

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Smithwood Avenue, 91'6" S
centerline of Edmondson Avenue
1st Election District
1st Councilmanic District
(123 Smithwood Avenue)

Angelika & Gregory Jahnigen
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-178-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, Angelika and Gregory Jahnigen. The variance request is for property located at 123 Smithwood Avenue in the Catonsville area of Baltimore County. The variance request is from Sections 1B02.3.C.1 (Chart) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 9.5 ft. and a sum of 24.5 ft. in lieu of 15 ft. and sum of 40 ft. for an enclosed structure, and 9.5 ft. and 24.5 ft. in lieu of 11.75 ft. and 30 ft. for an open structure. 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

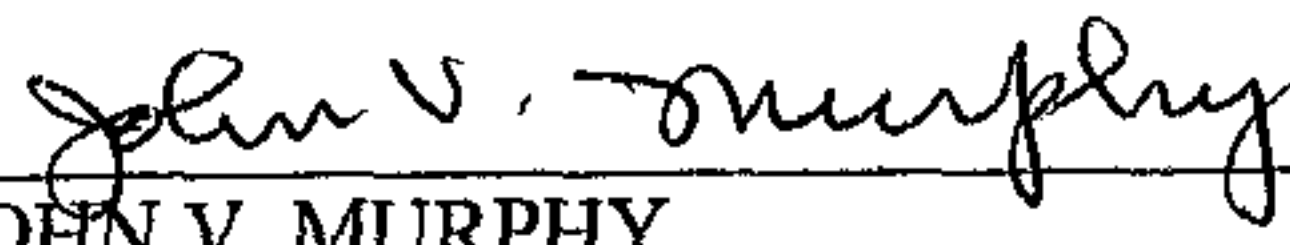
ORDER RECORDED
Date 11/5/03
By R. Jahnigen

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 5 day of November, 2003, that a variance from Sections 1B02.3.C.1 (Chart) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 9.5 ft. and a sum of 24.5 ft. in lieu of 15 ft. and sum of 40 ft. for an enclosed structure, and 9.5 ft. and 24.5 ft. in lieu of 11.75 ft. and 30 ft. for an open structure, 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER

Date 11/5/03

By R. J. Jester

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 5, 2003

Mr. & Mrs. Gregory Jahnigen
123 Smithwood Avenue
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 04-178-A
Property: 123 Smithwood Avenue

Dear Mr. & Mrs. Jahnigen:

Enclosed please find the decision rendered in the above-captioned case. The 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 & 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 "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 123 Smithwood Ave
which is presently zoned DR 2

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) 1 B02.3c1 (CHART) § 501.1 A.

To PERMIT SIDE YARD SETBACKS OF 9.5 FT AND A SUM OF 24.5 FT. IN LIEU OF 15 FT. & SUM OF 40 FT. FOR AN ENCLOSED STRUCTURE, AND 9.5 FT. & 24.5 FT. IN LIEU OF 11.75 FT. & 30 FT. FOR AN OPEN STRUCTURE.

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 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

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/13/03 day of November, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

04-178-A

Reviewed By 807

Date

10-08-03

Estimated Posting Date

10-19-03

REV 10/25/01



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 123 Smithwood Ave
which is presently zoned _____

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) 1 BOZ.3C.1 (CAPUT.) & BO1.1A.2.1.1
TO PERMIT SIDE YARD SETBACKS OF 9.5 FT. AND A SUM OF 24.5 FT. IN LIEU OF 15 FT. & SUM OF 40 FT. FOR AN ENCLOSED STRUCTURE AND 11.5 FT. & SUM OF 26.5 FT. IN LIEU OF 11.5 FT. & 30 FT. FOR AN OPEN STRUCTURE

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 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 _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Gregory Jahnigen
Name - Type or Print _____

Angelika Jahnigen
Signature _____

Angelika Jahnigen
Name - Type or Print _____

123 Smithwood Ave
Signature _____

Catonsville MD 21228
Address _____ Telephone No. _____

Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 04-178-A

Reviewed By [Signature] Date 10-08-03

REV 10/25/01

Estimated Posting Date 10-19-03

ZONING DESCRIPTION FOR 123 SMITHWOOD AVE, CATONSVILLE MD. 21228

Beginning at a point on the east side of Smithwood Ave which is 50 feet at the distance of 91 feet 6 inches ^{30.5 ft} of the centerline of the nearest improved intersecting street Edmonson Ave. As recorded in Deed Liber 7847 folio 123. From the center line of Smithwood Ave S. 26.45 50 feet North 63.35 147 feet 1 inch thence north 29 degrees 1 minute West 50 feet 4 inches S 63.35 145 feet to the place of beginning.

24-178-A

NO.

07-1780

ACCOUNT 2001-006-6150

ACCOUNT

AMOUNT \$ 50

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DISTRIBUTION

WALTER CASHIER

PINK AGENCY

YELLOW - CUSTOMER

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100

THE UNIVERSITY OF CHICAGO

THE NEW YORK PUBLIC LIBRARY
ASTEN LENOX TILDEN FOUNDATIONS
455 FIFTH AVENUE NEW YORK 17, N.Y.

THE UNIVERSITY OF CHICAGO PRESS

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

CASHER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 04-178-A

TO PERMIT A TWO-STORY RESIDENTIAL STRUCTURE TO
EXISTING CONDITIONS 44% AND SIDE YARDS OF
5.6 FT AND SUM OF 24.5 FT FOR ENCLOSED
STRUCTURE AND 9.5 FT AND 24.5 FT FOR
REAR DECK.

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:00 P.M. ON NOVEMBER 3, 2003.
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TEL: 410-386-3801

CERTIFICATE OF POSTING

RE: Case No.: 04-178-A

Petitioner/Developer: GREGORY & ANGELIKA
JAHNIGEN

Date of Hearing/ Closing: Nov. 3, 2003

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

Attention: BECKY HART

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 #123 SMITH WOOD AVE.

The sign(s) were posted on OCT. 17, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BAUTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



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 04-178-A.
Petitioner Gregory Tahnigen
Address or Location 123 Smithwood Ave, Catonsville, MD 21228

PLEASE FORWARD ADVERTISING BILL TO

Name Gregory Tahnigen
Address 123 Smithwood Ave
Catonsville, MD 21228

Telephone Number: 410-744-3186

04-178-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 178 -A Address 123 Smitewood Ave
Contact Person: Southern Alexander Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 10-08-03 Posting Date: 10-19-03 Closing Date: 11-03-03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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.
2. **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.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Detach Along Dotted Line

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04- 178 -A Address 123 Smitewood Ave
Petitioner's Name GREGORY & ANGELIKA JANWIGER Telephone 410-744-3186
Posting Date: 10-19-03 Closing Date: 11-03-03
Wording for Sign: To Permit A NOW CONFORMING STRUCTURE TO EXCEED 44' AND
SIDE YARDS OF 9.5 FT & SUR OF 24.5 FT FOR ENCLOSED STRUCTURE
8'1.5 FT & 24.5 FT FOR REAR DECK.

104.2 To permit an ^{existing} necessary structure (detached garage)
WITH A HT OF 11 FT IN LIEU OF 15 FT.

DECK:
 $9\frac{1}{2}$ FT. ^{in lieu of} $11\frac{3}{4}$ & SUM OF $24\frac{1}{2}$ IN LIEU OF 30 FT.

6' PERMIT SIDE YD. SETBACKS OF 11.5 FT. & A SUM
OF $24\frac{1}{2}$ FT. IN LIEU OF 15 FT & 40 FT SUM.

104.3 TO PERMIT. A NONCONFORMING STRUCTURE TO
BE EXTENDED 44% IN LIEU OF THE REQUIRED 75%
OF GROUND FLOOR AREA

$$\begin{array}{r} 621 \\ 65 \\ \hline 30 \end{array}$$

716.

315

**Department of Permits and
Development Management**

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



Baltimore County

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

November 3, 2003

Gregory Jahnigen
Angelika Jahnigen
123 Smithwood Avenue
Catonsville, MD 21228

Dear Mr. and Mrs. Jahnigen:

RE: Case Number: 04-178-A, 123 Smithwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 8, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.: 170-175, ¹⁷⁸177-181

Dear Ms. Hart:

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.

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

cc: File





Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.21.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 178 JRA

Dear Ms. Hart:

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/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, *Director*
Department of Permits and
Development Management

DATE: October 28, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-171 and 04-178**
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

RECEIVED

OCT 28 2003

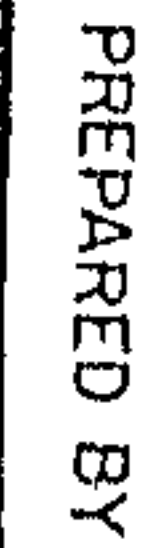
ZONING COMMISSIONER

PROPERTY ADDRESS 123 S MITHWOLD AVENUE

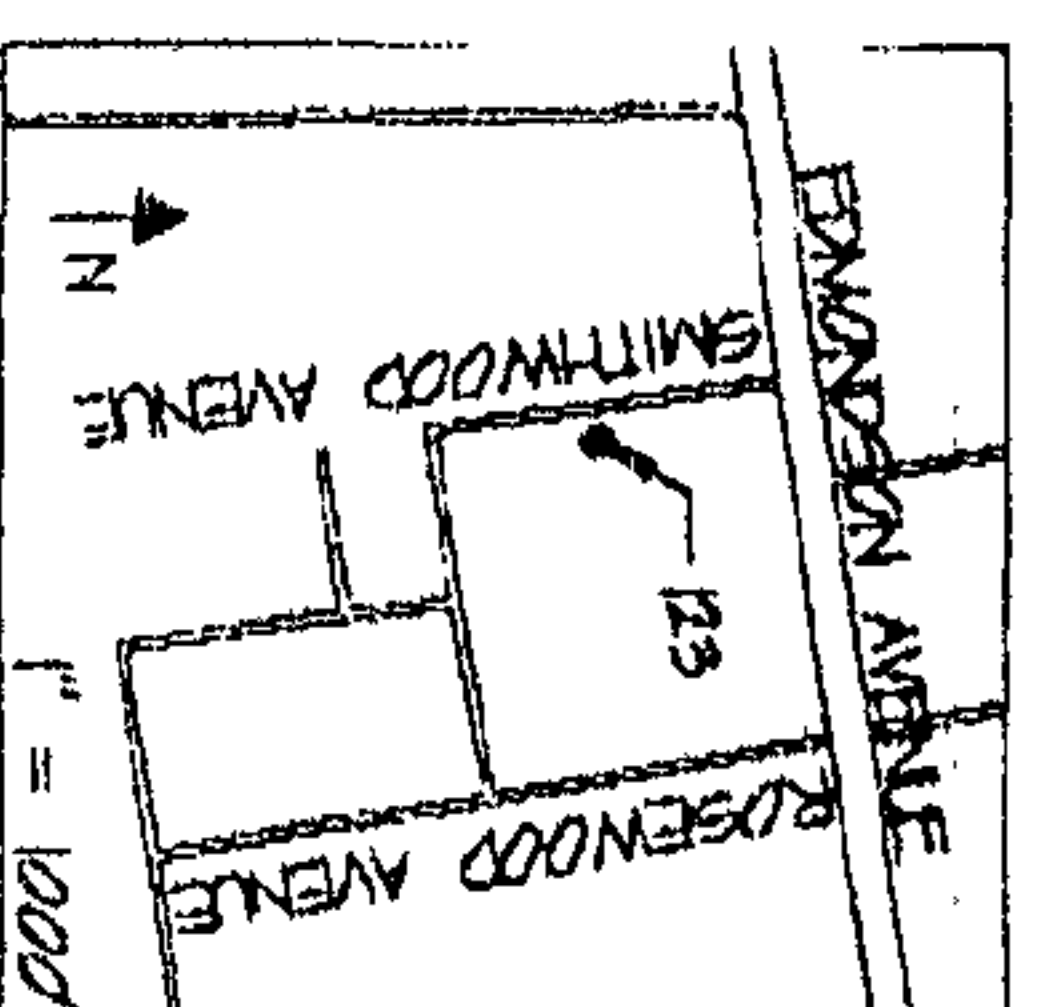
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

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OWNER GREG + ANGELIKA JAHNIGEN



SCALE OF DRAWING: 1" = 7'-0"



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 1

1"=200' SCALE MAP # SW 36

ZONING D122

LOT SIZE 0.17

	<u>ACREAGE</u>	<u>SQUARE FEET</u>
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100	1.00	10890

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

☐ YES

☒ NO

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/ ☐ ☐

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY ITEM #

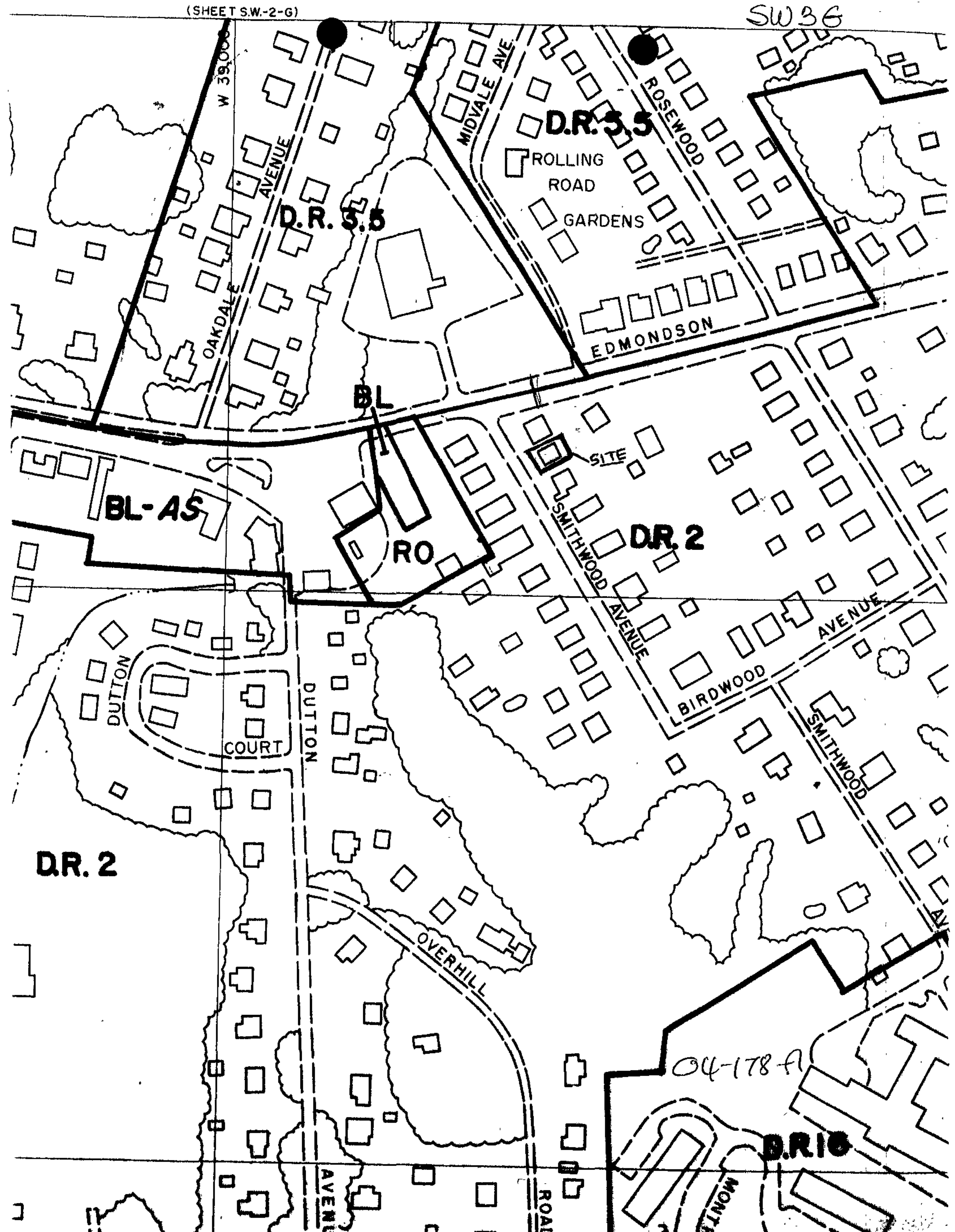
CASE #

100

U-827701

Q4. #1

SW 36



W 39,000

D.R. 3.5

D.R. 3.5

ROLLING ROAD

GARDENS

EDMONDSON

BL

BL-AS

RO

DR. 2

SITE

SMITHWOOD AVENUE

BIRDWOOD AVENUE

SMITHWOOD AVENUE

DR. 2

DUTTON COURT

DUTTON COURT

DUTTON AVENUE

OVERHILL

04-178-A

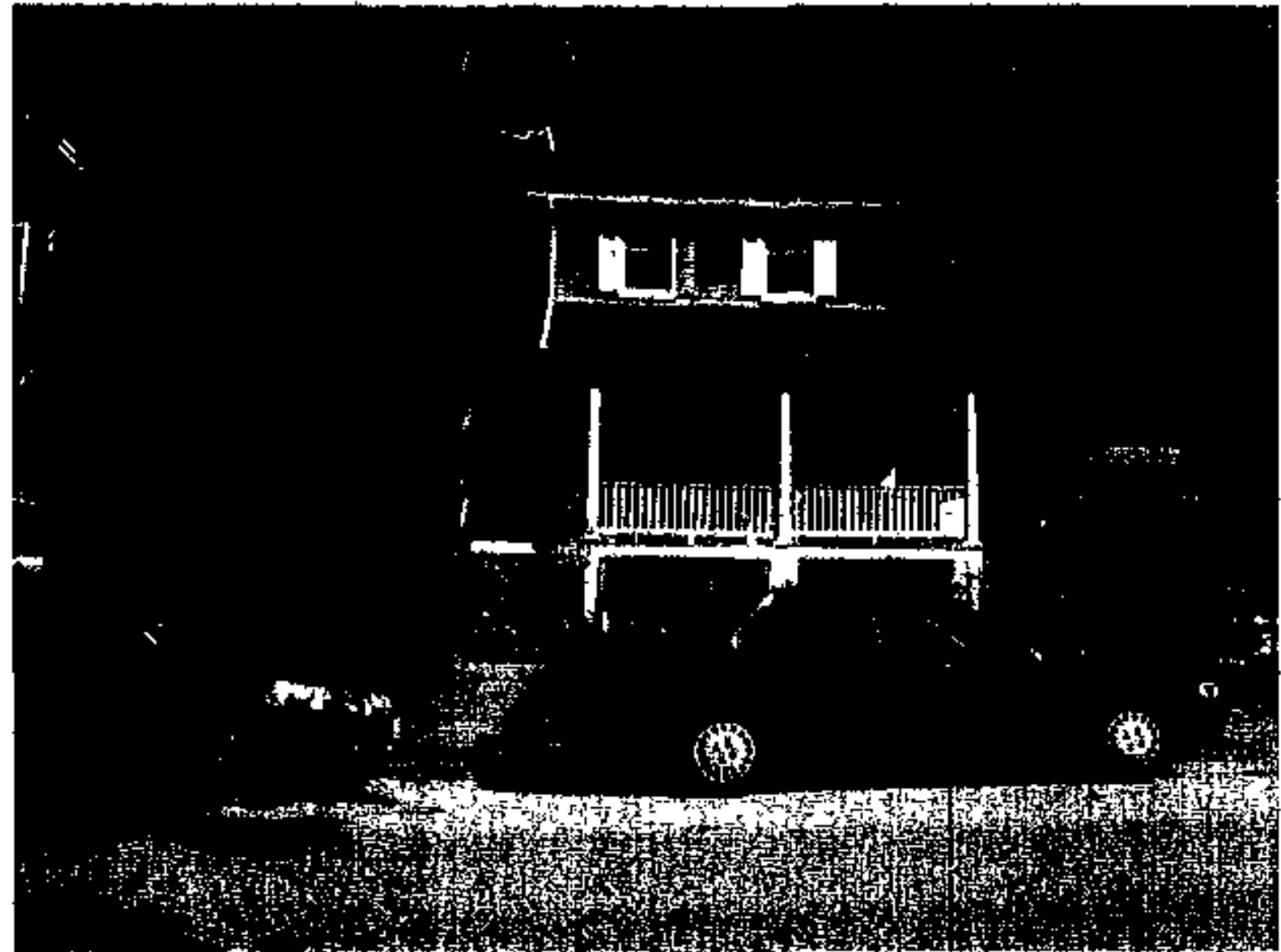
B.R. 10

ROAL

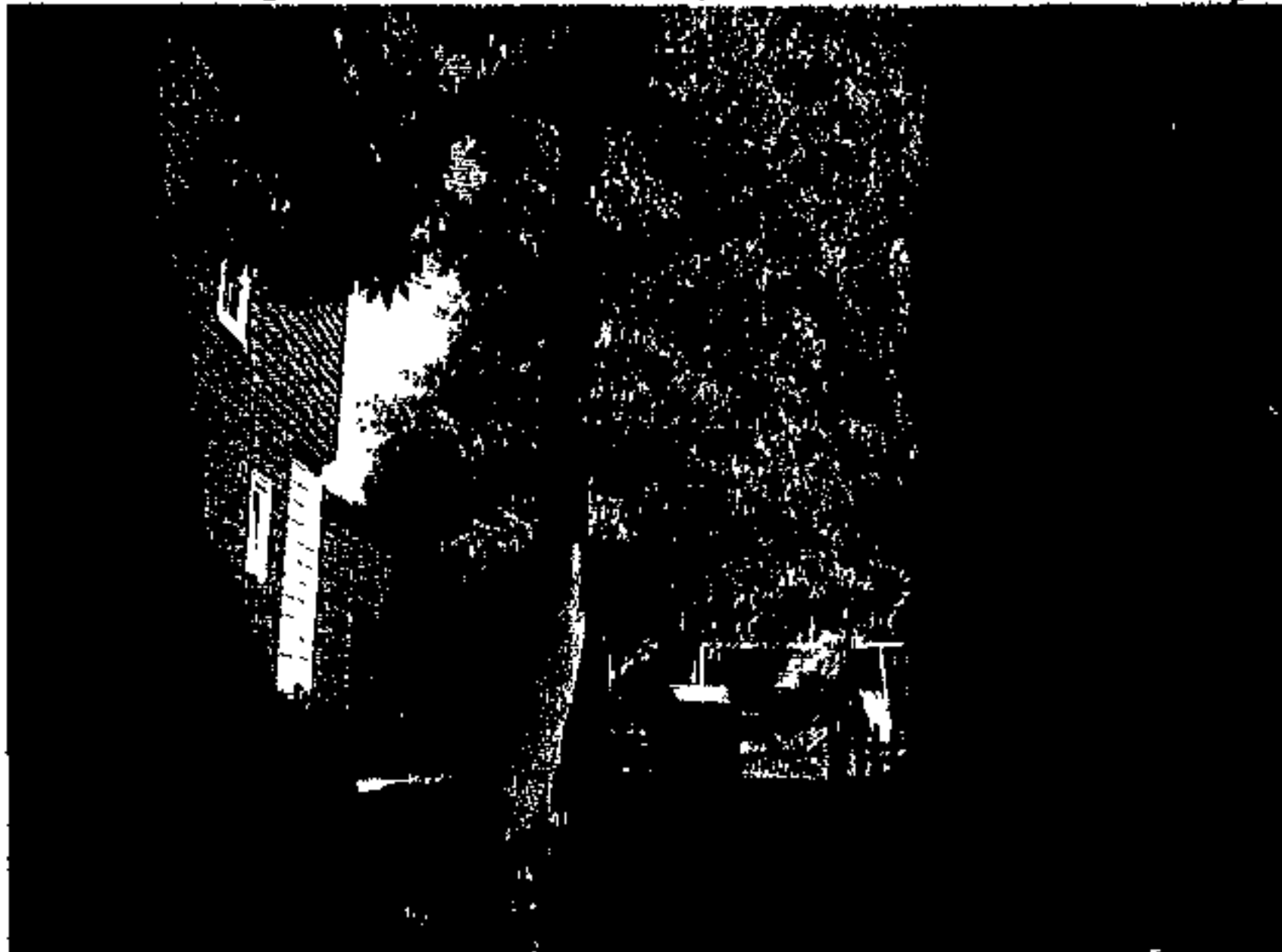
MONTICELLO AVENUE



REAR VIEW OF HOUSE
#123 SMITHWOOD
(SITE OF PROPOSED ADDITION)



FRONT VIEW OF HOUSE
#123 SMITHWOOD



LEFT SIDE



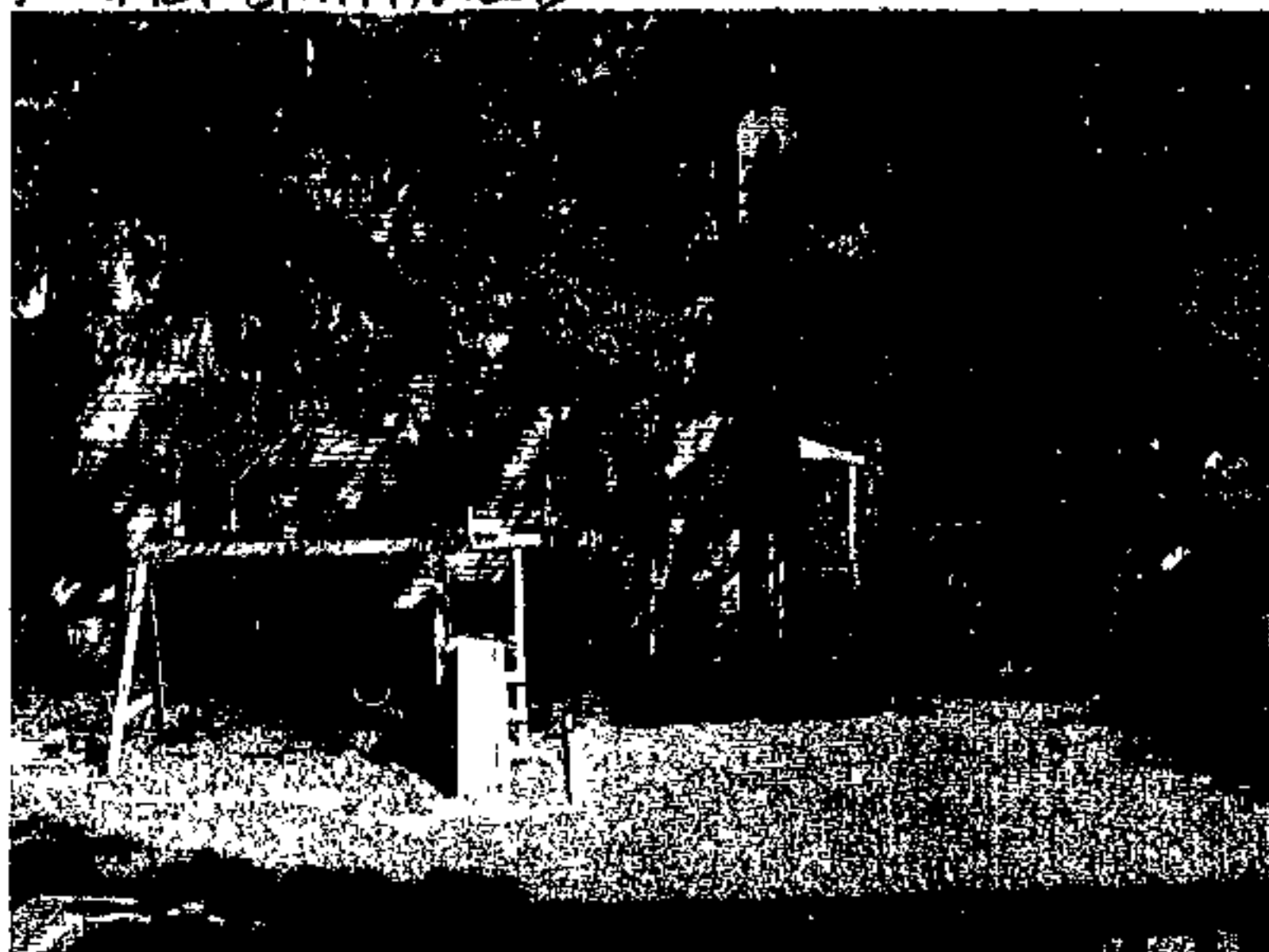
DWELLING TO LEFT #125 SMITHWOOD



DWELLING TO RIGHT #121 SMITHWOOD



RIGHT SIDE



VIEW FROM BACK OF HOUSE

04-178-A