IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side of Chokeberry Court; 165 feet W of Chokeberry Road	*	ZONING COMMISSIONER
(2905 Chokeberry Court) 3rd Election District	*	OF
2 nd Council District	*	BALTIMORE COUNTY
Daniel Reihani and Devora Alyesh Petitioners	*	Case No. 2010-0365-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Daniel Reihani and Devora Alyesh. The Petitioners request a variance from Section 1B01.2 (1955-1963 B.C.Z.R. 211.3) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition (including a convenience/kosher kitchen) with a side yard setback of 6 feet in lieu of the required 8 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

ORDER RECEIVED FOR FILING						
Date	8.2.10					
Ву	- Y25					

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners desire to construct two additions onto their dwelling. One of the additions will measure 24 feet x 35 feet and be constructed at the rear of the dwelling. The other addition, which is the subject of this variance request, will measure 12 feet x 19 feet and be constructed on the side of the dwelling. Jewish Law requires that the Petitioners' dwelling contain two separate kitchens for religious purposes. None of the neighbors on Chokeberry Court expressed any opposition to the variance request. 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.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Comments were received from the Office of Planning dated July 22, 2010 which indicates no opposition to the requested variance provided the dwelling remains in use as a single-family dwelling.

Pursuant to the advertisement, posting of the property, public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

ORDER RECEIVED FOR FILING					
Date	01.6.8	-			
Ву	Pz	2			

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of August, 2010, that the Petition for Administrative Variance seeking relief from Section 1B01.2 (1955-1963 B.C.Z.R. 211.3) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition (including a convenience/kosher kitchen) with a side yard setback of 6 feet in lieu of the required 8 feet be and is hereby GRANTED, subject to the following restriction:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2. The subject dwelling shall remain in use as a single-family dwelling.

WJW:pz

WILLIAM J. WISEMAN, III Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING	ORDE	RRECE	IVED	FOR	FILING
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Date 8.7.10



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

August 2, 2010

Daniel Reihani and Devora Alyesh 2905 Chokeberry Court Baltimore MD 21209

RE: Petition for Administrative Variance 2905 Chokeberry Court Case No. 2010-0365-A

Dear Daniel Reihani and Devora Alyesh:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours.

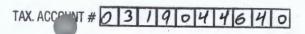
Zoning Commissioner

AM J. WISEMAN, III

for Baltimore County

WJW:pz

Enclosure



I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2905 Choke berry Court
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)

Sections: 1B01.2, 1955-1963 BCZR 211.3

2010 - 0365-A

CASE NO.

REV 10/25/01

To permit a proposed addition (including a convenience/kosher kitchen) with a side yard setback of 6 feet in lieu of the required 8 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.

			is the subject of this Pet		e property which
Contract Purchaser/L	essee:		Legal Owner(s):		
			Daniel Rei	ihani	
Name - Type or Print	11		Name - Type or Print		
Signature		-	Signature	Yesh	
Address		Telephone No.	Name Type or Print)	
City	State	Zip Code	Signature		
Attorney For Petitions	er:		2905 Choke	berry Court	410-929-110
			Address		Telephone No.
			Baltimore	MP	21209
Name - Type or Print	ECEIVED FO	R FILING	City	State	Zip Code
ORDER RE	CEIVEDIO		Representative to	be Contacted:	
	8.2.10		Daniel Reil	ani	
Company Date	m		2905 Chokel	berry ct 4	10-929-1109
Address By		Telephone No.	Address		Telephone No.
			Battimore	MD	21209
City	State	Zip Code	City	State	Zip Code
this day of	. th	at the subject matter of t	required, it is ordered by the his petition be set for a public he	Zoning Commissioner paring, advertised, as re	of Baltimore County, equired by the zoning
regulations of Baltimore County	and that the proper	rty he renosted			

Estimated Posting Date

ZONING DESCRIPTION FOR 2905 chokeberry court
Baltimore MD 21209.

Beginning at a point on the South side of Chokeberry court which is 50 Feet of right-of-way width wide at the distance of 165 Feet width wide at the distance of 165 Feet west of the centerline of Nearest improved west of the centerline of Nearest improved intersecting street Chokeberry Road which is 50 feet of right-of-way width wide.

Being Lot # 15 Block A section # 3 in

the subdivision of well wood as Record in

Baltimore county plat Book # (G.L.B) 2# Folio #99

Containg 8840.sf also known as 2905 Chokoberry

Court and located in the 03 Election District

02 councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **ZONING REVIEW**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010-	0365	-A	Address _	2905	Choke	berky	Court 10-887-3391
	ct Person:	LEONARD	LASI LEU lease Print Your N	osk,	Ser-Mark	Phone N	umber: 41	0-887-3391
Filing	Date: _6/2	28/10	Posti	ng Date: _	1/11/10	Clos	ing Date:	7/26/10
Any c	ontact made h the contact p	with this office	e regarding	the status	s of the ad	ministrativ	e variance	should be
1.	reverse side or reposting must is again respondently on or date.	of this form) a st be done on onsible for all	and the petit by by one of associated	the sign po costs. Th	sponsible fo sters on the e zoning no	r all printing approved tice sign i	ng/posting I list and the must be vi	costs. Any ne petitioner sible on the
2.	DEADLINE: a formal requ request for a	est for a pul	blic hearing.	Please	understand	that even	if there is	0 feet to file s no formal
3.	ORDER: Aft commissioner order that the within 10 day whether the pmailed to you	. He may: (matter be set s of the close etition has be	(a) grant the in for a pub sing date if een granted,	requested lic hearing all County	I relief; (b) (You will re agencies'	deny the receive writted comments	equested en notifica s are rece	relief; or (c) tion, usually eived, as to
4.	POSSIBLE P (whether due commissioner changed givin posted, certifi- this office.	to a neighb), notification g notice of th	or's formal will be for e hearing da	request or warded to ate, time ar	by order or you. The nd location.	of the zor sign on As when	ning or de the proper the sign w	puty zoning rty must be as originally
			(Detaci	h Along Dotted L	ine)			
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Petitio	ner's Name	one Reilan	i + Devoi	RA Alyes	<u>4</u> T	elephone	410 92	9-1109
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CERTIFICATE OF POSTING

Date: 7/8/10 RE: Case Number: 2010-0365-A Petitioner/Developer: Daniel Reilanie Date of Hearing/Closing: 7/26/10 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 2905 Cleke Berry Ct. The signs(s) were posted on J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)



LUNING NOTICE

PERMIT A PROPOSED ADD-TION (INCLUDING A CONVENIENCE KOSHER KITCHEN) WITH A SIDEYARD SETBACK OF & FEET IN LIEU OF REQUIRED 8 FEE

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
RECEIVED IN ON TIZELIA ARLE AT THE DEPARTMENT OF





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 27, 2010

Daniel ReLani & Devora Alyesh 2905 Chokeberry Ct. Baltimore, MD 21209

Dear: Daniel ReLani & Devora Alyesh

RE: Case Number 2010-0365-A, 2905 Chokeberry Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 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. Carl Rid

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 8,2010

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

RE: Baltimore County

Item No. 2010-0365-A.
2905 CHOKEBERRY COURT
REIHANI & ALYESH PROPERTY
ADMIN VALLANCE -

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.

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,

Engineering Access Permits

Division

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-365- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the dwelling remains in use as a single-family dwelling.

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

Prepared By:

CM/LL

RECEIVED

DATE: July 22, 2010

JUL 2 3 2010

ZONING COMMISSIONER

AV 7-26-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 1 3 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 13, 2010

SUBJECT:

Zoning Item # 10-365-A

Address

2905 Chokeberry Court

(Reihani & Alyesh Property)

Zoning Advisory Committee Meeting of July 5, 2010

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

Reviewer:

JWL

Date: 8/13/10



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 7, 2010

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

ATTENTION: ZONING REVIEW

Distribution Meeting of: July 5, 2010

2010-365-A

Item No.: Administrative Variance: 2010-0360A, 2010-364A - 0366A,

2010-0368A.

Special Hearing Variance: 2010-0340-SPHA, 2010-0361-SPHA.

Variance: 2010-0363A, 2010-0367A

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File

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 July 19, 2010

Item Nos. 2010-340, 360, 361, 363,

364, 365, 366, 367, and 368

The Bureau of Development Plans Review has reviewed the subject-

DATE: July 7, 2010

zoning items, and we have no comments.

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07192010 -NO COMMENTS.doc

Patricia Zook - Case 2010-0365-A - comment needed

From:

Patricia Zook

To:

Kennedy, Dennis

Date:

7/28/2010 10:01 AM

Subject: Case 2010-0365-A - comment needed

CC:

Bostwick, Thomas

Good morning Dennis -

This administrative variance case file is missing a comment from your office. If you have no comment, you can just reply to this e-mail and I'll place it in the file.

