

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Garrett Avenue, 320 ft. SW
of Sulphur Spring Road * ZONING COMMISSIONER
5510 Garrett Avenue
13th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Gary L. Corn, et ux * Case No. 96-26-A
Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5510 Garrett Avenue in southwestern Baltimore County. The Petition is filed by Gary L. Corn and Susan L. Corn, his wife, property owners, through Albert T. Rayner, builder. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a front building setback of as close as 20 ft. in lieu of the required 25 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case were Gary and Susan Corn, Petitioners. Also present was Albert T. Rayner, builder. Evelyn S. Revels, Dorothy V. Briscoe and Mildred L. Williams, all from the Cowdensville Improvement Association, also appeared in opposition.

Testimony and evidence presented was that the subject property is approximately 8,063 sq. ft. in area and is zoned D.R.5.5. The property was unimproved, however, a single family dwelling is now under construction. Apparently, Mr. and Mrs. Corn acquired the property on December 30, 1994 from Mr. Rayner. As part of the transaction, Mr. Rayner agreed to construct a single family dwelling on the site.

The property was originally part of a larger lot owned by Cornelia E. Matthews. A note in the file shows that when the Petition was filed by

ORDER RECEIVED FOR FILING
Date 2/24/95
By M. Horvath

MICROFILMED

Mr. Rayner, John L. Lewis, Planner II, in the Office of Permits and Development Management, strongly recommend that Mr. Rayner produce at the public hearing a record of the subdivision of this property. Despite this advice, Mr. Rayner did not produce this information.

This Zoning Commissioner, himself, researched this information subsequent to the hearing. Records within Baltimore County were found indicating that the entire tract was subdivided through the minor subdivision process under project 93-062-M. Those records show that the entire parcel was approximately .44 acres in gross area and contained frontage on Sulphur Spring Road and Garrett Avenue. The property was subdivided so as to create two building lots, one facing each street. The lot fronting Sulphur Spring Road has been improved and an existing dwelling is situated thereon.

As to the subject lot, which fronts Garrett Avenue, the minor subdivision plan shows the building envelope which would allow for the construction of a single family dwelling within same, without the need for variances. However, apparently when Mr. Rayner, and/or his agents, were laying out the house for construction, an error was made in the field survey. The house, presently under construction and nearly finished, is outside of the building envelope. Specifically, it is located too close to the front property line, as required by the zoning regulations. Thus, the above requested variance is sought.

I also conducted a site inspection of the property. That site inspection shows that Garrett Avenue is a narrow and winding residential road which leads from Sulphur Spring Avenue and deadends a short distance from the subject lot. Garrett Avenue features several single family dwellings on both sides of same, however, it appears that the road is lightly trav-

eled. The road is not a thru street and the number of single family houses abutting the road are few.

The variance which is requested actually relates to the area within the County right of way. As the plat shows, Garrett Avenue is now only approximately 10 ft. in width, however, a large right of way is reserved by the County for future road improvements. That right of way area extends by a distance of more than 20 ft. from the edge of the paving towards the dwelling under construction. It is questionable whether the road will ever be improved and whether the use of the right of way will ever be exercised by the County.

It is difficult to have any sympathy for Mr. Rayner. It was his error which resulted in the need for a variance, specifically, the site location of the proposed house. Moreover, at the hearing, he failed to produce the information suggested by Mr. Lewis, and he did not seem to grasp the legal requirements for variance relief to be granted, pursuant to Section 307 of the BCZR.

I am more sympathetic to Mr. and Mrs. Corn. They purchased the property from Mr. Rayner no doubt relying on his expertise as a builder and trusting that he would build a house in compliance with law.

Variance relief can be granted only if the property owners comply with the requirements contained within Section 307 of the BCZR. Therein a three part test is presented. First, the Petitioners must demonstrate that a "practical difficulty", as that term is defined by law, will result if the variance is denied. Secondly, the Petitioners must show that the proposed relief is within the spirit and intent of the regulations. Third, a variance can be granted only if there will be no adverse impact on the surrounding locale.

Practical difficulty can be found in this case owing to the unusual configuration of the lot. The front right of way/property line is not perpendicular to the side property lines and thus creates an angled frontage. This unique character of the lot presents the property owner with a practical difficulty in that the resultant building envelope is irregularly shaped. Moreover, the current location of the house is consistent with the purposes of the setback requirements. The house is set back an adequate distance from both the existing and proposed location of the road. Moreover, I see no adverse impact by the granting of the relief on the surrounding community. In this respect, I disagree with the testimony offered by the Protestants. The house is similar in architectural style and size to surrounding dwellings. This appears to be an appropriate in fill development. For all of these reasons, the variance shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of September, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a front building setback of as close as 20 ft., in lieu of the required 25 ft., be and is hereby GRANTED subject to the following restriction:

1. The 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 20, 1995

Mr. and Mrs. Gary L. Corn
3679 Mactavish Avenue
Baltimore, Maryland 21229

RE: Case No. 96-26-A
Petition for Zoning Variance
Location: 5510 Garrett Avenue

Dear Mr. and Mrs. Corn:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Albert T. Rayner
1618 Shucks Road
BelAir, Md. 21015

cc: Mrs. Evelyn S. Revels, Mrs. Dorothy V. Briscoe, Mrs. Mildred
L. Williams, c/o Cowdensville Improvement Assn.

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5510 Garrett Ave

which is presently zoned

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 hereof, hereby petition for a Variance from Section(s)

~~Front Setback~~ 1302.3.C.1 TO PERMIT A FRONT BUILDING-SETBACK OF AS CLOSE AS 20 FT. IN LIEU OF THE REQUIRED 25 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

House is under easement & cannot be moved. The driveway easement on the lot will probably never occur.

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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.

Legal Owner(s).

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

REVIEWED BY

DATE

7/21/95

(SEE NOTE)



Printed with Soybean Ink on Recycled Paper



21.

96-26-A

CONV. DESCRIPTION 5510 GARRETT AVE.
BEGINNING AT A POINT ON THE NORTH SIDE OF
GARRETT AVE. AT A DISTANCE OF 320 FT ± S.W. OF
SULPHUR SPRING ROAD THENCE NORTHERLY B.T. 79 FT. WESTERLY
99 FT. SOUTHERLY 119.98 FT. THENCE BACK TO THE POINT OF
BEGINNING. .25 AC ±
13TH ED 3RD CD.

Alta T. Kaper 7/21/95

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-76A

District 13th

Date of Posting 8/4/95

Posted for: Variance

Petitioner: Dary & Susan Gony

Location of property: 5510 Garrett Ave.

Location of Signs: Facing roadway, on property being zoned

Remarks:

Posted by

M. Kelly
Signature

Date of return:

8/12/95

Number of Signs:

1



RECEIVED (illegible)

CERTIFICATE OF PUBLICATION

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: #98-26-A
(Item 27)
5510 Garrett Avenue
N/S Garrett Avenue, 320'
SW of Sulphur Spring Road
13th Election District
3rd Councilmanic
Legal Owner(s):
Gary L. Corn and Susan
L. Corn
Hearing: Thursday
August 27, 1998 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit a front
building setback of as close as
20 feet in lieu of the required 25
feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3363.

(2) For information concern-
ing the File and/or Hearing, Plea-
se Call 887-3391.
8/084 Aug. 3. T

TOWSON, MD.,

Aug. 4, 1998

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 1 successive
weeks, the first publication appearing on Aug 3, 1998.

THE JEFFERSONIAN,

A. Henrichs

LEGAL AD. - TOWSON

Publisher

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

7 BY JLL
No. 00765A

DATE 7/21/95 ACCOUNT 96-26-A
R0016150

AMOUNT \$ 85.00

RECEIVED FROM: RAYMON BLDS.

FOR: RV & SIGN.
5510 Garrett Ave
BALTIMORE, MD 21206
Tel: (410) 321-1234

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 27

Petitioner: Mr. & Mrs. Gary Corn

Location: 5510 Garrett Ave Baltimore Md

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Raymore Builders Inc

ADDRESS: 1618 Schuch Rd

Bel Air, Md 21015

PHONE NUMBER: 494-2885

AJ:ggs

MICROFILMED

(Revised 04/09/93)



NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 31, 1995

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: 96-26-A (Item 27)
5510 Garrett Avenue
N/S Garrett Avenue, 320' SW of Sulphur Spring Road
13th Election District - 3rd Councilman
Legal Owner(s): Gary L. Corn and Susan L. Corn
HEARING: THURSDAY, AUGUST 24, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a front building setback of as close as 20 feet in lieu of the required 25 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Gary and Susan Corn
Albert T. Rayner

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

August 9, 1995

Mr. and Mrs. Gary L. Corn
3679 Mactavish Avenue
Baltimore, Maryland 21229

RE: Item No.: 27
Case No.: 96-26-A
Petitioner: G. L. Corn, et ux

Dear Mr. and Mrs. Corn:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED
AUG 10 1995
BALTIMORE COUNTY



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 7, 1995
Items 020, 021, 022, 024, 025, 026 and 027 *(circled)*

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/31/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 31, 1995.

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 17, 18, 19, 20, 21, 22,
23, 24, 25 AND 27.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED

AUG 1 1995

ZADM





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-28-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 027 (JLL)

Dear Ms. Watson:

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 Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

RECEIVED

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 7/31/95

DATE: 7/31/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 17

18

24

25

26

(27)

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: July 21, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, PDM

SUBJECT: Item #27
5510 Garrett Avenue

This is the second filing attempt lacking information.

This is subject of zoning violation #95-286. Apparently a dwelling is being constructed outside of the building envelope.

Per Mr. Raynor (builder/applicant's representative), this was part of a recent minor subdivision for which he has no information as to approval numbers of file references. According to him the original lots were approved for sub by the county and the original overall lot size did not exceed an acre. I strongly advised he have the approval (minor subdivision) records at the hearing.

Based on BCZR requirements (and Mr. Raynor's information), the small lot table would apply, not the large lot table reference cited in the violation.

I advised applicant's representative that they are responsible for the correct information being provided on the plans and forms.

JLL:scj

2025-07-21



Baltimore County
Department of Permits and
Development Management

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

October 27, 1995

Mr. Rex Scaggs
American National
211 North Liberty Road
Baltimore, MD 21201

RE: Zoning Variance
5510 Garrett Avenue
Gary L. Corn, et ux
Case No. 96-26-A

Dear Mr. Scaggs:

The thirty-day appeal period has expired for the above-referenced case and no appeal(s) have been submitted.

I trust the above is responsive to your request. Should you have any questions, please contact Julie A. Winiarski on 887-3353.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a small "Jaw" written below it.

Arnold Jablon
Director

AJ:JAW:jaw

cc: Mr. and Mrs. Gary L. Corn



RE: PETITION FOR VARIANCE
5510 Garrett Avenue, N/S Garrett Ave.,
320' SW of Sulphur Spring Road, 13th
Election District, 3rd Councilman

Gary L. and Susan L. Corn
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-26-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Albert T. Rayner, 1618 Shulis Road, Bel Air, MD 21015, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

RECEIVED
AUG 14 1995

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Al Rayner
1618 9th Ave NW
Bldg 21015

Gary + Susan Corn
302 High Rock Ct.
Baltimore, Md. 21225



2008-08-15

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Rep.
Cowdells
ville
Improvement
Assoc
Evelyn S. Revels

DOROTHY V. BRISCOE

Mildred L. Williams

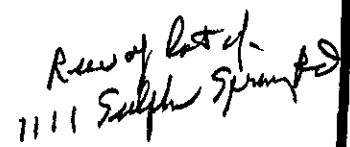
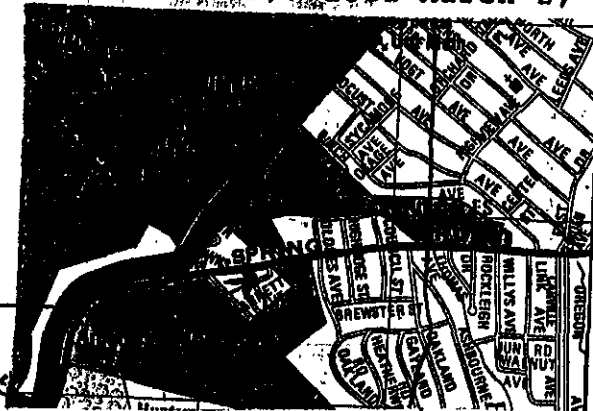
1111 Sulphur Spring Rd. 21227

1108 SULPHUR SPRING RD 21227

3 Garrett Avenue 21227

NOTE:

21



1107 Pears of ~~last~~ Sulphur Spring

Pa Noi

I ACCEPT RESPONSIBILITY
FOR THE ACCURACY OF ALL INFORMATION
ON THIS PLAN AND PETITION.

Albert T. Rayner

7/21/95

96-26-A
MICROFILMED
PLAN TO ACCOMPANY ZONING
VARIANCE

OWNERS: GARY AND SUSAN CORM
3679 MACTAVISH AVE.

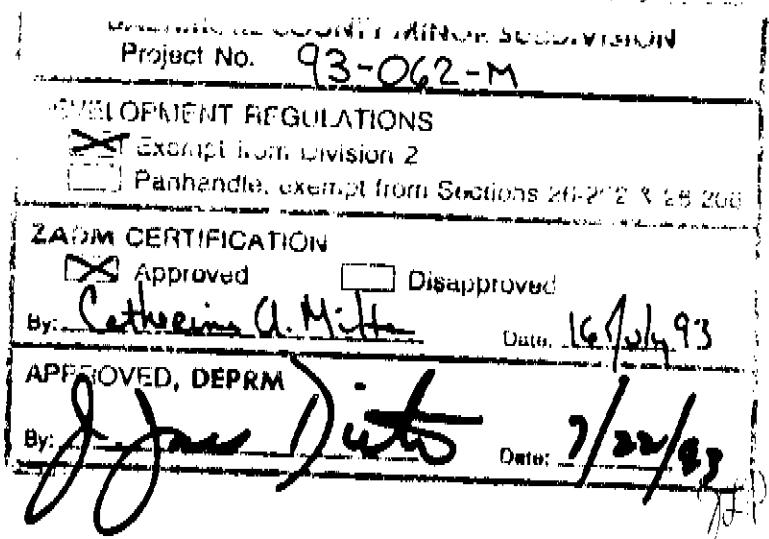
BLDG PERMIT#

B222040

SITE ADDRESS
5510 GARRETT AVE.

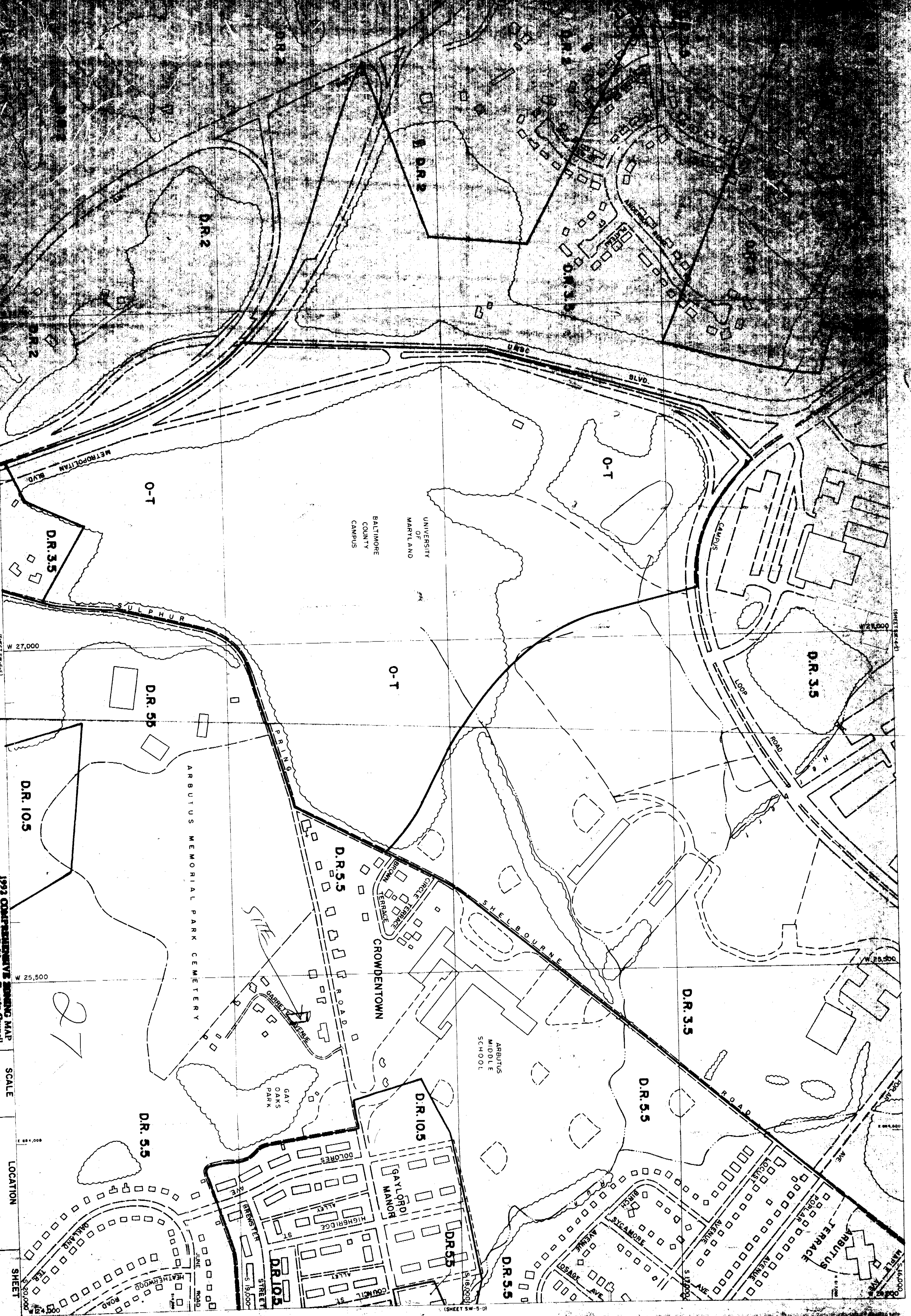
This is to certify that I have located the improvements on the lot shown hereon, and that said improvements exist, and that said improvements lie entirely within the boundaries except as shown hereon.

This plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with a contemplated transfer, financing or refinancing.



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 26, 1993		SCALE 1" = 200'	LOCATION CROWDENTOWN	SHEET 5-E
DATE OF PHOTOGRAPHY JANUARY 1986				



96-26-H



Case #
96-26 A

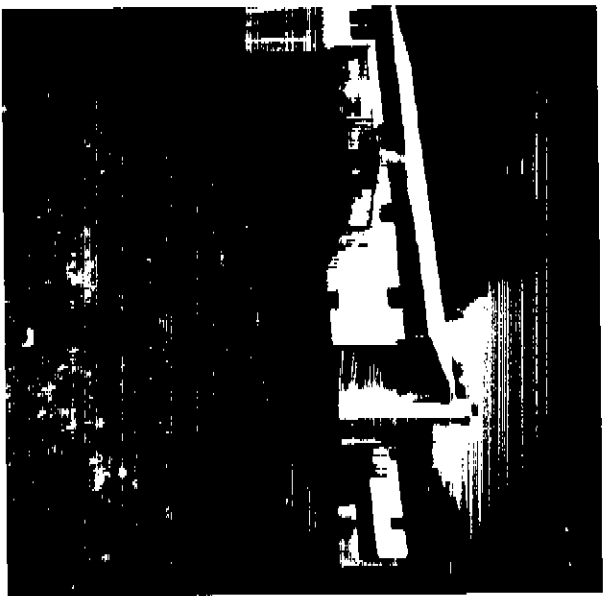
20-25 ft. to graves
in this area. Completely
disregarded.



Distance between
homes
Tree marks end of property



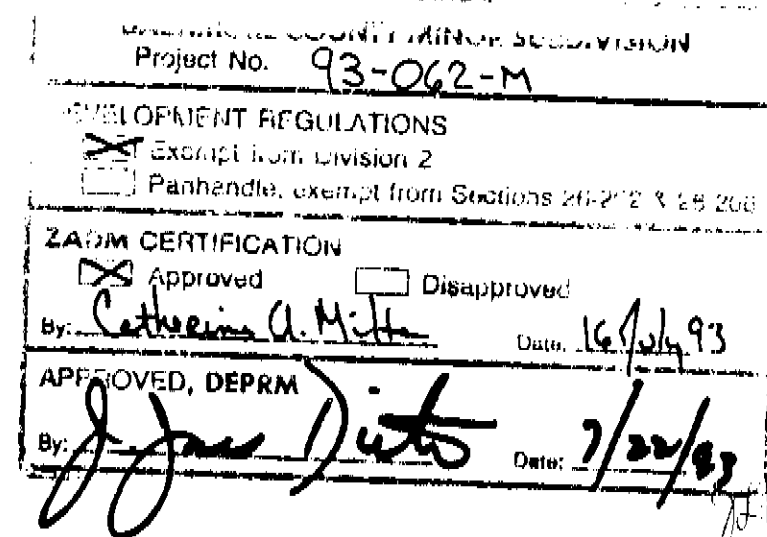
Distance between
homes
Tree is marker



Typical Construction,
house directly in front
of house



Frontage of new
home on Garrett Ave.

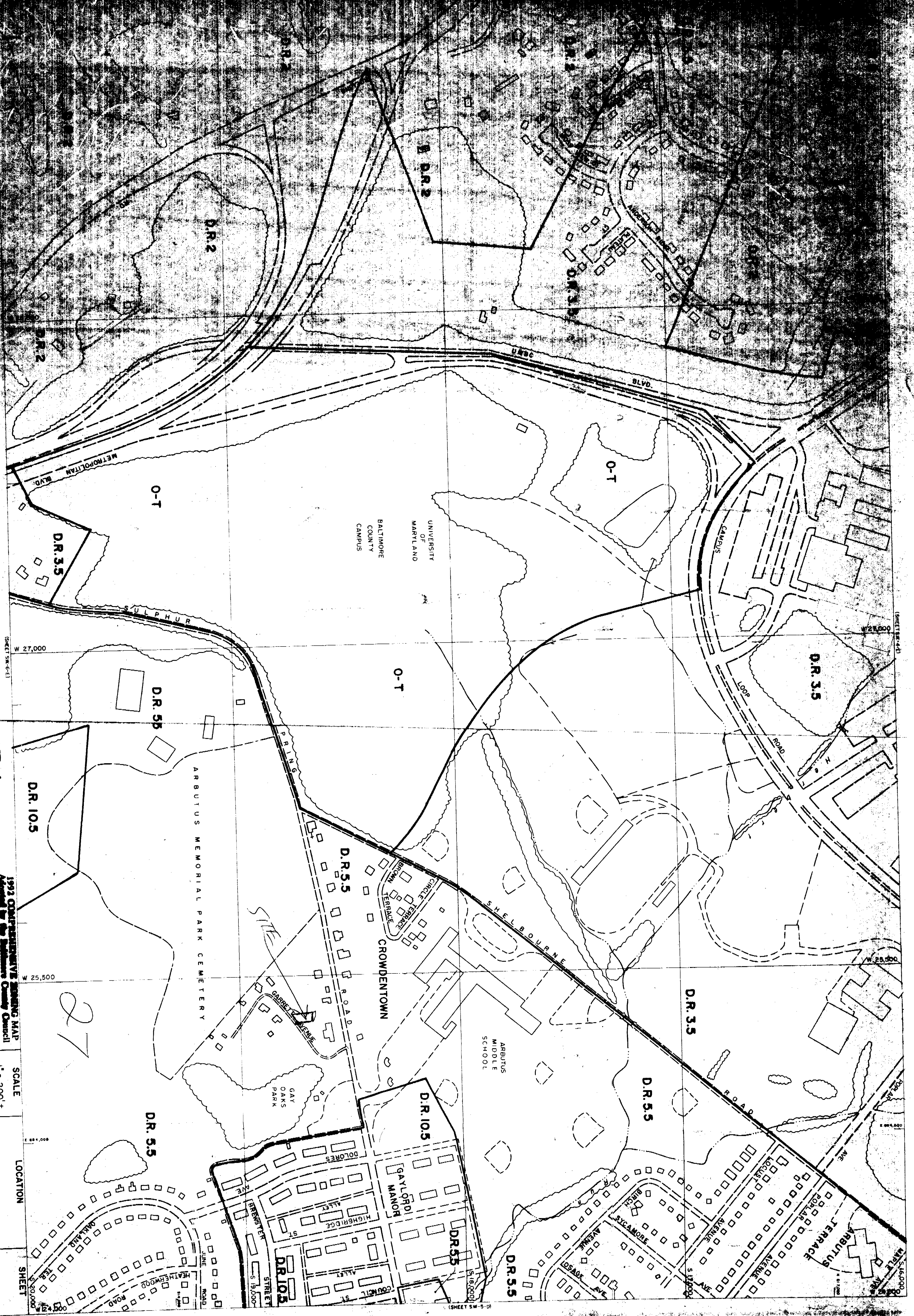


BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 26, 1993

SCALE 1" = 200'	LOCATION CROWDENTOWN	SHEET 5-E
DATE OF PHOTOGRAPHY JANUARY 1986		

96-26-H





Case #
96-26 A

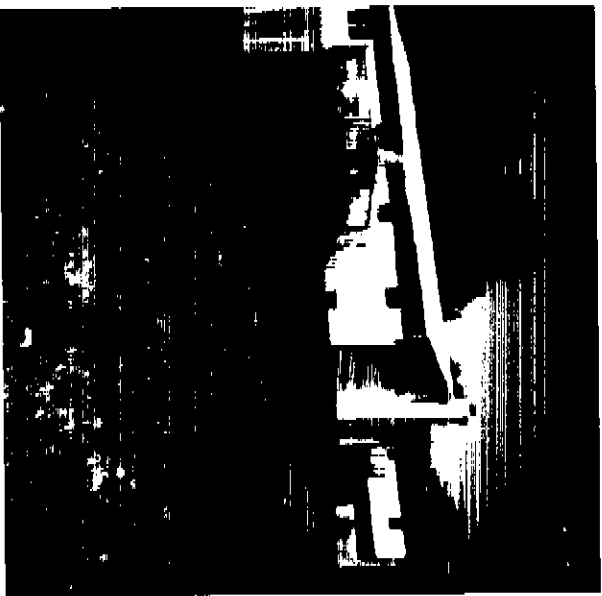
20-25 ft. to graves
in this area. Completely
disregarded.



Distance between
homes
Tree marks end of property



Distance between
homes
Tree is marker



Typical Construction,
house directly in front
of house



Frontage of new
home on Garrett Ave.

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Garrett Avenue, 320 ft. SW * ZONING COMMISSIONER
of Sulphur Spring Road *
5510 Garrett Avenue *
13th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Gary L. Corn, et ux * Case No. 96-26-A
Petitioners * *

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Appearing at the public hearing held for this case were Gary and Susan Corn, Petitioners. Also present was Albert T. Rayner, builder.

Evelyn S. Revels, Dorothy V. Briscoe and Mildred L. Williams, all from the Cowdensville Improvement Association, also appeared in opposition.

Testimony and evidence presented was that the subject property is approximately 8,063 sq. ft. in area and is zoned D.R.S.5. The property was unimproved, however, a single family dwelling is now under construction. Apparently, Mr. and Mrs. Corn acquired the property on December 30, 1994 from Mr. Rayner. As part of the transaction, Mr. Rayner agreed to construct a single family dwelling on the site.

The property was originally part of a larger lot owned by Cornelia E. Matthews. A note in the file shows that when the Petition was filed by

Mr. Rayner, John L. Lewis, Planner II, in the Office of Permits and Development Management, strongly recommend that Mr. Rayner produce at the public hearing a record of the subdivision of this property. Despite this advice, Mr. Rayner did not produce this information.

This Zoning Commissioner, himself, researched this information subsequent to the hearing. Records within Baltimore County were found indicating that the entire tract was subdivided through the minor subdivision process under project 93-062-M. Those records show that the entire parcel was approximately .44 acres in gross area and contained frontage on Sulphur Spring Road and Garrett Avenue. The property was subdivided so as to create two building lots, one facing each street. The lot fronting Sulphur Spring Road has been improved and an existing dwelling is situated thereon.

As to the subject lot, which fronts Garrett Avenue, the minor subdivision plan shows the building envelope which would allow for the construction of a single family dwelling within same, without the need for variances. However, apparently when Mr. Rayner, and/or his agents, were laying out the house for construction, an error was made in the field survey. The house, presently under construction and nearly finished, is outside of the building envelope. Specifically, it is located too close to the front property line, as required by the zoning regulations. Thus, the above requested variance is sought.

I also conducted a site inspection of the property. That site inspection shows that Garrett Avenue is a narrow and winding residential road which leads from Sulphur Spring Avenue and deadends a short distance from the subject lot. Garrett Avenue features several single family dwellings on both sides of same, however, it appears that the road is lightly trav-

eled. The road is not a thru street and the number of single family houses abutting the road are few.

The variance which is requested actually relates to the area within the County right of way. As the plat shows, Garrett Avenue is now only approximately 10 ft. in width, however, a large right of way is reserved by the County for future road improvements. That right of way area extends by a distance of more than 20 ft. from the edge of the paving towards the dwelling under construction. It is questionable whether the road will ever be improved and whether the use of the right of way will ever be exercised by the County.

It is difficult to have any sympathy for Mr. Rayner. It was his error which resulted in the need for a variance, specifically, the site location of the proposed house. Moreover, at the hearing, he failed to produce the information suggested by Mr. Lewis, and he did not seem to grasp the legal requirements for variance relief to be granted, pursuant to Section 307 of the BCZR.

I am more sympathetic to Mr. and Mrs. Corn. They purchased the property from Mr. Rayner no doubt relying on his expertise as a builder and trusting that he would build a house in compliance with law.

Variance relief can be granted only if the property owners comply with the requirements contained within Section 307 of the BCZR. Therein a three part test is presented. First, the Petitioners must demonstrate that a "practical difficulty", as that term is defined by law, will result if the variance is denied. Secondly, the Petitioners must show that the proposed relief is within the spirit and intent of the regulations. Third, a variance can be granted only if there will be no adverse impact on the surrounding locale.

practical difficulty can be found in this case owing to the unusual configuration of the lot. The front right of way/property line is not perpendicular to the side property lines and thus creates an angled frontage. This unique character of the lot presents the property owner with a practical difficulty in that the resultant building envelope is irregularly shaped. Moreover, the current location of the house is consistent with the purposes of the setback requirements. The house is set back an adequate distance from both the existing and proposed location of the road. Moreover, I see no adverse impact by the granting of the relief on the surrounding community. In this respect, I disagree with the testimony offered by the Protestants. The house is similar in architectural style and size to surrounding dwellings. This appears to be an appropriate in fill development. For all of these reasons, the variance shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of September, 1995 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a front building setback of as close as 20 ft., in lieu of the required 25 ft., be and is hereby GRANTED subject to the following restriction:

1. The 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.

LES/mmm

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 20, 1995

Mr. and Mrs. Gary L. Corn
3679 Mactavish Avenue
Baltimore, Maryland 21229

RE: Case No. 96-26-A
Petition for Zoning Variance
Location: 5510 Garrett Avenue

Dear Mr. and Mrs. Corn:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 687-3353.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att:

cc: Mr. Albert T. Rayner
1618 Shucks Road
Bel Air, MD 21015

cc: Mrs. Evelyn S. Revels, Mrs. Dorothy V. Briscoe, Mrs. Mildred L. Williams, c/o Cowdensville Improvement Assn.



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 5510 Garrett Ave.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO PERMIT A FRONT BUILDING SETBACK OF AS CLOSE AS 20 FT. IN LIEU OF THE REQUIRED 25 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

House is under roof & cannot be moved, the driveway easement on the lot will probably never occur.

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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

When so solemnly sworn and affirmed 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)

(Type or Print Name)

Signature

Address

City

State

Zip Code

Signature

Address

City

State

Zip Code

Signature

Address

City

State

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

DATE: 7/21/95 ACCOUNT: 8006180

AMOUNT: \$ 85.00

RECEIVED FROM: RAYMOND BLDS.

FOR: RV SIGN
5510 Garrett Ave.

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 27

Petitioner: Mr. & Mrs. Gary Corn

Location: 5510 Garrett Ave. Little Rock

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Raymond Butler Inc.

ADDRESS: 1618 Shucks Rd.
Bel Air, Md 21015

PHONE NUMBER: 494-2585

Printed with Soybean Ink on Recycled Paper (Revised 04/09/93)

TO: POTTENT PUBLISHING COMPANY
August 3, 1995 Issue - Jeffersonian

Please forward billing to:

Albert T. Rayner
1618 Shucks Road
Bel Air, Maryland 21015
494-2585

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: 96-26-A (Item 27)
5510 Garrett Avenue
N/S Garrett Avenue, 320' SW of Sulphur Spring Road
13th Election District - 3rd Councilman
Legal Owner(s): Gary L. Corn and Susan L. Corn
HEARING: THURSDAY, AUGUST 24, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a front building setback of as close as 20 feet in lieu of the required 25 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 31, 1995

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:

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Variance to permit a front building setback of as close as 20 feet in lieu of the required 25 feet.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Gary and Susan Corn
Albert T. Rayner

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3610

August 9, 1995

Mr. and Mrs. Gary L. Corn
3679 MacLavish Avenue
Baltimore, Maryland 21229

RE: Item No.: 27
Case No.: 96-26-A
Petitioner: G. L. Corn, et ux

Dear Mr. and Mrs. Corn:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 7, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 7, 1995
Items 020, 021, 022, 024, 025, 026 and 027

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/31/95

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 31, 1995.

Item No.: SEE BELOW Zoning Agenda:

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 project.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 17, 18, 19, 20, 21, 22, 23, 24, 25 AND 27.

RECEIVED
AUG 1 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 027 (JLL)

Dear Ms. Watson:

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 Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 7/31/95

DATE: 7/31/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 17
18
24
25
26
27

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: July 21, 1995
TO: Hearing Officer
FROM: John L. Lewis
Planner II, PDM
SUBJECT: Item #27
5510 Garrett Avenue

This is the second filing attempt lacking information.
This is subject of zoning violation #95-286. Apparently a dwelling is being constructed outside of the building envelope.

Per Mr. Raynor (builder/applicant's representative), this was part of a recent minor subdivision for which he has no information as to approval numbers of file references. According to him the original lots were approved for sub by the county and the original overall lot size did not exceed an acre. I strongly advised he have the approval (minor subdivision) records at the hearing.

Based on BCZR requirements (and Mr. Raynor's information), the small lot table would apply, not the large lot table reference cited in the violation.

I advised applicant's representative that they are responsible for the correct information being provided on the plans and forms.

JLL:scj



Baltimore County
Department of Permits and
Development Management

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

October 27, 1995

Mr. Rex Scaggs
American National
211 North Liberty Road
Baltimore, MD 21201

RE: Zoning Variance
5510 Garrett Avenue
Gary L. Corn, et ux
Case No. 96-26-A

Dear Mr. Scaggs:

The thirty-day appeal period has expired for the above-referenced case and no appeal(s) have been submitted.

I trust the above is responsive to your request. Should you have any questions, please contact Julie A. Winiarski on 887-3353.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ:JAW:jaw

cc: Mr. and Mrs. Gary L. Corn

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR VARIANCE
5510 Garrett Avenue, N/S Garrett Ave.,
320' SW of Sulphur Spring Road, 13th
Election District, 3rd Councilman
Gary L. and Susan L. Corn
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-26-A

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Albert T. Rayner, 1618 Shulis Road, Bel Air, MD 21015, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
AUG 14 1995
DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
A. Raynor	
1418 Richmond Rd	
Bel Air, Md 21015	
Gary & Susan Corn	
302 High Rock Ct.	
Baltimore, MD 21225	

Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

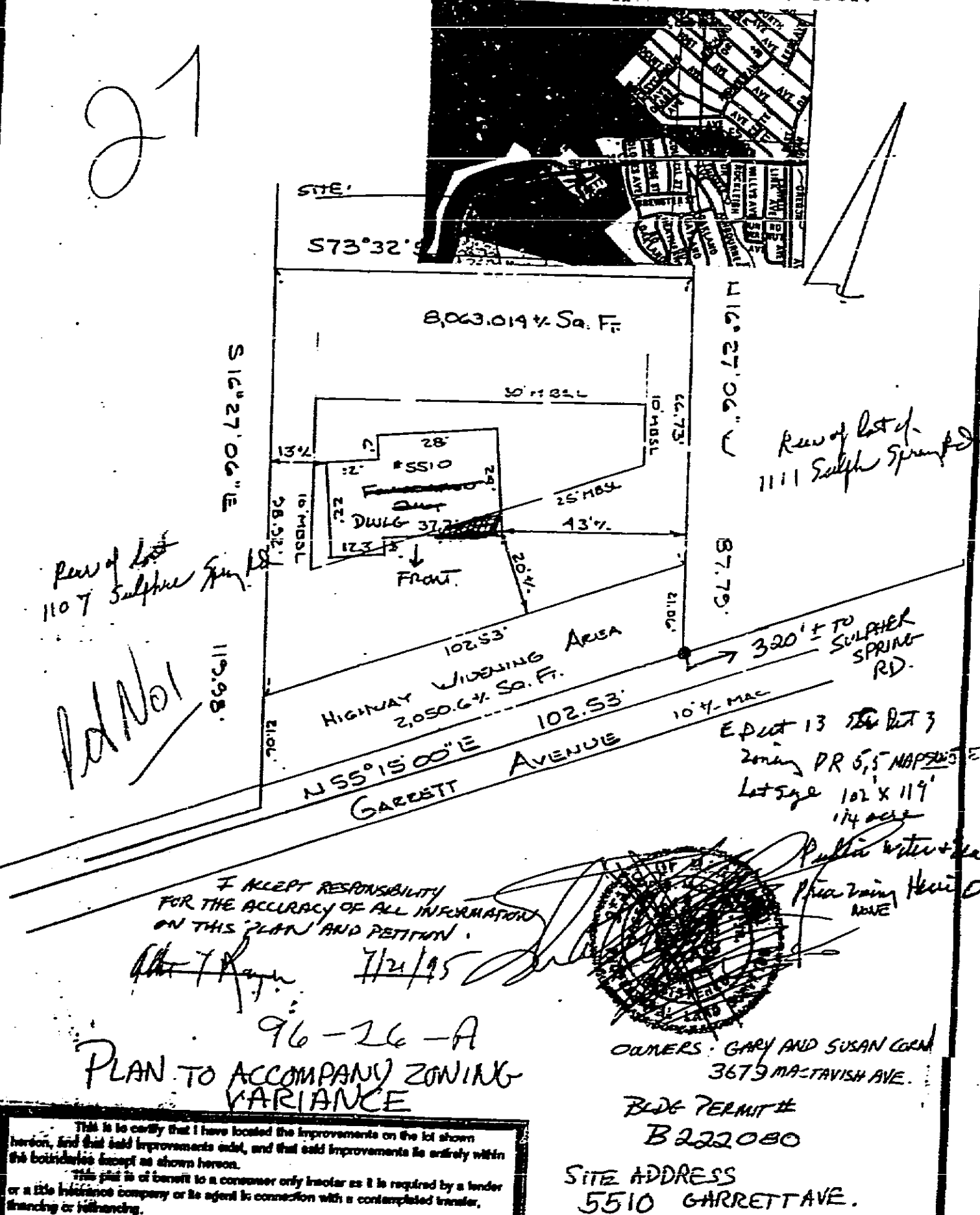
NAME	ADDRESS
Evelyn S. Revels	1111 Sulphur Spring Rd 21227
Dorothy V. BRISCOE	1108 Sulphur Spring Rd 21227
Michael Williams	3 Garrett Avenue 21227

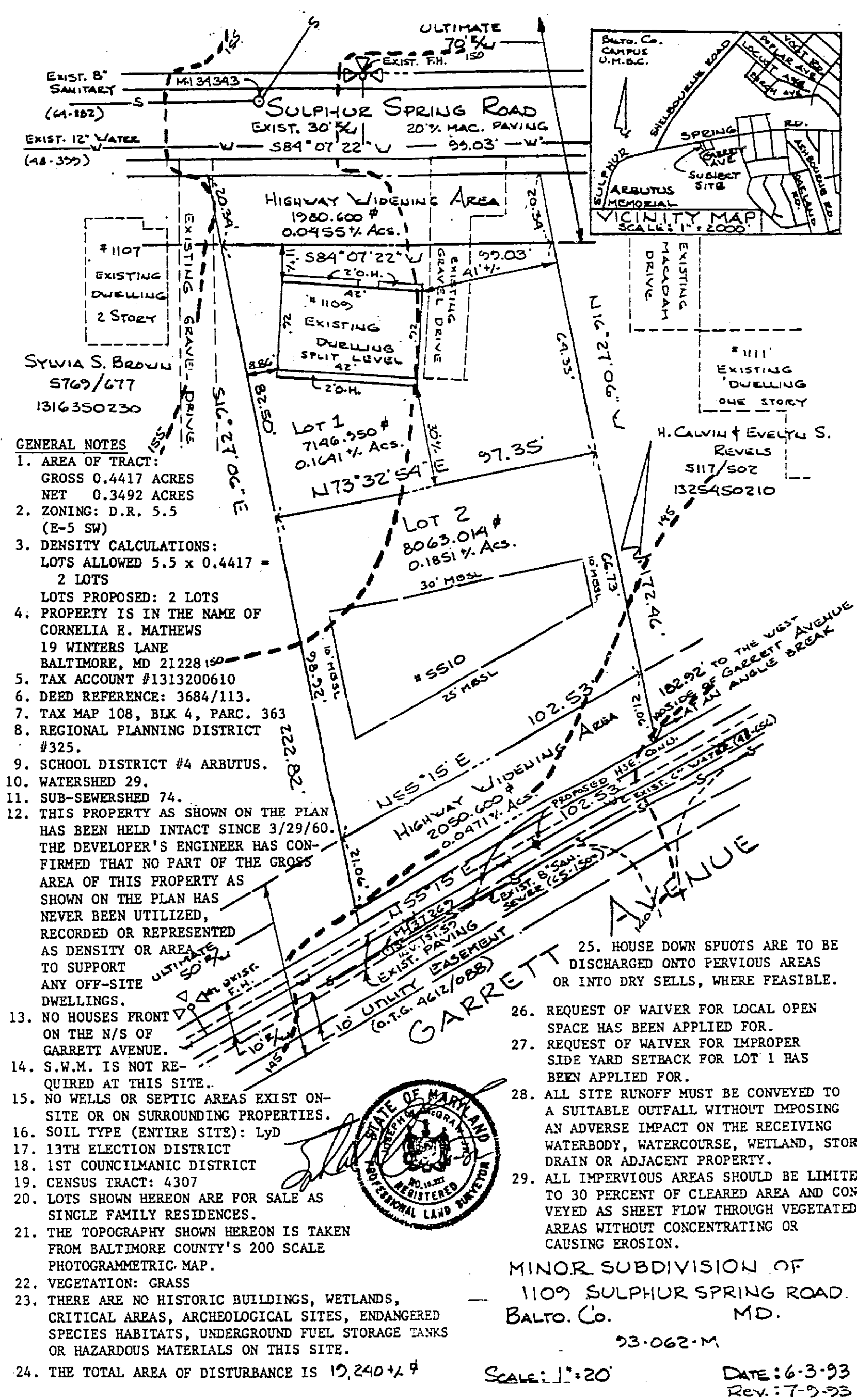
Printed with Soybean Ink
on Recycled Paper

Plot showing property known as 5510 Garrett Avenue, Baltimore County, Maryland.

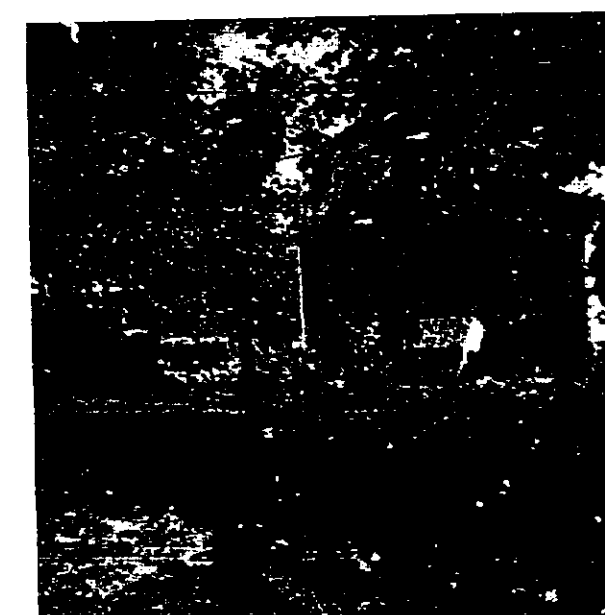
NOTE:

The property shown hereon lies within a Zone 'C' Flood Plain according to Community Panel #240010 0505.B, dated March 2, 1981.



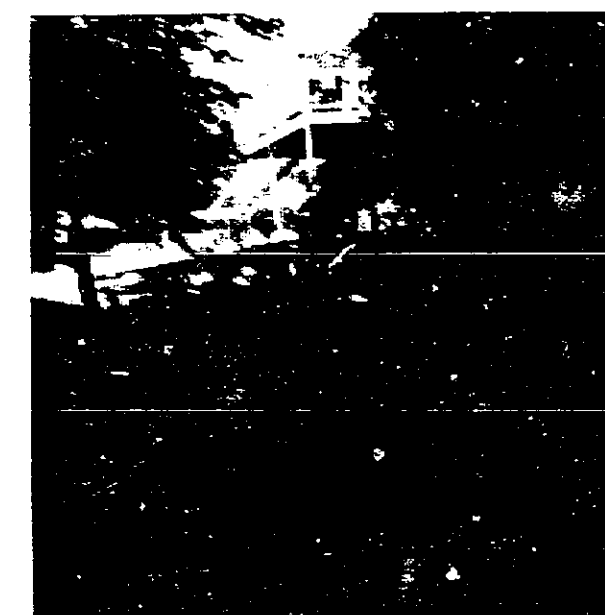


BALTIMORE COUNTY MINOR SUBDIVISION	
Project No. 93-062-M	
DEVELOPMENT REGULATIONS	
☒	Exempt from Division 2
☐	Paraphrase, exempt from Sections 21-212 & 29-268
ZADM CERTIFICATION	
☒	Approved
☐	Disapproved
By: <i>C. A. Math</i>	Date: 6/1/93
APPROVED, DEPRM	
By: <i>J. J. Dito</i>	Date: 7/20/93

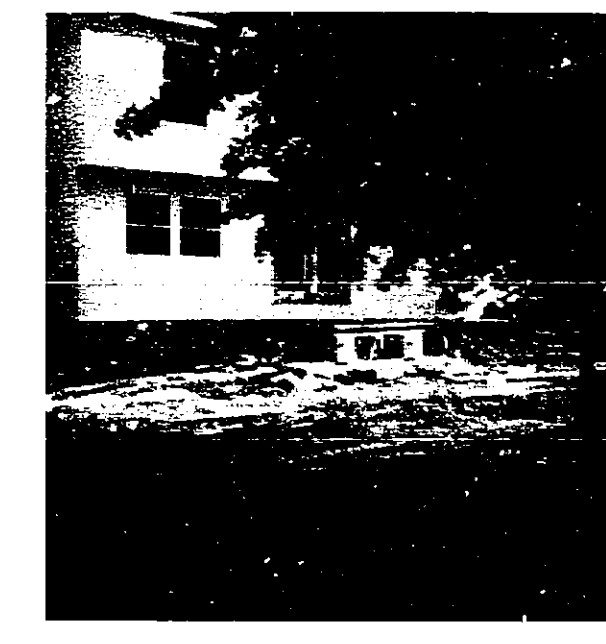


Case #
96-26-A

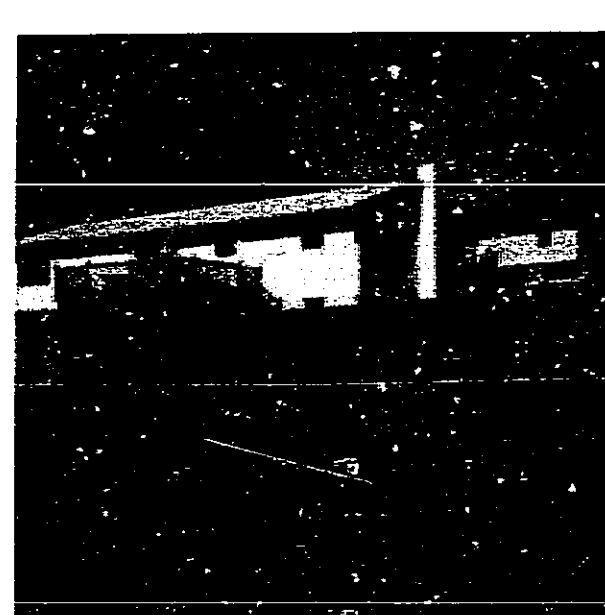
20-25 ft. to graves
in this area. Completely
disregarded.



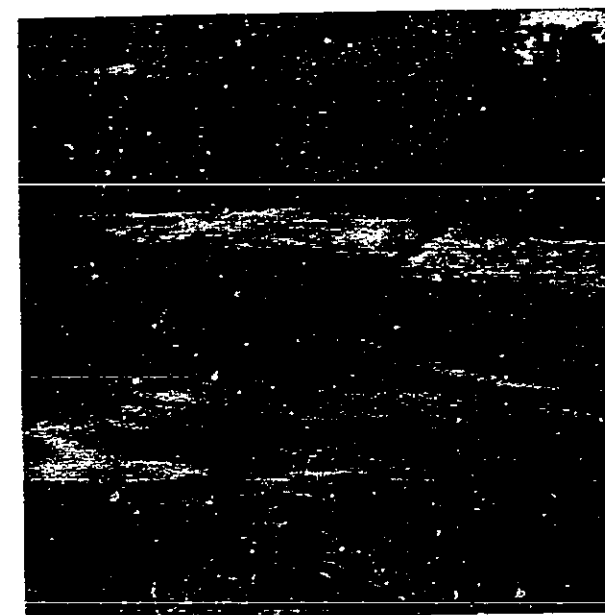
Distance between
homes
Tree marks end of property



Distance between
homes
Tree is marker



Typical Construction
House directly in front
of house



Frontage of new
home on Garrett Ave.

