IN RE: PETITION FOR ADMIN. VARIANCE

N side of Grasty Woods Lane; 1,167 feet E of the c/l of Greenspring Avenue 3rd Election District 1st Councilmanic District (2800 Grasty Woods Lane)

David and Stacey Berman *Petitioners*

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0248-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, David and Stacey Berman for property located at 2800 Grasty Woods Lane. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the front yard with a height of 18 feet in lieu of the required rear yard with a maximum permitted height of 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a detached garage to replace a carport (approximately 25 feet x 22 feet) that was damaged during the heavy snowfalls of February, 2010. The carport cannot be repaired and Petitioners now wish to construct a detached garage measuring approximately 22 feet x 29 feet. This proposed garage would be constructed in approximately the same location as the damaged carport. Petitioners' property is irregular in shape with the existing dwelling constructed toward the front portion of the property. Said property is encumbered by a private utility easement, a storm drain and utility easement and a stream change easement. The property contains 2.240 acres and is served by private water and public sewer.

ORDER RECEIV	/ED FOR FILING
Date	4-20.10
Ву	m

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 April 5, 2010 which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. Architectural elevations shall be submitted to the Office of Planning Second District Community Planner prior to the issuance of any building permit.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 1, 2010 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.

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 April, 2010 that a Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the front yard

OHDER RE	CEIVED FOR FILING	
Date	4.90.10	
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•		

with a height of 18 feet in lieu of the required rear yard with a maximum permitted height of 15 feet 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.
- 2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.
- 4. Architectural elevations shall be submitted to the Office of Planning Second District Community Planner prior to the issuance of any building permit.

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

HOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

April 20, 2010

DAVID AND STACEY BERMAN 2800 GRASTY WOODS LANE PIKESVILLE MD 21208

Re: Petition for Administrative Variance

Case No. 2010-0248-A

Property: 2800 Grasty Woods Lane

Dear Mr. and Mrs. Berman:

Enclosed please find the decision rendered in the above-captioned case.

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

c: David Silverstein, Arocon R&C LLC, 1718 Yorkland Road, Finksburg MD 21048





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2000 GRASTY WOODS LN. PIKESVILLE, MD 21208 which is presently zoned DR1

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) 400.1, 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) IN THE FRONT YARD WITH A HEIGHT OF 18-FEET IN LIEU OF THE REQUIRED REAR YARD WITH A MAXIMUM PERMITTED HEIGHT OF 15-FEET.

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.

CASE NO. 2010-0248-A

REV 10/25/01

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 perjury, that I/we are the is the subject of this Petit	legal owner(under the s) of the p	penalties of roperty which	
Contrac	t Purchas	ser/Less	ee:		Legal Owner(s):				
					BERMAN DAVI	D	w: (41	0)580-0096	
Name - Typ	e or Print				Name - Type or Print	an			
Signature					Signature BERMAN STACE	ΕV	w: (4	10) 992-3634	ł
Address				Telephone No.	Name Type or Print	e San 1	21		١
City			State	Zip Code	Signature				
Attorney	/ For Peti	tioner:			2800 GRASTY WASTY	0006 LN.	H: (410	707 Telephone No.	
Name - Type	e or Print				PIKES VILLE City	MD	tate 2	Zip Code	,
Signature					Representative to b	e Contac	ted:		
Company	ORDE	R REC	EIVED FO	OR FILING	DAVID SILVERSTEIN /	AROCON	R&C U	IC	
Address	Date_	. (>	D·10	Telephone No.	1718 YORKLAND Address	ROAD	(443	3)277-7175 Telephone No.	,
City	Ву	m	State	Zip Code	FINKS BURG City	MD	tate	21048 Zip Code	-
his d a	ay of		, th	ded and/or found to be not the subject matter of the try be reposted.	required, it is ordered by the Z nis petition be set for a public hea	Coning Commi aring, advertise	ssioner of l ed, as requi	Baltimore County ired by the zoning	=
					Zoning Commission	oner of Baltim	ore County		-

Estimated Posting Date _

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	Address	DODS LANG	
	PIKES VILLE City	MD	21208 Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardsh	owing are the facts upo	n which I/we base the re	
TO CONSTRUCT A ONE-STORY DETATCHED S SINGLE-FAMILY DWELLING, MEASURING	INGLE-LEVEL GARAG	E IN FRONT OF PROP	PERTY OF EXISTING R IN SHAPE.
HARDSHIP REQUEST - ATTACHED			
0.			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand is filed, additional information.	Affiant(s) will be requir	ed to pay a reposting and
Signature Signature	Signat	Pacey	German
DAVID BERMAN Name - Type or Print		ACEY BERMAN Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIM	MORE, to wit:		
I HEREBY CERTIFY, this 13 day of 1 of Maryland, in and for the County aforesaid, per Stacey + Day	naul ersonally appeared	, before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	The	a Wigh	£

