IN RE: PETITION FOR ADMIN. VARIANCE
E side 8th Avenue, 112 feet N c/l East
Joppa Road
11<sup>th</sup> Election District
5<sup>th</sup> Councilmanic District
(9601 8th Avenue)

Ronald L. and Sharon A. Nelson Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* BALTIMORE COUNTY

<sup>k</sup> CASE NO. 07-366-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Variance filed by the legal owners of the subject property, Ronald L. and Sharon A. Nelson. The variance request is for property located at 9601 8th Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to an existing dwelling to have a rear yard setback of 16 feet and side yard setback of 6 feet in lieu of the required 30 and 10, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners need additional living space for their growing family. An existing one story addition will be razed and replaced with a new modern one story 20 foot x 20 foot addition.

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated March 5, 2007. That Office does not oppose the Petitioner's request because the existing structure is already located 6 feet from the property line and likely was built in accordance with the setback regulations in place when the subdivision was approved. As for the

31000 CO

rear yard setback, the Planning Office finds that the proposed addition should not adversely impact the surrounding neighbors.

#### 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 February 23, 2007 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.

M COLUMN

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 March, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to an existing dwelling to have a rear yard setback of 16 feet and side yard setback of 6 feet in lieu of the required 30 and 10, respectively 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.

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

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 19, 2007

RONALD L. AND SHARON A. NELSON 9601 8<sup>TH</sup> AVENUE BALTIMORE MD 21234-1840

> Re: Petition for Administrative Variance Case No. 07-366-A Property: 9601 8<sup>th</sup> Avenue

Dear Mr. and Mrs. Nelson:

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

John V. musphy

for Baltimore County

JVM:pz

Enclosure

c: Site Rite Surveying, Inc., 200 East Joppa Road, #101, Baltimore MD 21286



REV 10/25/01

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

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		which is presently zoned DR 5.5
*	Tel Alexandra Con	The undersigned, legal
This Petition shall be filed with the Departs	ment of Permi	its and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and ion(s)   B 0 2 . 3 . C .   - to permit a
owner(s) of the property situate in Baltimore C	nce from Secti	ion(s) 1 B 0 2.3. C.1 - to permit a
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in a soul of the sound	existing	dwelling to have a rear yard setback
proposed addition to an		A the morning
of 16 feet and side yard	setback	of 6 feet in lieu of the required
30 and 10, respectively	} 	The reasons indicated on the back
at the zoning regulations of Baltimore County	to the zoning	law of Baltimore County, for the reasons indicated on the back
of this petition form.	1	
	secribed by the	zoning regulations.
Property is to be posted and advertised as pro	e, advertising, P	e zoning regulations. osting, etc. and further agree to and are to be bounded by the zoning to the soning to the zoning to the zoning law for Baltimore County.
I, or we, agree to pay expenses of above Varianc regulations and restrictions of Baltimore County a	dopted pursuant	to the zoning law for Daitinions 33-117
regulations and reserve	1	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which
		perjury, that I/we are the legal owner(s) of the property is the subject of this Petition.
Contract Purchaser/Lessee:	į	Legal Owner(s):
Contract Purchasen Losson		Ronald L. Nelson
	<u> </u>	Name - Type or Print
Name - Type or Print	•	Lovel & C
·		Signature
Signature		Sharon A. Nelson
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Address	<u> </u>	Sidestive a pro-
City	Zip Code	Signature 410882-6458
Attorney For Petitioner:		9601 8th Avenue Telephone No.
AMOINEY FOI FEUTIONOL.		Address Baltimore MD 21234-1840 Zho Code
<u> </u>	<u> </u>	City State Zip Code
Name - Type or Print		Representative to be Contacted:
		Keblezelirariae rong agricultura
Signature	1	Site Rite Surveying, Inc.
	<u> </u>	Name
Company	ł 4	200 E. Joppa Rd., #101 (410) 828-9060 Telephone No.
·*************************************	Telephone No.	Address 21286
Address - has a manual	₹1.23 (n. 2.2 <u>-2.</u>	Baltimore Zip Code
	Zin Code	Ony —
	d and/or found t	o be required, it is ordered by the Zoning Commissioner of Baltimore Count or of this petition be set for a public hearing, advertised, as required by the zoning
A Public Hearing having been formally demanded that	the subject matte	o be required, it is ordered by the Zoning Commissioner of Data to the zoning of this petition be set for a public hearing, advertised, as required by the zoning of this petition be set for a public hearing, advertised, as required by the zoning commissioner of Data to
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CASE NO	· · · · · · · · · · · · · · · · · · ·	
DEV 10/25/01	 	Estimated Posting Date

