

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S of Bay drive, 400 ft. SW
centerline of Wye road
15th Election District
6th Councilmanic District
(3719 Bay Drive)

Maryann B. & John F. Lamantia
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-087-A

* * * * *

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, Maryann B. and John F. Lamantia. The variance request is for property located at 3719 Bay Drive in the Middle River area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 48 ft. for an addition in lieu of the required 50 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.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by the Office of Planning dated September 10, 2002, a copy of which is attached hereto and made a part hereof. As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is also subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

9/23/03
R. Johnson

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.

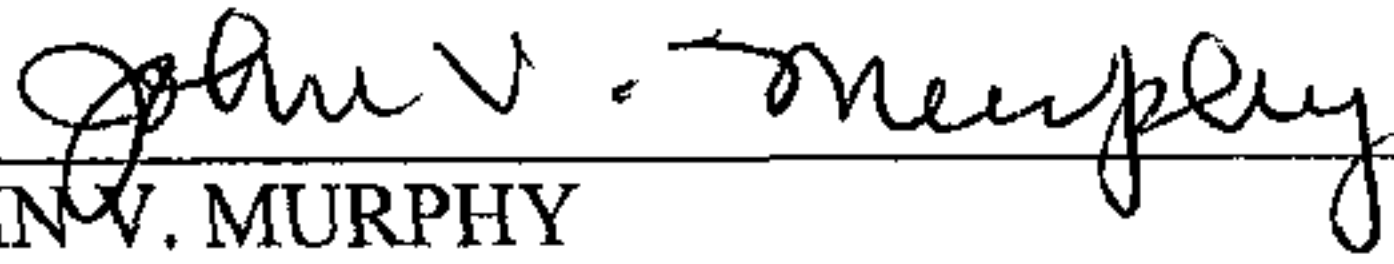
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26 day of September, 2003, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 48 ft. for an addition in lieu of the required 50 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 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;
2. Compliance with the recommendations made by the Office of Planning dated September 10, 2003;
3. Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by DEPRM on September 24, 2002, a copy of which is attached hereto and made a part hereof.

9/23/03
R. Johnson

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/23/03


Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 23, 2003

Mr. & Mrs. John F. Lamantia
3719 Bay Drive
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 04-087-A
Property: 3719 Bay Drive

Dear Mr. & Mrs. Lamantia:

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,

A handwritten signature in black ink that reads "John V. Murphy". The signature is written in a cursive style.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info





CBA **Joel**
Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at

which is presently zoned

3719 Bay Dr
A-C 5

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)

1A04.3.B.2, BC2R, TO PERMIT
A SIDE SETBACK OF 48ft FOR AN ADDITION IN LIEU
OF THE REQUIRED 50ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

City

State

Zip Code

John F. Lamantia
MARYANN B. LAMANTIA

Maryann B. Lamantia

Signature

Address

Telephone No.

3719 BAY DRIVE - 410 335.6623
BALTIMORE MARYLAND

21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter 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.

Zoning Commissioner of Baltimore County

CASE NO.

04-087A

Reviewed By

JCM

Date

8-21-03

Estimated Posting Date

9-15-03

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 3719 BAY DRIVE
Address
BALTIMORE MARYLAND 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

We are need of two (2) small bedrooms, due to a family situation and because we only have two (2) bedrooms at this time in our home. Due to Zoning Regulations it seems more sensible to build up, then to build from either side or rear because we have our pond and shrubbery there.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
John F. Lamantia
Name - Type or Print

[Signature]
Signature
MARYANN B. LAMANTIA
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of July, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John F. + Maryann B. Lamantia
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires _____
PENNY A. NICHOLS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 9, 2005

Affidavit in Support of Administrative Variance

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
John F. Lamantia
Name - Type or Print

[Signature]
Signature
MARYANN B. LAMANTIA
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of July, 2003 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John F. + Maryann B. Lamantia
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires May 9, 2005
PENNY A. NICHOLS
NOTARY PUBLIC STATE OF MARYLAND

CBCA



Flave

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

which is presently zoned

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)

1A04.3.B.2, BL2R, TO PERMIT

A SIDE SETBACK OF 48ft. for an ADDITION IN
LIEU OF THE REQUIRE 50ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter 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.

CASE NO.

04-089A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By

JUM

Date

8-21-03

Estimated Posting Date

9-15-03

ZONING DESCRIPTION FOR 3719 Bay Drive

Beginning at a point on the Southeast side of Bay Drive
which is 30 feet wide at the distance of 400 feet Southwest
of the centerline of the nearest improved intersecting street Wye
Road which is 30 feet wide. Being Lot #231 & 232 in the subdivision
of Bowley's Quarter (second addition to plat #1) as recorded in
Baltimore County Plat Book #8, Folio #73, containing .
Also known as 3719 Bay Drive and located in the 15 Election District,
*6 Councilmanic District.

97

No. 273

21.03

ACCOUNT CC- 506- 6150

652

ED JOHN LAUSTIA - 3719 Bay Dr.

FOR: _____

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-087-A

Petitioner/Developer: JOHN

LAMANTIA

Date of Hearing/Closing: 9/15/03

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

ATTN: Becky Hart {(410) 887-3394}

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:

3719 BAY DRIVE

The sign(s) were posted on

8/30/03
(Month, Day, Year)

Sincerely,

[Signature] 8/30/03
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

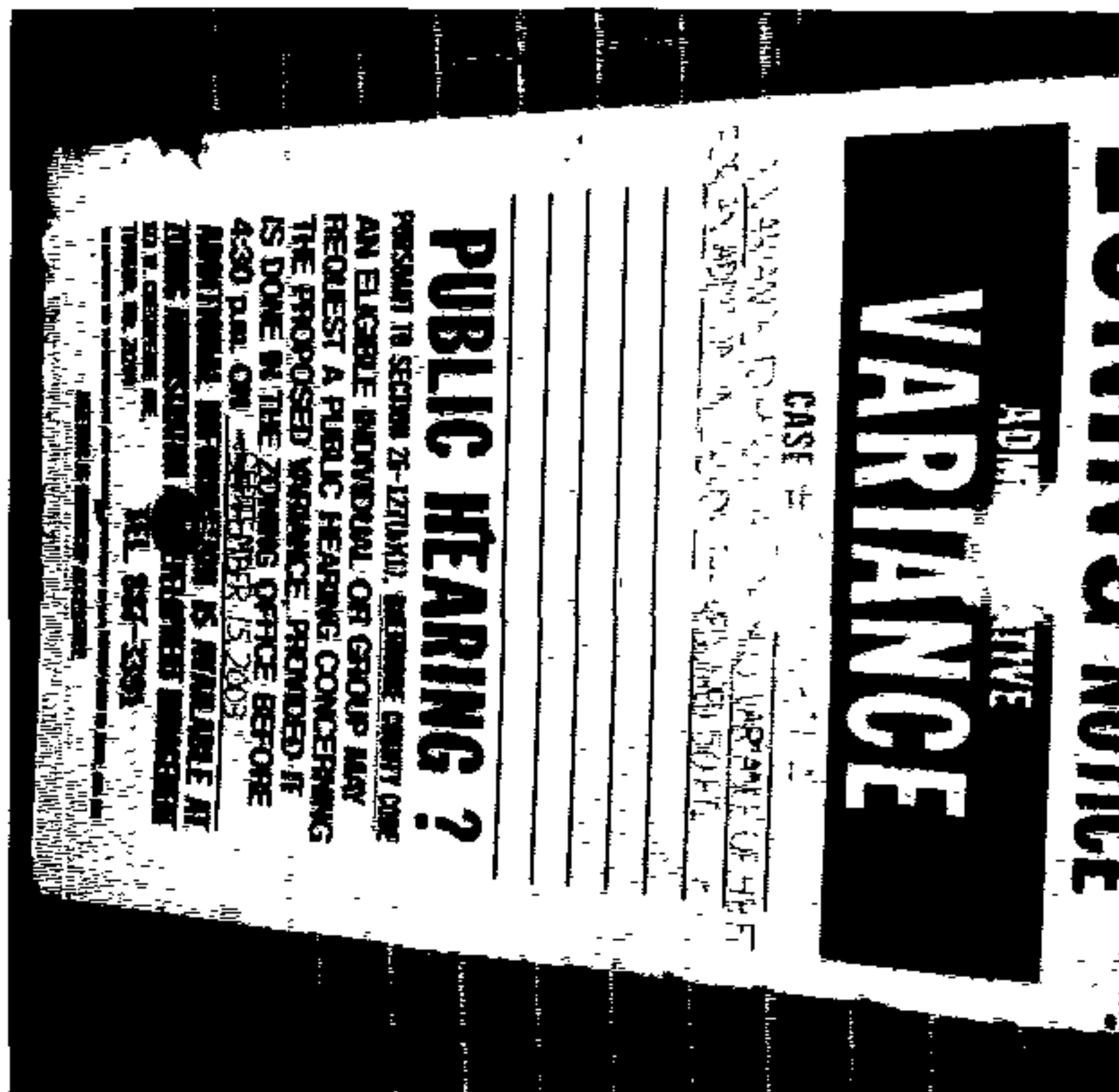
(Address)

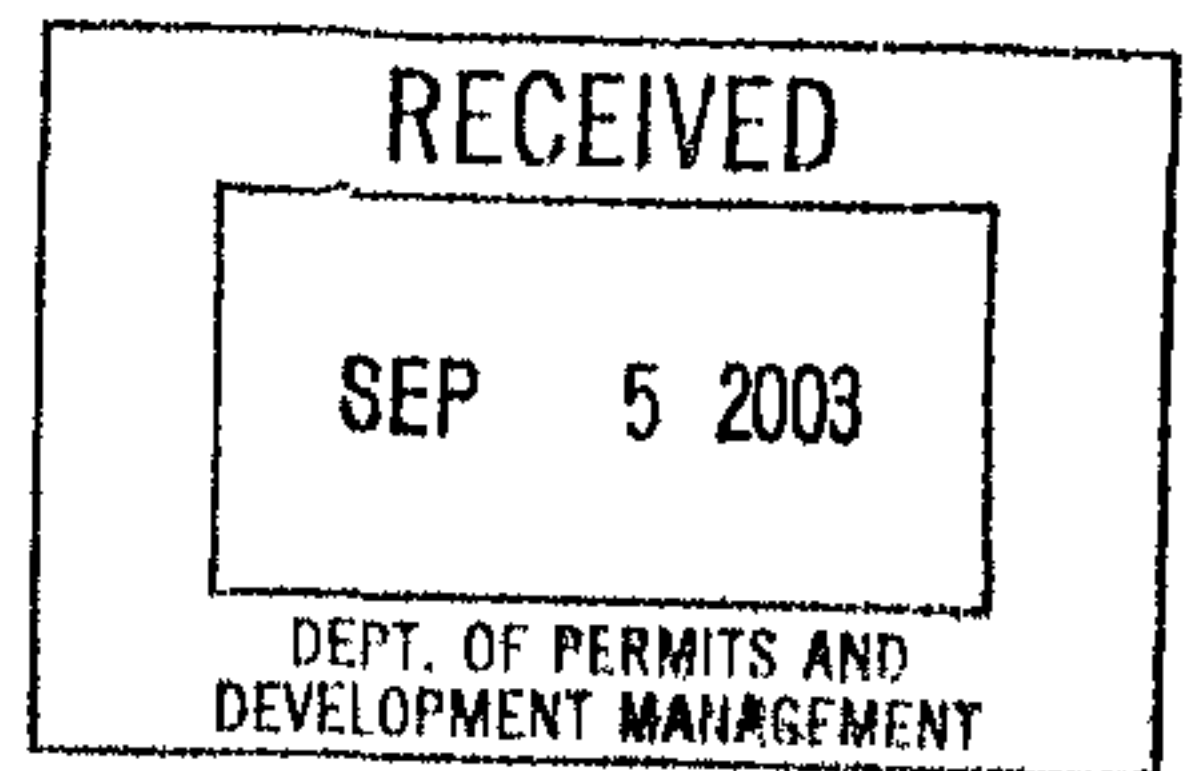
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





