IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Bletzer Road, 725 ft. S
centerline of Glenhurst Road
15th Election District
7th Councilmanic District
(8330 Bletzer Road)

Mario J. Teresi, Sr. *Petitioner* 

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-346-A

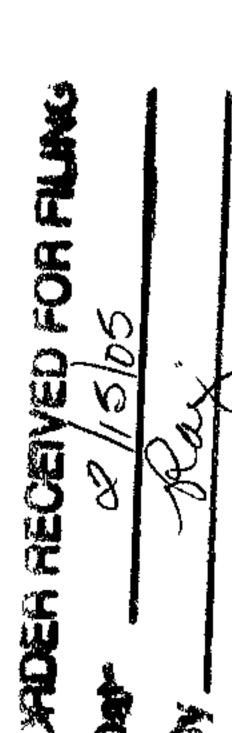
# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property Mario J. Teresi, Sr. The administrative variance is requested for property located at 8330 Bletzer Road in the eastern area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) with a height of 20 ft. in lieu of the maximum permitted 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 25, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

# **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Office of Planning dated January 28, 2005, a copy of which is attached hereto and made a part hereof.



# MOEH RECEIVED

### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner has 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 Petitioner.

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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 16 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached

garage) with a height of 20 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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 Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2005, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments submitted by the Office of Planning dated January 28, 2005, a copy of which is attached hereto and made a part hereof.
- 4. The Petitioner or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment. There shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure. In addition, the accessory structure shall not be used for commercial purposes; and
- 5. 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



# 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 William J. Wiseman III, Zoning Commissioner

February 14, 2005

Mr. Mario J. Teresi, Sr. 8330 Bletzer Road Baltimore, Maryland 21222

Re: Petition for Administrative Variance Case No. 05-346-A Property: 8330 Bletzer Road

Dear Mr. Teresi:

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

JVM:raj Enclosure

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



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



Petition for Administrative Variance
Othe Zoning Commissioner of Baltimore County

for the property located at 8330 BLETZER ROAD 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 properly 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)

400.3 TO ALLOW AN ACCESSORY STRUCTURE (GARAGE)
WITH A HEIGHT OF TO FEET IN LIEU OF THE PERMITTED
15 FEET.

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.

Name - Type or Print  Signature  Address Telephone No.  City State Zip Code  Attorney For Petitioner:  Name - Type or Print  Signature	MARIO J. TERESI, SR.  Name Type or Print  Signature  Signature  8330 BLETZER ROAD x 410 872  Address  Telephotie  BALTIMORE MO. 2:12  City State Zip Co
Address Telephone No.  City State Zip Code  Attorney For Petitioner:  Name - Type or Print  Signature	Name - Type or Print  Signature  Signature  8330 BLETZER ROAD x 410) 8/2 Address  Telephone  BALTIMORE MO. 2:/2 City State Zip Co
Address Telephone No.  City State Zip Code  Attorney For Petitioner:  Name - Type or Print  Signature	Name - Type or Print  Signature  8330 BLETZER ROAD x (4/0) 8/2 Address Telephone  BALTIMORE MO. 2:/2 City State
City State Zip Code  Attorney For Petitioner:  Name - Type or Print  Signature	Signature  8330 BLETZER ROAD x (410) 8/2 Address Address BALTIMOISE City State  State
Attorney For Petitioner:  Name - Type or Print  Signature	8330 BLETZER ROAD X (4/0) 8/2 Address BALTIMOIRE MD. 2:/2 City State
Attorney For Petitioner:  Name - Type or Print  Signature	8330 BLETZER ROAD X (4/0) 8/2 Address BALTIMOIRE MD. 2:12 City State
Name - Type or Print  Signature	Address  BALTIMOIRE  MO.  City  State  Telephone  2:12  Zip City
Signature	City State Zlp C
	Representative to be Contacted:
	DAVID BILLINGSLEY
Company	CENTRAL DRAFTING AND DESIGN,
Address Telephone No.	GOI CHARWOOD CT. (4-10) 679-871. Address Telephone N
	EDGEWOOD MO. Z104

# Affidavith 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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Notary Public

My Commission Expires

REV 10/25/01

# Affidavith 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

REV 10/25/01

8330 BLETZER ROAD

	Address			<del></del>	
	BALTIMO	BE	MD.		2/272
•	City	<del></del>	State		Zip Code
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MARIO J. TERESI, SR.		Signature			•
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TATE OF MARYLAND, COUNTY OF BALTIN	ORE. to wit:		****		: العدادة خويد مواجد عواجه ۳
HEREBY CERTIFY, this day of f Maryland, in and for the County aforesaid, per	ANAM	20	o( before	ne, a Notary Pul	olic of the State
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ne Affiant(s) herein, personally known or satisfa	ctorily identified to	me as suc	h Affiant(s).	<del></del>	<del></del>
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	Notary P	ublic	1		<u> </u>

My Commission Expires



# Petition for Administrative Variance the Zoning Commissioner of Baltimore County

for the property located at <u>8330</u>. BLETZER ROAD which is presently zoned <u>OR. 5.5</u>

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)

400.3 TO ALLOW AN ACCESSORY STRUCTURE (GARAGE)
WITH A HEIGHT OF TO FEET IN LIEU OF THE PERMITTED
15 FEET.

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 perjury, that I/we are the I is the subject of this Petiti	leas) Owner(s) of the	he penalties of property which
Contract Purchaser/Lessee:	 	l egal Owner(s):		
Name - Type or Print	 	MARIO J. TEP Name - Type or Print	RESI, SA	· 0
Signature	<u></u>	Bighature .	fino.	35
Address	Telephone No.	Name - Type or Print		
City	Zip Code	Signature	<del></del>	<del></del>
Attorney For Petitioner:	: :	8330 BLETZE Address	R ROAD , (	410/8/2-22
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	BALTIMORE City	MO. State	Telephone No.  Z:/ZZZ  zip Code
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Company	, I	CENTRAL DRAFT Name	TNG AND D	ESTGN, INC
Address	Telephone No.	GOI GHARWOOD Address	.CT. (4-10)G	79-87/9 Telephone No.
City	Zip Code	EDGE XYOOQ City	MO. State	Z/04-0 Zip Code
A Public Hearing having been formally demathis day of equiations of Baltimore County and that the prop	nded and/or found to be retained the subject matter of this perty be reposted.	equired, it is ordered by the Zor is petition be set for a public hearing		
CASE NO. 05 346	Revie	Zoning Commission	er of Baltimore County  Date	1/25
REV 10/25/01	1	nated Posting Date	123/05	

# DESCRIPTION TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

# 8330 BLETZER ROAD

Beginning for the same at a point on the north side of Bletzer Road (40 feet wide) said point being distant southeasterly 725 feet from it's intersection with the center of Glenhurst Road, thence (1) N 34°53′50″E 258.51 feet, thence (2) S 60°29′49″E 50.06 feet, thence (3) S 34°53′50″W 259.25 feet, thence (4) N 59°39′10″W 50.00 feet to the place of beginning.

Containing 12,950 square feet or 0.597 acre of land, more or less.

Being known as 8330 Bletzer Road. Being located in the 15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District of Baltimore County, Maryland.

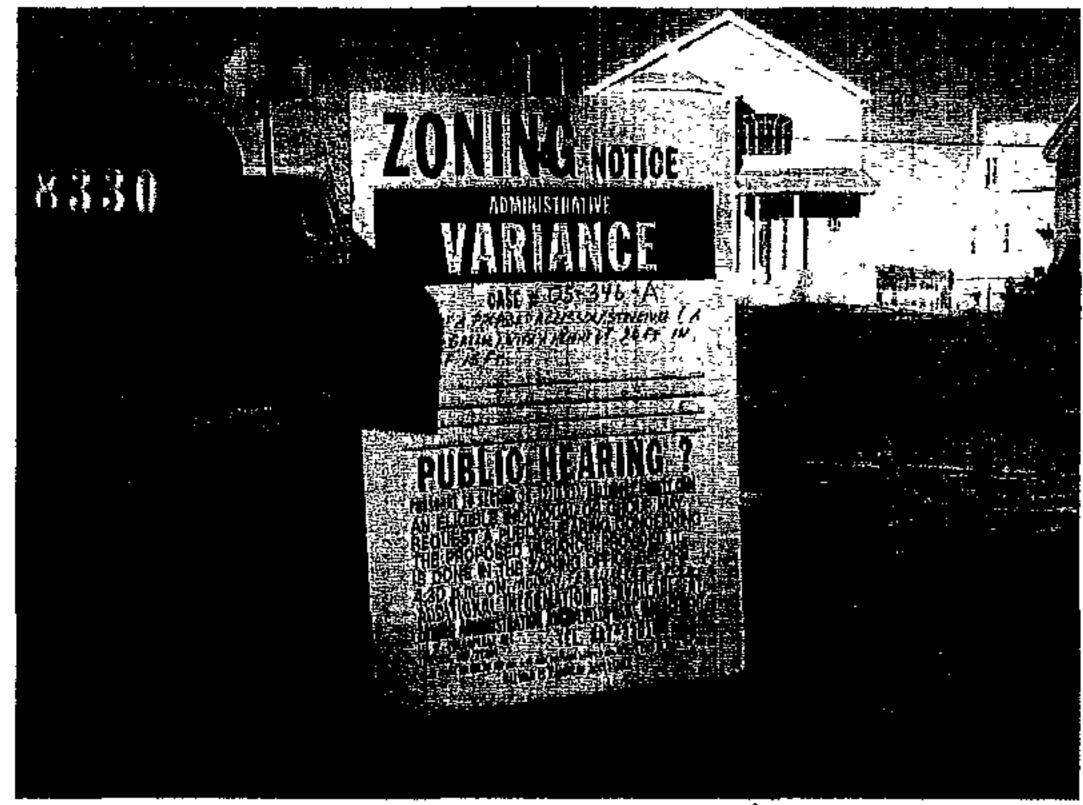
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# **CERTIFICATE OF POSTING**

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Pe	etitioner/Developer: <u>MARIO</u>
	TERESI SR.
Da	ate of Hearing/Closing: 2/7/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of sign(s) required by law were posted conspand the second sign of the penalties of the penaltie	icuously on the property
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This sign(s) were posted on	<u>2005</u> Day Year)
	nature of Sign Poster and Date)  Martin Ogle  Sign Poster  5016 Castlestone Drive
	Address <u>Balto. Md 21237</u> (443-629-3411)

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maitalogle 1/20/05

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 346-A Address 8330 BLETZER RD
Contact Person: John CEWIS  Phone Number: 410-887-3301
Filing Date: 1/10/05 Posting Date: 1/23/05 Closing Date: 2/07/05
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 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- 346 -A Address <u>8330 BLETZER RD</u>
etitioner's Name MARIO J. TERES, SR Telephone 410) 812-2236
Usting Date:
ording for Sign: To Permit A PROPOSED COM RCESSORY STRUCTURE (A DETACHED ARAGE) WITH A HEIGHT OF 20 FT. IN LIEU OF 15 FT.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# 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.

	ber or Case Number:		4
Petitioner	MARIO TERESI,	SR.	
Address o	r Location: <u>23330 BL</u>	ETZER ROAD	BA670, MD, Z/ZZ
			•
PLEASE	FORWARD ADVERTISING BII	LL TO:	
	FORWARD ADVERTISING BII		
Name: _		₹.	
Name: _	MARIO TEREST, SA	2. 230	

# Department of Permits and Development Management

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





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

February 7, 2005

Mario J. Teresi, Sr. 8330 Bletzer Road Baltimore, Maryland 21222

Dear Mr. Teresi:

RE: Case Number: 05-346-A, 8330 Bletzer Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 10, 2005.

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. Call Rila D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood 21040



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

# Fire Department

artment opa Road

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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 24, 2005

Item No.:

334-336, 338-344, (346)

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.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

### BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

**DATE:** January 24, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 24, 2005

Item Nos. 336, 337, 338, 339, 344,

346, and 347

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

RWB:CEN:jrb

cc: File

TO: Tim Kotroco PDM John D. Oltman, Jr FROM: **DEPRM** DATE: February 3, 2005 SUBJECT: Zoning Item Address 8330 Bletzer Road Zoning Advisory Committee Meeting of January 18, 2005. The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management 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). Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other

### Additional Comments:

Please be advised that any development/construction on this property must comply with the 15% Tree Cover, Impervious Surface Limitations and Waterfront Setback requirements of the Critical Area Regulations.

Sections, of the Baltimore County Code).

Reviewer:

Michael Kulis

Date: February 3, 2005

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 28, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT!

5-346 Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 20 in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Provide elevations of the proposed garage to this office for review and approval. The exterior of the garage shall be similar in materials and color as the existing dwelling.

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

Prepared by:

**Section 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:

1.19.05

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

RE:

**Baltimore County** 

Item No.

344

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Dear. Ms. Matthews:

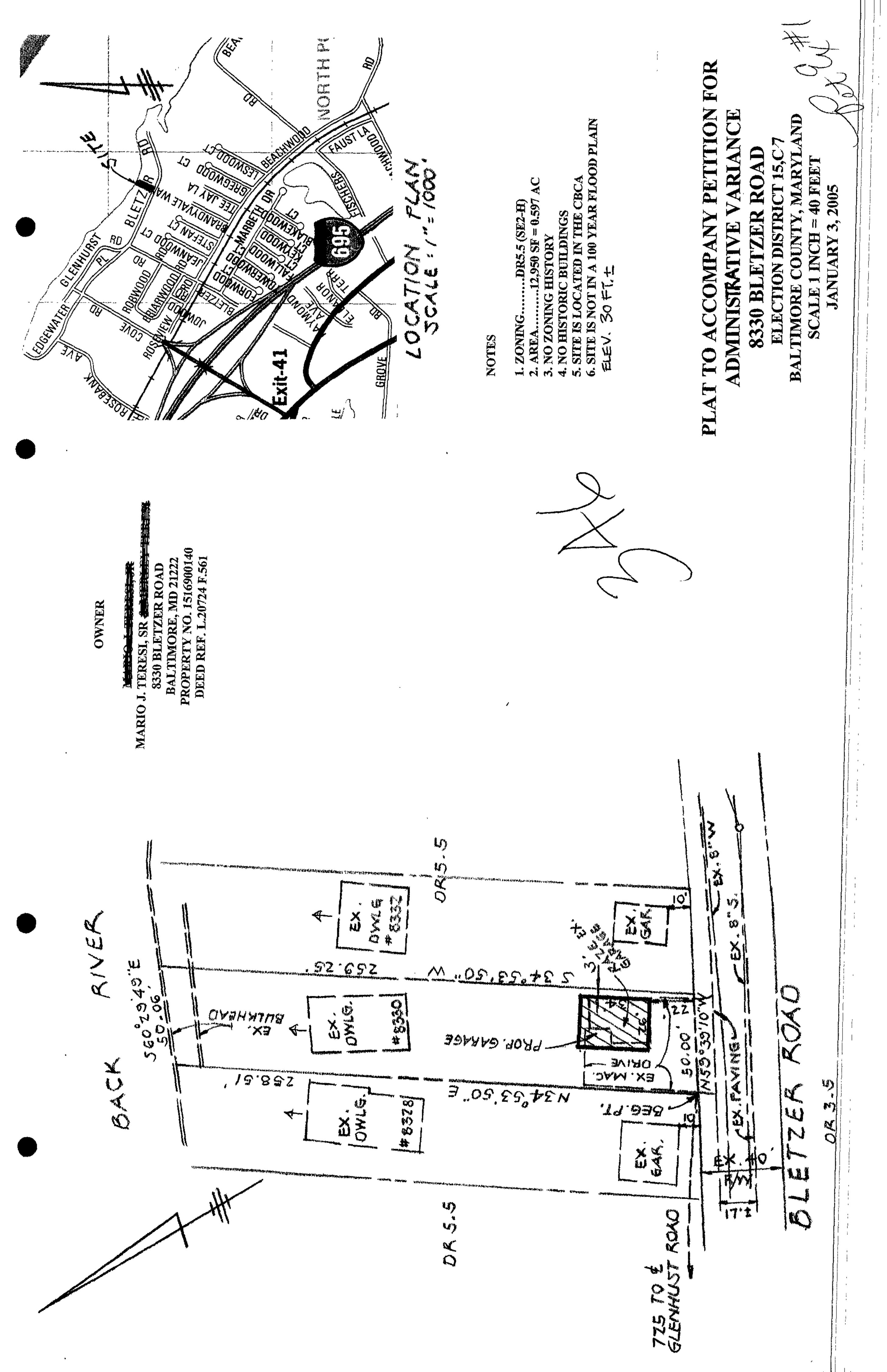
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

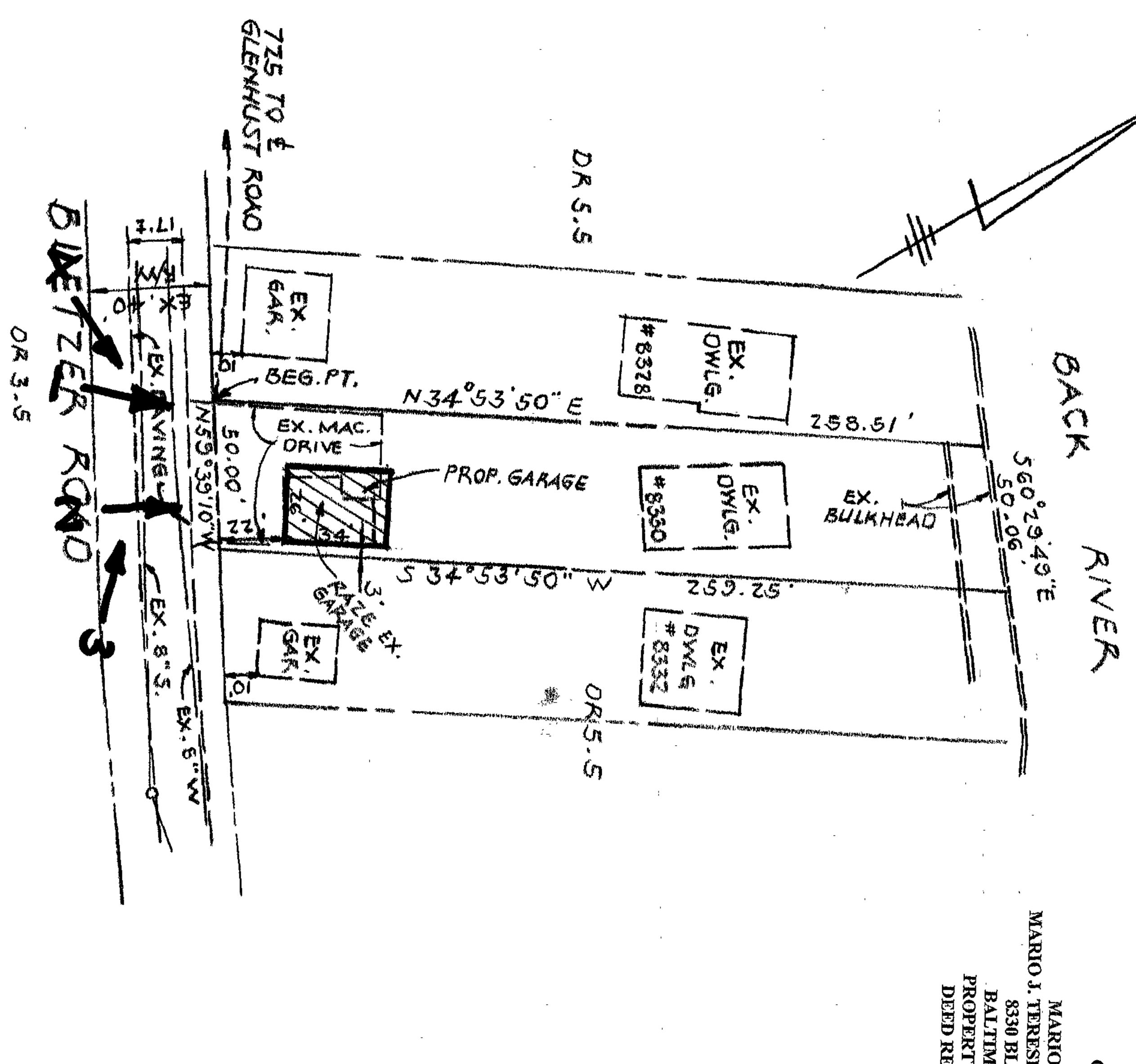
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division





J. TERESI, JR SR & MERLEY RE, MD 21222 TZER ROAD NO. 1516900140 L.20724 F.561

WNER



STATE OF THE PERSON



NO ZONING HISTORY AREA ZONING. ...DR5.5 (SE2-H) .12,950 SF = 0.597

SITE IS LOCATED IN THE SITE IS NOT IN NO HISTORIC BUILDINGS A 100 YEAR FLOOD PLAIN CBCA

TIMORE ELECTION DISTRICT P X.I.N.DO; ZER H , MARYL PETITION

2005 40 FEET

