IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Thoroughbred Land, 430' W
of Bonita Avenue
4th Election District
2nd Councilmanic District
(3806 Thoroughbred Lane)

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-071-A

Laura & Phillip Theobald

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, Laura and Phillip Theobald. The variance request is for property located at 3806 Thoroughbred Lane in the Owings Mills area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. 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 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 requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

9/1763 9/1763 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 17 day of September, 2003, that a variance from Section 400.1 of B.C.Z.R., to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, 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 must comply with the recommendation made by the Office of Planning in their ZAC comment dated September 8, 2003, a copy of which is attached hereto and made a part hereof;
- 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 15, 2003

Mr. & Mrs. Philip L. Theobald 3806 Thoroughbred Lane Owings Mills, Maryland 21117

Re: Petition for Administrative Variance Case No. 04-071-A

Property: 3806 Thoroughbred Lane

Dear Mr. & Mrs. Theobald:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Rasche Brothers, Inc. 74 Frederick Street Taneytown, MD 21787



Visit the County's Website at www.baltimorecountyonline.info



CASE NO.

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 3806 Thorough bred Lane

Zoning Commissioner of Baltimore County

	which is presently zoned <u>RC.5</u>
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section Sec	(S) 4001 CO PEOUNCTA DE CARCUMO
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	v of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zo I, or we, agree to pay expenses of above Variance, advertising, postir regulations and restrictions of Baltimore County adopted pursuant to t	ng, etc. and further agree to and are to be bounded by the zoning
	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:	Legal Owner(s):
RASCINE BROTHERS. INC.  Name Type or Print  Signature  THERS. INC.  Name Type or Print  Signature  THERS. INC.  Name Type or Print  Address Tolephone No.	PHILIP L. AND LAWRA A. THEOBALD  Name-Type or Print  LAURA A. THEOBALD  Name-Type or Print
TANEYTOWN MO 21787	Douning Dollar
Attorney For Petitioner:  Name - Type or Print	Signature  3806 THOROLGHBRED LANE 9947  Address Telephone No.  Owings Mills MD 21117  City State Zip Code
	Representative to be Contacted:
Company Address Telephone No.	RASCHE BROTHERS, INC Name 74 FREDERICK ST. 410.756.4457 Address Telephone No
City State Zip Code	TANEYTOWN MO. 21787 City State Zip Code
A Public Hearing having been formally demanded and/or found to be re-	

**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.

Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

3806 ThorougHBRED

OWINGS MILLS MO.

LANE

21117

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):
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loging a more level 1000 trop with time on the first one
Chulden mental 155/165 as 17 wow v
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the rear of the hease. It is in line with the original toundary of compliance. Any other location the addition was built did this proped location become out of compliance. Any other location the addition was built did this proped location become out of compliance. Any other location would place the building in a water run-off area or septic drain field area. This reason is
the addition was built did this proped location become drain field area. This reason is would place the building in a water run-off area or septic drain field area. This reason is not the result of the coalicants actions and is peculiar of other properties in the
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iny public safety or welfare hazards. It would not be a substanial injustice to t
THE BUILDING THATE HAZAFAS, IN MOUNTER HOLDER
applicant or other property owners as it would not be visible or obstructive.
That the Afficulta's extensive decays that if a fermed domand in filed Afficulta's will be conviced to may a constitut and
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.
$\wedge$
Para L Tholand Samuel Wildell
Philip X Inolold / Mum / 1/0/VX
Signature
Philip L. THEOBALO LAURA A. THEOBALO
Name - Type or Print  LAURA A. IHEOBALO  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
LUEDEDY CEDTIEV this day of
I HEREBY CERTIFY, this day of,,, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
or mary and for the occasing personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
ine Amanita) nerelli, personally known or satisfactorily identified to the as such Amanita).
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AS WITNESS my hand and Notarial Seal
Sin A. RINA
Notes Dublis
NOTARY Notary Public
PUBLIC / My Commission Expires $10/21/06$

# 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		10ROUGH BI	RED LAN	E
	Address <u>OMINGS</u> City	MILLS	Mo.	21117
4	City		State	Zip Code
That based upon personal knowledge, the followard Variance at the above address (indicate hardship)	wing are the fact ip or practical diff	s upon which I/we iculty):	e base the requ	est for an Administrative
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s) vition.	vill be required	to pay a reposting and
Philip L. Reolald Signature	,	Signature	1 K) C	
PHILIP L. TheoBALD  Name - Type or Print	<u> </u>	Name - Type or Print		BALD
STATE OF MARYLAND, COUNTY OF BALTING THE day of According to Maryland, in and for the County aforesaid, pe	-	7003	before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily Identified	o me as such Affi	ant(s).	
AS WITNESS my hand and Notarial Seal NOTARY PUBLIC	Notary (	Public Expires	Parker 10/2/106	

REV 10/25/01

0.3



REV 10/25/01

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property	y located at 3806 horough bred Lane
	which is presently zoned <u>RC.5</u>
This Petition shall be filed with the Department of Perowner(s) of the property situate in Baltimore County and wormade a part hereof, hereby petition for a Variance from Set DE CESS ONLY STUME (CESS ONLY STUME (CESS ONLY STUME (CESS ONLY STUME))	rmits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ection(s) 400. L. G. Horman T. A. DE TACHED G. HALPERED G. BE BULL LID - CHE  - CHE ROAT LARD.
of the zoning regulations of Baltimore County, to the zonin of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the last of the last	posting, etc. and further scree to and are to be bounded by the zoning
	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:	Legal Owner(s):
RASCHE BROTHERS, INC.  Name-Type or Print  Signature  74 FREDERICK S.T. 410.756.449  Address  Telephone No.  ANEYTOWN Mo. 21787  City State Zip Code  Attorney For Petitioner:	PHILIP L. THEOBALD  Name-Type or Print  Signature  Signature  ALANRA A. THEOBAYA  Name-Type or Print  Signature  410 - 902  3806 THORONGHBRED LN 9947  Address  Telephone No  OWINGS MILLS MO. 2117
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company Address Telephone No.	RASCHE BROTHERS TNC Name 74 FREDERICK St. 4457 Address Telephone No
City State Zip Code	TANEY TOWN MO Z1787 City State Zip Code
regulations of Baltimore County and that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
CASE NO. O4-O (- T	Reviewed By 50-/- Date 08 13-03
REV 10/25/01	stimated Posting Date <u>08.24.05</u>

BALTIMORE COUNTY, MARYLAND No. 27430 OFFICE OF BUDGET & FINANCE HISTHESS TIKE MISCELLANEOUS RECEIPT 0/14/2003 8/13/2003 15:44:50 JEW JEE 5 528 ZONING VERIFICATION (XI NO. 027430 \$65.00 Recet Tet 65.00 CK RECEIVED HE CRETE Baltimore County, Maryland FROM: CETHORCULLA BROOLN **DISTRIBUTION CASHIER'S VALIDATION** WHITE - CASHIER PINK - AGENCY **YELLOW - CUSTOMER** 

C4 C7114

#### EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot No. 60, as shown on a Plat entitled, "WOTHINGTON", which Plat is recorded among the Land Records of BALTIMORE County in Plat Book EHK, JR. No. 38, folio 15. The improvements thereon being known as 3806 THOROUGHBRED LANE.

### Certificate Of Posting

RE: Case NO.: 04-071-1

	Petitioner/Developer: Phil
	Theobald
	Date of Hearing/Closing: 9/8/03
Baltimore County Department of Permits and Development Mana County Office Building, Room 111 West Chesapeake Avenue Towson, MD 21204	agement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were po-	e penalties of perjury that the necessary sted conspicuously on the property 806 THOROUGHBLED LANE
This sign(s) were posted on	8/23/03
· ·	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
ZONING NOTICE	(Signature of Sign boster and Date)
ADMINISTRATIVE	(Printed Name)
VAKIANCE	5016 CASTONE SK.
TO PERMIT A DETACHED GARAGE  IN THE SIDE FAZ D IN LIEU OF  THE REAR YARD	(Address)
	BUCT-111. 21237
PUBLIC HEARING ?	(City, State, ZipCode) 410 - 933 - 9470
AN ELIGIBLE INCOVERTAL OR ORDER MAY PECLEST A PUBLIC MEANING CONCERNING	
4.30 p.m. ON THE HONNE OFFICE BEFORE ADDITIONAL INFORMATION IS AVAILABLE AT	(Telephone Number)
TEL. 487-3381	

## 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.

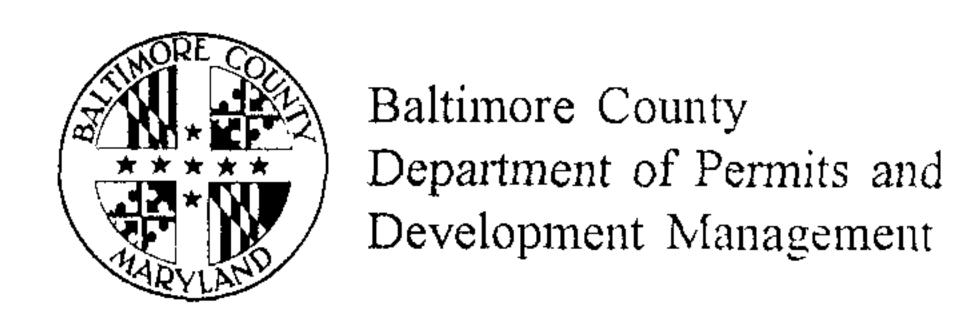
For Newspaper Advertising:  Item Number or Case Number: $(24-071-6)$
Petitioner: Mrs. PHILIP L. CHEOTSAUD.
Address or Location: 3806 Thorougus Brown LANC
PLEASE FORWARD ADVERTISING BILL TO:  Name: HR. S. Myzs. Facur Weotsaw.  Address: 5806 Tuckougutsker Law.
Ownos Hus Mo. 21117
Telephone Number: 410 - 902-9947

Revised 2/20/98 - SCJ

04.07A-A

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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

September 8, 2003

Philip Theobald Laura Theobald 3806 Thoroughbred Lane Owings Mills, MD 21117

Dear Mr. and Mrs. Theobald:

RE: Case Number: 04-071-A, 3806 Thoroughbred Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 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

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel Rasche Brothers, Inc., 74 Frederick St., Taneytown 21787



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

County Office Building, Room 111

August 26, 2003

Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: August 26, 2003

Item No.:

.7/ 069-087

Dear Ms. Hart:

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.

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

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

cc: File

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: September 25, 2003

 $\sigma_i^{\mu_i}$ 

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor
Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 2, 2003 Item Nos. 069, 070, 071, 072, 073, 074, 075, 077, 080, 081, 082, 085, and 086

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

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** September 8, 2003

RECEIVED

SEP - 9 2003

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

3806 Thoroughbred Lane

**INFORMATION:** 

Item Number:

04-071

Petitioner:

Phillip L. Theobald

Zoning:

RC 5

Requested Action:

Variance

### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request provided the vegetative buffer along the neighboring property line to the east is retained in its existing condition.

Section Chief:

AFK/LL:MAC:



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JRA

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.24.63

Baltimore County

Item No. 07/

RE:

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

Dear, Ms. Hart:

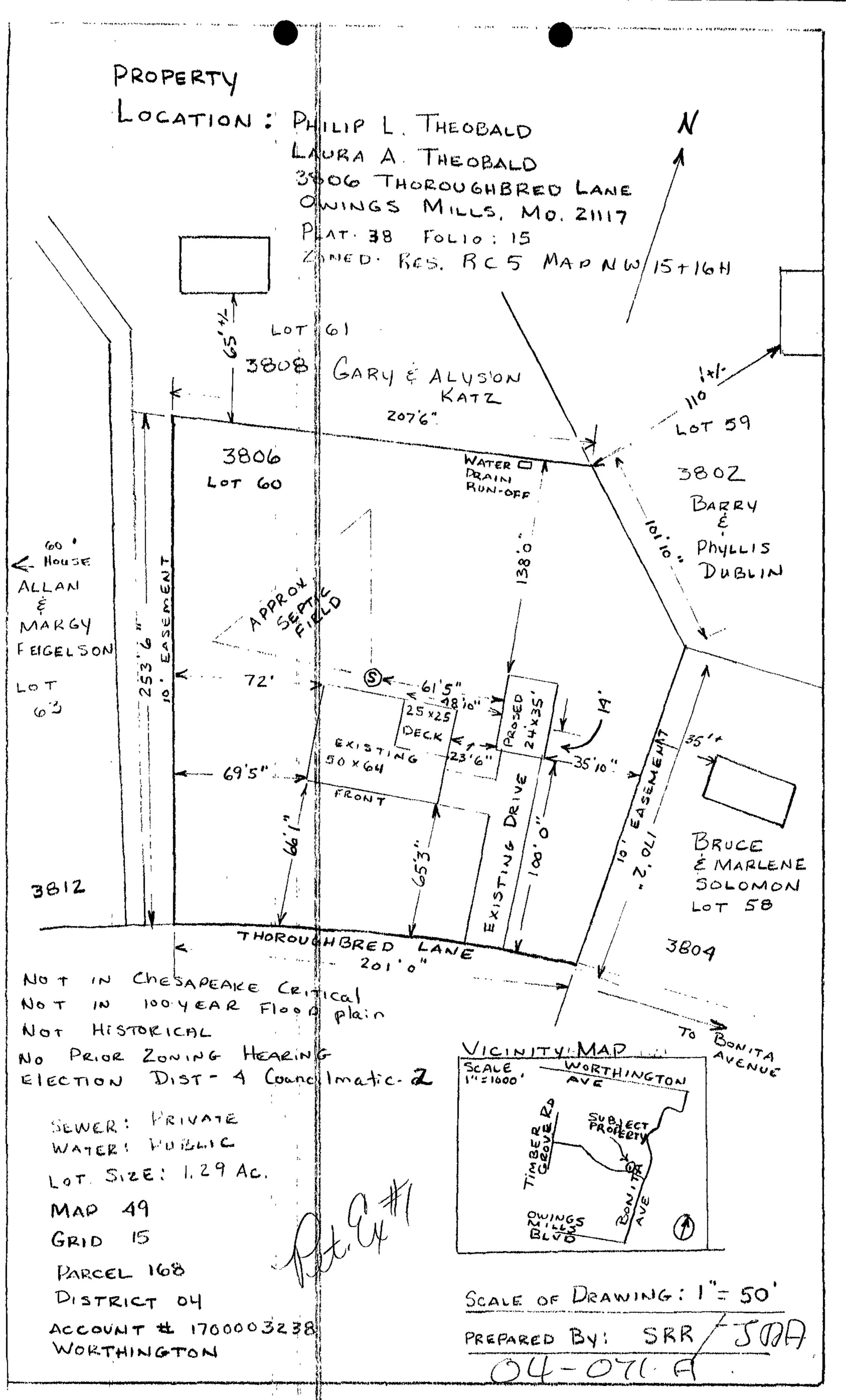
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

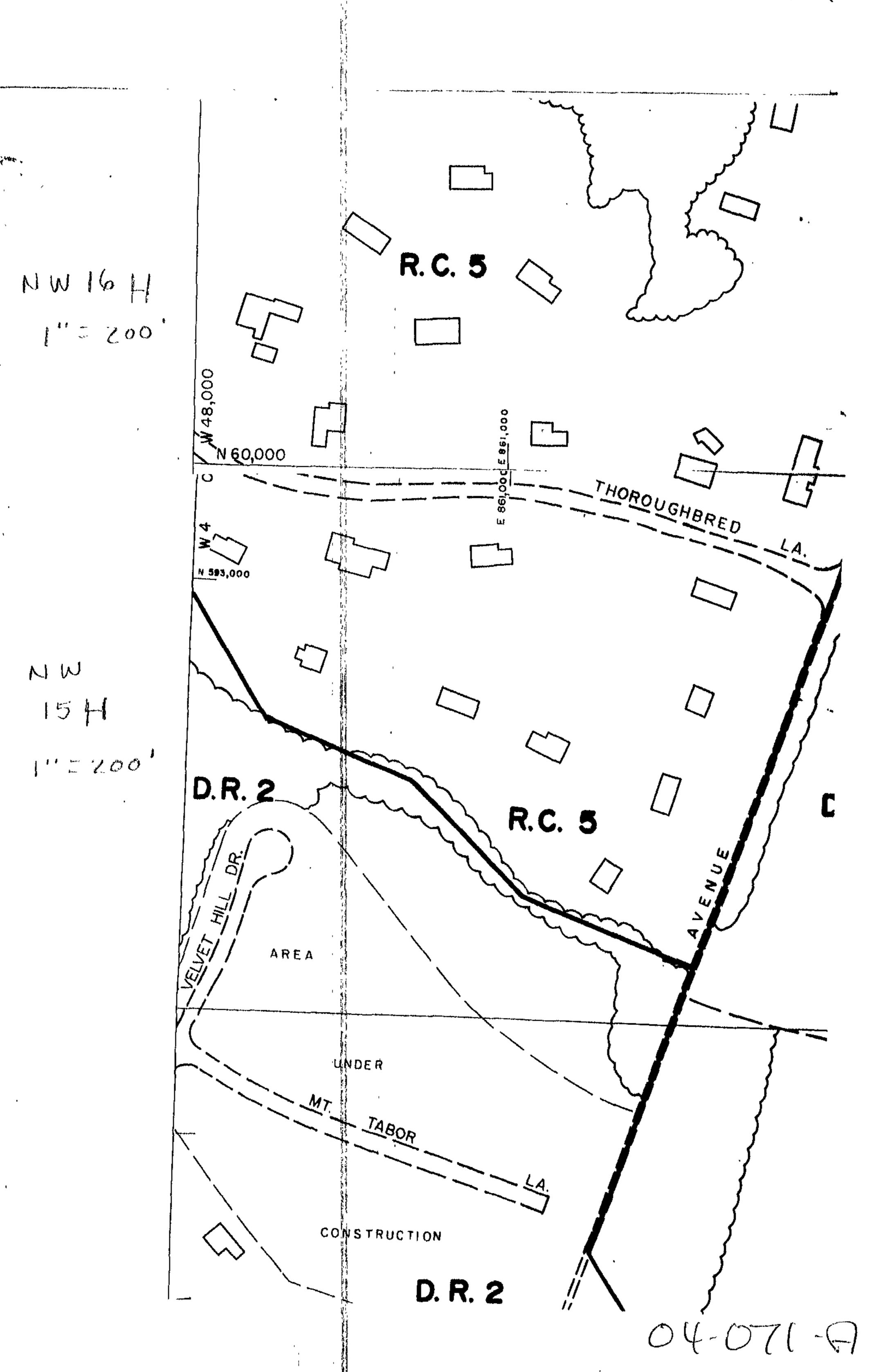
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

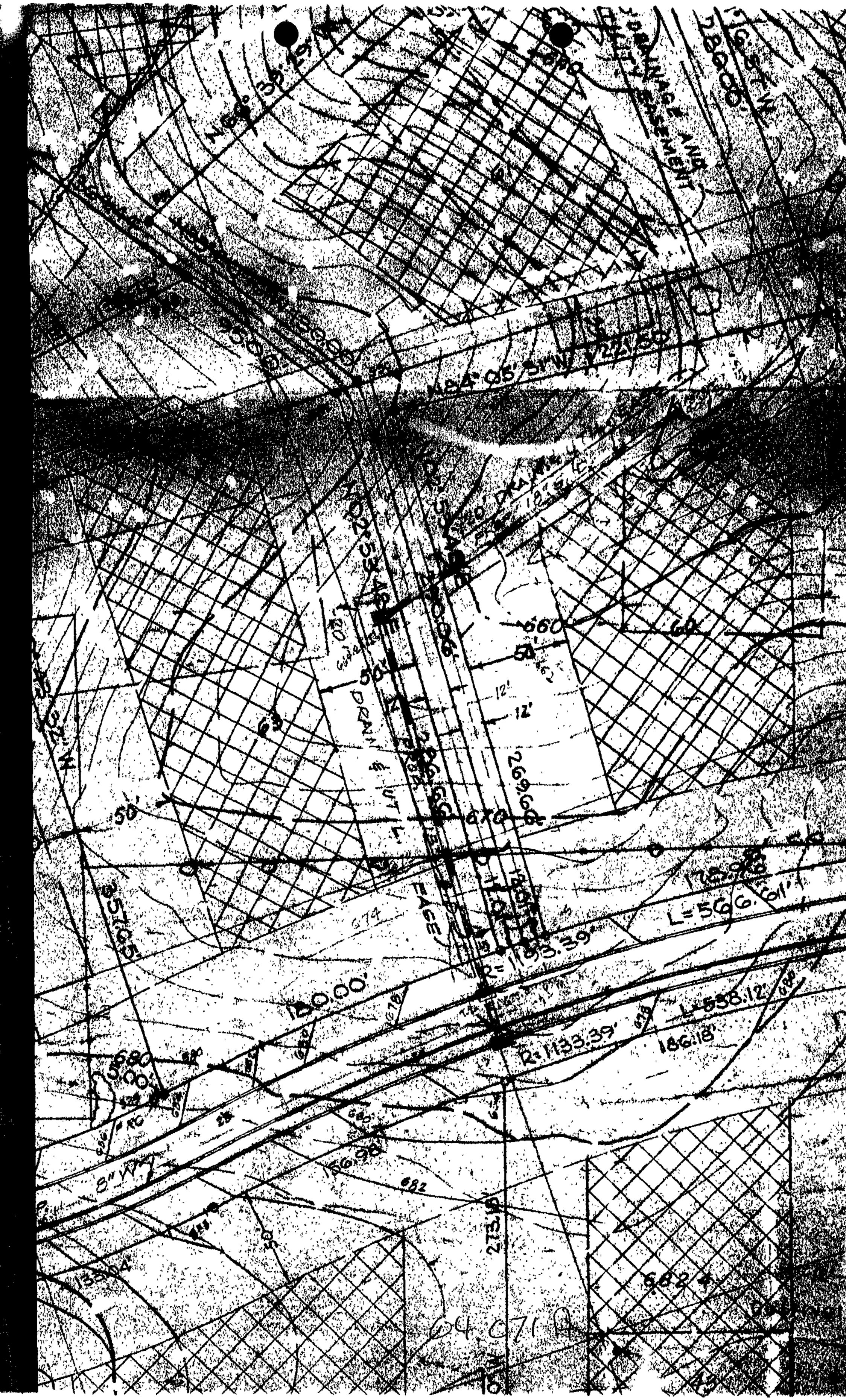
Kenneth A. McDonald.

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



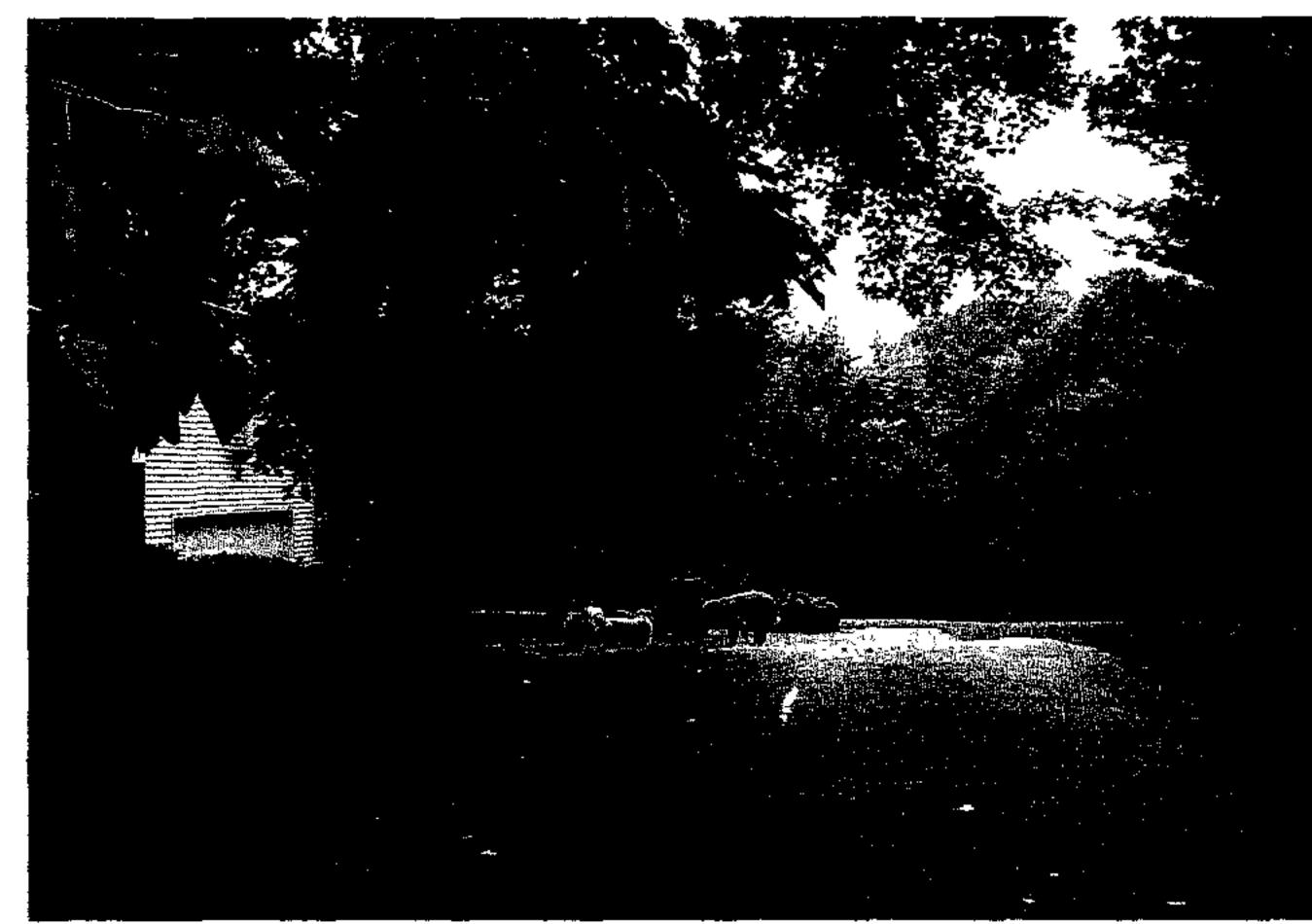


ξ<sub>ωρ</sub>, 1





= site of proposed



LOCKING out from
proposed site to street



-back of proposed to rear of proposity of-071-17





back left corner of proposed to rear of property

JANUA JAMIL - 01 W 4 N 0 BONITA AVENUE -, Et-0EG\_M, 00.12.81.5\_\_\_ 00 06 9.44,92.229 ,66 629 A.00.12.81N .0006 M,00, EE . 1LN .6 00 06 4.00 GE 3/12.8/N S- ANINGOIM - THELES 20'06 M,00,84.69 N .16 +99 3.00, LZ.81N ,01'292 -INGWASTA 30075 21011×21-38 I ANIT SOUTHING ONIOTING OF FANIT XXVILAG PNIGTING .00 01'LLE\_7.00.12,81N , 21 ---188.00 18 991 8.00.LZ.81N ,00.GB 100.GB ,00'901 1,00,12,81N . OE 988 1,00,12.81 N . \$8 678 M.00.12.815 78 881 2.00,12.81N N 18, 21,00, E 000, 23, W . +6 618 M .00, LZ .819 IN 3W 35 V 9 KITTLA 81.875 W 200 TS.818 . . OL'OIZ M. 00.12.819 .. 159 612 3.82 ST. ST. ST. N 5 14937'03'W 299.65" 5 14.31.05 W 299. 650 :00 812 M.Z.Z. 88.029 0160 10'15"W 419 64" 1: M.61,140629 3. 20' ORAINA 68 & UTILITY BASEMENT ,80 +82 M.1+,81.819 . 20 292 M. L+ SI.819 .... 01.748 .... ,61192 M. LY ,61:819 - - .00 012 J.L. SI.81N ... ,96 61+ M. 1+,81.819 .00 002 3.17,61.81N SNAMADE & UTILITY ELOEMENS 00 092 N.1+61.019 29 182 M.L+, 51.819 24'091 ... ... ... ... ... ... ... ... .... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... . 20 GTZ M. 17. 51.819 9+ 9+E M.L+,61.819 ,00:991 M.L+,61,819 . ,00 '08Z M.L+.61.819 00'00Z N. 1+,61.819 DO:55! ··· ,0+281 ·· LINAWASTA BOOTS BIRILINANAN GOT -OAOA-340A3-AIMIT-8-1881 4.14.61.81N-