

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side of McShane Way, 226 feet E of		
c/l of Broening Road	*	DEPUTY ZONING
12 th Election District		
7 th Councilmanic District	*	COMMISSIONER
(3422 McShane Way)		
	*	FOR BALTIMORE COUNTY
Joeph Wassil		
<i>Petitioner</i>	*	Case No. 2008-0592-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, Joeph Wassil for property located at 3422 McShane Way. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 22.5 feet for an addition in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to enclose an existing open porch which is under an existing roof with a window and door system to create a patio room measuring 15'6" by 16'6" (irregular shape). Photographs submitted by the Petitioner depict a number of similar structures in the neighborhood. The subject lot is 100 feet deep and the home is located 29 feet from the front property line, which is 4 feet more than required.

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 July 14, 2008 which indicates that the proposed addition is consistent with many others in the area.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 6, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

STUDY RECEIVED FOR FILED
 7.24.08
 [Signature]

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.

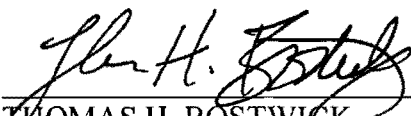
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 24th day of July, 2008 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 22.5 feet for an addition in lieu of the required 25 feet is hereby GRANTED, subject to the following:

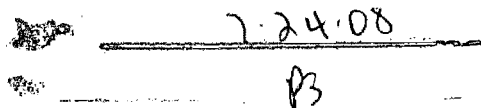
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

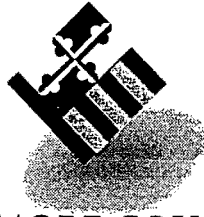
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THB:pz


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

NOTED RECEIVED FOR FILING


2-24-08
B3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 24, 2008

JOESPH WASSIL
3422 MCSHANE WAY
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2008-0592-A
Property: 3422 McShane Way

Dear Mr. Wassil:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David McMahon, 7110 Golden Ring Road, Baltimore MD 21221



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3422 McShane way
which is presently zoned Dr 10.5

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) 1802.3.B (BCZR, 1951 REGS)

TO PERMIT A REAR SET BACK OF 22.5 FT FOR AN ADDITION IN LIEU OF THE REQUIRED 25 FT.

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):

Joseph Wassil

Name - Type or Print

Signature

Name - Type or Print

Signature

3422 McShane Way

(410) 288-2797

Address

Telephone No.

Baltimore

MD

21222

City

State

Zip Code

Representative to be Contacted:

David McMahon

Name

7110 Golden Ring Rd

(410) 780-0062

Address

Telephone No.

Baltimore

MD

21221

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. 2008-0592-A

Reviewed By [Signature]

Date 6-27-08

REV 10/25/01

Estimated Posting Date 7/6/08

RECEIVED FOR FILING

7-24-08

[Signature]

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 3422 McShane Way
Address
Baltimore MD 21222
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):

I would like to enclose my existing open porch (which is under existing roof) with a window and door system to create a patio room (15'6"x 16'6") irregular in shape*. My problem is that I will only have 22.5 ft to the rear property line, falling short of the required 25' rear setback. the reasons for this hardship are; my lot is only 100 feet deep, and with the home located at 29ft from the front property line, which is 4ft. more then required 25ft, this added to the depth of the home and proposed room will be beyond the rear setback. if we were at the required front setback this variance would not be necessary, also to meet the current regulations we had to create a egress from our basement which creates the irregular shape of the patio room and thus extending the size into the rear setback. the room size will only be (15'6"x16'6") and it will give me more use then my current open porch. therefore I am asking for a variance of 22'6" in lieu of the required 25ft.*

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.

Joseph Wassil
Signature

Joseph Wassil
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of June, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph Wassil
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



DELORES A. KAZMERSKI
Notary Public
Baltimore Co., MD
My Comm. Exps: Nov. 1, 2009

DeLores A. Kazmerski
Notary Public
My Commission Expires

 DELORES A. KAZMERSKI
Notary Public
Harford Co., MD
My Comm. Exps. Nov. 1, 2009



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3422 McShane waywhich is presently zoned Dr 10.5

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) 1B02.3-B; (BCZR, 1951 REGS),

TO PERMIT A REAR SETBACK OF 22.5 ft. FOR AN ADDITION IN LIEU OF THE REQUIRED 25 ft.

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):

Joseph Wassil

Name - Type or Print

Signature

Name - Type or Print

Signature

3422 McShane Way

(410) 288-2797

Address

Telephone No.

Baltimore

MD

21222

City

State

Zip Code

Representative to be Contacted:

David McMahon

Name

7110 Golden Ring Rd

(410) 780-0062

Address

Telephone No.

Baltimore

MD

21221

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 7 day of July, 2008, 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. 2008-0592-AReviewed By JCMDate 6-27-08

REV 10/25/01

Estimated Posting Date 7/6/08

APPROVED FOR FILING

7-24-08

P3

Zoning Description for 3422 McShane Way.

