MEMORANDUM

DATE:

August 18, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0326-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 15, 2016. 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

(444 Chalfonte Drive)
1st Election District

1st Council District Maria T. Aldave

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0326-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Maria T. Aldave. The Petitioner is requesting Variance relief from § 1B02.3.B (1955 to 1971 Regulations 301.1.A) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport addition with a side yard setback of 0.5 ft. in lieu of the required 6 ft. and a sum of 9.5 ft. in lieu of 20 ft. 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. No adverse ZAC comments were received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 25, 2016, 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

Date7-15-16

ORDER RECEIVED FOR FILING

By______

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 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, this <u>15th</u> day of **July**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.B (1955 to 1971 Regulations 301.1.A) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport addition with a side yard setback of 0.5 ft. in lieu of the required 6 ft. and a sum of 9.5 ft. in lieu of 20 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.
- Building materials for the carport addition shall be consistent with those of the existing principal dwelling.
- The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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Date	7-15-14	
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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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By Sy 3

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To the Office of Administrative Hearings	of Permits, Approvals and Inspections s for Baltimore County for the property located at:
Address 444 CHALFONTE DRIV	E Currently zoned DR 5.5
Deed Reference 77854 1 146 Owner(s) Printed Name(s) MARIA T. AL	10 Digit Tax Account # <u>0 1 1 2 0 0 2 5 1 0</u>
	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
	e reverse of this Petition form must be completed and notarized.
attached hereto and made a part hereof, hereby petition fo	e in Baltimore County and which is described in the plan/plat or an:
1. X ADMINISTRATIVE VARIANCE from Section(s)	
Section 1B02.3.B 1955 to 1971 Regulation	
required 6 feet, and a sum of side yards of 9. of the zoning regulations of Baltimore County, to the zoning	
	rove a waiver pursuant to Section 32-4-107(b) of the Baltimore
County Code: (indicate type of work in this space: i.e., to re	aze, alter or construct addition to building)
of the Baltimore County Code, to the development law of B	Rationara County
Property is to be posted and advertised as prescribed by the zoning regul	lations.
	Owner(s)/Petitioner(s):
	Name #1 – Type or Print Name #2 – Type or Print
	Maria I Alera
	Signature #1 Signature # 2
	444 CHALFONTE ORIVE BALTO, MO, Mailing Address City State
	21278, intaldaye equal con
A44	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print	Name - Type or Print
EORFILIT	David Bellengsley
Name- Type or Print Signature Mailing valuess City State	Signature 8 0
Mailing Address City State	Mailing Address City State
ORD	21640, (410) 679-8719, dwbozog@yahoo.com
Zip Code Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found to County, this day of, that the subject required by the zoning regulations of Baltimore County.	b be required, it is ordered by the Office of Administrative Hearings for Baltimore it matter of this petition be set for a public hearing, advertised, and re-posted as
acar du	
030 +	strative Law Judge for Baltimore County
CASE NUMBER 2016-0136- A Filing Date 6,17,	2016 Estimated Posting Date 6 126 1 16 Reviewer W

Rev 5/8/2014

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 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	: 444	CHALF	ONTE	DRIVE	BALTO	MD State	2/278
	Print or Typ	e Address of pro	perty		City	State	Zip Code
Based u Adminis	ipon perse trative Va	onal knowle riance at th	edge, the ne above	following a address. (C	re the facts	upon which I	/we base the request for an ifficulty or hardship here)
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Mgg Signature	of Owner (Allen Affiant)	e		Sig	gnature of Own	er (Affiant)
MARI	IA T.	ALDAVI	y jara dan-				
Name- Pri	int or Type		5 & 4		Na	me- Print or Ty	oe .
	The fo	llowing info	rmation is	to be comple	eted by a Nota	ary Public of th	e State of Maryland
STATE	OF MARY	LAND, CO	O YTNUC	F BALTIM	ORE, to wit		
I HEREE and for th	BY CERTINE County	IFY, this aforesaid, p	2/sto	day of	pril	2016, befor	re me a Notary of Maryland, in
Print name(s)	here:	MARIA	T. ALL	DAYE	10 h.		
the Affian	nt(s) herein	, personally	known or	satisfactorily	identified to	me as such A	ffiant(s).
AS WITN	IESS my h	and and No	taries Sea		Smf	etes /	COUNTY
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0326-A

TAR CONSTRUCTION OF TO INC.

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JUSTIFICATION FOR VARIANCE REQUEST 444 CHALFONTE DRIVE

I wish to construct a carport to provide a protected area for the side access to my dwelling and for vehicle parking. Due to the location of the existing dwelling and driveway, there is no other practical location to place the structure.

The carport will be constructed so as to maintain the existing roof line and will be compatible with the existing dwelling as well as other dwellings in the area. I have provided the architectural layout for the proposed carport

ZONING DESCRIPTION

444 CHALFONTE DRIVE

Beginning for the same at a point on the north side of Chalfonte Drive (50 feet wide) distant 195 feet westerly from its intersection with the center of Neepier Road (50 feet wide), thence being all of Lot 3, Block D as shown on the plat entitled Section Two, Plat 1 Rockwell recorded in the Baltimore County plat records in Plat Book 26 Folio 3.

Containing 7799 square feet or 0.179 acre of land, more of less.

Being known as 444 Chalfonte Drive. Located in the 1ST Election District, 1ST

Councilmanic District of Baltimore County

CERTIFICATE OF POSTING

Date: JUNE 25, 2016

E:	Project Name:	444 CHALFONTE DRIVE
	Case Number /PAI Number:	2016-0326-A
	Petitioner/Developer:	MARIA T. ALDAVE
	Date of Hearing/Closing:	JULY 11, 2016
		nalties of perjury that the necessary sign(s) required by
ere		operty located at444 CHALFONTE DRIVE
ere		operty located at444 CHALFONTE DRIVE
ere	posted conspicuously on the pro-	operty located at444 CHALFONTE DRIVE



(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

TOTAL
Case Number 2016- 0326 -A Address 444 Chalfonte DR
Contact Person: LEN WAS I CWS KI Phone Number: 410-887-3391
Filing Date: 6 17 16 Posting Date: 6 26 16 Closing Date: 7 11 16 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. <u>POSTING/COST:</u> 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 2016- 032C -A Address 499 [halfonte Drive
Petitioner's Name Macia T. Aldave Telephone 4/06/198/19
Posting Date:
Wording for Sign: To permit a carport addition with a side yard setback of 0.5 feet in lieu of the required 8.25 feet and a sum of side yards of 9.5 feet in lieu of 20 feet.

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.

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Contract Purchaser/l	.essee:	
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KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 11, 2016

Maria Aldave 444 Chalfonte Drive Baltimore MD 21228

RE: Case Number: 2016-0326 A, Address: 444 Chalfonte Avenue

Dear Ms. Aldave:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 17, 2016. 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

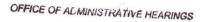
c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUN 2 2 2016





TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

June 22, 2016

SUBJECT:

EPS Comment for Zoning Item

2016-0326-A

Address

444 Chalfonte Drive

(Aldave Property)

Zoning Advisory Committee Meeting of June 27, 2016.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Date: 06-22-2016



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 6/20/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-6326-A

Administrative Variance
Maria T. Aldave.