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

Patricia Zook - Case 2010-0365-A

From:

Vishnubhai Desai

To:

Kennedy, Dennis; Zook, Patricia

Date:

7/28/2010 10:11 AM Case 2010-0365-A

Subject: CC:

Bostwick, Thomas; Brown, Carol

Good morning,

For case 2010-0365-A, our office have no comment.

Thanks,

Vishnu Desai

Vishnu K. Desai, P.E.

Project Engineer
Development Plans Review
111 West Chesapeake Ave. Room 119
Towson, MD 21204
410.887.3751 W
410.887.2877 F

>>> On 7/28/2010 at 10:01 AM, Patricia Zook wrote: | Good morning Dennis -

This administrative variance case file is missing a comment from your office. If you have no comment, you can just reply to this e-mail and I'll place it in the file.

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

From:

Dennis Kennedy

To:

pzook@baltimorecountymd.gov

Date:

7/28/2010 10:01 AM

Subject:

Re: Case 2010-0365-A - comment needed

I will be out of the office until Aug 3, 2010. Contact Vishnu Desai at vdesai@baltimorecountymd.gov or call 410-887-3751 for assistance.

>>> Patricia Zook 07/28/10 10:01 >>>

Good morning Dennis -

This administrative variance case file is missing a comment from your office. If you have no comment, you can just reply to this e-mail and I'll place it in the file.

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

From:

daniel yousefzadeh <ydan77@yahoo.com>

To:

<pzook@baltimorecountymd.gov>

Date:

7/29/2010 9:52 PM

Subject:

reihani picture 2905 chokeberry court

Attachments: 2905 home 007.JPG; 2905 home 008.JPG; 2905 home 009.JPG; 2905 home 010.JPG;

2905 home 011.JPG

Hello

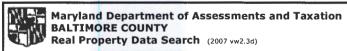
This is Daniel Reihani I am applying for a variance for 2905 Chokeberry ct. Yesterday you asked for pictures of where the variance will be. Attached you will find all the pictures neccesary. Please email me letting me know you have recieved them.

Thank you Daniel Reihani

CHECKLIST

Comment Received	<u>Department</u>		Conditions/ No Comment
7-28-10	DEVELOPMENT PLANS R	EVIEW	nc
	DEPRM (if not received, date e-mail s	ent)	
	FIRE DEPARTMENT		
7-22-10	PLANNING (if not received, date e-mail s	sent)	nc
7-8-10	STATE HIGHWAY ADMIN	ISTRATION	h C
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATE ADJACENT PROPERTY O	·	
ZONING VIOLA	TION (Case No		
PRIOR ZONING	(Case No		
NEWSPAPER AI	OVERTISEMENT Date:		
SIGN POSTING	Date:	7-11-10	
	ISEL APPEARANCE ISEL COMMENT LETTER	Yes No No	
Comments, if any			





