

IN RE: PETITION FOR ADMIN. VARIANCE *

NS side of Colgate Ave., 350' E side of
East Central Avenue c/line *
12th Election District *
7th Council District *
(238 Colgate Avenue) *

Rebecca Goetz
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0241-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Rebecca Goetz. The Petitioner is requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage height of 25' in lieu of the permitted 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner Rebecca Goetz and Mark Mayeski, a friend who will construct the garage. A neighbor (Theresa Smith) attended the hearing and opposed the relief, and she was joined by Jonathan Willis, who also objected to the variance request. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

This matter was originally filed as an Administrative Variance, with a closing date of April 30, 2012. On April 30, 2012, Theresa Smith requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, May 31, 2012 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and

ORDER RECEIVED FOR FILING

Date 6-1-12

By pm

interested citizens notice of the hearing. The Protestants alleged that the sign was taken down shortly after it was posted. Whether or not that is the case – and the Petitioner denies removing the sign – is irrelevant here, because the neighbors did receive actual notice and attended the hearing to voice their concerns. Largo Civic Ass'n. v. Prince George's County, 21 Md. App. 76 (1974).

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

Testimony and evidence revealed that the subject property is 12,000 square feet and zoned DR 5.5. Mr. Mayeski testified that he wanted to construct the 25' tall garage to allow him to store a boat and an antique vehicle he is restoring. The Petitioner also presented photos showing the limited closet space they have in their home, and indicated the garage would also permit additional space for household storage. Finally, Mr. Mayeski indicated the peaked roof would be more attractive and functional – as opposed to a flat roof that would comply with the 15' height limitation – but that variance relief was needed.

Ms. Smith, who lives directly across the street from Petitioner, testified she was opposed to the relief, and she feared the 25' tall garage would block her views from the front of her home. In response, Mr. Mayeski testified that even a 15' tall garage permitted by law would obstruct Ms. Smith's views, and he also stated that many homes in the area were at least 30' tall, and that the garage would not be out of character or scale for the neighborhood.

Deciding cases of this nature is never easy, and I respect and appreciate the input and testimony of all who attended the hearing. While I am sympathetic to Ms. Smith's concerns regarding the visibility from the front of her home, I do not believe she will be impacted so severely that the relief should be denied. As seen on the site plan (Exhibit 1), her home at 249 is

ORDER RECEIVED FOR FILING

Date 6-1-12 2

By cc

located directly across from both the Petitioner's home and the proposed garage. Ms. Smith's view is already obstructed by the dwelling at 238 Colgate, which was constructed in 1920, and the proposed 25' tall garage would not be as tall as the Petitioner's dwelling (See Exhibit 2), so I do not believe Ms. Smith's enjoyment of her home would be greatly diminished.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, as shown on the site plan, Petitioner owns a "double lot" (comprising both 238 and 240 Colgate), which is twice as wide as that of neighboring homes. Thus, the proposed garage will not overcrowd the site or be out of character for the community. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioner has met this test.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of opposition from County reviewing agencies, and by the support of five of Petitioner's adjacent neighbors. Exhibit 3.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

ORDER RECEIVED FOR FILING

Date 6-1-12

By pm

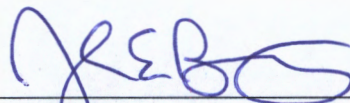
THEREFORE, IT IS ORDERED, this 1 day of June, 2012, by this Administrative Law Judge, that Petitioner's Variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage height of 25' in lieu of the permitted 15', be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for any permits and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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

JEB:pz



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6-1-12

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 1, 2012

REBECCA GOETZ
238 COLGATE AVENUE
BALTIMORE MD 21222

RE: Petition for Variance
Case No.: 2012-0241-A
Property: 238 Colgate Avenue

Dear Ms. Goetz:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Theresa Smith, 249 Colgate Avenue, Baltimore MD 21222
Jonathan Willis, 7522 Berkshire Road, Baltimore MD 21224

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 238 Colgate Ave
which is presently zoned DR 5.5

Deed Reference: 26172 / 1374 Tax Account # 1202057085

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) 400.3 BCZR To permit
a garage height of 25 feet in lieu of the permitted 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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

Date

Telephone No.

