

IN RE: PETITION FOR ADMIN. VARIANCE
E/S summer Fields Court, 99 ft. S
centerline of Wilderfield Court
8th Election District
2nd Councilmanic District
(27 Summer Fields Court)

Suman & Nagaraj Rao
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-225-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, Suman and Nagaraj Rao. The variance request is for property located at 27 Summer Fields Court in the Lutherville area of Baltimore County. The variance is requested from Section 504 (CMDP, Section VB 6.b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a prior existing addition with a rear yard setback of 14 ft. in lieu of the minimum required 15 ft. and to amend the latest Final Development Plan of "The Fields at Seminary II" to allow projection of same outside of the building envelope. 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

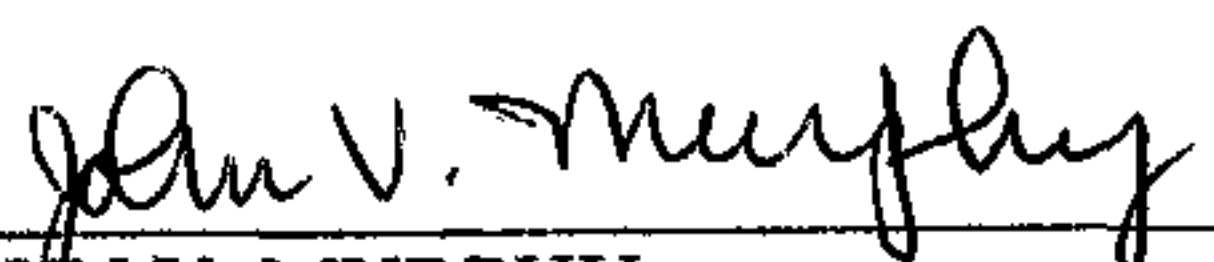
12/4/03
By: [Signature]
[Signature]

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 3rd day of December, 2003, that a variance from Section 504 (CMDP, Section VB 6.b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a prior existing addition with a rear yard setback of 14 ft. in lieu of the minimum required 15 ft. and to amend the latest Final Development Plan of "The Fields at Seminary II" to allow projection of same outside of the building envelope, 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECORDED
DATE 12/4/03
BY R. O'Connell

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

December 3, 2003

Mr. & Mrs. Nagaraj Rao
27 Summer Fields Court
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 04-225-A
Property: 27 Summer Fields Court

Dear Mr. & Mrs. Rao:

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".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 27 SUMMER FIELDS CT
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504, (V.B. & C.A.P.P.).

To permit a prior existing addition with a rear yard setback of 14 ft. in lieu of the minimum required 15 ft. and to amend the latest FINAL Development Plan of The Fields at Seminary II to allow projection of same outside the building envelope.

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:

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

City State Zip Code

Representative to be Contacted:

Name

Address

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 12/4/03 day of December, 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

Reviewed By [Signature] Date 11-04-03

Estimated Posting Date 11-16-03

CASE NO. 04-225-A

REV 10/25/01

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 27 SUMMER FIELDS CT
City LUTHERVILLE State MD Zip Code 21093

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):

While attempting to secure a permit for a small addition, the contractor brought to my attention the need for obtaining a variance for an existing addition that was in place, when we bought the property in 2001. The county records indicate permits (B197445-MR & B201682 MR) were issued for this property. Since the violation of 20 ft setback line in the backyard was not the result of our actions, and I sincerely request an administrative variance based on undue hardship & practical difficulty.

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.

NAGARAJ RAO
Signature
[Signature]
Name - Type or Print

SUMAN RAO
Signature
[Signature]
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of OCTOBER, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

NAGARAJ RAO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Wendy D. Mayhew
Notary Public
My Commission Expires 11/1/06

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at

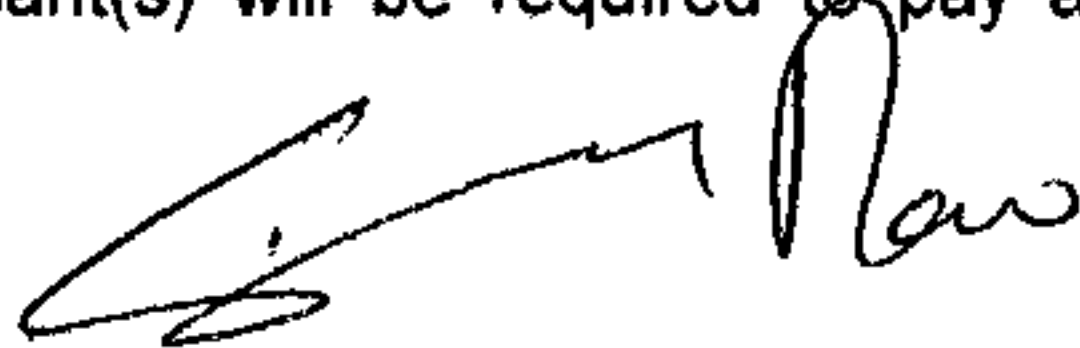
27 SUMMER FIELDS CT
Address
LUTHERVILLE MD 21093
City State Zip Code

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While attempting to secure a permit for a small addition, the contractor brought to my attention the need for obtaining a variance for an existing addition that was in place, when we bought the property in 2001. The county records indicate permits (B197445-MR & B201682 MR) were issued for this property. Since the violation of 20 ft setback line in the backyard was not the result of our actions, and I sincerely request an administrative variance based on undue hardship & practical difficulty.

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NAGARAJ RAO
Signature
Name - Type or Print


Signature
SUMAN RAO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of OCTOBER, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

NAGARAJ RAO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Wendy D. Morgan
Notary Public
My Commission Expires 11/1/06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 27 SUMMER FIELDS CT
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

To permit a prior existing addition with a rear yard setback of 14 ft. in lieu of the minimum required 15 ft. AND to amend the latest approved Final Development Plan of The Fields at Seminary II to allow projection of some outside the building envelope.

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:

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

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

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. 04-225-A

Reviewed By [Signature] Date 11-04-03

REV 10/25/01

Estimated Posting Date 11-16-03

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 27 SUMMER FIELDS CT

Beginning at a point on the East side of Summer Fields Ct which is 50 Ft Wide at the distance of 99 Ft South of the centerline of the nearest improved intersecting street Wilderfield Ct which is 50 Ft Wide.

Being Lot # 57 in the Sub Division of Fields Of Seminary II, as recorded in Baltimore County Plat Book # 55, Folio # 138 containing 0.204 Acres Or 8952 Sq Ft. Also known as 27 Summer Fields Ct and located in the 08 Election Distict, 02 Councilmanic District.

225

NO. 218 ON

Ref: 1001-1001-1001-1001

AMOUNT \$ 15.00

1990

Residual Value of the (9.5%) and
to Amend the 10/22/78 Full Bond Agreement.

YELLOW - CUSTOMER

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Figure 6

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(continued)

1. 1990年12月，在江蘇省江浦縣江浦鎮，發現一具古屍，經鑑定為新石器時代的遺骸。

[illegible][illegible]

CASHIER'S V

Abstract

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

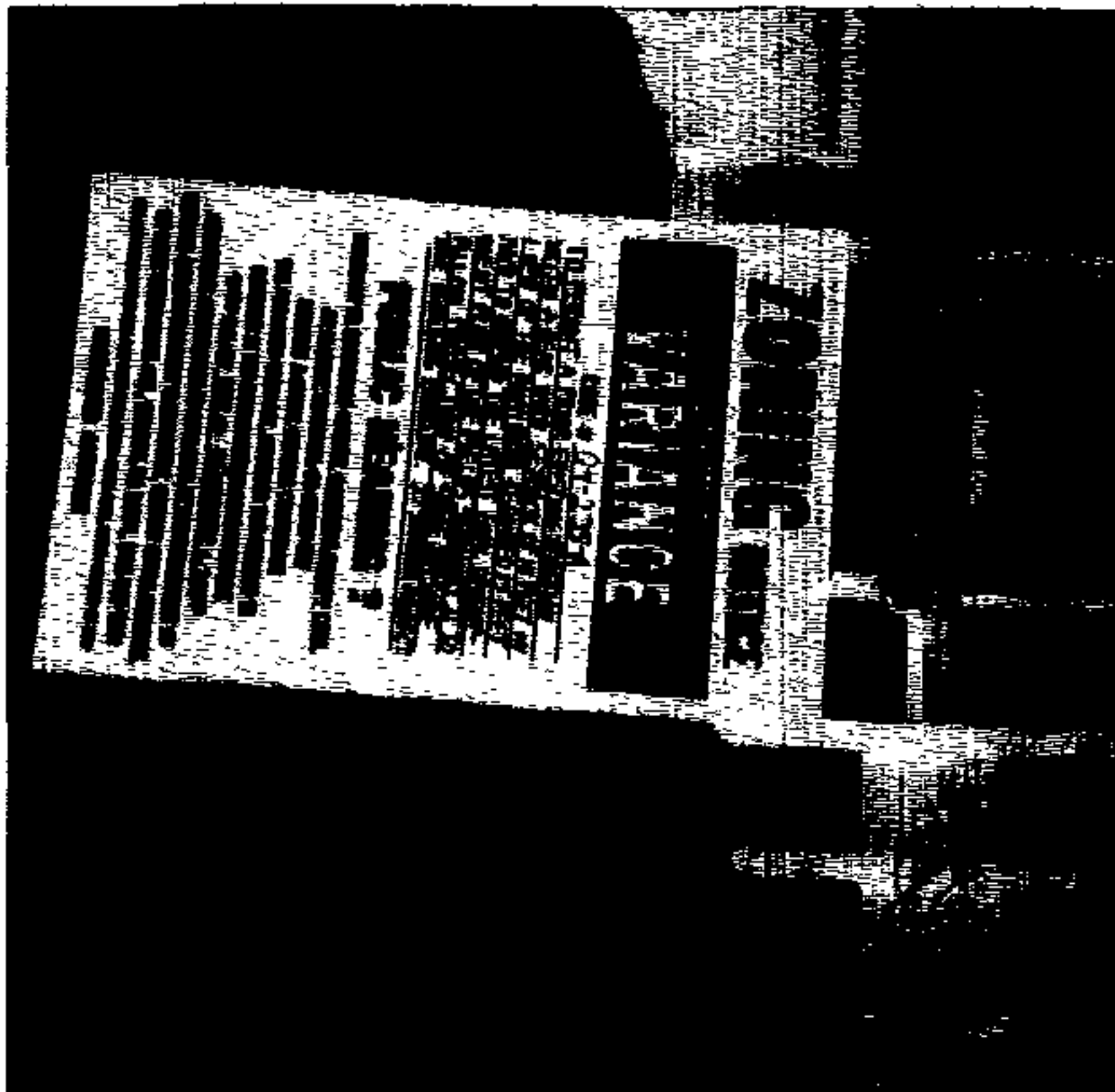
ATTENTION: BECKY HART

Date: NOVEMBER 17, 2003

RE: Case Number 04-225-A
Petitioner/Developer: NAGARAS RAO
Date of Hearing/Closing: DECEMBER 1, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 27 SUMMER FIELDS CT,

The sign(s) were posted on NOVEMBER 16, 2003
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 225 -A Address 27 Summer Fields Ct.
Contact Person: John Sullivan Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 11-04-03 Posting Date: 11-16-03 Closing Date: 12-01-03

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.

Detach Along Dotted Line

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04 225 -A Address 27 Summer Fields Ct.
Petitioner's Name NAGARAJ RAD Telephone 443-465-1473
Posting Date: 11-16-03 Closing Date: 12-01-03
 wording for Sign: To Permit a prior existing addition with a rear yard setback
14 ft in lieu of the minimum required 15 ft. AND to amend the latest
Final Development Plan of The Fields of Seminary II to allow
projection of same outside the building envelope.

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: 04-225-A

Petitioner: NAGARAJ RAO

Address or Location: 27 Summer Fields Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: Lutherville, md, 21093

Telephone Number: 443-465-1473

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

December 1, 2003

Nagaraj Rao
Suman Rao
27 Summer Fields Court
Lutherville, MD 21093

Dear Mr. and Mrs. Rao:

RE: Case Number: 04-225-A, 27 Summer Fields Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel





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

November 19, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 17, 2003

Item No.: 220, 221, 223-228, 230, 231

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

Come visit the County's Website at www.co.ba.md.us



State Highway
Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.18.03

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

RE: Baltimore County
Item No. 225 JJJ

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

RECEIVED
DATE: November 20, 2003

NOV 20 2003

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-225 – 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:

Mark A. Cunningham

Section Chief:

John J. Leland

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For Item Nos. 222, 223, 225, 226, 227,
228, 229, 230, and 231

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

RWB:CEN:jrb

cc: File

D.R. 2

D.R. 2

D.R. 3.5

THORNTON

JAMIESON

ELLISON

ADCOCK

JAMIE

MACA

ALSTON

27 SUMMER FIELDS CT
NW 12 B
8TH DIST

#225

BALTIMORE

ROAD

VICINITY MAP

100 m

100 ft

Tully Ho Rd

Harrison Gosh

Fieldstream Ct

Summit Hills Ct

Yaldefield Ct

Brookfield Gosh

Thornton Rd

Addison Rd

Elison Rd

100 m

100 ft

LOCATION INFORMATION

1"=200' SCALE MAP # NW, 12-B

LOT SIZE 0.204
ACREAGE 8902
SQ FT

SEWER	X
WATER	X

CHESAPEAKE BAY
CRITICAL AREA
X

ISOTROPIC PROPERTY X

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
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