PETITIONS FOR SPECIAL HEARING IN RE: AND ZONING VARIANCE - N/S of Clyde Avenue, 154' +/- E of Hammonds Ferry Road (10 Clyde Avenue)

> William Grebe Petitioner

13th Election District 1st Councilmanic District * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 89-216-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a lot area of 3,200 sq.ft. in lieu of the required 6,000 sq.ft. as a building lot which will not affect the overall density of the recorded subdivision in which it is located, and variances to permit a lot width of 32 feet in lieu of the required 55 feet, and side yard setbacks of 5 feet and 7 feet in lieu of the required 10 feet each, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition was the builder, Mr. Thompson. There were no Protestants.

Testimony indicated that the subject property, known as 10 Clyde Avenue, is zoned D.R. 5.5 and consists of two lots containing 3200 sq.ft. total. Testimony indicated the subject property, abouts a 14' alley rightof-way along both the side and rear property lines as depicted in Petitioner's Exhibit 1. Mr. Grebe testified his mother owns Lots 10 through 13 on Hammonds Ferry Road directly across the alley right-of-way alongside the Mr. Grebe further testified he inherited the property subject property. from his father approximately 16 years ago and now proposes constructing a new home for himself and his wife. However, due to the size and lot width requirements of the current zoning regulations, the requested variances

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are necessary for Petitioner to construct a home that will meet his family's needs. Mr. Grebe testified that to deny the requested variances would result in practical difficulty and unreasonable hardship.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Sections 304 and 307 of the <u>Baltimore County Zoning Regulations</u> (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of December, 1988 that the Petition for Special Hearing to approve a lot area of 3,200 sq.ft. in lieu of the required 6,000 sq.ft. as a building lot which will not affect the overall density of the recorded subdivision in which it is located, and the Petition for Zoning Variance to permit a lot width of 32 feet in lieu of the required S5 feet, and side yard setbacks of 5 feet and 7 feet in lieu of the required 10 feet each, be are are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the

ORDER RECEIVED FOR FILING

30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

 Petitioner shall not request any future side, front, or rear yard variances for the subject property.

