IN RE: PETITION FOR ADMIN. VARIANCE
S side of Midship Road, 60 feet E of
the c/l of Township Road
(17 Midship Road)
12th Election District

7th Council District

David and Margaret Roberts ¹
Petitioners

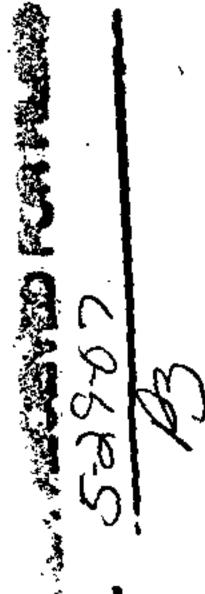
- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 07-441-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, David and Margaret Roberts. Variance relief is requested from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 4.2 feet and a rear yard setback of 28.8 feet in lieu of the required 10 feet and 30 feet, respectively, and to permit an open projection addition with a side yard setback of 4.2 feet in lieu of the required 7.5 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' 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 necessitated given the unique size of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners propose to construct an addition onto the rear of their home. The home is merely 22 feet x 26 feet in size and additional living space is necessary to accommodate the grandchildren who live with them. Also, the Petitioner (Mr. Roberts) is recovering from critical injuries sustained in a motorcycle accident.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. However, it is noted that the Bureau of Development Plans Review points out that there is an easement or right-of-way reservation shown on the original plat (lot 22, plat number 1 of Dundalk plat book 5-56-57 dated 1919), and approval will therefore be conditioned to prevent erection of a permanent structure in this area. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

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, 2007 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 4.2 feet and a rear yard setback of 28.8 feet in lieu of the required 10 feet and 30 feet, respectively, and to permit an open projection addition with a side yard setback of 4.2 feet in lieu of the required 7.5 feet be and is hereby GRANTED, subject to the following restrictions:

N. P. CO.

202

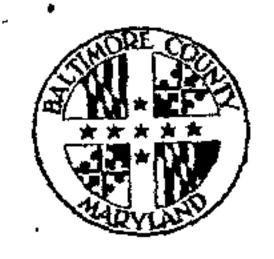
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall not place an enclosed structure on the northeast side of the existing home which would protrude into the reservation area depicted as a right-of-way shown in the hatched marked area of the attached location drawing.
- 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 J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW::pz

Attachment



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17 MIDSHIP Pd. which is presently zoned DR 5.5

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) / BO2.3. C. / AND 301.1 BCZR To permit an addition with a side yard selbook of 4,2' and a roor yard setback of 25.5' in her of the required 10' and 30', respectively. To permit an open projection addition with a side yard setback of 4.2' in lieu of the required 7.5.

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 Purc	haser/Lessee:	**************************************	Legal Owner(s):
Danis	<u>)</u>	;	DOWN ROBERTS
Name - Type or Print		N	arne - Type or Print
Signature		,	Signature
Address		Telephone No.	Margaret Roberts Margaret Roberts Margaret Roberts
City	State	Zip Code	Signature
Attorney For F	<u>Petitioner:</u>	; ;	17 midsuip Rd (410) 282-5745 Address Telephone No. DUNDALK MD 21222
Name - Type or Print		ε	State Zip Code
	:	1 +	Representative to be Contacted:
Signature		· · · · · · · · · · · · · · · · · · ·	SEREMY Clarky
Company	,	j	7051 macheth way (443) 340-1220
Address		Telephone No.	Address Telephone No.
			Eldersburg mp 21784
City	State	Zip Code	City State Zip Code
day of	rving been formally demande that the s nd that the property be reposted.	subject matter of this p	e required, it is ordered by the Zoning Commissioner of Baltimore County, this etition be set for a public hearing, advertised, as required by the zoning regulations
			Zoning Commissioner of Baltimore County
CASE NO.	07-441-0	Reviewed By	Dote 3-30-07
REV 9/15/98		E:	stimated Posting Date 4-8-07
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Affidavit in Support of Administrative Variance

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.

MIDSHIP

	DUNDALK	MD	31222
	City	State	Zip Code
That based upon personal knowledge, the following	owing are the facts upo	on which I/we base the	request for an Administrative
Variance at the above address (indicate hards	mp or practical difficult	y).	
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That the Affiant(s) acknowledge(s) that if a f	ormal demand is filed	, Affiant(s) will be requ	ired to pay a reposting and
advertising fee and may be required to provide	e additional information	, - · · · · · · · · · · · · · · · · · ·	
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Signature	Signa		
Name - Type or Print	Name - Type or	PINT ROS	ests
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STATE OF MARYLAND, COUNTY OF BALT	1		
I HEREBY CERTIFY, this 25 day of State of Maryland, in and for the County aforest	MARCH	, <u>2007</u> , before	me, a Notary Public of the
		c u	
the Affiant(s) herein, personally known or satis	sfactorily identified to n	ne as such Affiant(s), a	nd made oath in due form of
law that the matters and facts hereinabove set	forth are true and corre	ect to the best of his/he	r/their knowledge and belief.
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3/25/07		1700	
Date	Notary Publi	c	,
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JUSTIFICATION

We are asking for a variance of the property setbacks to allow a much needed addition to our house. As you can see from the plot plan and subsequent pictures, our house is merely 22' x 26' and any additional living space would greatly improve our quality of life. We also keep our grandchildren at our house due to family issues making living space a premium. The lots are very narrow in our area and any improvement outside the current sides of our home would require a variance.

Last November I (Mr. Roberts) suffered a severe motorcycle accident; one which left me with critical head injuries, not to mention several other broken bones. After being released from Shock Trauma, I spent much time at Kernan working with neuro-surgeons attempting to make some sort of recovery. The probability was very low and my wife was basically told to buy me some pajamas as I was probably not going to be able to further live my normal life. Against all odds I made that recovery, regained the ability to walk and talk, even though I still find the need to gather my thoughts as it remains difficult to maintain memory and speech. However, I was fired from my job due to my new medical conditions. I am determined to re-enter the workforce and continue to be an asset to our community, but while I continue recovery and work at the job search, I am confined to the house.

It is for this reason as others that I beg of your consideration for the approval of our variance. Our neighbors have no objections; in fact you can see from one of the pictures that our neighbor on the left already has a similar addition. This proposal will in no way adversely affect the community in a negative way. Please consider our request and thank you in advance for helping us move forward with our lives.

* HOUR DOES NOT MEET SETBOCKS CUTTERTY - Built Boore New Zoning

Rc Cy S

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 17 MIDSHIP ROAD

Beginning at a point on the South side of Midship Road which is 50' wide at the distance of 60' East of the centerline of the nearest improved intersecting street Township Road which is 50' wide. Being Lot #22, Block 22, (no section or listed subdivision), as recorded in Baltimore County Plat Book # 5, Folio # 56, containing 3,534 square feet.

Also known as 17 Midship Road and located in the 12th Election District,

Section 74 (7th)

Councilmanic District.

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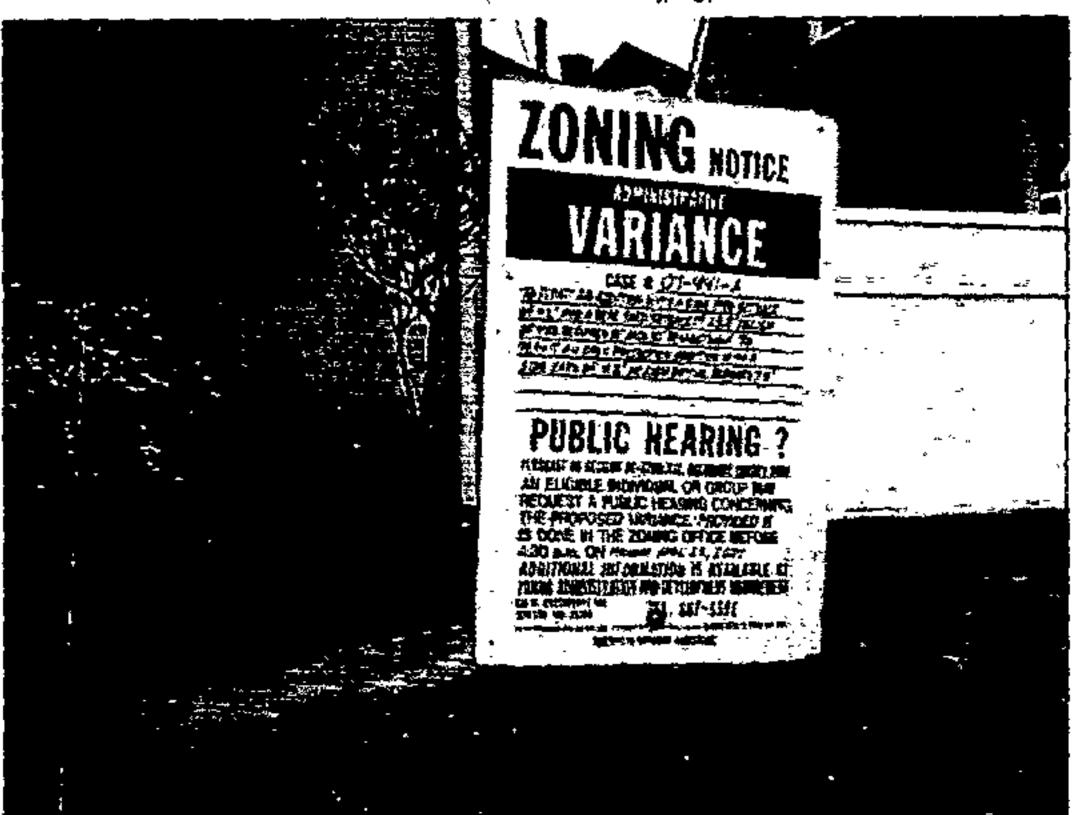
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CERTIFICATE OF POSTING

	RE: Case No: 07-44/-A
	Petitioner/Developer: DAVE SMALLARET ROBERTS
	S MARCHET ROBERTS
	Date Of Hearing/Closing: 4/23/01
1th	
Baltimore County Departmen	tof
Permits and Development Ma	
County Office Building, Roor	
11 West Chesapeake Avenue	
Attention:	
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adies and Gentlemen:	
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his letter is to certify under t	the penalties of perjury that the necessary
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t	17 MIDSHIP RD
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his sign(s) were posted on	April 7, 2007
,	(Month, Day, Year)
· · · · · · · · · · · · · · · · · · ·	Sincerely,
•	Wester Qle 4/1/07
•	(Signature of/sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto, Md 21220
	(443-629 3411)

im001052 (576x432x24b jpeg)



mater Glo 4/1/01

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	07-	441	A	Addr	ess <u>/7 M</u>	IDSHI	PRD	
Conta	ct Perso	n: _	JUN	FERNA	nt Your Name	<u> </u>	Pho	ne Number:	410-887-3391
Filing	Date: _	3-	30-07	•		te: <u>4-8-</u>	07 	Closing Dat	e: <u>4-23-0</u> 7
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2.	a forma	rec	quest for a	a public h	earing. Ple	1	and that	even if ther	,000 feet to file e is no formal
3.	commis order the (typical)	sione natiti y wit	er. He ma ne matter hin 7 to 10	y: (a) gra be set in days of the	for a public he closing da	ested relief; (c hearing. Y	b) deny You will ether the	the requeste receive writt petition has	deputy zoning ed relief; or (c) en notification been granted, ss mail.
4.	(whether commischange	or du sione d giv certi	e to a neer), notificating notice	ighbors for ation will of the hea	ormal reques be forwarde ring date, tin	st or by order d to you. The ne and location tograph of the	er of the The sign on. As w	zoning or on the pro then the sign	public hearing deputy zoning perty must be was originally be forwarded to
Petitic	ner: Ti	nis P	art of the	Form is fo	or the Sign F	oster Only		<u> </u>	
			USE TH	E ADMIN	STRATIVE \	ARIANCE S	IGN FOR	RMAT	
Case I	Number	07-	441	-A	Address/	7 11103	541/D	RD.	•
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zonina 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 07-441-A
Petitioner Dovin Roberts!
Address or Location. 17 midship Pol Durdolk md 2-1222
, , , , , , , , , , , , , , , , , , ,
PLEASE FORWARD ADVERTISING BILL TO
Name. JEREMY Clarry!
Address 7051 Maebeth WAL
Elderstury md 21784
Telephone Number 443-340-1289



