IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Bayside Drive, 630' S
of Wise Avenue
12th Election District
7th Councilmanic District
(529 Bayside Drive)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 03-510-A

Stacey L. Bergin & Daniel S. Danes Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by the legal owners of the subject property, Stacey L. Bergin and Daniel S. Danes, for that property known as 529 Bayside Drive in the eastern area of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1, 301.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front open deck setback of 25 ft. in lieu of the permitted 30 ft. and rear building and deck setbacks of 26 ft. and 18 ft. in lieu of the permitted 30 ft. and 22.5 ft., respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

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 request for a public hearing, a decision shall be rendered based upon the documentation contained in the case file. Based upon the information available, there is no evidence in the file to indicate that the requested administrative variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted.

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

2 Calabaranos

the requirements of Sections 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.

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM). As of the date of this Order, DEPRM has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of June, 2003, that the Petitioners' request for Administrative Variance seeking relief from Sections 1B02.3.C.1, 301.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front open deck setback of 25 ft. in lieu of the permitted 30 ft. and rear building and deck setbacks of 26 ft. and 18 ft. in lieu of the permitted 30 ft. and 22.5 ft., respectively, 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. Compliance with any recommendations, if any, made by DEPRM.

2012/03 De Gemeson 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

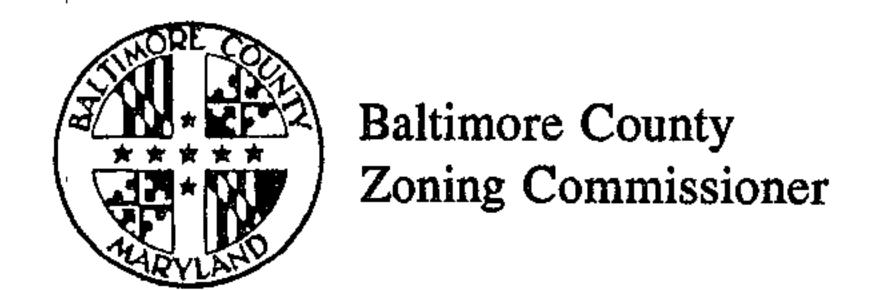
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

Sold Somewhat



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

Fax: 410-887-3468

June 2, 2003

Mr. Daniel S. Danes Ms. Stacey Lynn Bergin 529 Bayside Drive Baltimore, Maryland 21222

Re: Petition for Administrative Variance

Case No. 03-510-A

Property: 529 Bayside Drive

Dear Mr. Danes & Ms. Bergin:

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,

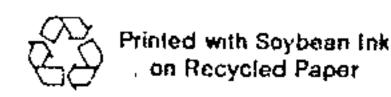
Timothy M. Kotroco

Deputy Zoning Commissioner

Lusty Hotroco

TMK:raj
Enclosure

c: Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson, MD 21286



CBCA Lood



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the		cated at <u>529</u>			1222
	·	which is pres	ently zoned	Resident	ral /CRITICAL
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regulations and restrictions of Baltimore County ad	opted pursuant to	the zoning law for Bal	timore County.		a by the zerning
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		perjury, that I/we a is the subject of thi	re the legal owner is Petition,	r(s) of the p	roperty which
Contract Purchaser/Lessee:		Legal Owner(s	s):		
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Attorney For Petitioner:	Zip Code	Sign of te	`	,	
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Name - Type or Print		BALTIMORE	=	MD	21222
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City State		TOWSON, A	MD 21286	,	TOTOPHONE 140
20, 10	Zip Code	City		tate	Zip Code
A Poblic Haring having been formally demanded and	or found to be rec	quired, it is ordered by	the Zoning Commi	ssioner of Ba	altimore County,
regulations of Baltimore County and that the property be re	posted	petition be set for a publ	lic hearing, advertise	ed, as require	ed by the zoning
		Zoning Com	missioner of Baltimo	ore County	
CASE NO. 03 5/0 A	Raviev	11	-	1/20	10

Reviewed By

Estimated Posting Date

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.

competent to testify thereto in the event that a p	public hearing is sche	duled in the future with regard	I thereto.
That the Affiant(s) does/do presently reside at	539 BAYSIDE DR. Address		
	BAL TO City	MD State	212233 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts up	oon which I/we hase the requ	,
<i>)</i>			
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It will not block the	eaterview of any	y of our neighbors	; •
		‡	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed additional information.	d, Affiant(s) will be required	to pay a reposting and
Gary 2. B.		D. 15. D	
Signature 1 O BERSIN	Sign	Daniel S. Das	wil
Name - Type or Print	Nam	e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	ORE, to wit:		
HEREBY CERTIFY, this 28th day of 0 of Maryland, in and for the County aforesaid, pe	sonally appeared	, <u>200 3</u> , before me, a N	otary Public of the State
Danie Scott Danes a the Affiant(s) herein, personally known or satisfa		as such Affiant(s).	2
AS WITNESS my hand and Notarial Seal	•		
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		aret 21. Sela	
	My Commiss	sion Expires 5-19-0	ノ ろ

ZONING DESCRIPTION FOR #529 BAYSIDE DRIVE

BEGINNING AT A POINT ON THE WEST SIDE OF BAYSIDE DRIVE WHICH IS

40 FEET WIDE AT THE DISTANCE OF 630 FEET SOUTH OF THE

CENTERLINE OF WISE AVENUE WHICH IS 40 FEET WIDE. BEING LOT NOS.

27 AND 28 IN THE SUBDIVISION OF "INVERNESS" AS RECORDED IN

BALTIMORE COUNTY PLAT BOOK NO. 10, FOLIO NO. 128, CONTAINING 5,928

S.F., ALSO KNOWN AS #529 BAYSIDE DRIVE AND LOCATED IN THE 12TH.

ELECTION DISTRICT, 7TH. COUNCILMANIC DISTRICT.

J. TILGHMAN DOWNEY, JR.

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SUITE 101 TOWSON, MD 21286 (410)828-9060 BALTIMORE COUNTY, MARYLAND No. 23767 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 構造譜等。 量。""到的自己是 R. 据比值 。描述的主题的 Willy Mills 5 THE ZIMIN WHILL LIGHT IN P. T. Francisco Int RECEIVED 法通信 FROM: biltimore faunty, biryland DISTRIBUTION CASHIER'S VALIDATION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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CERTIFICATE OF POSTING

Baltimore County Department of

Permits and Development Management

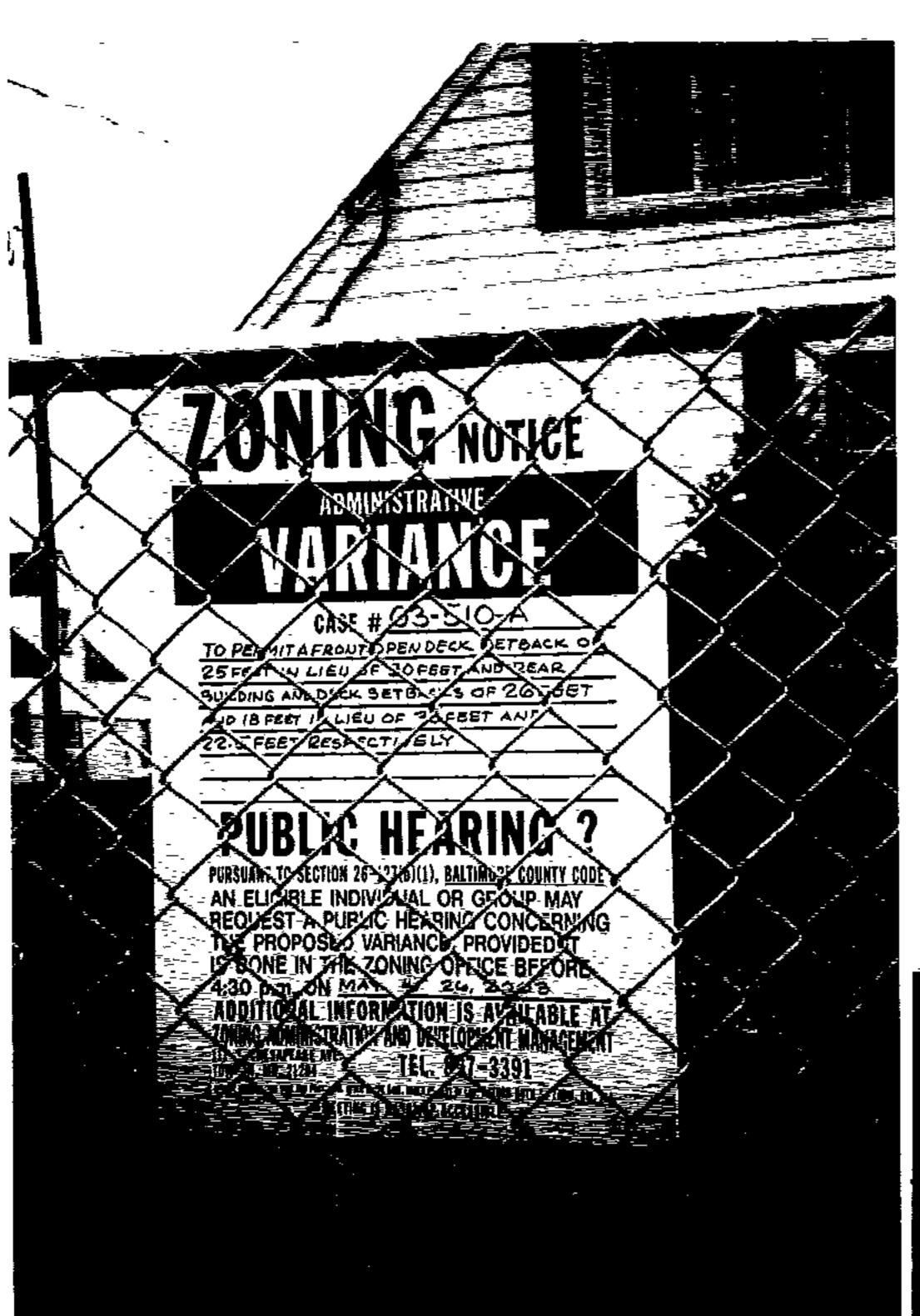
County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention:
Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at #529BAYSIDE DIZIVE
* 4
The sign(s) were posted on $(Y \triangle Y) (Y) (Y) (Y) (Y) (Y) (Y) (Y) (Y) (Y) $
(Month, Day, Year)
Sincerely,
Signature of Sign Poster and Date)
GARLANDE, Moore
3225 FYERSON CIRCLE (Address)
PAUTINIARE, MD. 21227 (City, State, Zip Code)
(Telephone Number)

RE: Case No.: 03-510-A

STACEY BEACHES

Petitioner/Developer: DANIEL DANIES

Date of Hearing/Closing: MAY 26, 2003





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 510 -A Address 529 BAYSIDE DR.
Contact Person: Vom Lewis Planner Please Print Your Name Phone Number: 410-887-3391
Filing Date: $4/29/03$ Posting Date: $5/11/03$ Closing Date: $5/26/03$
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.
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.
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.
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.
Beat Aug Directs
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03-5/0 -A Address 529 BAYSIDE DR
Petitioner's Name STACE: BERGIN AND DANIEL DANES Telephone 4-10 910 563 6470
Posting Date:
Wording for Sign. To Permit A FRONT OPEN DECK SETBACK OF 25 FT. IN LIEU OF 30 FT. AND
REAR BUILDING AND DECK SETBACKS OF 26 FT. AND 18 FT. IN LIEU OF 30 FT, AND 22 \$ FT. RESPECTIVELY.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

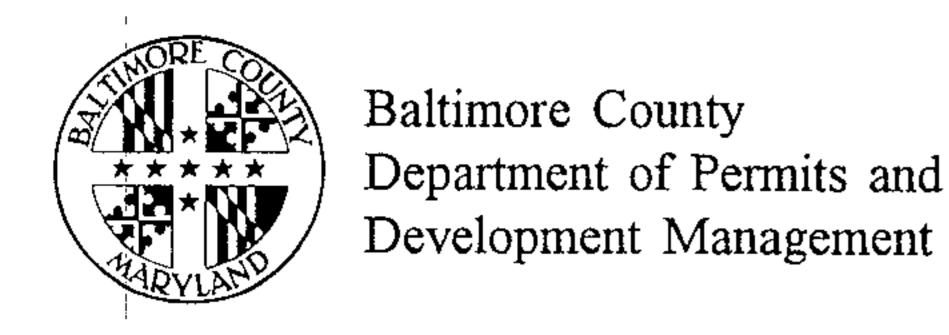
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: <u>03 510 A</u>
Petitioner: Staum Burgin and Daniel Daves
Address or Location: 529 Buyside Dwc
PLEASE FORWARD ADVERTISING BILL TO:
Name: Staum Burgin and Duniel Davies
Address: 529 Buy 8 He Divis
Baltward, MD 21222
Telephone Number: (416) 563-6470



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

May 23, 2003

Daniel Scott Danes Stacey Lynn Bergin 529 Bayside Drive Baltimore, MD 21222

Dear Mr. Danes and Ms. Bergin:

RE: Case Number: 03-510-A, 529 Bayside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

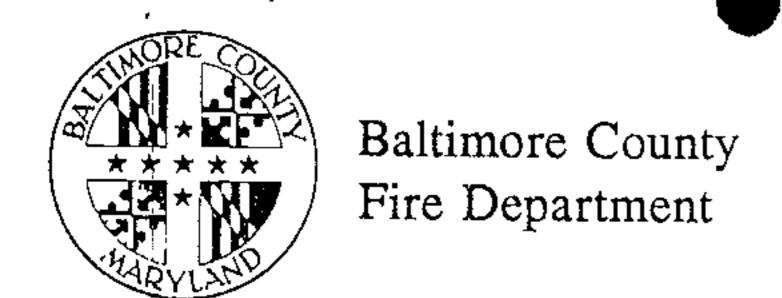
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Site Rite Surveying, Inc., 200 E. Joppa Rd., Ste 101, Towson 21286



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

County Office Building, Room 111 [ail Stop #1105]
11 West Chesapeake Avenue
Cowson, Maryland 21204

May 6, 2002

TTENTION: Rebecca Hart

)istribution Meeting of: May 5_{1} , 2003

tem No.:

497-504, 506-511

ear Ms. Hart:

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

The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

:c: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRAISPORTATION

Date: 5.5.03

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

RE: Baltimore County

Item No. 5/17

JL

Dear. Ms. Hart:

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,

J. J. Houll

1~

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

P) He

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon			RECEIVED
FROM:	R. Bruce Seel	ey RBS / TET		
DATE:	June 18, 2003		70a	JUN 2 6 2003
SUBJECT:	Zoning Item Address	<u>510</u> <u>529 Bayside Driv</u>	LUVIV(COMMISSIONER
Zoni	ng Advisory Cor	nmittee Meeting of	May 5, 2003	
		nvironmental Prote ve-referenced zoni		e Management has no
an ex	tension for the r	eview of the above		e Management requests item to determine the
			ection and Resource eferenced zoning ite	e Management offers em:
	Protection of	Water Quality, Stre	- -	Regulations for the difference of the latest the latest terms and the latest terms are latest to the latest terms are latest terms. The latest terms are late
	-	Regulations (Section	ust comply with th on 14-401 through	
<u>X</u>	Critical Area			Chesapeake Bay 26-461, and other
<u>X</u>	Additional Co	mments: See Atta	ached	
The recorded	d Forest Buffer a	nd Forest Conserva	ation Easements m	ay not be impacted.
Revi	ewer: Keith	Kelley	Date:	June 17, 2003

Y	
The property is located within the Limited-Development Area (LDA), or ReArea CBCA.	
Conservation - \rear RC-1) - or Intercally Development -\rear Intercally Development	
Gonservation Area (RC:A): or Intensely Developed Area (ID A of the Chesapeaks)	30uree 5 December
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be obstituting ement practices, which reduce pollurant is	ondi-
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mited to 15% for all greater than was	7 0
Man-made impervious surfaces are limited to 25% for ots less than a acre in Mitigation is required if	T 0 8128
for ots less than ancreas	2 7.5.
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If the otis improved, then the proposed awelling can go as close to the water a awelling	s the existing
Proposed structure vithin 100° of tida. Paters, tidal vetlands, stream, or within 25° of vetlands.	tinon-tida.
A Commanda Area Val	
A Critical Area Administrative Variance (CAAV) is required since the proposed setback from the 25° or 100° buffer.	i principa: il building
	-

Kdk#14/cocazoningcomments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: May 5, 2003
MAY - 6 2003

Zoning Advisory Petition(s): Case(s) 03-467 and 03-510 **SUBJECT:**

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.

