MEMORANDUM

DATE:

May 4, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0198-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 1, 2015. 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

IN RE: PETITION FOR ADMIN. VARIANCE (3510 Old Court Road)

3rd Election District 2nd Council District Shimon Y. Messing Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0198-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Shimon Y. Messing ("Petitioner"). The Petitioner is requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed replacement detached accessory structure (swimming pool) to be located in the side yard in lieu of the required rear. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 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 submitted from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 14, 2015, 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 (B.C.C.). 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

Date	4-1-15	
By	(uq	

ORDER RECEIVED FOR FILING

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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>1</u>st day of **April**, **2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed replacement detached accessory structure (swimming pool) to be located in the side yard in lieu of the required rear, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioner may apply for his appropriate permits 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, Petitioner 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

Date	4-1-15	
Bv	(Seq	2

ORDER RECEIVED FOR FILING



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

April 1, 2015

Shimon Y. Messing 3510 Old Court Road Baltimore, Maryland 21208

RE:

Petition for Administrative Variance

Case No. 2015-0198-A

Property: 3519 Old Court Road

Dear Petitioner:

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

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

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Stephen Clancy, P.O. Box 190, Lisbon, MD 21765



ADMISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

	To be filed with the Department of Permits, Approvals and Inspections	
e	of Administrative Hearings for Baltimore County for the prop	perty located at:

								C acquirity for mic brake	or ty it can	
Address	3510	OLD	COURT	CD.	BA	LTIMOTE	EMD	Currently zoned _	DR-2	
	ence 288	111	IMALLIC	7 a '			10 Digi	it Tax Account # 0308	05699	40
Owner(s) P	rinted Name(s	s)	SHIM	NC	M	FSSI	NG			

Owner(s) Printed Name(s) SHIMON ME	FSSING
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPR	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	reverse of this Petition form must be completed and notarized.
attached hereto and made a part hereof, hereby petition to	e in Baltimore County and which is described in the plan/plat or an:
1. V ADMINISTRATIVE VARIANCE from Section(s)	400.1 - to PETMIT A Proposer SSORY STRUCTURE (SWIMMING POOL)
to be located in the SIDE	YARD IN HEU of the required rel
of the zoning regulations of Baltimore County, to the zoning	g law of Baltimore County.
County Code: (indicate type of work in this space: i.e., to read of the Baltimore County Code, to the development law of E Property is to be posted and advertised as prescribed by the zoning regular	Baltimore County. lations. c. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/>=titioner(s):
	SHIMON MESSING / Name #1 - Type or Print Name #2 - Type or Print
	Lug () my
OB FILING	Signature # 2 Signature # 2
SEIVED FOIL	3510 OLD COURT RD BALTIMORE MD Mailing Address City State
ORDER RECEIVED FOR FILING	21208-3123, 443-864 -8864 ISHIMMESS@C. INT Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	STEPHEN CLANCY
Name- Type or Print	Name—Type or Print Colon Col
Signature	P.O. Box 190 Lisbow MD
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address LANDSCADING, COM
A PUBLIC HEARING having been formally demanded and/or found county, this day of that the subject required by the zoning regulations of Baltimore County.	to be required, it is a redered by the Office of Administrative Hearings for Baltimore oct matter of this petition be set for a public hearing, advertised, and re-posted as
Admir	nistrative Law Judge for Baltimore County
	3.15.15

CASE NUMBER 2015-0198-4	Filing Date 3,10,15	Estimated Posting Date 3 15, 15	Reviewer_ JS
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Affidavit in Support of Aministrative Variance (THIS AFFIDAVIT IS NOT REQUIRED. OR AN HISTORIC ADMINISTRATIVE SIZUAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3570 OUD COURT RD BALTIMORE MD 2120 9 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
We would like to Replace A 45 Year OLD Por (20×40) with a New Pool (72'x44') in the same TOCATION. THE NEW Pool will meet or exceep all NATIONAL POOL CODES. THE BRADES IN the REAT YARD ARE VERY STEED MAKING IT IM POSSIBLE to TOCATE A POOL THERE.
THE (2) ADTOINING Property owners, Howard Perlow@ 3512 OUD COURT RD AND STEVE ROSENDAUM @ 3508 OUD COURT PO have Approved the Pool Renovarion of the MESSING RES THE GRADES AND DIAINAGE PATTERNS SUCROUNDING THE Project Will remain the same.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Owner (Affiant) SHI MOW MESSING
Name- Print or Type Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 9 day of Mucch, 2015, before me a Notary of Maryland, in
and for the County aforesaid, personally appeared:
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal
My Commission Express V COUNTY MONTGOMERY COUNTY MARYLAND MY COMMISSION EXPIRES JULY 24, 2018 REV. 5/8/2014



January 27, 2015

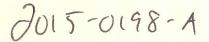
Part A

1. ZONING PROPERTY DESCRIPTION FOR 3510 Old Court Rd.

*Beginning at a point on the south side of Old Court Rd, which is 50 feet wide of right of way, at the distance of 265 feet (+/-) east of the centerline of the nearest improved intersecting street, Stevenson Rd, which is 60 feet wide right of way.

Option 2

Being parts of lots #3, 4, 24, & 25, Section#1, in the subdivision of Dumbarton, as recorded in Baltimore County Plat Book, #7, Folio# 151, containing 1.75 acres, total. Located in the 3rd Election District and the 2nd Council District.



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Nu	umber 2015-	0198	-A Add	dress 3510 04	COURT RD
Contact	Person:	3502 Stide	ease Print Your Name		Phone Number: 410-887-3391
Filing D	ate: 3 10	15	Posting D	ate: 3 15 15	Closing Date: 3 30 15
Any corthrough	ntact made withe contact pe	vith this office erson (planne	e regarding the	status of the ad e number.	ministrative variance should be
re is pı	everse side of eposting must again respon	f this form) a be done only nsible for all	nd the petitione by one of the sassociated cost	r is responsible fo sign posters on the s. The zoning no	sters on the approved list (on the or all printing/posting costs. Any approved list and the petitioner office sign must be visible on the remain there through the closing
а	formal reque	est for a pub	lic hearing. Pl		or owner within 1,000 feet to file that even if there is no formal e closing date.
W OI	ommissioner. rder that the r rithin 10 days	He may: (a natter be set s of the clos stition has bee	a) grant the req in for a public he ing date if all (en granted, den	uested relief; (b) (earing. You will re County agencies'	by the zoning or deputy zoning deny the requested relief, or (c) eceive written notification, usually comments are received, as to bublic hearing. The order will be
(w ct pc	vhether due ommissioner), nanged giving	to a neighbor notification notice of the	or's formal requivall be forward hearing date, the hange and a ph	est or by order of ed to you. The ime and location, otograph of the al	that must go to a public hearing of the zoning or deputy zoning sign on the property must be As when the sign was originally tered sign must be forwarded to
Petition	er. This Part	of the Form	is for the Sign		N
·				VARIANCE SIGN	LEORMAT
Case Nu				3510 OLD COU	
Petitione	r's Name M	ESSING		T	elephone 443-864-8864
Posting	Date:3	-15-15		Closing Date:	3-30-15
Wording	for Sign: _To	Permit AN	EXISTING PO	DOL IN THE 5186	YARD TO BE REPLICED
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YALD	PUCEMENT		•		

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. <u>For those petitions which require a public hearing</u>, 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:
Item Number or Case Number: 2015-0198-4
Petitioner: SHIMOW MESSING
Address or Location: 3510 OLD COURT RD, BACTIMORE, MD
2/208-3/23
PLEASE FORWARD ADVERTISING BILL TO:
Name: SHIMON MESSING
Address: 3510 OLD COURT RD, BACTIMURE, MD
21208-3123
Telephone Number: 443 - 864 - 8864

OFFIC	E OF BUI	DGET AN	MARYLAN D FINANC RECEIPT	E		No. Date:		21528	PAID RECEIPT BUSINESS ACTUAL TIME IN 3/10/2015 3/10/2015 14:01:49
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/14/2015

Case Number: 2015-0198-A

Petitioner / Developer: MESSING ~ STEVE CLANCEY of TOWN CREEK

LANDSCAPING, POOLS & CONSTRUCTION

Date of Hearing (Closing): MARCH 30, 2015

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: 3510 OLD COURT ROAD

The sign(s) were posted on: MARCH 14, 2015



Linda O Keefe (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)



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

March 31, 2015

Shimon Messing 3510 Old Court Road Baltimore MD 21208

RE: Case Number: 2015-0198 A, Address: 3510 Old Court Road

Dear Mr. Messing:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 10, 2015. 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: jaw

Enclosures

c: People's Counsel Stephen Clancy, P O Box 190, Lisbon MD 21765

3/22/15 WCA

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

MAR 2 4 2015

TO:

Arnold Jablon, Director

DATE: March 18, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 23, 2015

Item No. 2015-0197, 0198, 0199 and 0201

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

DAK:CEN cc:file



Larry Hogan, Governor Boyd Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 3/14/15

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 2015-0198-A. Administrative Variouce Shimon Messing

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/16/15. A field inspection and internal review reveals that an entrance onto 145/3 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance.

Case Number 2615-0198-4.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief/

Development Manager

Access Management Division

SDF/raz

CASE NO. 2015- 0198-A

CHECKLIST

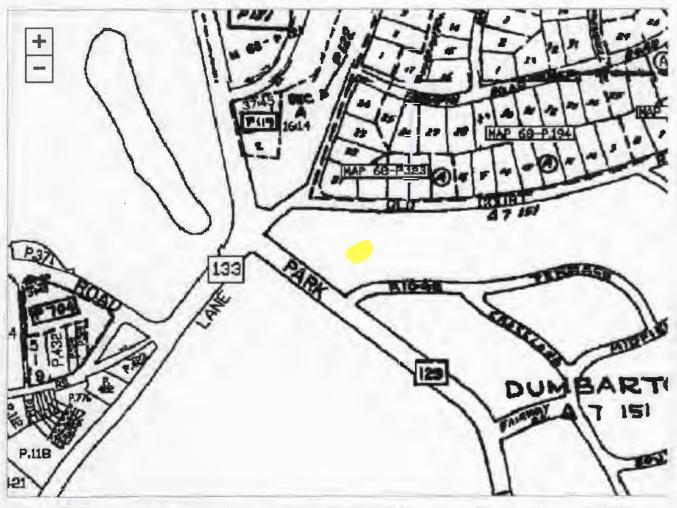
Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
3-18	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO
	DEPS (if not received, date e-mail sent)	•
,	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
3-14	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	No objection
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No.)
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 3-14-15	by. O' Keeper
	SEL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	
Comments, if any:		

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Mailing Address:	3510 OL	D COURT RD ORE MD 21208-	-3123 Deed Reference:				/28814/	00408				
		Location & S	tructure In	formation								
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Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 03 Account Number: 0308056940



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 (http://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 (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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Loading... Please Wait.

