

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Georgia Bell Court, South of
Centerline of Georgia Bell Drive
11th Election District
5th Councilmanic District
(8 Georgia Bell Court)

Knoll C. and Belinda M. Axt
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-552-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, Knoll C. and Belinda M. Axt. The variance request is for property located at 8 Georgia Bell Court in the Forge Landing subdivision area of Baltimore County. The variance request is from Sections 259.9.B.4.e(i) and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 26 feet in lieu of the required 37.5 feet for an open projection (deck). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the subject property was issued a 25% zoning allowance which equates to 12.5 feet. Their deck requires a 50% zoning allowance for 25 feet. Petitioners state that a 12.5 foot deck will not allow them the usable space for a grill, deck furniture, kids' toys and general enjoyment that they need.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

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

"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

6-206
my

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 13, 2006, 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 and photographs 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, the requested variance should be GRANTED.

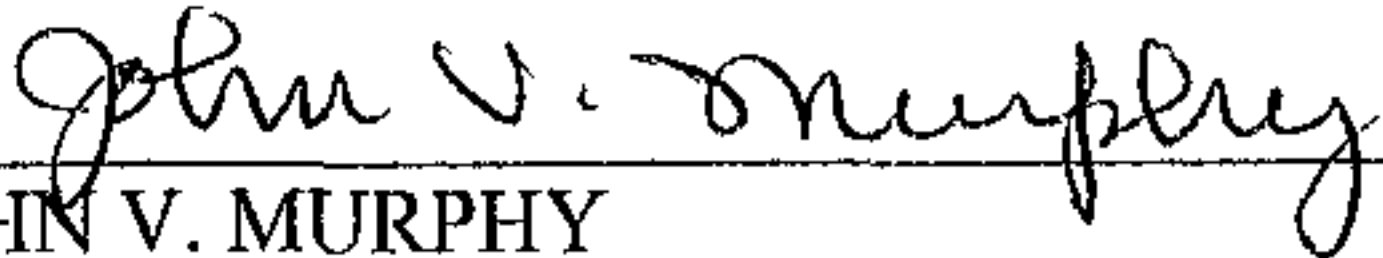
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of June, 2006, that a variance from Sections 259.9.B.4.e(i) and 301.1A

6-2-06
JG

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 26 feet in lieu of the required 37.5 feet for an open projection (deck).

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.

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:pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8 GEORGIA BELL CT MD 21228 ^{PERRY HALL}
which is presently zoned DR 3.5-H

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) 259.9.B.4.2(1) and 301.1A

to permit a rear yard setback of 26 ft. in lieu of the required 37.5 ft. for an open projection (deck).

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 06 day of June, 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. 06-552-A

Reviewed By BN Date 5/11/06

REV 10/25/01

Estimated Posting Date 5/14/06

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

8 GEORGIA BELL COURT
Address
PERRY HALL MD 21128
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):

1. THE SUBJECT PROPERTY WAS ISSUED A 25% ZONING ALLOWANCE WHICH EQUATES OUT TO 12'5", OUR DECK REQUIRES A 50% ZONING ALLOWANCE / 25'.
2. A 12'5' FOOT DECK WILL NOT ALLOW US THE USABLE SPACE FOR A GRILL, DECK FURNITURE, KID'S TOYS - GENERAL ENJOYMENT WE NEED.

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

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28TH day of APRIL, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

KNOLL C. & BELINDA M. AXT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Roderick R. Castro
Notary Public

My Commission Expires MAY 6, 2006

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

8 GEORGIA BELL CT
Address
PERRY HALL MD 21228
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):

1. THE SUBJECT PROPERTY WAS ISSUED A 25% ZONING ALLOWANCE WHICH EQUATES OUT TO 12.5', OUR DECK (PROPOSED) REQUIRES A 50% ZONING ALLOWANCE / 25'
2. A 12.5' DECK WILL NOT ALLOW US THE USABLE SPACE FOR A GRILL, DECK FURNITURE, KID'S TOYS + GENERAL ENJOYMENT WE NEED

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

KNOLL C. AXT

Name - Type or Print

Signature

BELINDA M. AXT

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28TH day of APRIL, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

KNOLL C & BELINDA M. AXT

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

AS WITNESS my hand and Notarial Seal

Roderick P. Castro
Notary Public

My Commission Expires MAY 6, 2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8 GEORGIA BELL CT MD 2128
which is presently zoned DE 3.5-H

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)

259.9, B. 4. e (1) and 301.1A
to permit a rear yard setback of 26 ft. in lieu of the
required 37.5 ft. for an open projection (deck).

