

IN RE: PETITION FOR VARIANCE

(1826 Beechwood Road)

15th Election District

7th Council District

William A. & Susan K. Hearn

Legal Owners

Petitioners

*

*

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*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0226-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by William A. & Susan K. Hearn, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a structure height of 40 ft. in lieu of the maximum permitted 35 ft., for a replacement dwelling. A site plan was marked as Petitioners' Exhibit 1.

William Hearn and Dave Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the request.

The property is approximately 14,988 square feet in size and is zoned RC-5. The site was improved with a single-family dwelling which has recently been razed. Petitioners propose to construct a new single-family dwelling on the property. In 2016 (Case No. 2016-0240-A) they obtained variances for reduced site yard setbacks, to accommodate the new dwelling. Petitioners did not realize the RC-5 zone has a 35 ft. height limitation, and thus they were required to seek this additional variance.

ORDER RECEIVED FOR FILING

Date 4/17/17

By Sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The waterfront lots are narrow and deep, and the property is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed new dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 17th day of **April, 2017**, by the Administrative Law Judge for Baltimore County that the Petition for Variance to permit a structure height of 40 ft. in lieu of the maximum permitted 35 ft. for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. Prior to issuance of permits Petitioners must comply with critical area and flood protection regulations.

ORDER RECEIVED FOR FILING

Date

4/17/17

By

sen

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:sln

ORDER RECEIVED FOR FILING

Date 4/17/17

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 17, 2017

William & Susan Hearn
232 E. Padonia Road
Timonium, Maryland 21093

RE: Petition for Variance
Case No. 2017-0226-A
Property: 1826 Beechwood Road

Dear Mr. & Mrs. Hearn:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Dave Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040

**CBCA****PETITION FOR ZONING HEARING(S)****F1001**

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1826 BEECHWOOD AVENUE which is presently zoned RC5
 Deed References: L. 37801 F. 191 10 Digit Tax Account # 1505150230
 Property Owner(s) Printed Name(s) WILLIAM A. & SUSAN K. HEARN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. ☒ a **Variance** from Section(s)

**1A04.3.A TO PERMIT A STRUCTURE HEIGHT OF 40 FEET IN LIEU OF
 MAXIMUM PERMITTED 35 FEET FOR A REPLACEMENT DWELLING**

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If
 you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).**Contract Purchaser/Lessee:**

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):WILLIAM A. HEARN SUSAN K. HEARN

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1826 BEECHWOOD AVE. BALTO, MD.

Mailing Address City State

21221 (443) 829-4104 thehearnfamily1
 Zip Code Telephone # Email Address everizon.net

Representative to be contacted:DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARWOOD CT EDGEWOOD, MD

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0226-A Filing Date 2/23/2017 Do Not Schedule Dates: _____ Reviewer W

ZONING DESCRIPTION

2017-0226-A

1826 BEECHWOOD DRIVE

Beginning for the same at a point on the west side of Beechwood Road (30 feet wide), distant 28 feet southerly from its intersection with the center of Bayside Road (30 feet wide), thence being all of Lots 21 and 22 as shown on the plat entitled Evergreen Park recorded among the Baltimore County plat records in Plat Book 7 Folio 174.

Containing 14,988 square feet or 0.344 acre of land, more or less.

Being known as 1826 Beechwood Avenue. Located in the 15TH Election District, 7TH

Councilmanic District of Baltimore County, Md.

Nº 148663

Date: 2/23/17

PAID RECEIPT

BUSINESS	ACTUAL	TIME	FROM
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2/23/2017 2/23/2017 09:35:50

REG 0501 WALKIN LJR

>>RECEIPT # 70248 2/23/2017 0FLH

Page 5 528 ZONING VERIFICATION

CR NO. 148663

Rec'd Tot \$75.00

\$75.00 CK \$.00 CA

Baltimore County, Maryland

[illegible]

Total: 75.00

Rec
From: CENTRAL DRAFTING

For: 1826 Beechwood Ave

2017-0226-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

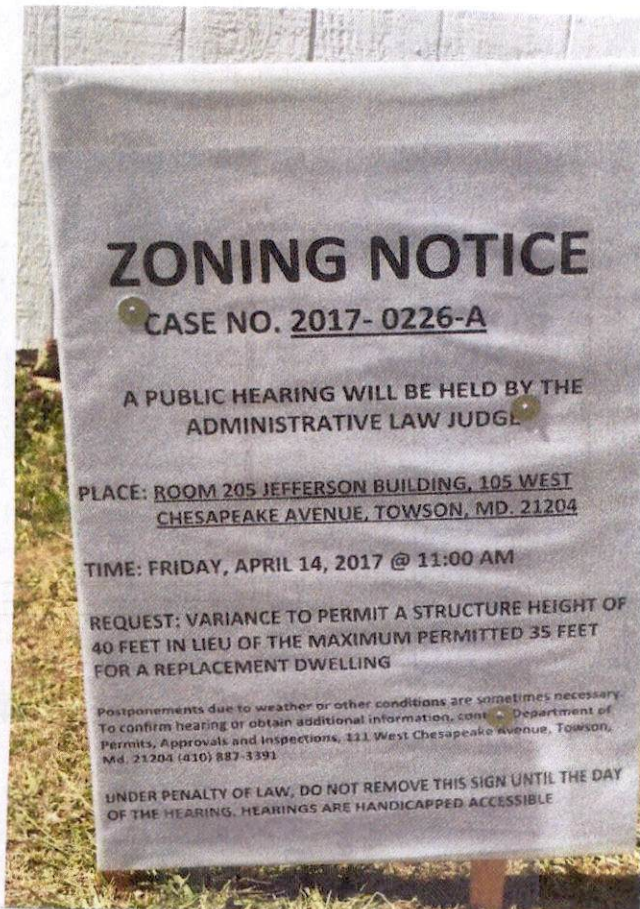
CERTIFICATE OF POSTING

Date: MARCH 23, 2017

RE: Project Name: 1826 BEECHWOOD AVENUE
Case Number /PAI Number: 2017-0226-A
Petitioner/Developer: WILLIAM HEARN
Date of Hearing/Closing: APRIL 14, 2017

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 1826 BEECHWOOD AVENUE

The sign(s) were posted on MARCH 23, 2017
(Month, Day, Year)



David Billingsley
(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)

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

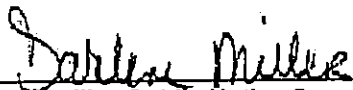
3/24/2017

Order #: 11304358

Case #:

Description:

Case Number: 2017-0226-A - Notice of Zoning Hearing



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0226-A

1826 Beechwood Avenue

W/s Beechwood Avenue, 28 ft. S/of Bayside Road

16th Election District- 7th Councilmanic District

Legal Owners: William & Susan Hearn

Variance to permit a structure height of 40 feet in lieu of the maximum permitted 35 feet for a replacement dwelling.

Hearing: Friday, April 14, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

ARNOLD JABLON,
Director of Permits,

Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3301.
mh24

TO: DAILY RECORD
Friday, March 24, 2017 Issue

Please forward billing to:

William Hearn
1826 Beechwood Avenue
Baltimore, MD 21221

443-829-4104

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0226-A

1826 Beechwood Avenue
W/s Beechwood Avenue, 28 ft. S/of Bayside Road
15th Election District – 7th Councilmanic District
Legal Owners: William & Susan Hearn

Variance to permit a structure height of 40 feet in lieu of the maximum permitted 35 feet for a replacement dwelling.

Hearing: Friday, April 14, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

March 20, 2017

NOTICE OF ZONING HEARING

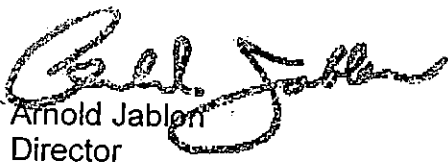
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1826 Beechwood Avenue
W/s Beechwood Avenue, 28 ft. S/of Bayside Road
15th Election District – 7th Councilmanic District
Legal Owners: William & Susan Hearn

Variance to permit a structure height of 40 feet in lieu of the maximum permitted 35 feet for a replacement dwelling.

Hearing: Friday, April 14, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Hearn, 1826 Beechwood Avenue, Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 25, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 twenty (20) 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: 2017-0226-A
Property Address: 1826 Beechwood Avenue
Property Description: _____

Legal Owners (Petitioners): William Hearn & Susan Hearn
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Hearn
Company/Firm (if applicable): _____
Address: 1826 Beechwood Ave
Baltimore Md 21221

Telephone Number: (443) 829-4104



KEVIN KAMENETZ
County Executive

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

April 5, 2017

William A & Susan K Hearn
1826 Beechwood Avenue
Baltimore MD 21221

RE: Case Number: 2017-0226 A, Address: 1826 Beechwood Avenue

Dear Mr. & Ms. Hearn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 23, 2017. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

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



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/27/17

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. 2017-0226-A

*Variance.
William A. & Susan K. Hearn
1826 Beechwood 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,

A handwritten signature in black ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA
Metropolitan District Engineer -- District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 3/15/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-226



INFORMATION:

Property Address: 1826 Beechwood Avenue
Petitioner: William A. Hearn, Susan K. Hearn
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a structure height of 40 feet in lieu of the maximum permitted 35 feet for a replacement dwelling.

A site visit was conducted on March 3, 2017. A previous variance request (ZAC 16-420) was granted for property line setbacks.

The Department has no objection to granting the petitioned zoning request.

For further information concerning the matters stated herein, please contact Krystle Patchak at (410) 887-3480.

Prepared by:



Jessie A. Bialek

Division Chief:



Kathy Schlabach

AVA/KS/JAB/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: March 16, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0226-A
Address 1826 Beachwood Ave. (corrected)
(Hearn Property)

Zoning Advisory Committee Meeting of **March 3, 2017**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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 lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and within a Modified Buffer Area (MBA). The petitioner seeks to allow a structure height of 40 feet in lieu of the maximum permitted 35 feet for a replacement dwelling. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage limits, which, for a property this size, is a maximum of 31 1/4% (4,684 square feet [sf]), with mitigation for lot coverage between 25% (3,734 sf) and 31 1/4%. According to the plan submitted for this review, lot coverage is approximately 4,190 sf. The MBA requirements further restrict lot coverage and structures within the Critical Area Buffer, which on this property is measured 100 feet landward of mean high water. According to the plan, buffer impacts are proposed and will be reviewed for compliance with the MBA requirements. In addition, and as stated above, compliance with the LDA lot coverage limits is required, therefore, by allowing the item requested by the petitioner, impacts on water quality will be minimized.

2. Conserve fish, wildlife, and plant habitat; and

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Back River.

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.

The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; Date: March 16, 2017
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 03 , 2017
Item No. 2017-0226

DATE: March 3, 2017

The Bureau of Development Plans Review has reviewed the subject zoning Items and we have the following comment.

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0226-03032017.doc

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1826 Beechwood Avenue; W/S Beechwood *
Avenue, 28' S Westerly of Bayside Road * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): William & Susan Hearn * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-226-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAR 06 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 18, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0226-A- Appeal Period Expired

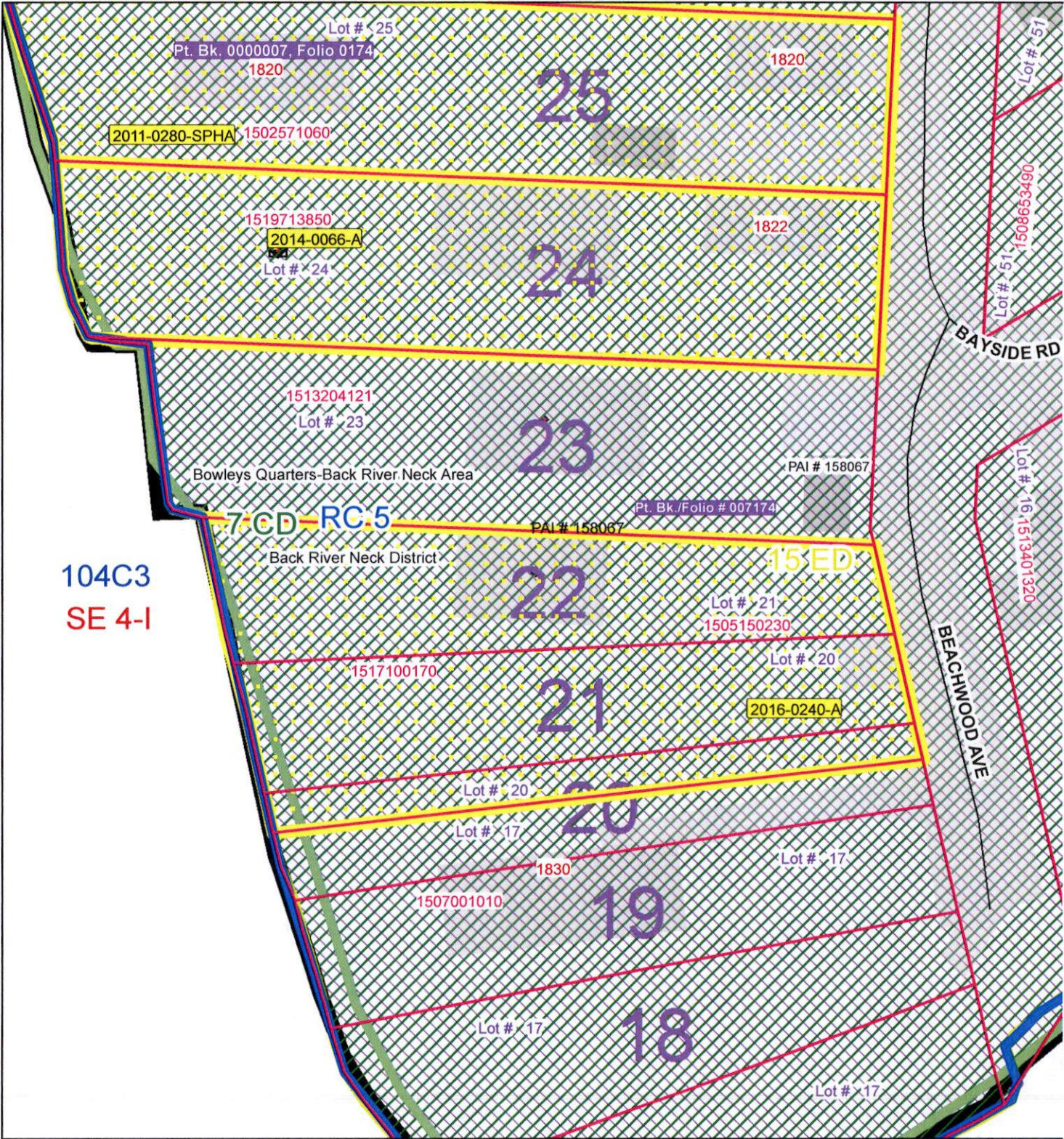
The appeal period for the above-referenced case expired on May 17, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CASE NAME 1826 BEECHWOOD AVE
CASE NUMBER 2017-0226-A
DATE 4/14/17

[illegible]

1826 Beachwood Avenue J17-0226-A



104C3
SE 4-I

Publication Date: 2/23/2017



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



0 10 20 40 60 80 Feet
1 inch = 40 feet

PETITIONER'S EXHIBITS

**1826 BEECHWOOD AVENUE
CASE NO. 2017-0226-A**

*Sen
4-17-17*

1. PLAT TO ACCOMPANY PETITION DATED FEBRUARY 16, 2017 (NO CHANGES)
2. SDAT REAL PROPERTY DATA SEARCH
3. DEED OF RECORD L.37801 F.191 DATED JULY 15, 2016
4. PLAT OF EVERGREEN PARK PB 7 F 174 RECORDED NOV. 6, 1924
5. AERIAL PHOTO
6. COPY OF SITE PLAN FROM CASE NO. 2016-0240-A
7. ROADSIDE BUILDING ELEVATION
8. WATERFRONT BUILDING ELEVATION