**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: 087
Petitioner: JOHN LAMANTIA
Address or Location: 3719 BAY DR. BALTO, Md. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAM

Telephone Number: 410-335-6673

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 087 -A Address 3719 Bay Drive
Contact Person: J. Mary Planner: Please Print Your Name Phone Number: 410-887-3391
Posting Date: 8.21.03 Posting Date: 8.31.03 Closing Date: 9.15.03

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 petitioner 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.

Section A - Sign Poster Only

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04 087 -A Address 3719 Bay Drive
Petitioner's Name John Lamantia Telephone 410-335-6673
Posting Date: 8.31.03 Closing Date: 9.15.03
Posting for Sign: A VARIANCE To Permit A SIDEYARD VARIANCE OF 48ft.
FOR AN ADDITION IN LIEU OF THE REQUIRED 50 ft.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 2003

John Lamantia
Maryann Lamantia
3719 Bay Drive
Baltimore, MD 21220

Dear Mr. Lamantia:

RE: Case Number: 04-087-A, 3719 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 21, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



**Baltimore County
Fire Department**

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

August 26, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 26, 2003

Item No.: 069-087⁰⁸⁷

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



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.26.03

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

RE: Baltimore County
Item No. 087 JCM

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RS*

DATE: September 24, 2003

SUBJECT: Zoning Item 04-87
Address 3719 Bay Drive (Lamantia Property)

Zoning Advisory Committee Meeting of August 25, 2003

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must 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).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X 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:

Reviewer: Keith Kelley

Date: September 12, 2003

9/23/03
R. Seeley

AV
9/15

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS/TGT*

DATE: October 1, 2003

SUBJECT: Zoning Item 04-087
Address 3719 Bay Drive

Zoning Advisory Committee Meeting of August 25, 2003

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

An inspection of the septic system may be required prior to building permit approval.

Reviewer: Sue Farinetti

Date: September 2, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 10, 2003

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

SUBJECT: 3719 Bay Drive

INFORMATION:

Item Number: 04-087

Petitioner: John Lamanita

Zoning: RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations (all sides) are submitted to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:

Marla A. Cunniff

Section Chief:

Lynn Tarkenton

RECEIVED

AFK/LL:MAC:

SEP 11 2003

ZONING COMMISSIONER

9/23/03

Pat Keller

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 2, 2003
Item No. 087

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

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and anchored to prevent flotation, collapse, or lateral movement of structures with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. Inter. Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-09-02-2003-ITEM NO 087-09252003

12. #

I JOHN W. NUCKOLLS GIVE PERMISSION TO Mr. &
Mrs. John Lamantia to add an addition to their existing dwelling, and adding a 2foot
overhang on each side of the addition.

To Whom It May Concern.

3721 BAY DR.
BALTO. MD 21220

John W. Nuckolls

7/31/03

410-335 8742

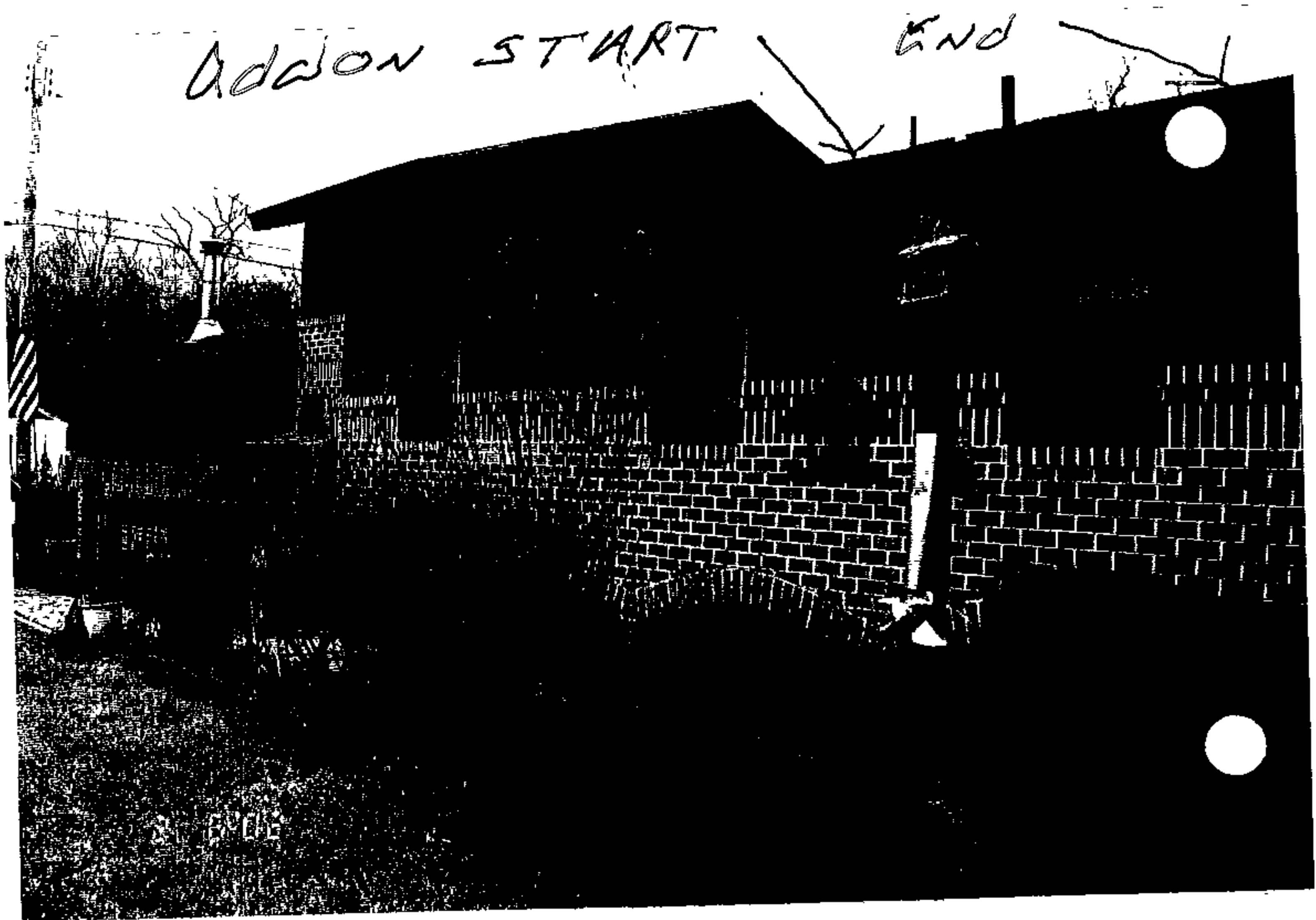
I ELEANOR M. SCHUMAN GIVE PERMISSION TO Mr. &
Mrs. John Lamantia to add an addition to their existing dwelling, and adding a 2foot
overhang on each side of the addition.

To Whom It May Concern.

3717 Bay Drive
BALTO. Md. 21220

410 - 335 - 8617

Eleanor M Schuman
8/3/03



cantilever
FLOOR 2/