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

April 24, 2007

David Roberts Margaret Roberts 17 Midship Road Dundalk, MD 21222

Dear Mr. and Mrs. Roberts:

RE: Case Number: 07-441-A, 17 Midship Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 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,

u. Callibal) W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel Jeremy Clancy 7051 Macbeth Way Eldersburg 21784



INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 16, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 16, 2007! Item No. 07-441

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The corner of the proposed addition appears to be within a reservation from the original plat. Ownership of the reservation is not known and we recommend that either the addition be reduced or that no decision be made until the status of the reservation is known.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-441-04132007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: April 27, 2007

DECEIVE MAY 0 3 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s)07-441-AdministrativeVariance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

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 April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 451, 452, and 453.

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 G. Brown, Lt. Governor

Neil J. Pedersen, Administrator

John D. Porcari, Secretary

Maryland Department of Transportation

Date: April 9, 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. 7-441-A
17 Midship Ed.

ROBERTS PROPERTY

ADMINISTRATIVE VARRIANCE

Dear Ms. Matthews:

Ψ.

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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.

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

May 8, 2007

DAVID AND MARGARET ROBERTS
17 MIDSHIP ROAD
DUNDALK MD 21222

Re: Petition for Administrative Variance

Case No. 07-441-A

Property: 17 Midship Road

Dear Mr. and Mrs. Roberts:

Your request for Administrative Variance has been given to me for review. We are in receipt of Zoning Advisory Committee (ZAC) comments from the Bureau of Development Plans Review. That office states that the proposed addition appears to be within a reservation from the original plat. Ownership of the reservation is not known and they recommend that either the addition be reduced in size or that no decision be made until the status of the reservation is known.

Please write to me at your earliest convenience if you are able to modify the site plan by reducing the size of the addition and amending the Petition for Administrative Variance. If not, I must hold the decision on the matter until the status of the reservation is known.

Thank you for your attention and cooperation in this matter.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Jeremy Clancy, 7051 Macbeth Way, Eldersburg MD 21784



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

May 29, 2007

David and Margaret Roberts 17 Midship Road Dundalk MD 21222

RE:

Petition For Administrative Variance

Property: 17 Midship Road

Case No. 07-441-A

Dear Mr. and Mrs. Roberts:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with a restriction, 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 410-887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

Enclosure

Jeremy Clancy, 7051 Macbeth Way, Eldersburg MD 21784 c:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 27, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s)07-441-AdministrativeVariance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

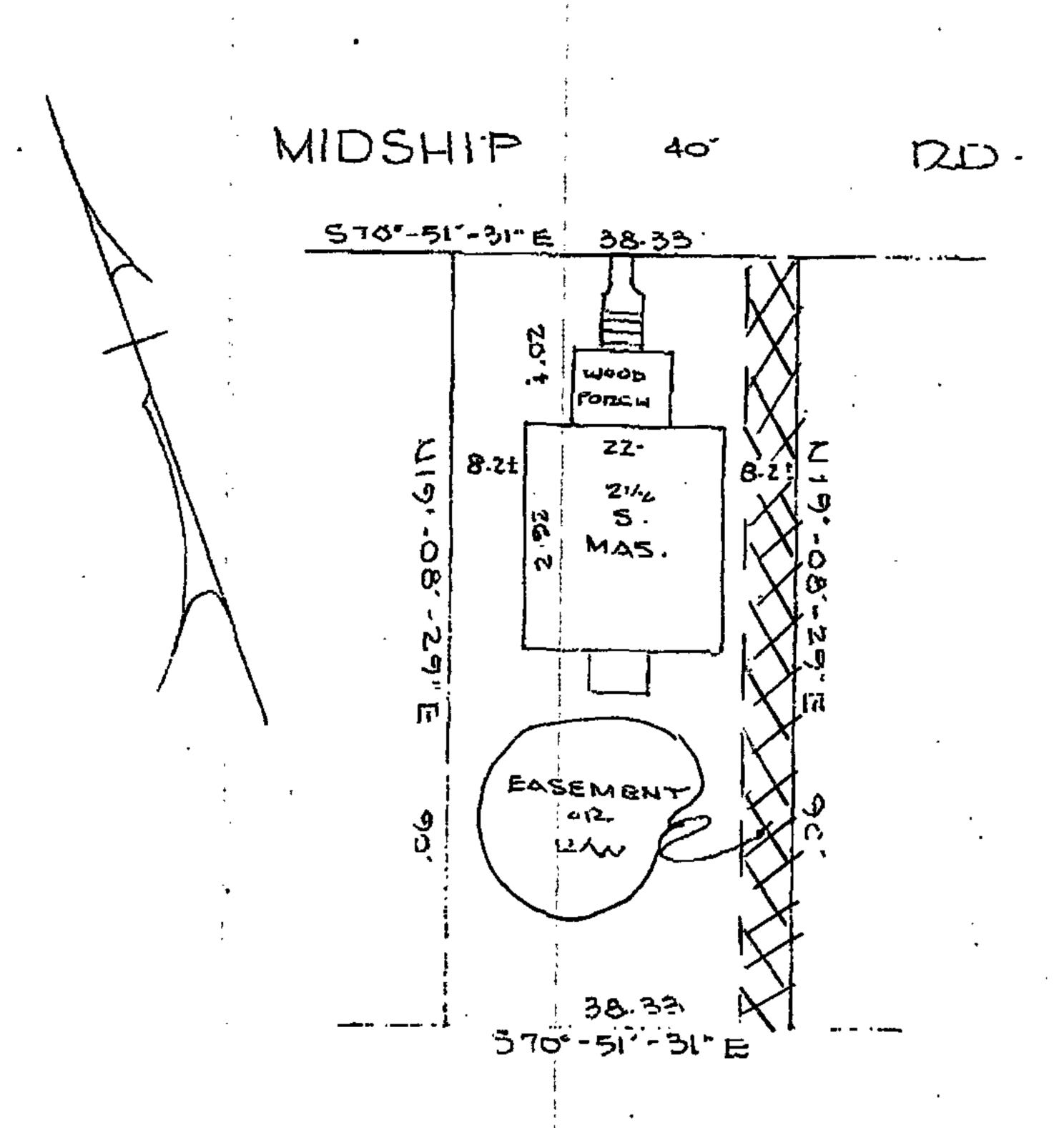
Prepared By

Division Chief:

CM/LL

De Rober o

This is to certify that I have surveyed the premises known as No. 17 Midship Road for the purpose of locating the improvements and the improvements are located as hereon shown.



