IN RE: PETITION FOR ADMIN. VARIANCE
NE/S Fuselage Avenue, 750' NW
centerline of Compass Road
15th Election District
5th Councilmanic District

(629 Fuselage Avenue)

Kathy and Jerry Whisner *Petitioners* 

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-074-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Kathy and Jerry Whisner, the legal owners of the subject property. The variance request is for property located at 629 Fuselage Avenue in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed accessory structure (garage) with existing structures (pool and shed) to have an accumulative rear yard occupancy of 55% in lieu of the maximum permitted 40% and to allow said structure to have a setback as close as 1 ft. in lieu of the minimum required 2 ½ ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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

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that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County

Code and the 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 16th day of September, 2002, that a variance from Section 400.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.), to allow a proposed accessory structure (garage) with

existing structures (pool and shed) to have an accumulative rear yard occupancy of 55% in lieu

of the maximum permitted 40% and to allow said structure to have a setback as close as 1 ft. in

lieu of the minimum required 2 ½ ft., 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

Party Sand Sand Sand Sand



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

Fax: 410-887-3468

September 16, 2002

Mr. & Mrs. Jerry Whisner 629 Fuselage Avenue Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 03-074-A

Property: 629 Fuselage Avenue

Dear Mr. & Mrs. Whisner:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy Kotroco

TMK:raj Enclosure

c: Matt Carpella 7908 Shore Road Baltimore, MD 21219



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property	located at 629 Fuscica Co. Ave
!	which is presently zoned $22-575$
This Petition shall be filed with the Department of Periowner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Variance from Secondary	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and ction(s) 400.1 to allow a proposed accessory
structure (garage) with existing st	ructures (pool and shed) to have an
accumulative rear yard occupancy of	55% in lieu of the maximum permitted
40 %, and to allow said structure	to have a setback as close as I foot in
of the zoning regulations of Baltimore County, to the zoning of this petition form.	2 /2 feet. Jaw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the large of	nosting etc. and further agree to and are to be hounded by the reging.
	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:	<u>Legal Owner(s):</u>
Name - Type or Print	Name - Type or Print  Signature  Signature  Signature
Signature	Signature WHISNER
Address Telephone No.	Name - Type or Print  Lathy Whisier
City State Zip Code	Signature
Attorney For Petitioner:	629 FUSELAGE. 410686-1974 Address Telephone No.
	Address Telephone No. 7/122/
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
	MATT CARPENIA /T. LEWIS
Company	Name 7908 SHORE RD 388-157
Address Telephone No.	Address Telephone No
State Zip Code	<b>B</b> かいつ.
Public Hearing having been formally demanded and/or found to h	e required, it is ordered by the Zoning Commissioner of Baltimore County,
that the subject matter of equations of Baltimore County and that the property be reposted.	this petition be set for a public hearing, advertised, as required by the zoning
2A	
May 1	Zoning Commissioner of Baltimore County
CASE 10 03-074-4	20 mg Commissioner (it painting County

Estimated Posting Date \_\_\_\_

12. PLATS

# 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.

competent to testify thereto in the event that a p	•			ith regard the	reto.
That the Affiant(s) does/do presently reside at		FUSEL	46E 	AVC.	
	Address	·^.	me	2	
	City B HZ1	<del></del>	State	·	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the fa lip or practical di	cts upon which fficulty):	I/we base	the request	for an Administrative
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TO BE MOVING INDO	House	in NE	Ang T	FUTURC	• •
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That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand additional inforn	is filed, Affiant( nation.	s) will be	required to	pay a reposting and
1		1/1			
Signature Mesica	<del></del>	Signature 7	r Whi	Drien_	<del></del>
JE12127 WHISNER		12 A	7+4	W179	NER
Name - Type or Print		Name - Type or	Print		
STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:	. <b>-</b>			
I HEREBY CERTIFY, this $8$ day of $4$ of Maryland, in and for the County aforesaid, pe	ersonally appear	ed , <u>200</u>	) befor	re me, a Nota	ry Public of the State
of Mary and			A 22		
the Afflant(s) herein, personally known or satisf	actomy identine	i to me as such	Amani(s)	•	
AS WITNESS my hand and Notarial Seal					
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		y Public ommission Expi	Not My C res	ary Public, Baltir Commission Exp	nore County, MG. ires June 14, 2004
~	,, <del></del> .		· <del></del>		<del></del>

REV 10/25/01

#### ZONING DESCRIPTION FOR 629 FUSELAGE AVE.

Beginning at a point on the south side FUSELAGE AVE which property fronts, which is 60' feet of right-of-way wide at the distance of N.50' 59' 07' W of the NORTH center line of the nearest improved intersecting street, SAND HILL which is N39' 00 53' E. 60' feet wide. Being Lot 369 Block 2, Section # 4 in the subdivision of GOLDEN TREE as recorded in Baltimore County Plat Book # 51, Folio # 86, containing 5876 square feet, Also know as 629 FUSELAGE AVE, and located in the 15 th Election District, 5 th Councilmanic District.

Item #074

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10459

The second secon

AMOUNT \$ 50 00 AMOUNT

Recet Tot \$50.00 50.00 CK .00 CA Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S VALIDATION** 

## CERTIFICATE OF POSTING

•	Petitioner/Developer: JERRY 4
	KATHY WHISNER
	Date of Hearing/Closing: 9/3/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	-
Ladies and Gentlemen:	
_	erjury that the necessary sign(s) required by law cated at 629 EUSELAGE
,»	
The sign(s) were posted on	8/19/02
	(Month, Day, Year)
	Sincerely,
TO PERMIT ALACTESCRY STRICTER CARCE TO THE LEGISLAND SHED) TO KINE AN ACCUMULATIVE REPORT TO THE PROPERTY OF THE PARTY OF	(Signature of Sign Poster and Date)
LIEU OF THE MANNING TO ALOU SAD STRICTS.	SSG ROBERT BLACK
	(Printed Name)
PUBLIC HEARING PARSUANT TO SECTION 26-127(b)(f), MAITHING COMPANY	1508 Leslie Rd
AN ELIGIRI E INDIVIRUIAL AS ASSESSES ESTABLISMENT	(Address)
REQUEST A PUBLIC HEARING CONT.  THE PROPOSED VARIANCE, PROV.  IS DONE IN THE ZONING OFFICE  4:30 p.m. ON SELLMER 3 7/4.  ADDITIONAL INFORMATION IS A VARIANCE.	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
rescriffed to the second secon	(Telephone Number)

RE: Case No.: 03 - 074 - A

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case	Number 03-	074	-A	Address	629	Fusclage	Ave	<del></del>
Conta	ct Person: _		v≀d Do Please Print Yo		<del></del>	Phone Numb	er: 410-88	37-3391
Filing	Date: 8-	9-02	_ Po	sting Date:	8-19	Closing	Date:	- 3
Any c	ontact made h the contac	with this off t person (plan	ice regard ner) using	ing the statu the case num	is of the ac	lministrative va	riance sho	ould be
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2.	a formal re-	quest for a p	ublic heari	ng. Please	understand	or owner withing that even if the even if the elosing date.	nere is no	et to file formal
3.	commission order that to (typically with	er. He may: he matter be hin 7 to 10 da	(a) grant set in for ays of the c	the requested a public he closing date)	d relief; (b) earing. You as to whethe	deny the reque will receive we er the petition he you by First C	ested relief vritten noti nas been d	f; or (c) fication
4.	(whether du commission changed giv	e to a neigh er), notificatio ing notice of t	bor's forma n will be he hearing	al request or forwarded to date, time a	r by order or you. The nd location.	that must go to find the zoning sign on the part of the sign must be sign.	or deputy property mas or	zoning nust be riginally
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		USE THE A	ADMINIST	RATIVE VAR	IANCE SIGN	I FORMAT		
Case I	Number 03-	074 -A	A Ade	dress <u>62</u>	29 Fus	claye Av	ح	
Petitio	ner's Name	Jerry +	Kathy h	Vhisner	T	elephone		······································
Postir	g Date:	8-19-02	· · · · · · · · · · · · · · · · · · ·	Cl	osing Date:	9-3-02	2	<del></del>
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## 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: 03-074-A
Petitioner: JERRY 16514)
Address or Location: 629 FUSELAGE AVR.
PLEASE FORWARD ADVERTISING BILL TO:  Name: SEZRY / KATHY WHISNER, / MATT CITAR PELLA  Address: 629 - FUSELAGE AVE.
Telephone Number:4(0-3881575

# 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	429	FUSC LAGE	= Av	G	
	Address BAUU.	M	<u>り</u>		
	City	Sta	te		Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts of por practical difficu	upon which I/we k ilty):	pase the req	uest for an Ad	ministrative
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is fi	led, Affiant(s) will on.	be require	d to pay a rep	osting and
Signature Where		ignature	Mesner		
JERRY WHISNER,		KATTY A	W 1+15	NEK.	<u></u>
Name - Type or Print	N	ame - Type or Print	<b>.</b>		<b></b>
STATE OF MARYLAND, COUNTY OF BALTIN					
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	rsonally appeared	<u>2007,</u> b	efore me, a	Notary Public	of the State
the Afriant(s) herein, personally known or satisfa	ctorily identified to	me as such Affiar	it(s).	<del></del>	<del></del>
AS WITNESS my hand and Notarial Seal					
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REV 10/25/01



REV 10/25/01

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

ARYLAN	for the pr	operty loca	ted at 62	-G FUSE	CAGG	ALE
		V	vhich is prese	ently zoned	DVC	2.5.5
This Petition shall be filed owner(s) of the property situated made a part hereof, hereby p	with the Department ate in Baltimore Coun petition for a Variance	it of Permits a ity and which is from Section(s	nd Development described in the	t Management. description and	The und	lersigned, legal hed hereto and
structure (garage)	with existing	structures	(pool and	shed) to h	MVP ON	accumulation
rear yard occupan to allow said struc	cture to have	in lieu of	the maxim	um permit	ted 40	76, and
minimum required	21/2 fect.			20 1 1001 111	TICH D	1 THE
of the zoning regulations of Book of this petition form.	Baltimore County, to the	he zoning law c	of Baltimore Coun	ty, for the reaso	ns indicat	ed on the back
Property is to be posted and a l, or we, agree to pay expenses regulations and restrictions of Ba	of above Variance, adv	vertisina, postina	, etc. and further ac	gree to and are to timore County.	be bounde	ed by the zoning
			I/We do solemnly of perjury, that I/we are is the subject of this	re the legal owner	, under the r(s) of the p	penalties of property which
Contract Purchaser/Less	<u>see:</u>		<u>Legal Owner(s</u>	<u>):</u>		
·····			JERR	Y WHIS	NER	
Name - Type or Print			Name - Type or Print			
Signature	·		Signature Signature	Whisney		<u> </u>
Address	Teleph	one No.	Name - Type or Print	-Y WITIS	NER,	
City			Kathu	Whesis.		
• • • • • • • • • • • • • • • • • • •	State Zi	ip Code	Signature	USE CA 66	- KNG	686-19
Attorney For Petitioner:			Address			Telephone No.
Name - Type or Print	<del></del>	<del></del> ,	BALTO	<u>m</u>	10	2/22
			Representative		State	Zip Code
Signature					/	1 CEV15
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ddress	Telepho	no No	7908	Shore 1	20 9	410-388-1
	i elepho	ne ivo.	Address BMU	$\sim$	10	Telephone No 2/2/5
ity	State Zi	p Code	City	<del></del>	State	Zip Code
Public Hearing having been formula day of day of gulations of Baltimore County and t		ri maner of the po	ired, it is ordered by etition be set for a pub	the Zoning Commolic hearing, advertis	issioner of E sed, as requi	Baltimore County, ired by the zoning
				· · · · · · · · · · · · · · · · · · ·	`/ .	
		-		·		
<b>-</b>	, 4		Zoning Com	missioner of Baltim	ore County	
CASE NO. <u>03-(</u>	374-A	Reviewe		missioner of Baltim  Date	ore County	-9-02



# 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

September 3, 2002

Jerry and Kathy Whisner 629 Fuselage Avenue Baltimore MD 21221

Dear Jerry and Kathy:

RE: Case Number: 03-074, 629 Fuselage Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 9, 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. 602

Supervisor, Zoning Review

WCR:

Enclosures

c: Matt Carpella, 7908 Shore Road, Baltimore MD 21219 People's Counsel



# Baltimore County Baltimore County, Maryland DEPARTMENT OF PLYSTONMENTAL PROTECTION & RESOURCE MANNASCISMENTAVENUE, Suite 416 and Resource Management Towson, Maryland 21204

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (265) TET

DATE:

September 11, 2002

112

**Zoning Petitions** 

Zoning Advisory Committee Meeting of August 19, 2002

**SUBJECT:** NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

69,71,73 74)76,77

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For August 26, 2002

Item No. 074

The Bureau of Development Plans Review has reviewed the subject-zoning item.

**DATE:** October 8, 2002

A landscape plan is necessary before building permit approval.

RWB:CEN:jrb

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: October 8, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 26, 2002

Item Nos. 068, 069, 070, 071, 072, 073, 074, 076, 077, and 080

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

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

629 Fuselage Avenue

INFORMATION:

Item Number:

03-074

Petitioner:

Jerry Whisner

Zoning:

DR 5.5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

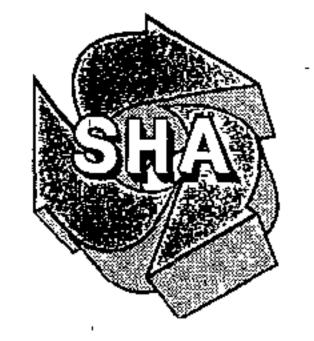
The Office of Planning supports the petitioner's request provided the adjacent property owner located at 631 Fuselage Avenue does not oppose said request.

Prepared by:

Section Chief:

AFK/LL:MAC:

**DATE:** August 29, 2002



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 9.6.02

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

Baltimore County RE: Item No.

スマワ

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,

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

1. 1. Gredle

My telephone number is \_\_\_\_\_\_



Parris N. Glendening Governor Kathleen Kernedy Townsend Lt. Governor

Roy W. Kienitz.
Secretary
Mary Abrams
Deputy Secretary

August 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/26/02 re: Case numbers=03-068-SPHXA, 03-069-A, 03-070-SPHX, 03-071-A, 03-072-SPH, 03-073-SPH, 03-074-A, 03-075-A, 03-076-A, 03-077-A, 03-079-A, 03-080-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/22/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

TO: , PDM, MAIL STOP-1105

August21, 2002

FROM: LIEUTENANT JIMMIE MEZICK
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: Jerry and Kathy Whisner

PROJECT NUMBER: 03-74-A

LOCATION: 629 Fuselage Ave.

DISTRICT: 15th

COMMENTS:

7. The Fire Marshal's Office has no comments at this time.