Notary Public

My Commission Expires

LISA A. WIGHT

NOTARY PUBLIC BALTINORE COUNTY

MARYLAND MY COMMISSION EXPIRES SEPT. 29, 2012

REV 10/25/01

PETITION FOR ZONING VARIANCE: 2800 GRASTY WOODS LANE STACEY & DAVID BERMAN

HARDSHIP REQUEST

We purchased our 2800 Grasty Woods Lane home in April 1998. The single family home included a detached, two-car carport, measuring approximately 25' wide x 22' deep, approximately 16' from the house, with two bricked sides, on a concrete pad. The carport was a pre-existing structure; we believe it was built when the home was constructed in 1977.

During the heavy snowfalls of February 2010, a row of approximately 12 trees immediately north of the carport became top heavy with snow. Nine trees uprooted and fell over; four landed on the carport. The impact of the trees tilted the carport several degrees, and unmoored it from its stabilizing anchors in the brick walls.

An insurance adjuster and a contractor came out promptly to view the damage. The structure was steadily and gradually continuing to tilt towards the house. All agreed that the structure could not remain as is. It was strongly advised that the carport be immediately razed in order to prevent a danger to our family, others, and additional damage and destruction of property. The carport and pad were demolished and removed as soon as weather permitted.

We are requesting "hardship consideration" from Baltimore County to replace the prior carport with a newly constructed enclosed garage. The new structure is to approximately occupy the same location and footprint as the prior carport.

Dand & Juna

Daug Ferman

ZONING DESCRIPTION FOR 2800 GRASTY WOODS LANE

Beginning at a point on the North side of Grasty Woods Lane which is 50 feet wide at the distance of 1,167 feet East of the centerline of the nearest improved intersecting street Greenspring Avenue which is 20 feet wide. Being Lot #6 in the subdivision of Grasty Woods as recorded in Baltimore County Plat Book #40, Folio #124, containing 2.240 acres. Also known as 2800 Grasty Woods Lane and located in the 3rd Election District, 2nd Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case i	Number 2010-	0248 -A	Addre	ess <u>2800</u>	GRASTY WOODS	S LAKE
	L	ONNA THOMPS Planner, Please	ioN		_ Phone Numbe	er: 41 0-887-3391
		Planner, Please	Print Your Name	1.1		
Filing	Date: 3/23	10	Posting Dat	e: 4/4/10	Closing D)ate: 4/19/10
Any co	ontact made which the contact pe	vith this office r erson (planner)	egarding the substitution the second regarding the case representations.	tatus of the number.	administrative var	iance should be
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	a formal reque	est for a public	hearing. Plea	se understar	ant or owner within nd that even if the the closing date.	1,000 feet to file ere is no forma
	commissioner. order that the r within 10 days whether the pe	He may: (a) matter be set in of the closing	grant the reque for a public hear date if all Co granted, denied	sted relief; (b ring. You will unty agencie	d by the zoning of deny the request receive written not comments are public hearing.	sted relief; or (c) stification, usually received, as to
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/4/10

Case Number: 2010-0248-A

Petitioner / Developer: <u>STACEY BERMAN</u>
Date of Hearing (Closing): <u>APRIL 19, 2010</u>

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

2800 GRASTY WOODS LANE

The sign(s) were posted on: APRIL 1, 2010



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

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

April 19, 2010

David & Stacey Berman 2800 Grasty Woods Ln. Pikesville, MD 21208

Dear: David & Stacey Berman

RE: Case Number 2010-0248-A, 2800 Grasty Woods Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 22, 2010. 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. Cul Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

David Silverstein: Arocon R&C LLC; 1718 York Lane Rd.; Finksburg, MD 21048

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 30, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 12, 2010

Item Nos. 2010-246, 247 and 248

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04122010 -NO COMMENTS.doc



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 March 8,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 29, 2010

248 Item Numbers: 0246-0249

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 Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: April 7,2010

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

Baltimore County RE:

Item No. 2010 - 0248-A 2800 GRASTY WOODS LN. BETZMAN PROPERTY ADMIN. VATZIANCE -

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. 2010. -0248-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

SDF/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 5, 2010

RECEIVED

APR 0 6 2010

ZONING COMMISSIONER

SUBJECT: 10-248 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 18 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. Architectural elevations shall be submitted to the Office of Planning 2nd district Community Planner prior to the issuance of building permit.
- 2. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 2 9 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

April 29, 2010

SUBJECT:

Zoning Item # 10-248-A

Address

2800 Grasty Woods Lane

(Berman Property)

Zoning Advisory Committee Meeting of March 29, 2010

- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

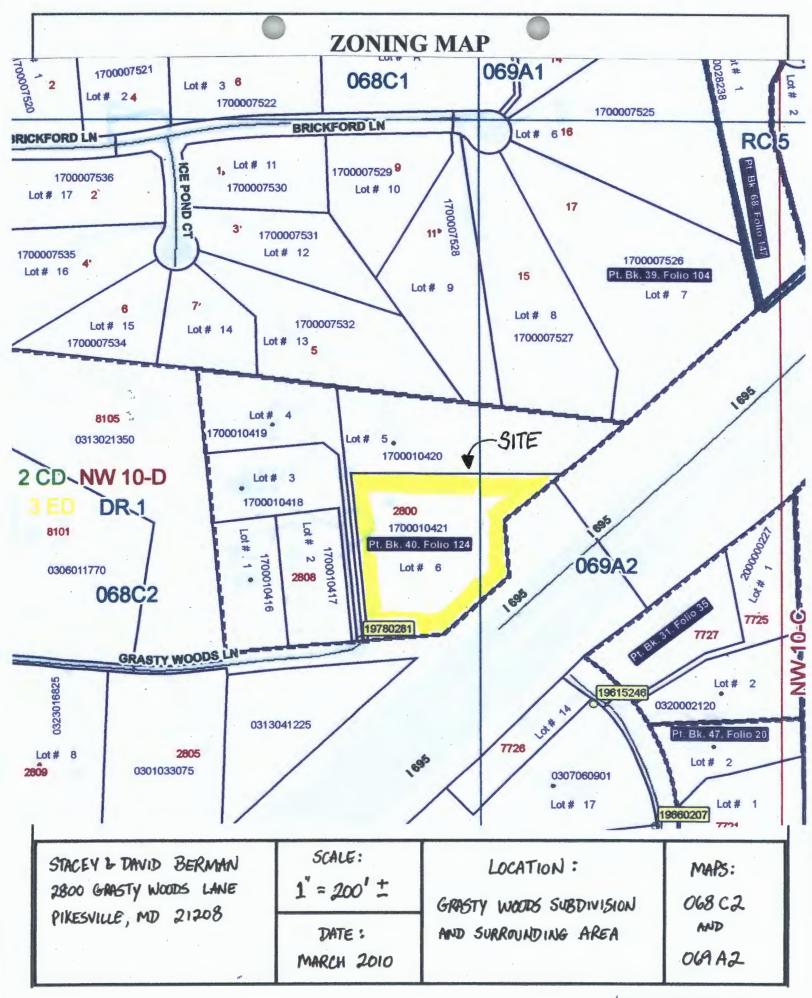
Additional Comments:

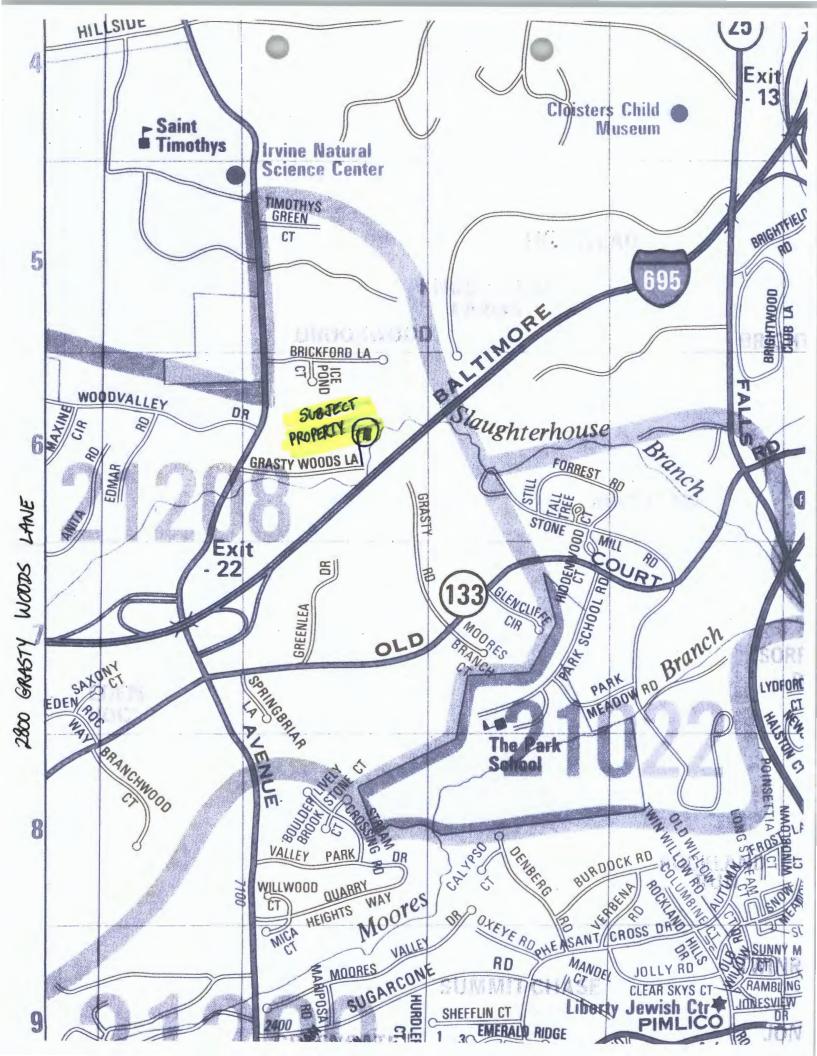
The proposed garage would not impact forest buffer; however, future development activity may trigger the Water Quality Regulations necessitating recordation of a Forest Buffer Easement on the lot.

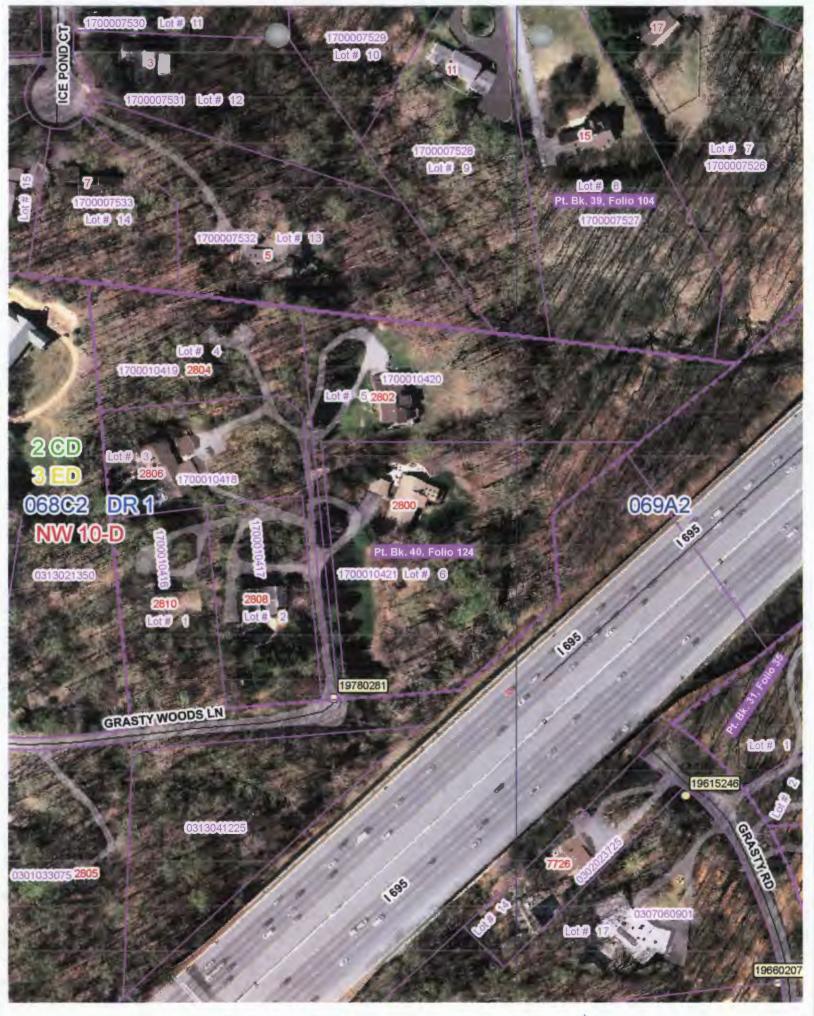
Reviewer:

Glenn Shaffer

Date: April 5, 2010







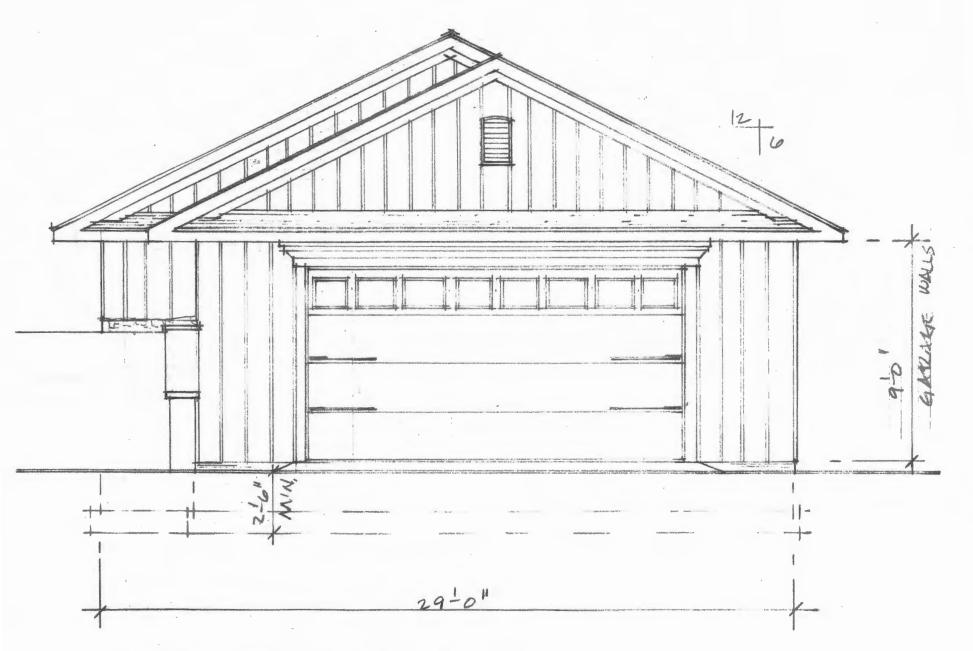
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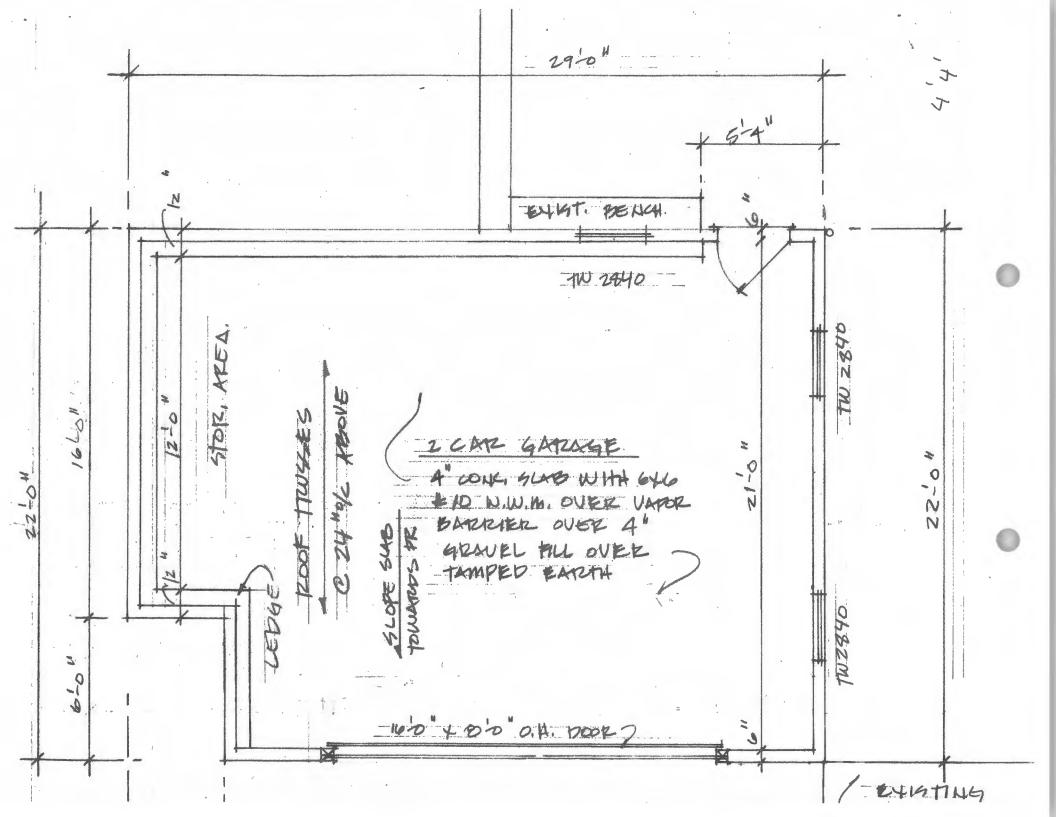
PROPOSED STRUCTURE

