

PETITION FOR ZONING VARIANCE

471

87-58-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.1.2.G.1 to permit a rear yard setback of 29 feet in lieu of the required 50 feet and Section 301.1.1 to permit a side setback of 6 inches in lieu of the required 7.5 feet for an open projection

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) There down an old storage shed & put up an unenclosed patio roof at great expense and there is no room to meet and set back requirements for side & rear property lines. My home is almost 70 years old in the neighborhood generally the set back requirements have never been complied with. Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: Legal Owner(s): Ray J. Hairfield, et ux. Signature: Joanne S. Hairfield. Address: 93 Dundalk Avenue, Baltimore, Maryland 21222. Attorney for Petitioner: Randolph N. Blair, Esquire, 1794-A Merritt Boulevard, Baltimore, Maryland 21222.

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY. Case No. 87-58-A

The Petitioners herein request a variance to permit a rear yard setback of 29 feet in lieu of the required 50 feet and a side yard setback of 6 inches in lieu of the required 7.5 feet for an open projection (covered patio).

At the onset of the hearing, counsel for the Petitioners moved that both the Petition and plan be amended to request a 12 inch side yard setback for the existing covered patio. Motion was granted.

Testimony by and on behalf of the Petitioners indicated that the end of group residence was constructed approximately 70 years ago and the garage was located 16 inches from the property line many years ago. A rear patio was covered around 1966, enlarged about 4 feet and screened around 1970, and enclosed in May 1986, all without benefit of a permit.

The gutter from the covered patio empties into the garage gutter which conveys the water to the alley. The addition and patio are needed to provide more habitable and leisure space for the extended family. There is no location on the lot where the addition and covered patio could be placed unless a variance were granted.

The neighbor adjacent to the covered patio protested construction with permits and expressed concern for additional icing problems and water in her basement.

All parties to the hearing stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

After due consideration of the testimony and evidence presented as well as a field inspection of the property, it appears that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners. The variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of August, 1986 that the herein request for a variance to permit a rear yard setback of 29 feet and a side yard setback of 12 inches for an open projection, in accordance with the amended plan, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1) The new covered patio shall not be enclosed.
2) No patio, garage, shed or other accessory structure shall be located closer than 12 inches to the property line.
3) Rainwater runoff from the covered patio shall not be channelled into the garage gutter but shall be conveyed separately to the alley.
4) All appropriate permits shall be obtained.

Jean M.H. Jung, Deputy Zoning Commissioner of Baltimore County

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY. Case No. 87-58-A

The Petitioners herein request a variance to permit a rear yard setback of 29 feet in lieu of the required 50 feet and a side yard setback of 6 inches in lieu of the required 7.5 feet for an open projection (covered patio).

At the onset of the hearing, counsel for the Petitioners moved that both the Petition and plan be amended to request a 12 inch side yard setback for the existing covered patio. Motion was granted.

Testimony by and on behalf of the Petitioners indicated that the end of group residence was constructed approximately 70 years ago and the garage was located 16 inches from the property line many years ago. A rear patio was covered around 1966, enlarged about 4 feet and screened around 1970, and enclosed in May 1986, all without benefit of a permit.

The gutter from the covered patio empties into the garage gutter which conveys the water to the alley. The addition and patio are needed to provide more habitable and leisure space for the extended family. There is no location on the lot where the addition and covered patio could be placed unless a variance were granted.

The neighbor adjacent to the covered patio protested construction without permits and expressed concern for additional icing problems and water in her basement.

All parties to the hearing stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

DATE 8/26/86 BY State of Baltimore

DATE 8/26/86 BY State of Baltimore

DATE 8/26/86 BY State of Baltimore

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING, TOWSON, MARYLAND 21204

DESCRIPTION FOR VARIANCE, 93 DUNDALK AVENUE, 12TH DISTRICT

PETITION FOR ZONING VARIANCES, 12th Election District, Case No. 87-58-A

ARNOLD JABLON, ZONING COMMISSIONER; JEAN M. H. JUNG, DEPUTY ZONING COMMISSIONER. August 26, 1986

Beginning at a point on the east side of Dundalk Avenue (40 feet wide) at a distance of 116 feet south of Sunship Road (40 feet wide) and being Lot No. 41, Block 2, as shown on the plat of "Dundalk", which is recorded in the Land Records of Baltimore County in Liber 5, Folio 56.

