IN RE: PETITION FOR SPECIAL HEARING SW/Corner Oliver Beach Road and Cunninghill Cove Road **(7131 Oliver Beach Road)** 15th Election District 6th Council District Waters Edge Investment, LLC Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-320-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Waters Edge Investment, LLC, by Laurie Brunink, Member, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the Fourth Amended Final Development Plan for "Cunninghill Cove Addition," Lot 93 thereof, to create three lots, to be identified as Lots 93, 94 and 95. 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 Laurie Brunink, managing member of Waters Edge Investment, LLC, property owners; Charles Merritt and Chris Hanson of Merritt Development Consultants, Inc., the preparers of the plan, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

On behalf of the Petitioners, Mr. Merritt presented the site plan and testified regarding the proposal. He testified that the subject property is part of a larger tract, located on the western side of Oliver Beach Road and the north side of Cunninghill Cove Road, at their intersection with Gunpowder Road and Harewood Road (East) in eastern Baltimore County. The property is also known as Lot 93 of Cunninghill Cove Addition, and contains a gross area of 23.58 acres, more or

ORDER RECEIVED FOR FILING
Date 2/2/05
By

less, zoned D.R.5.5. Presently, the property is improved with a single family dwelling, known as 7131 Oliver Beach Road, which will remain. However, the Petitioners are desirous of subdividing Lot 93 to create two additional lots, to be known as Lots 94 and 95. In this regard, testimony and evidence offered revealed that the entire Cunninghill Cove Addition contained an overall area of 23.58 acres. Given its D.R.5.5 zoning, 128 density units would be allowed; however, pursuant to the original development plan, which was approved on August 28, 1986, only 93 single-family dwelling lots were proposed and built. Since the initial approval of the original development plan for Cunninghill Cove, there have been further amendments between May 1987 and August 1996. Each is shown on the recorded Plat at SM 56, Folio 70, a copy of which was submitted into evidence as Petitioner's Exhibit 2, and the site plan accompanying the instant Petition for Special Hearing, marked as Petitioner's Exhibit 1. The proposed Fourth Amended Final Development Plan has proceeded through the development review process and obtained approval from the County Review Group (CRG) and Development Review Committee (DRC), subject to this hearing on the proposed amendment.

Relief is requested as set forth above to bring into compliance the County's development plan files to reflect the CRG and DRC approvals obtained for the proposed amendment, and, pending a favorable determination here, a final development plan and ultimately a record plat showing the two additional lots.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the requested relief. There will be no increase in density as a result of the proposed amendment as the Cunninghill Cove development is well under density. Each lot will be served by public water and sewer and is much larger than the other lots in the subdivision. Lot 93, while located near the border of a Baltimore County elementary school, will be screened and buffered by existing mature evergreens and woods. Further, I find that the requested amendment will be consistent with the spirit and intent of the original development plan and Section 1B01.3.A(7) of the B.C.Z.R., and will not adversely impact the surrounding locale.

ORDER RECEIVED FOR FILING
Date 2/12/96
By

There were no adverse comments submitted by any County reviewing agency, however, the Department of Environmental Protection and Resource Management made certain recommendations, given the property's close proximity to Railroad Creek, a tributary of the Chesapeake Bay, and the Gunpowder Falls State Park. Counsel for the Petitioner advised that these recommendations were discussed fully during the CRG/DRC processes and will be addressed to the satisfaction of DEPRM during the Phase II development process.

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 17th day of February 2005 that the Petition for Special Hearing seeking approval of an amendment to the Fourth Amended Final Development Plan for "Cunninghill Cove Addition," Lot 93 thereof, to create three lots, to be identified as Lots 93, 94 and 95, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 2/17/05
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
William J. Wiseman III, Zoning Commissioner

February 17, 2005

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/Corner Oliver Beach Road & Cunninghill Cove Road
(7131 Oliver Beach Road, aka Lot 93 of Cunninghill Cove Addition)
15th Election District – 6th Council District
Waters Edge Investment, LLC - Petitioners
Case No. 05-320-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Laurie Brunink, Waters Edge Investment, LLC
7626 Donny Terrace, Kingsville, Md. 21087
Messrs. Charles Merritt & Chris Hanson, 2416 E. Joppa Road, Baltimore, Md. 21234
DEPRM; People's Counsel; Case File

Printed on Recycled Paper

CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7131 OLIVER BEACH ROAD
which is presently zoned DR 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

HOWARD ALDERMAN
Name - Type or Print

Signature

LEVIN & GANN
Company

502 WASHINGTON AVE 8th FL 410-321-0600
Address Telephone No.

TOWSON MD 21204
City State Zip Code

Legal Owner(s):

LAURIE BRUNINK
Name - Type or Print

Laurie Brunink
Signature

Name - Type or Print

Signature

WATERS EDGE INVESTMENT LLC
7626 DONNY TERRACE 410 599-4482
Address Telephone No.

KINGSVILLE MD 21087
City State Zip Code

Representative to be Contacted:

MERRITT DEV. CONSULTANTS INC.
CHUCK MERRITT
Name

2416 E. JOPPA RD 410 663-5575
Address Telephone No.

BALTO MD 21234
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN Date 12/29/04

Case No. 05-320-SPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 2/2/05
By

To amend the Fourth Amended Final Development Plan for "Cunninghill Cove Addition" to create 3 lots – #93, #94, and #95.

ORDER RECEIVED FOR FILING
Date 2/12/03
By

#320

ZONING DESCRIPTION FOR 7131 Oliver Beach Road

Beginning at a pint on the South side of Oliver Beach Road which is 60 feet wide at the intersecting street Cunning Hill Cove Road which is 60 feet wide. *Being Lot # 93, in the subdivision of Plat One Cunninghill Cove addition as recorded in Baltimore County Plat Book # 56, Folio # 70, containing 36634 SF or 0.0841 AC. Also known as 7131 Oliver Beach Road and located in the 11th Election District, 6th Councilmanic District.

