IN RE: PETITION FOR ADMIN. VARIANCE

N side Selwin Court, 420 feet +/- E of

White Marsh Road 14th Election District 6th Councilmanic District (8217 Selwin Court)

DEPUTY ZONING COMMISSIONER

BALTIMORE COUNTY

BEFORE THE

Philbert E. Christian and Janice A. Phillip-Christian **Petitioners**

CASE NO. 07-517-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, Philbert E. Christian and Janice A. Phillip-Christian. The variance request is for property located at 8217 Selwin Court. The variance request is from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open deck and a sunroom both with a rear yard setback as close as 18 feet in lieu of the required 22.5 feet and 30 feet respectively and to amend the Final Development Plan of the White Marsh Road Property for Lot 100, Section 1. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to construct a sunroom and deck. Water settlement in the rear yard makes the deck necessary. The Petitioners' neighbors on Lot 99 and 101 have a deck and screened in porch, respectively.

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

SALES MICHAEL

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 20, 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 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 June, 2007 that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open deck and a sunroom

NAME AND PARTY OF THE PARTY OF

both with a rear yard setback as close as 18 feet in lieu of the required 22.5 feet and 30 feet respectively and to amend the Final Development Plan of the White Marsh Road Property for Lot 100, Section 1 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Mushry

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 13, 2007

PHILBERT E. CHRISTIAN AND JANICE A. PHILLIP-CHRISTIAN 8217 SELWIN COURT BALTIMORE MD 21237

Re: Petition for Administrative Variance Case No. 07-517-A Property: 8217 Selwin Court

Dear Mr. and Mrs. Christian:

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

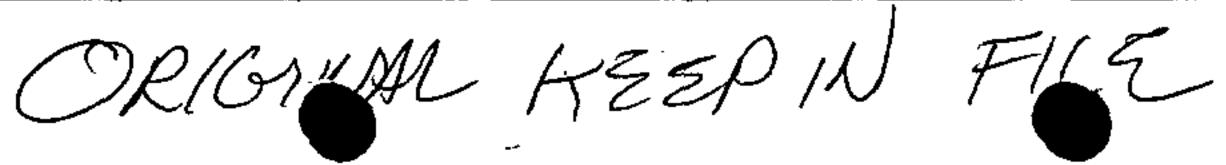
Deputy Zoning Commissioner

John V. Murphy

for Baltimore County

JVM:pz

Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

for the property located at 321	1 SELLIEN	CT
· _ · _ · _ · _ · _ · _ · _ · _ ·	resently 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) 1801, 2, C. 1, b. AND 301. BCZR

TO PERMIT AN OPEN DECK AND A SUNROOM WITH BOTH WITH A REAR YARD SETBACK AS CLOSE AS 18 FT. INLIEU OF THE REQUIRED 22/2 FT AND 30 FT. RESPECTIVELY AND TO AMEND THE F.D.P OF THE WHITEMARSH ROAD PROPERTY FOR LOT 100, SECT. 1.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

•	· -		perjury, that I/we are the is the subject of this Per	e legal owner(s) of th tition.	e property which
Contract Purchaser/L	essee:		Legal Owner(s):	•	
			Mr. PHILBE	FRT F. CH	RISTIAN
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City	State	Zip Code	Signature		/ 0/-
Attorney For Petitions	<u>er:</u>		Address Address	WIN OT.	#10-63-639 Telephone No.
Name - Type or Print	·		CHY	/ State	7 Zip Code
Signature	·	<u> </u>	<u>Representative to</u>	<u>be Contacted:</u>	
Company	<u> </u>	<u> </u>	Name	•	
Address	<u>-</u>	Telephone No.	Address	<u> </u>	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County	tha	at the subject matter of	be required, it is ordered by the of this petition be set for a public he	earing, advertised, as re	equired by the zoning
CASE NOO	1-517-		では、記憶にはいい。 ・ 本語、ないではないはない。 Leviewed By	sioner of Baltimore Cou	nty - Constitution
REV 10/25/01	101701	E	stimated Posting Date	5/20/07	· · · · · · · · · · · · · · · · · · ·

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	8217 Selwin Ct.
	Address BALTTMORE MARYLAND 21237 City State State
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
•	
	We have 32 vear set back
We only have 18.4	The Lots are small and morden
to enjoy our yard	, due to water settlement un rear
you we desire	to construct this dick and
Surroom. A Varia	due to water settlement in rear to construct this dick and nce is needed for reasonable
Size use are.	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Philbert & Christian	Signature A Mully Christian
Signature PHUBBUT E. CHRISTIAN	Signature Signature Name - Type or Print
Name - Type or Print	Namé - Type or Print .
STATE OF MARYLAND, COUNTY OF BALTIN	
I HEREBY CERTIFY, this 30 day of 1	au, <u>2007</u> , before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared And Jania A. Phillip-Chrishan
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Month 1. De la Caro
	Notary Public
HEATT OF LANENE	ARMAND My Commission Expires (UND)

My Commission Expires June 6, 2007

Affidavit in Support of Administrative Variance

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

competent to testify thereto in the event that a pu	within the personal knowledge of the Affiant(s) and that Affiant(s) is/ar- iblic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	8217 Selwin Ct.
	BALTIMORE MARYLAND 2037 City State
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	/ing are the facts upon which I/we have the request for an Administration
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yard we desire-	due to water settlement in rear to construct this deck and
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That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	nal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
Philbert E. Christian Signature	Aug A Male Charter.
oiginater c	Signature Signature A PHILLIP CHRISTIAN Name-Type or Print
Name - Type or Print	Name - Type or Print
	`
HEREBY CERTIES this State of BALTIMO	RE, to wit: 2×7
HEREBY CERTIFY, this day of Maryland, in and for the County aforesaid, personally known or satisfactors	nally appeared
he Affiant(s) herein, personally known or satisfacto	orily identified to me as such Affiant(s).
S WITNESS my hand and Notarial Seal	
	Month 1. De 1
HEATHER L MENE	Notary Public
NOTARY PUBLIC STATE OF MARY My Commission Expires June 6, 7	My Commission Expires

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

perjury, that I/we are the legal owner(s) of the property which

for the property located at \$217 SELLITN CT.
which is presently zoned DR 505

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) 1801, 2, C, L, b, AND 301-1 BCZR

TO PERMIT AN OPEN DECK AND A SUNRoom BOTH WITH A REAR YARD

TO PERMIT AN OPEN DECK AND A SUNROOM WERE BOTH WITH A REAR YARD SETBACK AS CLOSE AS 18 FT. INLIEU OF THE REQUIRED 22/2 FT AND 30 FT. RESPECTIVELY AND TO AMEND THE F, D, P OF THE WHITEMARSH ROAD PROPERTY FOR LOT 100, SECT. 1.

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.

			is the subject of this F	Petition.	
Contract Purchaser/Le	essee:		Legal Owner(s):	_	•
			Mr. PHILLE	BERT E CHR	ISTIAN
Name - Type or Print			Name - Type or Print	E. Christra	rn
Signature			Signature MAC. TANTO	E A. PHTLLTA	2 CHRISTIA
Address		Telephone No.	Name - Type or Print	- fluleis Ch	ustra
City	State	Zip Code	Signature		1115 / (2/2/
Attorney For Petitione	<u>er:</u>		Address SE	LWIN CI.	Telephone No.
			PALTIMO	RE MARYLAN	VD 2123
Name - Type or Print	<u></u> .	····	City	State	Zip Code
			Representative t	to be Contacted:	
Signature					
Company	· · · · · · · · · · · · · · · · · · ·	<u> </u>	Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having beer	າ formally demar	ded and/or found to b	e required, it is ordered by this petition be set for a public	he Zoning Commissioner of	Baltimore County,
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		٨	Zanica Como	pissioner of Baltimore County	/
CASE NO.	7-517	- /\ Re	viewed By	Date	07
-4	THE PROPERTY LE			5/20/07	•
REV 10/25/01	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	<u>707</u>	timated Posting Date _		· · · · · · · · · · · · · · · · · · ·

Zoning Description

ZONING DESCRIPTION FOR 8217 SELWIN CT. Beginning at a point on the North side of SELWIN Ct. Which is 50 feet R/W wide at the distance of 420^{\prime} ± East of the centerline of the nearest improved intersecting Street White Marsh Rd. White Was Marsh Rd. White Marsh Rd. Whi "Being Lot # 100 Proces 5 Eet # 1 in the Subdivision of MARSH RD. PROPERTY as recorded in Baltimore County Plat Book # 7/folio # 124 containing .192 AC Also known as 8217 Selwin Ct. and located in the 14 Janu Chunt

Election District 6 Councilmanic District

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 07	517	-A	Address_	8217	SELWIN	<u>C7.</u>
Conta	ct Person:	Planner	Please Print Your N	7.00 A	<u> </u>	Phone Number:	410-887-3391
Filing	Date: 5///	67			5/20/07	Closing Dat	te: <u>6/04</u> -107
Any o	ontact made the contact	with this off person (plan	ice regarding ner) using the	the status	of the admi	inistrative varia	nce should be
1.	reverse side reposting muis again response	of this form) ist be done o consible for a	and the petit nly by one of Il associated	ioner is res the sign po costs. The	sponsible for a sters on the a s zoning notice	ers on the approal printing/posti approved list and the sign must be main there through	ng-costs. Any d the petitioner visible on the
2.	a formal req	luest for a pi	date is the deaublic hearing.	Please u	inderstand th	r owner within 1, lat even if there closing date.	000 feet to file e is no formal
	order that the (typically with	r. He may: le matter be lin 7 to 10 da	(a) grant the set in for a ys of the clos	requested public hea ing date) a	relief; (b) de ring. You w s to whether t	the zoning or ny the requeste vill receive writt the petition has ou by First Class	ed relief; or (c) en notification been granted
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			•			WCR	- Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number 07-5/7-A
Petitioner: CHRTSTIAN
Address or Location: 8211 SELWTW Ct.
PLEASE FORWARD ADVERTISING BILL TO Name
NameNABERT G JANTEE CHRISTIAN
Address: <u>8217 SELWIN CV</u> .
BALTIMORE, MARYland 21237
Telephone Number 410-663-6360
W-410-887-7041
C-410-382-8562

						CASHIER'S WALIDATION
BALTIMORE COUNTY, MARYLAND JL No. 27925 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 075	DATE 5/11/07 ACCOUNT D2/ 00/160	AMOUNT \$ # 11500	FROM: C TYR I C TYR	FOR KV& AMEND FDP	Ball Selwin CT	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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CERTIFICATE OF POSTING

	•	RE	Case No.: 07-51	7-A
			Petitioner/Developer: C/	RISTIAN
		•	Date of Hearing/Closing:	6-4-07
Baltimore County Department Permits and Development County Office Building, Re 111 West Chesapeake Ave Towson, Maryland 21204	Management oom 111	•		
ATTN: Kristen Matthews	{(410) 887-3394	}	· · · · · · · · · · · · · · · · · ·	•
Ladies and Gentlemen:	4		الاستناميين فلسنت مواحد مرنية	
**************************************	8.217	5.20		£
The sign(s) were posted or	·	(Month, D	ay, Year)	
		Sincerely,	,	
ZUNING NOTICE			(Signature of Sign Poster)	6-23-07 (Date)
ADMINISTRATIVE		· }	SSG Robert Black	
EASE # 07.517.A		·	(Print Name)	·
TO PERMIT AN OPEN DECK AND SUMBORN IN THE UNITH 18 FT SETENCES IN LIEU OF THE 22 K FT. AND 3 ALD TO HAVE DE FOR FOR WHITEMEN RE PROPERTY AND THE FOR FOR WHITEMEN RE PROPERTY.	of Branch	· :	1508 Leslie Road	
SECT 1.			(Address)	
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AN ELIGIBLE INDIVIOUAL OR GROUP MAY AN ELIGIBLE INDIVIOUAL 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 a continual information is available a additional information is available a		;	(City, State, Zip Cod	e)
THE RESIDENCE OF THE PARTY OF T			(410) 282-7940	•
		-	(Telephone Number	•}



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 4, 2007

Philbert E. Christian Janice A. Phillip-Christian 8217 Selwin Court Baltimore, MD 21237

Dear Mr. and Mrs. Christian:

RE: Case Number: 07-517-A, 8217 Selwin Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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.

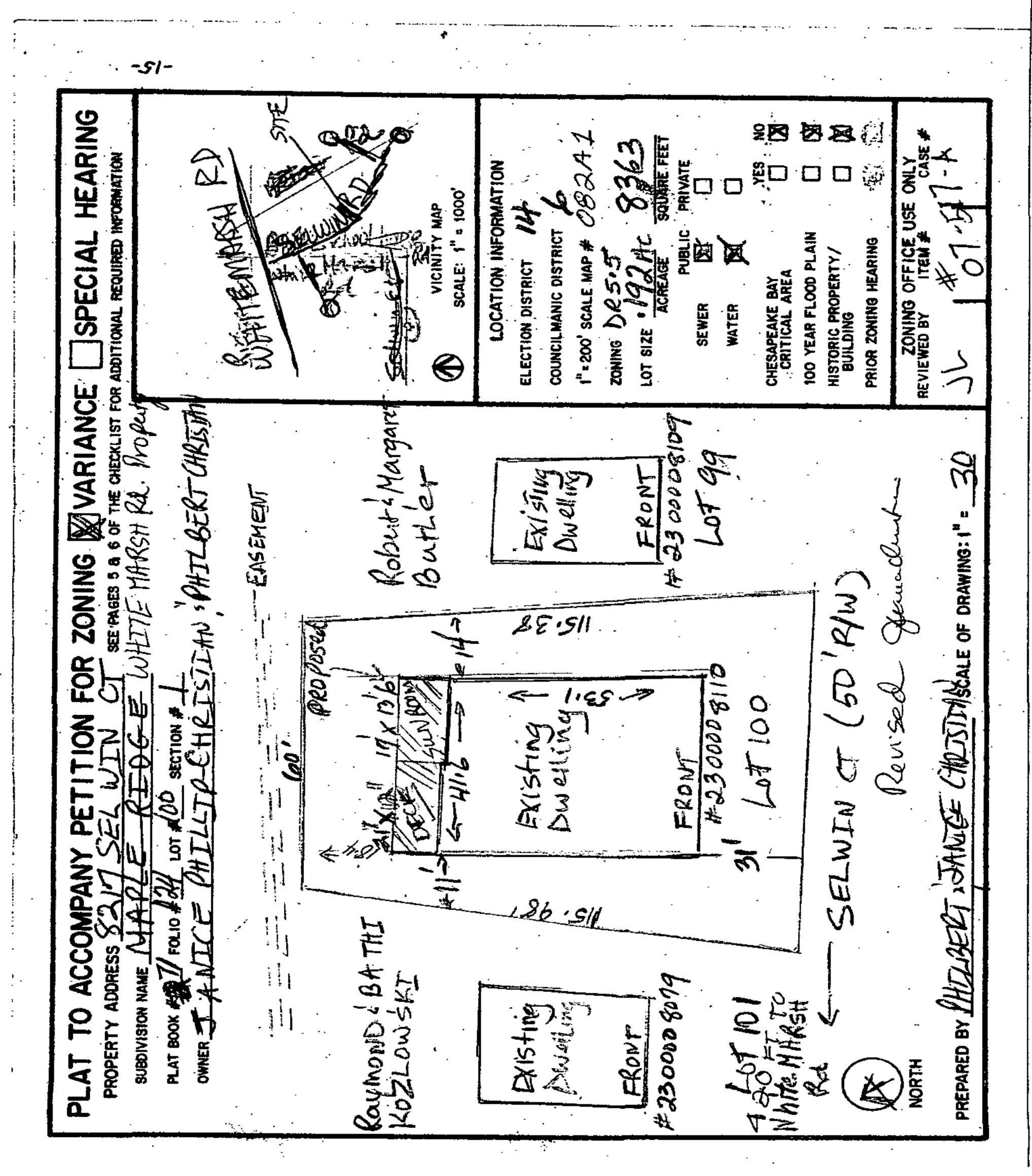
Supervisor, Zoning Review

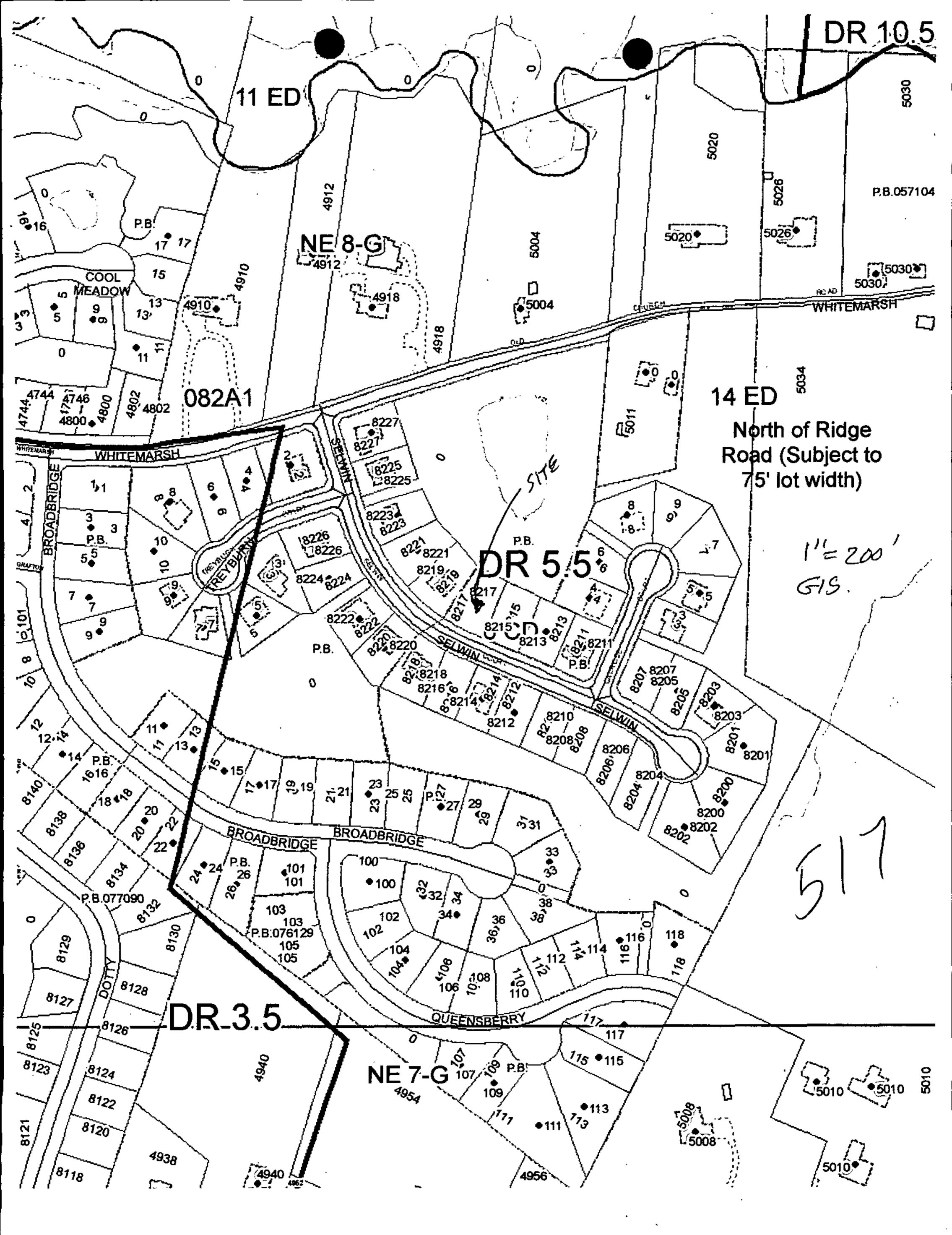
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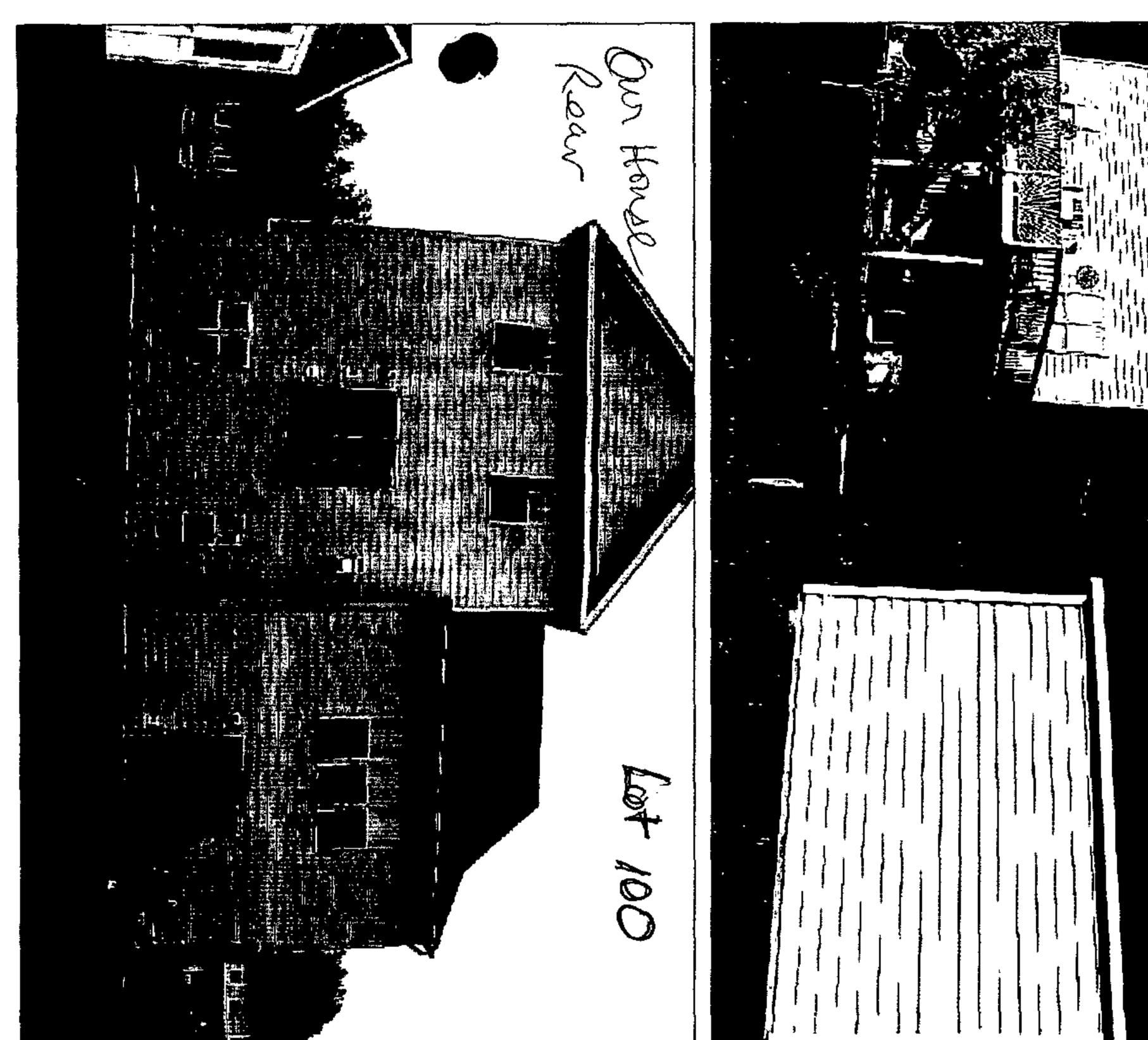
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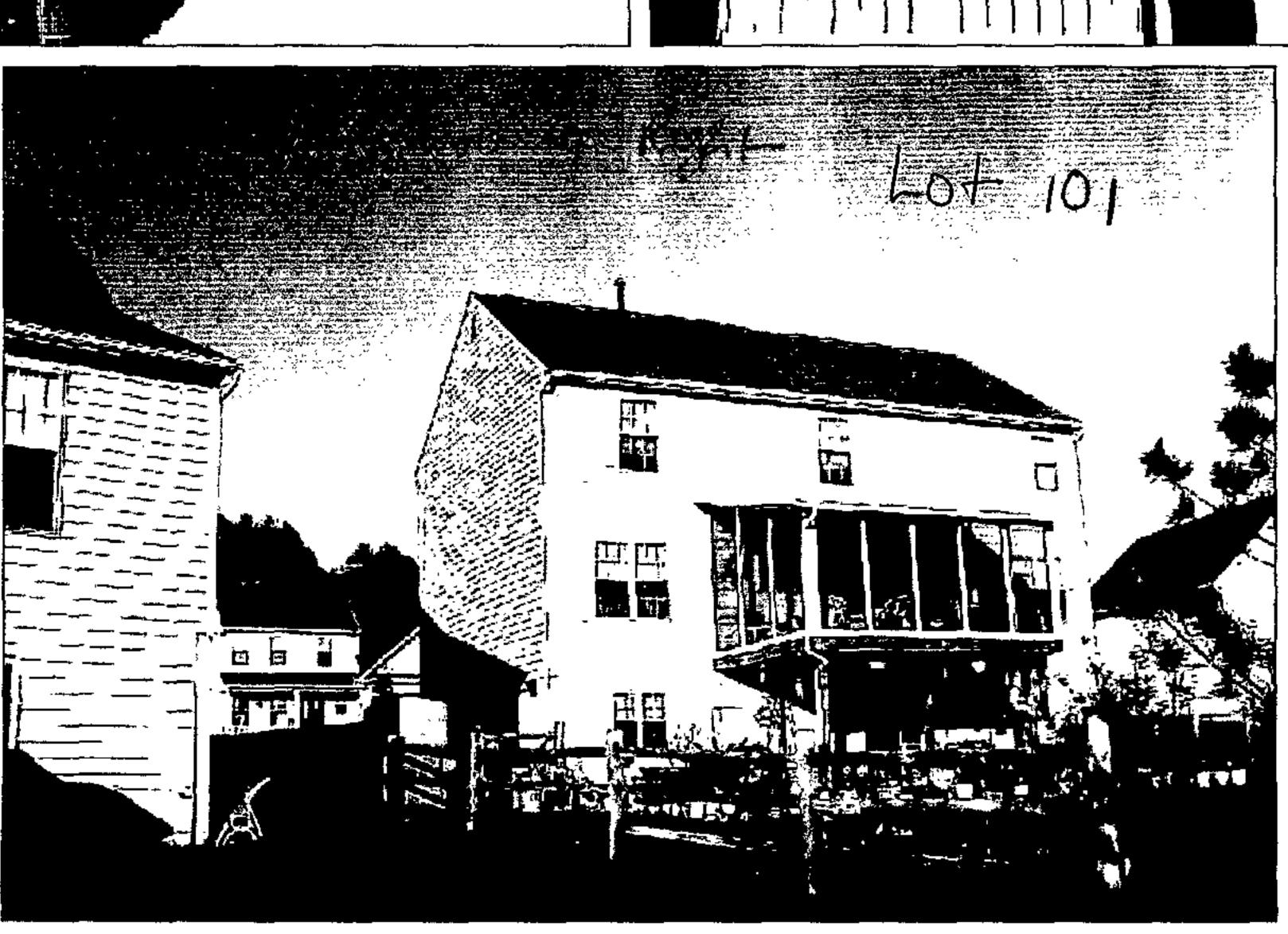
Enclosures

c: People's Counsel

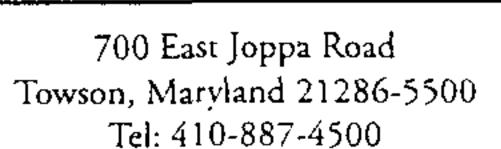








Fire Department







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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

51°

Item Number: 512 through 529 and 522 and 523

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



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



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 22,2007

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

Baltimore County RE:

Item No. 7-517-A

8217 SELWIN COURT

CHRISTIAN PROPERTY ADMINISTRATIVE 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. 7-517-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 | Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: May 23, 2007

ECEIVE MAY 2 5 2007

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-517- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 24, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 28, 2007

Item Nos. 07-500, 512, 513,514; 515, 516,517, 519, 520, 522, 523, 524, 525

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-05242007.doc