

IN RE: PETITION FOR ZONING VARIANCE
N/S Park Avenue, 125' W of the
c/l of Prospect Avenue
(1715 & 1717 Park Avenue)
13th Election District
1st Councilmanic District
Richard A. Baker, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-99-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Richard A. Baker, Robert T. Baker, and Emily C. Baker. The Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and from Section 304.4 of the B.C.Z.R. to determine design compatibility for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Matt Necker, President, The Decker Group, Contract Purchaser of the subject property, and Bob Liggett. There were no Protestants.

Testimony indicated that the subject property, known as 1715 and 1717 Park Avenue, consists of two lots, identified as Lots 25-A and 25-B on Petitioner's Exhibit 1, containing 13,000 sq.ft. total. Lot 25-B is improved with a dwelling and Lot 25-A is unimproved. The Petitioners are desirous of developing Lot 25-A with a single-family dwelling in accordance with that depicted on Petitioner's Exhibit 2, an elevation drawing of the proposed dwelling. Testimony indicated that the proposed dwelling will meet all setback requirements; however, since the lot in question is only 50-feet wide, the requested variance is necessary. The Petitioners testi-

fied that the design of the proposed dwelling will be compatible with other dwellings in the neighborhood and meets the requirements of Section 304.4 of the B.C.Z.R. Further, the granting of the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of November, 1992 that the Petition for Zoning Variance requesting relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and from Section 304.4 of the B.C.Z.R. to determine design compatibility for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kutroco
TIMOTHY M. KUTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 28, 1992

(410) 887-4386

Mr. Richard A. Baker
Mr. Robert T. Baker
Ms. Emily C. Baker
2752 Norfen Road
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
N/S Park Avenue, 125' W of the c/l of Prospect Avenue
(1715 and 1717 Park Avenue)
13th Election District - 1st Councilmanic District
Richard A. Baker, et al - Petitioners
Case No. 93-99-A

Dear Messrs. Baker & Ms. Baker:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kutroco
TIMOTHY M. KUTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Matt Decker, President
The Decker Group
1321 Dillon Heights Avenue, Catonsville, Md. 21228

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1715 & 1717 PARK AVENUE
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part thereof, hereby petition for a Variance from Section(s) 1B02.3.C.1
to permit a minimum lot width of 50' in lieu of 55', and 304.4 to determine design compatibility.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Applicant unable to secure a reasonable return or make a reasonable use of his property as allowed by zoning density in complying with referenced zoning standards.

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/Cases:

THE DECKER GROUP

(Type or Print Name)

Matt Decker, President

1321 Dillon Heights Ave.

Address

Catonsville, Maryland 21228

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Phone No.

Date

By

(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.)

Legal Owner(s):

* RICHARD A. BAKER

* ROBERT T. BAKER

* EMILY C. BAKER

(Type or Print Name)

Richard A. Baker

Robert T. Baker

Emily C. Baker

(Type or Print Name)

Emily C. Baker

Address

City

State

Zipcode

Phone No.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10/20/92

The Decker Group
1321 Dillon Heights Avenue
Catonville, Maryland 21228

RE:
CASE NUMBER: 93-99-A (Item 104)
8/3 Park Avenue, 125' W of c/l Prospect Avenue
1715 and 1717 Park Avenue
13th Election District - 1st Councilmember
Legal Owner(s): Richard A. Baker and Robert T. Baker and Emily C. Baker
HEARINGS: MONDAY, NOVEMBER 2, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via express mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

SEPTEMBER 29, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-99-A (Item 104)
8/3 Park Avenue, 125' W of c/l Prospect Avenue
1715 and 1717 Park Avenue
13th Election District - 1st Councilmember
Legal Owner(s): Richard A. Baker and Robert T. Baker and Emily C. Baker
HEARINGS: MONDAY, NOVEMBER 2, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a minimum lot width of 50 feet in lieu of 55 feet and to determine design compatibility.

Lawrence B. Schmidt
Zoning Commissioner of Baltimore County

cc: Richard, Robert and Emily Baker
The Decker Group

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 20, 1992

(410) 887-3353

Mr. Richard A. Baker
Mr. Robert T. Baker
Ms. Emily C. Baker
2752 Norfen Road
Baltimore, MD 21227

RE: Item No. 104, Case No. 93-99-A
Petitioner: Richard A. Baker, et al
Petition for Variance

Dear Legal Owners:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 17th day of September, 1992.

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard A. Baker, et al

Petitioner's Attorney:

Engineering Division (Public Services)

Development Review Committee Response Form

Authorized signature: *James H. Ramsey* Date: 10/5/92

Project Name: Stonegate at Patapsco (Aerial Property)

File Number: 90476 Waiver Number: ZON DED TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1

Austin F. and Estelle R. Weber	102	9-28-92	Comment
✓ Franklin Ray and Ann Mae Sumpter	103		NC
✓ Richard A. Robert T. and Emily C. Baker			NC
✓ Michael J. and Lori Greco	105		NC
✓ Sudbrook Associates	106		Comment
✓ Philip M. and Sandra L. Cowett	108		NC
Gaetano Platania	91		Comment
✓ Kurt D. and Denise E. Zumwalt	92		NC

COUNT 8

FINAL TOTALS

COUNT 9

*** END OF REPORT ***

RECEIVED
OCT 5 1992
ZONING OFFICE

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kasoff
Administrator

Re: Baltimore County
Item No. 4104 (L36)

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winiarski:

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

Please contact David Ramsey at 410-333-1359 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David H. Ramsey
John Carantabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7688 Baltimore Metro - 682-3481 D.C. Metro - 1-800-482-5683 Statewide Toll Free
787 North Calvert St., Baltimore, Maryland 21203-8717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 30, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
September 28, 1992

The Office of Planning and Zoning has no comments on the following petition(s):

Kurt and Denise Zumwalt, Item No. 92 ✓
Austin and Estelle Weber, Item No. 102 ✓
Franklin and Ann Mae Sumpter, Item No. 103 ✓
The Decker Group, Item No. 104 ✓
Michael and Lori Greco, Item No. 105 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EHcd/PH:rdn

ITEM92.105/ZAC1

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OCT 5 1992
ZONING OFFICE

DPW/Traffic Engineering

Authorized signature: *James H. Ramsey* Date: 10/5/92

Project Name: Stonegate at Patapsco (Aerial Property)

File Number: 90476 Waiver Number: ZON DED TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

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Austin F. and Estelle R. Weber	102	9-28-92	Comment
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✓ Michael J. and Lori Greco	105		NC
✓ Sudbrook Associates	106		MIT
✓ Philip M. and Sandra L. Cowett	108		NC
Gaetano Platania	91		NC
✓ Kurt D. and Denise E. Zumwalt	92		NC

COUNT 8

Oliver Jones/Long Green Hotel 101 | | W/C || DEPRM RP STP TE | | | |

COUNT 1

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OCT 5 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee
Authorized signature: Michael N. Kelly Date: 10/05/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Claude N. and Gee Z. Pfeffer	96		8/14/92
DEPRM			<u>in process</u>
COUNT 4			
Michael and Patricia Perholtz	71		8/31/92
DEPRM			<u>in process</u>
COUNT 1			
Austin F. and Estelle R. Weber	102		9-28-92
DED DEPRM RP STP TE			<u>No Comments</u>
Franklin Ray and Ann Mae Sumpter	103		
DED DEPRM RP STP TE			<u>No Comments</u>
Richard A. Robert T. and Emily C. Baker	104		
DED DEPRM RP STP TE			<u>No Comments</u>
Michael J. and Lori Greco	105		
DED DEPRM RP STP TE			<u>in process</u>
Sudbrook Associates	106		
DED DEPRM RP STP TE			<u>in process</u>
Philip M. and Sandra L. Cowett	108		
DED DEPRM RP STP TE			<u>No Comments</u>
Gaetano Platania	91		
DED DEPRM RP STP TE			<u>No Comments</u>
Kurt D. and Denise E. Zumwalt	92		
DED DEPRM RP STP TE			<u>No Comments</u>
COUNT 8			

ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD A. BAKER AND ROBERT T. BAKER
AND EMILY C. BAKER THE DECKER GROUP

Location: #1715-1717 PARK AVENUE

Item No.: 104 (LJG) Zoning Agenda: SEPTEMBER 28, 1992

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: Carl Jerry Pflizer
Planning Group 1
Special Inspection Division

JP/KEK

Department of Recreation and Parks
Development Review Committee
Authorized signature: Michael N. Kelly Date: 10/5/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Austin F. and Estelle R. Weber	102		9-28-92
DED DEPRM RP STP TE			<u>No Comment</u>
Franklin Ray and Ann Mae Sumpter	103		
DED DEPRM RP STP TE			<u>No Comment</u>
Richard A. Robert T. and Emily C. Baker	104		
DED DEPRM RP STP TE			<u>No Comment</u>
Michael J. and Lori Greco	105		
DED DEPRM RP STP TE			<u>No Comment</u>
Sudbrook Associates	106		
DED DEPRM RP STP TE			<u>No Comment</u>
Philip M. and Sandra L. Cowett	108		
DED DEPRM RP STP TE			<u>No Comment</u>
Gaetano Platania	91		
DED DEPRM RP STP TE			<u>No Comment</u>
Kurt D. and Denise E. Zumwalt	92		
DED DEPRM RP STP TE			<u>No Comment</u>
COUNT 8			

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OCT 5 1992
ZONING OFFICE

INTER-OFFICE CORRESPONDENCE

To: Director, Office of Planning and Zoning
Attn: Erin McDaniel
County Courts Bldg, Rm 406
401 Bayview Ave
Towson, MD 21204

From: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Underlaid Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Zoning prior to this office's approval of a dwelling permit.

APPLICANT SUPPLIED INFORMATION:

☒ The Decker Group 1321 Dillon Heights Ave 21228 719-0011

☒ Lot location: 1715-17 Park Ave Election District: 13 Council District: 1 Square Feet: 6250

Land Owner: Richard, Robert + Emily Baker

Address: 2152 N. Green Road Telephone Number: 789-1946

☒ CHECKLIST OF MATERIALS: (to be submitted to the Office of Planning and Zoning)

1. Permit Application ☒ YES ☐ NO

2. Site Plan ☒ YES ☐ NO

3. Photographic Map (within 100 feet of the C&G) ☒ YES ☐ NO

4. Photographs ☒ YES ☐ NO

5. Building Elevation Drawings ☒ YES ☐ NO

6. Surrounding Neighborhood ☒ YES ☐ NO

Processing Fee Paid: Code 036-4-380
Accepted by: [Signature]
Date: 10/5/92

RECEIVED
OCT 5 1992
OFFICE OF PLANNING & ZONING

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

The Office of Planning and Zoning recommends approval of the site plan and proposed building elevations for the following reasons:

- The front yard setback matches the front yard setbacks of the adjacent houses.
- The side yard setbacks proposed do not adversely impact the houses on lots 24 & 26.
- The elevations indicate that the house is similar in proportion, height and scale to the adjacent houses. The roof height should not exceed the average height of the two adjacent dwellings.

Signed by: Erin McDaniel
For the Director, Office of Planning & Zoning

Date: 10/4/92

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: MATT DECKER ADDRESS: 1321 DILLON HEIGHTS AVE 21228

NAME: Bob Lippert ADDRESS: 1311 Park Ave 21227

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #1715 PARK AVENUE see pages 8 & 9 of the CHECKLIST for additional required information

Subdivision name: RESUBDIVISION OF LOTS NO 364 THRU 374 & A PART OF 363

Plat Book: 2, Folio 64, Map 22-1

OWNER: Thomas Baker 6522/620 Applicant: Matt Decker
Plat Book 8 Folio 64 1321 Dillon Heights Ave.
Tax Acct. No. 1302000340 Balt., Md. 21228

PETITIONER'S EXHIBIT #1

North arrow pointing up.

Scale of Drawing: 1" = 50'

Prepared by: WRD date: 2/1/92

LOCATION INFORMATION

Commuter District: 1
Election District: 13
1"=200' scale map: S.W. 4-D
Zoning: DR 55
Lot area: 0.1425 = 6250 Approx
square feet

8" SEWER: ☒
8" WATER: ☒

Chesapeake Bay Critical Area: ☐
Prior Zoning Hearing: NONE

Zoning Office USE ONLY!
reviewed by: LG ITEM #1: 104 CASE #:

OFF CATONSVILLE TEL: 701-744-1160 Oct 05/92 14:41 No.009 P.01

RECEIVED
OCT 5 1992
OFFICE OF PLANNING & ZONING

COVER SHEET

DATE: 10-5

PLEASE DELIVER THE FOLLOWING DOCUMENT TO:

NAME: MS. Carolyn Beatty

FROM: MATT DECKER

NUMBER OF PAGES: _____ (INCLUDING COVER SHEET)

COMMENTS: Sorry for the delay
Re: Variance for Park Ave

☐ Original will follow in mail
☐ Original will not follow in mail

PLEASE CALL US IF THIS TRANSMISSION IS INCOMPLETE OR NOT LEGIBLE.

OFFICE PHONE # (410) 744-4100 FAX # (410) 744-1160

OFF CATONSVILLE TEL: 701-744-1160 Oct 05/92 14:42 No.009 P.02

RECEIVED
OCT 5 1992
OFFICE OF PLANNING & ZONING

PETITIONER'S EXHIBIT #2

RYLAND BUILDING SYSTEMS
The Builder's Builder™

