IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Moonstone Road, 356 feet S of

the c/l of Perryvale Road

11th Torpoint Road

5th Election District

Councilmanic District

(9007 Moonstone Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

Van L. and Ethelyn L. Carmean Petitioners

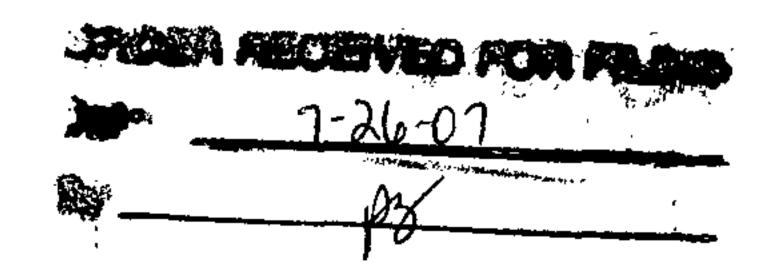
* CASE NO. 07-583-A

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, Van L. and Ethelyn L. Carmean. The variance request is for property located at 9007 Moonstone Road. The variance request is from Sections 1B01.2.C.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (proposed open deck) on rear of existing dwelling with a rear setback of 16 feet in lieu of the required 22.5 feet, and to amend the Final Development Plan of Perryvale for Lot 50 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 14 foot x 16 foot deck on the rear of the home and replace the existing older deck When the deck is constructed there will still be 16 foot between the deck and the property line.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. This comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 6, 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of July, 2007 that a variance from Sections 1B01.2.C.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) To permit an addition (proposed open deck) on rear of existing dwelling with a rear setback of 16 feet in lieu of the required 22.5 feet, and to amend the Final Development Plan of Perryvale for Lot 50 only 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.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

00 11 11-1

THB:pz

7-26-07

ξ,



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 26, 2007

VAN L. AND ETHELYN L. CARMEAN 9007 MOONSTONE ROAD BALTIMORE MD 21236

Re: Petition for Administrative Variance Case No. 07-583-A

Property: 9007 Moonstone Road

Dear Mr. and Mrs. Carmean:

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



William (47)

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

for the property located at 9007 Moons Tone Road which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BCZR 1B01.2C-b & 301.1

TO PERMIT AN ADDITION (PROPOSED OPEN DECK) ON REAR OF EXISTING DWEWING WITH A KEAR SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 221/2 FEET; AND TO AMEND THE FINAL DEVELOPMENT PLAN OF PERRYVALE FOR LOT #50 ONLY.

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.

ŕ	† † †			eclare and affirm, under the the legal owner(s) of the Petition.	,
Contract Purch	aser/Lessee:		Legal Owner(s).	- <u>-</u>	
) 			VAN L. C	PARMEAN	•
Name - Type or Print	- -	-	Name - Type or Print	Camean	•
Signature			Signature ETHELYN	L. CARMEAN	······································
Address	1"	Telephone No.	Name Type or Print	P. Carriose	
City	State	Zip Code	Si onal ture	<u> </u>	410-256
Attorney For Pe	etitioner:	V-14	<u>9007 Moo</u> Address	NSTIONE ROAD	564 Telephone No.
I	! :	•	BALTIMOR	E MD	21236
Name - Type or Print			City	State	Zip Code
Signature	- - -	······································	Representative	to be Contacted:	, .
Company	1	1	Name	<u> </u>	
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
this day of	ring been formally deman the County and that the prope	nat the subject matter of t	required, it is ordered by his petition be set for a publi	the Zoning Commissioner of ic hearing, advertised, as req	Baltimore County, uired by the zoning

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	9007	MOONSTONE	KOAD	
	Address			

BALTIMORE MARYLAND

ス1236 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):

VARIANCE IS REQUESTED TO ALLOW CONSTRUCTION

OF A 14'X 16' DECK ON REAR OF HOUSE LOCATED

ON PROPERTY. SETBACK ON PROPERTY ZONED DR 5,5

15 30' WITH 25 % ALLOWED FOR DECK. WHEN

CONSTRUCTED A DISTANCE OF 16' WILL REMAIN

BETWEEN DECK AND PROPERTY LINE.

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.

