IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Bullneck Road, 682 feet NE of the c/l of Dundalk Avenue 12th Election District 7th Councilmanic District (8122 Bullneck Road)

William Scott Weber
Petitioner

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0271-A

OPINION AND ORDER

This matter comes before this Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the subject waterfront property, William Scott Weber for property located at 8122 Bullneck Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage addition on the side of an existing dwelling with a side setback of 0.75 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a garage measuring 18 feet x 24 feet to accommodate his vehicle. The most affected property owner at 8124 Bullneck Road did not express any concerns about the proposal.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated March 17, 2011, which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management dated April 7, 2011 and offers the following comments:

ORDER RECEIVED FOR FILING

Date_ 4-20-11

 This lot is located within an Intensely Developed Area (IDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Relief to the side yard setback requirement will not impact any of the Critical Area requirements for this lot. The 10% pollutant reduction requirement and all BMA regulations must be addressed to minimize adverse impacts on water quality that result from development activities.

2. The zoning request will not result in any forest clearing or wetland impacts, and mitigation may be required for any new impervious surfaces on this lot. Therefore, the subject zoning

petition will conserve fish, wildlife, and plant habitat.

3. The CBCA regulations apply to development activities within the Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. Any proposed development activities must meet all IDA and BMA regulations.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 21, 2011, 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.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this day of April, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County

Zoning Regulations ("B.C.Z.R.") to permit a garage addition on the side of an existing dwelling

	RECEIVED FOR FILING
Date	4-20-11
Ву	N

with a side setback of 0.75 feet in lieu of the required 10 feet is hereby GRANTED, subject to the following:

- 1. 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.
- 2. The base flood elevation for this site is 7.7 feet [NAVD 88].
- 3. The flood protection elevation for this site is 8.7 feet.
- 4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
- 5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
- 6. The building engineer shall require a permit for this project.
- 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
- 9. This lot is located within an Intensely Developed Area (IDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The 10% pollutant reduction requirement and all BMA regulations must be addressed to minimize adverse impacts on water quality that result from development activities. Any proposed development activities must meet all IDA and BMA regulations.

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

4-20-1

3



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 20, 2011

WILLIAM SCOTT WEBER 8122 BULLNECK ROAD DUNDALK MD 21222

> Re: Petition for Administrative Variance Case No. 2011-0271-A Property: 8122 Bullneck Road

Dear Mr. Weber:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

TIMOTHY M. KOTROCO Administrative Law Judge

for Baltimore County

TMK:pz

Enclosure

c: Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286



CBCA/Flood TAX ACCOUNT # [A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8122 BULLNECK RD which is presently zoned S. 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) 1 8 0 2 3 C

TO PERMIT A GARAGE ADDITION ON SIDE OF EXISTING DWELLING WITH A SIDE SETBACK OF 0.75 FEET IN LIEU OF THE REQUIRED 10 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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	WILLIAM SCOTT WEREK
Name - Type or Print	Name - Type or Print & White
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	8712 BULINECK ROOD 4105300221
	Address Telephone Ng. DUNDALK MD 2/22
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Compensature Compensature Compensature	CARL DYHRBERG
1 1 / 1 / 1	1619 mussula ko 443 465689 4
Address ate Telephone No.	Address Telephone No. 212 8/2
City By State Zip Code	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, of this petition be set for a public hearing, advertised, as required by the zoning

CASE NO. 2011-0271-A

REV 10/25/01

Reviewed By ATSUI Date 3 4/11

Estimated Posting Date 3/27/11 ~ 4/11/11

Zoning Commissioner of Baltimore County

H

Affidavit in Support of Administrative Variance

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

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 based upon personal knowledge, the follo	owing are the facts upon		request for an Administrative
Variance at the above address (indicate hardsh	nip or practical difficulty):	which live base the	request for an Administrative
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That the Affiant(s) acknowledge(s) that if a fe	ormal demand is filed, Al	ffiant(s) will be req	uired to pay a reposting and
advertising fee and may be required to provide	additional information.		1
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Signature	Signature	10011 20 1	70000
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Name - Type or Print		ype or Print	
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STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:		
HEREBY CERTIFY, this 37 th day of Fe		Jol before me	e, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	ersonally appeared		13/10/
الاتمام كو the Affiant(s) herein, personally known or satisf	actorily identified to me as	such Affiant(s)	
the Amant(s) herein, personally known or satisf	actorily identified to the as	Such Amani(s).	vs
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REV 10/25/01	R. C.	1/6/	
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ZONING DESCRIPTION FOR 8122 BULLNECK ROAD

Beginning at a point on the North West side of Bullneck Road which is 50 feet wide at the distance of 682 feet North East of the centerline of the nearest improved intersecting street, Dundalk Avenue, which is 80 feet wide. Being Lot 15, Block 1 in the subdivision of "Plat of Murray Point, Section A, Dundalk" as recorded in the Baltimore County Plat Book 12, Folio # 83 containing 5,085 Square Feet. Also known as 8122 Bullneck Road and located in the 12th Election District,7th Councilmanic District.

2011-0271-A

OFFICE	OF BUD	GET AN	MARYLANI ID FINANC I RECEIPT	E		No.	647	14/11				
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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case #2011-0271-A

PETITIONER: William Weber

DATE OF CLOSING: April 11, 2011

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

8122 Bullneck Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: 3/21/11

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE#: 2011-0271-A

To permit a garage addition on side of existing dwelling a side setback of 0.75 feet in lieu of the required 10 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 IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON March 14, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE. TOWSON, MD. 21204

TEL. 410-887-3391





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2011- 0271 -A Address 8122 BULLNECK P.D
Contact Person: AARON TSUI Phone Number: 410-887-3391 Filing Date: 3/27/11 Closing Date: 4/11/11
Filing Date: 3 14/11 Posting Date: 3/27/11 Closing Date: 4/11/11
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. <u>DEADLINE:</u> 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 2011- 0271 -A Address 8122 BULLNECK RD
Petitioner's Name WILLIAM WEBER Telephone 443-465 689
Posting Date: 3 27/11 Closing Date: 4/11/11
Wording for Sign: To Permit A GARAGE ADDITION ON SIDE OF
EXISTING DWELLING A SIDE SETBACK OF 0.75 FEET
IN LIEU OF THE REQUIRED 10 FEET.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 6, 2011

Mr. William Scott Weber 8122 Bullneck Road Dundalk, MD 21222

RE: Case Number 2011-0271A, 8122 Bullneck Road

Dear Mr. Weber,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 14, 2011. 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:mcn

Enclosures

c: People's Counsel

Carl Dyhrberg, 1619 Mussla Road, Towson, MD 21204



KEVIN KAMENETZ County Executive JOHN J. HOHMAN, Chief Fire Department

March 16,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: March 21, 2011

Item No.:

Administrative Variance: 2011-0265A, 2011-0268A, 2011-0271A, 2011-0273A

Special Hearing: 2011-0267-SPHA, 2011-0269-SPH, 2011-0270-SPHX

Special Exception: 2011-0270-SPHX

Variance: 2011-0267-SPHA,

Comments:

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

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

dmuddiman@baltimorecountymd.gov

cc: File



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

Maryland Department of Transportation

Date: MARCH 25,2011

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

RE: Baltimore County

Item No 2011-0271-A 8122 BULLHECK ROAD WM SCOTT WEBELZ

ADMIN. VARLANCEL

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. 2011-02.71-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,

Steven D. Foster, Chief

Access Management Division

SDF/mb

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: March 17, 2011

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 28, 2011 Item No. 2011-271

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

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

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

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

DAK:CEN:cab

cc: File

ZAC-ITEM NO 11-271-03282011.doc

BALTIMORE COUNTY, MARYLAND BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

APR 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO:

Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

April 7, 2011

SUBJECT:

DEPS Comment for Zoning Item

11-271-A

Address

8122 Bullneck Road

(Weber Property)

Zoning Advisory Committee Meeting of March 21, 2011.

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

- This lot is located within an Intensely Developed Area (IDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Relief to the side yard setback requirement will not impact any of the Critical Area requirements for this lot. The 10% pollutant reduction requirement and all BMA regulations must be addressed to minimize adverse impacts on water quality that result from development activities.
- The zoning request will not result in any forest clearing or wetland impacts, and mitigation may be required for any new impervious surfaces on this lot. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
- 3. The CBCA regulations apply to development activities within the Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. Any proposed development activities must meet all IDA and BMA regulations.

Reviewer: Thomas Panzarella; Environmental Impact Review

Maryland Department of Assessments and Taxation Real Property Data Search (vw6.2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemptio
GroundRent Registratio

Accoun	t Identifier:			District - 12 Accou	unt Number - 1	213085740					
					Owner Inform	mation					
Mailing Address: 8122 BULL			WILLIAM SCOTT LLNECK RD ORE MD 21222-6029		Use: Principal Residence: Deed Reference:				RESIDENTIAL YES 1) /10867/ 00397 2)		
				Loc	ation & Structur	e Information					
	es Address LLNECK RD					egal Descrip					
						URRAY POIN					
<u>Мар</u> 0110	Grid 0005	Parce 0030	Sub District	Subdivision 0000	Section A	Block 1	<u>Lot</u> 15	Assessment A	rea	Plat No: Plat Ref:	0012/
Special '	Tax Areas	1	Town NC Ad Valorem Tax Class	NE							
Primary 1943	Structure l	Built		Enclosed Area 1,815 SF		Property 5,246 SF	Land Ar	rea	3	County Use	
Stories 2.000000	Basemen		Type E STANDARD UNIT SI	xterior DING					()		
					Value Inform	nation					
			Base Value	Value As Of 01/01/2009	Phase-in Asso As Of 07/01/2010	As Of 07/01/20	11				
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Seller: Type:						Date: Deed1:			Price: Deed2:		
					Exemption Info	ormation					
Partial County State Municit		essmen	ts			Class		07/01/2011		07/01/2012 0.00 0.00 0.00	
Tax Exempt: Exempt Class:						***			Tax Recap NONE *	ture:	



Address 8108 Buttneck Road

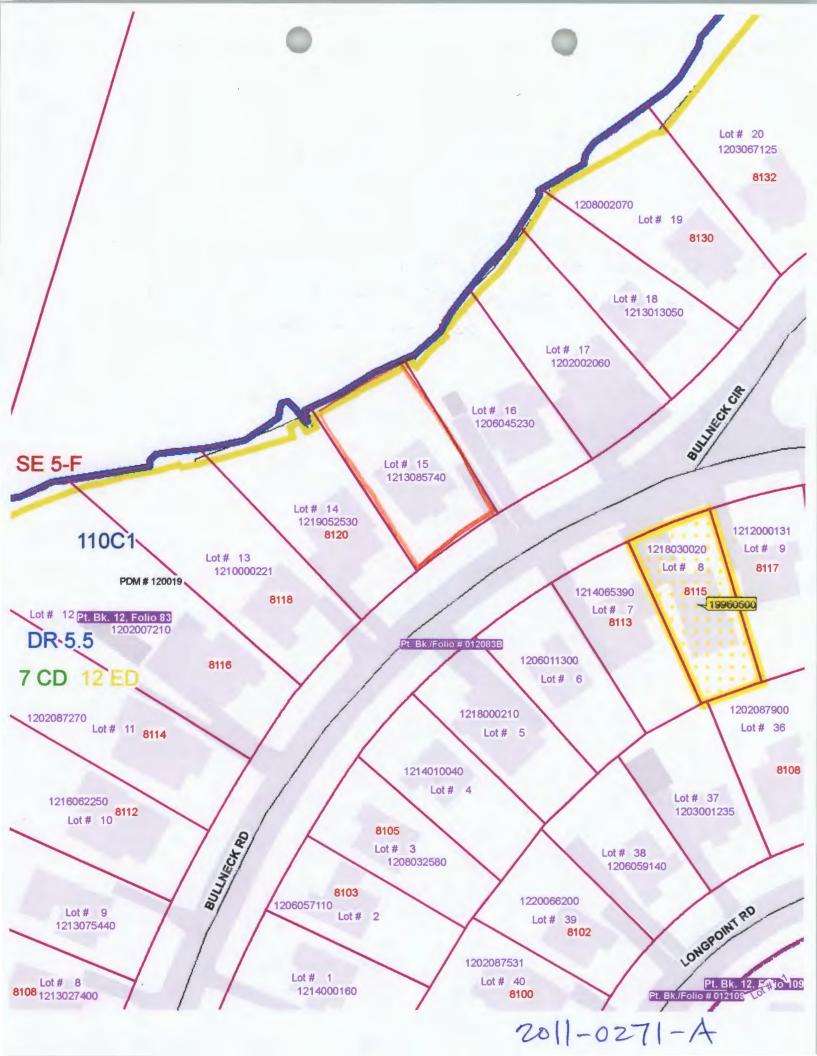
Address is approximate





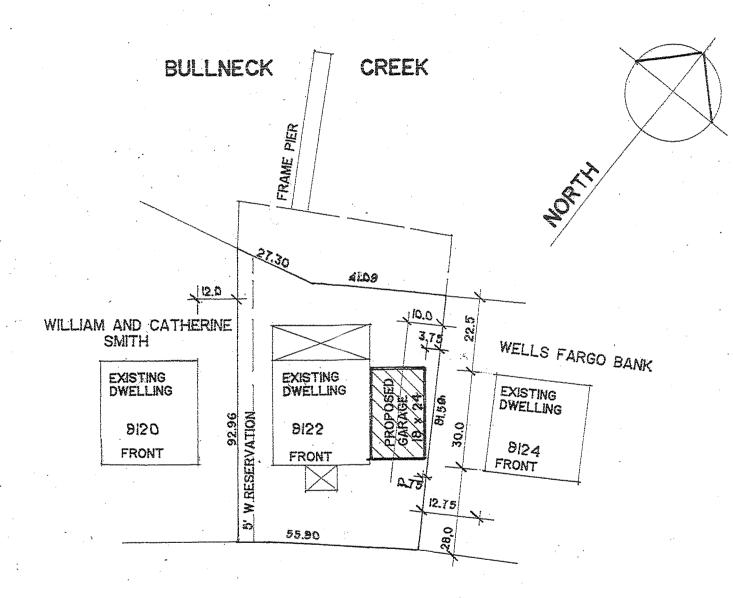


2011-0271-A



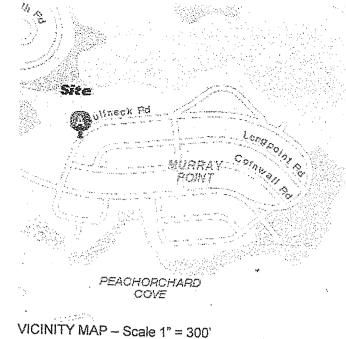
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

8122 BULLNECK ROAD IN THE SUBDIVISION OF MURRAY POINT PLAT BOOK # 0012, FOLIO # 0083, LOT #15, SECTION # A OWNER: WILLIAM SCOTT WEBER



BULLNECK ROAD

50' WIDE R / W.



LOCATION INFORMATION

ELECTION DISTRICT 12 COUNCILMANIC 1'=200' SCALE MAP # 040110- \ (() C ZONING - DR 5.5 LOT SIZE 5.246 SQUARE FEET ACRES PUBLIC SEWER - YES

PUBLIC WATER - YES CHESAPEAKE BAY CRITICAL AREA - NO YES 100-YEAR FLOOD PLAIN -NO YES NO

HISTORIC PROPERTY-PRIOR ZONING HEARING -

NONE

ZONING OFFICE USE ONLY

REVIEWED BY TEM# CASE#

10271/2011-027/-A ATSILI