OH FILING

IN RE: PETITION FOR ADMIN. VARIANCE W/S Rocklyn Avenue, 300' N of the c/l

Bedford Road

(510 Rocklyn Avenue)

3rd Election District 2nd Council District

David Kays, et ux Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 05-138-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, David Kays, and his wife, Barbara Kays. The Petitioners seek relief from Section III.C.2 of the Baltimore County Zoning Regulations (1945-53 B.C.Z.R.) to permit a front yard setback of as close as 11 feet in lieu of the required 25 feet for a proposed patio enclosure/deck 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 32-3-303 of the Baltimore County Code, which 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 Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) 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.

JADER RECE

OFFDER RECEIVED/FOR FILING
Date
By

Based upon the documentation contained therein, I am persuaded to grant the requested variance. It was indicated that an existing covered deck (7' x 12'5") on the front of the house will be extended by an additional 7' and the entire structure enclosed to create a three-season patio room, 12'5" x 14' in dimension. There were no adverse comments from any County reviewing agency and the neighbors on both sides submitted a letter of support indicating they have no objection to the Petitioners' proposal. There are no homes on the opposite (east) side of Rocklyn Avenue and woods on that side of the road block the view of a parking lot for the Maryland Light Rail system. Thus, it is clear that a grant of the relief will not result in any detrimental impact to adjacent properties or surrounding locale.

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.

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.

ULLIAM J. WISHMAN, II

Zoning Commissioner for Baltimore County

WJW:bjs

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 20, 2004

Mr. & Mrs. David Kays 510 Rocklyn Avenue Baltimore, Maryland 21209

RE: PETITION FOR ADMINISTRATIVE VARIANCE W/S Rocklyn Avenue, 300' N of the c/l Bedford Road (510 Rocklyn Avenue)

3rd Election District – 2nd Council District David Kays, et ux - Petitioners
Case No. 05-138-A

Dear Mr. & Mrs. Kays:

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

Zoning Commissioner for Baltimore County

WJW:bjs

cc:

People's Counsel; Case File







ORDER REC

REV 10/25/01

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 510 Rocklyn Ave which is presently zoned D.R. 5.5

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Date

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) III. C. 2 (A"RESIDENCE ZOWE 1945-53 BCZR)

TO PERMIT A FRONT YARD SETBACK OF AS CLOSE AS II FT. TO PROPERTY LINE IN LIEU OF 25 FT, (FOR A PROPOSED PATIO ROOM.)

APPLITION:

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.

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): Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature **Attorney For Petitioner:** Address Name - Type or Print City State Representative to be Contacted: Signature Company Address Telephone No. State Zip Code State 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 ons of Baltimore County and that the property be reposted.

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.

That the Affiant(s) does/do presently reside	at <u>5/0 R</u>	ocklyn Ave	
· · · · · · · · · · · · · · · · · · ·	Address Balfo	. 111	21208-590
	City	State	Zip Code
That based upon personal knowledge, the Variance at the above address (indicate ha	rdship or practical (difficulty):	•
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and 38 At to the ther are No ho	mes on	the East	side of
Rocklyn Ave.	A		ı
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weather and in	sects		
That the Affiant(s) acknowledge(s) that if	a formal demand	is filed. Affiant/s) will be	required to new a reposting and
advertising fee and may be required to prov	vide additional infor	mation.	required to pay a repositing and
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Signature	,	Signature	<u> 1799</u>
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Name - Type or Print		Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BA	I TIMODE to with	*************	
1	•		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesal	d, personally appea	red , <u>200 4,</u> before	e me, a Notary Public of the State
the Affiant(s) herein, personally known or s	a Kuy	S	
the Affiant(s) herein, personally known or s	atisfactorily identific	ed to me as such Affiant(s).	í
AS WITNESS my hand and Notarial Seal		•	· .
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DELORES A. SCOTT NOTARY PUBLIC STATE OF MARYLA	Nota	ry Public	
My Commission Expires November 26,		Commission Expires//_	-26-05

REV 10/25/01

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

•	12a/FO		21208	
-	City City	State		Zip Code
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STATE OF MARYLAND, COUNTY OF BALTII	•			
I HEREBY CERTIFY, this day of sof Maryland, in and for the County aforesaid, pe	ersonally appeared	, <u>200 \</u> , before me	e, a Notary Public of	i the State
David & Barbara	Kays			
the Affiant(s) herein, personally known or satisf	actorily identified to m	ne as such Affiant(s).		
AS WITNESS my hand and Notarial Seal	-		^ _ *	•
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DELORES A. SCOTT NOTARY PUBLIC STATE OF MARYLAND My Commission Expires November 24, 2005	Notary Pub	1 4.	* * * * * * * * * * * * * * * * * * * *	
My Commission Expires November 26, 2005	My Commi	ssion Expires	26-05	48 Land - 41 Land Land American
REV 10/25/01			· · · · · · · · · · · · · · · · · · ·	•



CASE NO.

REV 10/25/01





to the Zoning Commissioner of Baltimore County

for the property located at 510 Rocklyn Ave which is presently zoned DR 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) III. C. 2. ["A" Residence Zone (1945-53BCZR) To Permit a Front Yand Setback of as Close as 11th, to Poperty Line In Lieu of 2541. Chara Proposed Patio Room Addition)

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.

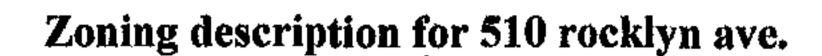
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			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/Less	200 :		Legal Owner(s):
Name - Type or Print	; ;		Name - Type or Print Out out
Signature	· · · · · · · · · · · · · · · · · · ·		Signature
Address	!	Telephone No.	Name - Type or Print Scurbanc Rays
City	State	Zip Code	Signature Signature
Attorney For Petitioner:			510 Rocklyn Ave 410 486 1932 Address Balto Ma 21208-5909
Name - Type or Print			
Signature	; 	······································	Representative to be Contacted:
Company	; - 		Gerard Andersen Name 7/10 Golden Ring Rd 410-780-0062 Address Telephone No.
Address	- 	Telephone No.	, , ,
City	State	Zip Code	Ba to Ma 2/22 / State Zip Code
A Public Hearing having been for his day of egulations of Baltimore County and	mally demands the the prope	ded and/or found to be at the subject matter of the rty be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
-	i		Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

Date



Beginning at a point on the west-side of Rocklyn ave. which is 25 ft wide at the distance of 300 ft north of the centerline of the nearest improved intersecting street, Bedford rd. Which is 30 ft wide. Being lot # 18, Block N, Section #3 in the subdivision of Williamsburg as recorded in the Baltimore county Plat book # 18, Folio# 122 containing 5,500 sq.ft., also known as 510 Rocklyn Ave. and located in the Policetion district, 2nd concilmanic District

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CERTIFICATE OF POSTING

	RE: Case No.: 05-138-A
ab.	Petitioner/Developer: DAVI
•	BARBARA KAYS
	Date of Hearing/Closing: 10/1
Baltimore County Department of Permits and Development Management County-Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews ((410) 887-339	94}
Ladies and Gentlemen:	
This letter is to certify under the penalties	of perjury that the necessary sign(s) required by law
posted conspicuously on the property loca	ited at:
5/0 K	OCKLYW AVE
nna a da	
The sign(s) were posted on	9/26/04
The sign(s) were posted on	Month, Day, Year)
The sign(s) were posted on	
The sign(s) were posted on	(Month, Day, Year)
The sign(s) were posted on	(Month, Day, Year)
	(Month, Day, Year)
The sign(s) were posted on	(Month, Day, Year) Sincerely, Pobert Black 9/2
	(Month, Day, Year) Sincerely, Colort Black (Signature of Sign Poster) SSG Robert Black
	(Month, Day, Year) Sincerely, Colort Black (Signature of Sign Poster) SSG Robert Black (Print Name)
	(Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road
	(Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name)
	(Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road
	(Month, Day, Year) Sincerely, Colort Black (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address)
	(Month, Day, Year) Sincerely, Colort Black (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222

RECEIVED

SEP 2 8 2004

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

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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:
Petitioner: David Kays
Address or Location: 510 Rocklyn Auc
PLEASE FORWARD ADVERTISING BILL TO:
Name: Champion
Name: Champion Address: 7/10 Golden Ring RP
Balto MD 21221
Telephone Number: 410 780-0062

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

THE TAND DATES
Case Number 05- 138 -A Address 510 Rock LYN ME
Contact Person: John Lawis
Filing Date: 9 14 04 Posting Date: Phone Number: 410-887-3391
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05-138 -A Address 5/0 RockLyn/ AUE
etitioner's Name KAYS DAVID & BABBARA Telephone 410 # 486 1935
osting Date: 9/26/04- Closing Date: 10-11-04
ording for Sign: To Permit A FRONT VARD SETBACK SEINCE OF U.S. To Passonia
JE IN LIEU OF 25 FT. (FOR A PROPOSED PATIO ROOM ADDITION)

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

October 18, 2004

David Kays Barbara Kays 510 Rocklyn Avenue Baltimore, Maryland 21208-5909

Dear Mr. and Mrs. Kays:

RE: Case Number: 05-138-A, 510 Rocklyn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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,
U. Callidal Dilla

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Gerard Andersen 7110 Golden Ring Road Baltimore 21221



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 29, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: September 27, 2004

Item No.:

138-143

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.

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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 7, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For October 4, 2004 Item Nos. (38) 139, 140, 141, 142,

and 143

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

PDM

FROM:

John D. Oltman, Jr Jod

DEPRM

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 27, 2004.

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

05-138

05-139

05-140

05-142

05-143

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLANDVED

INTER-OFFICE CORRESPONDENCE
ZONING COMMISSIONER

DATE: October 8, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-138 – Administrative Variance

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.

MAC/LL



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

166

Maryland Department of Transportation

RE:

Date: 9.28.04

Baltimore County

Item No. 138

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

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,

J. J. Soull

Steven D. Foster, Acting Chief Engineering Access Permits Division



To Whom It May Concern:

David and Barbara Kays of 510 Rocklyn Avenue, Baltimore County, Maryland, have shared with us their plans to enlarge and enclose the front porch of their home creating a three-season room.

of 512 Rocklyn Avenue, Baltimore County, Maryland

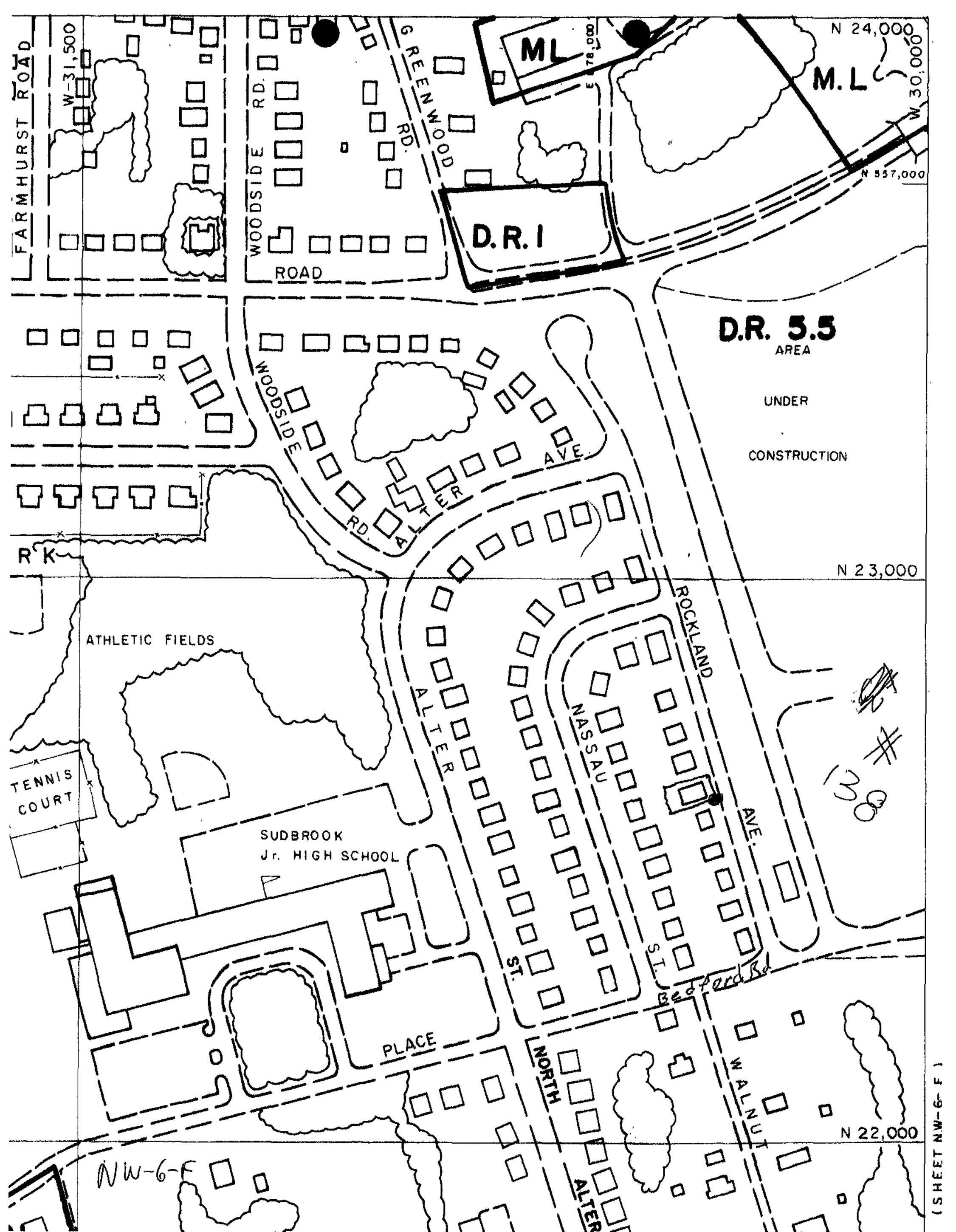


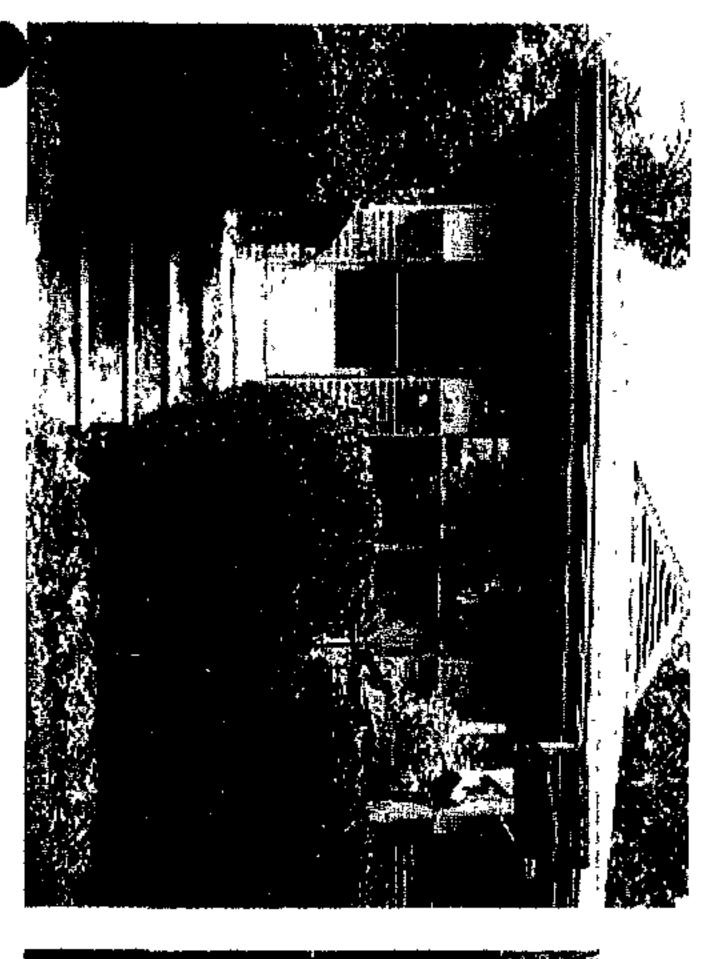


David and Barbara Kays of 510 Rocklyn Avenue, Baltimore County, Maryland, have shared with us their plans to enlarge and enclose the front porch of their home creating a three-season room.

of 508 Rocklyn Avenue, Baltimore County, Maryland

PREPARED BY Gerard Andersen 22	A TO BEDFORD KU. 14	SCO FT. ON PAINS	PongsTaphone Katanyu Tan +508	Rocklyn		PLAT TO ACCOMPANY PETITION FO PROPERTY ADDRESS 5/0 Rocklyn Ave SUBDIVISION NAME Williamsburg PLAT BOOK # 18 FOLIO # 122_LOT # 18 SECTION # 3 OWNER Kays. David + Barbara
AARIL 2 SCALE OF	POCKIYA AVENUE	755.4° 1.7° 4910° 1.7° 27.4° 25.4° 1.7° 25.4	100'	- N72°10'.	0'50"\	R ZONING WARIANCE
APPUD PLAT 1953 PLENDING-COMM. PREVIEWED BY ITEM # CASE # DRAWING: 1" = 20 DRAWING: 1" = 20 DRAWING: 1" = 20	AR FLOOD PLAIN C PROPERTY/)ING ONING HEARING	SEWE PEAK	LOCATION INFORMATION ELECTION DISTRICT COUNCIL MANIC DISTRICT 1"=200' SCALE MAP # NW-6-F	OCK WILL STATE OF THE STATE OF	OLES I DE DIOLINA COMO COMO COMO COMO COMO COMO COMO COM	





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Front



e At side



ight side



No homes across the street.
Trees blocking view of purking
Lot for light rail

510 Rocklyn Ac

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