IN RE: PETITION FOR ADMIN. VARIANCE W side of Bradshaw Road, 200 feet N of Cedar Lane 11th Election District 3rd Councilmanic District

(7459 Bradshaw Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* **BALTIMORE COUNTY**

Mark Sellier Petitioner

CASE NO. 07-261-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, Mark Sellier. The variance request is for property located at 7459 Bradshaw Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner states that the existing garage will be removed. The additional height of the new garage is necessary in order to store family heirlooms.

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 26, 2006, which contains restrictions, and a copy of which is incorporated herein 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

では国際 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 December 17, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 ______ day of January, 2007, that a variance from Section 400.3 of the Baltimore

STORES OF STREET

County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the permitted 15 be and is hereby GRANTED, subject to the following:

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.

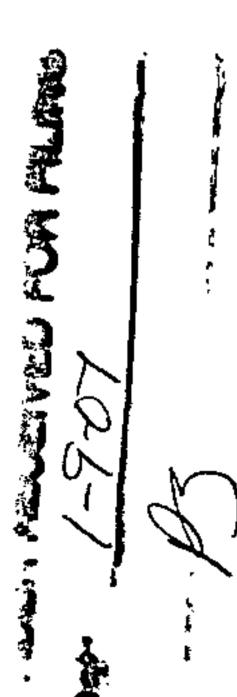
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at	7459 BRADS	SHAW RD.
	is presently zoned	RC-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)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24-FEET IN LIEU OF THE PERMITTED 15-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.

			perjury, that I/w is the subject of	e are the legal own fithis Petition.	ner(s) of the p	property which
Contract Purchaser	/Lessee:	·	Legal Owne	r(s):		
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Attorney For Petitio	ner:			BRAD SIA	AW KD	
			Address KIN65 V	14E MD	2	Telephone No.
Name - Type or Print	 	·	City		State	Zip Code
Signature			Representa	tive to be Con	tacted:	
Company			Name			
Address	···	Telephone No.	Address			Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having be this day of regulations of Baltimore Coul	, tha	t the subject matter of	this petition be set for a	commissioner of Ba	ertised, as requ	uired by the zoning
CASE NOO	7-261-A	<u> </u>	viewed By	Date	<u>lalide</u>	16
REV 10/25/01	المناسبة المناسبة المناسبة		timated Posting D	ate	TITION	
	1-9-07		•	14/1/20 2	3 32 16 1115	

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	7459 BR1	MSHAW	RO
	Address ///// City	M/) State	21087 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon		
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	ب سو		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, A additional information.	Affiant(s) will t	e required to pay a reposting and
Signature Signature	Signatur	- <u>-</u> -	
	Vigilatu		
MARK SELVER Name - Type or Print	Name -	Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN		- -	
I HEREBY CERTIFY, this $\frac{7}{2}$ day of $\frac{1}{2}$ of Maryland, in and for the County aforesaid, pe	ce m oe n rsonally appeared	, <u>2006</u> , bef	ore me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me a	s such Affiant(s).
AS WITNESS my hand and Notariai Seal	در در	4	
Market E. T. Land Control of the Con	Notary Public	everly	Rasel
	My Commission	n Expires	7///1007

REV 10/25/01

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	7459 BRAR	SHAW RO	ì
	Address KINGS V/LVE	MO.	21087
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon p or practical difficulty):	State which I/we base	Zip Code the request for an Administrative
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Name - Type or Print	Name -	Type or Print	
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I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	rsonally appeared		e me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as	S Such Amani(S).	· -/)
	Notary Public My Commissio	n Expires	1/1/07

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of 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

for the property located at _			DSHAW					
which is presently zoned RC-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) 400.3 (BCZE)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF SH-FEET IN LIEU OF THE PERMITTED 15-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.

			is the subject of	this Petition.		, -
Contract Purchaser/L	essee:		Legal Owner	<u>(s):</u>		
			MARK	SELLI	ER	
Name - Type or Print			Name - Type or Pr	rint	<u> </u>	
Signature			Signature			
Address		Telephone No.	Name - Type or Pr			
City	State	Zip Code	Signature	feller	SHAW RO	410-817-9
Attorney For Petitione	<u>er:</u>		▼		311100 100	Telephone No.
			Address 1	11UE	MD	21087
Name - Type or Print			City		State	Zip Code
			Representati	ive to be	Contacted:	
Signature						
Company			Name			
Address		Telephone No.	Address		<u> </u>	Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having been this day of	n formally deman	ded and/or found to be	required, it is ordered this petition be set for a	d by the Zonir	ng Commissioner of	Baltimore County, ired by the zoning
regulations of Baltimore County	and that the prope	rty be reposted.		A. A		•
			Zoning (Commissionet	of Baltimore County	<u></u>
CASE NO.	17-71-1-0	Re	viewed By		Date 12 10 01	
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REV 10/25/01	N-0/	ESI	imated Posting Da	116 - 3 - 2	12 = 100 - 1	

Zoning Description for 7459 Bradshaw Road

011226.154

EXHIBIT A

BEGINNING for the same in the center of Sunshine Avenue at the beginning of the sixth line of the parcel of land thirdly described in a Deed dated December 11, 1944 and recorded among the Land Records of Baltimore County in Liber RJS No. 1378, folio 350, which was conveyed by E. June Shock, unmarried, to Christian H. Goettner and running thence with and binding on said sixth line and on a part of the seventh line of said parcel of land the two following courses and distances, viz: South 43 degrees 48 minutes West 234.06 feet and North 45 degrees 26 minutes West 108 feet, thence leaving said outline and running for a line of division and parallel with the sixth line of the aforesaid parcel of land, North 43 degrees 48 minutes East 255.83 feet to the center of Sunshine Avenue and thence binding in the center of Sunshine Avenue and on a part of the fifth line of the aforesaid parcel of land South 34 degrees 04 minutes East 100.46 feet to the place of beginning. Containing 0.61 of an acre of land more or less.

BEING the same lot of ground which by deed dated of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto was granted and conveyed by Ruth M. Tippett, f/n/a/, Ruth M. Kelly unto Mark T. Sellier in fee simple, the Grantor herein.

Borrowers acknowledge that the sum so received from Lender under the Note secured by this Deed of Trust is, in whole or in part, the purchase money of the property secured herein.

Also known as 7459 Bradshaw Road and located in the 11th Election District and 3rd Councilmanic District.

	CASHIER'S VALIDATION	WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER
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CERTIFICATE OF POSTING

	RE: Casa No.: 07-Z61-A
	Petitioner/Developer:
	SELLIER
	Date of Hearing/Closing: 1/1/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
were posted conspicuously on the property	BRADSHAW RD
The sign(s) were posted on	12/17/06
CASE # 07-26/-A FUNING NOTICE VARIANCE CULTURAL PROPERTY OF THE PROPERTY OF T	Sincerely, Sincerely, Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) I-ALLS TONI, MO 21047 (City, State, Zip Code) (410) 879-3122
7459 BRADSHAW RD. POSTED 12/17/06 52-RESHEL 12/17/06	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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.

Item Number or Case Number:	07-	261-A	
Petitioner: MARK SFLL	IEO		·
Address or Location: 7459	13 RAD SHAW	RD. KINGSVILLE M.	0 2/087
PLEASE FORWARD ADVERTIS	SING BILL TO:		
Name: MARK SELUIEN			
Address: 7459 BRADSHAV	VRD. KINGSVI	UE MP. 21087	
Telephone Number: 4/0-8			



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 2, 2007

Mark Sellier 7459 Bradshaw Road Kingsville, MD 21087

Dear Mr. Sellier:

RE: Case Number: 07-261-A, 7459 Bradshaw Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 6, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 26, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-261 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

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

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

Section Chief:

AFK/LL: CM

2003

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 15, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 18, 2006

Item Nos. 07-252, 253, 257, 258, 260,

261, 262, 263, 264, and 265

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-12132006.doc

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

December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: 252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 264 and 265.

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.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 12-13-2006

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

RE: Baltimore County

Item No. 7-261-A

7459 BRADSHAW ROAD

MAIR SELLIER PROPERTY

VARIANCE -PERMIT ANACCESSORY STRUCTURE IN LIEU

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. 7-261-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,

A Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 5, 2007

MARK SELLIER 7459 BRADSHAW ROAD KINGSVILLE MD 21087

> Re: Petition for Administrative Variance Case No. 07-261-A Property: 7459 Bradshaw Road

Dear Mr. Sellier:

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

on uppsons pshil IN MEB BKYUZ BYMU Jacob 25-11 most DAN to Build A GAME AS PER ABBUTE MANNER FORMERLY SUNSHINE AVENUE **GAOA** WAHZOAAA CENTERLINE ≠ 3 34.00° E 110.46° ROADWAY OZNYO NOTTADA 10 ZONING SEE TION FOR SECTION 15. 18. 19. 7.71 P 43.48.00" ₹,5,+ らな TYTE HOUSE TOWN 1 STORY 1 STORY 43.48'00" STONE LOT # Z FOLIO PROPERTY ADDRESS \tilde{S} SUBDIVISION NAME 63 PLAT BOOK # FOUND OWNER *ố.801 N 42.56,00°

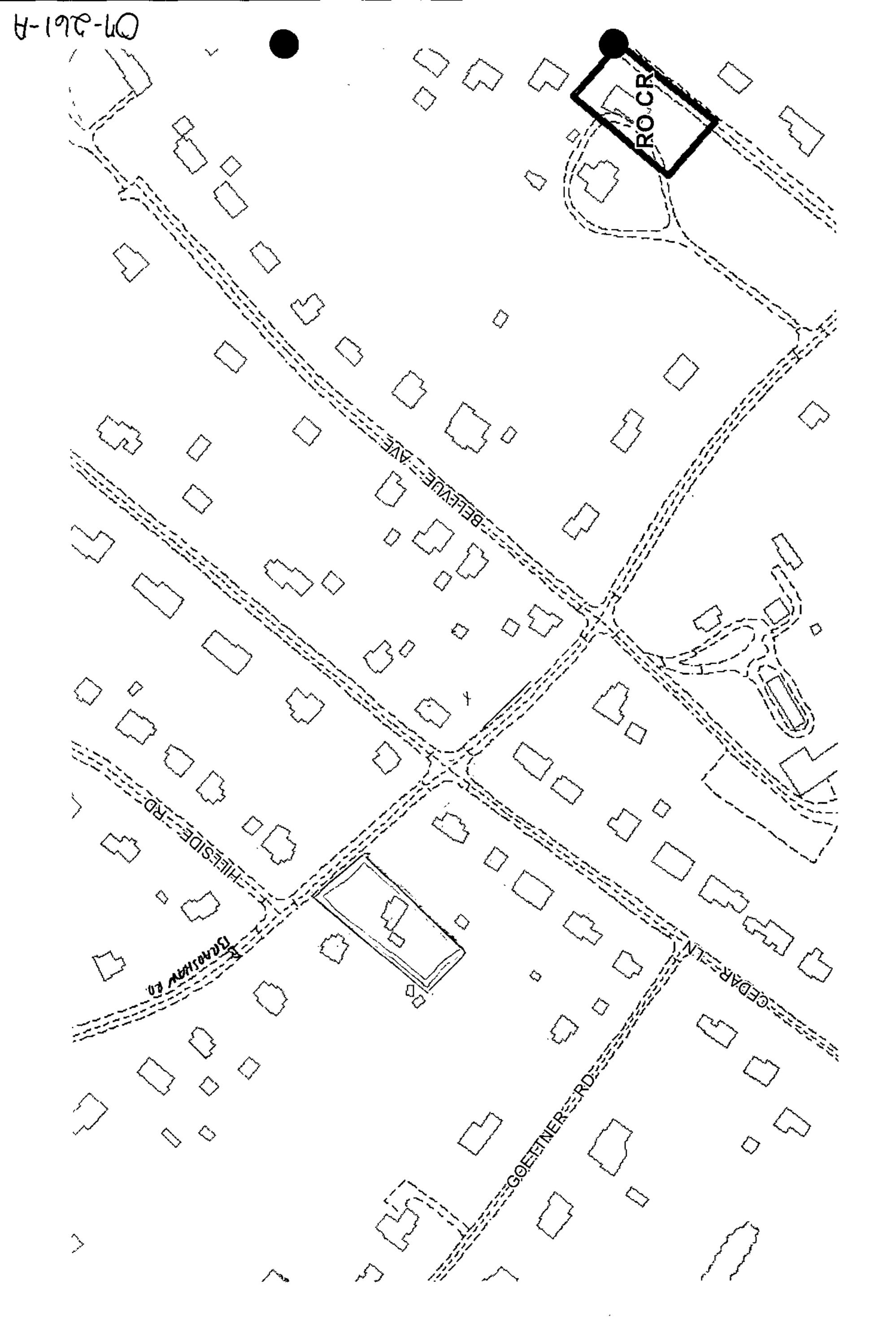
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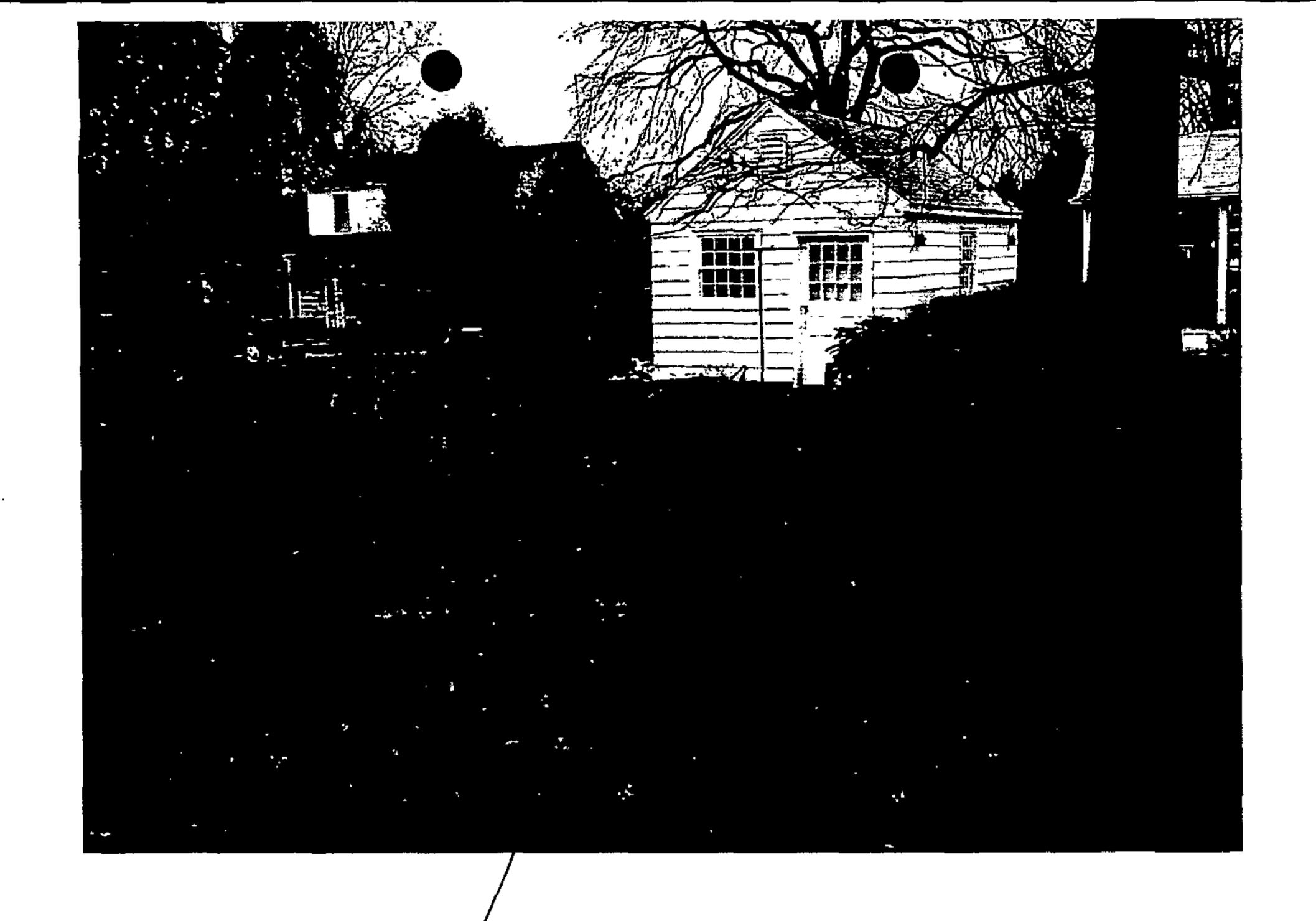
NORTH

SELLIPE

DRAWING: OF



PREPARED BY MANK SKLUIKE SCALE OF DRAWING: 1" = 40"	NORTH	Helo CEDAR		23'± S 43'48'00" W 234.06'	26. 14.59 26. 14.59 14.5° + 19. 21 PORCH	O.61 AC± O.61 AC± PORCH POR	- WADWAY	UK, PROSESSO 47. N 43.48'00" E 255.83'	OWNER NOCK # - LOT # - SECTION # - THE SECTION	PAGES 5 & 6 OF THE CHECKLI
	O'AWAY			. <i>E</i>		RLINE + /	0.46' D			NCE SPECIAL HEARING ST FOR ADDITIONAL REQUIRED INFORMATION
	REVIEWED BY ITEM # LARALIN	FLOOD PL	WATER [] [X] . SAPEAKE BAY RITICAL AREA	LOT SIZE OLG SQUARE FEET ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER [] [X]	COUNCILMANIC DISTRICT 3+2 1"=200' SCALE MAP # OC49 ZONING RC-5	LOCATION INFORMATION ELECTION DISTRICT // #	VICINITY MAP SCALE: 1" = 2000	COPPER 1	Kungsville Co 100 George State Conne	SINGSVIII E



GARAGE TO BE REMOVED AND REBUILT AT SITE OF ORAGE CONES.

