

M E M O R A N D U M

DATE: December 20, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0112-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 19, 2016. 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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(58 Montvieu Court)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Daniel L. and Jennifer A. Cooper	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0112-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, Daniel L. and Jennifer A. Cooper ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations, as follows: (1) To permit a proposed detached accessory structure (garage) to be located in the side yard of the principal structure and have a height of 24 ft. in lieu of the required rear yard and a maximum allowed 15 ft.; and (2) To amend the Final Development Plan (FDP) of Sherwood, Plat 2, Lot No. 26 only. 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. No adverse ZAC comments were received from any of the County reviewing agencies. However, it is to be noted that letters of support were received from the Gaylord Brooks Architectural Committee, Inc. and Steve Kuehn (62 Montvieu Ct.), both of whom have no objections to Petitioners' request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 30, 2016, and there being no request for a public

ORDER RECEIVED FOR FILING

Date 11-17-16
By [Signature]

hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 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 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 § 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.

Although the Department of Planning did not make any recommendations related to the proposed detached accessory structure (garage) height and usage, I will impose conditions that the accessory structure shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 17th day of **November, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations, as follows: (1) To permit a proposed detached accessory structure (garage) to be located in the side yard of the principal structure and have a height of 24 ft. in lieu of the required rear yard and a maximum allowed 15 ft.; and (2) To amend the Final Development Plan (FDP) of Sherwood, Plat 2, Lot No. 26 only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-17-16

By [Signature]

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-17-16

By [Signature]



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 58 MONTVIEW CT. 21030 Currently zoned RC6 (vested RC4)
 Deed Reference 22493 / 00215 10 Digit Tax Account # 1900013810
 Owner(s) Printed Name(s) DANIEL L. COOPER, JENNIFER A COOPER

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

Sections 400.1 and 400.3 – to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal structure and have a height of 24 feet in lieu of the required rear yard and a maximum allowed 15 feet; and to amend the final development plan of SHERWOOD, Plat 2, Lot #26 only.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

DANIEL L COOPER, JENNIFER A COOPER
 Name #1 – Type or Print Name #2 – Type or Print
[Signature] Jennifer A Cooper
 Signature #1 Signature #2
58 MONTVIEW CT COCKEYSVILLE MD
 Mailing Address City State
21030 / 410 666 0967 / dcooper@fuchsn
 Zip Code Telephone # Email Address .com

Attorney for Owner(s)/Petitioner(s):

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

Representative to be contacted:

Name – Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 11-17-16 day of Nov, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0112-A Filing Date 10/29/16 Estimated Posting Date 10/30/16 Reviewer [Signature]

Rev F

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

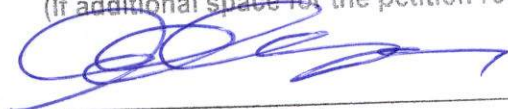
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 58 MONTVIEW CT COCKEYSVILLE MD 21030
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

- The side yard location for the proposed detached garage preserves the back yard
- view from the existing back deck, it also allows a clear path for snow plow clearing snow
- from the steeply sloped existing driveway and respects the communities desire to have the
- garage doors not face the front.
- The proposed 24' height in lieu of the required 15' allows with garage to match the 10/12
- pitch of the existing dwelling and keep in proportion with scale of the existing house.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)



Signature of Owner (Affiant)

DANIEL L. COOPER

Name- Print or Type



Signature of Owner (Affiant)

JENNIFER A COOPER

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

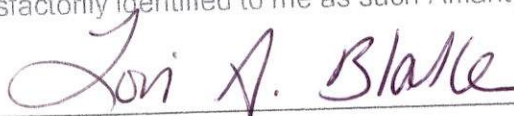
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of October, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Daniel L & Jennifer A. Cooper

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal



Notary Public

LORI A. BLAKE

My Commission Expires NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires July 14, 2020

REV. 5/5/2016

Item #0112

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 58 MONTVUE CT 21030 Currently zoned RC6 (vested RC4)
Deed Reference 22493 / 00215 10 Digit Tax Account # 1900013810
Owner(s) Printed Name(s) DANIEL L. COOPER / JENNIFER A COOPER

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

Sections 400.1 and 400.3 – to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal structure and have a height of 24 feet in lieu of the required rear yard and a maximum allowed 15 feet; and to amend the final development plan of SHERWOOD, Plat 2, Lot #26 only.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

DANIEL L. COOPER / JENNIFER A. COOPER
Name #1 – Type or Print Name #2 – Type or Print
[Signature] [Signature]
Signature #1 Signature #2
58 MONTVUE CT COCKEYSVILLE MD
Mailing Address City State
21030 / 410 666 0967 dcooper@fuchsna.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

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

Representative to be contacted:

Name – Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0112-A Filing Date 10/20/16 Estimated Posting Date 10/30/16 Reviewer [Signature]



Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 58 MONTVIEW CT COCKEYSVILLE MD 21030
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

- The side yard location for the proposed detached garage preserves the back yard
- view from the existing back deck, it also allows a clear path for snow plow clearing snow
- from the steeply sloped existing driveway and respects the communities desire to have the
- garage doors not face the front.
-
- The proposed 24' height in lieu of the required 15' allows with garage to match the 10/12
- pitch of the existing dwelling and keep in proportion with scale of the existing house.
-

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Owner (Affiant)
DANIEL L. COOPER
Name- Print or Type


Signature of Owner (Affiant)
JENNIFER A COOPER
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of October, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Daniel L. + Jennifer A. Cooper

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal


Notary Public

LORIA BLAKE
My Commission Expires
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 14, 2020

