

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Quelet Place, 240 ft. S
centerline of Halbet Avenue
11th Election District
5th Councilmanic District
(8 Quelet Place)

Michele G. & Russell E. Marsh
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-405-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, Michele G. and Russell E. Marsh. The variance request is for property located at 9 Quelet Place in Baltimore County. The variance request is from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open enclosure (screened-in porch) with a rear yard setback to the tract boundary of 10 ft. in lieu of the required 26.5 ft. and to amend a single lot (Lot #7) of the Final Development Plan for the "White Property and Quelet Property" and to permit construction 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 on March 14, 2004, 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

ORDER RECEIVED FOR FILING
Date 4/16/04
By R. J. [Signature]

Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this th16 day of April, 2004, that a variance from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open enclosure (screened-in porch) with a rear yard setback to the tract boundary of 10 ft. in lieu of the required 26.5 ft. and to amend a single lot **(Lot #7 only)** of the Final Development Plan for the "White Property and Quelet Property" and to permit construction 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 RECEIVED FOR FILING
4/16/04
By 

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

April 16, 2004

Mr. & Mrs. Russell E. Marsh
9 Quelet Place
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 04-405-A
Property: 9 Quelet Place

Dear Mr. & Mrs. Marsh:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been approved 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 cursive script 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

which is presently zoned

9 Quiet Place
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)

1 B01.2.C.1 to permit a proposed open enclosure (screened-in porch) with a rear yard setback to the tract boundary of 16 ft. in lieu of the required 26.5 ft. and to amend a single lot #7 of the Final Development Plan for the White Property and Quiet Property, to permit construction 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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Attorney For Petitioner:

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Name

Company

Address

Telephone No.

Address

Telephone No.

City

State

Zip Code

City

State

Zip Code

Representative to be Contacted:

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.

04-405-A

Reviewed By

BH

Date

3/4/04

Estimated Posting Date

3/14/04

ORDER RECEIVED FOR FILING
Date 4/16/04
By [Signature]

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 9 QUELLET PLACE
City BALTIMORE State MD Zip Code 21236

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):

DUE TO THE SOUTHERN EXPOSURE (EXTREME SUN & HEAT) AND BUGS, WE WISH TO CONSTRUCT A COVERED PORCH TO ENJOY THE BACKYARD. THE EXISTING COUNTY REQUIREMENTS WOULD LIMIT THE SIZE TO APPROXIMATELY 7 FEET FROM THE HOUSE. A COVERED PORCH THIS SIZE IS NOT PRACTICAL OR USEFUL. WE ARE PROPOSING A COVERED PORCH VERY SIMILAR TO ONE CONSTRUCTED TWO HOUSES AWAY (SEE PHOTO.).

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.

Russell E. Marsh
Signature

Russell E. Marsh
Name - Type or Print

Michele G. Marsh
Signature

MICHELE G. MARSH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Russell E. Marsh and Michele G. Marsh
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gloria J. Holtzhaus
Notary Public
My Commission Expires March 1, 2004

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

9 QUELET PLACE
Address
BALTIMORE MD 21236
City State Zip Code

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

DUE TO THE SOUTHERN EXPOSURE (EXTREME SUN & HEAT) AND BUGS, WE WISH TO CONSTRUCT A COVERED PORCH TO ENJOY THE BACKYARD. THE EXISTING COUNTY REQUIREMENTS WOULD LIMIT THE SIZE TO APPROXIMATELY 7 FEET FROM THE HOUSE. A COVERED PORCH THIS SIZE IS NOT PRACTICAL OR USEFUL. WE ARE PROPOSING A COVERED PORCH VERY SIMILAR TO ONE CONSTRUCTED TWO HOUSES AWAY (SEE PHOTO).

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.

Russell E. Marsh
Signature
RUSSELL E. MARSH
Name - Type or Print

Michele G. Marsh
Signature
MICHELE G. MARSH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Russell E. Marsh and Michele G. Marsh
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gloria J. Holthaus
Notary Public
My Commission Expires March 1, 2004



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 QUELET PLACE
which is presently zoned DE 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) 1 B01.2.C.1 to permit a proposed open enclosure (screened porch) with a rear yard setback to the street boundary of 16 ft. in lieu of the required 26.5 ft. and to amend a single lot # 7 of the Final Development Plan for the White Property and Quelet Property to permit construction 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):

RUSSELL E. MARSH
Name - Type or Print _____
Russell E. Marsh
Signature _____
MICHELE G. MARSH
Name - Type or Print _____
Michelle G. Marsh
Signature _____
9 QUELET CT. (PLACE) (410) _____
Address _____ Telephone No _____
BALTIMORE MD 21236
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 04-405-A

Reviewed By BR Date 3/4/04

REV 10/25/01

Estimated Posting Date 3/14/04

ZONING DESCRIPTION FOR : 9 Quelet Place Perry
Hall, MD. 21236

Beginning at a point on the WEST side of QUELET
PLACE; which is FIFTY (50) FEET wide at the distance of TWO
HUNDRED FORTY (240) FEET SOUTH of the centerline of the
nearest improved intersecting street HALBERT AVENUE which
is FIFTY (50) FEET wide. Being Lot # 7 in the subdivision of
WHITE PROPERTY AND QUELET PROPERTY as recorded in
Baltimore County Plat Book SM #66, Folio # 144, containing
0.295 ± Acres. Also known as 9 QUELET PLACE and
located in the 11 th. Election District, 5 th. Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 32609

DATE 3/4/88 ACCOUNT 2001 BIC 675

AMOUNT \$ 65.00

RECEIVED FROM 11210

FOR 11210

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

11210 4405

PAID RECEIPT

RECEIVED

3/6/2004 3:06:20 PM 15:29:12

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CASHER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-405-A

Petitioner/Developer: RUSSELL MARSH

Date of Hearing/Closing: 3/29/04

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

Attention:

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
at 9 QUELET PLACE

BALTO. MD 21236

This sign(s) were posted on 3 14 04
(Month, Day, Year)

Sincerely,

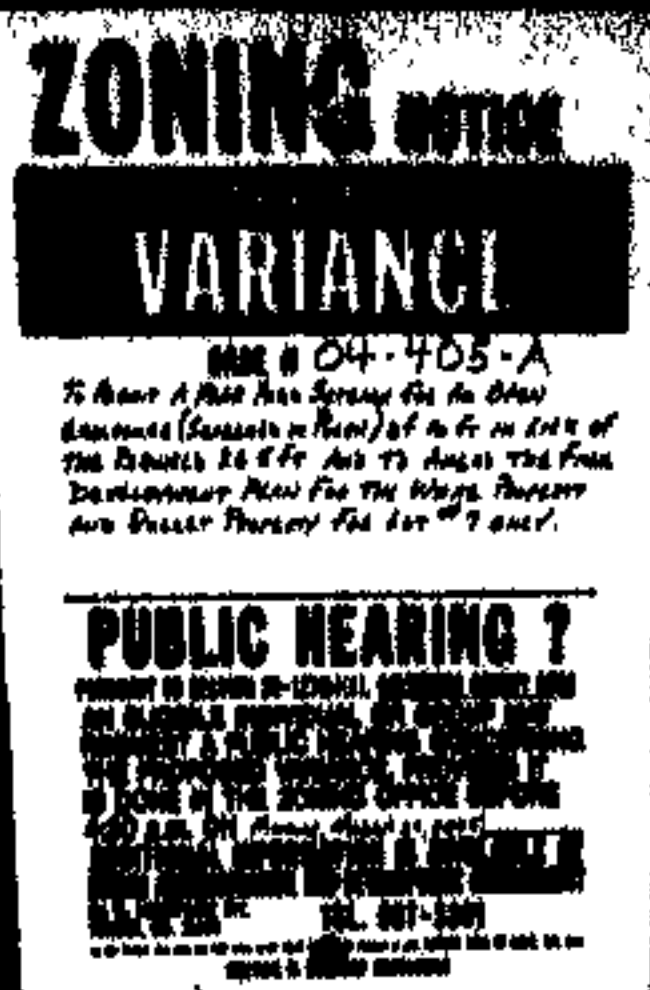
Martin Ogle
(Signature of Sign Poster and Date)

MARTIN OGLE
(Printed Name)

5016 CASTLESTONE DR.
(Address)

BALTO. MD. 21237
(City, State, Zip Code)

410-933-9470
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number **04-405** -A Address 9 Quelet Place

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 3/4/04 Posting Date: 3/14/04 Closing Date: 3/28/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number

1. **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.
2. **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.
3. **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.
4. **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 03- **405** -A Address 9 Quelet Place
Petitioner's Name Russell & Michele Marsh Telephone 410-256-3515
Posting Date: 3/14/04 Closing Date: 3/28/04
Wording for Sign: To Permit a rear yard setback for an open enclosure
(screened-in porch) of 16 ft. in lieu of the required 26.5 ft.
and to amend the Final Development Plan for the White Property and Quelet
Property for lot # 7 only.

WCR - Revised 6/28/00

**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: 04-405-A

Petitioner: RUSSELL MARSH

Address or Location: 2 QUELET COURT PLACE

PLEASE FORWARD ADVERTISING BILL TO:

Name: RUSSELL MARSH

Address: 2 QUELET PLACE

BALTIMORE, MD 21236

Telephone Number: 410-256-3515 (H)

301-604-3524 (W)

Revised 2/20/98 - SCJ

**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*

March 29, 2004

Russell Marsh
Michele Marsh
9 Quelet Place
Baltimore, Maryland 21236

Dear Mr. and Mrs. Marsh:

RE: Case Number: 04-405-A, 9 Quelet Place

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 4, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.: 341, 399-412 ⁴⁰⁵

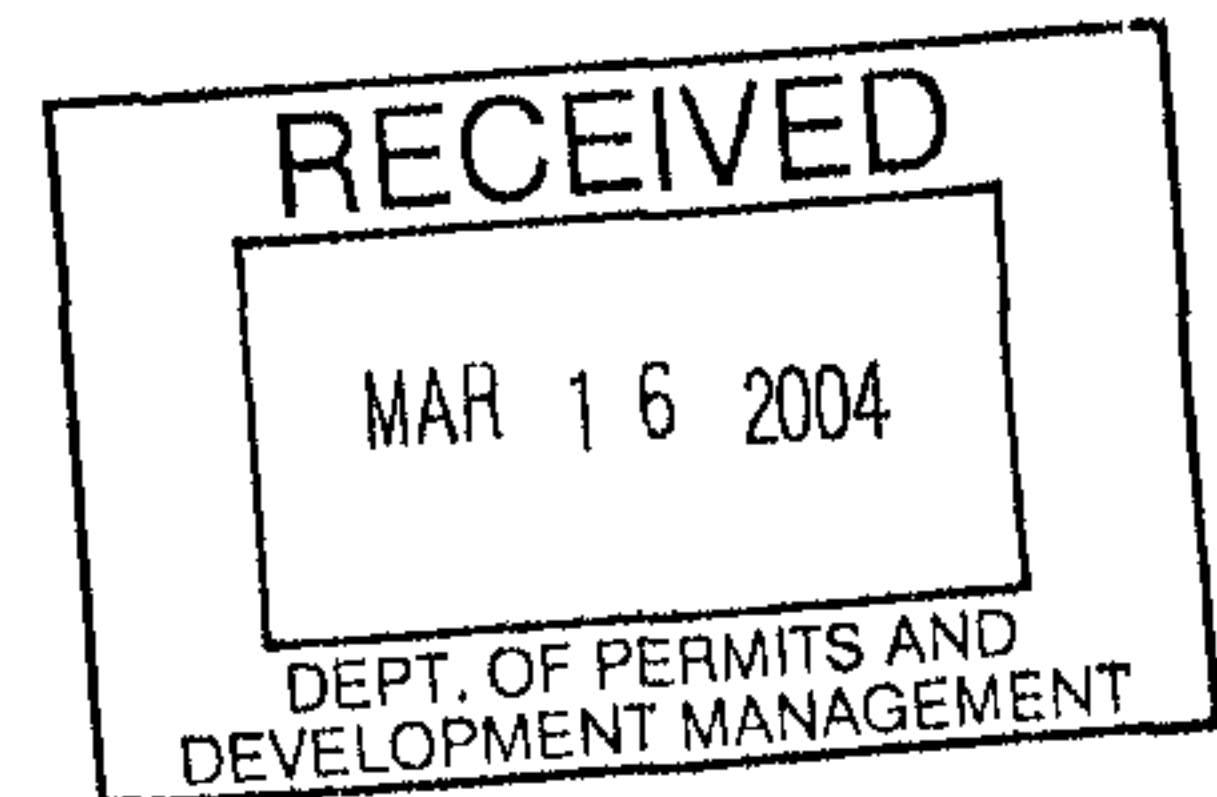
Dear Ms. Hart:

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



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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 5, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2004
Item Nos. 341, 400, 401, 402, 403,
(405), 406, 407, 408, 410, 411, and 412

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 *RBS/jdu*
DATE: April 5, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-341
04-399
04-400
04-401
04-402
04-405
04-407
04-412

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 25, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-405 – 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:



Division Chief:



AFK/LL

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



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

Date: 3.12.04

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

RE: Baltimore County
Item No. 405 BPR

Dear Ms. Matthews:

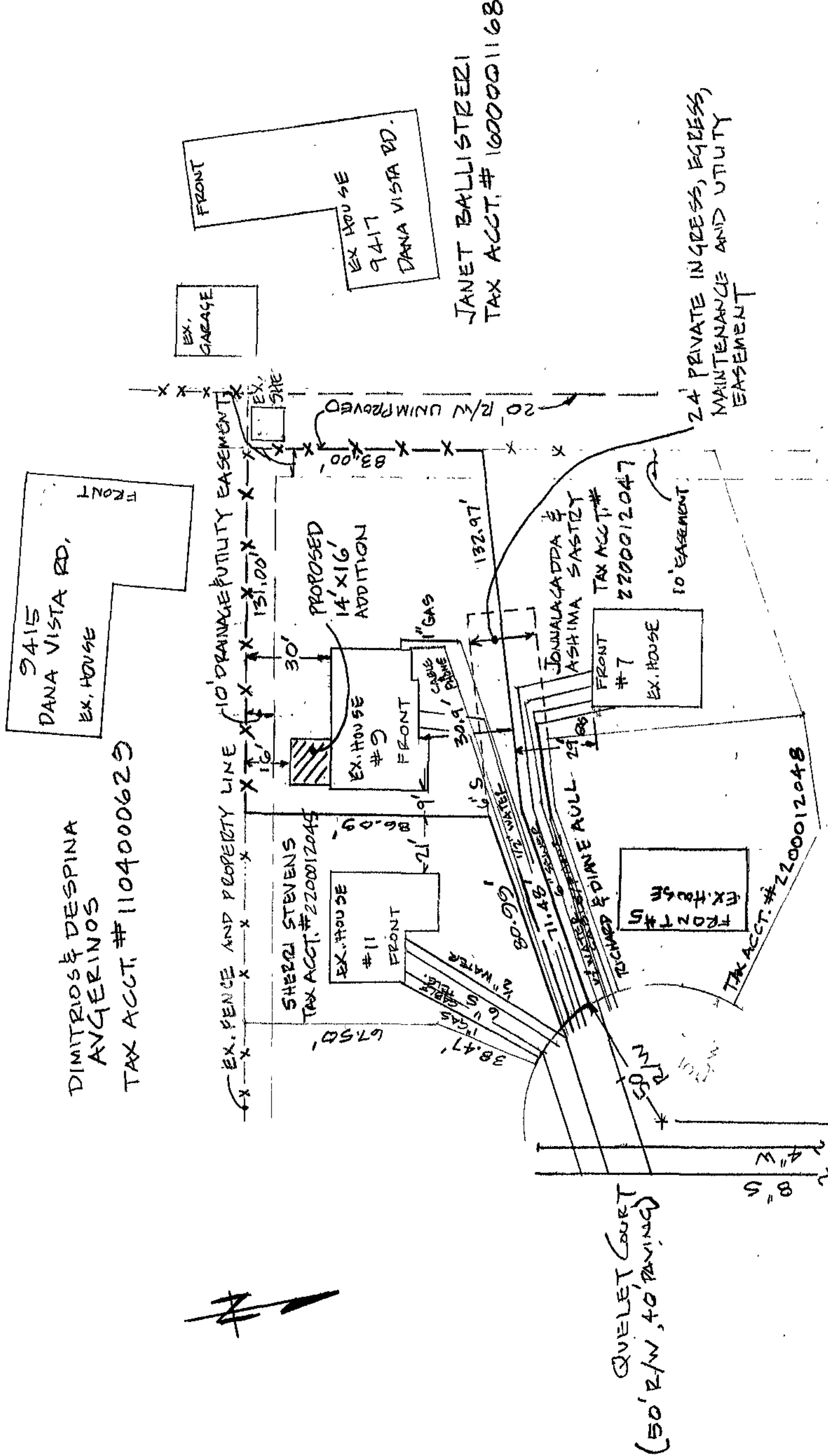
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
PROPERTY ADDRESS 2 QUELET PLACE SUBDIVISION NAME WHITE PROPERTY AND QUELET PROPERTY
PLAT BOOK # 66 PAGE # 144 LOT # 1 OWNER RUSSELL & MICHELE MARSH

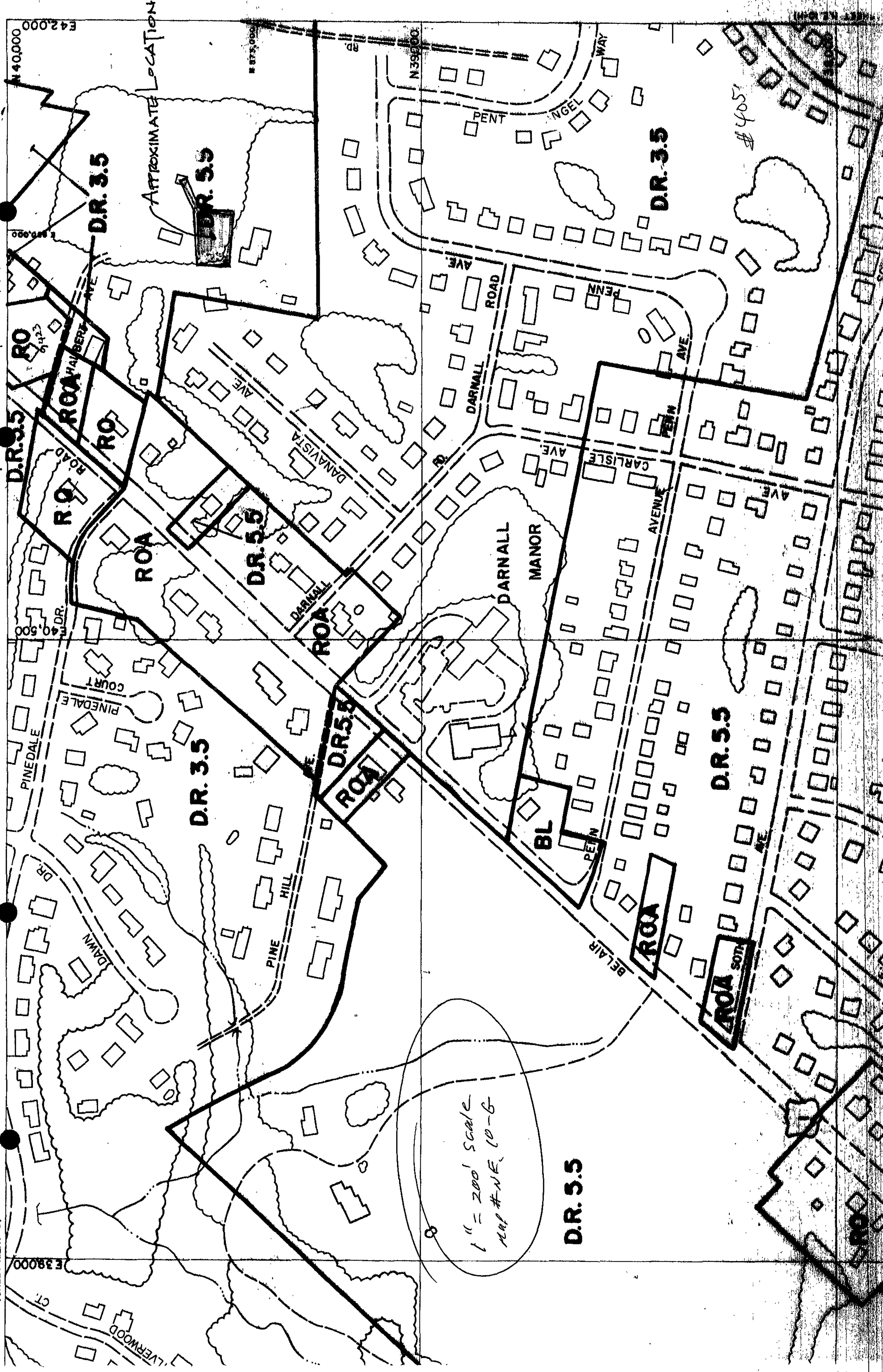


240'± TO E. OF HALBERT AVE.

SCALE 1"=50'

PREPARED BY: REM

		VICINITY MAP SCALE 1"=1000'	
LOCATION INFORMATION			
ELECTION DISTRICT	11		
COUNCILMANIC DISTRICT	5		
1"=200' SCALE MAP #	NE 10-G		
ZONING	DR 5.5		
LOT SIZE	0.295±		
	ACREAGE		
SEWER	PUBLIC		
WATER	PUBLIC		
CHESAPEAKE BAY	NO		
CRITICAL AREA	NO		
100 YEAR FLOOD PLAIN	NO		
HISTORIC PROPERTY / BUILDING	NO		
PRIOR ZONING HEARING	NONE		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
BR	405	04-405-A	



9 October 1967 (Place) 10011114 10011114

2 ~~Guest~~ Cases (Flare)

LOOKING WEST