IN RE: PETITION FOR VARIANCE E/S of Fort Avenue, 20 ft. S centerline of Howard Avenue 15th Election District 7th Councilmanic District (9413 Howard Avenue)

Petitioners

Betsy Ann Kendall & Larry P. Epperson

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-331-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

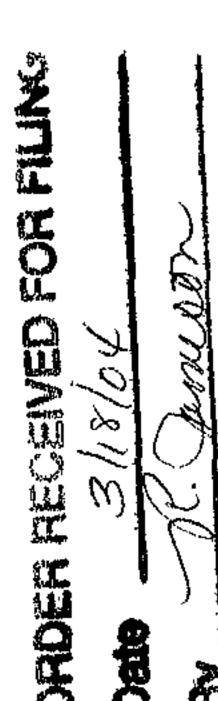
This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Betsy Ann Kendall and Larry P. Epperson. The Petitioners are requesting variance relief for property located at 9413 Howard Avenue in the "North Point Terrace" subdivision of Baltimore County. Variance relief is requested from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 18.5 ft. and side yard projection of 12.5 ft. in lieu of the required 25 ft. and 18.75 ft. for a proposed dwelling.

The property was posted with Notice of Hearing on March 1, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 2, 2004 to notify any interested persons of the scheduled hearing date

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area,



off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 10, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Larry Epperson, Petitioner. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property consists of 0.230 acres of land, more or less, and is zoned DR 5.5. The lot is presently vacant and the Petitioners would like to build a home thereon. However, the lot is very oddly shaped. It is bounded by North Point Road, Fort Avenue, Howard Avenue and the abandoned bed of the United Railroad. As shown on Petitioners' Exhibit No. 1, the property is almost triangular in shape. This presents challenges as to where to locate the new home. Mr. Epperson testified that he tried locating it in different places on the lot by computer program but each time there was a variance required. He tried rotating the home to no avail. This is a modular home and he has selected the smallest size the vendor makes. Consequently, he believes that he has found the most reasonable location and

NOTE TO PROPER TO SEE THE SECOND OF THE SECOND SECO

orientation for the home on the lot. He also presented photographs of the surrounding neighborhood to make the point that this home would be compatible with the neighborhood.

Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is truly unique in shape and presents a challenge to locating even the smallest home given the County regulations. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning was requested. Furthermore, I find that the variance requested can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare as shown by the Petitioner's photographs.

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 Petitioners, I find that the Petitioners' variance request should be granted.

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 ZAC comments made by DEPRM dated February 10, 2004, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

OHN'V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

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

March 18, 2004

Betsy Ann Kendall & Larry P. Epperson 2417 Suncrest Road Baltimore, Maryland 21219

Re: Petition for Variance
Case No. 04-331-A
Property: 9413 Howard Avenue

Dear Ms. Kendall & Mr. Epperson:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Bonnie L. Buerhaus 9922 Nearbrook Lane Baltimore, MD 21234



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 94/4 3 Howard Ave. which is presently zoned DR.5.5

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) 1307. SCI CHART. PERLINIT & SIDE CLARID OF 18.5FT AND SIDE CLARID FROSECTION OF 12.5FT. IN LIGUROF 25TT. AND 18.75FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) pure lot Configuration we are asking for a Due to unusual lot configuration we are asking for a variance in order to accommodate house

dimensions.

CA FILING

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.

Contract Purchaser/Lessee: Name -Type or Print Sognature Telephone No. Address Zip Code State City Attorney For Petitioner: Name - Type or Print Signature Company Telephone No. Add ess Zip Code State Case No. 04331-17 9/15/98

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.

<u>Legal Owner(s):</u> Name Type or Print Signature Name - Type or Print Sidnature Telephone No. Address State Representative to be Contacted: Name earbrook relephone No. Address Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By

Date _

Zoning Description for 9415 Howard Ava.

