IN RE: PETITION FOR ADMIN. VARIANCE \*

N/S Todd Point Lane, 57' E of the c/l

Sandymount Lane

(4428 Todd Point Lane)

15<sup>th</sup> Election District

7<sup>th</sup> Council District

Jay W. Hidden, et ux Petitioners BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 05-616-A

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Jay W. Hidden, and his wife, Jeannette M. Hidden. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12' x 16' shed) to be located in the side yard in lieu of the required rear yard, and to amend the Final Development Plan for Beachwood Estates, Lot 354, Plat 2, Section 2, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.



Based upon the information contained within the case file, I am persuaded to grant the requested relief. It was indicated that the variance is necessary due to the location and design characteristics of the existing house, which features a walk-out basement to the rear, and the topography of the land. As shown on the site plan, the proposed shed will be located immediately adjacent to the east side of the dwelling at the end of the existing driveway. In this regard, it was also indicated that in addition to storing lawn equipment, the shed would provide storage for the Petitioner's motorcycle. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's close proximity to Back River, the proposed development must comply with Chesapeake Bay Critical Areas regulations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

this <u>23</u> day of June 2005 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12' x 16' shed) to be located in the side yard in lieu of the required rear yard, and to amend the Final Development Plan for Beachwood Estates, Lot 354, Plat 2, Section 2, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM relative to Chesapeake Bay Critical Areas regulations, dated June 14, 2005, a copy of which has been attached hereto and made a part hereof.



3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

ILLIAMY. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

### 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
William J. Wiseman III, Zoning Commissioner

June 23, 2005

Mr. & Mrs. Jay W. Hidden 4420 Todd Point Road Baltimore, Maryland 21219

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Todd Point Road, 57' E of the c/l Sandymount Road
(4420 Todd Point Road)
15<sup>th</sup> Election District – 7<sup>th</sup> Council District
Jay W. Hidden, et ux - Petitioners
Case No. 05-616-A

Dear Mr. & Mrs. Hidden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours.

WILLIAMT. WISEMAN, Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

Development Plans Review, DPDM; DEPRM; People's Counsel; Care File



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



## Petitien for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4478 TODD POINT LANE which is presently zoned DR 3.5

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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)

400.1 TO ALLOW AN ASCESSORY BUILDING (SHED) TO BE CONSTRUCTED IN THE SIDE YARD IN LIEU OF THE REAR YARD AND TO ALLOW AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN. FOR LOT 354, PLAT 1, SECTION 2 BEACHWOOD ESTATES

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			is the subject of this Pet	tion.		
Contract Furchaser/Lessee:			! egal Owner(s):			
			JAY W. HID	DEM		
Name - Type or Print			Name - Type or Print	Ail		
Signature	-		Signature JEANNETTE	M. HIDOEI	٧	
Address		Telephone No.	Name Type or Print	EM Ded	den	
City	State	Zip Code	Signature			
Attorney For Petitioner:				POINT LA	NE	
,	,		Address BALTIMORE	MO.	Telephone No. 212/9	
Name - Type or Print			City	State	¿ip Code.	
			Representative to	be Contacted:		
Signature .			DAVID BILLIN CENTRAL DRAI	GSLEY	ESIGN INC	
Company			Name '	· '.		
Assess	,	Tolombana No.	GOI CHARWOO	D.CT. (4-10/6	Telephone No.	
Andress E		Telephone No.	EDGEWOOD _	MO	Z1040	
2	State	Zip Code	City	State	Zip Code	
APPORT Hearing having been for this day of Baltimore County an	th:	at the subject matte	o be required, it is ordered by the r of this petition be set for a public he	Zoning Commissioner of earing, advertised, as req	Baltimore County, uired by the zoning	
3 9 7	•		Zonies Commiss	sioner of Baltimore Count	V	
	^		•	]	11.0-	
CASE NO. $OS-6$	016-A		Reviewed By LTM,	_ Date 5/20	7/05	
RE 10/25/01			Estimated Posting Date	6/5	105	

# Affidavitan 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

Address

BALTIMORE MO- 2/2/9
City State Zip Code

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):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature  JAY W. HIDDEN  Name - Type or Print	Signature  JENNETTE M. HIDDEN  Name - Type or Print
The state of the s	Hame - Type OTT Mile
STATE OF MARYLAND, COUNTY OF BALTIMORI	1.70 € 61
I HEREBY CERTIFY, this day of	before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, persona	ally appeared
the Affiant(s) herein, personally known or satisfactor	ily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	JAA MIL
• •	Notery Public
	My Commission Eurison 106/09

## Affidavit Support of Adm Strative 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

 44-28 TOOO POINT LANE

 Address
 BALTIMORE
 MO.
 Z/Z/9

 City
 State
 Zip Code

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):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and

## REASONS FOR VARIANCE REQUEST

### 4428 TODD POINT LANE

The owner wishes to construct a shed for storage of lawn equipment and a motorcycle. The dwelling has a walk-out basement and the topography makes it impractical to install the shed in the rear yard without a substantial amount of grading.

