IN RE: PETITION FOR ADMIN. VARIANCE (6803 Chippewa Drive)

3rd Election District 2nd Council District Chaim M. and Deena E. Meister Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0109-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Chaim M. and Deena E. Meister. The Petitioners are requesting Variance relief pursuant to Section 1B02.3.B (1945 regulations, "A" Residence Zone – Sections III.C.2 and III.C.3) of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition to have a front yard setback of 20 feet and a side yard setback of 4 feet in lieu of the minimum required 25 feet and 7 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 25, 2012, 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 (B.C.C.). 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 ORDER RECEIVED FOR FILING

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RV	po.	

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, 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, this <u>14th</u> day of December, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.B (1945 regulations, "A" Residence Zone – Sections III.C.2 and III.C.3) of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition to have a front yard setback of 20 feet and a side yard setback of 4 feet in lieu of the minimum required 25 feet and 7 feet, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioners may apply for any appropriate 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.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

OFFICER RECEIVED FOR FILING

Date	12-14-12	_2
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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 14, 2012

Chaim M. Meister Deena E. Meister 6803 Chippewa Drive Baltimore, Maryland 21209

> Re: Petition for Administrative Variance Case No. 2013-0109-A Property: 6803 Chippewa Drive

Dear Mr. and Mrs. Meister:

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 with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure NOTARIZED DRIGHMAN

ADMINISTRATIVE ZONING PETIT

	of Permits, Approvals and Inspections
	of Baltimore County for the property located at: \
Address 6803 CHIPPEUM DR 2120	9 which is presently zoned DRS.5 ("A" vesid)
Deed Reference 30923/00379	10 Digit Tax Account # 0 3 1 8 0 5 1 4 0 0
Property Owner(s) Printed Name(s) CHAIM M.	DEENIA E MEISTER
	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) it on the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and e a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s)	Section 1B02.3.B (1945 regs., "A" Residence Zone –
	oposed addition to have a front yard setback of 20 feet
	of the minimum required 25 and 7, respectively
and a side yard betoden of 1 foot in now t	in minimum required 25 and 7, respectively
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
	eve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and
Section 32-4- 416(a)(2): (indicate type of work in this space	
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
Property is to be posted and advertised as prescribed by the zoning regula	ations.
 or we, agree to pay expenses of above petition(s), advertising, posting, restrictions of Baltimore County adopted pursuant to the zoning law for Ba 	etc. and further agree to and are to be bounded by the zoning regulations and
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, un	nder the penalties of perjury, that I / We are the legal owner(s) of the property which
is the subject of this / these Petition(s).	
Contract Purchaser/Lessee:	✓ Legal Owners:
	Chaim M. Meister, Deena Meister
Name- Type or Print	Name #1 – Type or Print Name #2 – Type or Print
·	1: 1. 0 , m. M
Signature	Signature #1 Signature # 2
	6803 Chippewa Dr. Baltimore MD
Mailing Address City State	Mailing Address City State
-	21209, 410-804-3514, meisterchaim @ vahoo.co
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
Name- Type or Print Signature Mailing Address Zip Code Telephone # Email Address	
New Transpirit	DANIELANKRI
Name- Type or Print	Name - Type or Print
ENER	ANDE
Signature	Signature
DROE	6803 CHERDREE OR BACTIMORE, MY
Mailing Address City State	Mailing Address City State
Date	21209,443-929-2377 DANKELS DALO-
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address 574000. com
	equired, it is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zaning
The state of the s	
Admini	istrative Law Judge of Baltimore County
0012 0100 4	A 2
CASE NUMBER 2013-0109-A Filing Date 11	9,12 Estimated Posting Date 11,18,12 Reviewer 17

Affidavit in Support of Auministrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 6803 Chippena Dr. 1	Battimore	WD	21209
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the following Administrative Variance at the above address	ng are the facts was. (Clearly state	practical difficu	lty or hardship here)
As a growing family, we would	like to a whole diners, and our mily dinners, and our well low	dd sufficient children as nd our current e to expand	t bedroom space they grow. We also kitchen and dining our house just enough
(If additional space for the petition request or t	the above statemen	nt is needed, lahel s	and attach it to this Form)
(ii additional space for the petition request of t	ne above statemen	A	A
Signature of Affiant	Sic	nature of Affiant	
Chaim M. Meister	319	eena Meister	
Name- Print or Type	Na	ame- Print or Type	
The following information is to be co	ompleted by a Nota	ary Public of the St	ate of Maryland
STATE OF MARYLAND, COUNTY OF BAL	TIMORE, to wit		
I HEREBY CERTIFY, this 24 day of and for the County aforesaid, personally appears		OI 2, before me	e a Notary of Maryland, in
Chain M. Meister	200 D	eena Mei	Her
the Affiant(s) herein, personally known or satisfa			
AS WITNESS my hand and Notaries Seal	aly S	amliausa	
Notar	y Public 121	15/2014	
My C	ommission Expires	S	

Item #0109 REV. 10/12/11

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 6803 Chippewa Drive, Baltimore, MD 21209

Beginning at a point on the North side of Chippewa Drive which is 50 feet wide at the distance of 130 feet west of the centerline of the nearest improved intersecting street Cherokee Drive which is 50 feet wide.

Part B

Option 2 (subdivision lot – lot is part of record plat):

Being Lot #2, Block #D, Section #2 in the subdivision of Valley Stream as recorded in Baltimore County Plat Book #20, Folio #85 containing 8,240 square feet, located in the 3rd Election District and the 2nd Council District.

Item #0109

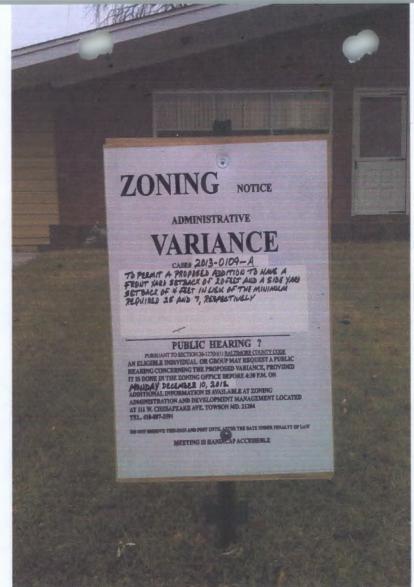
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	RE: CASE NO: 2013-0109-4
	PETITIONER/DEVELOPER
	CED MEISTER
	DATE OF HEARING/CLOSING:
	December 10, 2012
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE	
ATTENTION:	
LADIES AND GENTLEMEN:	
THIS LETTER IS TO CERITFY UNDER THE NECESSARY SIGN(S) REQUIRED BY LAW WE PROPERTY AT	
4)	
	MTH, DAY, YEAR)
	SINCERELY, Martin 11/25/12 SIGNATURE OF SIGN POSTER AND DATE
	MARTIN OGLE
	(SIGN POSTER)

60 CHELMSFORD COURT BALTIMORE, MD 21220 (ADDRESS)

PHONE NUMBER: 443-629-3411



mahage 11/25/12

0	Sign wan 1+	posted
-	Sign wasn't dates change	d

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN ORMATION STEET AND DATES
Case Number 2013- 0109 -A Address 6803 Chippewa Dr
Contact Person: David Duval Phone Number: 410-887-3391 Planner, Please Print Your Name Planner, Please Print Your Name Posting Date: 18/12 Closing Date: 12/3/12
Filing Date: " Posting Date: 12/3/12 Closing Date: 12/3/12
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. <u>DEADLINE</u> : 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.
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 2013 0109 -A Address 6803 Chippewa Dr
Petitioner's Name C+D Meister Telephone 410 804 3514
Posting Date: 1/25/12 Closing Date: 12/3/12 1/25/12
Wording for Sign: To Permit a proposed addition to have a front yard
setback of 20 feet and a side yard setback of 4 feet in lieu
of the minimum required 25 and 7, respectively

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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. <u>For those petitions which require a public hearing</u>, 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:
Petitioner: Chaim & Deena Meister
Address or Location: 6803 Chippewa Dr
PLEASE FORWARD ADVERTISING BILL TO: Name: Chaim & Deeng Meister
Address: 6803 Chippewa Dr
Mt. Washington M.D
21209
Telephone Number: 410 804 3514



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 4, 2012

Chiam M. & Deena Meister 6803 Chippewa Drive Baltimore MD 21209

RE: Case Number: 2013-0109 A, Address: 6803 Chippewa Drive

Dear Mr. & Ms. Meister:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 9, 2012. 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,

U. Carl Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Daniel Ankri, 6803 Cherokee Drive, Baltimore MD 21209



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-19-12

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

RE: Baltimore County

Item No 2013 -0109-A.
Administrative Variance
Chaim M. = Deena Meister
6863 Chippewa Drive

Dear Ms. Lewis:

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. 2013-0109-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2012

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 3, 2012

Item Nos. 2010-0295, 2013-0107, 0108,

0109, 0110, 0111 and 0112

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

DAK:CEN cc: File

MEMORANDUM

DATE:

January 15, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0109-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 14, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

[Bill No. 26-1988] Editor's Note: Former Subsection C, which followed, was repealed by Bill No. 124-1981.
 § 1B02.3. Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:
 - Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
 - Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
 - 3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
 - 4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than 1/2 acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
 - Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.
- B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments.

Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

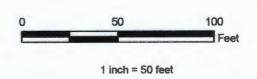
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	s Address IPPEWA DI					Description EY STREAM					
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Publication Date: November 09, 2012
Publication Agency: Permits, Approvals and Inspections
Projection/Datum: Maryland State Plane,
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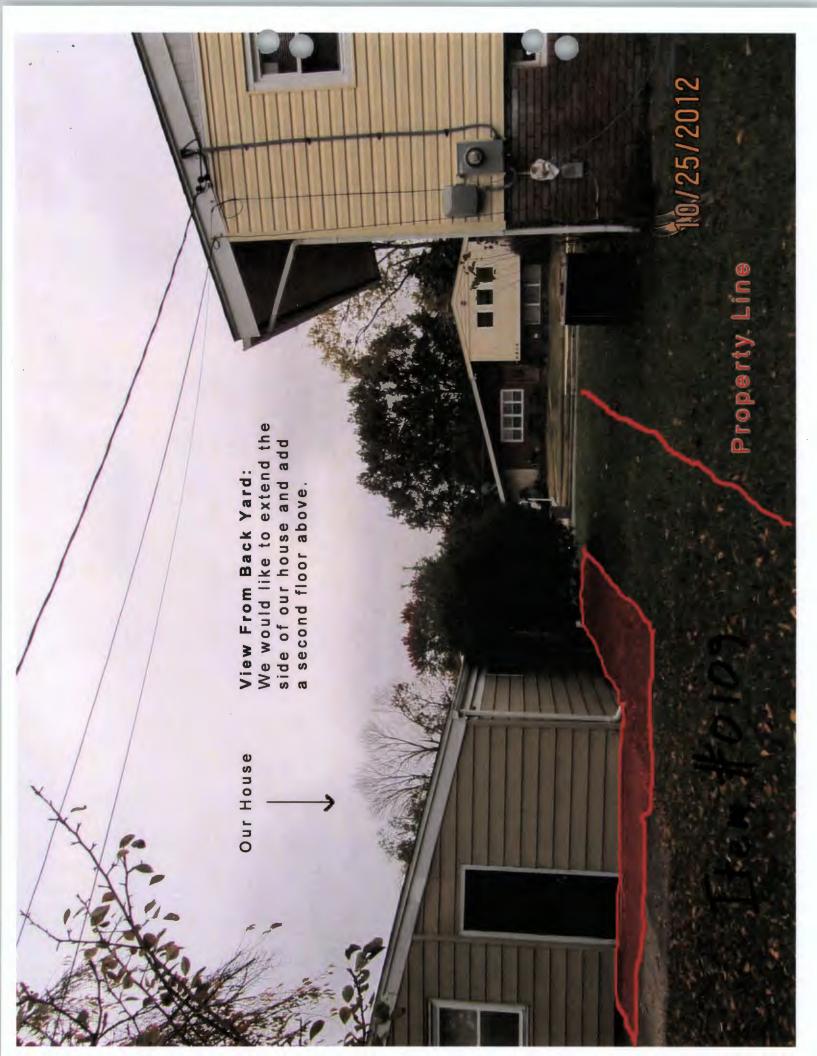


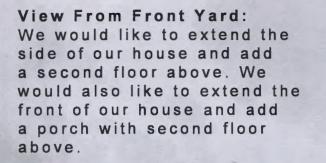
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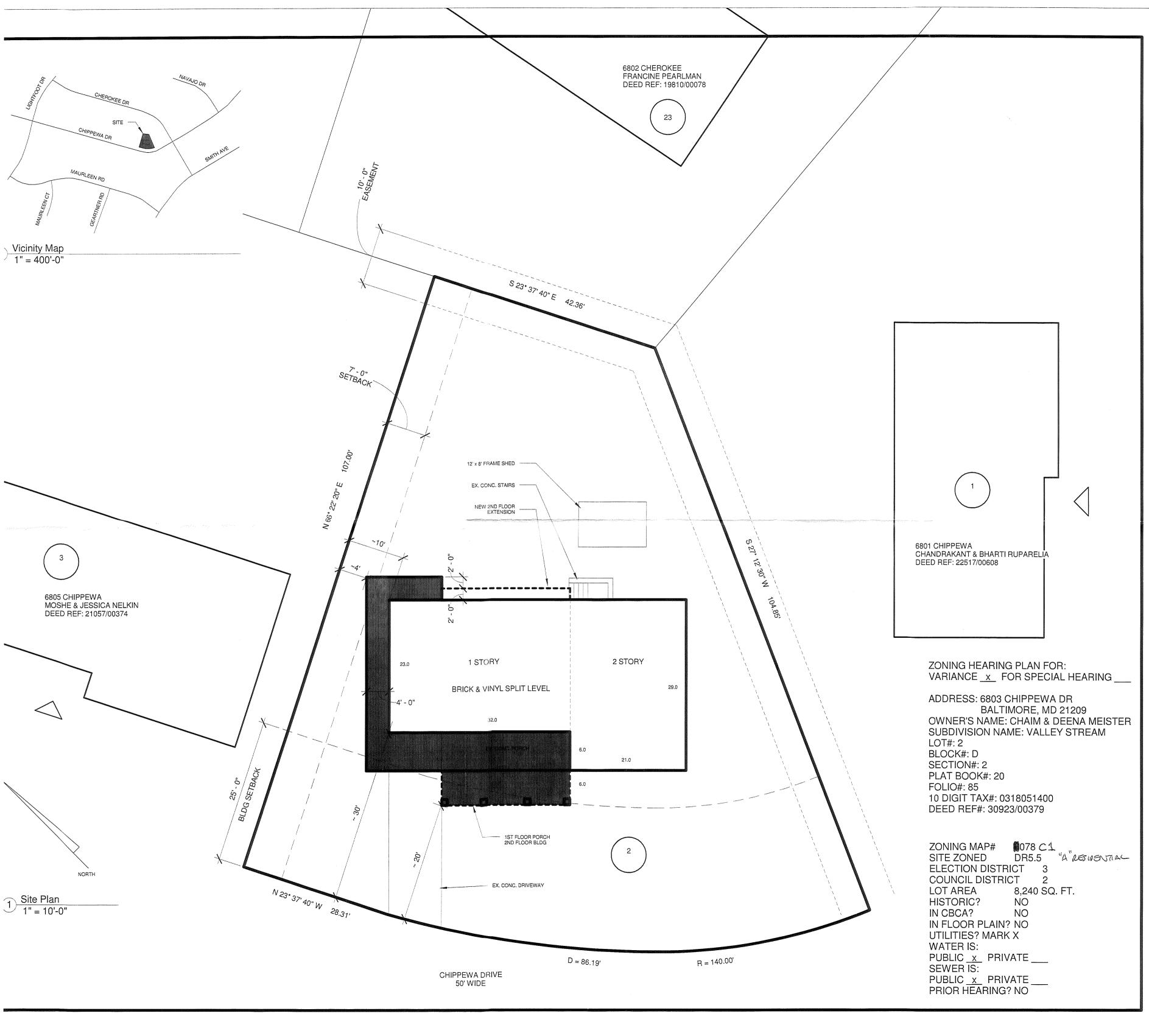




Our House

10/25/2012 Item#0109





Meister House Addition

6803 Chippewa Baltimore, MD 21209

Chaim and Deena Meister



Donny Ankri | Architectural Design

dankri@daad-studio.com (443) 929-2377

#2013-0109-A

Schematic Design

Date November 7th, 2012

Scale As indicated

Job No. 20004.00

Drawn By Donny Ankri

Hearing Plan

Drawing No.

A000