IN RE: PETITION FOR ADMIN. VARIANCE

E/S Summerson Road, 350' +/- N

of Farrigdon Road

3rd Election District

2nd Councilmanic District

(2508 Summerson Road)

Tzui & Shoshona Millstone

Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 01-489-A

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Variance filed by Tzui & Shoshona Millstone, legal owners of that property known as 2508 Summerson Road in the Pikesville area of Baltimore County. The Petitioners herein seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2 ft. in lieu of the required 9 ft. and sum of side yards of 10 ft. in lieu of the required 17 ft. for an open deck. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners 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 Petitioners have 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 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 Petitioners.

S LIMBOI S LIMBOI J. GROUNDA 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 Zoning Commissioner for Baltimore County this Loth day of June, 2001, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2 ft. in lieu of the required 9 ft. and sum of side yards of 10 ft. in lieu of the required 17 ft. for an open deck, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj





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

Fax: 410-887-3468

June 19, 2001

Mr. & Mrs. Tzui Millstone 2508 Summerson Road Baltimore, Maryland 21219

Re: Petition for Administrative Variance

Case No. 01-489-A

Property: 2508 Summerson Road

Dear Mr. & Mrs. Millstone:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure













# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

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	for the propert	y located at 2508	SUMMER	ion Ro
		which is presentl		R5.5
This Petition shall be filed with owner(s) of the property situate in made a part hereof, hereby petition	the Department of Permi Baltimore County and which In for a Variance from Secti	ts and Development Manach is described in the describon(s) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	agement. The unoption and plat attac	dersigned, legal thed hereto and
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owner(s) of the property situate in made a part hereof, hereby petition  A Side Yard Side Reguired	in et. Fo	H QN Open	Deek	· reech &
of the zoning regulations of Baltimo	ore County, to the zoning la	aw of Baltimore County, for	the reasons indicat	ed on the back
Property is to be posted and adver I, or we, agree to pay expenses of aboregulations and restrictions of Baltimore	ive Variance advertising nod	sting atc and further serve to	and are to be bound County.	ed by the zoning
		I/We do solemnly declare perjury, that I/we are the l is the subject of this Petiti	egal owner(s) of the i	penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
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		Name - Type ex Print	<del>-</del>	
Signature		Signature	00 - 1	
Address	Telephone No.	Name - Type or Print	MILLSTON	llu
City Sta	ate Zip Code	Signature		
Attorney For Petitioner:		2508 SUN Address	MERSON RI	1 484-96
		BBBeti Moil	$\mathcal{I}$	Telephone No. フィスンタ
Name - Type or Print		City	State	Zip Code
Signature		Representative to be	<u> Contacted:</u>	
		SA	ml-	
Company		Name		
Address	Telephone No.	Address		Telephone No.
City Sta	te Zip Code	City	State	Zip Code
A Public Hearing having been formally of this day of regulations of Baltimore County and that the		equired, it is ordered by the Zo s petition be set for a public heari	ning Commissioner of and a requi	Baltimore County, red by the zoning
		Zoning Commission	er of Baltimore County	
CASE NO	29 A Revie	ewed By	Date	$\mathcal{I}$
REV 9/15/98	Fetir	nated Postina Date	5.20	7