City

State

Zip Code

By

Legal Owner(s):

Rebecca GOETZ

Name - Type or Print

Signature

Name - Type or Print

Signature

238 Colgate Ave 443 845-5678
Address Telephone No.

BALTIMORE MD 21222
City State Zip Code

Representative to be Contacted:

MARK MAYESKI

Name

630 Holy Cross Rd 443 956-7333
Address Telephone No.

Brooklyn Park MD 21225
City 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 _____ day of _____ 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. 2012-0241-A

Reviewed By G.A.

Date

4/4/12

Estimated Posting Date

4/15/12

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 own and reside at 238 COLGATE AVE
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) THERE IS NO STORAGE AREA IN THE HOUSE

BUILDING THE FIRST LEVEL FOR ANTIQUE CAR, BOAT, AND CAMPER
SECOND STORY WILL BE FOR STORAGE SUCH AS HUNTING, OUTDOOR
HOBBIES, CAR PARTS ECT. GETTING OLDER NEED EASY ACCESS SPACE

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Rebecca Goetz
Signature

Signature

REBECCA GOETZ
Name- print or type

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 25 day of March, 2012, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Rebecca Goetz
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Ormy L. Sherry 12/21/2015
Name of Notary Public Commission expires

PLACE SEAL HERE:

Zoning Property Description for 238 Colgate Avenue

Beginning on the north side of Colgate Avenue at distance of three hundred fifty five feet east of the corner. At the intersection of the north side of Colgate Avenue and the east side of Central Avenue and running east on the north side of Colgate Avenue fifty five feet. This is parallel north to Central Avenue one hundred and twenty feet to the south side of the alley that is ten feet wide. The south side parallel to Central Avenue one hundred and twenty feet.

Beginning lot #134 - 137 block #200 section 38 in the subdivision of Colgate Park as recorded in Baltimore County Plat book #4, Folio #22, containing 12,000 square feet located in the 12th Election District and 7th Council District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **82139**
 Date **4/4/12**

PAID RECEIPT

ACQUIES 2012 10:15:41
 4/05/2012 4/05/2012 10:15:41

NO. 082139
 RECEIPT 5 6/1/12 4/04/2012 0821

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				75.00

Dept 5 200 20000 0000000000
 CH NO. 082139

Receipt for 179.00
 1.00 1104.00 00
 179.00 00
 Baltimore County, Md 12004

Total: **75.00**

Rec From: **Mark Mayeski**
 For: **Variano 2012-0241**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

M E M O R A N D U M

DATE: July 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0241-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 2, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0241-A
238 Colgate Avenue
N/s of Colgate Avenue, 350
ft. E/s of E. Central Avenue
centerline
12th Election District
7th Councilmanic District
Legal Owner(s):
Rebecca Goetz

Variance: to permit a garage height of 25 feet in lieu of the permitted 15 feet.

Hearing: Thursday, May 31, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/5/710 May 15 303232

CERTIFICATE OF PUBLICATION

5/17, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/15, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2012-0241 A

Address: 238 COLGATE AVENUE

Petitioner(s): REBECCA GOETZ

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Theresa Smith
Name - Type or Print

() Legal Owner OR (☒) Resident of
249 COLGATE AVENUE
Address

BALTIMORE MD 21222
City State Zip Code

410-288-4649
Telephone Number

which is located approximately 125 ft. feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Theresa Smith 4.30.12
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

CERTIFICATE OF POSTING

RE: CASE NO: 2012-0241-A

PETITIONER/DEVELOPER _____

REBECCA GOETZ

DATE OF HEARING/CLOSING: _____

5/31/12

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 238 COLGATE RD

THIS SIGN(S) WERE POSTED ON _____

May 14, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/14/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0241-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 205 JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, MAY 31, 2012
AT 10:00 A.M.

