IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Boyce Avenue,
250 ft. E of Overbrook Road
9th Election District
2nd Councilmanic District

(1211 Boyce Avenue)

Lyndall & Robert Hauver - Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-208-A

=

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lyndall and Robert Hauver. The variance request is for property located at 1211 Boyce Avenue in the Towson area of Baltimore County. The variance request is from Section 1B02.3.B (1B01.2.C.4, Bill No. 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 37 ft. for a proposed addition and a rear yard setback of 22 ft. for an existing deck in lieu of the minimum require 40 ft. and 30 ft. respectively and to amend the latest approved final development plan to allow projection of same outside of the building envelope. 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of December, 2003, that a variance from Section 1B02.3.B (1B01.2.C.4, Bill No. 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 37 ft. for a proposed addition and a rear yard setback of 22 ft. for an existing deck in lieu of the minimum require 40 ft. and 30 ft. respectively and to amend the latest approved final development plan to allow projection of same outside of the building envelope, 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:rai

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

December 1, 2003

Mr. & Mrs. Robert Hauver 1211 Boyce Avenue Towson, Maryland 21204

Re: Petition for Administrative Variance Case No. 04-208-A

Property: 1211 Boyce Avenue

Dear Mr. & Mrs. Hauver:

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,

Lawrence E. Schmidt

Zoning Commissioner

LES: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 la	cated at 1211 Bo	yce Aveu	<u>-</u>
	which is present)R 2
This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and whice made a part hereof, hereby petition for a Variance from Section	th is described in the	cription and plat atta	ched hereto and
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of the zoning regulations of Baltimore County, to the zoning la of this petition form.		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	i
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Property is to be posted and advertised as prescribed by the z i, or we, agree to pay expenses of above Variance, advertising, pos regulations and restrictions of Baltimore County adopted pursuant to	ting etc and further agree	to and are to be bounded	ded by the zoning
	↔ Na I/We do solemnly decla	are and affirm, under th	ne penalties of
	perjury, that I/we are the is the subject of this Pe	e legal owner(s) of the tition.	property which
Contract Purchaser/Lessee:	Legal Owner(s):	!	;
	UNDAIL H.	AUVER	
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City State Zip Code	Kohent H	Heur	,
Attorney For Petitioner:	Signature 1211 Boyce	2 Ave 41	10 583-1843
	Address 1000500		Telephone No.
Name - Type or Print	City	State	Zip Code
Signature	Representative to	be Contacted:	i ,
Olg: rature	Dan Bursi	,	-
Company	Name 10404 Stevenso	- Dd (//	10) 484-7010
Address Telephone No.	Address	11 1/4	Telephone No
City State Zip Code	Stevenson City	MD State	21153 Zip Code
A Public Hearing having been formally demanded and/or found to be r	equired, it is ordered by the	Zoning Commissioner of	f Baltimore County
this day of that the subject matter of the regulations of Baltimore County and that the property be reposted.	is petition be set for a public he	earing, advertised, as req	uired by the zoning
	I		-
	Zoning Commiss	sioner of Baltimore Count	y
CASE NO. 04-208-A Review	ewed By	Date <u> </u>	7-03
REV 10/25/01 Estin	nated Posting Date	11-09-03	

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 resid	e at 1211 Boyce A	ve.	
	Towson	MD State	21204 Zip Code
That based upon personal knowledge, the Variance at the above address (indicate he	e following are the facts upo	on which I/we base the reques	•
There is a practical difficulty in presecond floor addition being added the family room necessitates that All other configurations examine burdensome and would not result for. We are also requesting that been found to be in non-conform created by the existing nature of area which use has become important the deck would therefore be unnrequested is in the spirit of the or safety, or general welfare.	the stairway extend rearged would unreasonably really in relief by a lesser relax a variance be approved for ance to the zoning regular the deck and it's continuity or tant to the family. Removed to the samily of the deck and it's continuity or tant to the family.	ing study and the existing egrand into the required rear sender conformance unnecessar ation than that which is being the prior existing deck, what ions. A practical difficulty large use by the owners as an or owing the non-conforming potthe family. We believe that	ress from et back. rily g applied nich has has been utdoor rtion of the relief
That the Affiant(s) acknowledge(s) that advertising fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the following fee and may be required to produce the fee and ma	if a formal demand is filed ovide additional information.	Affiant(s) will be required to	pay a reposting and
Signature Light HAUVER Name - Type or Print	Signa	e - Type or Print	er
STATE OF MARYLAND, COUNTY OF BALL HEREBY CERTIFY, this and day of of Maryland, in and for the County aforesa Marylanel Lynd	id, personally appeared	2003, before me, a No	tary Public of the State
the Affiant(s) herein, personally known or			**************************************
AS WITNESS my hand and Notarial Seal		here alla	u
	Notary Publi	sion Expires 8/1/0	
	, <u></u>		

