IN RE: PETITION FOR ADMIN. VARIANCE

W/S of Dovefield Road, west of

Likens Road

11th Election District

5th Councilmanic District

(20 Dovefield Road)

Charles and Carol McKinney
Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-613-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Charles and Carol McKinney. The variance request is for property located at 20 Dovefield Road. The variance request is from Sections 1B01.2.C.1, 504 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition and existing deck with a rear yard setback of 17 feet in lieu of the required 30 feet and 22.5 feet respectively, and to amend the Final Development Plan for Lot 20 of the Likens Property Subdivision. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners state that the size of their lot is 6,300 square feet and 70 feet wide and 90 feet deep which makes it impossible to meet the required rear yard setback. There is an existing deck on the house and their lot backs to County local open space. The variance is for the proposed sunroom addition and the existing deck.

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 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 having filed a Petition for Administrative Variance and the subject property having been posted on June 11, 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.

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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 12th day of July, 2006, that a variance from Sections 1B01.2.C.1, 504 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition and existing deck with a rear yard setback of 17 feet in lieu of the required 30 feet and 22.5 feet respectively, and to amend the Final Development Plan for Lot 20 of the Likens Property Subdivision be and is hereby GRANTED, subject to the following:

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.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

July 12, 2006

CHARLES AND CAROL MCKINNEY 20 DOVEFIELD ROAD BALTIMORE MD 21128

Re: Petition for Administrative Variance Case No. 06-613-A
Property: 20 Dovefield Road

Dear Mr. and Mrs. McKinney:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure



Letition for Administrative Variance to the Zoning Commissioner of Baltimore County

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	AND EXISTING DECK	which is presently	zoned D	r5.5
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TO PERMITA PROPOS 17 FT IN LIEU OF TH	HE REQUIRED 30	FT. AND TO AN	PEND THE	FINAL
DEVELOPMENT PLAN	J FOR LOT 20, L	KENS PROPERT	y	12
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Property is to be posted and adversor we, agree to pay expenses of abegulations and restrictions of Baltimo	pove Variance, advertising, posi-	ting, etc. and further agree to a	and are to be bound county.	ed by the zoning
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ttorney For Petitioner:		20 Dovefield Roa	id 41	0-529-0262 Telephone No.
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ompany	,	Mike Diehl Name	<u> </u>	
ddress	Telephone No.	7110 Golden Ring Address	Rd 41	0-780-0062 Telephone No.
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ity S	tate Zip Code	City	State	Zip Code
Public Hearing having been formally day of gulations of Baltimore County and that the second		required, it is ordered by the Zools petition be set for a public hear	ning Commissioner of ing, advertised, as req	Baltimore County ulred by the zoning
		Zoning Cymmission	ner of Baltimore Coun	у
CASE NO. 6	6/3 A Revi	ewed By 1/100	Date 6/02/	06
REV 10/25/01		mated Posting Date	6/11/06	
TOUR MENTER		——————————————————————————————————————		
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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	a
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Address

Baltimore MD 21128
City State

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):

Our problem is the size of our lot at 6,300 sq. ft. it is 70ft wide but only 90ft. Deep. This makes it impossible to meet the required rear setbacks, So we are asking for a rear setback of 17ft in lieu of the required 30ft. (There is an existing deck on our house and lot back to a Baltimore county local space 5326/163)

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
Charles McKinney

Charles McKinney

Name - Type or Print

Signature

Carol McKinney

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of May of May of Zoo6, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD

My Commi Exps. Nov. 1, 2009

REV 10/25/01

Case # 06-613-A

20 Dovefield Rd.

We would like to amend our affidavit in support of administrative variance (Case# 06-613-A) to also include the 10'x16' open deck with a rear set back of 17ft. in lieu of the required 22.5 ft. The deck is existing and was originally 12'x12', but it has been enlarged and reinforced to accommodate the proposed sunroom. The sunroom has 2 sets of sliding doors leading onto the open deck which has steps to grade. The deck was enlarged towards the west of the home to avoid the stairway leading to home's basement.

Charles Mckinney

Carol McKinney

Carol Mc Kinney

Zoning Description for 20 Dovefield Rd.

Beginning at a point on the West side of Dovefield Rd. which is 50 ft. wide at the distance of 50ft. West of the centerline of the nearest improved intersecting street Likens Rd which is 50 ft. wide. *Being lot #20, in the subdivision of Likens property as recorded in the Baltimore county Plat Book #72, Folio #112, containing 6,300 sq. ft. Also known as 20 Dovefield Rd. and located in the 11th election district, 5th Councilmanic District.

619

CERTIFICATE OF POSTING

	RE: Case No.: 613-A
	Petitioner/Developer: CHARLES &
	CAROL MCKINNEY
	Date of Hearing/Closing: 65 - 26 - 06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	•
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury posted conspicuously on the property located at:	
Company of the second s	11-06
	onth, Day, Year)
Since	cerely,
ZONING NOTICE	(Signature of Sign Poster) (Date)
VADIANCE	SSG Robert Black
CASE # 06.6/3.A	(Print Name)
SAN FOR TOUTO THEMS PROMITY OF 13 IN THE OF MS PROMITED TO THE PROMITED OF 13 IN THE PRO	1508 Leslie Road
	(Address)
PUBLIC HEARING? MEANING TO SECURE AND SHOULD BE GROUP MAY REQUEST A PUBLIC HEAVING CONCERNING.	Dundalk, Maryland 21222
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONACE DEFICE BEFORE 4:30 p.m. ON	(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 6/3 -A Address 20 DEVETIELD RD.
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Filing Date: 6/02/06 Posting Date: 6/11/06 Closing Date: 6/26/00
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.
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.
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.
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- 613 -A Address 20 DOVEFIELD RD
Petitioner's Name CHARVES & CAROL MCKINNEY Telephone 410-524 0266
Posting Date: 6/11/06 Closing Date: 6/26/06
Vording for Sign: To Permit & REAK JARD SETBACKS OF 30 CENTED 17 FT
EACH FOR A PROPOSEP ADDITION AND EXISTING DECK IN LEU OF
THE REQUIRED 30 FT, AND 22 GFT. RESPECTIVELY AND TO AMEND THE
FINAL DEVECOPMENT PLAN FOR LOT 20 L/KEWS PROPERTY
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 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 6/3 A
Petitioner: Mckinney. Charles + Carol Address or Location: 20 Dovefield Rd
Address or Location: 20 Dove Field Rd
PLEASE FORWARD ADVERTISING BILL TO
Name: Champión
Address: 7110 Golden Ring Rd
Balto No 21221
Telephone Number: 410 780-0062



Intition for Administrative Variance

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to the Zoning	Commissioner	of Baltimore	County

for the property located at 20 Dovefield Road

And Existing which is presently zoned Dr5.5

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DEVELOPMENT	-PLAN FO	or LOT 20	LIKENIS PROPERT	ry	Hu
of the zoning regulations of this petition form.	of Baltimore Co	unty, to the zoning	law of Baltimore County, for the re	asons indicat	ed on the back
Property is to be posted a l, or we, agree to pay expendentions and restrictions to	ises of above Var	iance, advertising, po	zoning regulations. esting, etc. and further agree to and a to the zoning law for Baltimore Count	ire to be bound: y.	ed by the zoning
			I/We do solemnly declare and a perjury, that I/we are the legal of this Petition.	iffirm, under the iwner(s) of the p	penalties of property which
Contract Purchaser/L	essee:		Legal Owner(s):		
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Address	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Telephone No.	Name - Type or Print	Linner	
City	State	Zip Code	Signature	100 100 100	
Attorney For Petitione	<u>er:</u>		20 Dovefield Road Address		0-529-0262 Telephone No.
Name - Type or Print	<u>- </u>	, , , , , , , , , , , , , , , , , , , 	Baltimore	MD State	21128 Zip Code
Signature			Representative to be Co	ntacted:	
Olgitature	 		Mike Diehl		
Company			Name	1 /1	0-780-0062
Address	# # # # #	Telephone No.	7110 Golden Ring Ro Address	<u>4.1</u>	Telephone No.
City	State	Zip Code	<u>Baltimore</u> City	MD State	21221 Zip Code
A Public Hearing having been this day of regulations of Baltimore County	- th	at the eublest matter of	e required, it is ordered by the Zoning this petition be set for a public hearing, a	Commissioner of dvertised, as req	Baltimore County, ulred by the zoning
CASE NO	613	<u>A</u> Re	Zoning Commissioner of Viewed By 20 16	Baltimore Countrate 6/02/	06
REV 10/25/01	に Manual Park Manual Park	是 中 即 和 和 和	timated Posting Date 6/1/	26	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
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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) | BOI.2.C.1 AND 504, BLZR, TO

Affida Vit 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.

	20 Dovefield Road
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Baltimore 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):

Our problem is the size of our lot at 6,300 sq. ft. it is 70ft wide but only 90ft. Deep. This makes it impossible to meet the required rear setbacks, So we are asking for a rear setback of 17ft in lieu of the required 30ft. (There is an existing deck on our house and lot back to a Baltimore county local space 5326/163)

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.

Charles McKinney

Carol McKinney

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

Name - Type or Print

2006 before me, a Notary Public of the State

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of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

1000

My Commission Expires

DELORES A. KAZMERSKI -Notaty-Public Harford Co., MD

My Cornto, Exps. Nov. 1, 2009

REV 10/25/01



JAMES T. SMITH, JR. County Executive

June 29, 2006

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

Charles McKinney Carol McKinney 20 Dovefield Rd. Baltimore, MD, 21128

Dear: Mr. McKinney,

RE: Case Number: 06-613-A, 20 Dovefield Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 2, 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, Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel Mike Diehl 7110 Golden Ring Rd. Baltimore, MD 21221



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

June 13,2006

ATTENTION: Zoning Review Planners

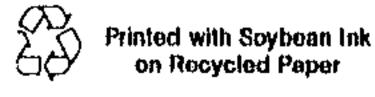
Distribution Meeting of: June 12,2006

Item No.: 609, 610, 612, 613, 614, 615, 616, 617, 618, and 620.

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

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 10, 2006

JUL 1 1 200G

Mi Cilianos Min

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

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

SUBJECT:

20 Dovefield Road

INFORMATION:

Item Number: 6-613

Petitioner:

Charles McKinney

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The petitioner's request does not appear to have any negative impacts on the surrounding community.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Division Chief: AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 6. 13.276

Baltimore County

Item No. 613

RE:

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

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. South

Engineering Access Permits Division



Baltimore County
Zoning Commissioner

7 Par. Plans
24 Par. Plans
25 June 19, 2000 (2)

Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

410-887-4386

Fax: 410-887-3468

Mr. Thomas Church Development Engineering Consultants, Inc. 6603 York Road Baltimore, Maryland 21212

RE: DEVELOPMENT PLAN HEARING (Likens Property)

11th Election District – 5th Council District

Case No. XI-799

Dear Mr. Church:

This letter is to follow-up our meeting this date concerning the above-captioned matter and the issue of whether variance relief for any of the lots in this development can be requested.

Based upon my review of the file, the approved development plan, and my Opinion and Order dated January 22, 1999, I agree that the note on the plan stating that no variances are permitted is erroneous. It was not my intent to preclude the ability of the property owner or its successors in title to Petition for variance relief. Indeed, my Order does not provide for any such prohibition. Rather, variance requests will be considered on a case-by-case, or lot-by-lot basis, as they are presented. In my judgment, the present note on the plan should be deleted.

Please call me if you have any further questions on the subject.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

cc: Mr. Carl Richards, PDM

Case File

Census 2000

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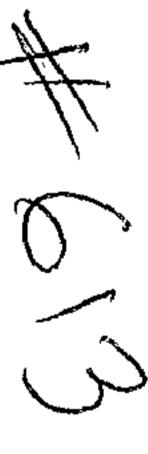
For You, For Baltimore County

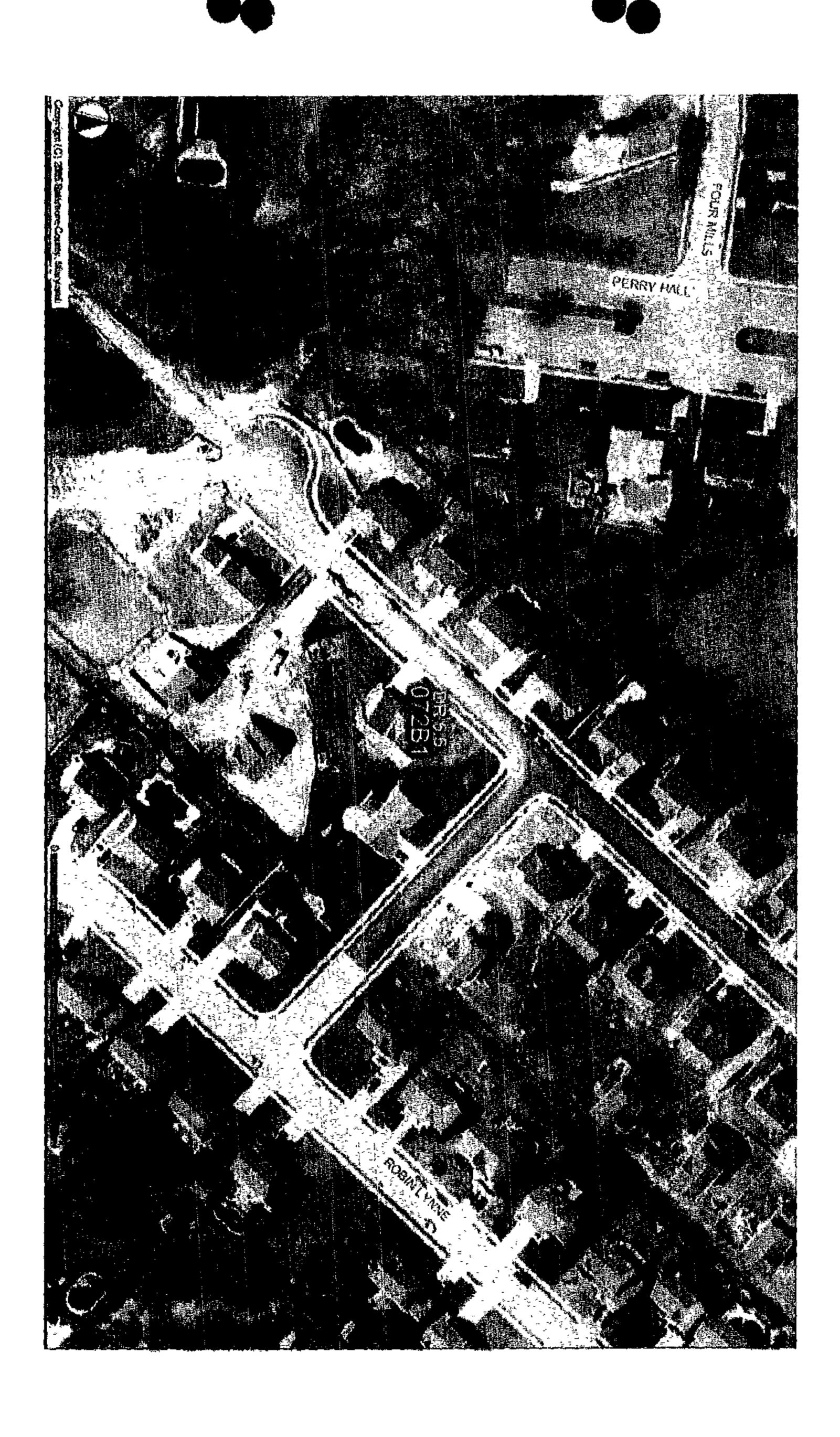


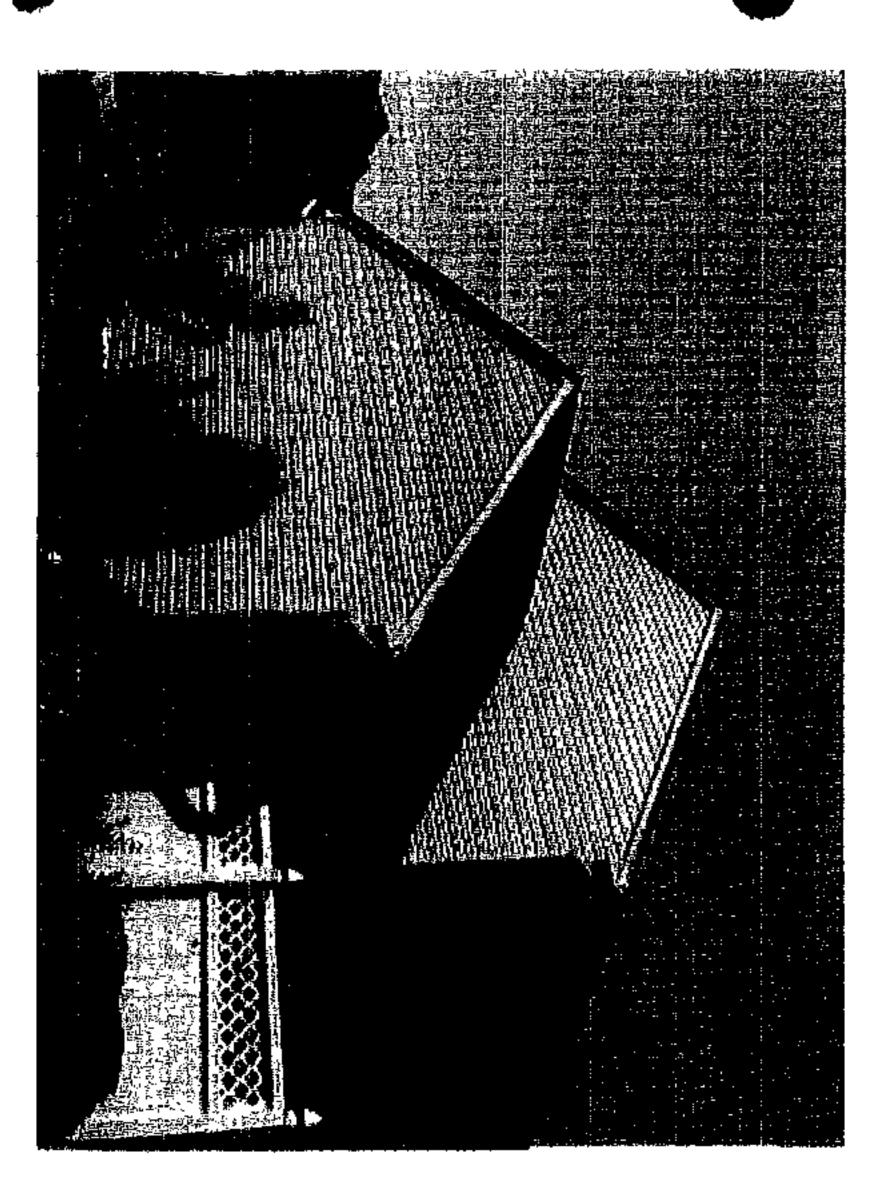
Census 2000



PREPARED BY Gerard Andersen CHANGES SCALE OF DRAWING: 1" = 30	DOVEFIELD ROAD SORIW SOLUTION TO BE THE SOLUTION OF THE SOLUT	CALEIGH STANK STAN	Ins Reperty 112 LOT # 20 SECTION # 112 LOT # 20 SECTION # 113 LOT # 20 SECTION # 114 Local open Space 5326/13 115 Dec 6 116 Dec 6 117 Dec 6 118 Dec 6 119 D	PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 20 Doveriald Rd
REVIEWED BY	SEWER WATER CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD HISTORIC PROPER BUILDING PRIOR ZONING HEA	LOCATION ISTRICT ELECTION DISTRICT COUNCIL MANIC DIST 1"=200" SCALE MAP ZOMING DR - 5.5 ZOMING DR - 5.5 ACREAGE PIJ	The same of the sa	







Side veiw of 22 Dovefield Rd.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DAITE COUNTY, MARYLAND NO. 1:25 AMOUNT AMOUNT FOR:	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	

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