

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side Thistlewood Road, 105 feet E		
c/l Myrtlewood Road	*	DEPUTY ZONING
3 rd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(2003 Thistlewood Road)		
	*	FOR BALTIMORE COUNTY
Cindy and Jeffrey Schreiber		
<i>Petitioners</i>	*	Case No. 08-521-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, Cindy and Jeffrey Schreiber for property located at 2003 Thistlewood Road. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to have a rear yard setback of 16.5 feet in lieu of the allowed 22.5 feet; and to amend the Final Development Plan of Bonnie View Estates, phase 2, lot 116 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The rear of the Petitioners' home has a 'bump out' section which also contains a bay window. Adjoining homes have rear bay windows, but not the additional 'bump out' section. The subject home projects farther into the rear yard than neighboring homes. Reducing the width of the deck to comply with the setback will not allow the Petitioners reasonable use of the deck and the size of the proposed deck is not unreasonable. A deck smaller than proposed would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. Petitioners would be unable to enjoy reasonable use of the property, suffering further practical difficulty. No adjacent property owners voiced any objection to the request. A number of similar size decks have been approved in the Bonnie View Estates subdivision.

2008 REVIEWED FOR FILING

10.5.08
[Signature]

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 May 29, 2008 indicates that the Office reviewed the Petitioners' request and recommends denial. The Office indicated that there appears to be no practical difficulty or hardship in this matter because the subject lot is an average size lot that is not unique for this subdivision.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 11, 2008 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 Petitioners. Administrative Variance requests for homes in the "Bonnie View Estates" subdivision are being reviewed on a case by case basis based on the size of the lot, size of the rear yard and adjacent buildings.

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 5th day of June, 2008 that a variance from Section 301.1.A of the Baltimore County

~~STAMP REMOVED FOR FILING~~
6.5.08
Pm

Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to have a rear yard setback of 16.5 feet in lieu of the allowed 22.5 feet; and to amend the Final Development Plan of Bonnie View Estates, phase 2, lot 116 only 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

THB:pz

ORDER RECEIVED FOR FILING
JAN 16 5:08 PM
6-5108
P2



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2003 Mistwood Road
which is presently zoned DR-2

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) 301.1.A - to permit a proposed open

projection (deck) to have a rear yard setback of 16 1/2 feet in lieu of the allowed 22 1/2; and to amend the final development plan of Bonnie View Estates, phase 2, lot 116 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.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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, this 5 day of May that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0521-A

REV 10/25/01

Reviewed By RTD Date 5/2/08

Estimated Posting Date 5/11/08

6.5.08

M

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

2003 Thistlewood Road
Address
Baltimore MD 21209
City State Zip Code

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

We want to add a deck onto our home. In order to safely accomodate a deck and swingset in our back yard we must put the deck on the side of the house where we have a walk-out from the basement. If we put it on the other side it will be unsafe for our children to play near our walkout (11 feet of stairs). If we make the deck without requesting a variance we do not have enough room for adults/children to safely walk around a normal size

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and table advertising fee and may be required to provide additional information.

Cindy Schreiber
Signature

Cindy Schreiber
Name - Type or Print

Jeffrey Schreiber
Signature

Jeffrey Schreiber
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Nicole Ann Simek
Notary Public

My Commission Expires

NICOLE ANN SIMEK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 23, 2011

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City State Zip Code

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Cindy Schreiber
Signature

Cindy Schreiber
Name - Type or Print

Jeffrey Schreiber
Signature

Jeffrey Schreiber
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Nicole Ann Simek
Notary Public

My Commission Expires

NICOLE ANN SIMEK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 23, 2011



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2003 Mistwood Road
which is presently zoned DR-2

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projection (deck) to have a rear yard setback of 16 1/2 feet in lieu of the allowed 22 1/2; and to amend the final development plan of Bonnie View Estates, phase 2, lot 116 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.

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Cindy Schreiber
Name - Type or Print _____
Cindy Schreiber
Signature _____
Jeffrey Schreiber
Name - Type or Print _____
[Signature]
Signature _____ 410 602 1166
2003 Mistwood Rd 410 602 1166
Address _____ Telephone No. _____
Baltimore MD 21209
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0521-A Reviewed By [Signature] Date 5/2/08
REV 10/25/01 6-5-08 Estimated Posting Date 5/11/08
[Signature]

ZONING DESCRIPTION FOR 2003 Thistlewood Road

Beginning at a point on the ~~west~~^{South} side of Thistlewood Road which is 40ft^{cs} wide at the distance of 105ft^{east} of the centerline of the nearest improved intersecting street of Myrtlewood Road which is 40ft wide. Being Lot # 116 in the subdivision of Bonnie View Estate as recorded in Baltimore County Plat Book #078, Folio #017 containing 8030 square ft. Also known as 2003 Thistlewood Road and located in the 3rd Election District, 2nd Councilmanic District.

