IN RE: PETITION FOR VARIANCE

N/S of Westchester Avenue, 435' +/- E from centerline of Hollow Road
1st Election District
1st Councilmanic District

(2610 Westchester Avenue)

Saslow Homes, Inc.
By: Howard Saslow, President

Petitioner

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-490-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variance for the property located at 2610 Westchester Avenue in the Oella community of western Baltimore County. The petition was filed by Saslow Homes, Inc., property owner. Variance relief is requested from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling on an undersized lot with a lot width of 86 ft. in lieu of the required 100 ft. and an area of 18,779 sq. ft. in lieu of the required 20,000 sq. ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the petition for variance.

Appearing at the requisite public hearing held for this case was Howard Saslow, President of Saslow Homes, Inc., property owner. The Petitioner was represented by Pamela Sorota, Esquire. There were no protestants or other interested persons present.

Testimony and evidence presented was that the subject property is an irregularly shaped lot with frontage on two public streets in the Oella community of western Baltimore County. Specifically, the property fronts Westchester Avenue to the south and Hollow Road to the north. The property is 18,779 sq. ft. in area (0.4311 acres) zoned D.R.2. The property is improved with an existing single-family dwelling which is in dilapidated condition. A photograph of the dwelling was offered as Petitioner's Exhibit No. 2. The dwelling is located on the southern portion of the property and sits close to the right-of-way line for Westchester Avenue.

6/2/03 meson Due to the deteriorated condition of the building, the Petitioner proposes razing that structure and replacing same with a new single-family dwelling. The dwelling will be set back further from Westchester Avenue in a more central location of the lot. All relevant setbacks, (i.e. front yard, rear yard and side yards) have been met.

Variance relief, however, is necessary because the lot is slightly undersized and is also narrower than required by law. Moreover, although improved with an existing dwelling, variance relief is necessary due to the new construction. Based upon the testimony and evidence offered, I am easily persuaded that variance relief should be granted. In my judgment, the Petitioner meets the requirements of Section 307 of the Baltimore County Zoning Regulations. The uniqueness of this property is its unusual configuration and the fact that same is a lot of record and was created many years ago. Additionally, it is significant that the property is presently improved with an existing building that will be replaced.

There were no protestants present and no adverse Zoning Advisory Committee (ZAC) comments. There was a ZAC comment, however, from the Office of Planning which suggested the implementation of two conditions.

The site plan is somewhat confusing in that it shows the location of a future driveway on the southwest portion of the property and the location of a proposed driveway on the southeast portion of the site. The Office of Planning opines that the site should be limited to one driveway. In this regard, Mr. Saslow indicated that the Petitioner may construct a circular driveway to improve access to and from the site. Such construction would be appropriate and it would help prevent traffic from backing into Westchester Avenue from the site. The road system in Oella features narrow roadways often on steep grades. Mr. Saslow indicated that the driveway configuration had not been finalized. Under the circumstances, restrictions shall be entered requiring that the Petitioner construct but one driveway into the site. That single driveway may be circular in nature and have two points of access on Westchester Avenue or may be a more

traditional layout with a single point of access. Additionally, pursuant to the Office of Planning's other comment, the driveway shall accommodate at least two off-street parking spaces.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

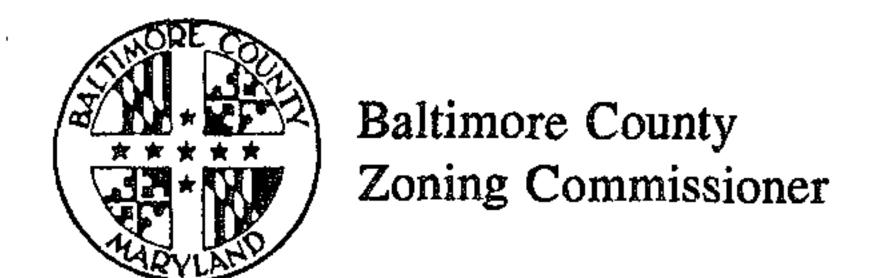
THEREFORE, IT IS ORDERED, this Aday of June, 2003, by this Zoning Commissioner, that the Petitioner's request for variance from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling on an undersized lot with a lot width of 86 ft. in lieu of the required 100 ft. and an area of 18,779 sq. ft. in lieu of the required 20,000 sq. ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their 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.
- 2) There shall be only one driveway providing access to the proposed dwelling. That driveway will provide access from Westchester Avenue and shall either be circular in nature or a traditional configuration. The driveway shall provide room for two on-site parking spaces.

LAWRENCE E.SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

June 12, 2003

Pamela B. Soroto, Esquire 5100 Dorsey Hall Drive Ellicott City, Maryland 21042

Re: Petition for Administrative Variance

Case No. 03-490-A

Property: 2610 Westchester Avenue

Dear Ms. Soroto:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

c: Howard Saslow Saslow Homes, Inc. 7241 Norris Avenue Sykesville, MD 21784



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>2610</u> WESTZHESTEL AVE

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Property is to be posted and advertised as prescr I, or we, agree to pay expenses of above Variance regulations and restrictions of Baltimore County adopt	, advertising, posting, ed pursuant to the zoni	etc. and further agree to ng law for Baltimore Coun	ty.	
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ZONING DESCRIPTION FOR 2610 WESTCHESTER AVENUE

BEGINNING at a point on the north side of Westchester Avenue which is forty (40) feet wide at the distance of 435.55 feet east of the centerline of the nearest improved intersecting street, Hollow Road, which is forty (40) feet wide. As recorded in Deed Liber 17210 Folio 5 with the following courses and distances:

- 1. North 51 degrees 21 minutes 22 seconds West 265.86 feet,
- 2. South 39 degrees 43 minutes 01 seconds East 70.00 feet,
- 3. South 50 degrees 25 minutes 29 seconds West 83.10 feet,
- 4. South 62 degrees 19 minutes 22 seconds East 9.14 feet,
- 5. South 45 degrees 20 minutes 51 seconds West 102.75 feet,
- 6. South 45 degrees 20 minutes 51 seconds West 14.84 feet,
- 7. North 80 degrees 37 minutes 54 seconds West 24.97 feet,
- 8. North 71 degrees 02 minutes 59 seconds West 57.13 feet,
- 9. North 81 degrees 35 minutes 03 seconds West 34.45 feet to the place of beginning.

 SAID PARCEL contains 18,779 sq. ft. or 0.4311 acres, more or less.

ALSO KNOWN AS 2610 Westchester Avenue and located in the First Election District, 12th Councilmanic District.

LDE Inc. 9250 Rumsey Road, Suite 106 Columbia, MD 21045 4

410-715-1070

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT A 90 No. 23616	FALL MEDELLY COME (MI) ASSENSE ACTUAL COME (MI) A 21/2003 A 218/2003 Lat 2: 47
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FOR:	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #03-490-A

2610 Westchester Avenue

N/side of Westchester Avenue, 435 feet +/- east from

centerline of Hollow Road

1st Election District - 1st Councilmanic District

Legal Owner(s). Saslow Homes, Inc., Howard Saslow, President

Variance: to permit a single-family dwelling on an undersized lot with a lot width of 86 feet in lieu of the required 100 feet and area of 18,779 square feet in lieu of the required 20,000 square feet.

Hearing: Tuesday, June 10, 2003 at 10:00 a.m. In Room 407, County Courts Building, 401 Bosley 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.

Contact the Zoning Review Office at (410) 887-3391.

C605155

CERTIFICATE OF PUBLICATION

523,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $5/22$, 2003 .
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
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LEGAL ADVERTISING

CERTIFICATE OF POSTING

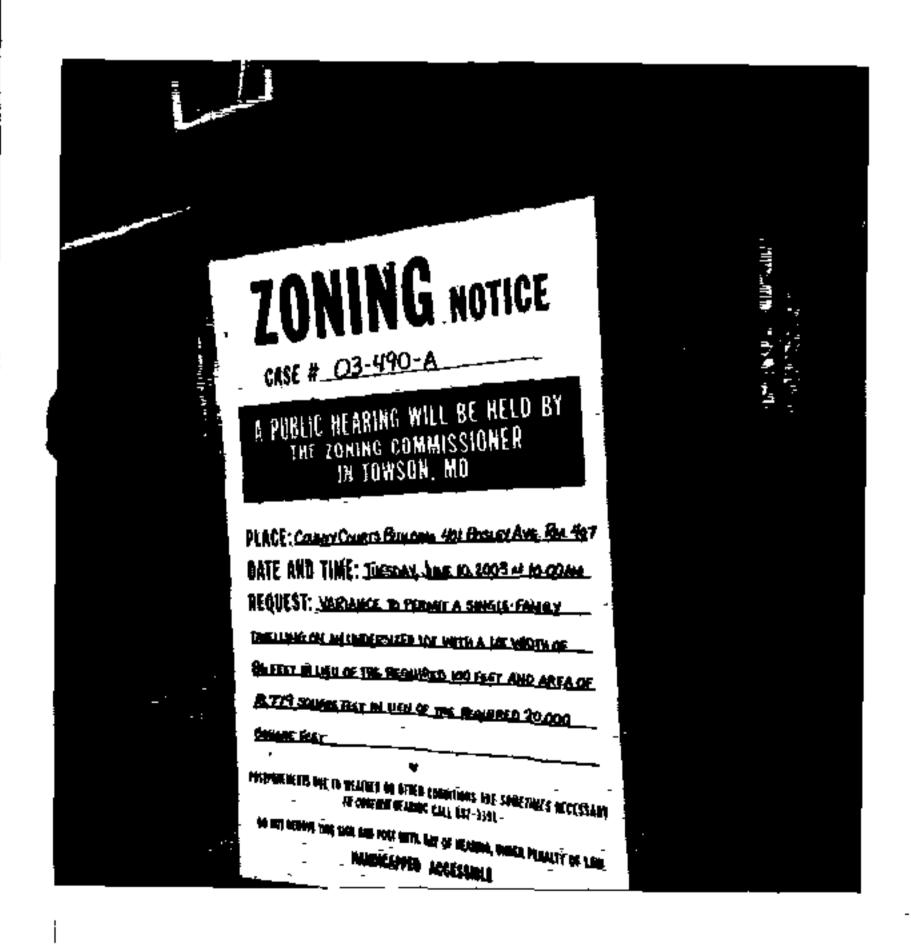
RE: Case No.: <u>03-490-A</u>	
Petitioner/Developer:	
Saslow Homes, Inc.	
Date of Hearing/Closing: 6-10-03	

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 perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2610 Westchester Avenue Ellicott City, MD 21041



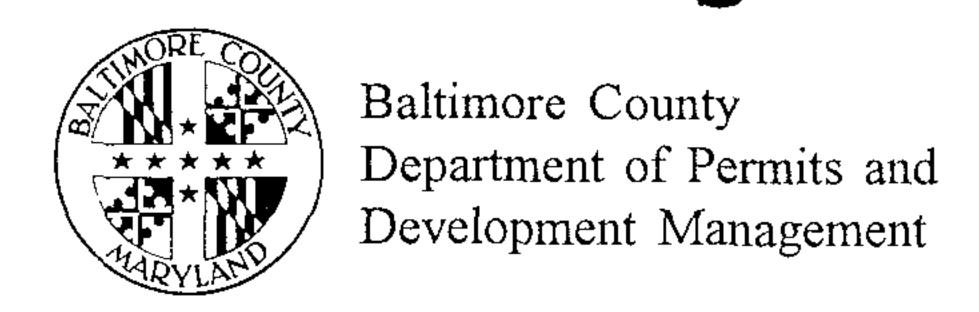
	<u> </u>
May 8, 2003	•
(Month, Day, Year)	<u>-</u>
Sincerely,	

(Signature of Sign Poster and Date)

CY Gardner (Printed Name)

SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784

> (City, State, Zip Code) 410-181-4000



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

April 29, 2003

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: 03-490-A

2610 Westchester Avenue

N/side of Westchester Avenue, 435 feet +/- east from centerline of Hollow Road 1st Election District – 1st Councilmanic District

Legal Owner: Saslow Homes, Inc., Howard Saslow, President

<u>Variance</u> to permit a single-family dwelling on an undersized lot with a lot width of 86 feet in lieu of the required 100 feet and area of 18,779 square feet in lieu of the required 20,000 square feet.

Hearings: Tuesday, June 10, 2003 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

AJ:rlh

C: Saslow Homes, Inc., Howard Saslow, President, 7241 Norris Avenue, Sykesville 21784

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 24, 2003.

