IN RE: PETITION FOR ADMIN. VARIANCE
S side East Chatsworth Avenue, 108 feet
N or c/l Wabash
4th Election District
3rd Councilmanic District

(408 East Chatsworth Avenue)

Wilson and Michelle Jesih Gutierrez

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

CASE NO. 07-451-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Wilson and Michelle Jesih Gutierrez. The variance request is for property located at 408 East Chatsworth Avenue. The variance request is from the Baltimore County Zoning Regulations (B.C.Z.R.) is to permit an addition with a 15 feet front setback, 6 feet side setback with a 14 feet sum of side yards and 22 feet rear setback in lieu of the required 25 feet, minimum 10 feet and 25 feet sum of side yards and 30 feet rear, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners need additional living space. They cannot build to the left of the house because of the neighbor's property line. They cannot build to the back of the house because of an existing garage. They cannot build a second story because of the property owner's disability. They can only build on the right side of the home where they enough property to construct the addition. The lot size is 34,502 square feet.

Zoning Advisory Committee Comments

STEP ST

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

Applicable Law

N. P. S. S.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 13, 2007 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 _______ day of May, 2007 that a variance from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 15 feet front setback, 6 feet side setback with a 14 feet sum of side yards and 22 feet rear setback in lieu of the required 25 feet, minimum 10 feet and 25 feet sum of side yards and 30 feet rear, respectively 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.

JOMN V. MURPHY

DEPUTY ZONING COMMISSIONER

Hur. Mentel

FOR BALTIMORE COUNTY

JVM:pz

STATE OF STA



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 8, 2007

WILSON AND MICHELLE JESIH GUTIERREZ 408 EAST CHATSWORTH AVENUE REISTERSTOWN MD 21136

> Re: Petition for Administrative Variance Case No. 07-451-A Property: 408 East Chatsworth Avenue

Dear Mr. and Mrs. Gutierrez:

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

for Baltimore County

JVM:pz

Enclosure



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

for the property located at 408 E. Chakwoth Ave which is presently zoned 123,5

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 addition with a 15-foot front setback, 6-foot side setback with a 14-foot sum of side yards and 22-foot rear setback in lieu of the required 25-feet, minimum 10-feet and sum of side yards of 25-feet and 30-foot rear, respectively.

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/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Gutierrez Name - Type or Print Signature Signature Telephone No. Address Type or Prifi Nam∉ City State Zip Code Signature Attorney For Petitioner: Address, relephone No. MD Zip Code Name - Type or Print State Representative to be Contacted: Signature Company Name Address Address Telephone No. Telephone No. Zip Code City Zip Code State City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. Reviewed By Date

Estimated Posting Date

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 408 E. Chat Sworth Avenue
Reisterstown, MD 21136 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. We can not build to the left of our house because of neighbor's
property I. We. 2 We cannot build to the back of the house because of property !!
2 We cannot built
3. We cannot build a second story her ause of owner's clisaria
4. We can only build on the right side where all our property is and we need more room for occasional visiting family
members to stay in.
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.
White white I would tierren
Signature Wilson Gutierrez Name - Type or Print Signature Name - Type or Print Name - Type or Print
Name - Type of Film
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
of Maryland, in and for the County aforesaid, personally appeared William of Michelle Gutierrez The Afficient's herein personally leaves a state of the State of Michelle Gutierrez
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal NOTARY Notary Public Notary Public
NOTARY Public PUBLIC My Commission Expires 4(2/08)
REV 10/25/01

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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		Reister	stown	MD	21136	
	That based upon personal knowledge, the follow	ving are the	facts upon w	State vhich I/we base th	ne request for an Admini	Zip Code istrative
	Variance at the above address (indicate hardship We cannot build to the	or practical	difficulty):	ouse beca	use of neighbo	oris
10	We cannot built is interes			1		11.
	property line. We cannot build to the ba	ck of	thee ho	ouse becau	se of property	1 1104
2.	We cannot build structure.	ţ ; ,		•		,
O	: We cannot build a second	Stow	becaus	e of own	irs disabili	ty.
Š	. We cannot build on the		-side u	where al	1 our prop	perty
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	is and we heed more room	+00	SCCOSION	al 0,231,110)	
	to stay in.	-				
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	That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide ac	mal demand ditional info	d is filed, Aff	fiant(s) will be re	quired to pay a repostir	ng and
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	What		Mich	elle L. Jesik	1 Gutremez	J
	Name Type or Print		Name - Ty	pe or Print		
	OTATE OF MADVIAND COUNTY OF TAXABLE					
	STATE OF MARYLAND, COUNTY OF BALTIMO		,)+1)17 hotors	ne, a Notary Public of the	- Ct-t-
	I HEREBY CERTIFY, this					e State
	the Affiant(s) herein, personally known or satisfac	↑ €> torily identifie		such Affiant(s).	<u> </u>	
	AS WITNESS my hand and Notarial Seal	•				
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	PUBLIC PUBLIC		Commission	Expires4	1/2/01	
	REV 10/25/01			,	ŗ	



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 408 E. Chatswith Ave which is presently zoned <u>DR 3, 5</u>

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 addition with a 15-foot front setback, 6-foot side setback with a 14-foot sum of side yards and 22-foot rear setback in lieu of the required 25-feet, minimum 10-feet and sum of side yards of 25-feet and 30-foot rear, respectively.

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/we are to the subject of this F	the legal owner(s) of the Petition.	e property which
Contract Purchaser/	Lessee:		Legal Owner(s):		
			Wilson G	utierrz_	
Name - Type or Print			Name - Type or Print		<u></u>
Signature			Signature	tesin Gut	errez
Address	····	Telephone No.	Name - Type or Print	d leitol	Livery
City	State	Zip Code	Signature		1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Attorney For Petition	<u>ner:</u>		408 E. Chats	sworth Ave	443 1445 85 Telephone No.
			Reisterstown	MD	21136
Name - Type or Print	<u> </u>	· <u>·</u>	City	State	Zip Code
8:			Representative t	o be Contacted:	
Signature			÷**		
Company			Name	*	
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having betthis day of regulations of Baltimore Count	en formally deman th ty and that the prope	ded and/or found to nat the subject matter erty be reposted.	be required, it is ordered by the of this petition be set for a public	ne Zoning Commissioner hearing, advertised, as re	of Baltimore County, equired by the zoning
			Zoning Comm	issioner of Baltimore Cou	nty
CASE NO.	07-H61-A		Reviewed By	Date 4/4/07	· · · · · · · · · · · · · · · · · · ·
REV 10/25/01	5.4.07		Estimated Posting Date	4/15/07	

ZONING DESCRIPTION

Beginning at a point on the South side of E. Chat sworth which is 23 Lt wide at the distance of 180 Lt north of the centerline of the nearest improved intersecting street Wabash which is 23 Lt wide. *Being Lot # L3 , 14-16, 17-19

Block G, section # in the subdivision of Dyer Subdivision as recorded in Baltimore County Plat Book # , Folio # 150, containing 24,502.00. Alsoi known as 408, E, Chatsworth Are located in the 4 Election District, 3 councilmanic District.



COLLEY -

CERTIFICATE OF POSTING

RE: Case No.: 07-451-A

Petitioner/Developer: COUTIERREZ

Date of Hearing/Closing: APRIL 30, 2007

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Christen Matthews

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s)

required by law were posted conspicuously on the propery located at

#408E, CHATSWORTH AVE,

The sign(s) were posted on APRIL 13, Z007

Sincerely,

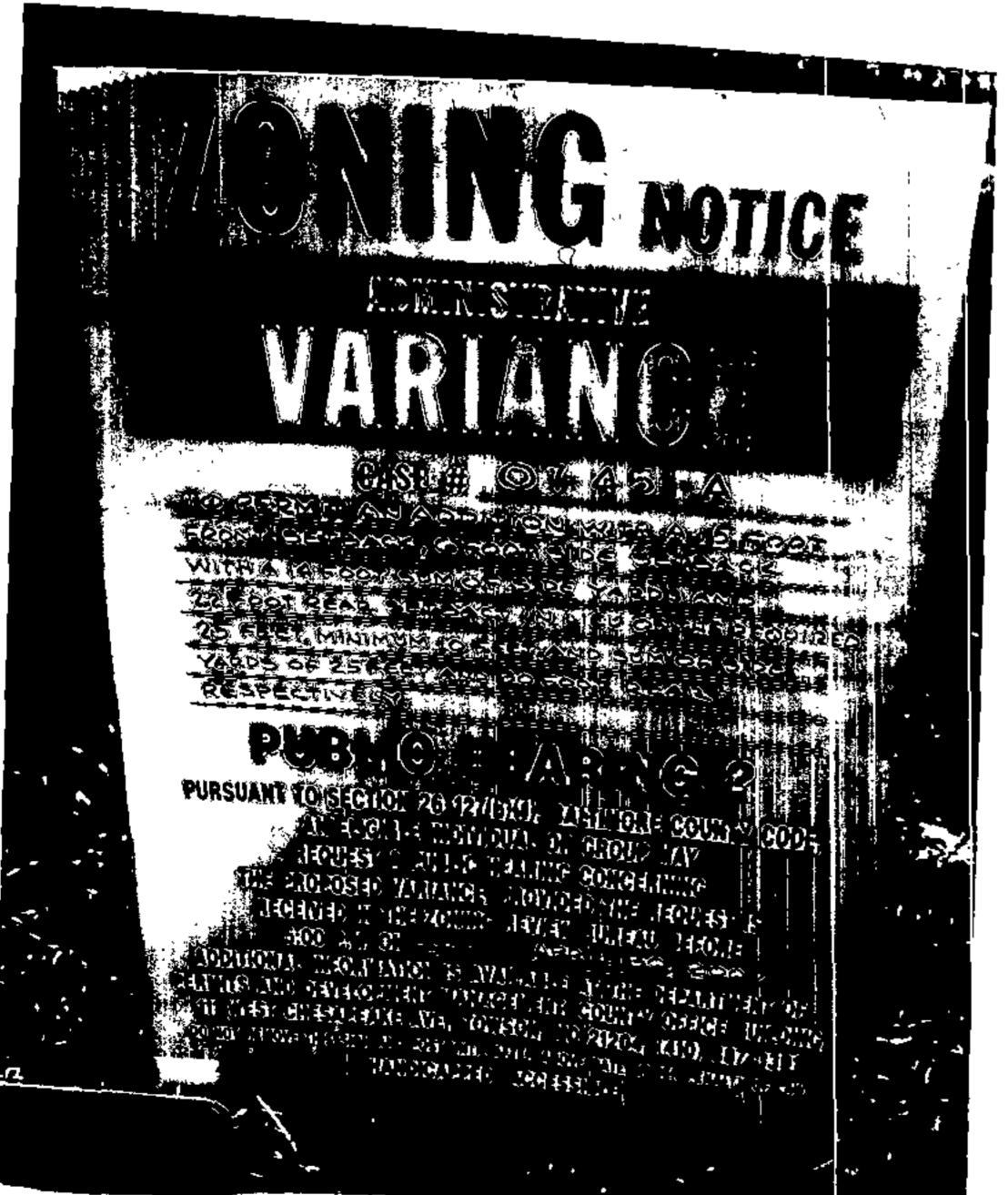
(Signature of Sign Poster and Date)

CARLANDE, MOORE (Printed Name)

3225 RYERSON CIRCLE (Address)

BALTIMORE, MD, 21227 (City, State, Zip Code)

(410) 242-4263 (Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES*

{ 						
Case Number 07- 451 -A Address 408 E. CHATSWORTH AVE.						
Contact Person: Donne Homp Son Phone Number: 410-887-3391 Planner, Please Print Your Name						
Filing Date: 4/15/07 Closing Date: 4/15/07 Closing Date: 4/30/07						
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- 451 -A Address 408 E. CHATSWORTH AVE.						
Petitioner's NameGUTIERREZ						
Posting Date: 41507 Closing Date: 430/07						
Mording for Sign: To permit an addition with a 15-foot front setback, 6-foot side setback with a 14-foot sum of side yards and 22-foot rear setback in lieu of the required 25-feet, minimum 10-feet and sum of side yards of 25-feet and 30-foot rear, respectively.						
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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:	07-451-A
Petitioner:	GUTIERREZ
Address or Location: 나이용 트	. CHATSWORTH AYE.
• • • • • • • • • • • • • • • • • • •	
PLEASE FORWARD ADVERTISI	NG BILL TO:
Name:MRS.	WILSON GUTIERREZ
!	ISWORTH AVE.
,	own, mp 21136
A	·
Telephone Number: 시년?	3-744-5851

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 2, 2007

Wilson Gutierrez Michelle Jesih Gutierrez 408 E. Chatsworth Avenue Reisterstown, MD 21136

Dear Mr. and Mrs. Gutierrez:

RE: Case Number: 07-451-A, 408 E. Chatsworth Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 4, 2007.

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,

U. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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Timothy M. Kotroco, Director

DATE: April 9, 2007

Department of Permits and

Development Management

PECEIVE

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-451- 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 Bill hughey in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

£.

Timothy M. Kotroco, Director

DATE: April 9, 2007

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-451- 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 Bill hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

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APR 12 2007

O7-603

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 16, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 16, 2007

Item Nos. 07-440, 442, 444, 445, 446, 447, 448, 451, and 452

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-04132007.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

April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 45ì, 452, and 453.

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 (0)410-887-4880 MS-1102F

cc: File



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Maryland Department of Transportation

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Date: APAIL 9, 2007

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

RE: **Baltimore County**

Item No. 7-481-A 408 E. CHATSWORTH AVE GUITTERREZPERTY

ADMINISTRATIVE VARIANCE

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. 7-451-A.

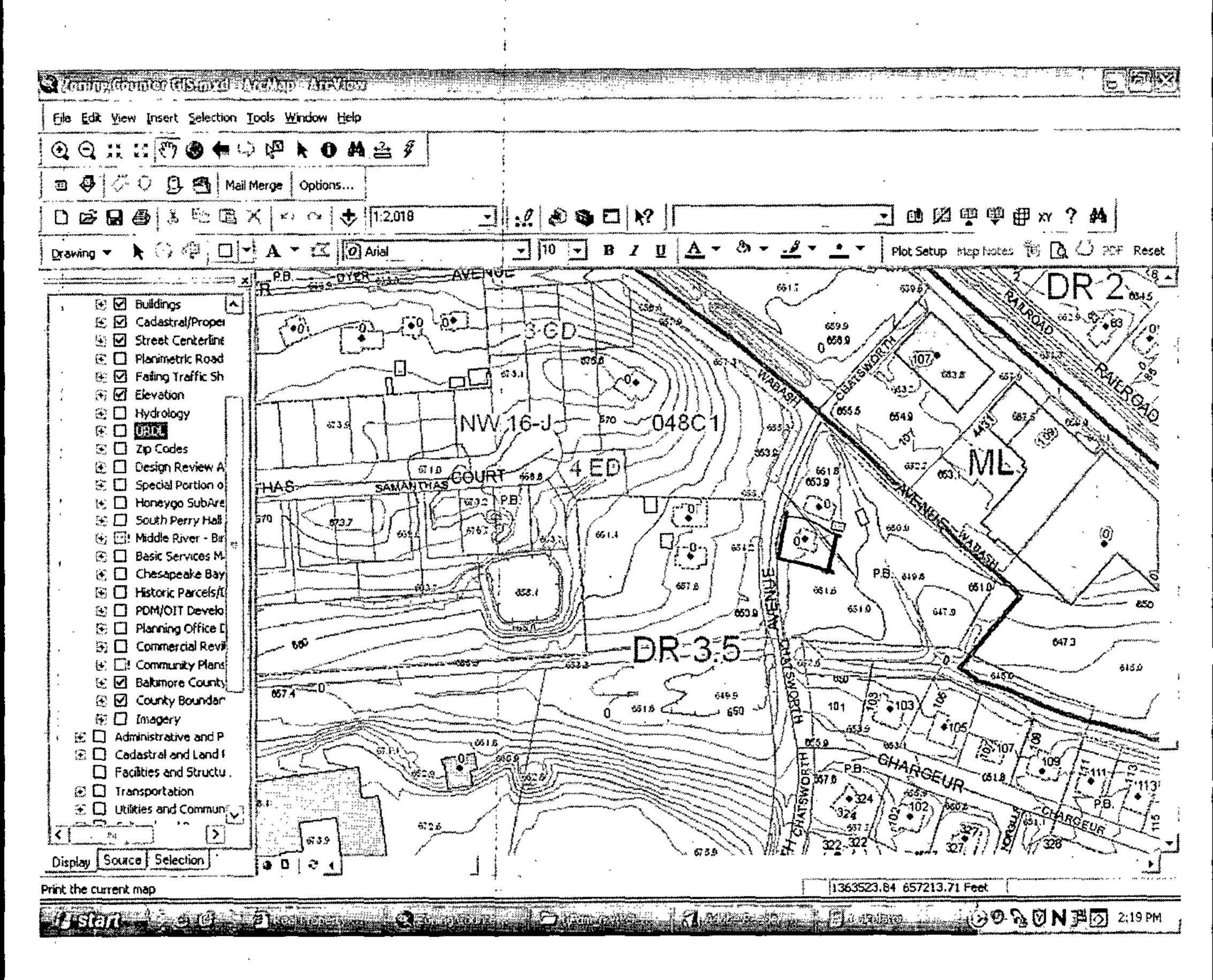
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

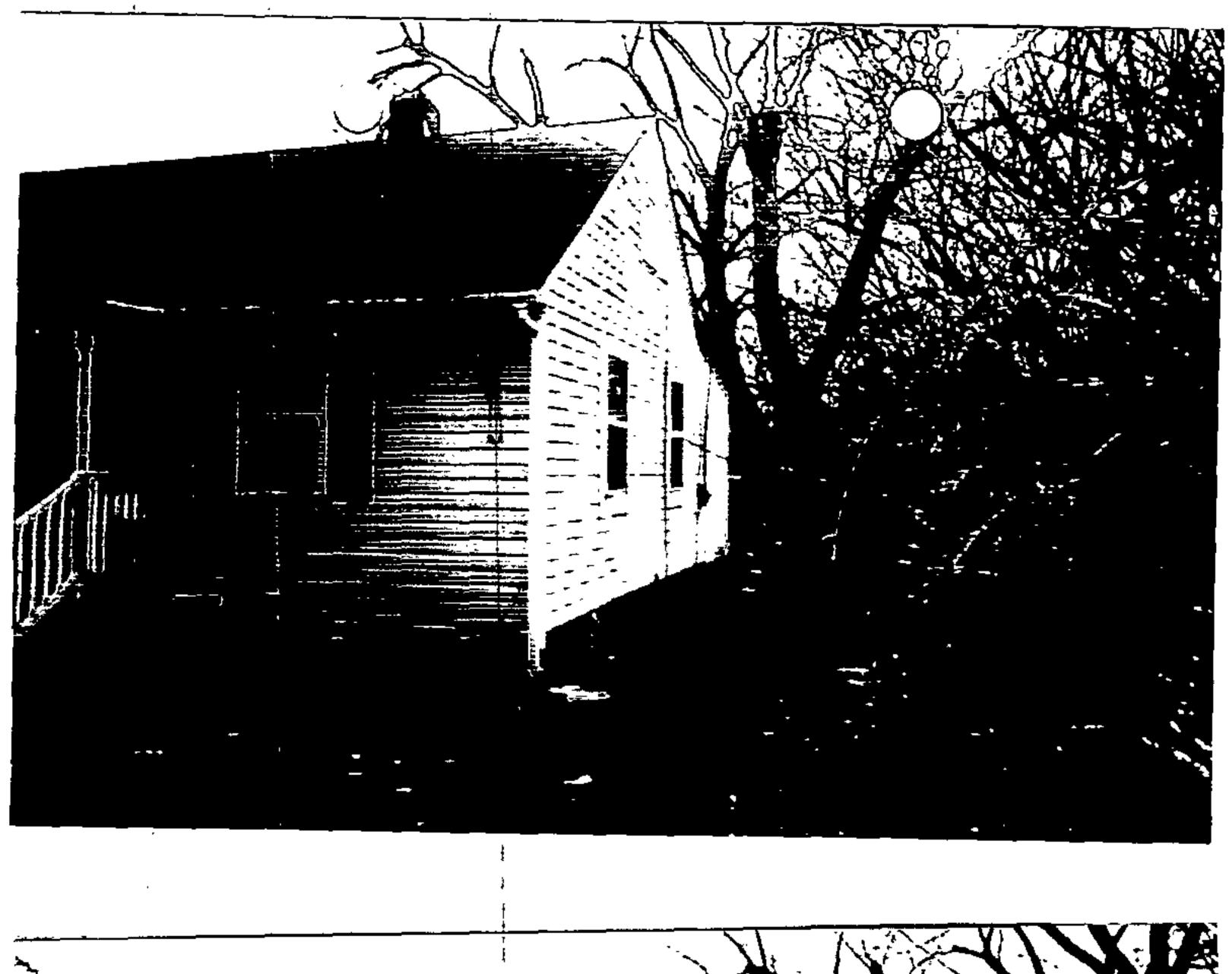
Steven D. Foster, Chief V Engineering Access Permits

Division

SDF/MB



ZOMME MAP OY8CI





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PKOPERTY SUBDIVISION NAME PLAT BOOK # OWNER [L] LSOY LOT 14 LOTIS 1000 ADDRESS Zos ACCOMPANY GUT TERREE 80F B 101 CHATSWORTH WOHELE BA #17-19 PECTION # garage **NESH** AVE. VACANT (SAME OWNERSHIP) 333 of: PAGES 40 99/ 170' Φ 3) (E 10 CHECKLIST D # CAOS D FOR 50' R/W DEBRA ADDITIONAL WENFORTH 枚 S 410 CHARGUORTH AVE. П REQUIRED INFORMATION ARING ZONING REVIEWED BY CHESAPEAKE BAY LOT SIZE HISTORIC PROPERTY/ ELECTION DISTRICT COUNCIL MANIC DISTRICT TOO YEAR FLOOD PLAIN "= 200 WATER SEWER SONING LOCATION INFORMATION

048c |

SOUNRE FEET

PRIVATE

SASJA PEGASI

HOR WADROH

HEARING

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07-451-4