Van Lannean
Signature

Signature

ETHELYN L. CARMEAN

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this ຳາກ day of ປະທາຍ , ປະທາງ before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

van L. Carmean and Ethelyn L. Carmean

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

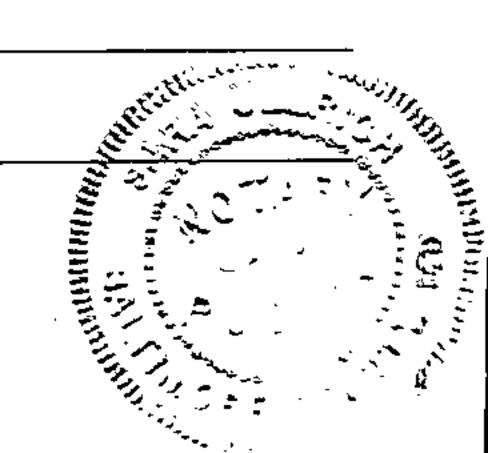
Notary Public

My Commission Expires

Sara Ullrich Notary Public State of Maryland Ny commission expires on June 2009

REV 10/25/01

Name - Type or Print



Affida Vit 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/d	lo presently reside at	9007 MOONS	TONE ROAD	
		BALTIMORE.	MARYLAND State	ス/236 Zip Code
That based upon person Variance at the above ad	al knowledge, the follo dress (indicate hardshi	wing are the facts upon	which I/we base the request for	•
OF A 14 ON PROF	ERTY. DECK OF SETB. WITH 25% ACTED A D.	ON REAR OF ACK ON PROPE ALLOWED FOR	LLOW CONSTRUCTION HOUSE LOCATED RTY ZONED DRS. R DECK. WHEN 16' WILL REMAIN NE.	. 5
That the Affiant(s) ackn advertising fee and may	owledge(s) that if a fo	ormal demand is filed, A	Affiant(s) will be required to p	ay a reposting and
	mean	Signatur E-7	CHELYN L. CARM Type or Print	EAN
STATE OF MARYLAND I HEREBY CERTIFY, this of Maryland, in and for the	is 1m _ day of _ June	E	, <u>&∞7</u> , before me, a Notar	y Public of the State
the Affiant(s) herein, pers	sonally known or satisfa		s such Affiant(s).	, , , , , , , , , , , , , , , , , , ,

Notary Public

My Commission Expires

REV 10/25/01

Sara Ulirich Notary Public State of Maryland My commission expires on June 2009



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Reviewed By Haron Tsui Date_

Estimated Posting Date

for the property located at 9007 Moons Tone Road which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BCZR | BOI. 2C. b ミョル

TO PERMIT AN APPITION (PROPOSED OPEN DECK) ON REAR OF EXISTING DWELLING WITH A REAR SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 22 & FEET; AND TO AMEND THE FINAL DEVELOPMENT PLAN OF PERRYVALE FOR LOT # 50 ONLY

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 s the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> C'ARMEAN Name -/Type or Print Name - Type or Print Signature Signature ETHELYN Name - Type or Print Telephone No. Address Zip Code State City Signature MOONSTONE KOAD 410-456-5648 Attorney For Petitioner: Telephone No. BALTIMORE $M \mathcal{D}$ 21236 City State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address City Zip Code State Zip Code 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 perition 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 DESCRIPTION

ZONING DESCRIPTION FOR 9007 MOONSTONE ROAD

Beginning at a point on the south-east side of Moonstone Road which is 50 feet

wide at the distance of 356' + south of the centerline of the nearest

improved intersecting street Perryvale Road which is 60 feet wide.

Being Lot #50, Block C, in the subdivision of Perryvale as recorded

in Baltimore County Plat Book #41, Folio #63, containing 6,222 square

feet. Also known as 9007 Moonstone Road and located in the 11th

Election District, 5th Councilmanic District.

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CERTIFICATE OF POSTING

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Petitic	oner/Developer. V	AN L. CAR	M54N			
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Charles E. Merritt

