MEMORANDUM

DATE:

January 5, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0115-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 4, 2017. 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

(4113 Eder Road)

15th Election District 7th Council District

Bonnie J. Wallace

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2017-0115-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, Bonnie J. Wallace. The Petitioner is requesting Variance relief from §§ 301.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed carport with a side setback as close as 0 ft. in lieu of the minimum side setback of 5.25 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. The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated November 14, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 6, 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 ORDER RECEIVED FOR FILING

Date	12-1-16
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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, 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>1</u>st day of **December**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 301.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed carport with a side setback as close as 0 ft. in lieu of the minimum side setback of 5.25 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.
- Petitioner must comply with the ZAC comments submitted by DEPS, dated November 14, 2016; a copy of which is attached hereto and made a part hereof.

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Date	12-1-16
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Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER F	RECEIVED FOR FILING
Date	12-1-16
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BALTIMORE COUNTY, MARYLAND

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Inter-Office Correspondence

NOV 1 4 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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:

November 14, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0115-A

Address

4113 Eder Road (Wallace Property)

Zoning Advisory Committee Meeting of November 7, 2016

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow a carport with 0 side yard setback. The lot is not waterfront. The carport must meet all LDA requirements, including lot coverage limits and afforestation. Lot coverage and afforestation information was not provided. Therefore, if lot coverage and afforestation can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Lot coverage and afforestation information was not provided. If these requirements can be met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

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3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the lot coverage and afforestation requirements can be met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: November 9, 2016

ORDER RECEIVED FOR FILING

Date 12-1-16

By_________

(BC) ADMINISTRATIVE ZONING PETHON

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

To the Office of Administrative Hearings for Baltimore County for the property located at: Address 4113 Eder Rd Currently zoned Deed Reference 22336 / 10 Digit Tax Account # 1508301 Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE 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 in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: SEE Attached ADMINISTRATIVE VARIANCE from Section(s) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to S ection 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): Name # 2 - Type or Print 4113 Eder Mailing Address Attorney for Owner(s) Reliminer(s).

Name- Type of Rent 2/222 Email Address Representative to be contacted: Name - Type or Print Signature Mailing Address State City Mailing City State Zip Code Email Address Zip Code Telephone # Email Address Telephone # A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County

Filing Date 10, 26

Rev 5/5/2016

Estimated Posting Date 11/6/16 Reviewer

Affidavit in Support of Administrative Variance

March 16, 2018

(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: 4113 Eder Rd.	Baltimore	MD	21222
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
There is an immedia	te need to h	ave a carport	installed
and attached to the			enior
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(If additional space for the petition re	equest or the above stater	nent is needed, label and a	ttach it to this Form)
Donnie Mallan	<u> </u>		<u> </u>
Signature of Owner (Affiant)		Signature of Owner (Affiant)	
Bonnie Wallace		Mana Dulaka Tima	
Name- Print or Type		Name- Print or Type 	
The following information	is to be completed by a N	otary Public of the State of	f Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to w	vit:	·
I HEREBY CERTIFY, this <u>26</u> and for the County aforesaid, personall		2016 before me a N	otary of Maryland, in
Print name(s) here: <u>Bonnie</u> W	Vallace		
the Affiant(s) herein, personally known	or satisfactorily identified	to me as such Affiant(s).	,
AS WITNESS my hand and Notaries S	geenae	R Nelso	
RENAE R NELSON	Notary Public 3 -	16-18	
Notary Public-Maryland Baltimore County My Commission Expires	My Commission Expi	res	

REV. 5/5/2016

2017-0115-A

Administrative Variance from section 301.1 & 1B02.3 B of the BCZR To permit a proposed carport with a side set back as close 0 foot side set back in lieu of the minimum side set back of 5.25 feet.

THE ZONING PETITION PROPERTY DESCRIPTION:

PART A:

ZONING PROPERTY DESCRIPTION FOR 4113 Eder Road, Baltimore, MD 21222.

Beginning at a point on the west side of Eder Road which is 50 feet wide at a distance of +/- 500 feet south of the centerline of the nearest improved intersecting street New Battle Grove Road which is 50 feet wide.

