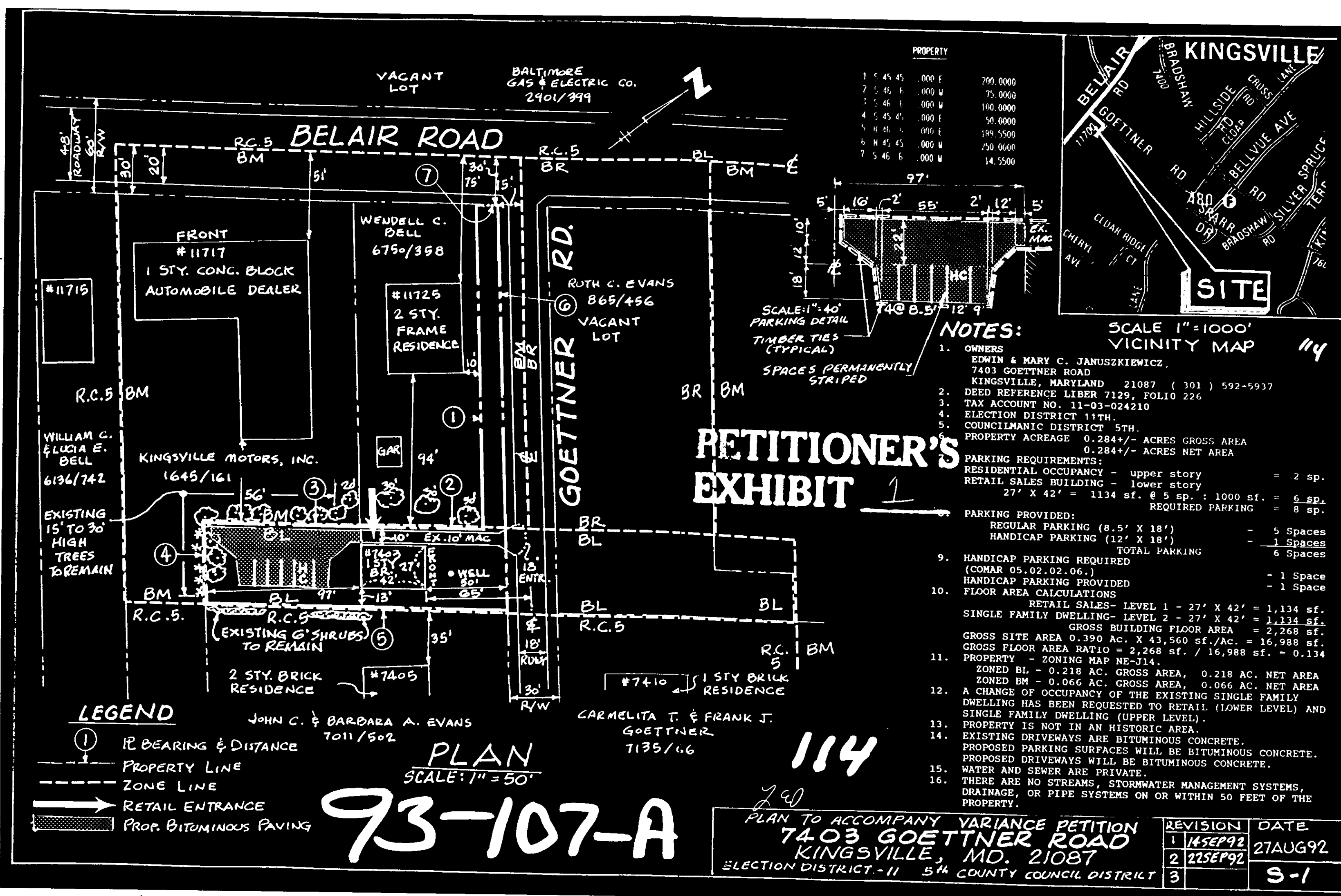
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Elizabeth Fine	607 Baltimore Ave Lanham Md 21229 823-5200

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RICHARD JANUSZKIEWICZ	7403 Goettner Rd



93-107-A 114



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

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

10

IN RE: PETITION FOR ZONING VARIANCE
S/S Goettner Road, 200' E of
Belair Road
(7403 Goettner Road)
11th Election District
5th Councilmanic District
Richard J. Januszkiewicz
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-107-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Richard J. Januszkiewicz. The Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 409.4(c) to permit a driveway width of 10 feet in lieu of the required 22 feet; from Section 1A04.3.B.3 to permit a front yard setback of 65 feet from the centerline of the road in lieu of the required 75 feet; and a side yard setback of 13 feet in lieu of the required 50 feet; and from Section 409.6.A.2 to permit six (6) parking spaces in lieu of the required eight (8) spaces, for a retail sales operation, all as more particularly described on Petitioner's Exhibit 1.

Appearing and testifying on behalf of the Petition was Richard Januszkiewicz, property owner. Appearing and testifying in opposition to the relief requested was Charlotte Pine on behalf of the Greater Kingsville Association.

Testimony indicated that the subject property, known as 7403 Goettner Road, consists of 0.284 acres more or less, zoned B.1 and B.M. and is improved with a single family dwelling. Mr. Januszkiewicz testified that he and his wife operate a small pewter and collectible store in the basement of their home. Testimony indicated that the Petitioners have

resided on the property since 1978 and decided to open the subject business in the basement of their home in September of this year so that Mrs. Januszkiewicz could work at home and take care of their small child. Testimony further indicated that the variances requested herein are for existing conditions and that there will be no alterations to the property.

Testimony elicited on cross-examination by Charlotte Pine revealed that the Petitioners intend to keep the subject business as a family operation only. They do not intend to employ additional help other than family members. Further, the Petitioners agreed to limit the operation of the business to the basement of their home and not expand onto other levels of their dwelling. Mr. Januszkiewicz also agreed not to allow any customers to park on Goettner Road and to place a small sign on their property directing all customers to park in the rear of the subject property.

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).

- 2 -

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of November, 1992 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 409.4(c) to permit a driveway width of 10 feet in lieu of the required 22 feet; from Section 1A04.3.B.3 to permit a front yard setback of 65 feet from the centerline of the road in lieu of the required 75 feet; and a side yard setback of 13 feet in lieu of the required 50 feet; and from Section 409.6.A.2 to permit six (6) parking spaces in lieu of the required eight (8) spaces, for a retail sales operation, in accordance with Petitioner's Exhibit 1, be and is

- 3 -

herby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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 and if such time as the 60 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 relief granted herein for a retail sales operation is limited to the basement of the subject dwelling. The Petitioners shall not be permitted to expand the business to other levels of the dwelling unless approved at a future hearing.
- 3) The Petitioners shall also be restricted to employing members of their family only.
- 4) All ingress and egress to the subject site shall be from Goettner Road. In no event shall the panhandle drive that runs adjacent to Goettner Road from Belair Road to the subject site be used to access the subject property.
- 5) There shall be no customer parking permitted on Goettner Road. All customers shall be directed to park in the rear of the subject property in the parking spaces provided.
- 6) Pursuant to the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 14, 1992, the Petitioners shall cause to be installed a cast iron manhole riser and lid on the existing septic tank, which shall then be brought to grade. Cleanouts on both the septic tank and seepage pit must also be brought to final grade.
- 7) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 20, 1992

Mr. Richard J. Januszkiewicz
7403 Goettner Road
Kingsville, Maryland 21087

RE: PETITION FOR ZONING VARIANCE
S/S Goettner Road, 200' E of Belair Road
(7403 Goettner Road)
11th Election District - 5th Councilmanic District
Richard J. Januszkiewicz - Petitioner
Case No. 93-107-A

Dear Mr. Januszkiewicz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted 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 887-3351.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: Ms. Charlotte Pine
607 Baltimore Avenue, Towson, Md. 21204
People's Counsel

File

93-107-A
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 7403 Goettner Rd. Kingsville, Md.
which is presently zoned B.1 & B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4 (C) TO PERMIT A DRIVEWAY 10 FEET WIDE IN LIEU OF THE REQUIRED 22 FEET, SECTION 1A04.3-B (3) TO ALLOW A FRONT YARD SETBACK OF 65' IN LIEU OF THE REQUIRED 75' FROM THE CENTER LINE OF THE ROAD AND A SIDE YARD SETBACK OF 13' IN LIEU OF THE REQUIRED 50' SECTION 409.6.A.2 TO ALLOW 6 PARKING SPACES IN LIEU OF THE REQUIRED 8 SPACES. of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) I wish to have a variance because I am a knucklehead. I wish to make the existing 10 ft. driveway wider. I need to be able to have this variance so that I may use my property to its fullest potential. I want to be able to keep my store open so that I can try to make a living because this property is not large enough to host a retail store. I wish to have a variance because I am a knucklehead. I wish to make the existing 10 ft. driveway wider. I need to be able to have this variance so that I may use my property to its fullest potential. I want to be able to keep my store open so that I can try to make a living because this property is not large enough to host a retail store. 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.

(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.)

Correct Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode

Richard J. Januszkiewicz
(Type or Print Name)
Signature
(Type or Print Name)
7403 Goettner Rd. (410) 592-937
Kingsville Md. 21087
City Name, Address and phone number of legal owner, correct purchaser or representative to be contacted
Address
City State Zipcode
Name
Address
City State Zipcode
Phone No.
ESTIMATED LENGTH OF HEARING: _____
The following date: _____ Next Two Months
ALL OTHER _____
REVIEWED BY: 260 DATE: 11/23

ORDER RECEIVED FOR FILING
Date 11/23/92
By [Signature]

93-107-A
The property by visual appearance to public will not change except for improvement of new macadam driveway. The entrance is the first on Goettner Rd. off of Rt. 1 (Belair Rd.) which will bring no more traffic to any of the residence of Goettner Rd. It will not harbor any combustibles and construction is masonry. It will not draw or harbor any boarders and traffic is estimated to 3 to 5 cars aday. Does not interfere with any public requirements. Will not improve outside of property to change natural flow of air or light. Will not exceed all B.C.Z.R. requirements in that no sewer or drainage will be affected and vegetation will exist as is to retain all effective purposes.
Property faces BM on 3 sides divided by trees on 2 sides and parking lots. On the front side is open field with retail shopping center partially finished. The East side bordered by residential home separated by 6 foot vegetation with no view of proposed parking area.

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - CONVEYANCE

7129-2226

114 93-107-A

NO CONSIDERATION
NO TITLE SEARCH

This Deed, MADE THIS 15th day of February

in the year one thousand nine hundred and eighty-six by and between
RICHARD J. JANUSZKIEWICZ

of Baltimore County, State of Maryland of the first part, and
EDWIN JANUSZKIEWICZ and MARY C. JANUSZKIEWICZ, his wife, tenants by the entireties of the second part.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
WITNESSETH, That in consideration of the sum of no consideration
CLERK DATE
The said RICHARD J. JANUSZKIEWICZ
TRANSFER TAX NOT REQUIRED
AGRICULTURAL TRANSFER TAX NOT APPLICABLE
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Notary Public
Signature Date 11-23-92

does grant and convey to the said EDWIN JANUSZKIEWICZ and MARY C. JANUSZKIEWICZ, their

personal representatives successors and assigns
that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME at an iron bar set in the Southeast right of way line of the Bel Air Road at the beginning of the third or South 45 degrees 45 minutes East 200 foot line of the land described in deed dated September 30, 1938, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1045, folio 586, from Frank J. Goettner and Caroline M. Goettner, his wife, to Henry H. Watchman and Anna M.D. Watchman and his wife; and thence running and binding on the aforementioned line, South 45 degrees 45 minutes East 200-0/10 feet to the end of said line; thence with the fourth line in said deed, South 46 degrees 6 minutes West 75-0/10 feet to an iron bar set at the end of said line; thence binding reversely on the second or North 46 degrees 6 minutes East 100-0/10 feet line in the deed dated May 13, 1936, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 968, folio 390, from Frank J. Goettner and Caroline Goettner, his wife, to Henry H. Watchman and wife, South 46 degrees 6 minutes West 100-0/10 feet to the beginning of said line and to intersect the seventh or South 45 degrees 45 minutes East 1653 feet line of the property described in the deed dated February 9, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 584, folio 477, from Charles J. Huber and wife to Frank J. Goettner and wife; and running thence binding on said line, South 45 degrees 45 minutes East 50 feet; thence for new line of division parallel to Bel Air Road, North 46 degrees 6 minutes East 189-55/100 feet to the Southwest side of a 30 foot roadway now laid out; thence binding on said 30 foot roadway with the use thereof in common, North 45 degrees 45 minutes West 250 feet to a pipe set out in the Southeast right of way line of said Bel Air Road; thence binding on said Bel Air Road, South 46 degrees 6 minutes West 14-55/100 feet to the place of beginning; containing 267/1000 of an acre of land, more or less.