LOCATION: East Side of Dundalk Avenue, 116 feet South of Sunship Road (93 Dundalk Avenue); DATE AND TIME: Tuesday, August 19, 1986, at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland; The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variances to permit a rear yard setback of 29 feet in lieu of the required 50 feet and a side yard setback of 6 inches in lieu of the required 7.5 feet for an open projection

RE: Petition for Zoning Variance E/S Dundalk Avenue, 116' S of Sunship Road (93 Dundalk Avenue), 12th Election District, Case No. 87-58-A

Dear Mr. Blair: Please be advised that your request for a zoning variance in the above referenced Petition has been granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours, Jean M.H. Jung, Deputy Zoning Commissioner

JMHJ:bjjs; Attachments; cc: Ms. Thelma M. Skolnick, 91 Dundalk Avenue, Baltimore, Maryland 21222, People's Counsel

Being the property of Ray J. Hairfield, et ux, as shown on plat plan filed with the Zoning Office.

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

BY ORDER OF ARNOLD JABLON, ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204. Your petition has been received and accepted for filing this 9th day of July, 1986. Received by: James E. Dyer, Chairman, Zoning Plans Advisory Committee

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
 E/S Dundalk Ave., 116' : OF BALTIMORE COUNTY  
 S of Sunship Rd. :  
 (93 Dundalk Ave.) :  
 12th District :  
 RAY J. HAIRFIELD, et ux, : Case No. 87-58-A  
 Petitioners :  
 : : : : :  
 ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 25th day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Ray J. Hairfield, 93 Dundalk Ave., Baltimore, MD 21222, Petitioners.

*Peter Max Zimmerman*  
 Peter Max Zimmerman

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District 12th Date of Posting 7/11/86  
 Posted for: Variance  
 Petitioner: Ray J. Hairfield, et ux  
 Location of property: E/S Dundalk Ave., 116' S of Sunship Rd., 93 Dundalk Ave.  
 Location of Signs: Facing Dundalk Ave. signs, 15' on roadway, on property of Petitioner  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 7/15/86  
 Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

PETITION FOR ZONING VARIANCES  
 12th Election District  
 Case No. 87-58-A  
 TOWSON, MD., July 31, 1986  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 31, 1986.  
 THE JEFFERSONIAN,  
*Susan Studer Obrert*  
 Publisher  
 Cost of Advertising  
 24.75

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Arnold Jablon  
 TO: Zoning Commissioners Date: July 21, 1986  
 Norman E. Gerber, AICP, Director  
 FROM: Office of Planning and Zoning  
 SUBJECT: Zoning Petitions No. 87-58-A, 87-48-A, 87-49-A, 87-51-A, 87-55-A, 87-56-A, 87-57-A and 87-58-A

There are no comprehensive planning factors requiring comment on these petitions.

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

NEG:JGH:slm

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

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

July 24, 1986

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

Mr. Ray J. Hairfield  
 93 Dundalk Avenue  
 Baltimore, Maryland 21222

RE: Item No. 471 - Case No. 87-58-A  
 Petitioner: Ray J. Hairfield, et ux  
 Petition for Zoning Variance

Dear Mr. Hairfield:

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

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

Very truly yours,

*James F. Dyer*  
 James F. Dyer  
 Chairman  
 Zoning Plans Advisory Committee

JED:kbb  
 Enclosures

Mr. Ray J. Hairfield  
 Mrs. Joanne S. Hairfield  
 93 Dundalk Avenue  
 Baltimore, Maryland 21222

July 11, 1986

**NOTICE OF HEARING**

RE: PETITION FOR ZONING VARIANCES  
 E/S Dundalk Ave., 116' S of Sunship Rd.  
 (93 Dundalk Ave.)  
 12th Election District  
 Ray J. Hairfield, et ux - Petitioners  
 Case No. 87-58-A

TIME: 10:15 a.m.  
 DATE: Tuesday, August 19, 1986  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*[Signature]*  
 Zoning Commissioner  
 Baltimore County

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

No. 020059

DATE: 7/11/86 ACCOUNT: 01-0000  
 AMOUNT \$ 35.00  
 RECEIVED FROM: Joanne Hairfield

FOR: From Fee To Variance Item 471  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER  
 August 14, 1986  
 JEAN M. H. JUNG  
 DEPUTY ZONING COMMISSIONER

Mr. Ray J. Hairfield  
 Mrs. Joanne S. Hairfield  
 93 Dundalk Avenue  
 Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCES  
 E/S of Dundalk Ave., 116' S of Sunship Rd.  
 (93 Dundalk Ave.)  
 12th Election District  
 Ray J. Hairfield, et ux - Petitioners  
 Case No. 87-58-A

Dear Mr. and Mrs. Hairfield:

This is to advise you that \$66.95 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

No. 021829

DATE: 8/13/86 ACCOUNT: 01-0000  
 SIGN & POST RETURNED: 65.95  
 AMOUNT \$ 65.95  
 RECEIVED FROM: Ray J. Hairfield, 93 Dundalk Ave., 116' S of Sunship Rd., 12th Dist. Md. 21222

FOR: ADVERTISING & POSTING COSTS AS CASE 87-58-A  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

JULY 15, 1986

Mr. Arnold Jablon  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204  
 RE: Zoning Advisory Meeting of JULY 1, 1986  
 Item # 471  
 Petitioner: RAY J. HAIRFIELD, et ux  
 Location: E/S DUNDALK AVE., 116' S OF SUNSHIP RD. (93 DUNDALK AVE.)

- The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.
- There are no site planning factors requiring comment.
  - A County Review Group Meeting is required.
  - A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
  - This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
  - A record plat will be required and must be recorded prior to issuance of a building permit.
  - The access is not satisfactory.
  - The circulation on this site is not satisfactory.
  - The access arrangements are not satisfactory.
  - Parking calculations must be shown on the plan.
  - This property contains soils which are defined as wetlands, and development on these soils is prohibited.
  - Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
  - Development of this site may constitute a potential conflict with the Baltimore County Historic Plan.
  - The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
  - The property is located in a deficient service area as defined by Section 22-59. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is \_\_\_\_\_.
  - The property is located in a traffic area controlled by a 40' level intersection as defined by Title 22-59, and its construction change the annualized intensity of the County Council.
  - Additional comments: \_\_\_\_\_

cc: [Signature]  
 Chief, Current Planning and Development

BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

July 17, 1986

PAUL H. RENCKE  
 CHIEF  
 Mr. Arnold Jablon  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Baltimore County Office Building  
 Towson, Maryland 21204

RE: Property Owner: Ray J. Hairfield, et ux  
 Location: E/S Dundalk Ave., 116 ft. S of Sunship Rd.  
 Item No.: 471  
 Zoning Agenda: Meeting of July 1, 1986

- Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.
1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
  2. A second means of vehicle access is required for the site.
  3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
  4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
  5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
  6. Site plans are approved, as drawn.
  7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
 Planning Group: \_\_\_\_\_  
 Special Inspection Division: \_\_\_\_\_

/mb  
 8/19 87-58 A

June 21, 1987

**CERTIFICATE OF PUBLICATION**

OFFICE OF  
**Dundalk Eagle**

38 N. Dundalk Ave. July 31, 1986  
Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Pet. for Zoning Var. - Case #87-58-A - P.O. #78942 - Reg. #L92723 - 68 lines was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ weeks before the 1st day of August 1986; that is to say, the same was inserted in the issues of July 31, 1986

**Kimbel Publication, Inc.**  
per Publisher.

By *K. C. O'Neil*

**PETITION FOR ZONING VARIANCES**

12th Election District  
Case No. 87-58-A

LOCATION: East Side of Dundalk Ave.  
116 feet South of Sunship Road 83  
Dundalk Avenue

DATE AND TIME: Tuesday, August 19, 1986, at 10:15 am

PUBLIC HEARINGS: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

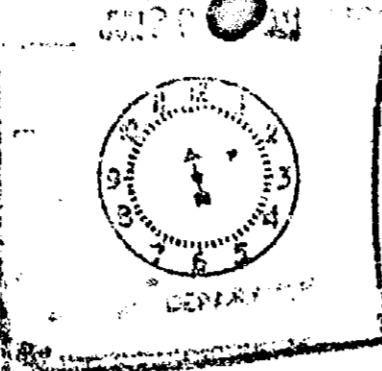
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following:

Petition for Zoning Variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet and a side yard setback of 8 feet in lieu of the required 7.5 feet for an open projection.

Being the property of Ray J. Hairfield, et ux, as shown on plat plan filed with the Zoning Office.

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

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
BALTIMORE COUNTY



*Early Hearing  
8/6/86*

*6/20/86  
JD  
8*

93 Dundalk Avenue  
Baltimore, Maryland 21222  
June 18, 1986

Mr. Arnold Jablon  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Jablon:

I applied for a variance permit, #471, on June 17, 1986. I have a scheduled vacation beginning on July 30, 1986, and I plan to be away for the month of August. If it is at all possible, could you please expedite this matter, as I would like to have this taken care of before I leave.

Your cooperation and immediate attention to this matter would be appreciated.

Hairfield - Item 471 7/8/86 please do not hesitate to contact me.

*Early hearing was requested because they would be away in August. Vacation plans have been cancelled because of pending variance. Mrs. Hairfield is a teacher who must go back to school August 25th and requests that hearing be scheduled before then. Chris*

Thank you,

*Ray J. Hairfield*

*Ray J. Hairfield, et ux*

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3670

July 30, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 471 Zoning Advisory Committee Meeting are as follows:

Property Owner: Ray J. Hairfield, et ux  
Location: E/S Dundalk Avenue, 116 feet S of Sunship Road  
District: 12th.

**APPLICABLE ITEMS ARE CIRCLED:**

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #17-1 - 1980) and other applicable Codes and Standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- 4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- 5. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. Bal Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 1601, Section 1607, SECTION 1606.2 and 1607. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- 6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 161 and 505 and have your Architect/Engineer contact this department.
- 7. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- 8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Uses \_\_\_\_\_. See Section 312 of the Building Code.

**NOTE:**

1. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

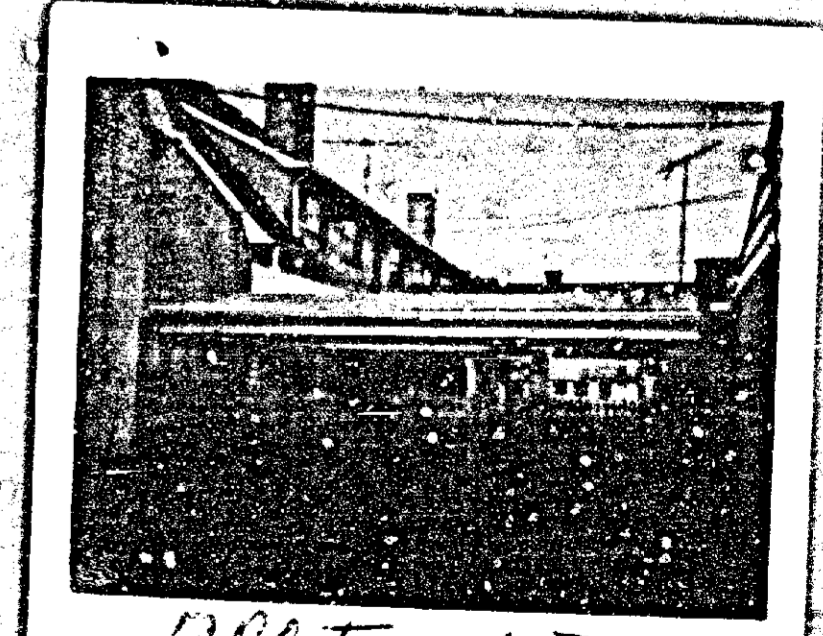
J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Charles E. Sherman*  
By: C. E. Sherman, Chief  
Building Plans Review



PROT 1A



PROT 1B

PETITION FOR ZONING VARIANCE

471

87-58-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.1.2.G.1 to permit a rear yard setback of 29 feet in lieu of the required 50 feet and Section 301.1.1 to permit a side setback of 6 inches in lieu of the required 7.5 feet for an open projection

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) There down an old storage shed & put up an unenclosed patio roof at great expense and there is no room to meet and set back requirements for side & rear property lines. My home is almost 70 years old in the neighborhood generally the set back requirements have never been complied with. Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: Legal Owner(s): Ray J. Hairfield, et ux. Signature: Joanne S. Hairfield. Address: 93 Dundalk Avenue, Baltimore, Maryland 21222. Attorney for Petitioner: Randolph N. Blair, Esquire, 1794-A Merritt Boulevard, Baltimore, Maryland 21222.

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The Petitioners herein request a variance to permit a rear yard setback of 29 feet in lieu of the required 50 feet and a side yard setback of 6 inches in lieu of the required 7.5 feet for an open projection (covered patio).

At the onset of the hearing, counsel for the Petitioners moved that both the Petition and plan be amended to request a 12 inch side yard setback for the existing covered patio. Motion was granted.

Testimony by and on behalf of the Petitioners indicated that the end of group residence was constructed approximately 70 years ago and the garage was located 16 inches from the property line many years ago. A rear patio was covered around 1966, enlarged about 4 feet and screened around 1970, and enclosed in May 1986, all without benefit of a permit.

The gutter from the covered patio empties into the garage gutter which conveys the water to the alley. The addition and patio are needed to provide more habitable and leisure space for the extended family. There is no location on the lot where the addition and covered patio could be placed unless a variance were granted.

The neighbor adjacent to the covered patio protested construction with permits and expressed concern for additional icing problems and water in her basement.

All parties to the hearing stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

After due consideration of the testimony and evidence presented as well as a field inspection of the property, it appears that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners. The variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of August, 1986 that the herein request for a variance to permit a rear yard setback of 29 feet and a side yard setback of 12 inches for an open projection, in accordance with the amended plan, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1) The new covered patio shall not be enclosed.
2) No patio, garage, shed or other accessory structure shall be located closer than 12 inches to the property line.
3) Rainwater runoff from the covered patio shall not be channelled into the garage gutter but shall be conveyed separately to the alley.
4) All appropriate permits shall be obtained.

Jean M.H. Jung, Deputy Zoning Commissioner of Baltimore County

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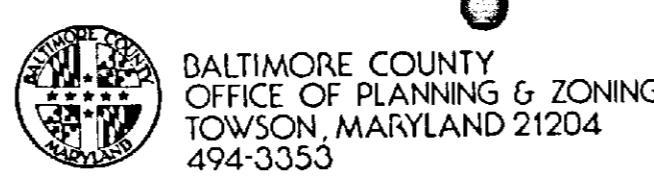
The neighbor adjacent to the covered patio protested construction without permits and expressed concern for additional icing problems and water in her basement.

