MEMORANDUM

DATE:

August 19, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0362-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 14, 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 ADMIN. VARIANCE

(500 Crosby Road)

1st Election District

1st Council District

Michael C. Lee & Christina Cage

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2019-0362-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, Michael C. Lee and Christina Cage ("Petitioners"). The Petitioners are requesting Variance relief from § 427.1.B.2 of the Baltimore County Zoning Regulations ("BCZR") to permit a 6 ft. fence in the rear side yard which is situated within 10 ft. of the adjoining front yard property line in lieu of the maximum height of 42 in. 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. There were no adverse ZAC comments received by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 23, 2019, 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 ("BCC"). 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							
Date	7-15-19						
By	60						

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 BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>15th</u> day of **July**, **2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 427.1.B.2 of the Baltimore County Zoning Regulations ("BCZR") to permit a 6 ft. fence in the rear side yard which is situated within 10 ft. of the adjoining front yard property line in lieu of the maximum height of 42 in., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

• The 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.

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

2

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
Date	7-15-19
Ву	



ADMINISTRATIVE ZONING PETITION

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 500 Crosby Rd, Baltimore, MD 21228 Currently zoned 10 Digit Tax Account # 0 1 0 6 4 5 1 6 3 4 414 05 00502 Deed Reference MICHAEL LEE CHRISTINA (AGE 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) 427.1.B.2 (BCZR): to permit a 6 ft fence in the rear side yard which is situated within 10 ft of the adjoining front yard property line in lieu of the maximum height of 42 inches of the adjoining front yard property line. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County 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): MICHAEL LEE Signature # Representative to be contacted: Attorney for Owner(s)/Petitioner(s): RECEIVED FOR FILING Name - Type or Print Name-Type or Print Signature Signature State Mailing Address City State Email Address Zip Code Telephone # Zip Code ate **Email Address** A PUBLIC HEARING baving 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 County, they day of required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County

Filling Date 6,12,19 Estimated Posting Date 6,23,19 Reviewer

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: 500 Crosby Rd, Baltimore, MD 21228
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)
WE BASE THE REQUEST FOR AN ADMINISTRATIVE MARIANCE AT
G FENCE TO KEEP PETS SECURE AND ENCLOSED
· TENE TO DOMENT COOKS GAPDEN
· FENCE TO DEOTECT VEHICLES (NO GARAGE)
· FENCE TO PREVENT UNWELLOMED GUESTS.
" FENCE PROVIDES ADDITIONAL SECURITY.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) A Cold Cold Cold Cold Cold Cold Cold Cold
Signature of Owner (Affiant) MICHAEL CEE Signature of Owner (Affiant) MICHAEL CEE
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:
HEREBY CERTIFY, this day of June, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared: Michael Lee Mushina again.
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Notary Public MY COMMISSION MY COMMI

PART A

ZONING PROPERTY DESCRIPTION FOR 500 Crosby Pd

Beginning at the point on the North side of Crosby Road which is 80' feet wide at a distance of 25' East of the centerline of the nearest improved intersecting street, Glen Wilton Court. Which is 50' feet wide.

PART B

Option 2:

Being lot #8, Block A, Section #1, in the subdivision of Woodbrige Valley as recorded in Baltimore County Plat Book #032, Folio #079, and containing 9,916 square feet. Located in the 01 Election District and 01 Council District.

