IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – E/S Manor Road, 453' S of the c/l Old York Road (15509 Manor Road) 10th Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-235-SPHA
Paul M. Bozman, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Paul M. and Susanne G. Bozman, through their attorney, James S. Pezzulla, Esquire. The Petitioners request a special hearing to approve a non-density transfer of 1.91 acres, more or less and to approve the locations of all existing accessory structures. In addition, the Petitioners request variance relief from Sections 400.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure height greater than the maximum allowed 15 feet, and a rear yard setback of 0.1 foot in lieu of the minimum required 2.5 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Paul and Susanne Bozman, property owners; Thomas J. Hoff, Registered Landscape Architect who prepared the site plan for this property; and, James S. Pezzula, Esquire, attorney for the Petitioners. Appearing as an interested citizen was Miles R. Patterson, Jr., adjacent property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the east side of Manor Road, just south of its intersection with Old York Road in the historic district of My Lady's Manor in Monkton. The property contains a gross area

of 24.80 acres, more or less, zoned R.C.2 and is improved with a two story single-family dwelling and several outbuildings. The property has been in the Petitioners' family since 1957. In this regard, a copy of a deed dated February 26, 1957 was submitted into evidence at the hearing, which reflects that Mr. Bozman's parents, William E. Bozman and Evelyn H. Bozman, acquired the subject property. Within the deed, the property is identified as two separate lots of record. The first parcel contains 7.22 acres in area and comprises the northwest portion of the site, which is improved with the single-family dwelling in which the Petitioners reside, and several outbuildings, which are used for storage and agricultural purposes. Parcel two contains the bulk of the property (17.58 acres), and is unimproved. It was indicated at the hearing that the Bozman family has used the entire tract as one parcel. As noted above, the second parcel is undeveloped and is apparently used for agricultural purposes.

The R.C.2 zoning classification is the most restrictive zoning regulation in Baltimore County and fosters resource conservation and agricultural uses. Under the R.C.2 regulations, any property between 2 and 100 acres in area may be subdivided once so as to yield two dwelling units. Moreover, the Baltimore County Council enacted the R.C.2 zoning classification in November 1979. For the purpose of establishing density, all parcels created as of that date are considered for rights of subdivision, based on their acreage as of that date.

As noted above, the Bozman deed dated recorded in 1957 identifies two separate parcels. Moreover, each parcel is between 2 and 100 acres; thus, the entire tract may be subdivided so as to yield four lots. However, the proposal under consideration does not identify any proposed subdivision. This case was not filed and does not request approval of either a major or minor subdivision of the overall tract. Rather, the Petitioners request approval to relocate the internal lot line that divides the property into two parcels. As more particularly shown on the site plan, that lot line currently bisects a portion of the existing driveway, septic reserve area, and one of the outbuildings. Under the Petition for Special Hearing, relief is requested to relocate that lot line so that the dwelling and all outbuildings will be on one parcel. When relocated, Parcel One

will contain not only the Petitioners' residence, but also the septic area serving same, the driveway, and all outbuildings.

Based upon the testimony and evidence presented, I find that the non-density transfer and resulting lot line adjustment is appropriate. In my judgment, granting the Petition for Special Hearing will allow the relocation of the internal lot line to accurately reflect conditions on the site. As for the Petition for Variance, relief is requested for one of the outbuildings on the site. That building is located immediately adjacent to the property line adjoining the Patterson property. It was indicated at the hearing that the building was used as an airplane hangar many years ago, however, that use has discontinued and the building is now used for storage purposes. The building is approximately 16 feet tall, slightly taller than the height allowed by the regulations. Moreover, based on a survey performed, the building is located less than 1 foot from the Patterson lot line. Thus, relief is requested to legitimize the height and location of this structure.

Based upon the testimony and evidence presented, it is clear that variance relief should be granted. In this regard, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted.

Although there were no Protestants present, an adverse comment to the request was received from Wallace Lippincott, a representative of the Department of Environmental Protection and Resource Management (DEPRM). Mr. Lippincott reviewed the proposal in connection with the agricultural uses on the property. For the reasons set forth above, I believe that his comments are inapplicable to the relief requested in the instant Petitions for Special Hearing and Variance. I pass no judgment on the appropriate subdivision of this property, only to acknowledge the existence of two separate parcels as of November 1979. Before approval of any future subdivision of this property, the proposal must be reviewed through either Baltimore County's "minor subdivision" or "major subdivision" process. The notes on the plan regarding the potential subdivision of the property and "Future lot lines – See note #8" are inapplicable to the request under the instant Petitions. The relief granted herein permits the relocation of an internal lot line, only, which keeps the property divided into two parcels, consistent with existing field conditions.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of January 2003 that the Petition for Special Hearing to approve a non-density transfer of 1.91 acres, more or less and to approve the locations of all existing accessory structures, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 400.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure height greater than the maximum allowed 15 feet, with a rear yard setback of 0.1 foot in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of Baltimore County which references this case and sets forth and addresses the terms and conditions of this Order.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

PETITIONER'S EXHIBIT
1/28/03

Baltimore County
Zoning Commissioner

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

January 29, 2003

James S. Pezzulla, Esquire
401 Washington Avenue, Suite 301
Towson, Maryland 21204-4804

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
E/S Manor Road, 453' S of the c/l Old York Road
(15509 Manor Road)
10th Election District – 3rd Council District
Paul M. Bozman, et ux - Petitioners
Case No. 03-235-SPHA

Dear Mr. Pezzulla:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Paul M. Bozman
15509 Manor Road, Monkton, Md. 21111
Mr. Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson, Md. 21204
Mr. Miles R. Patterson, Jr., 15533 Manor Road, Monkton, Md. 21111
DEPRM; People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15509 MANOR RD.
which is presently zoned RC 2

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

James S. Pezzulla, Esquire
Name - Type or Print

James S. Pezzulla
Signature

Pezzulla and Pezzulla, LLC
Company

401 Washington Avenue, Ste. 301 (410)821-5235
Address — Telephone No.

Towson — Maryland — 21204-4804
City — State — Zip Code

Legal Owner(s):

