

IN RE: PETITION FOR ADMIN. VARIANCE
S/W side of J.M. Pearce Road
10th Election District
3rd Councilmanic District

(16448 J.M. Pearce Road)

Thomas Kitko
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-169-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Thomas Kitko. The variance request is for property located at 16448 J.M. Pearce Road in the Monkton area of Baltimore County. The variance request is from Section 1A00.3.B.3 (RDP) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard addition setback of 45 ft. in lieu of the required 50 ft. for the addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 2, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, 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 Deputy

ORDER RECEIVED FOR FILING
Date: 10-25-05
By: [Signature]

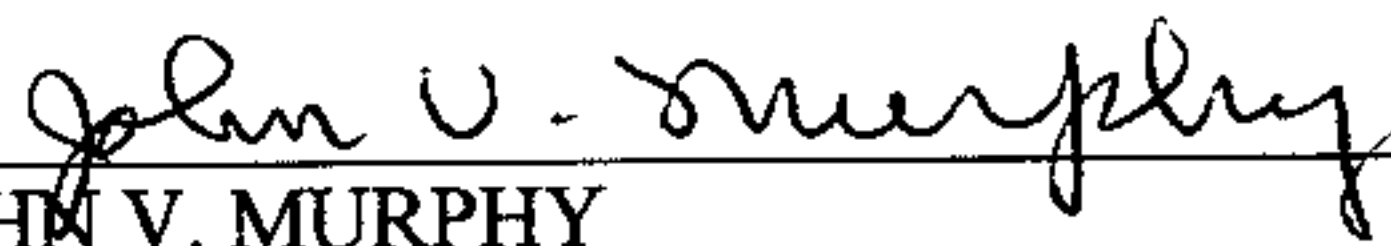
Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 Deputy Zoning Commissioner for Baltimore County, this 25 day of October, 2005, that a variance from Section 1A00.3B.3 (RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard addition setback of 45 ft. in lieu of the required 50 ft. for the addition, be and is hereby GRANTED, subject, however, to the following restrictions 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 10-25-05
By [Signature]

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 21, 2005

Mr. Thomas Kitko
16448 J.M. Pearce Road
Monkton, Maryland 21111

Re: Petition for Administrative Variance
Case No. 06-169-A
Property: 16448 J.M. Pearce Road

Dear Mr. Kitko:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 10-25-05
By [Signature]

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16448 IM PEARCE RD
which is presently zoned RC2/RDP

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) 1A00.3.B.3(RDP) (BCZR) TO

PERMIT A REAR YARD ADDITION SETBACK OF 45 FT IN LIEU
OF THE REQUIRED 50 FT FOR THE ADDITION.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Work Ph 410 321 7222 x226

Representative to be Contacted:

Name

Address

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, 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.

Date 10-25-05

By Diana W. [Signature]

Zoning Commissioner of Baltimore County

CASE NO. 06-169-A

Reviewed By JUM Date 9.20.05

Estimated Posting Date 10.2.05

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 16448 JM PEARCE Rd
Address
Monkton MD 21111
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):

Owner desires to add residential living area to existing structure by building a 22 ft long by 20ft deep, -2- story addition. The addition includes an expansion to the existing kitchen (first level), and, a bedroom and bathroom on the 2nd story. The request for a variance to the Minimum Building Setback Line (M.B.S.L.) is dictated by :

1. The location of the existing kitchen which the owner desires to expand, and,
2. The existence of a multi-level deck and its foundation which would be adjacent to the new addition.

Having the new kitchen expansion ajoin the existing kitchen precludes building in any direction other than that shown on the accompanying PLAT.

The location of the existing deck which is currently adjacent to the livingroom, can not be practically re-located as its functionality is defined by its accessibility from the living room and the new, proposed expanded kitchen.

The depth of the expansion, 20 ft., has been chosen to provide moderate, additional square footage for the 2nd story bedroom and bath.

Hence, I respectfully request that my petition for zoning variance be considered as the encroachment due to the 20 ft. deep, planned expansion, will be minimal, 5 ft. at the most intrusive point.

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.

TJ No
Signature

THOMAS KITKO
Name - Type or Print

Signature

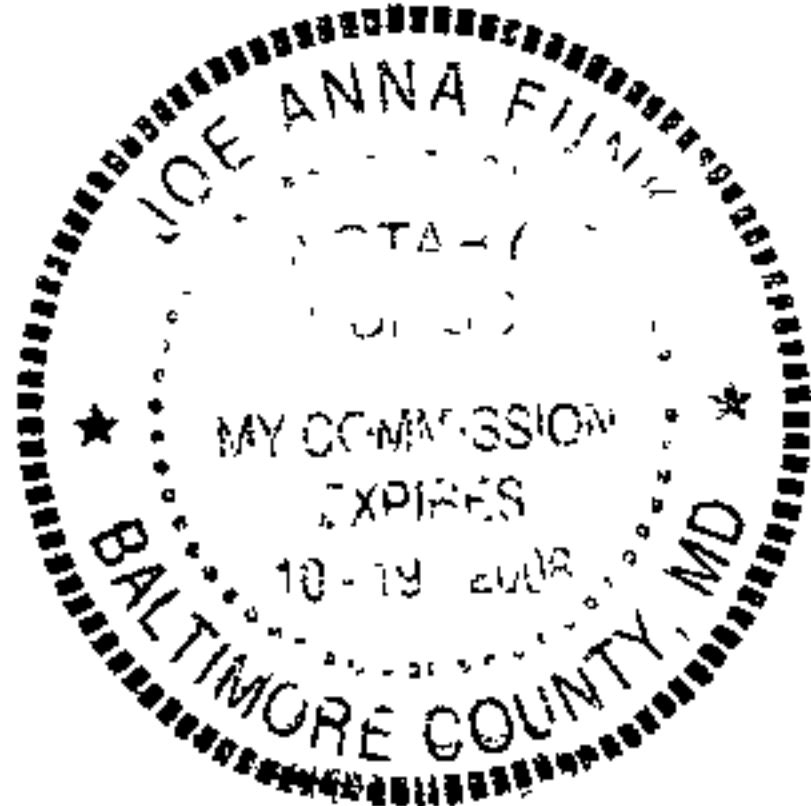
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

THOMAS KITKO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Joe Anna Funk
Notary Public
My Commission Expires 10-19-2008

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 16448 J M PEARCE RD
Address
MONKTON MD 21111
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):

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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.

TJ Kitko
Signature
THOMAS KITKO
Name - Type or Print

Signature

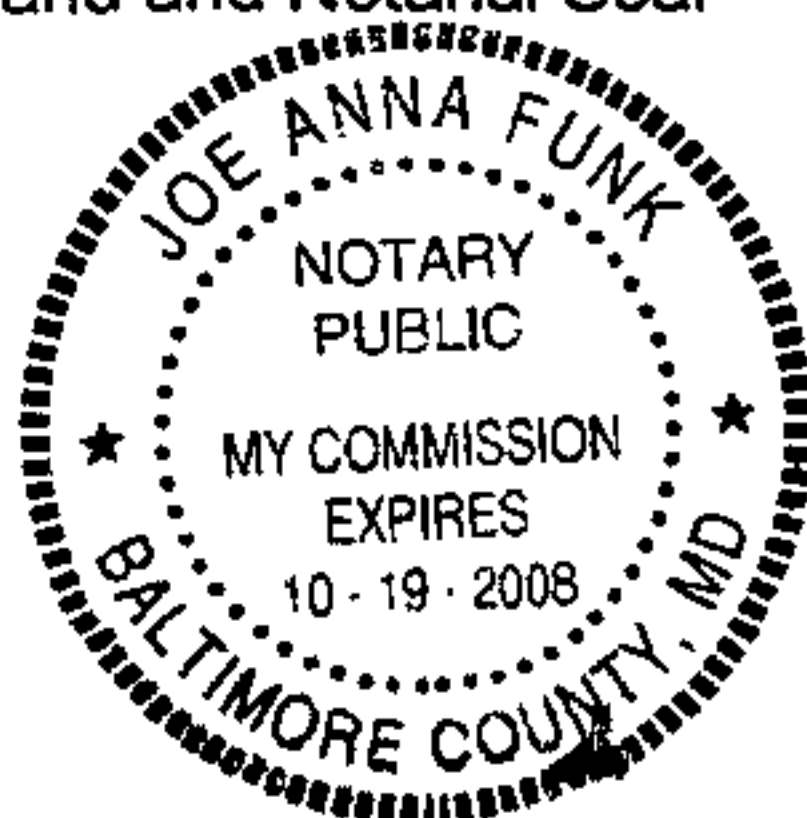
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

THOMAS KITKO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Joe Anna Funk
Notary Public
My Commission Expires 10-19-2008



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16448 J.M. PEARCE Rd
which is presently zoned RC-2/RDP

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)

1A00.3.B.3 (RDP) (BCZR) TO

PERMIT A REAR YARD SETBACK OF 45 FT IN LIEU OF
THE REQUIRED 50 FT FOR AN ADDITION.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

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. 06-169A

Reviewed By JCM

Date 9.20.05

Estimated Posting Date 10.2.05

ZONING DESCRIPTION FOR : 16448 J. M. PEARCE ROAD

BEGINNING AT AN IRON PIPE NOW SET AT THE END
OF 26.8ft ON THE 2nd OR S.68 45' 26"W. 1734.63ft LINE
AND RUNNING WITH AND BINDING ON THE SW SIDE OF
J. M. PEARCE ROAD S.22 35' 00"E 211.83ft.

BEING LOT No. 7 IN THE SUBDIVISION OF "CLIFFWOOD"
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NUMBER 39,
FOLIO 134, CONTAINING 5.33 ACRES. ALSO KNOWN AS
16448 J. M. PEARCE ROAD AND LOCATED IN THE
10th ELECTION DISTRICT , 3rd COUNCILMATIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 00229

DATE

9/19/05

ACCOUNT

001006150

AMOUNT

\$ 65.00

RECEIVED FROM

DANIELLA STANLEY

FOR

ITEM # 167

06-167-A

6401 EDISON

6-167-A

PS D THOMAS

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

ISSUES: 11/11/05

9/20/2005 9/19/2005

REB W04 - W04 - 11/11/05

X-RECEIPT 11/11/05

Dept. 1 100 10000 10000

OR NT - 00000

negative

action 11/11/05

11/11/05 11/11/05

BALTIMORE COUNTY

RE: Case No.: 06-169-A

Petitioner/Developer: _____

THOMAS KITKO

Date of Hearing/Closing: 10/17/05

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

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 located at _____

16448 J.M. PEARCE RD.

The sign(s) were posted on _____

10/2/05

(Month, Day, Year)

CASE # 06-169-A

Sincerely,

Richard E. Hoffman 10/2/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

16448 J.M. PEARCE RD.

POSTED 10/2/05

Richard E. Hoffman 10/2/05

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 169
Petitioner: THOMAS J. KITKO
Address or Location: 16448 J.M. PEACERD MONKTON, MD 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS J KITKO
Address: 16448 JM PEACERD
MONKTON, MD 21111

Telephone Number: 410 472 2850

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 169 -A Address 16448 J.M. PEARCE Rd.
Contact Person: J. Mennery Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 9-20-05 Posting Date: 10-2-05 Closing Date: 10-17-05

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- 169 -A Address 16448 J.M. PEARCE Rd.
Petitioner's Name THOMAS KIRKO Telephone 410-472-2850
Posting Date: 10-2-05 Closing Date: 10-17-05
Wording for Sign: A VARIANCE
To Permit A REAR YARD SET OF 45 ft.
FOR AN ADDITION IN LIEU OF THE REQUIRED
50 ft.

WCR - Revised 6/25/04

**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*

October 17, 2005

Thomas Kitko
16448 J M Pearce Road
Monkton, Maryland 21111

Dear Mr. Kitko:

RE: Case Number: 06-169-A, 16448 J M Pearce Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 20, 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, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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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

Oct. 6, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 167 thru 172 174 176 thru 184 Also case # 05-502-A

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

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

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

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



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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 19, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2005
Item Nos. 169, 170, 171, 172, 173, 176,
178, 180, 181, 182, 183 and 184

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-10192005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 13, 2005

RECEIVED

OCT 17 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-169- 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: Curtis Murray

Division Chief: Lyn Luban

CM/LL

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



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

Maryland Department of Transportation

Date: 10.4.05

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

RE: Baltimore County
Item No. 172 JCM

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.

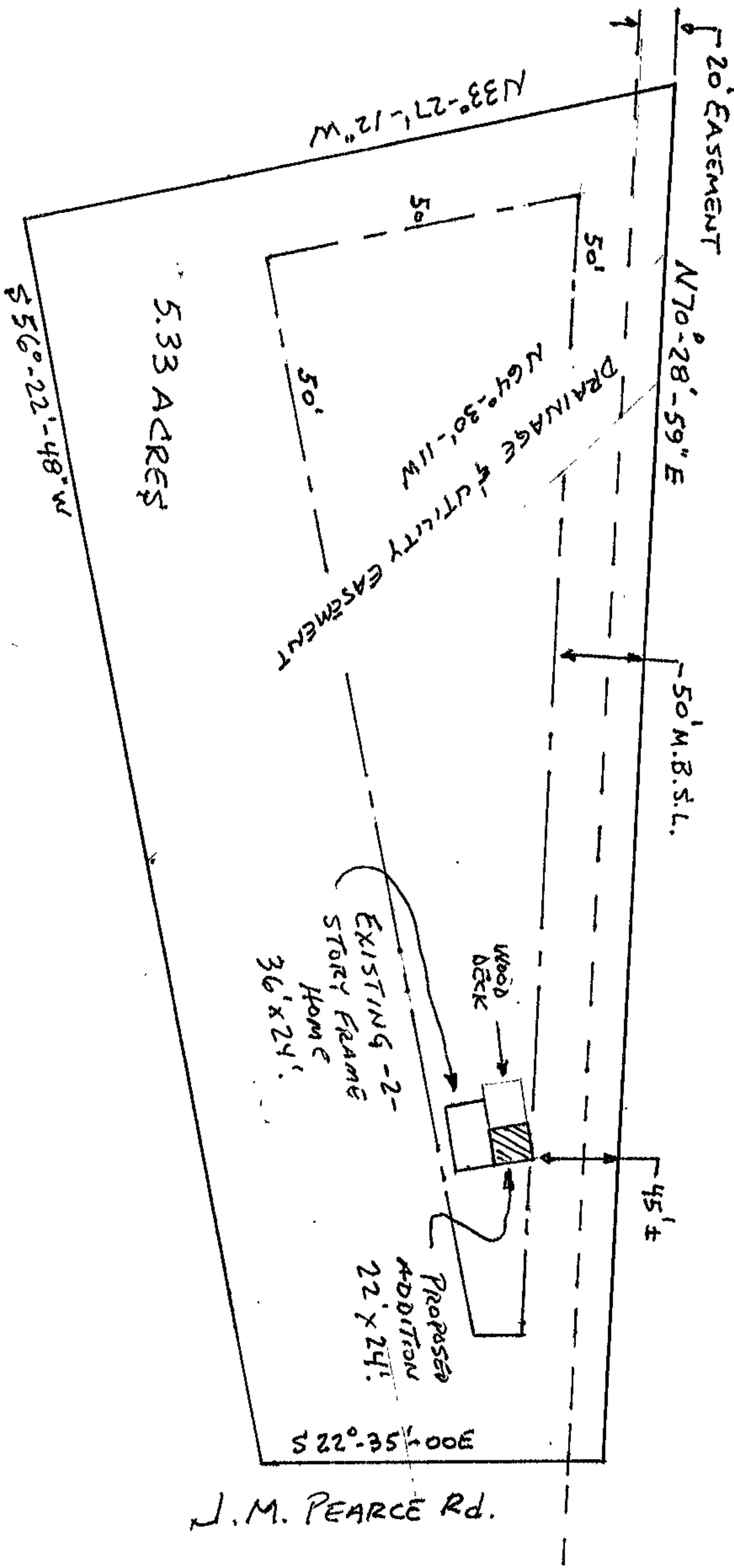
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

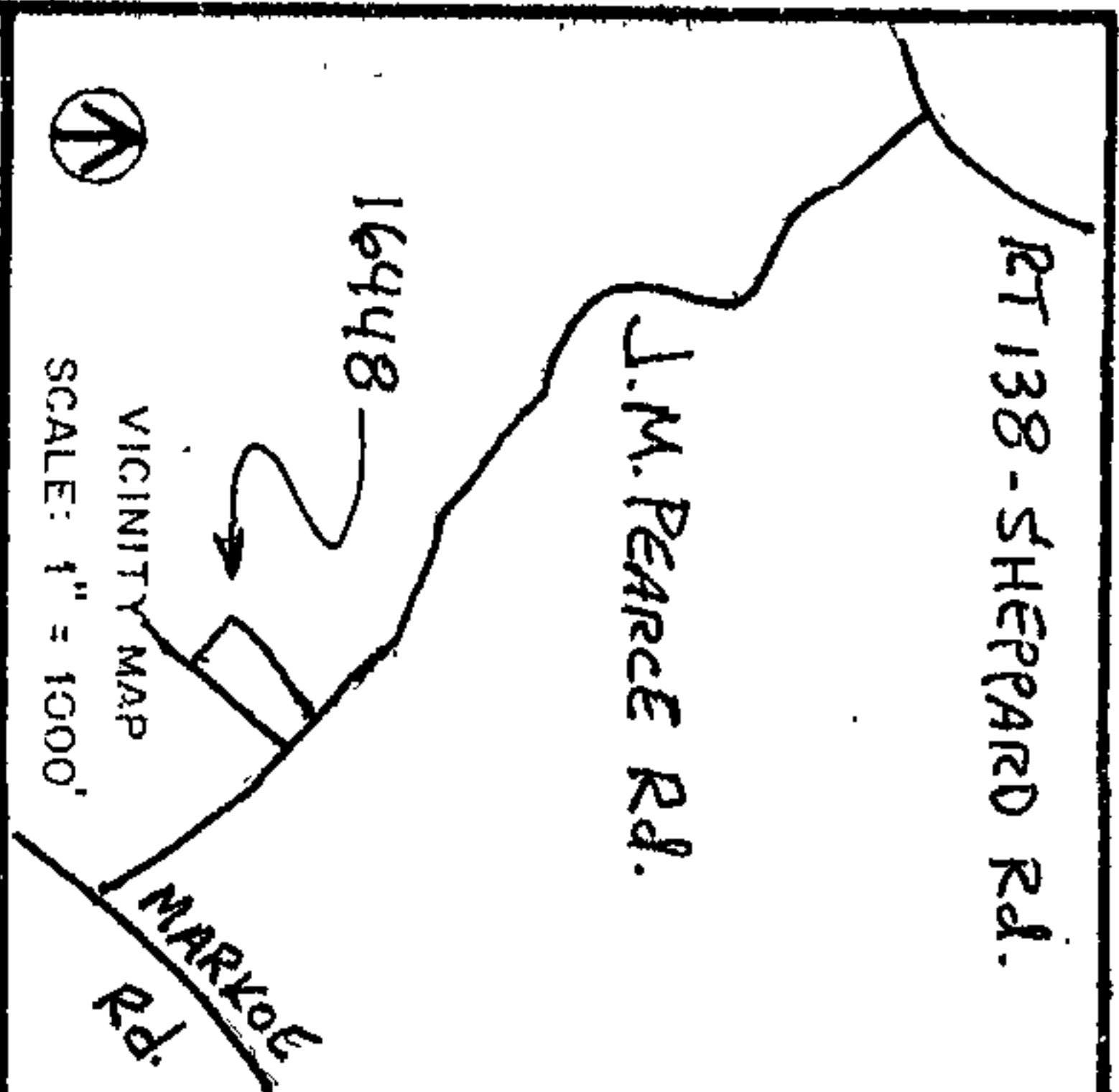
Steven D. Foster, Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 16448 J. M. PEARCE ROAD, MONKTON.
SUBDIVISION NAME: "CLIFFWOOD"
PLAT BOOK NUMBER: 39 FOLIO No: 134 LOT No: 7 SECTION No: N/A



PREPARED BY: THOMAS KITKO, Owner. Scale: 1" = 100'
Aug. 08, 2005.



LOCATION INFORMATION			
ELECTION DISTRICT: 10			
COUNCILMANIC DISTRICT: 3			
1" = 200' SCALE MAP # 02981			
ZONING: RC-2/RDP			
LOT SIZE	5.33	SQUARE FEET	232,175
ACREAGE			
SEWER	☐ PUBLIC	☒ PRIVATE	
WATER	☐	☒	
CHESAPEAKE BAY CRITICAL AREA	☐	☒	YES NO
100 YEAR FLOOD PLAIN	☐	☒	
HISTORIC PROPERTY / BUILDING	☐	☒	
PRIOR ZONING HEARING	NONE		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	

Pex. 606. 1

029-54

ADON

Raymond C. Weglein, Jr.
Lori Ann Weglein
410-472-4523

410-207-5668
410-472-3217
1644 J.M. Perez
DONNINGHAM
CHIPS

16448

BUZ 40ETZ
40 711 4072

FRANK DiAngelo
410 472 4564
771

16441
Shanon Bottcher
Tom Peddicord
Kathleen Peddicord
Diane
410-472-9067
410-472-2760

LAN BEERLAGE
410 528 5674

LOCATION:

MOCK TON.

$$S_{\text{SCALE}}: I'' = 200'$$









