

LAW OFFICES OF
MELNICOVE, ASCH, GREENBERG & KAUFMAN
10 LIGHT STREET
SUITE 1215, 21202
BALTIMORE, MARYLAND 21202

January 31, 1968

COUNSEL
BERNARD S. MELNICOVE
CHARLES ASCH
WALTER GREENBERG
JOHN KAUFMAN
1011 E. JONES RD.
TOWSON, MD. 21204

Mr. James E. Dyer,
Principal Zoning Technician
Baltimore County Office of
Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Dyer:

I am enclosing herewith Petition for Variance and surveyor's description and prints as required by your regulations for the property located on the southwest side of Liberty Road northwest of Old Court Road.

This Petition has been revised in accordance with the suggestions of your Department and your attention is respectfully directed to your consent letter of December 14, 1967 (Item 41, December 1967) and also Building Permit #364-64.

I believe that the present Petition fairly sets out the results of our conferences, and would appreciate every effort which your Department can make to expedite this matter based upon the fact that much of your investigative work has been done in connection with the previous application.

If you require any additional information, do not hesitate to contact me.

Very truly yours,

RONALD L. SCHREIBER

RLS/tl
Enc.
cc: Joseph Omansky, Esquire
Burnwood Realty, Inc.
Mr. James Dyer
Mr. Sylvan Goldman

ITEM #68-201-A
SW/S of Liberty Rd. 550' NW of
Old Court Rd.
2nd

March 14, 1968

Joseph S. Kaufman, Esquire
10 Light Street
Baltimore, Maryland 21201

RE: Petition for Variance
SW/S of Liberty Road 550' NW
of Old Court Road - 2nd Dist.
Ezrine Brothers, Petr.
NO. 68-23-A

Dear Mr. Kaufman:

I have this date passed my Order granting the above Variance to permit a side yard and rear yard of 9' instead of the required 30'; to permit a total of 70 parking spaces instead of the required 100 parking spaces, subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Very truly yours,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH/jd:

cc: Mr. Howard Coplan
8700 Liberty Plaza Mall
Randallstown, Maryland 21133

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February 23, 1968

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21202
VA. 3-3000

GEORGE E. GAVNELLS
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

Joseph S. Kaufman, Esq.
10 Light Street
Baltimore, Md. 21202

Dear Sir:

The enclosed memorandum is sent to you in compliance with Section 23-22 of the 1961 Supplement of the Baltimore County Code.

Any questions of correspondence in regard to the enclosed subject matter must be directed to the Director of Planning and Zoning (or his Deputy) and NOT to the Zoning Commissioner.

If you desire to have a member of the Planning Staff testify, it will be necessary for you to summon him through the Sheriff's Office.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba
Encl:

PETITION FOR VARIANCE 2nd DISTRICT

ZONING: Smithman's Petition for Variance for Side and Rear Yards and Parking.
LOCATION: Southwest side of Liberty Road 550 feet Northwest of Old Court Road.
DATE & TIME: MONDAY, MARCH 4, 1968 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from the Zoning Regulations of Baltimore County to permit a side yard and rear yard of Zero feet instead of the required 30 feet; and to permit a total of 70 parking spaces instead of the required 100 parking spaces.

The Zoning Regulation to be accepted as follows:

Section 23B.2 - Side and Rear Yards - 30 feet.
Section 409.2 (b) 6 - Parking - Buildings devoted to retail trade - 1 for each 200 square feet of total floor area.

All that parcel of land in the Second District of Baltimore County

Being the property of Ezrine Brothers as shown on plot plan filed with the Zoning Department.

Hearing Dates: Monday, March 4, 1968 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

February 13, 1968

Joseph S. Kaufman, Esq.
10 Light Street
Baltimore, Md. 21202

NOTICE OF HEARING

Re: Petition for Variance for Ezrine Brothers
#68-201-A

TIME: 11:00 A.M.

DATE: Monday, March 4th, 1968

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

February 26, 1968

Joseph S. Kaufman, Esq.
10 Light Street
Baltimore, Md. 21202

Re: Petition for Variance for
Ezrine Brothers
#68-201-A

Dear Sir:

This is to advise you that \$68.74 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md, and remit to Mrs. Anderson, Room 119, County Office Building, before the hearing.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February 3, 1968

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21202
VA. 3-3000

GEORGE E. GAVNELLS
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

Joseph S. Kaufman, Esq.
10 Light Street, Suite 1215-1230
Baltimore, Maryland 21202

RE: Side yard variance and parking
variance for Ezrine Brothers,
located 5/4 S Liberty Road,
NW of Old Court Road,
2nd District
(Item 41, December 12, 1967)

Dear Sirs:

The above referenced petition is accepted for filing as of the date on the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 days nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

If you have any questions concerning this matter, please do not hesitate to contact me at VA 3-3000, Extension 351.

Very truly yours,

JAMES E. DYER, Principal
Zoning Technician

JED/jd

Enclosure

February 2, 1968

Joseph S. Kaufman, Esq.,
10 Light Street, Suite 1215-1230
Baltimore, Maryland 21202

RE: Side yard variance and parking
variance for Ezrine Brothers,
located 5/4 S Liberty Road,
NW of Old Court Road,
2nd District
(Item 41, December 12, 1967)

Dear Sirs:

This office has received revised drawings and is scheduling the above referenced case for a hearing.

Very truly yours,

JAMES E. DYER,
Zoning Supervisor

JED/jd

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition does not meet the Zoning Commissioner's requirements for filing as per attached.

[Signature]
Zoning Commissioner

Owner Name: *[Signature]*
Reviewed By: *[Signature]*

PETITION FOR VARIANCE
ZONING: Petition for Variance for
Site and Rear Yard and Driveway
LOCATION: Southwest side of
Old Court Road, 1/2 mile
northwest of Old Court Road.
DATE & TIME: Monday, March 4,
1968, 10:00 A.M.
PUBLIC HEARING: Room 100,
County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, Maryland, has received a petition for a variance from the Zoning Regulations of Baltimore County to permit a rear yard and driveway on the property of the petitioner, which is located on the southwest side of Old Court Road, 1/2 mile northwest of Old Court Road. The petition is for a variance from the Zoning Regulations of Baltimore County to permit a rear yard and driveway on the property of the petitioner, which is located on the southwest side of Old Court Road, 1/2 mile northwest of Old Court Road. The petition is for a variance from the Zoning Regulations of Baltimore County to permit a rear yard and driveway on the property of the petitioner, which is located on the southwest side of Old Court Road, 1/2 mile northwest of Old Court Road.

CERTIFICATE OF PUBLICATION

TOWSON, MD. FEB 13 1968

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time, before the 15th day of March 1968, the first publication appearing on the 15th day of February 1968.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$.....

entA

RE: PETITION FOR VARIANCE FROM SECTION 238.2 and SECTION 409.2 OF BALTIMORE COUNTY ZONING REGULATIONS Southwest side of Liberty Road 550 feet Northwest of Old Court Road 2nd District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-201-A

Exsine Brothers
Petitioner

OPINION

This case comes before the Board on an appeal from a March 14, 1968 decision of the Deputy Zoning Commissioner granting a petition for variances from Section 238.2 and Section 409.2 of the Zoning Regulations.

The subject property is located on the southwest side of Liberty Road 550 feet northwest of Old Court Road, in the 2nd Election District of Baltimore County. The property is rectangular in shape with a "dog-leg" 46 feet long by 136 feet wide protruding to the east from the southeast portion of the tract. The property fronts 265.74 feet along Liberty Road and contains 57,600 square feet, which is approximately 1.32 acres. Its present zoning is Business Roadside.

The Petitioner seeks variances from the required 30 foot building setbacks for the west side yard and for the rear yard to zero distance setbacks, and a variance to permit 71 parking spaces in lieu of the required 100 spaces.

Mr. Albert Quimby, Chief of Project Division of the Baltimore County Office of Planning, testified that granting the petition would enable the Petitioner to develop his property in a manner acceptable to his office. His office insists that a 30 foot wide driveway be constructed on the site, which would connect Foxhall Village Apartment development on the south boundary to Liberty Road on the north boundary.

Mr. Quimby testified further that the Planning Office would not endorse any building permit application whatsoever for the subject property unless such a driveway would be provided.

Other testimony for the Petitioner in substance revealed that the choice

for the location of the building on the site is influenced by the driveway demands of the Planning office.

The proposed building would contain a total of 20,000 square feet and be leased to a furniture and appliance retail store.

Howard Caplan, an officer in the Liberty Plaza, Inc., and the Court Plaza Realty, companies which are the owners of Liberty Plaza Shopping Center at 8700 Liberty Road, 400 feet west of the subject, testified that the reduction of parking spaces sought will cause congestion on Liberty Road whereby customers of the proposed store would park on Liberty Road. He testified, however, that parking is permitted now on Liberty Road except from 2 A.M. to 5 A.M.

