

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S of Trappe Road, 80 ft. E  
centerline of Grange Road  
12th Election District  
7th Councilmanic District  
**(430 Trappe Road)**

Kathleen M. Bielski Fagan & James E. Fagan  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-557-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 Kathleen M. Bielski Fagan & James E. Fagan. The variance request is for property located at 430 Trappe Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.B ("D" residence -- old regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 35 ft. in lieu of the required 40 ft. to construct an addition. 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 May 8, 2005, 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 32-3-303 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

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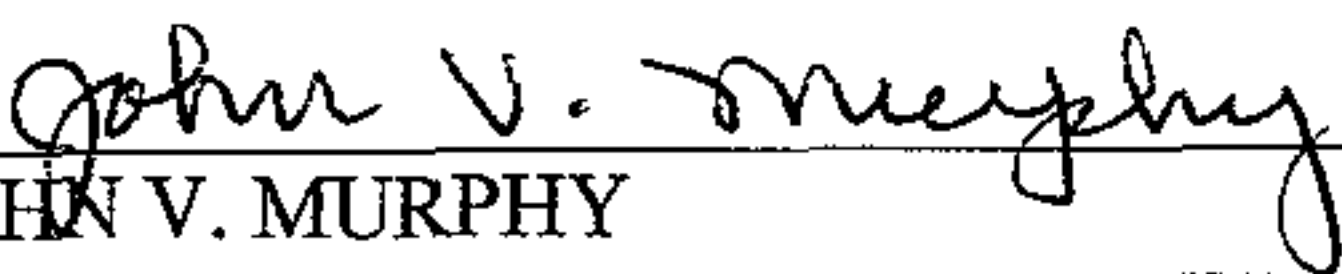
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 3 day of June, 2005, that a variance from Section 1B02.3.B ("D" residence – old regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 35 ft. in lieu of the required 40 ft. to construct an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

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

6/3/05  




## 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*

June 3, 2005

Mr. & Mrs. James E. Fagan  
430 Trappe Road  
Baltimore, Maryland 21222

Re: Petition for Administrative Variance  
Case No. 05-557-A  
Property: 430 Trappe Road

Dear Mr. & Mrs. Fagan:

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

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)







# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 430 Trappe Rd.  
which is presently zoned D.R.-S.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)

1 B02.3.B ("D" residence - old  
regs) to permit a rear yard setback of 35 ft. in lieu of  
the required 40 ft. to construct an 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/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):

JAMES E. FAGAN  
Name - Type or Print

James E. Fagan  
Signature

Name - Type or Print

KATHLEEN M. BIELSKI (FAGAN)  
Signature

Kathleen M. Bielski (Fagan)  
Address Telephone No.

430 Trappe Rd  
City State Zip Code

Baltimore md  
410-285-8379  
21222

### Representative to be Contacted:

Name

Address Telephone No.

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, this day of April, 2005, 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

FILE NO. OS-557-A

Reviewed By BK Date 4/29/05

Estimated Posting Date 5/8/05

10/25/01

ORDER RECEIVED FOR FILING  
6/3/05  
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/an 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 430 TRAPPE RD.  
Address Baltimore MD. 21222  
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):

- A.
1. (i) Existing conditions make it impossible to extend living area into rear yard.  
(ii) Many other properties in zoning district have additional living space in rear yard.  
Variances for other projects have been granted in the past.  
(iii) Hardship was not the result of applicants own actions.
- B.
2. (i) Construction cost would increase by having to build on unique angles.  
Would not create needed square footage in a functional manor.  
Kitchen would have to be completely remodeled.  
(ii) Many homes in the zoning district have additional living space in same location.  
(iii) Yes, relief has been granted in zoning district before.  
*EXISTING HEALTH CONCERNS MAKE STEPS A PROBLEM.*

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.