Beginning at a point on the South side of McShane Way which is 60 ft. Right of way at the distance of 226 ft. East of the centerline of the nearest improved intersecting street Broening Rd which is 60 ft. right of way. *Being in the subdivision of Dundalk Village as recorded in the Baltimore county Plat Book #16, Folio #62, containing 2,600 SF. Also known as 3422 McShane Way and located in the 12th election district, 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15832**

Date: **6-27-08**

PAID RECEIPT

WITNESS ACTUAL TIME TRM
 6/27/2008 6/27/2008 09:11:54 1

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: **65.00**

Rec From: **J. WASSIL**

For: **2008-0592-A**

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

REG MADE WALKIN JRIC JAR
 RECEIPT # 300229 6/27/2008 BCLH
 4 328 TONING VERIFICATION
 115007
 Receipt for 135.00
 \$40.00 CR 8.00 CR
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2008-0592-A

A VARIANCE TO PERMIT A REAR YARD SETBACK OF 22.5 FT FOR A PHOTO BOOTH IN LIEU OF THE REQUIRED 25 FT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-102(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 7-21-08. ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 101 WEST CHESAPEAKE AVE., TOWSON, MD 21204. (410) 887-3394. DO NOT REMOVE THIS SIGN AND POST BACK AFTER HEARING DATE, UNDER PENALTY OF LAW. HANDICAPPED ACCESSIBLE.

CERTIFICATE OF POSTING

RE: Case No.: 2008-0592-A

Petitioner/Developer: JOSEPH

WASSIL

Date of Hearing/Closing: 7-21-08

Department of
lopment Management
lding, Room 111
ake Avenue

Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

3422 MC SHANE WAY

The sign(s) were posted on 7-6-08
(Month, Day, Year)

Sincerely,

Robert Black 7-8-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2008-0592-A

A VARIANCE TO PERMIT A REAR YARD SETBACK OF 22.5 FT FOR A PHOTO BOOTH IN LIEU OF THE REQUIRED 25 FT.

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰ 08- 0592 -A Address 3422 McShane Way

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6-27-08 Posting Date: 7/6 Closing Date: 7/21

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 ²⁰ 08- 0592 -A Address 3422 McShane Way

Petitioner's Name Joseph Wassil Telephone 40-288-2791

Posting Date: 7/6/08 Closing Date: 7/21/08

Wording for Sign: A VARIANCE To Permit A REAR YARD SETBACK of 22.5ft for A Patio Room IN LIEU of the REQUIRED 25ft.

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: 0592

Petitioner: Wassil Joseph

Address or Location: 3422 McShane Way Balto. Md. 21222

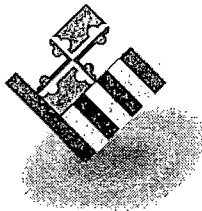
PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion

Address: 7110 Golden Ring Rd
Balto Md 21221

Telephone Number: 410- 780.0062

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

July 22, 2008

Joesph Wassil
3422 Mcshane Way
Baltimore, MD 21222

Dear: Joesph Wassil

RE: Case Number 2008-0592-A, Address: 3422 Mcshane Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 27, 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,

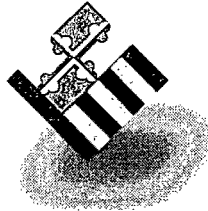
A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David McMahon, 7110 Golden Ring Rd., Baltimore, MD 21221



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7, 2008

Item Number: 0519a, 0520a, 0583, 0584, 0585, 0587, 0589, 0590, 0591, 0592, 0593

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.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 14, 2008

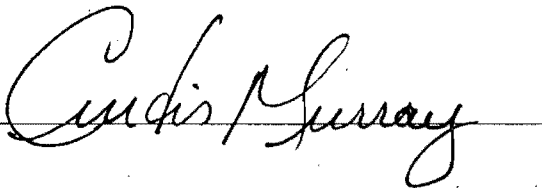
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-592- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The subject addition is consistent with many others in the area.

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

Prepared By:
CM/LL

A handwritten signature in cursive script, appearing to read "Curtis Murray", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2008
Item Nos. 08-0519, 0520, 0581, 0583,
0585, 0587, 0589, 0590, ~~0592~~, and 0593

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

DAK:CEN:lrk

cc: File

ZAC-07082008-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 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 2008-0592-A
3422 McSHANE WAY
WASSIL PROPERTY
ADMIN. 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.

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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



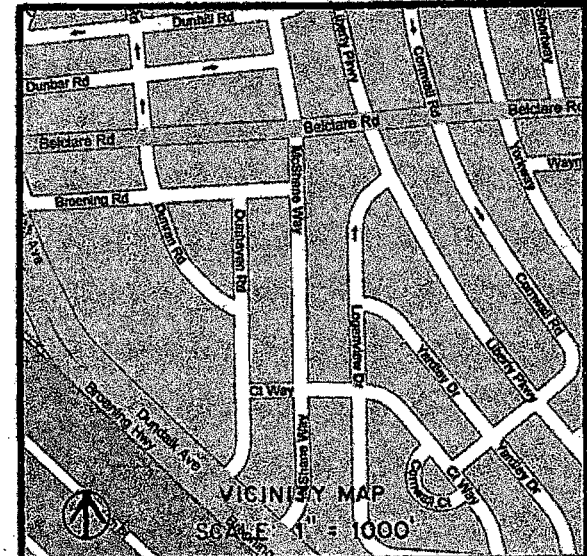
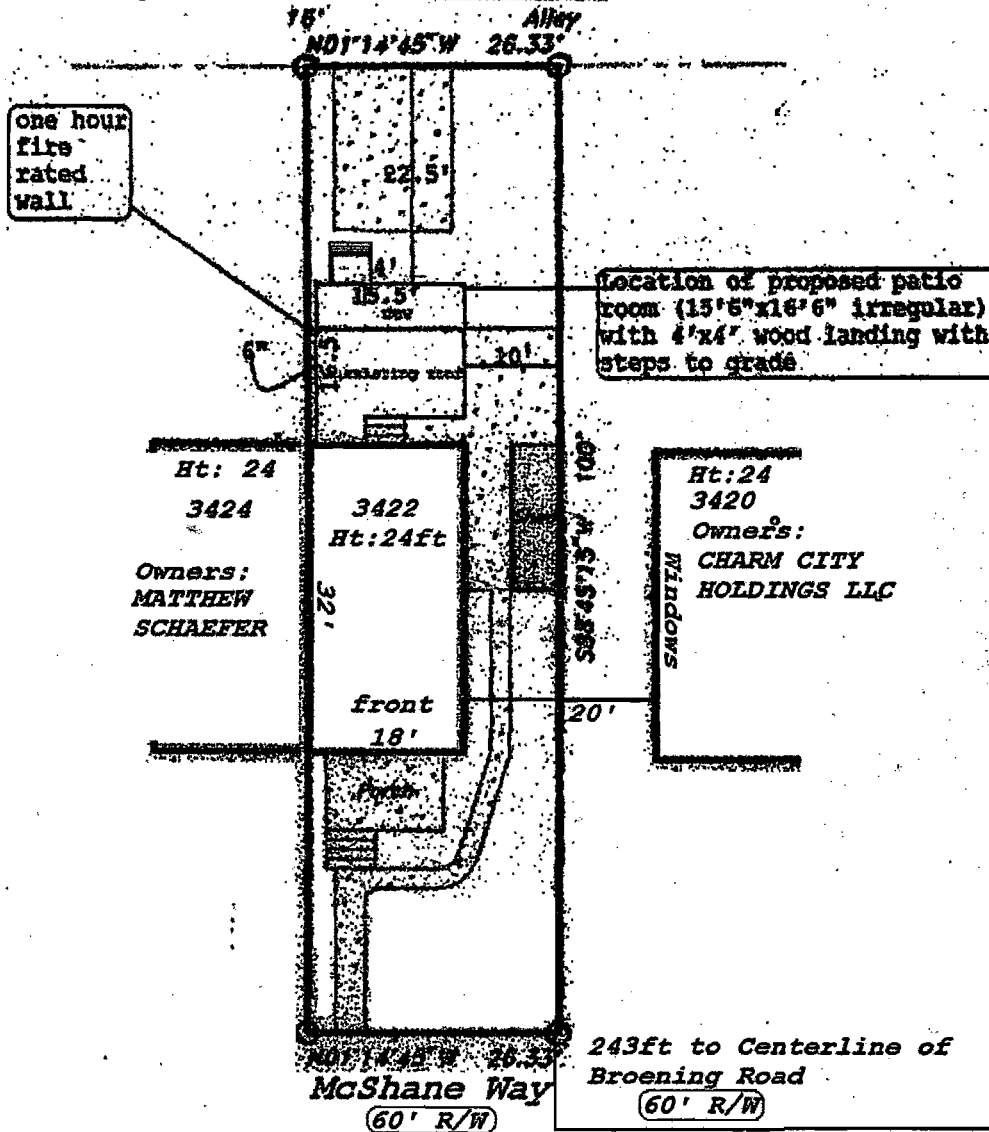
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 3422 McShane Way

SUBDIVISION NAME Dundalk Village

PLAT BOOK # 16 FOLIO # 62 Map:103 Grid:22 Parcel:446

OWNER Joseph Nassil



LOCATION INFORMATION

ELECTION DISTRICT 12th

COUNCILMANIC DISTRICT 7th

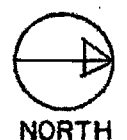
1" = 200' SCALE MAP # 103B3

ZONING DR 10.5

LOT SIZE
ACREAGE
SQUARE FEET

	PUBLIC	PRIVATE	YES	NO
SEWER	☒	☐	☐	☒
WATER	☒	☐	☐	☒
CHESAPEAKE BAY CRITICAL AREA			☐	☒
100 YEAR FLOOD PLAIN			☐	☒
HISTORIC PROPERTY/ BUILDING			☐	☒
PRIOR ZONING HEARING			☐	☒

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #



PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 20"





Veiw of rear of
3422 McShane Way



Veiw of 3420 McShane Way



Location of proposed Patio
Room on rear of house



Patio room on the rear of
3450 Mcshane way



Patio room on the rear of
3437 Dunhaven Rd



Patio room on the rear of
3421 Dunhaven Rd.