

327
86-16-A

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 1-B-02.1.A. (205-3)

To allow a side street setback of 33 feet 6 inches instead of the required 40 ft. and to allow a distance to center of street of 58.6 in. instead of required 65 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. To care for elderly parent, wish to add one bedroom and bath.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)

Signature _____

Address _____

City and State _____

Attorney for Petitioner: _____
(Type or Print Name)

Signature _____

Address _____
Cockeysville, Maryland 21030
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Elizabeth A. Pierce
10925 Powers Avenue
Cockeysville, Maryland 21030
City and State

Attorney's Telephone No.: _____
10925 Powers Avenue
Cockeysville, Maryland 21030
City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 4th day of June, 1985, 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 County, Maryland, on the 10th day of July, 1985, at 10:30 o'clock.

Arnold Jablon
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 4th day of June, 1985.

Petitioner *Elizabeth A. Pierce*
Petitioner's Attorney _____

Arnold Jablon
Zoning Commissioner
Received by *Nicholas B. Commodari*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 19, 1985

Mrs. Elizabeth A. Pierce
10925 Powers Avenue
Cockeysville, Maryland 21030

RE: Item No. 327 - Case No. 86-16-A
Petitioner - Elizabeth A. Pierce
Variance Petition

Dear Mrs. Pierce:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

JUNE 18, 1985

Re: Zoning Advisory Meeting of May 14, 1985
Item # 327, ELIZABETH A. PIERCE
Property Owner
Location: S/E CORNER POWERS AVENUE & COCKEY ROAD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on _____.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☐ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

Eugene A. Eder
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
To: Zoning Commissioner
Date: June 25, 1985

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-16-A, 86-15-A, 86-9-A, 86-12-A, and 86-17-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEC:JCH:slm

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

May 17, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 326 (327) 329, 330, 331, 334, and 337 ZAC Meeting of May 14, 1985
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

Acres: _____
District: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 326, 327, 329, 330, 331, 334, and 337.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

May 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Elizabeth A. Pierce

Location: S/E corner Powers Avenue and Osage Road

Item No.: 327 Zoning Agenda: Meeting of 5/14/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Errol N. Markowitz*
Planning Group
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

May 21, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 327 Zoning Advisory Committee Meeting are as follows:

Property Owner: Elizabeth A. Pierce
Location: S/E Corner Powers Avenue and Osage Road
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #11-7-1 - 1980) and other applicable Codes and Standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: Two sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
- 4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
- 5. All Use Groups except Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. For Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 100.2 and Table 100.2. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- 6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- 7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- 8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use. See Section 312 of the Building Code.
- 9. The proposed project appears to be located in a Flood Plain, Flood/Divergence. Please see the attached copy of Section 516C of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments:

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Barker
Charles E. Barker, Chief
Building Plans Service

L/22/85

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

IN RE: PETITION ZONING VARIANCES
SE/corner of Powers Avenue
and Osage Road - 8th
Election District
Elizabeth A. Pierce,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-16-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a side street setback of 33 1/2 feet instead of the required 40 feet and a setback of 58 1/2 feet to the centerline of the side street instead of the required 65 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.2 and measuring 140' x 180', is a corner lot fronting on Powers Avenue and abutting Osage Avenue. The Petitioner, a widow, wishes to construct a 16' x 23' addition for her seriously ill father who requires constant and immediate medical attention. The Petitioner is contemplating remarriage, and the existing home is not large enough to provide the necessary room for her father. The addition will consist of a bedroom and bath to be constructed on the northeast side of the house, i.e., Osage Avenue. The addition cannot be located elsewhere on the property due to the existing well in the front, the storm drain easement and septic system in the rear, and drainage problems to the southwest of the home. The only location the addition can be built is where proposed.

The Petitioner requests relief from Section 1B02.3.B, (Section 205.3), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of July, 1985, that the Petition for Zoning Variances to permit a side street setback of 33 1/2 feet instead of the required 40 feet and a setback of 58 1/2 feet to the centerline of the side street instead of the required

65 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/nrl

cc: Mrs. Elizabeth A. Pierce

People's Counsel

ORDER RECEIVED FOR FILING

DATE July 12, 1985
BY *John P. Langley*

ORDER RECEIVED FOR FILING

DATE July 12, 1985
BY *John P. Langley*

ORDER RECEIVED FOR FILING

DATE July 12, 1985
BY *John P. Langley*

PETITION FOR ZONING VARIANCE
8th Election District

LOCATION: Southeast corner of Powers Avenue and Osage Road

DATE AND TIME: Wednesday, July 10, 1985 at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Zoning Variance from Section 1.B.02.3.B (205.3) to allow a side street setback of 33 feet 6 inches instead of the required 40 feet, and to allow a distance to center of street of 58 feet 6 inches instead of the required 65 feet.

Being the property of Elizabeth A. Pierce as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 7/24/85 ACCOUNT 01-615-000

AMOUNT \$ 35.00

RECEIVED FROM Elizabeth A. Pierce

FOR Variance # 327

8 8031*****350048 22-24F

VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION

Beginning at the southeast corner of Powers Avenue and Osage Road, being Lot #4 Block A Section #1 of Sherwood Hills, Plat Book 26 Folio #4, 8th Election District of Baltimore County, Maryland, Otherwise known as 10925 Powers Avenue Cockeysville, Maryland 21030.

Indira Nishant
WITNESS

Elizabeth A. Pierce
Elizabeth A. Pierce OWNER

10925 Powers Avenue ADDRESS

Cockeysville, Maryland 21030

666-2433 PHONE NUMBER

RE: PETITION FOR VARIANCE
SE Corner of Powers Ave.
and Osage Rd., 8th Dist.
ELIZABETH A. PIERCE,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-16-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 19th day of June, 1985, a copy of the foregoing Entry of Appearance was mailed to Mrs. Elizabeth A. Pierce, 10925 Powers Ave., Cockeysville, MD 21030, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

July 9, 1985

Elizabeth A. Pierce
10925 Powers Avenue
Cockeysville, Maryland 21030

RE: Petition for Zoning Variance
SE corner of Powers Avenue
and Osage Road
8th Election District
Elizabeth A. Pierce, Petitioner
Case No. 86-16-A

Dear Ms. Pierce,

This is to advise you that \$ 75.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 7/10/85 ACCOUNT R-CL-615-000

AMOUNT \$ 75.25

RECEIVED FROM *E. Pierce*

FOR *Advertising & Posting*

8 8031*****757500 21-24F

VALIDATION OR SIGNATURE OF CASHIER

JAN 15 1986

Elizabeth A. Pierce
10925 Powers Avenue
Cockeysville, Maryland 21030

June 5, 1985

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SE corner of Powers Avenue
and Osage Road
8th Election District
Elizabeth A. Pierce, Petitioner
Case No. 86-16-A

TIME: 10:30 a.m.

DATE: Wednesday, July 10, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 6/11/85
Posted for: Variance
Petitioner: Elizabeth A. Pierce
Location of property: SE corner of Powers Ave + Osage Rd.
Location of Signs: Facing Powers Ave, approx 25' E. of Osage Rd. & approx 30' E. roadway of Osage Rd, on property of Petitioner.
Remarks: _____
Posted by: [Signature] Date of return: 6/21/85
Number of Signs: 1

86-10-A CERTIFICATE OF PUBLICATION

TOWSON, MD., June 20, 1985

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
June 20, 1985

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising
24.75

PETITION FOR ZONING
VARIANCE
8th Election District
LOCATION: Southeast corner of
Powers Avenue and Osage Road
DATE AND TIME: Wednesday, July
10, 1985 at 10:30 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 Zoning Variance from
Section 1 B.02.3 B (205.3) to allow a
side street setback of 33 feet 6 inches
instead of the required 40 feet, and to
allow a distance to center of street of 58
feet 6 inches instead of the required 65
feet.
Being the property of Elizabeth A.
Pierce as shown on the plat filed with
the Zoning Office.
In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request for
a stay of the issuance of said permit
during this period for good cause
shown. Such request must be received
in writing by the date of the hearing set
above or made at the hearing.
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
June 20.

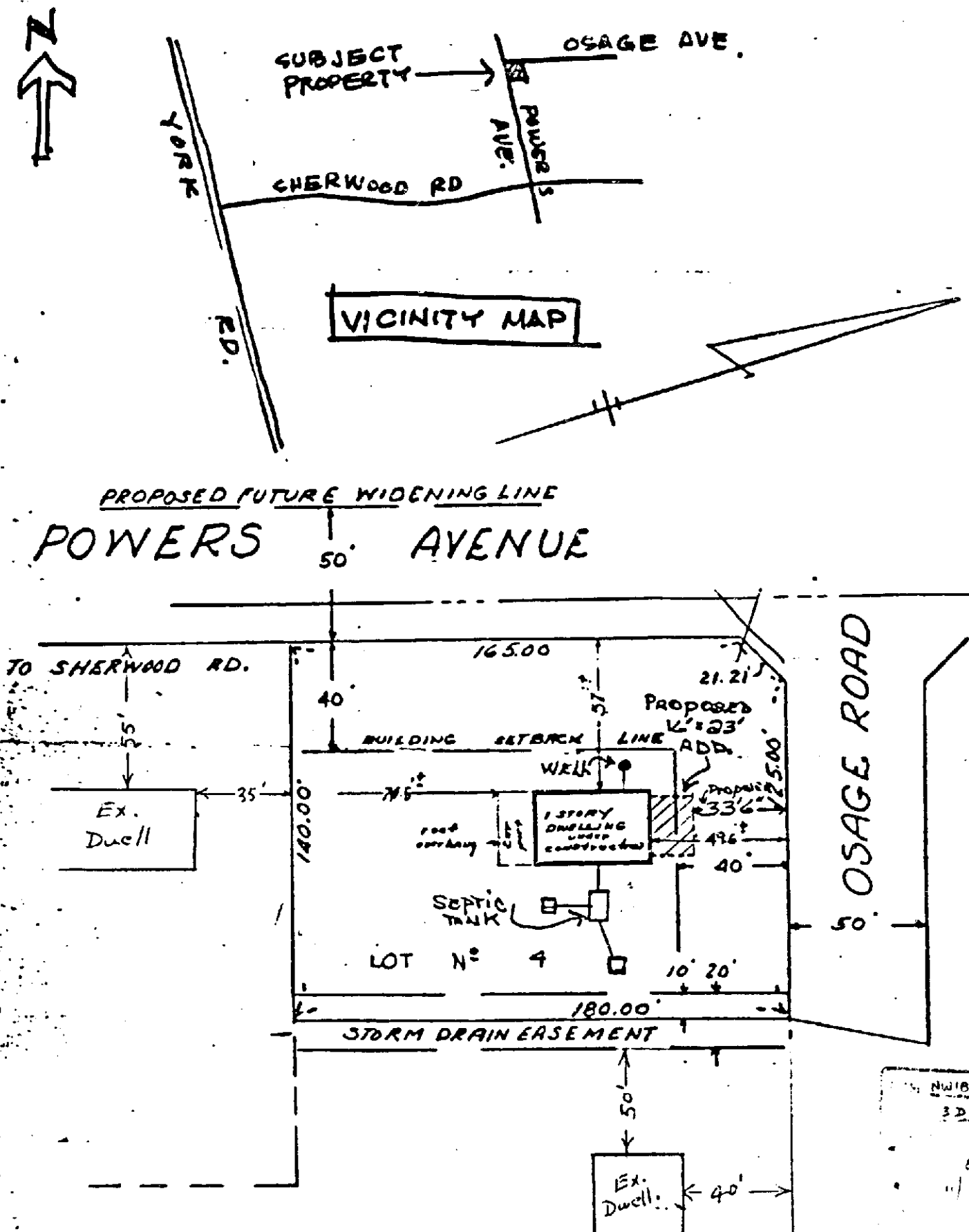
FICATE OF PUBLICATION

Towson, Md. 7/9 1985

THIS IS TO CERTIFY, that the annexed advertisement
was published in the TOWSON TIMES, a weekly news-
paper distributed in Towson, Baltimore County, Md.,
once a week for 1 consecutive weeks, the
first publication appearing on the 17th day of
June 1985

The TOWSON TIMES
[Signature]
Cost of Advertisement: \$45.50

PETITION FOR
ZONING VARIANCE
8th Election District
LOCATION: Southeast corner of
Powers Avenue and Osage Road
DATE AND TIME: Wednesday, July
10, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 West
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 Zoning Variance from
Section 1 B.02.3 B (205.3) to allow a
side street setback of 33 feet 6 inches
instead of the required 40 feet, and to
allow a distance to center of street of 58
feet 6 inches instead of the required 65
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will, however, entertain any request for
a stay of the issuance of said permit
during this period for good cause
shown. Such request must be received
in writing by the date of the hearing set
above or made at the hearing.
By Order Of
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY
55614-173725 6-19



PLAT FOR ZONING VARIANCE
OWNER: CHARLES & ELIZABETH PIERCE
ELECT. DISTRICT - 8
SHERWOOD HILLS, SECTION 1
LOT No. 4, BLK. "A", ZONING D.R. 2
SCALE 1" = 50'

PETITIONER'S
EXHIBIT

#327

