

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Gunview Road, 255' N of the c/l
Klausmier Road
(9507 Gunview Road)
11th Election District
5th Council District

William F. Haught, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-039-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, William F. Haught and his wife, Sharon E. Haught. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet and a side yard setback sum of 15 feet in lieu of the required 25 feet for a proposed garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has 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 requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. There were no adverse comments submitted by any County reviewing agency and apparently

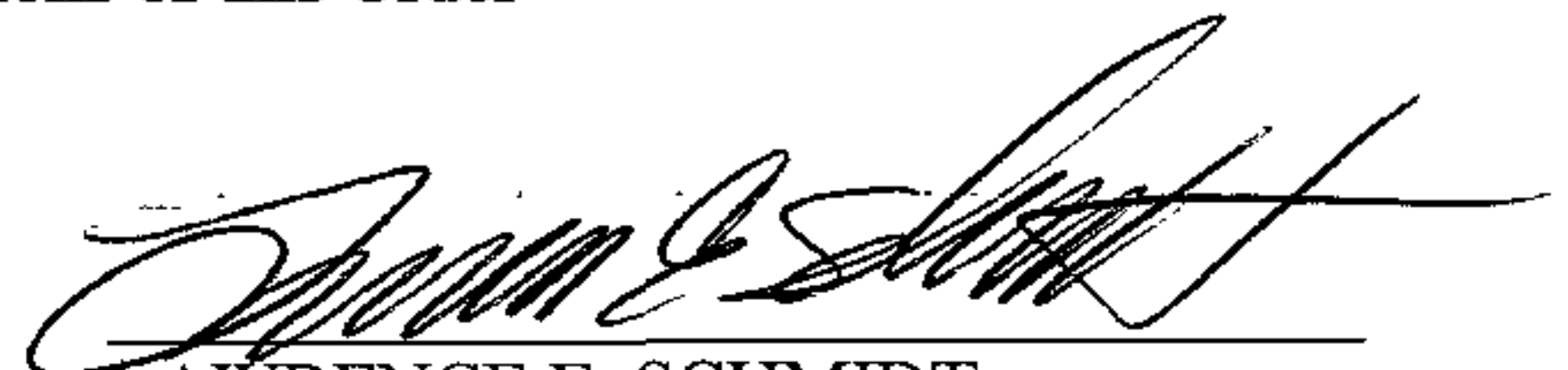
ORDER RECEIVED FOR FILING
at 8/24/14
by [signature]

no objection from the affected neighbors. Thus, it appears that relief can be granted without detrimental impact to adjacent properties. However, pursuant to the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning, the exterior façade of the proposed addition shall be constructed of the same materials as that of the existing dwelling.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet and a side yard setback sum of 15 feet in lieu of the required 25 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The exterior façade of the proposed addition shall be constructed of the same materials as that of the existing dwelling so as to be consistent.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

8/24/04

LES

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

August 23, 2004

Mr. & Mrs. William F. Haught
9507 Gunview Road
Nottingham, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Gunview Road, 255' N of the c/l Klausmier Road
(9507 Gunview Road)
11th Election District – 5th Council District
William F. Haught, et ux - Petitioners
Case No. 05-039-A

Dear Mr. & Mrs. Haught:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Office of Planning; People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9507 GUNVIEW ROAD
which is presently zoned RESIDENTIAL DR3.5

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) 1302.3.B (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (GARAGE) TO HAVE A SIDEYARD OF 3' AND A SUM OF SIDEYARDS OF 15' IN LIEU OF THE REQUIRED 10' AND 25' RESPECTIVELY.

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

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By CTM Date 7/20/04

Estimated Posting Date 8/1/04

CASE NO. 05-039-A

REV 10/25/01

ORDER RECEIVED FOR FILING
DATE 8/2/04
BY [Signature]

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 9507 GUNVIEW RD.
Address
NOTTINGHAM MD 21236
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):

MY WIFE, SHARON IS SUFFERING FROM ACUTE BACK PROBLEMS FOR WHICH SHE IS RECEIVING SOCIAL SECURITY DISABILITY.
IT IS MY INTENT TO HAVE AN ATTACHED GARAGE, FIFTEEN FEET WIDE, CONSTRUCTED ON THE SOUTH SIDE OF OUR HOME. THE PURPOSE OF THE FIFTEEN FOOT WIDTH IS TO ACCOMMODATE A RAMP, SHOULD ONE BECOME NECESSARY, FOR HER TO GAIN ACCESS TO OUR HOME FROM WITHIN THE GARAGE. HER CONDITION IS DETERIORATING SLOWLY AND IT IS MY DESIRE TO HAVE HER AS SECURE AND INDEPENDENT AS POSSIBLE SHOULD I BE UNABLE TO ASSIST HER.

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.

William F. Haught
Signature
WILLIAM F. HAUGHT
Name - Type or Print

Sharon E. Haught
Signature
SHARON E. HAUGHT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William F. Haught and Sharon E. Haught
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Leitch S. Wilder
Notary Public

My Commission Expires February 28, 2006

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.

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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.

William F. Haught
Signature
WILLIAM F. HAUGHT
Name - Type or Print

Sharon E. Haught
Signature
SHARON E. HAUGHT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William F. Haught and Sharon E. Haught
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Reinhold S. Wilden
Notary Public

My Commission Expires February 28, 2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9507 GUNVIEW ROAD
which is presently zoned RESIDENTIAL 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.B (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (GARAGE) TO HAVE A SIDEYARD OF 3' AND A SUM OF SIDEYARDS OF 15' IN LIEU OF THE REQUIRED 10' AND 25' RESPECTIVELY.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Representative to be Contacted:

Name

Address

City

410 668-9628 W

410 256-2450

21236

Zip Code

Telephone No.

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.

Zoning Commissioner of Baltimore County

CASE NO. 05-039-A

Reviewed By CTM Date 7/20/04

REV 10/25/01

Estimated Posting Date 8/1/04

Zoning Description

Zoning Description For 9507 Gunview Road

Beginning at a point on the east side of Gunview Road which is 80 feet wide at the distance of 255 feet north of the centerline of the nearest improved intersecting street Klausmier Road which is 50 feet wide. Being Lot#33, Block A, Section 1 in the subdivision of Perry Hall Gardens as recorded in Baltimore County Plat Book # Liber 32, Foilo #110, containing 9000 square feet. Also known as 9507 Gunview Road and located in the 11th Election District, 5th Councilmanic District.

1139

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 7/20/04 ACCOUNT 20010000150

AMOUNT \$ 65.00

RECEIVED FROM: WILLIAM FLAUGHER

FOR: OS-039-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

No. 13002

PAID RECEIPT

BUSINESS ACTIVITY TIME
7/20/2004 7/20/2004 09:11:50 2

REC. NO. 002 MAIL JEVA JET
RECEIPT # 300458 7/20/2004

APP. 5 500 TOWING VERIFICATION
PR. NO. 013482

Receipt Tot 65.00
65.00 CR 6.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-039-A

Petitioner/Developer: WILLIAM

HAUGHT

Date of Hearing/Closing: 8/16/04

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

9507 GONVIEW RD

The sign(s) were posted on

7/31/04
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

8/1/04
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

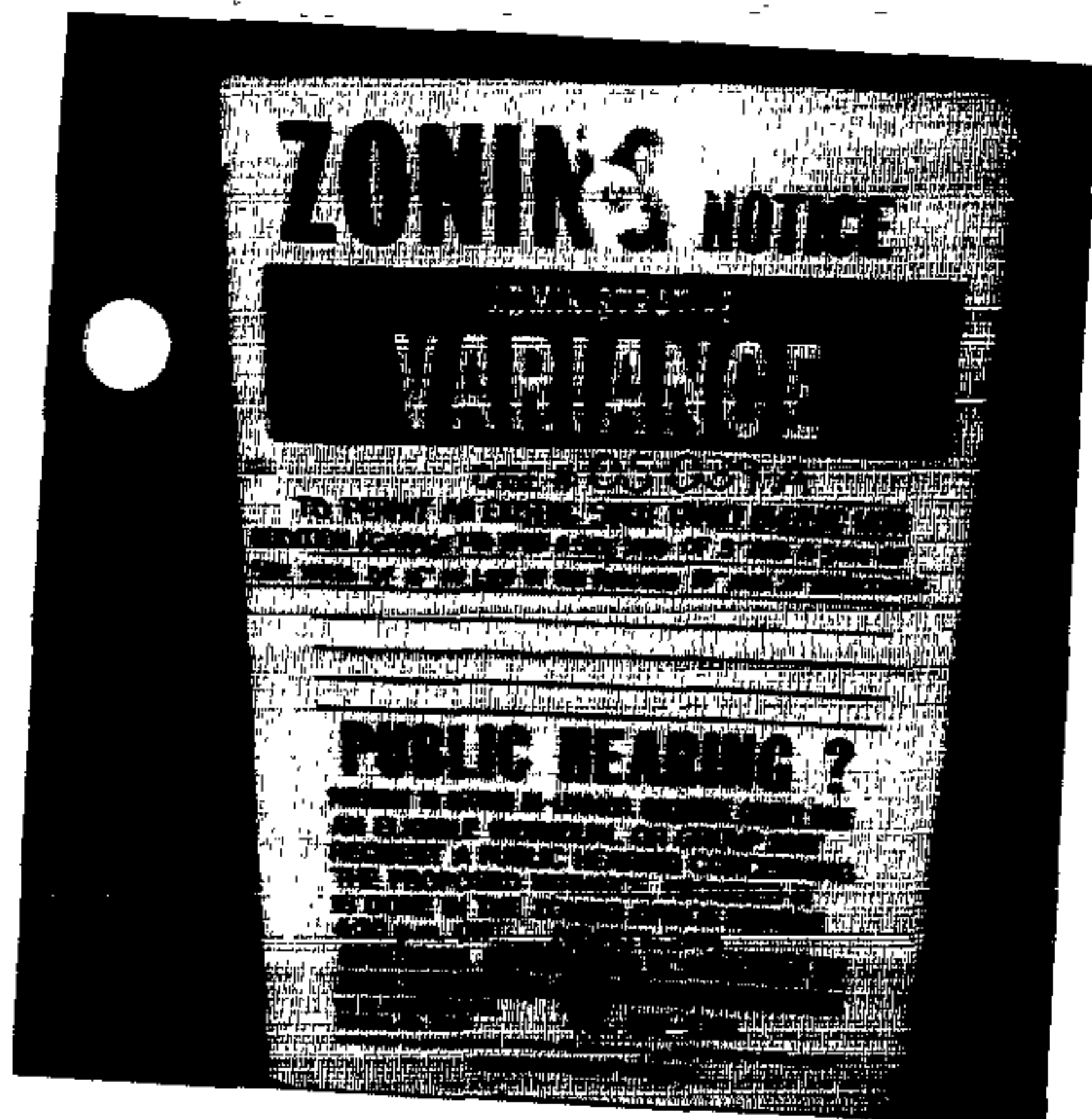
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 039 -A Address 9507 GUNVIEW RD
Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/20/04 Posting Date: 8/1/04 Closing Date: 8/16/04

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 05- 039 -A Address 9507 GUNVIEW RD
Petitioner's Name WILLIAM HAUGHT ETUX Telephone 410 256 2450
Posting Date: 8/1/04 Closing Date: 8/16/04
Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION (GARAGE) TO HAVE A SIDEYARD
OF 3' AND A SUM OF SIDEYARDS OF 15' IN LIEU
OF THE REQUIRED 10' AND 25' RESPECTIVELY

WCR - Revised 6/25/04

I HAVE RECEIVED POSTING INFO

**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: 05-039-A

Petitioner: WILLIAM F. HAUGHT

Address or Location: 9507 GUNVIEW RD. NOTTINGHAM, MD 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME AS PETITIONER

Address: _____

Telephone Number: 410 256-2450

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

August 16, 2004

William F. Haught
Sharon E. Haught
9507 Gunview Road
Nottingham, Maryland 21236

Dear Mr. and Mrs. Haught

RE: Case Number:05-039-A, 9507 Gunview Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 2004.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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





Baltimore County
Fire Department

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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 2, 2004

Item No.: 002, 036 ⁰³⁹ 049, 051

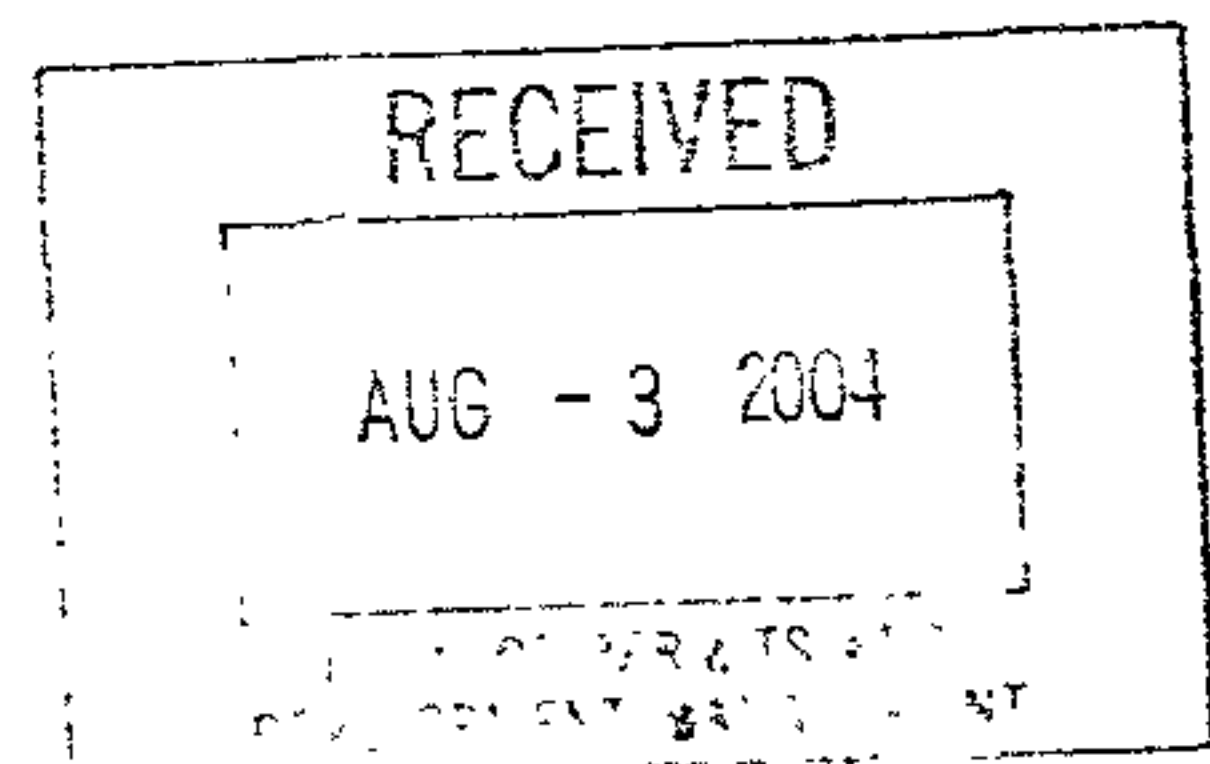
Dear Ms. Mathews:

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.

6. 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



Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: August 26, 2004

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

RWB / RJF

SUBJECT: Zoning Advisory Committee Meeting
For August 9, 2004
Item Nos. 036, 037, 038, 039, 040, 041,
044, 045, 046, 047, 048, and 051

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JO*

DATE: August 25, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 2, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-002

04-037

04-038

04-039

04-040

04-041

04-044

04-045

04-047

04-048

04-049

04-051

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 17, 2004

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

RECEIVED

AUG 18 2004

SUBJECT: 9507 Gunview Road

INFORMATION:

Item Number: 5-039

Petitioner: William F. Haught

Zoning: DR 3.5

Requested Action: Administrative Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the exterior façade of the proposed addition is constructed of the same materials as that of the existing dwelling

Prepared by:



Division Chief:



AFK/LL:MAC:

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



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

Maryland Department of Transportation

Date: 8.2.04

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

RE: Baltimore County
Item No. 039 LTM

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

$\mathcal{L}(\mathbf{y}|\mathbf{X}) = \prod_{i=1}^n \mathcal{L}(y_i|\mathbf{X}_i)$

Continued

L-SUBCOPROCESS

VICINITY MAP

SCALE 1" = 1000'

BELAIR RD

5

1

LOCATION INFORMATION

200' SCALE MAP # NE116
DRAWING DR 3.5
SHEET SIZE 120 9000

200' SCALE MAP # NE116
DRAWING DR 3.5
SHEET SIZE 120 9000

WATER	☒	☐
-------	-------------------------------------	--------------------------

WATER	☒	☐
-------	-------------------------------------	--------------------------

☐ ☒ WATER

10 YEAR FLOOD PLAIN ☐ ☒

☐ TOPIC PROPERTY/
 BUILDING

☒ OR ZONING HEARING

None

ZONING OFFICE USE ONLY

100

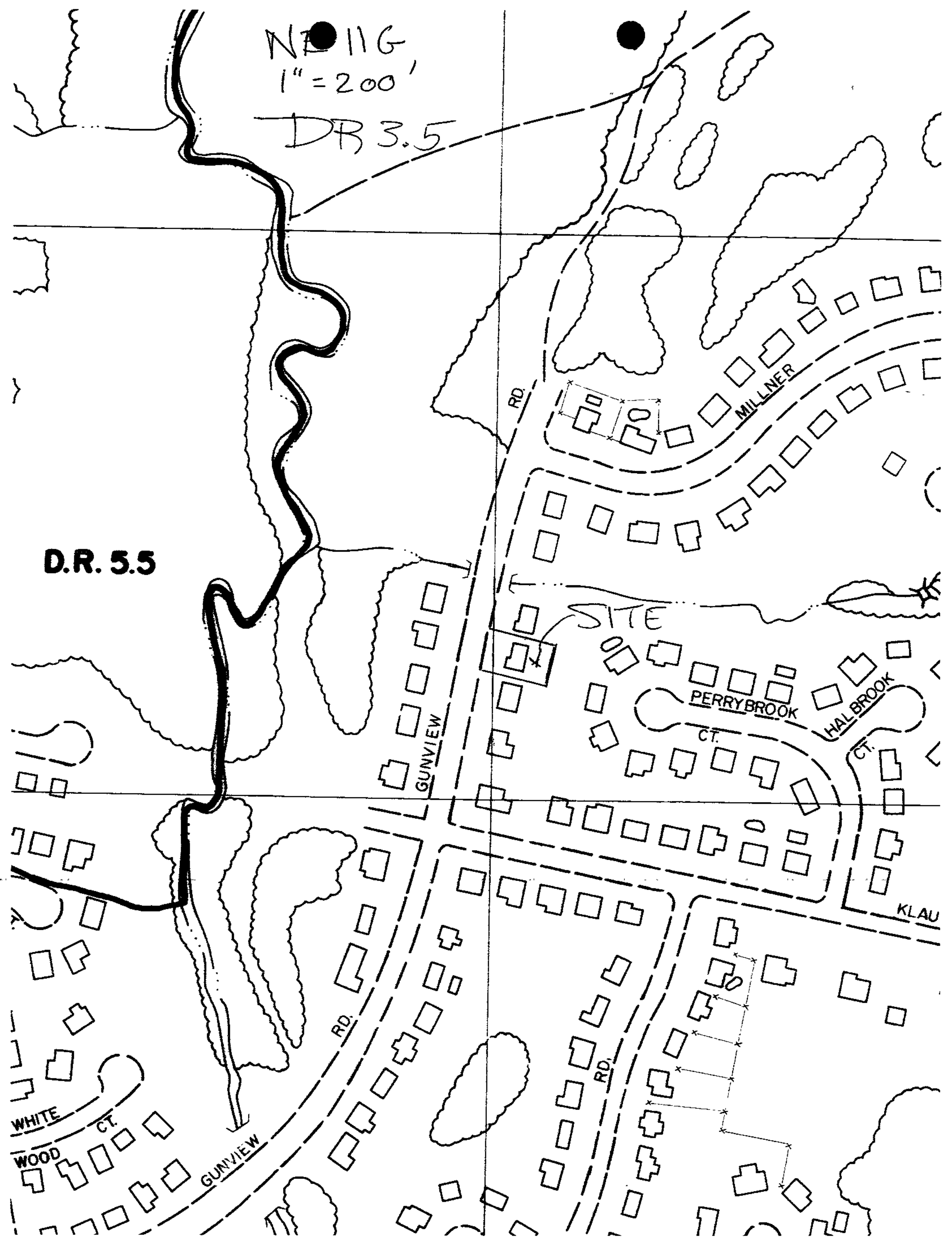
100

Abstract

NE 116,
1" = 200'

DR 3.5

D.R. 5.5





SITE OF GARAGE SHOWING PROXIMITY TO NEIGHBOR'S HOUSE

39



GARAGE SITE SHOWING PROXIMITY TO NEIGHBOR'S HOUSE

#39