IN RE: PETITION FOR ADMIN. VARIANCE *

N side of Green Cove Circle, 1320 feet E of the c/l of Morse Lane 15th Election District 7th Councilmanic District (4522 Green Cove Circle)

Brett M. Schneider *Petitioner*

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

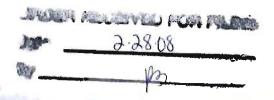
* FOR BALTIMORE COUNTY

* Case No. 08-342-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Brett M. Schneider for property located at 4522 Green Cove Circle. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed to be located in the side yard in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to erect a small shed on the side of his home. No neighbors voiced any objection and there appears to be a number of similar structures in the neighborhood.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 20, 2008 which indicates that they have no objection to the Petitioner's request. There are several existing conditions like this one on neighboring lots; therefore, the requested relief will not be out of character. Comments were received from the Bureau of Development Plans Review dated February 14, 2008 which indicates that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage.



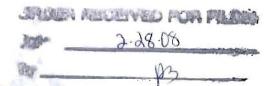
Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were also received from the Department of Environmental Protection and Resource Management dated February 15, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The total impervious surface on the lot cannot exceed 25% of its area or as on the approved final development plan for Beachwood Estates.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 9, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits 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 February, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed to be located in the side yard in lieu of the required rear is hereby GRANTED, subject to the following:



- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
- 3. The total impervious area on the lot cannot exceed 25% of its area or that indicated on the approved Final Development Plan for Beachwood Estates.
- 4. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
- 5. The flood protection elevation for this site is 10.4 feet.
- 6. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
- 7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
- 8. The building engineer shall require a permit for this project.
- 9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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

THOMAS H. BOSTWICK Deputy Zoning Commissioner

February 28, 2008

BRETT M. SCHNEIDER 4522 GREEN COVE CIRCLE BALTIMORE MD 21219

> Re: Petition for Administrative Variance Case No. 08-342-A

Property: 4522 Green Cove Circle

Dear Mr. Schneider:

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,

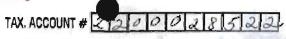
THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure







Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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Property is to be posted and a I, or we, agree to pay expenses or regulations and restrictions of Ba	of above Variance	e, advertising, post	ing, etc. and further	er agree to and are	to be bound	led by the zoning
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BALTIMORE MAR	State	Zip Code	Signature	5. 15		
Attorney For Petitioner:			4522 9	REEN COUR	CIRCLE	410.308-15
			Postiva	of Mose	WEUD	21219
Name - Type or Print			City		State	Zip Gode
Signature			Representa	tive to be Cont	acted:	
7		<u> </u>	JPRVIND			
Company			Name	DAME		
Address	Т	elephone No.	Address			Telephone No.
City	State	Zip Code	City		State	Zip Code
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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	s/do presently reside a
--------------------------	-------------------------

Address
Address
City
Style
Zig Code
Zig Code

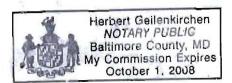
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I'M PRESENTLY REQUESTING A VARIANCE TO PLACE A SMALL STORAGE SNED ON THE SIDE OF MY NOME. DUE TO THE LACK OF SPACE OF SMALL GARD, AND TO AVOID ENCRONCHMENT ONTO CRITICAL BAYER CHEN SPACE PROPERTY, WHICH SCENS TO HAVE BEEN A PROBERTY, WHICH SCENS TO HAVE BEEN A PROBERTY IN THE PROT.

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.

Signature Service	Signature	de consente
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:		
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 28 TH day of Anvary of Maryland, in and for the County aforesaid personally appear	, 200% , before me, a N	Notary Public of the State

AS WITNESS my hand and Notarial Seal



Herbert Feilenkirchen Notary Public

My Commission Expires

19-1-2008

REV 10/25/01

Affidavit in Support of Administrative Variance

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

Variance at the above address (indicate hardship or practical difficulty):

Frood

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 based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

4522 GREEN COUE

BRITIMORE MARYLAND

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DE	EV 10/25/01	Му	Commission Expires October 1, 2008	My Commissio	on Expires	1/12	- 5	



CASE NO.

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	4522 GREEN COUR	CIRCLE
which	is presently zoned	R3.5

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)

A. SALO TO BE LOCATED IN THE SIDEYPRED IN LIEU OF THE

EQUIRED KERR

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

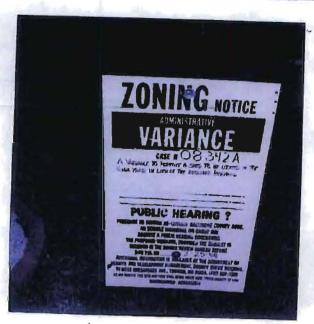
Estimated Posting Date

Zoning Description for 4522 Green cove circle Baltimore Md. 21219. Beginning at a point on the north side of green cove circle which is 50 ft wide at the distance of 1320 ft east of the center line of the nearest improved intersecting street Morse lane. Which is 86 ft wide *being Lot # 53block- Section #3. In the Subdivision of Beachwood Eststes As recorded in Baltimore County Plat book #69 Folio #27 Containing 5,811. Also Known as 4522 Green cove circle And located in the 15 Election district 7 Councilman District

BALTIMORE COUNTY, MARYLAND No. 09776 OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT 1/31/2000 15(20:3) Sub Rev Sub Rept BS TET B 942/000 1/34/0000 Orgn Source Rev Fund Agcy Orgn Catg Acct Amount 5 320 70000 VERTERIATION 00776 Beoph Text 145,15 \$65,00 00 Bultimer Dunty, Narybard Total: 65. Rec From: For: **CASHIER'S VALIDATION DISTRIBUTION** WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

	RE: Case No.: 08-342-A
and the second s	Petitioner/Developer: BRETT
	SCHNEIDER
	Date of Hearing/Closing: 2-25-
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen;	
posted conspicuously on the property located	perjury that the necessary sign(s) required by law were lat: COLE CIRCLE
. 140	,
	Z-9-08 (Month, Day, Year)
	Sincerely,
the state of the s	- Round Black Z-10.00
	(Signature of Sign Poster) (Date) SSG Robert Black
ZONING NOTICE	(Print Name)



Round Black	2-10-0
(Signature of Sign Poster)	(Date)
SSG Robert Black	
(Print Name)	
1508 Leslie Read	-
(Address)	,
Dundalk, Maryland 2122	22
(City, State, Zip Code)
(410) 282-7940	
(Telephone Number)	

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW ,

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 342 -A Address 4522 GREEN GUER
Contact Person: — J. Meine Phone Number: 410-887-3391
Filing Date: $\frac{13108}{200}$ Posting Date: $\frac{210}{25}$ Closing Date: $\frac{2}{25}$
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 08-342 -A Address 4522 Green Cove Cir. Petitioner's Name Rett Schweiner Telephone 410-388-1549
Petitioner's Name <u>Brett</u> Schweiner Telephone 410-388-1549
Posting Date: $\frac{2}{10}$ Closing Date: $\frac{2}{25}$
Wording for Sign: To Permit A SHED TO BE LOCATED IN THE SIDEYARD IN LIEU OF THE REDUIRED REARYARD
WCR - Revised 6/25/04

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 Newspa	per Advertising:			
Item Number	or Case Number: _	342		
Petitioner: _	DRETT NI	SCHNEIDER		
Address or L	ocation: 4522	GREEN COVE L	IRCIE, DOG. MD. Q.	12/9
PLEASE FO	RWARD ADVERTIS	ING BILL TO:		
Name:				
Address:				
	· 	And	<u> </u>	·
Telephone N	umber: > 410	388-1549		

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 25, 2008

Brett M. Schneider 4522 Green Cove Circle Baltimore, MD 21219

Dear Mr. Schneider:

RE: Case Number: 08-342-A, 4522 Green Cove Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 2008. 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

1. C. O.O. O. O.

WCR:amf

Enclosures

c: People's Counsel



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111, 2007 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 11, 2008

Item Number: 342 343,344,345,346,347,350,351,353,354

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (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: Fes. 11, 2008

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

RE:

Baltimore County

Item No.8 -342-A

4522 CREEN COVERD SCHNEIDER 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. 8-342-1

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,

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 20, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4522 Green Cove Circle

INFORMATION:

Item Number:

8-342

Petitioner:

Brett Schneider

Zoning:

DR 3.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and does not oppose it. There are several existing conditions like this on neighboring lots; therefore this relief will not be out of character.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by

AFK/LL: CM



November 15, 2007

Brott Schneider 4522 Greencove Circle Baltimore MD 21219

> Re: Beachwood Estates Homeowners Association, Inc.; Architectural Submittal: 4522 Greencove Circle Shed

Dear Brett Schneider:

The Board of Directors has approved your plans as submitted for a shed subject to the following conditions:

- Receipt of any/all Baltimore County permits and approvals. Once permits are received you will need to forward a copy to MRA for your file.
- Compliance with all covenants and restrictions, setbacks, easements, right of ways, etc.

We hope your new addition provides you with many years of enjoyment.

Very truly yours,

MRA Property Management, Inc.

Marc Boyd, Property Manager Agent for Beachwood Estates

ec:

Board File Architectural File

4 98



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING PROPERTY ADDRESS 4522 GREEN COVE CIRCLE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION				
SUBDIVISION NAME BERCHWOOD ESTATES: PLAT BOOK # 69 FOLIO # 27 LOT # 53 SECTION # OWNER BRETT M SCANGIDER	CR1 13			
S 43° 35' 06" E 65.57 Lot 53 Lot 52	C. C.			
L67 54	VICINITY MAP SCALE: 1" = 1000'			
10 FRONIT	LOCATION INFORMATION ELECTION DISTRICT #/5 COUNCILMANIC DISTRICT # 7 1"=200' SCALE MAP # 104 3 3			
PROPOSED SHED	ZONING OR 3.5 LOT SIZE 1334 AC 5811-405F ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER			
GREENCOVE CIR 50' R/W	WATER YES NO CHESAPEAKE BAY CRITICAL AREA			
	100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING ZONING OFFICE USE ONLY			
PREPARED BY SCALE OF DRAWING: 1" = 30	REVIEWED BY ITEM # CASE #			





