IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Fragrance Way, S/S of Georgia Bell Circle 11th Election District 5th Councilmanic District (9317 Fragrance Way)

Heather & Larry Moore Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-634-A

*

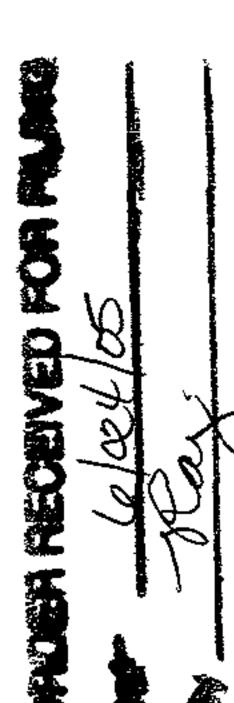
* * * * * * * * * * * * * *

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, Heather and Larry Moore. The variance request is for property located at 9317 Fragrance Way in Baltimore County. The variance request is from Sections 259.9.B.4.e and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling with open projection (deck) to have a rear yard setback of 15 ft. in lieu of the required 37.5 ft. 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 June 5, 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



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 Adapted day of June, 2005, that a variance from Sections 259.9.B.4.e and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling with open projection (deck) to have a rear yard setback of 15 ft. in lieu of the required 37.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

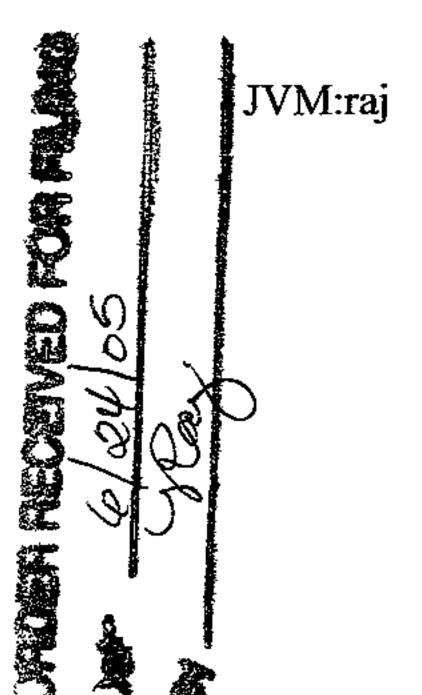
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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



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 23, 2005

Mr. & Mrs. Larry Moore 9317 Fragrance Way Perry Hall, Maryland 21128

> Re: Petition for Administrative Variance Case No. 05-634-A Property: 9317 Fragrance Way

Dear Mr. & Mrs. Moore:

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. Muspley

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at Force Landing
which is presently zoned DA+++3.5

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

perjury, that I/we are the legal owner(s) of the property which

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) 259.9.8.4.6, 301.1, A 3 CZN

TO PERMIT A SINGLE FAMILY DWELLING WITH OPEN PROJECTION (DELK) TO HAVE A REALTARD SETBACK OF 15' IN LIEU OF THE REQUIRED 37.5'

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.

			is the subject of thi	is Petition.		
Contract Purchas	ser/Lessee:		Legal Owner(s	<u>s):</u>		
		-	Larry	Moore		
Name - Type or Print			Name - Type or Print			
Signature	, , , , , , , , , , , , , , , , , , , 	.	Signature	M0012		<u> </u>
Address	Tele	ephone No.	Name - Type or Print			
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City	State	Zip Code	Signature			645
Attorney For Peti	itioner:			grence W	Lay.	(40) 256 1536
			Address	ن من	1	Telephone No. 21128
Name - Type or Print	····	<u>.</u>	Perry H	el MI) State	Zip Code
Maine - Type of Fink	-		_			
Cignotura			<u>Representative</u>	<u>e to be Contac</u>	tea:	
Signature	-		Larry	Moore		
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2			Sam	a as	Abou	ı
dress	Tele	phone No.	Address			Telephone No.
						····
S ty	State	Zip Code	City	S	State	Zip Code
A Public Hearing havin	g been formally demanded and	or found to be	required, it is ordered b	y the Zoning Commi	issioner of E	Baltimore County,
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\$ 172			Zoning Co	mmissioner of Baltim	ore County	
	5-634-A	Res	viewed By	ے۔ Date	5/2	6/05
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RF\$\(10/25/01		Esf	imated Posting Date	()	5 /6 1	5 ⁻

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.

competent to testify thereto in aic event that a p	•	1-		
That the Affiant(s) does/do presently reside at	9317 Address	Fragrence	Way	
	Parry	1-21	Mb	2/128
	City /		State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the inportion	facts upon which difficulty):	I/we base the rec	quest for an Administrative
A deck will	overlap	the 30!	foot rear	cet back that
is required. The	o slidi	ng glass	doors asse	approx 5 Feed
off the ground	The	builder	offer.	to build a
deck and we	Were	not a	ware of	the County
off the ground deck and we require monts. Of the building of	ur HC	A a	je cant	reighbors appro
the building o	of the	, deck, a	s indicate	2 with letter
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand additional info	d is filed, Affiant(rmation.	s) will be require	ed to pay a reposting and
		i !		
Signature Signature	<u></u>	Signature	en Morne	
Lawy Moore			- M6010	
Name - Type or Print	···	Name - Type or	Print	
STATE OF MARYLAND, COUNTY OF BALT	MORE, to wit:			
I HEREBY CERTIFY, this 36 day of of Maryland, in and for the County aforesaid, pe	ersonally appe), before me, a	Notary Public of the State
LARRY MOORE + H	EATHER	2 MOOR		
the Affiant(s) herein, personally known or satisf	factorily identif	ied to me as such	Affiant(s).	
AS WITNESS my hand and Notarial Seal		h		
Jan July	Not	ary Public /		· · ·
AS JONAL	RY JAK MY	Commission Expi	Les 5/1/0	g

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.

Address Perry Hall MD State	
0th. [" State	21128 Zip Code
City State That based upon personal knowledge, the following are the facts upon which I/we base the request for Variance at the above address (indicate hardship or practical difficulty):	•
A Jack will over lap the 30 foot rear	
that is required. The sliding glass doors are	approx.
that is required. The sliding glass doors are 5 ft. off the ground. The builder offened a deck as an option and we were not aw	to build are of
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approva the building of the deck, as indical	•
letters.	
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay advertising fee and may be required to provide additional information.	a reposting and
Can More	·
Signature Larry Moore Signature Moore	
Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	Public of the State
Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 26 day of Maryland, in and for the County aforesaid, personally appeared Ratho Moore Name - Type or Print	Public of the State
Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 26 day of May of Maryland, in and for the County aforesaid, personally appeared LARRY MOORE & HEATHER MOORE	Public of the State
Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 26 day of Maryland, in and for the County aforesaid, personally appeared Ratho Moore Name - Type or Print	Public of the State

REV 10/25/01



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at Exacting which is presently zoned

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)

259.9.8.4. @ , 301.1. A

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

perjury, that I/we are the legal owner(s) of the property which

TO PERMIT A SIHALE FAMILY DWELLING WITH OPEN PROJECTION (DECK)
TO HAVE A REARYAND SETBACK OF 15' IN LIEU OF THE REQUIRED 37.5"

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.

			is the subject of this Petition.	
Contract Purchase	r/Lessee:		<u>Legal Owner(s):</u>	
			Larry Moore	
Name - Type or Print			Name - Type or Print	
Signature			Signature Heather Moore	
Address		Telephone No.	Name - Type or Print	
	```		devither More	
City	State	Zıp Code	Signature	
Attorney For Petitic	oner:			256-153 one No
			Perry Hall MD 2112	-8
Name - Type or Print				p Code
			Representative to be Contacted:	
Signature			Larry Moore	
Company			Name Sant as About	
Address		Telephone No.	Address Telephon	ne No
City	State	Zip Code	City State Zıp	Code
this day of	,t	nat the subject matter of t	required, it is ordered by the Zoning Commissioner of Baltimore his petition be set for a public hearing, advertised, as required by the	County, a zoning
regulations of Baltimore Co.	unty and that the prope	erty be reposted.		
			Zoning Commissioner of Baltimore County	
			—	

#### **ZONING DESCRIPTION FOR 9317 FRAGRANCE WAY**

Beginning at a point on the east side of Fragrance Way which is 76 ft. wide at the distance of corner, north of the centerline of the nearest improved intersecting street Braeburn which is 50 ft. wide. *Being Lot #83, in the subdivision of Forge Landing as recorded in the Baltimore County Plat #75, Folio #33, containing .220 acre. Also known as 9317 Fragrance Way and located in the 11th Election District, 5 Councilmanic District.

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# CERTIFICATE OF POSTING

	RE: Case No.: 05-634-4
	Petitioner/Developer: LARRY 3
	MOORE
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue	Date of Hearing/Closing: 6-20-6
Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
a	perjury that the necessary sign(s) required by law were at:
1011 J-14G	RANCE WAY
The sign(s) were posted on	G-5-05
	(Month, Day, Year)
	_ Sincerely,
	Robert Black 6/7/05
	(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 <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is 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: 05-634-A  Petitioner: Larry Moore
Address or Location: 9317 Fragrance Way
PLEASE FORWARD ADVERTISING BILL TO:  Name:arry Moore
Address: 9317 Fragrance Way Perry Hall, MD 21128
Telephone Number: 410 - 256 - 1536

# BALTIMORE COUNTY DEPAREMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 634 -A Address 9317 FRAGRANCE WAY
Contact Person: LIOTO T. MOXLET Phone Number: 41)-887-3391  Planner, Please Pant Your Name
Filing Date: 5/26/05 Posting Date: 6/5/05 Closing Date. 6/20/05
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.
2. <u>DEADLINE:</u> 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.
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 05-634 -A Address 9317 FRAGRAHCE WAT
Petitioner's Name LARRY 6. MOORE ET UX Telephone 410 256 1536
Posting Date: 6/5/05 Closing Date: 6/20/05
Wording for Sign: To Permit A SINGLE FAMILY DWELLING WITH OPEN
PROJECTION (DECK) TO HAVE A REARYAND SCTBACY
OF 15' IN LIEU OF THE REQUIRED 37.5.

# Department of Permits 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

June 20, 2005

Larry Moore Heather Moore 9317 Fragrance Way Perry Hall, Maryland 21128

Dear Mr. and Mrs. Moore:

RE: Case Number: 05-634-A, 9317 Fragrance Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 26, 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. Callilally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel



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

June 6, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: June 13, 2005

Item No.: 634, 635, 636, 637, 640, 642

Pursuant to your request, this Office has reviewed the referenced plan(s) 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.

Acting Lieutenant William F. Connolly, Jr. Lieutenant Franklin J. Cook Fire Marshal's Office (O) 410-887-4881 (C) 443-829-2946 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 10, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 20, 2005

Item No. 634, 635, 636, 638, 640, 641,

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-06102005.doc

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: June 17, 2005

JUN 2 0 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COME SONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-634- 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 Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

State Highway
Administration State Administration State Highway

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

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

### Maryland Department of Transportation

Date: 6.7.05

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

RE:

**Baltimore County** 

Item No. **634** 

LTM

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. 1. Soull

**Engineering Access Permits Division** 

#### To Whom It May Concern:

Please be advised that our neighbors, Larry and Heather Moore of 9317 Fragrance Way have consulted us regarding the variance they have requested concerning the building of a deck on their home. They have shown us the plans and documentation and after reviewing same we have assured them and hereby confirm to you that we have no objection to the approval of their request for the variance.

As witness this_15th_day of May, 2005, our hands seals

(Signature)

(Signature)

Address and Phone Number

5202 BRAEBURN WAY 410-529-9639

634

4104428003

# First Real Estate Management Fax Cover Sheet



то: Larry M	Loore	FROM.	aitlin Ryland	
COMPANY: Homeo	· · · · · · · · · · · · · · · · · · ·	DATE:	/28/2005	<u></u>
FAX NUMBER: 410-256	-1536	TOTAL 3	NO OF PAGES INCLUDI	NG COVER:
PHONE NUMB	ER:			
RE: Approv	al lettet			
□ urgent	D FOR REVIEW	PLEASE COMMENT	T PLEASE REPLY	REQUESTED INFO
NOTES/COMMI	ENTS			

HORVOUSE LATER

10775 BIRMINGHAM WAY STE 8 PMB 132 WOODSTOCK, MD 21163

410-442-8002 FAX: 410-442-8003 First Real Estate Management 10775 Birmingham Way, Suite 8 PMB 132 Woodstock, MD 21163 (410) 442-8002 Fax (410) 442-8003



March 28, 2005

Larry Moore 9317 Fragrance Way Perry Hall, MD 21128

Dear Mr. Moore;

Thank you for submitting plans for a new deck. Your deck plans have been approved. Please be sure to have your lumber package delivered on your lot and not the HOA common space to prevent any damage from occurring.

Enjoy the lovely new addition to your home.

4104428003

Sincerely,

Caitlin Ryland

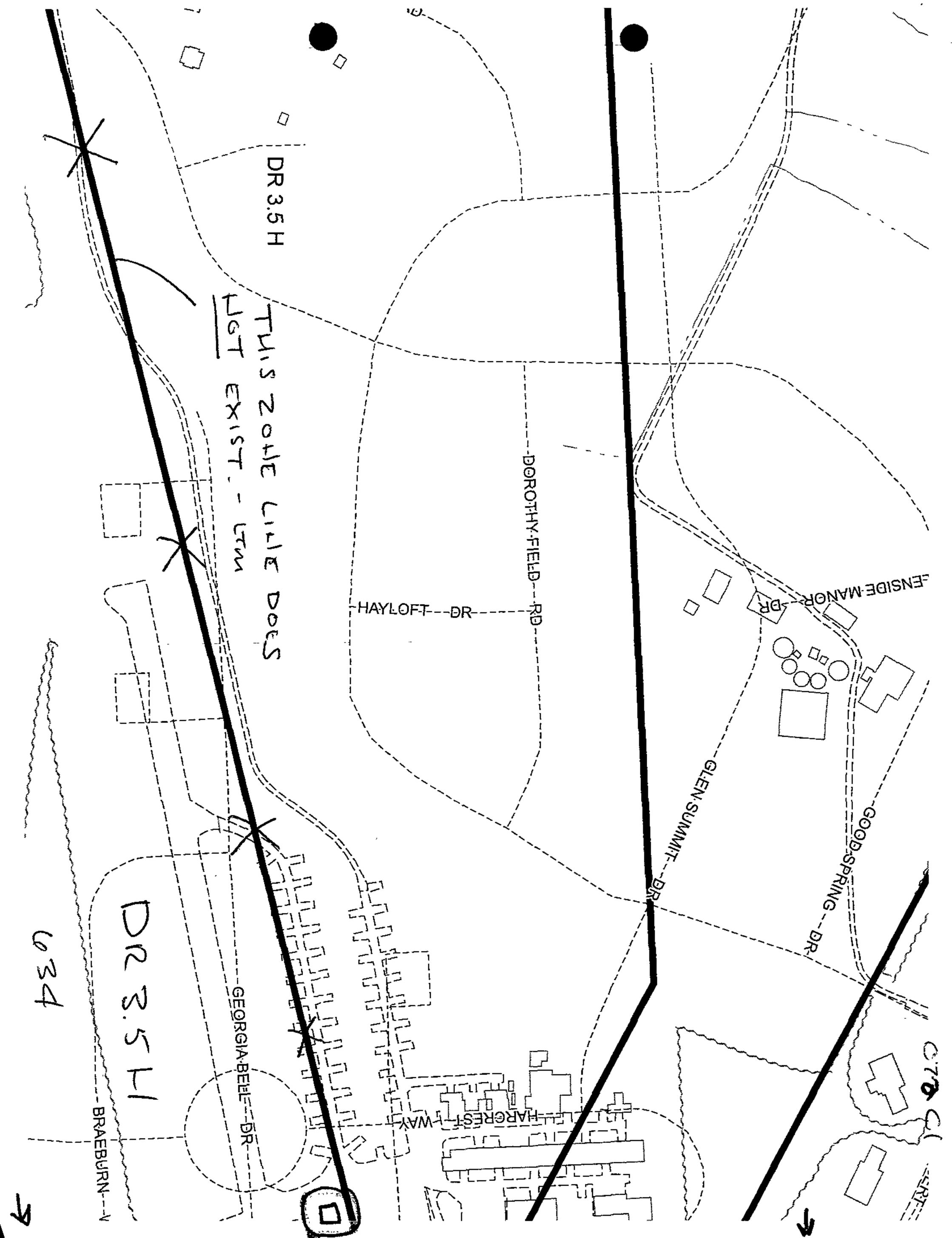
Community Manager

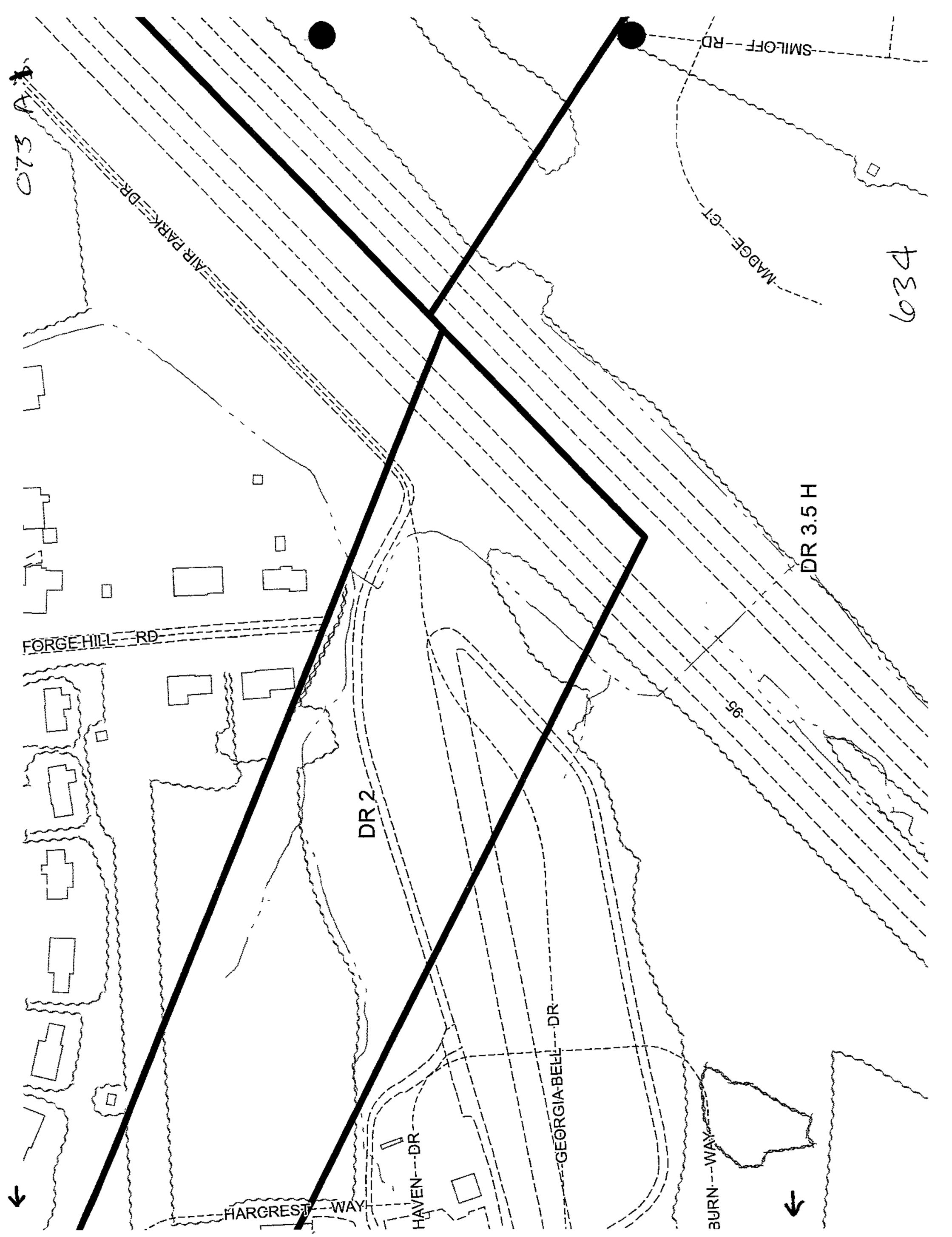
# FORGE LANDING HOMEOWNERS ASSOCIATION ARCHITECTURAL DESIGN COMMITTEE PLANS REQUEST FORM

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	EC: Mar	1	4	2005	

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Date Submitte	ed: 3/	10/05	Date Approved:		
Homeowner l	Name:	arry M	100re		
Address:	7317	Fragrance	Way	(Jax)	Sume as
Home Phone:	(410)	256 1536	Work Phone:	410-59	18-9050
	(	fect: (please check	•		
			Satellite	frich	Fencing
✓ Decking		Landscaping			L CHICKLE
Home A	ddition	Exterior Painting	Other (pl	ease describe)	
Project:	Sec at	Hachod)	704~posito	Cape Coc	Grey
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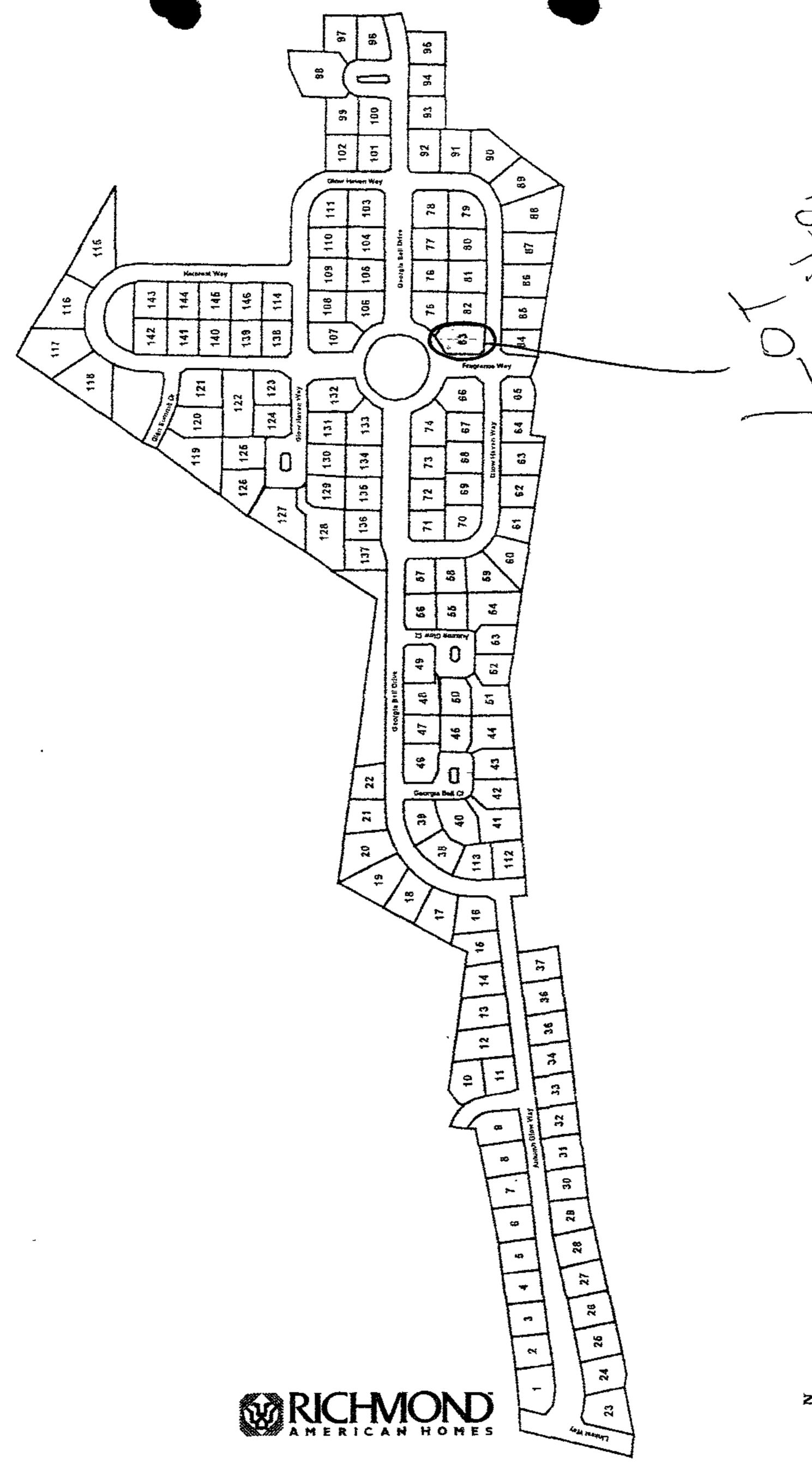
TEN #	REPARED BY Larry Moore SCALE OF DRAWING: 1" = 40
HEARING NO 002	(5C, K),
HISTORIC PROPERTY/	N 48'22'40" N IAIR ' BRAIBURN NAY R
<u>— 5</u>	5 86 3720' W 7000'
	SAY AC UNITS WINDOW CATY
LOT SIZE ACREAGE SQUARE FEET	1000 SWAN 200 SWAN 2
1"= 200' SCALE MAP # 073C1 / 073A	20. 182 0. 182 0. 183 0. 183 0
COUNCILMANIC DISTRICT	CA CANAGAMAC A CAN
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E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION	T A





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Forge Landing

M RICHMOND.

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