

IN THE MATTER OF
THE APPLICATION OF
ROGER AND NANCY CASSELL
PETITIONERS FOR VARIANCE
ON PROPERTY LOCATED ON THE E/S OF
PINEY HILL ROAD, 620' S OF HEREFORD RD
621 PINEY HILL ROAD

8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 03-321-A

* * * * *

ORDER OF DISMISSAL

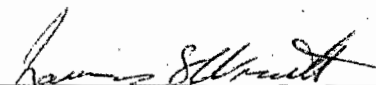
This matter comes to the Board of Appeals on appeal filed by Roger and Nancy Cassell, Appellants /Petitioners, from a decision of the Deputy Zoning Commissioner dated May 14, 2003 in which the Petition for Variance was denied.

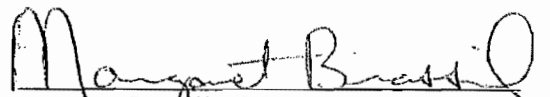
WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed on March 14, 2005 by G. Warren Mix, Esquire, Counsel for Roger and Nancy Cassell, Appellants /Petitioners (a copy of which is attached hereto and made a part hereof); and

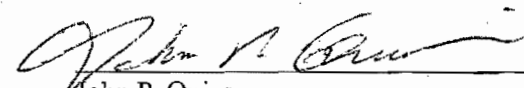
WHEREAS, said Counsel for Appellants requests that the appeal taken in this matter be withdrawn and dismissed as of March 14, 2005,

IT IS ORDERED this 1st day of April, 2005 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 03-321-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott


Margaret Brassil, Ph.D.


John P. Quinn



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 1, 2005

G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204

RE: In the Matter of: *Roger and Nancy Cassell* – Petitioners
Case No. 03-321-A /Order of Dismissal

Dear Mr. Mix:

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

Very truly yours,

Kathleen C. Bianco / L.F.

Kathleen C. Bianco
Administrator

Enclosure

c: ✓ Roger and Nancy Cassell
✓ Beverly True
✓ Richard C. Burch, Esquire
✓ Charles A. Hartjen
✓ People's Counsel for Baltimore County
✓ William J. Wiseman III /Zoning Commissioner
✓ Pat Keller, Planning Director
✓ Timothy M. Kotroco, Director /PDM



LAW OFFICES
TURNBULL, MIX & FARMER

706 Washington Avenue
Towson, Maryland 21204

(410) 828-0700
(410) 825-1517
FAX: (410) 828-5086

G. WARREN MIX
JAMES R. FARMER

JOHN GRASON TURNBULL
(1909-1984)

OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

March 10, 2005

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED

MAR 14 2005

**BALTIMORE COUNTY
BOARD OF APPEALS**

RE: In the Matter of Roger and Nancy Cassell
Case No. 03-321-A

Dear Ms. Bianco:

I am hereby writing to advise that the Petitioners, Roger and Nancy Cassell, wish to dismiss their appeal in the above captioned matter. Therefore, I would appreciate the matter being removed from the docket for the hearing scheduled on Tuesday, March 29, 2005 at 10:00 a.m.

Thank you for your kind consideration.

Very truly yours,

TURNBULL, MIX & FARMER



G. Warren Mix

GWM/df

cc: Richard C. Burch, Esquire
People's Counsel for Baltimore County

LAW OFFICES
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DOUGLAS T. SACHSE
STEVEN D. SHEMENSKI
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WILLIAM E. HAMMOND
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OCEAN CITY, MD 21842
(410) 289-6419

November 14, 2003

County Board of Appeals of Baltimore County
Old Courthouse
Room 48
400 Washington Avenue
Towson, Maryland 21204

*Postponement Granted,
T.M.*

RE: In the Matter of Roger and Nancy Cassell
Case No. 03-321-A
Petition for Variance

Dear Sir or Madam:

Please enter my appearance as counsel for the property owners/Petitioners in the above captioned matter. It is my understanding that the matter is currently scheduled for a hearing on Thursday, January 22, 2004 at 10:00 a.m. Please be advised that I am writing to request a postponement as I am a member of the Judicial Nominating Commission for Baltimore County and we will be meeting on Thursday, January 22, 2004 beginning at 8:30 a.m. throughout the day, as well as Friday, the 23rd to interview candidates who are filing for the two vacancies on the District Court of Maryland for Baltimore County. My attendance is mandatory on the Commission, and therefore, I would appreciate this matter being rescheduled to a new date and time.

Thank you for your cooperation.

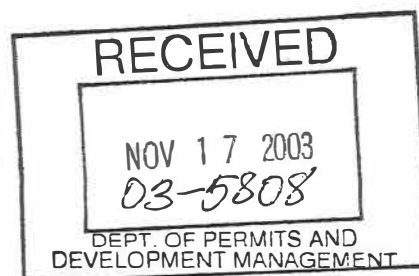
Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

GWM/df

cc: People's Counsel for Baltimore County
✓ Timothy M. Kotrocco, Director/PDM
Lawrence E. Schmidt, Zoning Commissioner
Ms. Beverly True
Mr. Charles J. Hartjen



LAW OFFICES
TURNBULL, MIX & FARMER

G. WARREN MIX
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November 14, 2003

County Board of Appeals of Baltimore County
Old Courthouse
Room 48
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Roger and Nancy Cassell
Case No. 93-321-A
Petition for Variance

Dear Sir or Madam:

Please enter my appearance as counsel for the property owners/Petitioners in the above captioned matter. It is my understanding that the matter is currently scheduled for a hearing on Thursday, January 22, 2004 at 10:00 a.m. Please be advised that I am writing to request a postponement as I am a member of the Judicial Nominating Commission for Baltimore County and we will be meeting on Thursday, January 22, 2004 beginning at 8:30 a.m. throughout the day, as well as Friday, the 23rd to interview candidates who are filing for the two vacancies on the District Court of Maryland for Baltimore County. My attendance is mandatory on the Commission, and therefore, I would appreciate this matter being rescheduled to a new date and time.

Thank you for your cooperation.

Very truly yours,

TURNBULL, MIX & FARMER



G. Warren Mix

GWM/df

cc: People's Counsel for Baltimore County
Timothy M. Kotrocco, Director/PDM
Lawrence E. Schmidt, Zoning Commissioner
Ms. Beverly True
Mr. Charles J. Hartjen

RECEIVED

NOV 17 2003

BALTIMORE COUNTY
BOARD OF APPEALS

12 F1

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-321-A

Roger and Nancy Cassell - LEGAL OWNERS

621 Piney Hill Road, Monkton 21111

8th ELECTION DISTRICT

APPEALED: 6/13/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-321-A

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

621 Piney Hill Rd.

The sign was posted on 7/17, 2003

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 17, 2003

Roger and Nancy Cassell
621 Piney Hill Road
Monkton, MD 21111

Dear Mr. and Mrs. Cassell:

RE: Case No. 03-321-A, 621 Piney Hill Road

Please be advised that an appeal of the above-referenced case was filed in this office on Friday, June 13, 2003. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco". The signature is fluid and cursive.

Timothy Kotroco
Director

TK:klm

c: Timothy Kotroco, Director of PDM
People's Counsel
Beverly True, Representative, 1615 Deer Park Rd., Finksburg 21048



Baltimore County
Department of Permits and
Development Management

June 13, 2003

Re: Petition for Administrative Variance
CASE NUMBER: 03-321-A
Property: 621 Piney Hill Road

Dear Sirs:

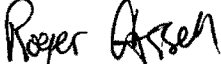
Pursuant to your denial of the above referenced petition, I would like to file an appeal and modify the petition as follows:

To permit an accessory structure to be located in the side yard in lieu of the required rear yard and to have a height of 23 feet in lieu of the maximum permitted 15 feet, with the conditions that the structure be set back a minimum of 7 feet from the front of the existing residence structure and it's dimensions not exceed 40 feet by 30 feet.

The required fees are enclosed.

Thank you for your consideration.

Sincerely,


Roger D. Cassell

RECEIVED

JUN 13 2003

Per........

APPEAL

Petition for Administrative Variance
621 Piney Hill Road
E/side of Piney Hill Road, 620 feet south of Hereford Road
8th Election District – 3rd Councilmanic District
Roger and Nancy Cassell – Legal Owners

Case No.: 03-321-A

- ✓ Petition for Administrative Variance (January 14, 2003)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (March 24, 2003)
- ✓ Certification of Publication (The Jeffersonian issue March 4, 2003)
- ✓ Certificate of Posting (April 22, 2003)
- ✓ Entry of Appearance by People's Counsel (None)
- ✓ Petitioner(s) Sign-In Sheet
None
- ✓ Protestant(s) Sign-In Sheet
None
- ✓ Citizen(s) Sign-In Sheet
None
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
 1. Plat to accompany Petition for Zoning Variance
- ✓ Protestants' Exhibits:
None
- ✓ Miscellaneous (Not Marked as Exhibit)
 1. 24 Photos of 621 Piney Hill Road
- ✓ Deputy Zoning Commissioner's/Zoning Commissioner's Order (May 14, 2003 - DENIED)
- *✓ Notice of Appeal received on June 13, 2003 from Roger and Nancy Cassell

RECEIVED

JUN 18 2003

**BALTIMORE COUNTY
BOARD OF APPEALS**

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Roger and Nancy Cassell, 621 Piney Hill Dr., Monkton 21111

* ROGER CASSELL
NANCY CASSELL
621 PINEY HILL ROAD
MONKTON MD 21111
Petitioner/Appellant

BEVERLY TRUE
1615 DEE PARK ROAD
FINKSBURG MD 21048
Representative

CHARLES A HARTJEN
619 PINEY HILL ROAD
MONKTON MD 21111

Counsel for Charles A. Hartjen:
[added to file 3/08/04]
RICHARD C. BURCH, ESQUIRE
MUDD, HARISON & BURCH
105 W. CHESAPEAKE AVENUE
SUITE 300
TOWSON, MD 21204

JE

In the Matter of: Roger and Nancy Cassell –
Legal Owners /Petitioners
VAR –To permit accessory structure (garage) in the side yard ilo required rear
yard and to have a height of 26' ilo maximum permitted 15'.

5/14/03–D.Z.C.'s Order in which Petition for Variance was DENIED.

9/23/03 -Notice of Assignment sent to following; assigned for hearing on Thursday, January 22, 2004 at 10 a.m.:

Roger and Nancy Cassell
Beverly True
Charles A. Hartjen
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

11/17/03 – Entry of Appearance and request for postponement filed by G. Warren Mix, Esquire, counsel for property owners /petitioners in this matter. Counsel is member of Judicial Nominating Commission for Baltimore County and will be in meeting 1/22 and 1/23/04. Request to be granted and case reassigned. Letter is POSTPONED folder.

11/24/03 – Notice of PP and Reassignment sent to parties; case reassigned to Thursday, February 19, 2004 at 11 a.m.

12/03/03 – Letter from G. Warren Mix, Esquire – will be out of state on planned vacation 2/18 through 2/24/04. Request to reschedule hearing.

12/19/03- Second Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, May 18, 2004 at 10:00 a.m.

3/08/04 Letter from Richard Burch, Esquire; requesting postponement of 5/18/04 hearing. His client, Charles A. Hartjen, will be unavailable on the 18th of May; operates on Tuesdays and Wednesdays ("only days on which operating room is made available to him"); requests M-W-F hearing date. Indicates that he has spoken to Mr. Mix who has no objection to a brief postponement. If dates are provided, he will contact parties and find a mutually agreeable date for reassignment.
- T/C to Mr. Burch, followed by a confirmation letter; Board sits T-W-Th; advised of three Wednesdays available in early summer (6/30; 7/07; 7/28/04). He will coordinate reassignment date and get back to me no later than 3/19/04 per letter to him this date.
- Added Mr. Burch to notice and file; counsel for Charles A. Hartjen.

3/11/04 – T/C from Mr. Burch's office – 7/28/04 is agreeable to everyone. Notice of PP and Reassignment sent to above parties; reassigned to Wednesday, July 28, 2004 at 10:00 a.m.