### Affidavit in Support of Administrative Variance

The undersigned	hereby affirms under the	penalties of	perjury to the	Zoning Co	ommissioner	of Baltimore	County, as
follows: That the	a information herein diven	is within the	personal know	vieage of ti	ne Amanus)	and mar wing	ant(s) israile
competent to testi	fy thereto in the event that	a public hearii	ng is scheauled	in the tutu	re with regard	inereto.	

That the Affiant(s) does/do presently reside at	#9601 8t	h Avenue	
	Baltimor	e MD State	21234 <b>Zip Code</b>
That based upon personal knowledge, the follo	wing are the fact	s upon which I/we base the req	uest for an Administrative
Variance at the above address (indicate hardshi	ip or practical diff	iculty):	•
			<u>^</u>
To accommodate the need	tov ext	va living space t	₩.
ow-family.	•		
	•		
	•		
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•		•	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is	filed, Affiant(s) will be require	d to pay a reposting and
	aggiuonai imoniis	1 1 - V	
Signature	· .	Sparn a Re	ls
Signature		Signature	
Ronald L. Nelson Name - Type or Print	<del></del>	Sharon A. Nelson Name - Type or Print	, <u></u>
•		•	•
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this 28th day of of Maryland, in and for the County aforesaid, pe	_	, 2007, before me, a	Notary Public of the State
		d -	
Ronald L. Nelson and Sharon A. Ne the Affiant(s) herein, personally known or satisfa	Lson actorily identified	to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		9	• •
		real a. Longain	· · · · · · · · · · · · · · · · · · ·
	Notary		hu 1 2004

REV 10/25/01

CAROL A. LONGDON
NOTARY PUBLIC STATE OF MARYLAND
My commission expries September 1, 2009



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

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his Petition shall be filed with the wher(s) of the property situate in B	ne Department of Pern altimore County and Wh	ich is described in the	e description and	plat attache	d hereto and
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the required 30	and 10, vesp	ectively		•	
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f the zoning regulations of Baltimo	re County, to the Zoning	Idir of Danis			
f this petition form.		: detione			
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or we, agree to pay expenses of abo egulations and restrictions of Baltimor	e County adopted pursuar	it to the zoning law for f	Baltimore County.		
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		perjury, that I/we is the subject of	e are the legal owl	161(2) OI INC P	Topon, man
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Contract Purchaser/Lessee:		<u>Legal Owne</u>	<u> </u>		
		Ronald L.	Nelson		
lame - Type or Print		Name - type or l	rint /		
		Signature			
Signature		Sharon A.	Nelson	<u></u>	
Address	Telephone No.	Name - Type or I	Print / Rel	2	
	7:- Code	Signature			
City	ate Zip Code	9601 8th	Avenue	410 882	-6458
Attorney For Petitioner:	•	Address		10/0	Telephone No.
		Baltimore	MD 212	34-1840 State	Zip Code
Name - Type or Print		City			•
		Representa	tive to be Cor	itacteo.	•
Signature		Site Rit	e Surveying,	Inc.	<u>-</u>
	<u></u>	Name	<del></del>		N 020_0060
Company			ppa Rd., #10	(410	7) 828-9060 Telephone No.
Address	Telephone No.	Address Baltimore	1	MD	21286
	State Zip Code	City	- 	State	Zip Code
City	,		ced by the Zoning C	commissioner o	f Baltimore Count
A Public Hearing having been formall	y demanded and/or found that the subject matter	o be required, it is order of this petition be set for	a public hearing, ad	lvertised, as re-	quired by the zonii
regulations of Baltimore County and that	the property be reposted.		~ ^ <b>*</b> . •.		
<del>-</del>			ng Commissioner of	Retimore Cou	
	4	Zoni	ng Commissioner of		10/10
	And the state of the state of	Reviewed By	Da C	to <u>2</u>	(3/0)
CASE NO.	10-07 10-	Estimated Posting	Date	2/	25/07
REV 10/25/01	17/1/1/1/2	Fällwäteg Losning			

