

IN RE: PETITION FOR ZONING VARIANCE
E/S of East Shore Drive, 100'
N of Riverside Road
(921 E. Shore Road)
15th Election District
7th Councilmanic District
Sandra A. Hawkins Schaefer
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-373-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Emil B. Pielke, Esquire. Andrew J. and Paula A. Mattes, adjoining property owners, appeared and testified as Protestants. Mr. & Mrs. Mattes were represented by Marvin H. Schein, Esquire.

Testimony indicated that the subject property, known as 921 Sue Grove Road, formerly known as E. Shore Road, consists of 11,750 sq.ft. zoned D.R. 5.5, and is improved with a single family dwelling which was purchased by petitioner as a residence in 1977. Petitioner currently rents out the subject property. Said property is located within the Chesapeake Bay Critical Areas on Sue Creek.

Testimony indicated that at the time of purchase, a metal shed existed on the property in the area depicted in Petitioner's Exhibit 1. Petitioner testified the shed was in poor condition and was replaced shortly after her purchase of the property with that depicted in photographs introduced as Petitioner's Exhibits 2 through 6 and 8. As a result of a complaint filed with the Zoning Office, Petitioner was advised to file the instant Petition for approval to keep the shed in its present location.

Petitioner testified that the shed is used for storing the electric and bubbler systems for the pier as well as boat supplies and items used in association with the boat. Testimony indicated that to require its relocation would result in practical difficulty and unreasonable hardship for Petitioner. Further, Petitioner noted the fact that the shed has existed in its present location since prior to her purchase of the property in 1977 without causing any detriment to the health, safety or general welfare of the surrounding community.

Mr. Mattes testified he and his wife purchased the adjoining property at 917 Sue Grove Road in August 1988. Testimony indicated the Protestants find the subject shed an eyesore and contend it interferes with their view of the water. In Mr. Mattes' opinion the subject shed should be removed as the items now stored inside the shed could be stored inside the subject dwelling.

At the request of both parties, a site inspection of the subject property was conducted. The shed, while visible from the Protestants' property, does not block their view of the water and surrounding area.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The evidence presented indicates that the subject shed has existed since prior to the effective date of said regulations. Since no expansion or intensification of its use is planned, the existing shed is not subject to the requirements of Critical Areas legislation as determined by the Department of Environmental Protection and Resource Management in accordance with their comments submitted hereto. It is further noted that

a shed has existed on the property in the location shown on Petitioner's Exhibit 1 in excess of 13 years without complaint. 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 granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of May, 1990 that the Petition for Zoning Variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed the Petitioner would be required to relocate the subject shed in compliance with the zoning regulations.

2) Within fifteen (15) days of the date of this Order, Petitioner shall submit a revised site plan which sets forth the height, length and width dimensions of the subject shed for inclusion in the case file. The variance granted herein is limited to a shed of the same dimensions as the existing shed, approximately 6.5 feet wide, by 10 feet long, by 8 feet high. In no event shall the subject shed be replaced with one of a greater size.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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

May 18, 1990

Emil B. Pielke, Esquire
7937 Belair Road
Baltimore, Maryland 21236-3795

RE: PETITION FOR ZONING VARIANCE
E/S of East Shore Road, 100' N of Riverside Road
(921 E. Shore Road)
15th Election District - 7th Councilmanic District
Sandra A. Hawkins Schaefer - Petitioner
Case No. 90-373-A

Dear Mr. Pielke:

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

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

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Marvin H. Schein, Esquire
400 Title Building, 110 St. Paul Street, Baltimore, Md. 21202

People's Counsel

File

Chesapeake Bay Critical Areas Commission
Taxes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]

- 3 -

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-373-A

The undersigned, legal owner(s) of the property situated 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 structure (detached shed) to be located in the front yard 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)

located in the shed is electric & water system used for the pier. This system is housed in the shed with lines run underground to the pier. Water system prevents ice from forming around pipes. It would be a great expense in the relocation of this shed. This shed has been here since before my purchase of 1977.

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

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

(Type or Print Name)

Signature

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

Name

Address

City and State

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of May, 1990.

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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27th day of March, 1990, at 11:30 o'clock.

J. Robert Haines
Zoning Commissioner of Baltimore County

Critical Area

Phone: 687-4922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21217

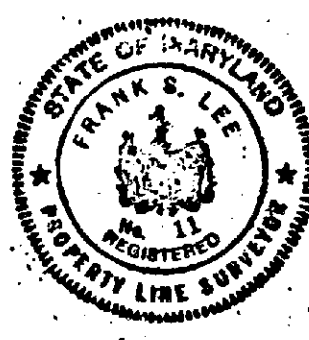
November 30, 1989

East Shore Drive

15th District Baltimore County, Maryland

Beginning for the same on the east side of East Shore Drive at the distance of 100 feet measured northerly along the east side thereof from the north side of Riverside Road, and being known as Lot 27 as laid out on the plat of Sue Grove, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 111.

Containing 11,750 square feet of land more or less.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Sandra Hawkins-Schaefer
Emil B. Pielke, Esq.
(Attorney for Petitioner)

13113 Monroe Rd., Glen Arm, MD 21057
7937 Belair Road
Baltimore, MD 21236-3795

PROTESTANT(S) SIGN-IN SHEET

Case No. 90-373-A

NAME

ADDRESS

Andrew J. Mattes
Paula A. Mattes
Marvin H. Schein
(Attorney for Protestants)

917 Sue Grove Rd., 21221
SAND
440 Title Bldg., 21202

MARVIN H. SCHEIN ATTORNEY AT LAW

SUITE 400 TITLE BUILDING, 110 ST. PAUL STREET
BALTIMORE, MARYLAND 21201 • (301) 665-7888
FAX: (301) 752-3458

May 22, 1990

Baltimore County
Zoning Commissioner
Office of Planning of Zoning
Towson, MD 21204

RE: Petition for Zoning Variance
E/S of East Shore Road, 100' N of Riverside Road
(921 E. Shore Road)
Sandra A. Hawkins Schaefer - Petitioner
Case No.: 90-373-A

Dear Mr. Pielke:

I have not received your response to my client's formal showing (survey with seal) that your client's wall encroaches onto the Mattes property. Please call me and let me know what your people intend to do. Thank you.

