

IN RE: PETITION FOR VARIANCE
SW/S Autumn Glow Court, 224' SW of
Georgia Bell Drive
(8 Autumn Glow Court)
11th Election District
5th Council District

Richmond American Homes of Maryland, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 05-004-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Richmond American Homes of Maryland, Inc., by Mark Boastfield, Vice President-Land, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a variance from Section 259.9.B.4.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet, and an amendment to the Last Approved Final Development Plan for Forge Landing, Lot 51, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Mark W. Burrell on behalf of Richmond American Homes of Maryland, Inc., property owners, David Martin, the engineer who prepared the site plan, and David Karceski, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a corner lot, located on the north side of Autumn Glow Court, just south of Georgia Bell Court in the residential subdivision known as Forge Landing in Perry Hall. The property contains a gross area of .208 acres, more or less, zoned D.R.3.5 and is presently unimproved; however, is proposed for development with a single-family dwelling. As noted above, the property is part of the Forge Landing subdivision, which recently obtained development plan approval and zoning relief under Case No. XI-829 and zoning Case 00-252-A. It was indicated at the hearing that when the

ORDER RECEIVED FOR FILING

Date

By

9/27/04
Rps

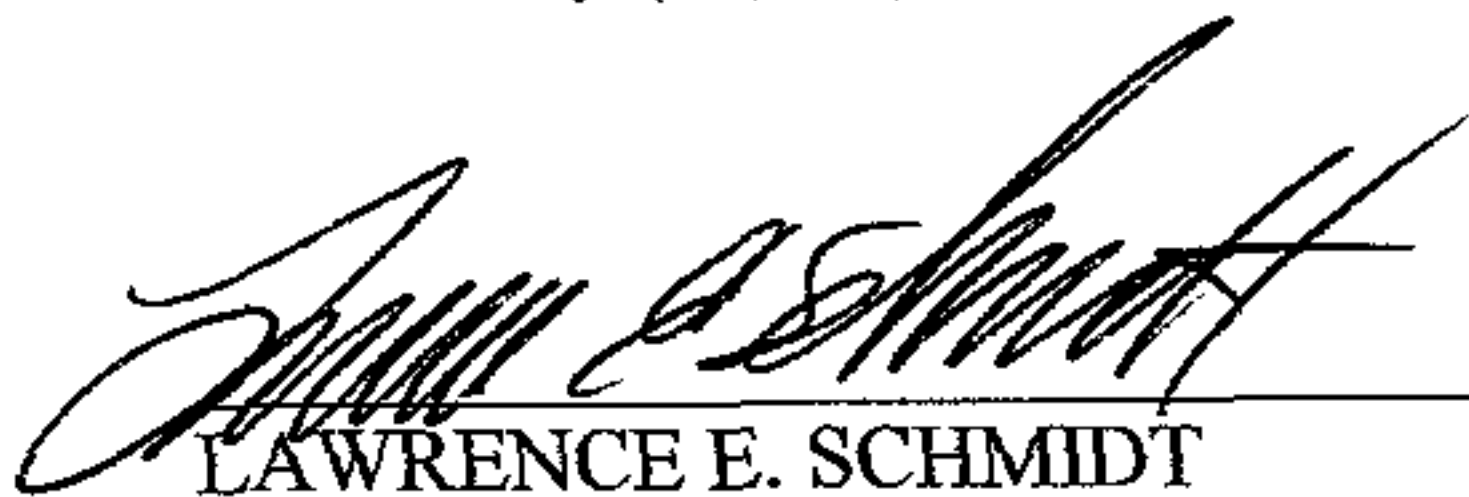
subdivision was approved, the need for variance relief for the subject lot was overlooked. Due to the irregular shape of the lot and the environmental constraints associated therewith, the subject property has a relatively narrow rear yard and the proposed dwelling will be located within the required rear setback. Thus, variance relief is requested to approve a rear yard setback of 30 feet in lieu of the required 50 feet. It was indicated that all five of the different styles of homes proposed by Richmond American Homes would fit within the building envelope shown for this lot.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. In my judgment, the Petitioners have adduced sufficient testimony and evidence to satisfy the requirements of Section 307 of the B.C.Z.R. and that there will be no detriment to the health, safety or general welfare of the surrounding locale. The uniqueness of the property is caused by its unusual shape and the environmental constraints associated with this lot. The need for the variance is driven by the layout of this subdivision. It is also to be noted that there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County agency and no one appeared in opposition to the request.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of September 2004 that the Petition for Variance seeking relief from Section 259.9.B.4.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet, and an amendment to the Last Approved Final Development Plan for Forge Landing, Lot 51, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