Without commenting on the propriety of the Planning Office's right to deny approval of a building permit unless the aforementioned driveway be provided, it is the opinion of the Board that the variances sought are reasonable, and that granting such relief to the Petitioner will not cause any substantial injury to public health, safety and general welfare. It further finds, as a fact, that the variances should be granted to prevent practical difficulty and unreasonable hardship on the Petitioner in the development of the subject property because of the through on site driveway provision required by the Planning Office.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of October, 1968, by the County Board of Appeals ORDERED that the variances petitioned for be and the same are hereby granted.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Stewie, Acting Chairman
Walter A. Ritter, Jr.
John A. Miller

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 203
Posted for: 203
Petitioner: Exsine Brothers
Location of property: Southwest side of Liberty Road, 1/2 mile northwest of Old Court Road
Location of Signs: Southwest side of Liberty Road, 1/2 mile northwest of Old Court Road
Remarks: 203
Posted by: [Signature]
Date of return: 203

TELEPHONE
RES-3000
EXT. 397

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 53016
DATE: Mar. 4, 1968

TO: Robert, Baltimore, Arch, Grayson & Nathan
3215 Maryland National Bank Building
Baltimore, Md. 21202

REMIT TO ACCOUNT NO. 01-422

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY: 1
TAXES: 68.74

Advertising and posting of property for Exsine Brothers
68-201-A

68.74

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE
RES-3000
EXT. 397

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 54302
DATE: 4/16/68

TO: Richard C. Murray, Esq.,
Loyola Federal Building
Towson, Md. 21204

REMIT TO ACCOUNT NO. 01-422

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY: 1
TAXES: 68.74

Cost of appeal - Exsine Bros.
No. 68-201-A

68.74

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE
RES-3000
EXT. 397

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 51778
DATE: Feb. 13, 1968

TO: Robert, Baltimore, Arch, Grayson & Nathan
3215 Maryland National Bank Building
Baltimore, Md. 21202

REMIT TO ACCOUNT NO. 01-422

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY: 1
TAXES: 25.00

Petition for Variance & Commissioning for Exsine Brothers
68-201-A

25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

301-71 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

THE WEIZNER BROTHERS, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a side yard and rear yard for the back of 0.0' instead of required 30' and Section 409.2 to permit a total of 70 parking spaces instead of required 100 parking spaces...

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This property has a very irregular shape and the petitioners are unable to acquire additional property in the area. It will cause a substantial hardship on the owner as well as great development difficulty unless a variance is granted.

The Project Planning Division has required your Petitioners to open a 30 foot right-of-way for the full depth of the property which right-of-way cannot be used for parking, and must be left open for access to properties not owned by the Petitioners located in the rear of the subject property. This requirement, which the Petitioners have complied with, has caused the necessity for requesting the granting of a variance.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

BURNINGWOOD REALTY, INC. ESTATE PROPERTIES

BY: JACOB LARKIN, PRESIDENT

Contract purchaser Legal Owner

Address c/o Melnicovs, Inc. 5727 Reisterstown Road, ADESS, 5727 Reisterstown Road, Greenberg & Kaufman

10 Light Street

BY: JOSEPH S. KAUFMAN, Attorney

Protestant's Attorney

Address 19 Light Street, Baltimore, Maryland

ORDERED BY The Zoning Commissioner of Baltimore County, this 1st day of February, 1968, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore, Maryland, on the 4th day of March, 1968, at 11 o'clock.

BY: JACOB LARKIN, PRESIDENT

Contract purchaser Legal Owner

Address c/o Melnicovs, Inc. 5727 Reisterstown Road, ADESS, 5727 Reisterstown Road, Greenberg & Kaufman

10 Light Street

BY: JOSEPH S. KAUFMAN, Attorney

Protestant's Attorney

Address 19 Light Street, Baltimore, Maryland

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BY: JACOB LARKIN, PRESIDENT

Contract purchaser Legal Owner

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Protestant's Attorney

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Protestant's Attorney

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10 Light Street

BY: JOSEPH S. KAUFMAN, Attorney

Protestant's Attorney

Address 19 Light Street, Baltimore, Maryland

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the variance requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved.

the above Variance should be had; and it is further appearing that by reason of

a Variance to permit a side yard and rear yard of 0' instead of the should be granted required 30'; to permit a total of 70 parking spaces instead of the required 100 parking spaces.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of March, 1968, that the herein Petition for a Variance should be and the

same is granted, from and after the date of this order, to permit a side yard and rear yard of 0' instead of the required 30'; to permit a total of 70 parking spaces instead of the required 100 parking spaces.

subject to approval of the site DEPUTY Zoning Commissioner of Baltimore County and the Bureau of Public Services, and the State Roads Commission.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of March, 1968, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

JAMES S. SPAMER & ASSOCIATES
PERSONAL ENGINEERS & LAND SURVEYORS
8017 YORK ROAD - TOWSON, MD. 21204

BY: MCL Liberty Road - 555' West of Old Court Road
DATE: 1/10/68 Description for Zoning Purposes SHEET 1 OF 1 FILE: 1-1120

ALL that piece or parcel of land situate, lying or being in the Second Election District, Baltimore County, Maryland, and described as follows, to wit:

BEING a part of the same at a point on the southwest side of Maryland Route 26 (Baltimore and Liberty Road) at the beginning of the second line of the parcel of land which by a deed dated January 10, 1944, and recorded among the Land Records of Baltimore County in Liber 5, p. 11, No. 1111, Folio 23 was conveyed by Old Court Plaza, Inc., to Hess Realty Corporation, said point of beginning being distant 10 feet southwesterly, measured at a right angle from the center line of Route 26 at Station 97+1.11 as shown on State Roads Commission of Maryland Plat No. 25114 and referred to in the deed dated December 17, 1958 from Old Court Plaza, Inc., to the State of Maryland and recorded among the aforesaid land records in Liber 5, p. 11, No. 1086, Folio 30, and running thence bearing on the southwest side of Route 26 as widened by said Plat No. 25114, (1) North 64° 09' 11" West 207.71 feet to intersect the third or North 28° 11' 00" East 146.35 foot line of the parcel of land which by a deed dated June 20, 1960 and recorded among the aforesaid land records in Liber 5, p. 11, No. 171, Folio 272 was conveyed by Albert R. Migan and wife to Old Court Plaza, Inc., at the distance of 5.07 feet from the end of said line, thence reverting said line, (2) South 28° 11' 00" East 157.52 feet to the beginning of the fifth or South 28° 11' 00" West 117.99 foot line of the parcel of land which by a deed dated August 10, 1944, and recorded among the aforesaid land records in Liber 5, p. 11, No. 1112, Folio 210 was conveyed by Old Court Plaza, Inc., to Hess Realty Corporation, thence with the fifth and sixth lines of said conveyance, (3) South 28° 11' 00" West 117.99 feet and parallel to Liberty Road, (4) South 64° 09' 11" East 391.4 feet to intersect the sixth line of the aforesaid conveyance from Migan to Old Court Plaza, Inc., thence reverting with a part of said sixth line, (5) North 64° 09' 11" East 146.35 feet to the end of the third line of the aforesaid conveyance to Hess Realty Corporation, thence reverting with the third and second lines thereof, (6) North 64° 09' 11" East 136.16 feet and (7) North 25° 50' 14" East 107.00 feet to the place of beginning.

CONTAINING 1.122 acres of land more or less.

THE courses in the above description are referred to the meridian of the Baltimore County Coordinate System.

BEING a part of the parcel of land which by a deed dated June 20, 1960 and recorded among the Land Records of Baltimore County in Liber 5, p. 11, No. 171, Folio 272 was conveyed by Albert R. Migan and wife to Old Court Plaza, Inc.

The beginning point being at the distance at 555 feet more or less, northwesterly from the center of Old Court Road.

CONTAINING 1.122 acres of land more or less.

THE courses in the above description are referred to the meridian of the Baltimore County Coordinate System.

BEING a part of the parcel of land which by a deed dated June 20, 1960 and recorded among the Land Records of Baltimore County in Liber 5, p. 11, No. 171, Folio 272 was conveyed by Albert R. Migan and wife to Old Court Plaza, Inc.

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The beginning point being at the distance at 555 feet more or less, northwesterly from the center of Old Court Road.

CONTAINING 1.122 acres of land more or less.

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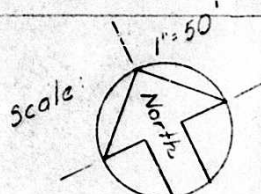
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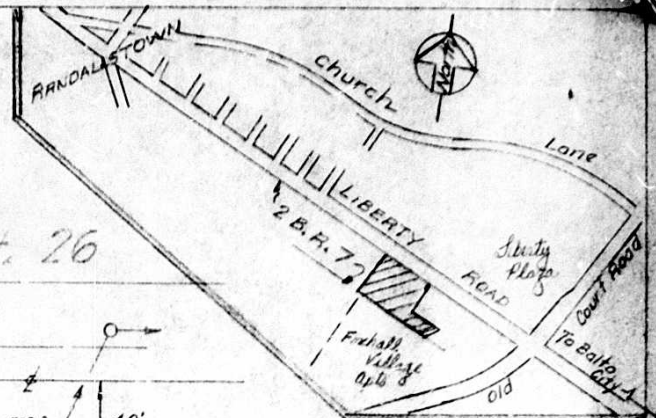
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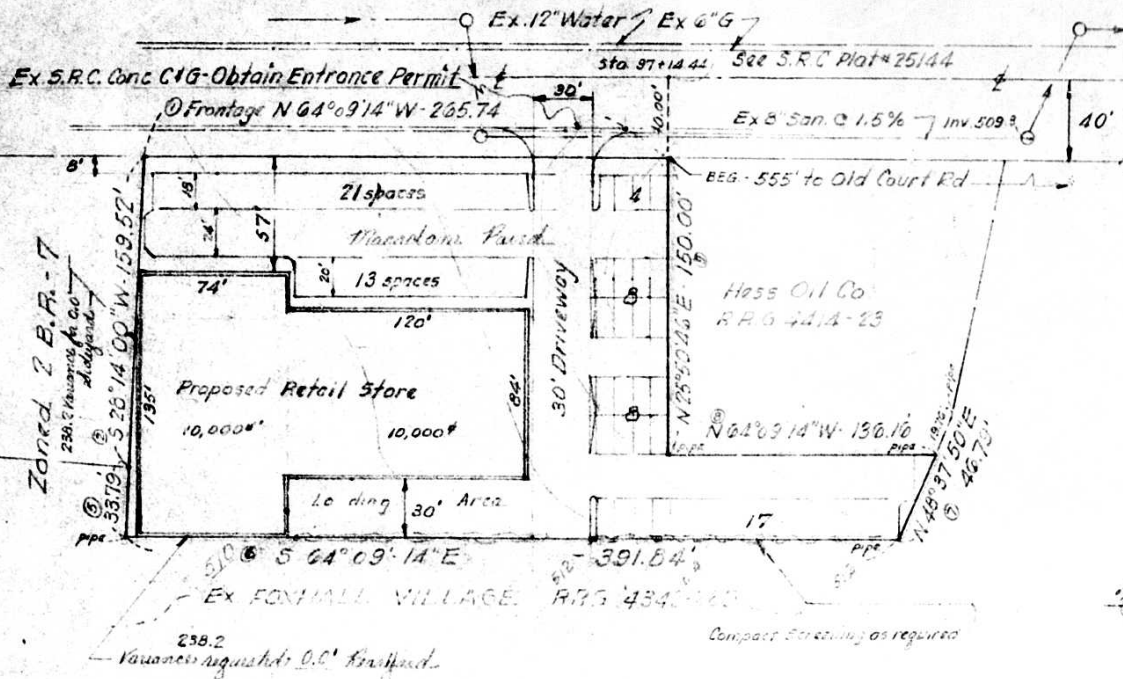


LIBERTY ROAD

Md Rt. 26



LOCATION MAP
Scale: 1"=500'
B.M. *X-1296 El. 530.23



all utilities available
Obtain S.R.C. Permit for Entrance

Zoning Data:

Ex. B.R. Area - 1.32' Ac
Proposed Retail Store - 20,000' Gross Area

- 409.2. Required Parking 1,000' - 20,000/100 = 100 spaces.
Provided. 70 spaces.
Variance requested for 70 cars/spaces.
- 238 - Front Setback - 50' "
- 238.2 Variance requested - 30' Required.
West Sideyard - 0.0'
Rear Yard - 0.0'

Plat for Zoning Purpose

Applicant: *Burnington Woods, Inc.* 10 Light St. 21202
Attorney: *Ronald Schaefer, Esq.* 10 Light St. Suite 1215 Baltimore MD 21202
Dist #2 Baltimore Co. Md.

	JAMES S. SPAULDING & ASSOCIATES ENGINEERS & ARCHITECTS 501 W. BALTIMORE ST. TOWSON, MD 21204
	Scale: 1"=50' Jan 10, 1968
	File: F-9 1-1120