Yours very truly,

MARVIN H. SCHEIN

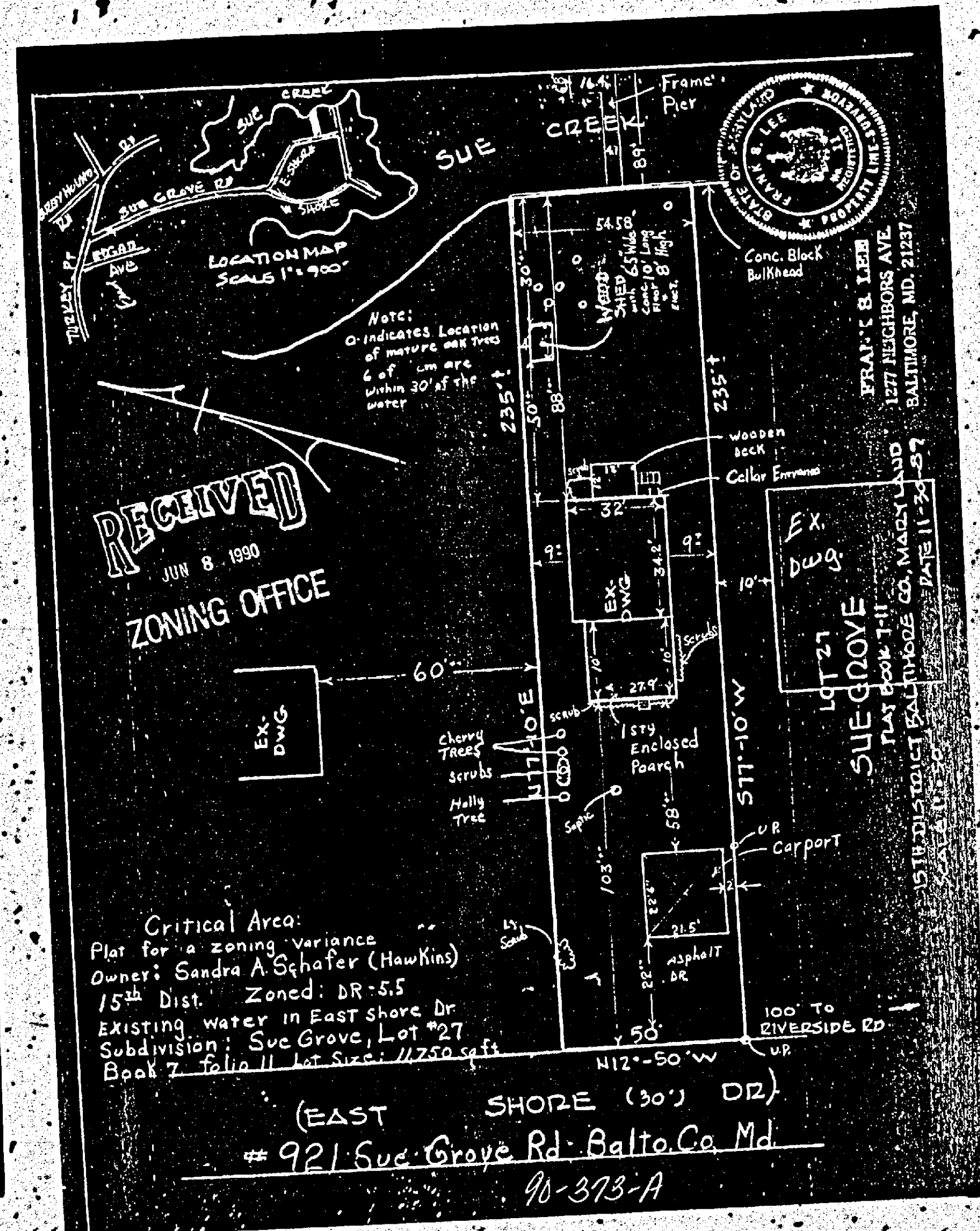
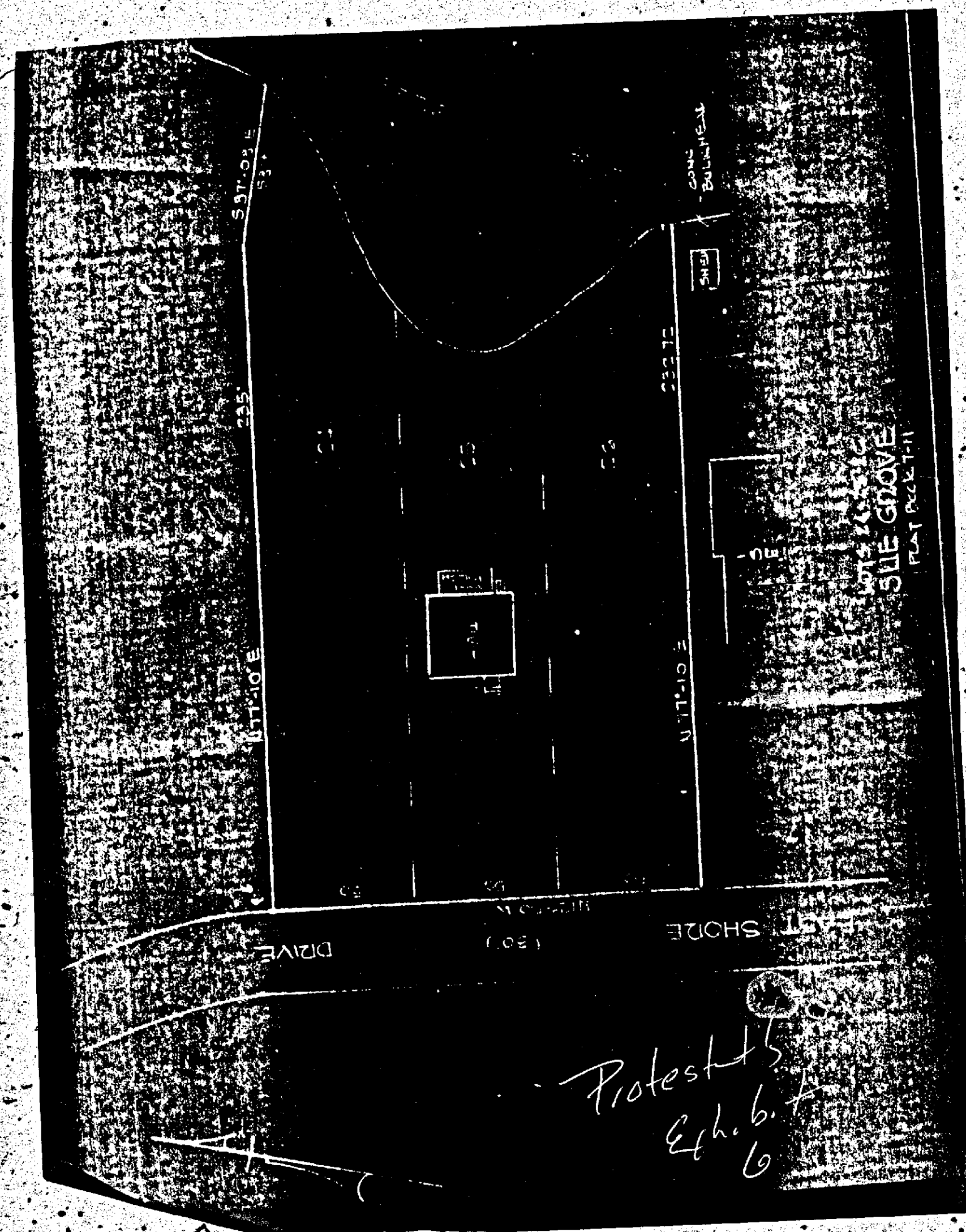
MHS:sync