Paul M. Bozman
Name - Type or Print

Paul M Bozman
Signature

Susanne G. Bozman
Name - Type or Print

Susanne G Bozman
Signature

15509 Manor Road — (410) 771-4583
Address — Telephone No.

Monkton — Maryland — 21111
City — State — Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name

406 WEST PENNSYLVANIA AVE — 410-296-3668
Address — Telephone No.

TOWSON — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SPM **Date** 11.15.02

Case No. 03-235-SPHA

REV 9/15/98

11/8/03

15509 MANOR ROAD
SPECIAL HEARING REQUEST

SPECIAL HEARING TO APPROVE A 1.91 ACRES+/- NON-DENSITY TRANSFER AND TO APPROVE EXISTING LOCATIONS OF ALL EXISTING ACCESSORY STRUCTURES.

03-235-SPHA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15509 MANOR RD.

which is presently zoned RC-2

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)

SEE ATTACHED

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

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

Legal Owner(s):

Paul M. Bozman
Name - Type or Print

Paul M Bozman
Signature

Susanne G. Bozman
Name - Type or Print

Susanne G Bozman
Signature

15509 Manor Road — (410) 771-4583
Address — Telephone No.

Monkton — Maryland — 21111
City — State — Zip Code

Attorney For Petitioner:

James S. Pezzulla, Esquire
Name - Type or Print

James S. Pezzulla
Signature

Pezzulla and Pezzulla, LLC
Company

401 Washingotn Avenue, Ste. 301 — (410) 821-5235
Address — Telephone No.

Towson — Maryland — 21204-4804
City — State — Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name

406 WEST PENNSYLVANIA AVE. — 410-296-3668
Address — Telephone No.

TOWSON MD. — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By SDA **Date** 11-15-02

11/28/02

Case No. 03-235-SPHA

REV 9/15/98

15509 MANOR ROAD
VARIANCES REQUEST

VARIANCE TO ALLOW AN EXISTING ACCESSORY STRUCTURE GREATER THAN 15 FEET HIGH, SECTION 400.3.

VARIANCE TO ALLOW AN EXISTING ACCESSORY STRUCTURE TO HAVE A REAR YARD SETBACK OF 0.1 FOOT IN LIEU OF THE REQUIRED 2.5 FEET, SECTION 400.1.

03-235 SPHA

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

JAN 23 '03

January 23, 2003

Lawrence E. Schmidt, Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Zoning Case No. 03-235-SPHA

Dear Commissioner Schmidt:

Attached please find three copies of a description to accompany petition. This description is for the larger parcel of the property in the above referenced zoning case. As was discussed at the zoning hearing and in our phone conversation of 1/22/03, the description of this parcel was not included in the original submittal for the zoning hearing as per my instructions from the zoning staff. However, you felt that this description should be part of the documentation for this case.

Just to clarify what each description represents;
Description One – Describes the total property that is the subject of this zoning case.
Description Two – Describes the new boundary of parcel one as shown on the plan.
Description Three – Describes the new boundary of parcel two as shown on the plan.

If you require any additional information or if you have any questions, please give me a call.

Very truly yours,

Thomas J. Hoff, RLA
President

Cc: James Pezzulla

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

JAN 23 '03

January 23, 2003

Description Three of 15509 Manor Road, Bozman Property, to Accompany Petition for Special Hearing and Variances.

BEGINNING FOR THE SAME at a point on the South 69 degrees 37 minutes 03 seconds East 1554.75' line of the Bozman Property, said point of beginning being South 69 degrees 37 minutes 03 seconds East 883.16' from the centerline of Manor Road, said point on the centerline of Manor Road being 453 feet more or less south of the intersection of the centerlines of Manor Road and Old York Road.

Thence,

1) South 69 degrees 37 minutes 03 seconds East 671.59 feet, thence
2) South 49 degrees 10 minutes 42 seconds West 1,401.51 feet to the centerline of Manor Road, thence binding on the centerline of Manor Road
3) North 37 degrees 41 minutes 39 seconds West 292.20 feet, thence
4) By a curve to the right having a radius of 490.15 feet and a length of 222.71 feet, thence
5) North 09 degrees 49 minutes 54 seconds West 208.39, thence
6) By a curve to the right having a radius of 6,698.78 feet and a length of 67.52 feet, thence leaving the centerline of Manor Road,
7) North 81 degrees 48 minutes 03 seconds East 581.10 feet, thence
8) North 24 degrees 50 minutes 03 seconds East 397.30 feet to the place of beginning.

Containing 15.67 acres of land more or less.

Note:
This Description has been prepared for zoning purposes only.

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

November 15, 2002

Description One of 15509 Manor Road, Bozman Property, to Accompany Petition for Special Hearing and Variances.

BEGINNING FOR THE SAME at a point on the centerline of Manor Road, 453 feet more or less south of the intersection of the centerlines of Manor Road and Old York Road.

Thence leaving the centerline of Manor Road,
1) South 69 degrees 37 minutes 03 seconds East 1,554.75 feet, thence
2) South 49 degrees 10 minutes 42 seconds West 1,401.51 feet to the centerline of Manor Road, thence binding on the centerline of Manor Road
3) North 37 degrees 41 minutes 39 seconds West 292.20 feet, thence
4) By a curve to the right having a radius of 490.15 feet and a length of 222.71 feet, thence
5) North 09 degrees 49 minutes 54 seconds West 208.39, thence
6) By a curve to the right having a radius of 6,698.78 feet and a length of 425.59 feet, thence
7) North 06 degrees 00 minutes 54 seconds West 192.01 feet, thence
8) North 05 degrees 12 minutes 32 seconds West 206.00 feet to the place of beginning.

Containing 24.80 acres of land more or less.

Note:
This Description has been prepared for zoning purposes only.

03-235-SPHA

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: #03-235-SPHA
15509 Manor Road
E/side of Manor Road 453 feet south of York Road
10th Election District - 3rd Councilmanic District
Legal Owner(s): Paul and Susanne Bozman

Special Hearing: to permit a 1.91 acres +/- non-density transfer and to approve existing locations of all existing accessory structures. **Variance:** to allow an existing accessory structure greater than 15 feet high and a rear yard setback of 0 1 feet in lieu of the required 2.5 feet.

Hearing: Wednesday, January 15, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 W. 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.

JT/12/836 Dec 31 C580649

CERTIFICATE OF PUBLICATION

1/2/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/31/, 2002.

☒ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

S. Wilkinson

LEGAL ADVERTISING

03-235-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 19207

DATE 11-15-02 ACCOUNT R001-006-6150

AMOUNT $ 100.00

RECEIVED FROM: Carmack Hoff

FOR: Res. Spec. Hearing & Variance $50
$50
TOTAL $100

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5007

PAID RECEIPT

BUSINESS	ACTUAL	TIME
11/15/2002	11/15/2002	11:37:01

REG WS94 WALKIN DAU DAU DRAWER 2
RECEIPT # 202722 11/15/2002 UFLH
DEP 5 528 ZONING VERIFICATION
GR NO. 019207
Recpt Tot $100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. **03-235-SPHA**
Petitioner/Developer:
Paul and Susanne Bozman
Hearing Date: **1/15/03**

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Mr. George Zahner

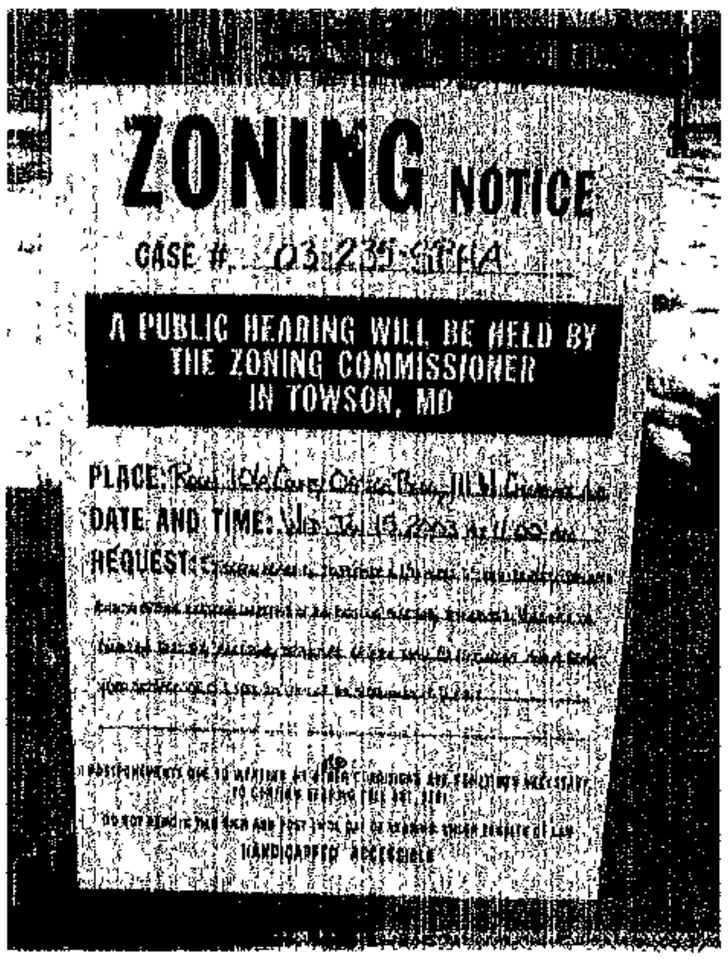
Ladies and Gentlemen:

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 **15509 Manor Rd.**

The sign(s) were posted on **12/31/02.**

Sincerely,

Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



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

January 10, 2003

NOTICE OF ZONING HEARING

CORRECTION

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: 03-235-SPHA
15509 Manor Road
E/side of Manor Road 453 feet south of York Road
10th Election District – 3rd Councilmanic District
Legal Owner: Paul and Susanne Bozman

Special Hearing to permit a 1.91 acres +/- non-density transfer and to approve existing locations of all existing accessory structures. Variance to allow an existing accessory structure greater than 15 feet high and a rear yard setback of 0.1 feet in lieu of the required 2.5 feet.

Hearings: Wednesday, January 15, 2003 at 11:00 in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: James S. Pezzulla, Pezzulla and Pezzulla, LLC, 401 Washington Avenue, Towson 21204-4804
Paul and Susanne Bozman, 15509 Manor Road, Monkton 21111
Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson 212-04

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 31, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.

Printed with Soybean Ink on Recycled Paper

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

December 10, 2002

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: 03-235-SPHA
15509 Manor Road
E/side of Manor Road 453 feet south of York Road
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Hearings: Wednesday, January 15, 2003 at 11:00 in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:rlh

C: James S. Pezzulla, Pezzulla and Pezzulla, LLC, 401 Washington Avenue, Towson 21204-4804
Paul and Susanne Bozman, 15509 Manor Road, Monkton 21111
Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson 212-04

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 31, 2002.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 31, 2002 Issue - Jeffersonian

Please forward billing to:
Paul Bozmann c/o Pezzulla and Pezzulla, LLC 410-821-5235
401 Washington Avenue, Suit 301
Towson, MD 21204

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: 03-235-SPHA
15509 Manor Road
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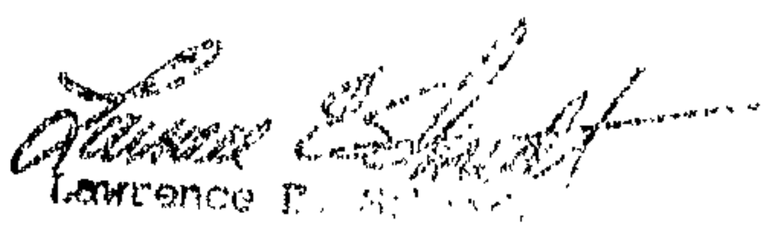
Hearings: Wednesday, January 15, 2003 at 11:00 in Room 106, County Office Building, 111 W. Chesapeake Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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: 03-235 SPHA

Petitioner: MR. PAUL BOZMAN

Address or Location: 15509 MANOR RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAUL BOZMAN c/o JAMES PEZZULLA, PEZZULLA & PEZZULLA, LLC

Address: 401 WASHINGTON AVE., SUITE 301
TOWSON, MD. 21204

Telephone Number: 410-821-5235

Revised 2/20/98 - SCJ

03-235 SPHA

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

January 10, 2003

Mr. James S. Pezzulla
Pezzulla and Pezzulla, LLC
401 Washington Avenue
Towson, MD 21204-4804

Dear Mr. Pezzulla:

RE: Case Number: 03-235-SPHA, 15509 Manor Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Mr. and Mrs. Paul Bozman, 15509 Manor Road, Monkton 21111
Thomas J. Hoff, 406 W. Pennsylvania Ave., Towson 21204

Printed with Soybean Ink
on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12·6·02

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

RE: Baltimore County
Item No. 234 RDD

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,

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

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.6.02

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

RE: Baltimore County
Item No. 235 JRA

Dear. Mr. Zahner:

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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,

1- 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

Baltimore County
Fire Department

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

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

December 11, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: Distribution Meeting of 12/9/02

Dear Mr. Zahner:

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

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:
224-240

234

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

cc: File

Baltimore County
Fire Department

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

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

December 11, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: Distribution Meeting of 12/9/02

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224-240

225

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

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TCT

DATE: January 14, 2003

SUBJECT: Zoning Item 235
Address 15509 Manor Road

Zoning Advisory Committee Meeting of 12/09/02

This request is denied. The RC-2 zone regulations allows a subdivision to be divided into two lots. The purpose of this is to help foster agricultural uses. A parcel of 17.5 acres can continue to support agricultural use. A sub dwelling off of + or – 2 acres reduces that capability. This could be further reduced by a future subdivision of parcel two. The developer must also show a site for a new septic system to be located on parcel 1.

Reviewer: Wally Lippincott Date: January 14, 2003

5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 11, 2002

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-234**

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: Lyn Lanham

AFK/LL:MAC

LL Jan 1/15/48

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 11, 2002

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-231, 03-233, & 03-235**

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: Lynn Lanham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 17, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 16, 2002
Item Nos. 224, 225, 228, 229, 230, 231,
232, 233, 234, 235, 236, 238, 239, and
240

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	15509 Manor Road; E/side of Manor Rd 453ft S of York Road	*	ZONING COMMISSIONER
	10th Election District	*	FOR
	3rd Councilmanic District		
	Legal Owner(s):Paul M.& Suzanne Bozman Petitioner(s)	*	BALTIMORE COUNTY
		*	03-235-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

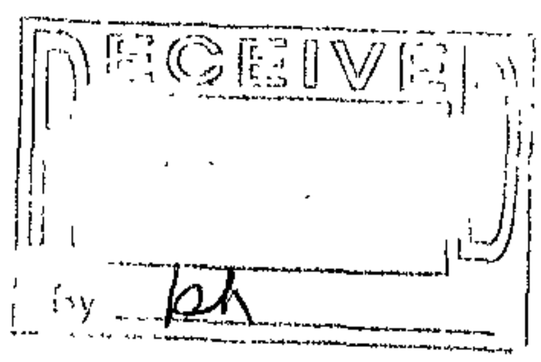
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 9th day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 406 Pennsylvania Avenue, Towson, MD 21204 and to James S. Pezzulla, Esquire, Pezzulla and Pezzulla, LLC, 401 Washington Avenue, Suite 301, Towson, MD 21204, Attorney for Petitioner(s).



Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Miles R Patterson Jr	15533 Manor Rd	Monkton Md 21111	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JAMES S. PEZZULLA, ESQUIRE	PEZZULLA AND PEZZULLA, LLC	TOWSON, MD 21204	Jamie@Pezzulla.com
	401 WASHINGTON AVENUE		
	SUITE 301		
THOMAS J. HOFF	406 W. PENNSYLVANIA AVE	TOWSON, MD. 21204	HOFFINC@EARTHLINK.NET
PAUL + SUSANNE BOZMAN	15504 MANOR ROAD	MONKTON, MD 21111	

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 11, 2002

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

Re: **Zoning Advisory Committee Agenda, 12/16/02 re: case numbers 03-224-A, 03-225-SPH, 03-226-SPH, 03-228-A, 03-229-A, 03-230-A, 03-231-SPH, 03-232-SPH, 03-233-SPHA, 03-234-A, 03-235-SPHA, 03-236-A, 03-237-A, 03-238-A, 03-239-A, 03-240-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/11/02. 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

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2365
Telephone. 410. 767.4500 • Fax. 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 11, 2002

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

Re: **Zoning Advisory Committee Agenda, 12/16/02 re: case numbers 03-224-A, 03-225-SPH, 03-226-SPH, 03-228-A, 03-229-A, 03-230-A, 03-231-SPH, 03-232-SPH, 03-233-SPHA, 03-234-A, 03-235-SPHA, 03-236-A, 03-237-A, 03-238-A, 03-239-A, 03-240-A**

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Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

THOMAS J. HOFF, INC.
406 W. Pennsylvania Ave. 2nd Floor
TOWSON, MARYLAND 21204

(410) 296-3668
FAX (410) 296-5326

LETTER OF TRANSMITTAL

DATE	JOB NO.
1/3/03	

ATTENTION

RE: POSTING CERT

TO ZONING OFFICE

WE ARE SENDING YOU ☑ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			CERTIFICATE OF POSTING - CASE Nº. 03-239-SPHA

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐ _____

☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

SIGNED: THOMAS J. HOFF

If enclosures are not as noted, kindly notify us at once.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot s of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

parties of the second part, as tenants by the entireties, the survivor of them, their assigns and the heirs and assigns of the survivor,

~~heirs and assigns,~~ in fee simple.

And the said part ies of the first part hereby covenant that they ha ve not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that the y will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantor s.

TEST:

Donnell M. Smith

Henry Albert Parr IV (SEAL)

Bonnie D. Bonham Parr (SEAL)

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY, That on this 26th day of February in the year one thousand nine hundred and fifty-seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Henry Albert Parr IV and Bonnie D. Bonham Parr, his wife,

the above named grantor s, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

CATHERINE G. SAUTER NOTARY PUBLIC BALTIMORE, MD.

Catherine G. Sauter
Notary Public.

Rec'd for Record FEB 28 1957 at 1 16 P.M.
Per George L. Byerly, Clerk

BALTIMORE COUNTY STATE OF MARYLAND RECORDATION TAX FEB 26 '57 R 190107 1100 BALTIMORE COUNTY STATE OF MARYLAND RECORDATION TAX FEB 26 '57 R 190107 100

LIBER 3112 PAGE 139

This Deed, Made this 26th day of February

in the year one thousand nine hundred and fifty-seven, by and between

Henry Albert Parr IV and Bonnie D. Bonham Parr, his wife,

of Baltimore County, in the State of Maryland, of the first part, and

William E. Bozman and Evelyn H. Bozman, his wife, of the same County and State,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other valuable considerations,

the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey unto the said parties of the second part, as tenants by the entireties, the survivor of them, their assigns and the heirs and assigns of the survivor,

~~heirs and assigns~~, in fee simple, all those lots of ground, situate, lying and being in

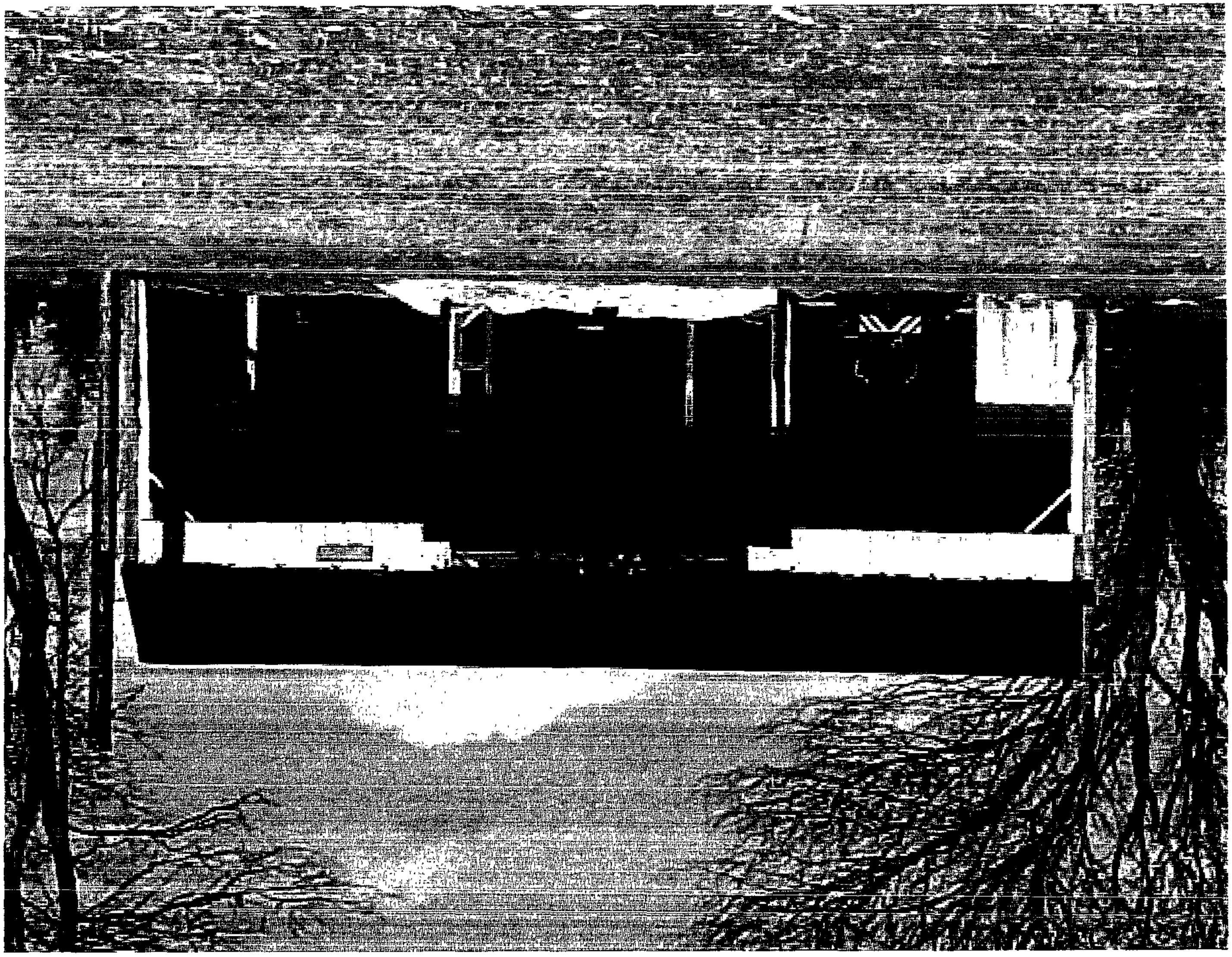
Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:—

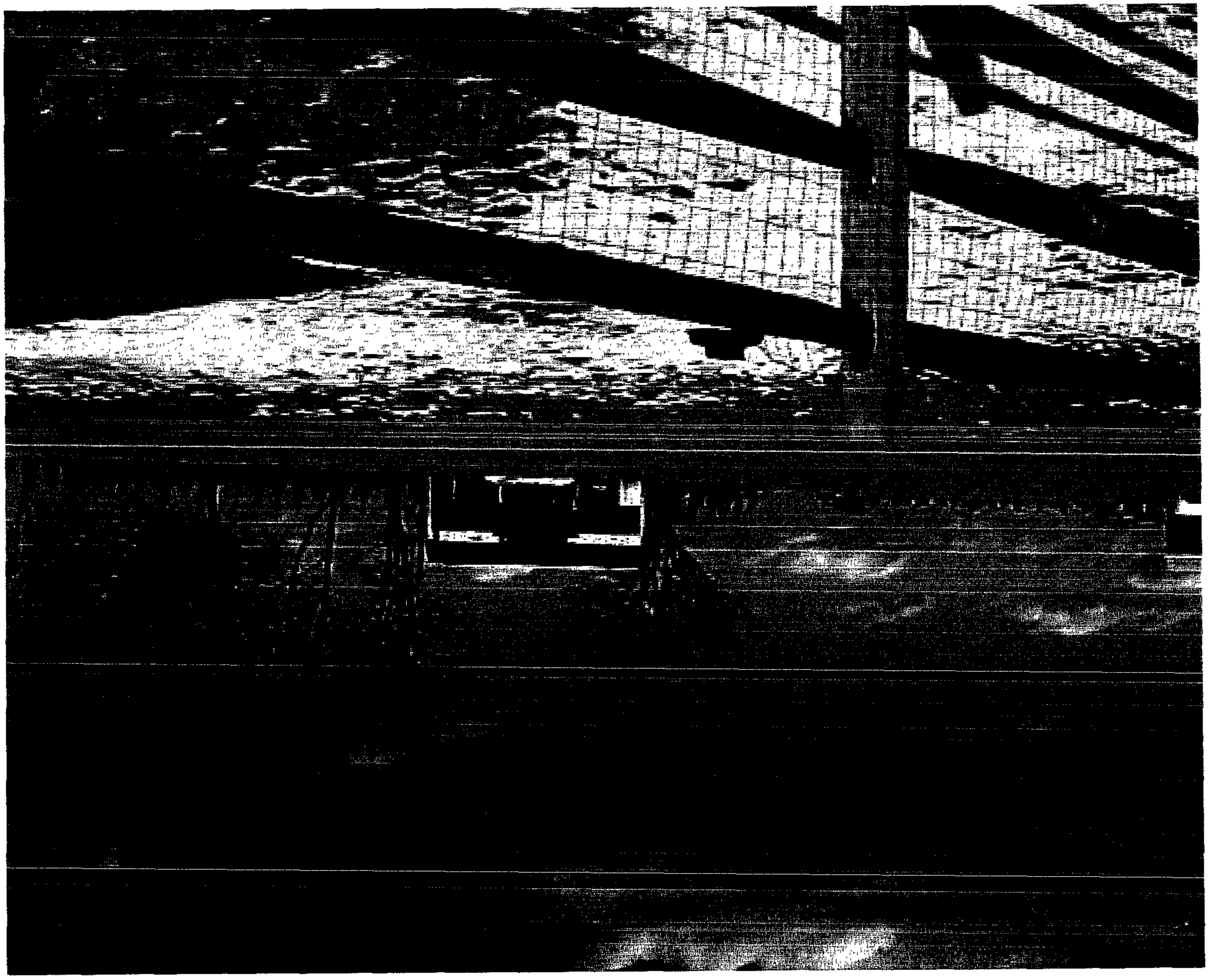
Beginning for the first thereof at a point in the center of the County Road leading from Slades'Old Tavern to Sweet Air where the north 2½ degrees west 22 perches of the whole tract of land intersects one of the outlines of My Lady's Manor; thence binding on said line of My Lady's Manor south 64½ degrees east 50¼ perches to the marked gum tree standing in or near said line; thence south 24½ degrees west 18 perches south 88 degrees west 35.7 perches to the outline of said whole tract of land in the said County Road; thence binding in said Road and on the outlines of said whole tract of land with one degree allowance for variation north 5 degrees west 17.2 perches north 1½ degrees west 22 perches to the place of beginning. Containing 7 acres 39 perches of land more or less.

BEGINNING - for the second at a gum tree standing at the east intersection of a lot of ground conveyed by George E. Shelley and wife to Howard Nelson by deed dated May 6, 1879 and recorded among the Land Records of Baltimore County in Liber J. B. No. 112, folio 282; and running thence binding on the outlines of My Lady's Manor south 64½ degrees east 44 perches; thence south 54½ degrees west 83.7 perches to the outline of the whole tract which by deed dated November 15, 1876 and recorded among the Land Records of Baltimore County in Liber J. B. No. 9S, folio 352 was conveyed by William S. Keech, Assignee, to G. E. Shelley and running thence binding on said outline in the Old Manor Road with one degree allowance for variation north 32½ degrees west 22.52 perches north 5 degrees west 31.8 perches to the southwest intersection of the lot of ground conveyed by said George E. Shelley to Howard Nelson by deed dated May 6, 1879 and recorded among the Land Records aforesaid in Liber J. B. No. 112 folio 282; and running thence with and binding on said lot reversely north 88 degrees east 35.7 perches north 24½ degrees east 18 perches to the place of beginning. Containing 17 acres 12 perches of land more or less.

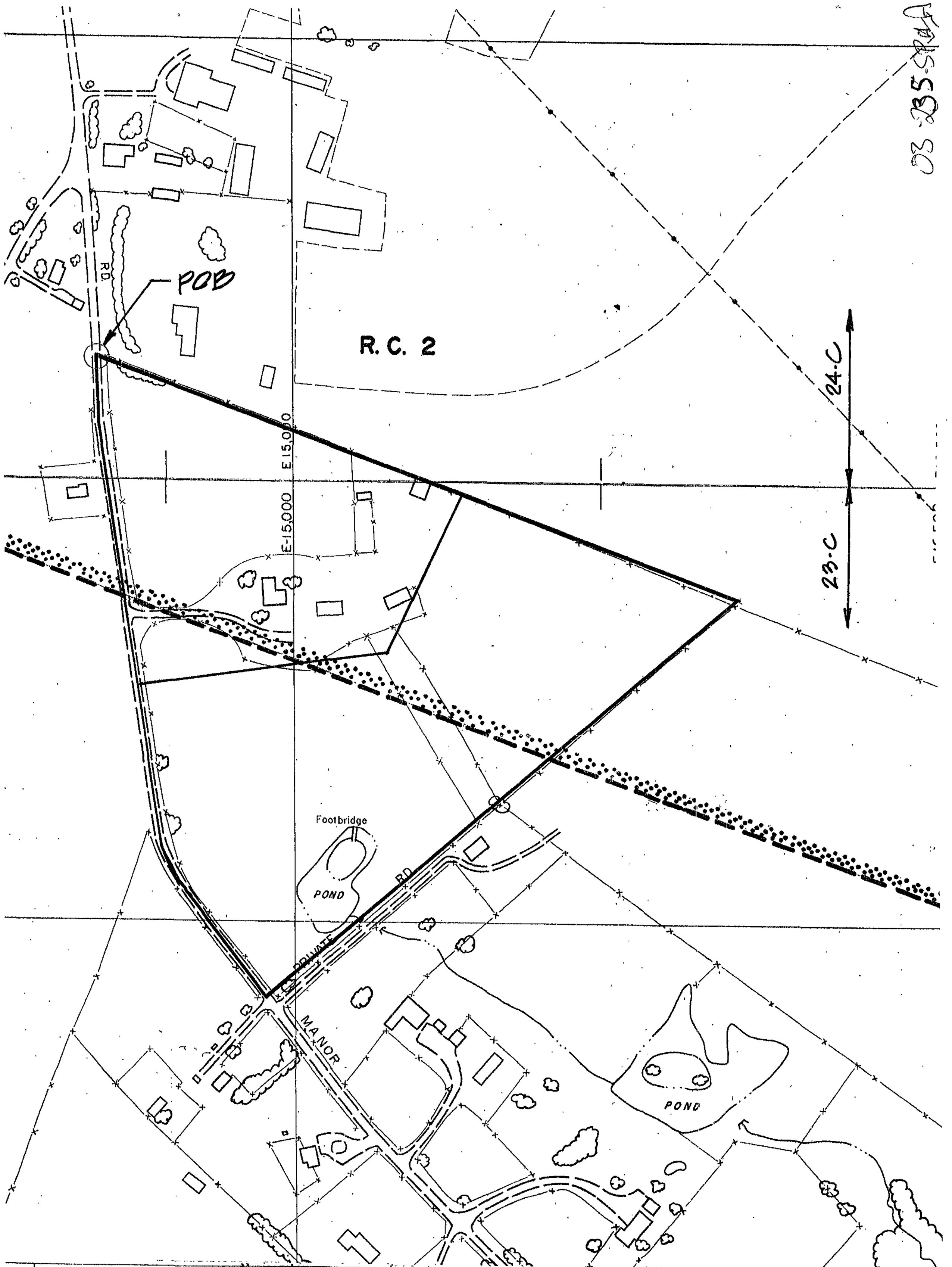
BEING - the same property described in a deed dated May 5, 1953 and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2290, folio 72 from Mary Lawrason Parr, to the grantors herein.

BALTIMORE COUNTY STATE OF MARYLAND RECORDATION TAX BALTIMORE COUNTY STATE OF MARYLAND RECORDATION TAX BALTIMORE COUNTY STATE OF MARYLAND RECORDATION TAX FEB 26 '57



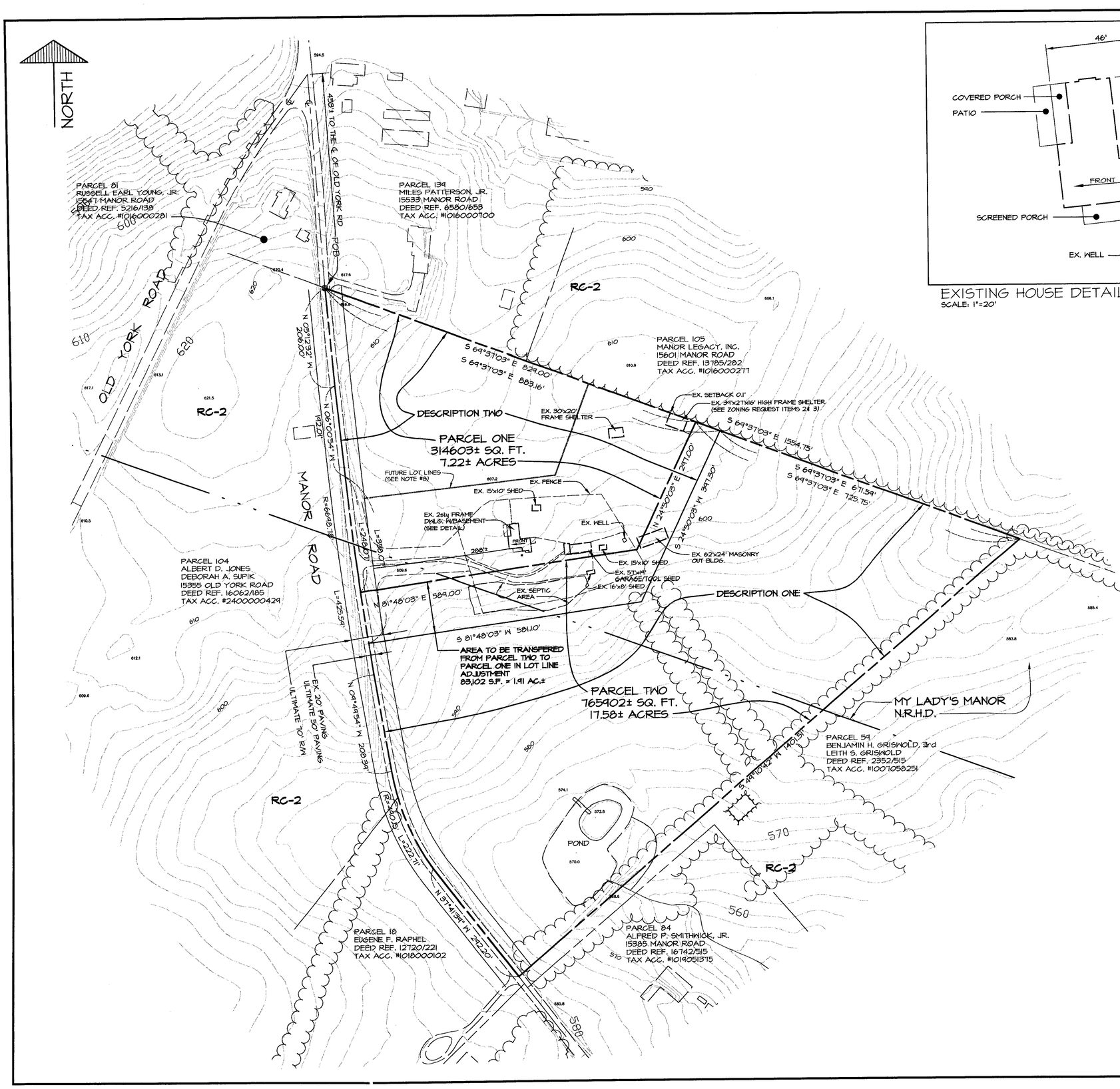


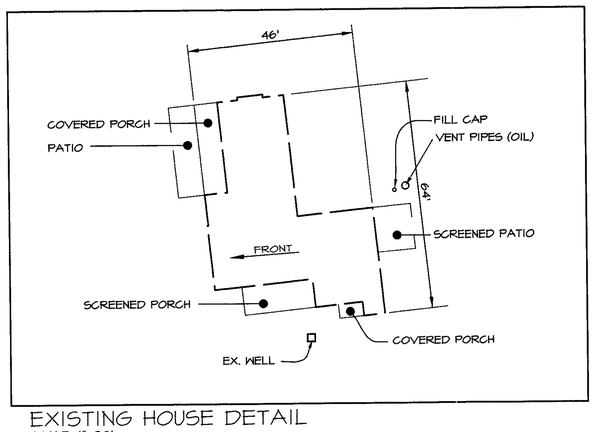
03-235 SPA



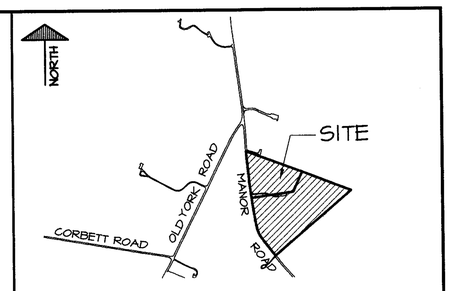
	LOCATION	SHEET	SCALE	LOCATION	SHEET
±	SOUTHEAST OF MANOR	N. E. 23-C	1" = 200'±	MANOR	N. E. 24-C
PHY			DATE OF PHOTOGRAPHY JANUARY 1986		

03-235 SPA





EXISTING HOUSE DETAIL
SCALE: 1"=20'



VICINITY MAP
SCALE: 1"=1000'

SITE DATA:

GROSS SITE AREA: 24.80 AC.±
EXISTING ZONING: RC-2

EXISTING USE = RESIDENTIAL
PROPOSED USE = SAME

ZONING HISTORY:

THERE ARE NO PRIOR ZONING CASES ON THIS PROPERTY.

ZONING RELIEF REQUESTED:

1) SPECIAL HEARING TO APPROVE A 1.91 AC.± NON-DENSITY TRANSFER AND TO APPROVE EXISTING LOCATIONS OF ALL EXISTING ACCESSORY STRUCTURES.

2) VARIANCE TO ALLOW AN EXISTING ACCESSORY STRUCTURE GREATER THAN 15' HIGH, SECTION 400.3.

3) VARIANCE TO ALLOW AN EXISTING ACCESSORY STRUCTURE TO HAVE A REAR YARD SETBACK OF 0.1' IN LIEU OF THE REQUIRED 2.5', SECTION 400.1.

GENERAL NOTES:

1) BOUNDARY SHOWN HEREON TAKEN FROM A FIELD RUN BOUNDARY SURVEY PREPARED BY DBS, LLC AND TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM FIELD RUN DATA AND BALTIMORE COUNTY GIS.

2) PROPERTY IS SERVED BY PRIVATE WELL & SEPTIC.

3) SITE IS NOT IN 100 YR. FLOOD PLAIN.

4) SITE IS NOT IN CHESAPEAKE BAY CRITICAL AREA.

5) SITE IS NOT IN ANY MORATORIUM AREA.

6) THERE ARE NO HISTORICAL BUILDINGS ON SITE.

7) ALL ACCESSORY STRUCTURES ARE UNDER 15' HIGH EXCEPT AS NOTED ON PLAN.

8) FUTURE LOT LINES ARE SHOWN APPROXIMATE PENDING REVIEW AND APPROVAL THROUGH THE MINOR SUBDIVISION PROCESS.

OWNER:
PAUL M. & SUSANNE G. BOZMAN
15509 MANOR ROAD
MONKTON, MD. 21111
DEED REF. 16461/302
TAX ACC. #1002057400

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCES
15509 MANOR ROAD
BOZMAN PROPERTY

TAX MAP #29, GRID #24, PARCELS #118
10th ELECTION DISTRICT, 3rd COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=100'
DATE:	11/15/02
JOB NO.:	0442-01
DESIGNED:	TJH
DRAWN:	TJH/ZJJ
CHECKED:	
REVISIONS:	
DRAWING NUMBER:	ZP-1
SHEET	OF

C:\Land Projects R2\400-449\442\dwg\442 ZONING PLAT.dwg, 11/14/2002 03:42:14 PM, TJH, INC.

03-235SPHA