IN RE: PETITION FOR ADMIN. VARIANCE
Corner SW/S Reston Lane &
NW/S Springhouse Circle
14th Election District
6th Councilmanic District
(7800 Reston Lane)

Gail L. & Edward F. Mathus Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 02-485-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Gail L. and Edward F. Mathus, legal owners, of that property known as 7800 Reston Lane in the eastern area of Baltimore County. The Petitioners herein seek relief from Sections 1B01.2.C.1.b, and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the rear yard setback of an existing dwelling to be 28 ft. in lieu of the required 30 ft., to allow a proposed deck with a 16 ft. rear yard setback in lieu of the required 22.5 ft., and to amend the Final Development Plan for Lot No. 46 in the subdivision of "Springhouse Station". 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

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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.

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 30 day of May, 2002, that a variance from Sections 1B01.2.C.1.b, and 303.1 of the B.C.Z.R., to permit the rear yard setback of an existing dwelling to be 28 ft. in lieu of the required 30 ft., to allow a proposed deck with a 16 ft. rear yard setback in lieu of the required 22.5 ft., and to amend the Final Development Plan for Lot No. 46 in the subdivision of "Springhouse Station", 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.

TIMOTHY M'. KOTROCO

**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

May 30, 2002

Mr. & Mrs. Edward F. Mathus 7800 Reston Lane Baltimore, Maryland 21237-3423

> Re: Petition for Administrative Variance Case No. 02-485-A Property: 7800 Reston Lane

Dear Mr. & Mrs. Mathus:

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

lusting Hotroco

TMK:raj Enclosure

# 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	7800 RESTON LANE
	Address  BALTI MIRE NO 21237-3423  City State Zip Code
	City State Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
WE ARE REQUESTIN	G THAT THE COUNTY LESSEN ITS SET BACK REQUIREM
	A DECK WHICH WILL BE 26'x12'. THERE ARE 3
	IN HOUSE TO OUR PROPERTY LINE AND WE ME REQUIR
TO MAINTAIN 22.5' FROM	THE PLOPORTY LAWE TO ANY STRUCTURE WE BURLD. THIS
WOULD REDUCE THE PROPOSED	DECK'S DEPTH TO 7.5' RATHER THAN 12' AND WE
BELIEVE THAT SHALLOW A ST	INCOURE WOULD NOT BE IN KOSPING WITH THE LINES OF
THE READ YAND VANIANCE FOR	THE NOTEHBURHOOD, AND WOULD LIMIT ITS USEFULNESS. THE EXISTING HOUSE IS DUE TO A LOCATION EDRON BY THE
	TING WE CAUSES. WE SEEL COMECTION FOR THIS VINFORTUNATE GREAT AND AND SEED OF THE PROPERTY AND SECTION
Edward J. Marker	Sail 2. Mathes
Signature EDWARD F. MATTHUS	Signature  C \( \Lambda \( U \) \( \Lambda \Lambda \( \Lambda \) \( \Lambda \)
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	
of Maryland, in and for the County aforesaid, per	, before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	ctorify identified to me as such Affiant(s)
the 7 mani(3) herein, personally known or satisfa	definy racramed to the as saon vinani(s).
AS WITNESS my hand and Notarial Seal	Hence of Junton
	Nøtary Public  My Commission Expires  My 22, 2014
REV 10/25/01	



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## **Petition for Administrative Variance**

### to the Zoning Commissioner of Baltimore County

for the property located at 7800 RESTON LANE which is presently zoned DR S. S

I/We do solemnly declare and affirm, under the penalties of

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) 1301.2.C. 1. b AND 303.1 BCZR TO PERMITTHE REAR SETBACK OF AN EXISTING DWELLING TO BE 28 FT. IN LIEU OF 30 FT. TO ALLOW A PROPOSED DECK WITH A 16 FT. REAR SETBACK IN LIEU OF 22 1/2 FT AND TO AMEND THE FINAL DSVELOPMENT PLAN FOR LOT46 IN THE SUBDIVISION OF SPRINGHOUSE STATION.

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.

			is the subject of th		101(3) 01 111	c property which
Contract Purchaser/Le	ssee:		Legal Owner(s	<u>s):</u>		
			EDWARD	F. MATTHU.	S Local	
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Signature			Signature	MATTHUS		
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City	State	Zip Code	Signature	11/2		1 2 2
Attorney For Petitionel	r:		7800	RESTON LA	NE 4	10-918-9637
			Address		7	Telephone No.
			BALTIMO	RE MD		7-3423
Name - Type or Print			City		State	Zip Code
			Representativ	e to be Cont	tacted:	
Signature				A. 10. P.	7" (-1	THE TRANSPORT
Company		W 100 100 100 100 100 100 100 100 100 10	Name		7	1
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City 2	State	Zip Code	City	· . 51 19	State	Zip Code
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8	and that the prop	only bo repositor.		Je =		
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P			Zoning Co	mmissioner of Ba	ltimore Cour	ity /
CASE NO.	2 485	A	Reviewed By	Date	51	01/02
REV 10/25/01			Estimated Posting Date	5/1	3/0	2

# 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	7800 RESTON	LANE		The state of the s
	Address BALTIMORE	M	21237-3423	
* 200 mg	City	State	1791	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upor p or practical difficulty):	n which I/we ba	ise the request for a	an Administrative
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Edward J. Mark	Signal	Pail X. Me	athus	
EDWARD A MATHUT	6	ALL L. MAT	174US	
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	6.1			
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:			
of Maryland, in and for the County aforesaid, per	sonally appeared	,2002, bet	fore me, a Notary Po	ublic of the State
the Affiant(s) herein, personally known or satisfa	ictorily identified to me a		s).	
AS WITNESS my hand and Notarial Seal	Motary Public	o A O	Zuinters	
tank at her of the second	My Commission	on Expires	Nov 22, 21	004
REV 10/25/01				



## **Petition for Administrative Variance**

#### to the Zoning Commissioner of Baltimore County

for the property located at 7800 RESTON LANK
which is presently zoned DR 5.5

I/We do solemnly declare and affirm, under the penalties of

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) 1801.2.0.10 1803.0.00 1803.0.00

TO PERMIT THE REAL SETBACK OF AN EXISTING DWELLING TO BE 2 & FT. IN LIEU OF 30 FT, TO ALLOW A PROPOSED DECK WITH A 16 FT. REAL SET BACK IN LIEU OF 22 1/2 FT AND TO RMEND THE FINAL DEVELOPMENT PLAN FOR LOT 46 IN THE SUBDIVISION OF SPAINGHOUSE STATION.

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.

			perjury, that I/we are t is the subject of this P	he legal owner(s) o etition.	of the property which
Contract Purchaser/Lo	essee:		<u>Legal Owner(s):</u>		
			EDWARD P.	MATHIS	
Name - Type or Print	u f		Name - Type or Print	J. Marker	
Signature			Signature GAIL L.N	LATTHUS	
Address		Telephone No.	Name Type or Print	thin	
City	State	Zip Code	Signature	(MCC)	
Attorney For Petitione	er:		7800 RES	STON LANE	
	<del></del>		Address BALTIMORE	m) 2122	Telephone No.
Name - Type or Print			City	State	
			Representative to	o be Contacte	d:
Signature		<del>-</del>	A VIX		<del>-</del>
Company			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	e Zip Code
A Public Hearing having been this day of regulations of Baltimore County	t	hat the subject matter of	this petition be set for a public		as required by the zoning
CASE NOO=	1 48	15 A Re	viewed By JL	Date	5/0/102
RFV 10/25/01		Est	imated Posting Date	5/13/83	2

#### **Zoning Description**

485

ZONING DESCRIPTION FOR 7800 Reston Lane, Baltimore MD 21237-3423

Beginning at a point on the southwest side of Reston Lane which is 50 feet wide, 25 feet northwest of the centerline of the nearest improved intersecting street, Springhouse Circle which is approximately 50 feet wide. Being Lot #46 in the subdivision of Springhouse Station Plat 1 as recorded in Baltimore County Plat Book #68, Folio #62, containing 5915 square feet. Also known as 7800 Reston Lane, Baltimore MD 21237-3423, and located in the 14th Election District, 6<sup>th</sup> Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE  SOLO 00 006 6150  AMOUNT \$ 100100  RECEIVED MATHUS FOR:  RECEIVED RATIFIES  FOR:  RECEIVED AMOUNT AMO	PAID RECEIPT  BUSINESS ACTUAL TIME  5/02/2002 5/01/2002 15:53:17  REL WS05 WALKIN REUS LRB DRAMER 5  > ECEIPT N 264376 5/01/2002 OFLN  Devit 5 528 ZONING VERIFICATION  CR NO. 000617  Recet Tot \$100.00  100.00 CK .00 CA  Baltimore County, Maryland
<u>DISTRIBUTION</u> WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

### CERTIFICATE OF POSTING

RE:	Case No.: 02-485-A
	Petitioner/Developer: ED + CAIL
	MATHUS
	Date of Hearing/Closing: 5/28/02

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

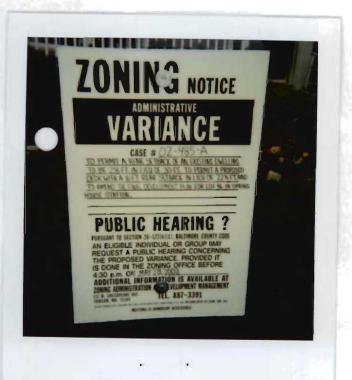
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

The sign(s) were posted on

5/13/02 (Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Lealie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(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.

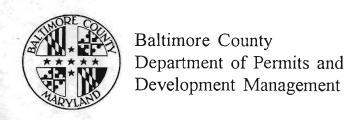
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 02 485 A	14
Petitioner: EOWARD F. MATAUS	
Address or Location: 7800 RESTON LAWE BRITINGLE MD 21237-9423	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: EDWARD F. MATHOS	
Address: 1800 RESTON LANE	
BANTIMORE MD 2/237-3423	
Teiephone Number: 410-918-9637	

BALTIMORE COUNTY DEFERTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 485 -A Address 7800 RESTON LA.				
Contact Person: Jerter LEW(S Planner, Please Print Your Name Phone Number: 410-887-3391				
Filing Date: 5/01/02 Posting Date: 5/13/02 Closing Date: 5/28/03				
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.				
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.				
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.				
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.				
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.				
(Detach Along Dotted Line)				
Petitioner: This Part of the Form is for the Sign Poster Only				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT				
Case Number 02- 485 -A Address 7800 RESTON LA				
Petitioner's Name ED+BAIL MATHUS Telephone 40 918 9637				
Posting Date: 5/13/02 Closing Date: 5/28/02				
Wording for Sign: To Permit A RZAR SZTBAKK OF AN EXISTINUTO BZ 28 FT. IN				
LIEU OF 30 FT., TO PERMIT A PRUPOSED DECK WITH A 16FT REAR SETBACK IN LIEU OF 22/2 FT, AND TO AMEND THE FIRM DEVELOPMENT PLAN FOR LOT 46				
LIEU OF 22/2 FT, AND TO AMEND THE FIRTH DEVELOPMENT PLAN FOR LOT 46				
IN SPRING HOUSE STATION				



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 28, 2002

Mr. & Mrs. Edward F Mathus 7800 Reston Lane Baltimore MD 21237-3423

Dear Mr. & Mrs. Mathus:

RE: Case Number: 02-485-A, 7800 Reston Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 01, 2002.

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.

W. Carl Richards, Jr. GDZ Supervisor, Zoning Review

WCR: gdz

**Enclosures** 

c: People's Counsel



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

May 9,2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

472, 475-479, 482-487

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

cc: File

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** May 21, 2002

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) 02-485

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: Marthung

Section Chief: April Andrew

AFK/LL:MAC



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

5.10.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 485

JL

Dear, Mr. Zahner:

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,

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

PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANO	
PROPERTY ADDRESS	100 10 10 10 10 10 10 10 10 10 10 10 10
SUBDIVISION NAME SPRINGHOUSE STATION, PLAT 1	White Marsh D Mall
PLAT BOOK # 68 FOLIO # 62 LOT # 46 SECTION #	Marsh
OWNER EDWARD AND GALL MATHUS	HONEXGO WHITE M.
RESTON LANE	SCHOOL HOUSE RD White Marsh COMMUL
301 Mac Paving	DERRY MA SA
	CORPORATE
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	LOCATION INFORMATION
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#7802	COUNCILMANIC DISTRICT 6
	ZONING DR S.S
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Lot 47 Friendation is 1840	ACREAGE SQUARE FEET
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	WATER 🗹 🗀
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8 415	CRITICAL AREA
	100 YEAR FLOOD PLAIN
	BUILDING U
	PRIOR ZONING HEARING NONE
CV(3.51) 2	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY EDWARD F. MATHUS REV 5 01 02 SCALE OF DRAWING: 1" = LU'	1 29.5
PREPARED BY DOWARD 17 FOR 1003 1125   SCALE OF DRAWING: 1 = LO	7.03



















