IN RE: PETITION FOR ADMIN. VARIANCE
W side Tama Court, 180 feet S of c/I
Marcie Drive
3<sup>rd</sup> Election District
2<sup>nd</sup> Councilmanic District
(8206 Tama Court)

Mark S and Robin C. Nesky
Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* BALTIMORE COUNTY

\* CASE NO. 07-338-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, Mark S and Robin C. Nesky. The variance request is for property located at 8206 Tama Court. The variance request is from Sections 1B02.3.A.1 and 202.3 (R40-1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 10 foot side setback and a 40 foot sum of side yards in lieu of the required 20 feet and 50 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a one story addition to contain a two car garage, adjoining workshop and a spare bedroom. The square footage of the addition is approximately 1,700 square feet, and the area within the setback is approximately 750 square feet. The addition cannot be placed at the rear of the home because the rear of the property is severely sloped with standing timber. The opposite side yard would not be suitable as the proposed garage addition would adjoin the house at the bedroom wing. The addition will utilize an existing asphalt driveway. The Petitioners provided letters of support from neighbors residing at 8210 Marcie Drive and 8204 Tama Court.

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of

Janor See

Planning dated February 7, 2007. That Office does not object to the request as there is a practical difficulty in placing the garage addition in the sloped rear yard.

### 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 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."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 3, 2007 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 and photographs 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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.

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

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	8206	TAMA	COURT	<b>-</b>
which	is presently zo	oned	DR-1	

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) 1802.34.1. - 202.9 (R40-1955)

TO PERMIT AN ADDITION WITH A 10-FOOT SIDE SETBACK AND A 40-FOOT SUM OF SIDE YARDS IN LIEU OF THE REQUIRED &O-FEET AND 50-FEET RESPECTIVELY.

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 Purchas	eriLessee:			Legal Own	er(s):		
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Address		Telephone No.		Name - Type or I	े <b>विरो</b>	<u> </u>	
City	State	Zip Code		Signature	7		<del></del>
Attorney For Petit	tioner-			8206	TAMA	COURT	410-998-967
	101101.			Address			Telephone No.
				BALTIM	10RE	MD	21208
Name - Type or Print			<b>Jity</b>		· · · · · · · · · · · · · · · · · · ·	State	Zip Code
Signature		<del></del>	<b>_</b>	Representa	tive to	be Contacte	id:
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Company		<del></del>		Name		-	<del></del>
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City	State	Zip Code		City	IOICE	Stat	
	been formally demand	ed and/or found to	be req	uired, it is ordered	by the Zo	ning Commission	er of Baltimore County, this
of Baltimore County and the	at the property be reposted	subject matter or trus ( 1.	henno	LOG SOL FOL S PRIDER (	reguly, duv	eruseu, as require	ed by the zoning regulations
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REV 9/15/98			stima	ted Posting Date	<u> ज</u> ीनी।	27	<del></del>
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# Affida Vit in Support of Administrative Variance

Address

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

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.

8206 TAMA COURT

	City	TIMORE	M b State	21208 Zip Code
That based upon personal knowledge, the Variance at the above address (indicate ha	following are th	ne facts upon which ical difficulty):	-	•
	SEE	ATTACHED	LETTER	
· · · · · · · · · · · · · · · · ·		-	-	
•				
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to pro-	a formal dema vide additional	and is filed, Affiant(s	s) will be required to p	ay a reposting and
Mank Nely Signature		lein	nent	
Signature		Signature		
MARK 5 NESKY Name - Type or Print	N.	ROBIN ame - Type or Print	1 C XIESKY	
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to v	vit:		
HEREBY CERTIFY, this 26 day of State of Maryland, in and for the County afe	oresaid, person	ally appeared	66_, before me, a t	Notary Public of the
the Affight(e) herein personally known or			h Affiant(s) and made	coth in due form of
the Affiant(s) herein, personally known or s law that the matters and facts hereinabove	set forth are tru	ie and correct to the	best of his/her/their kn	owledge and belief.
AS WITNESS my hand and Notarial Seal			`.2.4	
10/24/04 Date	N	otary Public	- Q. mille	
	A Comment of the Comm	ly Commission Expir	es	10
REV 09/15/98				

### MANIFOLDdesign

WWW.MANIFOLDDESIGN.COM 735 N EUTAW ST BALTIMORE MD 21201 410.225.0037 410.225.0038 F

January 10, 2007

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

VARIANCE APPLICATION 8206 Tama Court Baltimore, MD 21208

To Whom It May Concern:

A variance is requested for the property at 8206 Tama Court to allow the building of a new 1-story addition within the side yard setback. The new addition shall extend 15'-0" into the 25'-0" setback. The total square footage of the new addition is approximately 1700 sq ft. and the area that is within the setback is approximately 750 sq.ft. The use is for a two-car garage, adjoining workshop and a spare bedroom. The property currently has only a 1-car carport that is to be converted to a family room.

