ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

E/S Wye Road, 992' N of the c/l

Middleborough Road (332 Wye Road)

15th Election District

6th Council District

Robert W. Harrison, Jr., et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-238-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Robert W. Harrison, Jr., and his wife, Carolyn R. Harrison. The Petitioners request variance relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of the side yard setbacks of 24 feet in lieu of the required 25 feet, and to permit a single-family dwelling on an undersized lot that is 50 feet wide in lieu of the required 70 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Robert and Carolyn Harrison, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot located on the east side of Wye Road, south of Middleborough Road, with frontage on Norman Creek in Essex. The property is 50' wide by approximately 252' deep and contains a gross area of 0.278 acres, more or less, zoned D.R.3.5. Presently, the property is improved with a one-story single-family dwelling, which was built in approximately 1923, and was previously used as a summer home. However, the lot is now served by public water and sewer utilities. The Petitioners acquired the property in 1988 and are desirous of razing the existing dwelling and constructing a new home in essentially the same footprint. As is often the case when dealing with lots in older

subdivisions, the subject property does not meet current setback and/or area requirements for D.R.3.5 zoned land. Thus, the requested variance relief is necessary in order to proceed as proposed.

As shown on the site plan submitted as Petitioner's Exhibit 1, the new dwelling will be no closer to the water than the existing structure and will be wider by only approximately 2 feet. The new dwelling will also feature a deck on the rear, overlooking the water. The Petitioners indicated that they have spoken with the adjacent property owners on both sides and that these neighbors had no objections to their plans.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and apparently no opposition by any of the neighbors. However, due to the property's waterfront location, the proposed construction is subject to Chesapeake Bay Critical Areas regulations, as set forth in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated December 5, 2003. Thus, as a condition of approval, the Petitioners shall comply with the recommendations made in DEPRM's comment, a copy of which shall be attached hereto and made a part hereof.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2004 day of January 2004 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of the side yard setbacks of 24 feet in lieu of the required 25 feet, and to permit a single-family dwelling on an undersized lot that is 50 feet wide in lieu of the required 70 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed improvements shall be in compliance with the Chesapeake Bay Critical Areas Regulations, pursuant to the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in their ZAC comment dated December 5, 2003, a copy of which is attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case

and set forth and address the restrictions of this Order

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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

January 20, 2004

Mr. & Mrs. Robert W. Harrison, Jr. 3123 Acton Road Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE

E/S Wye Road, 992' N of the c/l Middleborough Road

(332 Wye Road)

15th Election District – 6th Council District

Robert W. Harrison, Jr., et ux - Petitioners

Case No. 04-238-A

Dear Mr. & Mrs. Harrison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

cc: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 DEPRM; People's Counsel; Case File



LES:bjs



ORDER RE(

Date.

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 332 week.

which is presently zoned 12h

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	and Development Management. The undersigned, legal is described in the description and plat attached hereto and its is is a source of the second in the description and plat attached hereto and its is a source of the second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and plat attached hereto and its is a second in the description and its is a second in the descripti
owner(s) of the property situate in Baltimore County and Which made a part hereof, hereby petition for a Variance from Section To permit a sum of side and set	ingle touring developing on an of the required
of the Zoning Regulations of Baltimore County, to the zoning is hardship or practical difficulty) The minimum	aw of Baltimore County, for the following reasons: (indicate width of my clients
of the Zoning Regulations of Baltimore County, to the zoning la hardship or practical difficulty) The minimum chesen model home is all of size we, must ask for a v in lieu of 25 ff.	ariance of 24 ft. total (side yards
Property is to be posted and advertised as prescribed by the zon, or we, agree to pay expenses of above Variance, advertising, postingulations and restrictions of Baltimore County adopted pursuant to	oning regulations. Ing, etc. and further agree to and are to be bounded by the zoning 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 Frint James &
Signature	Signature CAROLYN R. HARRISON
Address Telephone No.	Name · Type or Print Carolyn R. Harrison
City State Zip Code	Signature
Attorney For Petitioner:	3/23 ACTON RD. 4/0-668-027 Address BACTIMORE MD. 2/234
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature 1 1	Bonnie L. Buerhaus
Company	9922 Nearbrook (ane 661-0
Address Telephone No.	Address 140 md. 21234
Cit State Zip Code	City State Zip Code
	OFFICE USE ONLY
- 228A	ESTIMATED LENGTH OF HEARING
Pase No. Ot - Continue of the second of the	UNAVAILABLE FOR HEARING Date TITE
AEU 9/15/98	Reviewed By Date

Zoning Description For 332 Wye ld.

Beginning at a point on the east side of Wye Rd which is 30 feet wide at a distance of 992 feet north of the centerline of the nearest improved intersecting street Middleborougi Rd which is 40 feet wide. Being Lot * 156 in the subdivision of Middleborough as recorded in Baltimore County Plat Book * 4, Folio 191 Containing 0.278 acres Also known as 332 Wye Rd and located in the 15th Election District, 6th Councilmanic District

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FOR: TUTTERS					
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MOTICE OF ZOMMG 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: # 04-238-A

332 Wye Road

E/side of Wye road, 992 feet north of centerline of Middleborough Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Robert and Carolyn Harrison

Variance: to permit a sum of side yard setback of 24 feet in lieu of the required 25 feet, and to permit a single family dwelling of an undersize lot with a width of 50 feet in lieu of the required 70 feet.

Hearing(s): Wednesday, January 14, 2004 at 9:00 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.

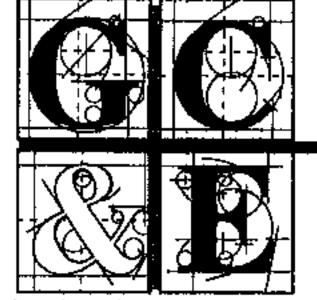
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/784 Dec. 30

CERTIFICATE OF PUBLICATION

[2]30],20 <u>0</u> 3
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 12 30 ,2003 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
P William

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-238-A
PETITIONER/DEVELOPER:
Robert and Carolyn Harrison
DATE OF HEARING:
January 14, 2004

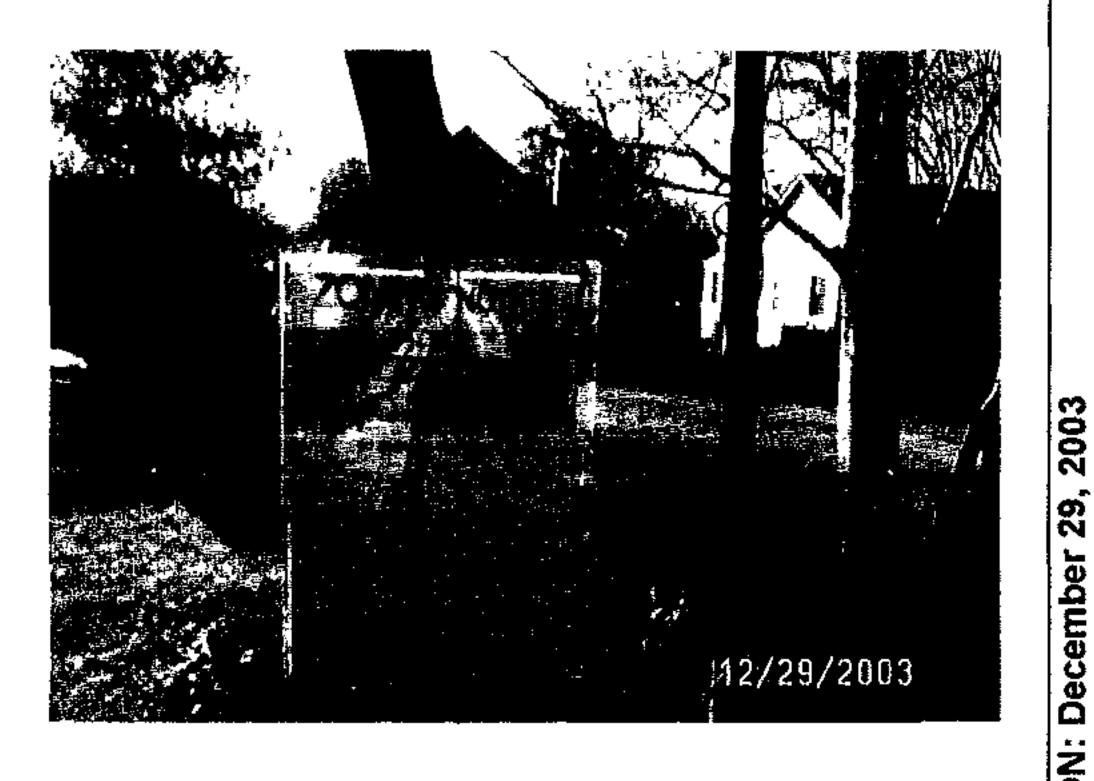
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

POSTED



LOCATION:

332 Wye Road E/side of Wye Road 992 feet north of centerline of Middleborough Road

DATE:

December 30, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 3, 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: 04-238-A

332 Wye Road

E/side of Wye Road, 992 feet north of centerline of Middleborough Road 15th Election District – 6th Councilmanic District

Legal Owners: Robert and Carolyn Harrison

<u>Variance</u> to permit a sum of side yard setback of 24 feet in lieu of the required 25 feet, and to permit a single family dwelling of an undersize lot with a width of 50 feet in lieu of the required 70 feet.

