IN RE: PETITION FOR ADMIN. VARIANCE
N side Old Court Road, 165 feet E
c/l Stevenson Lane
3rd Election District
2nd Councilmanic District

(3521 Old Court Road)

Morris and Beverly Weinman Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-369-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, Morris and Beverly Weinman. The variance request is for property located at 3521 Old Court Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet and a setback of 50 feet to the centerline of the road for an addition (garage) in lieu of the required 40 feet and 65 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to add an attached side loaded garage. The existing freestanding garage will be razed. The substantial addition to the rear of the house is within the allowed building setbacks. The Petitioners are enlarging the home to accommodate more family members. An additional bedroom will require the demolition of the current garage. The proposed site for the garage is the only practical location.

On March 22, 2007, a letter was sent to the Petitioners seeking clarification of a comment in their Petition that indicated the home business is growing and expanding. The Commissioner's office learned that the Petitioner has a singing career. Mr. Weinman clarified that he is a consultant and communicates with clients over the telephone and internet. No clients come to the house and no products are for sale. He does not contemplate a music store or

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recording studio in the home. Mr. Weinman travels to Las Vegas when a professional recording studio is needed. The Petitioner apologized for any confusion that may have arisen at the mention of a home business.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated March 12, 2007 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file. That Office does not oppose the request.

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 16, 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _____ day of April, 2007 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet and a setback of 50 feet to the centerline of the road for an addition (garage) in lieu of the required 40 feet and 65 feet, respectively be and is hereby GRANTED, subject to the following:

- 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.
- 2. The existing mature vegetation along Old Court Road shall be retained.
- 3. The Office of Planning has reviewed the architectural elevations prepared by John Ammon Architects. The proposed structure shall be built in accordance with the said architectural elevation drawings.

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



JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 11, 2007

MORRIS AND BEVERLY WEINMAN 3521 OLD COURT ROAD BALTIMORE MD 21208

Re: Petition for Administrative Variance

Case No. 07-369-A

Property: 3521 Old Court Road

Dear Mr. and Mrs. Weinman:

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

Jean v. mustling

JVM:pz

Enclosure

c: John A. Ammon, 345 North Charles Street, Baltimore MD 21201



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3521 OLD COURT ROAD which is presently zoned DR-2

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)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Le	ssee:			Legal Owner(s):
				MORRIS, WEINMAN
Name - Type or Print			Name -	- Type or Print Will Wee
Signature				Signature Beverly WEINMAN
Address		Telephone No.	•	Name - Type on Print Wernen
City	State	Zip Code	•	Signature
Attorney For Petitione	<u>r:</u>			3521 OLD COURT ROAD 410-486-7333
				Address BALTIMURE MARYLAND 21208
Name - Type or Print			City	State Zip Code
				Representative to be Contacted:
Signature				John A. Ammon
Company				Name 345 NORTH Charles STREET 410-752-3510
Address		Telephone No.	•	Address BALTIMORE MARYLAND 2120
City	State	Zip Code	-	City State Zip Code
A Public Hearing having been day of of Baltimore County and that the property is a second sec	that the subj	and/or found to ect matter of this	be red petitio	quired, it is ordered by the Zoning Commissioner of Baltimore County, this in be set for a public hearing, advertised, as required by the zoning regulations
	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1			Zoning Commissioner of Baltimore County
CASE NO.		Reviewed	Ву	3h Date 2/1/07
REV 9/15/98	TEVED FOR		Estima	ated Posting Date $2/25/07$

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.

