

M E M O R A N D U M

DATE: July 29, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0040-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on July 27, 2020. 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.'

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(1102 Alexander Avenue) *

1st Election District *

1st Council District *

Sheree Hunter, *Legal Owner*

Maxim, LLC, *Contract Purchaser* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2020-0040-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Sheree Hunter, legal owner, and Maxim, LLC, contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to confirm that a lot merger has not occurred with adjacent existing dwelling at 1100 Alexander Avenue (Lot 83). In addition, a Petition for Variance was filed pursuant to BCZR § 1B02.3.C.1 to permit an existing dwelling with a lot width of 50 ft. in lieu of the minimum required 55 ft. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

The contract purchaser, Mr. Guadreault, appeared in support of the requests and was assisted by surveyor Benjamin Gary from the offices of John Mellema Surveyors, the firm that prepared the site plan. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning. They did not oppose the requested relief.

SPECIAL HEARING

Mr. Gaudreault testified that he is a builder/developer. He has purchased the lot in question from Ms. Sheree Hunter, who also owns the adjoining lot at 1100 Alexander Avenue. Ms. Hunter

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Date 10/20/2020
By D. Mignone

has owned both parcels since 2007. According to the un rebutted testimony of Mr. Gaudreault, the parcel in question has never had a structure on it or been used in any way to benefit the adjoining property at 1100 Alexander. In fact, Ms. Hunter has done nothing except cut the grass and perform other such maintenance. Photos of the site (Petitioner's Exhibit 2) show that there are numerous mature trees on the site and no structures. The mature trees indicate that there have never been structures of any significance on the site.

Based on this evidence I find that the subject lot has not merged with the lot at 1100 Alexander Avenue, and that it is a separate and discrete building lot. *See, Mueller v. People's Counsel for Baltimore County*, 177 Md. App. 43 (2007) (absent the construction of substantial structures or the intense use of a parcel by the owners of the adjoining parcel there is no merger of the parcels).

VARIANCE

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).

The subject property lies within a subdivision of similar narrow lots which predate the current zoning. The lot in question is 50 feet wide – 5 feet less than the 55 foot width required in a DR 5.5 zone. However, Mr. Gary explained that the proposed residence will be only 30 ft. wide and 40 ft. long so it will meet the side and rear setbacks. Further, the parcel is 7,500 sq. ft. so it far exceeds the minimum requirement of 6000 sq. ft. Further, Mr. Gary pointed out that numerous

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Date 6/26/2020

By D. Mignon

similar variances have been granted in the immediate vicinity of this property, including the two adjoining lots to the rear at 1103 and 1105 Handy Avenue.

Given the zoning overlay discussed above I find that the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because they would be unable to build the proposed residential structure. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is confirmed by the lack of community or County agency opposition.

THEREFORE, IT IS ORDERED this 26th day of **June, 2020**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to §500.7 of the BCZR to confirm that a lot merger has not occurred with the adjacent existing dwelling at 1100 Alexander Avenue (Lot 83), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to § 1B02.3.C.1 of the BCZR to permit an existing dwelling with a lot width of 50 ft. in lieu of the minimum required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

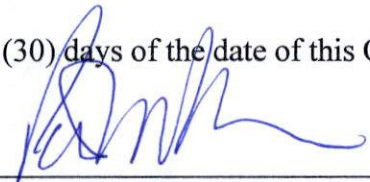
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

ORDER RECEIVED FOR FILING

Date 10/21/2020

By D. Mignon



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County



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 1102 ALEXANDER AVE, CATONSVILLE 21228 which is presently zoned DR 5.5
 Deed References: Z5472/148 Parcel 2 8210 Digit Tax Account # 0106200260
 Property Owner(s) Printed Name(s) SHEREE HUNTER

(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:

- ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and or confirm that a lot merger has not occurred with adjacent existing dwelling at 1100 Alexander Ave. (Lot 83)
- ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
- ☒ **a Variance** from Section(s) 1 BOZ. 3. C. 1., BCZR, to permit an existing dwelling with a lot width of 50' Feet in lieu of the required 55' Feet.

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:

Maxim LLC
 Name- Type or Print
[Signature]
 Signature
983 Chesterfield RD Annapolis MD
 Mailing Address City State
21401 / 443-871-4584 / maxim14gandreault@gmail.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

maxim14gandreault@gmail.com
 Name- Type or Print
[Signature]
 Signature
1620/2020
 Mailing Address City State
21201 / 410-247-7486 / JCMLEVERIZON.NET
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Sheree Hunter
 Name #1 - Type or Print Name #2 - Type or Print
[Signature]
 Signature #1 Signature #2
1100 Alexander Ave Catonsville MD
 Mailing Address City State
21228 / 410-504-9107 / she-works@hotmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

John Mellema Surveyors
 Name - Type or Print
[Signature]
 Signature
5409 EAST DR ARBUTUS MD
 Mailing Address City State
21227 / 410-247-7486 / JCMLEVERIZON.NET
 Zip Code Telephone # Email Address

CASE NUMBER 2020-0040-3PHA Filing Date 2/11/2020 Do Not Schedule Dates: _____ Reviewer JF

John C. Mellema, Sr. Inc.
5409 East Drive
Baltimore, Maryland 21227
410-247-7488 fax 410-247-2507

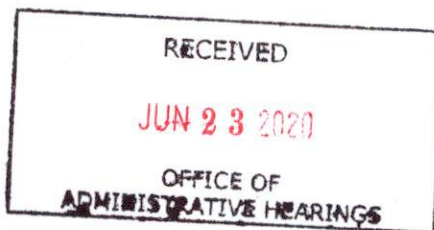
Zoning Description
#1102 Alexander Avenue
Baltimore County Maryland
Tax map 94 Grid 24 Parcel 96

Beginning for the same at a point on the West side of Alexander Ave, said point being 790 feet Northerly from the centerline of Rich Avenue and Alexander Avenue, thence binding on the West side of Alexander Avenue Northerly 50.00 feet, thence leaving Alexander Avenue and running Westerly 150.00 feet, thence Southerly 50.00 feet , thence Easterly 150.00 feet to the West side of Alexander Avenue to the place of beginning.

Being known as lot 82 as shown on the " Plat of Douglas Park " which is recorded in Baltimore County MD plat book 7 folio 170. And being the same lot described in a deed dated March 20th , 2006 , between Sheree Hunter , Personal Representative of the Estate of Charles Jeffrey, deceased , parties of the first and Sheree Hunter party of the second in liber 25472 folio 148.







