

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Bluemont Rd, 1,260 feet NE from
the c/l of Monkton Road
7th Election District
3rd Councilmanic District
(1208 Bluemont Road)

John D. and Ruth A. Honeycutt
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0196-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, John D. and Ruth A. Honeycutt for property located at 1208 Bluemont Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (detached carport) with a height of 20 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a carport measuring 22 feet x 24 feet x 20 feet high to protect their motor home from the elements. The carport sidewalls are 12 feet high and the roof trusses are 6.5 feet high from the bottom cord to the apex. No dwelling is located within 200 feet on either side of the of the property. The property contains 3.129 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated January 4, 2011, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 1-19-11

By [Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 4, 2011 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 Administrative Law Judge, 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.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 19th day of January, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (detached carport) with a height of 20 feet in lieu of the permitted 15 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

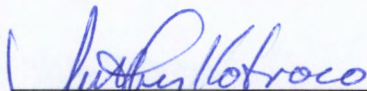
Date 1-19-11

2

By pr

4. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

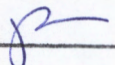
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 1-19-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 19, 2011

JOHN D. AND RUTH A. HONEYCUTT
1208 BLUEMONT ROAD
MONKTON MD 2111

Re: Petition for Administrative Variance
Case No. 2011-0196-A
Property: 1208 Bluemont Road

Dear Mr. and Mrs. Honeycutt:

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,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1208 BLUEMOUNT RD
which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3, BCZR TO PERMIT

A CARPORT WITH HEIGHT OF 20 FT IN LIEU OF THE
PERMITTED 15 FT

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 and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

JOHN HONEYCUTT

Name - Type or Print

Signature

RUTH HONEYCUTT

Name - Type or Print

Signature

1208 BLUEMOUNT RD

Address

443-4513123

Telephone No.

MONKTON

City

MD

State

21111

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 1-19-11 day of Jan, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2011-0196-A

REV 10/25/01

Reviewed By gum Date 12.17.10

Estimated Posting Date 12.26.10

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1208 BLUEMOUNT RD
Address
MONKTON MD 21111
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

FOR MOTORHOME TO FIT IN CARPORT, SIDOWALLS NEED TO BE 12' HIGH, ROOF TRUSSES ARE 6 1/2 FEET HIGH FROM BOTTOM CORP TO APEX. REQUEST ALLOWABLE HEIGHT OR 20'

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
JOHN HONEYCUTT
Name - Type or Print

[Signature]
Signature
RUTH HONEYCUTT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16TH day of DECEMBER, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN HONEYCUTT AND RUTH HONEYCUTT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 11-1-11

Zoning Description

Zoning description for 1208 Bluemount Rd.

Beginning at a point on the northwest side of Bluemount Rd. Which is 50 ft wide at the distance of 1260 ft northeast of the centerline of Monkton Rd which is 30 ft wide. Known as lot 1 in the subdivision of Bluemount Woods as recorded in Baltimore County Plat Book #43 Folio # 17 containing 3.129 acres also known as 1208 Bluemount Rd and located in the 7th Election District 3rd Councilman District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 62287

Date: 12.17.10

PAID RECEIPT

BUSINESS ACTUAL TIME
12/20/2010 12/17/2010 10:00:02

REC W303 WALKIN RD06 LRB
>>RECEIPT # 497832 12/17/2010 QFLP

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
601	806	0000		6150				75.00

Total: 75.00

Rec From: J. HONCHUTT

For: 2011-0176-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!

Dept 5 520 ZONING VERIFICATION
CR NO. 062287

Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

ADMINISTRATIVE
VARIANCE

CASE # 2011-0196-A
TO PERMIT A DETACHED CARPORT
WITH A HEIGHT OF 20 FEET IN LIEU OF
THE PERMITTED 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 11/15/11
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204
DO NOT REMOVE THIS SIGN AND POST IT BACK

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011-0196-A Address 1208 BLUEMONT Rd.

Contact Person: J. MERRIN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12.17.10 Posting Date: 12/26/10 Closing Date: 1/10/11

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.
3. **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 2011-0196-A Address 1208 BLUEMONT Rd.
Petitioner's Name JOHN HONEYCUTT Telephone 443-491-3123
Posting Date: 12/26/10 Closing Date: 1/10/11
Wording for Sign: To Permit A CARPORT WITH A HEIGHT
OF 20ft. IN LIEU OF THE PERMITTED 15ft.

WCR - Revised 7/7/08

CERTIFICATE OF POSTING

Date: 12-26-10

RE: Case Number: 2011-0196-A

Petitioner/Developer: John Honeycutt

Date of Hearing/Closing: 1/10/11

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 1208 Blue House Rd

The signs(s) were posted on 12-26-10
(Month, Day, Year)

Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

AV
1-10-11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



FEB 04 2011

ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 2, 2011

SUBJECT: Zoning Item # 11-196-A
Address 1208 Bluemont Road
(Honeycutt Property)

Zoning Advisory Committee Meeting of December 27, 2010.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. A proposed carport bldg. permit will be reviewed by Groundwater Mgmt., for septic and well setbacks. (The septic reserve area is in the general vicinity of this carport).