7/16/04 – Request from Warren Mix requesting postponement of 7/28/04 hearing; telephone call this date to Mr. Mix with possible reassignment dates; T/C to Mr. Burch with same. Awaiting call from Mr. Burch.
- T/C from Mr. Burch - available on date of 11/03/04 (one of possible dates); confirmed date by telephone with Mr. Mix. Fourth Notice of PP and Reassignment sent to parties; case reassigned to Wednesday, November 3, 2004 at 10:00 am.

10/29/04 – Letter from G. Warren Mix, Esquire, via FAX requesting postponement of hearing scheduled for 11/03/04 – Petitioner may possibly withdraw petition in the near future; has spoken with R. Burch who has no objection to the postponement. T/C to Mr. Burch to confirm; notice to be sent.
-- Fifth Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, March 29, 2005 at 10:00 a.m. (Hard copy of postponement letter received via USPS 11/01/04.)

3/14/05 – Letter of withdrawal of appeal filed by G. Warren Mix, Esquire, on behalf of Petitioners, Roger and Nancy Cassell. Order of Dismissal to be issued.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd do 2/19/04

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 23, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-321-A

IN THE MATTER OF: ROGER AND NANCY CASSELL

-Legal Owners /Petitioners

621 Piney Hill Road

8th Election District; 3rd Councilmanic District

5/14/2003 – D.Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR:

THURSDAY, JANUARY 22, 2004 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Petitioners
Beverly True

: Roger and Nancy Cassell

Charles A. Hartjen

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



LAW OFFICES
TURNBULL, MIX & FARMER

G. WARREN MIX
JAMES R. FARMER
DOUGLAS T. SACHSE
STEVEN D. SHEMENSKI
JAMES S. PASKO

706 Washington Avenue
Towson, Maryland 21204

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FAX: (410) 828-5086

JOHN GRASON TURNBULL
(1909-1984)
WILLIAM E. HAMMOND
(1924-1992)

OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

December 1, 2003

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Roger and Nancy Cassell
Case No. 93-321-A
Petition for Variance

Dear Ms. Bianco:

I received notice that the above captioned matter has been rescheduled for February 19, 2004 at 11:00 a.m. Please be advised that I must request a postponement as I will be out of state on vacation from February 18 through February 24, 2004. Therefore, it is necessary that I request this matter be rescheduled to a new date and time.

Thank you for your cooperation.

Very truly yours,

TURNBULL, MIX & FARMER


G. Warren Mix

GWM/df

cc: People's Counsel for Baltimore County
Timothy M. Kotrocco, Director/PDM
Lawrence E. Schmidt, Zoning Commissioner
Ms. Beverly True
Mr. Charles J. Hartjen
Mr. and Mrs. Roger Cassell

RECEIVED
DEC 03 2003
BALTIMORE COUNTY
BOARD OF APPEALS

PP 40 5/18/04



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

November 24, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-321-A

IN THE MATTER OF: ROGER AND NANCY CASSELL
-Legal Owners /Petitioners
621 Piney Hill Road
8th Election District; 3rd Councilmanic District

5/14/2003 – D.Z.C.'s Order in which Petition for Variance was DENIED.

which had been assigned to be heard on 1/22/04 has been **POSTPONED** at the request of Counsel for Petitioners due to schedule conflict; and has been

ASSIGNED FOR:

THURSDAY, FEBRUARY 19, 2004 at 11:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners
Appellants /Petitioners
Beverly True

: G. Warren Mix, Esquire
: Roger and Nancy Cassell

Charles A. Hartjen

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*pp'd to
5/18/04
Reg of
Counsel for
Petitioners*





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 19, 2003

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-321-A

IN THE MATTER OF: ROGER AND NANCY CASSELL
-Legal Owners /Petitioners
621 Piney Hill Road
8th Election District; 3rd Councilmanic District

5/14/2003 – D.Z.C.'s Order in which Petition for Variance was DENIED.

which had been reassigned to be heard on 2/19/04 has been **POSTPONED** at the request of Counsel for Petitioners (will be out of state 2/18 through 2/24/04); and has been

ASSIGNED FOR:

TUESDAY, MAY 18, 2004 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners
Appellants /Petitioners
Beverly True

: G. Warren Mix, Esquire
: Roger and Nancy Cassell

Charles A. Hartjen

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

March 8, 2004

Richard C. Burch, Esquire
MUDD, HARISON & BURCH
105 W. Chesapeake Avenue
Suite 300
Towson, MD 21204

RE: *In the Matter of: Roger and Nancy Cassell -*
Legal Owners /Petitioners
Case No. 03-321-A /Request for Postponement

Dear Mr. Burch:

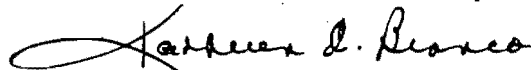
This letter will confirm our telephone conversation this date in response to your correspondence of March 4, 2004 in which you have requested a postponement of the May 18th hearing in the subject matter.

As we discussed, the Board sits on Tuesday, Wednesday and Thursday of each week. Therefore, based on your letter, Wednesday would be the only day to which this hearing could be reassigned. To that end, I have confirmed with you your availability on the following Wednesday dates: June 30th, July 7, and July 28th.

I will hold these dates pending confirmation from you as to which date works for everyone, at which time a notice will be sent, postponing this matter from the assigned May 18th date and reassigning to the confirmed date.

I look forward to hearing from you no later than Friday March 19, 2004. Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

c: G. Warren Mix, Esquire
Peter M. Zimmerman, Esquire



MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING

TOWSON, MARYLAND 21204

(410) 828-1335

FAX (410) 828-1042

JOHN E. MUDD
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO

T. ROGERS HARRISON
(1949-1995)

MATTHEW P. LALUMIA
DENISE E. MOBLEY

OF COUNSEL
WILLIAM T. RUSSELL, JR.

March 4, 2004

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 03-321-A
In The Matter of Roger and Nancy Cassell

Dear Ms. Bianco:

I represent Charles A. Hartjen, one of the protestants/adjacent property owners in the captioned matter. I understand that the matter is currently scheduled for hearing on Tuesday, May 18, 2004 at 10:00 a.m.

My client is an orthopedic surgeon who operates on Tuesdays and Thursdays of each week – days on which an operating room is made available to him. Accordingly, he is not going to be available on Tuesday, May 18, 2004 as he will be performing surgical procedures.

I have spoken with G. Warren Mix, Esquire, counsel for Roger and Nancy Cassell, the petitioners, and Mr. Mix has kindly authorized me to advise you that he does not object to my request to postpone this matter with the further request that it be rescheduled for a Monday, Wednesday or Friday so as not to conflict with Dr. Hartjen's surgical schedule. I would appreciate it if you would grant a brief postponement of this matter. If you would provide me with some available dates for Mondays, Wednesdays and Fridays, I will gladly assume responsibility for finding a date which is available and convenient for everyone.

Many thanks for your kind consideration of this request.

Very truly yours,

RECEIVED

MAR 08 2004

RCB/tvj
BALTIMORE COUNTY
BOARD OF APPEALS

Richard C. Burch
Richard C. Burch

cc: G. Warren Mix, Esquire
Charles A. Hartjen
Joseph Parker
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*pp'd to 11/03/04 -
request of
W. Mix*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 11, 2004

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-321-A

IN THE MATTER OF: ROGER AND NANCY CASSELL
-Legal Owners /Petitioners
621 Piney Hill Road
8th Election District; 3rd Councilmanic District

5/14/2003 – D.Z.C.'s Order in which Petition for Variance was DENIED.

which had been reassigned to be heard on 5/18/04 has been **POSTPONED** at the request of Counsel for Protestant due to the unavailability of his client on that date; and, without objection by Counsel for Petitioner, and upon agreement as to the new date, and has been

REASSIGNED FOR: WEDNESDAY, JULY 28, 2004 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners
Appellants /Petitioners
Beverly True

: G. Warren Mix, Esquire
: Roger and Nancy Cassell

Counsel for Protestant
Protestant

: Richard C. Burch, Esquire
: Charles A. Hartjen

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



LAW OFFICES
TURNBULL, MIX & FARMER

G. WARREN MIX
JAMES R. FARMER
DOUGLAS T. SACHSE
STEVEN D. SHEMENSKI
JAMES S. PASKO

706 Washington Avenue
Towson, Maryland 21204

(410) 828-0700
(410) 825-1517
FAX: (410) 828-5086

JOHN GRASON TURNBULL
(1909-1984)
WILLIAM E. HAMMOND
(1924-1992)

OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

July 14, 2004

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Roger and Nancy Cassell
Case No. 03-321-A

Dear Ms. Bianco:

I am writing to request a postponement of the hearing scheduled for July 28, 2004 at 10:00 a.m. Apparently, my client is in the process of revising his plans for his proposed project, and those plans will not be available by the time of the hearing. I believe it is in everyone's best interest that the matter be postponed at this time.

I have spoken with Richard C. Burch, counsel for Dr. Hartjen, one of the alleged protestants, and he has no objection to the matter being postponed at this time. Therefore, I would appreciate the Board granting my request, and perhaps a new date can be scheduled that is agreeable for both Mr. Burch and myself.

Thank you for your kind consideration.

Very truly yours,

TURNBULL, MIX & FARMER


G. Warren Mix

GWM/df

cc: Richard C. Burch, Esquire
People's Counsel for Baltimore County

RECEIVED

JUL 16 2004

BALTIMORE COUNTY
BOARD OF APPEALS

PP 26
11/03/04
agrus



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*pp'd 90 3/29/05
@ neg. of Petitioner*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

July 16, 2004

FOURTH NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-321-A

IN THE MATTER OF: ROGER AND NANCY CASSELL

-Legal Owners /Petitioners

621 Piney Hill Road

8th Election District; 3rd Councilmanic District

5/14/2003 – D.Z.C.'s Order in which Petition for Variance was DENIED.

which had been reassigned to be heard on 7/28/04 has been **POSTPONED** at the request of Counsel for Appellants /Petitioners, without objection by Counsel for Protestant; and, upon agreement as to the new date, and has been

REASSIGNED FOR:

WEDNESDAY, NOVEMBER 3, 2004 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners
Appellants /Petitioners
Beverly True

: G. Warren Mix, Esquire
: Roger and Nancy Cassell

Counsel for Protestant
Protestant

: Richard C. Burch, Esquire
: Charles A. Hartjen

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*w/b by Appellants
3-14-05*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 29, 2004

FIFTH NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-321-A

IN THE MATTER OF: ROGER AND NANCY CASSELL

-Legal Owners /Petitioners

621 Piney Hill Road

8th Election District; 3rd Councilmanic District

5/14/2003 – D.Z.C.'s Order in which Petition for Variance was DENIED.

which had been reassigned to be heard on 11/03/04 has been **POSTPONED** at the request of Counsel for Appellants /Petitioners, without objection by Counsel for Protestant; and has been

REASSIGNED FOR:

TUESDAY, MARCH 29, 2005 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Blanco
Administrator

c: Counsel for Appellants /Petitioners
Appellants /Petitioners
Beverly True

: G. Warren Mix, Esquire
: Roger and Nancy Cassell

Counsel for Protestant
Protestant

: Richard C. Burch, Esquire
: Charles A. Hartjen

People's Counsel for Baltimore County
~~Lawrence E. Schmidt~~ /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



LAW OFFICES
TURNBULL, MIX & FARMER

706 Washington Avenue
Towson, Maryland 21204

(410) 828-0700
(410) 825-1517
FAX: (410) 828-5086

G. WARREN MIX
JAMES R. FARMER

JOHN GRASON TURNBULL
(1909-1984)

OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

October 29, 2004

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

VIA FAX (410) 887-3182

RE: In the Matter of Roger and Nancy Cassell
Case No. 03-321-A

Dear Ms. Bianco:

I am writing to request a postponement of the hearing in the above captioned matter scheduled for Wednesday, November 3, 2004 at 10:00 a.m. In speaking with my client, there is a very good possibility that Mr. Cassell has made other plans and could very easily be withdrawing his Petition for the special exception within the very near future.

