

IN RE: PETITION FOR VARIANCE

N/S Bucher Road, 92' W
of Gross Avenue
15th Election District
7th Councilmanic District
(7201 Bucher Road)

Barbara L. & James M. Rehak
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-276-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Barbara L. and James M. Rehak. The Petitioners are requesting special hearing relief for property they own at 7201 Bucher Road, which property is zoned BM. The special hearing relief is for a waiver to allow the construction of a second story addition above an existing one-story single-family residential home. The subject property is a waterfront lot located on Jones Creek in Edgemere.

Appearing at the hearing on behalf of the special hearing request were James and Barbara Rehak and David Billingsley, the professional engineer who prepared the site plan of the property. 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 1.17 acres, more or less, zoned BM. The property is located at the terminus of Bucher Road with frontage on Jones Creek in Edgemere. The property is home to a marina which the Rehak's have operated for the past 16 years. The Rehak's have three teenage children and are interested in creating additional living space on top of their existing one-story ranch style dwelling.

2/19/03
R. Spencer

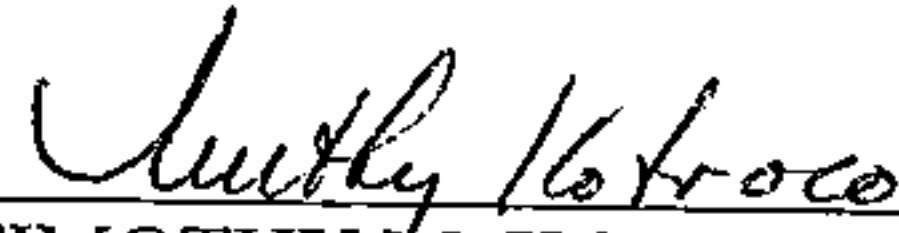
The testimony and evidence offered at the hearing by Mr. Rehak demonstrated that the dwelling itself, not including any of the land surrounding it, is valued at approximately \$200,000. The Rehaks propose an addition to their home which will cost them \$50,000. The footprint of the house will not be expanded as this addition is proposed to be a second story addition on top of the existing home. Given the value of the existing dwelling and the cost of the proposed addition, I find, based on the uncontradicted testimony offered at the hearing, that the addition to be constructed is not a "substantial improvement" and, therefore, a waiver as requested is not necessary. The Petitioners, based on the testimony and evidence offered, shall be permitted to obtain a building permit to construct this minor addition to their home.

Mr. Billingsley further testified that the flood elevation of the first floor of this dwelling is approximately 9.4 ft. These property owners intend to further protect their home from the effects of any catastrophic flood. Mr. Billingsley indicated that he has discussed this with Mr. Dave Thomas, a representative of the Department of Public Works, and intends to continue to work with him in that regard. Any efforts to perform flood mitigation will be voluntary, as the addition to this home is not a "substantial improvement" and accordingly no waiver is necessary.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of February, 2003, that the Petitioner's Request for Special Hearing for a waiver shall be DISMISSED.

IT IS FURTHER ORDERED, that the waiver is not necessary, given that the addition to be constructed to this single-family home, based on the uncontradicted testimony and evidence offered at the hearing, is not a "substantial improvement" and therefore the property owners shall be permitted to obtain a building permit for this addition.

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. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2/19/03





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 19, 2003

Mr. & Mrs. James M. Rehak
7201 Bucher Road
Baltimore, Maryland 21219

Re: Petition for Special Hearing
Case No. 03-276-SPH
Property: 7201 Bucher Road

Dear Mr. & Mrs. Rehak:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7201 BUCHER ROAD
which is presently zoned BM

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

A WAIVER PURSUANT TO SECTION 500.6, BCZR; SECTION 3112.0, BALTIMORE COUNTY BUILDING CODE; AND SECTIONS 26-670, 26-172 (a)(3), BCC TO ADD A SECOND STORY ABOVE AN EXISTING ONE STORY SINGLE FAMILY RESIDENCE 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.

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.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

JAMES M. REHAK
Signature _____
BARBARA L. REHAK
Name - Type or Print _____
Signature _____
7201 BUCHER ROAD (410) 477-8868
Address _____ Telephone No. _____
BALTIMORE, MD. 21219
State _____ Zip Code _____

Representative to be Contacted:

CENTRAL DRAFTING & DESIGN, INC.
Name _____
601 CHARWOOD COURT (410) 679-8719
Address _____ Telephone No. _____
EDGEWOOD, MD. 21040
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING —

Reviewed By JL

Date 12/10/02

Case No. 03 276 SPH

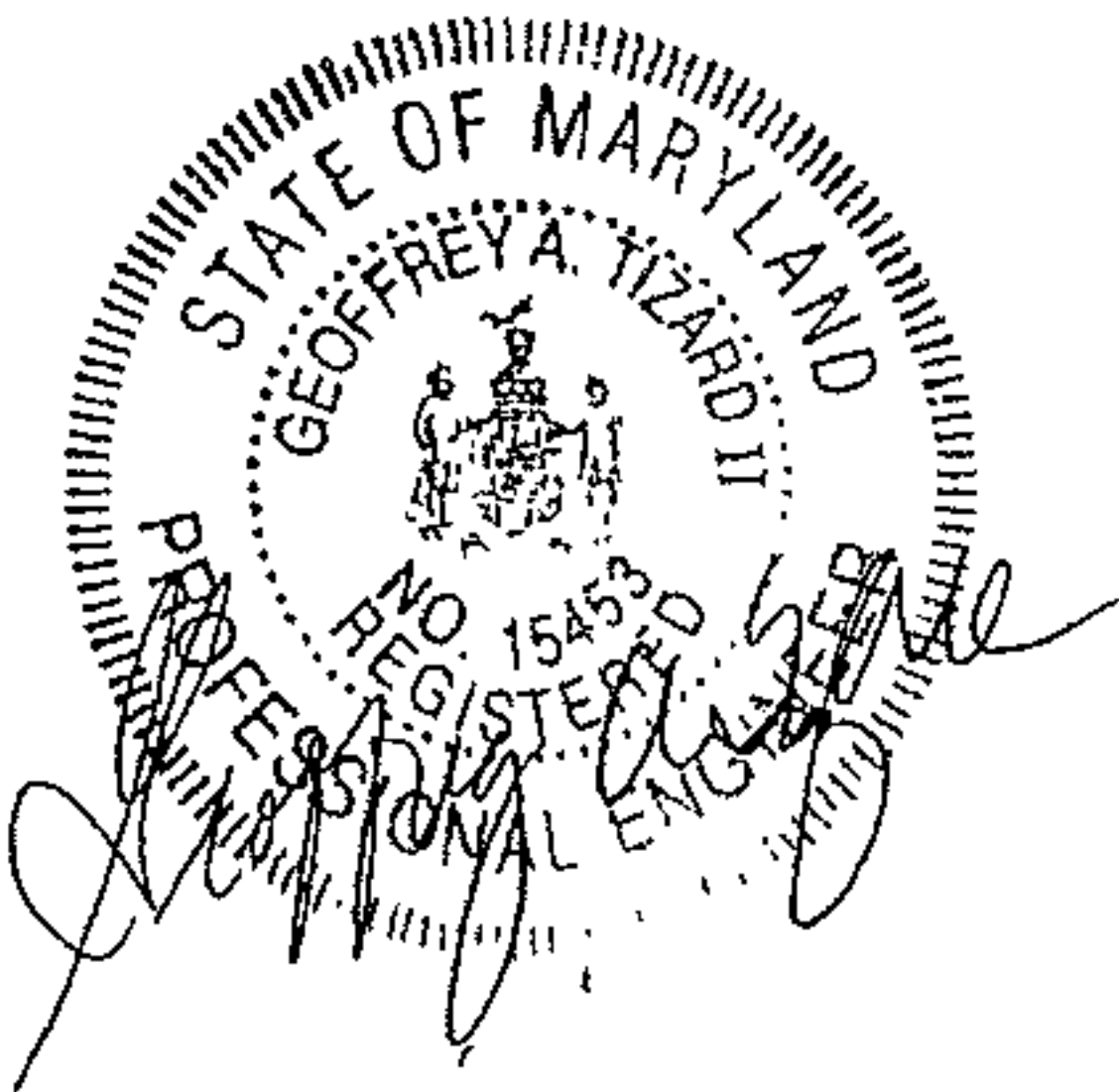
DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

7201 BUCHER ROAD

Beginning for the same at a point on the north side of Bucher Road (variable width), said point being distant westerly 92 feet from the centerline of Gross Avenue, thence being all of Lot 1, as shown on the plat entitled "Chesapeake Terrace, Section B" recorded in the plat records of Baltimore County in Plat Book 5, Folio 36. Containing 1.17 acre of land, more or less.

Being known as 7201 Bucher Road and located in the Fifteenth Election District, Seventh Councilmanic District of Baltimore County, Maryland.

276



**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: #03-276-SPH
7201 Bucher Road
N/side Bucher Road 92 feet
west of Gross Avenue
15th Election District
7th Councilmanic District
Legal Owner(s). James and
Barbara Rehak

Special Hearing: for a
waiver of the flood plains
provisions to permit a sec-
ond story above an existing
one story single-family resi-
dence in a tidal flood plain.

**Hearing: Wednesday, Feb-
ruary 5, 2003 at 11:00
a.m. in Room 106, Balti-
more County Office Build-
ing, 111 W. Chesapeake
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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391

JT 1/725 Jan 21 C583790

CERTIFICATE OF PUBLICATION

1/24/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 1/21/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20153

DATE

12/10/02

ACCOUNT

276

001 006 6150

AMOUNT \$

250.00

RECEIVED
FROM:

REHAKS CONTRACTING- LLC

FOR:

SPH 7201 BUCHER RD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT

BUSINESS ACTUAL TIME

12/10/2002 12/10/2002 14:25:34

REG 4804 WALKIN OOL DND DRAWER 2

>> RECEIPT # 206093 12/10/2002

Dept 5 528 ZONING VERIFICATION

CR NO. 020153

Receipt Tot \$250.00

250.00 OK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

CASE # 03-16 SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: 2400 N. PATTERSON BLVD. 111 W. CHESAPEAKE AVE

