IN RE: PETITION FOR ADMIN. VARIANCE
Northeast corner of Hal Circle and

Hal Court

3rd Election District

2nd Councilmanic District

(2504 Hal Circle)

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Jerome H. and Shelley Kadden Petitioners

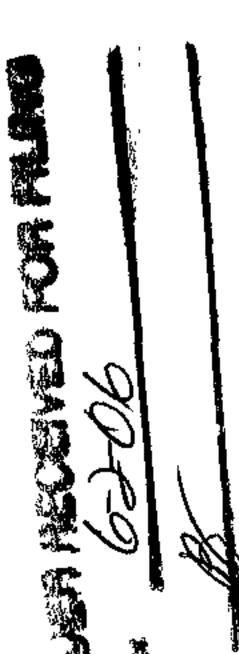
CASE NO. 06-555-A

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, Jerome H. and Shelley Kadden. The variance request is for property located at 2504 Hal Circle in the Meadowood subdivision area of Baltimore County. The variance request is from Section 211.4 and 301.1 of the Baltimore County Zoning Regulations (1958 B.C.Z.R.) to permit a proposed addition and an open deck with rear setbacks of 22 feet for each in lieu of the allowed 30 feet and 22.5 feet respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners states they wish to add a breakfast room/kitchen space to their existing outdated kitchen that is located on the right rear corner of their existing dwelling. They also wish to add a deck to the rear of their house adjacent to the proposed breakfast room. Building in this location will be the most efficient due to the proximity to their existing kitchen and internal layout of the house. Petitioners state the addition is one story and will be screen from the immediate neighbors by an existing 8 foot tall hedge. The proposed deck measures 25 feet x 12 feet in size. The proposed addition measures 14 feet x 12 in size.

In support of their administrative variance request, Petitioners provided letters of support from two adjacent property owners.



Zoning Advisory Committee Comments

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

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 14, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs 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 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 2nd of June, 2006, that a variance from Section 211.4 and 301.1 of the Baltimore County Zoning Regulations (1958 B.C.Z.R.) to permit a proposed addition and an open deck with rear setbacks of 22 feet for each in lieu of the allowed 30 feet and 22.5 feet respectively.

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:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 2, 2006

JEROME H. AND SHELLEY KADDEN 2504 HAL CIRCLE BALTIMORE MD 21209

> Re: Petition for Administrative Variance Case No. 06-555-A Property: 2504 Hal Cirlce

Dear Mr. and Mrs. Kadden:

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,

John V. Murphy

Deputy Zoning Commissioner

VM:pz Enclosure

Walter Daniels, Daniels & Associates Architects, Ltd., 1426 Broadway Road, Timonium MD 21093

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468 | www.baltimorecountyonline.info



34) 20

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 2504 HAL CIRCLE which is presently zoned 2255

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) 211. 4 AND 301.1 (1958 BCZR)

TO PERMIT A PROPOSED ADDITION AND AN OPEN DECK WITH REAR SETBACKS OF 22 FT. FOR EACH IN LIEU OF THE ALLOWED 30 FT. AND 225 FT. RESPECTIVIELY

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: DEROME Name - Type or Print Name - Type or Print Signature Signature SHELLES Telephone No. Address Zip Code Signature State City Attorney For Petitioner: Telephone No BALTIMORE Zip Code Name - Type or Print Representative to be Contacted: Signature NALTER DANIELS Name Company BRODDKAY 4(1-560-3588 Telephone No. Address Telephone No. Address MUINGMIT 71093 MY Zip Code State 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 day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By Date

Estimated Posting Date

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 scheduled in the future with regard thereto.
That the Affiant(s) does do presently reside at	2504 HAL CIRCLE
	BALTIMORE MARYLAND 21209 City State Y Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
	fast room/kitchen space our existing out dated kitchen that
	ner of our existing dwelling. We also wish to add a deck to to the proposed breakfast room. Building in this location
will be the most efficiency due	to the proximity to our existing kitchen and internal
layout of the house. This additi	ion is one story and will be screened form our immediate
neighbors by and existing 8' ta	all hedge.
That the Affiant(s) acknowledge(s) that if a feature advertising fee and may be required to provide	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Mun Ilm	Signature Kalden
Signature	
Name - Type or Print . KADDEN	SHELLEY KADDEN Name - Type or Print
	,
STATE OF MARYLAND, COUNTY OF BALTIE	MORE, to wit:
I HEREBY CERTIFY, this 30th day of 70th of Maryland, in and for the County aforesaid, pe	nch, 2001, before me, a Notary Public of the State
TEROME H. KADDEN the Affiant(s) herein, personally known or satisf	
AS WITNESS my hand and Notarial Seal	
NOTARY	Rus Lahr
PULLE	$R \wedge R'$
	My Commission Expires My Commission Expires September 1, 2000

REV 10/25/01

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	2504 Address	HAL C	IRCLE	l
•	BALTIMO		MARYLA State	ND 2120 Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts of por practical difficu	upon which I/we		est for an Administrative
We wish to add a breakfast reason is located on the right reason corner of the reas of our house adjacent to the will be the most efficiency due to the layout of the house. This addition is neighbors by and existing 8' tall hed	our existing dwell proposed breakfa e proximity to our one story and will	lling. We also st room. Build r existing kitch	wish to add a dding in this located and internal	deck to ation l
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Signature Signature JEROME H. KADDEN Name - Type or Print	additional information	on. Lhell	en Kad	
STATE OF MARYLAND, COUNTY OF BALTIN	•			
I HEREBY CERTIFY, this 301/1 day of 1/2 of Maryland, in and for the County aforesaid, per	rsonally appeared	, 2006	, before me, a N	lotary Public of the State
TEROME H. KADDEN the Affiant(s) herein, personally known or satisfa	5 HELLEY	KADDほ人 me as such Aff	/ iant(s).	
AS WITNESS my hand and Notarial Seal	Notary Pu	Rny S. Lub M		pires Septombor 1, 2009



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 2504 HAL CIRCLE which is presently zoned 28.5

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) 211.4 AND 301.1 (1958 BCZK)

TO PEKMIT PROPOSED ADDITION AND AN OPEN DECK WITH REAK
SETBACKS OF 12 FT. FOR EACH IN UEV OF THE ALLOWED SOFT. AND

2212 RT. SPECTIVELY.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: JEROW Name - Type or Print Name - Type or Print Signature/ Signature Name - Type or Print Telephone No. Address Zip Code Signature State City Attorney For Petitioner: Address BALTIMORE MARY Name - Type or Print Representative to be Contacted: Signature WALTER DANIELS Name Company 1476 BRODDWAY 1U 410.560-3588 Telephone No. Address Telephone No. Address TIMONIUM Zip Code Zip Code State City City State 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 day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. Reviewed By Date,

Estimated Posting Date

LEGAL DESCRIPTION - 2504 HAL CIRCLE, BALTIMORE, MD 21209

Beginning at the northeast corner of the intersection of Hal Circle and Hal Court. Then proceeding N 5d 11' 00" W 64.31'. Then N 87D 44' 20" E 74.66'. Then S 2d 48' 31" E 101.14'. Then a radius of 2525' for a length of 60' along Hal Circle. Then a radius of 20'. Then a length of 31.06' to the point of beginning. BEING LOT # 4, BLUCK B, PLAT F, SECTION 3, PLAT BOOK 25-13 IN THE SUBDIVISION OF MEADOW CODD IN THE 3RD ELECTION DISTRICT. Lot SIZEO, 21AC. # WYO.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE:

5/15/06

Case Number: 06-555-A

Petitioner/Developer: JEROME & SHELLY KADDEN

Date of Hearing (Closing): 05/29/06

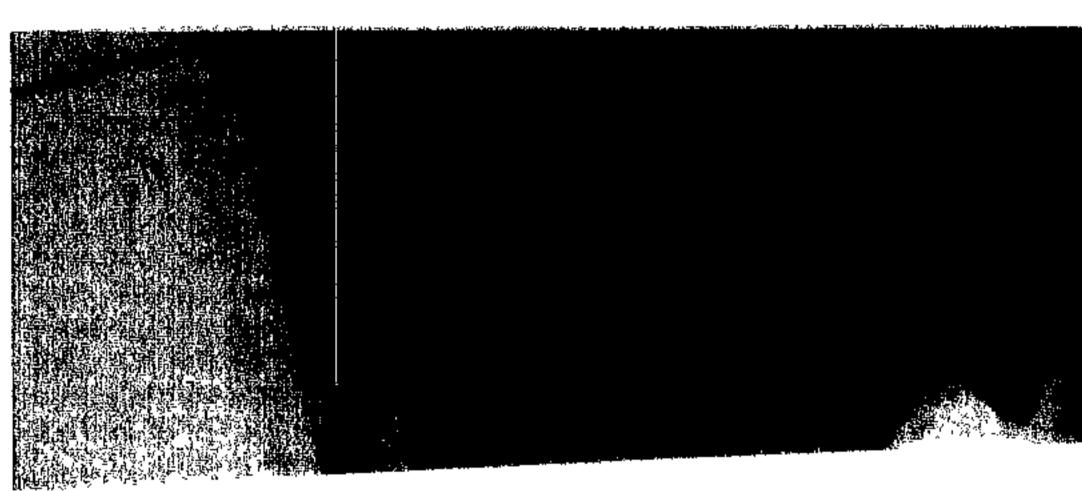
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted

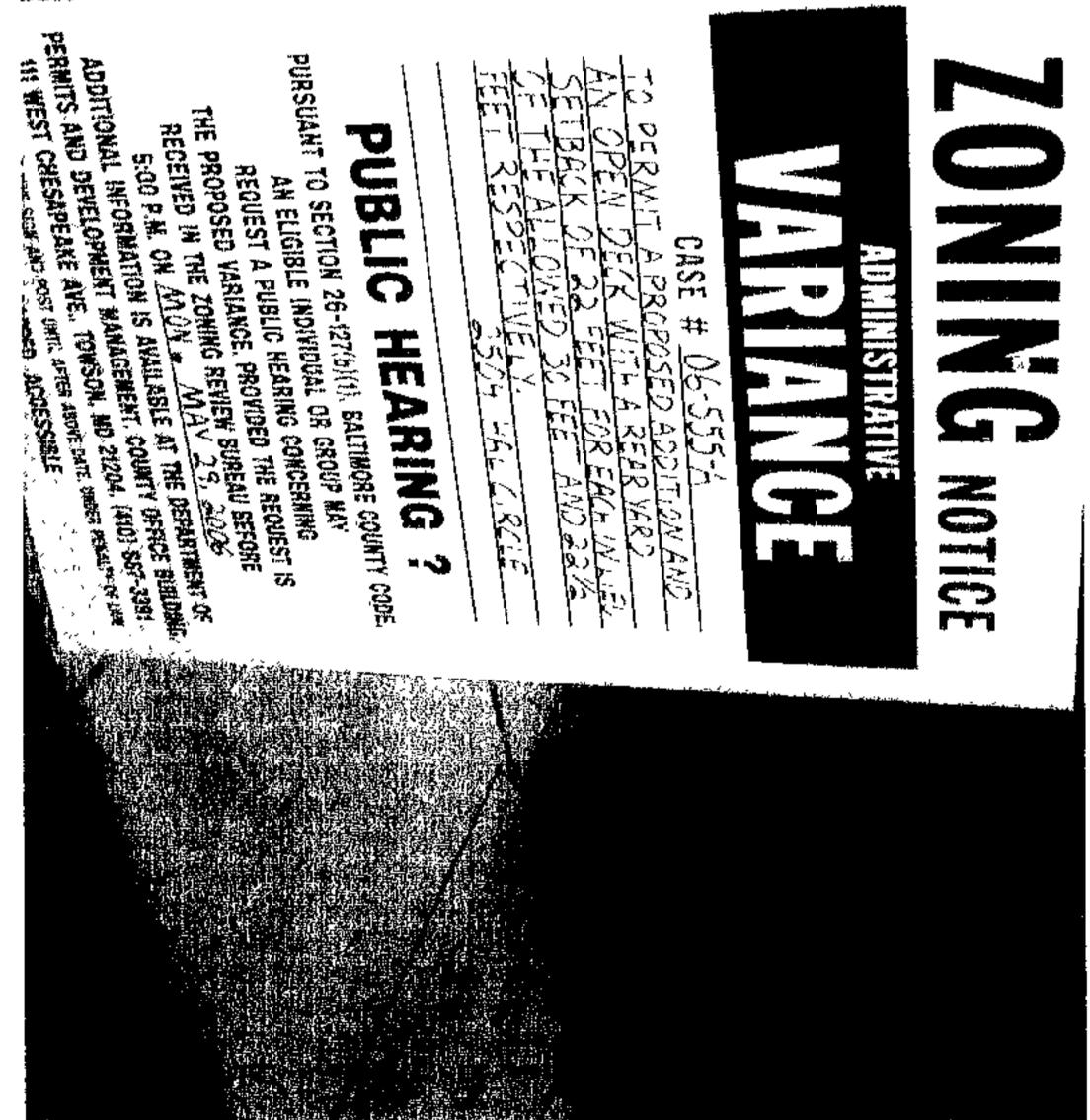
conspicuously on the property located at:

2504 HAL CIRCLE

The sign(s) were posted on:

5/14/06





Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Address 2504 HAL CIRCLE

Case N	Number 06-	555	-A	Address	0304	HAL CIR	200
Contac	ct Person: _	John Planner	Please Print Your N			Phone Number: 4	110-887-3391
Filing	Date:	102/06			5/14/06	Closing Date	: <u>5/29/</u> 6
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	(whether du commission changed giv	e to a neighter), notification in the second	bor's formal on will be for the hearing d	request or warded to ate, time a	r by order of you. The nd location.	hat must go to a property the zoning or consign on the property of the sign ered sign must be	deputy zoning berty must be was originally
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Petitic	ner: This F	art of the Fo	rm is for the	Sign Post	er Only		
		USE THE	ADMINISTRA		_	FORMAT	
Case I	Number 06-	555 -1	A Addre	ess <u>2</u>	504	HAL CIK	20LE
Petitio	ner's Name	JERME 45	HELLEY KA	DDEN	Te	elephone 4104	84 7531
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30 F	ET, AND	225 FT.	RESPECTI	VELY			
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						WCR -	- Revised 6/25/04

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 06-55-4
Petitioner: KANNEN, JEROME
Address or Location 2504 HAL CIRCLE
PLEASE FORWARD ADVERTISING BILL TO
Name JEROME KADDEN
Address 2504 HAL CIRLLE
BALTIMUNE, Mb ZIZO9
Telephone Number. 410-484-7531

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive | Timothy M. Kotroco, Director

May 30, 2006

Jerome H. Kadden Shelley Kadden 2504 Hal Circle Baltimore, MD 21209

Dear Mr. and Mrs. Kadden:

RE: Case Number: 06-555-A, 2504 Hal Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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 Walter Daniels 1426 Broadway Road Timonium 21093



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

DATE: May 12, 2006

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For May 15, 2006

Item Nos: 441, 537, 538, 539, 540, 542, 544, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, and 557

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-05102006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 10, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-555- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

MAY 1 5 2006

ZONING COMMISSIONER

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

May 8,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: 537 thru 557

555

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.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File





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

Maryland Department of Transportation

Date: 5.5.0%

RE:

Baltimore County

Item No. 555

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

Engineering Access Permits Division

1. 1. Dredle

Zoning Review
Pepartment of Permits
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

April 4, 2006

Gentlemen:

Sion Delshad and Mahvash Delshad reside at 2502 Hal Circle and are the legal owners. Our property is contiguous with the property of Jerome and Shelley Kadden at 2504 Hal Circle.

We have no objections to their one story planned 12'x14' addition to their kitchen and the 12'x25' deck. We support their petition for administrative variance.

Sion Delshad

Mahvash Delshad

Zoning Commissioner Baltimore County, Maryland

April 4, 2006

Dear Sir:

This is to certify that Marc Roth and Yocheved Roth are the legal owners of, and reside at 6503 Hal Court. Our property adjoins the property of Jerome H. Kadden and Shelley Kadden, 2504 Hal Circle.

