

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW/S of Essex Road, 190' NE		
centerline of Queen Anne Road	*	DEPUTY ZONING COMMISSIONER
3 rd Election District		
2 nd Councilmanic District	*	OF BALTIMORE COUNTY
(3700 Essex Road)		
	*	CASE NO. 01-246-A
Robert P. Byrn		
Petitioner	*	

* * * * *

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 owner of the subject property, Robert P. Byrn. The variance request is for property located at 3700 Essex Road in the Milford area of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with enclosed porch to have a side yard setback of 9 ft. in lieu of the required 10 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner 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 Petitioner has 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

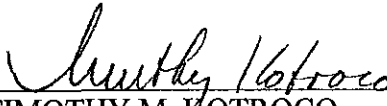
1/19/01
 R. J. Jenson
 51

that comply with the 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 Petitioner.

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 9th day of January, 2001, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with enclosed porch to have a side yard setback of 9 ft. in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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

1/9/01
P. O'Grady
By



Baltimore County
Zoning Commissioner

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

January 9, 2001

Mr. Robert P. Bym
3700 Essex Road
Baltimore, Maryland 21207

Re: Petition for Administrative Variance
Case No. 01-246-A
Property: 3700 Essex Road

Dear Mr. Bym:

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 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3700 Essex Road
which is presently zoned DR 3.5

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) 1802.3.C.1 (B.C.2.R.)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ENCLOSED PORCH TO HAVE A SIDEYARD OF 9' IN
LIEU OF THE REQUIRED 10'.

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):

Robert P. Byrn
Name - Type or Print _____
Signature Robert P Byrn
Name - Type or Print _____
Signature _____
Address 3700 Essex Road (410) 965-6131 (WK.)
Address _____ (410) 602-1327 (HOME)
Baltimore MD. 21207
City _____ State _____ Zip Code _____

Representative to be Contacted:

SAME
Christopher Carvey 370 Sun Spots, Inc. RB
Name _____
P.O. Box 832 RB AS (410) 987-3333 RB
Address _____ Telephone No. _____
Millersville RB ABOVE MD. RB 21108 RB
City _____ State _____ Zip Code _____

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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. 01-246-A

Reviewed By CTM Date 12/14/00

Estimated Posting Date 12/24/00

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

3700 Essex Road
Address
Baltimore, MD, 21207
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 enlarge the living space within the existing space without extending the roof or footprint of the existing house; that is to remove screens and add windows.

The existing structure is a screened porch 20½' x 8' sitting on a slightly larger stone platform which is permanently attached to the adjoining house. The porch also has an asphalt shingle roof and wood ceiling also permanently attached to the house as well as wood screen panels which sit on the stone floor. The screened porch has existed as an attachment to the house since the latter was built in 1947.

The plan is to replace the wood screen panels with window panels while leaving the current roof, ceiling, and stone floor intact. The window panels are of the same size and similar in appearance to the screen panels. This will allow year-round use of the porch to accommodate growing family needs and also accomplish needed renovation of the screen panels. The porch is already a permanent attachment to the house and is an integral part of it. The change will not affect the size of the porch nor will it substantially change its appearance.

As a permanent structure the porch cannot be moved and must be maintained in its current location. Also, other homes in the area are distant and differ in size and appearance. The change to window panels would only minimally affect the porch's appearance and would have no impact on surrounding properties. 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.

Robert P Byrn
Signature

Robert P. Byrn
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of December, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT P BYRN

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

10/11/2000
Date

Janet T. Hoppmeyer
Notary Public

My Commission Expires 10/01/02

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 3700 Essex Road
Address
Baltimore, MD. 21207
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 enlarge the living space within the existing space without extending the roof or footprint of the existing house; that is to remove screens and add windows.

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The plan is to replace the wood screen panels with window panels while leaving the current roof, ceiling, and stone floor intact. The window panels are of the same size and similar in appearance to the screen panels. This will allow year-round use of the porch to accommodate growing family needs and also accomplish needed renovation of the screen panels. The porch is already a permanent attachment to the house and is an integral part of it. The change will not affect the size of the porch nor will it substantially change its appearance. As a permanent structure the porch cannot be moved and must be maintained in its current location. Also, other homes in the area are distant and differ in size and appearance. The change to window panels would only minimally affect the porch's appearance and would have no impact on surrounding properties. 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.

Robert P. Byrn
Signature

Robert P. Byrn
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of December, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT P. BYRN
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

12/11/2000
Date

Jennifer K. Hopperstein
Notary Public

My Commission Expires 10/01/02



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3700 Essex Road

which is presently zoned DR 3.5

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) 1B02.3.C.1 (B.C.2.R.)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ENCLOSED PORCH TO HAVE A SIDEYARD OF 9' IN
LIEU OF THE REQUIRED 10'.

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

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.

Legal Owner(s):

Robert P. Byrn

Name - Type or Print

Signature

Name - Type or Print

Signature

3700 Essex Road
Address

Baltimore
City

MD.
State

(410) 965-6131

(410) 602-1327

Telephone No.

21207

State

Zip Code

Representative to be Contacted:

SAME
Christopher Carver 3700 Sun Spots, Inc. RB
Name

P.O. Box 832
Address

Millersville
City

RB AS

(410) 987-3333 RB

Telephone No.

ABOVE

MD.

State

21108 RB

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 01-246-A

Reviewed By CTM

Date 12/14/00

Estimated Posting Date

12/24/00

3,

Zoning Description

ZONING DESCRIPTION FOR 3700 ESSEX ROAD

Beginning at a point on the North ^{WEST} side of
(North, South, East, West)

Essex Road which is 30 feet
(Name of street on which property fronts) (Number of feet of right-of-way width)

wide at the distance of 190 ~~300~~ feet ^{NORTHEAST} West of
(Number of feet) (North, South, East, West)

the centerline of the nearest improved intersecting

street Queen Anne Road which is 30 feet wide.
(Name of street) (Number of feet)

Being Lot # 8/9, Deed Liber #3, Folio #76

In the subdivision of Villa Nova, as recorder in Baltimore
(Name of subdivision)

County Plat Book #3, Folio #76, containing 16740 sq. feet,
(Square feet or Acres)

also known as 3700 Essex Road, and located in the

3rd Election District, 2nd Councilmanic District.

#246

[illegible]

ACCOUNT

AMOUNT

\$500.00

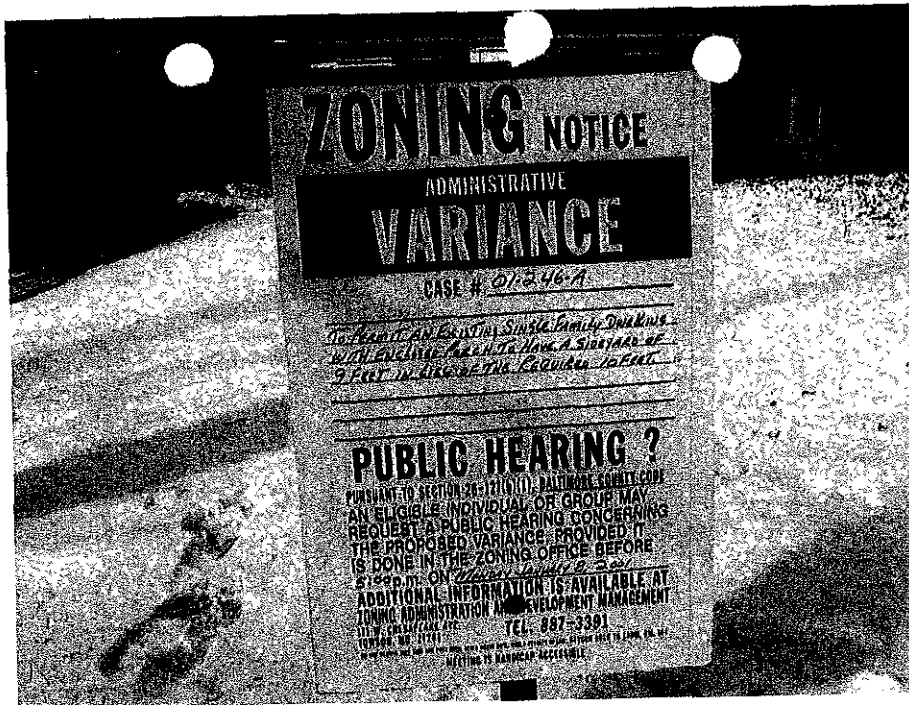
7

10

YELLOW - CUSTOMER

CASHIER'S VALIDATION

[illegible]



3700 Essex Road

CERTIFICATE OF POSTING

**RE: CASE # 01-246-A
PETITIONER/DEVELOPER
(Robert P. Byrn)
DATE OF Closing
(1-8-01)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

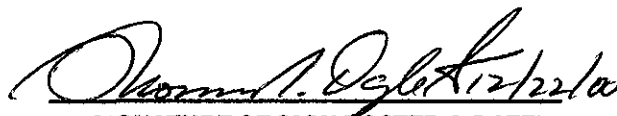
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

3700 Essex Road Baltimore , Maryland 21207_____

THE SIGN(S) WERE POSTED ON_____ 12-22-00_____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____THOMAS P. OGLE SR._____

_____325 NICHOLSON ROAD_____

_____BALTIMORE, MARYLAND 21221_____

_____410-687-8405_____
(TELEPHONE NUMBER)

S.

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: 01-246-A
Petitioner: ROBERT P. BYRN
Address or Location: 3700 ESSER RD
BALTIMORE MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT P. BYRN
Address: 3700 ESSER RD
BALTIMORE MD. 21207
Telephone Number: 410-602-1327

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 246 -A

Address 3700 ESSEX ROAD

Contact Person: LOYD T. MOXLEY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/14/00

Posting Date: 12/24/00

Closing Date: 1/8/01

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 01- 246 -A

Address 3700 ESSEX ROAD

Petitioner's Name ROBERT P. BYRN

Telephone (410) 965 6131 WK

Posting Date: 12/24/00

Closing Date: 1/8/01

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING WITH
ENCLOSED PORCH TO HAVE A SIDEYARD OF 9 FEET IN
LIEU OF THE REQUIRED 10 FEET.

I HAVE RECEIVED POSTING, INFO

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: January 18, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For January 2, 2001
Item Nos. 233, 234, 235, 236, 238, 239,
240, 241, 244, 246, 247, 248, 249, and 250

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 27, 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 December 26, 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:

231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244,
245, 246, 247, 249, and 250

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *Ac/RBS*

DATE: January 18, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of December 26, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
231	8100 Salt Lake Drive
233	1305 Lincoln Woods Drive
234	3 Arrowhead Court
235	1223 Lake Falls Road
238	Oak Grove Parcel B
239	Crondall Corner
241	10 McCormick Avenue
242	1324 & 1325 Chippendale Road
243	Pikesville Giant
244	4800 Mt. Carmel Road
245	6 Aston Court
246	3700 Essex Road
247	7163 E. Baltimore Street
248	113 Westminster Road
250	10002 & 10002A Lodge Road

AV
1/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 2, 2000

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

J/M 3

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-246.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

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

Date: 1.3.01

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

RE: Baltimore County
Item No. 246 LTM

Dear Ms. Jackson:

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

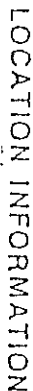
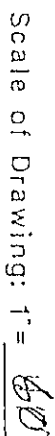
My telephone number is _____

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

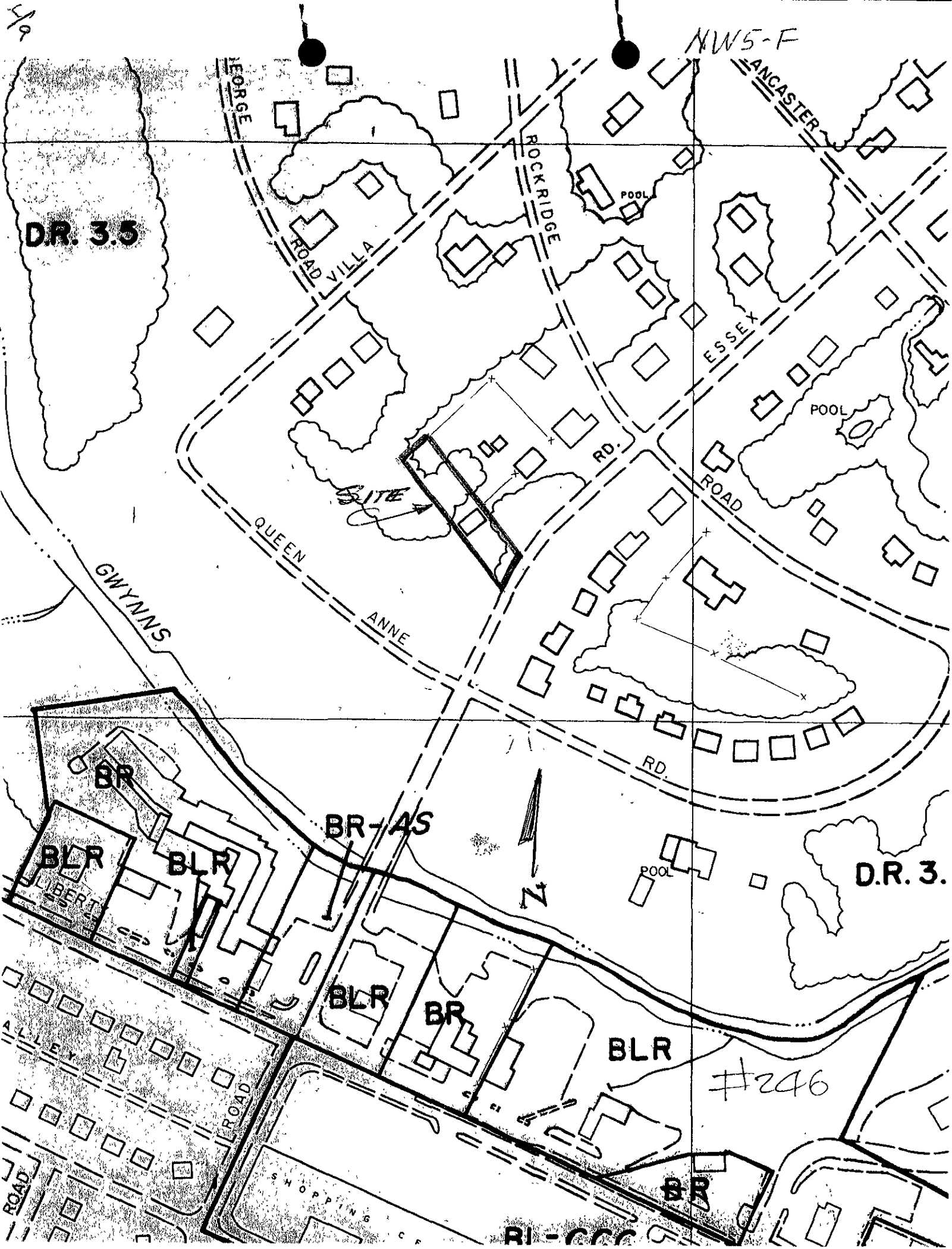
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

OWNER: Robert D. Byrne



246A



DR. 3.5

NW5-F

ANCASTER

ROCKRIDGE

ROAD VILLA

POOL

ESSEX

POOL

SITE

QUEEN

ANNE

RD.

ROAD

RD.

GWYNNS

BR-AS

N

D.R. 3.

POOL

#246

BLR

BR

RI-CCC

SHOPPING

ROAD

ROAD







H 246

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION
MILFORD

SHEET
N.W.
5-F

DATE
OF
PHOTOGRAPHY
JANUARY
1986