2019-0362-A

CERTIFICATE OF POSTING

	Date: 6-23-19
	•
RE: Case Number: 2019-0362	- A
Petitioner/Developer: Cage	
Date of Hearing/Closing: 7-8	3-19
This is to certify under the penalticy law were posted conspicuously on t	ies of perjury that the necessary sign(s) required the property located at 500 (nosbykd)
The signs(s) were posted on	6-23-19 (Month, Day, Year)
	J. LAWRENCE PILSON
ATTACH PHOTGRAPH	(Printed Name of Sign Poster) 1015 Old Barn Road
	(Street Address of Sign Poster)
	Parkton, MD 21120 (City, State, Zip Code of Sign Poster)
,	410-343-1443 (Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 03 62 -A Address	500 Crosby Rd
Contact Person: Chistia Fink Planner, Please Print Your Name	Phone Number: 410-887-3391
Filing Date: 6-12-19 Posting Date:	6-23-19 Closing Date: 7-8-19
Any contact made with this office regarding the statu through the contact person (planner) using the case num	s of the administrative variance should be ber.
1. POSTING/COST: The petitioner must use one of the petitioner is responsible for all printing/posting one of the sign posters on the approved list an associated costs. The zoning notice sign must posting date noted above. It should remain there	costs. Any reposting must be done only by the petitioner is again responsible for all be visible on the property on or before the
2: <u>DEADLINE:</u> The closing date is the deadline for feet to file a formal request for a public hearing, formal request for a public hearing, the process is	Please understand that even it there is no
3. ORDER: After the closing date, the file will be The judge may: (a) grant the requested relief; (but the matter be set in for a public hearing. If all Conyou will receive written notification as to whether proceed to a public hearing. This decision is usu The written order will be mailed to you by First Cla	 b) deny the requested relief; or (c) order that unty/State agencies' comments are recejved, the petition has been granted, denied, or will ally made within 10 days of the closing date.
4: POSSIBLE PUBLIC HEARING AND REPOSTING (whether due to a neighbor's formal request or notification will be forwarded to you. The sign on of the hearing date, time and location. As when this change and a photograph of the altered sign representation.	by order of the Administrative Law Judge), the property must be changed giving notice the sign was originally posted, certification of
, (Detach Along Dotted	Line)
Petitioner: This Part of the Form is for the Sign Post	er Only
USE THE ADMINISTRATIVE VAR	IANCE SIGN FORMAT
Case Number 2019- 0362 -A Address So	o Crosby Rd
Petitioner's Name Michael C. Lee Chi. STMa Co	Telephone 856-419-1050
Posting Date: <u>6-23-(9</u> CI	osing Date: 7-819
Wording for Sign: <u>To Permit a GFT Feace</u>	in Rear Lett Side yard
which is situated within 10FT of	The Adjoining Front yard
property Line,	
	T 1 10100000
•	Revised 6/30/2019

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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

July 8, 2019

Michael Lee & Christina Cage 500 Crosby Road Catonsville MD 21228

RE: Case Number: 2019-0362-A, 500 Crosby 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 12, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel



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

6/19/19 Date:

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. 2019-0362-A-Administrative Varion Ce Michael Lee, Christina Cage. 500 Crosby Hood.

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



ADMINISTRATIVE OF TRANSPORT

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

2019-0362-A

Address

500 Crosby Road

(Lee & Cage Property)

Zoning Advisory Committee Meeting of June 24, 2019.

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

Reviewer:

Steve Ford

ZAC AGENDA

Election Dist: 1

Council Dist: 6

Case Number: 2019-0361-A

Reviewer: Jeffrey Perlow Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Richard & Rhonda Ryan

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No

Property Address: 2602 FLINTSTONE RD

Location: Northwest side of Flintstone Road at corner of Middletown Road

Existing Zoning: RC-2

Area: 12.217 AC

Proposed Zoning:

to permit a proposed accessory building (storage shed) with a height of 21 ft. in lieu of the maximum allowed 15 ft., and to amend the Final Development Plan for the Clark Property, Lot 1 only.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 07/08/2019

Miscellaneous Notes:

Reviewer: Christina Frink Case Number: 2019-0362-A Proposed Use: RESIDENTIAL Existng Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Michael Lee, Christina Cage

Contract Purchaser: No Contract Purchaser was set.

Council Dist: 1 Election Dist: 1 Critical Area: No Flood Plain: No Historic: No

Property Address: 500 CROSBY RD

Location: North side of Crosby Road, 25 ft. east of Glen Wilton Court

Existing Zoning: DR 3.5

Area: 9.916 SQ. FT.

