IN RE: PETITION FOR ADMIN. VARIANCE NE/S Sugarcone Road, 453' E of the c/l Mandel Court

(2104 Sugarcone Road)

3rd Election District 2nd Council District

Arvin R. Newman, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-135-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Arvin R. Newman and his wife, Susan M. Newman. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the required 15 feet and a side yard setback sum of 22 feet in lieu of the required 40 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i)of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. There were no adverse comments submitted by any County reviewing agency and apparently

no objection from the affected neighbors. Thus, it appears that relief can be granted without detrimental impact to adjacent properties.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of October 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the required 15 feet and a side yard setback sum of 22 feet in lieu of the required 40 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs



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

October 20, 2004

Mr. & Mrs. Arvin R. Newman 2104 Sugarcone Road Baltimore, Maryland 21209

RE: PETITION FOR ADMINISTRATIVE VARIANCE NE/S Sugarcone Road, 453' E of the c/l Mandel Court (2104 Sugarcone Road)

3rd Election District – 2nd Council District Arvin R. Newman, et ux - Petitioners Case No. 05-135-A

Dear Mr. & Mrs. Newman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 ruly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc:

People's Counsel; Case/File



PEV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	vented at 2104 SuchRCONE ROAD which is presently zoned DR2
This Petition shall be filed with the Department of Permi	ts and Development Management. The undersigned.
This Petition shall be filed with the Department of Permi owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	h is described in the description and plat attached hereto on(s) പ്രാധാരം ദേശ്യാ
	_
To permit an addition with a sum of both sides of 22' in	lieu of the required 15' and
respectively.	
of the zoning regulations of Baltimore County, to the zoning k of this petition form.	aw of Baltimore County, for the reasons indicated on the b
Property is to be posted and advertised as prescribed by the a i, or we, agree to pay expenses of above Variance, advertising, pos regulations and restrictions of Baltimore County adopted pursuant to	sting, etc. and further agree to and are to be bounded by the zo:
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which
Contract Purchaser/Lessee:	Legal Owner(s): Home Phone 410484
Name - Type or Print	Arvin R. Newman 41309 794/ Name - Type or Print
Signature	Signature 4/10 9
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature The New Year
Attorney For Petitioner:	Address Telephone
Narne - Type or Print	City State 2120
Signature	Representative to be Contacted:
Company	Name
Address Telephone No.	Address Telephone N
City State Zip Code	City State Zip Co
OPublic Hearing having been formally demanded and/or found to be day of that the subject matter of the day of that the subject matter of the day of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore Couls petition be set for a public hearing, advertised, as required by the zo
CASE NO. 05-135-A Revi	Zoning Commissioner of Baltimore County (3
CINCIPITO, CO 130 74 Revi	lewed By JF Date Date

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 2104 Sugarcono Cocad
	Address Baltimore MD 21209
	City Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har	following are the facts upon which I/we base the request for an Administrative daship or practical difficulty):
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See up	ubil # 1
-	
i i	
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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 prov	ide additional information.
A D'NILL	Lusa in how man
Signature	Signature
Name - Type or Print	nan Name - Type or Print Name - Type or Print
ivallie - Type of Philit	Haille " Type Of Thill
STATE OF MARYLAND, COUNTY OF BA	
I HEREBY CERTIFY, this and day of of Maryland, in and for the County aforesaid	norečnoství annograd
Susan M	atisfactorily identified to me as such Affiant(s).
the Affiant(s) herein, personally known on se	atisfactorily identified to me as such Afriant(s).
AS WITNESS my hand and Notarial Seal	
INDA M. BELL	Timba DO Vall:
MOTAR	Notary Public
	My Commission Expires

REV 10/25/01

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	2104	Sugarco	ne K	uad	
	Address	timore 1	UN	21209	
-	City	-JJ	State		Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the fair	cts upon which I/we fficulty):	e base the	request for an A	dministrative
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Sel lyhibit 7	#				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional inform	is filed Affiant(s) v	will be requ	uired to pay a re	eposting and
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Signature Susan M Newm	Den.	Signature	P	Je m	}
Name - Type or Print	,	Name - Type or Print	- 		\
STATE OF MARYLAND, COUNTY OF BALTIN	VIQRE, to wit:				
I HEREBY CERTIFY, this And day of of Maryland, in and for the County aforesaid, pe	September From ally appear	ed 🖍		e, a Notary Public	
the Affiant(s) herein, personally known or satisfa	zman) actorily identified	to me as such Aff	iant(s).	R. Tlew	man
		∠]			
AS WITNESS my hand and Notal State of AS	(Linda	Di	2 (P)	

My Commission Expires

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2104 Sugarcone Road

which is presently zoned __

- Owner(s) of the property situate in Haltimi	nra ("Alinty and i	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s) 1302.3.3 おこれ
To permit an addit	ion with	ha side yard setback of 5' and
a sum of both side	s of 2:	2' in lieu of the required 15 and 40
respectively.	 	
of the zoning regulations of Baltimore Cor of this petition form.	unty, to the zoni	ing law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as i, or we, agree to pay expenses of above Variegulations and restrictions of Baltimore Countries.	iance, advertising	t, posting, etc. and further agree to and are to be bounded by the zoning
	1 1 1	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): 410 484 1451 home
Name - Type or Print	i i	Arvin Newman 410303794 Name - Type or Print
Signature		Signature
Address	Telephone No.	Name - Type or Print Suman 41090
City	ZIp Code	Signature My hours
Attorney For Petitioner:	† !	Address Telephone No
Name - Type or Print	i 	City State Zip Code
Signature	<u> </u>	Representative to be Contacted:
Company	i	Name
Address	Telephone No.	Address Telephone No.
City	Zip Code	City State Zip Code
A Public Hearing having been formally demand this day of that regulations of Baltimore County and that the property	IT THA ALIRIDAT MARTIAL	o be required, it is ordered by the Zoning Commissioner of Baltimore County, r of this petition be set for a public hearing, advertised, as required by the zoning
	; 	Zoning Commissioner of Baltimore County
CASE NO. 05-135-A	 	Reviewed By JF Date 9-13-04
REV 10/25/01		Estimated Posting Date 9-26-04

Reason for Variance

The reason we are requesting a variance is to allow us to enlarge our kitchen eating area and add a den area to our first floor. We currently have a very small kitchen, and are unable to put a table in that would not block the exit to our side door. Our side door opens right into the kitchen eating area which is small. We can only put this addition on the side of the house with the kitchen, if we put it in front, it will not look right with the rest of the houses in the neighborhood. Everyone on our street, except for one, has a bigger kitchen and a den on their first floor. We currently do not have a kitchen table, only a bar to sit at.

My husband's father passed away this year and his mother is moving in with us. We have a growing family. It is a hardship for us not to be able to sit in our kitchen as a family. In addition, our mother has back and leg problems and needs to be able to stay on this one level during the day, and eat and sit in the den without having to go up and down the steps. Many of our neighbors have put additions on their homes in the same spot that we are requesting. We will be using the same materials on our house that are presently there and the roof will remain the same height. The addition will not obstruct anything, and the appearance will conform with our house presently.

Strict compliance with BCZR would not allow us to put on the addition we need to achieve easy access to the door to the outside. We also would not have enough space for a sofa and access out to the back of our home.

Engineering • Surveying • Environmental Planning
Real Estate Development

September 10, 2004

ZONING DESCRIPTION
2104 SUGARCONE ROAD
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the north side of Sugarcone Road, 60 feet wide at the distance of 453 feet, more or less, east of the centerline of Mandel Court, 50 feet wide. BEING Lot 27, Block J, Section 6, "Green Gate", as recorded in Baltimore County Plat Book EHK, Jr. 38, page 129. CONTAINING 0.35 acres of land, more or less. ALSO known as 2104 Sugarcone Road and located in the 3rd Election District, 2nd Councilmanic District.

#135

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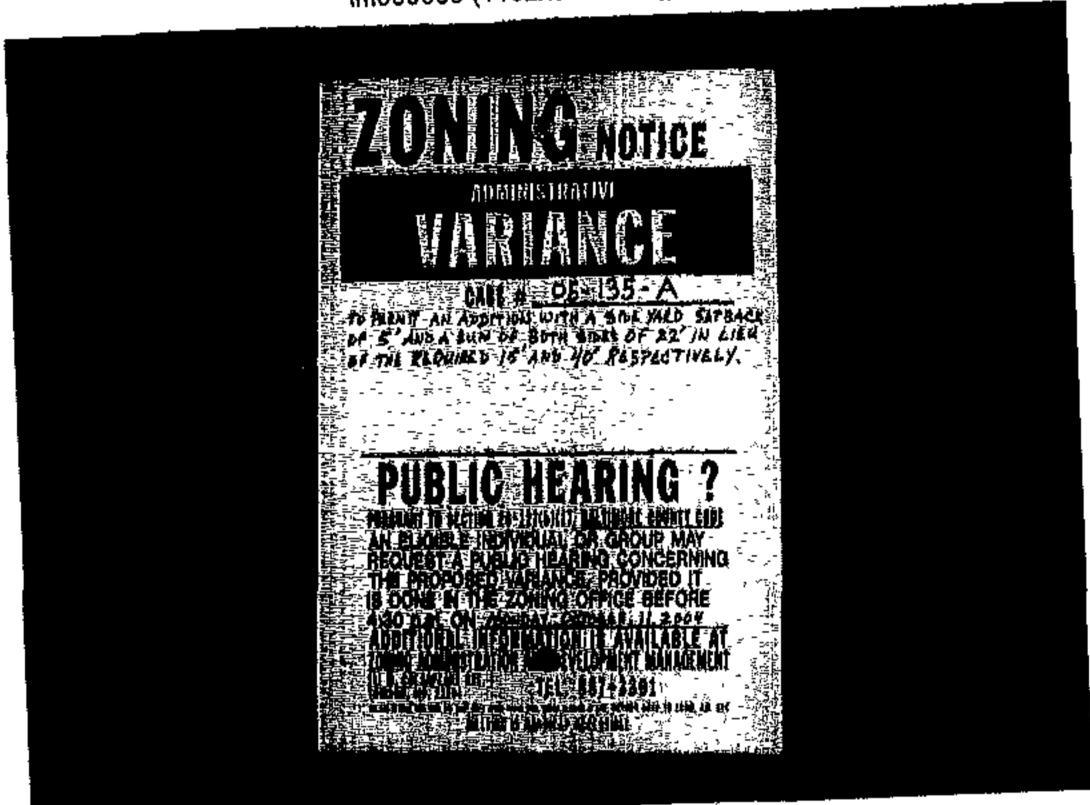
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Certificate Of Posting

RE: Case NO.: 05-135-A

	Petitioner/Developer: Awiv Susan Newman
	Date of Hearing/Closing: 10/11/04
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 penalticity sign(s) required by law were posted contated at 2/04 Su	
	th, Day, Year)
Warte 026 9/25/04	ncerely,
(Signature of Sign Poster and Date)	
<u>Martin Ogle</u> (Printed Name)	
5016 Castlestone Drive	
<u> </u>	
(Address)	
(Address) Balto,MD 21237	
` '	
Balto, MD 21237 (City, State, Zip Code) (410)-933-9470	
Balto, MD 21237 (City, State, Zip Code)	

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 135 -A Address 2/04 Sugarcone Rd.
Contact Person: Jun Fernando Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 9-13-04 Posting Date: 9-26-04 Closing Date: 10-11-0
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.
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 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 05- 135 -A Address 2/04 Sugarcone Rd.
Petitioner's Name Arvin & Susan Newman Telephone 410-484-1451
Posting Date: 9-26-04 Closing Date: 10-11-04
Wording for Sign: To Permit an and Julian with
5 and a sum of both sides of 22' in he required 15 and 40, respectively.

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.

tem Number or Ca	r se Number _	05-135	- A			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Petitioner.	Susan	+ Arun	Ne	whac)	
Address or Location	1: 2104	Sugar	con	Road	Baltim	
						6
PLEASE FORWAR	D ADVERTIS	ING BILL TO				Ó
PLEASE FORWAR Name:	D ADVERTIS	ING BILL TO	21			

Department of Permits and 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

October 12, 2004

Arvin R. Newman Susan N. Newman 2104 Sugarcone Road Baltimore, Maryland 21209

Dear Mr. and Mrs. Newman:

RE: Case Number:05-135-A, 2104 Sugarcone Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 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, Call Rall &

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

September 21, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 20, 2004

Item No.:

125, 127, 130, 132-137

Pursuant to your request, the referenced plan(s) have been reviewed 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: October 4, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 27, 2004 Item Nos. 125, 130, 133, 135, and 137

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

RWB:CEN:jrb

cc: File

10/11/AV (00/0) Bt.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

October 27, 2004

OCT 27 2004

MING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 20, 2004.

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

05-125

0**\$**133

04-135

04-136

04-137

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 24, 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s)(5-135 -) 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.

MAC/LL

RECEIVED

007 - 4 2004

DEVELOPMENT MAN A PROPERTY A STATE OF THE PROPERTY OF THE PROP



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

9.17.04

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

RE:

Baltimore County

Item No.

135

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. 1. Doch

CR To: JULY?

Susan & Arvin Newman 2104 Sugarcone Road Baltimore, Maryland 21209

January 10, 2005

Mr. Timothy Kotroco Director PDM Room 111 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Case #05-135A

Dear Mr. Kotroco,

We were granted a variance to build an addition to our home. The original plan shows a bathroom extended out the back on the inside side of the addition. We realized that this would block the view of our pool in the back, and we will want to watch our daughter from the window. It is in the same spirit and intent as the original variance granted that we request to move the bathroom as per the attached drawing. We have a neighbor on only one side and we have enclosed a letter from them stating that they have no objection to extending the addition another five feet into the back. This does not affect the side variance at all. Thank you for your attention into this matter, it is appreciated.

Sincerely

Susan and Arvin Newman

This quick response is being given to save time in answering your review request.

District 3

January 25, 2005

Dear Mr. & Mrs. Newman:

The proposed 5 foot long addition has been reviewed for zoning and also in light of the adjacent lot owners approval. Based on the provided information it is determined to be within the spirit and intent of case # 05-135-A.

Please document this response on any future site plans submitted for zoning building permit approval.

Sincerely

ohn L. Lewis

Planner II

JLL/rjc

cc: 05-135-A with red-line site plan

CR PO: JUL 50105 1/20105

Susan & Arvin Newman 2104 Sugarcone Road Baltimore, Maryland 21209

January 10, 2005

•

Mr. Timothy Kotroco
Director PDM
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case #05-135A

Dear Mr. Kotroco,

We were granted a variance to build an addition to our home. The original plan shows a bathroom extended out the back on the inside side of the addition. We realized that this would block the view of our pool in the back, and we will want to watch our daughter from the window. It is in the same spirit and intent as the original variance granted that we request to move the bathroom as per the attached drawing. We have a neighbor on only one side and we have enclosed a letter from them stating that they have no objection to extending the addition another five feet into the back. This does not affect the side variance at all. Thank you for your attention into this matter, it is appreciated.

Susan and Arvin Newman

To Whom It May Concern:

I/We Rozzie and Alan Blum do not have any objections to Susan and Arvin Newman who reside at 2104 Sugarcone Road, Baltimore MD 21209, adding on a bathroom extending 5 feet back to their granted variance, next to our property at 2106 Sugarcone Road Baltimore MD 21209.

Signed

Date

To Whom It May Concern:

1/We Rozzi and Alan Blum do not have any objections to Susan and Arvin Newman who reside at 2104 Sugarcone Road, Baltimore MD 21209, adding on to their kitchen, an addition 15 feet x 25 feet next to our property at 2106 Sugarcone Road Baltimore MD 21209.

Signed

Date

135









