IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Springside Drive, 406 ft. W
centerline of Reuter Road
8th Election District
3rd Councilmanic District

(108 Springside Drive)

Charlotte & David Yingling

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-339-A

A .

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Charlotte and David Yingling. The variance request is for property located at 108 Springside Drive in the Timonium area of Baltimore County. The variance request is from Section 1B02.3.B (Sec. III, C, 3, old 1945 Regs, "A" Residence) of the Baltimore County Zoning Regulations (B.C.Z.R), to allow a side yard setback of 5 ft. in lieu of the minimum required 7 ft. for an attached carport. 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 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.

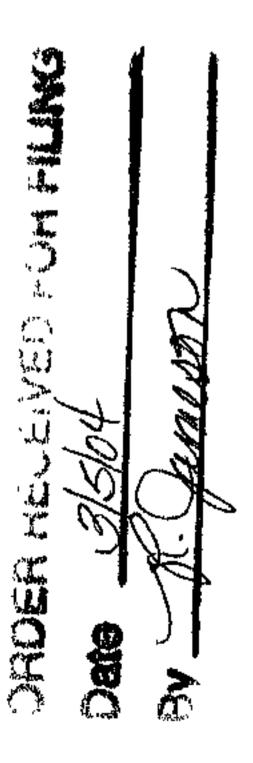
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of March, 2004, that a variance from Section 1B02.3.B (Sec. III, C, 3, old 1945 Regs, "A" Residence) of the Baltimore County Zoning Regulations (B.C.Z.R), to allow a side yard setback of 5 ft. in lieu of the minimum required 7 ft. for an attached carport, 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES: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 5, 2004

Mr. & Mrs. David Yingling 108 Springside Drive Timonium, Maryland 21093

> Re: Petition for Administrative Variance Case No. 04-339-A Property: 108 Springside Drive

Dear Mr. & Mrs. Yingling:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 108 Springs de Drive 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) | Boz.3.B (Secrett, C.3 old 1945) | Regs | A Residence | To allow as ide yand setback yes the form on attached canport in lieu y the minimum required 7 fts,

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	<u>/Lessee:</u>		<u>Legal Owner(s):</u>
Name - Type or Print			David Vingling Name - Type or Frint
Signature			Signature Charlotte Vinalina
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature lingling
Attorney For Petitio	ner:		109 Springside Dr 410-252204 Address Telephone No.
			Address Mb 21093
Type or Print			City State Zip Code
gnature			Representative to be Contacted:
ompany			Melissa Gabinet American Design +1
2 6			221 Gateway DR 410-557-0555
Addre s		Telephone No.	Address / Telephone No
	State	Zip Code	BP 21014 City State Zip Code
A Public Hearing having be	en formally demande	d and/or found to be	required, It is ordered by the Zoning Commissioner of Baltimore County,
regulations of Baltimore Coun	ty and that the property	be reposted.	his petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County
CASE NO. 24	1-339-19	Rev	lewed By Date
REV 10/25/01	•		mated Posting Date 2-08-04

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 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):

City

TIMONIUM

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

valiance at the above address (indicate rialusi	to 1 1000 100 0100 Chan Maistin Ch
The new carport is	to be located over the existing cater on the 19ft side of the
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Justing nowelln size	and color alla a colling
and Adverse impac	:+ on the surrounding community
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That the Affiant(s) acknowledge(s) that if a f	formal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide	additional information.
	\sim 11 - \sim 10
Signature 5 4-1	Signature Signature Signature
$C \times I$	
Name - Type or Print Cinyling	Charlotte Yingling Name - Type or Print
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STATE OF MARYLAND, COUNTY OF BALTI	MORE to wit
· · · · · · · · · · · · · · · · · · ·	
I HEREBY CERTIFY, this 22 day of of Maryland, in and for the County aforesaid, pe	ersonally appeared
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	<del></del>
the Affiant(s) herein, personally known or satisf	factorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	$I \cap I$
	Jacobs State No. 1
	Notary Public
REV 10/25/01	My Commission Expires
THE V TO/20/01	A A Section of the se

