

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

November 24, 2008

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: **AFTER THE FACT VARIANCE/VIOLATION**  
Variance 08-3557 Robinson

Dear Ms Whitt:

We are in receipt of your request for review of an after the fact variance for the above-referenced applicant. As of July 1, 2008, all critical area development activities which require after-the-fact variances are considered violations of the Critical Area law. Before seeking a variance to legalize the illegal structure, in this case a shed in the Buffer, the County must issue a notice of violation, assess a fine, be in receipt of a restoration or mitigation plan and the applicant shall have performed the abatement measures in said plan. The County may not issue the variance until these measures have been taken.

In this case, the applicants seek an after the fact variance to permit development within the 100 ft. Buffer for a shed. The property is currently developed with a single family dwelling and it is classified as a Limited Development Area (LDA). The applicant replaced a previous shed with a larger one in April 2000 without requesting or receiving any type of permit. The new shed measures approximately 14x 24 ft. and is located approximately 30 feet from mean high water.

It is our understanding that the County has issued a "Notice of Violation" at this time. Other corrective actions are being required by the County which includes reviewing of after the fact site plan and variance. We were advised that if the site plan and variance are not approved then removal of the un-permitted structure will be enforced.

As stated in the first paragraph above, Chapter 119 of the 2008 Laws of Maryland includes a number of provisions for after the fact variances that are applicable in this case. In addition to sections on penalty determinations and variance standards, the following applies to initial processing:

- Calvert County may not accept an application for a variance to legalize a violation, including an un-permitted structure until the County first issues a notice



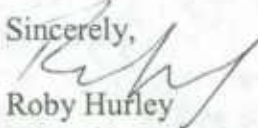
of violation, including assessment of an administrative or civil penalty, for the violation.

- Calvert County must consider the environmental impact, and costs of site restoration and local government inspections in determining a penalty.
- Calvert County cannot issue a permit, approval, variance or special exception until the applicant has:
  - Fully paid all administrative, civil, and criminal penalties imposed.
  - Prepared a restoration or mitigation plan, approved by Calvert County that abates impacts to water quality and natural resources as a result of the violation.
  - Implemented the abatement measures in accordance with the County's Program.

When the County has taken the above actions and is prepared to hear the variance, please include, as part of the record, the attached Comments on Proposed Variance.

If you have any questions, please call me at 410-260-3468.

Sincerely,



Roby Hurley

Natural resources Planner

CA 615-08

Cc; Pamela Lucas  
Mary Beth Cook

Martin O'Malley  
*Governor*

Anthony G. Brown  
*Lt. Governor*



Margaret G. McHale  
*Chair*

Ren Serey  
*Executive Director*

STATE OF MARYLAND  
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November 24, 2008

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

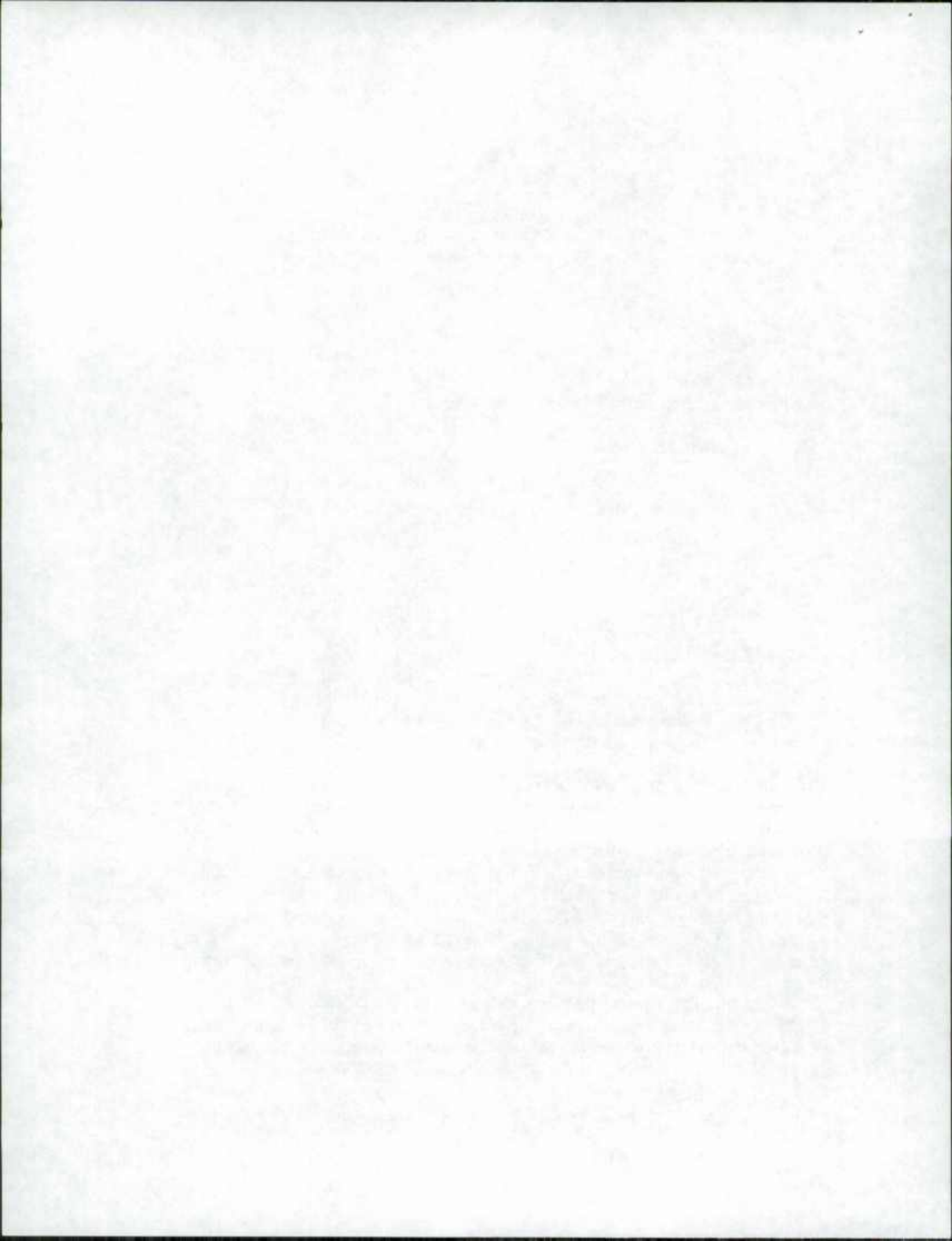
Re: **COMMENTS ON PROPOSED VARIANCE**  
Variance 08-3557 Robinson

Dear Ms Whitt:

Thank you for providing information regarding the above mentioned variance request. The applicant seeks an after-the-fact variance to permit disturbance within the 100-foot Buffer for a shed. The property is currently developed with a single family dwelling and it is classified as a Limited Development Area (LDA). It is not a mapped Buffer Management Area. Based on my site visit conducted on November 6, 2008 it is my understanding that the applicant replaced a previously existing shed with a larger one in April 2000. The new shed measures approximately 14x 24 ft. and is located approximately 30 feet from mean high water.

Calvert County's variance standards require that the requested variance be the minimum necessary to afford relief from the regulations. However, the applicant has not shown minimization of impacts to the protected environmental features of the property. Based on the information submitted, the applicant can make adjustments to the plan that would minimize disturbance to the Buffer by removing other existing structures currently located in the Buffer, by moving the shed as far from the water as possible, and possibly, moving the shed outside of the Buffer entirely. In addition, it has not been demonstrated that the applicant would suffer an unwarranted hardship if the variance for the shed were not approved. Accordingly, this office cannot support granting the requested variance.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3468.

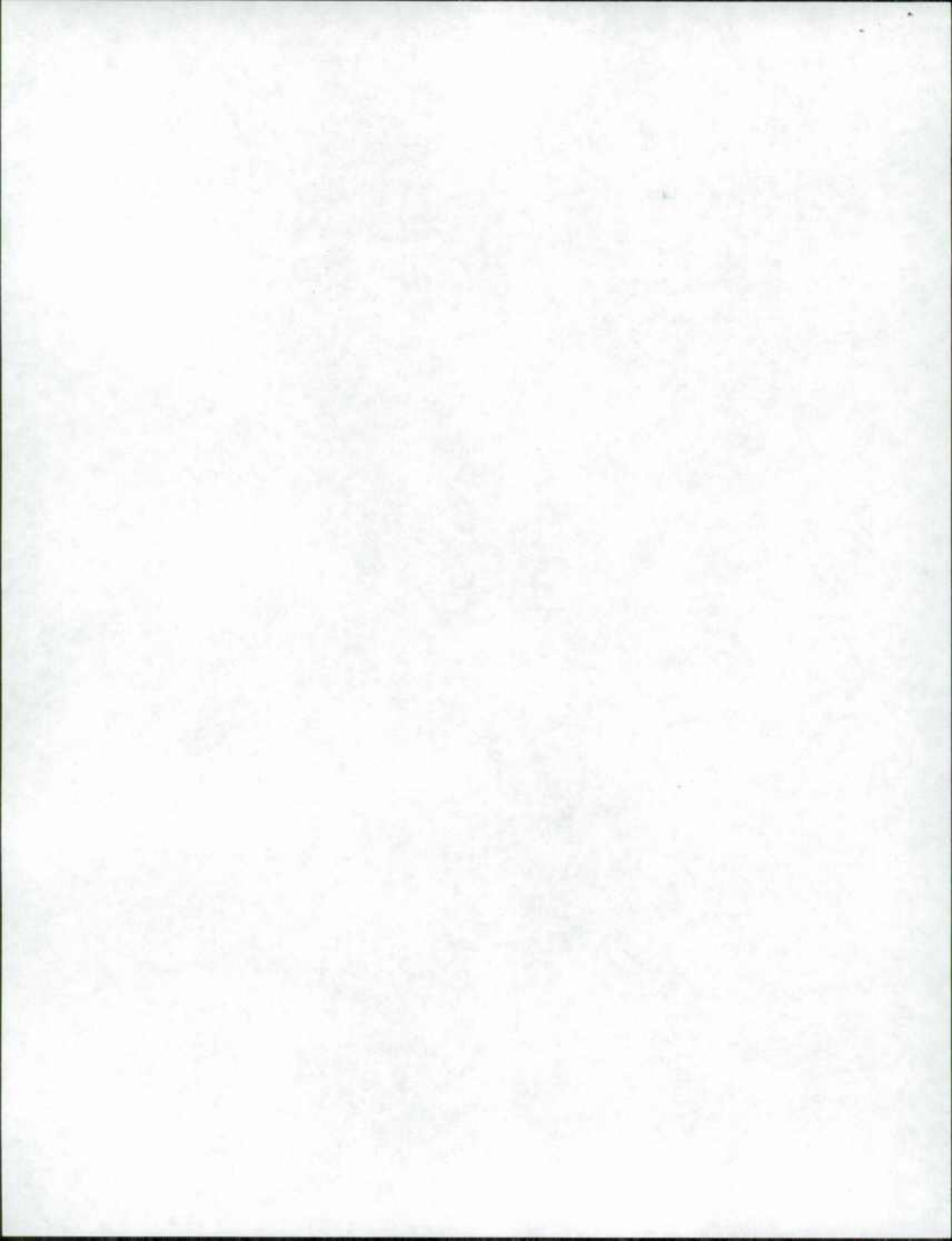


Sincerely,



Roby Hurley  
Natural resources Planner  
CA 615-08

Cc; Pamela Lucas  
Mary Beth Cook



CA 615-08

RBT 1/6/9

**CALVERT COUNTY BOARD OF APPEALS  
ORDER**

**Case No. 08-3557  
Public Hearing: December 4, 2008**

RECEIVED

DEC 22 2008

CRITICAL AREA COMMISSION

Kenneth & Jean Robinson have applied for a variance (after-the-fact) in the 100' waterfront buffer requirement and a variance in the side setback requirement from 6' to 4' for construction of a shed. The property is located at 205 Leason Cove Drive, Lusby (Tax Map 45A, Lot 22R, Section 7, Block A, Drum Point) and is zoned RD Residential District.

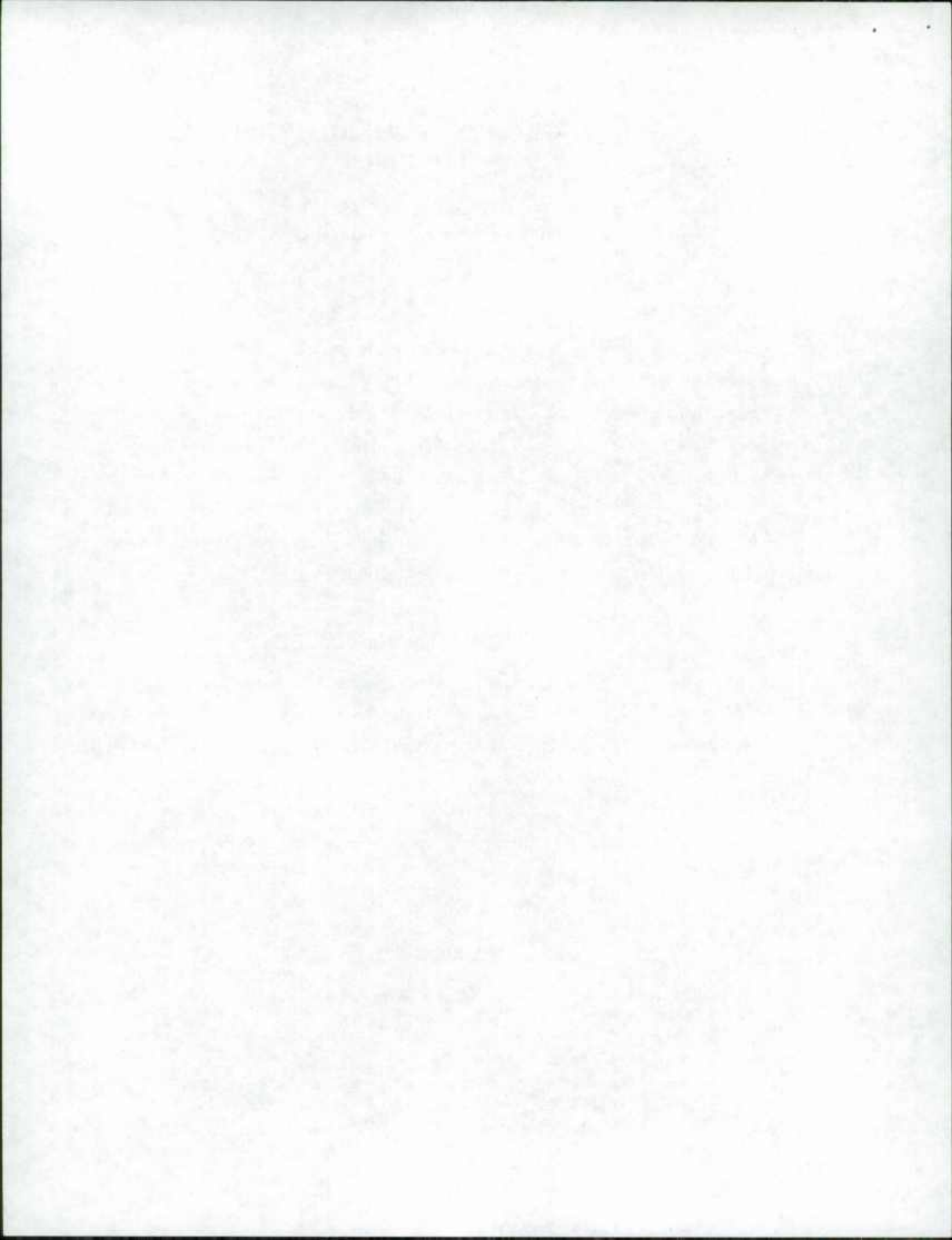
The case was presented December 4, 2008 before Board of Appeals members Mr. Michael Reber, Chairman; Mr. Michael Redshaw, member; and Mrs. Lisa Sanders, member; (the Board). Mr. Carlton Green, Esquire, served as the Board's Counsel. Mr. Kenneth Robinson & Mrs. Jean Robinson were present at the hearing.

**AUTHORITY OF THE BOARD OF APPEALS**

The jurisdiction of the Board of Appeals is based on Article 66B of the Annotated Code of Maryland, as amended. Article 11-1.01.A of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the strict application of the lot area, lot width, setback, and height requirements of this Ordinance. Article 11 Section 1.01.B of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the Critical Area requirements of Section 8-1 of the Ordinance.

**TESTIMONY & EVIDENCE PRESENTED**

1. The following Applicants' Exhibits were entered into the record at the December hearing:
  - Exhibit No. 1 – Application
  - Exhibit No. 2 – Plat Submitted With Application
  - Exhibit No. 3 – Plat Submitted At Hearing
  - Exhibit No. 4 – Aerial Photograph 205 Leason Cove Drive
  - Exhibit No. 5 – Memo to Roxana Whitt from Mary Beth Cook, Zoning





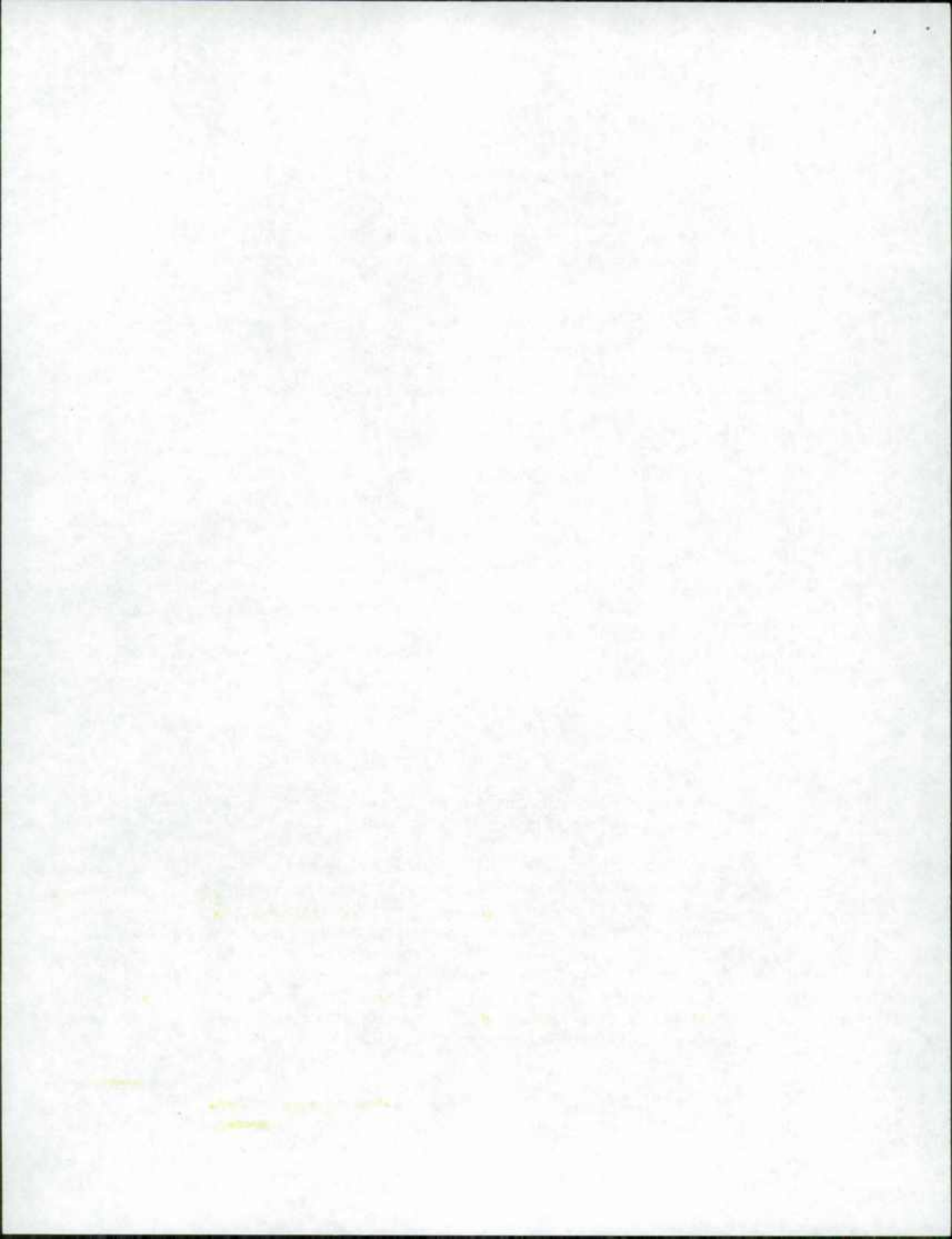
Officer – RE: BOA Application for Kenneth & Jean  
Robinson – Case No. 08-3557

2. A Staff Report prepared by Roxana Whitt, Board of Appeals Administrator, was entered into the record at the December hearing and marked Staff Exhibit No. 1.
3. The following person testified at the hearing in support of the applicants' request:
  - Mr. Robert Coy, 201 Leason Cove, Lusby, MD 20657
4. The following correspondence was entered into the record at the hearing:
  - Letter dated November 24, 2008 to Roxana Whitt from Roby Hurley, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401, RE: After the Fact Variance/Violation, Variance 08-3557, Robinson
  - Letter dated November 24, 2008 to Roxana Whitt from Roby Hurley, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401, RE: Comments on Proposed Variance, Variance 08-3557, Robinson
  - Letter dated November 16, 2008 from Darryl & Jo Anne Romer, 193 Leason Cove Drive, Lusby, MD 20657

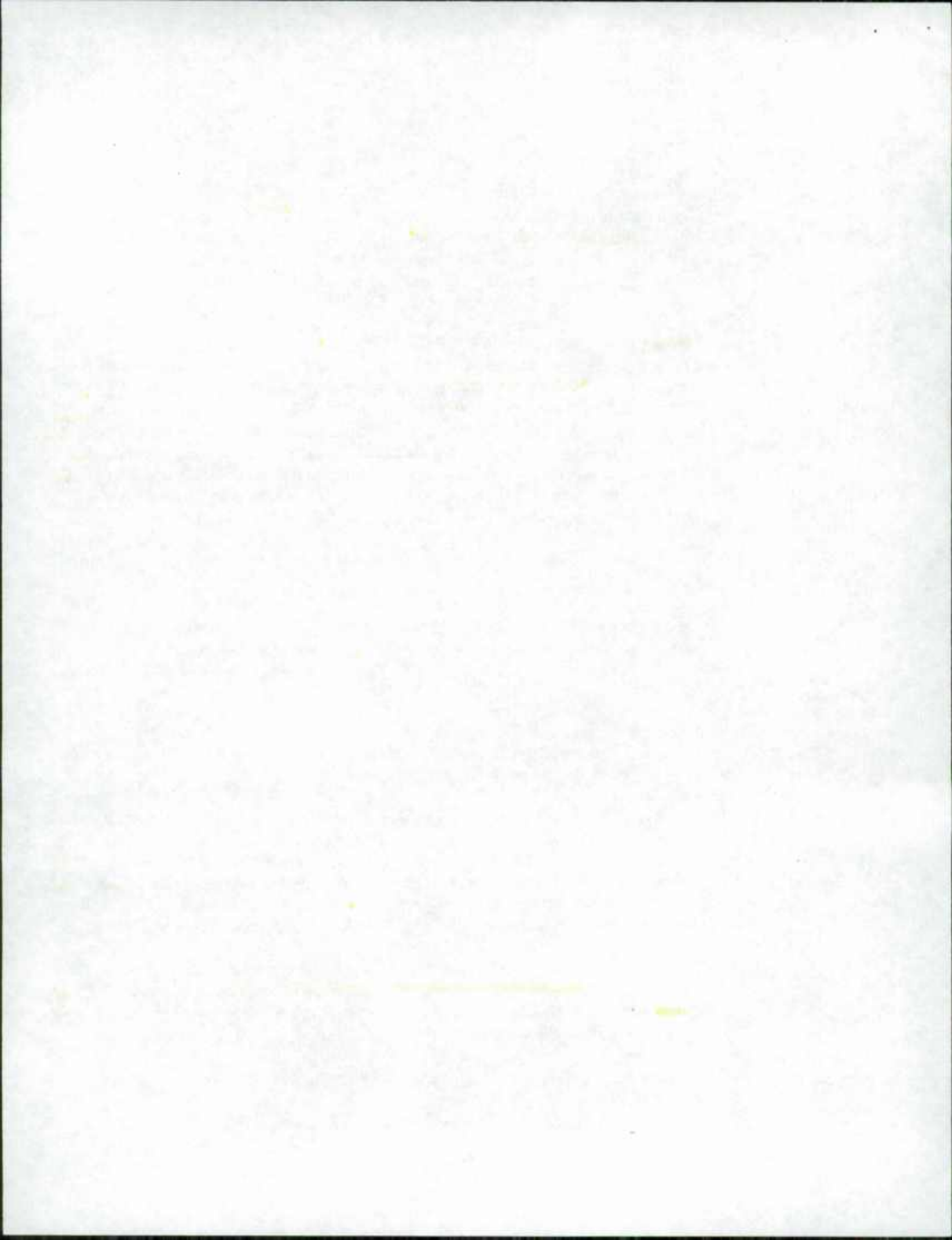
#### FINDINGS OF FACT

Based on the application and testimony and evidence presented at the hearing the Board makes the following Findings of Fact:

1. As shown on Applicants' Exhibit No. 2, the property consists of ~1/2 acre and is located on the south side of Leason Cove Drive in Drum Point. It was developed in 1990 with a 2-level house situated ~75 feet from the waterfront on Leason Cove off Mill Creek. The house was constructed on a hillside that slopes gently toward the water. Previous variances have not been granted for construction on this property; the permit for house construction apparently predated adoption of Calvert County's Critical Area Program in 1989. Other improvements on the property include a boathouse, piers, and a shed that is the subject of this appeal. The shed sits on concrete blocks on the hillside descending toward the water.
2. Trees are found along the east and west property lines. The waterfront buffer area between the house and water is primarily a grass lawn. The shed lies in this area and entirely within the waterfront buffer. It is situated about 28 feet from the waterfront. The area to the immediate south of the shed is a vegetable garden.



3. The property is zoned for residential use. The shed is a residential accessory structure, which does not conflict with the Comprehensive Plan. The shed is not in conformance with the 6 foot side setback requirement as it is situated approximately 4 feet from the western property boundary. The Zoning Ordinance, which was written to implement the Comprehensive Plan, requires setbacks principally to ensure that the use of a property does not infringe on the rights of neighbors.
4. The applicants purchased the property in 1984. Calvert County's Critical Area Program was adopted January 1, 1989, in accordance with the 1986 Maryland Critical Area law. The County's 1990 aerial photographs suggest that a structure or other disturbance was present in the vicinity of the existing shed at that time, but that feature was located further from the waterfront than the subject shed. The County's 2003 aerial photographs distinctly show a shed in the vicinity of the existing shed; however the new shed is slightly larger and slightly closer to the waterfront than the previous shed. For these reasons, the Department of Planning and Zoning determined that the shed replacement cannot be grandfathered and variance approval is required.
5. The applicants replaced the original grandfathered shed with a shed of slightly larger size.
6. The subject shed is used by the applicants, who are in their late 70's, for storage of items used in maintenance of the property. Such use of a shed is a right commonly enjoyed throughout the Critical Area and does not confer on the applicants a special privilege.
7. No erosion, runoff, sediment flow, or water impact have resulted from the shed's location. Moving the shed to another location could require removal of trees and grading, resulting in injury to the public interest.
8. The majority of the property's 142-foot depth is encompassed by the 100-foot waterfront buffer, with 25 of the remaining 42 feet being encompassed by the front setback. An area on the northwest portion of the property, adjacent to the house, is undeveloped and lies outside the buffer and setbacks; however, this area is used by the applicants to access the rear of the property. Placement of the shed in this location would prohibit entry to the rear of the property for maintenance.
9. Based on the location of the septic system, an existing tree, and rear property access requirements, the Board concludes there is no better location on the property for the shed. Further, the shed cannot be moved forward on the property without impacting the 25' front setback requirement.
10. To minimize impacts to the buffer and provide mitigation, the applicants will remove a 16' x 4' crab shedding box.



11. The requirements for an-after-the-fact Critical Area variance have been met by the applicants as noted in Applicants' Exhibit No. 5.
12. The findings above demonstrate that the applicant has overcome the presumption of nonconformance with the Maryland Critical Area Legislation; that approval of the variance will not result in injury to the public interest; that denying the request would result in unwarranted hardship; and that granting the request does not confer upon the applicants a special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's and the State's critical Area Program.

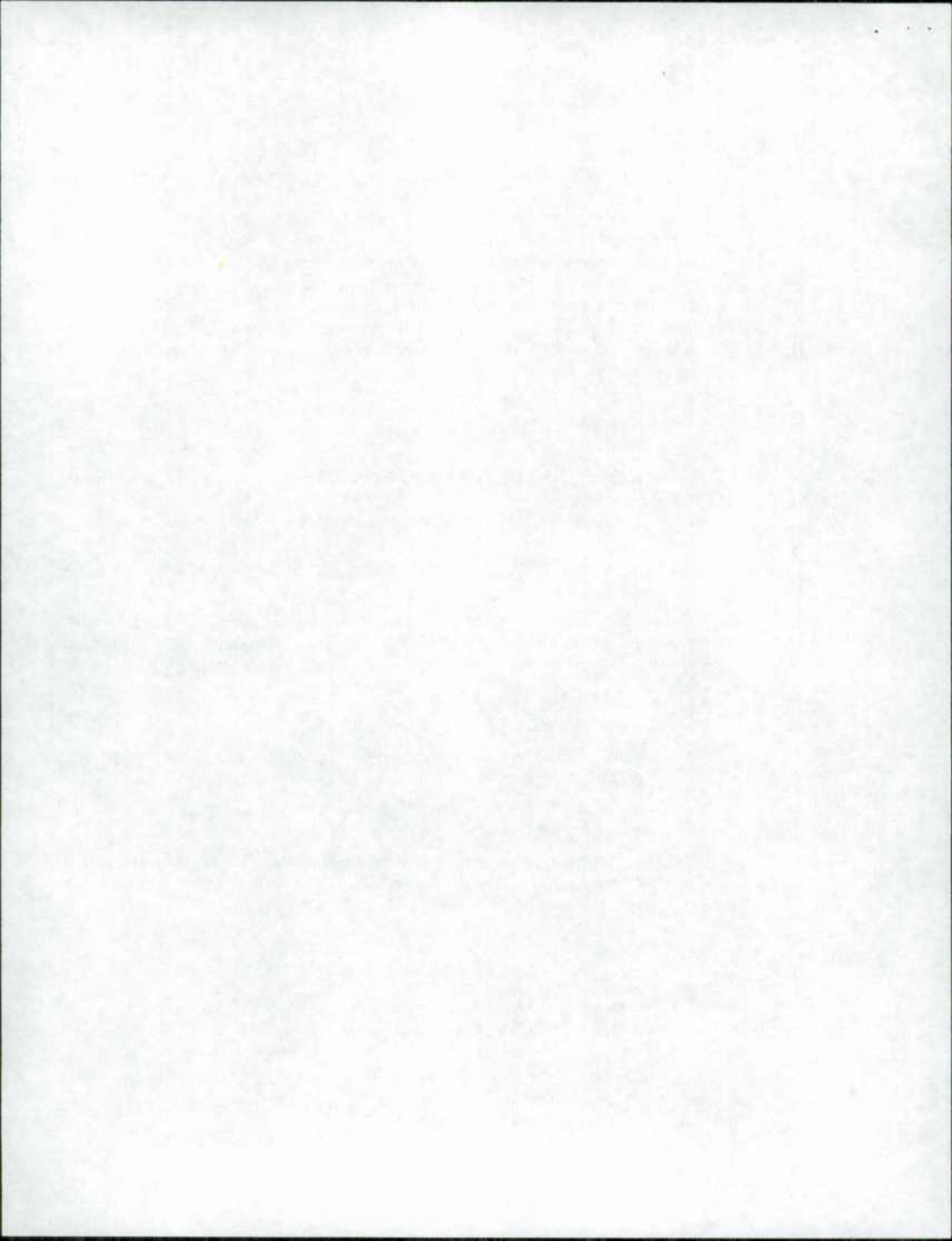
### CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 11-1.01.A of the Calvert County Zoning Ordinance):

1. The Board of Appeals concludes that it has the authority to grant the side setback variance requested.
2. The Board concludes that peculiar and unusual practical difficulties exist on the subject parcel due to the shallowness and shape of the parcel; the location of the existing septic system and trees; and the requirement for access points to the rear of the property.
3. The Board concludes that:
  - a. The variance will not result in injury to the public interest; and
  - b. Granting the variances will not adversely affect the implementation of the Comprehensive Plan; and
  - c. The variance is the minimum adjustment necessary to afford relief from the regulations; and
  - d. The variance request is based upon circumstances which are the result of actions by the applicants as the applicants replaced a shed with a larger shed unaware that a variance was required.

Based on the above Findings of Fact, the Board concludes the following (in accordance with Section 11-1.01.B of the Calvert County Zoning Ordinance):

1. The Board concludes that the development activity that is the subject of this variance request conforms with the Maryland Critical Area Legislation.



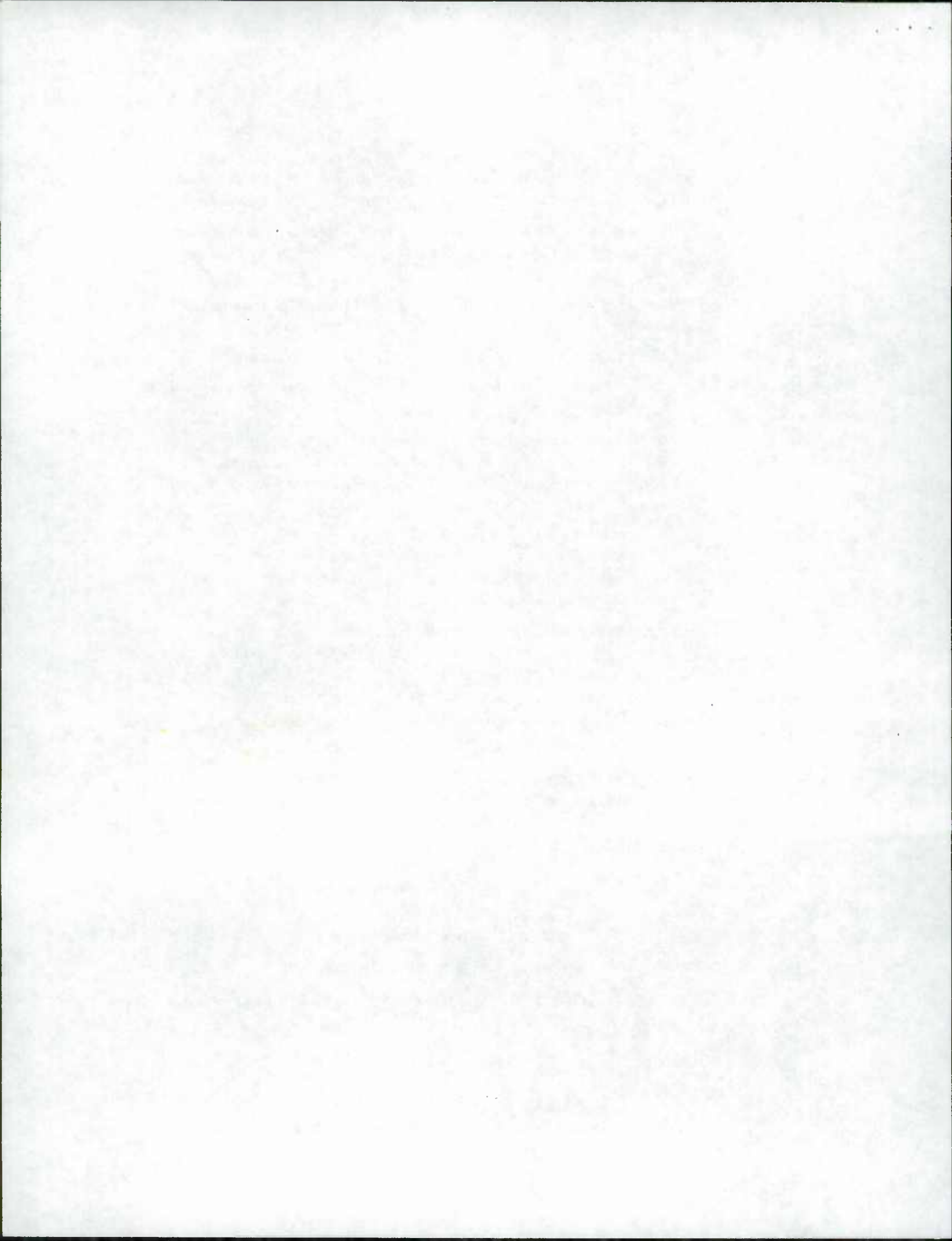
2. The Board concludes that it has the authority to grant the subject variance from the Critical Area requirements of Section 8-1 of this Ordinance.
3. The Board concludes that the applicant has overcome the presumption of nonconformance as required in Section 11-1.01.B.2 &3 of the Zoning Ordinance.
4. The Board concludes that the applicant has met each of the required variance standards as:
  - a. The variance will not result in injury to the public interest; and
  - b. the variance is the minimum adjustment necessary to afford relief from the regulations; and
  - c. special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship; and
  - d. a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County.
  - e. the granting of the variance would not confer upon the applicants a special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's and the State's critical area programs; and
  - f. the variance request is not based upon conditions or circumstances which are the result of actions by the applicant; and
  - g. granting the variance would not adversely affect water quality and adversely impact fish, wildlife, and plant habitat within the County's Critical Area, and granting the variances would be in harmony with the general spirit and intent of the Critical Area law.

see 3d above?

**ORDER**

It is hereby ordered, by a unanimous decision, that the variances after-the fact in the 100' waterfront buffer and in the side setback requirement from 6' to 4' for construction of a shed as requested by Kenneth & Jean Robinson be **GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All permits and approvals required by the Calvert County Zoning Ordinance and the Department of Planning and Zoning and those required by any other departments, agencies,





commissions, boards or entities, in accordance with County, State and Federal law, must be obtained before commencing the development activity approved by this Order.

2. The 16' x 4' crab shedding box located in the buffer shall be removed.
3. In accordance with Section 11-1.02.C.3 of the Calvert County Zoning Ordinance any violation of conditions imposed by the Board of Appeals shall be considered a violation of the Zoning Ordinance and subject to the enforcement provisions of Section 1-7.

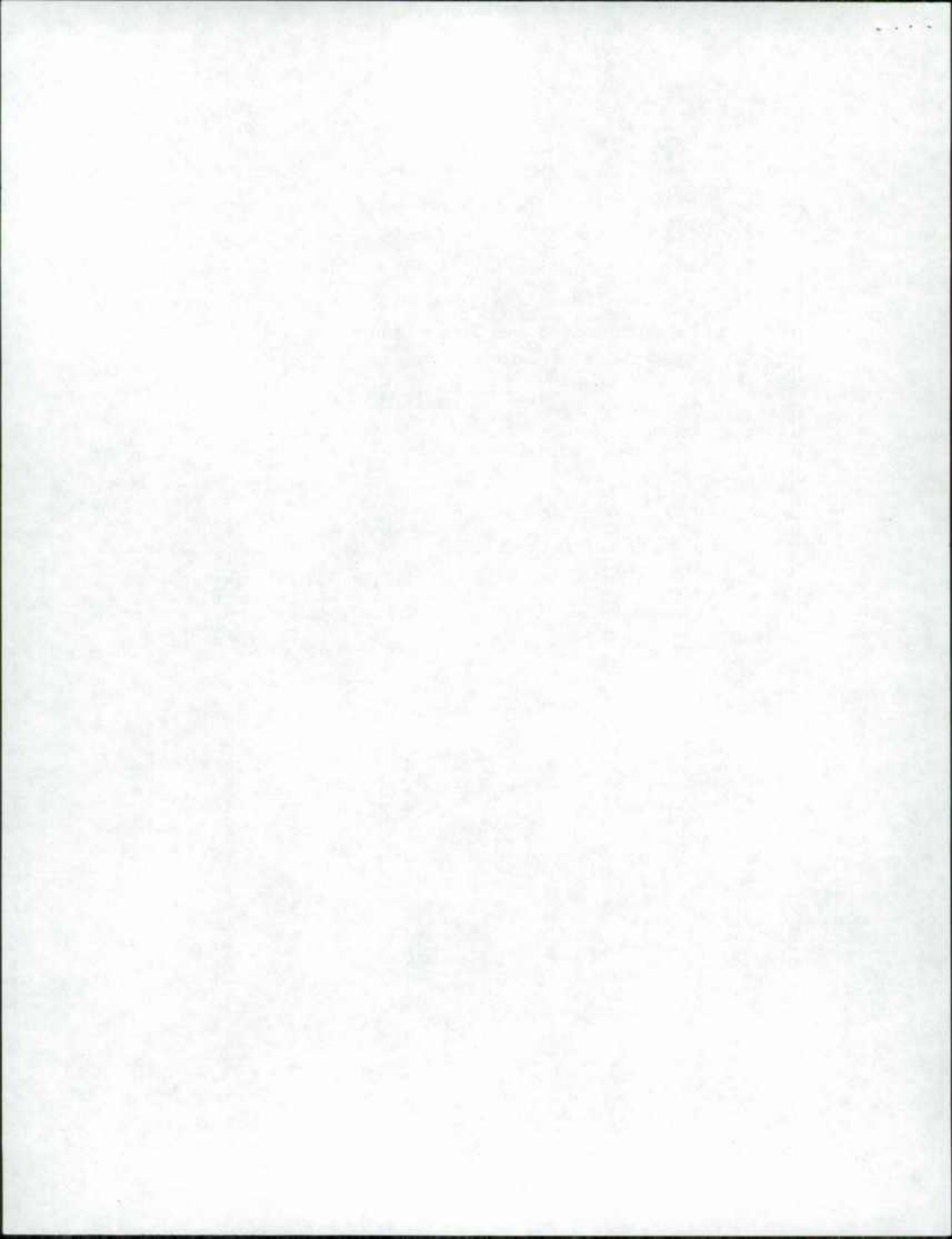
APPEALS

In accordance with Section 6 of the Calvert County Board of Appeals Rules of Procedure, "any party to a case may apply for a reconsideration of the Board's decision no later than 15 days from the date of the Board's Order."

In accordance with Section 11-1.07 of the Calvert County Zoning Ordinance, Board of Appeals decisions may be appealed to the Circuit Court of Calvert County by (1) any person aggrieved by any decision of the Board of Appeals or (2) any taxpayer, or (3) any officer, department, board or bureau of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200, as amended from time to time, within 30 days of the Board of Appeals Order.

Entered: December 17 2008  
Pamela P. Helie, Clerk

  
\_\_\_\_\_  
Michael J. Reber, Chairman



615-08

**IN THE CIRCUIT COURT OF MARYLAND  
FOR CALVERT COUNTY**

**PETITION OF:**

MARGARET MCHALE,  
Chair, Critical Area Commission for  
The Chesapeake and Atlantic Coastal Bays :  
1801 West Street, Suite 100  
Annapolis, Maryland 21401

**FOR JUDICIAL REVIEW OF  
THE DECISION OF THE  
CALVERT COUNTY BOARD  
OF APPEALS**

Calvert County Courthouse  
150 Main St. : Civil Action No. 04-C-09-000052  
Prince Frederick, MD 20678

**IN THE CASE OF** :

CASE NO. 08-3557  
Kenneth and Jean Robinson  
Variance to Critical Area 100' Buffer  
Requirement

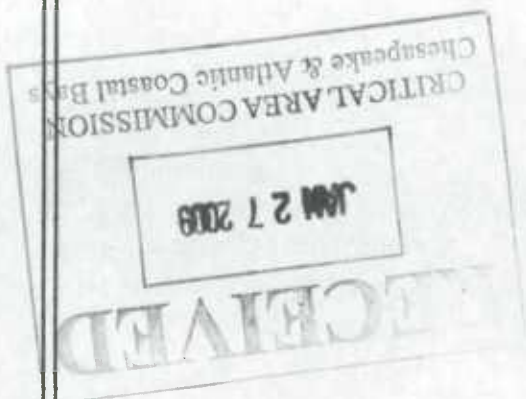
**NOTICE OF FILING OF PETITION FOR JUDICIAL REVIEW**

Pursuant to Maryland Rule 7-202(d)(3), you are hereby notified that on January 16, 2009 a Petition for Judicial Review was filed in the above case and that any party wishing to oppose the Petition must file a response within 30 days after the date of mailing of this notice.

The date of mailing of this notice is January 23, 2009.

*Pamela P. Helie*

Pamela P. Helie  
Clerk to the Board of Appeals  
150 Main Street  
Prince Frederick, MD 20678  
(410) 535-1600



RECEIVED

APR 15 1954

NEW CA 615-08

08-3557

BOARD OF APPEALS  
PROJECT REFERRAL FORM

CAC

The purpose of the preliminary project review is to determine the Board of Appeals action necessary for completion of the project you propose. You must have this form completed by the appropriate Planning and Zoning staff member before filing your application for review by the Board of Appeals.

410 326 6518

Property Owner Kenneth Robinson  
Property Address 205 Heaven Cove, Lushy, 20657  
Property Location: Tax Map \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_ Section \_\_\_\_\_ Plat \_\_\_\_\_  
Project Description \_\_\_\_\_  
Zoning \_\_\_\_\_ Permit No.(s) \_\_\_\_\_

The project described above requires the following Board of Appeals actions, in accordance with the Zoning Ordinance sections noted:

Specific Board of Appeals Action Required	Zoning Ordinance Section
8-1.08.D.3.c. Variance in 100' buffer to 30'	8-1.08.D.3.c

RECEIVED  
SEP 29 2008  
11:50

RECEIVED  
OCT 23 2008  
CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

This project was reviewed by the undersigned staff member:

John Sweet  
Name Date

Project Referral Approved by:

Mary Beth Cook 9/29/08  
Zoning Officer/Planning Commission Administrator Date

1917 10 10

100 100

CALVERT COUNTY  
BOARD OF APPEALS

150 Main St.  
Prince Frederick, MD 20678  
410-535-2348 \* 301-855-1243  
TDD 800-735-2258

(P&Z USE ONLY)  
FEES: PER FEE SCHEDULE  
Date Filed: 9/29  
Fees Paid: \$150  
Receipt No.: 1401  
Rec'd By: JK  
Case No.: \_\_\_\_\_

APPLICATION FOR APPEAL

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE BOARD OF APPEALS PLANNER THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION:

Tax Map No. 45A Parcel \_\_\_\_\_ Block A Section 7 Lot 22R  
Tax ID No. 01-071637 Property Zoning Classification RESIDENTIAL  
Property Address 205 Leason Cove Dr Lusby, MD 20657  
Has subject property ever been before the Board of Appeals? \_\_\_\_\_ (yes)  (no)  
If yes, give Case No. and date: \_\_\_\_\_

PROPERTY OWNER(S):

PRINTED NAME(S): Kenneth + Jean Robinson  
MAILING ADDRESS: 205 Leason Cove Dr  
Lusby, MD 20657  
TELEPHONE: HOME: 410 326 6518 WORK N/A CELL 410 292 6247  
EMAIL ADDRESS nhrobinson @ verizon.net

Kenneth Robinson

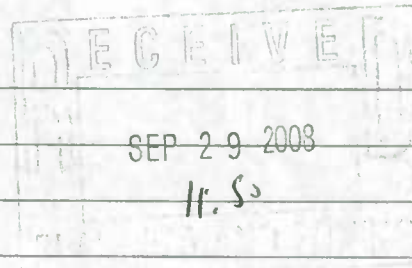
Owner's Signature and Date

Jean Robinson 8-5-08

Co-Owner's Signature and Date

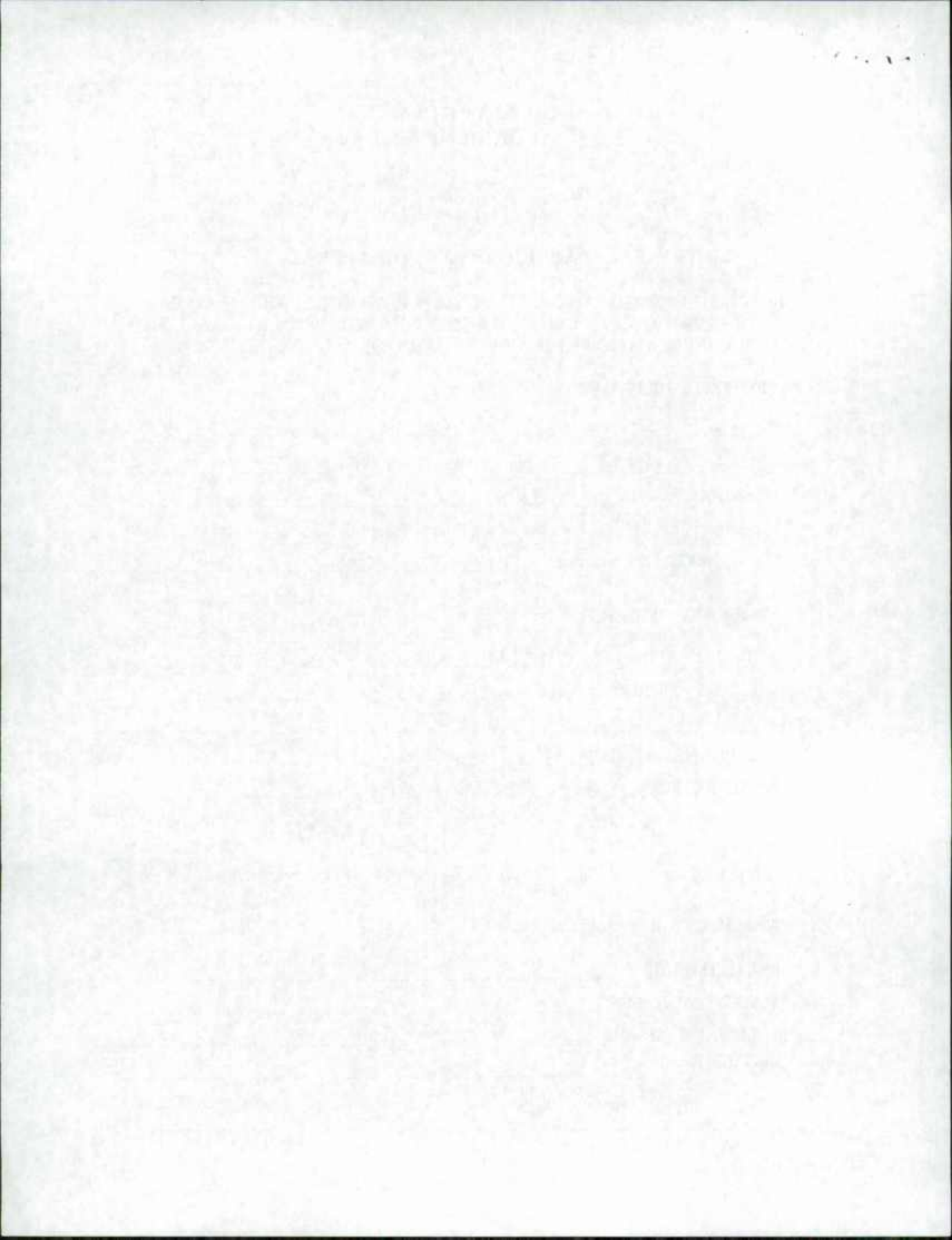
APPLICANT (if different from owner):

PRINTED NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
TELEPHONE NUMBER: \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_



\_\_\_\_\_  
Applicant's Signature and Date

\_\_\_\_\_  
Co-Applicant's Signature and Date





PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

- Variance    ( ) Multiple Variances
- ( ) Revision to a Previously Approved Variance
- ( ) Special Exception
- ( ) To Extend Time Limit on a Special Exception
- ( ) Revision/Modification of a Special Exception
- ( ) Expansion or Revision of a Non-Conforming Use
- ( ) Reconsideration of Previous Decision by Board
- ( ) Re-Schedule a Case Previously Postponed
- ( ) Decision on an Alleged Error made by \_\_\_\_\_

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage). Impervious surface variances must state existing % impervious surface and % requested. Waterfront buffer variances must state the distance to the waterfront of the proposed structure.

Variance in 100' Buffer to 30  
For a shed (after the fact)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

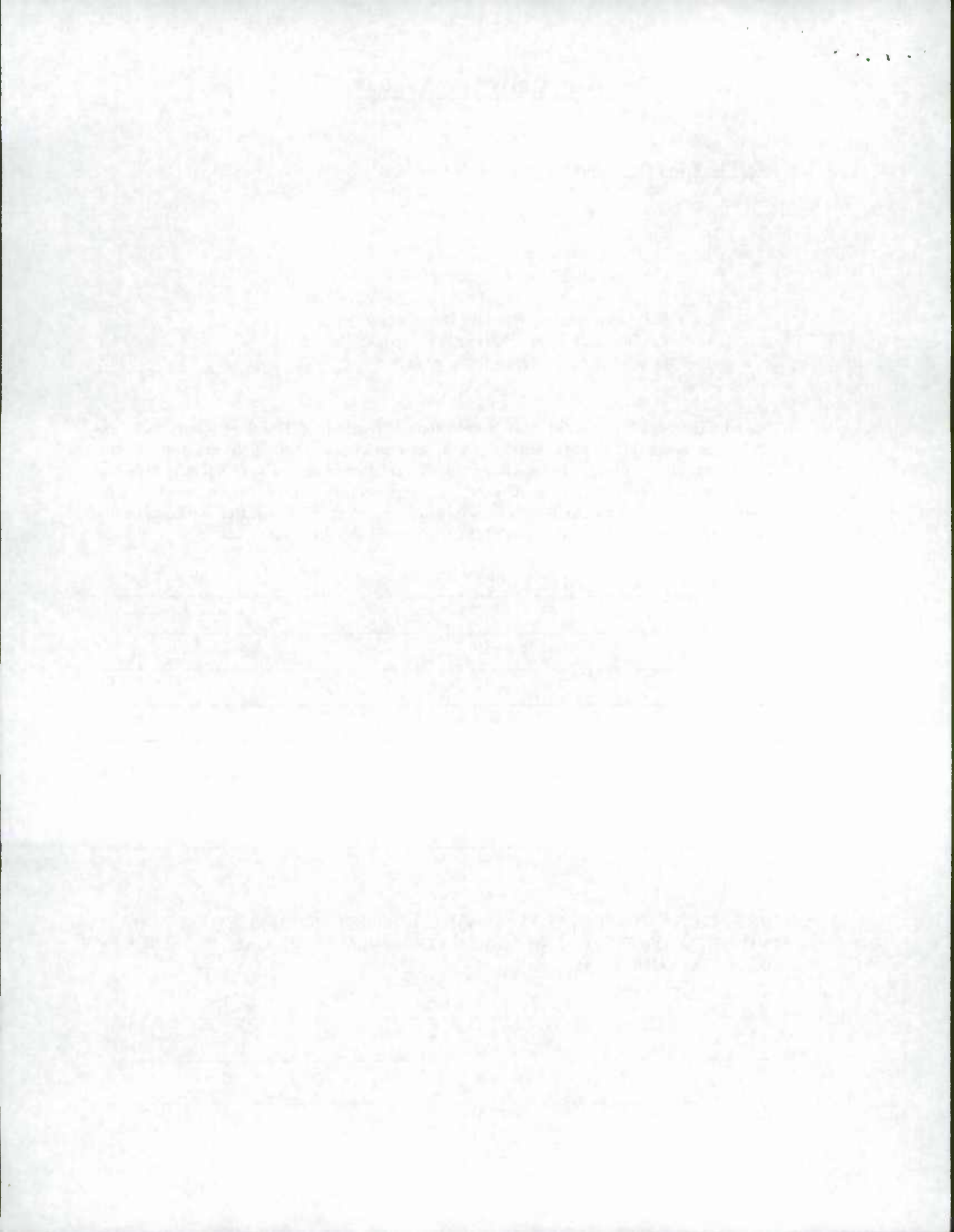
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DIRECTIONS TO PROPERTY FROM COURTHOUSE: (NOTE: FAILURE TO PROVIDE COMPLETE AND ACCURATE DIRECTIONS MAY RESULT IN A DELAY TO YOUR CASE)**

Route 4 so. to left ON 760 (Posby Hall Rd.) to RIGHT  
ON Cove Rd. to left ON LEASON Cove. to property at  
205 Leason Cove



AFFECTED PROPERTY OWNERS LIST

YOU MUST LIST THE NAMES AND ADDRESS OF ALL ADJOINING PROPERTY OWNERS AND THE OWNERS OF THOSE PROPERTIES DIRECTLY ACROSS ALL ADJACENT STREETS AND/OR RIGHTS OF WAY. NOTE: FAILURE TO CORRECTLY LIST NAMES AND ADDRESSES OF ALL AFFECTED PROPERTY OWNERS MAY RESULT IN A DELAY TO YOUR CASE.

Name: Robert Coy

Address: 201 Leason Cove Dr. LusBy, MD 20657

Name: Daryl Romer

Address: 193 Leason Cove Dr. LusBy MD 20657

Name: \_\_\_\_\_

Address: 7022 GATTON Sq.  
ALEXANDRIA VA 22315

Name: \_\_\_\_\_

Address: 21000 Leifersburg Pike  
HAGERSTOWN 21742

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

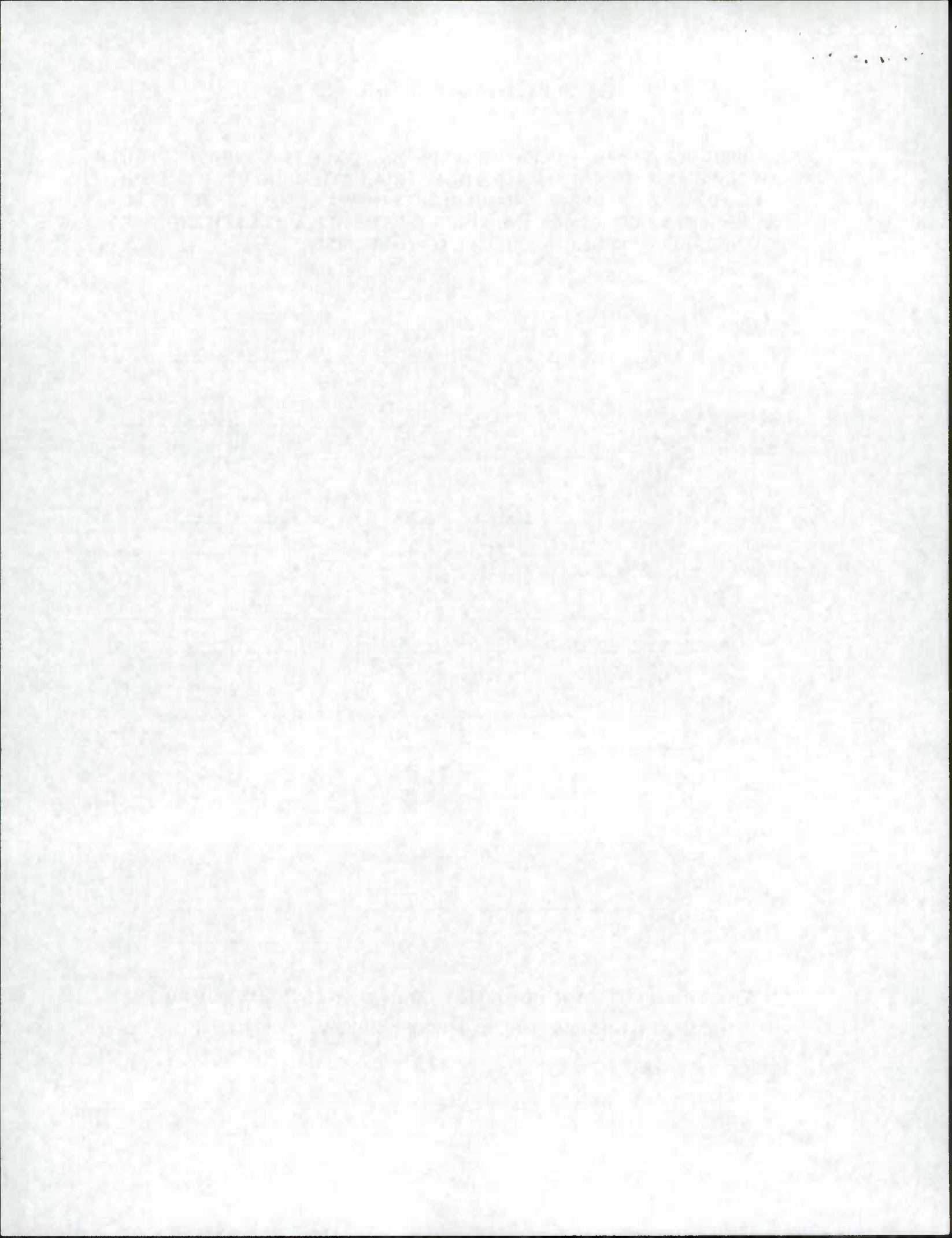
Name: \_\_\_\_\_

Address: \_\_\_\_\_

IF YOUR PROPERTY ADJOINS A PRIVATELY OWNED ROAD, YOU MUST LIST THE NAME AND ADDRESS OF THE OWNER BELOW:

Name: \_\_\_\_\_

Address: \_\_\_\_\_



# LEASON COVE DRIVE

R=567.00 L=115.12

2000 sq. ft. Driveway

APX 2500 sq. ft. House  
EXISTING DWELLING

LOT 21  
BLOCK A  
SEC. 7  
REVISED  
DRUM POINT  
AWR 1-35

LOT 1  
BLOCK E  
SEC. 17  
DRUM POINT  
AWR 1-32

## LOT 22-R

21,886 s.f.  
0.502 Ac.

*PLD  
P 5*

275.00'

5' BRL

30' BRL

ABANDONED LOT LINE

30' BRL

525.33'± W

142.03'

N38°24'00"E

S53°36'00"W

1173'12"± W 41.39'

N66°51'00"W

## LEASON COVE

**APPROVED**  
JUN 27 2008  
*Booke*  
CALVERT COUNTY HEALTH DEPT

**APPROVED**

APR 17 1997

*[Signature]*  
HEALTH DEPT

*Shed is to be removed if necessary for a septic repair*



### NOTES:

1. THE PURPOSE OF THIS PLAT IS TO COMBINE LOTS 22 + 23 INTO A SINGLE BUILDING LOT - LOT 22-R
2. ONLY ONE HOUSE MAY BE CONSTRUCTED ON LOT 22-R
3. THIS IS NOT A BOUNDARY SURVEY OR LOT STAKEOUT. NO TITLE RESEARCH FURNISHED TO OR DONE BY THIS OFFICE.
4. ALL NOTES & CONDITIONS PREVIOUSLY RECORDED AT AWR 1-35 REMAIN APPLICABLE.

SPECIAL PURPOSE PLAT