competent to testify thereto in the event that a p	public hearing is scheduled in the future with regard the	ereto.
That the Affiant(s) Joes/do presently reside at	3521 OLD COURT ROAD	
	Address BALTIMORE MARY/AMD City State	21208
		Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardsh	wing are the facts upon which I/we base the request find in practical difficulty):	
e de la companya de l	ip or practical difficulty): The recent gro	on and
Country susine	ances which have necessary back home	of my none
son and daughter in	-law nowing back home	howe Create
an unternable strain o	n the available space	in my house
The only option for ex	epansion to accomodate or	u umnedial
reed for an additions	al bettroom required the	demolition
our Current varage	structure. This leaves	the front
set-back as the only	structure. This leaves y mable option to selve	ate the
garage.		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	rmal demand is filed, Affiant(s) will be required to padditional information.	bay a reposting and
uki blen	Beverly Weiner	
Signature	Signature	
Name - Type or Print	Name-Type or Print VEINMAN	
	, value of participation (
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:	
I HEREBY CERTIFY, this $\sqrt{2} + h$ day of $\sqrt{2}$	ebruary, 2007, before me, a l	Notary Public of the
State of Maryland, in and for the County aforesa Morres Weinman & Beverly U	• • • • • • • • • • • • • • • • • • • •	
the Affiant(s) herein, personally known or satisf	factorily identified to me as such Affiant(s), and made forth are true and correct to the best of his/her/their kn	oath in due form of owledge and belief.
AS WITNESS my hand and Notarial Seal		
2/12/2007	10 A British There	
Date	Notary Public	<u> </u>
	My Commission Expires (2) (2008)	
REV 09/15/98		

Section 1B02.3.B to permit a front yard setback of 20 ft. and a setback of 50 ft. to the centerline of the road for an addition (garage) in lieu of the required 40 ft. and 65 ft., respectively.

Zoning Description

Zoning Description for 3521 Old Court Road

Beginning at a point on the North Side of Old Court Road which is 60 Feet wide at the distance of 165 feet East of the centerline of the nearest improved intersecting street Stevenson Lane which is 60 feet wide. Being Lot # 20 Section 1 in the Subdivision of Dumbarton Heights as recorded in the Baltimore County Plat Book # 24, Folio# 57 containing 24,472 square feet. Also known as 3521 Old Court Road and located in the 3rd Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE DIE 6 6/5 B	FROM:	FOR.	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS	DATE: 02/20/06
Case Number: 07-369-A	
Petitioner/Developer: MORRIS & BEVERLY WEINMAN~~JO	HN A. AMMON & ASSOCIATES, INC (ARCHITECT)
Date of Hearing (Closing): 03/12/07	
This is to certify under the penalties of perjury that the necessary s conspicuously on the property located at: 3512 OLD COURT RO	
The sign(s) were posted on: 02/16/07	
ZONING NOTICE ADMINISTRATIVE VARIANCE CASE # 07-369-A TO PERMIT A FRONT YARD SETBACK OF QO FEET AND A SETBACK OF SO FEET TO THE CENTERLINE OF THE ROAD FOR AN ADDITION (GARAGE) IN LIEU OF THE REQUIRED 40 FEET AND 65 FEET RESPECTIVELY	Linda O'Keefe (Printed Name of Sign Poster) 523 Penny Lane (Street Address of Sign Poster)
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 THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON MON. MARCH 12.2007 ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER DEPARTMENT	Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster) 410-666-5366 (Telephone Number of Sign Poster)

SO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 07	369	Α-	Address	3521	012	Court	Rd.
Conta	ct Person:	Bruno	Rudait: Please Print Your 1	-S Name	Ph	one Nun	nber: 410-	887-3391
	Date:	2/16/07	_ Posti	ng Date:				3/12/07
Any o	ontact made the contact	e with this off at person (plan	ice regarding ner) using the	the status of case number.	f the admini	strative	variance s	should be
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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:
Petitioner:
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 345 North Charles Street Baltimore, Maryland 21201
John #. #mm. Telephone Number: 410-752-3510 cst. 104



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 12, 2007

Morris Weinman Beverly Weinman 3521 Old Court Road Baltimore, MD 21208

Dear Mr. and Mrs. Weinman:

RE: Case Number: 07-369-A, 3521 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 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

Enclosúres

c: People's Counsel John A. Ammon 345 North Charles Street Baltimore 21201

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 March 1, 2007

ATTENTION: Zoning Review-Rlanners

Distribution Meeting Of: February 26,2007

Item Number: 363 through 373

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 2, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 5, 2007

