

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
 N/S Summit Avenue, 340' E of the c/l *
 Dogwood Road * ZONING COMMISSIONER
(1918 Summit Avenue) *
 2nd Election District * OF BALTIMORE COUNTY
 4th Council District *
 * Case No. 06-027-A
 Albert Williams, et ux *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Albert Williams, and his wife, Henrietta Williams. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 27 feet in lieu of the required 30 feet for a proposed addition and open deck. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING
 Date 8/11/15
 By [Signature]

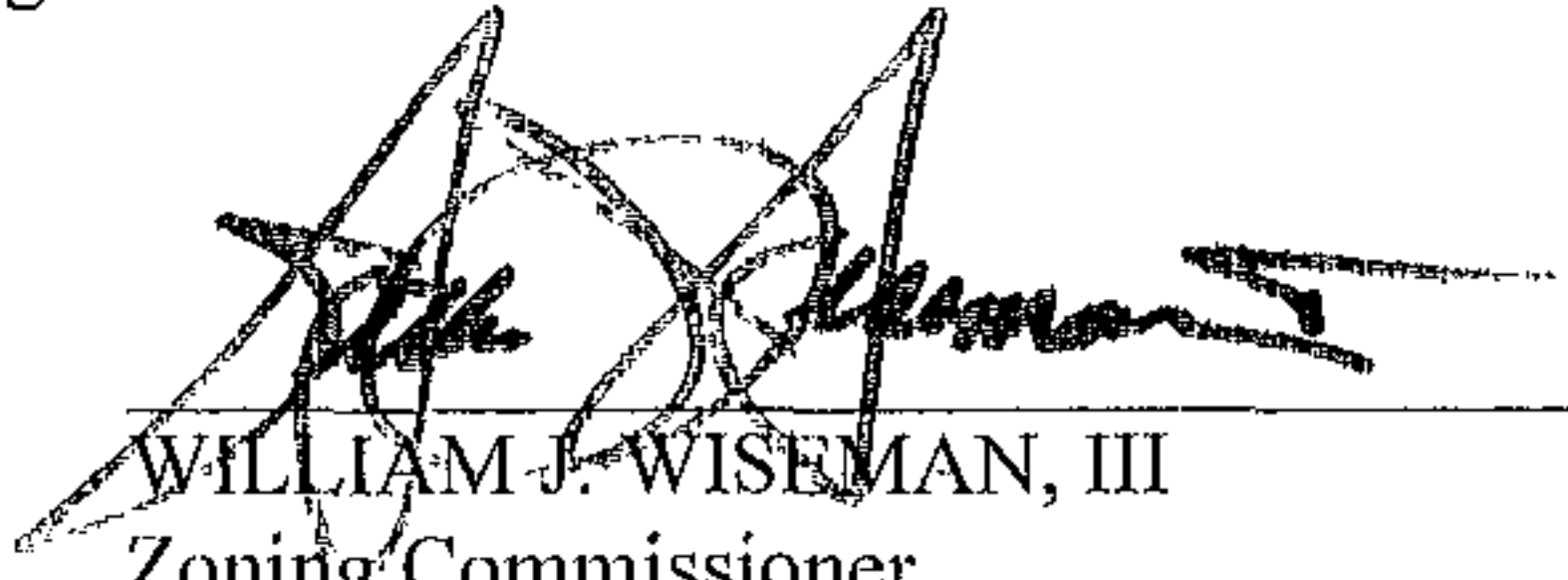
Based upon all of the evidence contained therein, I am persuaded that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship upon the Petitioners. Variance relief is necessitated given the layout and location of the existing dwelling. It was indicated that the proposed patio room and open deck will be located immediately adjacent to the existing dining room and kitchen areas to the rear of the home. As shown on the site plan, the house is centered on the lot and currently provides a rear setback of 37 feet. Thus, in order to construct an addition of any practical size to the rear of the home would necessitate variance relief. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. Thus, it appears that relief can be granted and that there will be no detrimental impact to the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of August 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 27 feet in lieu of the required 30 feet for a proposed addition and open deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/11/05
By [Signature]

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

August 11, 2005

Mr. & Mrs. Albert Williams
1918 Summit Avenue
Baltimore, Maryland 21207

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Summit Avenue, 340' E of the c/l Dogwood Road
(1918 Summit Avenue)
2nd Election District – 4th Council District
Albert Williams, et ux - Petitioners
Case No. 06-027-A

Dear Mr. & Mrs. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a circular stamp that contains the text "BALTIMORE COUNTY" and "MARYLAND".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File

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 1918 Summit Ave.
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 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) 1302.3.B BCZR

*To permit an addition with a rear yard set back of 27'
in lieu of the required 50'*

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):

Albert Williams
Name - Type or Print _____
Albert Williams
Signature _____
Henrietta Williams
Name - Type or Print _____
Henrietta Williams
Signature _____

1918 Summit Ave. 410-281-1605
Address Telephone No.
Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Dan Dutton
Name _____
7110 Golden Ring Road 410-780-0062
Address Telephone No.
Baltimore MD 21221
City State Zip Code

As a Public Hearing having been formally demanded and/or found to be required, It is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-027-A

Reviewed By JF Date 7-12-05

Estimated Posting Date 7-24-05

ORDER RECEIVED
DATE 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.

That the Affiant(s) does/do presently reside at 1918 Summit Ave.
Address
Baltimore MD 21207
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):

We would like to build a 10' x 10' patio room with a 5' x 10' open deck on the east side of the room. Our lot is only 94' feet deep, this with the 30' front setback and 24' deep house we can not make the 30' required rear setback. The room will be 27' from the rear property line. This is the only place we can build the room it has an existing patio door off the dining room and kitchen

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.

Albert Williams
Signature
Albert Williams
Name - Type or Print

Henrietta Williams
Signature
Henrietta Williams
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of July, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Albert & Henrietta Williams
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Delores A. Scott
Notary Public
My Commission Expires
DELORES A. SCOTT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 26, 2005

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.

That the Affiant(s) does/do presently reside at

1918 Summit Ave.
Address

Baltimore
City

MD
State

21207
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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Albert Williams

Signature

Albert Williams
Name - Type or Print

Henrietta Williams

Signature

Henrietta Williams
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of July, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Albert & Henrietta Williams
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Delores A. Scott

Notary Public

My Commission Expires

DELORES A. SCOTT

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires November 26, 2005



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1918 Summit Ave.
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 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) 1B02.3.B BC2R

To permit an addition with a rear yard setback of 27'
in lieu of the required 30'.

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):

Albert Williams
Name - Type or Print _____
Albert Williams
Signature _____
Henrietta Williams
Name - Type or Print _____
Henrietta Williams
Signature _____
1918 Summit Ave. 410-281-1605
Address Telephone No.
Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Dan Dutton
Name _____
7110 Golden Ring Road 410-780-0062
Address Telephone No.
Baltimore MD 21221
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. 06-027-A

REV 10/25/01

Reviewed By JF Date 7-12-05

Estimated Posting Date 7-24-05

Zoning Description for 1918 Summit Ave.

Beginning at a point on the north side of Summit Ave. which is 50 ft. wide at the distance of 340 ft. east of the centerline of the nearest improved intersecting street Dogwood Road which is 50 ft. wide. *Being lot #3 in the subdivision of George W Kellner as recorded in the Baltimore county Plat Book #49, Folio #114, containing 5,706 sq. ft. Also known as 1918 Summit Ave. and located in the 2nd election district, 4th Councilmanic District.

027

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442000

DATE 7-12-11

ACCOUNT

AMOUNT

\$ 65.00

RECEIVED FROM:

FOR:

John Doe
IT # 123

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

2011 07 12 11:11
BALTIMORE COUNTY
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT
NO. 442000
DATE 7-12-11
AMOUNT \$ 65.00
FROM: John Doe
FOR: IT # 123

CERTIFICATE OF POSTING

RE: Case No.: 06-027-A

Petitioner/Developer: ALBERT L.

HENRIETTA WILLIAMS

Date of Hearing/Closing: 8-8-05

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:

1918 SUMMIT AVE

The sign(s) were posted on 7-24-05
(Month, Day, Year)

Sincerely,

Robert Black 7-25-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

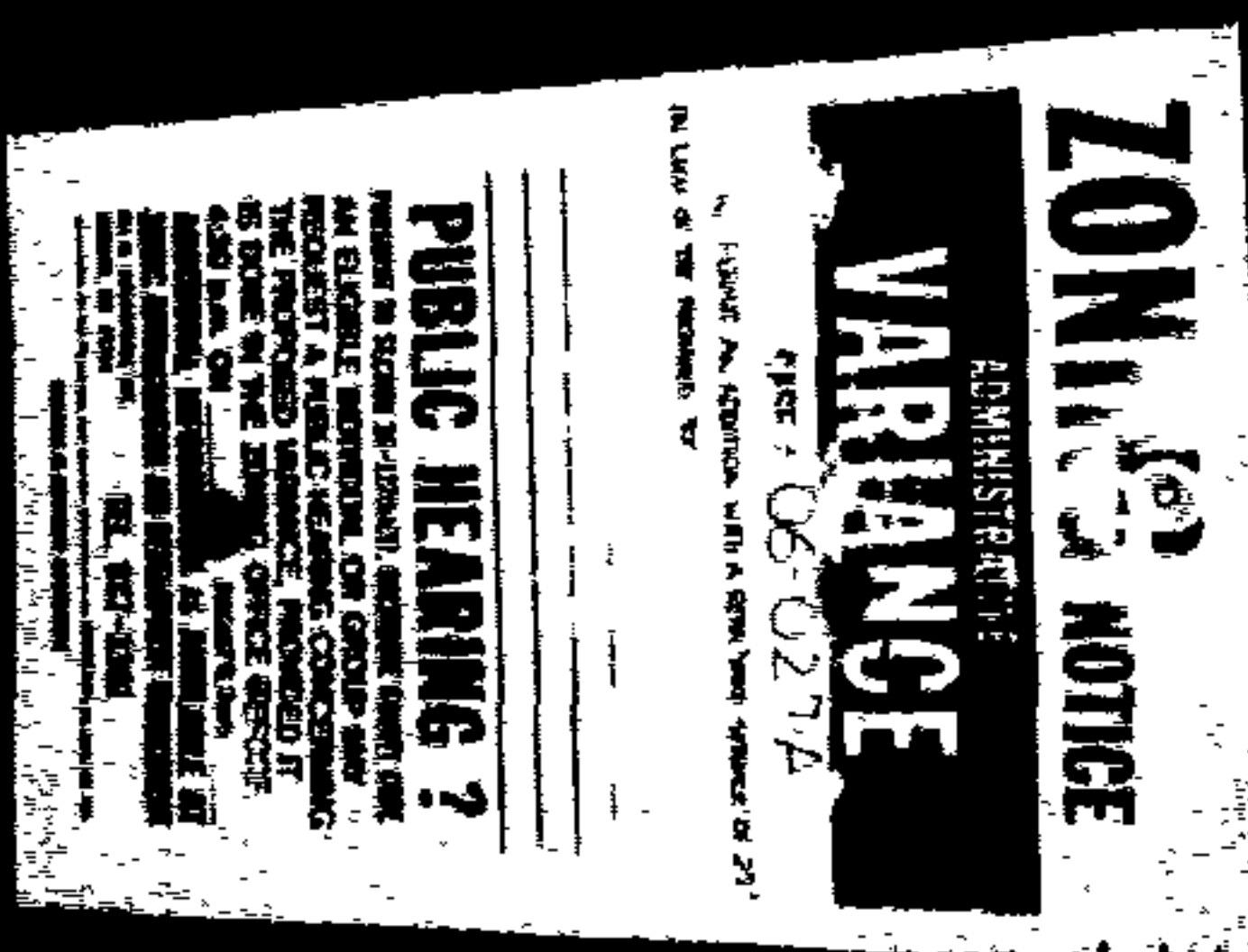
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



1918 SUMMIT AVE

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: 06-027-A
Petitioner: Williams, Albert
Address or Location: 1918 Summit Ave Balto MD 21207

PLEASE FORWARD ADVERTISING BILL TO

Name: Champion
Address: 7110 Golden Ring Rd
Balto MD 21221
Telephone Number: 410 780-0062

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 027 -A Address 1918 Summit Ave.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-12-05 Posting Date: 7-24-05 Closing Date: 8-8-05

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 06- 027 -A Address 1918 Summit Ave

Petitioner's Name Albert & Henrietta Williams Telephone 410-281-1605

Posting Date: 7-24-05 Closing Date: 8-8-05

Wording for Sign: To Permit an addition with a rear yard setback
of 27' in lieu of the required 30'

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*

August 8, 2005

Albert Williams
Henrietta Williams
1918 Summit Avenue
Baltimore, Maryland 21207

Dear Mr. and Mrs. Williams:

RE: Case Number: 06-027-A, 1918 Summit Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Dan Dutton 7110 Golden Ring Road Baltimore 21221

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



Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 123
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 18, 2005

ATTENTION: Zoning Plan Reviewers

Dist. Meeting of: July 25, 2005

Item No.: 020-031

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.

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

Insp. Pack
Fire Marshal's Office
410-887-5178
MS-1102F

cc: File

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 7.15.05

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

RE: Baltimore County
Item No. 027 JRF

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 25, 2005

FROM: ^{DM}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 1, 2005
Item Nos. 020, 022, 023, 025, 026, (027)
028, 029, 030, and 031

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-07262005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 1, 2005

RECEIVED

AUG - 4 2005

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

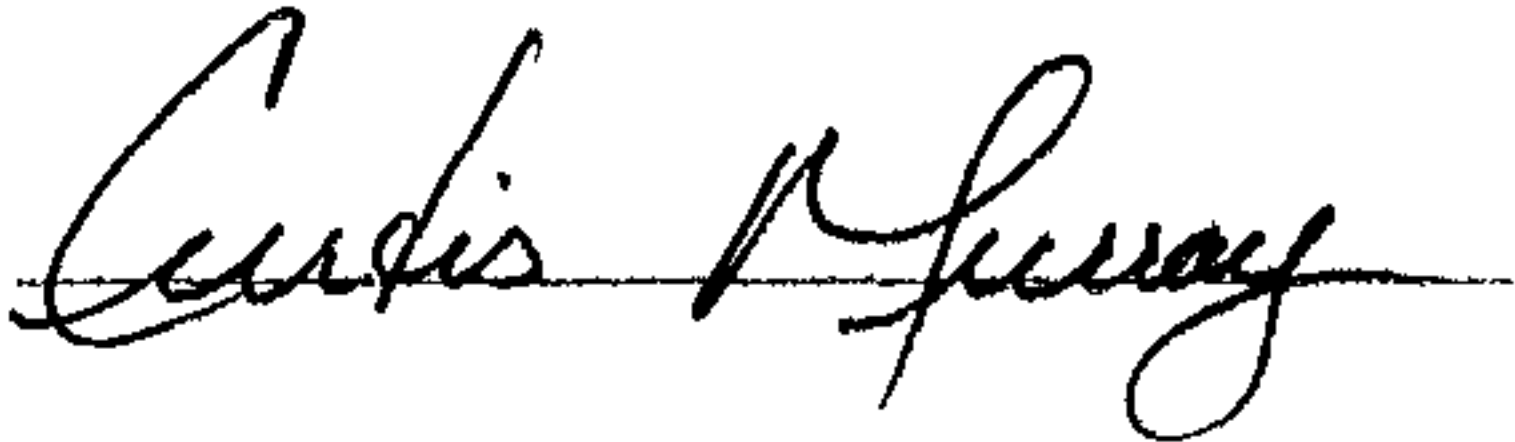
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-027**

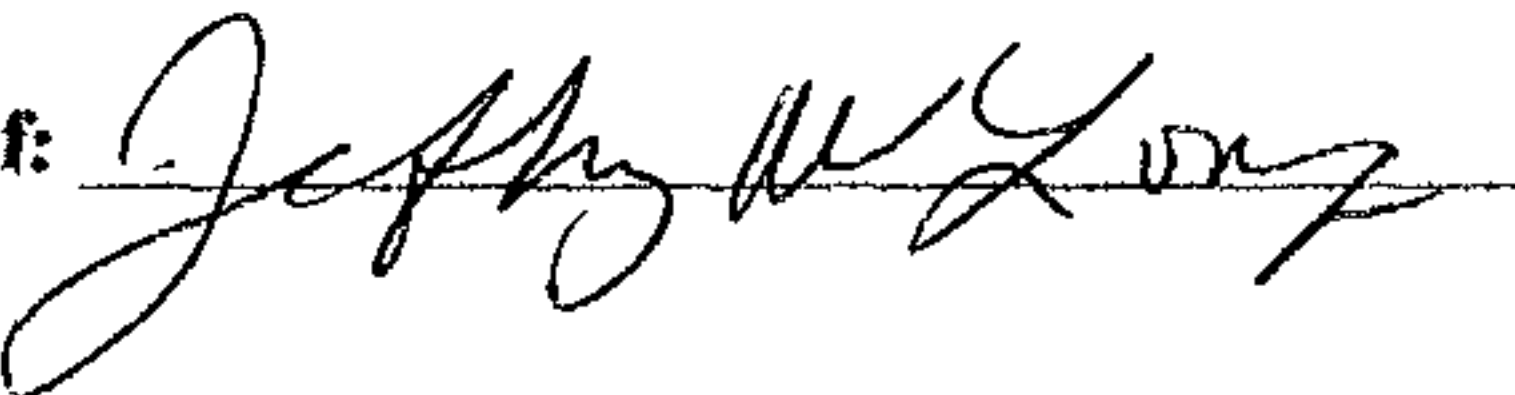
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 1, 2005

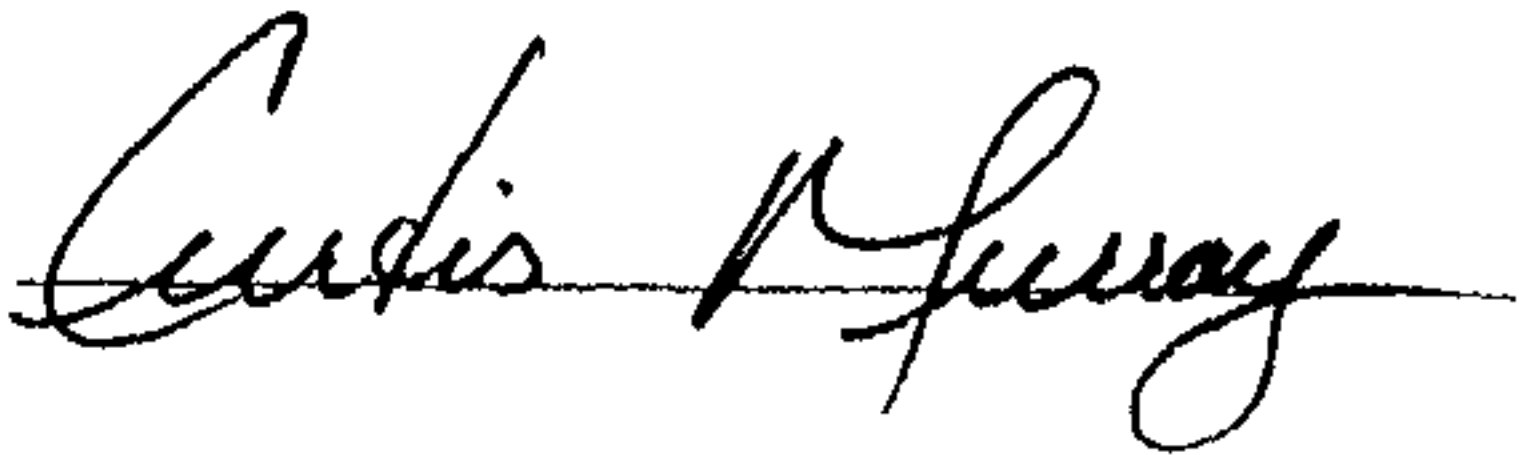
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-027

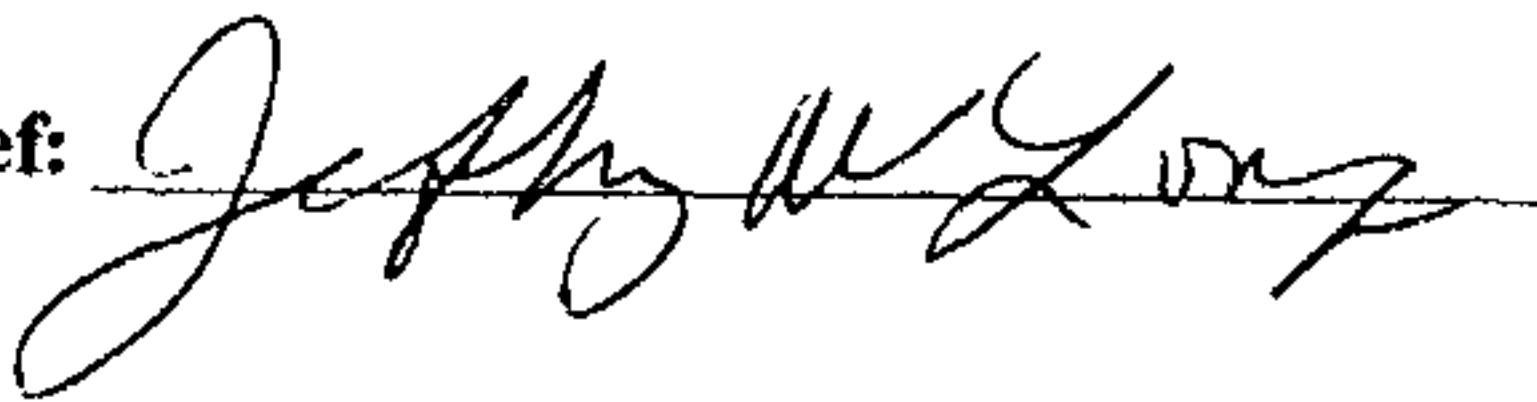
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Prepared By:



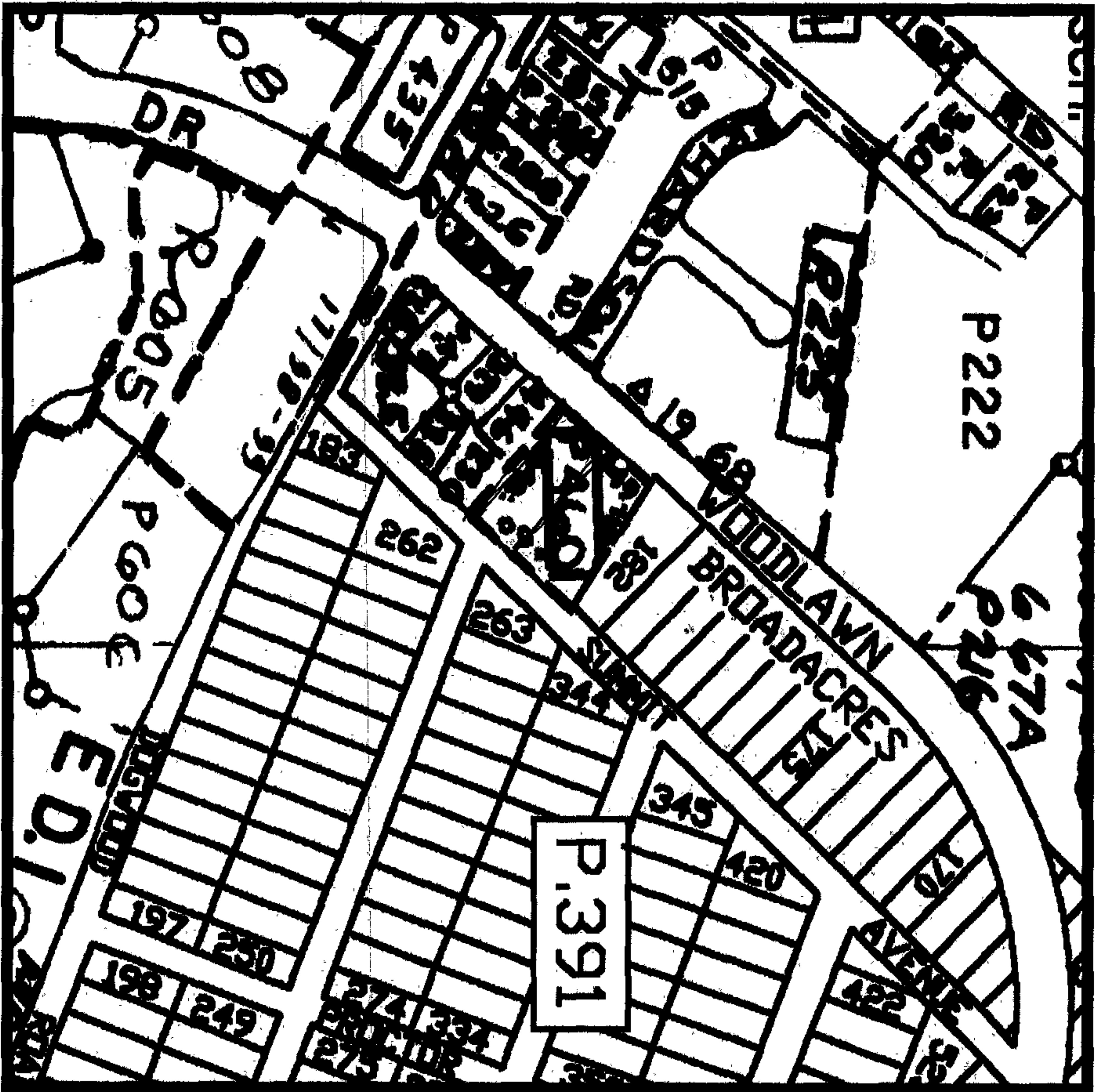
Division Chief:

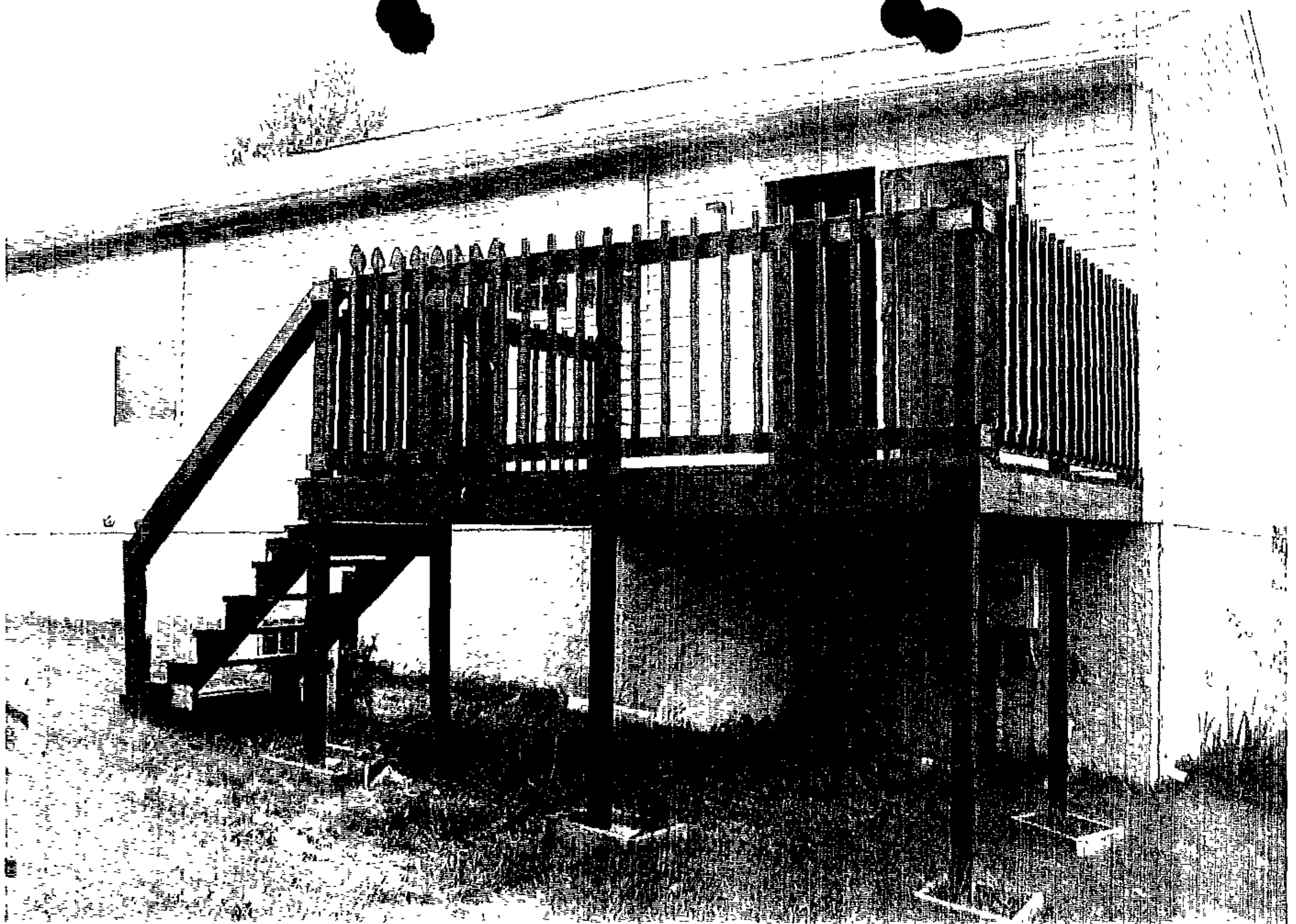


CM/LL



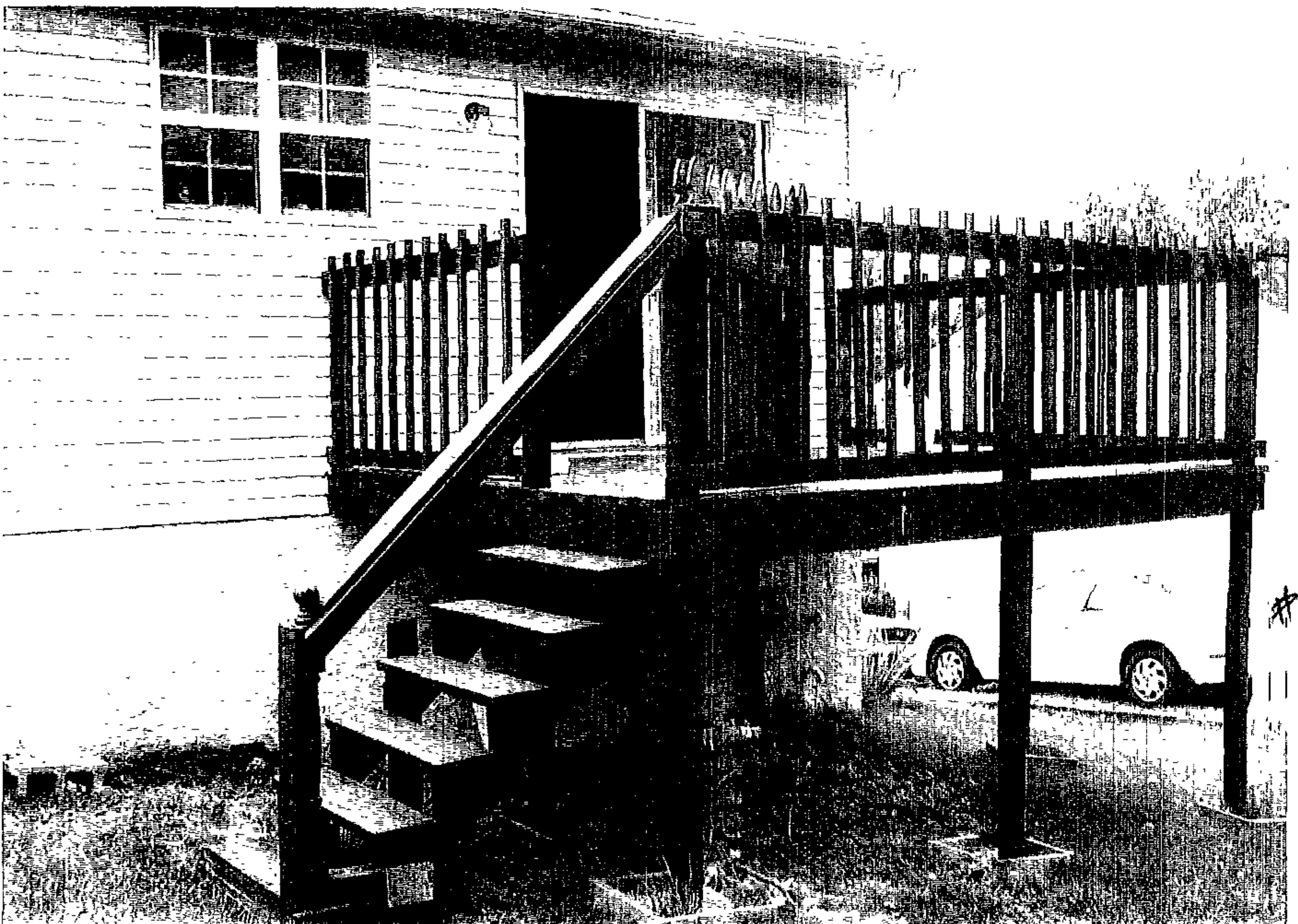
LEO # 027





Location of Proposed 10'x10' Patio Room + 5'x10'
open deck

#027



Location of Proposed Patio Room + open deck

#027

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

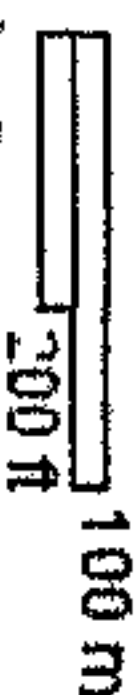
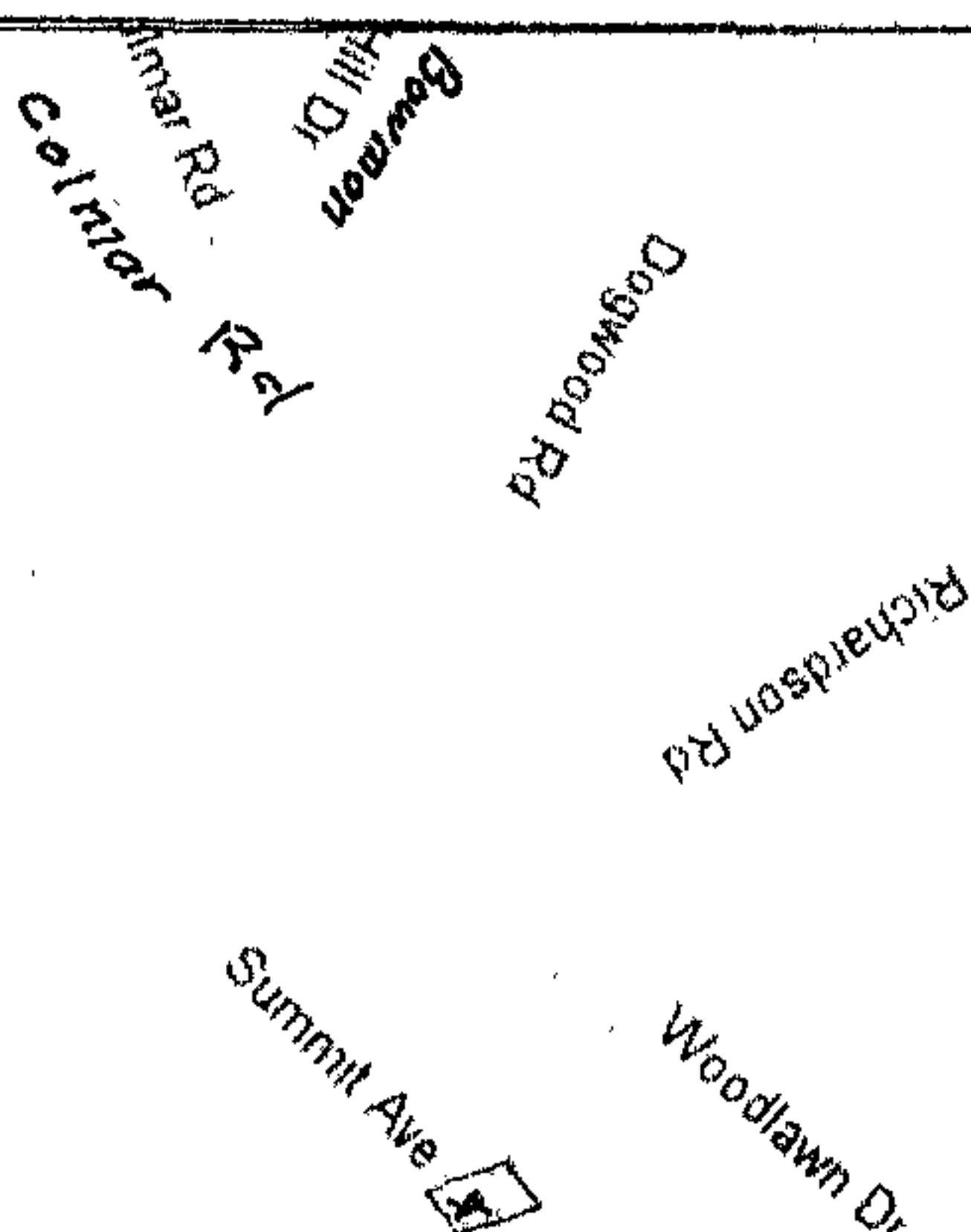
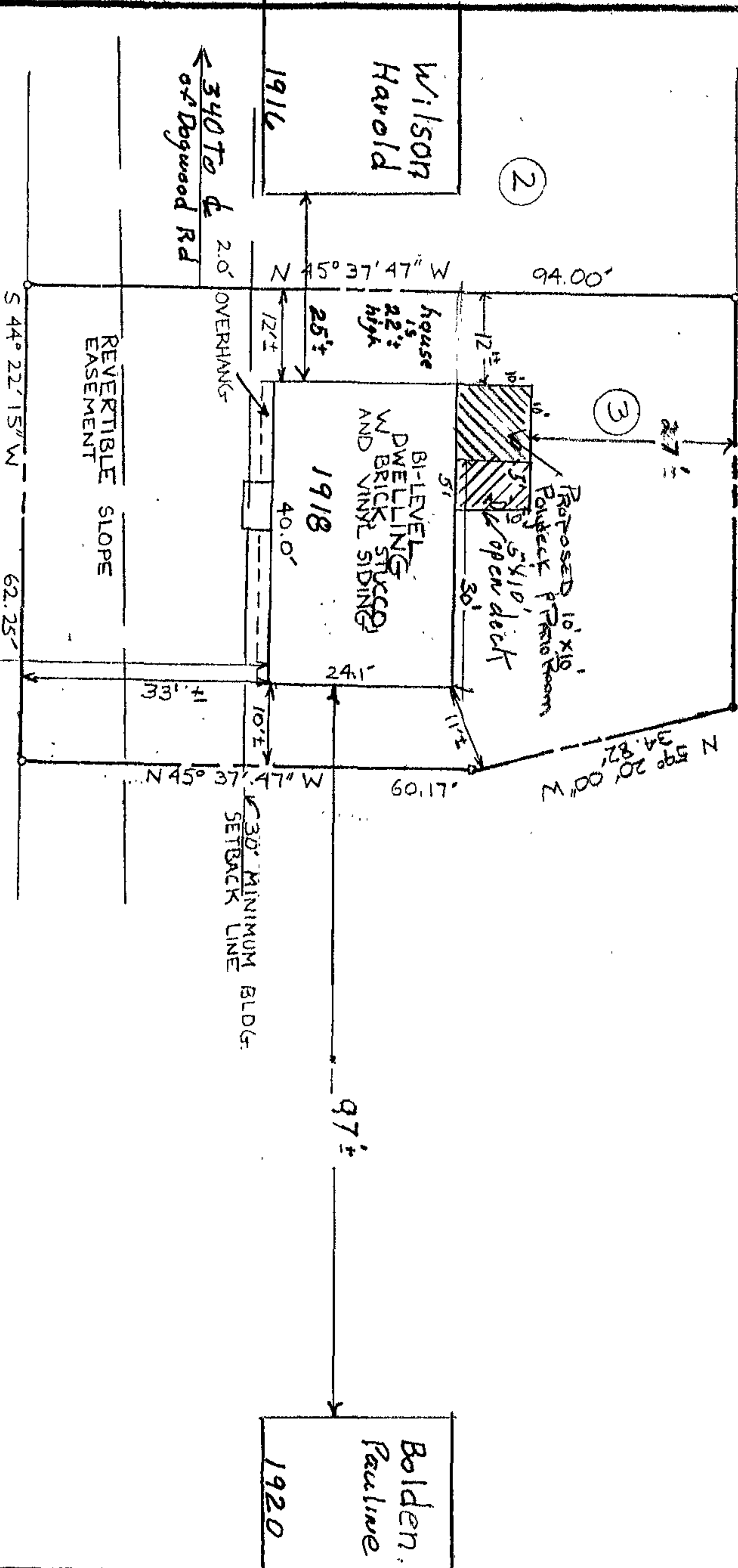
PROPERTY ADDRESS 1918 Summit Ave

SUBDIVISION NAME George W Kellner

PLAT BOOK # 49 FOLIO # 114 LOT # 3 SECTION #

OWNER Williams. Albert, Henrietta

N 44° 22' 13" E 54.00'



LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 0884C

ZONING DR-5.5

LOT SIZE 0.131 ACRES 5,706 SQUARE FEET

SEWER

PUBLIC PRIVATE

WATER

YES NO

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☐ NO

100 YEAR FLOOD PLAIN ☐ YES ☐ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☐ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY Gerard Andersen SCALE OF DRAWING: 1" = 20'

SUMMIT AVE.

NORTH

