

IN THE MATTER OF THE APPLICATION OF RONALD T. SCHILPP, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF HINTON AVENUE, 65' SW OF THE CENTERLINE OF NINTH STREET (8910 HINTON AVENUE) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-245-A

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying a requested variance to permit a divisional line setback of eight feet in lieu of the minimum required ten feet.

The Petitioner, Ronald T. Schilpp, testified that he had hired a professional pile driver to erect mooring piles and had no knowledge until after their installation that they encroached on the divisional line setback requirements of ten feet as set forth in Section 417.4 of the Baltimore County Zoning Regulations (BCZR). He further testified that it would cause him to spend a great deal of money to move the mooring piles.

Mary Durkin testified that she lived next door to Mr. Schilpp at 8912 Hinton Avenue. She further testified that she had lived there for 40 years, and with the mooring piles where they are her son cannot moor his boat at her pier.

Thomas P. Durkin testified that he cannot moor his boat to his mother's pier with any kind of safety with the subject mooring piles where they are.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the

Ronald T. Schilpp, et ux, Case No. 90-245-A

Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

After considering all the testimony, evidence, and argument presented there is insufficient evidence to find that the Petitioner would suffer a practical difficulty or unreasonable hardship. There is sufficient room on the other side of the pier to place the mooring piles without the need for variance relief. The testimony presented was in support of a desire rather than of the necessity for the variance. The Petitioner having failed to present evidence to support that compliance with BCZR would unreasonably prevent the use of his property or be unnecessarily burdensome, the Board must deny the requested variance.

ORDER

It is therefore this 2nd day of April, 1991 by the County Board of Appeals of Baltimore County ORDERED that the requested variance to permit a divisional line setback of eight

Ronald T. Schilpp, et ux, Case No. 90-245-A

feet in lieu of the minimum required ten feet be and the same is hereby DENIED; and

IT IS FURTHER ORDERED that the mooring piles must be removed within ninety (90) days from the date of this Order.

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

Arnold G. Foreman, Acting Chairman

John G. Disney

Lynn B. Moreland

IN RE: PETITION FOR ZONING VARIANCE NW/4 Hinton Avenue, 65' SW of the c/l of 9th Street (8910 Hinton Avenue) 15th Election District 7th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-245-A

Ronald T. Schilpp, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a divisional line setback of 8 feet in lieu of the minimum required 10 feet for waterfront construction (mooring piles), in accordance with Petitioner's Exhibit 1.

The Petitioners, by Ronald T. Schilpp, appeared, testified and was represented by Victoria A. Steffen, Esquire. Appearing as a Protes-tant in the matter was Thomas Durkin.

Testimony indicated that the subject property, known as 8910 Hinton Avenue, consists of .172 acres zoned D.R. 5.5 and is improved with a single family dwelling as depicted in Petitioner's Exhibit 1. Petitioner testified that he hired a professional pile driver to erect the subject mooring piles and had no knowledge until after their installation that they encroached on the divisional line setback requirements set forth in Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Thomas Durkin testified that he resides at 8912 Hinton Avenue. He testified that the placement of the subject mooring piles adjacent to the divisional line makes it almost impossible for him to maneuver his boat into his slip when there is a northeastern wind blowing. Mr. Durkin testified that a solution to the problem would be for Mr. Schilpp to move

ORDER RECEIVED FOR FILING
Date
By

the subject piles to the other side of the pier where there is adequate room for their placement.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The evidence and testimony clearly indicate that the need for the subject variance arises out of the improper placement of the mooring piles and not as a result of any unique character-istic of the subject property. Indeed, there is sufficient room on the opposite side of the pier to place the mooring piles without requiring variance relief. While Petitioners did not personally erect the mooring piles, any unreasonable hardship or practical difficulty arising out of this matter is none the less self-inflicted. The testimony presented by the Petitioner was in support of a matter of preference rather than of the

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Date
By

necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be nec-essarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of July, 1990 that the Petition for Zoning Variance to permit a divisional line setback of 8 feet in lieu of the minimum required 10 feet for waterfront construction (mooring piles), in accordance with Petitioner's Exhibit 1, be and is, hereby DENIED; and,

IT IS FURTHER ORDERED that the subject mooring piles be removed from the subject property on or before September 30, 1990.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date
By

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-245-A critical area

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 417.4 To permit an 8 foot divisional line setback in lieu of the minimum 10 feet for waterfront construction (mooring piles)