CERTIFICATE OF POSTING

Date: JUNE 21, 2020
JUNE 5, 2020

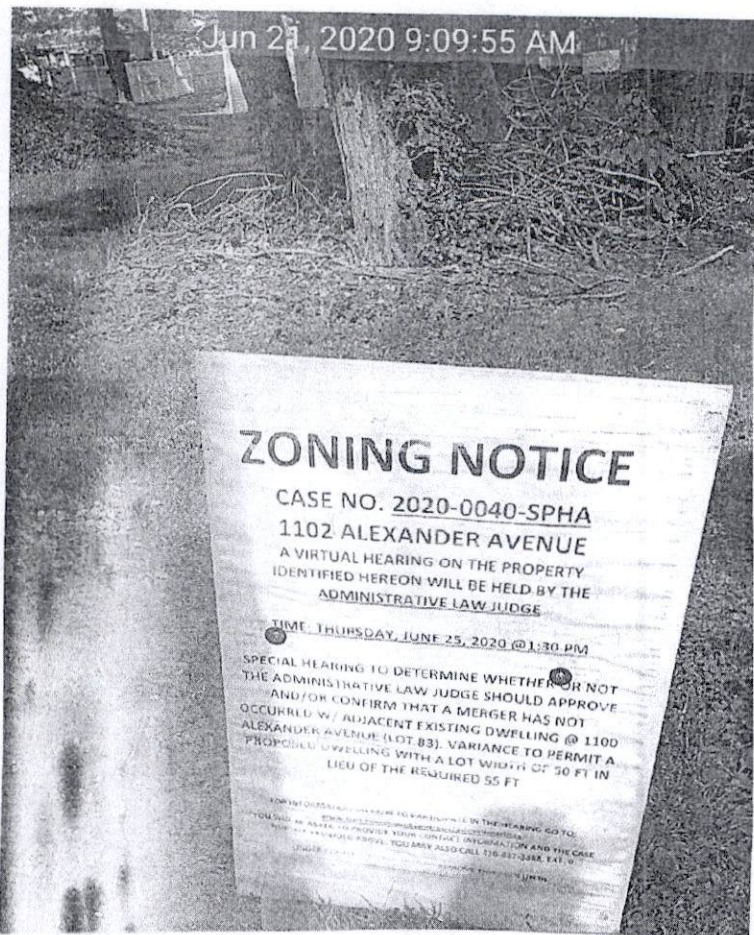
RE: Project Name: 1102 ALEXANDER AVENUE #1
Case Number /PAI Number: 2020-0040-SPHA
Petitioner/Developer: MAXIM, LLC
Date of Hearing/Closing: JUNE 25, 2020

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 1102 ALEXANDER AVENUE

The sign(s) were posted on _____

RECERTIFY JUNE 21, 2020
JUNE 5, 2020

(Month, Day, Year)



David Billingsley
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)

— 252 —

7.4.

— 10 —

1945-1946

CERTIFICATE OF POSTING

Date: JUNE 21, 2020
JUNE 5, 2020

RE: Project Name: 1102 ALEXANDER AVENUE #2
Case Number /PAI Number: 2020-0040-SPHA
Petitioner/Developer: MAXIM, LLC
Date of Hearing/Closing: JUNE 25, 2020

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 1102 ALEXANDER AVENUE

The sign(s) were posted on _____

RECERTIFY JUNE 21, 2020
JUNE 5, 2020

(Month, Day, Year)

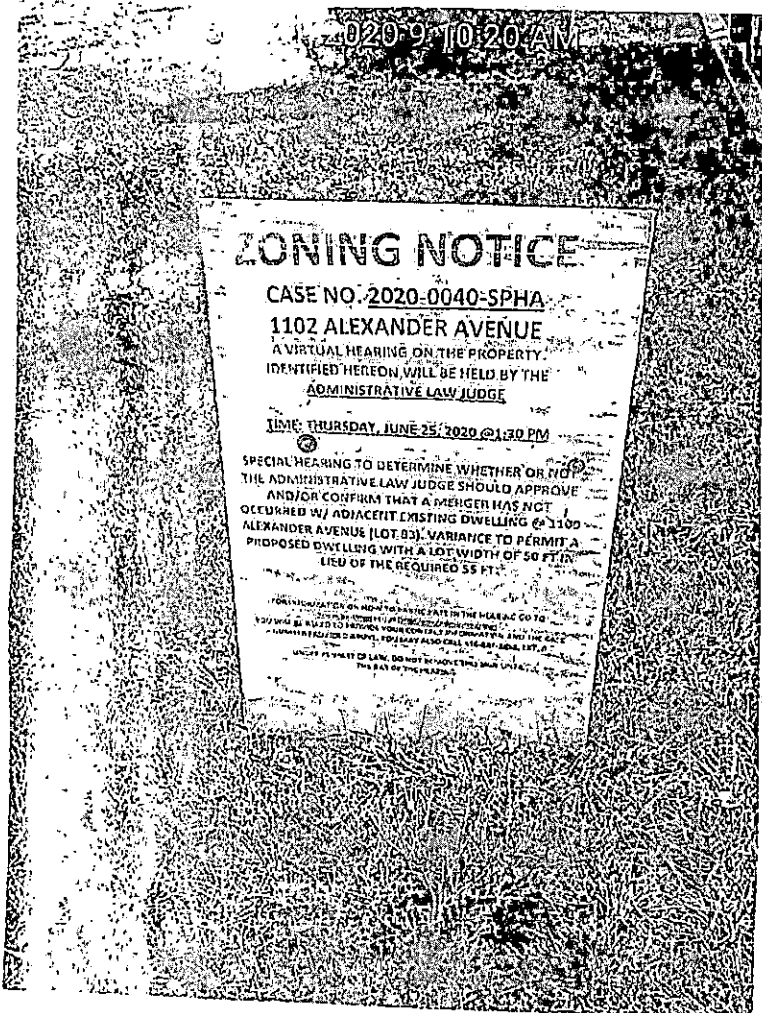
David Billingsley
David Billingsley
(Signature of Sign Poster)

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)



Donna Mignon

From: Donna Mignon
Sent: Tuesday, June 23, 2020 11:17 AM
To: 'jcmls@verizon.net'
Subject: 1102 Alexander Avenue, Hearing date: 6/25/2020 at 1:30 p.m.

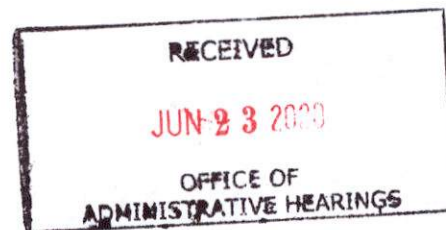
Dear Mr. Surveyors:

I was just reminding you that our office needs any Exhibits that you want to present at the hearing along with the 2nd sign posting certification.

Please email to us at : administrativehearings@baltimorecountymd.gov

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



Donna Mignon

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Sent: Tuesday, June 23, 2020 11:17 AM
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Subject: 1102 Alexander Avenue, Hearing date: 6/25/2020 at 1:30 p.m.

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Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Kristen L Lewis

Subject: Web seminar scheduled: Zoning Hearings - 1102 Alexander Avenue
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=efed9c173b60c2ba3f92b455a69f7f3de>
Start: Thu 6/25/2020 1:30 PM
End: Thu 6/25/2020 2:30 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start the Webex event here.

Host: Kristen Lewis (klewis@baltimorecountymd.gov)
Event number (access code): 160 020 8283
Host key: 199109 (Use this to reclaim host privileges.)

Thursday, June 25, 2020 1:30 pm, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=efed9c173b60c2ba3f92b455a69f7f3de>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eb1c29c37fa8facb2f41b41c0415b3449>



Start event

Audio conference information

+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application

Dial 1600208283@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 939873

Need help? Go to <http://help.webex.com>



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 3, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0040-SPHA

1102 Alexander Avenue

W/s of Alexander Avenue at a distance of 790 ft. north from centerline of Rich Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Sheree Hunter

Contract Purchaser/Lessee: Maxim, LLC

Special Hearing on whether or not the Administrative Law Judge should approve and/or confirm that a lot merger has not occurred with adjacent existing dwelling at 1100 Alexander Avenue (Lot 83). Variance to permit an existing dwelling with a lot width of 50 ft. in lieu of the required 55 ft.

Hearing: Thursday, June 25, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Maxim, LLC, 983 Chesterfield Road, Annapolis 2141
Sheree Hunter, 1100 Alexander Avenue, Catonsville 21228
John Mellema Surveyors, 5409 East Drive, Arbutus 21227

NOTE: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 5, 2020

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
1102 Alexander Avenue; W/S of Alexander	*	OF ADMINISTRATIVE
Ave, 790' N from c/line of Rich Avenue		
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Sheree Hunter		
Contract Purchaser(s): Maxim LLC	*	BALTIMORE COUNTY
Petitioner(s)	*	2020-040-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 20 2020

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 20th day of February, 2020, a copy of the foregoing Entry of Appearance was mailed to John Mellema Surveyors, 5409 East Drive, Arbutus, Maryland 21227, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

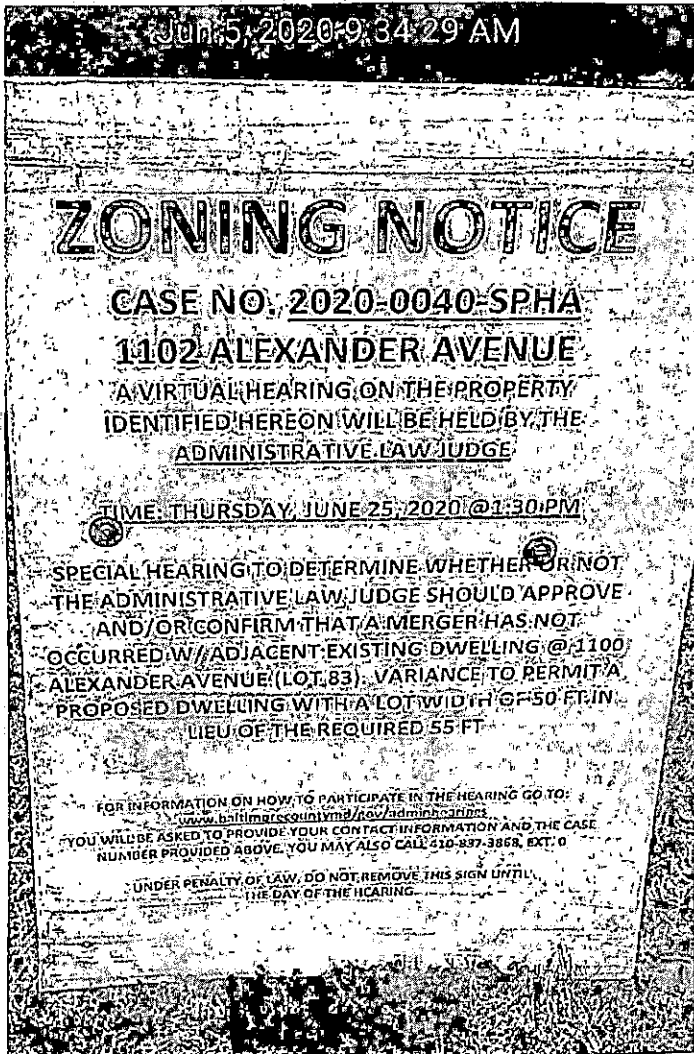
Date: JUNE 5, 2020

RE: Project Name: 1102 ALEXANDER AVENUE #1
Case Number /PAI Number: 2020-0040-SPHA
Petitioner/Developer: MAXIM, LLC
Date of Hearing/Closing: JUNE 25, 2020

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 1102 ALEXANDER AVENUE

The sign(s) were posted on JUNE 5, 2020

(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)

CERTIFICATE OF POSTING

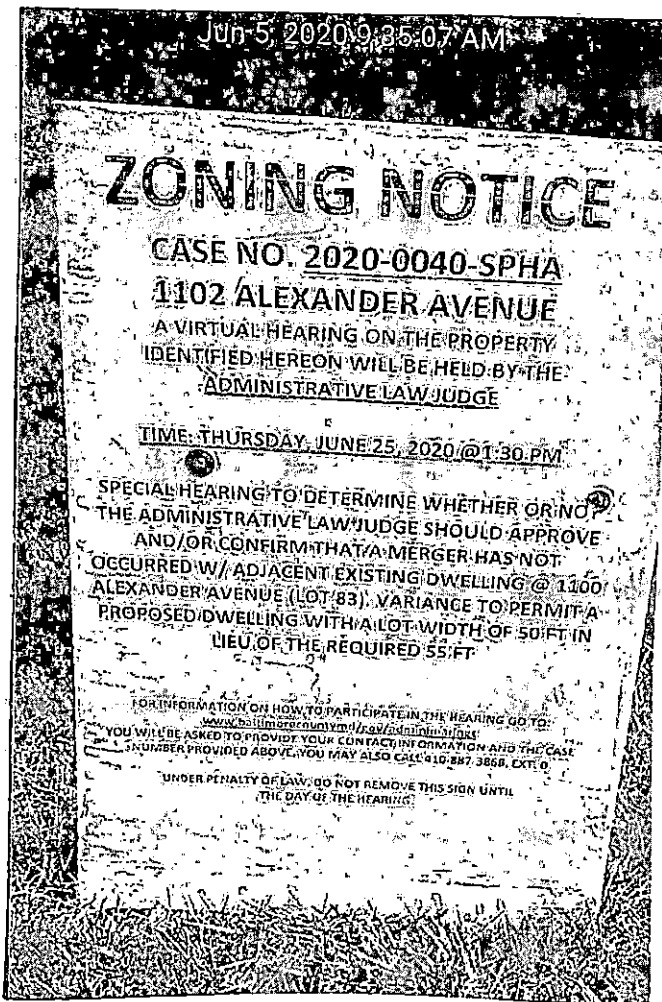
Date: JUNE 5, 2020

RE: Project Name: 1102 ALEXANDER AVENUE #2
Case Number /PAI Number: 2020-0040-SPHA
Petitioner/Developer: MAXIM, LLC
Date of Hearing/Closing: JUNE 25, 2020

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 1102 ALEXANDER AVENUE

The sign(s) were posted on JUNE 5, 2020

(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)

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/13/2020

Order #:

11868053

Case #:

2020-0040-SPHA

Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0040-SPHA


Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County**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: 2020-0040-SPHA

1102 Alexander Avenue

W/S of Alexander Avenue at a distance of 790 ft. north from centerline of Rich Avenue

1st Election District - 1st Councilmanic District

Legal Owners: Sheree Hunter

Contract Purchaser/Lessee: Maxim, LLC

Special Hearing on whether or not the Administrative Law Judge should approve and/or confirm that a lot merger has not occurred with adjacent existing dwelling at 1100 Alexander Avenue (Lot 83). Variance to permit an existing dwelling with a lot width of 50 ft in lieu of the required 55 ft.

Hearing: Thursday, April 2, 2020 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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 410-887-3865.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

mh13

SECRET

10-1342-1211

We have a very good
 but we have a very
 good

[illegible]

1. *Chlorophyll a* and *Chlorophyll b* contents were determined by spectrophotometry using the method of Lichtenthaler and Whistler (1987). The total protein content of the leaf extracts was determined by the method of Bradford (1976).

CERTIFICATE OF POSTING

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, Director
Date: MARCH 13 2020 Department of Permits,
Approvals & Inspections

RE: Project Name: 1102 ALEXANDER AVE. #1
Case Number /PAI Number: 2020-0040-SPHA
Petitioner/Developer: MAXIM, LLC
Date of Hearing/Closing: APRIL 2, 2020

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 1102 ALEXANDER AVE

Mar 13, 2020 10:03:54 AM

MARCH 13, 2020

(Month, Day, Year)

David Billingsley
(Signature of Sign Poster)

dwb0209@ypha.com
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)

ZONING NOTICE

CASE NO. 2020-0040-SPHA
1102 ALEXANDER AVENUE

**A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204**
TIME: THURSDAY, APRIL 2, 2020 @2:30 PM

**SPECIAL HEARING TO DETERMINE WHETHER OR NOT
THE ADMINISTRATIVE LAW JUDGE SHOULD APPROVE
AND/OR CONFIRM THAT A MERGER HAS NOT
OCCURRED W/ ADJACENT EXISTING DWELLING @ 1100
ALEXANDER AVENUE (LOT 83). VARIANCE TO PERMIT A
PROPOSED DWELLING WITH A LOT WIDTH OF 50 FT IN
LIEU OF THE REQUIRED 55 FT**

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204
(410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

Zoning Review County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

CERTIFICATE OF POSTING

Date: MARCH 13, 2020

RE: Project Name: 1102 ALEXANDER AVE. #2
Case Number /PAI Number: 2020-0040-SPHA
Petitioner/Developer: MAXIM, LLC
Date of Hearing/Closing: APRIL 2, 2020

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 1102 ALEXANDER AVE

Mar 13, 2020 10:03:31 AM

MARCH 13, 2020

(Month, Day, Year)

ZONING NOTICE

CASE NO. 2020-0040-SPHA

1102 ALEXANDER AVENUE

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, APRIL 2, 2020 @ 2:30 PM

SPECIAL HEARING TO DETERMINE WHETHER OR NOT
THE ADMINISTRATIVE LAW JUDGE SHOULD APPROVE
AND/OR CONFIRM THAT A MERGER HAS NOT
OCCURRED W/ ADJACENT EXISTING DWELLING @ 1100
ALEXANDER AVENUE (LOT 83). VARIANCE TO PERMIT A
PROPOSED DWELLING WITH A LOT WIDTH OF 50 FT. IN
LIEU OF THE REQUIRED 55 FT.

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204
(410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

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)

**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: 2020-0040-OPHA

Property Address: 1102 ALEXANDER AVE.

Property Description: _____

Legal Owners (Petitioners): SHEREE HUNTER

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MAXIM LLC

Company/Firm (if applicable): _____

Address: 983 chesterfield Rd

Annapolis, MD 21401

Telephone Number: 443-871-4584



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

March 3, 2020

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: 2020-0040-SPHA

1102 Alexander Avenue

W/s of Alexander Avenue at a distance of 790 ft. north from centerline of Rich Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Sheree Hunter

Contract Purchaser/Lessee: Maxim, LLC

Special Hearing on whether or not the Administrative Law Judge should approve and/or confirm that a lot merger has not occurred with adjacent existing dwelling at 1100 Alexander Avenue (Lot 83). Variance to permit an existing dwelling with a lot width of 50 ft. in lieu of the required 55 ft.

Hearing: Thursday, April 2, 2020 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Maxim, LLC, 983 Chesterfield Road, Annapolis 2141
Sheree Hunter, 1100 Alexander Avenue, Catonsville 21228
John Mellema Surveyors, 5409 East Drive, Arbutus 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 13, 2020**
- (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: THE DAILY RECORD
Friday, March 13, 2020 - Issue

Please forward billing to:

Maxim, LLC
983 Chesterfield Road
Annapolis, MD 21401

443-871-4584

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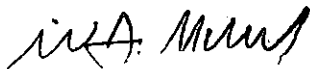
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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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

No. **195437**

PAY RECEIPT

Date: **2/11/2020**

BUSINESS ACTUAL TIME DRW
 2/12/2020 2/11/2020 10:19:23 3

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

REG: WSD3
 RECEIPT # 051829 2/11/2020 07:14
 528 ZONING VERIFICATION

REC'D Tot 150.00
 150.00 CR
 Baltimore County, Maryland

Total: **150.00**

Rec From: **SHERRE HUNTER**

For: **1102 ALEXANDER AVE**
HEARING LADE # 2020-0040-SPH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 15, 2020

Maxim LLC,
983 Chesterfield Road
Annapolis MD 21401

RE: Case Number: 2020-0040-SPHA, 1102 Alexander Ave

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 February 11, 2020. 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, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
John Mellema Surveyors 5409 East Drive Arbutus MD 21227

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Acting Secretary
Tim Smith, P.E.
Acting Administrator

Date: *2/20/20*

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. *2020-0040-SPHA*

Special Hearing, Variance.
Sheree Hunter
1102 Alexander 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@mdot.maryland.gov).

Sincerely,



for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 3/10/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-040



INFORMATION:

Property Address: 1102 Alexander Avenue
Petitioner: Sheree Hunter
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the zoning commissioner should approve and confirm that a merger did not take place with lot 82 and an adjacent existing dwelling at 1100 Alexander Avenue (Lots 83 and Lot 84). The Department of Planning has also reviewed the petition for variance from Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet.

A site visit was conducted on February 21, 2020. The site is located in Catonsville to the west of Alexander Avenue. It is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan. The property (combined lots 82, 83, and 84) is currently improved with a one-story dwelling (lots 83 & 84), with lot 82 being vacant. The applicant is proposing to improve the vacant lot with a one-story dwelling.

The properties are part of a record plat, recorded October 28, 1924 (plat 7, folio 169).

The Department of Planning has no objection to granting the petitioned zoning variance relief and will concur with the decision of the administrative law judge as to whether Lots 82 and combined lots 83 and 84 have merged through use.

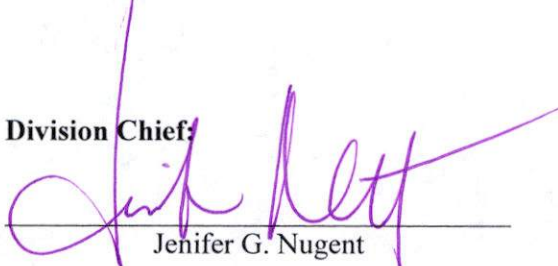
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

Date: 3/10/2020
Subject: ZAC # 20-040
Page 2

CPG/JGN/KP

c: Josephine Selvakumar
John Mellema Surveyors
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0040-SPHA
Address 1102 Alexander Avenue
(Hunter Property)

Zoning Advisory Committee Meeting of **February 24, 2020.**

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

Reviewer: Steve Ford

Order ✓ giv ✓

4-2 @ 2:30 pm

CASE NO. 2020-0040-SPHA

CHECKLIST

6/25 @ 1:30 pm

Comment Received

Department

Support/Oppose/ Conditions/ Comments/ No Comment

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

3/20

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

N/C

FIRE DEPARTMENT

3/10

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

no objection

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 6/5/20

by David Bulinsley

SIGN POSTING (2nd) Date: 6/21/20

by "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☒

Comments, if any: _____

6/25 1:30 PM

ZAC AGENDA

Case Number: 2020-0040-SPHA **Reviewer:** Jun Fernando
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: Sheree Hunter
Contract Purchaser: Maxim LLC

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 1102 ALEXANDER

Location: West side of Alexander Ave at a distance of 790' N from the center line of Rich Ave.

Existing Zoning: DR 5.5 **Area:** 7,500 SQ FT

Proposed Zoning:

SPECIAL HEARING:

Zoning Commissioner should approve and or confirm that a lot merger has not occurred with adjacent existing dwelling at 1100 Alexander Ave (Lot 83).

VARIANCE:

1B02.3.C.1 BCZR To permit an existing dwelling with a lot width of 50 feet in lieu of the minimum required 55' feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:



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 1102 ALEXANDER AVE, CATONSVILLE 21224 which is presently zoned DR 5-5
 Deed References: Z5472/148 Parcel 2 B210 Digit Tax Account # 0106200360
 Property Owner(s) Printed Name(s) SHEREE HUNTER

(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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve And OR Confirm that a lot merger has NOT occurred with adjacent existing dwelling at 1100 Alexander Ave. (Lot 63)

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) 1 BOZ. 3. C. 1., BCZR, to permit an existing dwelling with a lot width of 50' Feet in lieu of the required 55' Feet.

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:

Maxim LLC

Name- Type or Print

[Signature]

Signature

983 Chesterfield RD Annapolis MD

Mailing Address City State

21401 / 410-871-4584 / maxim14gundrcoulte@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Sheree Hunter

Name #1- Type or Print

Name #2 - Type or Print

Sheree Hunter

Signature #1

Signature # 2

1100 Alexander Ave Catonville MD

Mailing Address City State

21228 / 410-504-9107 / she-works@hotmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

John MELLEMA SURVEYORS

Name - Type or Print

[Signature]

Signature

5409 EAST DL ARGENT MD

Mailing Address City State

21227 / 410-247-7488 / JCMLEVER@VERIZON.NET

Zip Code Telephone # Email Address

CASE NUMBER 2020-0040-024A

Filing Date 2/11/2020 Do Not Schedule Dates: _____

Reviewer JF

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 01 Account Number - 0106200260			
Owner Information					
Owner Name:	HUNTER SHEREE		Use:	RESIDENTIAL	
Mailing Address:	1100 ALEXANDER AVE BALTIMORE MD 21228-2811		Principal Residence:	NO	
			Deed Reference:	/25472/ 00148	
Location & Structure Information					
Premises Address:	ALEXANDER AVE 0-0000		Legal Description:	525 S RUBY AVE DOUGLAS PK	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0094	0024	0096	1050082.04	0000	82 2019 Plat Ref: 0007/ 0170
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area County Use
					7,500 SF 04
Stories	Basement	Type	Exterior	Quality	Full/Half Bath Garage Last Notice of Major Improvements
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of As of
			01/01/2019		07/01/2019 07/01/2020
Land:	52,100		69,000		
Improvements	0		0		
Total:	52,100		69,000		57,733 63,367
Preferential Land:	0				0
Transfer Information					
Seller: JEFFREY CHARLES		Date: 04/10/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25472/ 00148		Deed2:	
Seller: THORNES HENRY		Date: 05/03/1972		Price: \$1,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05265/ 00030		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class		07/01/2019		07/01/2020
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00 0.00		0.00 0.00
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	



PETITIONER'S

EXHIBIT NO.

2

CHURCH OF THE
SACRAMENT
1881





```

# This file is a template for a new project.
# It contains some basic information about the project.
# You can edit this file to add more information.

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# Project Version
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# Project Author
PROJECT_AUTHOR="John Doe"

# Project License
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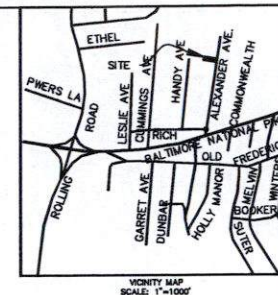
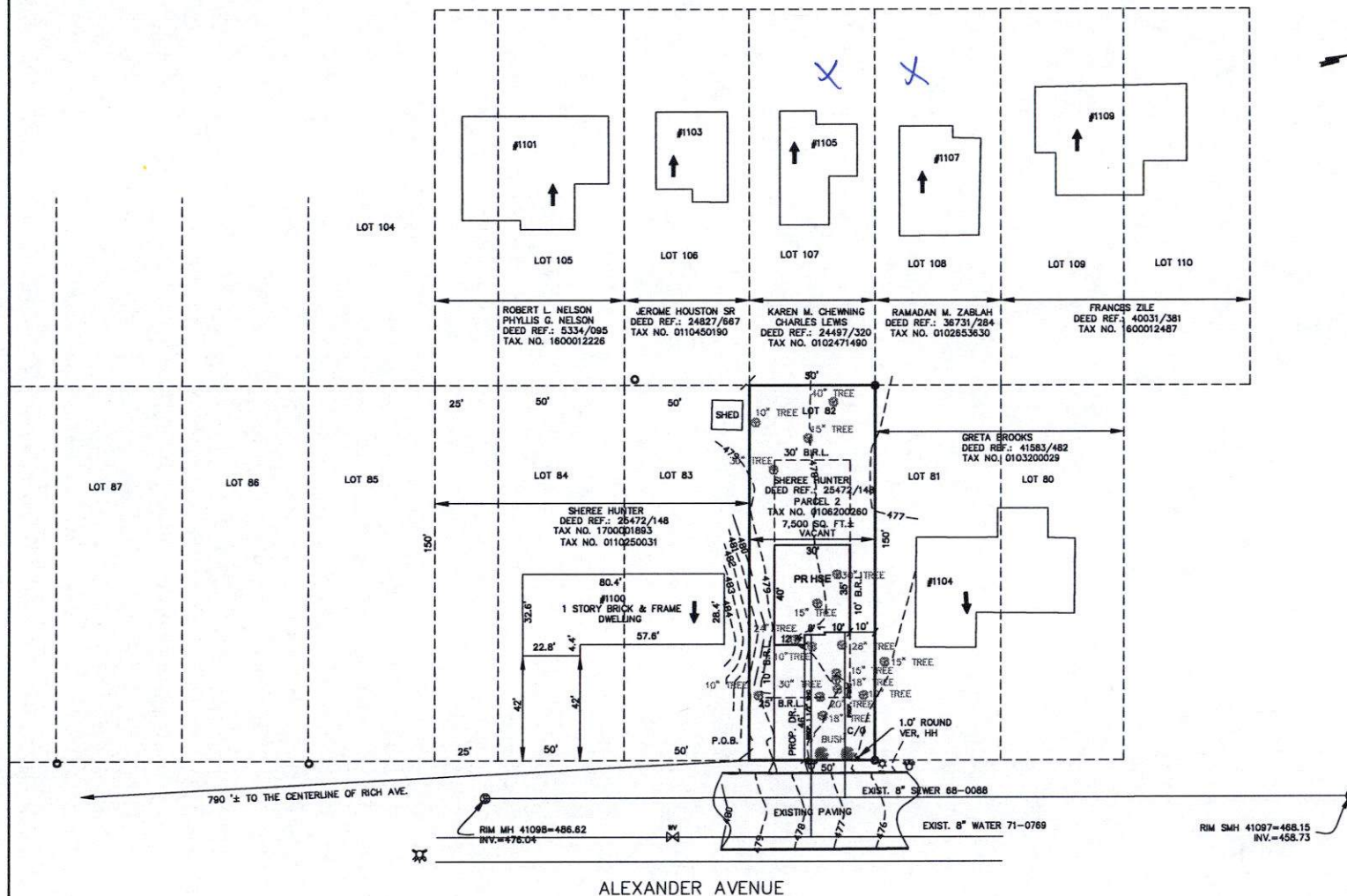
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# Project
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PLAT TO ACCOMPANY VARIANCE AND SPECIAL HEARING



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 1
ELECTION DISTRICT: 1
ZONING: D.R. 5.5
1"=200' SCALE MAP: 094C3
LOT SIZE: 7,500 SQ. FT.

PUBLIC SEWER	YES ☒	NO ☐
PUBLIC WATER	YES ☒	NO ☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒

SUBDIVISION NAME: PLAT OF DOUGLAS PARK
P.B. W.P.C. NO.7 FOLIO 170

PRIOR ZONING HEARING: N/A
DEED REFERENCE: S.M. 25472/148
PARCEL 2

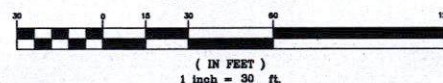
OWNER: SHEREE HUNTER
#1100 ALEXANDER AVENUE
BALTIMORE MD 21228
PHONE: XXXXXXXXXX

TAX NO. 0106200260

DATE: FEBRUARY 2020
SCALE: 1"=30'

CONTRACT PURCHASER
MAXIM LLC
983 CHESTERFIELD ROAD
ANNAPOLIS MD. 21401
PHONE 443-871-4584

GRAPHIC SCALE



D.R.S.S REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25' AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

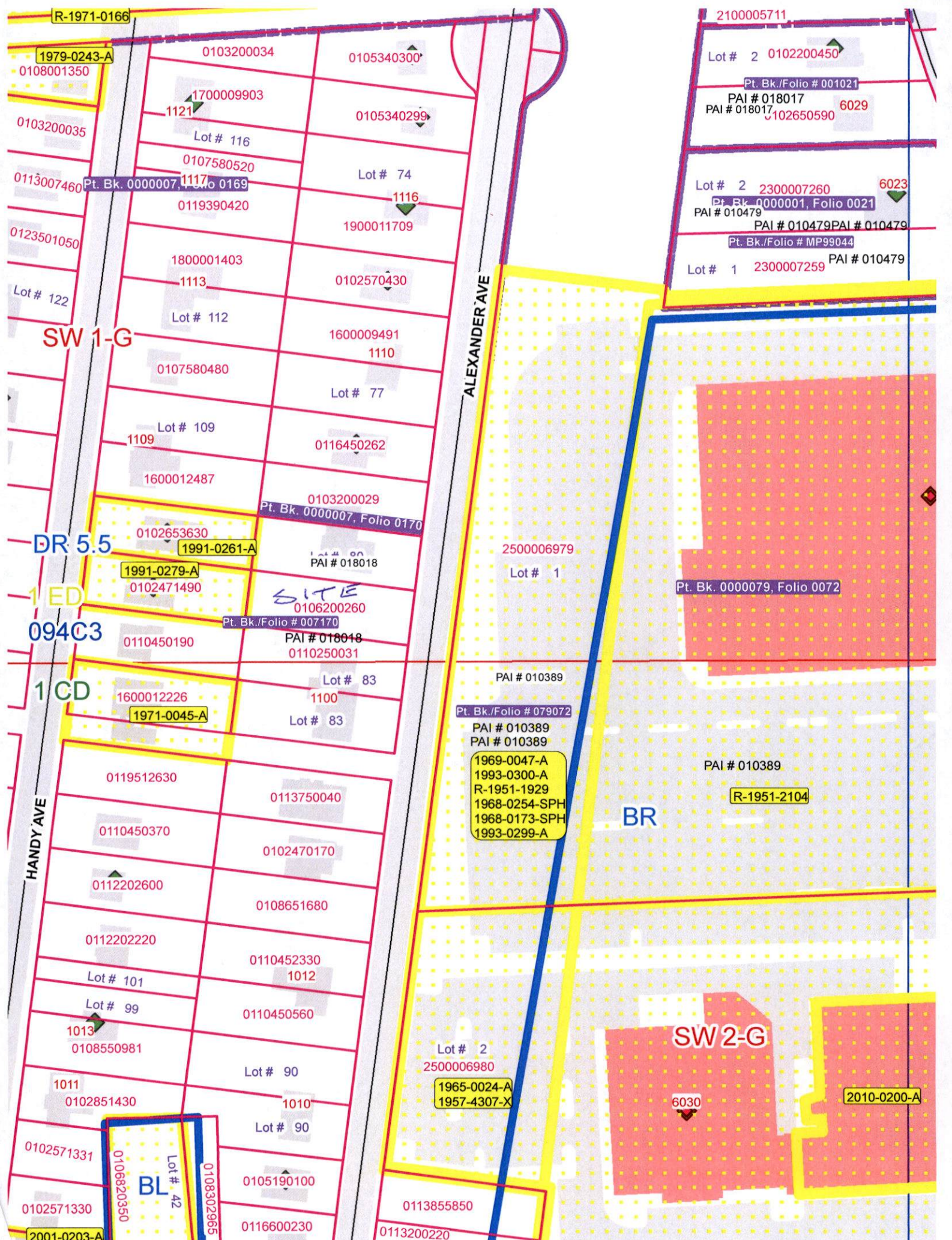
PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

#1102 ALEXANDER AVENUE
LOT 82
PLAT OF DOUGLAS PARK
BALTIMORE COUNTY, MARYLAND
TAX MAP 94 GRID 24 PARCEL 96
SCALE: 1"=30' DATE: FEBRUARY, 2020

Baltimore County - My Neighborhood



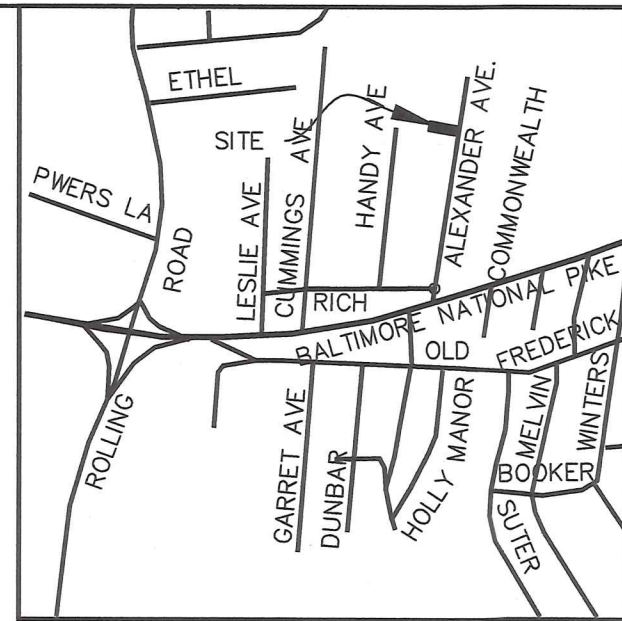




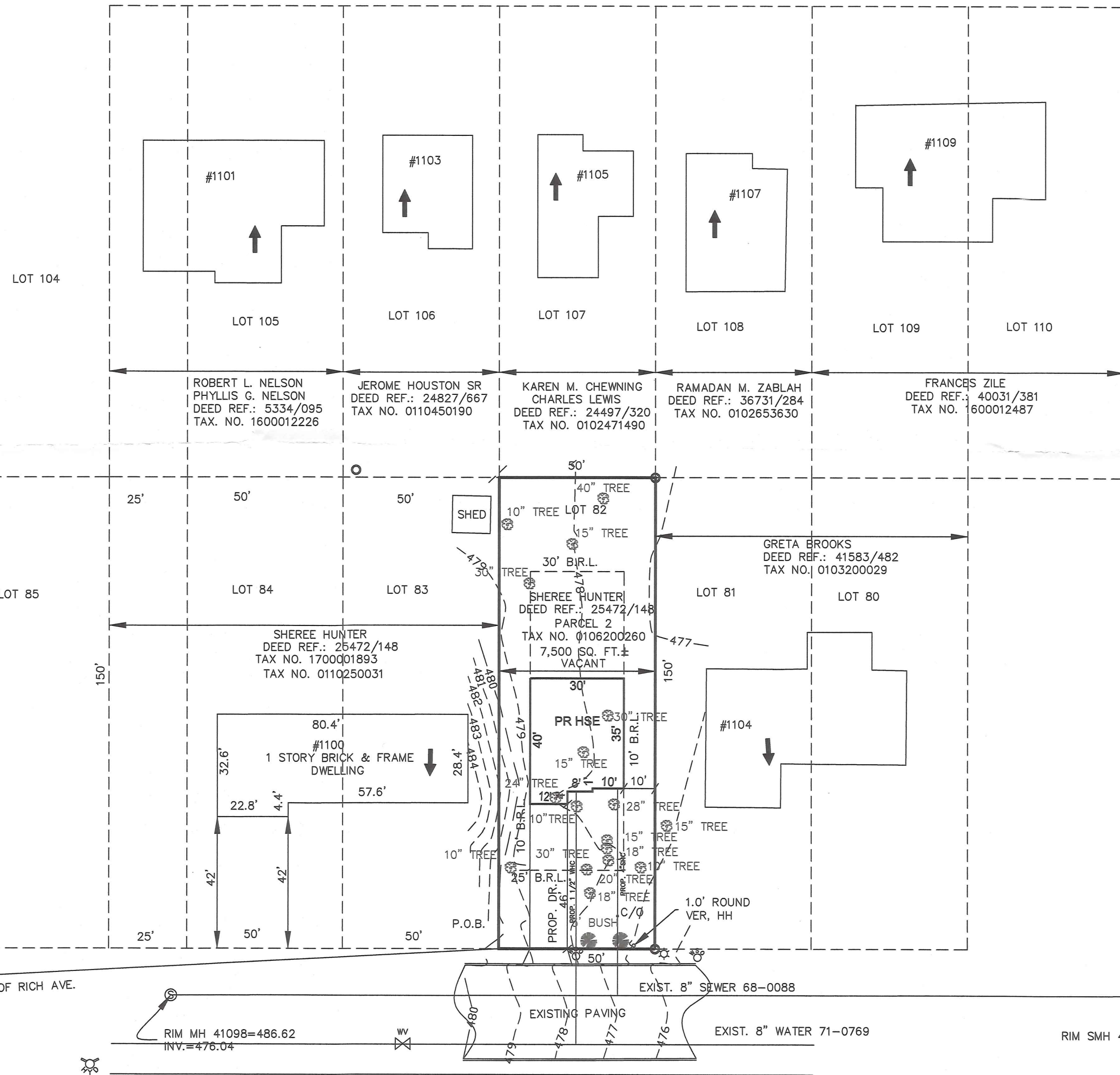
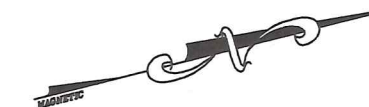
ROLLINGWOOD



PLAT TO ACCOMPANY VARIANCE AND SPECIAL HEARING



VICINITY MAP
SCALE: 1"=1000'



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 1
ELECTION DISTRICT: 1
ZONING: D.R. 5.5
1"=200' SCALE MAP: 094C3

LOT SIZE: 7,500 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

SUBDIVISION NAME: PLAT OF DOUGLAS PARK
P.B. W.P.C. NO.7 FOLIO 170

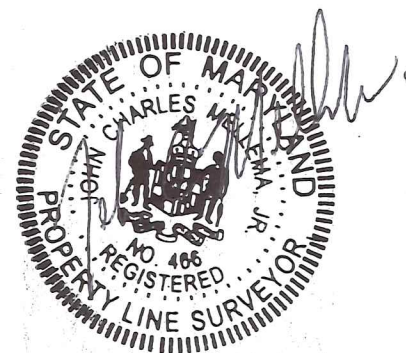
PRIOR ZONING HEARING: N/A
DEED REFERENCE: S.M. 25472/148
PARCEL 2

OWNER: SHEREE HUNTER
#1100 ALEXANDER AVENUE
BALTIMORE MD 21228
PHONE: XXXXXXXXXXXXX

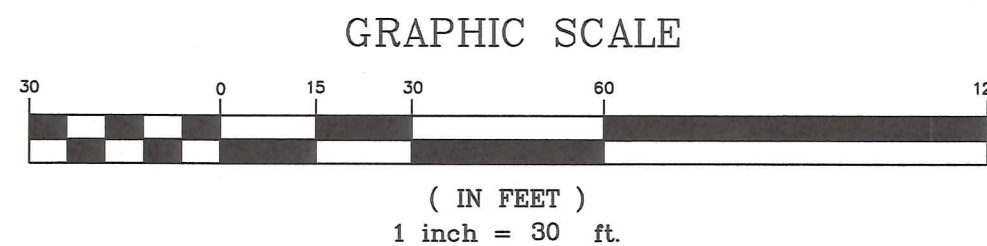
TAX NO. 0106200260

DATE: FEBRUARY 2020
SCALE: 1"=30'

CONTRACT PURCHASER
MAXIM LLC
983 CHESTERFIELD ROAD
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PHONE 443-871-4584



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JOHN C. MELLEMA SR., INC.
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D.R.5.5 REGULATIONS
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MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
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#1102 ALEXANDER AVENUE
LOT 82
PLAT OF DOUGLAS PARK
BALTIMORE COUNTY, MARYLAND
TAX MAP 94 GRID 24 PARCEL 96
SCALE: 1"=30' DATE: FEBRUARY, 2020