

M E M O R A N D U M

DATE: December 9, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0357-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on December 6, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: **PETITION FOR SPECIAL HEARING** * BEFORE THE
(17160 Wesley Chapel Road) *
10th Election District * OFFICE OF
3rd Council District *
Benjamin M. and Elizabeth C. Standish * ADMINISTRATIVE HEARINGS
and Michael J. Siwinski, *
Legal Owners * FOR BALTIMORE COUNTY
Petitioners *
* **Case No. 2019-0357-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Benjamin M. and Elizabeth C. Standish and Michael J. Siwinski, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") for an in-law apartment to be located in a proposed accessory structure. A site plan was marked and admitted as Petitioners' Exhibit 1.

Benjamin M. Standish and Michael J. Siwinski 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 BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS").

SPECIAL HEARING

Mr. Standish testified that he is Mr. Siwinski's son-in-law. He and his wife, along with Mr. Siwinski have purchased this lot off of Wesley Chapel Road for the purpose of building a principal residence for the Standish family and this accessory apartment for Mr. Siwinski.

Petitioners submitted a My Neighborhood map of the property and surrounding lots, most of which

ORDER RECEIVED FOR FILING

Date 11-6-19

By [Signature]

have already been built on. This was admitted as Petitioners' Exhibit 2. Mr. Standish testified that he has spoken with the adjoining property owner, Richard Dyer, and that Mr. Dyer does not oppose this request. Mr. Dyer was at the hearing and confirmed this. Petitioners also submitted a floor plan of the proposed 763 square foot "in-law" residence and it was admitted as Petitioners' Exhibit 3. Both Messrs. Standish and Siwinski acknowledged that they understood that this accessory residence must at all times conform with BCZR Section 400.4.B, as noted in the DOP comments. This is confirmed by the Declaration of Understanding that they have signed before a Notary. They further acknowledged that they will be bound to comply with the DEPS comments since the property will be well and septic.

Based on the record evidence I find that the Petitioners are entitled to the Special Hearing relief they have requested, and that the relief can be granted within the spirit and intent of the BCZR and without harming the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this 6th day of **November, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for an in-law apartment to be located in a proposed accessory structure, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

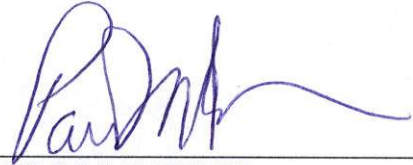
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Declaration of Understanding is hereby incorporated in this Order and will be filed along with this Order in the Land Records of Baltimore County.
3. Petitioners will comply with all ZAC comments (DEPS & DOP), which will also be attached and incorporated into this Order.

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Date 11-6-19

By [Signature]

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln/dlw

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Date 11-6-19

By lw

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 10th day of June 2019, by and between Benjamin Standish, Elizabeth Standish, and Michael Siwinski (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who is/are also the owner(s) of this property has/have filed an application for a use permit and special hearing to:

Construct a new primary dwelling of approximately 2000 square feet, and a new accessory building of approximately 800 square feet to house an in-law apartment. The in-law apartment will include a kitchen, full bathroom, bedroom, and main living area.

The property being located at: 17160 Wesley Chapel Road, Monkton, MD 21111.

and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof.

The property is zoned RC 2, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Michael Siwinski (father). The other residents of the property are: Benjamin Standish (primary dwelling, son in-law), Elizabeth Standish (primary dwelling, daughter), Hannah Standish (primary dwelling, granddaughter), and Grace Standish (primary dwelling, granddaughter). The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

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By PAI

C. As a condition of approval of the Declarant(s) request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PAI.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PAI hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination:

A. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

B. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

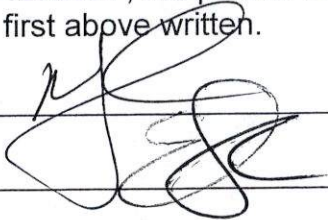
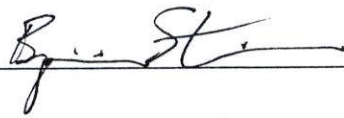
ORDER RECEIVED FOR FILING

Date 11-6-19

By 192

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

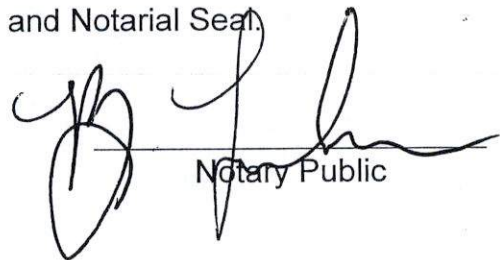
State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day of 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared June 11th.

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:


Notary Public

BECCA LANAHAN
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 05-13-2023

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Date 11-6-19

By 

The Declaration of Understanding for the Accessory Apartment at:

17160 Wesley Chapel Road

Address of property

is approved: _____

Michael Mallinoff, Director-PAI

_____ Date

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Date 11-6-19

By low

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot 1 as shown on Plat of Final Subdivision Plat, Plat Two of Two Haussner Property, which Plat is recorded among the Plat Records of Baltimore County in Plat Book 78, folio Pages 349 through 350.

