ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE

SE/Corner Waltham Woods Road

and Padauk Court

(9107 Waltham Woods Road) 9th Election District 6th Councilmanic District

Robert C. Merrey, Jr., et ux

Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- * Case No. 98-205-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert C. Merrey, Jr., and his wife, Karen M. Merrey. The Petitioners seek relief from Sections 303.1, 1B01.2.C.4, and 504.2 of the Zoning Policy Manual (ZOPM), Pages 3-1 and 1B-16, and the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a deck within 8 feet of the side property line in lieu of the required setback of 11.25 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Community er, the information, pictures, 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 B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

County this day of December, 1997 that the Petition for Administrative Variance seeking relief from Sections 303.1, 1801.2.C.4, and 504.2 of the Zoning Policy Manual (ZOPM), Pages 3-1 and 18-16, and the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a deck within 8 feet of the side property line in lieu of the required setback of 11.25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

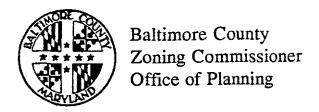
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LÁWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date
By



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

December 24, 1997

Mr. & Mrs. Robert C. Merrey, Jr. 9107 Waltham Woods Road Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/Corner Waltham Woods Road and Padauk Court
(9107 Waltham Woods Road)
9th Election District - 6th Councilmanic District
Robert C. Merrey, Jr., et ux - Petitioners
Case No. 98-205-A

Dear Mr. & Mrs. Merrey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

Petition for Administrative Variance

and to amend the Final Development Plan of Chippendale

to the Zoning Commissioner of Baltimore County

for the property located at 9107 Waltham Woods Road

which is presently zoned

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.

DR3.5

This Petition shall be filed with the Dept. of Permits & 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) 303.1 (ZOPM PG. 3-1); 1B01.2.C.4(ZOPM PG. 1B-16) and 504.2 BCZR, to permit a deck within 8 ft. of the side property line in lieu of the required 11.25 ft.

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

see reverse

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:			Legal Owner(s)			
N/A			Robert C. Merr	ey, Jr.		
(Type or Print Name)	· · · · · · · · · · · · · · · · · · ·		(Type or Print Name)	1)	
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Signature			Signature	/ /		
			Voran M. Marra	//		
			Karen M. Merre	<u>y</u>		
Address			W. M.	X		
•			Maren on	· Merrey		
City	State	Zincode	Signature	0		
Attorney for Petitioner:			9107 Waltham Wo	ada Pand (//1	0) 665_2572(H)	
			9107 Waltham Wo	ous Road (41	U) 00J-2J12(A) (410\257 740)) (T
(Type or Print Name)			Address	F	hane No. 410) 337-7400	<i>y</i> (w
			D-3+2	100	21234	
			Baltimore Ctv	MD State	Z1Z34 Zipcode	
Signature			Name, Address and phone number			
		•	same	•		
Address	Phone	Na.	Name			
City	State	Zipcode	. Address	P	hone No.	
City 2	Ç.				-	
	<u>.</u>			*****		
A Public Hearing having bee	en requested and/or foun	d to be required, it is orde	red by the Zoning Commissioner of Ballin as required by the Zoning Regulations of 1	nore County, this day	y of 19	
circulation throughout Battir	nore County, and that the	e property be reposted.	A required by the Editing Regulations of	,	carpopers or goveror	
	·			,		
			Zoning	Commissioner of Battima	e County	
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Affidavit in support of Administrative Variance

9107 Waltham Woods Road

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	9107 Wa.	ltham Woo	ds Road	
·	Baltimore	County	MD	21234
-	City		State	Zip Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or p	ving are the facts practical difficulty)	upon which I/w	e base the reque	st for an Administrative
the house, this is the only	practica	l place t	o put a d	eck with access to the
n living level. The rear o	f the hou	se has no	exit to	the outside from the
n living level where the ki	tchen, di	ning room	and livi	ng room are located.
would experience practical	difficult	y and und	lue hardsh	ip if forced to place
deck in any other location	of this	property.	•	
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	<u>-</u>			
Robert C. Merrey, Jr. Robert C. Merrey, Jr. Royce or print name! STATE OF MARYLAND, COUNTY OF BALT I HEREBY CERTIFY, this 34th day of of Maryland, in and for the County aforesaid, per constant of the Affiants(s) herein, personally known or salis	IMORE to wit:	No Report of the second of the	n Affianti(s), and	a Notary Public of the State
AS WITNESS my hand and Notarial Seal. Nov. 24 1997		OTARY PUBLIC Commission E	opires: 12	Redding
	That based upon personal knowledge, the follow Variance at the above address: (molecule hardship or present the house, this is the only in living level. The rear of the house, this is the only in living level. The rear of the house is the only in living level where the king would experience practical deck in any other location deck in any other location. That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information. The Affiant(s) acknowledge(s) that if a protest may be required to provide additional information. The Affiant(s) acknowledge(s) that if a protest may be required to provide additional information. The Affiant(s) acknowledge(s) that if a protest may be required to provide additional information. That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information. That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information. 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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	9107 Waltham W	loods Road		
	Baltimore County	MD	21234	
-	City	State	Zip Code	
That based upon personal knowledge, the fellow Variance at the above address: (indicate hardship or	wing are the facts upon which practical difficulty)	I/we base the reques	t for an Administrative	
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of the house, this is the only	y practical place	to put a d	eck with access to	the
main living level. The rear	of the house has	no exit to	the outside from th	e
main living level where the k	itchen, dining ro	oom and livi	ng room are located	•
We would experience practical	difficulty and a	ındue hardsh	ip if forced to pla	ce
the deck in any other location	n of this propert	:у.	,	
-	***************************************			
That Affiant(s) acknowledge(s) that if a protes may be required to provide additional informati formation of the control of th	TMORE to wit:	(signature) Karen M. Me (type or print name)	1. Merrey	-
of Maryland, in and for the County aforesaid, po	$i \sim \infty$	/		
the Affiants(s) herein, personally known or satis that the matters and facts hereinabove set forth	sfactorily identified to me as	such Affiantt(s), and est of his/her/their kn	made oath in due form of law owledge and belief.	
AS WITNESS my hand and Notarial Seal. Nov. 24 1997 date	NOTART PUBL My Commission		eddrig 199	



Petition for Administrative Variance

and to amend the Final Development Plan of Chippendale

to the Zoning Commissioner of Baltimore County

for the property located at 9107 Waltham Woods Road

which is presently zoned

DR3.5

This Petition shall be filed with the Dept. of Permits & 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) 303.1 (ZOPM PG. 3-1); 1B01.2.C.4(ZOPM PG. 1B-16) and 504.2 BCZR, to permit a deck within 8 ft. of the side property line in lieu of the required 11.25 ft.

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

see reverse

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 affir legal owner(s) of the property which			
Contract Purchaser/Lessee.			Legal Owner(s).			
N/A			Robert C. Meri	cey, Jr.		
(Type or Print Name)			(Type or Print Name)	Newy	\bigcap	
Signature			Signature		1	
Address			Karen M. Merre	<u> </u>		
Address			Karen M	Merre	+	
City	State	Zipcode	Signature		,	
Attorney for Petitioner:			9107 Waltham Wo	oods Road (4	10) 665-2572	(H)
(Type or Print Name)			Address		Phone No 337-	7400 (W)
			Baltimore Cay	MD State	21234 Zipcode	
Signature			Name, Address and phone number			
		•	same			
Address	Phone	No.	Name			
City	State	Zipcode	Address		Phone No	

Zoning Commissioner of Baltimore County



REVIEWED BY: DATE 11-25-97
ESTIMATED POSTING DATE 12-7-97



205-A

Zoning Description for:

9107 Waltham Woods Road

Being located on the east corner of Waltham Woods Road and Padauk Court. Containing 0.21 acres; 9147.6 square feet, also being known as Lot 9, on the Final Development Plan of Chippendale, and located in the 6th Councilmanic District and the 9th Election District.



