IN RE: PETITION FOR ADMIN. VARIANCE SE/S Ivy Mill Road, 1500' S centerline of Green Hill Farm Road 4th Election District 4th Councilmanic District (12509 Ivy Mill Road)

John H. Bare, Trustee
Petitioner

- BEFORE THE
- DEPUTY ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- CASE NO. 03-384-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by John H. Bare, Trustee, the legal owner of the subject property. The variance request is for property located at 12509 Ivy Mill Road in the Reisterstown area of Baltimore County. The Petitioner herein seeks a variance from Sections 400.1, 400.3 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (barn) to be located in the front/side yard and with a height of 20 ft. in lieu of the required rear yard and maximum allowed 15 ft. height respectively and to allow this accessory structure to be larger than the dwelling. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner 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 Petitioner has 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 Petitioner.

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 $3^{-\ell}$ day of April, 2003, that a variance from Sections 400.1, 400.3 and 101 of the B.C.Z.R., to allow an accessory structure (barn) to be located in the front/side yard and with a height of 20 ft. in lieu of the required rear yard and maximum allowed 15 ft. height respectively and to allow this accessory structure to be larger than the dwelling, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner or subsequent owners shall not allow or cause the barn to be converted to a second dwelling unit and/or apartment.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

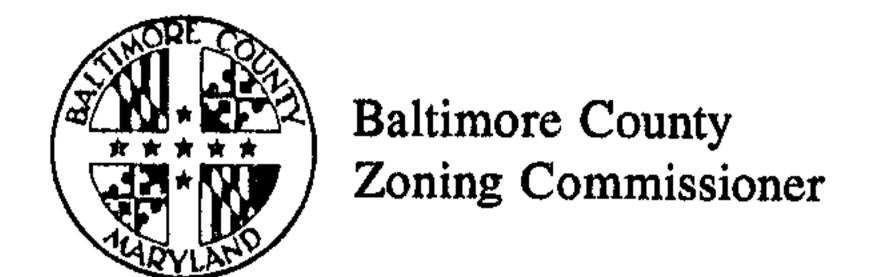
IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

18/8 Susan

TMK:raj



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

Fax: 410-887-3468

April 3, 2003

Mr. John H. Bare 12521 Ivy Mill Road Reisterstown, Maryland 21136

Re: Petition for Administrative Variance

Case No. 03-384-A

Property: 12509 Ivy Mill Road

Dear Mr. Bare:

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 Hotroco

TMK:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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of the zoning regulations of this petition form.	f Baltimore C	ounty, to the zoning I	aw of Baltimore C	ounty, for the rea	sons indic	cated on the back
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	* 6 - *		Zoning	Commissioner of Ba	numore Cour	nty

REV 10/25/01

CASE NO. 13-384-7

Reviewed By

Date 2-20-03

Estimated Posting Date 3-62-03

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	Address	YUI	Will	Rel		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
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John H. Bare Trustee		Jigii	ature				
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I HEREBY CERTIFY, this day of day of Maryland, in and for the County aforesaid, pe	orsonally appear	ared	500	03, befo	re me, a	Notary Publi	ic of the State
the Affiant(s) herein, personally known or satisf	actorily identific	ed to me	e as su	ch Affiant(s) .		
AS WITNESS my hand and Notarial Seal							
	Nota	Tuble Publ	bre ic	0	Pa	mas)	
DEV 10/05/01	My (Commis	sion Ex	-	•	EBRA A. RAN BLIC, STATE (OS OF MARYLAND

