

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Eastern Blvd. and SE side of
James Street, and SW side Walkern Road
15th Election District
7th Councilmanic District
(1739 Eastern Boulevard)

Thomas J. and Wendy K. Meredith
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER FOR
* BALTIMORE COUNTY
* CASE NO. 08-039-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, Thomas J. and Wendy K. Meredith for property located at 1739 Eastern Boulevard. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 14 foot front yard setback to street in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners are elderly and have health issues which require an additional bedroom and living space for easier care and mobility. Due to the layout and location of the existing dwelling on the lot, the addition as proposed is the only practical location.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Office of Planning dated August 16, 2007, which does not oppose the Petitioner's request. The comment further indicates that the property is irregularly shaped which causes any type of addition to infringe upon the setbacks. They recommend two conditions: 1) the proposed addition shall be architecturally compatible with the existing structure including building materials, colors and textures; 2) landscaping shall be added to the rear of the property to act as a buffer. The rear of the subject property faces houses that front on James Street.

ORDER RECEIVED FOR FILING
8-22-07
PB

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 2, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

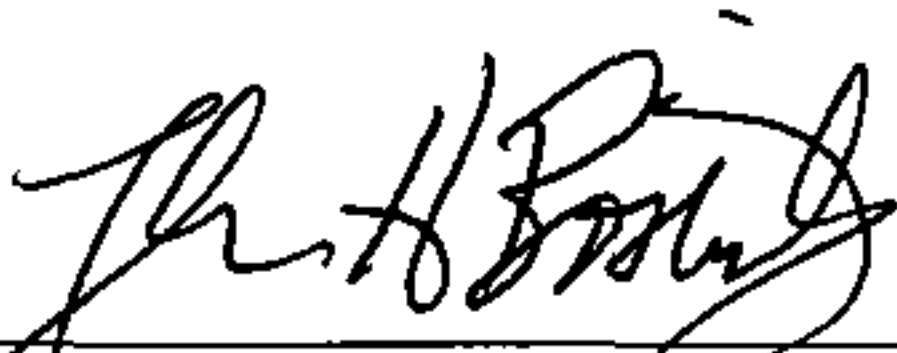
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 22nd day of August, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 14 foot front yard setback to street in lieu of the required 25 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The proposed addition shall be architecturally compatible with the existing structure including building materials, colors and textures.
3. Landscaping shall be added to the rear of the property to act as a buffer. The rear of the subject property faces houses that front on James Street.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
8-22-07




BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 22, 2007

THOMAS J. AND WENDY K. MEREDITH
1739 EASTERN BOULEVARD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 08-039-A
Property: 1739 Eastern Boulevard

Dear Mr. and Mrs. Meredith:

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,

A handwritten signature in black ink, appearing to read "Th H Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bob Infussi, Expedite, LLC, PO Box 1043-7043, Bel Air MD 21014



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1739 EASTERN BOULEVARD
which is presently 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) 1002.3C.1.(BCTR)

To permit an addition with a 14-foot front yard setback to street in lieu of the required 25-feet.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

THOMAS J. MEREDITH

Signature

WENDY K. MEREDITH

Name - Type or Print

Wendy K Meredith

1739 EASTERN BLVD (410) 574-7983

Address

Telephone No.

BALTO.

MD.

21221

State

Zip Code

Representative to be Contacted:

ROBERT INFUSSI
EXPEDITE, LLC

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BELNR

MD.

21014

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 08-039-A

Reviewed By D.T.

Date 7/29/07

REV 9/15/98

Estimated Posting Date 8/5/07

ORDER RECEIVED FOR FILING

8-22-07

pb

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 1739 EASTERN BOULEVARD
Address
BALTO MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Thomas J. Meredith
Signature
THOMAS J. MEREDITH
Name - Type or Print

Wendy K. Meredith
Signature
WENDY K. MEREDITH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of July, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas / Wendy Meredith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

July 18 / 2007
Date

[Signature]
Notary Public
My Commission Expires 06/09

THE PETITIONERS ARE ELDERLY AND HAVE HEALTH ISSUES WHICH
REQUIRES AN ADDITIONAL BEDROOM AND LIVING SPACE FOR EASIER
CARE AND MOBILITY. DUE TO THE LAYOUT AND LOCATION OF THE
EXISTING DWELLING ON THE LOT, THE ADDITION, AS PROPOSED, IS THE
ONLY PRACTICAL LOCATION.

DESCRIPTION

1739 EASTERN BOULEVARD

Beginning at a point formed by the intersection of the southeast side of James Street (50 feet wide) with the southwest side of Walkern Road (50 feet wide), thence being all of lot 66 as shown on the plat entitled Section Two, Edgewater Addition recorded among the plat records of Baltimore County in Plat Book 13 Folio 33.

Containing 7,810 square feet or 0.1739 acre, more or less.

Being known as 1739 Eastern Boulevard. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

No. 1839

—

DATE	TIME	ACTUAL	TYPE	NO.
11/27/71	12:27	153159	1107/12/1	5
			03:56:30	5

Date:

7/23/07

03 382171 6559 1310

2865376 65538 0 13100

COLLEGE PARK 305 5

1

Sept 1st 1933

011679

THE NEW YORK PUBLIC LIBRARY

Total:

20

CENTRAL DRAFTING + DESIGN

For: ITEM # 039 02-09-4

1729: 3 AUGUST 1915

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S

VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 08-039-A

Petitioner/Developer: MELEDITH

Date Of Hearing/Closing: 8/20/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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 property
at 1739 EASTERN BLVD.

This sign(s) were posted on August 2 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 8/2/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE
ADMINISTRATIVE VARIANCE

CASE # 08-039-A
TO PERMIT AN ADDITION WITH A 14-FOOT
FRONT YARD SETBACK TO STREET IN LIEU OF
THE REQUIRED 25-FOOT

PUBLIC HEARING ?

PURSUANT TO SECTION 24-12244(1), BARTHOLOMEW 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 WEDNESDAY, AUGUST 20, 2008
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
312 E. CHURCH ST. 2ND FLOOR
BARTHOLOMEW, IN 47501
TEL. 887-3391
FAX 887-3392
WEBSITE: WWW.BARTHOLOMEW.IN.GOV

myatt 8/2/07

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁸~~07~~- 039 -A Address 1739 EASTERN AVE.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/23/07 Posting Date: 8/5/07 Closing Date: 8/20/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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. **DEADLINE:** 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.
3. **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 ⁰⁸~~07~~- 039 -A Address 1739 EASTERN BLVD.
Petitioner's Name MEREDITH Telephone 410-514-7983
Posting Date: 8/5/07 Closing Date: 8/20/07
Wording for Sign: To Permit AN ADDITION WITH A 14-FOOT FRONT YARD SETBACK TO STREET IN LIEU OF THE REQUIRED 25-FEET.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08-039-A

Petitioner: MEREDITH

Address or Location: 1739 EASTERN BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. + MRS. THOMAS J. MEREDITH

Address: 1739 EASTERN BLVD.

BALTO. MD 21221

Telephone Number: 410-574-7983



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 20, 2007

Thomas J. Meredith
Wendy K. Meredith
1739 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. and Mrs. Meredith:

RE: Case Number: 08-039-A, 1739 Eastern Boulevard

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 23, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robert Infussi Expedite, LLC P.O. Box 1043-7043 Bel Air 21014

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 16, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1739 Eastern boulevard

INFORMATION:

Item Number: 8-039

Petitioner: Mr. And Mrs. Thomas J. and Wendy K. Meredith

Zoning: DR 5.5

Requested Action: Administrative Variance

RECEIVED
AUG 17 2007

BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The lot is irregularly shaped which causes any type pf addition to infringe upon the setbacks. If the petitioner's request be granted the following conditions shall apply:

1. The proposed addition shall be architecturally compatible with the existing structure including building materials, colors, and textures.
2. Landscaping shall be added to the rear of the property, to act as a buffer. The rear of the subject property faces houses that front on James Street.

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

Reviewed by:

Candis Murray

Division Chief:
AFK/LL: CM

Lynn Larkman

Post-it® Fax Note	7671	Date	# of pages ▶ 1
To	<i>Bob Infussi</i>	From	<i>Patte</i>
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	<i>410 893 8647</i>	Fax #	



BALTIMORE COUNTY
MARYLAND

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

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 035,036,037,038,039,040,041,043,044,046,047,048,050,051

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
Department of Permits & Development
Management

DATE: August 1, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 6, 2007
Item Nos. 08-035, 036, 037, 038, 039,
040, 041, 043, 044, 046, 048 and 051

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-08062007.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: JULY 31, 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. 8-39-A
MD 150 (EASTERN BLVD)
1739 EASTERN AVE
MEREDITH 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. 8-39A.

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,

For¹ 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

DATE: August 16, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1739 Eastern boulevard

INFORMATION:

Item Number: 8-039

Petitioner: Mr. And Mrs. Thomas J. and Wendy K. Meredith

Zoning: DR 5.5

Requested Action: Administrative Variance

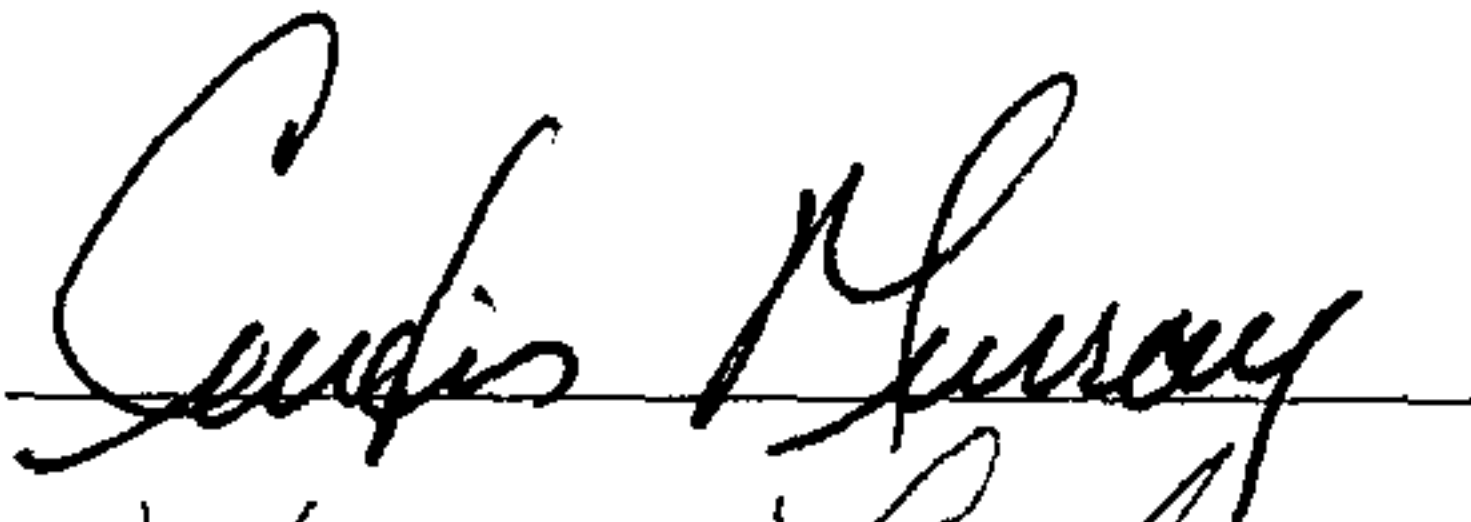
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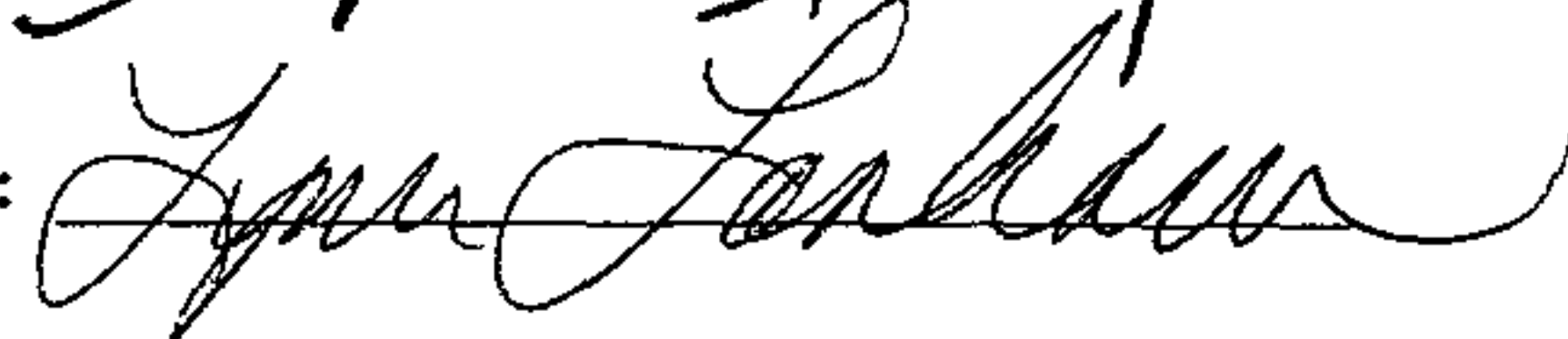
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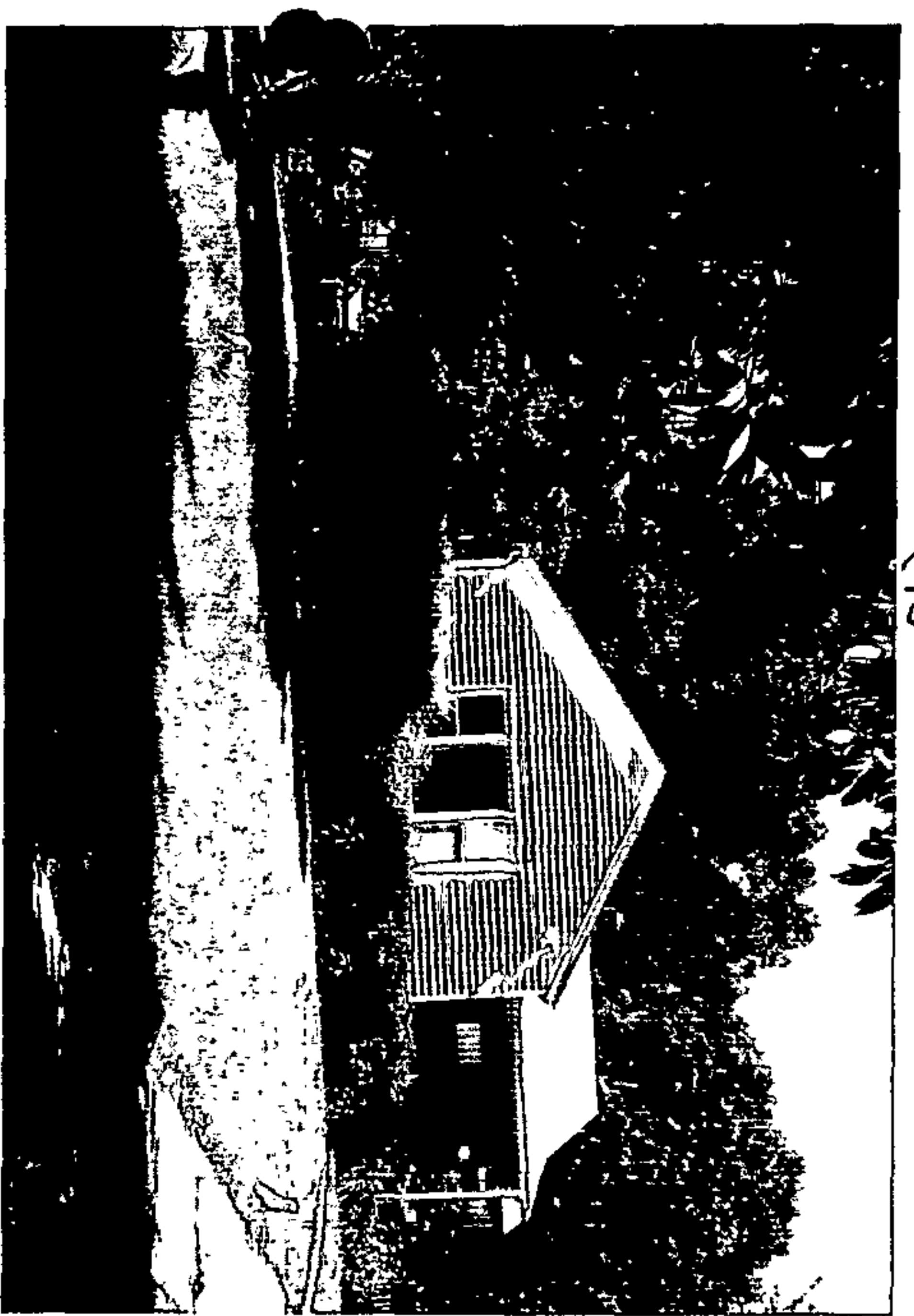
For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM





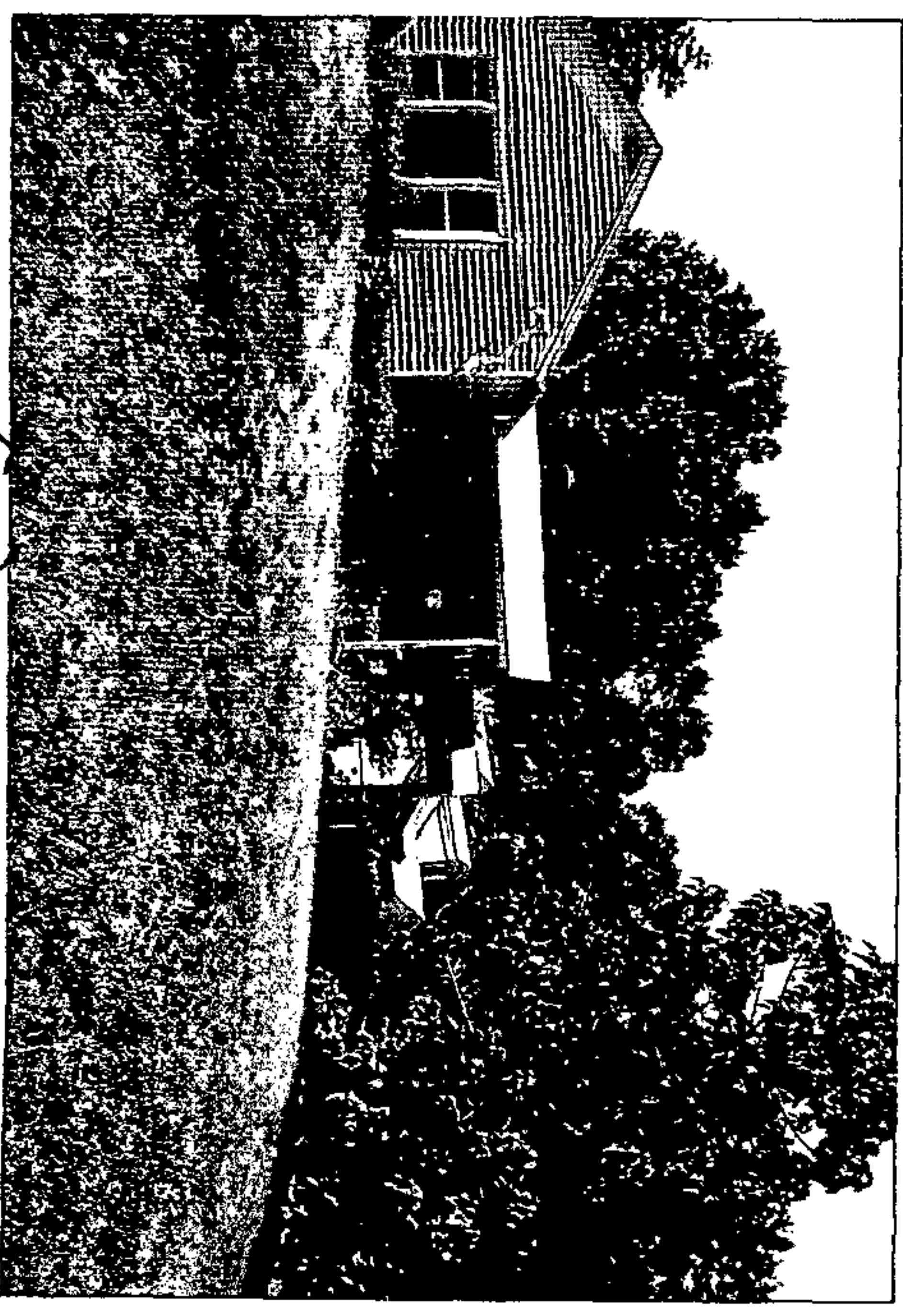
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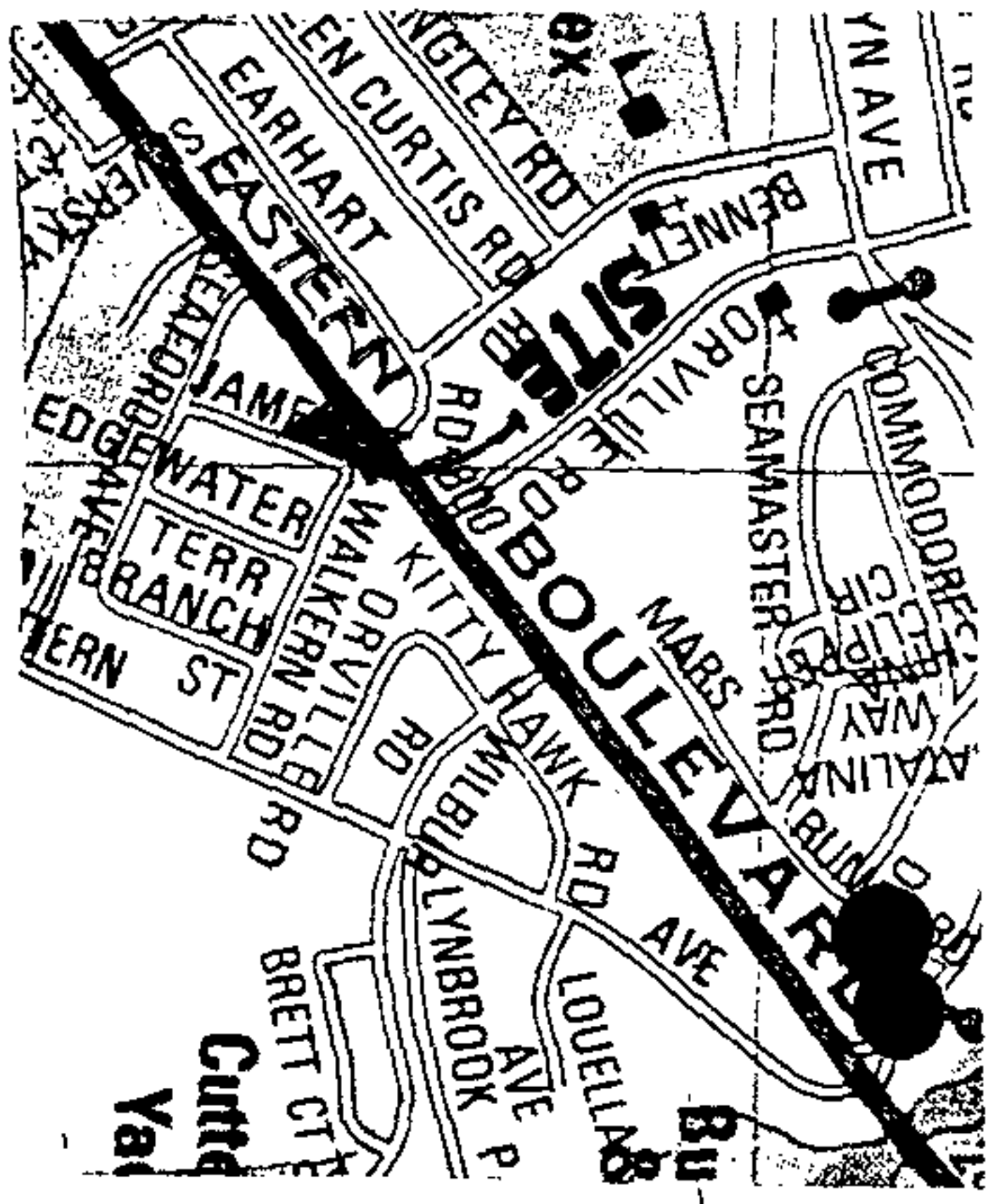


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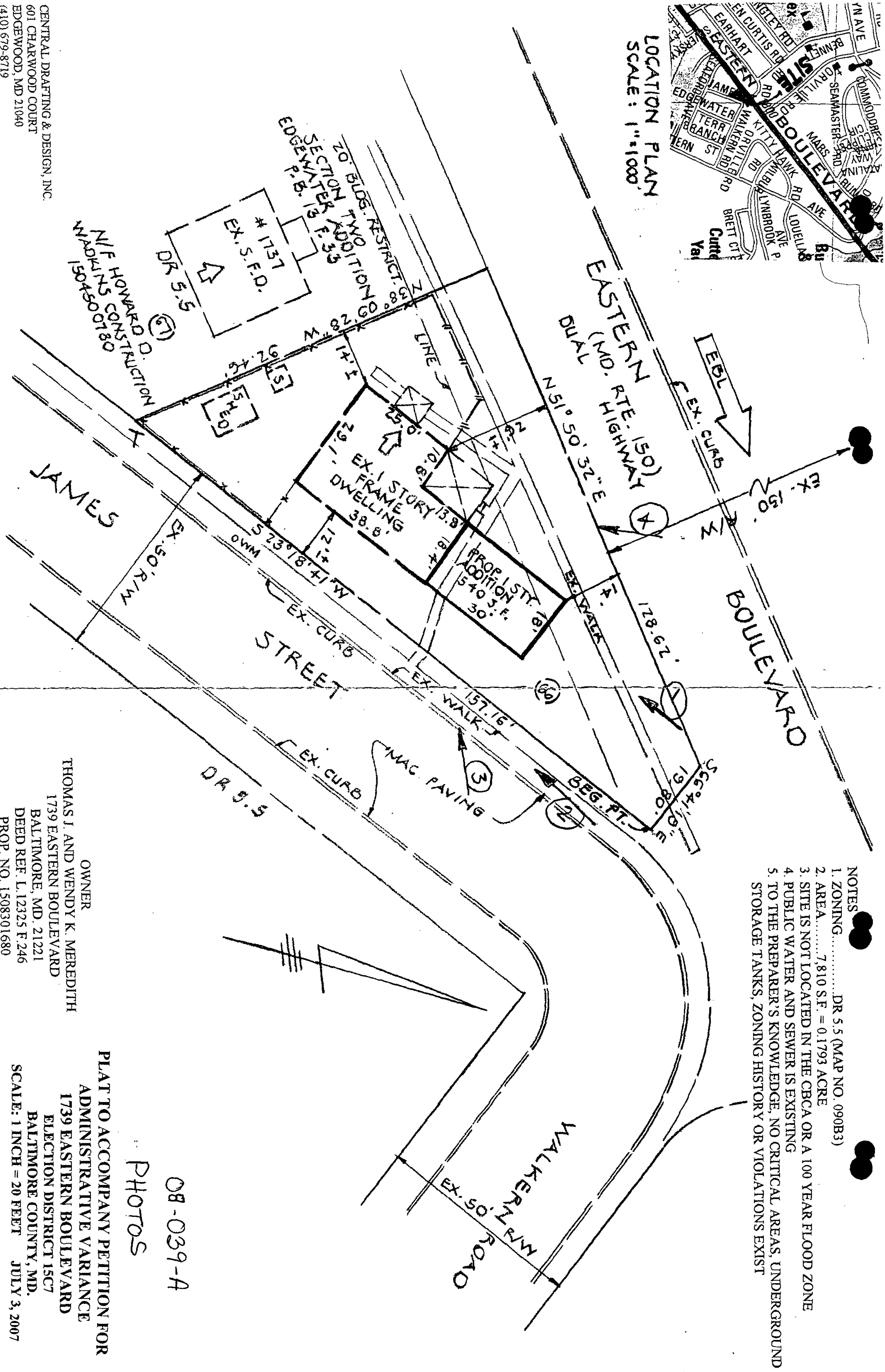
4

08-039-A



LOCATION PLAN
SCALE: 1"=100'

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

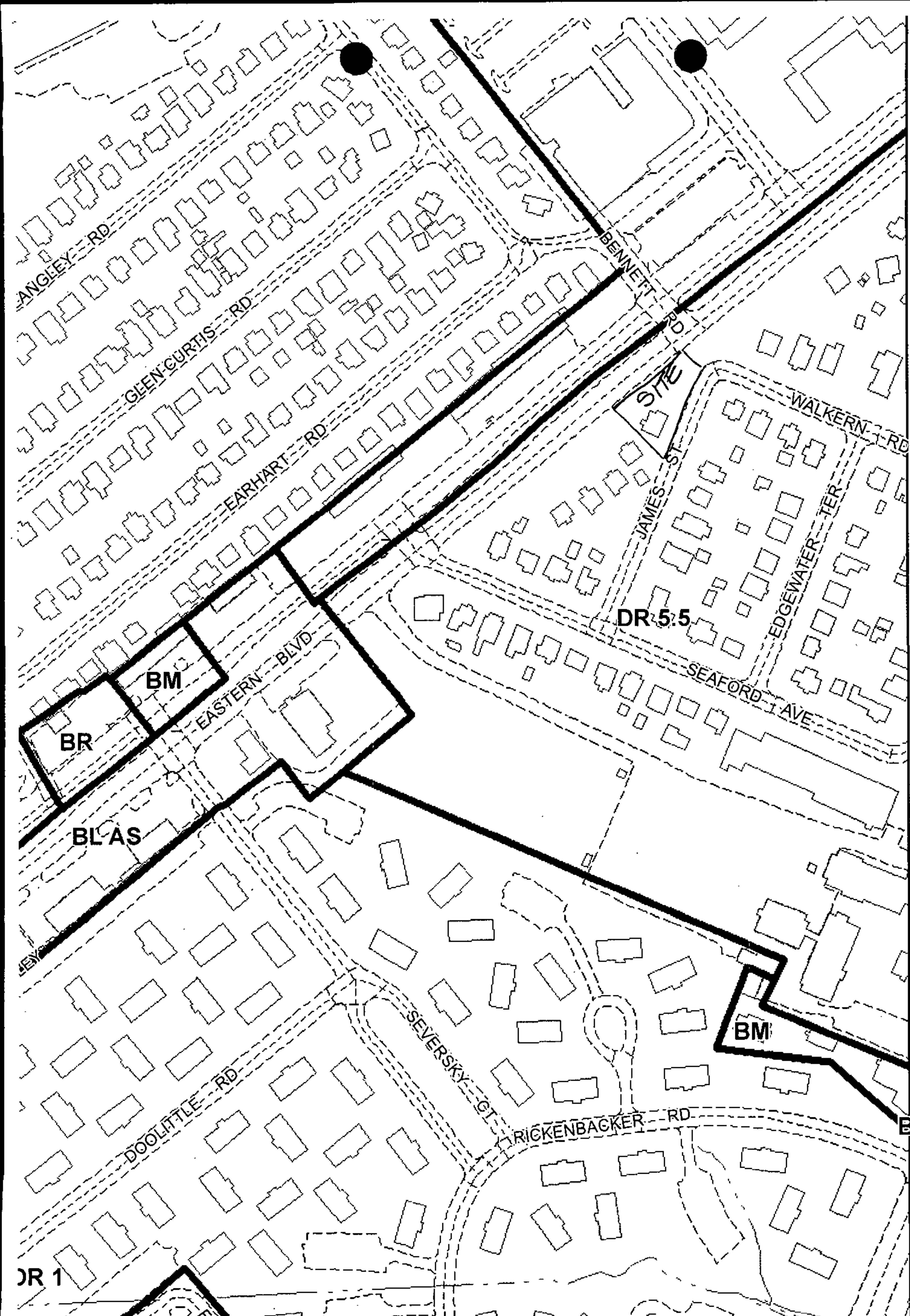


- NOTES
1. ZONING.....DR 5.5 (MAP NO. 090B3)
 2. AREA.....7,810 S.F. = 0.1793 ACRE
 3. SITE IS NOT LOCATED IN THE CBCA OR A 100 YEAR FLOOD ZONE
 4. PUBLIC WATER AND SEWER IS EXISTING
 5. TO THE PREPARER'S KNOWLEDGE, NO CRITICAL AREAS, UNDERGROUND STORAGE TANKS, ZONING HISTORY OR VIOLATIONS EXIST

OWNER
THOMAS J. AND WENDY K. MEREDITH
1739 EASTERN BOULEVARD
BALTIMORE, MD. 21221
DEED REF. L.12325 F.246
PROP. NO. 1508301680

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
1739 EASTERN BOULEVARD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 20 FEET JULY 3, 2007

OB-039-A
PHOTOS

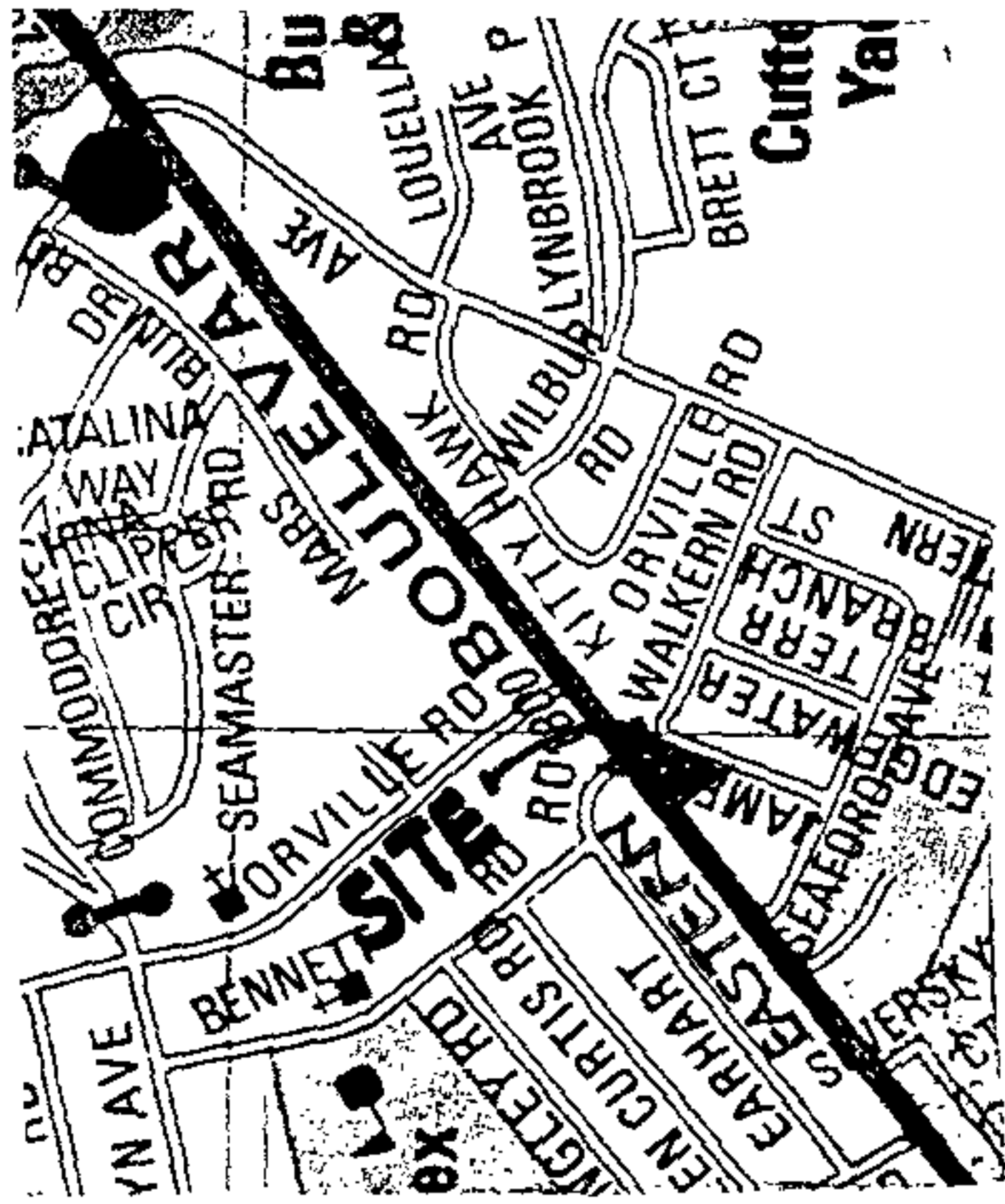


09023

08-039-A

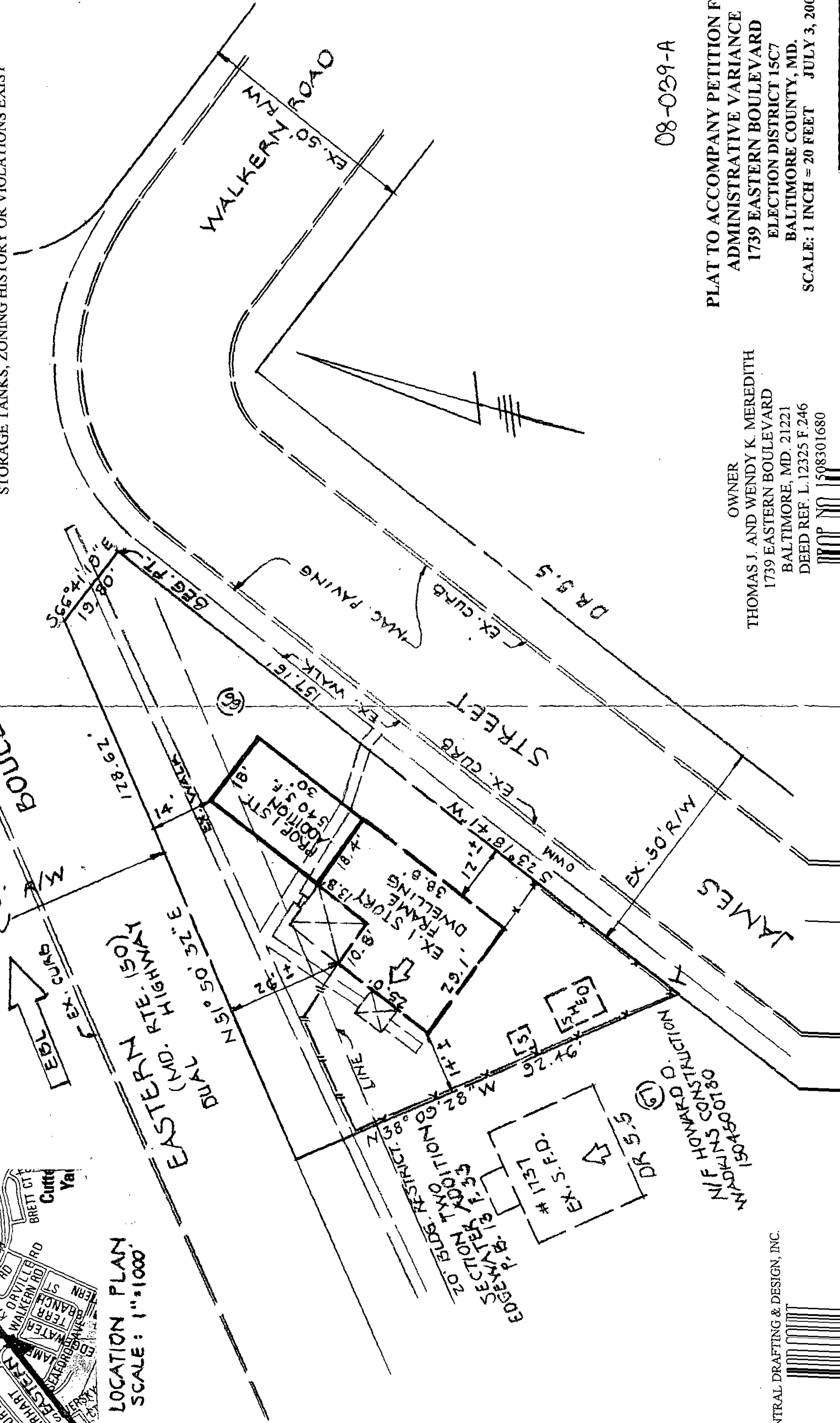


08-039-A



LOCATION PLAN
SCALE: 1"=1000'

- NOTES
1. ZONING.....DR 5.5 (MAP NO. 090B3)
 2. AREA.....7,810 S.F. = 0.1793 ACRE
 3. SITE IS NOT LOCATED IN THE CBCA OR A 100 YEAR FLOOD ZONE
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08-039-A

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
1739 EASTERN BOULEVARD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 20 FEET JULY 3, 2007

OWNER
THOMAS J. AND WENDY K. MEREDITH
1739 EASTERN BOULEVARD
BALTIMORE, MD. 21221
DEED REF. L.12325 F.246
PROJ NO 1508301680

N/F HOWARD O. CONSTRUCTION
N/A 1504500180