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1505150230			
Owner Information					
Owner Name:		HEARN WILLIAM A HEARN SUSAN K		Use:	RESIDENTIAL
Mailing Address:		1826 BEECHWOOD AVE BALTIMORE MD 21221-		Principal Residence:	YES
				Deed Reference:	/37801/ 00191
Location & Structure Information					
Premises Address:		1826 BEECHWOOD AVE BALTIMORE 21221- Waterfront		Legal Description:	LT 21,22 1826 BEECHWOOD AVE EVERGREEN PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0104	0024	0268		0000	21 2015
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1930	880 SF		17,928 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
Base Value		Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2016	07/01/2017	
Land:	203,900	203,900			
Improvements	38,300	35,200			
Total:	242,200	239,100	239,100	239,100	
Preferential Land:	0			0	
Transfer Information					
Seller: AYLOR ROBERT G SR		Date: 07/28/2016	Price: \$180,000		
Type: ARMS LENGTH IMPROVED		Deed1: /37801/ 00191	Deed2:		
Seller: AYLOR ROBERT G,SR		Date: 07/09/1997	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /12272/ 00683	Deed2:		
Seller: ECKHARDT JOHN A		Date: 03/17/1987	Price: \$55,000		
Type: ARMS LENGTH IMPROVED		Deed1: /07450/ 00075	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER'S
EXHIBIT NO. 2

DEED

After recording please mail to:
 Cole Title & Escrow, Inc.
 1925 York Road
 Timonium, MD 21093

File No.: 16Y149
 Tax ID No.: 15-05-150230

THIS DEED, made this 15th day of July, 2016, by and between KATHLENE D. AYLOR, party of the first part, and WILLIAM A. HEARN and SUSAN K. HEARN, Husband and Wife, parties of the second part.

WITNESSETH, that in consideration of the sum of One Hundred Eighty Thousand Dollars and No Cents (\$180,000.00); and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part do grant and convey unto the parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple all that property situate in Baltimore County, State of Maryland, described as follows, that is to say:

BEING KNOWN AND DESIGNATED AS LOTS NOS 21 & 22, AS SHOWN ON THE PLAT OF EVERGREEN PARK AND WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK WPC NO 7, FOLIO 174.

THE IMPROVEMENTS THEREON BEING KNOWN AS 1825-1828 BEECHWOOD AVENUE
 TAX ID# 15-05-150230

BEING the same property which by deed dated July 01, 1997 and recorded among the Land Records of Baltimore County in Liber SM 12272, Folio 683 was granted and conveyed by ROBERT G. AYLOR AND KATHLENE D. AYLOR to ROGER G. AYLOR AND KATHLENE D. AYLOR, where the said ROGER G. AYLOR has since departed this life on or about the 7th day of August, 2015, thereby leaving KATHLENE D. AYLOR the grantor herein.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

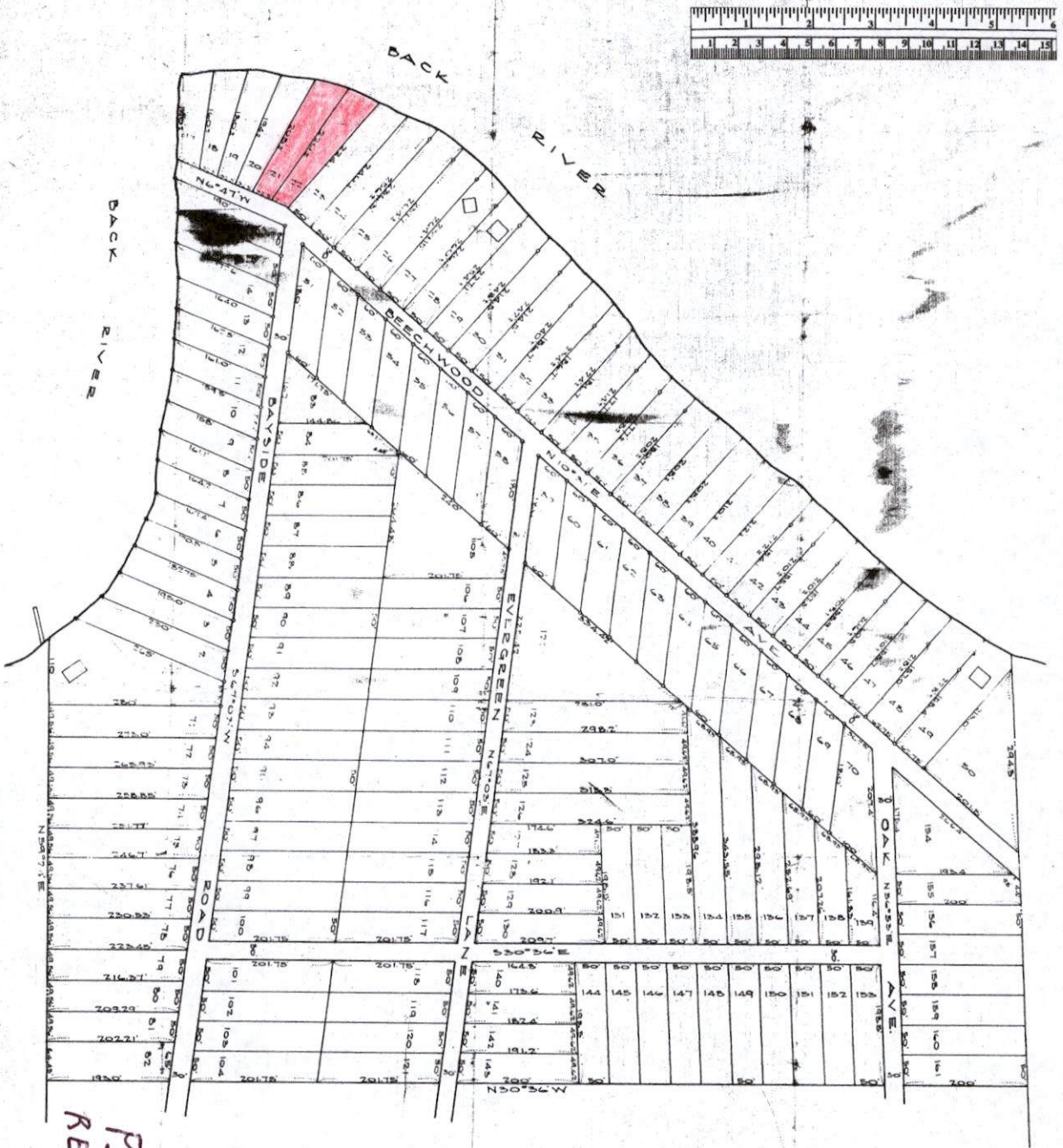
TO HAVE AND TO HOLD said described lot of ground and premises to the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple.

AND the said party of the first part hereby covenant that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby conveyed; and that she will execute such further assurances of the same as may be requisite or necessary.

**PETITIONER'S
 EXHIBIT NO. 3**

LR - Deed (w Taxes)
 Recording only \$120.00
 Grantor/Grantee Name:
 hearn
 Reference/Control #:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 900.00
 LR - Non-Resident Tax
 - linked 0.00
 SubTotal: 960.00
 Total: 960.00
 07/26/2016 11:13 CC03-JF
 #6618550 CC0301 -
 Baltimore
 County/CC03.01.02 -
 Register 02

PAUL J. BOO Oct 25, 1924
BALTIMORE, MD
21004
BALTIMORE, MD
21004



P.B. 7 F. 174
REC- 11/6/1924

PLAT OF
EVERGREEN PARK
FIFTEENTH STREET
BALTIMORE COUNTY
MARYLAND

PETITIONER'S
EXHIBIT NO. 4



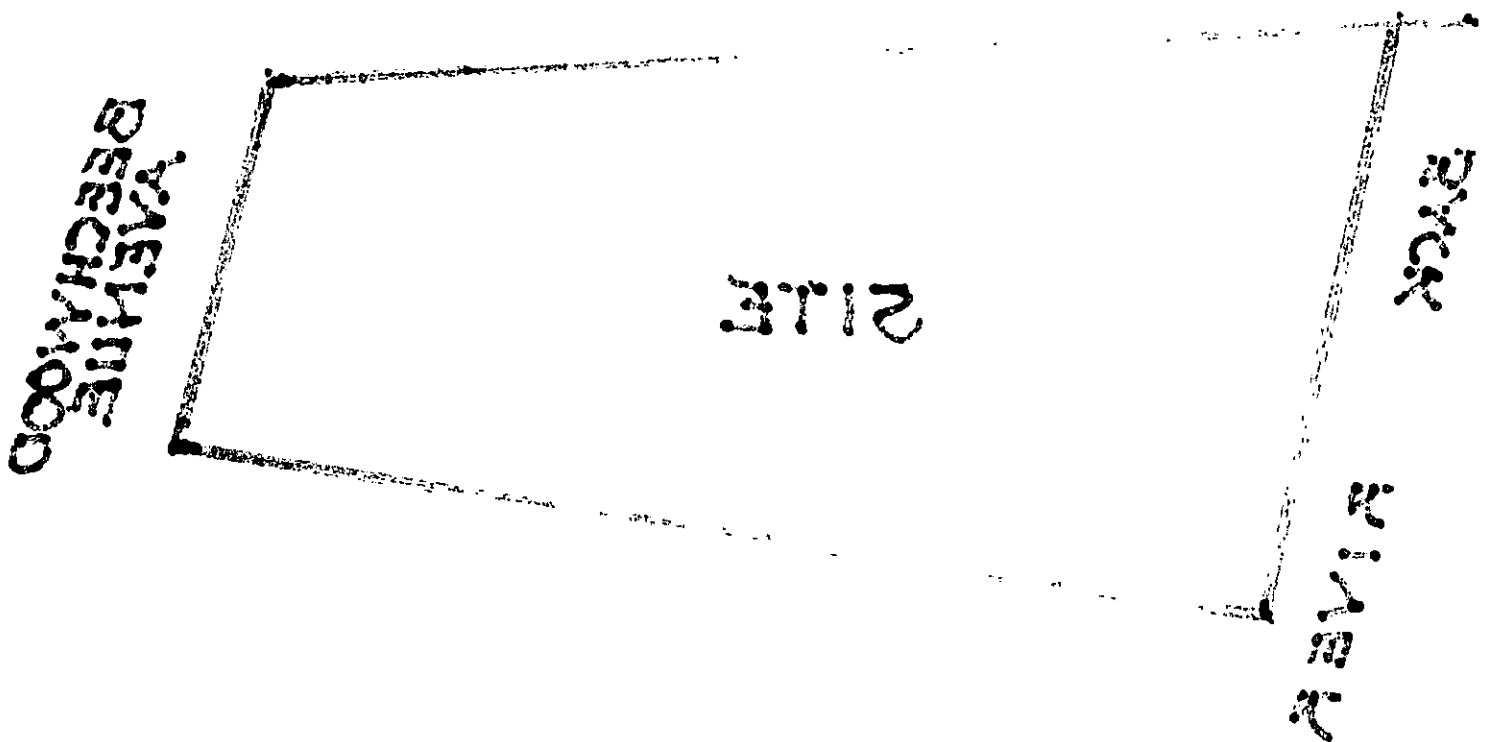
1826 BEECHWOOD
AVE

Created By
Baltimore County
My Neighborhood



PETITIONER'S
EXHIBIT NO. 5

This data is provided as a public service and does not constitute a warranty of accuracy or completeness. It is not to be used for legal or other purposes without the assistance of a qualified professional. The user assumes all liability for any errors or omissions in this data.



