IN RE: PETITION FOR ADMIN. VARIANCE
S side of Jarrettsville Pike, 726 feet S of
the c/l of Manor Road
10th Election District
3rd Councilmanic District
(14917 Jarrettsville Pike)

Steven L. and Rebecca C. Pagani *Petitioners*

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-454-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, Steven L. and Rebecca C. Pagani. The variance request is for property located at 14917 Jarrettsville Pike. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a height of 18 feet in lieu of the allowed 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' property is squarely shaped with the house placed at an angle and toward the rear of the property. The proposed location for the garage is impractical for other uses because of the steep grade of the right front yard down to the surface of Jarrettsville Pike. The subject lot was subdivided from the adjacent lot (lot 2) by the prior owners at the minimum acreage allowed for RC 2 zone and the subject parcel is out of character in size compared to nearby properties similarly zoned. The adjacent lot, lot 2, is 2.883 acres in size. The subject property is 1.17 acres in size and zoned RC 2.

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

S-8-02 ES

Planning dated April 20, 2007 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file.

Applicable Law

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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 April 15, 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.

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 May, 2007 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a height of 18 feet in lieu of the allowed 15 feet 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. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.

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

JOHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	14917 JARRE	TTSVILLE PIKE
	is presently zoned	

MARYLAND	for the property	located at	14917 JAK	ERETTS	VILLE	PIKE
		which	is presently zo	ned	RC2	
This Petition shall be filed with the Depower(s) of the property situate in Baltimo made a part hereof, hereby petition for a V	re County and whice ariance from Section	n is described on(s) 400.	In the description	o.3 Bo	cached her CZR	reto and
To permit an accesso	sry struct	ure Co	arage) 1	to be	10cat	ed
in the front yard in two permit a height	lieu of	ne regul	red red	r yar	15	
to permit a height		1160 04	me regi	1.		
of the zoning regulations of Baltimore Cou of this petition form.	inty, to the zoning la		e County, for the		cated on t	he back
Property is to be posted and advertised as I, or we, agree to pay expenses of above Variregulations and restrictions of Baltimore Coun	ance advertising. Dos	sting, etc. and ti	imper agree to and	are to be bot	unded by th	ie zoning
		periury, tha	lemnly declare and it I/we are the legal ect of this Petition.	owner(s) of t	the penalti he property	ies of which
Contract Purchaser/Lessee:			vner(s):			
Name - Type or Print		Name - Type	or Print			
Signature	•	Signature REBE	CCA C.	PAGAN:	<u> </u>	
Address	Telephone No.	Name Type	or Print Position	''		-
City	Zip Code	Signature			•	
Attorney For Petitioner:	•	1 <u>4917</u> <u>7</u> Address	ARRETTSVIL	LEPIKE	410-66 Telep	28-/12: phone No.
		MONK	TOW	mo_	2	utl_
Name - Type or Print	· <u>·····························</u>	City	-	State		Zip Code
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Signature		1137.	~ *			
Company	· <u>···········</u> ························	Name			· · · · · · · · · · · · · · · · · · ·	

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.

Telephone No.

Zip Code

Address

City -

	11 3 15 x 15 1	4)		
		<u> </u>		
Zon	ing Commissione	er of Baltimore	County	

State

Telephone No.

Zip Code

CASE NO.	07-454-A	
	THE PURITY PURITY	
REV 10/25/01	6,4,00	

Address

City

State

Affida Vit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

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.

