IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Hilton Avenue, 127 ft. S
centerline of Idlewild Avenue
1st Election District
1st Councilmanic District
(204 Hilton Avenue)

Mary C. & Nelson E. Knode Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-192-A

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mary C. and Nelson E. Knode. The administrative variance is requested for property located at 204 Hilton Avenue in the Catonsville area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) with a height of 24 ft. in lieu of the maximum permitted 15 ft. 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 November 18, 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: A ZAC comment was received from the Office of Planning dated November 10, 2004, a copy of which is attached hereto and made a part hereof.

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, 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."

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 posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this _____ day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) with a height of 24 ft. in lieu of the maximum permitted 15 ft., be and 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. The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment. There shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure. In addition, the accessory structure shall not be used for commercial purposes;
- 3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

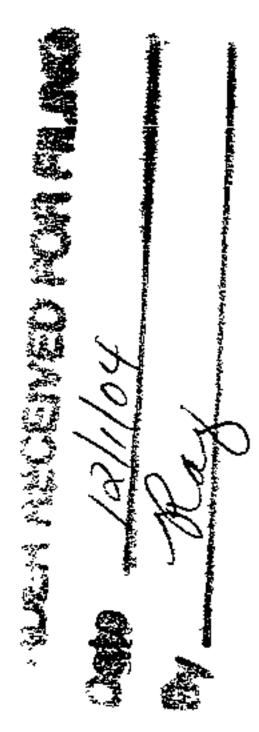
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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
William J Wiseman III, Zoning Commissioner

December 1, 2004

Mr. & Mrs. Nelson E. Knode 204 Hilton Avenue Catonsville, Maryland 21228

> Re: Petition for Administrative Variance Case No. 05-192-A Property: 204 Hilton Avenue

Dear Mr. & Mrs. Knode:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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: Andrew Lohmeyer 124 Pleasant Hill Road Owings Mills, MD 21117



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	204	HILton	AVE	
which is	present	ly zoned	Dn.2	

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) HOOLS (BCHE)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24-FEET IN LIEU OF THE MAXIMUM PERMITTED 15-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 is the subject of		mer(s) of the	property which	
Contract Purchaser/	<u>Lessee:</u>		Legal Owner	<u>(s):</u>			
			NEL	SON E.	KNO	2DE	
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Address		Telephone No.	Name - Type or Pr	1200	Kans	de	
City	State	Zip Code	Signature		1)		
Attorney For Petition	<u>ner:</u>		204	412700	U AUE	410-144-00	4
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day of	that	the subject matter of the	his petition be set for a p	ublic hearing, adv	ertised, as requ	uired by the zoning	
Habons of Sattimore Count	y and that the property	r be reposted.			,	-	
3/2							
			Zoning C	ommissioner of Ba	altimore County	/	
ASE NO	5-192-A	Rev	iewed By	Date	10/13	10.4	
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Estimated Posting 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.

204 HILTON AVE

That the Affiant(s) does/do presently reside at		HILTOR	HVE	
	Address City	VIUE	M () State	フ/278 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the fac ip or practical diff	ts upon which la ficulty):	/we base the re	quest for an Administrative
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Signature Name - Type or Print	DE	Signature Name - Type or P	9/21/C.	KNODE
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STATE OF MARYLAND, COUNTY OF BALTII I HEREBY CERTIFY, this day of o of Maryland, in and for the County aforesaid, per NELSON S. KNODE + M.	ersonally appeare		<u></u> , before me, a	a Notary Public of the State
the Affiant(s) herein, personally known or satisf	actorily identified	to me as such A	Affiant(s).	
AS WITNESS my hand and Notarial Seal		(Lange)	2MS	
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REV 10/25/01

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.

competent to testify thereto in the event that a p	•		ie future with regard	thereto.
That the Affiant(s) does/do presently reside at		HILTON	AVE	
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STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:			
i HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally appear	ed , <u>200</u>	<u></u> , before me, a t	lotary Public of the State
NELSON E. KNODE +	MARY C	KNODE	_	
the Affiant(s) herein, personally known or satisfa	<u> </u>			<u></u>
AS WITNESS my hand and Notarial Seal		Jung.	D. J. S.	
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CASE NO. 05-192-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 204 HILTON AVE
which is presently zoned Da. V

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) +00.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24-FEET IN LIEU OF THE MAXIMUM PERMITTED 15-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		nd affirm, under the late owner(s) of the		
Contract Purchaser/	<u>Lessee:</u>		Legal Ow	ner(s):			
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City	State	Zip Code	Signature				
Attorney For Petition	<u>ner:</u>		A -1 -1		WE, MD	#10-744-00 Telephone No 21228	744
Name - Type or Print	·		City	······································	State	Zip Code	
			Represent	tative to be	Contacted:		
Signature			Anone	w Lotte	NEYEN		
Company			Name 124	VEAS AND	Hin M	7 410-356-	73a
Address		Telephone No.	Address	*	·	Telephone No	
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A Public Hearing having be his day of egulations of Baltimore Count	en formally deman the ty and that the prope	ded and/or found to be nat the subject matter of the reposted.	<u></u>		ng Commissioner of Baltimore Coun		

Reviewed By __

Estimated Posting Date

Date (

Zoning Description for 204 HILTON AVENUE

Beginning at a point on the west side of Hilton Avenue
having a 50-foot right-of-way and 127-feet south of the centerline
of Idlewild Avenue. Being recorded in Baltimore

County Liber 12568, Folio 298 containing 25,000 square feet.

Also known as 204 Hilton Avenue and located in the 1st Election
District, 1st Councilmanic District.

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•	RE: Case No.: <u>05-192-A</u>
	Petitioner/Developer:
	Knode
	Date of Hearing/Closing: 11-8-04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of were posted conspicuously on the property CatonSville, MD 21228 The sign(s) were posted onOctober	
	(Month, Day, Year)
	Sincerely, (Signature of Sign Poster and Date) Stacy Gardner SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, MD 21784- 1-800-968-2295 410-781-4000

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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:05-191-A
Petitioner:KNODE
Address or Location: <u>204 HILTON AVE</u> .
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. + MRS. NELSON E. KNODE
Address: <u>204 HILTON AVE.</u>
CATONSVILLE, MD 21228
Telephone Number: 410-744-0044

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 192 -A Address 204 HILTON AVE.
Contact Person: DONNA THOMPSON Phone Number: 410-887-33
Filing Date: 1013 04 Posting Date: 1034 04 Closing Date: 11804
Any contact made with this office regarding the status of the administrative variance should through the contact person (planner) using the case number.
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. As reposting must be done only by one of the sign posters on the approved list and the petition 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.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to find 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 (conder 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.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearin (whether due to a neighbor's formal request or by order of the zoning or deputy zonin 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 originall posted, certification of this change and a photograph of the altered sign must be forwarded this office.
(Detach Along Dotted Line)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 192 -A Address 284 HILTON AVE.
etitioner's Name <u>KNODE</u> Telephone <u>410-744 - 0044</u>
osting Date: 10 의 0부 Closing Date: 11 8 0부
ording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 24-FEET IN LIEU OF THE MAXIMUM PERMITTED
WCR - Revised 6/25/04

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

November 16, 2004

Nelson E. Knode Mary C. Knode 204 Hilton Avenue Catonsville, Maryland 21228

Dear Mr. and Mrs. Knode:

RE: Case Number:05-192-A, 204 Hilton Avenue

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

W. Callidal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C: Andrew Lohmeyer 124 Pleasant Hill Road Owings Mills 21117



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

October 27, 2004

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.:

172, 174, 177, 183-195

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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 4, 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 November 1, 2004

Item Nos. 172, 174, 183, 184, 186, 187, 188, 189, 190, 191, 192, and

193

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr 💯

DEPRM

DATE:

November 29, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 25, 2004.

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

05-174

05-186

05-187

05-188

05-190

05-192

Reviewers:

Sue Farinetti, Dave Lykens



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 204 Hilton Avenue

Case #: 5-192

DATE: November 10, 2004

NOV 1 5 2004

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: MAC







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

Robert L Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 11.9-04

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

RE: Baltimore County

Item No. 192 DV

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, Chief

1. J. Gredl

Engineering Access Permits Division



Andrew Lohmeyer, Owner
124 Pleasant Hill Road
Owings Mills, Maryland 21117
Phone: 410-415-7023

Fax: 410-363-0917

MHIC#45869

Mr &MRS KNODE 204 HILTON AVE. CATONSVILLE, MD 21228 9-16-04

I UNDERSTAND THAT MR & MRS KNODE, MY NEIGHBORS LOCATED ON 204 HILTON AVE ARE GOING TO BUILD A 2 CAR GARAGE 24' X 32' X 23' HIGH. THEY HAVE HIRED A. LOHMEYER CONTRACTORS TO BUILD THE GARAGE. THE GARAGE WILL FACE HILTON AVE WHERE THEY HAD A 2 CAR GARAGE THAT WAS DESTROYED BY THE HURRICANE A YEAR AGO. THE GARAGE WILL HAVE VINYL SIDING THAT WILL LOOKS LIKE CEDAR TO MATCH THE EXISTING HOUSE. THE GARAGE WILL ALSO HAVE 2- CARRIAGE HOUSE GARAGE DOORS LIKE THE ORINGIAL DOORS ONCE ON THE GARAGE. I HAVE NO OBJECTIONS TO THE CONSTRUCTION OF MY NEIGHBORS GARAGE AS DESCRIBED ABOVE.

