IN RE: PETITION FOR VARIANCE
N side of Cockeys Mill Rd., 300 ft. west

of centerline of Franklin Valley

4<sup>th</sup> Election District

4<sup>th</sup> Councilmanic District

(621 Cockeys Mill Road)

Adam McGettigan Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-154-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Adam McGettigan. The Petitioner is requesting variance relief for property located at 621 Cockeys Mill Road. Variance relief is requested from Section 1A00.3.B.3 (1970 RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 40-foot side yard setbacks in lieu of the required 50-foot.

A Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 6, 2005 to notify any interested persons of the scheduled hearing date. Since there was no record of the original posting, it was re-posted on November 7, 2005.

#### Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner

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as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request was Adam McGettigan, Petitioner. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### **Testimony and Evidence**

Mr. McGettigan indicated that he recently purchased the subject 3.2 acre vacant lot zoned RC 4. This is Lot 13 on the Franklin Valley subdivision, which was recorded in the land records in the 1970's after review and approval by the County. Petitioner's Exhibit 1 indicates the long narrow configuration of the lot and the accompanying building restriction line. He opined that he would like to build a house on the property but that the 50-foot setback regulations resulted in a home that would be only 50-feet wide in the area indicated. He indicated that he needed to be able to offer a home 65 feet wide in order to match the larger homes going up in the neighborhood. The new home should be in the 3200 to 3500 sq. feet in area to be attractive to today's buyers.

He admitted at the hearing that the existing homes on Lot 12 and Lot 10 are approximately 50-feet wide. However, he pointed out that these homes were older and not up to standard of the homes recently built in the neighborhood. He opined that the neighborhood was changing and that only larger homes would be considered compatible at the present time.

Findings of Fact and Conclusions of Law

I have no problem finding the property unique from a zoning standpoint. Its long narrow

configuration results in the 50-foot setback regulations impacting this property differently from

others in this RC 4 neighborhood.

However, I do not see that the Petitioner has a problem so severe that it amounts to

hardship or practical difficulty. He admitted that he could build a house with 50-feet of front

façade. A 3200 sq. ft house would be 64-feet long. The Petitioner clearly has plenty of room

for the longer home within the setback lines. Essentially, he would rotate the proposed house 90

degrees.

In addition, as noted, the neighbors' houses are approximately 50-feet wide. This may not

be how newer homes are being built but a 50-foot wide house on this lot would clearly be

compatible with the immediate neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition

held, and after considering the testimony and evidence offered by the Petitioners, I find that the

Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED, this 12 day of December, 2005, by this Deputy

Zoning Commissioner, that the Petitioners' request for variance from Section 1A00.3.B.3 (1970)

RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 40-foot side yard

setbacks in lieu of the required 50-foot, be and is hereby DENIED.

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

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# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 621 COCKBYS MILL ROAD which is presently zoned 625 C-4

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)

40-foot side yard setbacks in lieu of the required 50 A.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) but to this make supplied by the supplied but allow supplied by that the both satisfactory to and the hards and that the both satisfactory to and the hards are supplied by the supplied to have any set back discribed item so to you this will be also and to both any set.

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.

**UNAVAILABLE FOR HEARING** 

Contract Purchas	ser/Lessee:		Legal Owner(s):							
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City	State	Zip Code	Signature	<del></del>	<del></del>					
Attorney For Peti	itioner:		GOOWSTINS POTP	FARM RA	443. 744.633					
			Address		Telephone No.					
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			OFFICE USE ONLY							
	~ 15-11- A		ESTIMATED LENGTH OF	HEARING						

Reviewed By \_\_\_

#### **Zoning Description**

Zoning description for 621 Cockey's Mill Road beginning at a point on the north side of Cockey's Mill Road which is 35' wide at the distance of \_300 feet west of the centerline of the nearest improved intersecting street which is Franklin Valley which is 40 feet wide. Being Lot # 13, Section # 2 in the subdivision of Franklin Valley as recorded in Baltimore County Plat book #40, Folio # 79, containing 3.263 acres. Also known as 621 Cockey's Mill Road and located in the 4<sup>th</sup> Election District, 4<sup>th</sup> Councilmanic District.

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-154-A

621 Cockeysmill Road S/side of Cockeysmill Road, 300 west of centerline of Franklin Valley Circle
4th Election District — 4th Councilmanic District

Legal Owner(s): Adam McGettlgan Variance: to permit 40-foot side yard setbacks in lieu of

the required 50 feet.

