

IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Sand Dollar Way
W of Harewood Park Road
15th Election District
6th Councilmanic District
(12831 Sand Dollar Way)

David and Lori Metz
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

*

CASE NO. 06-625-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, David and Lori Metz. The variance request is for property located at 12831 Sand Dollar Way. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (swimming pool) to be located in the side and rear 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 Petitioners state that their property is pie shaped which makes the side yard larger than the rear yard. There is not enough room in the rear yard to install the proposed pool. The proposed pool is 25 feet round and will have a deck with locking gate.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Bureau of Development Plans Review dated June 27, 2006 which contains restrictions, copy of which is attached hereto and made a part hereof.

RECEIVED FOR FILING
7-13-06
P3

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 15, 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.

7-13-06
PZ

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 13th of July, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (swimming pool) to be located in the side and rear yard in lieu of the required rear yard only be and is hereby GRANTED, subject to the following:

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.
2. There is a 10-foot wide revertible slope easement along the Harewood Park Road right-of-way. The Petitioner may place the pool in this easement but shall be responsible for moving the pool if the County wishes to grade in the easement.
3. Petitioner shall have a copy of this order recorded in the land records to give notice to any future buyers of this property of the encroachment of the pool onto this easement.

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

7-16-06
JVM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 13, 2006

DAVID AND LORI METZ
12831 SAND DOLLAR WAY
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 06-625-A
Property: 12831 Sand Dollar Way

Dear Mr. and Mrs. Metz:

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

JVM:pz

Enclosure

RECEIVED FOR FILING
7/16/06
pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12831 SAND DOLLAR WAY

which is presently zoned DR 5-5

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) 400.1 BCZR

To permit an accessory structure (swimming pool) 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.

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):

DAVID S METZ

Name - Type or Print

Signature

Name - Type or Print

Signature

12831 Sand Dollar Way 4103357943

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

Representative to be Contacted:

DAVID S METZ

Name

12831 SAND DOLLAR WAY 410-335-7943

Address

Telephone No.

BALTIMORE

MD

21220

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. 06-625-A

Reviewed By JF Date 6/7/06

REV 10/25/01

Estimated Posting Date 6/18/06

Affidavit in Support of Administrative Variance

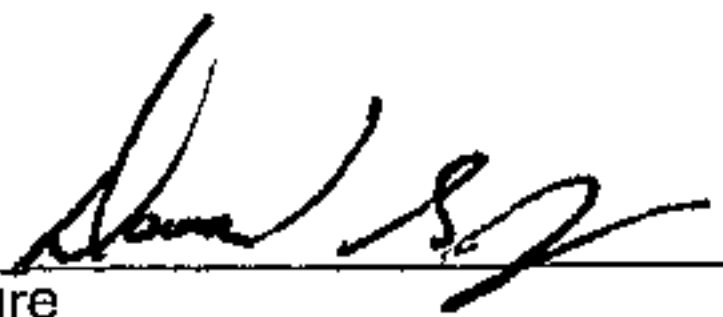
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is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

That the Affiant(s) does/do presently reside at 12831 SAND DOLLAR WAY
Address
BALTIMORE MD 21226
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):

- 1) MY LOT STRADDLES THE CBERA LIMIT
- 2) THE HOUSE LOCATION IS SET ON A PID LOT (MAKING MY SIDE YARD LONGER THAN THE REAR BUT MY SIDE YARD IS BACKING TO THE REAR YARD OF MY NEIGHBORS)
- 3) NO ROOM TO IMPROVE IN SAFE WAY IN REAR YARD.

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.


Signature
DAVID SCOTT METZ
Name - Type or Print


Signature
Lori Lee Metz
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of MAY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID SCOTT METZ & LORI LEE METZ
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires SEPT 1, 2009

Zoning description for 12831 Sand Dollar Way Baltimore MD 21220

Beginning at a point on the West side of Harewood parkRd which is 8 feet wide at the distance of 352 feet east and west of the centerline of the nearest improved intersecting street Sand Dollar Way which is 40 feet wide. Being lot # 62 Block _____, Section # 2, in subdivision of WOODS OF BAY COUNTRY, as record in Baltimore County Plat Book# 61, Folio # 70, containing 6779 S.F.. Also know as 12831 Sand Dollar Way Baltimore MD 21220, and located in the 15th election district 6th Precinct.

#625

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE 10-7-06 ACCOUNT 001-006-0150

AMOUNT \$ 65.00

RECEIVED FROM: David Metz

FOR: 11231 South De La Hay Irvine Co 25

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

DATE 10-7-06 TIME 11:00

BY DAVID METZ 1

FOR 11231 SOUTH DE LA HAY

AMOUNT \$ 65.00

RECEIVED BY DAVID METZ

FOR 11231 SOUTH DE LA HAY

AMOUNT \$ 65.00

RECEIVED BY DAVID METZ

FOR 11231 SOUTH DE LA HAY

AMOUNT \$ 65.00

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AMOUNT \$ 65.00

RECEIVED BY DAVID METZ

FOR 11231 SOUTH DE LA HAY

AMOUNT \$ 65.00

RECEIVED BY DAVID METZ

FOR 11231 SOUTH DE LA HAY

CERTIFICATE OF POSTING

RE: Case No.: 06-625-A

Petitioner/Developer: _____

David + Lori Metz

Date of Hearing/Closing: 7-3-06

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

Attention: Jun Fernando

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

12831 Sand Dollar Way Baltimore, MD 21220

The sign(s) were posted on June 15, 2006
(Month/Day/Year)

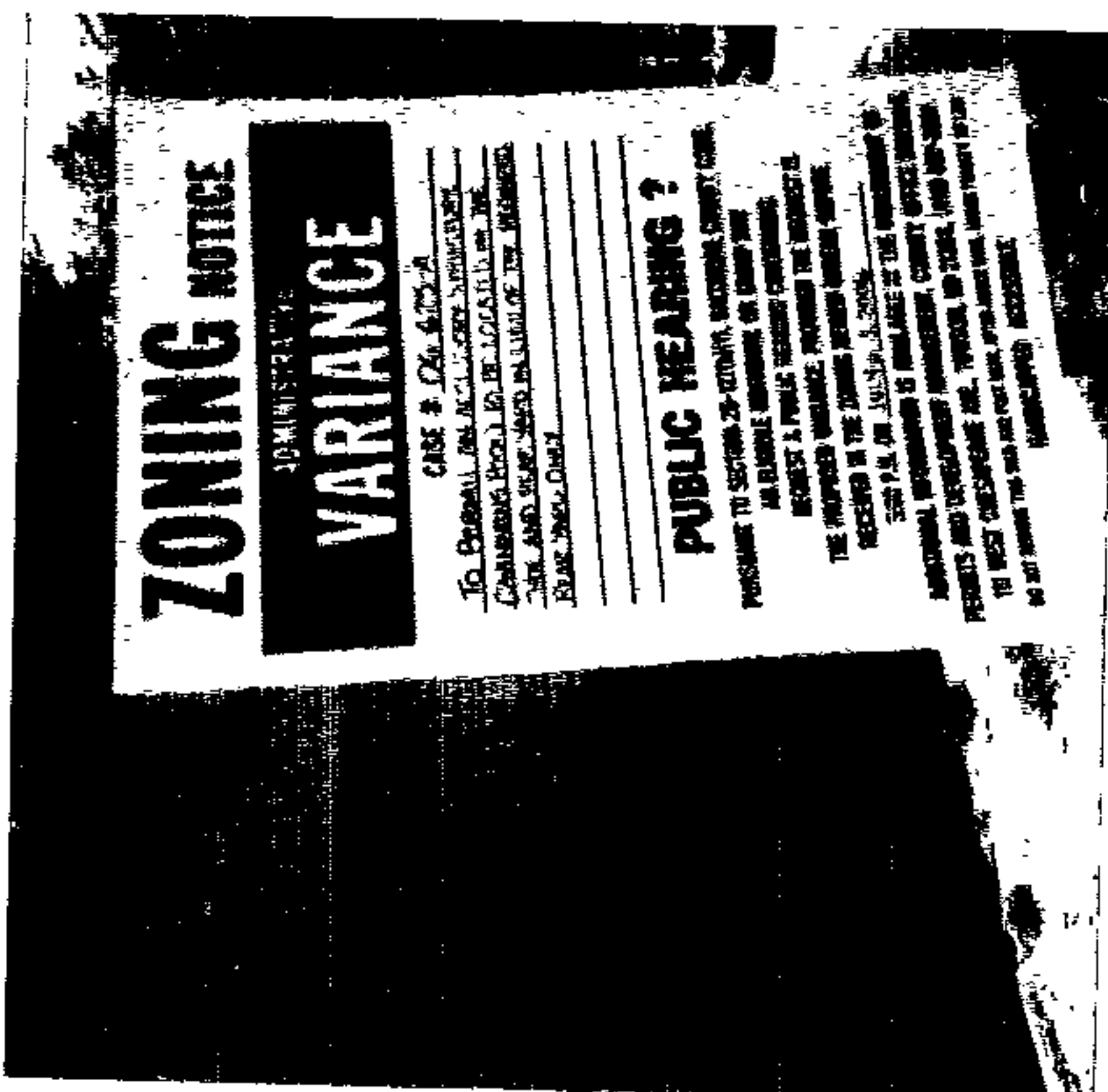
Sincerely,

Stacy Gardner 6/15/06
(Signature of Sign Poster/Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000



6/15/06

**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: 06-625-A

Petitioner: DAVID METZ

Address or Location: 12831 SAND DOLLAR WAY BALTIMORE MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID METZ

Address: 12831 SAND DOLLAR WAY
BALTIMORE MD 21220

Telephone Number: 410-335-7943

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 625 -A

Address 12831 Sand Dollar Way

Contact Person: Jun Fernando
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6-7-06

Posting Date: 6-18-06

Closing Date: 7-3-06

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- 625 -A

Address 12831 Sand Dollar Way

Petitioner's Name David & Lori Metz

Telephone 410-335-7943

Posting Date: 6-18-06

Closing Date: 7-3-06

Wording for Sign: To Permit an accessory structure (swimming pool)
to be located in the side and rear yard in lieu of the
required rear yard only.

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

July 3, 2006

David Metz
Lori Metz
12831 Sand Dollar Way
Baltimore, MD 21220

Dear: Mr. & Mrs. Metz,

RE: Case Number: 06-625-A, 12831 Sand Dollar Way.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 7, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

Item Numbers: Item Number 611, 621, 624-637, 639-643

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 27, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2006
Item No. 625

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

There is a 10-foot-wide revertible slope easement along the Harewood Park Road right-of-way. The petitioner is hereby advised that he may place the pool in this easement under the condition that he is responsible for moving the pool if the county wishes to grade in the easement. He is also responsible for disclosing this condition to any future buyers of this property.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 625-06272006.doc

7716-06
7716-06
7716-06

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *ovl*

DATE: August 11, 2006

SUBJECT: Zoning Item # 06-625-A
Address 12831 Sand Dollar Way
(Metz Property)

Zoning Advisory Committee Meeting of June 19, 2006

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

 X 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).

 X 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:

This project has received a variance from the "Forest Buffer" regulations. All variance approval conditions must be met in the development of this site.

Reviewer: Glenn Shaffer

Date: July 25, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 29, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-625- 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

RECEIVED

JUN 29 2006

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date: 6-20-06

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

RE: Baltimore County
Item No. 625 JRF

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).

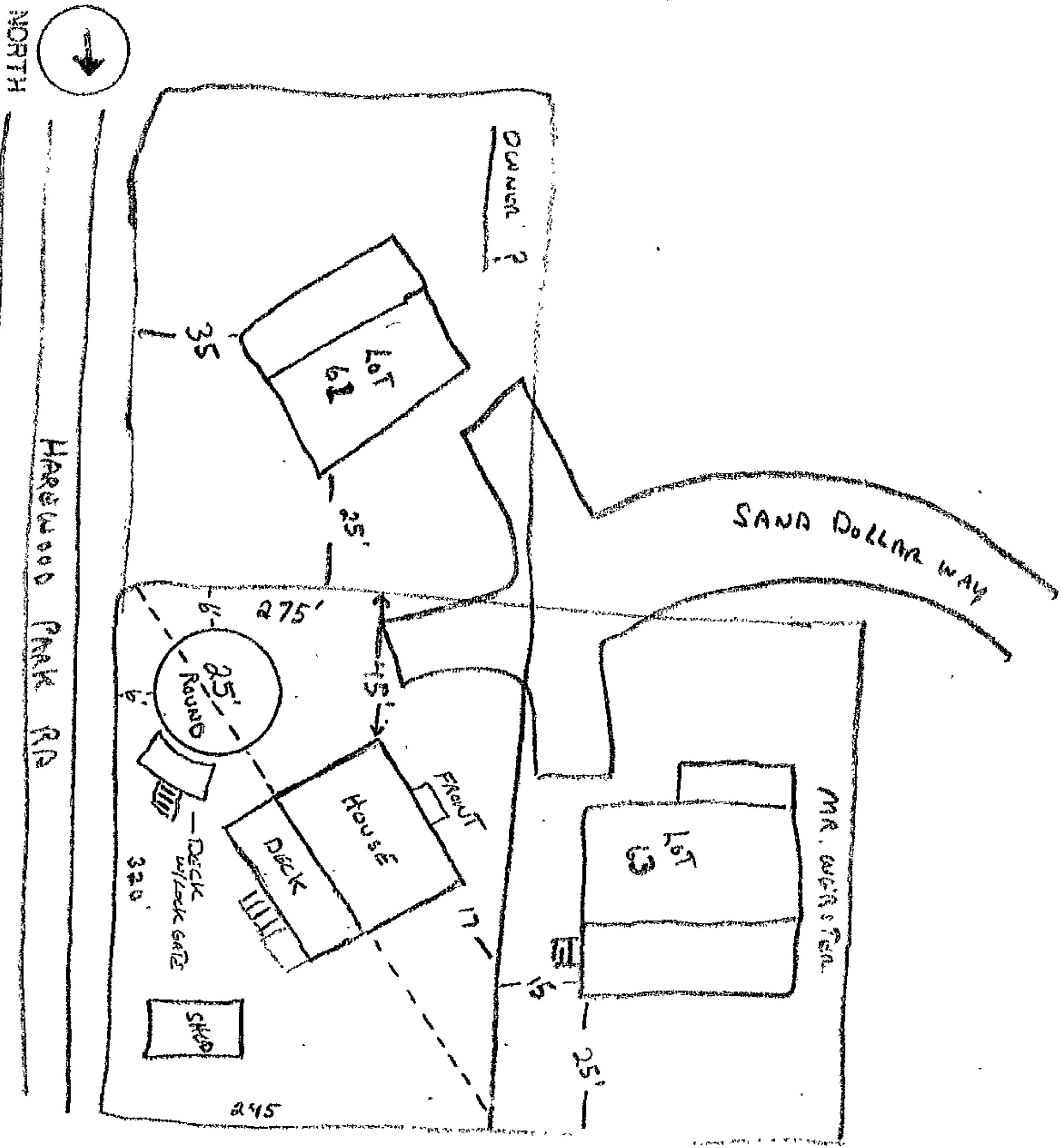
Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