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

To be determined at hearing

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

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

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 4 day

of 19 89 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105 County Office Building in Towson, Baltimore County, on the 19 day of Dec 19 89, at 9:30 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date
By

ESTIMATED LENGTH OF HEARING: 1 HOUR
AVAILABLE FOR HEARING: MON., TUES., WED. - NEXT TWO MONTHS
ALL OTHERS
REVISED BY: DDK DATE: 7/16/89
* Complaint of building inspection

ITEM #105
CRITICAL
90-245-A

ZONING DESCRIPTION

Beginning on the northwest side of Hinton Avenue, 15 feet wide, at the distance of 65 feet southwest of the centerline of 9th Street. Being Lot #155 of the subdivision of Susan Point, Section 2, Book 7, Folio 162. Also known as 8910 Hinton Avenue in the 15th Election District.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3568

J. Robert Holmes
Zoning Commissioner

Mr. & Mrs. Ronald F. Schlipf
8910 Hutton Avenue
Edgewood, Maryland 21229

DEC 12 1989



Dennis F. Rasmussen
County Executive

Re:

Petition for Zoning Variance
CASE NUMBER: 90-245-A
NW/3 of Hutton Avenue, 45° SW of C/A of 9th Street
8910 Hutton Avenue, Towson
15th Election District - 7th Concomitant
Petitioner(s): Ronald F. Schlipf, et al
HEARING SCHEDULED: THURSDAY, DECEMBER 14, 1989 at 9:30 a.m.

Dear Petitioners(s):

Please be advised that \$1036.70 is due for advertising and posting of the above captioned property.

PLS. PAY BEST BY PAID AND THE HEARING SIGN & POST SENT(S) RETURNED ON THE DAY OF THE HEARING (S) THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SENT(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post sent(s) to the Zoning Office, County Office Building, 111 N. Calverton Avenue, Room 133, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HOLMES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:ps

CERTIFICATE OF POSTING
JOHN B. DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 12/8/89

Posted for: Taxiway

Petitioner: Donald J. Schilpp, et al

Location of property: Walden Hunter Hwy, 65' SW 1/4 Sec 26
Rt 100, 100' Sec 26

Location of Sign: 100' Sec 26, 100' Sec 26, 100' Sec 26
on property of Baltimore

Remarks:

Posted by: MBB/ky Date of return: 12/8/89

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

11/22/89

NOTICE OF HEARINGS

Dennis F. Rasmussen
County Executive

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 herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 20-24-8
841/5 of Rinton Avenue, 65' SH of e /l of 9th Street
8910 Rinton Avenue
15th Election District - 7th Commissioner
Petitioner(s): Ronald F. Schlipf, et al
HEARING SCHEDULED: TUESDAY, DECEMBER 19, 1989 at 9:30 a.m.

Variance to permit an 8 foot divisional line setback in lieu of the minimum 10 feet for waterfront construction (mooring pilas).

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.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Grated Area -
Petitioners

[illegible][illegible]

To Whom It May Concern:

I understand and have no objection to Mr. Schilpps installation of mooring poles he had installed at 8910 Hinton Avenue. The closeness of all the properties in the area is the cause for infractions of locations of pillings throughout the island. Mr. Schilpps would not be blocking anyones view anymore than anyone else would be blocking Mr. Schilpps view. It does not pose a hazard to the health, safety or welfare of the neighborhood.

Sam J. Dymowski 8914 Hinton Av.
Camille Rino 8812 Hinton Ave.
Frederick R. Smith 8908 HINTON AVE
Anna M. Lachak 2701 Bay Drive
Walter Huelaga 8902 Hinton Ave
Carol M. H. 8900 Hinton Ave.
Don. Taffin 8924 HINTON
R. W. Yovins 9208 Hinton Ave
Matthew Papadakis 9006 Hinton Ave.
William Manning Hinton Ave
John Manning Hinton Ave

90-245A Petitioner 3

To Whom It May Concern:

I understand and have no objection to Mr. Schilpps installation of mooring poles he had installed at 8910 Hinton Avenue. The closeness of all the properties in the areas is the cause for infractions of locations of pillings throu' out the island. Mr. Schilpps would not be blocking anyones view anymore than anyone else would be blocking Mr. Schilpps view. It does not pose a hazard to the health, safety or welfare of the neighborhood.