CERTIFICATE OF POSTING

RE: Case No.: 98-205-A

Petitioner/Developer:
(Robert V. Merrey)

Date of Heaving/Closing:
(Dec. 22, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

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	
9167 Waltham Woods Road Baltimore, Maryland 21234	_
The sign(s) were posted on Dec. 6, 1997	

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			Marie Carlo
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Sincerely.

(Signature of Sign Foster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405

(Telephone Number)

----98-ZOS-A-

OFFICE OF B	E COUNTY, MAF AND UDGET & FINANCE NEOUS RECEIPT	No.	046757	FILL STATE THE
DATE	25-97_ ACCOUNT	Root- 615		1/25/1967 11/25/1997 14:19:50 REF WEVE CARRIER PRIC JW. MAREP 17 5 RICCELARIES JOSH RECEIPT
FROM:	WAR. (CIE)			Reseipt (027722 USLN) JR NO. 046757 100.00 CHECK Bullimore County- Maryland
DISTRIBUTION WHITE - CASHIER	PINK - AGENCY YELLOW	- CUSTOMER	JCM	CASHIER'S VALIDATION

9th Election District

98-205-A

)7 Waltham Woods Road EC Waltham Woods Road and Padauk Court 9th Election District - 6th Councilmanic District Legal Owner: Robert C. & Karen M. Merrey, Jr.

Closing Date: 12/22/97

Administrative Variance to permit a deck within 8 ft. of the side property line in lieu of the required 11.25 ft. and to amend the Final Development Plan of Chippendale.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Joseph C. Merrey, Planner II

Department of Permits and Development Management

FROM:

Thomas J. Peddicord, Jr.

Legislative Counsel/Secretary

SUBJECT:

County Code Section 26-3(e)

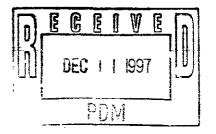
DATE:

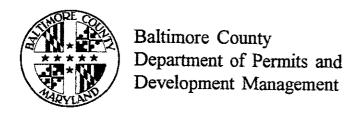
December 11, 1997

Notwithstanding the provisions of Charter Section 504, I do not think that the Department of Education is a County agency. Accordingly, I don't believe that its employees are "employee(s) in the county government" under Section 26-3(e) of the Code, and the Council generally has not required Board of Education employees to file disclosures under that Section.

TJP:ml MERREY.MEM

98-205-A





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

December 3, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-205-A
9107 Waltham Woods Road
EC Waltham Woods Road and Padauk Court
9th Election District - 6th Councilmanic District
Legal Owner: Robert C. Merrey, Jr. & Karen M. Merrey
Post by Date: December 7, 1997
Closing Date: December 22, 1997

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.

- 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.

Arnold Jablon Director

c: Karen & Robert Merrey, Jr.



CASE NUMBER 98-205-A

9107 Waltham Woods Road Legal Owner: Karen & Robert Merrey, Jr.

Robert Merrey is an employee with Baltimore County Board of Education.

Before an order can be issued on this case, a County Council resolution must be issued per the <u>Baltimore County Code</u>, Section 26-3E (Public Disclosure).

Any questions regarding the above, please contact Carl Richards at 3391.

CLOSING DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 12-7-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98 - 205-A

VARIANCE TO PERMIT A DECK WITHIN THE SIDE PROPERTY LINE CIEU OF THE REQUIRED 11.25ft.

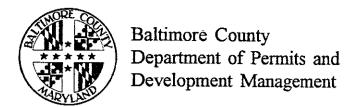
PUBLIC HEARING?

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

12-22-97 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



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

December 17, 1997

Mr. and Mrs. Robert Merrey, Jr. 9107 Waltham Woods Road Baltimore, MD 21234

> Item No.: 205 RF:

> > Case No.: 98-205-A

Petitioner: Robert Merrey, et ux

Dear Mr. and Mrs. Merrey:

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 November 25, 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).

W. Cont Richards Ja

W. Carl Richards, Jr.

Zôning Supervisor

WCR/re Attachment(s)



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

Baltimore County 12/5/41 Item No. 205 JCM

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.

RE:

Thank you for the opportunity to review this item.

Very truly yours,

We Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: December 9, 1997

Dept. of Permits & Development Management

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. 190, 201, 202, 204 205, 206 and 207

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.

AFK/JL

Baltimore County Government Fire Department



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

(410) 887-4500

December 10. 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 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:

201. (205) and 207

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office. PHONE 867-4881. MS-1102F

cc: File



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TIMORE COUNTY, M YLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley . 201199 Permits and Development Review

SUBJECT: Zoning Advisory Committee
Meeting Date: Duf

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 11, 1997

Department of Permits & Development

Management

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

SUBJECT: Zoning Advisory Committee Meeting

for December 15, 1997 Item Nos. 201 and 205

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

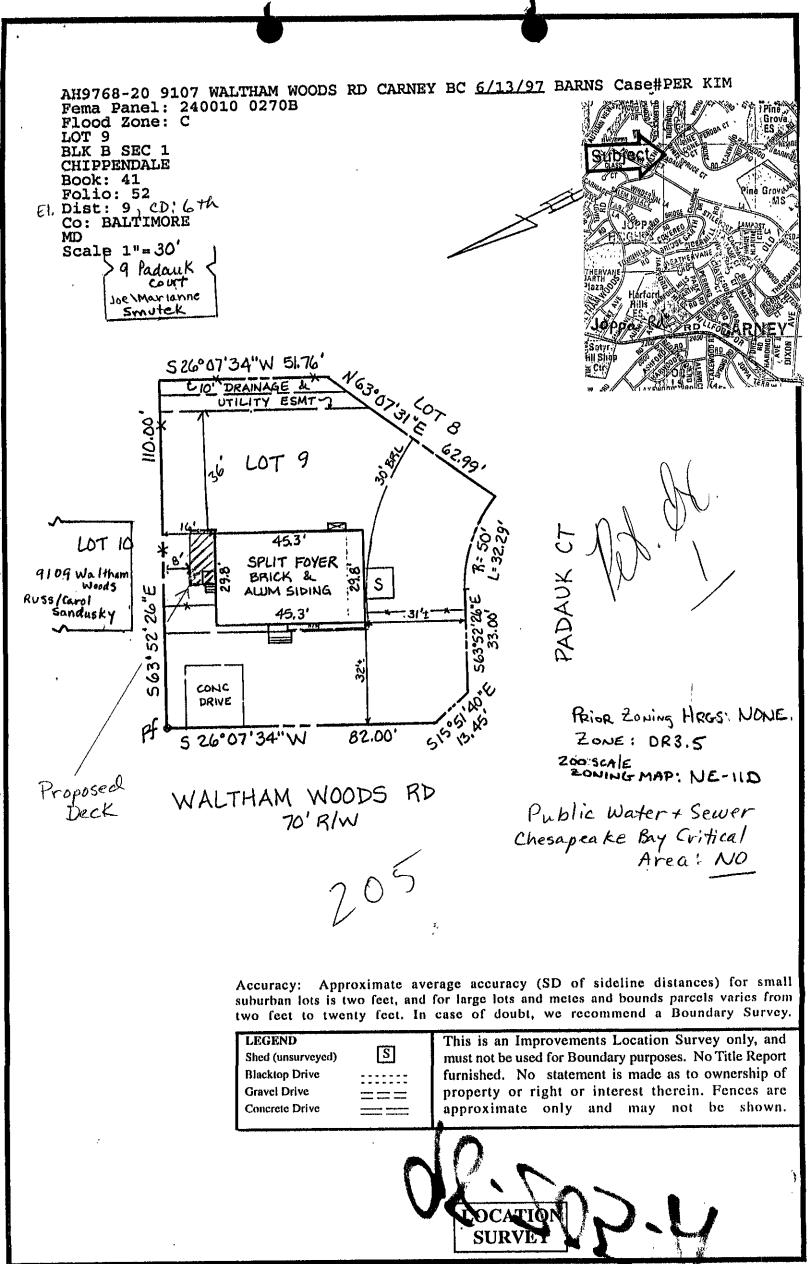
RWB:HJO:jrb

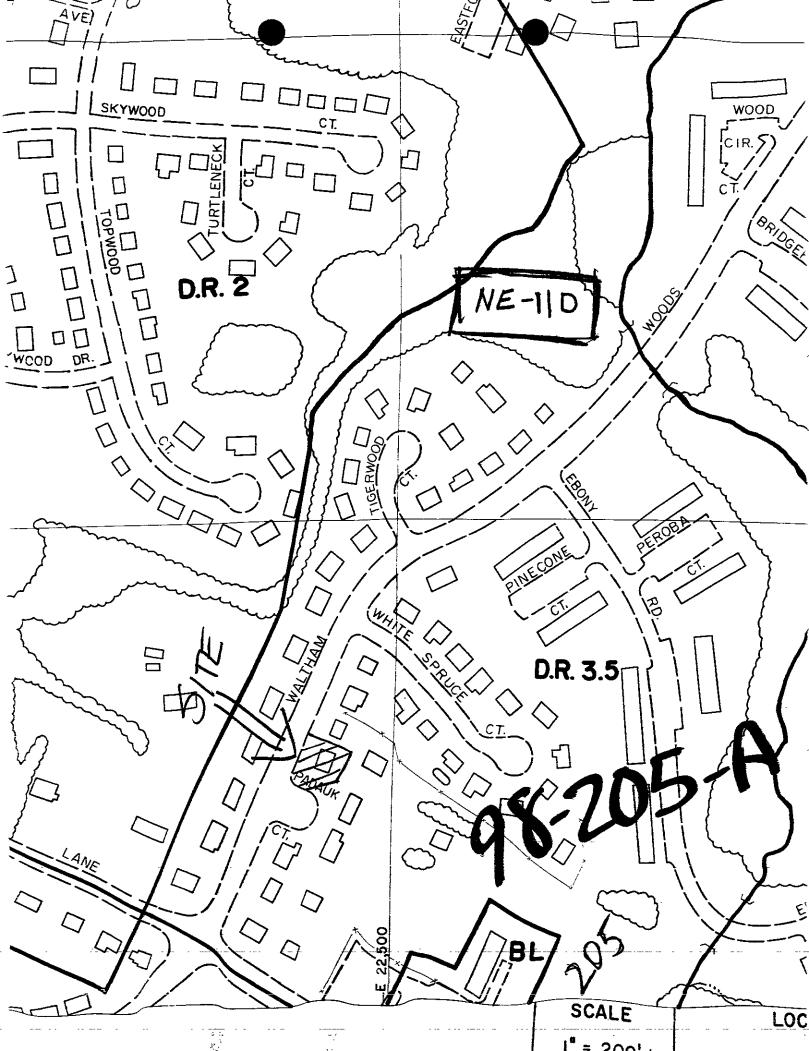
cc: File

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS DESIGN
DAVID BILLINGSLEY	ADDRESS CENTRAL DRAFTING & DESIGN GOI CHARWOOD CT. EDGEWO
DEBORAH Y. BUCHANAN	3124 Yorkway DUNDALKI
1	







To Whom it May Concern:

We, the undersigned are the owners/occupants of the property at 9109 Waltham Woods Road in Baltimore County, Maryland. We have seen the plans and the location for the proposed deck for the property at 9107 Waltham Woods Road, and do not object to its construction.

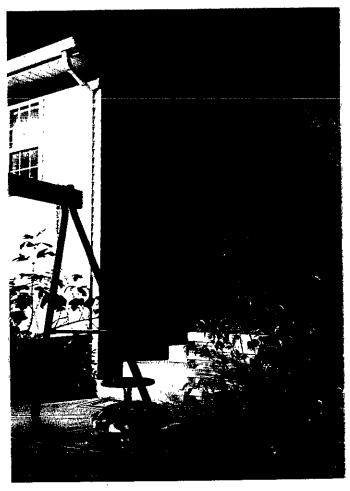
Print Name(s): Russ + Carol Sandusky

Date: 1/23/97

ard M. Sandusky

205

98-205-A





98.205-A





98.205-A