NAME: Douglas Goldsmith	D.
STREET ADRESS: 203 Hilton Ave	
CITY: (Patonsville	•
STATE, ZIP CODE: MD 21228	
PHONE NUMBER: 410 - 719 - 6522	



Andrew Lohmeyer, Owner 124 Pleasant Hill Road Owings Mills, Maryland 21117 410-415-7023 Phone:

410-363-0917 Fax:

MHIC#45869

Mr &MRS KNODE 204 HILTON AVE. CATONSVILLE, MD 21228 9-16 -04

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NAME:

STREET ADRESS:

STATE, ZIP CODE:

PHONE NUMBER:



Andrew Lohmeyer, Owner
124 Pleasant Hill Road
Owings Mills, Maryland 21117
Phone: 410-415-7023

Fax: 410-413-7025

MHIC#45869

Mr &MRS KNODE 204 HILTON AVE. CATONSVILLE, MD 21228 9-16-04

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NAME:

STREET ADRESS: 202

202 HILTON AV

CITY: Ballo

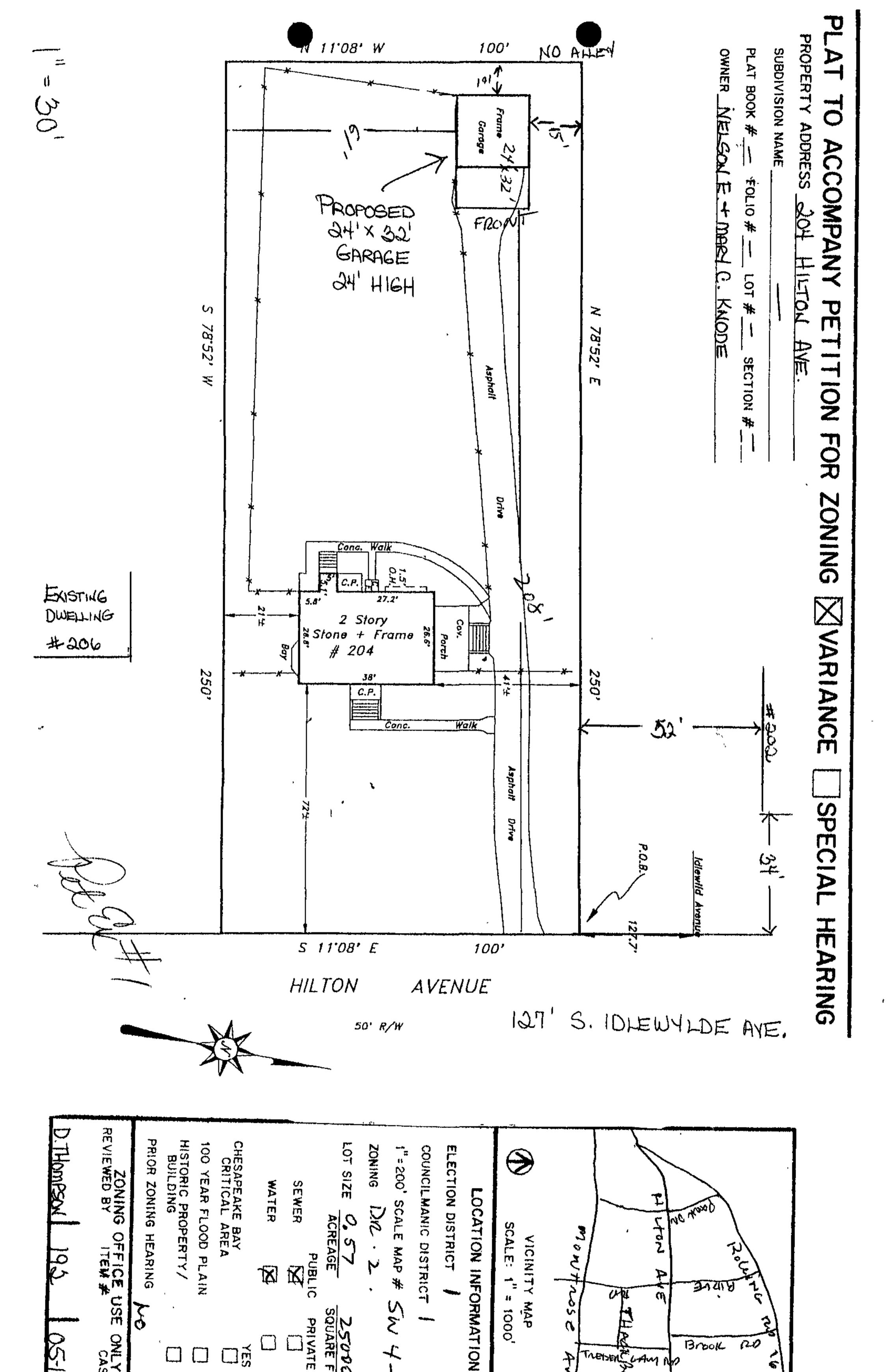
STATE, ZIP CODE: Md 1/2 28

PHONE NUMBER: 416 7 47-7906



Andrew Lohmeyer, Owner
124 Pleasant Hill Reed
Owing Mills, Maryland 21117
Phone: 410-415-7023
Fax: 410-363-0917

 9-16-04



PRIVATE

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ONLY YANG

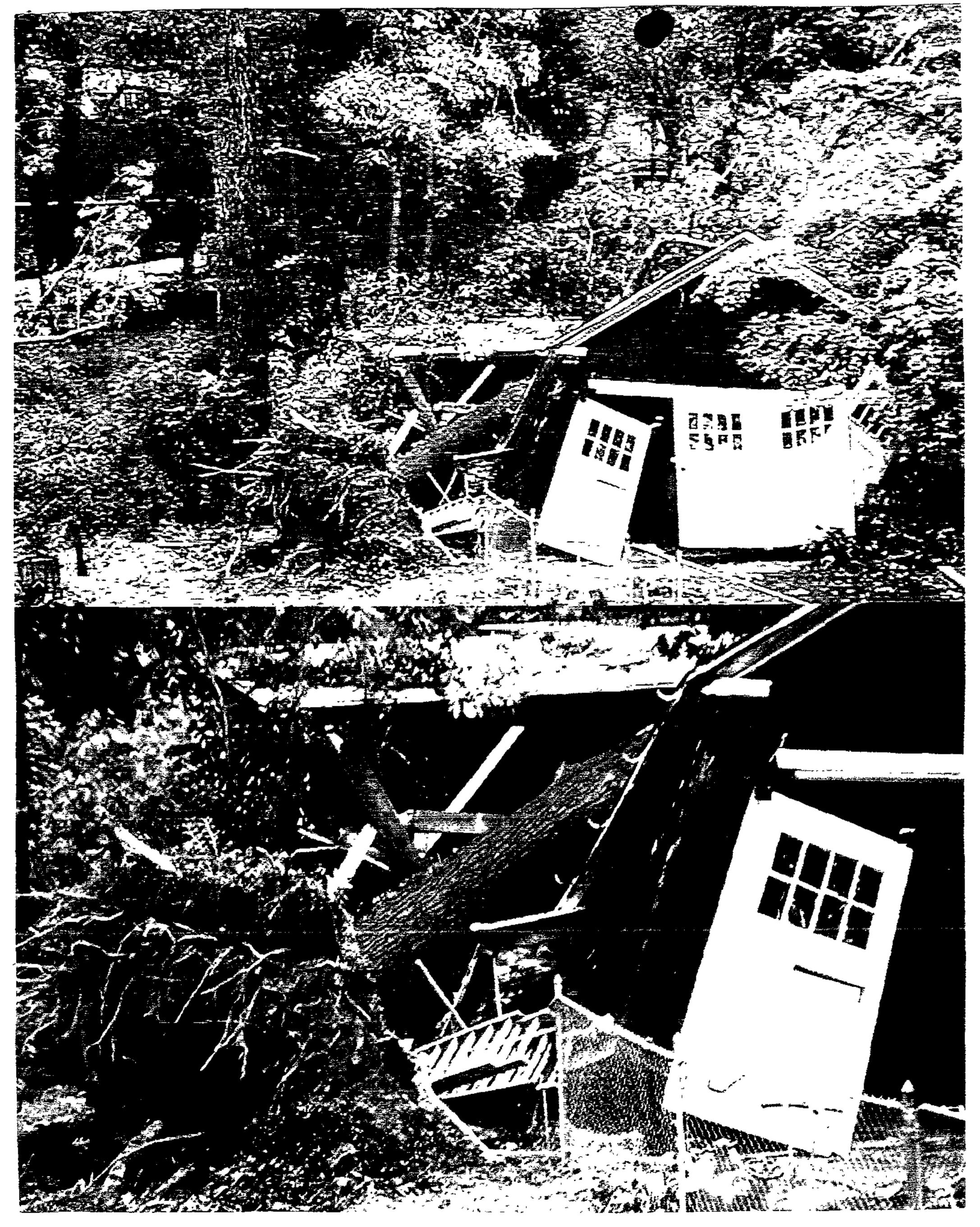
Theisen Champs

Brook

7 N 521,000 RIDGE MONT ROSE BROOK D.R. 2日 RIDGE B\$13,000 順日 14-411 D.R. s 14,000 D.R. 2

05-192-A

5 W 4-G



GARAGE THAT WAS TORN DOWN





Richt of Property # 206



LEFT OF Property # 202



First of Property 204 HILDON AVE



REAN OF Property 1 204 Hilton AVE

