

IN RE: PETITION FOR ADMIN. VARIANCE
S side Moray Court, 450 feet
E of Breen Place
11th Election District
5th Councilmanic District
(11 Moray Court)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-226-A

Louis J. and Joan C. Wagner
Petitioners

* * * * *

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, Louis J. and Joan C. Wagner. The variance request is for property located at 11 Moray Court. 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 20-foot rear setback in lieu of the required 30-feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the first floor habilitation is needed because the homeowners are senior citizens. The existing deck will be removed. The proposed addition measures 12 feet x 23 feet in size.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 7, 2006. That Office does not oppose the Petitioner's request as the proposed addition should not have a negative impact on the surrounding property owners or the overall character of the neighborhood. A copy of which is attached hereto and made a part hereof the file.

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

RECEIVED
12-14-06
OFFICE OF PLANNING

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 November 26, 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.

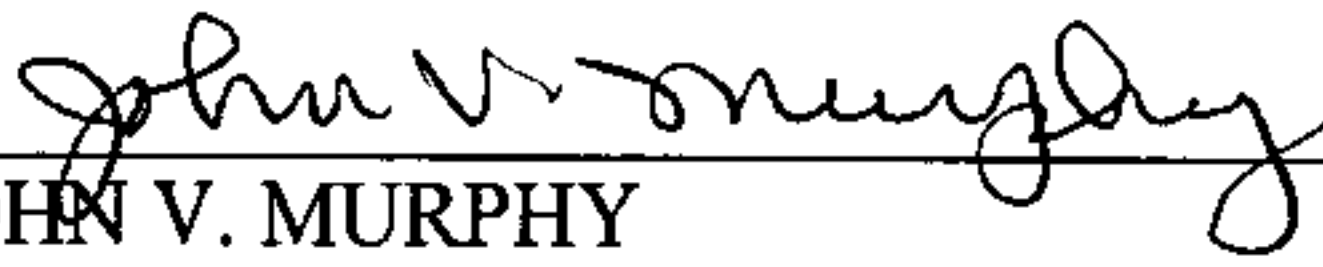
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of December, 2006, that a variance from Section 1B02.3.A.1 of the

12-14-06
1274-06
RB

Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 20-foot rear 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.

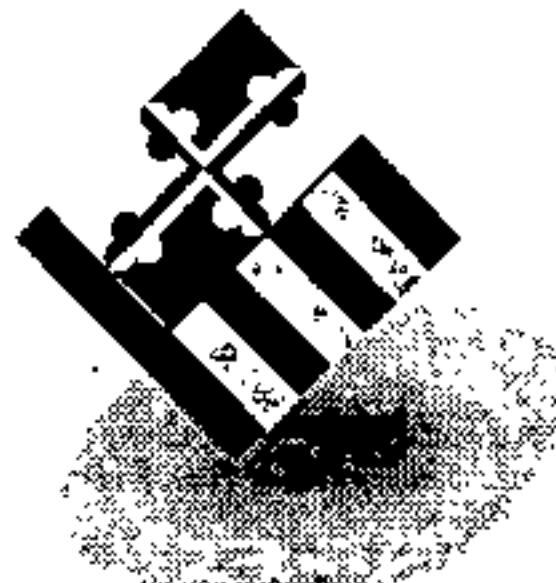
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECORDED FOR FILING
Date 12-14-06
PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 14, 2006

LOUIS J. AND JOAN C. WAGNER
11 MORAY COURT
NOTTINGHAM MD 21236

Re: Petition for Administrative Variance
Case No. 07-226-A
Property: 11 Moray Court

Dear Mr. and Mrs. Wagner:

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
12-14-06
PB



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11 MORAY CT.
which is presently zoned D.R. 3.5+ D.R. 5.5

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) 1802.3A.1. (BCZR)

TO PERMIT AN ADDITION WITH A 20-FOOT REAR 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):

X LOUIS I. WAGNER
Name - Type or Print _____
Louis I. Wagner
Signature _____
JOAN C. WAGNER
Name - Type or Print _____
Joan C. Wagner
Signature _____
11 MORAY CT. 410-256-3403
Address _____ Telephone No. _____
NOTTINGHAM MD 21236
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. 07-226-A

Reviewed By D.T. Date 11/15/06

REV 10/25/01

Estimated Posting Date 11/26/06

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 * 11 MORAY CT.
Address
* NOTTINGHAM 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):

* The addition applied for is needed for 1st floor habitation, due to owners being Senior Citizens.

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.

* Louis J. Wagner
Signature
LOUIS J. WAGNER
Name - Type or Print

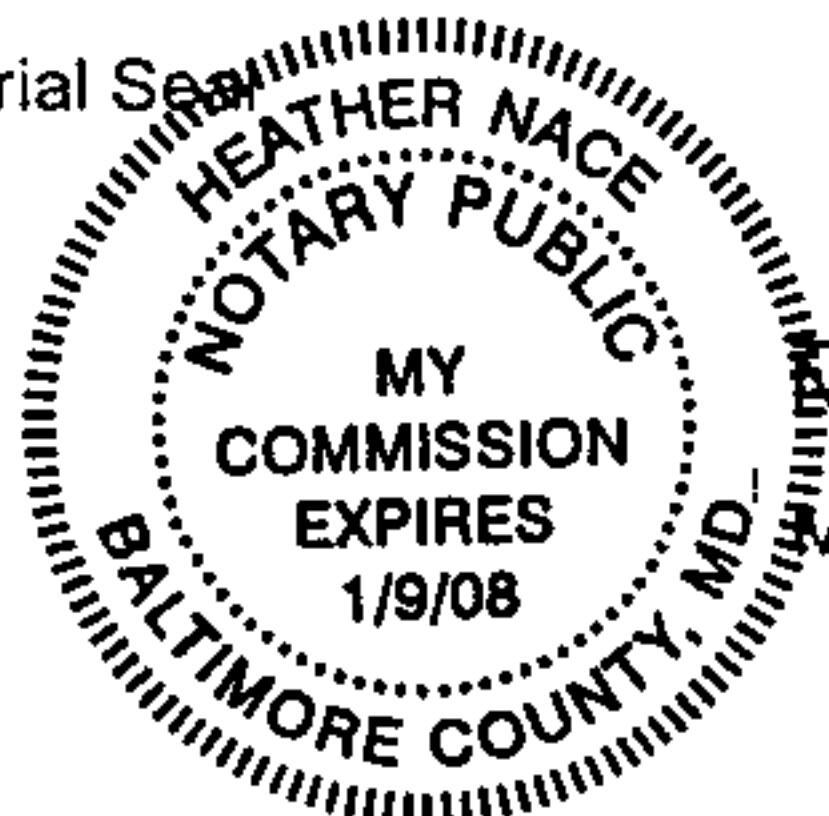
* Joan C. Wagner
Signature
JOAN C. WAGNER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

* I HEREBY CERTIFY, this 10th day of November, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Louis J. Wagner and Joan C. Wagner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Heather Nace
Notary Public
My Commission Expires 1/9/08

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.

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* NOTTINGHAM MD 21236
City State Zip Code

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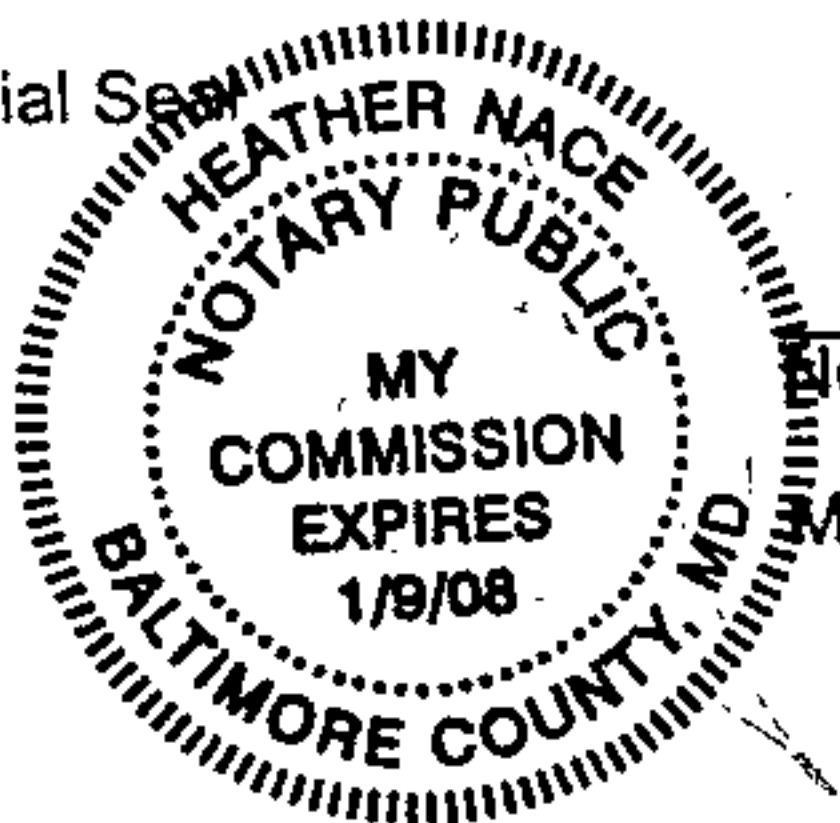
* Louis J. Wagner
Signature
LOUIS J. WAGNER
Name - Type or Print

