IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Chesapeake Avenue, 80 ft. SE centerline of Chester Road 15th Election District 7th Councilmanic District (1318 Chesapeake Avenue)

Vicki W. & John E. Long, Jr.

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 04-117-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Vicki W. and John E. Long, Jr., the legal owners of the subject property. The variance request is for property located at 1318 Chesapeake Avenue in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to be 20 ft. in height in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

10/2/03 4 Lander 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.

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.
- 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:ra

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

October 2, 2003

Mr. & Mrs. John E. Long, Jr. 1318 Chesapeake Avenue Baltimore, Maryland 21220

Re: Petition for Administrative Variance

Case No. 04-117-A

Property: 1318 Chesapeake Avenue

Dear Mr. & Mrs. Long:

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

John murphy

JVM:raj Enclosure



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



Petition for Administrative Variance

for the property located at 1318

to the Zoning Commissioner of Baltimore County

| This Petition shall be filed with the Department owner(s) of the property situate in Baltimore County | v and which is describe | ed in the description an | nd biat attached hereto and | ı |
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| made a part hereof, hereby petition for a Variance fi | rom Section(s) در ان | 0.7 10 pe | RmitE A | |
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| Property is to be posted and advertised as prescribe I, or we, agree to pay expenses of above Variance, advergulations and restrictions of Baltimore County adopted | ertisina, postina, etc. and | turther agree to and are | to be bounded by the zoning | |
| | periury. 1 | solemnly declare and affin that I/we are the legal own bject of this Petition. | rm, under the penalties of ner(s) of the property which | • |
| Contract Purchaser/Lessee: | <u>Legal</u> | Owner(s): | i - | |
| | Name 7 | | Long | |
| Name - Type or Print | Name - 3 | ype or Print | · | |
| Signature | Signature | John E. Løng | Jr. | |
| Address | ne No. Name - / | ype or Print | | |
| City State Zip | p Code Signature | 4 1 ガーコココー | 1728 | |
| Attorney For Petitioner: | Address | 1318 Chesapeak Baltimore, MD. | Telephone No. 21220 | |
| Name - Type or Print | City | Jarchmore, | State Zlp Code | |
| ************************************** | <u>Repre</u> | sentative to be Con | tacted: | |
| Signature | | Vicki Wolff Lo | ng& Pete Jewell | |
| Company | Name | 4514 Wood | llea Ave410-4 <u>88-90</u> 5 | 50 |
| Address | | Baltimore, Md. | Telephone No. | |
| Oity 1 | p Code City | | State Zip Code | |
| A Public Hearing having been formally demanded and/or this day of that the subject regulations of Baltimore County and that the property be reposted | or warred of fills bennow be | s ordered by the Zoning Co set for a public hearing, adv | ertised, as required by the zoning | |
| n 3 | | Zoning Commissioner of Ba | altimore County | |
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| 280 9/15/98 | Estimated Pos | 1 to | 10-15-03 | |

Affida VII 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

REU 09/15/98

1318 Chesapeake Ave.

| | Baltimore, | Md. | 21220 | |
|---|---|----------------------------|--------------------------------|---|
| <u> </u> | City | State | | Zip Code |
| That based upon personal knowledge Variance at the above address (indicat | the following are the facts upon which le hardship or practical difficulty): | /we base | the request | for an Administrative |
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| That the Affiant(s) acknowledge(s) the advertising fee and may be required to | at if a formal demand is filed, Affiant(s) provide additional information. |) will be | required to | pay a reposting and |
| | | | | |
| Signature | Signature | | | |
| Vicki Wolff Long Name - Type or Print | John E Name - Type or P | | , Jr. | |
| | ; ! | | | |
| STATE OF MARYLAND, COUNTY OF | BALTIMORE, to wit: | | | , |
| HEREBY CERTIFY, this 26 day of Maryland, in and for the County afore | of Augusta, 2003 esaid, personally appeared | த், before | me, a Notai | ry Public of the State |
| maryland | | A 60 14- | | |
| ine Amam(s) nerein, personally known aw that the matters and facts hereinab | or satisfactorily identified to me as such ove set forth are true and correct to the b | n Affiant(s est of his/ | s), and made /her/their kno | wiedge and belief. |
| AS WITNESS my hand and Notarial Se | eal | | | |
| 8/21/03 | Notary Public Line | maQa | | , ,,, ,, , , , , , , , , , , , , , , , |
| Date | - 11101 | | o David | · / |
| | My Commission Expire | s | '/ 9 | 4006 |

