

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
E/S Upper Beckleysville Road, 1300' N of the c/l
Dave Rill Road * ZONING COMMISSIONER
(18501 Upper Beckleysville Road)
5th Election District * OF BALTIMORE COUNTY
3rd Council District *
Case No. 06-124-A
Donald L. Coppersmith, et ux
Petitioners *

* * * * *

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, Donald L. Coppersmith, and his wife, Catherine L. Coppersmith. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12' x 20' garage) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence 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.

ORDER RECEIVED FOR FILING

Date

By

6/3/06
[Signature]

Based upon the information contained within the case file, I am persuaded to grant the requested relief. Variance relief is necessary given the unique configuration of the lot, the topography of the land, and the location of existing improvements thereon. In this regard, photographs submitted show that the existing house features a one-car garage at the north end of the structure and that there is a steep hill on that side of the yard. Moreover, it was indicated that the septic system apparently takes up most of the rear yard. Finally, the proposed garage will be located immediately adjacent to the end of the existing driveway and thus, will not require additional paving. There were no adverse comments from any County reviewing agency and none of the neighbors voiced any objection. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, the ZAC comment submitted by the Bureau of Development Plans Review indicated that the right-of-way width for Upper Beckleysville Road is 60 feet, not 40 feet as shown on the plan. Moreover, that agency has requested that the site plan be revised to show the future right-of-way for Beckleysville Road centered on the existing 20-foot wide right-of-way. Thus, as a condition of approval, the plan shall be revised accordingly and submitted to the Department of Permits and Development Management for inclusion in the case file, prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of October 2005 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12' x 20' garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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

ORDER RECEIVED FOR FILING
Date 11/3/05
By [Signature]

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) Compliance with the ZAC comments submitted by Development Plans Review, dated September 12, 2005, a copy of which has 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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 10/3/05
By RJP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18501 Upper Beckleysville Road
which is presently zoned RC2

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)

400.1 to permit an accessory structure (garage) be located in the front yard in lieu of the required rear yard.

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/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/23/05 day of November, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

X Donald L. Coppersmith

Name - Type or Print

Signature

X Catherine L. Coppersmith

Name - Type or Print

Signature

18501 Upper Beckleysville RD 410-374-4327

Address

Telephone No.

Hampstead

MD

21074

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 06-124-A

REV 10/25/01

Reviewed By BH Date 8/29/05

Estimated Posting Date 9/11/05

ORDER RECEIVED FOR FILING
DATE 11/23/05
BY [Signature]

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 18501 Upper Beckleysville Road
Address
Hampstead MD 21074
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- X The reason garage can not be out back of house because septic system takes most of back yard. Can not be on side as we have a brick house and the garage is going to be already built would not match house plus we have a small hill there, it has to be on the side of driveway.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

X Donald L. Coppersmith
Signature

X Donald L. Coppersmith
Name - Type or Print

X Catherine L. Coppersmith
Signature

X Catherine L. Coppersmith
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donald L. and Catherine L. Coppersmith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sandra E. Nash
Notary Public

My Commission Expires 2/1/06

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.

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Address
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City State Zip Code

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Donald L. Coppersmith
Signature

Donald L. Coppersmith
Name - Type or Print

Catherine L. Coppersmith
Signature

Catherine L. Coppersmith
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donald L. and Catherine L. Coppersmith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sandra L. Nash
Notary Public

My Commission Expires 2/1/06



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 18501 Upper Beckleysville RD.
which is presently zoned RC2

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)

400.1 to permit an accessory structure (garage) be located in the front yard in lieu of the required rear yard.

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/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Donald L. Coppersmith

Name - Type or Print

Donald L. Coppersmith

Signature

Catherine L. Coppersmith

Name - Type or Print

Catherine L. Coppersmith

Signature

18501 Upper Beckleysville RD. 410-374-4327

Address

Telephone No.

Hampstead MD 21074

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-124-A

Reviewed By BR Date 8/29/05

REV 10/25/01

Estimated Posting Date 9/11/05

Zoning Description

Zoning Description For 18501 Upper Beckleysville RD
Beginning at a point on the East side of Beckleysville Road which is 20 feet wide at the distance of 1300 feet North of the centerline of the nearest improved interesting street Dave Rill Road which is 20 feet wide. Containing .564 Acres. Also known as 18501 Upper Beckleysville RD. and located in the 5th Election District, 3rd Councilmanic District.

As recorded in Deed Liber 3208, Folio 150" (1) North 31 degrees East, 148.5 feet to a point in the east margin of the said road thence running with a part of the 8th line of the said exception, (2) North 6 degrees 25 minutes, East, 156 feet; thence running by a line of division, (3) South $24\frac{1}{2}$ degrees East, 300 feet to an iron pin set in the closing line of the tract described in the deed from J. Howard Murray, Trustee to Walter P. Wisner and Lillian M. Wisner, his wife, dated July 12, 1926 and recored among the Land Records of Baltimore County, in Liber W.P.C. No. 635, folio 139, ect., thence running with the closing line, reversely, (4) South 89 degrees West, 216 feet to the place of beginning and containing 0.564 of an acre of land, more or less.

BAITIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449408

DATE 8/26/2005 ACCOUNT 001-006-6150

AMOUNT \$ 125.00

RECEIVED FROM Cashier's Corporation

FOR Administrative Services

DISTRIBUTION
WHY? CASHIER

PINK - BUDGET

YELLOW - CLERK

TELEPHONE 194

PAID RECEIPT

BUSINESS DATE TIME
8/26/2005 8:27:00 11:00 AM

TO WHOM PAID
CASHIER'S CORPORATION

FOR WHAT
ADMINISTRATIVE SERVICES

AMOUNT
\$125.00

PAID BY
CASHIER'S CORPORATION

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-124-A

Petitioner/Developer: DONALD
CATHERINE COPPERSMITH

Date Of Hearing/Closing: 9/26/05

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

Attention:

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
at 18501 UPPER BECKLEYSVILLE ROAD

This sign(s) were posted on September 10, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 9/10/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