Item Nos. 07-314, 363, 364, 366, 367, 368, 369, 370, 371, 372, and 373

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-03022007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 12, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3521 Old Court Road

INFORMATION:

Item Number:

7-369

Morris and Beverly Weinman

Zoning:

Petitioner:

DR 2

Requested Action:

Administrative Variance

RECEIVED

MAR 2 1 2007

ZOME CAMESTALE

The petitioner requests a front setback variance of 20 feet in lieu of the required 40 feet and a setback of 50 feet from the centerline of the street in lieu of the required 65 feet in order to add an attached side-loaded garage. If granted, the petitioners will raze the existing freestanding garage and add a substantial addition to the rear, which is within the allowed building setbacks.

SUMMARY OF RECOMMENDATIONS:

If the petitioner's request is granted, the existing mature vegetation along Old Court Road shall be retained.

The Office of Planning reviewed architectural elevations prepared by John Ammon Architects. The proposed structure shall be built in accordance with the said architectural elevation drawings.

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

Reviewed by

Division Chief:

AFK/LL: CM



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

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 5, 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.07-369-A

MD 133 (ad COLLET RD)

WEINMAN PROPERTY

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. 7-369-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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 22, 2007

MORRIS AND BEVERLY WEINMAN 3521 OLD COURT ROAD BALTIMORE MD 21208

Re: Petition for Administrative Variance Case No. 07-369-A

Dear Mr. and Mrs. Weinman:

Your request for an Administrative Variance was given to me for review. One of the reasons mentioned for the addition is the growth and expansion of your business that you operate out of the home. I would be remiss if I did not inquire about the nature and extent of the expanding business. In a zoning sense we must find out if your singing career brings people or products to the premises. We must clarify what actually takes place to see if the home occupation is as defined in the Baltimore County Zoning Regulations, or more in keeping with a musician or artist studio that would require a special exception.

William J. Wiseman III, the Zoning Commissioner for Baltimore County, took the liberty of contacting John Ammon, who informed us that you are a singer and sing the National Anthem at the Baltimore Orioles' games. In fact, he has probably heard you sing at the ball games.

Please provide the information to us in writing so we can prepare an Order or set the matter in for a public hearing.

Thank you for your attention and cooperation in this matter.

Sincerely, Patricia Zork

> Patricia Zook Legal Secretary

c: John A. Ammon, 345 North Charles Street, Baltimore MD 21201

MORRIS and BEVERLY WEINMAN

3521 Old Court Road
Baltimore, MD 21208 USA
(410) 486-7333 mobile (443) 286-4000
FAX (410) 486-7354 email: chip@comcast.net

April 6, 2007

Patricia Zook
Legal Secretary
Zoning Board of Baltimore County
County Courts Building
401 Bosley Avenue
Suite 405
Towson, MD 21204

DECEIVE APR 1 0 2007.

Re: Petition for Administrative Variance Case No. 07-369-A

Dear Ms. Zook:

I am responding to your letter of March 22 regarding our Petition for Administrative Variance.

To clarify, I work in a home office as a consultant. I communicate with clients over the telephone or via the internet. No clients come to my house, and I have no products there.

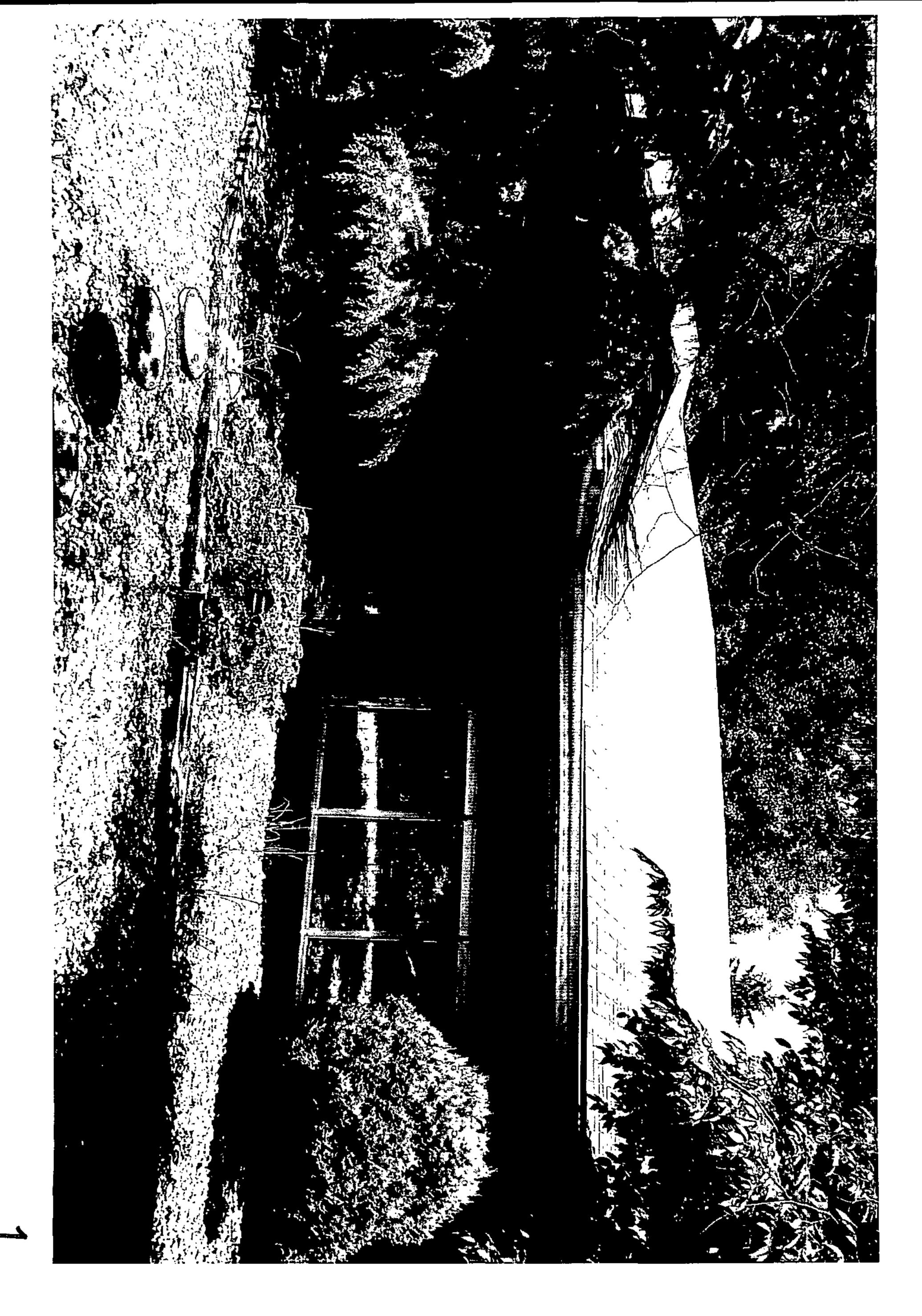
As far as my singing career, I have a few CDs in my office, but there is no recording studio in my home. When I do record, I use a professional recording studio in Las Vegas.

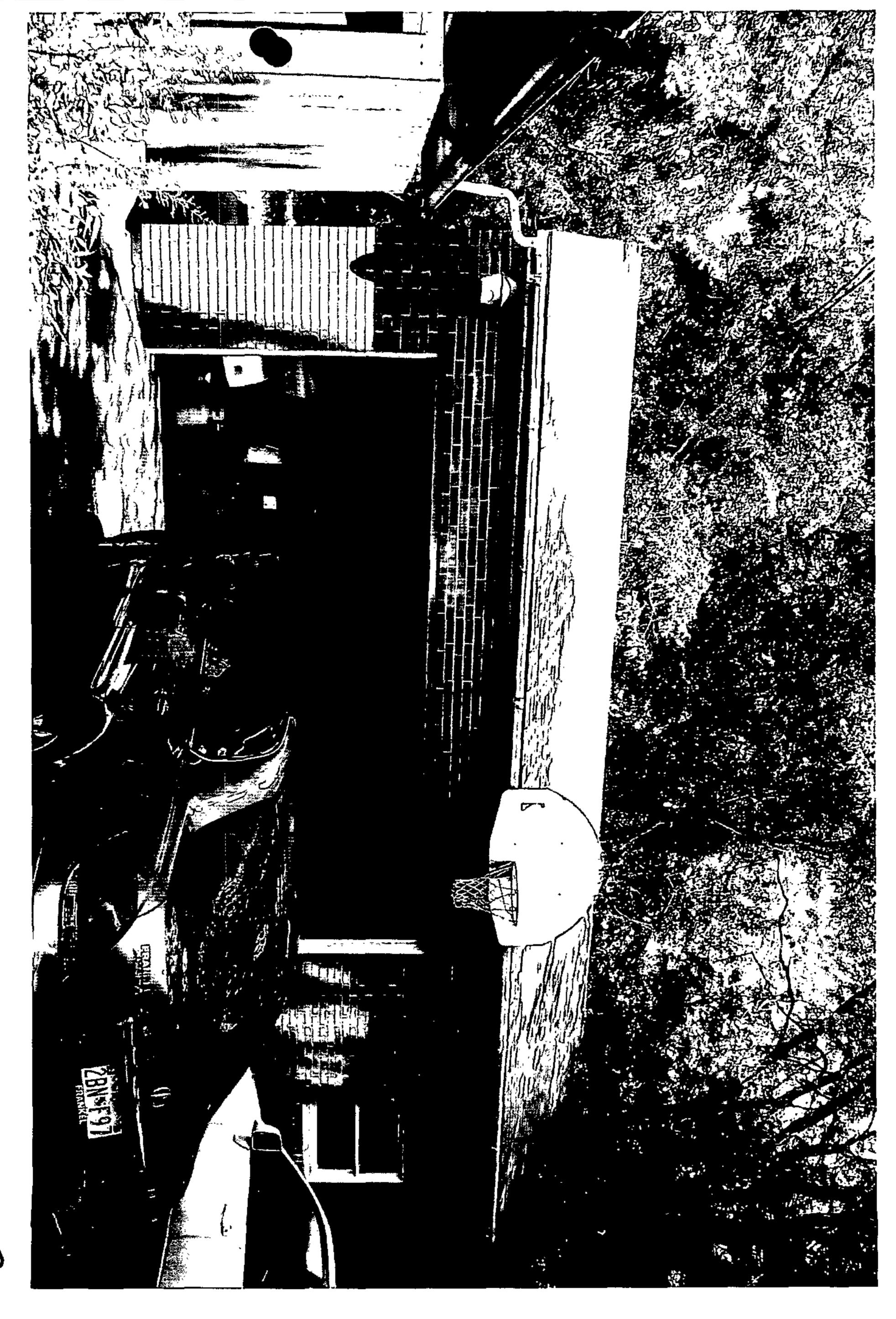
While I am increasing the time and effort spent on pursuing recording and singing opportunities, I do not have or contemplate a music store or recording studio in my home. I am sorry if our petition mistakenly created that impression.

Morris Weinman

FERNOH JOOHOS,

Q





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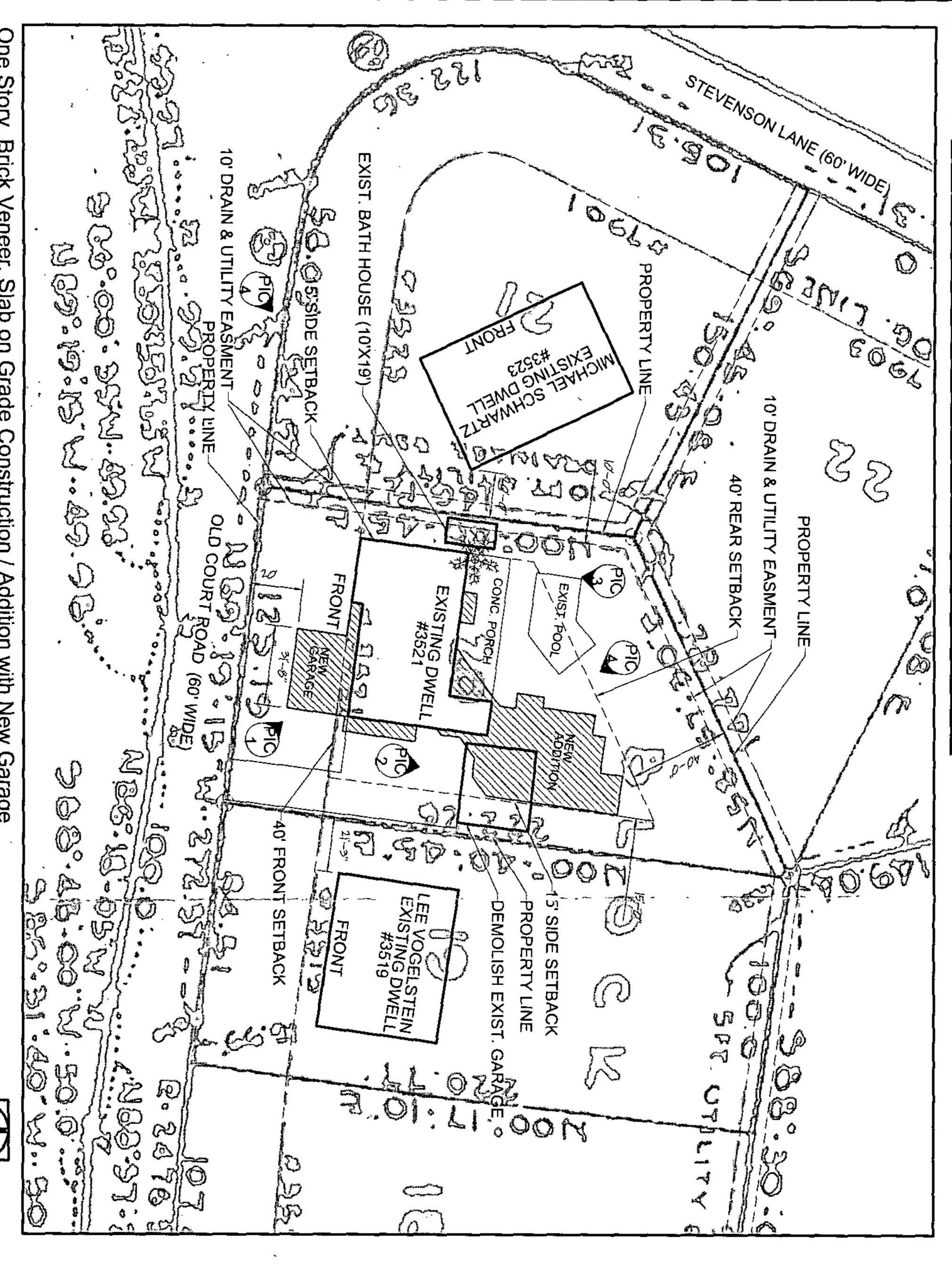
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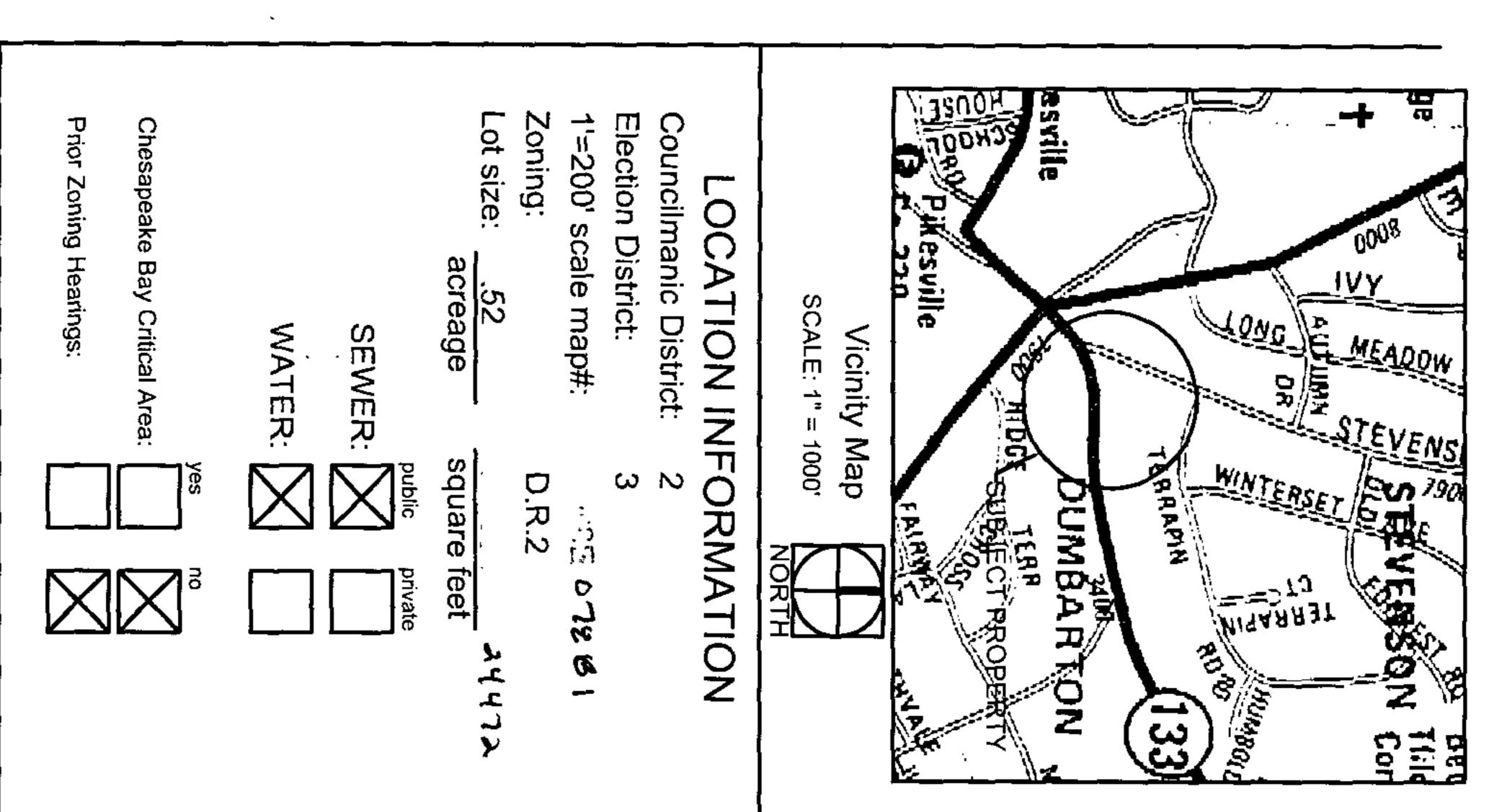
PROPERT ADDRESS: 352

Subdivision name: DUMBARTON HEIGHTS

plat book#. folio#_ 57 lot#. 20

NNER MORRIS (<u>Q</u>o BEVE





date: Story Brick Veneer, eer, Slab 2007 9 <u></u> ade Construction Addition Garage

prepared

<u>mmon</u>

Ω

Scale <u>ರ</u> Drawings: 50'-0"

Zoning reviewed by: Office ITEM #: SH ONL

CASE #:

6 W

• . • . . [FFL 2 1 200.