IN RE: PETITION FOR VARIANCE

E/S of York Road, 75' South of the c/l

Ben's Court

(20303 York Road)

7th Election District 3rd Council District

Roger G. Warnick, et ux Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-228-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Roger G. Warnick, and his wife, Gertrude Warnick. The Petitioners request a variance from Section 1A04.3.B.2.b. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building setback of 75 feet from the centerline of a "scenic route" road in lieu of the required 150 feet for a proposed dwelling. 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.

Appearing at the requisite public hearing in support of the request were Roger and Gertrude Warnick, property owners, and Bruce Doak, the Surveyor who prepared the site plan for this property and who proffered the testimony on behalf of the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence proffered by Mr. Doak disclosed that the subject property is a long, rectangular shaped parcel located on the east side of York Road, just south of Ben's Court and Downes Road in Parkton. The property contains a gross area of 3.504 acres, more or less, zoned RC-5 and is improved with a single family detached dwelling. As shown on the site plan, the median depth of the property is approximately 180 feet; however, it stretches 859 feet along

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York Road. Moreover, it is bounded to the rear by I-83. Currently, the property contains a total of two density units, one of which is utilized by the existing dwelling.

Mr. Doak testified that the Petitioners are desirous of subdividing their property to create a lot for their son. Testimony indicated that they began the minor subdivision process, when in mid course, the RC-5 regulations were changed, in particular, as they pertain to scenic roads. This portion of York Road is considered "scenic" and a minimum 150-foot setback from the centerline of the road is now required in lieu of the previously required 75 feet. Thus, the requested variance relief is necessary.

As shown on the site plan, proposed Lot 1 will contain 1.829 acres and the existing two-story dwelling known as 20303 York Road. Proposed Lot 2 will contain 1.675 acres, and the new dwelling to be constructed will be known as 20307 York Road. Mr. Doak testified that the proposed 75-foot setback is consistent and uniform with existing homes in the neighborhood on both sides of York Road. Immediately across the street from the site is the 7th District Elementary School. There were no adverse Zoning Advisory Comments (ZAC) submitted by any County reviewing agency and no one appeared in opposition to the request. Thus, it appears that relief can be granted without detrimental impact to the surrounding locale. However, the Office of Planning has requested that photographs of adjacent houses and building elevation drawings of the proposed dwelling be submitted for their review and approval to insure compliance with the current R.C.5 regulations. Thus, as a condition of approval, I will require said drawings be submitted prior to the issuance of any permits

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the Petitioners would suffer an undue hardship and practical difficulty if I were to deny the relief, and given the facts presented, be denied reasonable use of their property for a permitted purpose. This is clearly not a self-created hardship, but one that was thrust upon them midstream while moving in good faith through the Minor Subdivision process.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of January 2006 that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building setback of 75 feet from the centerline of a "scenic route" road in lieu of the required 150 feet, for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) Petitioners may apply for building permit and be granted same upon receipt of this Order; however, Petitioner is 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.
- 2) Prior to the issuance of any permits, the Petitioners shall submit photographs of adjacent dwellings and building elevation drawings of the proposed dwelling, including proposed building materials, color scheme, and architectural details, to the Office of Planning for review and approval to insure compatibility with existing houses in the area.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM 9: WISEMAN, III Zoning Commissioner

for Baltimore County



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 20303 YORK ROAD which is presently zoned R.C.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legationer(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)

