

1. February 24, 2024 - Administrative Adjustment Agenda

Documents:

[FEBRUARY 20, 2024 ADMINISTRATIVE ADJUSTMENT AGENDA.PDF](#)

2. Call To Order

Statement of Authority - Pursuant to Maryland Code Annotated, Land Use Article, Division 1, Single Jurisdiction Planning and Zoning, Title 4, Zoning, Subtitle 2, Designation and Adoption, Section 4-205 and the City of Westminster Zoning Ordinance Section 164-158.1A.(1), "...the Planning Director [Director] is authorized to grant administrative adjustments from the following requirements contained in this chapter:

- (a) Local height requirements;
- (b) Local setback requirements;
- (c) Local bulk requirements;
- (d) Local parking requirements;
- (e) Local loading, dimensional, or area requirements; or
- (f) Similar local requirements.

The Director may grant an administrative adjustment in cases where the strict compliance with the requirements of this chapter would result in practical difficulty or unreasonable hardship which has not been caused by the applicant.

3. Public Hearings

3.1. CASE NO: 24-01

An application by Jaimie Penrod, the applicant and property owner, requesting approval of an Administrative Adjustment for 23 N Center Street Westminster, Maryland 21157 (SDAT# 07-058489) to Zoning Ordinance Sections 164-111.C. and 164-115. to allow a reduction of the number of required parking spaces and a reduction of the width of the access drive into the site from N Center Street. The applicant is requesting the administrative adjustments to establish and commence a real estate office.

Documents:

[AA 24-01 STAFF MEMO.PDF](#)

4. Adjournment



ADMINISTRATIVE ADJUSTMENT HEARING AGENDA

Tuesday, February 20, 2024, at 3 PM

Virtual Meeting:

<https://www.youtube.com/@CityofWestminsterMD/streams>

www.WestminsterMD.gov

I. Call to Order

Statement of Authority - Pursuant to Maryland Code Annotated, Land Use Article, Division 1, Single Jurisdiction Planning and Zoning, Title 4, Zoning, Subtitle 2, Designation and Adoption, Section 4-205 and the City of Westminster Zoning Ordinance Section 164-158.1A.(1), "...the Planning Director [Director] is authorized to grant administrative adjustments from the following requirements contained in this chapter:

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The Director may grant an administrative adjustment in cases where the strict compliance with the requirements of this chapter would result in practical difficulty or unreasonable hardship which has not been caused by the applicant.

II. Public Hearings

CASE NO: 24-01

An application by Jaimie Penrod, the applicant and property owner, requesting approval of an Administrative Adjustment for 23 N Center Street Westminster, Maryland 21157 (SDAT# 07-058489) to Zoning Ordinance Sections 164-111.C. and 164-115. to allow a reduction of the number of required parking spaces and a reduction of the width of the access drive into the site from N Center Street. The applicant is requesting the administrative adjustments to establish and commence a real estate office.

III. Adjournment

Posted February 16, 2024



To: Mark A. Depo, Director of Community Planning and Development

From: Andrea Gerhard, Comprehensive Planner

Hearing Date: February 20, 2024

Subject: **Administrative Adjustment Case AA 24-01 Staff Memo**

Re: An application by Jaimie Penrod, the applicant and property owner, requesting approval of an Administrative Adjustment for 23 N Center Street Westminster, Maryland 21157 (SDAT# 07-058489) to Zoning Ordinance Sections 164-111.C. and 164-115. to allow a reduction of the number of required parking spaces and a reduction of the width of the access drive into the site from N Center Street. The applicant is requesting the administrative adjustments to establish and commence a real estate office.

I. **BACKGROUND**

On February 1, 2024, an application was submitted to the Department of Community Planning and Development for an administrative adjustment at 23 N Center Street, Westminster, Maryland 21157 (the "Property"). The Property is zoned "B Business Zone" and is subject to the City of Westminster Zoning Ordinance (the "Zoning Ordinance"). The Maryland State Department of Assessments and Taxation (SDAT) online records indicate the property is identified as SDAT # 07-058489 and owned by DBAD, LLC. 171 Willis Street, Westminster, MD 21157. Jaimie Penrod (the "Applicant") holds membership interest in the limited liability company.

The Property contains a 2 ½ story structure which apparently was previously in use as a law office. City staff was unable to locate approval of such use in City records. The use recognized by the Zoning Administration as the Property existed at the time the Zoning Ordinance was adopted is a single-family detached dwelling. The Applicant is proposing to construct a 752 square foot addition to the existing structure and operate a a real estate office at the Property.



Pursuant to Zoning Ordinance Article VIII, Section 164-41.A., “offices, professional and business” use is a permitted uses in the B Business Zone. Zoning Ordinance Section 164-3, Definitions and word usage, defines “OFFICE, PROFESSIONAL, BUSINESS-NONRESIDENTIAL” as “Offices and/or buildings used for office purposes by recognized professions, including doctors, dentists, lawyers, accountants, engineers, veterinarians, or other such similar professions, including medical or dental clinics or veterinary clinics. The proposed real estate offices are “offices, professional and business.”

II. NOTICE

The property was posted with notice of the pendency of the application and the adjoining property owners were notified of the application by first class mail as to the date, time, and place of the Administrative Adjustment Case AA 24-01 hearing. These notices were provided to meet the notification requirements set forth in the Section IV of the Administrative Adjustment Procedures, as contained in Resolution No. R-03-9. On February 16, 2024, a copy of the agenda was posted on the City’s website.

III. AUTHORIZATION

Pursuant to Maryland Code Annotated, Land Use Article, Division 1, Single Jurisdiction Planning and Zoning, Title 4, Zoning, Subtitle 2, Designation and Adoption, § 4-205 and Section 164-158.1 A. (1), of the City Zoning Ordinance, “...the Planning Director is authorized to grant administrative adjustments from the following requirements contained in this chapter:”

- (a) Local height requirements;
- (b) Local setback requirements;
- (c) Local bulk requirements;
- (d) Local parking requirements;
- (e) Local loading, dimensional, or area requirements; or
- (f) Similar local requirements.

IV. PROCESS

On July 14, 2003, the Mayor and Common Council adopted Resolution R-03-9 that contains Administrative Adjustment Procedures (Section 164-158.1 B.). Under section three D. of the procedures, “an applicant should understand that an administrative adjustment is an exception to the general requirements imposed under Chapter 164 and that its obtention is not a matter of right. An applicant bears the burden of persuasion and proof to justify the granting of an administrative adjustment”. Under section five of the procedures, the Director may consider the factors set forth in Section 164-161.A.(3), originally related to the BZA variance requests. The Director shall not grant an administrative adjustment if to do so would violate the spirit and intent of the requirements or cause or would be likely to cause substantial injury to the public health,

safety and general welfare.

V. PROPOSAL

Simplified Site Plan SS-23-09, 23 N Center, has reached the final stages of review prior to approval. However, there are issues with meeting the parking space and access drive requirements of the Zoning Ordinance. The Applicant is seeking an Administrative Adjustment to these requirements. The applicant has submitted the required Water and Sewer Allocation Application WSA-23-60 for the real estate office use at the Property.

Parking Spaces

The Applicant is proposing a 752 square foot addition to the already existing 2,682 square foot structure for a total square footage of 3,434. Pursuant to Zoning Ordinance Section 164-211 (c), "offices: business, professional, or financial" require "1 [parking space] per 250 square feet of floor area or 2 [parking spaces] per office, whichever is greater." Therefore the 3,434 square feet of office space requires 14 parking spaces (3,434 sf @ 1 parking space per 250 sf of office space). The property is within the downtown parking area and would receive a 25% reduction in the number of required parking spaces, leaving 10 parking spaces required. SS-23-09 depicts 6 parking spaces provided on-site, requiring a reduction of 4 parking spaces.

Access Drive

During the review for SS-23-09, it was realized that the existing 11-foot driveway providing legal and sole access to the Property from N Center Street is too narrow to meet the 20' access drive standards for two-way traffic. There is a means of access to the rear of the property over the adjacent property, 25 N Center Street, owned by Trustee First Church of God to Winters Street. However, the Applicant would need to secure an access easement for the adjacent property owner.

The applicant is asking for an administrative adjustment to keep this access point the entrance into the site. It is the applicant's argument that the driveway is an existing condition and cannot be widened because it is located between the existing building and the property line.

In evaluating the requested Administrative Adjustment, the Director may consider the factors set forth in Section 164-161A.(3), as follows:

1. There are exceptional or extraordinary circumstances or conditions applying to the Property in question or to the intended use of the Property that do not apply generally to other properties or classes of uses in the same zone;

This property is located within the Westminster Historic District, the structure was built in 1870, the property has operated as a commercial use in the past without providing any additional parking on-site or the required 20' access driveway. In

addition, the property is historic and does not meet today's standards for setbacks, parking, and access.

The location and size of the existing structure and the size of the property, 7392 square feet in area, make it difficult to provide needed parking for allowed uses at the Property, such as the requested office use and other allowed uses in the B Business Zone. Pursuant to Zoning Ordinance Section 164-2 C., "The purpose of the business zones is to provide a range of retail uses and services and commercial activities." The location and size of the existing structure and the size of the property makes it impossible to widen the existing 11 foot access driveway within the limits of the Property and a stone wall constructed along Winters Street makes it impossible to provide another means of access to the Property.

Unlike a standard office use, the Applicant contends that due to the real estate office operations, there will be limited foot traffic and a sporadic number of employees in the office at any given time. The applicant feels that the existing 6 parking spaces are enough to fill the need of a real estate office use.

2. Such variance [administrative adjustment] is necessary for the preservation and enjoyment of substantial Property rights possessed by other properties in the same zone and in the same vicinity; and

Many properties in the historic district experience the same limitations (developed property, older existing structures, operated uses in the past without providing additional on-site parking) when it comes to providing on-site parking facilities or meeting today's requirements for setbacks or parking standards.

3. The authorizing of such variance [administrative adjustment] will not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

There will be no detriment to adjacent properties due to this Administrative Adjustment.

VI. FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Staff recommends that the Director consider the following as findings of fact and conclusions of law:

- The property is in the Westminster Historic District and the primary structure at the property was built in 1870.
-
- It is not unusual for properties in the Historic Downtown to provide required on-site parking spaces, requiring a request to reduce the number of parking spaces and other

parking standards.

- Due to the real estate office operations, there will be limited foot traffic and a sporadic number of employees in the office at any given time.
- The authorizing of the administrative adjustments will not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

VII. DECISION

Under section five of the procedures, “subsequent to the conduct of a hearing, the Director shall decide the issue(s) raised by the application. The decision shall be in writing and provide a brief explanation of the law and facts which support it. In evaluating the application, the Director may consider the factors set forth in Section 164-161 A(3). In making a decision, the Director may grant the administrative adjustment in cases where the strict compliance with Chapter 164 would result in practical difficulty or unreasonable hardship which has not been caused by the applicant. The Director shall not grant an administrative adjustment if to do so would violate the spirit and intent of the requirements or cause or would be likely to cause substantial injury to the public health, safety and general welfare.

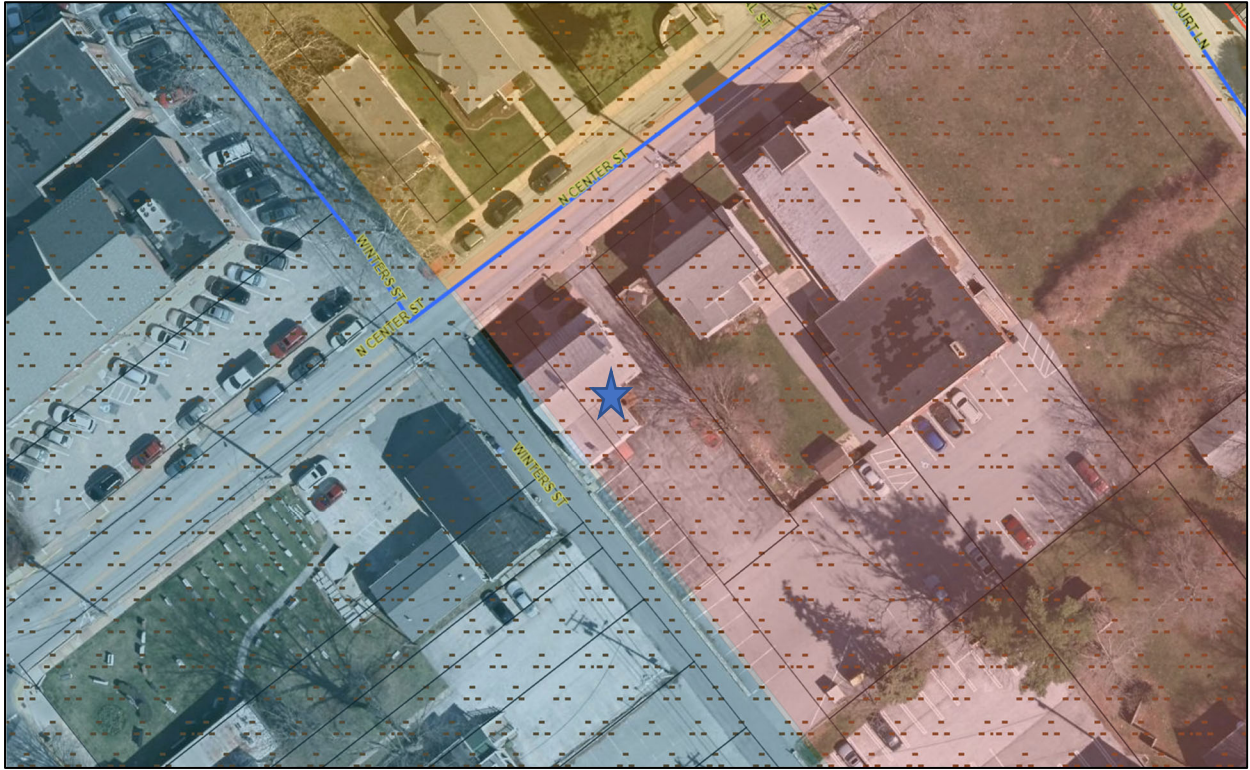
VIII. RECOMMENDATION

Staff recommends approval of the proposed Administrative Adjustment, per § 164-158.1 of the City Code.

IX. ATTACHMENTS

1. Site Location Aerial Map
2. Administrative Adjustment Application
3. Simplified Site Plan SS-23-09

Site Location Aerial Map



Zoning Application Number: _____

Application for Administrative Adjustment

PAGE 1

CITY OF WESTMINSTER, MARYLAND

Application for Hearing

In accordance with the provisions of Chapter 164-Zoning of the westminster City Code, application is made for administrative adjustment to the Director of Planning and Public works as follows:

APPLICANT: Jaimie Penrod PHONE: () 301-525-5651

APPLICANT ADDRESS: 171 Willis St. westminster, MD 21157

OWNER (if other than applicant): Rachel Price

OWNER ADDRESS: 171 Willis St., Westminster, MD 21157

SUBJECT PROPERTY ADDRESS: 23 N Center St.

23 N Center Street, Westminster MD 21157

PROPERTY IDENTIFICATION: MAP 0107 PARCEL 1116 LIBER _____ FOLIO _____

Nature of Request

Current Zoning Of Property: Business Zoning Ordinance Basis of Request: § 164-11

Current Use of Property: Business Acreage of Property: 0.17

The applicant requests the following adjustment(s) as marked:

- Local Height Requirements
- Local Setback Requirements
- Local Bulk Requirements
- Local Parking Requirements
- Local Loading Requirements
- Local Area Requirements
- Local Dimensional Requirements

Description of Request in Detail: We request an administrative adjustment to allow the existing 11'0" wide driveway off of N Center St. to remain an entry access into the parking lot on the site. The driveway is an existing condition and cannot be widened because it is located between the existing building and property line. We also request a review for the adjustment of minimum parking requirements. The flexible, hybrid nature of the office does not require a large number of daily parking.

DocuSigned by:

Jaimie Penrod

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Signature of Applicant

2/1/2024 | 9:51 CST

Date

Continued on Page Two →

Application for Administrative Adjustment

PAGE 2

CITY OF WESTMINSTER, MARYLAND

Jaimie Penrod

APPLICANT: _____

ADJOINING (CONTIGUOUS) PROPERTY OWNERS:

(Including adjacent property owners on opposite side of streets or roads)

Name: Merkle Raymond J. Inc
Address: 175 E Main St
Westminster MD 21157

Name: Trustee First Church of God
Address: 27 N Center St
Westminster MD 21157
(Owner of 25 N Center St)

Name: Washington Road LLC
Address: PO Box 964
Eldersburg MD 21784
(Owner of 20 N Center St)

Name: Court St LLC
Address: 24 N Court St
Westminster MD 21157
(Owner of 22 N Court St)

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

I understand that the above information is required for the processing of my case and I hereby certify the list of contiguous property owners and their addresses:

DocuSigned by:

Jaimie Penrod

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2/1/2024 | 9:51 CST

Signature of Applicant

Date

Case Number Assigned: # _____
Date of Hearing: ____/____/____
Newspaper Advertisement: _____
Property Posted: _____
Zoning Certificate Number: # _____

Date Filed: ____/____/____
Application Fee Received: _____
Decision: _____
Date Decision Rendered: ____/____/____

SIMPLIFIED SITE PLAN

SS-23-09

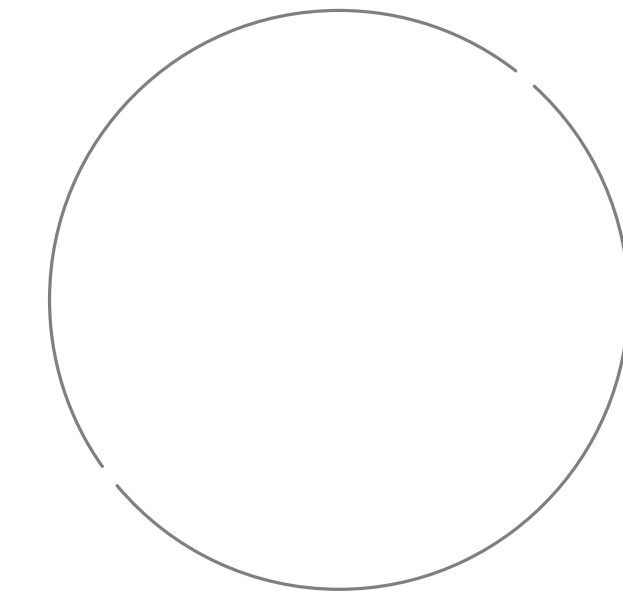
23 N CENTER ST

SIMPLIFIED SITE PLAN
SS-23-09
23 N CENTER ST
WESTMINSTER MD 21157



ARCHITECT TWOPOINT STUDIO, LLC 1816 SHAKESPEARE STREET BALTIMORE, MD 21231 TEL: 410.952.2435
STRUCTURAL ADAMS ENGINEERING, LLC 9360 B ESPLANADE CT. OWINGS MILLS, MD 21117 TEL: 410.615.3758
MECH / ELEC / PLUMBING NW2 ENGINEERS 819 LIGHT ST. BALTIMORE, MD 21230 TEL: 443.990.0008
CONSULTANT

PROFESSIONAL SEAL



PROFESSIONAL CERTIFICATION:
 I CERTIFY THAT THESE DOCUMENTS WERE PREPARED
 OR APPROVED BY ME, AND THAT I AM A DULY LICENSED
 ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
 LICENSE NUMBER: 8825
 EXPIRATION DATE: 06/18/2025

no.	date	revision

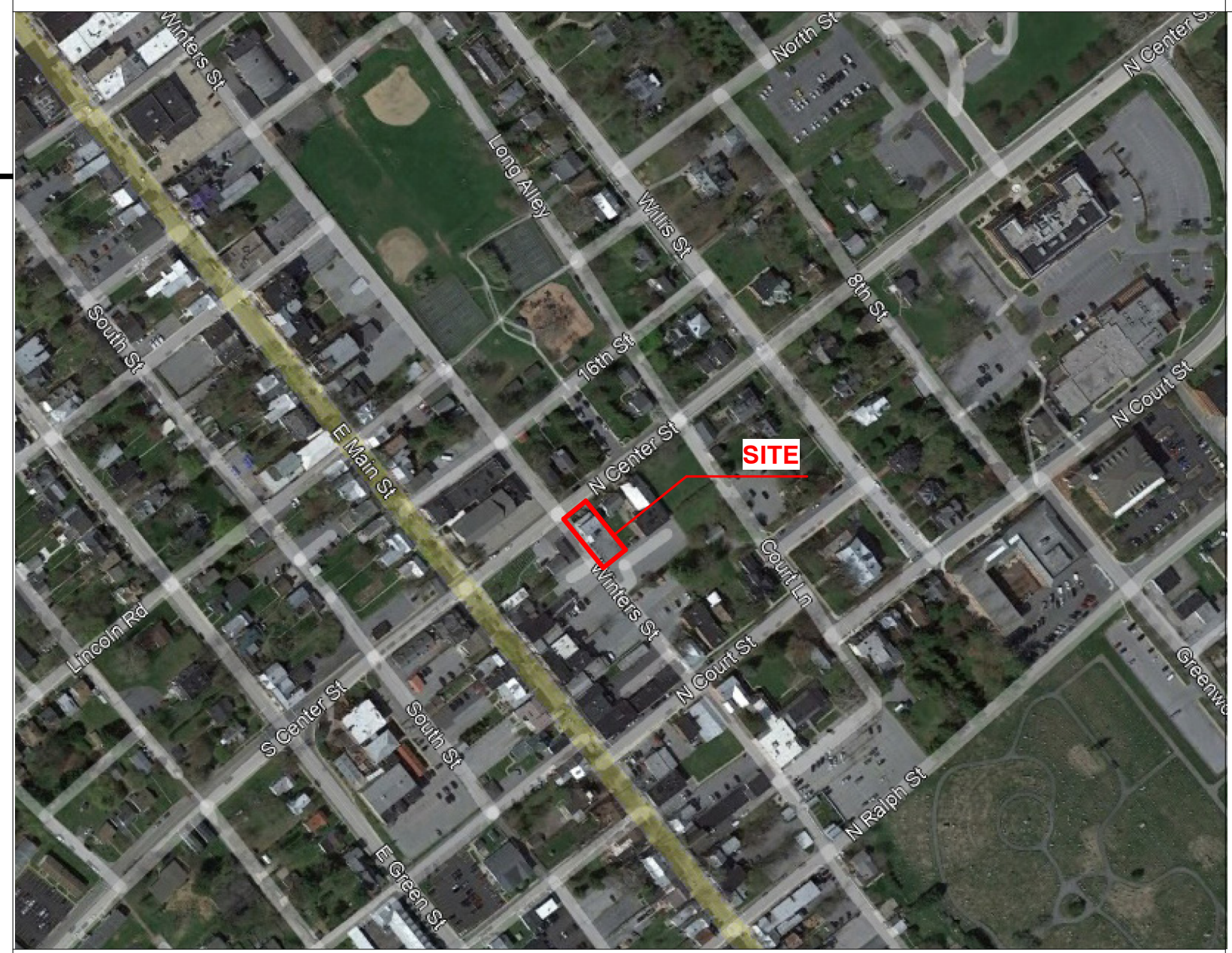
Project Number
2252
 Issue Date
01/30/2024
 Scale
1/8" = 1'-0"

SIMPLE SITE PLAN COVER SHEET

SS00

Project Status
© TWOPOINT STUDIO, LLC

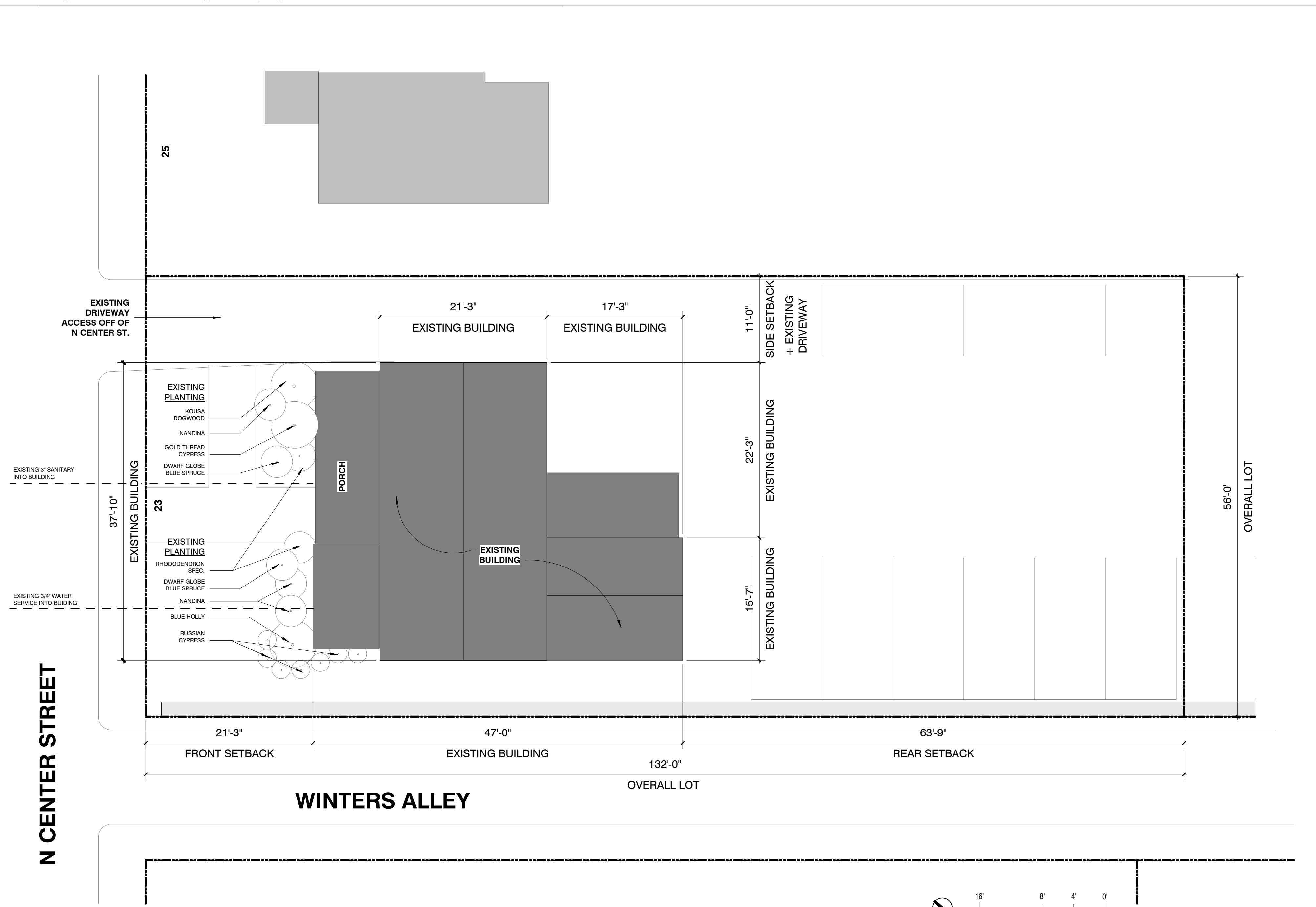
VICINITY MAP



GENERAL NOTES

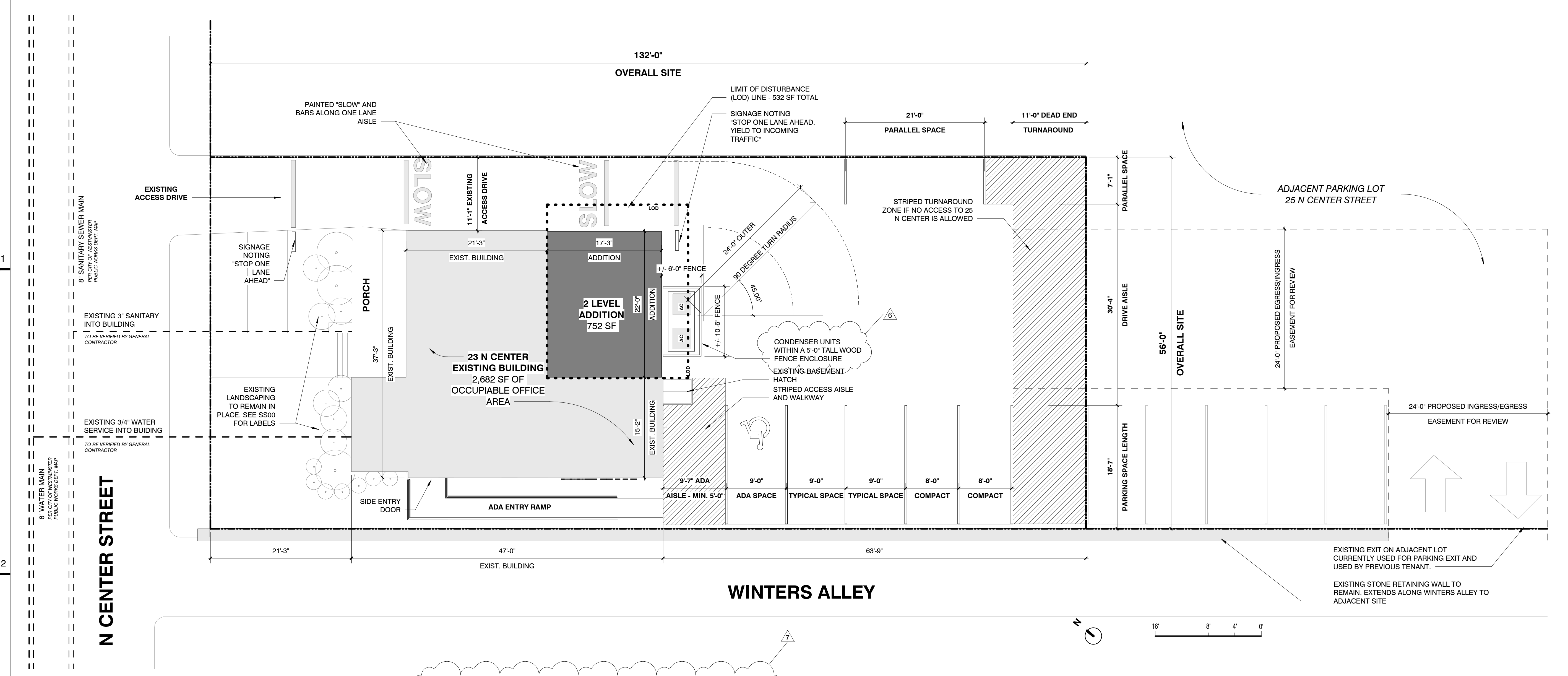
- The construction shown on these plans shall be in accordance with the current standards and specifications for the City of Westminister. This work is subject to inspection and acceptance by the City of Westminister.
- The contractor shall have a current copy of the City of Westminister "Standard Specifications for Construction of Public Utility Systems, Roads and Storm Drains" available to him at all times during his operations.
- The contractor shall notify the City of Westminister "Department of Public Works" at 410-848-2592 at least 5 days in advance of starting construction and shall not interrupt existing water or sewer service without first obtaining permission from the "Department."
- The contractor shall notify his Engineer when proposing Field Adjustments to the Type, Size, or Location of the installations specifically shown on the plan. The contractor shall obtain final approval from the City Inspector prior to commencing work on all field changes.
- The contractor shall provide a Certified Soils Compaction Technician on site at all times during filling and back filling operations to continuously monitor soil compaction. Test results shall be provided to the City Inspector upon request.
- The contractor shall contact "Miss Utility" at 1-800-257-7777 in advance of his construction operations. It is the contractor's responsibility to ensure that all utility owners have existing lines in the area are properly notified.
- The locations of existing utility lines shown in these plans is approximate only, and the contractor must verify the locations to his own satisfaction. The contractor shall take the necessary precautions to protect against damage to existing lines, and shall be solely responsible for the cost of repairs incurred by his operations.
- The Construction Layout Datums used herein are:
 HORIZONTAL: - Maryland State Grid System
 VERTICAL: - U.S.G.S. Datum
- Failure to mention specifically any work which would naturally be required to complete the project shall not relieve the contractor of his responsibility to perform such work.

OVERALL EXISTING SITE PLAN



CITY OF WESTMINSTER	APPROVAL BLOCK	OWNER	OWNER / DEVELOPER CERTIFICATION
156 W. MAIN STREET WESTMINSTER, MD 21157	City of Westminister, Director of Community Planning and Development APPROVED: _____ DATE: _____ City of Westminister, Director of Public Works APPROVED: _____ DATE: _____	23 N. Center Street Tax Map 0107, Grid 0002, Parcel 1116 Owner: Rachel K Price, Keller Williams Realty Partners	I/We hereby certify that all proposed work shown on these construction drawing(s) has been reviewed by me/us and that I/We fully understand what is necessary to accomplish this work and that the work will be conducted in strict accordance with these plans. I/We also understand that any changes to these plans will require an amended plan to be reviewed and approved by the City of Westminister Planning and Zoning Commission before any change in the work is made. _____ NAMES(S) (PRINTED) DATE _____ (SIGNED) DATE

PROPOSED SITE PLAN

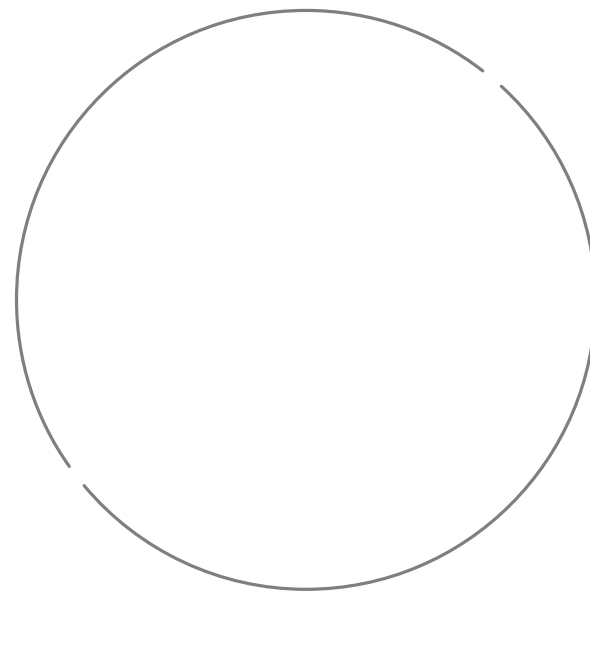


SIMPLIFIED SITE PLAN
SS-23-09
23 N CENTER ST
WESTMINSTER MD 21157



ARCHITECT	TWOPOINT STUDIO, LLC 1816 SHAKESPEARE STREET BALTIMORE, MD 21231 TEL: 410.952.2435
STRUCTURAL	ADAMS ENGINEERING, LLC 9360 B ESPLANADE CT. COWINGS MILLS, MD 21117 TEL: 410.615.3758
MECH / ELEC / PLUMBING	NW2 ENGINEERS 819 LIGHT ST. BALTIMORE, MD 21230 TEL: 443.990.0008
CONSULTANT	

PROFESSIONAL SEAL



PROFESSIONAL CERTIFICATION:
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED
OR APPROVED BY ME, AND THAT I AM A DAILY LICENSED
ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NUMBER: 8625
EXPIRATION DATE: 06/19/2025

7	1/30/24	SITE PLAN - PARKING
		COUNT REVISION
6	1/12/24	SITE PLAN REVISION
no.	date	revision

Project Number
2252
Issue Date
01/30/2024
Scale
1/8" = 1'-0"

SIMPLE SITE PLAN

SS01
Project Status

<p>ZONING INFORMATION</p> <p>Pursuant to Zoning Ordinance Section 164</p> <p>Zoning District B "Business Zone"</p> <p>Current Use Business - Lawyer's Offices</p> <p>Proposed Use Business - Real Estate Agency Offices</p> <p>Height Maximum 3 stories or the height of an adjacent structure <i>Existing building and new addition do NOT exceed 3 stories</i></p> <p>Area/FAR Maximum FAR of 2.0 Site Area = 7,392 sf Total Building Area = 3,632 sf (incl. unoccupiable attic) <i>Does not exceed FAR of 2.0</i></p> <p>Setbacks Front: 30 feet or equal to setbacks of immediately adjacent buildings <i>Front setback is an existing condition and is less than or equal to setback at 25 N Center Street</i></p> <p>Side: where the side line is along an alley or public right-of-way, 10 feet or equal to the setbacks of immediately adjacent buildings. <i>Side setback of addition is 11'-0" from adjacent property line.</i></p>	<p>PARKING COUNT</p> <p>1. Existing Use: Law Office 2. Proposed Use: Realtors Office</p> <p>Off-Street Parking Required: 9 Off-Street Parking Spaces provided: 6</p> <p>Additional spaces to be provided by Benefit Assessment or Future Parking Agreement with neighboring parking lot. An Administrative Adjustment will be requested to modify the required number of spaces based on specialty occupancy and usage of the building.</p> <p>Per Zoning Ordinance Section 164-111: 1 space per 250 sf of Office 2,682 Total SF of occupiable Office / 250 sf = 11 spaces or 2 spaces per Office Number of Offices: 6 = 12 spaces</p> <p>25% reduction 12 x .25 = 3 parking space reduction Total spaces required = 9 spaces Compact Parking = 30% of required parking Up to 5 compact parking spaces</p> <p>This site is eligible for 25% reduction in minimum required spaces in Downtown Parking Area per Section 164-111 Item D. Up to 30% of parking spaces can be Compact Spaces at minimum size of 8'x16' per Section 164-115 Item F.</p>	<p>PARKING ENTRY MODIFICATION</p> <p>The current parking lot is accessed from the driveway off of N. Center Street and exited through the exit provided at the adjacent parking lot onto Winters Alley, as noted on the plan. This was a pre-existing condition of the site and used by the previous tenant. If this condition is no longer allowed, the following is proposed:</p> <p>The existing access drive into the parking is 11'-1" wide. The width is restricted due to setback existing building footprint from the property line and cannot be modified. The site conditions present a hardship in widening this to the require 24'-0" and a further hardship is presented if the current exit through the adjacent site's parking lot is no longer allowed.</p> <p>A request for modification shall be submitted to make this condition exempt from the zoning ordinance requiring a two-way entry drive into the parking lot. Safety measures and signage are noted on the site plan, including but not limited to a proposed painted "STOP" and "SLOW" bar at the ends of the access driveway, pole signage with a 2-way traffic warning and the same "STOP" and "SLOW" warnings.</p>	<p>LANDSCAPING MODIFICATION</p> <p>Per the Landscape Manual, Section VI "Modifications to Standards" Item 3: "If an increase of less than 40% of an existing residential, commercial, business, or industrial floor area or parking area is proposed, only that portion of the site affected shall be required to conform to the standards contained in this manual."</p> <p>The proposed addition of 752 sf represents only 28% of the 2,682 sf floor area (including the existing third level) of the existing building. Therefore, a modification to exempt the north portion of the parking lot not affected by the addition from the 10' landscaping buffer and standards is requested. In addition, the buffer further restricts the limited parking area and presents a hardship in meeting minimum parking requirements.</p> <p>The site is restricted by a continuous stone retaining wall which supports the grade along Winters Alley, elevated from the existing parking lot which provides a barrier between car headlights in the parking lot onto Winters Alley. A modification is requested to consider the retaining wall as an acceptable buffer in lieu of a landscaped buffer.</p> <p>Existing landscaping is provided at the prominent front facade of the building facing North Center Street within the front setback.</p>
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<p>CITY OF WESTMINSTER</p> <p>156 W. MAIN STREET WESTMINSTER, MD 21157</p>	<p>APPROVAL BLOCK</p> <p>City of Westminister, Director of Community Planning and Development</p> <p>APPROVED: _____ DATE: _____</p> <p>City of Westminister, Director of Public Works</p> <p>APPROVED: _____ DATE: _____</p>	<p>OWNER</p> <p>23 N. Center Street Tax Map 0107, Grid 0002, Parcel 1116</p> <p>Owner: Rachel K Price, Keller Williams Realty Partners</p>	<p>OWNER / DEVELOPER CERTIFICATION</p> <p>I/We hereby certify that all proposed work shown on these construction drawing(s) has been reviewed by me/us and that I/We fully understand what is necessary to accomplish this work and that the work will be conducted in strict accordance with these plans. I/We also understand that any changes to these plans will require an amended plan to be reviewed and approved by the City of Westminister Planning and Zoning Commission before any change in the work is made.</p> <p>_____ NAMES(S) (PRINTED) DATE</p> <p>_____ (SIGNED) DATE</p>
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