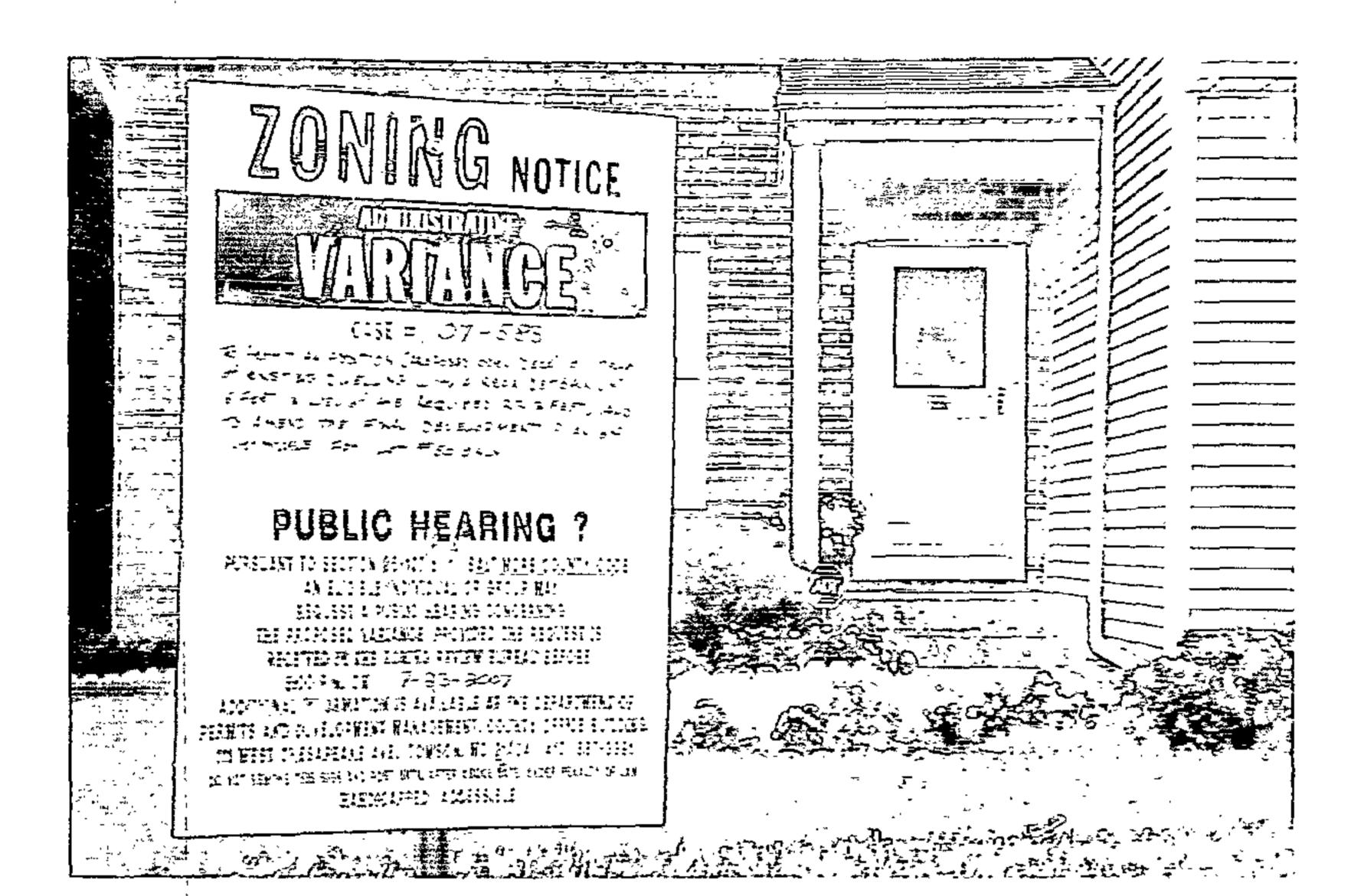
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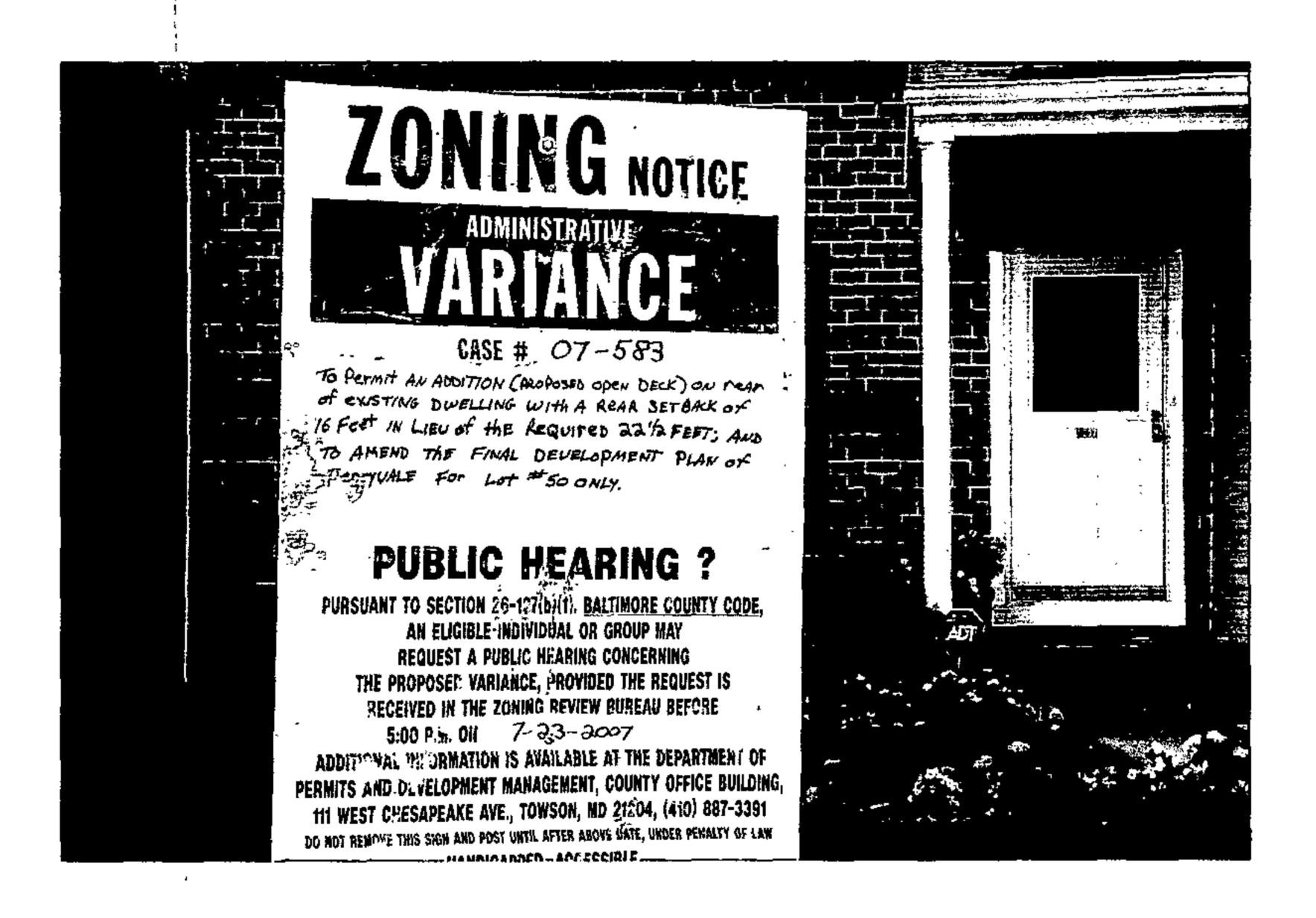
Battlmore, MD 21234

410-665-5562

JUL 1177

DEPT, OF PERMITS AND DEVELOPMENT MANAGEMENT





PAGE 02

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07-	583 -A	Address 900	7 moonstone	Road
	AARON		Phone Number:	
	Planner, Please Print Your			
Filing Date: 6/3	<i>,</i>		(200) Closing Da	
Any contact made through the contact	with this office regarding person (planner) using the	ng the status of the case number.	ne administrative varia	ince should be
reverse side reposting mu is again respondent on date.	OST: The petitioner must of this form) and the perist be done only by one consible for all associated or before the posting date	of the sign posters di costs. The zon noted above. It s	on the approved list aring notice sign must be hould remain there thro	nd the petitioner e visible on the ough the closing
a formal req request for a	The closing date is the quest for a public hearing the processing	ess is not complete	on the closing date.	
commissione order that the	fter the closing date, the er. He may: (a) grant the he matter be set in for hin 7 to 10 days of the cl ill go to public hearing. T	ne requested relie a public hearing. losing date) as to t	You will receive whether the petition ha	itten notification s been granted,
(whether due commissions	PUBLIC HEARING AND e to a neighbor's formation, notification will be fing notice of the hearing fication of this change ar	i request or by of forwarded to you.	The sign on the prestion. As when the sign	operty must be an was originally
;	(De	tach Along Dotted Line)	,	
Petitioner: This P	art of the Form is for th	e Sign Poster On	ly	
	USE THE ADMINISTR	RATIVE VARIANCE	E SIGN FORMAT	
Case Number 07-	583 -A Ada	tress 9007	Moonstone	Road
	van L Carn	rean	Telephone 4/0	-256-5648
Posting Date:		Closing	Date:	
Wording for Sign:	To Permit AN ADDI	TION (PROPOS	ED OPEN DECK	ON REAR
OF EXISTING	& DUELLING WIT	TH A REAR S	ETBACK OF 16	FEE! IN
LIEU OF TH	HE REQUIRED 22/	& FEET; AN.	D TO AMEND TI	TE FINAL
DEVELOPMEN	NT PLAN OF PER	DRYVALE FOR	2 LOT # 50 BN	<u></u>

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

•
Case Number 07- 583 -A Address 9007 Mounstone Road
Contact Person: AARON TSUL Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $6/25/2007$ Posting Date: $2/08/2007$ Closing Date: $2/23/200$
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.
2. <u>DEADLINE:</u> 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.
4 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- 583 -A Address 9007 Moonstone Road
Petitioner's Name Van L Carmean Telephone 410-256-5648
Posting Date: 7.8.07 Closing Date: 7.23.07
Nording for Sign: To Permit AN ADDITION (PROPOSED OPEN DECK) ON REAR
OF EXISTING DUELLING WITH A REAR SETBACK OF 16 FEET IN
LIEU OF THE REQUIRED 22/2 FEET; AND TO AMEND THE FINAL
DEVELOPMENT PLAN OF PERRYVALE FOR LOT # 50 ANLY



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 23, 2007

Van L. Carmean Ethelyn L. Carmean 9007 Moonstone Road Baltimore, MD 21236

Dear Mr. and Mrs. Carmean:

RE: Case Number: 07-583-A, 9007 Moonstone Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 25, 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. Callibal D

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: July 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) 07-583- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

For further; questions or additional information concerning the matters stated herein, please contact Kevin Gambrill 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: July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588,589, 590, \$91, 592, and 594

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-07052007.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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

583

Item Number: 573 through 578 and 580 through 594

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: July 2, 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. 7-583-A 9007 MOON STONE RD

CARMEAN PROPERTY

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. 7-583-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

Engineering Access Permits

Division

SDF/MB

.....

PROPERTY SUBDIVISION NAME **ADDRESS** ACCOMPAN PERRYV 900 OONS PE SEE ZONING PAGES Ċ) ထ Φ 표 VARIANCE CHECKLIST FOR **ADDITIONAL** SPECIAL REQUIRED INFORMATION HEARING

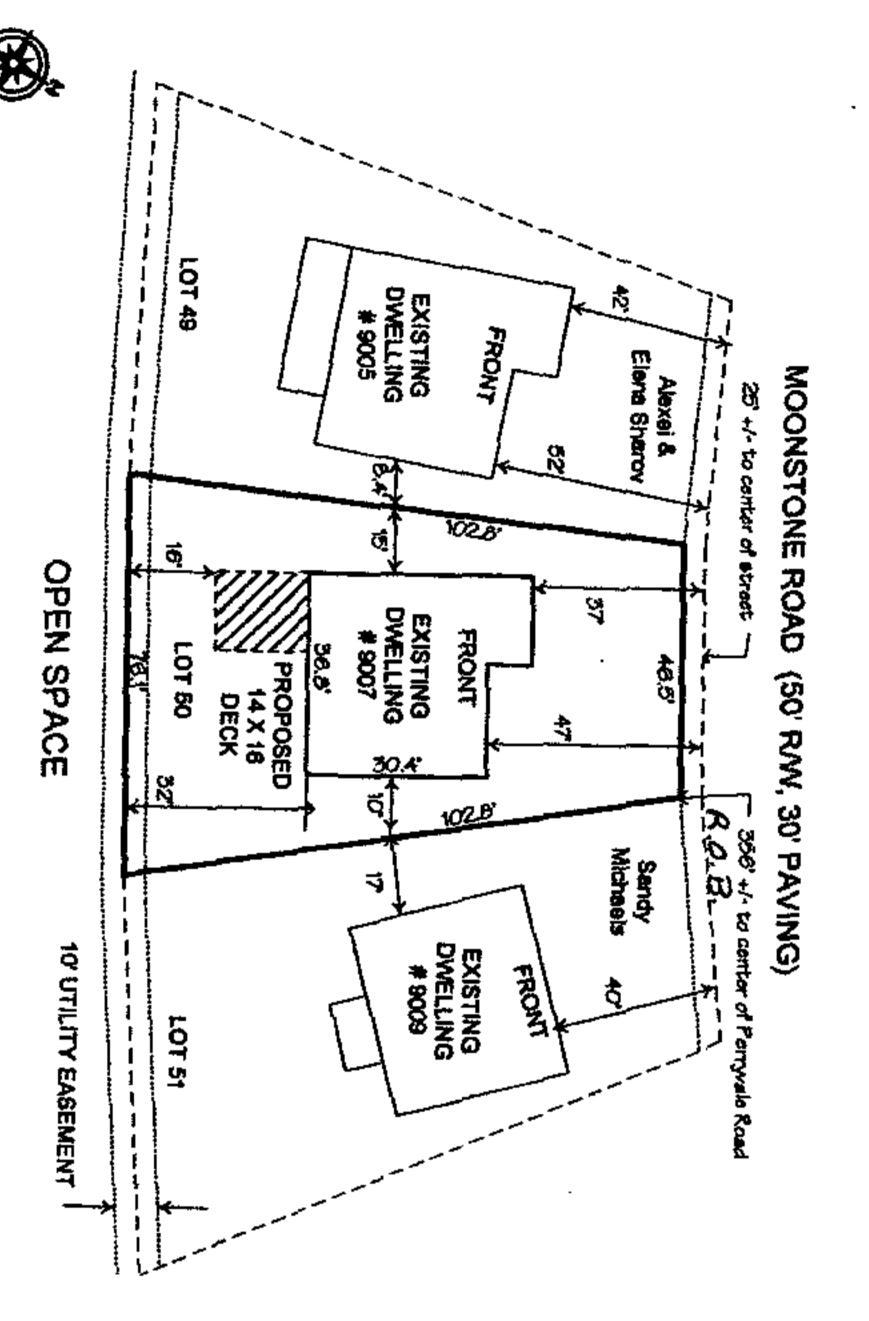
PLAT BOOK # 41 FOLIO # 63 LOT # 50 SECTION # NA BLOCK CONNER VAN L & ETHELYN L CARMEAN

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Transums Ad

Santa Rea Rd

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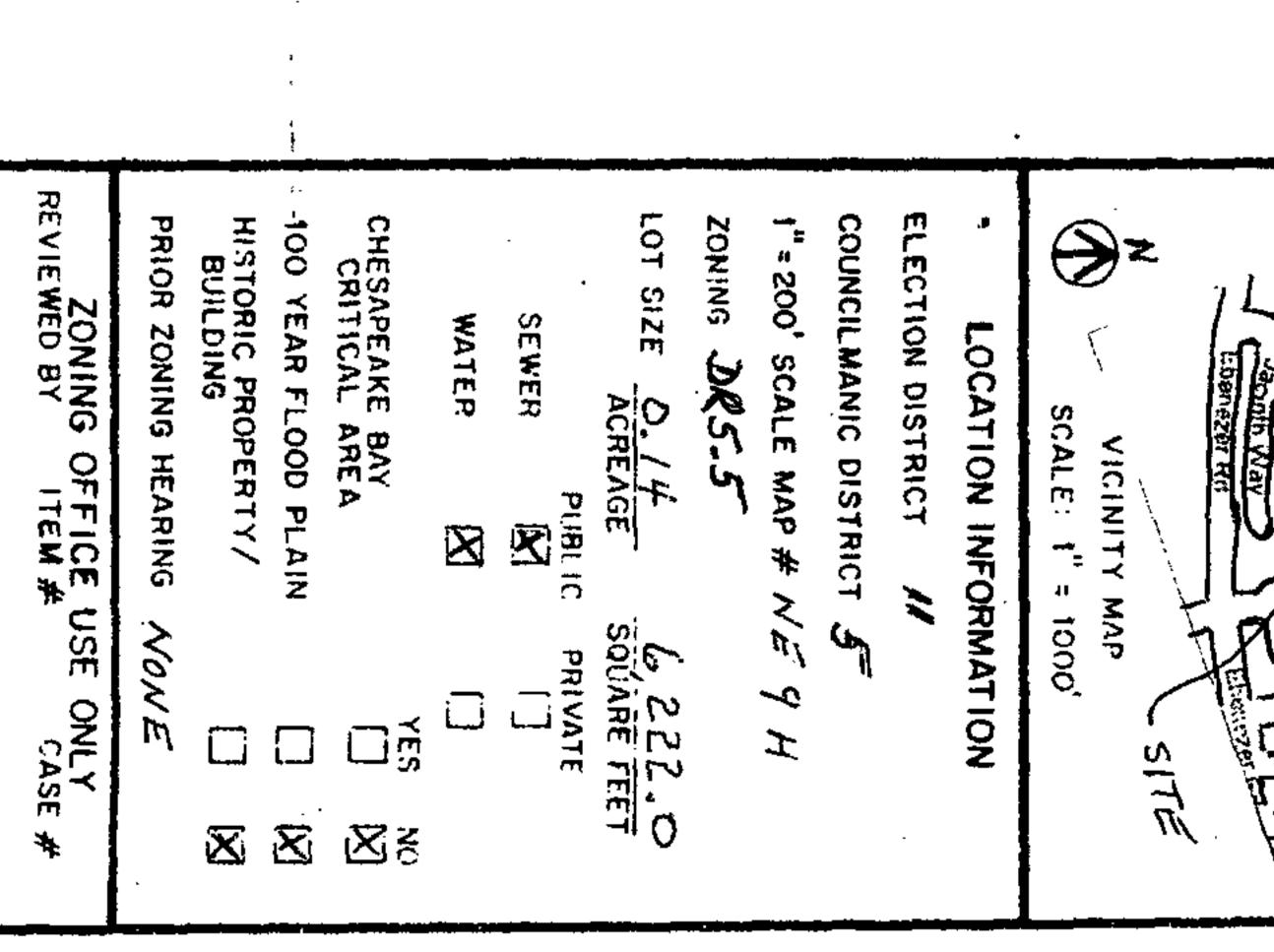
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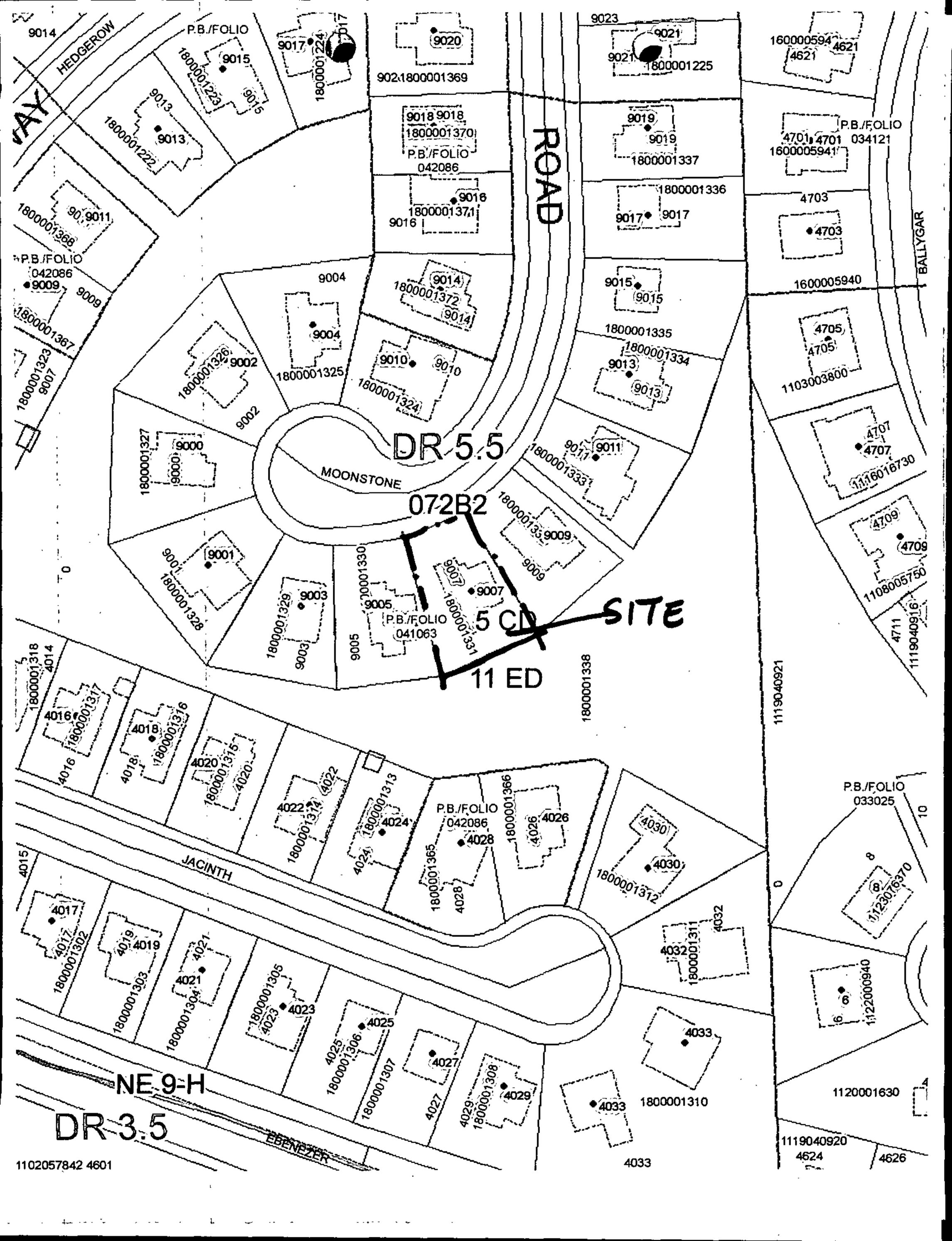
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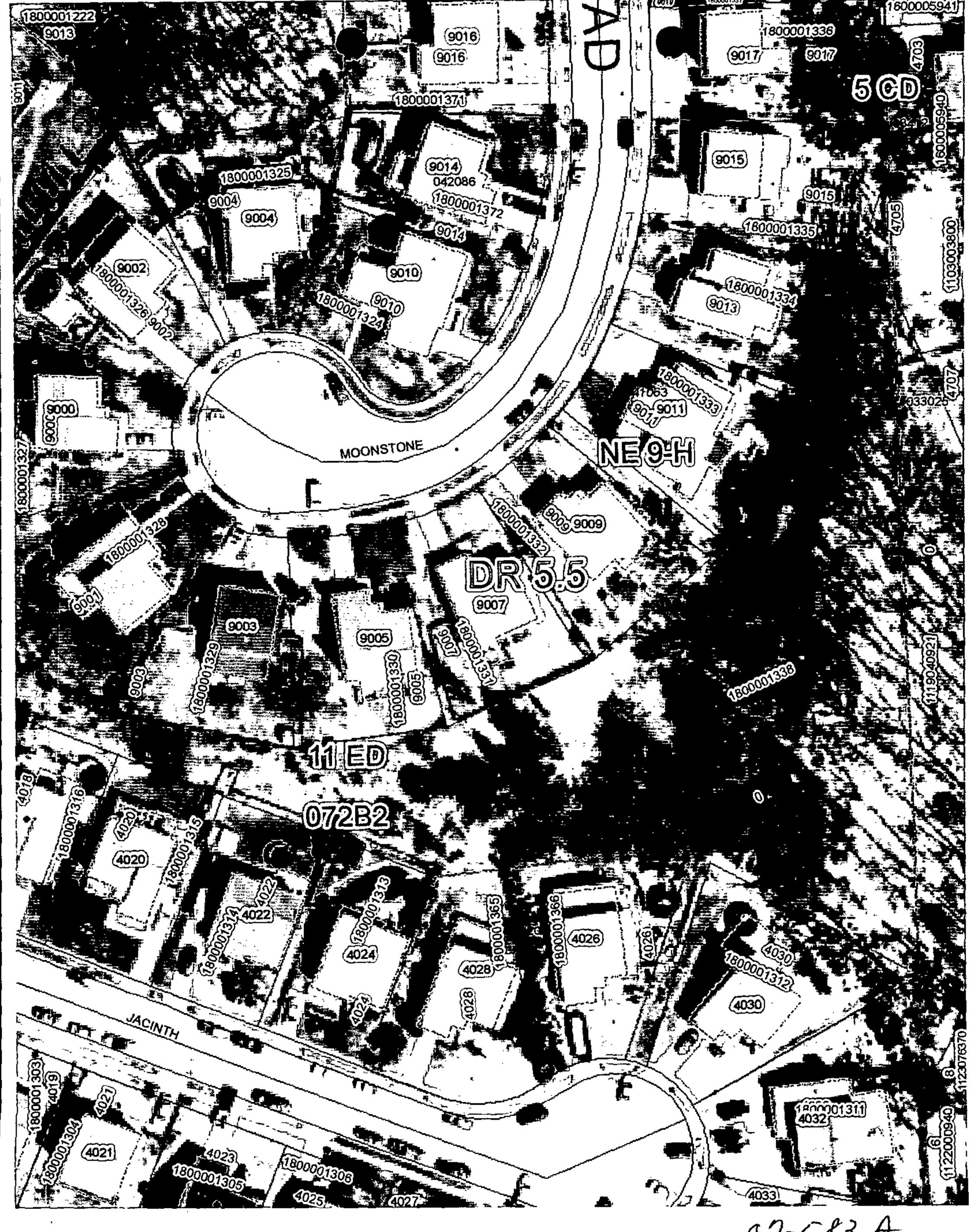
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07-383A

NORTH







07-583 A

HEARING SPECIAL ARIAN FOR ZONING 4 O ACCOMPANY PLAT T

FHE CHECKLIST

- 7

SEE PAGES ADDRESS PROPERTY

PERRYVALE SUBDIVISION NAME

MA. BLOCK 4 SECTION ARMEAN 50 LOT FOLIO # 63 ETHELYN PLAT BOOK #4 OWNER VAN

LOT 51 EXISTING DWELLING #9009 FRORT 356 +/- to center R.Q.B.----(50' R/W, 30' PAVING) Sendy Micheels 8701 2 PROPOSED 14 X 16 DECK EXISTING DWELLING # 9007 10T 50 FROM 16.5 9 MOONSTONE ROAD 25' +/- to center of street ત ø 102.8 Alexei & Elene Sharov N EXISTING DWELLING # 9005 FRONT LOT 49

NORTH

B₹ PREPARED

DRAWING: Q. SCALE

50

DRAIBION STE DE SUUSUELL REQUIRED INFORMATION 10001 = Dit shrdith МДР विस्तान सम्बद्ध VICINITY =_ BA legalisa Ebenezer Rif SCALE FOR ADDITIONAL Pentred

LOCATION INFORMATION

COUNCIL MANIC DISTRICT ELECTION DISTRICT

1" = 200' SCALE MAP #

DR5.5 SNINOZ 6 222 SOUARE FE SIZE LOT

ACRE.

PRIVATE <u>명</u> (조) X SEWER WATER

CHESAPEAKE BAY CRITICAL AREA

10 UTILITY EASEMENT

OPEN SPACE

 $\mathbb{Z}^{\mathbb{Z}}$ $\mathbf{\Sigma}$ \mathbf{X} 100 YEAR FLOOD PLAIN HISTORIC PROPERTY BUILDING

ONLY USE OFFICE (ZONING REVIEWED BY

PRIOR ZONING HEARING

107-583A 83 S TSUI











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