IN RE: PETITION FOR ADMIN. VARIANCE

NE side of University Drive; 15 feet NW of the c/l of Harewood Road 15th Election District 6th Councilmanic District (6924 University Drive)

Norman Hillenburg Jr. and Margaret Hillenburg Petitioners

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- FOR BALTIMORE COUNTY
- * Case No. 2010-0275-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, Norman Hillenburg Jr. and Margaret Hillenburg for property located at 6924 University Drive. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 1-13a of the Zoning Office Policy Manual to permit a carport with a street side setback of 15.5 feet in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners had a metal frame carport with a rip-stop poly cover that was destroyed during the heavy winter snowfalls. This carport protected the Petitioners' boat from the elements. Photographs submitted with the Petition clearly illustrate that the carport was completely destroyed by the nearly 60 inches of snow received December through January. None of the neighbors expressed any concern regarding the proposed carport. In fact, seven neighbors expressed their support by signing a petition which is contained in the case file.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated April 23, 2010. The comments indicate 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

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Date	5.19.10	
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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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 17, 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 19th day of May, 2010 that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 1-13a of the Zoning Office Policy Manual to permit a carport with a street side setback of 15.5 feet in lieu of the required 22.5 feet is hereby GRANTED, subject to the following:

ORDER RE	ECEIVED FOR FILING	
Date	5.19.10	
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-, <u> </u>		

- 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 base flood elevation for this site is 10.2 feet Baltimore County Datum.
- 3. The flood protection elevation for this site is 11.2 feet.
- 4. 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.
- 5. 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.
- 6. The building engineer shall require a permit for this project.
- 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 8. 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

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Date 5 19 10

By 97

3



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 19, 2010

NORMAN HILLENBURG JR: AND MARGARET HILLENBURG 6924 UNIVERSITY DRIVE BALTIMORE MD 21220

Re: Petition for Administrative Variance

Case No. 2010-0275-A

Property: 6924 University Drive

Dear Mr. and Mrs. Hillenburg:

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,

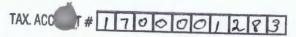
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Zoning Commissioner of Baltimore County



REV 10/25/01

regulations of Baltimore County and that the property be reposted.

CASE NO. 2016-0275-A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at BALTO, mo. 2/220

which is presently zoned DR5.5

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) 1302.3C.1; BCZR, 1-130

TONING OFFICE POLICY MANUAL AND 30111; BCZR, TO PERMIT A

CARPERT WITH A STREET-SIDE SETBACK OF 15.5 FT IN LIEU OF THE REQUIRED 22.5+T

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.

HILLENBURG JR LOOLING JA A. HILLENBURG
LOOLey Ja
A. HILLENBURG
A. HILLENBURG
A. HILLENBURG
410
£1917 / PR 335-8066 Telephone No.
MD. 21220 State Zip Code
o be Contacted:
T HILENBURG
VERSITY-DA 335-8066 Telephone No.
M D 2/12 O State Zip Code

Estimated Posting Date

Affidavit in Support of Administrative Variance

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

REV 10/25/01

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

6924 UNIVERSITY

Variance at the above address (indicate hardship or pra	ictical difficulty):
That the Affiant(s) acknowledge(s) that if a formal de advertising fee and may be required to provide additional	emand is filed, Affiant(s) will be required to pay a reposting and al information.
Nown T. Hilliby &	Marguset A Hillenburg
NORMAN T. HILLENBURG FR.	MARGARET A HILENBORC
	- BWING ASSESSMENT
STATE OF MARYLAND, COUNTY OF BALTIMORE, t	o wit:
of Maryland, in and for the County aforesaid, personally	,2015 , before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily in	dentified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
WE L. OTHER	Cuol L Otte
TE STARY E	Notary Public CAROLE L. OTTE
19 (0) 8	My Commission Expires 11 204

ZONING DESCRIPTION

ZONING PISCRIPTION FOR - 6924 UNIVERSITY
BALTO., MD 21220

BEGINNING AT A POINT ON THE NE. SIDE

OF UNIVERSITY DR WHICH IS 30 FT WIDE AT

THE DISTANCE OF 15 FT N.W OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING

STREET HAREWOOD RO. WHICH IS 30 FT. WIDE.