cc: Mr. Andy Mattes

RECEIVED
MAY 24 1990
ZONING OFFICE

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]



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

December 19, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: SANDRA A. HAWKINS SCHAFER
Location: 4921 EAST SHORE ROAD

Item No.: 185 Zoning Agenda: DECEMBER 19, 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: *Carl J. Kim* Noted and Approved *Carl J. Kim*
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

DEC 20 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 185
Sandra A. Hawkins Schafer
Chesapeake Bay Critical Area Findings

DATE: March 23, 1990

RECEIVED
MAR 27 1990

ZONING OFFICE

SITE LOCUS

The subject property is located at 921 Sue Grove Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Sandra A. Hawkins Schafer

APPLICANT PROPOSAL

The applicant requests a variance from section 400.1 of the Baltimore County Zoning regulations to permit "an accessory structure (detached shed) to be located in the front yard in lieu of the required rear yard."

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.>

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

March 14, 1990



Dennis F. Rasmussen
County Executive

Re: Sandra A. Hawkins Schafer
13113 Manor Road
Glen Arm, MD 21057

RE: Item No. 185, Case No. 90-373-A
Petitioner: Sandra A. Hawkins Schafer
Petition for Zoning Variance

Dear Ms. Schafer:

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 plans or problems with regard to the development plans that may have a bearing on this case. 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.

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 687-3391.

Very truly yours,

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

JED:jw

Enclosures

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 1st day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Sandra A. Hawkins Schafer

Petitioner's Attorney:

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



Dennis F. Rasmussen
County Executive

January 11, 1990

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 501, 184, 185 and 186.

Very truly yours,

Michael S. Planigan
Michael S. Planigan,
Traffic Engineer Assoc. II

MSF/lab

Page 2

DEFINITIONS

(21) "Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures <COMAR 14.15.01.01.(21)>.

REGULATIONS AND FINDINGS

1a. Regulation: Development in the Critical Area

14.15.02.01 Introduction

The Commission is charged with the development of criteria that will accommodate growth, and also provide for the conservation of habitat and the protection of water quality in the Critical Area. In this Chapter, criteria are proposed for directing, managing, and controlling development (e.g. residential, commercial, industrial and related facilities) so that the adverse impacts of growth in the Critical Area are minimized. These criteria are based on the general policies found in Regulation 02. <COMAR 14.15.02.01>

1b. Regulation:

14.15.02.07 Grandfathering

After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances.

Findings: This zoning variance request does not propose any development activities in accordance with the definition stated above. Therefore, this request does not require a Chesapeake Bay Critical Area Findings. If any intensification or expansion is proposed, then a Critical Area Findings shall be required.

CONCLUSION

This variance is approved because it is the continuation of a use in existence on the date of Baltimore County's Program approval. If there are any questions, please contact Mr. David Flowers at 687-2904.