My Commission Expires April 1, 2003



Petition for Administrative Variance

for the property located at 12509 In Mid

to the Zoning Commissioner of Baltimore County

which is presently zoned <u>RC-4</u>

This Petition shall be filed owner(s) of the property situmade a part hereof, hereby	iate in Baltin	nore County and	d which is descri	bed in the descrin	fion and plat a	ttached hereto and
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larger then th	e duel	ling -				
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Property is to be posted and i, or we, agree to pay expenses regulations and restrictions of E	s of above Va	iriance, advertisir	ng, posting, etc. a	nd further agree to a	and are to be bo County.	unded by the zoning
			perjury	o solemnly declare a , that I/we are the le subject of this Petitio	gal owner(s) of	
Contract Purchaser/Les	see:		<u>Legal</u>	Owner(s):		
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Signature	·—————————————————————————————————————		Signatu	geluis Bar	1 Truotes	·
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City	State	Zip Code	9 Signatui	'e	·	410 547-5969 1
Attorney For Petitioner:			10	SOI TUY MITH	20.	410 833-0392
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A Public Hearing having been for this day of egulations of Baltimore County and	rmally deman th that the prope	ded and/or found at the subject matt rty be reposted.	to be required, it is er of this petition be	s ordered by the Zon set for a public hearm	ing Commissione ng, advertised, as	r of Baltimore County, required by the zoning
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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	<u>i∂≤∂1</u> Address	I'M WILL	KW.	**************************************
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	City		State	Zip Code
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional info	l is filed, Affi mation.	ant(s) will be	required to pay a reposting and
Signature A. Bare, Trustes		Signature		
Oignature		Signature		
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STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:			'
I HEREBY CERTIFY, this County day of 190 of Maryland, in and for the County aforesaid, pe	rsonally appea	ared	before	e me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identific	ed to me as s	uch Affiant(s).	
AS WITNESS my hand and Notarial Seal				
	Nota	Jebeer Try Public	Q. R	emas
- 	My (Commission E	ExpiresNOTARY	DEBRA A. RAMOS PUBLIC, STATE OF MARYLAND

My Commission Expires April 1, 2003

ZONING DESCRIPTION

FOR

12509 Ivy Mill Road

Beginning at a point on the <u>Southeast</u> side of <u>Ivy Mill Road</u> which is <u>30 feet</u> wide at the distance of <u>1500 feet South</u> of the centerline of the nearest improved intersecting street <u>Green Hill Farm Road</u> which is <u>30 feet</u> wide. As recorded in Deed Liber # <u>4320</u>, Folio # <u>151</u>, (Metes and bounds: <u>S.81 57' W. 739.4 ft., S. 2 14' 41" E. 343.85 ft., S. 13 33' 28" W. 248.56 ft., S. 31 57' 13" W 160.8 ft., S. 50 42' 57" W. 283.0 ft., S. 12 41' 57" W. 30.82 ft., S. 29 34' 03" E. 131.17 ft., S. 4 47' 57" W. 77.64 ft., S. 75 17' 57" W. 472.29 ft., N. 1 40' 57" E. 458.2 ft., N. 48 04' 22" E. 403.79 ft., N. 39 44' 34" E. 675.7 ft., S. 58 35' 15" E. 9.9 ft. to place of beginning.) containing <u>9.64 acres</u>. Also known as <u>12509 Ivy Mill Road</u> and located in the <u>4th</u> Election District, <u>4th</u> Councilmanic District.</u>

384

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 384 -A Address 12509 Zvy Mill Rd.
Contact Person: John Sullivan Phone Number: 410-887-339
Filing Date: 3-03-03 Posting Date: 3-16-03 Closing Date: 3-31-03
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitione is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 384 -A Address 12509 Fvy 12,11 Rd.
Petitioner's Name <u>John H. BARE</u> Telephone <u>410-547- 5969</u>
Posting Date: <u>3-16-03</u> Closing Date: <u>3-31-03</u>
Wording for Sign: To Permit an accessory Structure to be located in the
front side yard with a height of 20 thin lieu of the reasoned rean yard
nax mum allowed 15 Hheight respectively and to allow this accessor
structure to be larger than the dwellings
WCR - Revised 6/28/00

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 2-20-03 ACCOUNT R-001-006-6150

AMOUNT \$ 6.5.

RECEIVED PROM: PAPE

FOR: Resultantial Variance Alington of 12509 2-19 Mill Rd.