Therefore, I believe its in the best interest of all concerned that the matter be removed from the docket on November 3, 2004 and assigned a new hearing date after the first of the year. I have spoken with Richard Burch, the attorney representing the protestant, and he has absolutely no objection to this request for a postponement.

Thank you for your kind consideration.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

GWM/df

cc: Richard C. Burch, Esquire
People's Counsel for Baltimore County

RECEIVED

NOV 01 2004

**BALTIMORE COUNTY
BOARD OF APPEALS**

APPEAL

Petition for Administrative Variance
621 Piney Hill Road
E/side of Piney Hill Road, 620 feet south of Hereford Road
8th Election District – 3rd Councilmanic District
Roger and Nancy Cassell – Legal Owners

Case No.: 03-321-A

Petition for Administrative Variance (January 14, 2003)

Zoning Description of Property

Notice of Zoning Hearing (March 24, 2003)

Certification of Publication (The Jeffersonian issue March 4, 2003)

Certificate of Posting (April 22, 2003)

Entry of Appearance by People's Counsel (None)

Petitioner(s) Sign-In Sheet
None

Protestant(s) Sign-In Sheet
None

Citizen(s) Sign-In Sheet
None

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. Plat to accompany Petition for Zoning Variance

Protestants' Exhibits:
None

Miscellaneous (Not Marked as Exhibit
1. 24 Photos of 621 Piney Hill Road

Deputy Zoning Commissioner's/Zoning Commissioner's Order (May 14, 2003 - DENIED)

Notice of Appeal received on June 13, 2003 from Roger and Nancy Cassell

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Roger and Nancy Cassell, 621 Piney Hill Dr., Monkton 21111

date sent June 18, 2003 klm

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Piney Hill Road, 620' S
centerline of Hereford
8th Election District
3rd Councilmanic District
(621 Piney Hill Road)

Nancy & Roger Cassell
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-321-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Nancy and Roger Cassell. The Petitioners are requesting variance relief for property they own at 621 Piney Hill Road in the Monkton area of Baltimore County. The variance request is to permit a garage to be located in the side yard of their property in lieu of the required rear yard and for the garage to have a height of 26 ft. in lieu of the maximum permitted 15 ft.

Appearing at the hearing on behalf of the variance request was Roger Cassell, owner of the property. Appearing as interested citizens in the matter were the adjacent property owners, Charlie Hartjen and Joe Parker. The case was originally filed as an administrative variance, however, a public hearing was requested by Mr. Hartjen.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 2.012 acres, more or less, zoned R.C.7. The property is improved with an existing single-family residential dwelling wherein Mr. and Mrs. Cassell reside. The property owners are interested in constructing a 30 ft. x 45 ft. four-car garage located in the side yard of their property. The garage is proposed to have a height of 26 ft. Mr. Cassell testified that he is interested in constructing the garage in order to house his personal automobiles. He also proposes a storage area on the second level of the garage. The garage is proposed to be built into

Date 5/14/03
By: R. J. Quast

Hartjen. In order to proceed with the construction of this garage, the variance request is necessary given that Mr. Cassell is not able to locate the garage in his rear yard. He testified that there exists some environmentally protected areas to the rear of his property and also the well for his home. Therefore, he has proposed to locate the garage in his side yard as shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence.

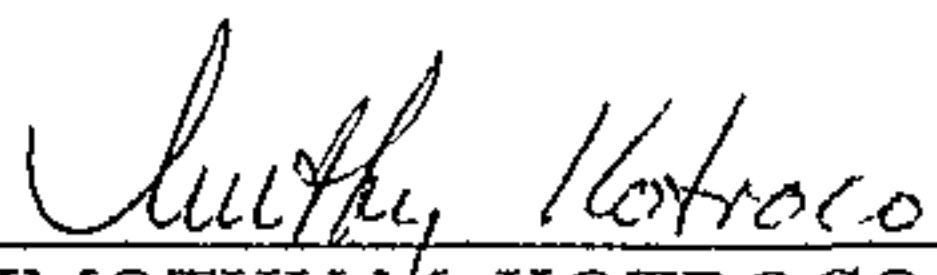
As stated previously, two neighbors appeared out of concern for Mr. Cassell's project. These neighbors object to the size and mass of the structure itself. They believe the garage, as proposed, is too large and not properly placed on the Petitioners' property. They have asked that the garage be modified and relocated in order to better fit into the development scheme of the neighborhood.

After considering the testimony and evidence offered by the residents who appeared at the hearing and the photographs submitted into evidence, I find that the Petitioners' request for variance for this particular garage should be denied. This particular proposal is simply too large of a structure to be situated as shown on the site plan submitted. I have to agree with the neighbors who appeared, that the structure itself will take on the appearance of a separate residence given its height and size. I do not believe it to be in the interest of the neighborhood to approve a structure of this size, in this location. Accordingly, the variance request must be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of May, 2003, that the Petitioners' request for variance to allow a garage to be located in the side yard in lieu of the required rear yard and to have a height of 26 ft. in lieu of the maximum permitted 15 ft., be and is hereby DENIED,

5/14/03
By: R. Johnson

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty
(30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

5/14/03
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 14, 2003

Mr. & Mrs. Roger Cassell
621 Piney Hill Road
Monkton, Maryland 21111

Re: Petition for Administrative Variance
Case No. 03-321-A
Property: 621 Piney Hill Road

Dear Mr. & Mrs. Cassell:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Charlie Hartjen
619 Piney Hill Road
Monkton, MD 21111

Joe Parker
625 Piney Hill Road
Monkton, MD 21111

Come visit the County's Website at www.co.ba.md.us



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 621 Piney Hill Road Monkton, MD 21111
which is presently zoned RC 7

This Petition shall be filed with the Department of Permits and Development Management. 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(s) 400.1, 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND TO HAVE A HEIGHT
OF 26 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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/Lessee:

Legal Owner(s):

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Name - Type or Print ROGER CASSELL
Signature [Signature]
Name - Type or Print NANCY CASSELL
Signature [Signature]
621 Piney Hill Road 410-252-1222
Address _____ Telephone No. _____
Monkton MD 21111
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Beverly True/ Representative
Name _____
1615 Deer Park Road 410-751-9659
Address _____ Telephone No. _____
Finksburg MD 21048
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-321-A

Reviewed By D. THOMPSON Date 1/14/03

REV 10/25/01

Estimated Posting Date 1/28/03

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 621 Piney Hill Road
Address
Monkton, MD 21111
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to the unique location of the house and environmental forest buffer, it is not practical to build in the rear of our lot, as required by Zoning Regulations. A side yard location would be more practical and would not adversely affect the neighborhood.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Roger Cassell
Signature
Roger Cassell
Name - Type or Print

NANCY CASSELL
Signature
Nancy Cassell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of NOVEMBER, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROGER AND NANCY CASSELL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Vicki E. Borders
Notary Public

My Commission Expires 11-1-03

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 621 Piney Hill Road
Address
Monkton, MD 21111
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Roger Cassell
Signature
Roger Cassell
Name - Type or Print

NANCY CASSELL
Signature
Nancy Cassell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of NOVEMBER, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROGER AND NANCY CASSELL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Vicki E. Borders
Notary Public

My Commission Expires 11-1-03

ZONING DESCRIPTION

Zoning Description For 621 Piney Hill Road Monkton, MD 21111

Beginning at a point on the East side of

Piney Hill Road which is 35' wide

wide at the distance of 620' South of the

Centerline of the nearest improved intersecting street Hereford

which is 35' wide. *Being Lot# 4

Block _____, Section, _____ in the subdivision of Sattlers Woods FORMERLY
HUNTERS POINT

as recorded in Baltimore County Plat Book # 68, Folio 11,

Containing 2.012 acres. Also known as 621

And located in the 8th Election District, 3rd Councilmanic District.

03-321-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2552

DATE 6/18/03 ACCOUNT 001 006-613 0

AMOUNT \$ 300.00

RECEIVED FROM: Nancy + Roger Connell

FOR: Appeal 03-371-A

621 Pooey Hill Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/16/2003	6/16/2003	14:20:31	4
MS 0006	WALKIN	KM24 KXM	
RECEIPT # 163557	6/16/2003		OFFER
DEPT 5	520 ZONING VERIFICATION		
CE NO.	025529		

Receipt Tot \$300.00
300.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20431

DATE 1/14/03 ACCOUNT 0010066150

AMOUNT \$ 105.00

RECEIVED FROM: BEV TR

FOR: 03-321-A ITEM 321

1021 PINEY HILL RD. BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DISBURSEMENT
DATE 1/14/03 AMOUNT \$105.00
PROGRAM 0010066150
RECEIPT # 0010066150
BY 5 520 ZORING, DOROTHY L.
CR NO. 020431
CHECK NO. 105.00
105.00 DE 100 00
BALANCE FWD - 100 00
BALANCE FWD - 100 00

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21061

DATE 2/11/03 ACCOUNT R.001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Charles Hartjen

FOR: Formal demand for public

case 11-03-221 A Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE: 2/11/2003 11:45:39
FILE: 0003 0000 0000 0000 0000 0000
RECEIVED: 2/11/2003 0000
BY: 0000 0000 0000 0000
CR NO. 021061
Total: \$50.00
50.00 CR .00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION



FORMAL DEMAND FOR HEARING

CASE NUMBER: 03-321-A

Address: 621 PINEY HILL RD

Petitioner(s): _____

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We CHARLES A. HARTJEN
Name - Type or Print

☒ Legal Owner OR ☐ Resident of
619 PINEY HILL RD.
Address

MONKTON MD. 21111
City State Zip Code

410 472 3450 (H) 410 583 6160 (B)
Telephone Number

which is located approximately 0 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

Charles A. Hartjen 2/11/03
Signature Date

Bruno Pudent 2/19/03
Signature Date

Revised 9/18/98 - wcr/scj

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #03-321-A
621 Piney Hill Road
E/side Piney Hill Road 620
feet south of Hereford Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Roger and
Nancy Cassell
Administrative Variance: to
permit an accessory structure
to be located in the
side yard in lieu of the
required rear yard and to have
a height of 26 feet in lieu of
the maximum permitted 15
feet.

Hearing: **Wednesday,
March 19, 2003 at 2:00
p.m. in Room 106, County
Office Building, 111 W.
Chesapeake Avenue.**

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concerning
the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-3391.
JT 3/501 Mar 4 C590565

CERTIFICATE OF PUBLICATION

3/6/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 3/4/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: # 03-321-A

Petitioner/Developer: _____

Precise Bookkeeping

Date of Hearing/Closing: 5/7/03.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

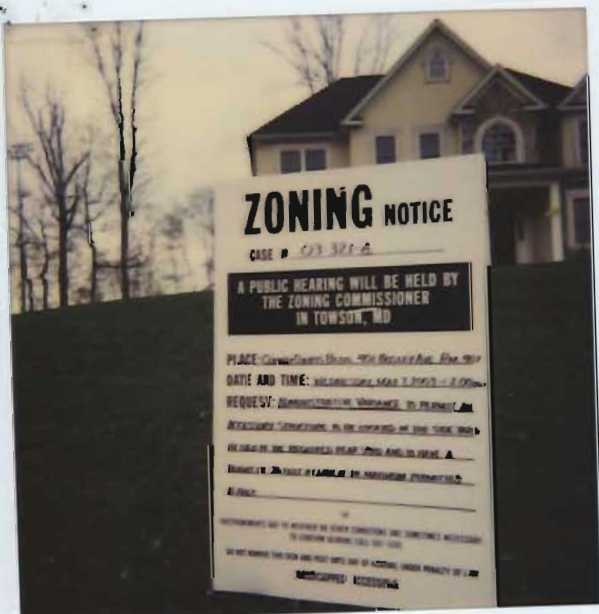
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 621 Piney Hill Road.