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

RWS:DCF:ju

Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice J. Outen

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sandra A. Hawkins Schafer, Item 185

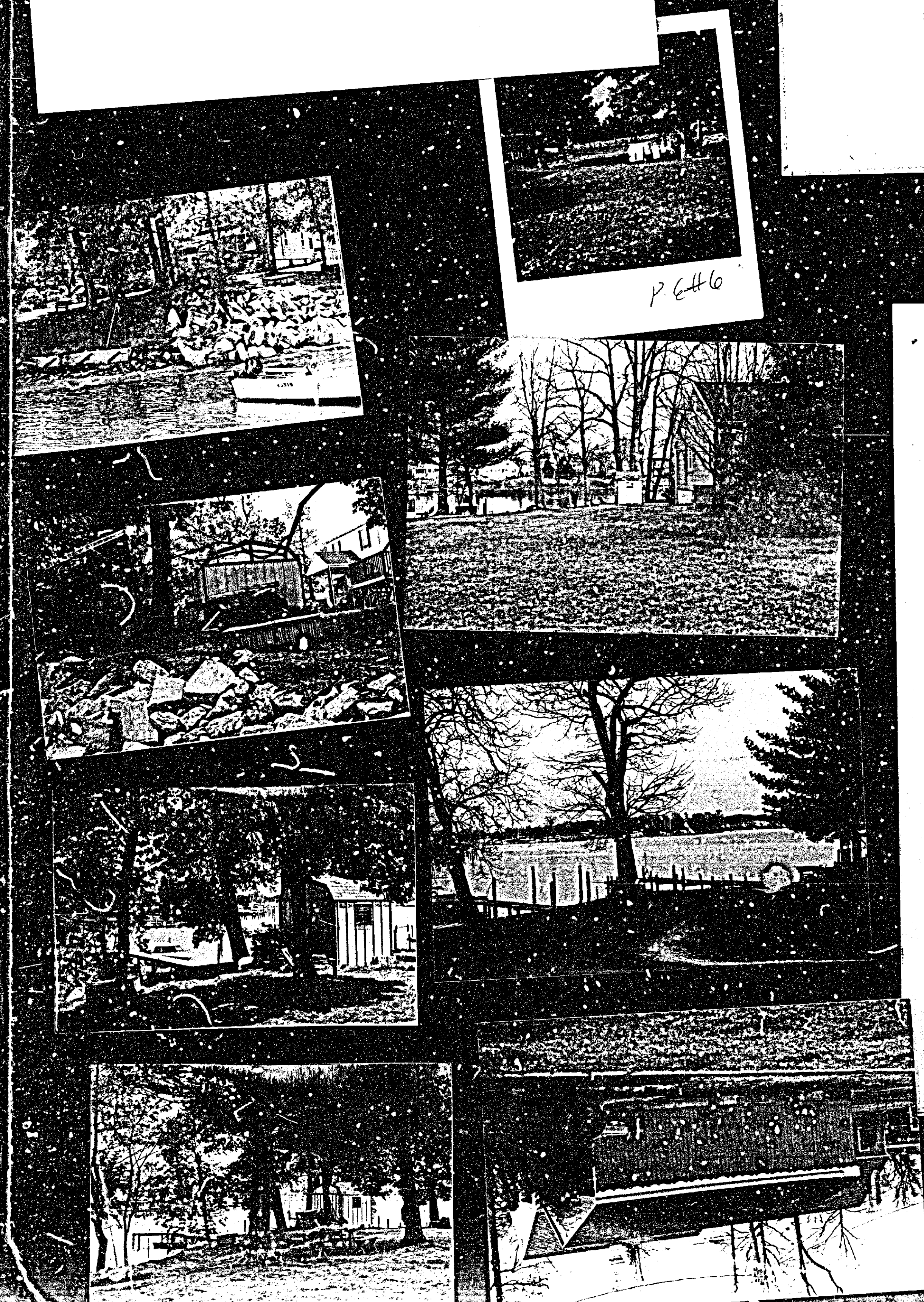
DATE: January 18, 1990

The Petitioner requests a Variance to allow an accessory structure (detached shed) to be located in the front yard in lieu of the required rear yard.

In reference to the Petitioner's request, staff offers no comment.

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/cmm





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

February 13, 1990

NOTICE OF HEARING



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 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-373-A
E/S E. Shore Road, 100' N of Riverside Road
821 E. Shore Road
15th Election District - 7th Councilmanic
Petitioner(s): Sandra Hawkins Schaffer
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Variance to allow an accessory structure (detached shed) to be located in the front yard in lieu of the required rear yard.

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

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Sandra Hawkins Schaffer
Marvin H. Schein, Esq.

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

DATE 3/13/90



Dennis F. Rasmussen
County Executive

Sandra Hawkins Schaffer
13113 Manor Road
Glen Arm, Maryland 21057
Re: Petition for Zoning Variance
CASE NUMBER: 90-373-A
E/S E. Shore Road, 100' N of Riverside Road
821 E. Shore Road
15th Election District - 7th Councilmanic
Petitioner(s): Sandra Hawkins Schaffer
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Dear Ms. Schaffer:

Please be advised that \$100.20 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(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 set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for December 19, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 501, 185, 186, 189 and 190.

For Items 184, 187 and 188 the CRG comments remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEC 27 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 5, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 1, 1990.

THE JEFFERSONIAN.

S. Zebe Olson
Publisher

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3009 Mar. 1.

receipt
Baltimore County
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
12/04/89
PUBLIC HEARING FEES
910 - ZONING VARIANCE (TRL)
LAST NAME OF OWNER: SCHAFER
TOTAL \$25.00
Please make checks payable to Baltimore County
Cashier Validation: 8 0116*****35001 20587

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

March 7, 1990

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #90-373-A - P.O. #0102744 - Reg. #M39845 - 77 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 2nd day of March 1990; that is to say, the same was inserted in the issues of March 1, 1990

Kimbel Publication, Inc.
per Publisher.

By *K.C. Ode*

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13th
Posted for: Variance
Petitioner: Sandra Hawkins Schaffer
Location of property: E/S E. Shore Rd., 100' N of Riverside Rd.
821 E. Shore Rd.
Location of Sign: E/S E. Shore Rd., across rd from driveway
Remarks: On property of P.H. Schaffer
Posted by: M. Haines
Number of Signs: 2
Date of Posting: 3/14/90
Date of return: 3/16/90

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

receipt

Account: R 001-6150
Number No 1879

90-373

3/27/90
PUBLIC HEARING FEES
930 - POSTING SIGNS / ADVERTISING 1 X \$106.20
LAST NAME OF OWNER: SCHAFER
TOTAL: \$106.20

8 0116*****106201 5278F
Please make checks payable to Baltimore County

IN RE: PETITION FOR ZONING VARIANCE
E/S of East Shore Drive, 100'
N of Riverside Road
(921 E. Shore Road)
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After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The evidence presented indicates that the subject shed has existed since prior to the effective date of said regulations. Since no expansion or intensification of its use is planned, the existing shed is not subject to the requirements of Critical Areas legislation as determined by the Department of Environmental Protection and Resource Management in accordance with their comments submitted hereto. It is further noted that

a shed has existed on the property in the location shown on Petitioner's Exhibit 1 in excess of 13 years without complaint. 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 granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of May, 1990 that the Petition for Zoning Variance to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed the Petitioner would be required to relocate the subject shed in compliance with the zoning regulations.

2) Within fifteen (15) days of the date of this Order, Petitioner shall submit a revised site plan which sets forth the height, length and width dimensions of the subject shed for inclusion in the case file. The variance granted herein is limited to a shed of the same dimensions as the existing shed, approximately 6.5 feet wide, by 10 feet long, by 8 feet high. In no event shall the subject shed be replaced with one of a greater size.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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

May 18, 1990

Emil B. Pielke, Esquire
7937 Belair Road
Baltimore, Maryland 21236-3795

RE: PETITION FOR ZONING VARIANCE
E/S of East Shore Road, 100' N of Riverside Road
(921 E. Shore Road)
15th Election District - 7th Councilmanic District
Sandra A. Hawkins Schaefer - Petitioner
Case No. 90-373-A

Dear Mr. Pielke:

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

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

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Marvin H. Schein, Esquire
400 Title Building, 110 St. Paul Street, Baltimore, Md. 21202

People's Counsel

File

Chesapeake Bay Critical Areas Commission
Taxes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]

- 3 -

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-373-A

The undersigned, legal owner(s) of the property situated 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 structure (detached shed) to be located in the front yard 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)

located in the shed is electric & water system used for the pier. This system is housed in the shed with lines run underground to the pier. Water system prevents ice from forming around pipes. It would be a great expense in the relocation of this shed. This shed has been here since before my purchase of 1977.

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

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

(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

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day

of 1990, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27th day of March, 1990, at 11:30 o'clock.

A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Critical Area

Phone: 687-4922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21217

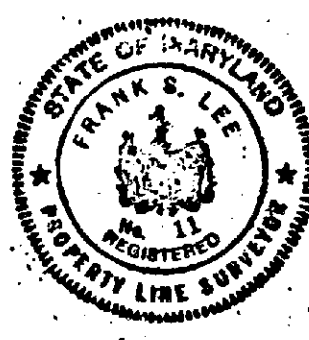
November 30, 1989

East Shore Drive

15th District Baltimore County, Maryland

Beginning for the same on the east side of East Shore Drive at the distance of 100 feet measured northerly along the east side thereof from the north side of Riverside Road, and being known as Lot 27 as laid out on the plat of Sue Grove, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 111.

Containing 11,750 square feet of land more or less.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Sandra Hawkins-Schaefer
Emil B. Pielke, Esq.
(Attorney for Petitioner)

13113 Monroe Rd., Glen Arm, MD 21057
7937 Belair Road
Baltimore, MD 21236-3795

PROTESTANT(S) SIGN-IN SHEET

Case No. 90-373-A

NAME

ADDRESS

Andrew J. Mattes
Paula A. Mattes
Marvin H. Schein
Attorney for Protestants

917 Sue Grove Rd. 21221
SAND
440 Title Bldg. 21202

MARVIN H. SCHEIN ATTORNEY AT LAW

SUITE 400 TITLE BUILDING, 110 ST. PAUL STREET
BALTIMORE, MARYLAND 21201 • (301) 665-7888
FAX: (301) 752-3458

May 22, 1990

Baltimore County
Zoning Commissioner
Office of Planning of Zoning
Towson, MD 21204

RE: Petition for Zoning Variance
E/S of East Shore Road, 100' N of Riverside Road
(921 E. Shore Road)
Sandra A. Hawkins Schaefer - Petitioner
Case No.: 90-373-A

Dear Mr. Pielke:

I have not received your response to my client's formal showing (survey with seal) that your client's wall encroaches onto the Mattes property. Please call me and let me know what your people intend to do. Thank you.

Yours very truly,

MARVIN H. SCHEIN

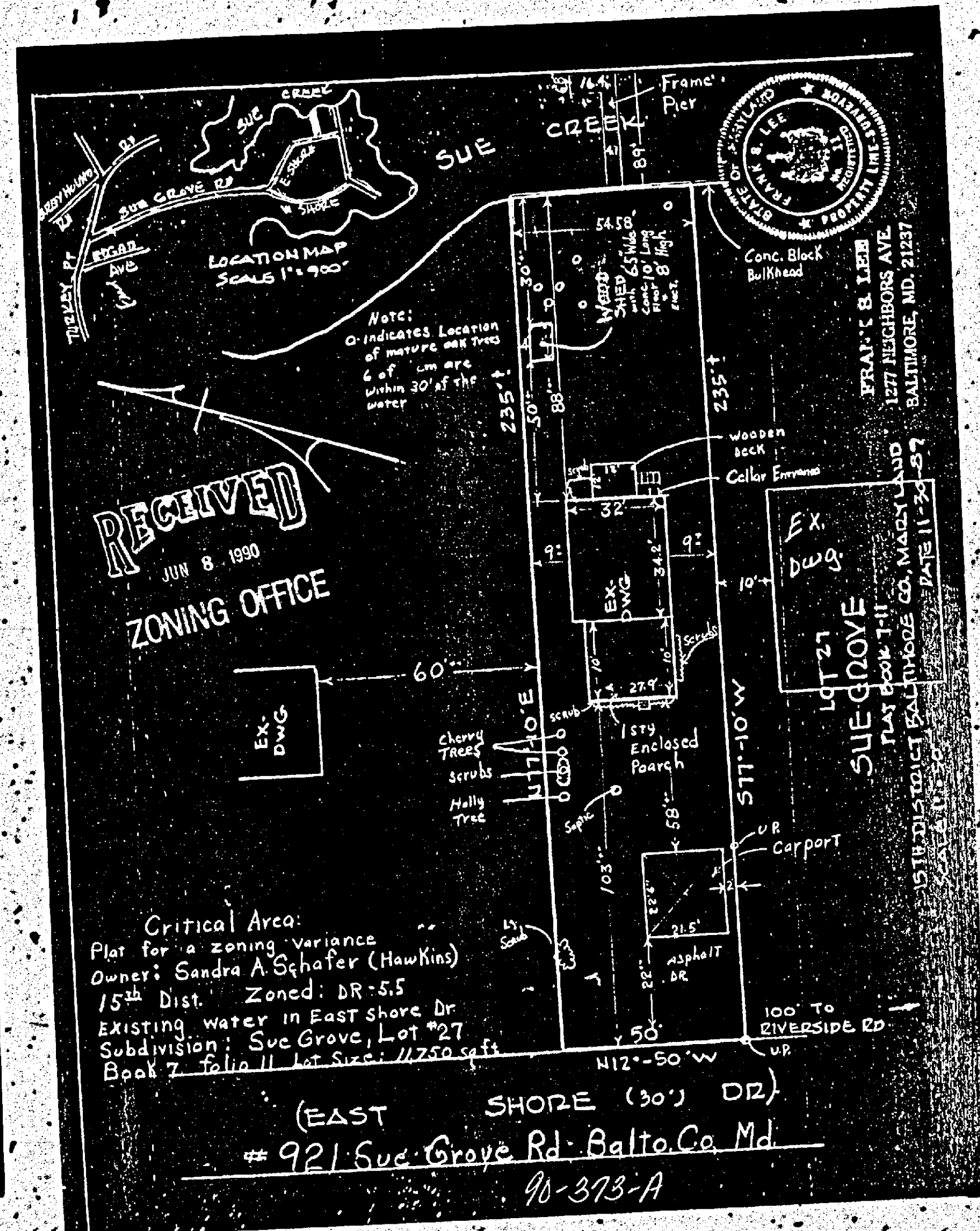
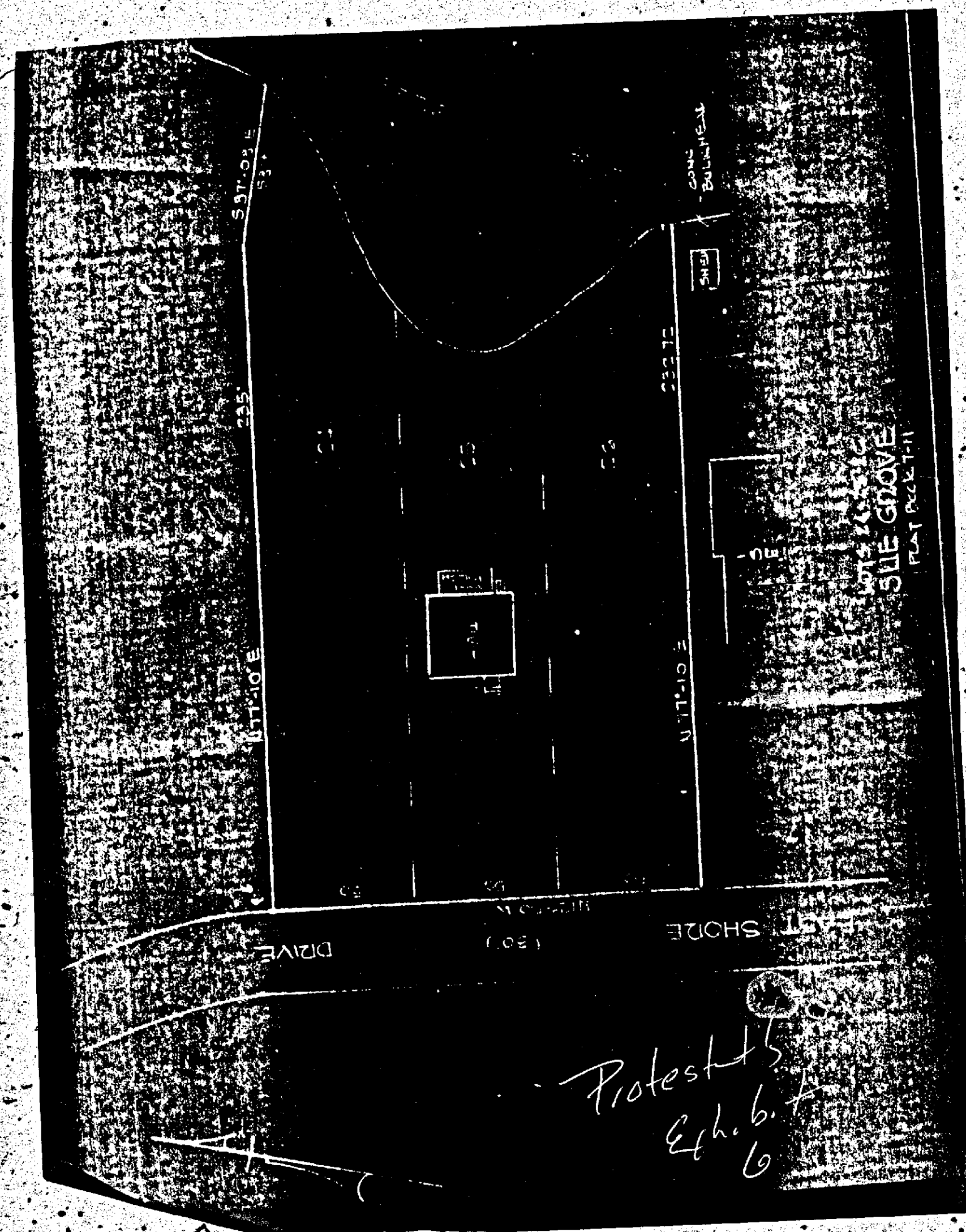
MHS:sync

