IN RE: PETITION FOR ADMIN. VARIANCE
E side Upper Field Court, 200 feet S
of Gontrum Road
11th Election District
3rd Councilmanic District
(3 Upper Field Court)

Mark S. and Mary K. Finn *Petitioners*

BEFORE THE

* DEPUTY ZONING COMMISSIONER

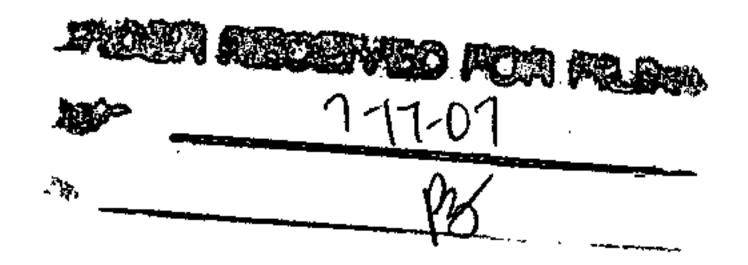
* BALTIMORE COUNTY

* CASE NO. 07-563-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, Mark S. and Mary K. Finn. The variance request is for property located at 3 Upper Field Court. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 47 feet in lieu of the required 50 feet and to amend the latest Final Development Plan for Batter Brook Farms, Lot 45 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 42 foot x 15 foot addition onto the right side of their home. Reducing the required setback to 47 feet on the south side will allow a second vehicle to be parked in the garage. This will also allow for a more attractive window placement in the front of the home making it consistent with the rest of the house.

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 June 27, 2007. That Office does not object to the requested variance provided the addition (garage) style and building materials are consistent with the principal structure. A copy of the comment is incorporated herein and made a part hereof the file. The Planning Office



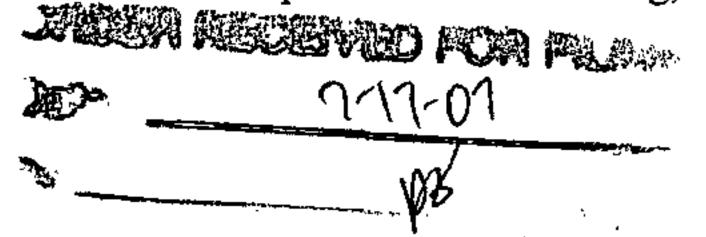
also does not object to the amendment of the latest Final Development Plan for Batter Brook Farm, Lot 45 only.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 1, 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 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.

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 addition (garage) style and building materials shall be consistent with that of the principal structure.

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

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 17 2007

MARK S. AND MARY K. FINN 3 UPPER FIELD COURT KINGSVILLE MD 21087

> Re: Petition for Administrative Variance Case No. 07-563-A Property: 3 Upper Field Court

Dear Mr. and Mrs. Finn:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 34pper Field Ct Kingsville, MD21087 which is presently zoned ______ R C 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) 1004.36.3. (BCLR)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 47-FEET IN LIEU OF THE REQUIRED 50-FEET AND TO AMEND THE LATEST F.D.P. FOR "BATTER BROOK FARMS", LOT # 45.

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: Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code Signature State City Attorney For Petitioner: Telephone No. Address mo Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code State Zip Code City State City 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

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

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.

Kinswille

	City	5	tate	Zip Code
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the south side of the prop	erty would	lallow as	econd vehicle	to be
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house to the 50 requiremen	it to The	property	ne woold no	H allow
a larger vehicle access to	The "new"	garage,		•
2. The additional 3' request window placement in the censistent with the rest addition does not allow	ed would a front o for the h	flow for a f the hom ouse the	more attraction of the court of the cold allow for	e addition or the or this
construction.				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a			vill be required to pa	y a reposting and
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•		Signature	<i>1</i>	
Mark S. Finn Name - Type or Print		Mary K Name - Type or Print	FINA	<u>,</u> ,, <u>,, , , , , , , , , , , , , , , , ,</u>
STATE OF MARYLAND, COUNTY OF BALTIN			. 	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	Tune	, <u>2007</u> ,	before me, a Notary	Public of the State
Mark Finn and N	In visual Figure	o nn		
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Affi	ant(s).	, ,
AS WITNESS my hand and Notarial Seal	20	ine of y	logar	
	Notary		2/11/20	
REV 10/25/01	My Cor	nmission Expires	<u> </u>	·····

