



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 13, 2013

Anthony K. And Ruthann Hardy
160 Martha Lewis Blvd.
Havre De Grace, Maryland 21078

RE: Petition for Variance
Case No.: 2013-0211-A
Property: 2829 Eastern Boulevard

Dear Mr. and Mrs. Hardy

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of 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:slh
Enclosure

c: Sam Hammaker, 4021 Putty Hill Avenue, Nottingham, Maryland 21236
Bruce E. Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053
Wayne Kraus, 11938 Harford Road, Glen Arm, Maryland 21057
Lynn Barranger, 8 Ali Marie Court, Windsor Mill, Maryland 21244

IN RE: PETITION FOR VARIANCE

(2829 Eastern Blvd.)

15th Election District

6th Councilman District

Anthony K. & Ruthann K. Hardy,

Legal Owners

Samuel Hammaker, *Contract Purchaser*

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0211-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Anthony K. & Ruthann K. Hardy, the legal owners of the subject property. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow a 5 ft. side yard setback in lieu of the required 30 ft. setback in Section 238.2; (2) to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Sections 238.1 and 238.2, and; (3) to allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 until the existing dwelling is razed. 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.

Appearing at the public hearing in support of the requests was Sam Hammaker, Wayne Kraus, Ruthann Hardy, Lynn Barranger and Bruce E. Doak with Bruce E. Doak Consulting, LLC, the firm that prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), dated April 24, 2013, indicating that Petitioners must provide landscaping and similar amenities along the property boundaries. Mr. Doak indicated at the

ORDER RECEIVED FOR FILING

Date

5/13/13

By

Sen

hearing that he had not received a copy of the DOP's comment when he received the other ZAC comments from the county. Mr. Doak took issue with item numbers 2 and 5 on that comment. Item number 2 concerns a buffer along the western property boundary, which Mr. Doak stated would present a security concern to the Air National Guard, the adjoining owner. Item number 5 requested installation of a sidewalk along the Eastern Boulevard frontage of the site and Mr. Doak indicated his client does not own the land adjoining Eastern Boulevard. But in reviewing the exhibits in the file, the aerial photo (Exhibit 2) submitted by Petitioners would seem to indicate that Petitioners' property extends to the road frontage, even though the site plan shows otherwise. Based on the site plan (Exhibit 1), it is not clear what right the Petitioners claim to the existing paved driveway shown thereon.

Testimony and evidence revealed that the subject property is approximately 13,135 feet and is zoned MH and IM. The lot is narrow (71') and contains a vacant single family dwelling. The Petitioners propose to ultimately (in 2 phases) construct storage, office and retail structures on the property. The subject property is surrounded by industrial uses and adjoins the Martin State Airport. See Exhibit 2 (aerial photo).

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The lot here is one of the smallest in the vicinity, and it is also very narrow. In addition, the property is also the last in the vicinity to have a single family dwelling remaining on site, and it is thus unique for zoning purposes. If the B.C.Z.R. were strictly

ORDER RECEIVED FOR FILING

Date 5/13/13

2

By Sen

enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to construct the proposed improvements for their business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the support of the County and community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 13th day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow a 5 ft. side yard setback in lieu of the required 30 ft. setback in Section 238.2; (2) to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Sections 238.1 and 238.2, and; (3) to allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 until the existing dwelling is razed, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for 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.
- Petitioners must comply with the ZAC comments of DOP dated April 24, 2013, which are attached as an exhibit hereto. With respect to the vegetative screening along the western property boundary, such a requirement would be waived if Petitioners provide to the undersigned or the DOP written confirmation from the adjoining owner (at the Martin State Airport or National Guard facility) that installation of such a buffer would present a security risk or concern. Likewise, the requirement for a sidewalk along the Eastern Boulevard frontage of the site will be waived if Petitioners provide to the undersigned or the DOP proof that

ORDER RECEIVED FOR FILING

Date

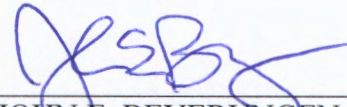
5/13/13

By

Sen

have no right, title and/or interest in the frontage of the site where it adjoins Eastern Boulevard.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 5/13/13
By sen



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2829 EASTERN BOULEVARD which is presently zoned A.H.T.M.
Deed References: SM 15470/35 10 Digit Tax Account # 1E 16 751180
Property Owner(s) Printed Name(s) CHARLES J. KRAUS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s) 28B.2 BCZR

1) TO ALLOW A 5 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FOOT SETBACK

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print SAMUEL HAMRAH
Signature [Signature]
Mailing Address 3316 PINE HILL AVE. BALTIMORE MD
City State
Zip Code 21234 Telephone # 410-668-1110 Email Address [Blank]

Attorney for Petitioner:

Name- Type or Print [Blank]
Signature [Blank]
Mailing Address [Blank] City State
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print Anthony K. Hardy Name #2 - Type or Print [Blank]
Signature #1 [Signature] Signature #2 [Blank]
Mailing Address 160 Martha Lewis Blvd Y/Dg MD City State
Zip Code 21078 Telephone # 410 299 2115 Email Address A.hardy1@msn.com