E. J. Koster	2205 Cockle PT Rd.
Janis Pacheco	2805 9th St.
Richard Fields	2812 8th St.
Juan Ware	2809 8th St.
Jim Darr	2810 10th St.
Ed Humphrey	2809 10th St.
B. Born	2804 10th St.
Paul Smith	2801 Cockle Pt. Rd.
Col. Heiger	8900
Charles Hays	2817 11th St.
Jack Penick	2852 N. 11th St.
Fredrick P. Ketter	9135 Cuckold Pt. Rd.

90-245A Petitioner 4

Critical Area 105 Dec 6-7
SWAN POINT
SITE
BAYVIEW AVE
HILTON AVE
Section "A": "A"
no scale
21219
Vicinity Map
Site lies within the Chesapeake Bay Critical Area.
PULLHEAD RIVER BOTTOM
SIDEWALK
PETITIONER'S EXHIBIT 1
Frederick Sigel
3908 Hinton Ave.
...150'...
Distilling
Site Plan
1:40' 1/2
...130'...
Thomas Dyken
8912 Hinton Ave.
Zoning P.A.S.-S
Block 7 Folio 162
Swan Point, Sec. II
15' Min. Elevation Contour
7500 ± MSL, 01/28/82
Notes:- Soundings are in feet and refer to Mean Low Water
Utilities in Hinton Avenue
Proposed Private Pier at
8912 Hinton Ave., Balt. Md. 21219
in Back River
Owner: Ronald Schlipf
Contr: Chesapeake Bay Const. Co.
Date: Dec 31, 1985 by G.D.M. & J.L.G.

CERTIFICATE OF POSTING 90-245-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th
Posted for: Appeal
Petitioner: Ronald T. Schilpp, et ux
Location of property: 8910 Hinton Drive
Location of Sign: 8910 Hinton Drive
Remarks: Signs to be down. The signs have been removed by the petitioner.
Posted by: J. Robert Haines
Date of return: 1/21/90
Number of Signs: 1

Baltimore County
Planning & Zoning
Commissioners
Feb. 15, 1991

I AM WRITING TO YOU ON BEHALF OF THE HILLER ISLAND
COMMUNITY ASSOCIATION, OF WHICH I AM THE PRESIDENT.
HAVING DISCUSSED MR. SCHILPP'S PILES WITH HIS PILES,
WE CAN FIND NO HAZARD CAUSED BY THE PLACEMENT OF
THE PILES. FURTHERMORE, THE ENTIRE WATERFRONT ALONG
THE AREA OF BACK RIVER IN QUESTION IS DOTTED WITH PILES
AND BOAT LIFTS. SOME OF THE STRUCTURES DO NOT CON-
FORM TO CURRENT REGULATIONS, BUT ARE ALLOWED TO EXIST.
I FEEL THAT MR. SCHILPP IS TRYING TO BE A GOOD NEIGHBOR
AND WANTS TO GET ALONG WITH THE PEOPLE OF THE COM-
MUNITY. PLACEMENT OF SAID PILES WILL NOT CAUSE ANY
HAZARD TO NEIGHBORS OF THE BOATING COMMUNITY.
MEMBERS OF THE ASSOCIATION, AS WELL AS MYSELF, FEEL
THAT THE PERMIT FOR THE PILES IN QUESTION SHOULD BE
APPROVED.
THANK YOU FOR CONSIDERATION IN THIS MATTER.

Sincerely,
Paul Wood
PRESIDENT, HILLER ISLAND
COMMUNITY ASSOCIATION

90-245A Petitioner 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 6, 1990

Victoria A. Steffen, Esquire
Kodenski and Canaras
19 E. Fayette Street, Suite 201
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
W/S Hinton Avenue, 65' SW of the c/l of 9th Street
(8910 Hinton Avenue)
15th Election District - 7th Councilmanic District
Ronald T. Schilpp, et ux - Petitioners
Case No. 90-245-A

Dear Ms. Steffen:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Zoning Variance has been denied
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Thomas Durkin
8912 Hinton Avenue, Baltimore, Md. 21219
People's Counsel
File
Chesapeake Bay Critical Areas Commission
Taves State Office Building, D-4, Annapolis, Md. 21404
DEPREM

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January, 1990

Victoria A. Steffen
Attorney at Law
Kodenski and Canaras
19 E. Fayette Street
Suite 201
Baltimore, Maryland 21202

RE: Petitioner for Zoning Variance
Case 90-245-A
Mr. and Mrs. Ronald T. Schilpp
Petitioners

Dear Ms. Steffen:

At the conclusion of the hearing on December 19, 1989, it was agreed
that certain additional plans and documents would be submitted before the
issuance of an opinion in the above captioned case.

