IN RE:

PETITION FOR ADMIN. VARIANCE

NW/S Linhigh Avenue, 220' E of

the c/l of Henry Avenue (202 Linhigh Avenue)

14th Election District 6th Councilmanic District

Terry J. Gillespie Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 99-12-A

.

\*

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Terry J. Gillespie. The Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the minimum required 10 feet, and a lot width of 50 feet in lieu of the required 55 feet, for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioner has 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 Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

ORDER RECEIVED FOR FILING
Date
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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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \( \frac{1}{2} \) day of August, 1998 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the minimum required 10 feet, and a lot width of 50 feet in lieu of the required 55 feet, for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his 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.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

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Date
39



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

August 4, 1998

Mr. Terry J. Gillespie 202 Linhigh Avenue Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE

NW/S Linhigh Avenue, 220' E of the c/l of Henry Avenue

(202 Linhigh Avenue)

14th Election District - 6th Councilmanic District

Terry J. Gillespie - Petitioner

Case No. 99-12-A

Dear Mr. Gillespie:

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,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bis

cc: Mr. Vincent Moskunas, M & H Development Engineers, Inc. 200 E/. Joppa Road, Room 101, Towson, Md. 21286

People's Counsel

File



### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 202 Linhigh Avenue

		which is presently zoned D.R 5.5
	hereto and made a part hereof, hereby petition for a Variance from	ore County and which is described in the description and plat attached
W1 5:	of the Zoning Regulations of Baltimore County, to the Zoning Law practical difficulty)	of Baltimore County; for the following reasons: (Indicate hardship or
See	back of sheet	
	Property is to be posted and advertised as prescribility or we, agree to pay expenses of above Variance advertising, public bound by the zoning regulations and restrictions of Baltimore (	osting, etc., upon filing of this petition, and further agree to and are to
	·	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  Doi: ACD AQUILATO M  Froe or Pfint Name)	TERRY JAMES GENESPER
	Signature	Signature
	Address	(Type or Print Name)
	City State Zipcode Attorney for Petitioner	Signature
	(Type or Print Name)	202 Linhigh Avenue 410 663-4699  Address Phone No  Baltimore, MD 21236
	Signature	City State Zipcode Name Address and phone number of representative to be contacted M&H Development Engineers
	Address Phone No.	Vincent J. Moskunas
2	City State Zipcode	Address Towson, MD 21286  Phone No.
2	A Public Heaning having been requested and/or found to be required, it is order that the subject matter of this petition be set for a public hearing, advertised, as circulation throughout Baltimore County, and that the property be reposted.	ed by the Zaning Commissioner of Baltimore County, this day of 19
	and the property of repasted.	Zoning Commissioner of Battimore County

REVIEWED BY: JH DATE 7-7-98
ESTIMATED POSTING DATE 7-19-98



Printed with Soybean Ink on Recycled Paper

# 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 202 LINH	IGH AVE	
	BALTO.	MO.	21236
	City	State	Zip Code
That based upon personal knowledge, the following Variance at the above address: (indicate based on the control of the control		which I/we base the reques	t for an Administrative
THE PARCELS ARE 50	FEET WIDE AN	OTHE EXISTING	House was
CONSTRUCTED MANY Y	PARS AGOON LO	TS 601 \$ 60Z,	THAN 603 \$ 604
WERE PURCHASED LATER	THE AREA IS A	U OLD ESTABLISH	ed development
WITH 50 FOOT. LOTS.			
THENE ARE TWO (2	) TAX ACCOUNT	s ove for b	DEM LOT, AND
THERE WERE SEPARAT	•	•	
· .	<u> </u>		
That Affiant(s) acknowledge(s) that if a prot may be required to provide additional information		e required to pay a repost	ing and advertising fee and
1 C			
Turvo	N. REZ		
(signature)		(signature)	
Terry James Gillespie (type or print name)		(type or print name)	
STATE OF MARYLAND, COUNTY OF BAI	LTIMORE, to wit:		
1 HEREBY CERTIFY, this 30th day of	<b>^</b>	10 QB before me	a Notary Public of the State
of Maryland, in and for the County aforesaid.	personally appeared		
	Donald F	faulanda	Terry James
		0	GILLERO
the Affiants(s) herein, personally known or sathat the matters and facts hereinabove set for	tisfactorily identified to me th are true and correct to th	as such Affiantt(s), and no ne best of his/her/their kno	nade oath in due form of law wiedge and belief.
AS WITNESS my hand and Notarial Seal.			A COLUMB S. MICK
<u> </u>	$\Delta$ Y	Nichele,	Oparley (1)
date	NUIARY P	· · · · · · · · ·	
	My Commis	sion Expires: 7	44 圆星多层
			しい しつき



## 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 202 LINHIGH AUE.	
address	i
BALTO: MO. 2123	de de
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administration of the above address: (indicate hardship or practical difficulty)	ative
THE PARCES ARE SOFEET WIDE AND THE EXISTING HOUSE	NAS_
CONSTRUCTED MANY YEARS AGO ON LOTS GOI \$ 602, THAN GOS &	604
WERE PURCHASED LATER. THE AREA IS AN OLD ESTABLISHED E	
WITH 50 ROOT LOTS. THERE ARE TWO (2) TAX DECOUNTS' ONE	
AND THERE WERE SEPARATE DEEDS AT ONE TIME.	
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising may be required to provide additional information.  Terry James Gillespie  (type or print name)  (type or print name)	; fee and
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  I HEREBY CERTIFY, this day of	_
Tonala Aguilano Term Janu	w Gillespi
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due to that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief	orm of law
AS WITNESS my hand and Notarial Seal.  U 30 198  NOTARY PUBLIC	TO SE
My Commission Expires: 7/7(44)	STATE OF STA



### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

which is presently zoned

D.R. 5.5

for the property located at 202 Linhigh Avenue

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

of the Zoning Regulation practical difficulty)			of Baltimore County; for the following reasons: (indicate hards	
back of sheet				
I, or we, agree to pay	expenses of above V	ariance advertising, p	ped by Zoning Regulations. Posting, etc., upon filing of this petition, and further agree to and County adopted pursuant to the Zoning Law for Baltimore Cou	
		·	We do solemnly declare and affirm, under the penalties of penjury, that if legal owner(s) of the property which is the subject of this Petition	we an
Contract Purchaser/Lessee			Legal Owner(s)	
00.41.12		A P	TERRY JAMES GILLES	·05
(Type or Print Name)	QUILLOW V		(Type or Print Name)	1.4
			11.11/2	
Signature	Hart I		Signature	
	_/			
Address			(Type or Print Name)	
			<b>,</b> ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
City	State	Zipcode	Signature	-
Attorney for Petitioner.				
			202 Linhigh Avenue 410	663
(Type or Print Name)			Address Phone No	
			Baltimore, MD 21236	
Signature			City State Zipo Name, Address and phone number of representative to be contacted	ode
			M&H Development Engineers	
			Vincent J. Moskunas	
Address	Phone	No.	Name	
			200 E. Joppa Road Room 101 410	820
	State	Zipcode	Address Towson, MD 21286 Phone No	
City				

TEL.: 410-828-9060 FAX: 410-828-9066

#### M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21286

#### ZONING DESCRIPTION FOR #202 LINHIGH AVENUE

BEGINNING at a point on the west side of Linhigh Avenue which is a 40' right-of-way width at the distance of 220' east of the centerline of Henry Avenue which is 40' wide. Being Lot #'s 601 and 602 in the subdivision of Linhigh Avenue as recorded in Baltimore County Plat Book #7, Folio #81, containing 7250 square feet. Also known as #202 Linhigh Avenue and located in the 14th. Election District, 6th. Councilmanic District.



J. Tilghman Downey, Jr.

1

	BALTIMORE COUNTY, MARYLAI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		PATT RECT Wess as	TIM TIME	
100	DATE 7-7-98 ACCOUNT R-001-6150  AMOUNT \$ 50.00	REG W 5 Petei	ASO6 CASHIEP KISCELLANDUS	77/1998 10:27:5 MAEL HRW DRAW DAGH RECEIPT 22663 50.00 CA	
	RECEIVED MEH DOVELOAMT FINGE. INC		Baitime C	Junty, Waryland	···
*,	FOR: Res. Variance Petition #202 Linhigh A. Viling fee. (21236)	10,			And the second s
· Section	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELOW - CUSTOMER 99.12-4			L'S VALIDATION	

#### CERTIFICATE OF POSTING

RE: Case # 99-12-A
Petitioner/Developer:
(Terry Gillespie)
Date of Hearing/Closing:
(August 3, 1998)

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				
202 Linhigh Ave. Baltimore, Maryland 21236				
The sign(s) were posted on July 17, 1998				



Sincerely,  Normal Jels 1/1/98  (Signature of Sign Poster & Date)
Thomas P. Ogie, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

			3				
Case	Number 9	12	-A	Address_	202	Linhigh A	ve-
Conta	ict Person: _	- J. Planear	SULLIVA	<i>U</i> 7		Phone Number:	<b>410-887-339</b> 1
Filing	Date:	98/98	Pos	ting Date: _	7/19	Phone Number: Closing Date	e: <u>8/3</u>
Any c	contact made	with this of t person (plan	fice reaardin	id the status	s of the ad	ministrative varian	ce should be
1.	reverse side reposting m is again res	e of this form) ust be done o ponsible for a	and the pet only by one o all associated	titioner is res f the sign po d costs. The	sponsible fo esters on the e zonina no	sters on the approver all printing/postine approved list and tice sign must be remain there through	g costs. Any the petitioner visible on the
2.	a formal red	quest for a p	ublic hearing	α. Please ι	understand	or owner within 1,0 that even if there e closing date.	000 feet to file is no formal
3.	order that t (typically wit	er. He may: he matter be hin 7 to 10 da	a) grant th) set in for a ays of the clo	e requested a public hea osing date) a	relief; (b) o aring. You as to whethe	by the zoning or deleny the requested will receive writteer the petition has be you by First Class	f relief; or (c) n notification been granted.
4.	changed giv	e to a neigh er), notificatio ing notice of t	bor's formal n will be fo the hearing d	request or rwarded to late. time an	by order or you. The discription of the discription	that must go to a point the zoning or doing on the property of the sign was bettered sign must be	eputy zoning erty must be was originally
			(Deta	ch Along Dotted Li	ne)		
Petitio	oner: This P	art of the For	m is for the	Sign Poste	r Only		
		USE THE A	DMINISTRA	ATIVE VARIA	ANCE SIGN	FORMAT	
Case i	Number 9 <b>9</b> -	12 -A	Addr	ess _ 202	Links	gh AVE	
	ng Date:	7/19		Clo	sing Date:	8-3-98	
Wordi	ng for Sigh:	To Permit	a sidey	ard se	+ hack	& St. in fee	es of
_ <i>t</i> h	e mini	num rec	zuired	10 ft	and a	10+ width	of 50 At.
in	lieu of	the min	incom p	epu;ré	1554	7,	

#### **APPROVED SIGN POSTERS**

Stacy Gardner

Shannon-Baum Signs, Inc.

105 Competitive Goals Drive

Baltimore, MD 21784

Richard Hoffman

904 Dellwood Avenue

Failston, 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:

(410) 781–4000

Toll Free:

(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:

(410) 666-5366

Cell: Fax: (410) 905-8571 (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

4-51-00

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-12-A  Petitioner: Terry J. Gillesp. é  Address or Location: 202 Lin high Aue
Petitioner: Terry J. Gillespie
Address or Location: 202 Lin high Aue
7
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Same</u>
Address:
Balto, Md. 21236
Telephone Number: (410) 663-4699

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

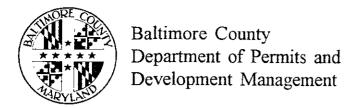
#### **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-12-9 Petitioner: Terri J. Gillespie
Address or Location: 202 Linhigh Ave. (21234)
PLEASE FORWARD ADVERTISING BILL TO:  Name: Vincent T. Moskungs
Address: 200 E. Joppa Rd. Room 101  Towson, Md., 21286
Telephone Number: (410) 828-9060



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

July 30, 1998

Mr. Vincent J. Moskunas M & H Development Engineers 200 E. Joppa Road, Room 101 Towson, MD 21286

RE: Item No.: 12

Case No.: 99-12-A

Location: 202 Linhigh Avenue

Dear Mr. Moskunas:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 7, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

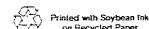
Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures





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

July 27, 1998

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 20, 1998

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:

018, 012) 013, 014, 015, AND 016

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



## ALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

To:

MC9

FROM:

R. Bruce Seeley Rhylan Permits and Development Review

DEPRM

SUBJECT: Zaning Advisory Committee

Meeting Date:

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

Item #'s:/

RBS:sp

BRUCE2/DEPRM/TXTSBP

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE**: July 29 1998

TO: Arnold Jablon, Director
Department of Permits
and 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 petitions (s):

Item No. 12

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) 887-3480.

Section Chief: Jeffry M-Lay

AFK/JL



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

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

RE: Baltimore County 7.17.9 V

Item No. 012

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Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

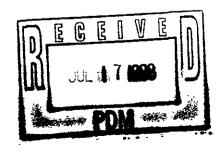
Very truly yours,

f. f. Arelle for Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 31, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for July 27, 1998

Item Nos. 011, 012) 013, 014, 015,

016, 017, and 018

Case Number 98-473-X (7501 Oakleigh Road

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

RWB:HJO:jrb

cc: File

