MEMORANDUM

DATE:

October 1, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0029-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 5, 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 (9021 Kahl Avenue)

11th Election District 5th Council District

Andrew M. & Rebecca M. Weaver

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0029-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, Andrew M. & Rebecca M. Weaver. The Petitioners are requesting variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure to be built in the rear of the property with a height of 18 ft. in lieu of the maximum allowed height of 15 ft. 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 submitted by any of the County reviewing agencies. However, it is to be noted that support letters were received from residents at 9025 and 9031 Kahl Avenue, indicating they had no problems with the Petitioners' request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 16, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information and ORDER RECEIVED FOR FILING

Date	9-4-15
Bv	(Ch)

photographs 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 4th day of September, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure to be built in the rear of the property with a height of 18 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

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 accessory building into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory building 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	
ORDER RECEIVED FOR FILING	
Date 9-4-15	2
By W	



ADI "STRATIVE ZONING PE SONING PE SO

	Currently zoned DR 3/5
eed Reference 29854 100235 wner(s) Printed Name(s) Andrew 4 Reb	10 Digit Tax Account # 1 1 1 1 0 0 1 6 0
	THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
	<u>rit</u> on the reverse of this Petition form must be completed and notari
he undersigned, who own and occupy the property ttached hereto and made a part hereof, hereby per	rty situate in Baltimore County and which is described in the plan/pla etition for an:
ADMINISTRATIVE VARIANCE from Section	ion(s)
BCZR: 400.3 → To permit an accessory str	tructure to be built in the rear of the property with a height of
18 feet in lieu of the maximum allowed he	neight of 15 feet.
the zoning regulations of Baltimore County, to the	ne zoning law of Baltimore County.
	to approve a waiver pursuant to Section 32-4-107(b) of the Ba i.e., to raze, alter or construct addition to building)
	Owner(s)/Petitioner(s): Andrew Weaver Rebecca Weaver Name #1 - Type or Print Signature #1 Signature #2 You Kakl Ave Perrylal Mailing Address Zip Code Telephone # Email Address Andrew Weaver Rebecca Weaver Signature #2 - Type or Print Signature #2 Signature #3 Signature #4 Signature #4
arme- Type or Print gnature ORDER RECEIVED A Gnature	Representative to be contacted:
ame- Type or Print	Name – Type or Print
gnature ORDER	Signature
	State Mailing Address City State
ailing Address City Si	
alling Address City Si	Zip Code Telephone # Email Address

Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REC. FOR AN HISTORIC ADMINISTRATION 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: 4021 Kanl HVE	Perryhall	Mas	21128
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the	following are the facts	upon which I/v	ve base the request for an
Administrative Variance at the above	_		
We have two families liv.	ing on the pro	perty, MY	family of four
and my Inlaws in the a	Hacked unit to	erd is an	34'x 24' rundown
garage in the back yard	that we store	all our a	ccumlated, yard
equipment, kids large toys			
are a active family with			
equipment then the aver	age family wit	h my Inle	ins being as active
as we are, the 2 acre	Not and large	house rea	quires alot of
maintenance equipment to	r normal upked	P. The 34	'x 241 old garage is
an eyesore and we wou	uld like to re	place it w	th a smaller foot-
print structure, 16'x24',	but slighty to	11er, 18' in	tend of the 15; allow
height to main tain some			
we have chosen has a yer	y esthetic app	earance to	out house and the
(If additional space for the petition req	uest or the above statem	ent is needed lå	hel and attach it to this Form)
(ii additional space for the period req	desir of the above statem	U L A	
ala al		VVIA VA	Mu
My lene		CMC V	- (A 55 A)
Signature of Owner (Affiant)	5	ignature of Owner	(Amant)
Andrew Wegver		Rebecca 1	Veaver
Name- Print or Type	N	ame- Print or Typ	
The fellowing information is	to be completed by a New	tom, Dublic of the	State of Mandand
The following information is	to be completed by a No	tary Public of the	e State of Maryland
STATE OF MARYLAND, COUNTY O	OF BALTIMORE, to wi	it:	
	-1		·
I HEREBY CERTIFY, this 30		2015 , before	e me a Notary of Maryland, in
and for the County aforesaid, personally	appeared: J		
A 1. 1 A		West	
Print name(s) here: Anarcu and K	ebecca Woover		
(I A 65 (/) I	· · · · · · · · · · · · · · · · · · ·	(, '''	A .
the Affiant(s) herein, personally known o	r satisfactorily identified t	o me as such A	mant(s).
AS WITNESS my hand and Notaries Se	al	1/2 01	1.1.
AO WITHESO My hand and Notanes oc	1 Vec	The XXX	Nata
	Notary Public	200 800	,
		104 201	+
·	My Commission Expir	es /	
			7574 810105

Zoning Hearing Property Description 7/31/15

Zoning Property Description for 9021 Kahl Ave. Perryhall Md. 21128

Beginning at a point on the southeast side of Kahl Ave. which is 30ft. wide at the distance of 1000 ft. south of the centerline of the nearest improved intersecting street, E. Joppa Rd. which is 30 ft. wide.

Thence the following course and distances. 1st Point of Call. S. 39 W. 181.60'. 2nd POC. S. 41 45' E. 489.65', 3rd POC. N. 39 E. 181.60', 4th POC. N. 41 45'W. 489.65', back to the point of beginning as recorded in Deed Liber 22711, Folio 615, containing 2.01 acres. Located in the 11th Election District and 5th Council District.

BALTIMORE COUNTY, MARYLAND 128709 No. OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT PUSINESS AND THE INI 81415 Date: 100 3015 1 m and 1107 55 . 2 Rev Sub #5#2 HAIL 167W 152 Rev/ Source/ ELLIPT # PERSON TO COLD COLD Fund Unit Obj Sub Obj Dept Obj BS Acct Amount Dept Sub Unit Mark 5 SER EDALUM PROTESTATION 4 75 CO CR 10. 128709 001 806 0000 60170 Mespt for 1,5.00 1.00 \$30.88 CA 55,40" (8 Balties County Nortand 175.00 Total: Rec WEAVER From: 2016-0029-4 CASHIER'S DISTRIBUTION **VALIDATION** WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER **GOLD - ACCOUNTING** PLEASE PRESS HARD!!!!

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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 legal owner/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 legal owner/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:
Case Number:
Property Address: 900 KAHL AUE
Property Description:
Legal Owners (Petitioners): ANDLEW + REBECTA WEAVER Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: ANISKW + REBECCA WEAVER
Company/Firm (if applicable):
Address: 9021 KAHLAVG
PERRYMUL, MS 21128
Telephone Number: 40-345-3467

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 00 29 -A Address 9021 KAHL AVG.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: 8/4/15 Posting Date: 8/16/15 Closing Date: 8/31/15
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. Ar reposting must be done only by one of the sign posters on the approved list and the petitione 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 closin date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to fi a formal request for a public hearing. Please understand that even if there is no form 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 (order that the matter be set in for a public hearing. You will receive written notification, usual within 10 days of the closing date if all County agencies' comments are received, as 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 original posted, certification of this change and a photograph of the altered sign must be forwarded 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 2016- 00 29 -A Address 9031 KAHL AVE
Petitioner's Name WEAVER Telephone 40-245-3467
Posting Date: 8 16 15 Closing Date: 8 31 15
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (SHED) TO BE PUTCES IN THE
REAL YARD WITH A HEIGHT OF 18 FEET IN LIEU OF THE MAXIMUM MEIGHT OF 15 FEET

CERTIFICATE OF POSTING

	Petitioner:	Weaver
	Hearing / Clo	sing Date: <u>8/31/15</u>
Baltimore County Department of		
Permits and Development Manage	ment	
Room 111, County Office Building		
111 W. Chesapeake Ave.		
Towson, Md. 21204		
9021 Kal	hl Avenue	
	on	8/16/15
	Sincere	hell Iff elichis
	R	ichard E. Hoffman
		904 Dellwood Drive
		Fallston, Md. 21047
		443-243-7360

RE: Case No. 2016-0029-A

Certificate of Posting

Case No. 2016-0029-A



9021 Kahl Avenue

(Posted 8/16/15)

Jalul 29/16/15

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



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

September 1, 2015

Andrew & Rebecca Weber 9021 Kahl Avenue Perry Hall MD 21128

RE: Case Number: 2016-0029 A, Address: 9021 Kahl Avenue

Dear Mr. & Ms. Weber:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 4, 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,

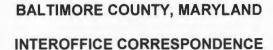
U. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



TO:

Arnold Jablon, Director

DATE: August 18, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

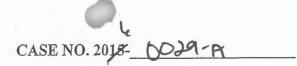
For August 17, 2015

Item No. 2016-0029 and 0030

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

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC08172015.doc



CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
8-18	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)	
8-11	STATE HIGHWAY ADMINISTRATION	No objection
· ·	TRAFFIC ENGINEERING	. ———
8-2	COMMUNITY ASSOCIATION 9035 + ADJACENT PROPERTY OWNERS 9031	.5
	Kaha he.	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AI	DVERTISEMENT Date:	-
SIGN POSTING	Date: 8-16-15 Mr. Weaver to contact organization Paid Co	by by bom fine wisner 7
	NSEL APPEARANCE Yes No	
PEOPLE'S COUP	NSEL COMMENT LETTER Yes \square No \square	
Comments, if any:		
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			Information				
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	9327 Loca	ation & Str	ructure infor	mation			
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Special Tax Areas:			Town: Ad Valorem Tax Class:			NONE	Ref:
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		Value	Information				
	Base Value		Value As of 01/01/2015		Phase-in As of 07/01/201:	Assessments As 5 07/6	of 01/2016
Land: Improvements Total:	104,700 241,000 345,700		104,700 299,700 404,400		365,267	384	,833
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Seller: KAHL RAYMON Type: ARMS LENGTH			0/13/2005 /22711/ 0061	4		Price: \$550,0 Deed2:	000
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Tax Exempt: Exempt Class:	A Three parts	Special NONE	Tax Recapt	ure:	100,000,000,000	ALCO AND	
	Home	stead Ap	plication Info	rmatior	1		



2016-0079-4



2016-0029-4

I BLAING MURRAY So live at 9025 Kahl Ave. Perryhall Md.. I have no problems with them building the shed to a height of 18ft.

Blain J M 125 240-695-4729 443 425 4377 Bgw

2016-0079-4





Real Property Data Search (w2) Guide to searching the database Search Result for BALTIMORE COUNTY View Map View GroundRent Redemption View GroundRent Registration Account Identifier: District - 11 Account Number - 1113086330 Owner Information RESIDENTIAL YES MURRAY BLAINE J MURRAY GENEVIEVE S **Owner Name:** Use: Principal Residence: 9025 KAHL AVE PERRY HALL MD 21128-9327 **Deed Reference:** /05024/ 00171 Mailing Address: Location & Structure Information 9025 KAHL AVE 0-0000 LT SES KAHL AV Premises Address: Legal Description: 700 SE JOPPA RD Assessment Year: Plat No: Map: Grid: Parcel: Sub District: Subdivision: Section: Block: Lot: Plat Ref: 0010 1097 0000 2015 0072 Special Tax Areas: Town: NONE Ad Valorem: Tax Class: Primary Structure Built Property Land Area **Finished Basement** County Above Grade Enclosed Use 1970 1,025 SF 33,750 SF 04 Exterior Full/Half Bath **Stories Basement** Type **Last Major Renovation** Garage YES STANDARD UNIT BRICK 1 full 1 Value Information Value Phase-in Assessments **Base Value** As of 01/01/2015 As of 07/01/2015 As of 07/01/2016 Land: 87,400 87,400 116,600 **Improvements** 100,500 187,900 204,000 Total: 193,267 198,633 Preferential Land: 0 0 Transfer Information Date: Price: Seller: Deed1: Deed2: Type: Price: Date: Seller: Deed1: Deed2: Type: Price: Seller: Date: Deed1: Deed2: Type: **Exemption Information** Class 07/01/2015 07/01/2016 Partial Exempt Assessments: 000 0.00 County: State: 000 0.00 000 0.00|0.00 0.00|0.00 Municipal: Tax Exempt: Special Tax Recapture: **Exempt Class:** NONE **Homestead Application Information** Homestead Application Status: Approved 07/01/2009