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the profollows: That the information herein given is competent to testify thereto in the event that a profoleon competent to testify thereto in the event that a profoleon competent to testify thereto in the event that a profoleon competent to testify thereto in the event that a profoleon competent to testify thereto in the event that a profoleon competent to testify thereto in the event that a profoleon competent to the profoleon competent	within the personal know	owledge of the Affiant(s) a	nd that Affiant(s) is/are
That the Affiant(s) does/do presently reside at	3 Upper Fis	eld Court	<u> </u>
	Kingsville	State	2 1087 Zip Code
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2. The additional 3' requested window placement in the with the rest of the hou but 15' would allow fort That the Affiant(s) acknowledge(s) that if a fe advertising fee and may be required to provide	ormal demand is filed,		
Mark & Linn		Maus Kote	
Signature	Signatu		
Mark S. Finn Name - Type or Print	Name -	Jary K Finn Type or Print	
tame - type of think			· · · · · · · · · · · · · · · · · · ·
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfa	ersonally appeared	y 2007, before me, a None such Affiant(s).	otary Public of the State
AS WITNESS my hand and Notarial Seal	Notary Rublic	A Morgan	

My Commission Expires _

RÉV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3 Uoner Field Ct.	Kinasuille Minalogy
for the property located at Bupper Field Ct. which is presently zoned	RC 1

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

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) 1月04,38,2. (8018)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 47-FEET IN LIEU OF THE REQUIRED 50-FEET AND TO AMEND THE LATEST F.D.P. FOR "BATTER BROOK FARMS", LOT *45.

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. Legal Owner(s): Contract Purchaser/Lessee: rriark Name Type or Print Name - Type or Print Signature Signature ナいかへ Name - Type or Print Telephone No. Address Zip Code Signature State City Attorney For Petitioner: Telephone No. MD Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code Zip Code State City State City 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. Zoning Commissioner of Baltimore County CASE NO. Reviewed By

Estimated Posting Date

Zoning Description for 3 UPPER FIELD COURT

Beginning at a point on the east side of Upper Field Court which is

Has an existing 50-foot right-of-way and located 76-feet east of centerline

Of Gontrum Road which is 40-feet wide.

Being the same property and recorded among land records of Baltimore County in Plat Book 64, Folio 36 being part of Lot #45 and being in the subdivision known as "Batter Brook Farm" containing 1.12 acres. Also known as 3 Upper Field Court and located in the 11th Election District and 3rd Councilmanic District.

OFFICE OF BUDGET & FINANCE RECEIPT PINK - AGENCY COCN ANEOUS BALTIMORE DISTRIBUTION WHITE - CASHIER MISCELL RECEIVED FROM: FOR:

CERTIFICATE OF POSTING

•	RE: Case No.: 0/-363-A
	Petitioner/Developer:
•	Finn
	Date of Hearing/Closing: 7/1407
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of p were posted conspicuously on the property loc	erjury that the necessary sign(s) required by law
	ER FIEDO CT
The sign(s) were posted on	7/1/07
	(Month, Day, Year)
	Sincerely,
ZONING NOTICE	Mala 1859 7/1/07
LASE # O7-S63-A	(Signature of Sign Poster and Date)
THE POST OF THE PROPERTY.	RICHARD E. HOFFMAN (Printed Name)
PUBLIC HEAKING: CASCART TO SECTION 26-127(A.I.D. BUTTACHE COUTT FORE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE	904 DELLWOOD DR.
ADDITIONAL INFORMATION IS AVAILABLE AT ICXXX CXXXISTERICA AND SEVELCEMENT MANAGEMENT TEL. 887-3391	(Address) [-ALLS TON, MO 21047]
MINING IS REMACHING MINISTRAL	(City, State, Zip Code)
UPPER FIELD CT.	(410) 879·31ZZ
POSTED 1/1/07	(Telephone Number)
-Late 1/2/2 7/1/07	•

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 07-	563	-A	Address 3 UPPER	FIELD CT
Conta	ct Person: _	DONNA TH	OMPSON Please Print Your	Name	Phone Number: 410-887-3391
Filing	Date:	18/07	_ Post	ing Date: <u>7 1/07</u>	Closing Date: 기/16/07
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2.	a formal red	quest for a p	ublic hearing	eadline for an occupar g. Please understand ss is not complete on t	nt or owner within 1,000 feet to file that even if there is no formal he closing date.
3.	commissione order that the control of the commission of the commis	er. He may: he matter be hin 7 to 10 da	(a) grant the set in for a sys of the clo	e requested relief; (b) a public hearing. You sing date) as to wheth	by the zoning or deputy zoning deny the requested relief; or (c) a will receive written notification her the petition has been granted, to you by First Class mail.
4.	(whether du commission changed giv	e to a neighter), notification in a notice of the second contraction o	bor's formal on will be fo the hearing d	request or by order rwarded to you. The late, time and location	s that must go to a public hearing of the zoning or deputy zoning e sign on the property must be . As when the sign was originally altered sign must be forwarded to
			(Deta	ch Along Dotted Line)	
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	47-FEE	ET IN LIEU	OF THE !	REQUIRED 50-FEE	TAND TO AMEND THE
	LATEST	F.D.P. FOR	"BATTER	BROOK FARMS", L	07.445
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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:		07-563-	4	··· ··································
Petitioner: _			FINN		······································
Address or Lo	ocation:	3	UPPER FIELD	CT.	
		-	•		-
PLEASE FOR	RWARD ADVERTIS	SING BIL	L TO:		
Name:	MR. 4 MRS	S. MAI	RK FINN	. <u>. </u>	
Address:	3 UPPER 1	FIELD	CT.	·	
	RINGSVILLE	= m	D8016 C	·	
 "		1		''	
Telephone N	umber:	410-	592-2510		

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 16, 2007

Mark S. Finn Mary K. Finn 3 Upper Field Court Kingsville, MD 21087

Dear Mr. and Mrs. Finn:

RE: Case Number: 07-563-A, 3 Upper Field Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 18, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: June 27, 2007

IECEIVE JUL 1 1 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-563- Administrative Variance

The Office of Planning does not object to the requested variance to permit an addition with a side yard setback of 47 feet in lieu of the required 50 feet, provided that the addition (garage) style and building materials are consistent with the principal structure. The Office of Planning also does not object to the proposal to amend the latest F.D.P. for Batter Brook Farms, lot #45.

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

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 2, 2007

Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569,

570, 571, and 572

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw

cc: File

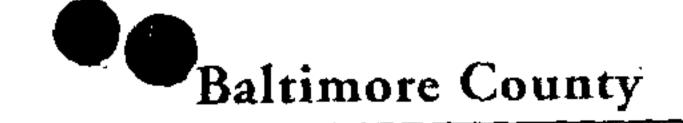
ZAC-NO COMMENTS-06272007.doc

Fire Department

~

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





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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

1 Item Number: 555 through 572

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





Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 26,2007

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

RE: Baltimore County

Item No. 07-563-A 3 HPPEZ FIELD COURT

FINN PROPERTY 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. 7-663 4.

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,

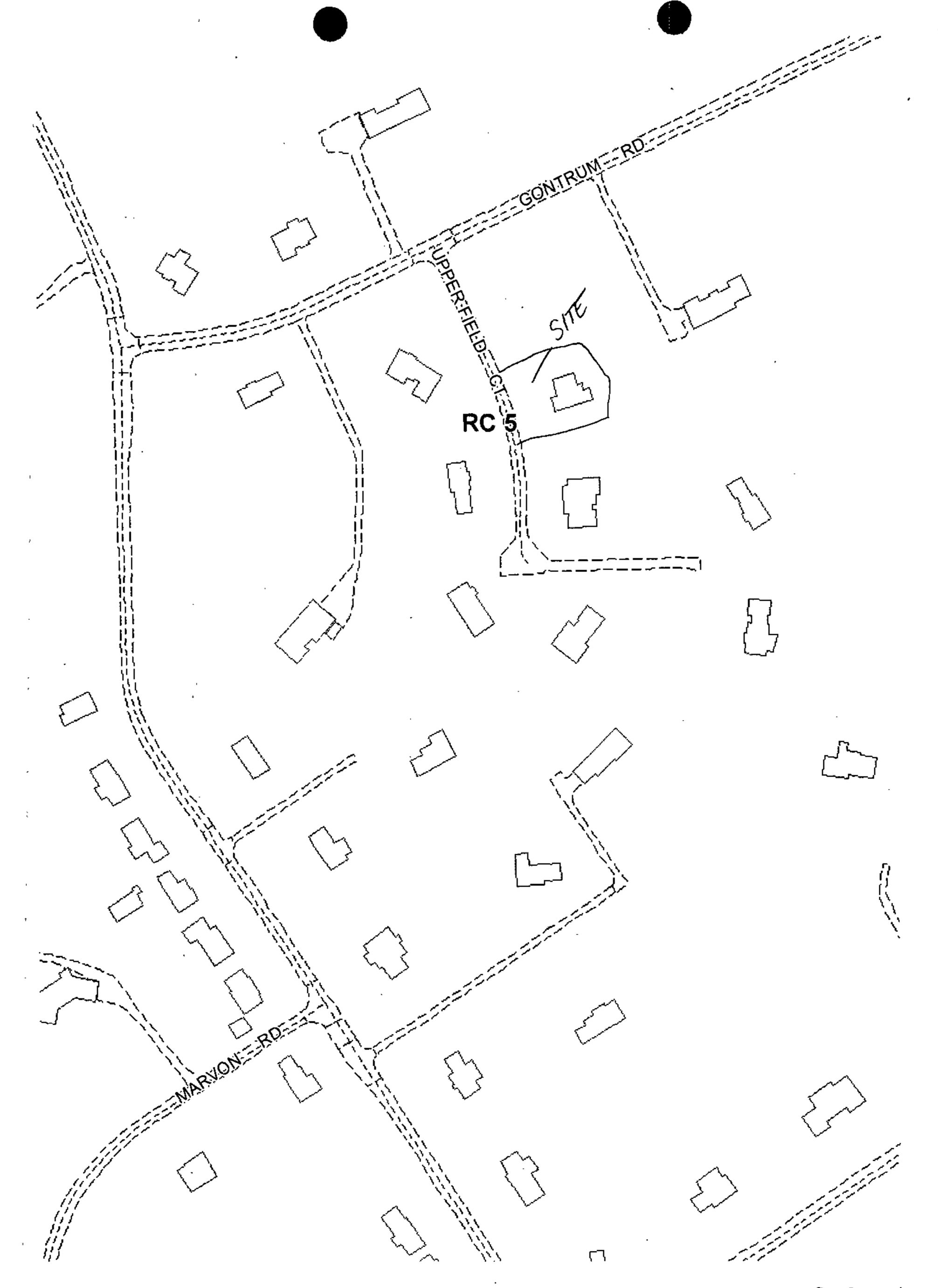
A Steven D. Foster, Chief

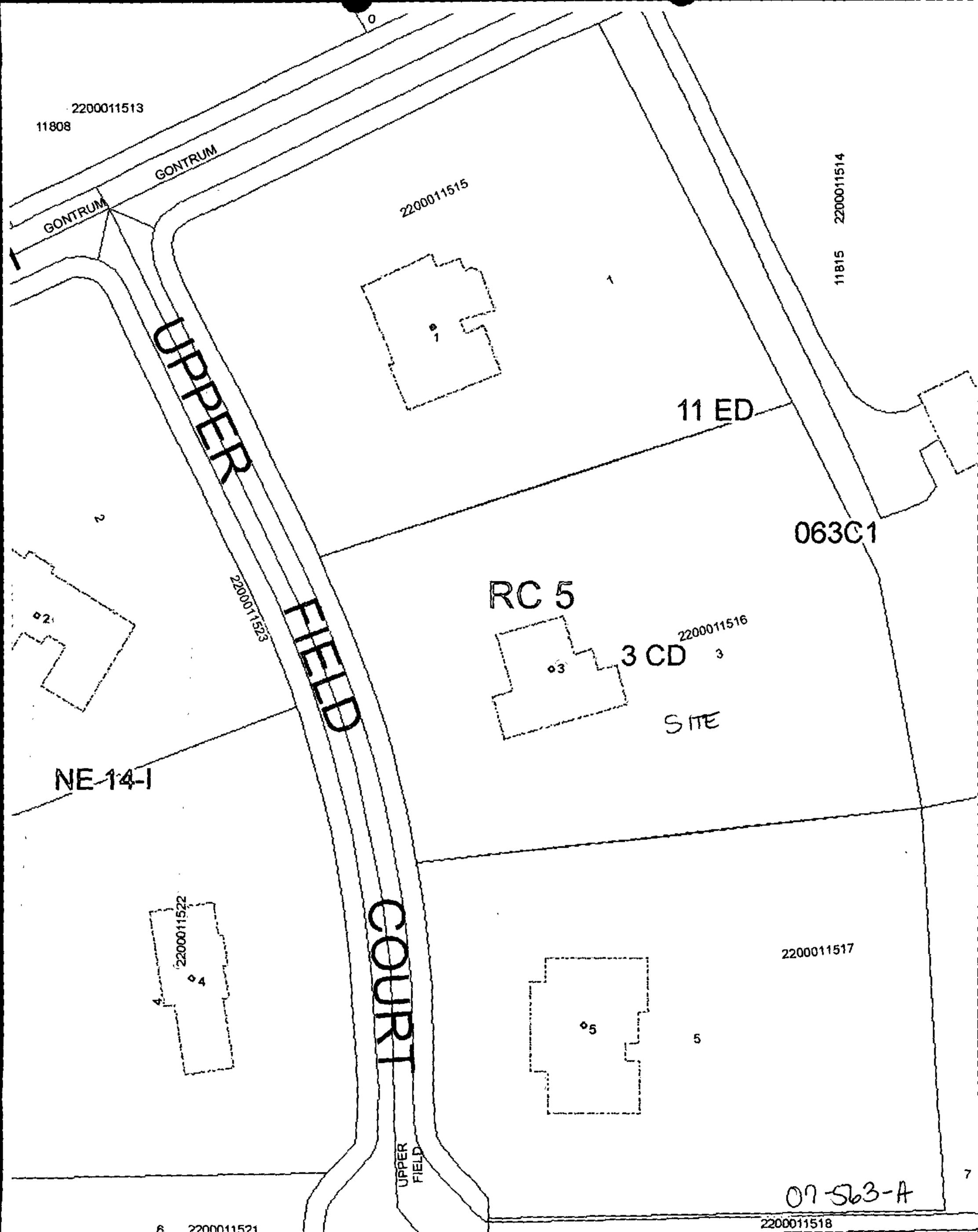
Engineering Access Permits

Division

SDF/MB

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D.7.	REVIEWED BY	ZONING	100 YEAR FLOOD P HISTORIC PROPERT BUILDING	CHESAPEAKE B	SEWER WATER	im j ⊳ļ (DC SCALE	ELECTION DISTRICT	Be P		Town R.	· ·	ADDITIONAL	
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