IN RE: PETITION FOR SPECIAL HEARING E/S Holly Beach Road, 1800' centerline of Henrietta Avenue 15th Election District 5th Councilmanic District (2734 Holly Beach Road)

> Katherine D. D'Anna Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-046-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Katherine D'Anna. The Petitioner is requesting a special hearing and variance for property she owns at 2734 Holly Beach Road. The subject property is zoned R.C.5. The special hearing request is for a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 517.1 of the Building Code, and Sections 26-670, 26-172(a)(3) of the Baltimore County Code, to allow the reconstruction of a single-family dwelling on an existing foundation. In addition, a variance is requested to allow the existing side yard setback of 42 ft. and 13 ft. in lieu of the required setback of 50 ft.

Appearing at the hearing on behalf of the special hearing request were Matthew Brubaker, the architect who has prepared the site plan and construction drawings of the subject property, Bob Infussi, with Expedite, LLC and Ted D'Anna, appearing on behalf of his mother, Katherine D'Anna. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 1.07 acres, more or less, zoned R.C.5. The subject property is located at the end of Holly Beach Road in the Holly Beach area of Baltimore County. The property is a waterfront lot fronting on the Chesapeake Bay. The subject property has been in

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BY TO PARKAGO

the D'Anna family for many decades. The family is now interested in tearing down the old structure and rebuilding same with a new home. However, they intend to continue to utilize the foundation and footings that have existed for the old house. In addition, some new footings will be installed for additional improvements on the property. The family proposes to continue to utilize the existing basement for the purpose of a mechanical room. There will be no living space located within the existing basement.

Additional testimony demonstrated that the first floor elevation of the house in question will be situated above the 11 ft. 2 in. elevation line. The Petitioner has sought the waiver request to be permitted to continue to utilize the existing basement.

As to the variance request, the new construction to occur on the property will be situated no closer to any property line than that which currently exists on the site. Therefore, the Petitioner is simply requesting to maintain her existing setbacks to the property line which at this time do not meet the current R.C.5 zoning regulations. Therefore, in order to proceed with the plans to rehabilitate this dwelling, the special hearing and variance requests are necessary.

After considering the testimony and evidence offered at the hearing regarding the waiver, I find that the request should, in fact, be granted. The elevation of the property at the home's foundation will be 11.2 ft., once modifications to the property occur. Therefore, I find that it is appropriate for the Petitioner to be permitted to continue to utilize the basement for storage purposes and to locate mechanical devices such as hot water heaters and furnaces therein. In addition, the variances for setbacks to the property lines shall also be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of September, 2001, that the Petitioner's Request for Special Hearing for a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and

CRES RECEIVE FOR FILMS

Date 9/9/0/

By Theresa

Section 517.1 of the Building Code, and Sections 26-670, 26-172(a)(3) of the Baltimore County Code, to allow the reconstruction of a single-family dwelling on an existing foundation, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance requested to allow the existing side yard setback of 42 ft. and 13 ft. in lieu of the required setback of 50 ft., be and is hereby APPROVED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

September 19, 2001

Mr. Matthew Brubaker 1016 Morton Street Baltimore, Maryland 21201

Re: Petition for Special Hearing & Variance

Case No.: 02-046-SPHA

Property: 2734 Holly Beach Road

Dear Mr. Brubaker:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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, Lui Hay llotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

Copies to:

Ms. Katherine D. D'Anna 2734 Holly Beach Road Baltimore, MD 21221

Mr. Ted D'Anna 2700 Holly Beach Road Baltimore, MD 21221

Mr. Bob Infussi P. O. Box 1043 Bel Air, MD 21014

Copies to:

Ms. Katherine D. D'Anna 2734 Holly Beach Road Baltimore, MD 21221

Mr. Ted D'Anna 2700 Holly Beach Road Baltimore, MD 21221

Mr. Bob Infussi P. O. Box 1043 Bel Air, MD 21014





to the Zoning Commissioner of Baltimore County

for the property located at	2734	Holly	Beach	Road
which is	presen	itly zone	d RC-	3

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

is the subject of this Petition,

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing for waiver pursuant to Section 500.6, BCZR; Section 517.1 (510.1), Building Code; and Sections 26-670, 26-172(a)(3), BCC to #ebuild a single family dwelling on existing foundation in a tidal floodplain.

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

I, or we, agree to pay expenses of above Special Hearing, 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.

Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name-Type or Print Attherine D. D'Anna Name-Type or Print Attherine D. D'Anna
Signature	Signature Signature
Address Telephone No.	Name - Type or Print
City . State Zip Code	Signature
Attorney For Petitioner:	2734 Holly Beach Rd 443-463-7453 Address Telephone No. Baltimore MD 21221
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted: Matthew Brubaker SMG Architects In Name
Address Telephone No.	1016 Morton St 410-685-3582 Address Telephone No.
City Slate Zip Code	Baltimore MD 21201 City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. <u>02-046-SPHA</u>	UNAVAILABLE FOR HEARING
Rev 9115198	viewed By JRF Date 7/26/01

to the Zoning Commissioner of Baltimore County

for the property located at 2734 Holly Beach Road

which is presently zoned RC-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) 1A04.3.B.2 BCZR

To allow an existing side yard setback of 42' and 13' in lieu of the required setback of 50' in any lot line.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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 and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
<u>Contract Purchaser/Lessee:</u>	<u>Legal Owner(s):</u>
	Katherine D. D'Anna
Name - Type or Print	Name - Type or Print Kartherese D. D'anna
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	2734 Holly Beach Rd 443-463-7453
	Address Telephone No Baltimore, MD 21221
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Matthew Brubaker SMG Architects Inc
Address Telephone No.	1016 Morton St 410-685-3582 Address Telephone No.
City State Zip Code	Baltimore, MD 21201 City State Zip Code
	OFFICE USE ONLY
Case No. 02-046-5P4A	ESTIMATED LENGTH OF HEARING
R20 9115198	UNAVAILABLE FOR HEARING Reviewed By JRF Date 7/16/01



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2734 Holly Beach Road

which is presently zoned RC-5

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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) 1A04.3.B.2 BCZR

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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.

		is the subject of this Petition.		
Contract Purchaser/Lessee;		<u>Legal Owner(s):</u>		
Name - Type or Print		Katherine D. D'Anna Name: Type or Print		
Address To	elephone No.	Name - Type or Print		
City State	Zip Code	Signature		
Attorney For Petitioner:		2734 Holly Beach Rd 443-463-7453		
		Address Telephone No		
		Baltimore, MD 21221		
Name - Type or Print		City State Zip Code		
		Representative to be Contacted:		
Signature	,	The state of the s		
		Matthew Brubaker SMG Architects In		
Company		Name		
Address' Te		1016 Morton St 410-685-3582		
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REV 9115198

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at $\frac{27}{}$	34 Holly	Beach Road	
which is pre	sently zone	d RC-5	

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing for waiver pursuant to Section 500.6, BCZR; Section 517.1 (510.1), Building Code; and Sections 26-670, 26-172(a)(3), BCC to rebuild a single family dwelling on existing foundation in a tidal floodplain.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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.

		•	is the subject of this Fermon,		
Contract Purchaser/Lesse	20.		Legal Owner(s):		
			Katherine D. D'An	na	
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Signature			Signature	_ WAVX	
Address :		Telephone No.	Name - Type or Print		
ity .	State	Zip Code	Signature		***************************************
ttorney For Petitioner:		•	2734 Holly Beach	Rđ	443-463-7453
			Address		Telephone No.
		,	Baltimore	MD	21221
lame - Type or Print			City	State	Zip Code
Ignature			Representative to be Co	ntacted:	:
			Matthew Brubaker	SMG	Architects Inc
ompany	····		Name		
	· · · · · · · · · · · · · · · · · · ·		1016 Morton St	4	10-685-3582
ddress		Telephone No.	Address		Telephone No.
,			Baltimore	MD	21201 .
lty ·	State	Zip Code	City	State	Zip Code
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UNAVAILABLE FOR HEARING

BALTIMORE COUNTY, MARYLA	PAY	PAID RECEIPT	Ţ ĮÆ	
DATE 7-26+01 ACCOUNT 001-006-6150	RE(WS(>>KECE) Der t		Med.	2 OFLN
RECEIVED Ma Lihew Brubaker		Recet To .00 CK Baltimore County	100.00	
FOR: Special Heaving & Variance TAKEN BY. JRI	É			
<u>DISTRIBUTION</u> WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S V	ALIDATION	
	KC. MERITALEO	A STATE OF THE STA	THE OWNER OF SAME	

4. 10. 1

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-046-SPHA

2734 Holly Beach Road

E/S Holly Beach Road, 1800' of centerline Henrietta Avenue 15th Election District - 5th Councilmanic District

Legal Owner(s): Katherine D D'Anna
Special Hearing: for a waiver to build a single family
dwelling on existing foundation in a tidal flood plain. Variance: to allow an existing side yard setback of 42 feet and 13 feet in lieu of the required setback of 50 feet in any lot

Hearing: Tuesday, September 18, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT.

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386:

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 8/313 Aug. 30

CERTIFICATE OF PUBLICATION

830,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 830,200L.
🖈 The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

CERTIFICATE POSTING

	RE: Case No.: 02-046-3PHH
· ·	Petitioner/Developer: KATHERINE.
	D. D'ANNA
	Date of Hearing/Closing: 9/18/01
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:	
	located at 2734 Holly BEACH RD
The sign(s) were posted on	(Month, Day, Year)
7ANAG WAR	Sincerely,
Case # 102046587	(Signature of Sign Poster and Date)
A PUBLIC HEARING WILL BE HELD BY	SSG ROBERT BLACK
THE ZONING COMMISSIONER IN TOWSON , MD.	(Printed Name)
PLACE , PROMINICOUNT COURTS BLOC SUPPLIFIES THE TIME & DATE , TUSON STRINGER PROTESTORS STORE TO THE TIME & DATE , TUSON STRINGER PROTESTORS STORE TO THE TIME TO	1508 Leslie Rd (Address)
THE STATE OF THE PROPERTY OF T	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
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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.

