IN RE: PETITION FOR ADMIN. VARIANCE (18802 Fox Chase Ct.)

6th Election District 3rd Council District Richard A. & Denise M. Salamone Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0233-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, Richard A. & Denise M. Salamone. The Petitioners are requesting Variance relief from §§ 103.1, 103.3, 1A00.4, and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit a proposed addition with a side yard setback of 40 ft. in lieu of the minimum required 50 ft., and (2) To amend the Final Development Plan (FDP) of Middletown Ridge, Section #2, Lot # 102 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' 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 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 3, 2015, 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 (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 ORDER RECEIVED FOR FILING

| Date | 5-20-15 | |
|------|---------|--|
| By | Qu> | |

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.

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, this <u>20th</u> day of May, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 103.1, 103.3, 1A00.4, and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit a proposed addition with a side yard setback of 40 ft. in lieu of the minimum required 50 ft., and (2) To amend the Final Development Plan (FDP) of Middletown Ridge, Section #2, Lot # 102 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

AVVRENCE M. STAIN

Managing Administrative Law Judge

for Baltimore County

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|---|------|----|------|
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ORDER RECEIVED FOR FILING

Date 5-20-45

2

By_

ADI STRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

| The state of the s | of Permits, Approvals and Inspections |
|--|--|
| | for Baltimore County for the property located at: 1 10, 21/20 Currently zoned RC 4 (vested R |
| Deed Reference 14169 727 | 10 Digit Tax Account # 2 00 00 02-682 |
| Owner(s) Printed Name(s) Richard SACAMO | |
| (SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPRIES | OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) |
| For Administrative Variances, the Affidavit on the | reverse of this Petition form must be completed and notarized. |
| The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for | in Baltimore County and which is described in the plan/plat an: |
| 1. ADMINISTRATIVE VARIANCE from Section(s) | |
| feet in lieu of the minimum required 50 feet; and to an Section #2, Lot #102 only | |
| of the zoning regulations of Baltimore County, to the zoning | law of Baltimore County. |
| 2 ADMINISTRATIVE SPECIAL HEARING to approach County Code. (indicate type of work in this space: i.e., to rail | ove a waiver pursuant to Section 32-4-107(b) of the Baltimore ze, alter or construct addition to building) |
| of the Baltimore County Code, to the development law of Baltimore County Code, to the development law of Baltimore County is to be posted and advertised as prescribed by the zoning regular I/ we agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County. | tions. and further agree to be bound by the zoning regulations and restrictions of |
| | |
| | Owner(s)/Petitioner(s): |
| | Name #1 - Type or Print Name #2 - Type or Print |
| | Signature #1 Signature # 2 |
| | 18802 Fox Charlet Parkion Mo |
| | Mailing Address City State 21120 410375-3649 DENTIE (MANUAL) |
| T. FILING | Zip Code Telephone # Email Address |
| Attorney for Owner(s)/Petitioner(s): | Representative to be contacted: |
| Attorney for Owner(s)/Petitional(s)/LING | Name - Type or Print |
| Signaturbate | Signature Process Process April Freedon Pa |
| Mailing Admiss City State | Mailing Address City State |
| Zip Code Telephone # Email Address | Zip Code Telephone # Email Address |
| A PUBLIC HEARING having been formally demanded and/or found to be | be required, it is ordered by the Office of Administrative Hearings for Baltimore |
| County, thisday of, that the subject required by the zoning regulations of Baltimore County. | matter of this petition be set for a public healing, advertised, and re-posted as |
| | rative Law Judge for Baltimore County |
| CASE NUMBER 2015-0233-A Filing Date 4, 24 | Estimated Posting Date // Reviews Rev 5/8/2014 |
| | 100 10 10 10 10 10 10 10 10 10 10 10 10 |

Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL 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: 18802 | Fox Chase | et. | ParkTON | MD. | 2//20 |
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| Print or Type A | ddress of property | | City | State | Zip Code |
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| setblack | as oppose | | TH CUM | nt 150' 1 | setback |
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| | | | | | |
| Signature of Owner (Affi | lammant) SALAMON | e e | | ignature of Owner (A | ffiant) |
| Name- Print or Type | | | | ame- Print or Type | JAGAMONE |
| The follo | wing information | is to be co | ompleted by a No | tary Public of the St | tate of Maryland |
| STATE OF MARYLA | AND, COUNTY | OF BAL | TIMORE, to wi | t: | - 1 . |
| I HEREBY CERTIFY and for the County afo | resaid, personally | _ day of _ y appeare | ea. | | e a Notary of Maryland, in |
| Print name(s) here: Richa | und A. Sal | amor | ne 9 Dei | rise M. So | alamone |
| the Affiant(s) herein p | ersonally known | or satisfac | ctorily identified to | o me as such Affiar | nt(s). |
| MINNIA REID | d and Notaries Se | | na Reid | Huna . | A . |
| HOTAR | 0 | | Public 27 A | 018 | |
| E PUBLI | | My Co | ommission Expire | S | |

ZONING PROPERTY DESCRIPTION FOR 18802 FOX CHASE COURT

Beginning at a point on the west side of Fox Chase Court, which has a 50-foot right of way, at a distance of 268 feet north of the centerline of the nearest improved intersecting street Middletown Road, which has a variable, 90-foot right of way. Being lot #102, section #2 in the subdivision of Middletown Ridge as recorded in the Baltimore County Plat Book #53, Folio #20, and containing 1.16 acres. Located in the 6th Election District and the 3rd Councilmanic District.