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

September 27, 2004

Robert A. Hoffman, Esquire
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/S Autumn Glow Court, 224' SW of Georgia Bell Drive
(8 Autumn Glow Court)
11th Election District – 5th Council District
Richmond American Homes of Maryland, Inc. - Petitioners
Case No. 05-004-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Mark Boastfield, Richmond American Homes of Maryland, Inc.
6200 Old Dobbin Lane, Columbia, Md. 21045
People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8 Autumn Glow Court

which is presently zoned DR 3.5

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)

259.9.B.4.E of the Baltimore County Zoning Regulations to permit a 30 foot rear yard setback in lieu of the required 50 feet for Lot 51 **AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR THIS LOT IN FORGE LANDING.** of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) **DK**

To be determined 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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company
210 Allegheny Avenue (410) 494-6200

Address Telephone No.
Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Richmond American Homes of Maryland, Inc.

Name - Type or Print

Signature

By: Mark Boastfield, Vice President-Land
Name - Type or Print

Signature

6200 Old Dobbin Lane (410) 312-2836

Address Suite 190 Telephone No.

Columbia, Maryland 21045

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue (410) 494-6200

Address Telephone No.
Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 HR

UNAVAILABLE FOR HEARING
Reviewed By VL Date 7/02/04

ORDER RECEIVED FOR FILING

Date

By

Case No. 05 004 A

REC 9/15/98

●● ~~CONING~~ DESCRIPTION ●●
8 AUTUMN GLOW CT.

BEGINNING AT A POINT ON THE SOUTH WEST SIDE OF AUTUMN
GLOW COURT A VARIABLE WIDTH RIGHT OF WAY AT A DISTANCE
OF 224 FT. SOUTH WEST OF GEORGIA BELL DRIVE A 50 FT. RIGHT OF WAY.
BEING LOT 51 IN THE SUBDIVISION OF FORGE LANDING RECORDED
IN PLAT BOOK SM 76 FOLIO 038. . 208 AC, 11TH ED, 5TH CD.

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05-004-A

No. 65007

7/22/24

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FOR:

Rebecca A. Smith

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REPORT

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**NOTICE OF ZONING
HEARING**

The Zoning Commission 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: #05-004-A
8 Autumn Glow Court
S/west side of Autumn Glow Court, 224 feet s/west of Georgia Bell Drive
14th Election District
5th Councilmanic District
Legal Owner(s): Richmond American Homes of MD, Inc.,
Mark Boastfield, V.P.

Variance: to permit a 30 foot rear yard setback in lieu of the required 50 feet for Lot 51 and to amend the last approved Final Development Plan for this lot in Forge Landing.

Hearing: Tuesday, August 31, 2004 at 9:30 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 accommodations 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.

JT/8/707 Aug. 17 17500

CERTIFICATE OF PUBLICATION

8/19/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/17/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-004-A

Petitioner/Developer: RICHMOND

AMERICAN HOMES OF MD, MARK BOASTFIELD VP

Date of Hearing/Closing: AUG 31, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

8 AUTUMN GLOW COURT, S/W SIDE OF
AUTUMN GLOW CT 224 FT. S/W SIDE GEORGIA BELL DR

The sign(s) were posted on

8/16/04
(Month, Day, Year)

Sincerely,

Robert Black 8/17/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

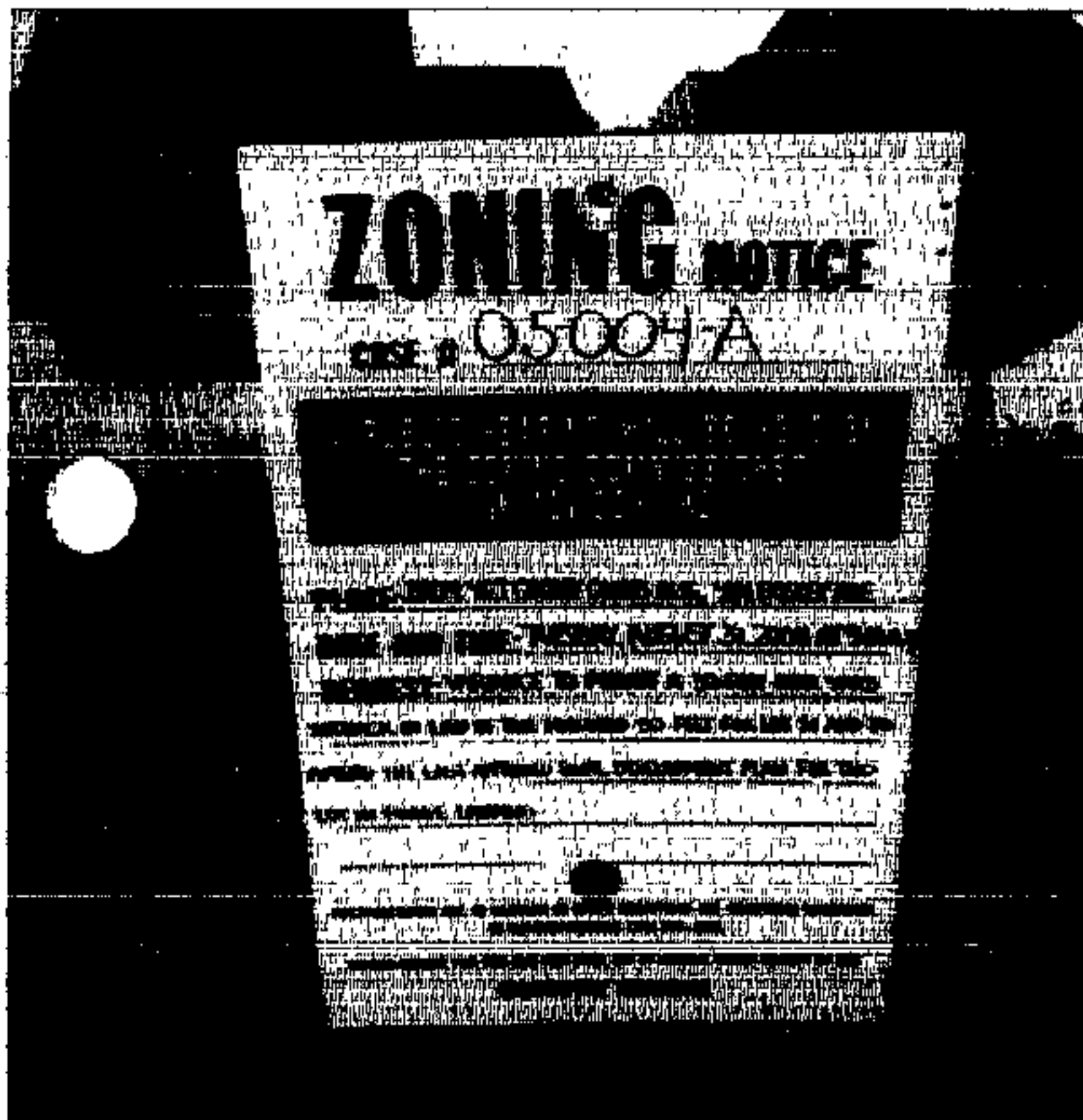
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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

July 14, 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: 05-004-A

8 Autumn Glow Court

S/west side of Autumn Glow Court, 224 feet s/west of Georgia Bell Drive

11th Election District – 5th Councilmanic District

Legal Owners: Richmond American Homes of MD, Inc., Mark Boastfield, V.P.

Variance to permit a 30 foot rear yard setback in lieu of the required 50 feet for Lot 51 and to amend the last approved Final Development Plan for this lot in Forge Landing.

Hearing: Tuesday, August 31, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, LLP, 210 Allegheny Ave., Towson 21204
Mark Boastfield, V. P., 6200 Old Dobbin Lane, Ste. 190, Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 16, 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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 17, 2004 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 05-004-A

8 Autumn Glow Court

S/west side of Autumn Glow Court, 224 feet s/west of Georgia Bell Drive

11th Election District – 5th Councilmanic District

Legal Owners: Richmond American Homes of MD, Inc., Mark Boastfield, V.P.

