

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Rockdale Road, 2700 feet NE
of the c/l of Middletown Road
6th Election District
3rd Councilmanic District
(3002 Rockdale Road)

E. Sean and Anne Gottlieb
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-334-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, E. Sean and Anne Gottlieb for property located at 3002 Rockdale Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage with a height of 19 feet in lieu of the maximum required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the additional garage height is necessary to store and protect outside furniture, tools and children's toys. The proposed garage roof pitch will be architecturally compatible with the existing dwelling. The Petitioners provided letters of support from their neighbors at 3011 Rockdale Road and 3010 Rockdale Road.

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 Planning dated February 7, 2008 which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

APPROVED FOR FILING
2-28-08
[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 9, 2008 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 Petitioners.

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.

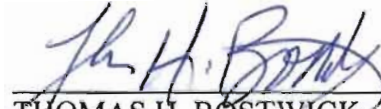
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of February, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage with a height of 19 feet in lieu of the maximum required 15 feet is hereby 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 Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

2-28-08
ps

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
2-28-08
pm



TAX. ACCOUNT # 2400011415

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3002 ROCKDALE RD
which is presently zoned RC-4

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) 400.3 BCZR

To permit a detached garage with a height of 19' in lieu of the maximum required 15'.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 08-334-A

Reviewed By JF Date 1/28/08

REV 10/25/01

Estimated Posting Date 2-10-08

22808

P3

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

Address 3002 ROCKDALE ROAD
City FREELAND State MD Zip Code 21053

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE PROPOSED GARAGE CAN NOT BE MOVED ANY FURTHER BACK IN OUR YARD. THERE IS A BURIED 1,000 GALLON PROPANE TANK. BEYOND THIS IS OUR SEPTIC FIELD. WE WANT TO BUILD THIS GARAGE TO PROTECT OUR OUTSIDE FURNITURE, TOOLS AND CHILDRENS TOYS.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

E. Sean Gottlieb
Signature

E. SEAN GOTTLIEB
Name - Type or Print

Anne Gottlieb
Signature

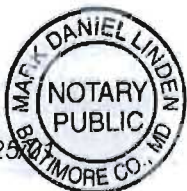
ANNE GOTTLIEB
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of JANUARY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

E. SEAN GOTTLIEB AND ANNE GOTTLIEB
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



MARK DANIEL LINDEN
Notary Public, State of Maryland
County of Baltimore
My Commission Expires January 23, 2010

[Signature]
Notary Public

My Commission Expires 1-23-2010

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at 3002 ROCKDALE ROAD
Address
FREELAND MD 21053
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

E. Sean Gottlieb
Signature
E. SEAN GOTTLIEB
Name - Type or Print

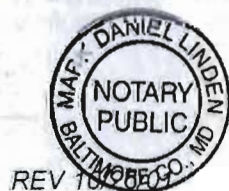
Anne Gottlieb
Signature
ANNE GOTTLIEB
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of JANUARY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

E. SEAN GOTTLIEB AND ANNE GOTTLIEB
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



MARK DANIEL LINDEN
Notary Public, State of Maryland
County of Baltimore
My Commission Expires January 23, 2010

[Signature]
Notary Public
My Commission Expires 1-23-2010



TAX. ACCOUNT # 2400011415

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to the Zoning Commissioner of Baltimore County

for the property located at 3002 ROCKDALE RD
which is presently zoned RC-4

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To permit a detached garage with a height of 19' in lieu of the maximum required 15'.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 08 day of August that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO.

08-334-A

Reviewed By

J.F.

Date

1-28-08

REV 10/25/01

Estimated Posting Date

2-10-08

ADDED RECEIVED FOR FILING

2-28-08

13

This is the zoning description for 3002 Rockdale Road Freeland, MD 21053.

Beginning at a point on the North Side of Rockdale Road which is 50' wide at the distance of 2700' + or - NE of the centerline of the nearest improved intersecting street Middletown Road which is varies wide. Being lot # 9 in the subdivision of Arthur Tracey Property as recorded in **Baltimore** County Plat Book # 77, Folio# 175 containing 1.0106 acres. Also known as 3002 Rockdale Road and located in the 6 Election District, 3 CouncilManic District.

334

No. 09705

Date:

1-24-05

PAID RECEIPT

1574800 2004 1140 763

1/2006 1/25/2006 00:52:13

430 MCGILIM JUNE 1998

DOI: 10.1002/1522-2675(200008)122:8<1034::AID-ZLCC1034>3.0.CO;2-4

5. 528 ZHONGGUO WUJI HUAXUE

UNEP

Accepted For: 7,075.00

65.00 02 8-1-95 90.00 75

Baltimore County, Maryland

[illegible]

Total: 65.00

From: SEAN GOTTLEIB

For: 3002 ROCKDALE RD ITEM #334

For: Administration Vancouver

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 08-334-A

TO PERMIT A DETACHED GARAGE
WITH HEIGHT OF 19 FEET IN LIEU
OF THE HEIGHT REQUIRED 15 FEET

PUBLIC HEARING ?

PERMIT TO SECTION 26-127.1(1)(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 DEPT.
510 P.A. ON 04/22/08
FOR ADDITIONAL INFORMATION

CERTIFICATE OF POSTING

Date: 2-10-08

RE: Case Number: 08-334-A

Petitioner/Developer: Sean Gottlieb

Date of Hearing/Closing: 2-25-08

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3002 ROCKDALE RD

The sign(s) were posted on 2-9-08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

**ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY
HERE**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 334 -A

Address 3002 ROCKDALE RD

Contact Person: JUN FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1-28-08

Posting Date: 2-10-08

Closing Date: 2-25-08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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. **DEADLINE:** 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.
3. **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 08- 334 -A

Address 3002 ROCKDALE RD

Petitioner's Name E. Sean & Anne Gottlieb

Telephone 410-357-8073

Posting Date: 2-10-08

Closing Date: 2-25-08

Wording for Sign: To Permit a detached garage with a height of
19' in lieu of the maximum required 15'

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08 - 334 - A

Petitioner: E. Sean & Anne Gottlieb

Address or Location: 3002 ROCKDALE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: E. Sean & Anne Gottlieb

Address: 3002 Rockdale Rd
Freeland, MD 21053

Telephone Number: 410-357-8073

Revised 7/11/05 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

February 25, 2008

E. Sean Gottlieb
Anne Gottlieb
3002 Rockdale Road
Freeland, MD 21053

Dear Mr. and Mrs. Gottlieb:

RE: Case Number: 08-334-A, 3002 Rockdale Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 28, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

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

Maryland Department of Transportation

Date: FEB. 4, 2008

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

RE: Baltimore County
Item No. 8-334-A
3002 ROCKDALE ROAD
GOTTLEIB PROPERTY
ADMINISTRATIVE 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. 8-334-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,

A handwritten signature in black ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 7, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

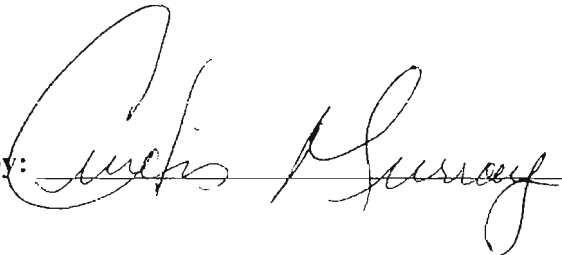
SUBJECT: 8-334 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: February 7, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item Nos. 07-456, 08-325, 326, 328, 329,
330, 331, 333, 334, 335, 336, 338, and 339

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- 02072008.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

January 9, 2008

To whom it may concern;

I've been asked to comment on the garage being built at Mr. Gottlieb's house. I have no problem with the garage height being 19 feet high. I feel the garage only adds to the look of his property.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Mike Hemling", with a stylized flourish at the end.

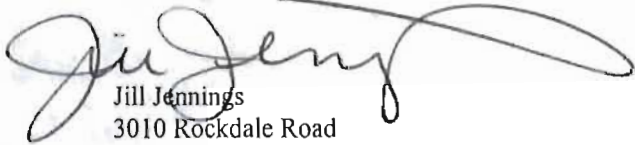
Mike Hemling
3011 Rockdale Road

January 10, 2008

Dear Mr. Kotroco,

The garage being built at Sean Gottlieb's house looks great. I do not have a problem with the garage being 19' high.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Jill Jennings", with a long horizontal flourish extending to the right.

Jill Jennings
3010 Rockdale Road

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

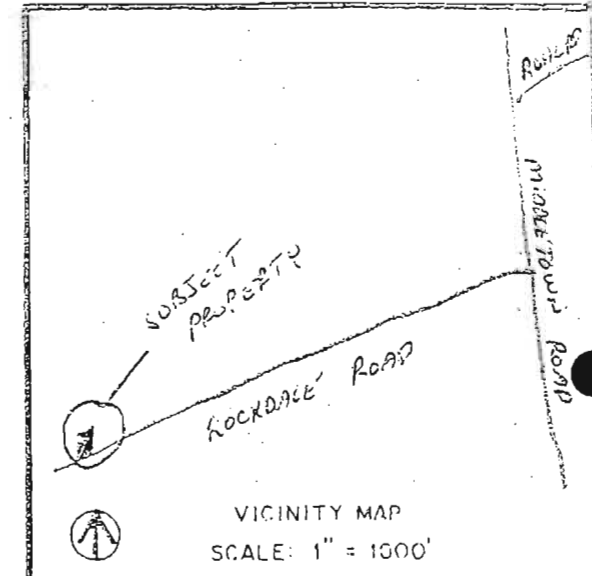
PROPERTY ADDRESS 3002 ROCKDALE ROAD

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME TRACEY'S CROSSING

PLAT BOOK # 22 FOLIO # 125 LOT # 9 SECTION # _____

OWNER ELLWOOD & ANNE GOTTLIEB



LOCATION INFORMATION

ELECTION DISTRICT 6

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 005C2

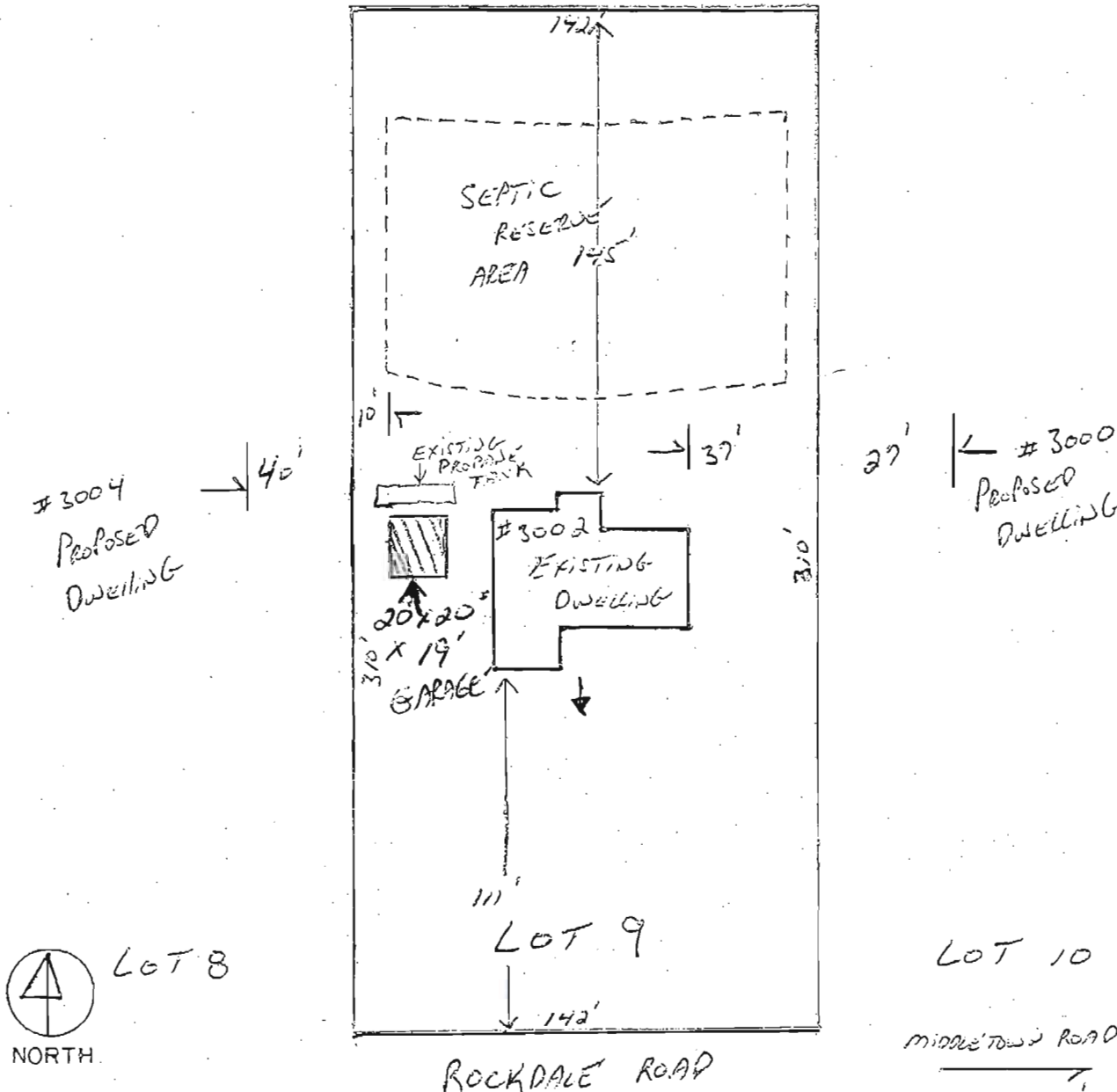
ZONING RC 4

LOT SIZE 1.0106 44,039
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☐
100 YEAR FLOOD PLAIN	☐	☐
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING 07-549-A



PREPARED BY SEAN GOTTLIEB

SCALE OF DRAWING: 1" = 50'

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

JE | 334 |

NW 37-G

PB./FOLIO
077177

20900

2400011428

2934

RC 2

6 ED

PB./FOLIO
077176

3000

3 CD

2400011416

RC 4

SITE

2400011415

3002

3004

2400011414

2400011413

3006

3008

2400011412

2400011411

3010

NW 36-G

PB./FOLIO
077176

005C2

20900

2400011428

2400011426

005C3

3009

2400011425

2400011427

3011

2400011424

2400011423

3015