Item #0233

| | , . | | FINANC RECEIPT | | | No. Date: | 4/ | 121401 | ### NELETE 104 |
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| | TION | | | | | | | | VALIDATION |

MEMORANDUM

DATE:

June 22, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0233-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 19, 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: V Case File

Office of Administrative Hearings

CERTIFICATE OF POSTING

Date: 5-3-15 RE: Case Number: 2015 - 0233-4 Petitioner/Developer: Richard Salanone Date of Hearing/Closing: 5-18-15 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 18802 For Chose Cf 5-3-15 (Month, Day, Year) The signs(s) were posted on J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 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)



LUNING NOTICE

ADMINISTRATIVE

CASE # 2015-0233-A TO PERMITA PROPOSED ADDITION WITH A SIDE YARD SETBACK OF 40 FEET IN LIEU OF THE MINIMUM REQUIRED SO FEET, AND TO AMEND THE FINAL DEVELOPHENT PLAN OF MIDDLE TOWN RIDGE, SECTION 2, LOT 102 UNE

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 ADDITIONAL INFORMATION IS AVAILABLE A 4:30 p.m. ON 5/18/15 6 VG ADMINISTRATION AND DEVELOPMENT MANAGEMENT

Now where the law managed which the rest one went stands as the MIRE CHARLE MAN RE THE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case | Number 2015 | 0233 | -A . | Address | 18802 | Fox Chase | Ct |
|------------|--|---|---|--|--|--|--|
| | ct Person: | Planner, P | Duva lease Print Your N | lame | | | r: 410-887-3391 |
| Filing | Date: 4/ | 22/15 | Posti | ng Date: | 5/3/15 | Closing D | ate: 5/18/15 |
| Any o | ontact made in the contact | with this offic person (planne | e regarding er) using the | the statue case num | s of the adr ber. | ninistrative var | iance should be |
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| 2. | a formal req | | olic hearing. | . Please | understand t | hat even if the | 1,000 feet to file ere is no formal |
| 3. | commissione order that the within 10 da whether the | r. He may: (e matter be set ys of the clos | a) grant the in for a pub bing date if en granted, | requested lic hearing all Count | d relief; (b) d You will red y agencies' | eny the requestive written no comments are | or deputy zoning sted relief; or (c) tification, usually received, as to The order will be |
| 4. | (whether due commissione changed givin | e to a neighbor), notification ng notice of the | or's formal will be for e hearing da | request or warded to ate, time ar | by order of you. The nd location. | f the zoning o sign on the pi As when the si | a public hearing r deputy zoning roperty must be gn was originally be forwarded to |
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| Petitio | ner's Name _ | Richard and | Denise | Salamon | e_ Te | lephone 410 | 375 3689 |
| Postir | g Date: | 5/3/15 | | , , , | sing Date: | 5/18/ | 15 |
| Wording Se | ng for Sign: _ tback of d to am | To Permit a 40 feet end the | in lieu | A | minimun | a side your required | 1 50 feet; own Ridge |
| | ection 2, | Lot 102 0 | 1 | 1 | | | J |
| | | | | | | | Revised 7/18/14 |

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: 2015-0233-A |
| Petitioner: Richard and Denise Salamone |
| Address or Location: 18802 Fox Chase C+ |
| |
| PLEASE FORWARD ADVERTISING BILL TO: |
| Name: Richard Salamone |
| Address: 18802 Fox Chase Ct |
| Parkton, Maryland |
| 21120 |
| Telephone Number: 410 375 3689 |