04/22/03

(Month, Day, Year)

Sincerely,

Andrea L. Ego 4/23/03
(Signature of Sign Poster and Date)



SHANNON BAIN SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

CERTIFICATE OF POSTING

RE: Case No.: 03-321-A

Petitioner/Developer: Cassell

Date of Hearing/Closing: 3-19-03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 621 Piney Hill Road
Monkton, MD

March 4, 2003

(Month, Day, Year)

Sincerely,

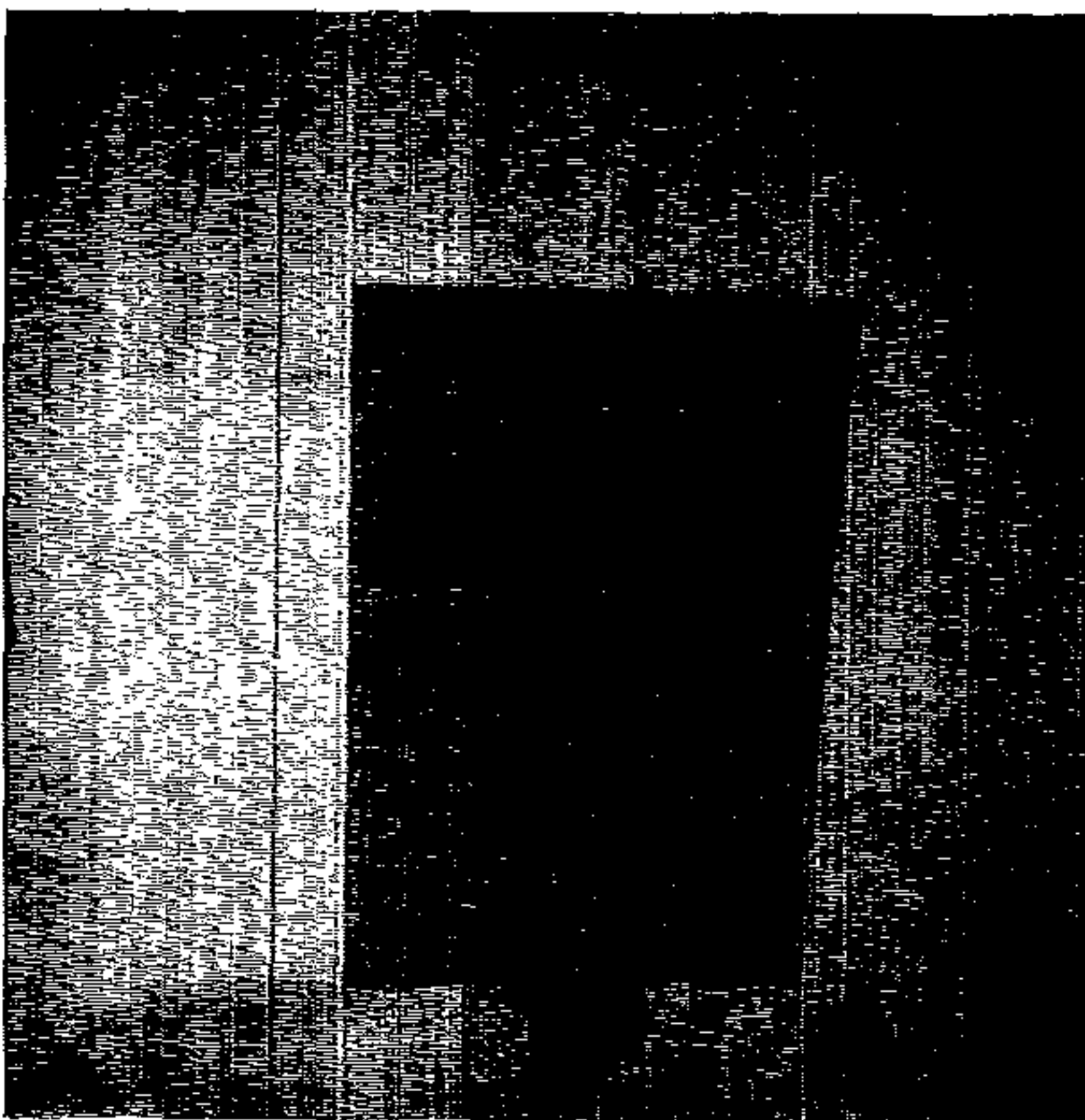
Stacy Gardner 3/4/03
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000



CERTIFICATE OF POSTING

RE: Case No.: 03-321-A

Petitioner/Developer: _____

Cassell

Date of Hearing/Closing: 2-11-03

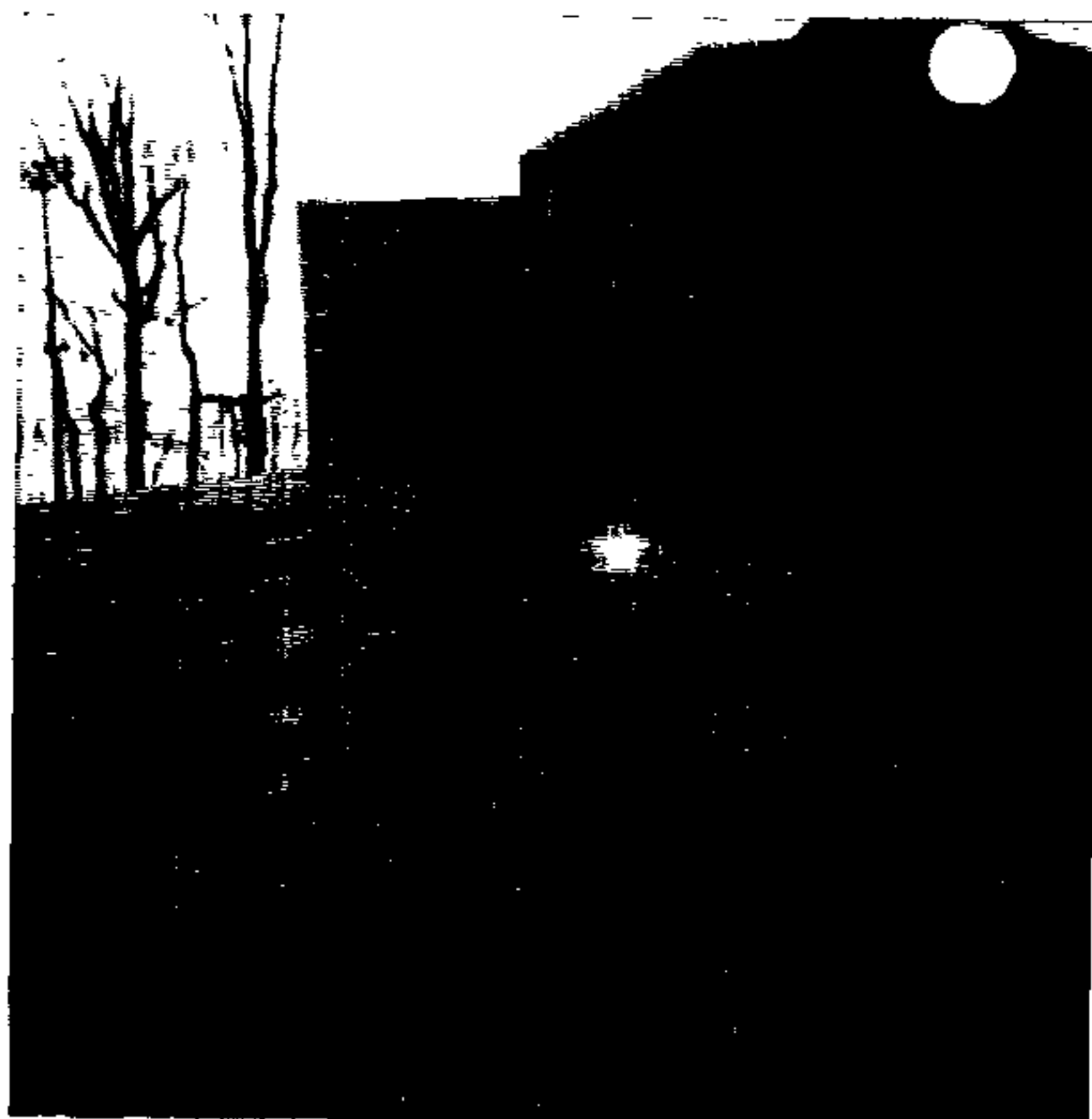
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 621 Piney Hill Road
Monkton, MD

The sign(s) were posted on January 17, 2003
(Month, Day, Year)



Sincerely,

Stacy Gardner 1-17-03
(Signature of Sign Poster and Date)

Stacy Gardner

(Printed Name)

CANNON BAUM SIGNS INC.
(Address)
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 03- 321 -AAddress 621 PINEY HILL RD.Contact Person: DONNA THOMPSON
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/14/03Posting Date: 1/28/03Closing Date: 2/11/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line.)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 321 -AAddress 621 PINEY HILL RD.Petitioner's Name CASSELLTelephone 410-252-1222Posting Date: 1/28/03Closing Date: 2/11/03

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) TO BE
LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD
AND TO HAVE A HEIGHT OF 26 FEET IN LIEU OF THE MAXIMUM
PERMITTED 15 FEET.

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 2003

Roger and Nancy Cassell
621 Piney Hill Road
Monkton, MD 21111

Dear Mr. and Mrs. Cassell:

RE: Case Number: 03-321-A, 621 Piney Hill Road, Monkton, MD 21111

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Beverly True, Representative, 1615 Deer Park Road, Finksburg MD 21048

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS HWT*

DATE: February 20, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 21, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

305-308, 310, 311, 313, 315-319, 321-325



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: January 21, 2003

Item No.: 305, 307-311, ³²¹316-322, 324 & 325

Dear Ms. Hart:

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 Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 22, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN 23 '03

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-308, & 03-321
Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Lynn Lanham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: January 28, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 27, 2003
Item Nos. 305, 306, 307, 308, 310,
311, 312, 313, 314, 315, 316, 320,
321, 322, 323, 324, and 325

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

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.17.03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 321

DT

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

 Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Maryland Department of Planning

Robert L. Ehrlich Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

January 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 01/27/03 re: case numbers 03-305-SPH, 03-306-X, 03-307-SPH, 03-308-A, 03-309-A, 03-310-A, 03-311-A, 03-312-X, 03-313-SPH, 03-314-XA, 03-315-SPH, 03-316-SPHX, 03-317-A, 03-318-A, 03-319-A, 03-320-A, 03-321-A, 03-322-A, 03-323-SPHA, 03-324-A, 03-325-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/16/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

Baltimore County
Department of Permits and
Development Management

June 13, 2003

Re: Petition for Administrative Variance
CASE NUMBER: 03-321-A
Property: 621 Piney Hill Road

Dear Sirs:

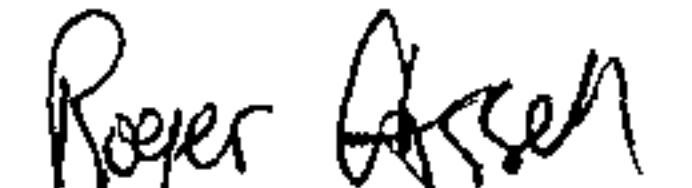
Pursuant to your denial of the above referenced petition, I would like to file an appeal and modify the petition as follows:

To permit an accessory structure to be located in the side yard in lieu of the required rear yard and to have a height of 23 feet in lieu of the maximum permitted 15 feet, with the conditions that the structure be set back a minimum of 7 feet from the front of the existing residence structure and it's dimensions not exceed 40 feet by 30 feet.

The required fees are enclosed.

Thank you for your consideration.

Sincerely,


Roger D. Cassell

RECEIVED

JUN 13 2003

Per...



