IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Quern Court, 175' S
centerline of Samuel Owings Drive
2nd Election District
3rd Councilmanic District
(10 Quern Court)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-345-A

Gena & Dale Clemons

Petitioners

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

*

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, Gena and Dale Clemons. The variance request is for property located at 10 Quern Court in the Owings Mills area of Baltimore County. The variance request is from Sections 504, 1B02.3,B and V.B.6.b of the Baltimore County Zoning Regulations (B.C.Z.R.) (C.M.D.P.), to permit a rear yard setback of 12 ft. for a sunroom in lieu of the required 15 ft. 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.

2 January

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 27 day of February, 2003, that a variance from Sections 504, 1B02.3.B and V.B.6.b of the B.C.Z.R. (C.M.D.P.), to permit a rear yard setback of 12 ft. for a sunroom in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

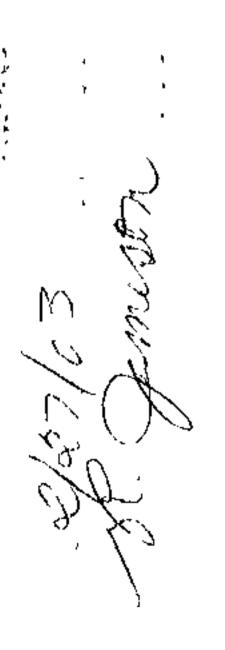
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

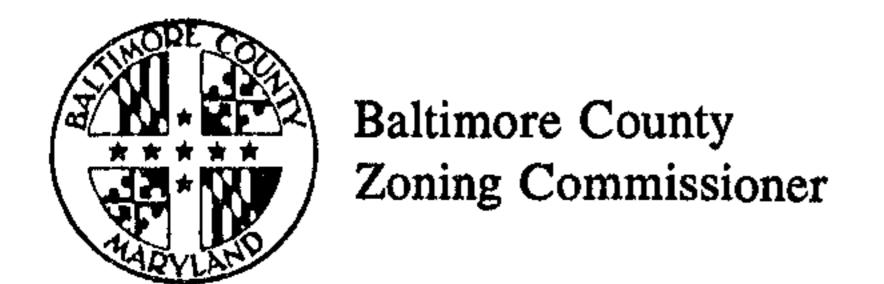
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

February 27, 2003

Mr. & Mrs. Dale Clemons 10 Quern Court Owings Mills, Maryland 21117

Re: Petition for Administrative Variance

Case No. 03-345-A

Property: 10 Quern Court

Dear Mr. & Mrs. Clemons:

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

Withy Hotroco

TMK:raj Enclosure



Petition for Administrative Variances To mend the FOR of Village of Damtes Mill Baltimore County

RYLAND	10 0 a a a
for the property	located at 10 Over of. which is presently zoned DR 111
owner(s) of the property situate in Baltimore County and when made a part hereof, hereby petition for a Variance from Sec	nits and Development Management. The undersigned, legal nich is described in the description and plat attached hereto and stion(s) 504 1.8.02.3.8 and V.B.L.
(BCZR) (CMDP) to Permit a hurryard in view of the organized 15 Bt.	Letback of 1281. Bor a evinoum
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the land of the land is to be posted and advertised as prescribed by the land is a second to pay expenses of above Variance, advertising, prescribed pursuant regulations and restrictions of Baltimore County adopted pursuant	osting, etc. and further agree to and are to be bounded by the zoning
	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:	Legal Owner(s):
Name - Type or Print/	Name - Type or Print Oak E (Oe
Signature	Signature CVPMONS
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature Comons
Attorney For Petitioner:	10 (1) CX. 410-35U-41 Address Telephone No.
Narne - Type or Print	OWING MILL State Zip Code
Signature	Representative to be Contacted:
	Southside Builders anc.
Company	Mame Policionn St 12nit B 410-857-7820
Address Telephone No.	Address Telephone No.
City State Zip Code	Westminster MD 21157 City State Zip Code
A Public Hearing having been formally demanded and/or found to I	be required, it is ordered by the Zoning Commissioner of Baltimore County, 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.	of this petition be set for a public hearing, advertised, as required by the zoning

GASE NO. REV 10/25/01 03-3451

Reviewed By

Date 1.2.0.

Estimated Posting Date ___

Z · 3 · 0 3

Zoning Commissioner of Baltimore County

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	10	QUEZN	Ct.	
	Address City	3 4 1	Mc./ State	2117 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardshi	wing are the f	acts upon which difficulty):	-	•
5	EE AT	TACKER		
That the Affiant(s) acknowledge(s) that if a foodback advertising fee and may be required to provide	ormal demand additional info	l is filed, Affiant(mation.	s) will be required	to pay a reposting and
				· · · · · · · · · · · · · · · · · · ·
Name - Type or Print		Name - Type or	Print	
STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:			
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersonally appea	ared	, before me, a N	otary Public of the State
the Affiant(s) herein, personally known or satisf	actorily identifi	ed to me as such	Affiant(s).	
AS WITNESS my hand and Notarial Seal				
	Nota	ary Public	·· <u>·······························</u>	
		Commission Exp	res	
REV 10/25/01				

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a p	enalties of perj within the pers sublic hearing is	ury to the Zoning sonal knowledge of scheduled in the fu	Commissioner I the Affiant(s) Iture with regard	of Baitimore County, as and that Affiant(s) is/are d thereto.
That the Affiant(s) does/do presently reside at	/6	QUERN	<u>CC.</u>	
THAT THE PRINCIPLE OF THE PERSON OF THE PERS	Address Owint	Mills	Mil.	21117
	City	<u>, </u>	State	Zip Code
That based upon personal knowledge, the followards at the above address (Indicate hardsh	owing are the fa lip or practical d	acts upon which I/w lifficulty):	e base the requ	uest for an Administrative
	SEE A	TACHED		
			•	
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand additional info	l is filed, Affiant(s) rmation.	will be require	ed to pay a reposting and
Huap. Olemans		Signature	3	
Signature				
Cina P. Clemons Name - Type or Print	<u>u</u>	Name - Type or Pr	int Len	rons
				_ ~
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:			
of Maryland, in and for the County aforesaid, p	www.	ared Ans	, before me, a	a Notary Public of the State
the Affiant(s) herein, personally known or salls	116 F. 1	LEMIN	Affiant(s).	
AS WITNESS my hand and Notarial Seal	0	Spend	lent hon	
		ary Public Commission Expire	es que les	5
	TVI Y	COULTINGSTOIL PVDIII	~~ <u></u>	

REV 10/25/01

01/02/03

Clemons Residence:

"Undue Hardship"

- (i) As shown on the attached plat & photos, the Clemons home has been situated on the property shifted toward the rear of the property lines. Specifically, the property is almost located on the rear set-back line, as illustrated on the accompanying plat. This creates the need to seek relief of 8' from the 20' rear set back. The proposed site of the Clemons Family Sunroom will be 12' from their rear property line, which is an easement. The only possible location to add a Sunroom as extension of their Living area is on the rear of the property. This layout does not allow reasonable use to any other location. The Clemons Purchased the property with full expectations on adding a Sunroom Addition/Patio Enclosure, to gain the adequate leisure space for their growing family. Architecturally, this is the only location for the Addition without any adverse effects. Their intent is to increase the value of the property, harmonious with the community. The front of their home is not appropriate for the Sunroom Addition.
- (ii) The size of their lot is unusual from other homes in the community, in that it is the smallest lot on the block, half the size of many on their court. Neighboring lots have much more freedom to add space without seeking a variance.
- (iii) This hardship was not the result of the applicant's own action. Nothing has been constructed at this time, and the Clemons are applying for their building permit through normal building permit channels.

Note:

When Mr. & Mrs. Clemons purchased this home, they budgeted approx. \$20,000.00 to construct a quality Sunroom Addition/Patio Enclosure as additional leisure space. Their intent was introducing an all glass Sunroom, consisting of glass sliding windows and doors, NOT solid construction (i.e. siding/drywall). Conventional construction would interrupt their neighbors' views, and distract from the congruency of other existing leisure improvements throughout their community, which have been made. We feel this is a reasonable use of their rear space, and respectfully request the permission from the Hearing Officer, to add a Four Seasons Sunroom Patio Enclosure (10' x 12'), on an existing and permitted deck, which will not adversely effect traffic, block others' views, nor endanger public safety or welfare. We feel whole-heartedly, that the spirit of the ordinance will still be observed, as granting this relief would be based on the limited possible areas on which the homeowners could improve as well as the homes unordinary positioning of the home on their parcel. This relief would also allow the Clemons t make reasonable and valuable addition to their home, bringing their property up to the value of other neighboring properties, recently sold new.

Attached:

We offer the attached the signatures and addresses of the homeowners most affected by the Porch Enclosure along with photos of similar projects.

Dale 5 clim

Zoning Description for 10 Quern Court, Owings Mills, MD.

Beginning at a point on the <u>NORTH</u> side of <u>QUERN COURT</u> which is <u>50</u>° wide at the distance of <u>175</u>° <u>SOUTH</u> of the centerline of the nearest improved intersecting street <u>SAMUEL OWINGS DRIVE</u> which is <u>60</u>° wide. *Being Lot <u>#40</u>, Block__, Section #______, in the subdivision of <u>VILLAGE of PAINTERS MILL</u> as recorded in Baltimore County Plat Book <u>#63</u>, Folio <u>#44</u>, containing <u>4,511</u> . Also known as <u>10 QUERN COURT</u> and located in the <u>#2</u> Election District, <u>3</u> Councilmanic District.

2

The second of th BALTIMORE COUNTY, MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE DATE. FROM: RECEIVED FOR: DISTRIBUTION WHITE - CASHIER ANDY PINK - AGENCY MARYL 30 AMOUNT ACCOUNT - MOTTBA 6 10 CUSTOMER CASHIER'S VALIDATION

Balance A

	RE: Case No.: 03-345-A
	Petitioner/Developer:
	DALE CLEMONS
	Date of Hearing/Closing: 2/18/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	•
Attention: Ms. BECKY HART	
Ladies and Gentlemen:	•
were posted conspicuously on the property	f perjury that the necessary sign(s) required by law located at
The sign(s) were posted on	2/3/03
	(Month, Day, Year)
CASE # 03.345-A	Sincerely,
	Muchal 3/2/3/03
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	(410) 879·31ZZ
	(Telephone Number)

10 QUERN CT.
POSTED 2/3/03
" Dull 187/2 2/3/03

	RE: Case No.: 03-345-A
	Petitioner/Developer:
	DALE CLEMONS
	Date of Hearing/Closing: 2/18/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. BECKY HART	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of pe	erjury that the necessary sign(s) required by law
were posted conspicuously on the property loc	*
	=72NI CT.
The sign(s) were posted on	2/3/03
	Month, Day, Year)
CASE # 03.345-A	Sincerely,
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ZONING NOTICE	(Signature of Sign Poster and Date)
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PUBLIC HEARING?	904 DELLWOOD DR. (Address)
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	(410) 879-31ZZ
	(Telephone Number)
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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.

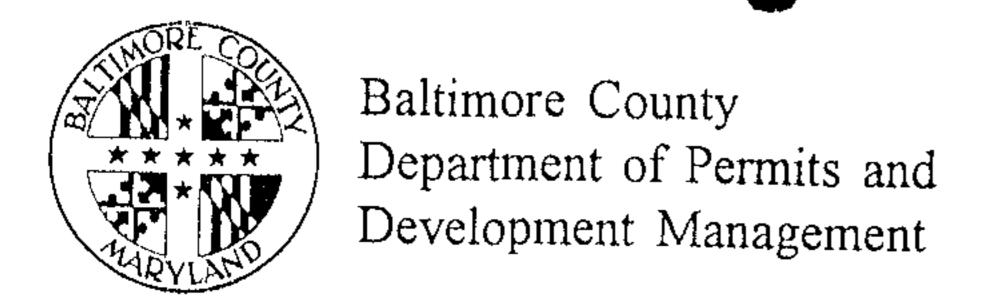
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

or Newspaper Advertising:
tem Number or Case Number: 345
Petitioner: DALE CLEMONS
iddress or Location 10 Qyern ct Owings Mills, Md. 21117
LEASE FORWARD ADVERTISING BILL TO:
ame·
ddress
eiephone Number <u> 410 - 356 - 419</u>

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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

February 14, 2003

Mr. Dale Clemons 10 Quern Court Owings Mills, MD 21117

Dear Mr. Dale Clemons:

RE: Case Number: 03-345-A, 10 Quern Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2003.

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

U. Callabal D

WCR:klm

Enclosures

c: People's Counsei

Southside Builders Inc., 86 John Street, Unit B, Westminster MD 21157



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 3, 2003

Item No.:

339-347, 349

Dear Ms. Hart:

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.

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

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

C: File



MARYLAND DEPARTMENT OF TRANSPORTATION Robert L Ehrlich, Jr., Governor + Michael S. Steele, Lt. Governor + Trent M. Kittleman, Acting Secretary

Date 2 · 4 · 03

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

RE: Baltimore County

Item No. 345

SCM

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 (Igredlein: ā sha state md.us)

Very truly yours.

1-

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB5 | The T

DATE:

March 12, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of February 3, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

343, 345, 347-350

BALTIMORE COUNTY, MARKELMAP

INTER-OFFICE CORRESPONDENCE 2 7 2003
20/WG COMMSS/

DATE: February 27, 2003

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-345 & 03-349

Administrative Variance

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:

Section Chief: ____

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: February 26, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT:

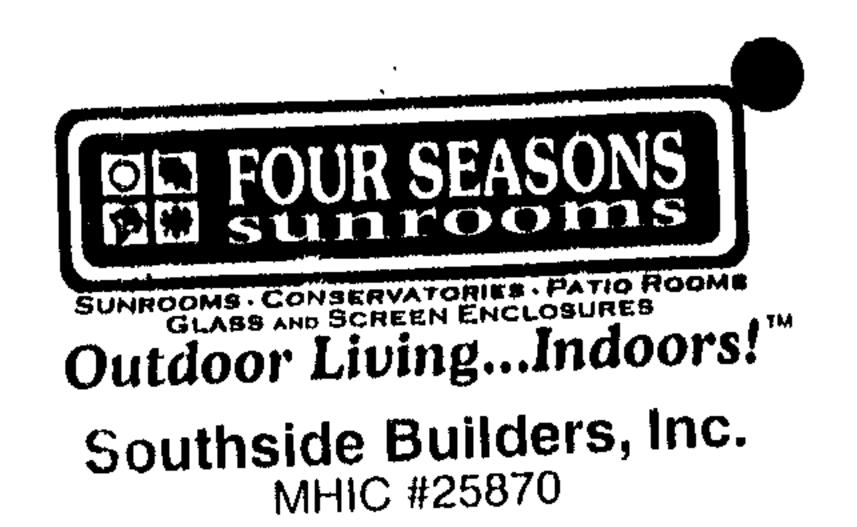
Zoning Advisory Committee Meeting

For February 10, 2003 Item Nos. 339, 340, 341, 342, 344, 345, 347, 348, 349, and 350

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

RWB:CEN:jrb

cc: File



December 19, 2002

To Whom It May Concern:

1/We William + Sail Brightesiding at 7 Queres at 10 Quern Court, Owings Mills, objections to our neighbors, Dale and Gena Clemons at 10 Quern Court, Owings Mills, MD, having a 10 \times 12' sunroom addition added to the rear of their home.

Sincerely,



December 19, 2002

To Whom It May Concern:

I/We <u>Delkoy Dawes</u>, residing at <u>8 Quern Court</u>, have no objections to our neighbors, Dale and Gena Clemons at 10 Quern Court, Owings Mills, MD, having a 10 x 12' sunroom addition added to the rear of their home.

Sincerely,

(Neighbor's Signature)



December 19, 2002

To Whom It May Concern:

I/We LART & NANCENE, residing at 24 SADLESTONE, have no objections to our neighbors, Dale and Gena Clemons at 10 Quern Court, Owings Mills, MD, having a 10 x 12' sunroom addition added to the rear of their home.

Sincerely,

(Neighbor's Signature)

345

Robert L. Ehrlich, Jr.

Maryland Department of Planning

Audrey E Scott Secretary

Michael S. Steele

Florence E. Burian Deputy Secretary

February 4, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda 02/10/03 re: case numbers 03-339-A, 03-340-A, 03-341-A, 03-342-SPHA, 03-343-A, 03-344-SPH, 03-345-A, 03-346-SPH, 03-347-A, 03-348-SPH, 03-349-A, 03-350-XA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/04/03. 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,

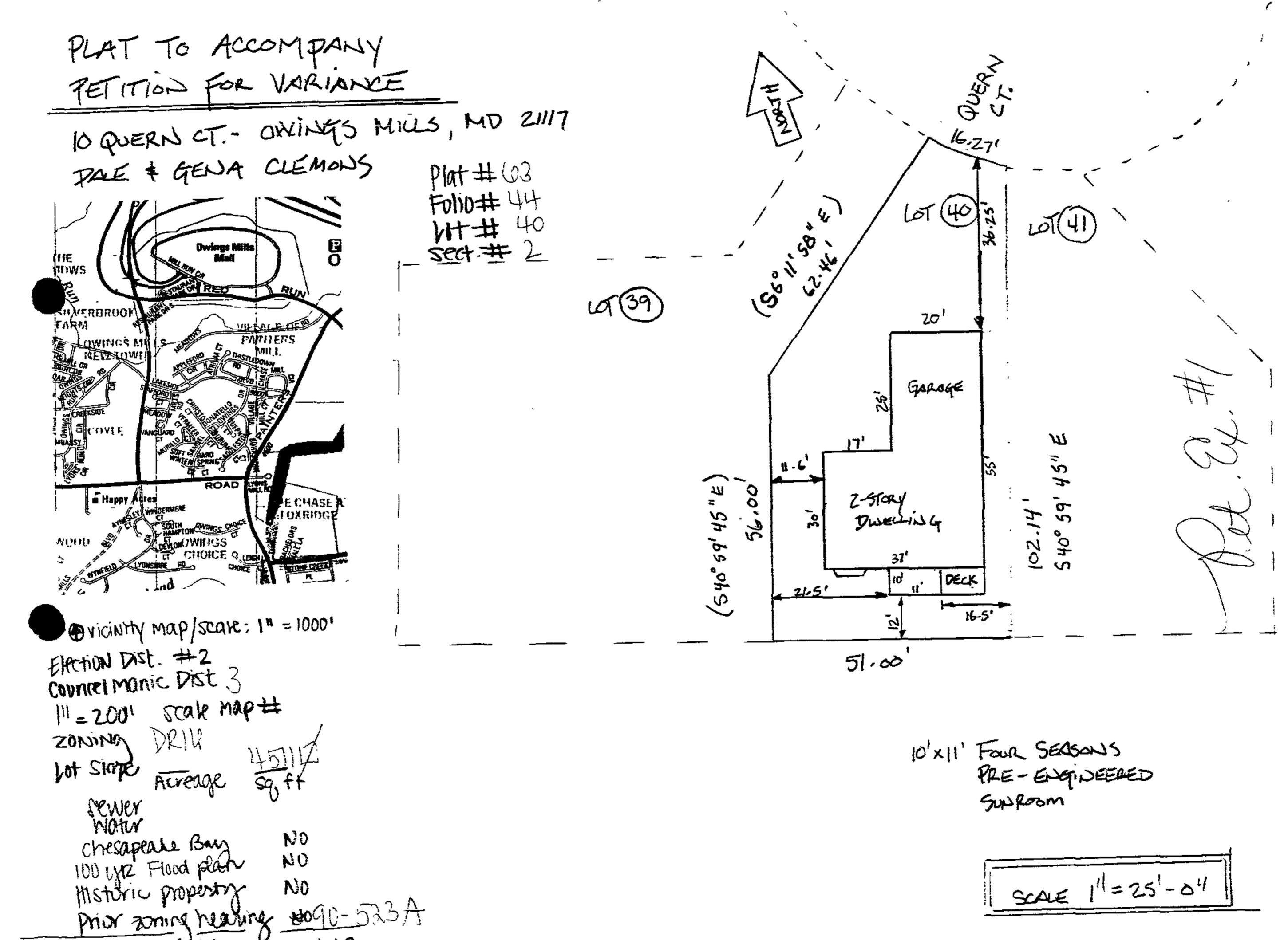
James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc. Mike Nortrup



Reviewed by Item# 3 5 CASE#