PEIGTERATOWN WINDER CD: 410:823:1300

2010-0248-A

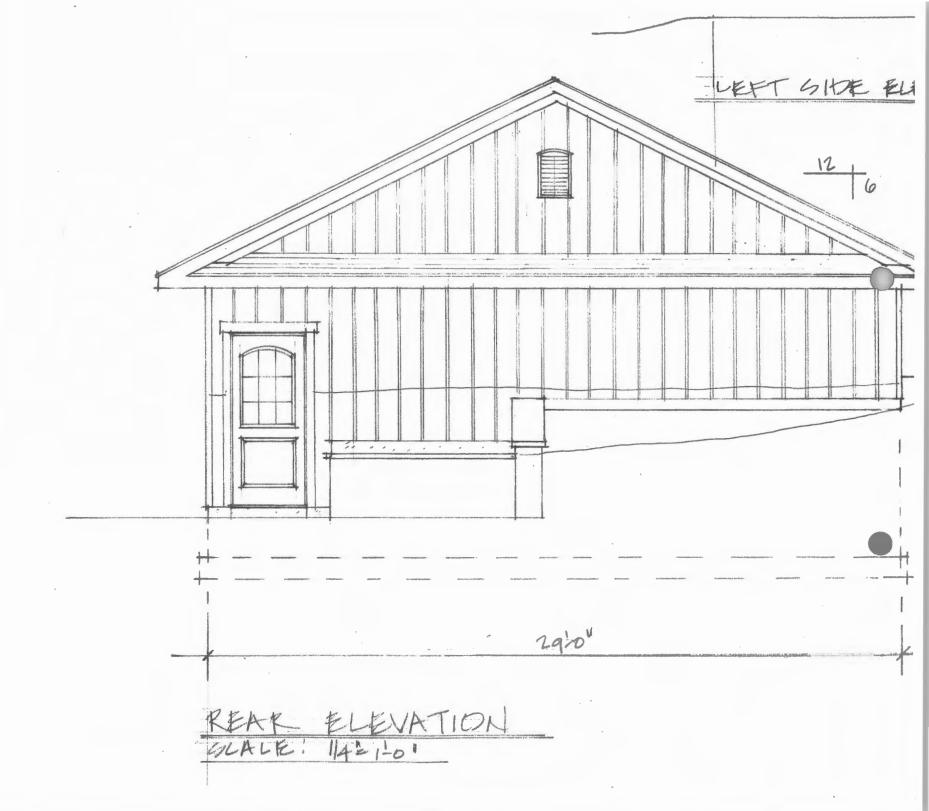


PRONT ELEVATION



9CALE: 14=10" 22-01

RIGHT OIDE ELEVATION





A SINGLE FAMILY RESIDENCE

LOCATION :2800 GRASTY WOODS LANE

PIKESVILLE

MD

21208-1903



Carport



PRIOR CARPORT, SAME SITE, DAMAGED IN SNOWSTORMS BY FALLEN TREES.



2010-0248-A

GRASTY WOODS LANE, LOT \$5



PROPOSED SITE:
VIEW FROM FRONT DOOR



PROPOSED SITE: VIEW FROM 2ND DRIVEWAY ENTRANCE



PROPOSED SITE: SIDE VIEW

DWELLING: 1ST DRIVEWAY ENTRANCE

PROPOSED SITE (PRIOR CARPORT SITE)



DWELLING: VIEW FROM GRASTY WOODS LN. STREET

DWELLING: VIEW FROM 2ND DRIVEWAY ENTRANCE
2010-0248-A

STACEY & DAVID BERMAN 2800 GRASTY WOODS LANE

LOT #6

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5 212AC

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580°53'90°E

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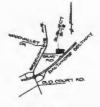
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VICINITY MAP

