IN RE: PETITION FOR ADMIN. VARIANCE
N/S Manchester Road, 400 ft. W
of Beverly Road
12th Election District

7th Councilmanic District (7322 Manchester Road)

Patricia & Troy Tolley
Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-284-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Patricia and Troy Tolley, the legal owners of the subject property. The variance request is for property located at 7322 Manchester Road in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage replacement) with a height of 25 ft. in lieu of the maximum allowed height of 15 ft. 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 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

115/23 Janusz 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.

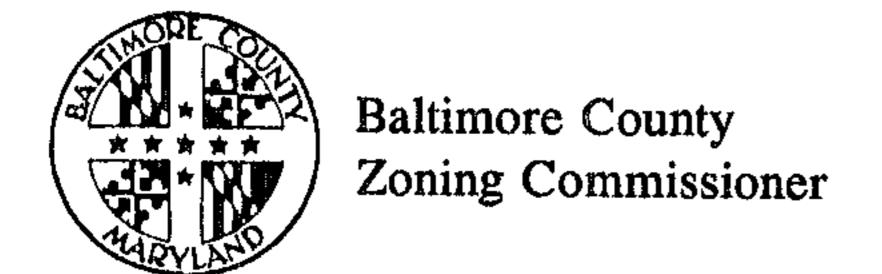
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of January, 2003, that a variance from Section 400.3 of the B.C.Z.R., to permit a proposed accessory building (garage replacement) with a height of 25 ft. in lieu of the maximum allowed height of 15 ft., be 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. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.
- 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.

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

January 15, 2003

Mr. & Mrs. Troy Tolley 7322 Manchester Road Baltimore, Maryland 21222

Re: Petition for Administrative Variance

Case No. 03-284-A

Property: 7322 Manchester Road

Dear Mr. & Mrs. Tolley:

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 Hotroco

TMK:raj Enclosure



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7322 Manchester Road	
which is presently zoned DRS	.,

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) 400.3, BCZR, to permit a proposed accessory building (garage replacement) with a height of 25 feet in lieu of the maximum allowed height of 15 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.

			I/We do solemnly dec perjury, that I/we are is the subject of this I	clare and affirm, under the the legal owner(s) of the Petition.	e penalties of property which
Contract Purc	haser/Lessee:		Legal Owner(s):		
			TROY TO	Lley	
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City Attorney For P	State Petitioner:	Zip Code	Signature 7322	ANCHES VER R	1 100 757
			Address BAL to.	MD	Telephone No.
Name - Type or Print			City	State	Zip Code
Signature 3			<u>Representative t</u>	o be Contacted:	
Company			Name	· · · · · · · · · · · · · · · · · · ·	
Address		Telephone No.	Address	· · · · · · · · · · · · · · · · · · ·	Telephone No
Quy 1	State	Zip Code	City	State	Zip Code
A Public Hearing hathis day of regulations of Baltimo	ving been formally demand that the County and that the proper	ed and/or found to be at the subject matter of t ty be reposted.	required, it is ordered by the his petition be set for a public	ne Zoning Commissioner of hearing, advertised, as requ	Baltimore County, ired by the zoning
' '	6		Zoning Comm	issioner of Baltimore County	,
CASE NO.	03-284-A	Rev	iewed By JNP	Date	1/02

