IN RE: PETITION FOR ADMIN. VARIANCE

N side of Moreland Avenue; 388 feet W of the c/l of Baker Avenue

14th Election District

6th Councilmanic District

(3102 Moreland Avenue)

Melinda J. Munk
Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

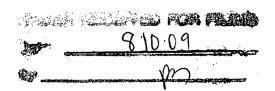
* FOR BALTIMORE COUNTY

* Case No. 2009-0339-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 owner of the subject property, Melinda J. Munk for property located at 3102 Moreland Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a detached garage with additional roof height allowing for the storage of personal and inherited belongings. The dwelling has a 10:12 roof pitch and the proposed garage roof will match the existing roof slope of the dwelling. Elevation drawings depict an attractive garage with vinyl siding to match the existing dwelling, painted panel door, carriage lights, and brick facing. For the Petitioner's convenience and safety, outside stairs will access the garage storage area.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 23, 2009, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.



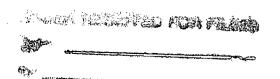
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 11, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 August, 2009 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet is hereby GRANTED, subject to the following:

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.



3. The accessory structure shall not be used for commercial purposes.

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

THOMAS H. BOSTWACT

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 10, 2009

MELINDA J. MUNK 3102 MORELAND AVENUE BALTIMORE MD 21234

> Re: Petition for Variance Case No. 2009-0339-A

> > Property: 3102 Moreland Avenue

Dear Ms. Munk:

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,

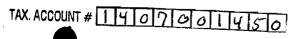
THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Stephen Hill, 1515 Bellona Avenue, Lutherville MD 21093





CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

	3102 Moreland Avenue
wniel	h is presently zoned D.R.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) 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 22-FEET IN LIEU OF THE PERMITTED 15-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: Legal Owner(s): Name - Type or Print Signature Address Telephone No. Name - Type or Print City State Zip Code Signature 3102 Attorney For Petitioner: MORELAND MD Name - Type or Print Representative to be Contacted: Signature Company Address Telephone No. 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. 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.

Reviewed By

Estimated Posting Date

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 public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at 3102 Mare and Avenue
Bultimare mD 21234 City State Zip Code
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):
We have a great ned for Strage due to the Hems we have
in herital from 3 relatives that have passed. Items such as
buniture, keepsalus etc. We also would like the roof pitch to moth
The existing have to cosmetically look more appending.
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. Signature Signature David & Jones Name - Type or Print
λ
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 28 day of 000 day of 000 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Melinde & Munk and David G. Jones
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) personally known or satisfactorily identified to me as such Affiant(s) personally known or satisfactorily identified to me as such Affiant(s)
AS WITNESS my hand and Notarial Seal MARQUITA CHAREESE LEMON Notary Public-Maryland Baltimore County My Commission Expires April 10, 2011 My Commission Expires My Commission Expires My Commission Expires

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REV 10/25/01

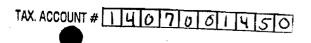
Affidavit in Support of Administrative Variance

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

REV 10/25/01

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

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advertising fee and may be required to prov	vide additional information.	Amant(s) will be requ	ined to pay a reposting and
Mllude Mull	Signat		
Melinde J. Munic Name - Type or Print	Name	DAUL'A G. Jona Type or Print	25
			· · · · · · · · · · · · · · · · · · ·
STATE OF MARYLAND, COUNTY OF BA	I TIMORE, to wit:		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid		<u>, 2009</u> , before me	, a Notary Public of the State
Melinda J. Munk o	und David G. Sone	25	
the Affiant(s) herein, personally known or sa	atisfactorily identified to me	as such Aπiant(s).	
AS WITNESS my hand and Notarial Seal			_ ()
MARQUITA CHAREESE LEMON	Mark	husa (1/2)	os Jonos
Baltimore County My Commission Feet	Notary Public	\wedge	
April 10, 2011	My Commissi	on Expires Upril	10, 2011





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3102	Morelai	rd Avenue
which	is presently		

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 22-FEET IN LIEU OF THE PERMITTED 15-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.

	*	*	is the subject of this Pet	ition.	
Contract Purchaser/L	essee:		Legal Owner(s):		
	•		Melinda J	T. Munk	
Name - Type or Print	4	•	Name - Type or Print	Mul	
Signature	4	***************************************	Signature Signature	JA VIVION	
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petitione	<u>er:</u>		3105 MORELA	Tele	phone No.
Name - Type or Print	J1000 1101		City City	MO 2 State	Zip Code
			Representative to	be Contacted:	4
Signature			Stephen Hill	; .	
Company			1515 Bellona	Avenue 410-409-1	7730
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address Lutherville	MD 210	hone No.
City	State	Zip Code	City		Zip Code
	formally demand	ded and/or found to be	required, it is ordered by the	Zoning Commissioner of Baltimo	re County,
this day of regulations of Baltimore County .	and that the proper	at the subject matter of t ty be reposted.	nis petition be set for a public ne	aring, advertised, as required by দ্বা প্ৰান্তিক কৰিছ	the zoning
			,		
•			Zoning Commiss	ioner of Baltimore County	
CASE NO. 200)9-0339 -	Δ Rev	riewed By D.T.	Date 1.29/09	
- 7: 10.12	TREATIVE	TILLIPE (13)			•
REV 10/25/01	- 4	n.ng Est	mated Posting Date	7/12/09	

June, 2009

Zoning Description for:

Ms. Melinda Munk

3102 Moreland Avenue

Baltimore, MD 21234

Beginning at the point of North side of Moreland Avenue which is 50 feet wide at the distance of 388 feet West of the Centerline of the nearest improved intersecting Street, Baker Ave. which is 40 feet wide.

Being Lot # 18, Block , Section In the Subdivision of NOLL MANOR, as recorded in Baltimore County Plat Book # 17, Folio # 68 Containing 15,366 sf.

Also known as 3102 Moreland Avenue and located in the Election District # 14 and Councilmanic District #6.

Metes & Bounds:

Starting at the South West Corner of the property go N 32d 59'20" E – 239.44' to the North West Corner. Go S 87 d 12'40" East – 58.00 feet to the North East Corner and extend S 32d 59'20" W – 245.08' to the South West Corner. Extend S 87d 12'40" West to the Arc starting point of a 175' radius, with arc length of 41.40' to the place of the beginning.

Above prepared by:

Stephen T. Hill, Architect 1515 Bellona Avenue Lutherville MD 21093

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/17/09

Case Number: 2009-0339-A

Petitioner / Developer: <u>MUNK~STEPHEN HILL</u> Date of Hearing (Closing): <u>JULY 27, 2009</u>

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: 3102 MORELAND AVENUE

The sign(s) were posted on: JULY 11, 2009



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Pade to the Control of the Control o
Case Number 2009- 0339 -A Address 3100 MORELAND AVE.
Contact Person: Dana Thompson Phone Number: 410-887-3391
Filing Date: 6 29 09 Posting Date: 7 12 09 Closing Date: 7 27 09
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. 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.
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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
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 2009- 0339 -A Address 3102 MORELAND AVE.
Petitioner's Name MUNK Telephone 410 - 804 - 8470
Posting Date: 1/27/09 Closing Date: 1/27/09
Wording for Sign: To Permit AN ACCESCURY STRUCTURE (GARAGE) WITH A
HEIGHT OF 22-FEET IN LIEU OF THE PERMITTED 15-FEET.

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 ubject 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:	2009-0339-A
Petitioner: MUNK	
Address or Location: 3102	MORELAND AVE.
PLEASE FORWARD ADVERTI	
Address: 3102 Mor	SELAND AVE.
BALTO M	D 21234
Telephone Number:	410-804-8470 (c)



JAMES T. SMITH, JR. County Executive

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

July 27, 2009

Melinda J. Munk 3102 Moreland Ave Baltimore, MD 21234

Melinda J. Munk

RE: Case Number 2009-0339-A, 3102 Moreland Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 29, 2009. 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:Inw

Enclosures

c: People's Counsel Stephen Hill; 1515 Bellona Ave.; Lutherville, MD 21093

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 23, 2009

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9-339 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

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

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

Prepared by:

AFK/LL: CM

RECEIVED

JUL **24** 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 14, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 13, 2009

Item Nos. 2009-335, 336, 337, 338,

339,341, 342 and 343

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

DAK:CEN:cab

cc: File

ZAC-07132009-NO COMMENTS



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

Beverley K. Swaim-Statey, Acting Secretary: Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 10, 2009

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

RE: Baltimore County

Item No. 2009-0385-A 3102 MOORELANDAVE. MUNK PROPERTY

ADMIN. 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. 2009 - 0339-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,

Fon Steven D. Foster, Ch

Engineering Access Permits

Division

SDF/MB





Municipal
Tax Exempt:

Exempt Class:

NO

Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

Go Back View Map New Search

Special Tax Recapture:
* NONE *

Accoun	t raei	илтег:	DISTRICT - 14	Account Numb	I Section 1							
				Ov	vner Inform	ation						
Owner	Name	1	MUNK MELINE)A		Use:			ĺ	RESIDENTIAL	_	
					Principal Residence:					YES		
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			DALITMORE M	D 21234-4116	& Structure	Inform	ntion.		•	2)		
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J. 02 / 11	011.01							3102 MOR	RELAND AVE			
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				As Of 01/01/2009	As 07/01/20		As 0 7/01/200					
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			_	Tra	nsfer Infor	mation						
Seller:	MUN	IK MICHAEL	В			Date:	10/05/	2001	Price:	\$0		
Туре:	NOT	ARMS-LENG	STH			Deed1	: /15633	3/61	Deed2:			
Seller:	ALLI	EN MARY PAI	MELA			Date:	06/12/	1998	Price:	\$108,500		
Type:	IMP	ROVED ARMS	5-LENGTH			Deed1	: /1293	5/ 543	Deed 2:			
Seller:	GAS	IOR JAMES			_	Date:	11/29/	1983	Price:	\$59,000		
Type:	IMP	ROVED ARMS	5-LENGTH			Deed1	: / 6631	/ 718	Deed 2:			
				Exer	mption Info	rmation						
Partial	Exem	pt Assessm	nents	1	Cla	ISS	07/01/	2008	07/	01/2009		
County	,	-			000	0	0		0			
State					000	0	0		0			
Munici	pal				00	0	0		0			



Neighbor Homes at Rear are Approx. 80' From Garage

Existing Trees To remain

Existing Chain LinkFence At Rear & Sides

Existing Copncrete Pad & Foundation

Pad Built With Existing "In-Place" permit



Existing Shed To Be Located To Side Of Garage

Proposed Profile Of 21'-0" High Roof

Neighbor's Shed

Existing Chain LinkFence At Rear & Sides

Existing Copncrete Pad & Foundation

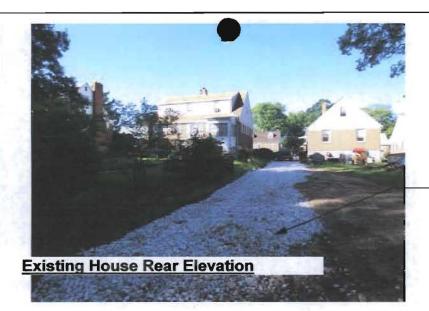
Stone Base For Driveway

View From Rear of House

sth**DESIGN**Associates
Stephen T. Hill, Architect
1921 York Road, Suite 2
Timonium, MD 21093
410,409,7730

Ms. Melinda J. Munk, Residence 3102 Moreland Avenue Parkville, MD 21234 410-804-8470 June 19, 2009

P-2



Base For Existing New Driveway

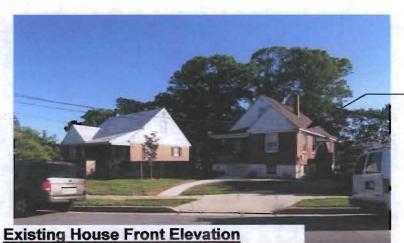


Subject property

NOTE:

The Garage Foundation & Slab Are In-Place Per Building permit # B-

This Presentation Is For A
Zoning Variance Request for an
Increase in Height to 20'-6"



Subject property

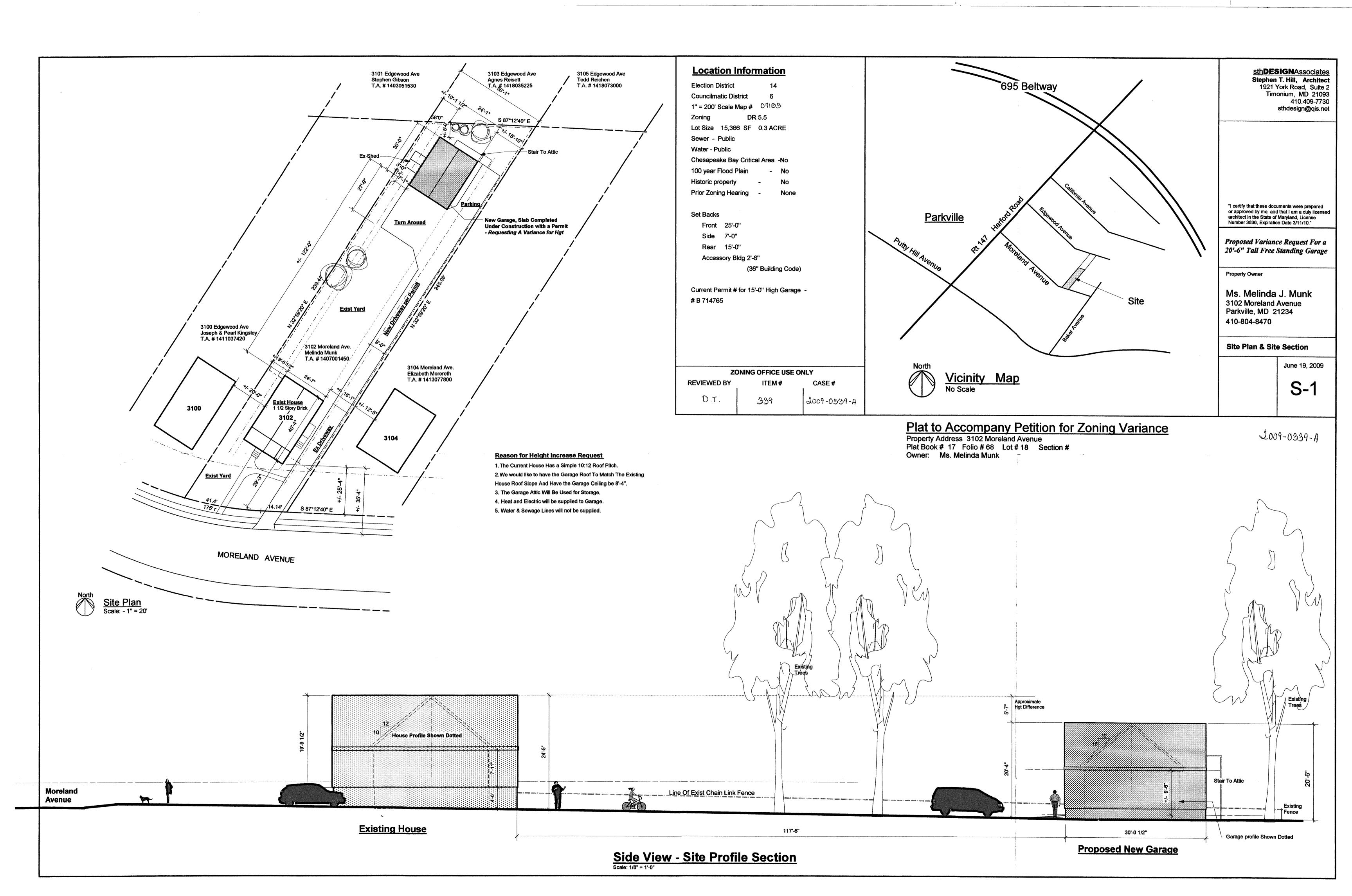
sth**DESIGN**Associates
Stephen T. Hill, Architect
1921 York Road, Suite 2

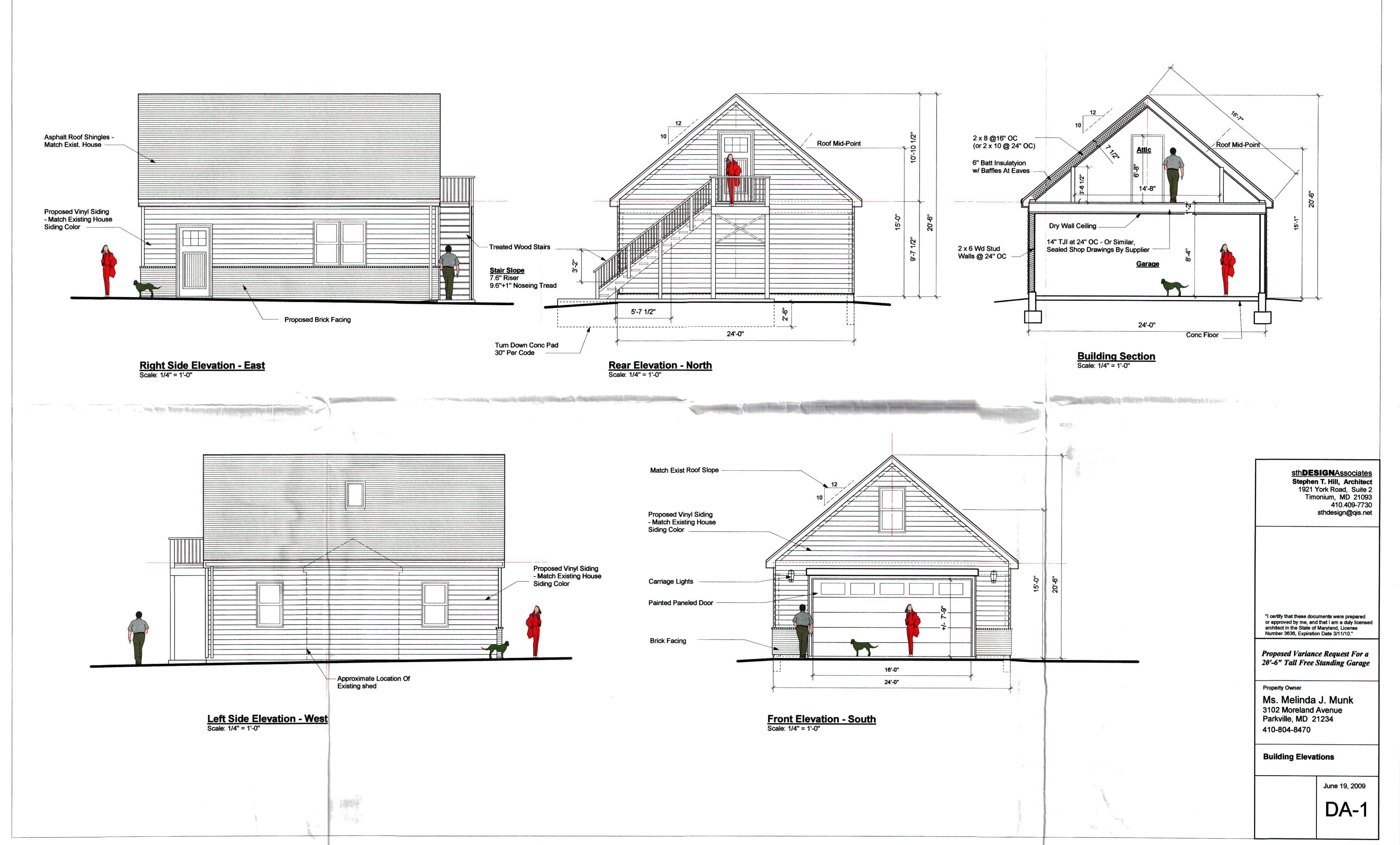
1921 York Road, Suite 2 Timonium, MD 21093 410.409.7730 Ms. Melinda J. Munk, Residence 3102 Moreland Avenue Parkville, MD 21234

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June 19, 2009

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2009-0339-A ELEVATIONS