IN RE: PETITION FOR ADMIN. VARIANCE

N side of Cedarside Drive, 188 feet W of the c/l of Cedarcone Court 11th Election District 5th Councilmanic District (4036 Cedarside Drive)

Timothy L. and Geraldine T. Sobus *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0118-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, Timothy L. and Geraldine T. Sobus for property located at 4036 Cedarside Drive. The variance request is from Sections 1B02.3.A, 504 and 301 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (screen porch and open deck) with 7 feet rear setback and 6 feet side setback in lieu of the minimum required window to lot line setback of 11.25 feet and to amend the latest Final Development Plan for Cedarside Farm, Lot 34 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a screened porch measuring 12 feet x 20 feet and an open deck measuring 14 feet x 23 feet. The lot is pie shaped and the dwelling was constructed toward the rear and western portion of the lot. Any addition of reasonable size will require a variance. A deck smaller than proposed would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. Petitioners would be unable to enjoy reasonable use of the property, suffering further practical difficulty. A color rendering of the proposed screened porch and deck and deck shows that the addition is very

ORDER RECEIVED FOR FILING						
Date	11.110					
Bv	B					

attractively designed. Existing French doors will lead to the screened porch. The property contains 11,035 square feet.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 9, 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 November, 2010 that a variance from Sections 1B02.3.A, 504 and 301 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (screen porch and open deck) with 7 feet rear setback and 6 feet side setback in lieu of the minimum required window to

ORDER RECEIVED FOR FILING

Date______2

lot line setback of 11.25 feet and to amend the latest Final Development Plan for Cedarside Farm, Lot 34 only 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.

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

ORDER RECEIVED FOR FILING

Date____

Ву_____



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 1, 2010

TIMOTHY L. AND GERALDINE T. SOBUS 4036 CEDARSIDE DRIVE NOTTINGHAM MD 21236

> Re: Petition for Administrative Variance Case No. 2011-0118-A Property: 4036 Cedarside Drive

Dear Mr. and Mrs. Sobus:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

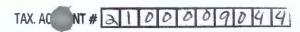
Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



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

Zoning Commissioner of Baltimore County



CASE NO.

REV 10/25/01

2011-0118-A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4036 Cedars IDE BLNE which is presently zoned DR.5.5. + DR.3.5

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) 1002.34., 504, 501 (DC=2), Y.B.6.5. (CODE-1989)

To permit an open projection (screened porch and open deck) with a 7-foot rear setback and 6-foot side setback in lieu of the minimum required window to lot line setback of 11.25-feet and to amend the latest F.D.P. for "Cedarside Farm", Lot 34 only.

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 Pe		property which
Contract Purchaser/Lessee			Legal Owner(s):		
				oBus	
Name - Type or Print			Name - Type or Frint		
Signature		·	Signature GERALDINE	Tomsik-Sok	SUS
Address	····	Telephone No.	Name - Type or Print	ik- Shus	/
City	State	Zip Code	Signature ()		
Attorney For Petitioner:			4036 Ceolars	DE DRIVE 4	10-256-5208 Telephone No.
	11-11	JG	Mottingham	md.	21238
Name - Type or Print	OR FILI		City	State	Zip Code
RECEIVED	0		Representative to	be Contacted:	
Name - Type or Print Signature ORDER RECEIVED	10	The state of the s			
Company Date	7		Name		
Address	t	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been formall his day of equilations of Baltimore County and that	y demanded that th	and/or found to be		e Zoning Commissioner of	of Baltimore 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.

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That the Affiant(s) does/do presently reside at	7036 CEOIAK	SIDE DRIVE	
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	5.1,		Zip Code
That based upon personal knowledge, the folk Variance at the above address (indicate, hardsh	in or practical difficulty).	Λ	
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consequences.			
That the Affiant(s) acknowledge(s) that if a feadvertising fee and may be required to provide	ormal demand is filed, additional information.	Affiant(s) will be required	to pay a reposting and
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Signature	Signatu	re/	sus)
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STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:	GUA MENTEDER	CT TO STATE OF THE
I HEREBY CERTIFY, this /3/14 day of	SEPT.		otary Public of the State
of Maryland, in and for the County aforesaid, pe	ersoldally appeared		
TIM AND BERADINE	Sobas	a accela Afficiant/a	
the Affiant(s) herein, personally known or satisf	actorily identified to me a	is such Amant(s).	
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	Notary Public		
	My Commission	on Expires OCT	21, 2011
REV 10/25/01	,		
1 1 V V V V V V V V V V V V V V V V V V			

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 4036 Cedarside Drive, Nottingham MD. 21236

Beginning at a point on the north side of Cedarside Drive which is 188 feet wide, west of the center line of the nearest improved intersecting street Cedarcone Court which is 36 feet wide. Being Lot # 34 in the subdivision of Cedarside Farm as recorded in Baltimore County Plat Book # 60, Folio # 137 containing .2533 acres. Also known as 4036 Cedarside Drive and located in the 11 Election District, 5 Councilmanic District.

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For:	2011-	0118-1 40:	The second secon	AMEN	DE DR	The state of the s	omps	od			
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/10/10

Case Number: 2010-0118-A

Petitioner / Developer: TIM SOBUS

Date of Hearing (Closing): OCTOBER 25, 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: 4036 CEDARSIDE DRIVE

The sign(s) were posted on: OCTOBER 9, 2010



Linda O Kufe
(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 DEARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2011- 0118 -A Address 4036 CEDARSIDE DRIVE
Conta	ct Person: Donna Thompson 410-887-3391 Phone Number: 410-887-3391 Planner, Please Print Your Name
	Date: 9 27 10 Posting Date: 10 10 10 Closing Date: 10 25 10
Any c throug	ontact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.
1.	<u>POSTING/COST:</u> 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)
Petitic	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case I	Number 2011- 0118 -A Address +036 CEDARSIDE DRIVE
Petitio	ner's Name Sobus Telephone 410-256-5208
Postir	ng Date: 10 10 10 Closing Date: 10 25 10
	To permit an open projection (screened porch and open deck) with a 7-foot rear setback and 6-foot side setback in lieu of the minimum required window to lot line setback of 11.25-feet and to amend the latest F.D.P. for "Cedarside Farm", Lot 34 only.

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 Number:	
	Sobus	
	ocation: 4036 CEDARSIDE DRIVE	
PLEASE FOR	RWARD ADVERTISING BILL TO:	
Name:	MR. +MRS. TIMOTHY SOBUS	
Address:	4036 CEDARSIDE DRIVE	
-	NOTTINGHAM, MD 21236	
Talanhana N	umber: 410-256-5208	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 26, 2010

Timothy & Gerald Tom-Sobus 4036 Cedarside Dr. Nottingham, MD 21236

Dear: Timothy & Gerald Tom-Sobus.

RE: Case Number 2011-0118-A, 4036 Cedarside Dr.

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

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

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-118- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: October 14, 2010

OCT 1 8 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

October 26, 2010

SUBJECT:

Zoning Item # 11-118-A

Address

4036 Cedarside Drive

(Sobus Property)

RECEIVED

OCT 2 6 2010

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 4, 2010.

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

Reviewer:

JWL

Date: 10/26/10

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 7, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 18, 2010

Item Nos. 2011- 103, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121 and 122

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-10182010 -NO COMMENTS.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

October 4, 2010

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

ATTENTION:

2011-0102-A

Kristen Mathews

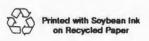
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

Kingston Park La. Harrison Ave. 2011-0103-SPHA Vallevfield Rd. 2011-0106-A 2011-0107-SPHA Emmanuel Ct. Locust Ave. 2011-0108-A Woodland Dr. 2011-0110-A Monaghan Ct. 2011-0111-A Oakleigh Rd. 2011-0112-SPHA Stoney Batter Rd. 2011-0113-A New Section Rd. 2011-0114-A Hanover Pike 2011-0115-SPH 2011-0116-A Meandering Dr. 2011-0117-A Cockeys Mill Rd. Cedarside Dr. 2011-0118-A Linwood Ave. 2011-0119-A 2011-0120-A Sue Grove Rd. Burnbrae Rd. 2011-0121 Mt. Carmel Rd. 2011-0122-A

> Lt. Jimmie D. Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File





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

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 007.15, 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. 2011 - 0118-A
4036 CEDARSIDE DR
SOBUS PROPERTY
ADMIN VARIABLE

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. 2011.

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,

1 Steven D. Foster, Chie

100 Engineering Access Permits

Division

SDF/mb

Patricia Zook - Re: PDM Lise 2011-0118-A (CO-0083452)

From:

Lewis Mayer

To:

Zook, Patricia

Date:

10/28/2010 3:21 PM

Subject: Re: PDM case 2011-0118-A (CO-0083452)

Ms. Zook,

Sorry, but the case number for 3029 Linwood should read 2011-0119A.