- (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.

TO:

PATUXENT PUBLISHING COMPANY May 22, 2003 Issue - Jeffersonian

Please forward billing to:

Howard Saslow 7241 Norris Avenue Sykesville, MD 21784

410-781-4844

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: 03-490-A

2610 Westchester Avenue

N/side of Westchester Avenue, 435 feet +/- east from centerline of Hollow Road 1st Election District – 1st Councilmanic District

Legal Owner: Saslow Homes, Inc., Howard Saslow, President

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Hearings:

Tuesday, June 10, 2003 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

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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.
 - 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

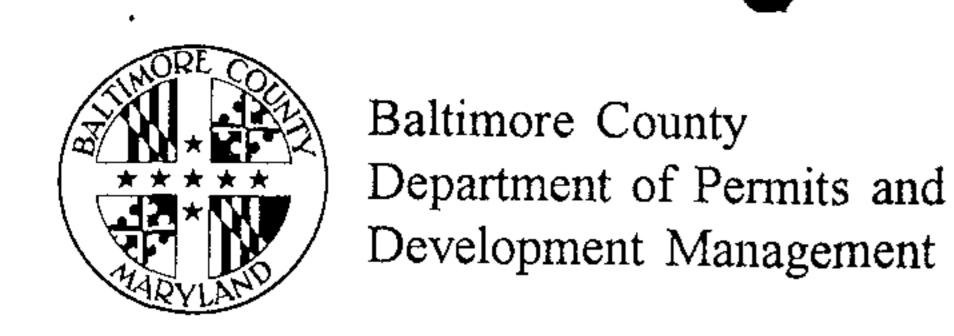
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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.

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Item Number or Case Number	er:	
Petitioner:	MARD SASLOW	
Address or Location: <u>72</u>	41 NOPRIS Ave, Sykesulle, Md.	21784
PLEASE FORWARD ADVER	OTICINIC BILL TO:	
Name:	THOMAS DILL TO.	
	SAML	



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

June 6, 2003

Howard Saslow, President Saslow Homes 7241 Norris Avenue Sykesville, MD 21784

Dear Mr. Saslow:

RE: Case Number: 03-490-A, 2610 Westchester Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 18, 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:klm

Enclosures

c: People's Counsel



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

WARYLAND DEPARTMENT OF TRANSPORTATION

5.1.03 Date:

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 490

JIM

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

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

J. J. Horde



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

April 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 28, 2003

Item No.: 478-480, 483-487, 489 (490) 492-495

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.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 5, 2003

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2610 Westchester Avenue

INFORMATION:

Item Number:

03-490

Petitioner:

Saslow Homes

Zoning:

DR 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. Due to poor site distance looking east along Westchester Avenue, the site should be limited to one (1) ingress/egress only. Eliminate that portion of the driveway labeled as "Future Driveway."
- 2. Design the portion of the driveway to remain to accommodate two (2) off-street parking spaces.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 6, 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 May 5, 2003

Item Nos. 479, 480, 485, 486, 487, 488, 490, 492, 493, 494, and 495

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

RWB:CEN:jrb

cc: File

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

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Revised 2/05/02

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SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

RE: BEFORE THE PETITION FOR VARIANCE 2610 Westchester Avenue; N/side Westchester Avenue, 435' +/- E c/line of Hollow Road ZONING COMMISSIONER 1st Election & 1st Councilmanic Districts Legal Owner(s): Saslow Homes, Inc.; **FOR**

Howard Saslow, President Petitioner(s)

BALTIMORE COUNTY

03-490-A

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

People's Counsel for Baltimore County

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 $\sqrt{\frac{1}{2}}$ day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to, Howard Saslow, 7241 Norris Avenue, Sykesville, MD 21784, Petitioner(s).

RECEIVED

MAY 06 2003

2 Limnelman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

PLEASE PRINT CLEARLY

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CASE NUI	MBER	03-4	90-A	une.)
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PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
HOWARD SASLOW	7241 Norres AVE 5100 Dorsey Hall Drive	Sykesville, MD 21784	howard@ sasjowhomes.com
Pamela B. Sorota Esq.	5100 Dorsey Hall Drive	Sykesville, MD 21784 Ellicott C, ty MD 21042	psorota@201.com
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