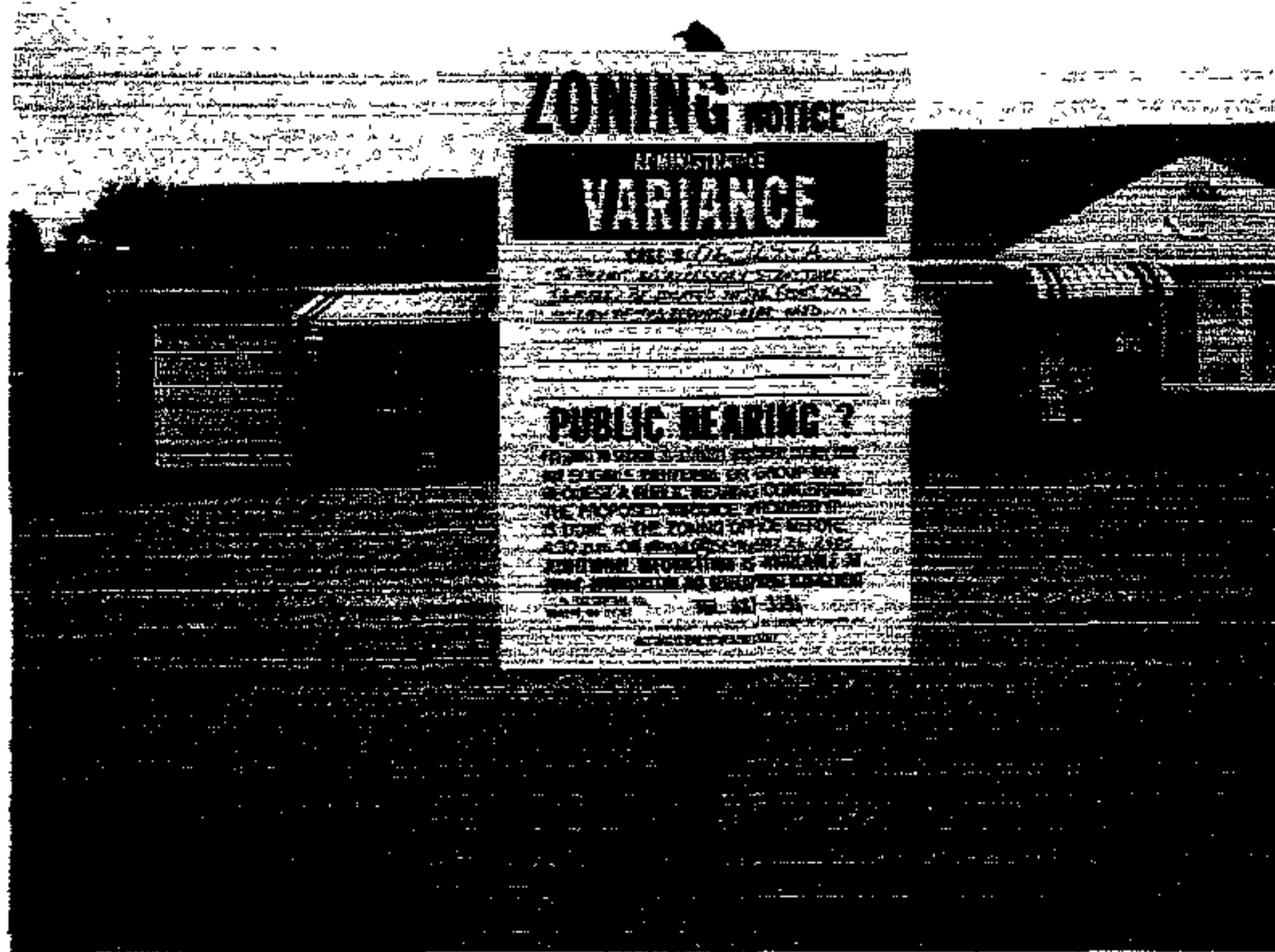
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000410 (576x432x24b jpeg)



Yacht Club September 10, 2005

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: 06-124-A
Petitioner: Donald L. Coppersmith
Address or Location: 18501 Upper Beckleyville Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Donald L. Coppersmith
Address: 18501 Upper Beckleyville Rd.
Hampstead, MD 21074

Telephone Number: 410-374-4327

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 124 -A Address 18501 Upper Beckleyville Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/29/05 Posting Date: 9/11/05 Closing Date: 9/26/05

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. **POSTING/COST:** 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. **DEADLINE:** 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.
3. **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- 124 -A Address 18501 Upper Beckleyville Rd.
Petitioner's Name Donald Catherine Coppersmith Telephone 410-374-4327

Posting Date: 9/11/05 Closing Date: 9/26/05

Wording for Sign: To Permit an accessory structure (garage) be located
in the front yard in lieu of the required rear yard.

**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

September 26, 2005

Donald L. Coppersmith
Catherine L. Coppersmith
18501 Upper Beckleysville Road
Hampstead, Maryland 21074

Dear Mr. and Mrs. Coppersmith:

RE: Case Number: 06-124-A, 18501 Upper Beckleysville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 12, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2005
Item No. 12

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

The right-of-way width for Upper Beckleysville Road is 60-feet. Show the future right-of-way for Beckleysville Road centered on the existing 20-foot-wide right-of-way.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 124-09122005.doc

ORDER RECEIVED FOR FILING

Date

By

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

September 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **September 12, 2005**

Item No.: **118-125**

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



Printed on Recycled Paper

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

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

RE: Baltimore County
Item No. 124 BPR

Dear Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 7, 2005

RECEIVED

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

SEP 13 2005

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-124

ZONING COMMISSIONER

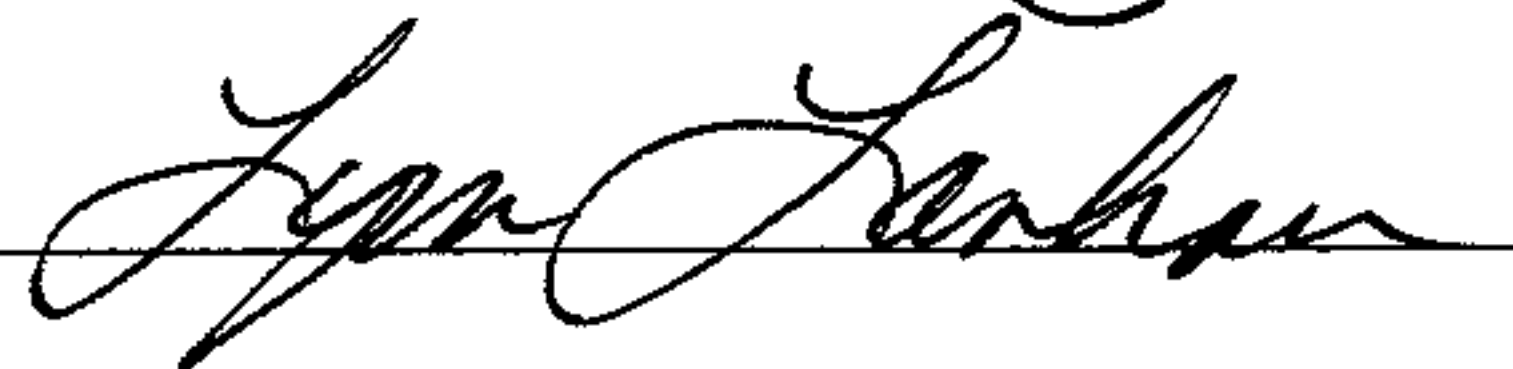
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

TIME: 14:34:51
 DATE: 10/26/2005

AUTOMATED PERMIT TRACKING SYSTEM
 APPROVALS DETAIL SCREEN

LAST UPDATE 10/26/2005
 DAS 14:30:25

PERMIT #: B603891

PASSWORD :

AGENCY	DATE	CODE	COMMENTS
-----	-----	----	-----
ZONING	09/07/2005	10	BR WAITING DECISION CASE 06-124-A
PUB SERV	09/07/2005	01	BR
ENVRMNT	08/29/2005	01	DE/AKT/CPC
PERMITS			

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL

PF4 - ISSUE PERMIT

PF9 - SAVE

CLEAR - MENU

10/26 (2:4)

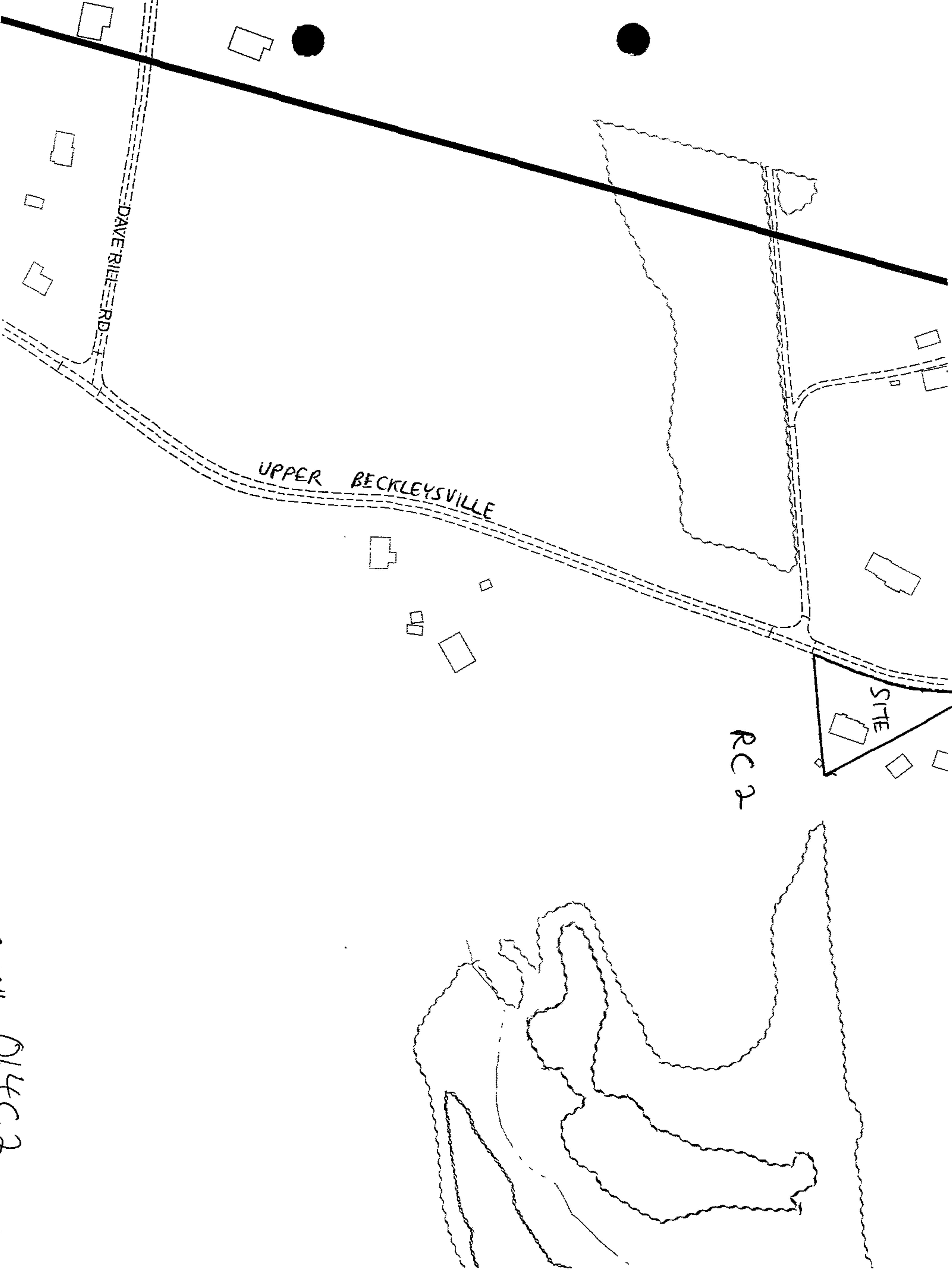
BRUNO

PLS call Mrs
 Coppersmith at
 410-374-4327
 about this permit
before 3:30

JH

10/26/05

Informed applicant (Mrs.
 Coppersmith) that the shed may end
 up being 2-3 ft. from R.O.W if road
 gets widened to 60'.