444 Chalfonte Drive

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

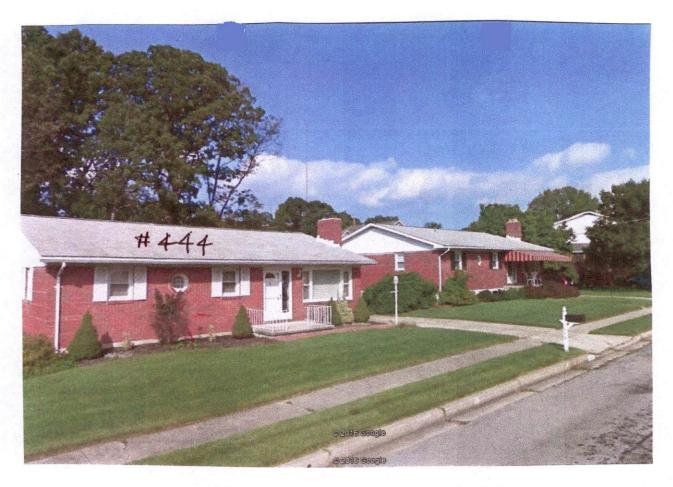
Sincerely,

Wendy Wolcott, PLA

Acting Metropolitan District Engineer – District 4

Baltimore & Harford Counties

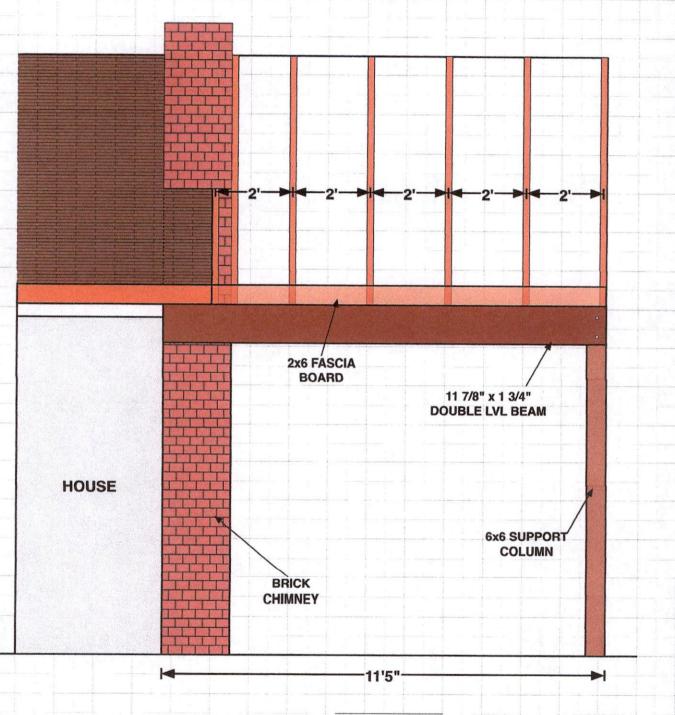
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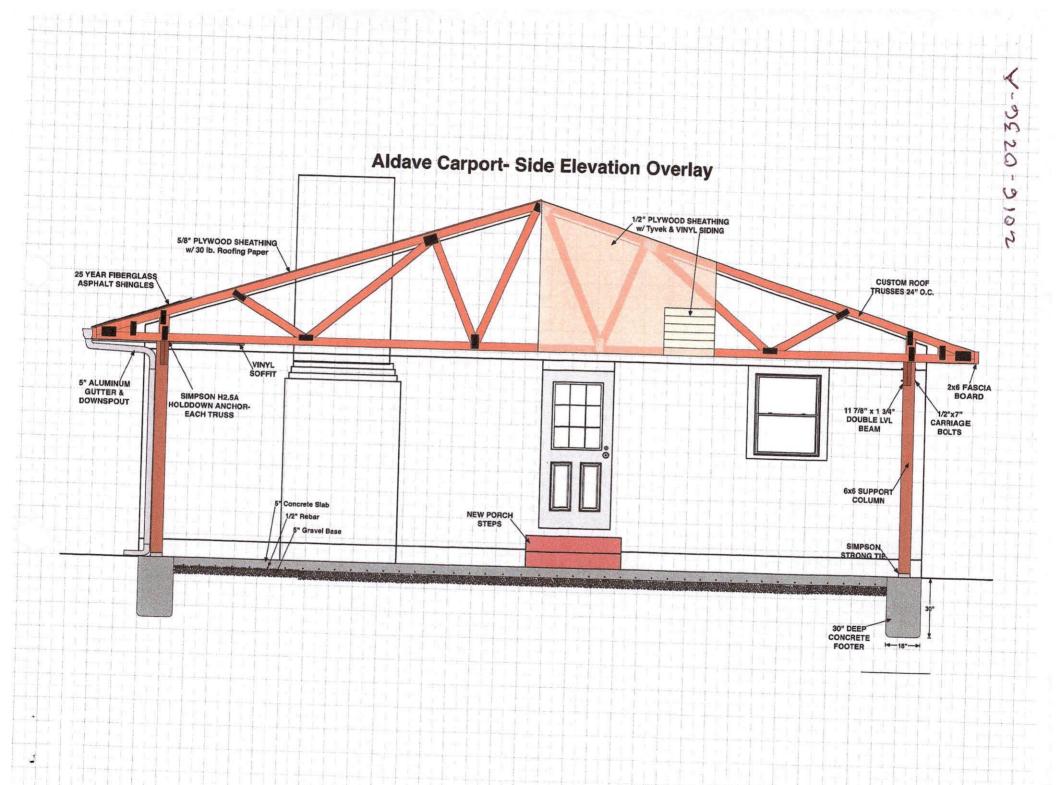


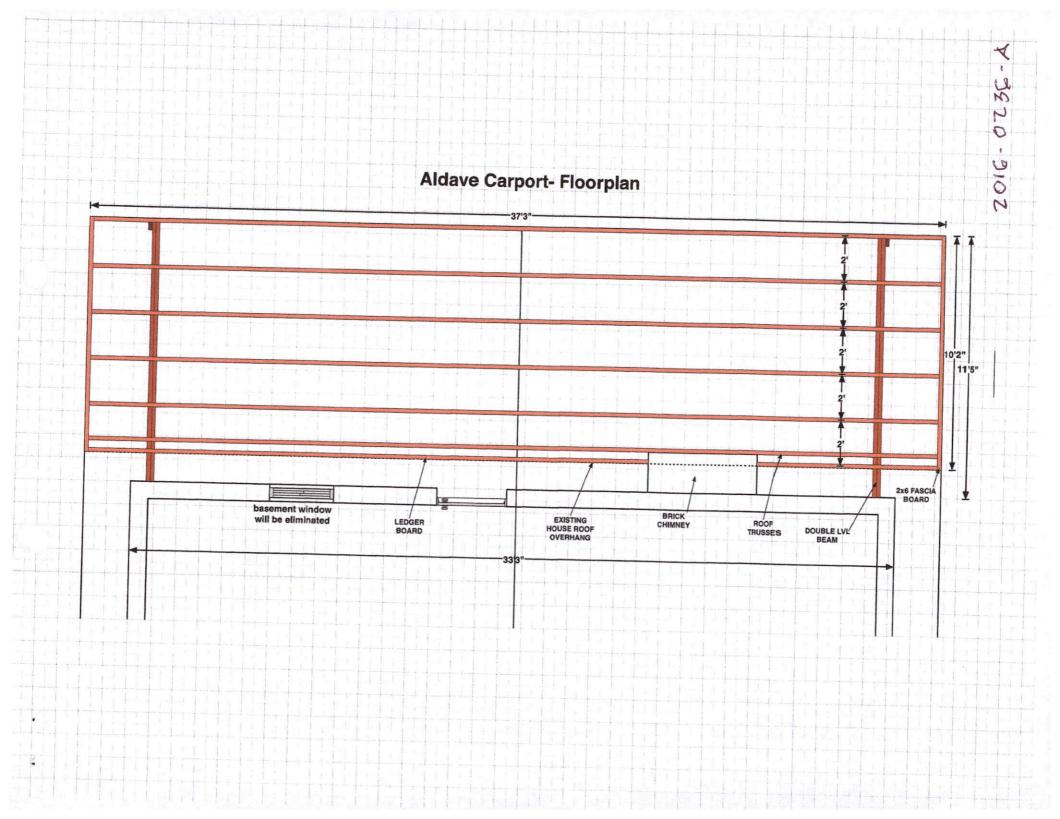
2016-0356-A

Aldave Carport- Front Elavation



Z016-0336-A





CHECKLIST

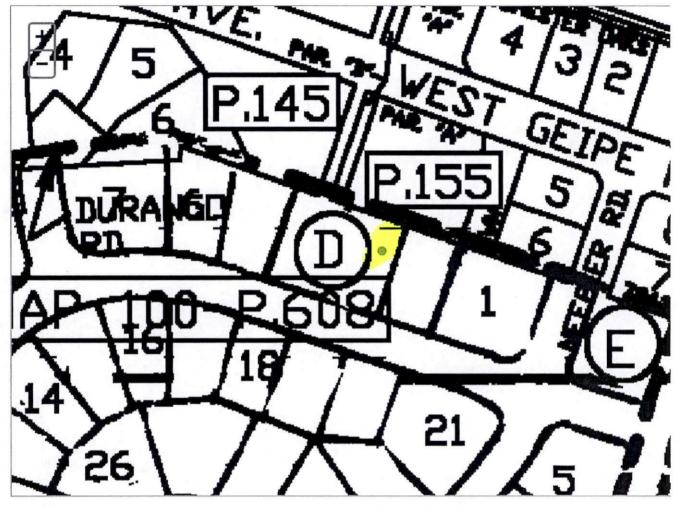
Comment <u>Received</u>	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
6-22	DEPS (if not received, date e-mail sent)	No
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	PLANNING (if not received, date e-mail sent)	
6-20	STATE HIGHWAY ADMINISTRATION		No esjection
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ZONING VIOLAT	•		
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Comments, if any:			
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Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 01 Account Number: 0112002510



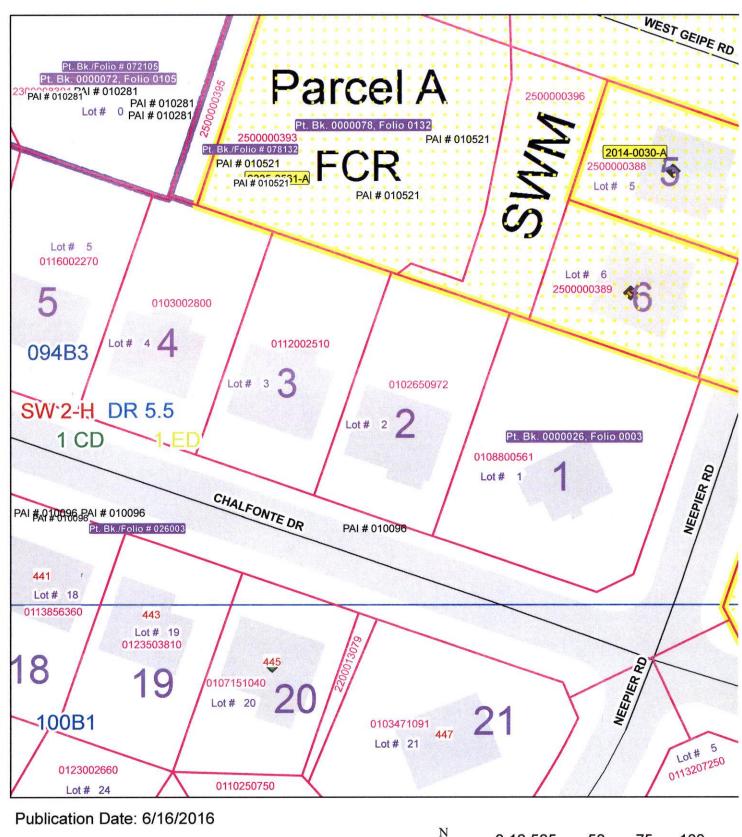
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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.

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).

