#### MEMORANDUM

DATE:

February 6, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0145-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 5, 2018. 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 \*

(2112 Riverview Road)

15<sup>th</sup> Election District
7<sup>th</sup> Council District

Pete Patras and Dianne Riddleberger Patras \*

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2018-0145-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, Pete Patras and Dianne Riddleberger Patras ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed one-story addition attached to the side of the existing dwelling with a side yard setback of 7 ft. in lieu of the required 50 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. 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 December 18, 2017 submitted by the Department of Environmental Protection and Sustainability ("DEPS").

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 10, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("B.C.C."). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general ORDER RECEIVED FOR FILING

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welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 5th day of January, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed one-story addition attached to the side of the existing dwelling with a side yard setback of 7 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the DEPS ZAC comment dated December 18, 2017; a copy of which is attached hereto and made a part hereof.

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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Date 1-5-(8

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#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**

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:

December 18, 2017

SUBJECT:

DEPS Comment for Zoning Item

# 2018-0145-A

Address

2112 Riverview Road

(Patras Property)

Zoning Advisory Committee Meeting of December 11, 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 and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a one-story bathroom addition on the side of the home. If the Critical Area lot coverage requirements are met, the relief requested by the applicant can result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17)

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

This waterfront property is located within a Modified Buffer Area (MBA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed bathroom addition is located outside the 100-foot tidal buffer. Impacts to fish, wildlife, and plant habitat can be minimal provided that the property meets all Critical Area requirements.

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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.

The applicant's proposal to construct a bathroom addition on the side of the home is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicant meets the requirements stated above.

Reviewer:

Paul Dennis

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#### 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 2//2 Currently zoned Deed Reference 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.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore Count

attached hereto and made a part hereof, hereby petition for an:

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

City

Baltimore County adopted pursuant to the zoning law for Baltimore County.

Attorney for Owner(s)/Petitioner(s):

Telephone #

day of required by the zoning regulations of Baltimore County.

Name-Type or Print

Signature

Zip Code

Mailing Address

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat

A PROPOSED ONE-STORY ADDITION ATTACHED TO THE SIDE OF EXISTING DWALLING WITH A SIDE YARD SETBACK OF 7 FEET IN LIEU OF THE

ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore

ADMINISTRATIVE VARIANCE from Section(s) 1A04,3.8,26 6FRC

County Code. (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

State

Email Address

of the Baltimore County Code, to the development law of Baltimore County. If 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 Owner(s)/Petitioner(s): Signature # 2 Representative to be contacted: Name – Type or Prin Signature Mailing Address City State **Email Address** 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 Administrative Law Judge for Baltimore County Rev 5/5/2016

#### 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: 2112 Riverview Rd Essex MD 21321  Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
Currently we have no bathroom on the main floor of our home. To use the bathroom we need to climb stairs to the second floor we hope to remain in our home as long as possible but as we age to our 70's we are conderned about the ability to climb stairs.  Therefore, we are requesting this variance to allow us to add this bathroom on the main floor.
Thankyou.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)    Signature of Owner (Affiant)   Signature of Owner (Affiant)     Pete Patras   Dianne Riddle berger Patra     Name-Print or Type   Name-Print or Type     The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 2ND day of November 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared.  Print name(s) here: Pete Patras & Dianne Riddle berger Patras
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal
My Commission Expires

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 2/1 d Currently zoned Deed Reference 10 Digit Tax Account # 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: ADMINISTRATIVE VARIANCE from Section(s) 1 A 04, 3. B, 2. b of BCZR TO PERMIT PREPOSED ONE-STORY ADDITION ATTACHED TO THE SIDE OF EXISTING DWELLING WITH A SIDE YARD SETBACK OF of the zoning regulations of Baltimore County, to the zoning law of Baltimore Cou 2. \_\_\_\_ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 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): Signature # 2 Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name-Type or Print Signature Mailing Address City State

Zip Code Telephone # **Email Address** 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 Balti	imore County	
2018-0145-4	1,1911	15/017	

Filing Date / P

**Estimated Posting Date** 

Rev 5/5/2016

## 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.

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the Affiant(s) herein, personally known or satisfactor  AS WITNESS my hand and Notaries Seal  Notary P	alexin	me as such Affiant() MDB0	s).

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Address: 21/2, Riverview Rd Essex MD 2/32/ Print or Type Address of property City State Zip Code
Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
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(If additional space for the petition request or the above statement is needed, label and attach it to this Form)  Signature of Owner (Affiant)  Pete Patras  Dianne Riddle berger latra
Name- Print or Type Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this <u>2ND</u> day of <u>NVMMUS 2017</u> , before me a Notary of Maryland, in and for the County aforesaid, personally appeared.
Print name (s) here: Pete Patras a Dianne Riddleberger Patras
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Will Sum OBoard
Notary Public / 5/2020
My Commission Expires

#### Zoning Property Description for 2112 Riverview Road

Beginning at a point on the Southwesterly side of Riverview Road which is 20 feet wide at a distance of 1360+/- feet Southeast of the centerline of Wildwood Beach Road which is 30 feet wide.

Beginning for the same at a point on the Southwesterly side of a road 20' wide at the distance of 1344'3" more or less Northwesterly from a point where said road intersects the North 47 degrees 50 minutes East 114 perches line of the whole tract of land conveyed by John L Fitzell and wife to Frank page and others by a deed dated October 11, 1922 and recorded among the land records of Baltimore County in Liber WPB 563-25 etc. (which according to a recent survey is North 48 degrees 20 minutes east 114 perches line) 257 feet more or less from its beginning and running thence along the Southwesterly side of said 20 foot road north 49 degrees 15 minutes west 33 feet more or less to intersect the North 43 degrees 45 minutes East 227 foot line according to the above mentioned recent survey,) thence running South 43 degrees 45 minutes West 227 feet more or less to the waters of Back River then Southeasterly along the waters of the Back River 34 feet 6 inches more or less to intersect a line drawn South 40 degrees 45 minutes West 212 feet or more or less from the place of beginning and thence reversing said line North 40 degrees 45 minutes East 212 feet more or less to the place of beginning

The improvements thereon are now known as No. 2112 Riverview Road.

Containing 7227 square feet. Located in the 15<sup>th</sup> Election District and 6<sup>th</sup> Council District.

#### Zoning Property Description for 2112 Riverview Road

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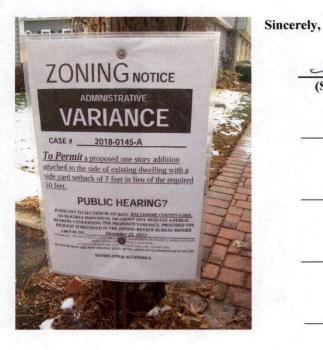




#### **CERTIFICATE OF POSTING**

2018-0145-A RE: Case No.: RECEIVED Petitioner/Developer: JAN 0 3 2018 **Pete Patras** OFFICE OF December 25, 2017 ADMINISTRATIVE HEARINGS Date of Hearing/Closing: **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: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2112 Riverview Road **December 10, 2017** The sign(s) were posted on

(Month, Day, Year)



(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)
1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

### **CERTIFICATE OF POSTING**

	2018-0145-A RE: Case No.:
	Petitioner/Developer:
	Pete Patras
	December 25, 2017
	Date of Hearing/Closing:
altimore County Department of	
ermits, Approvals and Inspections	D. P. C. H. P. L. H. L.
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adies and Gentiemen.	
	of perjury that the necessary sign(s) required by law were ed at:
he sign(s) were posted on	(Month, Day, Year)
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ADMINISTRATIVE	(Signature of Sign Poster) (Date)
VARIANCE	SSG Robert Black
CASE # 2018-0145-A  To Permil a proposed one story addition	(Print Name)
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	(410) 282-7940
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### **CERTIFICATE OF POSTING**

	RE: Case No.: 2018-0145-A
	Petitioner/Developer:
	Pete Patras
	December 25, 2017 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections	
County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	RECEIVED
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100:100/4 100:100/4	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)

(410) 282-7940

### CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
12-18	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
15-6	STATE HIGHWAY ADMINISTRATION	No diject.
-	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
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PRIOR ZONING	(Case No. $\frac{2013 - 6001-99}{2013 - 6001-99}$	(12-)
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#### Search Result for BALTIMORE COUNTY

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Primary Structure	Above Grade Living		ished Ba		Pro	perty l	land	Cou	ntv
Built	Area			Area		Land County Use			
1924	2,098 SF				7,22	27 SF		34	
Stories Basement	Туре	Exterior	Full/Ha	lf Bath	Garage		Last Maj	or Reno	vation
2 YES	STANDARD UNIT	BRICK	2 full		1 Detach	ned	2002	01 110110	vacion
		Value Ir	formation	1					
	Base Value	V	alue		Phase-ir	Asse	ssments		
			s of		As of		As	of	
T	100 500			01/2015 07/01/2		17	07/	01/2018	\$
Land:	199,500	199,500							
Improvements Total:	161,000 360,500	161,000 360,500			200 500				
Preferential Land:	0	30	50,500		360,500				
· · · · · · · · · · · · · · · · · · ·		Transfer	Informatio	n					
Seller: WITTIG MARY R				711		Dri	00: \$170.0	200	
Type: ARMS LENGTH IM	IPROVED	Date: 09/28/1999 Deed1: /31212/ 00030		030	Price: \$170,000 Deed2:				
Seller: WITTIG MARY R									
Type: NON-ARMS LENG	TH OTHER	Date:       09/26/1990       Price:       \$0         Deed1:       /08604/00627       Deed2:							
Seller:		Date:	200 17 001						
Type:	* · · · · · · · · · · · · · · · · · · ·	Date: Deed1:				Pri	ce: ed2:		
.,,,,		270 300 000 000 000	Informat	ion		Del	GUZ.		
Partial Exempt Assessments:	Class	Exemption Information 07/01/20		07/01/201	07/01/2018		18		
County:	000			0.00					
State:	000			0.00					
Municipal:	000			0.00			0.00		
Tax Exempt:		Special 7	ax Reca	pture:					
Exempt Class:		NONE							
		estead Appl	ication Int	formation					
Homestead Application St	atus: Approved 09/11	/2009							



Homeowners' Tax Credit Application Status: No Application

Date:

#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case	Number 2018-	0145 - A	Addres	s <u>2112 F</u>	Riverview Road	
Conta	ct Person:		Sui ease Print Your Name		Phone Number: 41	0-887-3391
iling	Date:1	1/29/17	Posting Date	: <u>12/10/17</u>	Closing Date:	12/25/17
Any c	contact made v gh the contact p	vith this office erson (planne	e regarding the sta er) using the case nu	atus of the a umber.	dministrative variance	should be
1.	reverse side or reposting must is again respo	f this form) a t be done only nsible for all	nd the petitioner is y by one of the sign associated costs.	responsible to posters on the zoning responsible to the control of	osters on the approve for all printing/posting ne approved list and t notice sign must be vi d remain there through	costs. Any ne petitioner sible on the
2.	a formal requ	est for a pub	ate is the deadline for plic hearing. Pleas the process is not o	se understand	nt or owner within 1,00 I that even if there i he closing date.	0 feet to file s no formal
3.	commissioner. order that the within 10 days	He may: ( matter be set s of the clos etition has be	a) grant the reques in for a public heari sing date if all Cou en granted, denied,	ited relief; (b) ng. You will i inty agencies	by the zoning or de deny the requested receive written notifical comments are receipublic hearing. The	relief; or (c) tion, usually eived, as to
4.	(whether due commissioner) changed giving	to a neighbo , notification g notice of the	or's formal request will be forwarded e hearing date, time	or by order to you. The and location graph of the	s that must go to a pu of the zoning or de e sign on the prope . As when the sign w altered sign must be t	puty zoning rty must be as originally
etiti	oner: This Par	t of the Form	is for the Sign Po	ster Only		
		USE THE AD	MINISTRATIVE VA	ARIANCE SIG	N FORMAT	
Case	Number 2018-	0145	-A Address <u>211</u>	2 Riverview F	Road	
Petitic	oner's Name: <u>F</u>	Pete Patras	Telephone	410-780-1992	2	
Posti	ng Date:1	2/10/17	Closin	g Date:	12/25/2017	<del></del>
Wording for Sign: To permit a proposed one-story addition attached to the side of existing dwelling						
with a side yard setback of 7 feet in lieu of the required 50 feet.						

Revised 7/10/17



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

December 27, 2017

Pete & Diane Patras 2112 Riverview Road Baltimore MD 21221

RE: Case Number: 2018-0145 A, Address: 2112 Riverview Road

Dear Mr. & Ms. Patras:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 29, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

e: People's Counsel

#### **BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence** 

RECEIVED

DEC 1 8 2017

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:

December 18, 2017

SUBJECT:

DEPS Comment for Zoning Item

# 2018-0145-A

Address

2112 Riverview Road

(Patras Property)

Zoning Advisory Committee Meeting of December 11, 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 and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a one-story bathroom addition on the side of the home. If the Critical Area lot coverage requirements are met, the relief requested by the applicant can result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17)

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

This waterfront property is located within a Modified Buffer Area (MBA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed bathroom addition is located outside the 100-foot tidal buffer. Impacts to fish, wildlife, and plant habitat can be minimal provided that the property meets all Critical Area requirements.

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 applicant's proposal to construct a bathroom addition on the side of the home is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicant meets the requirements stated above.

Reviewer: Paul Dennis

S/EPS\Shared\DEShared\Devcoord\1 ZAC-Zoning Petitions\ZAC 2018\ZAC 18-0145-A 2112 Riverview Road.doc





ADMINISTRATION



Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater

Date: 12/6/17

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. 2015 - 10145 - A

Committee approval of Case No. 2018-0145-A
Administrative Variance
Pete z Dianne Patras
2112 Riverview 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, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

#### **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:

December 18, 2017

SUBJECT:

DEPS Comment for Zoning Item

# 2018-0145-A

Address

2112 Riverview Road

(Patras Property)

Zoning Advisory Committee Meeting of December 11, 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:

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The applicant's proposal to construct a bathroom addition on the side of the home is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicant meets the requirements stated above.

Reviewer: Paul Dennis

S:\EPS\Shared\DEShared\Devcoord\1 ZAC-Zoning Petitions\ZAC 2018\ZAC 18-0145-A 2112 Riverview Road.doc

#### **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:

December 18, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0145-A

Address

2112 Riverview Road (Patras Property)

.

Zoning Advisory Committee Meeting of **December 11, 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:

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Reviewer: Paul Dennis

S:\EPS\Shared\DEShared\Devcoord\1 ZAC-Zoning Petitions\ZAC 2018\ZAC 18-0145-A 2112 Riverview Road.doc

Prev. 9-5-12

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Riverview Road, 980' SE of the

c/line of Wildwood Beach Road

15<sup>th</sup> Election District 6<sup>th</sup> Council District

(2112 Riverview Road)

Pete and Dianne Riddleberger Patras
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

\* CASE NO. 2013-0001-A

#### ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Pete and Dianne Riddleberger Patras. The Petitioners are requesting Variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement (garage) in the rear yard of a single family dwelling to be placed on the existing foundation of a garage (to be razed) that has a 1 foot 4 inch side yard setback and a proposed height of 18' in lieu of the required 2.5' and 15' respectively. 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. Comments were received from the Bureau of Development Plans Review dated July 19, 2012, which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building must be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

ZAC comments were also received from the Department of Environmental Protection and Sustainability (DEPS) dated August 10, 2012:

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. The applicant is proposing to construct a replacement garage on the existing foundation on the roadside of the home. Because there is no increase in lot coverage proposed, water quality impacts have been minimized in this proposal. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article § 8-1802(a)(17).

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

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed garage is located outside the 100-foot tidal buffer. Provided that the property meets all Critical Area requirements, construction of the garage will conserve existing buffer functions and conserve fish 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 applicant's proposal to construct a replacement garage on the roadside of the home is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 22, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. 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, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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>14<sup>th</sup></u> day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement (garage) in the rear yard of a single family dwelling to be placed on the existing foundation of a garage (to be razed) that has a 1 foot 4 inch side yard setback and a proposed height of 18' in lieu of the required 2.5' and 15' respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their building permit 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 subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.
- 4. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated July 19, 2012, a copy of which is attached hereto and made a part hereof.
- 5. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated August 10, 2012, a copy of which is attached hereto and made a part hereof.

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

LAWRENCE M. STAHL

Managing Administrative Law Judge for

**Baltimore County** 

LMS:dlw

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director.

**DATE:** July 19, 2012

Department of Permits, Approvals

And Inspections

FROM:

MU) Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 30, 2012 Item No. 2013-0001

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN cc: File ZAC-ITEM NO 13-0001-07302012.doc

#### **BALTIMORE COUNTY, MARYLAND**

#### Inter-Office Correspondence

RECEIVED

AUG 1 0 2012



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

August 10, 2012

SUBJECT:

DEPS Comment for Zoning Item

# 2013-0001-A

Address

2112 Riverview Road

(Patras Property)

Zoning Advisory Committee Meeting of July 16, 2012.

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:

 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;

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

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed garage is located outside the 100-foot tidal buffer. Provided that the property meets all Critical Area requirements, construction of the garage will conserve existing buffer functions and conserve fish habitat in Back River.

Lawrence M. Stahl; Managing Administrative Law Judge EPS Comments, Zoning Item # 2013-0001-A 2112 Riverview Road 21221

#### Page 2

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 applicant's proposal to construct a replacement garage on the roadside of the home is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: Paul Dennis; Environmental Impact Review

## Real Property Data Search (w3)

## Search Result for BALTIMORE COUNTY

View GroundRent R	Redemption			View Gr	oundR	ent Regi	stration	
District - 15 A	ccount Nun	nber - 1523	3502380					
		Information						
PATRAS DIAN	INE		Use: Principal Residence:		RESIDE YES	ENTIAL		
2112 RIVERVI	IEW RD	514	Deed Re	ference:		/31212/	00030	
<u>L</u> i	ocation & Str	ucture Info	rmation					
			Legal De	scription:				
el: Sub Sub	division:	Section:	Block:	Lot:		ssment	Plat	
	0			1	2018		Plat Ref:	0010/ 0002
		Town:				NON	E	
		Ad Valorei						
Above Grade Livi Area 2,098 SF			sement	Are	a	and_	Cou Use 34	
Type	Exterior	Full/Ha	lf Rath	Garage		last Mai	or Reno	vation
STANDARD UNIT	BRICK	2 full	in Batti	_		2002	joi itolio	vacion
	Value	Information	<u> </u>					
Base Value	\	/alue		Phase-in	Asses	sments		
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	Date: 09	/26/1990			Pric	ce: \$0	····	
NGTH OTHER	Deed1:	/08604/ 00	627		Dee	ed2:		
	Date:							
	Deed1:		<del></del>		Dee	ed2:		
Class	Exemption	n Informat		17		07/04/0	019	
Glass			07/01/20	17		07/01/2	V 10	
000			0.00					
000						0.001		
			0.00			0.00		
000	Cnasi-I	Tay Bass	mérira :					
000	=	Tax Reca	pture:					
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Но	=							
	PATRAS PET PATRAS DIAN RIDDLEBERG 2112 RIVERV BALTIMORE I L 2112 RIVERV BALTIMORE I Waterfront Sel: Sub Sub District: 0 0000    Above Grade Livi Area 2,098 SF  Type STANDARD UNIT  Base Value 199,500 161,000 360,500 0	PATRAS PETE PATRAS DIANNE RIDDLEBERGER 2112 RIVERVIEW RD BALTIMORE MD 21221-65  Location & Str 2112 RIVERVIEW RD BALTIMORE 21221-6514 Waterfront  cel: Sub Subdivision: District: District	District - 15 Account Number - 1523   Owner Information	District - 15 Account Number - 1523502380				

2018-0145-A



WWW.SMAPFISH.COM - Beltsville MD 3725800321303#9-7 16-30385 C11 10/03/17

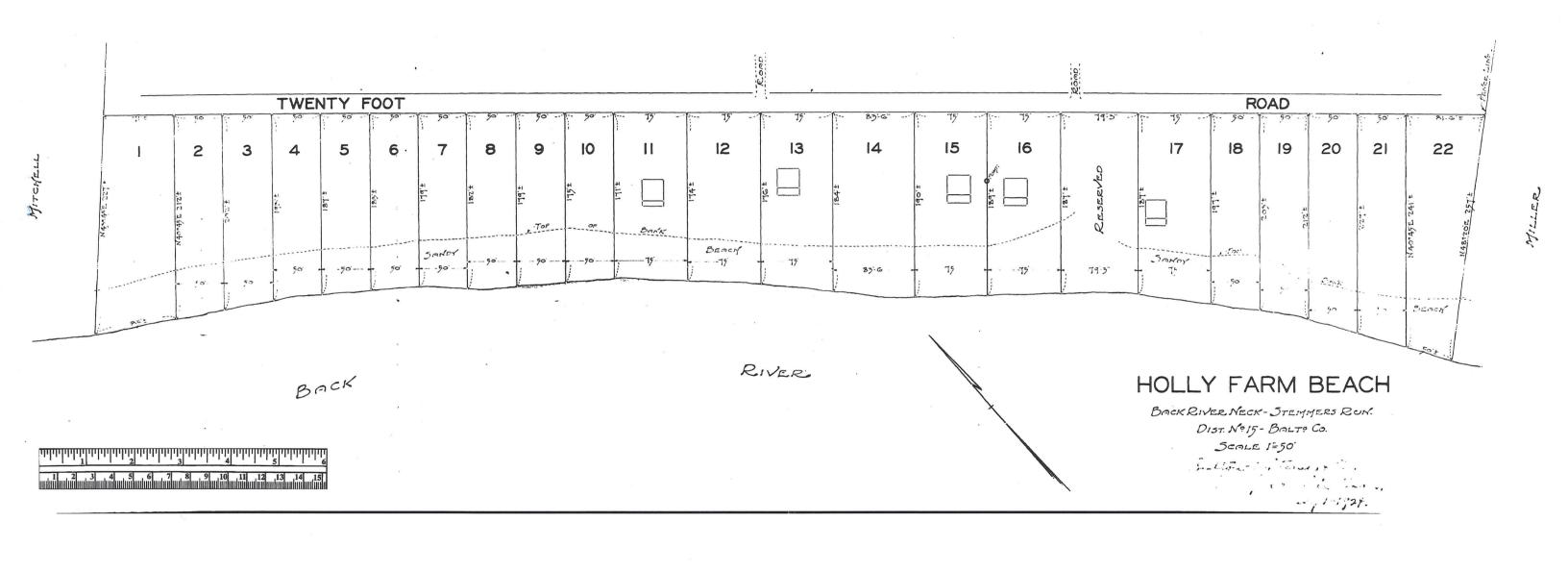
2018-0145-4



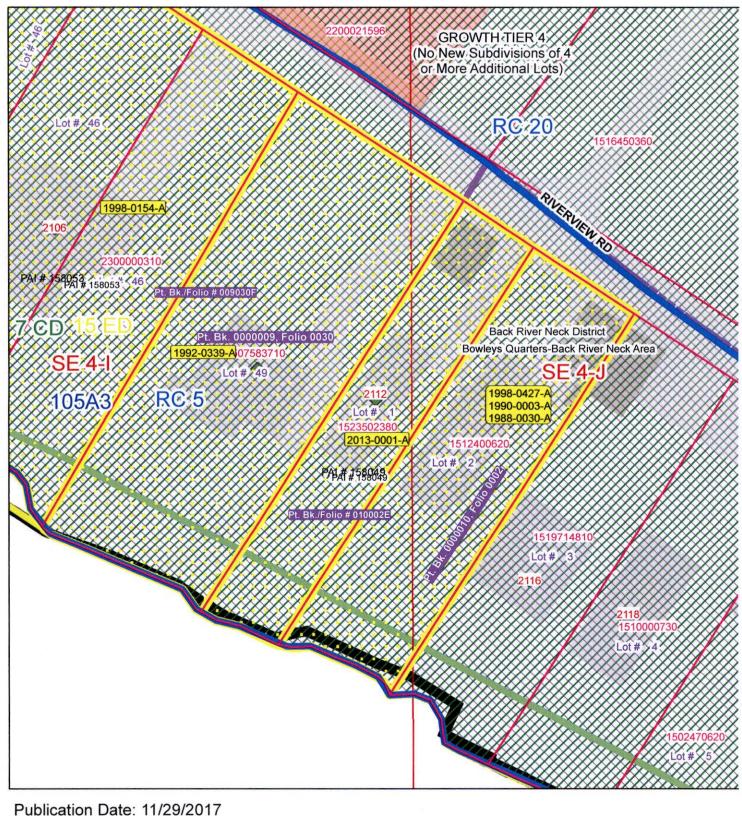
WWW.SMAPFISH.COM - Beltsville MD 3725800321303#11-9 16-30385 C11 10/03/17

18-0148-

Pete Patras Dianne Riddleberger Patras 2112 Riverview Road Baltimore, Maryland 21221

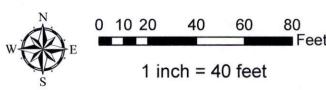


## 2112 Riverview Road





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



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
ADDRESS 2112 RIVERVIEW RD OWNER(S) NAME(S) PETE + DIALLE PATELS	MILTUROD
SUBDIVISION NAME HOLL FARM BEACH LOT# BLOCK # SECTION # SECTION # LOT # 1 BLOCK # SECTION # SECT	BEACH RD RIVER NECK RD
P.O.B. 7 967 FT TO E BACK RIVER NECK RD.	RIVEAVIEW, RD
E+151146 PATIO 1111	T MAP IS NOT TO SCALE  ZONING MAP# 0105 A 3  SITE ZONED RC 5
PROPOSED 5'6"X 12  BATHROOM ADDITION  ST ADDITION	COUNCIL DISTRICT/S LOT AREA ACREAGE
# 2110 15' \ Total 13' \	OR SQUARE FEET 7227 HISTORIC? NO IN CBCA? YES IN FLOOD PLAIN? NO
80 195'	UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE
18 EFISITIVE 28	SEWER IS: PUBLIC X PRIVATE
PH 1/29/17 WATER FRONT	PRIOR HEARING ? IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