Beginning at a point on the east side of Fort Ave which is 30 feet wide at the distance of 20 feet south of the centerline of the nearest improved intersecting street Howard Ave which is 30 feet wide. Being Lots I and 2 in the subdivision of North Point Terrace as recorded in Baltimore County Plat Book # 13, Folio 84 containing 0.230 acres of land. Also known as 9415 Howard Ave and located in the 15th Election District, 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FRANCE MISCELLANICOUS RECEIPT DATE THE COORDING TO THE COUNTY TO THE CONTROLL THE CONTROLL THE COORDING TO THE COORDING TO THE CONTROLL THE COORDING TO T	Name and the second					
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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: #04-331-A 9413 Howard Avenue E/corner of Howard and Fort Avenues, west of North Point Road 15th Election District 7th Councilmanic District Legal Owner(s): Betsy Kendall and Larry Epperson Variance: to permit a side yard of 18.5 feet and side yard projection of 12.5 feet in lieu of 25 feet and 18.75 feet.

Hearing: Tuesday, March 16, 2004 at 2:00 p.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 con-cerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/3/606 Mar. 2 C652147

CERTIFICATE OF PUBLICATION

3/4,2004
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 32,2004.
The Jeffersonian
🗅 Arbutus Times
Catonsville Times
Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

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

LIMITED

CERTIFICATE OF POSTING

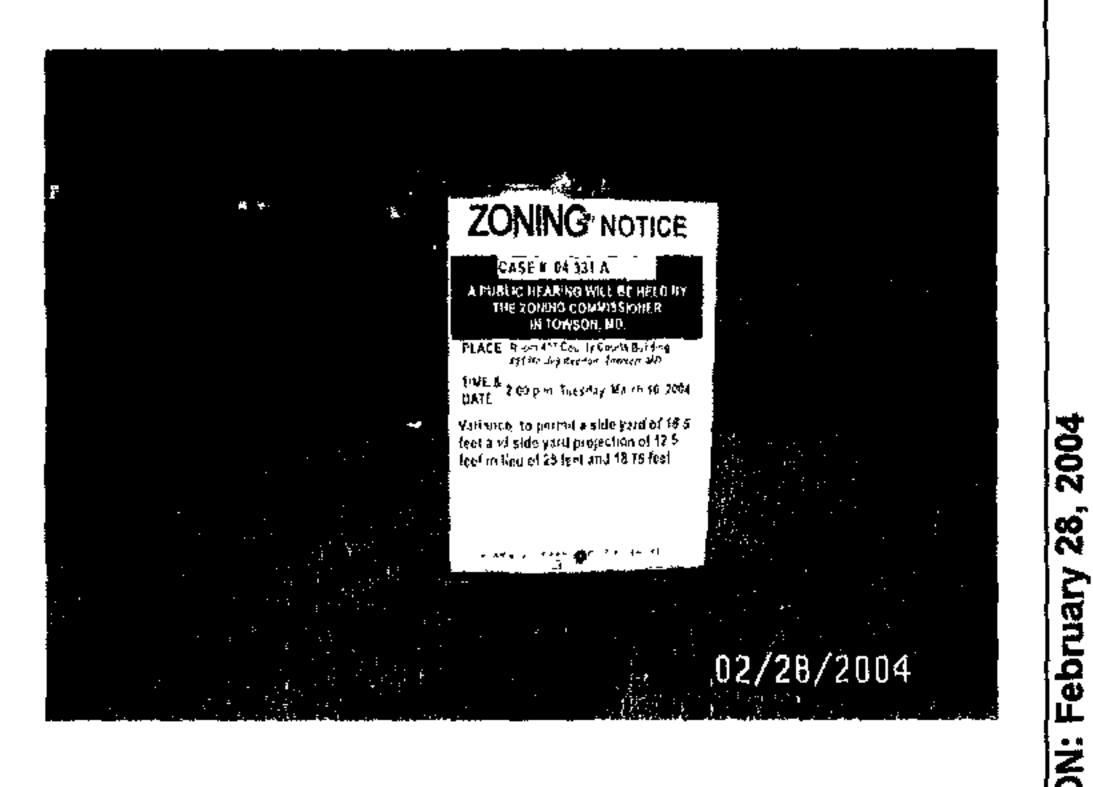
RE: CASE NO. 04-331-A
PETITIONER/DEVELOPER:
Betsy Kendall
DATE OF HEARING:
March 16, 2004

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

ATTENTION: KRISTEN MATTHEWS

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



LOCATION:

9413 Howard Avenue E/corner of Howard, and Fort Avenues West of North Point Road

DATE:

March 1, 2004

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





RE:

9413 Howard Avenue; E/corner Howard Avenue & Fort Avenue, W of North Pt Rd 15th Election & 7th Councilmanic Districts

Legal Owner(s): Betsy A Kendall & Larry P Epperson

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 04-331-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 Ummerman 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 9th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, Bonnie L Buerhaus, 9922 Nearbrook Lane, Baltimore, MD 21234, Representative for Petitioner(s).

RECEIVED

FEB 0 9 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PATUXENT PUBLISHING COMPANY TO:

Tuesday, March 2, 2004 Issue - Jeffersonian

Please forward billing to:

Larry Epperson 2417 Suncrest Road Baltimore, MD 21219

410-477-0751

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: 04-331-A

9413 Howard Avenue

A ...

E/corner of Howard and Fort Avenues, west of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Betsy Kendall and Larry Epperson

Variance to permit a side yard of 18.5 feet and side yard projection of 12.5 feet in lieu of 25 feet and 18.75 feet.

Hearing: Tuesday, March 16, 2004, at 2:00 p.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

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

February 4, 2004

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: 04-331-A

9413 Howard Avenue

E/corner of Howard and Fort Avenues, west of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Betsy Kendall and Larry Epperson

Variance to permit a side yard of 18.5 feet and side yard projection of 12.5 feet in lieu of 25 feet and 18.75 feet.

Hearing: Tuesday, March 16, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Betsy Kendall & Larry Epperson, 2417 Suncrest Rd., Baltimore 21219 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 MONDAY, MARCH 1, 2004.

- (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.



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.

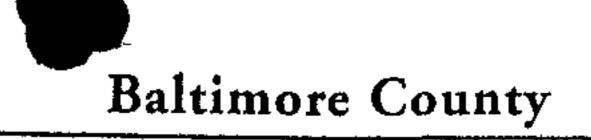
For Newspaper Advertising:
Item Number or Case Number: <u> </u>
Petitioner: (NOTEN EP PENSON)
Address or Location: 94193 How And Ade
PLEASE FORWARD ADVERTISING BILL TO: Name: Larry Epperson
Address: 2419 Suncrest Rd
Address: 2419 Suncrest Rd Balto. Md. 21219
Telephone Number: (410) 477-0751

Revised 2/20/98 - SCJ

Department of Permits an Development Management

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





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

March 9, 2004

Betsy Kendall Larry Epperson 2417 Suncrest Road Baltimore, Maryland 21219

Dear Ms. Kendall and Mr. Epperson:

RE: Case Number: 04-331-A, 9413 Howard Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 22, 2004.

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. Cal Rohal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: cib

Enclosures

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



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

February 4, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 2, 2004

Item No.: 329-336, 338, 339

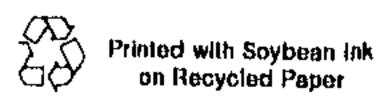
Dear Ms. Hart:

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.

6. 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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 10, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 9, 2004 Item Nos. 329, 330, (331) 335, 336, 337, 338, 339, and 340

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco			
FROM:	R. Bruce Seeley My			
DATE:	2-10-04			
SUBJECT:	Zoning Item Address	# 04-331 9413 Howard Avenue (Kendall Property)		
Zoning	g Advisory Con	nmittee Meeting of 2-2-04		
	-	nvironmental Protection and Resource Management has no ve-referenced zoning item.		
	~	nvironmental Protection and Resource Management offers nts on the above-referenced zoning item:		
	Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sections in 14-350 of the Baltimore County Code).		
	_	of this property must comply with the Forest Regulations (Section 14-401 through 14-422 of the unty Code).		
<u>X</u>	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 26-436 through 26-461, and other ne Baltimore County Code).		
<u>Additi</u>	onal Comment	<u>s:</u>		

Reviewer: K. Kelley Date: 2-5-04



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

SUBJECT: Zoning Advisory Petition(s): Case 4-331

DATE: February 17, 2004

RECEIVED

FEB 1 9 2004

ZONING COMMISSIONER

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



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

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

MARILAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 2.3.04

Item No.

Baltimore County

331

JRA

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.

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,

K

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

Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

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Howard promatt



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9425/2427 North Point Rd. Side (South) west)

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04.331 A



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at-331-17



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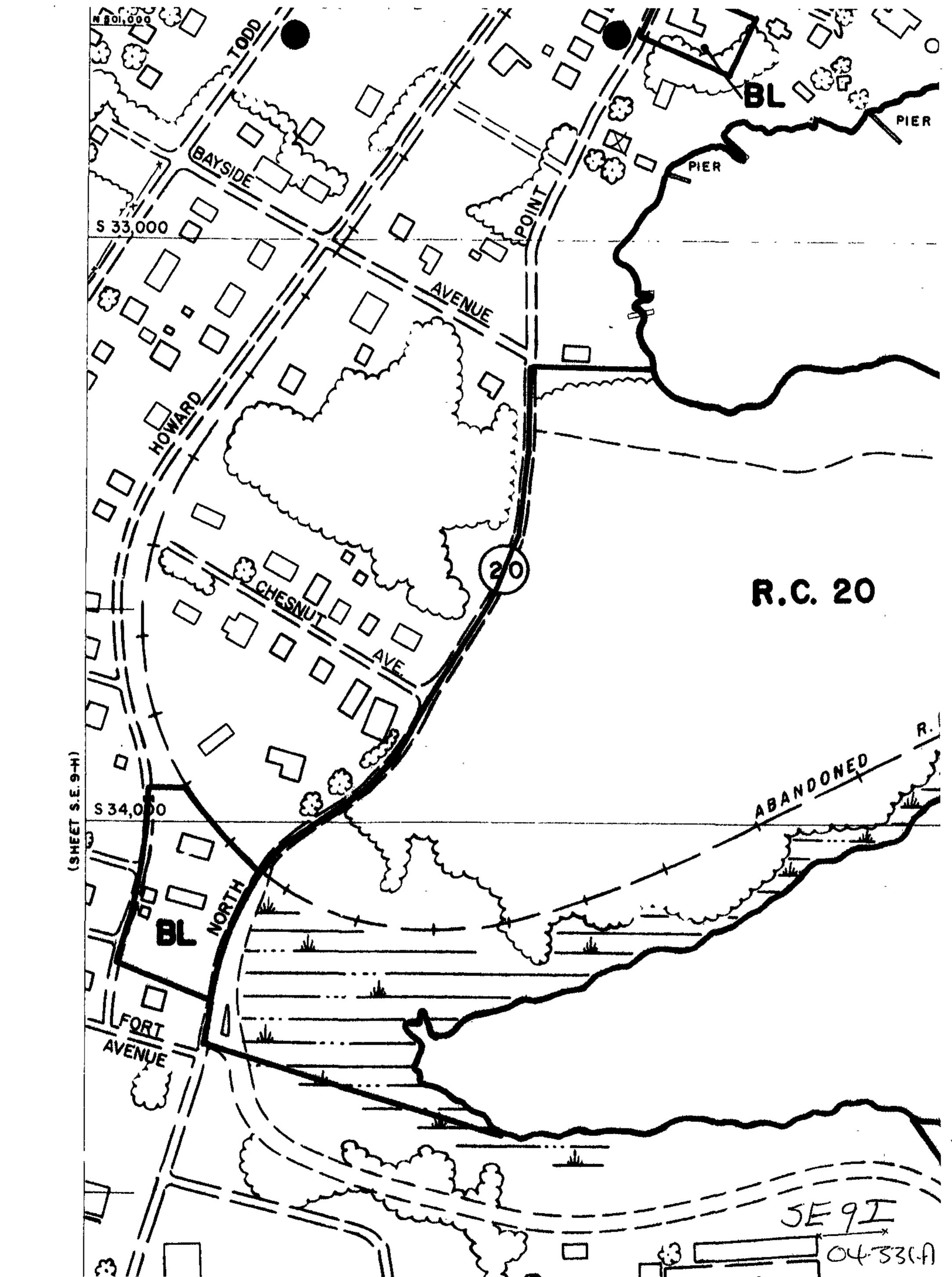
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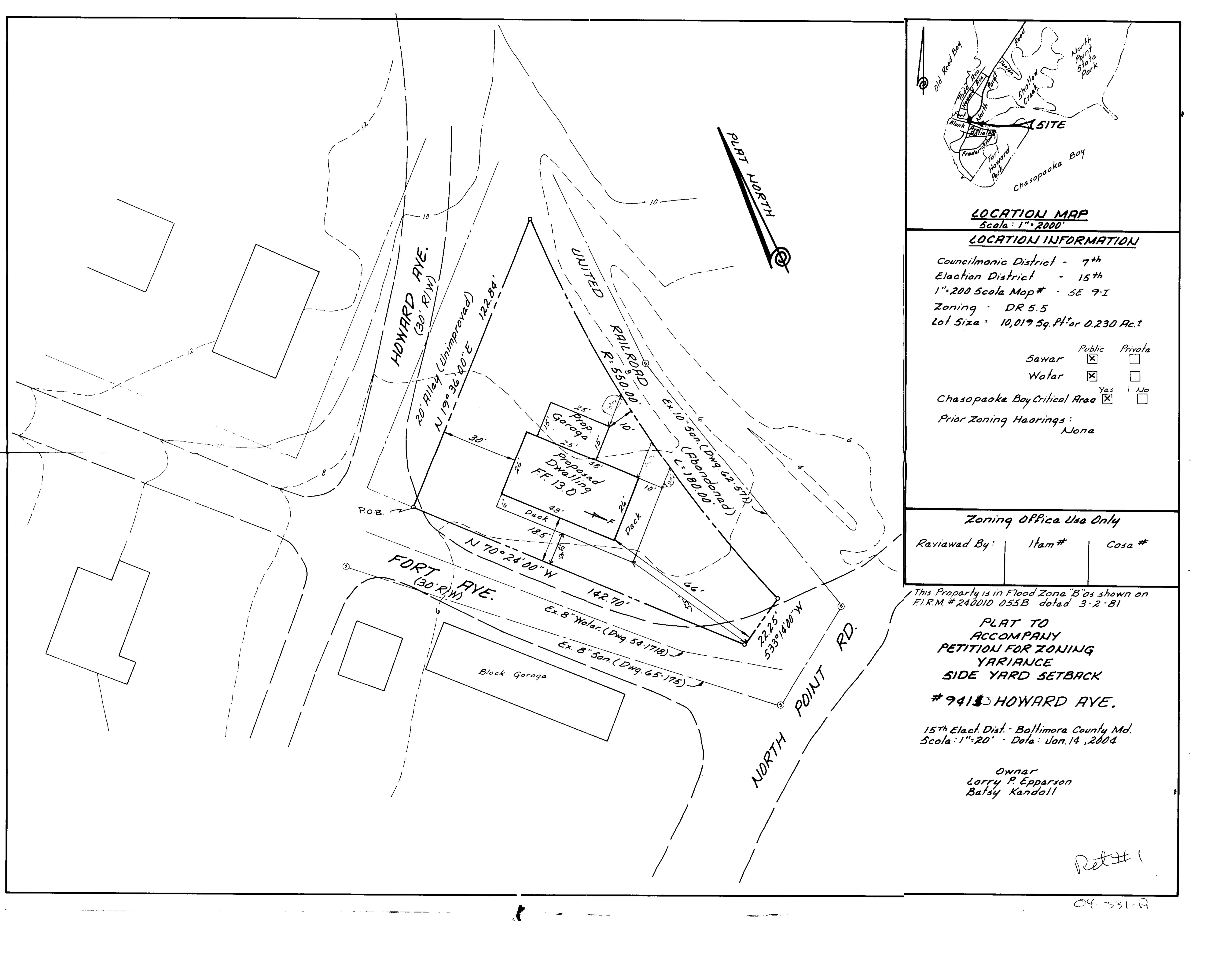
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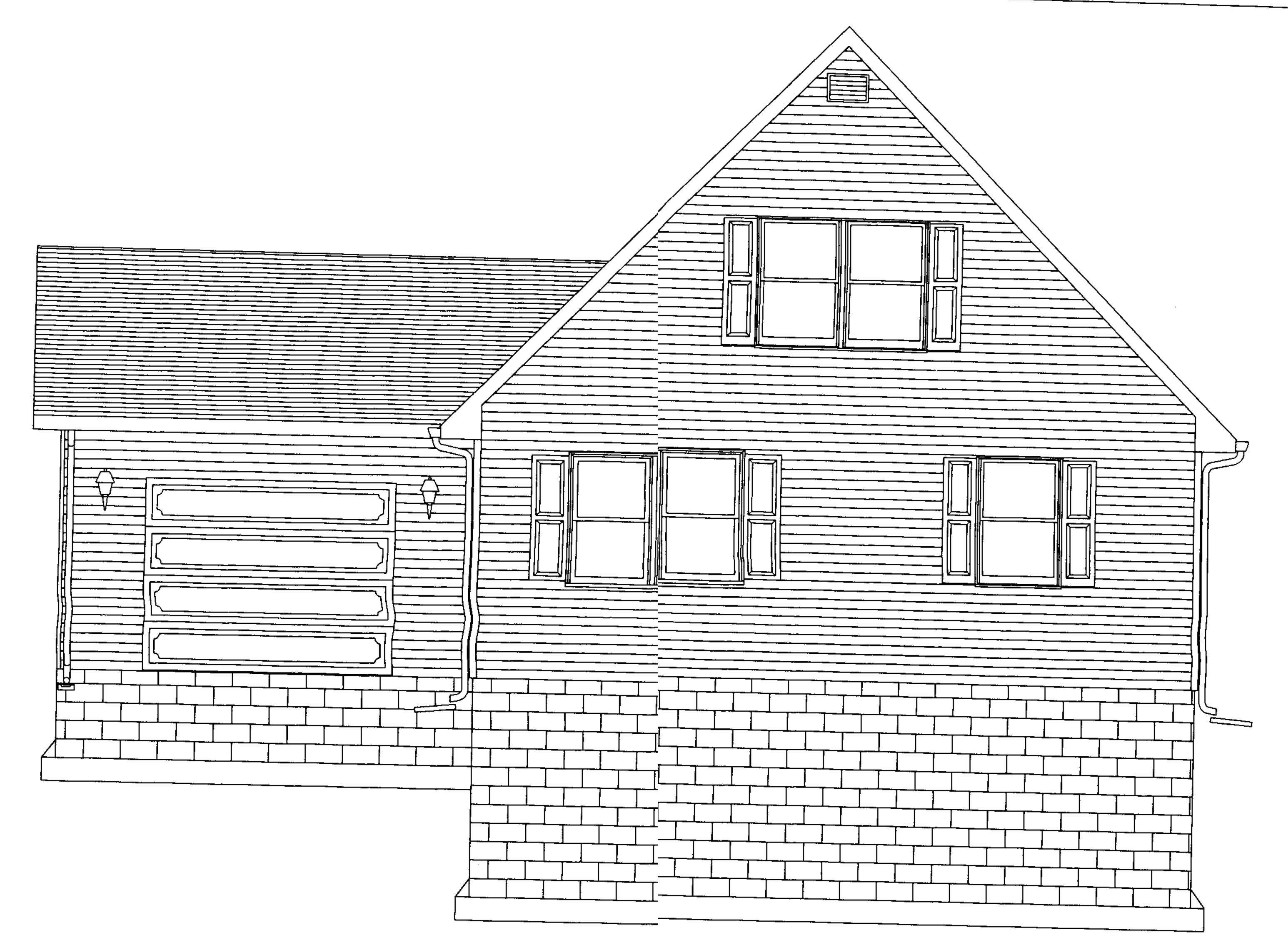
CASE NUMBER 04-33/-A

PETITIONER'S SIGN-IN SHEET

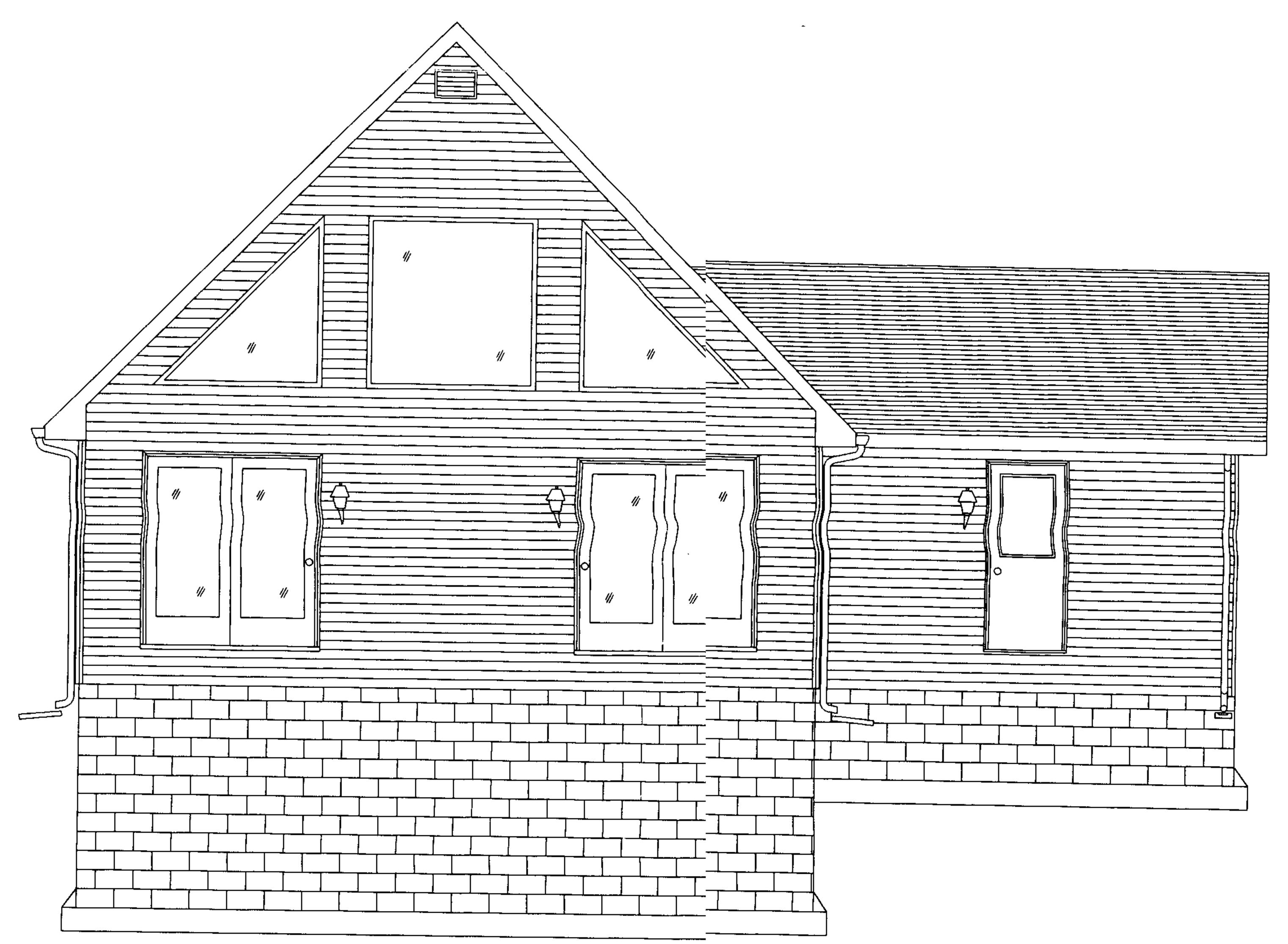
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ХТК	BA14: M.D 21219										
ADDRESS	2417 SUNCREST Rd										
NAME	LARRY Epzerson										







RIGHT END ELEVATION



LEFT END ELEVATION

				
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DATE:			REVISED BY:	
HOME	SBY	KEYS	TONE	
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