

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Fitch Avenue, east of
Bennerton Drive
14th Election District
6th Councilmanic District
(4539 Fitch Avenue)

Carol Edwards
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-136-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, Carol Edwards. The variance request is for property located at 4539 Fitch Avenue. The variance request is from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 10 foot rear yard setback in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner states that due to the unique shape and size of the property the proposed addition must be constructed in the location shown on the site plan. The existing deck will be removed. Constructing the proposed addition at any other location on the property is not feasible due to site, architectural and engineering constraints. The addition would greatly increase living and storage space for family needs and could also serve as a downstairs bedroom as they grow older and can no longer use the stairs. The Petitioner has owned the house for 22 years and has grown fond of her neighbors and neighborhood. The proposed addition would offset the expense and hardship of having to move.

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.

11-1-06
11-1-17
P3

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 October 1, 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.

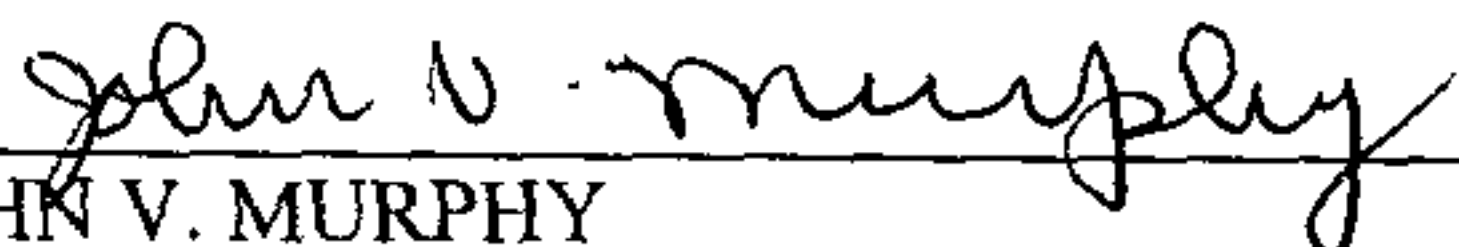
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

RECEIVED FOR FILING
JAN 11-1-06
[Signature]

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 1st day of November, 2006, that a variance from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 10 foot rear yard setback in lieu of the required 30 feet 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.

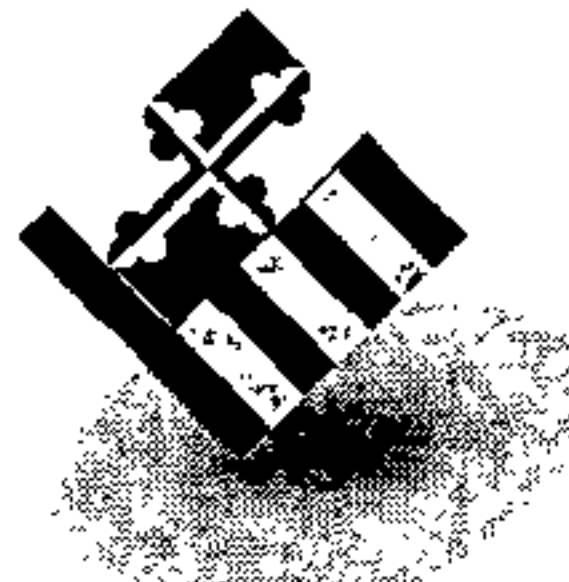
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED
11-1-06
PZ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 1, 2006

CAROL EDWARDS
4539 FITCH AVENUE
BALTIMORE MD 21236

Re: Petition for Administrative Variance
Case No. 07-136-A
Property: 4539 Fitch Avenue

Dear Ms. Edwards:

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:pz

Enclosure

RECEIVED FOR FILING

11-1-06

Handwritten initials, possibly "JVM", in cursive script.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4539 Fitch Ave
which is presently zoned DR. 3.5

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) BO2. 3A.1. (BCZR)

TO PERMIT AN ADDITION WITH A 10-FOOT REAR YARD SETBACK
IN LIEU OF THE REQUIRED 30-FEET.

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

Telephone No.