### ZONING DESCRIPTION #9601 EIGHTH AVENUE

BEGINNING at a point on the east side of Eighth Avenue which is 30 feet wide at the distance of 112 feet from the north side of East Joppa Road which is 70 feet wide. Being Lots 55 and 56 in the subdivision of "Carney Heights" as recorded in Baltimore County Plat Book #7, Folio #19, containing 4,000 square feet. Also known as 9601 Eighth Avenue and located in the 11th Election District, 5th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 (410) 828-9060

File: 9601 Eighth Ave.doc\'07 desc

Item # 366

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To Pall the later to the later	
LAND COUNT & CUSTOMER	
COUNTY, MARY DGET & FINANCE EOUS RECEIPT AN PINK - AGENCY YE	
BALTIMORE OFFICE OF BUC MISCELLANE FOR: FOR: WHITE - CASHIER	

### **CERTIFICATE OF POSTING**

Date of Hearing/Closing: MAR. 3, 2007 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Christen Matthews 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 propery located at # 9601 BIH AVENUE FEB. 23, 2007 The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CJARLAGED E. MOORE (Printed Name) 3225 RYERSONI CIRCLE (Address) BALTIMO12E, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 07-366-A
Petitioner/Developer: ROUGLD NELSON

### BALTIMORE COUNTY DEARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 366 -A Address 9601 8th Ave						
Contact Person: David Duva Phone Number: 410-887-3391  Planner, Please Print Your Name						
Filing Date: $\frac{2}{13}$ $\frac{3}{07}$ Posting Date: $\frac{2}{25}$ $\frac{5}{07}$ Closing Date: $\frac{3}{12}$						
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.						
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. <b>DEADLINE:</b> 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.						
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 07- 366 -A Address 9601 8th Ave						
Petitioner's Name Ronald & Nolson Telephone 410 882 6458						
Posting Date: $2/25/07$ Closing Date: $3/(2/07)$						
Wording for Sign: To Permit a proposed addition to an existing dwelling						
to have a rear yard setback of 16 feet and a side yard						
setback of 6 feet in lieu of the required 30 and 10,						
we spectively WCR - Revised 6/25/04						

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

### **ZONING REVIEW**

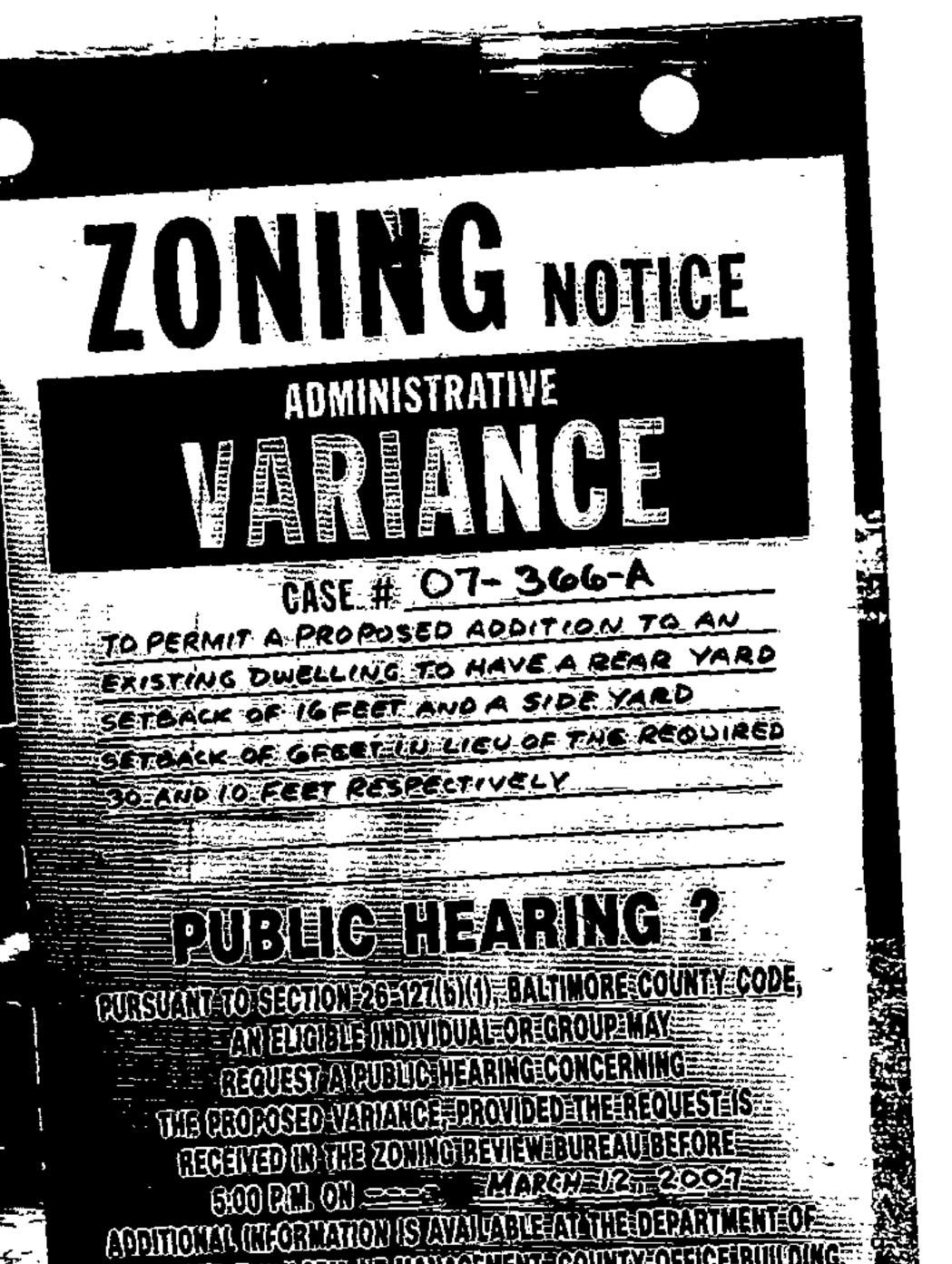
### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

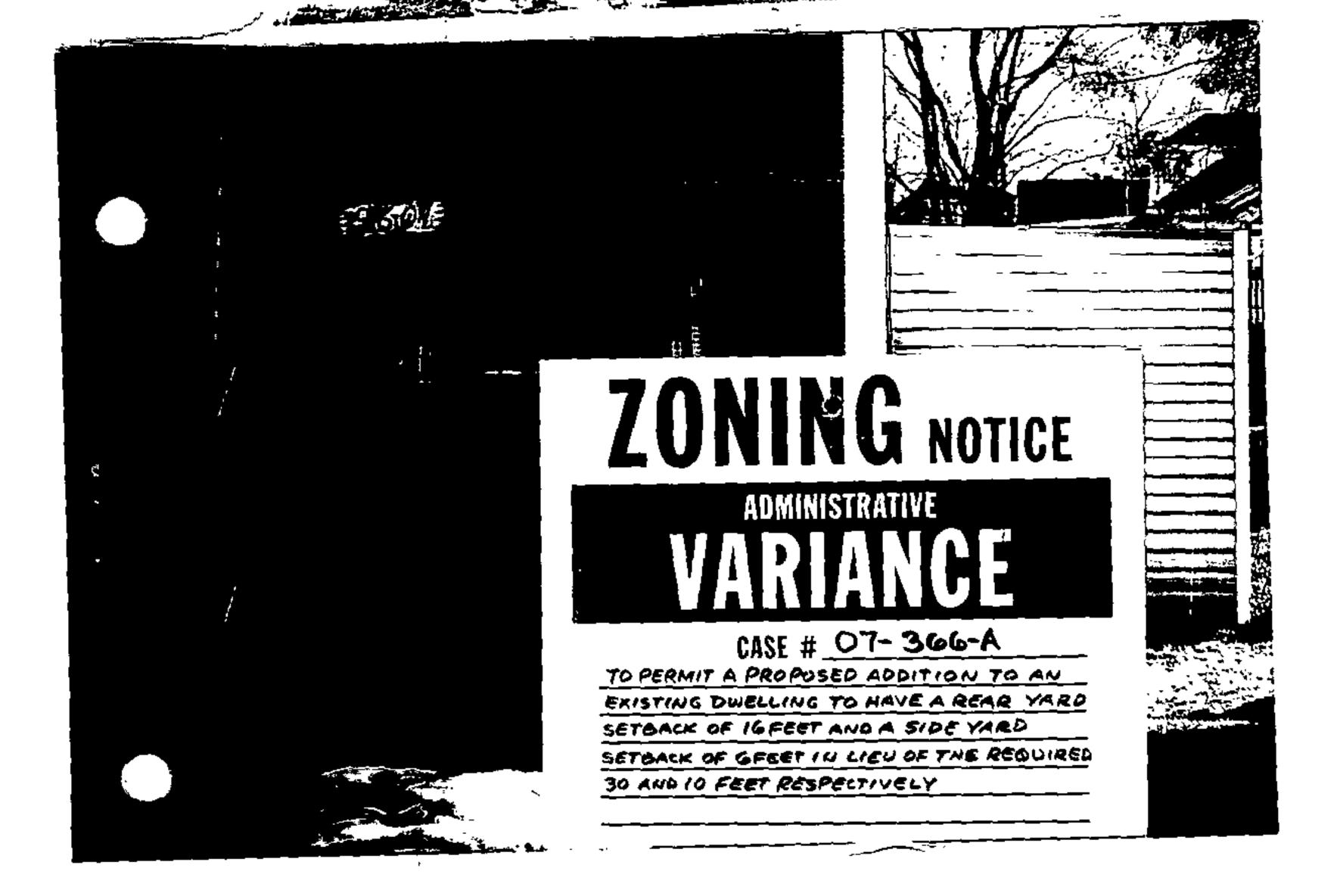
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

Item Number or Case Number:	07:-366-A	
Petitioner: Konald	Velson	<del></del>
Address or Location: 160	Eighth Avenve	
PLEASE FORWARD ADVERTISIN	IG BILL TO:	
Name: Konald 1	Nelson	<del></del>
Address: WOI EV	July Avenue	<del></del> =
Baltung	4 MD 21234-1840	<del>-,</del>
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 12, 2007

Ronald L. Nelson Sharon A. Nelson 9601 8<sup>th</sup> Avenue Baltimore, MD 21234-1840

Dear Mr. and Mrs. Nelson:

RE: Case Number: 07-366-A, 9601 8th Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 13, 2007.

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.

U. Callabal.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

#### 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

March 1, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 26,2007

Item Number: 363 through 373

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

**DATE:** March 2, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 5, 2007,

Item Nos. 07-314, 363, 364, 366, 367, 368,

369, 370, 371, 372, and 373

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-03022007.doc

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

**DATE:** March 5, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

9601 8<sup>th</sup> Avenue

**INFORMATION:** 

Item Number:

7-366

Petitioner:

Ronald Nelson

Zoning:

**DR** 5.5

Requested Action:

Administrative Variance

RECEIVED

MAR - 8 2007

ZUMIG COMUSSIONER

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a proposed addition to have a rear yard setback of 16 feet and a side yard set back of 6 feet in lieu of the required 30 and 10 feet respectively. The existing structure is already located 6 feet from the property line and likely was built in accordance with the setback regulations in place when the subdivision was approved. As for the rear yard setback, this Office finds that the proposed addition should not adversely impact the surrounding neighbors.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM



Martin O'Malley, Governor Anthony Brown, Lt. Governor

Maryland Department of Transportation

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Date: MARCH 5, 2007

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

RE:

**Baltimore County** 

Item No. 7-366 A

9601 BIHAVENUE

ADMINISTIZATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

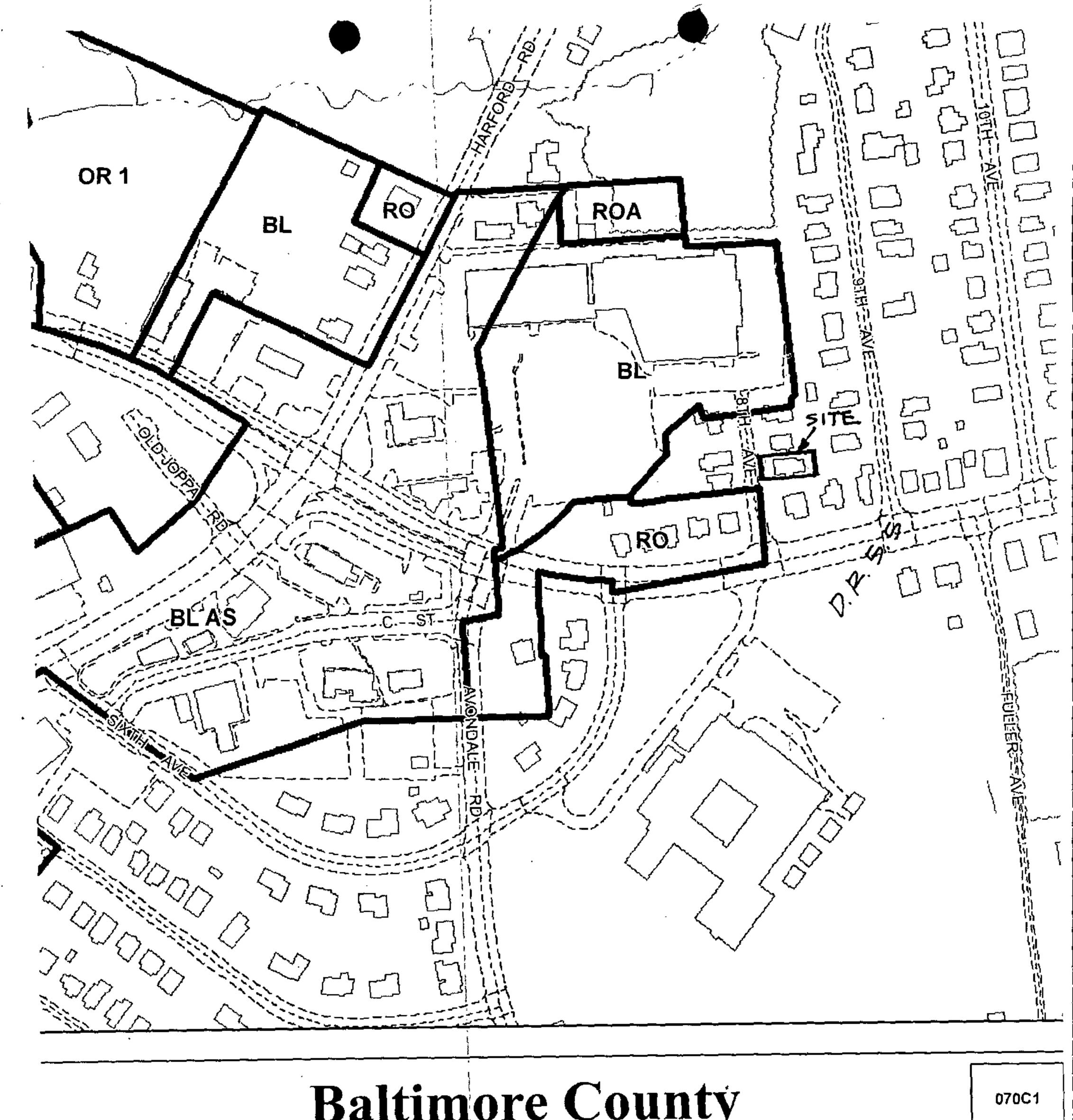
Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