LOT 22 FRATHOLD 22 FLAT NO. 1

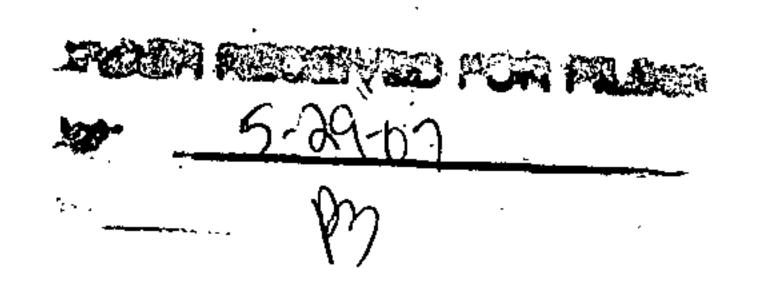
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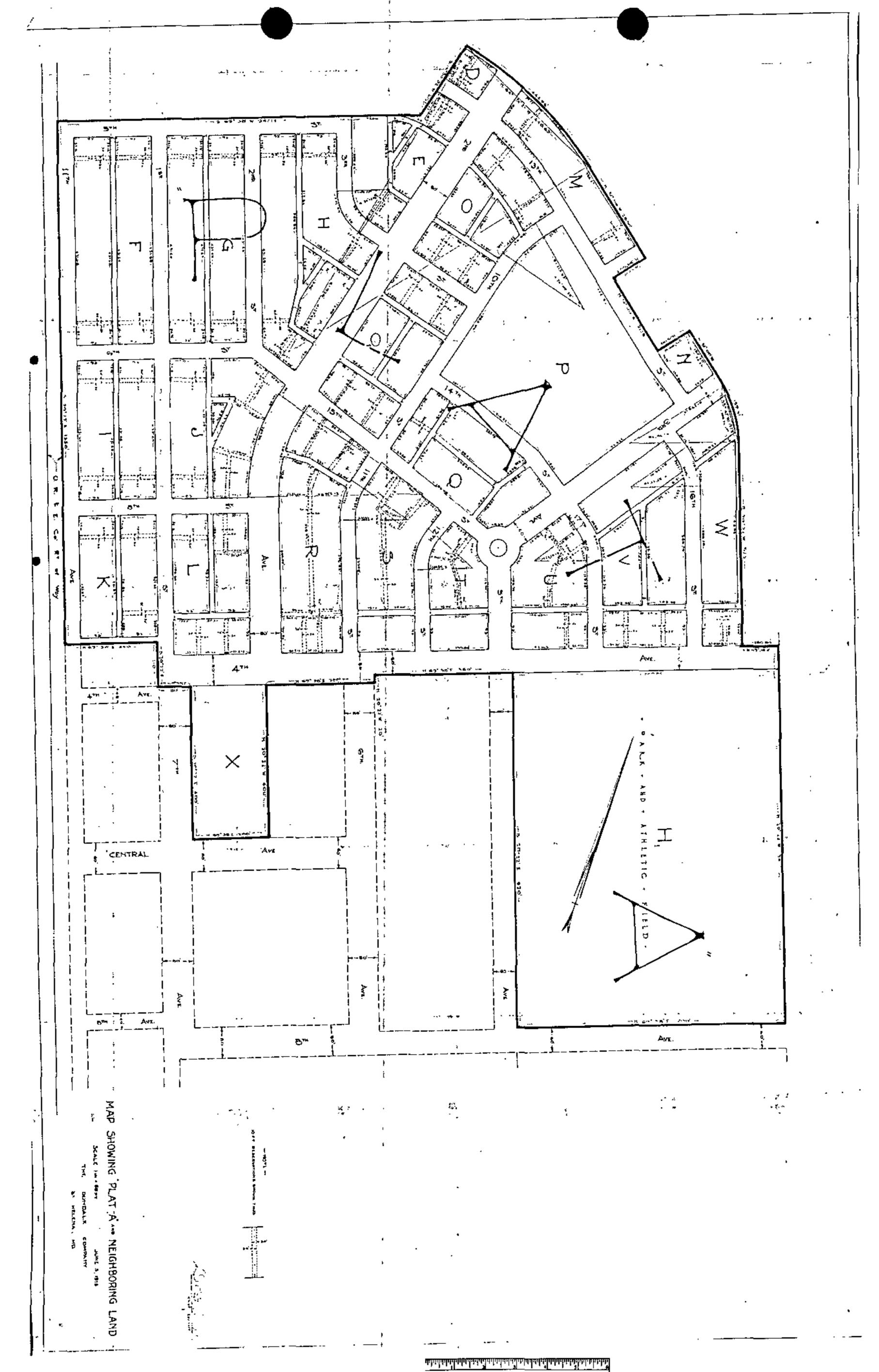
PLAT BOOK 5/56-57

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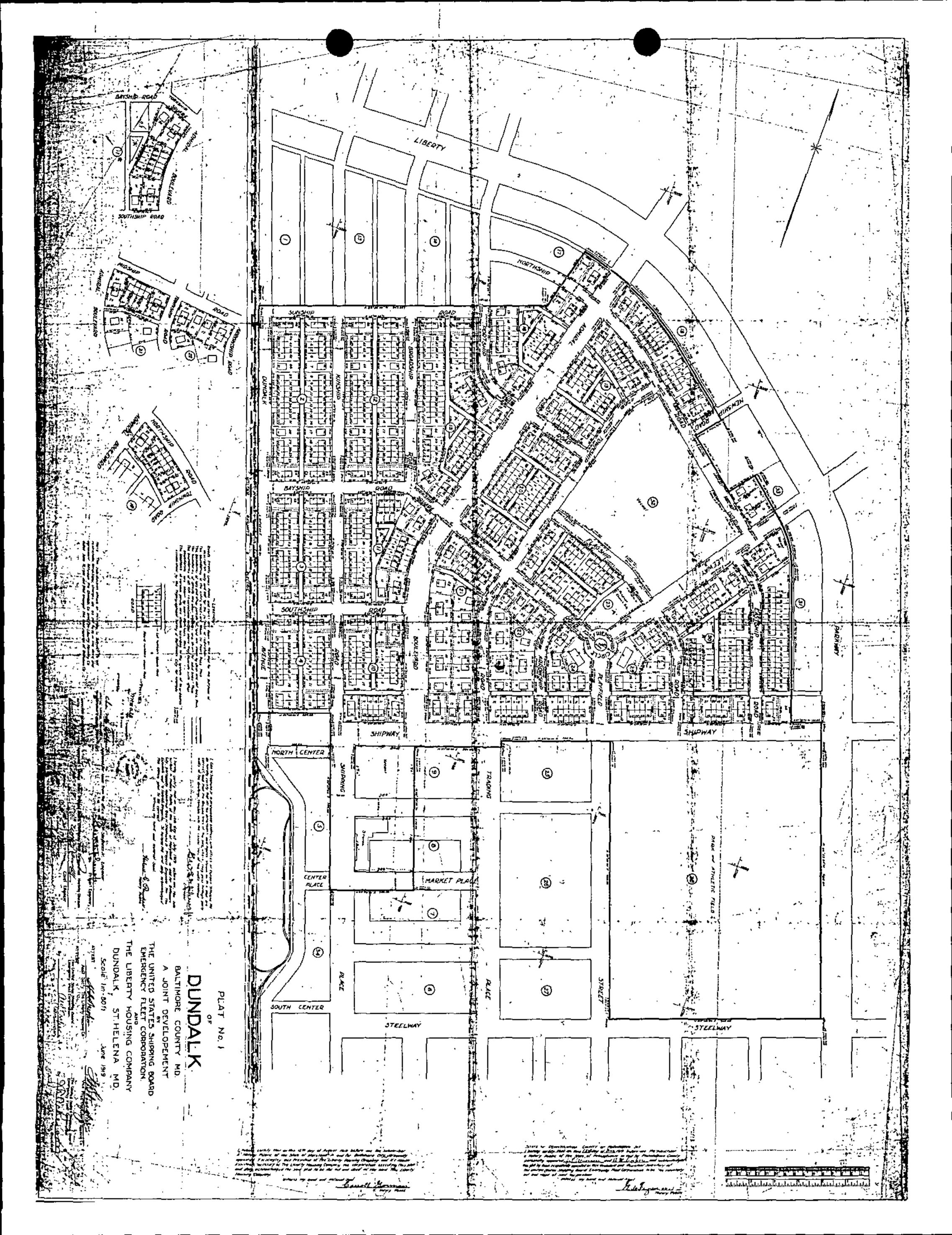
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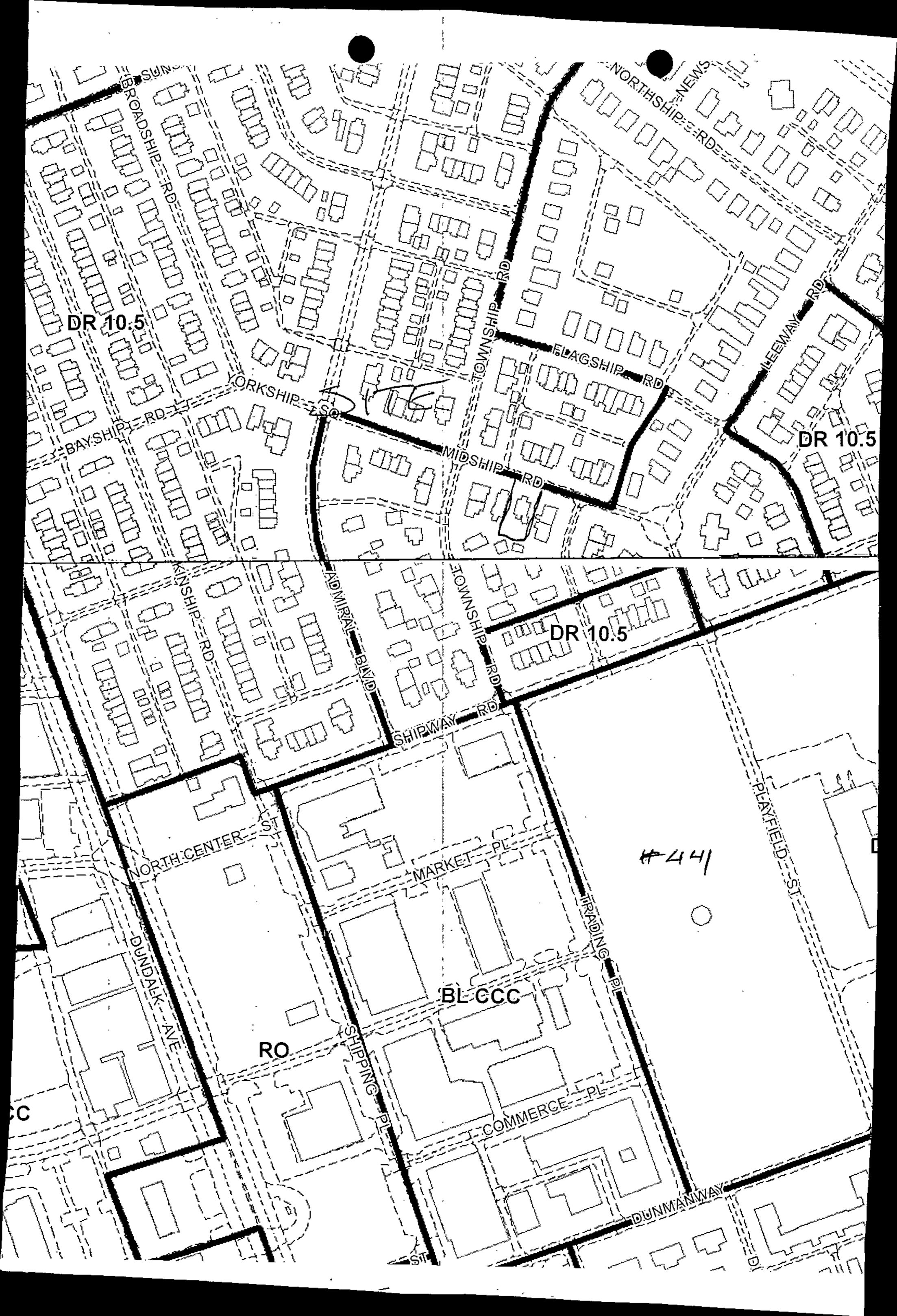
DATE:- 5-7-7-7





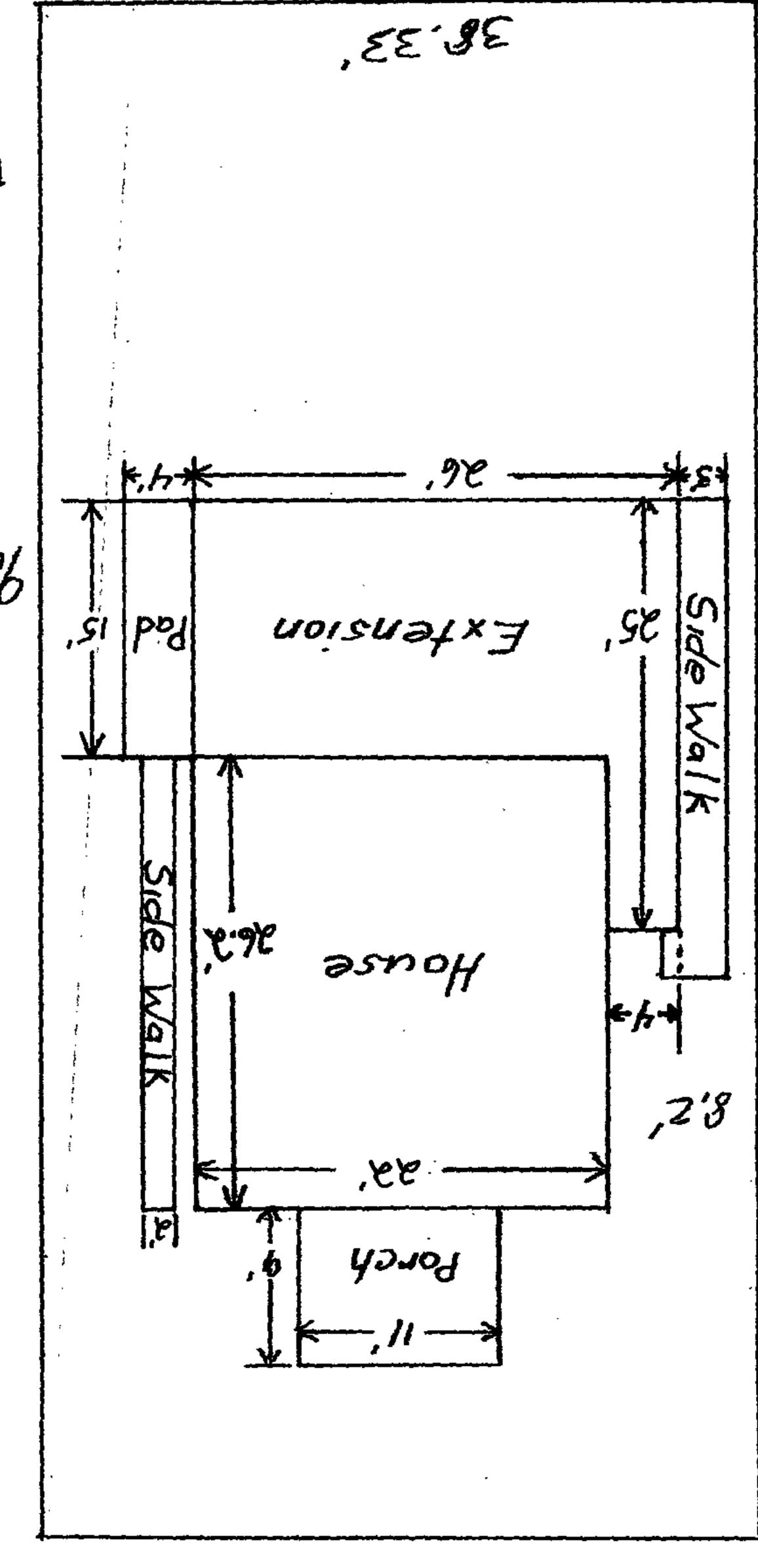
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HEARING S 区 S X CHESEDENKE ONLY FOR AUDITIONAL REQUIRED INFORMATION PRIVATE LOCATION INFORMATION 3,534/ BAY 10332 WEST THE BLAD 10001 The Control of the Co Jons USE VICINITY MAP 5! OFFICE (SPECIAL PUBLIC X COUNCIL MANIC DISTRICT 100 YEAR FLOOD PLAIN SCALE: " SCALE MAP # PRIOR ZOMING HEARING X HISTORIC PROPERTY/ ACREAGE ELECTION DISTRICT 6 CHESAPEAKE BAY 36 ZONING REVIEWED BY SEWER WATER **6**995 SIZE 1"= 200 \$ N SNINOZ C) Tr ARIANCE CHECKLIST N Ś かというとう Develling DRAWING: ITION FOR ZONING .≒ Pere 125 SEE PAGES 9 SCALE 90' 51Dewalk SECTION A 28.8 KOBELLS Pergu 33 PLAT TO ACCOMPANY PET eff eff 22 **(2)** なな * ノグウス. MIDSHID SIDEWALL ្ទ とうなって FOL. 10 # 56 of Mid 7 MREE BY ر د د Ö - = 5 SS Sparza 3 PROPERTY ADDRE OWNER DE.C.D. Develor V SUBDIVISION NAME 2000 Ñ PLAT BOOK # 5 60'2 TC # PREPARED BY NORTH



