

IN THE MATTER OF
THE APPLICATION OF
MARY H. BALTUS
FOR A SPECIAL EXCEPTION AND VARIANCE
ON PROPERTY LOCATED 1220' NORTHWEST
AND 215' WEST OF THE INTERSECTION OF
KATHERINE AVENUE AND CAPE MAY ROAD :
15th ELECTION DISTRICT :
5th COUNCILMANIC DISTRICT :
BALTIMORE COUNTY
CASE NO. 88-267-XA

OPINION

This matter comes before the Board as an appeal of the decision of the Zoning Commissioner dated April 13, 1988, which denied Petitions for Special Exception and Variance filed by the property owner, Mary H. Baltus. Specifically, the Petitioner seeks this Board's approval of a special exception to permit a fishing and shellfishing facility on the subject property, as well as a variance to allow an accessory building in the front yard (water side) of the property.

The property owner was represented by counsel and produced a number of witnesses and evidence. The protestants also appeared and testified and were joined in their opposition to the petitions by the Office of People's Counsel.

On behalf of the Petitioner, Russell Spangler, Vice President of the Baltimore County Watermen's Association, testified. He stated his association's position and efforts to preserve the waterman's way of life on the Chesapeake Bay and its tributaries. He also noted that Baltimore County, unlike other jurisdictions which border the Bay, does not have public facilities at which commercial fishermen can land their catch. Thus, he supports this facility through privately-owned property. Although he testified strongly in favor of the Petitions, he admitted on cross-examination that he had not been to the subject site and was unfamiliar with its environs.

Don Ross, of 501 Armstrong Lane, also testified. He lives four houses away from the subject property and has known Blair Baltus, the son of the

Case No. 88-267-XA
Mary H. Baltus

property owner and proprietor of the proposed business, for 11 years. He also testified in favor of the Petition.

Jim Lelew also testified in support of the Petition. He lives at 510 Armstrong Lane, admittedly "some distance" from the subject property.

Robert Christopher, of 2116 Holly Neck Road, also testified in favor of the Petition. His testimony, offered on behalf of the Back River Community Association, was in support of the Petition in accordance with that association's long-standing policy to support water use jobs.

The son of the property owner and proposed proprietor, Blair R. Baltus, also testified. He provided extensive testimony as to his background in operating the proposed fishery business. He has both extensive education and work experience in the type of operation proposed. He also testified as to his efforts to keep the business from interfering with his neighbors. Specifically, he picks up his two employees off-site so as to prevent increased traffic on the narrow portion of Armstrong Lane which leads to this property. He has also installed noise-reducing devices on his boat in order not to disturb his neighbors. Quite simply, he is willing to adhere to nearly any restriction which would allow him to continue this occupation and way of life from this property.

Another witness in support of the Petition was David C. Flowers from the County's Department of Environmental Protection and Resource Management (DEPRM). Mr. Flowers noted that this site was within the Chesapeake Bay critical areas demarcation and offered his Department's report of their investigation. The Department offered a cautious approval to the proposed use for so long as the eight restrictions contained within the report were adopted and complied with.

Another neighbor, Earl Sullivan, from across the creek, testified in favor of the proposal, as well as Bernard Willemain, an expert planner.

Case No. 88-267-XA
Mary H. Baltus

Mr. Willemain foresees no detrimental effects to the surrounding community with the operation. He specifically addressed each of the requirements contained in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and stated that the Petition complied with each. Mr. Willemain also testified in support of the proposed variance which would allow a shed on the water side of the property. In that the use of this shed is necessitated by the water-related activity proposed, Mr. Willemain opined that the Petitioner had met his burden of practical difficulty or undue hardship as defined in Section 307 of the B.C.Z.R. Quite simply, the shed must be on the water in order to serve its purpose.

In opposition to the Petitions, several neighboring protestants appeared and testified. Carville Lauenstein, who inherited a substantial size property adjacent to the site, voiced concerns about depreciation of property values. He noted there was no other commercial use in the location and felt that his 55 acres would lose their value if the proposal was allowed. He also was concerned that any restrictions which might be imposed if the Petitions were granted would be ignored and/or not enforced.

Mr. Robert Blanton, of 401 Armstrong Lane, also testified in opposition. He was particularly concerned about the narrowness of Armstrong Lane, the sole means of ingress to the property. He did not believe that a commercial operation could practicably be operated from the site and also was distressed about potential odors from boats and catch and the visual intrusion of a commercial operation on the site.

Lastly, the Board received a copy of an agreement between the property owners and an adjoining neighbor, Mr. and Mrs. David Black. That agreement, which is within the record of this case, was recorded among the Land Records of Baltimore County on or about November 21, 1988. Essentially, in

Case No. 88-267-XA
Mary H. Baltus

return for the Blacks' support of the Petition, the property owners and proprietor agreed to a series of restrictions.

In addition to the testimony summarized above, exhibits and photographs of the site supplied in support of this testimony constitute the essential record of this case. Unfortunately, the meaningful record of this case is littered with personal attacks by and between the Petitioners and Protestants. Although it was the Petitioner's case which most often degenerated into a series of personal assaults against the Protestants and their motives for opposition, the Protestants themselves do not enjoy clean hands in this respect. Even more distressing was Counsel's conduct which, instead of navigating the case on a course toward its merits, encouraged the litigants' hostilities.

The very purpose of this Board is to provide a forum to the residents of Baltimore County in which issues such as the present Petition can be fairly debated and determined. The issues before it are decided by the Board based upon the facts presented in evidence and the law as applied to those facts. Popularity and motive are unimportant and not considered. Through careful scrutiny of the record in this case, the Board concludes that it has acquired the insight necessary to properly and fairly decide the case. Thus, we proceed to discussion of that decision, leaving the personalities behind.

As has been well-settled and stated in Schultz v. Pritts, 291 Md. 1, 432 A.2d 1321 (1981), as well as other leading special exception cases, special exceptions are inherently proper, absent adverse effects to the surrounding locale as enumerated in Section 502.1 of the B.C.Z.R. In the present case, the Petitioner offers and agrees to a great many restrictions designed to lessen the detrimental impact to the surrounding area. The issue before us is thusly stated: Do these restrictions go far enough and are they workable? We believe that they are.

Case No. 88-267-XA
Mary H. Baltus

Obviously, the proposed use here, a fishing and shellfishing facility, shoreline, Class I, is a use applicable only to limited areas within the County. That is, this use could not be granted in Towson or Parkville but only on Baltimore County's waterfront area. Likewise, the clear spirit and intent of the regulations are to support the traditional type uses such as this. Thus, although the Petition presents a commercialization of the subject locale, it is a unique and acceptable commercialization. No fast food restaurant, gas station, or convenience store is offered here, only the opportunity to utilize the Bay and its tributaries' resources.

We also give the report and testimony of Mr. Flowers great weight. The environmental impact of the proposal on the waterways is a primary concern and we accept DEPRM's conclusions that those concerns can be properly addressed and safeguarded. As to the proposed use of this land, we are convinced that restrictions can be imposed which properly address those issues. Specifically, the Board will impose such restrictions on the land so as to prevent an adversarial effect on the adjoining properties.

Lastly, as to enforcement, there is great concern that the Board's restrictions will not be followed. Although we are cognizant of this possibility, we cannot be controlled by it. Clearly, the Board may impose such restrictions as it deems to be appropriate. We must assume that adherence to those restrictions will be forthcoming as well as enforcement by the County. To assume otherwise would render the imposition of any restrictions in any case meaningless.

As to the Petitioner's variance, we are persuaded that same should be granted based upon the uncontradicted testimony offered by Mr. Willemain. Clearly, the geographic layout and designation of the front yard in this site renders the placement of the building as proposed a necessity.

Case No. 88-267-XA
Mary H. Baltus

For the above reasons, the Board will grant the Petitions for Special Exception and Variance with restrictions.

ORDER

It is therefore this 14th day of July, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception and Petition for Variance in Case No. 88-267-XA be and the same are GRANTED subject to the following restrictions:

1. The fuel tank shall be moved to the northeast side of the existing dwelling approximately 70 feet away from the shoreline. It shall be placed on a cement pad surrounded by absorbent sand.
2. Only low-lead gas and diesel fuel shall be utilized to reduce the overall input of lead to Norman Creek and the vicinity.
3. Fueling nozzles shall be fitted with back-pressure shut-off valves.
4. Locking fuel fills shall not be utilized, requiring the operator to manually hold the on-position during the fueling procedure.
5. Fuel tanks shall not be filled from containers.
6. Dead crabs shall be properly disposed of at the time of collection.
7. Non-phosphorous detergents shall be used for washing the boat.
8. The boat shall be removed from the water during the winter.
9. The proposed commercial fishery shall be wholesale only in nature; specifically, there will be no retail operation from the subject site. All sales of produce generated by the business shall be off-site so that the property owner/petitioner/proprietor shall remove his catch personally and deliver same to his wholesaler/retailer.

Case No. 88-267-XA
Mary H. Baltus

10. The site shall be actively used as the base for the commercial harvesting of crabs only during the months of May 1 through October 30 of every year.

11. The crabbing facility shall be limited to one (1) boat of length no greater than 45 feet and one (1) full-size pick-up truck.

12. The facility shall employ no more than three (3) employees in addition to the proprietor, at any one time.

13. No additional buildings or structures associated with the crabbing facility shall be built or maintained on the site, other than the existing structures consisting of frame house, pier and shed on pier, any of which may be replaced on a one for one basis as they need replacement or repair.

14. The employees may not drive automobiles to the site, but rather must walk, bicycle, be picked up by the proprietor, or access the site by any other means than driving automobiles onto the site via Armstrong Lane. By this means, the parties intend to limit vehicular traffic on Armstrong Lane.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Arnold G. Foreman

John G. Disney

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - 1220' NW AND 215' W of the intersection of Katherine Ave. & Cape May Rd. (502 Katherine Avenue) 15th Election District 5th Councilmanic District
Mary H. Baltus
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-267-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit a fishing and shellfishing facility on the subject property and a variance to permit an accessory building in the front yard in lieu of the required rear yard, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Douglas L. Burgess, Esquire. Also appearing on behalf of the Petition was her son, Blair Baltus, and Bernard Willemain, an expert planner and witness. The following persons appeared and testified as Protestants: Bob Blanton, Judith Blanton, Carville A. Lauenstein, Linda Steen, and David A. Black.

At the onset of the hearing, issue was raised by both Judith Blanton and Carville Lauenstein that the subject property was not properly posted for the required 15 days. The Zoning Commissioner has determined that the wrong property was posted; however, the subject property was correctly and properly posted approximately 11 days prior to the hearing. Furthermore, the necessary legal advertising did take place in the required newspapers of record. Specifically, proper notice of this hearing appeared in both the Jeffersonian and the Avenue newspapers. Therefore, I find that the improper posting of the property is not the responsibility of the Petitioner, that the error was corrected when timely noted, and that there was adequate advertisement and notice of the hearing.

The evidence presented in this case is extremely contradictory and equally emotional. Basically, the Petitioner alleges that his family has oper-

ated a crabbing business from the subject property since approximately 1936. He claims that he is continuing a long-time family occupation from this location and that the Petitions for Special Exception and Variance are simply to legalize the crabbing operation. The Protestants, on the other hand, argue strenuously against his request because they claim that all of the families along this inlet leading to the Chesapeake Bay have maintained docks and boats for years and do some pleasure crabbing and fishing, and on occasion, have sold crabs commercially like the Petitioner. They also claim that none of these operations, including the Petitioner's, have ever been a full scale commercial crabbing operation until the Petitioner chose to begin such an activity in the summer of 1985.

The testimony and evidence in the record clearly indicates that the Petitioner is currently operating a one-boat crabbing operation. He and his hired help operate the crab boat from approximately early April until late October of each year. Most of their crabs are sold to one of four primary commercial seafood restaurants in Baltimore County and Baltimore City. The Petitioner claims that he has personally been crabbing from this location from a family boat since 1960 and that he formally obtained a commercial license to crab from this location in 1985. The Petitioner and his family reside in the dwelling unit on the subject property and the Petitioner is employed elsewhere during the remaining months of the year. The Petitioner proposes to construct a refrigeration box approximately 7 feet high by 10 feet long on the property for the storage of crabs when sales are not equal to the total catch. The Petitioner testified that in his opinion, his case meets all the requirements of Section 502.1 and Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.). Upon questioning by the Commissioner, the Petitioner admitted that he did not know the requirements of either Section 307 or 502.1.

Mr. Willemain, who is a qualified expert witness with substantial experience in the interpretation and application of the B.C.Z.R. testified on behalf

neighborhood and would adversely affect the public interest. The facts and circumstances indicate that the use proposed by the Petitioner at this particular location as described on Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz, Pritts, 432 A.2d 1319 (1981).

Since the requested variance is for an accessory structure which is directly conditioned upon the operation of the special exception use, it is unnecessary to rule on the proposed variance for a special exception use that will not be permitted.

After reviewing all of the testimony and evidence presented, it appears that the requested special exception should not be granted. In my opinion, all of the conditions precedent of Section 502.1 of the B.C.Z.R. have not and may not be fulfilled by this project. The requested variance shall be denied since its incumbent purpose is to support the special exception use which shall not take place.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and the variances should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of April, 1988 that a special exception to permit a fishing and shellfishing facility on the subject property and a variance to permit an accessory building in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

JRH:bjs

J. Robert Haines
Zoning Commissioner of
Baltimore County

of the Petitioner. He testified that he has reviewed the subject plans and plat. He has determined that the requirements of Sections 502.1 and 307 have been and would be complied with by this Class 1 crabbing operation. He testified that the 41-foot boat that operates from the subject location is more than acceptable for this type of business within the D.R. 5.5 zone. He stated that the accessory structure being requested is the subject of substantial debate as to whether or not the front yard of the subject property is facing the water or facing the public street. Therefore, there is always a question of interpretation existing. He further testified that the construction of the refrigeration box and crab box is necessary and normal for a business of this nature.

The Protestants argued vigorously against this project, primarily because of the desire to prevent any commercialization of their residential neighborhood and because of the extremely narrow road serving all of the local residential properties.

Mr. Blanton testified that he lives near the subject property, that he is opposed to the commercial trucks servicing the Petitioner's site, and that the excess traffic generated by the additional employees entering and exiting the Petitioner's property causes an unsafe roadway. He is also extremely opposed to the storage of the crab pots and amount of debris and excess junk stored on the subject site. He testified extensively that he was opposed to the methods employed by the Petitioner to dispose of dead crabs. He does not want the waste materials thrown into the Bay or left to rot on the deck.

Mr. Lauenstein testified that he generally agreed with the sum and substance of the other Protestants' testimony and specifically agreed with all of Mr. Blanton's testimony. Mr. Lauenstein also added that he considered the intensified use of the subject service roads as a hazard to all of the residents. He testified that he was opposed to the substantial noise created by the Petitioner's boat.

