IN RE: PETITION FOR ADMIN. VARIANCE
S/S Derby Shire Circle, 162' W
centerline of Barkley Woods Road
2nd Election District
2nd Councilmanic District
(3639 Derby Shire Circle)

Lennore D. Peterson Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 00-547-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Lennore D. Peterson, property owner, for that property known as 3639 Derby Shire Circle in the western area of Baltimore County. The Petitioner herein seeks a variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 13 ft. in lieu of the required 22.5 ft. for an open projection (deck) and to amend the Final Development Plan for Barkley Woods, Lot 120. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3/5t day of July, 2000, that a variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 13 ft. in lieu of the required 22.5 ft. for an open projection (deck) and to amend the Final Development Plan for Barkley Woods, Lot 120, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

OPCIENT RECEIVED FOR FILING
Date

Talled
By T. Amelon



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

July 20, 2000

Ms. Lennore D. Peterson 3639 Derby Shire Circle Baltimore, Maryland 21244

Re: Petition for Administrative Variance

Case No. 00-547-A

Property: 3639 Derby Shire Circle

Dear Ms. Peterson:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy Kotroco

TMK:raj Enclosure



REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Is Petition shall be filed with the Department of the property situate in Baltimore County ade a part hereof, hereby petition for a Variance from TO PERMIT ARGARSET BACK FOR A CHILLE WOODS FOR LOT THE REQUIRED 22/2 F.F. ARKKEN WOODS FOR LOT THE Experience of Baltimore County, to the this petition form. Openty is to be posted and advertised as prescribed rive, agree to pay expenses of above Variance, adventuations and restrictions of Baltimore County adopted provided the property adopted provided provi	of Permits and Develor and which is describe om Section(s) BO NOPEN Project NOPEN Project	ch is presently zoned <u>low</u> lopment Management. The und in the description and plat attains. Z.C. 1 AND SOU BCZ S chion (DECK) of 13 The Final Development	ached hereto and EET IN LIC
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	periury, th	olemnly declare and affirm, under that I/we are the legal owner(s) of the ject of this Petition.	he penalties of e property which
ntract Purchaser/Lessee	Legal C	wner(s):	
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Jess Jerry Shire Circle Telephone See Chiure, M. 2 21244	e No. Name - Ty	oe or Print	
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Type or Print	Bal	to. He State	Zip Code
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resa R Telephone	No. Address		Telephone No.
State Zip C	Code City	State	Zip Code
ublic Hearing having been formally demanded and/or for that the subject relations of Baltimore County and that the property be reposted	matter of this petition be se	ordered by the Zoning Commissioner t for a public hearing, advertised, as re	of Baltimore County, quired by the zoning
		oning Commissioner of Baltimore Cour	nty

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjifollows: That the information herein given is within the personnetent to testify thereto in the event that a public hearing is	onal knowledge of the Afflant(s) and that Afflant(s) is/are scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at Address City	more, My State 21244 ZIp Code
That based upon personal knowledge, the following are the fa Variance at the above address (indicate hardship or practical did Because of the 200 ng require Dock of the property Line, 13' of space thus require the deck, to be built for my home.	cts upon which I/we base the request for an Administrative ifficulty): 22/2 (P) 179 a 30 space from the The deck will have an estimated 19 an administrative Vaniance. Aximumuse of the rear of
That the Affiant(s) acknowledge(s) that if a formal demand advertising fee and may be required to provide additional information of the second	is filed, Affiant(s) will be required to pay a reposting and nation.
Signature	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 19 day of June of Maryland, in and for the County aforesaid, personally appear the Affiant(s) herein, personally known or satisfactorily identificate that the matters and facts hereinabove set forth are true and	ed to me as such Affiant(s), and made oath in due form of
AS WITNESS my hand and Notarial Seal	
× 6/19/00	alun Mhum
Date Notar	Dublin

My Commission Expires

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires August 18, 2001

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows. That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a public	hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at Addr	3639 Derby Strue (1106) Bultimore, Md. 21244 State Zip Code
Variance at the above address (indicate hardship or p * DECIK * DECIK * The property * Estimated 13' of a administrative VAX	are the facts upon which I/we base the request for an Administrative practical difficulty): requiring a 30 space from the cine, the deck will leave an Space thus requiring an eighnee. The deck to the built for the rear of my home
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional advertising fee and fee an	demand is filed, Affiant(s) will be required to pay a reposting and ional information.
Name - Type or Print	Name - Type or Print
I HEREBY CERTIFY this day of day of of Maryland, in and for the County aforesaid, personal the Affiant(s) herein, personally known or satisfacto law that the matters and facts hereinabove set forth a	
AS WITNESS my hand and Notarial Seal Variable Date	Eller Man_



REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3639 Derby Shine Circle
which is presently zoned DR5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, 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(s) 1 BOI. 2.C. I AND 504 CONTROL BOZR TO PERMIT A REAR SETBACK FOR AN OPEN PROJECTION (DECK) OF 13 FT.

IN LIEU OF THE REGUIRED 22/2 FT. AND TO AMENT THE FINAL DENELOPMENT PLAN OF BARKLEY WOODS FOR LOT 120.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

·		I/We do solemnly declare a perjury, that I/we are the leging the subject of this Petition	gal owner(s) of the p	penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
	ON	Lennore 1	Dot & fel	son
Name-Type or Print Peterse	wi	Name - Type or Print		
Sign ture 3639 Volushire Ci	rcle 655 8440	Signature	- CUSO	
Address Ductinoso Md	2 Telephone No.	Name - Type or Print	,	
City State	Zip Code	Signature 2/2C	(/_/	(40)
Attorney For Petitioner:		Address	Shire Cria	Telephone No.
Name - Type or Print		But hinso	Md Z	Zip Code
Classica		Representative to be	Contacted:	
Signature			•	
Company		Name		·
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally deman- this day of th	iat the cubiect matter of th	required, it is ordered by the Zon is petition be set for a public hearin	ing Commissioner of E	Baltimore County,
regulations of Baltimore County and that the prope	rty be reposted.	Perment as series a Family House	an and the and an indial	iou of the seconds
		Zoning Commissions	er of Baltimore County	

Estimated Posting Date

Zoning Description

Zoning description for 3639 Derby Shire Circle. Beginning at a point on the west side of Derby Shire Circle which is 80 feet wide at the distance of 162 feet south of the centerline of the nearest improved intersecting street Barkley Woods Rd. which is 20 feet wide. Being lot 120 section I in the subdivision of Barkley Woods as recorded in the Baltimore County Plat Book # 71, Folio# 64, containing 1700 square feet. Also known as 3639 Derby Shire Circle and located in the 2nd Election District, 2nd Councilmanic District.

5 A1

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 6/21/80 ACCOUNT ROO16150 AMOUNT \$ 100.00 RECEIVED FROM: FOR: AU MUD AMEAUD FOR	PATE PELETY PRINCE: ASTURE THE 6/21/2000 6/21/2000 11:50:16 ACG WAS CASHIER MICH KAN DENKER 4 Dupt 5 528 ZHING WERFICATION RECEIST N 003192 08:31 CR HO. 08:3537 RECEIT TOT 100:00 30 0X 100:00 34 Baltimore County, Maryland
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	7 - A CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 00-547-A	
	Petitioner/Developer:	
	LENNORS PETERSON	 -
	Date of Hearing/Closing: July 17, 7	<u> 200</u> 0
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204		
Attention: Ms. Gwendolyn Stephens		
Ladies and Gentlemen:	•	
were posted conspicuously on the propert	s of perjury that the necessary sign(s) required by law ty located at BYSHIDE CIRCLE	·
The sign(s) were posted on July	1,7000	·············
-	(Month, Day, Year)	
	Sincerely,	-
	(Signature of Sign Poster and Date)	
	CTARLAND E. MOORE	
	(Printed Name) 3725 RYERSONI CINCLE	F
	(Address)	
	City, State, Zip Code)	<u>?</u> ?>
	(410) 247-4763 (Telephone Number)	
	(x eveluone rannoer)	

9/96 cert.doc



CASE # 610-54 7-A

TO PROMIT A REAR SETEMUK FOR AN OPEN PROVINCION (DECK) OF TOFT TAN LIEU OF 221/ FEBT

MEMANT TO HETHER 28-127(INIT), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OF GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OPFIGE BEFORE
4:30 pm on JULY 18-17 ZOZO
1884TIGHAL INFORMATION IS AVAILABLE AT
1884TIGHAL INFORMATION INF



ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case I	vumber 00-	541		•	3639 H	RBY SHIRE	CIR.
	ct Person: _	Planner	EWIS Please Pfint Your N	Nome			410-887-3391
Filing	Date: _6	21/00	Post	ing Date:	7/2/00	Closing Da	te: <u>7/17/0</u> 0
Any co	ontact made		ice regarding	the statu	s of the admi		nce should be
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	a formal re-	guest for a p	ublic hearing	ı. Please	an occupant or understand th nplete on the o	at even if ther	,000 feet to file re is no formal
	commission order that to (typically with the commission of the	er. He may: he matter be :hin 7 to 10 da	a) grant the) set in for a ays of the clos	e requested public he sing date) a	d relief; (b) de aring. You w as to whether t	ny the request vill receive writ	deputy zoning ed relief; or (c) ten notification been granted, ss mail.
	(whether du commission changed giv	ie to a neigh er), notificatio ring notice of t	bor's formal n will be for he hearing da	request or warded to ate, time ar	by order of you. The sind location. As	the zoning or gn on the pro s when the sign	public hearing deputy zoning perty must be was originally be forwarded to
			(Detac	ch Along Dotted I	Line)		
Petitioner: This Part of the Form is for the Sign Poster Only							
		USE THE A	ADMINISTRA	TIVE VAR	IANCE SIGN F	ORMAT	
Case N	Number 00-	547-4	A Addre	ess <u>363</u>	39 DERB	YSHIRE C	IR
Petitioner's Name FENORE PETERSON Telephone 410,655 0440							
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

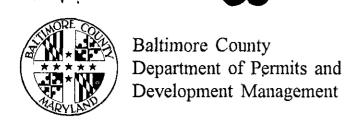
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Phone Standard Company					
For Newspaper Advertising:					
Item Number or Case Number: 547					
Petitioner: LENNORE TETERSON					
Address or Location: 3639 DERby Shire Circle					
PLEASE FORWARD ADVERTISING BILL TO:					
Name: LENNORE PETERSON					
Address: 3639 DERBY SHIRE CIRCLE					
BALTIMORE, MARYland 21244					
Telephone Number: <u>1410</u> 655-0440					



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 17, 2000

Ms. Lennore Peterson 3639 Derby Shire Circle Baltimore MD 21244

Dear Ms. Peterson:

RE: Case Number 00-547-A, 3639 Derby Shire Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 6/21/00.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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.

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:rsj

Enclosure

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: July 17, 2000

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 17, 2000

Item Nos. 545, 546, 547, 548, and 550

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

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

July 13, 2000

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 10, 2000

Item No.: See Below

Dear Ms. Stephens:

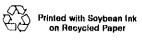
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

544, 545, 546, 547, 548, 549, 550

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 5, 2000

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Earl. Ven

SUBJECT:

Zoning Advisory Petition(s): Cases 524 & 547.

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 6.30.00

Ms. Ronnay Jackson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

> Item No. 547 114

Dear, Ms. Jackson:

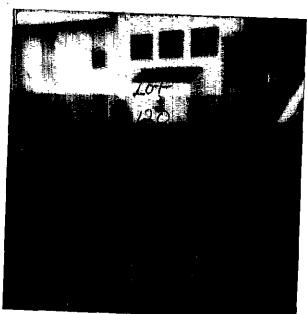
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.rad.us).

Very truly yours,

f. J. Hoelle

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



Les Right rear Angle
16' Deck space 547

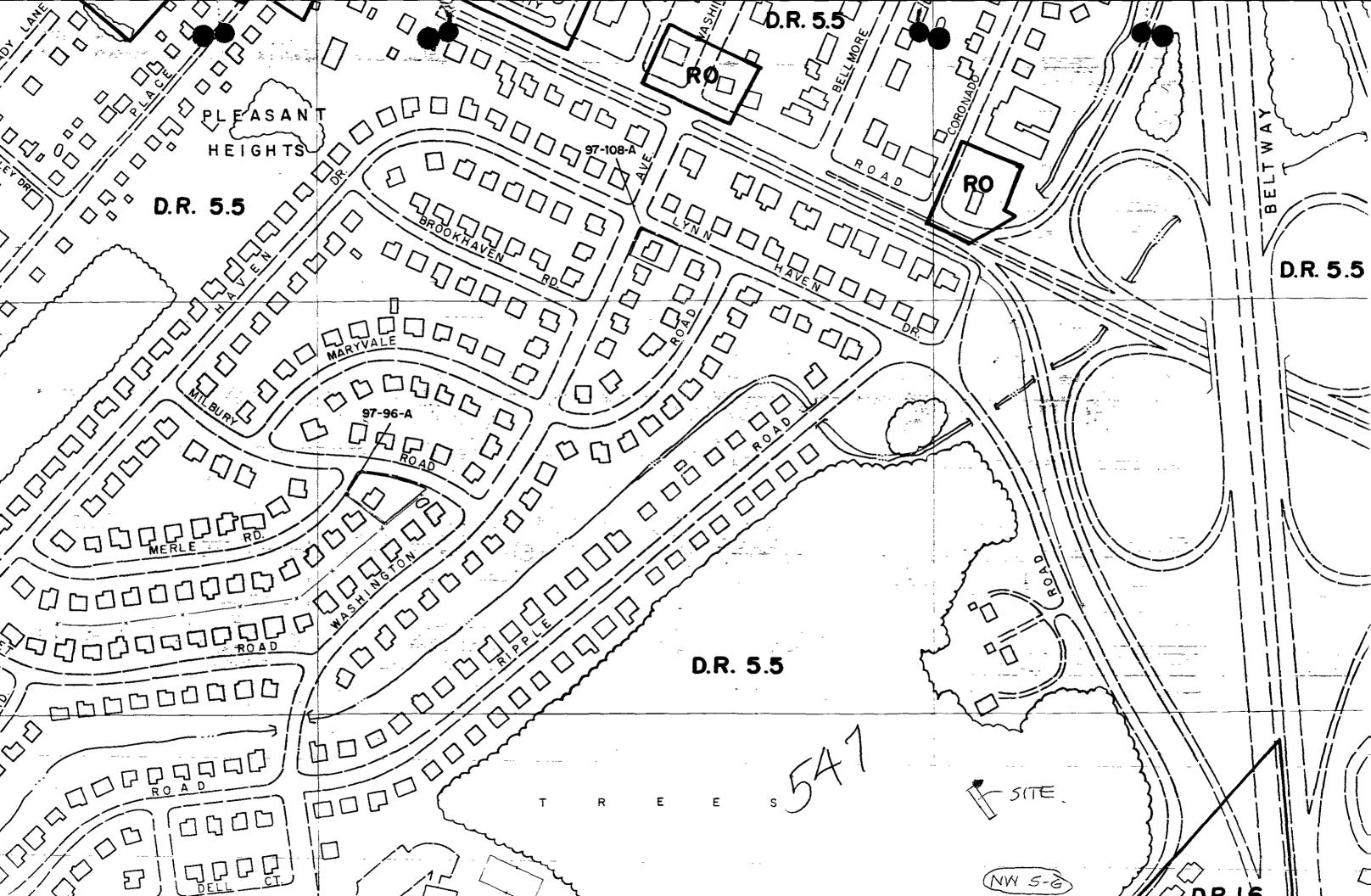


12' Area for Deck Attachment LAT.



Property adjacent Lot 120 and Common Area 5A7

Place accompany Petition for Zoning	X Vacionce X Special Hearing
PROPERTY ADDRESS: 3639 Derby Shire Circle se	se pages 5 & 6 of the CHECKLIST for additional required information
Subdivision name: Barkley Woods	
plat book# 71 ,tolio# 76 ,lot# 120 ,section# T	FIDOLIN REIGHED MILE
OWNER: Lennore D. Peterson	
	2 Py nopeon
$ otan \mathcal{F} $	प्रभव्या विभिन्द
	3 TVS
Proposition of the proposition o	
13' rear Ho.A. AREA deck	
	Vicinity Map
N 75° 47 55 5 154.34	scale: 1'=1000'
	LOCATION INFORMATION
Z445 5. F. Oly 17005F 20 17005F 17005F 17005F 17005F 17005F 2550 5.F. O	£ Election District: 2
	Councilmanic District: 2
19.8 19.0 19.0 19.0 19.0 19.0 19.0 19.0 19.0	1'=200' scale map#: 1" = 3.06 -NW5G
	Zoning: D. R. 5.5.
T 10-4 20.3 N 19.5 N 20.6 N 19.5 N 20.5 N 20	Lot size: .0390
70.02 ZD.00	acreage square feet
N 75° 47 55 F 180.02'	public Britals
OFFICE CUITE CITY	SEWER: X L
(80-121M)	object Lot .
+ó~	Zoning Variance Chesapeake Bay Critical Area: The Prior Zoning Hearings:
	None
Λ λ	Zoning Office USE ONLY!
North (Care	reviewed by: ITEM #: CASE#:
date: 6/19/00 prepared by: (7.4) Scale of Drawing: 1'= 30'	V 547



SUNON HANDON HAN

PREPARED BY AIR PHOTOGRAPHICS INC.