GENERAL NOTES

- L EXISTING ZONING

 2 AREA OF TRACT

 3 ANAMORY OF UNITS ALLOWED

 4 NUMBER OF UNITS MILDOWED

 5 NUMBER OF UNITS MILDOWED

 7 REPLICE OF UP STREET PARKING PRACES REQUIRED

 7 REPLICE COLLECTION, SHOW REMOVAL, AND ROAD MAINTENANCE
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NOTE: Highway and Highway Widening - Sleet, Drenage and Whithy Essembly, about hereon one reserved with the developer and are hereby offered for devotors in Sathman Guntly Henyland, The Ceveloper, his personal representatives, and assigned, shall convey said and areas, by deed, to Satimore Cevity, Maryland, if no cost,

EHLK JR 40 FGLIO 124



GRASTY WOODS

FRASTY ROAD
TO ELECTION DISTRICT DALTA COUNTY, MA
SCALE: 1"- 80" JUNE 9, 1976

DEVELOPER
DSCAR SCHADD
3400 OLD COURT RD
DALTIMORE, MQ 21206 REUBEN FEDDERMAN (WF. 11/2 20

BOPUTY STATE & COUNTY HEALTH OPPICE Various Sists Marke In County ROADS TWENTER

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X-7100 N 57303 4G W 10343. 78 X-7127 N 57402. 77 W 1881G 00

OWNERS CERTIFICATE

CHARLE - COLUMN PEDCORUMNING WIF. DATE

SURVEYORS CERTIFICATE SURVEYORS CERTIFICATE

I RESPECT OF STREET Registered land
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RESTORED LAND SURVEYOR, No.

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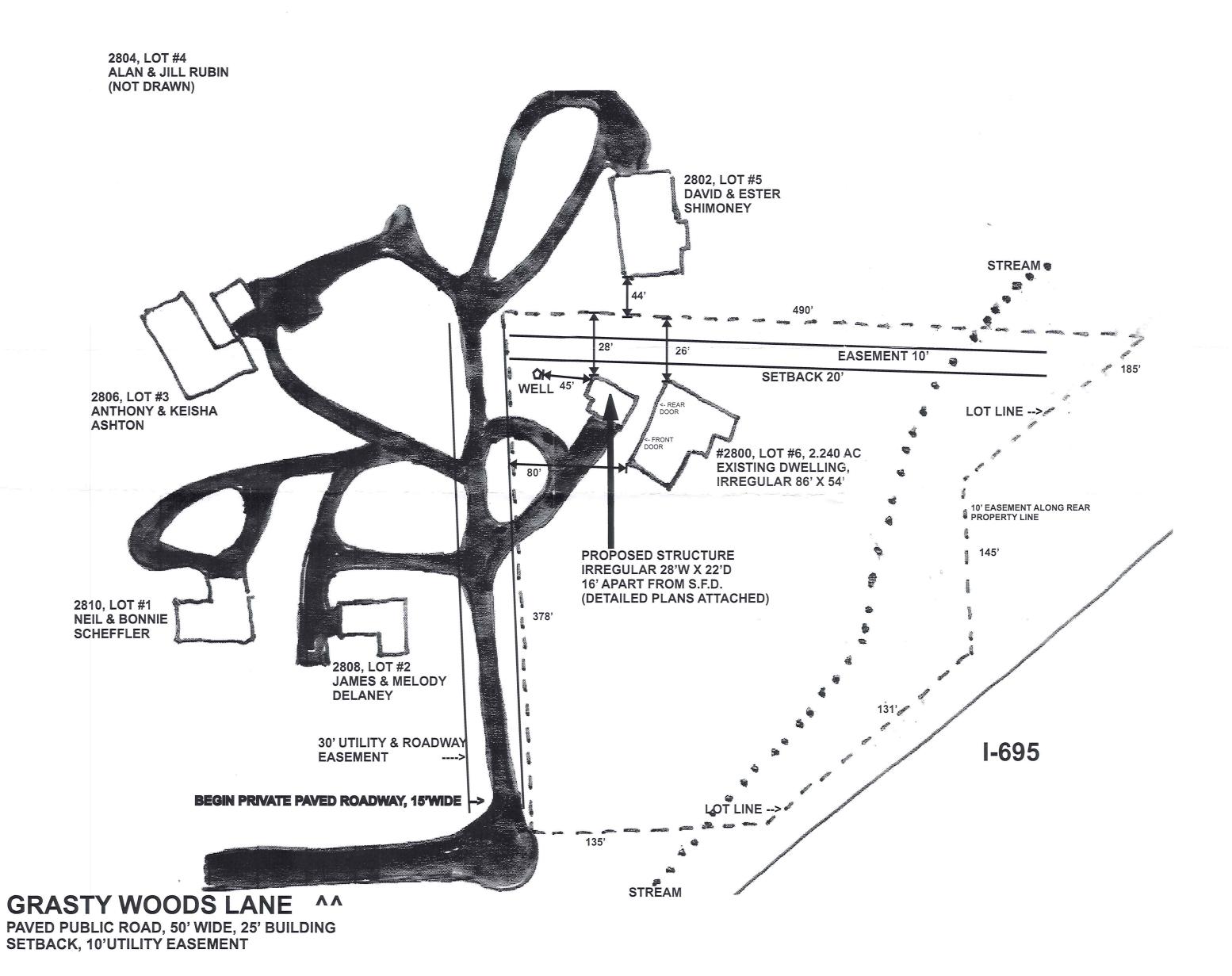
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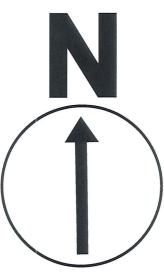
PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE SPECIAL HEARING

PROTERTY ADDRESS: 2800 GRASTY WOODS LANE SUBDIVISION NAME: GRASTY WOODS
PLAT BOOK #40 FOLIO # 124 LOT #6 SECTION #_.
OWNERS: STACEY & DAVID BERMAN

SEE PAGES 5&6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



VICINITY MAP SCALE: 1" = 1,000' **LOCATION INFORMATION ELECTION DISTRICT #3** COUNCILMANIC DISTRICT #2 1" = 200' SCALE MAPS #068C2 & 069A2 ZONING LOT SIZE <u>2.240</u> ACREAGE SQUARE FEET PUBLIC PRIVATE **SEWER** X WATER YES NO CHESAPEAKE BAY X CRITICAL AREA X 100 YEAR FLOOD PLAIN HISTORIC PROPERTY / X BUILDING



PRIOR ZONING HEARING

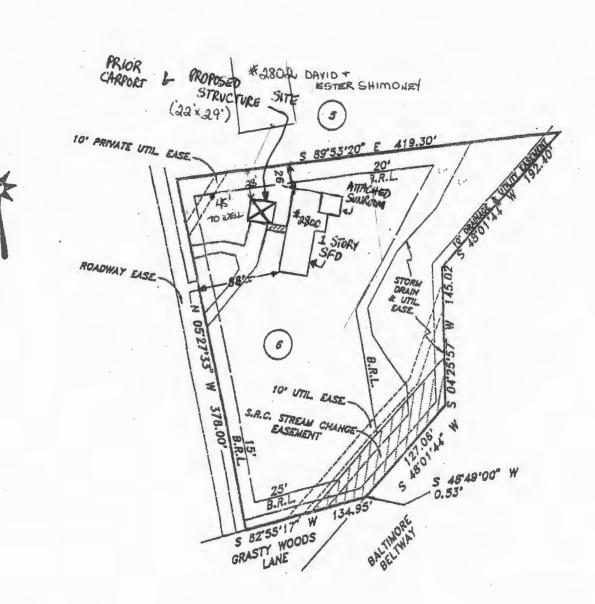
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

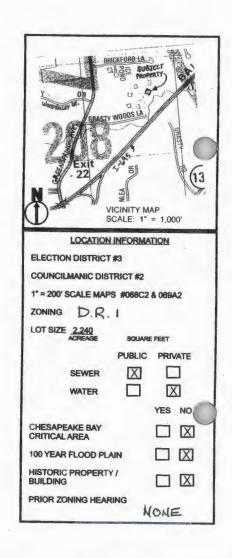
PREPARED BY: DAVID BERMAN

SCALE OF DRAWING: 1" = 50'

NOT TO SCALE

PLAT TO ACCOMPANY PETITION FOR	ZONING XVARIANCE SPECIAL HEARING
PROPERTY ADDRESS 2800 GRASTY WOODS LANE	SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME GRASTY WOODS	
PLAT BOOK # 10 FOLIO # 124 LOT # 6 SECTION #	





ZONING O	FFICE USE	ONLY
REVIEWED BY	ITEM#	CASE#
DT.	0248	3010 - 0348-A

OWNER DAVID + STACEY DERMAN