IN RE: PETITION FOR ADMIN. VARIANCE N/S of Berans Road, 342 ft. E centerline of Bullock Circle 8th Election District 2nd Councilmanic District **(1245 Berans Road)** Marian C. & Arcangelo M. Tuminelli Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-040-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, Marian C. and Arcangelo M. Tuminelli. The variance request is for property located at 1245 Berans Road in the Owings Mills area of Baltimore County. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 34 ft. in lieu of the required 50 ft. and to amend the 3rd Amended Final Development Plan of "Morrisville" for Lot #22 only. 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 31, 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

ORDER RECEIVED FOR FILING
Date 8/18/05
By Rey

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 18 day of August, 2005, that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 34 ft. in lieu of the required 50 ft. and to amend the 3rd Amended Final Development Plan of "Morrisville" for Lot #22 only, 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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

JAN 8/18/05

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

August 18, 2005

Marian C. Hwang, Esquire
Miles & Stockbridge, P.C.
10 Light Street
Baltimore, Maryland 2101

Re: Petition for Administrative Variance
Case No. 06-040-A
Property: 1245 Berans Road

Dear Ms. Hwang:

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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1245 Berans Road, Owings Mills
which is presently zoned RC-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)

1A04.3.B.2.b BCZR. To Permit an addition with a side yard setback of 34' in lieu of the required 50'. And to amend the 3rd Amended FDP of Morrisville for Lot #22 only.

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:

NOT APPLICABLE
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Arcangelo M. Tuminelli (410) 539-3690 (work)
Name - Type or Print

Signature

Marian C. Tuminelli (410) 385-3604 (work)
Name - Type or Print

Signature

1245 Berans Road (410) 560-2632 (home)
Address — Telephone No.

Owings Mills, MD 21117
City — State — Zip Code

Attorney For Petitioner:

Marian C. Hwang, Esquire
Name - Type or Print

Signature

Miles & Stockbridge, P.C.
Company

10 Light Street (410) 385-3604
Address — Telephone No.

Baltimore, MD 21201
City — State — Zip Code

Representative to be Contacted:

Marian C. Tuminelli (Hwang)
Name

10 Light Street (410) 385-3604
Address — Telephone No.

Baltimore, MD 21201
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. 06-040-A

Reviewed By JF **Date** 7/20/05

Estimated Posting Date 7/31/05

REV 10/25/01

8/18/05

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.

That the Affiant(s) does/do presently reside at and will reside 1245 Berans Road
Address

Owings Mills, MD 21117
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): Special circumstances or conditions exist which would result in practical difficulty and/or unreasonable hardship. The owner's mother, (Betty Hwang, whose date of birth is November 4, 1926, and who is 79 years of age) previously lived in Baltimore from about 1992 until 2000, and currently resides in St. Louis, MO near a daughter. As mother's daughter is engaged to be married and will not be living near the mother in St. Louis, and due to the mother's declining health and age, diminished financial resources, petitioners seek to build an extension to their house (with interior wheelchair accessibility and ADA accommodations) to care for their mother in Baltimore, MD.

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.

Signature

Arcangelo M. Tuminelli
Name - Type or Print

Signature

Marian C. Tuminelli
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of July, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

July 20, 2005
Date

Dana R. Rohlman
Notary Public

My Commission Expires 1/1/06

REV 09/15/98

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 and will reside

1245 Berans Road
Address

Owings Mills, MD 21117
City State Zip Code

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Signature

Arcangelo M. Tuminelli
Name - Type or Print

Signature

Marian C. Tuminelli
Name - Type or Print

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the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

July 20, 2005
Date

Dana R. Rohlbach
Notary Public

My Commission Expires 1/1/06

REV 09/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1245 Berans Road, Owings Mills
which is presently zoned RC-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)

1A04.3.B.2.b BCZR. To Permit an addition with a side yard setback of 34' in lieu of the required 50'. And to amend the 3rd Amended FDP of Morrisville for Lot #22 only.

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:

Not applicable
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Arcangelo M. Tuminelli (410) 539-3690 (work)
Name - Type or Print

Signature

Marian C. Tuminelli (410) 385-3604 (work)
Name - Type or Print

Signature

1245 Berans Road (410) 560-2632 (home)
Address — Telephone No.

Owings Mills, MD 21117
City — State — Zip Code

Attorney For Petitioner:

Marian C. Hwang, Esquire
Name - Type or Print

Signature

Miles & Stockbridge, P.C.
Company

10 Light Street (410) 385-3604
Address — Telephone No.

Baltimore, MD 21201
City — State — Zip Code

Representative to be Contacted:

Marian C. Tuminelli (Hwang)
Name

10 Light Street (410) 385-3604
Address — Telephone No.

Baltimore, MD 21201
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. 06-040-A **Reviewed By** JF **Date** 7/20/05

REV 10/25/01 **Estimated Posting Date** 7/31/05

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1245 Berans Road, Owings Mills, Maryland 21117. Beginning at a point on the north side of Berans Road, which is 50feet wide at the distance of 342 feet east of the centerline of the nearest improved intersecting street Bullock Circle, which is 22 wide. Being Lot # 22, in the subdivision of Morrisville as recorded in Baltimore County Plat Book # SM59, Folio #15, containing 1.469 acres. Also known as 1245 Berans Road, Owings Mills, MD 21117 and located in the 8th Election District, 2nd Councilmanic District.

#040

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 148224

DATE 7-20-05 ACCOUNT 001-026-6150

AMOUNT $ 115.00

RECEIVED FROM: Anthony Tomasello
12415 Dennis Rd.

FOR: Administrative Variance & Amendment

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DATE	ACTUAL	TIME	DRAWER
7/20/2005	7/20/2005	09:01:30	2

REG 1004 WILKIN DOR, DWD
>>RECEIPT # 192279 7/20/2005 OWLH
Dept 5 028 ZONING VERIFICATION
CK NO. 448224
Recpt Tot $115.00
$115.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

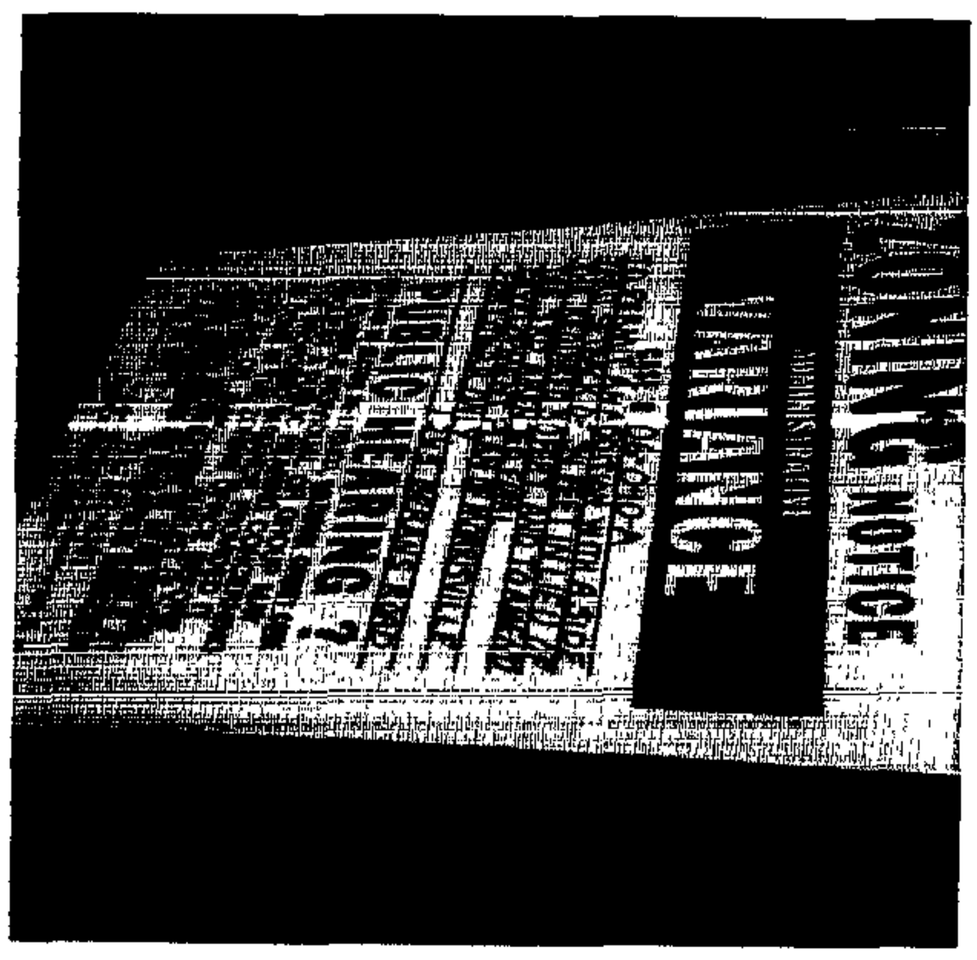
CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date August 6, 2005

RE: Case Number 06-040-A
Petitioner/Developer. ARCHANGELO + MARIAN TUMINELLI
Date of Hearing/Closing AUGUST 15, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1245 BERANS ROAD

The sign(s) were posted on JULY 31, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 2103
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 040 -A Address 1245 Berans Rd.

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

Filing Date: 7-20-05 **Posting Date:** 7-31-05 **Closing Date:** 8-15-05

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- 040 -A Address 1245 Berans Rd.

Petitioner's Name Arcangelo & Marian Tuminelli Telephone 410-560-2632

Posting Date: 7-31-05 **Closing Date:** 8-15-05

Wording for Sign: To Permit an addition with a side yard setback of 34' in lieu of the required 50'. And to amend the 3rd Amended FDP of Morrisville for Lot # 22 only.

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 15, 2005

Marian C. Hwang, Esquire
Miles & Stockbridge, P.C.
10 Light Street
Baltimore, Maryland 21201

Dear Ms. Hwang:

RE: Case Number: 05-040-A, 1245 Berans Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 31, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Arcangelo M. and Marian C.Tuminelli 1245 Berans Road Owings Mills 21117

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2005

RECEIVED

AUG 11 2005

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-040- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

W \DEVREV\ZAC\6-040 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 8, 2005

RECEIVED

AUG 1 0 2005

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Committee Meeting
For August 8, 2005
Item Nos. 032, 033, 034, 035, 036, 038, 039, 040, 041, 042, 043,

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-08082005.doc

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

August 2, 2005

Distribution Meeting of August 1, 2005

ATTENTION: Zoning Review Planners

Item No. 032, 033, 034, 035, 036, 037, 038, 039, 040, 041 and 043

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

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 7·29·05

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

RE: Baltimore County
Item No. 040 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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

MILES & STOCKBRIDGE P.C.

Marian C. Hwang
410-385-3604
mhwang@milesstockbridge.com

July 20, 2005

Mr. Jun Fernando
Zoning Review
Department of Permits and
Developments Management - Baltimore County
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Tuminelli Petition for Administrative Variance

Dear Mr. Fernando:

Thank you for your assistance this morning. As discussed I am enclosing the following materials:

1. Petition for Administrative Variance with Affidavit on reverse side (3 copies);
2. Plat (12 copies);
3. Property Description (3 copies);
4. Copy of Official Zoning Map (1 copy);
5. Completed copy of the Advertising and Posting Requirements (1 copy);
6. Receipt of Filing Fee;
7. Photos; and
8. Exterior Drawing (1 copy).

As I understand, the only item that needs to be added will be reference to the case number. If you have any further questions with regard to these matters, do not hesitate to contact me.

Very truly yours,

Marian C. Hwang (Tuminelli)

MCH/vlh
Enclosures

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: September 2, 2005

SUBJECT: Zoning Items # See List Below

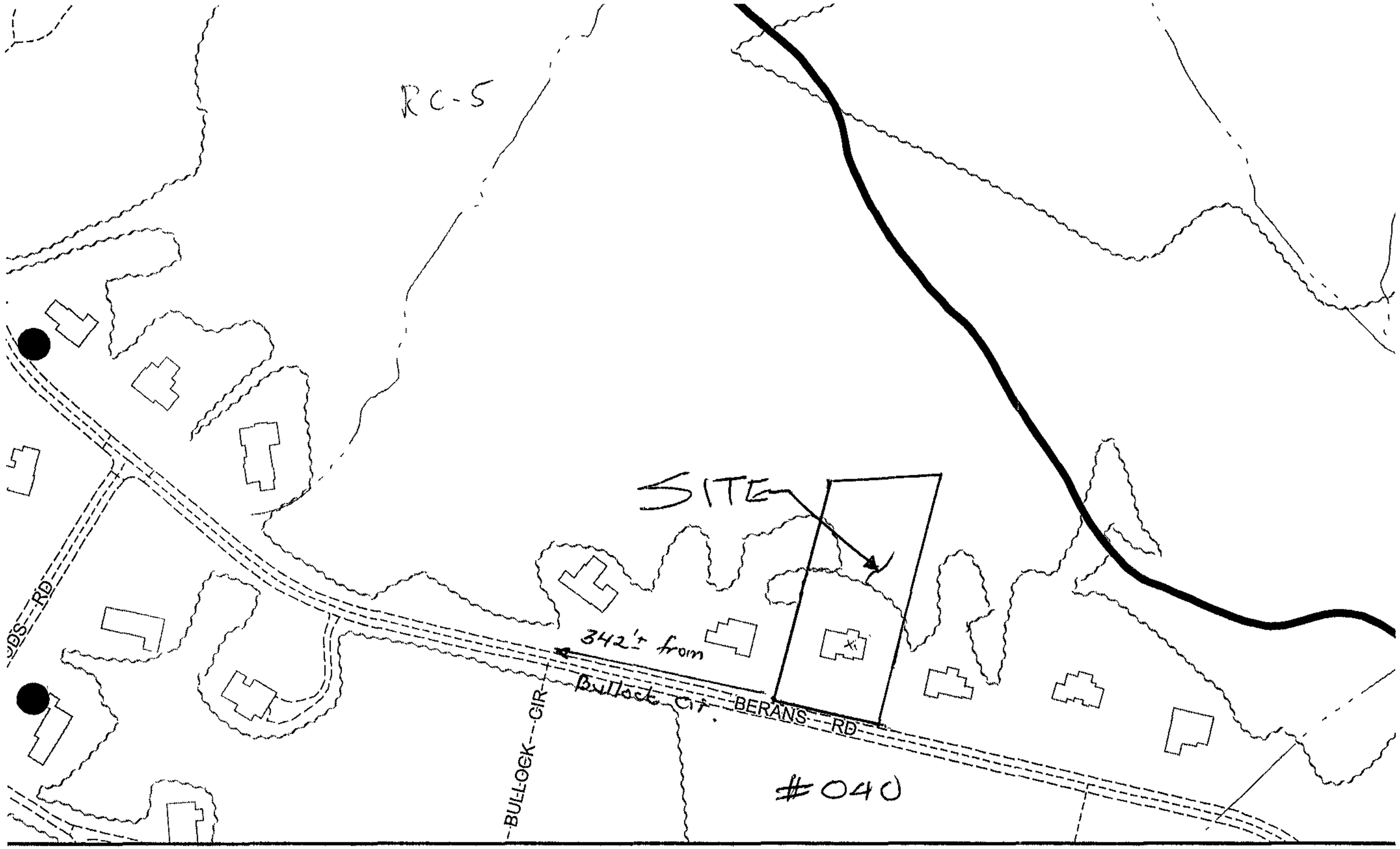
Zoning Advisory Committee Meeting of August 1, 2005

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

06-032
06-033
06-034
06-036
06-038
06-039
06-040
06-041
06-043

Reviewers: Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

S:\Devcoord\ZAC-8-1-05NC.doc



more County
lanning and Zoning

049C1	050A1	050B1	050C1	051A1
049C2	050A2	050B2	050C2	051A2

MAP
050B2

Scal

1" = 2

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

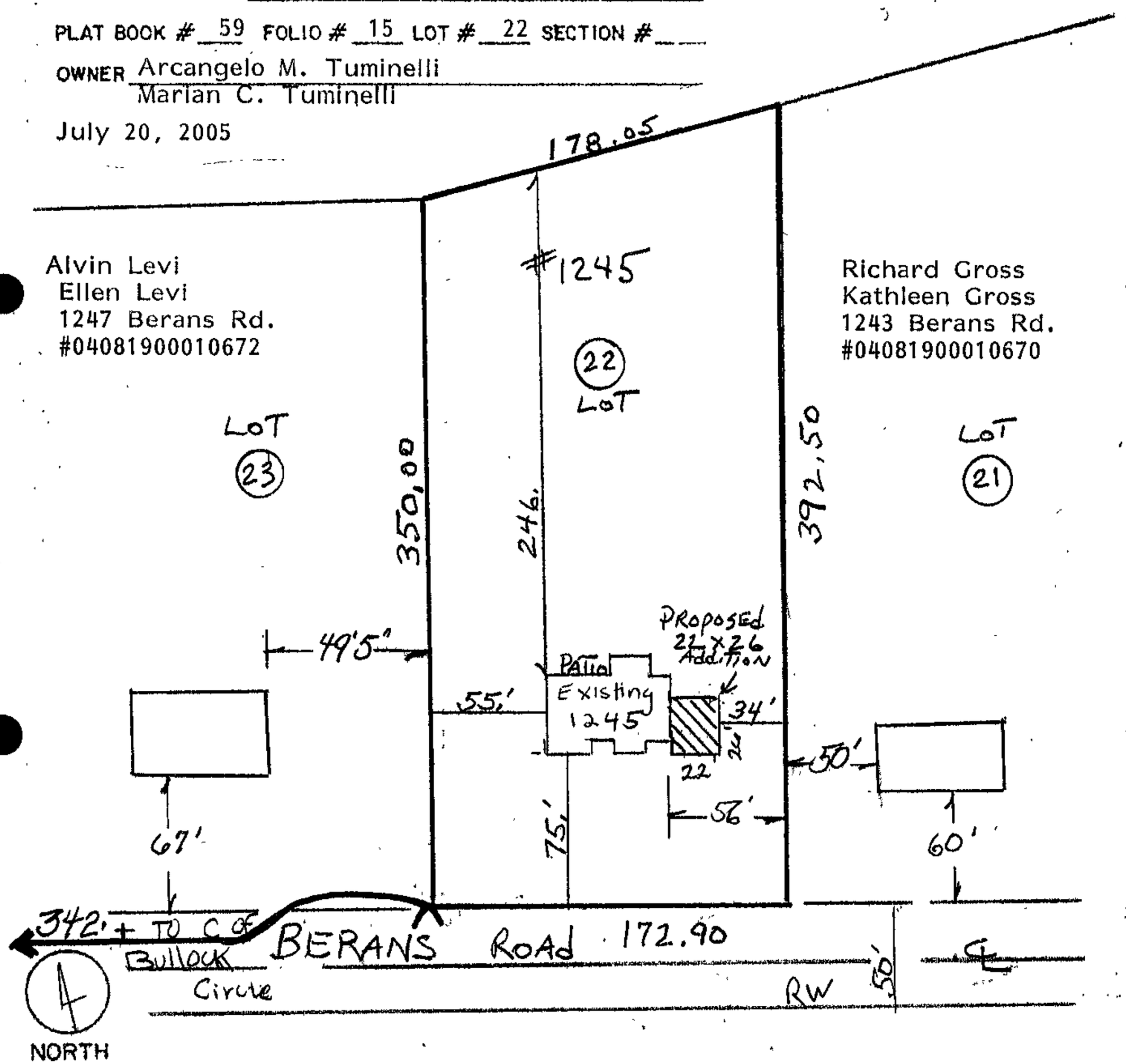
PROPERTY ADDRESS 1245 Berans Road, Owings Mills SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

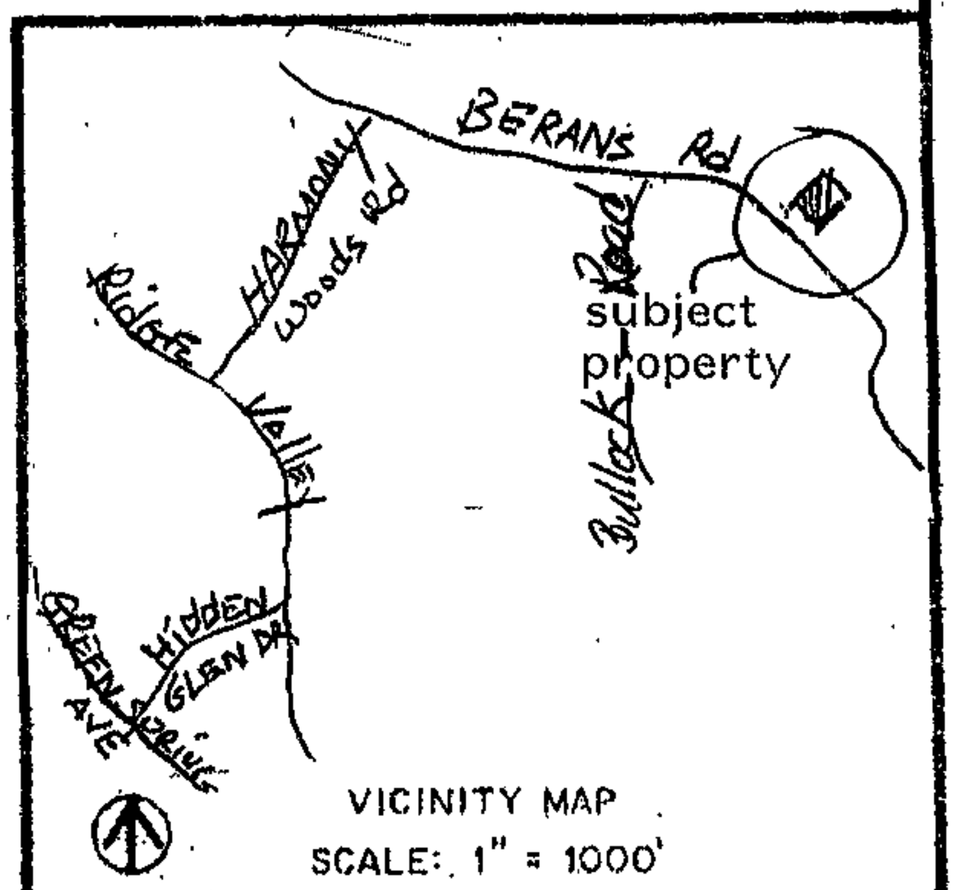
SUBDIVISION NAME Morrisville

PLAT BOOK # 59 FOLIO # 15 LOT # 22 SECTION # ___

OWNER Arcangelo M. Tuminelli
Marian C. Tuminelli

July 20, 2005





VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8th

COUNCILMANIC DISTRICT 2nd

1"=200' SCALE MAP # 050B2

ZONING RC-5

LOT SIZE 1.469 ACREAGE 3400 gross SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

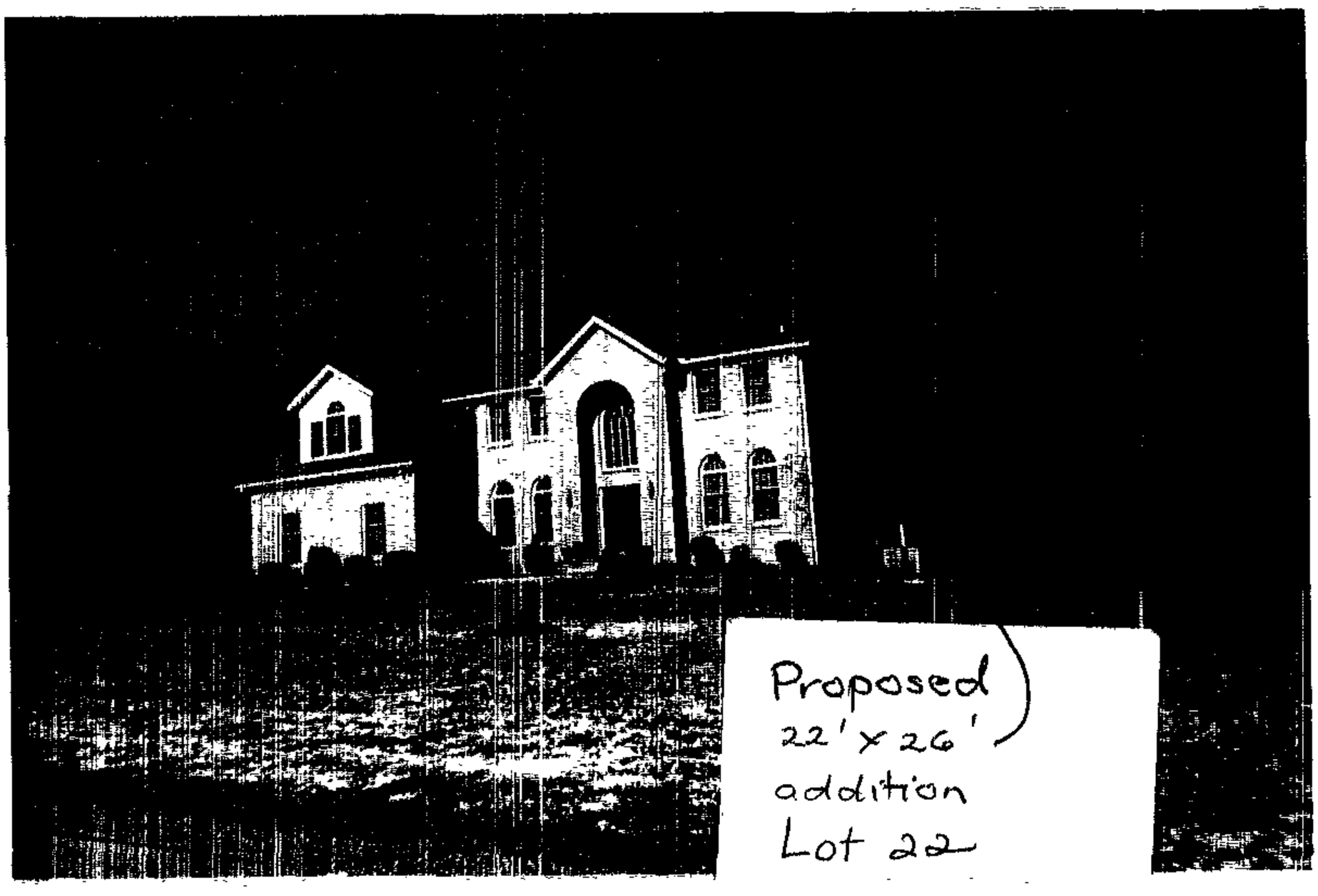
REVIEWED BY	ITEM #	CASE #
JF	040	

PREPARED BY Francis Lundstrom SCALE OF DRAWING: 1" = 80'

Pet Ex #1

04C

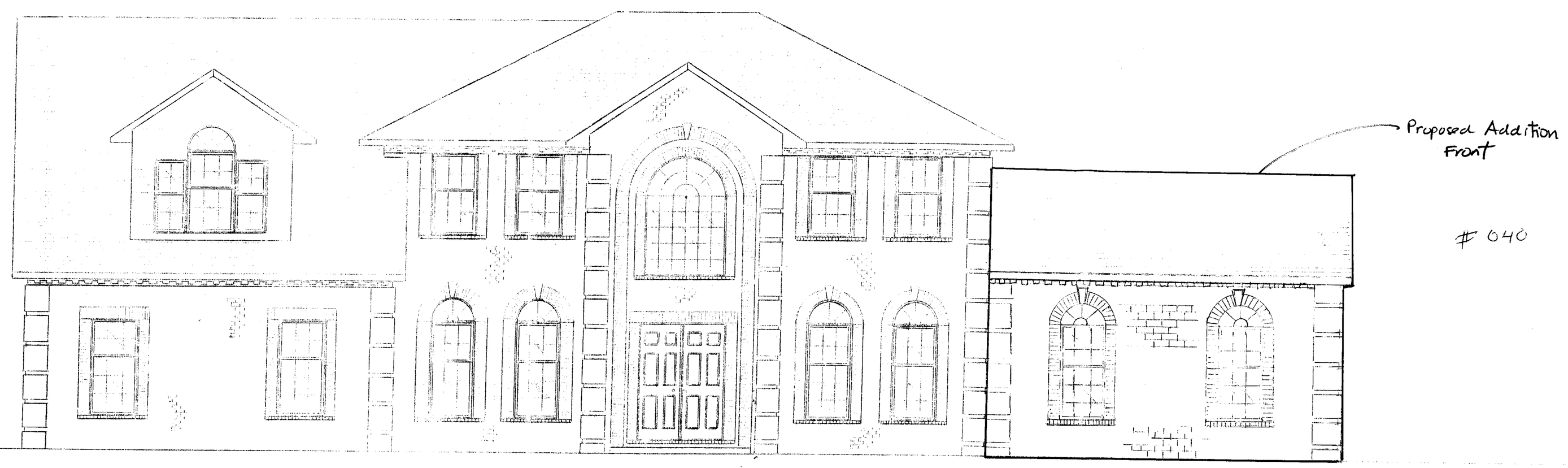
Photos


Proposed
22' x 26'
addition
Lot 22

Lot 21
SECURITY

LOT
23

Proposed Addition
Rear



FRONT ELEVATION

040