cc: Mr. Andy Mattes

RECEIVED
MAY 24 1990
ZONING OFFICE

ORDER RECEIVED FOR FILING

Date 5/18/90
By [Signature]



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

December 19, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: SANDRA A. HAWKINS SCHAFER
Location: 4921 EAST SHORE ROAD

Item No.: 185 Zoning Agenda: DECEMBER 19, 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: *Carl J. Kim* Noted and Approved *Carl J. Kim*
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

DEC 20 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: March 23, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 185
Sandra A. Hawkins Schafer
Chesapeake Bay Critical Area Findings

RECEIVED
MAR 27 1990

ZONING OFFICE

SITE LOC.

The subject property is located at 921 Sue Grove Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Sandra A. Hawkins Schafer

APPLICANT PROPOSAL

The applicant requests a variance from section 400.1 of the Baltimore County Zoning regulations to permit "an accessory structure (detached shed)" to be located in the front yard in lieu of the required rear yard.

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:

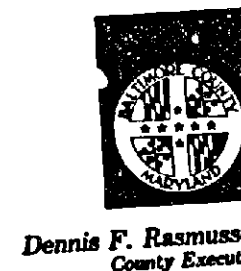
1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area 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.>

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

March 14, 1990

Re: Sandra A. Hawkins Schafer
13113 Manor Road
Glen Arm, MD 21057



Dennis F. Rasmussen
County Executive

RE: Item No. 185, Case No. 90-373-A
Petitioner: Sandra A. Hawkins Schafer
Petition for Zoning Variance

Dear Ms. Schafer:

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 plans or problems with regard to the development plans that may have a bearing on this case. 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.

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 687-3391.

Very truly yours,

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

JED:jw

Enclosures

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 1st day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Sandra A. Hawkins Schafer

Petitioner's Attorney:

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



Dennis F. Rasmussen
County Executive

January 11, 1990

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 501, 184, 185 and 186.

Very truly yours,

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

MSF/lab

Page 2

DEFINITIONS

(21) "Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures <COMAR 14.15.01.01.(21)>.

REGULATIONS AND FINDINGS

1a. Regulation: Development in the Critical Area

14.15.02.01 Introduction

The Commission is charged with the development of criteria that will accommodate growth, and also provide for the conservation of habitat and the protection of water quality in the Critical Area. In this Chapter, criteria are proposed for directing, managing, and controlling development (e.g. residential, commercial, industrial and related facilities) so that the adverse impacts of growth in the Critical Area are minimized. These criteria are based on the general policies found in Regulation 02. <COMAR 14.15.02.01>

1b. Regulation:

14.15.02.07 Grandfathering

After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances.

Findings: This zoning variance request does not propose any development activities in accordance with the definition stated above. Therefore, this request does not require a Chesapeake Bay Critical Area Findings. If any intensification or expansion is proposed, then a Critical Area Findings shall be required.

CONCLUSION

This variance is approved because it is the continuation of a use in existence on the date of Baltimore County's Program approval. If there are any questions, please contact Mr. David Flowers at 687-2904.

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

RWS:DCF:ju

Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice J. Outen

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 18, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

