IN RE: PETITION FOR ADMIN. VARIANCE

S side of Overbrook Road, 50 feet E of the

c/l of Crestwood Road

9<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District

(1023 Overbrook Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* BALTIMORE COUNTY

Vera L. Case and Adam F. Ehart Petitioners

CASE NO. 07-594-A

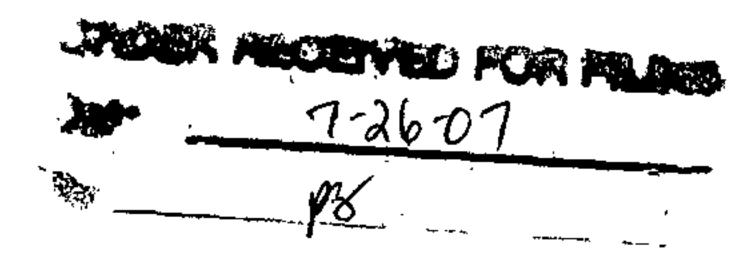
#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Vera L. Case and Adam F. Ehart for property located at 1023 Overbrook Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 28 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to construct a two story addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The ZAC comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 7, 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 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 26th day of July, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 28 feet in lieu of the required 30 feet 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BÖSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

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	7-2	607	
	D2		



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 26, 2007

VERA L. CASE AND ADAM F. EHART 1023 OVERBROOK ROAD BALTIMORE MD 21239

> Re: Petition for Administrative Variance Case No. 07-594-A Property: 1023 Overbrook Road

Dear Ms. Case and Mr. Ehart:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1023 Overbrook Road which is presently zoned DR 5.5

I/We do solemnly declare and affirm, under the penalties of

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) 1802.3.C.1 BCZQ

To permit an addition with a rear yard set back of 28' in lieu of the required 30!

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.

If 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.

•	1	•	perjury, that I/we are to the subject of this F	the legal owner(s) or Petition.	f the property which
Contract Purchas	ser/Lessee:	-	Legal Owner(s):		
,	•		VERA L.	CASE	410.704.486
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Signature		· · · · · · · · · · · · · · · · · · ·	Signature		11. 120 Gray 2
Address	-	Telephone No.	Name - Type or Print	La A	410.628.8557
City	State	Zip Code	Signature		• • •
Attorney For Pet	itioner:	-	Address	LOOK ROAD	410 - 372 - 077 Telephone No.
Name - Type or Print			BALTMONE City	<i>HD</i> State	<i>Z1239</i> Zip Code
Signature	-		Representative t	o be Contacted	<u>!</u>
Company			Name		· · · · · · · · · · · · · · · · · · ·
Address	<u> </u>	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
this day of	ng been formally deman th County and that the prope	at the subject matter of	e required, it is ordered by the this petition be set for a public	he Zoning Commission hearing, advertised, a	ner of Baltimore County, is required by the zoning
			•		
:	•		Zoning Comm	issioner of Baltimore (	County
CASE NO.	594-1	Re	viewed By	Date	-28-07
REV 10/25/01	7-26-07	Es	timated Posting Date _	7-8-07	) 

# 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.

That the Affiant(s) does/do presently reside at	1023 Overus. Address	ROOK ROAD	<del> </del>
	BALTITOUS City	HD	21239
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardshouriance to the 30 foot rour setback the rear of our home. Included in basement. This stairway erecutes an for residents and visitors. The requirement the building code. The requiremental minor variance. The variations in the neighborhood, sustain orderly evolution of the neighborhood	ip or practical difficulty  L. We are sceki  this addition is  additional means  red length of the  stair length a  ance requested  the stability	"ME are requesting ing to build a multiple a stairway between the of egress from the stair is determined to annot be readily according to the will also promote de the neighborhood	un approximate to le story addition at the first floor and home to ensure sufety y sufety considerate
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	additional information.		
Mat as		Jele For Ehan	
Signature		_	
Name - Type or Print	Nam	OAM F. EHART e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN		, <i>2007</i> , before me, a l	
I HEREBY CERTIFY, this 28th day of 10 of Maryland, in and for the County aforesaid, per	ersonally appeared	, $2007$ _, before me, a f	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me	e as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Muc	helle S. Hoj	Her)
NOTARY (PUBLIC )	Motary Publ My Commis	sion Expires // /20	10