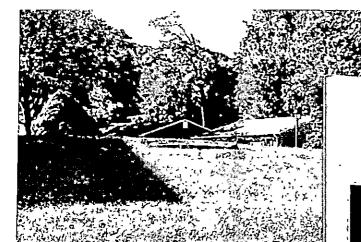
Proposed Zoning:

ADMINISTRATIVE VARIANCE:

to permit a 6 ft. fence in the rear side yard which is situated within 10 ft. of the adjoining front yard property line in lieu of the maximum height of 42 inches.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 07/08/2019

Miscellaneous Notes:



ZONING #2

VARIANCE.

CASE # 2019 - 0362 A

TO PERMIT A 6 FT. FENCE IN REAR LEFT SIDE YARD WHICH IS SITUATED WITHIN IDET OF THE ADJOINING FRONT YARD PROPERTY LINE

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

5:00 P.M. ON 7/8/9

5:00 P.M. ON 7/8/9

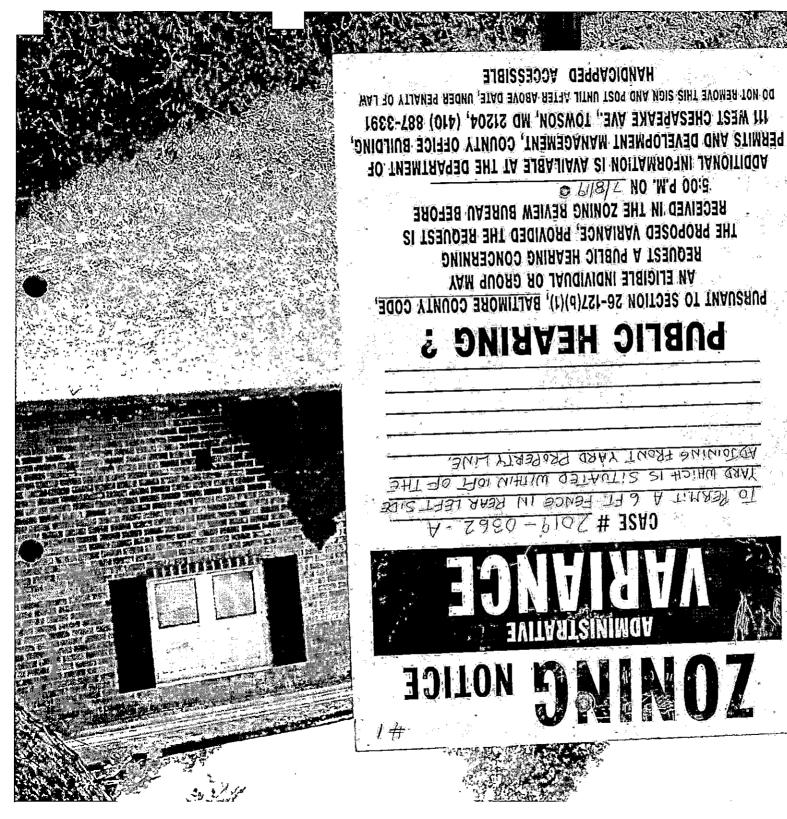
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF BUILDING, COUNTY OFFICE BUILDING, PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

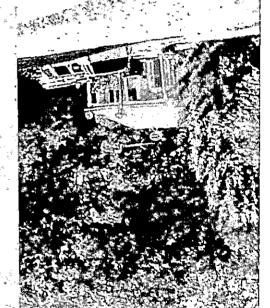
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED. ACCESSIBLE