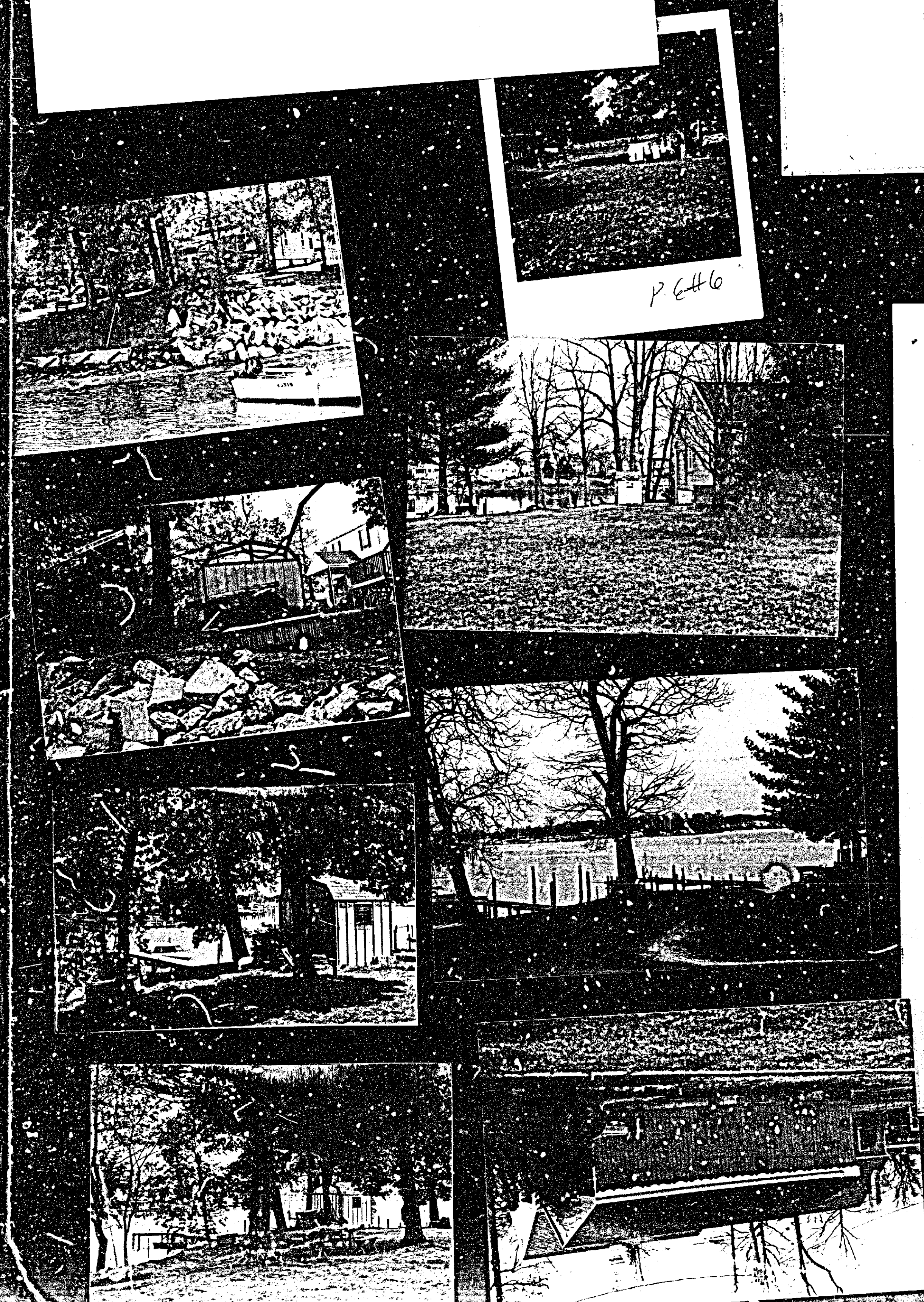
SUBJECT: Sandra A. Hawkins Schafer, Item 185

The Petitioner requests a Variance to allow an accessory structure (detached shed) to be located in the front yard in lieu of the required rear yard.

In reference to the Petitioner's request, staff offers no comment.

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/cmm





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

February 13, 1990

NOTICE OF HEARING



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 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-373-A
E/S E. Shore Road, 100' N of Riverside Road
821 E. Shore Road
15th Election District - 7th Councilmanic
Petitioner(s): Sandra Hawkins Schaffer
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Variance to allow an accessory structure (detached shed) to be located in the front yard in lieu of the required rear yard.

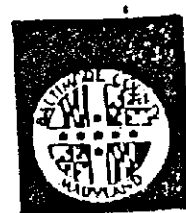
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received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

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Sandra Hawkins Schaffer
Marvin H. Schein, Esq.

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

DATE 3/13/90



Dennis F. Rasmussen
County Executive

Sandra Hawkins Schaffer
13113 Manor Road
Glen Arm, Maryland 21057
Re: Petition for Zoning Variance
CASE NUMBER: 90-373-A
E/S E. Shore Road, 100' N of Riverside Road
821 E. Shore Road
15th Election District - 7th Councilmanic
Petitioner(s): Sandra Hawkins Schaffer
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Dear Ms. Schaffer:

Please be advised that \$100.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(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 set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for December 19, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 501, 185, 186, 189 and 190.

For Items 184, 187 and 188 the CRG comments remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEC 27 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 5, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 1, 1990.

THE JEFFERSONIAN.

S. Zebe Olson
Publisher

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 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: 90-373-A
E/S E. Shore Road, 100' N of Riverside Road
821 E. Shore Road
15th Election District - 7th Councilmanic
Petitioner(s): Sandra Hawkins Schaffer
Hearing Date: Tuesday, March 27, 1990 at 11:30 a.m.

Variance: to allow an accessory structure (detached shed) to be located in the front yard in lieu of the required rear yard.

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
3009 Mar. 1

receipt
Baltimore County
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
12/04/89
PUBLIC HEARING FEES
910 - ZONING VARIANCE (TRL)
LAST NAME OF OWNER: SCHAFER
TOTAL: \$100.00
Please make checks payable to Baltimore County
Cashier Validation: 8 0144*****35001 20587

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

March 7, 1990

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #90-373-A - P.O. #0102744 - Reg. #M39845 - 77 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 2nd day of March 1990; that is to say, the same was inserted in the issues of March 1, 1990

Kimbel Publication, Inc.
per Publisher.

By *K.C. Ode*

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-373-A

District: 13th
Posted for: Variance
Petitioner: Sandra Hawkins Schaffer
Location of property: E/S E. Shore Rd., 100' N of Riverside Rd.
821 E. Shore Rd.
Location of sign: E/S E. Shore Rd., across rd from driveway
Remarks: On property of P. H. Schaffer
Posted by: M. H. Haines
Number of Signs: 2
Date of Posting: 3/14/90
Date of return: 3/16/90

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

receipt

Account: R 001-6150

Number

No 1879

90-373

Date: 3/27/90

M9000600

PUBLIC HEARING FEES	QTY	PRICE
930 - POSTING SIGNS / ADVERTISING 1 X	1	\$106.20
LAST NAME OF OWNER: SCHAFER		TOTAL: \$106.20

8 0144*****106201 5278F

Please make checks payable to Baltimore County

Cashier Validation: