IN RE: PETITION FOR ADMIN. VARIANCE
NW side Newburg Avenue, 80 feet NE
of centerline Locust Drive
1st Election District
1st Councilmanic District
(202 Newburg Avenue)

Gary Thomas Goodwin Underwood and Emilie D. Underwood Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * BALTIMORE COUNTY

* CASE NO. 07-472-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, Gary Thomas Goodwin Underwood and Emilie D. Underwood. The variance request is for property located at 202 Newburg Avenue. The variance request is from Sections 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 22.6 foot rear setback and 12 foot side setback in lieu of the required 40 feet and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the proposed addition will allow them space to accommodate a growing family and to provide future care for elderly parents. Petitioners point out that there are more than two dozen homes of this style in the neighborhood. All houses on Locust Avenue are situated on 150 foot deep lots. Their lot is 50 feet shorter than the lots on Locust Avenue. The architecture of the house lends itself to an addition extending directly from the rear.

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 April 28, 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.

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

May 22, 2007

GARY THOMAS GOODWIN UNDERWOOD AND EMILIE D. UNDERWOOD 202 NEWBURG AVENUE CATONSVILLE MD 21228

> Re: Petition for Administrative Variance Case No. 07-472-A Property: 202 Newburg Avenue

Dear Mr. and Mrs. Underwood:

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

for Baltimore County

JVM:pz

Enclosure



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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 202 Newburg Hve which is presently zoned D22

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) 1002.34.54.64.602.30. (BCZR)

TO PERMIT AN ADDITION WITH A 22.6-FOOT REAR SETBACK AND 12-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 40-FEET AND 15-FEET, RESPECTIVELY.

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.

	· ·			is the subject of	of this Petition.	
Contract Pu	rchaser/Lessee:			Legal Own	<u>er(s):</u>	
	·		_	Mr. Go	iry-Thomas G	oodwn Underwor
Name - Type or Pr	int -		Name	Type or Print	(2) (Indon/ 1200)	X
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Address	· · · - · · · · · · · · · · · · · · · ·	Telephone No.	-	Name - Type or F	mit D	nderwood
City	State	Zip Code	_	<u>Signature</u>	e D Under	<u> </u>
Attorney For				<u> </u>	rewburg Ave	4107444880 Telephone No.
Name - Type or Pr	<u></u>	<u> </u>	City	Catonsi	ille WD State	Zip Code
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Company	·	<u>. </u>	-	Name		<u></u>
Address		Telephone No.	-	Address	· -	Telephone No.
City	State	Zip Code	-	City	Star	te Zip Code
day of	having been formally demand that the y and that the property be reposte	subject matter of this	be rec	puired, it is ordered to be set for a public h	by the Zoning Commission earing, advertised, as require	er of Baltimore County, this ed by the zoning regulations
				Zoning	Commissioner of Baltimore	County
CASE NO.	07-471-A	Reviewed	Ву	D.T.	Date _ H 160	1
REV 9/15/98			Estima	ted Posting Date	4/29/07	
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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	Address	<u>lewburg</u>	Ave	
	Coctons City	ille _	State	21228 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	p or practical	difficulty):		
The proposed addition	Will	allau	us th	e space to
The proposed addition accommodate a grow	ing tar	nily a	nd to 1	shongs trigging
care for elderly pa	rents.	_	\ i b \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	1 10 000
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with the variance '				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	mal demand additional info	is filed, Affiant rmation.	t(s) will be requ	ired to pay a reposting and
Gaix 76. 2hderwood	•	Emi	Jua 01°	nderwood
Signature	<u> </u>	Signature		1 \ \ \
Gary Thomas Goodwin Under Name - Type or Print	Name	- Type or Print	<u>DUZel</u>	Unalrusasa
STATE OF MARYLAND, COUNTY OF BALTIN	• •		V10-1	
I HEREBY CERTIFY, this day of State of Maryland, in and for the County aforesa		appeared,	··································	me, a Notary Public of the
gary Thomas Godwin 1) Ciallaviel
the Affiant(s) herein, personally known or satisfallaw that the matters and facts hereinabove set for	orth are true a	nd correct to the	ne best of his/he	r/their knowledge and belief.
AS WITNESS my hand and Notarial Seal				
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Date	Nota	ry Public	, , , , , , , , , , , , , , , , , , ,	
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REV 09/15/98

ZONING DESCRIPTION FOR 202 Newburg Ave, Catonsville, MD 21228

BEGINNING FOR THE SAME on the northwest side of Newburg Avenue, as laid out fifty feet wide, at the distance of sixty feet, measured northeasterly along the northwest side of Newburg Avenue, from the northeast side of Locust Drive, as laid out forty feet wide, as shown on Plat of Forest Spring Park, recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, Folio 115; and running thence and binding on the northwest side of Newburg Avenue and referring the courses of this description to the True Meridian as established in the Baltimore County Metropolitan District, North forty-two degrees twelve minutes twenty seconds East ninety feet to the center line of a ten-foot reservation there laid out; thence binding on the center line of said reservation North forty-eight degrees nine minutes ten seconds West one hundred feet; thence South forty-eight degrees nine minutes ten seconds East one hundred feet to the place of beginning, containing 9000 square feet. Also known as 202 Newburg Avenue, 21228 and located in the 1st Election District, 1st Councilmanic District.

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CERTIFICATE OF POSTING

RE: Case No.: 07-472-A

Petitioner/Developer: DNDER WOOD

Date of Hearing/Closing: MAY 14, 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

7202 NEWBURG AVENUE

The sign(s) were posted on _

APRIL 28, 2005 (Month, Day, Year)

ZONING NOTICE

ADMINISTRATIVE

CASE # 07-472-A

TO PERMIT AN ADDITION WITH 22.6

FOOT REAR SETBACK AND 12 FOOT SIDE SETBACK IN LIEU OF THE

REQUIRED 40 FEET AND 15 FEET

RESPECTIVELY

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON ---- MAY 14,2007 ADDITIONAL INFORMATION IS AVAILABLE AT IONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVE.

TEL. 887-3391 TOWSON, ND. 21204 an har minore succession has past only in les above and, and to be hall be fair, he tiph hold to ladde, his, 154

