

**PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, NATIONAL BIRCHWOOD HOMES, Inc., legal owner, 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 108.7 of the Zoning Code to Permit a front Yard setback of 27.6' instead of the required 30' (variance of 2.4) for Lot 23 Block W (9812 Marriottsville Road) to permit a front yard setback of 27.7' instead of the required 30' (variance of 2.3) for Lot 22, Block W (9814 Marriottsville Road).  
The following reasons (indicate hardship or practical difficulty):  
The Surveyor inadvertently staked both houses within the front setback line. The error was not identified until the houses were under construction and a mortgage certification was requested. At that time, it was found that the garage portion of the structures were in violation of the front setback requirement. Undo hardship and practical difficulty arise from the fact that the houses are almost completed and cannot economically be moved behind the setback line.

See attached descriptions

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

Contract purchaser: John C. Childs Legal Owner  
Address: 1720 Live Oak Rd  
Randallstown, Md. 21133  
Petitioner's Attorney: \_\_\_\_\_  
Protestant's Attorney: \_\_\_\_\_

ORDERED BY The Zoning Commissioner of Baltimore County, this 25th day of December, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of February, 1973 at 10:30 o'clock.

Zoning Commissioner of Baltimore County  
(over)

**MCA**  
MATZ, CHILDS & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301-823-0900

Partner: Matz  
John C. Childs  
Associates:  
Ronald W. Broyles  
George W. Bushby  
Robert W. Craban  
Leonard M. Glass  
Edmund F. Hiale  
Norman F. Herrmann  
Paul Lee  
Fred F. Mirman  
Wilson F. Otten  
Paul B. Smeton

**DESCRIPTION**

0.3054 ACRE PARCEL, LOT 22, BLOCK W, SECTION 10, "KINGS POINT",  
NORTHEAST SIDE OF MARRIOTTVILLE ROAD, SOUTHEAST OF  
KITTRIDGE COURT, SECOND ELECTION DISTRICT, BALTIMORE COUNTY,  
MARYLAND.

This description is for Front Yard Variance.

Beginning for the same at a point on the northeast side of Marriottsville Road, seventy feet wide, as shown on the Amended Plat 1, Section 10, "Kings Point", recorded among the Land Records of Baltimore County in Plat Book O. T. G. 34, page 94, at the distance of 137.08 feet, as measured southeasterly along said northeast side of Marriottsville Road from its intersection with the center line of Kittridge Court, as shown on said plat, said beginning point being at the dividing line between lots 21 and 22, block W, as shown on said plat, running thence binding on said northeast side of Marriottsville Road, (1) southeasterly, by a curve to the right with the radius of 1,535.00 feet, the distance of 126.36 feet to the dividing line between lots 22 and 23 of said block W, thence binding on said last mentioned dividing line, (2) N 25° 06' 30" E 110.31 feet, thence binding on the rear line of said lot 22 two courses:

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

NATIONAL BIRCHWOOD HOMES #73-170-A  
137-08 SE of KITTRIDGE CT. 2A

#73-170-A  
#112

**MCA**  
MATZ, CHILDS & ASSOCIATES, INC.

(3) N 67° 42' 00" W 35.34 feet, and (4) N 78° 22' 50" W 101.15 feet, and thence binding on the dividing line first herein mentioned, (5) S 20° 23' 30" W 90.49 feet to the place of beginning.  
Containing 0.3054 of an acre of land.  
Being lot 22, block W, as shown on said Amended Plat 1, Section 10, "Kings Point".

HGW:ejq J.O.#57110-E November 4, 1972



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Norman F. Herrmann  
Paul Lee  
Fred F. Mirman  
Wilson F. Otten  
Paul B. Smeton

**DESCRIPTION**

0.2349 ACRE PARCEL, LOT 23, BLOCK W, SECTION 10, "KINGS POINT",  
NORTHEAST SIDE OF MARRIOTTVILLE ROAD, SOUTHEAST OF  
KITTRIDGE COURT, BALTIMORE COUNTY, MARYLAND.

This description is for Front Yard Variance.

Beginning for the same at a point on the northeast side of Marriottsville Road, seventy feet wide, as shown on the Amended Plat 1, Section 10, "Kings Point", recorded among the Land Records of Baltimore County in Plat Book O. T. G. 34, page 94, at the distance of 263.44 feet as measured southeasterly along said northeast side of Marriottsville Road from its intersection with the center line of Kittridge Court, as shown on said plat, said beginning point being at the dividing line between lots 22 and 23, block W, as shown on said plat, running thence binding on said northeast side of Marriottsville Road, (1) southeasterly, by a curve to the right with the radius of 1,535.00 feet, the distance of 87.74 feet to the dividing line between lots 23 and 24 of said block W, thence binding on said last mentioned dividing line, (2) N 28° 23' 00" E 112.50 feet, thence binding on the rear line of said lot 23 two courses:

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**MCA**  
MATZ, CHILDS & ASSOCIATES, INC.

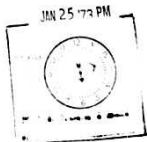
(3) N 59° 58' 45" W 38.06 feet, and (4) N 67° 42' 00" W 56.27 feet, and thence binding on the dividing line first herein mentioned, (5) S 25° 06' 30" W 110.31 feet to the place of beginning.  
Containing 0.2349 of an acre of land.  
Being lot 23, block W, as shown on said Amended Plat 1, Section 10, "Kings Point".

HGW:ejq J.O.#57110-E November 4, 1972

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric Dinenna, Zoning Commissioner Date: January 25, 1973  
FROM: Norman E. Gerber, Office of Planning and Zoning  
SUBJECT: Petition #73-170-A, Northeast side of Marriottsville Road 137.08 feet Southeast of Kittridge Court.  
Petition for Variance for Front Yards.  
Petitioners - National Birchwood Homes, Inc.  
2nd District  
HEARING: Monday, February 5, 1973 (10:30 A.M.)

The staff of the Office of Planning and Zoning will offer no comment on this petition at this time.



**MCA**  
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CONSULTING ENGINEERS  
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Paul B. Smeton

February 9, 1973  
Mr. Eric Dinenna  
Zoning Commissioner  
Baltimore County  
County Office Building  
Towson, Maryland 21204  
Re: Kings Point  
Our Job Order No. 57110-E  
Case No. 73470-A  
Item No. 112

Dear Mr. Dinenna:  
At our client's request, relative to the hearing held on Monday, February 5, 1973, for variance reference to the above mentioned case number, we are requesting your consideration for waiving the thirty-day waiting period. At present, both houses are constructed with one dwelling present; occupied and settlement for the other dwelling anticipated in two weeks. It is because of this situation that we would appreciate anything your office could do in expediting the above request.

Thanking you for your consideration, we remain,  
Very truly yours,  
MATZ, CHILDS & ASSOCIATES, INC.  
Paul Lee, Chief  
Urban Planning & Development Division

PL:dmc  
cc: Mr. Jack Murphy

*The Village of King's Park Association, Inc.*  
Box 162  
Randallstown, Maryland  
21133

February 1, 1973

S. Eric Dinenna  
Zoning Commissioner of Baltimore County  
County Office Building  
Towson, Md. 21204

Re: Petition for Variance of Front Yards  
Located on northeast side of Marriottsville Road  
Southeast of Kittridge Court  
Hearing date: Monday, February 5, 1973 at 10:30 a.m.

Dear Mr. Dinenna:  
The Village of King's Park Association, Inc. would like to take this opportunity to advise you that at our recent meeting of the Association, the membership decided to support the Petition for Variance, relative to the above two properties, which has been requested by the National Birchwood Homes, Inc. We assume that the setback variance was an honest, unavoidable mistake and support the variance in these two cases. We wish to point out, however, that our position in these two instances is by no means indicative of our future position, regarding any similar situations.

Thank you kindly for your consideration of our position.  
Yours truly,  
ALAN I. BLOOM  
Pres.  
King's Park Association, Inc.  
A:ldis



Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.....

the above Variance should be had; and it further appearing that by reason of the granting of the Variances requested not adversely affecting the health, safety, and general welfare of the community. Variances to permit a front yard setback of 27.6 feet instead of the required thirty (30) feet for Lot 22, Block W, and to permit a front yard setback of 27.7 feet instead of the required thirty (30) feet for Lot 22, Block W, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of February, 1973, that the herein Petition for Variance should be and the same is granted, from and after the date of this Order, to permit a front yard setback of 27.6 feet instead of the required thirty (30) feet for Lot 22, Block W; and to permit a front yard setback of 27.7 feet instead of the required thirty (30) feet for Lot 22, Block W, subject to the approval of a site plan by the Bureau of Public Services and the Office of Planning and Zoning.

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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ..... day of ..... 1973, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

### BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



### PETITION AND SITE PLAN EVALUATION COMMENTS

### BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING  
TOWSON, MARYLAND 21284

January 8, 1973

JOHN J. DILLON, JR.,  
Chairman

National Birchwood Homes, Inc.,  
1776 Live Oak Road  
Randallstown, Maryland 21133

RE: Variance Petition  
Item #12  
National Birchwood Homes, Inc.

Gentlemen:

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

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director and/or Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning.

The subject properties are located on the northeast side of Harriottsville Road, beginning 137.08 feet westerly from the center line of Kittridge Court, in the 2nd District of Baltimore County. These residential (D.R. 3.5) zoned properties are presently improved with partially completed brick and frame dwellings. The rear of both properties has a steep grade up to other residential properties. The properties on either side of these properties are also being improved with similar dwellings. Curb and gutter are existing on both sides of Harriottsville Road.

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

Very truly yours,

*John J. Dillon, Jr.*  
JOHN DILLON, JR.,  
Chairman,  
Zoning Advisory Committee

JJDjr:GAE:JD  
Enclosure

Bureau of Engineering  
W. SWARTH H. DYER, R. E. CHIEF

January 11, 1973

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21284

Re: Item #12 (1972-1973)  
Property Owner: National Birchwood Homes, Inc.  
9812 and 9814 Harriottsville Road  
Present Zoning: D.R. 3.5  
Proposed Zoning: Variances from Section 103.1 (208.2) front yard setback of 27.6 instead of required 30' for Lot #23 and front yard setback of 27.7' instead of required 30' for Lot #22  
District: 2nd No. Acres: Lot #22 - 0.3054 acres and Lot #23 - 0.2349 acres

Dear Mr. DiNenna:

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

General:

Baltimore County highway and utility requirements are secured by Public Works Agreement #26002, executed in conjunction with the development of "Flat 1, Section 10 West Point".

This office has no further comment in regard to the plan submitted for review by the Zoning Advisory Committee in connection with Item #12 (1972-1973).

Very truly yours,

*W. Swarth H. Dyer, R.E.*  
W. SWARTH H. DYER, R.E.  
Chief, Bureau of Engineering

END:RAM:MB:SS

cc: Paul M. Keoh

P-50 Key Sheet  
75 X 10 Position Sheet  
W 2.1 Tape  
76 Tax Map

### BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING  
EUGENE J. CLYFFORD, P.E. Wm. T. MELSER  
CHIEF DEPUTY TRAFFIC ENGINEER

January 17, 1973

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21284

Re: Item #12 - ZAC - December 19, 1972  
Property Owner: National Birchwood Homes, Inc.  
9812 & 9814 Harriottsville Road  
Variances from Section 103.1 (208.2) front yard setback of 27.6 instead of required 30' for Lot #23 and front yard setback of 27.7' instead of required 30' for Lot #22 - District 2

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested variances to a front yard.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate

MSF:nc

### Baltimore County Fire Department

J. Austin Deitz  
Chief



Towson, Maryland 21204  
833-7310

Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21284

Attention: Mr. Jack Dillon  
Chairman  
Zoning Advisory Committee

Re: Property Owner: National Birchwood Homes, Inc.

Location: 9812 and 9814 Harriottsville Road

Item No. 112 Zoning Agenda Tuesday, December 19, 1972

Gentlemen:

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

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

Reviewed: *H. J. Kelly* Noted and Approved: \_\_\_\_\_  
Planning Group Special Inspection Division Deputy Chief  
Fire Prevention Bureau

MS  
4/25/72

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING  
TOWSON, MARYLAND 21204

December 29, 1972

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

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

Dear Mr. DiNenna:

Comments on Item #12, Zoning Advisory Committee Meeting December 26, 1972, are as follows:

Property Owner: National Birchwood Homes, Inc.  
Location: 9812 and 9814 Harriottsville Road  
Present Zoning: D.R. 3.5  
Proposed Zoning: Variances from Section 103.1(208.2) front yard setback of 27.6 instead of required 30' for Lot #23 and front yard setback of 27.7 instead of required 30' for Lot #22.  
District: 2  
No. Acres: Lot #22 - 0.3054, Lot #23 - 0.2349

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

*Thomas H. Devlin*  
Thomas H. Devlin, Director  
BUREAU OF ENVIRONMENTAL SERVICES

WNG:mn &

### BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 29, 1972

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

Re: Item #112 ZAC meeting of December 19, 1972  
Property Owner: National Birchwood Homes, Inc.  
Locations: 9812 and 9814 Harriottsville Rd.  
Present Zoning: D.R. 3.5  
Proposed Zoning: Variances from Sec. 103.1 (208.2) front yard setback of 27.6 instead of required 30' for Lot #23 and front yard setback of 27.7 instead of req. 30' for Lot #22.  
District: 2  
No. Acres: Lot #22 - 0.3054 acres & Lot #23 - 0.2349 acres

Dear Mr. DiNenna:

No effect on student population.

EMJ:jd

Very truly yours,  
*W. Nick Petrowski*  
W. Nick Petrowski  
Field Representative

**GENERAL NOTES**

- Existing Zoning of Property DR.B.5 (Formerly R-10)
- Area of Property Equals 0.2844 Acres
- Existing Use: Residential Single-Family Construction
- Proposed Zoning of Property DR.B.5 (Formerly R-10) With Front Yard Variance
- Proposed Use of Property: Residential Single-Family Construction
- Petitioner is requesting a variance to Section 20B.2 of the Zoning Code to permit a front yard setback of 27.0' instead of the required 30' (Variance of 2.8')
- Public Water & Sewer Exist in MARYMOUNT ROAD

**MATZ, CHILDS & ASSOCIATES**  
1020 Cromwell Bridge Road, Baltimore, Maryland 21204  
Scale: \_\_\_\_\_ Issued: 10-1-72

**GENERAL NOTES**

- Existing Zoning of Property DR.B.5 (Formerly R-10)
- Area of Property Equals 0.2844 Acres
- Existing Use: Residential Single-Family Construction
- Proposed Zoning of Property DR.B.5 (Formerly R-10) With Front Yard Variance
- Proposed Use of Property: Residential Single-Family Construction
- Petitioner is requesting a variance to Section 20B.2 of the Zoning Code to permit a front yard setback of 27.7' instead of the required 30' (Variance of 2.3')
- Public Water & Sewer Exist in MARYMOUNT ROAD

**MATZ, CHILDS & ASSOCIATES**  
1020 Cromwell Bridge Road, Baltimore, Maryland 21204  
Scale: 1"=30' Issued: 10-1-72

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
National Birchwood Homes, Inc.  
3726 14th Ave. Road  
Baltimore, Maryland 21139

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21284

Your Petition has been received and accepted for filing  
this 26th day of December 1972.

*S. Eric Dimer*  
S. ERIC DIMER,  
Zoning Commissioner

Petitioner: National Birchwood Homes, Inc.  
Petitioner's Attorney: \_\_\_\_\_ Reviewed by: *John A. Diller Jr.*  
advisory Committee

**CERTIFICATE OF POSTING**  
BOARD OF PLANNING AND ZONING  
TOWSON, MARYLAND

District: 34 Date of Posting: JAN 23 1973  
Posted for: *NAB Homes*  
Petitioner: *National Birchwood Homes, Inc.*  
Location of property: *Highway 1020 Cromwell Rd. Baltimore, Md.*  
*Lot 22 Block W*  
Location of Sign: *1020 Cromwell Rd. Baltimore, Md.*  
Remarks: \_\_\_\_\_  
Posted by: *Christie Diller* Date of return: *JAN 23 1973*

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. January 18, 1973

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on \_\_\_\_\_ day of \_\_\_\_\_ 1973, the first publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_ 1973.

THE JEFFERSONIAN  
Manager

Cost of Advertisement, \$ \_\_\_\_\_

**NOTICES**

**PETITION FOR A VARIANCE**  
ALL INTERESTS

**NOTICES**

**PETITION FOR A VARIANCE**  
ALL INTERESTS

**NOTICES**

**PETITION FOR A VARIANCE**  
ALL INTERESTS

**CERTIFICATE OF PUBLICATION**

Pikesville, Md. January 18, 1973

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikesville, Baltimore County, Maryland, once in each of one time before the \_\_\_\_\_ day of \_\_\_\_\_ 1973, the first publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_ 1973.

THE NORTHWEST STAR  
Manager

Cost of Advertisement, \$ 20.75

**PETITION MAPPING PROGRESS SHEET**

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>SBW</i>	Revised Plans: Change in outline or description				Yes		No			
Previous cases	Map #									

BALTIMORE COUNTY, MARYLAND No. 7031  
OFFICE OF PUBLIC REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE Feb. 5, 1973 ACCOUNT 01-668

AMOUNT \$99.75

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER  
PINK - AGENCY

National Birchwood Corp. Cardinal Homes  
6028 Greenway Blvd.  
Springfield, Virginia, 22150  
Advertising and printing of property  
973-170-1

BALTIMORE COUNTY, MARYLAND No. 5890  
OFFICE OF PUBLIC REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE Jan. 15, 1973 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER  
PINK - AGENCY

Matz, Childs & Associates, Inc.  
1020 Cromwell Bridge Road  
Baltimore, Md. 21204  
Petition for Variance for National Birchwood  
Homes, Inc. 973-170-1

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21284

Your Petition has been received \* this 5th day of Dec 1972. Item # \_\_\_\_\_

*S. Eric Dimer*  
S. ERIC DIMER,  
Zoning Commissioner

Petitioner: *NAB Birchwood* Submitted by: *Smith*  
Petitioner's Attorney: *None* Reviewed by: *SBW*

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