CASE # 2016-0740-A

ORDER DATED 5/31/16 (10' SIDE YARDS)

PLAT TO ACCOMPANY PETITION FOR ZONING

☒ ADMINISTRATIVE VARIANCE

☐ SPECIAL HEARING

PROPERTY ADDRESS- 1826 & 1828 BEECHWOOD AVENUE

SUBDIVISION NAME: EVERGREEN PARK

PLAT BOOK: WPC No.7 FOLIO: 174 LOTS # 21 & 22

OWNER: ROBERT G. & KATHLENE D. AYLOR

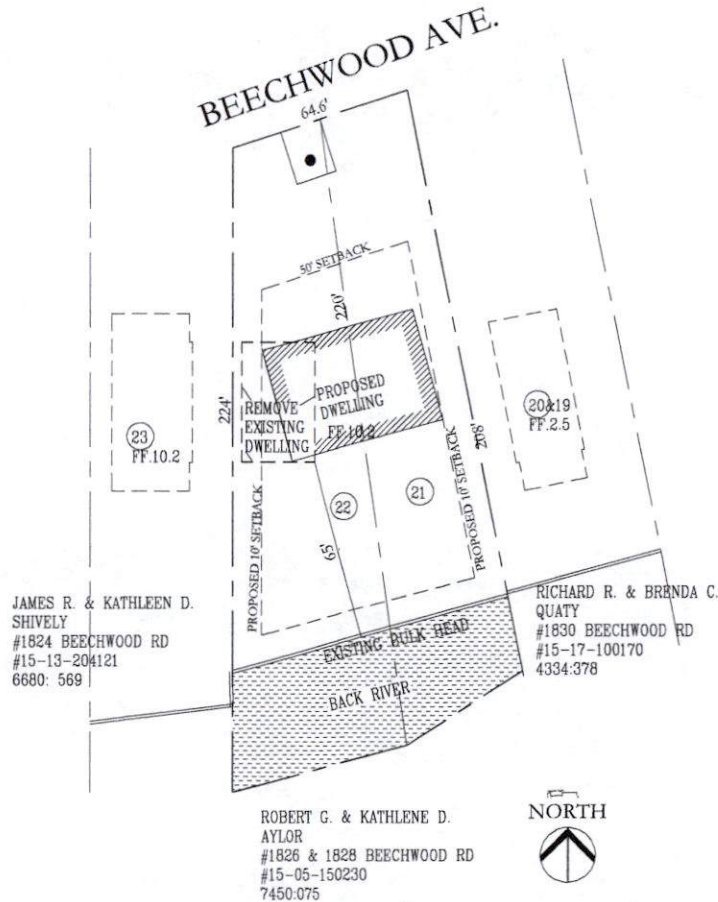
CONTRACT PURCHASER : WILLIAM AND KELLY HEARN



DANIELS & ASSOCIATES
ARCHITECTS, LLC

Scale: #100
1115 Fox Hill Road
Hunt Valley, MD 21036
(410) 540-5505

BEECHWOOD AVE.



Councilmanic District: 7

Election District: 15

1" = 200' scale map: 10403

Zoning: RCS

Lot Size: 0.278 AC

Sewer: PUBLIC

Water: PUBLIC

Chesapeake Bay Critical Area: YES

100 Year Flood Plain: YES

FEMA MAP: 2400100445G

ZONE AE ELEV. 8'

WITH MODERATE WAVE ACTION

Historic Property: No

Prior Zoning Hearings: None

SINGLE FAMILY DWELLING

1826 BEECHWOOD AVENUE

MARYLAND

Date: 3/25/16

Revisions
No. Date Reference

Drawing Title
SITE PLAN

Scale 1" = 20' - 0"

Drawing Number

SITE

Zoning Office Use Only

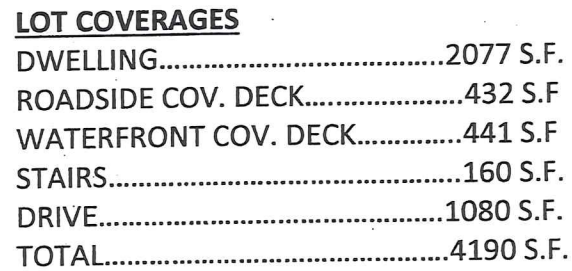
Reviewed By

Date

Checked By

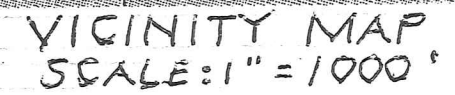
PETITIONER'S
EXHIBIT NO. 6

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



LOT COVERAGE TABLE

LOT AREA.....	14,988 S.F.
LOT COVERAGE PERMITTED W/O MITIGATION.....	3747 S.F.
LOT COVERAGE PERMITTED WITH MITIGATION.....	4684 S.F.
LOT COVERAGE PROPOSED.....	4190 S.F.
ADDITIONAL LOT COVERAGE PERMITTED.....	494 S.F.