Estimated Posting Date \_

# 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.

That the Affiant(s) does/do presently reside at	2508	SUMM	ERSON RD	
	Address  BACT	MORE	u ()	21209
That hased upon personal knowledge, the falls	. City	ata waam walabah	State /	Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardsh	ip or practical d	cts upon wnicr ifficulty):	i i/we base the requ	est for an Administrative
	* , ,	j.		
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			•	,
That the Affiant(s) acknowledge(s) that if a fo	ormal demand i	s filed, Affiant	(s) will be required	to pay a reposting and
advertising fee and may be required to provide	additional inforn	nation.	.,	
2/2/20		c-1	1	O FA
Signature / Signat		Signature	have	Mellos
		<u> </u>	SHAWA MIC	
Name - Type or Print		Name - Type or		CSTONE
·			,	
STATE OF MARYLAND, COUNTY OF BALTIN			,	
I HEREBY CERTIFY, this 16 th day of of Maryland, in and for the County aforesaid, pe	May	<u>, 20</u>	<u>o∕</u> , before me, a N	otary Public of the State
or maryland, in and for the obuilty aforesaid, pe	rsorially appear	cu		
the Affiant(s) herein, personally known or satis	factorily identifie	ed to me as su	ch Affiant(s), and m	ade oath in due form of
law that the matters and facts hereinabove set f	orth are true and	d correct to the	best of his/her/their	knowledge and belief.
AS WITNESS my hand and Notarial Seal				
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5/16/01	0	Zeof J	. Fein	14
Date /	Notar	/ Public	ires 4/1/03	(NOTAHY)
	My Co	mmission Exp	ires 4/1/03	3 ( PUBLIC)
REV 09115198				(Fr.)

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

competent to testify thereto in the event that a p	within the personal knowledge of the Affiant(s) and public hearing is scheduled in the future with regard the	⊢that Affiant(s) is/are ereto.
That the Affiant(s) does/do presently reside at	2508 SUMMERSUN RD	
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Consideration		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to additional information.	pay a reposting and
Signature ALLISTONE	Signature SHUSHANA MILL	Studie S
Name - Type or Print	Name - Type or Print	37000
STATE OF MARYLAND, COUNTY OF BALTIN		- <b></b>
I HEREBY CERTIFY, this <u>/6</u> day of of Maryland, in and for the County aforesaid, pe	May , 200/, before me, a Nota presonally appeared	ry Public of the State
the Affiant(s) herein, personally known or satistial law that the matters and facts hereinabove set for	factorily identified to me as such Affiant(s), and made orth are true and correct to the best of his/her/their kno	e oath in due form of owledge and belief.
AS WITNESS my hand and Notarial Seal		The same of
5/16/01	Led I Lin	[ MOTORY]
Date	Notary Public	The second
	My Commission Expires 4/1/0 3	



# Petition for Administrative Variance

## to the Zoning Commissioner of Rollim

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		for the propert	y located at 250	ently zoned	
	,		<b>-</b>		
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A SINEMAR			ch is described in the de ion(s) 1802,3,8	BCZR, JO	PERMIT
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(1.1) - LOK	- AN OPE	en Deci	<del>-</del> ,		
of the zoning regulation	ons of Baltimore Cou	ntv. to the zoning !	aw of Baltimore County,	for the reasons indic	ated on the bac
of this petition form.		,	and of Bullinoid County,	TOT THE TENSORS HIGH	ated off the bac
roperty is to be post	ed and advertised as	prescribed by the	zoning regulations		
or we, agree to pay e egulations and restricti	xpenses of above Varia ons of Baltimore Count	nce, advertising, po y adopted pursuant	zoning regulations.  sting, etc. and further agre  to the zoning law for Baltim	e to and are to be bour ore County.	nded by the zoning
			I/We do solemnly dec	are and affirm, under t	he penalties of
			is the subject of this F	he legal owner(s) of the etition.	e property which
Contract Purchase	er/Lessee:		Legal Owner(s):		
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ddress ,		Telephone No.	Name (Type or Print)	AWA MILLS	TUNE
ity	State	Zip Code	Signature		
ttorney For Petiti	oner:		2508 501	NMERSON T	ZD 484-9
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			Representative to	be Contacted:	
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ompany)		Telephone No.	Address		Telephone No.
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Idress Paring having	been formally demanded	Zip Code	City required, it is ordered by th is petition be set for a public i	Zoning Commissioner	Zip Code of Baltimore County, quired by the zoning

Estimated Posting Date

REV 9/15/98

# **C**oning Description

3 COPIES

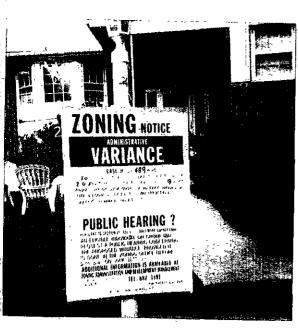
<u>Three</u> copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 2508 SUMMERSON 720 (address)
Beginning at a point on theside ofside ofsouth, east or west)
name of street on which property fronts) which is 80 F+
wide at the distan 350 F+ North of the (number of feet) (north, south, east or west)
centerline of the nearest improved intersecting streetFARRUGEOW_R& (name of street)
which is 60 FT wide. *Being Lot # 18 (number of feet of right-of-way width)
Block,Section # in the subdivision of(name of subdivision)
as recorded in Baltimore County Plat Book # 🍳 🤈 , Folio # 🤋 🤇
containing 9708 \$ Also known as 2508 Summercon (property address)
and located in the Election District,Councilmanic District.
( )
*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber, Folio" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.
Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 928		PAID RECEIPT	TINE
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RECEIVED S. MILLSTONE -	\$ 50. 2 508 Summer	esculo	072890 Reset Tot .00 L/2	50.00 60.00 ( 10.00- (
FOR: POIS Ad. Unil			Hallimure Lounty. dar	vland
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### CERTIFICATE OPPOSTING

	RE: Case No.: 01-489-A
	Petitioner, Developer: MILLSTONE
Baltimore County Department of	Date of Hearing/Closing: 6/11/01
Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	וטוואועא
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perj were posted conspicuously on the property locat	ury that the necessary sign(s) required by law ed at #9508 SUMMERSON RD
The sign(s) were posted on	125/01 Month, Day, Year)
	Sincerely, /



.08 SUMMER ON

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE (Printed Name) 523 PENNY LANE (Address) HUNT VALLEY, MD. 21030 (City, State, Zip Code) 410-666:5366; CELL: 410-905-8571 (Telephone Number)

# 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.

For Newspaper Advertising:			
Item Number or Case Number Petitioner: <u>Shoshan</u>	·		
Address or Location: 250		Po. Balm.	Md. 21209
PLEASE FORWARD ADVERT	ISING BILL TO:		
Name:		·	
Address:	Sane.		
Telephone Number:	(410) 484-9669		

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case	Number 01	489	A	Address	2508	SUMMERSON	Po.
Conta	act Person: _	Planne	Vene / pr. Please Print Your	, , , Name	····	Phone Number: 410-	887-3391
Filing	Date:5	10.01	Pos	sting Date:	5.27	Closing Date: _	6-11
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3.	order that to (typically windenied, or worden	he matter be thin 7 to 10 d vill go to publi	e set in for anys of the clock the set in for any s	ie requested a public hea osing date) a he order will	relier; (b) d aring. You as to whether be mailed to	y the zoning or depu eny the requested reli will receive written no r the petition has been you by First Class ma	ief; or (c) otification granted, il.
4.	changed giv	ing notice of	the hearing o	date time an	d location	hat must go to a public the zoning or deput sign on the property As when the sign was ered sign must be forw	must be
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# Baltimore County Department of Permits and Development Management

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

June 12, 2001

Tzui & Shoshana Millstone 2508 Summerson Road Baltimore MD 21209

Dear Mr. & Mrs. Millstone:

RE: Case Number: 01-489-A, 2508 Summerson Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 17, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. らうて Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 27, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Sureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2001

Item Nos. 460, 486, 488, 489, 490, 491, 492, 493, 496, 497, 499, and 501

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

June 12, 2001

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 11, 2001

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:

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495, 496, 497, 498, 500, and 501

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

cc: File

PU

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 01-486 & 01-489

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

JUN 1 9

**DATE:** June 19, 2001



## Maryland Department of Transportation State Highway Administration

Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

6.13.61

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

RE:

**Baltimore County** 

Item No. 489

JCM

Dear. Ms. Jackson:

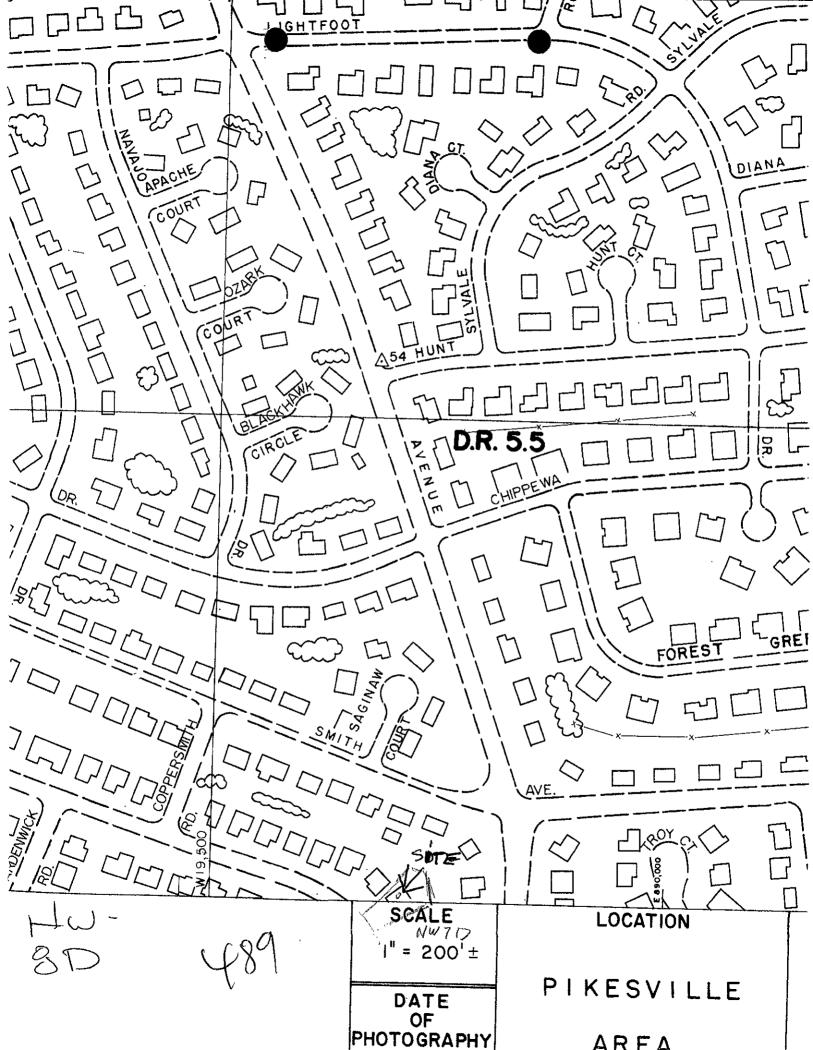
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

I. J. Soulle

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



Plat to acc	company Petition	for Zoning	Varianc	e Special	Hearing
PROPERTY ADDR	ESS: 2508 SUMMERSO	on Ro.	see pages 5 & 6 of the	CHECKLIST for additional re	
Subdivision name:			0		÷
·	#95, lot # 18, section #				
OWNER: 727	MUSTINE, SHOSHAWA	MCCS Tool &		, \	Greenspring Ave.
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3//	4 8 7 18 18 18 18 18 18 18 18 18 18 18 18 18		1 _ • **)	1'=200' scale map#; NN	80
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35.	N4718'20 E 140.	.10	8	WA	TER: 🔯 🗌
Ģ			_	Chesapeake Bay Critical /	Area:
			ins to DRAWING	Prior Zoning Hearings:	0.15
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