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		Vchester Rd.	
	Address City	MD State	2(2)2 21p Code
That based upon personal knowledge, the followariance at the above address (Indicate hardshop) $\mathcal{L} = \mathcal{L} \cap L$	•		•
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to A storige place.	We WA	nt A 2 stop	24 JAR 190
OR MORR SPACE. The	nk you.	REASON FOR	2 Nd Floor
S FOR CAR STORAGE ON	15+ Floo	or And belon	19ing Stopps
No Line Cook.			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	additional information	٦.	to pay a reposting and
100 Slein	··· ·	atricia Talei	4
Signature Colley		Atrice (a)	ley
Name - Type of Print	1 4 41	me - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	,		
I HEREBY CERTIFY, this 27 day of 0, of Maryland, in and for the County aforesaid, pe	rsonally appeared	, <u>2002</u> , before me, a N	lotary Public of the State
the Afflant(s) herein, personally known or satisfa	actorily identified to m	ne as such Affiant(s).	
	•		
AS WITNESS my hand and Notarial Seal	É	De Lete	,
	Notary Pub	olic -	altimore County, Maryland .
	My Commi	Ssion Expires <u>My Commission</u>	Baltimore County, Maryland . Expires February 21, 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		MANCHESTER	Kd.
	Address ASALto.	MD State	21222
,	•		·
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts hip or practical diffici	upon which I/we base the ulty):	request for an Administrative
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to A storage place.	We WA	nt A 2 stor	y GARAGE
FOR MORE SPACE TO	onk you.	Reason FOB	2 nd Floor
is CAR Storage on on and Floor.	, 154 Floo	ir and belon	ing Lace Socrage
on 2nd Floor.			
C C			
That the Affiant(s) acknowledge(s) that if a f	formal demand is f	iled Affiant/s) will be requ	iìred to nav a renostina and
advertising fee and may be required to provide	additional information	on.	ined to pay a reposting and
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4			
STATE OF MARYLAND, COUNTY OF BALTI	MORE. to wit:		
I HEREBY CERTIFY, this day of day of Maryland, in and for the County aforesaid, pe		. 2047. before me	, a Notary Public of the State
of Maryland, in and for the County aforesaid, po	ersonally appeared		
the Affiant(s) herein, personally known or satisf	factorily identified to	me as such Affiant/s)	
the Amanda) herein, personally known or sausi	iactorily identified to	THE 48 SUCH AMARILA).	
AS WITNESS my hand and Notarial Seal			
	Notary Pi	ublic	
	My Comr	Notary Public nission Expires My Commise	ion Expires February 21, 2004



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property located at 932	2 Manchest	er Road	
	which is pre	sently zoned	DRS,5	
his Petition shall be fil	led with the Department of Permits and Developme	ent Management.	. The undersigned.	lega

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) 400,3, BCZR, to permit a proposed accessory building (garage replacement) with a height of 25 feet in lieu of the maximum allowed height of 15 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.

			I/We do solemnly declar perjury, that I/we are the is the subject of this Pe	are and affirm, under the legal owner(s) of the stition.	e penalties of property which
Contract Purchaser/L	.essee:		Legal Owner(s):		
			TROY TO	olley	
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Address	 	Telephone No	Name - Type or Print	0000	
City	State	Zip Code	Signature		11410
Attorney For Petition	<u>er:</u>		Address Address	nchester,	Rd. 282.257
			BALto.	MO	Telephone No.
Narne - Type or Print	——————————————————————————————————————		City	State	Zip Code
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Company			Name	, , , , , , , , , , , , , , , , , , , 	
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City	State	Zip Code	City	State	Zip Code
Public Hearing having beens day of egulations of Baltimore County	n formally demands the and that the prope	ded and/or found to be not the subject matter of the orthographic reposted.	required, it is ordered by the his petition be set for a public h	Zoning Commissioner of earing, advertised, as requ	Baltimore County, uired by the zoning
			Zonina Commis	sioner of Baltimore County	
CASE NO	3-284-A	Rev	iewed By	, ,	

Estimated Posting Date

Zoning description for 7322 manchester road.

Beginning at a point on the north side of manchester road, which is wide, At a distance of the centerline of Beverly road which is 16 feet wide. Being lot # 11 the subdivision of Beverly Farms as recorded in the Baltimore County plat book w.p.c. #4 folio # 106. Containing 2.63 acres also know as 7322 manchester road. Located in the / 2 Election District Councilmanic District.

03-284-A

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CASHIER'S VALIDATION

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATO OF POSTING

	RE: Case No.: 03-284-A
•	Petitioner/Developer: 7120/
	PATRICIA TOLLEY
	Date of Hearing/Closing: 1/14/03
altimore County Department of ermits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	4
ttention: Ms. Gwendolyn Stephens	
adies and Gentlemen:	
4. *	
	of perjury that the necessary sign(s) required by law
	and the first terms of the contract of the con
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vere posted conspicuously on the propert	y located at 7322 MANCHESTER. Rd
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	y located at 7322 MANCHESTER. Rd 12/29/02 (Month, Day, Year)
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ne sign(s) were posted on	/2/29/02 (Month, Day, Year) Sincerely,
ie sign(s) were posted on	72/29/0-2 (Month, Day, Year) Sincerely, 12/29/0
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e sign(s) were posted on	/2/29/02 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) SSG ROBERT BLACK (Printed Name) 1508 Leslie Rd
e sign(s) were posted on	/2/29/02 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) SSG ROBERT BLACK (Printed Name) 1508 Leslie Rd (Address)
ne sign(s) were posted on	/2/29/02 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) SSG ROBERT BLACK (Printed Name) 1508 Leslie Rd (Address) Dumdalk, Maryland 21222
he sign(s) were posted on	/2/29/02 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) SSG ROBERT BLACK (Printed Name) 1508 Leslie Rd (Address) Dumdalk, Maryland 21222 (City, State, Zip Code)
he sign(s) were posted on	/2/29/0-2 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) SSG ROBERT BLACK (Printed Name) 1508 Leslie Rd (Address) Dundalk, Maryland 21222

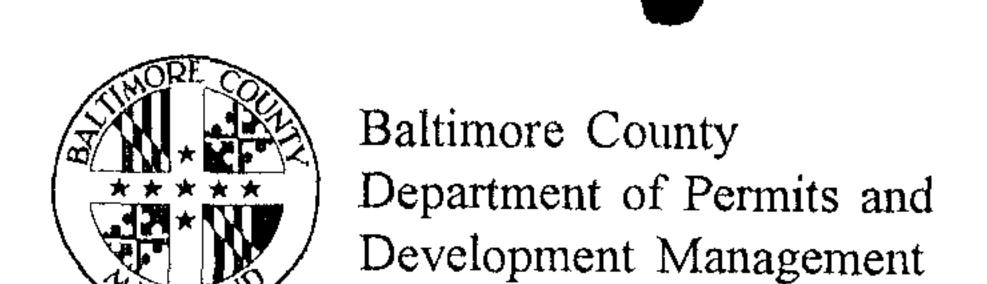
RECEIVED

JAN - 2 2003

DEVELOPMENT MARIENT

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03. 284 -A Address 7322 Manchester Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Filing Date: $\frac{12\sqrt{17/02}}{12\sqrt{12/02}}$ Posting Date: $\frac{12\sqrt{30/02}}{12\sqrt{30/02}}$ Closing Date: $\frac{1/14/02}{12\sqrt{12/02}}$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number
POSTING/COST: 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.
DEADLINE: 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.
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.
to an Albay Domostalla
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 284 -A Address 7322 MANCHESTER ROAP
Petitioner's Name TROY & PATRICIA TOLLEY Telephone 4/0-282-2577
Posting Date: $\frac{1\lambda/30/02}{}$ Closing Date: $\frac{1/14/02}{}$
Posting Date: 12/30/02 Closing Date: 1/14/02 Wording for Sign To Permit a proposed accessory building (garage replacement) With a height of 25 feet in lieu of the maximum allowableight of 15 feet.



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

January 13, 2003

Mr. and Mrs. Troy Tolley 7322 Manchester Road Baltimore, MD 21222

Dear Mr. and Mrs. Tolley:

RE: Case Number: 03-284-A, 7322 Manchester Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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,

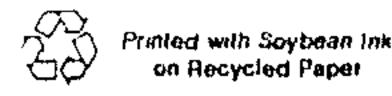
W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callibal D

WCR:rlh

Enclosures

c: People's Counsel







700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

December 31, 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

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

284

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 27, 2003

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 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 30, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

301

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-284 & 03-288

ADMINISTRATIVE VARIANCE

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: 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. 284 JAP

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,

14

L. L. McDonald Jr., Chief Engineering Access Permits Division



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W., Kiemtz, 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,

13alle-2-An Jin Rith.

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 1, 2004

Mr. & Mrs. Troy Tolley 7322 Manchester Road Baltimore, Maryland 21222-1321

RE; Spirit and Intent of Zoning Variance 03-284-A

7322 Manchester Road 12th Election District

Dear Mr. & Mrs. Tolley:

After conferring with Timothy Kotroco, Director of Permits and Development Management, your request for plumbing within the accessory structure that is the subject of the above referenced zoning case has been given to me for reply.

Provided that building permit No. B545323 is revised to include a note stating that this structure will not be converted or ever used for living quarters, this office will approve the installation of plumbing extended from the principal structure. Your requested is considered to be within the spirit and intent of 03-284-A

If you have any questions I can be reached at 410-887-3391. A copy of this letter will be included in the file for 03-284-A.

Sincerely,

Donna Thompson

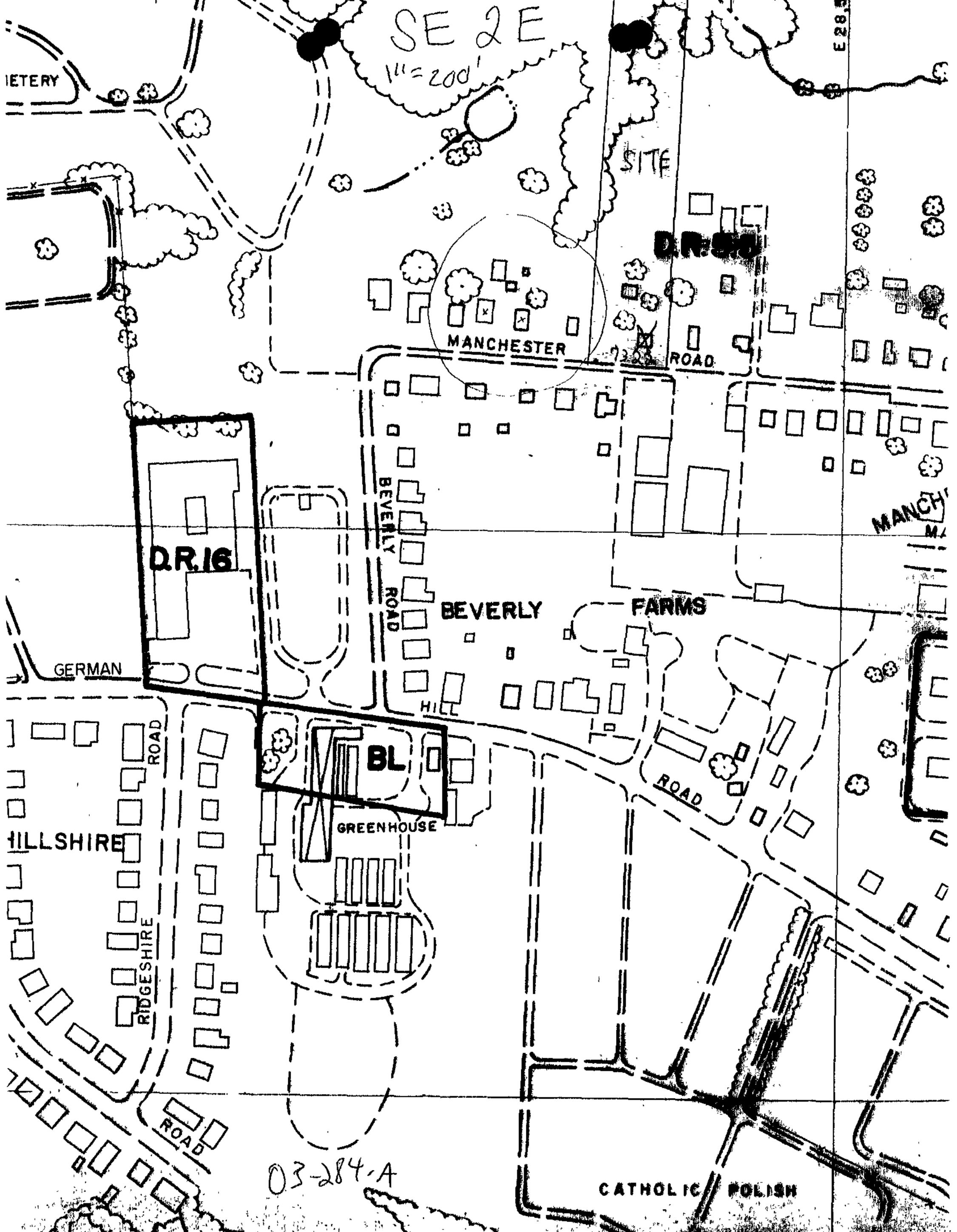
Planner II

Zoning Review

DT

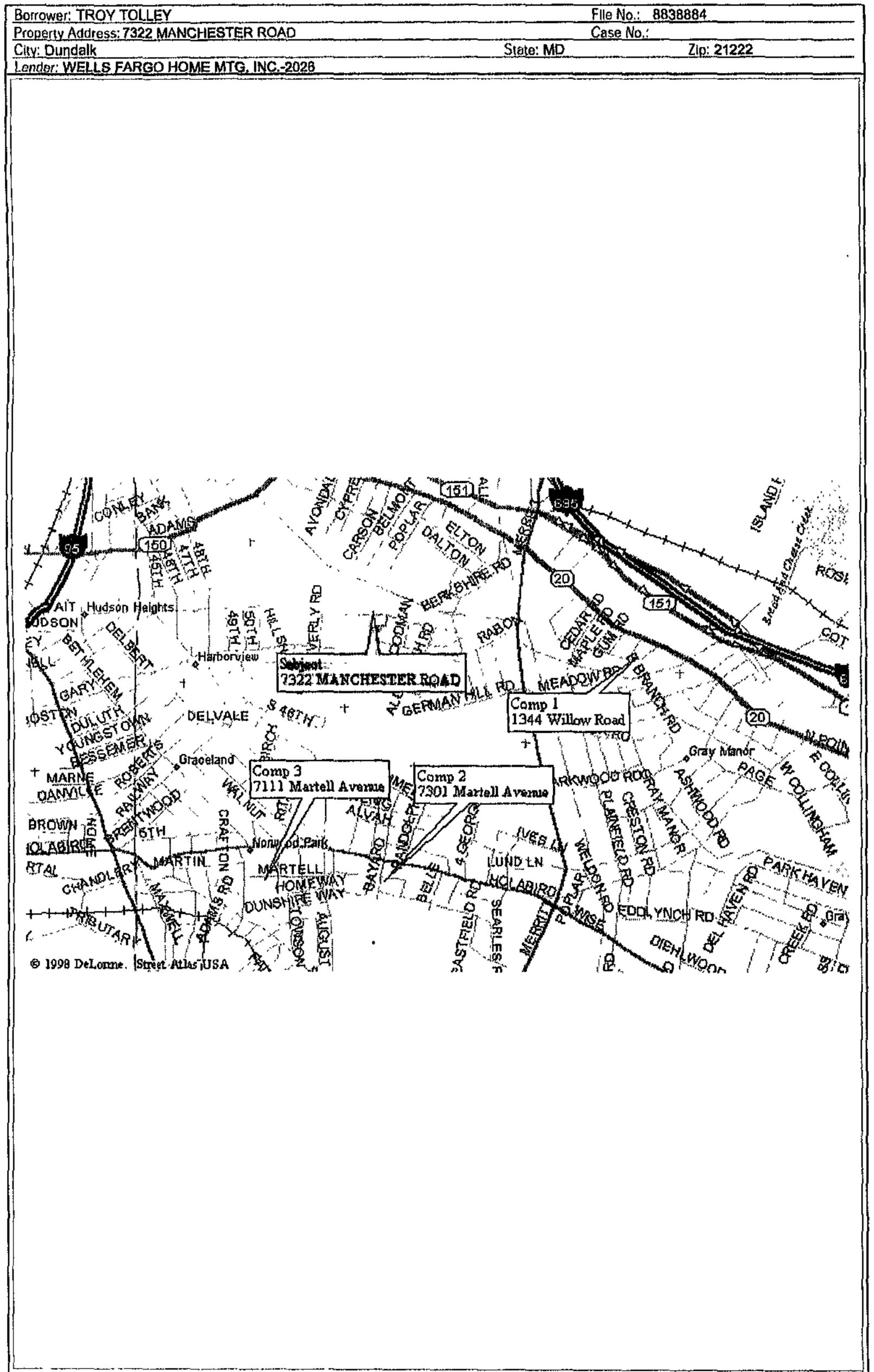


PLAT TO ACCOMPANY P PROPERTY ADDRESS 7322 Manch	ETITION FOR ZONING VARIANTESTER Road SEE PAGES 5 & 6 OF THE CHECKLIS	NCE SPECIAL HEARING ST FOR ADDITIONAL REQUIRED INFORMATION	
SUBDIVISION NAME Beverly Farms, F	1/a + 2		<u>ب</u> بن
PLAT BOOK # 4 FOLIO # 106 LOT # OWNER Troy and Patricia Tolley	II SECTION #	OBJUSTICATION VERW PERAVE PE	
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		SCALE: 1" = 2000'	
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	28' FIZAME REFLACEMENT N	COUNCILMANIC DISTRICT 7	
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	1 477, FR. 41 10017 1001	100 YEAR FLOOD PLAIN	₩ Ì
	PE.E. MACADAM PAVING	HISTORIC PROPERTY/ BUILDING	
400 FEET TO C	150'	PRIOR ZONING HEARING NONE	\cdot N
NORTH	ANCHESTER ROSD (20'R/W, 20'PAVING)	ZONING OFFICE USE ONLY REVIEWED BY ITEM# CASE #	
PREPARED BY Tolley	SCALE OF DRAWING: 1" = 50'	JNP 284 03-284-A	V

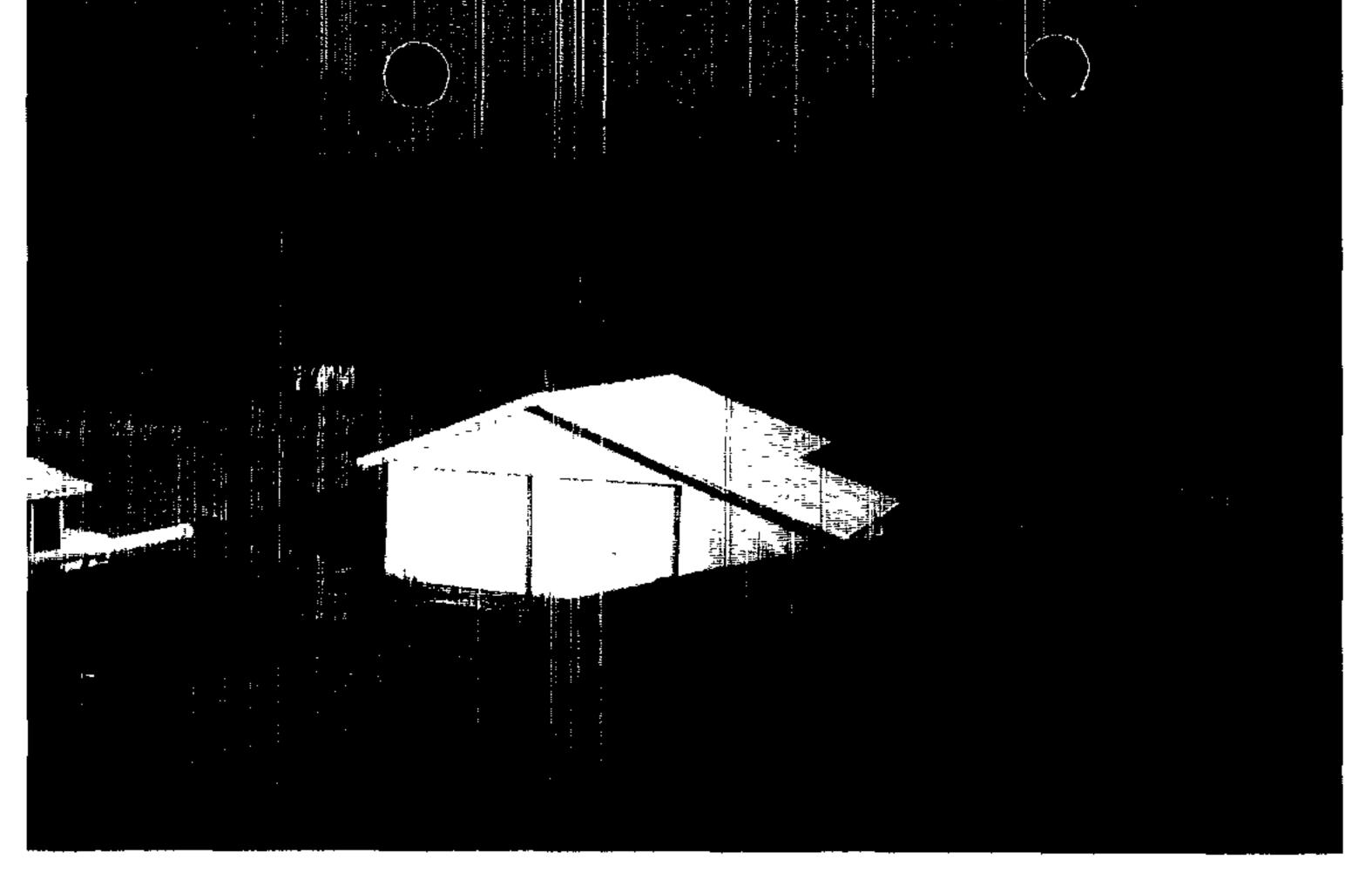




LOCATION MAP



03-284-A





Side View

()3-284-A

