### MEMORANDUM

DATE:

August 28, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0379-A- Appeal Period Expired

The appeal period for the above-referenced case expired on August 26, 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.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE \*

(1016 Windsor Rd.)

3<sup>rd</sup> Election District 2<sup>nd</sup> Council District

Bruce I. & Lara S. McLaughlin

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0379-A

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Bruce I. and Lara S. McLaughlin ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard. 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 from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 6, 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 § 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 REC	EIVED FOR FILING	
Date	7-25-19	
Ву	<i>CQ</i> .	

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 § 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 25th day of July, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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.

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

2

Administrative Law Judge for **Baltimore County** 

JEB:dlw

ORDER REC	EIVED FOR FILING
Date	7-25-19
Bv	

### ADN... ISTRATIVE ZONING PEI ON

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 1016 WINDSOR KI KALTWORE, ND 7.120 Currently zoned D21  Deed Reference 16070/0091  Owner(s) Printed Name(s) 8200 F LARA MCLAUGHLIN
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ 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) 400./ BCZR
To permit an accessory otherwive (SHED) to be located in the side yard in lieu of the required rear yard.
the side yard in her of the required rear yard.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
<ol> <li>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)</li> </ol>
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.  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 Baltimore County adopted pursuant to the zoning law for Baltimore County.  Owner(s)/Petitioner(s):  Owner(s)/Petitioner(s):  Name #1 - Type or Print  Name #2 - Type or Print  Signature #1  Signature #2  1016  Mailing Address  City  State  21208  Zip Code  Telephone #  Email Address  City  State  City  State  Representative to be contacted:
Boine MCI Augustia
Name-Type or Print  Signature  Mailing Address  City State  Zip Code  Telephone # Email Address
Signature Signature NNDSOR PO BALTIMOF M
Mailing Address City State Mailing Address City State State 21208, 410.7416, 244, Woucewar Court
Zip Code Telephone # Email Address 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 County, this
, minimum and make a surprise and in a surprise and in a

CASE NUMBER 2019-0379- A Filing Date 629 (9 Estimated Posting Date 7,7, (9) Reviewer JE

### Affigavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

Address: 1016 WINDSOR RD, BALTIMORE, MD. 21208

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.

	Print or Type Address of pro	perty	City	•	State	Zip Code
Based Admini	upon personal knowk strative Variance at th	edge, the following ne above address.	are the fa (Clearly s	icts upor state <u>pra</u>	n which l <i>l</i> we actical diffic	base the request for an ulty or hardship here)
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(If ac	dditional space for the p	etition request or the	above sta	tement is	needed, label	and attach it to this Form)
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Print name	(s) here:Brule	Melanghlin.	and 1	AMA AL	Mela KHAZOVA	igh lin
the Affi	ant(s) herein, personall	y known or satisfacto	orily identif		y Public as Siych Affia yland	nt(\$).
AS WIT	FNESS my hand and N			mmission E	xpires Nov. 08, 20	022
		Notary F	,	•	Nov o	8, 2022
		My Com	mission E	xpires		/

Zoning Description of Property: 1016 Windsor Rd.

### Part A:

Zoning property description for 1016 Windsor Road, Baltimore, MD, 21208 Beginning at a point on the north side of Windsor Rd. which is 30 feet wide wide at a distance of 452 feet west of the centerline of the nearest improved intersecting street Sudbrook Lane which is 35 feet wide.

### Part B:

Being Lot# (na), Block (na), Section C in the subdivision of Sudbrook Park as recorded in Baltimore County Plat Book #9, Folio #0007, containing 34,965 ft2. Located in the 3rd Election District and the 2nd Council District.

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

**DATE:** 7/6/2019

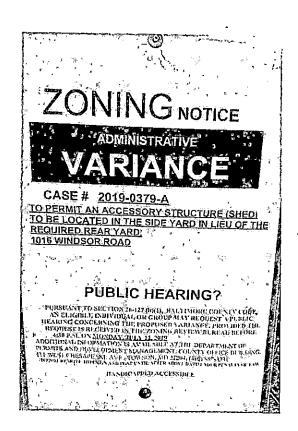
Case Number: 2019-0379-A

Petitioner / Developer: BRUCE & LARA McLAUGHLIN

Date of Closing: JULY 22, 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: \_1016 WINDSOR ROAD

The sign(s) were posted on: JULY 6, 2019



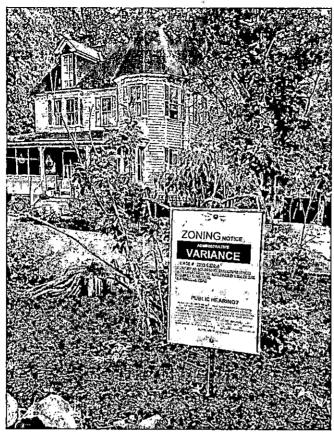
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)



Background Photo 1<sup>st</sup> Sign Posted @ 1016 Windsor Road ~ 7/6/2019



Background Photo 2<sup>nd</sup> Sign Posted @ 1016 Windsor Road ~ 7/6/2019

<u>CASE # 2019-0379-A</u>

# BALTIMURE COUNTY DEPARTMENT OF PERIMITS, AFFROYALS AND INSELECTIONS ZONING REVIEW OFFICE

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0379 -A Address 1016 WINDSOR RD.
Contact Person: JUN R. FERNANDO Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 6/26/19 Posting Date: 7/7/19 Closing Date: 7/22/19
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4: POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Defach Along Doffed Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT  Case Number 2019- 0379 -A Address 1016 W(2000 へ ふり
Petitioner's Name BRUCE & LARA MCLQUATION Telephone 410-746-2449
Petitioner's Name Bauce & Lara McLaughlin Telephone 410-746-2449  Posting Date: 7/7/19 Closing Date: 7/22/19
Wording for Sign: To Permit an accessory structure. (SHEO) to be
Wording for Sign: To Permit an accessory structure. (SHEO) to be located in the side yard in lieu of the required rear yard
- 100000010

Revised 6/30/2019

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 - 0379 - A
Property Address: 1016 WINDSOR Rd, BALTINDEE MD 2120
Property Description:
Legal Owners (Petitioners): BOUCE & LARA MCLAUGHLIN  Gontract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:  Name: BZUCE MCLAUGHLIN
Company/Firm (if applicable):
Address: 1016 WINDSOR KD
BALTIMORE, MD 21208
Telephone Number: 410.746.2449



JOHN A. OLSZEWSKI, JR. County Executive

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

July 23, 2019

Bruce McLaughlin 1016 Windsor Road Baltimore MD 21208

RE: Case Number: 2019-0379-A, 1016 Windsor 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 26, 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 Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater Administrator

Date: 7/3/19

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:

Administrative Vavionce Bruce & Lara Me Laughlin 1016 Windsor 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

(AV) 7-22-19

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**

RECEIVED

JUL - 5 2019

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:

July 5, 2019

SUBJECT:

DEPS Comment for Zoning Item

# 2019-0379-A

Address

1016 Windsor Road (McLaughlin Property)

Zoning Advisory Committee Meeting of July 01, 2019.

 $\underline{X}$  The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

## CHECKLIST

Comment <u>Received</u>	<u>Dep</u>	<u>artment</u>			Support/Oppose/ Conditions/ Comments/ No Comment	
		T PLANS REVIE date e-mail sent				
<u>M-5</u>	DEPS (if not received,	date e-mail sent	)		40	
	FIRE DEPARTM	MENT				
	PLANNING (if not received,	date e-mail sent	)			
7-3	STATE HIGHW	'AY ADMINISTR	ATION		No object.	
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	COMMUNITY	ASSOCIATION				-
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PRIOR ZONING	(0	Case No			)	
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SIGN POSTING (	(2 <sup>nd</sup> )	Date:			by	-
PEOPLE'S COUN	ISEL APPEARANC	E Yes	□ No			
PEOPLE'S COUN	ISEL COMMENT L	ETTER Yes	☐ No			
Comments, if any:						

### Real Property Data Search

### Search Result for BALTIMORE COUNTY

View Map		View GroundR	ent Redemption	1		View Gre	oundRent Regis	stration	
Tax Exempt:			Speci	al Tax Recapt	ure:				
Exempt Class:			NONE	:					
Account Identifier		District	- 03 Account N	lumber - 0316	095050				
				er Information					
Owner Name:	MCLAUGHLIN BRUCE I Use: RESIDENTIAL /						AL /		
Mailing Address:	MCLAUGHLIN LARA S Principal Residence: YES  1016 WINDSOR RD Deed Reference: /16020/ 000 BALTIMORE MD 21208-4762				11				
_		BALTIN		Structure Infor	mation				
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				Ad Valorem Tax Class:	:				
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			Valu	e Information					
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				As of 01/01/2017		As of 07/01/2018	As O7/	of 01/2019	
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			Trans	fer Information	1				
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Homestead Application Status: , oved 03/30/2009

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

### **ZAC AGENDA**

Case Number: 2019-0379-A Reviewer: Jun Fernando Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Bruce & Lara, McLaughlin

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 3 Council Dist: 2

Property Address: 1016 WINDSOR RD

Location: North side of Windsor Road at a distance of 452' West of the centerline of Sudbrook Ln.

Existing Zoning: DR 1

Area: 34,965 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 07/22/2019

Miscellaneous Notes:

Case Number: 2019-0380-A Reviewer: Gary Hucik
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: VARIANCE

Legal Owner: Eliezer & Ariella Abramson

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 3 Council Dist: 2

Property Address: 6618 WICKFIELD RD

Location: West side of Wickfield Road South 140 feet to the centerline of Smith Avenue.

Area: .27 AC

Existing Zoning: DR 5.5

Proposed Zoning:

VARIANCE:

To permit a proposed dwelling with a side setback 2 feet with a sum of 4 feet in lieu of the required minimum setback

of 8 feet and the sum of 20 feet respectively.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None

Closing Date:

Miscellaneous Notes:

proposed proposed



proposed the shed







# **Enter Property Address Here**

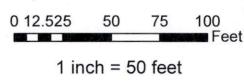


Publication Date: 6/25/2019



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]	
ADDRESS 1016 WINDSOR BALTIMO OWNER(S) NAME(S) BROCE ELARA MY AUGULIN	
SUBDIVISION NAME SUT PROCESS YARY LOT # NA BLOCK # NA SECTION # C	SITE
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PLAN DRAWN BY J.S. DALLAS DATE 11.02.98 CALE: 1 INCH = 40 FEET	
	VIOLATION CASE INFO:
	1
	•

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
ADDRESS 1016 WINDSOR BALTIMO OWNERS) NAMES BRUCE ELARA MY AUGHLIN	
SUBDIVISION NAME SUTBROOK PARK LOT# NA BLOCK # NA SECTION # C	COTE 1
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TI T	PUBLIC PRIVATE
2 12 2	PRIOR HEARING ? NO
1	IF SO GIVE CASE NUMBER
\$ NO.05 = 257	AND ORDER RESULT BELOW
	The same and a Common for the A shiften to the P. P.
27	,
5	
PLAN DRAWN BY J.S. DALLAS DATE 11.02.98 SCALE: 1 INCH = 40 FEET	
	VIOLATION CASE INFO:
${\mathcal C}$	et. Esh. 1
- 1985년	

Tet. Esh. 1