IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Galloway Road, 1,350 ft. N
centerline of Cold Spring Road
15th Election District
6th Councilmanic District
(3610 Galloway Road)

Linda T. & Raymond Boswell Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

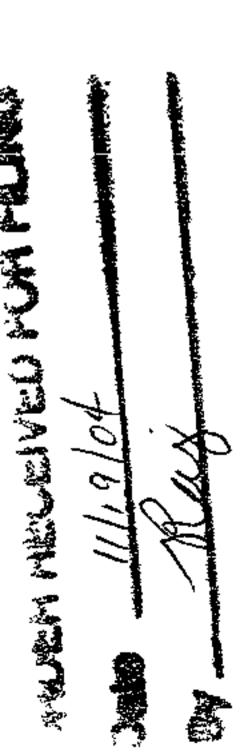
* CASE NO. 05-195-A

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, Linda T. and Raymond Boswell. The variance request is for property located at 3610 Galloway Road in the eastern area of Baltimore County. The variance is requested from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a street centerline setback of 50 ft. and side setbacks of 10 ft. and 14 ft. in lieu of 75 ft. and 50 ft. (each) respectively (for an Isabelle replacement 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 October 23, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agencies: A ZAC comment was submitted by the Office of Planning dated November 15, 2004, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 16, 2004, a copy of which is attached hereto and made a part hereof.



Notice is taken that the property, which is the subject of this variance request, consists of 11,200 sq. ft., and is zoned RC 5.

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 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, this <u>19</u> day of November, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a street centerline setback of 50 ft. and side setbacks of 10 ft. and 14 ft. in lieu of 75 ft. and 50 ft. (each) respectively (for an Isabelle replacement dwelling), be and it is hereby APPROVED, 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 the ZAC comments submitted by the Office of Planning dated November 15, 2004, a copy of which is attached hereto and made a part hereof;

WANTED FOR THE

- 3. Compliance with the ZAC comments submitted by DEPRM dated November 16, 2004, a copy of which is attached hereto and made a part hereof;
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

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





James T. Smith, Jr., County Executive
William J Wiseman III. Zoning Commissioner

November 19, 2004

Mr. & Mrs. Raymond Boswell 3610 Galloway Road Baltimore, Maryland 21220

Re: Petition for Administrative Variance Case No. 05-195-A

Property: 3610 Galloway Road

Dear Mr. & Mrs. Boswell:

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 V. Musphy

JVM:raj Enclosure



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



CBCA/FLOO Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

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) 1A04,3 B, 2 BCZR TO

PERMITASTREET CENTERLINE SETBACK OF 50 FT. AND SIDE SETBACKS OF BOF 10 AND 14 FT IN LIEU OF 75 FT. AND 50 FT (EACH) RESPECTIVELY.

(FOR AN ISABELLE REPURLEMENT DIVILO.)

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.

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City	State	Zip Code	Signature	5	
Attorney For Petition	<u>ner:</u>		36/10 Address	Galloway Rok	710686499 Telephone No.
			BALTI	more No	21220
Name - Type or Print			City	State	Zip Code
Signature			<u>Representa</u>	tive to be Contacted:	
Company		· · · · · · · · · · · · · · · · · · ·	Name	···· =	
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address		Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having be this a day of	en formally demande	ed and/or found to be	required, it is ordere	ed by the Zoning Commissioner public hearing, advertised, as re	of Baltimore County,
regulations of Baltimore Coun	ty and that the property	be reposted	ins peddon be set for a	i publicaleaning, advertised, as it	equired by the zoning
		-			
CASE NO 05	5 195 A	- Ray	Zoning iewed By	Commissioner of Baltimore Cou	nty /
CASE NO. <u>05</u> REV 10/25/01			imated Posting Da		104
			•		



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.

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That the Affiant(s) does/do presently reside at	3610	(EALLOA	By (Rod	
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•	City	Sta	te /	Zip Code
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STATE OF MARYLAND, COUNTY OF BALTIN				
I HEREBY CERTIFY, this 25th day of 0 of Maryland, in and for the County aforesaid, pe	ersonally appeared	, <u>2004</u> , b	efore me, a Notary Pu	ublic of the State
RAYMOND BOSWELL AND		OSWELL		
the Affiant(s) herein, personally known or satisfa			ıt(s).	
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Affidavit in Support of Administrative Variance

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Variance at the above address (indicate hardship	p or practical diffi	culty):		4	
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STATE OF MARYLAND, COUNTY OF BALTIM	•				
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	rsonally appeared	, <u>2004</u>	, before me,	a Notary Public	of the State
RAYMOND BOSWELL AND					
the Affiant(s) herein, personally known or satisfa			iant(s).		
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REV 10/25/01



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REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County



This Petition shall be filed with the Department of Permits and Develop	ment Management. The undersigned, lega
Olynor(s) of the property cituate in Raltimore County and which is described in	s the denoriation and plot attached hereto and
made a part hereof, hereby petition for a Variance from Section(s)	1,3B,2 BLZR 70
DE LACINOTATE OF SAFF	AND SIDE DECISACE OF 10 1000
14 ST. IN LIEW OF 75 FT. AND 50 FT (EACH) R	ESPECTIVELY (FOR AN
(ISABELLE REPLACEMENT DWLG.)	

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: Legal Owner(s): DOSWE !! Name - Type or Print Name Signature Signeture Address Telephone No. Name 2 City State Zip Code Signatur **Attorney For Petitioner:** Address Telephone No Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No **Address** Telephone No City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zening 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. Zoning Commissioner of Baltimore County CASE NO. Reviewed By

Estimated Posting Date

Coming Lexcuption

3610 Falloway Rof

West Side Galloway Rof 1,350 FT. NORTH OF

CODSMING RD. Being Cot 37, PLAT ONE,

BOUNEYS QUARTERS GLB 7 FOLIO 22

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195

PRACTICAL PIFFICULTY
HERDSHIP
FOR 3CIO GALLOWRY RD.

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CERTIFICATE OF POSTING

RE: Case No.: <u>05-195-A</u> Petitioner/Developer: LINDA * RAYMOND BOSWELL

Date of Hearing/Closing: 11/01/04 **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: ______ 3610 GALLOWAY RD The sign(s) were posted on _ Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



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: A POSITEH 05/95 A
Petitioner: x $3c5w \in II$
Address or Location: x 3610 Galloway ROL 21220
PLEASE FORWARD ADVERTISING BILL TO.
Name: X KINCLA BOSWELL
Address: k 615 GEORGE AVE
x Baito mal
Telephone Number: x 410 6864943

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOP

PMENT MANAGEMENT

APPHAS CRIGH POST 615T

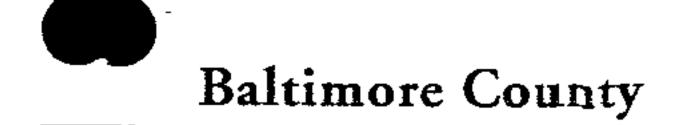
<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 05- 195 -A Address 36/0 GALLOWAY RD
Contact Person: LEWIS Phone Number: 410-887-33
Filing Date: 10 15 105 Posting Date: 10 24 4 Closing Date: 1/08
Any contact made with this office regarding the status of the administrative variance should 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 treverse side of this form) and the petitioner is responsible for all printing/posting costs. A reposting must be done only by one of the sign posters on the approved list and the petition 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 closic date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to f a formal request for a public hearing. Please understand that even if there is no form 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 (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 original posted, certification of this change and a photograph of the altered sign must be forwarded 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- 195 -A Address 3610 6ALLOWAY RD
Petitioner's Name (LINDA & RAYMANI) BOSWELL Telephone
Posting Date: 10/24/04 Closing Date: 11/02/04
Wording for Sign: To Permit A STREET CENTERUNE SETRACE AND SIDE
SETBACKS OF 10 FT AND 14 FT IN LIEU OF 75 FT AND 50 FT (EACH)
RESPECTIVELY (FOR A 15ABELLE REPRACEMENT DULLS

Department of Permits Development Management

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





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

November 1, 2004

Linda Terry Boswell Raymond Boswell 3610 Galloway Road Baltimore, Maryland 21220

Dear Mr. and Mrs. Boswell:

RE: Case Number: 05-195-A, 3610 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 15, 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, Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

October 27, 2004

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.: 172, 174, 177, 183(195)

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



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

Robert L. Flanagan. Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

Date: 11.9.04

Baltimore County

Item No. 195

RE:

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,

Steven D. Foster, Chief

1. J. Gredh

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ТО:	Tim Kotroco
FROM:	John D. Oltman, Jr JOO
DATE:	November 16, 2004
SUBJECT:	Zoning Item # 05-195 Address 3610 Galloway Road (Boswell Property)
Zoning	g Advisory Committee Meeting of October 25, 2004.
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
<u>X</u>	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).
<u>X</u>	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).
<u>Additi</u>	onal Comments:

Reviewer: Martha Mickey Date: November 16, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 15, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3610 Galloway Road

INFORMATION:

Item Number:

Petitioner:

Linda Terry Beswell

Zoning:

RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the height of the proposed dwelling does not exceed 45 feet if the 1st floor is to be uninhabited due to flood requirements, or 35 feet if the first floor is to be inhabited. In addition, the petitioner shall provide building elevations (all sides) of the proposed dwelling to this office for review and approval.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 4, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 1, 2004

Item No. 195)

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A 40-foot minimum right-of-way for Galloway Road shall be shown, and the requested variances are to be modified accordingly.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

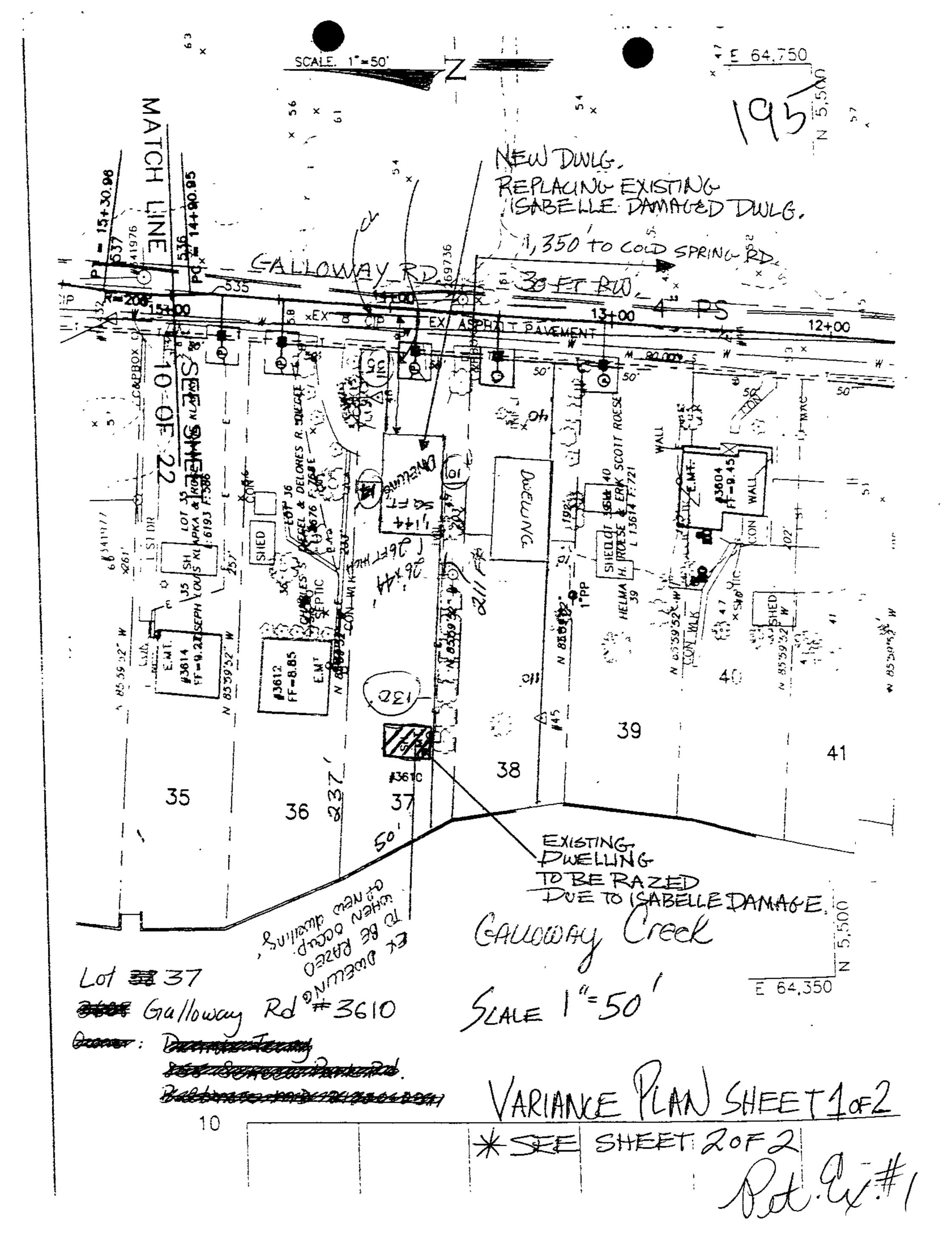
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

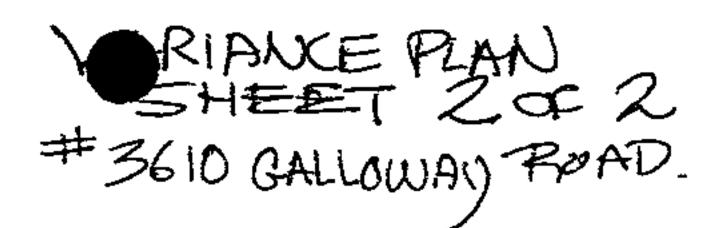
Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-11-01-2004-ITEM NO 195-11042004





OWNERS! LINDA TERRY BOSWELL

RAYMOND BOSWELL

THE UNDERSIONED ARE RESPONSIBLE FOR THE

ACCEPTACY OF INFORMATION DRAWN/WRITTENBY

BAUTIMIERE CONTY FOR THIS VARIANCE.

JULIAN MILLIE / 10-15. [U

ZONING: RC 5. MAP NE 2K
LOT 37 PLAT 1 BOWLEYS QUARTERS
RECORDED IN GLB # 7 FOLIO 122
LOCATED IN IDOYEAR FLOOD PLAIN

LOCATED IN 100 YEAR FLOOD PLAIN.

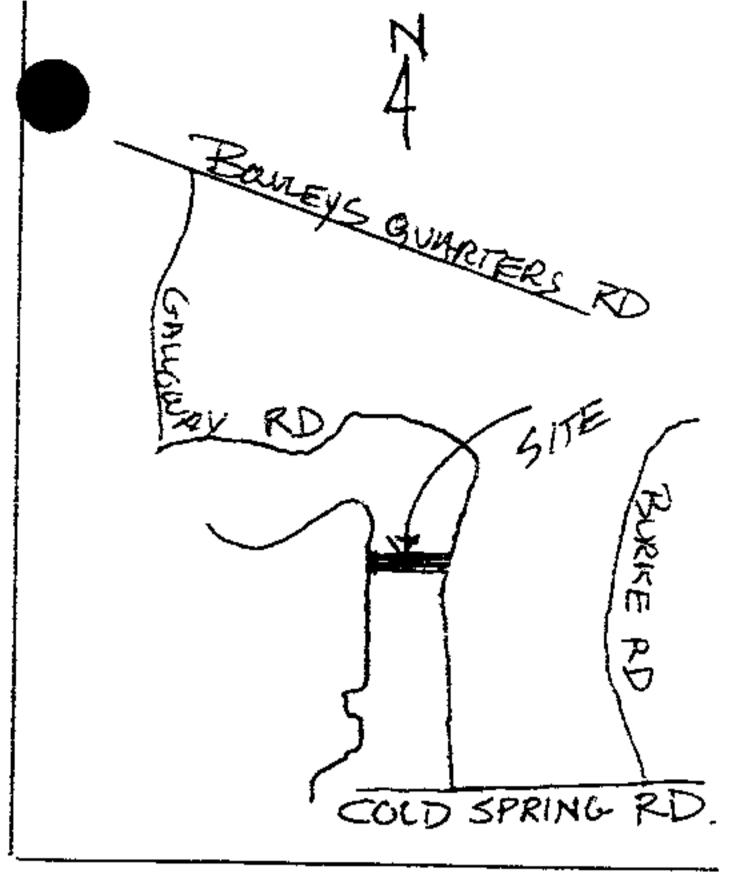
NOT HISTORIC.

UTILITIES: PUBLIC WATER & SEWER.

ELECTION DISTRICT : 15

COUNCIL DISTRICT: 6

LOT SIZE 11, 200 SQ FT.



VICINITY MAP N.T.S.

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