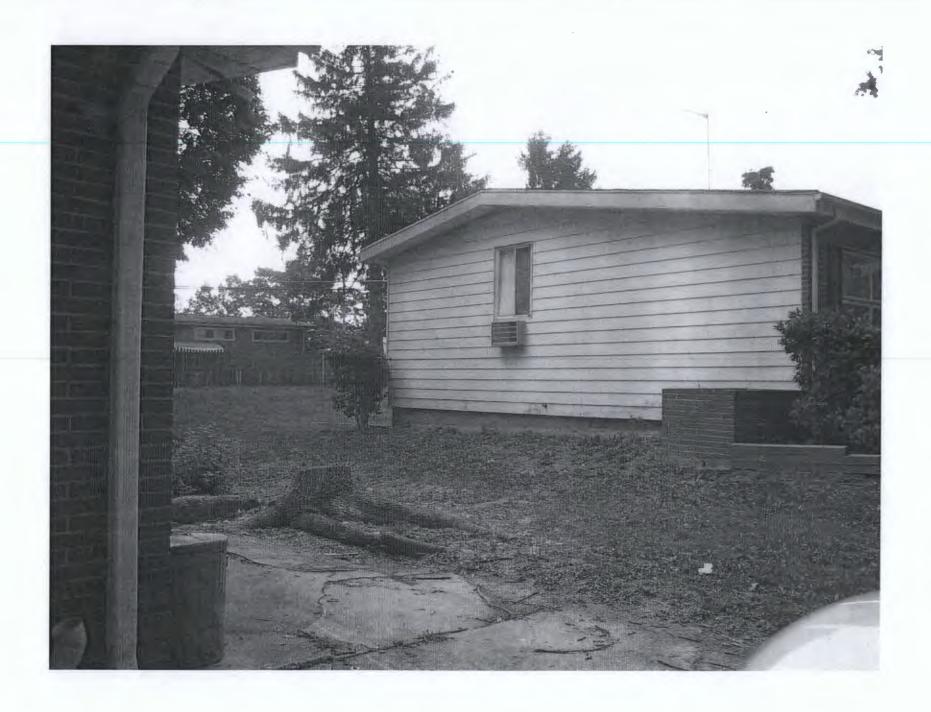
Go Back View Map New Search

Account Identi	ifier:	District -	03 Account N	umber - 0	319044	640				
			Ow	ner Infor	mation					
Owner Name:		REIHANI DA			Use: Prin		Residence:		ESIDENTIA ES	L
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		20 000	Location 8	Structure	e Infor	matio	n			
Premises Addr	ess						Legal Des	scription		
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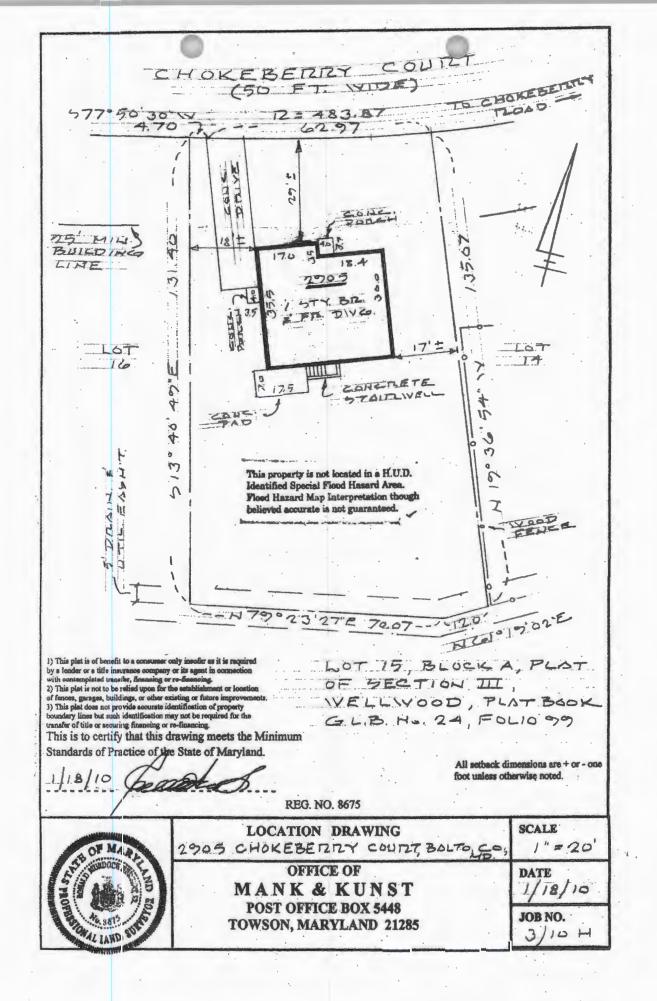












PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANC PROPERTY ADDRESS 2905 Chokeberry CT SEE PAGES 5 & 6 OF THE CHECKLIST FOR	E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME WELL WOOD	
PLAT BOOK # 24 FOLIO # 99 LOT # 15 SECTION # 7	
OWNER Daniel Reihani and Devora ALYesh	
	t /
Lot7 550	, we berry
Lot7 S EASEMENT Lots	chokeberry ct
	\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
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THEMESE	PROPERTY
35.0	
24x 002 0 in	SMITH are
06001 2	VICINITY MAP
12×19	SCALE: 1" = 1000'
PROPOSED I	LOCATION INFORMATION
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اع ا	
EXISTING	COUNCILMANIC DISTRICT 2
EXISTING	1"=200' SCALE MAP # 078 C1
DWELLING EXISTING OWELLING	ZONING DR 5.5
# 2903 EXISTING	LOT SIZE O-19 8890
FRUIT 26 H2905	
17:8+/- FRONT # 2907	SEWER SEWER
TRONT	
Lot16	CHESAPEAKE BAY
2 Lot 16	100 YEAR FLOOD PLAIN
Lot 14 Lat 15 1 62.47 X 0	HISTORIC PROPERTY /
	BUILDING []
R=483.87 L=62.97	PRIOR ZONING HEARING NONE
NORTH Chokeberry Court 577°50'30"	ZONING OFFICE USE ONLY
NORTH Chokeberry Court	REVIEWED BY ITEM # CASE #
PREPARED BY MANK & KUNST SCALE OF DRAWING: 1" = 30	tu 2010 0365-A