Representative to be contacted:

Name - Type or Print BRUCE E. DOAK
Signature [Signature]
Mailing Address 3301 BAKER SCHOOLMIST RD. FREELAND MD City State
Zip Code 21053 Telephone # 410-719-1906 Email Address BDOK@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2013-0211 A Filing Date 3/27/13 Do Not Schedule Dates: Reviewer GT

2829 EASTERN BOULEVARD

VARIANCES REQUESTED

- 1) To allow a 5 foot side yard setback in lieu of the required 30 foot setback in Section 238.2 BCZR
- 2) To allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Section 238.1 and 238.2 BCZR
- 3) To allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 BCZR until the existing dwelling is razed

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

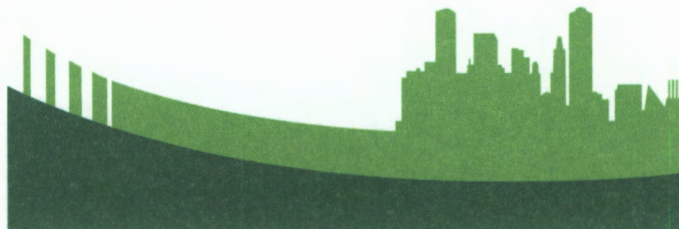
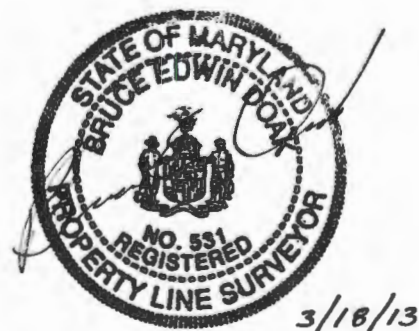
Zoning Description

2829 Eastern Boulevard
Fifteenth Election District Sixth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Eastern Boulevard, 210 feet+- from the centerline of Emala Avenue, thence leaving the south side of Eastern Boulevard and running and binding on the outlines of the subject property, the three following courses and distances, viz. 1) South 4 degrees 17 minutes West 185 feet, 2) North 86 degrees 59 minutes West 71 feet and 3) North 4 degrees 17 minutes East 185 feet to a point on the south side of Eastern Boulevard, thence running on said south side and continuing to run and bind on the outlines of the subject property 4) South 86 degrees 59 minutes East 71 feet to the point of beginning.

Containing 13,135 square feet, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2013-0211-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013- 0211 - A

Petitioner: SAMUAL HAMMAKER

Address or Location: 2829 EASTERN BOULEVARD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAMUAL HAMMAKER

Address: 3316 PUTTY HILL AVENUE

BALTIMORE MO 21234

Telephone Number: 410-668-1110

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **96205**

Date: **3/19/13**

PAID RECEIPT

BUSINESS ACTUAL FILE INV
 3/20/2013 3/19/2013 09:22:03 2

REL 0602 MALLIN JENN JEE
 >RECEIPT # 817630 3/19/2013 OPEN

Dep: 5 528 DRIVING VERIFICATION

096205

Recpt Tot 1385.00

1385.00 CI 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				600.385

Total: **600.385**

Rec From: **Bruce Deak**

For: **Variance**

2013-0211-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 24, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2829 Eastern Boulevard

RECEIVED

Item Number: 13-211

APR 26 2013

Petitioner: Ruthan K. Hardy

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: MH-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's variance requests, however the following conditions shall apply to any relief granted:

1. Provide landscaping on site above that which is required by the Baltimore County Landscape manual to ensure that the visual aesthetic of the site is improved.
2. Provide vegetative screening along the western property line to mitigate the reduced side yard setbacks.
3. Landscaping and screening shall be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect prior to the issuance of any building permits.
4. Submit for review and approval, architectural elevations that include material and exterior finish. The elevation that faces Eastern Boulevard should appear to be a "front" elevation, to include high quality features such as windows, doors, etc...
5. Currently, a sidewalk does not exist along this portion of Eastern Boulevard. The petitioner shall install a sidewalk along the Eastern Boulevard frontage of the property. The installation is consistent with the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The petitioner should confer with the State Highway Administration to ensure no opposition to the aforementioned install. Should the State oppose, this department will defer.

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

Prepared By:

Division Chief:
AVA/LL:cjm

ORDER RECEIVED FOR FILING

Date

By

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

April 29, 2013

Re:

Case Number: 2013- 0211-A

Owner: Ruthan Hardy Petitioner / Purchaser: Samuel Hammaker

Date of Hearing: May 13, 2013

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

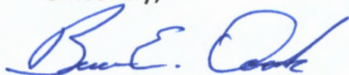
Attention: Kristen Lewis

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 located at **2829 Eastern Avenue**.

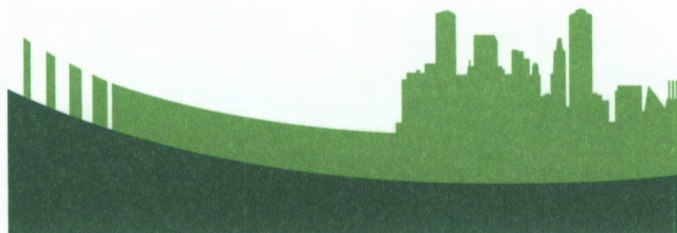
The sign(s) were posted on **April 22, 2013**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2013-0211-A

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: Monday May 13, 2013 10:00 AM

**REQUEST: VARIANCE TO ALLOW A 5 FOOT SIDE YARD
SETBACK IN LIEU OF THE REQUIRED 30 FOOT SETBACK. TO
ALLOW A BUILDING (EXISTING DWELLING) TO BUILDING
(PROPOSED PHASE ONE BUILDING) SETBACK OF 20 FEET
IN LIEU OF THE REQUIRED 55 FOOT SETBACK; TO ALLOW 0
OUTSIDE PARKING SPACES IN LIEU OF THE REQUIRED 3
OUTSIDE PARKING SPACES PER SECTION 409 BCZR UNTIL
THE EXISTING DWELLING IS RAZED.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2013-0211-A

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE: 10/1/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 25, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on April 23, 2013

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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

Case: #2013-0211-A

2829 Eastern Boulevard

S/s Eastern Boulevard, 210 ft. +/- from centerline of Emala Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Ruthan Hardy

Contract Purchaser: Samuel Hammaker

Variance: to allow a 5 foot side yard setback in lieu of the required 30 foot setback. To allow a building (existing dwelling) to building (proposed phase one building) setback of 20 ft. in lieu of the required 55 foot setback; to allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 BCZR until the existing dwelling is razed.

Hearing: Monday, May 13, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 4/7/30 April 23

917424



KEVIN KAMENETZ
County Executive

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

April 8, 2013

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2013-0211-A

2829 Eastern Boulevard

S/s Eastern Boulevard, 210 ft. +/- from centerline of Emala Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Ruthan Hardy

Contract Purchaser: Samuel Hammaker

Variance to allow a 5 foot side yard setback in lieu of the required 30 foot setback.

Hearing: Monday, May 13, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Samuel Hammaker, 3316 Putty Hill Avenue, Baltimore 21234
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 23, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 23, 2013 Issue - Jeffersonian

Please forward billing to:
Samuel Hammaker
3316 Putty Hill Avenue
Baltimore, MD 21234

410-668-1110

NOTICE OF ZONING HEARING

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

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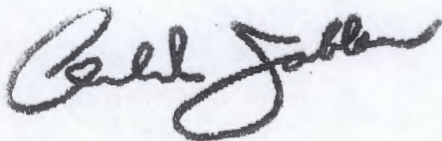
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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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KEVIN KAMENETZ
County Executive

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

April 17, 2013

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 2013-0211-A

2829 Eastern Boulevard

S/s Eastern Boulevard, 210 ft. +/- from centerline of Emala Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Ruthan Hardy

Contract Purchaser: Samuel Hammaker

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Arnold Jablon
Director

AJ:kl

C: Samuel Hammaker, 3316 Putty Hill Avenue, Baltimore 21234
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

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- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 23, 2013 Issue - Jeffersonian

Please forward billing to:
Samuel Hammaker
3316 Putty Hill Avenue
Baltimore, MD 21234

410-668-1110

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 2013-0211-A

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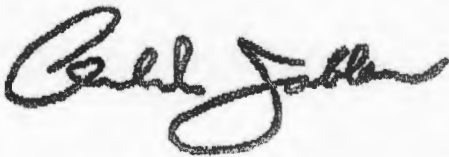
15th Election District – 6th Councilmanic District

Legal Owners: Ruthan Hardy

Contract Purchaser: Samuel Hammaker

Variance to allow a 5 foot side yard setback in lieu of the required 30 foot setback. To allow a building (existing dwelling) to building (proposed phase one building) setback of 20 ft. in lieu of the required 55 foot setback; to allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 BCZR until the existing dwelling is razed.

Hearing: Monday, May 13, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: June 13, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0211-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 12, 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

RE: PETITION FOR VARIANCE
2829 Eastern Boulevard; S/S Eastern
Boulevard, 210' from c/line Emala Avenue
15th Election & 6th Councilmanic Districts
Legal Owner(s): Ruthan Hardy, Executor
Contract Purchaser(s): Samuel Hammaker
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-211-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 02 2013

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-0211-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

4/25/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

4/22/13

DEPS
(if not received, date e-mail sent _____)

N/C

FIRE DEPARTMENT

4/24/13

PLANNING
(if not received, date e-mail sent _____)

C

4/4/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/23/13

SIGN POSTING

Date:

4/24/13

by

Doak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 22 2013

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 22, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0211-A
Address 160 Martha Lewis Boulevard
(Handy Property)

Zoning Advisory Committee Meeting of April 1, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 22, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0211-A
Address 2829 Eastern Boulevard
(Handy Property)

Zoning Advisory Committee Meeting of April 1, 2013.

 X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 03 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 24, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2829 Eastern Boulevard

RECEIVED

Item Number: 13-211

APR 26 2013

Petitioner: Ruthan K. Hardy

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: MH-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's variance requests, however the following conditions shall apply to any relief granted:

1. Provide landscaping on site above that which is required by the Baltimore County Landscape manual to ensure that the visual aesthetic of the site is improved.
2. Provide vegetative screening along the western property line to mitigate the reduced side yard setbacks.
3. Landscaping and screening shall be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect prior to the issuance of any building permits.
4. Submit for review and approval, architectural elevations that include material and exterior finish. The elevation that faces Eastern Boulevard should appear to be a "front" elevation, to include high quality features such as windows, doors, etc...
5. Currently, a sidewalk does not exist along this portion of Eastern Boulevard. The petitioner shall install a sidewalk along the Eastern Boulevard frontage of the property. The installation is consistent with the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The petitioner should confer with the State Highway Administration to ensure no opposition to the aforementioned install. Should the State oppose, this department will defer.

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

Prepared By:

Division Chief:
AVA/LLxjm

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 25, 2013

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 29, 2013
Item Nos. 2013-0211, 0224, 0233, 0234, 0235, 0237, 0238, 0239 and 0240.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 04, 2013

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 2013
Item Nos. 2013- 0210, 0211, 0212,0213,0215 and 0216.

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

DAK:CEN
Cc: file



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-4-13

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

RE: Baltimore County

Item No 2013-0211-A

Variance

Anthony K. & Ruthann K. Handy
160 Martha Lewis Boulevard

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. 2013-0211-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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



KEVIN KAMENETZ
County Executive

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

May 7, 2013

Ruthan Hardy
160 Martha Lewis Boulevard
Havre De Grace, MD 21078

RE: Case Number: 2013-0211 A, Address: 2829 Eastern Boulevard

Dear Ms. Hardy:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 27, 2013. 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.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Samuel Hammaker, 3316 Putty Hill Avenue, Towson MD 21234
Bruce E. Doak, Bruce E. Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

From: Curtis Murray
To: Beverungen, John
Date: 05/13/13 2:56 PM
Subject: Re: 2013-0211-A

No! I will come over and speak to you.

Curtis J. Murray
Development Planner
Baltimore County Department of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
cjmurray@baltimorecountymd.gov

>>> John Beverungen 05/13/13 2:53 PM >>>
Curtis,

I had a hearing today in the above case, and Bruce Doak assisted the Petitioner. Your Department submitted a ZAC comment, which I have attached for your reference. Mr. Doak indicated that he spoke with you today, and that you told him the comment was prepared by a relatively new staff member, and that the Petitioner did not need to provide the sidewalk or vegetative screening along the western boundary, as discussed in Item Nos. 2 & 5 of the ZAC comment. Does that accurately reflect your conversation? Thanks, John.

CASE NAME Harvey
CASE NUMBER 2013-0211-A
DATE 5/13/13

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 15 Account Number - 1516751180

Owner Information

Owner Name: KRAUS CHARLES J **Use:** RESIDENTIAL
Mailing Address: 2829 EASTERN BLVD **Principal Residence:** YES
BALTIMORE MD 21220-2802 **Deed Reference:** 1)/15470/ 00035
2)

Location & Structure Information

Premises Address
2829 OLD EASTERN AVE
0-0000

Legal Description
ES OLD EASTERN AVE
E OLD EASTERN AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No; Plat Ref:
0091	0008	0381		0000				3	

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1934	936 SF	13,135 SF	04

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	82,200	82,200		
Improvements:	65,800	47,200		
Total:	148,000	129,400	129,400	129,400
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
PRICE ALTA G	08/15/2001	\$84,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/15470/ 00035	
Seller:	Date:	Price:
PRICE THOMAS M	05/19/1997	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/12182/ 00618	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

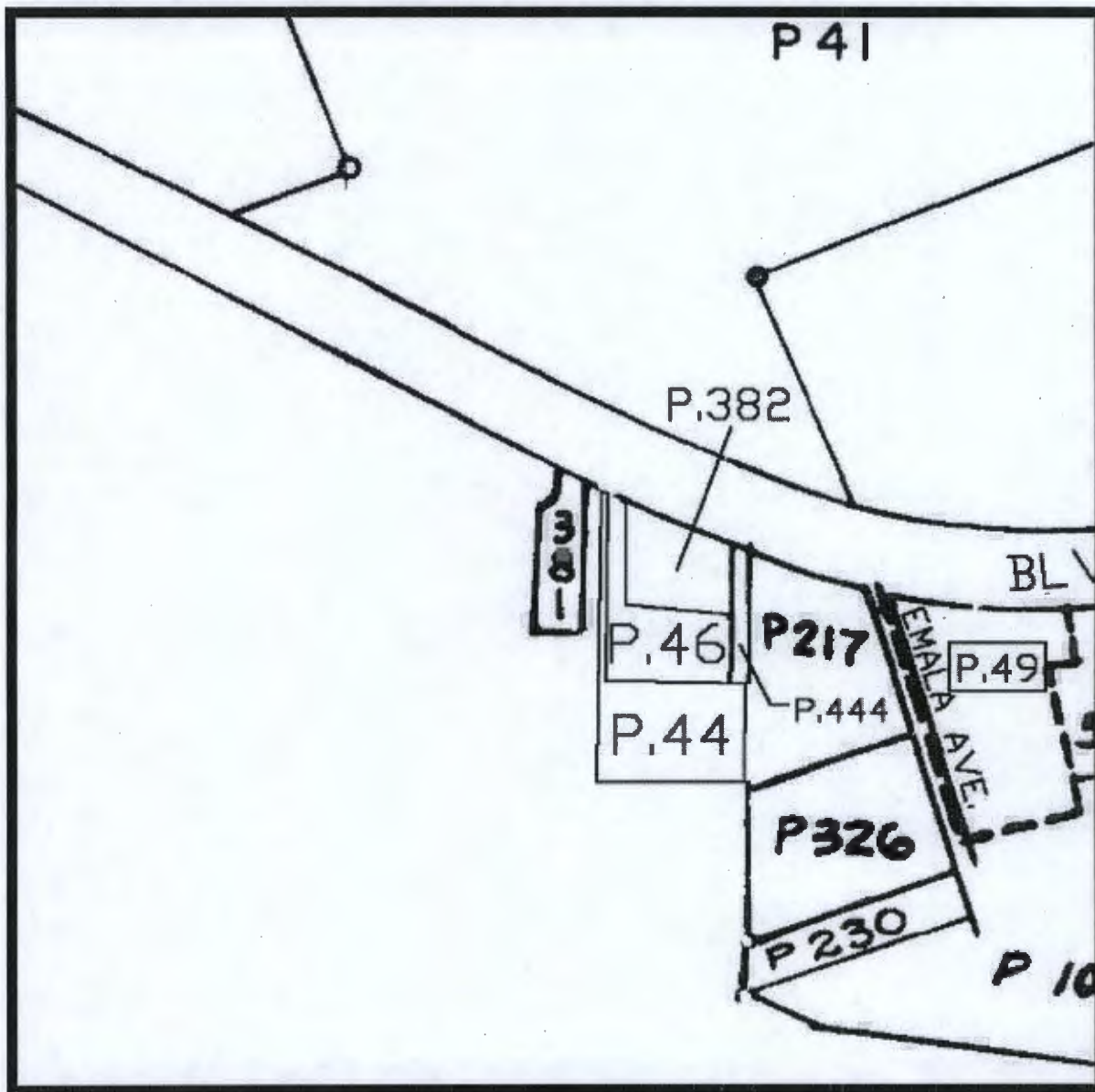
Homestead Application Status: No Application



**Maryland Department of Assessments and
Taxation
BALTIMORE COUNTY
Real Property Data Search**

[Go Back](#)
[View Map](#)
[New
Search](#)

District - 15 Account Number - 1516751180



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.:

2013-0211-A

Exhibit Sheet

Petitioner/Developer

10-3-13
6-3-13

Protestants

ALR
5-13-13

No. 1	Site plan	
No. 2	Aerial photo	
No. 3	Plan w/ photos 3A-3U	
No. 4	Plan showing "phases"	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

B



D



A



C



PETITIONER' S

EXHIBIT NO. 3
A-U



F



H



E



G







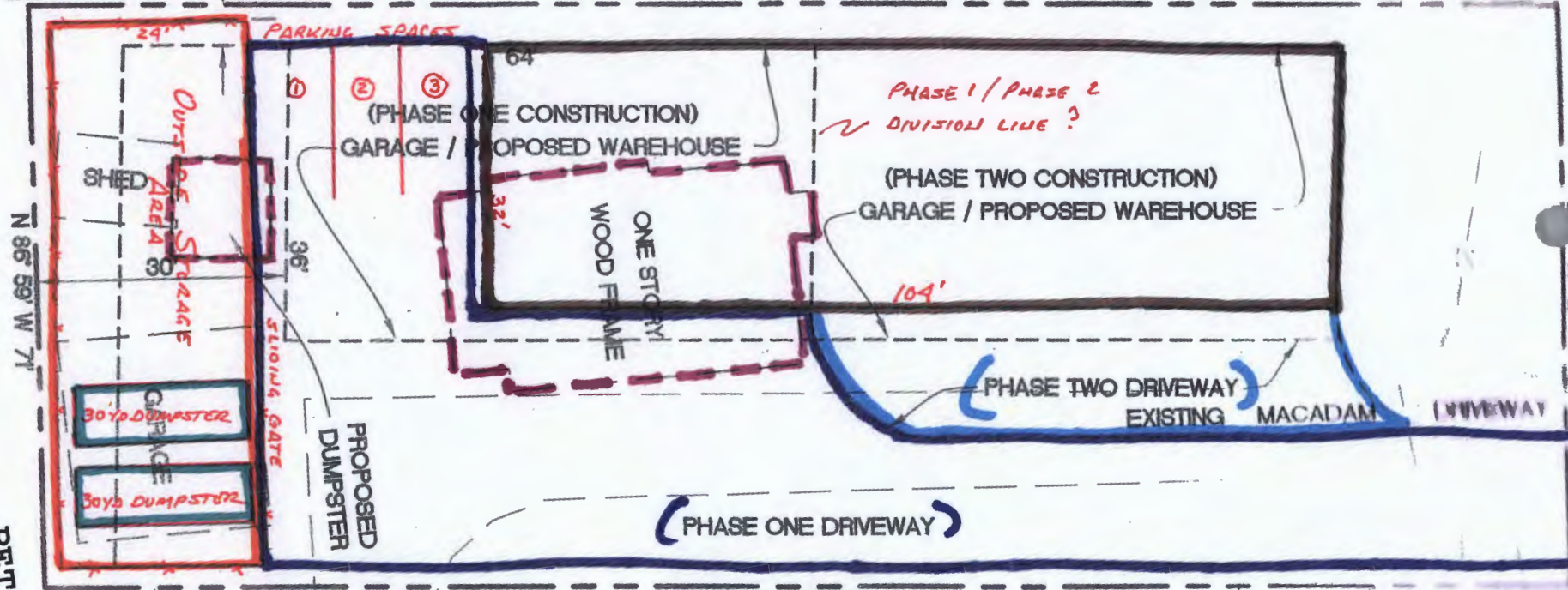


U

PROPOSED 5' SIDE YARD SETBACK

MACADAM PAVING

N 4° 17' E 185'



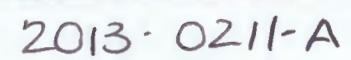
(PHASE ONE DRIVEWAY)

PHASE TWO DRIVEWAY EXISTING

S 4° 17' W 185'

STATE OF MARYLAND TO USE OF MARYLAND DEPARTMENT OF TRANSPORTATION

PETITIONER'S EXHIBIT NO. 4



PARKING CALCULATIONS

Warehouse use requires 3.3 off street parking per 1000 square feet per section 409 BCZR.

1,536 sq.ft. office: 1.536 x 3.3 = 5 parking spaces required
5 parking spaces provided

3 outside & 2 within the garage

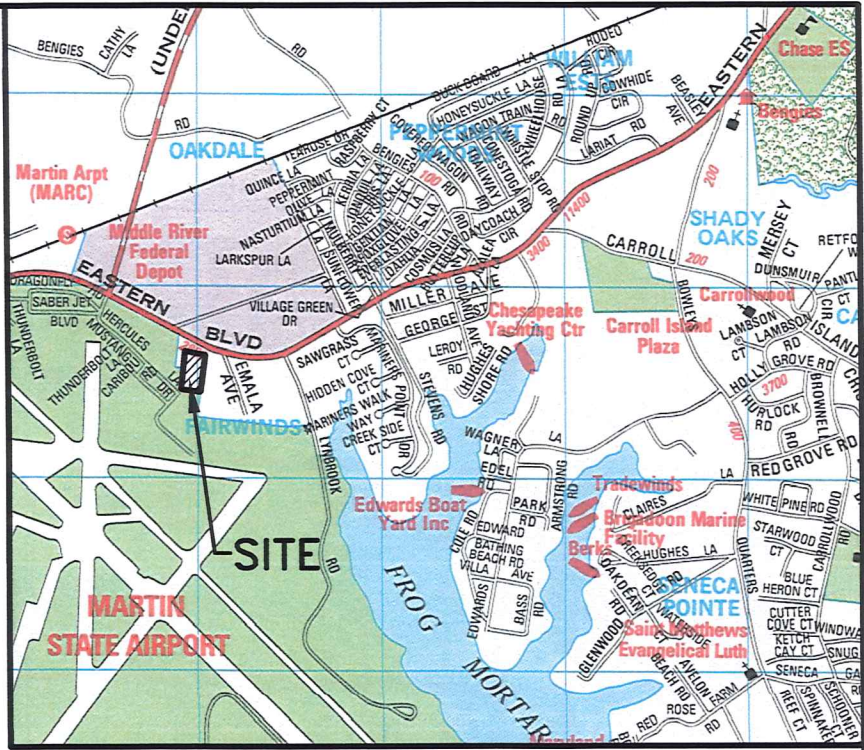
B.R. SETBACKS FOR COMMERCIAL BUILDINGS

Front yard (per section 238.1 BCZR)
For commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.

Side and Rear yard (per section 238.2 BCZR)
For commercial buildings, 30 feet.

PROPOSED CONSTRUCTION AND USE

A 36' x 64' wood frame & metal sided building and a macadam entrance & parking area are proposed to be constructed in Phase 1. An addition to the building and additional parking will be added in Phase 2. The proposed garage / warehouse will be used for the storage of commercial materials and equipment.



Vicinity Map — Scale: 1" = 2000'
ADC The Map People — Permitted Use # 20612205

GENERAL NOTES:

- Ownership: Charles J. Kraus
- Address: 2829 Eastern Boulevard Baltimore, MD 21220
- Deed references: SM 15470 / 035
- Tax Map / Parcel / Tax account #: 91 / 381 / 15-16-751180 (13,135 square feet calculated)
- Zoning: M.H. I.M. There are no previous zoning cases on the subject property
- The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 091A2 and the information provided by Baltimore County on the internet.
- Improvements: Single family dwelling & garage (vacant)- previously commercially used.
- The existing dwelling and garage will be razed in phase two of the project.
- The existing dwelling is currently serviced by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

VARIANCES REQUESTED

- To allow a 5 foot side yard setback in lieu of the required 30 foot setback in Section 238.2 BCZR.
- To allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Sections 238.1 and 238.2 BCZR.
- To allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces per Section 409 BCZR until the existing dwelling is razed.

PLAN TO ACCOMPANY PHOTOGRAPHS

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
405 Washington Ave. Suite 303
Baltimore, Maryland 21201
P 410-351-7600
F 410-351-7600

PLAT TO ACCOMPANY A PETITION

KRAUS PROPERTY

2829 EASTERN BOULEVARD
15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Date: 3/18/2013

Scale: AS SHOWN

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 531, Expiration Date: 2/22/15.

PARKING CALCULATIONS

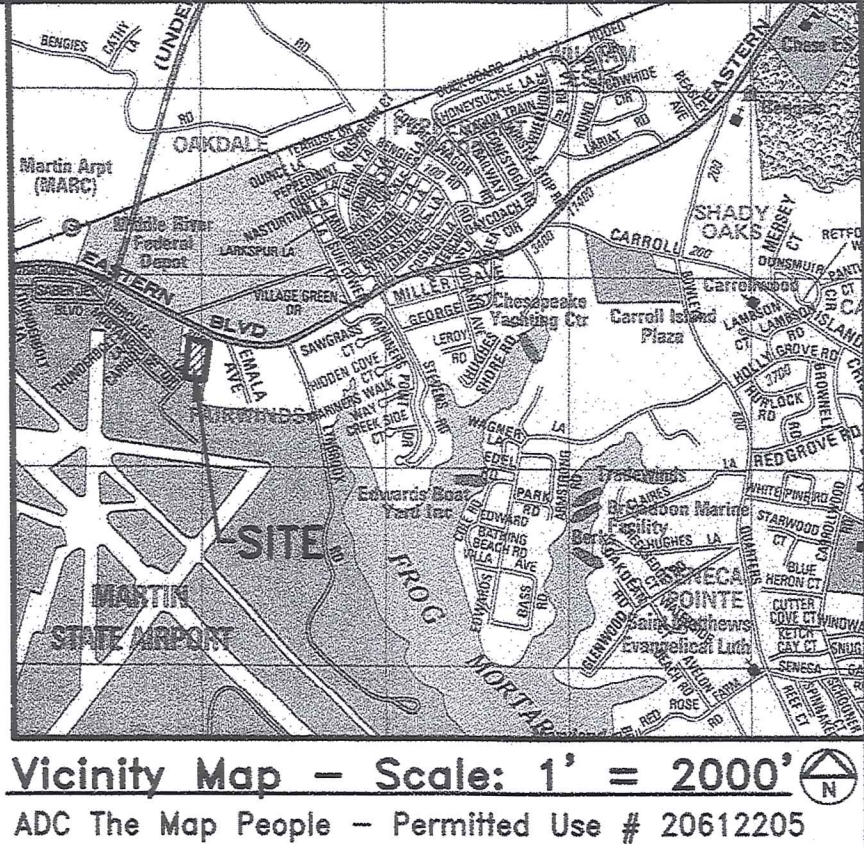
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10. There are no underground storage tanks on the subject property.
11. The subject property is not in the Chesapeake Bay Critical Area.
12. The subject property is not located within a 100 year flood plain.

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1. To allow a 5 foot side yard setback in lieu of the required 30 foot setback in Section 238.2 BCZR.
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Land Use Expert and Surveyor
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bdoak@bruceedoakconsulting.com

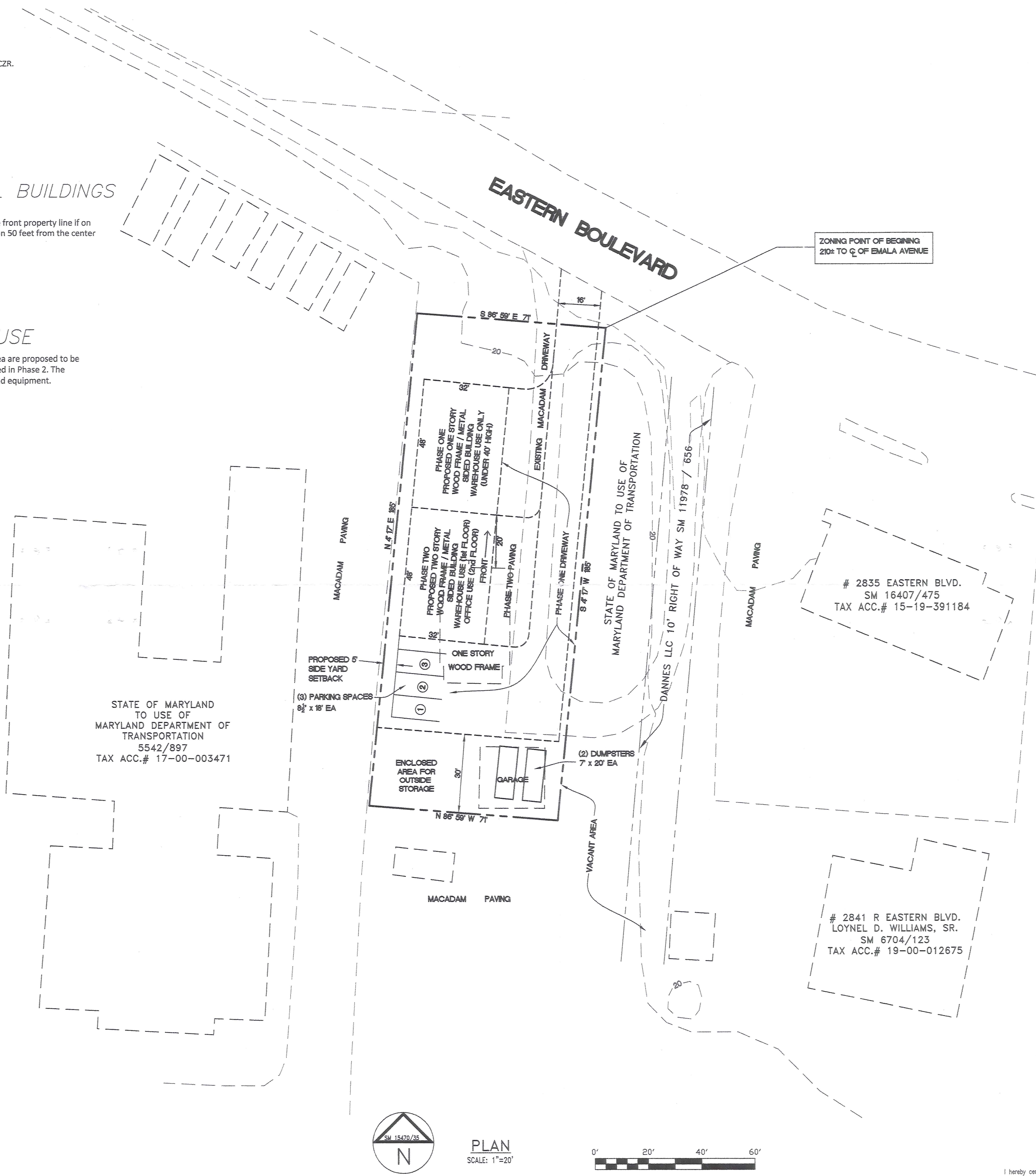
DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
401 Washington Ave. Suite 900
Towson, Maryland 21204
o 410-281-7400
f 410-281-7401

PLAT TO ACCOMPANY A PETITION
KRAUS PROPERTY
2829 EASTERN BOULEVARD
5th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Date: 3/18/2013
Scale: AS SHOWN

STATE OF MARYLAND
BRUCE EDWIN DOAK
REGISTERED
PROPERTY LINE SURVEYOR
3/18/13

Plattner's #1



PLAN
SCALE: 1"=20'

0' 20' 40' 60'

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 531, Expiration Date: 2/22/15.



1255 Feet



My Neighborhood Map



Created By
Baltimore County
My Neighborhood

This data is only for general information purposes only. This data may not be accurate or reliable. The data is not intended to be used for any purpose other than general information. Maryland does not warrant the accuracy or reliability of the data and is not responsible for any errors or omissions. The data is limited to, all warranties, express or implied, of merchantability and fitness for a particular purpose are disclaimed. The data is provided as is, without any guarantees, and the user assumes all responsibility for its use. The data is not intended to be used for any purpose other than general information. Maryland does not warrant the accuracy or reliability of the data and is not responsible for any errors or omissions. The data is limited to, all warranties, express or implied, of merchantability and fitness for a particular purpose are disclaimed. The data is provided as is, without any guarantees, and the user assumes all responsibility for its use.

PETITIONER'S

EXHIBIT NO.

2

is
not
a