The Owners are requesting the variance to build within the side yard setback due to the constraints of the property and the existing plan configuration. The rear of the property is severely sloped with a ground cover of standing timber. Any additional building to the rear of the existing house would require partial removal of the existing wooded cover and extensive engineering for foundations on the sloping surface. The opposite side yard would not serve as a suitable building location, as the proposed garage addition would adjoin the house at the bedroom wing.

The Owners have the approval of their adjoining neighbors for the addition. Please thoughtfully consider this variance application and if you have any questions or comments, please contact us. We look forward to your decision on this matter.

Thank you,

Raren Lemmert David Naill

### **ZONING DESCRIPTION FOR 8206 TAMA COURT**

` ±

Beginning at a point on the west side of Tama Court which is 40 feet wide R/W, 20 feet paved, at the distance of 180 feet south of the centerline of Marcie Drive which is 40 feet wide R/W, 20 feet paved.

Being Lot # 9, Block F in the Sub-Division Plat of Section 4, Stevenson Ridge, as recorded in the Baltimore County Plat Book G.L.B. No. 26, folio 5, containing 1.08 acre.

Also known as 8206 Tama Court and located in the 3 Election District, 2 Coincilmanic District.

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BALTIMORE COUNTY, MARYLAND  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  DATE    1   0   0   Account   O   0   0   0   0   0    RECEIVED	SATOL FINA AGENCY YELLOW - CUSTOMER  PINK - AGENCY YELLOW - CUSTOMER

## CERTIFICATE OF POSTING

RE: Case No.: 07-338-A

Petitioner/Developer: NESKY

Date of Hearing/Closing: 2-19-0.7

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

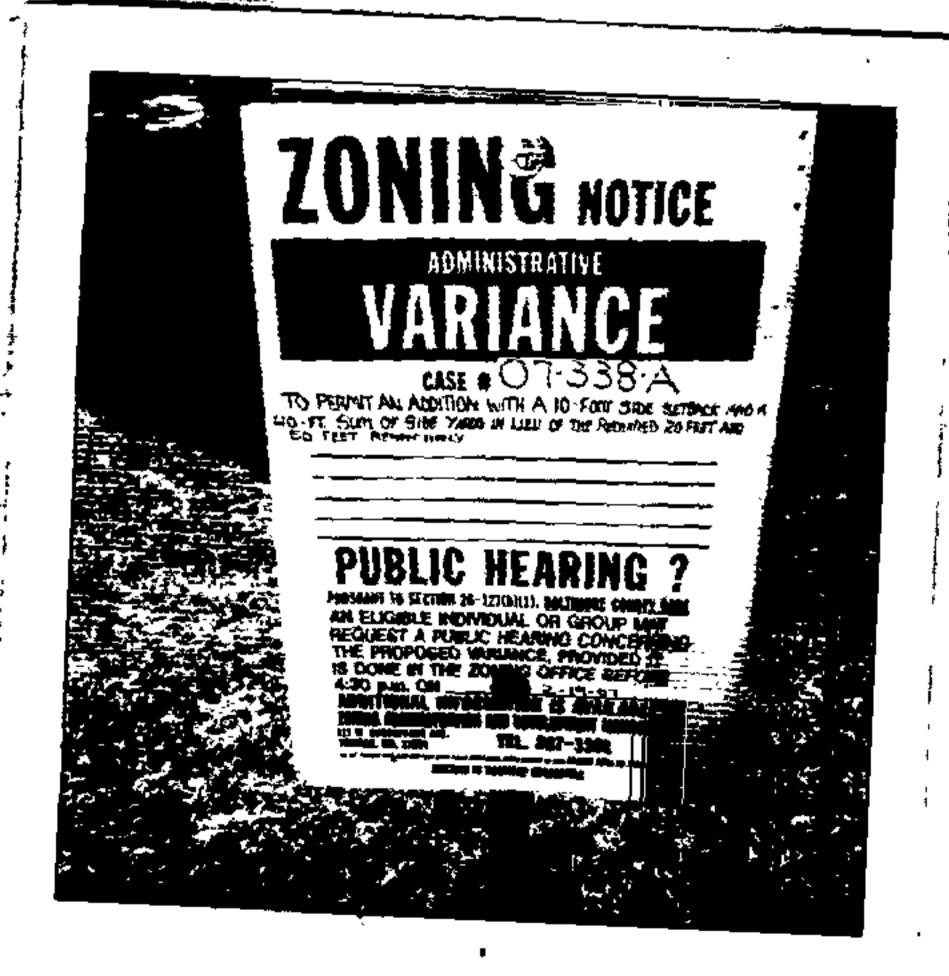
8206 TAMA CT

The sign(s) were posted on

Z-3-07 (Month, Day, Year)

(-----





Robert Black Z-7-0
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

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TENED

FEB

7 2007

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 338 -A Address 8206 Tama CT.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 12607 Posting Date: 2407 Closing Date: 1907
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. <b>DEADLINE:</b> 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 07- 338 -A Address 8006 TAMA CT.
Petitioner's Name NESKY Telephone NIO-998-9673
Posting Date: 3407 Closing Date: 319/07
Wording for Sign: To Permit AN ADDITION WITH A 10-FOOT SIDE SETBACK AND A 40-
SUM OF SIDE YARDS IN LIEU OF THE REQUIRED 20-FEET AND
50-FEET, RESPECTIVELY.
·

# 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:
Item Number or Case Number: 07-338-A
Petitioner: NESKY
Address or Location: 8206 Tama CT.
PLEASE FORWARD ADVERTISING BILL TO:  Name:MRT MRS. MARK S. NESKY
Address: 8206 TAMA CT.
BAND. MO 21208
Telephone Number: 410-998-9673



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 20, 2007

Mark S. Nesky Robin C. Nesky 8206 Tama Court Baltimore, MD 21208

Dear Mr. and Mrs. Nesky:

RE: Case Number: 07-338-A, 8206 Tama Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 26, 2007.

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:amf

Enclosures

c: People's Counsel

Manifold Design 735 N. Eutaw Street Baltimore 21201

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 7, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

8206 Tama court

**INFORMATION:** 

**Item Number:** 

7-338

**Petitioner:** 

Mark and Robin Nesky

Zoning:

**DR** 1

Requested Action:

Administrative Variance

### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not object to the requested variance for a two-car garage, workshop and adjoining bedroom, as there is a practical difficulty in placing the garage addition in the sloped rear yard.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewed by:

**Division Chief:** 

AFK/LL: CM

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 7, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

8206 Tama court

**INFORMATION:** 

Item Number:

7-338

**Petitioner:** 

Mark and Robin Nesky

Zoning:

DR 1

Requested Action:

Administrative Variance

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Reviewed by:

**Division Chief:** 

AFK/LL: CM

### 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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 334, 335, 336, 337, 338, 339, 340, 341, 342; 343, 344 and 345.

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 (0)410-887-4880 MS-1102F

cc: File



Martin O'Malley, Governor Anthony Brown, Lt. Governor

Neil J. Pedersen, Administrator

John D. Porcari, Secretary Designate

Maryland Department of Transportation

Date: FEBRUARY 2, 2007

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

RE: **Baltimore County** 

Item No. 7-338-A

8206 TAMA COURT NEGKY PROPERTY,

ADMINISTRATIVE YARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-338-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief ()
Engineering Access Permits

Division

SDF/MB

January 23, 2007

To Whom It May Concern:

It has come to our attention that our neighbors, Robin and Mark Nesky at 8206 Tama Court are requesting a zoning variance to enable them to build an addition to their home that includes a 2-car garage and additional living space. Due to the severe slope and wooded area behind their home, we understand that this addition will be on the southern side of their property. We, Jane and Gershon Efron of 8210 Marcie Drive, the Nesky's neighbors to the north, endorse this addition project because we feel that it will be a positive contribution to our neighborhood.

If you have any questions, please feel free to contact us at 410-484-9627.

Sincerely,

Jane and Gershon Efron

Han + Anan

8210 Marcie Drive

Baltimore, MD 21208

### To Whom It May Concern:

It has come to our attention that our neighbors, Robin and Mark Nesky at 8206 Tama Court are requesting a zoning variance to enable them to build an addition to their home that includes a 2-car garage and additional living space. Due to the severe slope and wooded area behind their home, we understand that this addition will be on the southern side of their property. We, Irma and Lester Friedenberg of 8204 Tama Court, the Nesky's neighbors to the south, endorse this addition project because we feel that it will be a positive contribution to our neighborhood.

If you have any questions, please feel free to contact us at 410-653-2518.

Sincerely,

Irma and Lester Friedenberg

8204 Tama Court

Baltimore, MD 21208



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 22, 2007

MARK S AND ROBIN C. NESKY 8206 TAMA COURT BALTIMORE MD 21208

> Re: Petition for Administrative Variance Case No. 07-338-A Property: 8206 Tama Court

Dear Mr. and Mrs. Nesky:

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,

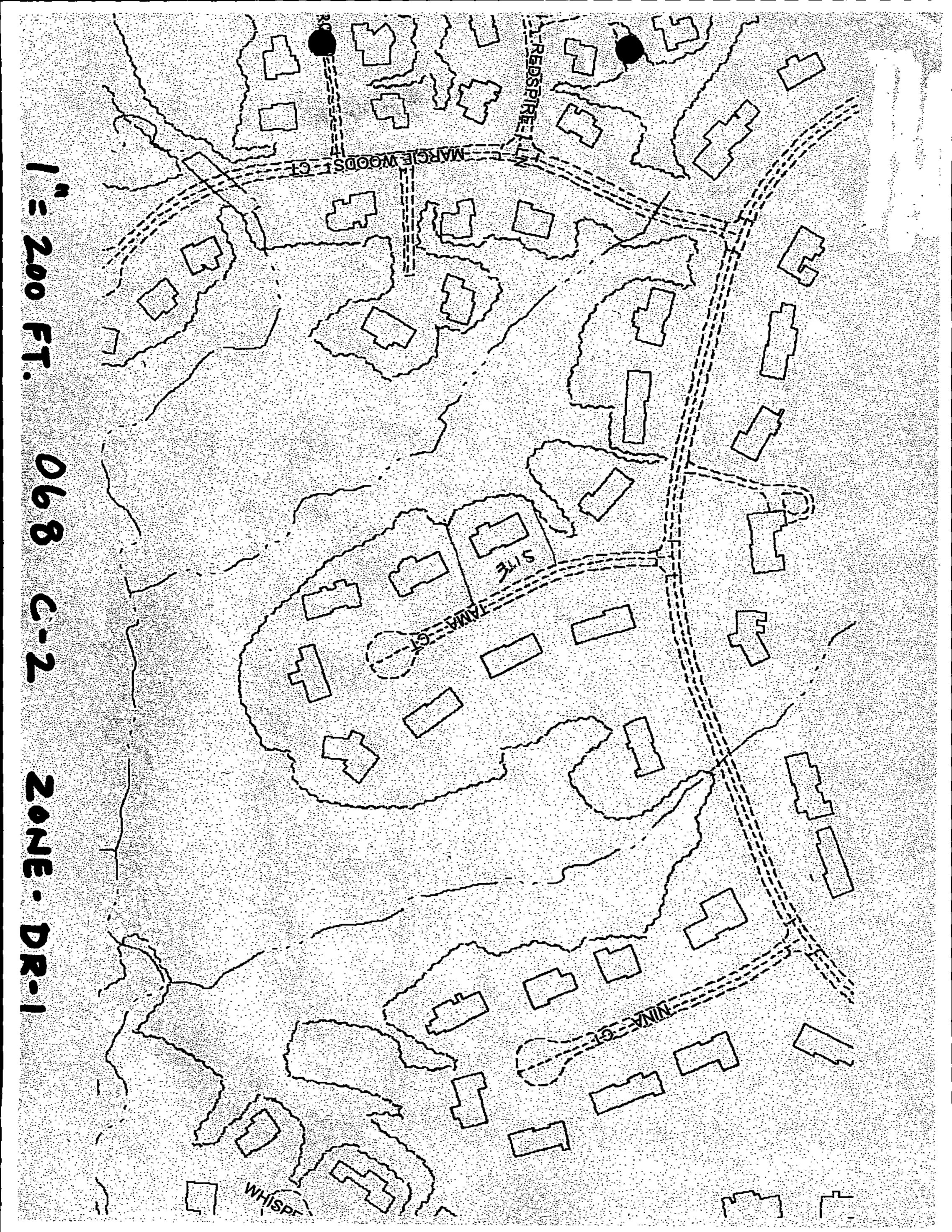
John V. Murphy

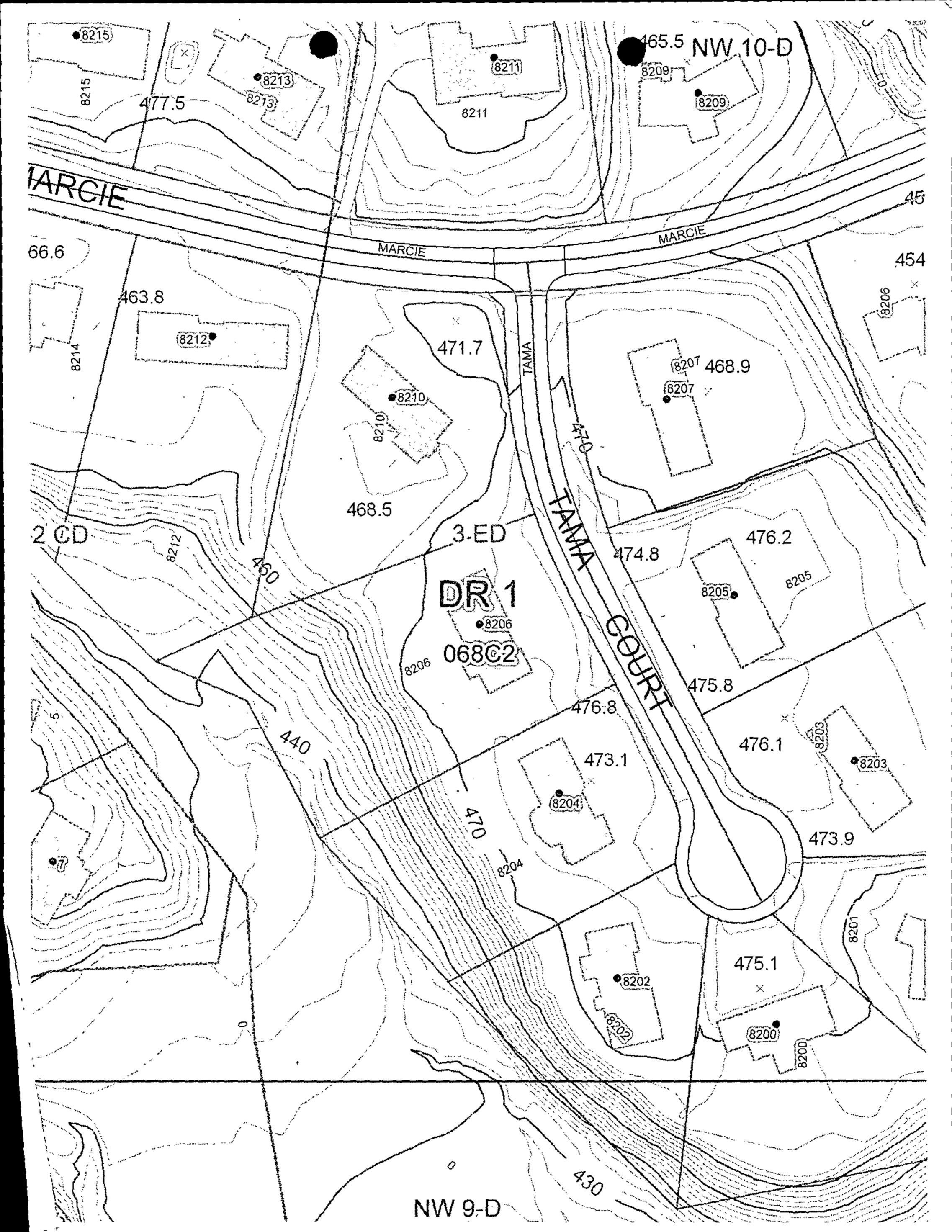
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Karen Lemmert and David Naill, Manifold Design, 735 N. Eutaw Street, Baltimore MD 21201



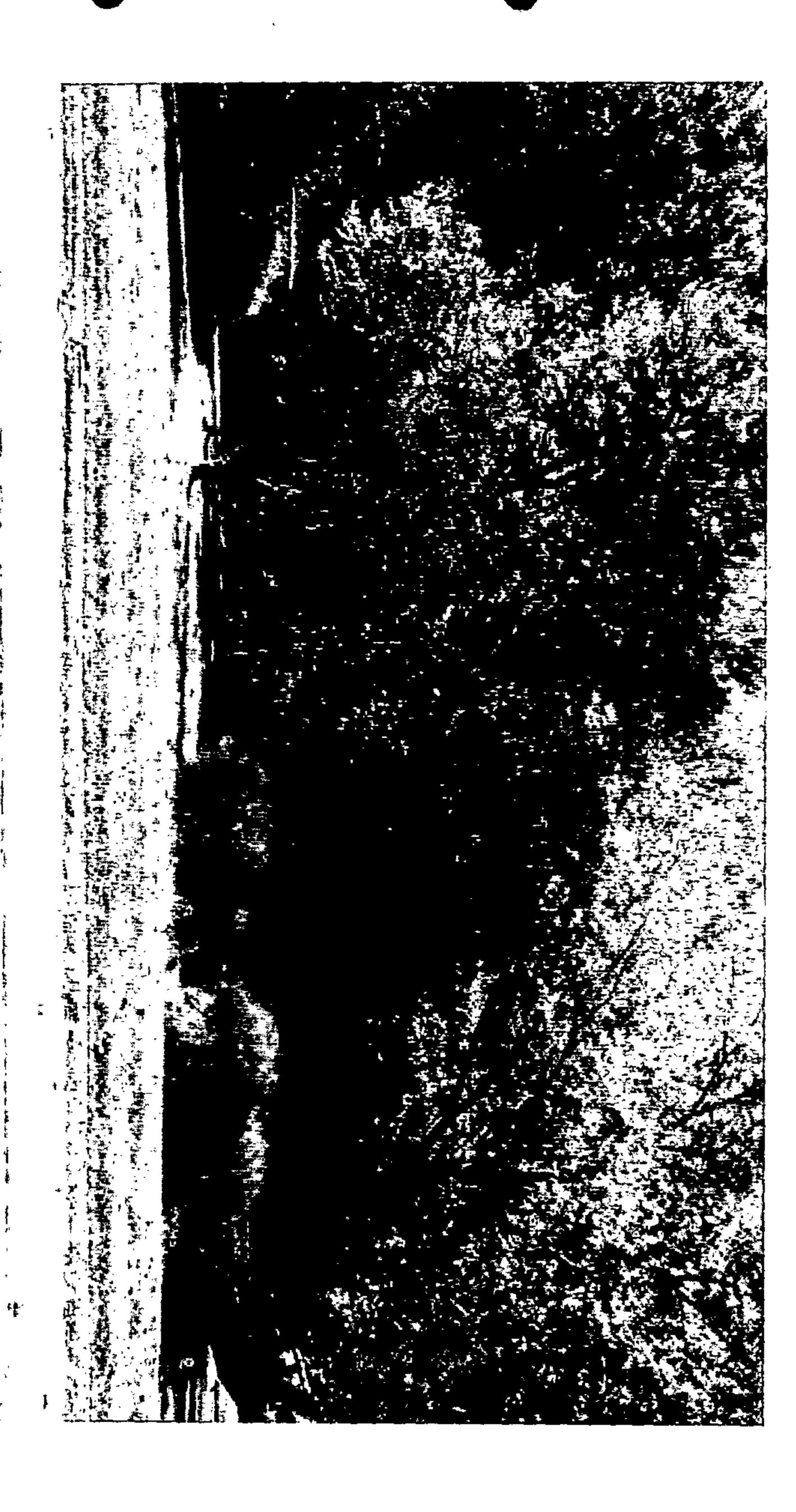




8204 TAMA COURT

PROPOSED GARAGE @ PARKING PAD

206 TAMA COURT



8206 TAMA COURT

210 MARCIE DRIV

Page 1 of 1



PROPOSED **OARAGE @** PARKING PAD

REAR TAMA CT 07-338A 1/24/2007



Page 1 of 1



8206 TAMA 07-338-A DRIVEWAT 1/24/2007

9610.NEF Page 1 of 1

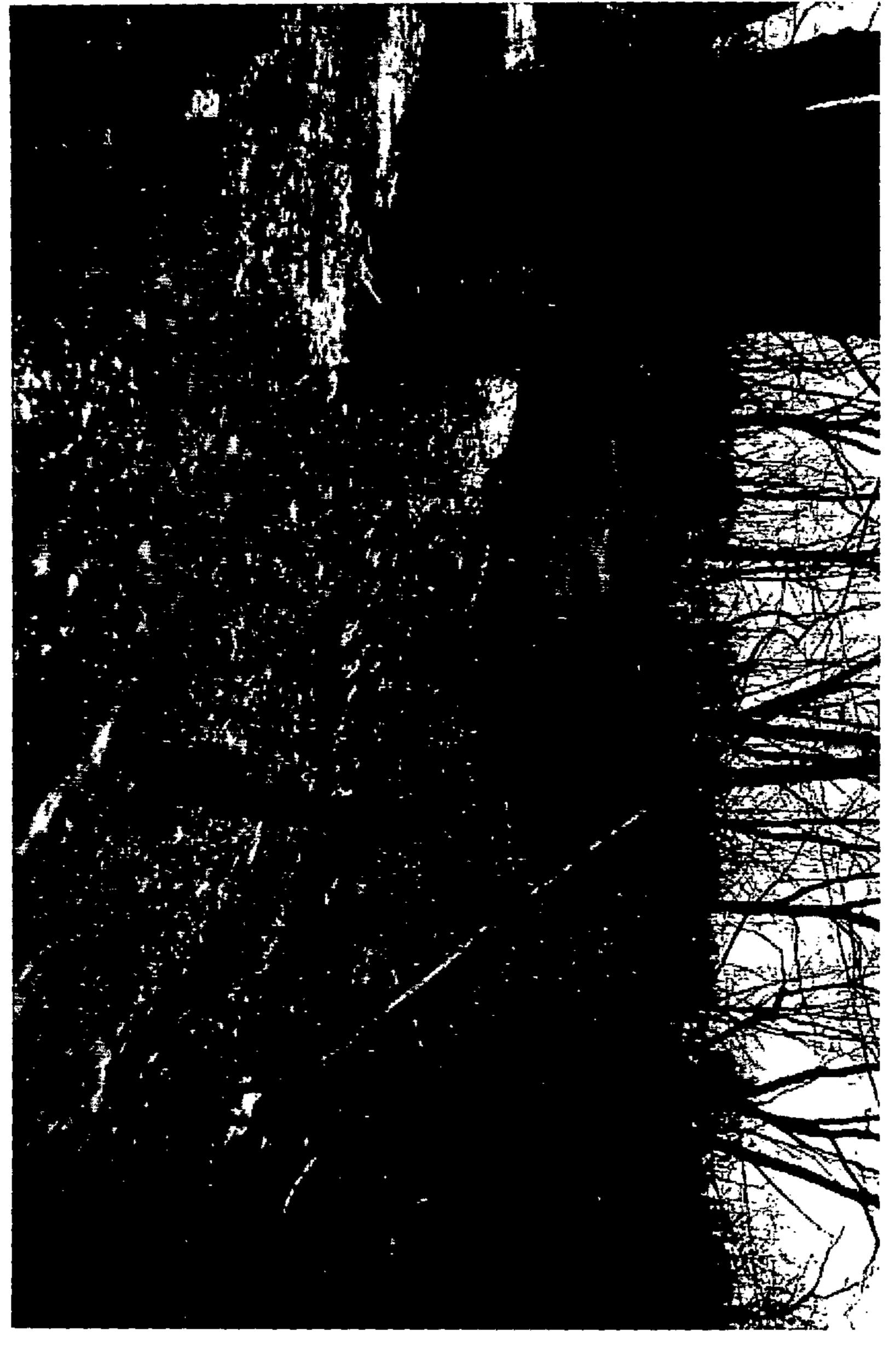


9-866-10



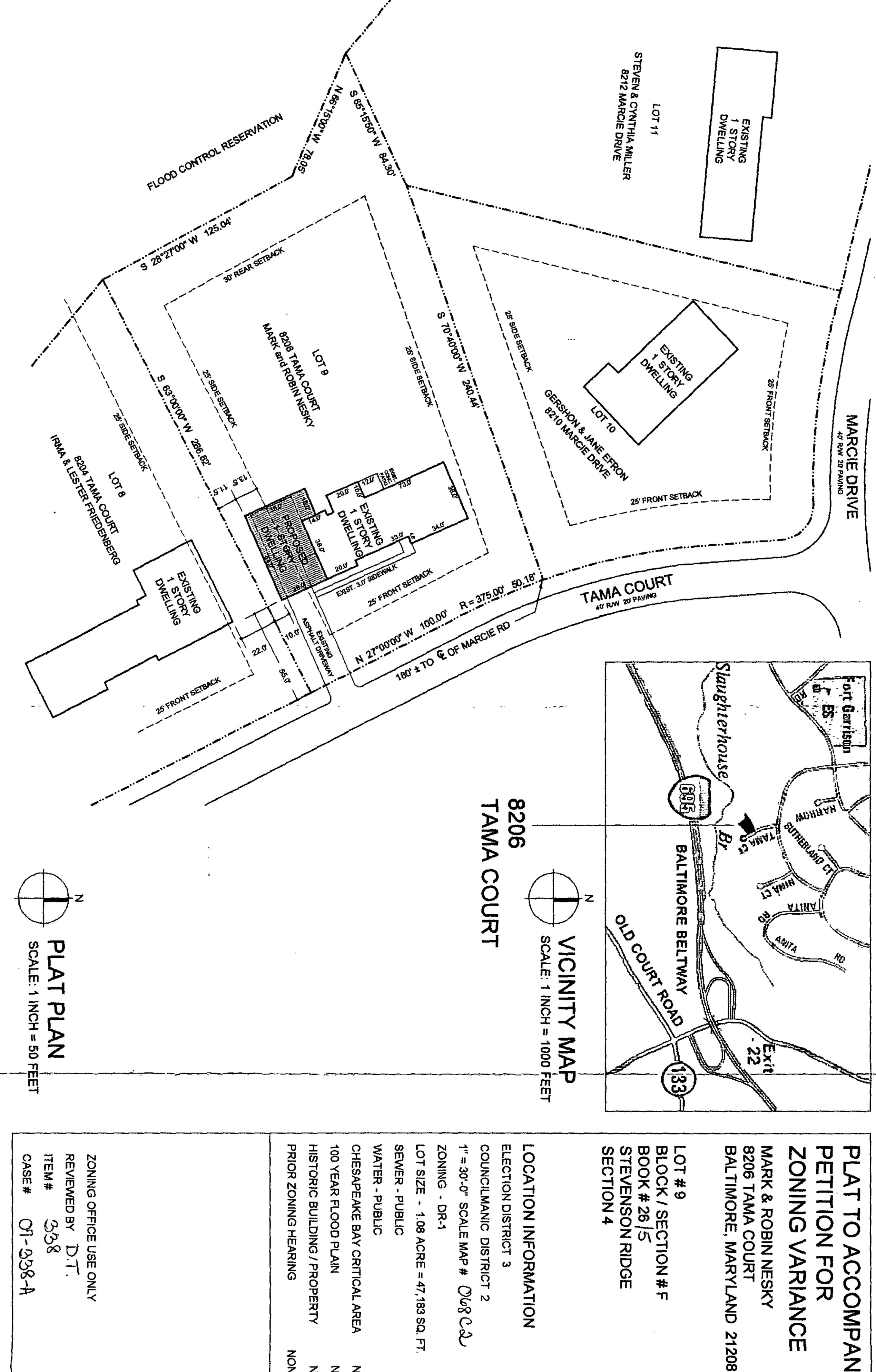
Page 1 of 1

# <--Previous Up Next-->



8206 TAMA CT 07-338-A ( REAR OF SITE W/ SLOPE 1/24/2007





# PETIT PLAT PETITION FOR ZONING VARIANCE ACCOMPANY

LOT #9 STEVENSON RIDGE SECTION 4 BLOCK / SECTION # F BOOK # 26/5

# **LOCATION INFORMATION**

1" = 30'-0" SCALE MAP # PRIOR ZONING HEARING HISTORIC BUILDING / PROPERTY 100 YEAR FLOOD PLAIN CHESAPEAKE BAY CRITICAL AREA WATER - PUBLIC SEWER - PUBLIC LOT SIZE - 1.08 ACRE = 47,183 SQ. FT. COUNCILMANIC DISTRICT 2 ZONING - DR-1 068C2 NONE ö S 8

ZONING OFFICE USE ONLY BY D.T.

TEM# REVIEWED BY CASE# 07-338-A