CHECKLIST

| Comment Received | <u>Department</u> | Support/Oppose/ Conditions/ Comments/ No Comment |
|---------------------|--|--|
| 54 | 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) | |
| 4-30 | STATE HIGHWAY ADMINISTRATION | No objection |
| | TRAFFIC ENGINEERING | - |
| | COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS | |
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| PRIOR ZONING | (Case No. | |
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| Comments, if any: _ | | |
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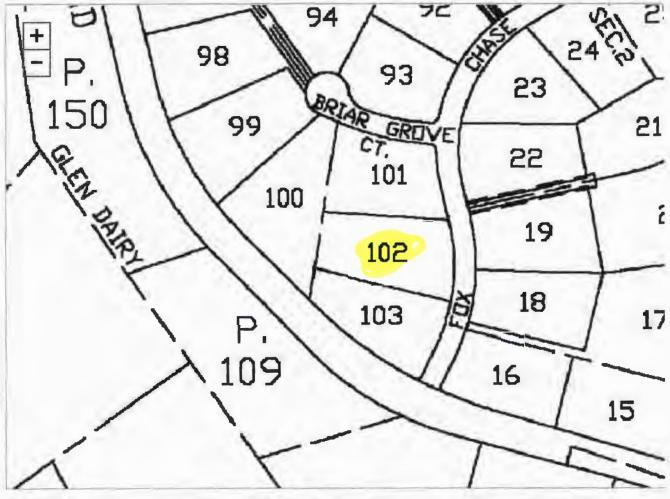
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| | Loca | tion & Str | ucture infe | ormation | | | | |
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| | | | nformatio | n | | | | |
| | Base Value | | Value As of 01/01/2014 | | As of 07/01/ | e-in Assessm 2014 | ents As of 07/01/201 | 15 |
| Land: | 137,100 | | 123,400 | | | | | |
| Improvements | 200,600 | | 212,100 | | | | | |
| Total: Preferential Land: | 337,700 0 | , | 335,500 | | 335,50 | 00 | 335,500 | |
| r reterential Land. | 4 | Transfer | r informati | on | | | | |
| Seller: GORDON BARR | | Date: 11 | //24/1999 /14169/ 00 | | | Price: \$ | 280,000 | |
| Seller: POWDER JAME Type: ARMS LENGTH I | Date: 01/26/1994 Deed1: /10302/ 00097 | | Price: \$225,000 Deed2: | | STATEMENT OF | | | |
| Seller: CUMMINS EDWA | MINS EDWARD T Date: 06/12/1992 Price: \$210,000 | | | 210,000 | £ 1100 - 99-99040 - 0 | | | |
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| Partial Exempt Assessments: | Class | | 07/0 | 1/2014 | | 07/01/2 | 015 | |
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| Tax Exempt: | | Special | Tax Reca | pture: | | | | |

Homestead Application Status: Approved 05/07/2008

Baltimore County

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

District: 06 Account Number: 2000002682



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

May 19, 2015

Richard A & Denise M Salamone 18802 Fox Chase Court Parkton MD 21120

RE: Case Number: 2015-0233 A, Address: 18802 Fox Chase Court

Dear Mr. & Ms. Salamone:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 22, 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,

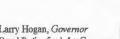
U. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jay Fox, 1850 Sorrel Ridge Lane, New Freedom PA, 17349



Larry Hogan, Governor Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 4/30/15

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

RE: Baltimore County

Item No 2015-0233-A.
Administrative Verieuce
Richard A. 2 Deniso M. Salamone
18802 Fox Che so Covert.

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. 2015-0233-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely.

Steven D. Foster, Chief Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 6, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

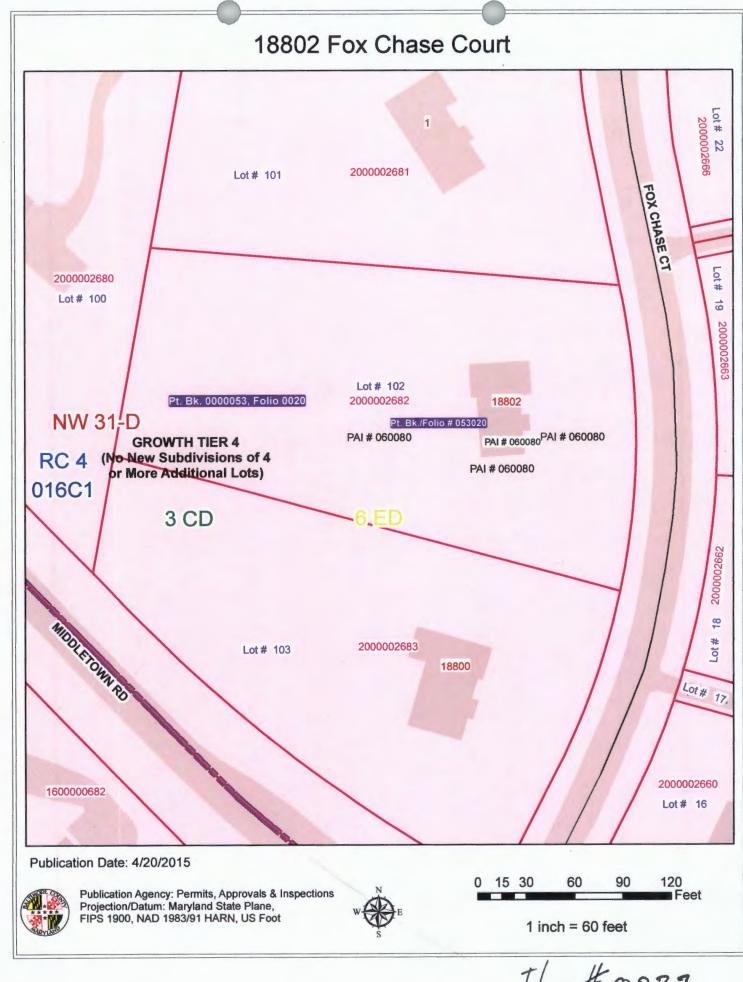
For May 4, 2015

Item No. 2015-0232, 0233 and 0234

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

DAK:CEN cc:file

Then \$ 0235



Hen#0233

| The state of the s | SITE VICINITY MAP |
|--|---|
| ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 18802 FOX Chare CT OWNER(S) NAME(S) RICHARD AND DENKE SALARMONE | 1 |
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| SUBDIVISION NAME MIDDISTONW RIDGE LOT # 102 BLOCK # - SECTION # 2 | |
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| The state of the s | IN CBCA? NO |
| TOTAL 42 WIDTH A | IN FLOOD PLAIN ? NO |
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| 20' 13'W I Existing | PUBLIC PRIVATE X |
| 1 1 2. Story | PRIOR HEARING ?NO |
| 191 - 38' 10'6' | IF SO GIVE CASE NUMBER |
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| 185.W. 185.W. | |
| NIIO 15'00"W | |
| PLAN DRAWN BY TAY FOX DATE 4-15-15 SCALE: 1 INCH = 50 FEET | |
| | VIOLATION CASE INFO: |

#2015-0233-A

22

Pet. Ech. 1

| | SITE VICINITY MAP |
|--|----------------------------------|
| ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) | SITE VIOLITIES IN THE |
| ADDRESS 18802 FOX Chare CT OWNER(S) NAME(S) RICHARD AND DENSE SALAMONE | 3 |
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| 19' 1 38' 10'6' | IF SO GIVE CASE NUMBER |
| Pot went | AND ORDER RESULT BELOW |
| | , |
| NIIO 15'00"W | |
| PLAN DRAWN BY TAY FOX DATE 4-15-15 SCALE: 1 INCH = 50 FEET | |
| | WALATIAN ARE INCA |

#2015-0233-A

2mg

| | SITE VICINITY MAP |
|--|--|
| ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) | |
| ADDRESS 18802 FOX Chare CT OWNER(S) NAME(S) RICHARD AND DENKE SALAMONE | 3 |
| PLIEDINGERON NAME OF THE PARTY OF THE PROPERTY | The state of the s |
| SUBDIVISION NAME MIDDISTORW RIDGE LOT # 102 BLOCK # - SECTION # 2 | 8 |
| PLAT BOOK # _53 FOLIO # 20 10 DIGIT TAX # 200 000 26 82 DEED REF. # 141 69/20727 | SITE S |
| SQ 9° 5912211 LOT 100 | \$ 3" 3" |
| Lot 103 132.161 | N & |
| LOT 103 | O |
| LOT 102 | MAP IS NOT TO SCALE |
| | ZONING MAP# 016 CI |
| The state of the s | |
| % 5.15TND6 / ≥ LOT | SITE ZONED RC4 (vested |
| 101 | ELECTION DISTRICT 6 ED |
| Lynne D D | COUNCIL DISTRICT 3 CD |
| Murel # Line See 1 | LOT AREA ACREAGE 1,160 |
| DANNEL & LINDSAY SCHARDT AND SAY SAMPLE SAMPLES SAMPLE | OR SQUARE FEET |
| I work the state of the state o | HISTORIC? NO |
| Proposeo 19 x 20' Kelleriki | IN CBCA? NO |
| Froposeo 19 x 20' Addition with | IN FLOOD PLAIN ? NO |
| TO THE WINTER | |
| | MATTO IC. |
| 1 10.59° | |
| Deck | PUBLICPRIVATE_X |
| | SEWER IS: |
| 20' 23'4" Existing | PUBLICPRIVATE_X |
| I I Wild 2 Story | PRIOR HEARING ?NO |
| H19'-1 38'-10'6' | IF SO GIVE CASE NUMBER |
| 20' 23'4" Existing 2 Story 2 Story CHACLE ON REP. DB. 69' | AND ORDER RESULT BELOW |
| CHASE 97 185.44 69" | |
| NIIO 15'00"W | |
| K=455.00, | |
| PLAN DRAWN BY TAY FOX DATE 4-15-15 SCALE: 1 INCH = 50 FEET | |
| | VIOLATION COST INFO |

#2015-0233-A

Bo

IOLATION CASE INFO: