IN RE: PETITION FOR ADMIN. VARIANCE N/S of Putty Hill Avenue, 225' E centerline of Hoerner Avenue 9th Election District 6th Councilmanic District (2304 Putty Hill Avenue)

> Mary & Louis Hoxter **Petitioners**

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\*CASE NO. 03-118-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Mary and Louis Hoxter, the legal owners of the subject property. The variance request is for property located at 2304 Putty Hill Avenue in the Parkville area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 16 ft. in lieu of the required 25 ft. for a two-story garage addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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 Ifile 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

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compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by the Office of Planning dated September 27, 2002, a copy of which is attached hereto and made a part hereof.

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 day of October, 2002, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 16 ft. in lieu of the required 25 ft. for a two-story garage addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

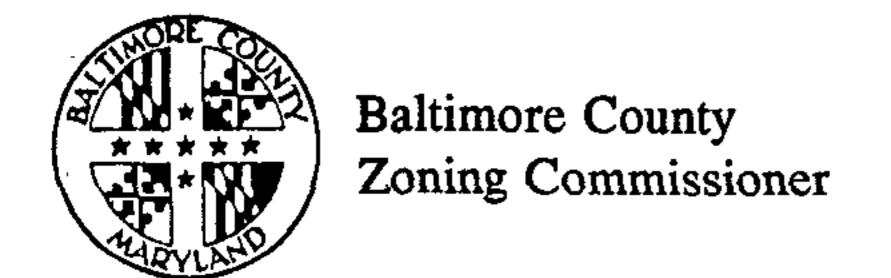
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the recommendations made by the Office of Planning dated September 27, 2002.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

October 10, 2002

Mr. & Mrs. Louis Hoxter 2304 Putty Hill Avenue Baltimore, Maryland 21234

Re: Petition for Administrative Variance

Case No. 03-118-A

Property: 2304 Putty Hill Avenue

Dear Mr. & Mrs. Hoxter:

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

Muthy llotroco

TMK:raj Enclosure



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

2304 Putty Hill Ave

for the property located at Park ville Md. 21234 which is presently zoned DR 16

This Petition shall be filed with the Department of Permits and I owner(s) of the property situate in Baltimore County and which is des made a part hereof, hereby petition for a Variance from Section(s)	Development Monday Cribed in the des	anager scription	nent. and pl	The undersigned, legal lat attached hereto and	l k
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side yard setback of 16 ft. in line of the required 25 ft. for a two-story garage addition.

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

Property is to be posted and advertised as prescribed by the zoning regulations. i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly d perjury, that I/we ar is the subject of this	leclare and affirm, under e the legal owner(s) of the s Petition.	the penalties of ne property which
Contract Purchaser	<u>Lessee:</u>		<u>Legal Owner(s</u>	<u>):</u>	
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Signature		······································	Signature		
Address	<del></del>	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature Signature	Hoxtel	
Attorney For Petition	<u>ner:</u>		Address 2304 Putty	<del></del>	110- 882-4265 Telephone No
Name - Type or Print Signature			City Park Ville	Mel State to be Contacted:	21234 Zip Code 21234
Qompany (		· · · · · · · · · · · · · · · · · · ·	Name		<u>-</u>
Address		Telephone No	Address		Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having be this day of Raltimore Countries of Baltimore Countries	ty and that the proper	led and/or found to be at the subject matter of ty be reposted		the Zoning Commissioner lic hearing, advertised, as re missioner of Baltimore Cou	equired by the zoning
	-118-A	Re	riewed By <u>Sk</u>	Date १	11/02
REV 10/25/01		Est	imated Posting Date	9/23/0	1

# 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	2304	PUTTY	HILL AVE	
	Address City	md.	ate	7 ( 2 3 4 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the fac	ts upon which I/we		
We are asking for a variance with a second-floor recreation room line, with a sixteen-foot breeze-was have more privacy in our backyard. We would feel safer if we could pan unattractive fence all the way a would take away less play space for to our home, we would need to me surely disturb our neighbors. We door neighbor has a two-story, for The homes and garages in our are styles. Most also seem to be close	m attached to only over the drived and keep our ut the garage of cross. Putting the for our children, ove our drivewed on the feel our are garage the a are not unifor	eway. This would backyard open for the side of our yand he garage at the backyard open for the garage at the backyard open for any closer to the fer equest is unreasonat is twelve feet of and consist or of any and consist or of the fer and consist or o	allow us to be able our small children. ard rather than build ack of our property ach the garage direct nce line, which would nable because our nearly of our fence line.	ily ld
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s) wi ation.	Il be required to pay	a reposting and
Signature  Signature  Name - Type or Print	<del></del>	Signature Man	y O. Hoxt	<u>662</u>
Name - Type or Print		Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:			
I HEREBY CERTIFY, this 4 14 day of SE of Maryland, in and for the County aforesaid, per	PTEMBER rsonally appeare	<u>, 2002,</u> I	before me, a Notary P	ublic of the State
LOUIS LEE HOXTER AND	MARY O	LEATHIA HO	XTER	
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Ama	nus).	
AS WITNESS my hand and Notarial Seal				
NOTARY	Notary My Cor	Public Public	5-5-04	

REV 10/25/01

**PUBLIC** 

# Zoning Description

Beginning at a foint on the North side of Putty Hill Ave which is 50 ft. wide at the Putty Hill Ave which is 50 ft. wide at the distance of 225 ft. east of the centerline of the nearest improved intersecting centerline of the nearest improved intersecting Street Hoerner Ave which is 50 ft. wide. Street Hoerner Ave which is 50 ft. wide. Being Lot# 54 in the subdivision Of Grindon Little farms as recorded in Of Grindon Little farms as recorded in Baltimore County Plat Book # 7 folio# 34 Baltimore County Plat Book # 7 folio# 34 Containing 22,000 sq.ft. also Known as Containing 22,000 sq.ft. also Known as Containing District 6 th Council manic District.

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT			No.			
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FOR:		7 :		John Carlot		

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

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CASHIER'S VALIDATION

### CERTIFICATO OF POSTING

•	RE: Case No.: <u>03 - 1/8-A</u>
	Petitioner/Developer: Louis AND
	MARY HOXTER
	Date of Hearing/Closing: 10/8/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	<b>₹</b>
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
	f perjury that the necessary sign(s) required by law located at 2304 Putty Hill AVE
The sign(s) were posted on	9/21/02
	(Month, Day, Year)
ZONING NOTICE	Sincerely,
VARIANCE	(Signature of Sign Poster and Date)
CASE # [] 3     8 A  10 FAMILA THE STIBLE OF BIT IN LITH OF THE REPUBLIE 25 FF FOR A THO STORE CARMS ADDITION.	SSG ROBERT BLACK
	(Printed Name)
PUBLIC HEARING?	1508 Leslie Rd
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING. THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 pm, ON CERMIN 8:2002	(Address)
A:30 pm, ON-CEPTER 8 2001  ADDITIONAL INFORMATION IS AVAILABLE AT  TORNE AMERICATION ACCOUNTS WARRENT WARRENTS	Dundalk, Maryland 21222
Methor in the country of the country	(City, State, Zip Code)
	(410) 282-7940
•	(Telephone Number)

## DEPARTMENT OF ERMITS 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 Nowenanor Advorticina:
For Newspaper Advertising:
Item Number or Case Number: 03-118-A
Petitioner: Louis Hoxtex
Address or Location. 2304 Putty H.11 Ave Parkville Mc1.21
PLEASE FORWARD ADVERTISING BILL TO:
Name: 1_13415 Hoxters
Address: 2304 Putty Hill ave Parkville Md. 21234
Telephone Number: 416-882-4265

Revised 2/20/98 - SCJ

DALLINORE COONLY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# 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	2304	<u> Putt</u>	`\	$H \sqcup I$	1
	AMdroce	- +	, ,		-

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We are asking for a variance because we would like to build a two-car garage with a second-floor recreation room attached to our home fifteen feet off of the fence line, with a sixteen-foot breeze-way over the driveway. This would allow us to be able to have more privacy in our backyard and keep our backyard open for our small children. We would feel safer if we could put the garage on the side of our yard rather than build an unattractive fence all the way across. Putting the garage at the back of our property would take away less play space for our children. If we were to attach the garage directly to our home, we would need to move our driveway closer to the fence line, which would surely disturb our neighbors. We do not feel our request is unreasonable because our next door neighbor has a two-story, four-car garage that is twelve feet off of our fence line. The homes and garages in our area are not uniform and consist or different sizes and styles. Most also seem to be close to the fence line.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Signature Signature Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this <u>A 14</u> day of <u>SEPTEMBER</u> of Maryland, in and for the County aforesaid, personally appeared 200 Z, before me, a Notary Public of the State LOUIS LEE HOXTER AND MARY OLEATHIA His the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

A. VENT PUBLIC MORE CIT

Notary Public

My Commission Expires

REV 10/25/01



REV 10/25/01

### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

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)

side yard setback of 16 ft. in lieu of the required as ft. for a two-story garage addition.

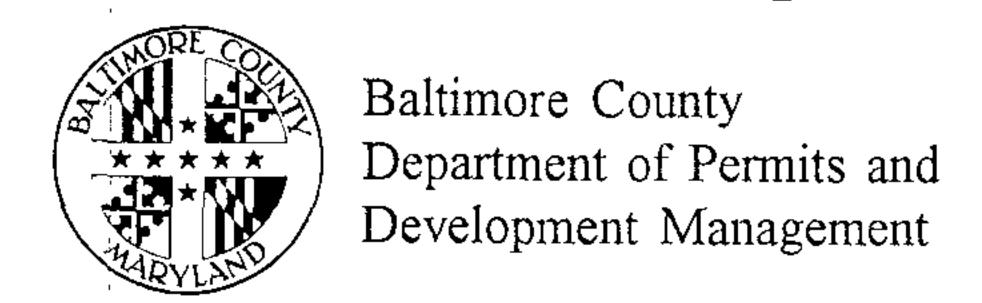
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 this F	tne legal owner(s) of the details of	ne property which
Contract Purchaser/	<u>/Lessee:</u>		Legal Owner(s):		
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City	State	Zip Code	Signature	<del></del>	
Attorney For Petition	ner:		2304 Putty	Hill Ave 4	10-882-4265
			Address Parkville Ma	d. 21	Telephone No.
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A Public Hearing having be this day of regulations of Baltimore Count	77	ngt tha eliniaet massar ht s	required, it is ordered by the his petition be set for a public	hearing, advertised, as r	required by the zoning
~ 0	) (15) N		Zoning Commi	issioner of Baltimore Cou	,
CASE NO. $\bigcirc$	5-118-17	Rev	iewed Bv 1312	Date 9	lulon

Estimated Posting Date \_



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

October 9, 2002

Mr. & Mrs. Louis Hoxter 2304 Putty Hill Avenue Parkville, MD 21234

Dear Mr. & Mrs. Hoxter:

RE: Case Number: 03-118-A, 2304 Putty Hill

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 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.

Supervisor, Zoning Review

WCR:rjc

Enclosures

People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 21, 2002

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

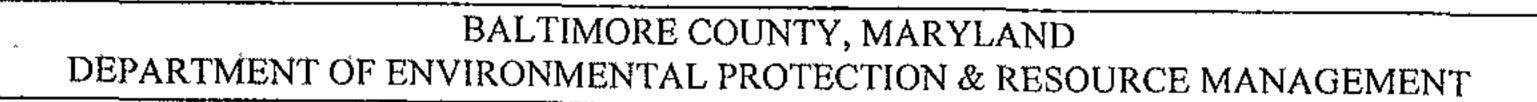
Zoning Advisory Committee Meeting For September 30, 2002 Item Nos. 106, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 128,

129, and 130

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

RWB:CEN:jrb

cc: File



TO:

Arnold Jablon

FROM:

R. Bruce Seeley (PS) ITLT

DATE:

October 7, 2002

**Zoning Petitions** 

Zoning Advisory Committee Meeting of September 23, 2002

**SUBJECT**: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

(118)

116-122, 124

# PN

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 27, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2304 Putty Hill Avenue

**INFORMATION:** 

Item Number:

03-118

**Petitioner:** 

Louis & Mary Hoxter

Zoning:

**DR 16** 

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the petitioner's request provided building elevation drawings (include photographs of the existing dwelling) are submitted to this office for review and approval prior to the issuance of any permits.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:



### Maryland Department of Transportation State Highway Administration



John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 9.24.02

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

RE: Baltimore County

Item No. 118 BZ

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

f. f. Hoedle



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor Roy W' Kienitz Secretary Mary Abrams Deputy Secretary

September 23, 2002

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

Re: Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. 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,

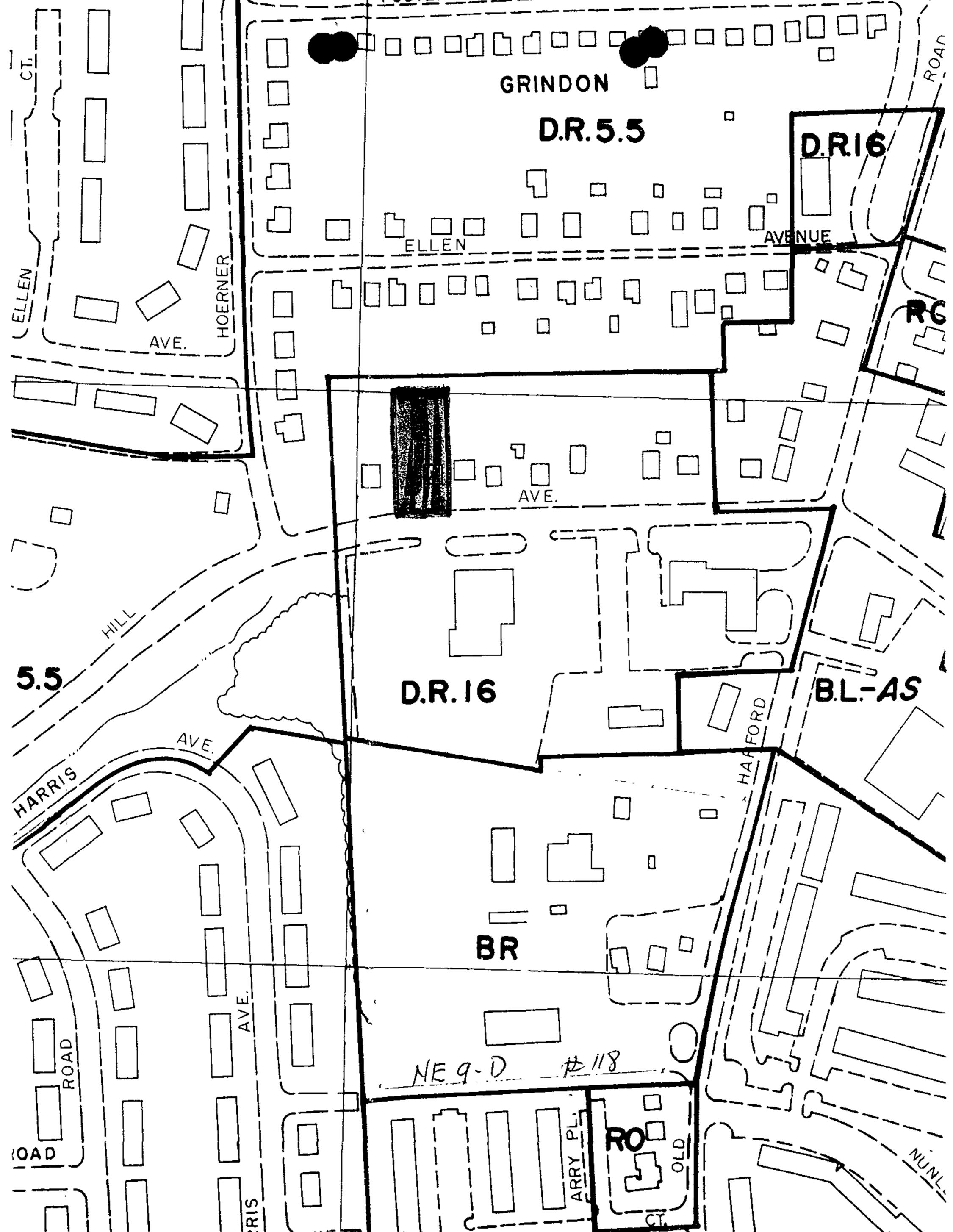
James R. Gatto

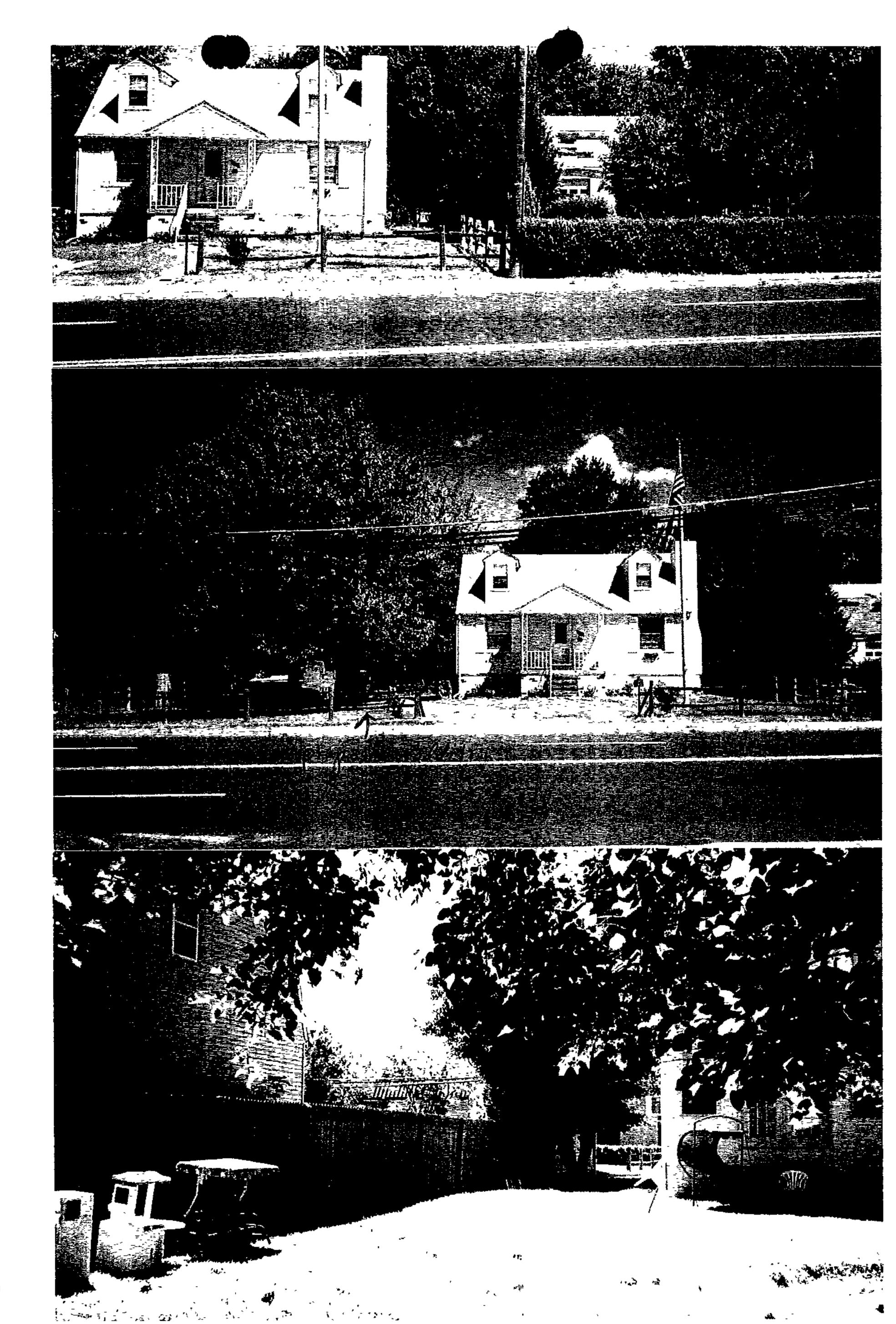
Manager

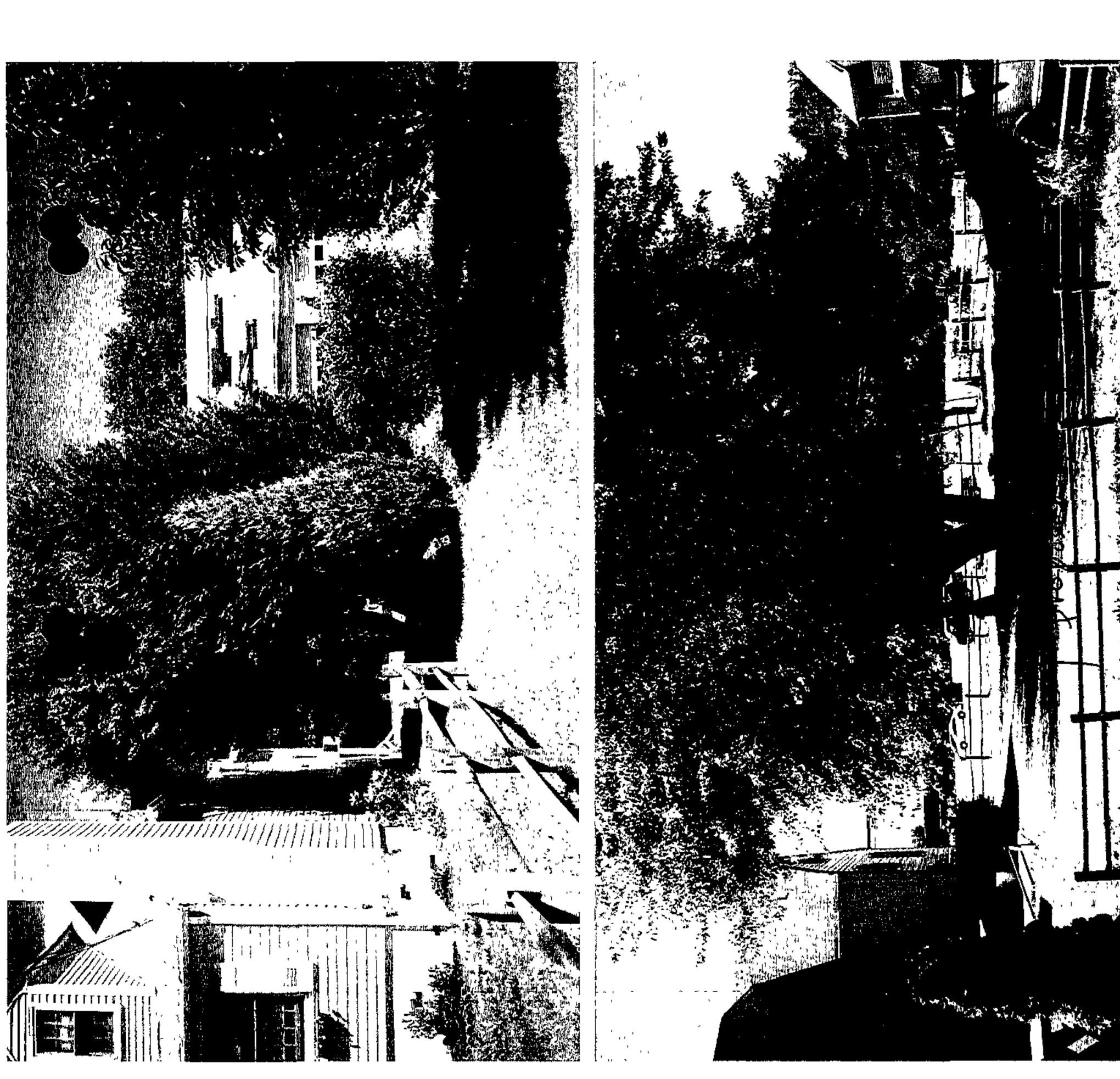
Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup







BN #118 03-118-19

A PARTINIAN INTERPRETATION OF THE PROPERTY OF THE PROPERTY OF THE PARTINIAN OF THE PROPERTY OF THE PARTINIAN	
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANC PROPERTY ADDRESS 2304 Puty HIII Ave. SEE PAGES 5 & 6 OF THE CHECKLIST FOR	E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME Grindon Little Farms	
PLAT BOOK # 7 FOLIO # 34 LOT # 54 SECTION #	
OWNER LOUIS N Mary Hoxter	Oakleigh Exit-30 Bush ELLIS  CH C
Lot Number: 54 Block/Section: - Plat Reference: Book: 7 Page: 34 Title of Plat: Grindon Little Farms on Old Harford Road  Lot 51	ELLIS  EIGH  LG AVE  FOSTER AVE  RO  RO  No Park Briville  Park Briville  Park Briville  Park Briville  Park Briville  FERING  RO  RO  RO  RO  RO  RO  RO  RO  RO  R
100'	VICINITY MAP
Henry & Mary Keller Tr. 2304 Cary Sisolak wanty Mariley	SCALE: 1" = 1000'
TAY 10 # 09-13855 960  Lot 64  Lot 65	LOCATION INFORMATION  ELECTION DISTRICT 9 HA  COUNCILMANIC DISTRICT 6 HA
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2302	WATER 🗾
8/26/00 attion	CHESAPEAKE BAY CRITICAL AREA
ation	100 YEAR FLOOD PLAIN
$1^{11} - 50^{1}$	HISTORIC PROPERTY/ BUILDING
PUTTY HILL AVENUE = 50'  Dwelling lies in Flood Zone	PRIOR ZONING HEARING