REV 10/25/01

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

REV 10/25/01

City	State	Zlp Code
Address Towson	MD	21204
1211 Boyce Ave	•	<u> </u>

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):

There is a practical difficulty in providing a stairway for additional egress desired from the second floor addition being added. The need for the existing study and the existing egress from the family room necessitates that the stairway extend rearward into the required rear set back. All other configurations examined would unreasonably render conformance unnecessarily burdensome and would not result in relief by a lesser relaxation than that which is being applied for. We are also requesting that a variance be approved for the prior existing deck, which has been found to be in non-conformance to the zoning regulations. A practical difficulty has been created by the existing nature of the deck and it's continuing use by the owners as an outdoor area which use has become important to the family. Removing the non-conforming portion of the deck would therefore be unnecessarily burdensome to the family. We believe that the relief requested is in the spirit of the ordinance and that no injury will be done to the public health, safety, or general welfare.

That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	nal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
Signature Hauvol	Robert H. Haur
WINDALL HAUVER	Signature Robert H Hauver
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMON I HEREBY CERTIFY, this day of day of day of day of of Maryland, in and for the County aforesaid, personally known or satisfactors. The Affiaint(s) herein, personally known or satisfactors.	ther 2003, before me, a Notary Public of the State onally appeared House
AS WITNESS my hand and Notarial Seal	Viene Ralbern.
	Notary Public My Commission Expires 8/107
	My Commission Expires 5/1/0/



Petition for Administrative Variance

for the property located at 1211 Boyce Rd.

to the Zoning Commissioner of Baltimore County

which is presently zoned _____

This Petition shall be filed with the Decomposition owner(s) of the property situate in Baltim made a part hereof, hereby petition for a	epartment of Permore County and white Variance from Sect	its and Development ch is described in the d ion(s)	Management. escription and p	The undersigned, legal lat attached hereto and
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building envelope.				
of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning	law of Baltimore County	, for the reason	s indicated on the back
Property is to be posted and advertised a i, or we, agree to pay expenses of above Variegulations and restrictions of Baltimore Cour	riance, advertising, po	sting, etc. and further agr	ree to and are to b more County.	e bounded by the zoning
		I/We do solemnly de perjury, that I/we are is the subject of this	the legal owner(under the penalties of s) of the property which
Contract Purchaser/Lessee:		Legal Owner(s)	<u>.</u>	
İ		LYNDALL	HANID	0
Name - Type or Print		Name - Type or Print.	11111	1
Signature	·*	SULAMIT	an rac	
- Gigitatuio		Pobert H	. Hauvar	
Address	Telephone No.	Marke Tune or Brint		· · · · · · · · · · · · · · · · · · ·
City	Zip Code	Signature	V Henry	
Attorney For Petitioner:	•		ce Ave	410-583-1843
		Address		Telephone No.
Name - Type or Print		City	MD	21204
realitie - Type of Frint				tate Zip Code
Signature		Representative	to be Contact	ted:
Company	······································	<u>Dan Bursi</u> Name		
Address	Telephone No.	<u>10404 Stevens</u> Address	son Rd.	(410) 484-7010 Télephone No.
City	Zip Code	<u>Stevenson</u> City	MD St	21153 ate Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	at the subject matter of t	required, it is ordered by this petition be set for a publi	the Zoning Commis ic hearing, advertise	ssioner of Baltimore County, id, as required by the zoning
<u> </u>	-y p			
	4	Zonina Comi	missioner of Baltimo	re County
CACE NO -11 A			- -	•
CASE NO. <u>04-208-</u>	7 Rev	imated Posting Date	Date	10-27-02
REV 10/25/01	Fet	imated Posting Date	11-109-	03

ZONING DESCRIPTION FOR 1221 BOYCE AVENUE

Beginning at a point on the south side of Boyce Avenue which is 25 feet wide at the distance of 250 feet more or less east of the nearest improved intersecting street Overbrook Road which is 25 feet wide. Being Lot #2 in the subdivision of Boyce Acres as recorded in Baltimore County Plat Book #40, page 91, and containing 0.47 acres. Also known in 1211 Boyce Avenue and located in 9th Election District and 2nd Councilmanic District.

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ATTENTION:	BECKY HART
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Date: 100.8,2003

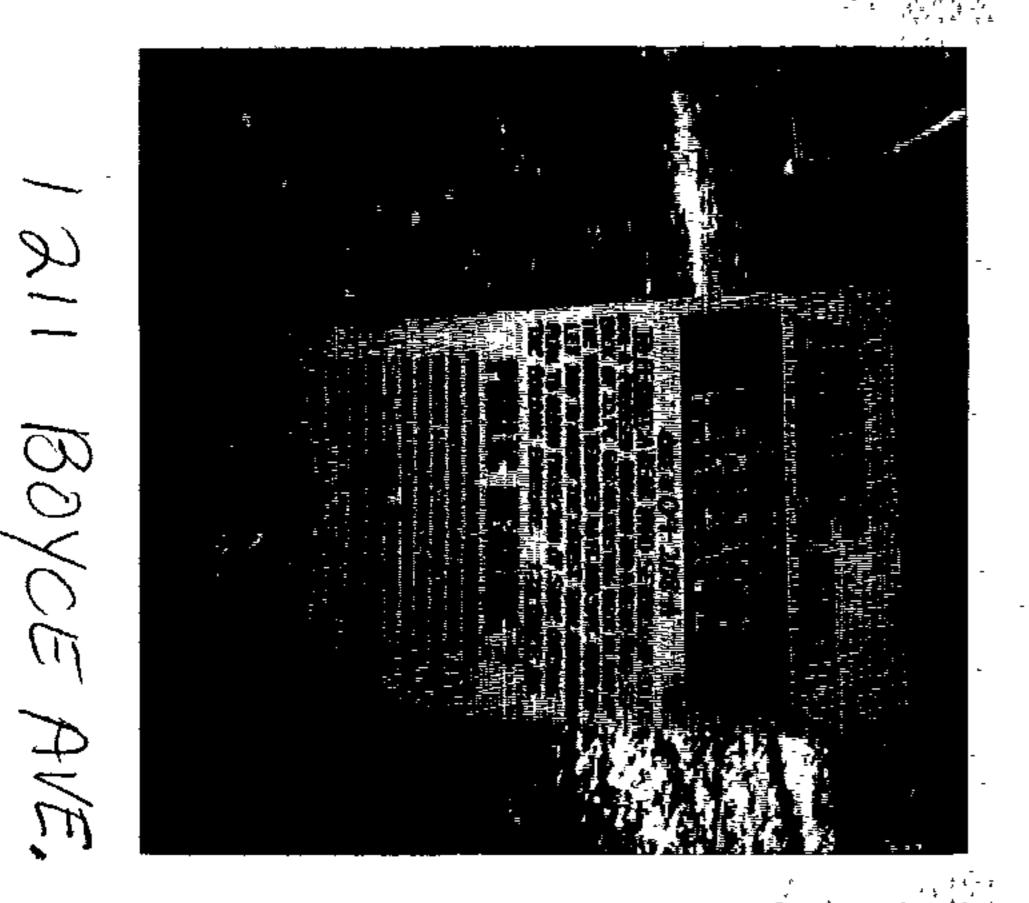
RE:

Petitioner/Developer: LYNDALL HAUVER / PETER W. RATCLIFF / ETAL.

Date of Hearing/Qlosing). NOVEMBER 24, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 12,11 BOYCE AVE,

The sign(s) were posted on <u>November 8,2003</u> (Month, Day, Year)



(Signature of Sign Poster)

NOA O'KEEFE (Printed Name of Sign Poster)

523 PENNY LANE (Street Address of Sign Poster)

HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)

10-666-5366 (Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 04-208 - 4
Petitioner: Lyndall + Robert HAUVNER
Address or Location: 1211 Boyce Ave. Towson nd. 21204)
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address:
Telephone Number:

DALITIVIONE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-A

Planner Please Print Your Name

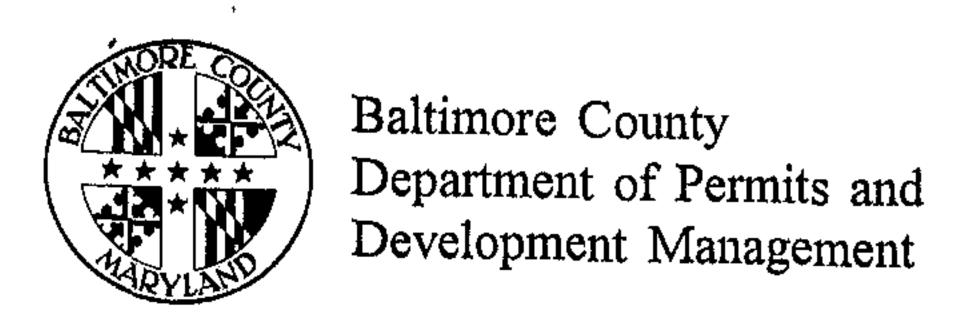
Address 1211

Phone Number: 410-887-3391

Case Number 0#

Contact Person:

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	•	BAL	TIMORE COU	INT / DEPAR	IMENT OF PERM	ITS AND DEVE	LOPMENT M	IANAGEMEN	Τ ,	



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

November 24, 2003

Lyndall Hauver Robert Hauver 1211 Boyce Avenue Towson, MD 21204

Dear Mr. and Mrs. Hauver:

RE: Case Number: 04-208-A, 1211 Boyce Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 27, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Dan Bursi, 10404 Stevenson Road, Stevenson 21153



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

November 12, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 10, 2003

Item No.:

207-210, 213-219

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



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

November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.:

195. 197^{+} 211

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

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: // 10 0 3

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

Baltimore County

Item No. 208

266

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,

P.J. Andl

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management CEVED November 14, 2003

NOV 1 7 2003

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 04-208 - 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

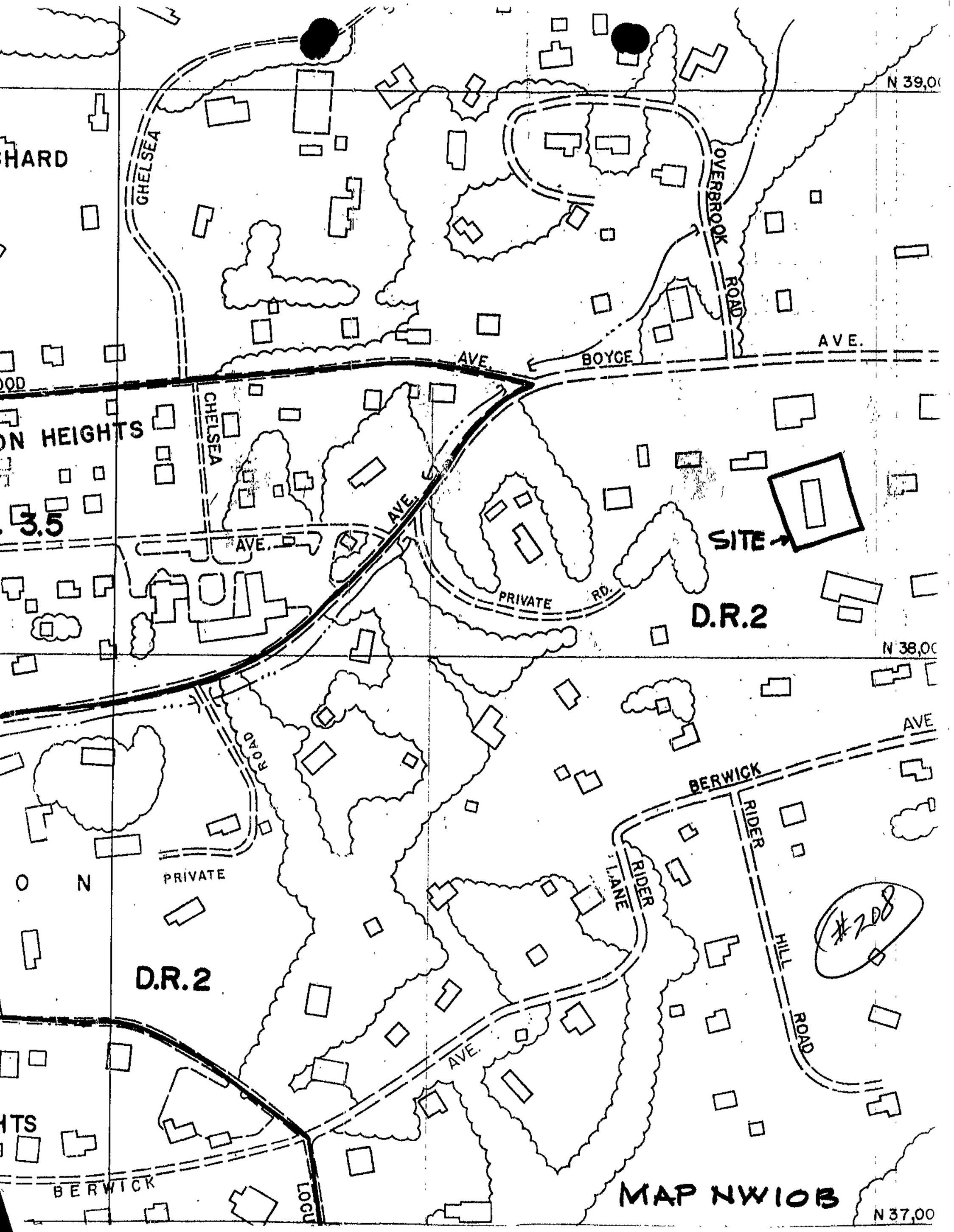
For November <u>17</u>, 2003

Item Nos. 207, 208, 209, 210, 212, 213, 214, 216, 217, 218, and 219

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

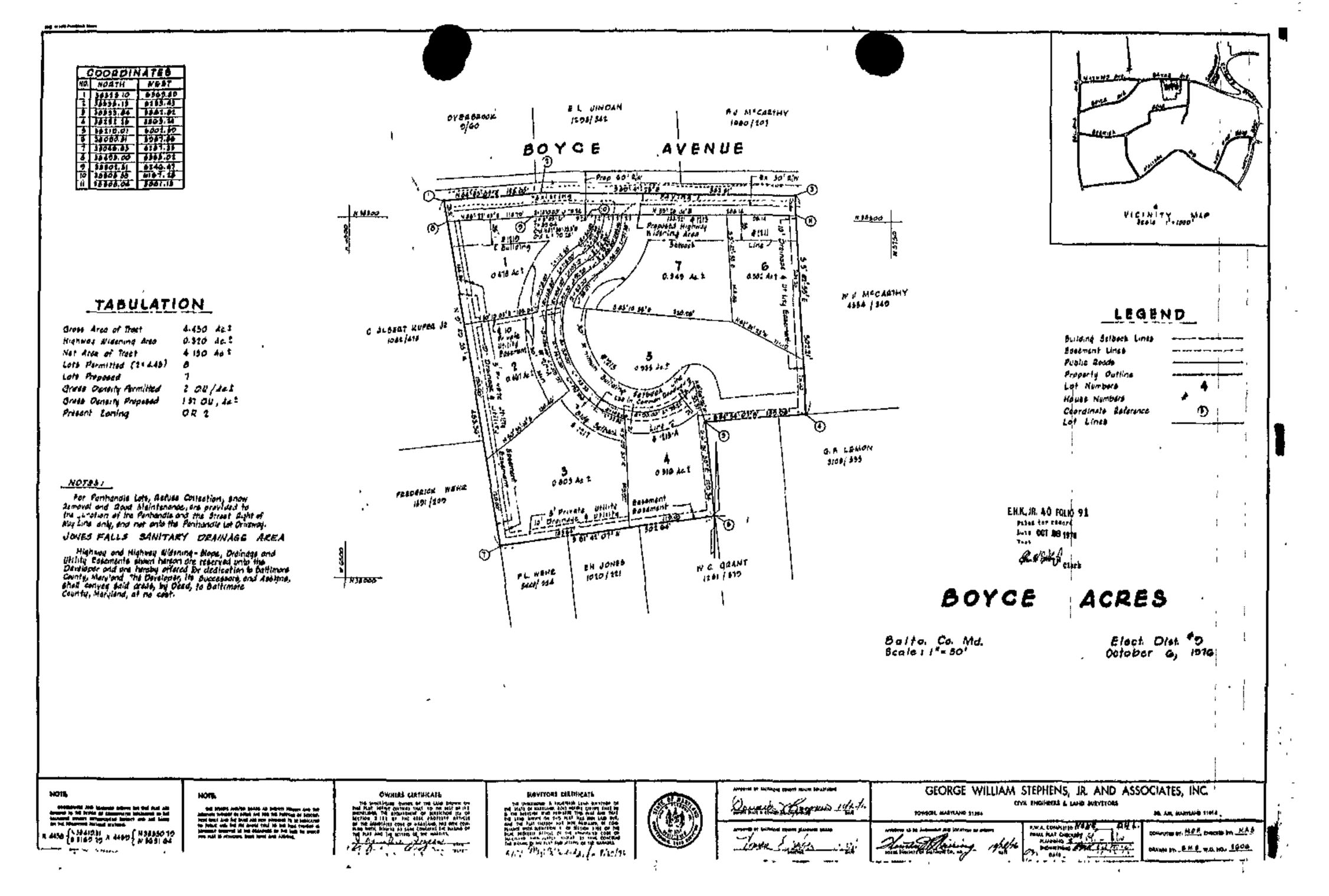
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cc: File



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