- 1. ZONING.....RC 5 (MAP 104C3)**
- 2. AREA.....14,988 S.F. = 0.344 ACRE**
- 3. PUBLIC WATER AND SEWER**
- 4. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE**
- 5. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST**
- 6. PREVIOUS ZONING HISTORY....SEE ZONING CASE 2016-0240-A
DATED 5-22-2016 GRANTING SIDE YARDS OF 10 FEET AND 10 FEET IN
LIEU OF THE REQUIRED 50 FEET AND 50 FEET FOR A REPLACEMENT DWELLING**

PETITIONER'S
EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION FOR VARIANCE
1826 BEECHWOOD AVENUE
LOTS 21 & 22 EVERGREEN PARK 7/174
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD
SCALE 1 INCH = 30 FEET FEBRUARY 16, 2017**

THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED
BUILDING SYSTEMS FILED WITH THE STATE

SN-11148/QN-16284/JN60081/MD

PFS Corporation
Northeast Region
APPROVED
H Raup - 3
12/7/16
Approval limited to
Factory Built Portion



PORCH SLAB, STAIRS,
RAILING AND POSTS
ON-SITE BY OTHERS
SHIPLOOSE SIDING

PETITIONER'S
EXHIBIT NO. **8**

WATERFRONT ELEVATION

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

DIVERSIFIED INVESTMENTS/PLAN 54-119				SEISMIC DESIGN CATEGORY: C	3250 CUSTOM 4-BOX CAPE REAR ELEVATION	FILE NO:
BUILDING LOCATION: 1826 BEECHWOOD AVENUE ESSEX, MD 21221 BALTIMORE COUNTY				WIND LOAD:	SCALE:	LAYER:
STAGE	DATE	DRAWN BY				
PRELIM.	6/9/16	KND				
FINAL.	8/15/16	KR				
REV. FINAL.	9/22/16	KR				
APPROVAL	11/15/16	DDC				
REV. FINAL.	11/11/16	KR				
PURCHASING						
PRODUCTION						



**THE PEAK OF
PERFECTION**

APPEX
HOMES of PA, LLC.
1112 ROUTE 622
MIDDLETOWN, PA 17042
PHONE: (610) 837-8339

THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED
BUILDING SYSTEMS FILED WITH THE STATE

SN-11148/QN-16284/JN60081/MD

MD. CERTIFICATION FOR MODULARS
YES ☒ NO ☐
THE FOLLOWING ELEMENTS OF CERTIFICATION
REQUIRED BY THE MANUFACTURER TO EXCLUDE EACH HOME ARE AS FOLLOWS:
1) DESIGNATED ONLY FOR ERECTION ON A SITE-BUILT PERMANENT FOUNDATION
2) NOT DESIGNED TO BE MOVED ONCE INSTALLED
3) DESIGNED AND MANUFACTURED TO COMPLY WITH NATIONALLY RECOGNIZED MODEL
BUILDING CODE OR EQUIVALENT TO BUILDING CODES FOR ON-SITE HOUSING,
OR WITH MINIMUM PROPERTY STANDARDS ADOPTED BY THE SECRETARY PURSUANT
TO TITLE II OF THE NATIONAL HOUSING ACT, AND
4) TO THE MANUFACTURER'S KNOWLEDGE IS NOT INTENDED TO BE USED OTHER THAN
ON A SITE-BUILT PERMANENT FOUNDATION.

PFS Corporation
Northeast Region
APPROVED
H Raup - 3
12/7/16
Approval limited to
Factory Built Portion



PORCH SLAB, STAIRS,
RAILING AND POSTS
ON-SITE BY OTHERS

SHIPLOOSE SIDING

PETITIONER'S
EXHIBIT NO. **7**

ROADSIDE ELEVATION

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

THE PEAK OF
PERFECTION
APEX
HOMES of PA, LLC.
7172 ROUTE 628
MIDDLEBURG, PA 17048
PHONE: (570) 892-2889



DIVERSIFIED INVESTMENTS/PLAN 54-119

3250 CUSTOM 4-BOX CAPE
FRONT ELEVATION

SEISMIC
DESIGN
CATEGORY:
C

BUILDING LOCATION:
1826 BEECHWOOD AVENUE
ESSEX, MD 21221
BALTIMORE COUNTY

STAGE	DATE	DRAWN BY
PRELIM.	6/9/16	KND
FINAL.	8/15/16	KR
REV. FINAL.	9/22/16	KR
APPROVAL	11/15/16	DDC
REV. FINAL.	11/11/16	KR
PURCHASING		

LOT 5
PLAT OF ASCOT ESTATE
OWNER: AARON J. MONROE
TAX ID: 18-00-01480
DEED REFERENCE: 37918, 00276
46/17

RC-5
BL-CR

SPECIAL HEARING RELIEF REQUESTED:

- TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR SECTION 409.12.B, MODIFYING THE FOLLOWING BCZR SECTION 409 PROVISIONS:
 - SECTION 409.8.A.2 OF THE BCZR TO PERMIT 29 PARKING SPACES IN LIEU OF THE 53 REQUIRED SPACES;
 - SECTION 409.8.A.1 OF THE BCZR TO PERMIT LANDSCAPING FOR PARKING CONSISTENT WITH THE LANDSCAPING RELIEF THAT WAS PREVIOUSLY APPROVED FOR THIS PROPERTY IN ZONING CASE NO. 92-254-A;
 - SECTION 409.11 TO PERMIT LOADING AREAS IN AREAS ALSO DESIGNATED FOR PARKING.
- PURSUANT TO SECTION 259.3.C.3.a AND SECTION 259.3.C.8 OF THE BCZR, TO PERMIT LANDSCAPING CONSISTENT WITH THE LANDSCAPING RELIEF THAT WAS PREVIOUSLY APPROVED FOR THIS PROPERTY IN ZONING CASE NO. 92-254-A AND TO CONFIRM THAT THE PROPOSED BUILDING ADDITION IS APPROPRIATE TO THE EXISTING BUILDING AND NEIGHBORHOOD; AND,
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

LONG AND FOSTER
OWNER: JARRETTVILLE VENTURE, LLC
TAX ID: 10-12-00125
DEED REFERENCE: 35821, 00257
1 STORY FRAME BUILDING
#14228

JACKSONVILLE VETERINARY HOSPITAL
OWNER: LYNCH FAMILY NO. 2 LLLP
TAX ID: 10-16-075340
DEED REFERENCE: 17853, 00204
2 STORY FRAME BUILDING
#14240

SCALE: 1" = 20'-0"

SITE PLAN TO ACCOMPANY A PETITION FOR SPECIAL HEARING FOR MODIFIED PARKING PLAN AT 14232 JARRETTVILLE PIKE

SCALE: 1" = 500'-0"

VICINITY MAP A5

GENERAL:

- OWNER:
CASEY BROOKS
14232 JARRETTVILLE PIKE
PHOENIX, MARYLAND 21131
- SITE AREA:
GROSS: 38,236 SQ FT, OR 0.88 ACRES ±
NET: 32,931 SQ FT, OR 0.76 ACRES ±
- BUILDING AREA:
EXISTING: 2,924 SQ FT
PROPOSED ADDITION: 350 SQ FT
TOTAL PROPOSED: 3,274 SQ FT
BL-CR
- ZONING:
15' MIN., AVERAGE OF ADJACENT BUILDINGS
- SETBACKS:
FRONT: 15'
SIDES: 15'
BACK: 15'
- HEIGHT OF STRUCTURE:
PERMITTED: 30'
EXISTING: 22'
- DEED REF: 19863 / 00666
- TAX ACCOUNT: 1016090080
- COUNCILMANIC DISTRICT: 3
- ELECTION DISTRICT: 10
- UTILITIES:
PRIVATE WELL
PRIVATE SEPTIC
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN
- WATER SHED: LOCH RAVEN RESERVOIR
- TAX MAP: 0035
- PARCEL: 0210
- PARKING CALCULATIONS:
RESTAURANT
REQUIRED: 3,274 SQ FT @ 16 PER 1,000 = 53
PROVIDED: 29 SPACES
SPACES: 2 HANDICAP, 27 REGULAR
SPACE SIZE: 18'X9'
HANDICAP SPACE SIZE: 18'X9' W/ 5' ACCESS AISLE
PARKING LOT WILL BE DURABLE, DUSTLESS, STRIPPED AND LIGHTED.
- FLOOR AREA FOR BL-CR
ALLOWED: 0.20
EXISTING: 0.08
PROPOSED: 0.09
- THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS.
- NEW FREE STANDING SIGN AND WALL MOUNTED SIGN MUST COMPLY WITH SECTIONS 450 AND 259.3 OF THE BCZR AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE, NOR IS THE SITE ITSELF HISTORIC.
- PREVIOUS ZONING CASES:
#92-254-A
A. VARIANCE FROM SECTION 259.3C2a TO PERMIT A FRONT SETBACK OF 61 FEET IN LIEU OF THE REQUIRED AVERAGE OF THE SETBACK OF THE ADJACENT BUILDINGS AND TO PERMIT A SIDE YARD OF 6 FEET IN LIEU OF THE REQUIRED 15'
B. VARIANCE FROM SECTION 259.3C3a TO PERMIT LANDSCAPING OF FRONT, SIDE, AND REAR SETBACKS IN AREAS PROVIDED ON PLAN IN LIEU OF THE ENTIRE REQUIRED FOR, SIDE, AND REAR SETBACK AREAS.
C. VARIANCE FROM SECTION 259.3C7b TO PERMIT A FREE STANDING SIGN WITH A SURFACE AREA OF 36 SQUARE FEET PER SIDE IN LIEU OF THE ALLOWED 25 SQUARE FEET.
D. VARIANCE TO AMEND SECTION 259.3C7c TO PERMIT SIGN TO BE GROUND LIT.
- PREVIOUS COMMERCIAL PERMITS:
PERMIT NUMBER: B140950 DATE: 1/28/83
RAZE EXISTING RESTAURANT / TAVERN TO BE TORN DOWN AND HAUL TO APPROVED SANITARY LANDFILL. SEPTIC TO BE BACKFILLED. WELL MUST BE BACKFILLED PRIOR TO RAZING OF STRUCTURE.
PERMIT NUMBER: B140952 DATE: 4/2/83
CONSTRUCT A 1 STORY CONVENIENCE STORE AND GRADE LOT.
PERMIT NUMBER: B550035 DATE: 3/23/04
INTERIOR ALTERATIONS TO CONSIST OF DEMOLITION OF INTERIOR FIXTURES / FINISHES. NEW DRYWALL ON EXTERIOR PARTITIONS, NEW CEILING GRID / TILE. ELIMINATE ONE EXTERIOR DOOR AND FINISHES.
- THERE IS NO AMENITY OPEN SPACE REQUIREMENT FOR THIS PROPERTY.
- THE EXISTING RELOCATED SIGN IS 36 SQUARE FEET, DOUBLE SIDED, 13' IN HEIGHT, AND IS ILLUMINATED FROM THE GROUND.



KEY NOTES A1

CASEY'S DELI
ALTERATIONS AND ADDITIONS
14232 JARRETTVILLE PIKE
PHOENIX, MARYLAND 21131

I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT
UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO.: 8586
EXP. DATE: 21 MAY 2017
THESE DRAWINGS ARE NOT PERMITTED TO BE COPIED OR REPRODUCED, EITHER WHOLLY OR PARTIALLY, UNLESS WRITTEN PERMISSION IS FIRST OBTAINED FROM SANDERS DESIGNS, P.A.

SANDERS | DESIGNS
ARCHITECTS PLANNERS

No.	Date	Revision

Project No.: 16.152
Date: 31 MARCH 2017
Scale: AS NOTED
Edition:

PETITION FOR SPECIAL HEARING
Drawing Name:

SITE PLAN
Drawing Number:
A001