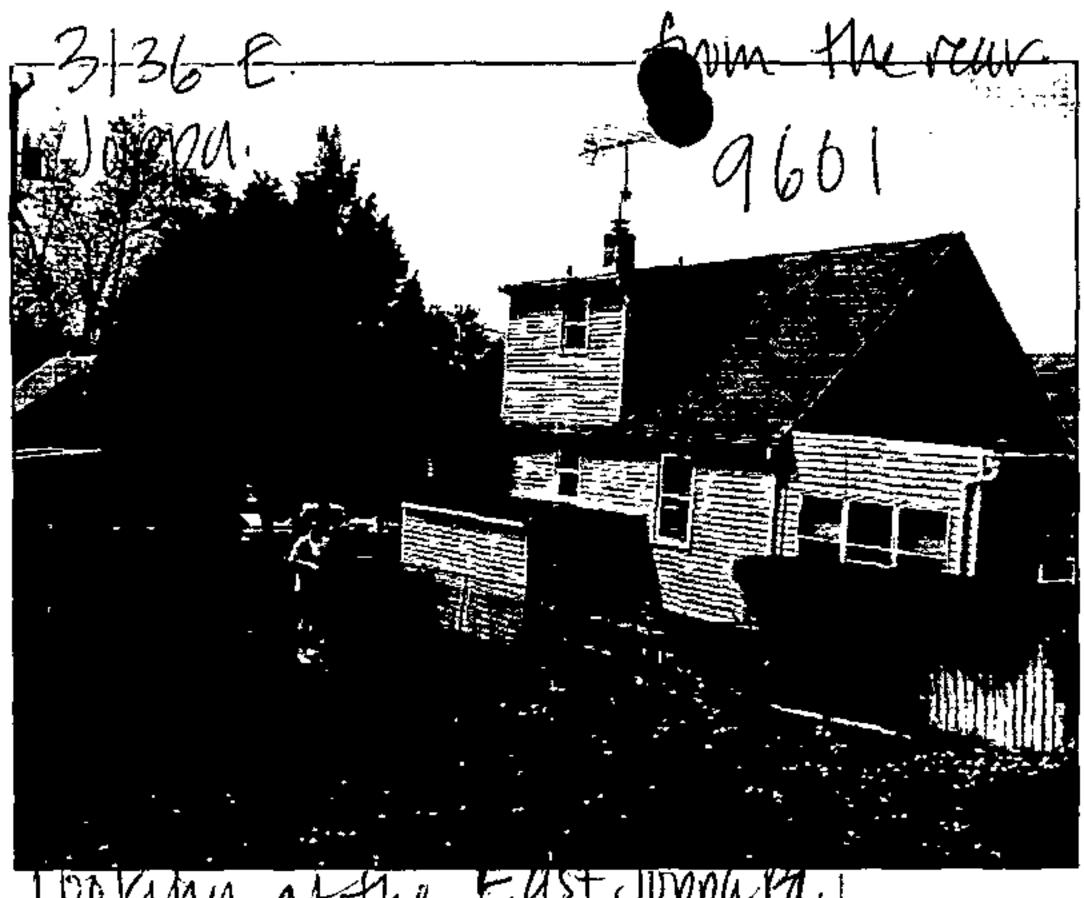
# Baltimore County Office of Planning and Zoning Official Zoning Map

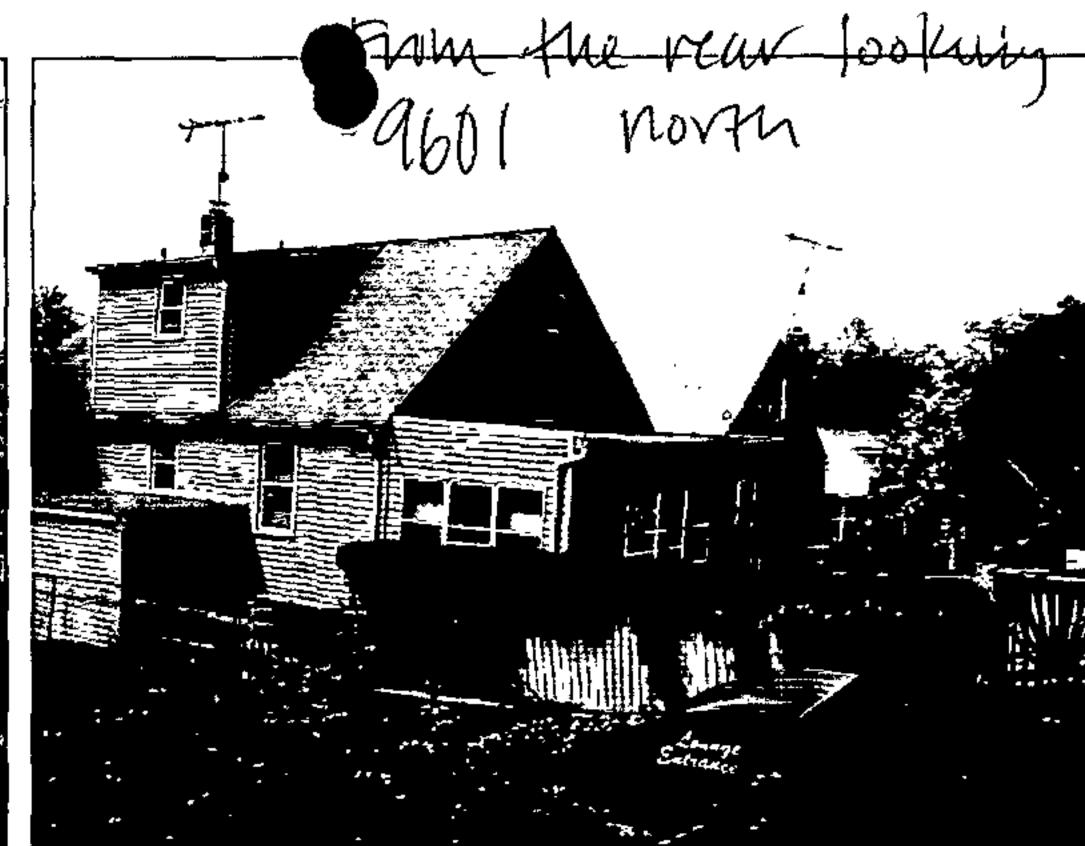
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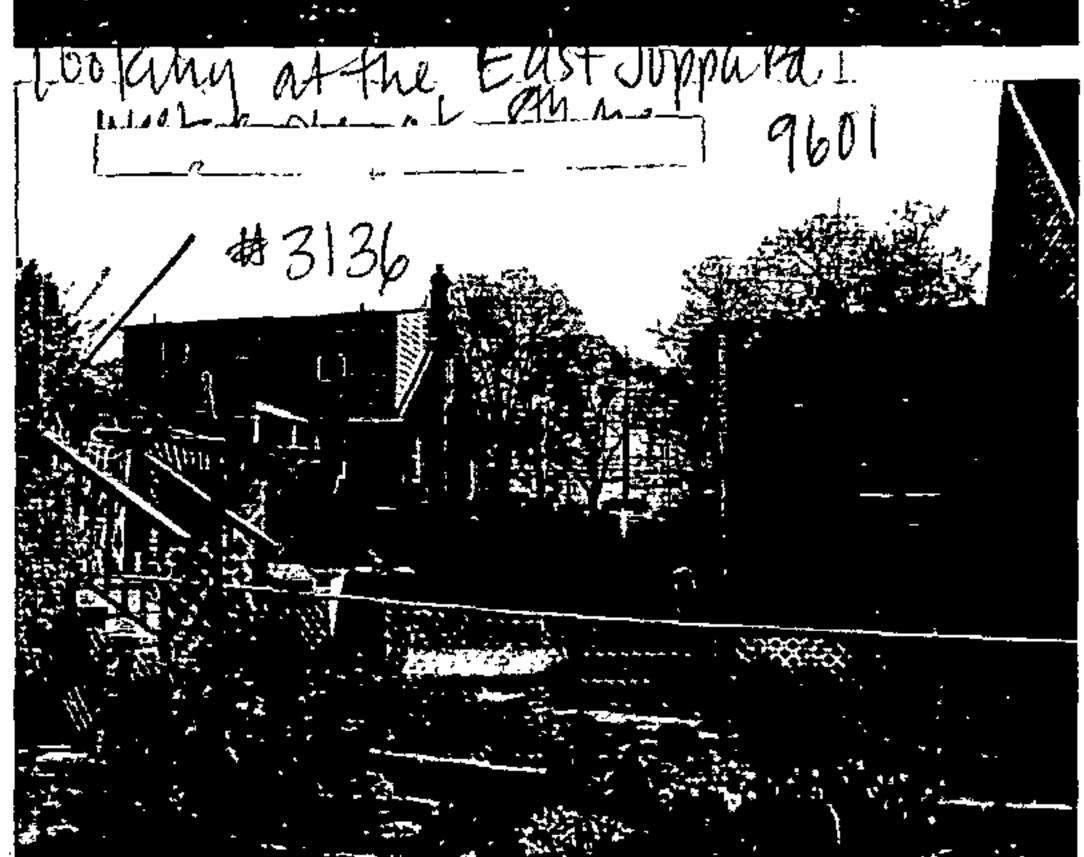
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Item # 366

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Item # 366













Item # 366