#320

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441266

DATE 12/29/14 ACCOUNT R-001-006-6150

AMOUNT $ 195.00

RECEIVED FROM Maryland Department of Transportation

FOR

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	REV
12/29/2014	12/29/2014	09:12:46	3

REG MGOS WALKIN LITEC LAW
TRANSACTIONS 201167 12/29/2014 UPTON
RECPT 5 520 ORIGINAL VERIFICATION
R NO. 441266

Recpt Tot		$195.00
$195.00 CK		$.00 CH

Baltimore County, Maryland

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: #05-320-SPH
7131 Oliver Beach Road
S/west corner of Oliver Beach Road and Cunninghill Road
11th Election District
6th Councilmanic District
Legal Owner(s): Laurie Brunink
Special Hearing: to amend the Fourth Amended Final Development Plan for "Cunninghill Cove Addition" to create 3 lots, #93, #94 and #95.
Hearing: Tuesday, February 8, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
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/1/747 Jan. 25 36933

CERTIFICATE OF PUBLICATION

1/26/, 2005

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 1/25/, 2005.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 1/24/05

RE: Case Number: 05-320-SPH

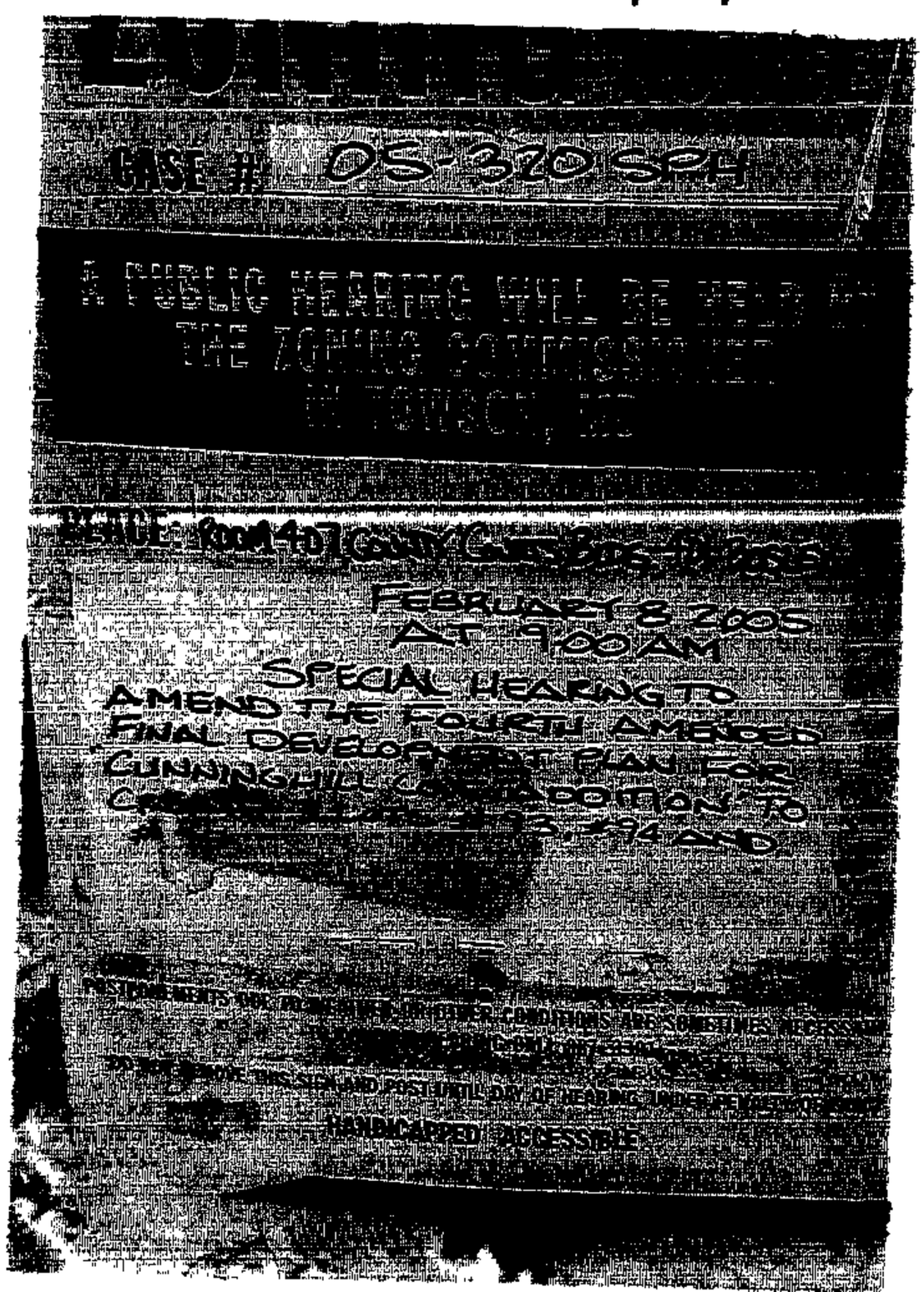
Petitioner/Developer: LAURIE BRUNNK

Date of Hearing/Closing: FEB 8, 2005

This is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously on the property located at 7131 OLIVER BEACH ROAD

The sign(s) were posted on 1/23/05

(Month, Day, Year)



(Signature of Sign Poster)

Charles E. Merritt
9831 Maqledt Road
Baltimore, MD 21234
410-665-5562

RE:	PETITION FOR SPECIAL HEARING 7131 Oliver Beach Road; SE corner Oliver Beach Road & Cunninghill Road 11th Election & 6th Councilmanic Districts Legal Owner(s): Laurie Brunink Petitioner(s)	*	BEFORE THE
		*	ZONING COMMISSIONER
		*	FOR
		*	BALTIMORE COUNTY
		*	05-320-SPH

* * * * * * * * * * * * *

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 and 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 13th day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to Chuch Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234 and to Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
JAN 13 2005
Per C.L.B.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 25, 2005 Issue - Jeffersonian

Please forward billing to:
Waters Edge Investments, LLC
7626 Donny Terrace
Kingsville, MD 21087

410-599-4482

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: 05-320-SPH
7131 Oliver Beach Road
S/west corner of Oliver Beach Road and Cunnighill Road
11th Election District – 6th Councilmanic District
Legal Owner: Laurie Brunink

Special Hearing to amend the Fourth Amended Final Development Plan for "Cunninghill Cove Addition" to create 3 lots, #93, #94 and #95.

Hearing: Tuesday, February 8, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN
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

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

January 7, 2005

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: 05-320-SPH
7131 Oliver Beach Road
S/west corner of Oliver Beach Road and Cunnighill Road
11th Election District – 6th Councilmanic District
Legal Owner: Laurie Brunink

Special Hearing to amend the Fourth Amended Final Development Plan for "Cunninghill Cove Addition" to create 3 lots, #93, #94 and #95.

Hearing: Tuesday, February 8, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Avenue, 8th Fl., Towson 21204
Laurie Brunink, 7626 Donny Terrace, Kingsville 21087
Chuck Merritt, 2416 E. Joppa Rd., Baltimore 21234

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 24, 2005.**
(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.