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Hearing: Tuesday, August 31, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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 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: 05-004-A
Petitioner: RICHMOND AMERICAN HOMES OF MARYLAND, INC.
Address or Location: 8 AUTUMN GLOW COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~DAVID KARLESKY~~ AMY DONTELL
Address: 210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
Telephone Number: 410 994-6294

**Department of Permits
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 25, 2004

Robert A. Hoffman
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-004-A, 8 Autumn Glow Court

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

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Richmond American Homes of Maryland, Inc. Mark Boastfield 6200 Old Dobbin Lane
Ste. 190 Columbia 21045

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

July 19, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 19, 2004

Item No.: 001, 003-016

Dear Ms. Mathews:

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.

3. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

c: File

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



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

Maryland Department of Transportation

Date: 7.16.04

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

RE: Baltimore County
Item No. 0704 JLL

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr
DATE: July 23, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of July 19, 2004

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

05-004

05-005

05-006

05-007

05-008

05-009

05-013

05-014

05-015

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

8/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2004

RECEIVED

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

AUG - 9 2004

ZONING COMMISSIONER

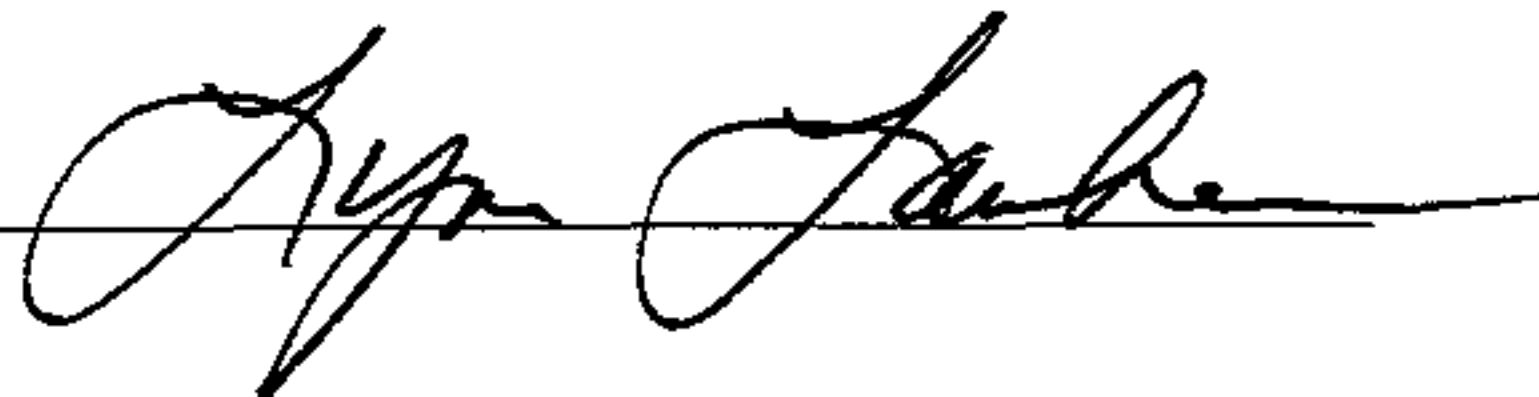
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-004

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 23, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For July 26, 2003
Item Nos. 001, 003, (004) 005, 006,
007, 008, 009, 010, 012, 013, 014,
015, and 016

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
8 Autumn Glow Court; SW/side Autumn
Glow Court, 224' SW of Georgia Bell Drive * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts
Legal Owner(s): Richmond American Homes* FOR
of Maryland Inc, Mark Boastfield,, VP
Petitioner(s) * BALTIMORE COUNTY
* 05-04-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 Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 21st day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 21 2004

Per.....

Peter Max Zimmerman

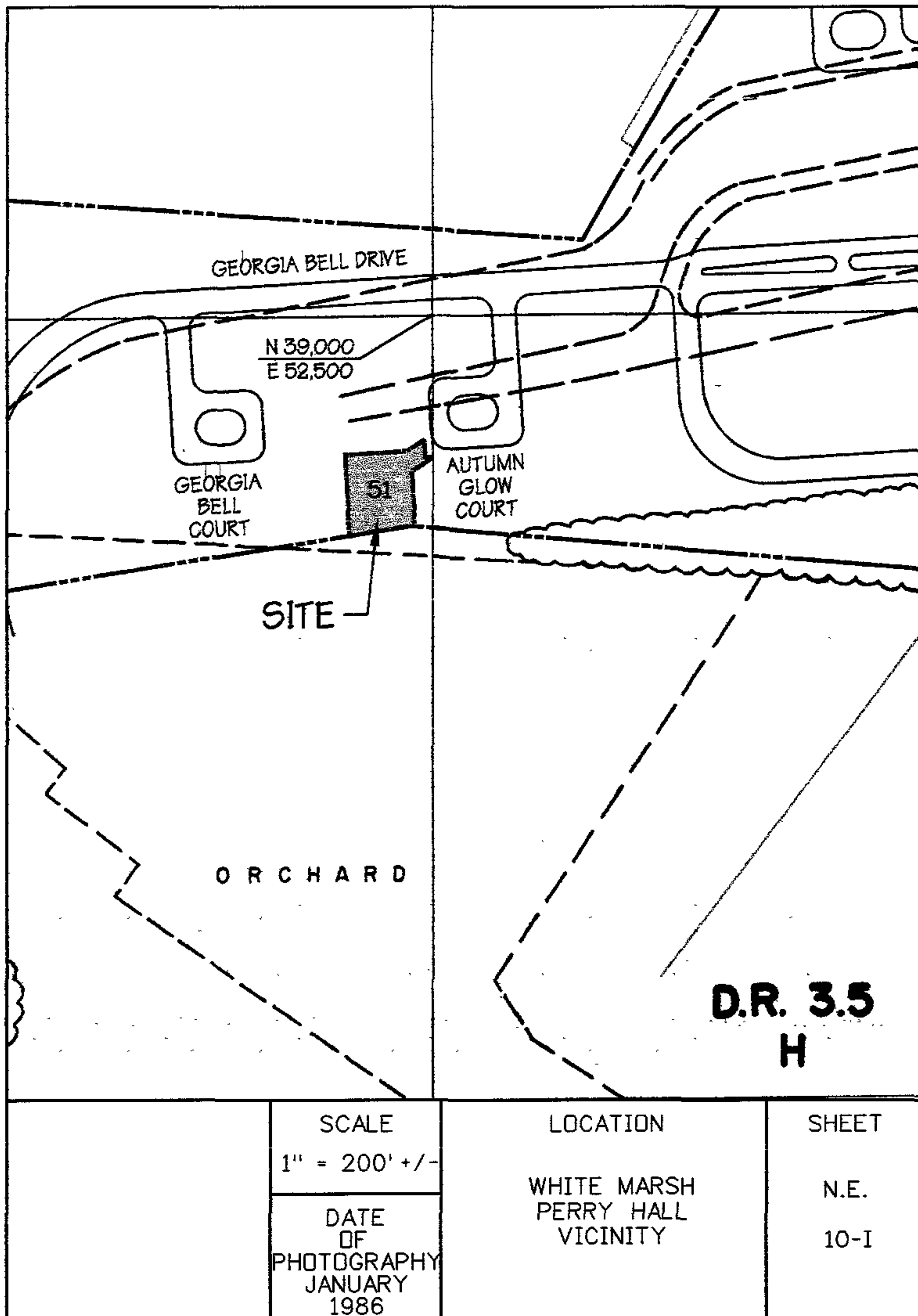
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 84UTURN & LOW CT.
CASE NUMBER 05-004-A
DATE 8/31/04

CASE NAME BAUTMAN, Andrew
CASE NUMBER 05-004-A
DATE 8/31/04

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
David Kaeckle	Venable LLP		
Mark W. Burrell	210 Allegheny Ave	Towson MD 21204	dhkaeckle@
WILLIAM MARTIN	Richmond American Homes of MD, 6200 Old Dominion Ave, Columbia, MD 21045		venable.com
	21. N. STEPHENS ST. SE.	1000 CROMWELL BRIDGE RD	27. mwburrell@mdch.com
		TOWSON MD 21286	martin@questphens.com

05-004-A



PLAT TO ACCOMPANY PETITION FOR ZONING

☒ VARIANCE

☐ SPECIAL HEARING

PROPERTY ADDRESS: 8 AUTUMN GLOW COURT
SUBDIVISION NAME: FORGE LANDING - PH-2
PLAT BOOK # 76 FOLIO # 038 LOT # 51
OWNER/DEVELOPER:
RICHMOND AMERICAN HOMES OF MARYLAND, INC.

STE 190
6200 OLD DOBBIN LANE
COLUMBIA, MARYLAND
21045-5820
410-312-2834

VARIANCE REQUEST:
ZONING VARIANCE TO PERMIT A
30 FT. REAR SETBACK IN LIEU OF
THE REQUIRED 50 FT. ON LOT 51
PER B.C.Z.R. SECTION 259.9B.4.E.



LOT 48
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LOT 49
#9317

LOT 50
#6

LOT 50
#5

LOT 51
#8

LOT 44
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LOT 52
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LOT 53
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GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

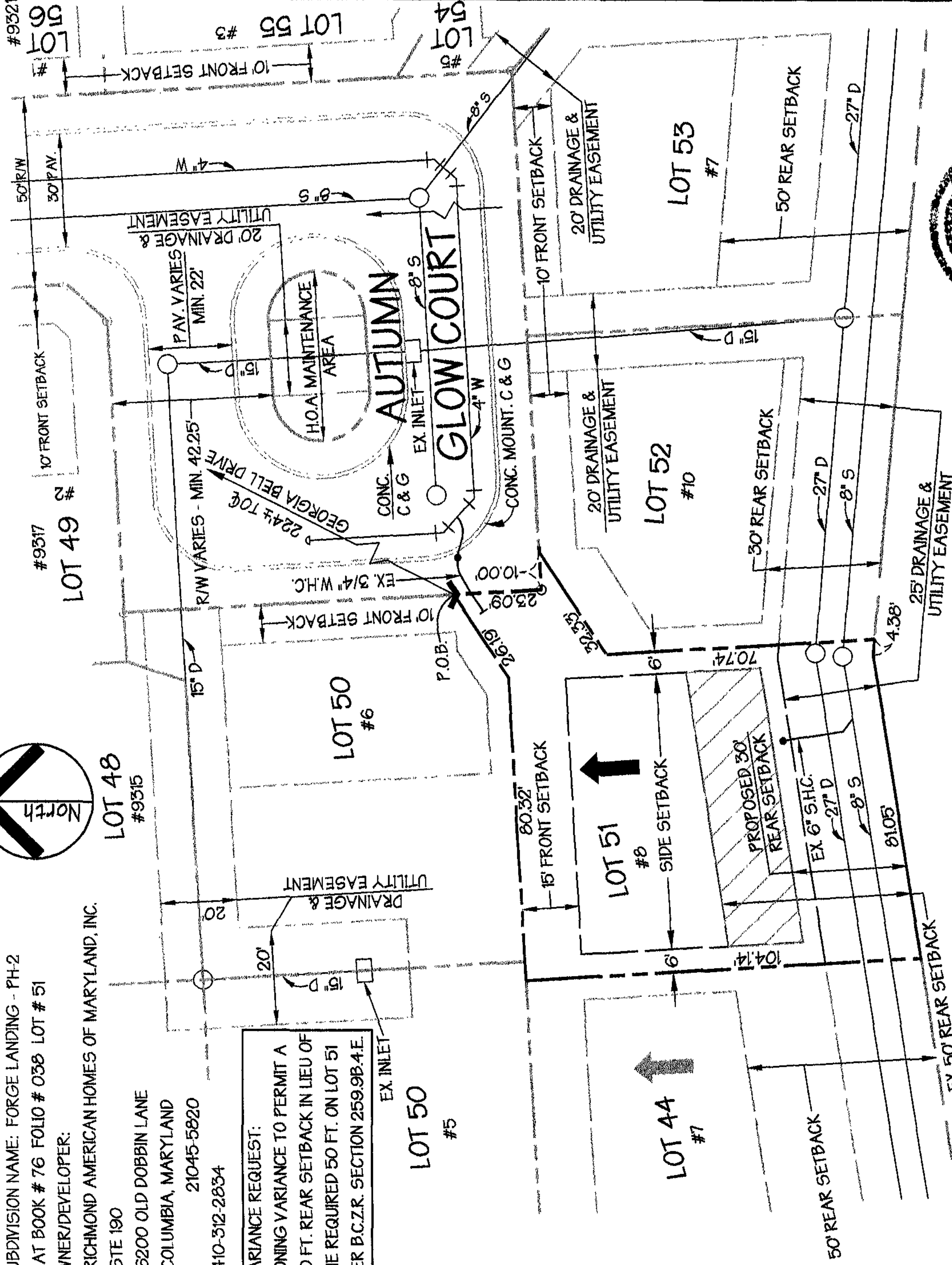
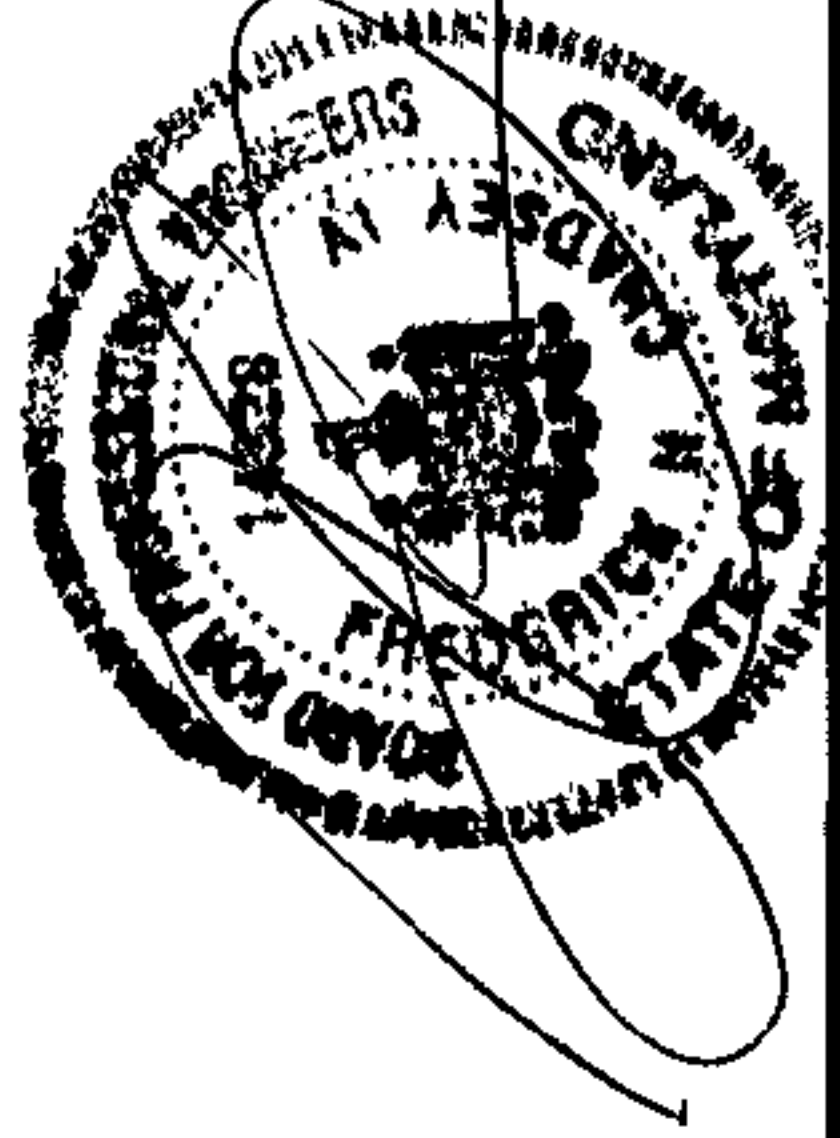
CIVIL ENGINEERS & LAND SURVEYORS

1020 CROMMELL BRIDGE ROAD
TOWSON, MARYLAND 21286-3396
(410) 825-6120

MOORE'S ORCHARD
S.M. 73/129

PREPARED BY: J.L.P.

SCALE OF DRAWING: 1" = 30'



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