Mr. Black was the only Protester who testified that he would not object to the subject operation so long as it remained a small one-boat three-man operation. He testified he was extremely concerned that this operation would be allowed to grow to two, three and four boats, and that there would come a time when retail operations would take place from the site. He testified that he was opposed to the behavior and driving methods of the Petitioner's employees who seemed to attempt to run other cars and vehicles off the road when they enter and exit the site. He also testified that there was some commercial support operations taking place in conjunction with the crabbing business.

Finally, the testimony of Mrs. Blanton indicates that she is in agreement with the statements made by all the other Protestants. However, she chose to emphasize that she was extremely opposed to the open storage of crab pots and the disposal of dead fish and crabs which creates a very unacceptable odor. She stated that she was extremely opposed to the traffic generated by this commercial operation. She does not like the Petitioner's employees speeding and driving recklessly on the small road. She also testified that there were a lot of parking problems caused by the Petitioner's employees parking along the residential roads instead of on the Petitioner's lot.

It should be noted for the record that the Baltimore County Office of Planning and Zoning is unable to support this Petition because of the Petitioner's inability, or unwillingness, to provide appropriate data.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use meets the prescribed standards and requirements set forth in Section 502.1. The Petitioner has provided evidence concerning this subject, however, the evidence is strongly contradicted by the evidence provided by the Protestants. There is nothing in the record to indicate that this operation could take place satisfactorily from this location. The facts are that this proposed use would be conducted with substantial detriment to the

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a fishing and shellfishing facility, shoreline, Class I, § 1801.C.7A.

Property is to be posted and advertised as prescribed by Zoning Regulations. NE 11

I, or we, agree to pay expenses of above Special Exception 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.

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

Contract Purchaser:
(Type or Print Name)

Legal Owner(s):

Mary H. Baltus

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

Attorney:

Douglas L. Burgess, Esq.

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Douglas L. Burgess, Esq.

Name

Address

City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout 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 20th day of January, 1988, at 11 o'clock A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow an accessory building in the front yard of residential zone in lieu of the required rear yard.

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

1. The frame accessory building is a covered crab slough box that by necessity must be near the water and dock.
2. Because of the nature of waterfront property, the "front" of the house is oriented towards the water as opposed to the road, resulting in a quirk in regulations that prohibits an otherwise acceptable use.
3. The crab slough building is long existing, established use.
4. Petitioner would suffer practical difficulty and undue hardship if the crab slough building had to be moved.

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.

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

Contract Purchaser:

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Douglas L. Burgess

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Douglas L. Burgess

Name

Address

City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout 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 20th day of January, 1988, at 11 o'clock A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

John C. Mellema Sr.
Registered Surveyor

6100 Baltimore National Pike
Suite 4
Catonsville, Maryland 21228

(301) 744-8880

Description to accompany
a petition for a special
hearing and variances

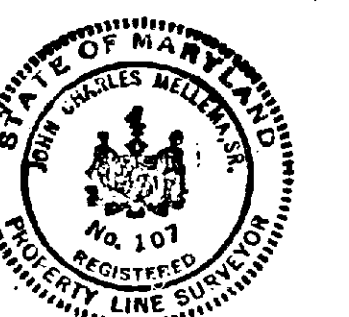
September 4, 1987
RE: Katherine Avenue

BEGINNING at the intersection of Katherine Avenue and Cape May Road, and running in a northwesterly direction, for a portion along the centerline of Katherine Avenue approximately 1220 feet to a point, thence in a southwesterly direction approximately 215 feet to the property being described, thence:

1. South 22 degrees West, 99 feet
2. South 18 degrees 30 minutes East, 26.4 feet
3. South 37 degrees 30 minutes East, 39.5 feet
4. South 39 degrees 30 minutes East, 49.5 feet
5. South 23 degrees West, 19.8 feet
6. South 83 degrees 30 minutes East, 82 feet
7. South 29 degrees East, 105 feet 9 1/2 inches
8. South 89 degrees East, 15 feet more or less
9. North 28 degrees 45 minutes West, 348.75 feet to the place of beginning.

Containing 0.4 acres of land more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
1220' NW and 215' SW
Intersection of Katherine Ave.
and Cape May Rd. (502 Katherine Ave.), 15th District

MARY H. BALTUS, Petitioner : Case No. 88-267-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of December, 1987, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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COUNTY BOARD OF APPEALS
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IN THE MATTER OF THE PETITION
FOR SPECIAL EXCEPTION AND
VARIANCE OF MARY H. BALTUS
1220' NW and 215' W of
Intersection of Katherine Ave.
and Cape May Rd., : BALTIMORE COUNTY
15th Election District : Case No. 88-267-XA
5th Councilmanic District

PEOPLE'S COUNSEL'S POSTHEARING MEMORANDUM

This memorandum is intended as a supplement to oral argument.

The special exception should be denied because the Petitioner has effectively admitted the inappropriateness of the site for a crabbing facility and has structured his proposal to depend on undertakings which are personal to him, to his employees, to proprietors of a farm store, and to his current neighbor, Mr. Black. Moreover, the nature of the undertakings are inherently tenuous and fragile, as well as elusive of enforcement.

Special exceptions must be granted or denied upon grounds independent of particular personal matters unconnected to the property itself. It is apparent that the character of this residential neighborhood at the tip of the east side of Jordan's Creek and the narrow, crooked access route make it extraordinarily inappropriate to carry on a normal sort of crabbing operation including even a moderate amount of traffic with employees and/or other business visitors. For that reason, the Petitioner has suggested the very unnatural restriction of zero employee traffic and zero other business traffic. The problem is that this is a personal undertaking

and cannot be depended on to carry forward to other or future owners of the property. The undertaking itself is clearly abnormal and so unlikely to be continued over a period of time that the skepticism of the Protestants is well grounded. That the current immediate property owners have signed an agreement is further reason for rejecting, not accepting, the proposal. The mere agreement of a particular neighbor is not probative, and in this case shows that the Petitioner intends to win by plebiscite.

Indeed, the approach of the Petitioner in the case was consistently on a personal level, even extending to the testimony of the planner, Mr. Bernard Willemain. In the course of his testimony the Deputy People's Counsel was constrained to object to the personal nature of the attacks on the neighboring Protestants. The record has been so poisoned by the personalities theory advanced by the Petitioner that the case should be denied, as a matter of law.

The present case is among the most extreme examples of a tendency for zoning cases to descend to a personal level. This approach focuses on the garnering of support and popularity. Moreover, in this case, it is combined with unjustified recrimination against those who object. A zoning special exception should not be approved under these circumstances.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

2

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 26th day of May, 1989, a copy of the foregoing People's Counsel's Posthearing Memorandum was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff and Williams, Chartered, Suite 1105, Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman

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IN THE MATTER OF THE PETITION
FOR SPECIAL EXCEPTION AND
VARIANCE OF MARY H. BALTUS

BEFORE THE
COUNTY BOARD OF
APPEALS OF
BALTIMORE COUNTY

Case No. 88-267-XA

PETITIONER'S POST-HEARING MEMORANDUM

MARY H. BALTUS, Petitioner, by her counsel, Douglas L. Burgess and Nolan, Plumhoff & Williams, Chartered, files this Post-Hearing Memorandum and states:

1. Petitioner proved each and every element of its case by overwhelming evidence at the hearing of this matter.
2. The protestants presented no expert testimony to contradict the unimpeached and unopposed testimony of an independent planner, Bernard Willemain, and the Baltimore County Departments of Traffic Engineering and Environment.
3. Compatibility with the neighborhood is a valid issue for testimony and vigorous cross examination. Certainly the Board should know whether the proposed use is in the vicinity of million dollar shore estates or a neighborhood of a drastically different character. The character of the neighborhood is an essential element of evidence.
4. Accordingly, there is absolutely no reason to give any weight to the protestants' or People's Counsel case or the objections raised in its Memorandum.

WHEREFORE, Petitioner prays that its special exception and variance be granted.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

RECEIVED
COUNTY BOARD OF APPEALS
89 MAY 23 PM 12:54

Douglas L. Burgess
DOUGLAS L. BURGESS

Nolan, Plumhoff & Williams
NOLAN, PLUMHOFF & WILLIAMS,
CHARTERED
Suite 1105, 300 E. Joppa Road
Towson, Maryland 21204
301/823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of June, 1989, a copy of the foregoing Petitioner's Post-Hearing Memorandum was mailed first class, postage prepaid, to Peter Zimmerman, Esquire, Deputy People's Counsel, Baltimore County Office Building, 3rd Floor, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Douglas L. Burgess
DOUGLAS L. BURGESS

LB:med
736A

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

- 2 -

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on May 23, 1989 at 10:00 a.m. at Room 301, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: John Mellema, Sr.
6100 Balt. Nat'l Pike
Baltimore, Md. 21223

The witness shall bring with him his entire file and report concerning the subject property.

Douglas L. Burgess
DOUGLAS L. BURGESS
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204
(301) 823-7800

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Phyllis Cole Friedman
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

RECEIVED
COUNTY BOARD OF APPEALS
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8286A

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on May 23, 1989 at 10:00 a.m. at Room 301, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: David Flowers
DEPRM
Courts Building, Suite 416
Towson, Maryland 21204

The witness shall bring with him his entire file and report concerning the subject property.

Douglas L. Burgess
DOUGLAS L. BURGESS
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204
(301) 823-7800

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Phyllis Cole Friedman
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

RECEIVED
COUNTY BOARD OF APPEALS
89 APR 21 PM 3:58
8286A

RECEIVED
COUNTY BOARD OF APPEALS
89 APR 21 PM 3:58
LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
301/823-7800
TELEFAX 301/266-2765

4/21/89

RE: 88-267-XA
BALTUS

Kathy Wiedenhammer
Staff of Appeals
Kindly find enclosed an original
and two copies of the enclosed
Subpoenas. Please arrange for issuance
and service.
Thank you very much
- Doug Burgess

317 Judy

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA

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Witness: John Mellema, Sr.
6100 Balt. Nat'l Pike
Baltimore, Md. 21228

The witness shall bring with him his entire file and report concerning the subject property.

SUBPOENA
DOUGLAS L. BURGESS
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204
(301) 823-7800

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County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA

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(301) 823-7800

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County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA

SUBPOENA

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Witness: Christine Rorke

Address: Current Planning

County Office Building, First Floor
Towson, MD 21204

DOUGLAS L. BURGESS
Name: Douglas L. Burgess
Firm: Nolan, Plumhoff & Williams, Chtd.
Address: Suite 1105, 300 E. Joppa Road
Towson, MD 21204
#823-7800

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Cost: \$
Summoned: 19
Not served: 19

Sheriff of Baltimore County

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA

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Witness: Michael Flanigan, Bureau of Traffic Engineering
Address: Suite 405, Courts Building
Towson, Md. 21204

DOUGLAS L. BURGESS
Name: Douglas L. Burgess
Firm: Nolan, Plumhoff & Williams, Chtd.
Address: Suite 1105, 300 E. Joppa Road
Towson, MD 21204
#823-7800

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Cost: \$
Summoned: 19
Not served: 19

Sheriff of Baltimore County

County Board of Appeals of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Peter Max Zimmerman
TO: People's Counsel
C. Richard Moore, Bureau Chief
FROM: Bureau of Traffic Engineering
Mary Baltus
SUBJECT: Zoning Case #88-267-XA (Item 108)

We have reviewed the above case and do not feel that the proposed use would present any traffic engineering problems provided the following:

- 1) The operation would be limited to only a couple of boats.
- 2) No retail operations would take place on the site.
- 3) No other commercial operations would take place on the site. The business operations would be strictly limited to fishing and shellfishing.
- 4) All employee parking is strictly limited to being located on the petitioner's site and not on any roadways.

While the roads leading to the site are narrower than desirable, the fact that they have low traffic volumes makes it possible for prudent drivers to safely access the site. The same could be said for hundreds of similar operations and marinas along the Chesapeake Bay in the County. The roads could certainly support a two-boat operation at the site and traffic that would be generated by it, provided no retail operations occur on site.

Should you need any additional input, please give me a call.

CRW/SEN/lw
cc: Mr. Michael Flanigan

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA

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Address: Suite 405, Courts Building
Towson, Md. 21204

DOUGLAS L. BURGESS
Name: Douglas L. Burgess
Firm: Nolan, Plumhoff & Williams, Chtd.
Address: Suite 1105, 300 E. Joppa Road
Towson, MD 21204
#823-7800

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Cost: \$
Summoned: 19
Not served: 19

Sheriff of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Peter Max Zimmerman
TO: People's Counsel
C. Richard Moore, Bureau Chief
FROM: Bureau of Traffic Engineering
Mary Baltus
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- 3) No other commercial operations would take place on the site. The business operations would be strictly limited to fishing and shellfishing.
- 4) All employee parking is strictly limited to being located on the petitioner's site and not on any roadways.

While the roads leading to the site are narrower than desirable, the fact that they have low traffic volumes makes it possible for prudent drivers to safely access the site. The same could be said for hundreds of similar operations and marinas along the Chesapeake Bay in the County. The roads could certainly support a two-boat operation at the site and traffic that would be generated by it, provided no retail operations occur on site.

Should you need any additional input, please give me a call.

CRW/SEN/lw
cc: Mr. Michael Flanigan

IN THE MATTER OF * BEFORE THE
MARY H. BALTUS, * COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR * OF
FISHING AND SHELLFISHING * BALTIMORE COUNTY
FACILITY, 502 KATHERINE * CASE NO.: 88-267-XA

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Witness: Christine Rorke

Address: Current Planning

County Office Building, First Floor
Towson, MD 21204

DOUGLAS L. BURGESS
Name: Douglas L. Burgess
Firm: Nolan, Plumhoff & Williams, Chtd.
Address: Suite 1105, 300 E. Joppa Road
Towson, MD 21204
#823-7800

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Cost: \$
Summoned: 19
Not served: 19

Sheriff of Baltimore County

IN THE * BEFORE THE
MATTER OF * COUNTY BOARD OF APPEALS OF
MARY H. BALTUS * BALTIMORE COUNTY
* CASE NO.: 88-267-XA
* * * * *

POINTS AND AUTHORITIES

Petitioner, by her attorneys, Douglas L. Burgess and Nolan, Plumhoff and Williams, Chartered, submits the following points and authorities, copies of which are attached:

1. Bill No. 30-78, codified as section 101, Definitions, "Fishing and Shellfishing facility, shoreline, Class I" and 1B01.1C (Uses permitted by special exceptions in D.R. zones).
2. BCZR Section 502.1, Special Exceptions.
3. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1321 (1981) (special exception uses are legislatively determined, and, therefore, presumptively valid absent any adverse effects on the public interest).
4. BCZR Section 500.14 Special Exceptions within Critical Areas.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

5. BCZR Section 307; a) 307.1 Variance; and b) 307.2 Variance within Critical Areas.

Respectfully submitted,

Douglas L. Burgess
DOUGLAS L. BURGESS
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204
(301) 823-7800

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

8523A
DLB:kap

-2-

TO WHOM IT MAY CONCERN:

I have no objection to the special exception being sought by Mary H. Baltus.

Name *Douglas L. Burgess*
Address *398 Pennsylvania Ave*

Date *10-17-87*

PETITIONER'S
EXHIBIT 3

TO WHOM IT MAY CONCERN:

I have no objection to the special exception being sought by Mary H. Baltus.

Name *Carl Sullivan*
Address *505 Voge Lane*

Date *10/12/87*

TO WHOM IT MAY CONCERN:

I have no objection to the special exception being sought by Mary H. Baltus.

Name *Raymond J. Gifford*
Address *411 Voge Lane*
21221

Date *9-30-87*

TO WHOM IT MAY CONCERN:

I have no objection to the special exception being sought by Mary H. Baltus.

Name *John Henderson*
Address *507 Voge Lane*

Date *1/2/88*

To whom it may concern 1-12-88

On a young man in the summer months of 1938 & 39 I helped to catch crabs in the Chesapeake Bay at Miller Island. I got them back to Mr. Carl Henneman's where at 502 Baltimore Ave when we sorted and sold them. Any further information concerning this, I can be contacted at 352-3563

Sincerely,
Harold R. Smith, Jr.

4



H.R. Sheller John Henneman



John Henneman



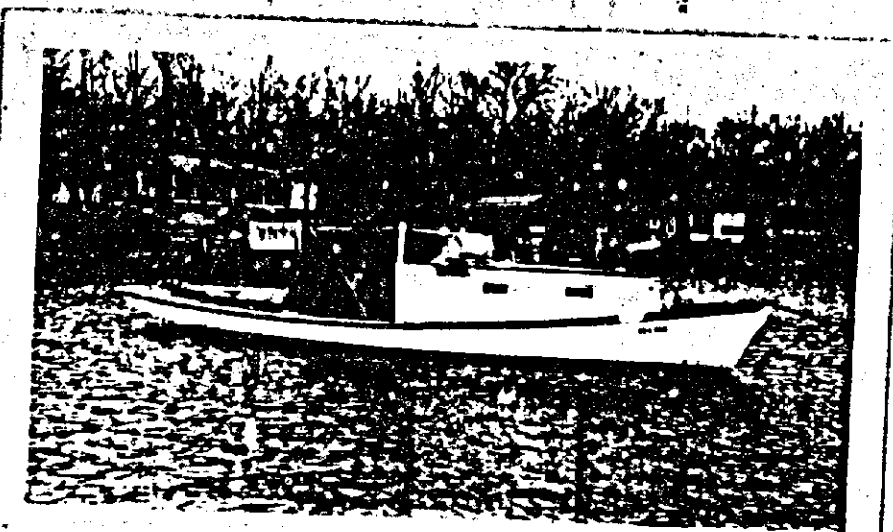
Mary Henneman



Ray John



K. J. Heineman Sr.
Fishing boat circa
135-40



LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(301) 823-7800
TELEFAX (301) 296-2765

Planning + Zoning
First Floor
County Office Bldg. attn: Charlotte
v: Blair Baltus

Dear Charlotte:
Kindly find enclosed the additional \$15.00
needed for the appeal. If there is anything else
you need, please let me know.
V.T. Young,
Doug Burgess

THIS STATEMENT TO BE OBTAINED FROM CHECK BEFORE DEPOSITING
TO: BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 5-10-88 ACCOUNT 01-615-000
AMOUNT \$ 15.00
RECEIVED DOUGLAS BURGESS ATTORNEY
300 E. JOPPA RD. SUITE 1105, C1204-3012
FOR APPEAL FILING + POSTING FEE - CASE # 88-267-XA
MARY H. SALTUS, REC
0026*****150048 8102T
VALIDATION OR SIGNATURE OF CASHIER

Standard Contract of Sale

Approved by Real Estate Board of Greater Baltimore
REAL NO. 1
As Amended 8/1/81

Last Selling Point
K. J. Heineman Sr.

This Agreement of Sale, made this 25 day of February
nineteen hundred and sixty-five, between Karl J. Heineman, Jr. and Alata L.
Heineman, his wife, and James H. Heineman and Patricia C. Heineman, his
wife, Seller, and
George R. Baltus and Mary H. Baltus, his wife, Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter
does hereby purchase from the former the following described property, situate and lying in Baltimore County, State of Maryland, known as
all of their right, title and interest (being a two thirds interest) in the following
described property, situate and lying in Baltimore County, State of Maryland, known as
the shore property located on Normans Creek, Middle River, on a dirt road off Catherine
Avenue, improved by a frame one story home on one half acre of ground more or less,
being the same property conveyed by deeds from Richardto Karl Heineman, Sr. and wife,
recorded 1/2/37 O&B No. 100A/56, and from Mysschell to Karl Heineman, Sr. and wife
recorded 5/3/45 RUS No. 1387/19 being the same lotless, a certain conveyance of part
thereof to Keller, and which two thirds interest hereby sold was devised to Karl J.
Heineman, Jr. and James H. Heineman by the Last Will and Testament of Karl J. Heineman,
deceased.

and for the price of Six Thousand Six Hundred Sixty Six Dollars and Sixty Seven Cents
(\$6,666.67) less two thirds of the contents of said home (being also
purchased by the Buyer by separate contract) as established by the personal inventory to be filed in the Estate of Karl J. Heineman, Sr.,
of which two thirds interest hereby sold was devised to Karl J. Heineman, Jr. and James H. Heineman by the Last Will and Testament of Karl J. Heineman,
deceased.

have been paid prior to the signing hereof, and the balance to be paid as follows: in cash
on or before the 25th day of May 1965.

It is agreed that Karl J. Heineman, Jr. shall have the right without any payment of
rent or charge, to the use of the shed and yard for the storage and operation of the 1928
12 foot Chrysler Cruiser No. 187711 as they have been and are being used, and he shall
have the right from time to time to cross and be upon the land hereby sold for the purpose
of full and free access to said shed and cruiser, including access thereto by water, all of
which rights shall continue until the said cruiser is sold by Karl J. Heineman, Jr. or
until expiration of one year from the date hereof, whichever shall first occur.

This contract is executed concurrently with another contract between Karl J. Heineman,
Jr., Executor of the Estate of Karl J. Heineman, Sr. (to be appointed as such) and
the Buyer herein for the sale of the contents of the premises hereby sold, it is agreed
that both of said contracts are intended to be performed together or not at all, and if
for any reason one or the other of them is not performed, then there shall be no duty on

April 13, 1988

Douglas L. Burgess, Esquire
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
12201 NW and 2151 W of the intersection of Katherine Avenue and
Cape May Road (502 Katherine Avenue)
15th Election District 5th Councilmanic District
Mary H. Baltus - Petitioner
Case No. 88-267-XA

Dear Mr. Burgess:

Enclosed please find the decision rendered on the above-referenced case.
The Petitions for Special Exception and Zoning Variance have been Denied in ac-
cordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please
be advised that any party may file an appeal to the County Board of Appeals.
For further information on filing an appeal, please contact this office.

Very truly yours,

Robert Haines
Zoning Commissioner
of Baltimore County

JRH:bjs

Enclosures

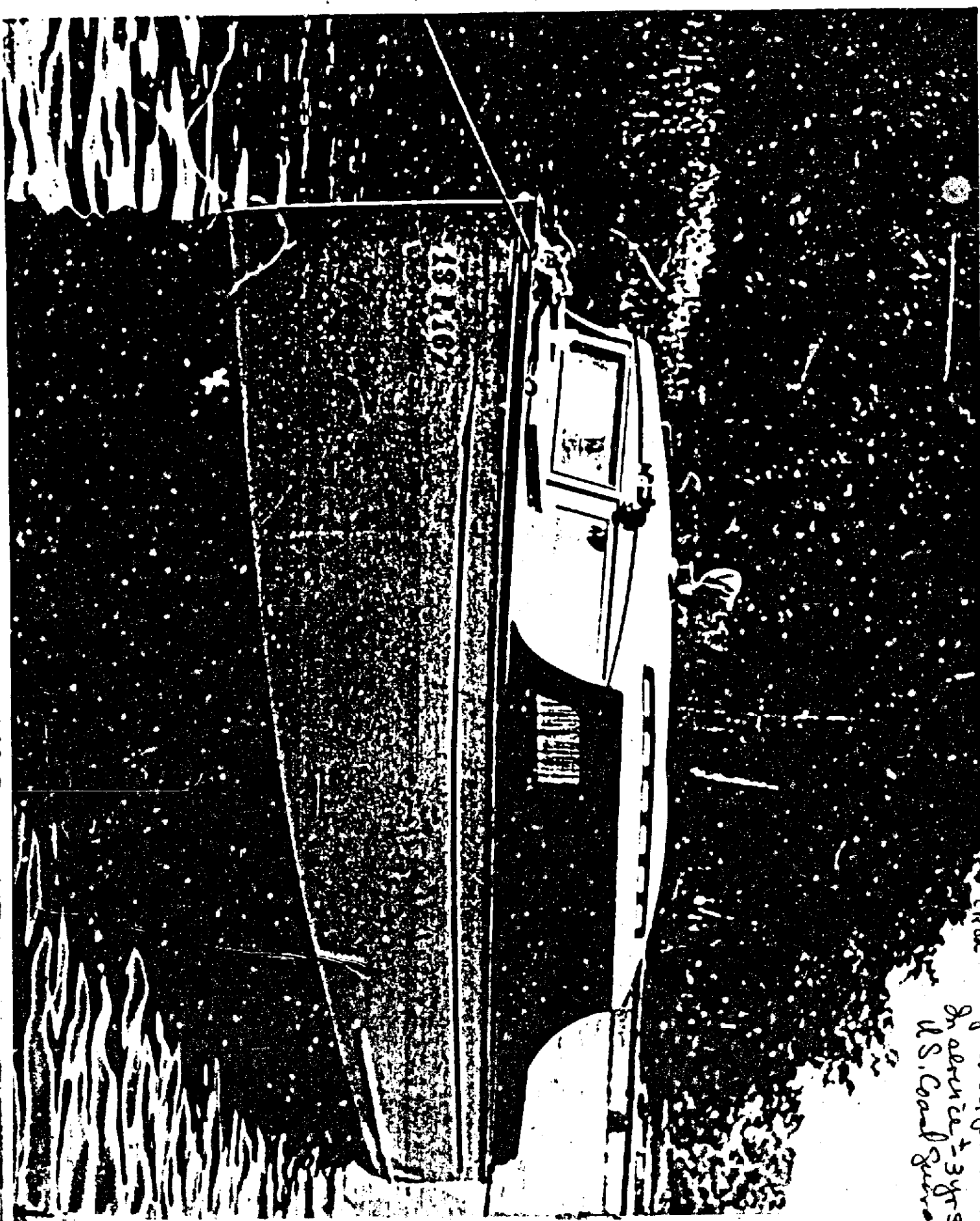
cc: Mr. & Mrs. Robert Blanton
401 Armstrong Lane, Baltimore, Md. 21221

Mr. Carville A. Lauenstein
1308 Eastern Avenue, Baltimore, Md. 21221

Ms. Linda Steen
506 Laske Avenue, Baltimore, Md. 21221

Mr. David A. Black
398 Armstrong Lane, Baltimore, Md. 21221

People's Counsel
File



Robert Haines, Jr. 1928 Chrysler Cruiser No. 187711 as they have been and are being used, and he shall have the right from time to time to cross and be upon the land hereby sold for the purpose of full and free access to said shed and cruiser, including access thereto by water, all of which rights shall continue until the said cruiser is sold by Karl J. Heineman, Jr. or until expiration of one year from the date hereof, whichever shall first occur.

By: Doug Burgess

The Avenue Inc.

per publisher

GALE SENT BUILD

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 20, 1987

Ms. Mary H. Baltus
502 Katherine Avenue
Essex, Maryland 21221

Dennis F. Rasmussen
County Executive

Re: Petitions For Zoning Variance and Special Exception
1220' N.W. and 215' S.W. intersection of Katherine Ave. &
Cape May Avenue (502 Katherine Avenue)
Mary H. Baltus - Petitioner
Case number: 88-267-XA

Dear Ms. Baltus:

Please be advised that \$165.75 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. Robert Haines
Zoning Commissioner of
Baltimore County

JRH:

cc:

Douglas L. Burgess, Esq.
file

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Exception
1220' N.W. and 215' S.W. intersection of Katherine Avenue and Cape May Road
(502 Katherine Avenue)
15th Election District - 5th Councilmanic District
Mary H. Baltus - Petitioner
DATE/TIME: Wednesday, January 20, 1988 at 11:00 a.m.

Case number: 88-267-XA
Petition for Zoning Variance to allow accessory building in the front yard of residential zone in lieu of the required rear yard.
Special Exception for a fishing and shellfishing facility, shoreline, Class I. Z. BD01 C.7A.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 41603

DATE 9/15/87 ACCOUNT 01-615
AMOUNT \$ 100.00

RECEIVED FROM NOLAN PLUMMER, WILLIAMS

FOR FILING FEE FOR SPECIAL EXCEPTION ITEM 108

BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 20, 1987

Ms. Mary H. Baltus
502 Katherine Avenue
Essex, Maryland 21221

Dennis F. Rasmussen
County Executive

Re: Petitions For Zoning Variance and Special Exception
1220' N.W. and 215' S.W. intersection of Katherine Ave. &
Cape May Avenue (502 Katherine Avenue)
Mary H. Baltus - Petitioner
Case number: 88-267-XA

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THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45911

DATE 1/20/88 ACCOUNT R-01-615-000

RECEIVED FROM Mary Baltus

FOR FILING FEE FOR SPECIAL EXCEPTION ITEM 108

BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45817

DATE 1/20/88 ACCOUNT 01-615-000

RECEIVED FROM Mary Baltus

FOR FILING FEE FOR SPECIAL EXCEPTION ITEM 108

BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

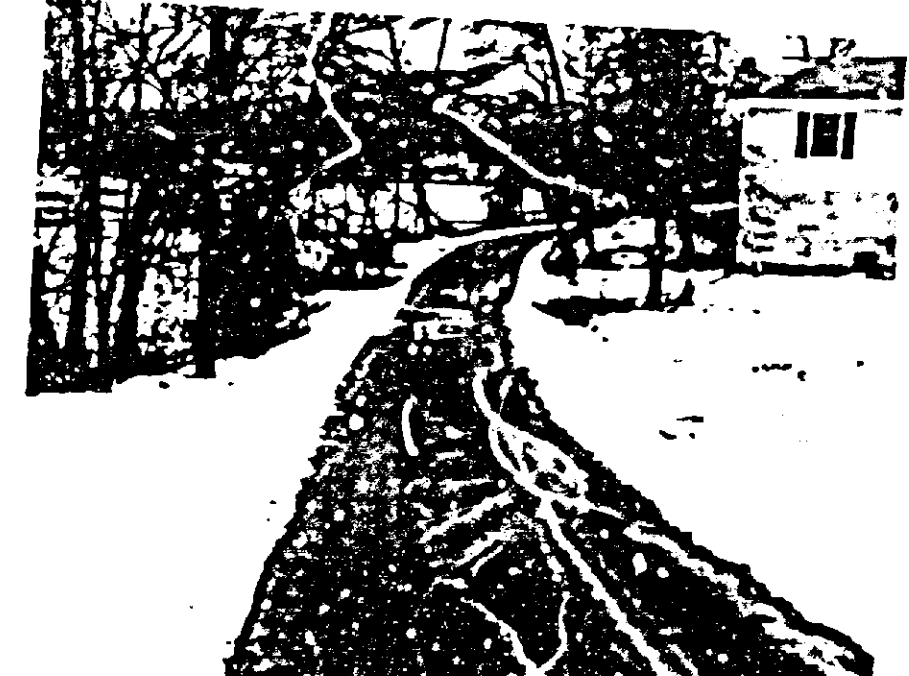
88-267-XA

District 15th
Posted for Appeal
Petitioner: Mary H. Baltus
Location of property: 1220' N.W. & 215' S.W. intersection of Katherine Ave. & Cape May Rd.
Location of Signs: Signs placed at intersection of Katherine Ave. & Cape May Rd. - 502 Katherine Ave.
Remarks: No objection from Mary H. Baltus - which is
Posted by: [Signature]
Number of Signs: 1

PROTESTANT(S) EXHIBIT (2)



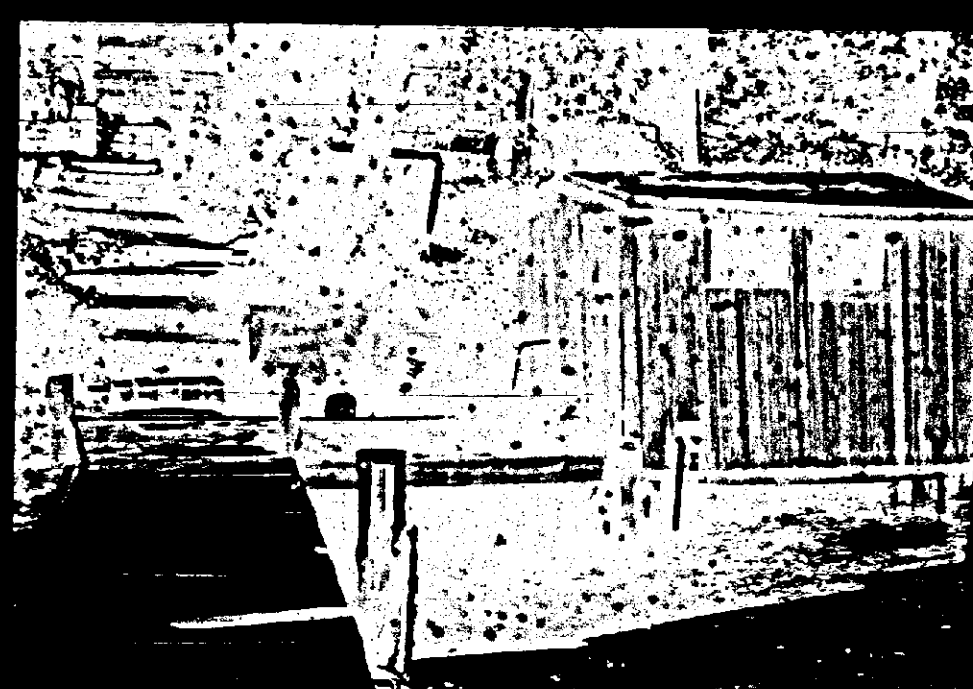
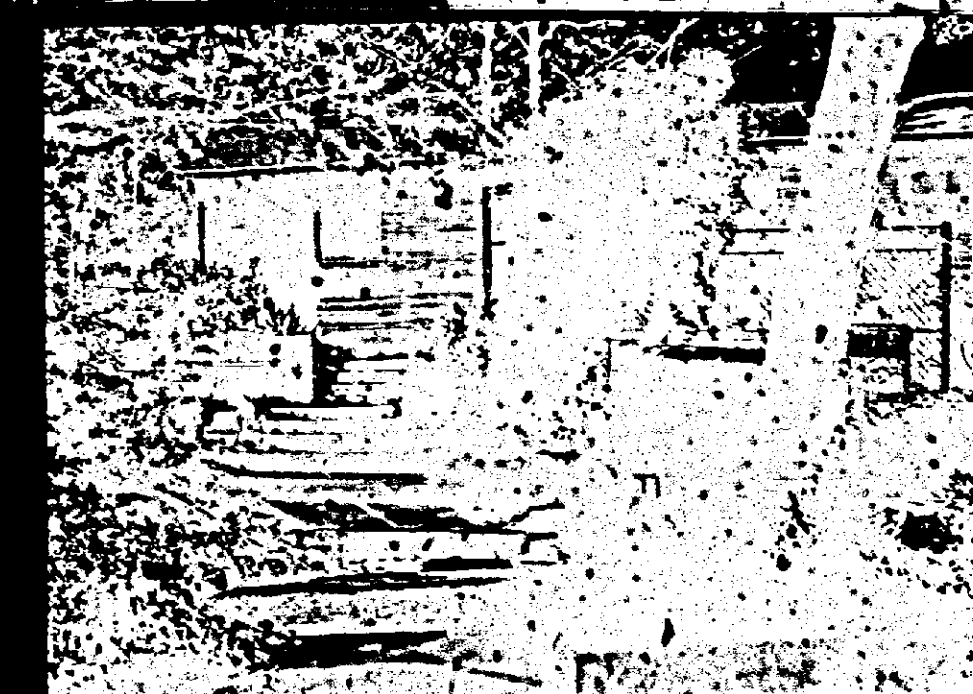
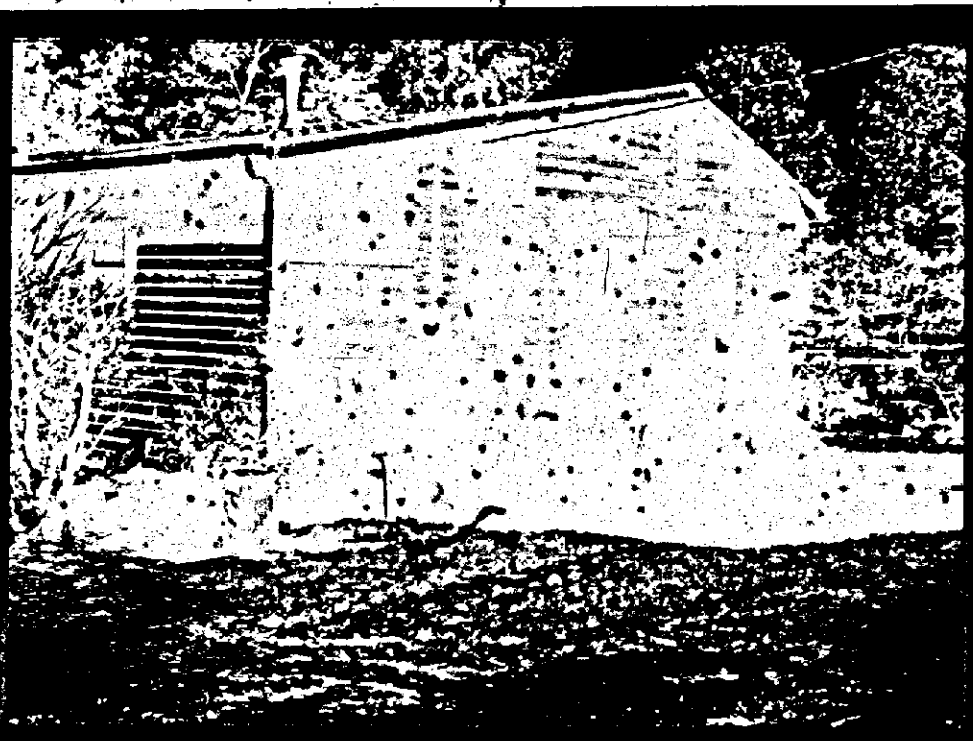
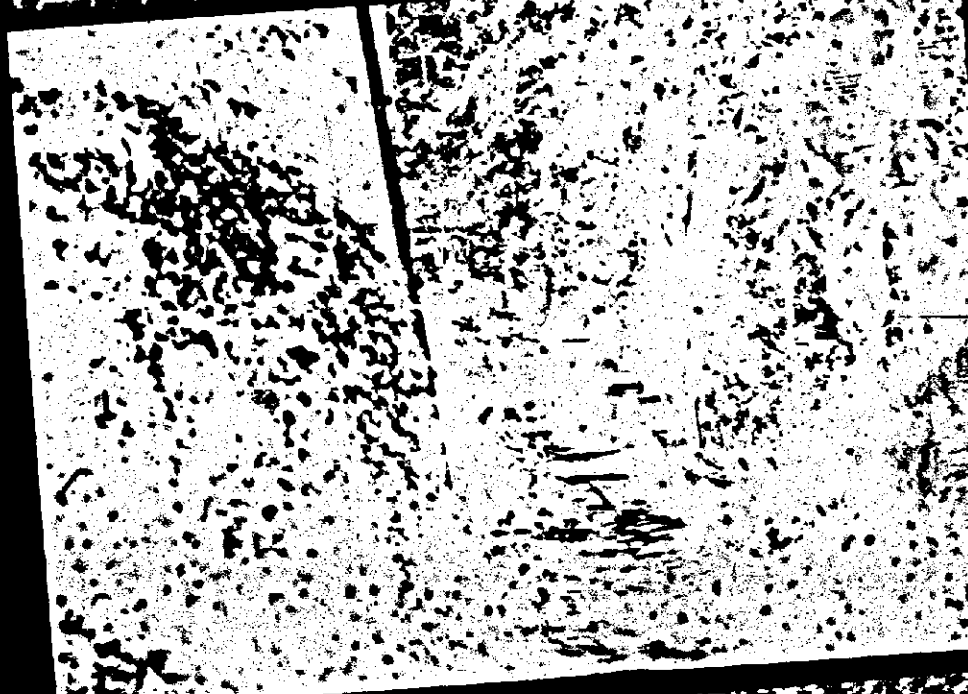
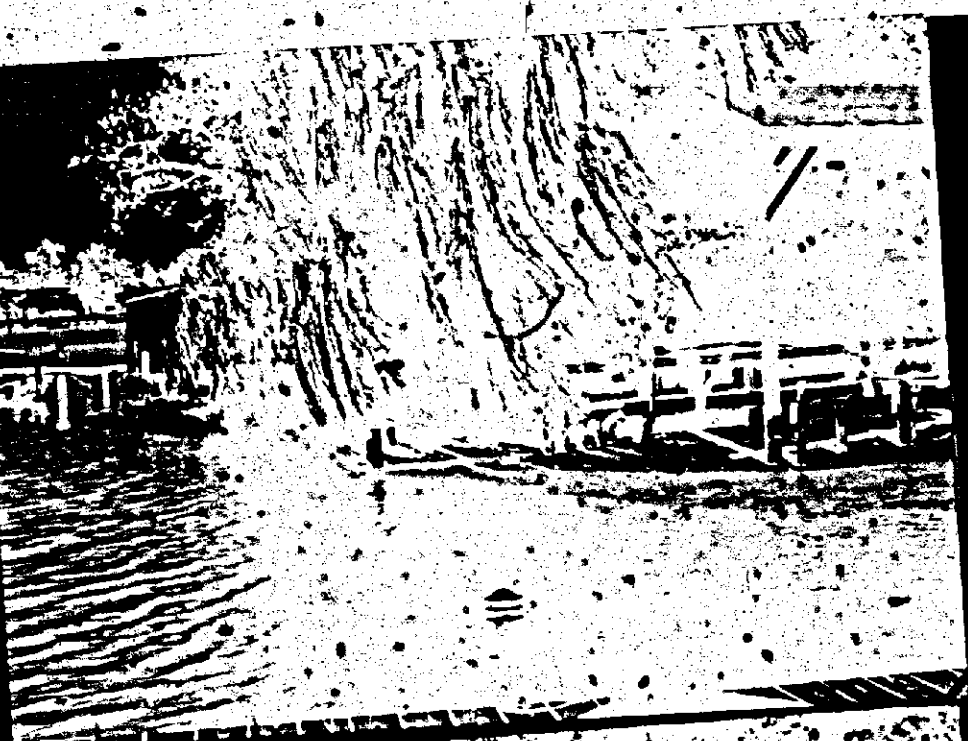
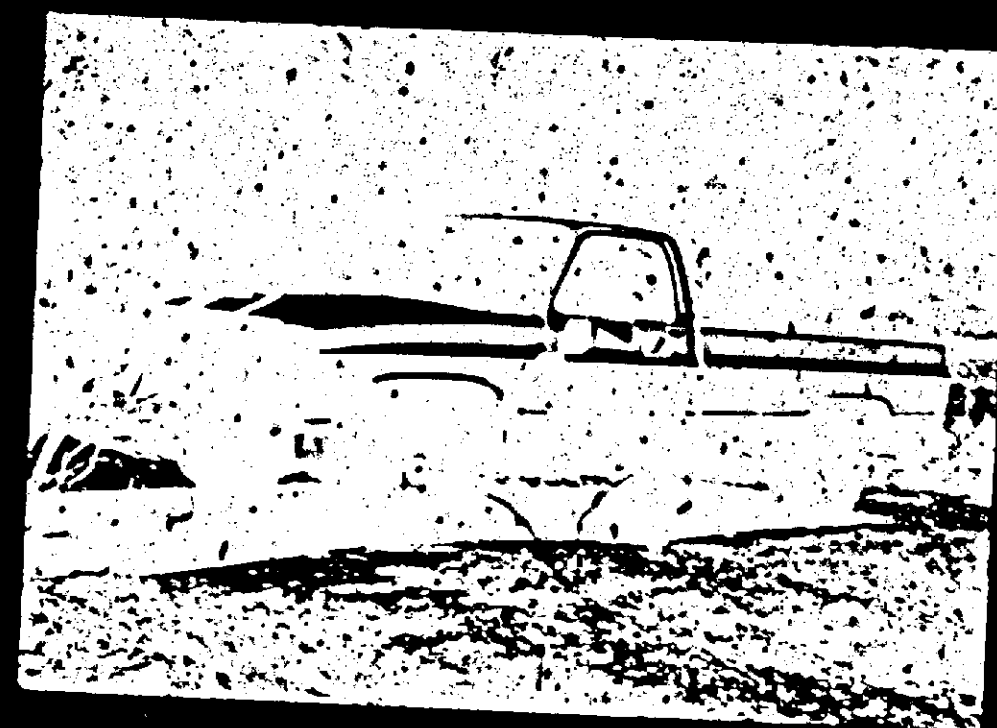
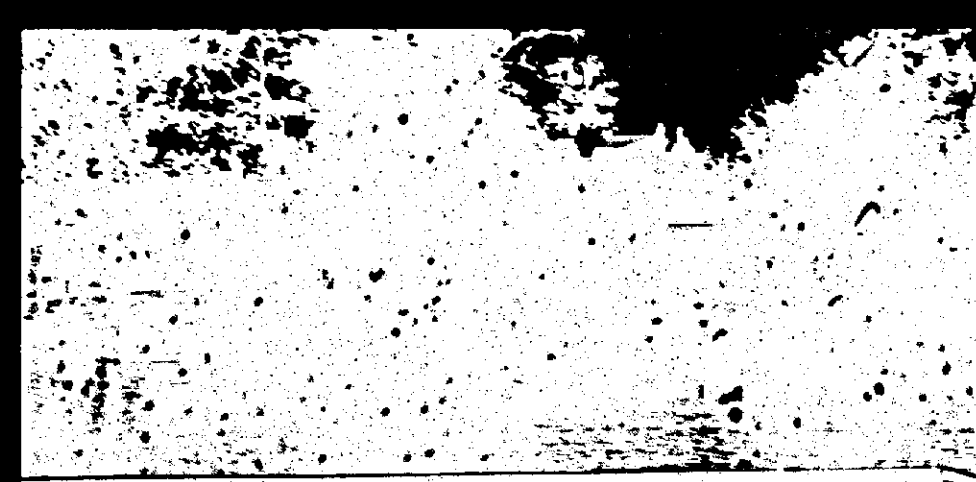
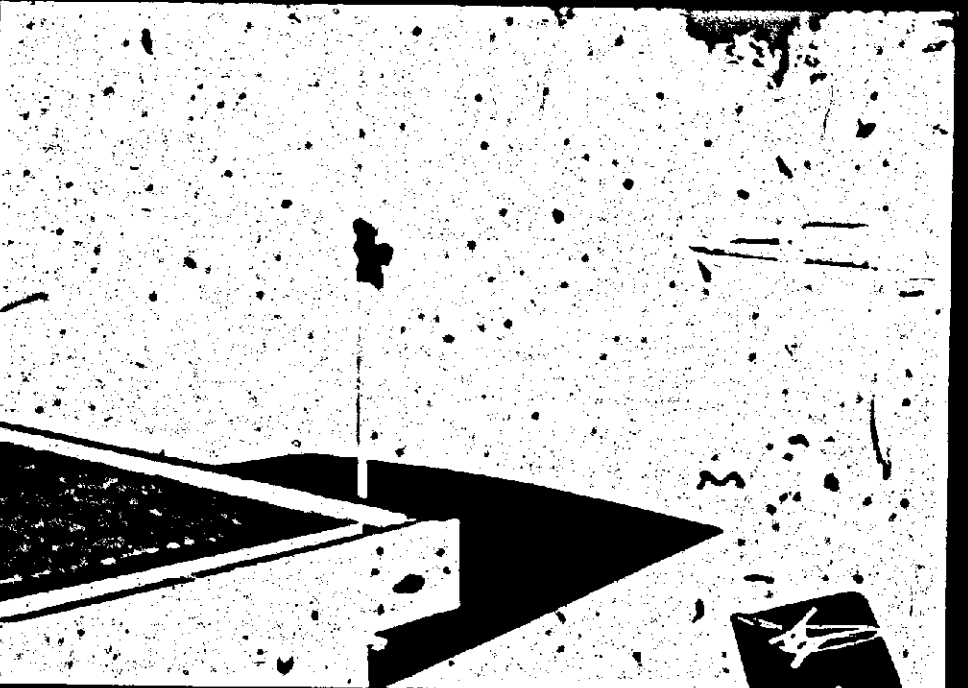
PROTESTANT(S) EXHIBIT (2)



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

88-267-XA

District 15th
Posted for Appeal
Petitioner: Mary H. Baltus
Location of property: 1220' N.W. & 215' S.W. intersection of Katherine Ave. & Cape May Rd.
Location of Signs: Signs placed at intersection of Katherine Ave. & Cape May Rd. - 502 Katherine Ave.
Remarks: No objection from Mary H. Baltus - which is
Posted by: [Signature]
Number of Signs: 1



APPEAL

Petition for Special Exception and Zoning Variance
1220' NW and 215' W of the intersection of
(Katherine Avenue and Cape May Road)
15th Election District - 5th Councilmanic District
Mary H. Baltus - Petitioner
Case No. 88-267-XA

SE -- For a fishing and shellfishing facility, shoreline, Class I & 1B01.C.7A
VAR--To allow an accessory bldg. in the front yd. of residential zone in lieu
of the required rear yard.

Petitions for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat of location
2. Folder of 24 3" x 5" photographs of location
3. 4 copies of "approval to special exception" letters from persons on behalf of petitioner
4. Copy of letter and pictures showing evidence of crabbing business at location

Protestant's Exhibits: 1. Drawing of location
2. 4 - 3" x 5" photographs of location

Zoning Commissioner's Order dated April 13, 1988

Notice of Appeal received Douglas L. Burgess, Attorney for Petitioner

Mary H. Baltus, Petitioner
502 Katherine Ave.
Balto., MD. 21221

Douglas L. Burgess, Esquire - Nolan, Plunhoff & Williams
Suite 1105, Hampton Plaza, 300 East Joppa Road, Towson, Md. 21204-3012

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

Mr. & Mrs. B. Blanton
401 Armstrong Ln. (21221)
Carville A. Lauenstein
1308 Eastern Ave. (21221)

P.P. Granger
resid 11/30

September 21, 1988

Mr. R. Haines
Court Board of Appeals
Baltimore County
Room 315, County Office Building
Towson, Md. 21201

Subject: Postponement request case #88-267-XA
Reference letter dated August 24, 1988

Dear Mr. Haines:

I am requesting a postponement for the hearing scheduled for
November 9, 1988. This is a day after a holiday and in
order to be paid for a holiday, my employer requires that I work the
day before and the day after the holiday. The same situation
applies to my spouse and other protestants who plan to attend the
hearing.

I am requesting a postponement for the stated reason and requesting
another hearing date of your choosing as long as it is not near a
holiday.

Thank you,

B. Blanton

B. Blanton
401 Armstrong Lane
Baltimore, Md. 21221
Business Phone 682-1284
Home Phone 687-7656

Spec'd. 9/24/88
C.B.A. 12/10
J.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 14, 1989

Douglas L. Burgess, Esquire
NOLAN, PLUNHOFF & WILLIAMS
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 88-267-XA
Mary H. Baltus

Dear Mr. Burgess:

Enclosed is a copy of the final Opinion and Order
issued this date by the County Board of Appeals in the subject
matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

Encl.

cc: Ms. Mary H. Baltus
People's Counsel for Baltimore County
Mr. & Mrs. B. Blanton
Mr. Carville A. Lauenstein
Ms. Linda Steen
Mr. David A. Black
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 1, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND
IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 88-267-XA

MARY H. BALTUS

1220' NW and 215' W of intersection of
Katherine Avenue and Cape May Road

15th Election District
5th Councilmanic District

SE -Fishing and shellfishing facility
VAR -accessory building in front yard
4/13/88 -Z.C. Order -that special exception
and variance DENIED

The above case has been POSTPONED by joint agreement of the parties for
compliance with Section 500.14 of the Baltimore County Zoning Regulations
and has been

REASSIGNED FOR: TUESDAY, MARCH 7, 1989 at 10:00 a.m.

cc: Douglas L. Burgess, Esquire Counsel for Appellant /Petitioner
Mary H. Baltus Appellant /Petitioner
Mr. & Mrs. B. Blanton Appellees/Protestants
Mr. Carville A. Lauenstein " "
Ms. Linda Steen " "
Mr. David A. Black " "
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, Rm. 315, County Office Bldg.
Towson, Maryland 21204
(301) 887-3180

September 28, 1988
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL
BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE
UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL
NO. 59-79.

CASE NO. 88-267-XA

MARY H. BALTUS

1220' NW and 215' W of intersection of
Katherine Ave. and Cape May Rd.

15th E. District

SE-Fishing and shellfishing facility, etc.
VAR -Accessory building in front yd. of
residential zone
4/13/88 - ZC's Order wherein special exception
and variance are DENIED.

The above case set for hearing on Wednesday, Nov. 9, 1988, at 10 a.m.,
has been POSTPONED by the Board at the request of the Protestants, and

REASSIGNED FOR: WEDNESDAY, NOVEMBER 30, 1988, at 10 a.m.

cc: Douglas L. Burgess, Esq. Counsel for Petitioner/Appellant
Ms. Mary Baltus Petitioner/Appellant
Mr. & Mrs. B. Blanton Protestants/Appellees
Mr. Carville Lauenstein " "
Ms. Linda Steen " "
Mr. David Black " "
Phyllis C. Friedman People's Counsel for Balto. County
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James Dyer
Docket Clerk, Zoning
Arnold Jablon, County Atty.

June Holmen, Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room #301
County Office Building

March 7, 1989
NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND
IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 88-267-XA

MARY H. BALTUS

1220' NW and 215' W of intersection of
Katherine Avenue and Cape May Road

15th Election District
5th Councilmanic District

SE -Fishing and shellfishing facility
VAR -accessory building in front yard
4/13/88 -Z.C. Order -that special exception
and variance DENIED

The above case which had been set for Hearing on March 7, 1989 has been
continued by mutual agreement of all counsel and has been

REASSIGNED FOR: TUESDAY, MAY 23, 1989 at 10:00 a.m.

cc: Douglas L. Burgess, Esquire Counsel for Appellant/Petitioner
Mary H. Baltus Appellant/Petitioner
Mr. & Mrs. B. Blanton Appellees/Protestants
Mr. Carville A. Lauenstein " "
Ms. Linda Steen " "
Mr. David A. Black " "
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

LindaLee M. Kusznau
Legal Secretary

NEWTON A. WILLIAMS
WILLIAM H. HESSON, JR.
WILLIAM J. HENNEY
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GULSHAKOV
STEPHEN M. SCHWARTZ
DOUGLAS L. BURGESS
LOUIS G. CLOSSE, III
ROBERT C. BARNETT
THOMAS K. ALDERMAN
KEITH L. KOSTUN
*ALSO ADMITTED IN D.C.
*ADMITTED TO TEXAS BAR ONLY

LAW OFFICES

NOLAN, PLUNHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
(301) 883-7800
TELEFAX (301) 296-2765

J. EARLE PLUNHOFF
1940-1988
JAMES D. NOLAN
(RETIRED, 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

June 19, 1989

Baltimore County Board of Appeals
3rd Floor, M. S. 1304
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Mary Baltus
Case Number: 88-267-XA

Dear Sirs:

Enclosed kindly find photocopies of the following:

1. Exhibit 2--Baltus Driver's License; and
2. Exhibit 3--D.N.R. license.

I believe Mr. Willemain's resume (Exhibit 14) has
already been provided. Thank you.

Very truly yours,

Douglas L. Burgess

DLB:kap

cc: Peter Max Zimmerman, Esquire

RECEIVED
MAY 23 1989
COUNTY BOARD OF APPEALS

approved by the Blacks. Said proprietor must personally operate the crabbing operation.

e. No additional buildings or structures associated with the crabbing facility shall be built or maintained on the site, other than the existing structures consisting of frame house, pier and shed on pier, any of which may be replaced on a one for one basis as they need replacement or repair.

f. The employees may not drive automobiles to the site, but rather must walk, bicycle, be picked up by the proprietor, or access the site by any other means than driving automobiles onto the site via Armstrong Lane. By this means, the parties intend to limit vehicular traffic on Armstrong Lane.

And in consideration of the mutual promises of each other and for good and valuable consideration, the Blacks agree to dismiss their appearance as a Protestants to the appeal of the Zoning Commissioner's decision, said appeal bearing case number CBA 88-267-XA, within three days of this Agreement, and,

The Blacks agree to allow this Agreement to be entered as an exhibit in said case as evidence of the Blacks' support of the Baltus request for a special exception for a fishing and shellfishing facility Class I as limited to the extent promised by this Agreement.

This Agreement shall be enforceable at law and/or in equity by either of the parties upon the expiration of thirty (30) days after written notice is served on the other side by certified mail or hand-delivery and a failure by that party to take corrective action. This Agreement shall bind and inure to the benefit of the parties, their heirs, successors, personal representatives and assigns.

The parties acknowledge that this Agreement restricts the use of the Baltus property should it be used as a fishing and shellfishing facility, Class I, and is in no manner meant to restrict any other permissible use of the property.

This Agreement shall be recorded among the Land Records of Baltimore County at the expense of the Baltuses and shall run with the land and be binding upon the parties and all persons claiming thereunder. It is agreed between the parties hereto that his Agreement touches and concerns the land and it is the intent of the parties hereto that this Agreement run with the land.

-2-

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

WITNESS:

James S. Zimski David A. Black
DAVID BLACK
James S. Zimski Sandra Black
SANDRA BLACK

Elizabeth S. Coulson Mary H. Baltus
MARY BALTUS

James S. Zimski Blair Baltus
BLAIR BALTUS

Elizabeth S. Coulson Christopher Baltus
CHRISTOPHER BALTUS

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st day of November, 1988, before me, a Notary Public of the State aforesaid, personally appeared David Black, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that the executed the same for the purposes therein contained.

WITNESS my hand and seal.

Douglas L. Burgess
NOTARY PUBLIC
My Commission Expires: 7/1/90

-3-

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st day of November, 1988, before me, a Notary Public of the State aforesaid, personally appeared Sandra Black, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that the executed the same for the purposes therein contained.

WITNESS my hand and seal.

Douglas L. Burgess
NOTARY PUBLIC
My Commission Expires: 7/1/90

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st day of November, 1988, before me, a Notary Public of the State aforesaid, personally appeared Mary Baltus, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that the executed the same for the purposes therein contained.

WITNESS my hand and seal.

Douglas L. Burgess
NOTARY PUBLIC
My Commission Expires: 7/1/90

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st day of November, 1988, before me, a Notary Public of the State aforesaid, personally appeared Blair Baltus, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that the executed the same for the purposes therein contained.

Douglas L. Burgess
NOTARY PUBLIC
My Commission Expires: 7/1/90

-4-

acknowledged that the executed the same for the purposes therein contained.

WITNESS my hand and seal.

Douglas L. Burgess
NOTARY PUBLIC
My Commission Expires: 7/1/90

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st day of November, 1988, before me, a Notary Public of the State aforesaid, personally appeared Christopher Baltus, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that the executed the same for the purposes therein contained.

WITNESS my hand and seal.

Douglas L. Burgess
NOTARY PUBLIC
My Commission Expires: 7/1/90

7006A
DLB:kap

-5-

TO WHOM IT MAY CONCERN:

I have no objection to the special exception and variance being petitioned for 502 Katherine Avenue.

Name Charlotte Leher
Address 510 Armstrong Ln.
Balt. Md. 21221

Date 11/27/88

TO WHOM IT MAY CONCERN:

I have no objection to the special exception being sought by Mary H. Baltus.

Name Raymond A. Gutfreund
Address 4114 York Lane
21221

Date 9-30-87

TO WHOM IT MAY CONCERN:

I have no objection to the special exception being sought by Mary H. Baltus.

Name Carl Sullivan
Address 505 Vantage Lane

Date 10/12/87

Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-0300 887-3180

November 30, 1988

Director
Animal Protection
at
Building

RE: Mary H. Baltus
Case No. 88-267-XA

peals is presently considering a Petition for fishing and shellfishing facility, shore line, Baltimore County Zoning Regulations 1B01.C.7(a), sought by Mary H. Baltus, whose address is sex, Maryland 21221. The property lies within Baltimore area demarcation.

enactment of Bill No. 32-88 which created Baltimore County Zoning regulations (B.C.Z.R.), his case to obtain recommendations from your this letter as a formal request for those should be referred to this Board, and not the Office of the Zoning Commissioner. The Zoning Commissioner previously has denied the Petition and an appeal has been filed to this Board, divesting the Zoning Commissioner of jurisdiction.

I enclose herewith a copy of the Petition for Special Exception and related documents regarding the proposed project.

Please contact me should you have any questions, and I look forward to receiving your recommendations within thirty (30) days as required by Section 500.14. If you anticipate that you will require an extension to complete your report, please let me know as promptly as possible in that the case has been reset for hearing by the Board on March 7, 1989.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt, Acting Chairman

encl.
cc: Douglas L. Burgess, Esquire
Peter M. Zimmerman, Esquire
Mr. Dave Flowers



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2821/2822

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 22, 1988

The Honorable
Thomas J. Bollinger, Acting Chairman
Baltimore County Board of Appeals
Room 318, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Mary H. Baltus, Petitioner
Zoning Case No. 88-267-XA
(Item No. 108)

Dear Mr. Bollinger:

Upon review of this file, it appears that new Section 500.14 applies. This means that the Dept. of Environmental Protection must conduct a critical area review for this proposed crabbing operation on Norman Creek.

The case is scheduled for November 30th. The question of whether the case should go forward, in part, at that time, and be continued pending completion of the critical area study, or whether it should be postponed, is a question which may be further considered. I have communicated with the Petitioner's attorney, Douglas L. Burgess, who claims that the facility is exempt from critical area review. I am not aware of any such exemption.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure

cc: Douglas L. Burgess, Esquire
David Flowers
Mr. & Mrs. B. Blanton
Mr. Carville Lauenstein
Ms. Linda Steen
Mr. David Black

PM2:sh

Received 11/23/88

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1988, Legislative Day No. 6
Bill No. 32-88

Mr. DALE T. VOLL, Councilman

By the County Council, March 21, 1988

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations in the Chesapeake Bay Critical Area

FOR the purpose of providing certain new resource conservation zones; providing new requirements for zoning reclassification; providing new regulations for controlled excavations; providing new definitions; providing for residential densities; subjecting nonconforming use to new requirements; providing additional resource conservation zoning classifications; providing for certain general and special land use regulations; providing new variance requirements; providing for regulation of waterfront construction; providing new regulations for administration by the zoning commissioner and deputy zoning commissioner all within the Chesapeake Bay Critical Area.

By Repealing and reenacting

Section 100.1.A.2, 1A00.3, 403

BY ADDING

Sections 101A, 105; Subsections 103.5, 104.3, 1A00.1(f), 1A00.2(e) 1A05, 307.2, 417.8 and 500.14
Baltimore County Zoning Regulations

- SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Sections 100.1.A.2., 1A00.3.A and 403 of the Baltimore County Zoning Regulations, be and they are hereby repealed and reenacted with amendments to read as follows:
- Section 100--ZONES AND DISTRICTS: BOUNDARIES
- 100.1--Baltimore County is hereby divided into zones and districts in accordance with this subsection.
- A. Zones.
2. Zones are classified as follows:
- R.C.2 (Resource Conservation--agriculture)
- R.C.3 (Resource Conservation--deferral of planning and development)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
(Brackets) indicate matter stricken from existing law.
Strike-through indicates matter stricken from bill.
Underlining indicates amendments to bill.

AJ:SS:sh

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 23, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
1220' NW and 215' W of the intersection of
Katherine Avenue & Cape May Road
(502 Katherine Avenue)
15th Election District, 5th Councilmanic District
Mary H. Baltus - Petitioner
Case No. 88-267-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 2, 1988 by Douglas L. Burgess, Attorney, on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Douglas L. Burgess, Esquire
Nolan, Plunhoff & Williams
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204-3012

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204



Dennis F. Rasmussen
County Executive

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSELMAN, JR.
JAMES S. BEHRENS
WILLIAM S. ENGLEHART, JR.
ROBERT L. HANLEY, JR.
ROBERT S. BLANKENHORN
DOUGLAS L. BURGESS
LOUIS C. CLARK, II
THOMAS R. ALDERMAN

LAW OFFICES
NOLAN, PLUNHOFF & WILLIAMS
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
1301 883-1800
TELEFAX 1301 886-2768

OF COUNSEL
WALTER C. DEFE
6028 LIBERTY ROAD
HANDALLSTOWN, MARYLAND 21133
1301 883-2121

April 28, 1988

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 88-267-XA
Petitioner: Mary H. Baltus
Petitions For Special Exception and Zoning Variance

Dear Commissioner Haines:

Kindly accept this letter as a notice of appeal from every and all parts of your Order dated April 13, 1988 in the above-captioned matter.

Enclosed is the customary Seventy-Five Dollar (\$75.00) fee.

Respectfully submitted,

Douglas L. Burgess
Douglas L. Burgess

cc: Newton A. Williams, Esquire

Ms. Mary H. Baltus
Mr. Blair Baltus
Mr. Bernard Willemain
People's Counsel
Mr. and Mrs. Robert Blanton
Mr. Carville A. Lauenstein
Ms. Linda Steen
Mr. David A. Black
Board of Appeals

RECEIVED
MAY 2 1988
ZONING OFFICE

SUBJECT: Case Number 88-267-XA Mary Baltus Special Exception and Variance

July 28, 1989

To: County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Messrs: L. E. Schmidt, A. G. Forman and J. A. Disney

We the protestants are appalled by the decision reached by this board of appeals. This case was filled by personal attacks by the petitioners and we believe your decision was based on these attacks which were without merit or foundation. Although in your written opinion you stated the attacks were from both sides a check of the record will show the attacks were initiated by the petitioners and there were no personal attacks by the protestants.

It was also stated that in reaching your decision the personalities in this case were left behind. The fact is you heard the implications that our motives for protesting were personal in nature. For four of the six hours this hearing took you listened to issues irrelevant to the case.

Your decision also cited support from neighbors. Even though the neighbors cannot see the crab pots and other debris on the property site and are not effected by the odors. Great weight was put on other persons testimony who do live in the neighborhood and have not seen the property.

The B.C.Z.R. Section 502.1 is very general and are only guidelines. The board can approve or not approve zoning exceptions for any reason they deem appropriate.

The decision reached is final and the appeal success rate is less than one percent we are urging the peoples counsel to appeal this decision. This letter was written to express our concern that personalities and preceptions play a large role in your decision process. In future hearings we hope you will remember this case when citizens who have the right to protest zoning issues in their neighborhood are attacked by petitioners or petitioners attorneys. Stick to the facts.

B. Blanton
B. Blanton
401 Armstrong Lane
Baltimore, Md. 21221
C. Lauenstein
C. Lauenstein
1308 Eastern Ave.
Baltimore, Md. 21221

RECEIVED
COUNTY BOARD OF APPEALS
MAY 11 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
DATE: February 2, 1989

TO: Mr. Lawrence E. Schmidt,
Acting Chairman, Board of Appeals

FROM: Mr. Robert W. Sheesley

SUBJECT: Critical Area Findings - Mary H. Baltus

This Findings to the Board of Appeals is in support of Mrs. Mary H. Baltus' Petition for Special Exception for a fishing and shellfishing facility, shoreline, Class 1, pursuant to Baltimore County Zoning Regulations 1501.C.7(a). The property is located at 502 Katherine Avenue and lies within the Chesapeake Bay Critical Area in a portion classified as Limited Development Area (LDA). It is waterfront property fronting to Jordan and Norman Creeks, tributaries of Middle River.

No development is taking place on this property. The property is only used for the loading and unloading of bushel baskets. No crab shedding facilities are used and only one boat is kept at the property.

In the Chesapeake Bay Critical Area, fisheries activities are permitted within the shoreline buffer:

"Commercial water-dependent fisheries facilities including fish off-loading docks, crab shedding structures, shellfish culture operations, may be permitted in the buffer in all three categories (SCA, LDA, LDA). Land and water areas with high aquacultural potential are recommended for protection from water quality degradation by adjacent land and water use."

<COMAR 14.15.03.01 B>

The Criteria in Baltimore County's Water Dependent Facilities Manual was used to evaluate this water dependent operation. The requirements of this Department stem from the Critical Area Regulations and Best Management Practices (BMP's) in the Water Dependent Facilities Manual.

"Buffer - all siting, development, redevelopment and expansion of water-dependent facilities within the buffer must strictly conform to the criteria set forth in the Baltimore County Water Dependent Facilities Manual."

<Baltimore County Code, Sec. 22-218(b)>

Memo to Mr. Lawrence E. Schmidt
February 2, 1989
Page 2

The following are the requirements made by this office to minimize water quality impacts:

1. The fuel tank shall be moved to the northeast side of the existing dwelling approximately 70 feet away from the shoreline. It shall be placed on a cement pad surrounded by absorbent sand.
2. Only low-lead gas and diesel fuel shall be utilized to reduce the overall input of lead to Norman Creek and the vicinity.
3. Fueling nozzles shall be fitted with back-pressure shut-off valves.
4. Locking fuel fills shall not be utilized, requiring the operator to manually hold the on-position during the fueling procedure.
5. Fuel tanks shall not be filled from containers.
6. Dead crabs shall be properly disposed of at the time of collection.
7. Non-phosphorous detergents shall be used for washing the boat.
8. The boat shall be removed from the water during the winter.

Upon adopting the above requirements of the Baltimore County Water Dependent Facilities Manual, this facility will be in compliance with the Chesapeake Bay Critical Area Law. Attached are letters from neighbors which indicate their support of Mrs. Baltus' petition and an agreement of settlement between the petitioner and the adjacent neighbors. This agreement restricts the facility's use and is consistent with the following goal's of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 D>

Memo to Mr. Lawrence E. Schmidt
February 2, 1989
Page 3

If you require additional information, please contact Mr. David C. Flowers at 887-3980.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NS:tgj
Attachment

cc: The Honorable Ronald B. Hickernell
Dr. Sarah J. Taylor
Mr. David C. Flowers
Mr. J. Lawrence Pilson
Mr. Robert Covahey
Mr. Gary Kerns
Mr. Michael Nortrup

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: December 3, 1987
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-267-XA

This office cannot comment on the subject request because the petitioner's submittal contains insufficient data as to the limits and scope of the proposed fishing and shellfishing operation.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEG:JGR:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reinke
Chief

October 16, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: Mary H. Baltus (Critical Area)

Dennis F. Rasmussen
County Executive

Location: 1220' NW and 215' SW Intersection Katherine Avenue and
Cape May Road
Item No.: 108
Zoning Agenda: Meeting of 10/6/87

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 _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (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 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: _____
Special Inspection Division

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Oct. 19, 1987
Date

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

Zoning Item #108, Zoning Advisory Committee Meeting of 10/6/87

Property Owner: *Mary Baltus*
Location: *Katherine Ave* District: *15*
Water Supply: *meteo* Sewage Disposal: *meteo*

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application or renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service of new health care facilities, must be submitted to the Bureau of Air Quality Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____ must be _____ conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____
() is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

- Others: 1) *Grading permits shall be required before forest or developed woodland is cleared.*
- 2) *If no forest is established on proposed development sites, those sites shall be planted to provide a forest or developed woodland cover of at least 15%.*
- 3) *For storm water runoff, man caused impervious areas shall be limited to 15% of the site.*
- 4) *If there are any questions regarding these comments, contact David Flowers at 494-3780.*

Karen M. Cherry
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: December 3, 1987
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-267-XA

This office cannot comment on the subject request because the petitioner's submittal contains insufficient data as to the limits and scope of the proposed fishing and shellfishing operation.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEG:JGR:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 5, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Douglas L. Burgess, Esquire
Nolan, Plimhoff & Williams, Chardt
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 108 - Case No. 88-267-XA
Petitioner: Mary H. Baltus
Petitions for Special Exception and
Zoning Variance

Dear Mr. Burgess:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

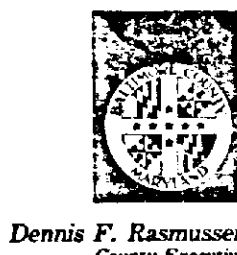
JED:kbb

Enclosures

cc: John C. Melliema, Sr., Inc.
6100 Baltimore National Pike
Baltimore, Maryland 21228

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 415
Towson, Maryland 21204
494-3554

October 16, 1987



Dennis F. Rasmussen
County Executive

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 523, 107, 108, 109, 110, 111, 112, 115, 116, 118, and 119.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer

MSF:

RECEIVED
NOV 9 1987
ZONING OFFICE

LAW OFFICES
NOLAN, PLIMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012

TO: *Chris Burke* Speed Letter From: _____
SUBJECT: *Item 88-267-X (Baltus)*
MESSAGE: *Please accept the revised plat for Baltus fishing/calling facility.*
Thank you for your help.
Date: *1/5/88* Signed: *Doug Burgess*

REPLY: _____
Date: _____ Signed: _____

County Board of Appeals
April 18, 1989
Page Two

cc: Mr. Peter Max Zimmerman (People's Counsel)
Mr. Carville Lauenstein
Mr. and Mrs. Robert Blanton
Ms. Linda Steen
Mr. David Black
J. Robert Haines
James E. Dyer
Blair Baltus
P. David Fields

LAW OFFICES
NOLAN, PLIMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(301) 823-7800
TELEFAX (301) 296-2765

J. EARLE PLIMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALSTOWN, MARYLAND 21133
(301) 928-2121

April 18, 1989

HAND DELIVERY

County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 88-267-XA
Mary Baltus
Hearing Date: May 23, 1989, 10:00 a.m.

Dear Mr. Chairman and Members of the Board:

Enclosed kindly find an updated plat which we intend to use at the captioned hearing. I have previously distributed this updated plat to Mr. Zimmerman, Mr. Lauenstein and the Blantons. If anyone would like an extra copy of needs one, please call me and I will send one right away. Copies are limited and costly, so I have distributed only to active participants in the case.

The updated plat shows the containment area for the fuel per the recent report and request of Mr. Flowers and DEPRM, and also reflects the restrictions (e.g. one boat) in the Agreement of Settlement, a copy of which was attached to the DEPRM report. The covenant is with the Baltus' immediate neighbors, the Blacks.

Thank you for your attention to this matter.

Very truly yours,

Douglas L. Burgess

DLB:kap

Enclosure

RECEIVED
APR 24 1989
ZONING OFFICE

Petition for Special Exception and Zoning Variance
1220' NW and 215' W of the intersection of
(Katherine Avenue and Cape May Road)
15th Election District - 5th Councilmanic District
Mary H. Baltus - Petitioner
Case No. 88-267-KA

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 23, 1988



Dennis F. Rasmus—*County Executive*

Baltimore County Board of Appeals
Old Courthouse, Room 1205
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
1220' NW and 215' W of the intersection of
Katherine Avenue & Cape May Road
(502 Katherine Avenue)
15th Election District, 5th Councilmanic District
Mary H. Baltus -Petitioner
Case No. 88-267-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 2, 1988 by Douglas L. Burgess, Attorney, on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Young females common

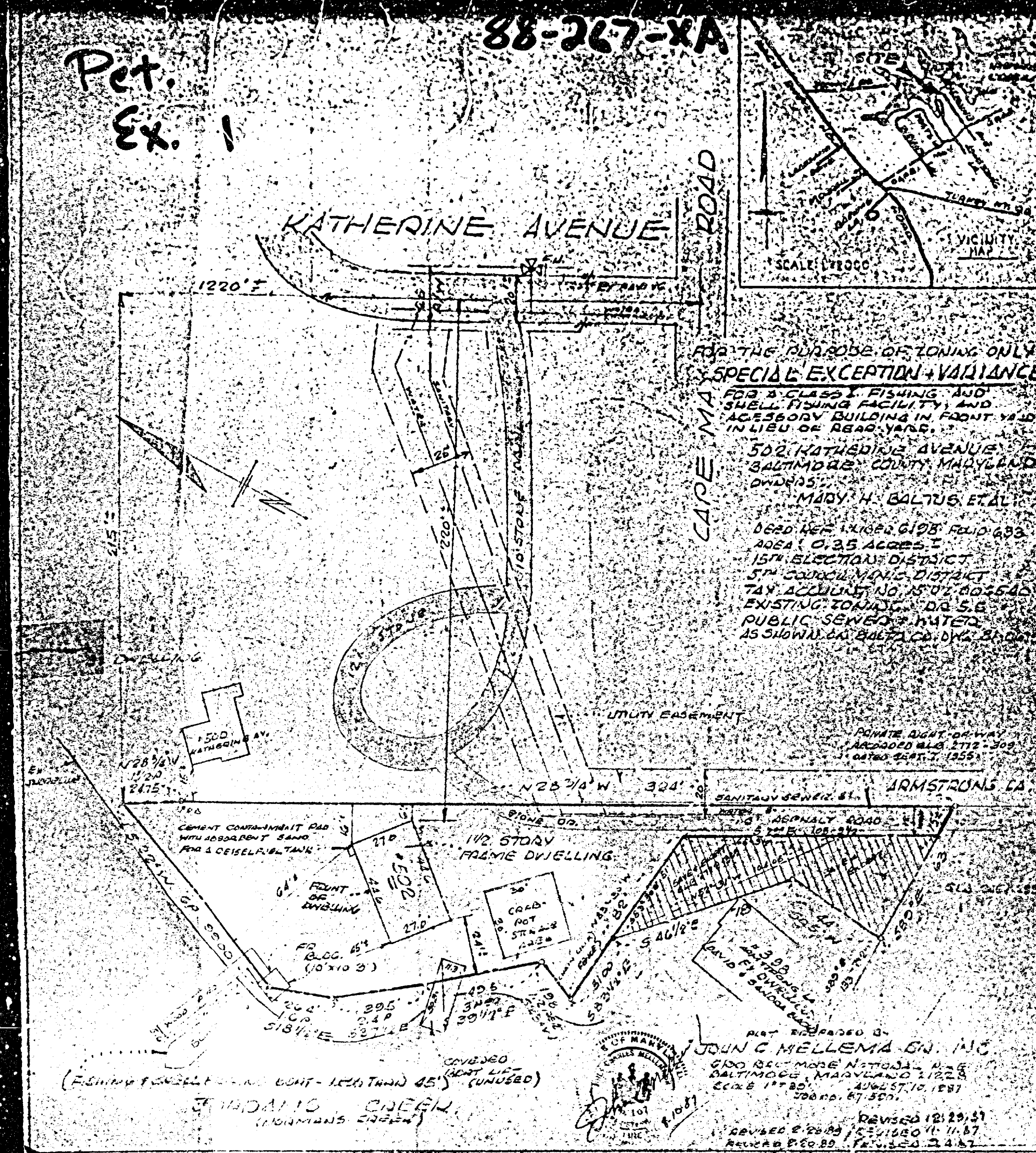
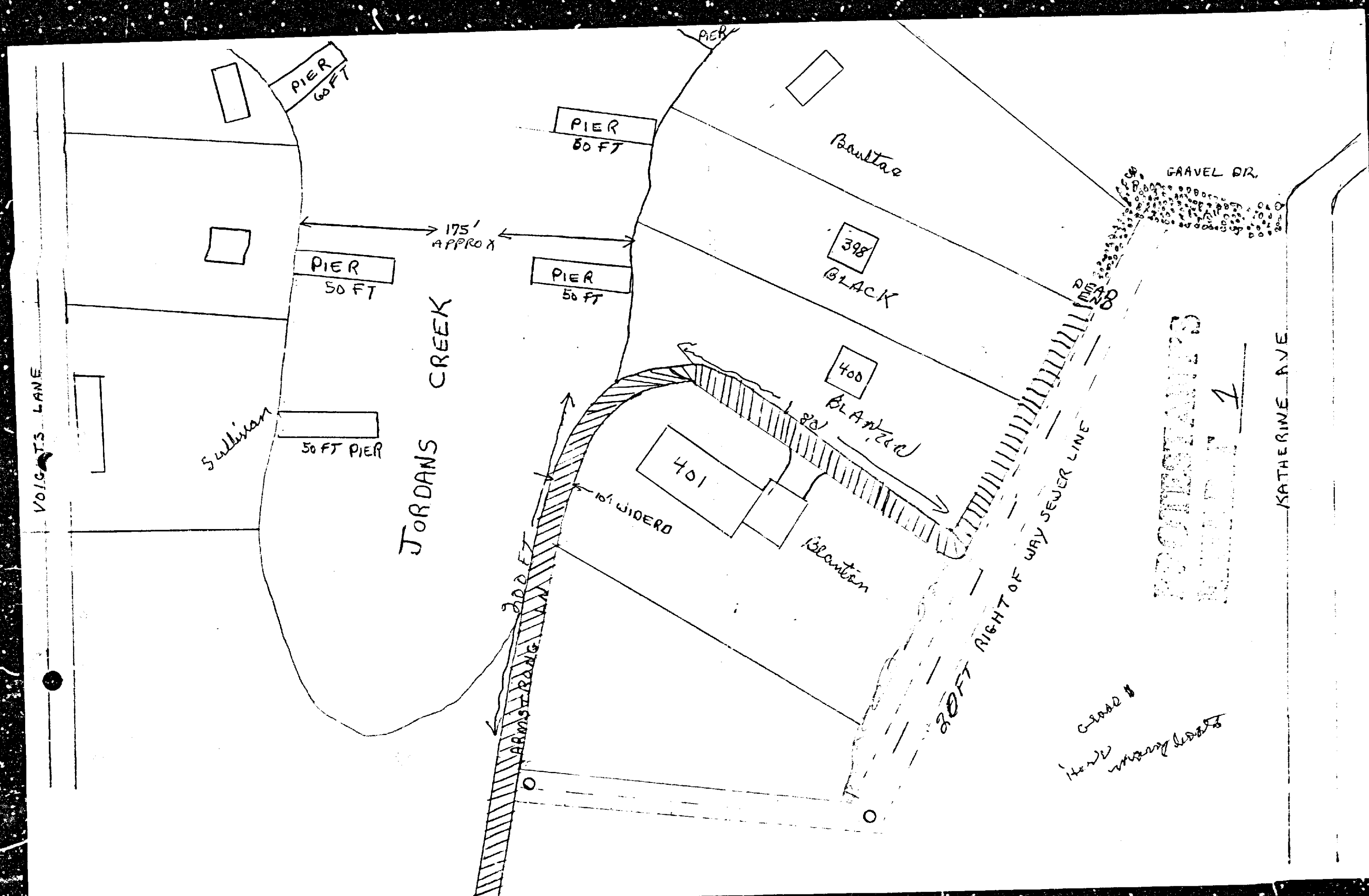
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Douglas L. Burgess, Esquire
Nolan, Plunhoff & Williams
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204-3012

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204

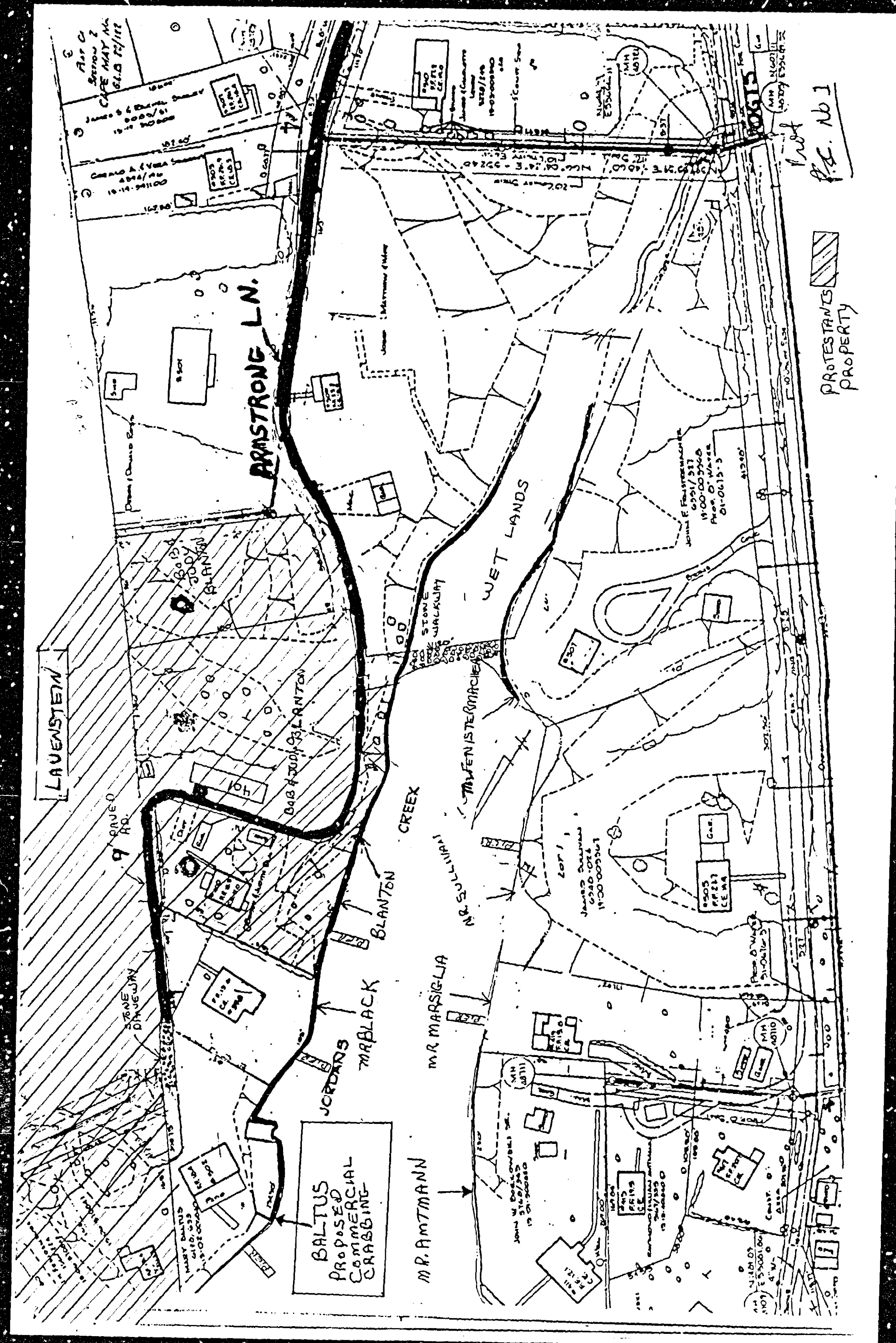
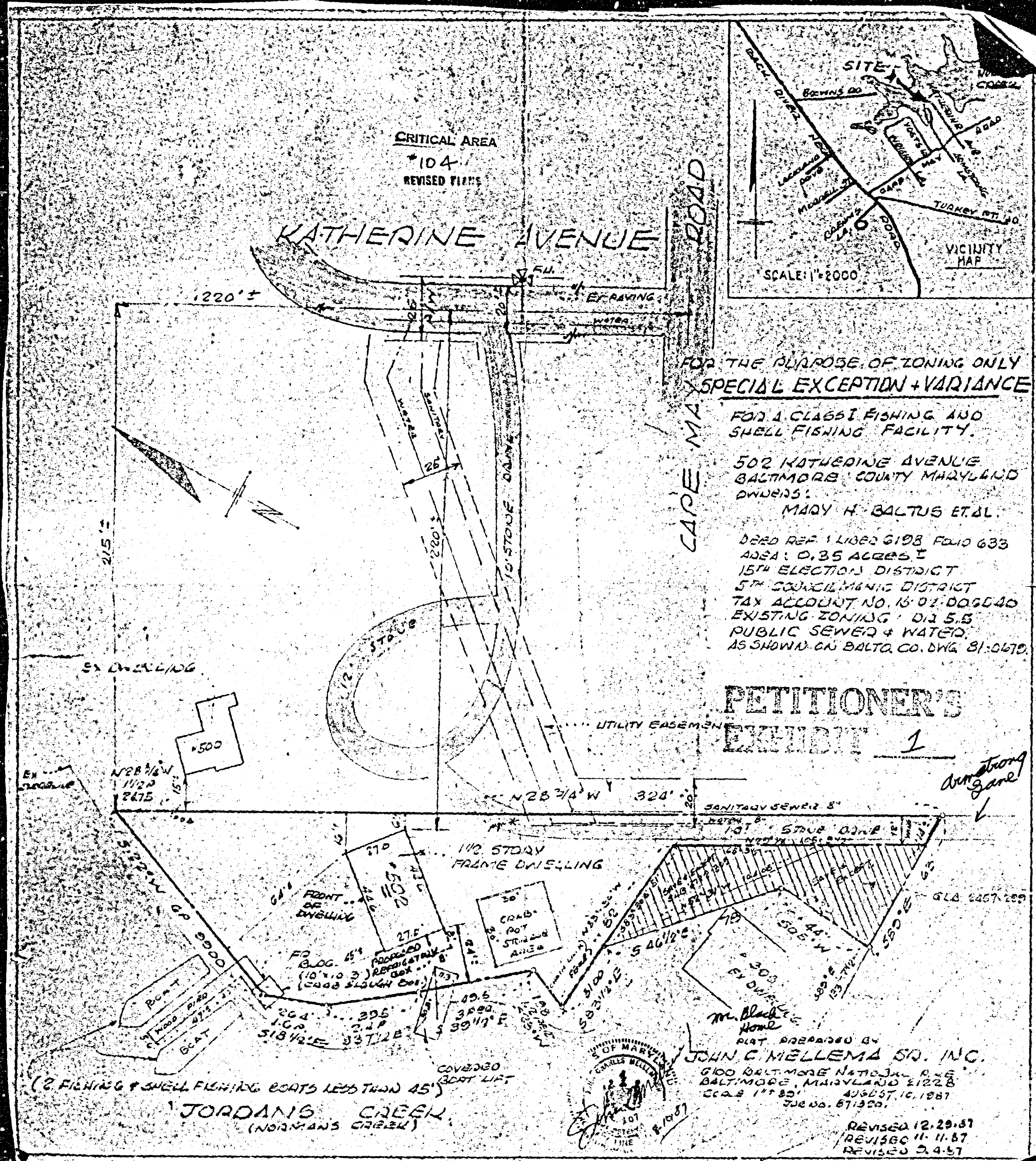


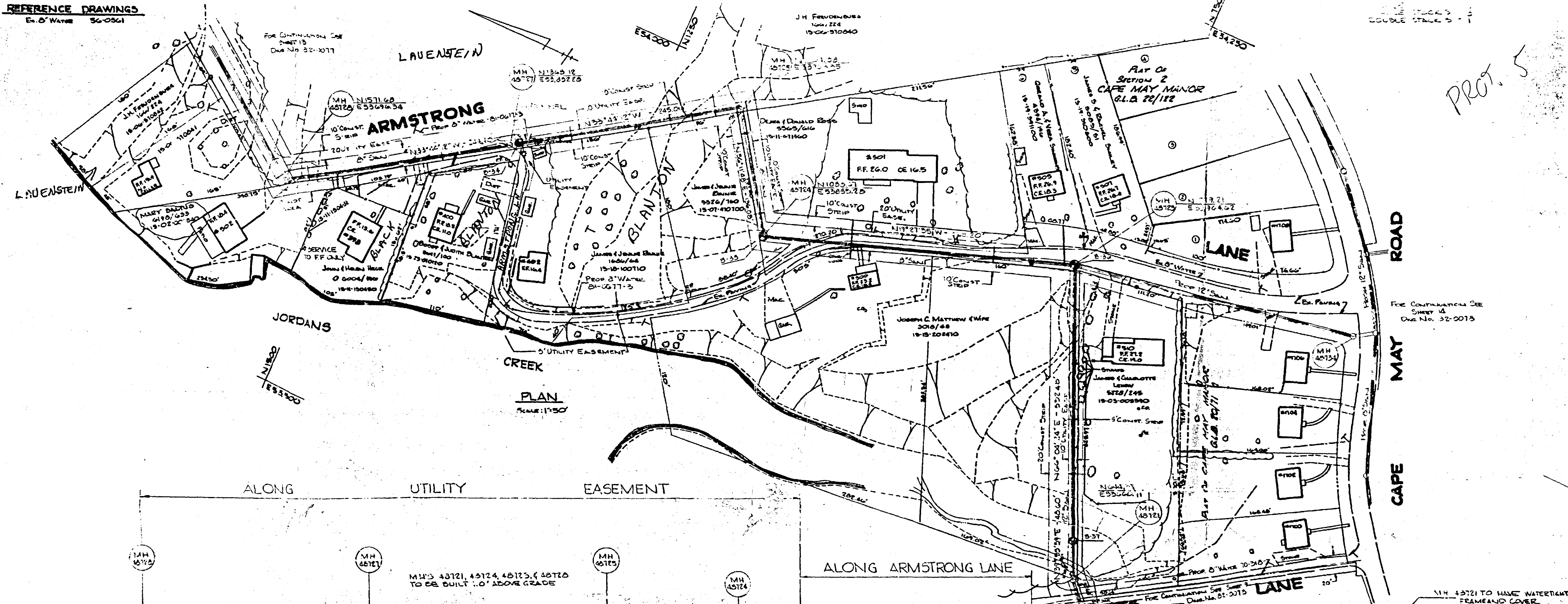
Request for Special
 Use: 86-267-AK
 Page 2

Douglas L. Burgois, Esquire - Nolo, Plimhoff & Williams,
 Suite 1105, Hampton Plaza, 300 Park Avenue North, Towson, Md. 21204-1011
 People's Counsel of Baltimore County
 Rm. 223, Old Courthouse, Towson, Md. 21204

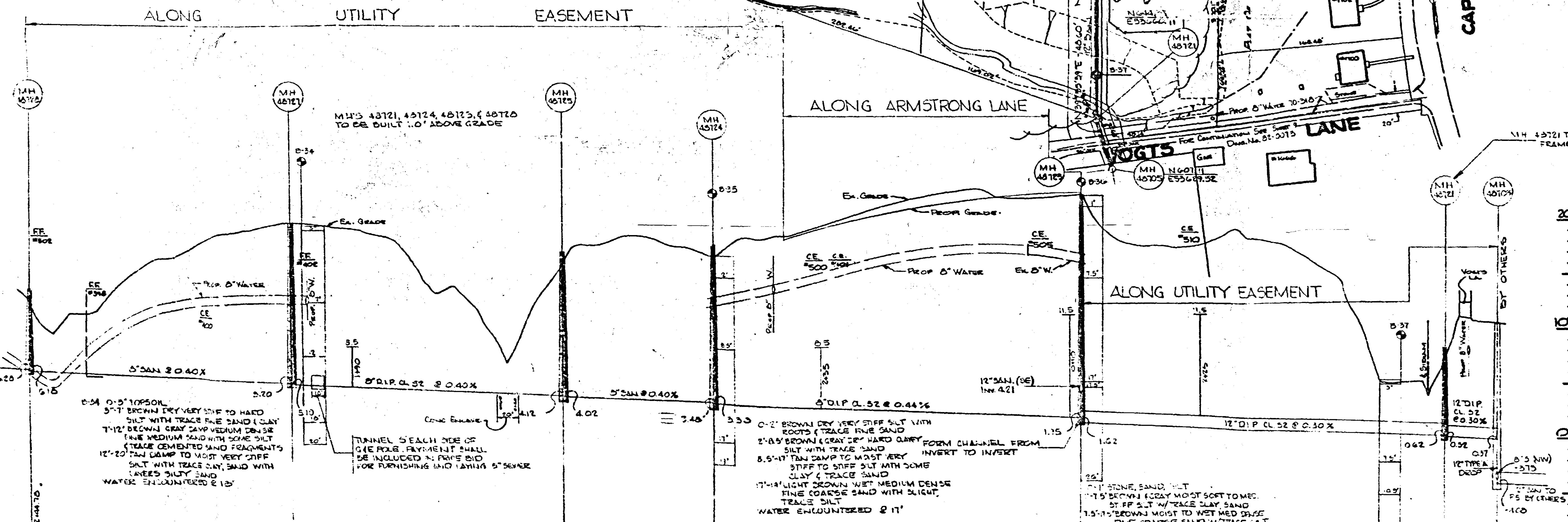
Request Modification:

P. David Fields, Director of Planning & Zoning
 James Howell, Office of Planning & Zoning
 J. Robert Hines, Deputy Planning Commissioner
 James K. Sierkiewicz, Deputy Zoning Commissioner
 James R. Sierkiewicz, Deputy Zoning Commissioner
 Pocket Clerk



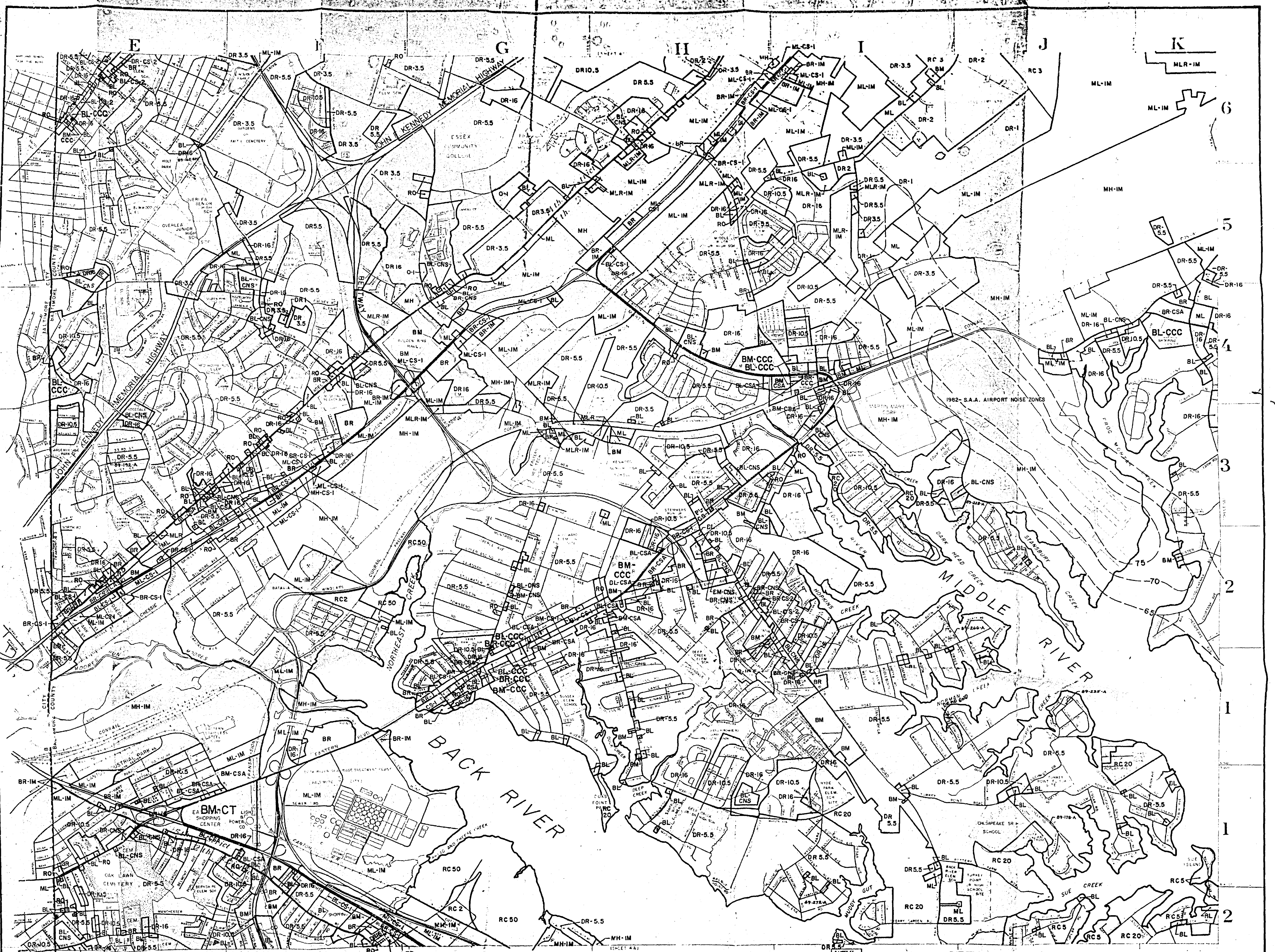


PROT. 5



G-10

CITY OF BALTIMORE									
DIRECTOR DEPT. OF PUBLIC WORKS					DATE				
CHIEF, WATER DIV. BUREAU OF ENGINEERING					DATE				
DATE	DESIGN OF WAY	REV.	ROAD, TRUNK AND GRADIS	P. W. A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT			
5/83	11-549	R/W	PERMIT REQUESTED	4672					
			PERMIT NUMBER						
			GRADE ESTABLISHED						
			PROFILE NUMBER						
BUREAU OF ENGINEERING									
DEPARTMENT OF PUBLIC WORKS					LEVEL BK.				
KEY SHEET					1-5E				
POSITION SHEET					1,2 NE 36				
DATE					REVISION				
BY					BY				
SCALE					SCALE				
PLAN: 1"=50'					PLAN: 1"=50'				
PROFILE: 1"=50'					PROFILE: 1"=50'				
VERT: 1"=5'					VERT: 1"=5'				
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING									
5412 SANITARY SEWER									
ARMSTRONG LANE									
FROM LATHAM AVE. SOUTHWEST TO P. 3 IN VOGTS LANE									
BL. DISTRICT NO. 15 C-5									
SUBDIVISION CAFE MAY BEACH									
BALTIMORE COUNTY TITLE NUMBER									
JOB ORDER NO.									
1-2-G-12									
SHEET 12 OF 12									
Dwg. No.									
02-0016									
FILE									



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
JAN. 13, 1988
Baltimore County Council 3000

BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING.

AIRPORT NOISE ZONE
ESSEX-MIDDLE RIVER
BALTIMORE COUNTY BASE MAP SERIES -

REVISION DATE	4B
JAN 82	
MAY 83	
JULY 83	
APRIL 84	
SEPTEMBER 84	
NOVEMBER 84	
JAN 85	

PROT. EX. 4