

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1206 W. Lake Avenue)		
9 th Election District	*	OFFICE OF
2 nd Council District		
Robert J. Goetz	*	ADMINISTRATIVE HEARINGS
Legal Owner		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2017-0162-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Robert J. Goetz, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to determine whether the owner's continuing use of a portable saw is permissible under zoning and noise ordinances. "A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Balto. Co.*, 163 Md. App. 194, 209 (2005).

Petitioner resides in a single-family dwelling in Lake Falls, a community founded in 1948 with approximately 40 homes. Prot. Ex. 2. Lot sizes in the community average ¼ acre, although Petitioner's lot is slightly smaller than that. At issue is the owner's use of a "commercial" grade "portable sawmill." See Prot. Ex. 3. Mr. Goetz uses the saw to create lumber or boards he then uses for home renovations and to create furniture and other items. See Pet. Exs. 2 and 3. Mr. Goetz purchased the saw in 2008 for approximately \$13,000. Several members of the community testified the noise created by the saw is excruciating and prevents them from enjoying their homes.

Protestants initially contended Petitioner was operating a business at the premises, and as proof submitted an internet listing for "RJG Enterprises," a business providing "carpentry work." Prot. Ex. 6. At the conclusion of the hearing Protestants' counsel contended this issue was a "red

ORDER RECEIVED FOR FILING

Date 6/5/17
By Den

herring,” an odd assertion given the issue was in fact raised by Protestants. In any event, the undisputed testimony was that Petitioner does not operate a commercial enterprise from his home, and tax records were submitted which substantiate that claim. Pet. Ex. 9.

Protestants (and Baltimore County, see Pet. Ex 6) also contend Petitioner operates a sawmill at the property. The B.C.Z.R. defines a “sawmill operation” as a “process whereby sawlogs are debarked and sawn into dimension lumber.” B.C.Z.R. §101.1. Though Petitioner does saw logs, he testified he does not “debark” logs at the property, and Protestants did not present evidence to the contrary. The B.C.Z.R. definition uses the conjunctive “and” in defining a “sawmill operation,” and thus the activity in question cannot be so defined. *Pye v. State*, 397 Md. 626, 641 (2007) (when conjunctive language is used in statute “both elements must be met; it is not sufficient if only one is present”).

In fact, this case turns on whether Petitioner’s activities can be considered an “accessory use” under the B.C.Z.R. Petitioner’s property is zoned DR 3.5, which is a residential zone that permits by right (among other uses not relevant here) “dwellings.” B.C.Z.R. §1B01.1.A. Also permitted in the zone are “accessory uses,” which the Regulations define in part as a use which is “customarily incident and subordinate to and serves a principal use or structure.” B.C.Z.R. §101.1. Though this issue arises with much greater frequency in commercial or industrial settings, there is case law from Maryland and other jurisdictions which is instructive.

In *Carroll County v. Zent*, 86 Md. App. 745 (1991) the court of special appeals conducted an exhaustive survey of out-of-state cases discussing accessory uses in a variety of land use categories. The court noted Connecticut has one of the “most restrictive definitions of accessory use” in that its ordinance requires the use to be “subordinate and customarily incidental to the main building and use on the same lot.” *Id.* at 767-68. The B.C.Z.R. defines accessory use in a similar

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Date

6/5/17

By

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manner, using nearly identical language. The Zent court used the restrictive Connecticut standard to determine whether the use in that case was in fact accessory under Maryland law.

In discussing whether a use is “customarily” incidental to the primary use on a property, the Zent court held a zoning board must determine “whether it is usual to maintain the use in question.” *Id.* at 768. Judged by this standard Petitioner’s use of the portable sawmill cannot be considered an “accessory use” in a residential zone. Protestants testified that other than Petitioner no one else in the community or vicinity uses a sawmill, and Petitioner did not present evidence to the contrary. While it is true many people own and use powered lawn equipment (*e.g.*, mowers, chain saws and backpack blowers) that according to Petitioner create a comparable amount of noise, the fact remains those items are both “customary” and “usual” in modern homes. Based on the photographs Petitioner is a skilled woodworker, and it is likely he could pursue such a hobby inside a garage or basement as many people do, provided he used lumber obtained from Home Depot or a specialty lumber mill. The problem comes when Petitioner mills logs to create that lumber, a process which is not usual or customary in a suburban residential community.

THEREFORE, IT IS ORDERED, this 5th day of June, **2017** by this Administrative Law Judge, that the Petition for Special Hearing to determine whether the owner’s continuing use of a portable saw is a permissible under zoning and noise ordinances, be and is hereby DENIED.

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



JOHNE. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6/5/17
By Den



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 5, 2017

J. Neil Lanzi, Esq.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

Adam Spence
409 Washington Avenue, Suite 409
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2017-0162-SPH
Property: 1206 W. Lake Avenue

Dear Counsel:

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", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1206 W. Lake Avenue, Baltimore MD which is presently zoned DR 3.5

Deed References: 7778 / 659 10 Digit Tax Account # 0902856250

Property Owner(s) Printed Name(s) Robert J. Goetz

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. **XX** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve Owner's continuing use of a Portable Saw is a permissible use under existing zoning and noise ordinances.
Determination necessitated by attached Code Enforcement Correction Notice.
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Spence

Name- Type or Print

Signature 409 Washington Avenue Suite 409

Towson MD

Mailing Address City State

21204 410-823-5003 adam@spencefirm.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Robert J. Goetz

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

1206 W. Lake Ave, Baltimore MD

Mailing Address City State

21210 443-386-1886 robgoetz@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Date

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2017-0162-SPH

Filing Date 12/15/16

Do Not Schedule Dates: (Below)

Reviewer JS

JAN 10, 13, 19

JAN 25 - FEB 14

FEB 23 - MAR 4

REV. 10/4/11

**ZONING PROPERTY DESCRIPTION FOR
1206 WEST LAKE AVENUE, BALTIMORE MD**

Beginning at a point on the north side of West Lake Avenue which is 40' feet wide at a distance of 38.94' feet west of the centerline of the nearest improved intersecting street (Altamont Place) which is width of 40' feet wide.

Being Lot No. 24 24 as shown on Plat entitled, "Plat #1, Lake Falls" which Plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book JWB 14, folio 18, containing 5,550 square feet (.154 acres more or less), located in the 9th Election District and 2nd County Councilmanic District.

2017-0167-SPH

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

No. 142830

Date: 12/15/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
12/16/2016 12/15/2016 11:22:18 2

REC 0502 WALKIN JEE
RECEIPT # 993615 12/15/2016 OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 142830

Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 75.00

Total: \$ 75.00

Rec From: GOETZ

For: 2017-0162-SP4

DISTRIBUTION

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

CASHIER'S
VALIDATION



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4777361

Sold To:

Law Offices of Spence, Bierley, P.C. - CU00584993
409 Washington Ave
Ste 409
Towson, MD 21204-4920

Bill To:

Law Offices of Spence, Bierley, P.C. - CU00584993
409 Washington Ave
Ste 409
Towson, MD 21204-4920

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Feb 16, 2017

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: # 2017-0162-SPH
1206 W. Lake Avenue
N/s W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Altamont Place
9th Election District - 2nd Councilmanic District
Legal Owner(s) Robert Goetz

SPECIAL HEARING: to determine whether the owner's continuing use of the portable saw is a permissible use under Zoning and Noise ordinances.

Hearing: Thursday, March 9, 2017 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.

2/136 Feb. 16 4777361

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

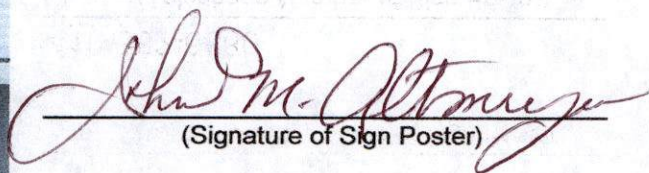
Date: 02/16/2017

RE: Project Name: Public Hearing
Case Number /PAI Number: 2017-0162-SPH
Petitioner/Developer: Robert Goetz
Date of Hearing/Closing: 03/09/2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1206 W. Lake Avenue
Baltimore, MD. 21210

The sign(s) were posted on 02/16/2017

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)



**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0162 - SPH

Property Address: 1206 West Lake Avenue, Baltimore Maryland

Property Description: Lot 24 of Plat #1, Lake Falls recorded in Plat
Book JWB 14, Folio 18, containing 5500 square feet

Legal Owners (Petitioners): Robert Goetz

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam M. Spence

Company/Firm (if applicable): Law Offices of SPENCE | BRIERLEY, P.C.

Address: 409 Washington Avenue, Suite 409
Towson, MD 21204

Telephone Number: 410-823-5003

Revised 7/9/2015

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 16, 2017 Issue - Jeffersonian

Please forward billing to:

Adam Spence
Law Offices of Spence, Brierley, P.C.
409 Washington Avenue, Ste. 409
Towson, MD 21204

410-823-5003

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: 2017-0162-SPH

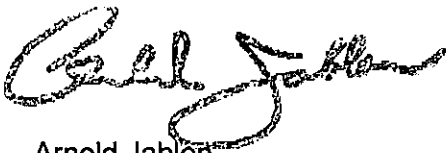
1206 W. Lake Avenue

N/s of W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Altamont Place
9th Election District – 2nd Councilmanic District

Legal Owners: Robert Goetz

Special Hearing to determine whether the owner's continuing use of a portable saw is a permissible use under Zoning and Noise ordinances.

Hearing: Thursday, March 9, 2017 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.



KEVIN KAMENETZ
County Executive

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

January 31, 2017

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: 2017-0162-SPH

1206 W. Lake Avenue

N/s of W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Altamont Place

9th Election District – 2nd Councilmanic District

Legal Owners: Robert Goetz

Special Hearing to determine whether the owner's continuing use of a portable saw is a permissible use under Zoning and Noise ordinances.

Hearing: Thursday, March 9, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Adam Spence, 409 Washington Avenue, Ste. 409, Towson 21204
Robert Goetz, 1206 W. Lake Avenue, Baltimore 21210

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 17, 2017.**
- (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.**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4875158

Sold To:

J Neil Lanzi - CU00188665
102 W Pennsylvania Ave
Ste 406
Towson,MD 21204-4509

Bill To:

J Neil Lanzi - CU00188665
102 W Pennsylvania Ave
Ste 406
Towson,MD 21204-4509

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 04, 2017

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2017-0162-SPH
1206 W. Lake Avenue
N/S W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Allamont Place
9th Election District - 2nd Councilmanic District
Legal Owner(s) Robert Goetz

SPECIAL HEARING: to determine whether the owner's continuing use of a portable saw is a permissible use under Zoning and Noise ordinances.

Hearing: Monday, April 24, 2017 at 1:30 p.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.

IT 4/6/18 April 4 4875158

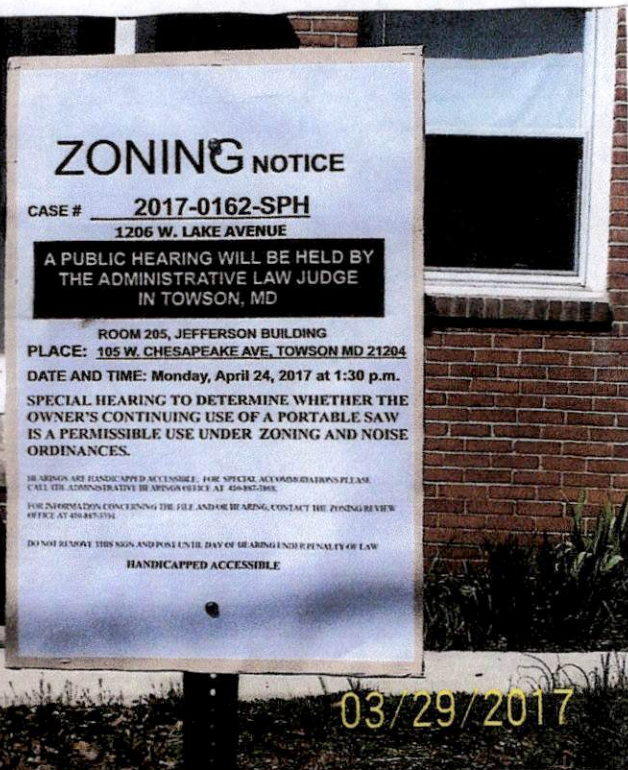
CERTIFICATE OF POSTING

Date: 03/29/2017

RE: Project Name: Public Hearing
Case Number /PAI Number: 2017-0162-SPH
Petitioner/Developer: Robert Goetz
Date of Hearing/Closing: 04/24/2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1206 W. Lake Ave
Baltimore, MD. 21210

The sign(s) were posted on 03/29/2017
(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

March 22, 2017

NEW 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: 2017-0162-SPH

1206 W. Lake Avenue

N/s of W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Altamont Place

9th Election District – 2nd Councilmanic District

Legal Owners: Robert Goetz

Special Hearing to determine whether the owner's continuing use of a portable saw is a permissible use under Zoning and Noise ordinances.

Hearing: Monday, April 24, 2017 at 1:30 p.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: Adam Spence, 409 Washington Avenue, Ste. 409, Towson 21204

Robert Goetz, 1206 W. Lake Avenue, Baltimore 21210

Neil Lanzi, 102 W. Pennsylvania Avenue, Ste. 406, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 4, 2017.**
- (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, April 4, 2017 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
102 W. Pennsylvania Avenue, Ste. 406
Towson, MD 21204

443-991-5517

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: 2017-0162-SPH

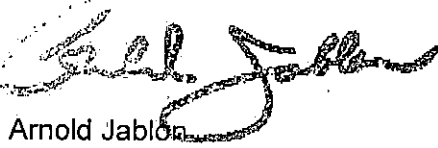
1206 W. Lake Avenue

N/s of W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Altamont Place
9th Election District – 2nd Councilmanic District

Legal Owners: Robert Goetz

Special Hearing to determine whether the owner's continuing use of a portable saw is a permissible use under Zoning and Noise ordinances.

Hearing: Monday, April 24, 2017 at 1:30 p.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.



KEVIN KAMENETZ
County Executive

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

April 18, 2017

Robert J Goetz
1206 W Lake Avenue
Baltimore MD 21210

RE: Case Number: 2017-0162 SPH, Address: 1206 W Lake Avenue

Dear Mr. Goetz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 15, 2016. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Adam M Spence, Esquire, 409 Washington Avenue, Suite 409, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/14/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0162-SPH

*Special Hearing
Robert J. Goetz
1206 W. Lake Avenue*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 26, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2016
Item No. 2017-0148, 0156, 0157, 0158, 0160, 0162 and 0164

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC12262016.doc

4-24-17

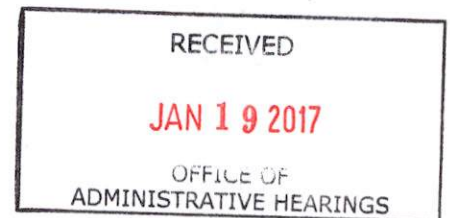
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 1/18/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-162



INFORMATION:

Property Address: 1206 W Lake Avenue
Petitioner: Robert J. Goetz
Zoning: DR 3.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should allow the owner's continuing use of a portable saw as a permissible use under existing zoning and noise ordinances.

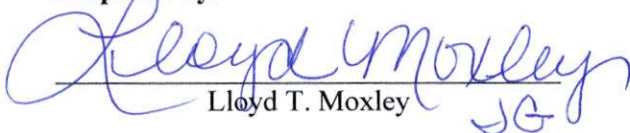
A site visit was conducted on December 27, 2016. Code Violation Case No. CC1613720 is attached to the address and is specific to the zoning relief petitioned for. In that case, the use of the property was characterized as a "saw mill". Other exterior evidence of the operation was also cited. Staff has located information on-line that advertises commercial uses of the property.

The Department does not support the petition.

Due to its inherent excessive negative impacts, it is impossible for a saw mill operation to integrate into the established residential neighborhood in any form. The Department recommends that the continued use of a portable saw, without limit, along with outside evidence of the operation on the property, exceeds the definition of "home occupation" in BCZR § 101 and is contrary to established policy concerning home occupations within §101 of the Zoning Commissioner's Policy Manual. The Department recommends sawmills are not incidental to a principal residential use of property nor can it be considered mechanical equipment used for domestic purposes. As a principal use, a saw mill is not allowed in the D.R. 3.5 zone.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka
c: Bill Skibinski
Adam M. Spence
Office of the Administrative Hearings

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 21, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0162-SPH
Address 1206 W. Lake Avenue
(Goetz Property)

Zoning Advisory Committee Meeting of **December 26, 2016.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 12-21-2016

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
1206 W. Lake Avenue; N/S W. Lake Avenue, * OF ADMINISTRATIVE
38.94' W of c/line Altamont Place *
9th Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Robert Goetz *
Petitioner(s) * BALTIMORE COUNTY
* 2017-162-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
DEC 22 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to Adam Spence, Esquire, 409 Washington Avenue, Suite 409, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: July 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0162-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 2017. 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.'

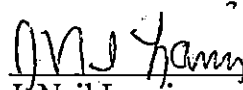
c: ✓ Case File
Office of Administrative Hearings

IN THE MATTER OF	*	BEFORE THE ADMINISTRATIVE
1206 W. Lake Avenue	*	LAW JUDGE
9 th Election District	*	FOR
2 nd Councilmanic District	*	BALTIMORE COUNTY
Legal Owner: Robert J. Goetz	*	Case No. 2017-0162-SPH

* * * * *

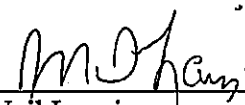
ENTRY OF APPEARANCE

Please enter the appearance of Wright, Constable & Skeen, LLP and J. Neil Lanzi,
Esquire on behalf of The Lake Falls Association in the above captioned matter.


 J. Neil Lanzi
 Wright, Constable & Skeen, LLP
 102 W. Pennsylvania Avenue
 Suite 406
 Towson, Maryland 21204
 (443) 991-5917

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 1st day of March, 2017, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to Adam M. Spence, Esquire, 409 Washington Avenue, Suite 409, Towson, Maryland 21204, Counsel for Petitioner, Robert Goetz, Petitioner, 1206 W. Lake Avenue, Baltimore, Maryland 21210 and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.


 J. Neil Lanzi



TO KL
OK

Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917

J. NEIL LANZI

Email: nlanzi@wcsllaw.com

March 1, 2017

Arnold Jablon, Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 105
Towson, MD 21204

Re: Case No. 2017-0162-SPH

Dear Mr. Jablon:

Along with this letter, I am enclosing my Entry of Appearance on behalf of The Lake Falls Association, interested person to the above referenced case. A special hearing request has been scheduled for Thursday, March 9, 2017 at 10:00 a.m.

On behalf of The Lake Falls Association, I would respectfully request the case be postponed from the current date to the next available hearing date. The reason for the request is that I am counsel of record in a case before the County Board of Appeals also on March 9, 2017 at 9:30 a.m. I am enclosing a copy of the Notice. In addition, at least four families that are members of the Association and who reside either next to or in the immediate vicinity of the Petitioner's property cannot make the March 9, 2017 hearing date and do wish to be heard.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Neil Lanzi', is written over the typed name.

J. Neil Lanzi

cc: Adam M. Spence, Esquire, Counsel for Petitioner
Robert Goetz, 1206 W. Lake Ave, Baltimore, MD 21210
The Lake Falls Association
People's Counsel, Peter Max Zimmerman
Kristen Lewis, Room 111

Kristen L Lewis

From: Neil Lanzi <nlanzi@wcslaw.com>
Sent: Friday, March 17, 2017 10:51 AM
To: Kristen L Lewis
Subject: RE: 2017-0162-SPH

*per Arnold
Bill Neil for
adjustment*

Kristen,

Thanks for the update. Please avoid April 12, April 28 and May 1, as I will not be available those three days.

Neil



Neil Lanzi
Partner
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
Tele: 443-991-5917
E-mail: nlanzi@wcslaw.com

From: Kristen L Lewis [mailto:kewis@baltimorecountymd.gov]
Sent: Friday, March 17, 2017 10:07 AM
To: Neil Lanzi
Subject: RE: 2017-0162-SPH

Hi Neil,

That case has not been rescheduled yet, I am currently setting things in April. You may be receiving a notice sometime within the next week or so.

Kristen Lewis
PH - Zoning Review
410-887-3391

From: Neil Lanzi [mailto:nlanzi@wcslaw.com]
Sent: Thursday, March 16, 2017 10:09 AM
To: Kristen L Lewis <kewis@baltimorecountymd.gov>
Subject: 2017-0162-SPH

Hi Kristen,

The above case was postponed at my client's request from the March 9th hearing date. Has a new date been assigned? Can you please email me the notice if so? Do you need my clients to put up the new sign or take care of a new newspaper publication?

Wed. 5/31
1:30 PM

Debra Wiley

From: Debra Wiley
Sent: Wednesday, April 26, 2017 11:48 AM
To: J. Neil Lanzi Esq. (nlanzi@wcslaw.com); 'adam@spencefirm.com'
Cc: Kristen L Lewis; Kimberly A Wood; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Continuation of Case No. 2017-0162-SPH from April 24th - 1206 W. Lake Ave. (Goetz)

Good Morning Counsel,

This is to confirm that the agreed upon continuation of the above-referenced matter will reconvene on Wednesday, May 31, 2017 @ 1:30 PM, in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson, MD.

Please do not hesitate to contact me with any questions and/or concerns.

Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Debra Wiley
Sent: Wednesday, April 26, 2017 11:48 AM
To: J. Neil Lanzi Esq. (nlanzi@wcslaw.com); 'adam@spencefirm.com'
Cc: Kristen L Lewis; Kimberly A Wood; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Continuation of Case No. 2017-0162-SPH from April 24th - 1206 W. Lake Ave. (Goetz)

Good Morning Counsel,

This is to confirm that the agreed upon continuation of the above-referenced matter will reconvene on Wednesday, May 31, 2017 @ 1:30 PM, in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson, MD.

Please do not hesitate to contact me with any questions and/or concerns.

Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

4/26/17

Melody from J. Neil Langi's ofc. (443.991.5917)
confirmed w/ Mr. Langi's clients as well as
with Mr. Spence continuation date of
Wed., May 31st @ 1:30 PM, Rm. 205

4/26/17

Deb conf. w/ Kristen for rm.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0902856250			
Owner Information					
Owner Name:		GOETZ ROBERT J		Use:	RESIDENTIAL
Mailing Address:		1206 W LAKE AV BALTIMORE MD 21210-1013		Principal Residence:	YES
				Deed Reference:	/07778/ 00659
Location & Structure Information					
Premises Address:		1206 W LAKE AVE 0-0000		Legal Description: 158 W LAKE FALLS RD LAKE FALLS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0079	0004	0206		0000	24 2017 0014/0018
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1949	2,262 SF	283 SF	6,550 SF	04	
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT		2 full/ 1 half	
Value Information					
Base Value		Value	Phase-in Assessments		
		As of 01/01/2017	As of 07/01/2016	As of 07/01/2017	
Land:	169,500	169,500			
Improvements	279,500	228,100			
Total:	449,000	397,600	449,000	397,600	
Preferential Land:	0			0	
Transfer Information					
Seller: GOETZ ROBERT J		Date: 01/26/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07778/ 00659		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/20/2008					

April 19, 2017

Zoning Review
County Office Building
111 West Chesapeake Ave., Room 111
Towson, MD 21204

Re: 1206 W. Lake Avenue, N/s of W. Lake Avenue, 38.94 ft. W/of centerline of the intersection with Altamont Place 9th Election District – 2nd Councilmanic District, Legal Owner: Robert Goetz; Case Number: 2017-0162-SPH

Dear Sir or Madam:

Please find enclosed an original and a copy of (i) a Subpoena on Chris Kabler and (ii) a Subpoena on Anna Boyle.

Please file the above referenced pleading and return a date-stamped copy of the same to the awaiting courier.

If you have any questions, please let me know.

Very truly yours,

John.

The people subpoenaed will be here. They needed to do a subpoena for the 2 individuals for work purposes.

IN RE:	*	BEFORE THE
1206 W. LAKE AVENUE; N/S W.	*	OFFICE OF
LAKE AVENUE, 38.94' OF C/LINE	*	ADMININISTRATIVE
ALTAMONT PLACE 9 TH ELECTION	*	HEARINGS
& 2 ND COUNCILMANIC DISTRICTS	*	FOR BALTIMORE COUNTY
LEGAL OWNER: ROBERT GOETZ	*	
Petitioner.	*	Case No. 2017-0162-SPH

* * * * *

SUBPOENA

TO: Chris Kabler
1204 W. Lake Avenue
Baltimore, MD 21210

You are hereby summoned and commanded to be and appear personally before the Administrative Law Judge for Baltimore County on Monday, the 24th day of April, 2017, at 1:30 p.m. in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson regarding the above captioned matter.

Private Process Server:
Please process in accordance with Zoning Commissioner's Rule 4C.



Administrative Law Judge/Clerk

Issued: 4-19-17

Requested by:



Adam M. Spence, Esq.
SPENCE | BRIERLEY, P.C.
409 Washington Avenue, Suite 1000
Towson, MD 21204
Phone: (410) 823-5003
Telecopier: (443) 836-9181

IN RE:

1206 W. LAKE AVENUE; N/S W.

LAKE AVENUE, 38.94' OF C/LINE

ALTAMONT PLACE 9TH ELECTION

& 2ND COUNCILMANIC DISTRICTS

LEGAL OWNER: ROBERT GOETZ

Petitioner.

*

*

*

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE

HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0162-SPH

* * * * *

SUBPOENA

TO: Anna Boyle
1204 W. Lake Avenue
Baltimore, MD 21210

You are hereby summoned and commanded to be and appear personally before the Administrative Law Judge for Baltimore County on Monday, the 24th day of April, 2017, at 1:30 p.m. in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson regarding the above captioned matter.

Private Process Server:

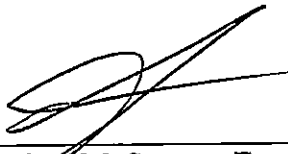
Please process in accordance with Zoning Commissioner's Rule 4C.



Administrative Law Judge/Clerk

Issued: 4-19-17

Requested by:



Adam M. Spence, Esq.
SPENCE | BRIERLEY, P.C.
409 Washington Avenue, Suite 1000
Towson, MD 21204
Phone: (410) 823-5003
Telecopier: (443) 836-9181

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

GOETZ ROBERT J
1206 W LAKE AV
BALTIMORE, MD 21210-1013

CASE NUMBER	PROP. TAX ID
CC1613720	0902856250
VIOLATION ADDRESS	
1206 W LAKE AVE ROLAND PARK, MD 21210-1013	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.C. 13-7-112: Nuisance Code	BCC-17-3-101-106 A person may not create noise that disturbs the peace of the neighboring properties. Cease the operation of saw mill. Cease the illegal operation of a Home Occupation.
B.C.Z.R 101; 102.1; ZCPM: Illegal home occupation	Cease the illegal operation of a Saw Mill in a residential zone.
B.C.C. 13-7-312: Remove accumulations of debris, materials, etc	Cease the outside storage/accumulation of all lumber from residential property.
B.C.Z.R 101; 102.1: Remove contractors equip. storage yard	Cease the illegal operation of a Contractors Equipment Storage Yard. Remove saw mill and lumber.

Failure to comply with this correction notice, may result in a **\$200.00** fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the Inspector for more information and details.

COMPLIANCE DATE: 12/16/2016	INSPECTOR NAME: Kimberly Wood
	ISSUED DATE: 11/16/2016

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

- It is important that you read this document carefully, as it charges you with the commission of a crime.
- If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
- If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
- A lawyer can give important assistance to you:
 - on how to correct the violation(s) in order to avoid trial or
 - at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
- A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
- It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations; and standards.
- Upon correction of these violation(s), contact the Inspector for re-inspection. If you have any questions contact the Inspector promptly.

After the trial on Schuman's substantive claims, Schuman has still not presented sufficient evidence to convince us that Mr. Popovic's smoking is a substantial and unreasonable interference with the use and enjoyment of his home. "A nuisance in fact is an act, occupation, or structure, not a nuisance per se, but one which becomes a nuisance by reason of the circumstances, location, or surroundings." Adams, 204 Md. at 170, 102 A.2d 830. For example, noise can become a nuisance if it is substantial and unreasonable. See Gorman, **523 210 Md. at 159, 122 A.2d 475 ("If noise causes physical discomfort and annoyance to those of ordinary sensibilities, tastes and habits and seriously interferes with the ordinary comfort and enjoyment of their homes, and thus diminishes the value of the use of their property rights, it constitutes a private nuisance, entitling those offended against to damages."). To identify this type of nuisance, we look at what "ordinary people, acting reasonably, have a right to demand in the way of health and comfort under all the circumstances." 1 *470 Harper, James & Gray On Torts § 1.25 (3d ed. 2006) (Citations omitted). Thus, it is not enough if a particular plaintiff "is offended or annoyed if he is peculiarly sensitive." Id.

Exxon Mobil Corp. v. Albright, 432 Md. 67, 67 A.3d 1100, 2013 WL 673738 (2013), is instructive on the nuisance standard. There, approximately 26,000 gallons of gas from underground tanks at a gas station in Jacksonville, Maryland leaked. [Op.] at 80–81. Following the leak, 466 residents and business owners in the area filed suit against Exxon for damages stemming from the contamination of their water supply, other consequential effects, and alleged misrepresentations. Id. The wells suspected of contamination were tested and approximately 65 properties did not test positive for contamination. Id. at 105. However, an expert testified that it was possible that the contamination would appear during the next thirty years. Id. at 106. Thus, the owners of these properties claimed that they could recover under several theories, including nuisance. Id. at 107–08.

The Court of Appeals determined that the property owners could not prove the substantial interference element of nuisance. Id. at 110–11. The residents argued that they had to use bottled water or Brita filters, they entertained in and about their homes less than they had before the leak, they reduced the frequency of use of their outdoor spaces, and they had to take shorter showers and baths. Id. These inconveniences, the Court found, did not deprive the property owners of the use of significant portions of their property, nor was the availability of their properties for their customary uses impaired substantially. Id. at 111.

CA Appeals Court Holds Resort's Intermittent Violation of Resort Services Regulation of Zoning Ordinance Did Not Constitute Per Se Private Nuisance Entitling Owners to Injunction

This case was an appeal brought by Plaintiffs Angel and Linda Mendez, who appealed a judgment in favor of defendant Rancho Valencia Resort Partners, LLC. The trial court entered judgment in favor of defendant on plaintiffs' action for private nuisance, based on a dispute over the reasonableness of the level of noise generated during outdoor festivities held at the Rancho Valencia Resort. Plaintiffs, who shared a property line with the Resort, became frustrated with the noise emanating from the Resort when it hosted outdoor events on a lawn created for that purpose. Plaintiffs filed suit, alleging that the Resort's outdoor events constituted a private nuisance, and sought to enjoin the Resort from continuing to create noise that would travel onto plaintiffs' property and disturb them there. Despite a finding that "the public address system used by the Resort on the Croquet Lawn operates at a volume that allows words to be understood outside the boundaries of the Rancho Valencia property", the trial court concluded that the Resort's outdoor events did not amount to a private nuisance.

The court first noted that the elements of substantial damage and unreasonableness necessary to making out a claim of private nuisance are questions of fact that are determined by considering all of the circumstances of the case. Thus, plaintiffs were required to demonstrate that the use of this public address system in this way constituted an interference with plaintiffs' use and enjoyment of their land that was substantial and unreasonable. However, even assuming that a violation of Resort Services section 6403 constituted a public nuisance pursuant to Zoning Ordinance section 7703, plaintiffs' suggestion that the court had a responsibility to enjoin any violation of a zoning ordinance raised in a private nuisance action because there was no other method to "enforce the County's legislative policy," was baseless. The court found that the relevant ordinances did not leave a vacuum of remedies for the violation of the Zoning Ordinance, such that the only available remedy was for a trial court to enjoin such a violation of the Zoning Ordinance through a private nuisance action filed by private individuals.

Additionally, the court found that it was clear from a review of the trial court's decision that the trial court considered and mentioned several factors in reaching its determination that the noises generated from the Croquet Lawn, noises that "otherwise comply with the General Sound Level Limits of the County Noise Ordinance," were not "disturbing, excessive or offensive within the meaning of section 36.414." The trial court considered the nature of the noise, noting that the sounds were comprised of "music, voices, applause, and laughter," none of which is unusual or unexpected. The court also noted the evening events concluded at 10:00 p.m., so that "it cannot be said that these sounds extend beyond a reasonable hour." The court also took into consideration the facts that the noise from the Croquet Lawn events took place intermittently, and the effects of ambient noise on the level of noise in general in the area, including bird noise, sprinklers, and aircraft. The court considered all of these factors, in addition to its finding regarding the level of noise, that "at no time did Croquet Lawn events hosted by Rancho Valencia generate noise exceeding the statutory limit." Based on the aforementioned factors, the trial court reasonably determined that it "cannot conclude that noise levels from the Resort that otherwise comply with the General Sound Level Limits of the County Noise Ordinance are nonetheless disturbing, excessive or offensive within the meaning of section 36.414."

Mendez v. Rancho Valencia Resort Partners, LLC, D067899, 2016 WL 4771043 (Cal. App. 4th Dist. 8/26/2016)

1998 WL 1989816

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeals of Michigan.

Thomas BLICHMANN, Plaintiff-Appellant,

v.

NICHOLSON MANUFACTURING COMPANY and
NICHOLSON MANUFACTURING, LTD., Defendants-Appellees,

and

LOUISIANA-PACIFIC CORPORATION, Intervening Plaintiff.

No. 203234.

|
Oct. 2, 1998.

Before: MARKMAN, P.J., and GRIFFIN and WHITBECK, JJ.

UNPUBLISHED

PER CURIAM.

*1 Plaintiff appeals as of right from an order of the trial court granting defendants' motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

I. Basic Facts And Procedural History

A. The Parties

1. Defendant Nicholson Manufacturing Company

Defendant Nicholson Manufacturing Company¹ designs, manufactures and distributes various industrial machinery utilized in the timber industry. Among its products is the A-5 debarker, that rapidly rotates freshly cut timber while pushing it forward through a debarking ring thereby removing the timber's bark.

2. Intervening Plaintiff Louisiana-Pacific Corporation

Intervening plaintiff Louisiana-Pacific Corporation is a large timber producing corporation. In 1993, Nicholson Manufacturing and Louisiana-Pacific negotiated the sale of two A-5 debarkers to be used in Louisiana-Pacific's Sagola, Michigan, timber mill. This contract also included in-feed and out-feed conveyor belts, operational manuals and a site visit by a service representative subsequent to installation.

249 Md. 390
Court of Appeals of Maryland.

Ernest R. P. SMITH et al.

v.

Charles D. MILLER et al.

No. 160.	Notes sawmill operation
	included "barker to peel logs"
April 2, 1968.	

Zoning case in which parties opposing application appealed from an adverse decision of the Circuit Court, Harford County, Stewart Day, C. J. The Court of Appeals, Singley, J., held that zoning board acted arbitrarily and capriciously in relying on a conditional use provision to permit a sawmill in an agricultural district, which was a use that the zoning ordinance manifestly intended to confine to a general industrial district.

Order reversed.

West Headnotes (3)

- [1] **Zoning and Planning** ⇔ Ordinance as a whole, and intrinsic aids
Provisions of zoning ordinance must be considered as an entirety.

Cases that cite this headnote

- [2] **Zoning and Planning** ⇔ Agricultural uses, woodlands and rural zoning
Zoning board acted arbitrarily and capriciously in relying on a conditional use provision to permit a sawmill in an agricultural district, which was a use that the zoning ordinance manifestly intended to confine to a general industrial district.

1 Cases that cite this headnote

- [3] **Zoning and Planning** ⇔ Accessory uses in general
Since principal use should not have been granted by zoning board, granting of accessory uses would also fail.

Cases that cite this headnote

Attorneys and Law Firms

*390 **900 Cypert O. Whitfill, Bel Air (A. Freeborn Brown and T. Carroll Brown Bel Air, on the brief) for appellants.

*391 J. Wilmer Cronin, Aberdeen, and Stanley Getz, Bel Air, for appellees.

Before HORNEY, MARBURY, McWILLIAMS, FINAN and SINGLEY, JJ.

130 Md.App. 1
Court of Special Appeals of Maryland.
EASTERN SERVICE CENTERS, INC.
v.
CLOVERLAND FARMS DAIRY, INC., et al.
No. 1814, Sept. Term, 1998.
|
Jan. 11, 2000.

Applicant sought zoning permit to construct gas station with accessory convenience store. The zoning board granted permit, and applicant's competitor sought judicial review. The Circuit Court, Baltimore City, John C. Byrnes, J., affirmed, and competitor appealed. The Court of Special Appeals, Sonner, J., held that evidence supported zoning board's finding that convenience store was an accessory use to gas station for purposes of application.

Dismissed.

West Headnotes (8)

^[1] **Zoning and Planning**
⇒ Proceedings; time limitations

Circuit court properly exercised its revisory power to correct the mistake and irregularity of having two judgment dates in the record by revising the August 28 order, affirming zoning board's decision, to reflect August 31 as the date of judgment for purposes of determining whether appellant's appeal filed on September 29 was timely; entries in the court's computerized docket indicated that August 28 and August 31 were the judgment dates, while the handwritten docket, upon which appellant relied, listed only August 31. Md.Rule 2-535.

Cases that cite this headnote

^[2] **Zoning and Planning**

⇒ Proceedings; time limitations

Having not received copy of trial court's order affirming zoning board's decision, appellant, who diligently inspected court's file to determine date of judgment for purposes of filing timely appeal, was entitled to rely on case docket in the court's file which listed judgment date as August 31, and appellant had no reason to, and was not required to, use computerized docket to search for earlier or inconsistent judgment date of August 28; appellant could look at file or docket to determine when judgment was entered and was entitled to rely on that date as public record.

Cases that cite this headnote

^[3] **Zoning and Planning**
⇒ Right of Review; Standing

Person whose sole reason for appealing decision from zoning board is to prevent competition with his established business does not have standing to appeal.

3 Cases that cite this headnote

^[4] **Zoning and Planning**
⇒ Permits, certificates, and approvals

Service station owner did not have standing to appeal zoning board's decision granting applicant permit to construct gas station with accessory convenience store approximately one block from owner's site since owner's sole motive for appeal was to prevent competition.

3 Cases that cite this headnote

^[5] **Administrative Law and Procedure**
⇒ Fact Questions

233 Md. 138
Court of Appeals of Maryland.

Ralph S. BAILEY et al.

v.

Joseph B. MILLER et ux.

No. 109.

|

Dec. 10, 1963.

Contempt proceeding against operators of a sawmill based upon their alleged failure to comply with a decree enjoining them from operating the mill in such a manner as to create noise which deprived complaining neighbors of the reasonable and comfortable enjoyment of their home. The Circuit Court, Charles County, Ralph W. Powers, J., cited the operators for contempt and they appealed. The Court of Appeals, Hammond, J., held that the decree was not too general and that contempt citation was justified.

Decree affirmed.

West Headnotes (3)

[1] Nuisance

⇒ Judgment or Decree, and Enforcement
Thereof in General

Decree enjoining operation of sawmill in a manner which created noise depriving neighbors of the reasonable use and comfortable enjoyment of their home was not too general.

1 Cases that cite this headnote

[2] Nuisance

⇒ Violation of Injunction, and Punishment
Thereof

Sawmill operators who had not appealed from decree by which they had been enjoined from operating the mill in a manner which created noise depriving neighbors of reasonable and comfortable enjoyment of their home and who had attempted to comply with the decree in a manner which indicated a recognition of what would constitute appropriate corrective

measures were in no position to challenge the decree in subsequent contempt proceeding on ground that it provided inadequate guide lines to determine the steps required for compliance therewith.

Cases that cite this headnote

[3] Nuisance

⇒ Violation of Injunction, and Punishment
Thereof

Contempt citation against sawmill operators based on determination that operators had not done all that they reasonably could do in order to obey a decree enjoining the operation of the mill in such a manner as to create noise depriving complaining neighbors of the reasonable and comfortable enjoyment of their home was justified.

1 Cases that cite this headnote

Attorneys and Law Firms

*139 **602 John H. Mitchell, La Plata (Edward S. Digges, Digges & Mitchell, La Plata, on the brief), for appellants.

George W. Bowling, Waldorf (Bowling & Perrin, Waldorf, on the brief), for appellees.

Before BRUNE, C. J., and HAMMOND, PRESCOTT, HORNEY and SYBERT, JJ.

Opinion

HAMMOND, Judge.

The appellants, who operate a sawmill in Charles County close to the residence of the appellees, have appealed because aggrieved at having been held in contempt of court for failing to comply with a decree which enjoined them from operating their mill 'in such a manner as to create noise of such volume and quantity as to deprive the Plaintiffs and members of their *140 family from the reasonable use and comfortable enjoyment' of their dwelling house.

The decree enjoining the making of excess noise was passed on September 27, 1962. No appeal was taken

182 So.3d 510
Supreme Court of Alabama.

Ex parte NICHOLSON MANUFACTURING LIMITED.

(In re Gerald A. Templeton, as administrator of the Estate of Casimiro Deleon Ixcoy, deceased

v.

KyKenKee, Inc., et al.).

1130411.

|

May 29, 2015.

Synopsis

Background: Administrator of logging employee's estate filed suit against employer and various fictitiously named defendants asserting wrongful death, including wrongful death premised on products-liability theory. The Circuit Court, Tuscaloosa County, No. CV-12-901218, John H. England, Jr., J., denied motion for summary judgment filed by manufacturer of debarking machine on limitations grounds, after administrator substituted manufacturer for one of fictitiously named defendants. Manufacturer petitioned for writ of mandamus to direct circuit court to enter summary judgment in its favor.

[Holding:] The Supreme Court, Shaw, J., held that substitution of manufacturer for fictitiously named defendant did not relate back to filing of original complaint, for purposes of two-year limitations period governing claim.

Petition granted; writ issued.

Moore, C.J., filed dissenting opinion.

West Headnotes (12)

[1] **Mandamus** ⇌ Nature and scope of remedy in general

A writ of mandamus will issue when the petitioner shows: (1) a clear legal right to the order sought; (2) an imperative duty upon the respondent to perform, accompanied by a refusal to do so; (3) the lack of another adequate remedy; and (4) the properly invoked jurisdiction of the court.

Cases that cite this headnote

[2] **Mandamus** ⇌ Signing or entry of judgment or order

Supreme Court generally will not review by a petition for a writ of mandamus a trial court's denial of a motion for a summary judgment unless one of a limited number of exceptions apply.

Cases that cite this headnote

[3] **Death** ⇌ Computation of period of limitation

Limitation of Actions ⇌ Amendment of defects

2007 WL 3380063

UNPUBLISHED OPINION. CHECK COURT RULES
BEFORE CITING.

Superior Court of Connecticut,
Judicial District of Ansonia.

Jean A. DIEDRICH et al.

v.

Keith S. KRUYSMAN et al.

No. CV074008301S.

Oct. 25, 2007.

Synopsis

Background: Property owners filed application for a temporary and permanent injunction against neighboring property owners, claiming that noise created by neighboring owners' air conditioning compressors created a nuisance for owners and prevented them from enjoying their property.

Holding: The Superior Court, Judicial District of Ansonia; Cronan, J., held that noise from compressors did not constitute a nuisance.

Application denied.

West Headnotes (1)

[1] **Nuisance**

☞ Nature and Extent of Injury or Danger

Nuisance

☞ Acts Authorized or Prohibited by Public Authority

Noise created by neighboring property owners' air conditioning compressors did not constitute a nuisance to property owners such as would warrant granting them temporary or permanent injunctive relief; there was no evidence that neighboring property owners' installment of compressors violated any zoning or building codes, and though property owner testified that

she was greatly annoyed by presence of compressors outside her home, and she spoke to a doctor about her anxiety and concerns, this did not rise to the level of injury.

Cases that cite this headnote

Attorneys and Law Firms

Lynch Trembicki & Boynton, Milford, for Jean A. Diedrich et al.

Lynch Trembicki & Boynton, Milford, for Robin D. Fessel.

Stevens Carroll & Carveth, Milford, for Keith S. Kruysman et al.

Stevens Carroll & Carveth, Milford, for Lauren A. Kruysman.

Opinion

CRONAN, J.

*1 The plaintiffs in this matter reside at 102 Shell Avenue, Milford, CT. The defendants reside at 100 Shell Avenue. This area is also referred to as the Trumbull Beach area of Milford. The homes in this area are on relatively small lots and, as a result, are relatively close together. In 2005, the defendants undertook a remodeling project which included the installation of three air conditioning compressors placed on platforms which were components of a new central air conditioning system for the home. The compressors were on the side of the defendants' home close to the side of the plaintiffs' home. On June 17, 2007, the plaintiffs filed a motion for a temporary injunction with this court claiming that the noise created by the air conditioning compressors created a nuisance for the plaintiffs and prevented them from the enjoyment of their property. The motion was heard by this court on September 17, 2007 at the Milford Superior Court at Derby. Jean Diedrich testified for the plaintiffs and Keith Kruysman testified for the defendants. The court found both to be credible witnesses.

§ 52-471 of the Connecticut General Statutes gives this court the authority to grant equitable relief in the form of an injunction. What must be addressed here is whether the

 KeyCite Yellow Flag - Negative Treatment
Distinguished by Mayor and Council of Rockville v. Rylins Enterprises,
Inc., Md., December 31, 2002

86 Md.App. 745
Court of Special Appeals of Maryland.

COUNTY COMMISSIONERS OF CARROLL
COUNTY, Maryland

v.
Maurice R. ZENT.

No. 950 Sept. Term 1990.

April 4, 1991.

Property owner sought judicial review of decision of local zoning board as to whether its storage activities qualified as proper "accessory use" to its milk trucking and distribution business. The Circuit Court, Carroll County, Luke K. Burns, Jr., J., reversed board's decision, and appeal was taken. The Court of Special Appeals, Cathell, J., held that: (1) any increase in number of decommissioned vehicles that were stored for parts on property owned by milk trucking and distribution business was mere "intensification" of prior nonconforming use, and not impermissible "extension" thereof, and (2) business engaged in permissible "accessory use" of property when, in order to facilitate maintenance of its existing trucks, it stored decommissioned trucks as source of parts on portion of land.

Affirmed.

West Headnotes (4)

- [1] **Zoning and Planning**
⇒Matters of discretion
Zoning and Planning
⇒Questions of fact; findings

Court of Special Appeals applies "fairly debatable" standard in assessing trial court's findings with respect to administrative zoning decision, and "abuse of discretion" standard with respect to trial court's legal conclusions.

1 Cases that cite this headnote

- [2] **Zoning and Planning**
⇒Increase in amount or intensity of use

Any increase in number of decommissioned vehicles that were stored for parts on property owned by milk trucking and distribution business was mere "intensification" of prior nonconforming use, and not illegal "extension" of that use, as business was being operated in exactly the same way and on same land as at time of zoning ordinance's enactment.

8 Cases that cite this headnote

- [3] **Zoning and Planning**
⇒Particular accessory uses

Milk trucking and distribution business engaged in permissible "accessory use" when, in order to facilitate maintenance of its operable vehicles, it stored decommissioned vehicles as source of spare parts on portion of land; storage activities were attendant, concomitant, and customary to primary nonconforming use of conducting milk distribution operation.

4 Cases that cite this headnote

- [4] **Zoning and Planning**
⇒Accessory uses in general

Use is permitted as "accessory use" to permitted nonconforming use, where use does not change basic nature of primary nonconforming use and is truly incidental to, and supports nonconforming use; such accessory uses are permitted unless expressly prohibited by statute.

1 Cases that cite this headnote

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

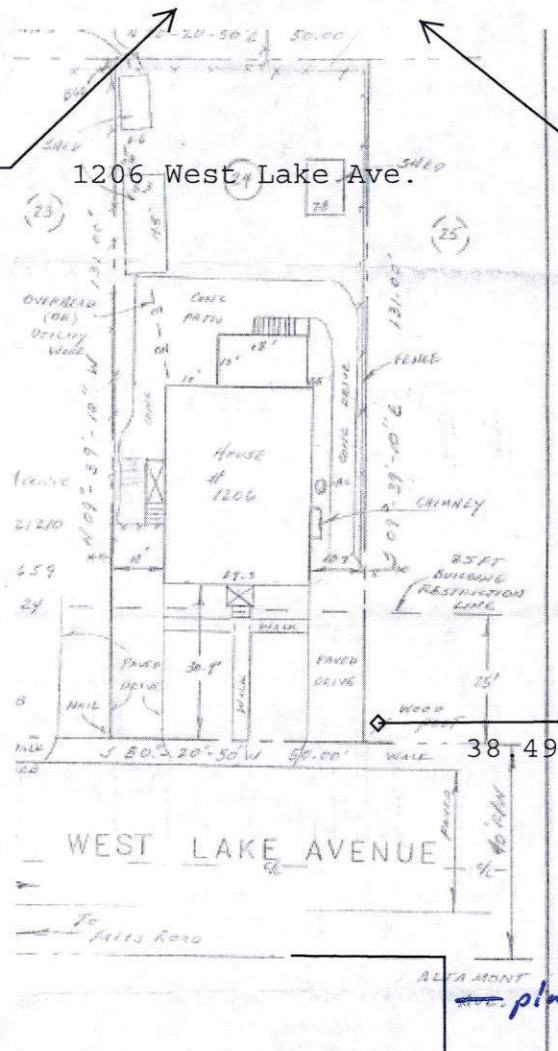
ADDRESS 1206 West Lake Avenue, Baltimore OWNER(S) NAME(S) Robert Goetz

SUBDIVISION NAME Lake Falls (Plat #1) LOT # 24 BLOCK # n/a SECTION # n/a

PLAT BOOK # JWB14 FOLIO # 18 10 DIGIT TAX # 0902856250 DEED REF. # 7778 / 659

PEREZ HAL A
STAUFFER TAMMI L
Lot 31
Plat #1 Lake Falls
0923500980
24380/ 00656
1211 Lake Falls Road
Baltimore MD

SKEEN STEPHEN D SR
SKEEN F WINSHIP
Lot 23
Plat #1 Lake Falls
0923752620
07117/ 00492
1208 W. Lake Ave
Baltimore MD

