

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW/S of Eastern Avenue, 394.6' W		
of centerline of Oliver Beach Road	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
5 th Councilmanic District	*	OF BALTIMORE COUNTY
(12932 Eastern Avenue)		
	*	CASE NO. 00-128-A
Clinton & Brandy Kestner		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Clinton and Brandy Kestner. The variance request is for property located at 12932 Eastern Avenue, located in the Oliver Beach area of Baltimore County. The Petitioners herein seek a variance from Section 101, 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be larger than the footprint of the principal building and to permit a height of 19 ft. in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

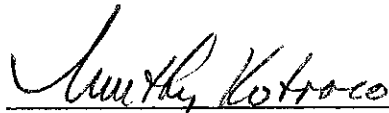
ORDER RECEIVED FOR FILING
Date 10/25/99
By [Signature]

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of October, 1999 that a variance from Section 101, 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be larger than the footprint of the principal building and to permit a height of 19 ft. in lieu of the required 15 ft, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, landscaping should be provided between the garage and the adjacent property line.
- 3) When applying for a building permit, the site plan and landscaping 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:raj

ORDER RECEIVED FOR FILING

Date

10/25/99

By

R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October ⁵22, 1999

Mr. & Mrs. Clinton Kestner
12932 Eastern Avenue
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 00-128-A
Property: 12932 Eastern Avenue

Dear Mr. & Mrs. Kestner:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12932 Eastern Ave
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and 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) 101, 400.3 BCZR

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE)
TO BE LARGER THAN THE FOOTPRINT OF THE
PRINCIPAL BUILDING STRUCTURE AND TO PERMIT A HEIGHT
OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Clinton Kestner

Name - Type or Print

Clinton Kestner

Signature

Brandy Kestner

Name - Type or Print

Brandy Kestner

Signature

12932 Eastern Ave

Address

Telephone No.

Baltimore

City

State

335-4833

21220

Zip Code

Representative to be Contacted:

Jerry Kestner

Name

12913 Eastern Ave

Address

Telephone No.

Balti

City

State

410-335-5939

21220

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-128-A

Reviewed By LTM Date 9/24/99

Estimated Posting Date 10/3/99

REV 9/15/98

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 12932 Eastern Ave.
Address
Balti md 21220
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):

We would to place a building up because of the concern of vandalism or theft. There are many kids that cut through the yard. We have place a fence up in the back but they have cut a hole in it to come through. We would like to store our Motor Home, lawn equipment & such in this building.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Clinton Kestner
Signature

Clinton Kestner
Name - Type or Print

Brandy Kestner
Signature

Brandy Kestner
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Clinton Kestner & Brandy Kestner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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.

AS WITNESS my hand and Notarial Seal

June 28, 1999
Date

George E. Dutton
Notary Public

My Commission Expires June 2000

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

12932 Eastern Ave.
Address
Balti MD 21220
City State Zip Code

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Brandy Kestner
Signature
Brandy Kestner
Name - Type or Print

Clinton Kestner
Signature
Clinton Kestner
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Clinton Kestner x Brandy Kestner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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.

AS WITNESS my hand and Notarial Seal

June 28, 1999
Date

George E. DeThos
Notary Public
My Commission Expires June 2000



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12932 Eastern Av.
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and 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) 101, 400.3 BCZR

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LARGER THAN THE FOOTPRINT OF THE PRINCIPAL BUILDING AND TO PERMIT A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Clinton Kestner
Name - Type or Print

x Clinton Kestner
Signature

Brandy Kestner
Name - Type or Print

x Brandy Kestner
Signature

12932 Eastern Ave. 335-4333
Address Telephone No.

Baltimore Md. 21220
City State Zip Code

Representative to be Contacted:

Jerry Kestner
Name

12913 Eastern Av. 4103355939
Address Telephone No.

Balti md 21220
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-128-A

Reviewed By LTM Date 9/24/99

Estimated Posting Date 10/3/99

REV 9/15/98

Zoning description for 12932 Eastern Avenue
beginning at a point on the N West side of
Eastern Avenue which is ³⁰~~150~~ feet wide at the
distance of 394.6 West of the centerline of the
nearest improved intersecting street Oliver Beach Road
which is 20 feet wide. Being lot 45, Block ^{SECTION} B, Section
_____ in the subdivision of Twin River Beach as recorded
in Baltimore County Plat Book # ⁸~~8-20~~, Folio # 20, containing
59,190 square feet. Also known as 12932 Eastern Avenue
and located in the 15th, Election District, Councilmanic
District. H^o 5

