

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Old Court Road, 1,000 ft. E
centerline of Dogwood Road
2nd Election District
4th Councilmanic District
(9803 Old Court Road)

Claude Swanson Taylor
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-016-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 owner of the subject property, Claude Swanson Taylor. The administrative variance is requested for property located at 9803 Old Court Road in the western area of Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) with a height of 18 ft. to be located in the front yard in lieu of the required 15 ft. and rear yard respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 17, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated July 21, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

FILED
8/3/05
Ray

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

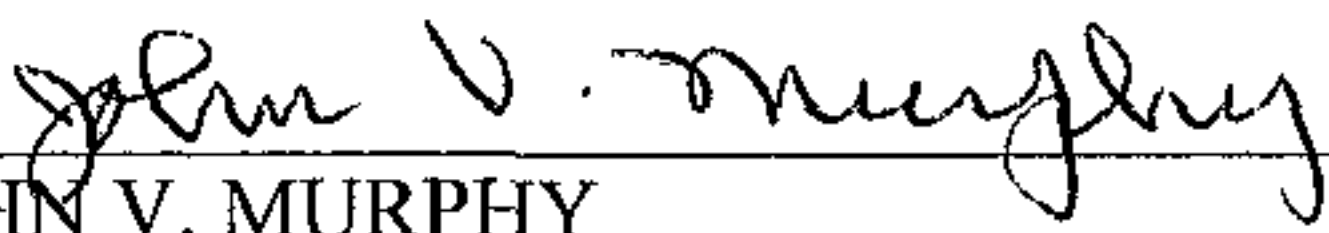
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 3 day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for administrative variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) with a height of 18 ft. to be located in the front yard in lieu of the required 15

ft. and rear yard respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;
2. The Petitioner shall comply with the ZAC comments submitted by the Office of Planning dated July 21, 2005, wherein it is stated that:
 - (1) the Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. the structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities; and
 - (2) the accessory structure shall not be used for commercial purposes;
3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

AREA RECEIVED FOR FILING
8/3/05
Raj

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

August 4, 2005

Mr. Claude Swanson Taylor
9803 Old Court Road
Baltimore, Maryland 21244

Re: Petition for Administrative Variance
Case No. 06-016-A
Property: 9803 Old Court Road

Dear Mr. Taylor:

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,

A handwritten signature in cursive script that reads "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 9803 OLD COURT RD.
which is presently zoned RC3

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, 400.3 BCZR

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 18' TO BE LOCATED IN THE FRONT YARD, IN LIEU OF THE REQUIRED 15' AND REARYARD RESPECTIVELY

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 10/15/05 day of October, 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):

CLAUDE SWANSON TAYLOR

Name - Type or Print

Signature

Name - Type or Print

Signature

9803 OLD COURT RD. 410 922 3860
Address Telephone No.

WINDSOR MILL MD

21244

City

State

Zip Code

Representative to be Contacted:

same as above

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 06-016-A

Reviewed By LTm Date 7/5/05

Estimated Posting Date 7/17/05

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 9803 OLD COURT RD.
Address
WINDSOR MILL MD. 21244
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):

IN ORDER TO COMPLY WITH CURRENT ZONING REGULATIONS, THE GARAGE WOULD SIT ON THE SEPTIC DRAIN FIELD.

rear of property is wooded and also on a steep slope, peak of garage to be more than 15' for storage of equipment.

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.

Claude S. Taylor
Signature

CLAUDE SWANSON TAYLOR
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of July, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Claude S. Taylor
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Karen Roether
Notary Public

My Commission Expires 8/13/07

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Claude S. Taylor
Signature

CLAUDE SWANSON TAYLOR
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of July, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Claude S. Taylor
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Karen Rowthorn
Notary Public

My Commission Expires 8/13/07



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9803 OLD COURT RD.
which is presently zoned RC3

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, 400.3 BCZR

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(GARAGE) WITH A HEIGHT OF 18' TO BE LOCATED IN THE
FRONT YARD IN LIEU OF THE REQUIRED 15' AND
REAR YARD RESPECTIVELY

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.

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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.

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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):

CLAUDE SWANSON TAYLOR

Name - Type or Print

Signature

Name - Type or Print

Signature

9803 OLD COURT RD. 410 922 3860

Address

WINDSOR MILL

MD

21244

City

State

Zip Code

Representative to be Contacted:

same as above

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. 06-016-A

REV 10/25/01

Reviewed By LTm Date 7/5/05

Estimated Posting Date 7/17/05

ZONING DESCRIPTION

for 9803 Old Court Rd.

Beginning at a point on the South side of
Old Court Rd. which Right of way varies.
At the distance of 1000' ft $\pm$ east of
of the centerline of Dogwood Rd.
which Right of way varies, Being Lot # 3
the subdivision of Brooks Farm
as Recorded in Balto Co. Plat Book # 56 Folio 110
containing 3.35 ac., Also known as 9803 Old
Court Rd. and located in 2nd ~~dist~~ election Dist
#4 Councilmanic Dist

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448944

DATE 7/15/05

ACCOUNT 440001 0000 0150 ..

AMOUNT \$ 100.00

RECEIVED

FROM: C. E. TAYLOR

FOR:

26-010-A

PAID RECEIPT

AMOUNT \$100.00 TIME 0000

DATE 7/15/05

BY [Signature]

FOR [Signature]

RECEIVED BY [Signature]

DATE 7/15/05

AMOUNT \$100.00

DATE 7/15/05

RECEIVED BY [Signature]

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: **06-016-A**

Petitioner/Developer:

Claude Swanson Taylor

Closing Date: **8/1/05**

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

Attention: Ms. Kristen Matthews

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 **9803 Old Court Rd.**

The sign(s) were posted on **7/17/05**.

Sincerely,



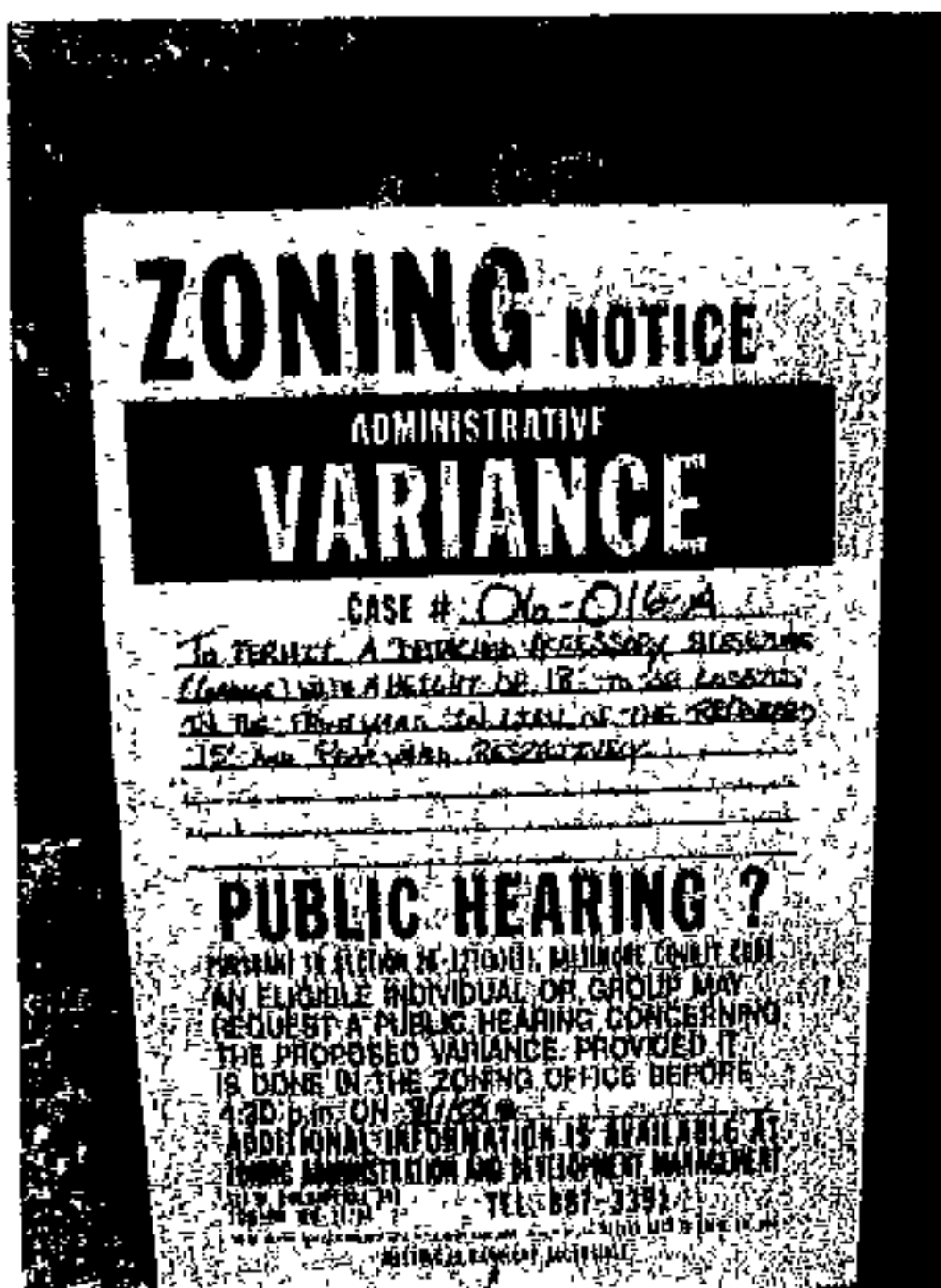
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



**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: OC - 016 - A
Petitioner: Charles S. Taylor
Address or Location: 9803 Old Court Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charles S. Taylor
Address: 9803 Old Court Rd.
Windsor Mill Md. 21244

Telephone Number: Home 410-922-3860 / WR 410-486-4561

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁶05- 016 -A Address 9803 OLD CT RD

Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/5/05 Posting Date: 7/17/05 Closing Date: 8/1/05

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

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 ⁰⁶05- 016 -A Address 9803 OLD CT RD

Petitioner's Name CLAUDE SWANSON TAYLOR Telephone 410 922 3860

Posting Date: 7/17/05 Closing Date: 8/1/05

Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 18' TO BE LOCATED IN THE
FRONTYARD IN LIEU OF THE REQUIRED 15' AND
REARYARD RESPECTIVELY

WCR - Revised 6/25/04

**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*

August 1, 2005

Claude Swanson Taylor
9803 Old Court Road
Windsor Mill, Maryland 21244

Dear Mr. Taylor:

RE: Case Number: 06-016-A, 9803 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 5, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

July 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014,015,016,017,018,019

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.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 25, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2005
Item Nos. 001, 003, 006, 008, 011, 012,
013, 014, ~~(016)~~ 017, 018, and 019

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-07252005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2005

RECEIVED

JUL 22 2005

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

ZONING COMMISSIONER

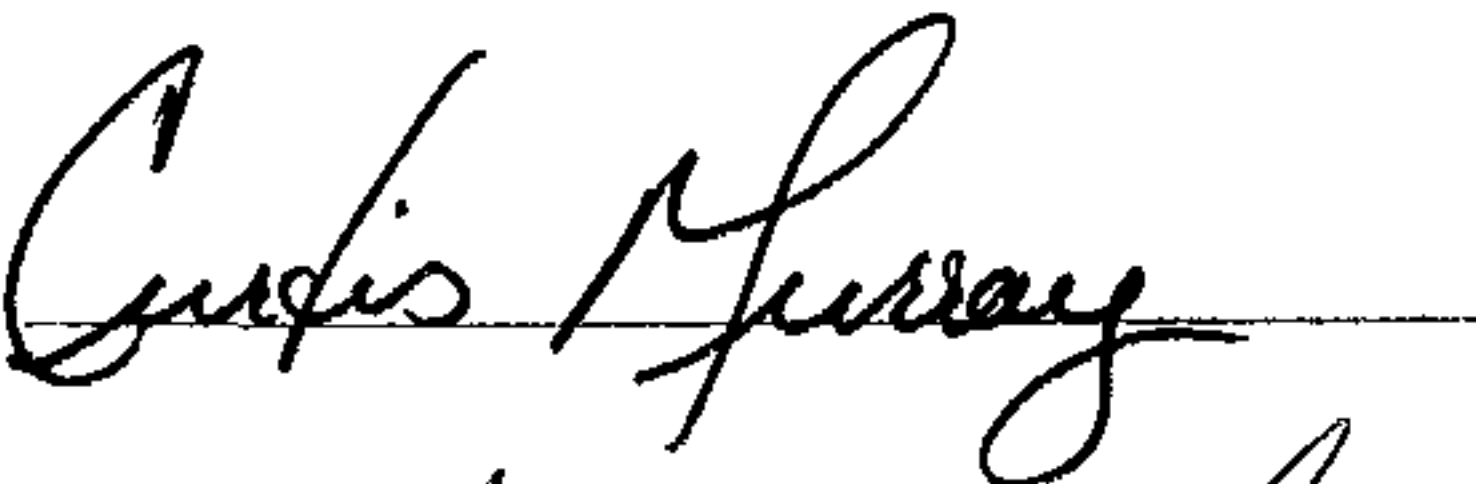
SUBJECT: 6-016 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 18 feet in lieu of the maximum permitted 15 feet and to permit an accessory structure to be located in the front yard in lieu of the rear yard provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Dave Green at 410-887-3480.

Prepared by:



Section Chief:



AFK/I.L.: CM

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



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

Maryland Department of Transportation

Date: 7.15.05

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

RE: Baltimore County
Item No. 016 LTM

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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
Engineering Access Permits Division

JULY 1, 2005

Plat to accompany petition for
opening easement

THE CLAUDE S. TAYLOR RESIDENCE - COUNCILMANIC DISTRICT # 4
9803 OLD COURT ROAD - P.B. # 56, F. 110, LOT # 3 - 3.348 ACRES
GRANITE, MARYLAND 21244 PRIVATE SEWER, PRIVATE WATER

SCALE: 1" = 50' - 0" - PROPOSED DETACHED GARAGE - 30' X 32'

PAUL
THAYER

Section Dist 2

Post

Proposed garage
30 X 32 X 18'

10' UTILITY EASEMENT

ROBERT C. DUTCHMAN

(A) TULIP POPLAR TREES

SEPTIC TANK

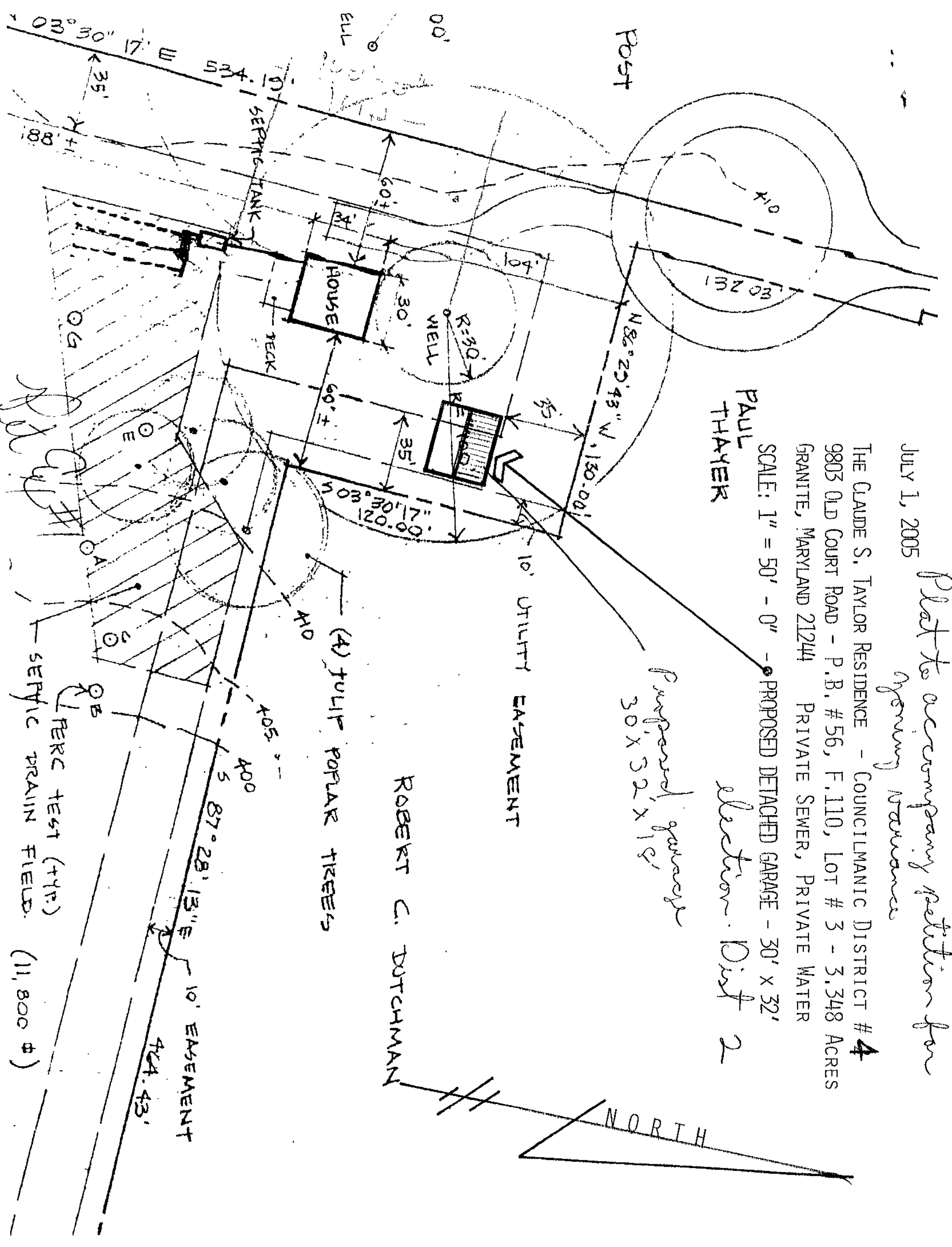
DECK

WELL

PERC test (typ.)
SEPTIC PRAIRIE FIELD

10' EASEMENT

NORTH



9803 OLD COURT RD
TAYLOR
ELECTION - 2
DISTRICT

COUNCILMANIC - 4
DISTRICT

ZONING - 086C1
MAP

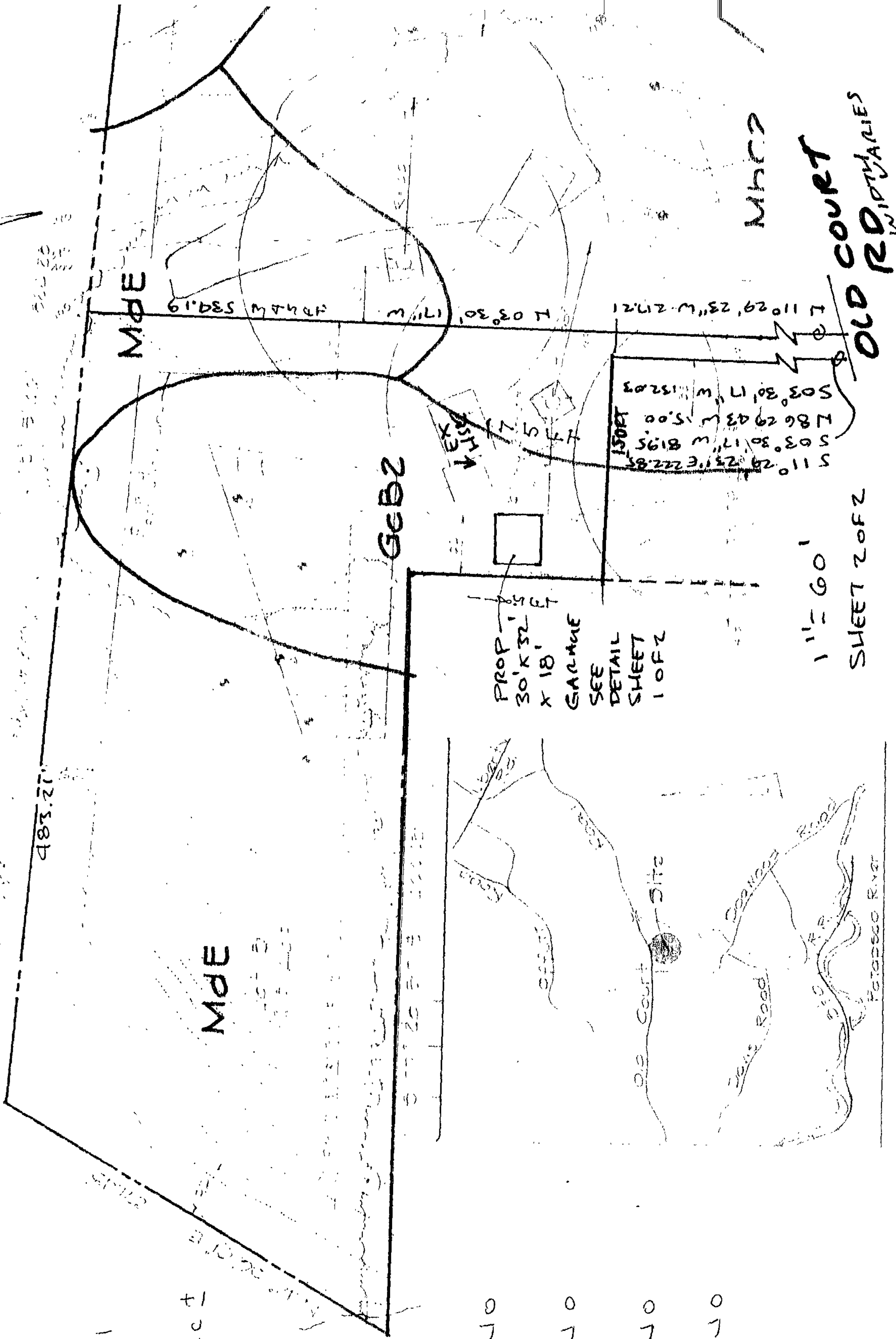
LOTSIZE - 3.34 AC±

PRIVATE WATER
PRIVATE SEWER

CHES. BAY - 110
CRITICAL AREA
100 YR FLOOD - 110
PLAIN
HISTORIC - 110
BLDG/PROP.
PRIOR ZONING - 110
HEARING

#16

PLAN TO ACCOMPANY
PETITION FOR VARIANCE
LOT 3, BROOKS FARM
PB 56 PG 110



1" = 60'
SHEET 2 OF 2
OLD COURT
RD
VARIANCES



086C1

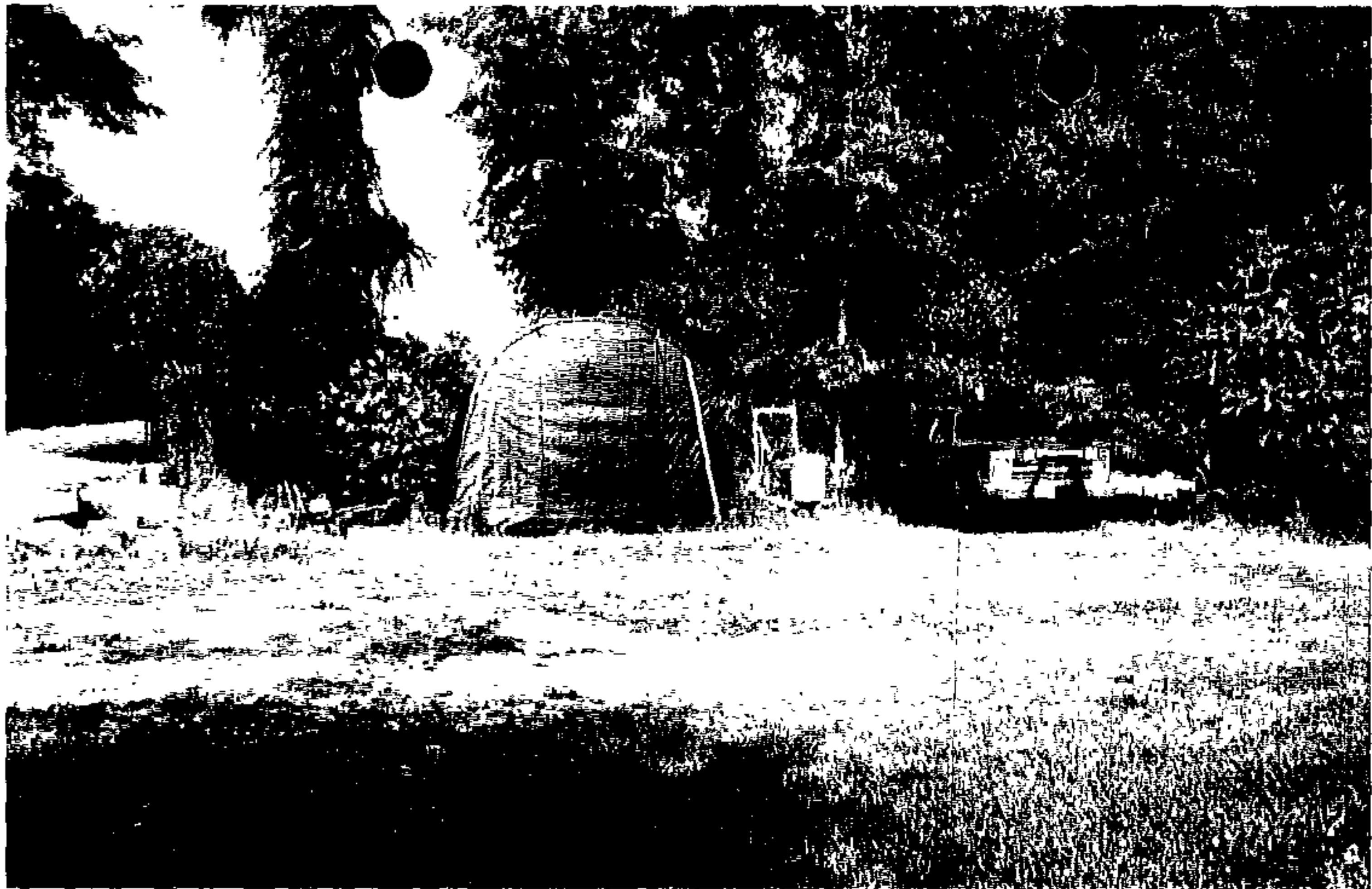
16





Proposed right of Grana

16



Proposed sight for gauge
where green shed is.



Drawery / garage would be on left
where green shed is

13

16



near of house has sapling & is
wooded

by

16