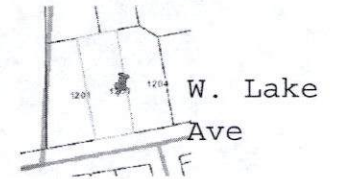


KNIPP DAVID S
KNIPP CYNTHIA T
Lot 30
Plat # Lake Falls
0906202940
08754/ 00333
1209 Lake Falls Road
Baltimore MD

WONG ANDREW G
WONG MARIA L
Lot 25
Plat #1 Lake Falls
0905880810
27047/ 00353
1204 w. Lake Avenue
Baltimore MD

(to centerpoint of
Altamont Place)

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 079B1

SITE ZONED DR 3.5

ELECTION DISTRICT 9

COUNCIL DISTRICT 2

LOT AREA ACREAGE .154+/-

OR SQUARE FEET 5,550

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

VIOLATION CASE INFO:

Correction Notice

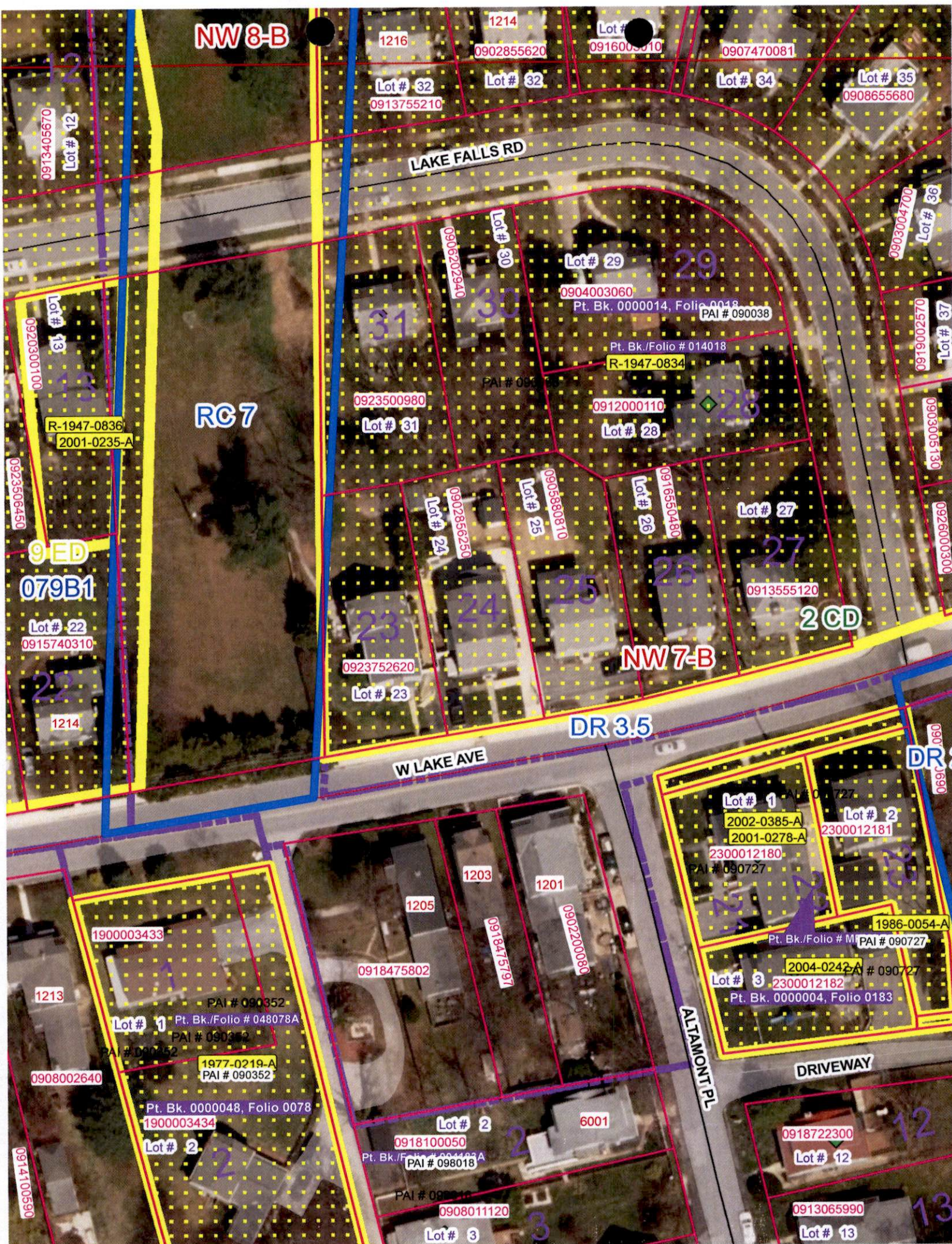
Case No. CC1613720

PLAN DRAWN BY Adam Spence DATE 12/14/16 SCALE: 1 INCH = 30' FEET

based on survey by Welsh Engineering

& Plat #1, Lake Falls

2017-0162-SPM



CASE NAME 20 GOETZ
CASE NUMBER 2017 0162 SPH
DATE 5/31/17

[illegible]

DATE _____

2017-162

5/31/2017

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME 2017-162-SPH
CASE NUMBER _____
DATE 4/24/17

[illegible]

1872

1872

1872

1872

1872

1872

1872

CASE NAME 2017-0162-SPH
CASE NUMBER _____
DATE 4-24-17

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

Case No.:

2017-0162-SPH

Exhibit Sheet

Petitioner/Developer

Protestants

 Serv
6-5-17

No. 1	photo - of Lucas saw	Aerial photo of community
No. 2	photos of furniture made by Petitioner	Lake Falls directory
No. 3	photos of back porch enclosure project.	Lucas Saw mill brochure
No. 4	photo of Hobbs meter on saw	Photos - ^{from} neighbors property
No. 5	Log of times saw was used.	Ms. Skeen's daybook
No. 6	Code Enforcement complaint log	Documents re: RJG Enterprises.
No. 7	Deed	Photo - David Knipp house
No. 8	Articles of Organization for RJG Enterprises, LLC	DOP ZAC comment
No. 9	Personal property tax return (2016) - RJG, LLC	Time Log of Saw Use (corrected)
No. 10		Summary of time use logs for saw
No. 11		Sen Dec Saw - meter Sen Dec
No. 12		Article re: background noise reduction of cell phones

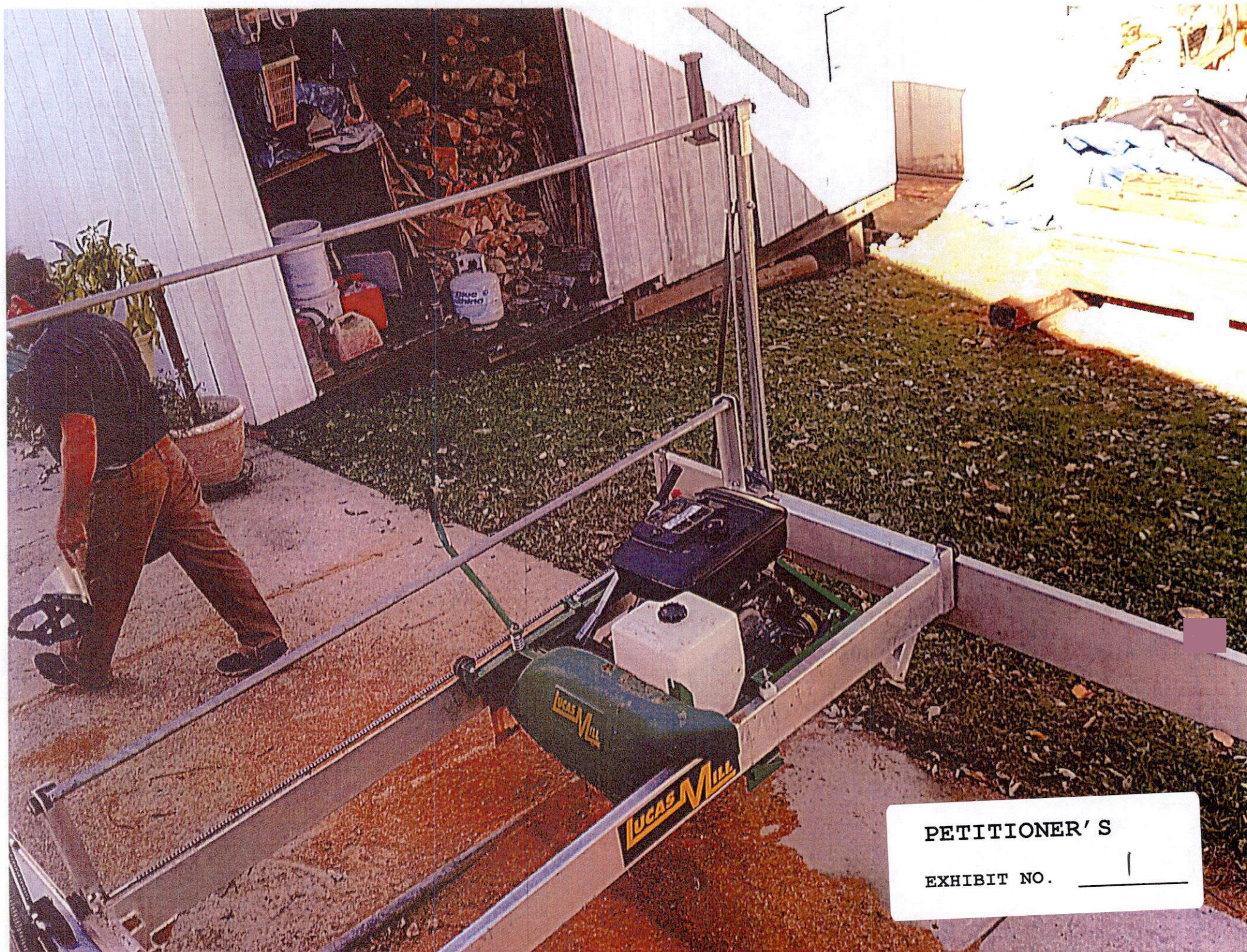
Case No.: 2017-0162-SPH

Exhibit Sheet - Continued

Petitioner/Developer

Respondent

No. 13		Petition signed by residents of Lake Falls
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		



PETITIONER'S

EXHIBIT NO. 1



PETITIONER'S
EXHIBIT NO. 2









PETITIONER' S

EXHIBIT NO. 3



enDEC®

24.3

CH/HOUR

1/10

PETITIONER'S

EXHIBIT NO.

4

DATE	TIME USED	COMMENTS
10/7/16	12:30 am – 4:30 pm	Prior to use, Hobbs read 10 hours
10/8/16	10:30 am – 4:30 pm	
10/9/16	10:30 am – 3:00 pm	
11/5/16	10:30 – 4:30 pm	Skeens out of town
11/6/16	10:30 am -2:30 pm	Skeens returned in afternoon
11/19/16	1:00 pm – 4:00 pm	Hobbs reads 22.5 hours
11/26/16	1:30 pm – 4:00 pm	23.3 hours prior to use

PETITIONER'S

EXHIBIT NO. 5



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CC99CO0049756

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CC99CO0049756	Latoshia Rumsey-Scott		08/21/2008	Closed		

Complaint Description: BUSINESS FROM RESIDENCEDR3.527A12

Property

1206 W LAKE AVE
BALTIMORE, MD 21210
Tax Id: 0902856250

Owner

GOETZ ROBERT J
1206 W LAKE AV
BALTIMORE, MD 21210

Complainant

FRANCES SKEEN
1208 LAKE AVE W
BALTIMORE MD, 21210
4103774729

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Latoshia Rumsey-Scott	09/30/2008	Re-Inspection	Research	Research	

Lien Information - No Lien

Comments Detail

9/13/2008: [09/13/2008] AS/400: *** 08/26/08 INSPECTION OF PROPERTY, NO ACTIVITY AT TIME OF INSPECTION. LUMBER IN REAR YARD. FROM COMPLAINT LETTER WILL ISSUE CORRECTION NOTICE TO CEASE BUSINESS IN RESIDENTIAL ZONE. WILL CONTINUE TO MAKE INSPECTIONS TO GATHER EVIDENCE FOR CASE. LEFT VM FOR COMPLAINANT. P/U 09/26/08 LRS*** ** 09/09/08 MEETING SET TO W/ OWNER AT PROPERTY @ 1.LRS***
9/13/2008: [09/13/2008] Owner Information: ROBERT GOETZ443-386-1886
2/15/2014: *** 09/29/08 call into owner to set up time for inspection. also left vm for complnt. lrs***Conv- No Violation

PETITIONER'S

EXHIBIT NO.