00-128-A

BALTIMORE COUNTY, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072156

DATE 9/24/99 ACCOUNT RM 16100

AMOUNT \$ 55.00

RECEIVED FROM: CLINTON KEETNER

FOR: CID VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
9/27/1999	9/24/1999	14:33:12

REG 4504 CASHIER JNAR JLK DRIVER 5
Dept 5 528 ZONING VERIFICATION
Receipt # 093863 OFLN
CR NO. 072156

Receipt Tot 50.00
50.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-128-A
PETITIONER/DEVELOPER:
[Clinton Kestner]
DATE OF Closing
[Oct. 18, 1999]

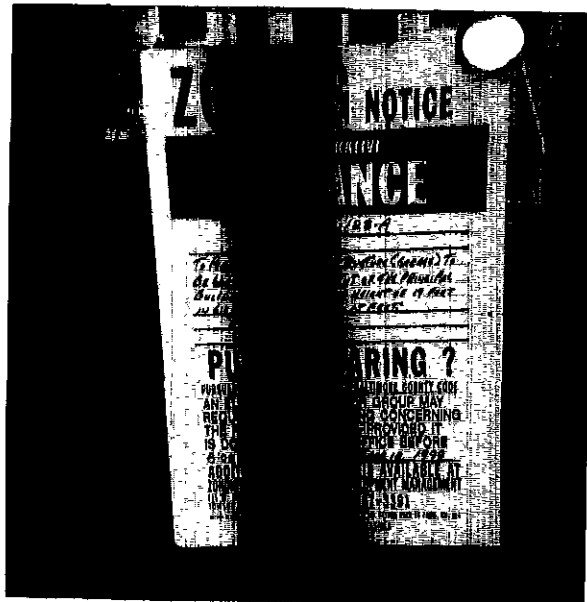
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
12932 Eastern Ave. Baltimore, Maryland 21220_____

The sign(s) were posted on_____ 10-1-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-128-A

Petitioner: Clinton Kestner

Address or Location: 12932 Eastern AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Clinton Kestner

Address: 12932 Eastern AVE
Balti md 21220

Telephone Number: 410-335-4333

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 128 -A Address 12932 EASTERN AVE.
Contact Person: LOYD MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/24/99 Posting Date: 10/3/99 Closing Date: 10/18/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 128 -A Address 12932 EASTERN AVE
Petitioner's Name CLINTON KESTNER Telephone 410 335-4333
335-5939
Posting Date: 10/3/99 Closing Date: 10/18/99
Wording for Sign: To Permit an accessory structure (garage) to be
larger than the footprint of the principal building. And to
permit a height of 19 feet in lieu of the required 15 feet.



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 20, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 12, 1999

Item No.: See Below

Dear Ms. Stephens:

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

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 113
114, 115, 116, 117, 118, 119, 120, 122, 123, 124
125, 126, 127, 128 and 129

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: November 12, 1999
SUBJECT: Zoning Item #128
12932 Eastern Avenue

RECEIVED JAN 0 5 2000

Zoning Advisory Committee Meeting of October 12, 1999

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ 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).
- ☒ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- ☒ This property is outside of the Chesapeake Bay Critical Area.

AN
10/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: October 8, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

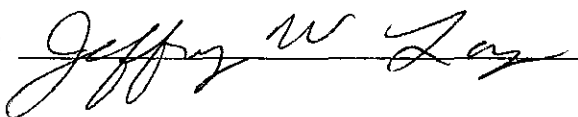
SUBJECT: Zoning Advisory Petitions

ITEM NO. 128 12932 Eastern Avenue

The Office of Planning supports the applicant's request subject to the following condition: The petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, landscaping should be provided between the garage and the adjacent property line.

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.25.99

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

RE: Baltimore County
Item No. 128 LTM

Dear. Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

LOT 45 EAST 1/2 OF 44
TWIN RIVER BEACH
12932 EASTERN AVE
BALTIMORE, MD 21220
SCALE: 1" = 50'

PROPERTY ADDRESS: 12932 Eastern Ave

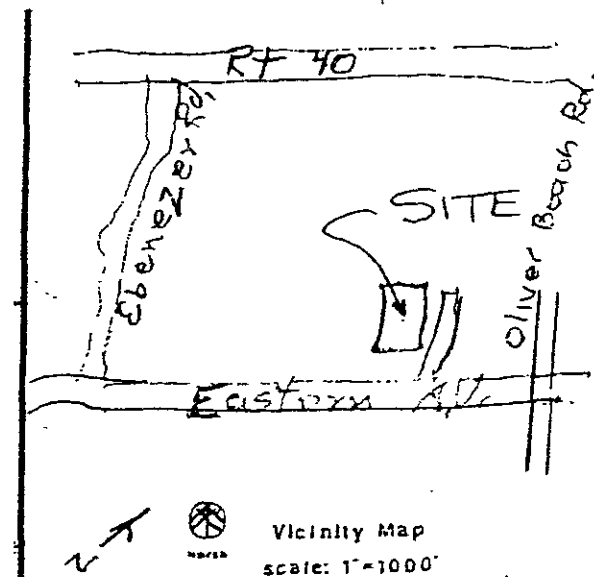
see pages 5 & 6 of the CHECKLIST for additional required information

Don name:

Book # 8, folio # 20, lot # 45, section # B

..R: CLINTON WESTNER

Ref Ex #1



LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"=200' scale map: NE 7-M.

Zoning: DR-2

Lot size: 130 X 3946 591.00
acres square feet

	Public	Private
SEWER:	☒	☐
WATER:	☒	☐

Chesapeake Bay Critical Area:

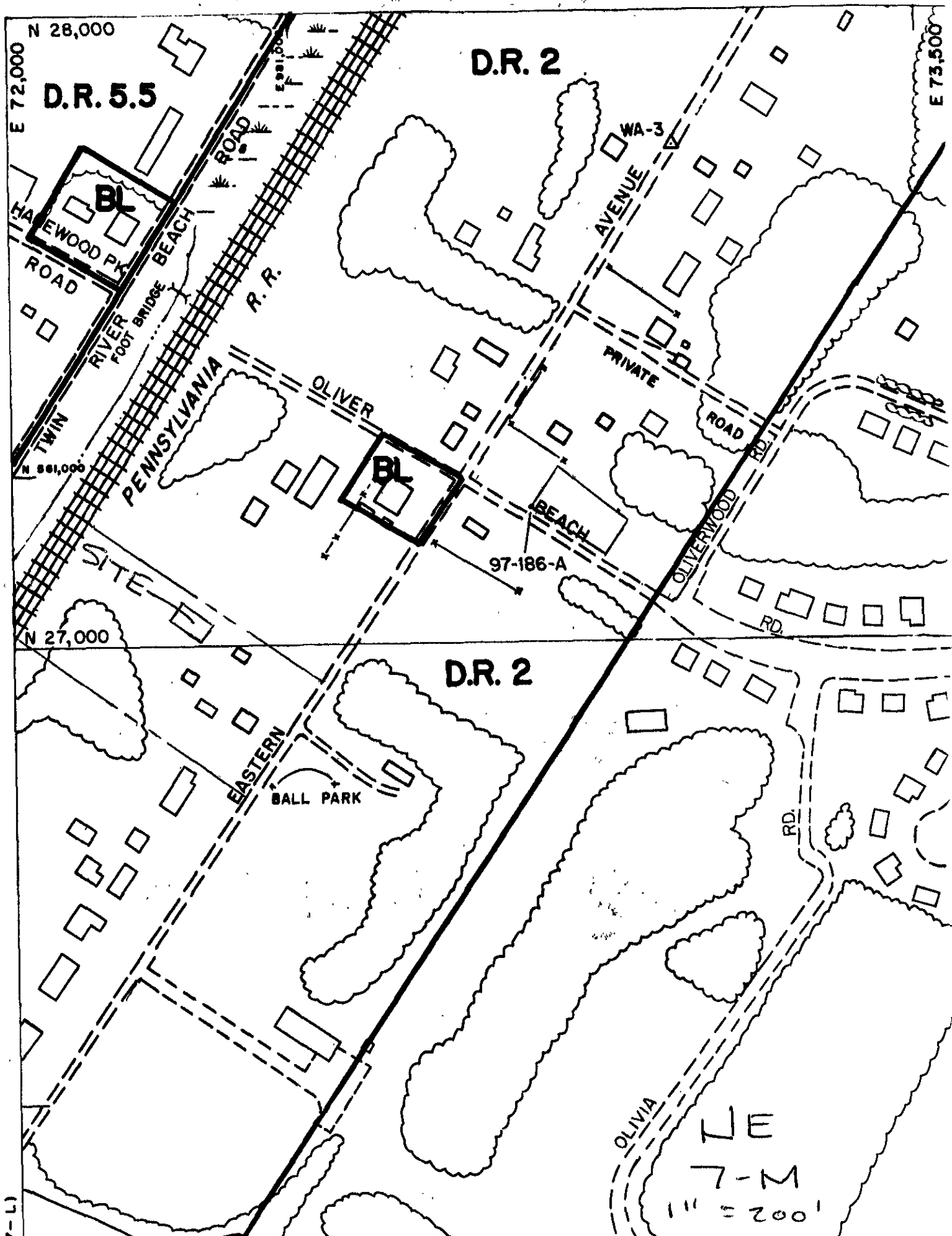
Prior Zoning Hearings:

00/28-A TO PERMIT AN ACCESSORY
STRUCTURE TO BE LARG
ER THAN PRINCIPAL STR

Zoning Office USE ONLY!

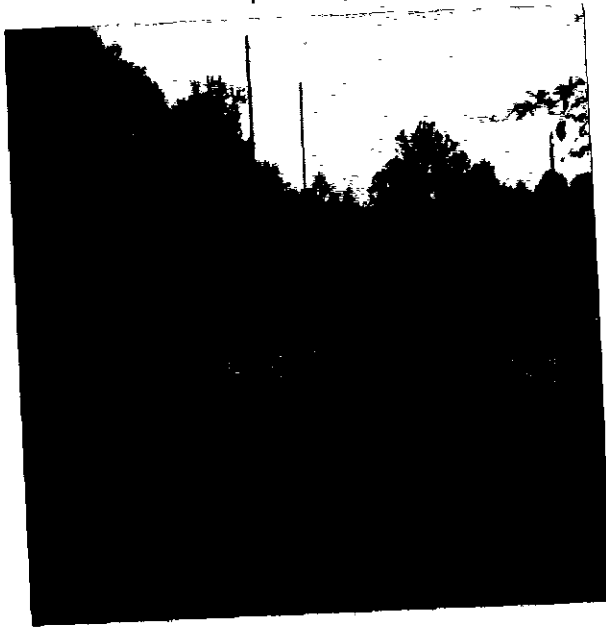
reviewed by: ITEM #: CASE#:

LTm	121	02 121
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Rear of property R.R. Tracks

X
Building



Property line

00-128-A

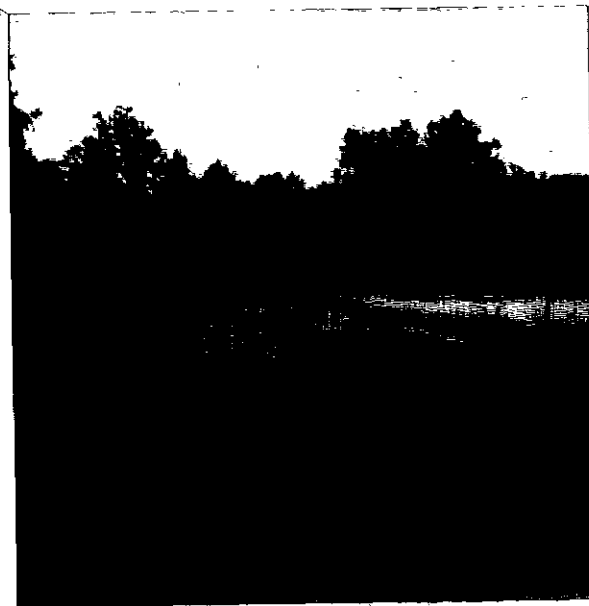
Building ↑

↑
Line

front of property

rear of property R.R. Tracks

X
Building



Property line to neighbor's field
to east

↑
Building

#128



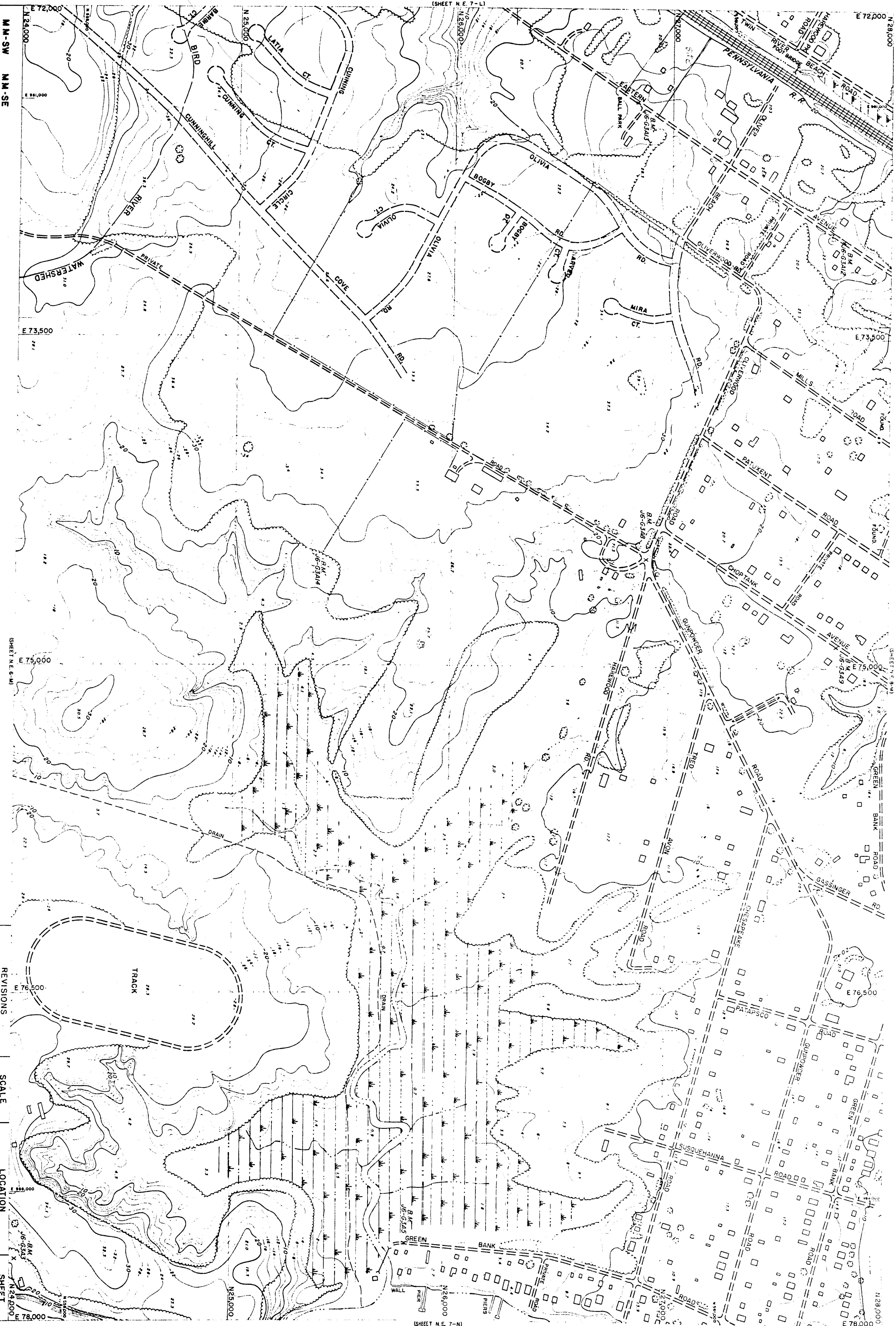
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HAREWOOD	NE.
DATE OF PHOTOGRAPHY JANUARY 1966	OLIVER BEACH	7-M

00-128-A

00-128-A



M-M-SW M-M-SE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
BY	DATE				
1/4/57	9-1-57		1" = 200'	HAREWOOD	N.E.
				OLIVER BEACH	7-M
Topography Compiled By Photogrammetric Methods					
ABRAMS AERIAL SURVEY CORP. LANSING, MICH.					
DATE OF PHOTOGRAPHY					
DEC. 1954					