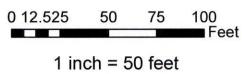
444 Chalfonte Drive 2016-0326-A

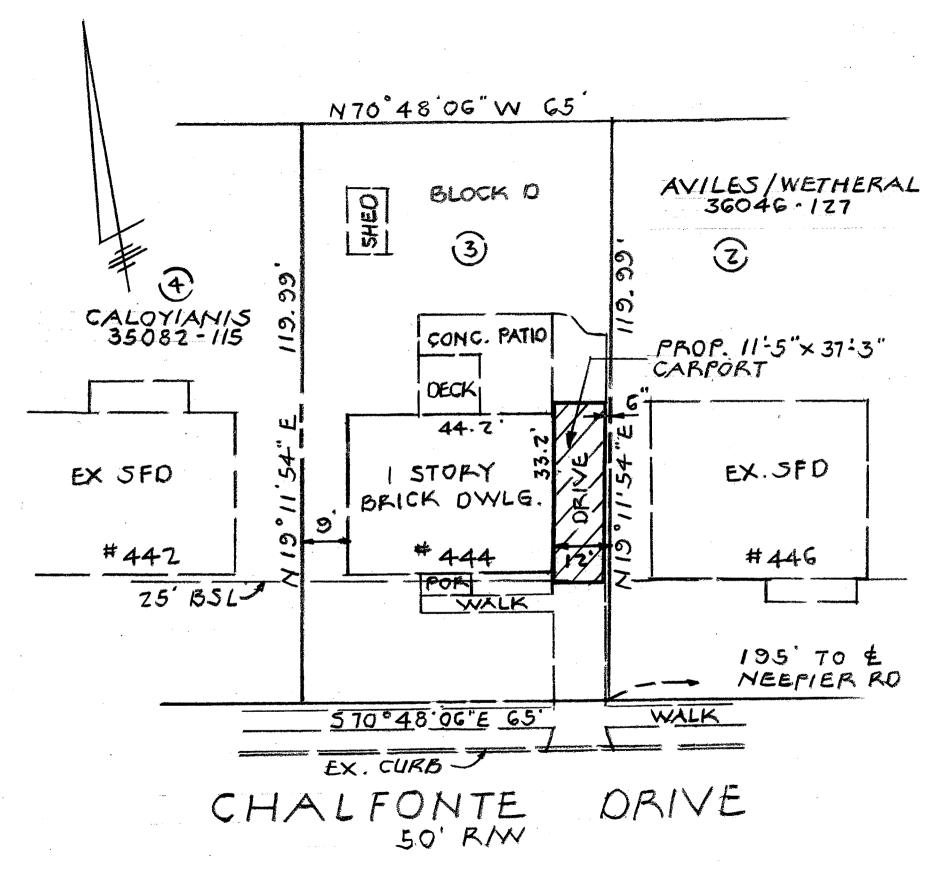




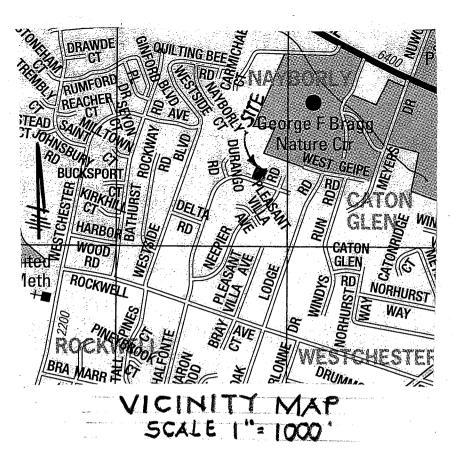
Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot







CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719 OWNER
MARIA T. ALDAVE
444 CHALFONTE DRIVE
BALTIMORE, MD. 21228
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ACCT. NO. 0112002510



NOTES

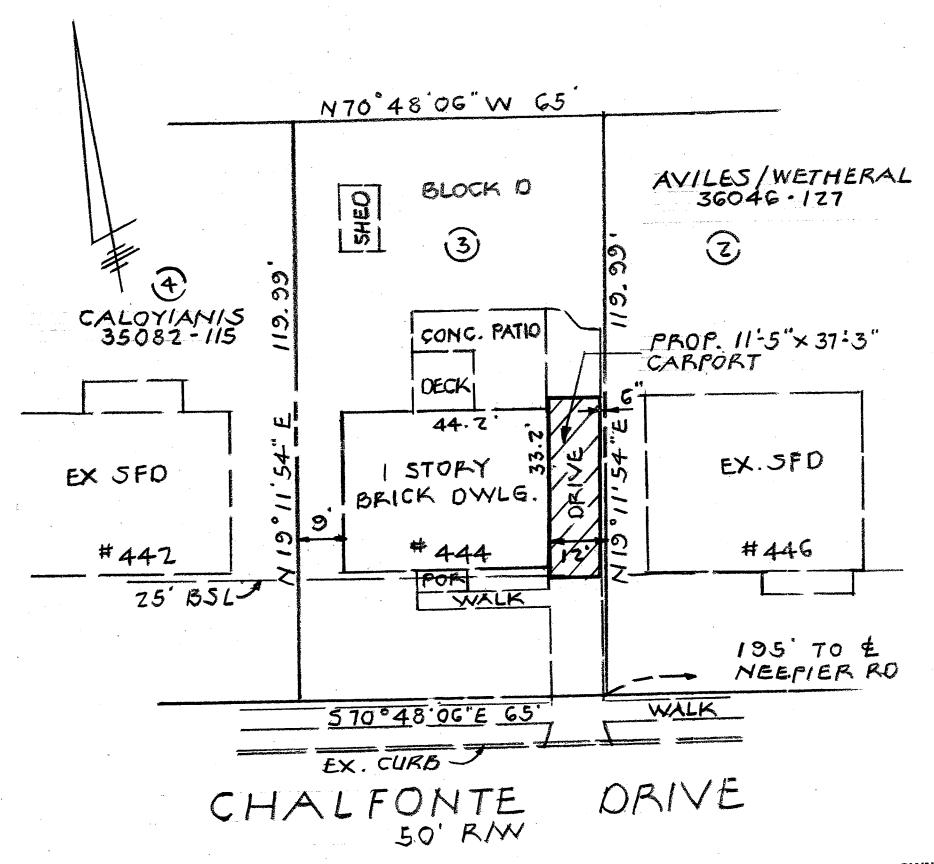
- 1. ZONING.....DR 5.5 (MAP 094B3)
- 2. AREA......7799 S.F. = 0.179 ACRE +/-
- 3. PUBLIC WATER AND SEWER
- 4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
- 5. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE
- 6. NO HISTORIC STRUCTURES, ARCHELOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST

NOTE: PLAT ONE, SECTION 2, ROCKWELL WAS APPROVED BY THE BALTIMORE COUNTY PLANNING BOARD ON DECEMBER 15, 1958 REQUIRING SIDE YARDS OF 8 FEET MINIMUM WITH A SUM OF 20 FEET

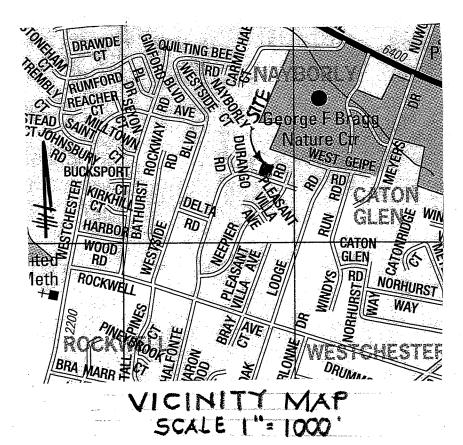
2016-0376-A

PLAT TO ACCOMPANY PETITION FOR
ADMINISTATIVE VARIANCE
444 CHALFONTE DRIVE
LOT 3, BLOCK D, SECTION 2, PLAT 1
ROCKWELL P.B. 76 F. 3
ELECTION DISTRICT 1C1 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 20 FEET MAY 1, 2016

Let. El. 1



OWNER
MARIA T. ALDAVE
444 CHALFONTE DRIVE
BALTIMORE, MD. 21228
DEED REF: L. 22854 F. 146
ACCT. NO. 0112002510



NOTES

- 1. ZONING.....DR 5.5 (MAP 094B3)
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2016-0326-A

PLAT TO ACCOMPANY PETITION FOR
ADMINISTATIVE VARIANCE

444 CHALFONTE DRIVE

LOT 3, BLOCK D, SECTION 2, PLAT 1

ROCKWELL P.B. 26 F. 3

ELECTION DISTRICT 1C1 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 20 FEET MAY 1, 2016

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719