6

CODE ENFORCEMENT
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204 Room 213
RETURN SERVICE REQUESTED

LIBER 1504 FOLIO 569

RECEIVED
CLERK, CIRCUIT COURT

DOC. NO. 346427

THIS DEED, made this 22 day of December in the year 2010, at 10:41 AM, by and between JEAN E. GOETZ, party of the first part; and RJG ENTERPRISES, LLC, a Limited Liability Company, party of the second part. QUEEN ANNE'S COUNTY

WITNESSETH, that for and in consideration of the sum of \$13,333.00 and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, in fee simple, the following described real estate, to wit:

ALL that lot or parcel of land situate, lying and being on Kent Island, in the Fourth Election District of Queen Anne's County, State of Maryland, set forth and shown on a plat entitled "Kent Island Estates," by J.B. Metcalfe, registered surveyor, dated July, 1949, recorded among the Land Records of Queen Anne's County in Liber N.B.W. No. 4, folio 20 and further set forth and shown on a plat entitled "Second Edition of the First Section of Kent Island Estates," by J.B. Metcalfe, registered surveyor, dated February, 1951, recorded among the Land Records of Queen Anne's County in Liber T.S.P. No. 1, folio 190, which lot is known and designated thereon as Lot 53, Block F of the First Section of Kent Island Estates.

BEING a part of that land granted and conveyed unto Robert L. Goetz and Jean E. Goetz, as joint tenants, by deed from Kent Island Estates Corporation and The Queen Anne Holding Company, dated August 27, 1969, and recorded among the Land Records of Queen Anne's County, Maryland, in Liber C.W.C. No. 43, folio 444, the said Robert L. Goetz having departed this life on August 16, 1986 thereby vesting absolute ownership unto Jean E. Goetz, joint tenant, the Grantor.

SUBJECT, NEVERTHELESS, to the restrictive covenants and conditions contained in a deed from The Queen Anne Holding Company to Kathryn Fink, dated the 23rd day of September, 1949, recorded among the Land Records of Queen Anne's County in Liber N.B.W. No. 4, folio 406, said restrictive covenants and conditions being hereby incorporated in this deed as a part hereof, as is evidenced by the execution of these presents and by the acceptance by the Grantee of its delivery.

THIS CONVEYANCE is also subject to the existing easements, rights of way and agreements for roadways, electric transmission lines and telephone lines and the service and maintenance thereof.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, roads and/or alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the said lot or parcel of land and premises, unto and to the use of the said party of the second part, his successors and assigns, in fee simple, forever.

AND the said party of the first part does hereby covenant that she has not done, nor suffered to be done, any act, matter or thing whatsoever to encumber the property hereby granted and conveyed; that it will warrant specially the property hereby granted and conveyed; and that she will execute such further assurances of said land as may be requisite.

PETITIONER'S

EXHIBIT NO. 7

IMP FD SURE \$	20.00
RECORDING FEE	20.00
RECORDATION T	89.10
TR TAX COUNTY	66.67
TR TAX STATE	66.67
TOTAL	262.44
Ref: QAB1	Ref: # 91388
SH 9JH	Blk # 1344

RJG ENTERPRISES, LLC**ARTICLES OF ORGANIZATION**

A Maryland Limited Liability Company

FIRST: I, Michael R. Foster, whose address is 102 East Main Street, Suite 203, Stevensville, Maryland, 21666, being at least eighteen (18) years of age, do hereby form a Limited Liability Company under and by virtue of the General Laws of the State of Maryland.

SECOND: The name of the Limited Liability Company (hereinafter the "Company") is:

RJG ENTERPRISES, LLC

THIRD: The latest date on which the Company is to dissolve is January 1, 2052.

FOURTH: The purposes for which the Company is formed are:

1. The Company is formed to engage in the ownership, developing and management of real estate operations and projects and for the renovation of existing homes, construction of new homes and construction and manufacturing of furniture.

2. To engage and conduct business in any State for any lawful purpose, except the business of an insurer, as permitted by Sections 4A-201 and 4A-203 of the Corporations and Associations Article of the Annotated Code of Maryland, as may be amended from time to time.

FIFTH: The address of the principal office of the Company in this State is 1206 West Lake Drive, Baltimore, Maryland, 21210. The name and address of the Resident Agent of the Company in this State is Robert James Goetz, whose address is 1206 West Lake

PETITIONER'S
EXHIBIT NO. 8

Annual Report and Personal Property Return

STATE OF MARYLAND, DEPARTMENT OF ASSESSMENTS AND TAXATION, PERSONAL PROPERTY DIVISION

301 West Preston Street, Room 801, Baltimore, Maryland 21201-2395 • www.dat.maryland.gov • (410) 767-1170 • (888) 246-5841 within Maryland

2016

Form 1

Page 1 of 4

Date Received
by Department

CHECK
ONE

Type of Business	ID# Prefix	Filing Fee	Type of Business	ID# Prefix	Filing Fee
☐ Domestic Stock Corporation	(D)	\$300	☒ Domestic Limited Liability Company	(W)	\$300
☐ Foreign Stock Corporation	(F)	\$300	☐ Foreign Limited Liability Company	(Z)	\$300
☐ Domestic Non-Stock Corporation	(D)	- 0 -	☐ Domestic Limited Partnership	(M)	\$300
☐ Foreign Non-Stock Corporation	(F)	- 0 -	☐ Foreign Limited Partnership	(P)	\$300
☐ Foreign Insurance Corporation	(F)	\$300	☐ Domestic Limited Liability Partnership	(A)	\$300
☐ Foreign Interstate Corporation	(F)	- 0 -	☐ Foreign Limited Liability Partnership	(E)	\$300
☐ SDAT Certified Family Farm	(A,D,M,W)	\$100	☐ Domestic Statutory Trust	(B)	\$300
☐ Real Estate Investment Trust	(D)	\$300	☐ Foreign Statutory Trust	(S)	\$300

Name of Business **RJG ENTERPRISES LLC**

Mailing Address
**1205 WEST LAKE AVE
BALTIMORE**

MD 212101013

☐

Check here
if this is a
change of
address

Email Address

DEPARTMENT ID NUMBER		FEDERAL EMPLOYER IDENTIFICATION NUMBER	
ID# PREFIX	W 1 0 8 6 2 8 4 5	20-3523929	
DATE OF INCORPORATION OR FORMATION		STATE OF INCORPORATION OR FORMATION	FEDERAL PRINCIPAL BUSINESS CODE
09-08-2005		MD	236100
TRADING AS NAME			

Type or Print Department ID Number Here

W 1 0 8 6 2 8 4 5

SECTION I

- A. Is any business conducted in Maryland? **YES** Date began: **09-08-2005**
(Yes or No)
- B. Nature of business conducted in Maryland: **LAND DEVELOPMENT CONSTRUCTION**
- C. Does the business own, lease or use personal property located in Maryland? **NO** If No, skip SECTION II.
(Yes or No)

ONLY CORPORATIONS COMPLETE ITEM D

D. Names and addresses of officers and names of directors (type or print):

OFFICERS

Names

Addresses

President _____
Vice-President _____
Secretary _____
Treasurer _____

DIRECTORS

Names

Names

PETITIONER'S

EXHIBIT NO.

9

10/14

INCLUDE DEPARTMENT ID NUMBER ON CHECK

PLEASE STAPLE CHECK HERE



Directions

Traffic

My Places

Print

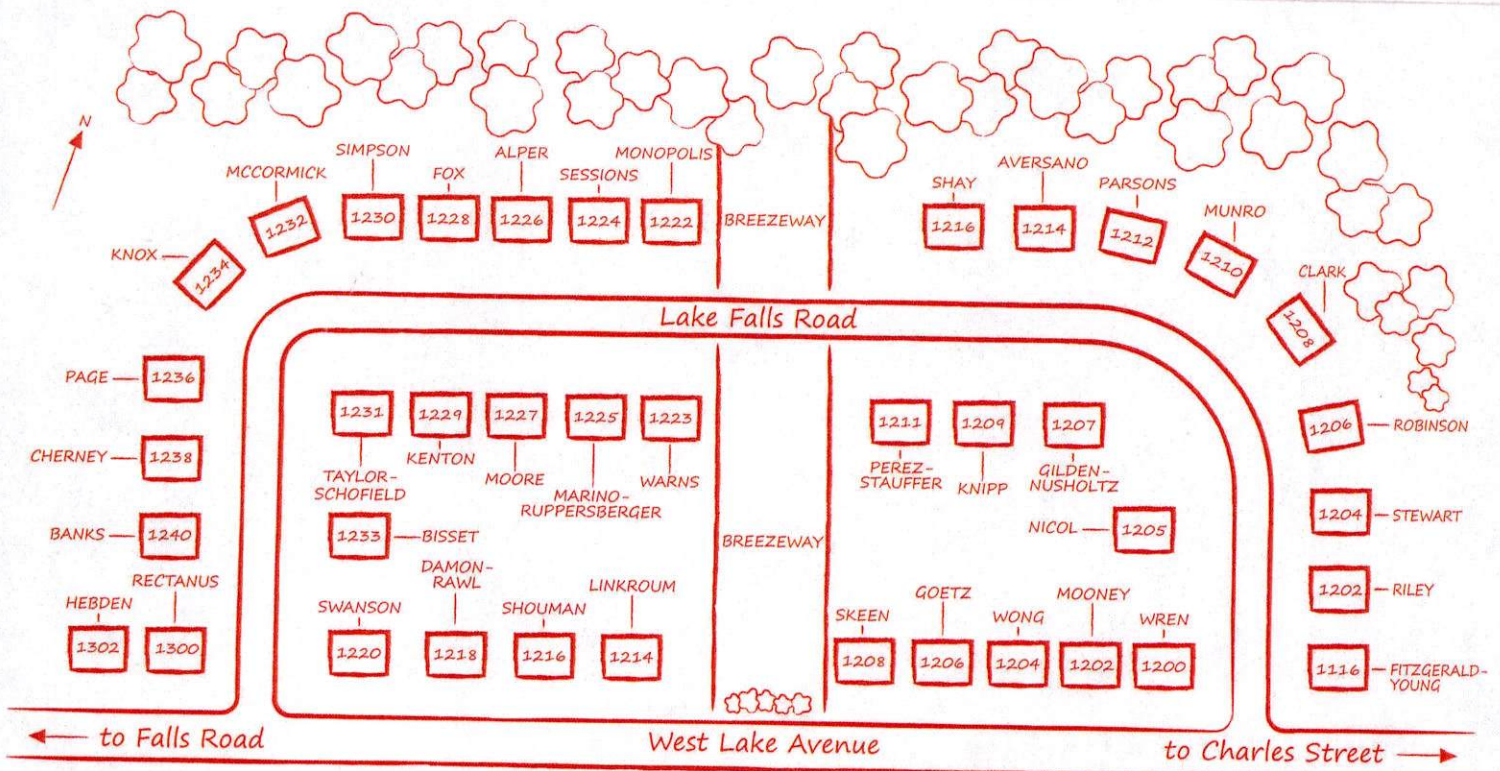
Share

Full Screen





Lake Falls Directory 2016



Community of Lake Falls
Founded 1948

Part. 2

[My Account](#) [Wish List](#) [Free Catalog / Flyer](#) [Contact Us](#) [Cart](#) [Checkout](#)

Welcome! Sign in.



Search

Proudly serving our valued customers for 42 years.
Your preferred choice for professional outdoor work gear and equipment.



Arborist & Tree Care Chainsaw Bars & Chain Chainsaws Forestry & Woodcutting Garden & Landscape Industrial Machinery Morbark Chippers Portable Sawmills Safety & First Aid Work Clothing Wood Working



Home Forestry & Woodcutting Portable Sawmills
Lucas Mill Portable Sawmills Lucas Mill Swingblade Sawmills



PayPal CREDIT
Get 6 Months to pay on \$99 or more
Check out with PayPal and choose PayPal Credit
Subject to credit approval. See terms. US customers only.

Lucas Mill Model 6-16 Portable Swing Blade Sawmill

Only: **\$8,999.00**

Item #: LM M6 16

Currently out of stock.

More due to arrive soon. Order now to reserve yours!

Please contact our Industrial Sales Group at 888-465-8227 for ordering and shipping information.

[Description](#) [Specs](#) [Warranty](#)

Lucas Mill portable sawmills have been a big hit here in North America since their introduction back in 1996. Today, there are well over 15,000 Lucas Sawmills operating worldwide, with a great many of those still cutting logs today. These portable sawmills are designed for production milling of saw logs, both large and small, on a commercial scale. These sawmills use the proven swing blade design to break down logs into accurate lumber, which is far quicker and easier than comparably priced bandsaw sawmills. They are also much cheaper to operate, as the carbide tipped sawblades don't require the constant maintenance that bandsaw blades require. The Model 6-16 is an entry level Lucas Mill designed for the occasional sawmiller. It cuts up to a 6" x 6" timber in one pass, and up to a 6" x 12" timber in two passes. Optional slabbing attachment allows for 50" wide slabs.



Item #: LM M6 16

Currently out of stock. More due to arrive soon. Order now to reserve yours!
Please contact our Industrial Sales Group at 888-465-8227 for ordering and shipping information.

[Specifications](#) [Warranty](#) [Ask a Question](#) [Reviews](#)

Sawmill Specifications

- Engine: Briggs 16HP Manual Start V-Twin Gas Engine
- Transmission: 4" Centrifugal Clutch with 40mm Shaft (Belt Drive)
- Sawblade: Circular 5 Tooth Blade with .195" Kerf (5.0mm)
- Maximum Single Pass Cut: Up to 6.25" x 6.25" (160mm x 160mm)
- Maximum Double Pass Cut: Up to 6.25" x 12.5" (160mm x 320mm)
- Maximum Log Cutting Length: Up to 16' (5m)*
- Maximum Log Cutting Diameter: Up to 5' (1.5m)*
- Powerhead Weight: 260 lbs (118kg)
- Overall Weight: 560lbs (255kg)
- Log Size Note*: The Lucas Sawmill can cut virtually any diameter log under 16' (5m) long, by raising the end frame system around the log. Length extensions are also available to cut timbers over 40' (13m) long.



Email Deals

Enter your email to receive special offers, deals and discounts from Bailey's!

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PartFINDER SEARCH

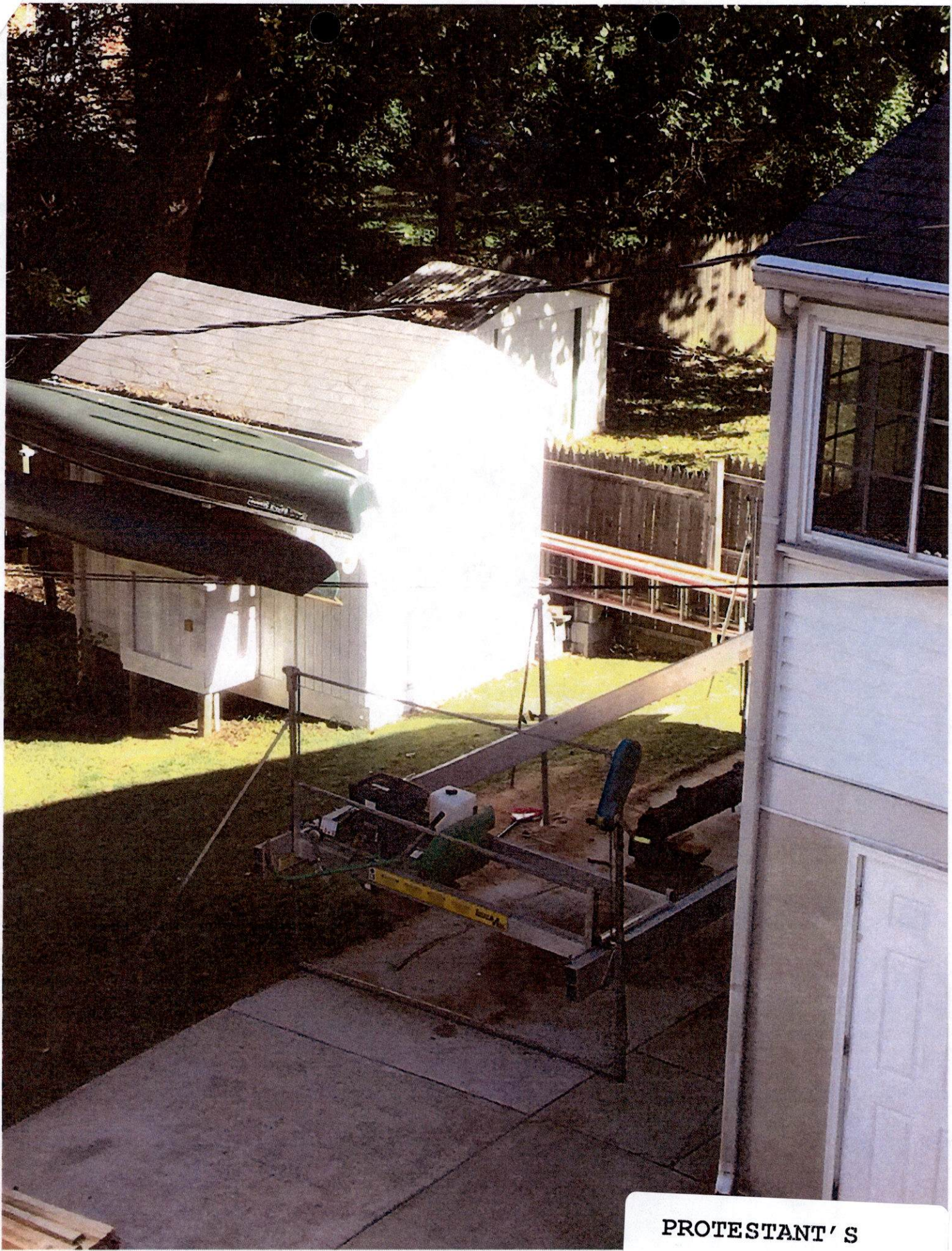
Husqvarna

ECHO

LOGOSOL



Resp. #3



PROTESTANT' S

EXHIBIT NO.

4





5. *Sawmill "run" times:

Saturday 10/8: 12 noon till dusk/ end of day
Monday 10/10: Columbus Day morning until dusk/end of day
Tuesday 10/11: 4:00 till dusk/ end of day
Saturday 10/15: 11am till 4 pm
Sunday 10/16: 9:15 am- 3:30
Monday 10/17: 5:25 - dusk/ end of day

***Business address proving this lumberyard is a business – SEE email attachment**

***Documented activity via video and audio – SEE email/ link to view video/audio**

***History- September 10, 2008**

RG was cited for conducting a working lumberyard/open dump using a commercial sawmill in a residential zone to promote a furniture business. Copy of Baltimore County DR zoning details- email attachment

PROTESTANT' S

EXHIBIT NO. 5

october 3
october

3 monday

2005

4:00

John + Brandie - 3854

4 tuesday

3
2
1
Garden
Decorate

5 wednesday

1
2
3
4
5
6
7
8
9
10
11
12

september 2016
S M T W T F S
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

october 2015
S M T W T F S
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

november 2016
S M T W T F S
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

6 thursday

1
2
3
4
5
6
7
8
9
10
11
12

7 friday

1
2
3
4
5
6
7
8
9
10
11
12

8 saturday

get- all afternoon 8 approx @ 11:00

9 sunday

Grace's @ 12ish lunch here

get 4:00 - 5:00

SLATE here

Emie's

october 3
october 4

3 monday

RPCS 9:30

4:00

Robin + Brandie - 5854

4 tuesday

- garden
- decorate

5 wednesday

september 2016

S	M	T	W	T	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

october 2016

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

november 2016

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

6 thursday

7 friday

8 saturday

getz - all

afternoon

gravel's @ 12ish

after 4:00 -

Smith

St. L - here

9 sunday

Ernie's

Baptism @ 11:00

lunch here

New Name _____

FEES REMITTED

Base Fee:	100	Change of Name
Org. & Cap. Fee:		Change of Principal Office
Expedite Fee:	50	Change of Resident Agent
Penalty:		Change of Resident Agent Address
State Recordation Tax:		Resignation of Resident Agent
State Transfer Tax:		Designation of Resident Agent
_____ Certified Copies		and Resident Agent's Address
_____ Certificates		Change of Business Code
Copy Fee:		
Certificate of Status Fee:		Adoption of Assumed Name
Personal Property Filings:		
Mail Processing Fee:		
Other:		Other Change(s)
TOTAL FEES:	150	

Credit Card X Check _____ Cash _____

_____ Documents on _____ Checks

Approved By: A-01

Keyed By: _____

COMMENT(S):

Code 515

Attention: _____

FOSTER, BRADEN, THOMPSON & PALMER
STE 203
102 E MAIN ST
STEVENSVILLE

MD 21666-4002

CUST ID:0001670337
WORK ORDER:0001113375
DATE:09-18-2005 04:50 PM
AMT. PAID:\$150.00

PROTESTANT'S

EXHIBIT NO. 6

*Business ownership &
address, RIG Enterprises*

RJG ENTERPRISES, LLC**ARTICLES OF ORGANIZATION**

A Maryland Limited Liability Company

FIRST: I, Michael R. Foster, whose address is 102 East Main Street, Suite 203, Stevensville, Maryland, 21666, being at least eighteen (18) years of age, do hereby form a Limited Liability Company under and by virtue of the General Laws of the State of Maryland.

SECOND: The name of the Limited Liability Company (hereinafter the "Company") is:

RJG ENTERPRISES, LLC

THIRD: The latest date on which the Company is to dissolve is January 1, 2052.

FOURTH: The purposes for which the Company is formed are:

1. The Company is formed to engage in the ownership, developing and management of real estate operations and projects and for the renovation of existing homes, construction of new homes and construction and manufacturing of furniture.

2. To engage and conduct business in any State for any lawful purpose, except the business of an insurer, as permitted by Sections 4A-201 and 4A-203 of the Corporations and Associations Article of the Annotated Code of Maryland, as may be amended from time to time.

FIFTH: The address of the principal office of the Company in this State is 1206 West Lake Drive, Baltimore, Maryland, 21210. The name and address of the Resident Agent of the Company in this State is Robert James Goetz, whose address is 1206 West Lake

Drive, Baltimore, Maryland, 21210. Said Resident Agent is an individual actually residing in this State.

SIXTH: Pursuant to Section 4A-401(a)(3) of the Maryland Limited Liability Company Act, no member of the Company shall be an agent of the Company solely by virtue of being a member and no member shall have authority to act for the Company solely by virtue of being a member.

IN WITNESS WHEREOF, I have signed these Articles of Organization, and acknowledge them to be my act this 09th day of September, 2005.

WITNESS:

Nichelle Longo

Robert J. Goetz
Robert James Goetz

CUST ID:0001670337
WORK ORDER:0001113379
DATE:09-18-2005 04:50 PM
AMT. PAID:\$150.00



PROTESTANT' S

EXHIBIT NO. 7

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 1/18/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-162

INFORMATION:

Property Address: 1206 W Lake Avenue
Petitioner: Robert J. Goetz
Zoning: DR 3.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should allow the owner's continuing use of a portable saw as a permissible use under existing zoning and noise ordinances.

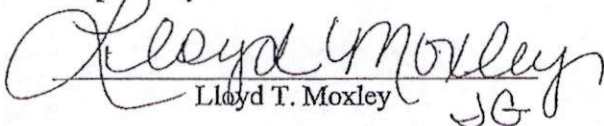
A site visit was conducted on December 27, 2016. Code Violation Case No. CC1613720 is attached to the address and is specific to the zoning relief petitioned for. In that case, the use of the property was characterized as a "saw mill". Other exterior evidence of the operation was also cited. Staff has located information on-line that advertises commercial uses of the property.

The Department does not support the petition.

Due to its inherent excessive negative impacts, it is impossible for a saw mill operation to integrate into the established residential neighborhood in any form. The Department recommends that the continued use of a portable saw, without limit, along with outside evidence of the operation on the property, exceeds the definition of "home occupation" in BCZR § 101 and is contrary to established policy concerning home occupations within §101 of the Zoning Commissioner's Policy Manual. The Department recommends sawmills are not incidental to a principal residential use of property nor can it be considered mechanical equipment used for domestic purposes. As a principal use, a saw mill is not allowed in the D.R. 3.5 zone.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka
c: Bill Skibinski
Adam M. Spence
Office of the Administrative Hearings

PROTESTANT' S

EXHIBIT NO. 8

(5)

DATE	TIME USED	COMMENTS
10/7/16	12:30 am – 4:30 pm	Prior to use, Hobbs read 10 hours
10/8/16	10:30 am – 4:30 pm	
10/9/16	10:30 am – 3:00 pm	
11/5/16	10:30 – 4:30 pm	Skeens out of town
11/6/16	10:30 am -2:30 pm	Skeens returned in afternoon
11/19/16	1:00 pm – 4:00 pm	Hobbs reads 22.5 hours
11/26/16	1:30 pm – 4:00 pm	23.3 hours prior to use

Hours
4.0
6.0
4.5
6.0
4.0
3.0
2.5
30.0 hours

PROTESTANT' S

EXHIBIT NO.

9

Sawmill Time Logs, Fall 2016

Day	Date	GOETZ Times	Goetz Hours	Day	Date	SKEEN Times	Skeen Hours	Day	Date	Goetz + Skeen Times*	Combined Hours
Sat.	Oct. 1			Sat.	Oct. 1			Sat.	Oct. 1		
Sun.	Oct. 2			Sun.	Oct. 2			Sun.	Oct. 2		
Mon.	Oct. 3			Mon.	Oct. 3			Mon.	Oct. 3		
Tue.	Oct. 4			Tue.	Oct. 4			Tue.	Oct. 4		
Wed.	Oct. 5			Wed.	Oct. 5			Wed.	Oct. 5		
Thu.	Oct. 6			Thu.	Oct. 6			Thu.	Oct. 6		
Fri.	Oct. 7	12:30pm-4:30pm	4	Fri.	Oct. 7			Fri.	Oct. 7	12:30pm-4:30pm	4
Sat.	Oct. 8			Sat.	Oct. 8	12:00pm-6:37pm	6.5	Sat.	Oct. 8	10:30am-4:30pm	6
Sun.	Oct. 9	10:30am-4:30pm	6	Sun.	Oct. 9			Sun.	Oct. 9	10:30-3:00pm	4.5
Mon.	Oct. 10	10:30-3:00pm	4.5	Mon.	Oct. 10	10:00am-6:34pm	8.5	Mon.	Oct. 10	10:00am-6:34pm	8.5
Tue.	Oct. 11			Tue.	Oct. 11	4:00pm-6:32pm	2.5	Tue.	Oct. 11	4:00pm-6:32pm	2.5
Wed.	Oct. 12			Wed.	Oct. 12			Wed.	Oct. 12		
Thu.	Oct. 13			Thu.	Oct. 13			Thu.	Oct. 13		
Fri.	Oct. 14			Fri.	Oct. 14			Fri.	Oct. 14		
Sat.	Oct. 15			Sat.	Oct. 15	11:00am-4:00pm	5	Sat.	Oct. 15	11:00am-4:00pm	5
Sun.	Oct. 16			Sun.	Oct. 16	9:15am-3:30pm	6.25	Sun.	Oct. 16	9:15am-3:30pm	6.25
Mon.	Oct. 17			Mon.	Oct. 17	5:25pm-6:23pm	1	Mon.	Oct. 17	5:25pm-6:23pm	1
Tue.	Oct. 18			Tue.	Oct. 18			Tue.	Oct. 18		
Wed.	Oct. 19			Wed.	Oct. 19			Wed.	Oct. 19		
Thu.	Oct. 20			Thu.	Oct. 20			Thu.	Oct. 20		
Fri.	Oct. 21			Fri.	Oct. 21			Fri.	Oct. 21		
Sat.	Oct. 22			Sat.	Oct. 22			Sat.	Oct. 22		
Sun.	Oct. 23			Sun.	Oct. 23			Sun.	Oct. 23		
Mon.	Oct. 24			Mon.	Oct. 24			Mon.	Oct. 24		
Tue.	Oct. 25			Tue.	Oct. 25			Tue.	Oct. 25		
Wed.	Oct. 26			Wed.	Oct. 26			Wed.	Oct. 26		
Thu.	Oct. 27			Thu.	Oct. 27			Thu.	Oct. 27		
Fri.	Oct. 28			Fri.	Oct. 28			Fri.	Oct. 28		
Sat.	Oct. 29			Sat.	Oct. 29			Sat.	Oct. 29		
Sun.	Oct. 30			Sun.	Oct. 30			Sun.	Oct. 30		
Mon.	Oct. 31			Mon.	Oct. 31			Mon.	Oct. 31		
Tue.	Nov. 1			Tue.	Nov. 1			Tue.	Nov. 1		
Wed.	Nov. 2			Wed.	Nov. 2			Wed.	Nov. 2		
Thu.	Nov. 3			Thu.	Nov. 3			Thu.	Nov. 3		
Fri.	Nov. 4			Fri.	Nov. 4			Fri.	Nov. 4		
Sat.	Nov. 5	10:30am-4:30pm	6	Sat.	Nov. 5			Sat.	Nov. 5	10:30am-4:30pm	6
Sun.	Nov. 6	10:30am-2:30pm	4	Sun.	Nov. 6			Sun.	Nov. 6	10:30am-2:30pm	4
Mon.	Nov. 7			Mon.	Nov. 7			Mon.	Nov. 7		
Tue.	Nov. 8			Tue.	Nov. 8			Tue.	Nov. 8		
Wed.	Nov. 9			Wed.	Nov. 9			Wed.	Nov. 9		
Thu.	Nov. 10			Thu.	Nov. 10			Thu.	Nov. 10		
Fri.	Nov. 11			Fri.	Nov. 11			Fri.	Nov. 11		
Sat.	Nov. 12			Sat.	Nov. 12			Sat.	Nov. 12		
Sun.	Nov. 13			Sun.	Nov. 13			Sun.	Nov. 13		
Mon.	Nov. 14			Mon.	Nov. 14			Mon.	Nov. 14		

PROTESTANT'S

EXHIBIT NO. 18



Global Digital Instruments LLC

151 Perinton Parkway
Fairport, NY 14450 USA
Phone:
(585) 425-5965
Fax:
(585) 425-5973
Business Type: Manufacturer

► [Supplier Website](#)

► [Save Supplier](#)

List your products or services on
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Digital Counters from Global Digital Instruments LLC

Surface Mount Rotating Shaft -- SFT806-0222

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Supplier's Datasheet](#)

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on Supplier's Site](#)



Enlarge

The SenDEC Motortach performs Tachometer, Hour meter, and Flash Alert functions on ANY rotating shaft, rotating gear, or pulley. The MotorTACH does NOT require any external power and can be used on Diesel engines, Compressors, Heating motors, Process equipment, Power equipment, Generators, or a host of other equipment. While the equipment is running, the RPM will be displayed on the LCD. When the equipment shuts off, accumulated hours will be displayed. The provided pickup sensor only needs to be within 1/4" to pickup a signal!

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Specifications

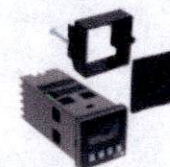
Product Category	Digital Counters
Unit Specifications	
Number of Functions	Multi
Direction	Up Count
Functions	Count Totalizer; Preset
Reset	Manual (optional feature); User Input Reset
User Interface	
Display Type	LCD
Number of Digits	5
Programming	User Input OEM Options
Input	
Number of Input Channels	1
Signal Input Type	Voltage
Physical Specifications	
Power Supply	None / Self-powered
Mounting	Surface Mount
Length (Depth)	0.5500 inch (13.97 mm)
Width	2.12 inch (53.97 mm)
Height	1.49 inch (37.85 mm)
Features	Audible or Visual Alarms (optional feature)
Operating Temperature	-40 to 158 F (-40 to 70 C)

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Counters, Hour Meters
-- C48CB111-ND
Digi-Key Electronics**



**Series Preset Counter
and Ratemeter, PS2 CR
-- PS2CRB
Fargo Controls, Inc.**



**COUNT TOTALIZER 8
DIGIT LCD SELF-
POWERED HV INPUT --
C3420474
Radwell International**

PROTESTANT'S

EXHIBIT NO. 11



PROTESTANT' S

EXHIBIT NO. 12

TRENDING [Buying Guides](#) [Samsung Galaxy S8](#) [iPhone 8](#) [LG G6](#) [Project Scorpio](#) [Samsung Galaxy S8 Plus](#) [VPN](#)

Background noise reduction: one of your smartphone's greatest tools

By Thomas Thorn February 28, 2014 [Mobile phones](#) [📱](#)

Sounds good to me



In a smartphone world dominated by data speed and increasing storage, it seems almost archaic to laud a technology that wildly improves your ability to speak to another person.

But background noise reduction, a feature found in nearly every high-end and mid-range smartphone, has quietly

Lake Falls Area Petition



Whereas, on November 16, 2016, Baltimore County Code Enforcement found the operation of a sawmill and associated activities at 1206 W. Lake Avenue to be in violation of: Baltimore County Code (BCC) § 13-7-112 (nuisance code); Baltimore County Zoning Regulation (BCZR) § 101 and 102.1 and ZCPM (illegal home occupation); and BCC 13-7-312 (lumber, boxes, bricks and other materials); and

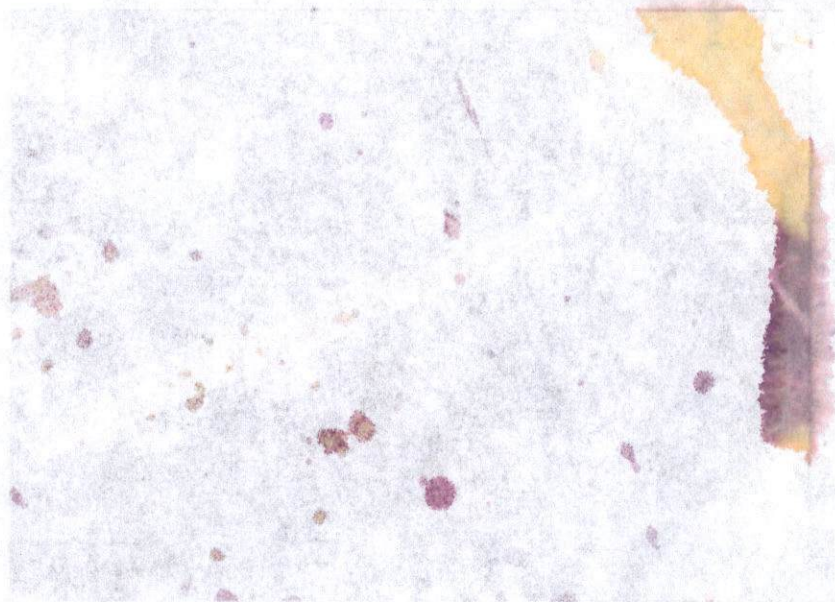
Whereas, on December 15, 2016, the owner of 1206 W. Lake Avenue appealed these findings by petitioning for a zoning hearing "to determine whether Owner's continuing use of a Portable Saw is a permissible use under existing zoning and noise ordinances"; and

Whereas, in a January 18, 2017 memorandum addressed to Deputy Administrative Officer Arnold Jablon the county Department of Planning expressed its opposition to said zoning-hearing petition:

Now, therefore, we the undersigned urge Baltimore County to reject the appeal and to maintain the prohibition on the operation of the sawmill and its associated activities at 1206 W. Lake Avenue, Baltimore, MD 21211 by declaring that Owner's continuing use of a Portable Saw is **not** permissible use under existing zoning and noise ordinances.

Name: John Rectanus Address: 1300 W. Lake Ave Date: 3/24/17
Name: Doog Swanson Address: 1220 W Lake Ave Date: 3/26/17
Name: Jody Nustholtz Address: 1207 Lake Falls Rd Date: 3/26/17
Name: Sue Clark Address: 1208 Lake Falls Rd Date: 3/26/17

Label for the Project



The following text is a transcription of the document's content, which appears to be a technical report or a scientific paper. The text is written in a serif font and is organized into several paragraphs. The first paragraph discusses the importance of the project and the role of the research team. The second paragraph describes the methodology used in the study, including the collection of data and the analysis techniques. The third paragraph presents the results of the study, highlighting the key findings and the implications for the field. The fourth paragraph concludes the report by summarizing the main points and providing a final statement on the project's significance.

Lake Falls Area Sawmill Petition

Name: Peter Shay Address: 1216 Lake Falls Rd Date: 3/26/17

Name: Connie Shay Address: 1216 Lake Falls Rd Date: 3/26/17

Name: Winie Steen Address: 1208 W. Lake Ave Date: 3/26/17

Name: Bob Clark Address: 1208 Lake Falls Rd Date: 3-26-17

Name: Daniel D. Apple Address: 1226 Lake Falls Rd Date: 3-26-17

Name: Lynne Wams Address: 1223 Lake Falls Rd Date: 3-26-17

Name: Sally Sessions Address: 1224 Lake Falls Rd Date: 3-26-17

Name: Jinda Knox Address: 1234 Lake Falls Rd Date: 3-26-17

Name: GB2 Address: 1206 LAKE FALLS RD Date: 3-26-17

Name: Marica J Fox Address: 1228 Lake Falls Rd Date: 3/26/17

Name: Elizabeth A. Cherney Address: 1238 Lake Falls Rd Date: 3/26/17

Name: Githacameak Address: 1210 Lake Falls Rd Date: 3/26/17

Name: Don Munro Address: 1210 Lake Falls Rd Date: 3-26-17

Name: Tommy Stauffer Address: 1211 LAKE FALLS Rd Date: 4/17/17

Name: Tracy Rupp Address: 1225 Lake Falls Rd Date: 4/17/17

Name: David Knipp Address: 1209 Lake Falls Rd Date: 4/17/17

Name: Winie Steen Address: 1208 W. Lake Ave Date: 4/17/17

Name: Vendy Young Address: 1114 W Lake Ave Date: 4/15/17

Name: Traci Foster Address: 1209 Lake Falls Rd Date: 4/16/17