REQUEST:

TO PERMIT A GARAGE WITH A HEIGHT
OF 25 FEET IN LIEU OF THE PERMITTED
15 FEET

POSTPONEMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CERTAIN HEARING CALL 410-807-5291

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

05/14/2012

Mya G. 5/14/12



KEVIN KAMENETZ
County Executive

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

May 8, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0241-A

238 Colgate Avenue

N/s of Colgate Avenue, 350 ft. E/s of E. Central Avenue centerline

12th Election District – 7th Councilmanic District

Legal Owners: Rebecca Goetz

Variance to permit a garage height of 25 feet in lieu of the permitted 15 feet.

Hearing: Thursday, May 31, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Rebecca Goetz, 238 Colgate Avenue, Baltimore 21222
Mark Mayeski, 630 Holy Cross Road, Brooklyn Park 21225

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 14, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Rebecca Goetz
238 Colgate Avenue
Baltimore, MD 21222

443-845-5678

NOTICE OF ZONING HEARING

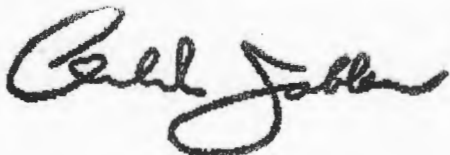
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0241-A

238 Colgate Avenue
N/s of Colgate Avenue, 350 ft. E/s of E. Central Avenue centerline
12th Election District – 7th Councilmanic District
Legal Owners: Rebecca Goetz

Variance to permit a garage height of 25 feet in lieu of the permitted 15 feet.

Hearing: Thursday, May 31, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CERTIFICATE OF POSTING

RE: CASE NO: 2012-041-A

PETITIONER/DEVELOPER _____

REBECCA GOETZ

DATE OF HEARING/CLOSING: _____

4/30/12

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 238 COLGATE RD

THIS SIGN(S) WERE POSTED ON _____

April 15, 2012

(MONTH, DAY, YEAR)

SINCERELY,

[Signature] 4/15/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2012-0241-A

TO PERMIT A GARAGE WITH A HEIGHT OF
25 FEET IN LIEU OF THE PERMITTED 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY APRIL 30, 2012

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 887-3391

04/15/2012

Michael J. 4/15/12



KEVIN KAMENETZ
County Executive

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

May 1, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0241-A

238 Colgate Avenue

N/s of Colgate Avenue, 350 ft. E/s of E. Central Avenue centerline

12th Election District – 7th Councilmanic District

Legal Owners: Rebecca Goetz

Variance to permit a garage height of 25 feet in lieu of the permitted 15 feet.

Hearing: Tuesday, May 29, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Rebecca Goetz, 238 Colgate Avenue, Baltimore 21222
Mark Mayeski, 630 Holy Cross Road, Brooklyn Park 21225

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 14, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Rebecca Goetz
238 Colgate Avenue
Baltimore, MD 21222

443-845-5678

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0241-A

238 Colgate Avenue

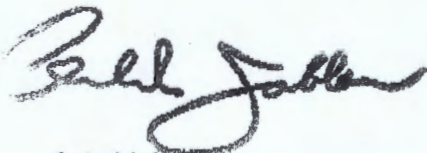
N/s of Colgate Avenue, 350 ft. E/s of E. Central Avenue centerline

12th Election District – 7th Councilmanic District

Legal Owners: Rebecca Goetz

Variance to permit a garage height of 25 feet in lieu of the permitted 15 feet.