For Newspaper Adve		-046-3PH	Δ.	
Petitioner:K	ATHERINE D.	D'ANNA		
Address or Location:	2734	HOLLY	BEACH	RD
PLEASE FORWARD A				
Name: <u>Ma+++</u> Address: <u>1016</u>	en Brubo MORTOI	ker Y St.		
Name: Mattl	en Brubo MORTOI	ker Y St.	1	

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 30, 2001 Issue - Jeffersonian

Please forward billing to:

Matthew Brubaker 1016 Morton Street Baltimore MD 21201

410 685-3852

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-046-SPHA

2734 Holly Beach Road

E/S Holly Beach Road, 1800' of centerline Henrietta Avenue

15th Election District – 5th Councilmanic District

Legal Owner: Katherine D D'Anna

Special Hearing for a waiver to build a single family dwelling on existing foundation in a tidal flood plain. Variance to allow an existing side yard setback of 42 feet and 13 feet in lieu of the required setback of 50 feet in any lot line.

HEARING:

Tuesday, September 18, 2001 at 9:00 a.m. in Room 407, County Courts

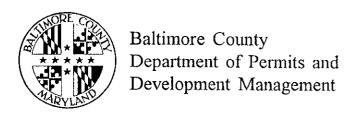
Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G うこ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 23, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-046-SPHA

2734 Holly Beach Road

E/S Holly Beach Road, 1800' of centerline Henrietta Avenue 15th Election District – 5th Councilmanic District

Legal Owner: Katherine D D'Anna

Special Hearing for a waiver to build a single family dwelling on existing foundation in a tidal flood plain. Variance to allow an existing side yard setback of 42 feet and 13 feet in lieu of the required setback of 50 feet in any lot line.

HEARING: Tuesday, September 18, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

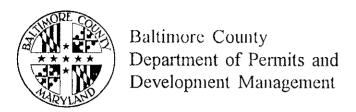
Arnold Jablon 602 Director

C: Katherine D D'Anna, 2734 Holly Beach Road, Baltimore 21221 Matthew Brubaker, SMG Architects Inc. 1016 Morton Street, Baltimore 21201

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 1, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

September 14, 2001

Katherine D D'Anna 2734 Holly Beach Road Baltimore MD 21221

Dear Ms. D'Anna:

RE: Case Number: 02-046-SPHA, 2734 Holly Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 2001.

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

Very truly yours,

W. Carl Richards, Jr. らりと Supervisor, Zoning Review

W. Carl Richard, Jr.

WCR: gdz

Enclosures

c: Matthew Brubaker, 1016 Morton Street, Baltimore 21201 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Department of Permits & Development Management

Zoning Advisory Committee

ATTN: Mr. George Zahner

Thomas H. Hamer, Deputy Director Department of Public World FROM:

DATE: August 24, 2001

SUBJECT: 2734 Holly Beach Road

Comments for Special Hearing 02-046-SPHA

ZAC Agenda Item No. 046

The subject property falls entirely within the tidal floodplain. This office recommends denial of waiver. The new house should comply with the building code requirements for new construction / substantial improvements in the tidal floodplain.

A copy of portion of Flood Insurance Rate Map and GIS map in area of subject property are attached.

THH/DLT/s Attachment

CC: John Joyce, Bob Bowling

T:\Users\dthomas\Home\General\MSDLT\FLOOD\Case 02-046-SPHA Waiver 2734 Holly Beach Rd.doc

RECEIVED AUG 2 7 2001 DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

7/19/01 JING 0/18

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 11, 2001

311 2 1

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 27, 2001

Item No. 046

The Bureau of Development Plans Review has reviewed the subject zoning item.

Elevation protection for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

Flood resistance construction shall be in accordance with the requirement of BOCA National Building Code. Building shall be designed and adequately anchored to prevent flotation collapse or lateral movement of the structure with materials resistant to flood damage.

A permit shall be obtained from the buildings engineer for all development in the flood plain area.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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

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:

036, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, AND 055

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley
DATE:	September 5, 2001
SUBJECT:	Zoning Item 46 Address 2734 Holly Beach Road
Zoning	Advisory Committee Meeting of August 20, 2001
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers owing comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
<u>X</u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	Additional Comments:

Reviewer: Glen Shaffer Date: August 30, 2001

Sint

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 24, 2001

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2734 Holly Beach Road

INFORMATION:

Item Number:

02-046

Petitioner:

Katherine D. D'anna

Zoning:

RD 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit side yard setbacks of 42 feet and 13 feet in lieu of the minimum required side yard setback of 50 feet.

Prepared by:

Section Chief

AFK:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

RE:

8.24.01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building Room 109

County Office Building, Room 109 Towson, Maryland 21204 Baltimore County

Item No. 044

JRF

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,

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

of Soul h

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE 2734 Holly Beach Road, E/S Holly Beach Rd, 1800' of c/l Henrietta Ave 15th Election District, 5th Councilmanic

Legal Owner: Katherine D. D'Anna Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-46-SPHA

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

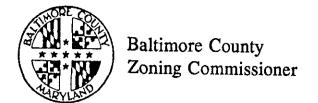
CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2001 a copy of the foregoing Entry of Appearance was mailed to Matthew Brubaker, SMG Architects, Inc., 1016 Morton Street, Baltimore, MD 21201, representative for Petitioners.

PETER MAX ZIMMERMAN



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

Fax: 410-887-3468

November 16, 2001

Mr. Thomas Hamer Deputy Director, Department of Public Works 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: D'Anna Residence 2734 Holly Beach Road Baltimore, Maryland 21221 Case No. 02-046 SPHA

Dear Mr. Hamer:

You and I have had discussions relative to the above referenced case. As you know the Petitioner in this case was granted a waiver by me to allow them to rebuild their single family dwelling, utilizing the foundation which has existed on their property for many years. There appears to have been some misunderstanding as to what the actual elevation of the grade was around this foundation. Apparently the grade around the home undulates and therefore is not at a consistent level. I further complicated the situation by misstating the elevation in my Order.

The purpose of this letter is to make clear that the waiver that I granted to this property owner was issued regardless of the elevation around the foundation. I specifically granted to this Petitioner the right to build a new home upon their existing foundation as was the exact language of their petition request. I would not want to see this property owner subjected to unnecessary scrutiny as a result of the language I used in my Order or the fact that the grade around the house fluctuates.

If any problems arise regarding this matter in the future, please give me a call. I would be happy to clarify any other parts of my Order as may be necessary.

Very truly yours,

Timothy M. Kotroco

cc: File

Mr. Theodore D'Anna 2000 Holly Beach I of Cons 13 pt 2 22/21

SCHAMU MACHOWSKI GRECO

July 18, 2001

Mr. Timothy Kotroco Deputy Zoning Commissioner of Baltimore County 401 Bosley Avenue Towson, Maryland 21204

Re: 2734 Holly Beach Road - The D'Anna Residence

Dear Mr. Timothy Kotroco,

The D'Anna property, 2734 Holly Beach Road, is unique in its location and history in that it has been at the head of Booby Point since 1955. Since the death of her husband, Mrs. Kathrine D D'Anna has taken great diligence in the up keep and maintenance of her home. At this time Mrs. D'Anna wishes to refurbish and improve the family home so that it can be used continuously for another fifty years.

Since the dwelling is located within the Chesapeake Bay Critical Area and within flood zone A there are many restraints placed on the property and its future development which make these planned improvements difficult. As reviewed by Baltimore County Building Plans Review the existing dwelling is required to remove its basement in order to comply with certain criteria within flood zone A.

The D'Annas do not wish to remove the existing basement from the property and they are presented with this undue hardship. To date the existing basement has never been severely damaged by floodwaters or other major weather systems that may have caused damage in other areas close to the D'Anna property. The existing basement has never retained water of any means. The building's utilities are currently located in the basement and the D'Annas wish to keep the utilities in this location. The D'Anna Family's own business, Mars Supermarkets, Inc. will self insure the improvements to the site and therefore not have any liability to anyone other then themselves.

As stated in the Environmental Impact Review, the D'Annas have taken great measures to stay within the footprint of the exiting house and in fact have

1016 MORTON ST
BALTIMORE, MD 21201
TEL 410.685.3582
FAX 410.625.4790
WEST VIRGINIA
14TH & CHAPLINE ST
SUITE 505
WHEELING, WV 26003
TEL 304 233.0048
FAX 304 233.7564

WWW.SMGARCH COM

MARYLAND

diminished the amount of impervious ground cover to a more tolerable level in the Chesapeake Bay Critical Area. Currently the D'Annas are working on site landscape improvements to help increase the tree coverage to the 15% tree coverage requirement for properties within the Chesapeake Bay Critical Area.

In conclusion, the D'Anna family feels this variance should be granted based on the history of the family home and the prominent position it holds in this community of Baltimore County. Granting this variance will not visually affect any adjacent property. The existing basement has never been flooded and the D'Annas have hence forth not had any problems with the existing basement.

Respectfully submitted,

Matthew Brubaker Project Manager

Schamu Machowski Greco Architects



Baltimore County Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416 Towson, Maryland 21204

June 27, 2001

Mr. Matthew Brubaker SMG Architects 1016 Morton Street Baltimore, MD 21201



RE: Permit Application #B449830 2734 Holly Beach Road

Dear Mr. Brubaker:

Environmental Impact Review (EIR) has reviewed the above referenced permit application for replacing a single family detached dwelling and has placed this application on hold because a portion of the structure is proposed within the 100 foot buffer to tidal waters, and the plan accompanying the application must be revised. Moreover, the lot is within a Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA). The BMA Program, which applies to heavily developed shoreline areas of the CBCA, was developed to eliminate the need for variances for many buffer disturbances.

While certain structures are permitted within the 100 foot buffer, BMA regulations specify that adequate mitigation must be provided to offset the proposed impacts to the buffer. Examples of such mitigation include, but are not limited to, planting native species of trees and shrubs in the buffer, conversion of impervious surfaces to pervious in the buffer, shoreline enhancement, water quality management of storm runoff from the property, etc. If mitigation cannot be reasonably accomplished onsite, a fee may be paid in lieu of providing part or all of the required mitigation. However, every attempt must be made to provide this mitigation onsite in accordance with the goals and objectives of the BMA Program. As indicated on your site plan, the proposed buffer impacts will be mitigated by removing existing impervious surface from the buffer for a net decrease of 646 square feet. This mitigation will be performed during the renovation/reconstruction.

However, the other CBCA regulations affecting this lot include a 15% tree cover requirement and a 15% impervious surface limit for the entire 46,609 square foot lot. To that end, the site plan must be revised to show that all of the existing native deciduous

#046



trees onsite will remain. The 15% impervious surface limit (6,991 square feet) is currently exceeded by the existing structures, but would be reduced by 2,520 square feet over the entire site post construction. Consequently even though the post construction impervious area would exceed the 15% limit, the proposed 2,520-sq. ft. reduction would mitigate for the new impervious surfaces. However, please advise your clients that any CBCA review of any future improvements involving impervious structures will be based on the 15% impervious limit, not the pre-existing impervious surface area.

Before EIR can approve the subject permit application, the following items must be addressed:

- 1. Have the owner(s) sign a copy of this letter to indicate their agreement to perform the required mitigation and return the same to this Department;
- 2. Revise the permit plan as directed in the enclosed checklist, and submit 5 copies thereof to Baltimore County Department of Permits and Development Management; it is suggested that you submit one copy directly to me avoid additional delays in processing your permit application.

While the individual impact of the proposed homesite may be minimal, the cumulative impact of all the structures existing and proposed in the buffer throughout Baltimore County's waterfront is very significant. It is for this reason that mitigation, such as that indicated above, is required by CBCA Regulations. Each resident of the Chesapeake Bay's watershed, especially those residing directly on the Bay, must do their part toward protecting and enhancing the Bay so that it may continue to provide its vast array of economical and recreational benefits.

If you have any questions regarding these requirements or need assistance, please contact me at 887-3980.

Sincerely,

Glenn Shaffer,

Natural Resource Specialist Environmental Impact Review

Shall

Mr. Matthew Brubaker June 27, 2001 Page 3			
Enclosure(s)			
		mplement the above requirement Chesapeake Bay Critical Area R	
Owner's Signature	Date	Co-owner's Signature	Date
Printed Name (s)	· · · · · · · · · · · · · · · · · · ·	-	
2734hlybchbma.doc			

CRITICAL AREAS DEVELOPMENT PLAN REQUIREMENTS CHECKLIST

An "X" means that item must be provided on the revised plan. No mark means not applicable or the information has already been provided.

	Property boundary lines;
	Chesapeake Bay Critical Area outer boundary, if applicable;
	Land use designation of property (IDA, LDA, RCA);
	Total acreage or square footage of property;
	All existing structures (i.e. sheds, gazebos, concrete slabs, decks, etc.) shown and labeled;
	Specify any existing structures to be removed;
	Existing streams, bodies of water, springs, and/or seeps;
	Tidal and nontidal wetlands limits;
	Stream, wetlands, and tidal water buffers and/or forest to be saved labeled as Critical Area Easement;
	A note stating: "No clearing, grading or disturbance of vegetation in the Critical Area Easement except as permitted by DEPRM" (where applicable);
	Delineation of documented habitat protection areas, including the presence of any rare, threatened or endangered species on or within a 300 foot radius of the site (where applicable). If there are none, a note stating such must be on the plans.
	Linear water frontage (in feet) of property, if applicable;
	Location of existing and proposed bulkheads, piers, boat slips (indicate number), mooring piles, and boat ramps;
	Limit of disturbance;
	Existing or proposed septic reserve areas, if applicable;
,	Ownership of subject property;
	Applicant's name address, and daytime telephone number;

For development activities within Limited Development Area (LDA), or Resource Conservation area (RCA), the additional information is required: Location and acreage of any forest or woodland onsite along with the limits of any proposed clearing of the forest or developed woodland; forest to remain must be labeled as Critical Area Easement; Location of any afforestation to bring the property's percentage of forested area X up to 15% (if tree removal is proposed); X Location of any isolated trees on small, previously-improved individual lots; Percent of site covered by impervious surfaces (post construction); For development activities proposed in Intensely Developed Area (IDA), the method of compliance with the 10% Pollutant Reduction requirement must be shown on the plan accompanying the permit application. For development activities in a Buffer Management Area, the additional information is required: Χ A note stating that the site is within a Buffer Management Area (BMA) The proposed BMA mitigation shown and/or a note specifying the mitigation X including the deadline for completion and any fee-in-lieu to be paid. A note stating that the proposed replacement structure shall be no larger or

closer to tidal water than the existing structure.

Case Number # 02-046-SPHA

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code		
Ted D'Anna	2700 Holly Beach W.	ESSEX Md	21221		
Mattley J. Brobeler	1	E .	21201		
Bob IrFussi	P.O. Box 1043	Balt. MD Bal Air, md	21014		
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NO CONSIDERATION
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DEED

THIS DEED, made this 1st day of May 1998, by and between KATHERINE D. D'ANNA ("Grantor"), and KATHERINE D. D'ANNA, Trustee under the Personal Residence Trust Agreement dated May 1, 1998 by KATHERINE D. D'ANNA ("Grantees").

WITNESSETH, that, for NO MONETARY CONSIDERATION, the Grantor grants and conveys unto the Grantees, their successors and assigns, in fee simple, all of the Grantor's right, title and interest to the property situated in Baltimore County, State of Maryland, and further described as follows:

BEING KNOWN AND DESIGNATED as Lot No. 21 as shown on the Plat of Broring Point, which plat is recorded among the Land Records of Baltimore County in Liber GLB No. 2562, folio 252, with a Deed dated September 24, 1954 from Charles P. Hartman and wife to Clarence L. Love.

BEING the same land conveyed unto Carmen V. D'Anna and Katherine D. D'Anna, his wife, by deed dated March 14, 1960 and recorded among the Land Records of Baltimore County at Liber No. 3677, Page 555. Carmen V. D'Anna died on August 21, 1997.

TOGETHER with the buildings and improvements thereon erected, made or being and all and every the rights, roads and/or alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above-described fee simple property unto and to the use of the Grantees, their successors and assigns, in fee simple, forever, subject to all the provisions hereof and of the documents referred to herein.

- I -

046

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And the Grantor covenants that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor.

WITHESS:

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Markonne D. D. Alana (St.

STATE OF Many land, to wit:

i HEREBY CERTIFY that on this St day of May, 1998, before me, the subscriber, a Notary Public in and for the state aforesaid, personally appeared KATHERINE D. D'ANNA, as Grantor, and acknowledged the aforegoing Deed to be her act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires:

Notary Public

CERTIFICATION

I, an attorney admitted to practice before the Court of Appeals of Maryland, hereby certify that the above instrument was prepared by me or under my supervision.

Jonathan D. Eisner

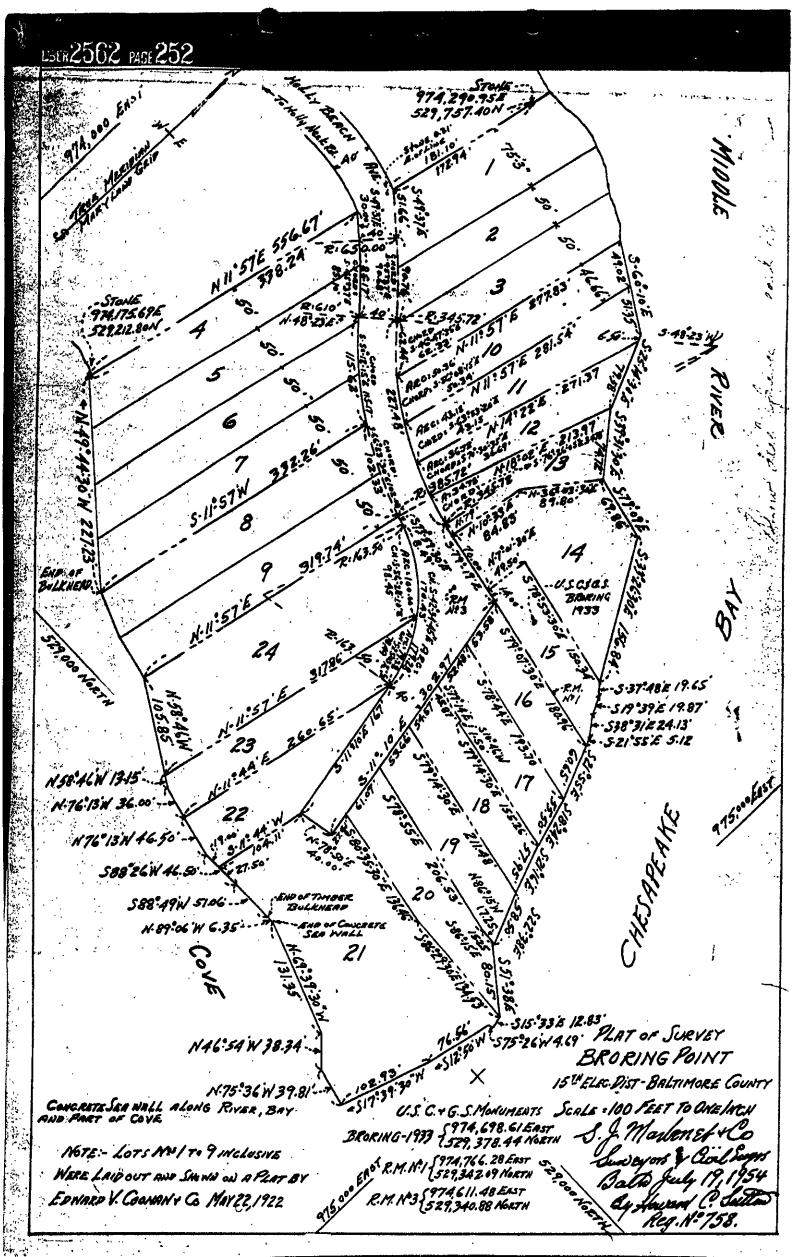
Please return recorded Deed to:

Jonathan D. Eisner, Esquire Piper & Marbury L.L.P. 36 South Charles Street Baltimore, Maryland 21201-3018 (410) 576-3155

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Contact/Mail Information TRANSFER TAX NOT Discor of Success of BALTIMORE COUNTY BALTIMORE COUNTY	Name: IRENI JREEN Firm: POUMENT Address: 120 W. JA; 1 IMPORTANT: BOX Assessment Information Yes Yerminal Varioustion ransier Number	Ph THE ORIGINAL I NO WILL the proper No Does transfer i No Was property Assessment Us Agricultural vertice Date Received	the, Ha anne: 1659, 2 per	AID WY 221 HOTOCOPY MUST AC ed be the grantee's princip property? If yes, identify: attach copy of survey (if If Write Below This Li Nhois Belgrance. Map Grid	Hold for Pickup Return Address Provided COMPANY EACH TRANSFER In residence? recorded, no copy required), no Tran Process Varilicatio Assigned Property No Sub Black Plat Lot
Contact/Mail IRANSFER TAX NOT RED DIRECTOR OF BUODEL and FLORING WAY. BALTIMORE COUNTY WAY.	Name: KENL JRCAN Firm: POUMENT Address: 120 W JA 1 IMPORTANT: BOT Assessment Information Yes Verminal Verification transfer Numbes est and unidings out	Ph THE ORIGINAL I NO WILL the proper No Does transfer i No Was property Assessment Us Agricultural vertice Date Received	the, Hed some: (6.59) 2 DEED AND A Planty being conveyed include personal party by the Only - Da No cation Que Zoning	AID WY 221 HOTOCOPY MUST AC ed be the grantee's princip property? If yes, identify: attach copy of survey (if If Write Below This Li Nhois Belgrance. Map Grid	Hold for Pickup Return Address Provided COMPANY EACH TRANSFED onl residence? recorded, no copy required), no Tran Process Varificatio Assigned Property No Sub Block
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Contact/Mail Information TRANSFER TAX NOT REQUIRED DIRECTOR OF BUODES and FINANCE BALTIMORE COUNTY MARYLAND TO THE COUNTY MARYLAND TO THE COUNTY MARYLAND	Name: KENE TREEN Firm: DOULDENT Address: 120 W. JA 11 IMPORTANT: BOY Assessment Information Yel Yel Yel Yel Yel Yel Yel Ye	Ph THE ORIGINAL I NO WHI the proper No Does transfer i No Was property Assessment Us Agricultural vertice Data Received	the, He some: (L. 19, 2) DEED AND A Planty being conveyer include personal party eyed? If yes, the Only - Da No cation Geo Zoning Use	AID WY 221 HOTOCOPY MUST AC ed be the grantee's princip property? If yes, identify: attach copy of survey (if If Write Below This Li Nhois Belgrance. Map Grid	Hold for Pickup Return Address Provided COMPANY EACH TRANSFER In residence? recorded, no copy required), no Tran Process Varification Assigned Property No Sub Block Plat Lot
Contact/Mail Information TRANSFER TAX NOT REQUIRED DIRECTOR OF BUCKET AND FINANCE BALTIMORE COUNTY MARYLAND BALTIMORE COUNTY MARYLAND	Name: KENL JRCAN Firm: POUMENT Address: 120 W. JAy 1 IMPORTANT: BOY 1 IMPORTANT: BOY 1 Information Yes 1 Jarminal Varification renefer Numbes 1 Jar 2	Ph TH THE ORIGINAL I NO WIII the proper No Does transfer i No Was property Assessment Us Agricultural vertice Date Received	the, He some: (L. 19, 2) DEED AND A Planty being conveyer include personal party eyed? If yes, the Only - Da No cation Geo Zoning Use	AID WY 221 HOTOCOPY MUST AC ed be the grantee's princip property? If yes, identify: attach copy of survey (if If Write Below This Li Nhois Belgrance. Map Grid	Hold for Pickup Return Address Provided COMPANY EACH TRANSFER In residence? recorded, no copy required), no Tran Process Varification Assigned Property No Sub Block Plat Lot



NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY, MARYLAND (UNINCORPORATED AREAS)

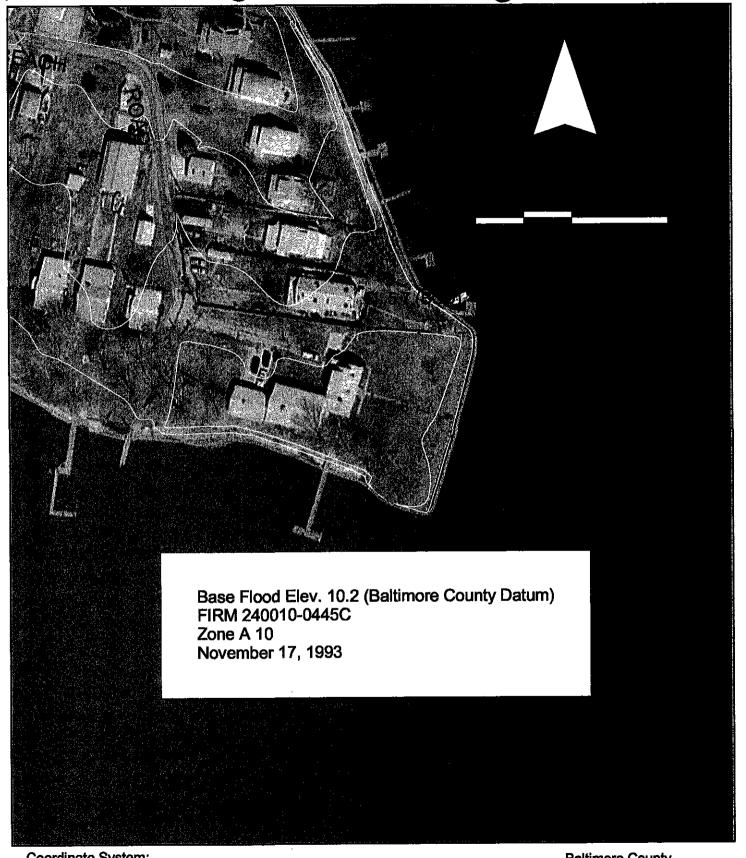
PANEL 445 OF 575
SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER 240010 0445 C

> MAP REVISED: **NOVEMBER 17, 1993**



Federal Emergency Management Agency



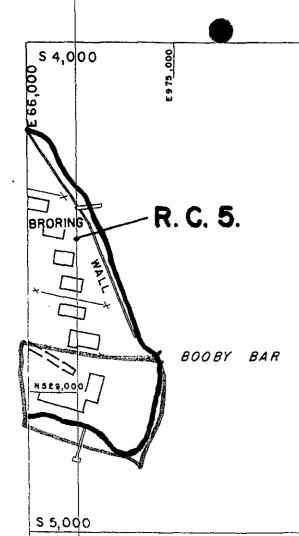
Coordinate System:

Maryland State Plane: NAD83/91 Horizontal Datum Elevations in Feet: NAVD88 Vertical Datum

(Add 1.7 to approximate BCD elevations)
Date of Data Capture: March 1995
Scale of Data Capture: 1" = 100'

Baltimore County Department of Public Works **GIS Services**

> Date: August 24, 2001 Plotted By: D. Thomas



046

MAR SHEET S.E. 2-L 1"= 200'-0" HOLLY NECK 2734 HULLY BEACH RD

r S.E.2K)

s 6,000



VIEW NORTH OF EXISTING HOUSE FROM PIER



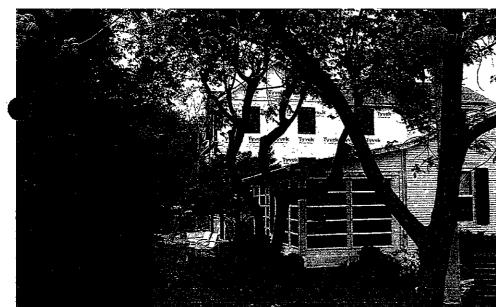


VIEW EAST OF EXISTING DRIVEWAY
AT 2734 HOLLY BEACH ROAD

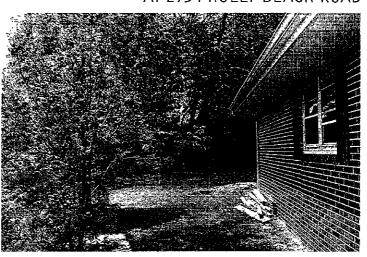
VIEW WEST ALONG WATER FROM SOUTHEAST CORNER OF 2734 HOLLY BEACH ROAD



VIEW WEST OF LOT 22 FROM EXISTING DRIVEWAY AT 2734 HOLLY BEACH ROAD



VIEW WEST FROM PROPERTY LINE OF 2734 HOLLY BEACH ROAD OF LOT 22



VIEW WEST ALONG EXISTING GARAGE TOWARDS LOT 22

046



VIEW WEST OF EXISTING 3
HOUSE FROM WATER



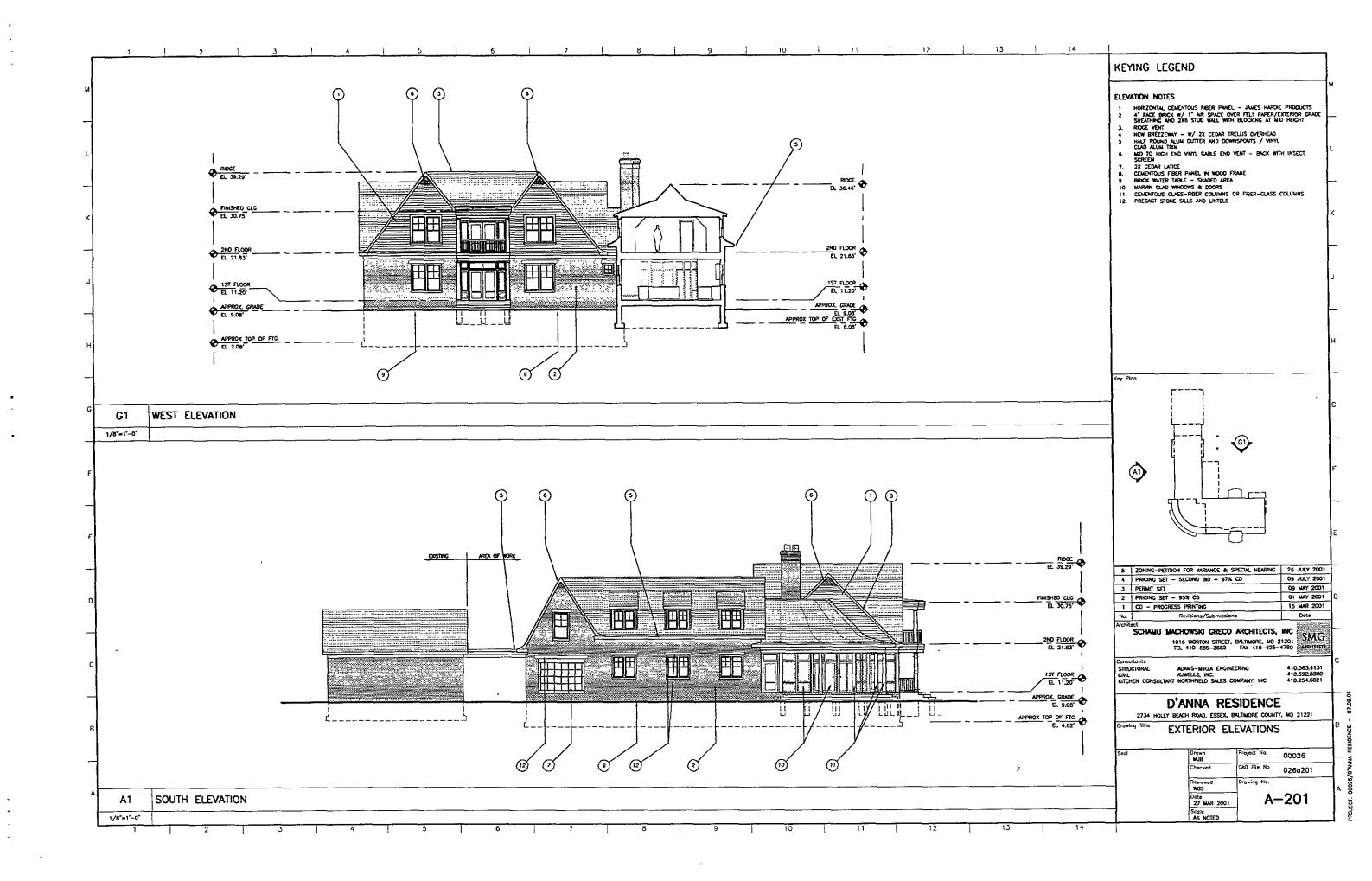
VIEW NORTH ALONG WATER

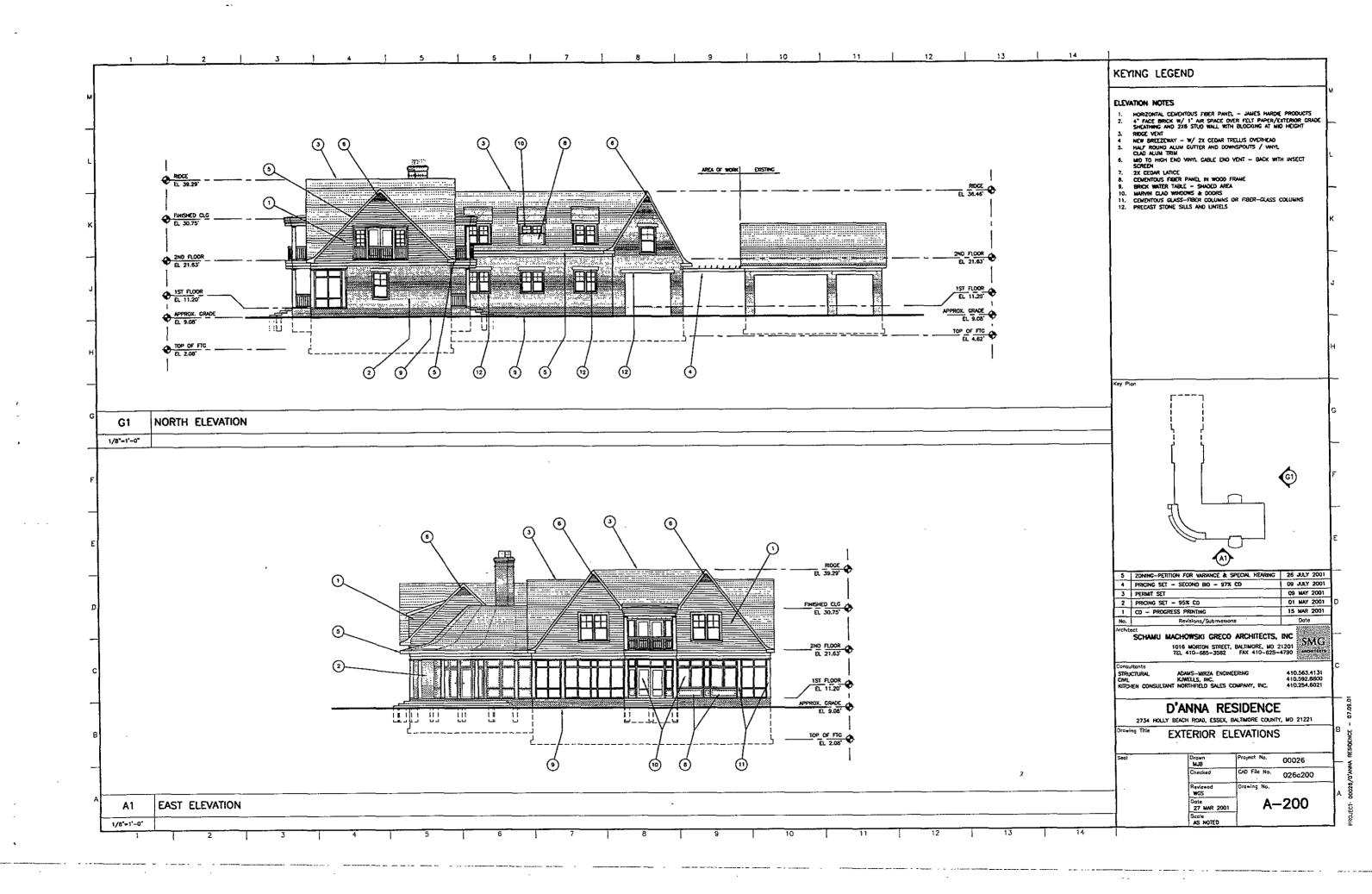


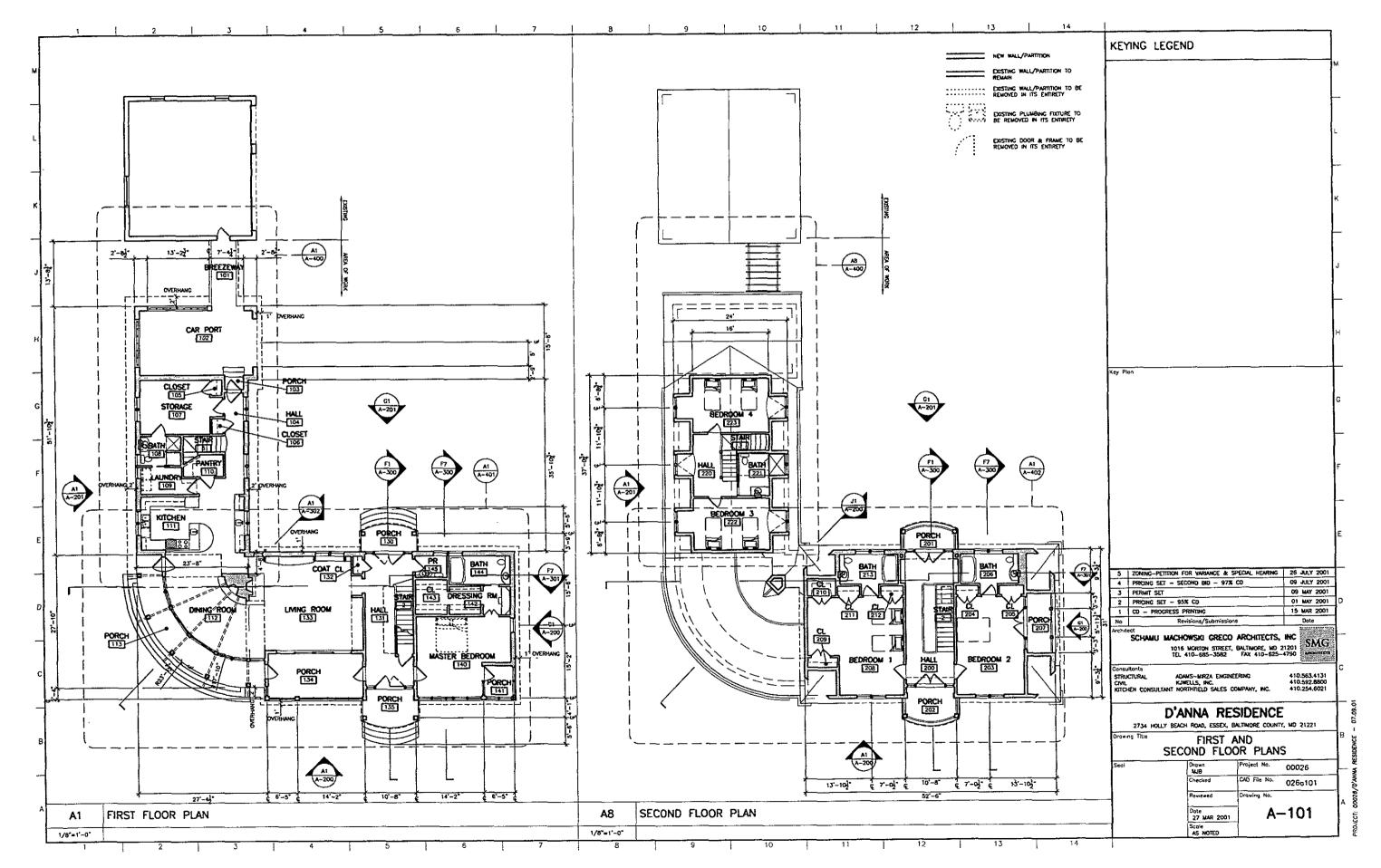
VIEW EAST OF EXISTING HOUSE FROM HEDGE

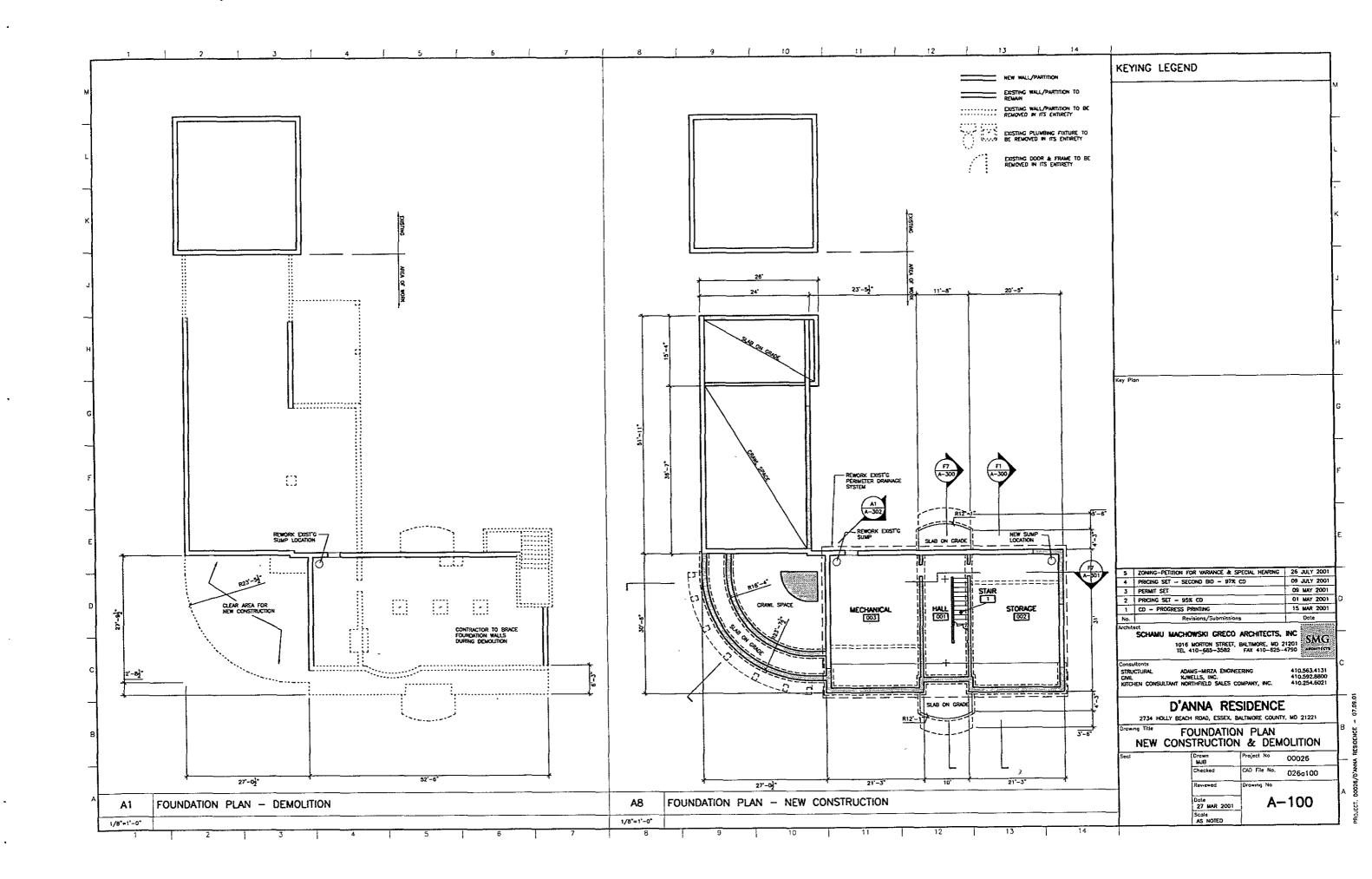


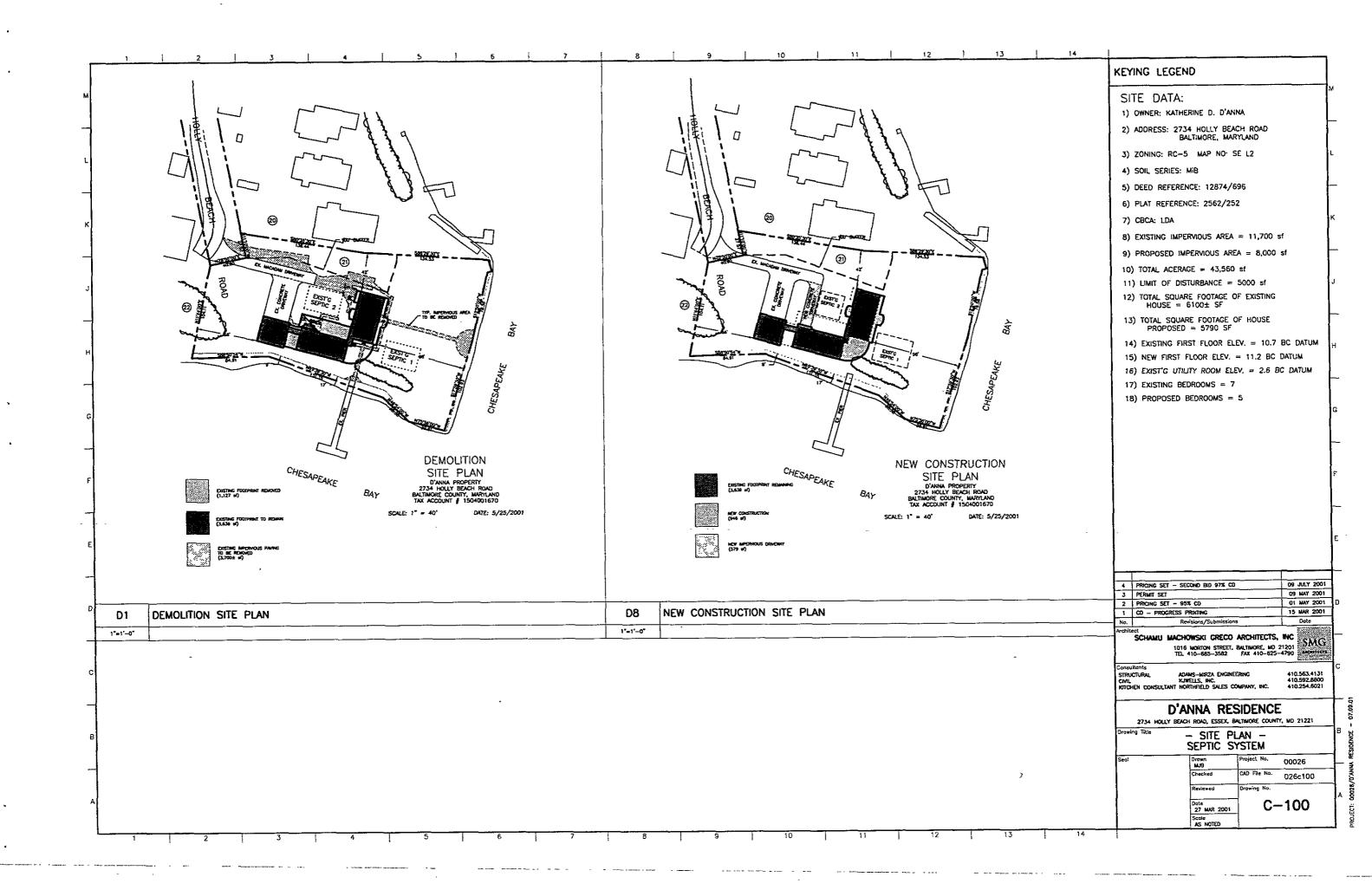
VIEW SOUTH ON HOLLY 2
BEACH ROAD

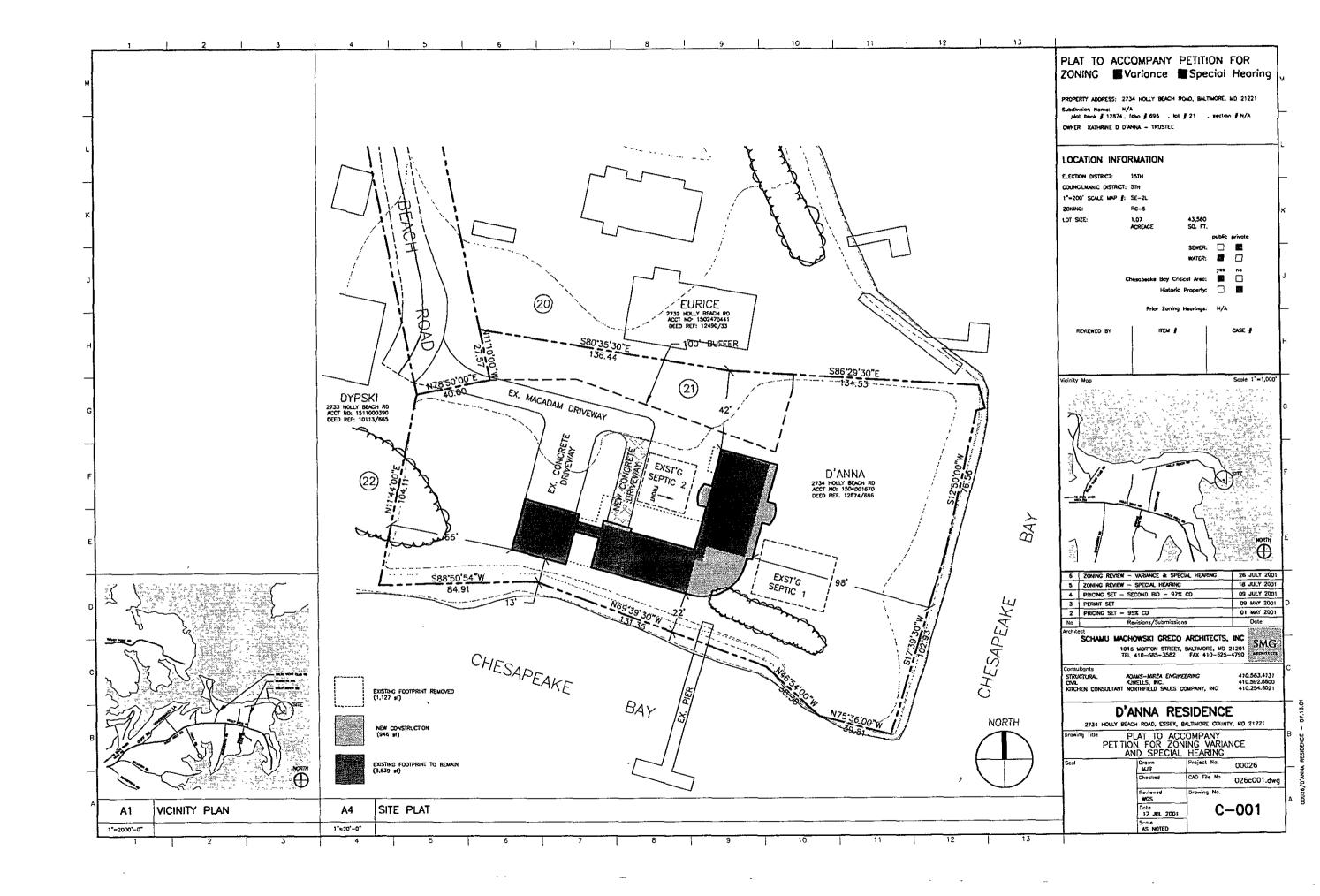






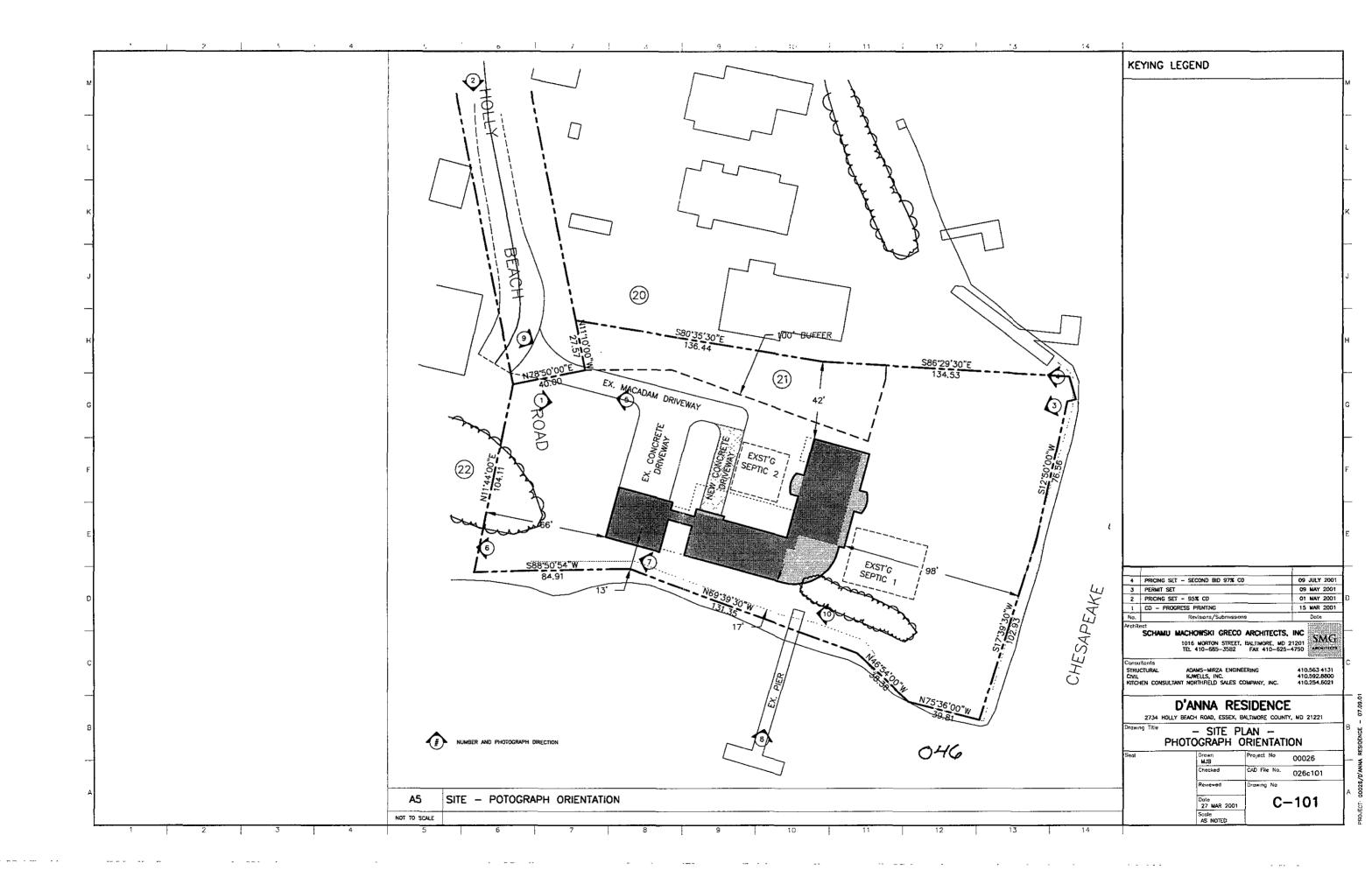


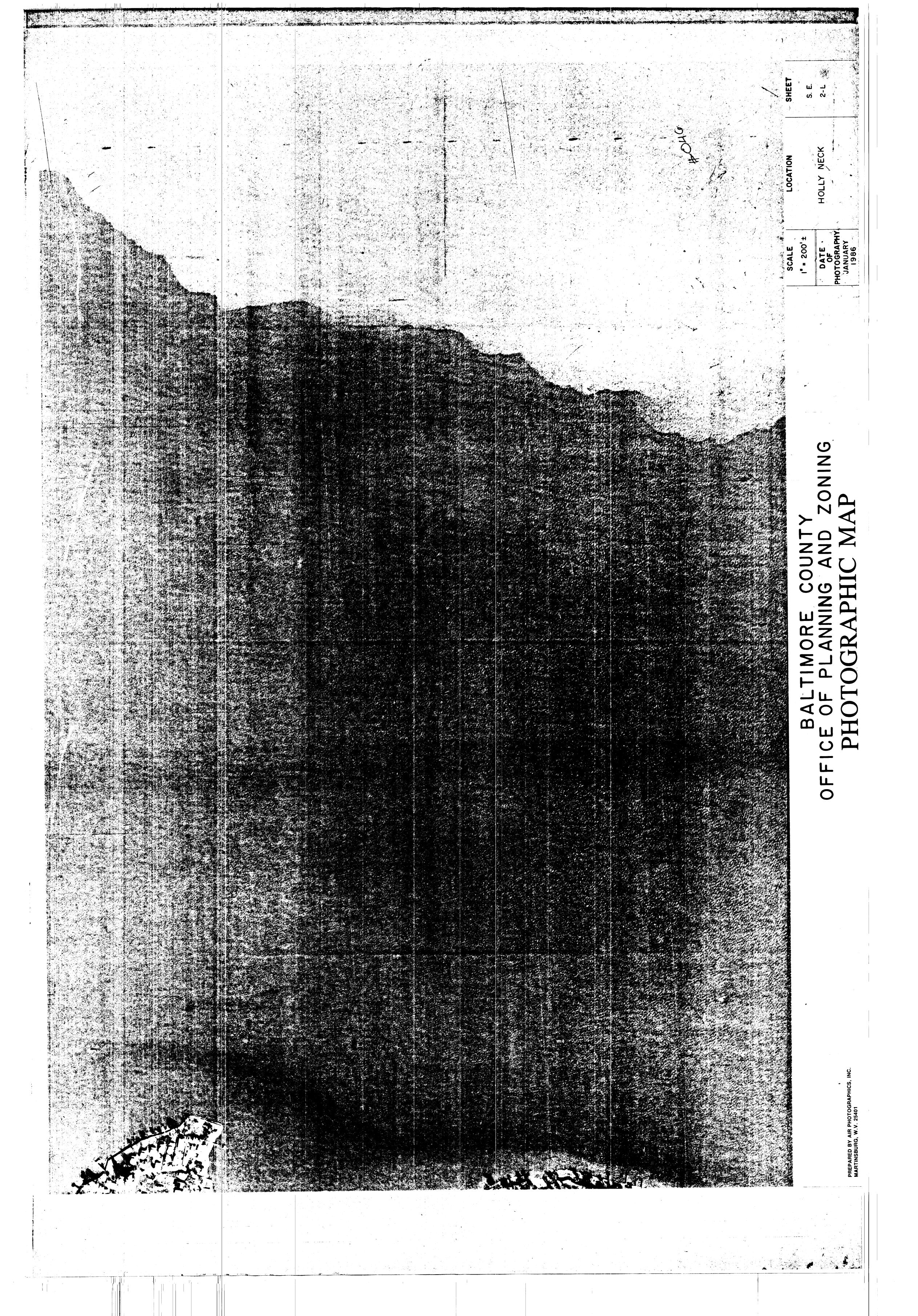


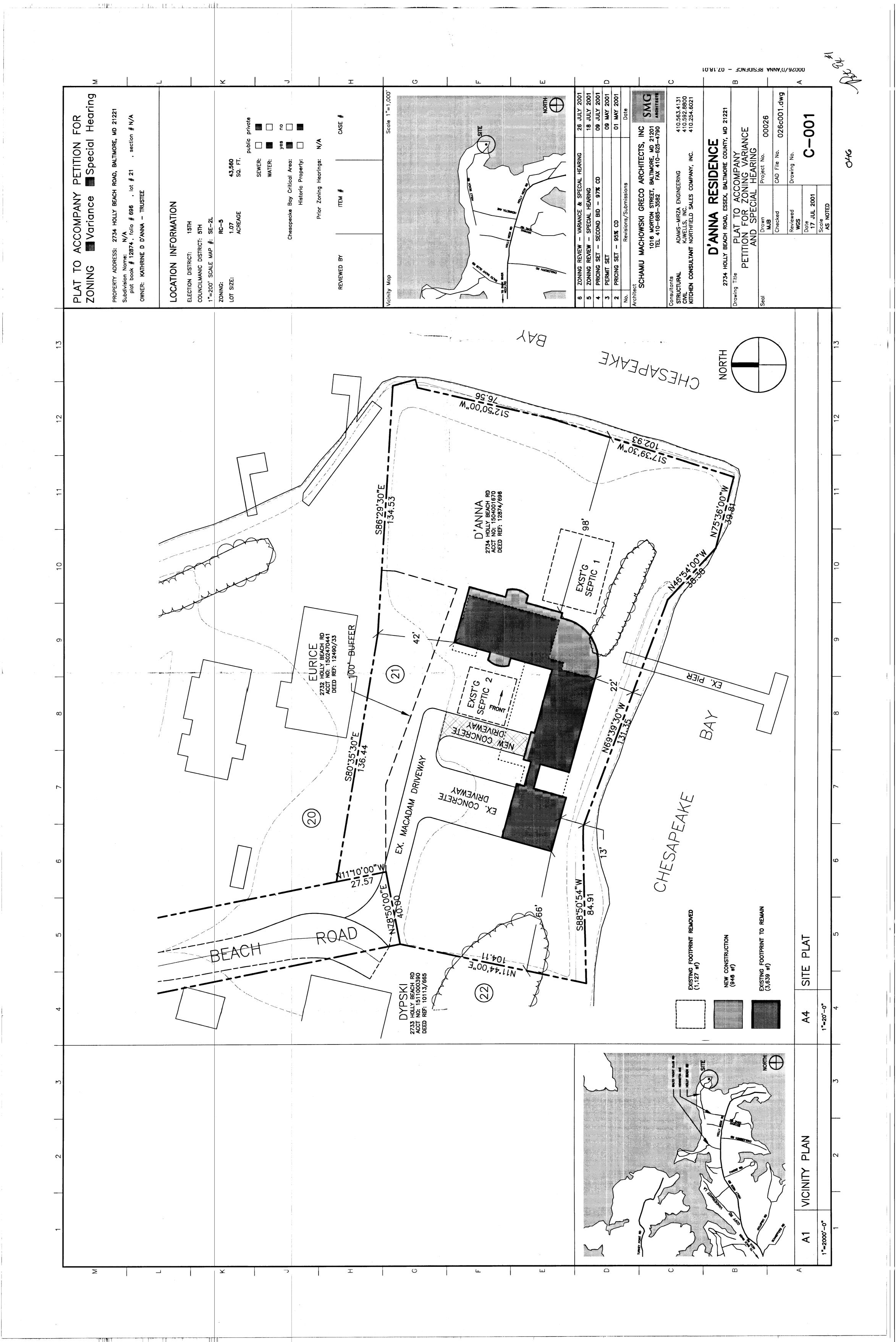


KEYING LEGEND D'Anna Residence SCHAMU MACHOWSKI GRECO ARCHITECTS, INC
1016 MORTON STREET, BALTIMORE, MD 21201
TEL 410-685-3582 FAX 410-625-4790 ARCHITECTS Residential - Project No. 00026 2734 Holly Beach Road, Essex, Maryland Zoning Review - Variance and Special Hearing 26, July 2001 D'ANNA RESIDENCE 2734 HOLLY BEACH ROAD, ESSEX, BALTIMORE COUNTY, MD 21221 COVER SHEET CAD File No. 026cs CS

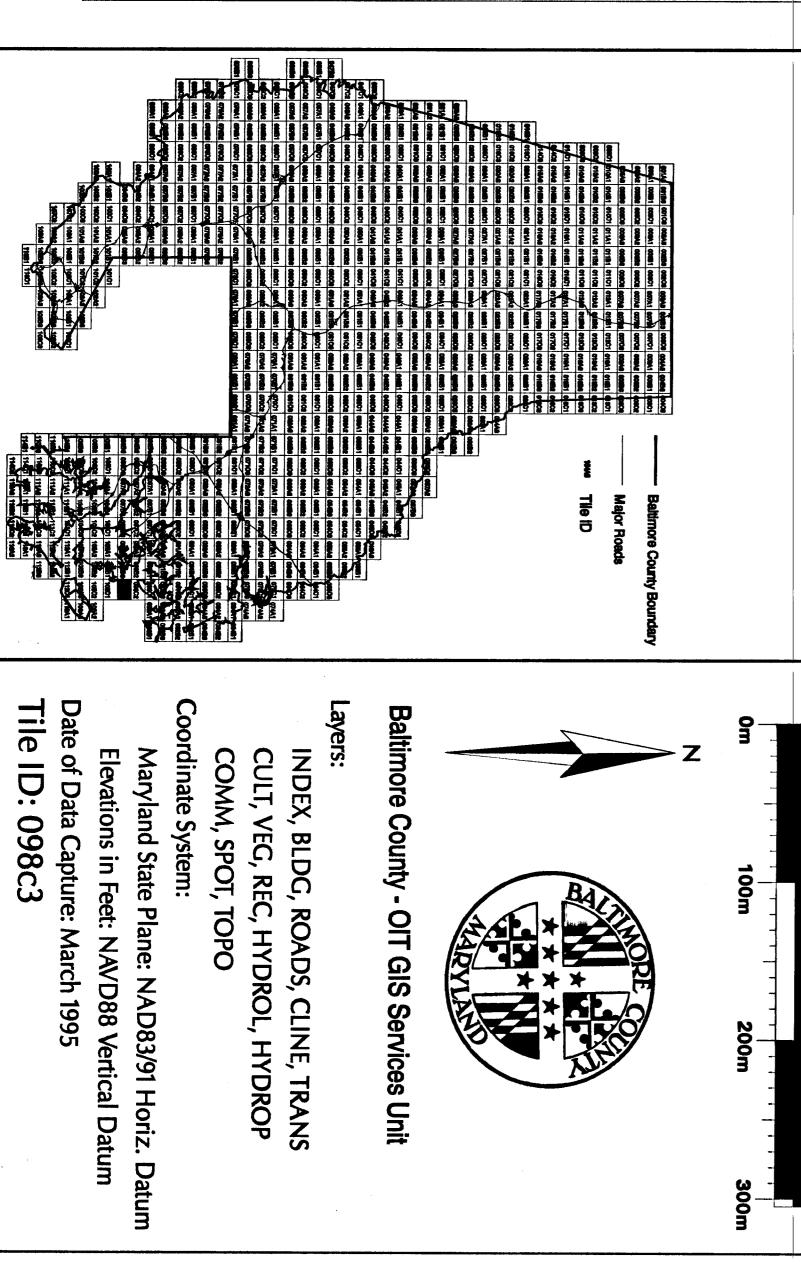
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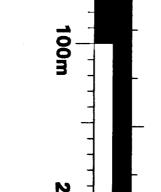




Legend



Rooftop Elevations Microwave Transı Natural Hydrography Reserviors SW Retention Ponds Bike/Hike Areas Bridge Elevations Radio Towers Hidden Contour Obscured Index Depression Contour Obscured Index Contour Index Depression Conto Hidden Hydrography Drainage Connector Boat Ramps, Piers, Da Athletic Fields, Tennis Co Commercial Pools Recreational Area scured Intermediate Depression Contour rmediate Depression Co dwail/Floodwail วนred Intermediate Contour sion Towers 1:2400



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