The improvements thereon being known as No. 17160 Wesley Chapel Road.

BEING THE SAME lot of ground which by Deed dated May 6th, 2019, and recorded among the Land Records of Baltimore County in Liber 41408, folio 00439, was granted and conveyed by The Haussner Family Limited Partnership, unto Benjamin M. Standish, Elizabeth C. Standish, his wife, and Michael J. Siwinski, his father-in-law, the joint tenants and Grantors herein.

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Date 11-6-19

By DS

EXHIBIT B

SITE PLAN

ORDER RECEIVED FOR FILING

Date 11-6-19

By rw



PETITION FOR ZONING HEARING(S)

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 17160 Wesley Chapel Road which is presently zoned RC2

Deed References: 41408 / 00439 10 Digit Tax Account # 2500004066

Property Owner(s) Printed Name(s) Benjamin M. Standish, Michael J. Siwinski, Elizabeth C. Standish

(SELECT THE HEARING(S) BY MARKING X 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

..... An In-Law apartment to be located in a proposed accessory structure.

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a **Variance** from Section(s)

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)

Under the current laws, we can't build a new accessory building on our property to house an in-law residence for our father/father-in-law without approval from Baltimore County through a special hearing.

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):

Benjamin M. Standish

Name #1 - Type or Print

Signature #1

14 Chesterfield Court

Mailing Address

21111

Zip Code

410-409-4232

Telephone #

Michael J. Siwinski,

Elizabeth C. Standish

Name #2 & 3 - Type or Print

Signature #2 & 3

Monkton

City

MD

State

2bjamstand@gmail.com

Email Address

Representative to be contacted:

Benjamin M. Standish

Name - Type or Print

Signature

14 Chesterfield Court

Mailing Address

21111

Zip Code

410-409-4232

Telephone #

Monkton

City

MD

State

2bjamstand@gmail.com

Email Address

CASE NUMBER 2019-0355 SP4 Filing Date 6/7/19

Do Not Schedule Dates: _____

Reviewer JS

ZONING PROPERTY DESCRIPTION FOR 17160 Wesley Chapel Road, Monkton,
21111.

Beginning at a point on the west side of Wesley Chapel Road which is 60 feet wide at a distance of 2,704 feet southwest of the centerline of the nearest improved intersecting street Blue Mount Road which is 60 feet wide.

Being Lot #1, Plat 2 in the subdivision of The Haussner Property as recorded in Baltimore County Plat Book #78, Folio #629, containing 1.507 acres. Located in the 10th Election District and 3rd Council District.

0357
2019-03-11-4



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 8, 2019

NEW 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: 2019-0357-SPH

17160 Wesley Chapel Road

W/side of Wesley Chapel Road, southwest of Blue Mount Road

10th Election District – 3rd Councilmanic District

Legal Owners: Benjamin Standish, Michael Standish, Elizabeth Standish

Special Hearing for an in-law apartment to be located in a proposed accessory structure.

Hearing: Monday, November 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Benjamin Standish, 14 Chesterfield Court, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 15, 2019.**
- (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.

Sherry Nuffer

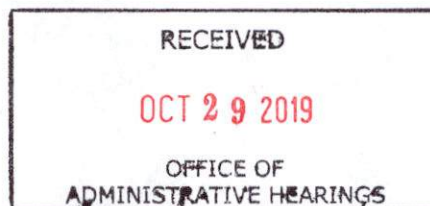
From: John Altmeyer <jaltmeyer@aol.com>
Sent: Monday, October 28, 2019 6:19 PM
To: Debra Wiley; Sherry Nuffer; lizstandish@gmail.com
Subject: 17160 Wesley Chapel Rd Case2019-0357-SPH recheck
Attachments: Scan0044.pdf

CAUTION: This message from jaltmeyer@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi:
Attached are photos of the recheck.

Have a Pleasant Day!

John Altmeyer
410-382-6580



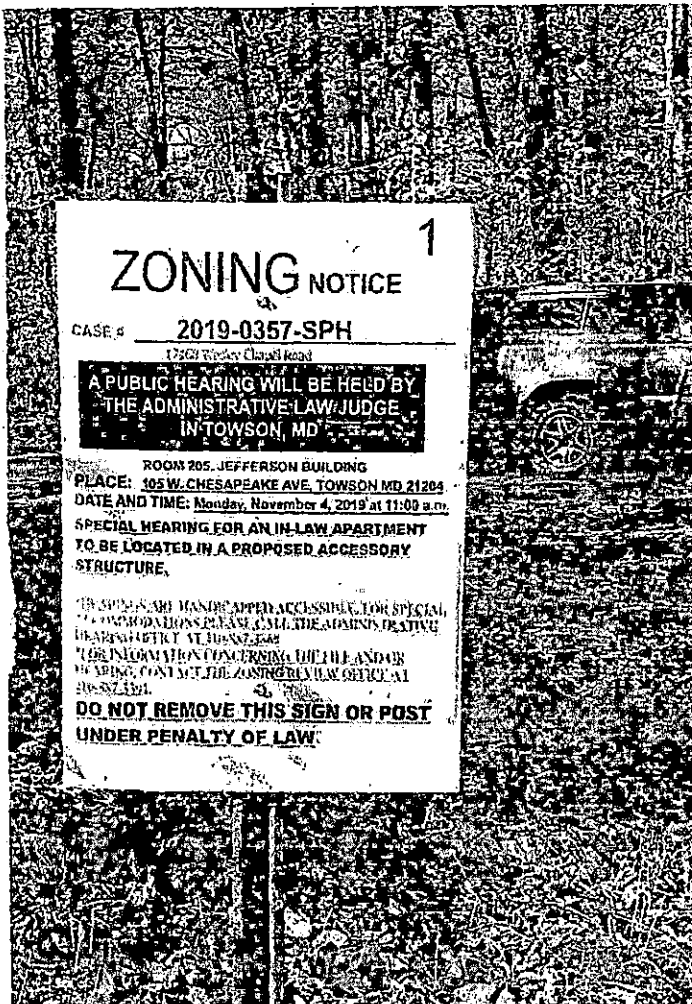
CERTIFICATE OF POSTING

Date: 10/12/2019 & recheck 10/28/2019

RE: Project Name: Public Hearing
Case Number /PAI Number: 2019-0357-SPH
Petitioner/Developer: Benjamin, Michael & Elizabeth Standish
Date of Hearing/Closing: 11/04/2019

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 17160 Wesley Chapel Road

The sign(s) were posted on 10/12/2019 & recheck 10/28/2019
(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

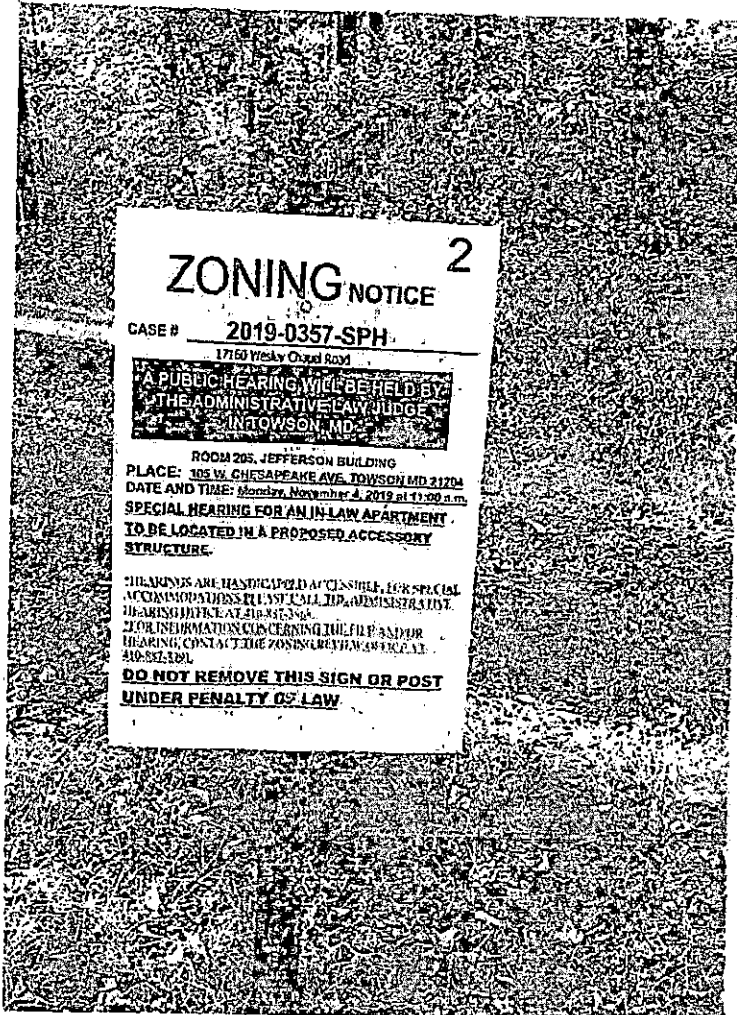
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(Month, Day, Year)



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21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
17160 Wesley Chapel Road; W/S of Wesley
Chapel Rd, SW of c/line with Blue Mount Rd * OF ADMINISTRATIVE
10th Election & 3rd Councilmanic Districts
Legal Owner(s): Benjamin & Elizabeth Standish* HEARINGS FOR
& Michael Siwinski
Petitioner(s) * BALTIMORE COUNTY
* 2019-357-SPH

* * * * *

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.

RECEIVED

JUN 20 2019

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Benjamin Standish, 14 Chesterfield Court, Monkton, Maryland 21111, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

Date: 09/01/2019

RE: Project Name: Public Hearing
Case Number /PAI Number: 2019-0357-SPH
Petitioner/Developer: Benjamin Standish, Michael Standish, Elizabeth Standish
Date of Hearing/Closing: 09/23/2019

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The sign(s) were posted on 09/01/2019

(Month, Day, Year)



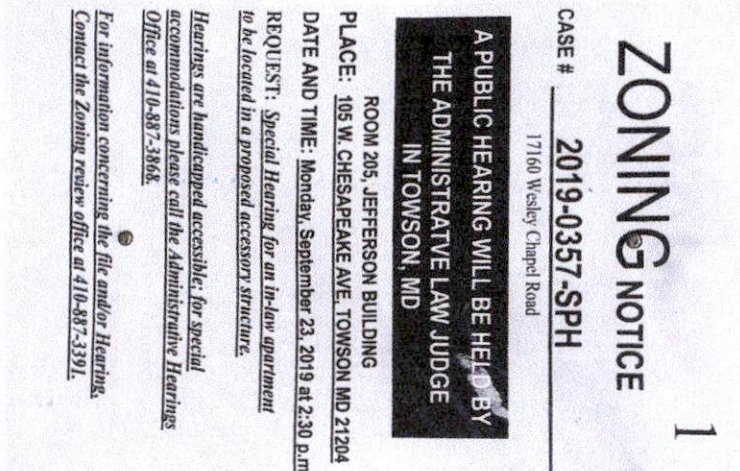

(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

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(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
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Date: 09/01/2019

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Case Number /PAI Number: 2019-0357-SPH
Petitioner/Developer: Benjamin Standish, Michael Standish, Elizabeth Standish
Date of Hearing/Closing: 09/23/2019

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(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)

TO: THE DAILY RECORD
Tuesday, September 3, 2019 - Issue

Please forward billing to:
Benjamin Standish
14 Chesterfield Court
Monkton, MD 21111

410-409-4232

NOTICE OF ZONING HEARING

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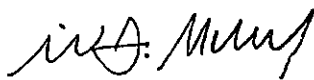
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10th Election District – 3rd Councilmanic District

Legal Owners: Benjamin Standish, Michael Standish, Elizabeth Standish

Special Hearing for an in-law apartment to be located in a proposed accessory structure.

Hearing: Monday, September 23, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

August 23, 2019

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:

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A handwritten signature in cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Benjamin Standish, 14 Chesterfield Court, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 3, 2019.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

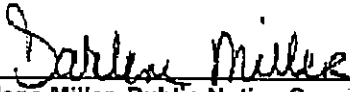
PUBLISHER'S AFFIDAVIT

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:

9/3/2019

Order #: 11786303
Case #: 2019-0357-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0357-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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s3

**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: 2019-0357 - SPH

Property Address: 17160 Wesley Chapel Road, Monkton, MD 21111

Property Description: 1.507 Acre Residential Lot.

Legal Owners (Petitioners): Benjamin M. Standish, Michael J. Siwinski, Elizabeth C.

Contract Purchaser/Lessee: _____ Standish

PLEASE FORWARD ADVERTISING BILL TO:

Name: Benjamin M. Standish

Company/Firm (if applicable): _____

Address: 14 Chestnutfield Ct.

Monkton, MD 21111

Telephone Number: 410-409-4232

Revised 7/9/2015

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **184811**

PAID RECEIPT

Date: **6/7/19**

BUSINESS ACTUAL TIME DRW.
 6/11/2019 6/07/2019 11:18:58 5

REG WS05 WALKIN LRB
 >>RECEIPT # 010610 6/07/2019 QFLN
 Dept 5 528 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

Total: **\$ 75.00**

Rec

From: **STANDISH/SIWINSKI**

For: **2019-0357-SPH**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 17, 2019

Benjamin M. Standish
14 Chesterfield Court
Monkton Hall MD 21111

RE: Case Number: 2019-0357-SPH, 17160 Wesley Chapel Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 6, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel



STATE HIGHWAY
ADMINISTRATION

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

Date: 6/19/19

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0359-SPH

*Special Hearing
Benjamin & Elizabeth Standish, Michael Swins L.
17160 Wesley Chapel 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: June 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0357-SPH
Address 17160 Wesley Chapel Road
(Standish Property)

Zoning Advisory Committee Meeting of **June 24, 2019**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any permits for an in-law apt., since the property is served by well and septic.

Reviewer: Dan Esser

4-23-19

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-357



INFORMATION:

Property Address: 171360 Wesley Chapel Road
Petitioner: Benjamin M Standish, Michael J. Siwinski, Elizabeth C. Standish
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should allow an in-law apartment to be located in a proposed accessory structure.

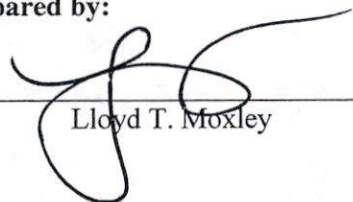
Wesley Chapel Road is a Baltimore County Scenic Route.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall meet all requirements of BCZR §400.4.B

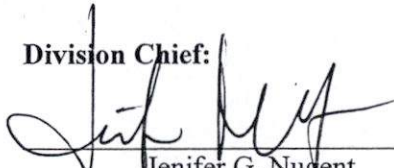
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

CPG/JGN/LTM/

c: Joseph Wiley
Benjamin M. Standish
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-6-19

By GW

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: June 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0357-SPH
Address 17160 Wesley Chapel Road
(Standish Property)

Zoning Advisory Committee Meeting of **June 24, 2019**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any permits for an in-law apt., since the property is served by well and septic.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 11-6-19

By [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 7/24/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-357

INFORMATION:

Property Address: 171360 Wesley Chapel Road
Petitioner: Benjamin M Standish, Michael J. Siwinski, Elizabeth C. Standish
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should allow an in-law apartment to be located in a proposed accessory structure.

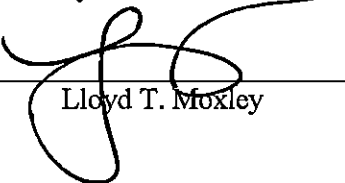
Wesley Chapel Road is a Baltimore County Scenic Route.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall meet all requirements of BCZR §400.4.B

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Wiley
Benjamin M. Standish
Office of the Administrative Hearings
People's Counsel for Baltimore County

9-23-19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-357



INFORMATION:

Property Address: 171360 Wesley Chapel Road
Petitioner: Benjamin M Standish, Michael J. Siwinski, Elizabeth C. Standish
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should allow an in-law apartment to be located in a proposed accessory structure.

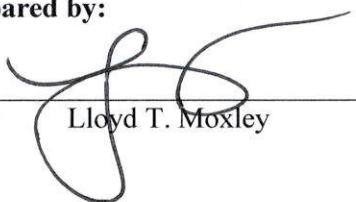
Wesley Chapel Road is a Baltimore County Scenic Route.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

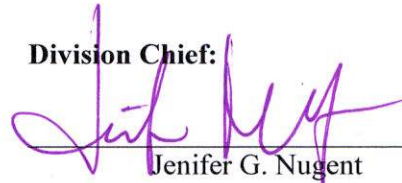
- The accessory structure shall meet all requirements of BCZR §400.4.B

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Wiley
Benjamin M. Standish
Office of the Administrative Hearings
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

6/27

DEPS
(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

7/24

PLANNING
(if not received, date e-mail sent _____)

No objection
w/condition

6/19

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 9/3/19

SIGN POSTING (1st) Date: 10/2/19

by Altmeyer

SIGN POSTING (2nd) Date: 10/28/19

by Altmeyer

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any:

Declaration of Understanding

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

CASE NAME 2019-0357-SP4
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME 17160 Wesley Chapel Rd.
CASE NUMBER 2019-0357-SPH
DATE 9-23-19 11-4-19

[illegible]

Debra Wiley

From: Debra Wiley
Sent: Tuesday, September 17, 2019 9:38 AM
To: Kristen L Lewis
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov); Jenae Johnson
Subject: Case No. 2019-0357-SPH - 9/23 @ 2:30 PM - 17160 Wesley Chapel Rd.

Hi Kristen,

Just a heads up. The above-referenced case is scheduled for next Monday, September 23rd @ 2:30 pm. John Altmeyer, the sign poster, notified us this morning that in recertifying -- the sign was in fact ripped out of the ground and placed in the woods.

As a result of this, the hearing will be opened and continued; no testimony will be taken. This case will need to be reposted with a new hearing date.

Any way you can get a quick turnaround hearing date?

Thanks.

PS - I spoke to John Altmeyer and he will try to contact the Petitioners. Our office is not in receipt of the file.

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 10th day of June 2019, by and between Benjamin Standish, Elizabeth Standish, and Michael Siwinski (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who is/are also the owner(s) of this property has/have filed an application for a use permit and special hearing to:

Construct a new primary dwelling of approximately 2000 square feet, and a new accessory building of approximately 800 square feet to house an in-law apartment. The in-law apartment will include a kitchen, full bathroom, bedroom, and main living area.

The property being located at: 17160 Wesley Chapel Road, Monkton, MD 21111, and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned RC 2, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Michael Siwinski (father). The other residents of the property are: Benjamin Standish (primary dwelling, son in-law), Elizabeth Standish (primary dwelling, daughter), Hannah Standish (primary dwelling, granddaughter), and Grace Standish (primary dwelling, granddaughter). The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarant(s) request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination:

A. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

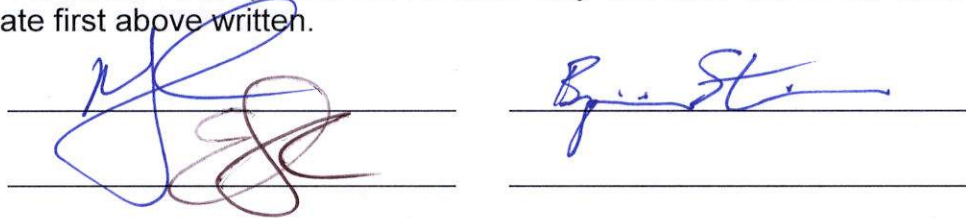
B. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:



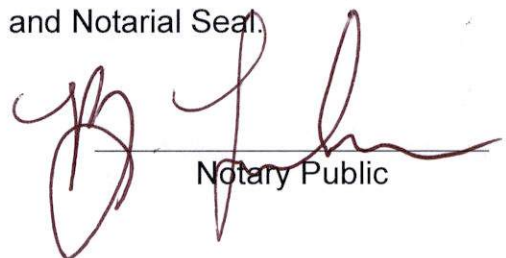
State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day of 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared June 11th.

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:


Notary Public

BECCA LANAHAN
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 05-13-2023

The Declaration of Understanding for the Accessory Apartment at:

17160 Wesley Chapel Road

Address of property

is approved: _____

Michael Mallinoff, Director-PAI

Date

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot 1 as shown on Plat of Final Subdivision Plat, Plat Two of Two Haussner Property, which Plat is recorded among the Plat Records of Baltimore County in Plat Book 78, folio Pages 349 through 350.

The improvements thereon being known as No. 17160 Wesley Chapel Road.

BEING THE SAME lot of ground which by Deed dated May 6th, 2019, and recorded among the Land Records of Baltimore County in Liber 41408, folio 00439, was granted and conveyed by The Haussner Family Limited Partnership, unto Benjamin M. Standish, Elizabeth C. Standish, his wife, and Michael J. Siwinski, his father-in-law, the joint tenants and Grantors herein.

EXHIBIT B

SITE PLAN

11/4

11 AM

Case No.: 2019-0357-SPH-17160 Wesley Chapel Rd.

Exhibit Sheet

Petitioner/Developer

DW
12-9-19

Protestants

DW
11-6-19

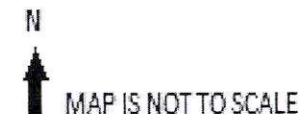
No. 1	Site Plan	
No. 2	My Neighborhood Map	
No. 3	Floor Plan	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE ____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
ADDRESS 17160 Wesley Chapel Road OWNER(S) NAME(S) Benjamin & Elizabeth Standish, Michael Siwinski
SUBDIVISION NAME The Haussner Property, Plat 2 LOT # 1 BLOCK # N/A SECTION # N/A
PLAT BOOK # 78 FOLIO # 349-350 10 DIGIT TAX # 2500004066 DEED REF. # 41408 / 00439

In-Law Residence: 763 sq-ft, one story, slab on grade foundation.



SITE VICINITY MAP



ZONING MAP# 0023
SITE ZONED RC 2
ELECTION DISTRICT 10
COUNCIL DISTRICT 3
LOT AREA ACREAGE 1.507
OR SQUARE FEET _____
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ____ PRIVATE X
SEWER IS:
PUBLIC ____ PRIVATE X
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

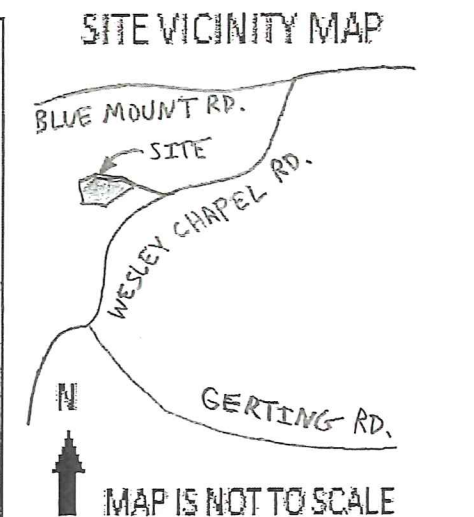
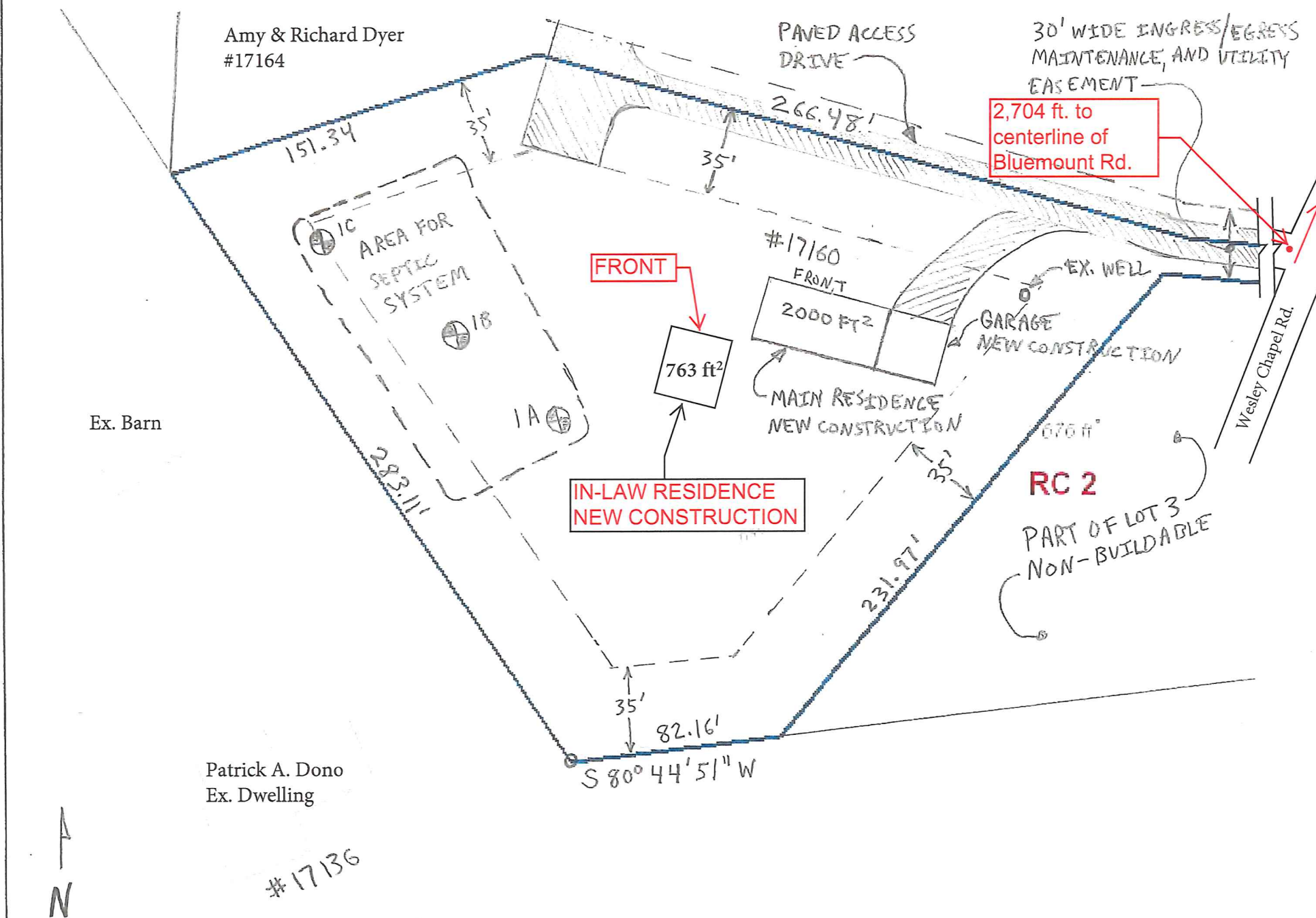
PETITIONER' S _____

EXHIBIT NO. 3

VIOLATION CASE INFO:

PLAN DRAWN BY Benjamin Standish DATE 05-20-19 SCALE: 1 INCH = 10 FEET

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
 ADDRESS 17160 Wesley Chapel Road OWNER(S) NAME(S) Benjamin & Elizabeth Standish, Michael Siwinski
 SUBDIVISION NAME The Haussner Property, Plat 2 LOT # 1 BLOCK # N/A SECTION # N/A
 PLAT BOOK # 78 FOLIO # 629 10 DIGIT TAX # 2500004066 DEED REF. # 41408 / 00439



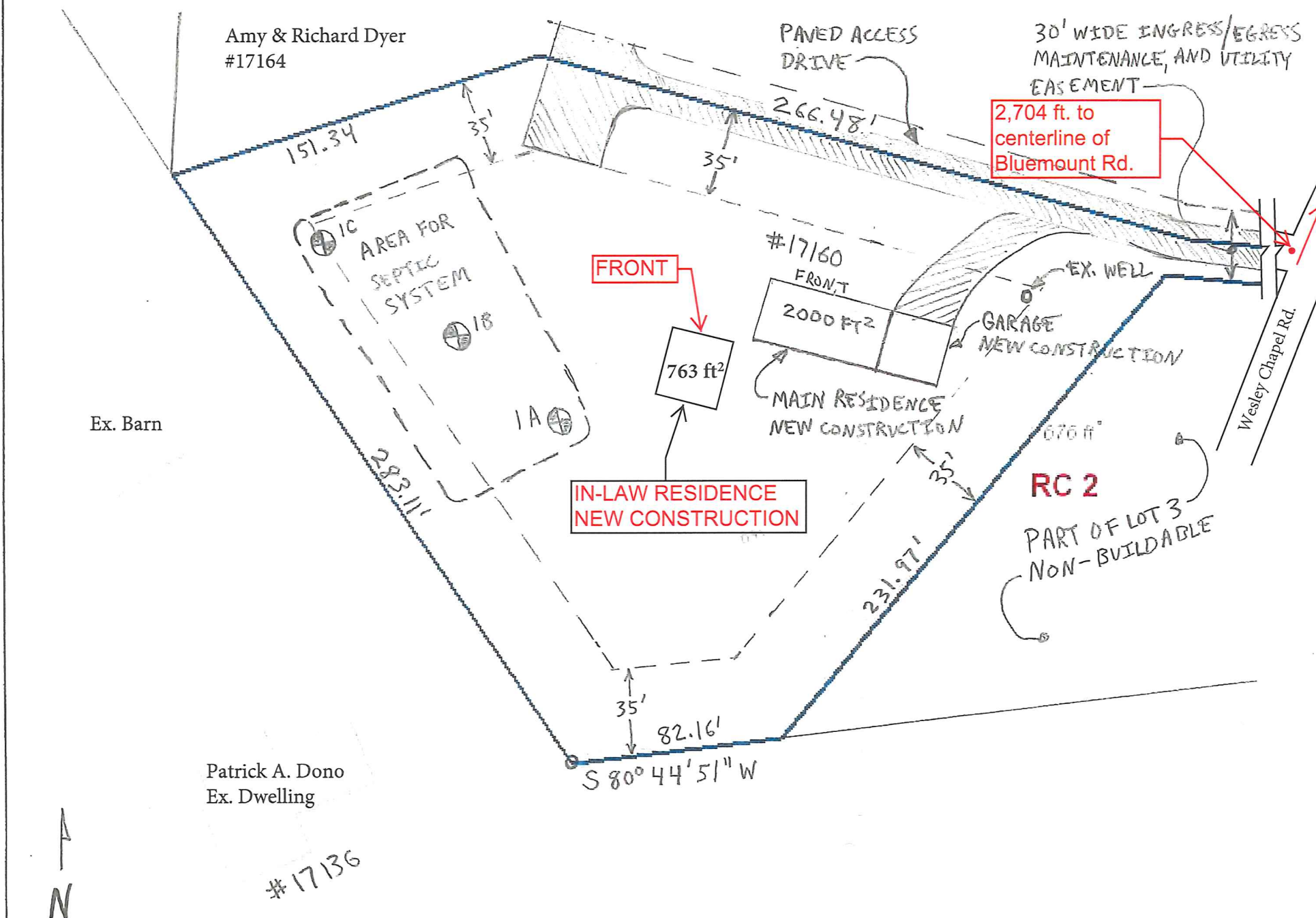
ZONING MAP# 0023
 SITE ZONED RC 2
 ELECTION DISTRICT 10
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE 1.507
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE X
 SEWER IS:
 PUBLIC _____ PRIVATE X
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

PLAN DRAWN BY Benjamin Standish DATE 05-20-19 SCALE: 1 INCH = 50 FEET

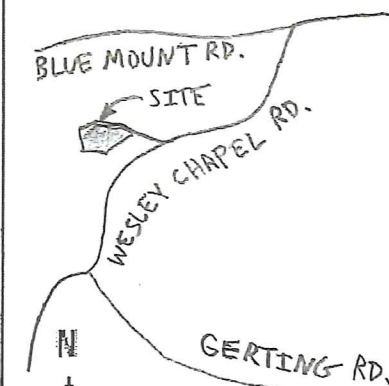
VIOLATION CASE INFO:

2019-0357-SPH

ZONING HEARING PLAN FOR VARIANCE ____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
ADDRESS 17160 Wesley Chapel Road OWNER(S) NAME(S) Benjamin & Elizabeth Standish, Michael Siwinski
SUBDIVISION NAME The Haussner Property, Plat 2 LOT # 1 BLOCK # N/A SECTION # N/A
PLAT BOOK # 78 FOLIO # 629 10 DIGIT TAX # 2500004066 DEED REF. # 41408 / 00439



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0023

SITE ZONED RC 2

ELECTION DISTRICT 10

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.507

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ____ PRIVATE X

SEWER IS:

PUBLIC ____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

PETITIONER'S

EXHIBIT NO. 1

VIOLATION CASE INFO:



17203

17126

17164

Dyer

Standish

023A2

17160

17136

WESLEY CHAPEL RD

17163

1711E

023B2

3 7

RC 2

23

17118

17118

17118

17121

17131

17143

17119

17114

17117

2019-0357-SPH

PETITIONER' S

EXHIBIT NO.

1:2,257

A number line illustrating the conversion of 380 feet to miles. The line has two scales: feet (top) and miles (bottom). The feet scale has markings at 0, 95, 190, and 380. The miles scale has markings at 0, 0.0175, 0.035, and 0.07. The line is divided into 8 equal segments, each representing 47.5 feet or 0.00875 miles.

May 20, 2019

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community