* Joan C. Wagner
Signature
JOAN C. WAGNER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

* I HEREBY CERTIFY, this 10th day of November, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Louis J. Wagner and Joan C. Wagner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Heather Nace
Notary Public
My Commission Expires 1/9/08



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11 MORAY CT.

which is presently zoned D.R. 3.5+D.R.5.5

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) 1802.3A.1. (BCZR)

TO PERMIT AN ADDITION WITH A 20-FOOT REAR 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):

X LOUIS I. WAGNER
Name - Type or Print _____
Louis I. Wagner
Signature _____
JOAN C. WAGNER
Name - Type or Print _____
Joan C. Wagner
Signature _____
11 MORAY CT. 410-256-3403
Address _____ Telephone No. _____
NOTTINGHAM MD 21236
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. 07-226-A
REV 10/25/01 12-14-06

Reviewed By D.T. Date 11/15/06
Estimated Posting Date 11/26/06

Zoning Description for **11 MORAY COURT**

Beginning at a point on the south side of Moray Court which has a 50-foot right of way at a distance of 450-feet east of Breen Place also having a 50-foot right of way. Being the same property and recorded among land records of Baltimore County in Plat Book 36, Folio 37, Lot #9 in the subdivision known as "Silvergate Village North" containing 8,010 square feet. Also known as 11 Moray Court and located in the 11th Election District and 5th Councilmanic District.

07-226-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21786

DATE 11/15/06 ACCOUNT 0010066150

AMOUNT \$ 105.00

RECEIVED FROM: LOUIS WAGNER

FOR: ITEM # 07-226-A

11 MORAY CT DT

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS 11/15/2006 11/15/2006 15:14:22 TUE

REG 0001 WALKIN JAC JR

>>RECEIPT # 307259 11/15/2006 0714

Dept 5 528 ZIMING VERIFICATION

CR NO. 021786

Receipt Tot 105.00

105.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 12/4/06

RE: Case Number: 07-226-A

Petitioner/Developer: JOHN WAGNER

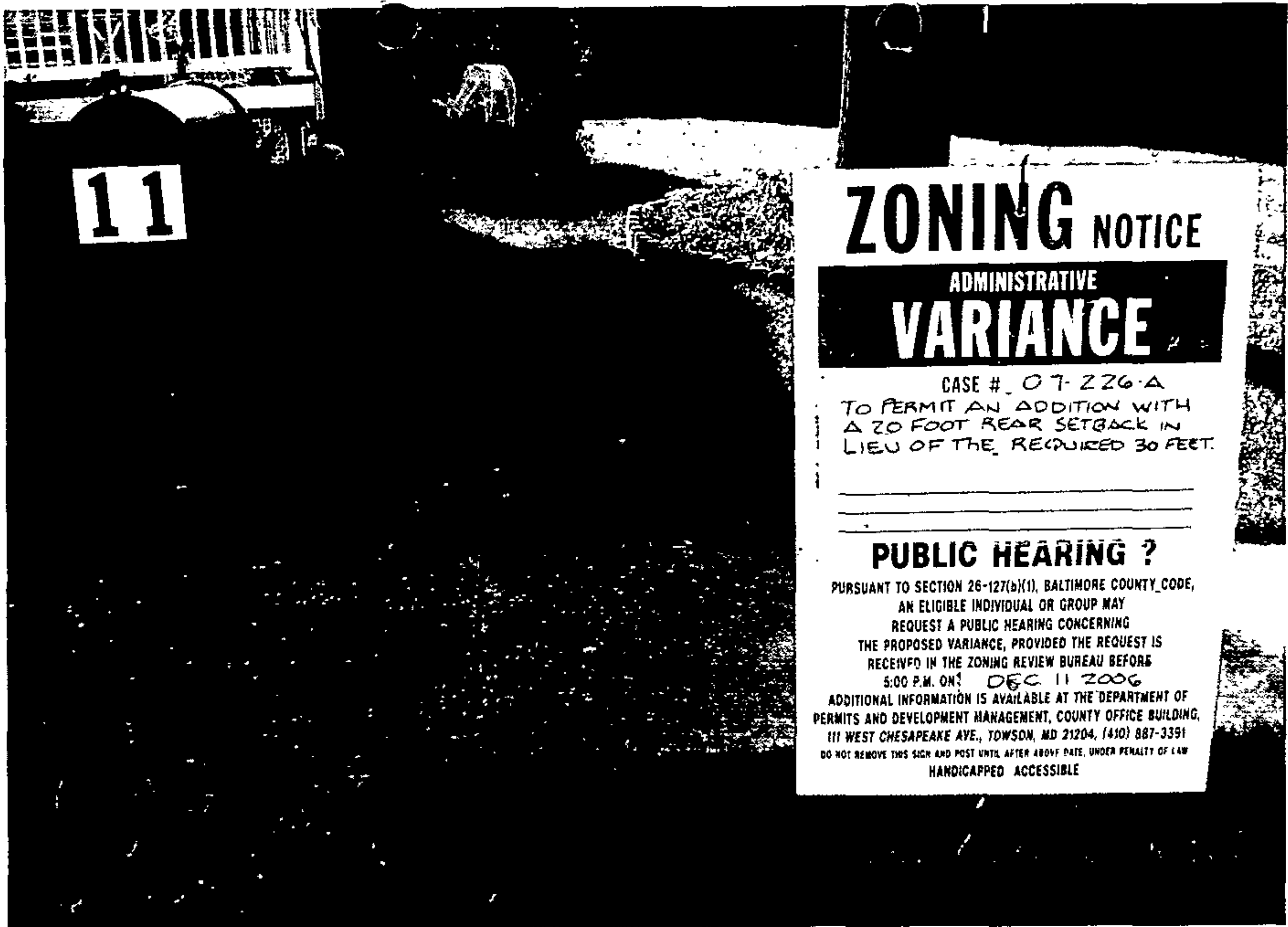
Date of Hearing/~~Closing~~: 12/11/06

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 11 MORAY

The sign(s) were posted on 11/26/06
(Month, Day, Year)

Charles E. Merritt
(Signature of Sign Poster)

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



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 226 -A

Address 11 MORAY COURT

Contact Person: DONNA THOMPSON

Planner. Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/15/06

Posting Date: 11/26/06

Closing Date: 12/11/06

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

- 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 07- 226 -A

Address 11 MORAY COURT

Petitioner's Name WAGNER

Telephone 410-256-3403

Posting Date: 11/26/06

Closing Date: 12/11/06

Wording for Sign: To Permit AN ADDITION WITH A 20-FOOT REAR SETBACK

IN LIEU OF THE REQUIRED 30-FEET.

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: 07-226-A

Petitioner: WAGNER

Address or Location: 11 MORAY COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. LOUIS WAGNER

Address: 11 MORAY CT.

NOTTINGHAM, MD 21236

Telephone Number: 410-256-3423



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

December 12, 2006

Louis J. Wagner
Joan c. Wagner
11 Moray Court
Nottingham, MD 21236

Dear Mr. and Mrs. Wagner:

RE: Case Number: 07-226-A, 11 Moray Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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

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

November 22, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

Item Number(s): 213 through 228

226

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: November 28, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2006
Item Nos. 07-72, 139, 213, 214, 215, 216,
217, 218, 219, 220, 221, 222, 223, 224,
226, 227, and 228

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-11272006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 7, 2006

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

SUBJECT: 11 Moray Court
INFORMATION:

Item Number: 7-226

Petitioner: Louis Wagner

Zoning: DR 3.5 and DR 5.5

Requested Action: Administrative Variance

RECEIVED

DEC 10 2006

ZONING COMMITTEE

SUMMARY OF RECOMMENDATIONS:

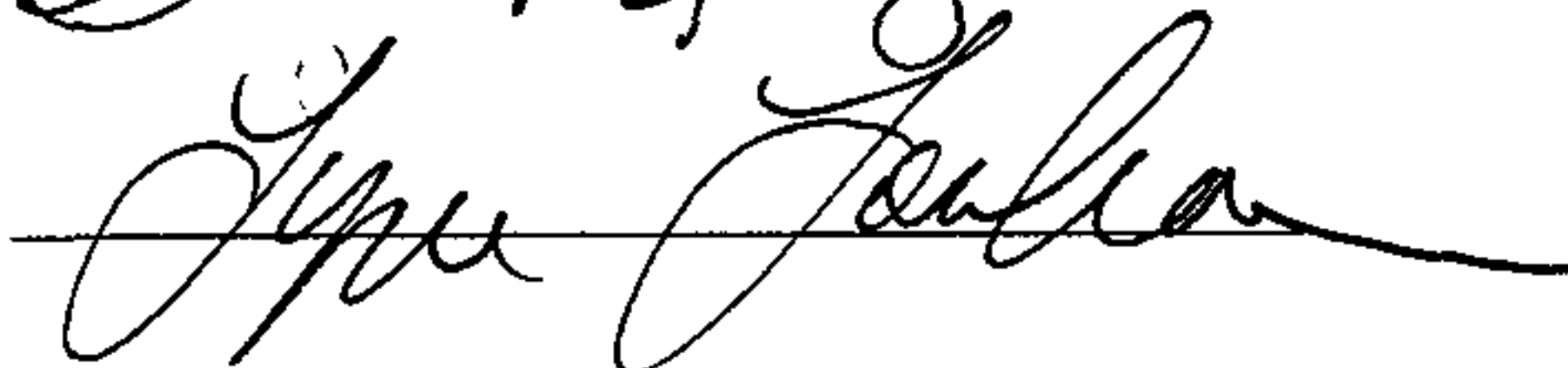
The Office of Planning does not oppose the petitioner's request to permit an addition with a 20-foot building to property line setback in lieu of the required 30-feet. Proposed addition should not have a negative impact on the surrounding property owners nor the overall character of the neighborhood.

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

Reviewed by:



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: NOVEMBER 20, 2006

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

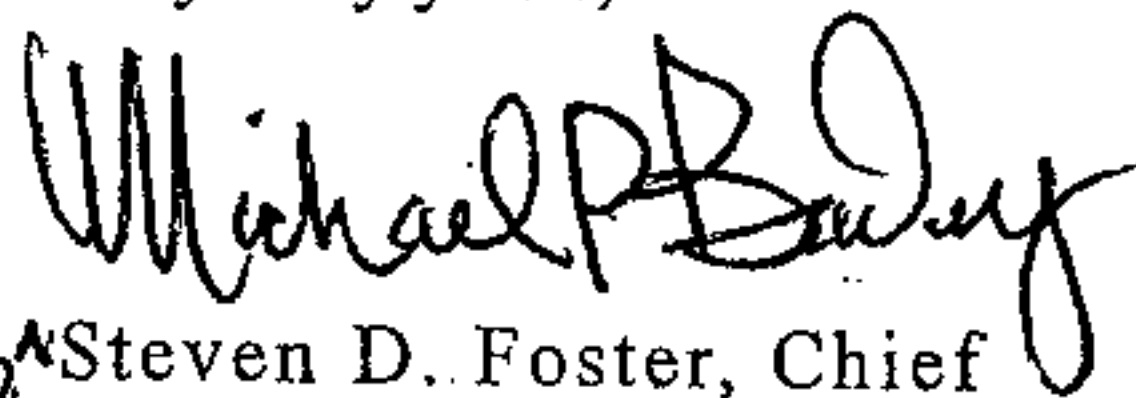
RE: Baltimore County
Item No. 7-226-A
11 MORAY COURT
WAGNER PROPERTY
VARIANCE - ADDITION W/20'
REAR SETBACK IN LIEU OF
30'

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. 7-226 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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

PROPERTY ADDRESS 11 MORAY COURT

SUBDIVISION NAME SILVERGATE VILLAGE NORTH

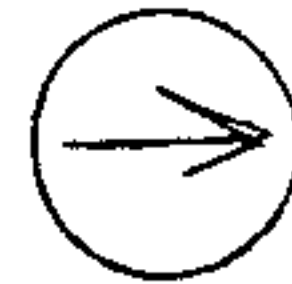
PLAT BOOK # 26 FOLIO # 27 LOT # 9 SECTION #

