MEMORANDUM

DATE: January 20, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0123-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 19, 2017. 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 VARIANCE	*	BEFORE THE OFFICE
(309 Oberle Avenue)		
15th Election District	*	OF ADMINISTRATIVE
7th Council District		
Michael L. Sacilotto & Jean M.S. Brown,	*	HEARINGS FOR
Trustees for the Estate of Marie Sacilotto		
Legal Owners	*	BALTIMORE COUNTY
Robert Click, *Contract Purchaser*		
Petitioners	*	**CASE NO. 2017-0123-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Michael L. Sacilotto & Jean M.S. Brown, Trustees of the subject property and Robert Click, contract purchaser ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 ft. and side yard setbacks of 8 ft. and 8 ft. in lieu of the required 55 ft., 10 ft., and 10 ft., respectively, for a new dwelling. A site plan was marked as Petitioners' Exhibit 1.

Robert Click appeared in support of the petition. David Billingsley assisted Petitioners. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS). That agency noted Petitioners must comply with Critical Area regulations.

The subject property is approximately 0.304 acres and is zoned DR 5.5. The property is unimproved, and the purchaser proposes to construct a single-family dwelling on the lot, which was created by the Plat of Grafolio, recorded in 1916. Petitioners' Exhibit 4. The lot is 50 ft. wide, as are most of the other lots in the subdivision. Petitioners presented an aerial photo (Petitioners' Exhibit 5) which shows the majority of the 50 ft. wide lots in the community are in

fact improved with dwellings.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot is narrow and deep and was created by a plat filed long before adoption of the zoning regulations. As such it is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct a single-family dwelling on the lot. 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 lack of Baltimore County and community opposition. In addition, the new home would be attractive and would match the size and scale of other dwellings in this older neighborhood.

THEREFORE, IT IS ORDERED, this **20th** day of December**, 2016**, by the Administrative Law Judge for Baltimore County that the Petition for Variance to permit a lot width of 50 ft. and side yard setbacks of 8 ft. and 8 ft. in lieu of the required 55 ft., 10 ft., and 10 ft., respectively, for a new dwelling, be and is hereby GRANTED.

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. Prior to issuance of permits Petitioners must comply with the Critical Area regulations.

ORDER RECEIVED FOR FILING

Date 12/20/16

By Den

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 12/20/16

By sln

CBCA

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 309 OBERLE AVENUE **which is presently zoned** DR 5.5

Deed References: L.1293 F. 566 10 Digit Tax Account # 1519001020

Property Owner(s) Printed Name(s) ESTATE OF MARIE A. SACILOTTO

(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) 1B02.3.C.1 TO PERMIT A LOT WIDTH OF 50 FEET AND SIDE YARD SETBACKS OF 8 FEET AND 8 FEET IN LIEU OF THE REQUIRED 55 FEET, 10 FEET AND 10 FEET, RESPECTFULLY, FOR A NEW DWELLING

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)**

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:

ROBERT CLICK
Name- Type or Print

Signature

43 GUNFALLS RD. NOTTINGHAM MD
Mailing Address City State

21236 (443) 600-1085 rob43cl@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners): TRUSTEE, FOR THE ESTATE OF MARIE A. SACILOTTO

Michael L Sacilotto Jean M.S. Brown
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

311 OBERLE AVE BALTO MD.
Mailing Address City State

21221 / /
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 12/20/16
By

Representative to be contacted:

DAVID BILLINGSLEY
Name – Type or Print

David Billingsley
Signature

601 CHARWOOD CT. EDGEWOOD MD.
Mailing Address City State

21040 (410)679-8719 dwb0209@yahoo.com
Zip Code Telephone # Email Address

CASE NUMBER 2017-0123-A Filing Date 10/31/16 Do Not Schedule Dates: _____ Reviewer gh

REV. 10/4/11

ZONING DESCRIPTION

309 OBERLE AVENUE

Beginning at a point on the south side of Oberle Avenue (40 feet wide) distant 681 feet easterly from its intersection with the center of Cedar Road, thence being all of Lot 64 as shown on the plat entitled Grafolio recorded among the Baltimore County plat records in Plat Book 4 Folio 190.

Containing 13,250 square feet or 0.304 acre of land, more or less.

Being known as 309 Oberle Avenue. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2017-0123-A

THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4615398

Sold To:
Robert Click - CU00481875
43 Gunfalls Garth
Nottingham,MD 21236-4836

Bill To:
Robert Click - CU00481875
43 Gunfalls Garth
Nottingham,MD 21236-4836

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 29, 2016

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2017-0123-A
309 Oberle Avenue
S/s Oberle Avenue, Esat 681 ft. to the centerline of Cedar Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Estate of Marie Sacilotto, Trustees Michael Sacilotto & Jean Brown
Contract Purchaser(s): Robert Click

Variance: to permit a lot width of 50 feet and side yard setbacks of 8 feet and 8 feet in lieu of the reuqired 55 feet, 10 feet and 10 feet, respectfully, for a new dwelling.

Hearing: Monday, December 19, 2016 at 11:00 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 11/814 November 29 4615398

CERTIFICATE OF POSTING

Date: NOVEMBER 28, 2016

RE: Project Name: 309 OBERLE AVENUE

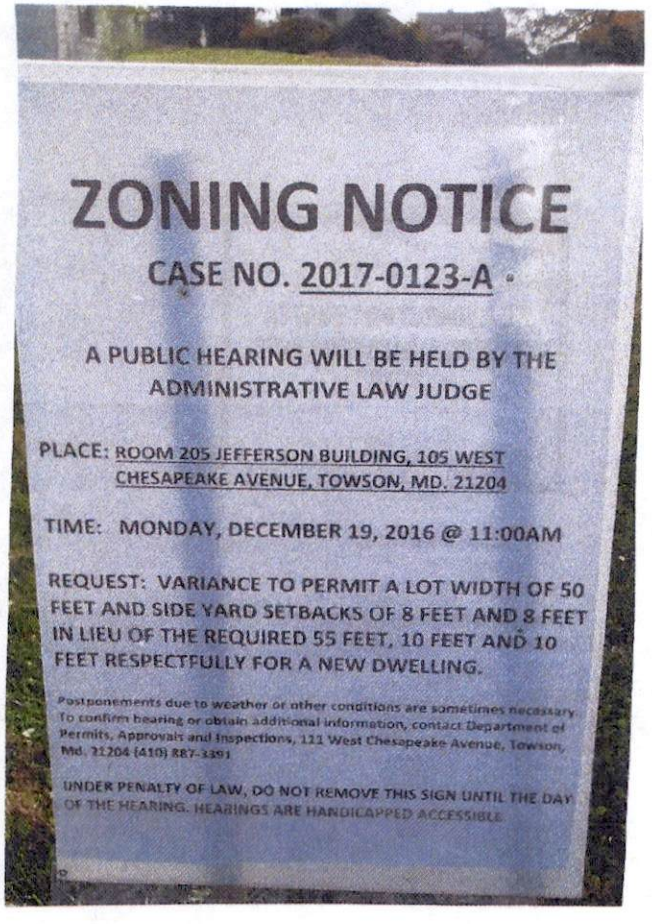
Case Number /PAI Number: 2017-0123-A

Petitioner/Developer: ROBERT CLICK

Date of Hearing/Closing: DECEMBER 19, 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 309 OBERLE AVENUE

The sign(s) were posted on NOVEMBER 28, 2016
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

KEVIN KAMENETZ
County Executive

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

November 21, 2016

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: 2017-0123-A
309 Oberle Avenue
S/s Oberle Avenue, East 681 ft. to the centerline of Cedar Road
15th Election District – 7th Councilmanic District
Legal Owners: Estate of Marie Sacilotto, Trustees Michael Sacilotto & Jean Brown
Contract Purchaser: Robert Click

Variance to permit a lot width of 50 feet and side yard setbacks of 8 feet and 8 feet in lieu of the required 55 feet, 10 feet and 10 feet, respectfully, for a new dwelling.

Hearing: Monday, December 19, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: David Billingsley, 601 Charwood Court, Edgewood 21040
Robert Click, 43 Gun Falls Road, Nottingham 21236
Michael Sacilotto, Jean Brown, 311 Oberle Avenue, Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 29, 2016.**
(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, November 29, 2016 Issue - Jeffersonian

Please forward billing to:
Robert Click 443-600-1085
43 Gun Falls Road
Nottingham, MD 21236

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: 2017-0123-A
309 Oberle Avenue
S/s Oberle Avenue, East 681 ft. to the centerline of Cedar Road
15th Election District – 7th Councilmanic District
Legal Owners: Estate of Marie Sacilotto, Trustees Michael Sacilotto & Jean Brown
Contract Purchaser: Robert Click

Variance to permit a lot width of 50 feet and side yard setbacks of 8 feet and 8 feet in lieu of the required 55 feet, 10 feet and 10 feet, respectfully, for a new dwelling.

Hearing: Monday, December 19, 2016 at 11:00 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.

RE: PETITION FOR VARIANCE 309 Oberle Avenue; S/S Oberle Avenue, East 681' to c/line of Cedar Road 15th Election & 7th Councilmanic Districts Legal Owner(s): Estate of Marie Sacilotto by Michael Sacilotto and Jean Brown Petitioner(s)	* * * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2017-123-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.

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 14th day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2017-0123-A

Property Address: 304 OBERLE AVE

Property Description: _____

Legal Owners (Petitioners): JEAN M. BROWN

Contract Purchaser/Lessee: ROBERT CLICK

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT CLICK

Company/Firm (if applicable): _____

Address: 43 GUNFALLS RD
NOTTINGHAM, MD 21236

Telephone Number: (410) 679-8719

Revised 7/9/2015

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

№ 145731

Date: 10/31/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	830	000		6150				75.00

Total: 75.00

Rec From: Dave Billingsley

For: 2017-0123-A

304 Oberle Avenue

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
10/31/2016	10/31/2016	09:29:42	3

REG WS03 WALKIN CAH
>>RECEIPT # 702738 10/31/2016 OFLN
Dept 5 SZB ZONING VERIFICATION
CR NO. 145731
Recpt Tot $75.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

KEVIN KAMENETZ
County Executive

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

December 15, 2016

Michael L Sacilotto
Jean M S Brown
311 Oberle Avenue
Baltimore MD 21221

RE: Case Number: 2017-0123 A, Address: 309 Oberle Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 31, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Robert Click, 43 Gun Falls Road, Nottingham MD 21236
David Billingsley, 601 Charwood Road, Edgewood MD 21040

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

State Highway Administration
Maryland Department of Transportation

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

Date: 11/9/16

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. 2017-0123-A
Variance
Michael L. Sacilotto & Jean M.S. Brown
3090 Berle Avenue

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,

Richard A. Zeller

for 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

DATE: November 23, 2016

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 14, 2016
Item No. 2017-0121, 0123, 0124, 0125, 0127 and 0128

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC11142016.doc

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: November 15, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0123-A
Address 309 Oberle Avenue
(Sacilotto & Brown Property)

Zoning Advisory Committee Meeting of **November 14, 2016**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

   The subject property comprises 13,250 sf. A portion of the property (approx. 6,100 sf) is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow sideyard setback reductions and to allow a reduced lot width do not increase impervious surfaces. However, any future building permit application and/or plans for the proposed dwelling received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations (for the portion of the property within the IDA) and any required mitigation to avoid adverse impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

   The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish and plant habitat in proximity to nearby Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow a new dwelling with sideyard setback reductions and a reduced lot width is consistent with this goal. Any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: November 14, 2016

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/6/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-123

INFORMATION:
Property Address: 309 Oberle Avenue
Petitioner: Michael L. Sacilotto, Jean M.S. Brown
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a lot width of 50 feet and side yard setbacks of 8 feet and 8 feet in lieu of the required 55 feet, 10 feet and 10 feet respectively, for a new dwelling.

A site visit was conducted on November 15, 2016.

The Department has no objection granting the petitioned zoning relief. That notwithstanding, the petitioners must demonstrate to the Administrative Law Judge how the provisions of BCZR §304.1 are being met.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/ka

c: Ngone Seye Diop
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

JB 12-19 11 Am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/6/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-123

RECEIVED
DEC 12 2016
OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 309 Oberle Avenue
Petitioner: Michael L. Sacilotto, Jean M.S. Brown
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a lot width of 50 feet and side yard setbacks of 8 feet and 8 feet in lieu of the required 55 feet, 10 feet and 10 feet respectively, for a new dwelling.

A site visit was conducted on November 15, 2016.

The Department has no objection granting the petitioned zoning relief. That notwithstanding, the petitioners must demonstrate to the Administrative Law Judge how the provisions of BCZR §304.1 are being met.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/ka

c: Ngone Seye Diop
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2017\17-123.docx

12-19

RECEIVED

NOV 15 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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: November 15, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0123-A
Address 309 Oberle Avenue
(Sacilotto & Brown Property)

Zoning Advisory Committee Meeting of **November 14, 2016**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

   The subject property comprises 13,250 sf. A portion of the property (approx. 6,100 sf) is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow sideyard setback reductions and to allow a reduced lot width do not increase impervious surfaces. However, any future building permit application and/or plans for the proposed dwelling received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations (for the portion of the property within the IDA) and any required mitigation to avoid adverse impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

   The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish and plant habitat in proximity to nearby Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

   The applicant's request to allow a new dwelling with sideyard setback reductions and a reduced lot width is consistent with this goal. Any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: November 14, 2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 23, 2016

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 14, 2016
Item No. 2017-0121, 0123, 0124, 0125, 0127 and 0128

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC11142016.doc

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: November 15, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0123-A
Address 309 Oberle Avenue
(Sacilotto & Brown Property)

Zoning Advisory Committee Meeting of **November 14, 2016**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

   The subject property comprises 13,250 sf. A portion of the property (approx. 6,100 sf) is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow sideyard setback reductions and to allow a reduced lot width do not increase impervious surfaces. However, any future building permit application and/or plans for the proposed dwelling received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations (for the portion of the property within the IDA) and any required mitigation to avoid adverse impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

   The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements; which will improve buffer functions and conserve fish and plant habitat in proximity to nearby Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

   The applicant's request to allow a new dwelling with sideyard setback reductions and a reduced lot width is consistent with this goal. Any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: November 14, 2016

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/6/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-123

INFORMATION:
Property Address: 309 Oberle Avenue
Petitioner: Michael L. Sacilotto, Jean M.S. Brown
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a lot width of 50 feet and side yard setbacks of 8 feet and 8 feet in lieu of the required 55 feet, 10 feet and 10 feet respectively, for a new dwelling.

A site visit was conducted on November 15, 2016.

The Department has no objection granting the petitioned zoning relief. That notwithstanding, the petitioners must demonstrate to the Administrative Law Judge how the provisions of BCZR §304.1 are being met.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/ka

c: Ngone Seye Diop
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 309 OBERLE AVE
CASE NUMBER 2017-0123-A
DATE 12/19/16

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DAVID BILLINGSLEY	601 CHARWOOD CT.	EDGEWOOD MD 21040	dwb0209@yahoo.com
ROBERT CLICK	43 GUN FALLS RD	NOTTINGHAM MD 21236	

CASE NO. 2017-0123-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
11/23	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
11/15	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
12/16	PLANNING (if not received, date e-mail sent _____)	No Obj
11/9	STATE HIGHWAY ADMINISTRATION	No obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/29/16

SIGN POSTING Date: 11/28/16 by Bullingsley

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search — Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District - 15 Account Number - 1519001020**

Owner Information

Owner Name:	SACILOTTO MICHAEL M SACILOTTO MARIE A	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	12700 REGWOOD RD FORK MD 21051-9724	**Deed Reference:**	

Location & Structure Information

Premises Address:	OBERLE AVE BALTIMORE 21221-4705	**Legal Description:**	PRT LOT 64 GRAFOLIO

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0090	0020	0660		0000			64	2015	Plat Ref:	0004/0190

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

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
			13,250 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016	As of 07/01/2017
Land:	75,800	75,800		
Improvements	0	0		
Total:	75,800	75,800	75,800	75,800
Preferential Land:	0			0

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**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	0.00|0.00

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

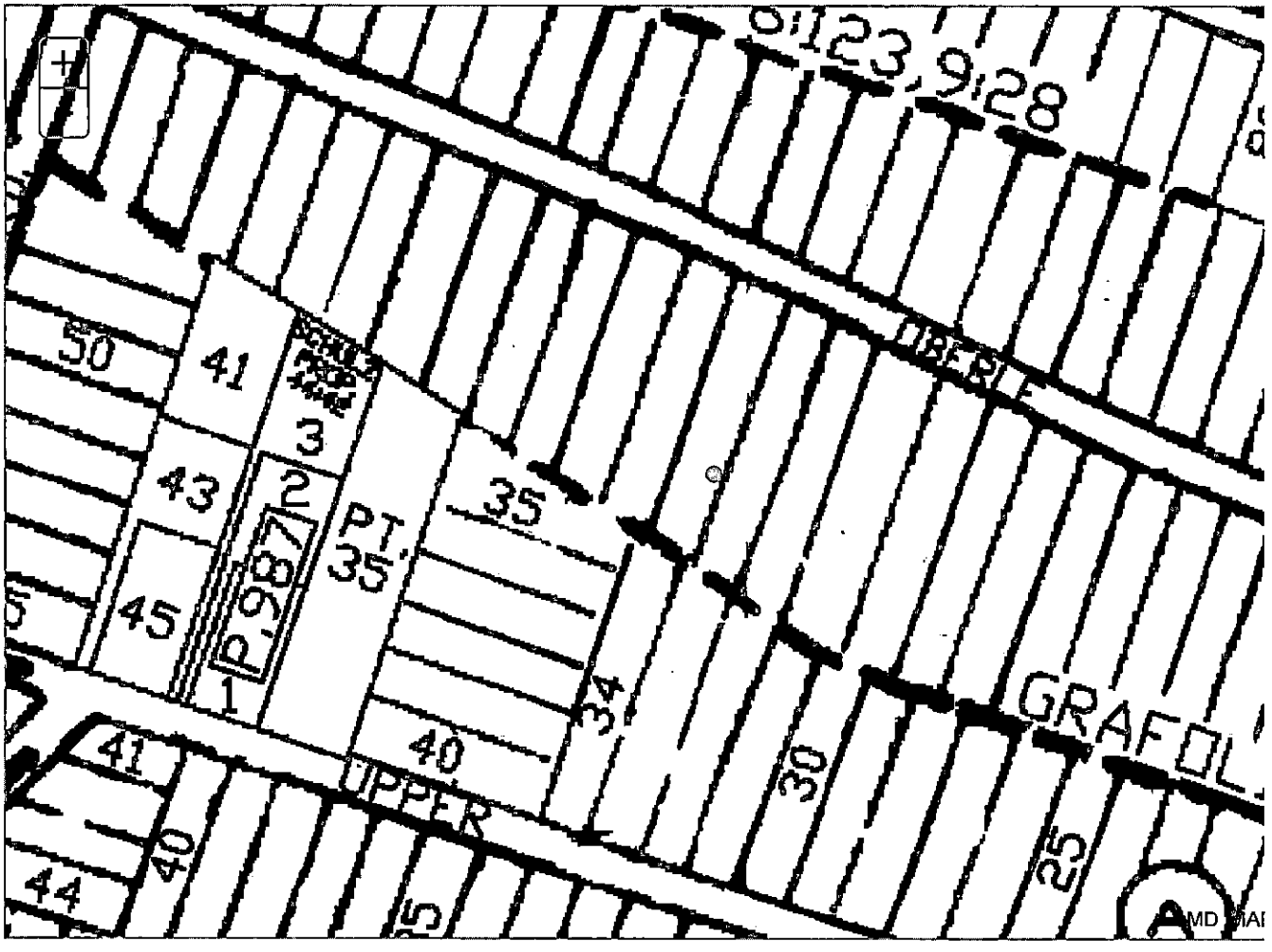
Homestead Application Information

Homestead Application Status: No Application

Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: **15** Account Number: **1519001020**



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 (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).

Sln
12/20/16

AW

PETITIONER'S EXHIBITS

309 OBERLE AVENUE
CASE NO. 2017-0123-A

1. PLAT TO ACCOMPANY PETITION DATED SEPTEMBER 12, 2016 (NO CHANGES)

2. SDAT REAL PROPERTY DATA SEARCH

3. DEED OF RECORD – LIBER 1153 FOLIO 236 DATED MARCH 20, 1941

4. PLAT OF GRAFOLIO – PLAT BOOK 4 FOLIO 190 RECORDED 6/15/1916

5. AERIAL PHOTO

6 A-D. PHOTOS

7. BUILDING ELEVATION

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 - 15 Account Number - 1519001020

Owner Information

Owner Name:	SACILOTTO MICHAEL M SACILOTTO MARIE A	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	311 OBERLE AVE BALTIMORE MD 21221-4705	**Deed Reference:**	

Location & Structure Information

Premises Address:	OBERLE AVE 0-0000	**Legal Description:**	PRT LOT 64 GRAFOLIO

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0090	0020	0660		0000			64	2015	Plat Ref:	0004/0190

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

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
			13,250 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016	As of 07/01/2017
Land:	75,800	75,800		
Improvements	0	0		
Total:	75,800	75,800	75,800	75,800
Preferential Land:	0			0

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**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	0.00|0.00

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

Homestead Application Information

Homestead Application Status: No Application

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied,

PETITIONER'S EXHIBIT NO. 2

Test (Corporate Seal) E Henry Siegmund

Wallace E Grothaus Pres

State of Maryland City of Baltimore to wit

I Hereby Certify that on this 20th day of March 1941 before me the subscriber a Notary Public of said State in and for the said City personally appeared E Henry Siegmund the President of the above named body corporate releasor and acknowledged the said Deed of Release to be the said act of the said body corporate

As Witness my hand and Official seal

(Notarial Seal) Wallace E Grothaus

Notary Public

Recorded Mar 21 1941 at 3 P M and exd per C Willing Browne Jr Clerk

---

174988) This Deed Made this twentieth day of March 1941 by and
No Broadway Per Bldg Asso) between the North Broadway Permanent Building Association of
of Baltimore City) Baltimore City A Body Corporate party of the first part Grantor
Deed to) and Michael M Sacilotto and Marie A Sacilotto his wife parties
Michael M Sacilotto & Wf) of the second part Grantees
USS $0.55 SS $0.20) Witnesseth that for and in consideration of the sum of
Five Dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said North Broadway Permanent Building Association of BaltimoreCity does hereby grant and convey unto the said Michael M Sacilotto and Marie A Sacilotto his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of the survivor in fee simple all those two pieces or parcels of ground situate lying and being on Oberle Avenue in the Fifteenth Election District of Baltimore County and known and designated as Lots numbered Sixty four (64) and Sixty five (65) on the Plat of Grafolio which plat is recorded among the Plat Records of Baltimore County in Plat Book Liber W P C No 4 folio 190

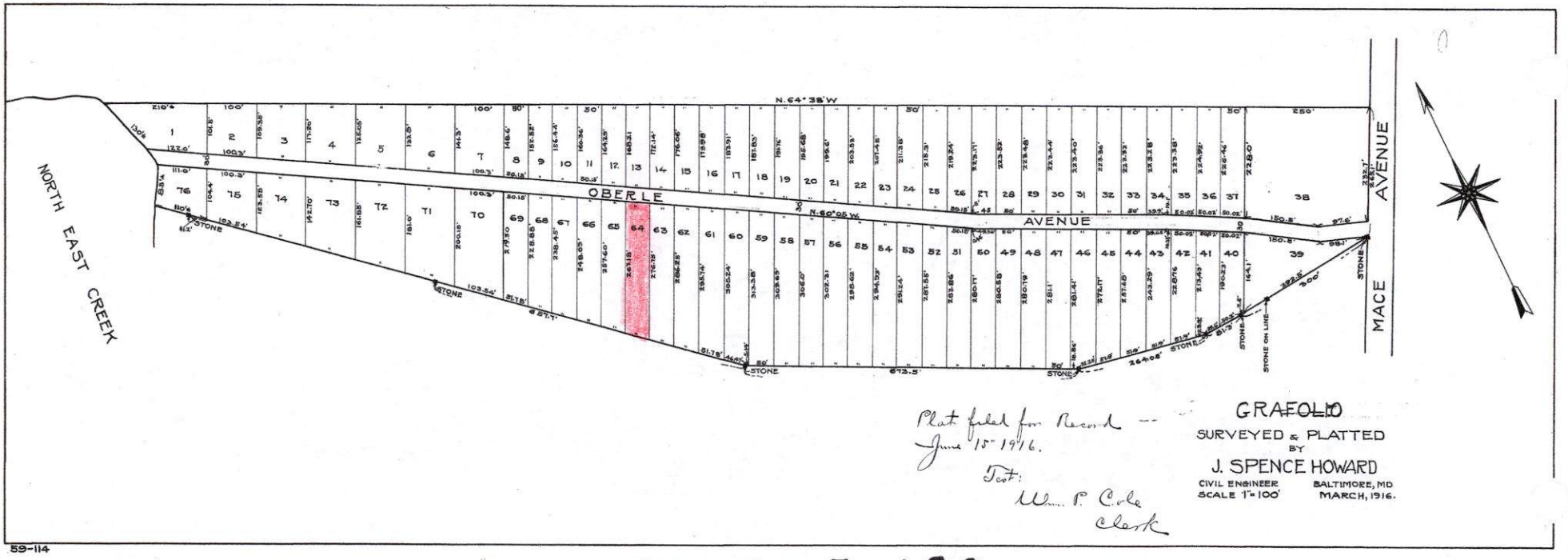
Being two of the lots of ground which by a deed dated November 8th 1935 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 966 Folio 230 were granted and conveyed by Peter Schutz and wife to the North Broadway Permanent Building Association of Baltimore City

Together with the buildings and improvements thereupon erected made or being and all and every the rights ways waters privileges appurtenances and advantages thereunto appertaining or in anywise belonging

To Have And To Hold the said land and premises unto and to theproper use and benefit of the said Michael M Sacilotto and Marie A Sacilotto his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of the survivor in fee simple

And the said North Broadway Permanent Building Association of Baltimore City does hereby covenant that it has not done nor suffered to be done any act or matter to encumber the property hereby conveyed and that it will warrant specially the property hereby granted and that it will execute such other and further assurances of the same as may be requisite

As Witness the Corporate Seal of the said North Broadway Permanent Building Association of Baltimore City a Body Corporate and the signature of E Henry Siegmund its President the day and year first above written



59-114

P.B. 4 F. 190
RECORDED 6/15/1916

PETITIONER'S
EXHIBIT NO. 4

PETITIONER'S EXHIBIT NO. 5

My Neighborhood Map

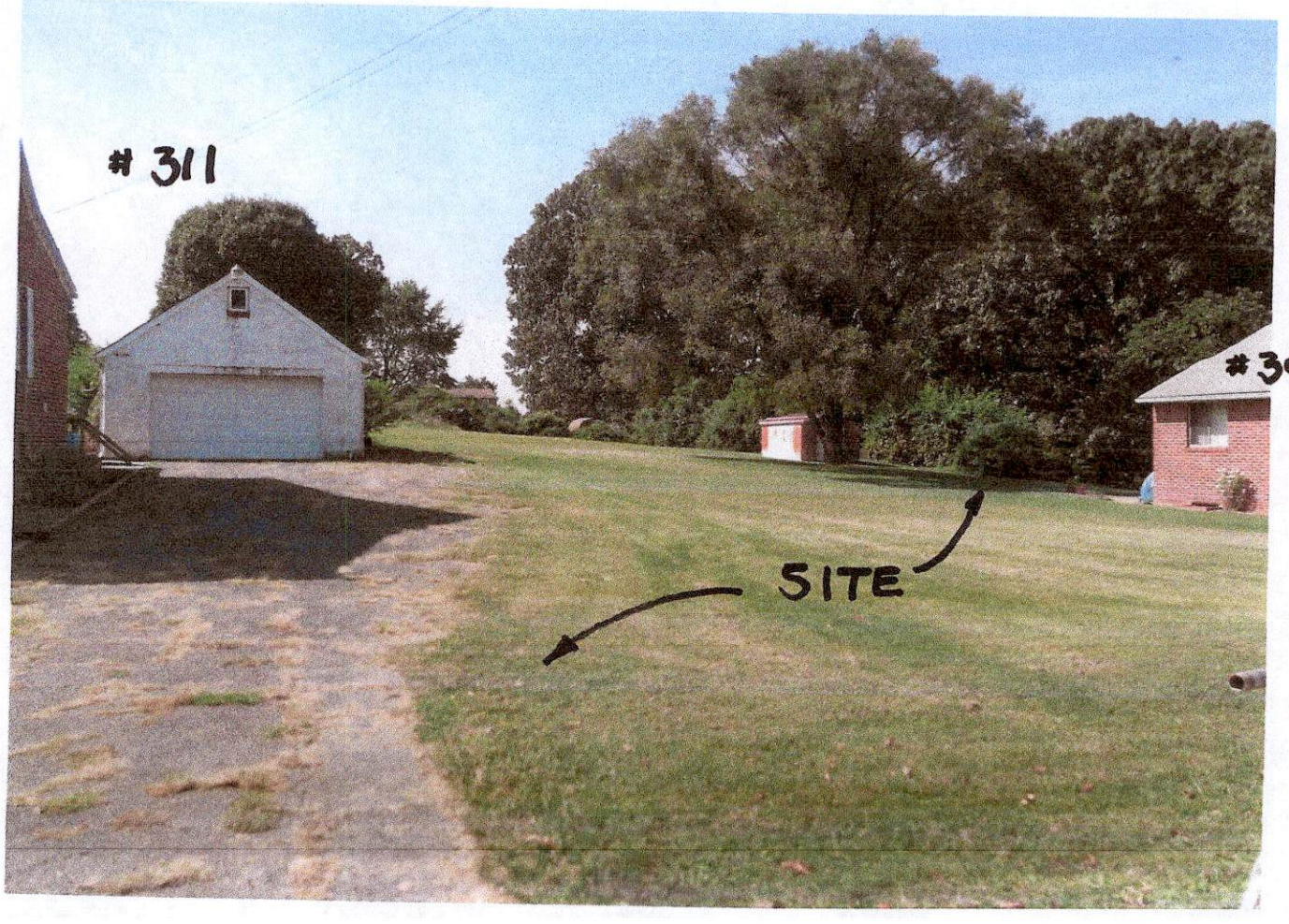
Created By
Baltimore County
My Neighborhood

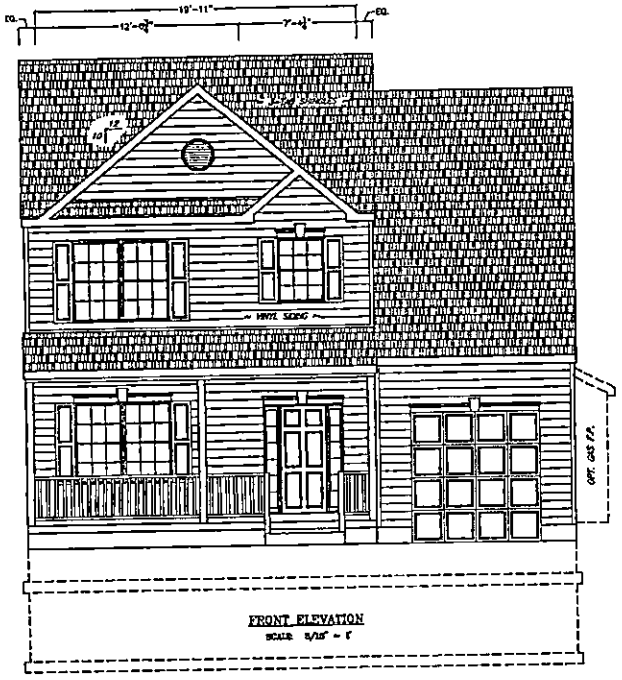
Printed 9/9/2016

A

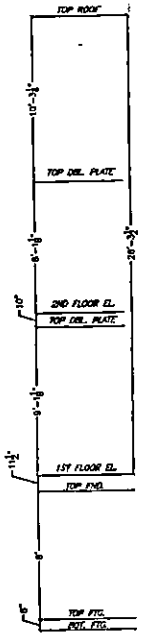
B

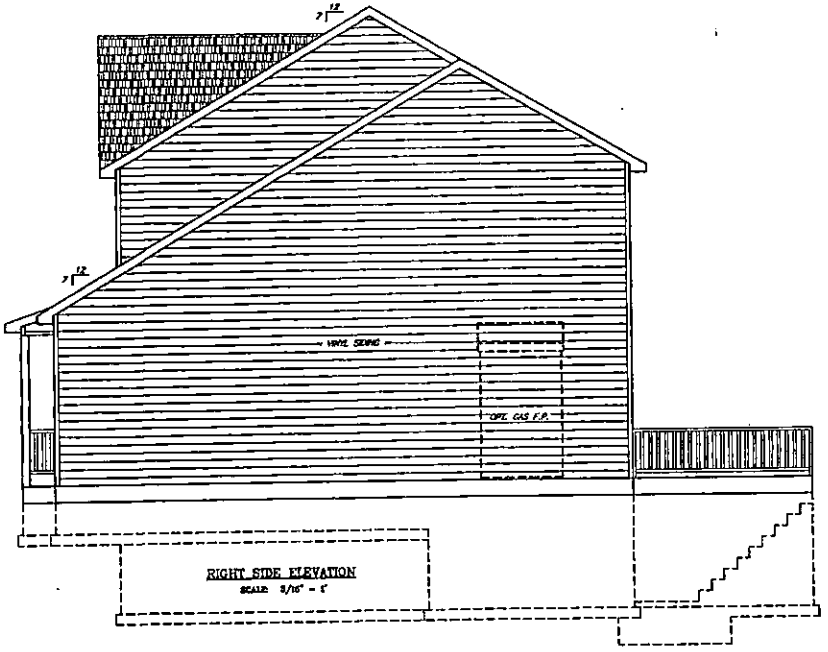

#311
SITE


311
#307
SITE

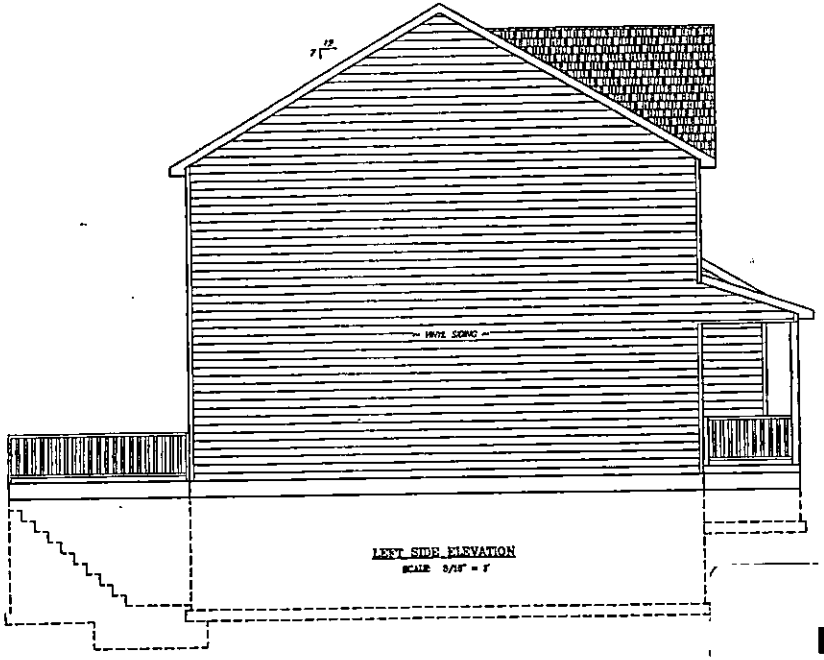


FRONT ELEVATION
SCALE: 3/16" = 1'

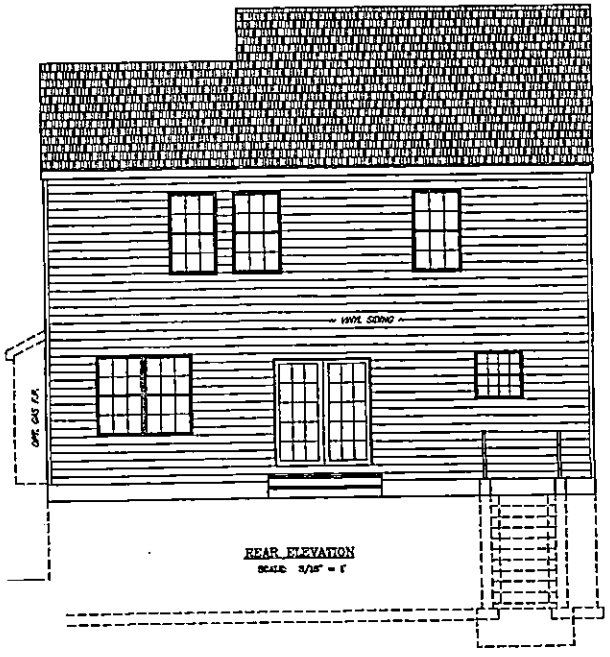




RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'



LEFT SIDE ELEVATION
SCALE: 3/16" = 1'



REAR ELEVATION
SCALE: 3/16" = 1'

PETITIONER'S EXHIBIT NO. 7

JENKINS BUILDERS, LLC
8680 Magnolia Avenue
Perry Hall, MD 21128
Phone: 410-530-5844

THE HAZELWOOD

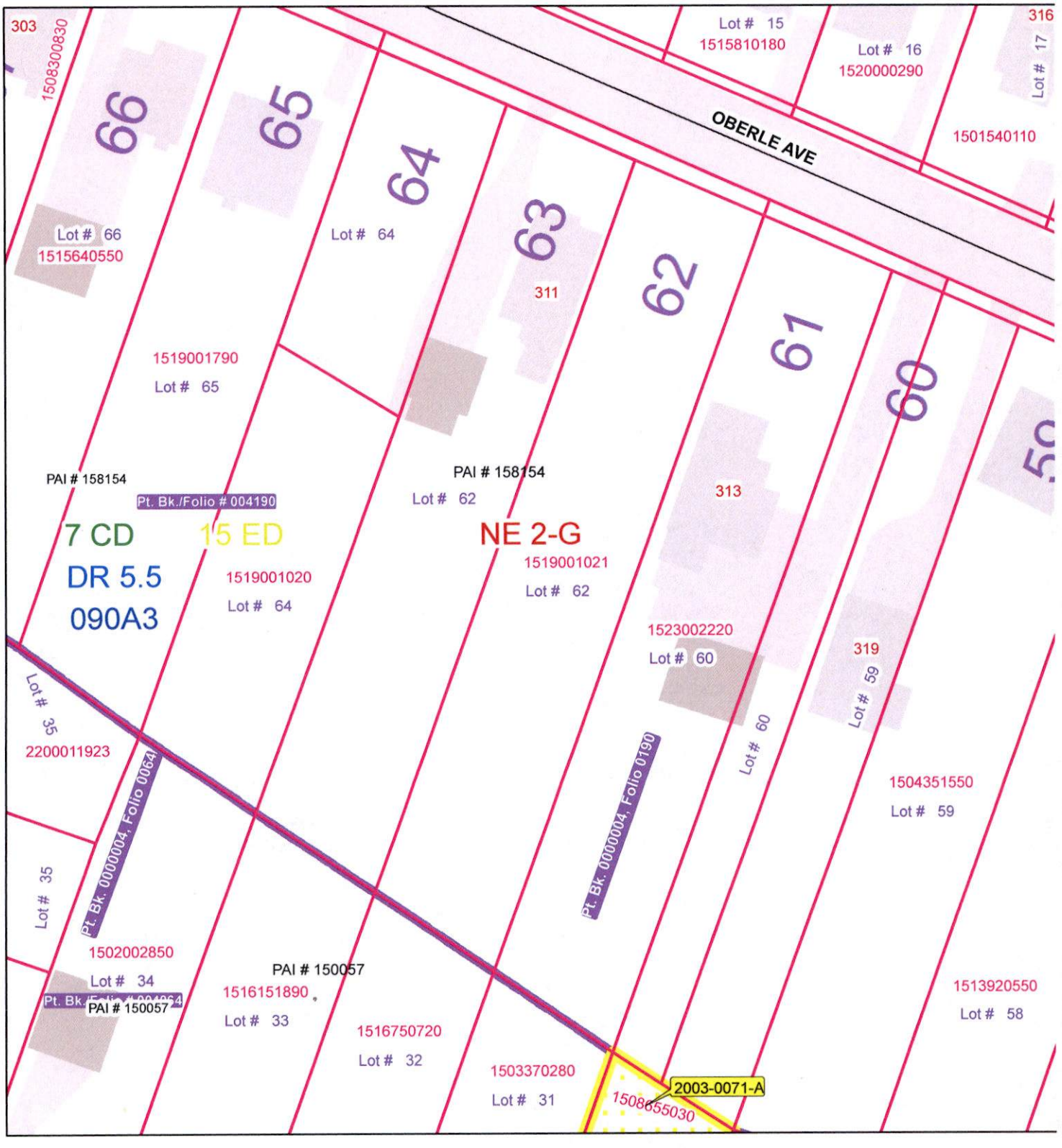
Revisions
08/01/10
09/13/10
10/02/10

MARK WALKER
DRAFTSMAN/DESIGNER
P.O. BOX 6, DELTA, PA 17314
Phone: 717-818-9287
Fax: 717-456-7880

08/20/10
Drawn By MW

A-1

309 Oberle Avenue



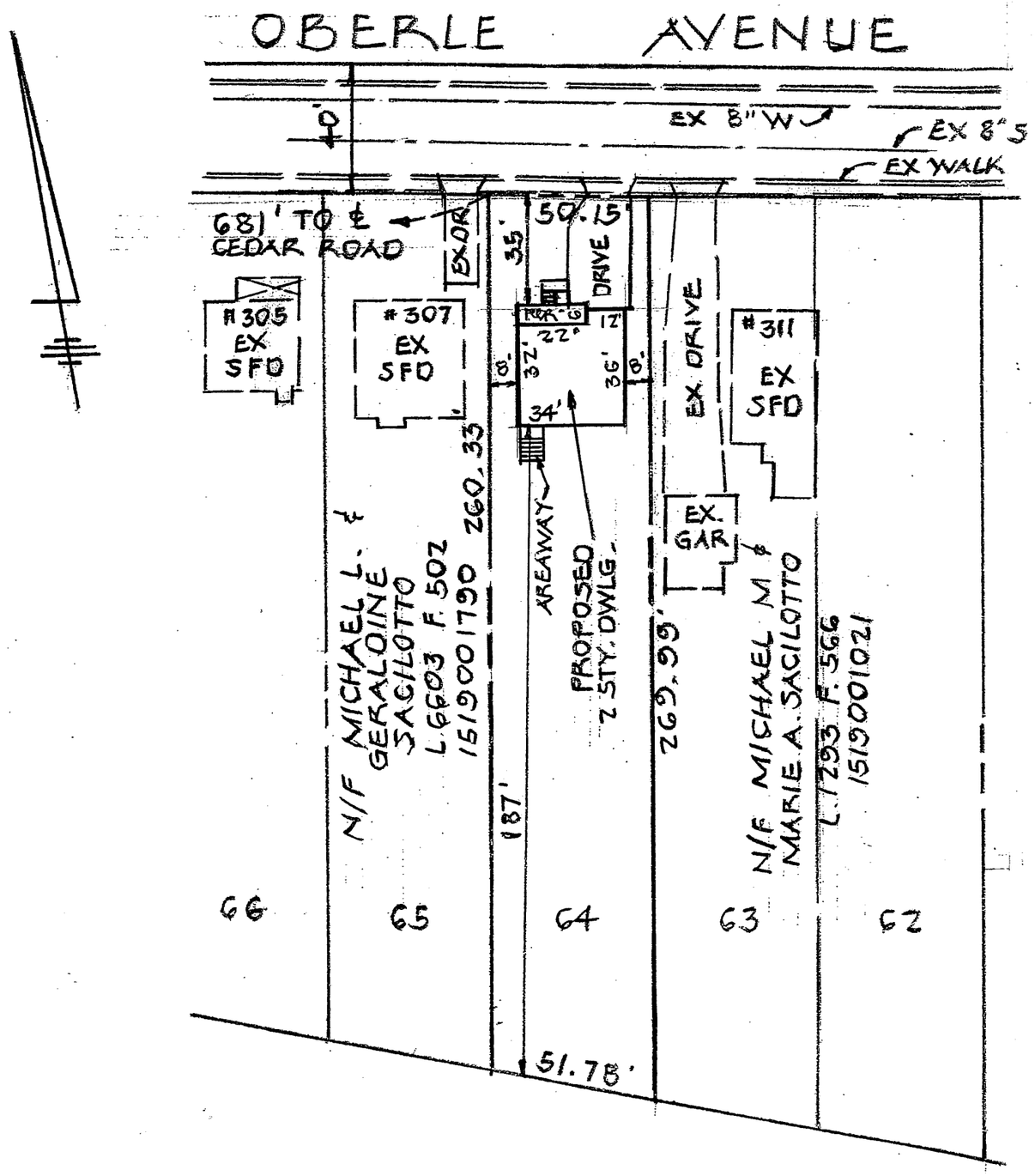
Publication Date: 10/31/2016

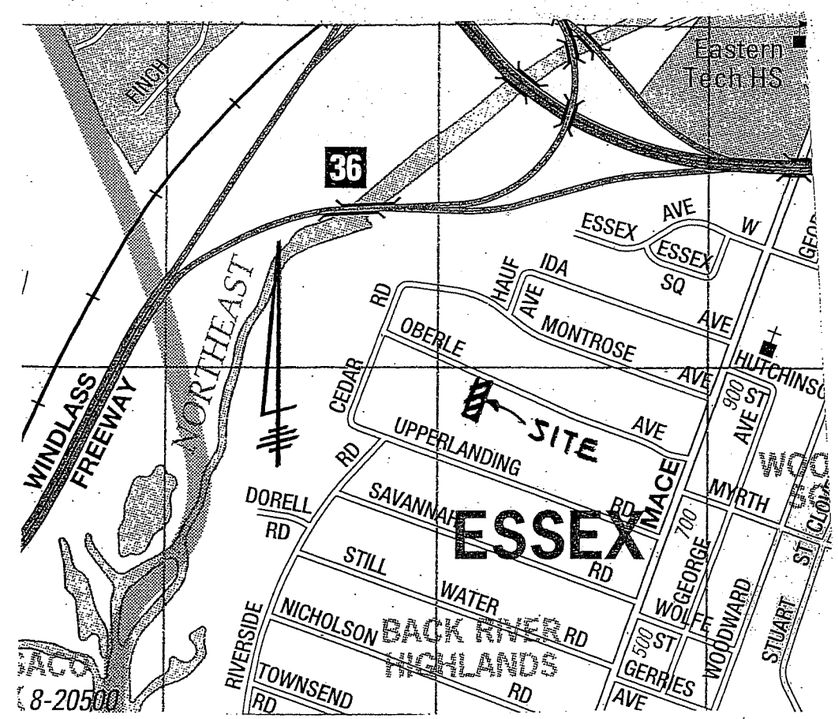
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

N
W E
S

0 12.525 50 75 100 Feet

1 inch = 50 feet





VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S EXHIBIT NO. 1

OWNER
MARIE A. SACILOTTO
311 OBERLE AVENUE
BALTIMORE, MD. 21221
DEED REF: L.1293 F.566
ACCT. NO. 1519001020

NOTES

1. ZONING.....DR 5.5 (MAP 090A3)
2. AREA.....13,250 S.F. = 0.304 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
4. SITE IS IN THE CBCA
5. SITE IS NOT IN A 100 YEAR FLOOD ZONE
6. PUBLIC WATER AND SEWER
7. NO HISTORIC STRUCTURES OR SITES, UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

PLAT TO ACCOMPANY REQUEST FOR VARIANCE

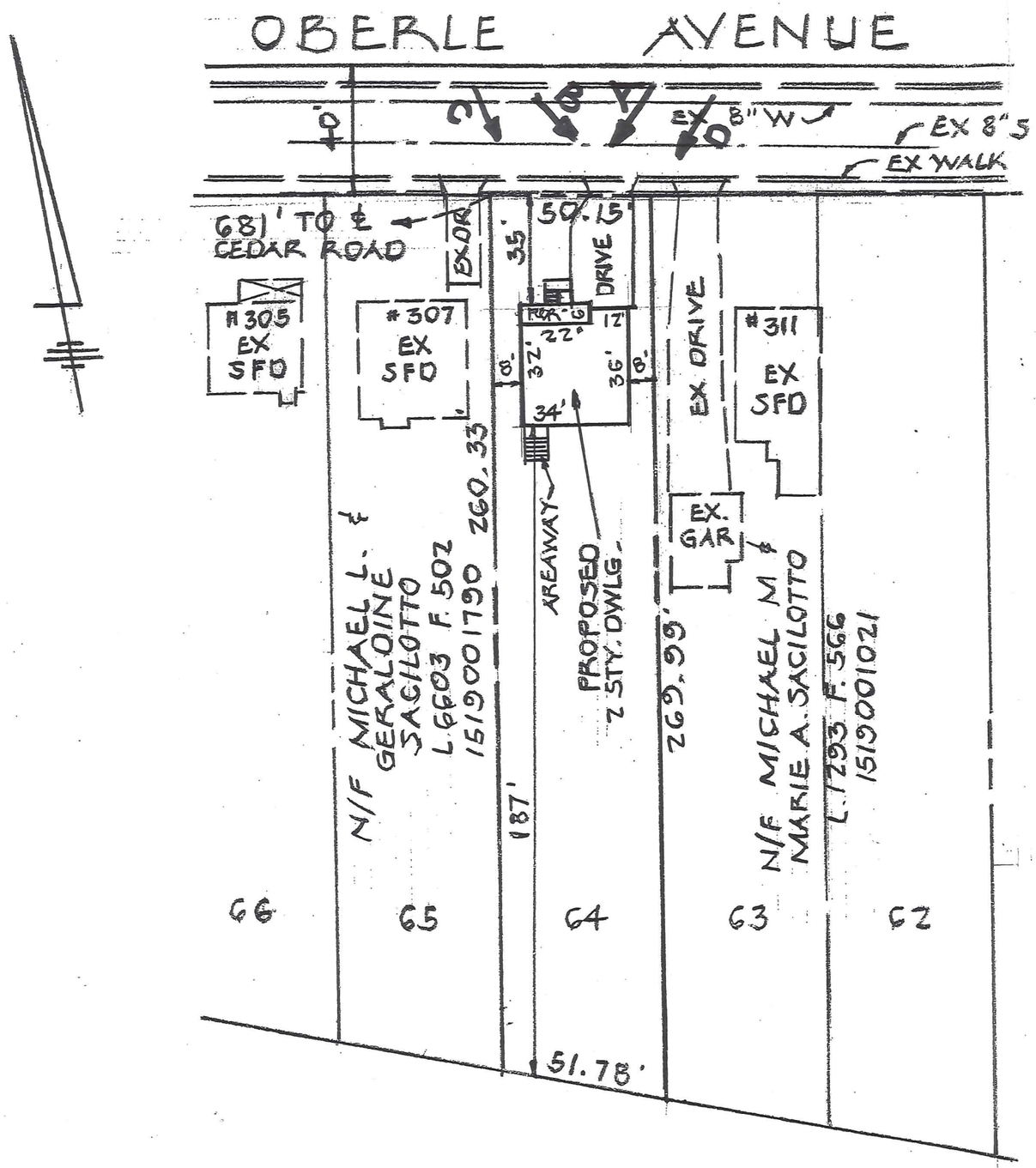
309 OBERLE AVENUE

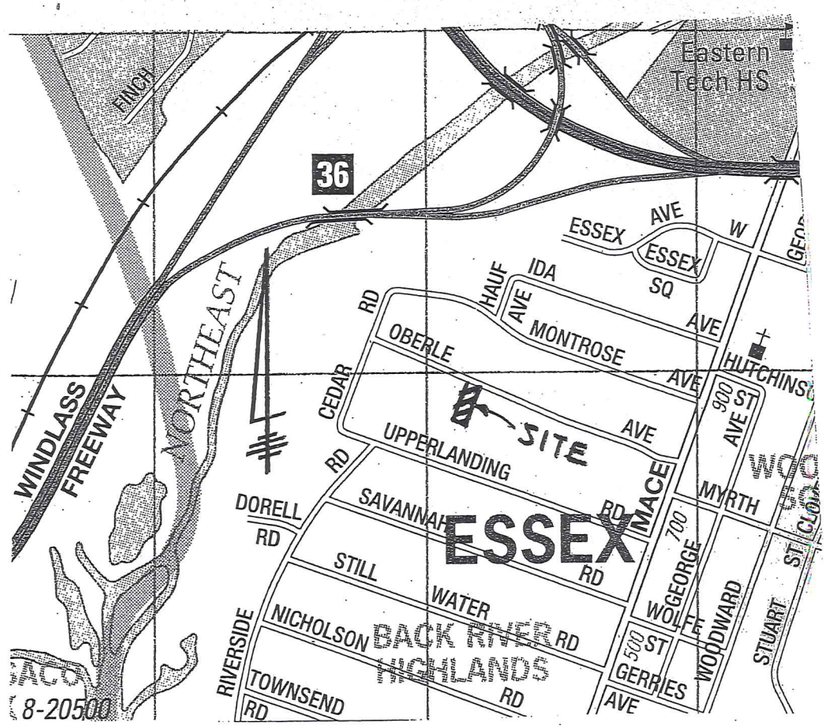
LOT 64 GRAFOLIO P.B. 4 F. 190

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND

SCALE: 1 INCH = 40 FEET SEPTEMBER 12, 2016

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719





VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S
EXHIBIT NO. 6A-O

OWNER
MARIE A. SACILOTTO
311 OBERLE AVENUE
BALTIMORE, MD. 21221
DEED REF: L.1293 F.566
ACCT. NO. 1519001020

NOTES

1. ZONING.....DR 5.5 (MAP 090A3)
2. AREA.....13,250 S.F. = 0.304 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
4. SITE IS IN THE CBCA
5. SITE IS NOT IN A 100 YEAR FLOOD ZONE
6. PUBLIC WATER AND SEWER
7. NO HISTORIC STRUCTURES OR SITES, UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

PHOTOS

PLAT TO ACCOMPANY REQUEST FOR VARIANCE

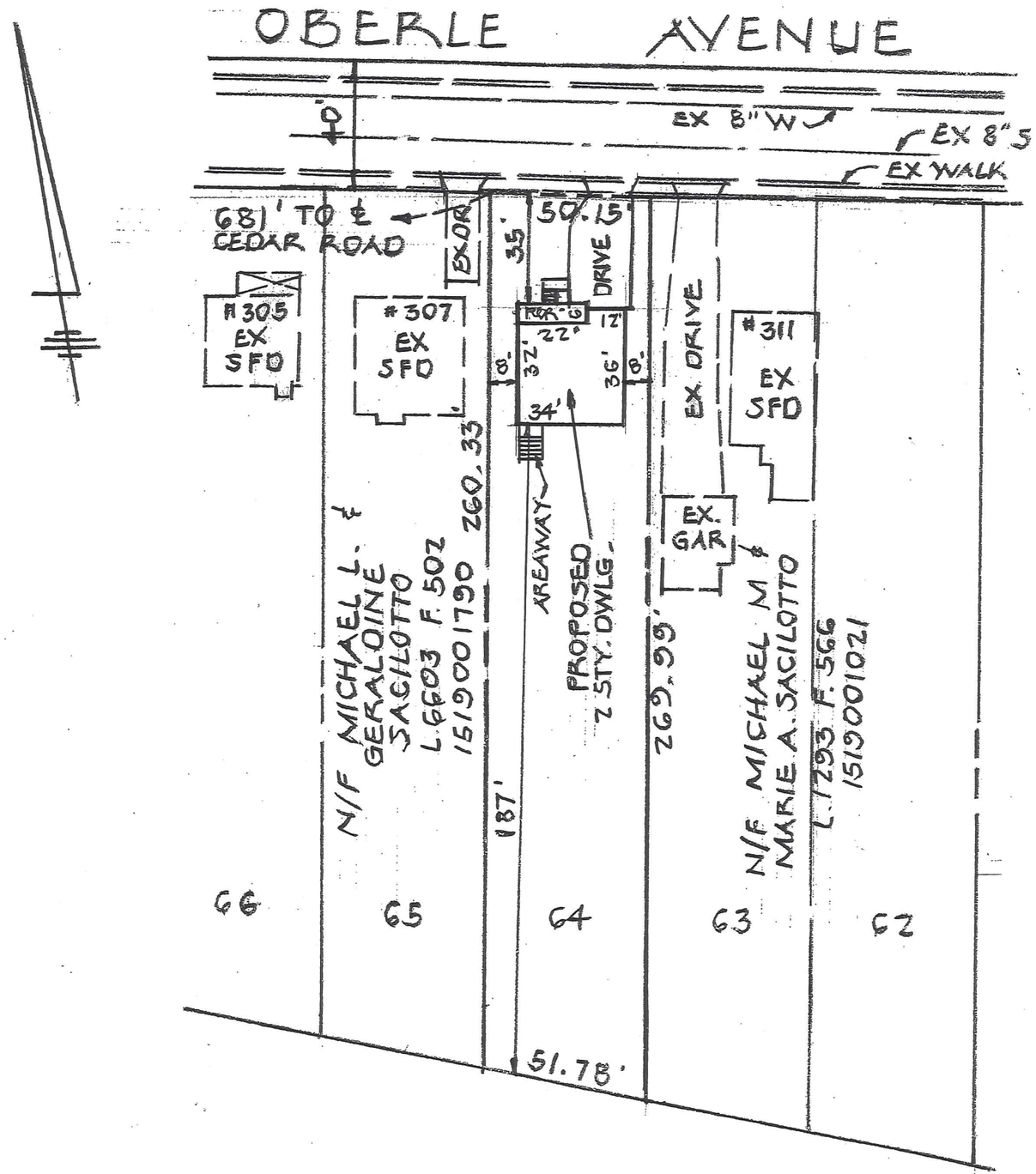
309 OBERLE AVENUE

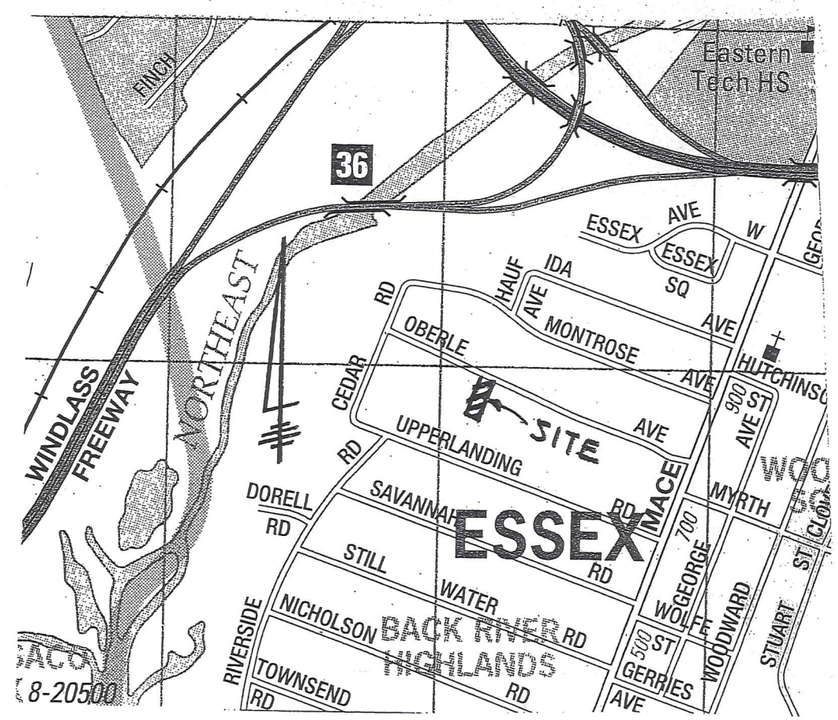
LOT 64 GRAFOLIO P.B. 4 F. 190

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND

SCALE: 1 INCH = 40 FEET SEPTEMBER 12, 2016

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719





VICINITY MAP
SCALE: 1" = 1000'

OWNER
MARIE A. SACILOTTO
311 OBERLE AVENUE
BALTIMORE, MD. 21221
DEED REF: L.1293 F.566
ACCT. NO. 1519001020

NOTES

1. ZONING.....DR 5.5 (MAP 090A3)
2. AREA.....13,250 S.F. = 0.304 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
4. SITE IS IN THE CBCA
5. SITE IS NOT IN A 100 YEAR FLOOD ZONE
6. PUBLIC WATER AND SEWER
7. NO HISTORIC STRUCTURES OR SITES, UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

PLAT TO ACCOMPANY REQUEST FOR VARIANCE

309 OBERLE AVENUE

LOT 64 GRAFOLIO P.B. 4 F. 190

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND

SCALE: 1 INCH = 40 FEET SEPTEMBER 12, 2016

2017-0123-A

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719