IN RE: PETITION FOR SPECIAL HEARING

W side Falls Road, 940 feet N c/l

Jonathans Court

8th Election District

2nd Councilmanic District

(13218 A Falls Road)

W. McCarl and Betty J. Roberts

Legal Owners

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-033-SPH

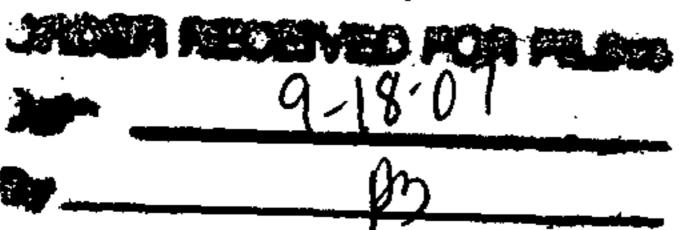
FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by W. McCarl and Betty J. Roberts, the legal property owners. The Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an alteration to the R.C.5 zone minimum lot size requirement of 1.5 acres for a single lot of record that is not a subdivision and has been in existence since prior to September 2, 2003, and has an area of 1.456 acres. The subject property and requested relief are more fully described in the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the special hearing request were Petitioners W. McCarl and Betty J. Roberts, their attorney, Jennifer Busse, Esquire, and Guy C. Ward of McKee & Associates, Inc., the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

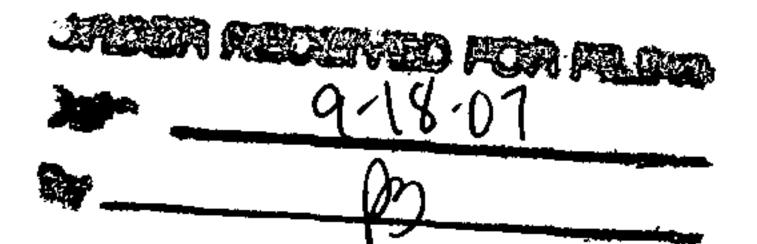
Testimony and evidence offered revealed that the subject property is a rectangular-shaped, unimproved parcel approximately 150± feet wide by 422± feet deep, consisting of 63,423 square feet, or 1.456 acres, more or less. The parcel fronts Falls Road and is located east of Oregon Ridge Park and southeast of Worthington Valley in the Cockeysville area of Baltimore County.



Petitioners lived on the adjacent lot immediately north of the subject property for approximately 31 years prior to moving recently to the Hanover, PA area. They also purchased the subject property approximately 10 years ago. Petitioners desire to develop the subject property and have thus requested special hearing relief from the minimum lot size required in an R.C.5 zone of 1.5 acres, given the fact that their lot is 1.456 acres.

The site plan shows the location and configuration of the subject property, as well as wooded areas and adjacent lot owners. It also shows the proposed location of a dwelling, in addition to proposed well and septic areas. Also submitted as evidence were the various deeds associated with the property. Marked and accepted into evidence as Petitioners' Exhibit 2 was the current deed to the property indicating the purchase by Petitioners in 1997. Marked and accepted into evidence as Petitioners' Exhibit 3 was the first prior deed following the establishment of the lot. Marked and accepted into evidence as Petitioners' Exhibit 4 was the second prior deed which initially created the lot. This deed shows the lot was created in 1974. Petitioners also offered the opinion of their consultant, Mr. Ward, that the granting of the special hearing would not negatively impact any other properties in the community, nor would it have a detrimental effect on the health, safety, and general welfare of the surrounding locale.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The ZAC comment received from the Office of Planning dated August 23, 2007 indicates that this Office does not oppose Petitioners' request, as the lot had been platted and in existence since 1974. In addition, the owners do not own contiguous property and cannot obtain the necessary acreage from adjacent lots to meet the R.C.5 standards. The comment also states that since this lot is within the R.C.5 zone, Petitioners must adhere to the R.C.5 Performance Standards.

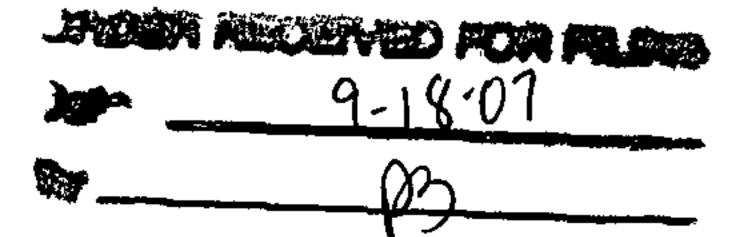


Section 1A04.3.B.1(a) of the B.C.Z.R. states that "[a] lot having an area of less than 1 ½ acres may not be created in an R.C.5. Zone." In addition, Section 1A04.3.B.1(b)(1) entitled "Exceptions to minimum lot size" states that "[t]he owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied."

Based on the testimony and evidence presented at the hearing, I am persuaded to grant the requested relief. It is clear the subject property is a single lot of record that is not part of a subdivision and was in existence prior to September 2, 2003. It is also clear that the lot is 1.456 acres in size -- just under the minimum 1.5 acre lot size requirement in an R.C.5 zone. There was no evidence presented that the granting of this relief will be detrimental to the health, safety, or general welfare of the area. There were also no Protestants objecting to the requested relief, nor any negative ZAC comments from relevant agencies in opposition to the requested relief.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _______ day of September, 2007 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an alteration to the R.C.5 zone minimum lot size requirement of 1.5 acres for a single lot of record that is not a subdivision, and has been in existence since prior to September 2, 2003, and has an area of 1.456 acres, be and is hereby GRANTED, subject to the following:



- 1. Petitioners may apply for their permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Prior to obtaining a building permit, Petitioners shall submit information to the Office of Planning in order to enable the Office to prepare a statement of finding as to whether the proposed development adheres to the R.C.5 Performance Standards contained in Section 1A04.4 of the B.C.Z.R., including the following:
 - a. Photographs of existing adjacent dwellings.
 - b. Building elevations (all sides) of the proposed dwelling for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.
- 3. Petitioner and/or any subsequent owner or builder shall obtain a driveway entrance permit for access to MD Route 25 (Falls Road).