YELLOW - CUSTOMER

DISTRIBUTION

WHITE - CASHIER

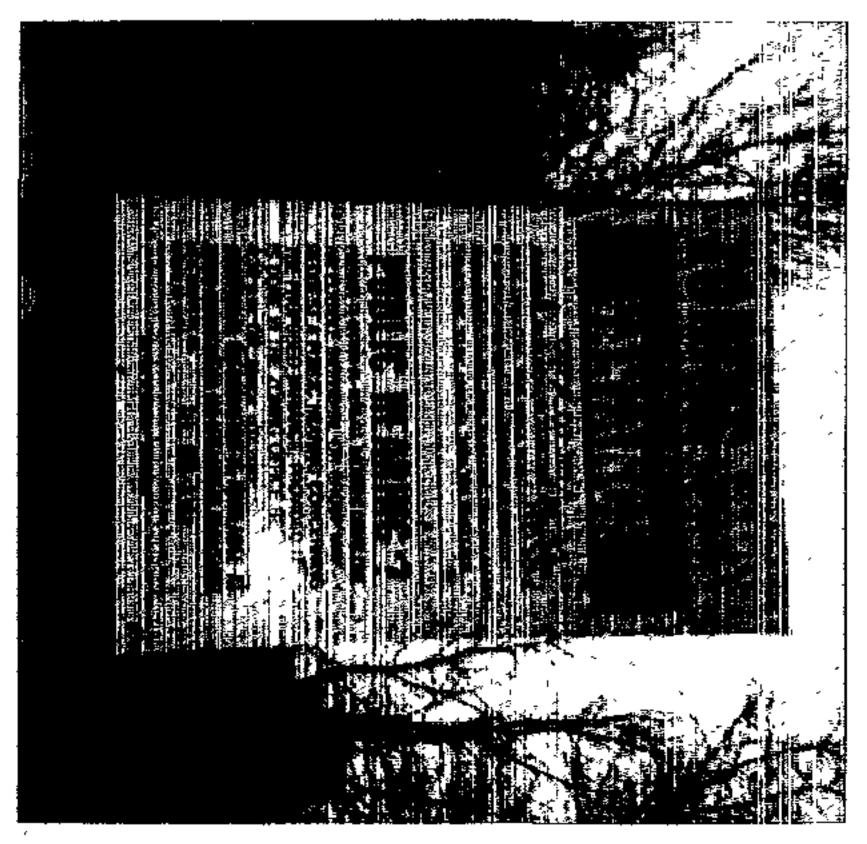
PINK - AGENCY

PAID RECEIPT MISTNESS ATTIAL TIME, 1/21/2003 2/20/2003 14:26:10 REG W306 WALKIN KNCH KXM DRAWER 2/21/2003 OFLN 5 528 ZUNING VERIFICATION CR NO. 019313 Recet Tot \$65,00 65.00 CK .00 CA Baltimore County, Haryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

•	RE: Case No.: 03-384-A
	Petitioner/Developer: John H. Bare
	Date of Hearing/Closing: 3-31+03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of p were posted conspicuously on the property loc Reisters town, MD 21136	erjury that the necessary sign(s) required by law cated at 12509 / Vy Mill Rd.
	
The sign(s) were posted on March_	14, 2003 (Month, Day, Year)
	Sincerely,



Sincerely,

Sincerely,

(Signature of Sign Poster and Date)

Stacy Gavavev

SHANNON BIAUTIVE GOALS DR.

ELDERS BURGARMD. 21784

(City, State, Zip Code)

410-781-4000

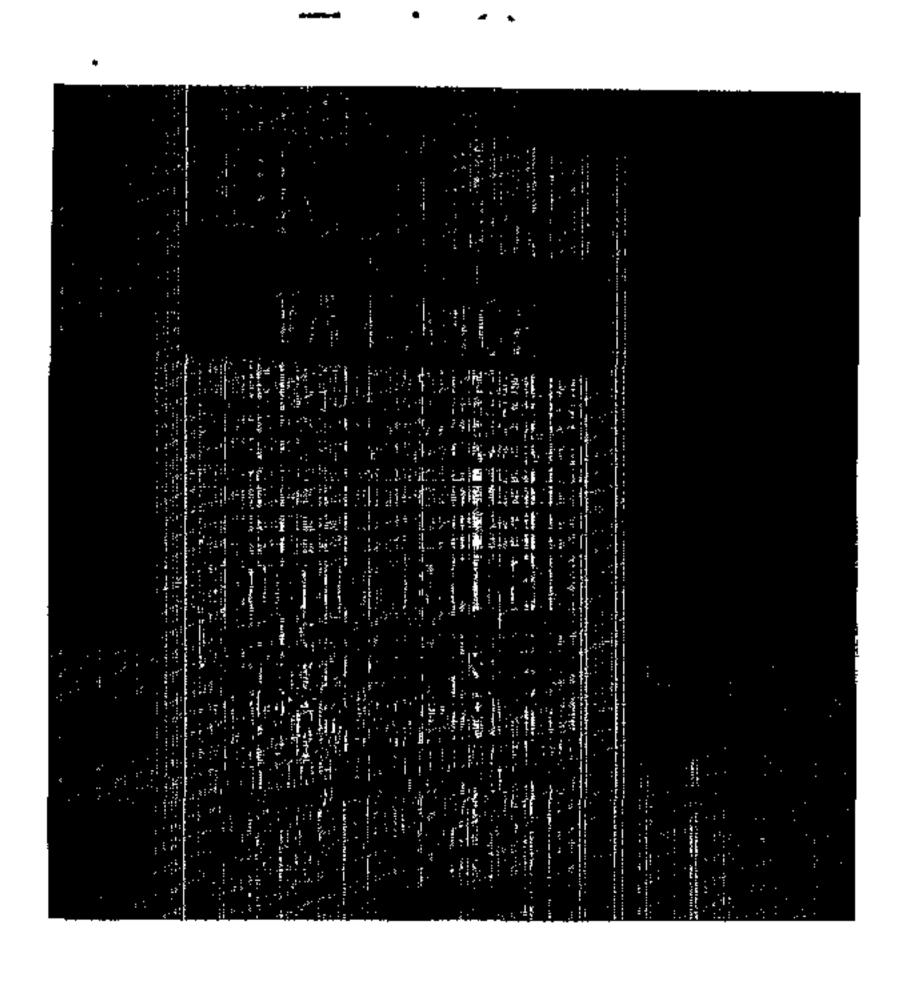
CERTIFICATE OF POSTING

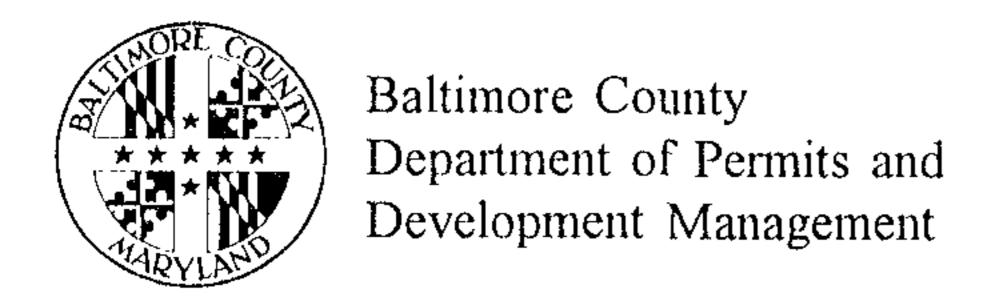
•	RE: Case No.: 03-384-A
	Petitioner/Developer:
	John H. Bare
	Date of Hearing/Closing: 3-17-02
Baltimore County Department Permits and Development M. County Office Building, Rocall West Chesapeake Avenuation Towson, MD 21204 Attention: Ms. Gwendolyn S. Ladies and Gentlemen: This letter is to certify under	anagement om 111 ue
were posted conspicuously of	on the property located at 12509 /vy Mill Road 21136
Keisterstown, MD	21136
	February 27, 2003
	(Month, Day, Year)
	Sincerely, Macy andrew 2/27/03
	(Signature of Sign Poster and Date)
	(Printed Name)
	SHANNON-RAIIM SIGNS INC

105 COMPENIANE GOALS DR.

ELDERSBURG, MD. 2:1784

(City, State, Zip Code)





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

March 31, 2003

John H. Bare, Trustee 12521 Ivy Mill Road Reisterstown, MD 21136

Dear Mr. Bare:

RE: Case Number: 03-384-A, 12509 Ivy Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 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. Callibal)

WCR:rlh

Enclosures

People's Counsel C:



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 March 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 10, 2003

Item No.:

384 / 39

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.

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

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



MAINLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

3.11.03 Date:

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

Baltimore County RE:

Item No. 384 115

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



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ΓO:	Arnold Jablon
FROM:	R. Bruce Seeley 235 Mir
DATE:	April 9, 2003
SUBJECT:	Zoning Item <u>384</u> Address <u>12509 Ivy Mill Road (Bare Property)</u>
Zonir	ng Advisory Committee Meeting of March 10, 2003
	Department of Environmental Protection and Resource Management has no nents on the above-referenced zoning item.
an ex	Department of Environmental Protection and Resource Management request tension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	Department of Environmental Protection and Resource Management offers blowing comments on the above-referenced zoning item:
<u>X</u>	If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
<u>X</u>	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	Additional Comments:
The I	FEMA Map indicates a 100 year floodplain onsite.

Reviewer: John Russo

Date: 4/8/03

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 13, 2003

Department of Permits and Development Management

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAR 1 3 2003

Zoning Advisory Petition(s): Case(s) 03-384 & 03-389 WWG COMMSSIONER

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.

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 14, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March, 17, 2003 Item Nos. 384, 385, 388, 389, 393,

394, and 395

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

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr. Governor



Audrey E. Scott Secretary

Michael S. Steele

Floronce E. Burtan Deputy Secvetary

March 12, 2003

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

Re: Zoning Advisory Committee Agenda, 03-17-03 regarding case numbers: 03-384/A, 03-385-A, 03-387-A, 03-388-SPH, 03-389-A, 03-390-SPH, 03-391-A, 03-392-SPHA, 03-393-SPHA, 03-394-A, 03-395-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/11/03. 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

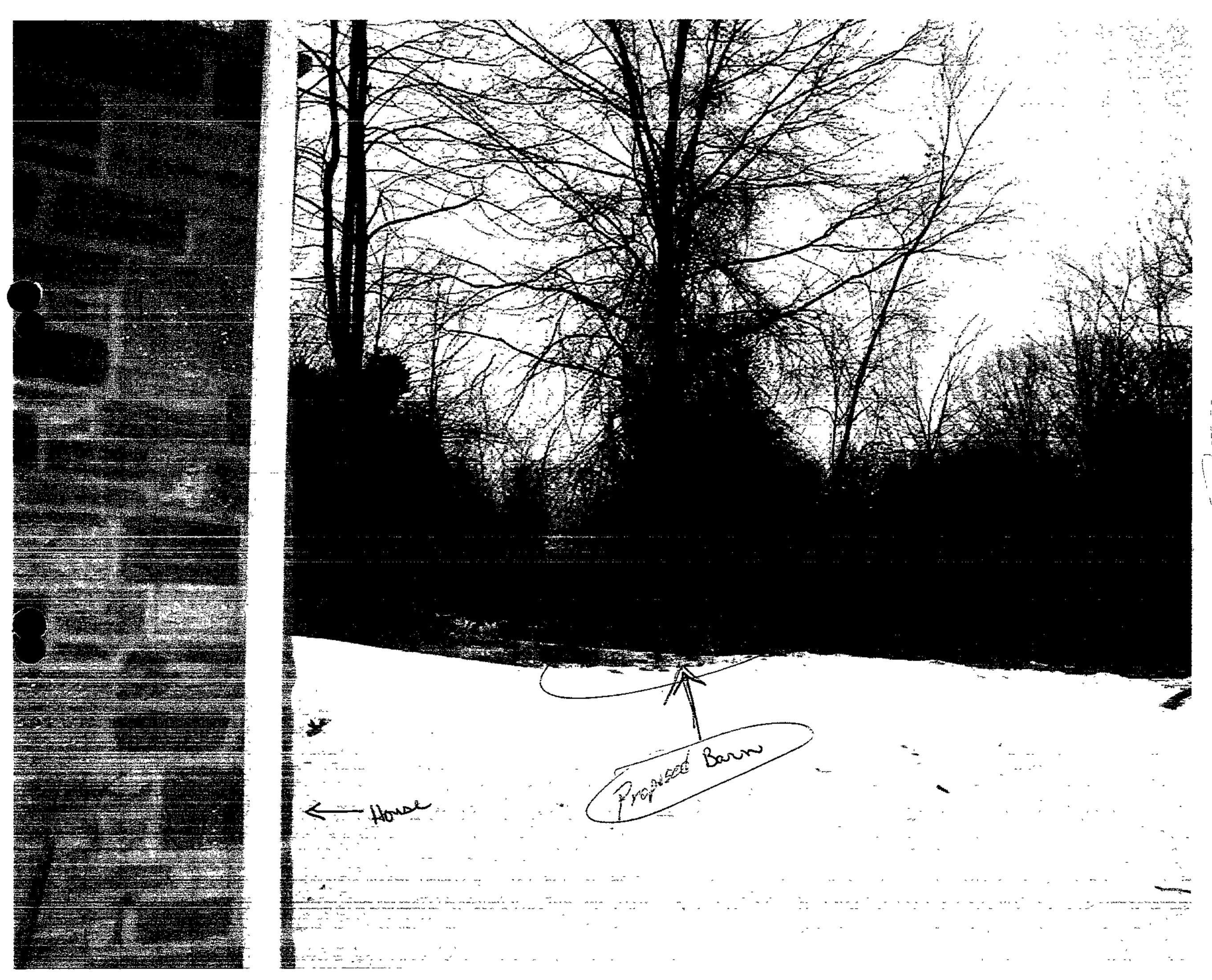
Manager

Metropolitan Planning

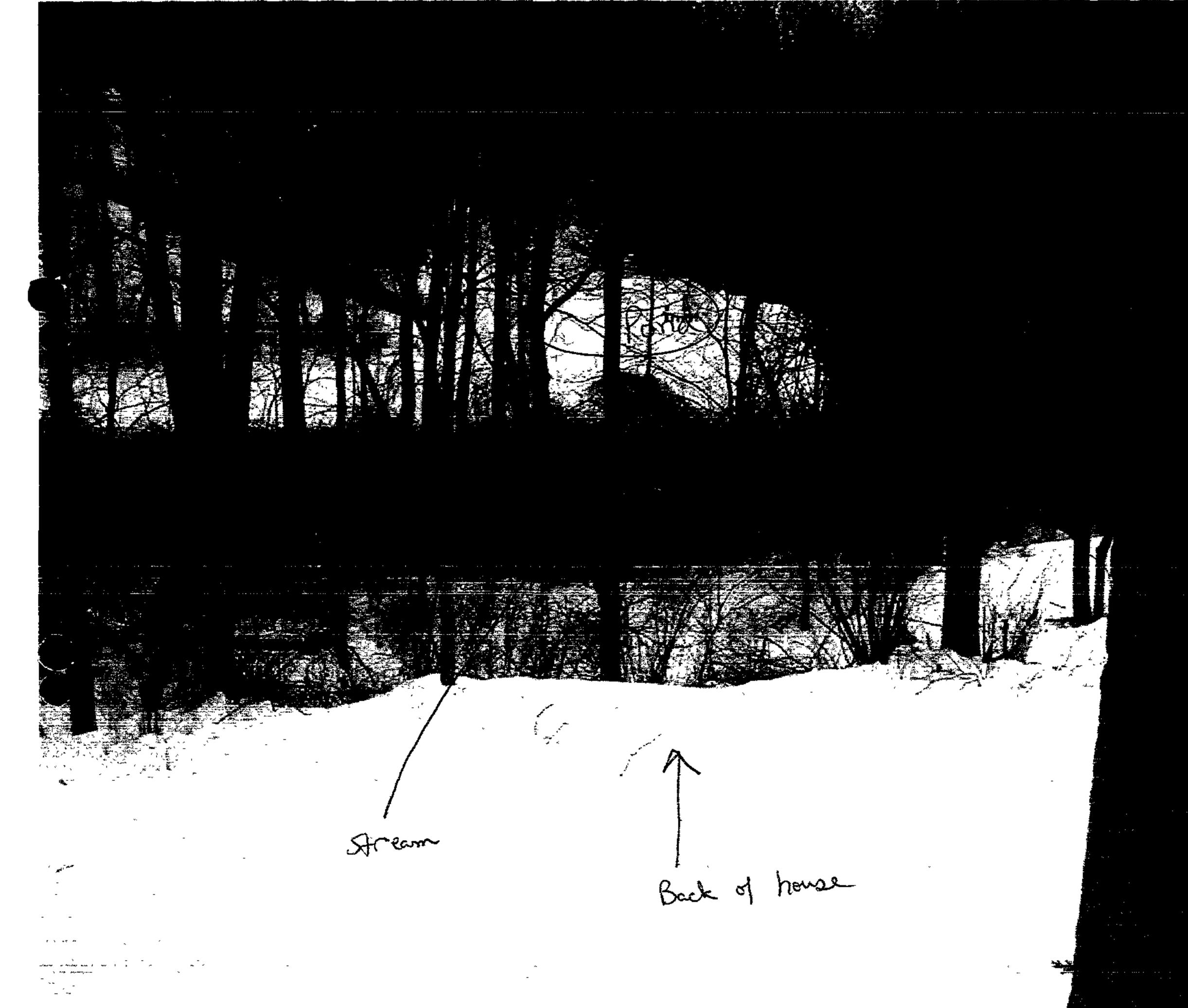
Janos Maryo.

Local Planning Assistance Unit

cc: MikeNortrup



03- 384- A



v -