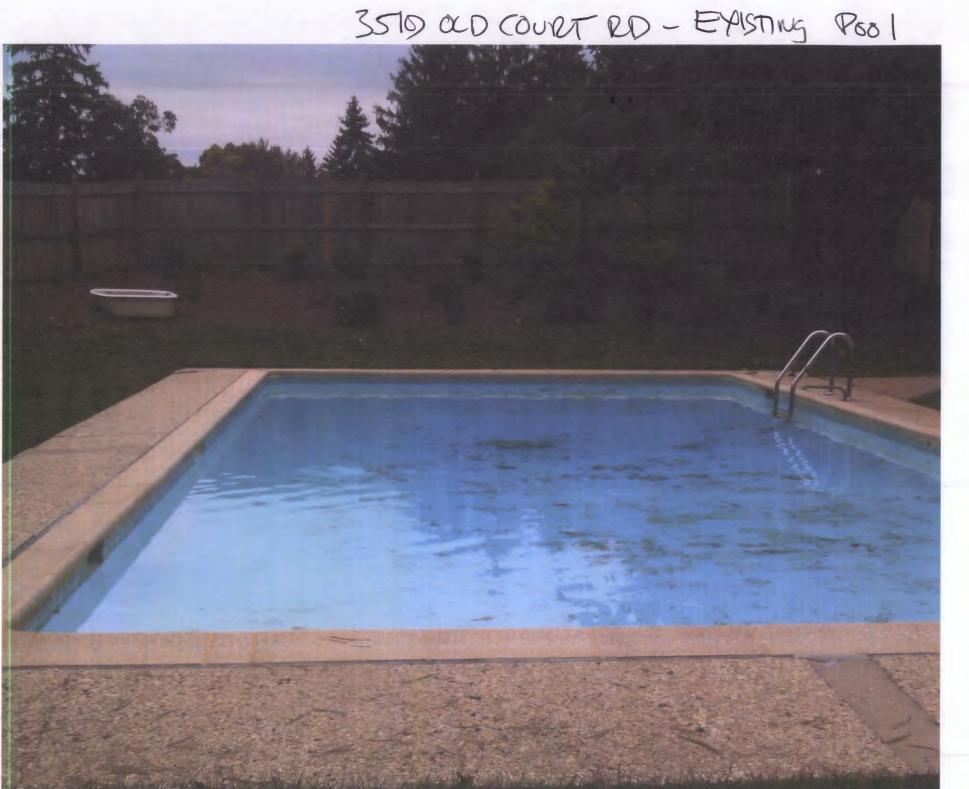
3510 OLD COURT RD - BARRYARD

3519 OLD COURT RD - BARRYARD

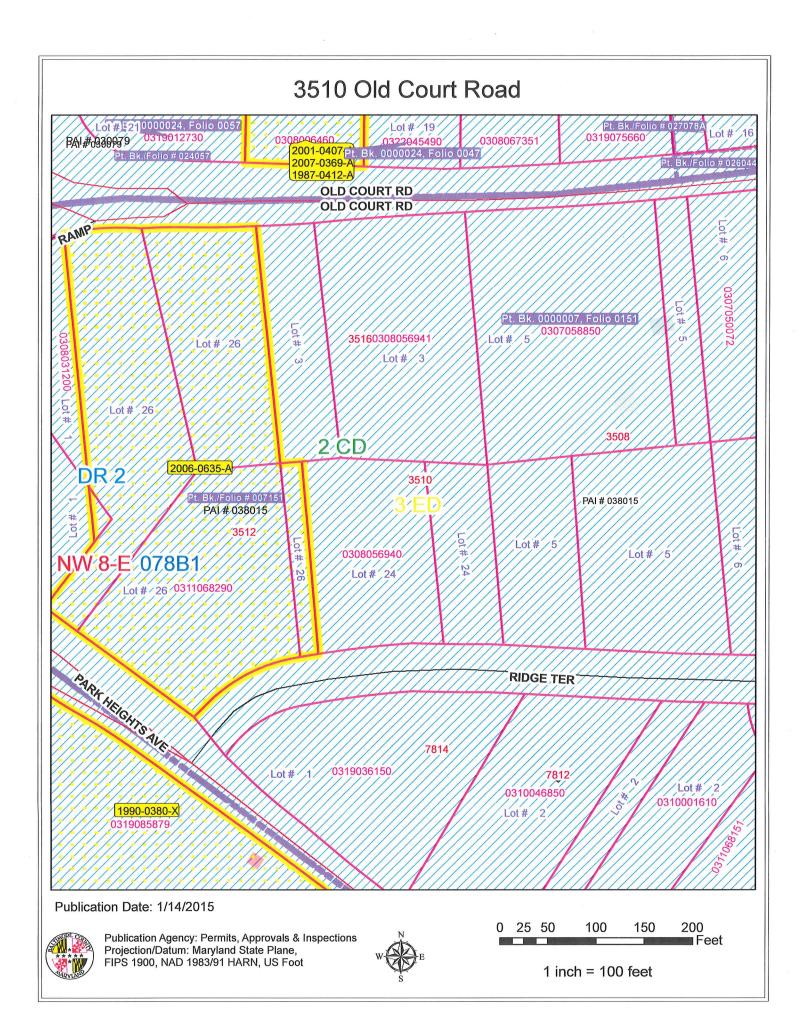


3570 OLD COURT RD EXISTING POOL









G HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) S 3510 OLD COURT RO OWNER(S) NAME(S) SHIMON MESSING ISION NAME DUMBARTON LOT# 24+25 BLOCK # - SECTION # 1 DOK# 7 FOLIO# 151 10 DIGITTAX # 0308056940 DEED REF. # 28814/00408	SITE VICINITY MAP SITE VICINITY MAP OLD COURT ED OLD CO
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DRAWN BY DATESCALE: 1 INCH = 60 FEET	VIOLATION CASE INFO:

2015-0198-A.

PLAN DRAWN BY DATE SCALE: 1 INCH = 60 FEET VIOLATION CASE INFO: C. C	ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 3510 OLD COURT RO OWNER(S) NAME(S) SHIMON MESSING SUBDIVISION NAME DUMBARTON LOT# 24+25 BLOCK # — SECTION # 1	SITE VICINITY MAP SITE VICINITY MAP RD' RD' SEP OLD COURT RD 3400
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2015-0198-4.