N Pat &	2013-0001-A
PLAN DRAWN BY JOHNSY D ABRAMS DATE 10/30/17 SCALE: 1 INCH = 40 FEET Tet. &	

2018-0145-A

VIOLATION CASE INFO:

	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
ADDRESS 2112 RIVERVIEW RD OWNER(S) NAME(S) PETE + DIALLE PATELS	Whowood
LOST V BLOOM SCOTION I	BEACH RIVER
SUDDIVISION NAME TO A STATE OF THE STATE OF	RD (NECK RD
PLAT BOOK # OOIO OOD FOLIO # 644 10 DIGITTAX #1 523502380 DEED REF. #31212100030	
P.O.B. 7 967 FT TO E BACK IZIVER NECK RD.	MAP IS NOT TO SCALE  ZONING MAP# 0105 A 3
PATIO 1 27 T	_
PROPOSED 5'6"X 12	SITE ZONED_ <u>RC`S</u> ELECTION DISTRICT_\(\begin{align*} \]
BATHROOM ADDITION	COUNCIL DISTRICT_7
Bank   b'	LOT AREA ACREAGE
DI ADDITION OUR P.	OR SQUARE FEET 7227
Existing   Existing	HISTORIC? NO
# 2110   PREA   13' > /	IN CBCA? YES
	IN FLOOD PLAIN ? No
	UTILITIES? MARK WITH X
80 13	WATER IS:
	PUBLIC_X_PRIVATE
28'	SEWER IS:
18 ENTINE 28	PUBLICX PRIVATE
	PRIOR HEARING ?
	IF SO GIVE CASE NUMBER
	AND ORDER RESULT BELOW
WATELFRONT	2013-0001-A
PLAN DRAWN BY JOHNNY D ABRAMS DATE 10/30/17 SCALE: 1 INCH = 40 FEET	
LIMIN REPORTED TO TOURS TO THE TOUR PARTY OF THE	VIOLATION CASE INFO:
2018-0145-A	
2010-01477人	· 1 · ·

		SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X F	OR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) OWNER(S) NAME(S) PETE & DIALLE PATEXS	
ADDRESS 2112 RIVERVIEW RD		BEACH BEACH RIVER
SUBDIVISION NAME HOLLY FARM BEACH	LOT# BLOCK # SECTION # SEC	RD NECK RD
PLAT BOOK # 0010/000 2 FOLIO # 644 10 DIGITT	AX#1523502380DEED REF.#31212/00030	( )
22	FOR POR 967 FT TO E BACK RIVER NECK RD.	RIVERNEW, RD
-	E+1591As	MAP IS NOT TO SCALE
	PATIO 1	ZONING MAP# 0105 A 3
· Et	PROPOSED 5'6"X 1:2	ELECTION DISTRICT   5
23	BATHROOM ADDITION	COUNCIL DISTRICT_7
	NEW BANK  ADDITION	LOT AREA ACREAGE
	OUE/P CHISTING	OR SQUARE FEET 7227 HISTORIC? NO
	PRIZA	IN CBCA? YES
F 2110		IN FLOOD PLAIN ? No
	X H 1126,	UTILITIES? MARK WITH X
	80	WATER IS:   PUBLIC × PRIVATE
V		SEWER IS:
	28'   18 Existiv 29'	PUBLICX PRIVATE
$\mathcal{A}$	10' \	PRIOR HEARING ?
PP 1/29/17		IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
	WATERFRONT	2013-0001-A
	•	٠
THAN DE ANAMETIC TO A DO COME	DATE 10/30/17 SCALE: 1 INCH = 40 FEET	
PLAN DRAWN BY JOHNNY D ABRAMS [	Autritoniti noutre + mont = 110 ter	VIOLATION CASE INFO:
	0.10 0145	1

2018-0145-A

_		SITE DICHNIX MAP
	ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
1	ADDRESS 2112 RIVERVIEW RD OWNER(S) NAME(S) PETE + DIALLE PATELS	BEACH BLOKE
	SUBDIVISION NAME HOLL FARM BEACH LOT# BLOCK # SECTION#	RD NECK
	PLAT BOOK # 0010/0002 FOLIO # 644 10 DIGITTAX # 1 5235 0 238 0 DEED REF. # 3 1 2 1 2 4 0 0 0 3 0	) PD
	347	RIVERNEW, RD
	P.O.B. 7 967 FT TO E BACK RIVER NECK RD.	Sire
ļ		MAP IS NOTTO SCALE
Ì	Selstide Partie (C)	ZONING MAP# 0105 A 3
		SITE ZONED RC 5
	Proposed 56x12	ELECTION DISTRICT 15
	2 DATHROOM ADDITION	COUNCIL DISTRICT 7
	BANK 16	LOT AREA ACREAGE
ĺ	St ADDITION OVER 2 Ext 1571 vice	OR SQUARE FEET 7227
1	- IMPZINIOS   PRE A	HISTORIC? NO
ļ	# 2110 LIS' - LI	IN CBCA? YES
		UTILITIES? MARK WITH X
	195'	WATER IS:
	80	PUBLIC X PRIVATE
		SEWER IS:
	18 ENGINE 28	PUBLICX PRIVATE
	) Seek (	PRIOR HEARING ?
	DI Lacin	IF SO GIVE CASE NUMBER
	WATERFEONT	AND ORDER RESULT BELOW
	N	2013-0001-A
	PLAN DRAWN BY JOHNS DATE 10/30/17 SCALE: 1 INCH = 40 FEET	
	E THE DOWN SELECTION OF THE PROPERTY OF THE PR	VIOLATION CASE INFO:
		$\neg$ $\wedge$ $\wedge$

2018-0145-A