Item #521

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **13952**

Date: **5/2/08**

PAID RECEIPT

BUSINESS ACTUAL TIME BOM

5/02/2008 5/02/2008 14:41:27 2

RECEIPT # 443105 5/02/2008 (FLH)

Dept 5 528 ZONING VERIFICATION

013952

Receipt for \$115.00

1.00 CF \$120.00 FS

65.00- ES

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
061	326			500				5.15

Total: **5.15**

Rec

From:

For:

ZONING VIOLATION CASE #08-521-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 08-521-A

Petitioner/Developer _____

Jeff & Cindy Schreiber

Date of Hearing/Closing 5/26/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

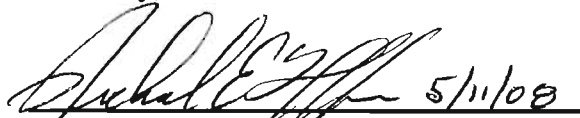
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

2003 Thistlewood Road

The sign(s) were posted on 5/11/08
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 08-521-A

Petitioner/Developer: _____

Jeff & Cindy Schreiber

Date of Hearing/Closing: 5/26/08



2003 Thistlewood Road

Posting Date: 5/11/08

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 521 -A

Address 2003 Thistlewood Rd

Contact Person: David Duvall
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/2/08

Posting Date: 5/11/08

Closing Date: 5/26/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **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- 521 -A

Address 2003 Thistlewood Rd

Petitioner's Name Jeff & Cindy Schreiber

Telephone 410 602 1166

Posting Date: 5/11/08

Closing Date: 5/26/08

Wording for Sign: To Permit a proposed open projection (deck) to have a rear yard setback of 16 1/2 feet in lieu of the allowed 22 1/2; and to amend the final development plan of Bonnie View Estates, phase 2, lot 116 only

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-521-A
Petitioner: Cindy Schreiber
Address or Location: 2003 Thistlewood Rd Baltimore, MD
21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: Cindy Schreiber
Address: 2003 Thistlewood Rd
Baltimore, MD 21209

Telephone Number: 410-602-1166

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.

County Executive

Cindy & Jeffrey Schreiber
2003 Thistlowood Rd.
Baltimore, MD 21209

TIMOTHY M. KOTROCO, Director
Department of Permits and Development Management
May 27, 2008

Dear: Cindy & Jeffrey Schreiber

RE: Case Number 2008-0521-A, Address: 2003 Thistlowood Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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

WCR:amf

Enclosures

c: People's Counsel



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 20, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: May 19, 2008

Item No.: 518, 520-528, 530, and 532-534.

521

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director
Department of Permits and
Development Management

DATE: May 29, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 2003 Thistlewood Road

INFORMATION:

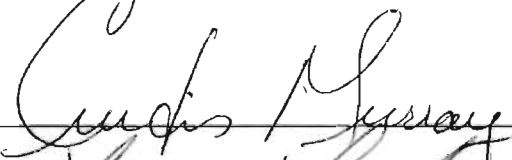
Item Number: 08-521
Petitioner: Cindy & Jeffrey Schreiber
Zoning: DR2
Requested Action: Administrative Variance

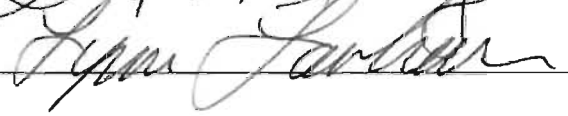
RECEIVED
JUN 04 2008
BY: _____

The subject property is within a new subdivision known as Bonnie View Estates. The requested variance is to allow a deck to be constructed with a rear yard of 16 ½ feet in lieu of 22 ½ feet. The lot in question is a regularly shaped lot that is not unique and there is inadequate hardship or practical difficulty indicated on the submitted material.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning opposes the requested open projection variance for a setback of 16 ½ feet in lieu of the required 22 ½ feet.

Prepared By:  _____

Division Chief:  _____
AFK:LL:CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: May 21, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For May 26, 2008
Item Nos. 08-520, 521, 522, 523, 524;
525, 526, 527, 528, 532, 533, and 534.

RECEIVED
JUN 03 2008

BY:.....

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

ZAC-05212008-NO COMMENTS
DAK:CEN:lrk
cc: File



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 03 **Account Number -** 2400012149

Owner Information

Owner Name: SCHREIBER JEFFREY E
 SCHREIBER CINDY M
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2003 THISTLEWOOD RD
 BALTIMORE MD 21209
Deed Reference: 1) /25863/ 383
 2)

Location & Structure Information

Premises Address 2003 THISTLEWOOD RD
Legal Description .184 AC PHASE 2
 2003 THISTLEWOOD RD SS
 BONNIE VIEW ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
79	2	83					116	2	2	78/ 17

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	3,401 SF	8,030.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	192,030	208,030		
Improvements:	319,790	435,100		
Total:	511,820	643,130	511,820	555,590
Preferential Land:	0	0	0	0

Transfer Information

Seller: BEAZER HOMES CORP	Date: 06/27/2007	Price: \$734,139
Type: IMPROVED ARMS-LENGTH	Deed1: /25863/ 383	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2003 Thistlewood Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

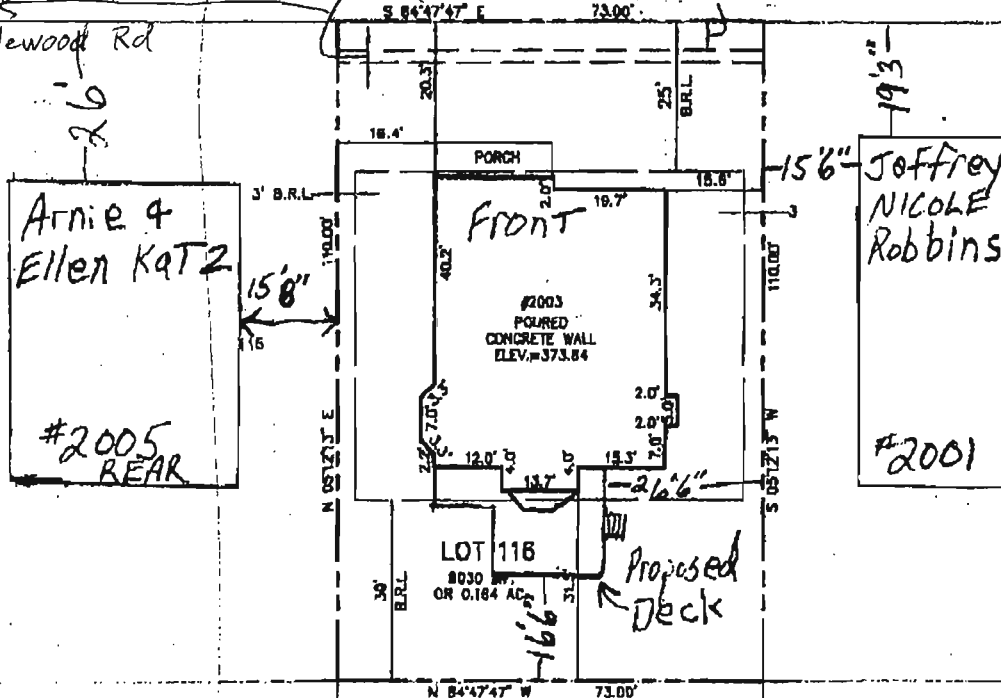
SUBDIVISION NAME Park at Mt Washington (Bonnie View Estates)

PLAT BOOK # 78 FOLIO # 017 LOT # 116 SECTION #

OWNER Jeffrey + Cindy Schreiber

105 FT TO Thistlewood Rd. (40' R/W)

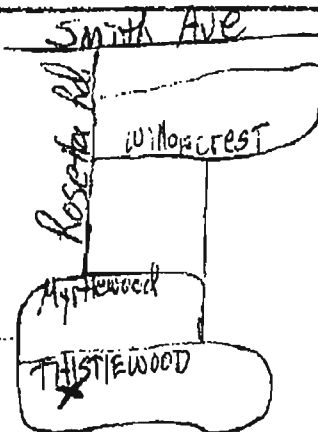
Myrtlewood Rd



NORTH

PREPARED BY _____

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3RD

COUNCILMANIC DISTRICT 2ND

1" = 200' SCALE MAP # 072A1

ZONING DR 2

LOT SIZE 0.18 8030
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

8030
0521-A

