DATE AND TIME: WEDNESDAY, FEBRUARY 15, 2005 AT 11:00 AM

REQUEST: LITTON JOURNAL FOR A CHANGE OF THE FLOOD PLAIN

WALKWAY TO FORM A LITTON JOURNAL FOR AN EXISTING ONE LANE

WALKWAY TO FORM A LITTON JOURNAL FOR AN EXISTING ONE LANE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONTINUE HEARING. CALL 410 330 1111

DO NOT REMOVE THIS SIGN AND POST WITH SIGN OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 03-276-SPH

Petitioner/Developer: JAMES AND

BARBARA REHAK

Date of Hearing/Closing: 2/5/03

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

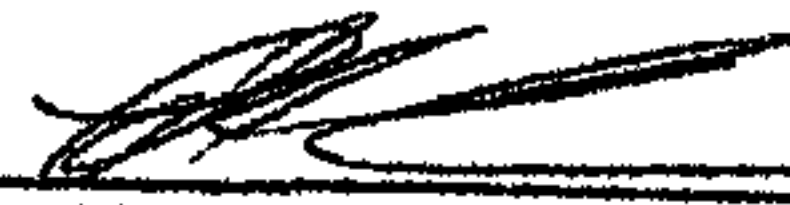
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 7201 BUCHER RD

The sign(s) were posted on 1/20/03
(Month, Day, Year)

Sincerely,

 1/20/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 2, 2003

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: 03-276-SPH

7201 Bucher Road
N/side Bucher Road 92 feet west of Gross Avenue
15th Election District – 7th Councilmanic District
Legal Owner: James and Barbara Rehak

Special Hearing for a waiver of the flood plains provisions to permit a second story above an existing one story single-family residence in a tidal flood plain.

Hearings: Wednesday, February 5, 2003 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: James and Barbara Rehak, 7201 Bucher Road, Baltimore 21219
Central Drafting & Design, Inc., 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 21, 2003.
(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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 21, 2003 Issue - Jeffersonian

Please forward billing to:

James and Barbara Rehak
7201 Bucher Road
Baltimore, MD 21219

410-477-8868

NOTICE OF ZONING HEARING

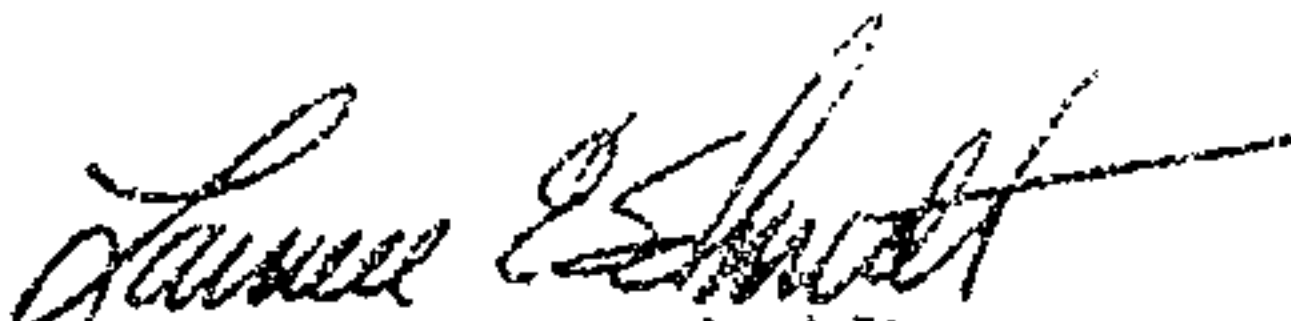
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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 03 276 SPH

Petitioner: JAMES M & BARBARA L. REHAK

Address or Location: 7201 BUCHER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES M & BARBARA L. REHAK

Address: 7201 BUCHER ROAD

BALTO, MD. 21219

Telephone Number: (410) 477-8868

Revised 2/20/98 - SCJ



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

January 31, 2003

Mr. & Mrs. James M. Rehak
7201 Bucher Road
Baltimore, MD 21219

Dear Mr. & Mrs. Rehak:

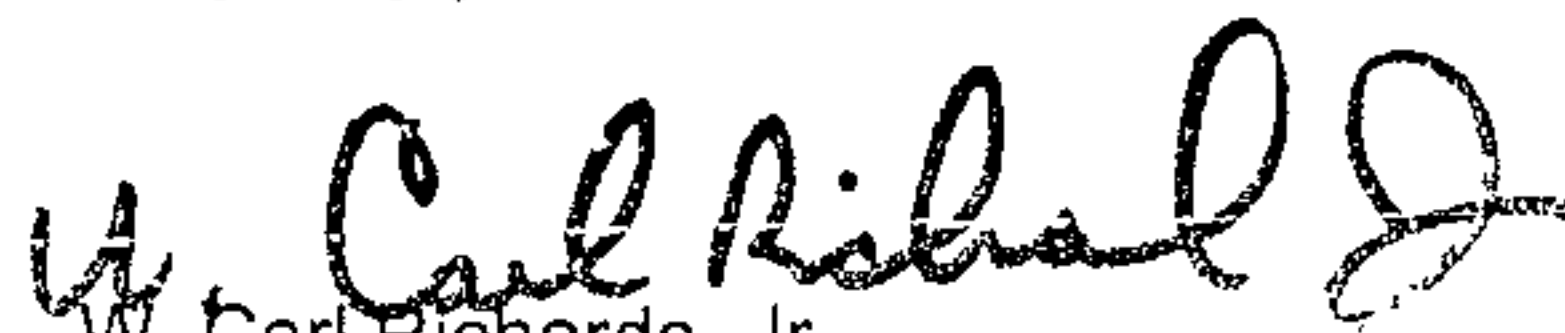
RE: 03-276 Case Number 7201 Bucher Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 12/10/02.

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

c: Central Drafting & Design, Inc. 601 Charwood Court Edgewood, MD 21040
People's Counsel

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: *12-30-02*

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

RE: Baltimore County
Item No. *276*

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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 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

December 31, 2002

ATTENTION: George Zahner

Distribution Meeting of December 23, 2002

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

257-290

274

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

cc: File



Jim
2/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 30, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 7201 Bucher Road

INFORMATION:

Item Number: 03-276

Petitioner: James M. Rehak

Zoning: BM

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations are submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by: Mark A. Cumph

Section Chief: Ryan Sanborn

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
721 Bucher Road; Nside Bucher Rd, 92 ft *
W Gross Avenue * ZONING COMMISSIONER
15th Election District *
7th Councilmanic District * FOR
Legal Owner(s): James M. & Barbara Rehak *
BALTIMORE COUNTY
* 03-276-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary

Mary Abrams
Deputy Secretary

December 27, 2002

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

Re: Zoning Advisory Committee Agenda, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A

Dear Mr. Zahner:

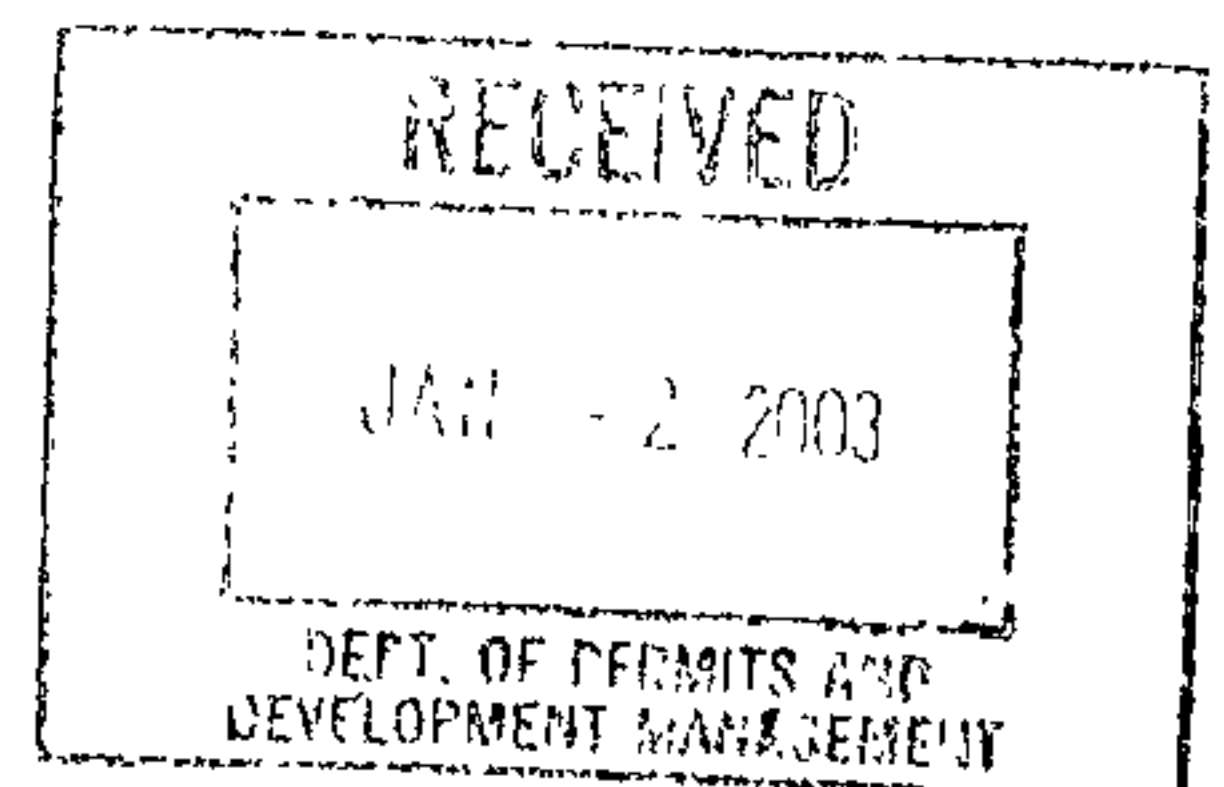
The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this 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

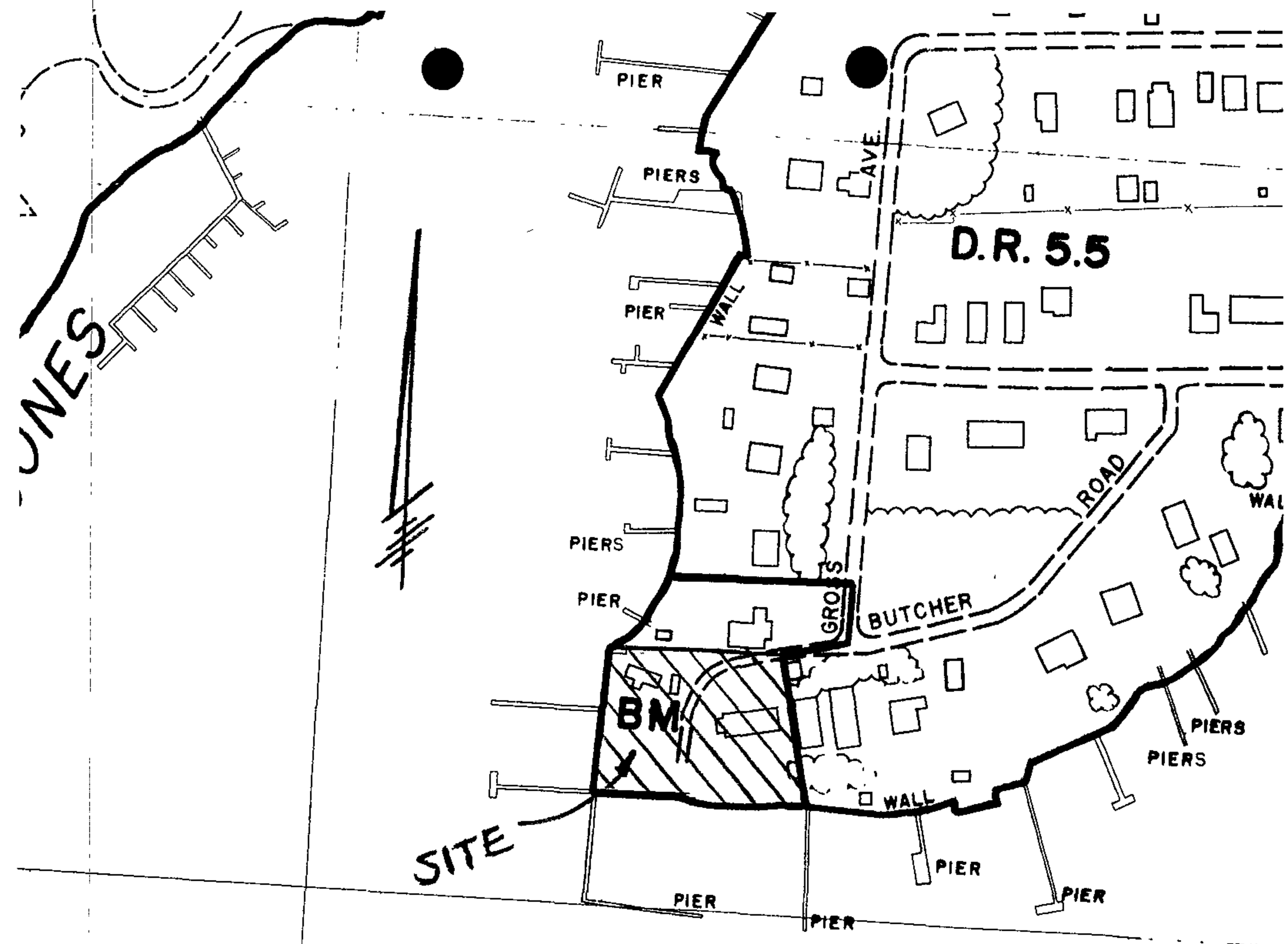
cc: Mike Nortrup



CASE NAME 7201BUCHER RD.
CASE NUMBER 03-276-SPH
DATE 2/5/03

CASE NAME 7201BUCHER RD.
CASE NUMBER 03-276-SPH
DATE 2/5/03

[illegible]

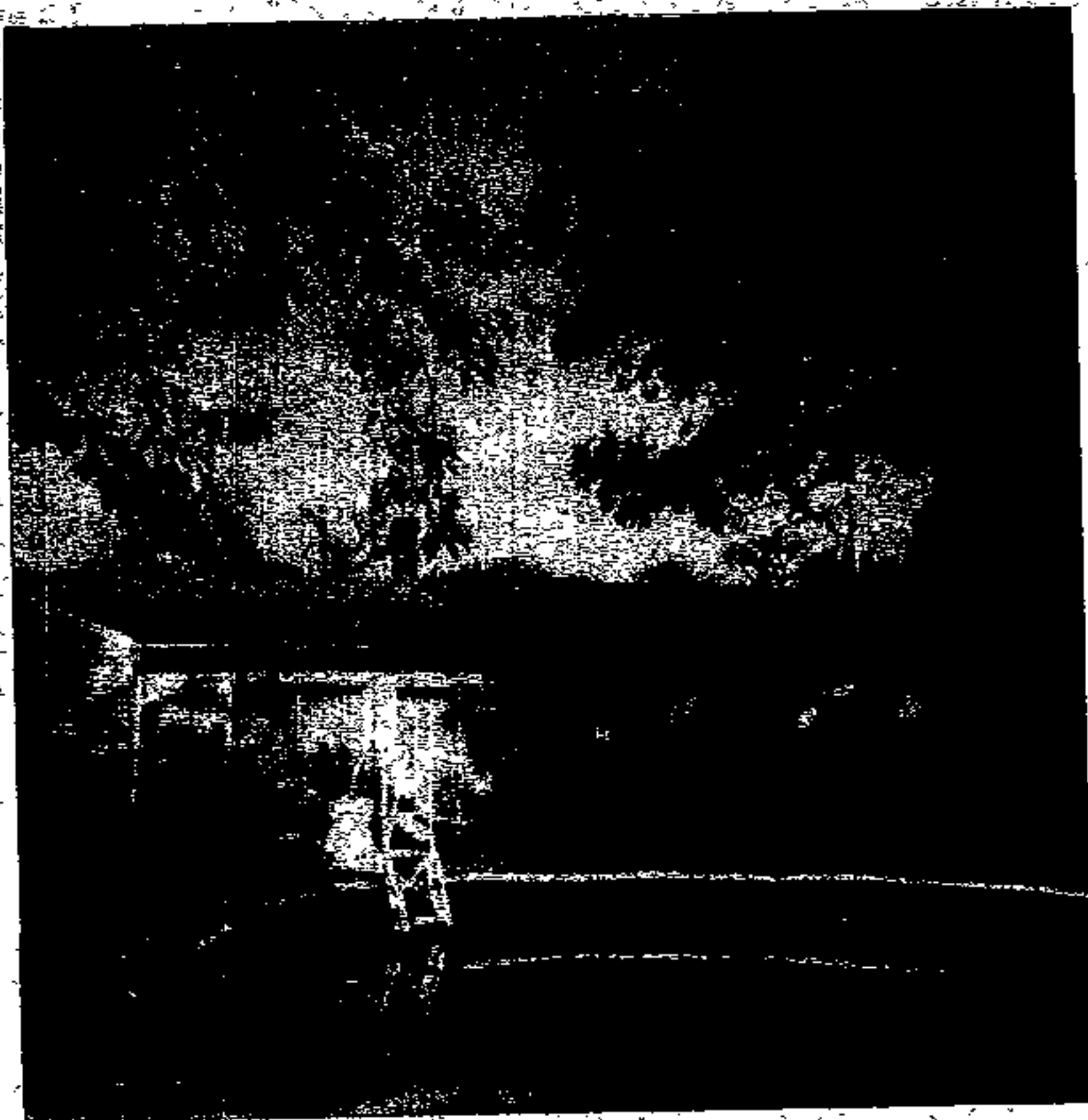


276

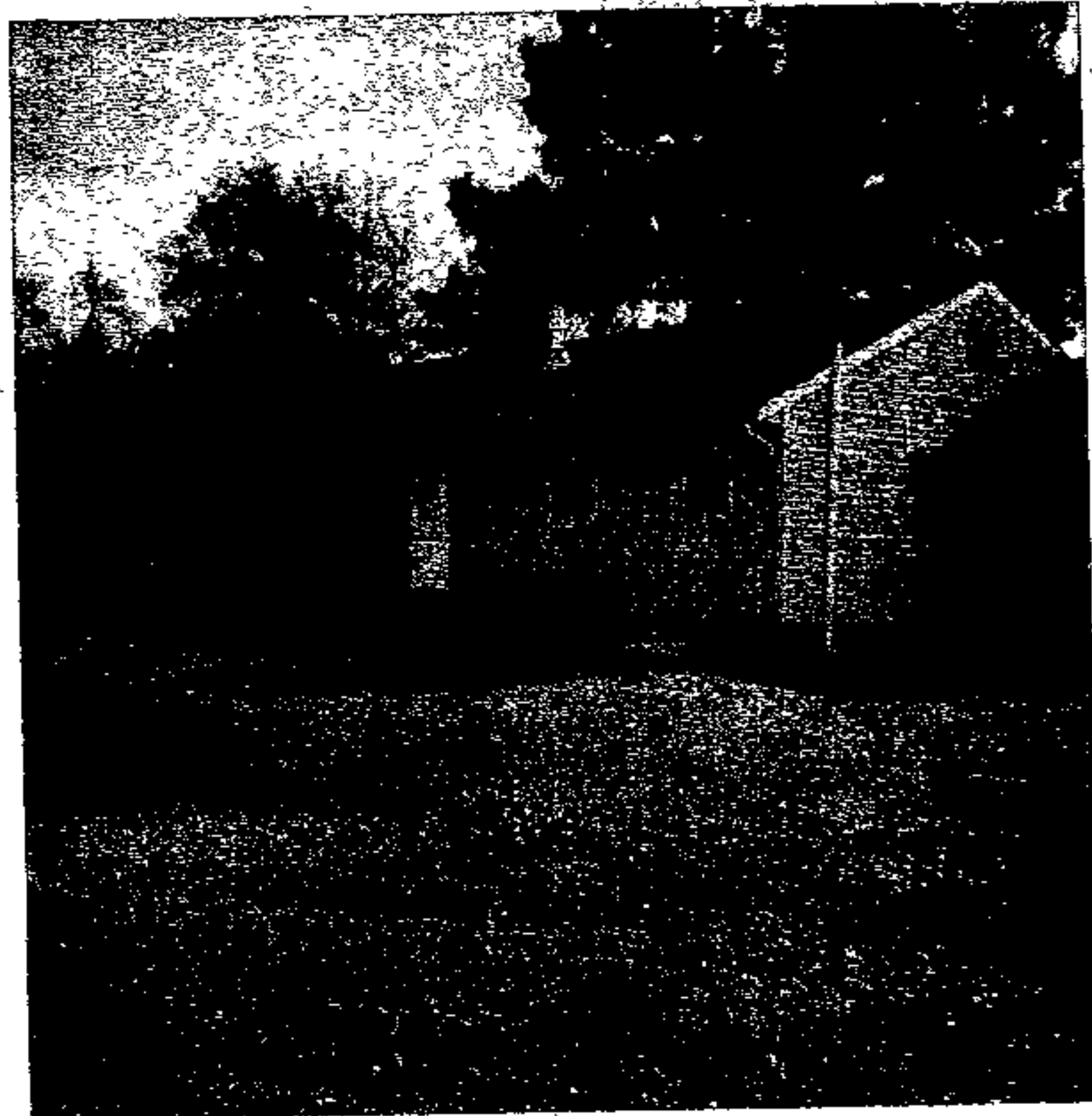
7201 BUCHER ROAD
SCALE: 1" = 200'
MAP S.E. 7-H