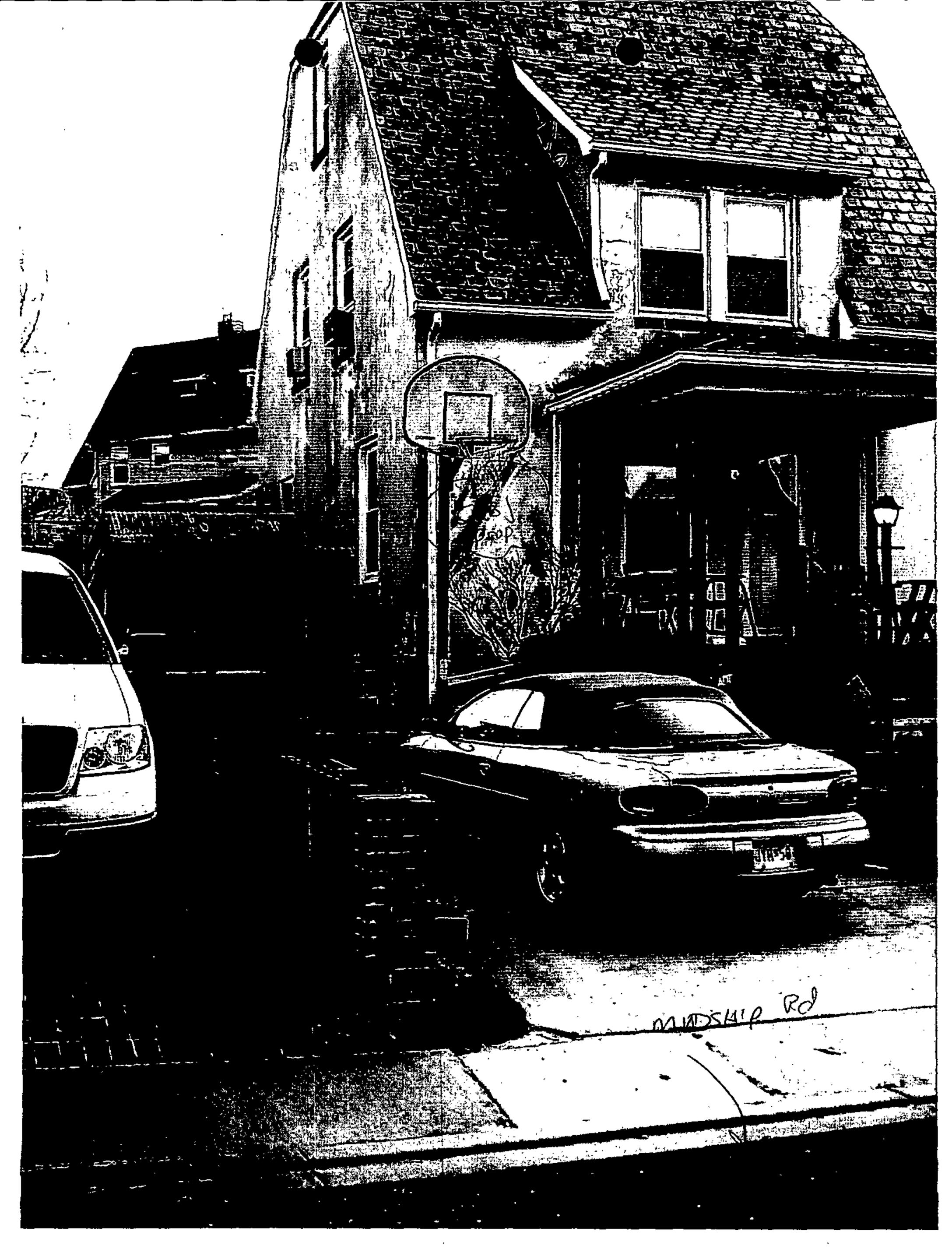
I'l Midship Rd.
Balto, MD 21222
Scale: 1" = 10'

, PE

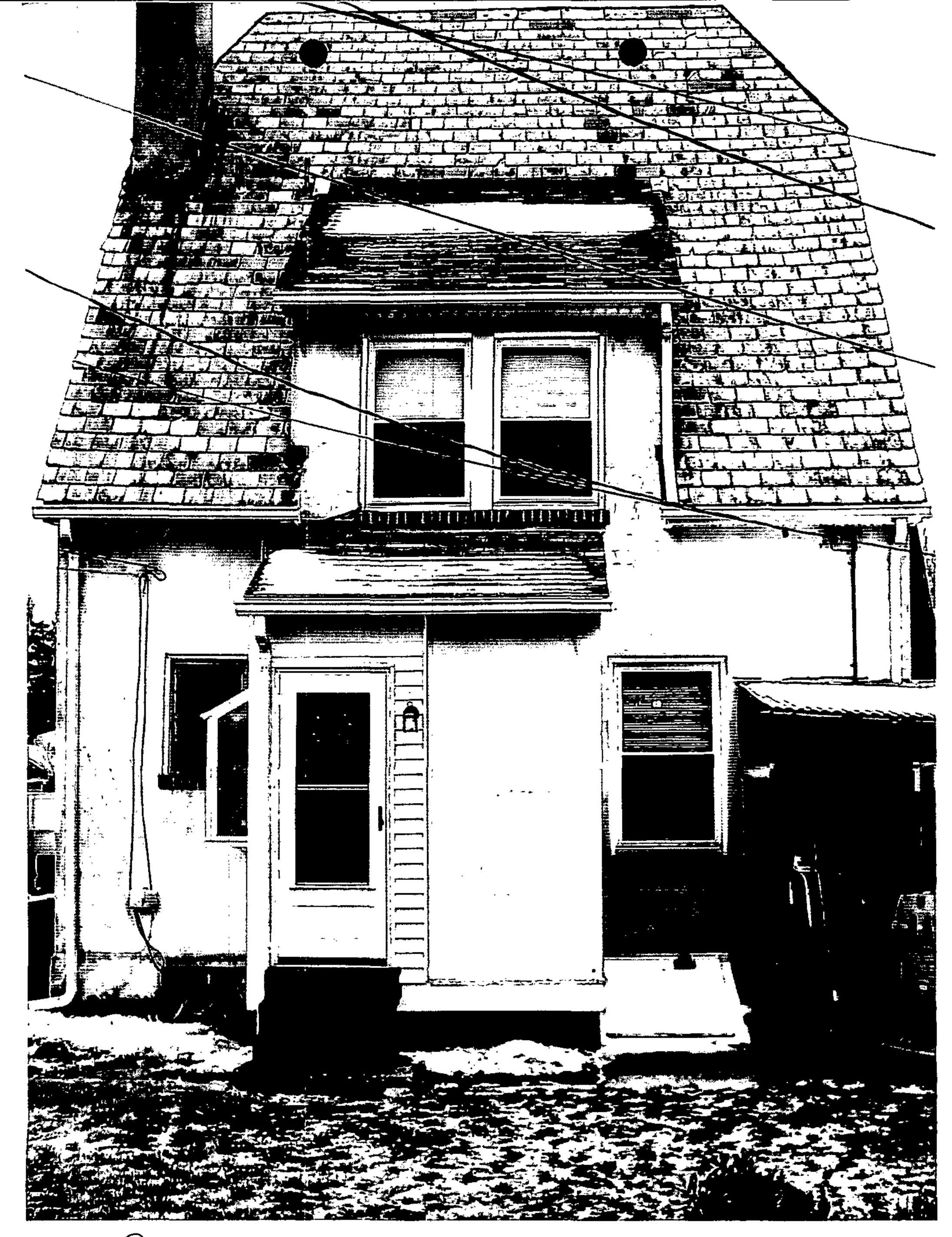
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X RIGHT PRODUTY LINE OF SUSJECT PRODUTY



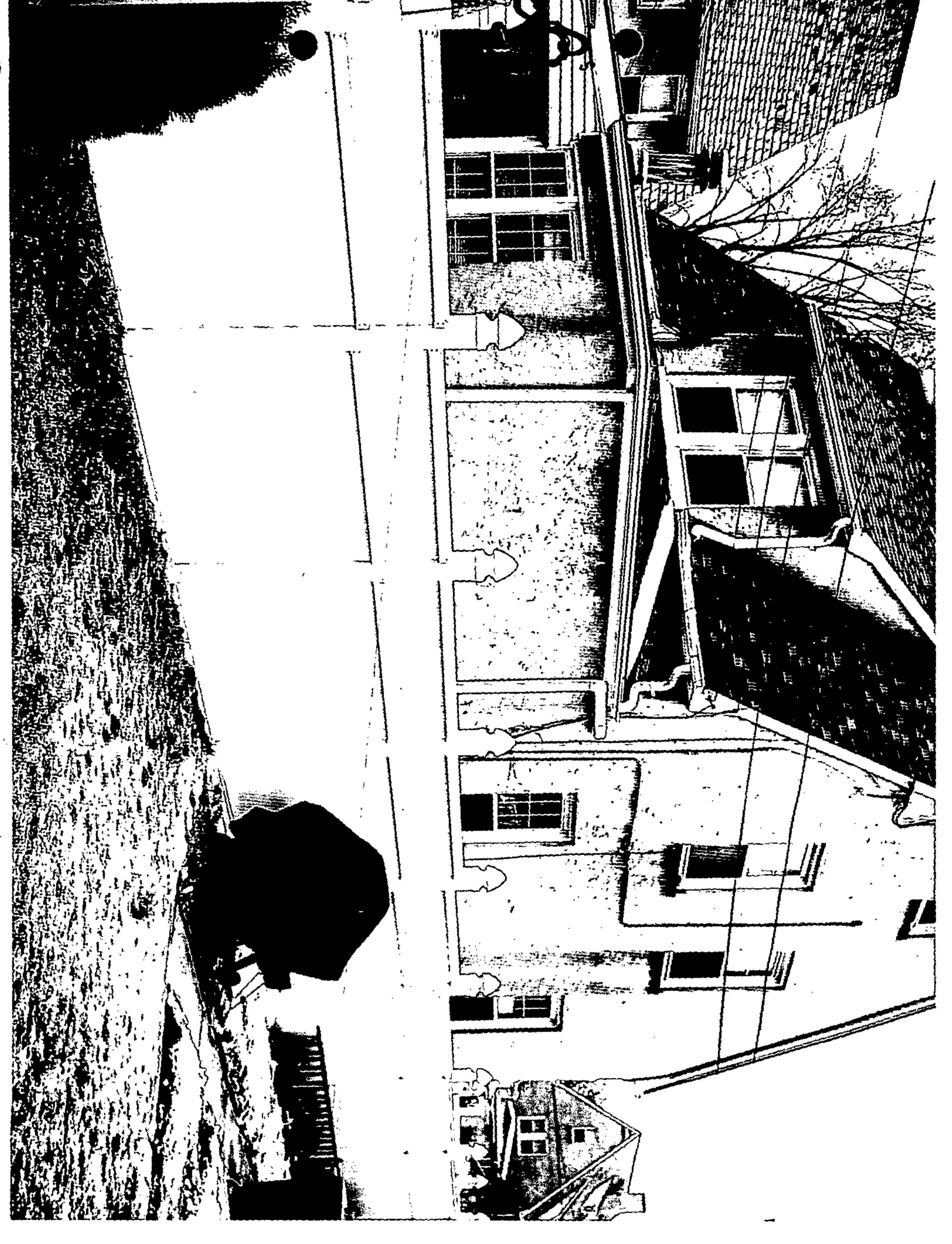
Xo LEST property line of subject property



* Rear of Subject property



* Front of subject property



dg

