

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Westmoreland Avenue, 258' N
of Highpoint Road
9th Election District
6th Councilmanic District
(7909 A Westmoreland Avenue)

David & Rosemarie Bryan
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-020-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, David and Rosemarie Bryan. The variance request is for property located at 7909 A Westmoreland Avenue in Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 24 ft. in lieu of the required 30 ft. for an addition in a D.R.5.5 zone. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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.

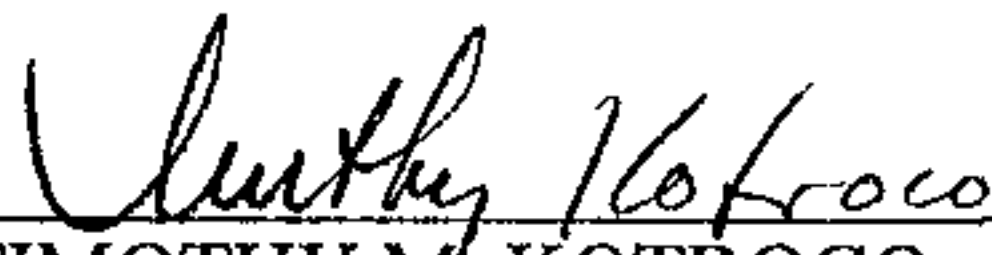
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

8/19/02
R. J. [Signature]

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 Deputy Zoning Commissioner for Baltimore County, this 9th day of August, 2002, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit a rear yard setback of 24 ft. in lieu of the required 30 ft. for an addition in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

8/9/02
R. Cameron



Baltimore County
Zoning Commissioner

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

August 9, 2002

Mr. & Mrs. David Bryan
7909 A Westmoreland Avenue
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 03-020-A
Property: 7909 A Westmoreland Avenue

Dear Mr. & Mrs. Bryan:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



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on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7909 A Westmoreland Ave.
which is presently zoned DR. 5.5

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) 1302.3C.1 (Chap. 1) to

FRONT A REAR YARD SETBACK OF 24 FT. IN LIEU OF THE REQUIRED
30 FT. IN A DR 5.5 ZONE.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

David Bryan

Name - Type or Print

Signature

Rosemarie Bryan

Name - Type or Print

Signature

7909 A. Westmoreland ave. 410-667-1051

Address

Telephone No.

Baltimore MD, 21234

State

Zip Code

Representative to be Contacted:

Patlo Enclosures Inc... (attn: Gregory A. Falter)

Name

224 8th Ave. NW

410-760-1919

Address

Telephone No.

Glen Burnie MD 21061

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

03-20-A

Reviewed By

[Signature]

Date

07-17-07

Estimated Posting Date

07-22-07

REV 9/15/06

Date

by

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 - 7909 A. Westmoreland Ave
Address
- Baltimore MD, 21234
City State Zip Code

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

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce road noise.
4. A place to sit out and not be concerned with the weather, bugs: mosquitos, flies etc...
5. Improve the apperance of the house
6. The restrictive area of the lot does not lend itself to any addition of pratical size without requiring a variance.

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

X David L. Bryan
Signature

David Bryan

Name - Type or Print

X Rosemarie Bryan
Signature

Rosemarie Bryan

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of July, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

7/9/02
Date

[Signature]
Notary Public
My Commission Expires 1-2-03

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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.

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

X David L. Bryan
Signature

David Bryan

Name - Type or Print

X Rosemarie Bryan
Signature

Rosemarie Bryan

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of July 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David & Rosemarie Bryan

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

AS WITNESS my hand and Notarial Seal

7/9/02
Date

[Signature]
Notary Public
My Commission Expires 1-2-03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7909 A Westmoreland Ave.
which is presently zoned DR. 5.5

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)

PERMIT A REAR YARD SETBACK. OF 24 FT. IN LIEU OF
THE REQUIRED 30 FT IN DR. 5.5 ZONE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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Contract Purchaser/Lessee.

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

David Bryan

Name - Type or Print

Signature

Rosemarie Bryan

Name - Type or Print

Signature

7909 A. Westmoreland ave. 410-667-1051
Address Telephone No.

Baltimore MD, 21234
City State Zip Code

Representative to be Contacted:

Patio Enclosures Inc... (attn: Gregory A. Falter)

Name

224 8th Ave. NW 410-760-1919
Address Telephone No.

Glen Burnie MD 21061
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-20-A Reviewed By 500 Date 07-12-02

**ZONING DESCRIPTION FOR
7909 A. Westmoreland Ave**

*BEGINNING AT A POINT ON THE East SIDE OF Westmoreland ave.
WHICH IS 30' WIDE AT THE DISTANCE OF 285' North OF THE
NEAREST IMPROVED INTERSECTING STREET High Point Rd. WHICH
IS 30' WIDE. BEING LOT #10 BLOCK __, SECTION __ IN THE
SUBDIVISION OF Perring Woods Ct. AS RECORDED IN COUNTY PLAT
BOOK # 62, FOLIO # 7, CONTAINING 14,853 SQ'. ALSO KNOWN AS
7909 A. Westmoreland Ave. LOCATED IN THE 9th ELECTION
DISTRICT, 6th COUNCILMANIC DISTRICT.*

03-20-A

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 03-020-A

TO REMOVE REAR YARD SETBACK OF
24 FEET IN LIEU OF 30 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 25-127(b)(1), APPLICANT REQUESTING AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE. PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON WEDNESDAY, OCTOBER 22, 2003. ADDITIONAL INFORMATION IS AVAILABLE AT THE ZONING DEPARTMENT AND DEVELOPMENT DEPARTMENT. FOR MORE INFORMATION, CALL 847-3391.

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 03-020-A
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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

03 30-A

No. 14370

DATE 07-12-02 ACCOUNT RECEI. CCE 615C

AMOUNT \$ 50.00

RECEIVED FROM: White Sewer Service, Inc.

FOR: Res. (1st) (Adm.) 50.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

50.00

PAID RECEIPT

BUSINESS ACTUAL TIME

7/12/2002 7/12/2002 11:27:00

REC. NO. 014370 7/12/2002

RECEIPT # 065750 7/12/2002

5 520 ZONING VERIFICATION

DP NO. 014370

Recpt Tot \$50.00

50.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-020-A

Petitioner/Developer: _____

BRYAN

Date of Hearing/Closing: 8-06-02

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 _____

#7909 A WESTMONTCLAIR AVE.

The sign(s) were posted on _____

JULY 22, 2002

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 20 -A Address 7909 A WESTMORELAND

Contact Person: JOHN K ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 07-12-02 Posting Date: 07-22-02 Closing Date: 08-06-02

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. **DEADLINE:** 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.
3. **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 03- 20 -A Address 7909 A WESTMORELAND

Petitioner's Name BRUN Telephone 410-661-0151

Posting Date: 07-22-02 Closing Date: 08-06-02

Wording for Sign: To Permit REAR YARD SETBACK OF 24 FT. W
LIEU OF 30 FT.

WCR - Revised 6/28/00

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: 03-20-A

Petitioner: David & Rosemarie Bryan

Address or Location: 7909 A. Westmoreland Dr. Balt. Md. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patio Enclosures Inc... (attn: Gregory A. Falter)

Address: 224 8th Ave. NW

Glen Burnie Md, 21061

Telephone Number: 410-790-1919

Revised 2/20/98 - SCJ

03-20-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 5, 2002

Mr. and Mrs. David Bryan
7909 Westmoreland Avenue
Baltimore, MD 21234

Dear Mr. and Mrs. Bryan:

RE: Case Number: 03-20-A, 7909 Westmoreland Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Patio Enclosures, Inc.

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



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on Recycled Paper



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 23, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 23, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has
surveyed by this Bureau and the comments below are appli-
required to be corrected or incorporated into the final
the property.

enc
cl
for

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
018-023, 025, 027-030

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

111

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** August 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2002
Item Nos. 017, 018, 019, 020, 022, 023,
024, 025, 027, 028, and 029

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS | TGT*

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 22, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

17,19 20, 22-30

AN
8/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 25, 2002

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

JUL 29

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-020

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Hyper Leach

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.19.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 020

JZA

Dear Mr. Zahner:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

fw

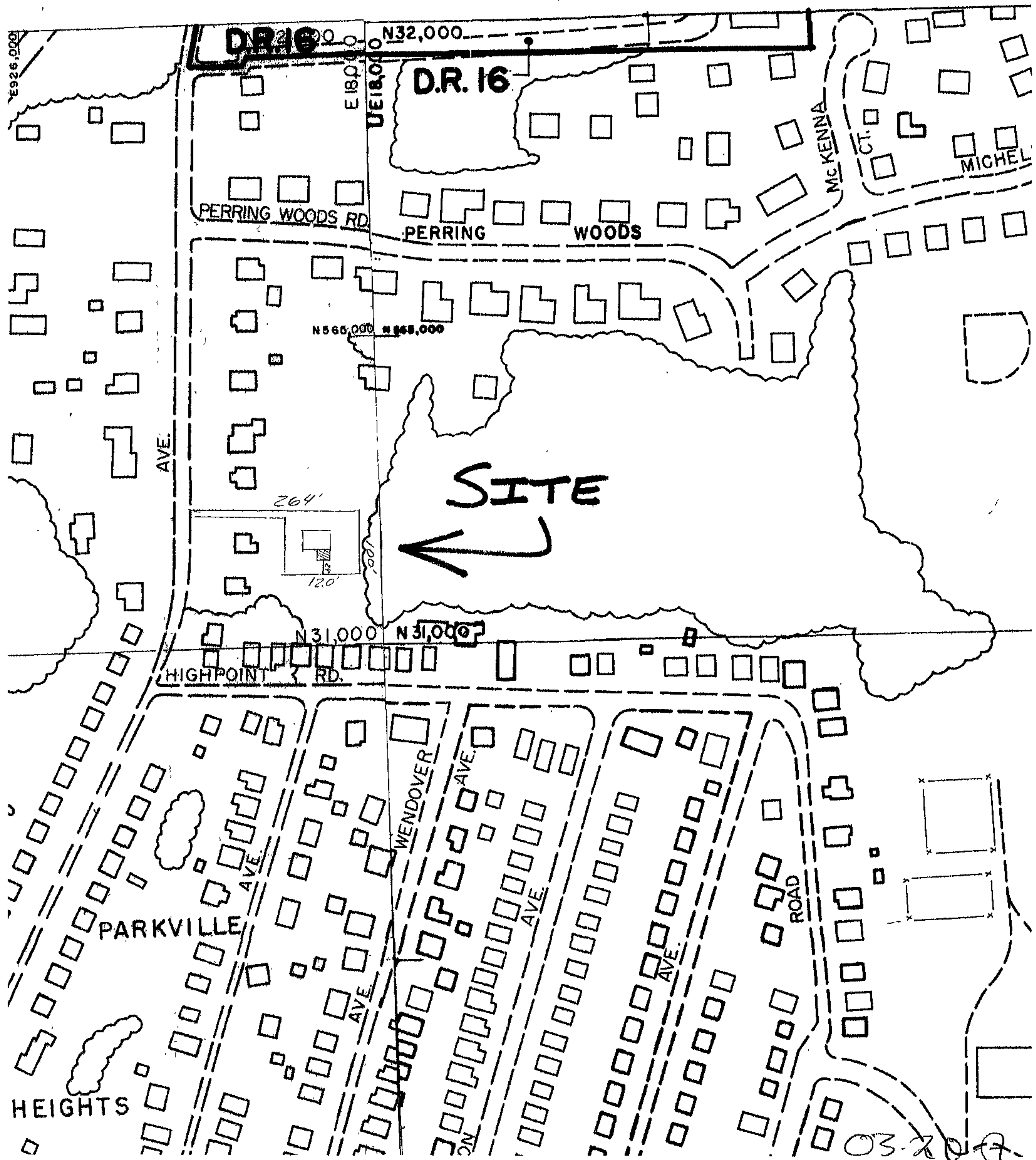
Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

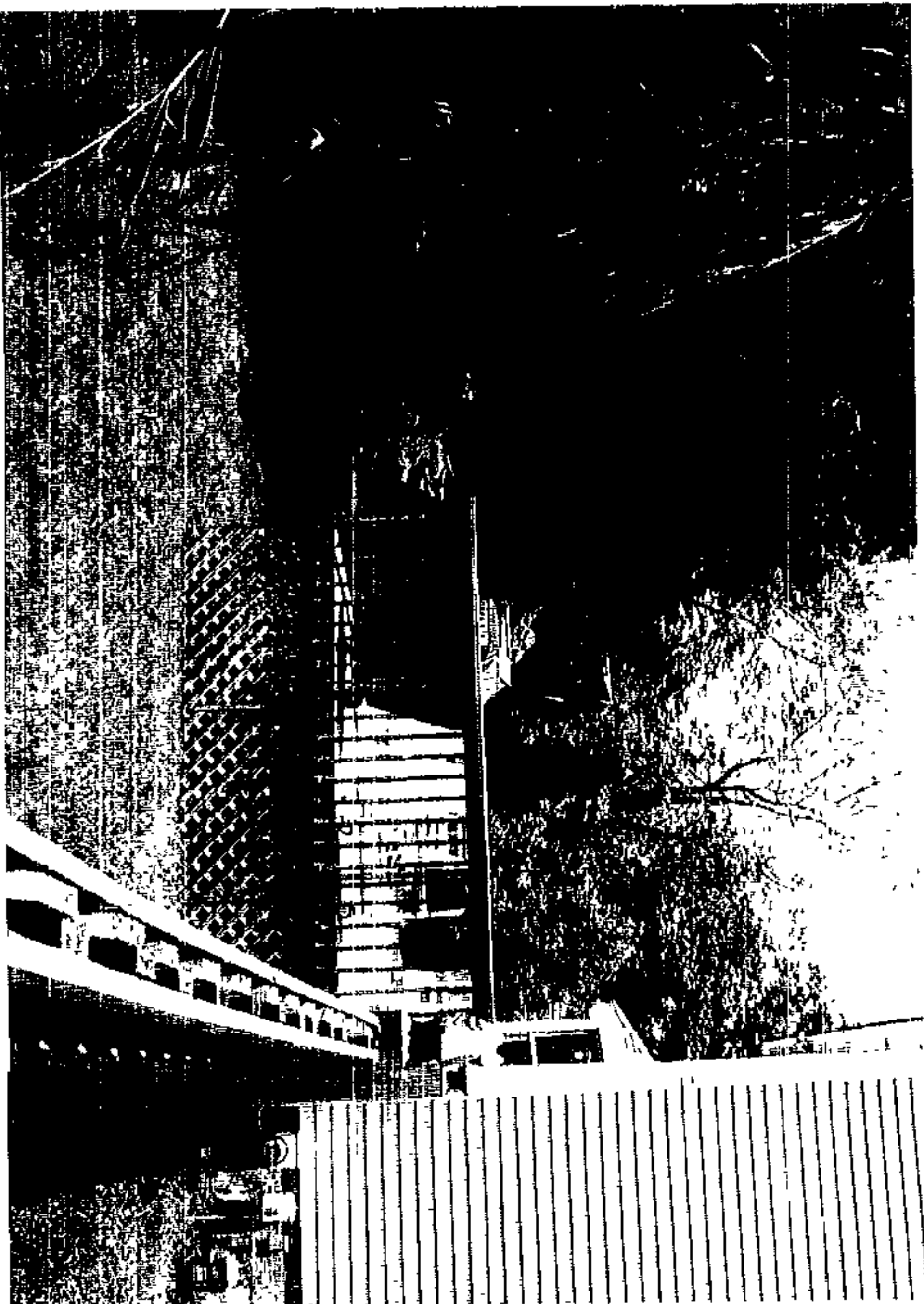
My telephone number is _____

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

NEBC





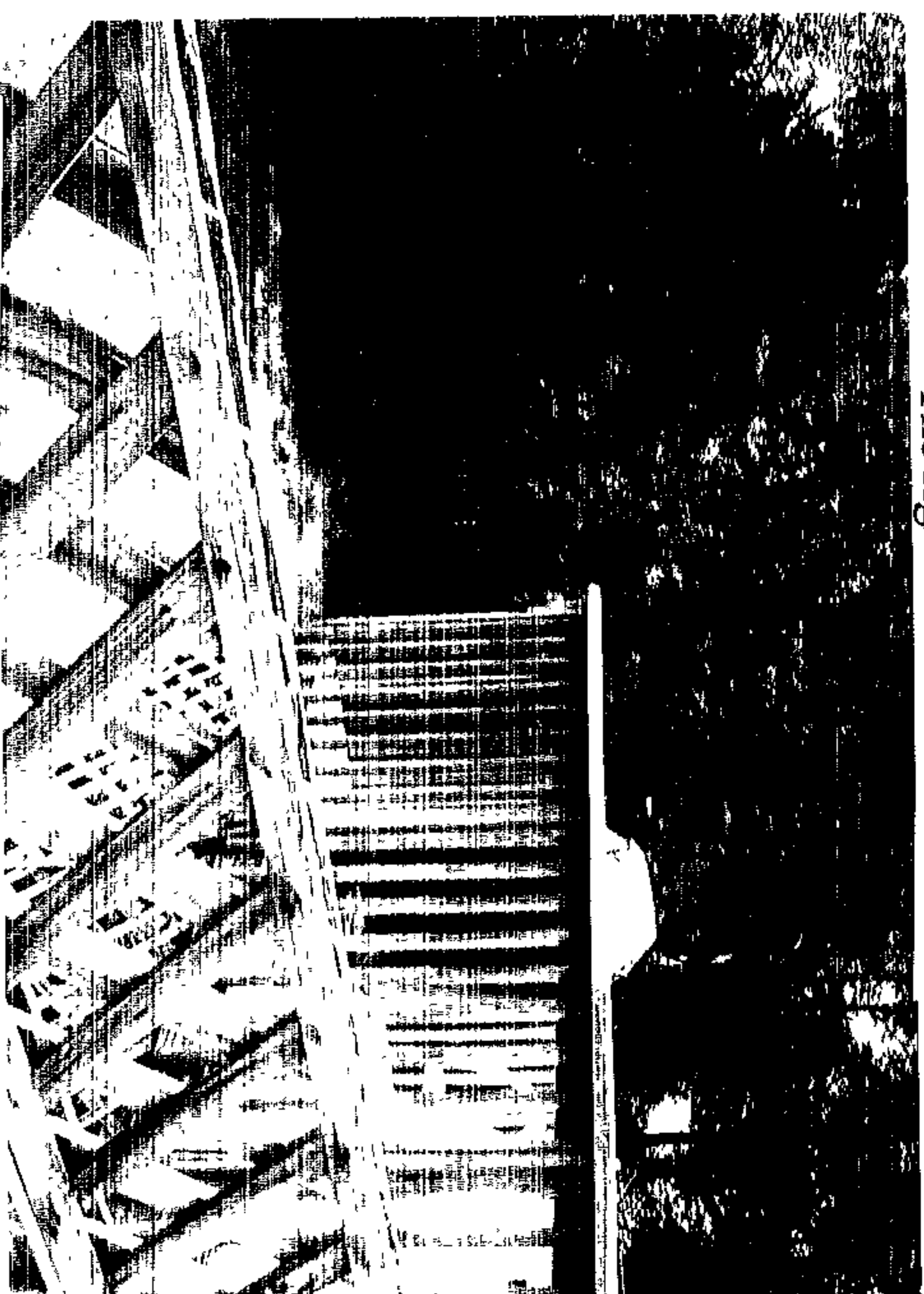
View of deck to be enclosed and rear yard
As seen from the left side of home



View of the rear yard as seen from
The right side of the home

VARIANCE PHOTO'S FOR

**7909 A Westmoreland Ave
Baltimore MD, 21234
Mr. and Mrs. Bryan**



View of the rear yard as seen from corner of home