City

State

Zip Code

Representative to be Contacted:

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. 07-136-A

Reviewed By D.T. Date 9/22/06

REV 10/25/01

Estimated Posting Date 10/1/06

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 4539 Fitch Avenue
Address Baltimore, MD 21236
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) Due to the unique shape and size of the Subject Property, the proposed addition must be constructed in the location shown on the plan to accompany this petition. Constructing the proposed addition at any other location on the Subject Property is not feasible due to site, architectural, and engineering constraints.
- 2) If granted the requested variance, the proposed addition would greatly increase living and storage space for my family needs. Could also possibly serve as a bedroom downstairs as we grow old and can no longer do the stairs.
- 3) Having owned this house for twenty two years we have grown fond of our neighbors and the neighborhood. This addition would offset the expence and hardship of having to move.

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.

Carol L Edwards
Signature

Signature

Carol L Edwards
Name - Type or Print

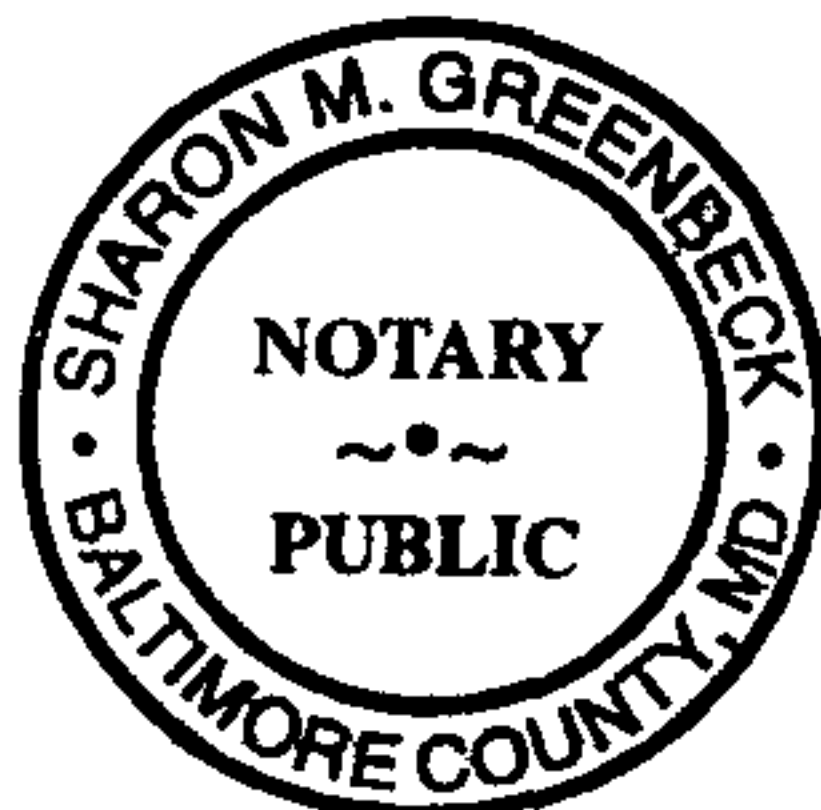
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of September, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Sharon M. Greenbeck
Notary Public

My Commission Expires July 21, 2007

Affidavit in Support of Administrative Variance

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- 2) If granted the requested variance, the proposed addition would greatly increase living and storage space for my family needs. Could also possibly serve as a bedroom downstairs as we grow old and can no longer do the stairs.
- 3) Having owned this house for twenty two years we have grown fond of our neighbors and the neighborhood. This addition would offset the expence and hardship of having to move.

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.

Carol L Edwards
Signature

Signature

Carol L Edwards
Name - Type or Print

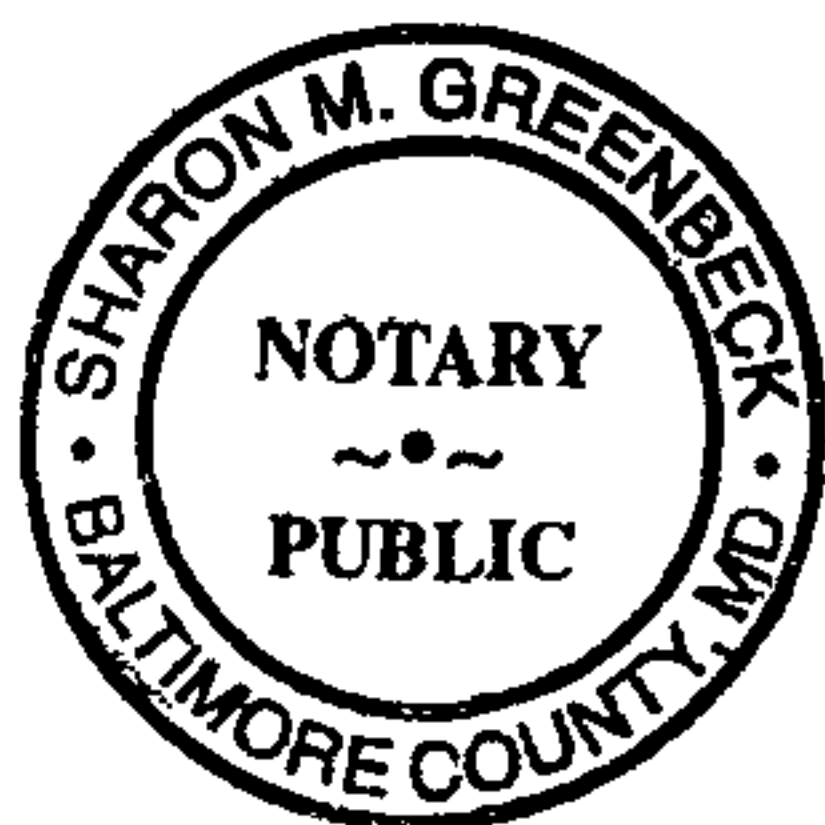
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

AS WITNESS my hand and Notarial Seal



Sharon M. Greenbeck
Notary Public

My Commission Expires July 21, 2007



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4539 Fitch Ave
which is presently zoned DR. 3.5

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) 1B02.3A.1. (BCZR)

TO PERMIT AN ADDITION WITH A 10-FOOT REAR YARD SETBACK
IN LIEU OF THE REQUIRED 30-FEET.

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 11-1-06 day of Nov 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. 07-136-A

REV 10/25/01

Reviewed By D.T. Date 9/22/06

Estimated Posting Date 10/1/06

Zoning Description

Zoning Description For: 4539 Fitch Avenue. Beginning at a point on the south side of Fitch Avenue which is 60 feet wide at the distance of 100 feet East of the centerline of the nearest improved intersecting street Bennerton Drive which is 50 feet wide. *Being Lot # 5, Block B, in the subdivision of Village of Hickory Hollow as recorded in Baltimore County Plat Book # 39, Folio # 138, containing 0.13 acre. Also known as 4539 Fitch Avenue and located in the 14th Election District, 6th Councilmanic District.

No. 21099

DATE 9/52/01 ACCOUNT

001006150

ACCOUNT

AMOUNT

96

RECEIVED
FROM:

Mr. J. R. ...

FOR:

#100-37501-A

4539 Fitch Ave D Thompson

DISTRIBUTION

WHITE - CASHIER

PIRK - AGENCY

VERLOREN - CLOSTON 1988

VERLOREN - CLOSTON 1988

SECRET

WETTER

157-1000 020315 15-21-10

THE UNIVERSITY OF CHICAGO

IDENTITY IN THE STATE OF TEXAS

17

1994

三

25

100

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 10/4/06

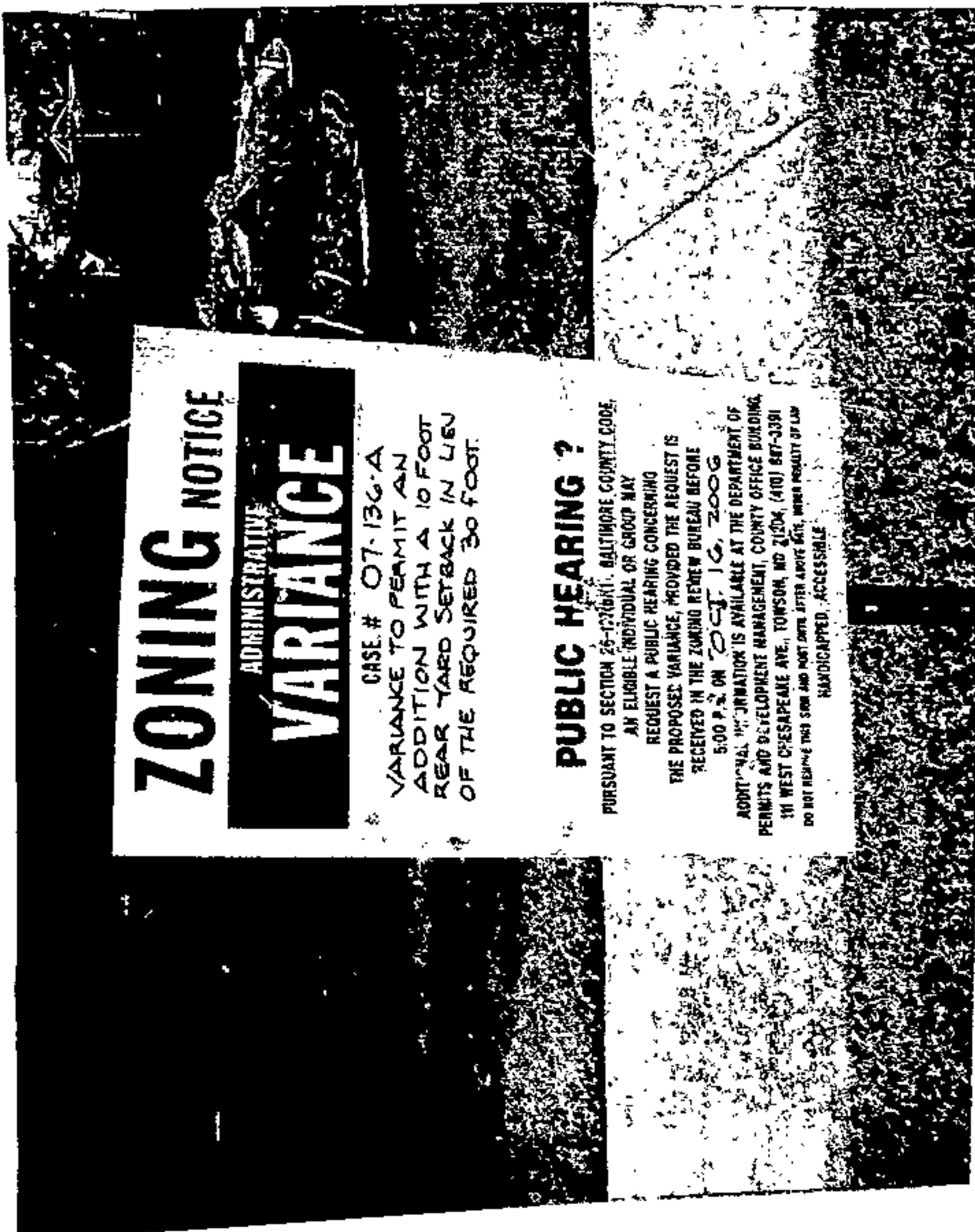
RE: Case Number: 07-136-A

Petitioner/Developer: CAROL EDWARDS

Date of Hearing/Closing: OCT 16, 2006

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4539 FITCH AVE

The sign(s) were posted on 10/1/06
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Mapledt Road
Baltimore, MD 21234
410-665-5562

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 136 -A

Address 4539 FITCH AVE.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9/22/06

Posting Date: 10/1/06

Closing Date: 10/16/06

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 07- 136 -A

Address 4539 FITCH AVE.

Petitioner's Name EDWARDS

Telephone _____

Posting Date: 10/1/06

Closing Date: 10/16/06

Wording for Sign: To Permit AN ADDITION WITH A 10-FOOT REAR YARD

SETBACK IN LIEU OF THE REQUIRED 30-FEET.

**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: 07-136-A

Petitioner: EDWARDS

Address or Location: 4539 FITCH AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~MRS. CAROL L. EDWARDS~~ MRS. CAROL L. EDWARDS

Address: 4539 FITCH AVE.

BALTO. MD 21236

Telephone Number: 410-882-9424



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 17, 2006

Carol Edwards
4539 Fitch Avenue
Baltimore, MD 21236

Dear Ms. Edwards:

RE: Case Number: 07-136-A, 4539 Fitch Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 22, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Baltimore County
Fire Department

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

County Office Building, Room 111
4, 20064, 2006, 2006
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 131 and 135 through 144

(136)

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 4, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 9, 2006
Item Nos. 07-131, 135, 136, 137, 138,
139, 140, 141, 142, 143, and 144

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-10042006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 31, 2006

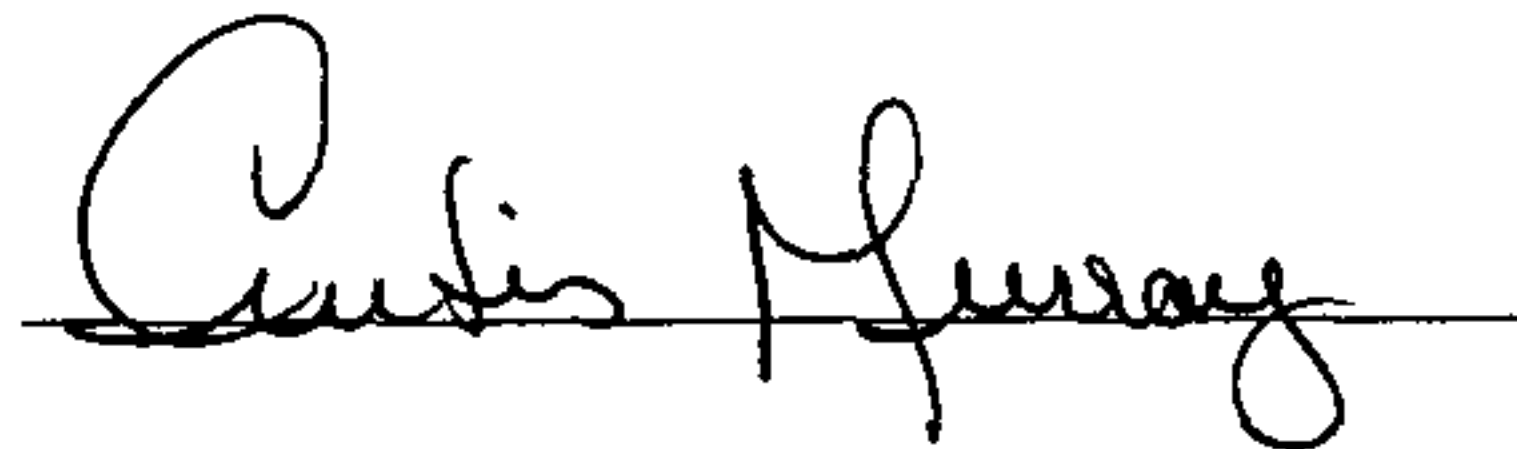
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-136- Administrative Variance**

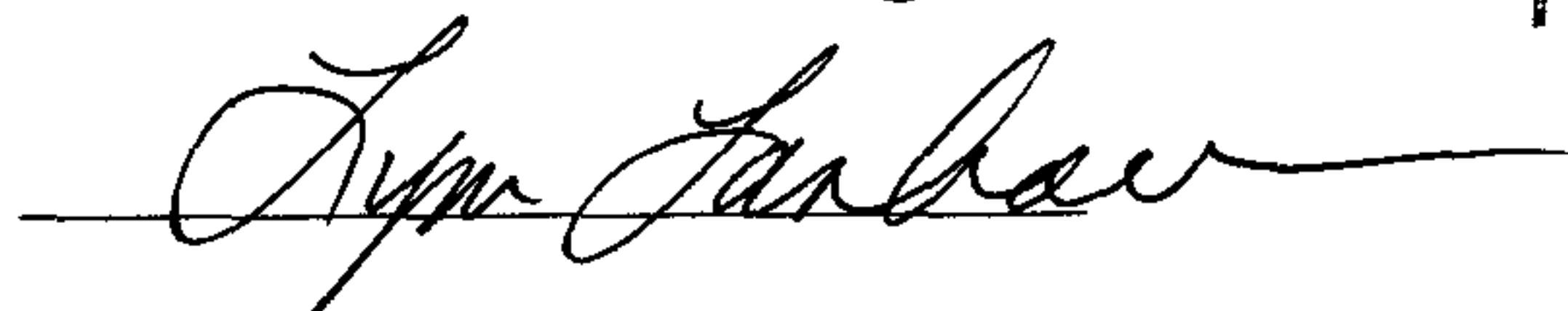
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



RECEIVED

OCT 31 2006

CM/LL

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: OCTOBER 10, 2006

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

RE: Baltimore County
Item No. 07-136-A
4539 FITCH AVENUE
EDWARDS PROPERTY
VARIANCE-ADDITION WITH
10' REAR YARD SETBACK

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-136-A

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

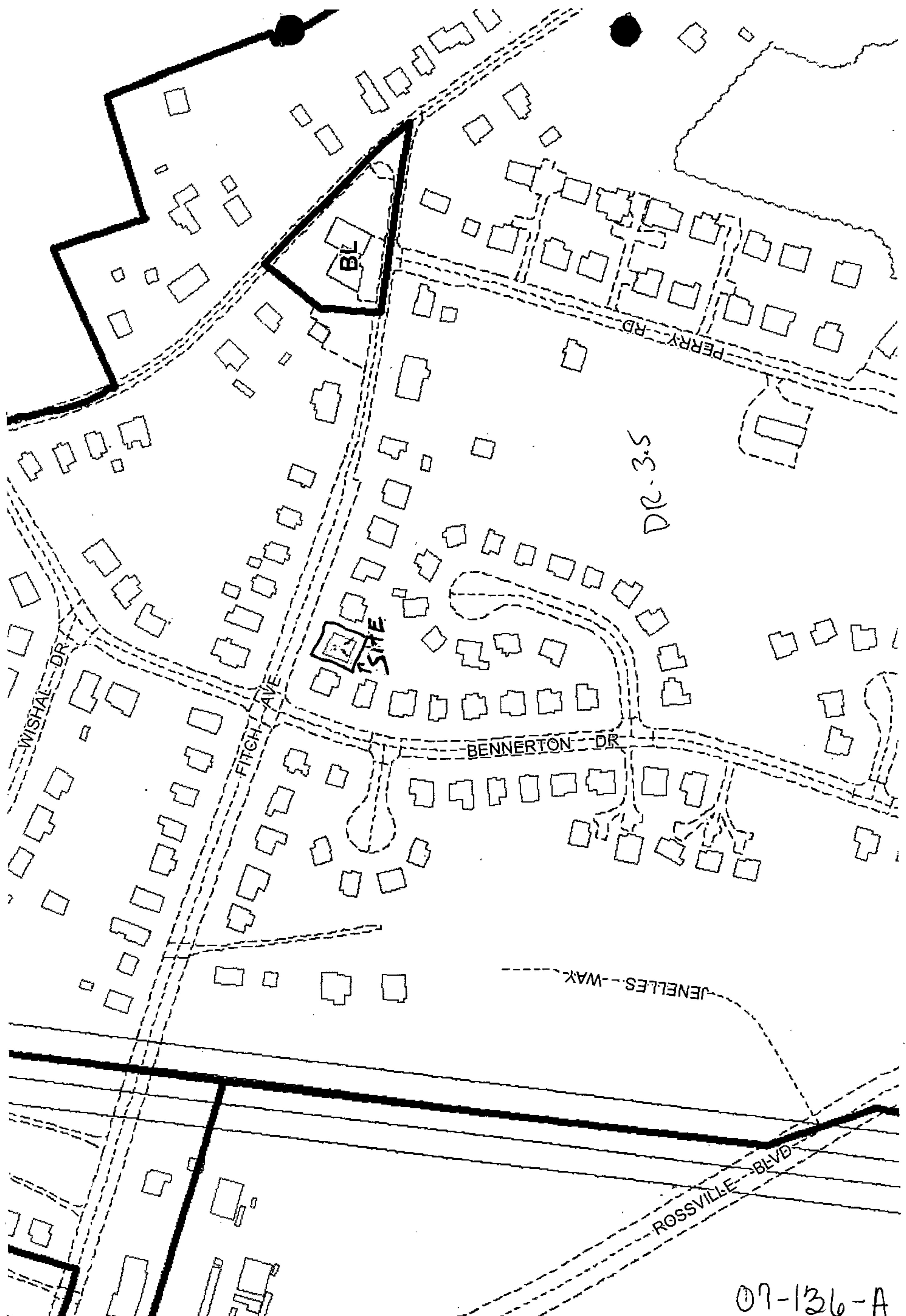
SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

201807 draw



07-136-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4539 Fitch Ave

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

SUBDIVISION NAME Village of Hickory Hollow

PLAT BOOK # 39 FOLIO # 138 LOT # 5 SECTION #

OWNER CAROL L EDWARDS

KENNETH L ANDERSON
JUDITH A. ANDERSON

LOT 18
Deed Ref 5786/842

FENCE

PROPOSED
ADDITION
20x24
10x15
(EXISTING DECK WILL BE
REMOVED.)

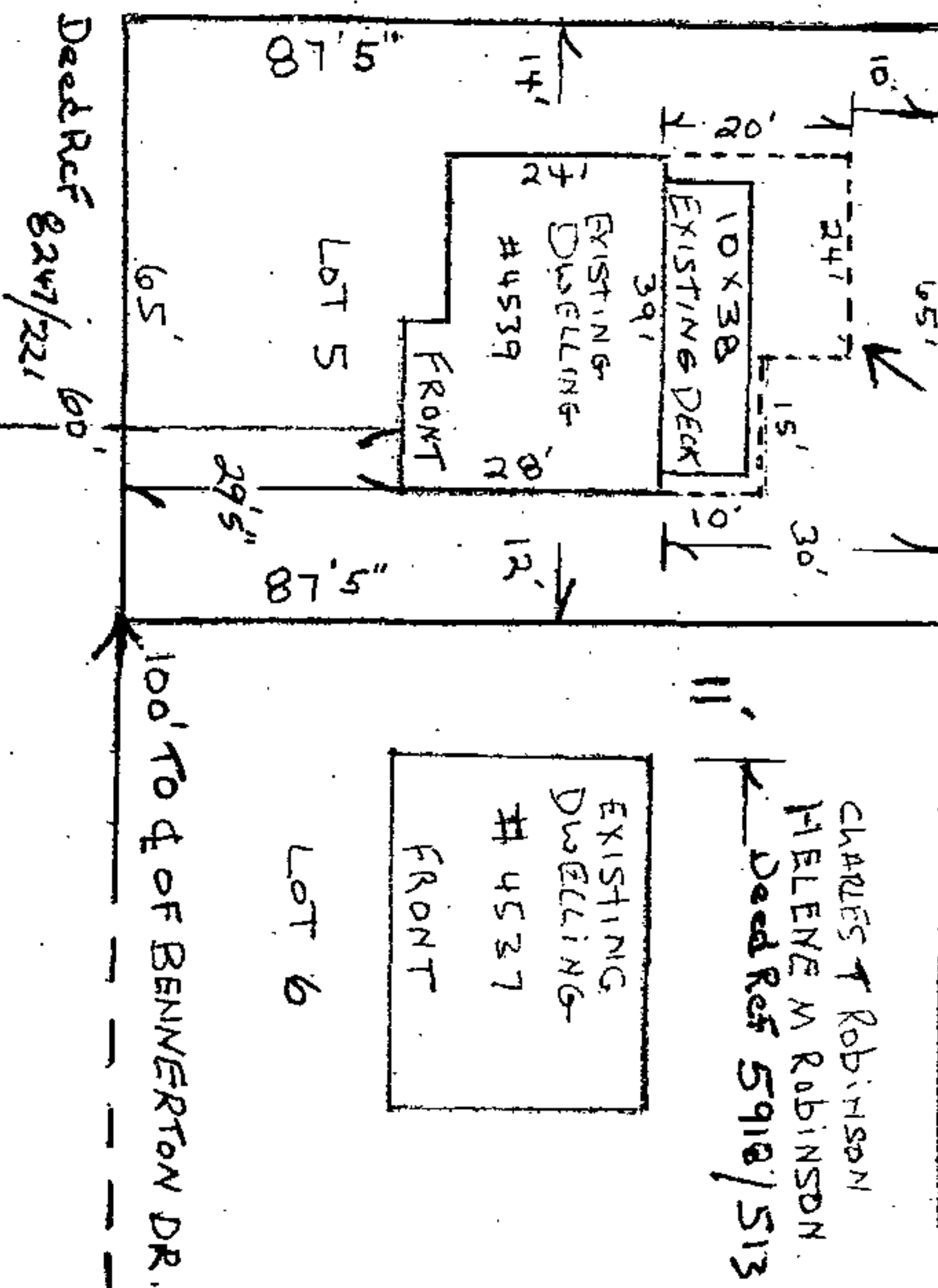
FENCE

Deed Ref 7353/656
JOSEPH J MOXLEY
PATRICIA MOXLEY
LOT 7

Deed Ref 11665/150 14'
BRENDA L. GREGG

EXISTING
DWELLING
#4541
FRONT

Lot 4



CHARLES T ROBINSON
HELENE M ROBINSON
Deed Ref 5918/513

EXISTING
DWELLING
#4537
FRONT

Lot 6



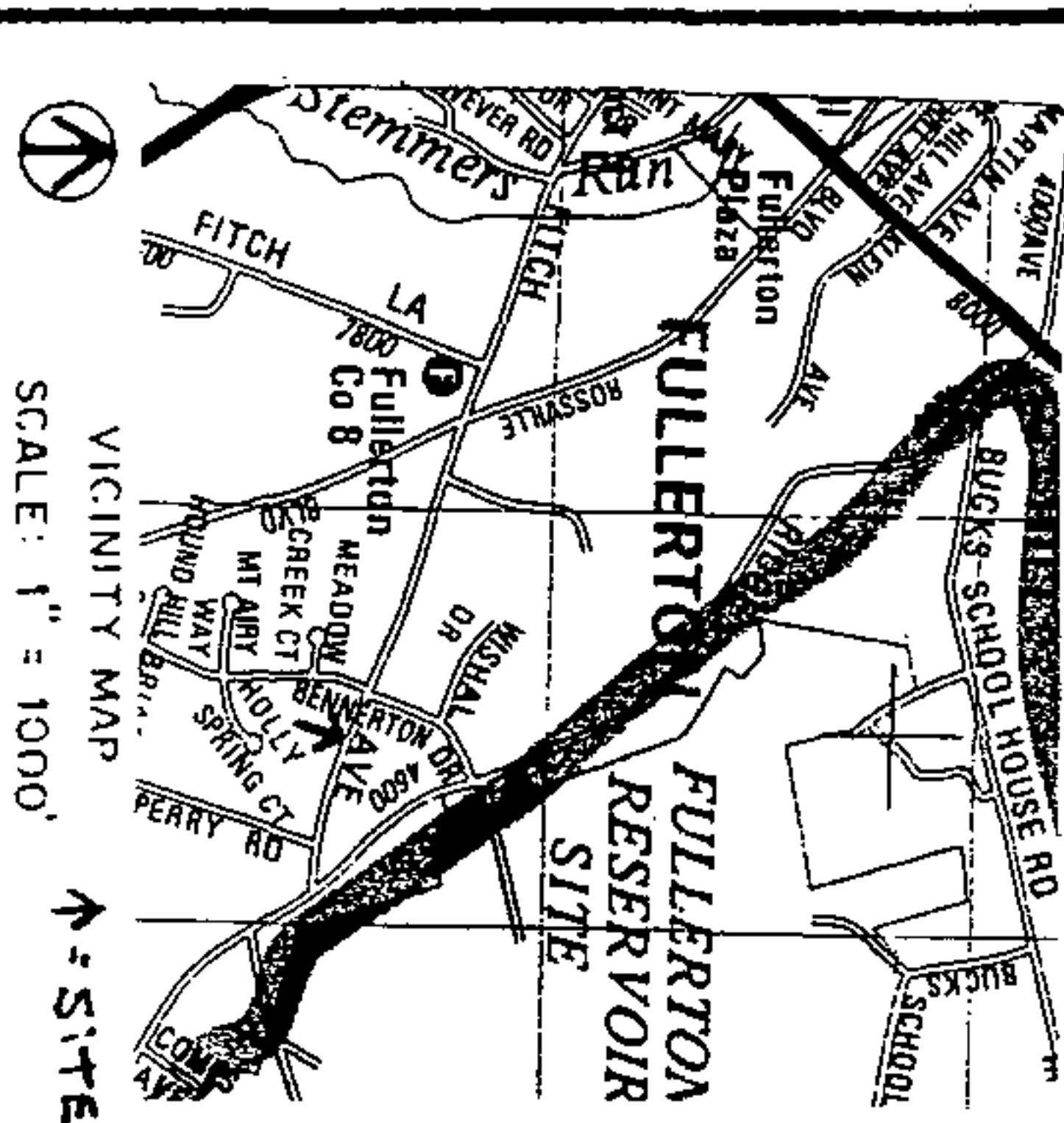
FITCH AVE

(60' R/W 36' PAVING)

PREPARED BY

STEVE PIERPONT

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'
↑ = SITE

LOCATION INFORMATION

ELECTION DISTRICT 14

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 08102

ZONING D.R. 3.5

LOT SIZE 0.13 ACRES 5695 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #
D.T. 136 07-136-A

