

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Jesse E. Albright and
Charlotte J. Albright, legal owners of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 238.2 to permit side yard setbacks of
0' and 5' and rear yard setback of 5' in lieu of the required
30'.

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

Owner plans to construct a storage warehouse on the property as
permitted by Use Regulations with respect to a B. R. Zone. No
building erected on the property, the dimensions of which are
50 feet by 125 feet, could comply with the setback requirements
in a B. R. Zone unless a variance, as requested, from Section
238.2 is granted. Without such a variance, the owner would be
deprived of any non-residential use of the property.

See attached description.
"Property" as referred to herein is also known as Lot 530,
Halethorpe, or 1823 Fairview Avenue, Baltimore, Maryland 21227.
Proposed driveway will be located on Lots 528 and 530, both
owned by applicants.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser _____
Address _____

Address 1821 Fairview Avenue _____
Baltimore, Maryland 21227

C. M. Zacharski, Jr.
Petitioner's Attorney _____

Address 1513 Fidelity Building _____
Baltimore, Maryland 21201

Protestant's Attorney _____

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

of _____ 1975, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____ 19th _____ day of _____ February _____ 1975, at 9:45 o'clock

_____ M. _____
Zoning Commissioner of Baltimore County.

(over)

april
associates
land surveyors

DESCRIPTION OF PROPERTY
TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
1821 FAIRVIEW AVENUE
13 TH ELECTION DISTRICT, CECIL COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Northeasterly side of Fairview Avenue, 50 feet
wide, and in the division line between lots 532 and 530 as shown on the plat of Halethorpe,
recorded among the Land Records of Baltimore County in Plot Book J.W.S. No. 1, folio 60;
said point of beginning being situate 99 feet 6 inches Northwesterly from the corner formed by
the intersection of the Northeasterly side of Fairview Avenue with the Northerly side of Washing-
ton Boulevard; thence running from said point of beginning and binding along the Northeasterly
side of Fairview Avenue Northwesterly 50.00 feet to the division line between lots 530 and 528
Halethorpe; thence leaving Fairview Avenue and binding along said division line Northeasterly
125.00 feet; thence running Southeasterly 50.00 feet to the division line between lots 532 and 530;
thence binding along said division line Southwesterly 125.00 feet to the point of beginning;
containing 6250 square feet.

12/12/1974

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 14, 1975

COUNTY OFFICE BUILDING
311 W. Chesapeake Avenue
Towson, Maryland 21204

C. M. Zacharski, Jr., Esq.
1513 Fidelity Building
Baltimore, Maryland 21201

RE: Variance Petition
Item 133
Jesse E. & Charlotte J.
Albright - Petitioners

Dear Mr. Zacharski:

The enclosed comments are to be included with
the Zoning Plans Advisory Committee comments sent
you under the above
referenced subject.

Very truly yours,

Franklin T. Hognans, Jr.
FRANKLIN T. HOGNANS, JR.
Chairman,
Zoning Plans Advisory Committee

PTH:JD

Enclosure

cc: apr associates
3320 Rosalie Avenue
Baltimore, Maryland 21234

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna, Zoning Commissioner Date: February 14, 1975
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition #75-171-A. Petition for Variance for Side and Rear Yards.
Northeast side of Fairview Avenue 170 feet, more or less, North of
Washington Boulevard.
Petitioner - Jesse E. and Charlotte J. Albright

13th District

HEARING: Wednesday, February 19, 1975 (9:45 A.M.)

The staff of the Office of Planning and Zoning has reviewed the
subject petition and has the following comment to offer.

The granting of this request would not be inconsistent with the
policies of the 1980 Guideplan.

William D. Fromm
William D. Fromm, Director
Office of Planning

WDF:MD:rw

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

February 26, 1975

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 133 - ZAC - January 7, 1975.
Property Owner: Jesse E. & Charlotte J. Albright
Location: NE/S of Fairview Ave. 99.5' NW of Washington Blvd.
Existing Zoning: BR
Proposed Zoning: VARIANCE from Sec. 238.2 to permit side yard
setback of 0' and 5' and rear yard setback
of 5' in the required 30'.
No. of Acres: 6250 sq. ft.
District: 13th

Dear Mr. DiMenna:

No major traffic problems are expected by the requested special
exception to the side and rear yard setbacks.

Very truly yours,
Michael S. Planigan
Michael S. Planigan
Traffic Engineering Assoc.

MSF/bes

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

February 11, 1975

Branch of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #133 (1974-1975)
Property Owner: Jesse E. & Charlotte J. Albright
Location: NE/S of Fairview Ave., 99.5' NW of Washington Blvd.
Existing Zoning: BR
Proposed Zoning: Variance from Sec. 238.2 to permit
side yard setback of 0' and 5' and rear yard setback
of 5' in the required 30'.
No. of Acres: 6,250 sq. ft. District: 13th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plat submitted to this
office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Fairview Avenue, an existing public street, is proposed to be improved in the
future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway
improvements will be required in connection with any grading or building permit
application.

The construction or reconstruction of sidewalk, curb and gutter, entrance,
apron, etc. required in connection with the further development of this site will
be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic
Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could
result in a sediment pollution problem, damaging private and public holdings down-
stream of the property. A grading permit is, therefore, necessary for all grading,
including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated
on the submitted plan; however, adequate facilities would be required in conjunction
with the proposed development of this property.

Item #133 (1974-1975)
Property Owner: Jesse E. & Charlotte J. Albright
Page 2
February 11, 1975

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent)
to prevent creating any nuisance or damage to adjacent properties, especially by
the concentration of surface waters. Correction of any problem which may result,
due to improper grading or improper installation of drainage facilities, would be
the full responsibility of the Petitioner.

Water and Sanitary Sewer:

A public 4-inch water main (of considerable age) and an 8-inch public sanitary
sewer exist in Fairview Avenue and are serving the present dwelling on this property.
It appears that additional fire hydrant protection may be required in this vicinity.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EM:FW:ms

cc: J. Romera
W. Munchel

C-344 Key Sheet
22 SW 13 For. Sheet
SW 4D Topo
100 Tax Map

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map date by	Original date by	Duplicate date by	Tracing date by	200 Sheet date by
Description checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: <u>W.B.C.</u>	Revised Plans: Change in outline or description _____ Yes Map # _____ No				
Previous case:					

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variances should be had; and it further appearing that by reason of the granting of the Variances requested, not adversely affecting the health, safety, and general welfare of the community, the Variances to permit side yard setbacks of zero (0) feet and five (5) feet in lieu of the required thirty (30) feet, and a rear yard setback of five (5) feet in lieu of the required thirty (30) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of February, 1975, that the herein Petition for Variances to permit side yard setbacks of zero (0) feet and five (5) feet in lieu of the required thirty (30) feet and a rear yard setback of five (5) feet in lieu of the required thirty (30) feet should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works by the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of February, 1975, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

C. M. Zacharski, Jr., Esq.
1513 Fidelity Building
Baltimore, Maryland 21201

Item 133

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
TOWSON, Maryland 21204

Your Petition has been received and accepted for filing this 17th day of January, 1975

S. Eric DiNenna,
Zoning Commissioner

Petitioner Jesse E. & Charlotte J. Albright

Petitioner's Attorney C. M. Zacharski

Reviewed by Franklin T. Hogans, Jr.
Chairman
Zoning Advisory Committee

cc: apr associates
3320 Rosalie Avenue
Baltimore, Maryland 21234

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 6, 1975

C. M. Zacharski, Jr., Esq.
1513 Fidelity Building
Baltimore, Maryland 21201

RE: Variance Petition
Item 133
Jesse E. & Charlotte J. Albright -
Petitioners

Dear Mr. Zacharski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northeast side of Fairview Avenue, 99.6 feet northwest of Washington Blvd., and consists of two 50 foot lots; one vacant and the other presently improved with a single family residence and garage. The vacant lot, as well as the portion of the improved lot, is presently zoned B.R., and the petitioner is requesting Variances for side and rear yard setbacks in order that a storage building for tires may be constructed. This property abuts to the south a vacant lot at the corner of Washington Blvd. and Fairview Avenue, and to the northeast and east single family residences.

The petitioner proposes the utilization of these two lots in common, inasmuch as the existing residence shall remain and share its access to

C. M. Zacharski, Jr., Esq.
Re: Item 133
February 6, 1975

Page 2

Fairview Avenue with the proposed commercial building. It should be noted that the existing residence and part of the existing garage are zoned DR 5.5, and are not indicated on the submitted plan as buildings to be used for commercial purposes.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman,
Zoning Plans Advisory Committee

FTN:JD

Enclosure

cc: apr associates
3320 Rosalie Avenue
Baltimore, Maryland 21234

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



February 7, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #133, Zoning Advisory Committee Meeting, January 7, 1975, are as follows:

Property Owner: Jesse E. and Charlotte J. Albright
Location: NE/S of Fairview Ave. 99.6' NW of Washington Blvd
Existing Zoning: B.R.
Proposed Zoning: Variance from Sec. 238.2 to permit side yard setback of 0' and 5' and rear yard setback of 5' in the required 30'
No. of Acres: 6250 sq. ft.
District: 13th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-2311 ZONING 484-3251

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
812-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Jesse E. & Charlotte J. Albright

Location: NE/S of Fairview Ave. 99.6' NW of Washington Blvd.

Item No. #133 Zoning Agenda January 7, 1975

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: H. J. Kelly Noted and Approved: Paul H. Rumsch
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 16, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 133, Zoning Advisory Committee Meeting, January 7, 1975, are as follows:

Property Owner: Jesse E. & Charlotte J. Albright
Location: NE/S of Fairview Ave. 99.6' NW of Washington Blvd.
Existing Zoning: BR
Proposed Zoning: VARIANCE from Sec. 238.2 to permit side yard setback of 0' and 5' and rear yard setback of 5' in the required 30'
No. of Acres: 6250 sq. ft.
District: 13th

Comments: Metropolitan water and sewer are available.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

SHVS/acg

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 8, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: January 7, 1975

Re: Item 133
Property Owner: Jesse E. & Charlotte J. Albright
Location: NE/S of Fairview Ave; 99.6' N.W. of Washington Blvd.
Present Zoning: D.R.
Proposed Zoning: Variance from Section 238.2 to permit side yard setback of 0' and 5' and rear yard setback of 5' in the required 30'

District: 13th
No. Acres: 6250 sq. ft.

Dear Mr. DiNenna:
No bearing on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

H. EMBLE PARKS, President
CORNELIUS E. HESS, Vice President
WILLIAM ROBERT L. BERNER

MARCUS M. BUTSKANIS
JOSEPH N. MADDAM
ALVIN LENCER
JOSHUA H. ANSELOR, Treasurer

T. BAYF. T. WILLIAMS, JR.
RICHARD T. RADER, VMD.
MRS. RICHARD K. RUDYLL

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: Feb. 1, 1975
Posted for: PETITION FOR VARIANCE
Petitioner: JESSE ALBRIGHT
Location of property: NE/S of FAIRVIEW AVE. 170' N of WASHINGTON BLVD.
Location of Signs: NE/S of FAIRVIEW AVE. 170' N of WASHINGTON BLVD.
Remarks: JESSE E. ALBRIGHT
Posted by: JESSE E. ALBRIGHT Date of return: Feb. 7, 1975

February 20, 1975

C. M. Zacharski, Jr., Esquire
1513 Fidelity Building
Baltimore, Maryland 21201

RE: Petition for Variances
NE/S of Fairview Avenue, 170'
N of Washington Boulevard - 13th
Election District
Jesse E. Albright, et ux -
Petitioners
NO. 75-171-A (Item No. 133)

Dear Mr. Zacharski:

I have this date passed my Order in the above referenced matter.
Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/srl
Attachments

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 14 day of
Dec 1975. Item #

S. ERIC DI NENNA
Zoning Commissioner

Petitioner: ALBRIGHT Submitted by: ZACHARSKI
Petitioner's Attorney: ZACHARSKI Reviewed by: NRC

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION FOR A VARIANCE FROM THE ZONING ORDINANCE

FOR THE
ZONING
ORDINANCE

LOCATION: Northeast side
of Fairview Avenue 170 feet
more or less, North of Washing-
ton Boulevard.

DATE & TIME: WEDNES-
DAY, FEBRUARY 19, 1975 at
P.O.A. 8.

PUBLIC HEARING: Room 104,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland 21204.

The Zoning Commission of
Baltimore County by authority
of the Zoning Act and Regula-
tions of Baltimore County, will
hold a public hearing.

Purpose for Variance from
the Zoning Regulations of
Baltimore County is permit
side yard setbacks of zero feet
and a front setback of the re-
quired 20 feet; and to permit a
rear yard setback of 5 feet in-
stead of the required 10 feet in
the rear yard.

The Zoning Regulations to be
varied are as follows:
Section 238.2 - Side and Rear
Yards - 10 feet.

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CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. January 24, 1975

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE TIMES, a weekly newspaper printed and published
in Baltimore County, Md. once in each of ONE
XXXXXX week/before the 19th.
day of February 1975, the first publication
appearing on the 29th day of January 1975.

THE TIMES.

ADDRESS:
C. Zacharski
Manager

Cost of Advertisement \$

PETITION FOR A VARIANCE FROM THE ZONING ORDINANCE

FOR THE
ZONING
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LOCATION: Northeast side
of Fairview Avenue 170 feet
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ton Boulevard.

DATE & TIME: WEDNES-
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P.O.A. 8.

PUBLIC HEARING: Room 104,
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Section 238.2 - Side and Rear
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CERTIFICATE OF PUBLICATION

TOWSON, MD. January 24, 1975

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of ONE (1) week/before the 19th.
day of FEBRUARY 1975, the first publication
appearing on the 29th day of January
1975.

THE JEFFERSONIAN.

ADDRESS:
C. Zacharski
Manager

Cost of Advertisement \$



BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 17490

DATE: Feb. 10, 1975 ACCOUNT 01-662
AMOUNT \$63.25

WHITE - CASHIER
DISTRIBUTION
FINK AGENCY
Herbert R. O'Connor, Jr., Esq.
1513 Fidelity Building
Baltimore, Md. 21201

Advertising and posting of property for Jesse Albright
#75-171-A 632.5

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 17458

DATE: Jan. 24, 1975 ACCOUNT 01-662
AMOUNT \$25.00

WHITE - CASHIER
DISTRIBUTION
FINK AGENCY
Herbert R. O'Connor, Jr., Esq.
1513 Fidelity Building
Baltimore, Md. 21201

Petition for Variance for Jesse E. Albright
#75-171-A 250.00