My Commission Expires July 7, 2007

# 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	108 Springside Drive	
	Address (109) State	ろ Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	owing are the facts upon which I/we base the request for	•
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	located on the left Side	of the
<u> </u>	nom the property line.	The SIZE
and location of the	new carport is me o	nu
practical location te	orit. The unusually of	+ SK 1
of the driveway rec	quires an encroachmen	The
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		<b>*</b> (
Size and Color, and	d will no no	
impact on the st	moonainy winding.	
advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pa additional information.	y a reposting and
	charlette Minalia	
Signature	Signature	
Name - Type or Print . Ying ling	Name - Type or Print	<u>a</u>
STATE OF MARYLAND, COUNTY OF BALTIN		
I HEREBY CERTIFY, this 22 day of of Maryland, in and for the County aforesaid, pe	ersonally appeared 2004, before me, a Notary	Public of the State
		<u> </u>
the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		
	( Leenver)	
	NOIARY PUBLIC	L. TUNNEY STATE OF MARYLAND
	My Commission ExpiresMy Commission	Expires Into we was 7

REV 10/25/01



CASE NO. 04-339-4

REV 10/25/01

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 100 Springside Orive which is presently zoned DR-5.5

Reviewed By Date Date 1-27-04
Estimated Posting Date 2-08-04

	ts and Development Management. The undersigned, legal this described in the description and plat attached hereto and on(s)   BOZ, 3 B (Sect III, C, 3 old 1945)   Sect III, C, 3 old 1945
Regs, AResidence) To allowasi	deyard setboll of the Am
an attached nonment in lieu	of the min main required 7
	per the transfer that the transfer the
of the zoning regulations of Baltimore County, to the zoning la of this petition form.	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the z	zonina regulations.
<ol> <li>or we, agree to pay expenses of above Variance, advertising, pos regulations and restrictions of Baltimore County adopted pursuant to</li> </ol>	sting, etc. and further agree to and are to be bounded by the zoning
	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):
	David Vingling
Name - Type or Print	Name - Type or Print
Signature	Signature / / /
Address Telephone No.	Charlotte Vingling Name - Type or Print ( )
	Charlotte linalina
City State Zip Code	Signature 108 Springside Dr 410-252-204
Attorney For Petitioner:	Address Telephone No.
Name - Type or Print	Timonium mp 21093 City State Zip Code
	Representative to be Contacted:
Signature	Melissa Gabinet american Design Bl
Company	Name Cultural Conference S
Address Telephone No.	Address Telephone No
	Bel aur mo 21014
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be this day of that the subject matter of the regulations of Baltimore County and that the property be reposted	required, it is ordered by the Zoning Commissioner of Baltimore County, also petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County

# ZONING DESCRIPTION FOR 108 SPRINGSIDE DRIVE

BEGINNING AT A POINT ON THE South SIDE OF SPRINGSIDE DRIVE, WHICH IS 30 FEET WIDE AT THE DISTANCE OF 406 FEET WEST OF THE CENTERLINE OF THE NEAREST INTERSECTING STREET REUTER ROAD WHICH IS 30 FEET WIDE. BEING LOT# 14, BLOCK 5, SECTION # 4 IN THE SUBDIVISION OF HAVERFORD, MAP 61, GRID 1, PARCEL 277 CONTAINING 9600.00 SQUARE FEET. ALSO KNOWN AS 108 SPRINGSIDE DRIVE AND LOCATED IN THE 8TH ELECTION DISTRICT.

**建**中种品品的 31.00 DISTRIBUTION

W' -- CASHIER RECEIVED FROM: DATE_ OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND CELLANEOUS RECEIPT PINK - AGENCY AMOUNT ACCOUNT YELLOW - CUSTOMER 10 CASHIER'S VALIDATION

#### CERTIFICATE OF POSTING

RE: Case No. 04-339-A
Petitioner/Developer:
David Yingling

Closing Date: 2/23/04

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

Attention: Ms. Becky 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 108 Springside Dr.

The sign(s) were posted on 2/8/04.