OWNER LOUIS J. + JOAN C. WAGNER

PROPOSED 12x23
ADDITION



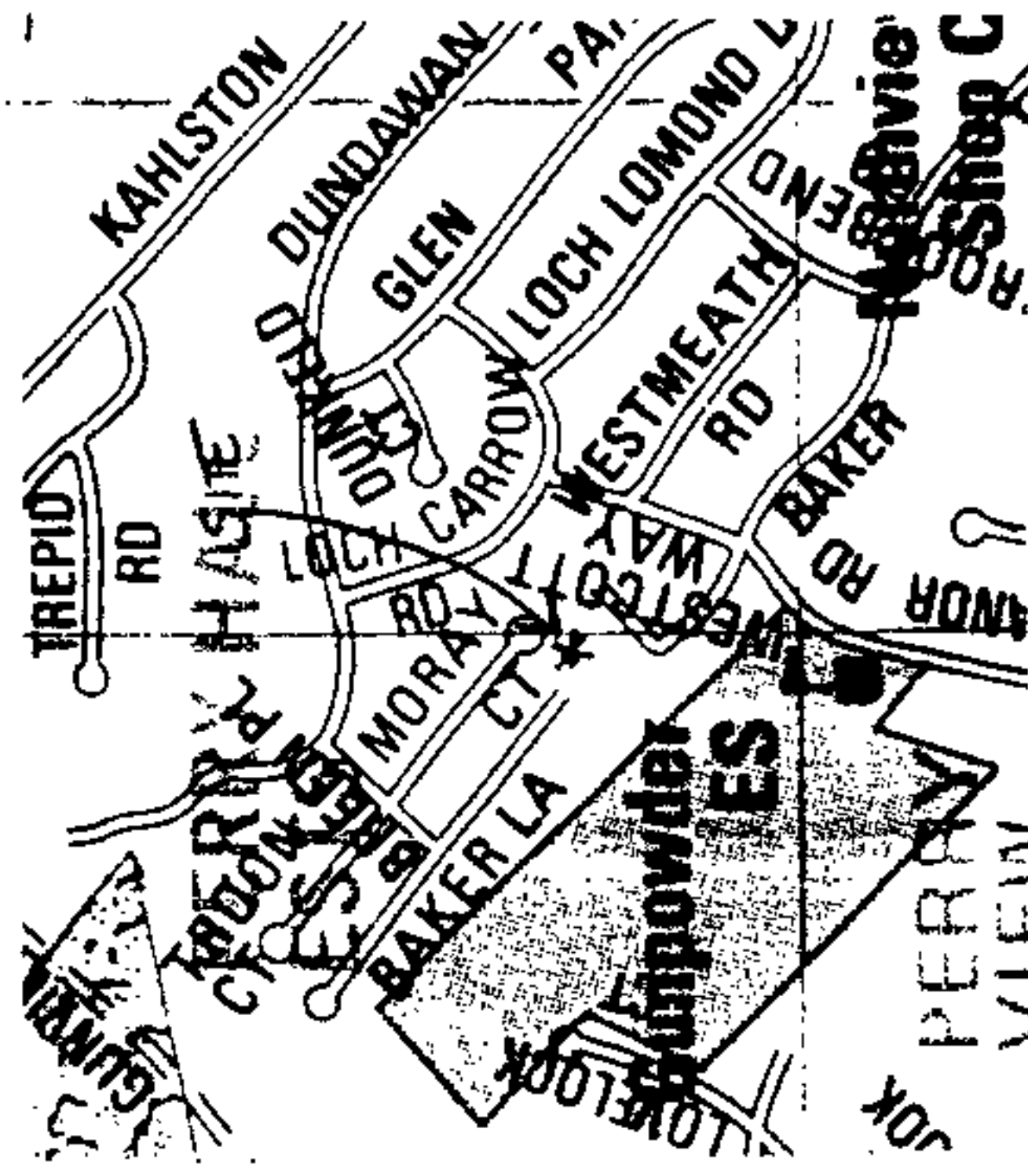
EXISTING
DWELLING
HARVEY
PATRICIA
SHANKLIN
#13 LOT#8



NORTH

PREPARED BY L.W.

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 11

6
COUNCILMANIC DISTRICT

1"=200' SCALE MAP # 063AB

ZONING D.R. 5.5 + D.R. 3.5

LOT SIZE
ACREAGE
8.010
SQUARE

SEWER ☒ PUBLIC ☐ PRIVATE ☐

WATER: ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

☐ 100 YEAR FLOOD PLAIN

☐ HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM #

D.T. 176-100-11-11