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

Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 18, 2007

JENNIFER R. BUSSE, ESQUIRE WHITEFORD TAYLOR & PRESTON 201 WEST PENNSYLANIA AVENUE SUITE 400 TOWSON MD 21204

> Re: Petition for Special Hearing Case No. 08-033-SPH Property: 13218 A Falls Road

Dear Ms. Busse:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Guy C. Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030 W. Carl and Betty J. Roberts, 665 Morning Glory Drive, Hanover PA 17331



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _	13218A	Falls	
which is	presently zoned	RC-	- <u>5</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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHED

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

I, or we, agree to pay expenses of above Special Hearing, 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.

			İ	s the subject of t	this Petition.			
Contract Purcha	ser/Lessee:		<u>I</u>	.egal Owner	<u>(s):</u>			
N/A	· -		_		1 Roberts	5	<u> </u>	
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Signature	- · · · · · · · · · · · · · · · · · · ·	······		ignature	Roberts			
Address	:	Telephone No.	Ī	lame - Type or Prir	Robert	7-13-0	7	· _
City	State	Zip Code	3					
Attorney For Pet	itioner			665 Morn	ing Glory	Drive	717-632	-4184
Attorney For Fet	<u>itioner.</u>	•	Ī	ddress			Telephone No.	
Jennifer R	. Busse & G.	Scott Barh	ight	Hanover	PA		L7331	-
Name - Type or\Print	7.	C	City	······································	State	Zij	p Code	
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Signature / Whiteford	Taylor & Pre	ston	_	Guy C.		<u>.</u>		
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Address Suite	400	Telephone No.	,	Address		MD	21030	
Towson,	MD State	-21204 Zip Code	ā	COCKEY	sville,	State	Zip Code	• •
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			;	STIMATED LENG	TH OF HEARING			
Case No. 08	033-SPH		ı	JNAVAILABLE FO	R HEARING			
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	-1718/07							

Attachment 1 Petition for Special Hearing

Case Number	 ·			

Address: 13218A Falls Road

Legal Owner(s): W. McCarl Roberts and Betty J. Roberts

Petitioner: W. McCarl Roberts and Betty J. Roberts

Present Zoning: RC-5

Prior Zoning Case: N/A

Request for Special Hearing:

To determine whether or not the Zoning Commissioner should approve:

An alteration to the RC-5 zone minimum lot size requirement of 1.5 acres, in accordance with Sec. 1A04.3B.1.b (1) of the Baltimore County Zoning Regulations, for a single lot of record that is not a subdivision and has been in existence since prior to September 2, 2003 and has an area of 1.456 acres, more or less.

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030 Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail: mckee@qis.net

ZONING DESCRIPTION FOR 13218A FALLS ROAD

Beginning at a point in the center of Falls Road, which is 40 feet wide +/- at a distance of 940 feet +/- north of the centerline of the nearest improved intersecting street Jonathan's Court which is 50 feet wide +/-. Being a parcel as recorded among the Land Records of Baltimore County Maryland in Deed Liber S.M. 12144 Folio 386 and running the four following bearings and distances:

- 1. North 89 degrees 42 minutes 00 seconds West, 427.98 feet to a point, thence
- 2. North 03 degrees 41 minutes 52 seconds East, 150.16 feet to a point, thence
- 3. South 89 degrees 42 minutes 00 seconds East, 417.77 feet to a point, thence
- 4. South 00 degrees 12 minutes 00 seconds East, 150.00 feet to the place of beginning containing 63,423 square feet or 1.456 acres of land more or less.

Also known as 13218A Falls Road and located in the 8th Election District and 2nd Councilmanic District of Baltimore County Maryland.

NOTICE OF ZONING HEARING

The Zoning Commissioner of Battimore County, by, authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-033-SPH
13218A Falls Road
W/side of Falls Road, 940 feet north of centerline of Jonathans Court
8th Election District - 2nd Councilmanic District
Legal Owner(s): W. McCarl & Betty J. Roberts
Special Hearing: to approve an afferation to the RC-5 zone minimum lot size requirement of 1.5 acres for a single lot of record that is not a subdivision and has been in existence since prior to September 2, 2003 and has an area of 1.456 acres, more or less.

Hearing: Wednesday, September 12, 2007 at 11:00 a.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/757 Aug. 28

TIFY, that the annexed advertisement was published successive weeks, the first publication appearing dy newspaper published in Baltimore County, Md., 202 THIS IS TO CER in the following weel once in each of CO

₩ The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

s Mills Times Owing: NE Booster/Reporter County News North

1 Julias

LEGAL ADVERTISING

	<u>n</u>				Date:	Date: 7/5/67	1/19/2017 1/11/2017 14-110-53
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Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: Aug. 27, 2007 RE: Case No.: 08-033-SPH TO: Baltimore County, 1 😅 # 13218A Falls Road ZONING MAI: Job No.: 07-092 ATTENTION: Mrs. Kristen: Matthews / Mr. Timothy Kotroco We are forwarding () We are returning (X) We are submitting () Under separate cover () Herewith Description No. Certificate Of Posting Photos () For your use () For your review (X) For processing () Please return to this office () In accordance with your request () Please call when ready Remarks: For further information, please contact the writer at this office. ery truly yours, McKee & Associates, Inc/

cc: File

William D. Gulick, Jr.

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits & Development Management 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

Attention: Mrs. Kristen Matthews / Mr. Timothy Kotroco

RE:Case Number: 07-109-M

Petitioner/Developer: W. McCarl & Betty J. Roberts

Date of Hearing/Closing: Wednesday, Sept. 12, 2007 @ 11:00 am

This is to certify under the penalties of perjury that the necessary sign(s) required by law were

posted conspicuously on the property located at # 13218A Falls Road

The sign(s) were posted on

Aug. 27, 2007

(Month, Day, Year)

(Signature of Sign Poster)

Date: Aug. 27, 2007

MAI Job No: 07-092

SEE ATTACH PHOTOGRAPH OF SIGN POSTED ON

PROPERTY

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.

5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

ZONINGE NOTICE

CASE #108-033-5PH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, NO

COUNTY OF FICE BUILDING ROOM TO 6
PLACE: FOWSON, MO 21204

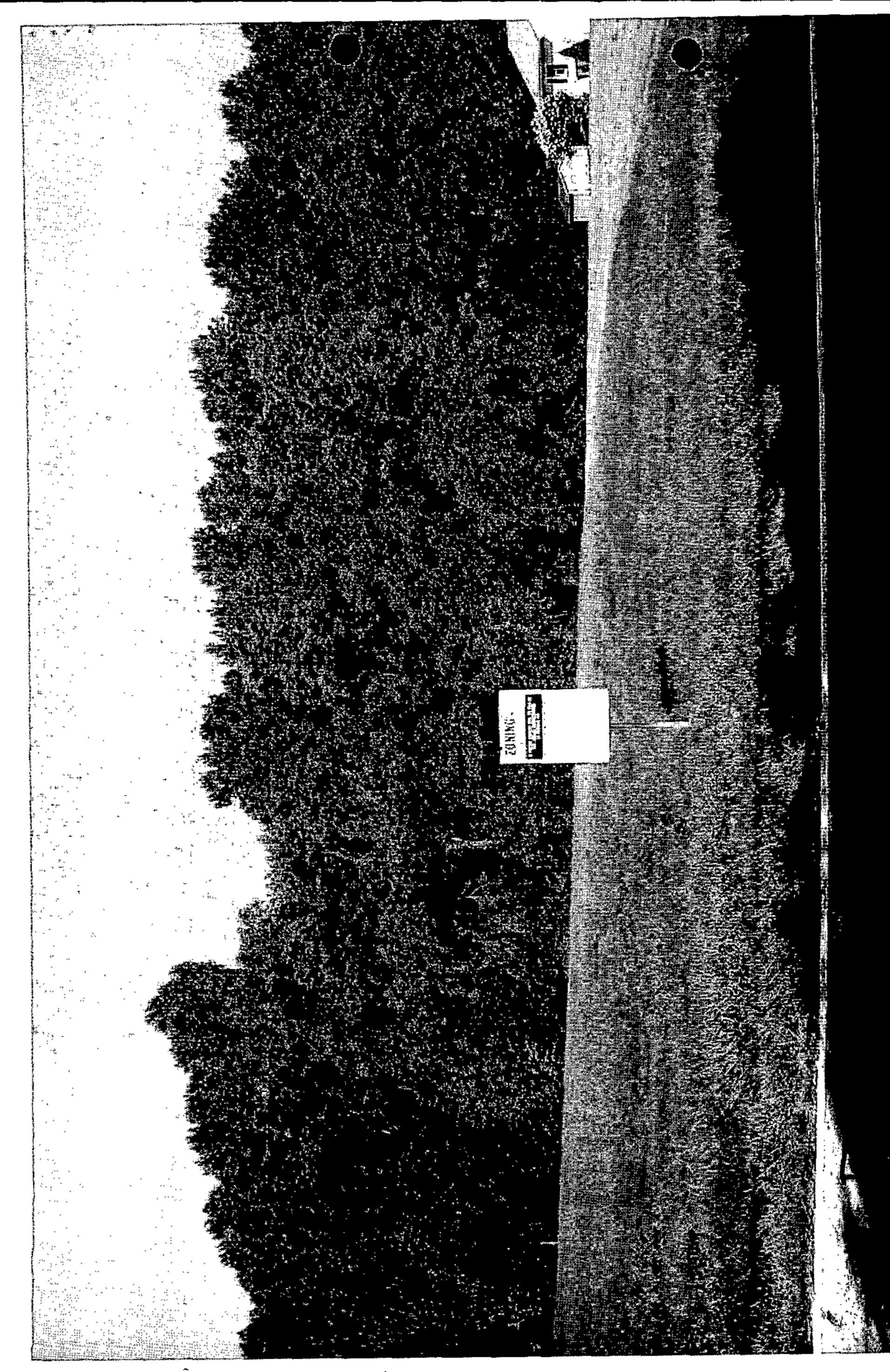
DATE AND TIME: SEPT.12,2007 @ 11:00 AM

REQUEST: SPECIAL HEARING
TO APPROVE AN ALTERATION TO THE
ECTS ZONE MINIMUM LOT SIZE REQUIREMENT
OF ILS ACRES FOR A SINGLE LOT OF RECORD
WHAT IS NOT A SUBDIVISION AND HAS BEEN IN
EXISTENCE SINCE PRIOR TO SEPTEMBER 2,
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MORE OR LESS:

POSTPONEMENTS DUE TO WEATHER GOVERNER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



12:80 1002:12:80



JAMES T. SMITH, JR. County Executive

August 13, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-033-SPH

13218A Falls Road

W/side of Falls Road, 940 feet north of centerline of Jonathans Court

8th Election District – 2nd Councilmanic District

Legal Owners: W. McCarl & Betty J. Roberts

Special Hearing to approve an alteration to the RC-5 zone minimum lot size requirement of 1.5 acres for a single lot of record that is not a subdivision and has been in existence since prior to September 2, 2003 and has an area of 1.456 acres, more or less.

Hearing: Wednesday, September 12, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Jennifer Busse/Scott Barhight, 201 W. Pennsylvania Avenue, Ste. 400, Towson 21204 Mr. & Mrs. Roberts, 665 Morning Glory Drive, Hanover, PA 17331 Guy Ward, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 28, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

PATUXENT PUBLISHING COMPANY TO:

Tuesday, August 28, 2007 Issue - Jeffersonian

Please forward billing to:

W. McCarl Roberts 665 Morning Glory Drive Hanover, PA 17331

717-632-4184

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-033-SPH

13218A Falls Road

W/side of Falls Road, 940 feet north of centerline of Jonathans Court

8th Election District – 2nd Councilmanic District

Legal Owners: W. McCarl & Betty J. Roberts

Special Hearing to approve an alteration to the RC-5 zone minimum lot size requirement of 1.5 acres for a single lot of record that is not a subdivision and has been in existence since prior to September 2, 2003 and has an area of 1.456 acres, more or less.

Hearing: Wednesday, September 12, 2007 at 11:00 a.m. in Room 106, County Office Building,

11/1 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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: 08-033-5PH Petitioner: W. M. Carl Roberts Address or Location: 13218 A Falls Rd.
PLEASE FORWARD ADVERTISING BILL TO: Name: W. MC(ar) Robotk
Address: 665 Morning Glary Drive Honover, PA 17331
Telephone Number: 7/7-632-4184



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 5, 2007

Jennifer R. Busse G. Scott Barhight Whiteford, Taylor & Preston 201 W. Pennsylvania Avenue, Suite 400 Towson, MD 21204

Dear Ms. Busse and Mr. Barhight:

RE: Case Number: 08-033-SPH, 13218A Falls Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 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

WCR:amf Enclosures

c: People's Counsel

W. McCarl Roberts Betty J. Roberts 665 Morning Glory Drive Hanover, PA 17331 Guy C. Ward McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

TB 9/12

DATE: August 23, 2007

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

1

7

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

13218A Falls Road

INFORMATION:

Item Number:

8-033

Petitioner:

Mr. and Mrs. McCarl and Betty Roberts

Zoning:

RC 5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The lot has been platted and in existence prior to September 2nd, 2003. According to the deed provided by McKee and associates, the property has been intact since 1974. The owner does not own contiguous property and so cannot obtain the necessary acreage from adjacent lots to meet the RC-5 standards. Since this lot is within the RC-5 zone, the petitioner must adhere to the RC-5 performance standards. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

5. Provide landscaping along the public road. The Office of Planning would also like to see a detailed landscape plan for the subject proposal.

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

Reviewed by:

Division Chief: AFK/LL: CM



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

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

July 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 23, 2007

Item Number: 020 through 034

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: July 30, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 30, 2007

Item Nos. 08-020, 021, 022, 023, 026, 029, 031, 032, 033, and 034

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-07302007.doc



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

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

Maryland Department of Transportation

July 23, 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. 8-33-SPH

MD 25 (Falls Road) 13218 A Falls Road

Special Hearing

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 8-33-SPH for the above captioned, which was received on July 20, 2007. We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that a permit is required for access to MD 25 (Falls Road). We recommend that as a condition of Special Hearing approval the owner/builder be required to obtain a driveway entrance permit. Coordination with Mr. Michael Pasquariello Utility Engineer at our District Four Office is necessary to obtain a residential entrance permit. You may reach him at 410-321-2843.

Please include our comments in staff report to the Zoning Hearing officer. Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A Steven D. Foster, Chief

For Engineering Access Permits

Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. W. McCarl Roberts, Owner

Ms. Betty J. Roberts, Owner

 RE: PETITION FOR SPECIAL HEARING 13218A Falls Road; W/S Falls Road, 940' N c/line Jonathans Court

> 8th Election & 2nd Councilmanic Districts Legal Owner(s): W. McCarl & Betty Roberts*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-033-SPH

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Guy C. Ward, McKee & Associates, Inc, 5 Shawn Road, Suite 1, Cockeysville, MD 21030 and G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 27 2007

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME Roberts
CASE NUMBER OS-033
DATE 9/12/07

PETITIONER'S SIGN-IN SHEET

			-
			DETTY J. Roberts
	Hame Pa 1733	665 MORNING GLOS DAY	W. Haran Roberts
}		Suitel	
acus wekeringen	Cackeysville, Ma 21036	5 SHAWAN RD	GOY C. WARD
busse @ who (aw. so	Jowson MD 21204	200 W. Burnsylvania Ax	James Course
E-MAIL	CITY, STATE, ZIP	ADDRESS	NAME

Case No.: 08-033-59H

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	File Plan	
No. 2	Current Title Dead	
No. 3	First Prior Dead	
No. 4	Second Prior Deed Creating Lot - 1974	
No. 5	50 FT Map	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

0012144 386

NO CONSIDERATION

DRED

NO TITLE SEARCH

THIS DRED, made this 17th day of March, in the year One Thousand Nine Hundred and Ninety-Seven, by and between WILLIAM D. GRIFFITH and MIRA E. GRIFFITH, his wife, Grantors, and W. MCCARL ROSERES and RETTY J. ROSERES, his wife, Grantees,

Consideration of other good and valuable considerations, the receipt whereof is hereby acknowledged, the said WILLIAM D. CRIFFITE and MIRA E. CRIFFITE do grant and convey unto the said W. NOCARL ROBERTS and RETTY J. ROBERTS, his wife, as tenants by the entireties, and their heirs and assigns, in fee simple, forever, all of that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the first in the center of Falls Road (40 feet wide) at the end of the first line of that tract of land which by deed dated May 13, 1950 and recorded among the Land records of Baltimore County in Liber T.B.S. No. 1842 folio 315 etc. was conveyed by John W. Hessian 3rd to William D. Griffith, et al thence leaving the center of said road and binding on the second line of said deed and referring all courses to the meredian of the Maryland Coordinate System North 89 Degrees 42 Minutes West 427.98 feet to intersect the westernmost outlines of the first parcel of land which by deed dated June 14, 1847 and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 382 folio 484, etc. was conveyed by Thomas Scott to Thomas T. Griffith and to intersect the South 3 Degrees 41 Minutes 52 Seconds West 1148.06 foot line of that tract of land which by deed dated July 18, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4178 folio 246, etc. was conveyed by Martin-Marietta Corporation to Thomas 8. Nichols at a point distant 239.64 feet, North 3 Degrees 41 Minutes 52 Seconds East from an iron pipe heretofore planted at the end of said line thence binding on a part of said lines North 3 Degrees 41 Minutes 52 Seconds East 150.16 feet, thence leaving said lines and running parallel to the first line of this description South 89 Degrees 42 Minutes Bast 417.77 feet to the center of said Falls Road (40 feet wide) thence binding on the center of said

Assessments & Taxation to Bultimore County

NOT APPLICABLE 18ANSPER 141

LAW OFFICES
HANLEY AND HANLEY
200 WASHINGTON AVENUE
P.O. BOX 5506
TOWSON, MARYLAND 21204

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-11999] SM 12144, p. 0386. Printed 08/16/2007. Image available of 03/04/2005.

PETITIONER'S

EXHIBIT NO.

2

0012144 387

road South O Degrees 12 Minutes East 150.00 feet to the place of Beginning.

CONTAINING 1.456 acres of land more or less.

REING the same parcel of land which by Deed dated August 22, 1974 and recorded among the Land Records of Baltimore County, in Liber 5472, Page 126, was granted and conveyed by FAT MOLDING COMPANY, INC. unto WILLIAM D. GRIFFITH and MYRA R. GRIFFITE their heirs and assigns forever in fee simple.

TO HAVE AND TO HOLD said described lot of ground to the said W. McCARL ROBERTS and BETTY J. ROBERTS, their heirs and assigns, forever, in fee simple, as tenants by the entireties.

and the said Grantors covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; and that they will execute such further assurances of the same as may be requisite.

WITHESS the hands and seals of the said Grantors.

TRET:	i/Ai	1		
Witness	- 190Na		WILLIAM D. GRIPPITH	(SEAL)
Dan	100)		Muna E thillite	(SEAL)
Witness			MYRA E. GRIPPITH	

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that, on this 17th day of March, 1997, before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared WILLIAM D. GRIFFITH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, acknowledged that he has executed the same for the purposes therein contained, and in my presence, has signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

LAW OFFICES
HANLEY AND HANLEY
200 WASHINGTON AVENUE
P.O. BOX 5506
TOWSON, MARYLAND 21204

0012114 388 Notary Public My Commission Expires: 03/25/98. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY that, on this 17th day of March, 1997, before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared MYRA R. GRIFFITH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, acknowledged that she has executed the same for the purposes therein contained, and in my presence, has signed and sealed the same. AS WITHESS my hand and Notarial Seal. Motary Public My Commission Expires: 03/25/98. NO TITLE SEARCH ACKNOWLEDGMENT At the request of WILLIAM D. GRIFFITH and MYRA E. GRIFFITH, no title search was made and this Deed was prepared solely on the basis of the information furnished by WILLIAM D. GRIFFITH and MYRA E. GRIFFITH. CERTIFICATION I HERRERY CERTIFY that I am an attorney licensed to practice LAW OFFICES HANLEY MO MANLEY 208 WASHINGTON AVENUE P.O. BOX 5508 TOWBON, MARYLAND 21204 BALTHASRE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-11999] Book SM 12144, p. 0388. Printed 08/16/2007. Online 03/04/2005.

0012144 389

law in the State of Maryland and that I have prepared the aforegoing Deed at the direction of WILLIAM D. GRIFFITH and MYRA E. GRIFFITH, the Grantors, and am making this certification in compliance with the Annotated Code of Maryland, Real Property Article, Section 3-104(f)(1).

DANIEL J. HAWLEY

AFTER RECORDING, PLEASE RETURN TO HANLEY & HANLEY A HANLEY TON AVENUE TOWNSON, NO STADE

LAW OFFICES
HANLEY AND HANLEY
206 WASHINGTON AVENUE
P.O. BOX 5506
TOWBON, MARYLAND 21204

0012144 391

PARTIAL RELEASE OF DEED OF TRUST

KNOW ALL MEN BY THESE PRESENTS:

That NATIONSBANK, N.A., a national banking association (the "Beneficiary"), the beneficiary for itself and as agent for (i) St. Paul Mercurey Insurance Company, (ii) St. Paul Fire and Marine Insurance Company and (iii) ITT/Hartford Fire Insurance Company, of a certain Indemnity Deed of Trust, Assignment and Security Agreement dated November 22, 1995, and recorded in Liber 11330, Folio 459, among the land records of Baltimore County, Maryland (the "Deed of Trust"), does hereby release the lien of the Deed of Trust as to a portion of the property encumbered by the Deed of Trust as more particularly described on Exhibit A attached hereto and incorporated herein (the "Property") and the lien as to the Property is of no further force and effect. The Beneficiary does hereby also release and terminate any security interest or assignment or other rights or interest of Beneficiary in and to the Property. The Beneficiary, by execution of this instrument, hereby instructs the undersigned trustee under the Deed of Trust to execute this instrument in order to release the Deed of Trust. The obligations evidenced thereby shall not be released bereby.

WITNESS the hands and seals of the Beneficiary and the Trustee of the Deed of Trust this 28 day of MARCH 1997.

in witness wh	EREOF, the Beneficiary of	the Deed of Trust has caused this
instrument to be executed of Vice President	n its behalf by Robert B.	Brenegan its
Vice President	his 28th day of March	

WITNESS:

BENEFICIARY:

NATIONSBANK, N.A.

a National Banking Association, in its capacity as agent

Name: Robert S. Brenegah Title: Vice President

TRUSTEE:

Robert S. Brenegan, Substitute Trustee

INP FD SIRE \$ 2.86
RECORDING FEE 10.86
TOTAL 12.86
Rest BASE Rost \$ 28837
SH LL Bik \$ 2887
Apr. 24, 1997 84:81 pa

LIBERS472 PAGE 126

TRANSFER TAX NOT REQUIRED William F. Laudeman

Acting Director of Finance

8er. (1. . 10 //x 1.1. Authorized Signature

This Deed, Made this 227

car of august

in the year one thousand nine hundred and seventy-four , by and between PAT HOLDING COMPANY, INC., a body corporate of the State of Maryland,

. , of the first part, and

WILLIAM D. GRIFFITH and MYRA E. GRIFFITH, his wife, of Baltimore County, 225709# ****1050 WG 23-74 State of Maryland, 22570902 ****1050 AUG 23-74 of the second part,

Witnesseth, that in consideration of the sum of Pive Dollars (\$5.00) and other good and valuable consideration, ----the said PAT HOLDING COMPANY, INC., a body corporate of the State of Maryland,

do as hereby grant and convey unto the said WILLIAM D. GRIFFITH and MYRA E. GRIFFITH, his wife, their

heirs and essigns, as tenants by the entirety ---------

in fee simple, all that

lot(s) of ground, situate, lying and being in

Baltimore County

, State of Maryland, and described as follows, that is to say:--

Beginning for the first in the center of Falls Road (40 feat wide) at the end of the first line of that tract of land which by deed dated May 13, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1842 folio 315 etc. was conveyed by John W. Hessian 3rd to William D. Griffith, et al thence leaving the center of said road and binding on the second line of said deed and referring all dourses to the meredian of the Maryland Coordinate System North 89 Degrees 42 Minutes West 427.98 feet to intersect the westernmost outlines of the first parcel of land which by deed dated June 14, 1847 and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 382 folio 484, etc. was conveyed by Thomas Scott to Thomas T. Griffith and to intersect the South 3 Degrees 41 Minutes 52 Seconds West 1148.06 foot line of that tract of land which by deed dated July 18, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4178 folio 246 etc. was conveyed by Martin-Marietta Corporation to Thomas S. Nichols at a point distant 239.64 feet, North 3 Degrees 41 Minutes 52 Seconds East from an iron pipe heretofore planted at the end of said line thence binding on a part of said lines North 3 Degrees 41 Minutes 52 Seconds East 150.16 feet, thence leaving said lines and running parallel to the first line of this description South 89 Degrees 42 Minutes East 417.77 feet to the center of said Falls Road (40 feet wide) thence binding on the center of said road South G Degrees 12 Minutes East 150.00 feet to the place of Beginning.

CONTAINING 1.456 acres of land more or less.

PETITIONER'S

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62:5327] EHK 5472, p. 0126. Printed 09/11/2007. D131/2006.

EXHIBIT NO.

LIBER 5472 PASE 128

BEING the same parcel of land which by deed of even date herewith and recorded among the Land. Records of Baltimore County immediately prior hereto was granted and conveyed, by Edwin Griffith et al to the party of the first part.

LIBERS #72 PAGE | 28

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same · belonging, or enywise appertaining.

and premises, above described To Have and To Hold the said lot of ground and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurisnances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said WILLIAM D. GRIFFITH and MYRA E. GRIFFITH, his wife, as tenants by the entirety, their ---

heirs and assigns,

· in fee simple.

And the said part y of the first part hereby covenants that boxit ha a not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that is it will warrant specially the property granted and that she it will execute such further essurances of the same as may be requisite.

Witness the hand and seal of said granter: PAT HOLDING COMPANY, INC. Tree:

State of Maryland, Baltimore County

I HENESY CENTRY, That on this A Rock day of Chaquest before me, the subscriber, a Notary Public of the State of Maryland, in and for , personally appeared HOLMAN C. SCHOENBERGER, PRESIDENT Beltimore County OF PAT HOLDING COMPANY, INC., a body corporate of the State of Maryland, known to me (or satisfactorily proven) to be the personia) whose name(ak is/ana; subscribed to Grantor herein the within instrument and acknowledged that . he executed the same for the purposes therein . contained, and in my presence signed and sesied the same, on behalf of said body corporate.

In Winness Werencor, I hereunto set my hand and official seal.

My Commission expires: 41,1 LIBER5472 PAGE 123

TRANSFER TAX NOT REQUIRED William F. Laudeman Acting Director of Finance

Authorized Signature

This Deed, Mede this 22

in the year one thousand nine hundred and seventy-four , by and between EDWIN GRIFFITH,

County, Maryland ETHEL M. GRIFFITH and WILLIAM D. GRIFFITH, of Baltimore/, of the first part, and PAT HOLDING COMPANY, INC., a body corporate of the State of Maryland, NG 23-74 225708# ****1150 2237080# ****1150 of the second part. JUG 23-74

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, ----the said EDWIN GRIFFITH, ETHEL H. GRIFFITH and WILLIAM D. GRIFFITH -----

hereby grant and convey unto the said PAT HOLDING COMPANY, INC., a body corpordo ate of the State of Maryland, its successors -----

being and assigns,

in fee simple, all that ----- lot(s) of ground, situate, lying and being in

, State of Maryland, and described as follows, that is to say:---Baltimore County,

Beginning for the first in the center of Falls Road (40 feet wide) at the end of the first line of that tract of land which by deed dated May 13, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1842 folio 315 etc. was conveyed by John W. Hessian 3rd to William D. Griffith, et al thence leaving the center of said road and binding on the second line of said deed and referring all courses to the meredian of the Maryland Coordinate System North 89 Degrees 42 Minutes West 427.98 feet to intersect the westernmost outlines of the first parcel of land which by deed dated June 14, 1847 and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 382 folio 484, etc. was conveyed by Thomas Scott to Thomas T. Griffith and to intersect the South 3 Degrees 41 Minutes 52 Seconds West 1148.06 foot line of that tract of land which by deed dated July 18, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4178 folio 246 etc. was conveyed by Martin-Marietta Corporation to Thomas S. Nichols at a point distant 239.64 feet, North 3 Degrees 41 Minutes 52 Seconds East from an iron pipe heretofore planted at the end of said line thence binding on a part of said lines North 3 Degrees 41 Minutes 52 Seconds East 150.16 feet, thence leaving said lines and running parallel to the first line of this description South 89 Degrees 42 Minutes East 417.77 feet to the center of said Falls Road (40 feet wide) thence binding on the center of said road South O Degrees 12 Minutes East 150.00 feet to the place of Beginning.

CONTAINING 1.456 acres of land more or less,

PETITIONER'S

EXHIBIT NO.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-5327] Book EHK 5472, 01/31/2008.

· LIBER5472 PAGE 124

BEING a part of that percel of land which by deed dated October 23, 1940, and recorded among the band Records of Baltimore County in Liber C.W.B.Jr. No. 1127 folio 459 was granted and conveyed by Hazel A. Merritt, unmarried, to Edwin Griffith, Ethel M. Griffith and William D. Griffith as joint tenants and not as tenants in common.

BACTANORE SOUNT FORGOTT COURT (Land Records) (MSA CE 62-5327) Book EHK 5472, p. 0124. Printed 09/11/2007. Online

01/31/2006.

LIBER5472 NAGE125

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

and premises, above described To Have and To Hold the said lot of ground and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit PAT HOLDING COMPANY, INC., a body corporate of the State of of the said Maryland, its successors ------

-----brierand assigns,

in fee simple.

1 5

And the said part lesof the first part hereby covenant that the y not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that the y will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hand s and seel s of said grantor s:

Trer:	Zoluan Griffith Edwin Griffith
Salm J. White	Ethel M. Griffith [SEAL)
	William D. Griffith
	? Ind day of Clarguet 19 74.
DOTCTHONG COMMAN	ppeared EDWIN GRIFFITH, ETHEL M. GRIFFITH
and WILLIAM D. GRIFFITH, Granton known to me (or satisfactorily proven) to	te herein be the person(s) whose name(s) de/are subscribed to

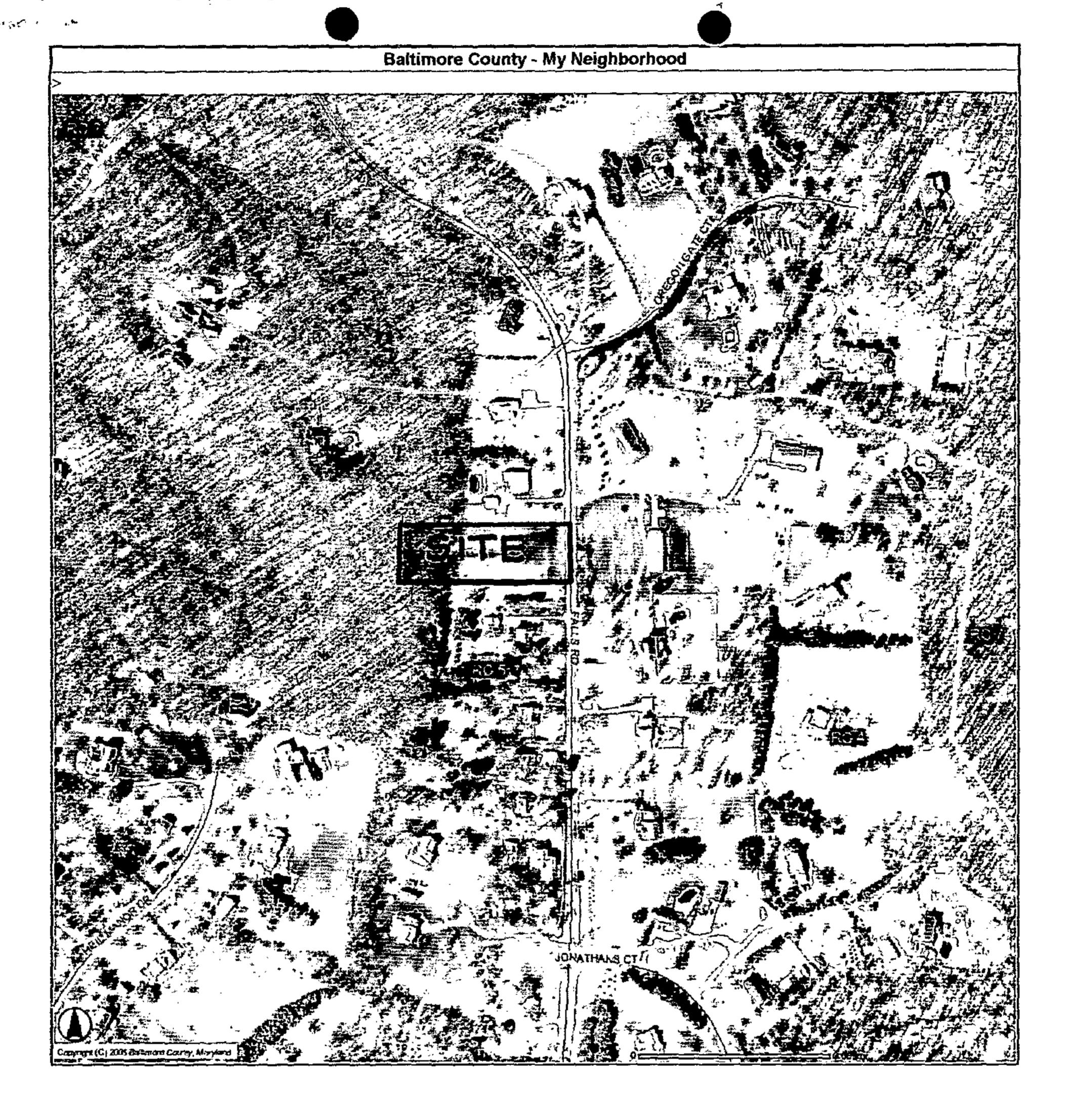
contained, and in my presence signed and sealed the same. In Witness Whisnor, I hereunto set my hand and official seal.

My Commission expires:

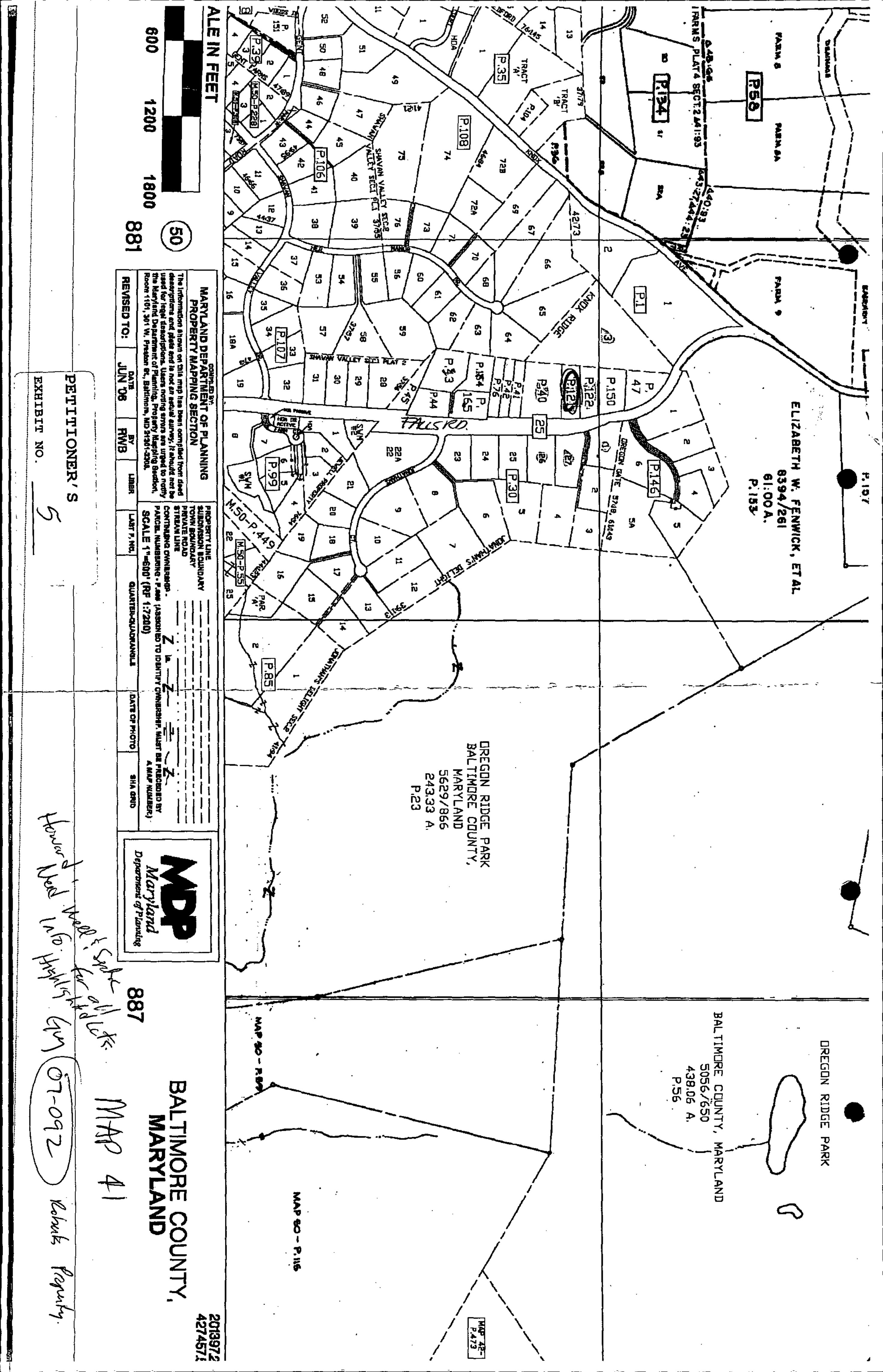
the within instrument and acknowledged that they executed the same for the purposes therein

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-5327] Book EHK 5472, p. 0125. Printed 09/11/2007. Online

1/31/2006.



1 of 1



ID COUNCILMAINIC DIS MARYLAND DATE: MAY 15, 2007

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affinification frameway . minime. m Jummin √#13218A 940'± TO JONATHAN'S CT. 2 00.15,00, E (MD. FT. NO. 25) DAOR SIJAR PA FAL 014519 ACCOMP PRIVATE TE VICINITY MAP
SCALE: 1"=1000" SITE LEGEND XXX AOA P FALLS \odot

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