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For May 12, 2003 Item No. 510

The Bureau of Development Plans Review has reviewed the subject-zoning item.

DATE: May 13, 2003

The flood protection elevation for this site is 10.4 feet.

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

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 building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with county requirements.

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr. Governor



Audrey E. Scott
Secretary

Michael S. Steele Lt. Governor

Florence E. Burtan Deputy Secretary

May 12, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 05/12/03 re: case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

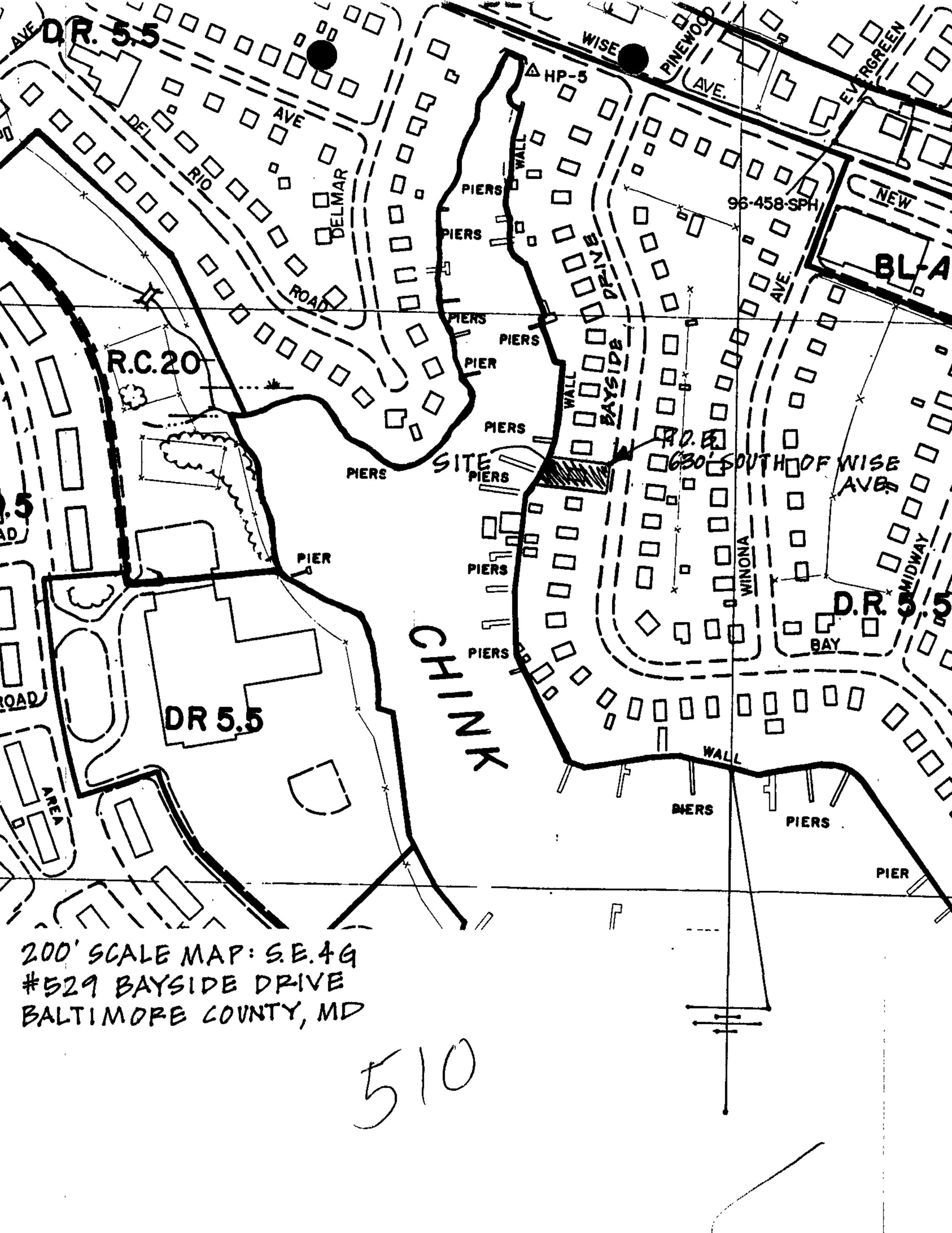
James R. Gatto

Manager

Metropolitan Planning

Planning Services

cc: Mike Nortrup











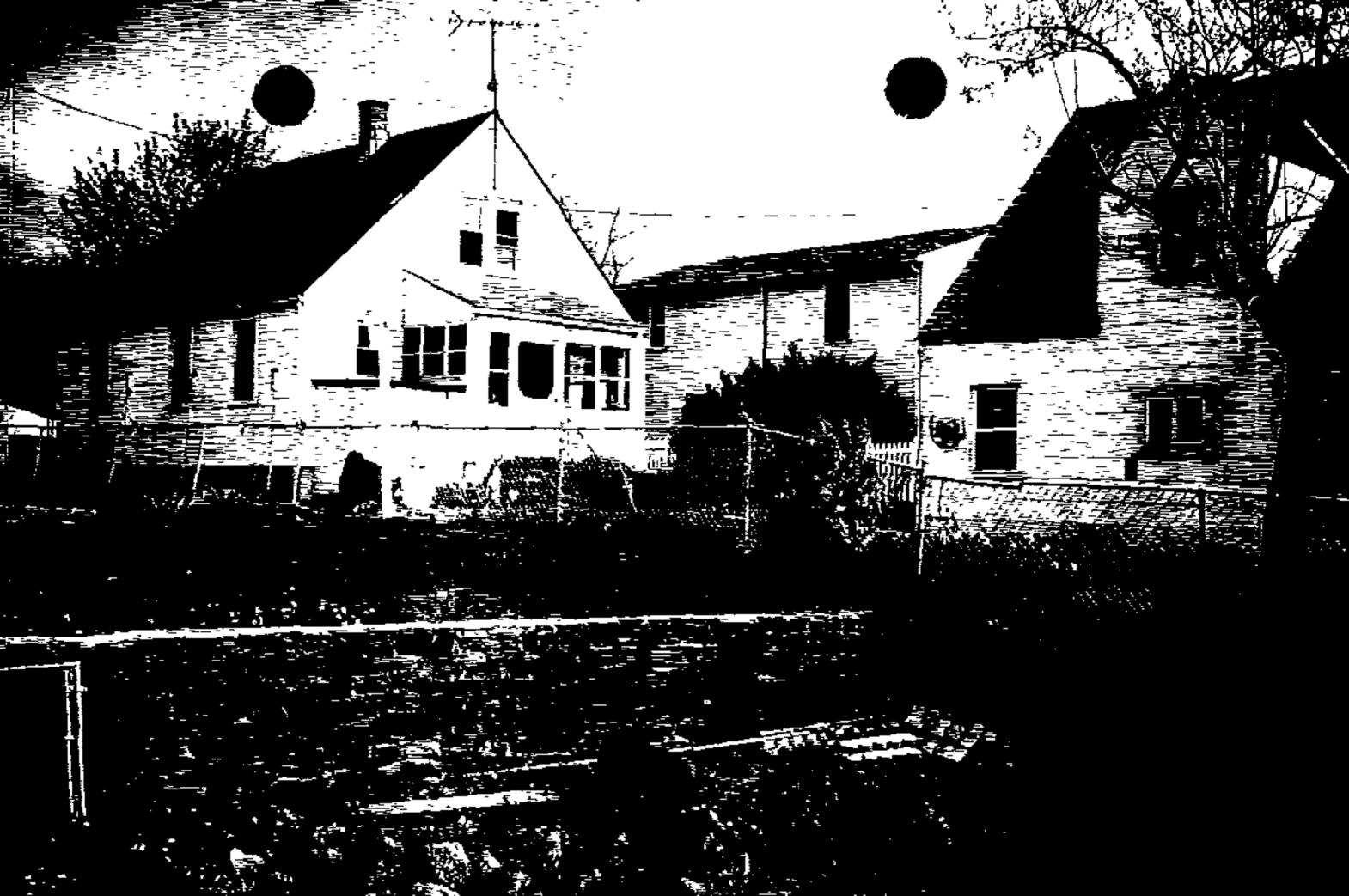




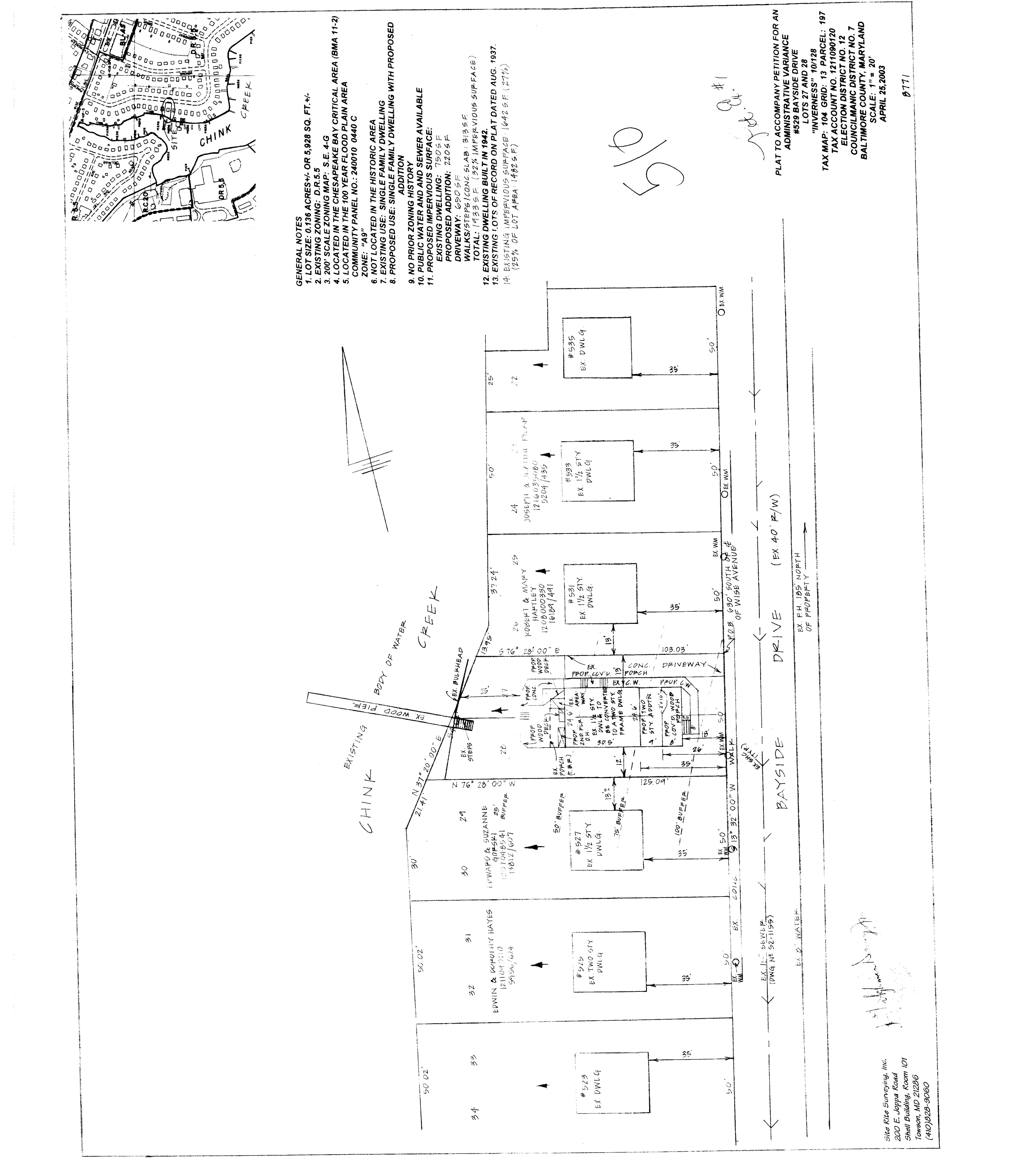












FROM ROAD - OUR HOUSE

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