IN RE: PETITION FOR ADMIN. VARIANCE

S/S of Stockdale Avenue and W/S of Owings Avenue

4th Election District

3rd Councilmanic District

(500 Owings Avenue)

Ellen H. & Michael V. Tebo Petitioners BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 05-683-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Ellen H. and Michael V. Tebo. The variance request is for property located at 500 Owings Avenue in the Reisterstown area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 10 ft. in lieu of the required 30 ft. from a side street and from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing rear yard setback of 26 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 June 23, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the Drequirements 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.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 2107 day of July, 2005, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 10 ft. in lieu of the required 30 ft. from a side street and from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing rear yard setback of 26 ft. in lieu of the required 30 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

Order.

ZONING COMMISSIONER

FOR BALTIMORE COUNTY

WJW,III:raj

2/2/CS



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| MRYLAM | 1 | · |
|---|--|--|
| | for the proper | ty located at 500 Owings Avenue |
| | | which is presently zoned D.R. 3.5 |
| This Petition shall be filed with to owner(s) of the property situate in E made a part hereof, hereby petition | Baltimore County and | Permits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s) |
| | | acks of the Z.C.P.M. |
| To permit & se | tback of ten fee | it in lieu of the required thirty feet from a side stra |
| and 1 Bo2, 3, C.1 of | s the B.C. E.R. | to permit an rear yard setback of Zwenty-six feet |
| in lieu of the | required this | rty feet. |
| of the zoning regulations of Baltimo of this petition form. | re County, to the zor | ning law of Baltimore County, for the reasons indicated on the back |
| Property is to be posted and adverti I, or we, agree to pay expenses of abor- regulations and restrictions of Baltimore | ve Variance, advertisin | the zoning regulations. g, posting, etc. and further agree to and are to be bounded by the zoning uant 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: | | Legal Owner(s): |
| | | Malical II Tob |
| Name - Type or Print | | Name - Type of Print |
| Signature | —————————————————————————————————————— | Signature |
| Address | Telephone No | Name - Type or Print |
| City | in Cada | Ellen H. Hebo |
| Attorney For Petitioner: | te Zip Code | Signature 500 Owings Ove (4/11)577-0353 |
| reconser of a controller. | | Address Telephone No. |
| Name - Type or Print | | City State Zip Code |
| | | Representative to be Contacted: |
| Signature | | |
| Company | | Gechold Cross & Edeel, Ltd Mike Alexander Name |
| Address | Telephone No. | 320 E. Towson Youn Blud. (410)-823-4470 Address Telephone No. |
| City | te Zip Code | Towson Maryland 21286 City State Zip Code |
| A Public Hearing having been formally de this day of regulations of Baltimore County and that the | ************************************** | to be required, It is ordered by the Zoning Commissioner of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning |
| | | |
| 5 | , -1°! -1. | Zoning Commissioner of Baltimore County |
| CASE NO. 05.683 | | Reviewed By JF Date 6-22-05 |
| REV 10/25/01 | 1 | Estimated Posting Date 7-3-01 |

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 | 500 | Ow: nas | Avenue | |
|--|----------------|-----------------------------|-------------------------|------------------------------|
| - | | s town | Maruland | 21136 - 1912 Zip Code |
| That based upon personal knowledge, the follow Variance at the above address (indicate hardship | | | | |
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| That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a | rmal demar | nd is filed, A ormation. | ffiant(s) will be requi | red to pay a reposting and |
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| Name - Type or Print | | | LLEN H. TE, | BO |
| realise - Type of Milit | | Mame - 1 | ype or Print | |
| | | | | |
| STATE OF MARYLAND, COUNTY OF BALTIM | | | | |
| of Maryland, in and for the County aforesaid, per | Sonally appo | eared | 2005, before me, | a Notary Public of the State |
| MICHael d' Ellen | TEBO | | | |
| the Affiant(s) herein, personally known or satisfa | ctorily identi | fied to me as | such Affiant(s). | |
| AS WITNESS my hand and Notarial Seal | | | | |
| | No | tary Public | lc A. 5 | Chno- |
| | My | Commission | Express | |
| REV 10/25/01 | | 101 | AL LANDING | touty, Mayland |

My Commission Expires March 1, 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 500 Οωίρας Ανέρυς. Address | | | | | |
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| | Reisters town | | 21136 - 1912 Zip Code | | |
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| Signature // / / / / / / / / / / / / / / / / / | • | LLEN H. T-eso | | | |
| Name - Type or Print | · · · · · · · · · · · · · · · · · · · | - Type or Print | | | |
| STATE OF MARYLAND, COUNTY OF BALTIN | | | | | |
| of Maryland, in and for the County aforesaid, pe | rsonally appeared | | otary Public of the State | | |
| the Affiant(s) herein, personally known or satisfa | actorily identified to me | as such Affiant(s). | ······································ | | |
| AS WITNESS my hand and Notarial Seal | Ho. | Gelo B. The | · Wa | | |
| | Notany Public | 7 | | | |

My Commission Expire Public, Ballimore County, Maryland

My Commission Expires March 1, 2008



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 500 Owings | Avenue | |
|-----------------------------|---------------|---------|-----|
| which is | presently zon | ed D.R. | 3.5 |

IMP do solembly declare and effect and effect and effect the

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 BOZ. 3. C. 1 d. Side Street Setbacks of the Z.C. P.M.

To permit a setback of ten feet in lieu of the required thirty Feet from a side street.

1 BOZ. 3. C. 1 of the B.C. Z.R. to permit angrear yard setback of Zwenty-six feet in lieu of the required thirty feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

| | i i | perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. |
|--|---------------------------------------|--|
| Contract Purchaser/Lessee: | i | Legal Owner(s): |
| | - | 11/1/1/2 |
| Name - Type or Print | · · · · · · · · · · · · · · · · · · · | Name - Type or Print |
| Signature | · · · · · · · · · · · · · · · · · · · | Signature |
| Address | Telephone No. | ELLEN H. TEBO Name, Type or Print |
| City | <u> </u> | Ellen N. Tebo |
| , otato | Zip Code | Signature |
| Attorney For Petitioner: | | 500 Owings are (410)517-0355 Address |
| | | Reisters foun. Mr. 21136 |
| Name - Type or Print | | City State Zip Code |
| Signature | | Representative to be Contacted: |
| Company | | Gerhold Cross & Etzel, Ltd Mike Alexander Name |
| Address | | 320 E. Townson Young Rlud. (410) -823-4420 |
| | Telephone No. | Address Telephone No. |
| City | Zip Code | Towson Maryland 21286 City State Zip Code |
| A Public Hearing having been formally de | manded and/or found to be | required it is ordered by the Zemes Commission of D. W. |
| regulations of Baltimore County and that the | property be reposted. | his petition be set for a public hearing, advertised, as required by the zoning |
| | ! | • |
| | | Zoning Commissioner of Baltimore County |
| CASE NO. 05-683- | A Day | designed By JE |

Estimated Posting Date

REV 10/25/01

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

July 21, 2005

Mr. & Mrs. Michael V. Tebo 500 Owings Avenue Reisterstown, Maryland 21136

> Re: Petition for Administrative Variance Case No. 05-683-A Property: 500 Owings Avenue

Dear Mr. & Mrs. Tebo:

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,

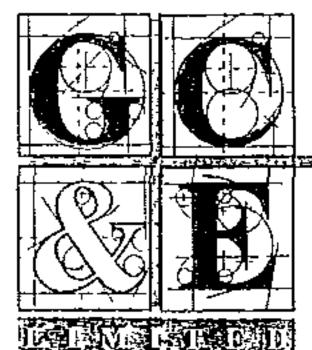
William J. Wiseman, III Zoning Commissioner

WJW,III:raj Enclosure

c: Mike Alexander Gerhold, Cross & Etzel, Ltd. 320 E. Towsontown Blvd. Towson, MD 21286



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



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

June 20, 2005

Zoning Description 500 Owings Avenue Tebo Property

All that piece or parcel of land situate, lying and being in the Fourth Election District and Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning at a point at the intersection of the south side of Stocksdale Avenue and the west side of Owings Avenue, thence running along the west side of Owings Avenue, (1) South 29 degrees 55 minutes East 72.5 feet, thence leaving Owings Avenue and running, (2) South 64 degrees 30 minutes West 119 feet, (3) North 18 degrees 30 minutes West 131.3 feet to the south side of Stocksdale Avenue and running thence along the south side of said Avenue (4) South 84 degrees 45 minutes East 113.5 feet to the place of beginning, containing 11,119 square feet or 0.25 acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

20/05

RECEIVED FROM: FOR: DATE MISCELLANEOUS BALTIMORE COUN OFFICE OF BUDGET & FINANCE **Æ**, 17: 15: P ₹} - L RECEIPT ITY, MARYLAND **AMOUNT** ACCOUNT. 45 一門を見 0 N O 3 67 关 THE WASHINGTON 100 mm Port for 是这个一种的,这种是一个一种的。 · 含 **建筑 医乳肿 医乳肿** THE THE WATER THE PARTY OF THE 2000年 1000年 1100年 1100年

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CERTIFICATE OF POSTING

RE: CASE# 05-683-A PETITIONER/DEVELOPER: Michael & Ellen Tebo DATE OF HEARING: N/A, Closing Date July 18, 2005

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **COUNTY OFFICE BUILDING, ROOM 111** 111 WEST CHESAPEAKE AVE. **TOWSON, MARYLAND 21204**

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

500 Owings Avenue

SIGNATURE OF SIGN POSTER

John Dill

GERHOLD, CROSS & ETZEL, LTD **SUITE 100** 320EAST TOWSONTOWN BLVD **TOWSON, MARYLAND 21286** 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: 06/23/2005

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTIŞING 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 Number or Case Number: 05-683-A |
| Petitioner: Michael and Ellen Tebo |
| Address or Location: 500 owings Avenue |
| PLEASE FORWARD ADVERTISING BILL TO: Name:Michael and Ellen Tebo |
| Address: 500 Omings Avenue |
| Reisterstown, MD. 21136 |
| Telephone Number:(110) - 517 - 0355 |

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case | Number | 05- | 68 | 3 -/ | 4 | Address | s <u>500</u> |) OV | V//VG5 | AVE | * |
|-----------------|-----------------------|--------------------------|-----------------------|--|--|--|-----------------------------------|--|-------------------------------------|----------------------------|--|
| Conta | act Perso | n: <u> </u> | JUI | <u> </u> | ERMAN ase Print Your N | Vame | | - | Phone Nui | mber. 41 | 0-887-3391 |
| Filing | g Date: | 6 | 22-05 | <u> </u> | Posti | ing Date: | 7-3 | -05 | Closir | g Date: | 7-18-05 |
| Any (throug | contact ingh the cor | nade ntact | with this person (| s office (planner | regarding) using the | the state case number | tus of th | ne adm | ninistrative | variance | should be |
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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

July 18, 2005

Michael V. Tebo Ellen H. Tebo 500 Owings Mills Avenue Reisterstown, Maryland 21136

Dear Mr. and Mrs. Tebo:

RE: Case Number: 05-683-A, 500 Owings Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Carly tray purs D. Carle Richall D.

WCR: clb

Enclosures

c: People's Counsel Gerhold, Cross & Etzel Mike Alexander 320 E. Towsontown Blvd Towson 21286



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



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

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

Maryland Department of Transportation

Date: 7.11.275

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

RE:

Baltimore County

1RF

Dear. Ms. Matthews:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Soull

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 8, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-683- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley

DATE:

September 7, 2005

SUBJECT:

Zoning Item # 05-683

Address

Tebo Property

Zoning Advisory Committee Meeting of July 11, 2005

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

Prior to issuance of a building permit, an evaluation of the existing septic system may be required.

Reviewer:

Sue Farinetti

Date: July 6, 2005

S.\Devcoord\ZAC05-683A.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 15, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for July 18, 2005 Item No. 683

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have comments.

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

DAK:CEN:cab

cc: File

ZAC-COMMENTS-ITEM NO 683-07152005.doc

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

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

July 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 11, 2005 $\left(\frac{1}{2}\right)$

Item No.: 680-693

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.

Comments:

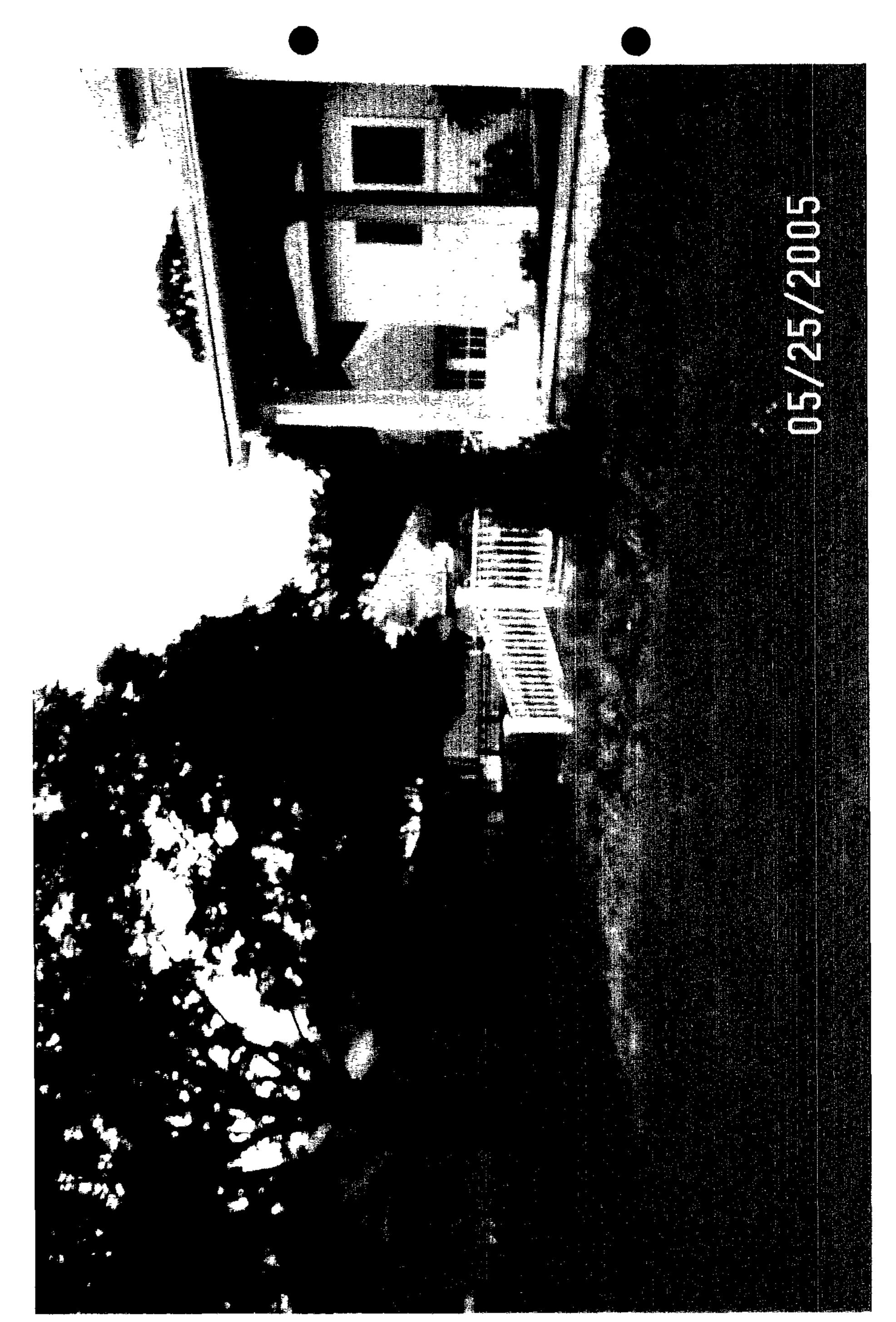
1. The fire marshal's office has no comments at this time

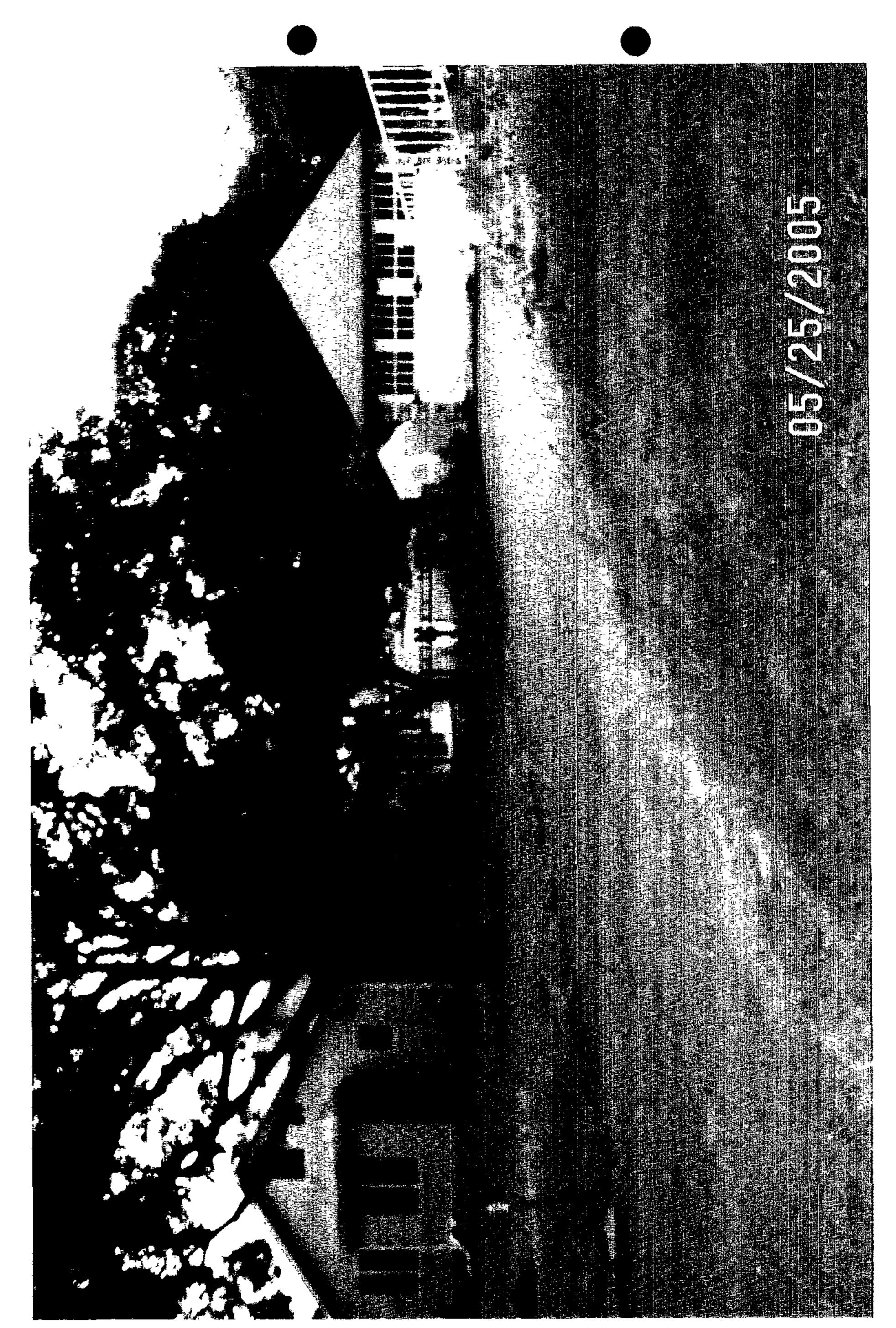
Insp. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File









Sobject Dwerling

3



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