

IN RE: PETITION FOR ADMIN. VARIANCE

W side Falls Road, 1631 feet N
of Geist Road
8th Election District
3rd Councilmanic District
(14010 Falls Road)

Bruce L. and Patricia D. Schindler
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-449-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, Bruce L. and Patricia D. Schindler for property located at 14010 Falls Road. The variance request is from Section 1A00.3.B.3 [1975 edition as amended through October 10, 1974] of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum distance between any building and any lot line other than a street line to be 28 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing dwelling was built in the northeast corner of the lot because it was required to be built uphill of the septic reserve area. The septic reserve area is determined by where the soil will meet percolation requirements and this is not something that the lot owner could control. As a result, the owner had very little flexibility in placing the dwelling. The existing garage is located in the northeast corner of the house. The proposed garage addition needs to be connected to the existing garage. This results in the new garage being too close to the property line. In order to keep the proposed garage out of the setback area, it would have to be redesigned to extend more to the back of the house which would put it in the slope area that is immediately adjacent to the existing parking pad outside of the existing garage. This would require the new garage floor to be built on a fill area

SPRING APPROVED FOR FILING
4-23-08
[Signature]

which is not desirable from a construction standpoint. The subject property contains 4.70 acres zoned RC 2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. Comments from the Maryland State Highway Administration dated April 11, 2008 indicates that based on the proposed use the entrance shown on the site plan is consistent with State Highway Access Manual guidelines, and they have no objections to the variance request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 6, 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 23rd day of April, 2008 that a variance from Section 1A00.3.B.3 [1975 edition as

ORDER RECEIVED FOR FILING
APR 23 2008
[Signature]

amended through October 10, 1974] of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum distance between any building and any lot line other than a street line to be 28 feet in lieu of the required 50 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.

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
4.23.08
by _____



TAX. ACCO 1700008032

DEED 6443/309

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 14010 FALLS RD
which is presently zoned RC-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/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

BRUCE L. SCHINDLER
Name - Type or Print

Signature

PATRICIA D. SCHINDLER
Name - Type or Print

Signature

14010 FALLS RD. 410-684-2782
Address Telephone No.

COCKEYSVILLE MD 21030
City State Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name

406 W. PENNSYLVANIA AVE
Address Telephone No.

TOWSON, MD 21204 410-291-3669
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.

08-449-A

Reviewed By

CM

Date

3-27-08

REV 10/25/01

Estimated Posting Date

4-6-08

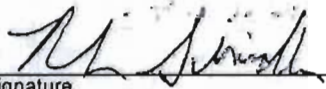
Affidavit in Support of Administrative Variance

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.

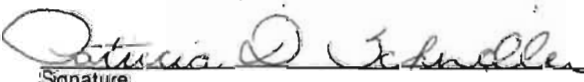
That the Affiant(s) does/do presently reside at 14010 FALLS RD.
Address
COCKEYSVILLE MD 21030
City State Zip Code

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): **SEE ATTACHED**

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.


Signature

BRUCE L. SCHINDLER
Name - Type or Print


Signature

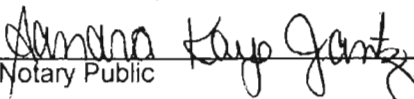
PATRICIA D. SCHINDLER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of MARCH, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

BRUCE SCHINDLER AND PATRICIA SCHINDLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 06/01/2010





TAX. ACCO# 1700008032

DEED 6443/509

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 14010 FALLS RD
which is presently zoned RC-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/Lessee:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

BRUCE L. SCHINDLER
Name - Type or Print
Signature
PATRICIA D. SCHINDLER
Name - Type or Print
Signature
14010 FALLS RD. 410-684-2782
Address Telephone No.
COCKEYSVILLE MD 21030
City State Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name
406 W. PENNSYLVANIA AVE
Address Telephone No.
TOWSON, MD 21204 410-291-3669
City State Zip Code

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Zoning Commissioner of Baltimore County

CASE NO. 08-449-A
REV 10/25/01

Reviewed By CM Date 3-27-08
Estimated Posting Date 4-6-08

4-23-08

P3

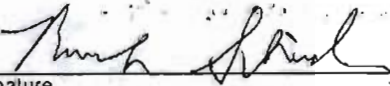
Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at 14010 FALLS RD.
Address
COCKEYSVILLE MD 21030
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): SEE ATTACHED

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.


Signature
BRUCE L. SCHINDLER
Name - Type or Print

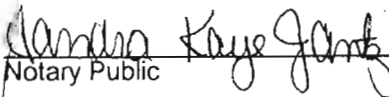

Signature
PATRICIA D. SCHINDLER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of March, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

BRUCE SCHINDLER AND PATRICIA SCHINDLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 06/01/2010



PETITION FOR ADMINISTRATIVE VARIANCE
14010 FALLS ROAD

ZONING RELIEF REQUESTED:

BCZR – 1975 EDITION AS AMENDED THROUGH OCTOBER 10, 1974.

SECTION 1A00.3.B.3. – VARIANCE TO ALLOW A MINIMUM DISTANCE BETWEEN ANY BUILDING AND ANY LOT LINE OTHER THAN A STREET LINE TO BE 28 FEET IN LIEU OF THE REQUIRED 50'.

THIS PROPERTY IS LOT FOUR IN THE SUBDIVISION OF THE "HARTMAN-PUNG PROPERTY" RECORDED IN THE LAND RECORDS IN BOOK 39, FOLIO 116, JULY 21, 1976. THE PROPERTY WAS ZONED R.D.P. AT THE TIME OF RECORDING.

REASONS FOR VARIANCE REQUEST:

The existing house was built in the northeast corner of the lot because it was required to be built uphill of the septic reserve area. The septic reserve area is determined by where the soil will meet percolation requirements and this is not something that the lot owner could control. As a result, the owner had very little flexibility in placing the house.

The existing garage is located in the northeast corner of the house. The proposed garage addition needs to be connected to the existing garage. This results in the new garage being too close to the property line. In order to keep the proposed garage out of the setback area it would have to be redesigned to extend more to the back of the house which would put it in the slope area that is immediately adjacent to the existing parking pad outside of the existing garage. This would require the new garage floor to be built on a fill area, which is not desirable from a construction standpoint.

08-449-A

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

March 27, 2008

Description of 14010 Falls Road, to Accompany Petition for Administrative Variance

BEGINNING FOR THE SAME at a point on the west side of Falls Road (Ultimate 60' R/W), 1631 feet more or less north of the centerline of Geist Road.

Thence leaving the west side of Falls Road,

- 1) South 71 degrees 26 minutes 09 seconds West 70.00 feet, thence,
- 2) South 82 degrees 08 minutes 32 seconds West 824.25 feet, thence,
- 3) North 04 degrees 35 minutes 59 seconds West 363.99 feet, thence,
- 4) North 77 degrees 48 minutes 07 seconds East 475.00 feet, thence,
- 5) South 18 degrees 33 minutes 49 seconds East 391.15 feet, thence,
- 6) North 82 degrees 08 minutes 32 seconds East 255.86 feet, thence,
- 7) North 71 degrees 26 minutes 09 seconds East 68.59 feet, to the west side of Falls Road, thence binding on the west side of Falls Road,
- 8) South 18 degrees 33 minutes 51 seconds East 15.00 feet to the place of beginning.

Containing 4.69 acres of land more or less.

This property is located in the 8th Election District, 3rd Councilmanic District

Note:

This Description has been prepared for zoning purposes only.



08-449-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12117**

Date: **3-27-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DWH
 3/27/2008 3/27/2008 10:24:10 ?
 REC-505 WALKEH DOL IND
 >>RECEIPT N 438348 3/27/2008 WFLJ
 Dept: 5 528 ZONING VERIFICATION
 012117
 Recpt tot 165.00
 165.00 CR 1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		0110		1-170				165.00

Total: **165.00**

Rec
 From:

T. HFF

For:

**14010 FALLS RD - SCHUBERT
 AD VARIANCE
 08-440-1**

CR 1 03/0

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 08-449-A

Petitioner/Developer: THOMAS
I. Hoff

Date Of Hearing/Closing: April 21, 2008

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 14010 FALLS RD

This sign(s) were posted on April 6, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 4/6/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # SB-449-A

TO VARNY A PROPOSED DISPOSE
BETWEEN ANY BUILDING AND ANY LOT
LINE STRUCK WITH A STREET LIGHT 78
BE 28 FEET IN LINE OF THE STREET
30 FEET

PUBLIC HEARING ?

APPROPRIATE TO DECIDE IN SUCH A MATTER, THE CITY
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON THURSDAY, APRIL 24, 2008
ADDITIONAL INFORMATION IS AVAILABLE AT
THE ZONING OFFICE, 1000 W. 10TH STREET
SUITE 100, DENVER, CO 80202

CALL 687-3391

FOR MORE INFORMATION, VISIT THE CITY OF DENVER WEBSITE AT WWW.DENVER.CO.GOV

my sister's April 4, 2008

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 449 -A Address 14010 FALLS RD
Contact Person: CRAIG MC GRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3-27-08 Posting Date: 4-6-08 Closing Date: 4-21-08

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

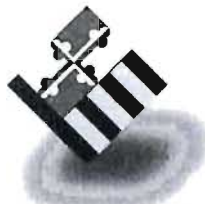
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 449 -A Address 14010 FALLS RD
Petitioner's Name BRUCE + PATRICIA SCHINDLER Telephone 410-584-2702

Posting Date: 4-6-08 Closing Date: 4-21-08

Wording for Sign: TO PERMIT A MINIMUM DISTANCE BETWEEN ANY BUILDING AND
ANY LOT LINE OTHER THAN A STREET LINE TO BE 28 FEET
IN LIEU OF THE REQUIRED 50 FEET

WCR - Revised 6/25/04



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

April 22, 2008

Bruce L. Schindler
Patricia D. Schindler
14010 Falls Road
Cockeysville, Maryland 21030

Dear Mr. and Mrs. Schindler:

RE: Case Number: 2008-0449-A, 14010 Falls Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 27, 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
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson 21204



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441,442,443,444,445,446,447,449

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

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



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

April 11, 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. 08-0449-A
MD 25 (Falls Road)
1631' north of Geist Road
Schindler Property
Administrative Variance
Mile Post 10.21

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Plan 08-0449-A on the subject of the above captioned, which was received on March 31st. The plan illustrates proposal for a garage addition to a residential property.

We have completed a cursory review of the site plan as well as existing field conditions. The following comments are offered for your consideration:

- The subject property is located on the west side of MD 25 (Falls Road). Our State Highway Location reference indicates that MD 25 is two lane scenic road. The Annual Average Daily Traffic volume on this section of US 40 is 8,491 vehicle trips per day.
- Based on the proposed use the entrance shown on the plan is consistent with State Highway Access Manual guidelines.

In conclusion- The SHA has no objection to 14010 Falls Road Schindler Property Item No. 08-0449-A approval. Please include our remarks in your staff report to the Zoning Hearing Examiner.

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

Very truly yours,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Thomas J. Hoff, Engineer, Thomas J. Hoff, Inc.
Mr. David Malkowski, District Engineer, SHA
Mr. Bruce L. Schindler, Applicant
Mr. Michael Pasquariello, Utility Engineer, SHA

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: April 7, 2008

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



BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-449- Administrative Variance**

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

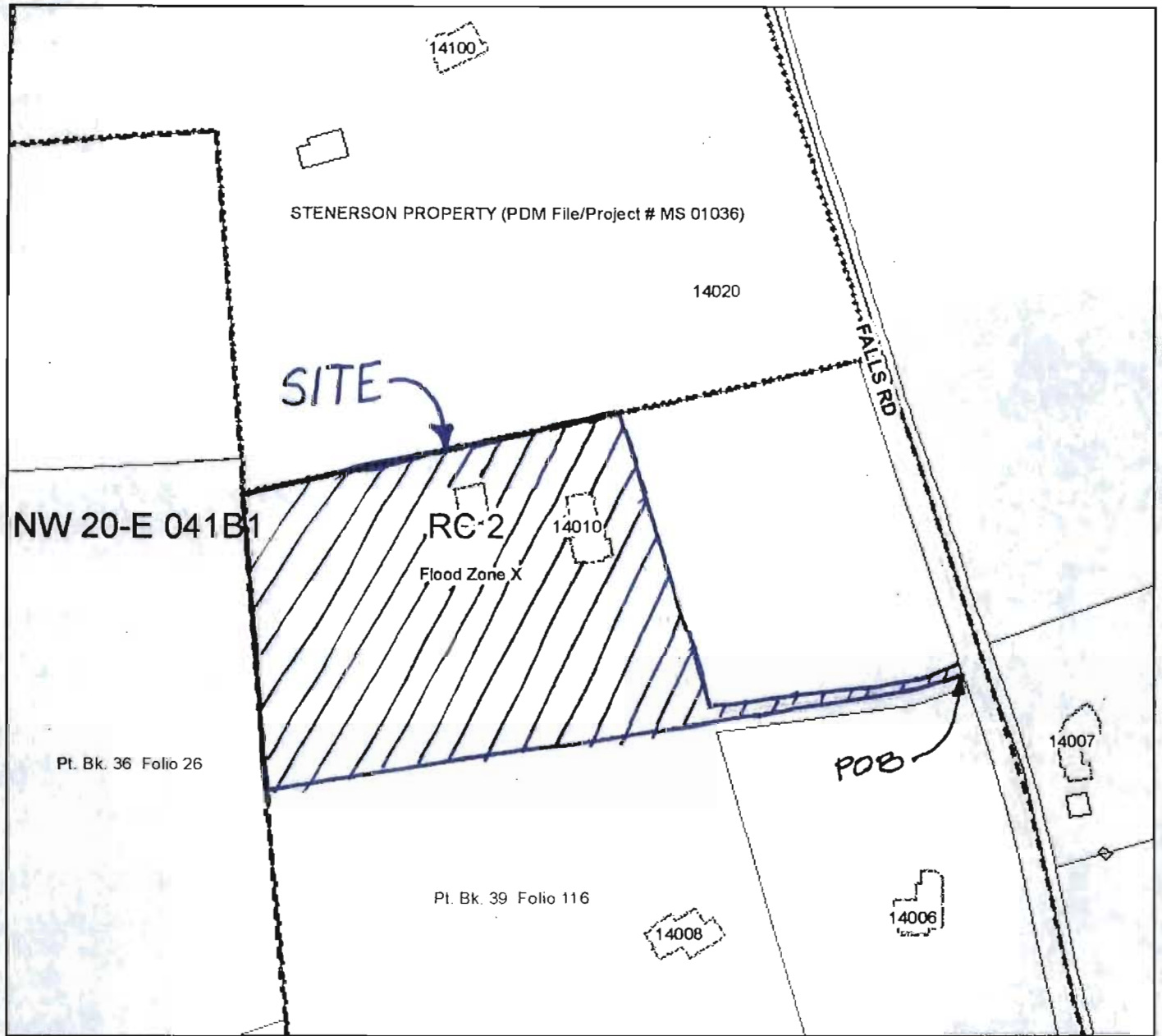
For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

A handwritten signature in black ink, appearing to read "Curtis Murray". The signature is written over a horizontal line that extends across the page.

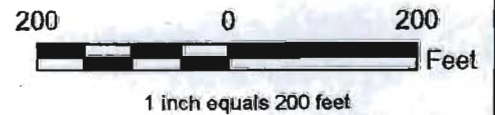
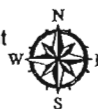
CM/LL

14010 Falls Road



Publication Date: March 25, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



08-449-A

A



B



D

C

08-449-A

E



F



08-449-A

G

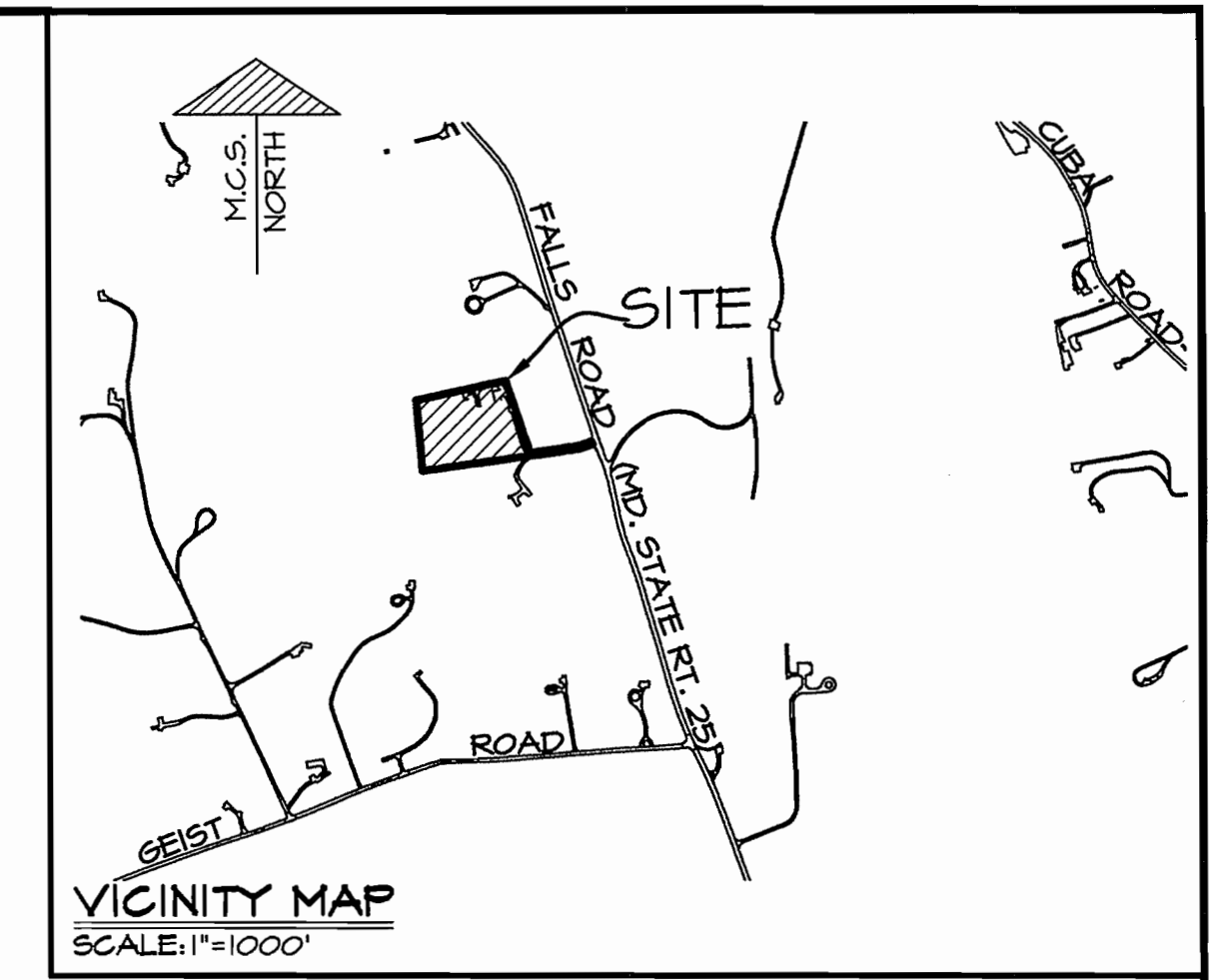
H

I



08-449-A

J



OWNER:
BRUCE SCHINDLER
PATRICIA SCHINDLER
14010 FALLS ROAD
TAX ID# 17-00-008032
DEED 6443/509

	REVISIONS:	DRAWING NUMBER: V-1									
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06-449 - C.M. 1619											