Sincerel

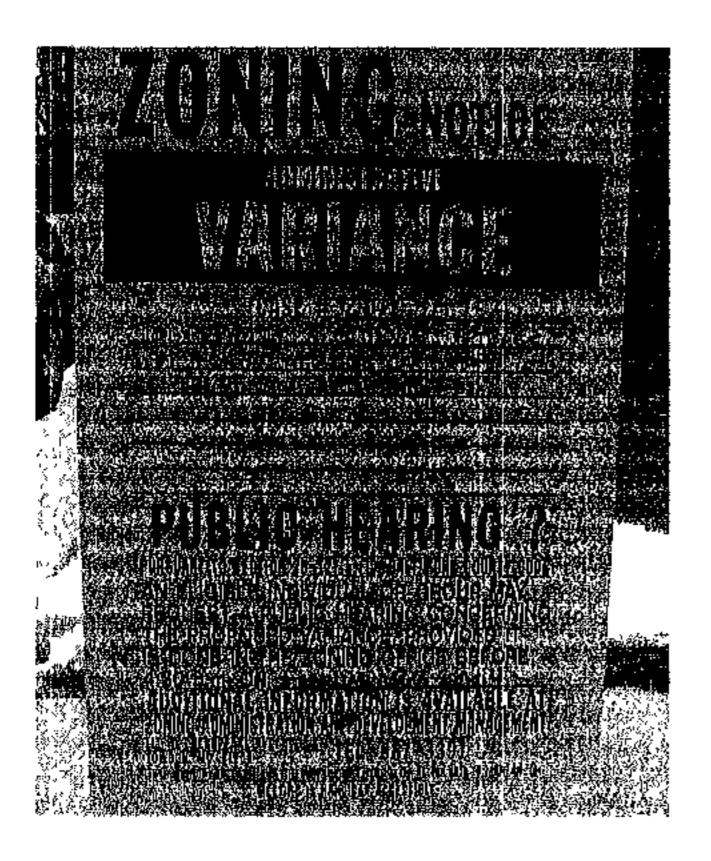
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



RE: PETITION FOR ADMINISTRATIVE

VARIANCE

108 Springside Drive; S/side Springside

Drive, 406' W c/line of Reuter Road

8th Election & 3rd Councilmanic Districts *

Legal Owner(s): David & Charlotte Yingling

ariotte vingling
Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

* 04-339-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 MÁX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

FEB. 1 9 2004

Per M

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 19th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, Melissa Gabinet, American Design & Build, 221 Gateway Drive, Bel Air, MD 21014, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION 11121 York Road, Suite E; SE/side Ashland Rd, 197' E of York Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): Melrose Associates, Inc,

Charles C.D. McGill, Chairman Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

* 04-340-X

**

#### 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 and 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 Joe Larson, Jefferson Building, 105 W Chesapeake Avenue, Suite 406, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

1-2 0 9 2004

himbernan PETER MAX ZĬMMERMAN

People's Counsel for Baltimore County

## <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	0	-339	-A	Address	108 5	pringsic	le z	R -
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3.	order the commission of the co	sione at th y with	er. He may: ne matter be nin 7 to 10 da	ng date, the (a) grant the set in for a sys of the closhearing. The	requested public hea ing date) a	relief; (b) aring. Yo s to wheth	deny the recurrence will receive the petition	quested r written n has be	elief; or (c) notification en granted.
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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

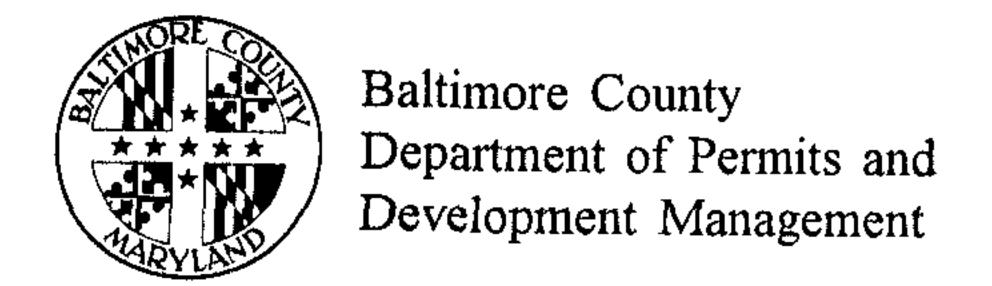
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 04-339-4
Petitioner: DAvid Vingling
Address or Location: 108 spring 5 de DA, (21093)
PLEASE FORWARD ADVERTISING BILL TO:  Name: Melissa Sabiret American Design+Burk  Address: Dal Gateway Drive  Bel an MD 21014
Telephone Number: 410 · SS7-0-S-5



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

February 23, 2004

David Yingling
Charlotte Yingling
108 Springside Drive
Timonium, Maryland 21093

Dear Mr. and Mrs. Yingling:

RE: Case Number:04-335-A, 108 Springside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Melissa Gabinet American Design & Building 221 Gateway Drive BelAir 21014



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

**DATE:** February 10, 2004

TO:

Timothy M. Kotroco, Director

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

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management PATE: February 3, 2004 RECEIVED

FEB - 5 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-330 and 4-339

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: Mael A Cum

Section Chief: Why Gelabur

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.3.04

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

RE: Baltim

Baltimore County

Item No. 339

112

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,

dr

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

J. J. Dred

# ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 04-339-4

Date Completed/Initials	
de plane	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
02/03/04	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for boarings to Taniana.

hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Vingling Existing St. D Existing Lyisting -Dowlole 10" IVI brown Set Coxla ci 13' to incorpate (X) VIII 18" 418" footing 30" doco 3×10 10/111 EAF Preaktion and in which 200 7/16 65 B Streeting -FRICTION SED ZX6 (agas Dock 10 16 /V GYC post City of Wally of the Conerey My number police que with the Strees New Carport 21646 is a 6 8" Corcie <u></u>

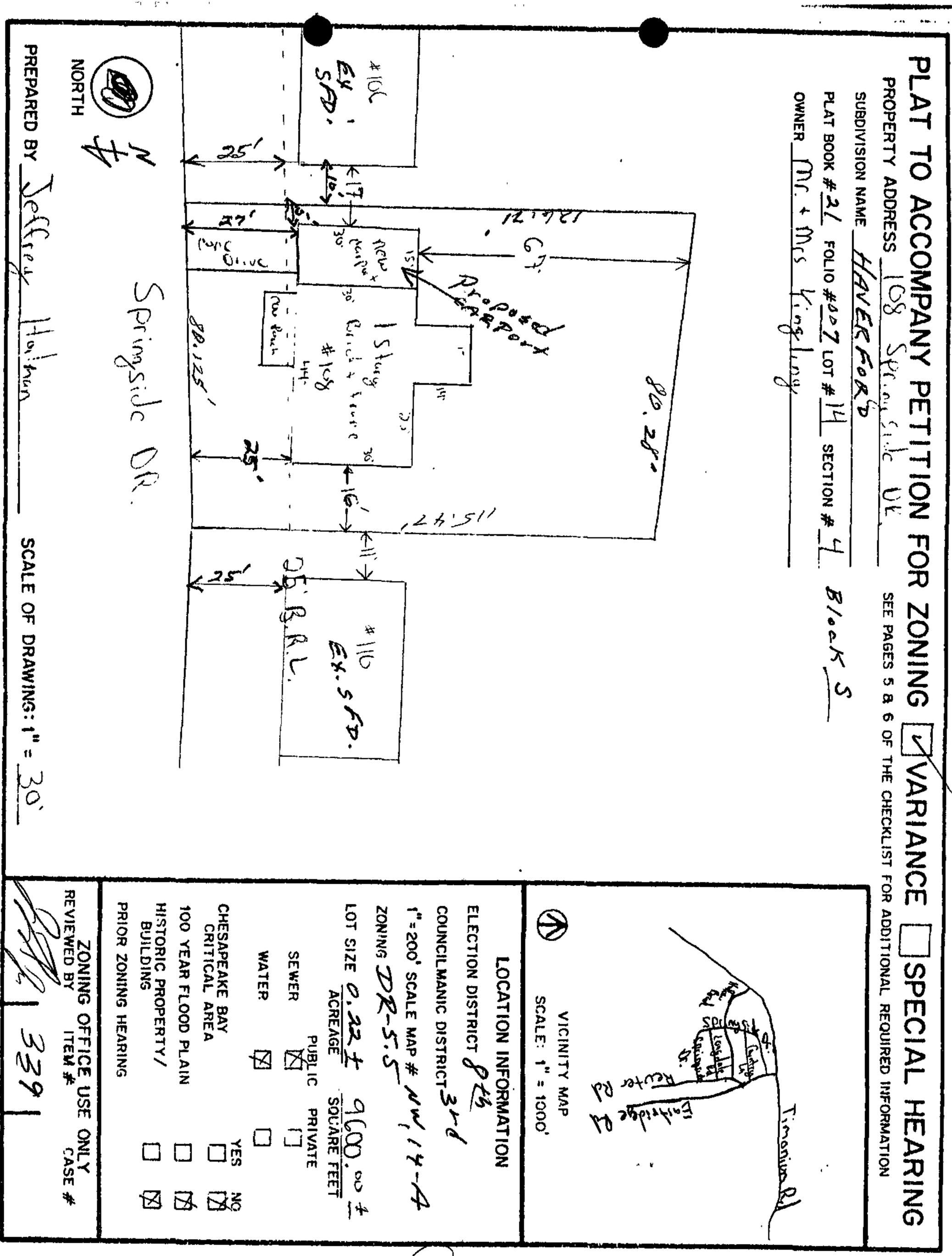
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