



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 19, 2024

Arnold Jablon, Esquire- ajablon@comcast.net
3717 Lanamer Road
Randallstown, MD 21133

RE: Petition for Variance
Case No. 2024-0175-A
Property: 8214 Dogwood Drive

Dear Mr. Jablon:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dln

Enclosure

c: Robert and Rosemary Olah – niselt2000@hotmail.com

IN RE: PETITION FOR VARIANCE

(8214 Dogwood Drive)

12th Election District

7th Council District

Robert & Rosemary Olah

Legal Owners

Petitioners

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS OF

BALTIMORE COUNTY

CASE NO. 2024-0175-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Robert and Rosemary Olah (“Petitioners”) for property located at 8214 Dogwood Drive, Dundalk (the “Property”). The Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §1B02.3C, to permit a side yard variance of 3 +/- ft. in lieu of the required 10 ft.

An in-person hearing was conducted by using WebEx on September 18, 2024 at 1:30 p.m. The Petition was properly advertised and posted. The Petitioner, Robert Olah appeared at the hearing in support of the Petition. Professional Land Surveyor, Brian Dietz, who prepared the site plan (Pet. Ex. 1) also appeared. Arnold Jablon, Esquire represented the Petitioners. There were no Protestants or other interested persons, who testified in opposition or even participated in the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”); these agencies did not oppose the requested relief subject to conditions.

The Property is approximately 9475 sq. ft., and is zoned DR 5.5. Mr. Jablon explained that the Petitioners wish to construct a 25 ft. x 25 ft. garage and connecting breezeway to be attached

to their current two-story, single family detached residence on Dogwood Road in the Dundalk area of Baltimore County. He noted that the proposed garage will occupy an area currently being used as a driveway and carport. Mr. Jablon further explained that the rear of the property contains an in-ground swimming pool and shed that existed prior to the Petitioners' purchase of the property. (Pet. Ex. 4) As depicted on the site plan and in photos submitted by the Petitioners, the subject parcel is a triangle lot, causing the northeastern edge of the proposed garage to have a side yard setback of 3 ft., while the southeastern edge having a setback of 27 ft. (Pet. Ex. 1 & 8) Mr. Jablon explained that the majority of the proposed garage is adjacent to a vacant fenced lot owned by the Petitioners. (Pet. Ex. 8 & 9) Mr. Jablon also noted that there will be no increase in impervious surface in that the existing driveway will be maintained.

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).

I find that the subject property is clearly unique due its triangular shape which causes varying side-yard setbacks along its eastern property line. Additionally, I find that the Petitioners would experience a practical difficulty if variance relief is denied due to the fact that it is impractical to construct such a garage in the rear of the property. Finally, I find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

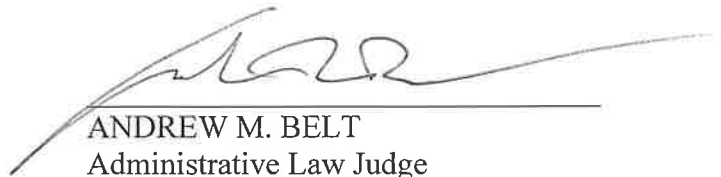
THEREFORE, IT IS ORDERED, this **19th** day of **September 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 1B02.3C, to

permit a side yard variance of 3 +/- ft. in lieu of the required 10 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.
2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
4. The detached garage shall not be used for commercial or industrial purposes.
5. Petitioners must comply with the conditions set forth in the attached DEPS comment of which is attached hereto and made a part hereof.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0175-A
Address: 8214 DOGWOOD DR
Legal Owner: Robert & Rosemary Olah

Zoning Advisory Committee Meeting of August 5, 2024.

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 (DEPS) has provided written recommendations describing how the proposed request would adhere to the following requirements:

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;

This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development, or addition of impervious surfaces must comply with the 10% pollutant reduction requirements. Research indicates that additional driveway has been added since 2017 and may require mitigation. Compliance with these requirements can minimize adverse impacts on water quality.

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

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for any recent or future additions of impervious surfaces, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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 zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for any proposed development.

Reviewer: Paul Dennis, Environmental Impact Review



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 8214 Dogwood Drive, 21222 which is presently zoned DR 5.5

Deed References 6885/751 10 Digit Tax Account # 1213078030

Property Owner(s) Printed Name(s) Robert W. Olah and Rosemary A. Olah

(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)

SEE ATTACHED

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).

Petitioners:

Robert W. Olah and Rosemary A. Olah

Name- Type or Print

Robert Olah Rosemary Olah

Signature

8214 Dogwood Dr, Baltimore, Md

Mailing Address

City

State

21222

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Arnold Jablon

Name- Type or Print

Arnold Jablon

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address

City

State

21133/

443 250 6455

Zip Code

Telephone #

ajablon@comcast.net

Email Address

Legal Owners:

Robert W. Olah

Rosemary A. Olah

Name #1 - Type or Print

Name #2 - Type or Print

Robert Olah

Signature #1

Rosemary Olah

Signature #2

8214 Dogwood Rd, Baltimore, Md

Mailing Address

City

State

21222

Zip Code

Telephone #

Email Address

Representative to be contacted:

Arnold Jablon

Name - Type or Print

Arnold Jablon

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address

City

State

21133

Zip Code

/443 250 6455

Telephone #

ajablon@comcast.net

Email Address

CASE NUMBER 2024-0175-A

Filing Date 7/12/2024

Do Not Schedule Dates: _____

Reviewer MSK

AFFIDAVIT IN SUPPORT OF VARIANCE

Attachment 1

This Petition for variance is filed pursuant to §§307.1 and 1.B02.3C of the Baltimore County Zoning Regulations.

The subject property of this Petition is located at 8214 Dogwood Dr, Baltimore. The Petitioner is requesting approval for a variance to permit a side yard variance of a minimum 3' +/- in lieu of the required 10'.

The subject property, triangular in shape, is currently improved with Petitioners' primary residence and the Petitioners propose to construct a garage, 25' x 25', 625 sf, in their side yard with the proposed garage's front building line parallel to the front building line of their home. The proposed garage will be attached to the principal dwelling by an 8' breezeway and will be at its closest to the side property line of least 3'. Due to the triangular shape of the property, the side yard setback will range from 27' +/- at the front building line to 3' +/- at the rear building line. The garage is for personal use only. Due to the unique shape of the property, and location of existing uses, the garage cannot be placed in the rear yard.

Attachment 2

General Notes

1. Area of property: 11,573 SF+/-
2. Existing Zoning of Property: DR 5.5
3. Existing Use of Property: residential
4. Proposed zoning of property: DR 5.5
5. Proposed Use of Property: adding an accessory structure, garage
6. Property served by public water and sewer
7. Petitioner's requesting variance to permit accessory structure (garage) in side yard
8. Existing property's zoning history: n/a
9. There are no code violations

Dietz Surveying, Inc.

8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163
www.dietzsurveying.net

Zoning Description For 8214 Dogwood Drive

Beginning at a point on the North side of Dogwood Drive, which is 30 feet wide, at the Northwest corner of the North side of Dogwood Drive with the West side of Pinewood Drive, which is 30 feet wide. Being Lot 260 & Lot 261, in the subdivision of Rosewald Beach, as recorded in Baltimore County Plat Book #10, Folio #88, containing 9,475 sq.ft. of land. Also known as 8214 Dogwood Drive and located in the 15th Election District, 7th Councilmanic District.



Brian Dietz 6-29-2024

2024-0175-A

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

No. 233406

Date: 7/12/2024

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$ 75.00

Total: \$ 75.00

Rec
From:

Robert E Rosemary Olah

For:

Residential Zoning Variance

8214 Dogwood Drive

Zoning Case # 2024-0175-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MTA

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2024-0175-A

Petitioner: Robert W. Olah and Rosemary A. Olah

Address or Location: 8214 Dogwood Dr, Baltimore, Maryland 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: Law Office of Arnold Jablon

Address: 3717 Lanamer Road

Randallstown, Maryland 21133

Telephone Number: 443 250-6455

Revised 2/20/98 - SCJ

CERTIFICATE OF POSTING

2024-0175-A

RE: Case No.: _____

Petitioner/Developer: _____

Robert & Rosemary Olah

September 18, 2024

Date of Hearing/Closing: _____

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

Attn: Jeff Perlow:

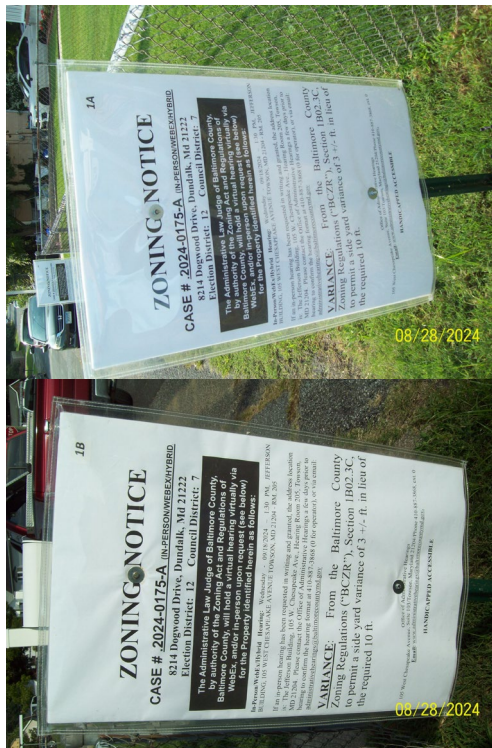
Ladies and Gentlemen:

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

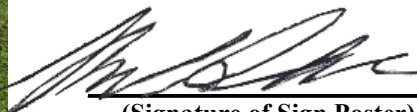
8214 Dogwood Drive *SIGN 1A & 1B*

August 28, 2024

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **August 28, 2024**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0175-A
Address: 8214 DOGWOOD DR
Legal Owner: Robert & Rosemary Olah

Zoning Advisory Committee Meeting of August 5, 2024.

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 (DEPS) has provided written recommendations describing how the proposed request would adhere to the following requirements:

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

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for any recent or future additions of impervious surfaces, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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 zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for any proposed development.

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0175-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/7/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0175-A

INFORMATION:

Property Address: 8214 Dogwood Drive
Petitioner: Robert W. Olah, Rosemary A. Olah
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance –

1. From Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 3 ± feet in lieu of the required 10 feet.

The subject site is an approximately 11,573 square foot, triangular shaped parcel located along Dogwood Drive in the Dundalk area. It is improved with a two-story, single family detached dwelling with a carport, as well as a deck, in ground swimming pool, and shed. Due to the shape of the parcel, the deck, in ground swimming pool, and shed take up the majority of the rear yard. Per the site plan and petition, the Petitioner wishes to remove the existing carport and construct a 25' x 25' garage and an 8' wide breezeway in the side yard. There will be no increase in impervious area, as the existing concrete and asphalt paving leading to the existing carport will be maintained for the garage foundation and for access to the garage.

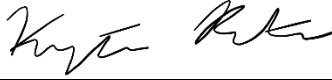
The subject site is within the boundary of the Greater Dundalk-Edgemere Community Conservation Plan, adopted February 22, 2000. The plan provides recommendations related to economic development, education, the environment, housing, human services, physical development, and public safety within the plan area boundary. The plan does not provide specific guidance on the construction of new garages within the plan area boundary.

The site is not the subject of any active permit applications and has no Code Complaints against it. The site is located within the Chesapeake Bay Critical Area and is designated as Intensely Developed Area.

The subject site is irregularly shaped and the Petitioner proposes constructing the garage and breezeway on existing concrete and asphalt paving, leading to no increase in the impervious area. As such, the Department of Planning has no objections to the requested Variance.

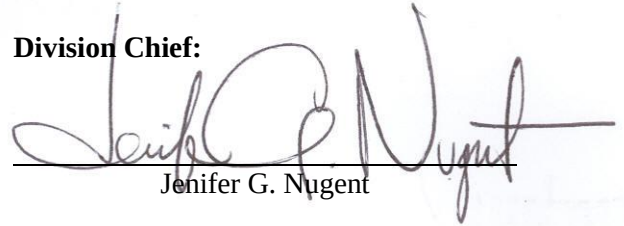
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Arnold Jablon, Representative
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1213078030

Owner Information

Owner Name: OLAH ROBERT W Use: RESIDENTIAL
OLAHEROSEMARY A Principal Residence: YES
Mailing Address: 8214 DOGWOOD DR Deed Reference: /06885/ 00751
BALTIMORE MD 21222-4809

Location & Structure Information

Premises Address: 8214 DOGWOOD DR Legal Description: LT 260,261
BALTIMORE 21222-4809 COR PINEWOOD DRIV
ROSEWALD BEACH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0104 0013 0196 12020033.04 0000 260 2024 Plat Ref: 0010/ 0088

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1952 1,600 SF 11,573 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSIDING/3 1 full 1 Carport

Value Information

	Base Value	Value As of 01/01/2024	Phase-in Assessments As of 07/01/2023	As of 07/01/2024
Land:	48,100	52,200		
Improvements	140,700	185,900		
Total:	188,800	238,100	188,800	205,233
Preferential Land:	0	0		

Transfer Information

Seller: MOSKOS STEVE	Date: 03/19/1985	Price: \$58,000
Type: ARMS LENGTH IMPROVED	Deed1: /06885/ 00751	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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: Approved 01/13/2009

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0175-A

2034-0175-A



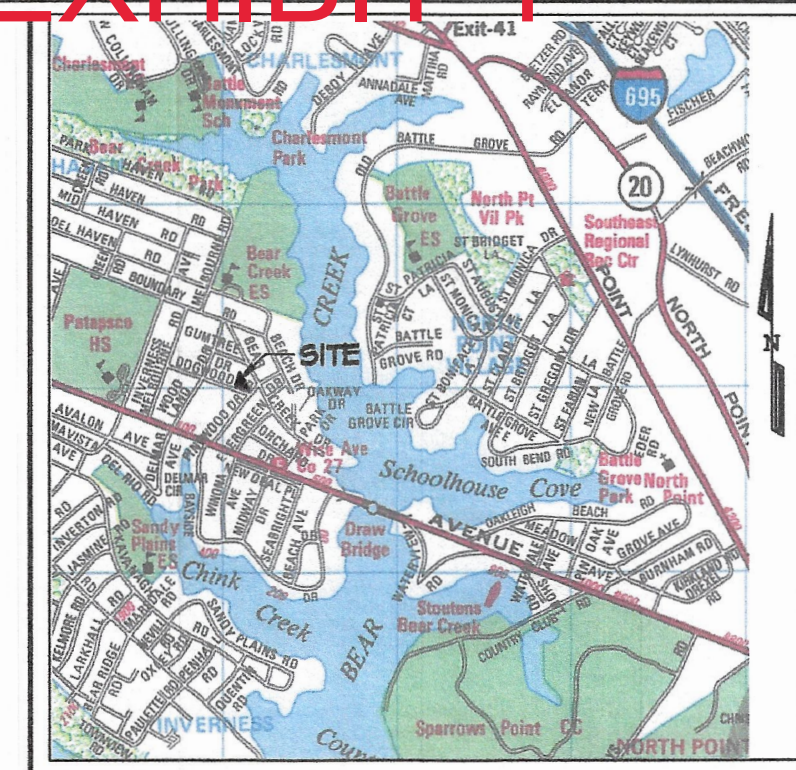
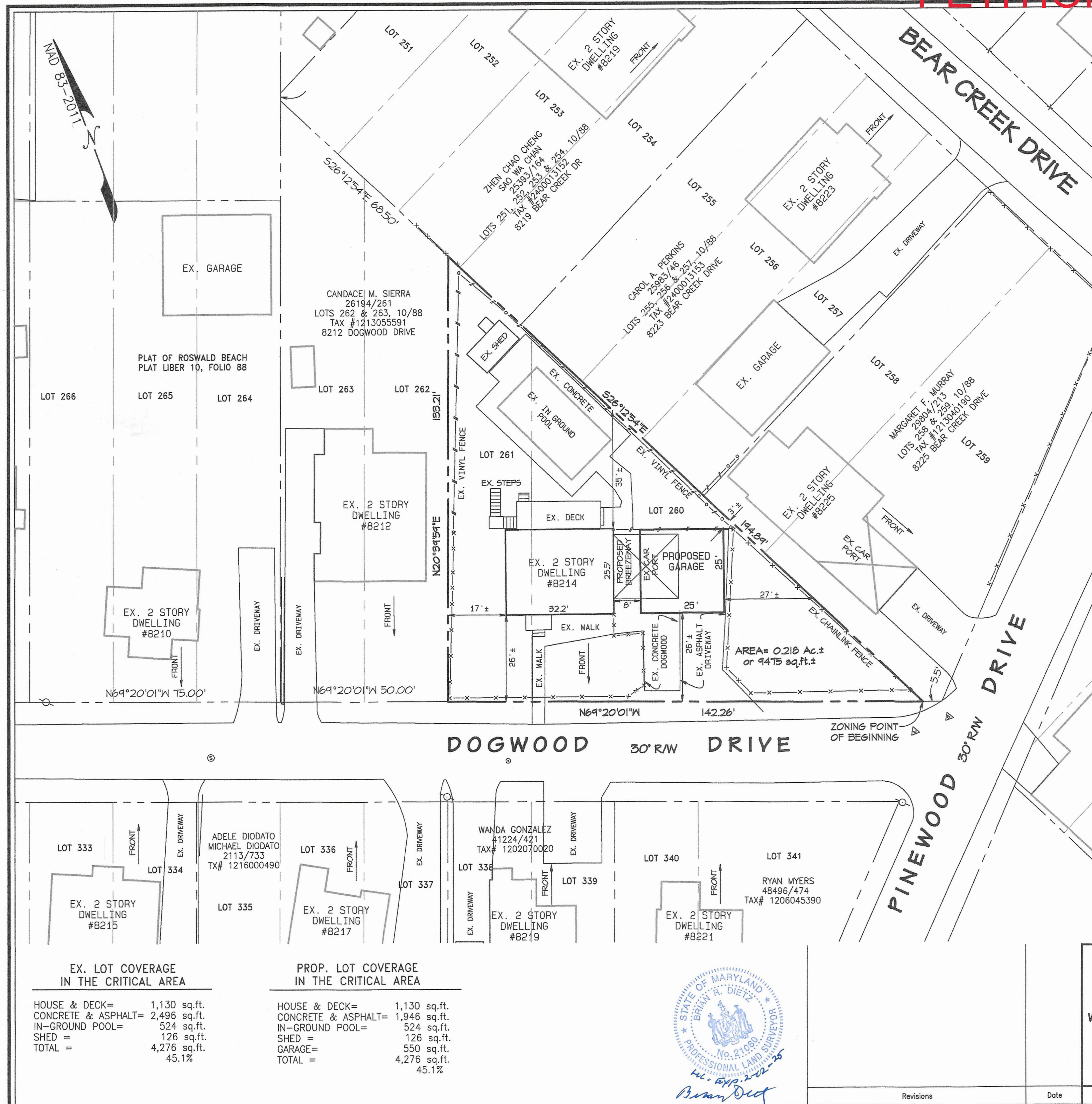
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, NAVTEQ, Swisstopo, UGC, U.S. Geological Survey, AeroGRID, IGN, Esri, China (Hong Kong), (c) OpenStreetMap contributors, CC-BY-SA, Imagery © Mapbox

Baltimore County Government Harford County Government VITA Esri HERE Garmin INCREMENT P USGS EPA USDA

2024-0175-A



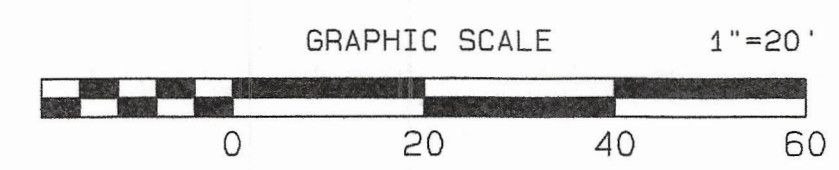
PETITIONER'S EXHIBIT 1



Vicinity Map Scale: 1" = 2000'

Notes

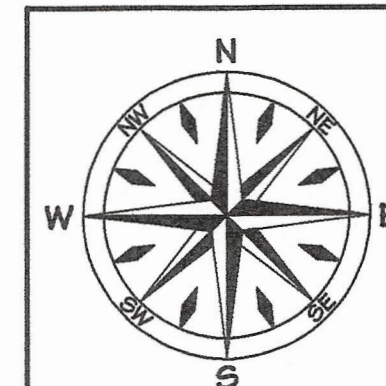
- Owner: Robert W. Olah
Rosemary A. Olah
8214 Dogwood Drive
Baltimore, MD 21222
- Zoned: DR 5.5
- This site is in the Chesapeake Bay Critical Area.
- This site is not in the 100 year flood plain.
- There are no known underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by public water and sewer.
- No prior Zoning Hearings.
- Tax Account No. 1213078030
- There will be no increase in impervious area as the proposed garage will be constructed on the existing asphalt and concrete.



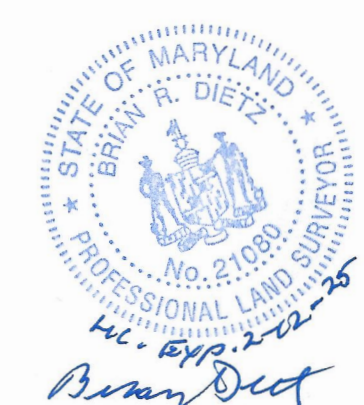
Plat to Accompany a Petition for a Zoning Variance of the

OLAH PROPERTY

8214 Dogwood Drive
Baltimore County, Maryland
Deed Ref.: E.H.K., Jr. No. 6885, folio 751
Lots 260 & 261, "Rosewald Beach"
Plat Book L.McL.M. No. 10, folio 88
Tax Map 104; Grid 13; Parcel 196
12th Election District, 7th Councilmanic District
Scale: 1"=20' Date: May 31, 2024



Dietz Surveying Inc.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net



Revisions	Date	Plot Date: 6/27/2024	FIELD: BRD, MWN	DRAWN: SAL, BRD	Job No. 24137
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