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 24, 2003

Mr. and Mrs. Roger Cassell
621 Piney Hill Road
Monkton, MD 21111

Dear Mr. and Mrs. Cassell:

RE: Case Number: 03-321-A

The above matter, previously scheduled for March 19, 2003, has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Beverly True, 1615 Deer Park Road, Finksburg 21048

11-24-03
Becky gave to La D
& he is on vac.
Becky is going to Rose
Handled the
11-21-03

G. WARREN MIX
JAMES R. FARMER
DOUGLAS T. SACHSE
STEVEN D. SHERENSKI
JAMES S. PASKO

LAW OFFICES
TURNBULL, MIX & FARMER

706 Washington Avenue
Towson, Maryland 21204

(410) 828-0700
(410) 825-1517
FAX: (410) 828-5086

JOHN GRASON TURNBULL
(1909-1984)
WILLIAM E. HAMMOND
(1924-1992)

OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

November 14, 2003

County Board of Appeals of Baltimore County
Old Courthouse
Room 48
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Roger and Nancy Cassell
Case No. 93-321-A
Petition for Variance

Dear Sir or Madam:

Please enter my appearance as counsel for the property owners/Petitioners in the above captioned matter. It is my understanding that the matter is currently scheduled for a hearing on Thursday, January 22, 2004 at 10:00 a.m. Please be advised that I am writing to request a postponement as I am a member of the Judicial Nominating Commission for Baltimore County and we will be meeting on Thursday, January 22, 2004 beginning at 8:30 a.m. throughout the day, as well as Friday, the 23rd to interview candidates who are filing for the two vacancies on the District Court of Maryland for Baltimore County. My attendance is mandatory on the Commission, and therefore, I would appreciate this matter being rescheduled to a new date and time.

Thank you for your cooperation.

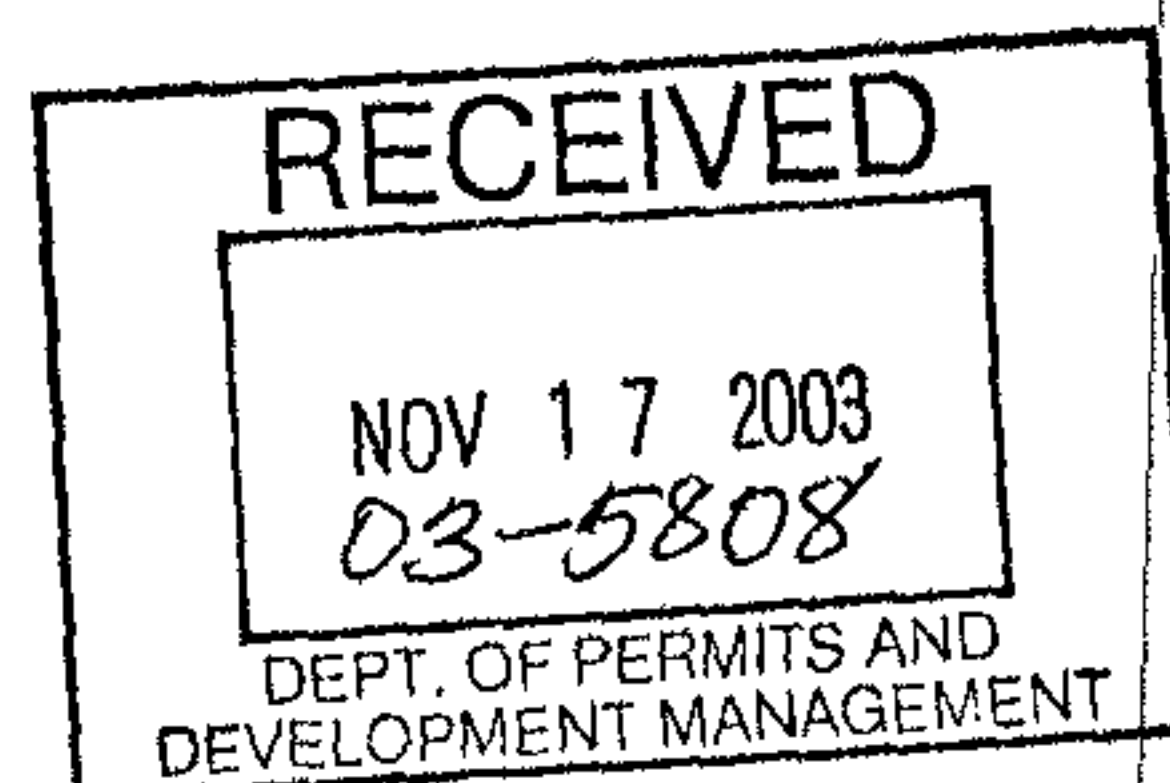
Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

GWM/df

cc: People's Counsel for Baltimore County
Timothy M. Kotrocco, Director/PDM
Lawrence E. Schmidt, Zoning Commissioner
Ms. Beverly True
Mr. Charles J. Hartjen



11-24-03

Filed to Theresa
Board of Appeal

11-24-03

Bucky 7.4.1.

TO: FILE

FROM: R. Jameson

DATE: March 18, 2003

RE: #03-321-A
Roger & Nancy Cassell
621 Piney Hill Road

Tim Kotroco spoke with a representative of the Petitioners who advised that the Petitioner has pneumonia and would like to postpone the hearing scheduled for March 19, 2003 at 2:00 p.m. This was less than 24 hrs. notice, but Tim gave his approval and the file is being returned to the Department of Permits & Development Management (DPDM) for a new hearing date.

When a new hearing date has been assigned, DPDM will have property posted by the County.

3/24 Spoke to Ms. True and advised her that they would be re-posting, not the County. Robin had told them we would but Tim Kotroco had told them correctly and I wanted to make sure they would not be upset. They were fine with it, per Ms. True.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-321-A

Petitioner: CASSELL

Address or Location: 621 PINEY HILL RD., MONKTON, MD 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. ROGER CASSELL

Address: 621 PINEY HILL RD.

MONKTON, MD 21111

Telephone Number: 410-252-1222

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 12, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-321-A

621 Piney Hill Road

E/side Piney Hill Road 620 feet south of Hereford Road

8th Election District – 3rd Councilmanic District

Legal Owners: Roger and Nancy Cassell

Administrative Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard and to have a height of 26 feet in lieu of the maximum permitted 15 feet.

Hearings: Wednesday, March 19, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Roger and Nancy Cassell, 621 Piney Hill, Monkton 21111
Beverly True, 1615 Deer Park Road, Finksburg 21048
Charles A. Hartjen, 619 Piney Hill Road, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 4, 2003.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





621 Piney Hill Rd - "Front of House"



← AREA OF
PROPOSED
CHANGES

"Existing conditions"



621 Piney Hill Rd - "Existing Conditions"



621 Piney Hill Road - "Existing Conditions"



← AREA OF
Proposed
Changes

621- Piney Hill Road-



← Area OF
Proposed
change

621 Piney Hill Road



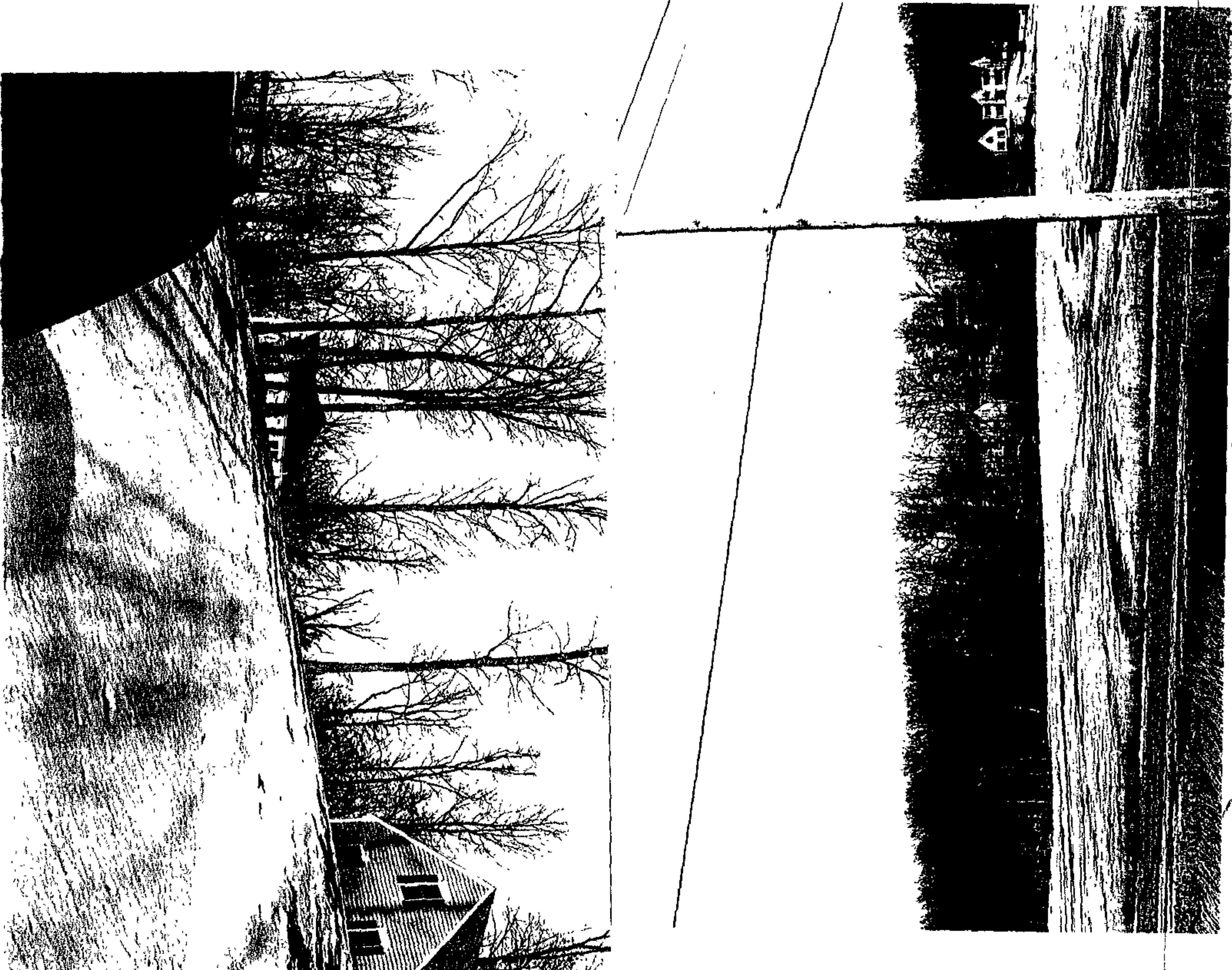
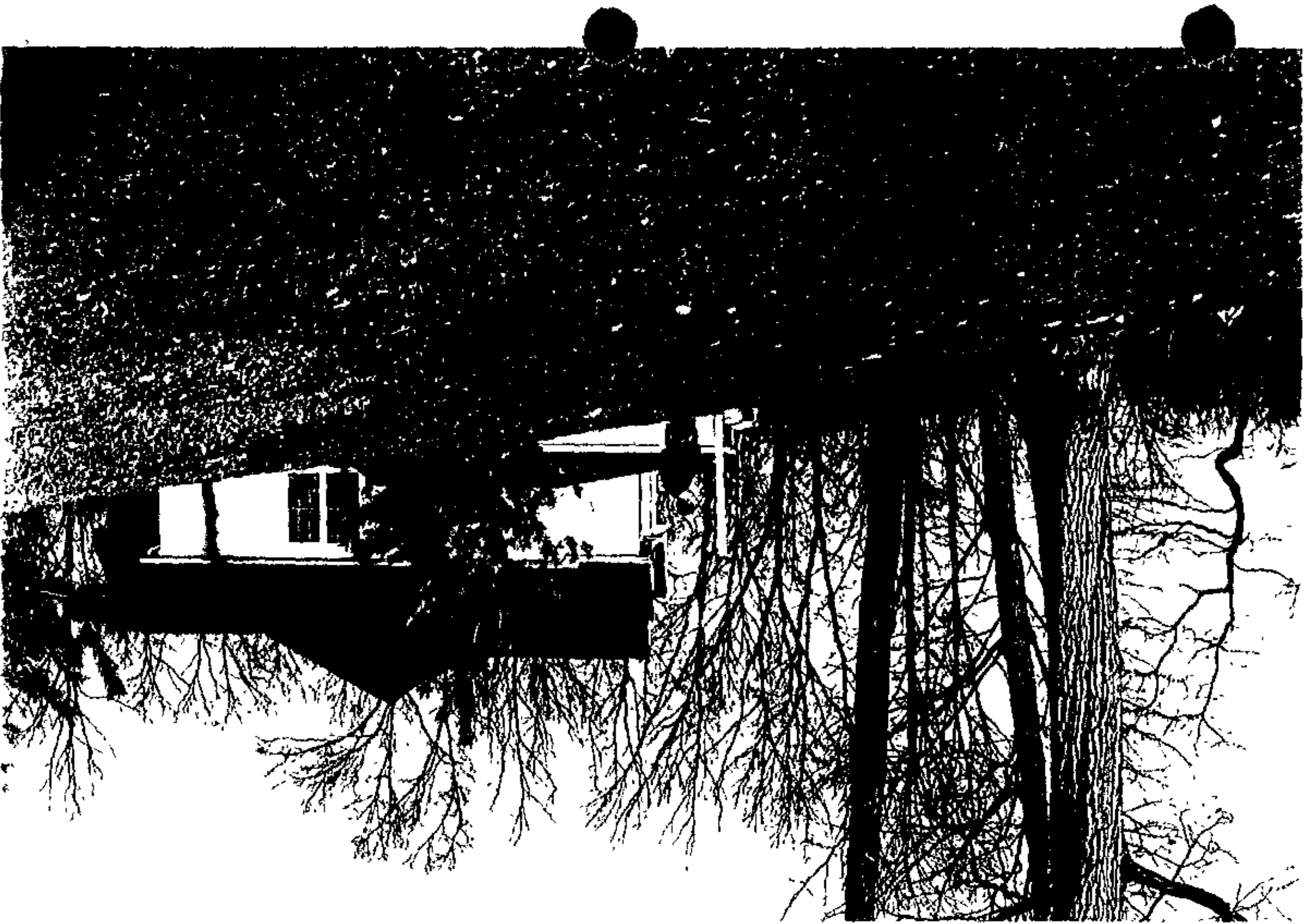
623 Piney Hill Road
adjacent property to
Variance Applicant -



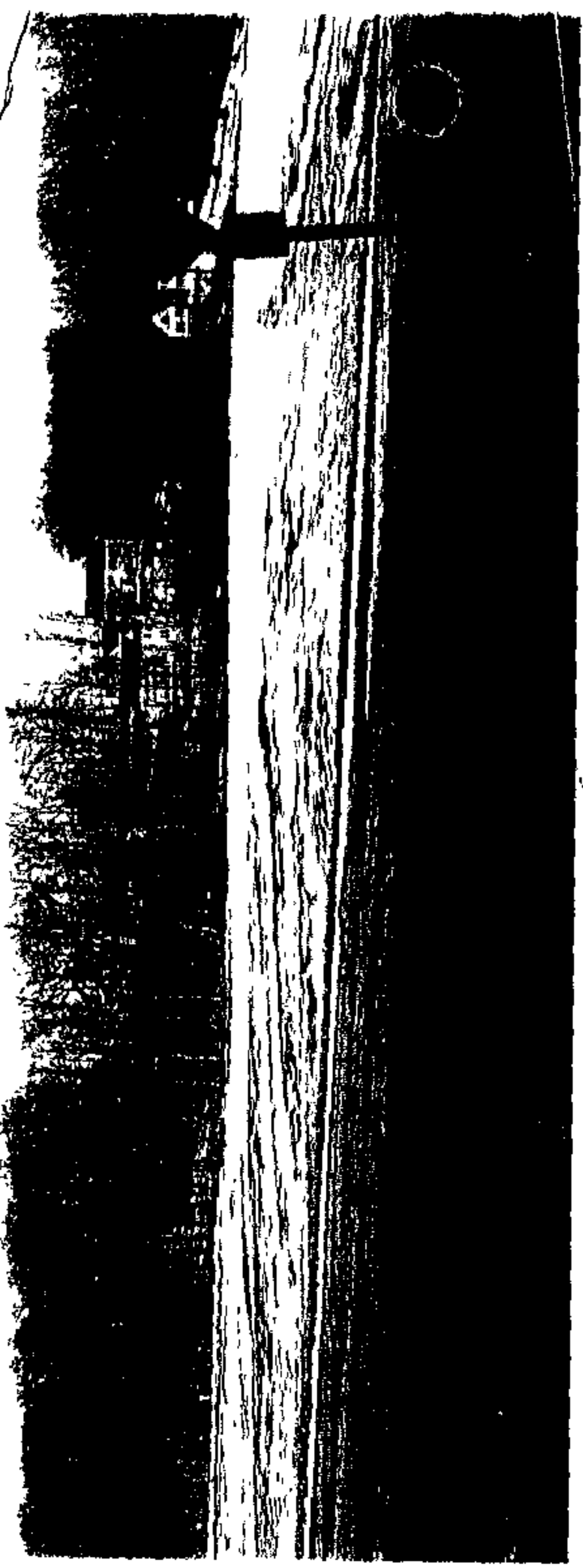
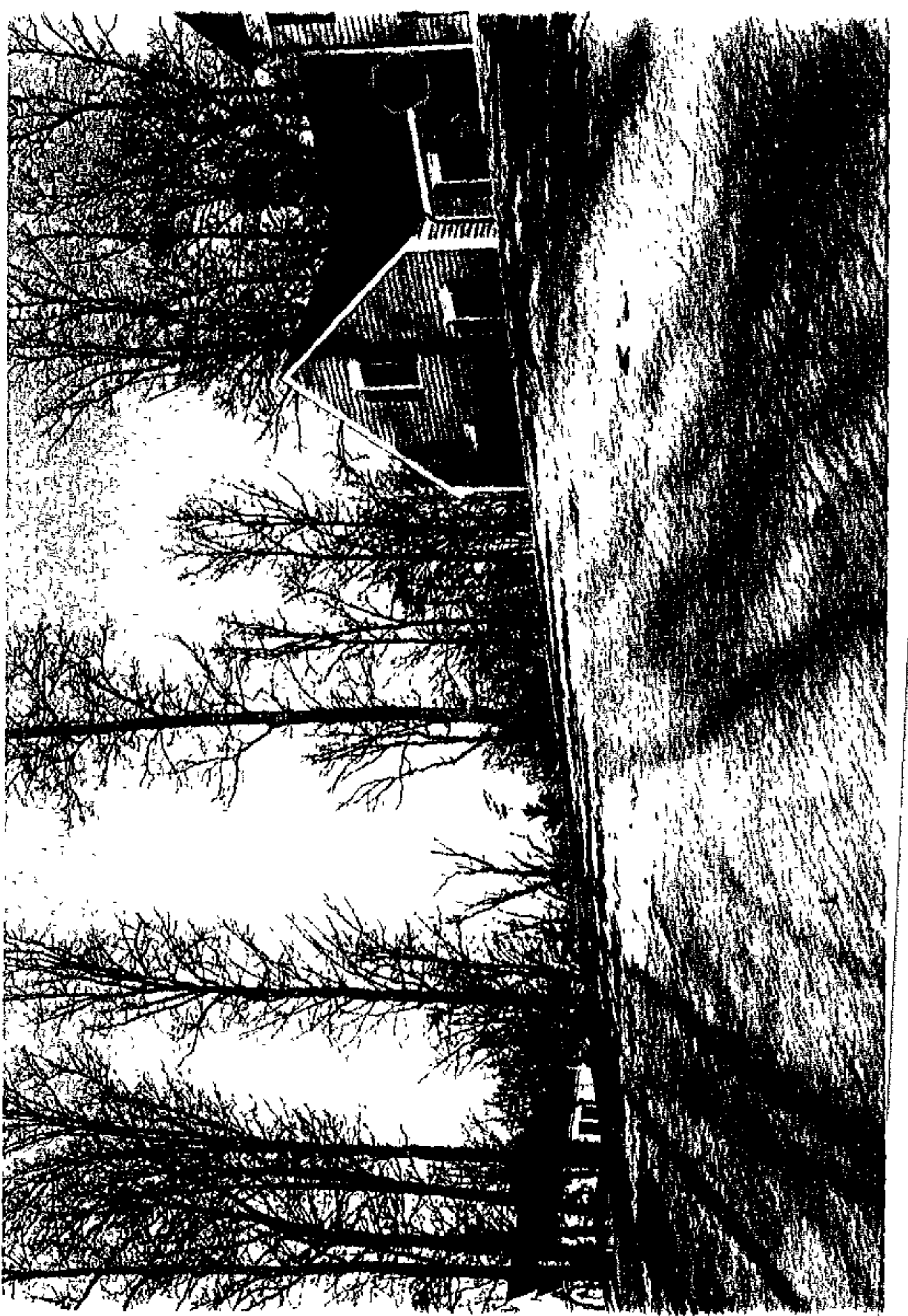
← adjacent Property
619 Piney Hill Road

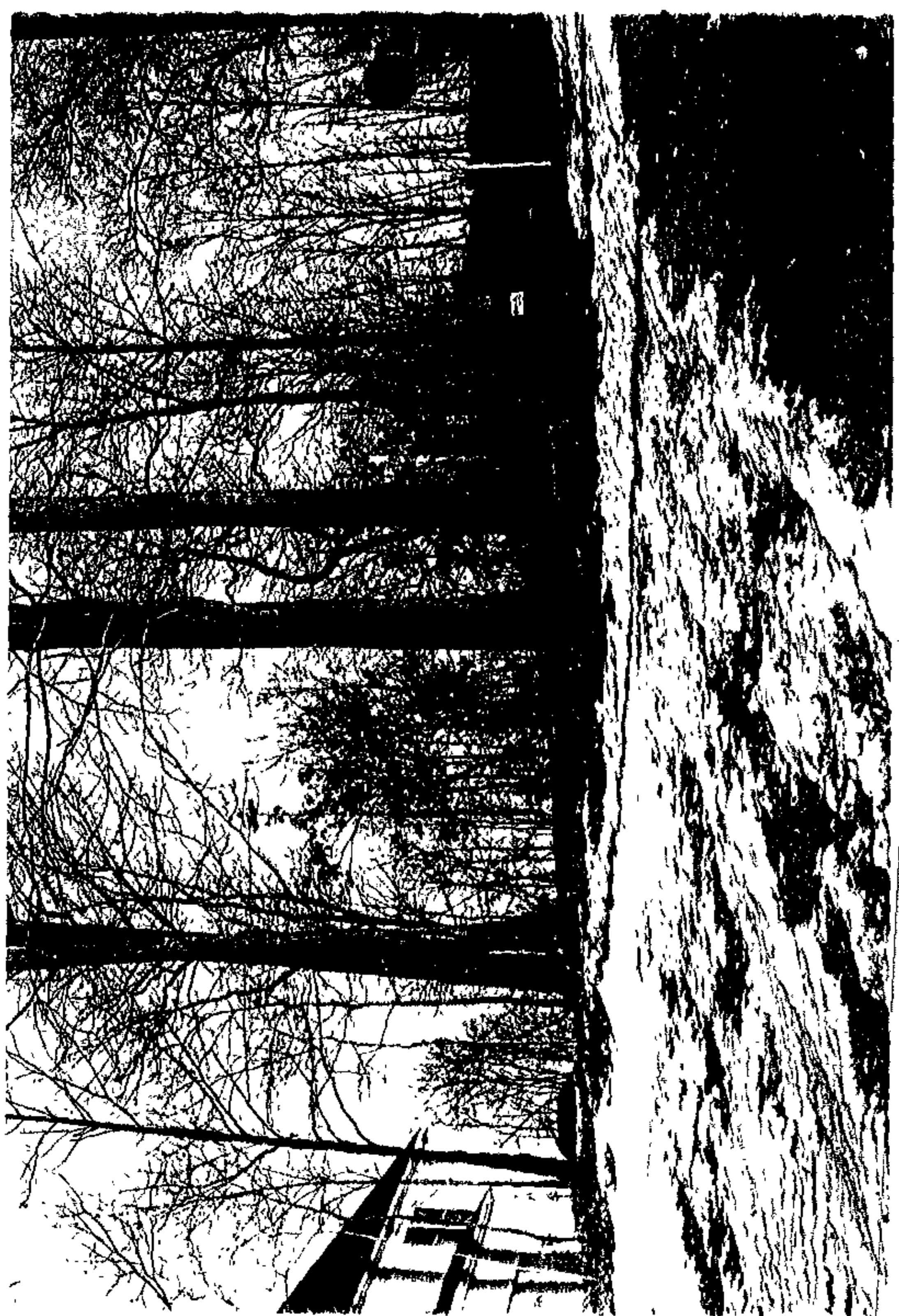
adjacent property
619 Piney Hill Rd.

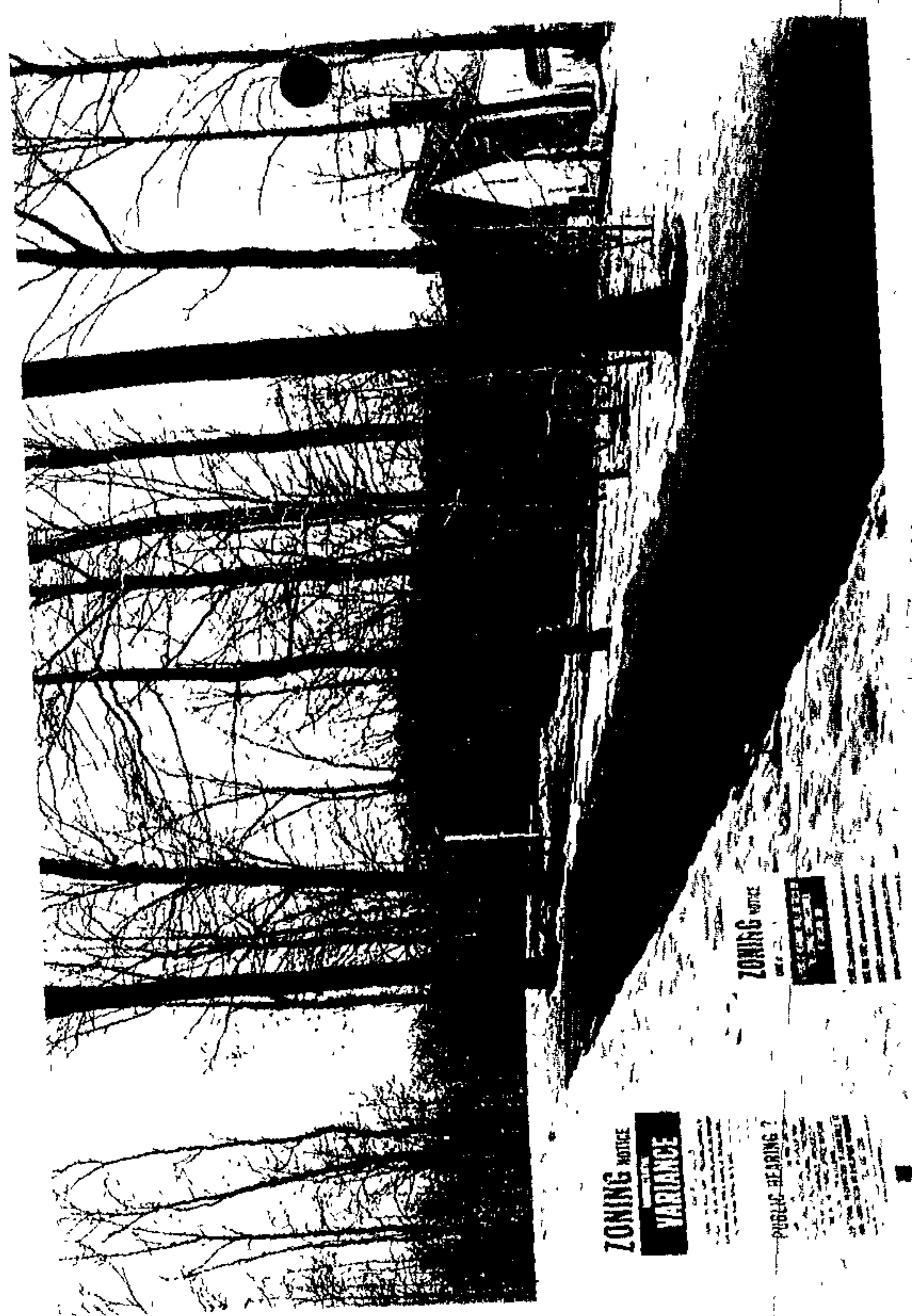








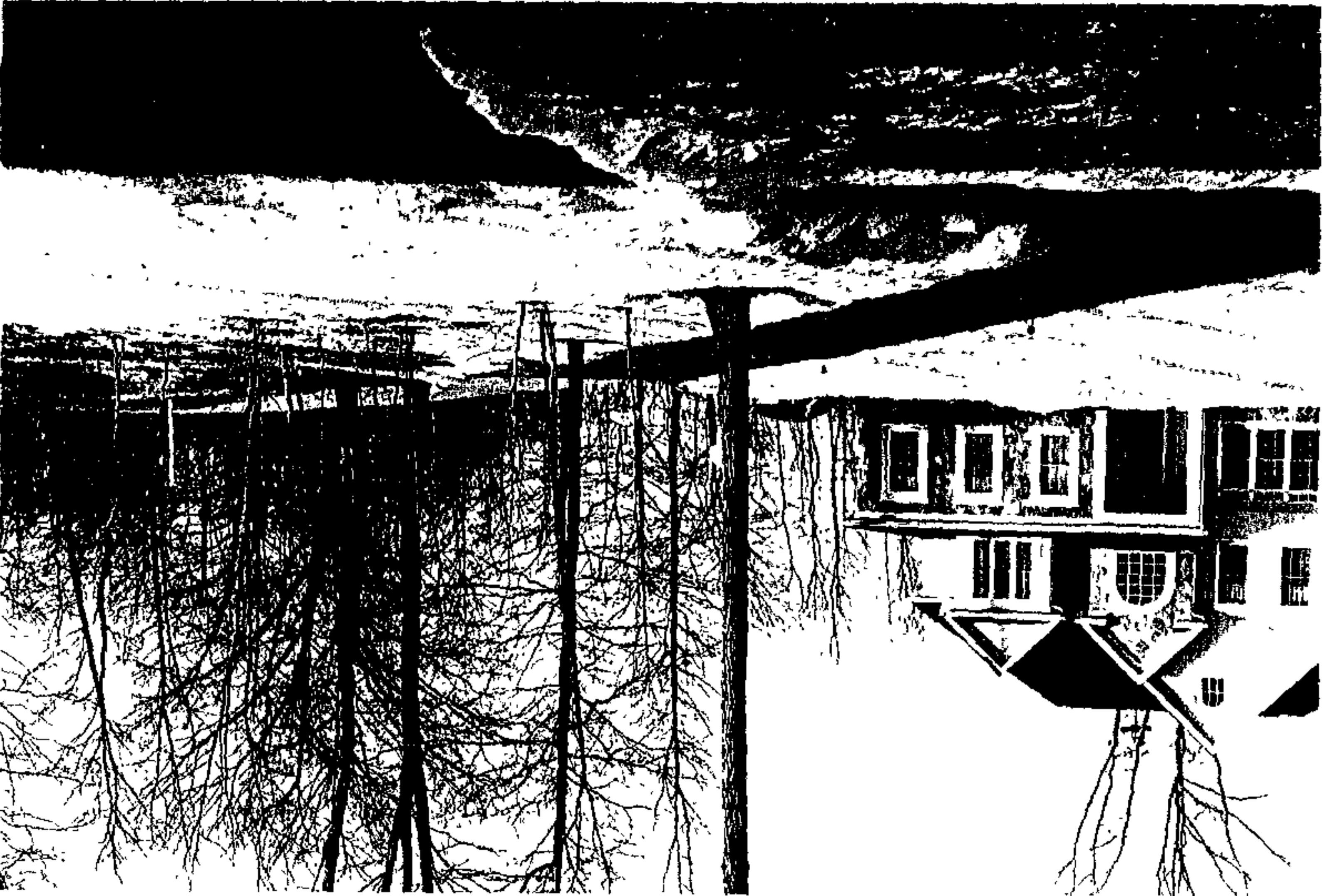
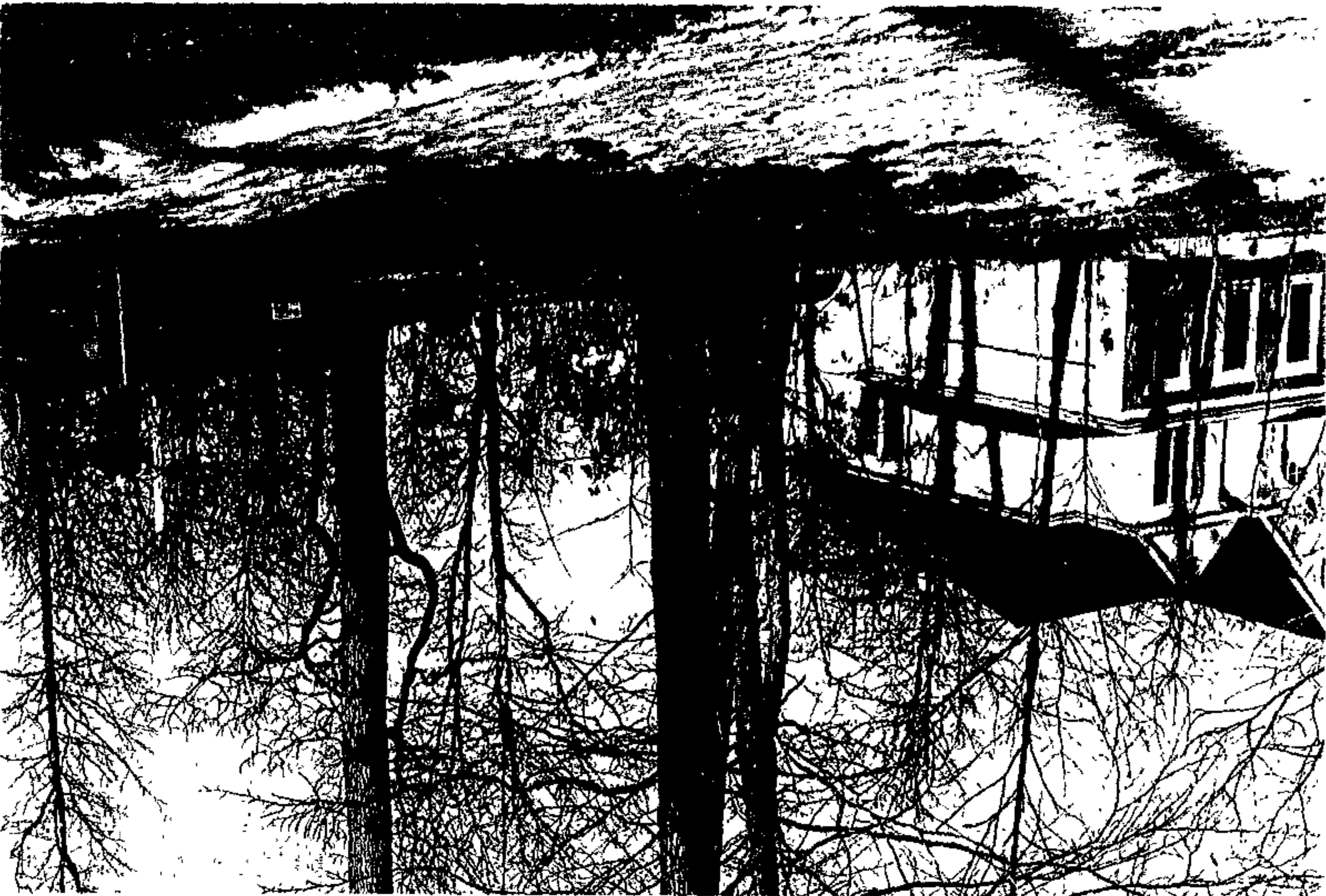


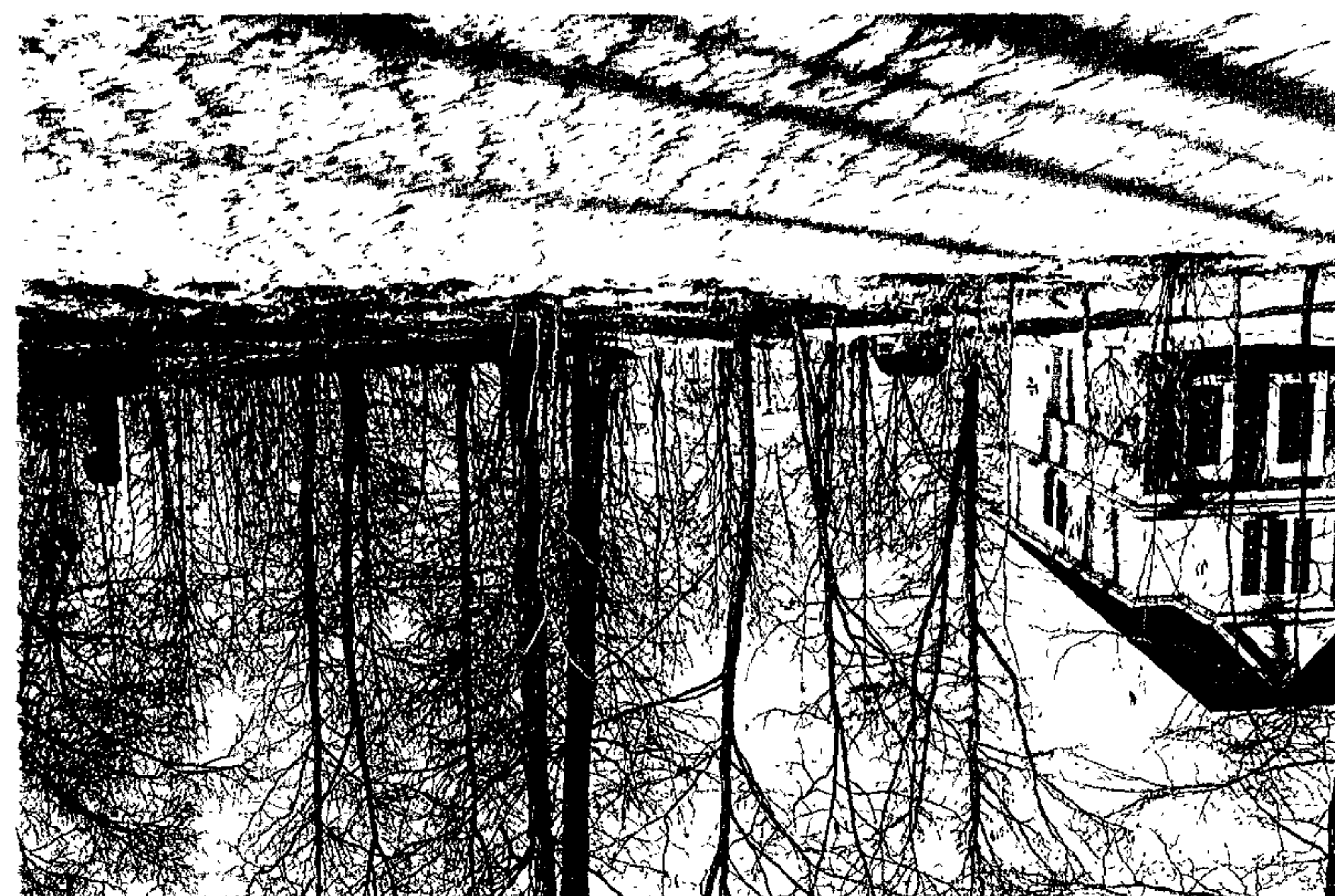


ZONING NOTICE
VARIANCE

ZONING NOTICE

PUBLIC HEARING





(SHEET NW 26-C)

N 102,000

R. C. 2

621 PINEY HILL ROAD
NW 26 B
8TH DIST

R. C. 2

N 101,000

N 634,000

PINEY HILL

HEREFORD

HEREFORD

PINEY

R. C. 7

W 12,000

N 100,000

E 897,000

Trail

ATHLETIC
FIELDS

HEREFORD
MIDDLE SCHOOL

W 10,500

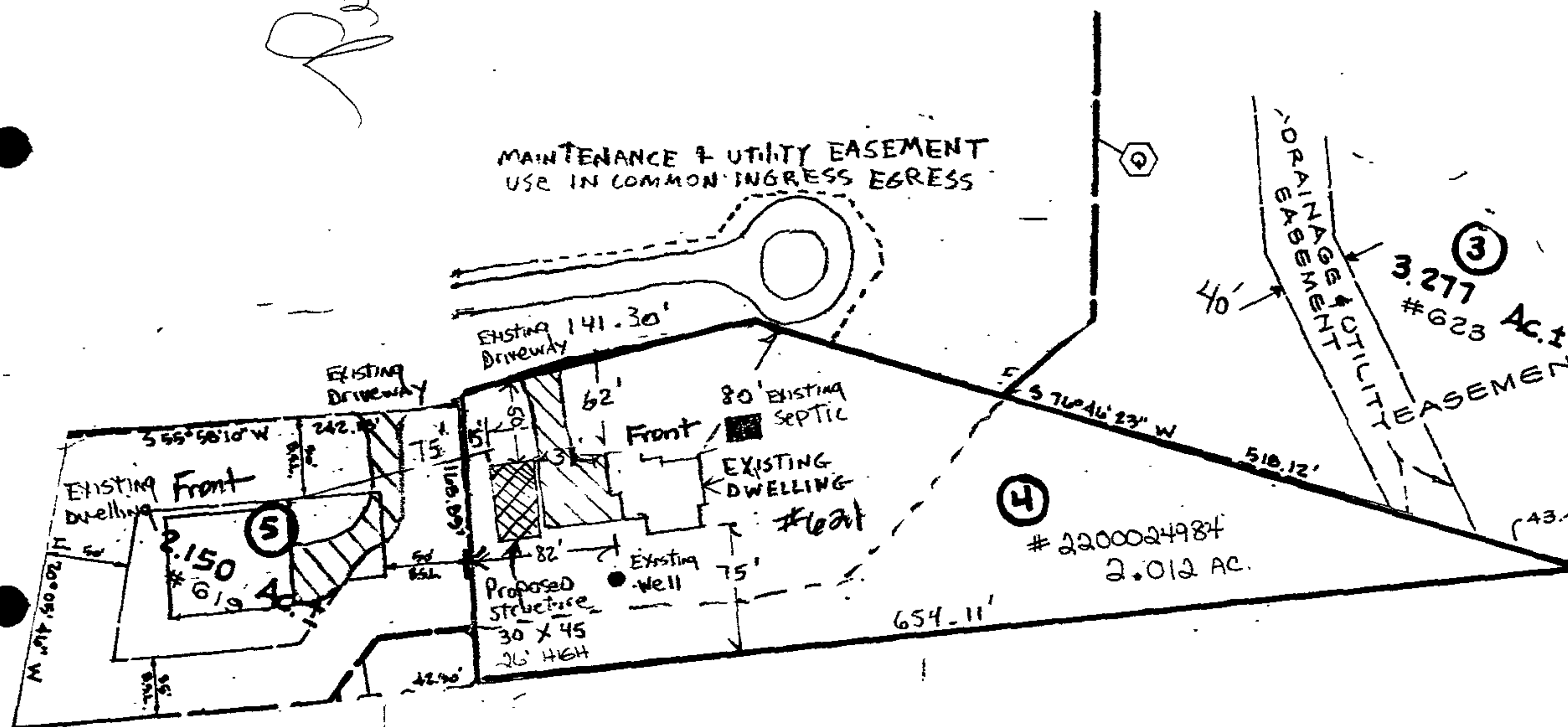
2000 CAMDEN PLANS 7

-15-

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

2012

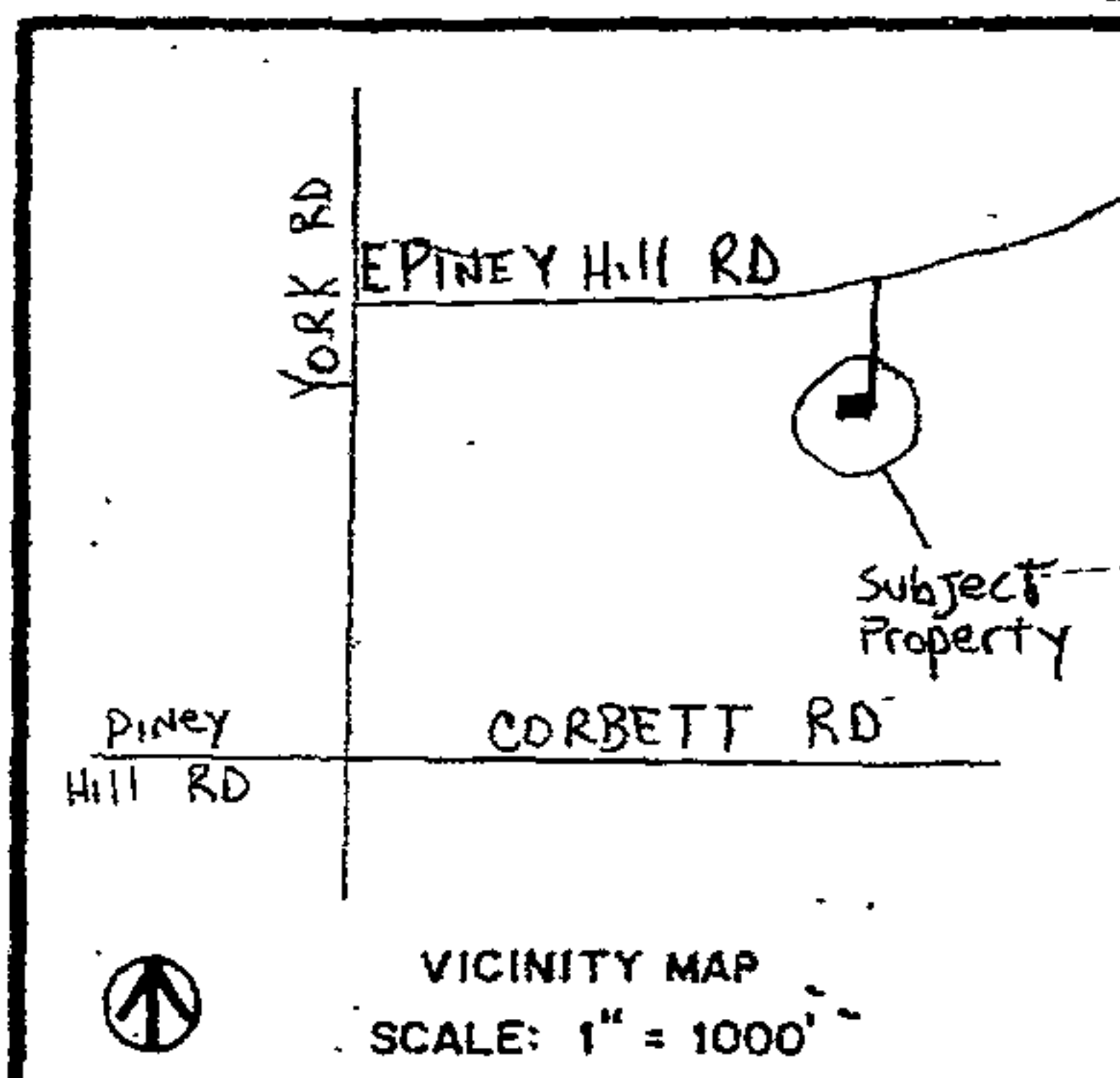
OWNER ROGER & NANCY CASSELL



NORTH

PREPARED BY RDC

SCALE OF DRAWING: 1" = 100'



ELECTION DISTRICT 8th
COUNCILMANIC DISTRICT 3rd
1"=200' SCALE MAP # NW 26 D

ZONING

LOT SIZE 2.012 87,643
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	NONE	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D. THOMPSON 321 03-321-P