

* * * * *

This matter comes before the Zoning Commissioner as an administrative variance filed by Wayne D. Bryant and Neva A. Bryant, his wife, for that property known as 111 Windtree Valley Road in the Windtree Valley subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the last approval Final Development Plan for lot No. 40 of Windtree Valley. The property and relief sought are more particularly described on Petitioners' Exh. No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the BCZR, upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

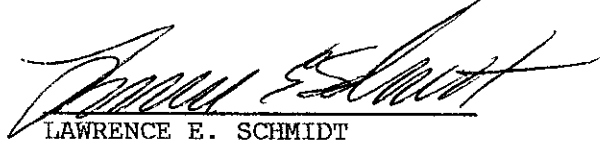
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November 1997, that the Petition for a Residential Variance from Section 400 of the BCZR to allow an accessory structure (garage) to be located in the front yard, in lieu of the required rear yard; and to amend the last approved Final Development Plan for lot No. 40 of Windtree Valley, be and is hereby GRANTED, subject, however, to the following restrictions:

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.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

11/19/97
Mr. Howard



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

111 WINDTREE VALLEY ROAD

which is presently zoned

RC 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) 400(BCZR) TO PERMIT A

PROPOSED ACCESSORY STRUCTURE (A GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR LOT 40 OF WINDTREE VALLEY

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

SEE AFFIDAVIT

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/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY:

DATE:

10/23/97

ESTIMATED POSTING DATE:

11/02/97

Printed with Soybean Ink
on Recycled Paper

ITEM #:

161

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 111 WINDTACE VALLEY ROAD
address
PARKTON, MD 21120
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

Hardship exists if I build garage in accordance with existing 50' setback I will be within 1' of my well, or over-top my sewage drain fields. Other locations for the proposed structure (south east corner, south west corner) will either interfere with existing drain fields or cause removal of large Oak trees. The proposed location is ideal because ground topography is flat, requires little excavation, and no interruption with existing trees or other potential erosion problems. The proposed setback change from 50' to 12' will allow the structure to most accessible for use, cause no environmental change. and is the most suitable location on the property. **I have discussed the proposal with my neighbors, and they are not opposed to the location.**

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Wayne D Bryant
(signature)
Wayne D Bryant
(type or print name)



Neva A Bryant
(signature)
Neva A Bryant
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of October, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Wayne A Bryant & Neva A Bryant

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10-16-97
date

Bonnie L Eckard
NOTARY PUBLIC

My Commission Expires:

BONNIE L. ECKARD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2000



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 111 WINDTNER VALLEY ROAD
which is presently zoned RC 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) 400 (BC2R) TO PERMIT A PROPOSED ACCESSORY STRUCTURE (A GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR LOT 40 OF WINDTNER VALLEY

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

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Property is to be posted and advertised as prescribed by Zoning Regulations.

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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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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

A Public Hearing having been requested and/or found to be required, it is ordered, by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: _____ DATE: _____

ESTIMATED POSTING DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: 161

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That the Affiant(s) does/do presently reside at 111 WINDTREE VALLEY ROAD
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PARKTON, MD 21120
City State Zip Code

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That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

WAYNE D BRYANT
(signature)
Wayne D. Bryant
(type or print name)



NEVA A BRYANT
(signature)
Neva A. Bryant
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of October, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Wayne D Bryant + Neva A Bryant

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/16/97
date

Bonnie L Eckard
NOTARY PUBLIC

My Commission Expires:

BONNIE L. ECKARD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2000

161

98-161-A

Zoning Description:

Zoning Description for 111 Windtree Valley, Parkton Maryland,

Beginning at the junction of North York Road and Windtree Valley, just south of the 7th District elementary school, is the development of Windtree Valley. 111 Windtree is located at the end of the second cul-de-sac west of the for mentioned junction, and is the last lot (#40) in the cul-de-sac. Being know and designated as Lot No 40, as shown on the Plat entitled "Windtree Valley" which plat is recorded among the Land Records of Baltimore County in Plat Book SM N0.60, folio 004.

THENCE 450 FT WEST ALONG
THE SOUTH SIDE OF WINDTREE RD,



Baltimore County
Department of Permits and
Development Management

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

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 161

Petitioner: BRYANT

Location: 111 WINDTREE VALLEY RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WAYNE D. BRYANT

ADDRESS: 111 WINDTREE VALLEY ROAD
PARKTON, MARYLAND 2120

PHONE NUMBER: (410) - 329 - 6312

AJ:ggs

(Revised 09/24/96)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

044450

ALL
161

DATE

10/23/97

ACCOUNT

R0016150

AMOUNT

\$ 100.00

RECEIVED
FROM:

BRYANT.

FOR:

RES VAR + AMEND.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-161-A

PAID RECEIPT

PROCESS

ACTUAL

TIME

0/23/1997 10/23/1997 10:07:15

REC 1502 CASHIER JRIC JNR 09/01/97

5 MISCELLANEOUS CASH RECEIPT

Receipt #

019541

CR NO. 044450

100.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

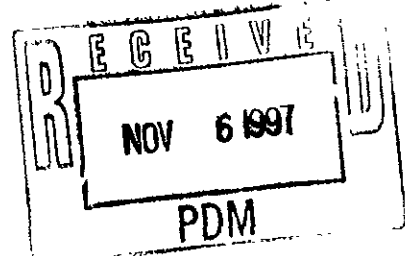
RE: Case No.: 98-161-A

Petitioner/Developer: _____

WAYNE O. BRYANT

Date of Hearing/Closing: 11/12/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204



Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

111 WINDTREE VALLEY RD.

The sign(s) were posted on 11/02/97
(Month, Day, Year)

111 WINDTREE VALLEY RD



Sincerely,

Richard E. Hoffman 11/2/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 98-161-A

POSTED 11/02/97

Richard E. Hoffman 11/2/97

Request for Zoning: Administrative Variance

11/02/97

Date to be Posted: Anytime before but no later than ~~11/02/97~~

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 28-161-A

A VARIANCE TO PERMIT A PROPOSED ~~GARAGE~~ ACCESSORY
STRUCTURE IN THE FRONT YARD, (PROPOSED GARAGE) IN LIEU
OF THE REQUIRED REAR YARD.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING/REVIEW BUREAU BEFORE 5:00 P.M. ON

11/17/97

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

October 31, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-161-A
111 Windtree Valley Road
S/S Windtree Valley Road, 450' W of York Road
7th Election District - 3rd Councilmanic District
Legal Owner: Wayne D. Bryant & Neva A. Bryant
Post by Date: 11/2/97
Closing Date: 11/17/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 410-887-3391. This notice serves as a refresher regarding the administrative process.

1. The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
2. The "Closing Date" noted above is the deadline for a neighbor to file a formal request for a public hearing.
3. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/she may: (a) grant the requested relief, (b) deny the requested relief, or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to a public hearing.
4. In cases that must go to a public hearing (whether due to a neighbor's formal request or by order the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time, and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Wayne & Neva Bryant





Baltimore County
Department of Permits and
Development Management

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

November 12, 1997

Mr. and Mrs. Wayne Bryant
111 Windtree Valley Road
Parkton, MD 21120

RE: Item No.: 161
Case No.: 98-161-A
Petitioner: Wayne Bryant, et ux

Dear Mr. and Mrs. Bryant:

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 October 23, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 11.3.97
Item No. 161 JLL

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

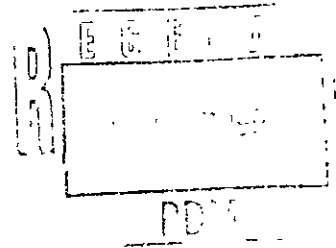
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880



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 November 3, 1997

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:

156, 157, 158, 159, 161, 165, 166, and 167

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: November 3, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

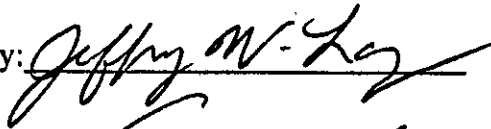
SUBJECT: Zoning Advisory Petitions

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

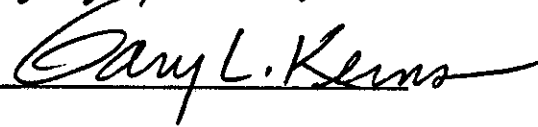
Item Nos. 151, 155, 156, 157, 158, 159, 160, 161, and 167

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:



Division Chief:



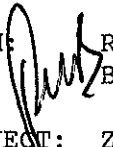
AFK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: November 10, 1997

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 10, 1997
 Item Nos. 156, 158, 159, 161, 165,
 167, & 168

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

#161

PHOTOS WILL BE PROVIDED WELL IN ADVANCE OF
HEARING. APPLICANT FILING AT OWN RISK WITH
THIS UNDERSTANDING.

Wayne DAD

98-161-A

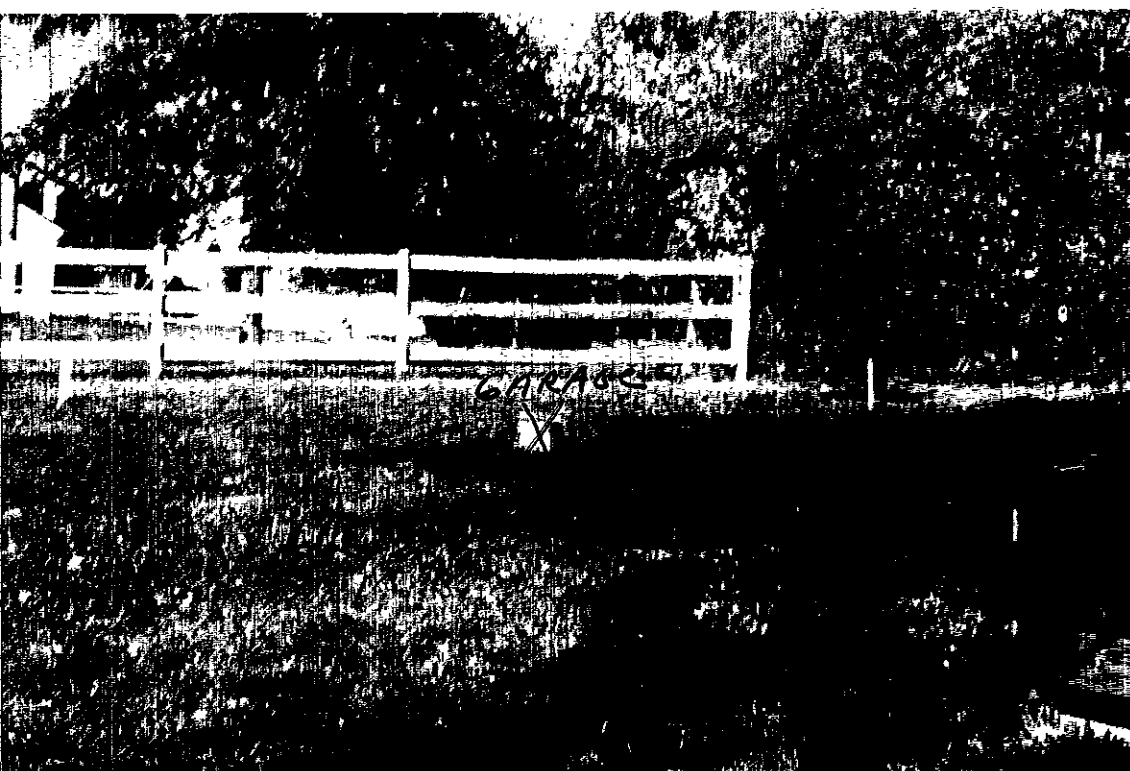
CASE # 161

98-161-A

111 WINDTREE VALLEY
PARKTON, MD.



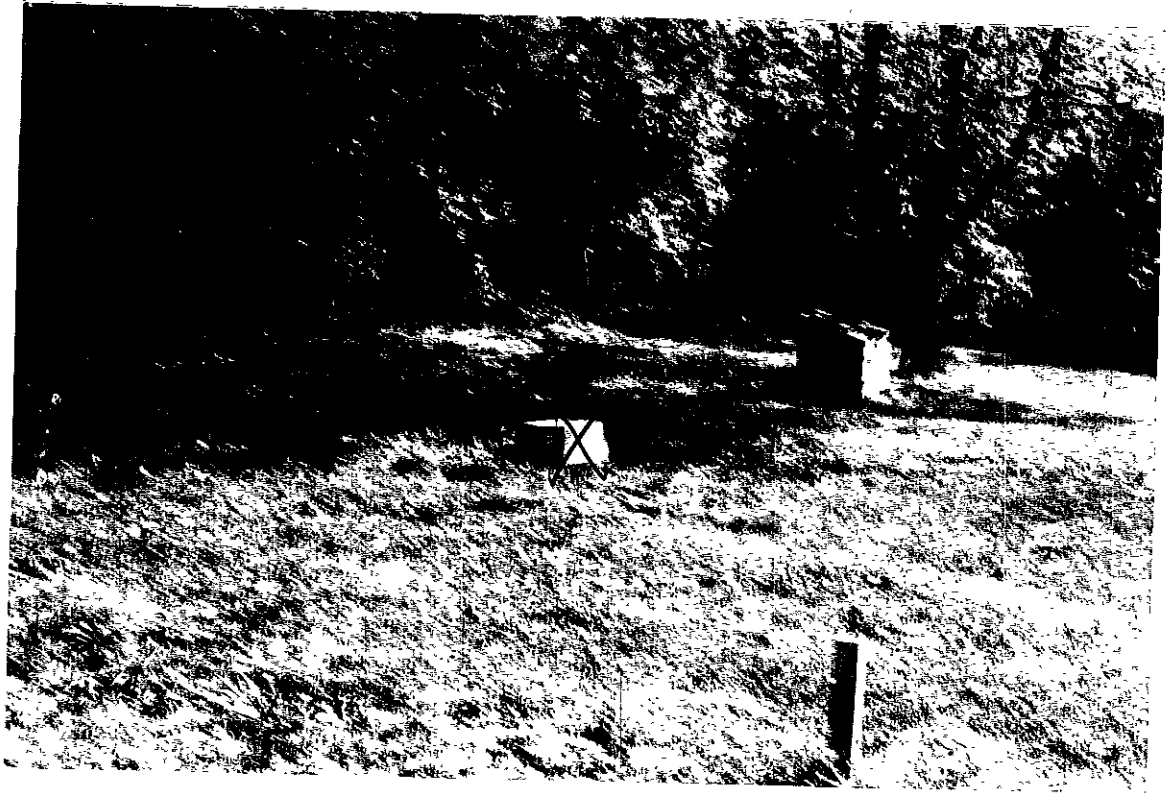
Looking
West



Looking
North



Looking
South →



Looking
East →



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP



98-161-A

SCALE	LOCATION	SHEET	
1" = 200' ±	FIVE FORKS	N. W.	
DATE OF PHOTOGRAPHY JANUARY 1986		35-B	MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 19, 1997

Mr. and Mrs. Wayne D. Bryant
111 Windtree Valley Road
Parkton, Maryland 21120

RE: Petition for Administrative Variance
Case No. 98-161-A
Property: 111 Windtree Valley Road

Dear Mr. and Mrs. Bryant:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

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 887-3391.

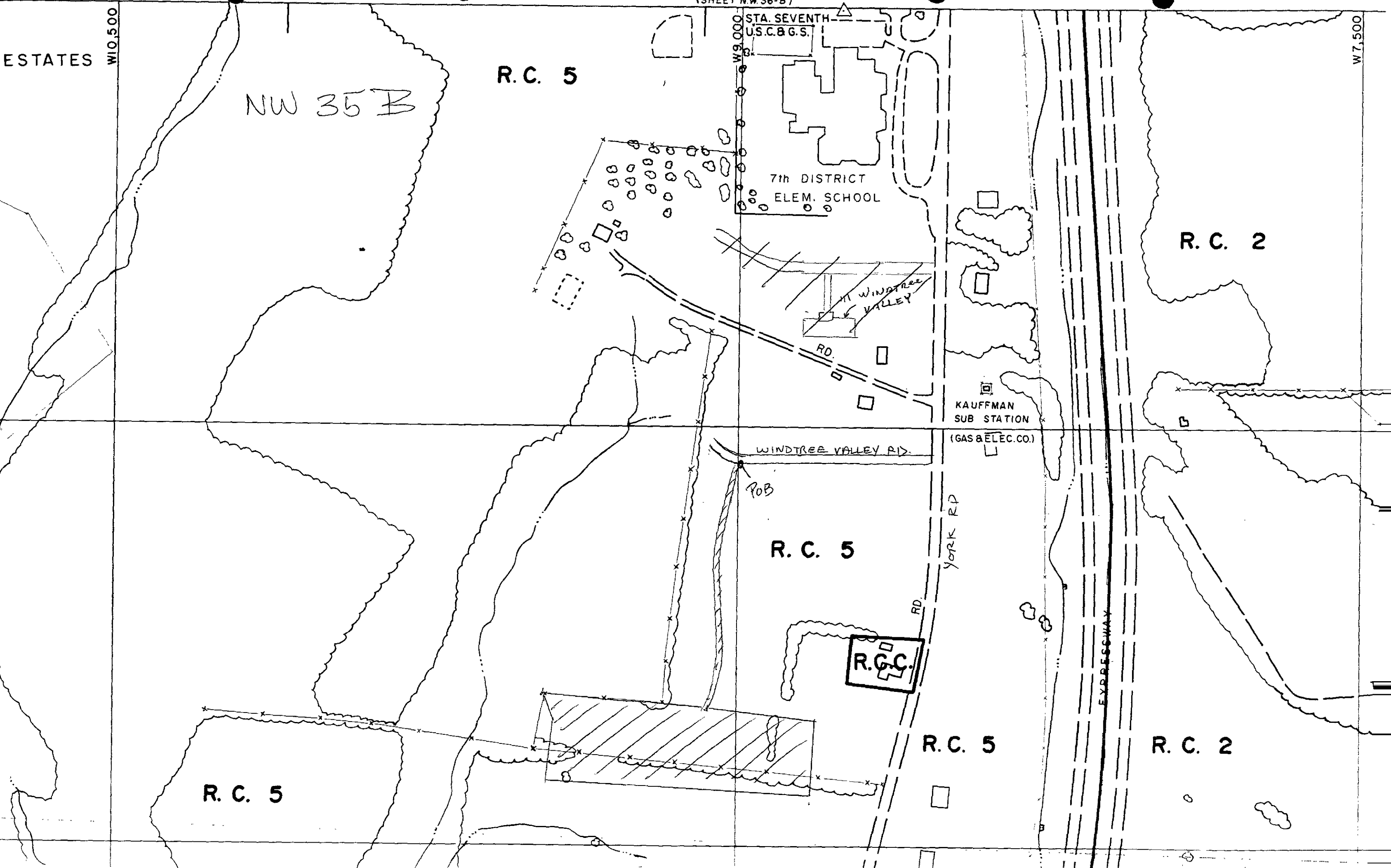
Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



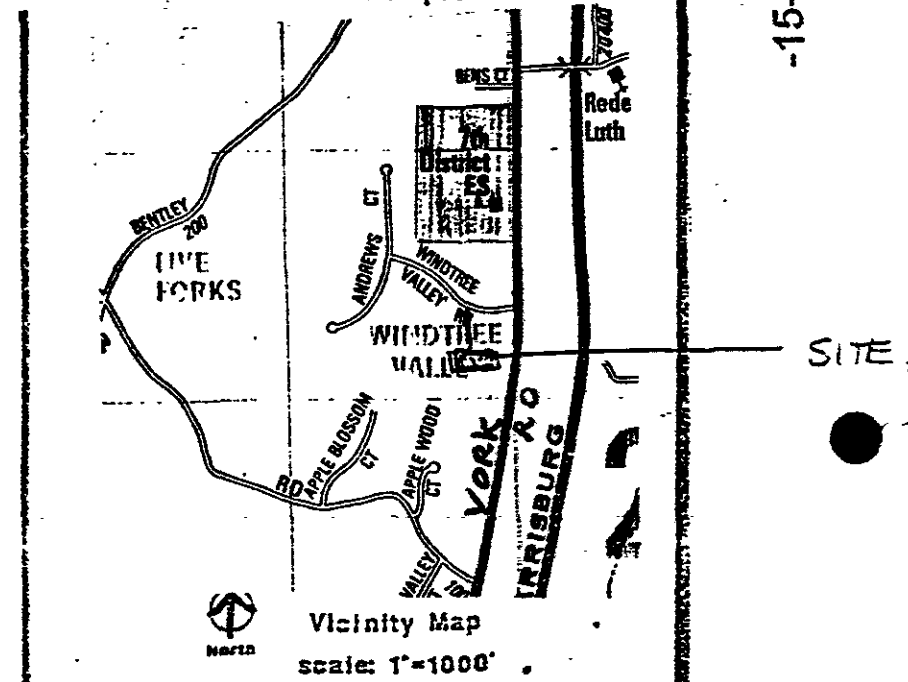


-15-

see pages 5 & 6 of the CHECKLIST for additional required information

Ref No 1

OWNER: WAYNE + NEVA BRYANT



Election District: 7
Councilmanic District: 3
1"=200' scale map#: NW 35B
Zoning: ~~RFB~~ RC-5
Lot size: 2.98^{AC} 129820
acres square feet

161

SEWER: ☐ ☒

WATER: ☐ ☒

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Training Office USE ONLY

98-161