Hearing: Tuesday, May 29, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0241 -A Address 238 Colgate Rd

Contact Person: Gary Huak Phone Number: 410-887-3381
Planner, Please Print Your Name

Filing Date: 4/4/12 Posting Date: 4/15/12 Closing Date: 4/30/12

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

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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 2012- 0241 -A Address 238 Colgate Rd
Petitioner's Name Rebecca Goetz Telephone 443-956-7333
Posting Date: 4/15/12 Closing Date: 4/30/12
Wording for Sign: To Permit To permit a garage with a
height of 25 feet in lieu of the permit 15 feet

Revised 7/06/11

CASE NAME _____
CASE NUMBER 2012-241-A
DATE 5-31-12

NAME _____

CITY, STATE, ZIP

[illegible]

Wes
Pamir
Jair

CASE NO. 2012-

024-1-A

CHECKLIST

Formal Demand 4-30

Theresa Smith@

Support/Oppose/

Conditions/

Comments/

No Comment

249

Colgate

Comment
Received

Department

4-26

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

W

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

4-19

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5-15-12

SIGN POSTING

Date:

5-14-12

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

① See Support Docs. (2) (5)

② See Photos

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 12 Account Number - 1202057085

Owner Information

Owner Name: GOETZ REBECCA **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 630 HOLY CROSS RD
BALTIMORE MD 21225-3823 **Deed Reference:** 1) /26172/ 00374
2)

Location & Structure Information**Premises Address**

238 COLGATE AVE
BALTIMORE 21222-4210

Legal Description

LT 134-137
238 COLGATE AVE
COLGATE PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0103	0015	0442		0000			134	3	Plat Ref: 0004/0022

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1920	1,236 SF	12,000 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	51,500	51,500		
Improvements:	109,480	82,700		
Total:	160,980	134,200	168,900	134,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
GOETZ MICHAEL	09/17/2007	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /26172/ 00374	Deed2:
GOETZ MICHAEL	11/02/2006	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24715/ 00485	Deed2:
MANCUSO TERRY S	09/28/1999	\$85,000
Type: ARMS LENGTH IMPROVED	Deed1: /14049/ 00655	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:

Exempt Class:

Special Tax Recapture:

NONE

Homestead Application Information

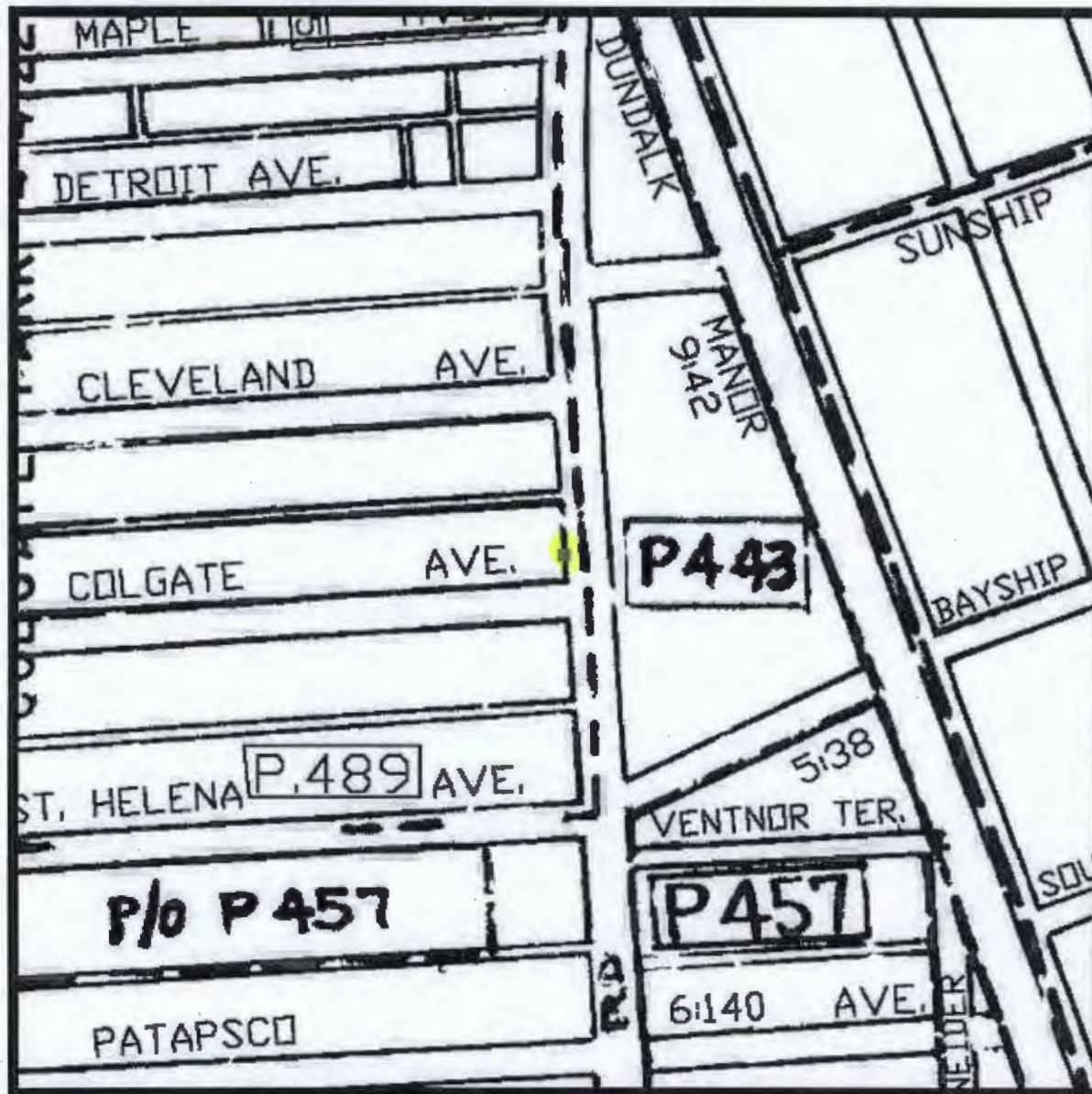
Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 12 Account Number - 1202057085



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



KEVIN KAMENETZ
County Executive

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

May 22, 2012

Ms Rebecca Goetz
238 Colgate Avenue
Baltimore MD 21222

RE: Case Number: 2012-0241-A, Address: 238 Colgate Avenue, 21222

Dear Ms. Goetz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 4, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Mark Mayeski, 630 Holy Cross Road, Brooklyn Park, MD 21225

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-19-12

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

RE: Baltimore County
Item No 2012-0241-A
Administrative Variance
Rebecca Goetz
238 Colgate Avenue

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0241-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 26, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2012
Item Nos. 2012-0208, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248,
0249, 0250 And 0252.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC-No Comments\ZAC-04302012-NO COMMENTS.doc

Case No.:

2012-241-A

19W 7/10/12

Exhibit Sheet

6/1/12
pg

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Color Photos	
No. 3	Letters of Support from Neighbors	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PS#1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 238 Colgate Ave. OWNER(S) NAME(S) Rebecca Goetz

SUBDIVISION NAME Colgate Park LOT # 34-37 BLOCK # 200 SECTION # 38

PLAT BOOK # 4 FOLIO # 22 10 DIGIT TAX # 1202057085 DEED REF. # 261721374

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 103B2

SITE ZONED DR 5.5

ELECTION DISTRICT 12th

COUNCIL DISTRICT 7CD

LOT AREA ACREAGE _____

OR SQUARE FEET 12,000

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

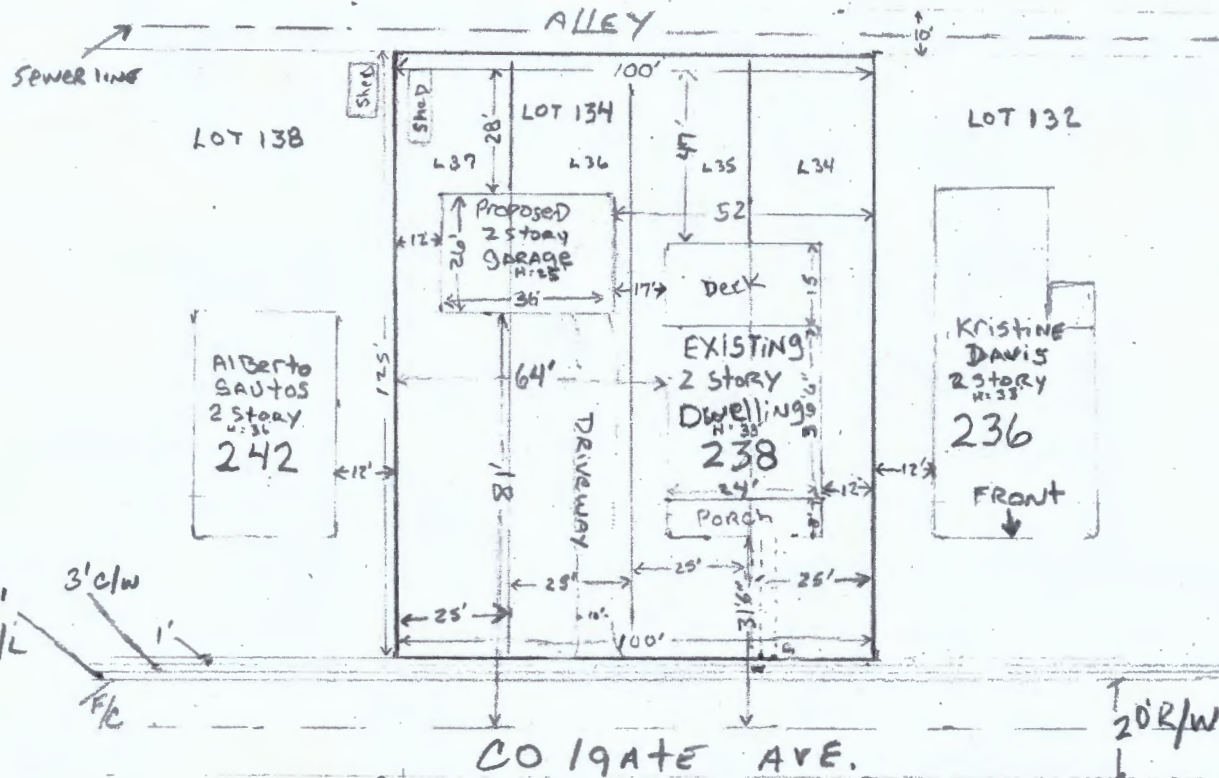
PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

None

VIOLATION CASE INFO:

N/A



PLAN DRAWN BY MARK MAYESKI DATE 4-4-12 SCALE: 1 INCH = 40 FEET

2012-02-11-A

PJ #2

238 House Calgate Ave.



2012-0241-A

New Capra Ave



236



242



242



Colgate Ave.

8012-024-A

P¹_S #3

234

To Whom it may concern,

I, Angela Shelley do not contest the fact that Rebecca Goetz is building a garage with additional height for storage on her property which is located at 238 Colgate Avenue, Dundalk, MD 21222.

Angela Shelley

3-27-12

Signature

Date

236

To Whom it may concern,

I, Christine Davis do not contest the fact that Rebecca Goetz is building a garage with additional height for storage on her property which is located at 238 Colgate Avenue, Dundalk, MD 21222.

Christine Davis 3/27/12

Signature Date

242

To Whom it may concern,

I, Alberto Santos do not contest the fact that Rebecca Goetz is building a garage with additional height for storage on her property which is located at 238 Colgate Avenue, Dundalk, MD 21222.

Alberto Santos

3/26/12

Signature

Date

243

To Whom it may concern,

I Sylvania Owens do not contest the fact that Rebecca Goetz is building a garage with additional height for storage on her property which is located at 238 Colgate Avenue, Dundalk, MD 21222.

Sylvania Owens

3/26/12

Signature

Date

247

To Whom it may concern,

Kathrine Boet do not contest the fact that Rebecca

Goetz is building a garage with additional height for storage on her property which is located
at 238 Colgate Avenue, Dundalk, MD 21222.

Kathrine Boet

Signature

Date 3-29-2012

MODE = MEMORY TRANSMISSION

START=JUN-07 13:21

END=JUN-07 13:23

FILE NO.=680

STN NO.	COMM.	ONE-TOUCH/ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	94106338862	005/005	00:00:48

-ZONING COMMISSIONER OFF M-

***** -

- ***** 410 887 3468- *****

IN RE: PETITION FOR ADMIN. VARIANCE *

NS side of Colgate Ave., 350' E side of
East Central Avenue c/line
12th Election District
7th Council District
(238 Colgate Avenue)

Rebecca Goetz
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0241-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Rebecca Goetz. The Petitioner is requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage height of 25' in lieu of the permitted 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner Rebecca Goetz and Mark Mayeski, a friend who will construct the garage. A neighbor (Theresa Smith) attended the hearing and opposed the relief, and she was joined by Jonathan Willis, who also objected to the variance request. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

This matter was originally filed as an Administrative Variance, with a closing date of April 30, 2012. On April 30, 2012, Theresa Smith requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, May 31, 2012 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and

ORDER RECEIVED FOR FILINGDate 6-1-12By pm

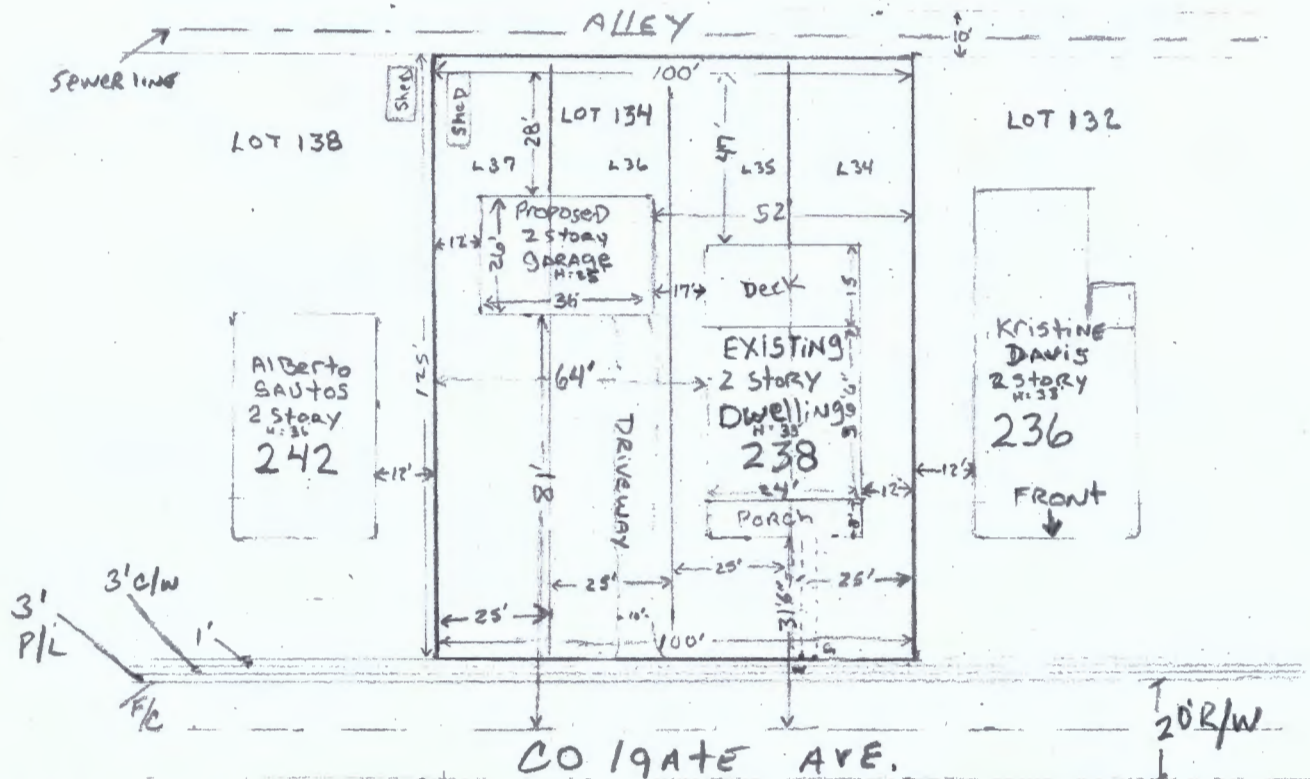
Post-it Fax Note	7671	Date	6-1-12	# of pages	5
To	Rebecca	From	OAH		
Co./Dept.		Co.			
Phone #	Re: 238 Colgate Ave.	Phone #			
Fax #		Fax #			

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

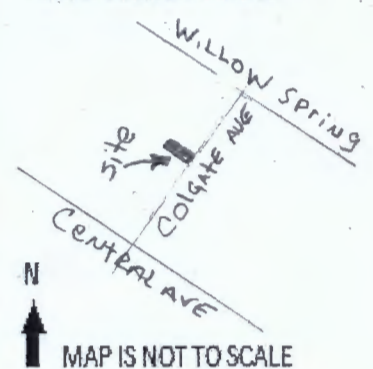
ADDRESS 238 Colgate Ave. OWNER(S) NAME(S) Rebecca Goetz

SUBDIVISION NAME Colgate Park LOT # 34 BLOCK # 200 SECTION # 38

PLAT BOOK # 4 FOLIO # 22 10 DIGIT TAX # 1202057085 DEED REF. # 261721374



SITE VICINITY MAP



ZONING MAP# 103B2

SITE ZONED DR 5.5

ELECTION DISTRICT 12th

COUNCIL DISTRICT 7CD

LOT AREA ACREAGE _____

OR SQUARE FEET 12,000

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

None

VIOLATION CASE INFO:

N/A

PLAN DRAWN BY MARK MAYESKI DATE 4-4-12 SCALE: 1 INCH = 40 FEET

2012-0241-A

1213022940	Lot # 227
1203048600	Lot # 225
1216016350	Lot # 223
1218010240	Lot # 221
1220032060	Lot # 218
1216016590	Lot # 216
1204020070	Lot # 214

ALLEY

1215069170	Lot # 14
1212021340	Lot # 15
1223051870	Lot # 16
1213076760	Lot # 17
1202037111	Lot # 18
1202059030	Lot # 132
1202057085	Lot # 134
1218037060	Lot # 138
1208001030	Lot # 140

DR 5.5

103B2

7 CD 12 ED

SE 4-E

Pt. Bk. 7, Folio 24

PDM # 128012

COLGATE AVE

0900608021	Lot # 107
1220000141	Lot # 15
1203049410	Lot # 16
1204050960	Lot # 17
1205032080	Lot # 18
1203002190	Lot # 19
1201092550	Lot # 20
1218050340	Lot # 21
1207016670	Lot # 23
1213078190	Lot # 24
1202021620	Lot # 25
1219027640	Lot # 26
1204001370	Lot # 98
1203049090	Lot # 96
1216001540	Lot # 96

DR 10.5

ALLEY

Lot # 52 Lot # 53

2012-0241-A