E 43,500

Pet E #2



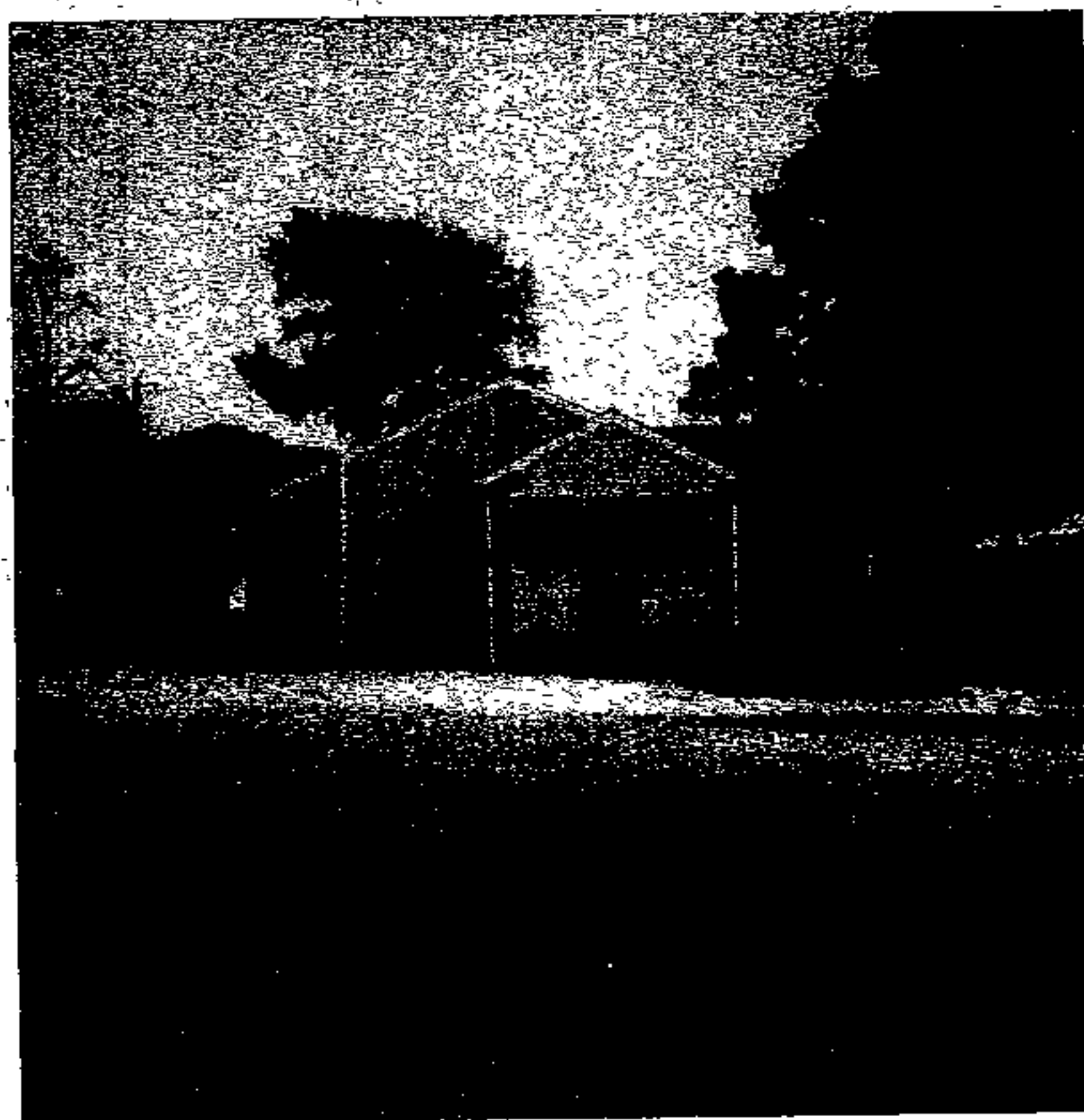
REAR



FRONT



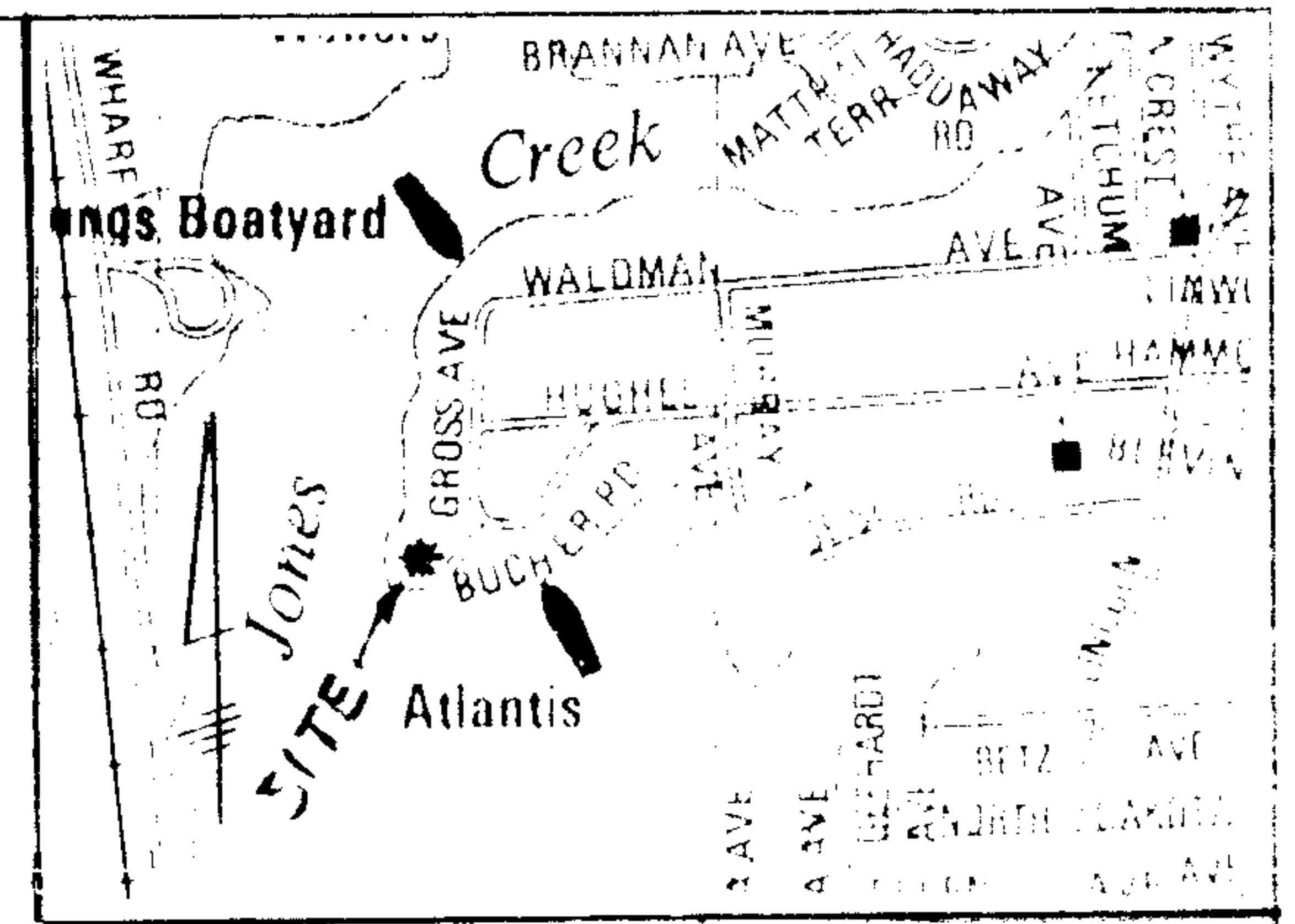
REAR



RIGHT SIDE

NOTE:

FLOOD INSURANCE RATE MAP 24001C PANEL 0057 F
STRUCTURE IS LOCATED IN FLOOD ZONE A9
BASE FLOOD ELEV = 9.4



NOTES

1. ALL EXISTING UTILITIES TO REMAIN.
2. ALL EXISTING UTILITIES TO BE REMOVED.
3. ALL EXISTING UTILITIES TO BE RELOCATED.
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F 3.5 - F 3.6
ELECTRIC LINES, 15, 27
EX-1000000000, ML
COLLIERIES, NOVEMBER 15, 1992

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719