Printed on Recycled Paper

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: 05-320-SPH

Petitioner: WATERS EDGE INVESTMENT LLC

Address or Location: 7131 OLIVER BEACH ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WATERS EDGE INVESTMENTS LLC

Address: 7626 DONNY TERRACE

KINGSVILLE MD 21087

Telephone Number: 410 599-4482

Revised 2/20/98 - SCJ

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

February 2, 2005

Howard Alderman
Levin & Gann
502 Washington Avenue, 8th Fl.
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 05-320-SPH, 7131 Oliver Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 29, 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. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Laurie Brunink Waters Edge Investment, LLC 7626 Donny Terrace Kingsville 21087
Chuck Merritt Merritt Dev. Consultants 2416 E. Joppa Road Baltimore 21234

Printed on Recycled Paper

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

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 319-333

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O)410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 17, 2005
Item Nos. 319, 320, 323, 324, 325, 326,
327, 330, 331, 332, and 333

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

RWB:CEN:jrb

cc: File

Bill 28

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

FEB 1 4 2005

ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: February 11, 2005

SUBJECT: Zoning Item # 05-320
Address 7131 Oliver Beach Road

Zoning Advisory Committee Meeting of January 10, 2005

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

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

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

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

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

Additional Comments:

1. No more than 15% of the total lot to be subdivided shall be impervious. That would limit each of the three proposed lots to approximately 2,400 square feet of impervious surface for the house, driveway, sidewalk, and accessory structures.
2. The 15% minimum forest cover required by Section 33 would have to be addressed either offsite or by fee-in-lieu.

Reviewer: Glenn Shaffer Date: February 11, 2005

L \SHARED\DESHARED\Devcoord\ZACSHEL-1-11-05.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2005

RECEIVED
FEB - 8 2005
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-320**

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A Cunningham

Division Chief: Mark A Cunningham, By Dir.

MAC/LL

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1.10.05

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

RE: Baltimore County
Item No. 320 BPR

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
Engineering Access Permits Division

Bill Wiseman - 7131 Oliver Beach Road Case No. 05-320

From: "Howard Alderman" <halderman@levingann.com>
To: <wwiseman@co.ba.md.us>
Date: 2/14/2005 4:48:22 PM
Subject: 7131 Oliver Beach Road Case No. 05-320

Bill
Thanks for sending via telefax the 2/11/05 comments from DEPRM on this case. I have just confirmed with Chuck Merritt of Merritt Dev. Consultants, that this issue was discussed fully during the CRG/DRC processes and it will be addressed to the satisfaction of DEPRM **during the Phase II development process**.

Thanks again,
Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
halderman@LevinGann.com

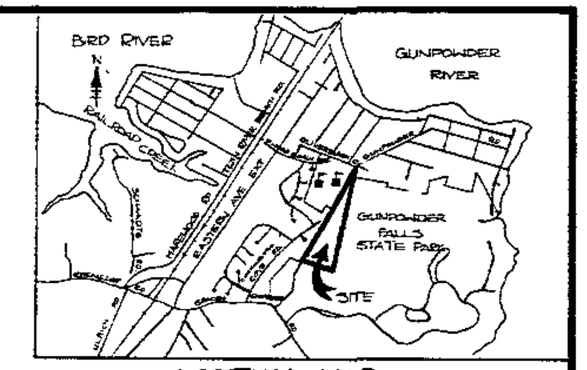
This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Case No.: 05-320 SPH

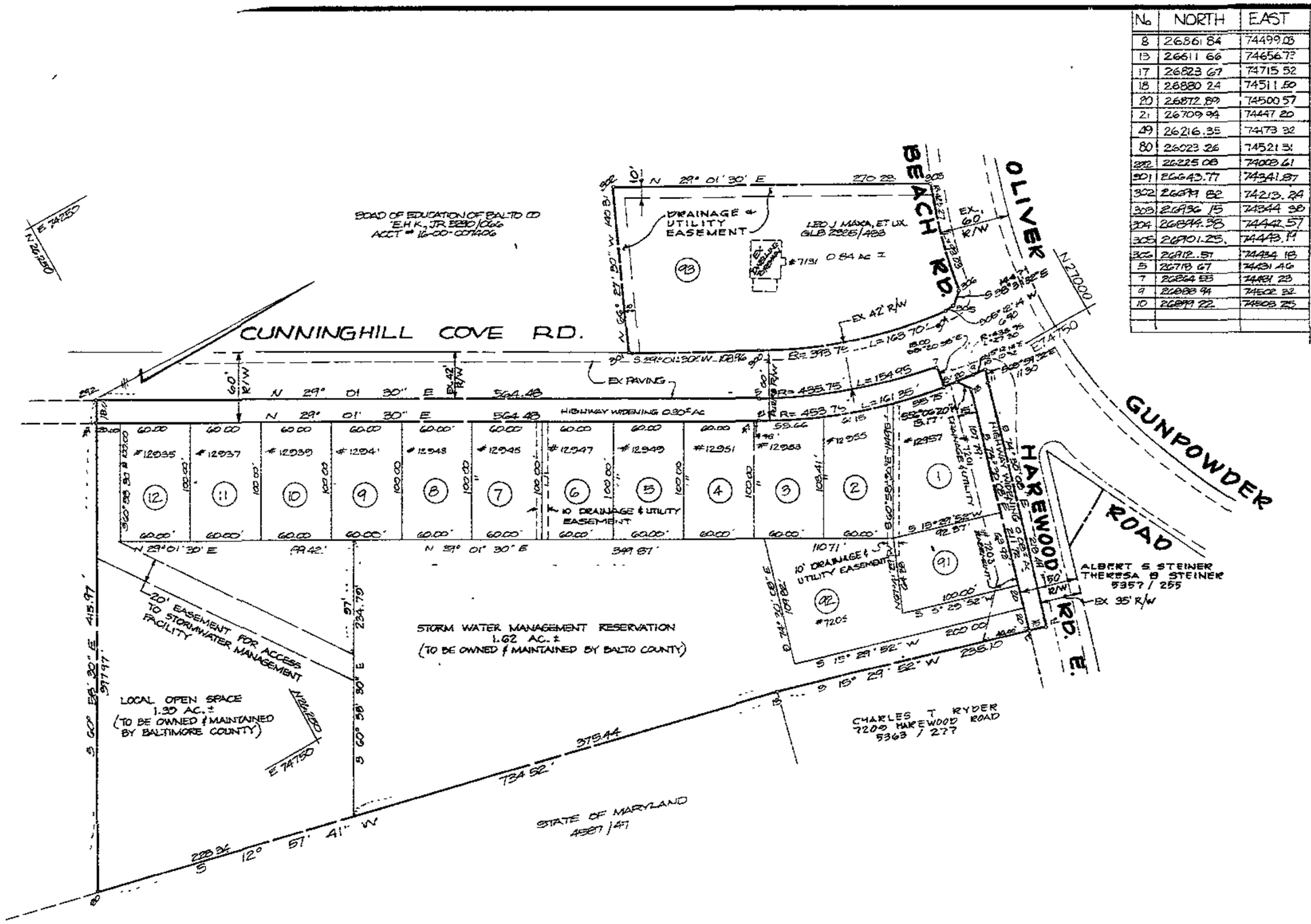
Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	PLAT ONE CUNNINGHILL COVE ADDITION RECORDED 4/30/87 SM 56 @ 70	
No. 3	AIREAL PHOTO OF SITE Elementary School next to SUBJECT LOT	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

No	NORTH	EAST
8	26561.84	74499.03
13	26611.66	74656.72
17	26823.67	74715.52
18	26880.24	74511.50
20	26872.89	74500.57
21	26709.94	74447.20
49	26216.35	74173.32
80	26023.26	74521.31
300	26225.08	74002.61
301	26643.77	74341.87
302	26699.82	74213.24
303	26796.15	74344.30
304	26844.38	74442.57
305	26901.25	74443.19
306	26912.51	74434.18
5	26719.67	74431.46
7	26264.65	74481.23
9	26069.96	74602.82
10	26899.22	74603.25



LOCATION MAP
SCALE 1" = 2000'



PLAT TWO
CUNNINGHILL COVE ADDITION

SBL 56 FOLIO 70

Filed for record
Date APR 30 1987
Test:
Clerk

DENSITY CALCULATIONS

ENTIRE SITE

GROSS ACREAGE	23.58 AC ±
NET ACREAGE	22.99 AC ±
EXISTING ZONING	
DR 5.5	23.4 AC ±
RC 5	0.18 AC ±
ALLOWED DENSITY	128.7 DWELLING UNITS
PROPOSED DENSITY	92 Single Family 1 Existing Dwelling
PARKING SPACES REQUIRED	1.75×93 = 163
PARKING SPACES PROPOSED	2×93 = 186
OPEN SPACES REQUIRED	93 Dwelling Units ×600 = 1.37 Ac
OPEN SPACE PROPOSED	1.37 Ac.

PLAT ONE

GROSS ACREAGE	6.37 AC ±
NET ACREAGE	5.70 AC ±
EXISTING ZONING	DR 5.5
PROPOSED DENSITY	15 LOTS = 2.4 Dwelling Units AC 6.37 AC
PARKING SPACES PROPOSED	30
OPEN SPACE PROPOSED	1.31 AC

PLAT ONE
"CUNNINGHILL COVE ADDITION"

15TH ELECTION DISTRICT BALTIMORE CO MARYLAND
SCALE 1" = 50' FEBRUARY 1, 1987

DEED OF OWNERSHIP = 1845/275 + 2385/483
TAX ACCOUNT NUMBER = 15-13-202510

OWNER
LEO J. MAXA
7131 OLIVER BEACH ROAD
CHASE, MD 21220

DEVELOPER
BAY COUNTRY JOINT VENTURE
6615 REISTERSTOWN RD.
SUITE 203
BALTIMORE MD 21215
(301) 358-4934

THIS APPROVAL OF THIS PLAT DOES NOT IMPLY THAT THE PROPERTY HAS THE REASONABLE EXPECTATION OF BEING APPROVED FOR THE DEVELOPMENT WHICH IS SHOWN ON THIS PLAN. THE REGISTER OF DEEDS OF BALTIMORE COUNTY MAY NOT BE BOUND UNTIL THE PLAN HAS BEEN REVIEWED AND FINALLY APPROVED. ANY RELIANCE ON THIS PLAN IS AT THE RISK OF THE PERSON RELYING ON IT AND DETERMINED TO BE UNWISE OR UNREASONABLE.

CURVE DATA

FROM	TO	DELTA	RADIUS	ARC	TANGENT	CHORD	BEARINGS
5	7	20°22'28"	435.75	154.95	78.30	154.14	N48°30'46"E
15	21	20°22'28"	408.75	161.35	81.54	160.31	S48°30'46"E
300	304	29°49'18"	393.75	203.71	103.05	201.39	N17°06'34"E
305	306	17°52'02"	425.27	93.03	46.70	92.85	S37°17'14"E
5	9	29°30'50"	425.75	217.30	111.25	214.90	N38°38'37"E
20	9	29°08'18"	425.75	216.46	110.51	214.14	N38°04'31"E
21	20	21°47'20"	425.75	172.56	87.26	171.46	N18°43'00"E

APPROVED: 4/24/87
DIRECTOR OF PUBLIC WORKS — DATE

APPROVED: 4-30-87
OFFICE OF PLANNING AND ZONING — DATE

APPROVED: 4-23-87
DEPUTY HEALTH OFFICER — DATE

SURVEYOR'S CERTIFICATE
THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

REG. NO. — DATE

OWNER'S CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-108(B) OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS

DATE

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE, AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST

NOTE:
1) FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE
2) RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT
3) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY BILL 56-82 (SECTION 22-98)
4) RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY
5) THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6) ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS

FWA COMPLETED
FINAL PLAT CHECKED:
PLANNING GLK 4/30/87
ENGINEERING
STREET NAMES:
HOUSE NOS

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

X-9797	X-9796
N 27467.16	N 27283.21
W 73880.38	W 74181.90

W. DUVALL & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
PHONE (301) 583-9571

COMPUTED BY: MK
DRAWN BY: JK
CHECKED BY: DF
PROJECT NUMBER: 86037

p 54165

MSA 55U 12.36 - 2358-1

56/70

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
2

Baltimore County - My Neighborhood

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
3

****
***** ACTIVITY REPORT *****
****

TRANSMISSION OK

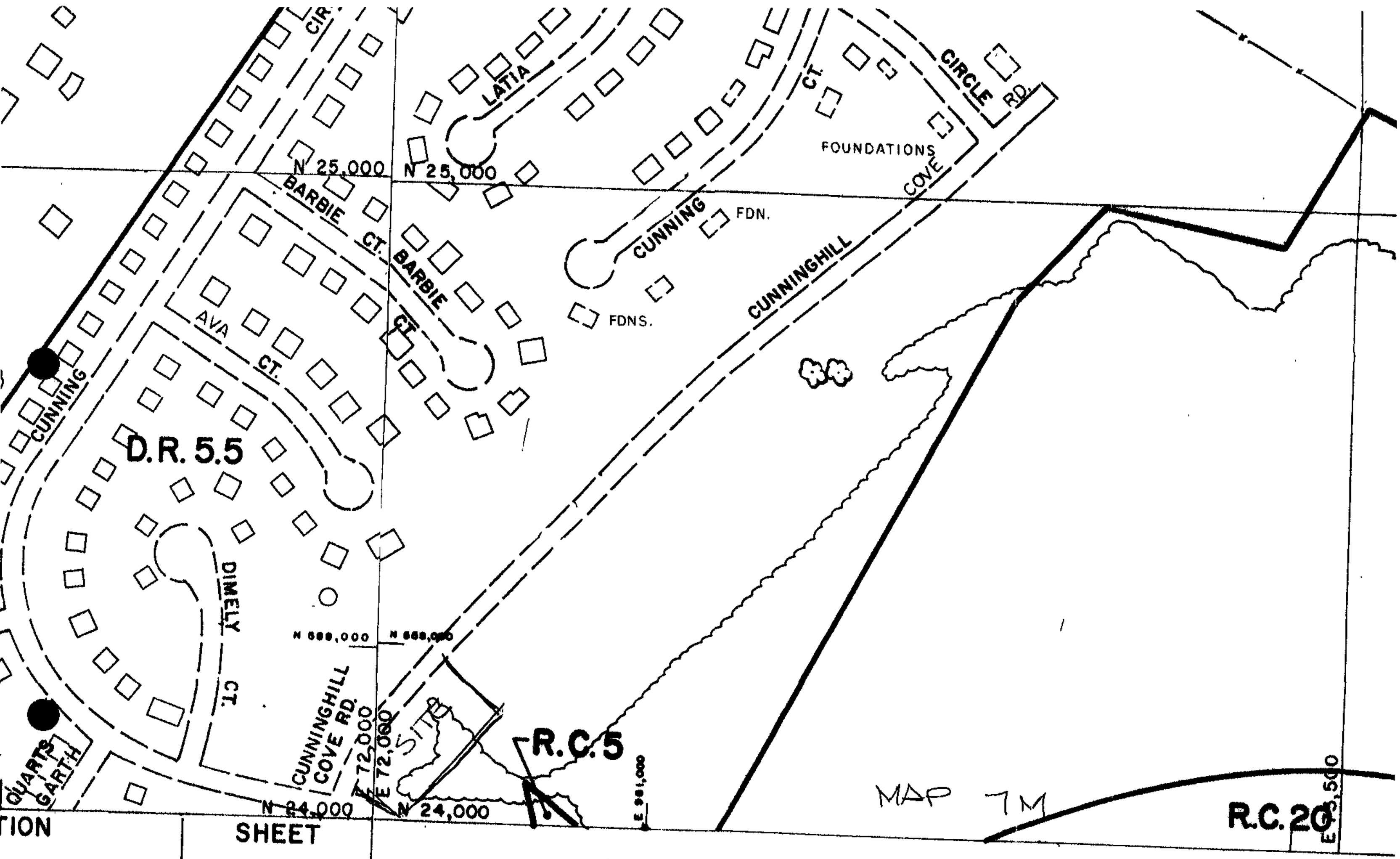
TX/RX NO.	4532
CONNECTION TEL	94102962801
CONNECTION ID	
START TIME	02/14 17:13
USAGE TIME	00'32
PAGES	1
RESULT	OK

PLEASE PRINT CLEARLY

CASE NAME BRUNINK PROPERTY
CASE NUMBER 05-320-SPH
DATE February 8, 2005

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr., Esquire	Levin & Gann, PA Suite 800	TOWSON, MD 21204	halderman@LevinGann.com
[redacted]	502 Washington Avenue	[redacted]	[redacted]
Charles Merritt	Merritt Dev. Cons, Inc		
Chris Hanson	2416 E. Joppa Rd 21234	Mun. Dev. Consultants	
Laurie Brunink	7626 Donny Terrace Kingsville MD 21087		



TION

D PARK
SE

SHEET

N.E.

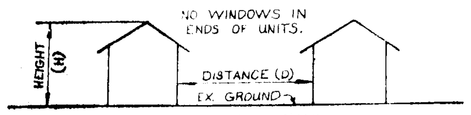
7-L

MM-SW MM-SE

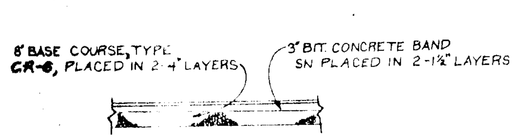
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC., BALTIMORE

2000 COMPREHENSIVE
ADOPTED B
THE BALTIMORE COUN
OCTOBER 10, 2
Bills Nos. 87-00, 88-00, 89-00, 90-

#320



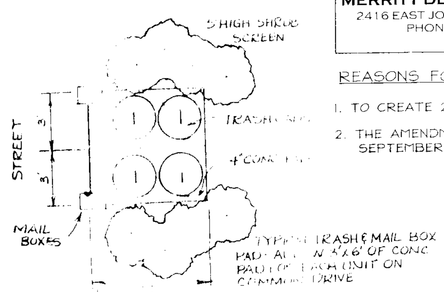
HEIGHT TO HEIGHT RELATIONS
(NOT TO SCALE)



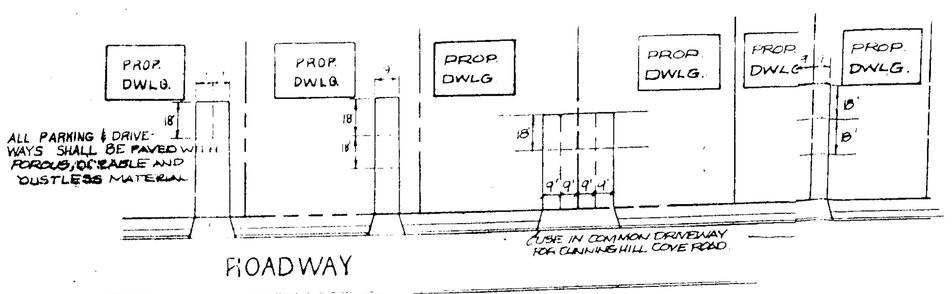
TYPICAL PAVING SECTION
(NOT TO SCALE)

ZONING REGULATIONS

WINDOW TO WINDOW - 40'
WINDOW TO TRACT BOUNDARY - 35'
WINDOW TO STREET R/W - 25'
WINDOW TO LOT LINE - 15'
BUILDING TO TRACT BOUNDARY - 30'



MAIL & TRASH PAD DETAIL
(NOT TO SCALE)



TYPICAL PARKING DETAIL
(NOT TO SCALE)

ZONING COMMISSIONER'S NOTE

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

CURB CUT NOTE (Where applicable)

The exact location of curb cuts for driveway or parking pad entrances is to be determined by owner when exact building models become available but prior to installation of street curbs.

CRG PLAN NOTE

This development plan complies with the CRG plan and all CRG Comments. Any minor changes do not constitute material or substantial changes and do not require another CRG meeting.

ACCESSORY STRUCTURE NOTE

1. Envelopes shown here are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to covenant and applicable building permits.)

REASONS FOR THIRD AMENDMENT DATED 10/7/87:
1. REVISED PANHANDLE DRIVE FOR LOT 86
2. REMOVED 25' SETBACK ON LOT 80
3. ALL DWELLINGS ON LOTS SOLD WITHIN 300' OF LOT 86 HAVE BEEN PLOTTED ON PLAN.

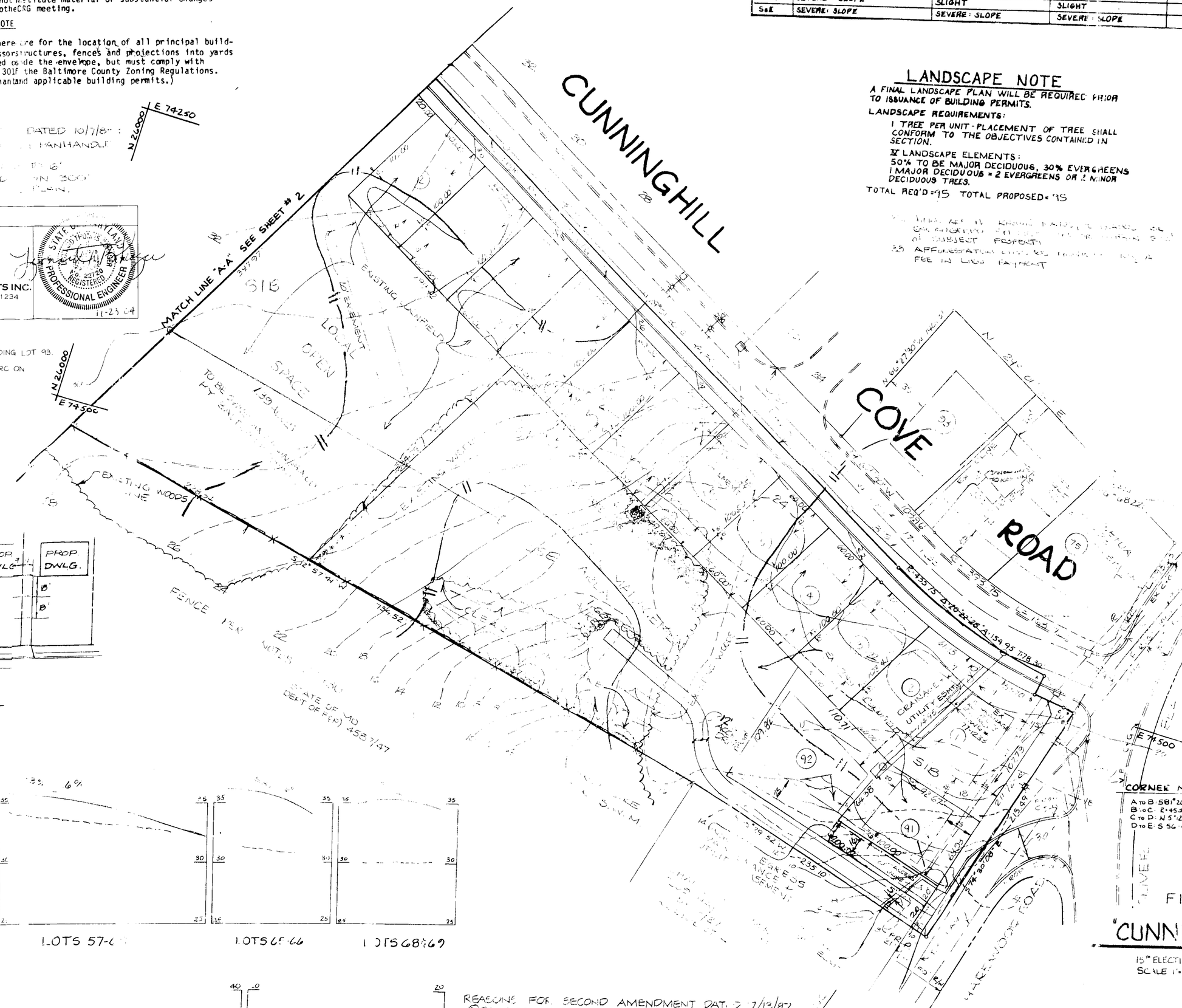
FOR 4TH AMENDMENT ONLY

MDC
MERRITT DEVELOPMENT CONSULTANTS INC.
2416 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234
PHONE 410663-5525 FAX 410663-4315
MERRITTDC@COMCAST.NET

STATE OF MARYLAND JOHN W. DUVALL REGISTERED PROFESSIONAL ENGINEER
11-23-04

REASONS FOR 4TH AMENDMENT

1. TO CREATE 2 ADDITIONAL LOTS BY SUBDIVIDING LOT 93.
2. THE AMENDMENT WAS APPROVED BY THE DRC ON SEPTEMBER 2, 2004 (DRC NO. 082304K)



LANDSCAPE NOTE

A FINAL LANDSCAPE PLAN WILL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.

LANDSCAPE REQUIREMENTS:

1 TREE PER UNIT - PLACEMENT OF TREE SHALL CONFORM TO THE OBJECTIVES CONTAINED IN SECTION.

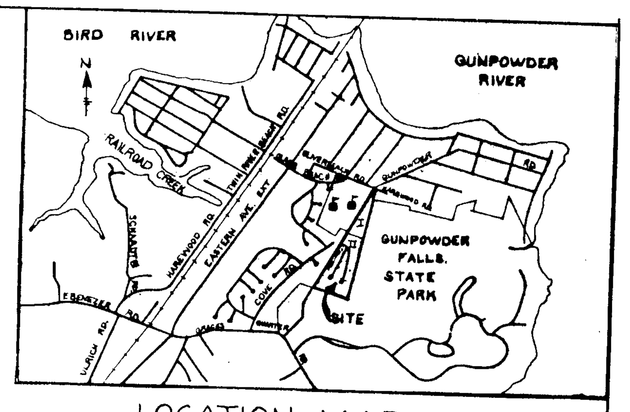
IV LANDSCAPE ELEMENTS:
50% TO BE MAJOR DECIDUOUS, 30% EVERGREENS
1 MAJOR DECIDUOUS = 2 EVERGREENS OR 1 MINOR DECIDUOUS TREES.

TOTAL REQ'D = 915 TOTAL PROPOSED = 915

[illegible] EXISTING [illegible] ON SUBJECT PROPERTY
33 AFFORESTATION CREDITS [illegible] FEE IN LIEU PAYMENT

SOIL TYPES & LIMITATIONS

TYPES	LIMITATIONS TO STREETS AND PARKING LOTS	HOMESITE (3 STORIES OR LESS) WITH BASEMENTS	HOMESITE (3 STORIES OR LESS) WITHOUT BASEMENTS	SOIL CLASS
LmB	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE	D
MkB	MODERATE: SLOPE	SLIGHT	SLIGHT	B
MlA	MODERATE: MODERATELY HIGH WATER TABLE.	MODERATE: MODERATELY HIGH WATER TABLE.	SLIGHT	C
MlB	MODERATE: MODERATELY HIGH WATER TABLE.	MODERATE: MODERATELY HIGH WATER TABLE.	SLIGHT	C
SlB	MODERATE: SLOPE	SLIGHT	SLIGHT	B
SkC3	SEVERE: SLOPE	SLIGHT	SLIGHT	B
SaE	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE	B



LOCATION MAP
SCALE: 1" = 2000'