ANN M. NASTAROWICZ

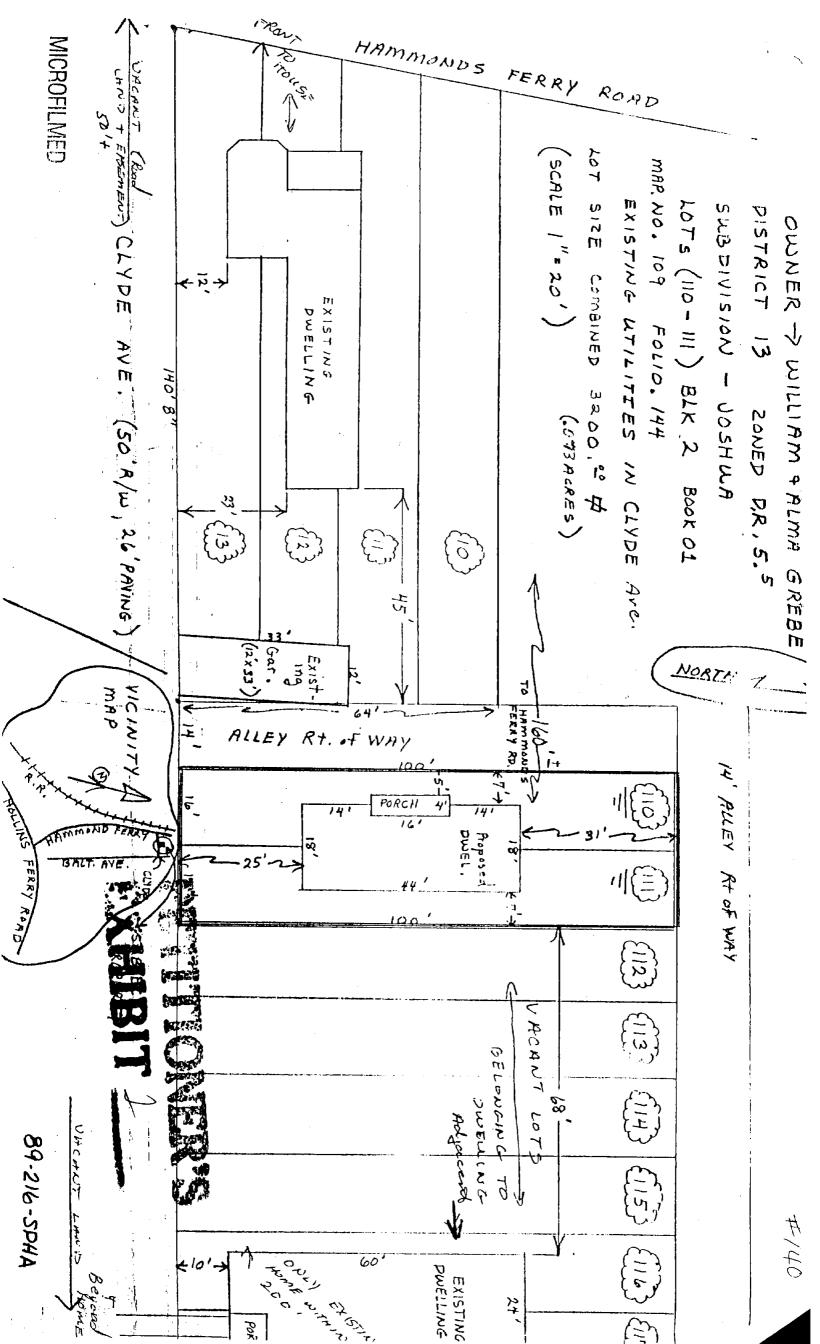
Deputy Zoning Commissioner

for Baltimore County

AMN:bjs



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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

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30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

 Petitioner shall not request any future side, front, or rear yard variances for the subject property.

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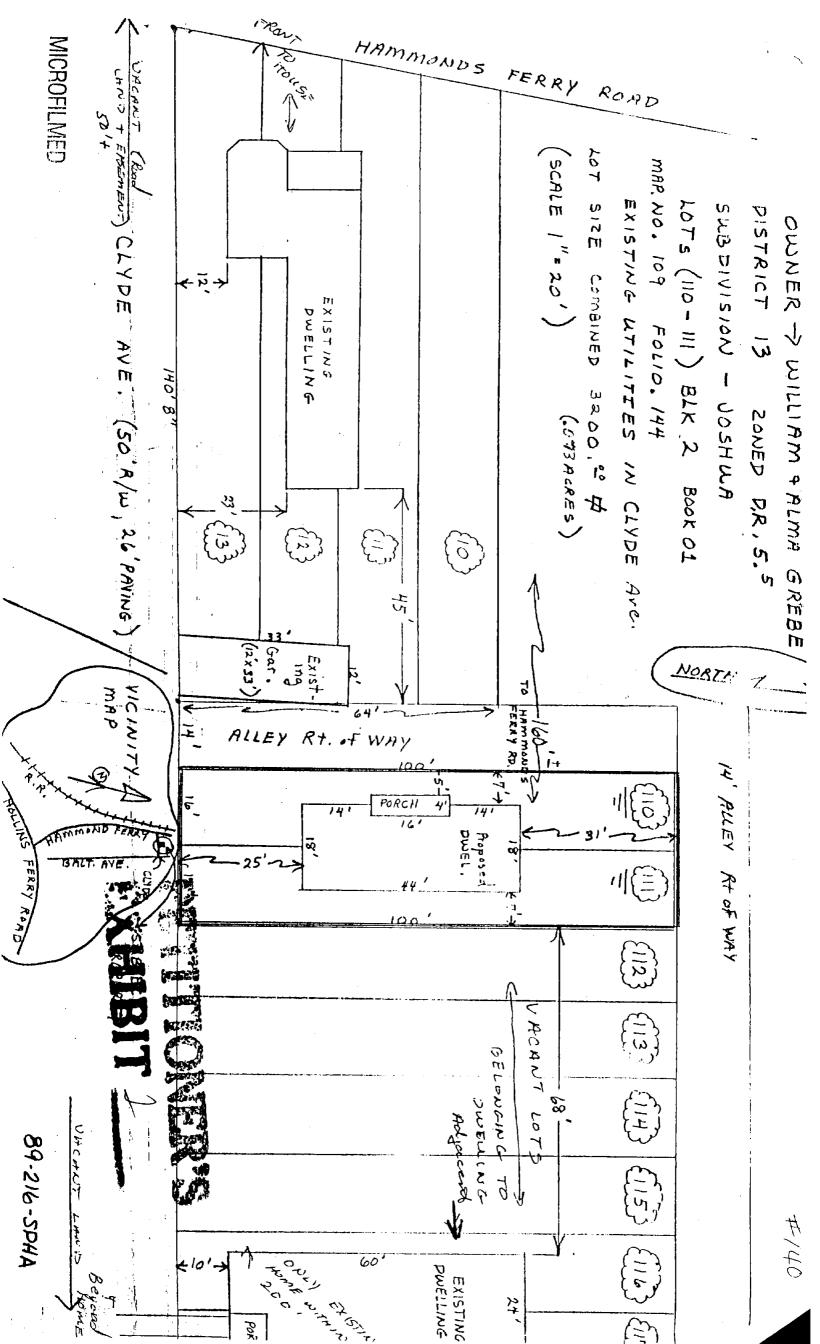
Deputy Zoning Commissioner

for Baltimore County

AMN:bjs



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IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - N/S of Clyde Avenue, 154' +/- E of * DEPUTY ZONING COMMISSIONER Hammonds Ferry Road (16 Clyde Avenue) * OF BALTIMORE JNTY 13th Election District 1st Councilmanic District * Case No. 89-216-SPHA William Grebe Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a lot area of 3,200 sq.ft. in lieu of the required 6,000 sq.ft. as a building lot which will not affect the overall density of the recorded subdivision in which it is located, and variances to permit a lot width of 32 feet in lieu of the required 55 feet, and side yard setbacks of 5 feet and 7 feet in lieu of the required 10 feet each, all as more particularly described in Petitioner's Exhibit 1.

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are necessary for Petitioner to construct a home that will meet his family's needs. Mr. Grebe testified that to deny the requested variances would result in practical difficulty and unreasonable hardship.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Sections 304 and 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2/100 day of December, 1988 that the Petition for Special Hearing to approve a lot area of 3,200 sq.ft. in lieu of the required 6,000 sq.ft. as a building lot which will not affect the overall density of the recorded subdivision in which it is located, and the Petition for Zoning Variance to permit a lot width of 32 feet in lieu of the required 55 feet, and side yard setbacks of 5 feet and 7 feet in lieu of the required 10 feet each, be are are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the

30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not request any future side, front, or rear yard variances for the subject property.

AMN:bjs

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 **13.13.13.** 887-3353 J. Robert Haines

December 21, 1988

S. Eric DiNenna, Esquire DiNenna, Mann & Breschi 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE N/S Clyde Avenue, 154' +/- E of Hammonds Ferry Road (10 Clyde Avenue) 13th Election District - 1st Councilmanic District William Grebe - Petitioner Case No. 89-216-SPHA

Dear Mr. DiNenna:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, (Moderskering

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bis

cc: People's Counsel

File

PETITION FOR SPECIAL HEARING

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ a 3,200 square foot lot area in lieu of the required 6,000 square feet as buildable and determine that the established lot will not effect the overall density of the recorded subdivision

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing 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: Callesian GREST (Type or Print Name) Signature City and State Attorney for Petitioner: S. ERIC DINENNA, P.A. Name, address and phone number of legal owner, con-ATTORNEY AT LAW tract purchaser or representative to be contacted DINENNA, MANN & BRESCHI SUITE 600, MERCANTILE-TOWSON BLDG. 409 WASHINGTON AVE.

ORDERED By The Zoning Commissioner of Baltimore County, this _____day October, 1988, 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 9 th day of December, 1988, at 11 o'clock

TOWSON, MD. 21204

oning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-216-81HA 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 1802.3.A.5 and 1802.3.C.1 to permit a 1ct --- width of 32' and a side yard setbacks of 5' and 7' in lieu of the required 55' and 10' respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 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): (Type or Print Name) Type or Print Name (Type or Print Name) City and State Attorney for Petitioner: 636 HARISUR DAK DE 679 6825 (Type or Print Name) Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this 19th of _______, 19_____, 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 Tow.on, Baltimore

Beginning on the North side of Clyde Avenue, 50' wide, at the distance of 160' East of the centerline of Hammonds Ferry Road. Also being Lots 110 and 111, Block 2 in the Joshua Subdivision, Book Number 1, Folio 144 containing .073 acres in the 13th Election District.

> 89-216-5PHA CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 13 the
Posted for: Yanance Special Hearing
Petitioner: Nilliam Grebe
Location of property: MIS Clyde arence, 154 & Hammends Ferry Road
1 10 Clyde arenice I
Location of Signes Morth sedie of Clyde arenue in front of Let #110 and
Remarks:
Posted by S.J. Grata Date of return: November 18, 1988
Number of Signs:

RE: PETITION FOR SPECIAL HEARING & : BEFORE THE ZONING COMMISSIONER VARIANCE N/S Clyde Ave., 154^{+} E OF BALTIMORE COUNTY Hammonds Ferry Rd. (10 Clyde Ave.), 13th Election District: 1st Councilmanic District

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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 People's Counsel for Baltimore County Peter Max Zimmerman

Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2183

I HEREBY CERTIFY that on this 25th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to William Grebe, 630 Harbor Oak Dr., Edgewood, MD 21040, Petitioner.

> Silu May Zumoma Peter Max Zimmerman

WILLIAM GREBE, Petitioner Case No. 89-216-SPHA

Hayllis Cole France

PETIMATED LENGTH OF HEARING 21/2HR.