MEETING IS HANGICAP ACCESSIBLE

Sincerely,

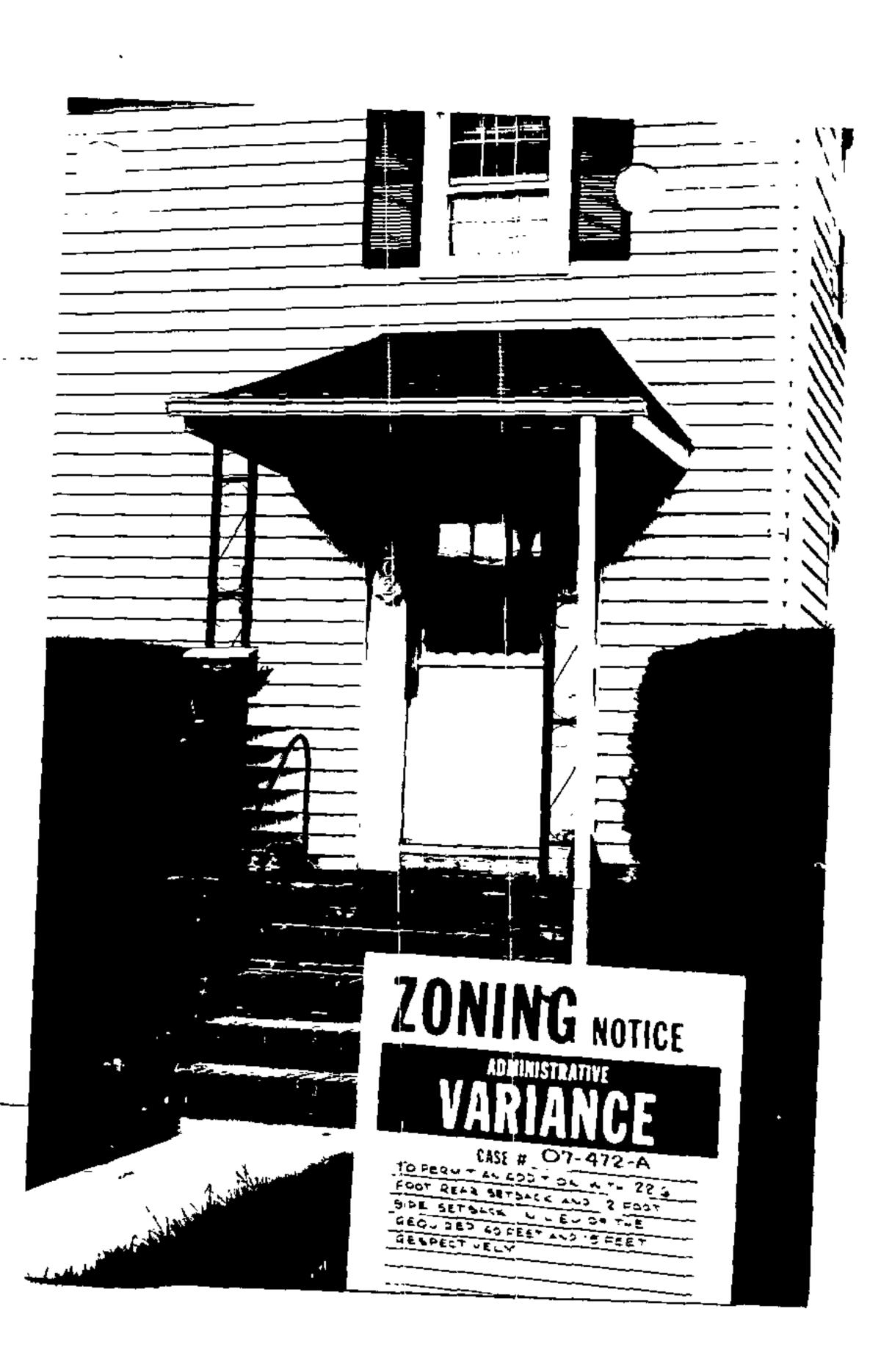
(Signature of Sign Poster and Date)

CARLANDE, MOORE (Printed Name)

3225 RYERSONI CIRCLE (Address)

BALTIMOIZE, MD, 21227 (City, State, Zip Code)

(410) 242-4263 (Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 472 -A Address 101 NEWBURG AVE.
Contact Person: Donne Thompson Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 4/16/07 Posting Date: 4/29/07 Closing Date: 5/14/07
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. <u>DEADLINE:</u> 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 68- 472 -A Address 200 NEWBURG PNE
Petitioner's Name UNDERWOOD Telephone 410-744-4886
Posting Date: 42907 Closing Date: 51407
Wording for Sign: To Permit AN ADDITION WITH A 22.6-FOOT REAR SETBACK
AND 12-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED
HO-FEET AND 15-FEET, RESPECTIVELY.
WCP - Revised 6/25/04



ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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:	07-472-A	<u></u>
Petitioner: UN	DERWOOD	
Address or Location:	A NEWBURG AVE.	
PLEASE FORWARD ADVERTISH Name: Emilie Underw		
Address: 202 Dewlaura Catonsville	MD, 21208	
Telephone Number: 411)-74	4-4880	<u> </u>



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 14, 2007

Gary Thomas Goodwin Underwood Emilie D. Underwood 202 Newburg Avenue Catonsville, MD 21228

Dear Mr. and Mrs. Underwood:

RE: Case Number: 07-472-A, 202 Newburg Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 16, 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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

DATE: April 20, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 07-472- 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 Dave Green in the Office of Planning at 410-887-3480.

Division Chief:

CM/LL

Fire Department





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

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500

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

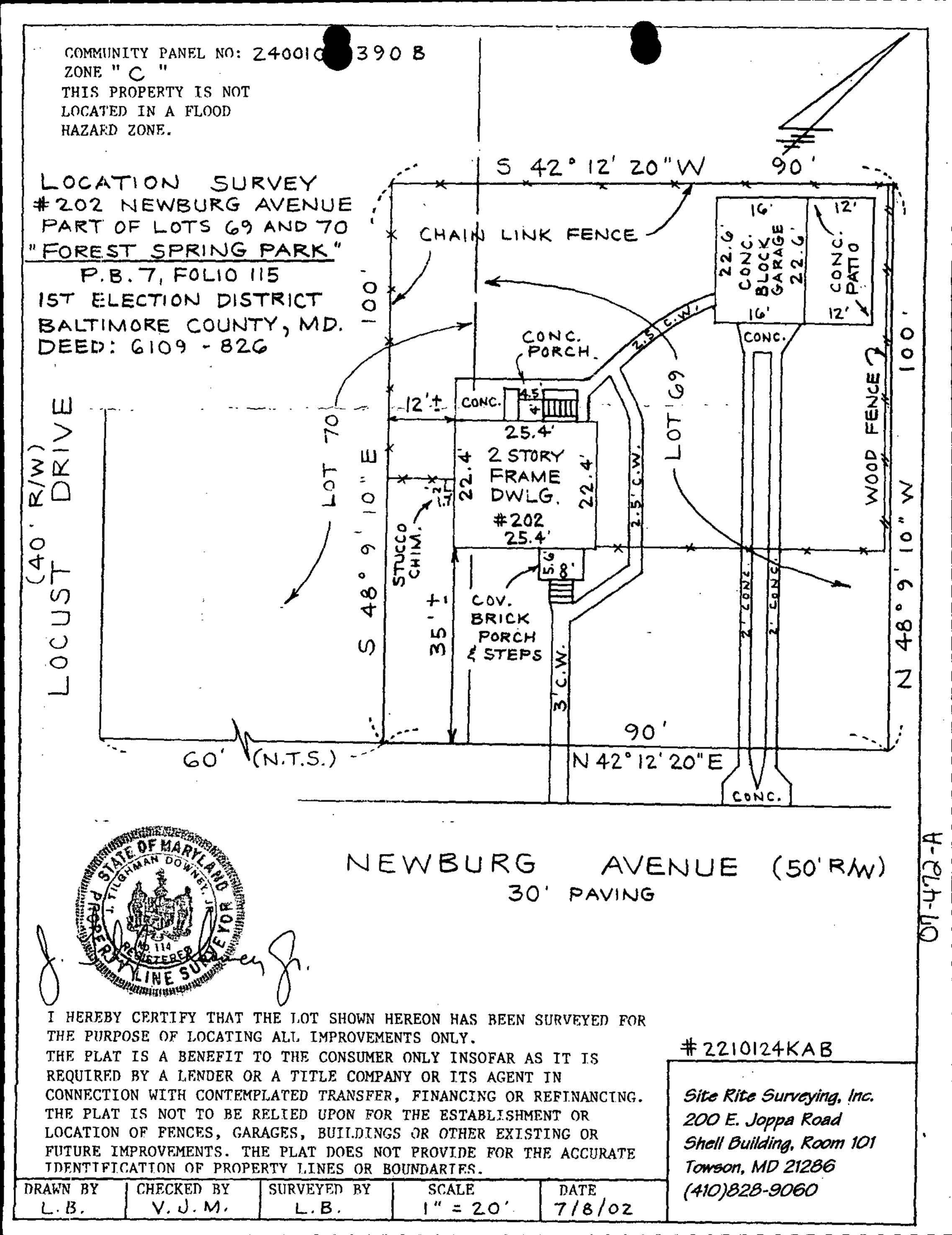
The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

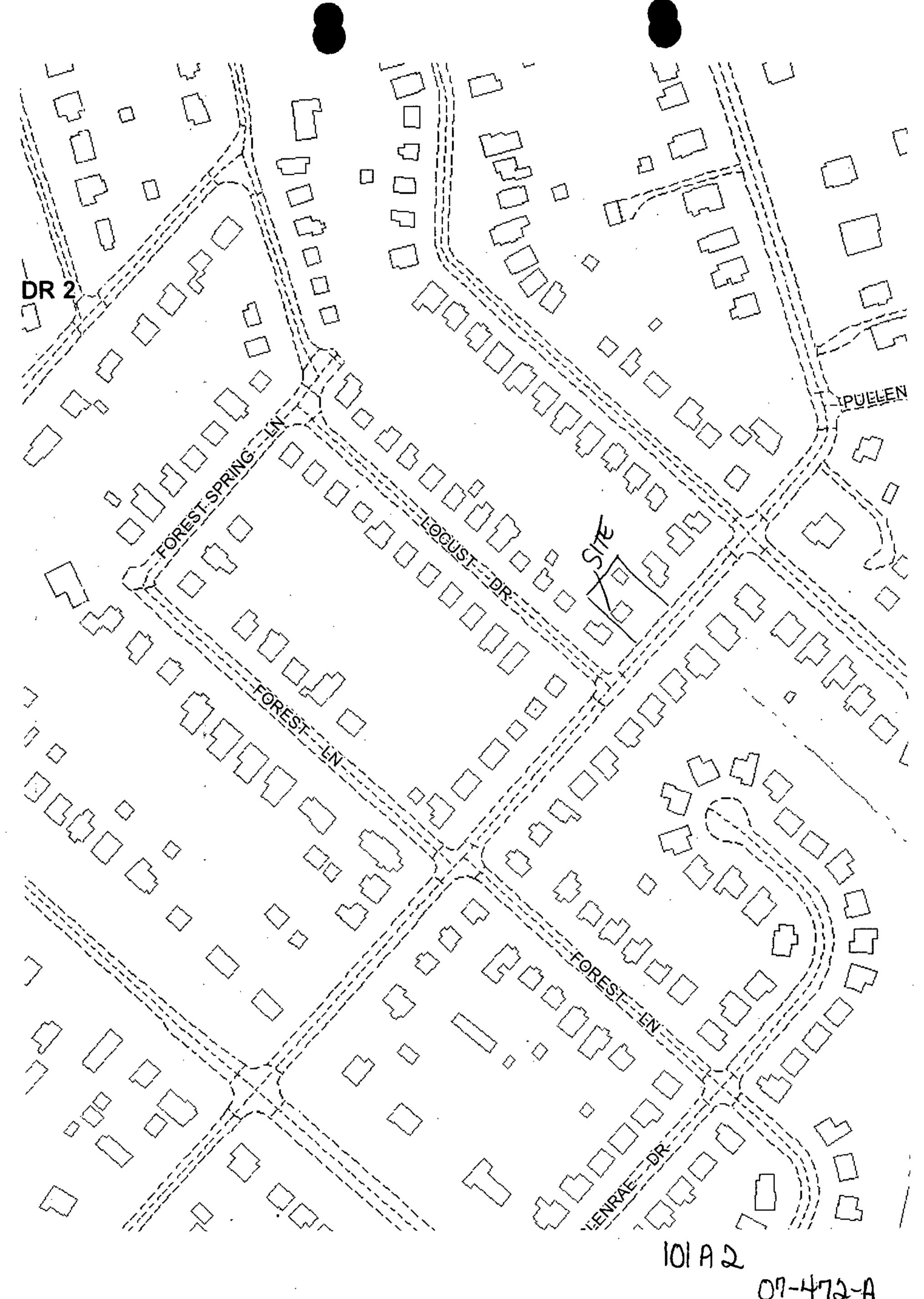
DAK:CEN:clw

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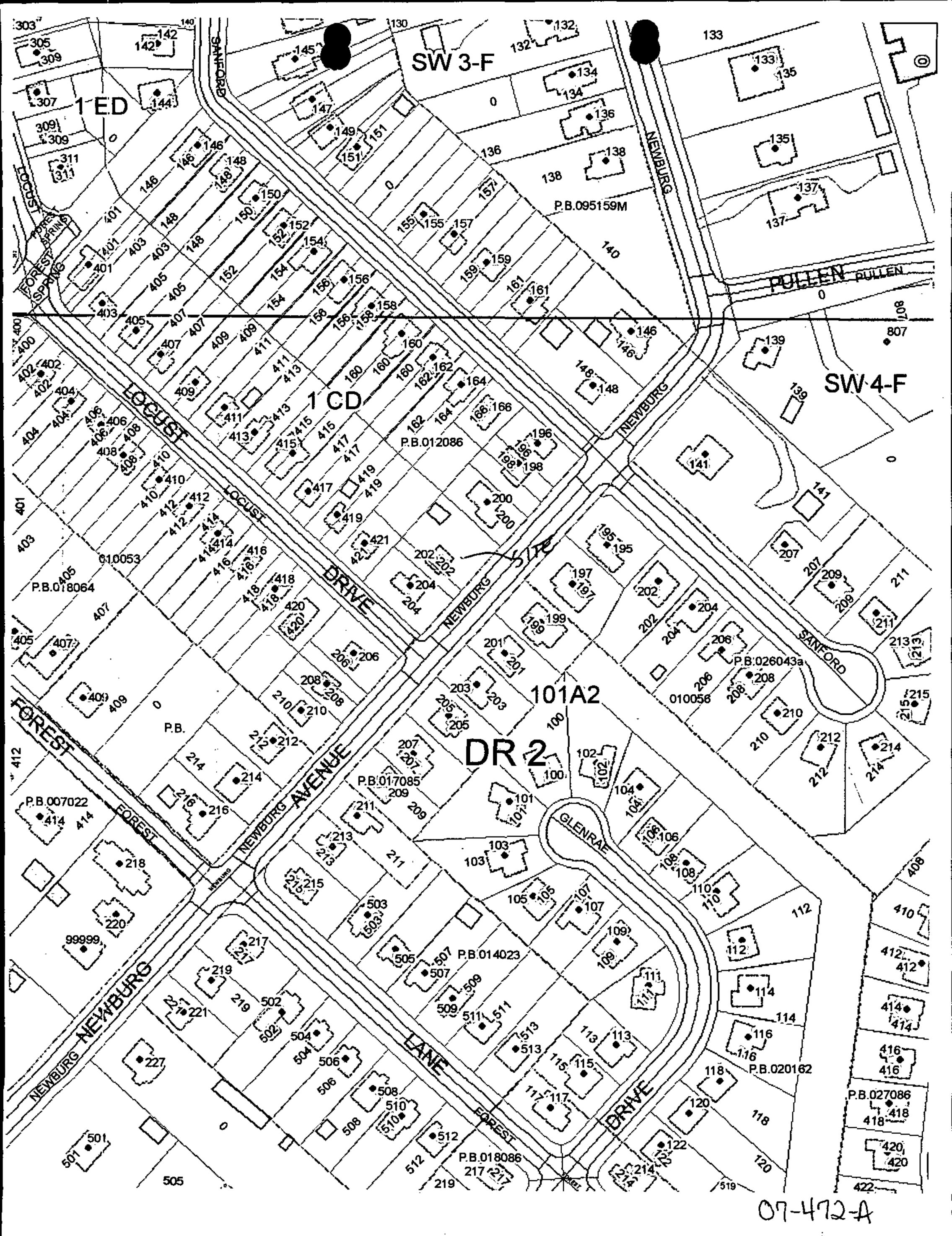
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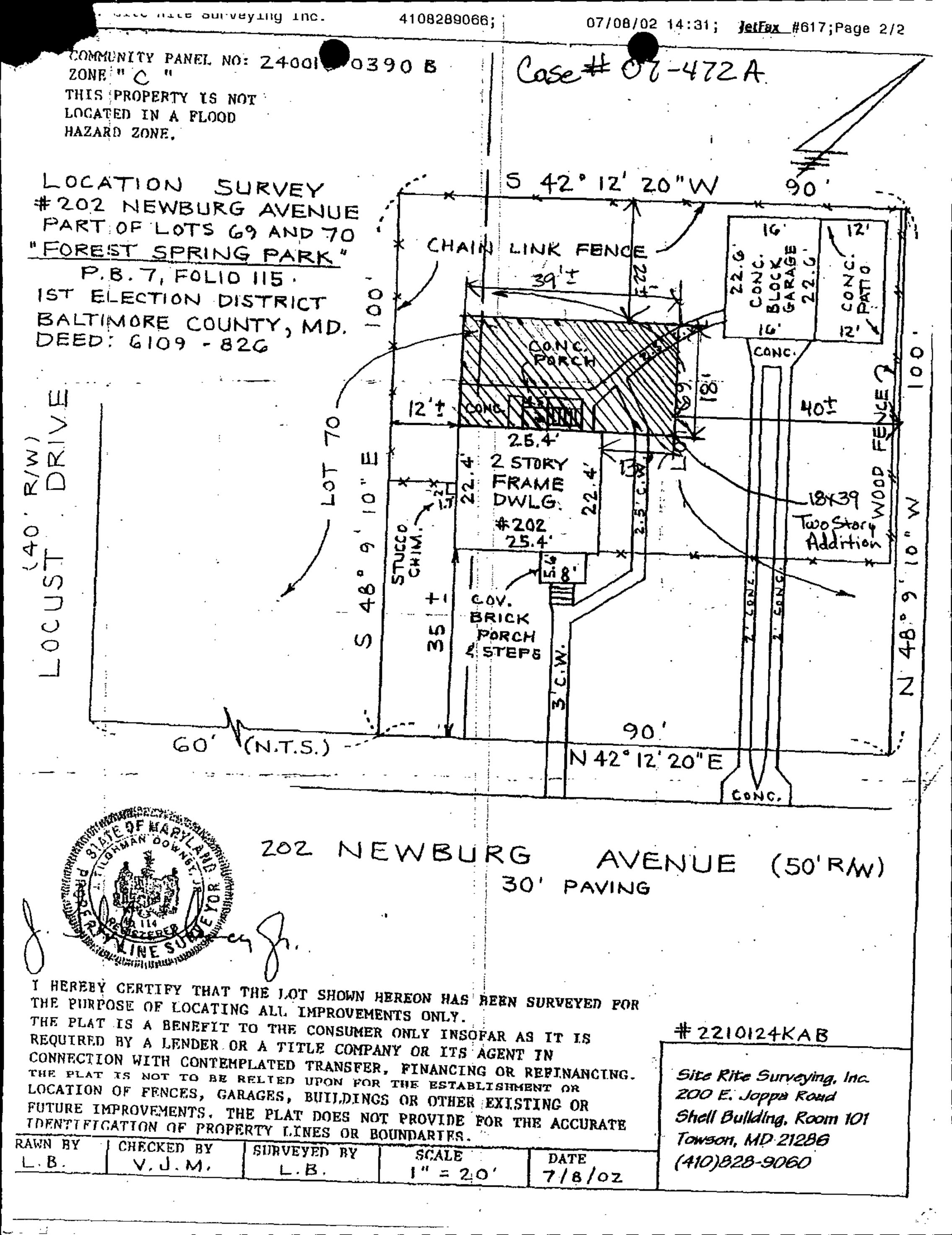
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07-472-A









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

John D. Potcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 4/24/2007

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

RE:

Baltimore County

Item No.7-472-A

202 NEWBURG AVENUE

HUPERMOOD PROPERTY

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.7-472-A.

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 Ungineering Access Permits

Division

SDF/MB





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