1 AREA OF SITE 23.58 Ac ± GROSS 22.99 Ac ± NET
2 EX. ZONING OF SITE DR 5.5 = 23.4 ± EC5: 0.18
3 TOTAL UNITS ALLOWED = 5.5 x 23.4 = 128.7
4 TOTAL UNITS PROPOSED = 94 SINGLE FAMILY DWELLINGS + 1 EXISTING
5 OPEN SPACE REQUIRED = 650 S.F. PER LOT x 95 = 1.42 Ac
6 OPEN SPACE PROVIDED = 1.39 Ac. A WAIVER FOR ADDITIONAL OPEN SPACE WILL BE REQUESTED
7 PARKING SPACES REQUIRED = 2 x 95 = 190
8 PARKING SPACES PROPOSED = 190
9 ALL UNITS ARE FOR SALE
10 CURRENT OWNER
BAY COUNTRY JOINT VENTURE
6615 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215
DEED REFERENCE:
7547 / 729
PROPERTY NUMBER
13 - 13 - 202510
11 COUNCILMATIC DISTRICT = 5
12 CENSUS TRACT = 4518.01
13 WATERSHED = 2
14 SUBWATERSHED = 12
15 ALL ROADS SHOWN HEREON ARE TO BE PUBLIC
16 SIDEWALK SHALL BE REQUIRED ADJACENT TO ALL PUBLIC ROADS
17 STREET LIGHTS SHOWN THUSLY = ▲
18 ADT COUNT SHOWN THUSLY = (102)
19 ALL ROADWAYS TO BE PAVED WITH BITUMINOUS
20 ESTIMATED SEWERAGE FLOW [illegible] GALLONS PER DAY TOTAL FOR THIS SITE
22 NO WINDOWS ALLOWED IN ENDS OF UNITS
23 REFUSE TO BE COLLECTED BY BALTIMORE COUNTY
24 THERE ARE NO HISTORIC BUILDINGS ON THE SITE
25 ALL PANHANDLES ARE TO BE 16' WIDE TAR AND CHIP
26 S.W.M. & 10 YEAR STORM WATER WILL BE MANAGED FOR THIS SITE
27 THE TWO SIDES OF THE SUBDIVISION ADJOINING THE PARK MUST BE FENCED WITH A BOARD POST & RAIL FENCE
28 LOTS ADJACENT TO PARK MAY NOT REMOVE ANY TREES WITHIN THE REAR 15' OF EACH LOT
29 DRIVES FOR LOTS 16 & 82 MUST BE FROM CUL DE SAC
30 A THREE BOARD POST AND RAIL FENCE WILL BE ERECTED ALONG THE GUNPOWDER FALLS STATE PARK BOUNDARY

REASON FOR FIRST AMENDMENT: 4/17/87
1. REVISED PANHANDLE LOTS # 86, 87, & 89-90
2. ADDED ACCESS DRIVE FROM CUNNINGHILL COVE RD. NEXT TO LOT #16 THROUGH LOCAL OPEN SPACE & INTO S.W.M. AREA
3. REMOVED PROPOSED PANHANDLE DRIVE FROM HAREWOOD RD TO S.W.M. AREA TO SAVE TREES ALONG TRACT BOUNDARY
4. NO LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES.

LEGEND
SOIL BOUNDARY
CONTOUR
[illegible] EXISTING
BURBED WIRE & RAIL FENCE

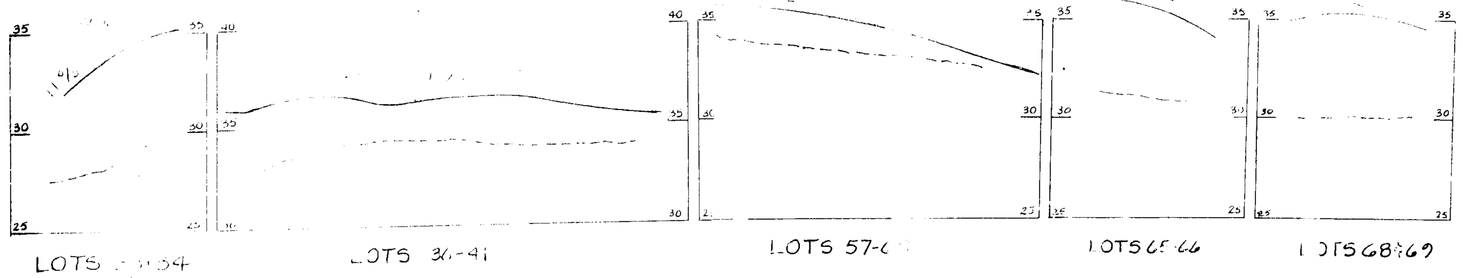
CORNER MEASUREMENTS
A to B S 88°20'55" E 18.00
B to C [illegible]
C to D N 57°21'8" E 10.32
D to E S 56°06'02" W 13.17

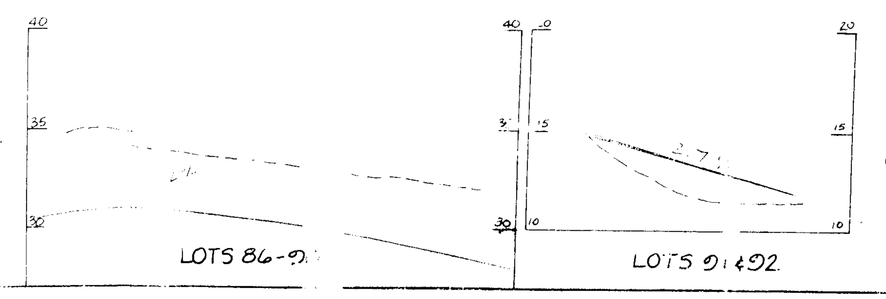
FOURTH AMENDED
FINAL DEVELOPMENT PLAN

"CUNNINGHILL COVE ADDITION"

15TH ELECTION DISTRICT
SCALE 1" = 50'
BALTIMORE COUNTY, MD
DATE OCT. 6, 1986
SHEET 1 OF 2
REVISED [illegible]
REVISED JULY 15, 1987

ENGINEER
W. DUVALL & ASSOCIATES INC.
550 E JOPPA ROAD
TOWSON, MARYLAND 21204
301-583-9571





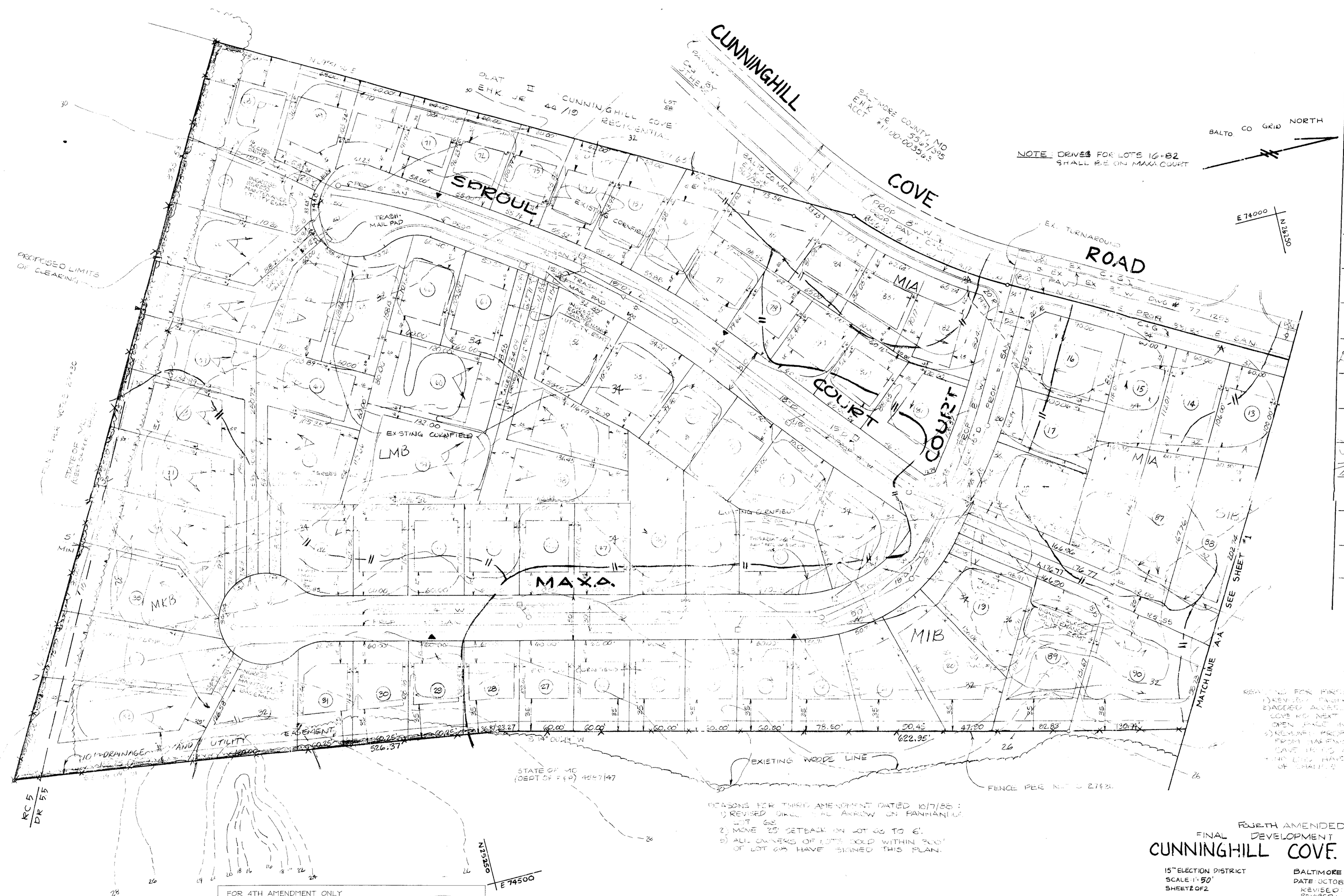
REASONS FOR SECOND AMENDMENT DATED 7/13/87
1. RELOCATED THE ACCESS DRIVE TO S.W.M. FACILITY ON JUNE 12, 1987
2. REVISED EXISTING WOODS LINE AS SURVEYED
3. REVISED NOTE # 10 TO ADDRESS OWNERSHIP & PRESENT DEED REFERENCE
4. NO LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES

OWNER & DEVELOPER
BAY COUNTRY JOINT VENTURE
6615 REISTERSTOWN RD
SUITE 205
BALTIMORE, MD. 21215
(301) 358-9934

DATE OF APPROVED CRG PLAN - 8-28-86

REASONS FOR THIRD AMENDMENT DATED 10/7/87
1. [illegible]
2. [illegible]
3. [illegible]
ALL OTHER NOTES SHOWN ON PLAN

OFFICE OF PLANNING AND ZONING
Approved by
PETITIONER'S EXHIBIT
ALL STATE LEGAL
DIRECTOR OF P.D.M. DATE



LOT OWNERS WITHIN 300' OF LOT 68

MONTFORT LOT 60

HUSEY LOT 62

DAILEY LOT 63

STONE LOT 64

GORHAM LOT 65

SCHLEICHER LOT 66

SHIPP LOT 70

NAUMAN LOT 71

BUECHE LOT 72

CHENOWETH LOT 73

WINCHESTER LOT 38

PRETO LOT 39

LANTRY LOT 40

REASONS FOR FIRST AMENDMENT: 4/14/87
1) REVISED [illegible] PER [illegible]
2) ADDED ACCESS DRIVE FROM CUNNINGHILL COVE RD. NEXT TO LOT #12 THROUGH LOCAL OPEN SPACE INTO S.W.M. AREA
3) REQUIRE PROPOSED PANHANDLE TO HAVE PERM. IMPROVED RD. [illegible] AND TO CAUSE THE 10' ACCESS TRACT BOUNDARY AND LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES.

REASONS FOR THIRD AMENDMENT DATED 10/7/88:
1) REVISED DRIVE [illegible] ARROW ON PANHANDLE LOT 68.
2) MOVE 25' SETBACK ON LOT 90 TO 6'.
3) ALL OWNERS OF LOTS SOLD WITHIN 300' OF LOT 68 HAVE SIGNED THIS PLAN.

REASONS FOR SECOND AMENDMENT DATED 7/13/87
1. RELOCATED 12' ACCESS DRIVE TO S.W.M. FACILITY
2. REVISED EXISTING WOODS LINE AS SURVEYED ON JUNE 12, 1987
3. REVISED NOTE #10 TO ADDRESS OWNERSHIP & PRESENT DEED REFERENCE
4. NO LOTS HAVE BEEN SOLD WITHIN 300' OF CHANGES.

FOURTH AMENDED
FINAL DEVELOPMENT PLAN

CUNNINGHILL COVE ADDITION

15TH ELECTION DISTRICT
SCALE 1"=50'
SHEET 2 OF 2

BALTIMORE COUNTY, MD.
DATE: OCTOBER 6, 1986
REVISED: APRIL 17, 1987
REVISED: JULY 13, 1987

ENGINEER
W. DUVALL & ASSOCIATES INC.
530 E. JOPPA ROAD
TOWSON, MARYLAND 21204
301-583-9571

FOR 4TH AMENDMENT ONLY

MDC
MERRITT DEVELOPMENT CONSULTANTS INC.
2416 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234
PHONE: 410-663-5525 FAX: 410-663-4315
MERRITTDC@COMCAST.NET

STATE OF MARYLAND
PROFESSIONAL ENGINEER
NO. 22720
REGISTERED
11-23-04

REASONS FOR 4TH AMENDMENT

1. TO CREATE 2 ADDITIONAL LOTS BY SUBDIVIDING LOT 93.
2. THE AMENDMENT WAS APPROVED BY THE DRC ON SEPTEMBER 2, 2004 (DRC NO. 082304K)

OWNER & DEVELOPER
BAY COUNTRY JOINT VENTURE
6615 REISTERSTOWN RD.
SUITE 205
BALTIMORE, MD 21215
(301) 358-4934

OFFICE OF PLANNING AND ZONING
Approved by:

DIRECTOR OF PLANNING DATE

DIRECTOR OF P.D.M. DATE

MICROFILMED

PN 86057