THE MANUEL THE

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of South Tyrone Road, 150 ft. E
centerline of Tyrone Avenue
3rd Election District
5th Councilmanic District
(203 South Tyrone Road)

Petitioners

Katherine Hinckley & McKay Jenkins

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-348-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 Katherine Hinckley and McKay Jenkins. The variance request is for property located at 203 South Tyrone Road in Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 22 ft. in lieu of the required 30 ft. for a proposed addition. 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 January 20, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agency: A ZAC comment was submitted by the Office of Planning dated February 4, 2005, a copy of which is attached hereto and made a part hereof.

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, the requested variance should be granted.

- 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. Compliance with the ZAC comments submitted by the Office of Planning dated February 4, 2005, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed 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

15 February 14, 2005

Ms. Katherine Hinckley Mr. McKay Jenkins 203 S. Tyrone Road Baltimore, Maryland 21212

> Re: Petition for Administrative Variance Case No. 05-348-A Property: 203 S. Tyrone Road

Dear Ms. Hinckley & Mr. Jenkins:

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





## Petition for Administrative Variance

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		M - M	which is presentl	y zoned	R-575
This Petition shall be formula owner(s) of the property made a part hereof, here	situate in Baitim	ore County and whi	its and Development Ma ch is described in the desc ion(s)	nagement. The uncription and plat atta	ached hereto and
rear yard se	tback of	22 St. in	lien of the		
of this petition form.			law of Baltimore County, fo	or the reasons indic	ated on the back
Property is to be posted a i, or we, agree to pay exper regulations and restrictions	nses of above Val	riance, advertising, no	zoning regulations. sting, etc. and further agree to the zoning law for Baltimor	to and are to be boun e County.	ided by the zoning
			I/We do solemnly decla perjury, that I/we are the is the subject of this Pet	e legal owner(s) of the	he penalties of e property which
Contract Purchaser/L	<u>.essee:</u>		Legal Owner(s):	116	
Name - Type or Print	·	<del>· · · · · · · · · · · · · · · · · · · </del>	Name - Type or Print	VI	<del></del>
Signature			Signature Kully (1)	Hinstlen A	
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Adda was as East Dadidia w	State	Zip Code	Signature	One Al	410 322 16
<u>Attorney For Petition</u>	<u>er:</u>		Address As hmin	1- 0	Telephone No.
Name - Type or Print		·	City Da (7) Mile	State	Zip Code
Signature		<del></del>	Representative to	<u>be Contacted:</u>	 
Company	··· •·· ••· • • • • • • • • • • • • • •	· · · · · · · · · · · · · · · · · · ·	Name	<del></del>	i
Addless		Telephone No.	Address	<del></del>	Telephone No.
City	State	Zip Code	City	State	Zip Code
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\$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\			Zoning Commiss	ioner of Baltimore Coun	ty .
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REV 10 25/01

Reviewed By BR

Date 1/1/95

Estimated Posting Date 1/23/05

# 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

That the Affiant(s) does/do presently-reside		1910ic pear	
! !	Address /	re mo 212	12
; ;	City	State	Zip Code
That based upon personal knowledge, the	following are the facts	upon which I/we base th	ne request for an Administrative
Variance at the above address (indicate ha	ardship or practical diffic	culty):  lest for year	ers, and world
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That the Affiant(s) acknowledge(s) that if advertising fee and may be required to pro-	f a formal demand is vide additional informat	filed, Affiant(s) will be re ion.	equired to pay a reposting and
my In		KSPAndh	
Signature January		Signature Kalleline Hi	rekten
Name - Type or Print		Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BA		·	
I HEREBY CERTIFY, this 1990 day of of Maryland, in and for the County aforesal	•		ne, a Notary Public of the State
the Affiant(s) herein, personally known or s			- <del>************************************</del>
AS WITNESS my hand and Notarial Seal		, /	-2
KATHRYN A. SMIGLE NOTARY PUBLIC	Notary P	Maturyn A	migle
BALTIMORE COLINITY	1400013		

My Commission Expires \_

MARYLAND
My Commission Expires Oct. 7, 2008

# 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	203 S. Tylone Rd		
	Address Salpmore MD 21212		
•	City State Zip Code		
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):		
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advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.		
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Signature	Signature		
mcka tenten	Ketherine Knekken		
Name - Type or Print	Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIN	локе. to wit		
·	·		
I HEREBY CERTIFY, thisday ofof Maryland, in and for the County aforesaid, pe	rsonally appeared		
	Matherine Hinkley		
the Affiant(s) herein, personally known or satisfa	actorily laentified to me as such-Amant(s).		
AS WITNESS my hand and Notarial Seal			
	Halling About		
KATHRYN A. SMIGLE NOTARY PUBLIC	Notary Public / / ////////////////////////////////		
BALTIMORE COUNTY	My Commission Expires		
REV 10/25/01 My Commission Expires Oct. 7, 2008	,,		



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

MARYLAND		207 0	To Can Del	
	for the property	located at 203 S	1910re 140	_ <del></del>
	: :	which is presently a	zoned D.R.	5.5
This Petition shall be filed with to owner(s) of the property situate in E made a part hereof, hereby petition	Saltimore County and what	ich is described in the descrip	ition and plat attache	ed hereto and
men soul of t	<u></u>	1002,3,c.	to permit	a
tear yard setback	ot 22 Ct, in	lieu of the req	ulted 30-C	<b>4</b> ,
of the zoning regulations of Baltimo	re County, to the zoning	law of Baltimore County, for t	he reasons indicated	l on the back
of this petition form.	i İ			
Property is to be posted and adverti i, or we, agree to pay expenses of above regulations and restrictions of Baltimore	ve Variance, advertising in	osting, etc. and further agree to a to the zoning law for Baltimore C	County. and affirm, under the p	enalties of
	i	perjury, that I/we are the le is the subject of this Petitio	gai owner(s) of the pro in.	perty which
Contract Purchaser/Lessee:	1	Legal Owner(s):	<b>)</b>	
Name - Type or Print	<u> </u>	Name - Type or Frint	de C	<u></u>
Signature	<u> </u>	Signature Che The	Macklen Jan	
Address	Telephone No.	Name - Type or Print		
City	te Zip Code	Signature	Tour Di	, 277/
<u>Attorney For Petitioner:</u>	1 1	Address Blance	Mn 7/2/	Teléphone No.
Name - Type or Print	i 	City	State	Zip Code
Signature	; 	Representative to be	Contacted:	
Company	I 	Name		<del></del>
Address	Telephone No.	Address	<del></del>	elephone No
City	e Zip Code	City	State	Zip Code
A Public Hearing having been formally de	emanded and/or found to be	required, it is ordered by the Zon		•
this day of regulations of Baltimore County and that the		this petition be set for a public hearing	ng, advertised, as require	d by the zoning
	, , , ,	•		
	i I	Zonina Commissione	er of Baltimore County	1
CASE NO. <u>05-348-</u>	A Re	viewed By	Date 1////05	<del>/_ 222 112_ 1</del>
REV 10/25/01	Est	imated Posting Date	1/23/05	

### ZONING DESCRIPTION FOR 203 SOUTH TYRONE ROAD

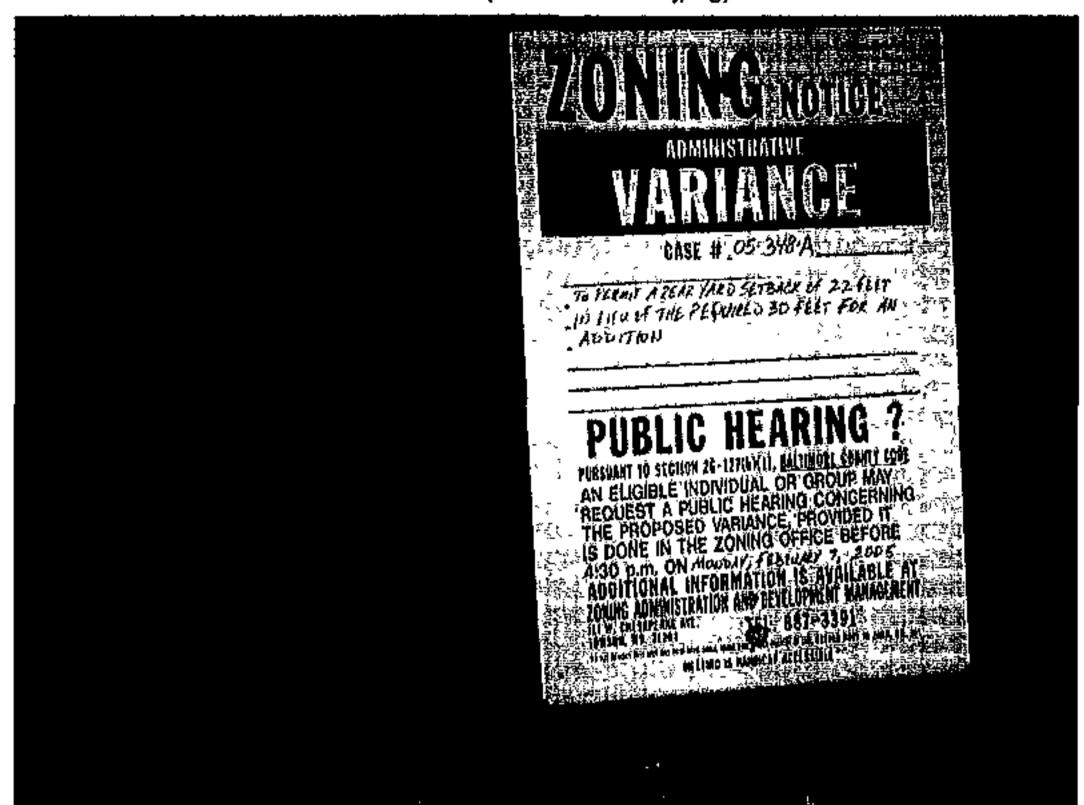
Beginning at a point on the north side of South Tyrone Road, which is 35'-0" wide at a distance of 150'-0" east of the centerline of the nearest improved intersecting street, Tyrone Avenue, which is 35'-0" wide. Being lot # 50 in the subdivision of Armagh Village as recorded in the Baltimore Plat Book #12, Folio 102, containing 5820 square feet. Also known as 203 South Tyrone Roadand located in the 3<sup>rd</sup> Election District, 5<sup>th</sup> Councilmanic District.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE.	RECEIVED	8	DISTRIBUTIONS WHITE-CASUM

### CERTIFICATE OF POSTING

	RE: Case No. : 05-348-4
	Petitioner/Developer: Mc KAY
	JENKINS
	Date of Hearing/Closing: 2/7/05
Baltimore County Department of Permits and Development Managemer County Office Building, Room 111 111 West Chesapeake Avenue	nt
Attention:	·
Ladies and Gentlemen:	
This letter is to certify under the penalt sign(s) required by law were posted coat the state of the second coat the second second coat the second se	
This sign(s) were posted on(Mo	<u>20, 2005</u> . nth, Day Year)
	Sincerely,  Martin Ogle
	Sign Poster  5016 Castlestone Drive  Address  Balto. Md 21237  (443-629-3411)
	1-1-0 040-0-11/

lm000191 (1152x864x256 Jpeg)



maturigle 1/20/05

## 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: 05-348-A
Petitioner: Kathicrine Hinckley - McKey Jenkins
Address or Location: 203 5. Tyrone Rd. Bulto. MD 21212
PLEASE FORWARD ADVERTISING BILL TO:  Name: Kathering Hinckley - McKay Junkins
Address: 203 S. Tyrone Rd
Address: 203 S. Tyrone Rd  Baltimore, MD 21212
Telephone Number: (410) 377 - 6590

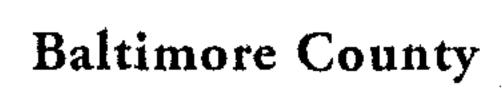
## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 348 -A Address 203 5, Tyrone Rd.	
Contact Person: Bryno Rudaitis Phone Number: 410.887.23	· · · · · ·
Planner, Please Print Your Name	) <del>'</del>
Filing Date: $1/1/05$ Posting Date: $1/23/05$ Closing Date: $2/7/05$	
Any contact made with this office regarding the status of the administrative variance should through the contact person (planner) using the case number.	b
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on treverse side of this form) and the petitioner is responsible for all printing/posting costs. A 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 closidate.	n ie
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to fa formal request for a public hearing. Please understand that even if there is no form request for a public hearing, the process is not complete on the closing date.	ile 1a
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 (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.	(C)
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 original posted, certification of this change and a photograph of the altered sign must be forwarded this office.	ng De
(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- 348 -A Address 203 S. Tyrohe Rd.  etitioner's Name Ketherine Hinckley Telephone 40-377-658  osting Date: 1/23/05 Closing Date: 2/7/05  fording for Sign: To Permit a rear yard setback of 2a ft, in lieu of the required 30 ft. for an addition.	0

## 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

February 7, 2005

McKay Jenkins Katheline Hinckley 203 S. Tyrone Road Baltimore, Maryland 21212

Dear Mr. Jenkins and Ms. Hinckley:

RE: Case Number: 05-348-A, 203 S. Tyrone Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

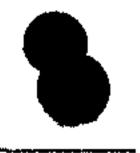
Enclosures

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

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348 349,351,353-358

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.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** February 9, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 31, 2005

Item Nos 349, 350, 351, 352, 355,

357, 358 and 359

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

RWB:CEN:cp

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

DEPRM

DATE:

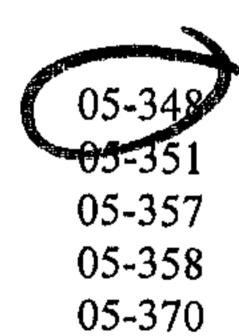
February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 24, 2005.

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



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

**DATE:** February 4, 2005

FEB - 7 2005

ZONING COMMISSIONER

**SUBJECT:** 

203 South Tyrone Road

**INFORMATION:** 

Item Number:

5-348

**Petitioner:** 

McKay Jenkins

Zoning:

DR 5.5

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The petitioner should exercise due diligence in selecting materials that are consistent in color and design to that of the existing single-family dwelling.

**Division 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: 1.21.05

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

RE:

Baltimore County

Item No. 348

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

f. f. Gredh

Engineering Access Permits Division





#### DEPARTMENT OF ENGLISH

212 Memorial Hali University of Delaware Newark, Delaware 19716-2537 Ph: 302/831-2361

Fax: 302/831-1586

Zoning Office Baltimore County

10 January 2005

To the Zoning Office,

We are the Jenkins's direct neighbors, and we have examined preliminary drawings for their planned addition. Although we have not seen final plans, the proposed construction seems in keeping with the neighborhood character, and we do not, at this early stage, object to it.

Sincerely, Deborch Wood

Bob and Debbie Wood 201 South Tyrone Road





#### DEPARTMENT OF ENGLISH

COLLEGE OF ARTS AND SCIENCES

212 Memorial Hall University of Delaware Newark, Delaware 19716-2537 Ph: 302/831-2361 Fax: 302/831-1586

Zoning Office Baltimore County

10 January 2005

To the Zoning Office,

We are the Jenkins's direct neighbors, and we have examined preliminary drawings for their planned addition. Although we have not seen final plans, the proposed construction seems in keeping with the neighborhood character, and we do not, at this early stage, object to it.

Sincerely,

Rod and Becky Barnes 205 South Tyrone Road

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LOCATION INTOPARION COUNTY OF PARTY OF PARTY と配っ Design 1 20met JOT 5/26: **Madelos** ZONING!

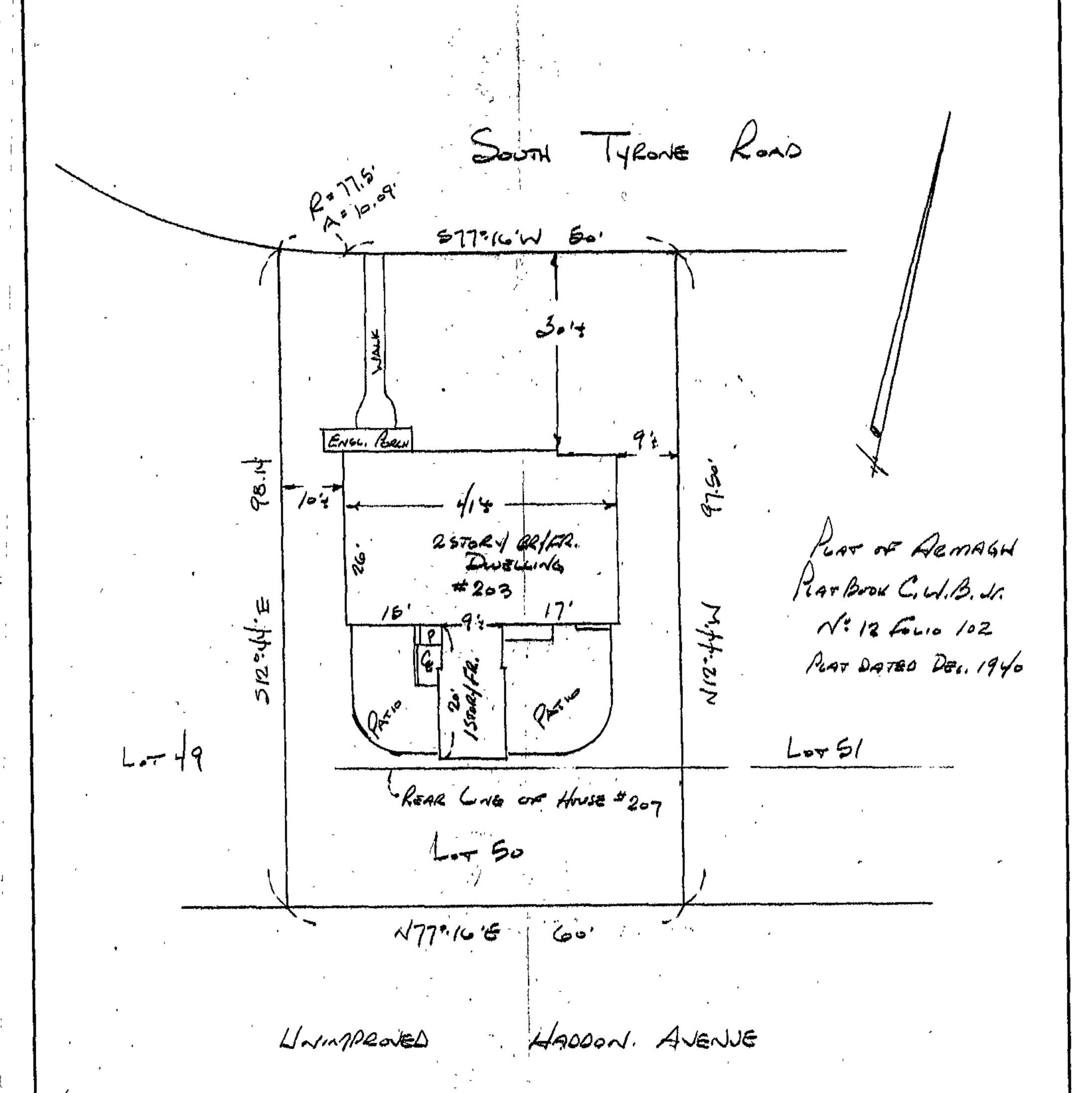
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This plat is of benefit to a consumer only insofar as it is required by a lender/title insurance company or their agent in connection with a contemplated transfer or financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification is not required for the transfer of title or securing financing or refinancing of the properly shown hereon.

The setback dimensions shown berson and as they relate to structures noted are to be interpreted as being within 2 feet either way of the dimension shown.

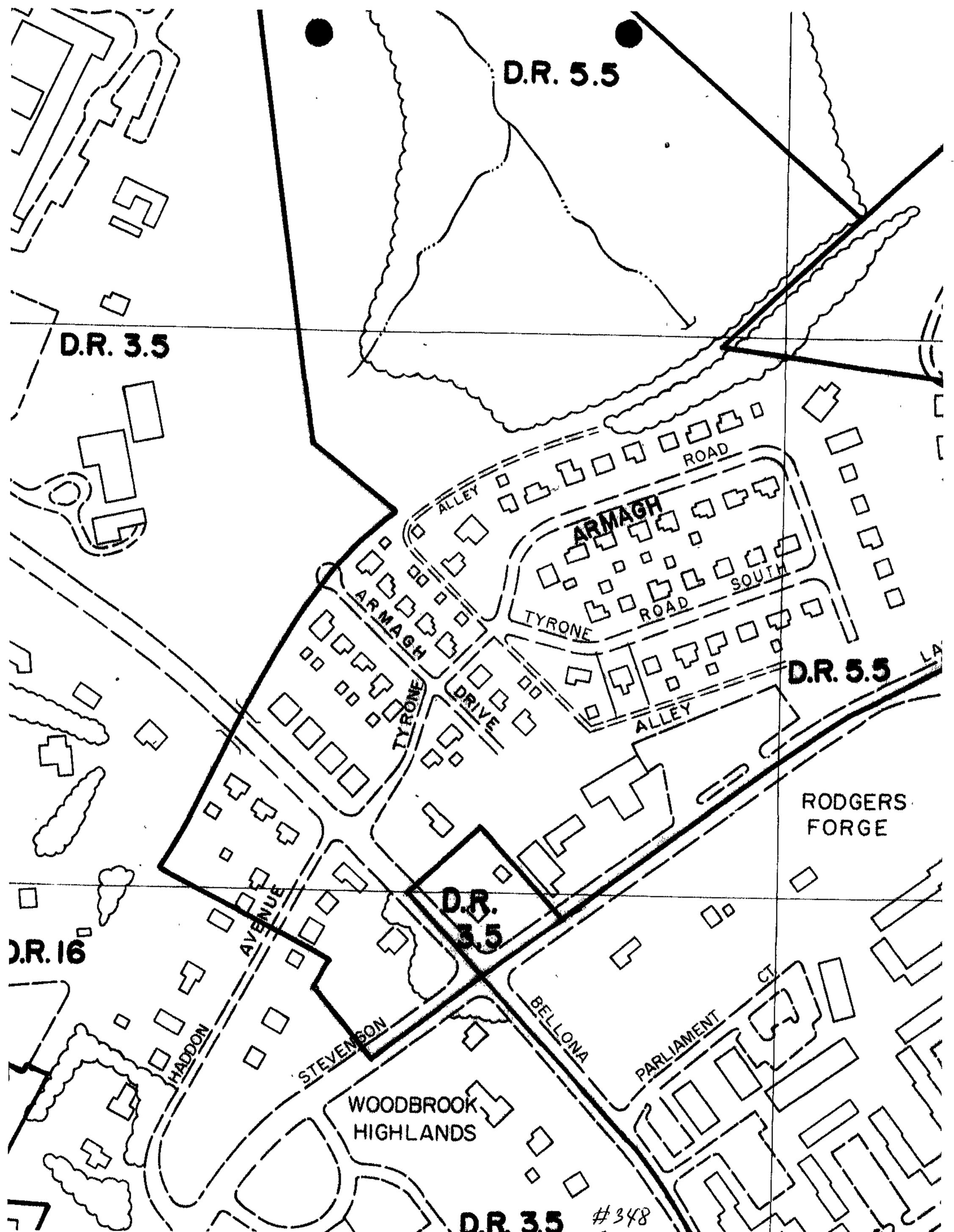


### **LOCATION DRAWING**

Property No. 20% S. TYRONE ROAD
REF. S.M. No. 17246 Four 707
9 TH DIST. BALTIMORE COUNTY, MD

Scale: / = 25' Date: //-18-04

David Ransone - Land Surveyor MD Lic.# 10928 PO Box 10007 Baltimore, MD 21285-0007 (410) 828-5354



- Click OK.
- Select the photos you want to print. Choose File > Print.

7.

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- Choose an option from the Presets menu.
- menu and set the Margins slider to 0.00 Choose Full Page from the Style pop-up

