IN RE: PETITION FOR ADMIN. VARIANCE

S/S Sue Grove Road, 1600' S of the c/l

Turkey Point Road

(906 Sue Grove Road)

15<sup>th</sup> Election District

6<sup>th</sup> Council District

Patrick Wojtkowiak, et ux Petitioners

O COMICII DISHICL

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

<sup>k</sup> Case No. 05-626-A

\*

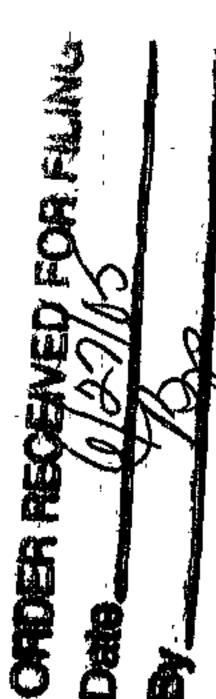
\* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Patrick Wojtkowiak, and his wife, Christina Wojtkowiak. The Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 22 feet in lieu of the required 30 feet for a proposed dwelling. In addition, relief is requested from Section 400.1 of the B.C.Z.R. to permit an existing accessory structure (garage) to be located in the side yard of the proposed dwelling in lieu of the required rear yard. 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.

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

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and



there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the unique configuration of the lot and the location of existing improvements thereon. As shown on the site plan, the property is shaped as an acute triangle with the existing garage located in the westernmost portion of the site where the property has the most depth. The proposed dwelling will be centered on the property and will meet all other setback requirements, but for the south corner of the building which will encroach into the required 30-foot setback by approximately 8 feet. There were no adverse comments from any County reviewing agency and apparently no opposition from any of the neighbors. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's close proximity to Sue Creek, the proposed development must comply with Chesapeake Bay Critical Areas and Federal Flood insurance requirements.

Pursuant to the advertisement, posting of the property(s) and public hearing on these Petitions 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 21 day of June 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 22 feet in lieu of the required 30 feet for a proposed dwelling, and from Section 400.1 of the B.C.Z.R. to permit an existing accessory structure (garage) to be located in the side yard of the proposed dwelling in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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

GHIM

2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated June 14, 2005 and June 6, 2005, respectively, have been attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

Zoning Commissioner for Baltimore County

WJW:bjs

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



## Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

June 27, 2005

Mr. & Mrs. Patrick Wojtkowiak 906 Sue Grove Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Sue Grove Road, 1600' S of the c/l Turkey Point Road
(906 Sue Grove Road)
15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Patrick Wojtkowiak, et ux - Petitioners
Case No. 05-626-A

Dear Mr. & Mrs. Wojtkowiak:

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

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

Very truly yours,

ILLIAM WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401

Development Plans Review, DPDM; DEPRM; People's Counsel; Case File





which is presently zoned VR-3.5



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 906 She Goveload

فحرينا لمرابط ومحموم حجالا الأمراج المرابط والمراج	ka in Daltimaina C	ووالمصم وبالمرازمة	rmits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and
made a part hereof, hereby pe	tition for a Varia	nce from Se	ection(s) $IBO2 \cdot 3 \cdot C \cdot I + 4 \cdot 3 \cdot 2 \cdot K \cdot C \cdot A = 3 \cdot 2 \cdot C \cdot A = 3 \cdot C \cdot A = 3 \cdot 2 \cdot C \cdot A = 3 \cdot C \cdot$
yard setback of	22 st.	in li	ection(s)  1 Bod, 3.C. 1 to permit a rear  of the required 30 ty. Cor a
Proposed dwell	ling and	Section	400.1 to permit an accessing
•			
Swelling in 1	liven of	the re	paired in the side yard of propose quired rear yard, ng law of Baltimore County, for the reasons indicated on the back
of the zoning regulations of Ba of this petition form.	altimore County,	to the zonin	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and a l, or we, agree to pay expenses or regulations and restrictions of Ba	of above Variance	, advertising,	he zoning regulations. posting, etc. and further agree to and are to be bounded by the zoning ant 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/Less	<u>ee:</u>		<u>Legal Owner(s):</u>
		1	Patrick Worthowigh
Name - Type or Print			Name - Type or Print
Signature	<del></del>	<del></del>	Signature
Address	Te	elephone No.	Name Type or Print
City	State	Zip Code	Signature Signature
Attorney For Petitioner:			906 Sue 666 (oad
		1	Address Maryland 71221
Name - Type or Print		<del></del>	City Zip Code
Signature		<del></del>	Representative to be Contacted:
· · · · · · · · · · · · · · · · · · ·		4	Patrick Worthowall
ompany			Name 906 Sue Gove Road 410-682-060
Address	Τe	lephone No.	Address Telephone No
ity	State	Zip Code	Gity None Nary and Zizzi
			be required, it is ordered by the Zoning Commissioner of Baltimore County,
d by of egylations of Baltimore County and	that the property be	subject matter reposted.	of this petition be set for a public hearing, advertised, as required by the zoning
	, , ,		
		•	Zoning Commissioner of Baltimore County
CASE NO. 05-6.	26-A		Reviewed By BR Date 5/25/or
RM/ 10/25/01		T	Estimated Posting Date

# Affida Vit 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 $9000000000000000000000000000000000000$
Address How Marxand ZIZZI Zip Code
City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative /ariance at the above address (indicate hardship or practical difficulty):
1. the property is unique triangular shape
z. the properties unique shape makes it difficult
to next setback regulations
3, existing home to be destroyed has severe termite
danage and is structually unsound.
Uk cannot get existing garage tochind New house to meet regulations, to cause of lot size and shape
regulations, because of lot size and snake
inal the Amantist acknowledgets) that if a formal demaild is med. Amantis, will be regarde to pay a reposting and
advertising fee and may be required to provide additional information.
Signature Worksmak Signature
Patrick Boytlowiak Christian Wattowiak
Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
HEREBY CERTIFY, this 18th. day of April ,2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Patrick Wojtkowiak & Christing Wojtkowiak. the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
Debu E. Stevens
Notary Public  My Commission Expires 8-1-07
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.

That the Affiant(s) does/do presently reside at	106 Jul	Don Fould	
Address	a Hi morre	Manyland State	7 [ 7 Z ] Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pract	the facts upon whic tical difficulty):	h I/we base the request	for an Administrative
1. The property is a unique	ue trians	ular shape	•
Z. The properties uniqu	e shape	makes it di	
to neet set back re	sulations	<b>-</b>	
3. existing home to be do damage and is structu	estroyed, h	198 Severe	termite
damage and is structu	ally unse	and.	
That the Affiant(s) acknowledge(s) that if a formal den	age Johina	d new house.	to met
That the Affiant(s) acknowledge(s) that if a formal denativertising fee and may be required to provide additional	nand is filed, Affian information.	100 $100$	pay a reposting and
All Wall	( ) Lu	Frie State wiell	•
Signature Hatrid Worklawiak	Signature	stin Worlkinia	JC_
Name - Type or Print	Name - Type o	or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	wit:		
HEREBY CERTIFY, this 18th day of Aprilof Maryland, in and for the County aforesaid, personally a Patrick O. Wojtkowiak & Christi	ppeared , <u>20</u>	before me, a Notal	ry Public of the State
the Affiant(s) herein, personally known or satisfactorily ide	ng WojtKou entified to me as suc	ch Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	Notary Public	Stevens	
		pires 8-1-07	
DEV 10/25/01	-		





to the Zoning Commissioner of Baltimore County

for the property located at	906 Sue	6rove	Rond
which	h is presently	zoned <u>Dk</u>	<u>'-3.5</u>

This Petition shall be filed with the Department of Foundation of the property situate in Baltimore County and	Permits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from	
rand sethade of 22 ft. in	lieu of the veguired 30 ft. for a
OFFICER ALLERANDE SEC	Ain Wall of maken it as accomm
proposition and and see	1 10 permit an accessory
structure (existing garage)	be located in the side yerd of propo
of the zoning regulations of Baltimore County, to the zon of this petition form.	field 400.1 to permit an accessory be located in the side yerd of propo- equired rear yard, ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pure	ng, posting, etc. and further agree to and are to be bounded by the zoning
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name - Type or Print
Signature	Signature  hristina Woitkowak
Address Telephone No	Name Type or Print
City State Zip Cod	e Signature XVX Minister
Attorney For Petitioner:	906 Sue 5/OU (COad) 410-687-066)
	Address Telephone No.
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name Name Name
	906 Jul 6/04 1(09d 410-687-06
Address Telephone No	Address Mand 21221
Clty State Zip Cod	e City / State Zip Code
A Public Hearing having been formally demanded and/or found this day of, that the subject may regulations of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, tter of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 05-626-A	Reviewed By $3$ Date $5/25/05$
REV 10/25/01	Estimated Posting Date6/5/ac

# Zoning Description For 906 See Grove Road

Beginning at a point on the south side of Sue Grove Road which is at the distance of the 1600' south of the Centerline of the nearest improved intersecting Struct Turkey Point Road Being Lot# 194 in the Subdivision of Sue Grove as recorded in Bathimore County Plat Book #7 Folio#11 containing \$44 +/Acres. Also Known as 906 Suel Grove Road and located in the 15th Election District Bartense Here\*Councilmank District.

# CERTIFICATE OF POSTING

RE: Case No.: 05-626-A.

	Petitioner/Developer: PATRIC
	+ChRISTINA WOSTKOWI
	Date of Hearing/Closing: 6 - 20 -0
Baltimore County Department of Permits and Development Managen County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews ((410) 86	37-3394}
Ladies and Gentlemen:	
This letter is to certify under the	
posted conspicuously on the property	alties of perjury that the necessary sign(s) required by law were
	E GROVE IN
The standal and	
The sign(s) were posted on	6-5-05
-	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)  (410) 282-7940

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

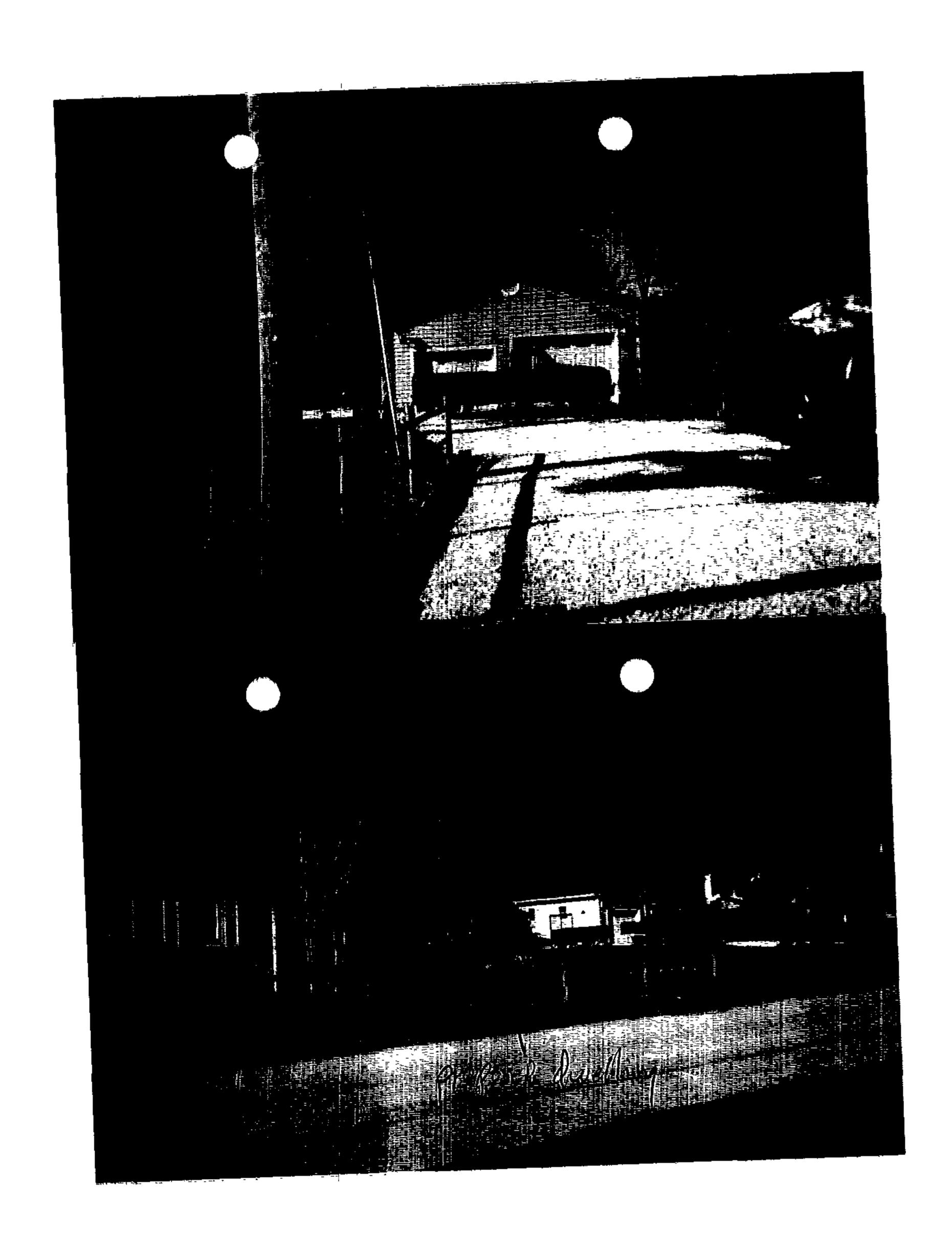
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Nymber or Case Number: 05-626-A
Petitioner: x latrich Wojth owial
Address or Location: y 906 Sue 6 Pove Roud
PLEASE FORWARD ADVERTISING BILL TO:  Name: / / Wayto wind
Address: 1 906 Sue 6000 Kond
Palto: MD. 21221
Telephone Number: 4 410-687-0661 work 410-780-9700

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number Ut	626	-A	Addres	s 906	<u> 54 e</u>	Grove	Kd.	
Contact Person:			Rudaiti. It Your Name	<i>r</i> *	Phone	Number:	410-887-33	39 <sup>.</sup>
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# 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.

June 20, 2005

Patrick Wojtkowiak Christina Wojtkowiak 906 Sue Grove Road Baltimore, Maryland 21221

Dear Mr. and Mrs. Wojtkowiak:

RE: Case Number: 05-626-A, 906 Sue Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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. Call Rill D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

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 June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting

June 6, 2005

Item No.: 595, 60

Pursuant to your request, the referenced plan(s) have been remewer this Bureau and the comments below are applicable and required to corrected or incorporated into the final plans for the property.

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

Lieutenant J.D.Mezick
Fire Marshal's Office
(0)410-887-4881 (C)443-829-2444
MS-1102F

cc: File



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 13; 2005 Item No. 626

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

The flood protection elevation for this site is 10.4.

In conformance with Federal Flood insurance Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 626-06062005.doc

pN 190

Par PAR	MEVAL MUNITOR DE LANGUERO	Alividentalisticken open en skrivater kan en de skrivater en
TO:	Tim Kotroco	RECEIVED
FROM:	John D. Oltman, DEPRM	
DATE:	June 14, 2005	ZONING COMMISSIO
SUBJECT:	<u> </u>	05-626 06 Sue Grove Road
Zoning	g Advisory Comm	ittee Meeting of June 6, 2005
:		ronmental Protection and Resource Management has no referenced zoning item.
	<del>-</del>	ronmental Protection and Resource Management offers on the above-referenced zoning item:
<i>p</i>	Protection of Wa	the property must comply with the Regulations for the ster Quality, Streams, Wetlands and Floodplains (Sections 14-350 of the Baltimore County Code).
	_	this property must comply with the Forest gulations (Section 14-401 through 14-422 of the y Code).
<u>X</u>	Critical Area Re	this property must comply with the Chesapeake Bay gulations (Sections 26-436 through 26-461, and other Baltimore County Code).

### Additional Comments:

Please note that the Critical Area Regulations provide for 15% Minimum Tree Cover and limit the amount of Impervious Surfaces.

Reviewer:

Mike Kulis, Sue Farrinetti

Date: June 14, 2005

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 7, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-626-Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the existing dwelling is removed from the subject property in a timely manner.

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:

**Division Chief:** 

MAC/LL

State Highway

Administration

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

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

#### Maryland Department of Transportation

Date:

6.3.05

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

RE:

Baltimore County
Item No. 272

BPR

Dear. Ms. Matthews:

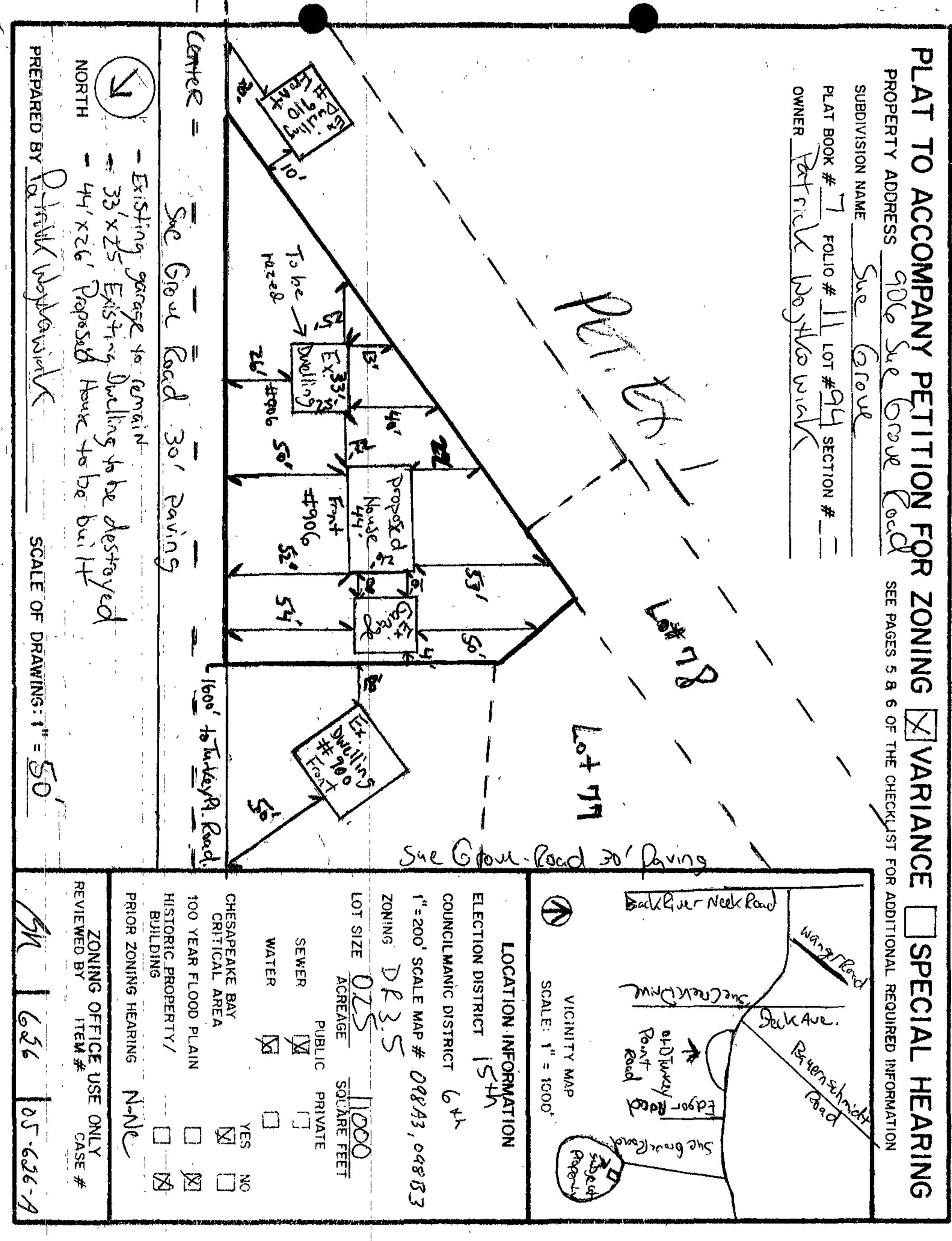
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any question's 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



# **EXAMPLE 4 -- Zoning Map**

1 COPY

By // D D D D D SOTH AVE	Jon Maria
John Site	
Lonno.	= ROAD
	N37,000
	ACKE
	ENHOUSE
	. 5.5
	# #70,000
ROAD //AU	GREEN -
SCALE	N 36,000 SHEET
1" = 200' ±	N.E.
DATE PERRY HALL OF PHOTOGRAPHY	10 - G
JANUARY 1986	



098 A3