THE IMPROVEMENTS thereon being known as No. 7403 Goettner Road. BEING the same property which by Deed dated April 29, 1960, and

20

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 114 Date of Posting: 10/21/92
Posted for: Richard J. Januszkiewicz
Petitioner: Richard J. Januszkiewicz
Location of property: 7403 Goettner Road, 200' E of Belair Road
Location of Sign: Facility Roadway, on property being zoned
Remarks: None
Posted by: Richard J. Januszkiewicz Date of return: 10/23/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

Case 93-107-A
Item 114
Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Januszkiewicz
Hearing: Monday, November 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse

Variances: to allow a driveway width of 10 feet in lieu of the required 22 feet; to allow a front setback of 45 feet from the centerline of the road in lieu of the required 75 feet; and to allow a side yard setback of 13 feet in lieu of the required 50 feet; and to allow 6 parking spaces in lieu of the required 8 spaces.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353, 10/12/92, Extension 8

TOWSON, MD., 10/8, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992.

THE JEFFERSONIAN,

S. Zake
Publisher

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

PAID PER HAND-WRITTEN RECEIPT dated 6/21/92

9/28/92

H9300114

PUBLIC HEARING FEES	QTY	PRICE
920 - ZONING VARIANCE (OTHER)	1 X	\$250.00
TOTAL:		\$250.00

LAST NAME OF OWNER: JANUSZKIEWICZ

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 26, 1992

(410) 887-3353

Mr. Richard J. Januszkiewicz
7403 Goettner Road
Kingsville, MD 21087

RE: Item No. 114, Case No. 93-107-A
Petitioner: Richard J. Januszkiewicz
Petition for Variance

Dear Mr. Januszkiewicz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

11-9-92 HEARING

93-107

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
21st day of September, 1992.

Arnold Jarlem
ARNOLD JARLEM
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard J. Januszkiewicz

Petitioner's Attorney:

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10/20/92

Richard J. Januszkiewicz
7403 Goettner Road
Kingsville, Maryland 21087

RE:
CASE NUMBER: 93-107-A (Item 114)
S/S Goettner Road, 200' E of Belair Road
7403 Goettner Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Januszkiewicz
HEARING: MONDAY, NOVEMBER 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING. THE USER SHALL NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via registered mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jarlem

ARNOLD JARLEM
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-107-A (Item 114)
S/S Goettner Road, 200' E of Belair Road
7403 Goettner Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Januszkiewicz
HEARING: MONDAY, NOVEMBER 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse

Variances: to allow a driveway width of 10 feet in lieu of the required 22 feet; to allow a front yard setback of 45 feet from the centerline of the road in lieu of the required 75 feet and a side yard setback of 13 feet in lieu of the required 50 feet; and to allow 6 parking spaces in lieu of the required 8 spaces.

Zoning Commissioner of
Baltimore County

cc: Richard J. Januszkiewicz

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353, 10/12/92, Extension 8

Rec'd 10/14/92



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +114 (LEO)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 10/5/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 5 1992

ZONING OFFICE

Rec'd
10/5/92

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 13, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
October 5, 1992

The Office of Planning and Zoning has no comments on the following petition(s):

Richard J. Januszkiewicz, Item No. 114

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: _____

EMCD/FM:bjs

114. ZAC/ZAC1

Rec'd 10/14/92

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date 10/14/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Ronald I. and Gisela J. Canary 109 10-5-92