8/2/2015

I Michael Kutt Tlive at 9031 Kah Ale and are neighbors to Andrew and Rebecca Weaver who live at 9021 Kahl Ave. Perryhall Md.. I have reviewed the copy of their plans to build a shed on the NE side of their property one lot away mine. I understand they are applying for a variance from Balt. Co. to build the shed 3 ft. taller then the counties allowed height of 15 ft.. I have no problems with them building the shed to a height of 18ft.

2016-0079-4





eal Property Data Search	(w2)		Guide to s	earching the databas	
earch Result for BALTIMO	ORE COUNTY				
View Map	View GroundRent Re	demption	View GroundRe	ent Registration	
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		Owner Information			
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Primary Structure	Above Grade Enclo			and County	
Built 1985	Area 1,224 SF	Area	0.8900 AC	Use 04	
Stories Basement 1 YES	Type STANDARD UNIT	Exterior Full/Half Bat SIDING 1 full	th Garage La	ast Major Renovation	
		Value Information			
	Base Value	Value	Phase-in Asses		
		As of 01/01/2015	As of 07/01/2015	As of 07/01/2016	
Land:	90,000	90,000			
Improvements	87,800	103,400			
Total:	177,800	193,400	183,000	188,200	
Preferential Land:	0	Transfer Information		0	
				4040.005	
Seller: MURRAY BARBA		Date: 01/26/2007	Price: \$343,000 Deed2:		
Type: ARMS LENGTH N	augmentum in Markey mandalik an material and an anatomic anatomic and an anatomic anatomic and an anatomic anatomic anatomic anatomic and an anatomic anat	Deed1: /25129/ 00278			
Seller: MURRAY BARBA Type: NON-ARMS LENG		Date: 10/01/2002 Deed1: /16884/ 00331	Price: \$0 Deed2:		
	WALES AND A COURT OF THE PROPERTY OF THE PROPE				
Seller: KAHL MAGDALINA H Type: NON-ARMS LENGTH OTHER		Deed1: /09360/ 00756	Date: 09/14/1992 Price: \$0 Deed1: /09360/ 00756 Deed2:		
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County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00)	0.00 0.00	
Tax Exempt: Exempt Class:		Special Tax Recapture: NONE			

Homestead Application Information

Homestead Application Status: Approved 02/04/2012



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
ADDRESS 9021 Kohl Ave OWNER(S) NAME(S) Andrew & Rebacca Weaver	Snyder
	STE- GAUGE
300017101011111112	
PLAT BOOK #0000040 FOLIO # 0105 10 DIGITTAX # 1111001601 DEED REF. #29854/00235	
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Berein Sener	1F SO GIVE CASE NUMBER
	AND ORDER RESULT BELOW
PLAN DRAWN BY Andrew Weaver DATE 7/30/15 SCALE: 1 INCH = 60 FEET	
LEAN FILM FILM FILM FILM FILM THE 1/30/12 TANIE - 60 EFF	
	VIOLATION CASE INFO:

2016-0029-A

Pet. Ept.

	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	-741 F 71 F 11 14 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
ADDRESS 9021 Kohl Ave OWNER(S) NAME(S) Andrew & Rebecca Weaver	Snyder
SUBDIVISION NAME N/A SECTION # N/A	SAULE
PLAT BOOK #0000040 FOLIO # 0105 10 DIGITTAX # 1111001601 DEED REF. #29854/00235	
	Honeygo
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The same of the sa	PRIOR HEARING? NO
Genevical Schilling School Genevical Mil 308633	1F SO GIVE CASE NUMBER
13 Ge	AND ORDER RESULT BELOW
IN .	
PLAN DRAWN BY Andrew Weaver DATE 7/30/15 SCALE: 1 INCH = 60 FEET	
	VIOLATION CASE INFO:
	-

2016-0029-A