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

1318 Chesapeake Ave.

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

REV 10/25/01

| - | Baltimore, CHy | Md. State | 21220 | Zp Code |
|---|--|------------------------|--------------------|---------------------|
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| That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide | a formal demand is filed, Aff | iant(s) will be req | uired to pay a re | posting and |
| | io additional information. | 02 | | - ! ! |
| Signature VICKI WOLFF-LONG | | IN E. LONG | 558. | |
| Name - Type or Print | Name - Ty | pe or Print | | |
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| STATE OF MARYLAND, COUNTY OF BAL | • | | | İ |
| I HEREBY CERTIFY, this 26 day of 6 day | | 있으 <u>3</u> , before m | e, a Notary Public | of the State |
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| | and the contract of the contra | out i indirit(o). | | † • |
| AS WITNESS my hand and Notarial Seal | J' > \D^ | \sim | | ' ' |
| | Notary Public L | inda Lima | avid | |
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REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1318 Cetts AFEAN 100 which is presently zoned DR. 5-5.

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| of the zoning regulations of Baltimore Coof this petition form. | ounty, to the zoning | g law of Baltimore County, for the reasons indicated on the back |
| Property is to be posted and advertised | se prescribed by th | o zonina regulatione |
| i, or we, agree to pay expenses of above Varieties of above Varieties and restrictions of Baltimore Con | ariance, advertising, i | posting, etc. and further agree to and are to be bounded by the zoning |
| | 1 i 1 | 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: | | <u>Legal Owner(s):</u> |
| | | The second of the late of the second |
| Name - Type or Print | i | Vicki Wolff Long Name - Type or Print |
| Signature | | <u>vul</u> |
| Olgnatule | i | Signature |
| Address | Telephone No. | Name - Type or Print |
| City | Zip Code | S/gnature S/gnature |
| Attorney For Petitioner: | | 1318 Chesapeake Ave |
| | i | Address Telephone No. |
| Name - Type or Print | i <u>i</u> ********************************** | Baltimore, Md. State 21220 Zip Code |
| | | |
| Signature | · · · · · · · · · · · · · · · · · · · | Representative to be Contacted: |
| | | Vicki Wolff Long & Pete Jewell |
| Company | | Maine |
| Address | Telephone No. | same 4514 Woodlea Ave 21206 Address Telephone No |
| | | Balto,Md 410-488-9050 |
| City State | Zip Code | City State Zip Code |
| A Public Hearing having been formally demand this day of to regulations of Baltimore County and that the property | ided and/or found to hat the subject matter of erty 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 |
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| →•• | | Zoning Commissioner of Baltimore County |
| CASE NO. 04-117- | - Lat | eviewed By STD Date 09-05-03 |

Estimated Posting Date

ZONING DESCRIPTION

| ZONING DESCRIPTION FOR 1318 Chesapeake Ave. |
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| Beginning at a point on the <u>Southwest</u> side of |
| Chesapeake Ave. which is 40 ft.of right-of-way width |
| wide at the distance of <u>80 ft. southeast of the</u> |
| centerline of the nearest improved intersecting stree <u>t Chester</u> |
| which is 30 ft. wide. *Being Lot # 167 |
| Block SECTION $\#$ in the subdivision of Plan C Long Beach Estates |
| as recorded in Baltimore County Plat Book #W.P.C#4 pg.131Folio130 |
| containing 20,650 sq.ft Also known as |
| and located in the <u>15th</u> Election District: 8 Councilmanic Dist. |

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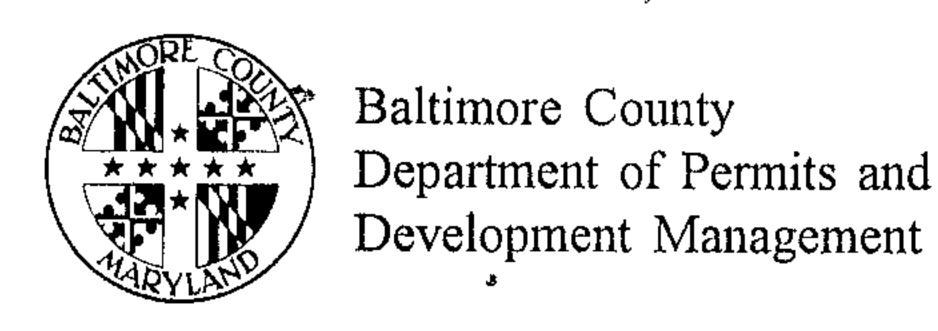
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CERTIFICATE OF POSTING

| | RE: Case No.: 04-117-19 |
|--|---|
| | Petitioner/Developer: U/CKI AA |
| - - | JOHN LONG |
| | Date of Hearing/Closing: $\frac{g}{30}$ |
| Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 | |
| ATTN: Becky Hart {(410) 887-3394} | |
| Ladies and Gentlemen: | F. |
| This letter is to certify under the penalties of perjury posted conspicuously on the property located at: | y that the necessary sign(s) required by law were |
| · | SAPEAKE AVE |
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| | 9/12/12 |
| The sign(s) were posted on(Me | onth, Day, Year) |
| | |
| | cerely, |
| | . 0111111 |
| | 1/13/03 |
| | (Signature of Sign Poster) (Date) |
| | SSG Robert Black |
| | (Print Name) |
| | 1508 Leslie Road |
| | (Address) |
| | Dundalk, Maryland 21222 |
| | (City, State, Zip Code) |
| | (410) 282-7940 |
| ' | (Telephone Number) |

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Planner Please Prent Your Name Phone Number: 410-887-3391 Filing Date: O9-05-03 Posting Date: O9-15-03 Closing Date: O9-30-4 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. | Case | Number | 09/- | 117 | -A | Address | 1318 | CHESTA PEA | KE H-CE |
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| 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 format request for a public hearing. Please understand that even if there is no format 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 (lypically 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. Case Number Office and the Form is for the Sign Poster Only USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT Case Number Office and the prop | Conta | ict Persoi | n: | South Planne | SR Huer Please Print You | | a _ | | • |
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| Case Number 0 17 - A Address 1318 CHESA PEAKE (106) Petitioner's Name VICK & John Cong Telephone 410-335-1728 Posting Date: 09-15. Closing Date: 69-30-05 Wording for Sign: To Permit A CARDGE 6 36 70 FT. High IN Liewof 15 FT. High | Petitic | ner: Th | is Par | t of the Fo | rm is for the | e Sign Poste | r Only | | ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; |
| Petitioner's Name UCK(& John Lowg Telephone 40-35.1728 Posting Date: 09-15. Closing Date: 67-50-0-5 Wording for Sign: To Permit A CARDGE 6736 70 FT. High IN Liewof 15 FT. High | | | | USE THE | ADMINISTR | ATIVE VARIA | ANCE SIGN F | ORMAT | • |
| Petitioner's Name UCK(& John Lowg Telephone 40-35.1728 Posting Date: 09-15. Closing Date: 67-50-0-5 Wording for Sign: To Permit A CARDGE 6736 70 FT. High IN Liewof 15 FT. High | Case I | Vumber | 0#-[| 117 - | bbA Add | ress | 318 C | HESATEA | KE CIDE |
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Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 29, 2003

Vicki Wolff Long John Long, Jr. 1318 Chesapeake Avenue Baltimore, MD 21220

Dear Mr. and Mrs. Long:

RE: Case Number: 04-117-A, 1318 Chesapeake Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 5, 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. Callinal)

WCR:klm

Enclosures

c: People's Counsel Vicki Wolff-Long, Pete Jewell, 4514 Woodlea Avenue, Baltimore 21206



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

September 24, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 22, 2003

Item No.:

112, 114-122, 124, 126, 128-130, 136

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.

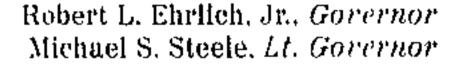
7. The Fire Marshal's Office has no comments at this time.

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

cc: File









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

JADYLAND DEPARTMENT OF TRANSPORTATION

9.23.03 Date:

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

RE:

Baltimore County

Item No. //7

JRA

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 Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: October 8, 2003 TO: Tim Kotroco R. Bruce Seeley 2BS 1767 FROM: DATE: October 8, 2003 SUBJECT: Zoning Item <u>04-117</u> Address 1318 Chesapeake Avenue (Long (John) Property) Zoning Advisory Committee Meeting of September 22, 2003 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. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to 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). X 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: 10/6/03

Additional Comments:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 29, 2003

TO:

Timothy M. Kotroco, Director

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

Zoning Advisory Petition(s): Case 04-117, 04-129 and 04-130

Administrative Variance Department of Permits and

FROM:

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.

Prepared by: Marty Current

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

**

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 29, 2003

Item Nos. 113, 114, 115, 116, 117, 118, 122, 125, 126, 128, 130, and

136

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

RWB:CEN:jrb

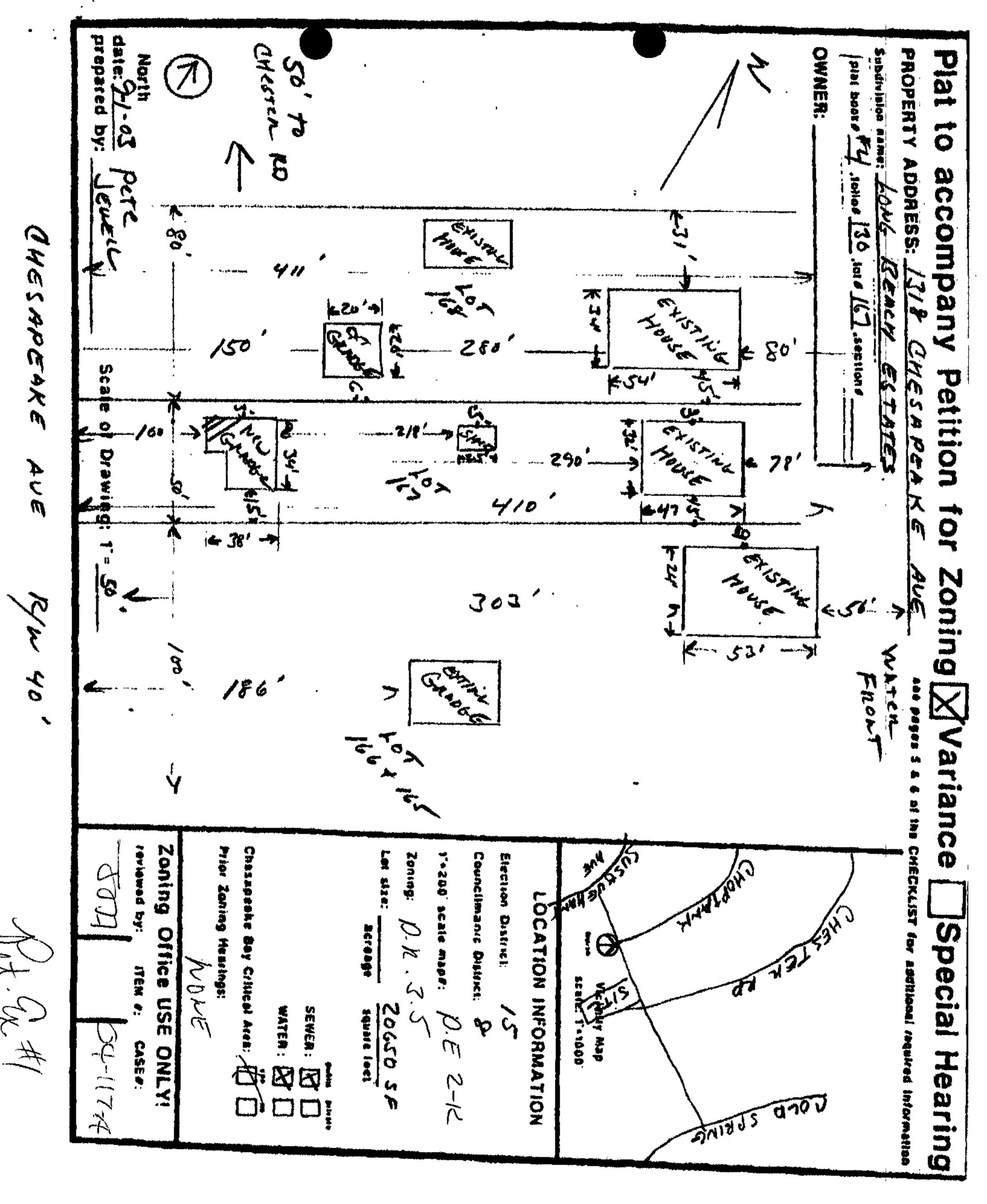
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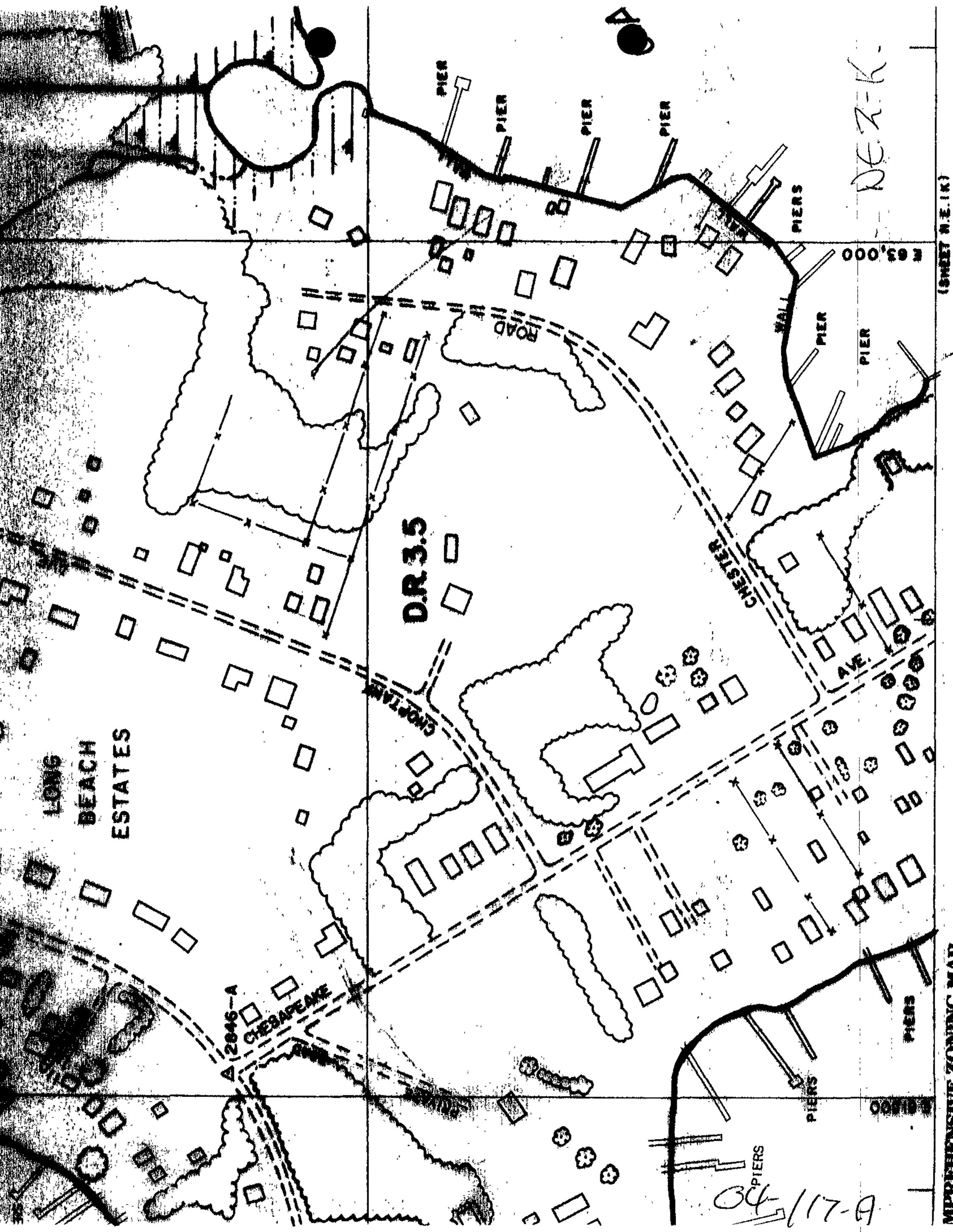
DATE: September 30, 2003

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ZONING COMMISSIONER



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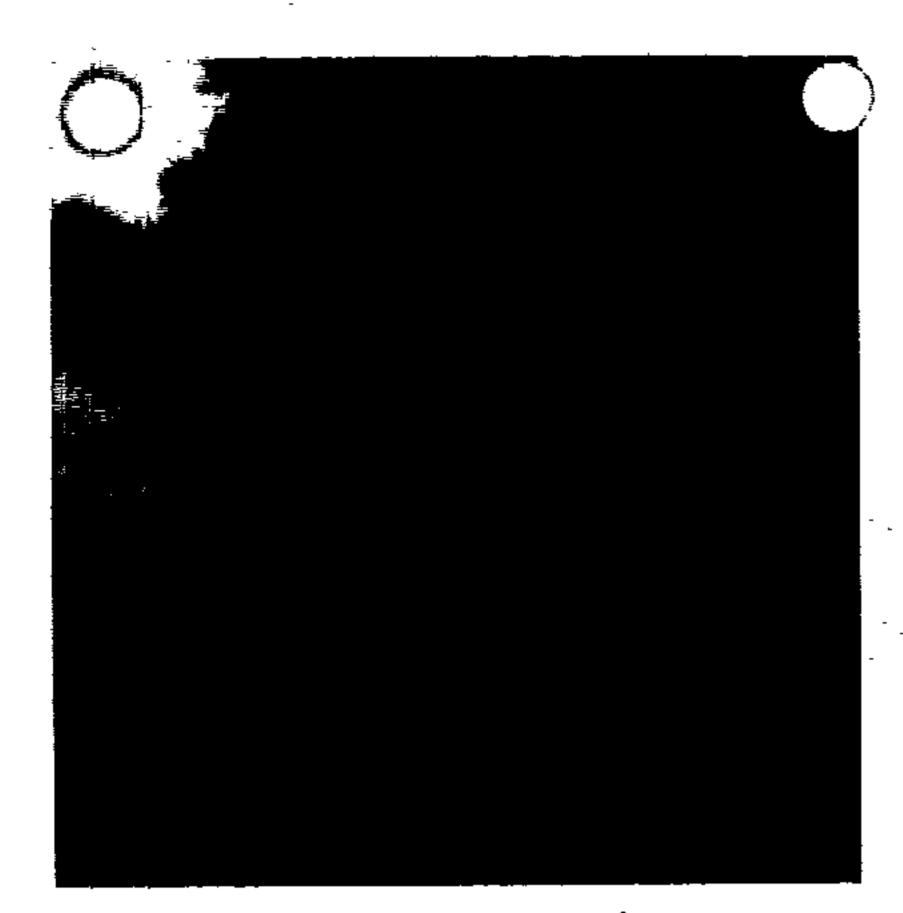
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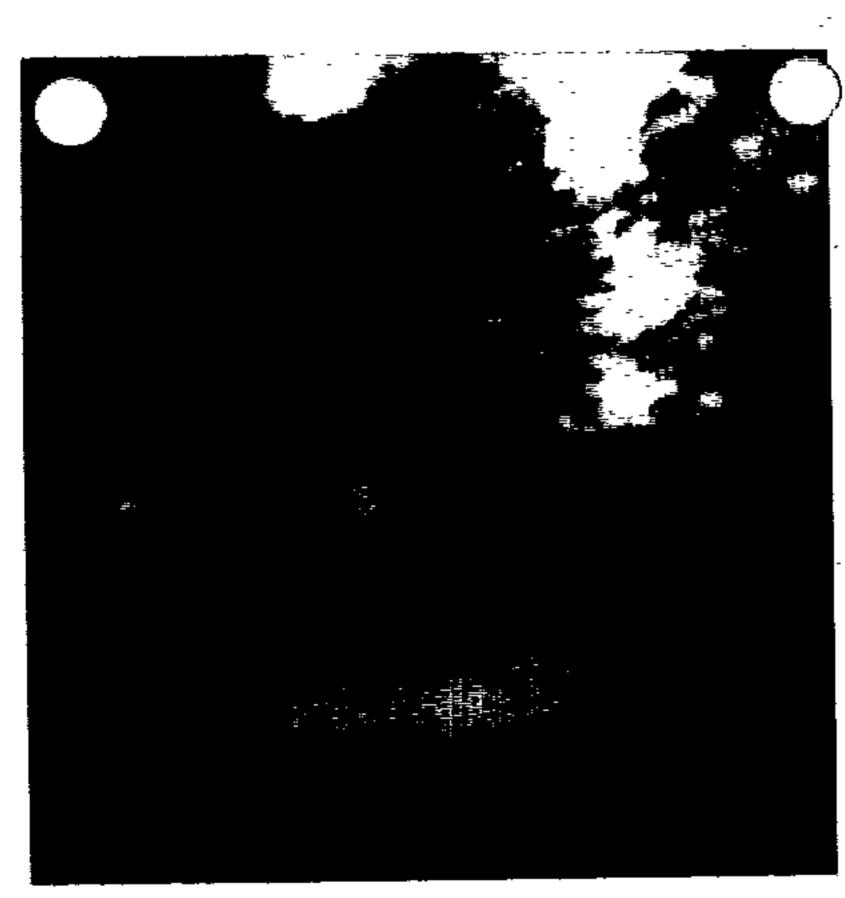


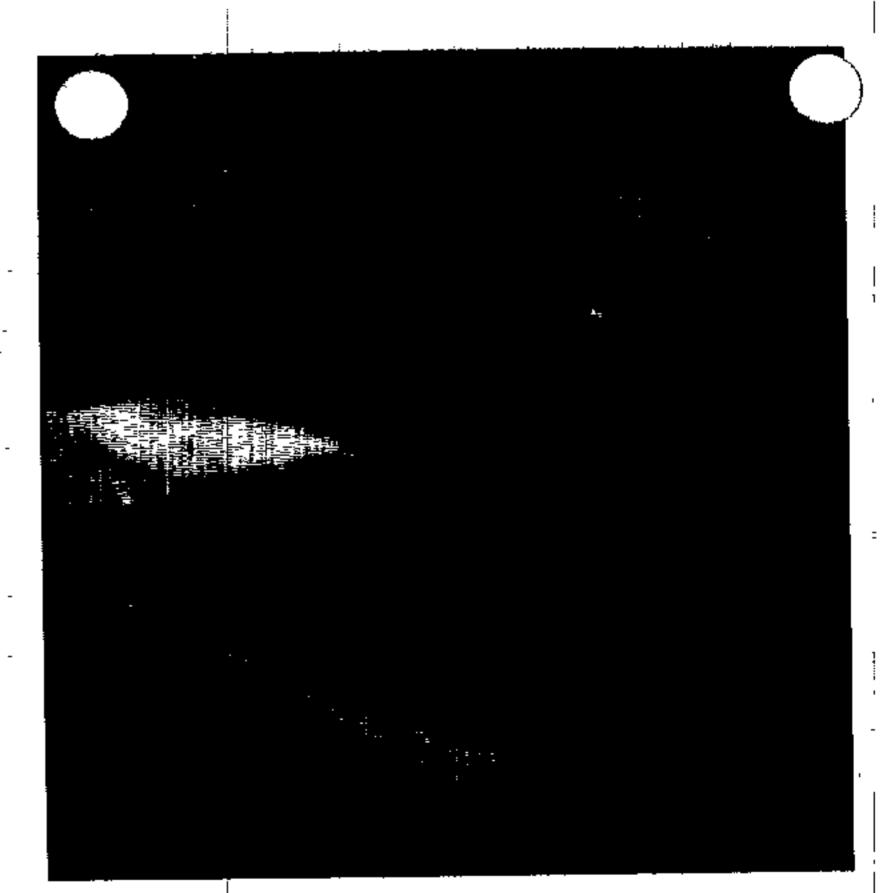




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NEW GRADGE CH-117-A LCFT SIBO CH-117-A

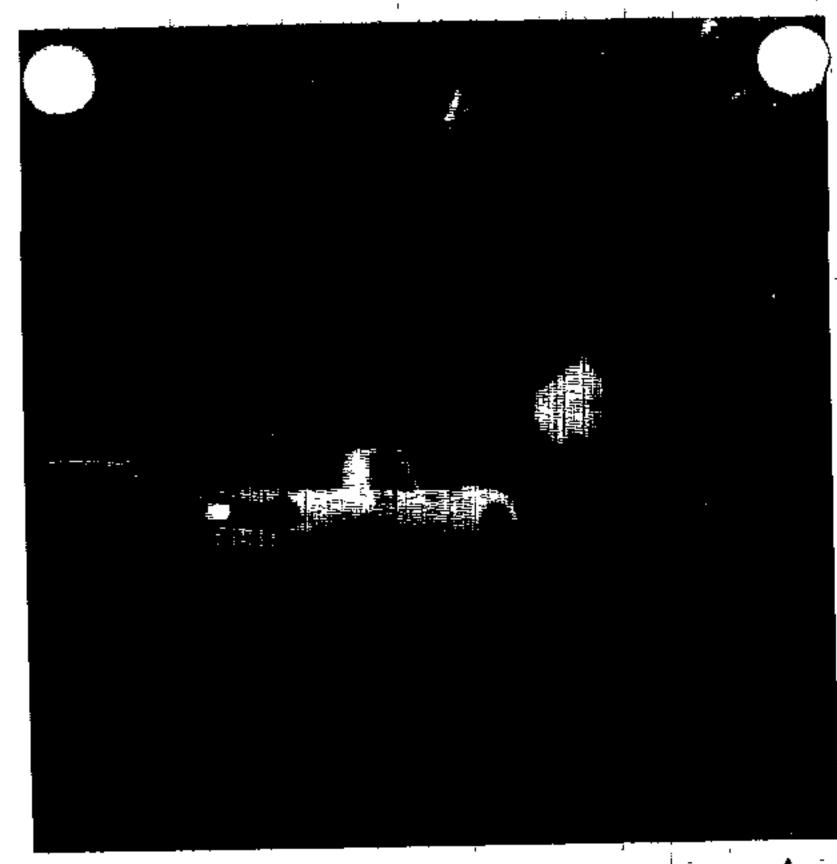




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REIGHADL YARD OY 117-A.
GRASS LOT 168
LINGS FOR NEW GRAPUR.

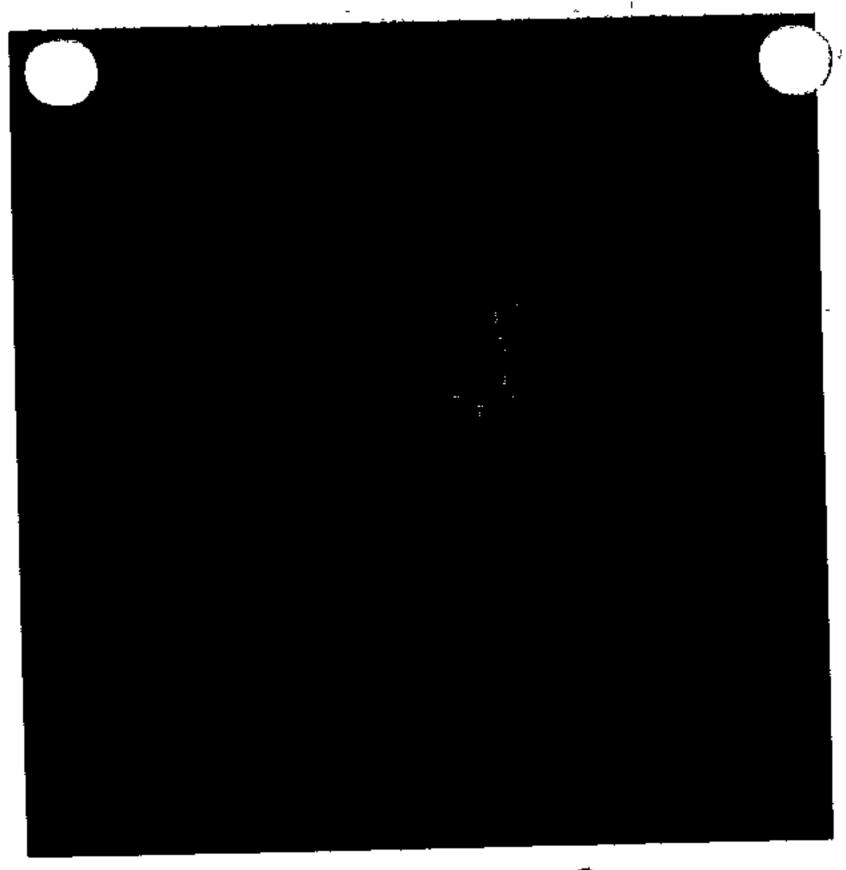


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AND SIDE CH-117-A



LOT 168. OG-117-A