DER RECEIVED FOR FILINGS

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Terrapin Road, 60 ft. W
centerline of Humbodt Court
3rd Election District
2nd Councilmanic District
(3312 Terrapin Road)

Judy M. & Richard C. Fleischer Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 05-682-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, Judy M. and Richard C. Fleischer. The administrative variance is requested for property located at 3312 Terrapin Road in the Pikesville area of Baltimore County. The administrative variance request is from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport to extend 100% into the side yard setback in lieu of the required 25% (0 ft. in lieu of 11.25 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 July 3, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

A ZAC comment was received from the Office of Planning dated July 8, 2005, wherein they stated that they could not support Petitioners' request as presented. Thereafter, the Petitioners revised their site plan and resubmitted same to the Office of Planning for further review. The Office of Planning reviewed and approved the revised plan in ZAC comments dated August 4, 2005. Copies of these ZAC comments are in the case file.

Amended Petition

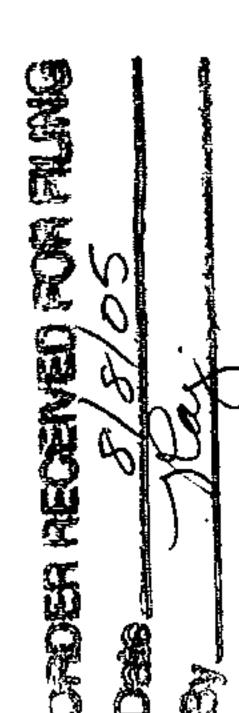
As the result of the discussions with the Office of Planning, the Petitioners amended their petitioner to request a side yard setback of 4 feet instead of their prior requests of 0 feet. This translates into an amended variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport to extend 73.3% into the side yard setback in lieu of the required 25% (4 ft. in lieu of 11.25 ft.)

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 2 day of August, 2005, that an amended variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport to extend 73.3% into the side yard setback in lieu of the required 25% (4 ft. in lieu of 11.25 ft.), pursuant to the amended site plan Petitioner's exhibit 2, 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.

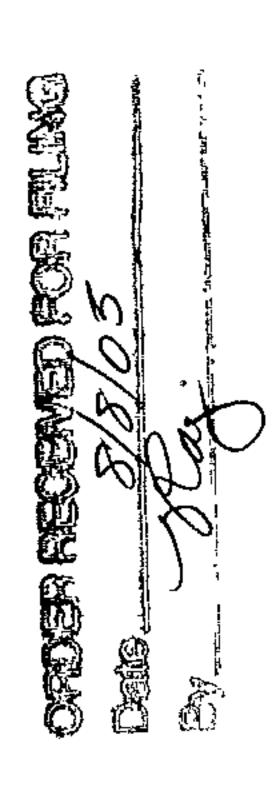
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

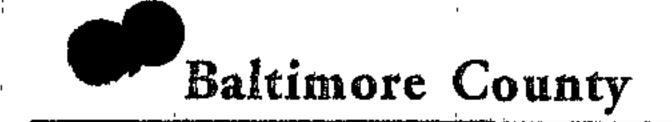
JVM:raj



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

August 5, 2005

Mr. & Mrs. Richard C. Fleischer 3312 Terrapin Road Pikesville, Maryland 21208

> Re: Petition for Administrative Variance Case No. 05-682-A Property: 3312 Terrapin Road

Dear Mr. & Mrs. Fleischer:

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: Donald Ross, Cape May Contractors, 501 Armstrong Lane, Baltimore, MD 21221



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



REV 10/25/01

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property	located at 3312 Terrapin Rd, Pikesville, MI
	which is presently zoned 700 - 7
This Petition shall be filed with the Department of Pernowner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Variance from Section (OOS in To-	nits and Development Management. The undersigned legal, ich is described in the description and plat attached hereto and tion(s) 301.1 () — To Formure A Chroson
of the zoning regulations of Baltimore County, to the zoning of this petition form	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the it or we agree to pay expenses of above Variance, advertising, poregulations and restrictions of Baltimore County adopted pursuant	zoning regulations. osting, etc. and further agree to and are to be bounded by the zoning to the zoning.
	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):
Name - Type or Print Signature	Richard C Fleischer Name-Type print leedely Signature
Address Telephone No	Name - Type or Print
City State Zip Code	Signature of Derocker
Attorney For Petitioner:	3312 Terrapin Rd 410-484-7968
Name - Tibe or Frint	Pikesville, MD 21208-3107 Telephone No
Signatur	Representative to be Contacted:
Cempa 2 2	DONUMUD ROSS CAPE MAY CONTENEROR
Telephone No	Address Approve CAR 90-574-3221
State Zip Code	City MD 3(22)
day of that the subject matter of this Balts fore County and that the property be reposted	required, it is ordered by the Zoning Commissioner of Baltimore County is petition be set for a public hearing advertised as required by the zoning
	' and the second of the second
11 CE 110 AC 1 A	Zoning Commissioner of Baltimore County
ASE NO. 05-682. (-)	awad Du

Reviewed By

Estimated Posting Date

Date 06 7(-05

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.

The event to teemy thereto in the event that a pul	blic nearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do proportly roulds at	Address Terrapin Rd
	Pikesville, MD 21208-3107
	City State Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ing are the feete upon which their bear it.
physician's care for high hips, removal of the L5	of years old on 8/22/05. She is under the sharp of the blood pressure, osteoarthritis in her her her her left damage and recurring sciatica.
Richard Fleischer was 60	years old on 9/5/04. He is under physician.
The granting of this Adm part of the burden of Wi	dinistrative Varience will relieve us of inter snow shoveling automobile de-icing.
	•
•	-
There was a second of the seco	•
inal the Amant(s) acknowledge(s) that if a forn divertising fee and may be required to provide add	nal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
Replace Clarke	Signature Signature
Richard C Fleischer	Judy M Fleischer
ame - Type or Print	Name - Type or Print
TATE OF MARYLAND, COUNTY OF DALTING	
TATE OF MARYLAND, COUNTY OF BALTIMO	RE, to wit:
HEREBY CERTIFY, this 2/ day of Maryland, in and for the County aforesaid, person	nally appeared 2005, before me, a Notary Public of the State
ne Affiant(s) herein, personally known or satisfactor	orily identified to me as such Affiant(s).
S WITNESS my hand and Notarial Seal	/
· ····································	

My Commission Expires 10-1-08

REV 10/25/01

ZONING DESCRIPTION FOR 3312 TERRAPI	w ROAS	·	; - 4
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OF DUMBARTON HETOHTS AS RECORDED IN	1116 (37) -4 1420.	/C &*	44nn\ 4 == 400
COUNTY PLAT BOOK #29 FOLIO #66 CONTAIN	11NG 23 868	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,
SOUARE FEET, ALSO ICHOWN AS 3312 TO	REAPIN ROAD	and	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
LOCATED IN THE 3RD ELECTION DISTRICT,	mast converse me	م وراد	
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DISTRICT			
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PRANCE PRANCE RECEIPT ACCOUNT ACCOUN	HITE - CASHER PINK - J	8. 1277 2. 277	ECEIVED 1 1		FICE OF BUDGET &
	MOLISION - MOT	F. F. F. C.		AMOUNT \$	ECEPT AND
	In the same of the	7			8

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RE: Case No.: 05-682-A

Petitioner/Developer: RICHARD F

JUDY FLEISCHER

Date of Hearing/Closing: 7-18.05

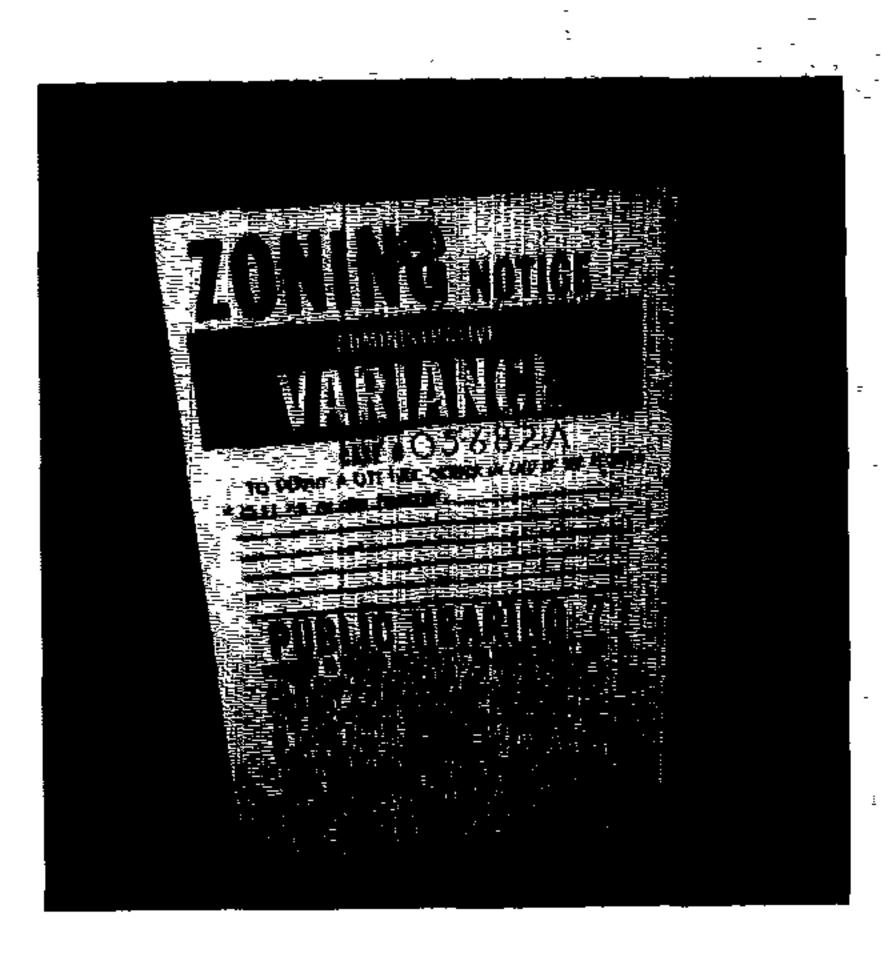
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penaltie posted conspicuously on the property loc	s of perjury that the necessary signated at:	ı(s) required by law were
	TERRAPIN RD	
The sign(s) were posted on	7 - 3 · 05 (Month, Day, Year)	#

Sincerely,



3312 TERRAPIN 20

Robert Blech 7-6-05 (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 the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: Richard & Judy Flexcher
Address or Location: 2012 Terrapiu Rd 21208-3107
PLEASE FORWARD ADVERTISING BILL TO: Name: Richard Fleischer
Address: 22 Terrapiu Rd Eatimore, 410 21208-3107
Telephone Number:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-682A Address 3312 TORTCAPUN RD.
Contact Person: Sound Race Print Your Name Phone Number: 410-887-339
Filing Date: 06-21-05 Posting Date: 07-03-05 Closing Date: 07-18
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 petitione 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.
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- 687 -A Address 33 (2 Terranic) Ro.
Petitioner's Name
Posting Date: <u>07-03-05</u> Closing Date: <u>07-18-05</u>
Wording for Sign: To Permit A OFT SIDE SETISBOR (N) (Geo) OF
THE REQUIRED 11, 25 FT from AN OFFIN PROJECTION

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

July 18, 2005

Richard C. Fleischer Judy M. Fleischer 3312 Terrapin Road Pikesville, Maryland 21208-3107

Dear Mr. and Mrs. Fleischer:

RE: Case Number: 05-682-A, 3312 Terrapin Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 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.

U. Carl Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Donald Ross 501 Armstrong Lane Baltimore 21221



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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 15, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for July 18, 2005 Item No. 682

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have comments.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setback shall be modified accordingly.

DAK:CEN:cab

cc: File

ZAC-COMMENTS-ITEM NO 682-07152005.doc

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: July 8, 2005

RECEIVED

JUL 0 7 2005

SUBJECT:

3312 Terrapin Road

ZONING COMMISSIONER

INFORMATION:

Item Number:

5-682

Petitioner:

Richard and Judy Fleischer

Zoning:

DR 2

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and is unable to offer support of a 0.00-foot side yard setback in lieu of the minimum required 11.25 for a carport. However, the Office of Planning would support a modified proposal for a smaller carport that maintains a minimum 3-foot side yard setback.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Division Chief:

AFK/LL: CM

INTER-OFFICE CORRESPONDENCE

DATE: August 4, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

REVISED COMMENT

SUBJECT:

3312 Terrapin Road

INFORMATION:

Item Number:

5-682

Petitioner:

Richard and Judy Fleischer

Zoning:

DR 2

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the revised site plan (dated August 3, 2005) and architectural elevation drawing and supports the variance of a 4-foot side yard setback in lieu of the minimum required 11.25 for a carport (see attached plans).

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 7.11.05

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

RE:

Baltimore County
Item No.

BZ JJRA

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

J. J. Heell

Engineering Access Permits Division

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley MG

DATE:

September 7, 2005

SUBJECT:

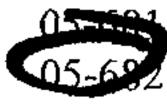
Zoning Item

See List Below

Zoning Advisory Committee Meeting of July 11, 2005

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

05-680



05-684

05-687

05-688

05-689

05-692

Reviewer:

Sue Farinetti, Dave Lykens

Date: July 6, 2005

S.\Devcoord\ZACNOCOMMENT9-05.doc

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

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

July 5, 2005

ATTENTION: Zoning Review planners

Distribution-Meeting of: July 11, 2005

Item No.: 680-693

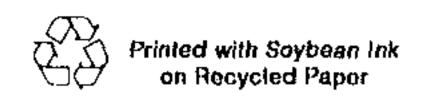
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Comments:

1. The fire marshal's office has no comments at this time

Insp. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



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

July 28, 2005

Mr. & Mrs. Richard Fleischer 3312 Terrapin Road Pikesville, Maryland 21208-3107

> Re: Petition for Administrative Variance Case No. 05-682-A Property: 3312 Terrapin Road

Dear Mr. & Mrs. Fleischer:

I was given your requested administrative variance for review and approval. Upon my review of your file, it came to my attention that the Zoning Advisory Committee (ZAC) comment prepared by the Office of Planning does not support your request unless you comply with the recommendation set forth in the summary. I am enclosing a copy of this ZAC comment for your review.

It would be appreciated if you would respond to their recommendation in writing to the undersigned. Once I receive your reasons supporting your request, I can then make my decision and prepare an Order. If you do not agree with their ZAC comments, I can set the open issue in for public hearing and give you every opportunity to tell me why I should not follow their recommendations.

Thank you for your attention and cooperation in this matter. Should you have any questions regarding this matter, please feel free to contact my office at 410-887-3868.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

C: Donald Ross, Cape May Contractors, 501 Armstrong Lane, Baltimore, MD 21221

ON NO 38D CHARGED PLAN WAS SUBMITTED POR REVIEW BY DISPICE OF

PLANNER CEVIESED PLAN MEETS OFFICE OF PLANNER COMMONTS SEE ATTREET

Mrs Fay Holzman 3400 Terrapin Rd Baltimore, MD 21208

To whom this may concern:

I give permission to Richard and Judy Fleischer of 3312 Terrapin Rd, Baltimore, MD 21208 to build a carport/garage over their existing driveway that is on that side of their house that is not adjacent to my house. Their structure's dimensions will be 22 feet by 28 feet.

Mrs Belle Sussman 3310 Terrapin Rd Baltimore, MD 21208

To whom this may concern:

I give permission to Richard and Judy Fleischer of 33 12 Terrapin Rd, Baltimore, MD 21208 to build a carport/garage over their existing driveway that is on that side of their house that is adjacent to my house. Their structure's dimensions will be 22 feet by 28 feet.

Bull a Susman

1/4/05

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Fille Dersruan
4/17/05

OS-682.(-)

Mrs Belle Sussman 3400 Terrapin Rd Baltimore, MD 21208

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4/17/05

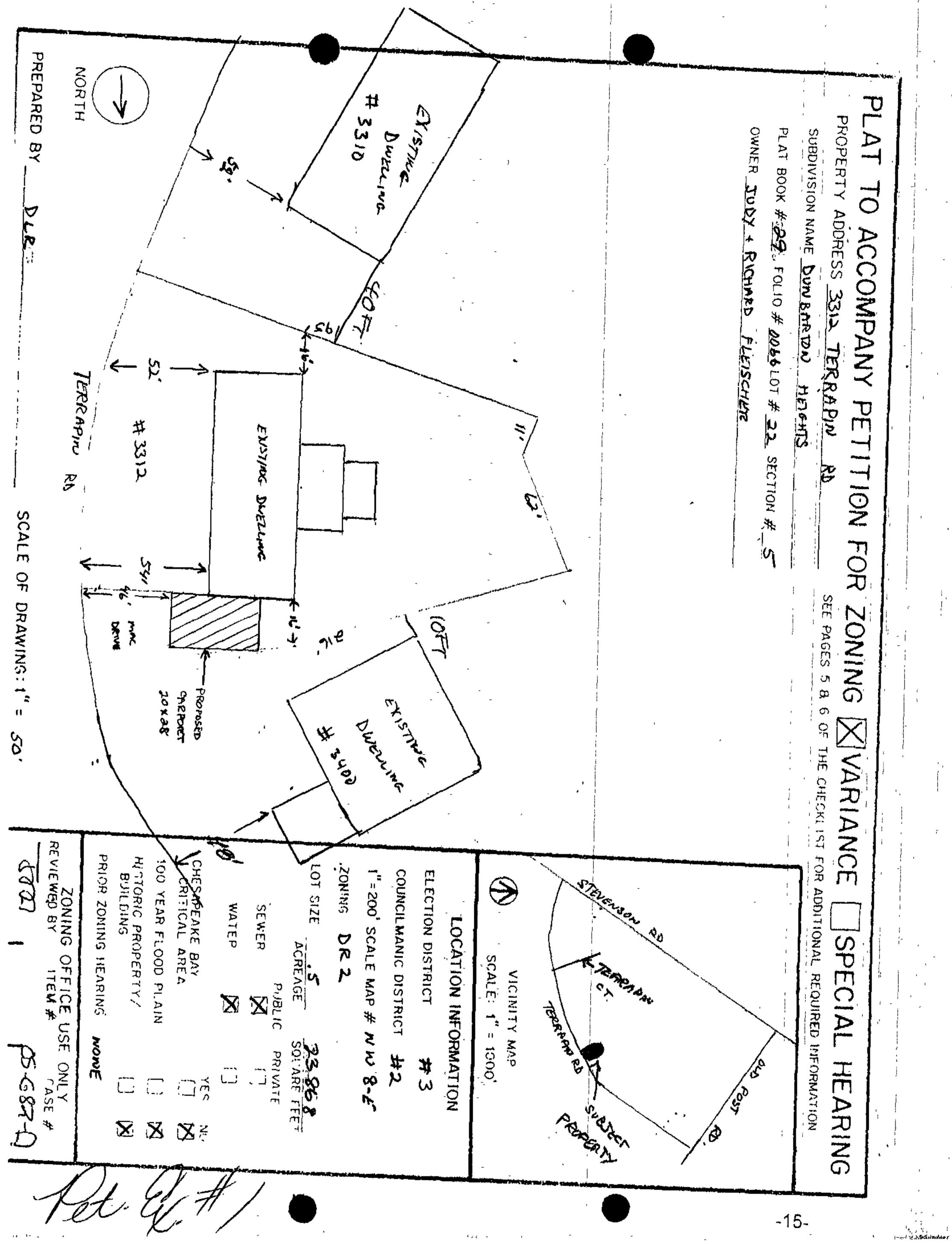
Mrs Belle Sussman 3400 Terrapin Rd Baltimore, MD 21208

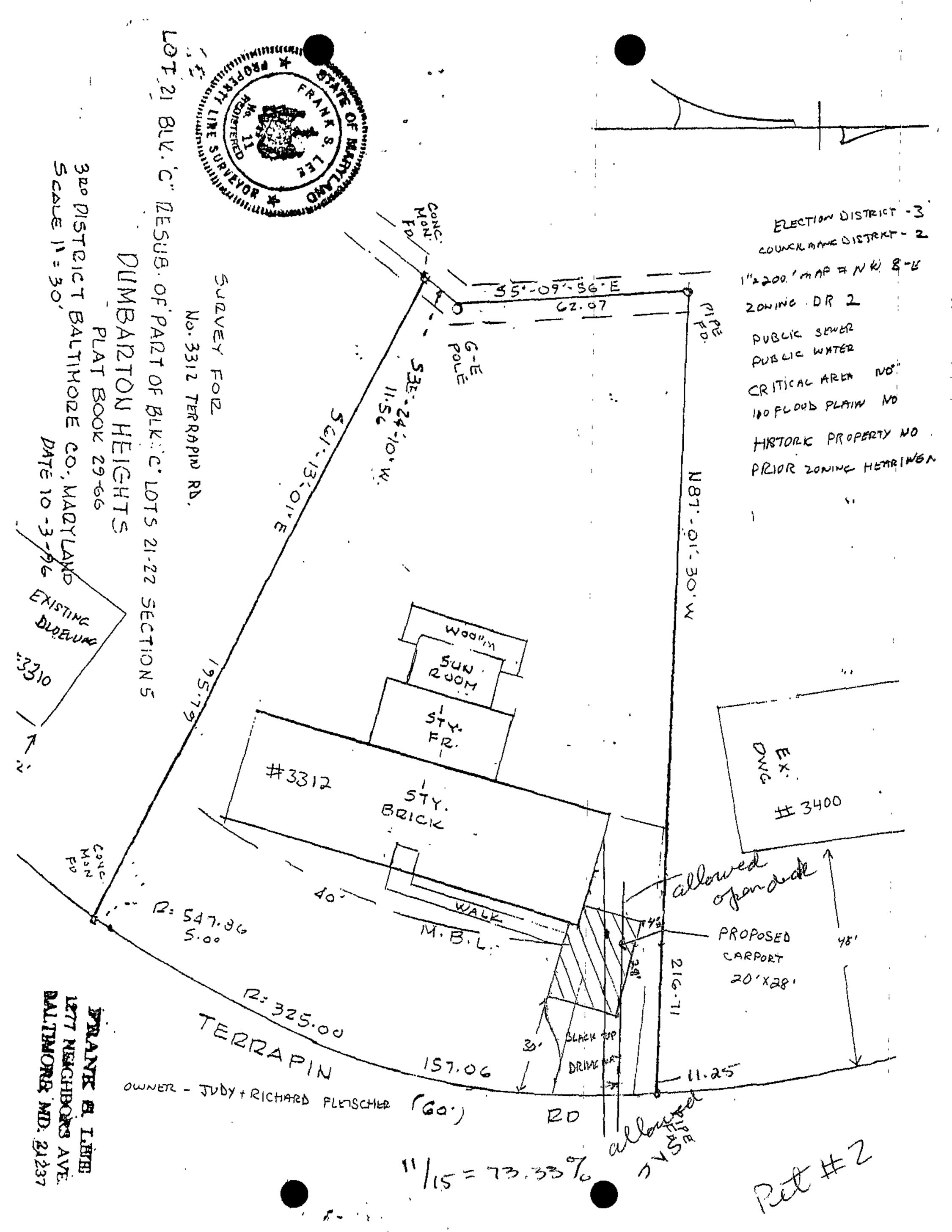
To whom this may concern:

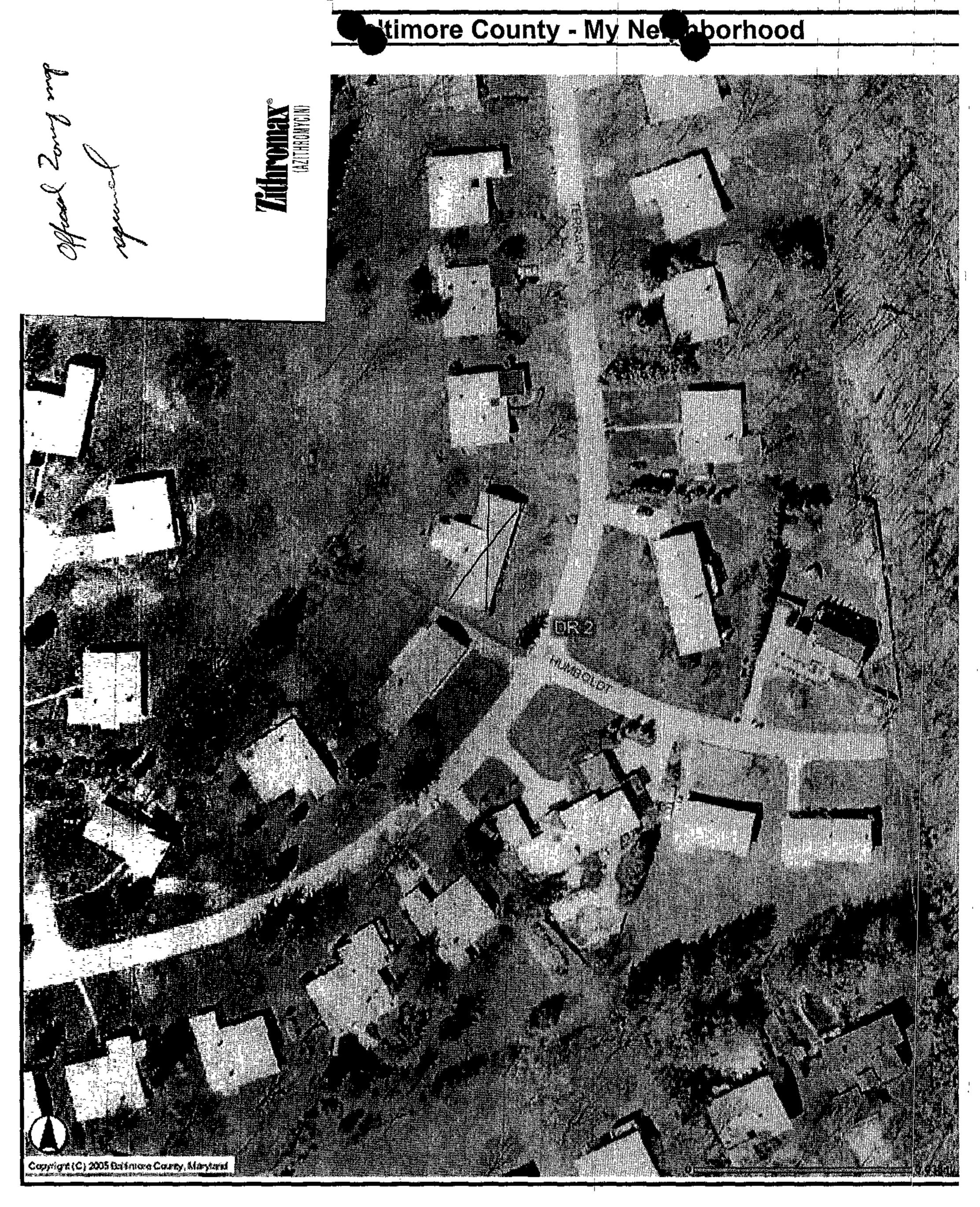
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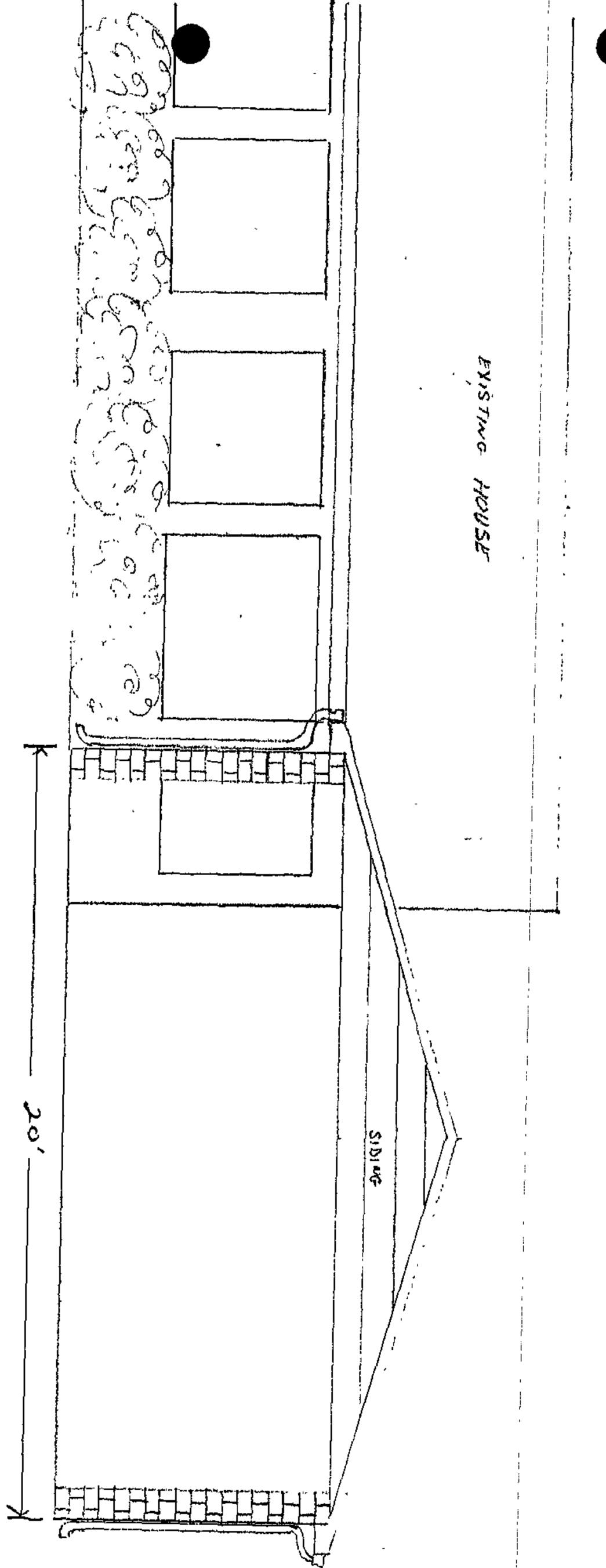
Rolle Derssee on 4/17/05

OS-687-A



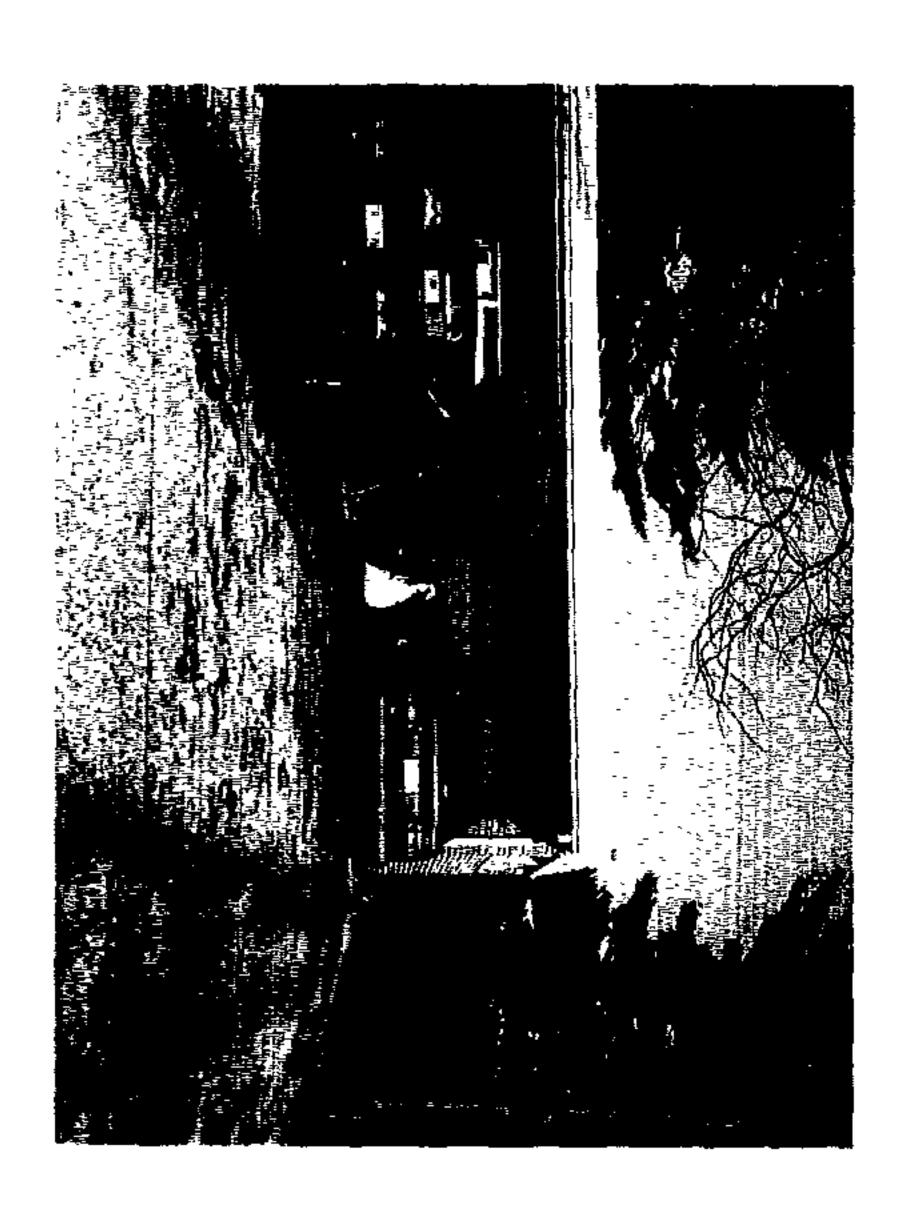


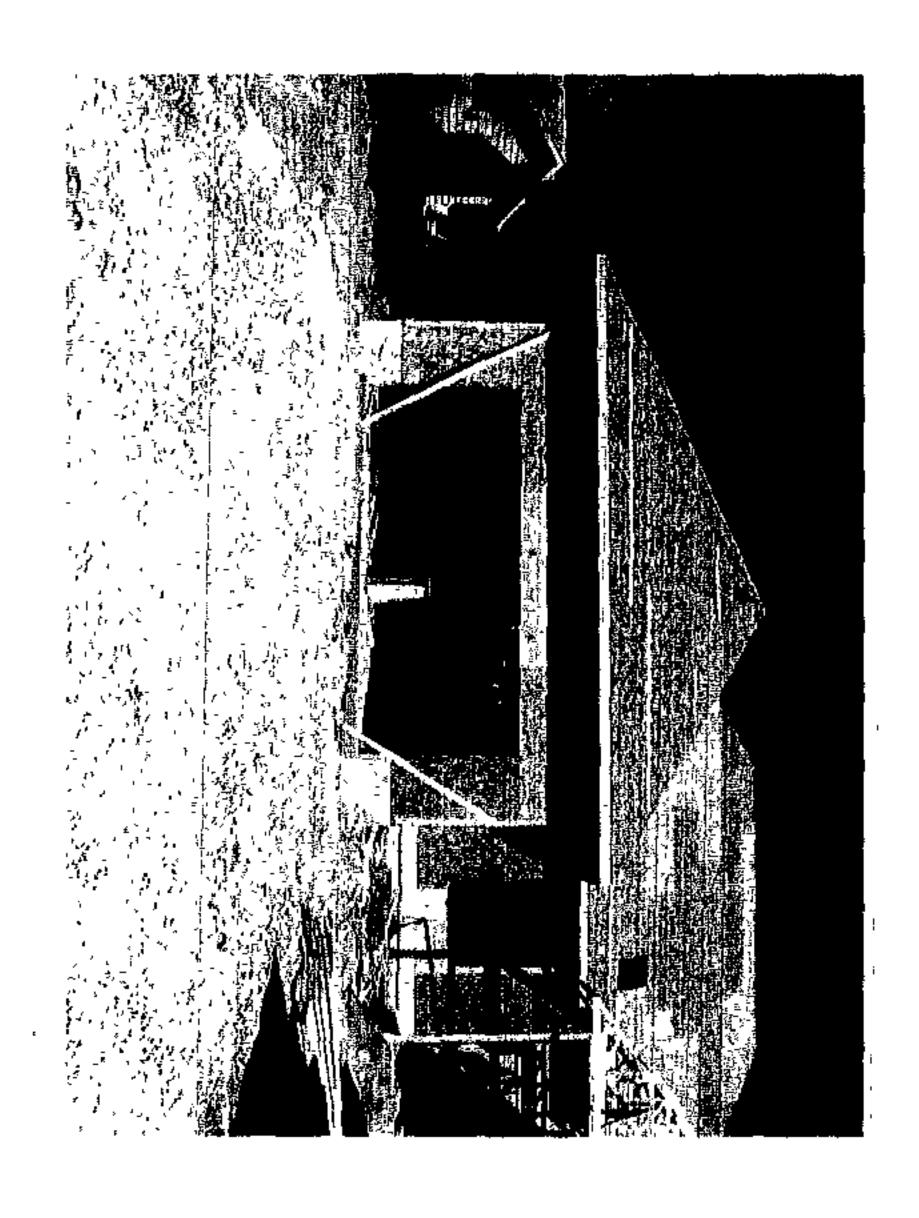




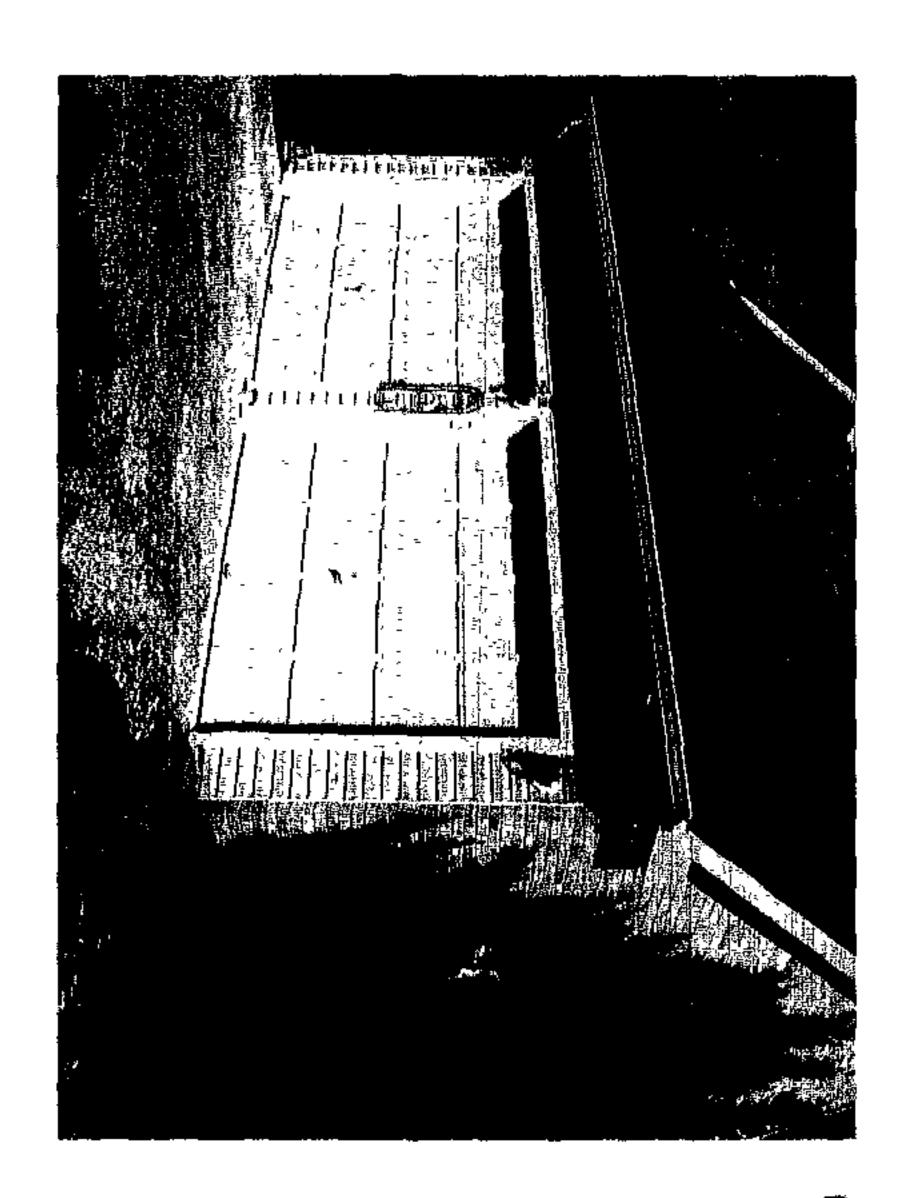
PROPOSER
3312 TER F00D TERRAPIN COLOMNS CARPORT ROO≠

8 C









O5-682-17

widerset

other reighborhood carports & Coarages

Hausbolt

Terropia Ct



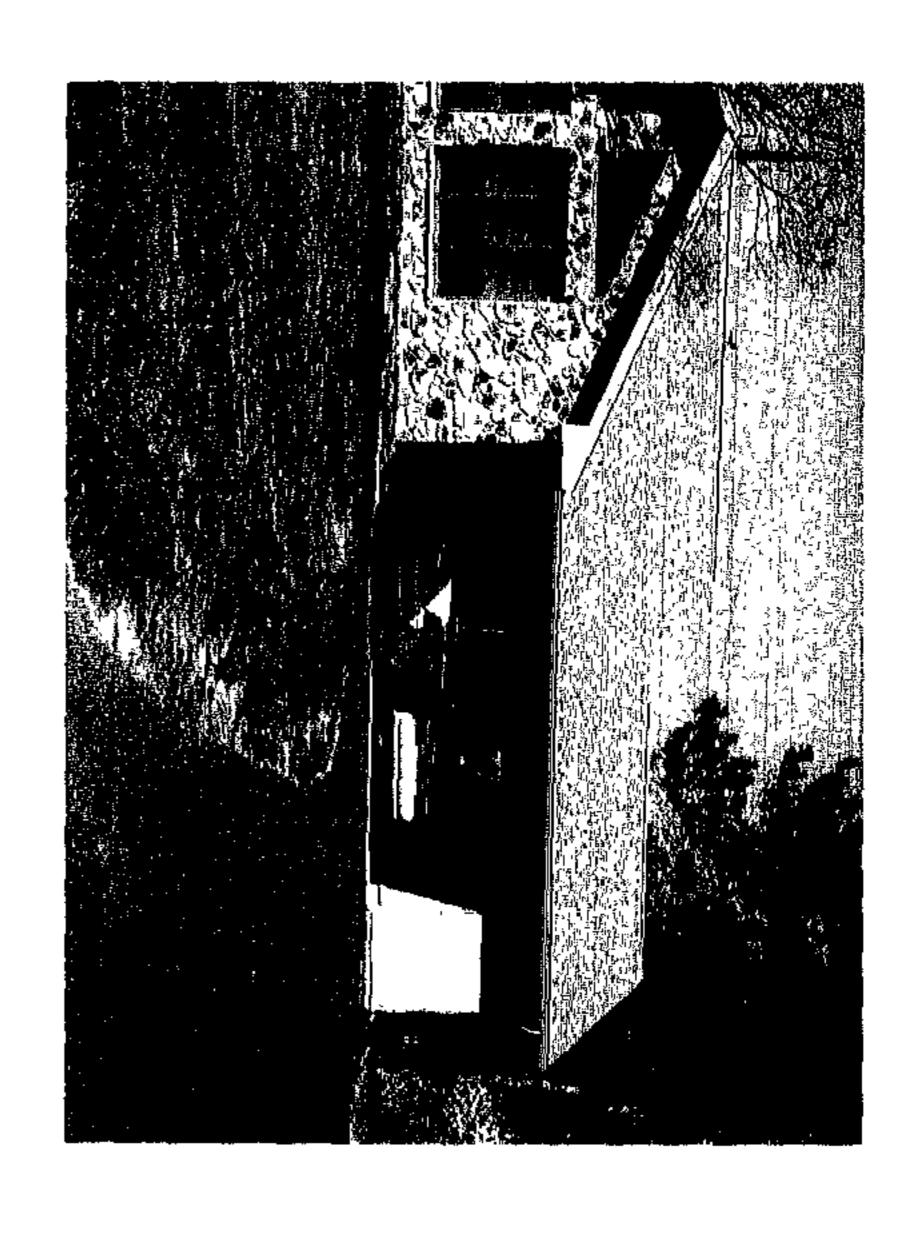






other Neighborhood carports & Garages





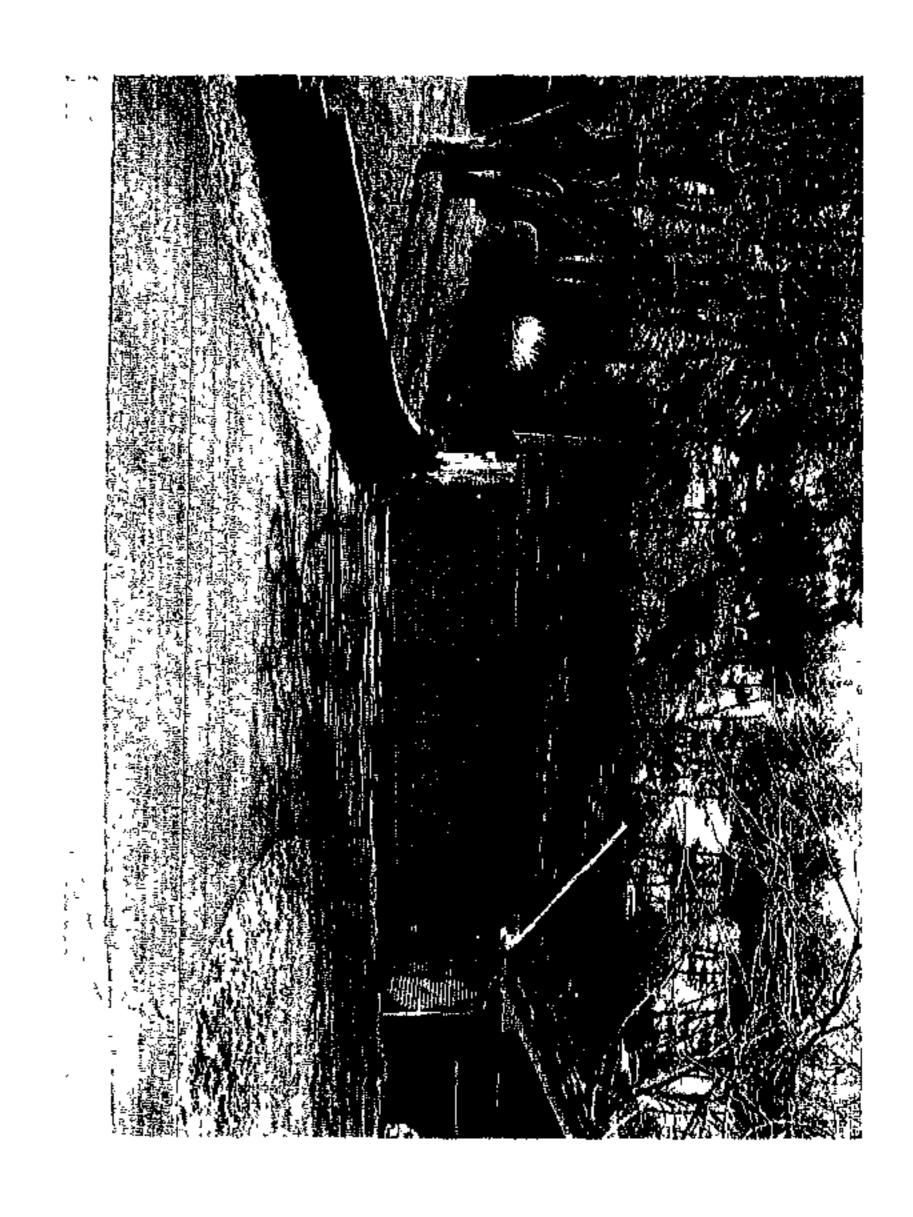


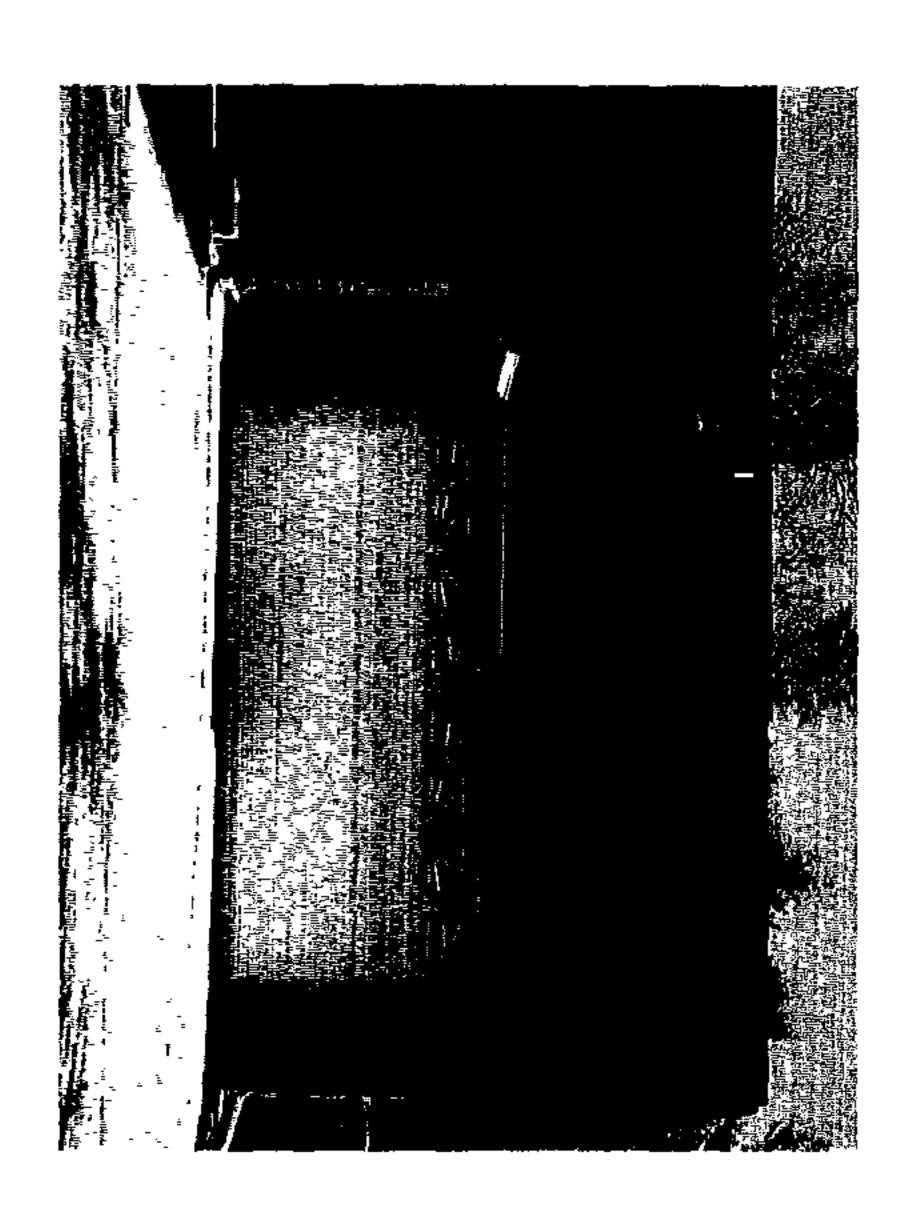


05.682.A

Other Neighborhood Corports + Garages



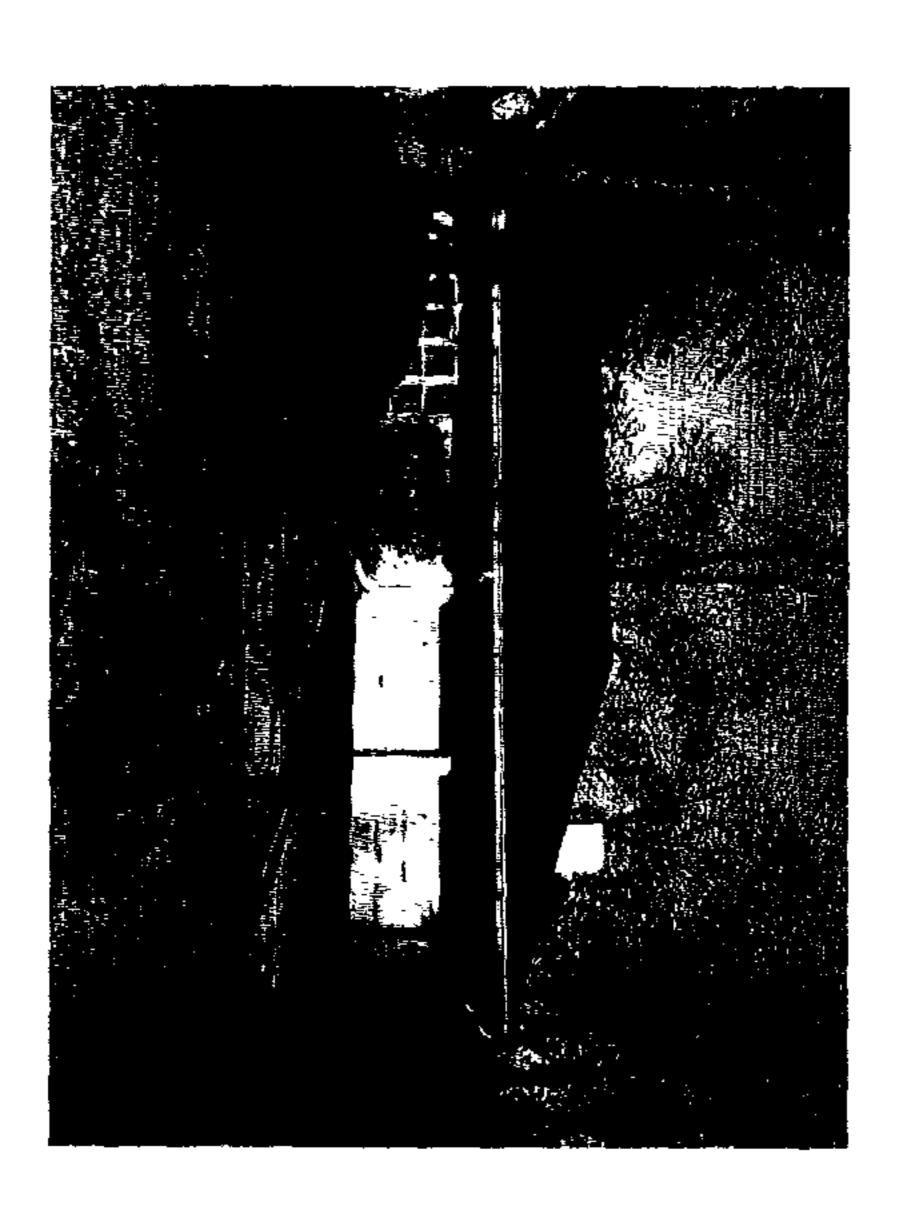




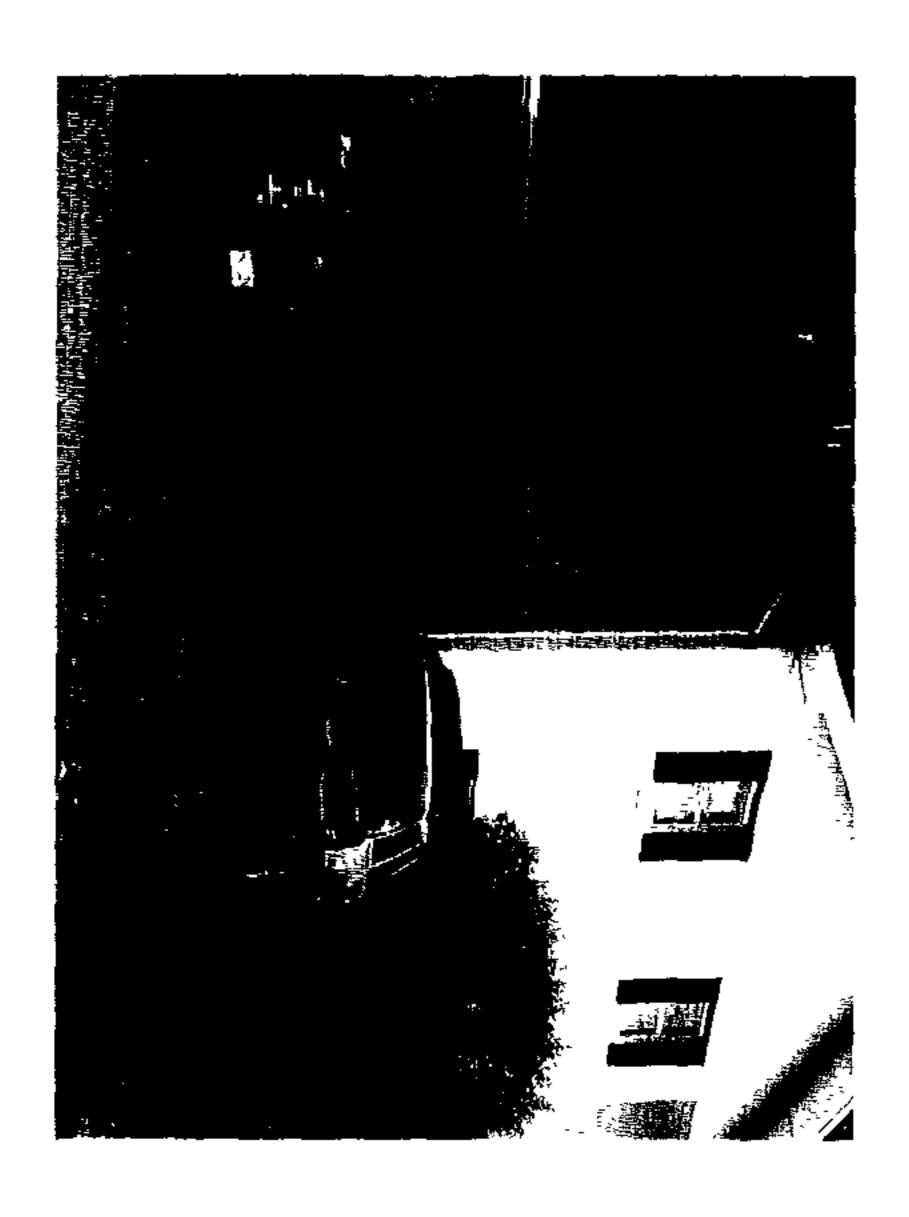


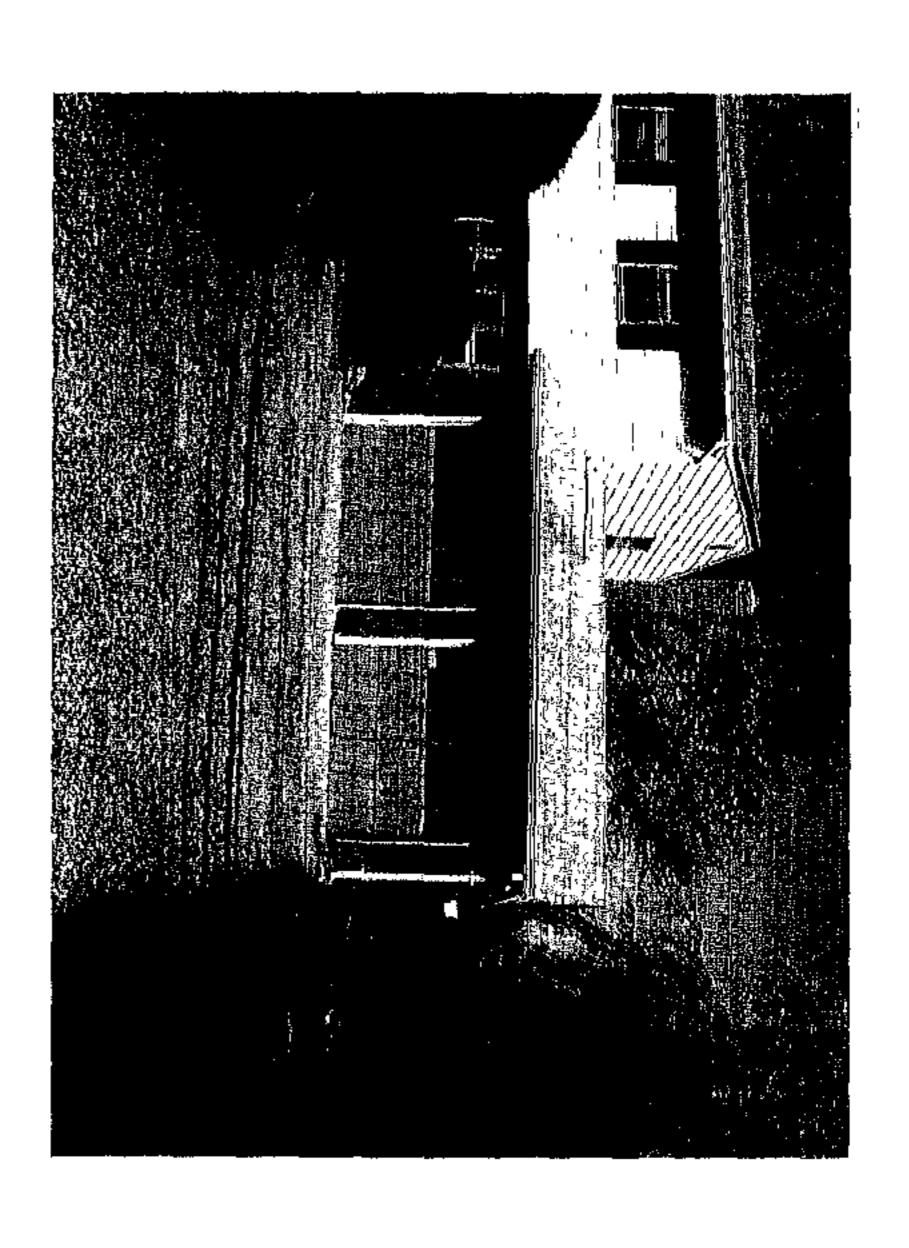
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other neighborhood Carports + Garages







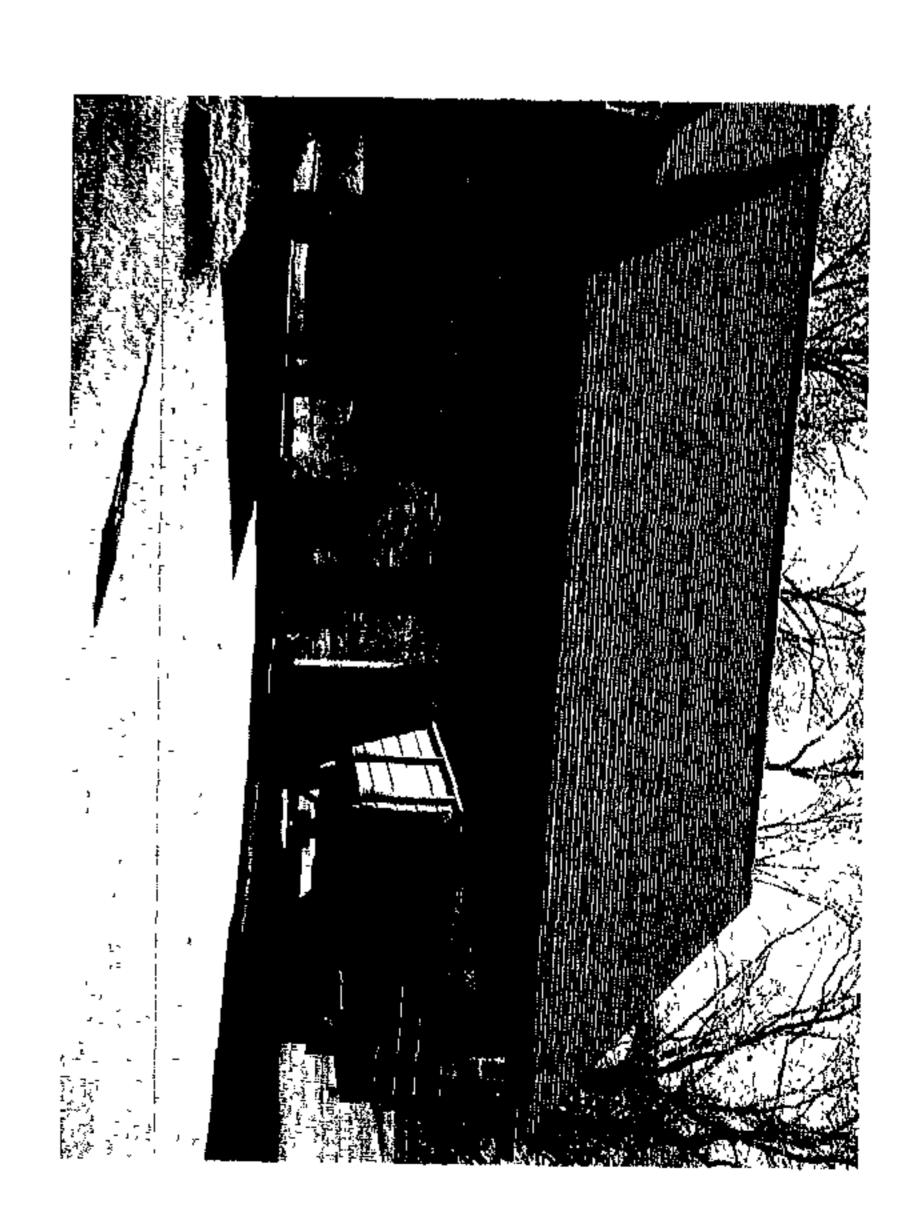


other neighborhood Carports & Garages



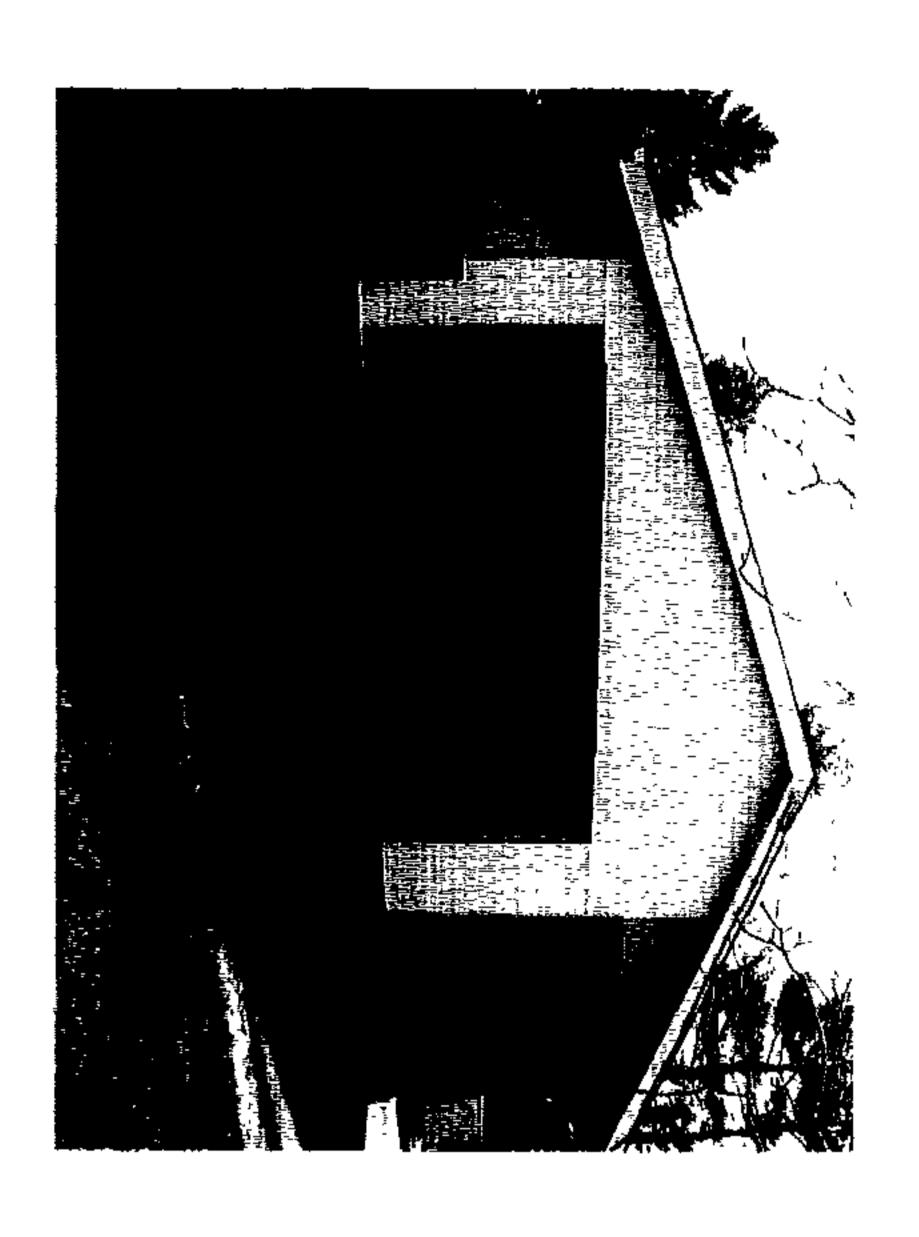


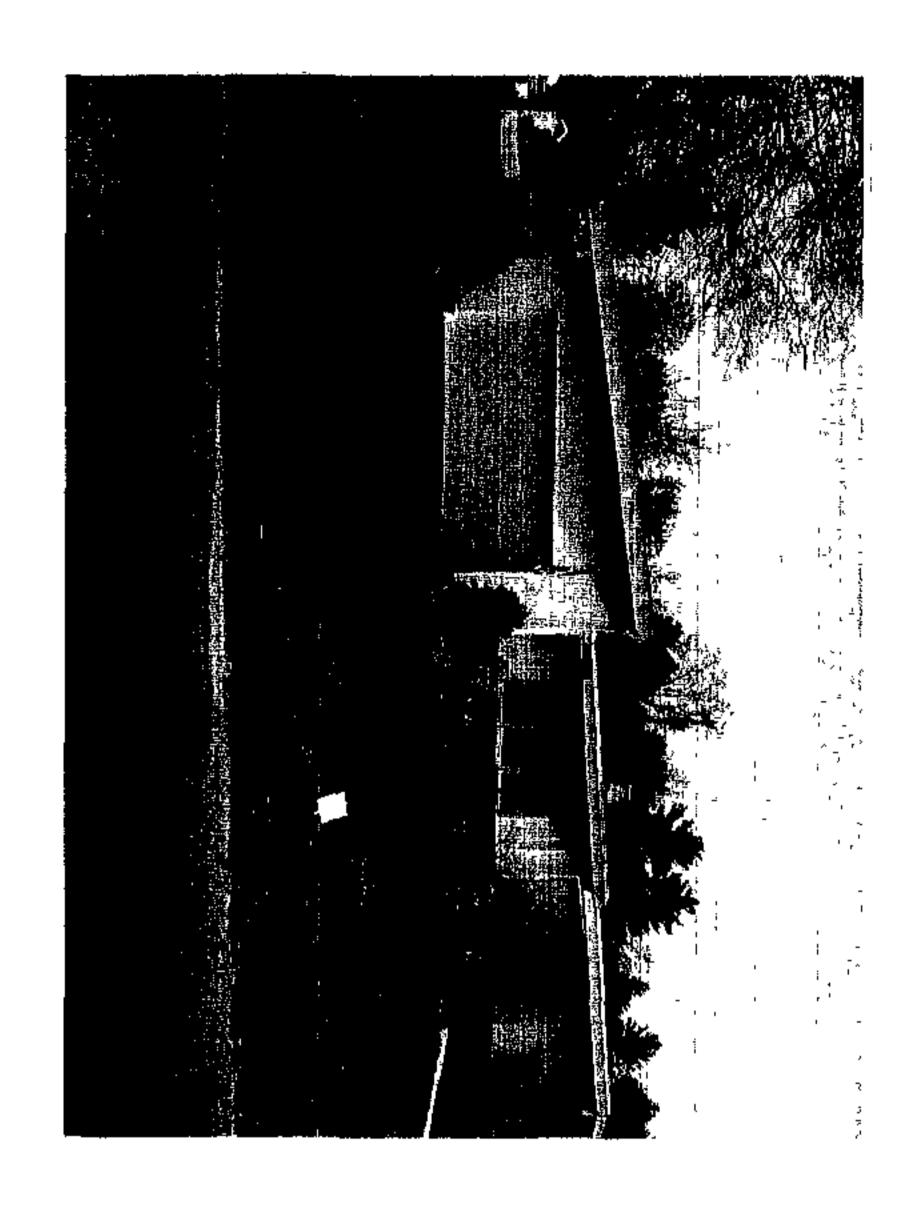




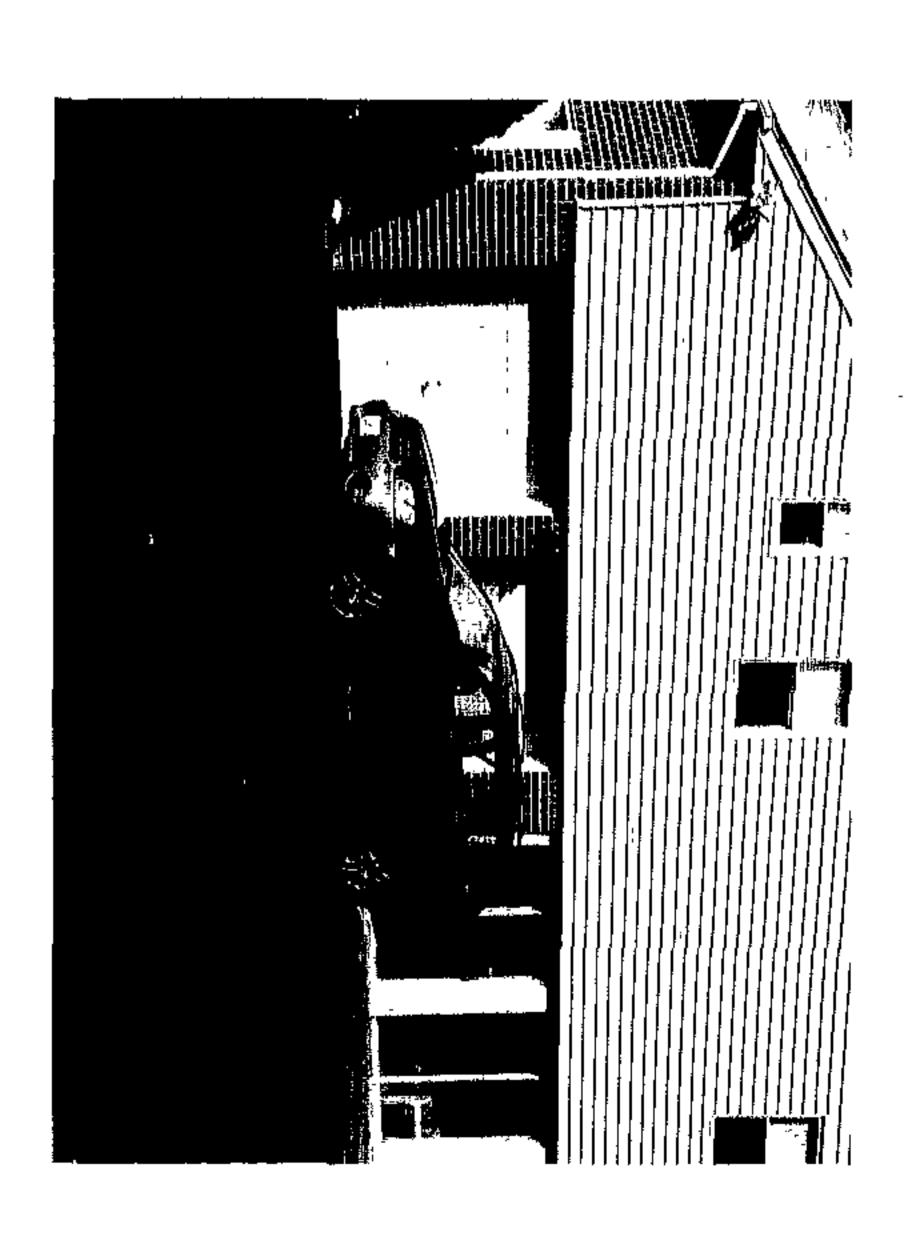
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Other Neyhborhood Carports + Garages







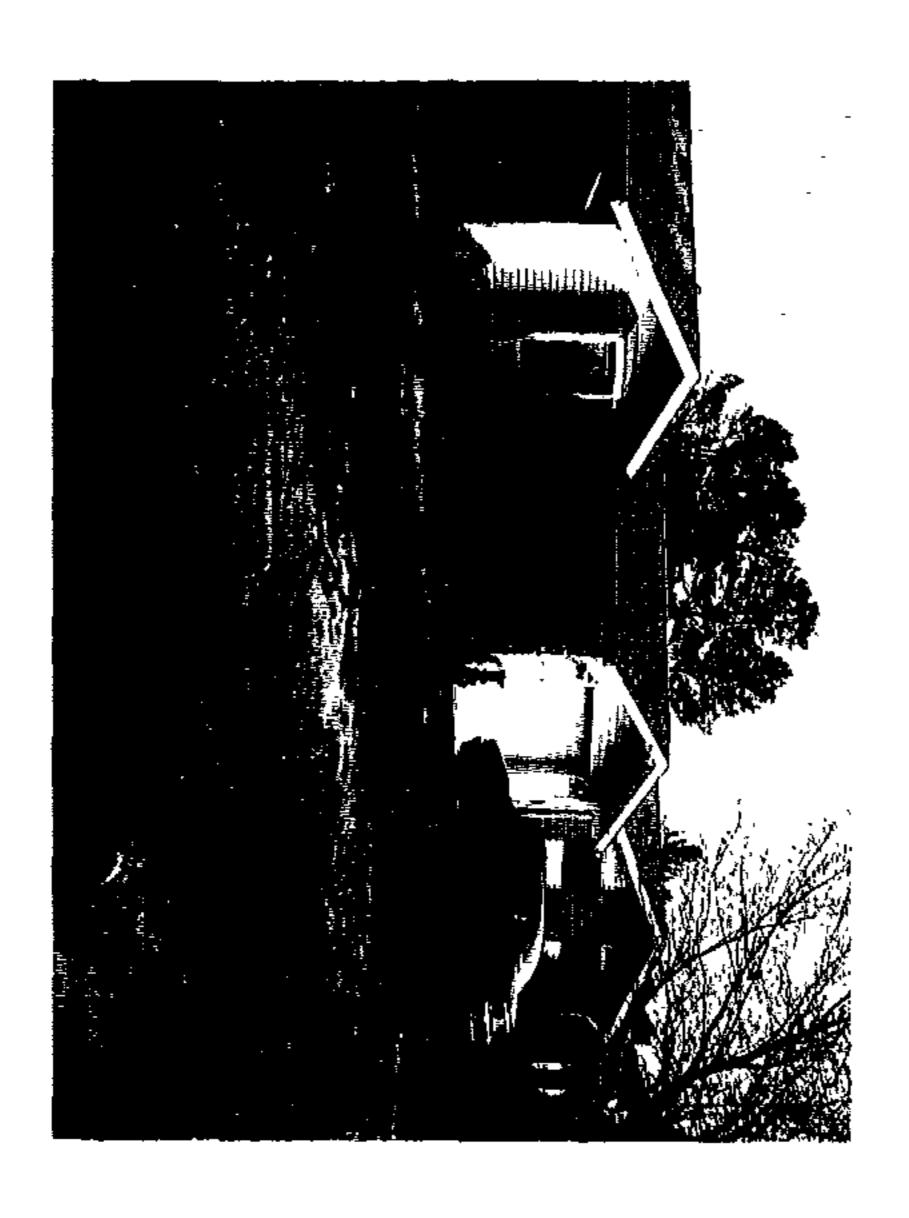


Terrapiu Rd

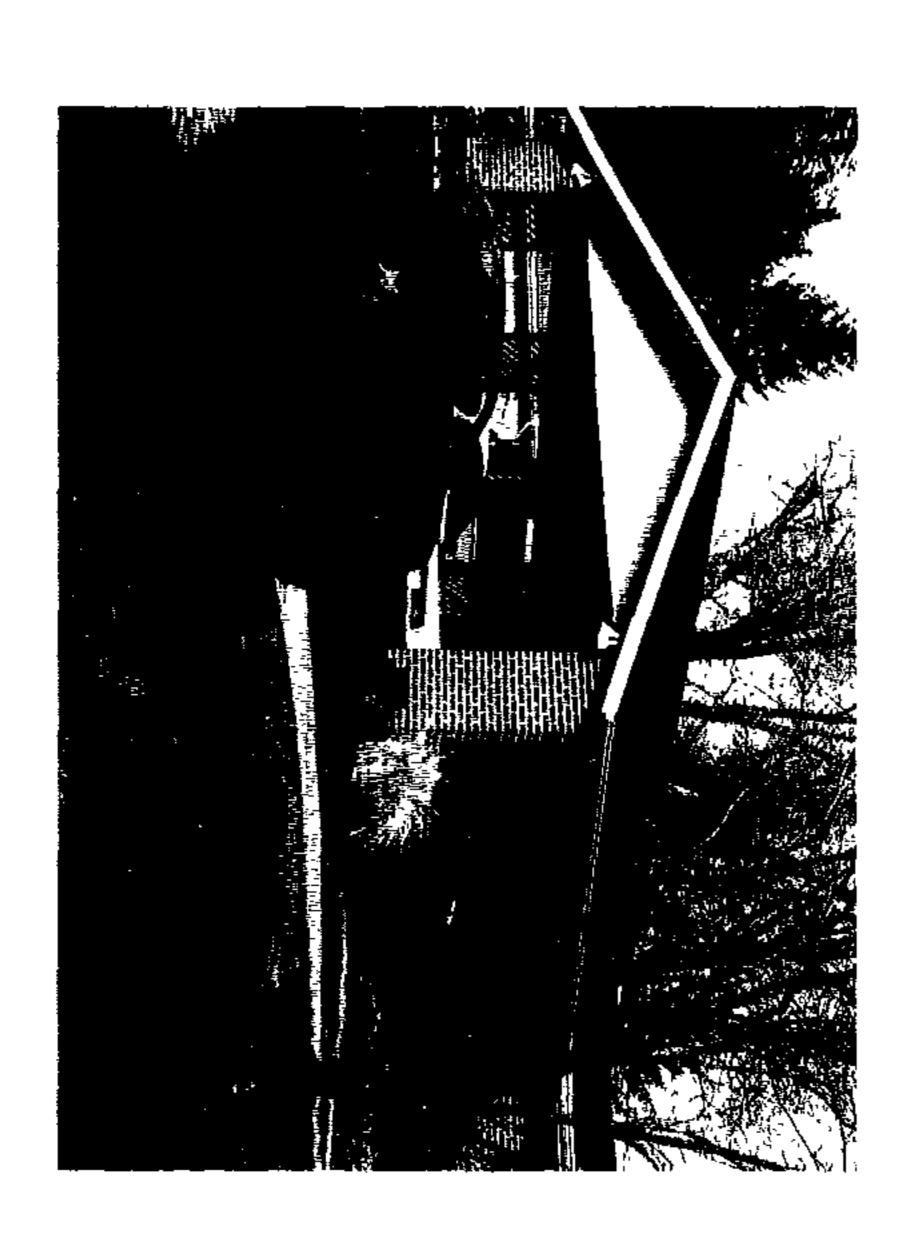
Terrapiu Ra

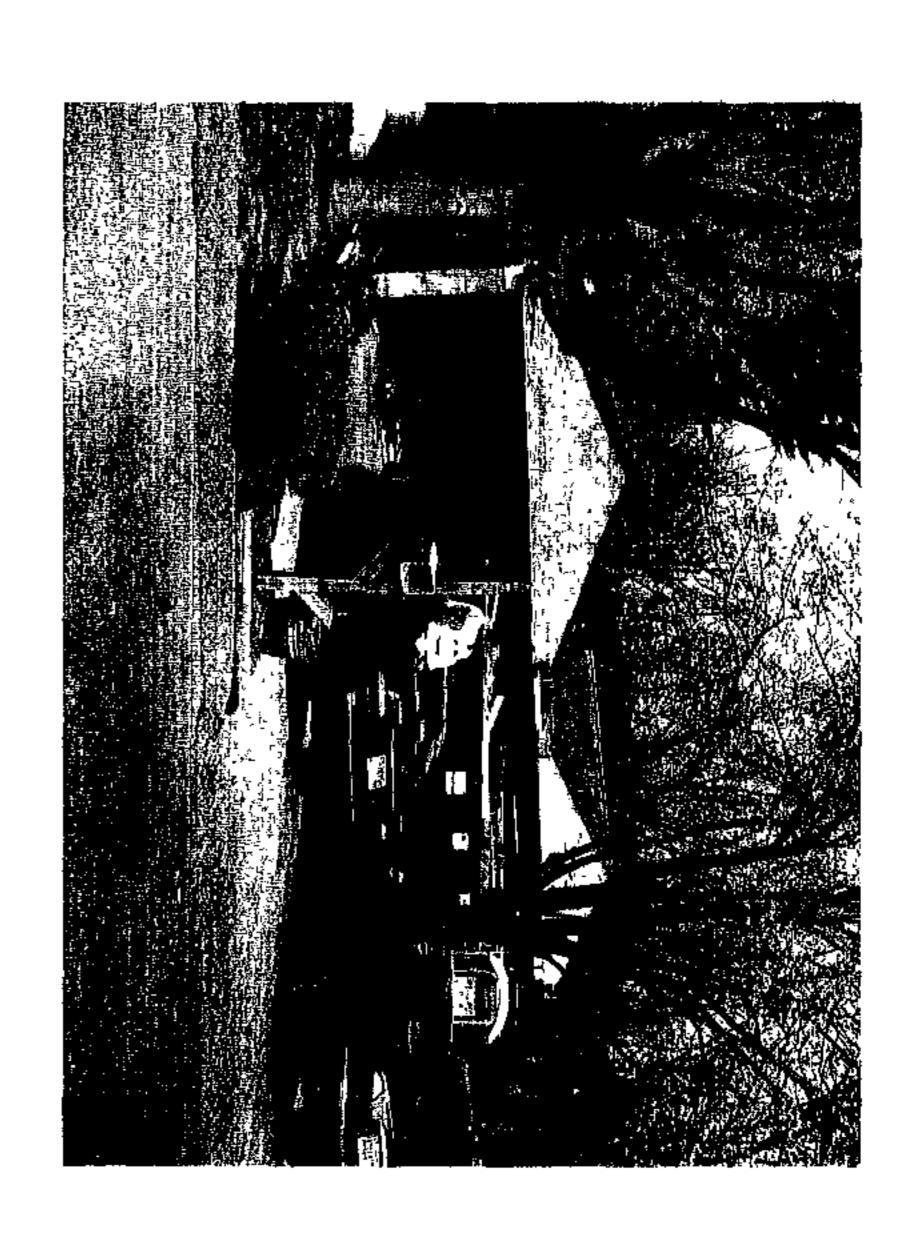
ether neighborhood carports à Garages

Terrapiu Rd









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other repuborhood Carports + Garages

Terrapiu Rd



frat of house fran street view

(35.682-A



boek upard rreur Of house & neighbor's house- La castruction

OS - G&Z-A



house de otherside of driveway side neighbor's driveway view fran rear (no construction)



driveway fran street looking toward thouse

05-682.A



location of carport looking at the street.

(35.682 A



side where construction willibe dans

(75.682-(-)



adjacent its the driveway

55.682.A



Aach view of house

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