IN RE: PETITION FOR ADMIN. VARIANCE *

E/S Montrose Avenue, 130' S of the c/l

Tredegar Avenue

(403 Montrose Avenue)

1st Election District

1st Council District

James M. Dugan, et ux Petitioners BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 06-118-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, James M. Dugan, and his wife, Linda S. Dugan. The Petitioners request variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) height of 24 feet in lieu of the maximum allowed 15 feet. 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. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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 Petitioners have 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 evidence contained therein, I am persuaded to grant the requested

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relief. A review of the site plan shows that the Petitioners propose constructing a "carriage-house" style, three-car garage, 36' x 24' in dimension, with a height of 24.' It was indicated that the architectural design of the structure is more in keeping with the style of the existing home and will feature a shed dormer, with windows and shutters to match the house. This dormer will provide a ventilated loft area in which to display and operate the Petitioners' collection of o-gauge model trains. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one voiced any objection. It is also to be noted that all area setback requirements will be met. The only deficiency is the height of the structure, which is caused by certain design elements that were incorporated so that the building would match the roofline of the existing dwelling. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the granting of the relief requested, the Office of Planning has requested that building elevation drawings of the proposed structure be submitted for their review and approval to assure compatibility with the existing dwelling and surrounding locale. In addition, they have requested that the Petitioner show vehicular access to the structure on the site plan. Therefore, prior to the issuance of any permits, the Petitioners shall be required to submit a revised site plan and building elevation drawings as set forth above to the Office of Planning and the Department of Permits and Development Management (DPDM) for inclusion in the case file.

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.

this 21 day of September 2005 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 24 feet in lieu of the maximum allowed 15 feet, 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.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 3) Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed structure and a revised site plan showing access to the proposed garage to the Office of Planning for review and approval to assure compatibility with the existing dwelling and surrounding locale. A copy of the revised site plan shall be forwarded to the Department of Permits and Development Management for inclusion in the case file.

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

case and set forth and address the restrictions of this Order.

Zoning Commissioner for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILERO

Zoning Commissioner

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





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

September 27, 2005

Mr. & Mrs. James M. Dugan 403 Montrose Avenue Baltimore, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Montrose Avenue, 130' S of the c/l Tredegar Avenue
(403 Montrose Avenue)

1st Election District — 1st Council District
James M. Dugan, et ux - Petitioners
Case No. 06-118-A

Dear Mr. & Mrs. Dugan:

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,

WILLIAM I WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Office of Planning; People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 403 MUNTWSe AVENUE which is presently zoned DR2

 owner(s) of the property situate in Baltimore County and w 	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and ction(s).
To permit a detached accessor	Structure (garage) with a height of blowed 15 ft.
of the vive of account of the contract of	Structure (garage) with a neight of
297. In no of the maximum a	nowed 15 TR
of the zoning regulations of Baltimore County, to the zoning of this petition form	g law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by th	e zonina regulations
i, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuar	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):
	James M. Dugan
Name - Type or Print	Name - Type or Print
Signature	Signature M. Luyan
A -1 -1	x Linda S. Rugan
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature 410
Attorney For Petitioner:	403 Montrose Ave 719-8554
	Address Address Telephone No. 21228
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
. <u></u>	Site Rite Survaina Inc
Complany	200 E. Johna Poad Room 10 1 410 828-901
Address Telephone No	Address Telephone No
Chata	JOWSON, MD 21286
State Zip Code	City State Zip Code
that the subject matter o	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
reculations of Baltimore County and that the property be reposted.	
	Zoning Commissioner of Baltimore County
CASE NO	11
SUMPLINU. VVIIVI RO	eviewed By \sqrt{L} Date $3/23/05$

Estimated Posting Date 9/04/05

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of periury to the Zoning Commissioner of Baltimore County as

403-Montrosc A Address Baltimoru City	venue	0100
Baltimore	MO	O I O O
Cito		21228
	State the look base the recent the state.	Zip Code quest for an Administrative
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nergy costs.		
Iditional information.	nt(s) will be require	ed to pay a reposting and
		Dugan
ORE, to wit: عن المادة onally appeared	05_, before me, a	Notary Public of the State
	or practical difficulty): d style house has do ine on the garage al er, with windows and uld better match the lay and operate our layout would requirates this loft area nergy costs. mal demand is filed, Affiail ditional information. Signature Name-Type	d style house has dormers in the fine on the garage allows us to incer, with windows and shutters, wou all better match the appearance of lay and operate our collection of layout would require is not available attest his loft area would provide mergy costs. The mail demand is filed, Affiant(s) will be required information. Name-Type or Print DRE, to wit:

Notary Public

AS WITNESS my hand and Notarial Seal

My Commission Expires

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

periorities to todary dicreto in the event diat a pi	ublic nearing is scrieduled in the future with regard mereto.
That the Affiant(s) does/do presently reside at	403 Montrose Avenue
	Address By Hunor MD 21228
	City State Zip Code
That based upon personal knowledge, the follow	Wing are the facts upon which I/we have the request for an Administrative
Variance at the above address (indicate hardship	p or practical difficulty):
dormer in the rear. The higher roo dormer on the garage. This shed do	Cod style house has dormers in the front and a shed fline on the garage allows us to incorporate a shed rmer, with windows and shutters, would give the garage would better match the appearance of the home.
The open expanse of space that such	splay and operate our collection of O-gauge model trains a layout would require is not available in the house. reates this loft area would provide ventilation and energy costs.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and dditional information.
& Jame M. augun	. La SAn
signature U	Signature
James M. Dugan	Linda S. Dugan
lame - Type or Print	Name - Type or Print
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STATE OF MARYLAND, COUNTY OF BALTIM	ORE to wit
HEREBY CERTIFY, this 2000 day of 100 day of	vST sonally appeared, 2005, before me, a Notary Public of the State
MARYLAND James	and unda Organ
ne Affiant(s) herein, pérsonally known or satisfac	torily identified to me as such Affant(s).
S WITNESS my hand and Notarial Seal	Danbara X Cateur
- <b>-</b>	Notary Public/ /
	My Commission Expires 7/7/07
REV 10/25/01	



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

	<u>.                                    </u>	ocated at 103 Montrose Avenue which is presently zoned DP2
This Petition shall be filed with wner(s) of the property situate in nade a part hereof, hereby petition	n the Department of Perm n Baltimore County and whi on for a Variance from Sect	its and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and ion(s) 400 3 1207 15
opermit a detach 4ft. in lieu of th	ed accessory structured at	neture (garage) with a height of lowed 15 A.
the zoning regulations of Baltin this petition form.	nore County, to the zoning	law of Baltimore County, for the reasons indicated on the back
roperty is to be posted and adve or we, agree to pay expenses of a gulations and restrictions of Baltim	DOVE Vatiance advertising no	zoning regulations. sting, etc. and further agree to and are to be bounded by the zoning 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
ontract Purchaser/Lessee:		
		<u>Legal Owner(s):</u>
	· • · · · · · · · · · · · · · · · · · ·	Name - Type or Print
rme - Type or Print		Name - Type or Print  Signature  Signature
ame - Type or Print gnature	Telephone No	Name - Type or Print  Lames M. Dugan  Lames M. Dugan
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gnature Idress  Idress  Idress  Idres - Type or Print	elephone No	Name-Type or Print  Linda S. Dugan  Name-Type or Print  Linda S. Dugan  Name-Type or Print  Signature  A10  A03 Montrose Avenue 119-855-  Address  Telephone No.  Baltimore  MD 21228  City State Zip Code  Representative to be Contacted:
gnature  Idress  Y  Itorney For Petitioner:  Inne - Type or Print  Inature	elephone No	Name - Type or Print  Came M. Dugan  Signature  Linda S. Dugan  Name - Type or Print  X  Signature  A10  A03 Montrose Avenue 719-855-  Address  Telephone No.  L Baltimore  MD 21228  City  State  Zip Code
ame - Type or Print gnature idress	elephone No	Name-Type or Print  Came M. Dugan  Signature  Linda S. Dugan  Name-Type or Print  Signature  A10  A03 Montrose Avenue 719-855-  Address  Telephone No.  Boltimure  MD 21228  City  State  Zip Code  Representative to be Contacted:  SHE WHE SHWMING M.