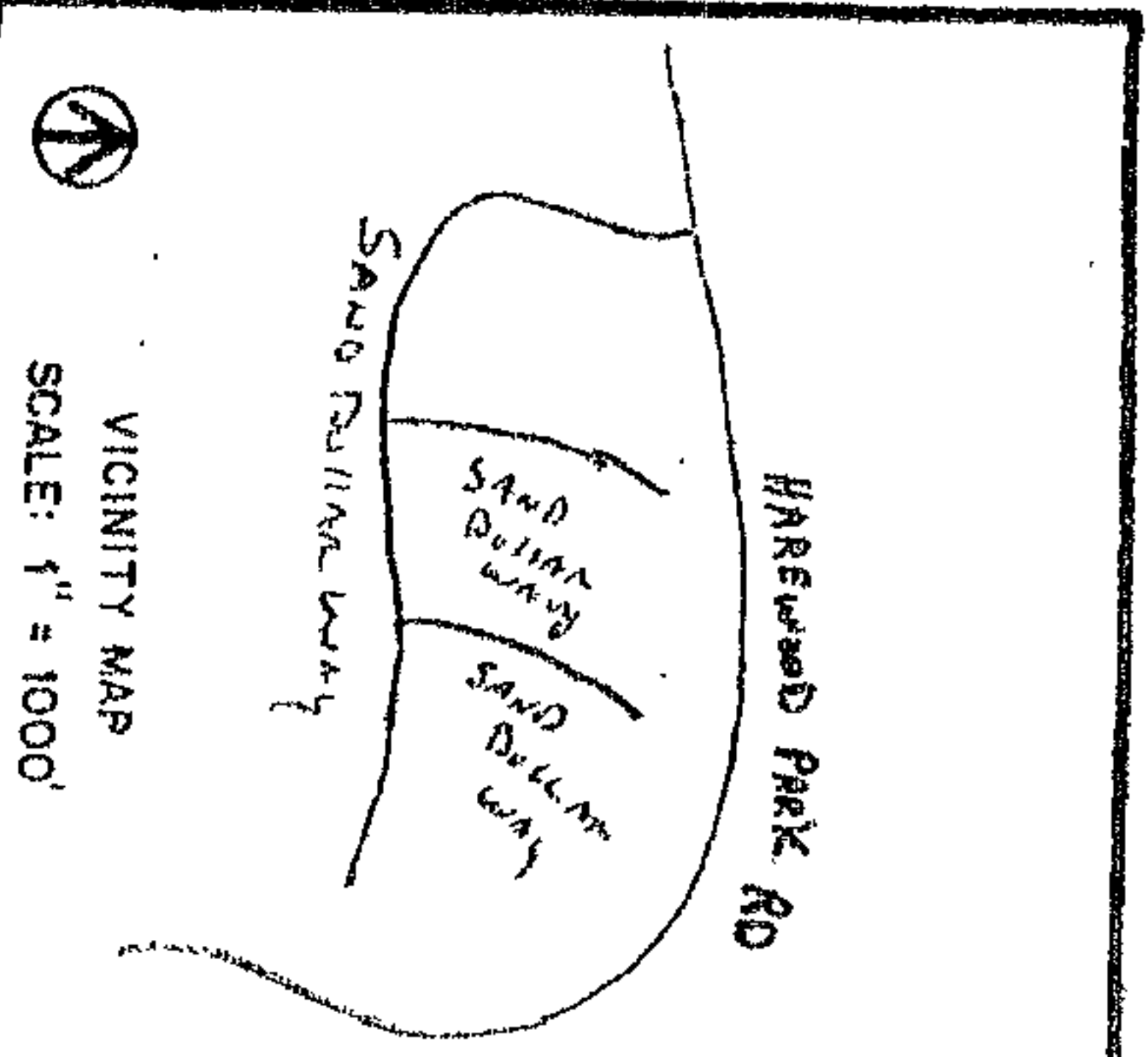
PROPERTY ADDRESS 12231 Sand Dollar Way ☒ **VARIANCE** ☐ **SPECIAL HEARING**

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WOODS OF Bay County
 PLAT BOOK # 61 FOLIO # 70 LOT # 62 SECTION # 2
 OWNER DAVID + Lori Mett



PREPARED BY DAVID METT Scale of Drawing 1" = 40'



LOCATION INFORMATION

ELECTION DISTRICT # 15TH
 COUNCILMANIC DISTRICT 6TH
 1" = 200' SCALE MAP # N.E. 7-L
 ZONING D.R. - 5-5

LOT SIZE <u>.61</u>	ACREAGE <u>6779</u>	SQUARE FEET
SEWER ☒	PUBLIC ☒	PRIVATE ☐
WATER ☒		
CHESAPEAKE BAY CRITICAL AREA ☐	YES ☒	NO ☐
100 YEAR FLOOD PLAIN ☐		
HISTORIC PROPERTY/ BUILDING ☐		
PRIOR ZONING HEARING <u>95-93-A</u>		

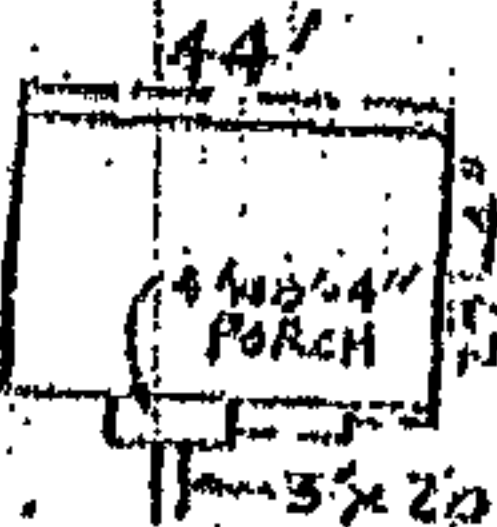
ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

DE 625

NOV 19 '93 15:48

P. 1/9

1148 BLDG.
664 DR.
60 SW.
42 PORCH
1874 S.F.



TOTAL
LOT AREA

6779 S.F.

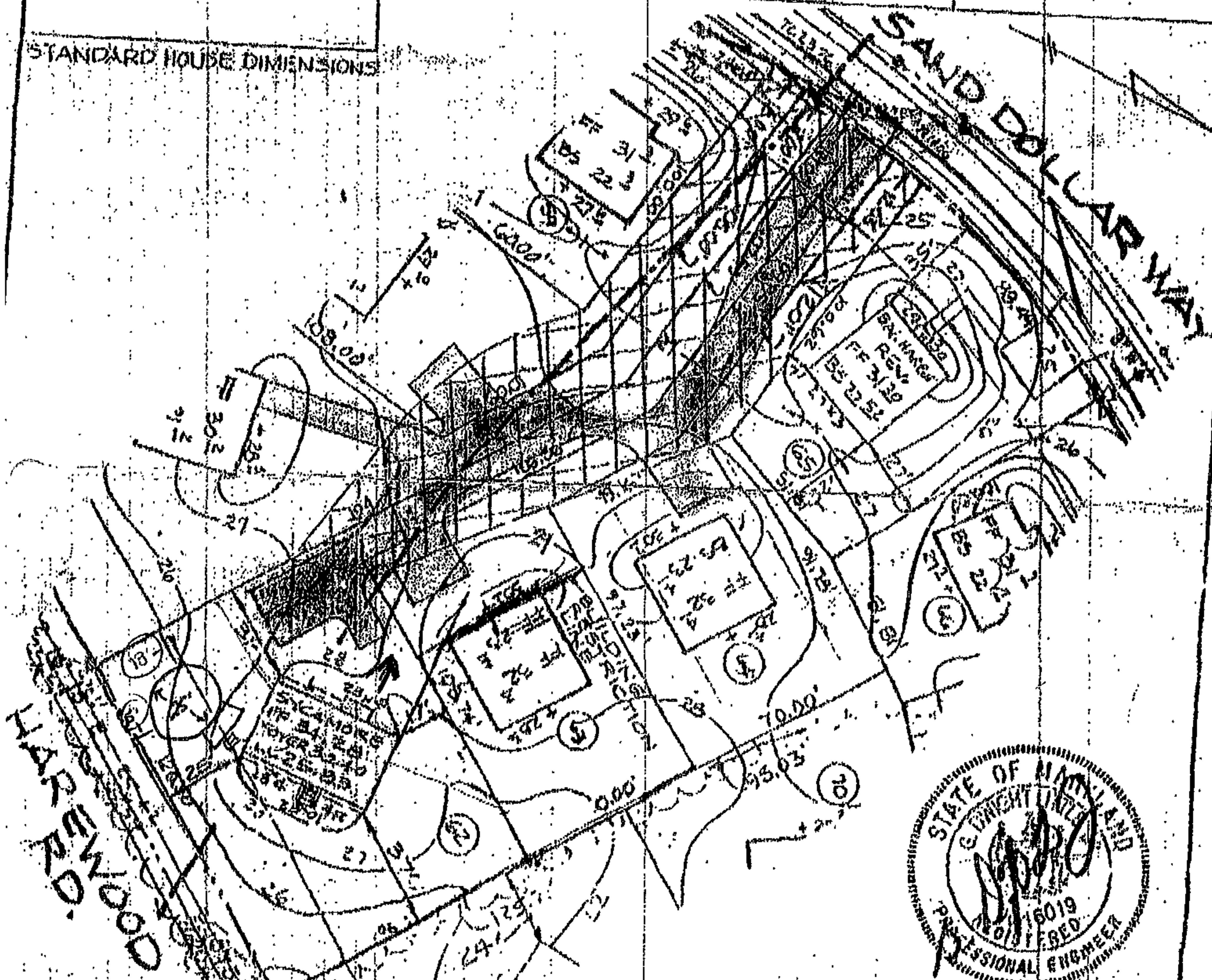
TOTAL
IMPERVIOUS
ALLOWED

1695 S.F.

TOTAL
IMPERVIOUS
AREA

1874 S.F.

STANDARD HOUSE DIMENSIONS



DISTURBED AREA = 6779 S.F.
LOT GRADING PLAN
WOODS AT BAY COUNTRY
#12831 SAND DOLLAR WAY
LOT 62
S.M. 61/10

BALTO. CO., MD. 15TH ELECTION DISTRICT

ETBACKS

Front 31'
Left 31'
Right 31'
Back 31'

HOUSE TYPE	STD. OR REV.	WALKOUT OR INGROUND	REMARKS
SYCAMORE	STD.	INGROUND	AREAWAY

W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MD 21204



652



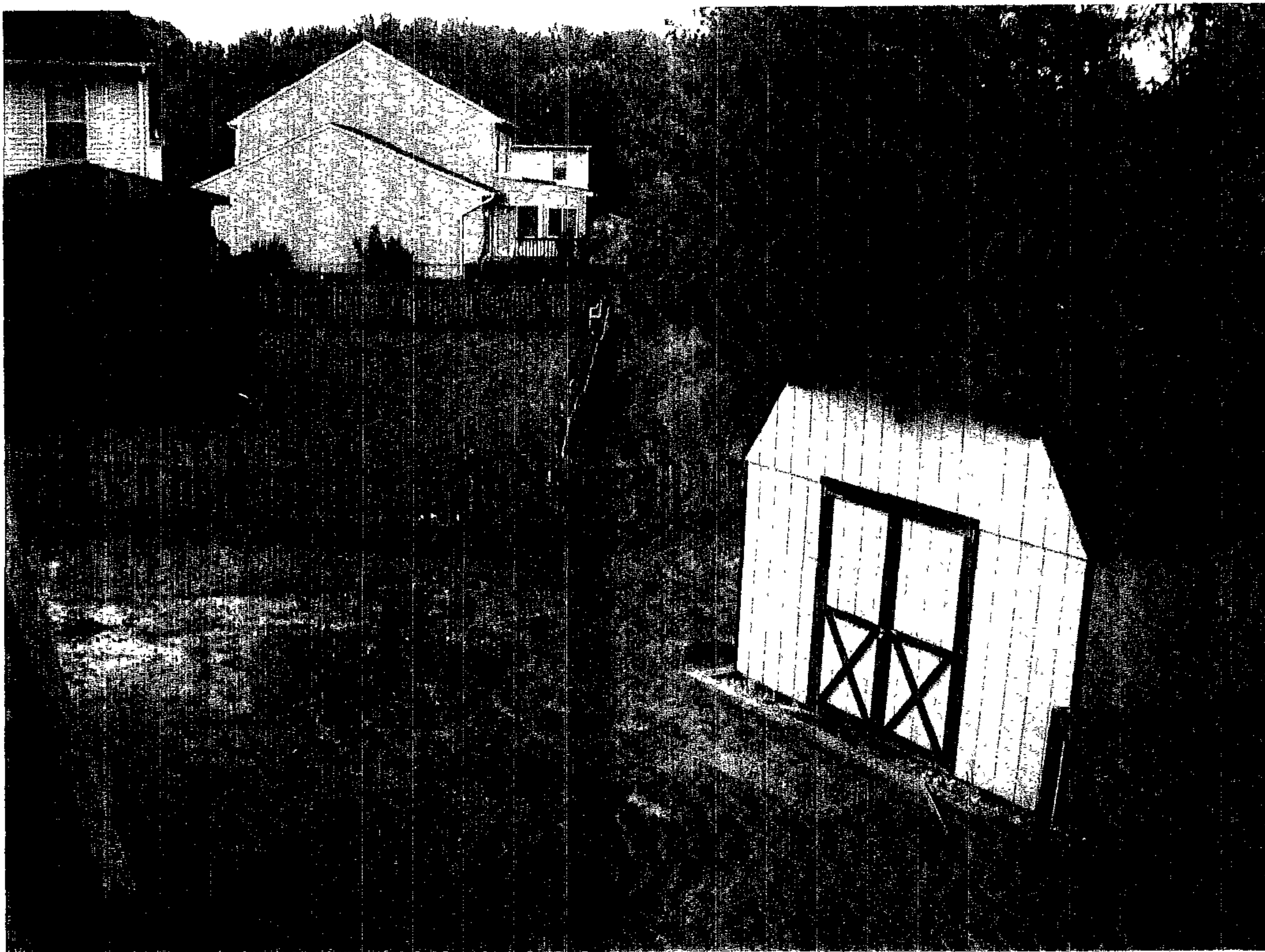
FRONT LEFT SIDE OF 12831 SAND DOLLAR WAY BALTIMORE MD 21220

#625



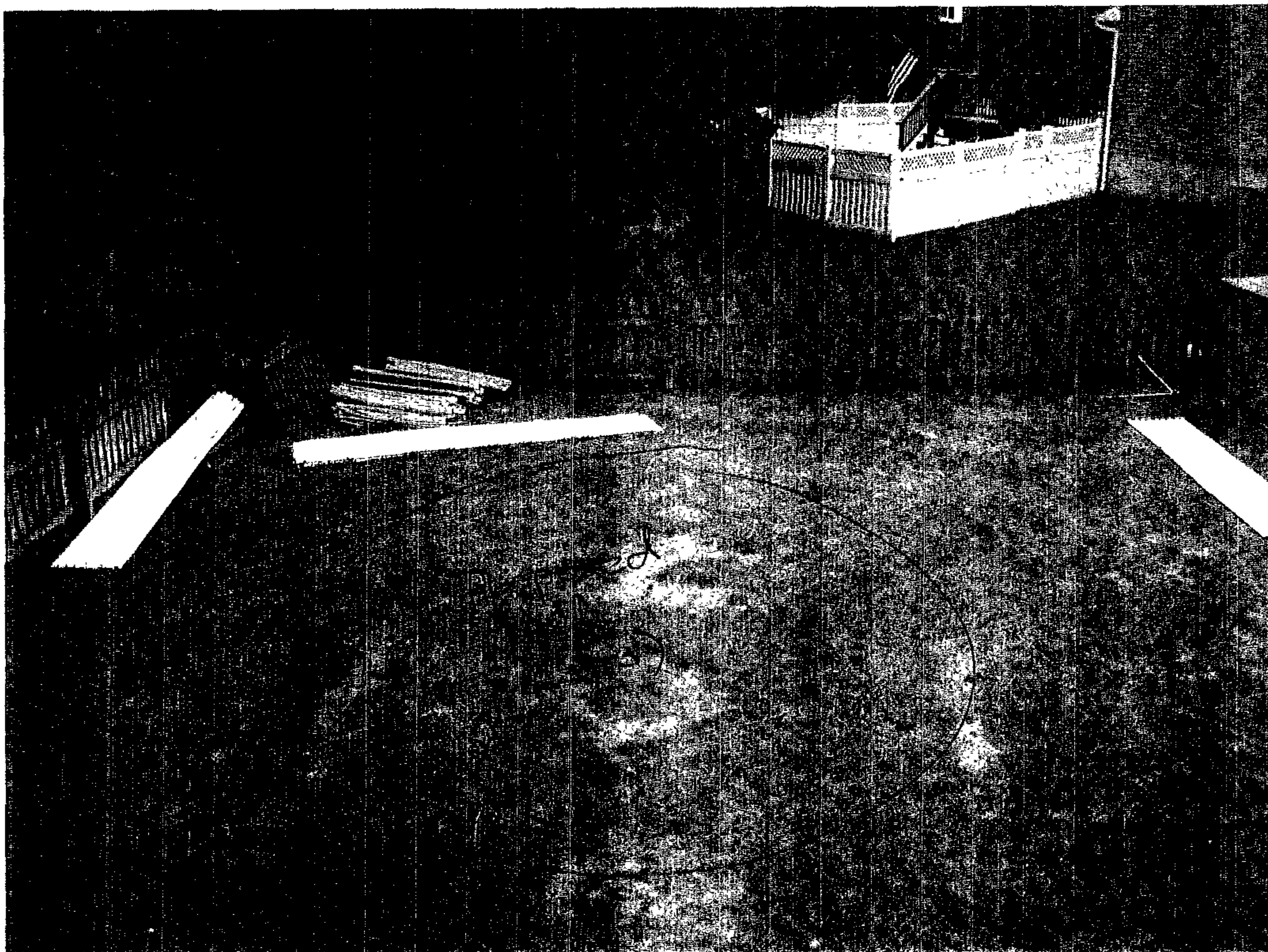
REAR Right OF House 12831 SAND DOLLAR WAY BALTIMORE MD 21220

#625



REAR LEFT OF 12831 SAND DOLLAR WAY BALTIMORE MD 21220

#625



REAR / SIDE OF 12831 SAND DOLLAR WAY BALTIMORE MD 21220

625



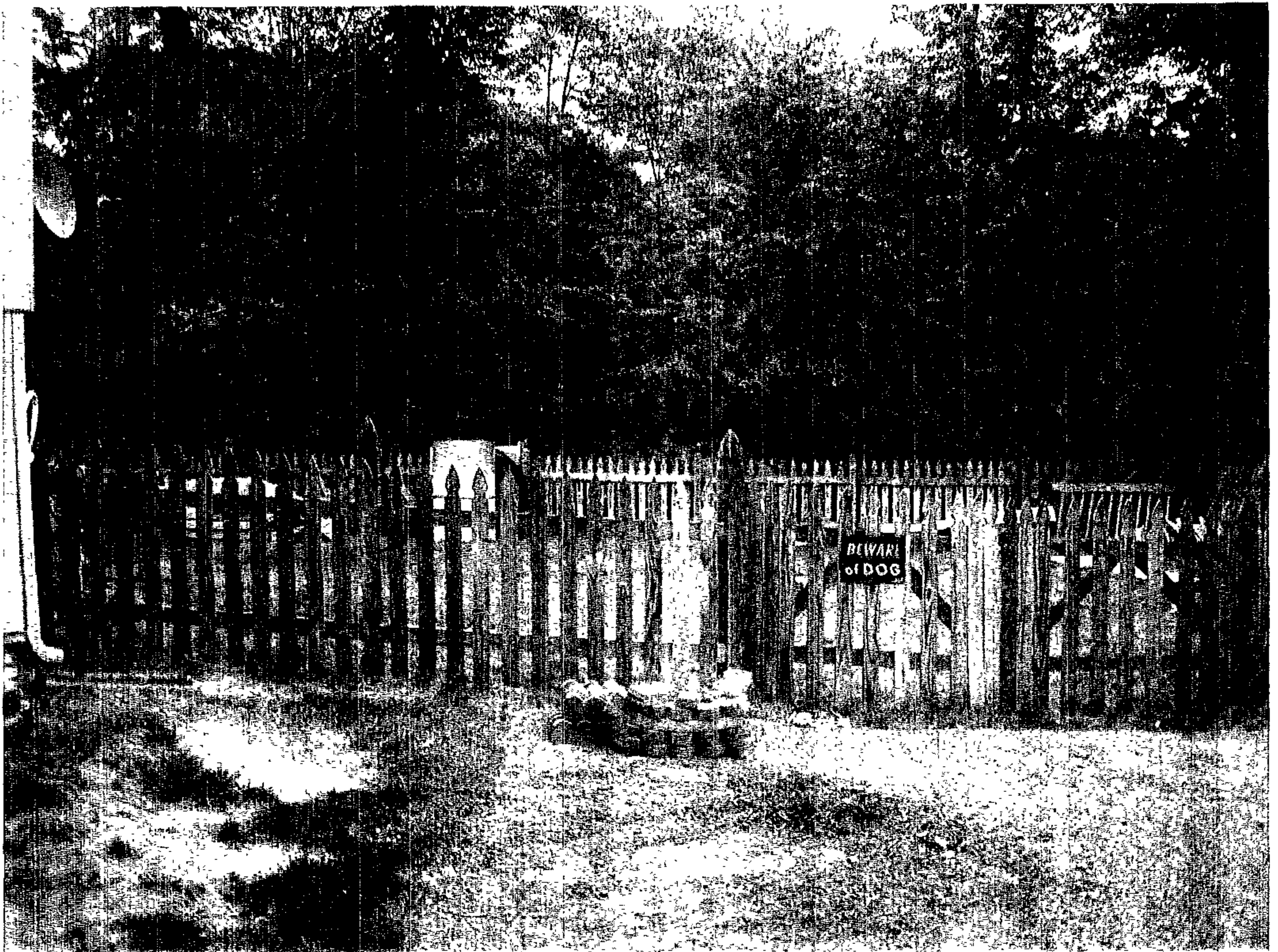
LEFT SIDE OF 12831 SAND DOLLAR WAY BALTIMORE MD 21220

625



LEFT SIDE OF 12831 SAND DOLLAR WAY BALTIMORE MD 21220

#625



Right side of 12831 SAND DOLLAR WAY BALTIMORE MD 21220

625