14917 JARLETTSVILLE PIKE

		MONKTON	MO	21111
		City	State	Zip Code
That based up Variance at the	oon personal knowledge, the fo e above address (indicate hards	llowing are the facts upon ship or practical difficulty):	which I/we base the req	juest for an Administrative
1.	Due to the fact that the right backs for the well and proper attachment of the proposed	erty line; additions to the		
2.	Due to issue #1, a planned a After constructed, the rear of configuration of the septic s	of the house will be inac	<u> </u>	
3.	Due to the fact that the rear lines, leaving only a small to what little back yard there is	riangular area, compliar	<u> </u>	- * *
4.	Lot was subdivided from the allowed for RC2 zoning; lead properties similarly zoned.			_
5.	The proposed portion of the the steep grade of the right		_	
That the Affia advertising fee	nt(s) acknowledge(s) that if a and may be required to provide	formal demand is filed, additional information.	Affiant(s) will be require	d to pay a reposting an
Cianatura	42B_	Sign	ebeccapa	·
Signature 51505 Name - Type or P	N L. PAGANI	Name -	Type or Print	16ANI
STATE OF MA	ARYLAND, COUNTY OF BALT	iMORE, to wit:		
I HEREBY CE of Maryland, in	RTIFY, this 28 th day of and for the County aforesaid, p	MARCH personally appeared	, <u>2007</u> , before me, a	Notary Public of the Stat
the Affiant(s) h	IEN L. PAGANI AN erein, personally known or satis	sfactorily identified to me a	PAGAN / is such Affiant(s).	
AS WITNESS	my hand and Notarial Seal		•	
•	DOUGLAS A. WARFEL NOTARY PUBLIC MORE COUNTY MARYLAND	Notary Public	A. W_l	<u></u>
	IM. EXP. DECEMBER 18, 2007	My Commissio	on Expires /3/18/A	17

Affida Vit 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	14917 JAR	RETTSVILLE PIK	<u> </u>
· · · · · · · · · · · · · · · · · · ·	MONKTON City	State	2111 Zip Code
That based upon personal knowledge, the followard variance at the above address (indicate hardship	wing are the facts upo ip or practical difficulty	on which I/we base the requ	uest for an Administrativ
1. Due to the fact that the right r	ear corner of the hou	use was situated at the min	nimum set
backs for the well and proper			
attachment of the proposed ga	•		
2. Due to issue #1, a planned add	•	•	
After constructed, the rear of configuration of the septic sys		accessible by a driveway i	because of the
3. Due to the fact that the rear of	•	ted on and angle, close to	the property
lines, leaving only a small tria	ingular area, complia	U	~ ~ ~
what little back yard there is t			•
4. Lot was subdivided from the allowed for RC2 zoning; leav		-	—
properties similarly zoned.	nig a parcer out or c	naracter for Size compare	a to nearby
5. The proposed portion of the p	roperty for building	is impractical for other us	ses because of
the steep grade of the right fro	ont yard down to the	surface of Jarrettsville Pi	ke.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed additional information.	, Affiant(s) will be required	i to pay a reposting an
/ /	•	0	
5126	· -	Rebeccul ago	<u> </u>
Signature	Signa	•	÷
STEUEN L. PAGANI. Name - Type or Print		PEBECCA C. PAG e - Type or Print	AUI
Name - Type or Print	Name	e - Type or Print	
			·
STATE OF MARYLAND, COUNTY OF BALTIN	NORE, to wit:		
I HEREBY CERTIFY, this 28 day of of Maryland, in and for the County aforesaid, pe	ARCH	, 2007, before me, a	Notary Public of the Stat
of Maryland, in and for the County aforesaid, pe	rsonally appeared	· · · · · · · · · · · · · · · · · · ·	• • • • • • • • • • • • • • • • • • •
STEVEN L. PAGANI the Affiant(s) herein, personally known or satisfa	actorily identified to me	as such Affiant(s).	<u>`</u>
AS WITNESS my hand and Notarial Seal	•		
DOUGLAS A. WARFEL	<i>(</i>	1 1.1 0	
NOTARY PUBLIC	Notary Publi	<u></u>	
BALTIMORE COUNTY MARYLAND MY COMM. EXP. DECEMBER 19, 2007	Mv Commiss	sion Expires (3 // 4 /	07

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	14917 JARRETTSVILLE PIKE
	h is presently zoned <u>RCQ</u>

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) 400.7 AND 400.3 BCZR

To permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard. And to permit a height of 18' in lieu of the required 15'.

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. Legal Owner(s): Contract Purchaser/Lessee: STEVEN L. PAGANI Name - Type or Print Name - Type or Print Signature Signature PAGANI REDECC A Type or Print Telephone No. Name Address Zip Code State City 14917 JARRETTSVILLE PIKE Attorney For Petitioner: Telephone No. Address MONKTON M() Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code State Zip Code City State City 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 CASE NO. 4-15-07 Estimated Posting Date ____ REV 10/25/01 6000

Zoning Description

ZONING DESCRIPTION FOR: 14917 Jarrettsville Pike

Beginning at a point on the south side of Jarrettsville Pike which is 66' wide at the distance of 726' south of the centerline of the nearest improved intersecting street, Manor Road, which is 66' wide. Being Lot #1, in the subdivision of the Stewart property, as recorded in Baltimore County Plat Book #57, Folio #61, containing 1.077 acres. Also know as 14917 Jarrettsville Pike, and located in the 10th Election District, 3rd Councilmanic District

OFFICE OF BALTIMORE BUDGET

Market Market Comments of the Comments of the

	RE: Case No.:
-	Petitioner/Developer:
	STEVEN & REBECCA PAGAN
	Date of Hearing/Closing: 4/30/07
Baltimore County Department of Permits and Development Management County Office Building, Room III 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
were posted conspicuously on the property lo	RETTSVILLE PIKE
The sign(s) were posted on	4/15/07
	(Month, Day, Year)
CA3E#07-454-A	Sincerely,
VARIANCE PIBLIC ARING TO THE PROPERTY OF THE P	(Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLS TOWN, MD 21047 (City, State, Zip Code) (A10) 879-3127 (Telephone Number)
POSTED 4/15/07 62.05-3524/15/07	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 454 -A

Address 14917 JARRETTSVILLE PIKE

Conta	ct Person:	JUN	FERN ner, Please Print	ANDO Your Name		Phone	e Number:	410-887-3391
Filing	Date:	1-6-07		Posting Dat	e: <u>4-15-</u>	<u>0</u> 7 c	losing Date	e: <u>47-30-</u> 07
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2.	a formal r	equest for a	public he	earing. Plea	•	d that e	ven if there	000 feet to file is no formal
	commissio order that (typically w	ner. He may the matter vithin 7 to 10	y: (a) gra be set in days of th	nt the reque for a public e closing da	sted relief; (b)	deny the u will re her the p	e requeste ceive writte etition has	•
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•		- 454			1917 JAR			
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Postir	ng Date: _	4-15	07		Closing Date	e:	(-30-0	7
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And	to pe	rmit a	height	of 18	in lieu	of H	e requi	red 15.
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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.

or Newspaper Advertising:
tem Number or Case Number 07-454-A
Petitioner Steven Pagani
address or Location 14917 Jannetsville Pike, Moukton, MD 21111
PLEASE FORWARD ADVERTISING BILL TO
Jame Steven Pagani
odress 14917 Jamettsville Pike
MONETON, MD 2111/
elephone Number: 410-628-1125



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 2, 2007

Steven Pagani Rebecca C. Pagani 14917 Jarrettsville Pike Monkton, MD 21111

Dear Mr. and Mrs. Pagani:

RE: Case Number: 07-454-A, 14917 Jarrettsville Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 6, 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. Supervisor, Zoning Review

u. Callibal)

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 20, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-454 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 18 feet in lieu of the maximum permitted 15 feet and to be located in the front yard in lieu of the required rear yard provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

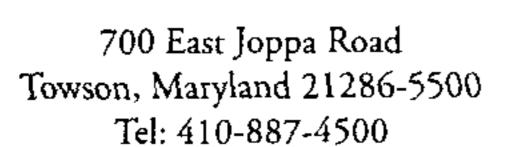
For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: CM

Fire Department





Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

April 24, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 23,2007

Item No.: 454, 455, 456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467, 468, 469, 470, 471, and 472.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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. (0)410-887-4880 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 24, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 30, 2007

Item Nos. 07-454, 455, 456, 457, 458, 459, 461, 464, 465, 467, 468, 471, 472, and 473

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 04242007.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 8, 2007

STEVEN L. AND REBECCA C. PAGANI 14917 JARRETTSVILLE PIKE MONKTON MD 21111

> Re: Petition for Administrative Variance Case No. 07-454-A Property: 14917 Jarrettsville Pike

Dear Mr. and Mrs. Pagani

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

Jan V. Murphy

for Baltimore County

JVM:pz

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 20, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7-454 – Administrative Variance

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- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: CM

RECEIVED

APR 2 7 2007

07-696

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