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That the Affiant(s) does/do presently reside at	1023 OVERBIA Address	LOOK ROAD	
•	BALTITIONE	Ho	Z1Z39 Zip Code
That based upon personal knowledge, the for Variance at the above address (indicate hards the are rejucting an approximate we are seeking to build a multiple and seeking to build a multiple and additional mouns of egress usiters. The required length of building code. The required length of building code. The required kain requested minor variance. The value and thous in the neighborhood, for the orderly evolution of the	ship or practical difficulty in the story ock story ock story ock story ock story ock store the first from the home the stair is de reposted riunce reposted sustain the stab	e to the 30 foot re Sition of the rear of floor and busement. to ensure the safe. termined by safety be readily accommode will celso promote ility of the neight	uest for an Administrative  ar school requirem  four home, laclock  This Stairway erect  fy of residents and  considerations and the  ated without this  cockered and provide  borhood and provide
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That the Affiant(a) acknowledge(s) that if a advertising fee and may be required to provide Signature  LEDA L. CASE  Name - Type or Print	e additional information.	Affiant(s) will be required at the State of F. EHART e-Type or Print	1
STATE OF MARYLAND, COUNTY OF BALT			:
of Maryland, in and for the County aforesaid, the Affiant(s) herein, personally known or satisfactors.	nd Adam	F. Ehart	Notary Public of the State
AS WITNESS my hand and Notarial Seal	Motary Publ	helle S- Ho	4/20
NOTARY PUBLIC PUBLIC	•	síon Expires //	2010



CASE NO.

REV 10/25/0

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	1023	OVERBROOK	RD	
		sently zoned _		

!We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Estimated Posting Date 7-8-07

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. i BCZR

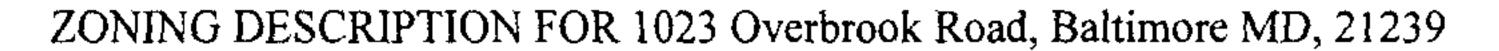
To permit an addition with a rear yard selback of a8' in lieu of the required 30.'

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: CASE 410.704-4868 Name - Type or Print Name - Type or Print) Signature Signature 410.628.8557 EHART Name - Type or Print Telephone No. Address Signature Zip Code City State 410.372.0777 OVERBROOK ROAD Attorney For Petitioner: Telephone No. Address 21239 BALTIMORE HO State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address Zip Code Zip Code City State State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted.



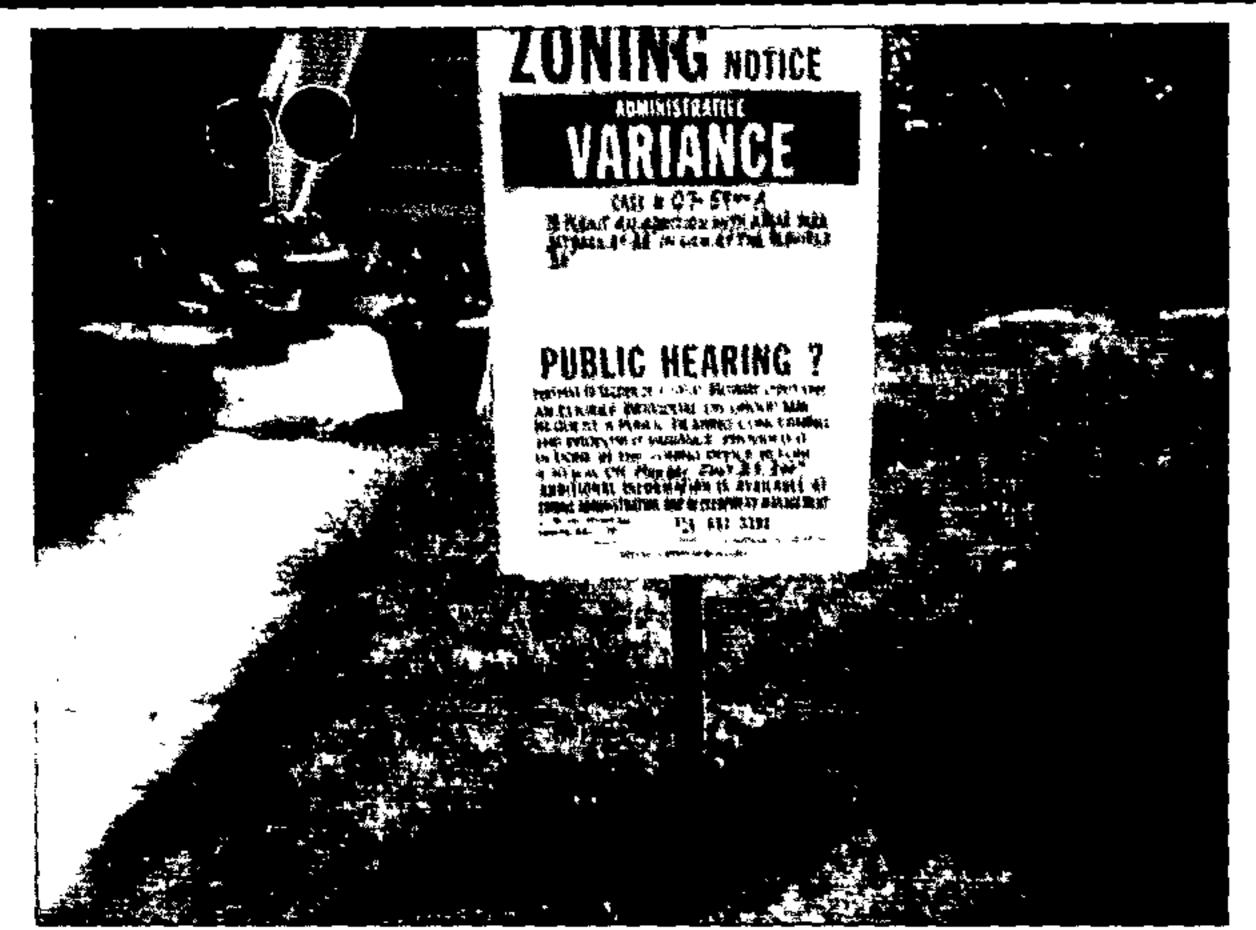
Beginning at a point on the south side of Overbrook road which is 50 feet wide at the distance of 50 feet east of the centerline of the nearest improved intersecting street Crestwood Road which is 50 feet wide. Being Lot #332, Section A in the subdivision of Idylewilde as recorded in Baltimore County Plat Book #7, Folio #140, containing 5,000 square feet. Also known as 1023 Overbrook Road and located in the ninth Election District, fifth Councilmanic District.

#594

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## CERTIFICATE OF POSTING

	RE: Case No: 07-594-1
	Petitioner/Developer: ADAM EHART &
	Date Of Hearing/Closing: 7/23/01
Baltimore County Department of Permits and Development Manage County Office Building, Room 111 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	enalties of perjury that the necessary d conspicuously on the property  BOVELBROOK ROAD
•	(Month, Day, Year) Sincerely,  Youth Old 1/7/07 Signature of sign Poster and Date)  Martin Ogle Sign Poster  16 Salix Court  Address  Balto. Md 21220  (443-629 3411)



Matter Ogli 2/1/09

# <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

-A

Address 1023 OVERBROOK

Case Number 07- 594

Contact Pe	erson: _		FERNAND	0	<u> </u>	Phone Number	er: 410-887-3391
	· /	•	, Please Print Your Name		, <i></i> -		
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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:
Item Number or Case Number: 07 - 594 - ム
Petitioner: Vera Case
Address or Location: 1023 Overbrook Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Vera L. Case.
Address: 1023 Overbrook Road
Baltimore, MD 21239
1
Telephone Number: 410.372-0777
·



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 23, 2007

Vera L. Case Adam F. Ehart 1023 Overbrook Road Baltimore, MD 21239

Dear Ms. Case and Mr. Ehart:

RE: Case Number: 07-594-A, 1023 Overbrook Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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. Callaball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** July 6, 2007

IECEIVE JUL 1 1 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-594- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:

Division Chief:

CM/LL

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 6, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-594- Administrative Variance

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

Prepared By:

Division Chief:

CM/LL

### Fire Department



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

Item Number: 573 through 578 and 580 through 594

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:** July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577,

578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588,589, 590, 591, 592, and/594

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-07052007.doc



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

Maryland Department of Transportation

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

Date: JULY 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. 7-594-A

1023 EVERBROOKROAD

EHART PROPRRY

ADMINISTERATIVE VARIANCE ..

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. 7-594-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).

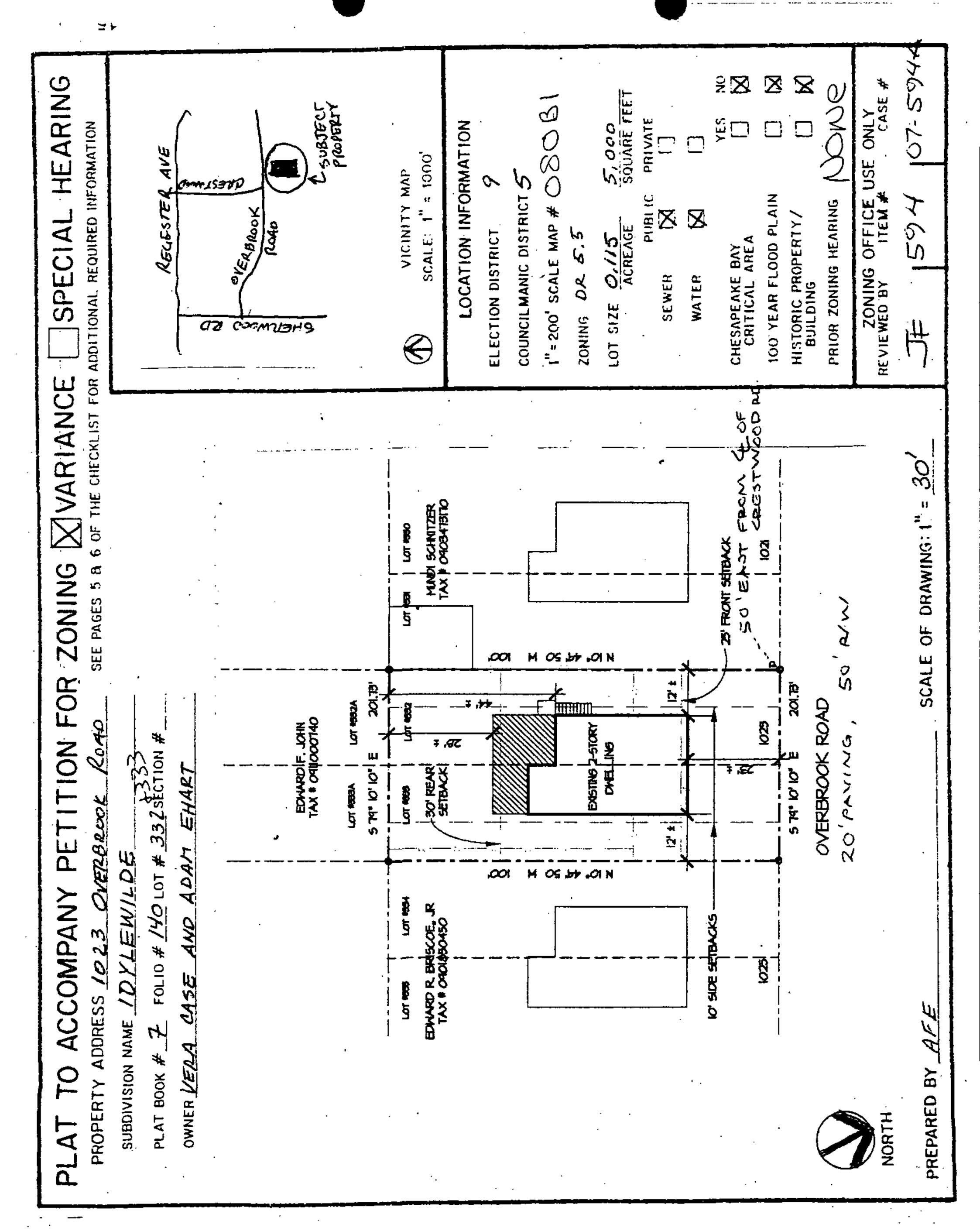
Very truly yours,

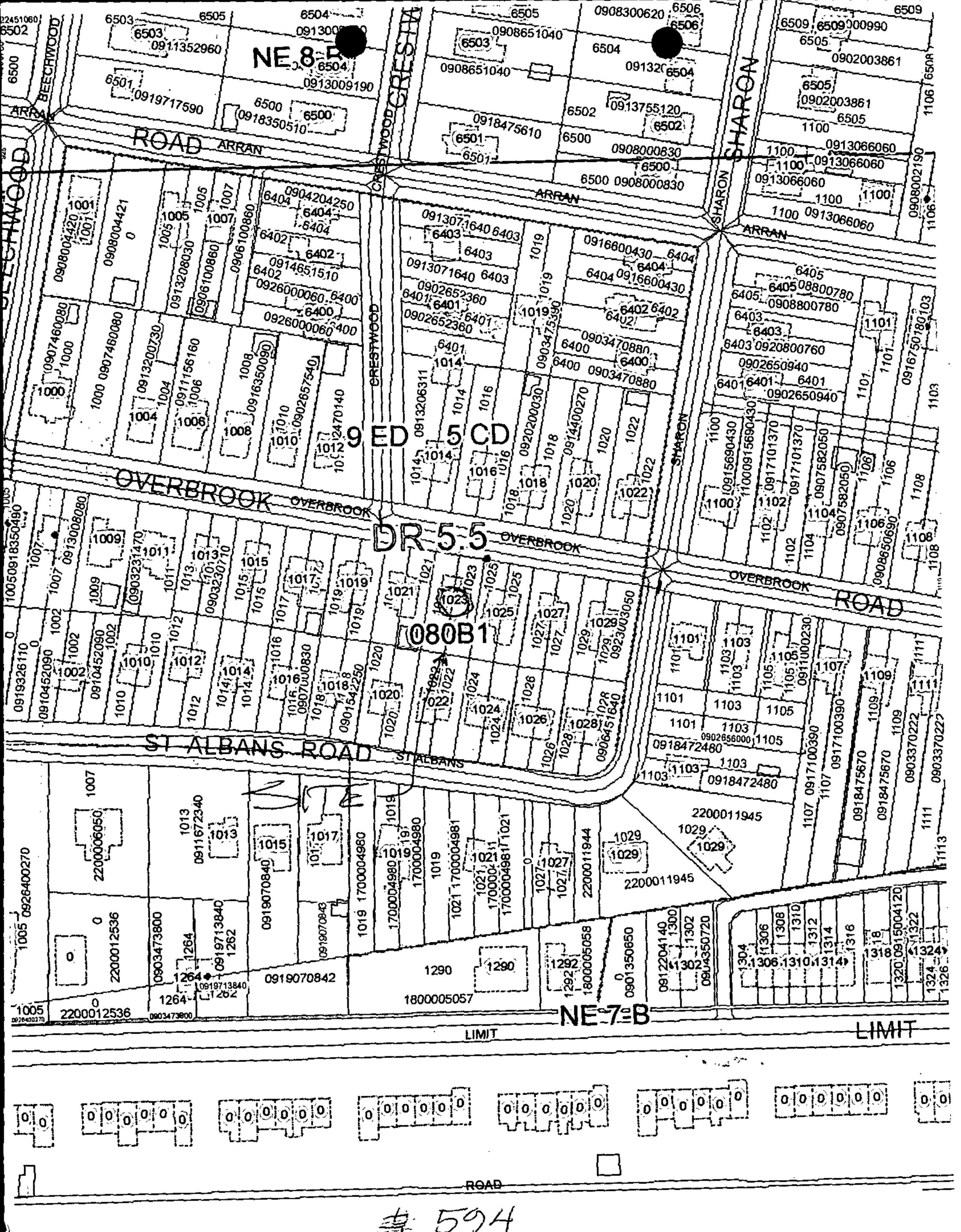
Engineering Access Permits

Division

SDF/MB

7



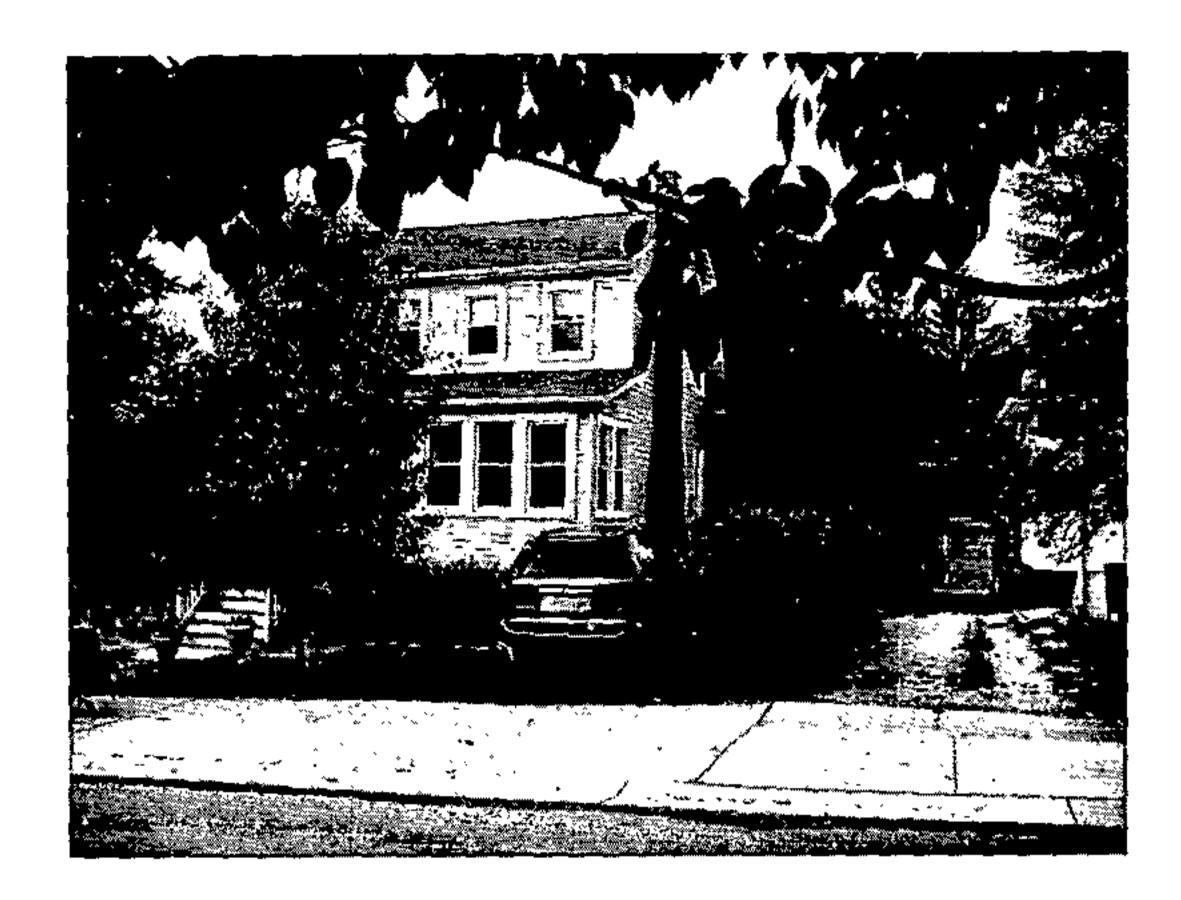


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