As of this date, I have not heard from you concerning those docu-
ments. I look forward to receiving the additional plans and documents from
you in the near future.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Mr. Thomas Durkin
8912 Hinton Avenue
Edgemere, Maryland 21219

CERTIFICATE OF POSTING 90-245-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th
Posted for: Appeal
Petitioner: Ronald T. Schilpp, et ux
Location of property: 8910 Hinton Drive
Location of Sign: 8910 Hinton Drive
Remarks: Signs to be down. The signs have been removed by the petitioner.
Posted by: J. Robert Haines
Date of return: 1/21/90
Number of Signs: 1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204
887-3353

July 1, 1991

Mr. Ronald T. Schilpp
8910 Hinton Drive
Edgemere, Maryland 21219

RE: Petition for Zoning Variance
W/S Hinton Avenue, 65' SW of the c/l of 9th Street
(8910 Hinton Drive)
15th Election District - 7th Councilmanic District
Ronald T. Schilpp, et ux - Petitioners
Case No. 90-245-A

Dear Mr. Schilpp:

In response to your letter dated June 23, 1991 regarding the
above-captioned matter, the following comments are offered.

I have reviewed your case file in which the relief requested in
the subject Petition for zoning variance was denied and you were required to
remove said mooring piles on or before September 30, 1990. As indicated
by your letter, the mooring piles have not yet been removed and you have
requested an extension to next summer in which to accomplish this task.

In consideration of your written request, this Office will agree
to an extension of until November 30, 1991 to remove the subject mooring
piles; however, no more extensions will be granted. In the event said
removal does not occur, this matter will be referred to the Zoning Enforce-
ment Division of this Office for violation proceedings.

Thank you for your cooperation in this matter.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: James H. Thompson, Supervisor
Zoning Enforcement
Case File

LAW OFFICE
KODENSKI AND CANARAS
19 E. FAYETTE STREET
SUITE 201
BALTIMORE, MARYLAND 21202
TELEPHONE (301) 887-3100
FAX (301) 887-3353
February 6, 1990

J. Robert Haines
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

re: Petitioner for Zoning Variance
Case 90-245-A
Mr. and Mrs. Ronald T. Schilpp
Petitioners

Dear Mr. Haines:

In response to your letter of January 30, 1990, I have
been advised by my clients that a survey of the property
in question as requested by you, was conducted on or about
January 24, 1990, by the firm of Spellman and Larsen. I
would expect that you would receive this survey very
shortly.

If you have any additional questions concerning this,
please do not hesitate to contact myself or Mr. Kodenski
from my office.

Very truly yours,
Victoria A. Steffen

VAS/sale
Schilpp 9553/5741
cc: Mr. Ronald T. Schilpp

RECEIVED
FEB 12 1990
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 11, 1989

Mr. & Mrs. Ronald T. Schilpp
8910 Hinton Drive
Edgemere, MD 21219

RE: Item No. 105, Case No. 90-245-A
Petitioner: Ronald T. Schilpp, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Schilpp:

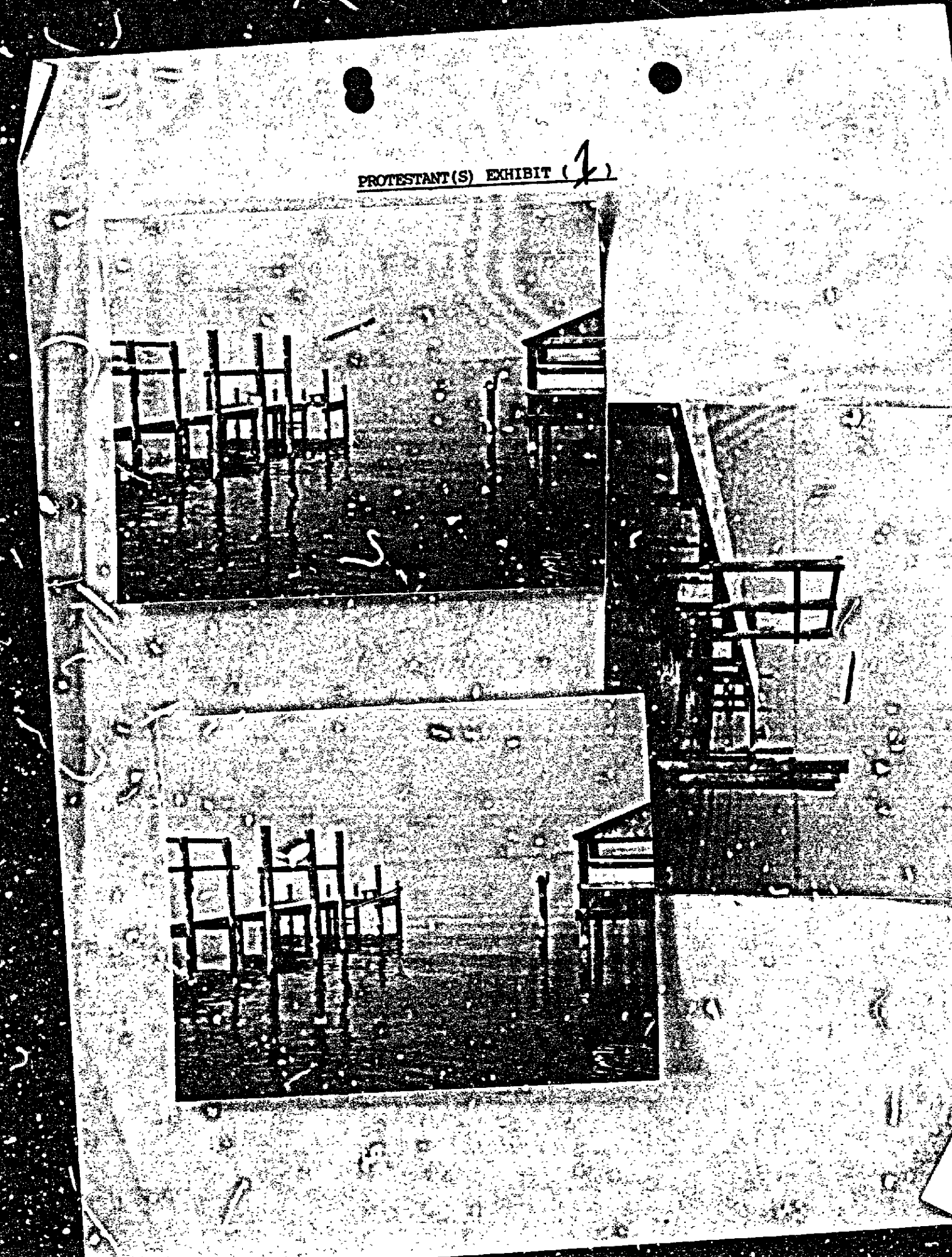
The Zoning Plans Advisory Committee has reviewed the plans
submitted with the above referenced petition. The following
comments are not intended to indicate the appropriateness of
the zoning action requested, but to assure that all parties are
made aware of planning problems that may be involved in the development
plans that may have a bearing on the case. The Director of
Planning may file a written report with the Zoning Commissioner
with recommendations as to the appropriateness of the requested
zoning.

Enclosed are all comments submitted from the members of the
Committee. It is requested that you request information on
your petition. If you have any questions, please contact the
members of the Committee. If you have any questions, please
comment that is not informative will be placed in the hearing
file. This petition was accepted for filing at the date of the
enclosed filing certificate and a hearing is scheduled
accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN
COMMENTS TO MY OFFICE. ATTENTION JULIE WINIARSKI. IF YOU HAVE
ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

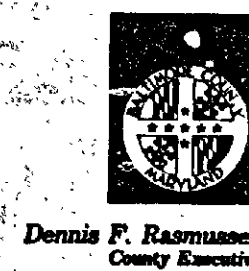
Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
4th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. P.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald T. Schilpp, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 5, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Ronald Schilpp, Item 105
Zoning Petition No. 90-245

The Petitioner requests a variance to permit an 8 ft. divisional
line setback in lieu of the minimum 10 ft. for waterfront construction.

In reference to this request, staff offers no comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

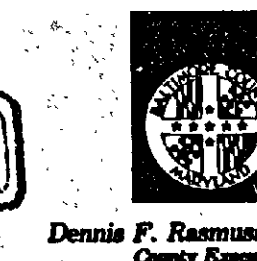
PK/JL/pat

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RECEIVED
NOV 16 1989
ZONING OFFICE



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number
171, 91, 103, 106, 107 and 108.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan,
Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: November 27, 1989
FROM: Mr. Robert W. Sheesley, Jr.
SUBJECT: Petition for Zoning Variance - Item 105
Schilpp Property
Chesapeake Bay Critical Area Findings

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DEC 15 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 8910 Hinton Avenue on Millers
Island. The site is within the Chesapeake Bay Critical Area and is
classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Schilpp

APPLICANT PROPOSAL

The applicant has requested a variance from section 417.4 of the
Baltimore County Zoning Regulations to permit an 8 foot divisional line
(mooring piles).