Reviewer: Dan Esser – Groundwater Management

Chung 1-10 *July-12*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: January 4, 2011

FROM: Michael J. Mayhew
(Acting) Director, Office of Planning

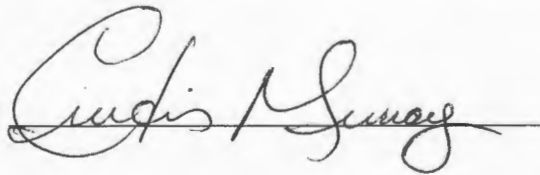
SUBJECT: 11-196 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (carport) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:
JM/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: January 4, 2011

FROM: Michael J. Mayhew
(Acting) Director, Office of Planning

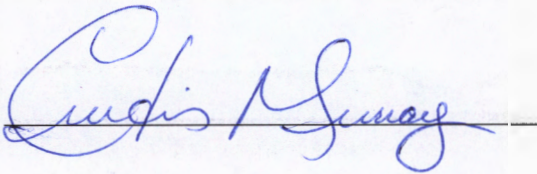
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For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:
JM/LL: CM



RECEIVED

JAN 10 2011

ZONING COMMISSIONER



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 7, 2011

John & Ruth Honeycutt
1208 Bluemont Rd
Monkton, Maryland 21111

Dear John & Ruth :

RE: 2011-0196-A Case Number , 1208 Bluemont Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 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:rjc
Enclosures

c: People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

Date: DEC 27, 2010

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

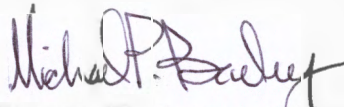
RE: Baltimore County
Item No 2011-0196-A
1208 BLUEMOUNT RD
BLUEMOUNT WOODS
ADMIN. VARIANCE -

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. 2011-0196-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


FOO Steven D. Foster, Chief
Access Management Division

SDF/mb

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 27, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 10, 2011
Item Nos. 2011- 192, 193, 195 and
196

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-01102011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

January 3, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **December 27, 2010**

Item No.:

Administrative Variance: 2011-0192A – 0193A, 0196A.

Variance: 2011-0194A – 0195A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

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

Account Identifier:

District - 07 Account Number - 1800005237

Owner Information

Owner Name: HONEYCUTT JOHN D Use:
HONEYCUTT RUTH A Principal Residence: 4
Mailing Address: 1208 BLUE MOUNT RD Deed Reference:
MONKTON MD 21111-1232

Location & Structure Information

Premises Address Legal Description
1208 BLUEMOUNT RD 3.129 AC 136299 SQ F
BLUEMOUNT WOODS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
22	17	280					1	2

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area
1981	1,908 SF	3.12 AC

Stories	Basement	Type	Exterior
SPFOY		SPLIT FOYER	FRAME

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2010 As Of 07/01/2011	
Land	193,920	157,500		
Improvements:	254,530	237,400		
Total:	448,450	394,900	448,450	394,900
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
RUHL CHARLES A	07/19/1979	
Type:	Deed1:	Deed2:
IMPROVED ARMS-LENGTH	/ 6050/ 530	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Rec
* NONE

RC 7

0707083054

1800005239

Lot # 3

20020498

1600006693

NW 28-B

2

20010184

1800005238

Lot # 2

1214

PDM # 070089

Pt. Bk./Folio # 043017

3 CD

SITE

7 ED 022B2

1800005237 Lot # 1

Pt. Bk. 43, Folio 17

RC 5

7

2300011164

PDM # 070070

Pt. Bk. 73, Folio 86

Pt. Bk./Folio # 073086

022C2

1208

BLUE MOUNT RD

1110

1800006487

19990013

0718072025

RC 2

1157

1112

NW 27-B

1600014454

1900011153
Pt. Bk. 73, Folio 109
Lot # 9

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1208 BLUEMOUNT RD

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

SUBDIVISION NAME BLUEMOUNT WOODS

PLAT BOOK # 43 FOLIO # 17 LOT # 1 SECTION #

OWNER JOHN & RUTH HONEYCUTT

JOHN D. HONEYCUTT
BLUEMOUNT WOODS
LOT # 1
EXH JR 43 FOLIO 17
7TH ELEC DIST

WOODS

PROPOSED
CARPORT
22' X 24' X 20'

WORKSHOP
SEPTIC
POOL
GARAGE
HOUSE

NO OTHER
DWELLINGS
WITHIN 200 FT
ON EITHER SIDE
OF THE SUBJECT
PROPERTY

WELL

BLUEMOUNT RD (50' ROW)

1260 FT TO E
OF MONKTON RD

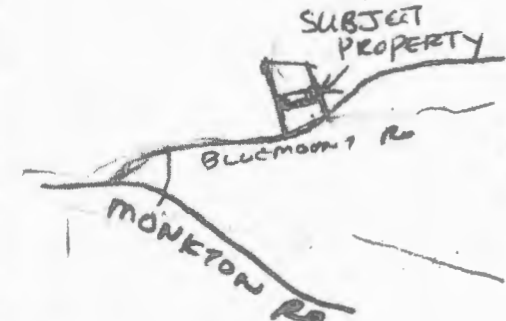


NORTH

P.O.B

PREPARED BY

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 7TH

COUNCILMANIC DISTRICT 3RD

1" = 200' SCALE MAP # 022B2

ZONING RC5 022C2

LOT SIZE 3.129 136,239.24
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #