IN RE: PETITION FOR ADMIN. VARIANCE (1600 Nicodemus Road)

7th Election District 4th Councilmanic District William T. and Heather Petry Petitioners **BEFORE THE**

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0273-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, William T. and Heather Petry, for property located at 1600 Nicodemus Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage/shed) to be located in the front yard of the principal dwelling in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 31, 2013, 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

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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 Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the garage/shed 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.

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 <u>21st</u> day of June, 2013, that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage/shed) to be located in the front yard of the principal dwelling in lieu of the required rear yard, be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their appropriate permits 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, 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 garage/shed shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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3. The garage shall not be used for commercial purposes.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

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Date 6-2175

By (Du)



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

June 21, 2013

William T. Petry Heather Petry 1600 Nicodemus Road Reisterstown, Maryland 21136

Re: Petition for Administrative Variance

Case No. 2013-0273-A

Property: 1600 Nicodemus Road

Dear Mr. and Mrs. Petry:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMIL STRATIVE ZONING PETION FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law	of Baltimore County for the property located at:
Deed Reference 27404 00514 Property Owner(s) Printed Name(s) William T.	which is presently zoned KC9 10 Digit Tax Account # 1 9 0 0 0 / 2 / 60 Petry and Heather Petry
	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) it on the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and le a part hereof, hereby petition for a
1. X ADMINISTRATIVE VARIANCE from section(s)	
Section 400.1 – to permit a proposed deta in the front yard of the principal dwelling	ached accessory structure (garage) to be located g in lieu of the required rear yard
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
Section 32-4- 416(a)(2): (indicate type of work in this space	ove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and e to raze, alter or construct addition to building)
restrictions of Baltimore County adopted pursuant to the zoning law for Ba	ations. etc. and further agree to and are to be bounded by the zoning regulations and
Contract Purchaser/Lessee:	Legal Owners:
Name- Type or Print	Name #1 - Type of Plint Name #2 - Type or Print Name #2 - Type or Print
Signature	1600 Nicodemus Rd. Reisterstown MD
Mailing Address City State / / / Zip Code Telephone # Email Address	Mailing Address City State 21136 1443-655-0139 william, petry ous, a Zip Code Telephone# Email Address
Attorney for Petitioner:	Representative to be contacted:
Name- Type or Print SOR FILING	Name - Type or Print)
Name-Type or Print Signature ORDER RECEIVED FOR FILING	1600 Nicodemus Rd. Reisterstown MD
Mailing Address City State	Mailing Address City State 21136 1443-655-0139 William, Detry Que. ar
Zip Code By Felephone # Email Address A PUBLIC HEAPING having formally demanded and/or found to be a	Zip Code Telephone # Email Address /
thisday of,that the subject matter regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
Admini	istrative Law Judge of Baltimore County
	2
CASE NUMBER 2013 - 0273 - A Filing Date 5/	20, (3 Estimated Posting Date 6, 12, 13 Reviewer

Rev 10/12/11

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: Neo Nicodenus Rd Print or Type Address of property	Beisterstown	M D State	2113(o Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
Placing the shed in the desired better operational use and structure is placed else a lives directly behind the abolives directly behind the abolives will require adout funds. Due to the slope of the rather than built into the slope of transfer and an eye sare by sit down in elevation (appropriant the main dwelling. The green), as to not stand out	more reliable pract where it will intro but listed residence onal building mate he ward the structure erause of the woods ximately 10') and a	real use of a large which is will sit in the poroximately	the yard. If the a neighbor, who cannot be structure will doct additional we to be built up, a side corner of yar ant, as well it will a 110 off to the side,
Signature of Affiant Name- Print or Type The following information is	Signa	ature of Affiant Tother M. ne- Print or Type	20 July
STATE OF MARYLAND, COUNTY O	F BALTIMORE, to wit:		
HEREBY CERTIFY, this 20 +h and for the County aforesaid, personally a	day of <u>MAY</u> , <u>3()/</u> appeared	3, before me	a Notary of Maryland, in
William T. Potry and Inthe Affiant(s) herein, personally known or	leather M. Petry satisfactorily identified to m	ne as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Sea	Notary Public My Commission Expires	may	Linda P. Hurray

Item #0273 REV. 10/12/11

ZONING PROPERTY DESCRIPTION FOR 1600 Nicodemus Road, Reisterstown, Maryland 21136

Beginning at a point on the North side of Nicodemus Road, which is fourteen (14) feet wide at the distance of 1800 feet East of the centerline of the nearest improved intersection street Ivy Mill Road, which is fourteen (14) feet wide.

Thence the following courses and distances: seventh line (1) North 66 degrees 20 minutes 00 seconds Ease 168.35 feet, thence leaving said road and sad outline (2) North 17 degrees 32 minutes 00 seconds West 15.23 feet to the end of the forth line of the parcel heretofore conveyed unto Robert L. Barley and Wife, and thence running with and binding on the fifth and sixth lines thereof the two following courses and distances vis: (3) North 17 degrees 32 minutes 00 seconds West 187.44 feet, and (4) South 72 degrees 28 minutes 00 seconds West 280.10 feet to intersect the fifth line of the whole tract and thence binding thereon in part and on the sixth line of said whole tract the two following course and distances vis: (5) South 17 degrees 32 minutes 00 seconds East 221.90 feet to the point in the center of Nicodemus Road and thence binding thereon (6) North 71 degrees 50 minutes 00 seconds East 112.80 feet to the place of beginning, as recorded in Deed Liber No. 1440, folio 114, containing 1.386 acres. Located in the 7th Election District and 4th Council District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Petitioner: Lilliam T. Petry Address or Location: 1600 Nicodemus Rd., Reisterstown, MD 2113
PLEASE FORWARD ADVERTISING BILL TO: Name: William T. Petry Address: 1600 Nicodemus Rd. Reisterstown MO 21136
Telephone Number: 410-526-0859

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20 13- 02	73 -A	Address _	1600	Nicodemus Rd	-
Contact Person:	David Dus Planner, Please Print You	va (ur Name	F	Phone Number: 410-887	-3391
Filing Date: $\frac{5}{20/13}$	Pos	sting Date:	2/13	Closing Date: 6/1	7/13
Any contact made with the through the contact person	nis office regardi	ng the status	of the adm		
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2. <u>DEADLINE:</u> The class formal request for a public	r a public hearing	ng. Please u	understand th	r owner within 1,000 feet nat even if there is no fo closing date.	to file ormal
commissioner. He order that the matte within 10 days of	may: (a) grant t r be set in for a p the closing date has been grante	the requested ublic hearing. if all County	relief; (b) de You will rece agencies' c	the zoning or deputy zeny the requested relief; eive written notification, usomments are received, blic hearing. The order war	or (c) sually as to
(whether due to a commissioner), not changed giving notice.	neighbor's forma fication will be f se of the hearing	al request or forwarded to date time ar	by order of you. The s	nat must go to a public he the zoning or deputy z sign on the property mu as when the sign was orig ared sign must be forward	oning st be sinally
	(De	etach Along Dotted L	ine)		
Petitioner: This Part of the	ne Form is for th	e Sign Poste	er Only		
USE	THE ADMINISTR	RATIVE VARI	ANCE SIGN	FORMAT	
Case Number 2013 02	73 -A Add	dress 160	O Nicoo	lemus Rd	
Petitioner's Name Wm	- H Petry		Те	lephone 443 - 655 -	0139
Posting Date: 6 2	/13	Clo	osing Date:	6/17/13	
Wording for Sign: To Pe	rmit a propose	ed detack	ned access	ory structure	
(garage) to be	ocated in th	e front y	and of t	the principal	
dwelling in lieu	of the re	quired re	ear yard		
J			/		

	OFFICE	OF BUD	GET AN	IARYLAN D FINANC RECEIPT	E		No.	-/	727		PAID RECEIPT BUSINESS ACTUAL TIME	iku i
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 05/31/2013

Case Number: 2013-0273-A

Petitioner / Developer: WILLIAM PETRY
Date of Hearing (Closing): JUNE 17, 2013

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:

1600 NICODEMUS ROAD

The sign(s) were posted on: MAY 31, 2013



(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)

MEMORANDUM

DATE:

July 25, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0273-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 22, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

CASE NO. 2013- 0273-9

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
6-7	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	N.
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
65	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	· · · · · · · · · · · · · · · · · · ·
	COMMUNITY ASSOCIATION	
And the second second	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER AI	OVERTISEMENT Date:	
SIGN POSTING	Date: 5-31-43	by O Keafe
PEOPLE'S COUN	NSEL APPEARANCE Yes No	
PEOPLE'S COUN	NSEL COMMENT LETTER Yes No	
Comments, if any:	:	



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

June 18, 2013

William T. & Heather M. Petry 1600 Nicodemus Road Randallstown MD 21136

RE: Case Number: 2013-0273 A, Address: 1600 Nicodemus Road

Dear Mr. & Ms. Petry:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 20, 2013. 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: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 07, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 10, 2013

Item Nos. 2013-0273, 0274, 0275,

0276,0277,0279,0281,0282,0283,0284,0285,0286,0287 and 0288.

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

DAK:CEN Cc: file

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-5-13

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

RE: **Baltimore County**

Hem No 2013 0273-A Helministrative Variance William T. & Heatherm. Petry 1600 Nicodemus Road

Dear Ms. Lewis:

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. 2013-0273-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

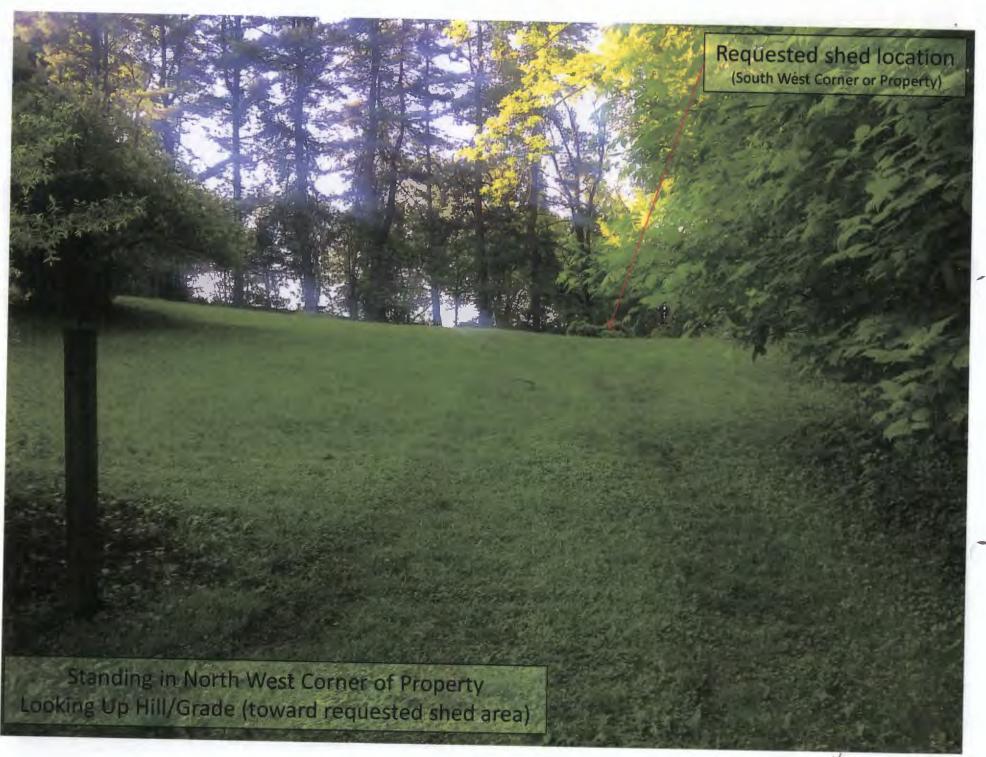
Steven D. Foster, Chief

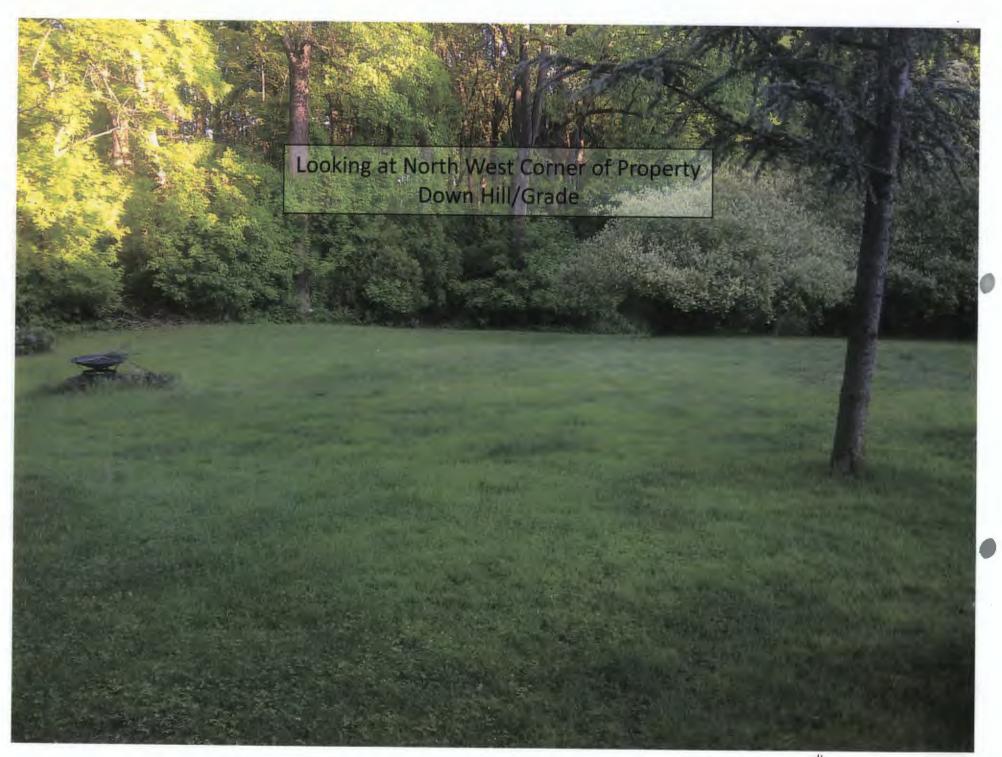
Access Management Division

SDF/raz

Maryland Department of Assessments and Taxation Real Property Data Search (vw4.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

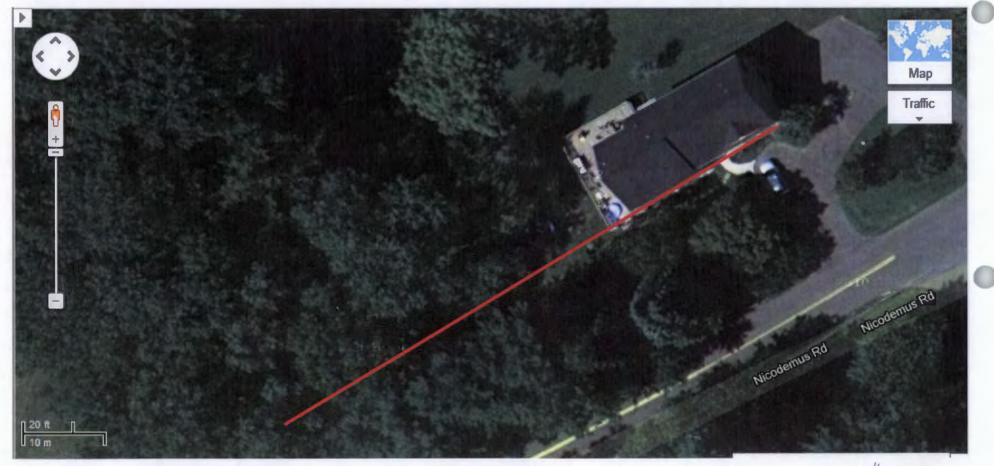
Account	<u>Identifier:</u>		Dist	rict - 04 Account !	Number - 1900	012160			
				Ow	ner Information	1			
Owner N	ame:		PETRY WILLIA PETRY HEATH			Use:	cipal Residence:		RESIDENTIAL YES
Mailing A	Address:		1600 NICÓDEM REISTERSTOW	US RD N MD 21136-5831		Deed	Reference:		1) /27404/ 00514 2)
				Location &	& Structure Info	rmation			
Premises 1600 NICC 0-0000	Address DEMUS R	D			Legal Descr 1.386 AC 1600 NICOD 1500 E IVY N	EMUS I			
Map 0048	Grid 0019	Parcel 0553	Sub District	Subdivision 0000	Section	Blo	ck Lot	Assessment Ar	Plat No: Plat Ref:
Special T	ax Areas		Town Ad Va Tax C		NONE				
Primary S 1949	Structure	Built	-	nclosed Area 031 SF		operty 800 AC	Land Area	0	County Use 4
Stories 2.000000	Baseme YES		Externology Extern						
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Seller: Type:	SUSEL G	ARY ENGTH IMP	ROVED			te: ed1:	10/23/2006 /24660/ 00641	Price: Deed2:	\$104,279
Seller: Type:	RITZ JOH NON-ARI	IN F MS LENGTI	H OTHER			te: ed1:	05/09/2006 /23810/ 00125	Price: Deed2:	\$279,001
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Tax Exen Exempt (Sı	pecial Tax Recap NONE	ture;
				Homestead	Application Info	ormatio	n		
Homestea	d Applica	tion Status		Approved 11/15/	2008				







Birds Eye/Satellite View – 1600 Nicodemus Road, Reisterstown, MD 21136



Birds Eye/Satellite View – 1600 Nicodemus Road, Reisterstown, MD 21136



Item # 0273

Birds Eye/Satellite View – 1600 Nicodemus Road, Reisterstown, MD 21136



Item # 0273

Street View – Headed West by Southwest on Nicodemus Road (at 1600 Nicodemus Road Property)



Street View – Headed West by Southwest on Nicodemus Road (at 1600 Nicodemus Road Property)



Street View – Headed West Southwest on Nicodemus Road/Looking North by Northwest (at 1600 Nicodemus Road Property)



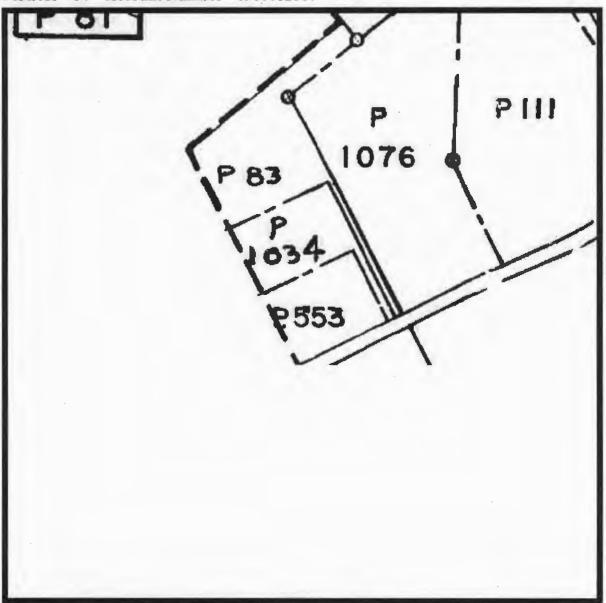
Item #6273



Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

<u>Go Back</u> View Map <u>New Search</u>

District - 04 Account Number - 1900012160



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ___ (MARK TYPE REQUESTED WITH X) ADDRESS 1600 NICODEMUS RD OWER(S) NAME(S) WILLIAM & HEATHER PETRY SUBDIVISION NAME N/A LOT# N/A BLOCK # N/A SECTION # N/A PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 1900012160 DEED REF # 27404/00514 S72°28'00"W 280.10' Bushes Shed Tree Tree 221.90 16'x40' 3.00.Z 00, Proposed Grey water drainage **Shed Site** fields 110' FRONT Tree 20'x Play 22' Tree Tree Tree Tree Tree Tree Tree **Tree** Tree N71°50'00"E 112.80' NICODEMUS RANGE 20'00"E



MAP IS NOT TO SCALE

ZONING MAP# 043A3 SITE ZONED RC4 **ELECTION DISTRICT 7TH** COUNCIL DISTRICT 4TH **LOT AREA ACREAGE 1.386 OR SQUARE FEET 60,374** HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO **UTILITIES? MARK WITH X** WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC __ PRIVATE X **PRIOR HEARING? NO** IF SO, GIVE CASE NUMBER AND ORDER RESULT BELOW:

VIOLATION	CASE	INFO:
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#2013-0273-A

Pet. Exe 1