Item #0112 REV. 5/5/2016

case # 2017-0112-A Filing Date 10/20/16 Posting Date 10/30/16 RJD



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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Deed Reference 22493 / 00215 10 Digit Tax Account # 1900013810
Owner(s) Printed Name(s) DANIEL L. COOPER / JENNIFER A COOPER

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

DANIEL L. COOPER / JENNIFER A. COOPER

Name #1 – Type or Print Name #2 – Type or Print

[Signature] [Signature]
Signature #1 Signature #2

58 MONTVIEW CT COCKEYSVILLE MD
Mailing Address City State

21030 410 666 0967 dcooper@fuchsno
Zip Code Telephone # Email Address
com

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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DANIEL L. COOPER
Name- Print or Type


Signature of Owner (Affiant)
JENNIFER A. COOPER
Name- Print or Type

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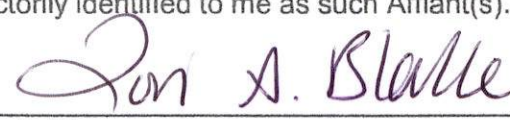
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Notary Public
LORI A. BLAKE
My Commission Expires July 14, 2020

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires July 14, 2020

REV. 5/5/2016

Item #0012

ZONING PROPERTY DESCRIPTION FOR 58 MONTVIEU COURT

Beginning at a point on the west side of Montvieu Court, which has a 50-foot right of way, at a distance of +/- 3200 feet north of the centerline of the nearest improved intersecting street Sherwood Road, which has a 50-foot right of way. Being Lot #26, Plat 2, of the subdivision of SHERWOOD as recorded in Baltimore County Plat Book #51, Folio #140, containing 4.77 acres. Located in the 8th Election District and 3rd Councilmanic District.

Item #0112

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0112-A
Address 58 Montvieu Court
(Coper Property)

Zoning Advisory Committee Meeting of **October 31, 2016**

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

Reviewer: Steve Ford

Date: 10-26-2016

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/31/2016

Case Number: 2017-0112-A

Petitioner / Developer: DANIEL COOPER

Date of Hearing (Closing): NOVEMBER 14, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
58 MONTVIEU COURT

The sign(s) were posted on: OCTOBER 30, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

410 – 666 – 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0112 -A Address 58 Montview Ct

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/20/16 Posting Date: 10/30/16 Closing Date: 11/14/16

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, 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 2017- 0112 -A Address 58 Montview Ct

Petitioner's Name Daniel Cooper Telephone 410 666 0967

Posting Date: 10/30/16 Closing Date: 11/14/16

Wording for Sign: To Permit a proposed detached accessory structure (garage) to be located in the side yard of the principal structure and have a height of 24 feet in lieu of the required rear yard and maximum allowed 15 feet; and to amend the final development plan of Sherwood, Plat 2, lot 26 only

Revised 7/6/16

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0112-A
Property Address: 58 Montview Ct
Property Description: west side of Montview Ct, +/- 3200'
north of Sherwood Rd
Legal Owners (Petitioners): Daniel L Cooper
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL + JENNIFER COOPER
Company/Firm (if applicable): _____
Address: 58 MONTVIEW Ct. Cockeysville MD 21030

Telephone Number: 410 666 0967

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

No 145721

Date: 10/20/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				5150

Total: 5150

Rec From: Daniel Cooper

For: Zoning hearing - case # 2017-0112-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
10/21/2016 10/20/2016 10:40:12 1
RED #301 WALKIN LJR
>>RECEIPT # 887388 10/20/2016 OFLN
Dept - 5 528 ZONING VERIFICATION
CR NO. 145721
Recpt Tot \$150.00
\$150.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

November 14, 2016

Daniel L. & Jennifer A. Cooper
58 Montview Court
Cockeysville MD 21030

RE: Case Number: 2017-0112 A, Address: 53 Montview Court

Dear Mr. & Ms. Cooper:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 20, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/24/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0112-A

*Administrative Variance
Daniel L. & Jennifer H. Coper
58 Montview Ct.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 31, 2016
Item No. 2017-0112

DATE: November 9, 2016

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

The proposed structure must be set back at least 1 foot from the drainage and utility easement, so that the footing will not encroach on the existing 10' drainage easement.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0112-10312016.doc



GAYLORD | BROOKS
ARCHITECTURAL COMMITTEE

RECEIVED

DEC 02 2016

OFFICE OF ADMINISTRATIVE HEARINGS

November 30, 2016

John E. Beverungen
Administrative Law Judge
105 West Chesapeake Avenue, Suite 103
Jefferson Building
Towson, MD 21204

CASE NO. 2017-0112-A

Dear Judge Beverungen,

Please be advised the Gaylord Brooks Architectural Committee agrees with your decision to allow an Administrative Variance for Daniel L. And Jennifer A. Cooper ("Petitioners") to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal structure and have a height of 24 ft.

Sincerely yours,

Thomas O. Moore
Chairman
Gaylord Brooks Architectural Committee

cc: Mr. & Mrs. Daniel L. Cooper

TOM/rdv

Garage Project
Daniel and Jennifer Cooper
58 Montvieu Ct.
Cockeysville, MD 21030

We are planning to build a two car, detached garage on our property assuming that we can get Baltimore County approval of our requested zoning variances. 58 Montvieu is a 5 acre plot about 100 yards west of Montvieu Court via a shared driveway with two neighbors. Our house sits about 30 feet below the street level of Montvieu and our shared driveway takes two 90 degree turns coming down the hill from the street. The neighborhood is heavily wooded with very little visibility from house to house; our house is not visible from Montvieu because of the trees, distance and the downhill topography. In fact, our house is really only visible from one of the two neighbors on our shared driveway. Two other neighbors which sit directly on Montvieu have very limited glimpses of our house and would have almost no sight line to the proposed garage. We have attached a letter from our next door neighbor mentioned above (which has the only real partial view of our property. He (Steve Keuhn) has reviewed our plans which are submitted and has no objections to our garage.

