

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Riverside Road, 785 ft. +/-
W of Mace Avenue
15th Election District
7th Councilmanic District
(121 Riverside Road)

Mildred Rose & Albert Paul Brown
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-111-A

* * * * *

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, Mildred Rose and Albert Paul Brown. The variance request is for property located at 121 Riverside Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yards of 6.5 ft. in lieu of the required 10 ft. for a single-family dwelling. 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 on September 5, 2004, 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

9/30/04
Ray

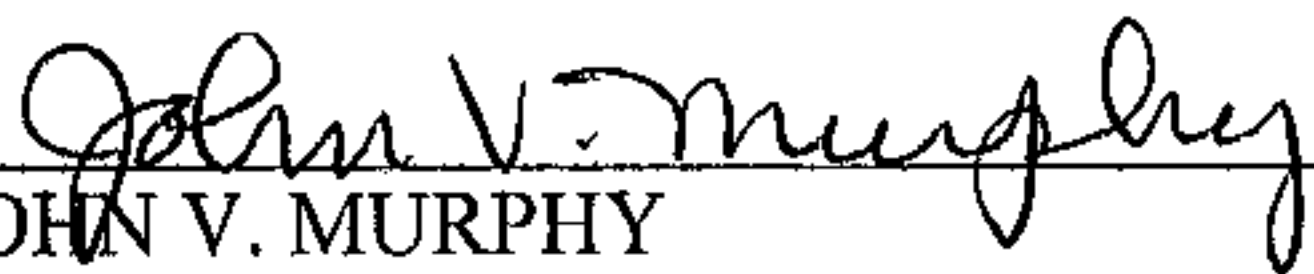
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 30 day of September, 2004, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yards of 6.5 ft. in lieu of the required 10 ft. for a single-family dwelling, 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 the Department of Environmental Protection & Resource Management (DEPRM).
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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/30/04
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 ³⁰~~29~~, 2004

Mr. & Mrs. Albert P. Brown
1002 Brightstone Drive, #303
Baltimore, Maryland 21237

Re: Petition for Administrative Variance
Case No. 05-111-A
Property: 121 Riverside Road

Dear Mr. & Mrs. Brown:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040





FOR ADMINISTRATIVE VARIANCE
the Zoning Commissioner of Baltimore County

for the property located at 171 RIVERSIDE ROAD
which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 TO ALLOW SIDE YARDS OF 6.5 FEET
IN LIEU OF THE REQUIRED 10 FEET, FOR A SINGLE
FAMILY DWELLING.

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):

ALBERT PAUL BROWN
Name - Type or Print _____
Signature _____

MILDRED ROSE BROWN
Name - Type or Print _____
Signature _____

1002 BRIGHTSTONE DR. #303
Address _____ Telephone No. _____
BALTIMORE MD. 21237
City _____ State _____ Zip Code _____

Representative to be Contacted:
DAVID BILLINGSLEY
Name _____
CENTRAL DRAFTING AND DESIGN, INC.

601 CHARWOOD CT. (410)679-8719
Address _____ Telephone No. _____
EDGEWOOD MD. 21040
City _____ State _____ Zip Code _____

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

CASE NO. 05-111A

SEP 10/25/01

Reviewed By JCM Date 8.27.04
Estimated Posting Date 9.5.04

Zoning Commissioner of Baltimore County

Affidavit 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 121 RIVERSIDE ROAD
Address
BALTIMORE MD. 21221
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):

THE OWNERS WISH TO REPLACE THE EXISTING FIRE DAMAGED DWELLING WITH A NEW DWELLING WITH ATTACHED GARAGE. THE ADDITIONAL WIDTH DUE TO THE ATTACHED GARAGE NECESSITATES THE NEED FOR THE VARIANCE.

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.

Albert Paul Brown
Signature
ALBERT PAUL BROWN
Name - Type or Print

Mildred Rose Brown
Signature
MILDRED ROSE BROWN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

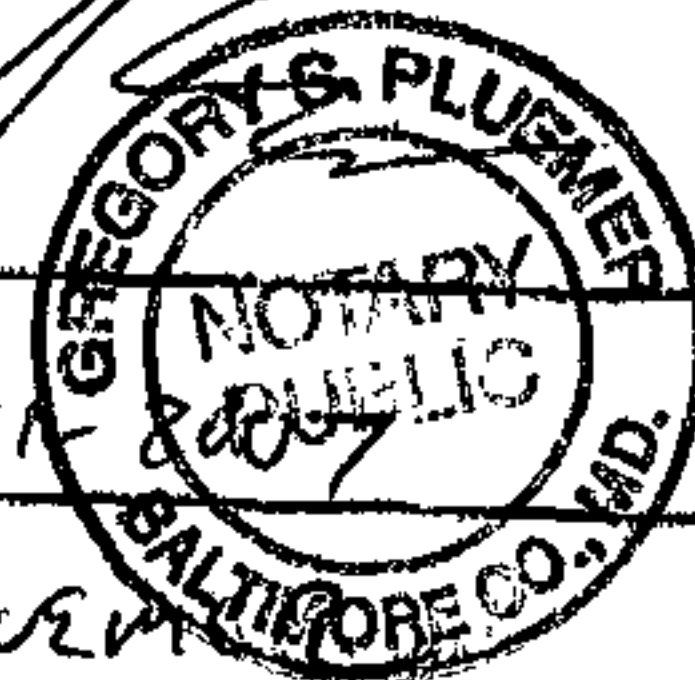
I HEREBY CERTIFY, this 2nd day of AUGUST, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ALBERT PAUL BROWN & MILDRED ROSE BROWN the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gregory S. Plummer
Notary Public

My Commission Expires 2-01-2007

GREGORY S. PLUMMER



REV 10/26/01

DESCRIPTION TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE

121 RIVERSIDE ROAD

Beginning at a point on the south side of Riverside Road (50 feet wide), said point being distant westerly 785 feet from the center of Mace Avenue (50 feet wide) thence (1) Southerly 200 feet, thence (2) Westerly 79 feet, thence (3) Northerly 200 feet, thence (4) Easterly 79 feet to the place of beginning. Containing 15,800 square feet or 0.36 acre of land, more or less.

Being known as 121 Riverside Avenue. Located in the 15th Election District, 7th Councilmanic District of Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 39765

DATE

8-27-09

ACCOUNT

001-006-6150

AMOUNT

\$ 65.00

RECEIVED

FROM

A. Brown

121

FOR

AD. UPA

Riverside Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DATE

8/27/2009 8/27/2009 10:23AM 2

FOR DEPOSIT WITHIN 90 DAYS

RECEIPT # 278207 8/27/2009 0834

FOR 5 YEAR FINANCIAL VERIFICATION

IS. NO. 00705

Receipt for \$65.00

\$65.00 ON 8/27/09

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-111-A

Petitioner/Developer: ALBERT

BROWN

Date of Hearing/Closing: 9/20/04

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:

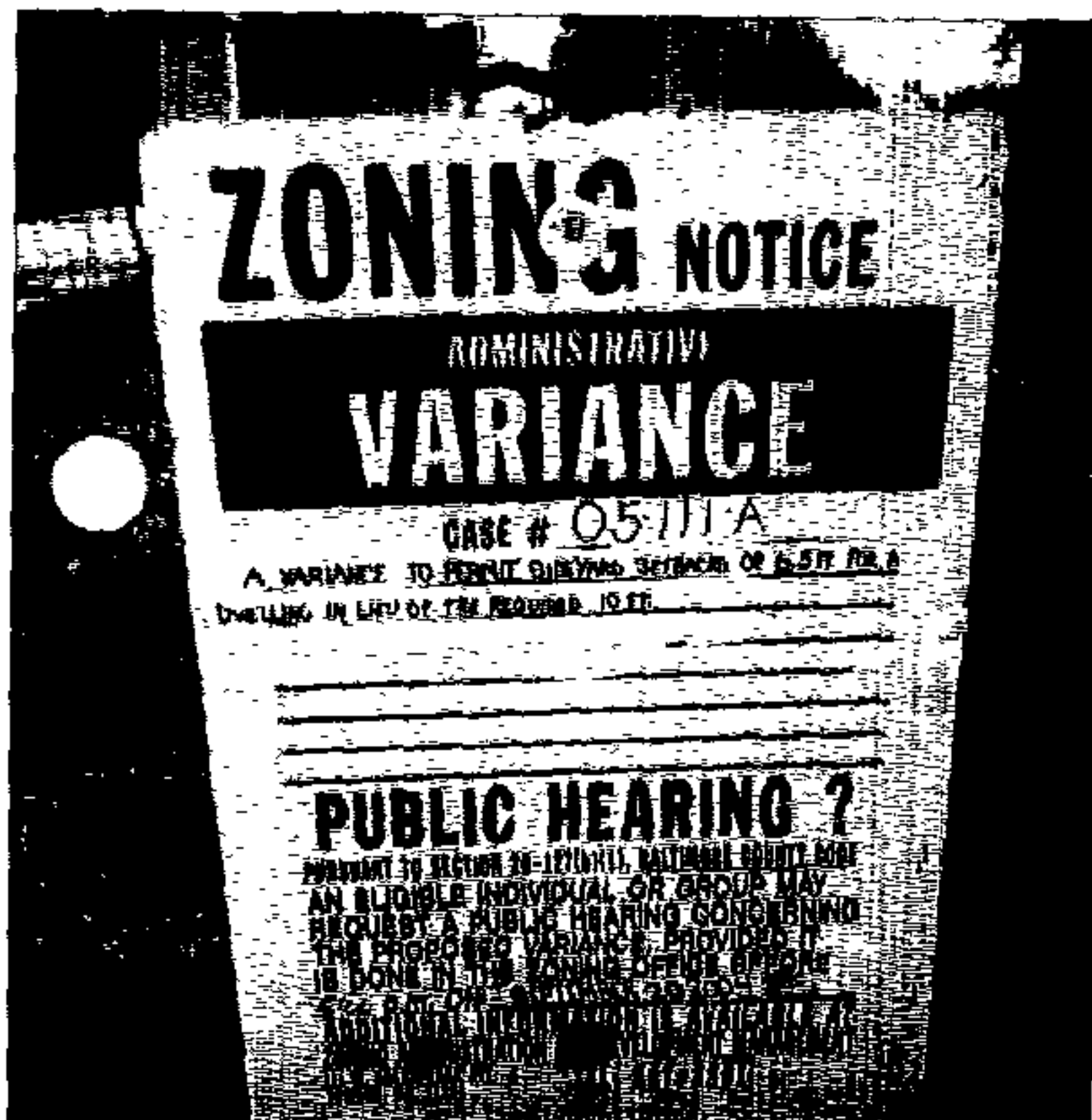
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

121 RIVERSIDE ROAD

The sign(s) were posted on _____

9/4/04
(Month, Day, Year)

Sincerely,



Robert Black 9/8/04
(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

Case Number 05- 111 -A Address 121 RIVERSIDE ROAD
Contact Person: J. M. [Signature] Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 8.27.04 Posting Date: 9.5.04 Closing Date: 9.20.04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.

(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- 111 -A Address 121 RIVERSIDE ROAD
Petitioner's Name ALBERT BROWN Telephone 916-5330
Posting Date: 9.5.04 Closing Date: 9.20.04
Wording for Sign: A VARIANCE To Permit SIDEYARA SETBACKS of 6.5ft.
for A Dwelling in lieu of the required 10ft.

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 05-111A

Petitioner: ALBERT & MILKRED BROWN

Address or Location: 121 RIVERSIDE AVE

PLEASE FORWARD ADVERTISING BILL TO

Name: ALBERT BROWN

Address 1002 BRIGHTSTONE DRIVE
BALTO. MD 21237

Telephone Number: (410) 916-5330

**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*

September 20, 2004

Albert Paul Brown
Mildred Rose Brown
1002 Brightstone Drive
Baltimore, Maryland 21237

Dear Mr. and Mrs. Brown:

RE: Case Number:05-111-A, 121 Riverside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 27, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design 601 Charwood Court Edgewood 21040

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

September 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: September 7, 2004

Item No.: 101-103, 105-111, 113-115

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 410-887-4881
MS-1102F

cc: File

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

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



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

Maryland Department of Transportation

Date: 9.7.04

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

RE: Baltimore County
Item No. 111 JCM

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

AY
9/20

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

OCT - 1 2004

ZONING COMMISSIONER

TO: Tim Kotroco
FROM: John D. Oltman, Jr JDO
DATE: September 29, 2004
SUBJECT: Zoning Item # 05-111
Address 121 Riverside Road (Brown Property)

Zoning Advisory Committee Meeting of September 7, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must 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).

Additional Comments:

Reviewer: Martha Mickey

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 15, 2004

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

RECEIVED

SEP 17 2004

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-111 and 5-113
Administrative Variance

ZONING COMMISSIONER

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

Prepared By:

Mark A. Cunningham

Division Chief:

John J. Harbeck

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 13, 2004
Item Nos. 101, 102, 103, 104, 105, 106,
107, 109, 110, (111) 112, 113, 114, and
115

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

RWB:CEN:jrb

cc: File



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

To File

August 1, 2005

David K. Gildea, Esquire
Joseph R. Woolman, Esquire
Gildea, LLC
300 E. Lombard Street – Suite 1440
Baltimore, MD 21202-3228

RE: Circuit Court Civil Action No. 3-C-05-007755
Petition for Judicial Review
Miller-Tipper Property
Board of Appeals Case No.: CBA-05-111 & CBA-04-135

Dear Messrs. Gildea and Woolman:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on July 20, 2005, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-05-007755.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel
Linda B. Fliegel
Legal Secretary

/lbf
Enclosure

c: William J. Wiseman, Esq./Zon. Comm
Arnold F. Keller, III, Dir., Office of Planning
Peter M. Zimmerman, Esq.
People's Counsel for Baltimore County
Carole Demilio, Deputy/People's Counsel

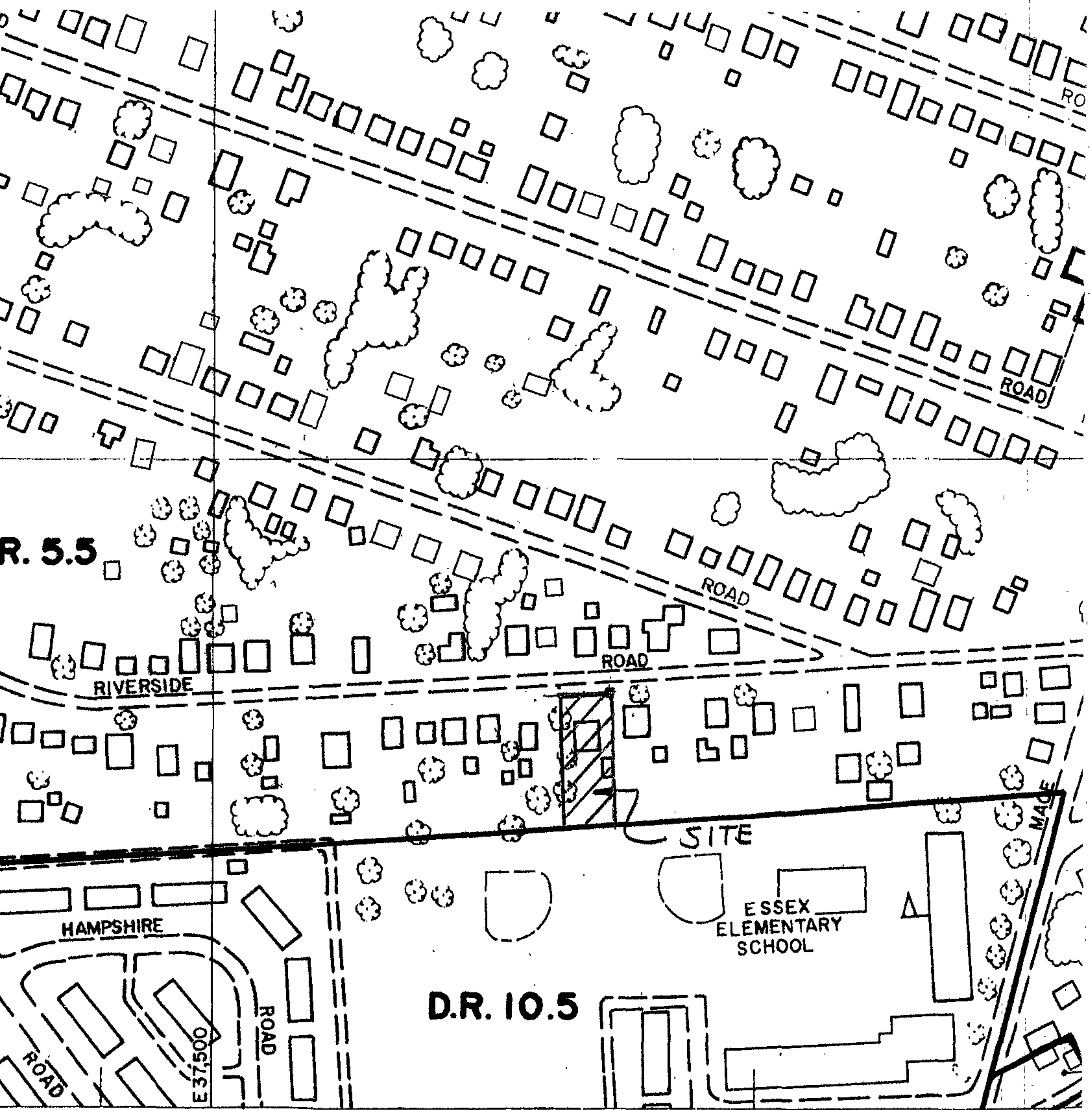


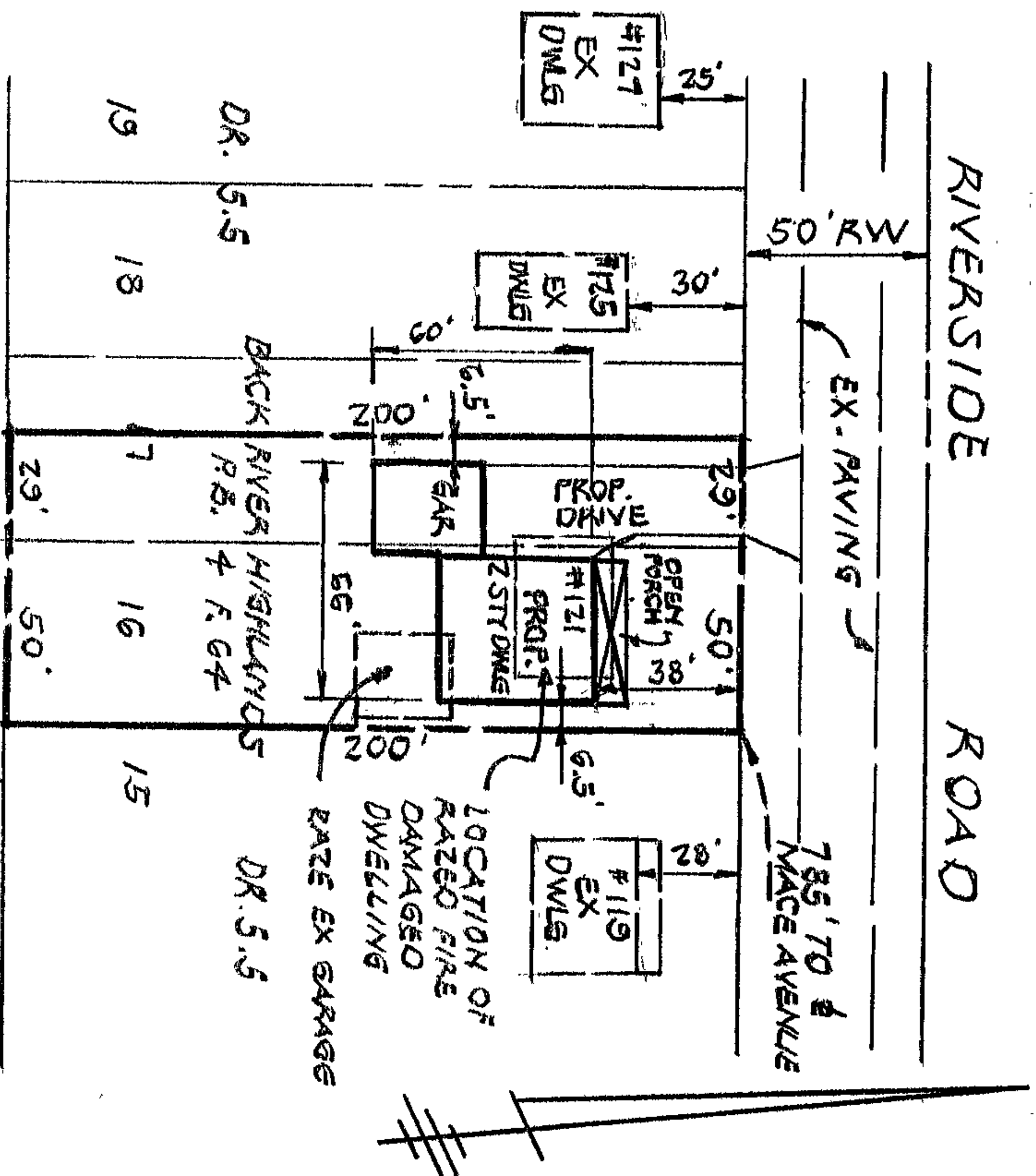
Robert J. Barrett, Dir./Dept. of Rec. & Parks
Edward Adams, Jr. Dir./Dept. Public Works
Russ Dickens
David Taylor/Morris & Ritchie
C. Robert Loskot, Esq./Asst. Co. Atty.
J. Carroll Holzer, Esq.
Dr. Richard McQuaid
Marion V. Runkles, III
Timothy M. Kotorco/Dir. PDM
Donald Rasco/

171 RIVERSIDE ROAD

SCALE: 1" = 200'

NE 2-6





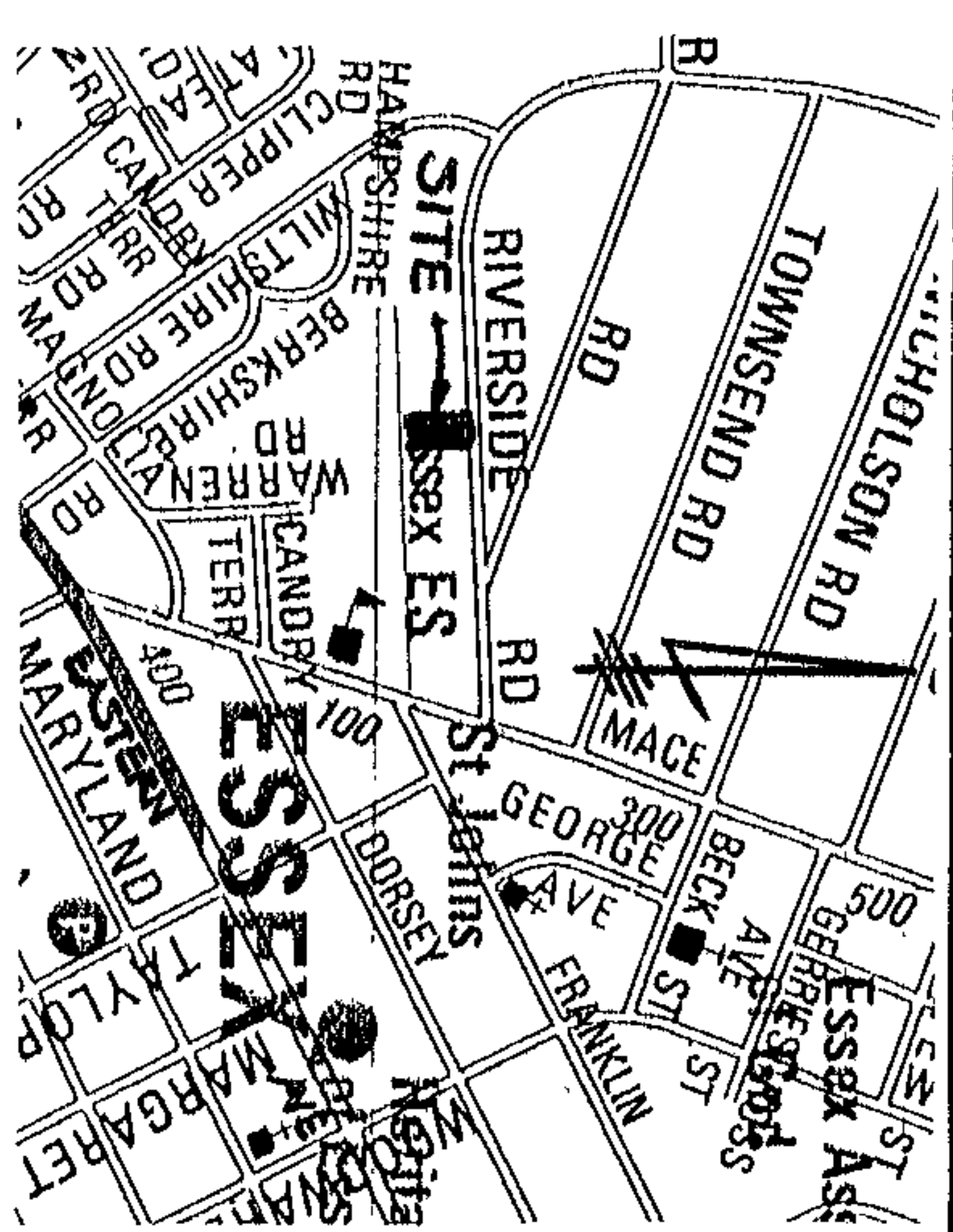
DR 10.5
ESSEX ELEMENTARY SCHOOL

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
ALBERT P & MILDRED R BROWN
1002 BRIGHTSTONE DRIVE
BALTIMORE, MD. 21237

- NOTES
1. ZONING.....DR 5.5 (N.E. 2-G)
 2. AREA 15,800 S.F. = 0.36 ACRE
 3. PUBLIC WATER AND SEWER EXIST
 4. SITE IS LOCATED IN THE CBCA
 5. SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN
 6. NO ZONING HISTORY
 7. NO HISTORIC BUILDINGS EXIST

VICINITY MAP
SCALE=1"=1000'



PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
121 RIVERSIDE ROAD
ELECTION DISTRICT 15,C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 50 FEET
AUGUST 15, 2004



1



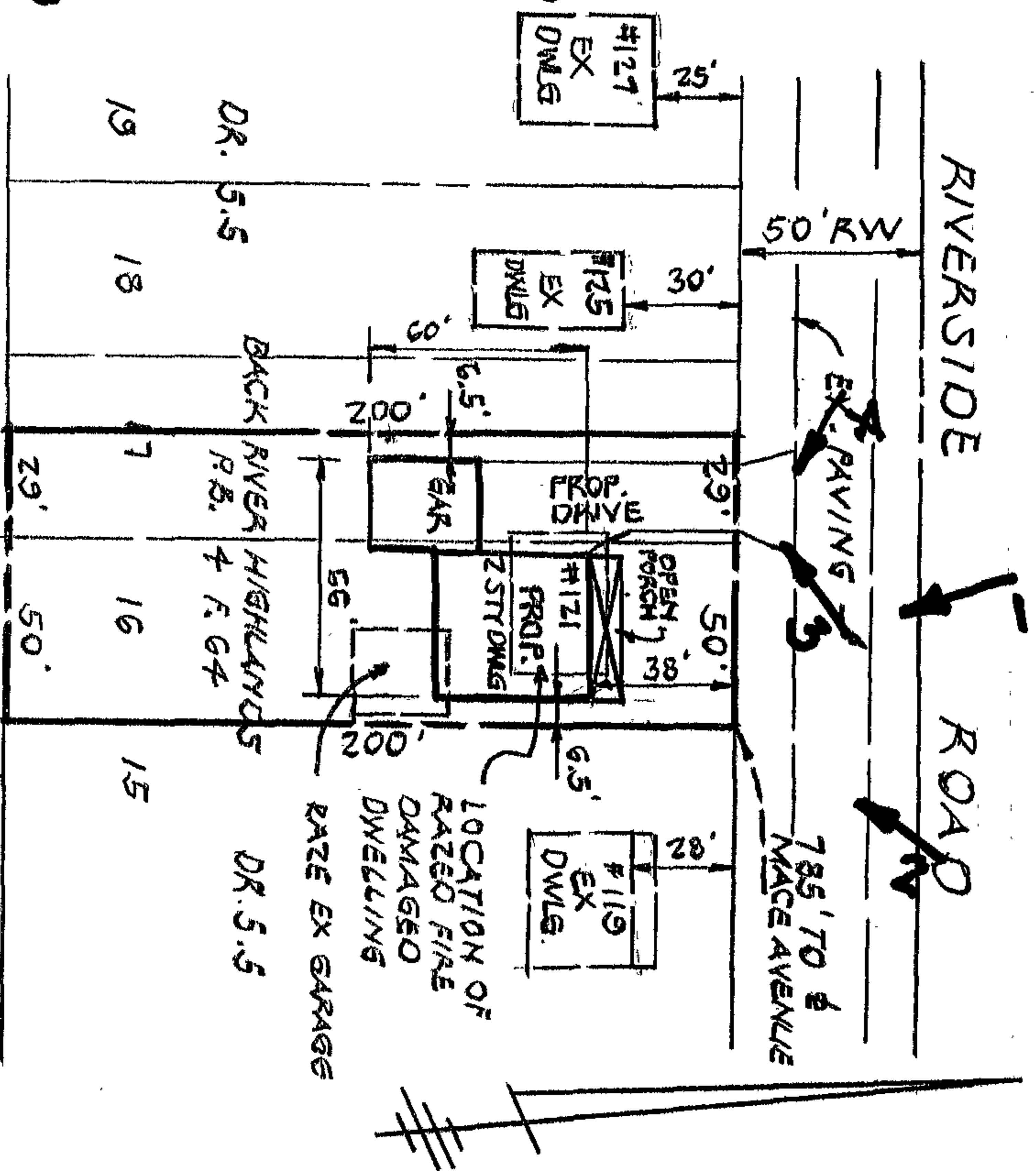
2



3



4



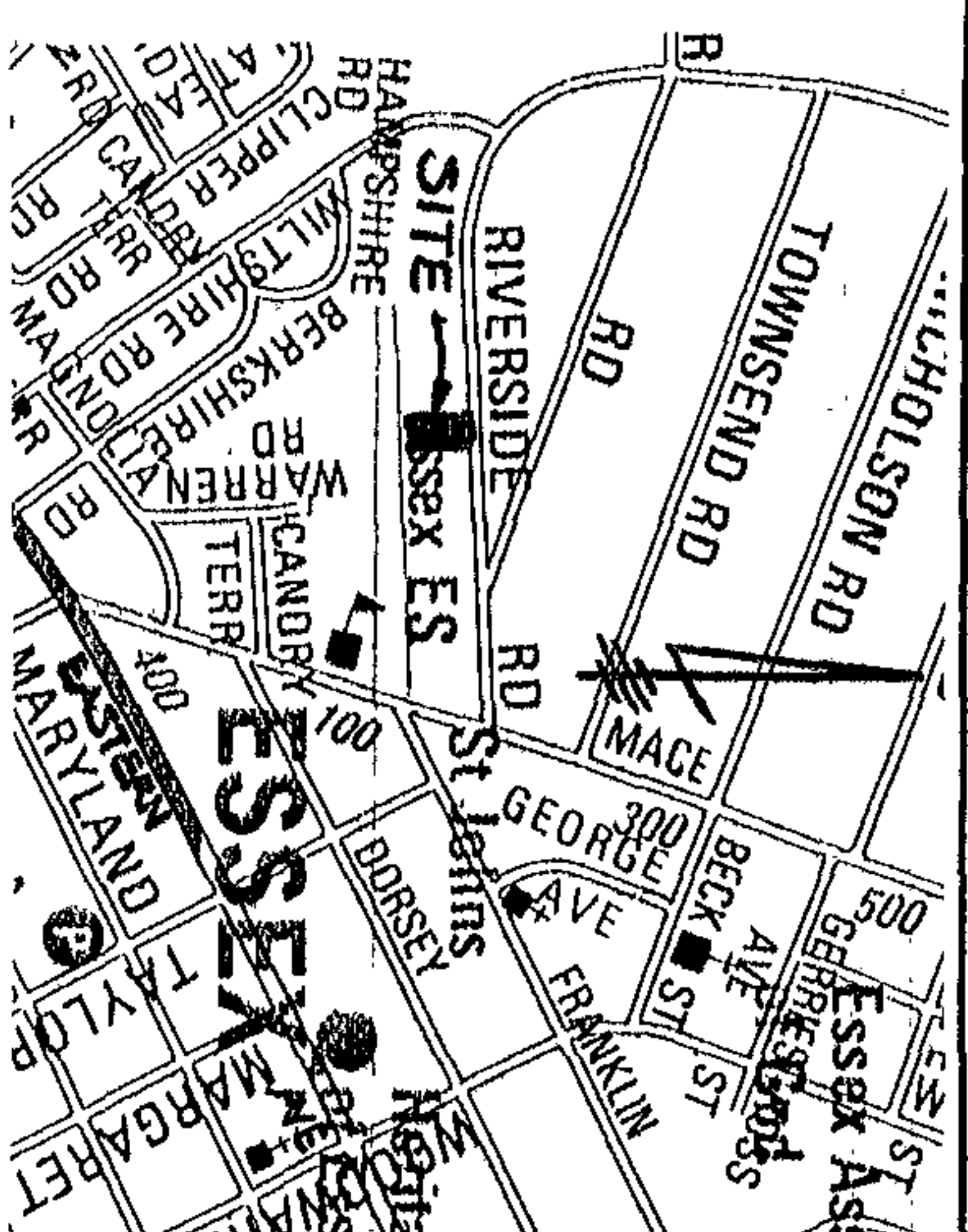
DR 10.5
ESSEX ELEMENTARY SCHOOL

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
ALBERT P & MILDRED R BROWN
1002 BRIGHTSTONE DRIVE,
BALTIMORE, MD. 21237

NOTES

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VICINITY MAP
SCALE=1"=1000'

SCALE = 1" = 1000'

PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

**121 RIVERSIDE ROAD
ELECTION DISTRICT 15,C7
BALTIMORE COUNTY, MARYLAND
SCALE : 1 INCH = 50 FEET
AUGUST 15, 2004**