IN RE: PETITION FOR ADMIN. VARIANCE

NW/Corner Oaksylvan Way and Gunfalls Garth (2 Oaksylvan Way) 11th Election District 5th Council District

Zabiulla Ali, et ux Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-517-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

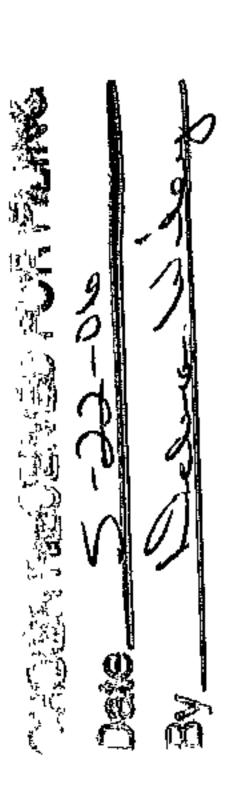
This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Zabiullah Ali, and his wife, Eva Ali. The Petitioners seek relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6-foot high fence along the side and front yard of an adjoining property in lieu of the maximum allowed height of $3\frac{1}{2}$ feet. The subject property and requested relief are more particularly described on the site plan submitted which was marked into evidence 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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance.

Relief is necessary due to the unique configuration of the property, its corner location and the location of the house on the adjacent lot. As shown on the site plan, the fence will be setback a distance of



STATE OF SETTING

approximately 40 feet from the house on the adjacent affected lot to the rear. Moreover, the fence will be located 35 feet from Gunfalls Garth. Thus, it will not interfere with the line of sight for vehicles entering or exiting that property or traveling along that roadway. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, the Office of Planning has requested that the proposed fence be constructed of natural wood materials in a board-on-board fashion. This appears consistent with other fences shown in photographs submitted. Thus, I will require compliance with this restriction as a condition of my approval.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May 2006 that the Petition for Administrative Variance seeking relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6-foot high fence along the front and side yard of an adjoining property in lieu of the maximum allowed height of 3½ feet, 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.
- 2) The proposed fence shall be constructed of natural wood materials in a board-on-board fashion, in compliance with the Office of Planning comments.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM I. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs



JAMES T. SMITH, JR. County Executive

May 22, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Zabiullah Ali 2 Oaksylvan Way Nottingham, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE

NE/Corner Oaksylvan Way and Gunfalls Garth (2 Oaksylvan Way)
11th Election District – 5th Council District
Zabiullah Ali, et ux - Petitioners
Case No. 06-517-A

Dear Mr. & Mrs. Ali:

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,

WILLIAM I WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

cc: People's Counsel; Case File



Petition for Administrative Variance

for the property located at 2 Oaksylvan Way

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

to the Zoning Commissioner of Baltimore County

which is presently zoned <u>DR5.5</u>

owner(s) of the property s			ومنطرك والمراكبات والارتباء والمراكب	حطلاح المام المادات المائيات	المصم ماجومط امحط
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of the zoning regulations of this petition form.	of Baltimore Cou	nty, to the zoning l	aw of Baltimore County, f	for the reasons indica	ted on the back
Property is to be posted a l, or we, agree to pay expen regulations and restrictions of	ises of above Varia	ance, advertising, po	sting, etc. and further agree	to and are to be bound ore County.	ed by the zoning
				are and affirm, under the ne legal owner(s) of the etition.	
Contract Purchaser/L	essee:		<u>Legal Owner(s):</u>		
Name - Type or Print		······································	Zabiullah Ali Name - Type or Print	<u></u>	
Signature			Signature		
Address	 	Telephone No	Eva Ali Name - Type or Print	,	
City	State	Zip Code	Signature	· · · · · · · · · · · · · · · · · · ·	
Attorney For Petitione	<u>er:</u>		<u>2 Oaksylvan Way</u> Address	y	333,3250 Telephone No.
		,	Nottingham	MD 21236	•
Name - Type or Print			City	State	Zip Code
Signature			Representative to	be Contacted:	
Company	<u></u>	<u> </u>	Name) (G) (O) ()	
				>1) me	
Address		Telephone No.	Address		Telephone No.
C	State	Zip Code	City	State	Zip Code
A Public Hearing having been day of	n formally demande	ed and/or found to be	required, it is ordered by the this petition be set for a public	e Zoning Commissioner of	Baltimore County,
Pregulations of Baltimore County	and that the property	y be reposted.			, ,
			Zonina Commi	ssioner of Baltimore Count	;
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19 NO. <u>6</u>	- > 1 1-17		viewed By <u>S</u>	Date 4. (7 * (7	!
NEV 10/25/01		Est	imated Posting Date	46.30.06	!
~ A					

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	2 Oaksylvan Way			
	Address Nottingham	MD	21236	
	City	State	Zip Code	
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon whip or practical difficulty):	nich I/we base the red	quest for an Administrative	
1. For general security of prope	erty and children.			
2. To contain a dog and protect	against stray animal	s wandering onto	property.	
3. To contribute to the overall	appeal and upkeep of	the neighborhoo	d.	
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	formal demand is filed, Affi additional information.	iant(s) will be require	ed to pay a reposting and	
Zahrela AP	<u></u>	4.		
Signature 2 ABIULLAH ALI	Signature	10 Al 1		
Name - Type or Print	Name - Týr	pe or Print		
CTATE OF MADVIAND COUNTY OF BALTI	MODE to wit.			
STATE OF MARYLAND, COUNTY OF BALTI I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, per in day of	ersonally appeared	•	a Notary Public of the State	
בע ליבע ליבע ליבע ליבע ליבע ליבע ליבע לי	factorily identified to me as s	such Affiant(s).	· · · · · · · · · · · · · · · · · · ·	
AS WITNESS my hand and Notarial Seal	Send) 2 in //		
	Notary Public	0		

My Commission Expires

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	Address	~ <i>J</i>	<u></u>
	Nottingham	MD	21236
•	City	State	Zip Code
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2. To contain a dog and to protect	ct against stray anim	mals wandering on	to property.
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That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand is filed, Affi additional information.	iant(s) will be required	to pay a reposting and
7.1.11 AC	4	2.00.	
Signature Signature	Signature		
ZABIULLAH ALI	ϵ_{V}	AACI	
Name - Type or Print	Name - Tyr	pe or Print	i
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to with		
		1006 hafara ma a l	Notary Public of the Stat
I HEREBY CERTIFY, this 14 day of of Maryland, in and for the County aforesaid, per	ersonally appeared	, before me, a	Notary Public of the Stat
the Affiant(s) herein, personally known or satisf	factorily identified to me as s	such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	End	1 Biecel	
	Notary Public		

My Commission Expires JERRY DZIECICHOWICZ
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2006



Petition for Administrative Variance

for the property located at 2 Oaksylvan Way

to the Zoning Commissioner of Baltimore County

This Datition shall be filed with the Department of D	termite and Davalenment Management. The undersigned local
	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from S	Section(s) 427 B B 2
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and with ofthe Me	1 TO TO THEN
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High FENCE.	
- -	ning 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, advertisin regulations and restrictions of Baltimore County adopted purs 	g, posting, etc. and further agree to and are to be bounded by the zoning uant to the zoning law for Baltimore County.
rogulations and roothollors of Dalamore County adopted pare	
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which
	is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name Tune or Drint	Zabiullah Ali Name - Type or Print
Name - Type or Print	Maine - Type of Finit
Signature	Signature
	Eva Ali
Address Telephone No	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	2 Oaksylvan Way 410.333.3250
Attorney r or r entroner.	Address Telephone No.
	Nottingham MD 21236 City State Zip Code
Name - Type or Print	
Cianatura	Representative to be Contacted:
Signature	
Campany	Name > 19.00 ×
Address Telephone No.	Address Telephone No.
Cly /) State Zip Code	City State Zip Code
9 6	
∤th‰ ¼ day of , that the subject mat	to be required, it is ordered by the Zoning Commissioner of Baltimore County, ter 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. 06-511-17	Reviewed By MM Date 4-17-04
EVEV 10/25/01	Estimated Posting Date

Zoning description for 2 Oaksylvan Way, beginning at a point on the West side of Oaksylvan Way, which is 80 feet right-of-way width wide at the distance of 125 feet East of the centerline of the nearest improved intersecting street, Gunfalls Garth, which is 102 feet right-of-way width wide. Being Lot # 92, Block N, section # 3 in the subdivision of Oakhurst as recorded in Baltimore County Plat Book # EHK Jr 52, folio # 89, containing 0.11 acres. Also known as 2 Oaksylvan Way and located in the 11th Election District, 5th Councilmanic District.

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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# 05-517-A
PETITIONER/DEVELOPER:
Zabiullah Ali
DATE OF CLOSING: May 15, 2006

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

LOCATION:

2 Oakslvan Way

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

John J. Dill

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

POSTED ON: April 27, 2006

ZONING NOTICE

ADMINISTRATIVE VARIANCE

GASE # : 06 517 \

To permits a culame a feme with a height of a leaf thential adjacent to the boot) and of an adjoining house in then of the permitted Dinches

PUBLIC HEARING?

AN ELICIBLE INDIVIDUAL OR OROTH, WAS REQUEST A PUBLIC HEARING CONCLAINING THE PROPOSITA VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE REPORT 4 10 p to ON May 18, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT TOPANG ADABITES FILATICIN AND THE VELLTIPMENT MANAGE MENT Marchantag ag tel stanarsign

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III ADDITE AND MARINE ALTER AS GENERAL

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE#: 06-517-1

To permit: a variance a fence with a height of 6 feet located adjacent to the front yard of an adjoining house in ficu of the permitted 42 inches.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1). BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON Viay 15, 2006

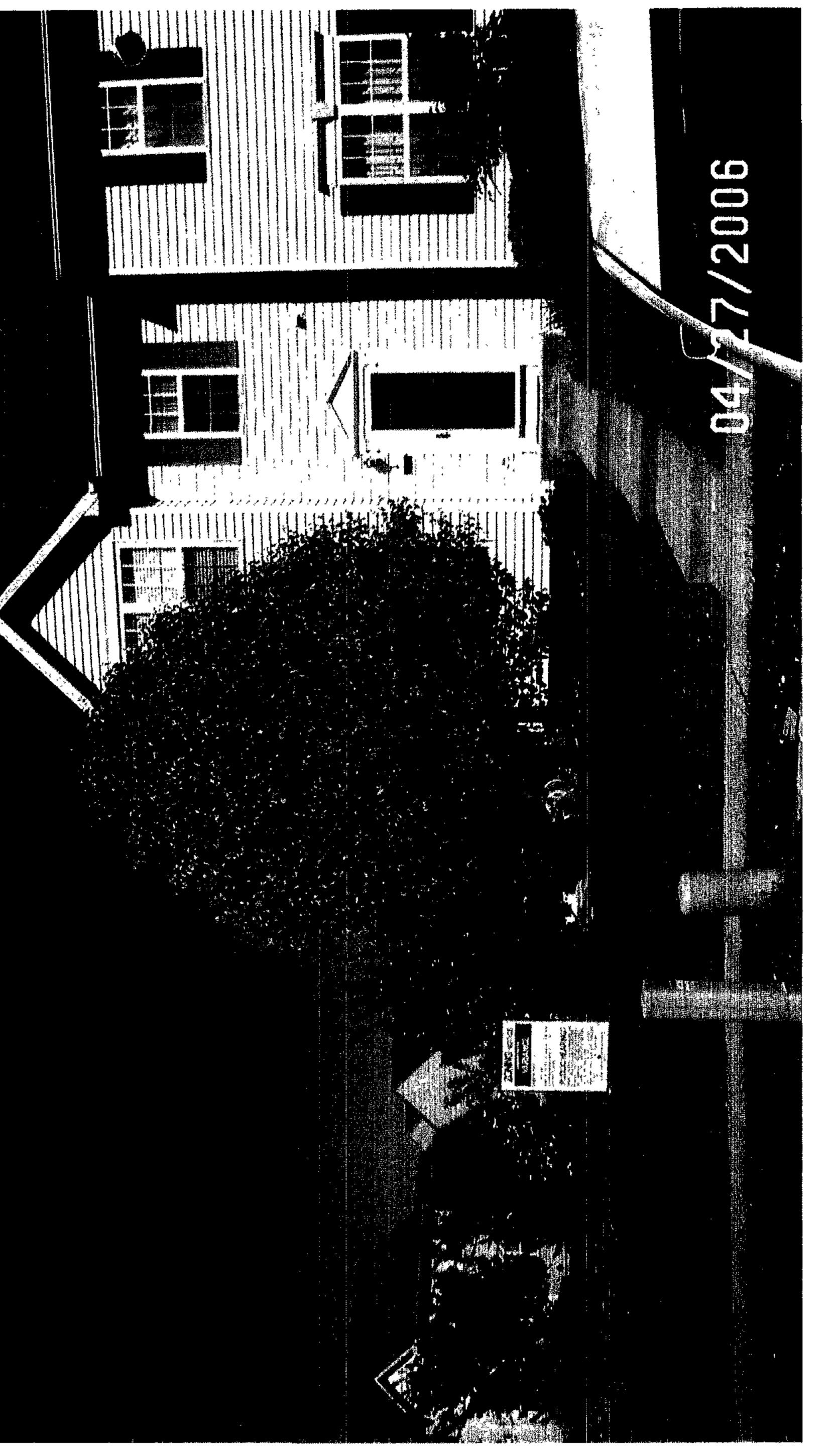
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