AVAILABLE FOR PEARING

MON./TUES./WED. - NEXT TWO MONTHS

Zoning Commissioner of Baltimore County

day of Secentres, 19 18, at 11 o'clock

• •

in his event that the Petition is granted, is building parmit may be sessed within the fruity (30) day appeal period. The Zoning Commissioner will, however entertain any request for a stay of the session of seid permit during this period for pood causes shown. Such request must be in writing and received in the office by the date of the hearing set autore or presenting of the session.

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 18 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 20017. 1988.

5. Zafe Oliman Publisher 0586/

89-216-SPHA

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

December 2, 1988

Petitioner william Grebe Received by:

Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 2120

Bureau of

Bureau of

Industrial

Department of Traffic Engineering

Healt' Department

Project Planning

Building Department

Zoning Administration

Board of Education

State Roads Commission

Mr. William Grebe 630 Harbor Oak Drive Edgewood, Maryland 21040

> RE: Item No. 140, Case No. 89-216-SPHA Petitioner: William Grebe Petition for Special Hearing and Zoning

Dear Mr. Grebe:

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

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, i famul & Dyerlite

JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

Date: 12/5/88

post set(s), there

Dennis F. Rasmussen

Mr. William Grebe 630 Harbor Oak Drive Edgewood, Maryland 21040

J. Robert Haines

Re: Petition for Zoning Variance CASE NUMBER: 89-216-SPHA NS Clyde Avenue, 154'± E Hammonds Ferry Road

(10 Clyde Avenue) 13th Election District - 1st Councilmanic Petitioner(s): William Grebe HEARING SCHEDULED: FRIDAY, DECEMBER 9, 1988 at 11:00 a.m.*

Please be advised that \(\frac{\frac{92.29}{10.29}}{92.29} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111 Towson Maril 2122 (County Office, County Office

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

B B C25 ***** \$229: a = 5.19-216-514 A

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-216-SPHA NS Clyde Avenue, 154'± E Hammonds Ferry Road (10 Clyde Avenue)

density of the recorded subdivision.

13th Election District - 1st Councilmanic Petitioner(s): William Grebe HEARING SCHEDULED: FRIDAY, DECEMBER 9, 1988 at 11:00 a.m.*

Variance to permit a lot width of 32' and a side yard setbacks of 5' and 7' in lieu of the required 55' and 10' respectively. Special Hearing: To approve a 3,200 square foot lot area in lieu of the required 6,000 square feet as buildable and determine that the established lot will not effect the overall

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. 1. Polit flaires

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: William Grebe

*MOTE: IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING. SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDUL-ED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELE-PHONE DOCKET CLERK AT 494-3391 or 887-339110 CONFIRM DATE.

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

November 10, 1988 Paul H. Reincke

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

Re: Property Owner: William Grebe

Location: NS Clyde Avenue, 154' + E. of Hammonds Ferry Road, Dennis F. Rasmussen County Executive 10 Clyde Avenue Zoning Agenda: Meeting of 10/18/88 Item No.: 140

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 or ____ 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 comments at this time.

NOTED & REVIEWER: APPROVED: Flanning Group

Special Inspection Division Fire Prevention Bureau

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

October 28, 1988



Mr. J. Robert Haines Zoning Commissioner

County Office Building Towson, Maryland 21204 Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 121, (140) 141, 143, 146, 148, and 149.

Tichels. Fluing -Michael S. Flanigan Engineering Associate

Very truly yours,

MSF/lvw

BI TIMORE COUNTY, MAR. AND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner Date December 7, 1988 Fat Keller, Deputy Director FROM Office of Planning and Zoning

SUBJECT Zoning Petition Ncs. 89-214-A (Hottinger); 89-216-SPHA (Grebe); 89-219-SPHA (Powell); 89-222-SPH (Lawrence); 89-227-A (Stem); 89-232-A (McMillan); 89-234-A (Seven Courts); 89-242-A (Bacharach); and 89-244 (Dickel) 89-210-SPH (Bell)

The Office of Planning and Zoning has no comment on the above listed

OWNER -> WILLIAM + ALMA GREBE/ DISTRICT 13 ZONED DR. 5.5 14' PLLEY RY OF WAY SUBDIVISION - JOSHUA LOTS (110-111) BLK 2 BOOK 01 MAP. NO. 109 FOLIO. 144 EXISTING UTILITIES IN CLYDE AVE. LOT SIZE COMBINED 3200.00 # (.073 ACRES) (SCALE 1"= 20') , ACANT LOT TO HAMMONDS GELONGING DUELLING Adjacend EXISTING PWELLING EXISTING DWELLING CHICANT (ROOD CLYDE AVE. (50'R/W, 26'PAVING) / VICINITY A BELLE BIT

PK/sf

