

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – S/S Mount Carmel Road,
795' W of the c/l York Road * ZONING COMMISSIONER
(107 Mount Carmel Road)
7th Election District * OF BALTIMORE COUNTY
7th Councilmanic District * Case No. 00-112-XA

Carl J. Yarema
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Carl J. Yarema, through his attorneys, Elizabeth Yarema, Esquire and David Mister, Esquire. The Petitioner sought special exception relief to allow commercial, office and retail uses within a proposed building on the subject property, pursuant to Section 259.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit said building with 2800 sq.ft. of leasable area on the first floor and 6,000 sq.ft. of leasable area on the second floor, in lieu of the maximum allowed 6,600 sq.ft. on the ground floor, pursuant to Section 259.3.B.3 of the B.C.Z.R. In addition, the Petitioner sought variance relief from Section 259.3.C.2.a to permit a front yard setback of 67 feet in lieu of the required front average of 16 feet, and from Section 259.3.C.3.a of the B.C.Z.R. to permit a landscaped side yard setback of 5 feet and a landscaped rear yard setback of 9 feet in lieu of the minimum required 15 feet for each. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the requests were Carl J. Yarema, property owner, Elizabeth Yarema, Esquire and David Mister, Esquire, attorneys for the Petitioner, and

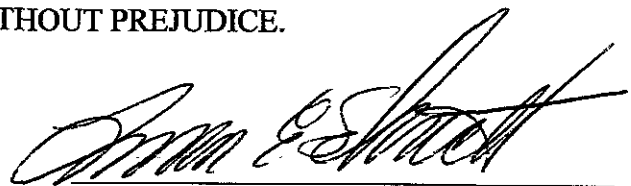
ORDER RECEIVED FOR FILING
Date 11/23/09
By [Signature]

several residents from the surrounding community. Appearing in opposition to the requests were several other residents/property owners from the surrounding neighborhood, including Paul Hupfer and George B. McCeney, representatives from the Greater Sparks-Glencoe Community Council, and Harold Paris, Jr., a representative of Arcadian Development Corp. The Arcadian Development Corp. was represented by Howard L. Alderman, Jr., Esquire.

Testimony and evidence received revealed that the subject property consists of a gross area of 1.26 acres, more or less, zoned R.C.5-C.R. The property is located on the south side of Mt. Carmel Road in Sparks. The property is bordered on the east side with a two-story office/retail building and accessory parking area, and on the west side, by the Hereford Baptist Church. To the rear and across from the site are residentially zoned properties.

At the hearing, Counsel proffered that the Petitioner proposed to develop the site with a two-story office/retail building, containing a total 8,800 sq.ft. of retail and office space, and 2,200 sq.ft. of basement storage space, which would be utilized by employees only and have no retail or customer traffic. Testimony was offered by Joseph Larson, the Petitioner's land use consultant. Following the presentation of Mr. Larson's testimony, Petitioner's Counsel informed this Zoning Commissioner, by Motion in open hearing, of his client's desire to withdraw the Petitions. This motion was not opposed.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of November, 1999 that the Petitions for Special Exception and Variance in the above-captioned matter shall be DISMISSED, WITHOUT PREJUDICE.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

November 24, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Elizabeth Yarema, Esquire
16940 York Road
Hereford, Maryland 21111

David F. Mister, Esquire
30 E. Padonia Road, Suite 404
Lutherville, Maryland 21093

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Mt. Carmel Road, 795' W of the c/l York Road
(107 Mt. Carmel Road)
7th Election District – 7th Councilmanic District
Carl J. Yarema – Petitioner
Case No. 00-112-XA

Dear Ms. Yarema:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been dismissed without prejudice, 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204
Mr. Harold Paris, 104 Church Lane, Pikesville, Md. 21208
Mr. George B. McCeney, 1407 Glencoe Road, Glencoe, Md. 21152
Mr. Dennis Eaton, 111 Mt. Carmel Road, Hereford, Md. 21111
Mr. Paul A. Hupfer, 831 Walters Lane, Sparks, Md. 211521
Mr. Charlie Utermohle, 11 Grace Ridge, Hereford, Md. 21111
Mr. Gary C. Duvall, 1300 Monkton Road, Hereford, Md. 21111
Mr. Allan Iannacone, 111 Mt. Carmel Road, Hereford, Md. 21111
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





This Petition shall be filed with the Department of Permits and 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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for commercial, office and retail uses within the proposed building in accordance with Section 259.3.B.2 of the BCZR.

also to permit a building with 2800 sq. ft. on the first floor and 6000 sq. ft. on the second floor in lieu of a building with a maximum of 6,600 sq. ft. on the ground floor in accordance with Section 259.3.B.3 of the BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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.

Elizabeth Yarema Esq.
Name - Type or Print
Signature
16940 York Road
Company
16940 York Road
Address
Hereford Md.
Telephone No.
343-0087
21111
Zip Code

<u>Representative to be contacted</u> Joseph Larson Spellman, Larson & Associates, Inc.		
Name	105 W. Chesapeake Avenue	823-3535
Address	Towson Md.	Telephone No. 21204
City	State	Zip Code

Reviewed By 228 Date 9-13-99

Company	16940 M
Address	Here for
Case No	
Date	22U 09/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 107 Mt. Carmel Road

which is presently zoned RC-5 CR

This Petition shall be filed with the Department of Permits and 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) 259.3.C.3.a. to allow a 5' landscaped sideyard and a 9' landscaped rearyard in lieu of the required 15'.

Section 259.3.C.2.a. to allow a frontyard setback of 67' in lieu of the front average of 16'.

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

Reasoning to be fully documented and explained at the Zoning Hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Elizabeth Yarema Esq.

Name - Type or Print

Signature

Company

16940 York Road

343-0087

Address

Telephone No.

Herford

Md.

21111

City

State

Zip Code

Legal Owner(s):

Carl J. Yarema

Name - Type or Print

Signature

Name - Type or Print

Signature

705 Indian Springs Court

472-2467

Address

Telephone No.

Sparks

Md.

21152

City

State

Zip Code

Representative to be Contacted:

Joseph Larson

Spellman, Larson & Associates, Inc.

Name

105 W. Chesapeake Avenue

823-3535

Address

Telephone No.

Towson

Md.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See Sp. Ek'

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

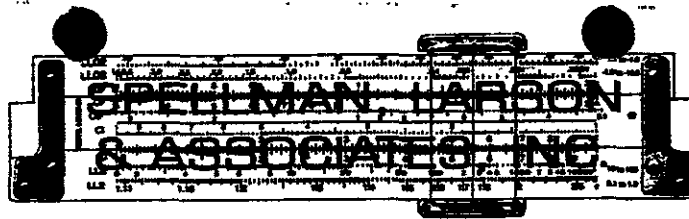
Date 9-13-99

ORDER RECEIVED FOR FILING

Case No. 00-112-XA

Date 9/15/98

By



00-112-XA

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

Description To Accompany A Zoning Petition,
Mount Carmel Road,
Seventh District, Baltimore County, Maryland.

Beginning for the same on the south side of Mount Carmel Road (Maryland Route No. 137), 40 feet wide, at the distance of 795 feet, more or less, measured along the south side of Mount Carmel Road from the center line of York Road (Maryland Route No. 45) said point being also on the zoning line dividing that land zoned RO-CR and RC5-CR and running thence and binding on the south side of Mount Carmel Road north 88 degrees 04 minutes 19 seconds west 272.57 feet thence leaving the south side of Mount Carmel Road and running south 00 degrees 53 minutes 55 seconds east 199.08 feet to the zoning line dividing that land zoned RC5-CR and RC5 running thence and binding on said zoning line south 87 degrees 08 minutes 04 seconds east 271.89 feet to the zoning line first herein referred to and running thence and binding on said zoning line north 00 degrees 38 minutes 03 seconds west 203.49 feet to the place of beginning.

Containing 1.26 acres of land, more or less.

8/30/99



112

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

Form No. **06225**

DATE 9-13-99 ACCOUNT R-001-6150

AMOUNT \$ 550.00

RECEIVED FROM: Club T of Elwood M. Yarwood

FOR: Donor's Club Special Ex. & Variation Filing Fee
1000 MT. Carmel Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

9/16/99 9/16/99 14:25:21

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CASHIER'S VALIDATION

550.00 OK
Baltimore County, Maryland

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case#: 00-112-XA

107 Mt. Carmel Road

S/S Mt. Carmel Road, 795' +/- W of centerline York Road

7th Election District - 3rd Councilmanic District

Legal Owner: Carl J. Yarema

Special Exception: For commercial, office and retail uses within the proposed building and to permit a building with 2,800 square feet on the first floor and 6,000 square feet on the second floor in lieu of a building with a maximum of 6,600 square feet on the ground floor.

Variance: To allow a 5 foot landscaped side yard and a 9 foot landscaped rear yard in lieu of the required 15 feet and to allow a front yard setback of 67 feet in lieu of the front average of 16 feet.

Hearing: Thursday, October 28, 1999 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JTU/10/681 Oct. 12

C346083

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/15, 19 99

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Tues 10/12, 19 99.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 00-112-XA

Petitioner/Developer CARL YAREMA
% JES. LARSEN

Date of Hearing/Closing: 10/28/99

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 #107-MT. CARMEL RD.

The sign(s) were posted on 10/12/99
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/20/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)

ZONING NOTICE

Case #: 00-112-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE RM-106 CHESAPEAKE AVE
111-W. CHESAPEAKE AVE
PLACE RM-106 COUNTY OFFICE BLDG. - TOWSON
TIME & DATE: THURS, OCTOBER 28, 1999 @ 11:00AM

SPECIAL EXCEPTION: FOR COMMERCIAL OFFICE AND RETAIL USES
WITHIN THE PROPOSED BUILDING AND TO PERMIT A BUILDING
WITH 2,500 SQUARE FEET ON THE FIRST FLOOR AND 6,000 SQ
FEET ON THE SECOND FLOOR IN LIEU OF A BUILDING WITH A
MAXIMUM OF 6,000 SQUARE FEET ON THE GROUND FLOOR
VARIANCE TO ALLOW A 5 FOOT LANDSCAPED SIDE YARD
AND A 9 FOOT LANDSCAPED REAR YARD IN LIEU OF THE
REQUIRED 15 FOOT REAR TO ALL ON A FRONT YARD SETBACK
OF 6 FT IN LIEU OF THE FRONT AVERAGE OF 16 FEET
(#107 MT CARMEL RD)

FOR MORE INFORMATION CALL: 410-666-5366 (4-6665)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE NECESSARY
NECESSARY TO CONVINCE HEARING.

CALL 887-2331 THE DAY BEFORE THE HEARING FOR MORE INFORMATION.

HEARINGS ARE HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 00-112-XA

Petitioner/Developer: YAREMA, ETAL
% J. LARSON

Date of Hearing/Closing: 11/18/99

CONTIN. MTG.

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 #107 Mt. CARMEL RD.

The sign(s) were posted on 11/3/99
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 11/5/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

ZONING NOTICE

Case #: 00-112-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE 111 WEST CHESAPEAKE AVE.
RM-106 COUNTY OFFICE BLDG. - TOWSON
RESCHEDULED
TIME & DATE: NOVEMBER 18, 1999 @ 9:30 AM

SPECIAL EXCEPTION: FOR COMMERCIAL OFFICE AND RETAIL USES
WITHIN THE PROPOSED BUILDING AND TO PERMIT A BUILDING
WITH 2,500 SQUARE FEET ON THE FIRST FLOOR AND 4,000 SQ
FEET ON THE SECOND FLOOR IN LIEU OF A BUILDING WITH A
FOOTPRINT OF 6,500 SQUARE FEET ON THE SECOND FLOOR.
VARIANCE TO ALLOW A 5-FOOT LANDSCAPED SIDE YARD
AND A 9-FOOT LANDSCAPED REAR YARD IN LIEU OF THE
REQUIRED 15-FOOT AND TO ALLOW A FRONT YARD SETBACK
OF 6 FT IN LIEU OF THE FRONT AVERAGE OF 16 FEET
(#107 MTCARMELO RD.) - CONTIN. HRS.

FOR MORE INFORMATION, CALL 410-666-5366 (ext. 3000)
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFORM HEARINGS
CALL 887-2381 THE DAY BEFORE THE SCHEDULED HEARING DATE
WE ARE REQUESTING THAT YOU ARRIVE 15 MINUTES EARLY TO THE HEARING
HEARINGS ARE HANDICAPPED ACCESSIBLE

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE

107 Mt. Carmel Road, S/S Mt. Carmel Rd,
795' +/- W of c/I York Rd
7th Election District, 3rd Councilmanic

Legal Owner: Carl J. Yarema
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-112-XA

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to Elizabeth Yarema, Esq., 16940 York Road, Hereford, MD 21111, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 7, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-112-XA

107 Mt. Carmel Road

S/S Mt. Carmel Road, 795'+/- W of centerline York Road

7th Election District - 3rd Councilmanic District

Legal Owner: Carl J. Yarema

SPECIAL EXCEPTION: For commercial, office and retail uses within the proposed building and to permit a building with 2,800 square feet on the first floor and 6,000 square feet on the second floor in lieu of a building with a maximum of 6,600 square feet on the ground floor.

VARIANCE: To allow a 5 foot landscaped side yard and a 9 foot landscaped rear yard in lieu of the required 15 feet and to allow a front yard setback of 67 feet in lieu of the front average of 16 feet.

HEARING: THURSDAY, OCTOBER 28, 1999 AT 11:00 A.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Elizabeth Yarema, Esq.
Mr. Joseph Larson
Mr. Carl J. Yarema

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 13, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
October 12, 1999 Issue - Jeffersonian

Please forward billing to:

Mr. Carl J. Yarema
705 Indian Springs Court
Sparks, MD 21152
410-472-2467

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-112-XA

107 Mt. Carmel Road
S/S Mt. Carmel Road, 795'+/- W of centerline York Road
7th Election District - 3rd Councilmanic District
Legal Owner: Carl J. Yarema

SPECIAL EXCEPTION: For commercial, office and retail uses within the proposed building and to permit a building with 2,800 square feet on the first floor and 6,000 square feet on the second floor in lieu of a building with a maximum of 6,600 square feet on the ground floor.

VARIANCE: To allow a 5 foot landscaped side yard and a 9 foot landscaped rear yard in lieu of the required 15 feet and to allow a front yard setback of 67 feet in lieu of the front average of 16 feet.

HEARING: THURSDAY, OCTOBER 28, 1999 AT 11:00 A.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 00-112-XA

Petitioner: Carl & Eleanor Yarema

Address or Location: 107 Mt. Carmel Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Carl J. Yarema

Address: 705 Indian Springs Ct.

Sparks, Md. 21153

Telephone Number: (410) 472-2467

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: October 19, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 18, 1999
 Item No. 112

The Bureau of Development Plans Review has reviewed the subject zoning item. Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer".

Mount Carmel Road, Maryland Route 137, is a state road. All improvements, intersections, entrances, drainage requirements and construction affecting a state road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required on both sides of the streets within this subdivision and/or along the frontage of all existing streets including state roads. The walks shall be 5 feet wide located 2 feet from property line and shall be installed to conform with Baltimore County Standards.

Relocate the proposed public storm drain pipe beyond the private retaining wall/steps located at the front of the proposed building.

RWB:HJO:jrb

cc: File

ZAC10189.112



Maryland Department of Transportation
State Highway Administration

Jim 11/18
Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: October 27, 1999

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

RE: Baltimore County
Item No. 112 (JJS)
107 Mt. Carmel Road
MD 137
Mile Post 8.35

Dear Ms. Stephens:

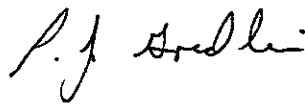
This office has reviewed the referenced item and we have no objection to approval.

However we will require the owner to obtain an access permit and as a minimum the following will be conditioned to the permit:

- Auxillary lane widening, including sidewalk, curb and gutter, to accommodate a 48' roadway section.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for 
Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

CARL J. MEIL, JR., INC.
Insurance - Financial Services

Carl J. Meil, Jr.
C. John Meil, III
James McC. Meil

HEREFORD CENTER BUILDING
16940 YORK ROAD, P. O. BOX 320
HEREFORD, MARYLAND 21111-0320
TEL. 410-329-8100
FAX 410-329-8163

Carroll Plaza
Westminster, MD 21157
410-857-8200
National Service Center
Tel. 800-329-8105
Fax 800-329-8109

November 11, 1999

Mr. Timothy M. Kotroco, Deputy Zoning Commissioner
Office of Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Re: 107 Mount Carmel Road Case #00-112-XA

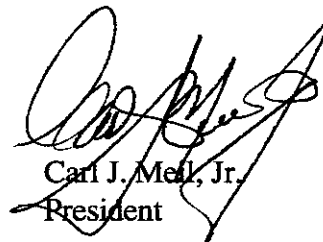
Dear Commissioner:

I wish to express my support for the project Mr. Carl Yarema is building at 107 Mount Carmel Road. The proposed building will greatly improve the appearance of the area, generate much needed business space for Hereford, and tax revenue for Baltimore County. It is my understanding that the owners of the adjacent building are contesting Mr. Yarema's plan. In my opinion 111 Mount Carmel Road is unattractive with its low placement on the property and dark colors. The Yarema building at 107 Mount Carmel Road will enhance the appearance of the area. I feel it is just what Hereford needs.

I request that you end all of the nonsense and allow the Yarema project to be completed.

Very Truly Yours,

CARL J. MEIL, JR., INC.


Carl J. Meil, Jr.
President

Enclosure
CJM/mms



HEREFORD COMMUNITY ASSOCIATION

P.O. BOX 180 MONKTON, MD 21111

410-329-2153 (fax)

10/26/99

ag
WCRTo: Gwen for
ZC ASAP

October 26, 1999

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue - Room 405
Towson, MD 21204

Re: Yarema Property
Case #00-112-XA

Dear Mr. Schmidt,

On October 25, 1999 at 7:30 pm, seven of the nine invited members of the board of directors and the president of the Hereford Community Assoc., met to discuss what they believe to be inadequate information regarding the proposed Yarema Building at 107 Mt. Carmel Road in Hereford, Maryland.

In the past, all persons who have proposed any type of development have gone through the normal procedures of the Hereford Master Plan for developing property. This includes welcoming community input and addressing community concerns. Since the board members feel that the association lacks sufficient information prior to the scheduled hearing on Thursday, October 28, 1999, we request that the hearing be postponed until complete information is provided.

Respectfully,

HEREFORD COMMUNITY ASSOC.
BOARD OF DIRECTORS



Kenneth Bollinger
President

cc: T. Bryan McIntire
William Hughey
Carl Yarema

99-2774

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

November 10, 1999

TO: Zoning Commissioner Kotroco

FROM: Greater Sparks-Glencoe Community Council (GSGCC)

RE: Testimony Relative to Petition for Variance and Special Exception of Carl Yarema
On Hearing Date of November 18, 1999

Please be advised that the Board of Directors of The GSGCC have delegated Paul Hupfer, Zoning Committee Chairman, and/or George B. McCeney, President, to represent all interests and concerns of The GSGCC before the Hearing Officer in this case. Any and all comments made by these two gentlemen should be construed to accurately represent the opinions of the GSGCC in the above matter.

Sincerely,



Wendy McIVER, Secretary
Greater Sparks-Glencoe Community Council

Cc: Yarema file GSGCC



Baltimore County
Zoning Commissioner

File

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 29, 1999

Elizabeth Yarema, Esquire
16940 York Road
Hereford, Maryland 21111

David F. Mister, Esquire
30 E. Padonia Road, Suite 404
Timonium, Maryland 21093

RE: Case No. 00-112-XA
Petition for Variance & Special Exception
Property: 107 Mt. Carmel Road

Dear Ms. Yarema & Mr. Mister:

As you are aware, at the October 28, 1999 hearing concerning the above-captioned matter, a postponement was granted. The new hearing date for this case has been scheduled for November 18, 1999 @ 9:00 A.M. in Room #407, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

Very truly yours,

Timothy M. Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Encl.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. Carl Yarema
705 Indian Springs Court
Sparks, Maryland 21152

Mr. Joseph Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. Kenneth Bollinger, President
Hereford Community Association
P. O. Box 180
Monkton, Maryland 21111

Mr. Dennis Eaton
Hereford Community Association
Board of Directors
111 Mt. Carmel Road
Hereford, Maryland 21111

Mr. Paul Hupfer
831 Walters Lane
Sparks, Maryland 21152

✓ Ms. Gwen Stephens
PDM

October 27, 1999

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Dear Commissioner Schmidt,

We are writing about Carl Yarema's property at 107 Mount Carmel Road. We live on Mount Carmel Road, directly across the street from Carl Yarema's lot. We appreciate that Carl made the effort to stop by our home and share with us his plans for his property and to answer any questions we had about it. As long time residents of Hereford, we know how badly the community here needs additional services and Carl's building is going to help provide us with them. Plus, after seeing Carl's proposed building design and site plan, we feel that the building will be an attractive addition to our town.

Though we're unable to attend the zoning hearing in Towson, we wanted to let you know that we support Carl Yarema's plans for developing the lot across the street from our home.

Sincerely,

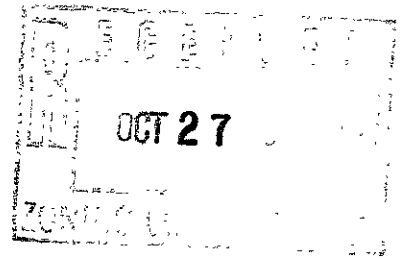
Marie and Wilbur Synder

Marie Synder
Wilbur Synder

HEREFORD COMMUNITY ASSOCIATION

P.O. BOX 180 MONKTON, MD 21111

410-329-2153 (fax)



October 26, 1999

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue - Room 405
Towson, MD 21204

Re: Yarema Property
Case #00-112-XA

Dear Mr. Schmidt,

On October 25, 1999 at 7:30 pm, seven of the nine invited members of the board of directors and the president of the Hereford Community Assoc., met to discuss what they believe to be inadequate information regarding the proposed Yarema Building at 107 Mt. Carmel Road in Hereford, Maryland.

In the past, all persons who have proposed any type of development have gone through the normal procedures of the Hereford Master Plan for developing property. This includes welcoming community input and addressing community concerns. Since the board members feel that the association lacks sufficient information prior to the scheduled hearing on Thursday, October 28, 1999, we request that the hearing be postponed until complete information is provided.

Respectfully,

HEREFORD COMMUNITY ASSOC.
BOARD OF DIRECTORS


Kenneth Bolinger
President

cc: T. Bryan McIntire
William Hughey
Carl Yarema



The Law Offices of Elizabeth C. Yarema
The Hereford Center, 201
P.O. Box 85
16940 York Road
Hereford, Maryland 21111

FAX COVER SHEET

If there are problems with this transmission call: 410.343.0087

TO: Timothy M. Kotroco, Deputy Zoning Commissioner @ 410-887-3468
FROM: Elizabeth C. Yarema, Esquire/eem
DATE: 10/27/99

NUMBER OF PAGES (INCLUDING COVER SHEET): three

Call back at 410.343.0087 to confirm transmission receipt? (yes) X (no)

MESSAGE:

None.

CONFIDENTIALITY NOTICE: This facsimile contains information which may be legally privileged and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile, or the taking of any action in reliance on the contents of this telecopied information, may be strictly prohibited. If you have received this facsimile in error, please telephone the number above and return the entire facsimile to the above address via the U.S. Postal Services. Thank you.

ELIZABETH C. YAREMA
ATTORNEY AT LAW &
DOMESTIC AND CIVIL DISPUTE MEDIATOR

THE HEREFORD CENTER 2010
16940 YORK ROAD
P.O. BOX 85
HEREFORD, MARYLAND 21111

LAW OFFICE
PHONE 410 343 0087
FAX 410 357 5545
EMAIL ATTYMED@AOL.COM

October 27, 1999

Timothy M. Kotroco, Deputy Zoning Commissioner
Office of Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Re: Yarema Property
Case No. 00-112-XA

VIA FACSIMILE

Dear Deputy Commissioner,

I am writing on behalf of my client, Carl Yarema, in the above referenced matter regarding the request for postponement by part of the Board of Directors of Hereford Community Association. As you know from the file, Mr. Yarema filed for and was granted a "B-9" exception for the development for his property at 107 Mt. Carmel Road in Hereford. Pursuant to such approval, Mr. Yarema is not required to have an official community input meeting. Despite the fact that Mr. Yarema was not so required, he has made a consistent and open effort to discuss his plans, as they exist to date, with the local community individually and the Hereford Community Association as a whole, of which he is a long time and active member.

In fact, Mr. Yarema presented the plans for his property at the September Association meeting, where he answered questions and welcomed feedback. At the following Association meeting on October 12, 1999 he announced the zoning hearing date, though it was not posted until the following day, and again solicited community response. Mr. Yarema's engineer for the project, Joe Larson, also attended the October Association meeting and was available for questions.

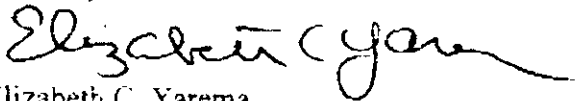
Mr. Yarema was very surprised by this last minute request for postponement, particularly because if the Board had called an official meeting or if they had even informed him that they had any further questions, he would have been more than happy to meet with them for further discussion. Furthermore, if afforded such an opportunity, Mr. Yarema could have made it clear that there is no further information to be ascertained, as he had already shared with the Association at their regularly scheduled meetings all of the information that he had regarding the zoning and planning development of the property.

Letter to Deputy Commissioner Kotroco
page two

Mr. Yarema's willingness to work with the people of Hereford aside, the community has had full and fair notice of the hearing date, which was properly posted. A postponement at this late date would constitute an undue hardship on Mr. Yarema who will be at the hearing tomorrow and is prepared to proceed at the scheduled date and time. Mr. Yarema is further constrained by the fact that he and his wife intend to be out of town from mid to late November until next spring. I therefore would request, on Mr. Yarema's behalf, that the request for postponement be denied.

Thank you for your time and consideration.

Sincerely,


Elizabeth C. Yarema

ECY/ann

cc The Hereford Community Association, Board of
Directors, c/o Ken Bollinger, Association President

Carl Yarema

PETITIONER(S) SIGN-IN SHEET

11/18/99

ADDRESS

CARL YAREMA
Clarence M Yarema
Richard Holmshushead
Clyde E Holmshushead
Walter P. Brown Sr.
George A. Lock
Lick McDodd
John J Brown
Harold Buntory

705 INDIAN ST. CT SPARKS
715 Jordan Sp. Ct. Sparks
14600 Western Rd. Sparks Md. 21152
14600 Western Rd. Sparks Md 21152
19607 Kirkwood Shop Rd. White Hall, Md.
1392 Monkton Rd. Monkton Md 21114
727 Old Bulfinch Rd Sparks, Md 21152
9201 Carmel Rd Parktown Md 21120
2100 Delaware Ct. Lutherville
21693

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

PAUL HUPFER

831 WALTERS LANE
SPARKS, MARYLAND 21152

DENNIS EATON

HELPS COMMUNITY APTS

BOARD OF DIRECTORS

DENNIS EATON

111 MT. CARMEL RD

HELPS MD 21111

~~John E. Helling~~

~~Sparks/Helms Community~~
~~14600 Western Rd~~
~~Sparks Md 21152~~

~~Richard H. Helling~~

~~Sparks/Helms Community~~

PETITIONER(S) SIGN-IN SHEET

ADDRESS

1302 Markston Rd. Markston, MD.

705 Indian St. Santa Ana 257

19607 Kipwood Shop Rd. White Hall Md.

16653 Miller Ln Parkman, 128 21/18

|| || ||

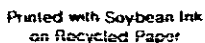
9 MT. CARMEL RD PARKTON, NJ
21120

3731 Abingdon Branch Rd
Abingdon Ind 21009

727 OLD BELFAST RD
SPARKS, MD 21152

14600 WESTERN RD SPARKS MD. 21152

14604 Western Rd. Sparks Md "



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 27, 1999

Ref No 3

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

SUBJECT: 107 Mt. Carmel Road

INFORMATION:

Item Number: 112

Petitioner: Carl J. Yarema

Zoning: RC 5 CR

Requested Action: Variance and Special Exception

SUMMARY OF RECOMMENDATIONS:

The CR district regulations limit development to a size of 8,800 square feet with a maximum of 6600 square feet on the first floor and a floor area ratio of 0.20. Proposed buildings can exceed the bulk regulations when the proposed development is in conformance with the site design guidelines and performance standards that are a part of a duly adopted Master Plan for the district. In this case the project should comply with the guidelines of the Hereford Community Plan to make sure it is compatible with the desired architecture and site design character.

The Office of Planning recommends that the site design and building architecture meet the intent of the Hereford Community Plan. Further, this office recommends that the request to permit the commercial and office and retail uses on the property and to allow certain setback variances on the side and rear yards and a maximum 6000 square feet on the second floor be GRANTED subject to the listing below:

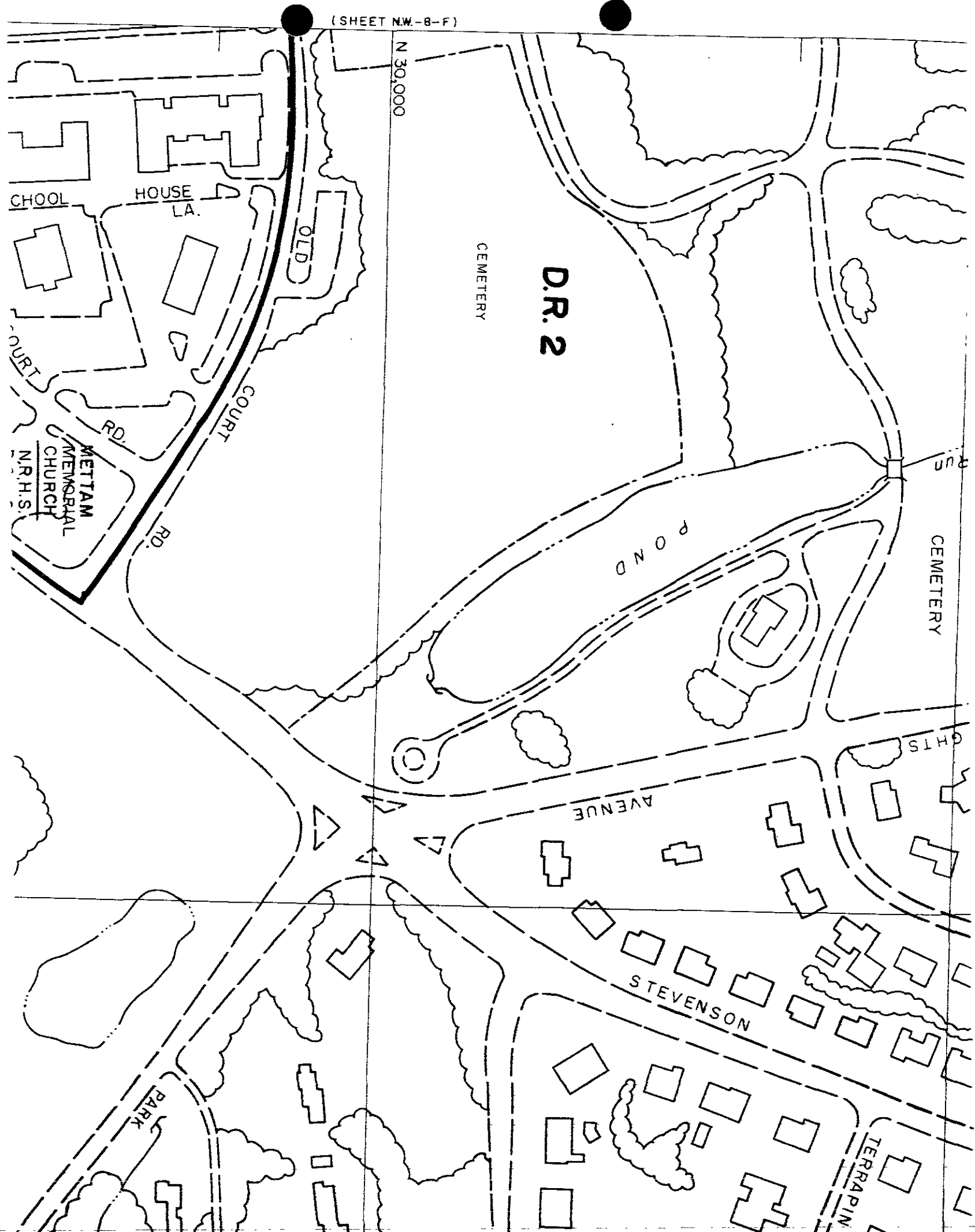
1. Section 26-282 (2) of The Baltimore County Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for development in the CR district. Before a positive recommendation for compatibility can be made the following items must be submitted prior to development plan approval. The following submissions are necessary:
 - a. Architectural elevations of all building and canopy facades that shall include general massing of the buildings, major facade divisions, size and placement of openings, roof treatment, materials, colors and the design of the canopy; and

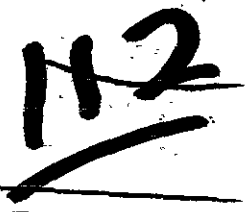
- b. The design and placement of building and freestanding signage and lighting.
 - c. A Schematic Landscape Plan
2. The developer's representatives have been working with staff on the design of the proposed office/retail building. Robert Bayer provided concept elevation drawings of all façades that are acceptable to this office. Final elevation drawings should be submitted prior to approval of the Development Plan.
 3. The building brick color should be in the same tonal range as the adjacent building to the west.
 4. The retaining wall along the rear edge of the property adjacent to the residential should be of a similar color as the building brick. With plant material at the base of the wall to soften the 8 to 10 foot height. Provide an elevation of the wall that details the material, design and guard rail.
 5. The dumpster enclosure should be constructed of brick to match the building brick. Provide elevations of the enclosure.
 6. Submit a plan, with the locations and details of the proposed lighting and a computerized lighting design with point-by-point calculations that conforms with the *Illumination Engineering Society* (IES) standards, for review and approval by Avery Harden in conjunction with the Final Landscape Plan. Special attention should be given to the lighting design as the site is higher in elevation than the adjacent residential.

Section Chief:



AFK/JL

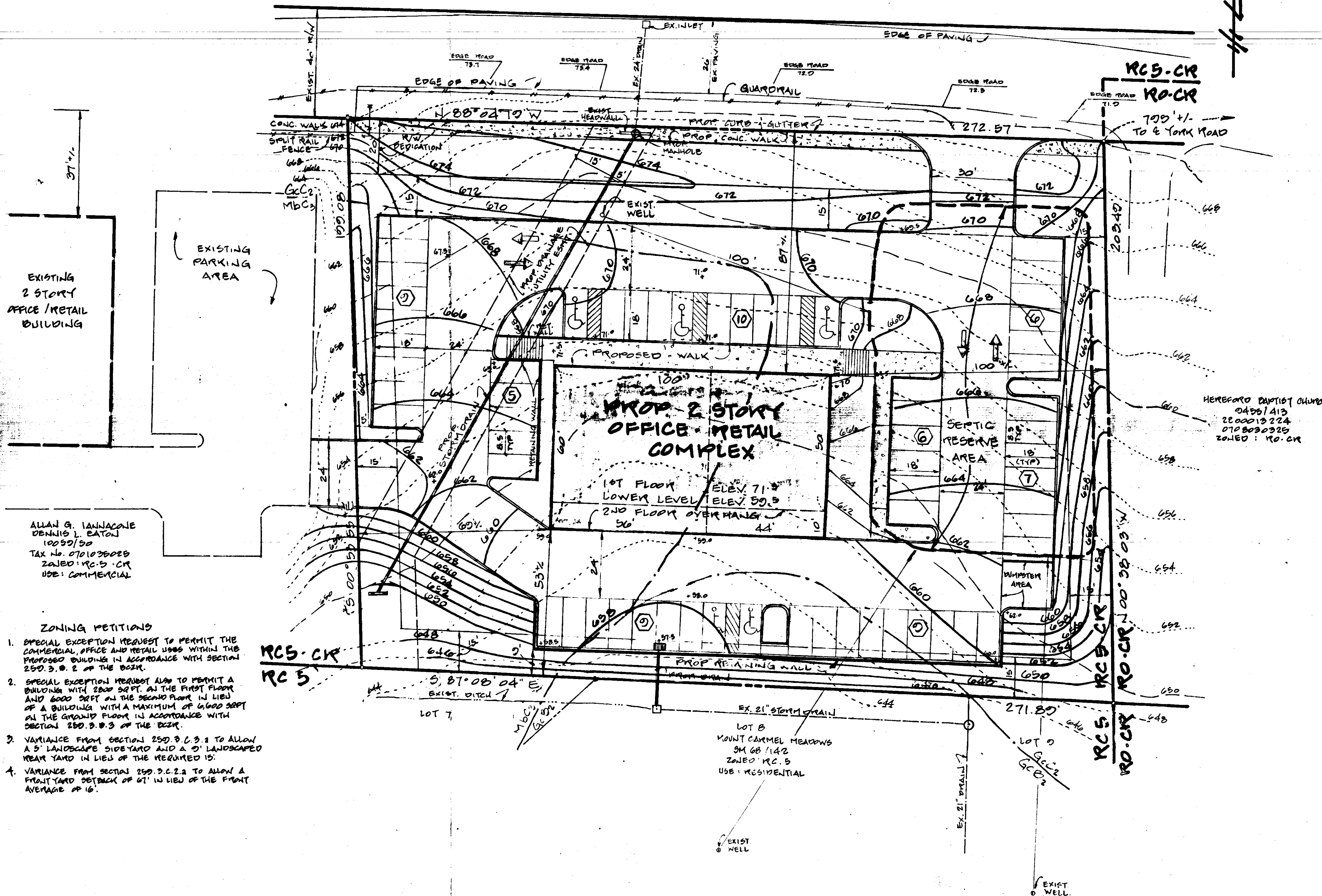




SOILS TABULATION CHART					STREETS / PARKING
SERIES	SYMBOL	W/BMT	W/O BMT		
GLENELA	GCC2	SLIGHT	SLIGHT	MODERATE	
GLENELA	GCC2	MODERATE	MODERATE	SEVERE	
MAJOR	MBC3	MODERATE	MODERATE	SEVERE	

ZONED: RC5-CR

MOUNT CARMEL ROAD MARYLAND ROUTE 137



ALLAN G. IANNACCONE
DANIEL L. EATON
10050/50
TAX NO. 0701030025
ZONED: RC5-CR
USE: COMMERCIAL

ZONING PETITIONS

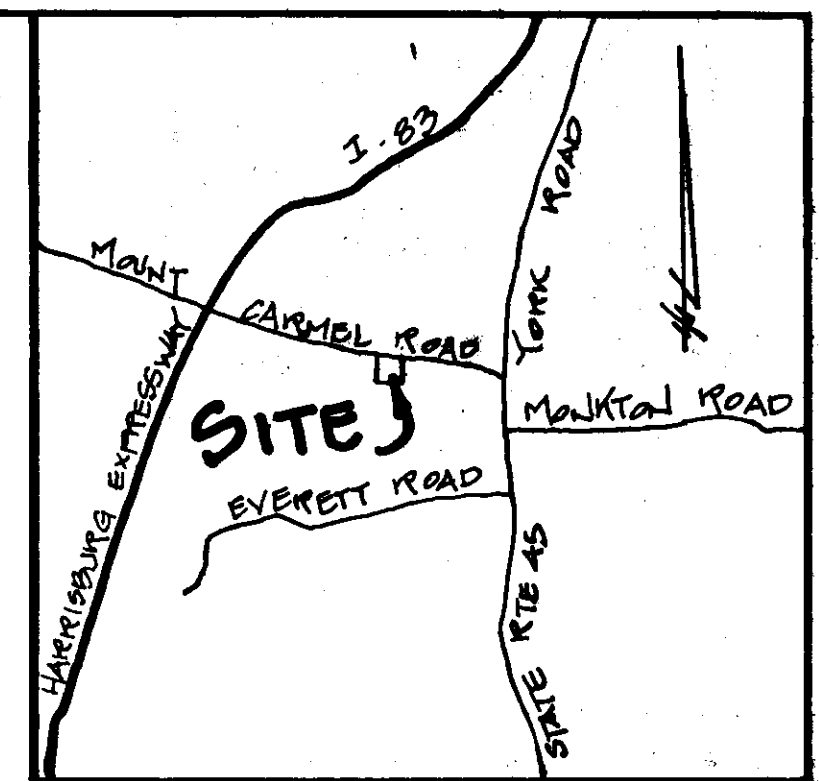
- SPECIAL EXCEPTION REQUEST TO PERMIT THE COMMERCIAL, OFFICE AND RETAIL USES WITHIN THE PROPOSED BUILDING IN ACCORDANCE WITH SECTION 250.3.0.2 OF THE DECK.
- SPECIAL EXCEPTION REQUEST ALSO TO PERMIT A BUILDING WITH 2500 SQFT. AT THE FIRST FLOOR AND 6000 SQFT. AT THE SECOND FLOOR IN LIEU OF A BUILDING WITH A MAXIMUM OF 6000 SQFT. AT THE GROUND FLOOR IN ACCORDANCE WITH SECTION 250.3.0.3 OF THE DECK.
- VARIANCE FROM SECTION 250.3.0.3.1 TO ALLOW A 5' LANDSCAPE BUFFER AND A 5' LANDSCAPED REAR YARD IN LIEU OF THE REQUIRED 15'.
- VARIANCE FROM SECTION 250.3.0.3.2 TO ALLOW A FRONT YARD SETBACK OF 0' IN LIEU OF THE FRONT AVERAGE OF 15'.

DELINQUENT ACCOUNTS CERTIFICATION

I, CARL J. YAREMA, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

GENERAL NOTES

- THERE ARE NO HAZARDOUS MATERIAL SITES AT THE SUBJECT PROPERTY.
- THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT PROPERTY.
- THERE ARE NO ARCHEOLOGICAL SITES AT THE SUBJECT PROPERTY.
- THERE ARE NO UNDERGROUND STORAGE TANKS AT THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO PREVIOUS VARIANCES, SPECIAL EXCEPTIONS, SPECIAL HEARINGS OR REQUESTS FOR WAIVERS FROM COUNTY REGULATIONS.
- THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
- ANY FUTURE SIGNS WILL COMPLY WITH THE BALTIMORE COUNTY ZONING REGULATIONS.
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.
- THE PROPOSED LIGHTING FOR THE SUBJECT PROPERTY WILL BE LOW PROFILE LIGHTING AND WILL BE DIRECTED AWAY FROM THE RESIDENTIAL AREAS.



VICINITY MAP SCALE: 1" = 2,000'

SITE DATA

SITE AREA	1.26 AC ±
DEED REFERENCE	54,000 SF ± 0220/503
TAX ACCOUNT NO.	0701030035
TAX MAP / PARCEL	22/315
EXIST. ZONING	RC5-CR MAP NW 21.6
COUNCILMANIC DIST.	7
CENSUS TRACT	4070
WATERSHED	13
SUBSEWERED	NO MAINTENANCE SERVICE
EXISTING USE	VACANT
PROPOSED USE	2 STORY OFFICE/ RETAIL BUILDING
NO. OF PARKING SPS.	61

PARKING TABULATION

UPPER LEVEL	
6000 SF RETAIL @	
5 SPS PER 1,000 SF	30 SPS
LOWER LEVEL	
2000 SF RETAIL @	
5 SPS PER 1,000 SF	14 SPS
* 2700 SF STORAGE	
(NONE REQUIRED)	0 SPS
TOTAL REQUIRED	44 SPS
TOTAL PROVIDED	61 SPS
(INCLUDES 5 HANDICAP SPACES)	

FLOOR AREA RATIO	
UPPER LEVEL FLOOR AREA	6000 SF
LOWER LEVEL FLOOR AREA	2000 SF
TOTAL SITE AREA	1.26 AC ±
F.A.R. 11,000 / 1.26 AC ±	0.20
MAX F.A.R. ALLOWED	0.20

* THIS 2700 SQFT STORAGE AREA WILL BE UTILIZED BY EMPLOYEES ONLY AND HAVE NO RETAIL OR CUSTOMER TRAFFIC.

NO.	DATE	REVISIONS
1	2/1/99	REV. PER ZONING PLANNING CONFERENCE COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE 823-3535

ZONING PETITION PLAT

YAREMA PROPERTY 107 MOUNT CARMEL ROAD

ELECTION DIST. NO. 7 BALTIMORE CO., MD

SCALE	1" = 20'	DES. BY	DRN. BY	SHT.
DATE	2/1/99			1 OF 1



OWNER

CARL J. YAREMA
705 INDIAN SPRING COURT
SPARKS, MARYLAND
21152