BEING LOT # 23 IN THE SUBDIVISION OF

HAREWOOD PART AS RECORDED IN BALTO. CO.

PLAT BOOK # 13, FOLIO # 144 CONTAINING

15,921 SQFT. ALSO KNOW AS 6924 UNIVERSITY DR

AND LOCATED IN THE 15th ELECTION DISTRICT,

6 COUNCIL MANIC DISTRICT

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2010-0275 -A Address 6924 Charactersity DR.
Contact Person: Planner, Please Print, Your Name Planner, Please Print, Your Name
Filing Date: 4/9/10 Posting Date: 4/18 Closing Date: 5/3
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.
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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0275 -A Address 6924 University DR.
Petitioner's Name NORMAN HILLENBURG, JR. Telephone 410-335-8066
Posting Date: $4/18$ Closing Date: $5/3$
Wording for Sign: To Permit A CARPORT WITH A SIDE-STREET
SETBACK OF 15.5ft in LIEU of THE REQUIRED
22.5ft.

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.

Item Number or Case	
Petitioner:	ORMAN HILLENBURG, SR.
Address or Location:	GRAMAN HILLENBURG, SR. BALTO., Md. 21220
PLEASE FORWARD	ADVERTISING BILL TO:
PLEASE FORWARD	
Name:	
Name:	

int
1
CASHIER

Certificate of Posting

	RE: Case NO
	Petitioner/Developer
	Norman T Hillenburg, Jr.
	Date of Hearing/Closing5/3/10
Baltimore County Department of Permits and Developm County Office Building – Room 111 111 W. Chesapeake Ave. Fowson, Md. 21204	nent Managements
Attention:	
• • • • • • • • • • • • • • • • • • • •	es of perjury, that the necessary sign(s) as uously on the property located at
6924 1	University Drive
The sign(s) were posted on	4/17/10
	(Month, Day, Year)
	Sincerely,
	(Signature of sign Poster and date)
	Richard E. Hoffman
	(Printed Name)
See Attached	004 D. II 1 D
Photograph	904 Dellwood Drive (Address)
	(Addition)
	Fallston, Md. 21047
	(City, State, Zip Code)
	410-879-3122
	(Telephone Number)

Certificate of Posting Photograph Attachment

Re:	2010-0275-A
Petitio	ner/Developer:
N	orman T. Hillenbuirg, Jr.
Date o	f Hearing/Closing: 5/3/10



6924 University Drive

Posting Date: 4/17/10

Signature and date of sign poster)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 5, 2010

Norman & Margaret Hillenburg 6924 University Dr. Baltimore, MD 21220

Dear: Norman & Margaret Hillenburg

RE: Case Number 2010-0275-A, 6924 University Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 09, 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, Call Richa

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** April 23, 2010

RECEIVED

APR 23 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-275- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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 May 3, 2010 Item No.: 2010-275

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

DATE: April 23, 2010

The flood protection elevation for this site is 11.2 feet.

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.

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.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0275-05032010.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/28/2010

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

RE: Baltim

Baltimore County
Item No. 2010-0275-A

6924 LINNERGTY DRIVE HILLENBURG 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. 2010^{-} . 6275^{-} 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,

A Steven D. Foster, Chief Engineering Access Permits

Division

SDF/mb

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 2 1 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

May 21, 2010

SUBJECT:

Zoning Item # 10-275-A

Address

6924 University Drive

(Hillenburg Property)

Zoning Advisory Committee Meeting of April 19, 2010

- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X 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).