Reviewed By

**Estimated Posting Date** 

Zoning Commissioner of Baltimore County

REV 10/25/01

CASE NO.

### ZONING DESCRIPTION #403 MONTROSE AVENUE

BEGINNING at a point on the east side of Montrose Avenue which is 60 feet wide at the distance of 130 feet south of the centerline of Tredegar Avenue which is 60 feet wide. Being Lot #'s 369-372, in the subdivision of "Oak Forest Park" as recorded in Baltimore County Plat Book #5, Folio #90, containing 15,000 S.F. ±. Also known as #403 Montrose Avenue and located in the 1st Election District, 1st Counilmanic District.

10

Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Room 101 Towson MD 21286 (410) 828-9060

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### **CERTIFICATE OF POSTING**

RE: Case No.: 06-1)6 A

Petitioner/Developer: JAMES & LIVING DUGANI

Date of Hearing/Closing SEPT, 19, 7005

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Auchhon. Chi bleh Mathrews
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 propery located at
# 403 MONTROSE AVE-
The sign(s) were posted on SEPT-1, 2005 (Month, Day, Year)
(Month, Day, Year)
Sincerely,
Barland Low (Signature of Sign Poster and Date)
CTAPLAGED E, MOORE (Printed Name)
3225 RYERSON CIRCLE (Address)
BALTIMORE, MD, 21227 (City, State, Zip Code)
(Telephone Number)

# 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.

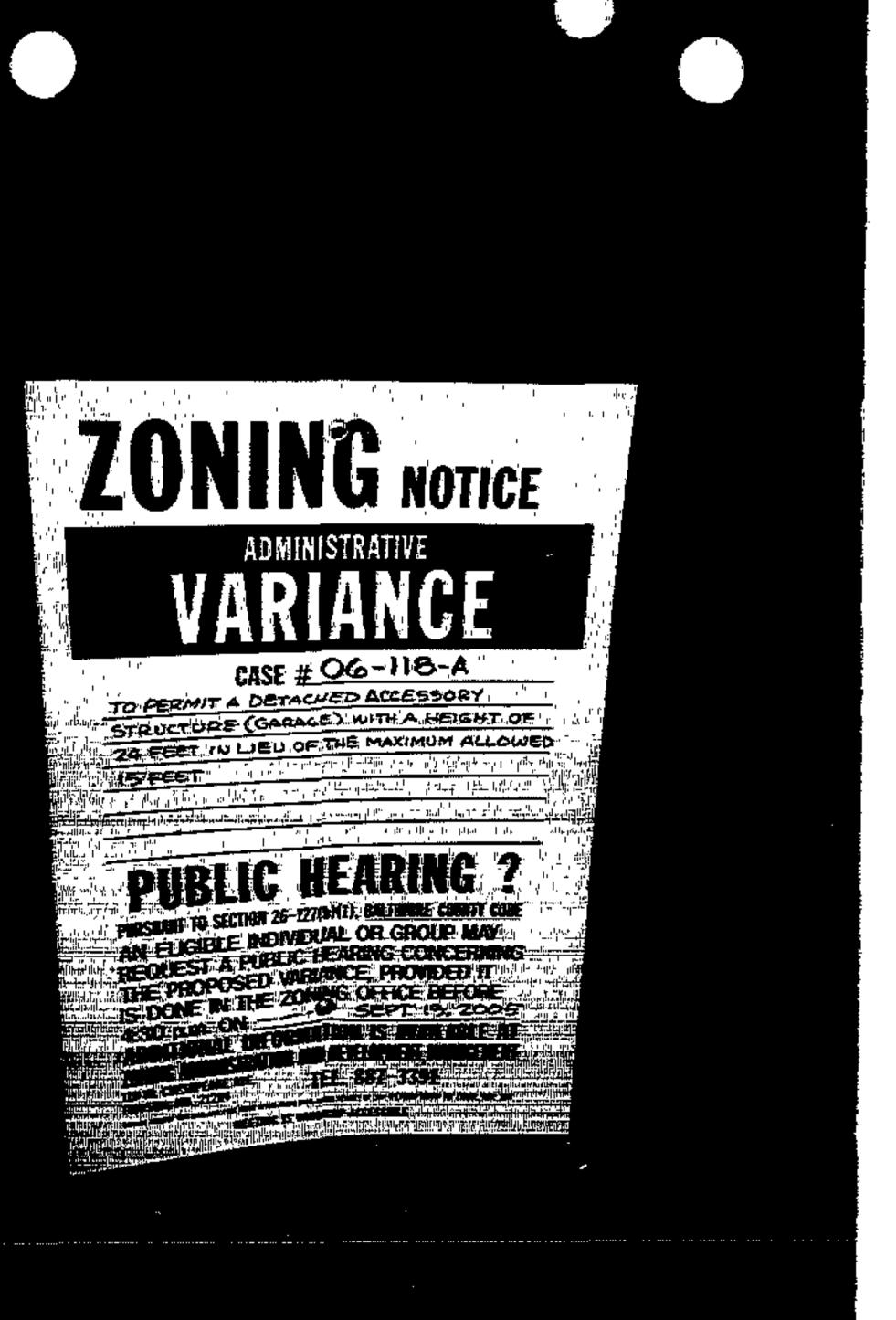
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:	
Item Number or Case Number: 06 18 A	 · <del>-</del>
Petitioner: James and Mada Dugah	 
Address or Location: 403 Monthsh Avenue	 
PLEASE FORWARD ADVERTISING BILL TO:  Name:	
Telephone Number: 410 119 - 8554	 <u></u>

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 18 -A Address 403 MONTROSE AVE
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 82505 Posting Date: 90405 Closing Date: 9/19/05
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) 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.
4. 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 originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 06- 118 -A Address 403 MONTROSE AVE
Petitioner's Name JAMES AND LINDA DUGAN Telephone 410 - 7101-0-54
Posting Date: 9/9/05 Closing Date: 9/9/05
Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE GARAGE
WITH A HEIGHT OF 24 FT. IN LIEU OF THE MAYIMUM ALLOWED 15 FT.





# 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

September 19, 2005

James M. Dugan Linda S. Dugan 403 Montrose Avenue Baltimore, Maryland 21228

Dear Mr. and Mrs. Dugan:

RE: Case Number: 06-118-A, 403 Montrose

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

W. Calling Vours, Calling Office of the Calling of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286



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

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 19, 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SEP 2 6 2005

SUBJECT:

403 Montrose Avenue

ZONING COMMISSIONER

**INFORMATION:** 

**Item Number:** 

6-118

Petitioner:

James M. Dugan

Zoning:

DR 2

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- Submit architectural elevations of all sides of the proposed structure to the Office of Planning for review and approval prior to the issuance of a building permit.
- 4. Show vehicular access to the proposed accessory structure (garage) on the plan.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL: CM

W:\DEVREV\ZAC\6-118.doc

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 12, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 19, 2005 Item Nos. 116, 117 111, 119, 120, 122,

123, and 125

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 09122005.doc



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

Robert L Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date: 9.6.05

Baltimore County

Item No. //8

RE:

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

Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

1. J. Soull

**Engineering Access Permits Division** 

## Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





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 September 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: September 12, 2005

Item No.: 110 1

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

cc: File



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



#403 Montrose Avenue (map 10003) P.D.B. 130' South of Tredegar Avenue Zoning Map

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Rear yard of #403 Montrose Are 100 king into rear yard of #405 Montrose Arenne 118

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ear yard of #403 Montrose Are 00 King into vear yard of #401 Montrose Avenue 118



903 & 405 Montres Avenue Standing in Montres Arc. 118

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#403 Montres Avenue Subject Property



Mine of division b/W 401 and 403 Montrose Avenue 118 Standing in Montrose.