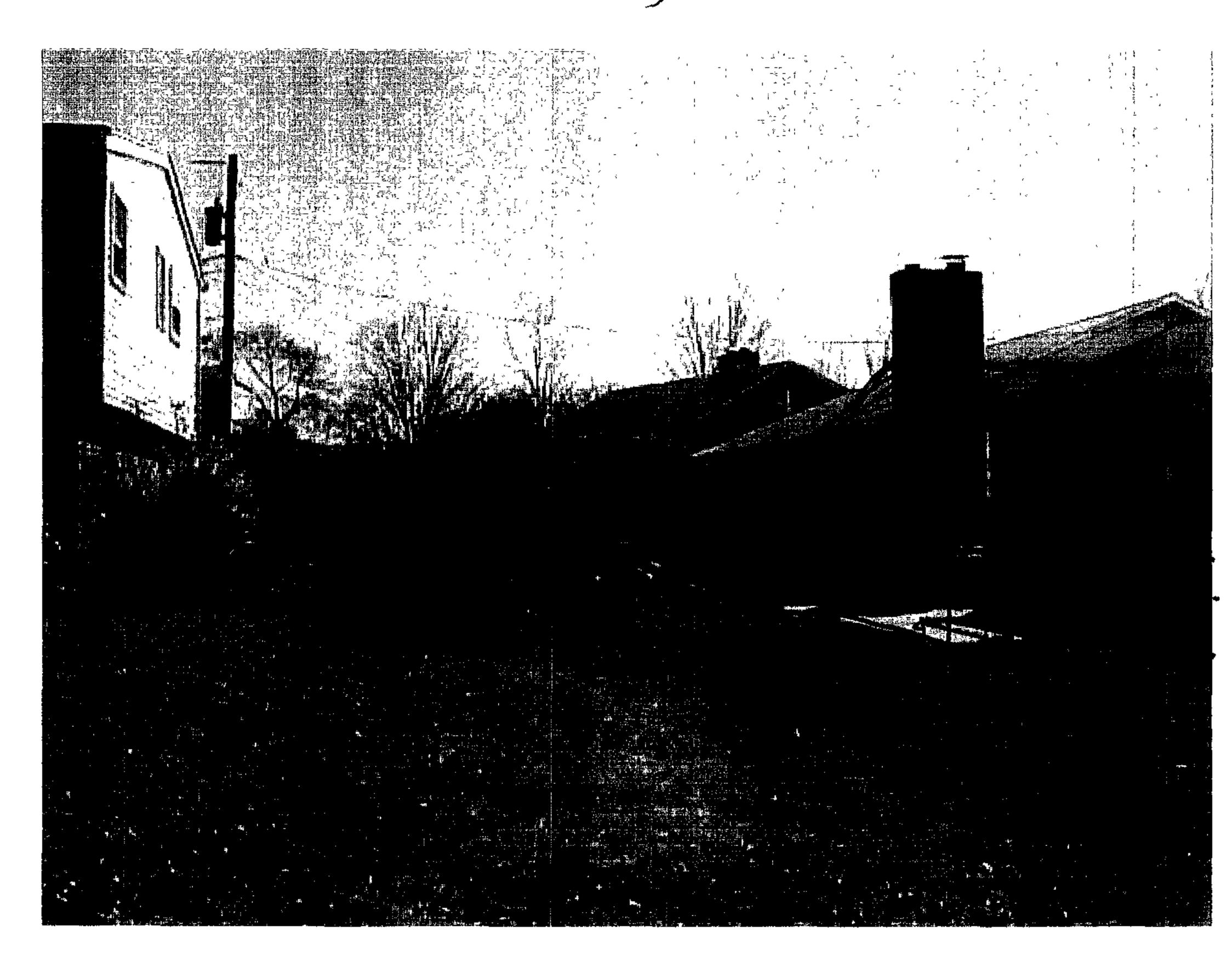
We approve of the planned one story 12'x14' addition to their kitchen as well as the 12'x25' deck and have no objections.

Marc Roth

Yocheved Roth

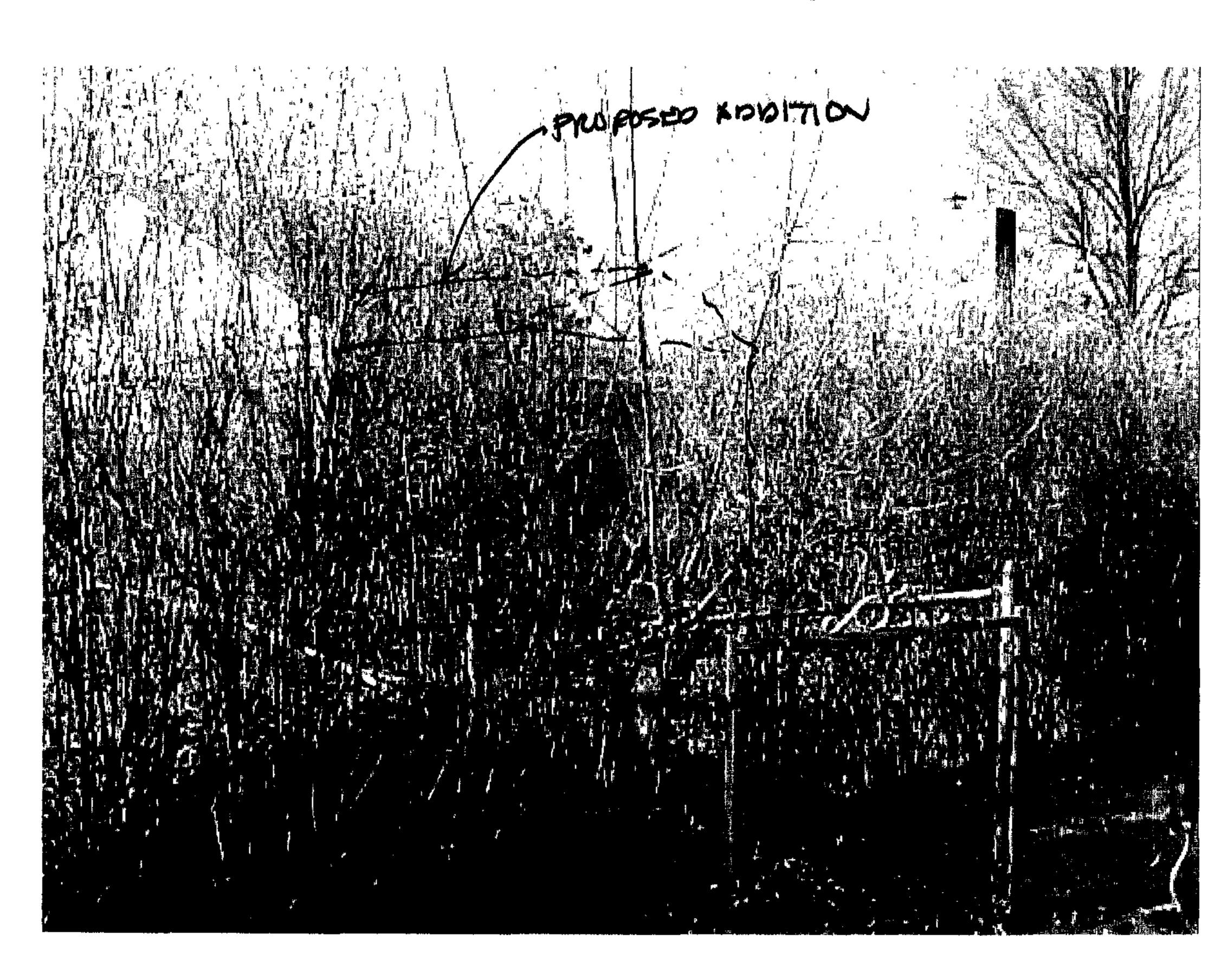
PHOTO 41

5



VEIW FROM HAL CT. LOOKING EAST.

PHOTO 12



VIEW FROM BACKYARD OF LOT #21 HAL CT LOOKING, GOUTHWEST, THRU 8 HEDGE

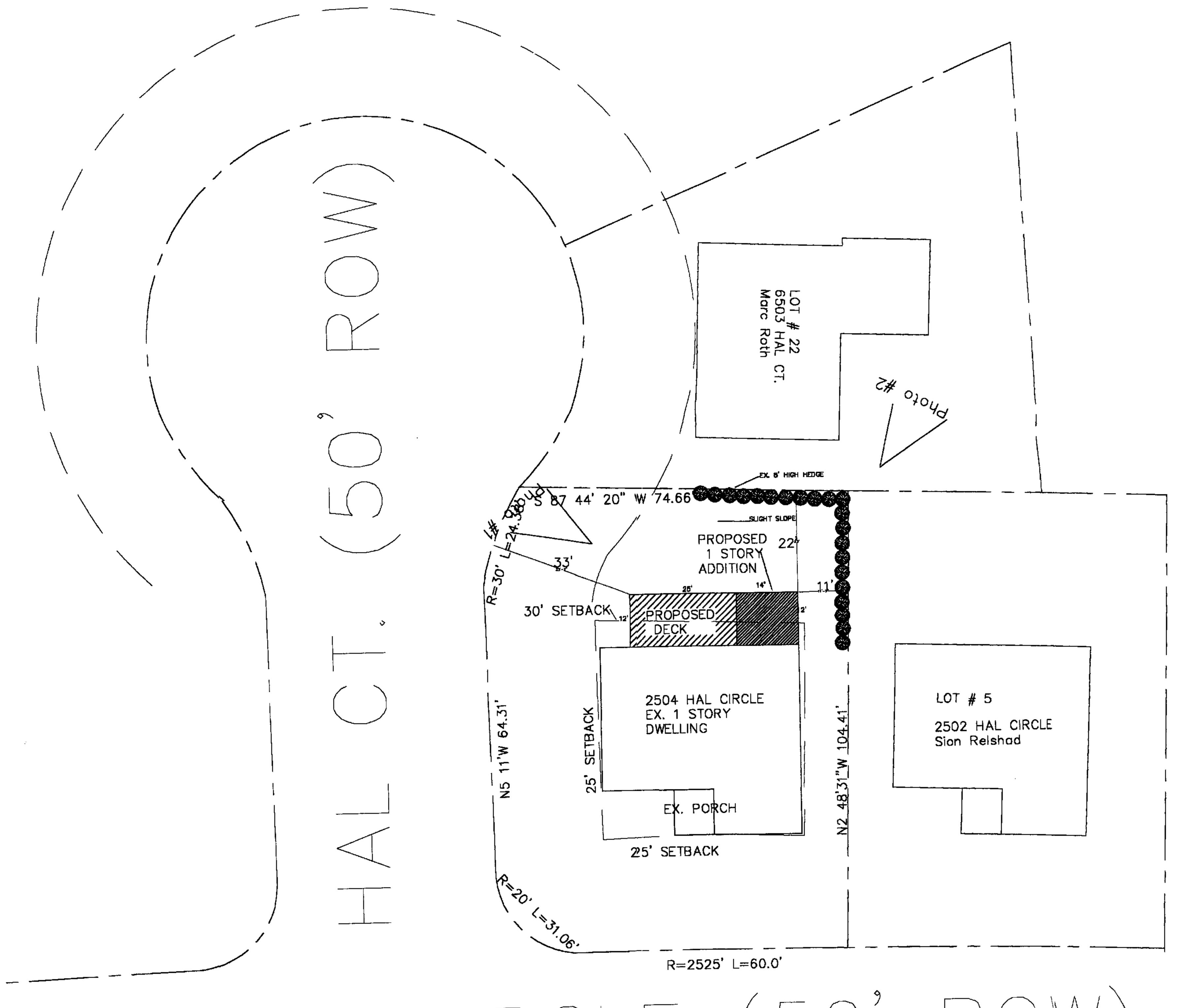
PLAT TO ACCOMPANY PETITION FOR ZONING WVARIANCE SPECIAL HEARING

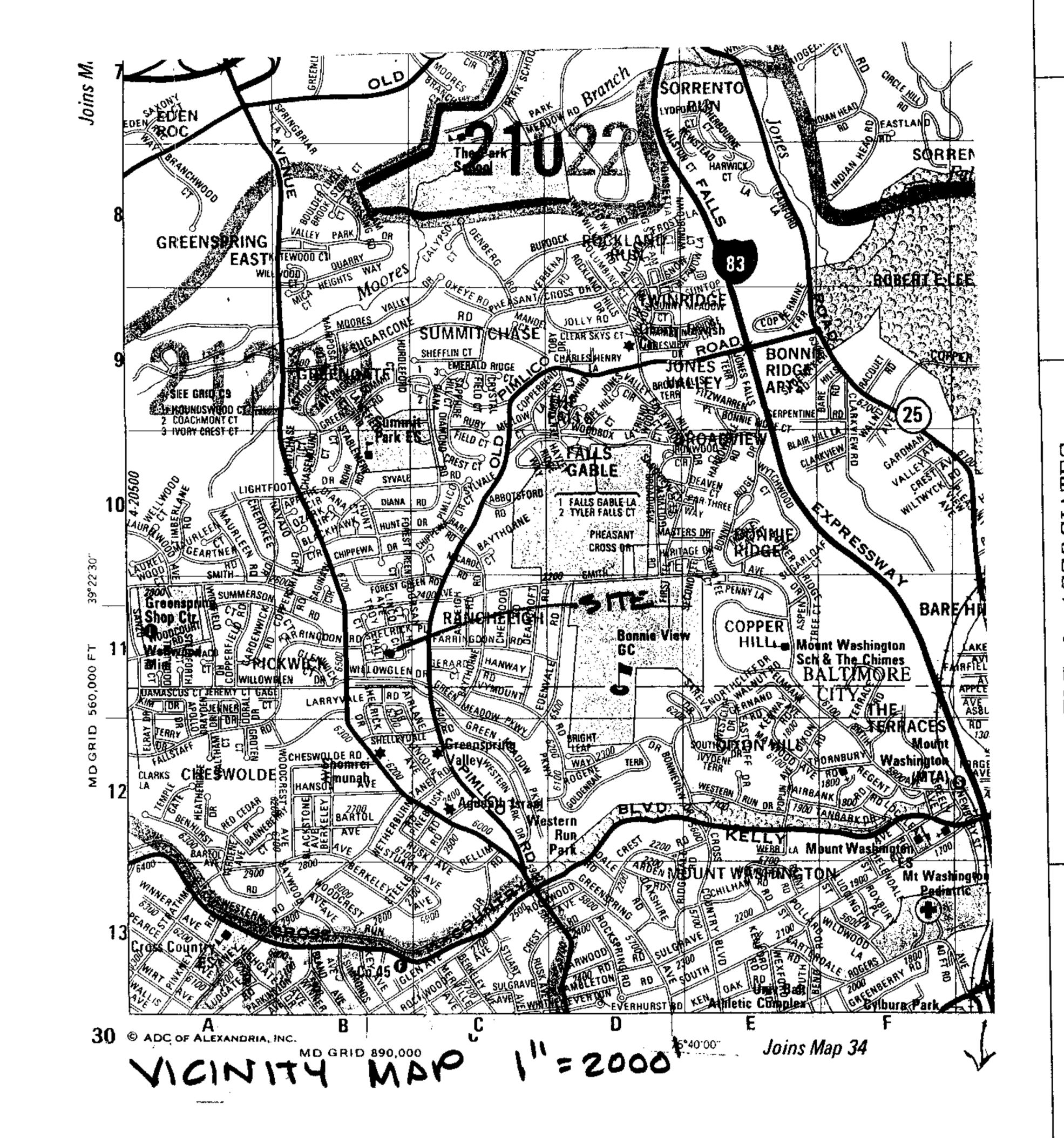
PROPERTY ADDRESS- 2504 HAL CIRCLE, BALTIMORE, MARYLAND 21209

SUBDIVISION NAME: MEADOWOOD

LOT: #4, BLOCK "B', PLAT "F", SECTION #3

OWNER: Jerome Kadden, 2504 HAL CIRCLE, BALTIMORE, MD 21209





LOCATION INFORMATION

Councilmanic District: 2

Election District: 3

1" = 200' scale map:

Zoning: DR 5.5

Lot Size: 8485 SF 0.21 AC

Sewer: PUBLIC Water: PUBLIC

Chesapeake Bay Critical Area: No 100 Year Flood Plain : NONE

Prior Zoning Hearings: None

Historic Property: No

S ()

TONS ON S

Date: 4/13/06

Revisions

Zoning Office Use Only

reviewed by:

item #:

Drawing Title Drawing Number