

11/17/77 198-121-A #75 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

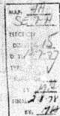
I, or we, Carl J. Arnesen & Mary E. Arnesen, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.1. Arnesen permit a lot width of 50 feet instead of the required 55 feet.

1802.3C.1 to permit a side yard of 5 feet in lieu of required 10 feet. D.R. 5.5

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

Lot number on old recorded Plat (50 ft. wide). Proposed to convey to daughter & son-in-law.

See attached description



Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Carl J. Arnesen Contract purchaser
Mary E. Arnesen Legal Owner
Address: 1760 Eastern Boulevard
Baltimore, Md. 21221
Petitioner's Attorney
Philip F. Bennett
1760 Eastern Boulevard
Baltimore, Md. 21221
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of October, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of November, 1977, at 10:30 o'clock a.m.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 17, 1977

FROM: Leslie H. Graef, Director of Planning

SUBJECT: Petition #78-121-A, Petition for Variance for Lot Width and Side Yard Setback South side of Hughes Avenue 107 feet West of Lincoln Avenue

Petitioner - Carl J. Arnesen and Mary E. Arnesen

15th District

HEARING: Monday, December 5, 1977 (10:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Leslie H. Graef
Director of Planning

LHG:JGH:rw

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER

S/S of Hughes Ave. 107' W of Lincoln Ave., : OF BALTIMORE COUNTY

15th District : Case No. 78-121-A

CARL J. ARNESEN, et ux, Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kowitz, Jr. John W. Hession, III
Charles E. Kowitz, Jr. John W. Hession, III
Deputy People's Counsel People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of November, 1977, a copy of the foregoing Order was mailed to Philip F. Bennett, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioners.

John W. Hession, III



December 20, 1977

Mr. & Mrs. Carl J. Arnesen
2406 Ketchum Avenue
Baltimore, Maryland 21219

RE: Petition for Variances
S/S of Hughes Avenue, 107' W of
Lincoln Avenue - 15th Election District
Carl J. Arnesen, et ux - Petitioners
No. 78-121-A (Item No. 75)

Dear Mr. & Mrs. Arnesen:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
Eric DiNenna
Deputy Zoning Commissioner

GJM/me

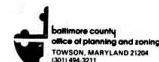
Attachments

cc: Philip F. Bennett, Esquire
1760 Eastern Boulevard
Essex, Maryland 21221

John W. Hession, III, Esquire
People's Counsel

BEGINNING at a point on the South Side of Hughes Avenue (30 feet wide) 107 feet west of Lincoln Avenue (30 feet wide), thence running westerly along the South side of Hughes Avenue 50 feet, thence southerly at right angles to Hughes Avenue, for a distance of 200 feet, thence easterly parallel with Hughes Avenue, 50 feet, thence running northerly 200 feet to the place of beginning.

Being known and designated as Lot No. 247, as shown on the plat of Chesapeake Terrace recorded among the Land Records of Baltimore County in Plat Book 5 Folio 36-37. Said lot being unimproved.



November 1, 1977

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #75, Zoning Advisory Committee Meeting, October 18, 1977, are as follows:

Property Owner: Carl J. and Mary E. Arnesen
Location: S/S Hughes Avenue 107' W. Lincoln Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' and a side setback of 5' in lieu of the required 10'
Acre: 0.230
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to ensure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

Philip F. Bennett, Esquire
1760 Eastern Boulevard
Baltimore, Maryland 21221

ITEM # 75

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 18th day of October 1977.

Eric DiNenna
Zoning Commissioner

Petitioner: Carl J. Arnesen
Petitioner's Attorney: Philip F. Bennett reviewed by Philip F. Bennett
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MAR 17 1978

Pursuant to the advertisement, posting of property, and public hearing on the above petition, and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

the above Variance should be had; and it further appearing that by reason of the granting of the Variances requested not adversely affecting the health, safety, and general welfare of the community, Variances to permit a lot width of 50 feet instead of the required 55 feet and a side yard of 5 feet instead of the required 10 feet should be granted.

Deputy
IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of December 1977, that the herein Petition for the aforementioned Variances should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of December 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
TOWSON, MARYLAND 21204

cc
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

November 23, 1977

Philip F. Bennett, Esquire
1760 Eastern Boulevard
Baltimore, Maryland 21221

RE: Variance Petition
Item Number 75
Petitioner - Carl J. Arnesen
Mary E. Arnesen

Dear Mr. Bennett:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject site, consisting of a vacant 50-foot lot, is located on the south side of Hughes Avenue approximately 107-feet west of Lincoln Avenue in the 15th Election District and is part of an overall parcel of ground owned by your client. Adjacent properties surrounding this property are improved with single family detached dwellings.

This Variance is necessitated by your client's proposal to convey this 50-foot lot to his daughter who in turn proposes to construct a dwelling within 5-feet of the side property line in lieu of the required 10-feet.

While the comments from the Bureau of Engineering were not available at this time, it was verbally indicated to me that a 50-foot right-of-way widening for Hughes

Philip F. Bennett, Esq.
Page 2
Item No. 75
November 23, 1977

Avenue will be required in conjunction with any future building permits.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

October 21, 1977

Mr. Eric S. DiMenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item #75 - ZAC - October 18, 1977
Property Owner: Carl J. & Mary E. Arnesen
Location: 5/8 Hughes Ave. 107' W Lincoln Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' and a side setback of 5' in lieu of the required 10'.

Acres: 0.230
District: 15th

Dear Mr. DiMenna:

No traffic problems are anticipated by the requested variance.

Very truly yours,
C. Richard Moore
Assistant Traffic Engineer

CRM/cwm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
TOWSON, MARYLAND 21204

cc
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

December 23, 1977

Philip F. Bennett, Esquire
1760 Eastern Boulevard
Baltimore, Maryland 21221

RE: Variance Petition
Item Number 75
Petitioner - Carl J. Arnesen
Mary E. Arnesen

Dear Mr. Bennett:

The enclosed comments to be included with the Zoning Plans Advisory Committee comments sent you on November 23, 1977, under the above referenced subject.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

Enclosure

THORNTON M. MOURING, P.E.
DIRECTOR

December 7, 1977

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #75 (1977-1978)
Property Owner: Carl J. & Mary E. Arnesen
5/8 Hughes Ave. 107' W. Lincoln Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' and a side setback of 5' in lieu of the required 10'.
Acres: 0.230 District: 15th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Hughes Avenue, an existing public street, is proposed to be improved in the future as a 30-foot closed type roadway on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damage to private and public holdings downstream from the striping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist adjacent to this property. Additional fire hydrant protection is required in the vicinity.

Very truly yours,
THORNTON M. MOURING, P.E.
Chief, Bureau of Engineering

END:RAM:MMR:ss
cc: J. Somers, W. Munchel

A-NE Key Sheet
27 SE 31 Post Sheet
SE 7 H Topo
111 Tax Map

98-121-A

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

November 1, 1977

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Comments on Item #75, Zoning Advisory Committee Meeting of October 18, 1977 are as follows:

Property Owner: Carl J. & Mary E. Arnesen
Location: 5/8 Hughes Avenue 107' W Lincoln Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' and a side setback of 5' in lieu of the required 10'.
Acres: 0.230
District: 15th

Metropolitan water and sewer are available, therefore, no health hazards are anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

KS:jlc

Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(301) 425-7310

Paul H. Heinicke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Carl J. & Mary E. Arnesen

Location: 5/8 Hughes Ave. 107' W Lincoln Ave.

Item No. 75

Zoning Agenda Meeting of 10/18/77

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for this referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead-end condition shown at _____

REMARK: The action allowed by the Fire Department.

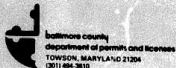
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 prior to occupancy.
6. Site plans are approved as drawn.

(xx) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *George M. Hagan*
Baltimore County
Special Inspection Division

Noted and Approved: *George M. Hagan*
Fire Prevention Bureau

MAR 17 1978



JOHN D. SEYFERT
DIRECTOR

October 11, 1977

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Comments on Item # 75 Zoning Advisory Committee Meeting, October 18, 1977
are as follows:

Property Owner: Carl J. & Mary E. Arnesen
Location: S/8 Hughes Ave 107' W. Lincoln Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' and a side setback of 5' in lieu of the required 10'.

Acre: 0.230
District: 15th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☒ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☒ E. Wood frame walls are not permitted within 3'4" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burman
Charles E. Burman
Plans Review Chief
CBV

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 14, 1977

Mr. S. Eric DiMenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: October 18, 1977

RE: Item No: 75
Property Owner: Carl J. & Mary E. Arnesen
Location: S/8 Hughes Ave. 107' W. Lincoln Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' and a side setback of 5' in lieu of the required 10'.

District: 15th
No. Acres: 0.230

Dear Mr. DiMenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative

MVP/tp

JOSEPH H. MCCORMACK, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCOUS H. BUTTS

THOMAS H. BRYER
MRS. LORRAINE F. CHURCH
ROBERT H. LUTHER

ROBERT F. DUBEL, SUPERINTENDENT

ALVIN LORECK
MRS. MILTON W. SMITH, JR.
RICHARD W. TRACY, D.V.M.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY #78-121-A Towson, Maryland

District: 15th Date of Posting: 11-17-77
Posted for: Henry Mandy, Jr. 5.4 1977 11:30 A.M.
Petitioner: Carl J. & Mary E. Arnesen
Location of property: S/8 Hughes Ave 107' W. Lincoln Ave.
Location of sign: 1 sign each side of property
Remarks: None as per 5th of Hughes
Posted by: Paul H. Han Date of return: 11-23-77

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 9 day of
Oct 1977. Filing Fee \$ 25 Received ☒ Cash ☐ Other

S. Eric DiMenna
Zoning Commissioner

Petitioner: Carl J. & Mary E. Arnesen Submitted by: Paul H. Han
Petitioner's Attorney: Henry Mandy, Jr. Reviewed by: Eds

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 11, 1977

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on the 11th day of November, 1977, the 19th day of the month of November, 1977, the 19th day of the month of November, 1977, appearing on the 17th day of November, 1977.

THE JEFFERSONIAN
G. L. Smith, Publisher

Cost of Advertisement, \$ _____



TOWSON, MD. 21204 November 18 1977

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - Carl J. Arnesen was inserted in the following:

- ☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for _____ successive weeks before the 15th day of November, 1977, that is to say, the same was inserted in the issues of November 17, 1977

STROMBERG PUBLICATIONS, INC.

BY: *Barbara Banger*

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>CPH</i>			Revised Plans: Change in outline or description ☐ Yes ☒ No							
Previous case: <i>21</i>			Map # _____							

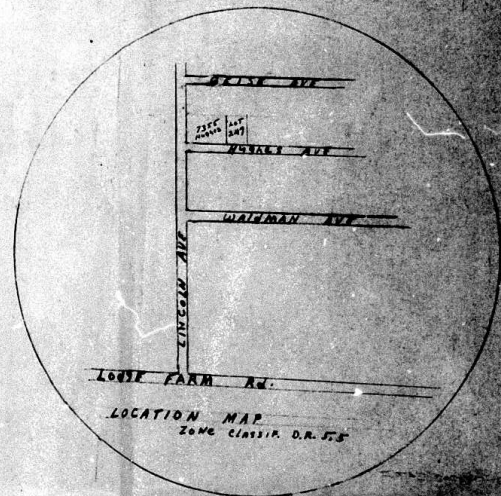
PETITION MAPPING PROGRESS SHEET										
FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>CPH</i>			Revised Plans: Change in outline or description ☐ Yes ☒ No							
Previous case: <i>21</i>			Map # <i>414</i>							

BALTIMORE COUNTY, MARYLAND
REVENUE DIVISION
MISCELLANEOUS CASE RECEIPT
No. 57308
DATE: Nov. 25, 1977
AMOUNT: \$55.00
RECEIVED: Carl J. Arnesen 2426 Lakeside Ave., Baltimore, Md.
FOR: Petition for a Variance
253 OF 16 250000
VALIDATION OR SIGNATURE OF CLERK



MAR 17 1978

CONNECTING LINE - TO RESIDENT IN A PARK



LOT 249

85' +

LOT 248

60

133'

$$\underline{200' +}$$

8 FT. RIGHT-H-WAY GIVEN BY OWNER

HOME ON EAST

NEW HOME
PROPOSED

HOME ON WEST

LOT - 247
50' x 200'

FIRE & HYD. 500' WEST ON HIGHWAY

HUGHES AVE (30')

Sanitary Sewer Main

Edge of Black Top

PLOT PLAN
SCALE 1/4" = 1'-0"

DESIGNED BY PROJECT MGR			
	REVISION	BY	DESCRIPTION
APPROVED BY LEADING AGENCY	SUBMITTED BY		
	CHIEF ENGINEERING OFF		
REVIEWED BY BLDG & CODE OFF	RECOMMENDED BY		
		TITLE	
REVIEWED BY UCL, DCL	EMPTY BAY PLAN, B&B CAPABILITY		
	DIRECTOR FACILITIES DIV.		
REVIEWED BY JUNE REED, CIV	DESIGNED BY		
	CHECKED BY		

1 L
WEST ON HUGHES AVE
AT OF INTERSECTION ON LINGUIN
BACK OF - ST. FROM ROAD EAST
ON HUGHES - SOUTH OF ST. CENTER
NORTH OF ST. CENTER
- D.R. 5.5

TERRACE
36-37 - 15th DIST.

EXISTING HOME
1218 LINCOLN AVE

LOT 249

LOT 248

LINCOLN AVE (30')

122' 1"

35'

40'

8 FT. RIGHT-OF-WAY GIVEN BY OWNER

200'

NEW HOME PROPOSED

HOME ON EAST

40'

40'

14'

LOT - 247
50' X 200'

DETAIL

FIRE HYD. - 500 FT. WEST ON HUGHES AVE
FIRE HYD. - 200 FT. NORTH OF INTERSECTION ON LINCOLN
LOT - 248 - 100' X 100' - 100' X 100' - 100' X 100'
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LOT - 300 - 100' X 100' - 100' X 100' - 100' X 100'

ZONE - CLASSIFICATION - D.R. 5.5

CHESAPEAKE TERRACE
PLAT-Book 5/30-37 - 15th DIST
Kent D. Moldenhauer

HUGHES AVE (30')



PLOT PLAN
SCALE 1/4" = 100'

