IN RE: PETITION FOR VARIANCE
N/S of Church Lane, 32 ft. NE
centerline of Brenbrook Drive
2nd Election District
4th Councilmanic District
(8722 Church Lane)

Javed A. Aizaz

Petitioner

- * BEFORE THE
- DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-560-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 owner of the subject property, Javed A. Aizaz. The Petitioner is requesting variance relief for property located at 8722 Church Lane in the western area of Baltimore County. The variance request is from Section 1B02.3B & C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling with a 10 ft. side street setback in lieu of the required 25 ft.

The property was posted with Notice of Hearing on July 29, 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 July 29, 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

SHROTED FOR FOR

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: None.

Interested Persons

Appearing at the hearing on behalf of the variance request was Vincent Moskunas, of Site Right Surveyors who represented the Petitioner. No Protestants appeared at the hearing, however Catherine Washington attended as an interested citizen. 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, which is the subject of this variance request, consists of 6,185 sq. ft. and is zoned DR 5.5. The subject property is improved by a single-family dwelling that the Petitioner would like to raze. This lot is Lot 1 of the "Norris Park" subdivision, which was recorded in the Land Records of Baltimore County in 1936. See Petitioner's Exhibit No. 2.

Mr. Moskunas indicated that the lot is bounded on the west by a paper street known as Norris Lane. He indicated that he requested the County to close Norris Lane but his request was denied because a portion of the paper road is still being used as access to Lot Nos. 4, 5 6 and 7 doward the rear of the subject lot. As a result, the Petitioner is requesting a variance of 10 ft.

from the edge of the paper street (Norris Lane) in lieu of the required 25 ft. for a side street setback. Otherwise, the lot meets all the requirements of the DR 5.5 zoning, including lot width and area.

The proposed house is 29 ft. wide, which Mr. Moskunas indicated was a reasonable size and compatible with the other single-family dwellings in the area. However, if the variance is denied, the home could only be 14 ft. wide which he indicated was not only impractical but would be out of character with the neighborhood. As a comparison, some very old row homes are only 14 ft. wide. It is important to note that the bed of the paper street is now grass. The distance to the corner of the proposed house would be 20 ft. from the right-of-way of Brenbrook Drive. Consequently, the appearance of the proposed home from the street will be compatible with the side yards of the neighborhood.

Finally Mr. Moskunas indicated that the area of the "Norris Park" subdivision is 1.28 acres and the DR 5.5 zoning would allow 7 dwelling units. Replacing the present home with the proposed home would not alter the density of the area.

Findings of Fact and Conclusions of Law

THE CHANGE

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subdivision was laid out in 1936, many years before the DR 5.5 zoning regulations were imposed on the property. Thus, the lot is affected more severely than lots in the area which are laid out in accord with the regulations. In addition, the existence of the paper street in the side yard is the peculiar condition envisioned by the regulations as justifying a variance. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is nothing the Petitioner can do after being denied the closing of Norris Lane. Mr.

Moskunas showed that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of any such grant of this variance.

I further find this variance 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. The area homes are single-family detached and that is what the Petitioner is proposing.

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 Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED, this 19 day of August, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3B & C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling with a 10 ft. side street setback in lieu of the required 25 ft., be and it is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;

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

August 17, 2004

Mr. Javed A. Aizaz 4535 Ashley Court Ellicott City, Maryland 21043

Re: Petition for Variance
Case No. 04-560-A
Property: 8722 Church Lane

Dear Mr. Aizaz:

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: Vincent Moskunas Site Rite Surveying, Inc. 200 E. Joppa Road Towson, MD 21286

> Catherine Washington 4518 Old Court Road Baltimore, MD 21208



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8722 Church Lane which is presently zoned ____ D.R. 5.5

TO PERMIT A PROPOSED DWELLING WITH A 10-FOOT SIDE STREET SETBACK IN LIEU OF THE REQUIRED 25-FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT HEARING

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.

	JANED A AIZAZ
	Name - Type or Print
	Signature
Telephone No	O. Name - Type of Print
State Zip Coo	de Signature
	4535 ASHLES CT. 443-790-2516 Address Telephone No. ELLEGII CT MD 2-101-7
	City State Zip Code
	Representative to be Contacted:
······································	Name
Telephone No.	. Address Telephone No.
State Zip Cod	State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
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ZONING DESCRIPTION 8722 CHURCH LANE

BEGINNING at a point on the North side of Church Lane which is 60 feet wide at the distance of 32' +/- Northeasterly of the centerline of the nearest improved intersecting street Brenbrook Drive which has a right-of-way that varies. Being Lot #1 in the subdivision of "Norris Park" as recorded in Baltimore County Plat Book #10, folio 108, containing 6,185 S.F. Also known as #8722 Church Lane and located in the 2nd

Election District, 4th Councilmanic District.

Michael V. Moskunas Registration No. 21175

Site Rite Surveying, Inc. 200 East Joppa Road Suite 101
Towson MD 21286

OFFICE OF B	E COUNTY, MA UDGET & FINANCE NEOUS RECEIPT		no, lous d	MULTICOS	
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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: #04-560-A 8722 Church Lane N/side of Church Lane, 32 ft. n/east of centerline of Brenbrook Drive 2nd Election District
4th Councilmanic District
Legal Owner(s): Javed Aizaz
Variance: to permit a proposed dwelling with a 10foot side street setback in lieu of the required 25 feet.
Hearing: Monday, August
16, 2004 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bostoy Avenuə.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible;

for special accommoda-tions Please Contact the Zoning Commissioner's Of-fice at (410) 887-4386, (2) For information con-cerning the File and/or Hear-ing, Contact the Zoning Re-view Office at (410) 887-3391.

7/371 July 29

14600

CERTIFICATE OF PUBLICATION

7/29/,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 7/21,20 <u>0</u> 4.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
<u>a</u>

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date August 1, 2004

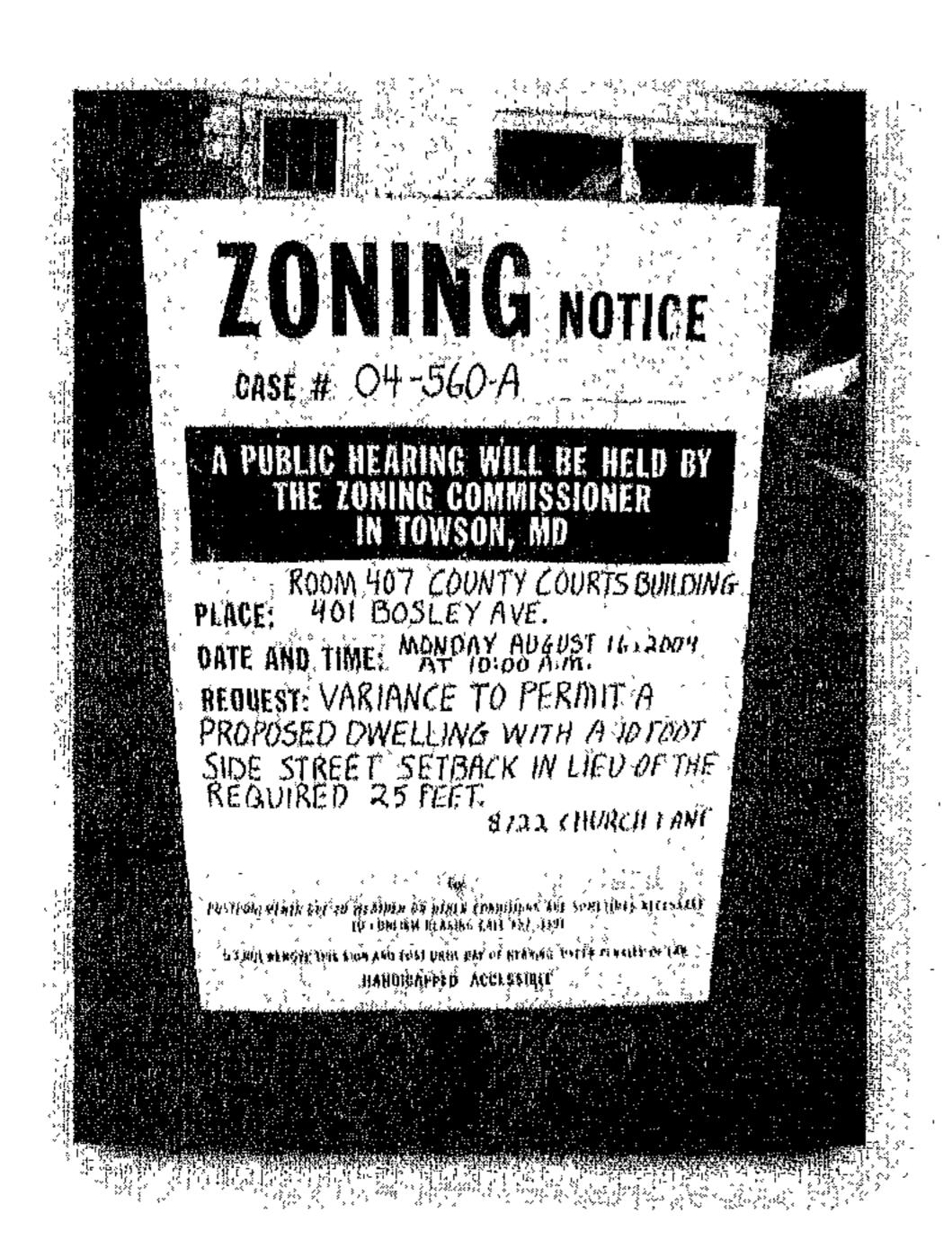
RE: Case Number 04-560-A

Petitioner/Developer JAVED AIZAZ

Date of Hearing/Closing AUGUST 16, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8722 CHURCH LANE

The sign(s) were posted on



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

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

June 15, 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: 04-560-A

8722 Church Lane

N/side of Church Lane, 32 ft. n/east of centerline of Brenbrook Drive

2nd Election District – 4th Councilmanic District

Legal Owner: Javed Aizaz

Variance to permit a proposed dwelling with a 10-foot side street setback in lieu of the required 25 feet.

Hearing: Monday, August 16, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Javed Aizaz, 4535 Ashley Court, Ellicott City 21043

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 31, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 29, 2004 Issue - Jeffersonian

Please forward billing to:

Javed Aizaz 4535 Ashley Court Ellicott City, MD 21043

410-750-1413

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: 04-560-A

8722 Church Lane

N/side of Church Lane, 32 ft. n/east of centerline of Brenbrook Drive

2nd Election District – 4th Councilmanic District

Legal Owner: Javed Aizaz

Variance to permit a proposed dwelling with a 10-foot side street setback in lieu of the required 25 feet.

Hearing: Monday, August 16, 2004 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number	or Case Number: 04-560-A	! !		
Petitioner:	AIZAZ		<u></u>	
	cation: 8722 CHURCH LANE	<u> </u>	<u></u>	<u> </u>
PLEASE FOR	WARD ADVERTISING BILL TO:			
Name:	Javed A. Aizaz	······································		
Address:	4535 Ashley Court	·	<u> </u>	<u> </u>
	Ellicott City, MD 21043	l	<u> </u>	
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Telephone No	ımber: (410) 750–1413		,	<u></u>

Department of Permits a Development Management

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





Baltimore County

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

August 10, 2004

Javed A. Aizaz 4535 Ashley Court Ellicott City, Maryland 21043

Dear Mr. Aizaz

RE: Case Number:04-560-A, 8722 Church Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 2, 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. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel





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 June 17, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 14, 2004/

Item No.:

3550, 554-557, 559-571

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: July 2, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 21, 2004

Item Nos. 550, 554, 555, 556, 557, 559, (560) 561, 562, 563, 564, 565, 566, 568,

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

RWB:CEN:jrb

cc: File

97/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** July 6, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL - 8 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-560 and 4-586

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:

MAC/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

6.15.04

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

RE:

Baltimore County

Item No.

56

カア

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

J. J. Streeth

RE: PETITION FOR VARIANCE
8722 Church Lane; N/side Church Lane
32' NE c/line Brenbrook Drive
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Javad A Aizaz

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 04-560-A

* * * * * * * * *

Petitioner(s)

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED Carole S.T.

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

Per...... 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to Javad A. Aizaz, 4535 Ashley Court, Ellicott City, MD 21043, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NUMBER 04-560-

PETITIONER'S SIGN-IN SHEET

E- MAIL												
CITY, STATE, ZIP	Eusen City my 24043											
ADDRESS	4535 PSH LEY CT				4							
NAME	JAVED A MZAZ											

PLEASE PRINT CLEARLY

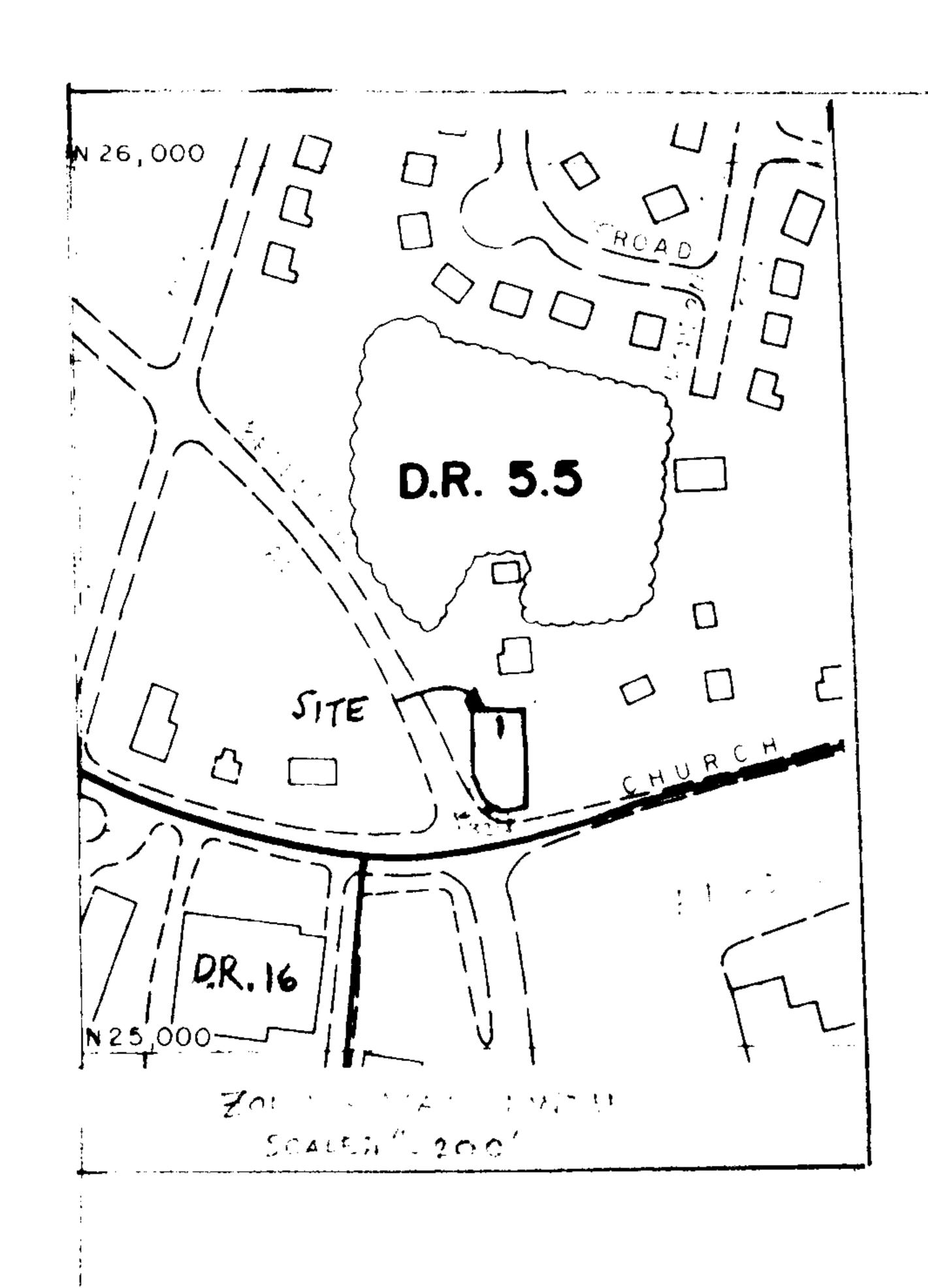
CASE NAME 8722 Church Le CASE NUMBER 04-560-A DATE 8/16/04

CITIZEN'S SIGN-IN SHEET

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Roth



1000 MORE NORRIS 1001 4 0014 10150 6598/600 113.6 1187°04'E EX LISE # 8716 VACANT Wac Raying Kan

PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE

PROPERTY ADDRESS \$ 8722 CHURCH LANE

PLAT BOOK # 10 FOLIO # 108 LOT # 1 SECTION # N/A

SUBDIVISION NAME NORRIS PARK

OWNER JAVED A. ALBAZ

VICINITY MAP

SCALE: 1 = 2000

EY

LOCATION INFORMATION

"= 200' SCALE MAP # NWTH ATTACHED

SQUARE FEET

PRIVATE

ELECTION DISTRICT ZHE

ZONING IR 5.5

LOT SIZE ACREAGE

SEWER

WATER

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

PRIOR ZONING HEARING DE 5,5

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

10 2853

HISTORIC PROPERTY/ BUILDING

SCALE OF DRAWING: 1" = 20'

COUNCILMANIC DISTRICT

HSE

Milder Downson

Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286 (410)828-9060