IN RE: PETITION FOR ADMIN. VARIANCE

S side of Wheatland Road; 154 feet W. of the c/l of Glen Wilde Road

1st Election District

1st Councilmanic District

(6133 Wheatland Road)

Jason S. Dugan Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0316-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, Jason S. Dugan for property located at 6133 Wheatland Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open carport addition with a side setback of 3 feet in lieu of the required 8 feet and a sum of side yard setbacks of 12 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner had a metal frame carport that was destroyed during the heavy winter snowfalls. This carport protected the Petitioner's vehicles 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. The carport was part of the property at the time of purchase in 2005. The new carport will replace the destroyed carport.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER	RECEIVED FOR FILING	
Date	7.16.10	. ,
Ву	P3	

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 25, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

 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.

HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 7.16.10

Ву______



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 16, 2010

JASON S. DUGAN 6133 WHEATLAND ROAD CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 2010-0316-A

Property: 6133 Wheatland Road

Dear Mr. Dugan:

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,

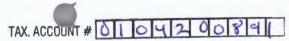
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





CASE NO. 2010-0316-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16133 WHEATLAND PD which is presently zoned DR 5.5

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)

To permit an open carport addition with a side setback of 3-feet in lieu of the required 8-feet and a sum of side yard setbacks of 12-feet in lieu of the required 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.

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 I is the subject of this Petiti	legal owner(s) of th	
Contract Purchaser/Lessee:		Legal Owner(s):		
		Jason Duggn		
Name - Type or Print		Name - Type or Pript		
Signature		Signature		
Address Telepho	one No.	Name - Type or Print		
City State Zi	ip Code	Signature		
Attorney For Petitioner:		6133 Wheatlan	d Road	(40)747-051 9 Telephone No.
		Catonsville	MD	21228
Name - Type or Print		City	State	Zip Code
		Representative to b	e Contacted:	
Company ORDER RECEIVED FOR FILING		JD ABRAMS		
Company ORDER RECEIVED		Name	145	4
Address Telepho	ne No	725 N. HICKOR	YAVE	(4/0)426-0746 Telephone No.
Date		, , , , , , , , , , , , , , , , , , , ,	MD	21614
	p Code	BEL AIR	State	Zip Code
A Public Hearing having been formally demanded and/or his day of that the subjections and the subjection of the subjecti	ct matter of this	equired, it is ordered by the Zos petition be set for a public hear	oning Commissioner ring, advertised, as re	of Baltimore County, equired by the zoning
egulations of Baltimore County and that the property be reposi-	ted.			
		Zoning Commissio	ner of Baltimore Cou	nty

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 p	public nearing is scheduled in	the future with regard	inereto.
That the Affiaht(s) does/do presently reside at	6/33 WHEATL	AND ROAD	
	CATONSVILLE		Z/228 Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardsh	owing are the facts upon whi ip or practical difficulty):	ch I/we base the reque	est for an Administrative
1. CARPORT WAS PART O	F PROPERTY A	TTIME OF	PURCHASE
IN 2005.			
2. CARPORT WAS DESTR	OYED IN SNOW	STORM IN	2010.
3. NEW CARPORT WOUL	D BEAREPLACE	EMENT FOR	DESTROYED
CARPORT			
+) EXISTING DRIVEWAY LOCATIO	N 15 ONLY REASO	NABLE PLACE F	OR
DETACHED CALPORT			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affia	nt(s) will be required t	to pay a reposting and
advertising fee and may be required to provide a	additional information.		
Kan Mes			
Signature Signature	Signature		
JASON S. DUGAN Name - Type or Print	Name - Type	or Drint	
Name - Type of Phili	Name - Type	or Fine	
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:	If the same	
I HEREBY CERTIFY, this \(\sum_2^\infty\) day of \(of Maryland, in and for the County aforesaid, per	sonally appeared	<u>o vo</u> , before me, a No	otary Public of the State
Jason & Dugar			
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as su	ch Affiant(s).	Ste
AS WITNESS my hand and Notarial Seal			By
MARJORIE D. HENDLEY			
NOTARY PUBLIC BALTIMORE COUNTY	navion	Monde an	47
MARYLAND MY COMMISSION EXPIRES APRIL 1, 2011	Notary Public	0 -	
and the second s	My Commission Ex	pires Que	12,2011
REV 10/25/01			

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6133 Wheetland CD	
7.010-0316-A	
CASHIER'	

Zoning Description

ZONING DESCRIPTION FOR 6133 Wheatland Rd. Catonsville, MD 21228

Beginning at a point on the south side of

Wheatland Rd. which is 50 feet

wide at the distance of the 134 feet west

centerline of the nearest improved intersecting street Glenwilde

which is 50 feet wide. *Being Lot # 3.

Block G, Section # 75 in the subdivision of Westview Park

as recorded in Baltimore County Plat Book # 26. Folio # 149

containing 6,930.00 square feet. Also known as 6133 Wheatland Rd and located in the 1st Election District, 1st Councilmanic District.

Zoning Description

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as recorded in Baltimore County Plat Book # 26 Folio # 149

containing 6,930.00 square feet. Also known as 6133 Wheatland Rd and located in the 1st Election District, 1st Councilmanic District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 06/26/2010

Case Number: 2010-0316-A

Petitioner / Developer: JASON DUGAN~T.W. ELLIS, LLC

Date of Hearing (Closing): JULY 12, 2010

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: 6133 WHEATLAND ROAD

The sign(s) were posted on: JUNE 25, 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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN ORMATION STILL AND DATES
Case Number 2010- 0316 -A Address 6133 Wheetland Rd
Contact Person: Lewski Phone Number: 410-887-3391
Filing Date: 5/17/10 Posting Date: 1/30/10 Closing Date: 1/30/10
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 petitione 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.
 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 2010-2316 -A Address 6133 Wheathand Kd
Petitioner's Name Joson Dugon Telephone
Posting Date: 5/30/10 Closing Date: 76/14/10
Wording for Sign: To permit a carport addition with a side yard setback of 3 feet in lieu of the required 8 feet and a sum of side yard set backs of 12 in lieu of the required 15 feet.

Revised 8/20/09

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 2010-0316-A
Petitioner: JASON 5 DGAN
Address or Location: 6133 WHEATLAND RD
PLEASE FORWARD ADVERTISING BILL TO:
Name: JASON S DUGAN
Address: 6133 WHEATLAND RD
CATONS VILLE, MD
21228
Telephone Number: (443)254-0198



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 12, 2010

Jason Dugan 6133 Wheatland Rd. Catonsville, MD 21228

Dear: Jason Dugan

RE: Case Number 2010-0316-A, 6133 Wheatland 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 17, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
JD Abrams; 725 N. Hickory Ave.; Belair, MD 21014

AV 7-12-10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: June 3, 2010 RECEIVED

JUN 07 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-316- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



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 May 27,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 24th, 2010

Item Numbers: 0305,0309,0313,0315,0316,0317,0318,0320 and 0321

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: 06-01-2010

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

RE: Baltimore County

Item No. 2010-0316-A
6133 WHBATLAND RD
DUGAN PROPERTY
LOMIN. 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. 2016 - . 0316-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,

OD Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb

AV 6-14-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 15 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 14, 2010

SUBJECT:

Zoning Item # 10-316-A

Address

6133 Wheatland Road

(Dugan Property)

Zoning Advisory Committee Meeting of May 24, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer:

JWL

Date: 6/14/2010

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 27, 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 June 7, 2010

Item Nos. 2010- 302, 305, 309, 313, 314, 315, 316, 317, 318, 319, 320 &

321

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

DAK:CEN:elm

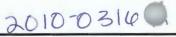
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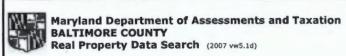
G:\DevPlanRev\ZAC -No Comments\ZAC-006072010 -NO COMMENTS doc

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ No Comment
5-27-10	DEVELOPMENT PLANS REVIEW	nc
-	DEPRM (if not received, date e-mail sent)	
5-27-10	FIRE DEPARTMENT	NC
6-3-10	PLANNING (if not received, date e-mail sent)	nc
6-1-10	STATE HIGHWAY ADMINISTRATION	NC
<u>h</u>	TRAFFIC ENGINEERING	· · · · · · · · · · · · · · · · · · ·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT		
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date: NO	
SIGN POSTING	Date: $(6-25-10)$	
PEOPLE'S COUN	SEL APPEARANCE Yes No N	
PEOPLE'S COUN	SEL COMMENT LETTER Yes No \(\sigma\)	
Comments, if any:		

Exempt Class:





Go Back View Map New Search GroundRent Registration

* NONE *

		Ow	ner Infor	mation	1				
Owner Name:	DUGAN JAS	ON S		Use	:		RES	SIDENTIA	AL.
				Prin	ncipal	Residence:	YES	5	
Mailing Address:	6133 WHEA	TLAND RD		Dec	d Re	ference:	1) /	21835/	476
	BALTIMORE	MD 21228-27	63				2)		
		Location 8	k Structu	re Info	rmati	on			
Premises Address						Legal Des	scription		
5133 WHEATLAND RD						6122 WHE	ATLAND RE		
						WESTVIEV) 55	
Map Grid Parcel S	ub District	Subdivision	Section	Block	Lot	Assessment	Area P	lat No:	
94 18 34			7A	G	3	1	PI	at Ref:	26/ 14
	Т	own							
Special Tax Areas	A	d Valorem							
,	Ta	ax Class							
Primary Struct	Primary Structure Built Enclosed Area Property Land		perty Land A	rea	Count	y Use			
1964		1,0	50 SF	6,930.00 SF		4			
Stories	Basement			Exterior					
SPFOY		SPLIT FOYER ASB		ESTOS SHI	STOS SHINGLE				
		Va	lue Infor	mation					
	Base Value	Value							
		As Of		Of		s Of			
	06.000	01/01/2010	07/01/20	009 0	7/01/2	2010			
Land	96,930	84,900							
Improvements:	162,910	121,300	250	240	206	200			
Total:	259,840	206,200	259,	0	206	,200			
Preferential Land:	0				_	0			
- 11		Ira	nsfer Info			(10/2005	Delana	+220 000	,
Seller: LARKINS KERW						/10/2005	Price: : Deed2:	\$230,000	,
Type: IMPROVED ARM						1835/ 476			
C-II DEMANCEN TARAE	SJ					/03/1994	Price:	\$99,500	
Seller: DEMPSEY JAME									
Type: NOT ARMS-LEN				Deed	11: /1	0382/ 275	Deed2:		
Type: NOT ARMS-LEN Seller: CARROLLWOOL	CONS TRUCT	TION COMPAN'	Y			0382/ 275	Price:	\$15,500	
Type: NOT ARMS-LEN	CONS TRUCT			Date	: 05			\$15,500	
Type: NOT ARMS-LEN Seller: CARROLLWOOL	CONS TRUCT		Y nption In	Date	: 05	/18/1965	Price:	\$15,500	
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2010-0316-A





2010-0316-4



Z010-0316-A



7010-0316-4

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 6133 WHEATLAND RD SEE PAGES 5 & 6 OF THE CHECKLIST F	
PLAT BOOK # 26 FOLIO # 149 LOT # 3 SECTION # 75 OWNER JASON S DAVAN	SOMENT CROSSY RD WHEATHAND 12D MOODE FIELD RD CHANCE DE DELACRE 12D
CRAIL + AUCIA LINDSEY ADDITION STANDARD ENGREPH ENGR	VICINITY MAP SCALE: 1" = 1000' LOCATION INFORMATION ELECTION DISTRICT
ENSTING DELLING 9'- LOT # 430' ENGINO DRIVENAY 26' LOT 43 LOT # 2 30'	COUNCILMANIC DISTRICT 1"=200' SCALE MAP #09 4C.2. ZONING DR 5.5 LOT SIZE 0.16 6,930.00 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER [X]
WHEATLAND RD K TO CENTER OF CHENWROL RD	WATER YES NO CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN
NORTH	PRIOR ZONING HEARING NONE ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY JD ABLANS SCALE OF DRAWING: 1" = 40	2010 0316-A