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 _____ 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.

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. 06-552-A

REV 10/25/01

Reviewed By BR Date 5/1/06

Estimated Posting Date 5/14/06

ZONING DESCRIPTION FOR 8 Georgia Bell Court, Perry Hall, MD 21128

Beginning at a point on the SOUTH side of

Georgia Bell Court which is 50 FT.

Wide at the distance of 30 FT. SOUTH of the

centerline of the nearest improved intersecting street GEORGIA BELL DRIVE

which is 50 FT. wide. Being Lot # 42

in the subdivision of Forge Landing

as recorded in Baltimore County Plat Book # SM 76, Folio # 38

containing .22 ACRES. Also known as 8 Georgia Bell Court, Perry Hall, MD 21128

and located in the 11 Election District, 5 Councilmanic District.

6-27-16
P. J.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 237

DATE 11-17-77 ACCOUNT 113

AMOUNT \$ 100.00

RECEIVED FROM: PAID TO BUDGET & FINANCE

FOR: PAID TO BUDGET & FINANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-552-A

Petitioner/Developer: KNOLL
BECINDA AXT

Date Of Hearing/Closing: 5/29/06

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 8 GEORGIA BECC CT.

This sign(s) were posted on May 13, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 5/13/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

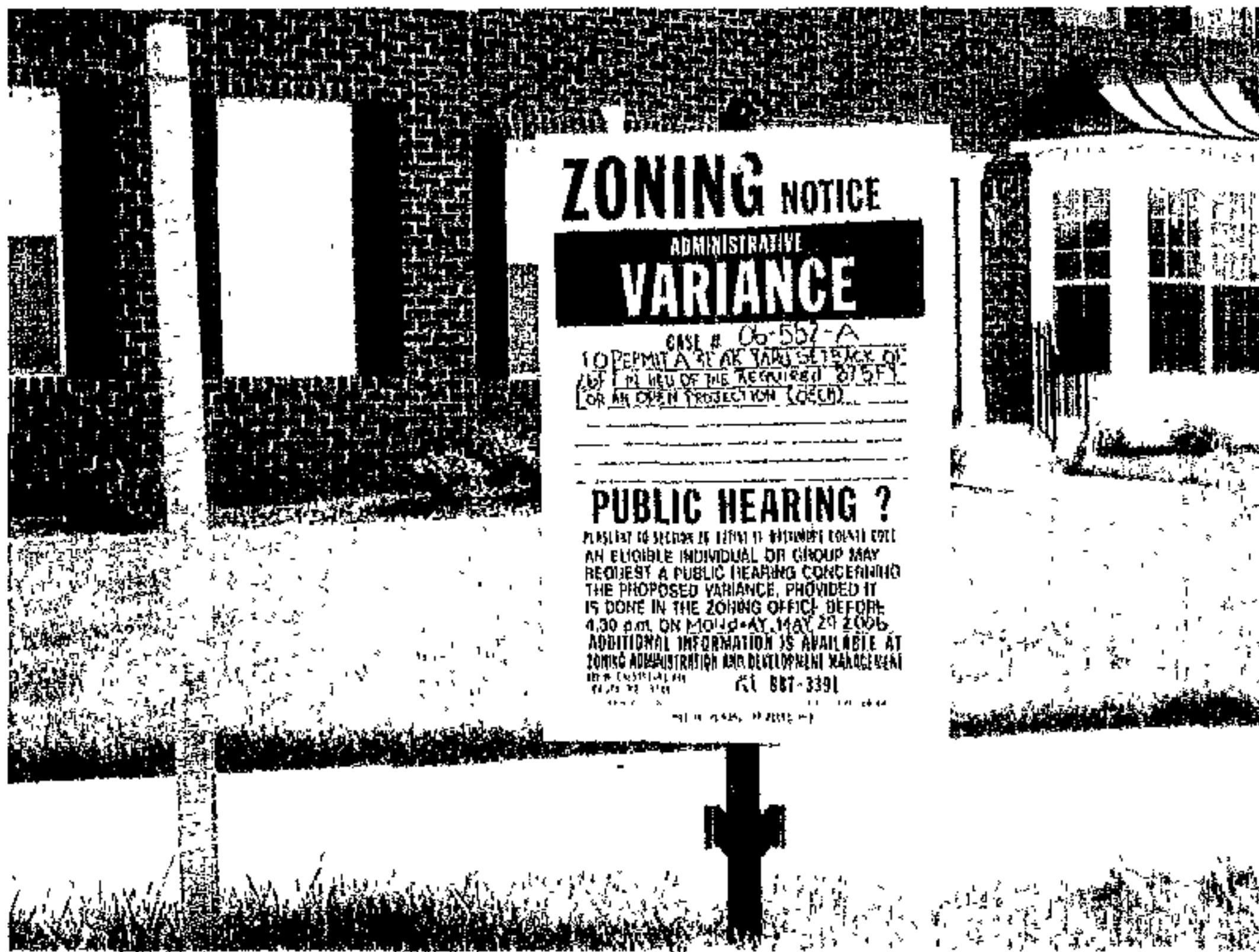
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000675 (1152x864x24b jpeg)