### **ZONING DESCRIPTION**

### **4428 TODD POINT LANE**

Beginning for the same at a point on the north side of Todd Point Lane (50 feet wide) said point being distant 57 feet east of it's intersection with the centerline of Sandymount Road (50 feet wide), thence being all of Lot 354 as shown on the plat entitled Plat 2, Section 2 Beachwood Estates recorded among the Baltimore County plat records in Plat Book 69 Folio 23. Containing 6,825 square feet or 0.157 acre of land, more or less.

Being known as 4428 Todd Point Lane. Located in the 15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District of Baltimore County, Maryland

## CERTIFICATE OF POSTING

RE:Case No. 05-416-A

	Petitioner/Developer:				
	IAY HIDDEN				
	Date of Closing/Hearing: 4/20/05				
Baltimore County Department of					
Permits and Development Management					
County Office Building, Room 111					
111 West Chesapeake Avenue					
Attention:					
Ladies and Gentlemen:					
This letter is to certify under the penalti	1 0 0				
sign(s) required by law were posted con	TODD POINT LANE				
it4428	TODD FOINT CANE				
	<u> </u>				
This sign(s) were posted on	1 4, 2005				
Month	h, Day, Year				
Since	rely,				
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	Sign Poster and Date				
	Martin Ogle				
	5016 Castlestone Drive				
	Baltimore Maryland 21237				
	(443-629-3411)				
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martingle 4/4/05

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	<b>电影关系</b>			Service Marie		425.12	and the

ASHIER'S VALIDATION

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 05- 616 -A Address 4428 TODD PT. LAHE
Contact Person: LIOTO T. MOXLET Phone Number: 410-887-3391
Filing Date: 5/24/05 Posting Date: 6/5/05 Closing Date: 6/20/05
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.
2. <u>DEADLINE</u> : 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.
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 05-616 -A Address 4428 TODD PT LANE
Petitioner's Name JAY HIDDEN ET UX Telephone
Posting Date: 6 5 05 Closing Date: 6 20 105
Wording for Sign: To Permit An ACCESSORY BUILDING (SHED) TO RE
CONSTRUCTED IN THE SIDEYARD IN LIEU OF THE REARYARD
THO TO ALLOW A SINGLE LOT AMENOMENT TO THE FINAL DEVELOP
MELIT PLAN FOR 354, PLATZ, SECTIONZ, BEACHWOOD ESTATE
WCR - Revised 6/25/04

## 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 sobject 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:	
Petitioner: JAY HIDDEN	
Address or Location: 4478 TOOD POINT LANE	
PLEASE FORWARD ADVERTISING BILL TO:	
Name:	
Address: 4428 7000 POINT LANE	
BALTO, MD. 2/2/9	
Telephone Number: (410)679-87/9	

## 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

June 20, 2005

Jay W. Hidden Jeannette M. Hidden 4428 Todd Point Lane Baltimore, Maryland 21219

Dear Mr. and Mrs. Hidden:

RE: Case Number: 05-616-A, 4428 Todd Point Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 24, 2005.

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: clb

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design 601 Charwood Court Edgewood 21040



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

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Jo/Aug

**DEPRM** 

DATE:

June 14, 2005

SUBJECT:

Zoning Item # 05-616

Address

4428 Todd Point Lane

Zoning Advisory Committee Meeting of June 6, 2005

 The Department of Environmental	Protection an	id Resource	Management	has no
comments on the above-referenced	l zoning item.			

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

#### **Additional Comments:**

This property must comply with the Limited Development Area Regulations of Maximum Impervious Surface limits of 25%, or a maximum of 1541 square-feet, whichever is less. In addition, please note that the there exists a Non-disturbance Critical Area Easement that adjoins two sides of this lot.

Reviewer:

Sue Farinetti, Martha Stauss

Date: June 13, 2005



### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-616 – Administrative Variance

**DATE:** June 7, 2005

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 Curtis Murray in the Office of Planning at 410-887-3480.

CJM/LL

### Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 2, 2005

ATTENTION: Zoning Review planners

Distribution Merting of: June 6, 2005

Item No.: 595, 608-632

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant J.D.Mezick Fire Marshal's Office (O)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6.3.05

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

Baltimore County Item No. 6/6

LTM

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

1. 1 Dulh

**Engineering Access Permits Division** 

### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

.

**DATE:** June 6, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 13, 2005

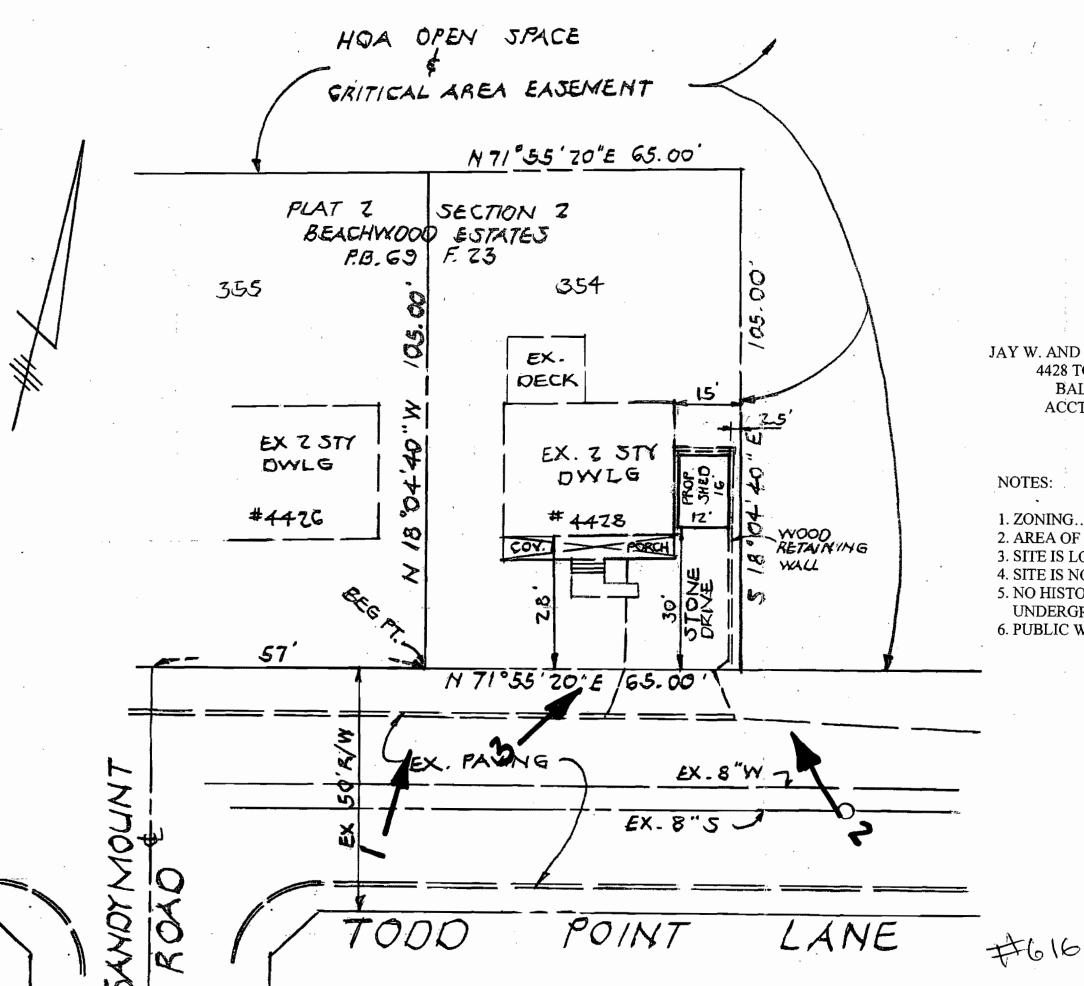
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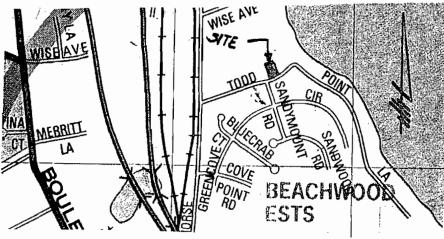
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

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cc: File

ZAC-NO COMMENTS-06062005.doc





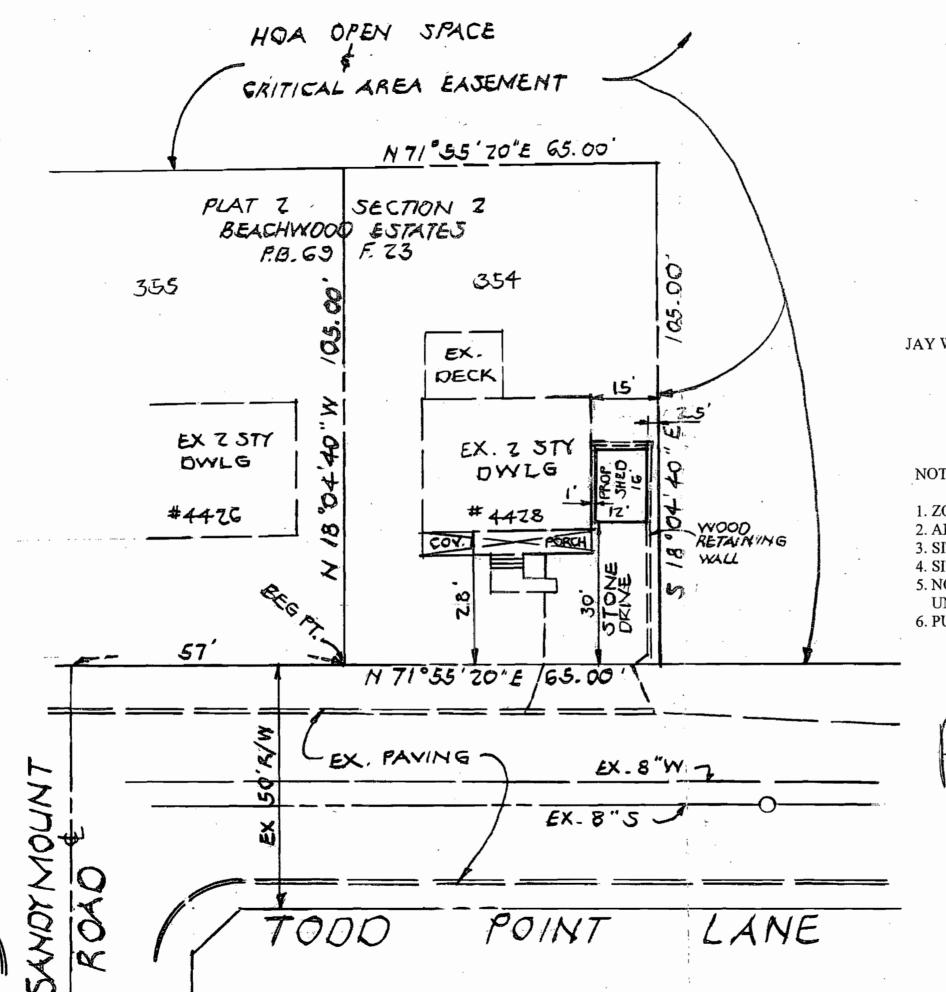
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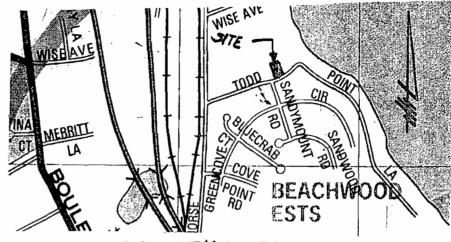
**OWNERS** JAY W. AND JEANNETTE M. HIDDEN 4428 TODD POINT LANE BALTO., MD. 21219 ACCT NO. 2200028500

- 1. ZONING......DR 3.5 (MAP 104B3)
- 2. AREA OF LOT.....6,825 S.F. = 0.157 ACRE
- 3. SITE IS LOCATED IN THE CBCA
- 4. SITE IS NOT IN A 100 YEAR FLOODPLAIN
- 5. NO HISTORIC STRUCTURES, PREVIOUS ZONING HISTORY, UNDERGROUND STORAGE TANKS OR ARCHEOLOGICAL SITES EXIST
- 6. PUBLIC WATER AND SEWER EXISTS

## PHOTOS

PLAT TO ACCOMPANY PETITION FOR VARIANCE **4428 TODD POINT LANE** LOT 354 PLAT 2, SECTION 2 **BEACHWOOD ESTATES** P.B. 69 F. 23 **ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND SCALE: 1 INCH = 20 FEET MAY 2, 2005** 





LOCATION PLAN JEALE: 1": 1000"

**OWNERS** JAY W. AND JEANNETTE M. HIDDEN 4428 TODD POINT LANE BALTO., MD. 21219 ACCT NO. 2200028500

#### NOTES:

- 1. ZONING......DR 3.5 (MAP 104B3)
- 2. AREA OF LOT.....6,825 S.F. = 0.157 ACRE
- 3. SITE IS LOCATED IN THE CBCA
- 4. SITE IS NOT IN A 100 YEAR FLOODPLAIN
- 5. NO HISTORIC STRUCTURES, PREVIOUS ZONING HISTORY,-UNDERGROUND STORAGE TANKS OR ARCHEOLOGICAL SITES EXIST
- 6. PUBLIC WATER AND SEWER EXISTS

Perek.1

PLAT TO ACCOMPANY PETITION FOR VARIANCE **4428 TODD POINT LANE** LOT 354 PLAT 2, SECTION 2 BEACHWOOD ESTATES P.B. 69 F. 23 **ELECTION DISTRICT 15C7** BALTIMORE COUNTY, MARYLAND **SCALE: 1 INCH = 20 FEET MAY 2, 2005** 

LIM 616

### MAP 10483



http://bamaps1.co.ba.md.us/arcims\_path/bcgims?ServiceName=wds&ClientVersion=4.0&... 4/30/2005





