IN RE: PETITION FOR ADMIN. VARIANCE
S side Fairwood View Court, 100 feet W
of c/l Cooper Road
10<sup>th</sup> Election District
3<sup>rd</sup> Councilmanic District
(3 Fairwood View Court)

Philip T. and Ann M. Miller Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* BALTIMORE COUNTY

\* CASE NO. 07-457-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, Philip T. and Ann M. Miller. The variance request is for property located at 3 Fairwood View Court. 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 17 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners need the additional garage height to provide much needed storage space for the family of six. The additional garage height will match the same 8-12 pitch of the existing home and garage. The Petitioners provided letters of support from several adjacent property owners. The property contains 1.471 acres zoned RC 6.

#### **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 April 20, 2007 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 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 21, 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 Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 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.
- 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



CASE NO.

REV 10/25/0

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3 Fairwood	View Ct	Phoenix	MD
	is presently zon			, 

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 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 17-FEET IN LIEU OF THE MAXIMUM PERMITTED IS-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. Legal Owner(s): Contract Purchaser/Lessee: MILLER PHILIP Name - Type or Print Name - Type or Print Signature Signature MILLER ANN Name - Type or Print Telephone No. Address Zip Code Signature City State 410-771-1480 View Ct Fairwood Attorney For Petitioner: Telephone No. Address Phoenix MD21131 Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Acdress Zip Code State Zip Code City 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 regulations of Baltimore County and that the property be reposted.

Reviewed By

**Estimated Posting Date** 

# Affidavit in Support of Administrative Variance

Address

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

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.

Fairwood View Ct.

		Phoenix	MD	2/13/	
	City		State		Zip Code
That based upon personal knowled Variance at the above address (in	edge, the following dicate hardship or p	are the facts upon practical difficulty):	which I/we base th	e request for an Adr	ministrative
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advertising fee and may be require	ed to provide addition	onal information.	Amani(s) will be le	danea io bay a reb	osting and
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Signature		Signatur	е		
PHILIP T. MILLER		AN	N M. MILL Type or Print	ER	<del> </del>
Name - Type or Print		Name -	Type or Print		
	. <b></b>				
STATE OF MARYLAND, COUNT	Y OF BALTIMORE	, to wit:			
I HEREBY CERTIFY, this of Maryland, in and for the County	day of APC'		2007 before n	ne, a Notary Public o	of the State
		lly appeared		•	
Philipa Ann M	11/0 V	v identified to me o	a auch Afficat(a)		<del></del> ~
the Affiant(s) herein, personally kn	own or satisfactorii	y identified to me a	s such Amani(s).		
AS WITNESS my hand and Notari	al Seal	•			
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THILLY S. T.		Notary Public	JEN	INIFER A. WAGNER	
		My Commissio	n Expires NOTARY PL	BLIC STATE OF MARYLAI ssion Expires June 19, 201	0 0
REV 10/25/01	<b>.</b> -		_		

# 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	3_	Fair woo	d View Ct	<del>!</del>
		oenix	MD	2113)
That based upon personal knowledge, the followariance at the above address (indicate hardship			State which I/we base the	Zip Code e request for an Administrative
SEE ATTACH	MENT			
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal dema	and is filed. A	ffiant(s) will be red	quired to pay a reposting and
Signature Signature	<u></u>	Signature	•	
PHILIP T. MILLER Name - Type or Print	·	Name - T	ype or Print	MILLER
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this day of Horof Maryland, in and for the County aforesaid, per Philip & Ann Mille			2001, before m	ne, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily iden	tified to me as	such Affiant(s).	
AS WITNESS my hand and Notarial Seal		otally Public y Commission	EXPIRES NOTABY PUR	VIFER A. WAGNER BLIC STATE OF MARYLAND sion Expires June 19, 2010

REV 10/25/01



CASE NO.

REV 10/25/01

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	_3	Fair wood	$V_1$	ew Ct.	Phoenix	MD
		presently zon		_		

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 (DCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 17-FEET IN LIEU OF THE MAXIMUM 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.

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			perjury, that I/we are the subject of this Pe	ie legal owner(s) of the	e property which
Contract Purchaser/Le	ssee:		Legal Owner(s):		
		·		MILLER	· 
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Signature	,		Signature M. M.	YILLER	
Address	<u></u>	Telephone No.	Name - Type or Print	mills.	······································
City	State	Zip Code	Signature		
Attorney For Petitioner	<u>r:</u>		3 Fairwood Address Phoenix	d View Ct. 4 MD	10-771-1480 Telephone No. 21131
Name - Type or Print		<del></del>	City	State	Zip Code
	•		Representative to	be Contacted:	
Signature			•		
Company	<u> </u>		Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been his day of egulations of Baltimore County a	, th	hat the subject matter of t	required, it is ordered by the his petition be set for a public h	Zoning Commissioner nearing, advertised, as re	of Baltimore County, equired by the zoning
			Zoning Commis	sioner of Baltimore Cour	nty

Reviewed By

**Estimated Posting Date** 

## Support of Administrative Variance

Based upon personal knowledge, the following are the facts upon which we base the request for an Administrative Variance at 3 Fairwood View Court.

#### Storage need:

Without addition storage created with the higher building the family will suffer a hardship.

- Belongings currently stored in existing garage, existing shed, garage attic, house attic & basement (see pictures). Family of six, storage requirement is growing. Kids toys, sleds, bikes, sports equipment, potting, sewing, wood working equipment, etc.....
- Camper storage required by covenants to be inside building. Currently stored in Bel Air. If the height of the garage is reduced any, the garage door opening will not be tall enough to accommodate the camper. If the depth of the garage is not deep enough, then we will not have enough room.
- Need large storage area in garage attic, free of dust and fumes (woodworking, auto mechanics).

### Neighborhood aesthetics:

- Need to match the same 8-12 pitch as the existing house & garage to maintain property aesthetics and protect property value.
- Covenants require approval from Architectural Committee of developer, which supports our request for the height variance.
- Neighbors support our request for the height variance and maintenance of neighborhood aesthetics (see letters).

#### Neighborhood precedent:

- House in court has 15'+ garage.
- The neighborhood has a high level of aesthetics.

#### **ZONING DESCRIPTION**

### Zoning description for 3 Fairwood View Court, Phoenix MD 21131

Beginning at a point on the south side of Fairwood View Court, which is 50 feet wide at the distance of 100 feet west of the centerline of the nearest improved intersecting street, Cooper Road, which is 50 feet wide. Being Lot 24 in the subdivision of Plat 2 Fairwood of Hunt Valley as recorded in Baltimore County Plat Book 40, Folio 017, containing 1.471 acres. Also known as 3 Fairwood View Court and located in the 10<sup>th</sup> election district, 3<sup>rd</sup> councilmanic district.

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# CERTIFICATE OF POSTING

	RE: Case No: 07-457-A
	Petitioner/Developer:
	Date Of Hearing/Closing: 5/7/07
Baltimore County Department Permits and Development Mar County Office Building, Room 111 West Chesapeake Avenue	nagement
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the sign(s) required by law were post	he penalties of perjury that the necessary osted conspicuously on the property  HARWOOD VIEW CT.
This sign(s) were posted on	Martin Ogle  (Month, Day, Year)  (Month, Day, Year)  Sincerely,  4/21/07  (Signature of sign Poster and Date)  Martin Ogle

im001064 (576x432x24b jpeg)



Matural 4/21/07

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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.

Item Number	or Case Number:	
Petitioner:	MILLER	
Address or Lo	cation: 3 FAIRWOOD VIEW CT.	
· •		•
PLEASE FOR	WARD ADVERTISING BILL TO:	•
Name:	MR. + MRS. PHILIP MILLER	<del>,</del>
Address:	3 FAIRWOOD VIEW CT.	

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 10, 2007

PHILIP T. AND ANN M. MILLER 3 FAIRWOOD VIEW COURT PHOENIX MD 21131

Re: Petition for Administrative Variance

Case No. 07-457-A

Property: 3 Fairwood View Court

Dear Mr. and Mrs. Miller:

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

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** 

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

7-457 – Administrative Variance

**DATE:** April 20, 2007

PECEIVE APR 2 5 2007

BY:\_\_\_\_

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 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.

Prepared by:

Section Chief:

AFK/LL: CM



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 8, 2007

Philip T. Miller Ann M. Miller 3 Fairwood View Court Phoenix, MD 21131

Dear Mr. and Mrs. Miller:

RE: Case Number: 07-457-A, 3 Fairwood View Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 9, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

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

April 24, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 23,2007

Item No.: 454, 455, 456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467, 468, 469, 470, 471, and 472.

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

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO**:

Timothy M. Kotroco, Director

**DATE:** April 20, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

7-457 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 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.

Prepared by:

Section Chief:

AFK/LL: CM

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 24, 2007

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

Department of Permits & Development

**SUBJECT:** 

Zoning Advisory Committee Meeting

For April 30, 2007

Item Nos. 07-454, 455, 456, 457, 458, 459, 461, 464, 465, 467, 468, 471, 472, and 473

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 04242007.doc

 $\hat{\mathbf{x}}$ 

Dan & Ellen Rozics
5 Fairwood View Court
Phoenix, MD 21131

Phil & Ann Miller
3 Fairwood View Court
Phoenix, MD 21131

RE: proposed garage

Dear Phil & Ann:

After reviewing your plans for the garage, we offer our support of the plan including your request for the height variance. The height variance is necessary to maintain the aesthetics consistent with our neighborhood.

Sincerely,

Dan & Ellen Rozics

Sally Crowder 17 Fairwood View Court Phoenix, MD 21131

Phil & Ann Miller
3 Fairwood View Court
Phoenix, MD 21131

RE: proposed garage

Dear Phil & Ann:

After reviewing your plans for the garage, we offer our support of the plan including your request for the height variance. The height variance is necessary to maintain the aesthetics consistent with our neighborhood.

Sincerely,

Sally Crowder

Nick & Cara Citino 5B Fairwood View Court Phoenix, MD 21131

Phil & Ann Miller
3 Fairwood View Court
Phoenix, MD 21131

RE: proposed garage

Dear Phil & Ann:

After reviewing your plans for the garage, we offer our support of the plan including your request for the height variance. The height variance is necessary to maintain the aesthetics consistent with our neighborhood.

Sincerely,

Nick & Cara Citino

Ť

Charlie & Donna Dowling 7 Fairwood View Court Phoenix, MD 21131

Phil & Ann Miller
3 Fairwood View Court
Phoenix, MD 21131

RE: proposed garage

Dear Phil & Ann:

After reviewing your plans for the garage, we offer our support of the plan including your request for the height variance. The height variance is necessary to maintain the aesthetics consistent with our neighborhood.

Sincerely,

Charlie & Donna Dowling

CHARLIE & DONNA ATWOOD-DOWLING, #7

Am & Rhy

#3

Randy & Anita House 1 Fairwood View Court Phoenix, MD 21131

Phil & Ann Miller 3 Fairwood View Court Phoenix, MD 21131

RE: proposed garage

Dear Phil & Ann:

After reviewing your plans for the garage, we offer our support of the plan including your request for the height variance. The height variance is necessary to maintain the aesthetics consistent with our neighborhood.

Sincerely,

Randy & Anita House

Tom & Gail Daley
33 Fairwood View Court
Phoenix, MD 21131

Phil & Ann Miller
3 Fairwood View Court
Phoenix, MD 21131

RE: proposed garage

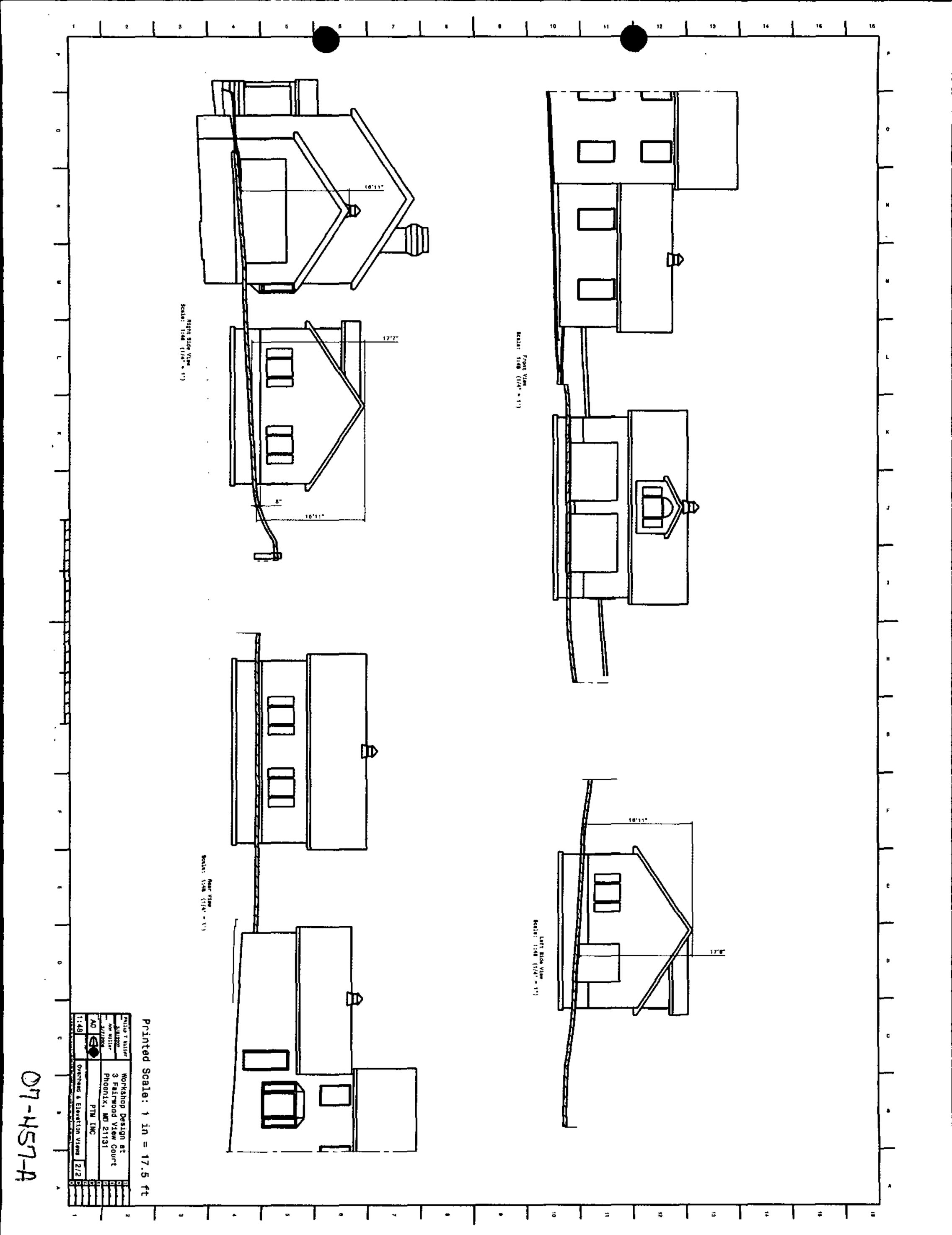
Dear Phil & Ann:

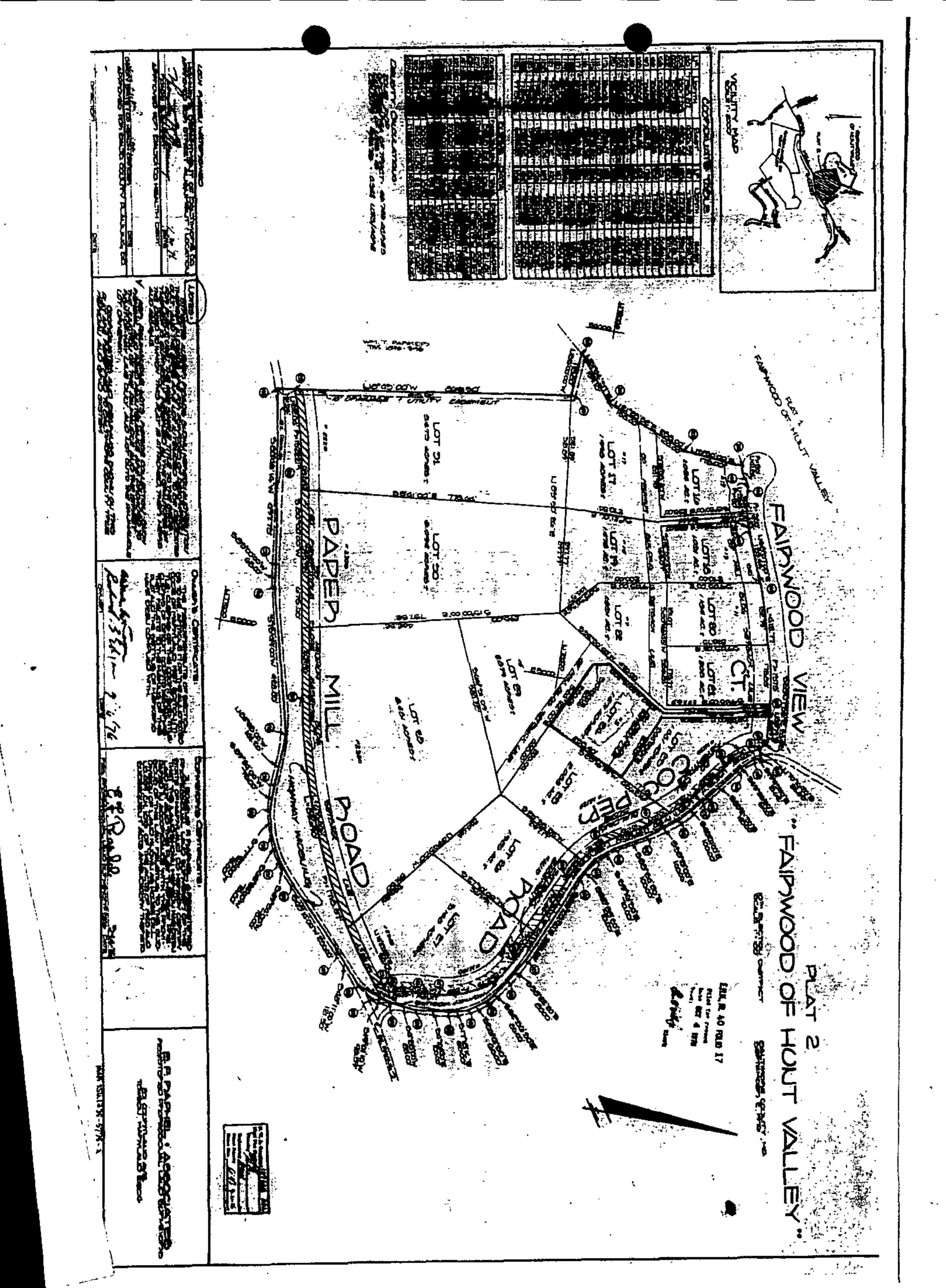
After reviewing your plans for the garage, we offer our support of the plan including your request for the height variance. The height variance is necessary to maintain the aesthetics consistent with our neighborhood.