We designed the garage to match the roof pitch and architectural design of the main house including two dormer windows in the roof. The 10/12 pitch of the garage to match the house results in a garage height which would exceed Baltimore County zoning for a detached garage. We also have positioned the garage to the side of the house rather than behind the house because our property drops sharply down the hill behind the house and does not provide for a practical building design.

We thought that the included pictures would provide a better visual of our property as it would be seen by our community. We believe this garage design will be aesthetically pleasing to our neighborhood as well as overall value and functionality to our property. Thank you for your consideration.

Dan & Jenni Cooper
58 Montvieu Ct.

Item #0112



GAYLORD | BROOKS
ARCHITECTURAL COMMITTEE

October 12, 2016

Mr. & Mrs. Danile L. Cooper
58 Montview Court
Cockeysville, MD 21030-2646

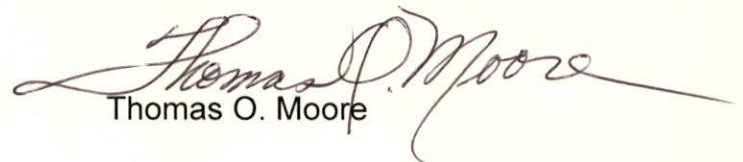
Re: Garage Approval
Sherwood, Lot 26

Dear Mr. & Mrs. Cooper,

Please be advised that the plans and specifications for the proposed stand-alone garage on the above referenced property have been approved by the Gaylord Brooks Architectural Committee, Inc. The Committee recommends the garage be screened with landscape material.

Thank you for your cooperation in this matter and best wishes with the construction of your garage.

Very truly yours,


Thomas O. Moore

TOM/rdv

Item # 0112

October 18, 2016

Baltimore County Zoning

To whom it may concern:

I have reviewed the detached garage plans for Dan and Jenni Cooper at 58 Montvieu Ct. I have no objections to this design and the requested zoning variance. I believe this will be a good addition to their house and our neighborhood.

Sincerely,



Steve Kuehn
62 Montvieu Ct
Cockeysville, MD 21030

Item #0112

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier: District - 08 Account Number - 1900013809					
Owner Information					
Owner Name:		KUEHN STEPHEN P		Use:	RESIDENTIAL
Mailing Address:		62 MONTVIEU CT COCKEYSVILLE MD 21030-2646		Principal Residence:	YES
				Deed Reference:	/12835/ 00277
Location & Structure Information					
Premises Address:		62 MONTVIEU CT 0-0000		Legal Description:	3.271 AC 62 MONTVIEU CT SHERWOOD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 2
0042	0017	0278		0000	25 2017 Plat Ref: 0051/0140
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1987	2,208 SF		3.2700 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2014	07/01/2016	07/01/2017	
Land:	184,000	184,000			
Improvements	254,600	254,600			
Total:	438,600	438,600	438,600		
Preferential Land:	0				
Transfer Information					
Seller: STAMM JOHN J		Date: 05/05/1998		Price: \$335,000	
Type: ARMS LENGTH IMPROVED		Deed1: /12835/ 00277		Deed2:	
Seller: SHERWOOD JOINT V ENTURE		Date: 10/05/1984		Price: \$43,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08599/ 00508		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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: Approved 05/10/2008					

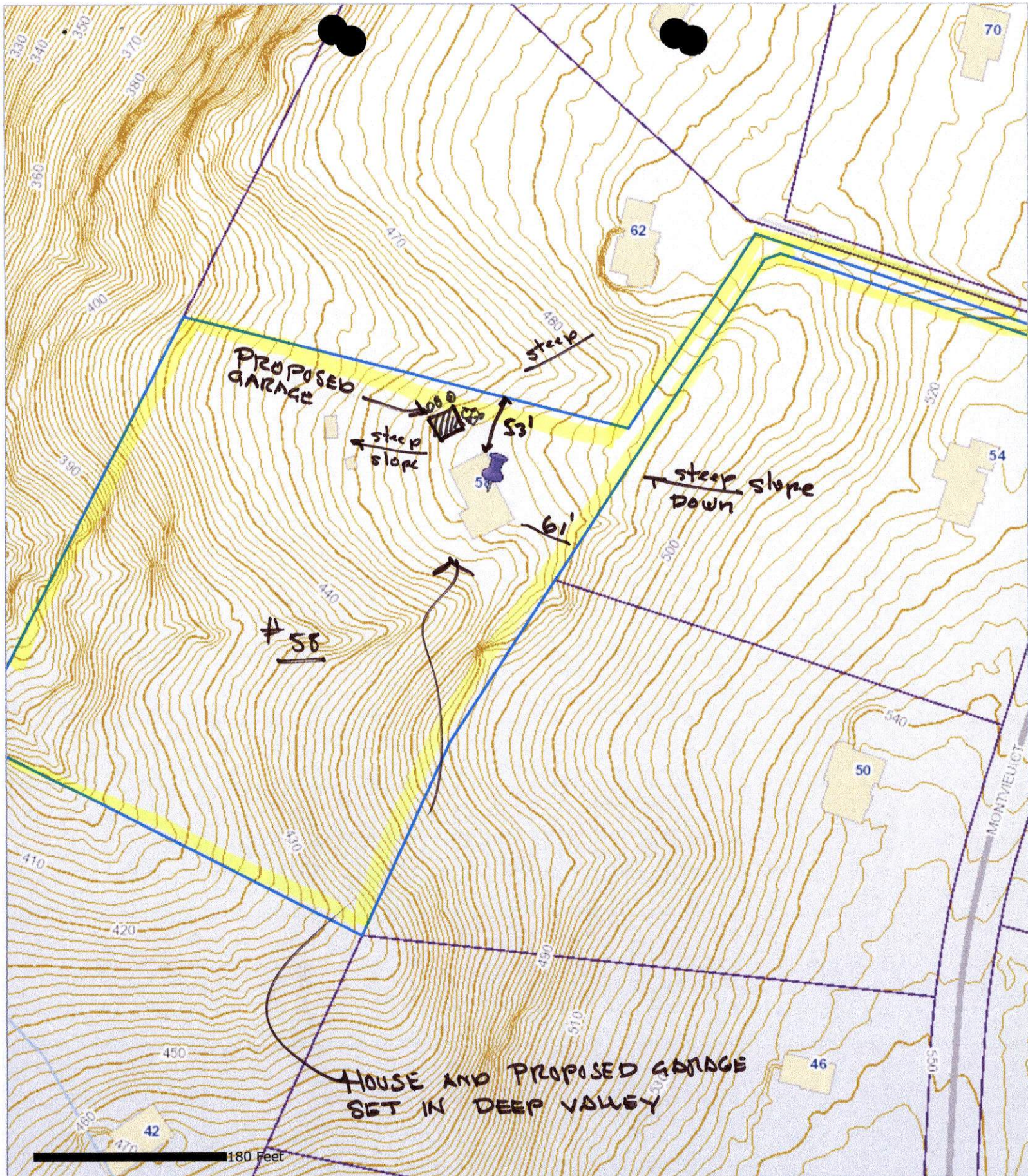
#58 Montview Ct.

PHOTO #1



PROPOSED GARAGE

Item #0112



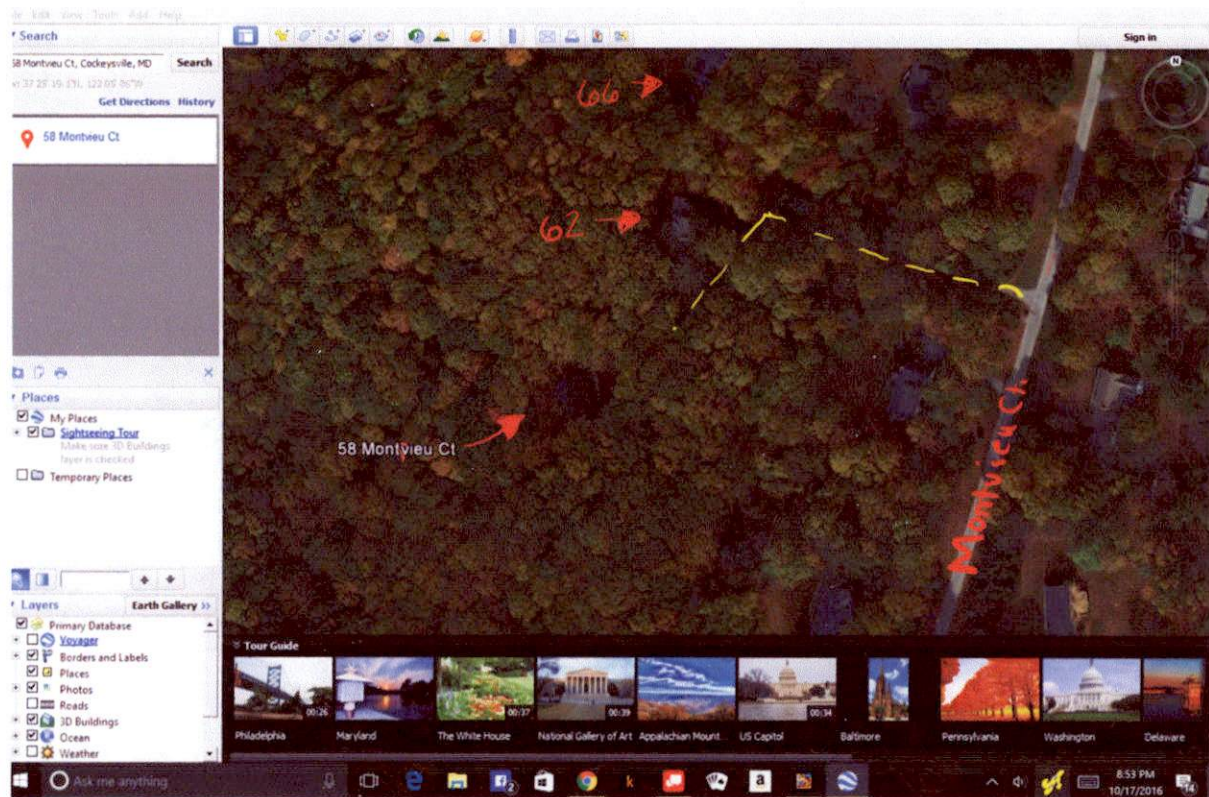
58 Montview Ct
Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Picture from google earth showing the houses on our shared drive and the heavily wooded lots (driveway noted by dashed line)

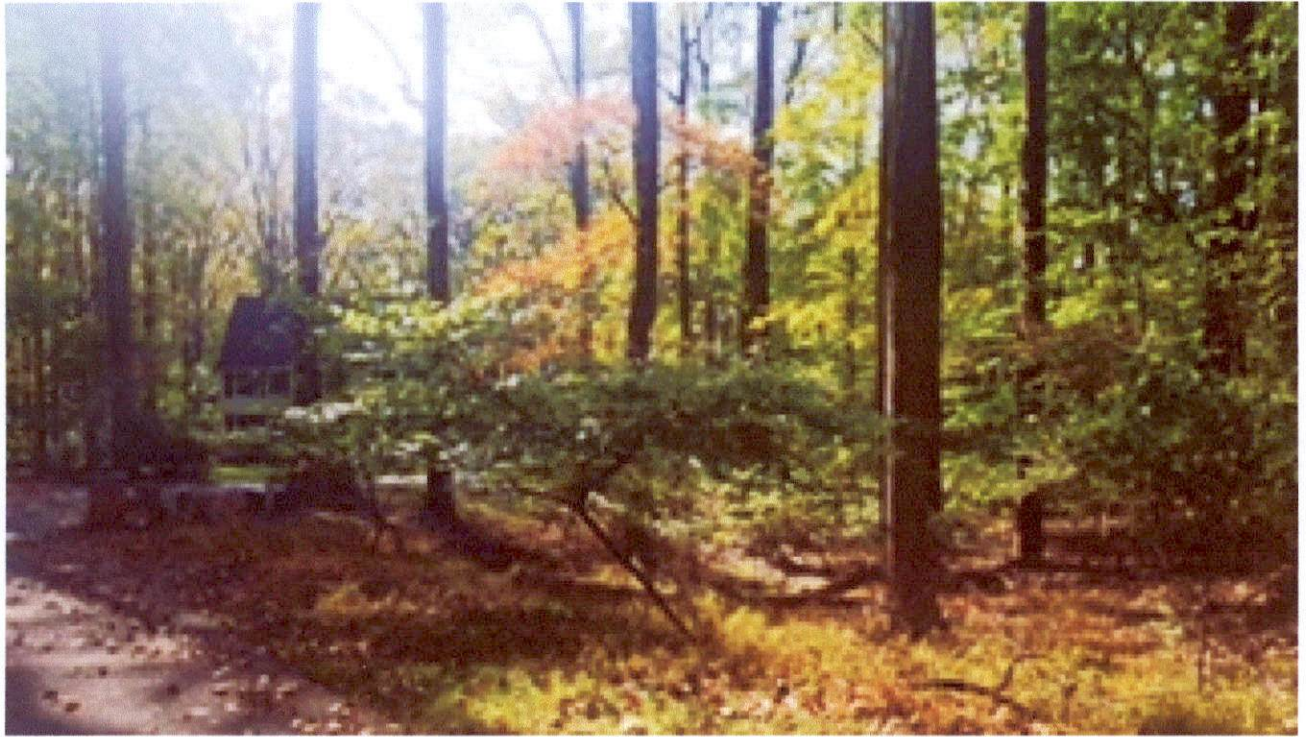


View from Montview CT. at the top of our shared driveway (58 is not visible)



Item #0112

View of our house from our closet neighbor (62 Steve Keuhn)



Item #0112

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>10-26</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-24</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
<u>10-12</u>	COMMUNITY ASSOCIATION	<u>Approved</u>
<u>10-18</u>	ADJACENT PROPERTY OWNERS	<u>No objection</u>
ZONING VIOLATION	(Case No. _____)	<u>Kuehn, 62 Montview.</u>
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-30-16</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 08 Account Number - 1900013810							
Owner Information									
Owner Name:		COOPER DANIEL L COOPER JENNIFER A				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		58 MONTVIEU CT COCKEYSVILLE MD 21030-2646				Deed Reference:		/22493/ 00215	
Location & Structure Information									
Premises Address:		58 MONTVIEU CT 0-0000				Legal Description:		4.772 AC 58 MONTVIEU CT SHERWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0042	0017	0278		0000			26	2017	0051/0140
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1986		3,741 SF		965 SF		4.7700 AC		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT	SIDING	4 full	1 Attached				
Value Information									
		Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2016		As of 07/01/2017	
Land:		206,500		206,500					
Improvements		382,800		382,800					
Total:		589,300		589,300		589,300			
Preferential Land:		0							
Transfer Information									
Seller: HOGAN-MORROW VIRGINIA Type: ARMS LENGTH IMPROVED				Date: 09/06/2005 Deed1: /22493/ 00215		Price: \$757,500 Deed2:			
Seller: MORROW THOMAS C Type: NON-ARMS LENGTH OTHER				Date: 06/25/2004 Deed1: /20319/ 00142		Price: \$0 Deed2:			
Seller: SIMPKINS AUGUSTA Type: ARMS LENGTH IMPROVED				Date: 12/18/2001 Deed1: /15872/ 00441		Price: \$429,000 Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
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: Approved 04/30/2008									

BALTIMORE COUNTY, MARYLAND

11-14
RECEIVED

Inter-Office Correspondence

OCT 26 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0112-A
Address 58 Montvieu Court
(Coper Property)

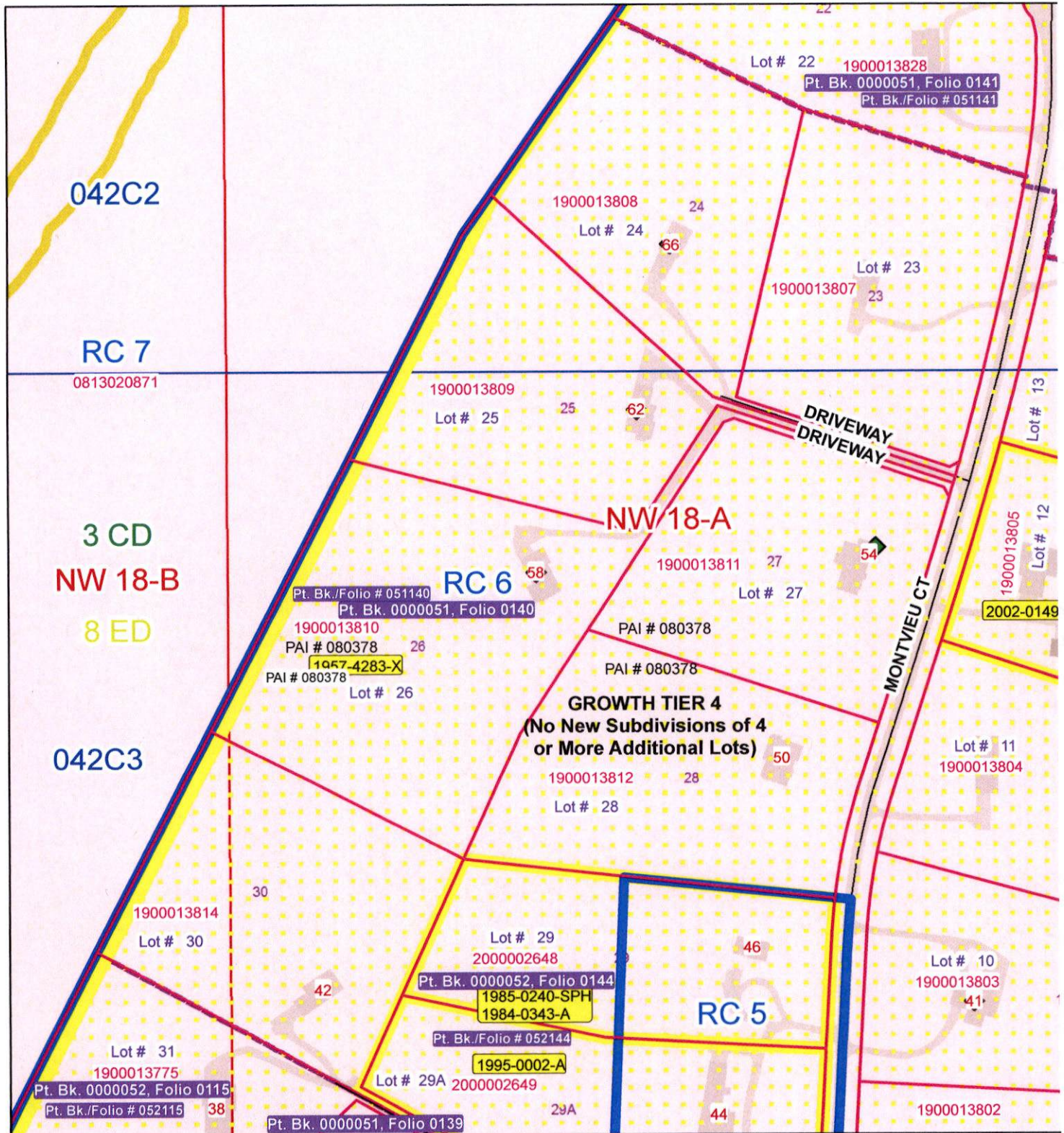
Zoning Advisory Committee Meeting of **October 31, 2016**

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

Reviewer: Steve Ford

Date: 10-26-2016

58 Montvieu Court



Publication Date: 10/20/2016



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 55 110 220 330 440 Feet

1 inch = 200 feet

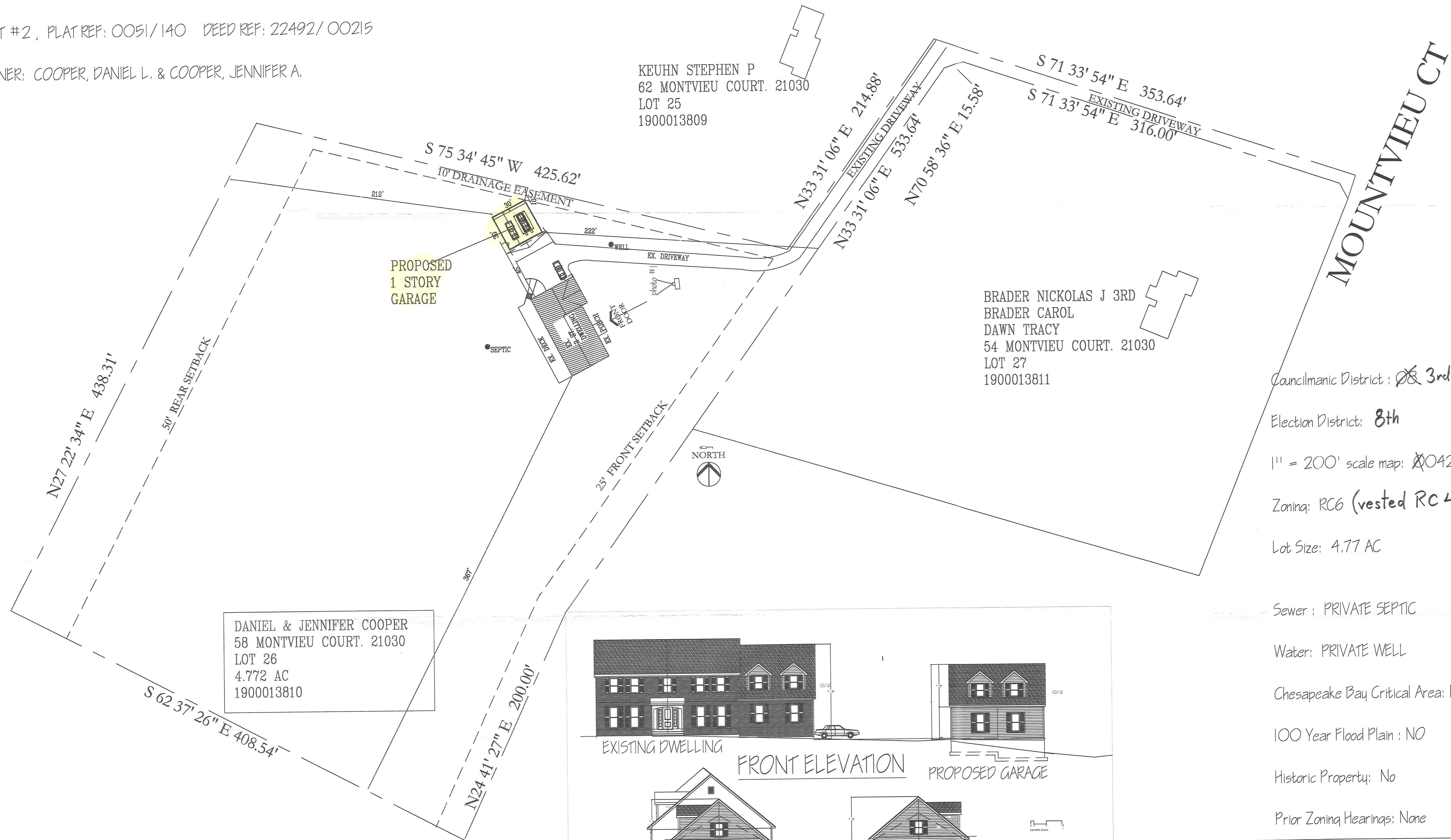
Item #0112

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ ADMINISTRATIVE VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS- #58 MONTVIEU COURT, COCKEYSVILLE, BALTIMORE COUNTY, MARYLAND 21030-2646

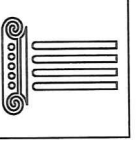
PLAT #2, PLAT REF: 0051/140 DEED REF: 22492/00215

OWNER: COOPER, DANIEL L. & COOPER, JENNIFER A.



Councilmanic District: ~~3rd~~ 3rd
 Election District: 8th
 1" = 200' scale map: ~~042C3~~
 Zoning: RC6 (vested RC 4)
 Lot Size: 4.77 AC
 Sewer: PRIVATE SEPTIC
 Water: PRIVATE WELL
 Chesapeake Bay Critical Area: NO
 100 Year Flood Plain: NO
 Historic Property: No
 Prior Zoning Hearings: None

Zoning Office Use Only		
reviewed by:	item #:	case #:

DANIELS & ASSOCIATES
 ARCHITECTS, Ltd.

 1113 Ivy Hill Road
 Hunt Valley, MD 21030
 (410) 560-3688
 Suite #100

SINGLE FAMILY DWELLING
 #58 MONTVIEU COURT
 BALTIMORE COUNTY, MARYLAND

Date: 10-16-16
 Revisions

No.	Date	Reference

 Drawing Title
 SITE PLAN
 Scale 1" = 40'-0"
 Drawing Number
 SITE

#2017-0112-A

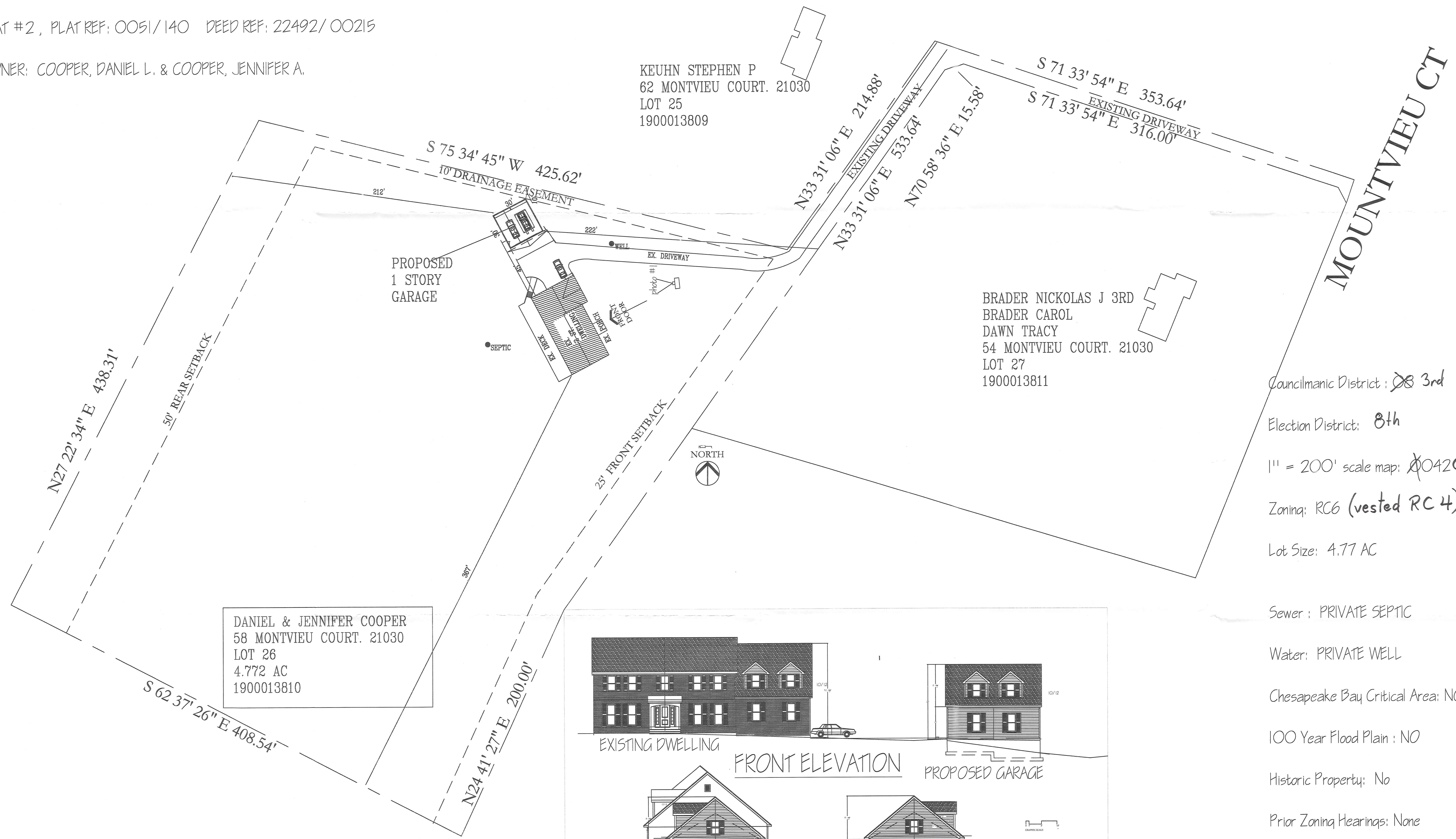
Pet. Sch. 1

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ ADMINISTRATIVE VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS- #58 MONTVIEU COURT, COCKEYSVILLE, BALTIMORE COUNTY, MARYLAND 21030-2646

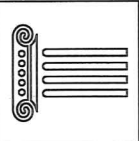
PLAT #2, PLAT REF: 0051/140 DEED REF: 22492/00215

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Councilmanic District : ~~08~~ 3rd
Election District: 8th
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Sewer : PRIVATE SEPTIC
Water: PRIVATE WELL
Chesapeake Bay Critical Area: NO
100 Year Flood Plain : NO
Historic Property: No
Prior Zoning Hearings: None

Zoning Office Use Only		
reviewed by:	item #:	case #:

DANIELS & ASSOCIATES
ARCHITECTS, Ltd.

1113 Ivy Hill Road
Suite #100
Hunt Valley, MD 21030
(410) 560-5688

SINGLE FAMILY DWELLING
#58 MONTVIEU COURT
BALTIMORE COUNTY, MARYLAND

Date: 10-16-16
Revisions
No. Date Reference

Drawing Title
SITE
PLAN
Scale 1" = 40'-0"
Drawing Number
SITE

#2017-0112-A

NOTES:

1. THE RECEIVING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THIS PLAT, NOR DOES IT QUALIFY THE INSTALLATION OF STREETS OR UTILITIES BY BALTO. CO.
2. THIS PLAT MAY EXPIRE 10 ACCORDANCE WITH SECTION 22-08 (EIGHT YEARS AFTER THE DATE OF APPROVAL OF THE PLAN TO WHICH THIS PLAT WAS PREPARED)
3. ANY ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING, AND THE DEPARTMENT OF PUBLIC WORKS.
4. THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.

<u>VELOCITY TABULATION:</u>		
	<u>PLAT C</u>	<u>TOTAL</u>
GEOS AREA	50.317 ACT	199.055 ACT
NET AREA	50.317 ACT	199.055 ACT
EX. ZONING	50.317 ACT	50.317 DE Z
<u>LOTS PERMITTED</u>		
RC4	50.317 ACT X 2 = 10.26	199.055 ACT X 2.5 = 497.63
DE2	-	497.63 ACT X 2 = 995.26
TOTAL	10.26	995.26
<u>LOTS PROPOSED</u>		
RC4	14	35
DE2	0	2
TOTAL	14	37

ENL JR. 51 FOLIO 140

Filed for record
Date SEP 17 1964
Text

Ben F. Hall Clerk

PLAT 2

SHERWOOD

BALTO. CO., MD. ELECT. DIST. 6
SCALE: 1"=100' JUNE 16, 1984

SHEET 2 OF 3

NOTE:

"HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS, SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST."

NOTE:

COORDINATES AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS.

7-02A W 67430.09
 W 4485.20
 K-03A W 67345.87
 W 4404.58

NOTE:

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

OWNER AND DEVELOPER

GAYLORD BROOKS REALTY CO.
P.O. BOX 193
PHOENIX, MARYLAND 21131
E.H.K. JR. 6765/231

OWNERS CERTIFICATE:

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

Flm 6/29/8

SURVEYORS CERTIFICATE:

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT, AND THE PLAT THEREOF HAS BEEN PREPARED, IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

W. L. [Signature]

REG. NO. _____ DATE _____

APPROVED BY BALTIMORE COUNTY HEALTH DEPARTMENT

David K. K... 9/10/85
COUNTY STATE & COUNTY HEALTH OFFICER (DATE)

APPROVED BY BALTIMORE COUNTY OFFICE OF PLANNING

ALL ZONING
Roman E. Fisher 9/11

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

TOWSON, MARYLAND 21204

APPROVED BY DEPARTMENT OF PUBLIC WORKS

Steve D'Nepp 9/12/8

P.W.A. COMPLETED 88406 22H
FINAL PLAT CHECKED 2/10/88
PLANNING 2/10/88
ENGINEERING 2/10/88
LAYOUT 2/10/88

COMPUTED BY: R.P.H. CHECKED BY: R.P.H./CKS.

DRAWN BY: CAH. W.O. NO.: 04936

056262

MSA SSU 1236-1014151-140

Item #0112