Regards Lew Mayer

>>> Patricia Zook 10/28/2010 9:59 AM >>>

Good morning -

The active violation case documents from your office for Case 2011-0118-A contains an address of 3029 Linwood Avenue, and legal owner as Pamela Felix. However, the information for Case 2011-0118-A is as follows:

CASE NUMBER: 2011-0118-A

4036 Cedarside Drive

Location: N side of Cedarside Drive, 188 feet W of the c/l of Cedarcone Court.

11th Election District, 5th Councilmanic District Legal Owner(s): Timothy and Geraldine Sobus

Closing Date: 10/25/2010

ADMINISTRATIVE VARIANCE To permit an open projection (screen porch and open deck) with 7 feet rear setback and 6 feet side setback in lieu of the minimum required window to lot line setback of 11.25 feet and to amend the latest Final Development Plan for Cedarside Farm, Lot 34 only.

Perhaps the active violation case documents go with another case, but I don't know what that number is or if it is something that is coming before our office.

Therefore, I am returning the active violation case documents to PDM.

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

410-887-3868

pzook@baltimorecountymd.gov

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1) BALTIMORE COUNTY

NO

Tax Exempt:

Exempt Class:

Account Identifier: District - 11 Account Number - 2100009044 **Owner Information** Owner Name: SOBUS TIMOTHY L Use: RESIDENTIAL TOMSIK-SOBUS GERALDINE Principal Residence: YES Mailing Address: **4036 CEDARSIDE DR** Deed Reference: 1) / 9283/ 400 **BALTIMORE MD 21236-1655** 2) **Location & Structure Information** Premises Address Legal Description 4036 CEDARSIDE DR .2533 AC CEDARSIDE FARM Map Grid Block Parcel **Sub District** Subdivision Section Lot **Assessment Area** 8 418 34 72 3 Town Special Tax Areas Ad Valorem Tax Class **Primary Structure Built** Co **Enclosed Area Property Land Area** 2,948 SF 11,035.00 SF 1992 04 Stories Basement Exterior YES STANDARD UNIT SIDING Value Information Base Value Value Phase-in Assessments As Of As Of As Of 01/01/2009 07/01/2010 07/01/2011 128,500 128,500 Land Improvements: 293,220 272,180 400,680 400,680 Total: 421,720 400,680 Preferential Land: 0 0 0 0 **Transfer Information** LOGOS CONSTRUCTI ON COMPANY Price: Seller: Date: 07/20/1992 IMPROVED ARMS-LENGTH /9283/400 Deed1: Type: Deed2: Seller: Date: Price: Type: Deed1: Deed2: Seller: Date: Price: Deed1: Deed2: Type: **Exemption Information** 07/01/2010 07/01/2011 Partial Exempt Assessments Class 000 0 0 County 000 0 0 State 000 0 0 Municipal

Special Tax Recapture:

* NONE *











PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE SPECIAL HEARING PROPERTY ADDRESS 4036 CEDARSIDE DR. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION					
SUBDIVISION NAME CECARSIDE FARM					
PLAT BOOK # 60 FOLIO # 137 LOT # 34 SECTION #	Subject PROPERTY TRUMPET				
OWNER Timothy Sobus, GERADINE Tomsit-Sobus	The state of the s				
	W CERNASIDE DR				
	3				
	\$4 ()				
MEN	STEP OF				
AND AND THE STATE OF THE STATE	De la Color				
WATER JATION 2100009043	09				
Storm Reservation 7 19136 A RONDOSED	400				
Stok Res	VICINITY MAP				
7 3 3 3 3 3 3 5 5 D	SCALE: 1" = 1000'				
PROPOSED SCREENED STERS: PROPOSED OPEN DECK	LOCATION INFORMATION				
Porch 14'x 23' + 4'steps	ELECTION DISTRICT 11				
12-20	COUNCILMANIC DISTRICT 5				
73 3	1"= 200' SCALE MAP # 072A1				
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ZONING D.R. 55 + D.R. 3.5				
#4038	LOT SIZE .2533 11,035.00				
	SEWER SEWER				
	WATER 🔯				
Lot #34 #4036 BAY	YES NO				
WINDOW	CHESAPEAKE BAY CRITICAL AREA				
	100 YEAR FLOOD PLAIN				
188,30	HISTORIC PROPERTY/				
	PRIOR ZONING HEARING NONE				
	ZONING OFFICE USE ONLY				
NORTH	REVIEWED BY ITEM # CASE #				
PREPARED BY WINDWARD ASSOCIATES INC SCALE OF DRAWING: 1" = 30"	D.T. 0118 0118-A				