IN RE: PETITION H

PETITION FOR RESIDENTIAL

ZONING VARIANCE

SS of Fitch Ave, 430 ft. E. of

c/1 of Bennerton Drive

4547 Fitch Avenue

14th Election District
6th Councilmanic District

Thomas D. Ciotta, et ux

Petitioners

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-339-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Thomas D. Ciotta and Patricia L. Ciotta, his wife, property owners, for that property known as 4547 Fitch Avenue in the Village of Hickory Hollow subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1801.2.C.4 of the Baltimore County Zoning Regulations (BCZR) to allow an 18 ft. rear yard setback in lieu of the required 30 ft., for an addition, in a D.R.3.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit 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

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Date
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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 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 5 day of April 1998 that the Petition for a Zoning Variance from Section 1801.2.C.4 of the Baltimore County Zoning Regulations (BCZR) to allow an 18 ft. rear yard setback, in lieu of the required 30 ft., for an addition, in a D.R.3.5 zone, be and is hereby GRANTED, subject, however, 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:mmn

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County



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

April 15, 1998

Mr. and Mrs. Thomas D. Ciotta 4547 Fitch Avenue Baltimore, Maryland 21236

Petition for Administrative Variance

Case No. 98-339-A

Property: 4547 Fitch Avenue

Dear Mr. and Mrs. Ciotta:

Enclosed please find the decision rendered in the above captioned The Petition for Administrative Variance has been granted, with restriction, 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.

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn encl.

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4547 Fitch Avenue

which is presently zoned

D.R. 35

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) \$01.2C,4(1970 ZONING Regulations for Old transition requirements on a large tract Development Plan) to ALLOW 18 Ft. Real yard setback in Ieiu of the 30 Ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. The property has an unusually shallow rear yard and has an unusually deep front yard which was to allow for the widening of Fitch Avenue that has been done since the house was built.

2. Require additional space to care for convalescing Father for an undetermined period of time.

Father will utilize space within the addition in the absence of a fourth bedroom.

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.

		•	 We do solemnly declare and aff 		£
			legal owner(s) of the property which		
Contract Purchaser/Lessee:			Legal Owner(s):		
(Type or Print Name)	,— <u>,—</u>		Thomas D. Ciotta		
(Type or Fruit Maine)			(Type or Franchigh	~ 🗫	
Signature			Signature		
Address			Patricia L. Ciotta	1	
, S			Polar 1	C.1	
City	State	Zipcode	Signature Signature	Logo	
Attorney for Petitioner:					65-2025 (home)
(Type or Print Name)			4547 Fitch Avenue	410-9	98-6723 (work) Phone No.
	i e e		Baltimore	MD	21236
Signature	<u> </u>		City Name, Address and phone numbe	State of representative to be	Zipcode contacted.
		•	Thomas D. Ciotta	,	
Address	Phone N	Na.	Name	410-6	65-2025 (home)
City	State	Ziocode	4547 Fitch Avenue	410-6	86-2100 (work)
			Baltimore	MD	21236
A Public Hearing having been	requested and/or lound	to be required, it is order	red by the Zoning Commissioner of Ball	limare County, this	day of 19
circulation throughout Baltimo	xe County, and that the	property be reposted.	is required by the Coning Regulations of	Battimore County, in the	va newspapers of general
			Zoning	g Commissioner of Balti	more County
REVIEWED BY: 500	DATE 3-17	98 8	Printed with Soybean Ink	ITEM	# 339



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	cat 4547 Fitch Ave	nue		
	_Baltimore	MD	21236	
	City	State		Zip Code
hat based upon personal knowledge, the finance at the above address: indicate hardship	ellowing are the facts upon whi ip or practical difficulty)	ch I/we base the re	equest for an Ad	ministrative
1. The property has an unus	ually shallow rear yas	d and has an	unusually (deep front ya
which was to allow for widen	ing of Fitch Avenue th	at has been	done since 1	the house was
2. Require additional space				
	space within the add			
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				_
		-		
Maryland, in and for the County aforesaid,	of MARCH personally appeared	(signature) Patricia L. (type or print name)	me, a Notary Pr	ublic of the State
I HOMAS D. CLOTT.	A 4 PATRIC	IAL. CI	OTTA	
e Affiants(s) herein, personally known or sa	tisfactorily identified to me as	such Affiantt(s), a	nd made oath ir	due form of law
at the matters and facts hereinabove set for	in are irue and correct to the b	est of his/her/their	knowledge and	belief.
SWITNESS my hand and Notarial Seal. MANCH 16, 1998		Jant	Plu	Sh
€	NOTARY PUBE	tic /	T	
	My Commission	n Expires:		
		RICHARD L.	LYNCH, SR.	r stansie
	NOTA	ARY PUBLIC - ST COMMISSION EX	ATE OF MARY	LAND 4600
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AFESS

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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 resid	de at 4547 Fitch Aver	nue	
	Baltimore	M D	21236
That based upon personal knowledge, the	City following are the facts upon white	State ch I/we base the re	Zip Code equest for an Administrative
Variance at the above address: (indicate hards	hip or practical difficulty)		•
1. The property has an unu	sually shallow rear yar	d and has an	unusually deep from
which was to allow for wide	ning of Fitch Avenue th	at has been	done since the house
2. Require additional space	to care for convalesc	ing father f	or an undetermined p
of time. Father will utiliz	e space within the add	ition in the	absence of a fourth
	•		
	· · · · · · · · · · · · · · · · · · ·		
may be required to provide additional information of the provide addit		Patricia L. (type or print name)	Ciotta
STATE OF MARYLAND, COUNTY OF B.		00	
I HEREBY CERTIFY, this 16 day of Maryland, in and tor the County aforesaid	d, personally appeared	19_ 75 , before	me, a Notary Public of the
THUMAS D. CIOTS	A PATRIC	M L.CIC	TTA
he Affiants(s) herein, personally known or s hat the matters and facts hereinabove set for	satisfactorily identified to me as out that are true and correct to the b	such Affianti(s), a	nd made oath in due form o knowledge and belief.
AS WITNESS my hand and Notarial Seal. MANCH 16, 1998 ate	NOTARY PUBL	in &	Quel
	My Commission		
		RICHARD L. LYI	
	NOTARY	PUBLIC - STAT	E OF MARYLAND
	MY CUN	imission expir	ES JULY 1, 1999

4-755.70

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4547 Fitch Avenue

which is presently zoned

D.R. 35

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Battimore 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) \$\mathbb{B}01, 2C. 4(1970 \ \infty ONING)\$

Regulations for old transition requirements on a large tract Development Plan to ALLOW 18 Ft. for real yard setback in leight of the 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) 1. The property has an unusually shallow rear yard and has an unusually deep front yard which was to allow for the widening of Fitch Avenue that has been done since the house was built.

2. Require additional space to care for convalescing Father for an undetermined period of time.

Father will utilize space within the addition in the absence of a fourth bedroom.

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.

			legal owner(s) of the property which is th		
Contract Purchaser/Lessee			Legal Owner(s)		
(Type or Print Name)	<u> </u>		Thomas D. Ciotta (Type or Print Name)	920	
Signature			Signature ().	Ma	
Address			Patricia L. Ciotta (Type or Print Name)		
City	State	Zipcode	Patricia L.	Cutto	
Attorney for Petitioner:	1	1		410-6	65-2025 (home)
(Type or Print Name)			4547 Fitch Avenue	410-9	98-6723 (work) Phone No
	•	The second second	Baltimore	MD	21236
Signature			City Name, Address and phone number of re-	State presentative to be	Zipcode contacted
			Thomas D. Ciotta		•
Address	Phone No.		Name	410-6	65-2025 (home)
<u> </u>			4547 Fitch Avenue	τ	86-2100 (work)
City	State	Zipcode	Address		Phone No
			Baltimore	MD	21236

Zoning Commissioner of Baltimore County



REVIEWED BY: 5101 DATE: 5-17-98
ESTIMATED POSITING DATE: 3-29-95



Printed with Soybean link on Recycled Paper ITEM #: 339



Thomas D. Ciotta 4547 Fitch Avenue Baltimore, MD 21236 Home:(410)665-2025

Work: (410)686-2100

ZONING DESCRIPTION

Zoning description for 4547 Fitch Avenue beginning at a point on the South side of Fitch Avenue which is 60' wide at a distance of 430' East of the centerline of the nearest improved intersecting street Bennerton Drive which is 50' wide being Lot #1 Block B in the Subdivision of Village of Hickory Hollow as recorded in Baltimore County Plat Book #EHK, JR #39, Folio #138 containing 6060.50 SF, also known as 4547 Fitch Avenue and located in the 14th Election District, 6th Councilmanic District.

98.339-A

BALTIMORE COUNTY, MAR' ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
DATE $3-17-98$ ACCOUNT $R \cdot CO(-G(SC))$ AMOUNT \$ $5C^{GS}$	JABATRA JATATAS 15:52:33 TO MEN COSMER LSATURS GRAVER SHEVELLAND GASH RECEPT RESIDENT # 002581 GAN CHAR. 002785
RECEIVED MR & MRC. CITTA FROM: OIC RES. VAN. GLOR. FOR: TETAL	Althore County, Naryland 78, 339-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	

CERTIFICATE OF POSTING

ADMIN. VAR.

Personer Develore DWIGHT LITTLE, ETAL 40 W. DUVALL ASSOC.

Drew de 16 Course 4/13/98

Battimore County Description of Permits and Development Management County Office Building Room 17 111 West Chesapeake Avenue Towson, MD 21201

Attention Ms Gwendolyn Stephe x

Lactes and Gentlemen

This letter is to certify under the penalties of per line rise necessary signs of required by faw were posted conspicuously on the property located at #4547 FITCH AV

Fature of Sign Poster and Date) [Vale 3/30/98]

PATRICK M. O'KEEFE

(Prined Name)

523 PENNY LANE

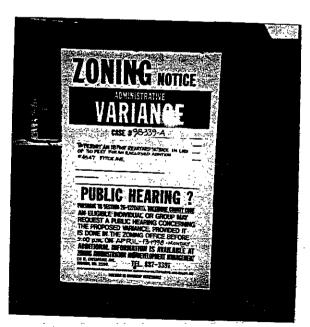
(\adress)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



4547 FITCH AVE 98-339-A

CL 4/13/98

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 339 -A Address 4547 Fire Address
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3-17-98 Posting Date: 3-79-98 Closing Date: 4-13-99
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification 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.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 98- 3 39 -A Address 4547 Fitcu.
Posting Date: 3 - 29 - 98 Closing Date: 4-13 - 98
Wording for Sign: To Permit AN 18 FT. REAR YARD SETRACK IN CHOUSE
30 FT. FOR AN ENCLOSED ADDITION

APPROVED SIGN POSTERS

Stacy Gardner Shannon-Baum Signs, Inc. 105 Competitive Goals Drive

Baltimore. MD 21784

Richard Hoffman

904 Dellwood Avenue Fallston, MD 21047

Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227

Tom Ogle 325 Nicholson Road Baltimore, MD 21221

Patrick M. O'Keefe, Sr. 523 Penny Lane

Hunt Valley, MD 21030

Telephone: Toll Free:

(410) 781-4000 (800) 368-2295

Fax:

(410) 781-4673

Telephone:

(410) 879-3122

Telephone:

(410) 242-4263

Mobile:

(410) 382-4470

Telephone:

(410) 687-8405

Mobile: (410) 262-8163

Fax:

(410) 687-4381

Telephone: Cell:

(410) 666-5366 (410) 905-8571

Fax:

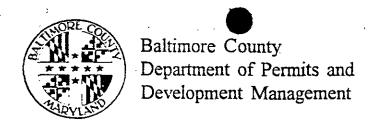
(410) 628-2574

(410) 882-2469

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST BE ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 12/11/97



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/neighboring 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.

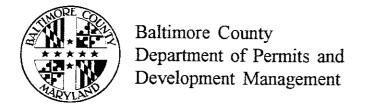
ARN	OLD JABLON,	DIRECTOR
For newspaper advertising:		
for newspaper advertising.		
Item No.: 339		
Petitioner: Thomas D. Ciolla		
Location: 4547 Fitch que.		
PLEASE FORWARD ADVERTISING BILL TO:		
NAME: Thomas D. Ciotta		
ADDRESS: 4547 Fitch Aux		
Baltimore Md. 2123	· C	
PHONE NUMBER: 410-66-262		•
AJ:ggs	•	

Fig. - g with Soybean Integration

98.339-A

(Revised 09/24/96)

339



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

April 8, 1998

Thomas and Patricia Ciotta 4547 Fitch Avenue Baltimore , MD 21236

RE:

Item No.: 339 Case No.: 98-339-A

Petitioner: Thomas & Patricia

Ciotta

Location: 4547 Fitch Avenue

Dear Mr. & Mrs. Ciotta:

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 March 17, 1998.

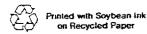
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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 Gwendolyn Stephens in the zoning office (410-887-3391).

1. Con Richard

W. Carl Richards, Jr.Zoning Supervisor

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

To:

POM

FROM:

R. Bruce Seeley &

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: Though

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



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: Balt

Baltimore County 3/25/98

JRA

Item No. 339

Thomas Ciaffa

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,

In Smith

R₁ Rr Ei

Ronald Burns, Chief Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

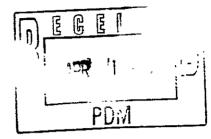
INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 1998

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

SUBJECT: Zoning Advisory Petitions



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

Item No. 337, 339, 340, 341, 343, 344, 345, and 346

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

My W Zang

Prepared by:

Division Chief

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 8, 1998

Department of Permits & Development

Management

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

SUBJECT:

Zoning Advisory Committee Meeting

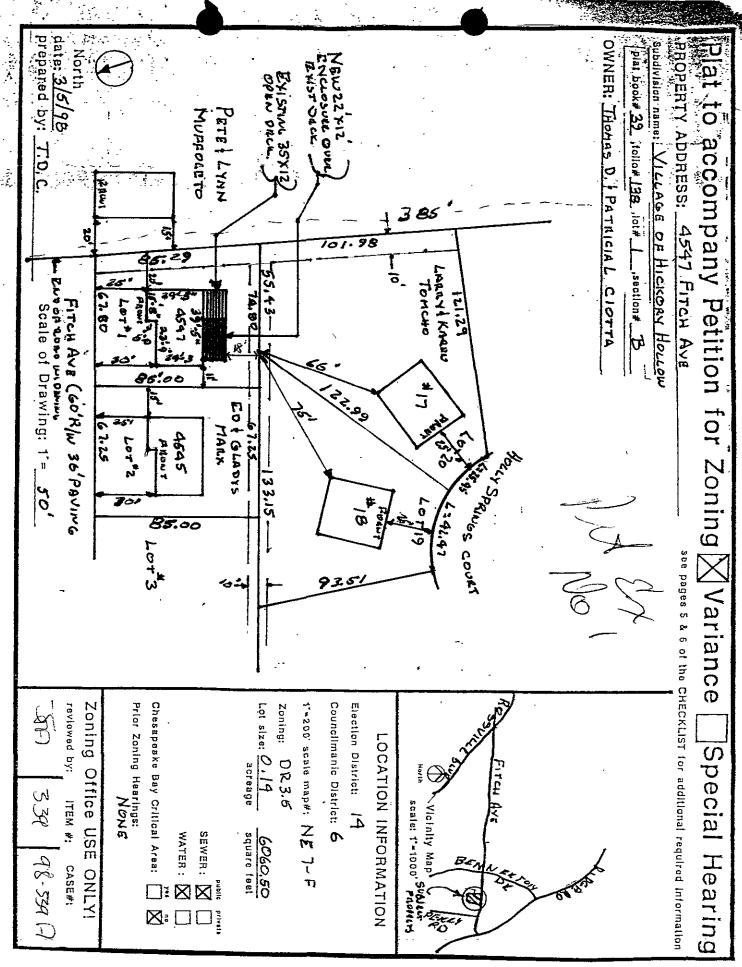
for April 6, 1998

Item Nos. 339 340, 341, 342, 343, 344, 345, and 346

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

RWB:HJO:jrb

cc: File



Age - the

98-339-A



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

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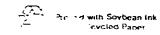
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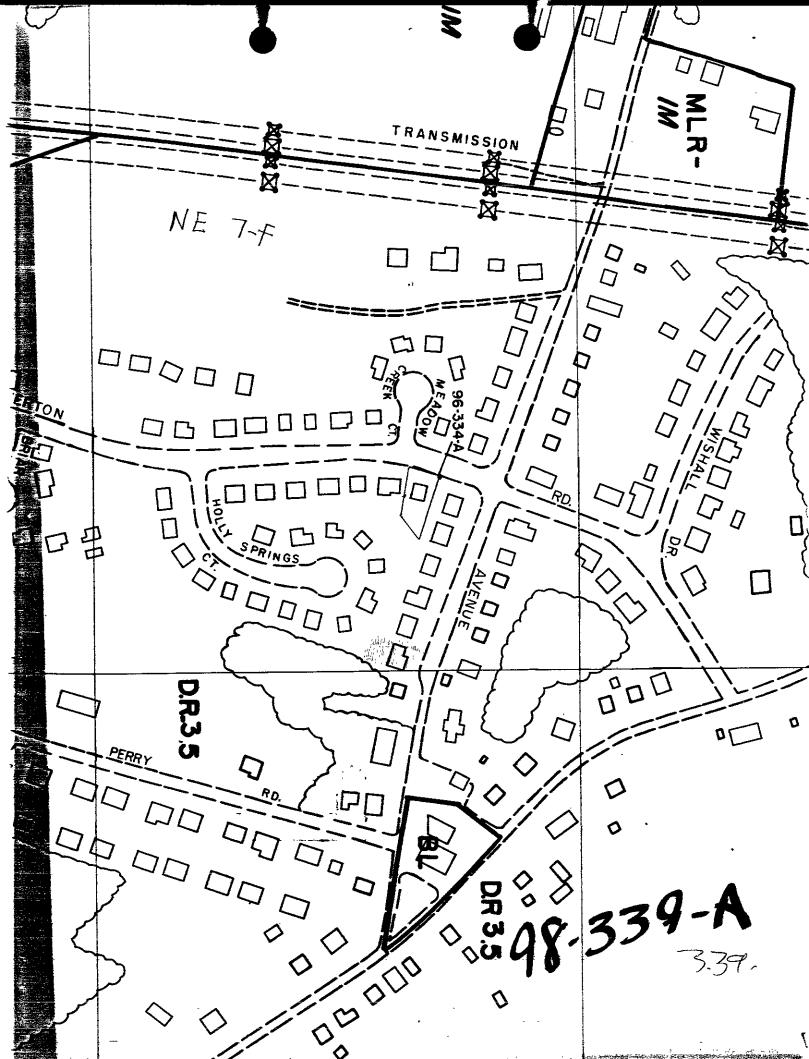
ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 339
Petitioner: Thomas D. Ciotta:
Location: 4547 Fitch Aue.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Thomas D. Ciotta
ADDRESS: 4547 Fitch Aur
Baltimore Md. 21236
PHONE NUMBER: 410-665-2625
AJ:ggs (Revised 09/24/96)

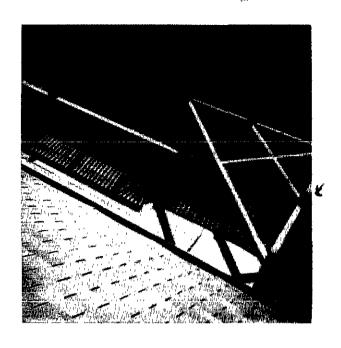
1. 188.3



339

-16-



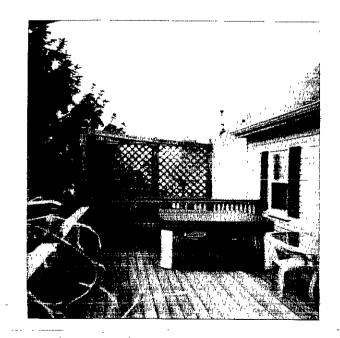




ORANGE MARKENS Shows New corners OF PROPOSED EN CLOSURE. ALSO Shows PROP. Line AT Force

Roof Top Ditch: Shows Expeck
ORANGE macker shows New Left
Corner of Prince Enclosure
Also shows Neighbors House.





PROPERTY line between BACK YARDS OF NEIGHbons

98-339-A

Deck view: orange markers will be room corners.

339



4549 Fitch Ave. House on Left sibe Looking From Front



4549 - Howe on Left side Looking From Front



Thomas Ciotia 4547 Fitch Ave. Batto. M. D. 21236

98.339.A

4545 Fitch Aue. Howe on RIGHT Side Looking From Front. 229