DED DEPRM RP STP TE 109 w/c

J. Homer Weidemeyer 110 N/C

DED DEPRM RP STP TE 110

Irvin C. Ludloff, Jr. 111 N/C

DED DEPRM RP STP TE 111

Emanuel Baptist Church 112 w/c

DED DEPRM RP STP TE 112

Jean P. Fraunfelter 113 w/c

DED DEPRM RP STP TE 113

Richard J. Januszkiewicz 114 N/C

DED DEPRM RP STP TE 114

COUNT 6

May C. Brewer 107 w/c 10/5/92

DED DEPRM RP STP TE 107

COUNT 1

Stonegate at Patapsco (Azeal Property) 6-1-92

90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

Sudbrook Associates 106 9-28-92

DED DEPRM RP STP TE 106

COUNT 1

Rec'd 10/14/92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 14, 1992

FROM: J. Lawrence Pilson JLP/PLS
Development Coordinator, DEPRM

SUBJECT: Zoning Item #114
7403 Goettner Road
Zoning Advisory Committee Meeting of October 6, 1992

A cast iron manhole riser and lid must be installed on the septic tank and brought to grade. Cleanouts on both the septic tank and seepage pit must be brought to final grade.

LP:sp

GOETTNER/TXTSRP

Rec'd 10/14/92

Baltimore County Government
Fire Department



700 East Joppa Road - Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD J. JANUSZKIEWICZ

Location: #7403 GOETTNER ROAD

Item No.: +114 (LEO) Zoning Agenda: OCTOBER 5, 1992

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: Capt. Mary J. Jones
Planning Group
Special Inspection Division

JP/REK

Rec'd 10/21/92

Development Review Committee Response Form
Authorized signature _____ Date 10/13/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Ronald I. and Gisela J. Canary 109 10-5-92

DED DEPRM RP STP TE 109 No Comment

J. Homer Weidemeyer 110 No Comment

DED DEPRM RP STP TE 110

Irvin C. Ludloff, Jr. 111 No Comment

DED DEPRM RP STP TE 111

Emanuel Baptist Church 112 No Comment

DED DEPRM RP STP TE 112

Jean P. Fraunfelter 113 No Comment

DED DEPRM RP STP TE 113

Richard J. Januszkiewicz 114 No Comment

DED DEPRM RP STP TE 114

COUNT 6

May C. Brewer 107 10/5/92

DED DEPRM RP STP TE 107 No Comment

COUNT 1

FINAL TOTALS

COUNT 7

*** END OF REPORT ***

Rec'd 10/14/92

93-107-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

September 10, 1992

(410) 887-3353

Ms. Trula Januszkiewicz
All Peuter-Peuter & Collectibles
7403 Goettner Road
Kingsville, MD 21087

RE: Variance Petition
7403 Goettner Road
11th Election District

Dear Ms. Januszkiewicz:

Per our telephone conversation, sealed site plans are required for a commercial variance as stated in the sample booklet which you have already received. The decision on accepting non-sealed site plans rests with the Hearing Officer (Zoning Commissioner or Deputy Zoning Commissioner). However, I have written an inter-office memo to the Hearing Officer to go in the file stating that in this instance the Zoning Office recommends the approval of the existing site plans.

If you have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II

JJS/jaw

cc: File
Hearing File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMO

September 10, 1992

TO: Lawrence Schmidt or Timothy Kotroco
Zoning Commissioner Duty Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planner II

SUBJECT: Sealed Site Plans
Variance Petition
7403 Goettner Road

Several weeks ago, Ms. Trula Januszkiewicz visited this office for approval of a traders license for retail sales from a residence in a B.L. zone. At the time the license was approved, but the "counter person" did not review any site plan nor inform Ms. Januszkiewicz of the change of occupancy permit procedure. Ms. Januszkiewicz then proceeded to purchase over \$50,000 worth of merchandise to sell. Upon my review of the unsealed building permit site plan I found that several variance are required. Based on the aforementioned, Arnold Jablon approved my "conditional" approval of the permit pending a Variance Hearing to be petitioned as soon as possible. It is my recommendation that the requirement of sealed site plans be waived in this instance.

JJS:jaw

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Elizabeth Fine	607 Baltimore Ave Lanham Md 21229 823-5200

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RICHARD JANUSZKIEWICZ	7403 Goettner Rd