HANDICAPPED. ACCESSIBLE







CHECKLIST

Comment Received		<u>Department</u>		Support/Oppose/ Conditions/ Comments/ <u>No Comment</u>
		DPMENT PLANS REVII ceived, date e-mail sent _	= **	.
6-27	DEPS (if not rec	ceived, date e-mail sent _)	<i>N</i> 0
	FIRE DE	PARTMENT		
	PLANNI (if not rec	NG ceived, date e-mail sent _)	
6-19	STATE I	HIGHWAY ADMINISTI	RATION	No object.
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	COMMU	NITY ASSOCIATION		
	ADJACE	ENT PROPERTY OWNE	ERS	
ZONING VIOLA	ATION	(Case No.		.)
PRIOR ZONING	}	(Case No.	···)
NEWSPAPER A	DVERTISEM	ENT Date:		-
SIGN POSTING	(1^{st})	Date:	6-23-19	by Pilson
SIGN POSTING	(2 nd)	Date:		by
PEOPLE'S COU	INSEL APPEA	RANCE Yes	No C]
PEOPLE'S COU	NSEL COMM	ENT LETTER Yes	□ No □	J
Comments, if an	y:			

Real Property Data Search

Search Result for BALTIMORE COUNTY

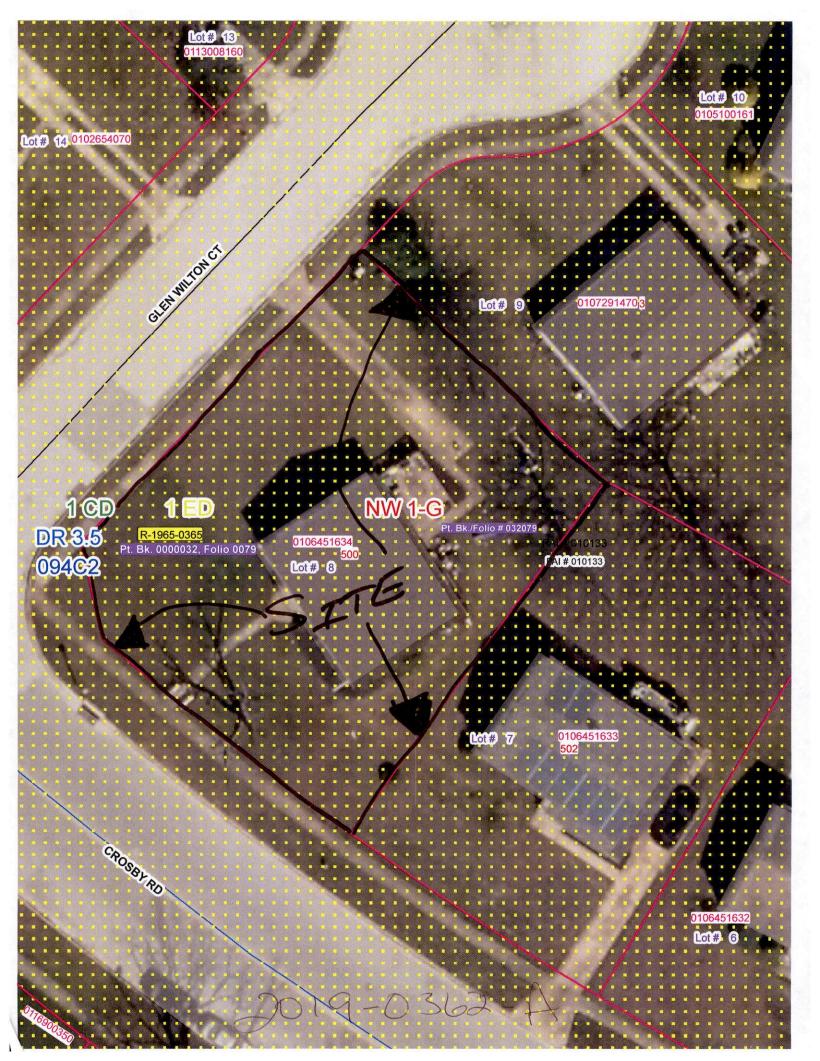
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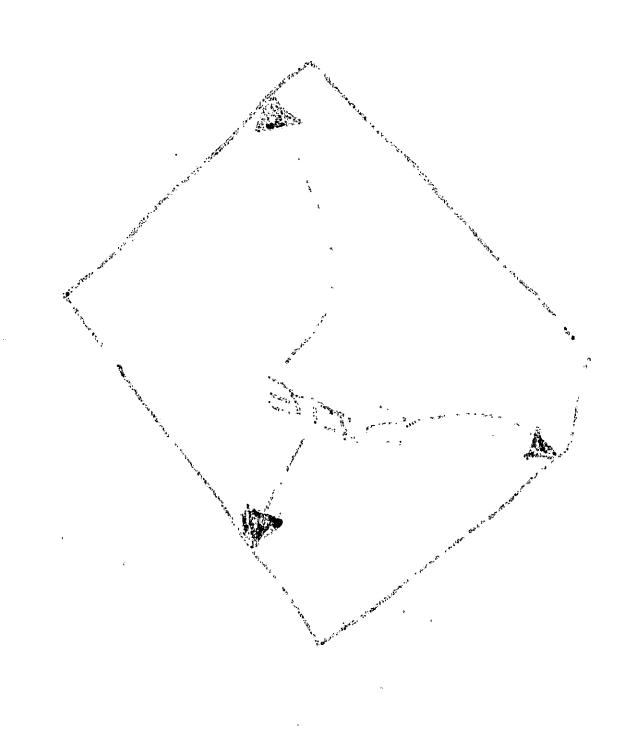
Homestead Application Status: Agendation received

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Jata:





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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
ADDRESS 500 Crosloy Pd OWNER(S) NAME(S) Christina Cage and Michael Lee	
SUBDIVISION NAME Woodbridge Valley LOT# 8 BLOCK# A SECTION# 1 PLAT BOOK# 32 FOLIO# 79 10 DIGITTAX#0106451634 DEED REF.#41405/00802	
PLAN DRAWN BY SON SINGLY DATE 5/16/19 SCALE: 1 INCH = 30 FEET	MAP IS NOTTO SCALE ZONING MAP# O94C2 SITE ZONED DR 3, 5 ELECTION DISTRICT O1 COUNCIL DISTRICT O1 LOT AREA ACREAGL OR SQUARE FEET 9, 91G SF HISTORIC? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

2019-0362-A

Pet. Ech. 1

(80° R/W)

PLAN DRAWN BY JOSH SIMPSON

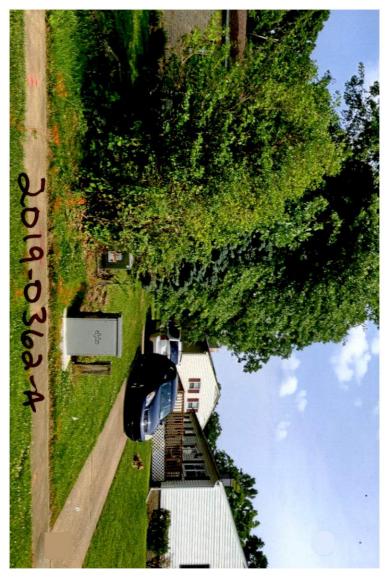
2019-0362-A

VIOLATION CASE INFO:

DATE 5/14/19 SCALE: 1 INCH = 30 FEET



View of neglibors from your from 500 crosby Rd driveway

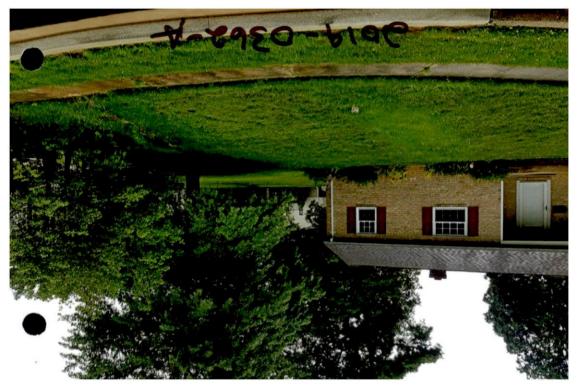


view of where force will be evected - f-1995



View of our backgard - while house 500 crowby ra class neigh bors front yard from street - glen wilton ct.

dNO



View of neglibous front your from Front.

Their house 8 glen wilton ct.



VIEW OF NEIGHBORS HONG GOOD HOM ENOU HOLD