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all
project approvals shall be based on a finding which assures that
proposed projects are consistent with the following goals 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.C>

Memo to Mr. J. Robert Haines
November 27, 1989
Page 2

DEFINITION

"Water-dependent facilities" means those structures or works
associated with industrial, maritime, recreational, educational or
fisheries activities that require location at or near the shoreline
within the Buffer specified in COMAR 14.15.09" <COMAR 14.15.03.01 A.>

REGULATION AND FINDING

1. Regulation: "Excluded from this [Water Dependent Facilities]
regulation, are individual private piers installed or maintained by
riparian landowners, and which are not part of a subdivision which
provides community piers" <COMAR 14.15.03.01 C.>

Findings: This zoning variance request pertains to an individual
private pier, which is exempt from this regulation, and therefore,
this request does not require a Chesapeake Bay Critical Area
Findings.

CONCLUSION

A Critical Area Findings is not required for this petition. If
there are any questions, please contact Mr. David Flowers at 887-2904.

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

RWS:DCP:ju

cc: The Honorable Ronald B. Hickernell
The Honorable Norman Z. Lausenstein
The Honorable Dale T. Volk
Mrs. Janice Outen

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2588
(301) 887-4500

Paul H. Roberts
Chief

SEPTEMBER 26, 1989

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



Dennis F. Rasmussen
County Executive

RE: Property Owner: RONALD T. SCHILPP
Location: NW/S OF HINTON AVENUE
Item No.: 105
Zoning Agenda: OCTOBER 3, 1989

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Roberts* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK



County Board of Appeals of Baltimore County

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

HEARING ROOM - Room 301
County Office Building
NOTICE OF HEARING - 1990

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. 89-75.

CASE NO. 90-245-A

RONALD T. SCHILPP, ET UX
NW/s Hinton Ave., 65' SW of c/l of
9th Street (8910 Hinton Ave.)
11th Election District
7th Councilmanic District

VAR-Divisional line setback of 8'
in lieu of 10'.

7/6/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 19, 1991 at 10:00 a.m.

cc: Mr. and Mrs. Ronald T. Schilpp Petitioners/Appellants

Victoria A. Steffen, Esquire

Mr. Thomas Durkin Protestant

✓ People's Counsel for Baltimore County

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

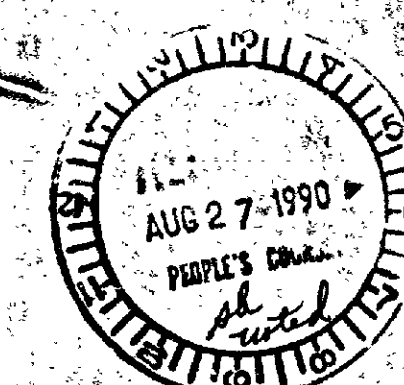
James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

LindaLee M. Kusmaul
Legal Secretary



8/23/90 - Following parties notified of hearing set for February 19, 1991 at
10:00 a.m.:

Mr. and Mrs. Ronald T. Schilpp
Victoria A. Steffen, Esquire
Mr. Thomas Durkin
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
4th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. K...
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald T. Schilpp, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 5, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Ronald Schilpp, Item 105
Zoning Petition No. 90-245

The Petitioner requests a variance to permit an 8 ft. divisional
line setback in lieu of the minimum 10 ft. for waterfront construction.

In reference to this request, staff offers no comments.

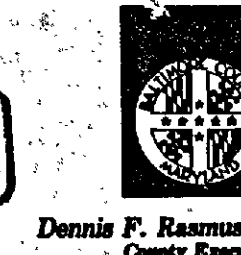
If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/pat

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

RECEIVED
NOV 16 1989



ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number
171, 91, 103, 106, 107 and 108.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: November 27, 1989
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 105
Schilpp Property
Chesapeake Bay Critical Area Findings

RECEIVED
DEC 15 1989

ZONING OFFICE

SITE LOCATION

The subject property is located at 8910 Hinton Avenue on Millers
Island. The site is within the Chesapeake Bay Critical Area and is
classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Schilpp

APPLICANT PROPOSAL

The applicant has requested a variance from section 417.4 of the
Baltimore County Zoning Regulations to permit an 8 foot divisional line
(mooring piles).

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all
project approvals shall be based on a finding which assures that
proposed projects are consistent with the following goals 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 14.15.10.01.0>

Memo to Mr. J. Robert Haines
November 27, 1989
Page 2

DEFINITION

"Water-dependent facilities" means those structures or works
associated with industrial, maritime, recreational, educational or
fisheries activities that require location at or near the shoreline
within the buffer specified in COMAR 14.15.09" <COMAR 14.15.03.01 A.>

REGULATION AND FINDING

1. Regulation: "Excluded from this [Water Dependent Facilities]
regulation, are individual private piers installed or maintained by
riparian landowners, and which are not part of a subdivision which
provides community piers" <COMAR 14.15.03.01 C.>

Findings: This zoning variance request pertains to an individual
private pier, which is exempt from this regulation, and therefore,
this request does not require a Chesapeake Bay Critical Area
Findings.

CONCLUSION

A Critical Area Findings is not required for this petition. If
there are any questions, please contact Mr. David Flowers at 887-2904.

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

EWG:IDF:j

cc: The Honorable Ronald E. Bicknell
The Honorable Norman E. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice Cuten

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reinisch
Chief

SEPTEMBER 20, 1989



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

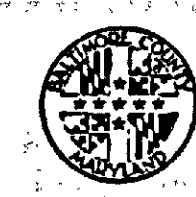
RE: Property Owner: RONALD T. SCHILPP
Location: NW/S OF HINTON AVENUE
Item No.: 105 Zoning Agenda: OCTOBER 3, 1989
Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reinisch* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK



County Board of Appeals of Baltimore County

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

HEARING ROOM - Room 301
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NOTICE OF HEARING - 1990

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DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 90-245-A
RONALD T. SCHILPP, ET UX
NW/s Hinton Ave., 65' SW of c/l of
9th Street (8910 Hinton Ave.)
15th Election District
7th Councilmanic District

VAR-Divisional line setback of 8'
in lieu of 10'.
7/6/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 19, 1991 at 10:00 a.m.

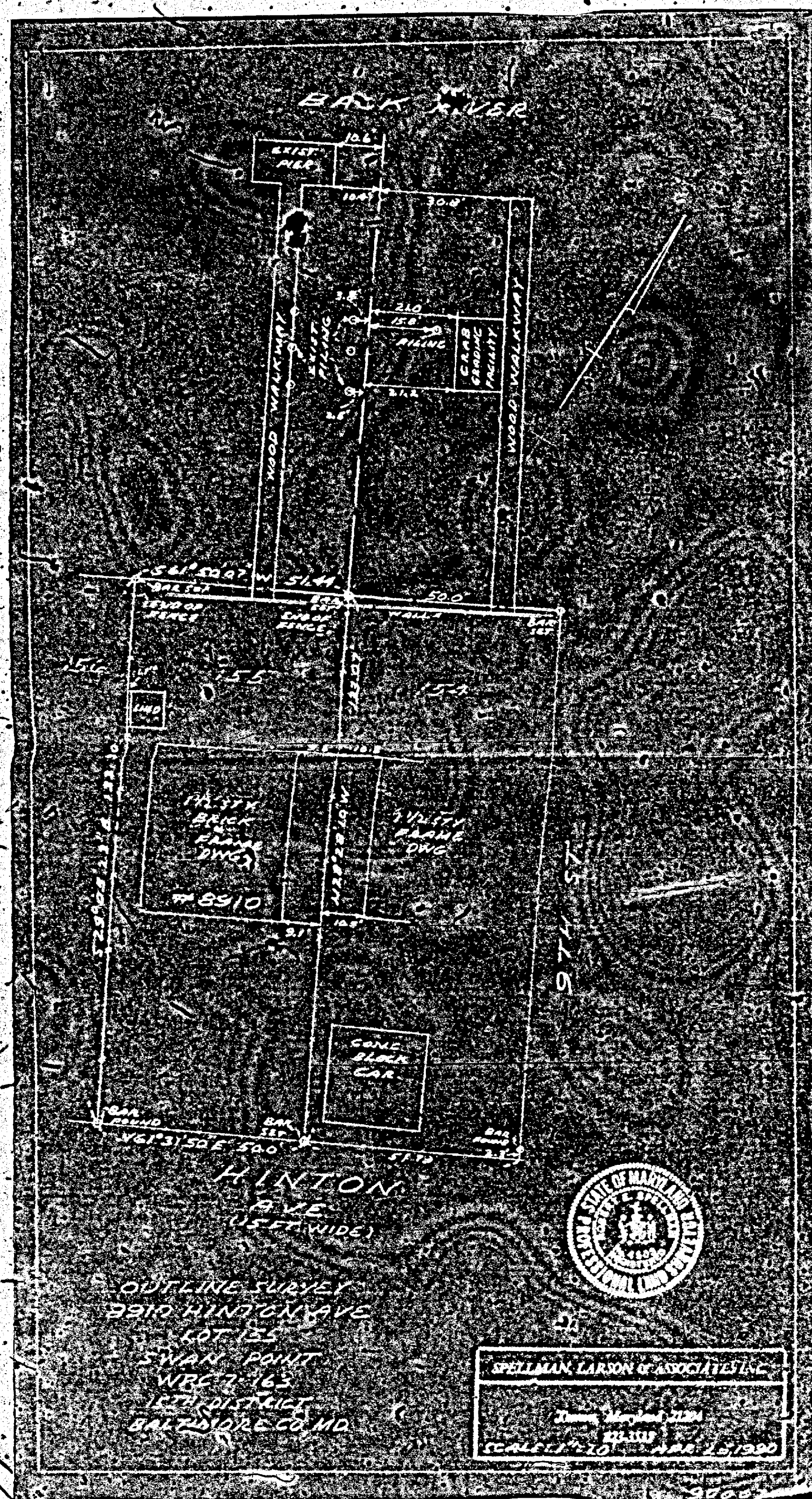
cc: Mr. and Mrs. Ronald T. Schilpp - Petitioners/Appellants
Victoria A. Steffen, Esquire
Mr. Thomas Durkin
People's Counsel for Baltimore County
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kusznau
Legal Secretary