All parties to the hearing stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

DATE 8/26/86 BY State of Baltimore

DATE 8/26/86 BY State of Baltimore

DATE 8/26/86 BY State of Baltimore



ARNOLD JABLON ZONING COMMISSIONER August 26, 1986 JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

Randolph N. Blair, Esquire 1794-A Merritt Boulevard Baltimore, Maryland 21222

RE: Petition for Zoning Variance E/S Dundalk Avenue 116' S of Sunship Road (93 Dundalk Avenue) 12th Election District Case No. 87-58-A

Dear Mr. Blair: Please be advised that your request for a zoning variance in the above referenced Petition has been granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours, Jean M.H. Jung, Deputy Zoning Commissioner

JMHJ:bjs Attachments cc: Ms. Thelma M. Skolnick 91 Dundalk Avenue Baltimore, Maryland 21222 People's Counsel

DESCRIPTION FOR VARIANCE 93 DUNDALK AVENUE 12TH DISTRICT

Beginning at a point on the east side of Dundalk Avenue (40 feet wide) at a distance of 116 feet south of Sunship Road (40 feet wide) and being Lot No. 41, Block 2, as shown on the plat of "Dundalk", which is recorded in the Land Records of Baltimore County in Liber 5, Folio 56.

PETITION FOR ZONING VARIANCES 12th Election District Case No. 87-58-A

LOCATION: East Side of Dundalk Avenue, 116 feet South of Sunship Road (93 Dundalk Avenue) DATE AND TIME: Tuesday, August 19, 1986, at 10:15 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variances to permit a rear yard setback of 29 feet in lieu of the required 50 feet and a side yard setback of 6 inches in lieu of the required 7.5 feet for an open projection

Being the property of Ray J. Hairfield, et ux, as shown on plat plan filed with the Zoning Office. In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

87-58-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 9th day of July, 1986.

Petitioner Ray J. Hairfield, et ux Received by: James E. Dyer, Chairman, Zoning Plans Advisory Committee

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
 E/S Dundalk Ave., 116' : OF BALTIMORE COUNTY  
 S of Sunship Rd. :  
 (93 Dundalk Ave.) :  
 12th District :  
 RAY J. HAIRFIELD, et ux, : Case No. 87-58-A  
 Petitioners :  
 : : : : :  
 ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 25th day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Ray J. Hairfield, 93 Dundalk Ave., Baltimore, MD 21222, Petitioners.

*Peter Max Zimmerman*  
 Peter Max Zimmerman

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District 12th Date of Posting 7/11/86  
 Posted for: Variance  
 Petitioner: Ray J. Hairfield, et ux  
 Location of property: E/S Dundalk Ave., 116' S of Sunship Rd., 93 Dundalk Ave.  
 Location of Signs: Facing Dundalk Ave. signs, 15' on roadway, on property of Petitioner  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 7/15/86  
 Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

PETITION FOR ZONING VARIANCES  
 12th Election District  
 Case No. 87-58-A  
 TOWSON, MD., July 31, 1986  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 31, 1986.  
 THE JEFFERSONIAN,  
*Susan Studer Obrert*  
 Publisher  
 Cost of Advertising  
 24.75

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Arnold Jablon  
 TO: Zoning Commissioners Date: July 21, 1986  
 Norman E. Gerber, AICP, Director  
 FROM: Office of Planning and Zoning  
 SUBJECT: Zoning Petitions No. 87-58-A, 87-48-A, 87-49-A, 87-51-A, 87-55-A, 87-56-A, 87-57-A and 87-58-A

There are no comprehensive planning factors requiring comment on these petitions.

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

NEG:JGH:slm

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

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

July 24, 1986

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

Mr. Ray J. Hairfield  
 93 Dundalk Avenue  
 Baltimore, Maryland 21222

RE: Item No. 471 - Case No. 87-58-A  
 Petitioner: Ray J. Hairfield, et ux  
 Petition for Zoning Variance

Dear Mr. Hairfield:

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

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

Very truly yours,

*James F. Dyer*  
 James F. Dyer  
 Chairman  
 Zoning Plans Advisory Committee

JED:kbb  
 Enclosures

Mr. Ray J. Hairfield  
 Mrs. Joanne S. Hairfield  
 93 Dundalk Avenue  
 Baltimore, Maryland 21222

July 11, 1986

**NOTICE OF HEARING**

RE: PETITION FOR ZONING VARIANCES  
 E/S Dundalk Ave., 116' S of Sunship Rd.  
 (93 Dundalk Ave.)  
 12th Election District  
 Ray J. Hairfield, et ux - Petitioners  
 Case No. 87-58-A

TIME: 10:15 a.m.  
 DATE: Tuesday, August 19, 1986  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*[Signature]*  
 Zoning Commissioner  
 Baltimore County

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

No. 020059

DATE: 7/11/86 ACCOUNT: 01-000  
 AMOUNT \$ 35.00  
 RECEIVED FROM: Joanne Hairfield

FOR: From Fee for Variance Item 471  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

JULY 15, 1986

Mr. Arnold Jablon  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204

RE: Zoning Advisory Meeting of JULY 1, 1986  
 Item # 471  
 Petitioner: RAY J. HAIRFIELD, et al  
 Location: E/S DUNDALK AVE., 116' S OF SUNSHIP RD. (93 DUNDALK AVE.)

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The access arrangements are not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Historic Plan.
- The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- The property is located in a deficient service area as defined by Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- The property is located in a traffic area controlled by a 40' level intersection as defined by 2111 120-79, and as conditions change the annualized intensity of the County Council.
- Additional comments: \_\_\_\_\_

Emma A. Soter  
 Chief, Current Planning and Development

BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

PAUL H. RENCKE  
 CHIEF

July 17, 1986

Mr. Arnold Jablon  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Baltimore County Office Building  
 Towson, Maryland 21204

RE: Property Owner: Ray J. Hairfield, et ux  
 Location: E/S Dundalk Ave., 116 ft. S of Sunship Rd.  
 Item No.: 471  
 Zoning Agenda: Meeting of July 1, 1986

- Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.
- 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
  - 2. A second means of vehicle access is required for the site.
  - 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
  - 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
  - 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
  - 6. Site plans are approved, as drawn.
  - 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
 Planning Group Fire Prevention Bureau  
 Special Inspection Division

/mb  
 8/19 87-58 A

BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER  
 August 14, 1986

JEAN M. H. JUNG  
 DEPUTY ZONING COMMISSIONER

Mr. Ray J. Hairfield  
 Mrs. Joanne S. Hairfield  
 93 Dundalk Avenue  
 Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCES  
 E/S of Dundalk Ave., 116' S of Sunship Rd.  
 (93 Dundalk Ave.)  
 12th Election District  
 Ray J. Hairfield, et ux - Petitioners  
 Case No. 87-58-A

Dear Mr. and Mrs. Hairfield:

This is to advise you that \$66.95 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

No. 021829

DATE: 8/13/86 ACCOUNT: 01-000  
 AMOUNT \$ 66.95  
 SIGN & POST RETURNED: \_\_\_\_\_  
 Ray J. Hairfield, 93 Dundalk Ave., 116 ft. S of Sunship Rd., Md. 21222

RECEIVED FROM: \_\_\_\_\_  
 FOR: ADVERTISING & POSTING COSTS AS CASE 87-58-A  
 VALIDATION OR SIGNATURE OF CASHIER

June 21, 1987

**CERTIFICATE OF PUBLICATION**

OFFICE OF  
**Dundalk Eagle**

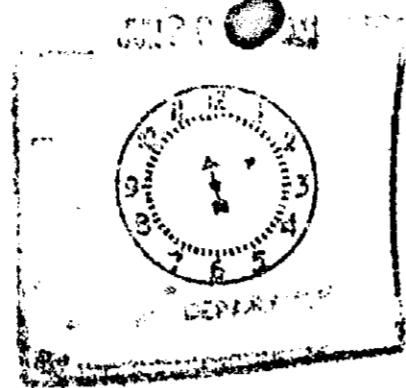
38 N. Dundalk Ave. Dundalk, Md. 21222 July 31, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Pet. for Zoning Var. - Case #87-58-A - P.O. #78942 - Reg. #L92723 - 68 lines was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ week before the 1st day of August 1986; that is to say, the same was inserted in the issues of July 31, 1986