TOWSON MD 21701

TEL. 410-887-3391

HEARINGS ARE HANDICAPPED ACCESSIBLE

14/27/2006



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-517 -A Address 2 OAKSylvan Way
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 4-17.06 Posting Date: 4.30-06 Closing Date: 5.15.06
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the 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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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 06-517 -A Address 2 CAKS LVAN WANTED Telephone 470-333-3250
Posting Date: 4-30.00 Closing Date: 515.00
Nording for Sign: To Permit A FENCE WITH A HEIGHT OF 6 f
LOCATED ADJACENT TO THE FRONT YARD OF AN
ADJOUNING HOUSE IN LIEUR OF The PERMITTED
WCR - Revised 6/25/04

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 Newspap	er Advertising:	<i>,</i> *	our ; may
Item Number	or Case Number: _	<u> </u>	<u>) / / </u>
	ZABIUllah		
Address or Lo	cation: 2 OAKS	LABORD	DAKSYLUAN WAY NOTTING-HAM, Mol. 1212-36
PLEASE FOR	WARD ADVERTIS	ING BILL T	O:
Name:			
Address:	·		3/19mt.
Telephone Nu	mber:	+10-	333-3250

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

May 15, 2006

Zabiullah Ali Eva Ali 2 Oaksylvan Way Nottingham, MD 21236

Dear Mr. and Mrs. Ali:

RE: Case Number: 06-517-A, 2 Oaksylvan Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 17, 2006.

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

u. Callalal D

WCR:amf

Enclosures

c: People's Counsel



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



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

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

Maryland Department of Transportation

Date: 4.21.01

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

RE:

Baltimore County

Item No.

JUM

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

DATE: April 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 1, 2006

Item Nos. 491, 492, 493, 494, 495, 498, 499, 500, 502, 504, 505, 507, 508, 509,

511, 513, 514, 515, 516, 517)

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

DAK:CEN:clw

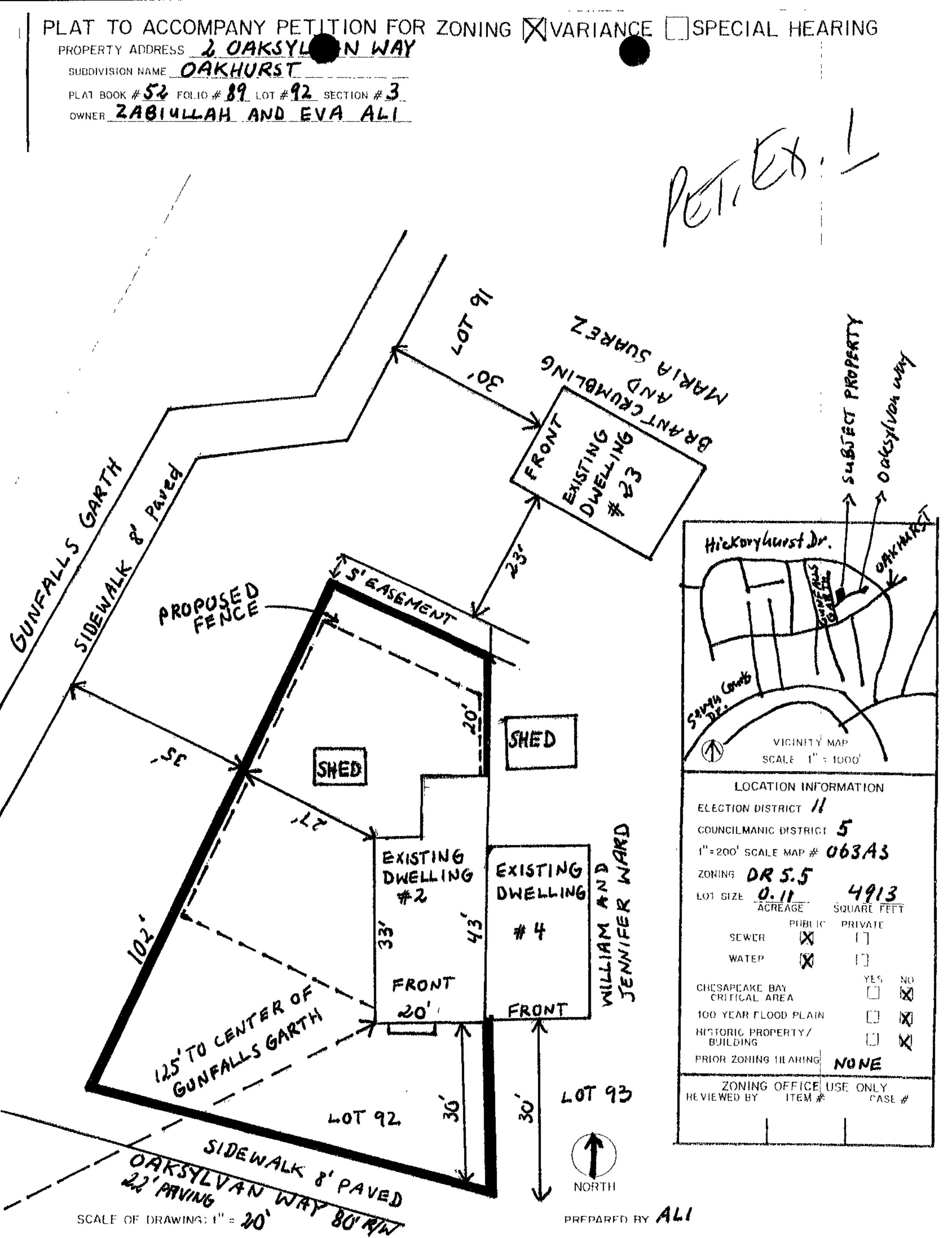
cc: Fife

ZAC-NO COMMENTS-04252006.doc

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. O6-517A

Date Completed/Initials	
4/1/00	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder, complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
······································	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
1/6	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) 47766 ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
717	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)





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Plan Sheet: Note:











