CASE O6-394-A

PROPOSED ADDITION

SIDE

IN RE: PETITION FOR ADMIN. VARIANCE
South Side of Sue Creek Drive, 30' of
Centerline of Turkey Point Road
15th Election District
6th Councilmanic District
(1905 Sue Creek Drive)

Joseph E. Hall, Jr. Petitioner BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 06-395-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 owner of the subject property, Joseph E. Hall, Jr. The variance request is for property located at 1905 Sue Creek Drive in the Middle River area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

#### **Zoning Advisory Committee**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection and Resource Management (DEPRM) dated March 28, 2006 and received April 3, 2006, a copy of which is attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 25, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

30-5-7 30-5-7 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 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 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 Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_ day of April, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard only, be and is hereby GRANTED subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner must be in compliance with the ZAC comments submitted from the Department of Environmental Protection and Resource Management (DEPRM) dated March 28, 2006 as follows:
  - "Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code)."

Pare A-S-06 POR FLIME
39 A-S-06 So.

Additional DEPRM comments to be complied with are as follows:

"LDA regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area, and 15% tree cover must be met and maintained onsite."

A copy of DEPRM's comment is attached hereto and made a part hereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

OHM V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR.

County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 5, 2006

Joseph E. Hall, Jr. 1905 Sue Creek Drive Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 06-395-A

Property: 1905 Sue Creek Drive

Dear Mr. Hall:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401
 People's Counsel; Case File

## Petition for Administrative Variance

A STATE OF

to the Zoning Commissioner of Baltimore County

for the property located at 1905 SUE CREEK DR

which is presently zoned DR 3.14

	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s)
	tructure Cdetached garage) to be
located in the side and	
required rear yard onl	<b>/</b> -
of the zoning regulations of Baltimore County, to the zon of this petition form.	ing law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by , or we, agree to pay expenses of above Variance, advertising egulations and restrictions of Baltimore County adopted pursu	g, 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):
lame - Type or Print	Name Type of Print  Name Type of Print  (Esgin Essen)
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	-
Attorney For Petitioner:	1905 SUE CREEK DR 410-687-29 Address Telephone No.
lame - Type or Print	BACTIMORE から Zip Code State Zip Code
Signature	Representative to be Contacted:
Sompany	Name
ddress Telephone No.	Address Telephone No.
State Zip Code	City State Zip Code
Public Hearing having been formally demanded and/or found this that the subject matter gulations of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, er of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
TASE NO. 06-395-A	Reviewed By Date 2/15/05
REV 10/25/01	Estimated Posting Date 2/26/05

## 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.

competent to testify thereto in the event that a p	public hearing is sch	neduled in the future w	ith regard thereto.	Amant(s) is/a
That the Affiant(s) does/do presently reside at	1905 SU Address		7272-	· · · · · · · · · · · · · · · · · · ·
	PALTIMORE	pel		21001
•	City	State	<del></del>	Zip Cod
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the facts ip or practical difficu	upon which I/we base uity):	the request for an	Administrativ
	•	•	•	
Sue Creek Property Owners Association of 30 feet from the	e home does not n	only permits an attac net Baltimore Count	thed two (2) car y Zoning	
Regulation of 30 feet from the rear	r property line.			
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-t <sub>y</sub> ,				
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			,	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	mal demand is file dditional information	ed, Affiant(s) will be a	required to pay a i	reposting and
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TATE OF MARYLAND, COUNTY OF BALTIMO	ORE. to wit:			
	OVEN16PM	, <u>2005</u> , before	me, a Notary Public	c of the State
DosephEHA	11 JR.			
ne Affiant(s) herein, personally known or satisfac	torily identified to m	e as such Affiant(s).		
S WITNESS my hand and Notarial Seal		1		
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	Notary Pub			· · · · · · · · · · · · · · · · · · ·
	My Commis	ssion Expires	Man L. Marie	<b>M</b>

REV 10/25/01

## Zoning Description for 1905 Sue Creek Dr. Baltimore, Md 21221

Beginning at a point on the <b>South</b> side of <b>Sue Creck Dr.</b> which is	
30° wide at the distance of the centerline of the nearest improved intersection Turkey Point Rd.	which is 50'
wide. Being Lot 14 Block, Section # in the subdivision of Sue Creek Landing	as recorded in
Baltimore County Plat Book # 45, Folio #36 containing 20,934 square feet. Also known as 1905 Sue	Creek Dr,
Baltimore Maryland 21221 and located in the 15 <sup>th</sup> Electric District, 6 Councilmanic District.	

# 305

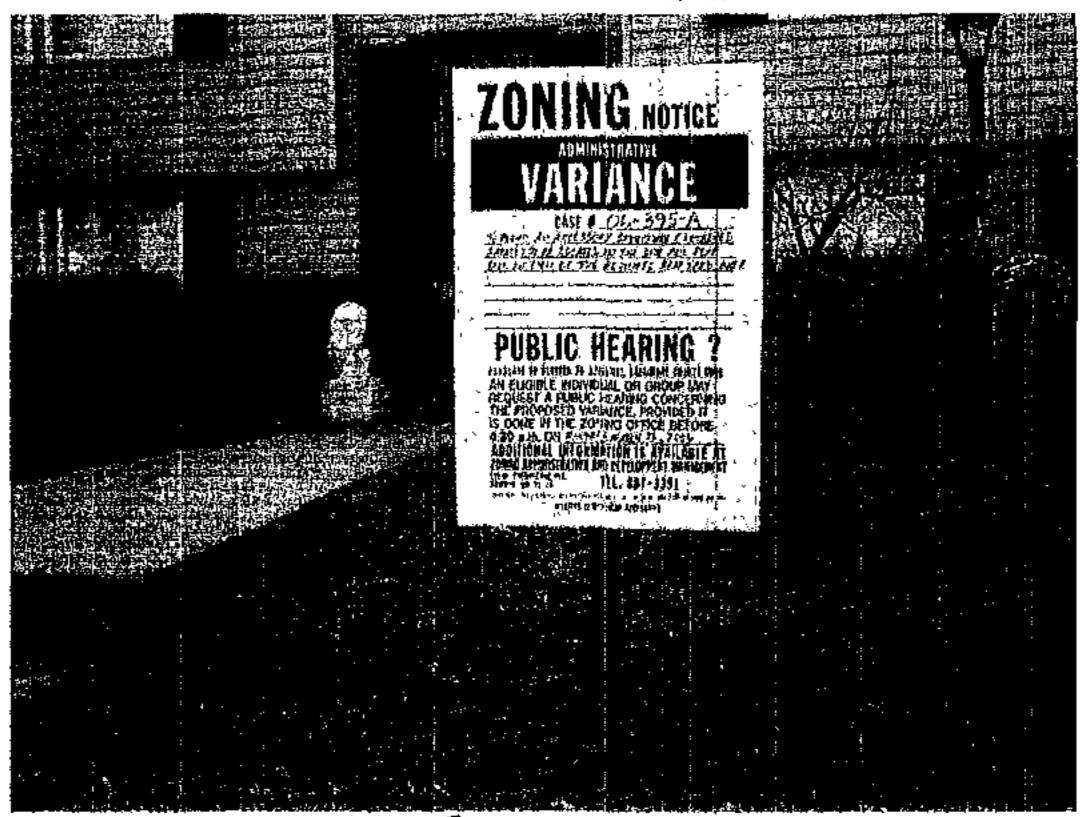
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COUNTY, M. UDGET & FINANK WEOUS RECEI		PINK - AGENCY
BALTIMORE OF BU	PICEIVED.	DISTRIBUTION WHITE CASHUEN

## CERTIFICATE OF POSTING

RE: Case No: 06-395-4

	Petitioner/Developer:  JOESPH E. HALL TR
	Date Of Hearing/Closing: 3/13/04
Baltimore County Department Permits and Development Man County Office Building, Room III West Chesapeake Avenue	nagement
Attention:	
sign(s) required by law were po	ne penalties of perjury that the necessary osted conspicuously on the property  SUE CLECK DZ.
This sign(s) were posted on	February 25 2000  (Month, Day, Year)  Sincerely,  Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address  Balto. Md 2   220  (443-629 34 11)

im000587 (1152x864x24b jpeg)



yater El 2/25/06

## ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 06-395-4

Date Completed/Initials	•
2/05/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
**************************************	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
<u></u>	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
<u>, , , , , , , , , , , , , , , , , , , </u>	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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## 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.

Item Number or Case Number:		
Petitioner: JosEPh E HAIL TR		
Address or Location: #1925 SUF CRFEK DR	BALTIMORE Md	210
,		
PLEASE FORWARD ADVERTISING BILL TO:		
Name: JOSEPH E HAII IR		
Address: 1905 SUE CREEK DR	·	
BALTIMORE md 21221		
**************************************		
Telephone Number: 410 - 657- 2936	'	



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## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1905 SUE CREEK DR which is presently zoned DR 3.5

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) みつつょ のこれ

To permit an accessory structure Caletached garage) to be located in the side and rear yard in lieu of the required rear yard only.

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.

is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> OSEPH Name Type or Print Name - Type or Print Signature Name - Type or Print Telephone No. Address Zip Code Signature City State 410-687-2336 1905 SUE CREEK DR Attorney For Petitioner: Telephone No. Address BALTIMORE 21221 Md Zip Code State Name - Type or Print Representative to be Contacted: Signature Company Name Telephone No. Telephone No. Address Address (City

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.

Zip Code

City

Zoning Commissioner of 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

Reviewed By

State

Zip Code

**Estimated Posting Date** 

State

## 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	905 SUF	CREEK DR	
	BALTIMORE	nal	5/221
•	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upo ip or practical difficulty)	n which I/we base the red	μuest for an Administrative
Sue Creek Property Owners Association of 30 feet from the rea	e home does not met	<del></del>	1 7
That the Affiant(s) acknowledge(s) that if a fo	rmal demand is filed.	Affiant(s) will be require	d to pay a reposting and
advertising fee and may be required to provide a			
Joseph Half	Cianati		<del></del>
Signature	Signate	ure	
TOSEPH & HAII TR. Name - Type or Print			
Name - Type or Print	Name ·	- Type or Print	
STATE OF MARYLAND, COUNT,Y OF BALTIN			
I HEREBY CERTIFY, this 3 day of of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfa	rsonally appeared		Notary Public of the State
the Affiant(s) herein, personally known or satisfa	ctorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		M. Br	
•	Notary Public  My Commissi		May 7, 2007

## 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

March 6, 2006

Joseph E Hall, Jr. 1905 Sue Creek Drive Baltimore, MD 21221

Dear Mr. Hall:

RE: Case Number: 06-395-A, 1905 Sue Creek Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 15, 2006.

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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

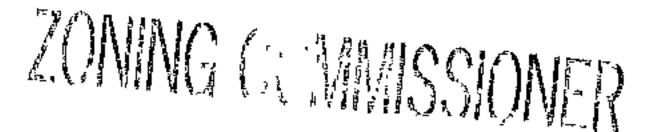
#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**





APR 0 0 2000



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination

DATE:

3/28/2006

SUBJECT:

Zoning Item

# 06-395

Address

1905 Sue Creek Drive

Baltimore, MD 21221

Zoning Advisory Committee Meeting of February 27, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

LDA regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area, and 15% tree cover must be met and maintained onsite.

Reviewer:

Kevin D Brittingham

Date: 3/28/06

C:\Documents and Settings\kbrittingham\My Documents\Letters\Building Permits\ZAC\ZAC06-395.doc

MACHINED FOR IL 1860

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-395- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

**DATE:** March 9, 2006

MAR 1 3 2006

ZONING COMMISSIONER

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

**DATE:** March 7, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 6, 2006

Item Nos. 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 398, 399, 401, 402, 403

404, 405, and 406

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-03072006



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date: 2.28.01

**Baltimore County** 

Item No. 395

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. 1. Hored la

**Engineering Access Permits Division** 

## 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 111 111 West Chesapeake Avenue Towson, Maryland 21204

February 28,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27,2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405 and 406

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office Phone(0)410-887-4881 Mail Stop - 1102F

cc: File



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

# HEARING SPECIAL VARIANCE ZONING FOR PETITION LAT TO ACCOMPANY PROPERTY ADDRESS 1905 S.

ADDITIONAL CHECKLIST FOR SEE PAGES

CREE SUBDIVISION NAME SUE

SECTION 3 6 LOT FOL.10 #

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PROPOSED CARREAL CAR DWELL

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JAMES NOVELLA

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RIOR ZONING HEARING HISTORIC PROPERTY/ BUILDING

ONLY CASE USE ZONING OFFICE

126-3215-0 300 S

PREPARED

EH

DRAWING: 9 SCALE

40

2 X 30, ARE FEET PRIVATE REQUIRED INFORMATION K K LOCATION, INFORMATION TURKEY POINT : 1300° VICINITY MAP COUNCIL MANIC DISTRICT 6 PUBL IC 100 YEAR FLOOD PLAIN 1" = 200' SCALE MAP # X W N ACREAGE ELECTION DISTRICT SUBJECT PROPERITY \*\* SCALE. CHESAPEAKE BAY CRITICAL AREA C) CKER SEWER WATER SIZE SNINOZ LO3