8/23/90 - Following parties notified of hearing set for February 19, 1991 at
10:00 a.m.:

Mr. and Mrs. Ronald T. Schilpp
Victoria A. Steffen, Esquire
Mr. Thomas Durkin
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney



APPEAL

Petition for Zoning Variance
NW/8 Hinton Avenue, 65' SW of the c/l of 9th Street
(8910 Hinton Avenue)
15th Election District, 7th Councilmanic District
RONALD T. SCHILPP, et ux - Petitioner
Case No. 90-245-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1. Plat to accompany Zoning Variance Petition
Protestant's Exhibits: 1. Three (3) Photographs of Pier
Zoning Commissioner's Order dated July 6, 1990 (Denied)
Notice of Appeal received July 31, 1990 from Ronald T. Schilpp, Petitioner

cc: Mr. & Mrs. Ronald T. Schilpp
8910 Hinton Avenue, Edgemere, Maryland 21219
Victoria A. Steffen, Esquire - Kodenski and Canaras
19 E. Fayette Street, Suite 201, Baltimore, MD 21202
Thomas Durkin
8912 Hinton Avenue, Edgemere, Maryland 21219
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3365

August 8, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/8 Hinton Avenue, 65' SW of the c/l of 9th Street
(8910 Hinton Avenue)
15th Election District, 7th Councilmanic District
RONALD T. SCHILPP, et ux - Petitioner
Case No. 90-245-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 31, 1990 by Ronald T. Schilpp, 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: Mr. & Mrs. Ronald T. Schilpp
8910 Hinton Avenue, Edgemere, Maryland 21219
Victoria A. Steffen, Esquire - Kodenski and Canaras
19 E. Fayette Street, Suite 201, Baltimore, MD 21202
Thomas Durkin - No longer
8912 Hinton Avenue, Edgemere, Maryland 21219
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVE., 2F
TOWSON, MARYLAND 21204
(301) 887-3180

April 2, 1991

Mr. and Mrs. Ronald T. Schilpp
8910 Hinton Avenue
Edgemere, Maryland 21219

Re: Case No. 90-245-A (Ronald T. Schilpp, et ux)

Dear Mr. and Mrs. Schilpp:

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

Sincerely,
Linda M. Kuzmaul
Linda M. Kuzmaul
Legal Secretary

Enclosure

cc: Victoria A. Steffen, Esquire
Mr. Thomas Durkin
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