**Kimbel Publication, Inc.**  
per Publisher.

By K. C. O'Leary

**PETITION FOR ZONING VARIANCES**  
12th Election District  
Case No. 87-58-A  
LOCATION: East Side of Dundalk Ave. 116 feet South of Sunship Road 53 Dundalk Avenue  
DATE AND TIME: Tuesday, August 19, 1986, at 10:15 am.  
PUBLIC HEARINGS: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance to permit a rear yard setback of 23 feet in lieu of the required 30 feet and a side yard setback of 8 feet in lieu of the required 7.5 feet for an open projection.  
Being the property of Ray J. Hairfield, et ux, as shown on plat plan filed with the Zoning Office.  
In the event that the Petitioner is granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
BY ORDER OF  
**ARNOLD JABLON**  
ZONING COMMISSIONER  
BALTIMORE COUNTY



*Early Hearing  
8/6 2431*

*6/20/86  
JD  
8*

93 Dundalk Avenue  
Baltimore, Maryland 21222  
June 18, 1986

Mr. Arnold Jablon  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Jablon:

I applied for a variance permit, #471, on June 17, 1986. I have a scheduled vacation beginning on July 30, 1986, and I plan to be away for the month of August. If it is at all possible, could you please expedite this matter, as I would like to have this taken care of before I leave.

Your cooperation and immediate attention to this matter would be appreciated.

Hairfield - Item 471 7/8/86 please do not hesitate to contact me.

*Early hearing was requested because they would be away in August. Vacation plans have been cancelled because of pending variance. Mrs. Hairfield is a teacher who must go back to school August 25th and requests that hearing be scheduled before then. Chris*

Thank you,

Ray J. Hairfield  
Ray J. Hairfield, et ux

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3670

July 30, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 471 Zoning Advisory Committee Meeting are as follows:

Property Owner: Ray J. Hairfield, et ux  
Location: E/S Dundalk Avenue, 116 feet S of Sunship Road  
District: 12th.

APPLICABLE ITEMS ARE CIRCLED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #17-1 - 1980) and other applicable Codes and Standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- 4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- 5. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. Bal Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 161, Section 1607, SECTION 1606.2 and 1607. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- 6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 161 and 505 and have your Architect/Engineer contact this department.
- 7. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- 8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Uses \_\_\_\_\_. See Section 312 of the Building Code.
- 9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

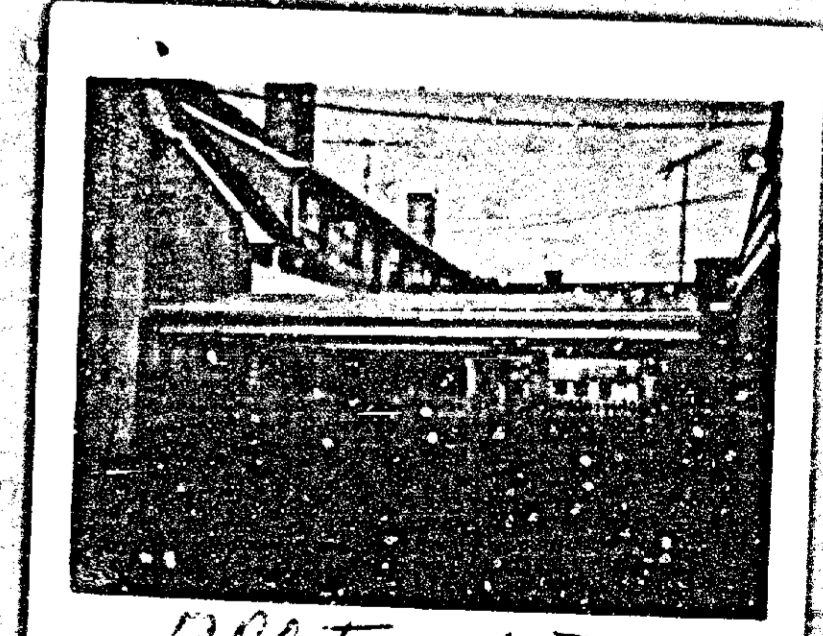
J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Charles E. Sherman*  
By: C. E. Sherman, Chief  
Building Plans Review



PROT 1A



PROT 1B