Additional Comments:

The property is within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 5,445 square feet. The 15% afforestation requirement will apply, which equates to having 8 trees on site.

Reviewer:

Regina Esslinger

Date: 5/19/2010

Patricia Zook - Case No. 2010-0275-A -- DEPRM comments needed?

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

5/11/2010 9:20 AM

Subject: Case No. 2010-0275-A -- DEPRM comments needed?

Good afternoon Jeff -

I am not sure if we need DEPRM comments for the below-described case or not. The site plan says the property is in the CBCA; however, the file isn't marked as being in the CBCA. Please let me know if I need to wait for a DEPRM comment.

CASE NUMBER: 2010-0275-A

6924 University Drive

Location: NE side of University Drive; 15 feet NW of the c/l of Harewood Road.

15th Election District, 6th Councilmanic District Legal Owner(s): Norman and Margaret Hillenburg

Closing Date: 5/3/2010

ADMINISTRATIVE VARIANCE To permit a carport with a street side setback of 15.5 feet in lieu of the required 22.5 feet.

Thanks for your help.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

5/19/10 received





Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw4.3d)

Go Back View Map New Search

Account Identifier:	-1001100	5 Account Nu									
			vner Infor								
Owner Name:	HILLENBURG		Us				RESIDENTIAL				
		MARGARET A	Principal Residence: Deed Reference:			ce:	YES	540			
Mailing Address:	6924 UNIVER	RSITY DR MD 21220-1049	9	De	ed Ret	erence:		1) / 5304/	548		
		Location 8		e Infor	matio	n					
Premises Address						Lega	Descriptio	n			
924 UNIVERSITY DR						LT 23	3-24				
						NW C	OR PENNSYL	.VANIA			
						HARE	WOOD PARK				
	Sub District	Subdivision	Section	Block		Assess	ment Area	Plat No:	2		
83 6 259					23		3	Plat Ref:	13/ 14		
		own									
Special Tax Areas		d Valorem									
		x Class									
Primary Struct	ure Built		ed Area	Property Land Ar 25,921.00 SF							
1972			74 SF			-	0 SF		04		
Stories	Basem			Туре				Exter			
1	YES				NDARD	UNIT		BRIC	:K		
		Va	alue Infor	mation							
	Base Value	Value	Phase-i								
		As Of		s Of		As Of					
Land	90,230	01/01/2009 90,230	07/01/2	009 (09 07/01/2010						
Improvements:	165,340	192,580									
Total:	255,570	282,810	264,	650	273	,730					
Preferential Land:	0	0	201,	0		0					
	7	Tra	nsfer Info	ormatio	n						
Seller:				Date	:		Pric	e:			
Туре:				Deed	d1:		Dee	d2:			
Seller:			Date: Price:				e:				
Туре:			Deed1: Deed2:					d2:			
Seller:			Date: Price:					e:			
Туре:				Deed1: Deed2:				d2:			
		Exer	nption In	formati	on						
Partial Exempt Assess	ments			Class 07/01/2009				07/01/2010			
County				000	0			0			
State			C	000	0			0			
Municipal			0	000	0						
Hamelbar											

Mr. Hillenburg has explained to me ,he would like to build a carport onto the end of his garage . I have no problem with him doing this My Name & Address

1. Deborah Winkler 6922 University Dr.

2. Ron ODorrell 6921 University Dr.

3WHIAM SCHAREN 6920 UNIVERSITY DR.

4. Lurelle D. Mudd 6925 Inwersity dr.

5. LARRY O Ponnell 7333 Guponder Rd.

6. Dhigh W. Lowety 12922 Hore wood Pd.

7. Pat Milb 12924 Harewood Pd.

HARE WOOD RD END OR GARAGE FOR CARPORT









6922 UNIY. DR



HAREWOOD RO

HAREWOOD AD N.W









LOCATION FOR CARPORT















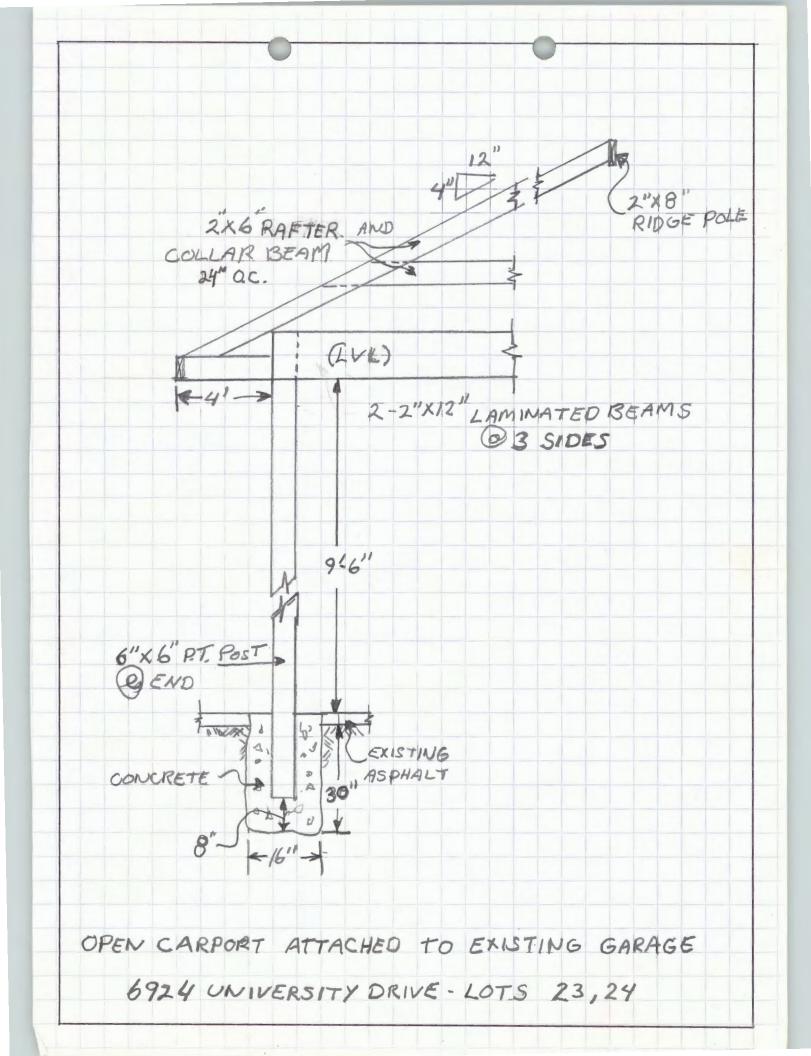














PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE PROPERTY ADDRESS 6924 UNIVERSITY DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR	E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME HAREWOOD PARK PLAT BOOK # 2 FOLIO # 144 LOT #23-24 SECTION # 13 OWNER IVORMAN & MARGRET HILLEXBURG JR.	HAREWOOD PARK DRIVE
EXETING	SUNJECT PROPERTY UNIVERSITY DRIVE UNIVERSITY DRIVE
160.04'	VICINITY MAP SCALE: 1" = 1000'
131-49' 131-59' ROAD	LOCATION INFORMATION ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 6 1"= 200' SCALE MAP # 084 A 1
EXISTING DAMECLING SOUTH THREWOOD HAREWOOD HAREWOOD	ZONING DR5.5 LOT SIZE 0.5 25.921 ACREAGE SOCARE FEET PUBLIC PRIVATE SEWER
PROPOSED - 13' CAVEFORT 13' X22' 162.93'	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY BUILDING PRIOR ZONING HEARING
NORTH UNIVERSITY DRIVE PREPARED BY NORMAN HILLENBURG JR SCALE OF DRAWING: 1" = 30'	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #