IN RE: PETITION FOR ADMIN. VARIANCE

E side of Greenspring Avenue; 760 feet NW of the c/l of Caves Road 8th Election District 2nd Councilmanic District (11903 Greenspring Avenue)

John L. Bidlack Sr. and Roxanne M. Bidlack Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- FOR BALTIMORE COUNTY
- * Case No. 2011-0147-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, John L. Bidlack Sr. and Roxanne M. Bidlack for property located at 11903 Greenspring Avenue. The variance request is from Section 427.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a residential occupancy fence to be erected with a height of 6 feet in the rear yard of a lot which adjoins the front yard of another residence in lieu of the permitted 42 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a 92 feet long privacy fence. The neighbors constructed a 6 feet high privacy fence adjacent to the north property line of the Petitioners' back yard except the last 92 feet. Petitioners wish to continue this fence construction to the back corner of their backyard for consistency. The fence will provide safety and security for the Petitioners' property. Photographs submitted with the Petition illustrate that the proposed fence will be constructed in front of the existing trees. The most affected property owner did not express any objection to the variance request. Petitioners' property contains .96 acre of land zoned RC 5.

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 November 3,

ORDER RECE	IVED FOR FILING	
Date	11-16-10	
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2010 which indicates that they do not oppose the requested provided the fence is similar in type to the existing 6 feet high fence.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 31, 2010 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 Petitioners.

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 16th day of November, 2010 that a variance from Section 427.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a residential occupancy fence to be erected with a height of 6 feet in the rear yard of a lot which adjoins the front yard of another residence in lieu of the permitted 42 inches 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

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Date	11-16-10	2
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Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The fence shall be similar in type to the existing 6 feet high fence.

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

Date 11-16-10



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 16, 2010

JOHN L. BIDLACK SR. AND ROXANNE M. BIDLACK 11903 GREENSPRING AVENUE OWINGS MILLS MD 21117

> Re: Petition for Administrative Variance Case No. 2011-0147-A Property: 11903 Greenspring Avenue

Dear Mr. and Mrs. Bidlack:

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.

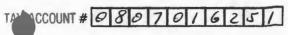
Sincerely,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11903 Greenspring Avenue which is presently zoned R.C.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) H27B. (BCZR)

TO PERMIT A RESIDENTIAL OCCUPANCY FENCE TO BE ERECTED WITH A HEIGHT OF 6-FEET IN THE REAR YARD OF A LOT WHICH ADJOINS THE FRONT YARD OF ANOTHER RESIDENCE IN LIEU OF THE PERMITTED 42-INCHES.

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. City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: ORDER RECEIVED FOR FILING Signature Company Name -16-10 Address Telephone No Address Telephone No. City Zip Code 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. Zoning Commissioner of Baltimore County BRENDAS. WATHES

Estimated Posting Date

2011-0147-A

My consmission expires (1,5200 1.v.

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 pro-	ublic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	11903 Greenspring Avenue
	Owing Mills Md 21117 City State Zip Code
Variance at the above address (indicate hardship	wing are the facts upon which I/we base the request for an Administrative
1) The neighbors constructed	a 6 high privacy terce adjacent to the owner's back yard, except the last
12 feet. The owners	il to contint the last
	sh to continue this construction to the ack yard for consistency.
- I've owners dog is la	rae and
to escape into the new	Thoos yard. This is very undesirable.
to get I the	are and can also in a desirable.
4) Proce + 2	yard. The owners wish to prevent this
installing a tall Lence To	the owners do not wish to prevent this the owners do not wish to lose access to mal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
That the Affiant(s) acknowledge(s) that if a for	mal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide ac	dditional information.
Signature I. Sulland	Kegane M. Bidlack
	Signature
Name - Type or Print	Koxare M. Bidlack
STATE OF MARYLAND, COUNTY OF BALTIMO	the second
I HEREBY CERTIFY, this 16th day of 0th of Maryland, in and for the County aforesaid, pers	bev , 2010, before me, a Notary Public of the State conally appeared
John Lawrence Bidlack a	nd Roxane Marie Bidlack
the Affiant(s) herein, personally known or satisfac	torily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Rotary Public S. Mether
	My Commission Expires

REV 10/25/01

NOTARY PUBLIC
BALTIMORE CITY, MARYLAND
My commission expires October 1, 2014

Zoning Description

Zoning Description for <u>11903 Greenspring Avenue Owings Mills, Md. 21117</u> (Address)

Beginning at a point on the East		side of
	outh, east or west)	
Greenspring Avenue	which is <u>60 f</u>	eet
(name of street on which property fro	onts) (numl	per of feet of right-of-way wid
wide at a distance of 760 feet (number of feet	Northwest) (north, south, ea	
centerline of the nearest improved in	tersecting street <u>C</u>	(name of street)
which is 50 feet wide. (number of feet of right-of-w	and the second	t <u>#2</u>
Block, Section #in the		(name of subdivision)
as recorded in Baltimore County Plan	Book #, Fo	olio # <u>96</u> ,
containing <u>.97 Acre</u> , (square feet or acres)		
And located in the8 th Election I	District, 2 nd C	ouncilmanic District.

OFFICE	OF BUE	GET AN	IARYLANI D FINANC RECEIPT	E			6100	012010	10/	20/2010 10/20/2010 14:	TINE 24:40	unu 1
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						<u>«</u>				Baltimore County, Bary		La
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DISTRIBI WHITE -	JTION CASHIER	PINK - AG	ENCY ASE PRES		CUSTOME	R	GOLD - AC	COUNTING		CASHIER'S VALIDATION		

CERTIFICATE OF POSTING

RE: Case No. 2011-0147-A
Petitioner/Developer_Brack

Date Of Hearing/Closing: 11/15/10

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

Attention:

Ladies and Gentlemen

This sign(s) were posted on

Month, Day, Year Sincerely,

> Signature of Sign Poster and Date Martin Ogle

60 Chelmsford Court Baltimore, Md, 21220 443-629-3411

ZONING

ADMINISTRATIVE

VARIANCE

Later 2011-10001-A

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malas 10/31/10

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011 - 0147	-A Address 11903 GREENSPRING AVE
Contact Person: DONNA TH	Phone Number: 410-887-3391
Filing Date: 10/30/10	Posting Date: 10/31/10 Closing Date: 11/15/10
Any contact made with this off through the contact person (plant	ce regarding the status of the administrative variance should be ner) using the case number.
reverse side of this form) reposting must be done or is again responsible for a	itioner must use one of the sign posters on the approved list (on the and the petitioner is responsible for all printing/posting costs. Any by one of the sign posters on the approved list and the petitioner I associated costs. The zoning notice sign must be visible on the costing date noted above. It should remain there through the closing
a formal request for a pi	late is the deadline for an occupant or owner within 1,000 feet to file iblic hearing. Please understand that even if there is no formal the process is not complete on the closing date.
commissioner. He may: order that the matter be so within 10 days of the clo	ig date, the file will be reviewed by the zoning or deputy zoning (a) grant the requested relief; (b) deny the requested relief; or (c) it in for a public hearing. You will receive written notification, usually using date if all County agencies' comments are received, as to een granted, denied, or will go to public hearing. The order will be smail.
(whether due to a neigh commissioner), notificatio changed giving notice of t	RING AND REPOSTING: In cases that must go to a public hearing por's formal request or by order of the zoning or deputy zoning in will be forwarded to you. The sign on the property must be ne hearing date, time and location. As when the sign was originally change and a photograph of the altered sign must be forwarded to
	(Detach Along Dotted Line)
Petitioner: This Part of the For	m is for the Sign Poster Only
USE THE A	DMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2011 - 0147 -	A Address 11903 GREENSPRING AVE.
Petitioner's Name BIDLACK	Telephone 410-560-3231
Posting Date: 10/31/10	Closing Date: 11/15/10
Wording for Sign: To Permit A	RESIDENTIAL OCCUPANCY FENCE TO BE ERECTED
WITH A HEIGHT OF 6-FE	ET IN THE REAR YARD OF A LOT WHICH ADJOINS
THE FRONT YARD OF AND	THER RESIDENCE IN HEU OF THE PERMITTED
42-INCHES	

WCR - Revised 7/7/08

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

Item Number or Case	Number:
	BIDLACK
Address or Location:	11903 GREENSPRING AVE.
PLEASE FORWARD	ADVERTISING BILL TO:
Name:	MR. JOHN L. BIDLACK SR.
Address:	11903 GREENSPRING AVE.
	OWINGS MILLS, MD 21117
Telephone Number:	410-560-3231



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
November 15, 2010

John Sr.& Roxane Bidlack 11903 Greenspring Avenue Owings Mills, Md 21117

Dear John & Roxane:

RE: 2011-0147-A 11903 Greenspring Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 2010. 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:rjc Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 27,2010

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

RE: Baltimore County

Item No. 2011-01474 11983 GREENSTRING AVE.

BIDLACK 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. 201.

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).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-147- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the fence is similar in type to the existing 6-foot high fence.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: November 3, 2010

NOV 042010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 1, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Closing 11/15/10

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 8, 2010

Item Nos. 2011-126, 137, 140, 141 142, 144, 145, 146 and 147

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

December 1, 2010

SUBJECT:

Zoning Item # 11-147-A

Address

11903 Greenspring Avenue

(Bidlack Property)

Zoning Advisory Committee Meeting of October 25, 2010.

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer:

JWL

Date: <u>12/1/10</u>

Patricia Zook - Re: Comments needed - Administrative Variances that closed 11-15-10

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

11/16/2010 11:40 AM

Subject: Re: Comments needed - Administrative Variances that closed 11-15-10

Patti:

We have no comment on Items 2011-0141, 0142, 0146, and 0147. Carol will bring you a copy of our comment on 2011-0143. Dennis

>>> Patricia Zook 11/16/2010 10:59 AM >>>

I forgot to mention that if you don't have comments, feel free to reply to this e-mail and I'll place it in the file(s).

Thanks again.

Good morning Dennis -

The following administrative variance case files were just brought over and they are missing comments from your office:

2011-0147-A, 2011-0146-A, 2011-0142-A, 2011-0143-A and 2011-0141-A.

Thanks for your help, Dennis.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Comments needed - Administrative Variances that closed 11-15-10

From:

Patricia Zook

To:

Kennedy, Dennis

Date:

11/16/2010 10:50 AM

Subject:

Comments needed - Administrative Variances that closed 11-15-10

Good morning Dennis -

The following administrative variance case files were just brought over and they are missing comments from your office:

2011-0147-A, 2011-0146-A, 2011-0142-A, 2011-0143-A and 2011-0141-A.

Thanks for your help, Dennis.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1) BALTIMORE COUNTY

				District - 08 Acco						
Owner	lama:		BIDLACK JO	UNII CD	Owner Infor	mation Use				RESID
Owner I	vame:			XANE MARIE			_	esidence:		YES
Mailing	Addres	s:		NSPRING AVE LS MD 21117-16	PRING AVE Deed Referen					
				Locati	on & Structur	re Informati	on			
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11903 G	REENS	PRING A	VE		11000 000					
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<u>Мар</u> 50	Grid 21	Parcel 250	Sub District	Subdivision	Section	Block	Lot 2	Assessm 2	ent Area	Plat I
Special Areas	Тах	Ac	wn I Valorem x Class							
Primary 1988	Structi	ure Built		Enclosed Area 3,062 SF		Property .96 AC	Land	Area		County 04
Stories 2	Bas	ement	Type STANDARD UNIT	Exterior SIDING						
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				As Of 01/01/2008	As Of 07/01/2010	As Of 07/01/2	2011			
Land			240,000	240,000						
Improve	ements:		304,060	304,060						
Total:			544,060	544,060	544,060	NOT A				
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					Transfer Info	rmation				
Seller: Type:		ACK JOH ARMS-LI				Date: Deed1:		/2005 8/ 498	Price: Deed2:	\$0
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Seller: Type:		FRANCIS ARMS-LI	R & THELMA			Date: Deed1:		9/1964 59/ 343	Price: Deed2	\$0
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2011-0147-A



FENCE TO BE CONSTRUCTED IN FRONT OF TREE LINE.

11-0147-A

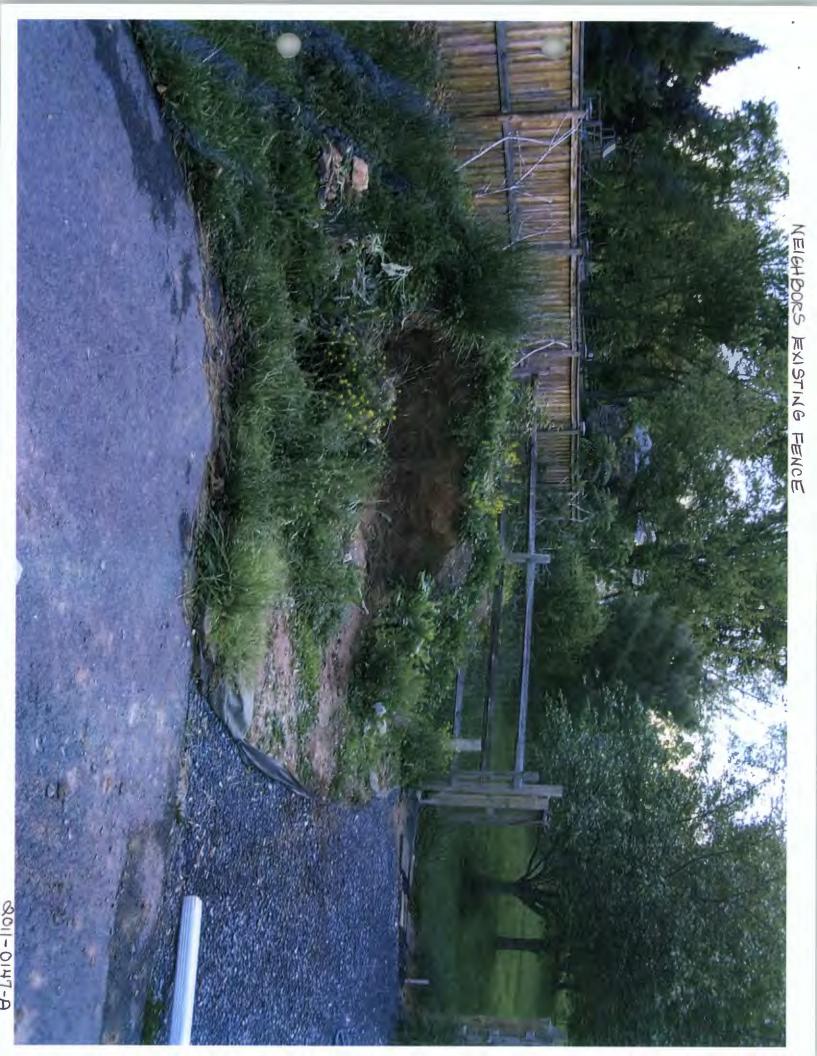


2011-0147-A

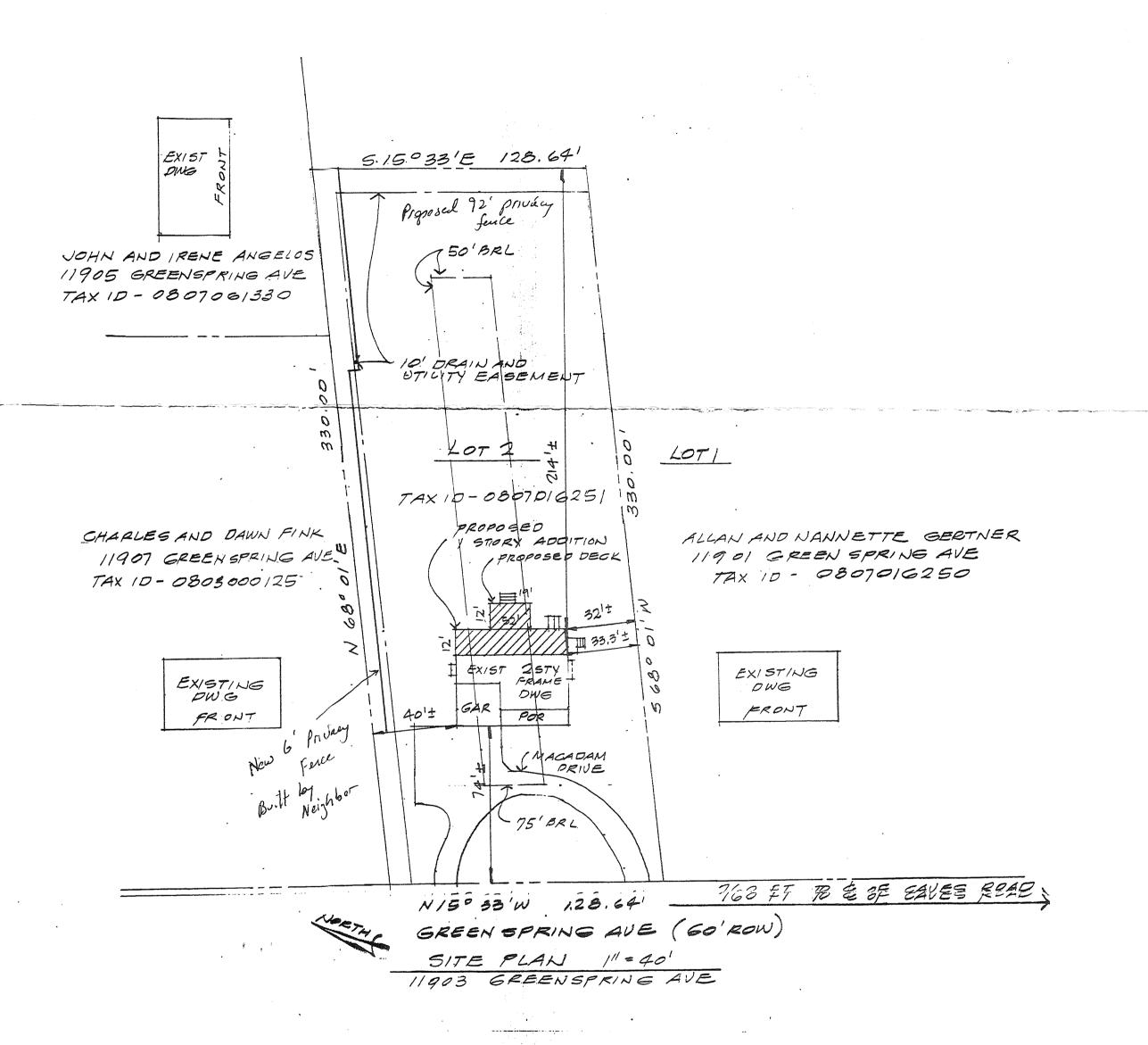


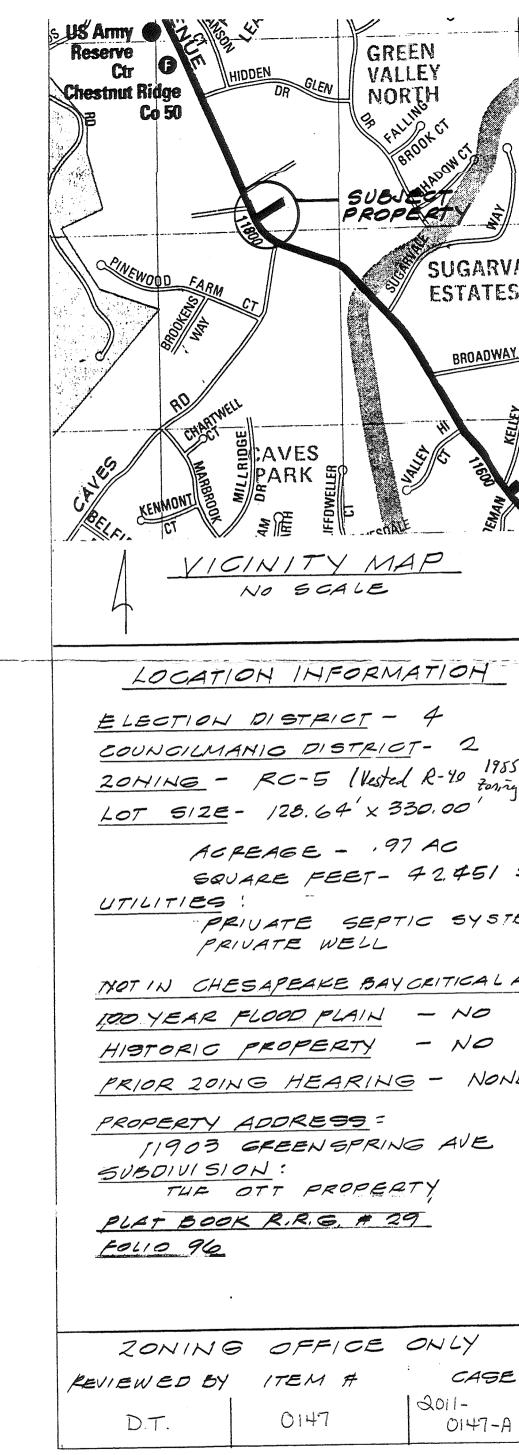


011-0147-A









PLAN TO ACCOMPANY PETITION FOR Zoning Variance

OWNER

MR AND MRS JOHN BIDLACK

11903 GREENSPRING AVE

OWINGS MILLS, MD 21117

PREPARED BY = CLS

DATE: 7-18-10