mailed 5/13/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 552 -A Address 8 Georgia Bell Ct.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/1/06 Posting Date: 5/14/06 Closing Date: 5/29/06

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 06- 552 -A Address 8 Georgia Bell Ct.

Petitioner's Name Kelli & Belinda Axt Telephone 410-454-5252 w/c

Posting Date: 5/14/06 Closing Date: 5/29/06

Wording for Sign: To Permit a rear yard setback of 26 ft. in lieu of
the required 37.5 ft. for an open projection (deck).

WCR - Revised 6/25/04

**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: 06-552-A

Petitioner: KNOLL C. AXT

Address or Location: 8 GEORGIA BELL CT. PERRY HALL MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: KNOLL C. AXT

Address: 8 GEORGIA BELL CT.
PERRY HALL, MD 21128

Telephone Number: 410-529-2623

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

May 30, 2006

Knoll C. Axt
Belinda M. Axt
8 Georgia Bell Court
Perry Hall, MD 21128

Dear Mr. and Mrs. Axt:

RE: Case Number: 06-552-A, 8 Georgia Bell Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 1, 2006.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

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

May 8, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15, 2006

Item Numbers: 537 thru 557

552

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 Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 12, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 15, 2006
Item Nos: 441, 537, 538, 539, 540,
542, 544, 547, 548, 549, 550, 551,
~~552~~, 553, 554, 555, 556, and 557

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-05102006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 25, 2006

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-552- 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 Kevin Gambrill in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

MAY 26 2006

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date: 5.5.06

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

RE: Baltimore County
Item No. 552 BPR

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
Engineering Access Permits Division

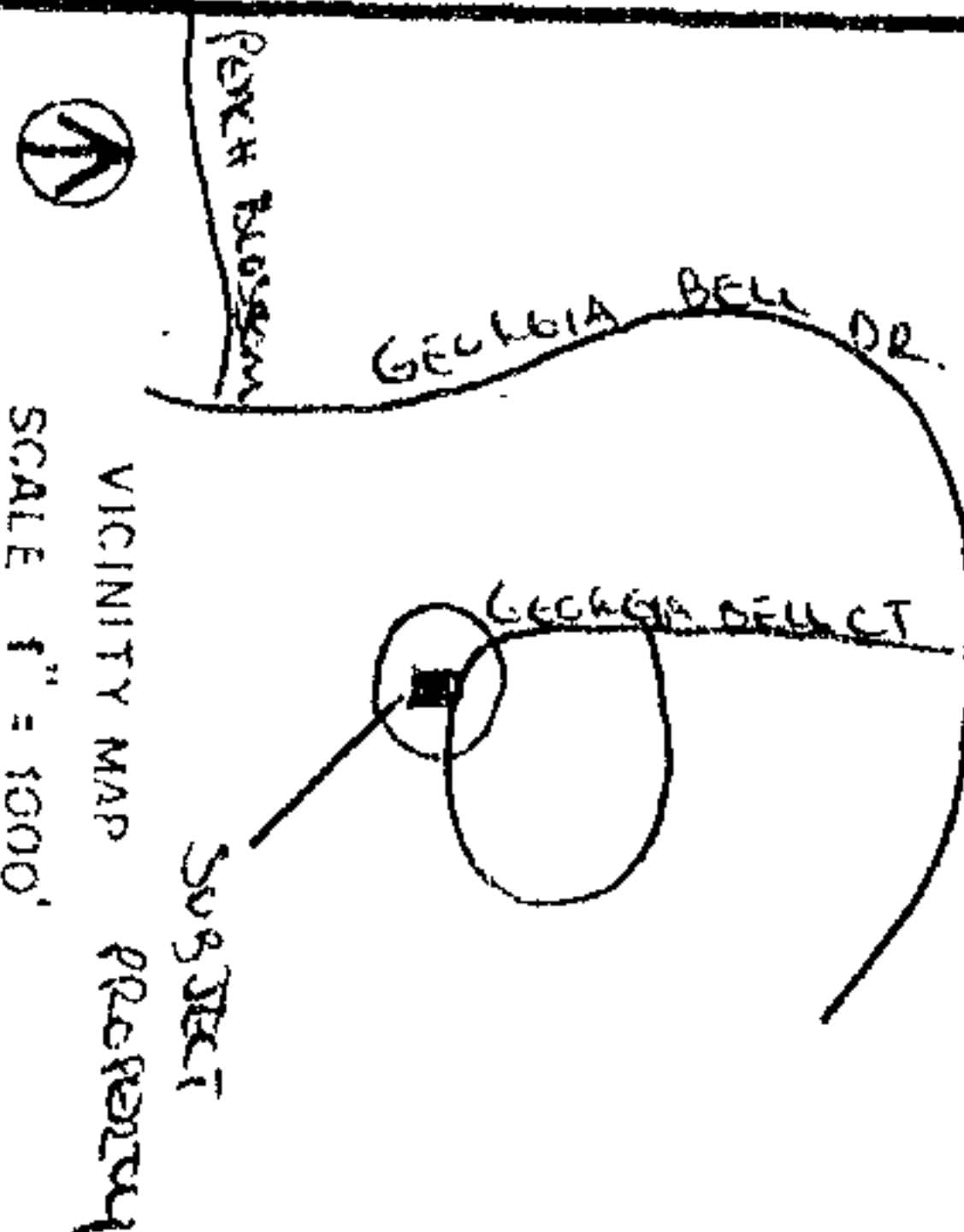
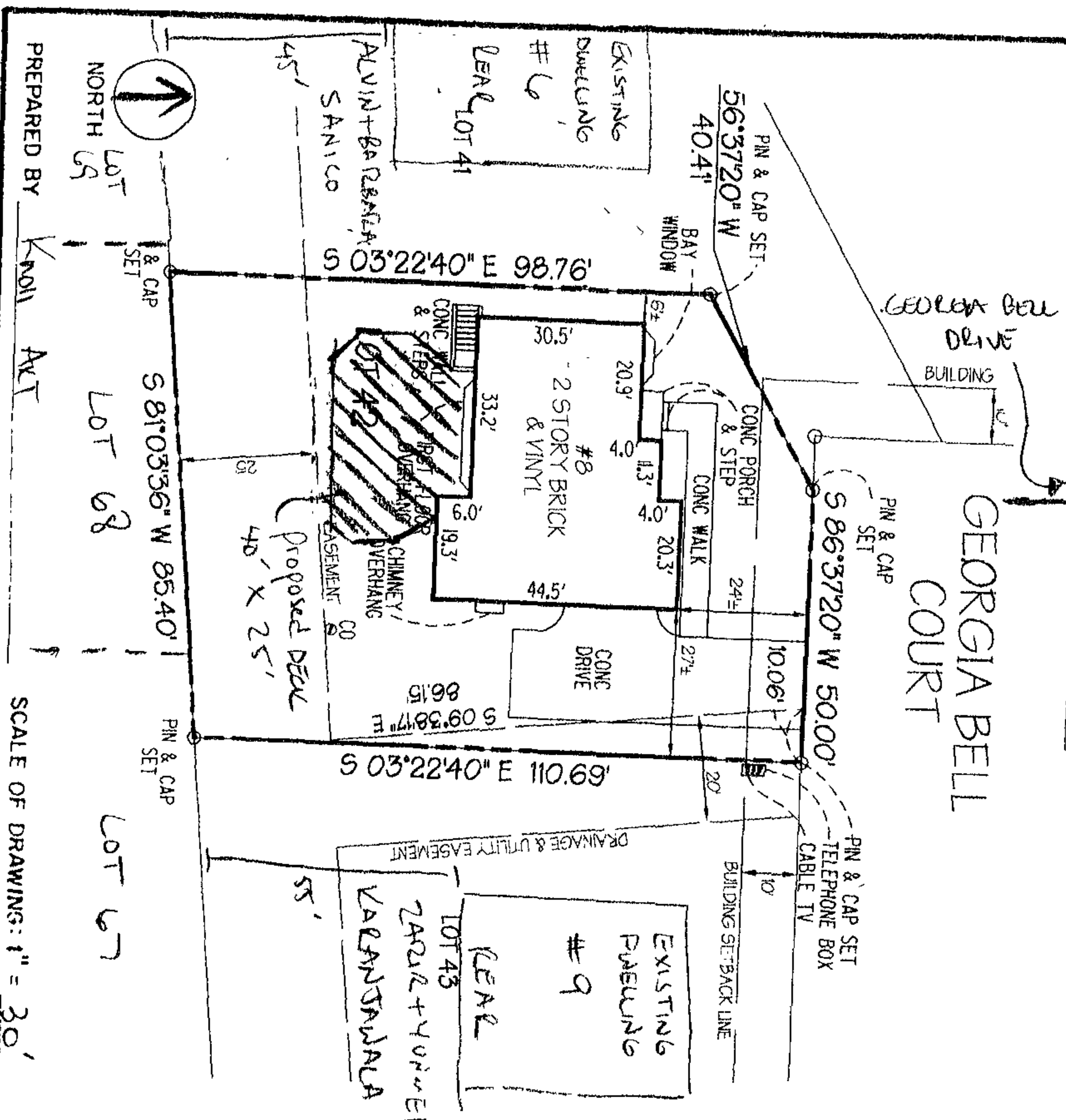
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME

FOLEGE
A2D126

PLAT BOOK # 316 FOLIO # 38 LOT # 42 SECTION # 316

OWNER Kholi + Beldoa Axi



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 072C1

ZONING DEPT.

LOT SIZE 22 9583.20

	ACREAGE	SQ. ARE FEET
1.	0.00	0.00
2.	0.00	0.00
3.	0.00	0.00
4.	0.00	0.00
5.	0.00	0.00
6.	0.00	0.00
7.	0.00	0.00
8.	0.00	0.00
9.	0.00	0.00
10.	0.00	0.00
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88.	0.00	0.00
89.	0.00	0.00
90.	0.00	0.00
91.	0.00	0.00
92.	0.00	0.00
93.	0.00	0.00
94.	0.00	0.00
95.	0.00	0.00
96.	0.00	0.00
97.	0.00	0.00
98.	0.00	0.00
99.	0.00	0.00
100.	0.00	0.00

PUBLIC PRIVATE

SEWER ☒ 11

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

CRITICAL AREA

100 YEAR FLOOD PLAIN

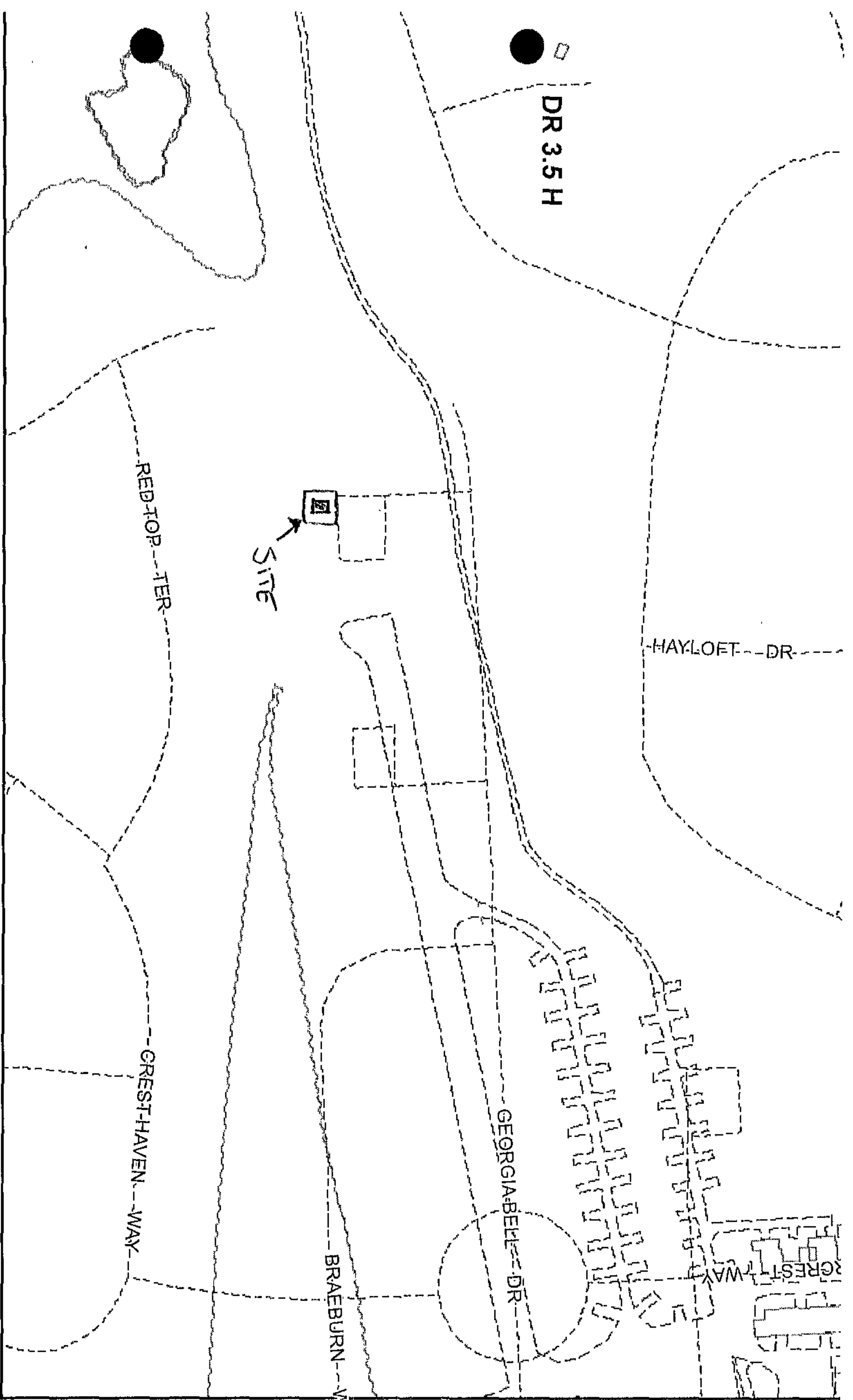
HISTORIC PROPERTY/
BUILDING ☐ ☒

BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #



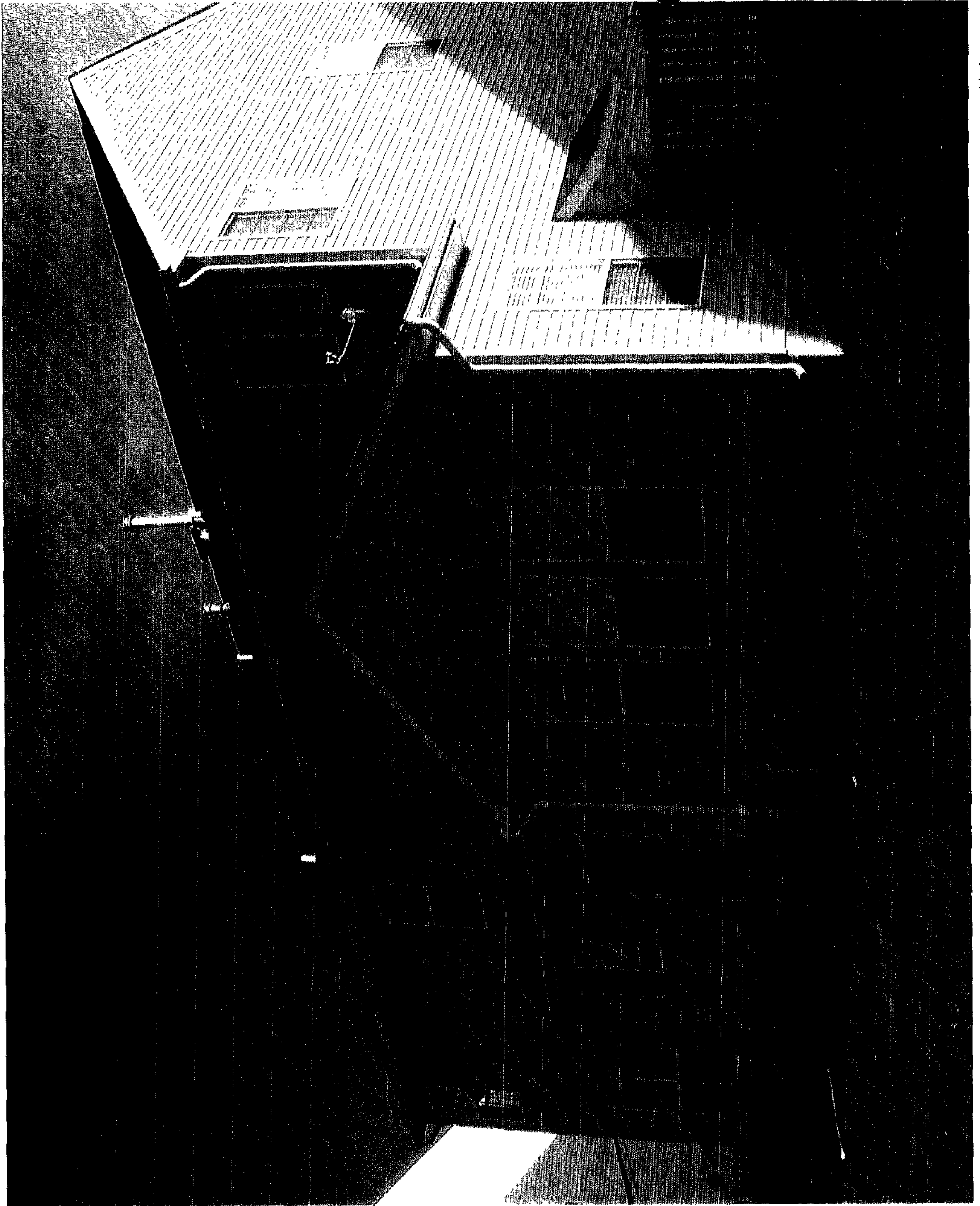
3B3	063C3	064A3	064B3
2B1	072C1	073A1	073B1

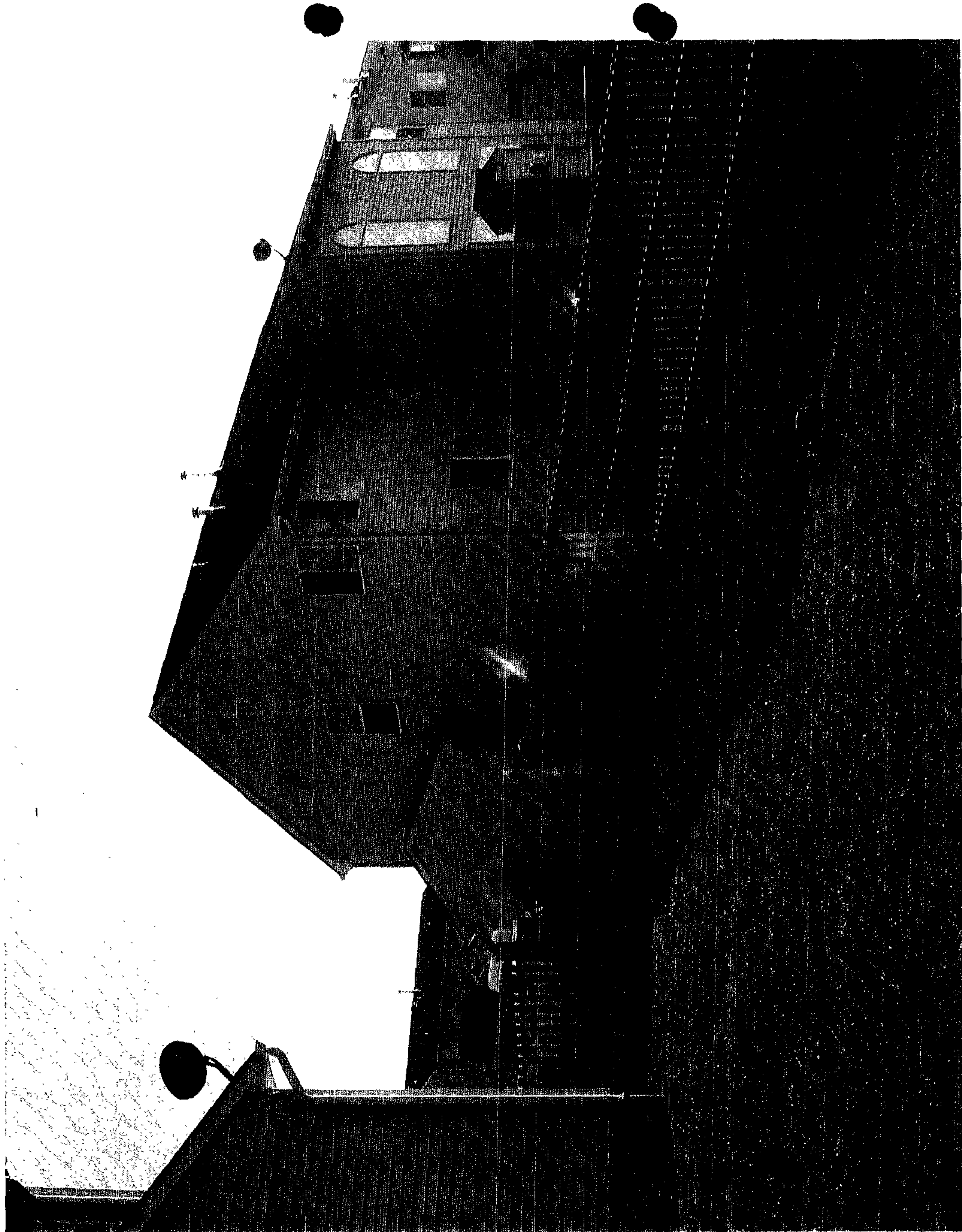
Scale

1" = 200'

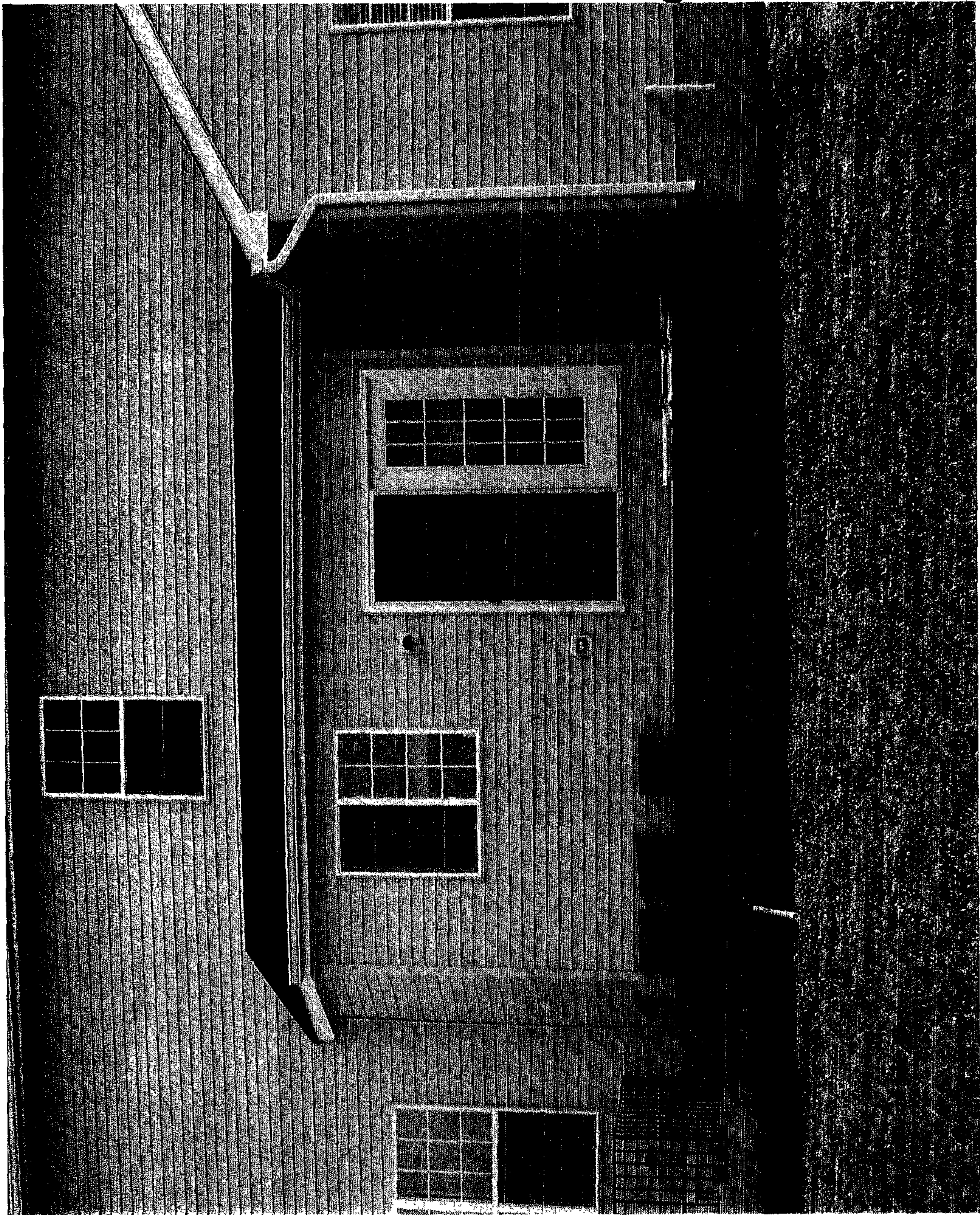


Data Sources:





#552



#552