

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
North Side of Holly Knoll Drive, 450'		
West of centerline of Kanes Road	*	DEPUTY ZONING COMMISSIONER
11th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
 (4037 Holly Knoll Drive)	*	 CASE NO. 06-312-A
 Gary A. and Christina A. Goetzinger	*	
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Gary A. and Christina A. Goetzinger. The variance request is for property located at 4037 Holly Knoll Drive in the Glen Arm area of Baltimore County. The variance request is from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R) (1970 RDP), to permit a side setback of 45 ft. for an addition in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Department of Environmental Protection and Resource Management (DEPRM) dated December 30, 2005 and a revised e-mail comment dated February 3, 2006, copies of which are attached hereto and made a part hereof.

The initial review by DEPRM showed that the proposed addition might impinge on the Petitioner's septic reserve area. This home is served by private water and sewer systems. A letter outlining DEPRM's concerns was mailed to the Petitioner who in turn contacted Susan Farinetti of DEPRM. As a result DEPRM agreed to allow the Petitioner to field locate the septic

WHEN RECEIVED FOR FILING
 Date 2-6-06
 By [Signature]

system prior to building permit and to reconstruct same as indicated in the e-mail comments dated February 3, 2006. This cured the outstanding issue in this matter.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6 day of February, 2006, that a variance from Section 1A00.3.B of the Baltimore County Zoning Regulations (B.C.Z.R) (1970 RDP), to permit a side setback of 45 ft. for an addition in lieu of the required 50 ft., be and is hereby GRANTED. subject to the following conditions.

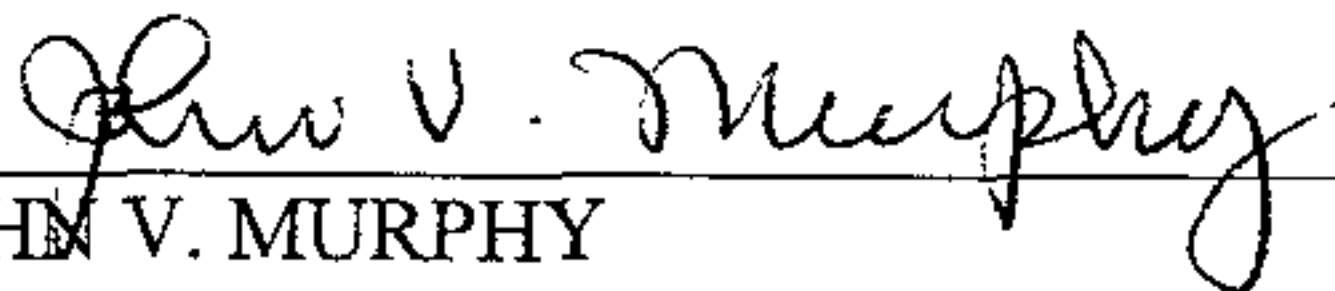
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

2. The Petitioner's shall comply with the ZAC comments from the Department of Environmental Protection and Resource Management dated December 30, 2005 and the Revised ZAC e-mail comment dated February 3, 2006 as follows:

Prior to building permit approval, the existing septic system components must be field located. The septic tank must be moved and possibly the trenches. A septic contractor must contact this office to schedule an appointment to reconstruct the septic system.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

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Date 2-6-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 6, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Gary A. Goetzinger
Christina A. Goetzinger
4037 Holly Knoll Drive
Baltimore, Maryland 21057

Re: Petition for Administrative Variance
Case No. 06-312-A
Property: 4037 Holly Knoll Drive

Dear Mr. and Mrs. Goetzinger:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4037 Holly Knoll Drive e
which is presently zoned RC-6 (RDP)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A00.3.B.3; BCZR (1970 RDP)

To permit a side setback of 45' for an addition in lieu of the required 50 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

4037 Holly Knoll Drive 592-1154
Address Telephone No.

Baltimore MD 21057
City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of December, 2005, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-312A

Reviewed By JCM

Date 12-16-05

Estimated Posting Date 12-28-05

REV 10/25/01

Date By

ORDER RECEIVED FOR FILING

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4037 Holly Knoll Drive
Address
Baltimore MD 21057
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Practical Difficulty: Need to enlarge home for family. Home currently has no family room area.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Gary A. Goetzinger
Signature
GARY A. GOETZINGER
Name - Type or Print

Christina A. Goetzinger
Signature
CHRISTINA A. GOETZINGER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of DECEMBER, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GARY A. GOETZINGER + CHRISTINA A. GOETZINGER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Vivian H. Mataffey
Notary Public

My Commission Expires 1/1/09

ZONING DESCRIPTION FOR 4037 HOLLY KNOLL DRIVE

Beginning at a point on the north side of Holly Knoll Drive, which is 40 feet wide, at a distance of 450 +/- West of the centerline of the nearest improved intersecting street Kanes Road, which is 40 wide. Being lot number 57 in the subdivision of Holly Knoll, Plat Book 36; Folio 17, containing 1.24 acres +/- . Also known as 4037 Holly Knoll Drive and located in the 11th Election District, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 2513

DATE 12.16.05

ACCOUNT

Roll - 006-650

AMOUNT

\$ 65.00

RECEIVED

FROM: G. SUGER 4037

FOR

Ad. Vae. Kelly Kull

Paid Receipt

DATE: 12/19/2005

TIME: 1:15 PM

BY: [Signature]

FOR: [Signature]

AMOUNT: \$ 65.00

DATE: 12/16/05

TIME: 1:15 PM

BY: [Signature]

FOR: [Signature]

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-312-A

Petitioner/Developer: GARY
GOETZINGER

Date Of Hearing/Closing: 1/9/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 4037 HOLLY KNOLL DRIVE

This sign(s) were posted on December 24, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 12/24/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000507 (1152x864x24b (peq))



Victoriano 12/24/05

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 312
Petitioner GARY GOETZINGER
Address or Location 4037 HOLLY KNOLL DR. BALTIMORE MD-21057

PLEASE FORWARD ADVERTISING BILL TO

Name SAME

Address SAME

Telephone Number 410-592-1154

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 312 -A Address 4037 Holly Knoll Rd Dr
Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 12-16-05 Posting Date: 12-25-05 Closing Date: 01-9-06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 312 -A Address 4037 Holly Knoll Rd Drive
Petitioner's Name GARY GOETZINGER Telephone 410-592-1154
Posting Date: 12-25-05 Closing Date: 01-9-06
Wording for Sign: A VARIANCE
To Permit A SIDEYARD SETBACK OF 45ft.
FOR AN ADDITION IN LIEU OF THE REQUIRED
50ft.

WCR - Revised 6/25/04

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 9, 2006

Gary A. Goetzinger
Christina A. Goetzinger
4037 Holly Knoll Drive
Baltimore, Maryland 21057

Dear Mr. and Mrs. Goetzinger:

RE: Case Number: 06-312-A, 4037 Holly Knoll Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 16, 2005.

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

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

Very truly yours,

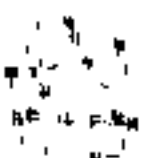
A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



County Office Building, Room 111

december 28, 2005

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: December 19, 2005

Item No.: 6-306-A thru 6-314-A

1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant David Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2005
Item Nos: 306, 307, 308, 311, 312, 313, and 314

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-01032006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: R. Bruce Seeley
DATE: December 30, 2005
SUBJECT: Zoning Item # 06-312-A
Address 4037 Holly Knoll Drive
(Goetzinger Property)

Zoning Advisory Committee Meeting of December 19, 2005

X The Department of Environmental Protection and Resource Management has the following comments on the above-referenced zoning item.

The proposed additions encroach on both the septic system and the septic reserve area. The septic system and the septic reserve area must be relocated. Contact Ground Water Management for more information.

Reviewer: S. Farinetti

Date: December 29, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 13, 2006

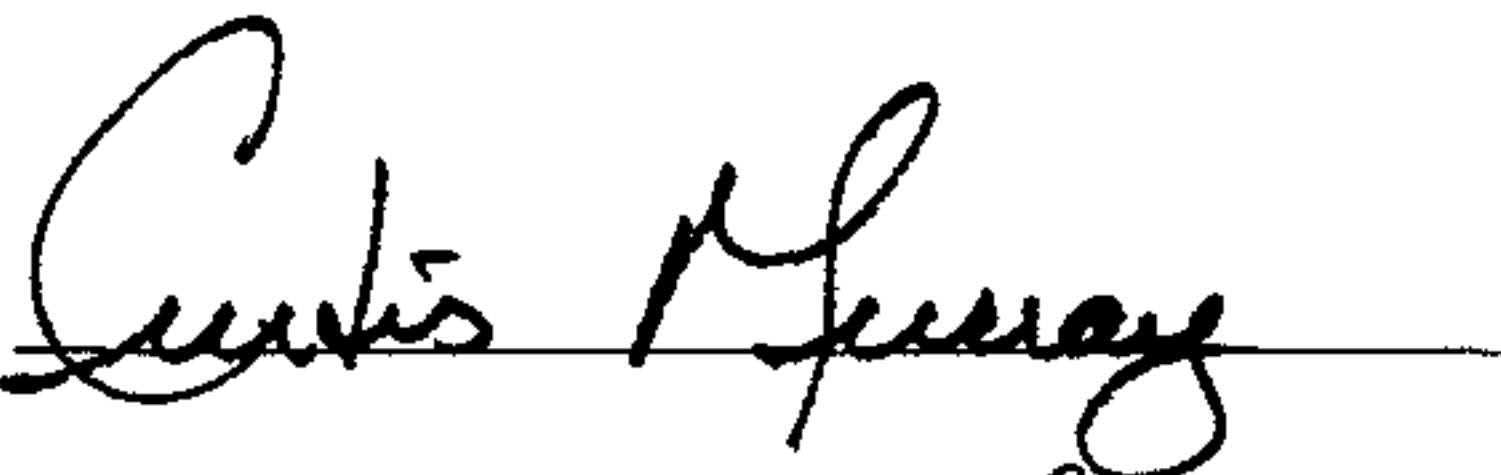
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-312- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

JAN 17 2006

OFFICE OF PLANNING



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 1.3.06

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

RE: Baltimore County
Item No. 312 JCM

Dear Ms. Matthews:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 23, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Gary A. Goetzinger
Christina A. Goetzinger
4037 Holly Knoll Drive
Baltimore, Maryland 21057

Re: Petition for Administrative Variance
Case No. 06-312-A
Property: 4037 Holly Knoll Drive

Dear Mr. and Mrs. Goetzinger:

Your request for Administrative Variance has been given to me for review. Upon my review of your file, it came to my attention that the Zoning Advisory Comment (ZAC) comment prepared by the Department of Environmental Protection and Resource Management (DEPRM) does not support your request unless you comply with the recommendation set forth in the summary. I am enclosing a copy of this ZAC comment for your review.

I suggest that you contact Mr. Seeley at 410-887-5859 in this regard to see if something can be worked out. I will hold the file open until I hear from you.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: R. Bruce Seeley, DEPRM
People's Counsel; ~~Case File~~

John Murphy - 4037 Holly Knoll Rd, Case No 06-312-A

From: Susan Farinetti
To: Livingston, Jeffrey; Murphy, John
Date: 2/3/2006 1:35 PM
Subject: 4037 Holly Knoll Rd, Case No 06-312-A

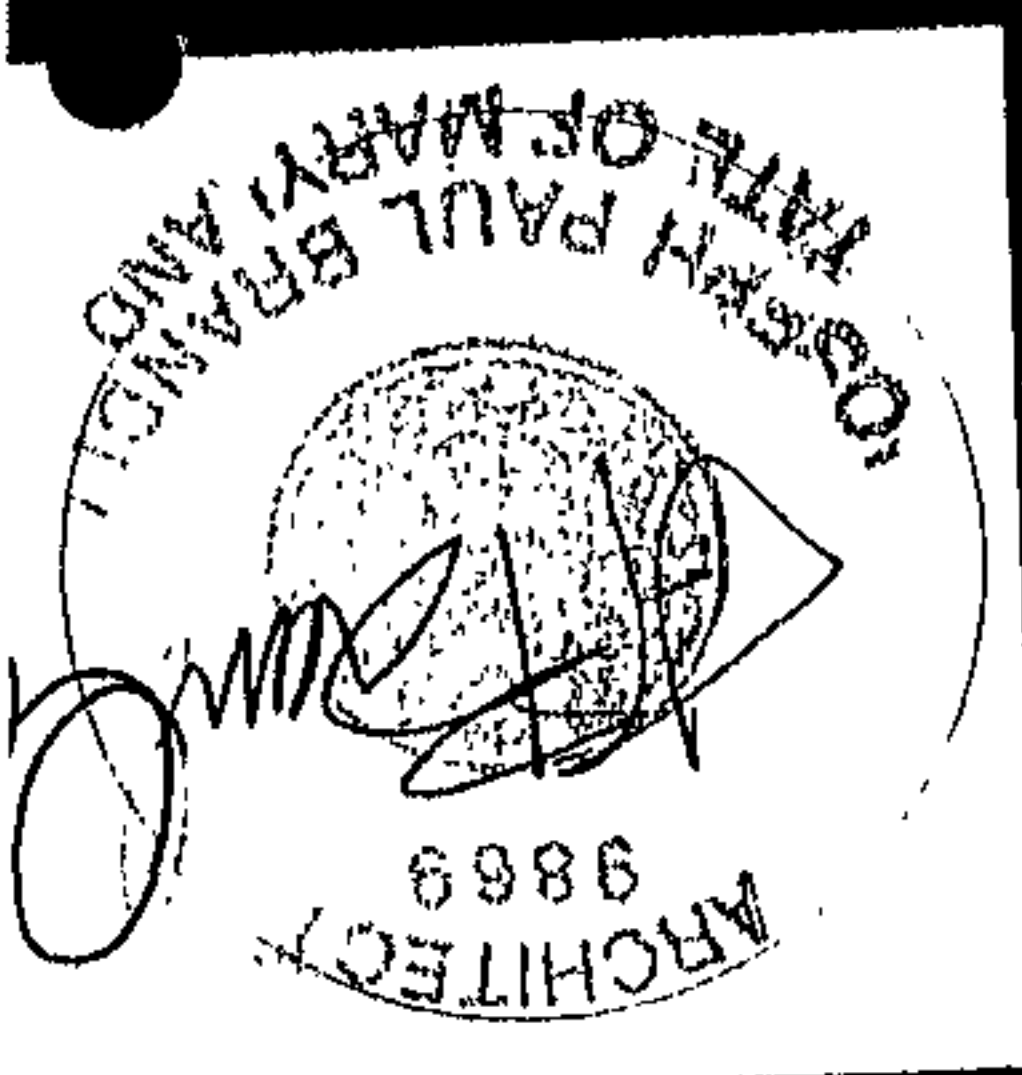
The property owner, Gary Goetzinger, has contacted me concerning the septic system issues in relation to the proposed building additions.

The comments should be amended to read:

Prior to building permit approval, the existing septic system components must be field located. The septic tank must be moved and possibly the trenches. A septic contractor must contact this office to schedule an appointment to reconstruct the septic system.

Please contact me with any questions.

CONSULTANTS



Residentia
4037 Holly
Glen Arm, Md

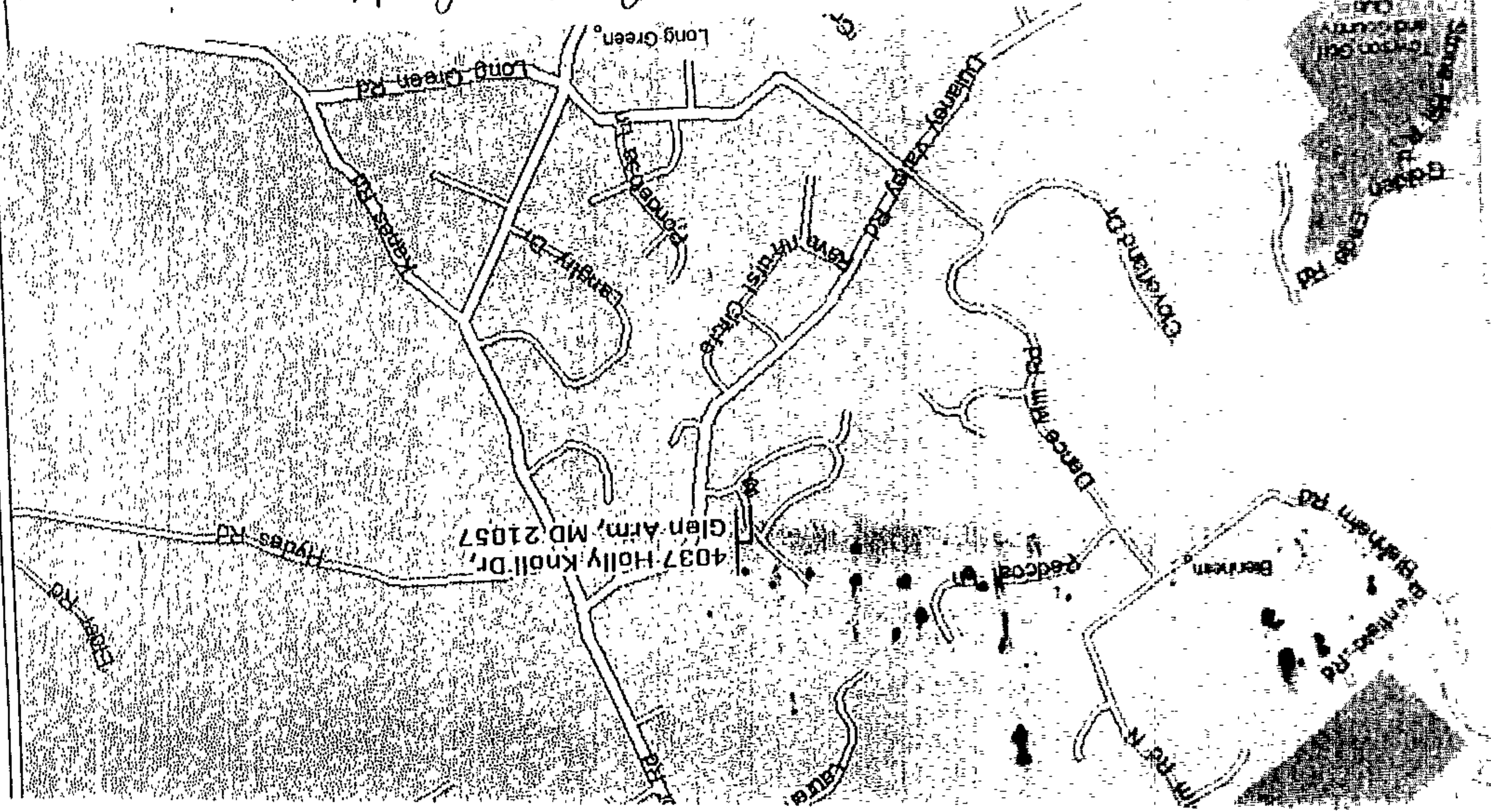
Mr. & Mrs. (

MARK	DATE
CD	11-07-05
DD	12-18-04
SD	11-24-04
AB	09-29-04

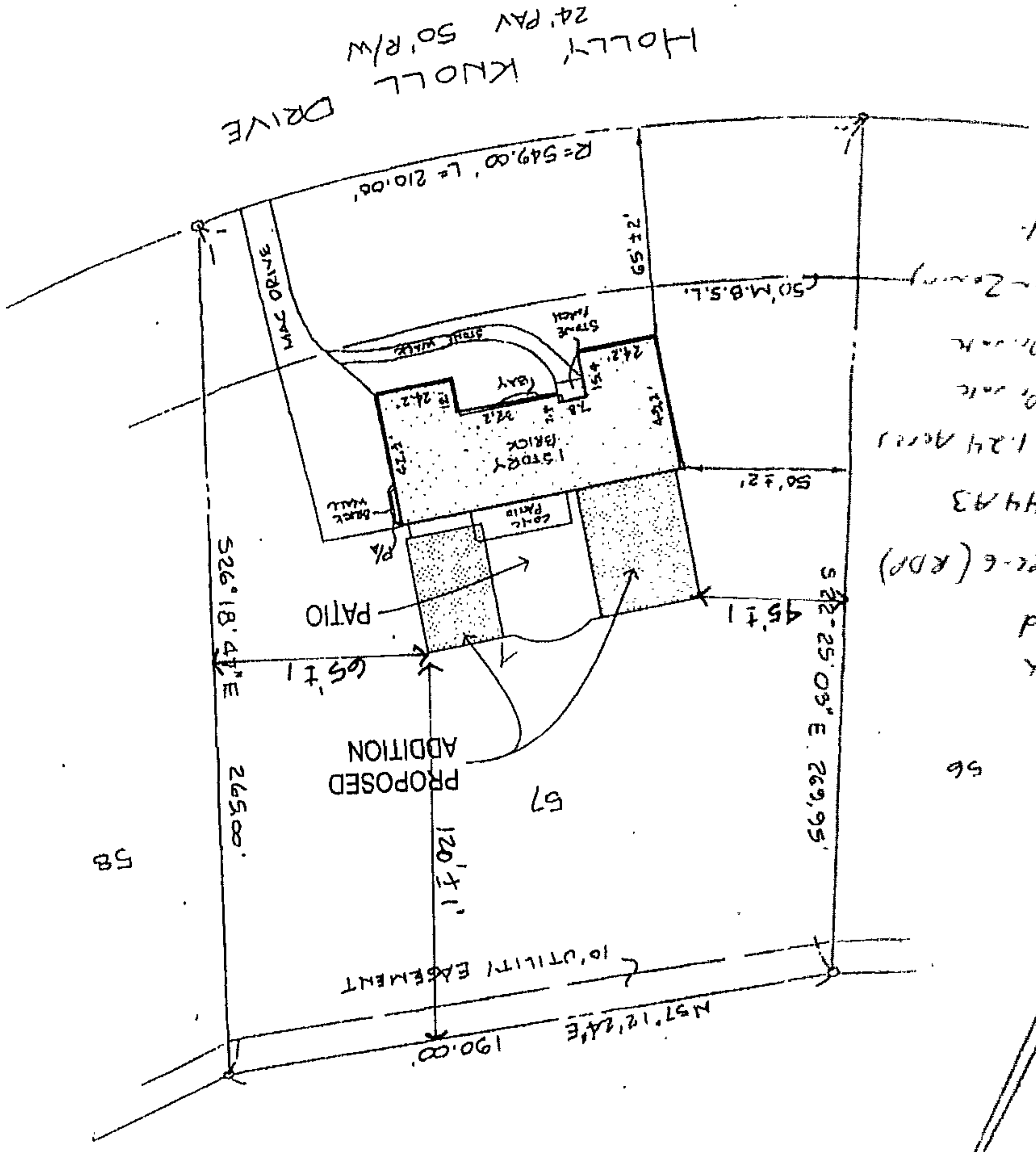
PROJECT NO:
MODEL FILE: Go
DRAWN BY: HB
CHK'D BY: Jos
COPYRIGHT
JOE Architect Incorp

SHEET TITLE

COV



Plat to Accompany Petition for Variance.
Plat: Holly Knoll, Book 36, Folio 17, Lot #57
Owner: Gary A. Goetzinger



WITZ & ASSOCIATES
GENERAL SURVEYING CO.
1009 Frederick Road

LOCATION CERTIFICATION

SCALE
1"=50'

DATE
2-14-05

THE LOT SHOWN HEREON IS IN FLOOD ZONE C PER F.E.M.A.
THE LOT INSURANCE RATE MAP PANEL # 240010-0260 F
The plat is of benefit to a consumer only insofar as it is required by a lender or
a life insurance company or its agent in connection with contemplated transfer,
financing or refinancing. The plat is not to be relied upon for the establishment
or location of fences, garages, buildings, or other existing or future
improvements. The plat does not provide for the accurate identification of
property boundary lines, but such identification may not be required for the
transfer of title or securing financing or refinancing.

Baltimore County - My Neighborhood



MAP: 074A3