hardship or practical difficulty) DUE TO THE LOT CONFIG	BUILDING SETBACK OF "TERLING OF A "SCENIC ROTE" PLIKED 150 FEET. aw of Baltimore County, for the following reasons: (indicate URATION ACORDING TO THE TO MEET CARENT RICIS
Property is to be posted and advertised as prescribed by the zon, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to	lana aka anal katika menganjaran kacamatan kanalan banan kalan kenalan kenalan kenalan kenalan kenalan kenalan
	iWe 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	Rame Type or Print
	Signatura Darmoh
Signature	Oig.,ature/
Address Telephone No.	National Contract Con
City State Zip Code	Signature
Attorney For Petitioner:	20303 YORK ROAD 410-357-8043 Address Telephone No.
	Address PARKTON MD 2/120
Name - Type or Pmt	City State Zip Coca
Signature	Representative to be Contacted:
Company	GERITOLO CROSS 3 FIZEZ LID
	320 E, Tauson Town Bivo 415-823-4476
Adoress Telephone No.	Address Telephone No.
State Zip Code	TOWSON MD 2/286 City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 06-226-A	UNAVAILABLE FOR HEARING Date 10/21/08
72 915 98 5 6 6	



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone. (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

October 27, 2005

Zoning Description 20303 York Road

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point in the center of York Road 75 feet, more or less in a Southerly direction from the intersection of the centerlines of York Road and Ben's Court along the centerline of York Road, (1) South 00 degrees 28 minutes 41 seconds East 859.75 feet, (2) South 85 degrees 57 minutes 43 seconds East 209.91 feet, (3) North 03 degrees 54 minutes 48 seconds West 880.98 feet, and (4) South 88 degrees 12 minutes 48 seconds West 142.16 feet to the point of beginning.

Containing 3.50 Acres of land, more or less

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



10/27/05

X220

DISTRIBUTION WHITE - CASHIER	FOR:	RECEIVED	BALTIMORE OFFICE OF BUI MISCELLAN
PINK - AGENCY			RE COUNTY, MAI BUDGET & FINANCE ANEOUS RECEIPT
YELLOW - CUSTOMER		AMOUNT \$ (5)	RYLAND ACCOUNT
			S
CASHIER'S VALIDATION			

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: #08-228-A
20303 York Road
East side of York Road, 75
feet south of centerline of
Benjs Court
7th Election District
3rd Councilmanic District
Legal Owner(s): Roger G.
and Gertrude K. Warnick
Variance: to allow a principal building setback of 75
feet from the centerline of a
"Scenic Route" road in Ileu
of the required 150 feet.
Hearing: Tuesday, Decem-Hearing: Tuesday, December 13, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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.

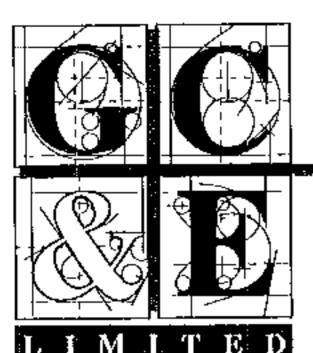
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/711 No22 75947

CERTIFICATE OF PUBLICATION

(123,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{1122}{2005}$
• • • • • • • • • • • • • • • • • • •
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-228-A
PETITIONER/DEVELOPER:
Rodger G. & Gertrude K. Warnick
DATE OF HEARING: 12/13/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION: 20303 York Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

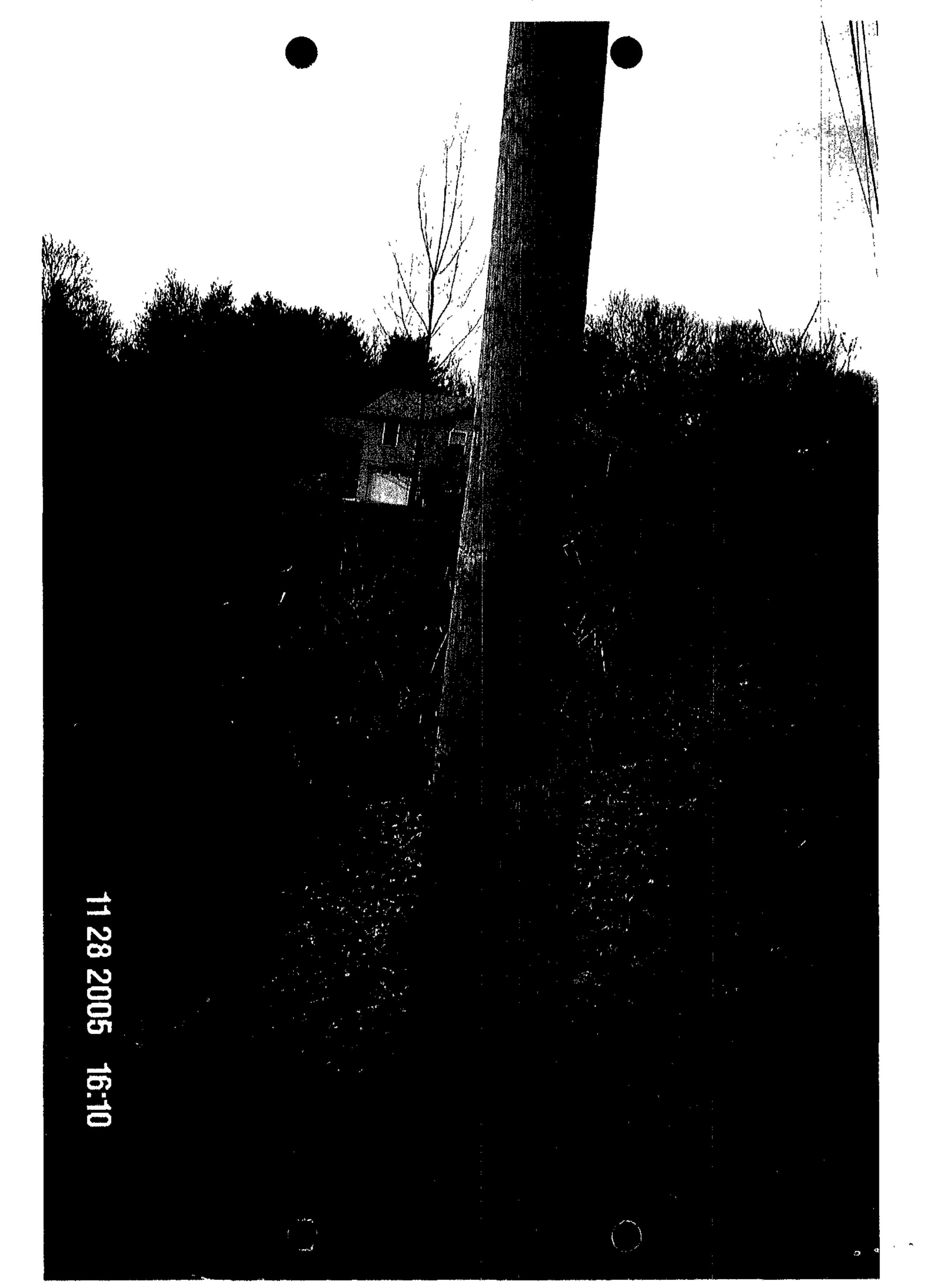
POSTED ON: 11/28/05

BE HELD BY A PUBLIC HEARING WILL BE HELD THE ZONING COMMISSIONER CASE #:06-228-A

PLACE: Room 407 County Courts Building 401 Bosley Avenue, Towson, MD

TIME & DATE: 9:00 am Tuesday, December 13, 200

Ton centerline of a "Scenic Variance, to allow a principal Uniding Setback of 75 feet Route' road in lieu of the Fequired 150 feet.



Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

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

November 8, 2005

Tel: 410-887-3353 • Fax: 410-887-5708 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: 06-228-A

20303 York Road

East side of York Road, 75 feet south of centerline of Ben's Court

7th Election District, 3rd Councilmanic District

Legal Owner: Roger G. and Gertrude K. Warnick

Variance to allow a principal building setback of 75 feet from the centerline of a "Scenic Route" road in lieu of the required 150 feet.

Hearing: Tuesday, December 13, 2005 at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK: clb

C: Roger G. and Gertrud K. Warnick 20303 York Road Parkton 21120 Gerhold Cross & Etzel 320 E. Towsontown Blvd. Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 29, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

Roger Warnick 20303 York Road

410-357-8043

Parkton, Maryland 21120

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: 06-228-A

20303 York Road

East side of York Road, 75 feet south of centerline of Ben's Court

7th Election District, 3rd Councilmanic District

Legal Owner: Roger G. and Gertrude K. Warnick

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Hearing: Tuesday, December 13, 2005 at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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.

Item Number or Case Number: 06-228-A	· · · · · · · · · · · · · · · · · · ·
Petitioner: <u>Robation</u> Gr. Warnick	· ····································
Address or Location: 20303 YORK ROAD PARKTON Mo 21/20	,
	,
PLEASE FORWARD ADVERTISING BILL TO:	1
Name: BROGER G. WARNICK	,
_	1
Address: 20303 YORK RODG PARKTON MO 21120	
_	

Revised 7/11/05 - \$CJ

Department of Permits a 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

December 12, 2005

Roger G. Warnick Gertrude K. Warnick 20303 York Road Parkton, Maryland 21120

Dear Mr. and Mrs. Warnick:

RE: Case Number: 06-228-A, 20303 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 27, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Call Rila D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

Gerhold, Cross & Etzel 320 E. Towsontown Blvd. Towson 21286



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 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234, 235, 236, 237, 238, 239, 241 and 242

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 16, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2005 Item Nos. 223, 224, 225, 227, 228, 233, 234, 235, 236, 238, 239,

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-11162005.doc



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

Maryland Department of transportation

Date: November 15, 2005

RE:

Baltimore County Item No. 228 (LTM) 20303 York RD

MD 45

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

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the variance. However, the owner will be required to obtain a residential access permit through our District office, they should contact, the Hereford Maintenance Facility at, 410-329-6752.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Double

Engineering Access Permits Division

CC: Mr. Ron Lewis

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 9, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

20303 York Road

INFORMATION:

Item Number:

6-228

Petitioner:

Roger G. Warnick

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey with 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

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEVED

DEC 1) 2005

ZONING COMMISSIONER

DATE: December 9, 2005

SUBJECT:

20303 York Road

INFORMATION:

Item Number:

6-228

Petitioner:

Roger G. Warnick

Zoning:

RC 5

Requested Action:

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RE: PETITION FOR VARIANCE

20303 York Road; E/S York Road, 75' S

c/line of Ben's Court

7th Election & 3rd Councilmanic Districts

Legal Owner(s): Roger & Gertrude Warnick *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-228-A

ENTRY OF APPEARANCE

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

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 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to, Gerhold, Cross, & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

NOV 11 2MM.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

From:

Debra Wiley

To:

Murray, Curtis

Date:

12/12/2005 8:43:36 AM

Subject:

Planning Comment for Case No. 06-228-A - 20303 York Road

Hi Curtis,

Bill just brought to my attention that he has the above referenced case that he's hearing tomorrow morning at 9:00 a.m. and there appears to be no comment received from Planning.

Can you please supply one to our office ASAP. Thanking you in advance for your usual cooperation.

CC:

Schuhmann, Bette

PEILICNER'S SIGN-IN SHEE

								してなっていることので	GERTRIDE K. WIERAICK	ないのにな	Bruce Day	NAME	
								20303 York 12d	20303 YORK RD		320 E. Towsoutown Ber	ADDRESS	
								一つないなっている	TARATON MO 21120		Towses Mo 2286	CITY, STATE, ZIP	
												E- MAIL	

Case No.:

Exhibit Sheet

Petitioner/Developer

Protestant

	Petitioner/Developer	
No. 1	SITE PLAN	
No. 2	Existing Home	
No. 3	PROPOSED DWELLING LOCATION	<u></u>
No. 4		i
No. 5		, , ,
No. 6		
No. 7		
No. 8		; ; ;
No. 9		!
No. 10		i !
No. 1	1	
No. 1	2	