James E. Fagan  
Signature  
JAMES E. FAGAN  
Name - Type or Print

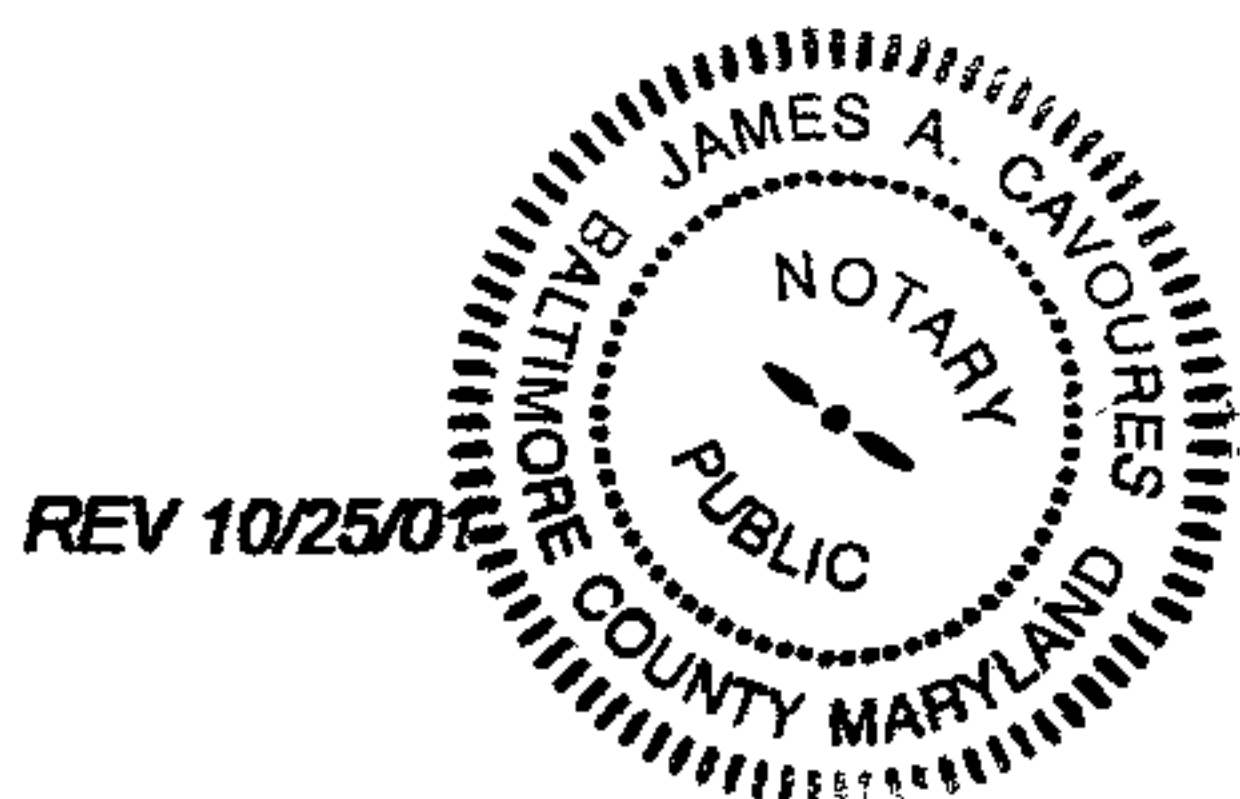
Kathleen M. Bielski (Fagan)  
Signature  
KATHLEEN M. BIELSKI (FAGAN)  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of APRIL, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared.

James E. Fagan; Kathleen M. Bielski Fagan  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



James A. Cavoires  
Notary Public  
My Commission Expires 9/6/07



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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):

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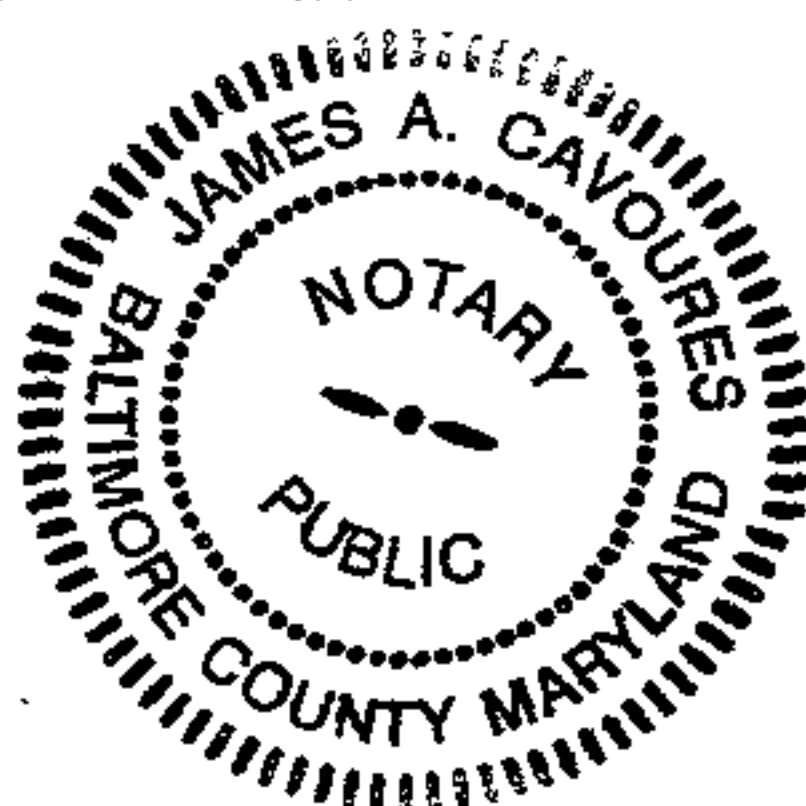
Kathleen M. Bielski (Fagan)  
Signature  
KATHLEEN M. BIELSKI (FAGAN)  
Name - Type or Print

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James E. Fagan Kathleen M. Bielski Fagan  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



James A. Cavoires  
Notary Public

My Commission Expires 9/1/07





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 430 Trappe Rd.  
which is presently zoned D.R.-S.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)

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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):

JAMES E. FAGAN

Name - Type or Print

Signature James E. Fagan

Name - Type or Print

Signature Kathleen M. Bielski (Fagan)

Address 430 Trappe Rd Telephone No. 410-285-8379

City Baltimore, MD State MD Zip Code 21222

## Representative to be Contacted:

Name

Address Telephone No.

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, this        day of        that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-557-A

Reviewed By M Date 4/29/05

REV 10/25/01

Estimated Posting Date 5/8/05



Zoning description for 430 Trappe Rd, Baltimore, MD 21222.

Beginning at a point on the North side of Trappe Rd. which is 30 feet wide at a distance of 90 feet *east* of the centerline of the nearest improved intersecting street Grange Road which is 30 feet wide. Being Lot # 17

Block K, Section # 3 in the subdivision of Southbrook Section 3 as recorded in Baltimore County Plat Book # 19, Folio # 94, containing 1,728 square feet. Also known as 430 Trappe Rd. and located in the ~~12~~ Election District, 7 Councilmanic District.



# NO.

# CONTRACT

| DATE    | ACCOUNT |                |
|---------|---------|----------------|
| 4/29/05 |         | 12001-000-6158 |

100-443887-100

| AMOUNT | \$ | 100 |
|--------|----|-----|
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1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

12

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1. The first part of the text discusses the importance of understanding the context of the data being analyzed. It emphasizes that without a clear understanding of the context, any analysis or interpretation of the data is likely to be flawed or misleading.

2. The second part of the text discusses the importance of using appropriate statistical methods to analyze the data. It notes that different types of data require different statistical techniques, and that it is essential to choose the right method for the job.

3. The third part of the text discusses the importance of interpreting the results of the analysis correctly. It notes that even the most sophisticated statistical analysis is only as good as the interpretation of the results, and that it is essential to be clear and concise in the interpretation.

4. The fourth part of the text discusses the importance of communicating the results of the analysis to the relevant stakeholders. It notes that the results of the analysis should be presented in a clear and concise manner, and that it is essential to use appropriate visual aids to help convey the message.

5. The fifth part of the text discusses the importance of ensuring the integrity of the data and the analysis. It notes that data should be collected and analyzed in a transparent and unbiased manner, and that it is essential to document all steps of the process.

6. The sixth part of the text discusses the importance of using the results of the analysis to inform decision-making. It notes that the results of the analysis should be used to identify areas for improvement and to make informed decisions about future actions.

7. The seventh part of the text discusses the importance of ongoing monitoring and evaluation. It notes that the results of the analysis should be monitored over time to ensure that they remain relevant and that any changes in the data are identified and addressed.

8. The eighth part of the text discusses the importance of collaboration and communication between different stakeholders. It notes that the results of the analysis should be shared with all relevant parties, and that it is essential to work together to address any issues that arise.

9. The ninth part of the text discusses the importance of staying up-to-date with the latest research and developments in the field. It notes that the results of the analysis should be compared to the latest research to ensure that they are accurate and relevant.

10. The tenth part of the text discusses the importance of being transparent and honest about the limitations of the analysis. It notes that the results of the analysis should be presented with a clear understanding of the limitations and uncertainties involved.

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1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

**THE**



# CERTIFICATE OF POSTING

RE: Case No.: 05-557-A

Petitioner/Developer: KATHLEEN

FAGAN

Date of Hearing/Closing: 5/23/05

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:

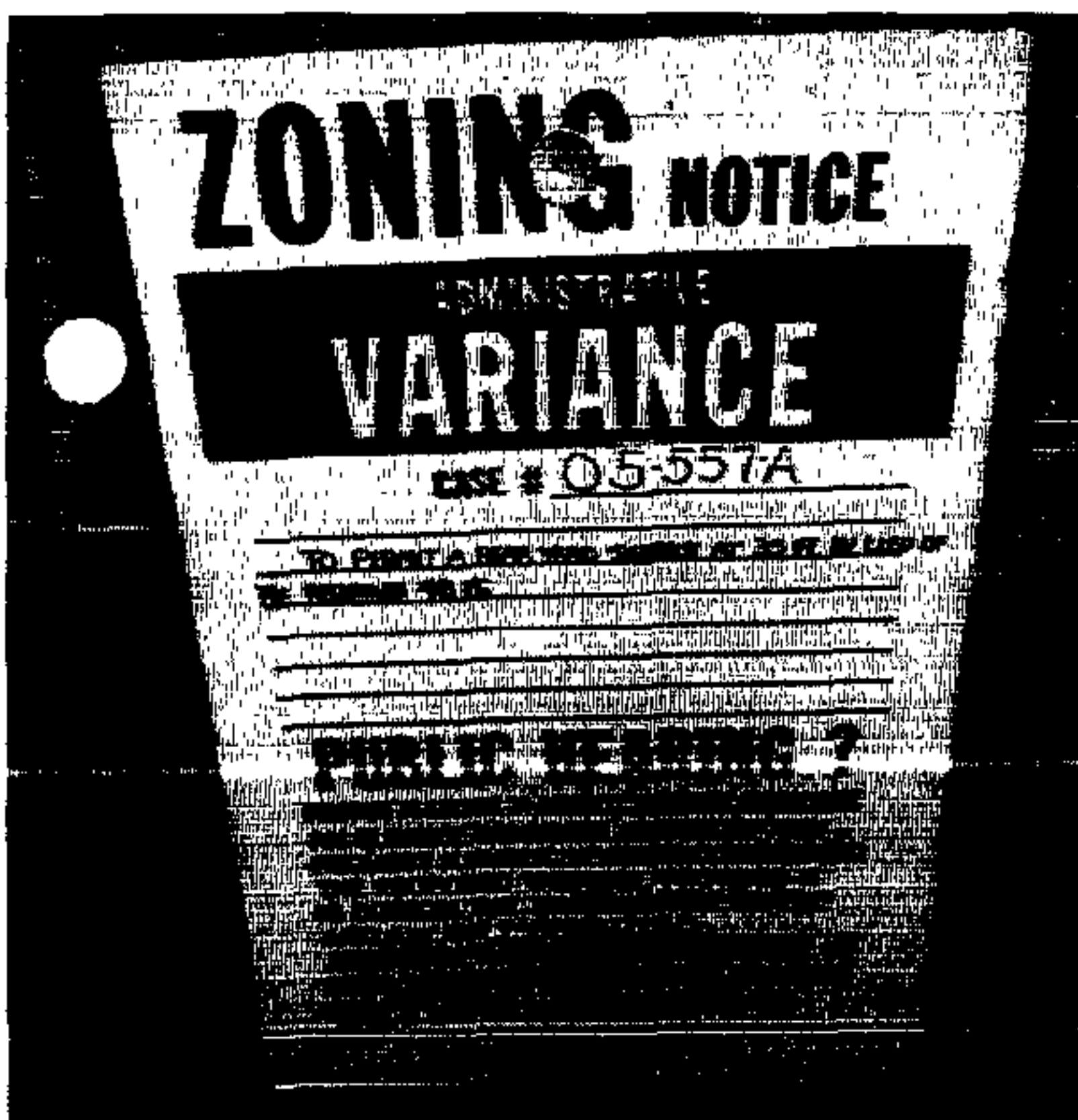
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

430 TRAPPE RD

The sign(s) were posted on

5/8/05  
(Month, Day, Year)

Sincerely,



Robert Black 5/10/05  
(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)



# 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 05-557-A  
Petitioner James and Kathleen Fogarty  
Address or Location 430 Trappe Rd Baltimore, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name Autumn Contracting Stephen DAVIN  
Address 4147 GLEN PARK RD  
Baltimore, MD 21236  
Telephone Number 410-529-4575



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 05- 557 -A

Address 430 Trappe Rd.

Contact Person: Bruce Rudaitis  
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/29/05

Posting Date: 5/8/05

Closing Date: 5/23/05

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 05- 557 -A

Address 430 Trappe Rd.

Petitioner's Name Kathleen Fagan

Telephone \_\_\_\_\_

Posting Date: 5/8/05

Closing Date: 5/23/05

Wording for Sign: To Permit a rear yard setback of 35 ft. in lieu of the required 40 ft.

WCR - Revised 6/25/04



**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*

May 23, 2005

James E. Fagan  
Kathleen M. Bielski-Fagan  
430 Trappe Road  
Baltimore, Maryland 21222

Dear Mr. and Mrs. Fagan:

RE: Case Number: 05-557-A, 430 Trappe Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 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,

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

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** May 20, 2005

**FROM:** Dennis A. Kennedy, Acting Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 23, 2005  
Item No. 557

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

A minimum of 20-feet right-of-way for alley shall be shown. Set back shall be relocated to reflect this.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 557-05202005.doc



Granted  
6/3/05

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco  
FROM: John D. Oltman, Jr <sup>JPO</sup>  
DATE: June 3, 2005  
SUBJECT: Zoning Items # See List Below

RECEIVED  
JUN 3 2005  
ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 16, 2005

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

05-557  
05-558  
05-559  
05-561  
05-564  
05-566

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 19, 2005

RECEIVED

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

MAY 19 2005

ZONING COMMISSIONER

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 5-557 and 5-572**  
**Administrative Variance(s)**

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 Cunningham in the Office of Planning at 410-887-3480.

**Prepared By:**



**Division Chief:**



MAC/LL



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



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

Maryland Department of Transportation

Date: 5.13.05

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

RE: Baltimore County  
Item No. 557 BPR

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



# PLAT 10 ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

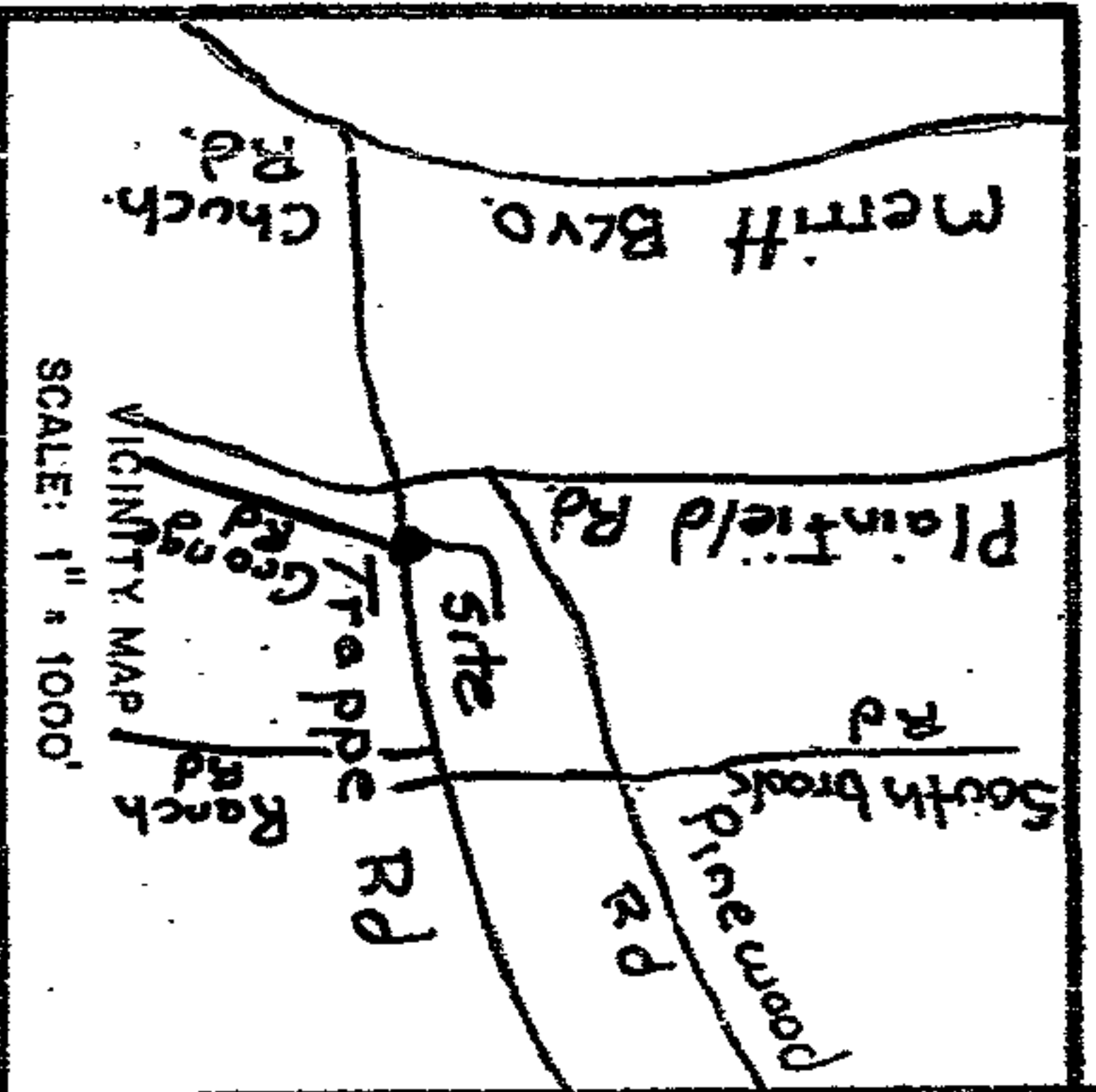
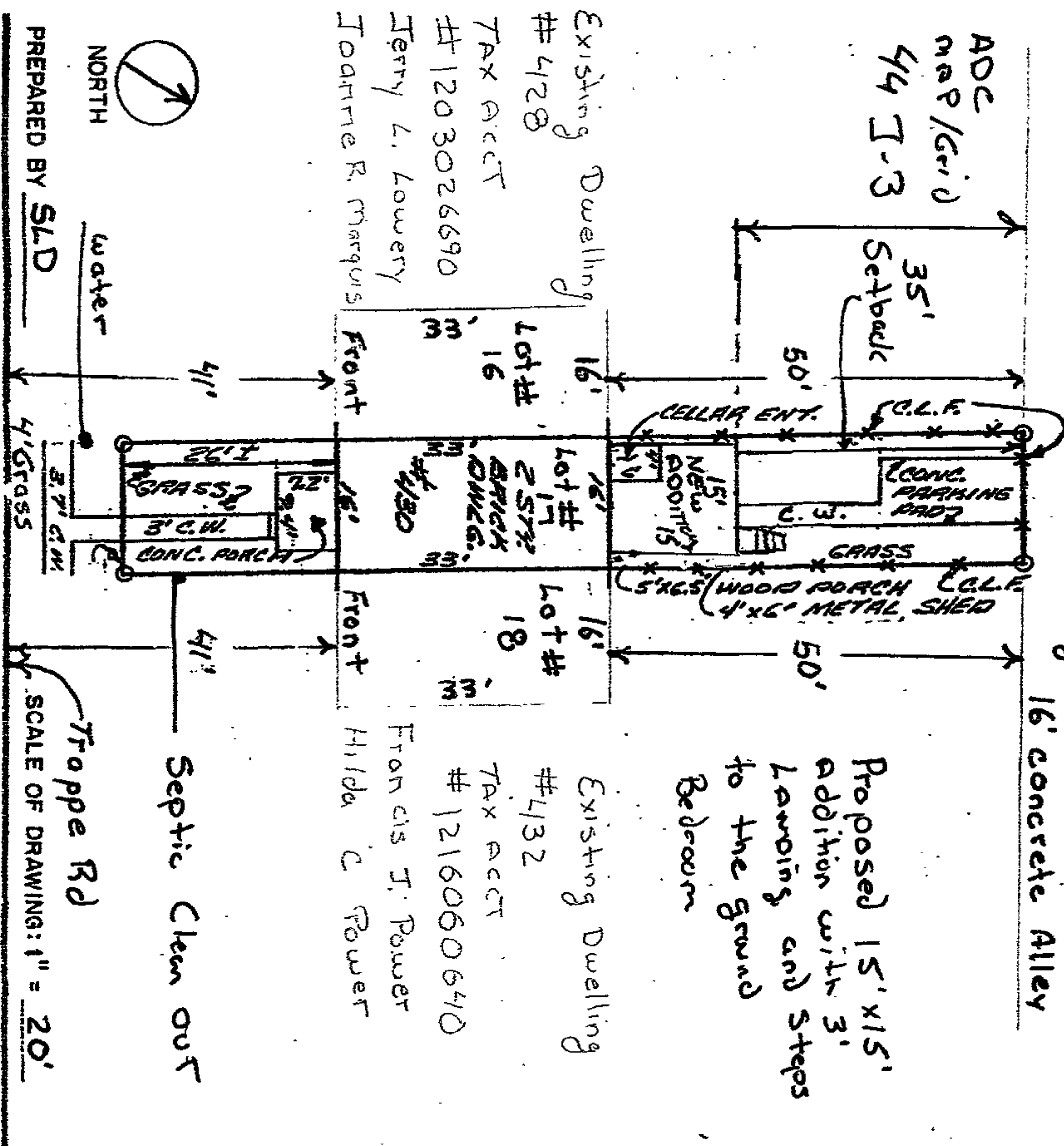
SEE PAGES B & C OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 430 Troppe Rd

SUBDIVISION NAME Southbrook Section Three

PLAT BOOK # 19 FOLIO # 94 LOT # 17 SECTION # 3

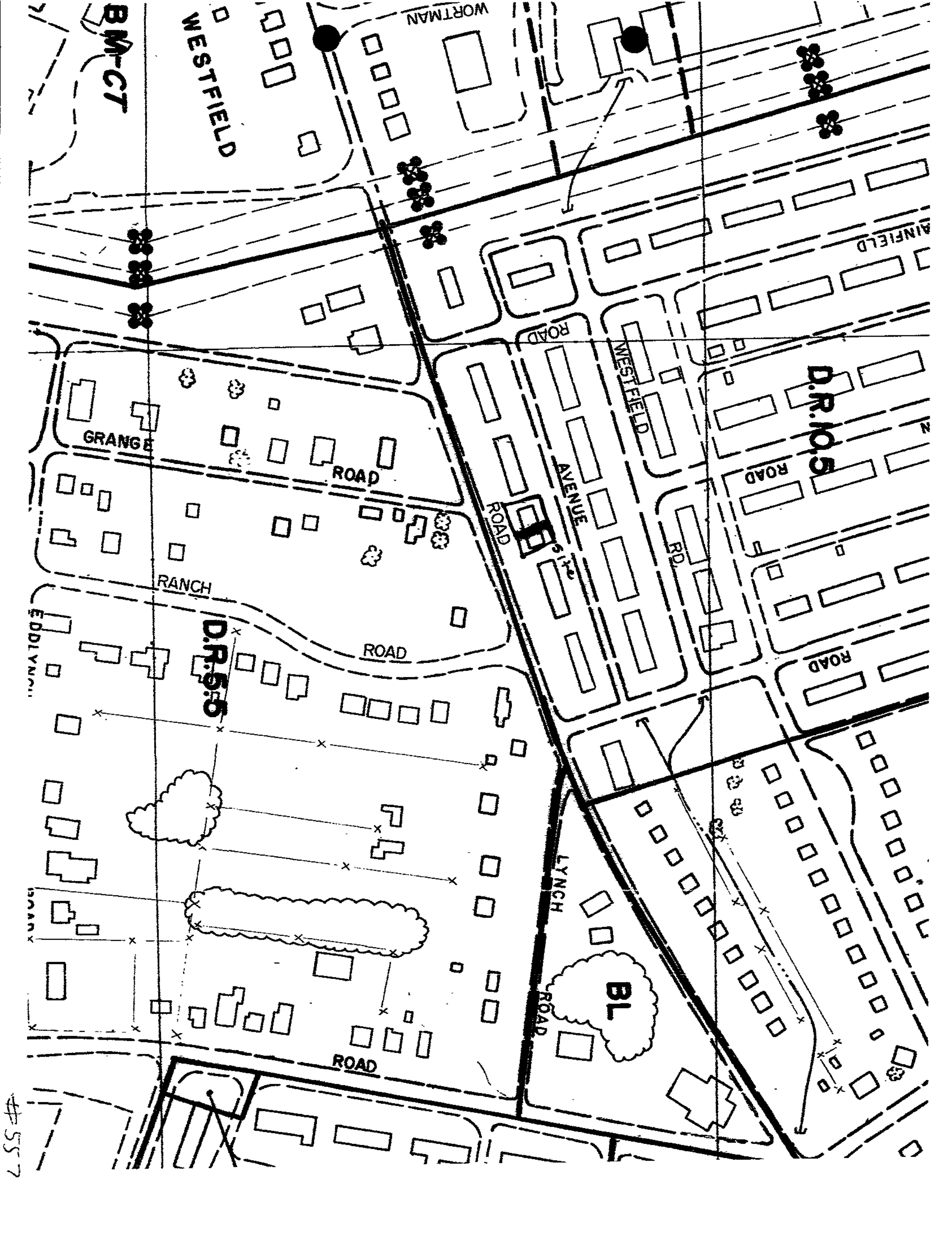
OWNER James and Kathleen Fager



| LOCATION INFORMATION         |                                                                             |
|------------------------------|-----------------------------------------------------------------------------|
| ELECTION DISTRICT            | 12                                                                          |
| COUNCILMANIC DISTRICT        | 7                                                                           |
| 1" = 200' SCALE MAP #        | 563-F                                                                       |
| ZONING                       | DR 5.5                                                                      |
| LOT SIZE                     | .0396                                                                       |
| ACREAGE                      | 1,728                                                                       |
| SQUARE FEET                  |                                                                             |
| SEWER                        | <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PRIVATE |
| WATER                        | <input checked="" type="checkbox"/> <input type="checkbox"/>                |
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO         |
| 100 YEAR FLOOD PLAIN         | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO         |
| HISTORIC PROPERTY/BUILDING   | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO         |
| PRIOR ZONING HEARING         | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO         |
| ZONING OFFICE USE ONLY       |                                                                             |
| REVIEWED BY                  | ITEM #                                                                      |
| 557                          | 05-557-1                                                                    |

*Handwritten signature/initials*













#557









# 557