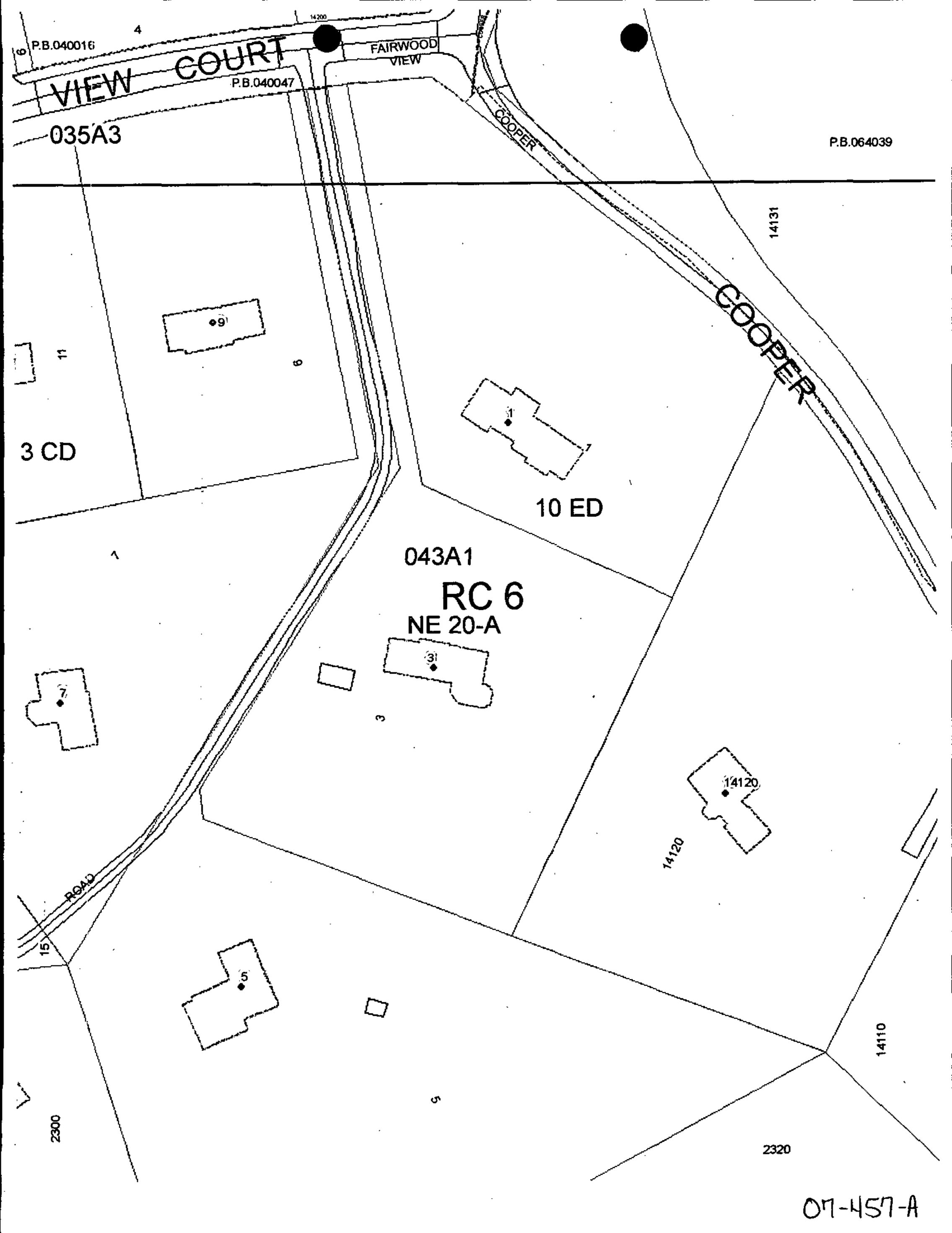
Sincerely,

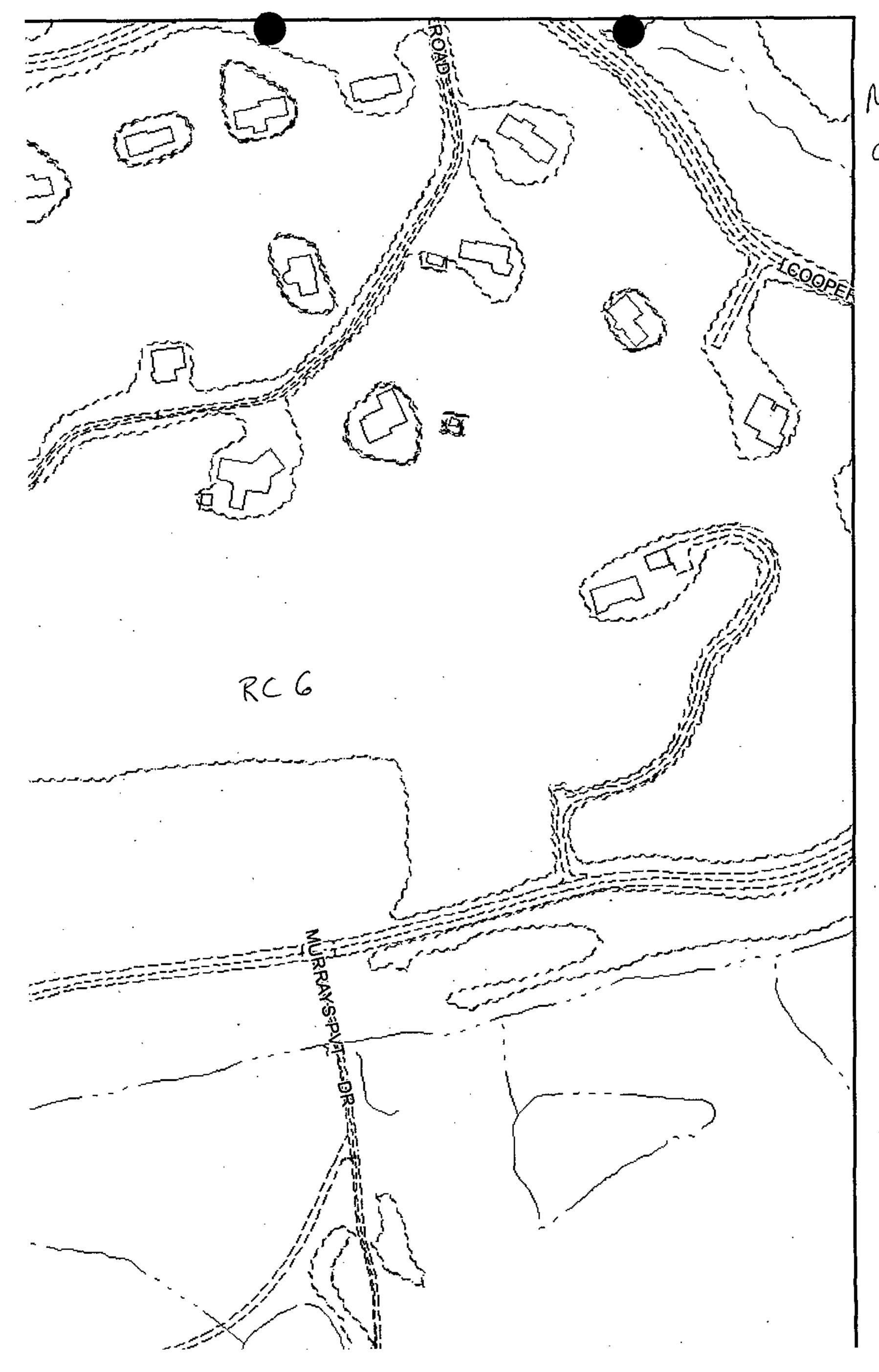
Tom & Gail Daley

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1"=200' SCALE MAP # 043 A1	
COUNCILMANIC DISTRICT 3	` <u>(•</u>
ELECTION DISTRICT (O	10'10. 11'0'. Septic
LOCATION INFORMATION	72'e. Porch
SCALE: 1" = 1000"	briveway Buristing
PAPER MILL RD	٠.46
	South orders
PROPERTY )	₹78. QOFE
10 7	
300	SOUTH WORD 45' OO' East & 309.00ft to Fairwood View Count
	OWNER PHILIP & ANN MILLER
FAIRLOOD VIBLOT	PLAT BOOK # 40 FOLIO # 017 LOT # 24 SECTION #
	SUBDIVISION NAME FAIR WOOD AT HUNT VALLEY
ADDITIONAL REQUIRED INFORMATION	PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE PROPERTY ADDRESS 3 FAIR WOOD VIEW CT SEE PAGES 5 8 6 OF THE CHECKLIST FOR









07-457-A