PART B:

OPTION 2 (Subdivision Lot-lot s part of record plat):

Being Lot #7, Block , Section #B in the subdivision of Battle Grove Manor in Baltimore County Plat Book #18, Folio #66 containing 8,650 SF. Located in the 15th Election District and 7th Council District

2017-0115-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN CRIMATION SHEET AND DATES
Case Number 2017- 0/15 -A Address 4113 Eder Pd
Contact Person: Gary Jucil Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 16/26/16 Posting Date: 11/21/6 Closing Date: 11/21/
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. 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.
3. 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 2017- 0115 -A Address 4113 Eder Rd 21222
Petitioner's Name Bonnie Wallace Telephone 40-388-207
Posting Date:
Wording for Sign: To Permit a proposed carport with a O Side yard set back in lieu of the minimum side yard set back of Sect 5.25 feet

410.282-7946

CERTIFICATE OF POSTING

		2017-0115-
	RE: Case No.:	
	Petitioner/Dev	veloper:
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	-	November 21, 201
	Date of Heari	
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
posted conspicuously on the property local 4113 Eder Road		
The sign(s) were posted on	November 6, 2016	
	(Month, Day, Year)	
	Sincerely,	November 6, 2016
ZONING	(Signature of Si	
ZONING NOTICE ADMINISTRATIVE		G Robert Black
VARIANCE CASE #		(Print Name)
To Permit a proposed carport with a 0 feet side yard set back in lieu of the minimum side yard set back of 5.25	15	508 Leslie Road
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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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:

November 14, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0115-A

Address

4113 Eder Road (Wallace Property)

Zoning Advisory Committee Meeting of November 7, 2016

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

 Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow a carport with 0 side yard setback. The lot is not waterfront. The carport must meet all LDA requirements, including lot coverage limits and afforestation. Lot coverage and afforestation information was not provided. Therefore, if lot coverage and afforestation can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Lot coverage and afforestation information was not provided. If these requirements can be met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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If the lot coverage and afforestation requirements can be met, the relief requested will be consistent with established land-use policies.

Reviewer:

Regina Esslinger

Date: November 9, 2016

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 7, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2016

Item No. 2017-0115, 0116, 0117 and 0118

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

DAK:CEN cc:file

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

November 22, 2016

Bonnie Wallace 4113 Eder Road Baltimore MD 21222

RE: Case Number: 2017-0115 A, Address: 4113 Eder Road

Dear Ms. Wallace:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 26, 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,

r. Cellilely

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor

Gregory C. Johnson, P.E., Administrator

Pete K. Rahn, Secretary

Date: 10/31/16

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. 2017-0115-A
Administrative Variance
Bonnie blallace
4113 Eder Road.

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

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OFFICE OF ADMINISTRATIVE HEARINGS

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:

November 14, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0115-A

Address

4113 Eder Road (Wallace Property)

Zoning Advisory Committee Meeting of November 7, 2016

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2. Conserve fish, plant, and wildlife habitat;

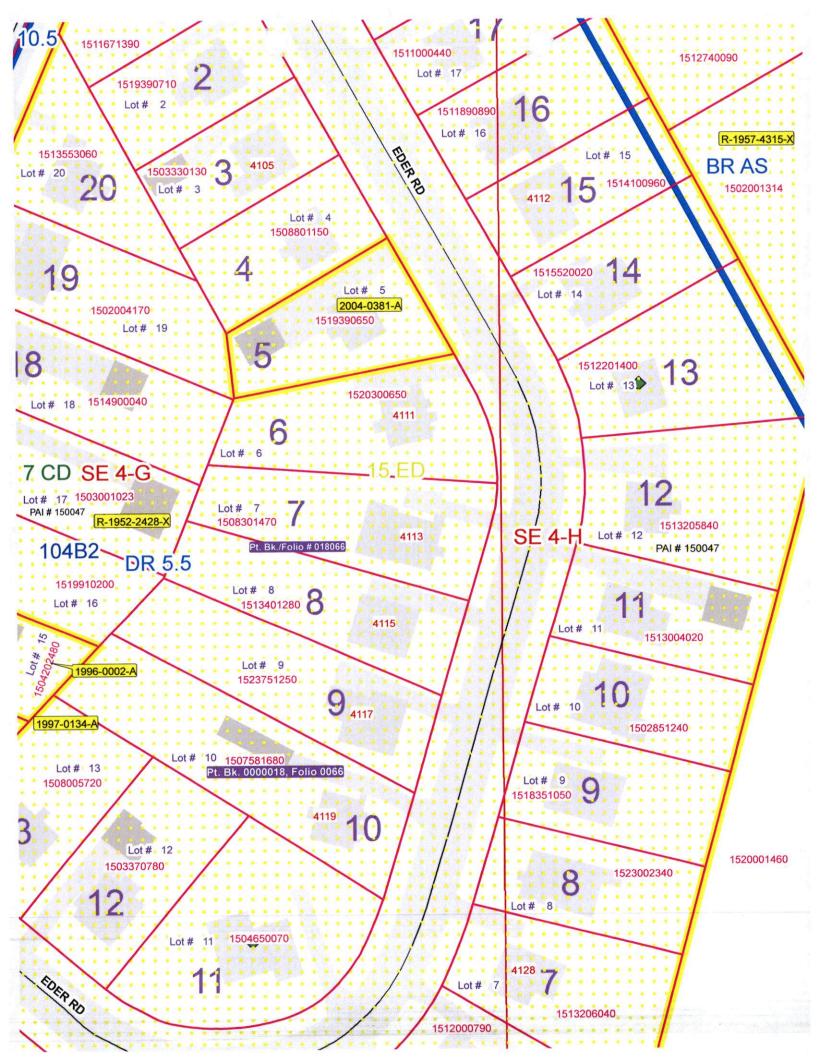
This property is not waterfront. Lot coverage and afforestation information was not provided. If these requirements can be met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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If the lot coverage and afforestation requirements can be met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: November 9, 2016

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

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- 1. This screen allows you to search the Real Property database and display property records.
- 2. Click here for a glossary of terms.
- 3. Deleted accounts can only be selected by Property Account Identifier.
- 4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

