IN RE: PETITION FOR ADMIN. VARIANCE
N/End of Gentry Lane, 830 ft. from
centerline of Lakeview Road
9th Election District
2nd Councilmanic District
(6200 Gentry Lane)

Barbara Zadek & Thomas Moses

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-431-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, Barbara Zadek and Thomas Moses. The variance request is for property located at 6200 Gentry Lane in Baltimore County. The variance request is from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a front yard setback of 16 ft. in lieu of the required 50 ft. for an addition. 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 April 2, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated April 6, 2004, a copy of which is attached hereto and made a part hereto.

### 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, offstreet 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."

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, this 33 day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a front yard setback of 16 ft. in lieu of the required 50 ft. for an addition, be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
- 2. Compliance with the ZAC comments submitted by DEPRM dated April 6, 2004, a copy of which is attached hereto and made a part hereof; and
- 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.

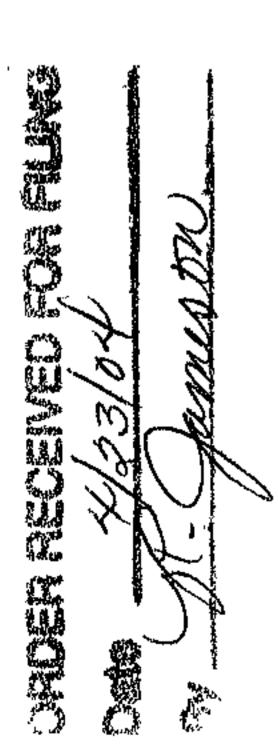
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN 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

April 23, 2004

Ms. Barbara Zadek Mr. Thomas Moses 6200 Gentry Lane Baltimore, Maryland 21210-1040

Re: Petition for Administrative Variance Case No. 04-431-A
Property: 6200 Gentry Lane

Dear Ms. Zadek & Mr. Moses:

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,

John V. Murphy

John V. Murphy

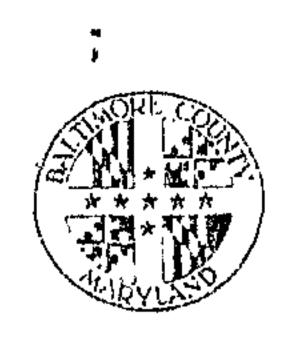
Deputy Zoning Commissioner

JVM:raj Enclosure

c: Bruce Doak Gerhold, Cross & Etzel, Ltd. 320 E. Towsontown Blvd., #100 Towson, MD 21286



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	6200	Gentry	Lane	
which	h is pre	sently zon	ed D.R	- 1

I/We do solemnly declare and affirm, under the penalties of

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) 1B02.3C1 (chart) BCZR

To approve a front yard setback of 16 feet in lieu of the required 50 feet.

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.

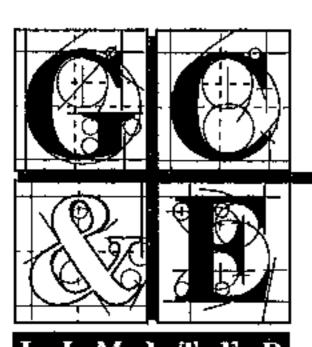
			perjury, that I/we are the legal owners is the subject of this Petition.	er(s) of the property which
Contract Purchaser/Less	ee:		Legal Owner(s):	
			Barbara Zadek	-
Name - Type or Print		···- · · · · · · · · · · · · · · · · ·	Name - Type or Print	·
Signature	<del></del>	<del></del>	Signature Moses	
Address		Telephone No.	Name Type or Print	**************************************
City	State	Zip Code	Signature	410
Attorney For Petitioner:			6200 Gentry Lane	410 377-4225
			Address	Telephone No.
			Baltimore, MD 2121	0-1040
Name - Type or Print			City	State Zip Code
	<del></del>		Representative to be Conta	cted:
Signature			Bruce E. Doak Gerhold, Cross & Eta	
Company			Name	410
	·		320 E. Towsontown B.	The state of the s
Address		Telephone No.	Address Towson, MD 21286	Telephone No.
City	State	Zip Code	City	State Zip Code
Baltimore County and	naily demanded that the hat the property be the property between the property	e reposted.	required, It is ordered by the Zoning Comission be set for a public hearing, advert  Zoning Commissioner of Baiting  ewed By	more County 3 -22-04
586				

# Affidavet in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, follows: That he 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		· · · · · · · · · · · · · · · · · · ·	ard thereto.
	Address	J. UD	21210-1040
That based upon personal knowledge, the five variance at the above address (indicate hard	following are the facts upor dship or practical difficulty):	State  1 Which I/we base the re	Zip Code quest for an Administrative
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garage will be	converted to	ciezte be	groom and
se lated living are:	en magner en	* phonume 311	Jesses le pater
we find it rece	) our home	we end he	men construct
setbacks. * To	eccomodate an	~ 85- Hear d	2d parent.
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, A	Affiant(s) will be required	d to pay a reposting and
advertising fee and may be required to provid	e additional information.		
Signature Cheminal Control of the State of t		BAUC	
Thomas A. Moses	Signatur		Z-1-1-
lame - Type or Print	Name - T	ype or Print	
TATE OF MARYLAND, COUNTY OF BALT	IMORE to with	*	
HEREBY CERTIFY this 15 day of	Moule	2004, before me, a	Notary Public of the State
r war y ariu, in anu ior the County aforesaid; p	personally appeared		
e Affiant(s) herein, personally known or sati w that the matters and facts hereinabove set	isfactorily identified to me a forth are true and correct to	as such Affiant(s), and root the best of his/her/thei	nade oath in due form of knowledge and belief.
S WITNESS my hand and Notarial Seal			
3/15/04		202 h	
ate.	Notary Public	C. Pumy	
	My Commission	Expires 4/1/20	9 <u>8</u>

REV 09/15/98



### 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

March 11, 2004

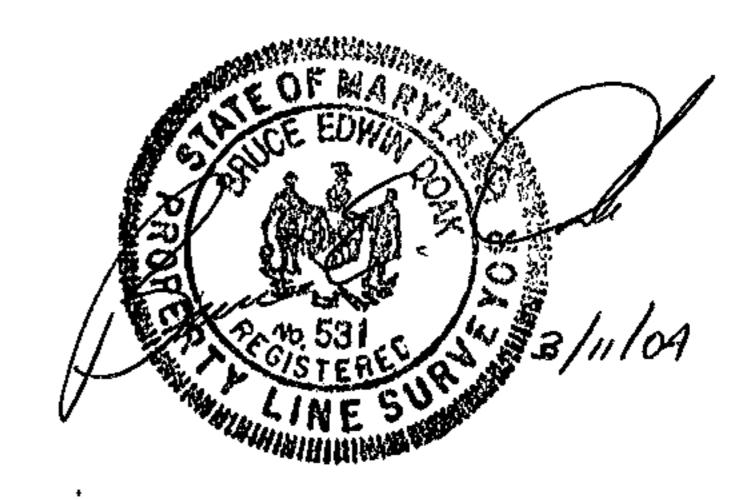
### ZADEK PROPERTY 6200 GENTRY LANE BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point being distant North 05 degrees 02 minutes 00 seconds West 830 feet, more or less, from the center of the intersection of Gentry Lane and Lakeview Road, thence running and binding on the following eleven courses and distances, viz: (1) North 80 degrees 19 minutes 25 seconds West 280.00 feet, (2) North 23 degrees 48 minutes 56 seconds West 109.64 feet, (3) North 14 degrees 12 minutes 40 seconds West 100.00, (4) North 38 degrees 43 minutes 53 seconds West 240.97, (5) North 63 degrees 59 minutes 40 seconds East 102.16 feet, (6) North 14 degrees 12 minutes 40 seconds West 184.70 feet, (7) North 05 degrees 39 minutes 15 seconds East 13.57 feet, (8) South 41 degrees 56 minutes 45 seconds East 345.71 feet, (9) South 26 degrees 21 minutes 53 seconds East 191.95 feet, (10) South 80 degrees 19 minutes 25 seconds East 170.00 feet, and (11) South 09 degrees 40 minutes 35 seconds West 215.00 feet to the zoning point of beginning.

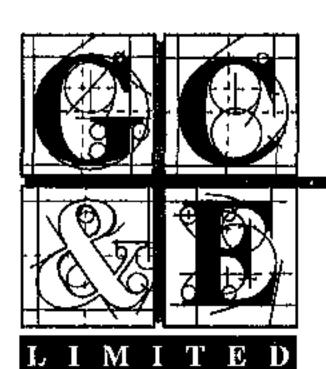
Containing 3.152 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	D 2 2 2 2 10				WHITE CASHER
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### 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. 04-431-A
PETITIONER/DEVELOPER:
Thomas Moses & Barbara Zadek
DATE OF CLOSING: April 19, 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:

6200 Gentry Lane

ZONING NOTICE

ADMINISTRATIVE
VARIANCE

CASE 8: 04-43-1-A

A VARIANCE TO PERMIT-AN ADDITION WITH A FRONT YARD
SETBACK OF 16 FEET IN LIEU
OF THE REQUIRED 50 FEET

PUBLIC HEARING?

PROBLEM INDIVIDUAL ON REPORT OF THE PROPOSED VARIANCE PROVIDED IT
IS DONE IN THE ZOLING CONCENNING.
THE PROPOSED VARIANCE PROVIDED IT
IS DONE IN THE ZOLING OFFICE BEFORE
ADDITION AFRA 19 200

ADD

DATE:

April 2, 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

POSTED ON: April 2, 2004

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	04	431	-A	Address	62	200	Gentr	y L	ane	
Cont	act Perso	n:	JUN	FERNA Please Print Your	_	····	<del> </del>	Phone No	, umber:	410-8	887-3391
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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: 04-431- A  Petitioner: THOMAS MOSES & BARBARA ZAL
Address or Location: 6200 CTENTRY LANE BALT. Mo 21210
PLEASE FORWARD ADVERTISING BILL TO:
Name: Tuomas Moses
Address: 6200 GENTRY LANE
BALTIMORE Mo 21210
Telephone Number:

# Department of Permits and Development Management

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





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

April 19, 2004

Barbara Zadek Thomas Moses 6200 Gentry Lane Baltimore, Maryland 21210-1040

Dear Ms. Zadek and Mr. Moses:

RE: Case Number: 04-431-A, 6200 Gentry Lane

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

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Bruce E. Doak Gerhold, Cross & Etzel 320 E. Towsontown Blvd # 100 Towson 21286



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

### Fire Department

700 East Joppa Road

Towson, Maryland 21286-5500

Tel: 410-887-4500







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 29, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 29, 2004

Item No.:

424-435

(43)

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.29.04

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

RE:

**Baltimore County** 

Item No.

431

Robert L. Flanagan, Secretary

Nell J. Pedersen, Administrator

JRF

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

1. 1. Doel

#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley PESTOO

DATE:

April 6, 2004

SUBJECT:

Zoning Item

Address

6200 Gentry Lane

Zoning Advisory Committee Meeting of March 29, 2004

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

### Additional Comments:

The proposed additions must be at least 20ft from the septic system and septic reserve area. Also, the proposed additions must be at least 30ft. from the well.

Reviewer:

Sue Farinetti

Date: April 2, 2004

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

APR 1 4 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-415, 4-431, and 4-448

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.

AFK/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 21, 2004

Department of Permits &

Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 5, 2004 Item Nos. 424, 425, 427, 428, 429, 431

432, and 434

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

RWB:CEN:jrb

cc: File





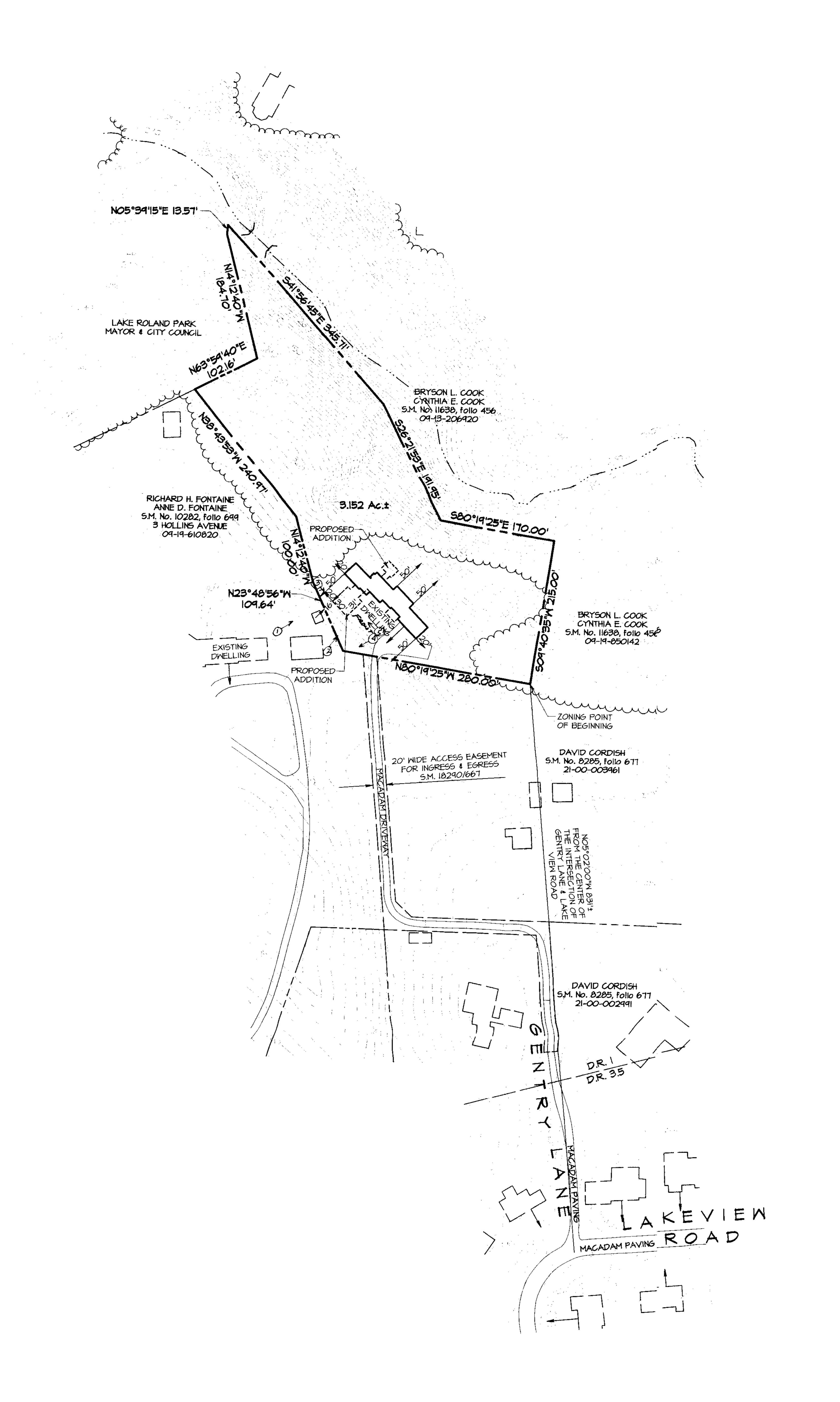












PROPOSED ADDITIONS

EXISTING DWELLING

LIMIT OF WETLANDS

EXISTING PAVING

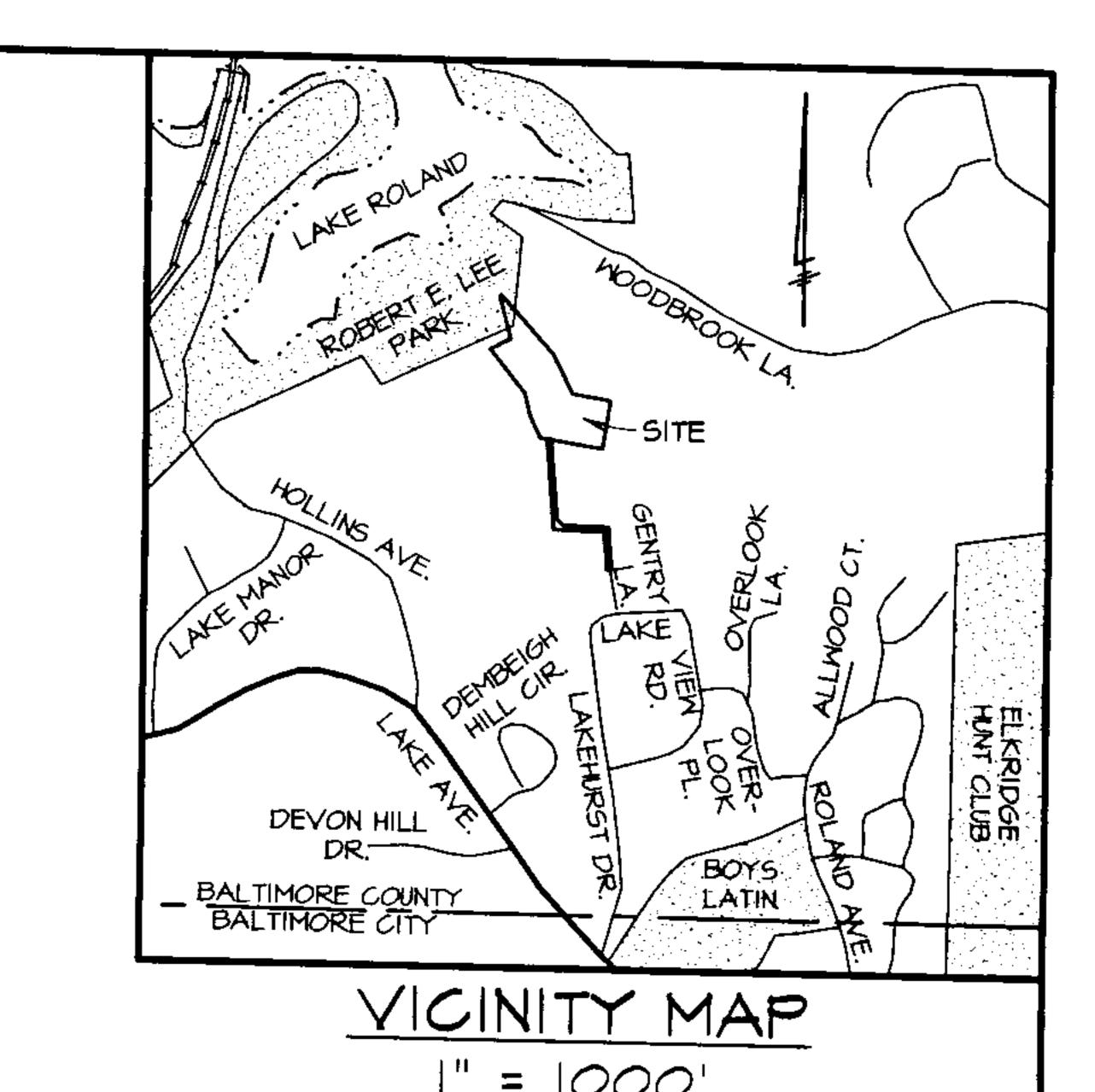
ZONING LINE

**CONTOURS** 

PROPERTY LINE

 $\sim\sim\sim\sim\sim\sim\sim\sim$ 

WOODS LINE



### GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 79BI \$ 79CI.

A.D.C. MAP & GRID WATERSHED JONES FALLS SUBSEMERSHED SCHOOL DISTRICT REGIONAL PLANNING DISTRICT

5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.

8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

VARIANCE REQUESTED TO APPROVE A FRONT YARD SETBACK OF 16' IN LIEU OF THE REQUIRED 50' PER SECTION 1802.3CI (CHART) B.C.Z.R.

OWNER\DEVELOPER BARBARA ZADEK THOMAS MOSES 6200 GENTRY LANE BALTIMORE, MARYLAND 21210-1040 (410) 377-4225



PLAT TO ACCOMPANY A PETITION FOR AN ADMINSTRATIVE VARIANCE (ITEM 431)

# ZADEK PROPERTY

6200 GENTRY LANE "Plat of Lakeridge" Plat Ref.: W.P.C. No. 7, folio 148 Deed Ref: S.M. No. 18290, folio 667 Tax Account No.: 19-00-002896 Zoned: D.R. I; Map: NW 8B Tax Map: 79; Grid: 5; Parcel: 152; Lot: 16 9th Election district 2nd Councilmanic district BALTIMORE COUNTY, MARYLAND

Scale: |"=100"

Date: MARCH II, 2004

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS Suite 100

320 East Towsontown Boulevard Towson, Maryland 21286 (410) 823-4470