Hearing: Thursday, October 20, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/045 Oct. 6

#### CERTIFICATE OF PUBLICATION

106,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on $10/6/$ ,2005.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

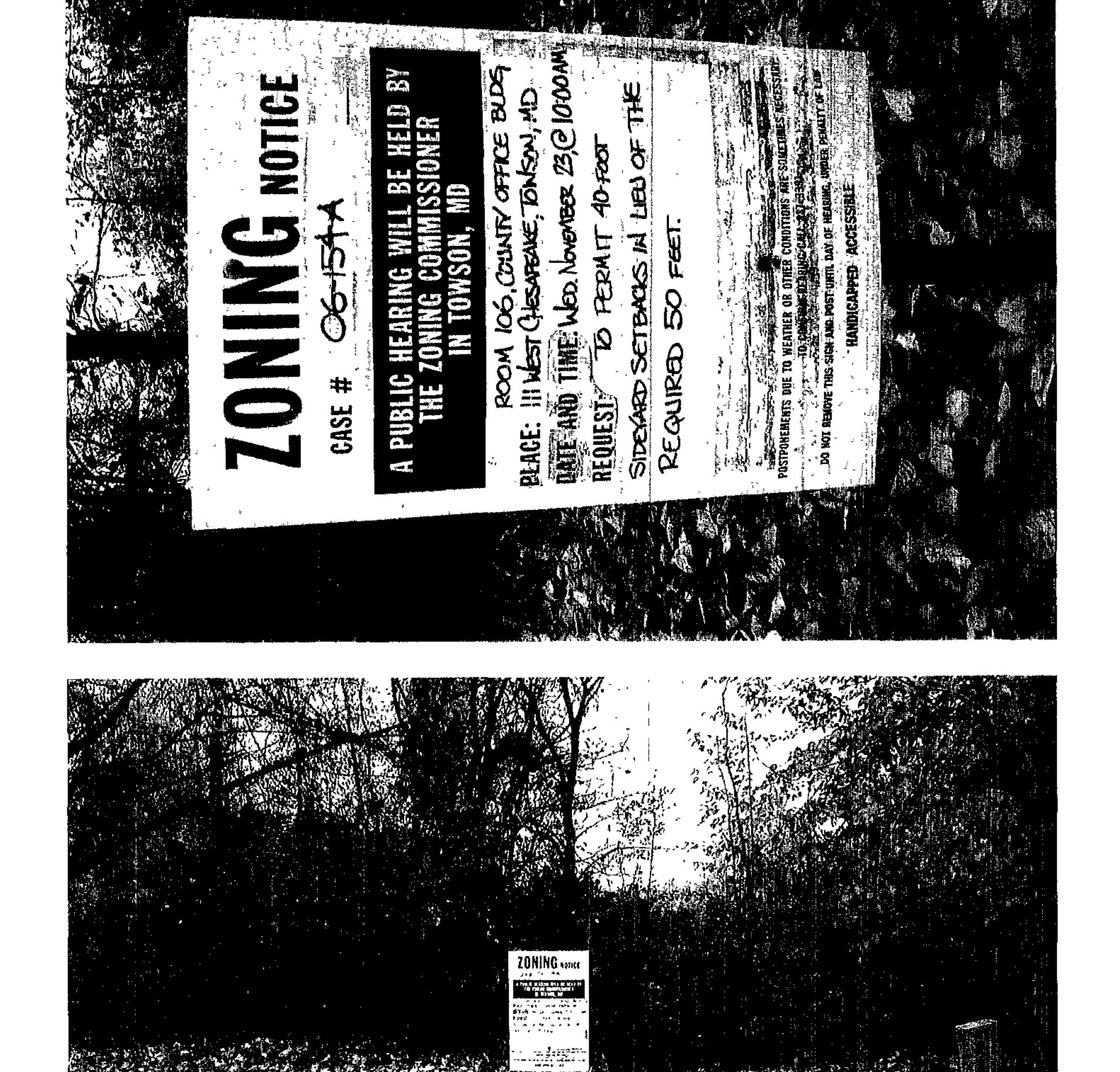
LEGAL ADVERTISING

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#### CERTIFICATE OF POSTING

Date: 11 8 05
RE: Case Number: 06-154 A  Petitioner/Developer: ADM MC GETTIGAN  Date of Hearing/Closing: Nov 23:, 2005
This is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously on the property located at SOUTH SIDE OF COCKETSMILL RD 300 WEST OF ITZANKLIN VALLEY CIRCLE
he sign(s) were posted on(Month, Day, Year)

Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562



#### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





#### **Baltimore County**

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 20, 2005

#### **NEW NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-154-A

621 Cockeysmill Road

S/side of Cockeysmill Road, 300 west of centerline of Franklin Valley Circle

4th Election District – 4th Councilmanic District

Legal Owner: Adam McGettigan

Variance to permit 40-foot side yard setbacks in lieu of the required 50 feet.

Hearing: Wednesday, November 16, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Adam McGettigan, 9709 Sherwood Farm Road, Owings Mills 21117

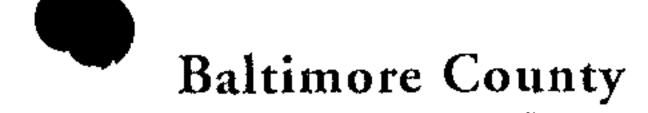
NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 1, 2005.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## Department of Permits Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 22, 2005

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-154-A

621 Cockeysmill Road

S/side of Cockeysmill Road, 300 west of centerline of Franklin Valley Circle

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Adam McGettigan

Variance to permit 40-foot side yard setbacks in lieu of the required 50 feet.

Hearing: Thursday, October 20, 2005 at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Muth Rotroco

Timothy Kotroco Director

TK:klm

C: Adam McGettigan, 9709 Sherwood Farm Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 6, 2005.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, October 6, 2005 Issue - Jeffersonian

Please forward billing to:

Adam McGettigan 9709 Sherwood Farm Road Owings Mills, MD 21117 443-744-6331

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-154-A

621 Cockeysmill Road

S/side of Cockeysmill Road, 300 west of centerline of Franklin Valley Circle

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Adam McGettigan

Variance to permit 40-foot side yard setbacks in lieu of the required 50 feet.

Hearing: Thursday, October 20, 2005 at 10:00 a.m. in Room 106, County Office Building,

1,11 West Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





### 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.

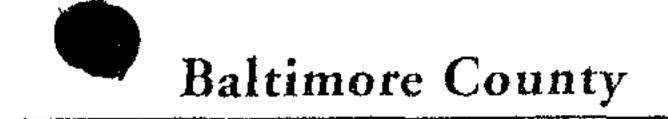
For Newspaper Advertising								
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Revised 2/20/98 - SCJ

#### Department of Permits a Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 14, 2005

Adam McGettigan 9709 Sherwood Farm Road Owings Mills, Maryland 21117

Dear Mr. McGettigan:

RE: Case Number: 06-154-A, 621 Cockeysmill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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, Call Richall Do

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



# 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

October 17, 2005

Adam McGettigan 9709 Sherwood Farm Road Owings Mills, Maryland 21117

Dear Mr. McGettigan:

RE: Case Number: 06-154-A, 621 Cockeysmill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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



#### Fire Department



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





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: September 2005

Item No.: 127,138-141,143-144,146 154

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.

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

Lieutenant J.D.Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date:

RE:

9.21.05

Maltimore County

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

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

#### INTER-OFFICE CORRESPONDENCE

**DATE:** September 27, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 6-154- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 23, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For October 3, 2005

Item Nos. 139, 142, 144, 145, 146, 147, 148, 149, 150, 152, 153, and 154

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

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Do we need to refeat "good" vito. in Onser?

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-09232005.doc

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RE: PETITION FOR VARIANCE

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621 Cockeysmill Road; S/side Cockeysmill Road, 300' W c/line Franklin Valley Circle \*

4<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Adam McGettigan
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

Pah.

FOR

BALTIMORE COUNTY

06-154-A

ENTRY OF APPEARANCE

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Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to, Adam McGettigan, 9709 Sherwood Farm Road, Owings Mills, MD 21117, Petitioner(s).

RECEIVED

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Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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P.01/01

November 2, 2005

Attn: Kristen Matthews

Re: Hearing

Per our conversation, please cancel my hearing scheduled for Nov. 16<sup>th</sup> and reschedule per your recommended date Nov. 23<sup>rd</sup>. My case number is 06-154-A

Call me with any questions.

443-744-6331

Regards

Adam McGettigan

RECEIVED

NOV 02

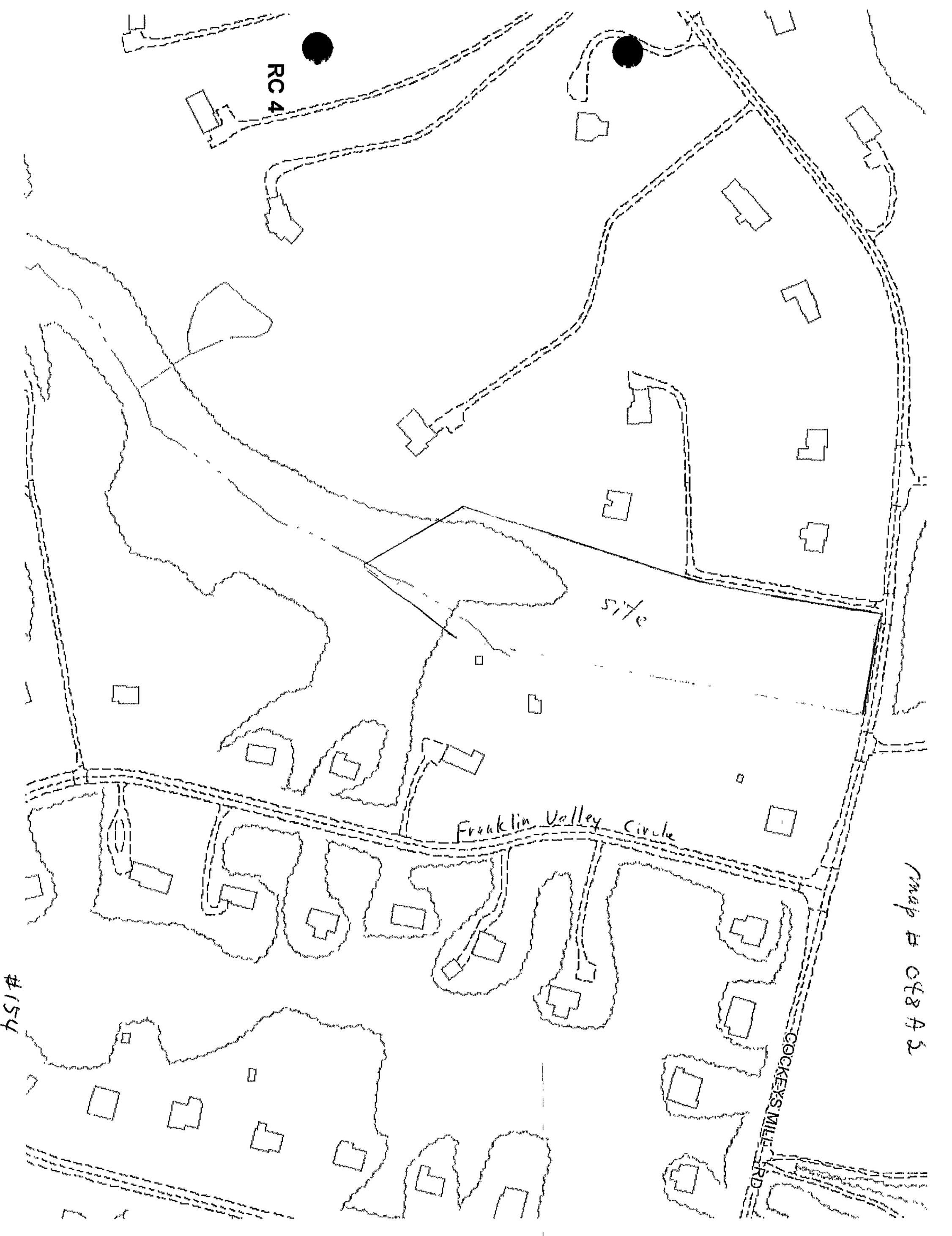
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ADDRESS	97109 SHRRWOOD FARM PA										•
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REQUIRED INFORMATION LOCATION INFORMATION ZONING OFFICE USE
REVIEWED BY ITEM # Norris COUNCILMANIC DISTRICT PUBLIC VICINITY SPECIAL SCALE MAP # PRIOR ZONING HEARING Run 3. 263 ACREAGE HISTORIC PROPERTY, SCALE: ELECTION DISTRICT AC - 4 CHESAPEAKE BAY 100 YEAR FLOOD ADDITIONAL WATER SEWER COURS OF STREET f"=200' LOT SIZE SONING FARK THE XVARIANCE FOR CHECKLIST ZONING -512-02'38"W PAGES FOR  $\boldsymbol{\iota}_{\mathcal{I}}$ ROAD. 蛛. TION SECTION AFL .d 15.00' COCKEYS PE GRATICAN FRANKLIN LOT # 62A ACCOMPANY BAL 50905000 SITIES 129 18.100.05.0505 FOLIO 8 . جيل PROPRETY DORESS ADAM NAME PLAT BOOK # 40 BALTI -011282 SUBDIVISION MASON PROPERTY SELLING. 00-OWNER 1 Neas AT 'OO"E B , O 12 Kg 1.47! AC. - 011284 441.18 MOROZOV 2.263 6 DWELLENG 8 , 20 .. W RESTAKTION FYISTING PROPERTY 23.27 S 122.00 24104e,38"E 303, 73,

HEARING

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PREPARED