ORDER RECEIVED/FOR FILING

PETITION FOR ADMIN. VARIANCE IN RE:

S/S Townsend Road, 425' E of the

c/l of Riverside Road

(315 Townsend Road) 15th Election District

5th Councilmanic District

Donald L. Rudasill, et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-557-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by Donald L. Rudasill, and his wife, Gaile K. Rudasill, for the subject property known The property is located in the vicinity of Mace 315 Townsend Road. Avenue in Essex, not far from the boundaries of Northeast Creek, and as such, is considered to be located within the Chesapeake Bay Critical Areas. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed 24' x 36' detached garage) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that the relief requested sufficiently complies with the requirements of Sec-

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tions 307.1, 307.2 and 500.14 of the <u>Baltimore County Zoning Regulations</u> (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

 Minimize adverse impacts on water quality that result from pollutants that are discharged from struc-

ORDER RECEIVED/FOR FILING
Date
By

tures or conveyances or that have run off from surrounding lands;

- Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of July, 1997 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed 24' x 36' detached garage) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmen-

tal Protection and Resource Management, due date of June 30, 1997.

- 3) The Petitioners shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 4) The use of the subject garage shall be limited to the storage of the Petitioners' vehicles and personal items. There shall be no commercial automotive service work performed within the subject garage.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

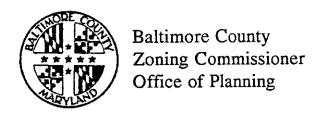
Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

TOER RECEIVED FOR FILING

		Attach original petition	Due Date <u>06/30/97</u>
To:		Arnold L. Jablon	
From	:	Bruce Seeley	
Subje	ect:	Zoning Item #557	
		Rudasill 315 Townsend Road	
		Zoning Advisory Committee Meeting	g of <u>6/23/97</u>
		epartment of Environmental Protection	on and Resource Management has no jitem.
	extens	Department of Environmental Protections for the review of the above-reference environmental regulations apply to the second control of the second control	on and Resource Management requests an enced zoning item to determine the extent to he site.
X		Department of Environmental Protectiing comments on the above-reference	on and Resource Management offers the ed zoning item:
		Development of the property must of Water Quality, Streams, Wetlar 14-350 of the Baltimore County Co	comply with the Regulations for the Protection and Floodplains (Sections 14-331 through de).
		Development of this property must of Regulations (Sections 14-401 through	comply with the Forest Conservation igh 14-422 of the Baltimore County Code).
	X	_Development of this property must on Requiations (Sections 26-436 through Baltimore County Code).	comply with the Chesapeake Bay Critical Area gh 26-461, and other Sections, of the
FOR FILING			
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ORDER RECEWED Date Bygg	oc		
000			



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 11, 1997

Mr. & Mrs. Donald L. Rudasill 315 Townsend Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Townsend Road, 425' E of the c/l of Riverside Road
(315 Townsend Road)
15th Election District - 5th Councilmanic District
Donald L. Rudasill, et ux - Petitioners
Case No. 97-557-A

Dear Mr. & Mrs. Rudasill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

true they Hotroco

for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, Annapolis, Md. 21401

DEPRM; People's Counsel

Ms. Phyllis Matick, 308 Townsend Road, Baltimore, Md. 21221

Case File

CRITICAL ABEA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 315 TOWNSEND ROAD which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 400.1 (BCZR)

to allow an accessory structure (garage) to be located on the side yard in lieu of the required rear ward.

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

SEE BACK

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 an legal owner(s) of the property		ties of perjury, that I/we are the is Petition
Contract Purchaser/Lessee			DONALD L. Rudasill		
(Type or Print Name)	·		(Type or ant Name)	P fudo	will
Signature '	, , ,		GAile 1	K. Rud	A5.11
Address			(Type or 9mm Name)	R Regd	oull
City	State	Zipcode	Signature		410
Attorney for Petitioner			315 TOW	nsend	Pd. 391-048
(Type or Print Name)			Address		Phone No
			BALTO.	MD.	21221
Signature			City Name, Address and phone n	State umber of representative	
Address	Phone No		Name		
City	State	Zipcode	Address		Phone No
City	State	Zipcode	Address		Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the Zaning Regulations of Baltimore County, in two newspapers of general circulation throughout 8attimore County, and that the property be reposted

Zoning Commissioner of Baltimore County







Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at 315 TownSend Rd.
That the Affiant(s) does/do presently reside at 315 TOWNSEND Rd. BALTO. MD. 2122/ City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
TO BUILD A GARAGE ON RIGHT Side
of House
#1 THERE ARE EXISTING ACCESSORIES
Located REAR YARD
2 ONLY CONVENIENT PLACE to Locate
GARAGE IS IN the Side FOR AN
Access from the ROAD
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. DONALD L. Rud AS.
the Affiants(s) herein personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law
that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
S 30 197 Same A Cawoner Seal.
S 30 97 date Auxilia A Cawoner My Commission Expires: 9 (1 (99)
My Commission Expires: 9 ([99

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

estify thereto in the event that a phone hearing a					
That the Affiant(s) does/do presently reside at	315	10MN	Send	KOAD	
•	address	~ ^	W D		21221
_	D H L	10.	State		Zip Code
That based upon personal knowledge, the follow	sine are the f	ecte unon which	. I hue hase the n	eguest for an A	dministrative
That based upon personal knowledge, the terior Variance at the above address: (indicate hardship or p	ring are the ta)	I I/WC DESC EEC I	equest ioi uii -	
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of House		<u></u>			
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That Affiant(s) acknowledge(s) that if a protest	ıs filed. Affia	ant(s) will be re	quired to pay a	reposting and a	dvertising fee and
may be required to provide additional information	on.	II CO		1, 0	
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Sonall Le Gudanel		***	(Signature)	1/ ①	1.11
Douald L. Rudas: 11	文/_		(C) A , Luc (type) Cont name	K Ku	d A5. [/
(type or print name) STATE OF MARYLAND, COUNTY OF BALT	MORE to W	YLAM	hype a pinninan	''	
STATE OF MARYLAND, COUNTY OF BALL	a. 4 Y	····	10 G 7 hafa	na ma a Notani	Public of the State
I HEREBY CERTIFY, this 30 day of of Maryland, in and for the County aforesaid, pe	rsonally appe	ared .	19 <u>7 (</u> , belo	re me, a riotary	I done of the state
Donald L Rudasil	e	Daic	K Ri	desil	<u> </u>
the Affiants(s) herein, personally known or satis					
the Athants(s) herein, personally known or sails that the matters and facts hereinabove set forth	are true and	correct to the b	est of his/her/th	eir knowledge a	nd belief.
AS WITNESS my hand and Notarial Seal.					
5/20/97		Min	er A C	avan	ee_
date		TARY PUBL	uc		
		My Commissio	n Expires: 9(1199	

ZONING DESCRIPTION FOR 315 Townsend Road, Baltimre, Md 21221

Beginning at a point of the SOUTH side of

TOWNSEND RD which is 50° wide at the distance of 425°+

EAST of the centerline of the nearest improved intersecting

street RIVERSIDE RD which is 50 feet wide. Being Lot # 35 &

36 Block --., Section F in the subdivision of BACK RIVER

HIGHLANDS as recorded in Baltimore County Plat Book #4, Folio 64,

containing 20,000 sq ft. Also known as 315 TOWNSEND RD and

loctaed in the 15th Election District. 5th Councilmanic

District.

who was the second of the seco #/13/1997 6/13/1997 09:50:00
WSO1 CASHIER QLUK CM. DRANER
MISCELLANAKIS CASH RECETFT
WIPH # 015378 078139 #50.00 CASH Baltinore County, Maryland CASHIER'S VALIDATION PRODESS /13/1997 Receipt # REG | #1501 028130 BALTIMORE COUNTY, MARYLAND ITEM 557 TOWSEND ACCOUNT K-01-6150 DONALD L. RUDASILL 50 % 91-557 キシのの YELLOW - CUSTOMER AMOUNT \$ MISCELLANEOUS RECEIPT O CO. VARIANCE -PINK - AGENCY DATE 6. (3.01 DISTRIBUTION WHITE - CASHIER RECEIVED FROM:

CERTIFICATE OF POSTING

RE: Case # 97-557-A

Petitioner/Developer:
(Don Rudasill)

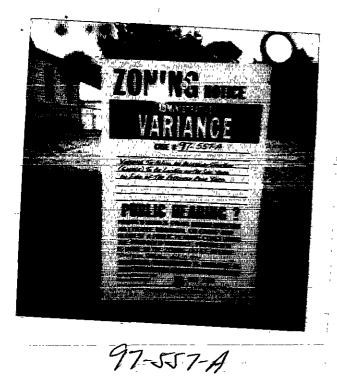
Date of Hearing/Closing:
(July 7, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law				
were posted conspicuously on the property located at	_ 			
315 Townsend Road Baltimore, Maryland 21221				
The sign(s) were posted on				





Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARM	NOLD	JABLON,	DIRECTOR
For newspaper advertising:			*******
Item No.: <u>557</u>			
Petitioner:			
Location: - 315 Townsend Rd.			-
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: 1 GAILE RUDASILL			
ADDRESS: 1315 TOWN SENd Rd.	•		
- BALTO. Md. 2122	/		
PHONE NUMBER: 4/0-39/-0487			

(Revised 09/24/96)

	prepared by: Scale of Drawing: 1"=
Zoning Office USE ONLY! reviewed by: ITEM #; CASE#:	North
SEWER: DIPPLIES SEWER:	
T=200' scale map#: Zoning: Lot size: acreage square feet	
LOCATION INFORMATION Election District: Councilmanic District:	
Vicinity Map	· · · · · · · · · · · · · · · · · · ·
	Subdivision name: plat book#,toilo#,section# OWNER:
riance Special Hearing	Plat to accompany Petition for Zoning Variance

Exhibit A

*PLANNERS FILL IN THE POSTING AND CLOSIES DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than ___* 6-22-97

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-557A

VARIANCE TO ALLOW AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED ON THE SIDE YARD.

IN LIEU OF THE REQUIRED REAR YARD.

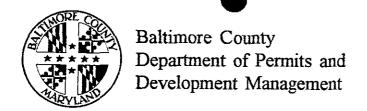
PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

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

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 24, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-557-A
315 Townsend Road
S/S Townsend Road, 425*+/- E of c/l Riverside Road
15th Election District - 5th Councilmanic
Legal Owner(s): Donald L. Rudasill and Gaile K. Rudasill
Post by Date: 0629/97
Closing Date: 07/07/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

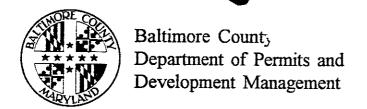
- The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public bearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE AVAILABLE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Donald and Gaile Rudasill





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 8, 1997

Mr. and Mrs. Donald Rudasill 315 Townsend Road Baltimore, MD 21221

RE: Item No.: 557

Case No.: 97-557-A

Petitioner: Donald Rudasill, et ux

Dear Mr. and Mrs. Rudasill:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 13, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)



·		Attach original petition	Due Date <u>06/30/97</u>		
То:		Arnold L. Jablon			
From:		Bruce Seeley			
Subject:		Zoning Item #557			
		Rudasill 315 Townsend Road			
		Zoning Advisory Committee Meeting of	6/23/97		
		Department of Environmental Protection and the above-referenced zoning items.	—		
	extens	Department of Environmental Protection a sion for the review of the above-reference environmental regulations apply to the	ed zoning item to determine the extent to		
<u>X</u>		Department of Environmental Protection aring comments on the above-referenced			
• • • • • • • • • • • • • • • • • • • •		Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).			
			• •		
		Regulations (Sections 26-436 through 2	, ,		
÷		-			



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6・2。・97

Item No.

RT

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

√ Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: June 20, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 552, 553, 554, 555(557, 558 and 562

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by

Division Chief: Diene Mans)

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 1, 1997

Department of Permits & Development

Management

FROM:

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

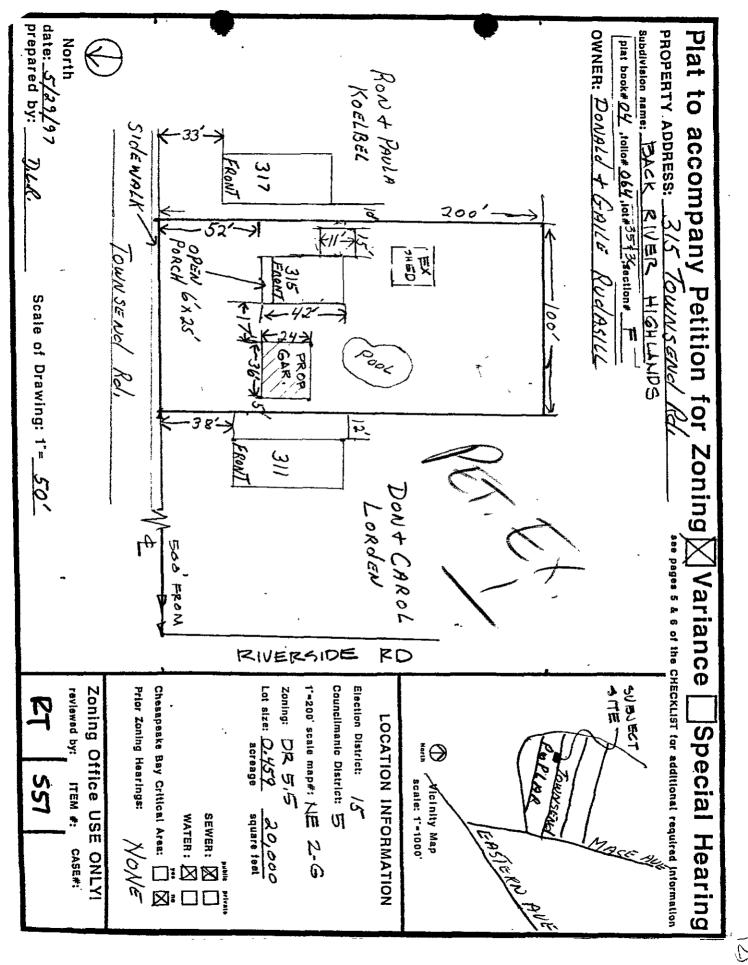
for June 30, 1997

Item Nos. 550, 551, 552, 554, 555, 556, (557,) 558, 559, 560, & 562

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File





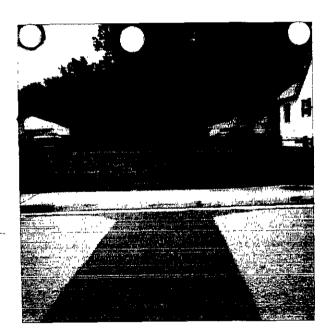
FRONT \$551



EAST SIDE #551



WEST SIDE #551



WEST SIDE \$557



BACK #551