

IN RE: PETITION FOR VARIANCE
NW/S Beachwood Road, 420' SW
Centerline Beachwood Road
15th Election District
7th Councilmanic District
(8240 Beachwood Road)

Benchmark, Ltd.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-349-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Benchmark Ltd., by Mark Beyer, Vice-President. The variance request is for property located at 8240 Beachwood Road, located in the North Point area of Baltimore County. The subject property is zoned MH-IM. The variance request is from Section 258.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 8 ft. in lieu of the required 30 ft. to build an addition.

Appearing at the hearing on behalf of the variance request were Mark Beyer, on behalf of the owner of the property and David Billingsley with Central Drafting and Design, Inc. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 2.36 acres, more or less, and is zoned MH-IM. The subject property is improved with an existing one-story metal block and frame building containing 15,156 sq. ft. There also exists a smaller one-story metal building containing 3,750 sq. ft. The Petitioners are desirous of adding a small 1,000 sq. ft. addition to the side of the existing warehouse in order to increase the size of his administrative offices. In order to proceed with his plan, the requested variance is necessary.

ORDER RECEIVED FOR FILING

Date

4/10/2000

By

J. P. J. J. J.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

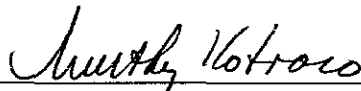
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 10th day of April, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 258.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 8 ft. in lieu of the

ORDER RECEIVED FOR FILING
APR 10 2000
BY J. J. JAMES

required 30 ft. to build an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
FILED 4/10/2000
BY [Signature]



Baltimore County
Zoning Commissioner

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

April 10, 2000

Mr. Mark Beyer, Vice-President
Benchmark, Ltd.
8240 Beachwood Road
Baltimore, Maryland 21222

Re: Petition for Variance
Case No. 00-349-A
Property: 8240 Beachwood Road

Dear Mr. Beyer:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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 Department of Permits and Development Management. 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 M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, Maryland 21040



Census 2000



For You, For Baltimore County



Census 2000



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on Recycled Paper

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8240 BEACHWOOD ROAD
which is presently zoned MH-IM

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)

258.1 TO PERMIT A SIDE YARD OF 8 FEET INSTEAD OF THE REQUIRED 30 FEET

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty) Due to an increase in business and a lack of space for administrative and office personnel, the owner wishes to provide additional space devoted to office use. The existing offices are located at the southwest corner of the building necessitating the expansion to be located in that area.

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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

BENCHMARK, LTD.

Name - Type or Print MARK BEYER
Signature _____
Address _____ Telephone No. _____
BALTIMORE, MD. 21222
State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.
Name _____
Address _____ Telephone No. _____
601 CHARWOOD COURT (410) 679-8719
EDGEWOOD, MD. 21040
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By BR Date 2/23/00

Case No. 00-349-A

REV 9/15/98

ORIGINAL FILED FOR FILING

ZONING DECRIPTION

8240 BEACHWOOD ROAD

Beginning at a point on the north side of Beachwood Road (50 feet wide) said point being distant 408 feet westerly of the centerline of Beachwood Road, thence (1) S 79° 25' W 492.16 feet, thence (2) N 10° 35' W 208.71 feet, thence (3) N 79° 25' E 492.16 feet, thence (4) S 10° 35' E 208.71 feet to the place of beginning. Containing 2.36 acres of land more or less and being in the Fifteenth Election of Baltimore County.



00-349-A

349

No. 076737

ACCOUNT	AMOUNT
1001	\$ 250.00

FOR: Ed + Edie Company, Ltd.

CASHIER'S VALIDATION

00-349-A

[illegible]

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-349-A
8240 Beachwood Road
NW/S Beachwood Road,
approximately 420' SW of
centerline Beachwood Road
15th Election District
7th Councilmanic District
Legal Owner(s): Bench-
mark, Ltd.

Variance: to permit a side
yard of 8 feet in lieu of the
required 30 feet.

Hearing: Friday, March 31,
2000 at 2:00 p.m. in Room
407, County Courts Build-
ing, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

3/219 Mar. 16 C376831

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/16/, 2000

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 3/16/, 2000.

S. Wilkinson THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-349-A
PETITIONER/DEVELOPER
(Benchmark, Ltd.)
DATE OF Hearing
(Mar. 31, 2000)

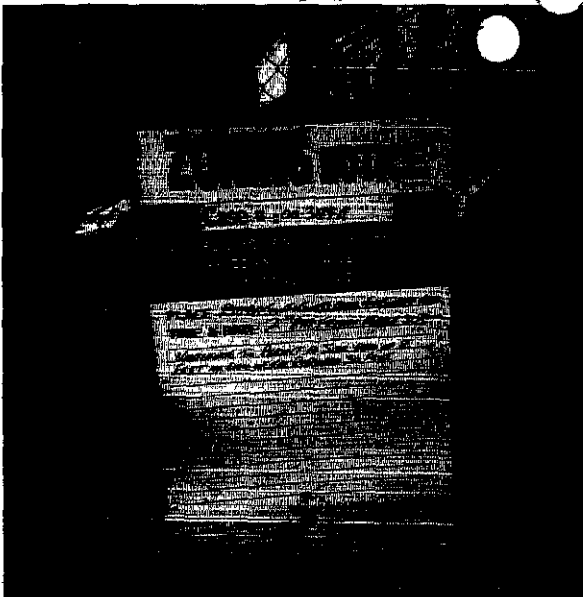
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

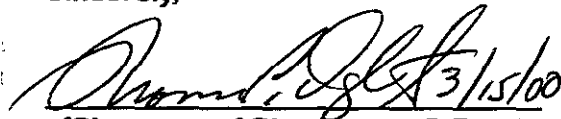
LADIES AND GENTLEMEN:

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
8240 Beachwood Road Baltimore, Maryland 21222_____

The sign(s) were posted on _____ 3-15-00 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

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

RE: PETITION FOR VARIANCE
8240 Beachwood Road, N/S Beachwood Rd,
408' W of c/l Beachwood Rd
15th Election District, 7th Councilmanic

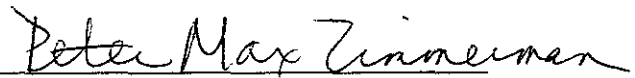
Legal Owner: Benchmark Ltd.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-349-A

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to David W. Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 7, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-349-A

8240 Beachwood Road

NW/S Beachwood Road, approximately 420' SW of centerline Beachwood Road

15th Election District – 7th Councilmanic District

Legal Owner: Benchmark, Ltd.

Variance to permit a side yard of 8 feet in lieu of the required 30 feet.

HEARING: Friday, March 31, 2000 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon" with a small "51" written below it.

Arnold Jablon
Director

C: Benchmark, Ltd., 8240 Beachwood Road, Baltimore 21222
Central Drafting & Design, Inc., 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 16, 2000.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 16, 2000 Issue – Jeffersonian

Please forward billing to:

Benchmark, Ltd.
8240 Beachwood Road
Baltimore, MD 21222

410-388-1300

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-349-A

8240 Beachwood Road

NW/S Beachwood Road, approximately 420' SW of centerline Beachwood Road

15th Election District – 7th Councilmanic District

Legal Owner: Benchmark, Ltd.

Variance to permit a side yard of 8 feet in lieu of the required 30 feet.

HEARING: Friday, March 31, 2000 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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/neighbor 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: 00-349-A

Petitioner: BENCHMARK, LTD.

Address or Location: 8240 BEACHWOOD RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BENCHMARK, LTD.

Address: 8240 BEACHWOOD ROAD

BALTO., MD. 21222

Telephone Number: (410) 388-1306



Baltimore County
Department of Permits and
Development Management

CPY

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 24, 2000

Mr. David Billingsley
Central Drafting and Design Inc
601 Charwood Court
Edgewood MD 21040

Dear Mr. Billingsley:

RE: Case Number 00-349-A , 8240 Beachwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 23, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



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on Recycled Paper

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 15, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 13, 2000
Item No. 349

The Bureau of Development Plans Review has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1-foot freeboard. See Plate D19 in the *Baltimore County Design Manual*.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited.

The lowest floor elevations of all new or substantially improved structures shall be at or above the flood protection elevation of 10 feet.

The proposed addition shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

The building permit shall be granted only after the necessary permits from the state and federal agencies have been obtained.

RWB:HJO:jrb

cc: File

ZAC-3-13-2000-ITEM 349

RECEIVED MAY 2 2000



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

March 21, 2000

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 MARCH 5, 2000

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.

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

348, (349) 351, 352

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB*

DATE: June 6, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of May 15, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
447	6505 Gardenwick Road
448	321 York Road
449	2416 Ellis Road
451	315 Stonewall Road
452	2001 Bluemont Road
453	10910 Reisterstown Road
456	11341-11347 Holter Road
457	9709 Beaver Dam Road
458	6902 Holabird Avenue
459	143 Carolstowne Road

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: March 8, 2000
SUBJECT: Zoning Item #349
8240 Beachwood Road

Zoning Advisory Committee Meeting of March 5, 2000

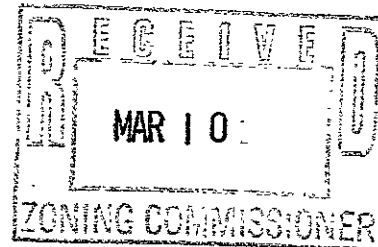
- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which 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).

Reviewer: Keith Kelley

Date: March 8, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

Date: March 10, 2000

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 337, 349, 359, 360 and 361

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:

A handwritten signature in cursive script, appearing to read "Jeffrey M. Long", written over a horizontal line.

AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 3.6.00

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

RE: Baltimore County
Item No. 349 BR

Dear Ms. Jackson:

RECEIVED MAR 6 7 2000

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DAVID W BILLINGSLEY

601 CHARYWOOD CT
EDGEWOOD, MD. 21040

MARK BEYER

8340 BEACHWOOD ROAD
BALTO., MD. 21222



[illegible]

BEACHWOOD

VYNHURST

SITE

DR #5.5

PIERS

WOOD

349

R.C. 20

8240 BEACHWOOD ROAD

SCALE: 1" = 200'

S.E. 3-4

[illegible]

BEACHWOOD

VYNHURST

SITE

DR #5.5

PIERS

WOOD

349

R.C. 20

8240 BEACHWOOD ROAD

SCALE: 1" = 200'

S.E. 3-4

BEACHWOOD

VYNHURST

SITE

DR #5.5

PIERS

WOOD

349

R.C. 20

8240 BEACHWOOD ROAD

SCALE: 1" = 200'

S.E. 3-4

[illegible][illegible][illegible]