RC 2

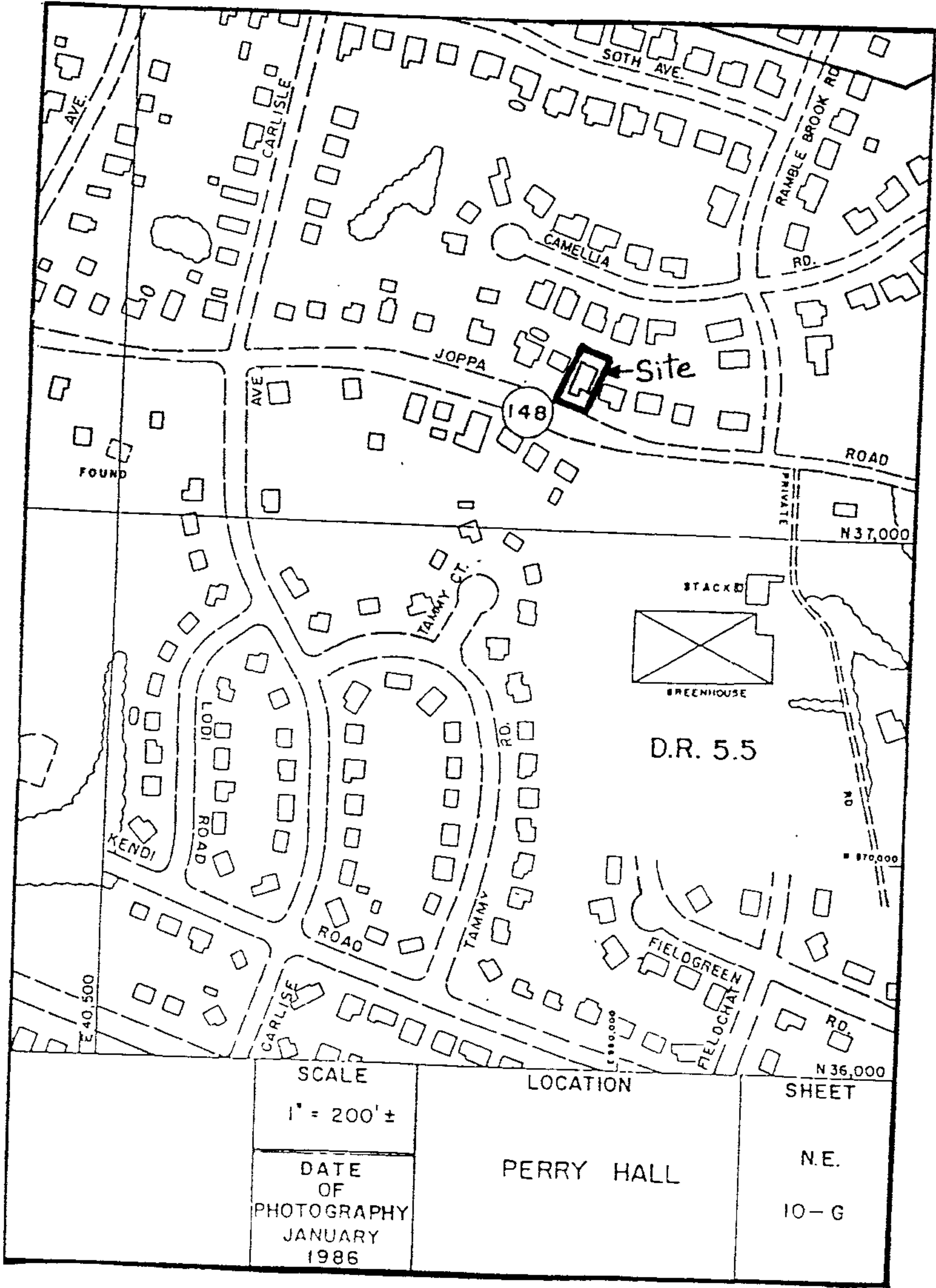
SITE

map 014C2

4124

EXAMPLE 4 -- Zoning Map

1 COPY







Could not set next to garage on the side
because of slope. Would not match the house.

#124

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

October 3, 2005

Mr. & Mrs. Donald L. Coppersmith
18501 Upper Beckleysville Road
Hampstead, Maryland 21074

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Upper Beckleysville Road, 1300' N of the c/l Dave Rill Road
(18501 Upper Beckleysville Road)
5th Election District – 3rd Council District
Donald L. Coppersmith, et ux - Petitioners
Case No. 06-124-A

Dear Mr. & Mrs. Coppersmith:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Bureau of Development/Plans Review, DPDM
People's Counsel; Case File

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