Hearing: Wednesday, January 14, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Robert and Carolyn Harrison, 3123 Acton Road, Parkville 21234 Bonnie Buerhaus, 9922 Nearbrook Lane, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 30, 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

Tuesday, December 30, 2003 Issue - Jeffersonian

Please forward billing to:

Robert Harrison 3123 Acton Road Parkville, MD 21234

410-668-0271

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: 04-238-A

332 Wye Road

E/side of Wye Road, 992 feet north of centerline of Middleborough Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert and Carolyn Harrison

Variance to permit a sum of side yard setback of 24 feet in lieu of the required 25 feet, and to permit a single family dwelling of an undersize lot with a width of 50 feet in lieu of the required 70 feet.

Hearing: Wednesday, January 14, 2004 at 9:00 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 ACCOMODATIONS, 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.

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

For Newspaper Advertising:	
Item Number or Case Number $= 238$	4-1
Petitioner ROBERT HARRISON	
Address or Location: 332 Wyo Rd.	· ····································
	
PLEASE FORWARD ADVERTISING BILL TO	
Name: Mr. Robert Harrison	
Address 3123 acton Pd.	
Parkville, Md. 21234	
	
Telephone Number: (410) 668-027/	

Department of Permits Development Management

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



Baltimore County

James T Smith, Jr, County Executive Timothy M. Kotroco, Director

January 9, 2004

Robert Harrison Carolyn Harrison 3123 Acton Road Baltimore, Maryland 21234

Dear Mr. And Mrs. Harrison:

RE: Case Number: 04-238-A, 332 Wye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 7, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Bonnie Buerhaus, 9922 Nearbrook Lane, Baltimore 21234



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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JCM

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.26.63

Baltimore County

Item No. 238

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

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.

RE:

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,

In

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

1. J. Soull

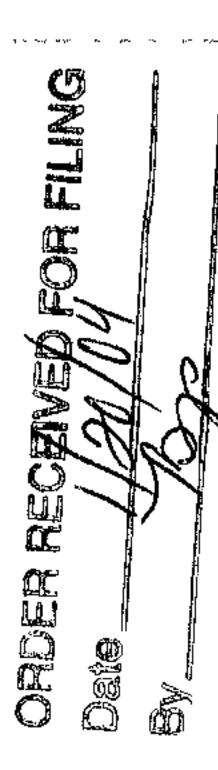
BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco	
FROM: R. Bruce Seeley		ley (Lin)
DATE:	December 5,	2003
SUBJECT:	Zoning Item Address	# 04-238 332 Wye Road Harrison Property
Zonir	ng Advisory Con	mmittee Meeting of November 24, 2003
	-	Invironmental Protection and Resource Management has no ove-referenced zoning item.
		Environmental Protection and Resource Management offers ents on the above-referenced zoning item:
<u></u>	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sections gh 14-350 of the Baltimore County Code).	
		of this property must comply with the Forest Regulations (Section 14-401 through 14-422 of the ounty Code).
<u>X</u>	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 26-436 through 26-461, and other he Baltimore County Code).
Addit	ional Commen	<u>ts:</u>

Reviewer:

Keith Kelley

Date: December 1, 2003



fr 114

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: December 4, 2003

RECEIVED

DEC

4 2003

SUBJECT: Zoning Advisory Petition(s): Case 04-230, 04-238, and 04-247

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Section Chief:

AFK/LL

	Attention: Jeffrey Long County Courts Building, Room 406		11/0	28/03
	Formaniani 21204			Processing Fae Paid \$0.00)
FROM:	Arnold Jablon, Director Department of Permits & Development Management	04-238	Accepted t	
RE:	Undersized Lots		Oate	And the second of the second o
Pursuant	to Section 304.2 (Baltimore County Zoning Regulations) effective of Plainning and Community Conservation prior to this office's app	June 25, 1992, this office	is requesting recomme	indations and comments for
	M APPLICANT SUPPLIFO INFORMATION.	Proser of a distance & because	Ra/to:	
14131 4(1414	A STATE OF THE PARTY OF THE PAR	eartorook la	ne 21234	(410)66/-0736
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Adgress	3120 Ucton Rd. tarkville 1	nd. 21234 Telep	phone Number 44/0	668-0071
CHECKL	IST OF MATERIALS. No be submitted for design review by the O	iffice of Planning and Con	nmunity Conservation)	
TOBE	FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS	AND DEVELOPMENT	MANAGEMENT ONLY!	
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Nov-25-03 12:55PM; Page 1/1

By: 0;
Director, Office of Planning & C. Junity Conservation

Sent By: 0;

RE: PETITION FOR VARIANCE * BEFORE THE

332 Wye Road; E/side of Wye Road, 992' N

of c/line of Middleborough Road * ZONING COMMISSIONER

15th Election & 6th Councilmanic Districts

Legal Owner(s): Robert W, Jr & * FOR

Carolyn R Harrison

RECEIVED

DEC 0 8 2003

Petitioner(s) * BALTIMORE COUNTY

* 04-238-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

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

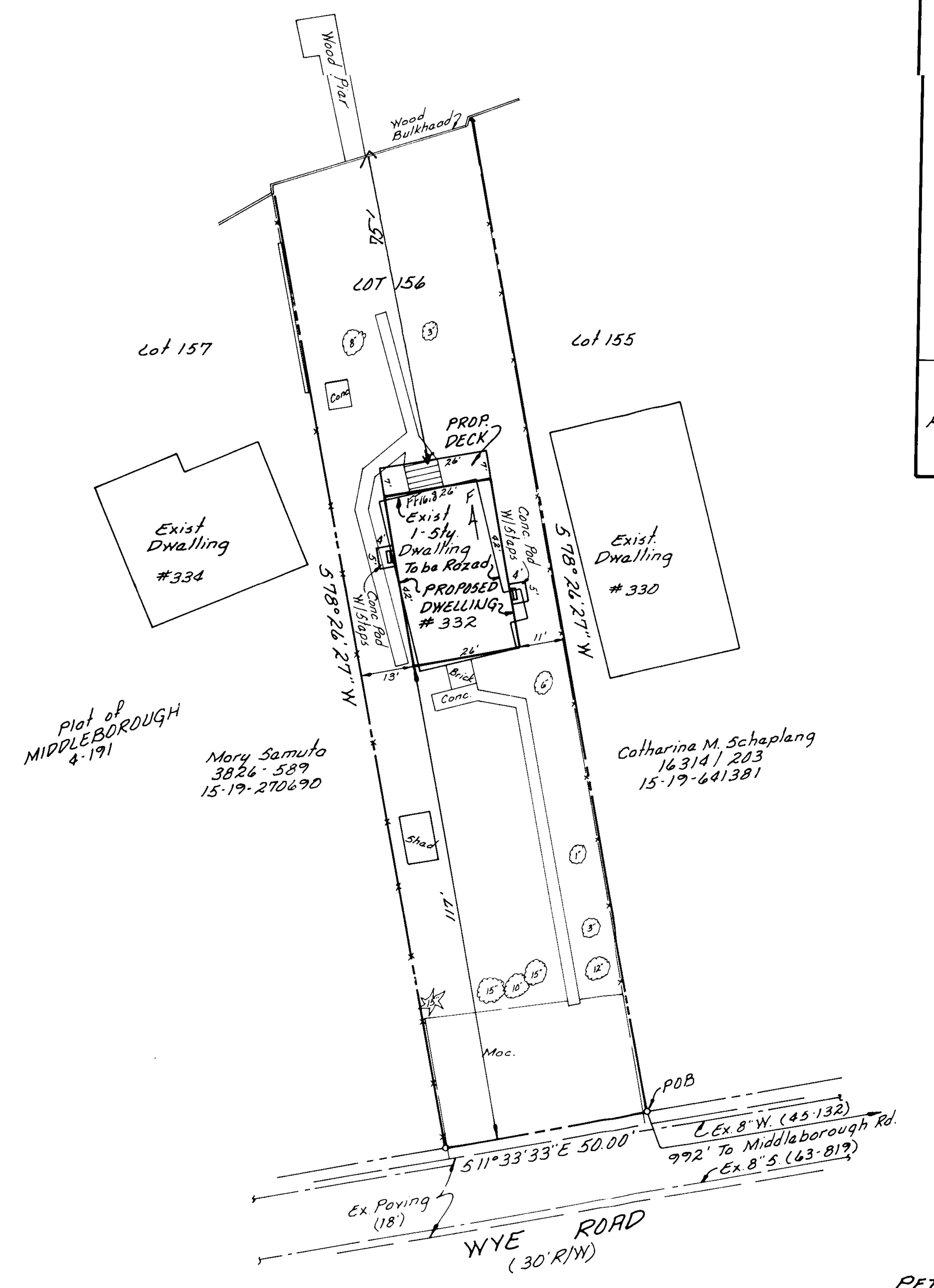
I HEREBY CERTIFY that on this _____ day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to, Bonnie L Buerhaus, 9922 Nearbrook Lane, Baltimore, MD 21234, Representative for Petitioner(s).

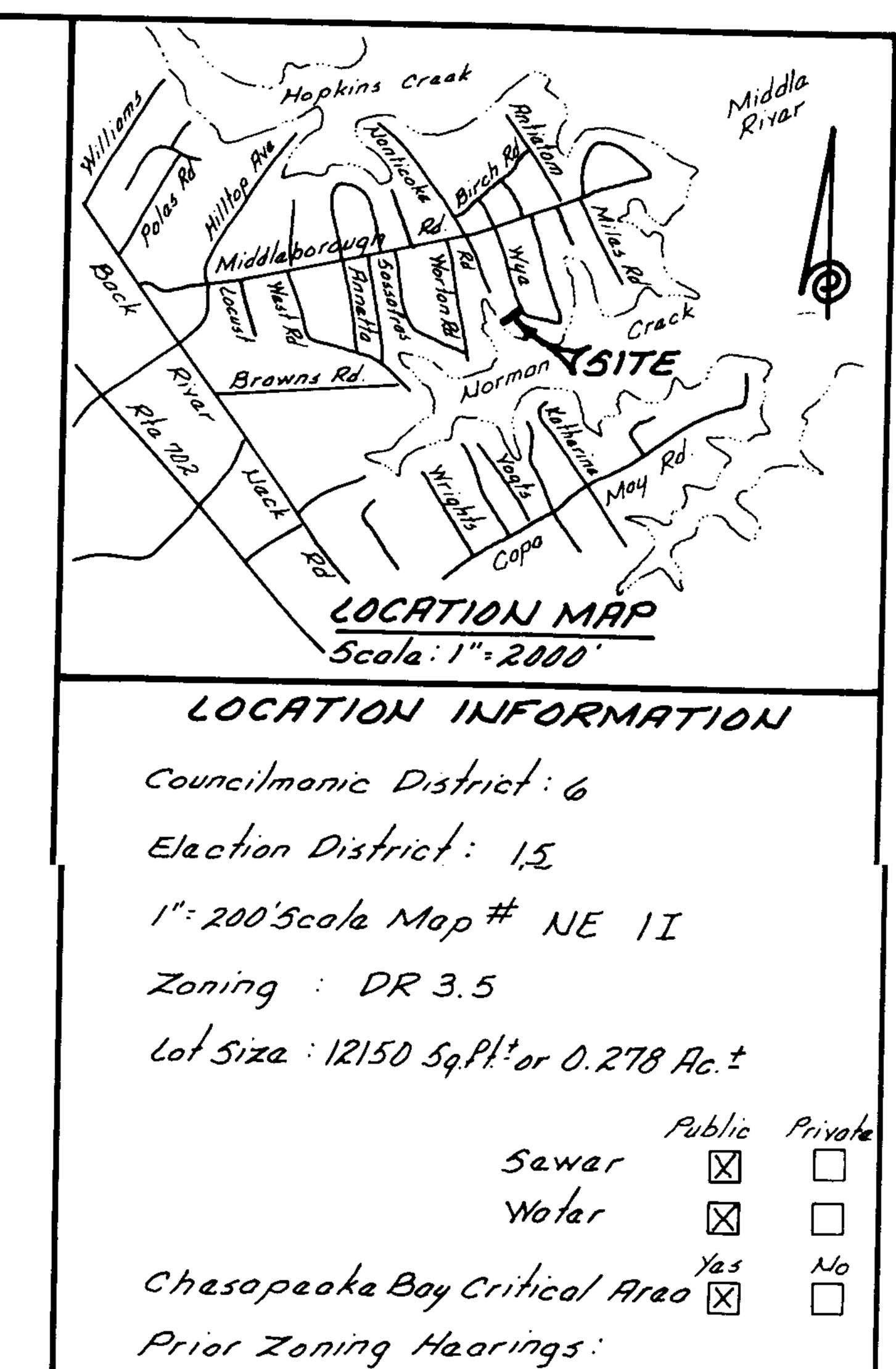
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Hex 21 movernon

NORMAN CREEK





Zoning Offica Usa Only

Itam #

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PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

332 WYE RORD

6TH Councilmonic Dist.
15TH Election Dist.
Boltimora County, Moryland
5cola:1"=20'-Dota: Oct. 30,2003

Owner Robart W. UR & Corolyn R. Horrison 15-18-471510