7041110 HELENIA TALLEGE AND THE TOTAL HELENIA TOTAL TO	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 4113 Eder Bd OWNER(S) NAME(S) Bonnie Wallace	ES TEHNOGET OF Village Shop Ctr
SUBDIVISION NAME Battle Grave Manor LOT# 7 BLOCK# NA SECTION# B	IATILE STATE
PLAT BOOK # 18 FOLIO # 66 10 DIGITTAX # 15083014'70 DEED REF. #22336 / 00194	INE ROUSE STATE OF THE ROOM OF
	Choolhouse Cove Park of Point
Eder Rd	HACF COULDED
	ZONING MAP# 104B2
50'RW	SITE ZONED TOR 5.5
	ELECTION DISTRICT 15
3000	COUNCIL DISTRICT 17
The state of the s	LOT AREA ACREAGE OR SQUARE FEET 8,650
	HISTORIC? NO
The state of the s	IN CBCA? Yes
O set locate	IN FLOOD PLAIN ? 105
	UTILITIES? MARK WITH X
	WATER IS: PUBLIC X PRIVATE
	SEWER IS:
	PUBLIC_X_PRIVATE
	PRIOR HEARING Tyes
	IF SO GIVE CASE NUMBER -
	AND ORDER RESULT BELOW 12-1952-2428-X
$\left \begin{array}{c} N \end{array}\right $	1-10- C1-0 X
BLANDENIUM DE LA	
PLAN DRAWN BY Donald Knight DATE SCALE: 1 INCH = 40 FEET	Wat arian agam ware:
	VIOLATION CASE INFO:
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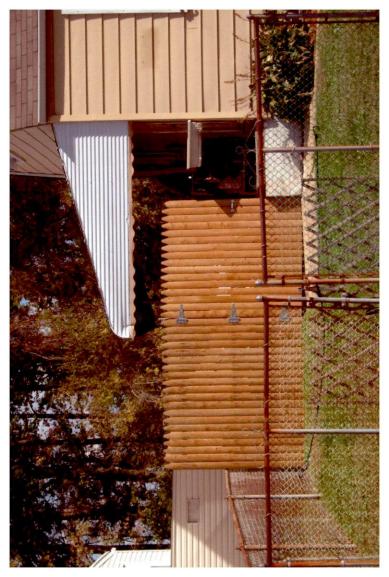
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
ADDRESS 4113 Eder Ad OWNER(S) NAME(S) Bonnie Wallace	
SUBDIVISION NAME BOTHE Grove Manoc LOT# 7 BLOCK # MA SECTION # B	ATTLE CONSTRUCTION
PLAT BOOK # 18 FOLIO # 66 10 DIGIT TAX # 1508301470 DEED REF. #22336/00194	
	The state of the s
	Choolhouse Cove Park Point
Eder Rd	THE WEST OF STREET WEST
	ZONING MAP# 104B2
50'RW	SITE ZONED DR 5.5
	ELECTION DISTRICT_15
	COUNCIL DISTRICT '7
	LOT AREA ACREAGE
	OR SQUARE FEET 8,650 HISTORIC? NO
The state of the s	IN CBCA? Yes
O set Doub	IN FLOOD PLAIN ? 1/6
	UTILITIES? MARK WITH X
	WATER IS:
	PUBLIC_X PRIVATE
	SEWER IS: PUBLIC X PRIVATE
	PRIOR HEARING ? yes
	IF SO GIVE CASE NUMBER
	AND ORDER RESULT BELOW
	R-1952-2428-X
PLAN DRAWN BY Donald Knight DATE SCALE: 1 INCH = 40 FEET	
	VIOLATION CASE INFO:
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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP ES STERNIGET OF VIIIage Shop Ctr
ADDRESS 4113 Eder Rd OWNER(S) NAME(S) Bonnie Wallace	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
SUBDIVISION NAME Battle Grave Manor LOT# 7 BLOCK # M4 SECTION # B	ATTLE WITHING
PLAT BOOK # 18 FOLIO # 66 10 DIGIT TAX # 15083014'70 DEED REF. #22336/00194	OVE RD SET OF SE
	THE STATE OF THE S
	SOUTH BEND PA Britle Grove North
	Choolhouse Cove Park Point
Eder Rd	THE BOW ST GROUE GHIAM RO
	ZONING MAP# 104B2
50' RW	SITE ZONED DR5.5
	ELECTION DISTRICT 15
	COUNCIL DISTRICT '7
The state of the s	LOT AREA ACREAGE
	OR SQUARE FEET 8,650
	HISTORIC? No
Tout I	IN CBCA? Yes
O set Daile	IN FLOOD PLAIN ? 10
	UTILITIES? MARK WITH X
	WATER IS:
	PUBLIC X PRIVATE
	SEWER IS:
	PUBLIC X PRIVATE
	PRIOR HEARING ? Yes
	IF SO GIVE CASE NUMBER
	AND ORDER RESULT BELOW
	R-1952-2428-X
PLAN DRAWN BY Donald Knight DATE SCALE: 1 INCH = 40 FEET	
	VIOLATION CASE INGO

VIOLATION CASE INFO:

NO

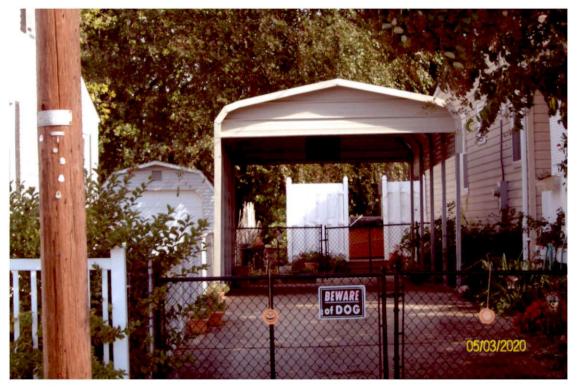
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