IN RE: PETITION FOR ADMIN. VARIANCE SE/S Nottingwood Road, 60' SE centerline of Spotswood Road 7th Election District 6th Councilmanic District

(9207 Nottingwood Road)

Lenore and Richard D. DeSimone *Petitioners* 

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-094-A

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

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lenore and Richard D. DeSimone. The variance request is for property located at 9207 Nottingwood Road in the eastern area of Baltimore County. The variance request is from Sections 1B02.3.C.1, 301.1A and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 15 ft. in lieu of the required 40 ft.; to permit an open projection with a side yard setback of 15 ft. in lieu of the required 30 ft.; and to permit an addition in the front yard with a setback of 49 ft. in lieu of the required front yard average setback of 54.2 ft. 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

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 Aday of September, 2002, that a variance from Sections 1B02.3.C.1, 301.1A and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 15 ft. in lieu of the required 40 ft.; to permit an open projection with a side yard setback of 15 ft. in lieu of the required 30 ft.; and to permit an addition in the front yard with a setback of 49 ft. in lieu of the required front yard average setback of 54.2 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

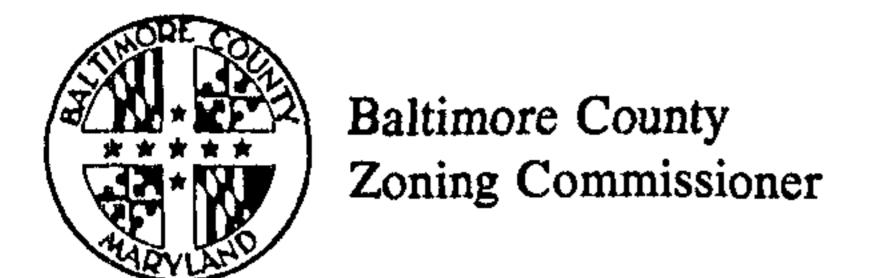
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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

September 19, 2002

Mr. & Mrs. Richard D. DeSimone 9207 Nottingwood Road Baltimore, Maryland 21237

Re: Petition for Administrative Variance Case No. 03-094-A

Property: 9207 Nottingwood Road

Dear Mr. & Mrs. DeSimone:

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,

lathy lathoco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	9207	NOTTING	WOOD	Ro.
which is	s presen	tly zoned	D.R	.ئ

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)

1002,301,192,303,1

(BCZR)

To permit an addition with a side street setback of 15 feet in lieu of the required 40 feet and to permit an open projection with a side street setback of 15 feet in lieu of the required 30 feet and to permit an addition in the front yard with a setback of 49 feet in lieu of the required front yard average setback of 54.2 feet.

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.

Legal Owner(s):  Recular D DE Simone  Name Type or Print  Signature
Name - Type or Print Signature
Name Type or Print Och Comme
Signature (2) New Summe
9207 10. HING WOOD RD 410 687 518 Address Telephone No.
City  Mo State  Zip Code
Representative to be Contacted:  Name
Address Telephone No
City State Zip Code
be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County  Reviewed By D.T.HOMPSON Date 23302
•

# 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	9007 Address	NOTYM	IGNOOD	Ls_	· · · · · · · · · · · · · · · · · · ·
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STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this and day of day of day of Maryland, in and for the County aforesaid, pertine Affiant(s) herein, personally known or satisfa	reconally appear		``	7	otary Public of the State
AS WITNESS my hand and Notarial Seal	(	y Publis			
	IVIY 60	ommission )	cxpires		TAL MAVIG

REV 10/25/01

Notary Public. State of Maryland
Battimore County
My Commission Expires: May 1, 2004

# 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	9207 NOT	ring-wood Ru	
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Name - Type or Print	Name	ENORE B. DES	IMONE
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this 22 day of of Maryland, in and for the County aforesaid, petthe Affiant(s) herein, personally known or satisfation.	respally appeared		a Notary Public of the State
AS WITNESS my hand and Notarial Seal		Mh	) Cina
	Notary Public My Commiss	ΔĿ	NET M. DAVIS

Notary Public, State of Maryland

Baltimore County

My Commission Expires:May 1, 2004

REV 10/25/01



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at <u>9207 Nottingwood Ro.</u>
which is presently zoned <u>D.R. 2</u>

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) 1802.301.19., 301.19., 303.1 (1802.8)

To permit an addition with a side street setback of 15 feet in lieu of the required 40 feet and to permit an open projection with a side street setback of 15 feet in lieu of the required 30 feet and to permit an addition in the front yard with a setback of 49 feet in lieu of the required front yard average setback of 54.2 feet.

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 the l	legal owner(s) of the	e penalties of property which
essee:		Legal Owner(s):		
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		Name - Type of Print		
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and that the prope	rty be reposted.	iis petition be set for a public near	ing, advertised, as requ	ired by the zoning
		Zoning Commissio	ner of Baltimore County	······································
094-A	Rev	iewed By Dithompson	Date 8/23	1001
<b></b>			9/2/07	
	formally demand	Telephone No  State Zip Code  Telephone No  State Zip Code  formally demanded and/or found to be that the subject matter of the subj	Pessee:  Legal Owner(s):  Legal Owner(s):  Name - Type or Print  Signature  Legal Owner(s):  Name - Type or Print  State Zip Code  Representative to b  Name  Telephone No Address  State Zip Code City  formally demanded and/or found to be required, it is ordered by the Zotand that the property be reposted.  Zoning Commission	Reviewed By D.THOMPSON Date 2023

#### Zoning Description for 9207 NOTTINGWOOD ROAD

Beginning at a point on the southeast side of Nottingwood Road which is 50 feet wide at a distance of 69 feet southeast of the centerline of the nearest improved intersecting street Spotswood Road which is 50 feet wide. Being Lot #31 in the subdivision of "Nottingham" as recorded in Baltimore County Plat Book #14, Folio 037 containing 19,200 square feet. Also known as 9207 Nottingwood Road which is located in the 14<sup>th</sup> Election District and 6<sup>th</sup> Councilmanic District.

MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND

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FOR:

PETITION

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FROM:

RECEIVED

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

	RE: Case No.:
	Petitioner/Developer:
	RICHARD DESIMONE
	Date of Hearing/Closing: 9/17/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204  MR. GEORGE SAHMER Attention: Ms. Gwendelyn Stephens	• • • • • • • • • • • • • • • • • • •
Ladies and Gentlemen:	•
	of perjury that the necessary sign(s) required by law
were posted conspicuously on the property	
9.207 No	DITINGWOOD RD
<del></del>	· · · · · · · · · · · · · · · · · · ·
The sign(s) were posted on	9/2/02
	(Month, Day, Year)
CASE # 03-094-A	Sincerely,
	Chelle Coll 2/2/02
LUNING NOTICE	(Signature of Sign Poster and Date)
CUSE II GO-004 P	RICHARD E. HOFFMAN
अप हर है कि है कि अप	(Printed Name)
PUBLIC HEARING?	904 DELLWOOD DR. (Address)
AN ELICIPLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VIRIANCE, PROVIDED IT IS DONE IN THE ADMINO OFFICE REFORE 4.30 p.m. CN	FALLS TONI, MO 21047
intendent findere Matthefore.  And the second of the secon	(City, State, Zip Code)
	(410) 879-31ZZ
	(Telephone Number)
207 NOTTINGWOOD RO	
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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 Advertising:
Ham Number of Constant
Item Number or Case Number:
Petitioner: DESIMONE
Address or Location: 9207 NOTTING WOOD RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. + MRS. RICHARD D. DESIMONE
Address: 9201 NOTTINGWOOD RD.
BALTO. MO 21237
Telephone Number:410 - 687 - 5186

#### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	03-	094	-A	Ac	ddress _	7007	NOTI	INGWOO	D R	<u> </u>
Conta	ct Perso	n: 🗍		HOMPSC ner, Please Prin			<u></u>	Ph	one Numb	er: 410	0-887-3391
Filing	Date: _	8/2	3/02	•	Posting		9 2 02	<u></u>	Closing	Date:	9/17/02
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Baltimore County
Department of Permits and
Development Management

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

September 17, 2002

Mr. & Mrs. Richard D DeSimone 9207 Notingwood Road Baltimore MD 21227

Dear Mr. & Mrs. DeSimone:

RE: Case Number: 03-094-A, 9206 Nottingwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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 Rubrards, Jo

W. Carl Richards, Jr. 600 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** October 18, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 9, 2002

Item Nos (094) 095, 099, 100, 101,

and 102

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

RWB:CEN:jrb

cc: File



#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 10, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-094

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/LL:MAC



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

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

RE: Baltimore County

Item No. 094

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,

L. J. Gredl Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

September 9, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
County Office Building
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda re: case numbers 03-094-A, 03-095-SPHA, 03-096-A, 03-097-A, 03-098-SPG, 03-099-A, 03-100-A, 03-101-SPH, 03-102-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/09/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Managér

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

### ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 03-094-A

Date Completed/Initials	
	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
<del></del>	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
6 D Z	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
9-13-02	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
9-13-02	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of

hearing file has been completed; secure all papers under clips in file; send files for

hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

PRO	PERTY ADDRESS 9207 1	LOTTINGWOOD RD.	R ZONING VARIANO SEE PAGES 5 & 6 OF THE CHECKLIST	CE SPECIAL HEARING FOR ADDITIONAL REQUIRED INFORMATION
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NORTI	4			ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPAR	ED BY RICHARD DESI	MONE DT SCA	LE OF DRAWING: 1" = 50	DTHOMPSON 94 63-094-A

NE6-H

