

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Townsend Road, 280 feet E of
c/l of Riverside Road
15th Election District
7th Councilmanic District
(306 Townsend Road)

Diane Lasek
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0139-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 owner of the subject property, Diane Lasek for property located at 306 Townsend Road. The variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed dwelling. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner proposes to raze the existing dwelling and construct a new single family dwelling and detached garage. Constructing the new dwelling 3 feet into the left side setback of the property will permit access to the garage in the rear yard.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 9, 2008 which indicates that the proposed setback is generally seen in the subject community. Comments were received from the Department of Environmental Protection and Resource Management dated December 23, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. This property is located within an Intensely Developed Area of the Chesapeake Bay Critical Area and must meet residential 10% pollutant

ORDER REMOVED FOR FILE
1-12-09
[Signature]

reduction requirements and Petitioner shall contact the Environmental Impact Review Division for details.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 23, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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, 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.

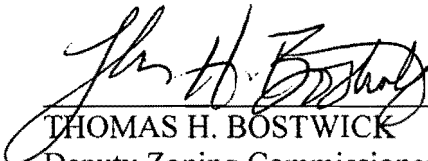
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12th day of January, 2009 that a Variance from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed dwelling be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

COPIES FORWARDED FOR FILING
1-12-09
m

2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. This property is located within an Intensely Developed Area of the Chesapeake Bay Critical Area and must meet residential 10% pollutant reduction requirements. Petitioner shall contact the Environmental Impact Review Division at 410-887-3980 for details.
4. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their review and approval:
 - a. Submit photographs of existing adjacent dwellings.
 - b. Submit building elevations (all sides) of the proposed dwelling. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building uses the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape

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

RECEIVED FOR PLANNING

1-12-09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 12, 2009

DIANE LASEK
8268 KAVANAGH ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2009-0139-A
Property: 306 Townsend Road

Dear Ms. Lasek:

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,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: George D. McClelland, 25 Waterview Road, Baltimore MD 21222

CBCA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 306 Townsend Rd
which is presently zoned DR 5.5

Deed Reference: 9201 / 470 Tax Account # 1512001090

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)

1 B 02.3.C.1 to permit a side yard setback of 7ft. in lieu of
the required 10ft. for a proposed dwelling.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

Diane Lasek

Name - Type or Print

Signature

Name - Type or Print

Signature

8268 Kavanagh Rd 410-285-2885
Address Telephone No.
Baltimore MD 21222
City State Zip Code

Representative to be Contacted:

George D. McClelland

Name

25 Waterview Rd

410-477-9136

Address

Baltimore

MD

Telephone No.

21222

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 6TH day of NOVEMBER, 2008 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. 2009-0139-A

Reviewed By 134 Date 11/12/08

REV City/County of BALTIMORE

Estimated Posting Date 11/23/08

State of Maryland

Subscribed and sworn to before me, in my presence,

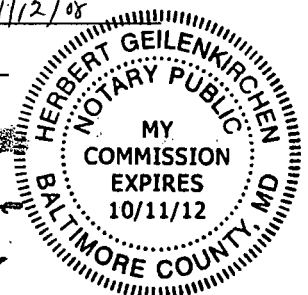
this 6TH day of NOVEMBER, 2008

by DIANE F LASEK

Herbert Geilenkirchen Notary Public

My commission expires

10-11-12



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 8268 Kavanagh Rd
Address Baltimore MD 21222
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):

TO OFFSET THE PROPOSED DWELLING TO THE LEFT SIDE
OF THE PROPERTY 7' IN LIEU OF THE 10' SIDE YARD SETBACK
TO PERMIT ACCESS TO THE GARAGE IN THE REAR YARD.

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.

Diane Lasek
Signature

Signature

Diane Lasek
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6TH day of NOVEMBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DIANE F. LASEK

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

AS WITNESS my hand and Notarial Seal

Herbert Geilenkirchen
Notary Public

My Commission Expires 10-11-12



ZONING DESCRIPTION FOR 306 TOWNSEND RD

BALTIMORE, MD 21221

Beginning at a point on the North side of Townsend Rd. which is 50 feet wide at the distance of 280 feet East of the centerline of Riverside Road which is 50 feet wide.

Being lot number 55, Section E in the subdivision of Back River Highlands as recorded in Baltimore County Plat Book # 4, Folio # 64, containing 10,000 square feet. Also known as 306 Townsend Road and located in the 15th Election Dist, 7th Councilmanic Dist.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **1145**

Date: **11/13/09**

Fund	Dept	Unit	Sub	Unit	Obj	Sub	Obj	Dept	Obj	BS	Acct	Amount

Rec From: **Miscellaneous**

For: _____

**CASHIER'S
VALIDATION**

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT
 RECEIVED BY: _____
 DATE: 11/12/2009 10:50 AM
 BY: _____
 FOR: _____
 OFFICE OF BUDGET AND FINANCE
 BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING

RE: Case No: 2009-0139-APetitioner/Developer: _____
DIANE LASEKDate Of Hearing/Closing: 12/8/08

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 306 TOWNSEND RD

This sign(s) were posted on November 23, 2008

(Month, Day, Year)

Sincerely,

Martin Ogle 11/23/08
(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 # 2009-0139-A
TO PERMIT A SIDE YARD SETBACK
OF 7'4" FOR A PROPOSED DWELLING IN
LIEU OF THE REQUIRED 10'4".

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, DECEMBER 8, 2009.
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

355 W. CONROCK PLANE, 2ND FL.
BETHESDA, MD 20814

TEL. 487-3391

HEARING IS WARRANTED NECESSARY

marked 11/23/08

11/23/08
MATH 08

ZONING NOTICE VARIANCE

CASE # 74091-0157 A
 TO RETURN TO SIDE WOODS SETBACK
 OF THE ROAD & ADDITIONAL NOISE WALL
 2:25 OF THE 8:00 AM 02/20/01

PUBLIC HEARING ?

[illegible]

11/23/2008

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0139 -A Address 306 Townsend Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/12/08 Posting Date: 11/23/08 Closing Date: 12/08/08

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2009- 0139 -A Address 306 Townsend Rd.

Petitioner's Name Diane Lasek Telephone _____

Posting Date: 11/23/08 Closing Date: 12/8/08

Wording for Sign: To Permit a side yard setback of 7 ft. for a proposed dwelling in lieu of the required 10 ft.

WCR - Revised 7/7/08

**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/neighbor 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: 2009-0139-A

Petitioner: _____

Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

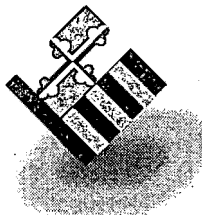
Name: DIANE LASEK

Address: 8268 KAYANAGA RD

BALTIMORE, MD 21222

Telephone Number: 443-690-4253

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

December 9, 2008

Diane Lasek
8268 Kavanagh Rd.
Baltimore, MD 21222

RE: Case Number 2009-0139-A, 8268 Kavanagh Rd.

Dear: Diane Lasek

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 12, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lw

C: People's Counsel
George D. McClelland, 25 Waterview Rd., Baltimore, MD 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 9, 2008

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

RECEIVED
DEC 2 2008

BY:

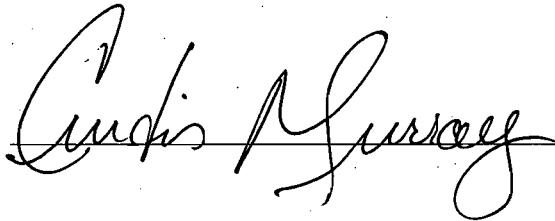
SUBJECT: Zoning Advisory Petition(s): **Case(s) 9-139- Administrative Variance**

The Office of Planning normally requests 10-foot minimum side yard setbacks. However the proposed setback is generally seen in the subject community.

If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning has no objection.

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

Prepared By:
CM/LL





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

State Highway
Administration

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

Maryland Department of Transportation

Date: Dec. 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 2009-0139A
306 TOWNSEND RD
LASEK 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. 2009-0139-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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
DEC 26 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 23, 2008

SUBJECT: Zoning Item # 09-139-A
Address 306 Townsend Road
(Lasek Property)

Zoning Advisory Committee Meeting of November 24, 2008.

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments: This property is located within an Intensely Developed Area of the Chesapeake Bay Critical Area and must meet residential 10% pollutant reduction requirements. Please contact Environmental Impact Review at 410-887-3980 for details.

Reviewer: Paul Dennis

Date: December 1, 2008

Patricia Zook - Case 2009-0139-A (administrative variance that closed 12-8-08) comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 12/24/2008 9:38 AM
Subject: Case 2009-0139-A (administrative variance that closed 12-8-08) comments needed

Good morning Curtis -

We still need Planning comments for this administrative variance case that closed on December 8. *[see e-mail request dated December 10]*

CASE NUMBER: 2009-0139-A
306 Townsend Road
Location: N side of Townsend Road. 280 feet E of the c/l of Riverside Road.
15th Election District, 7th Councilmanic District
Legal Owner: Diane Lasek
Closing Date: 12/8/2008

ADMINISTRATIVE VARIANCE To permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed dwelling.

Good afternoon gentlemen -

The below-described administrative variance case file was brought to our office today. In reviewing the file, I noticed that comments from all the County agencies are missing. Please let me know if you have comments for case and if so, feel free to e-mail or fax your comments to me. If no comments, just reply to this e-mail and I'll place that in the file.

As always, thanks for your help!

CASE NUMBER: 2009-0139-A
306 Townsend Road
Location: N side of Townsend Road. 280 feet E of the c/l of Riverside Road.
15th Election District, 7th Councilmanic District
Legal Owner: Diane Lasek
Closing Date: 12/8/2008

ADMINISTRATIVE VARIANCE To permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed dwelling.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Re: Case 2009-0139-A (administrative variance that cosed 12-8-08) comments needed

From: Dennis Kennedy
To: Zook, Patricia
Date: 12/11/2008 10:19 AM
Subject: Re: Case 2009-0139-A (administrative variance that cosed 12-8-08) comments needed

Patti:
We had no comment on that item.
Dennis Kennedy

>>> Patricia Zook 12/10/2008 4:18 PM >>>
Good afternoon gentlemen -

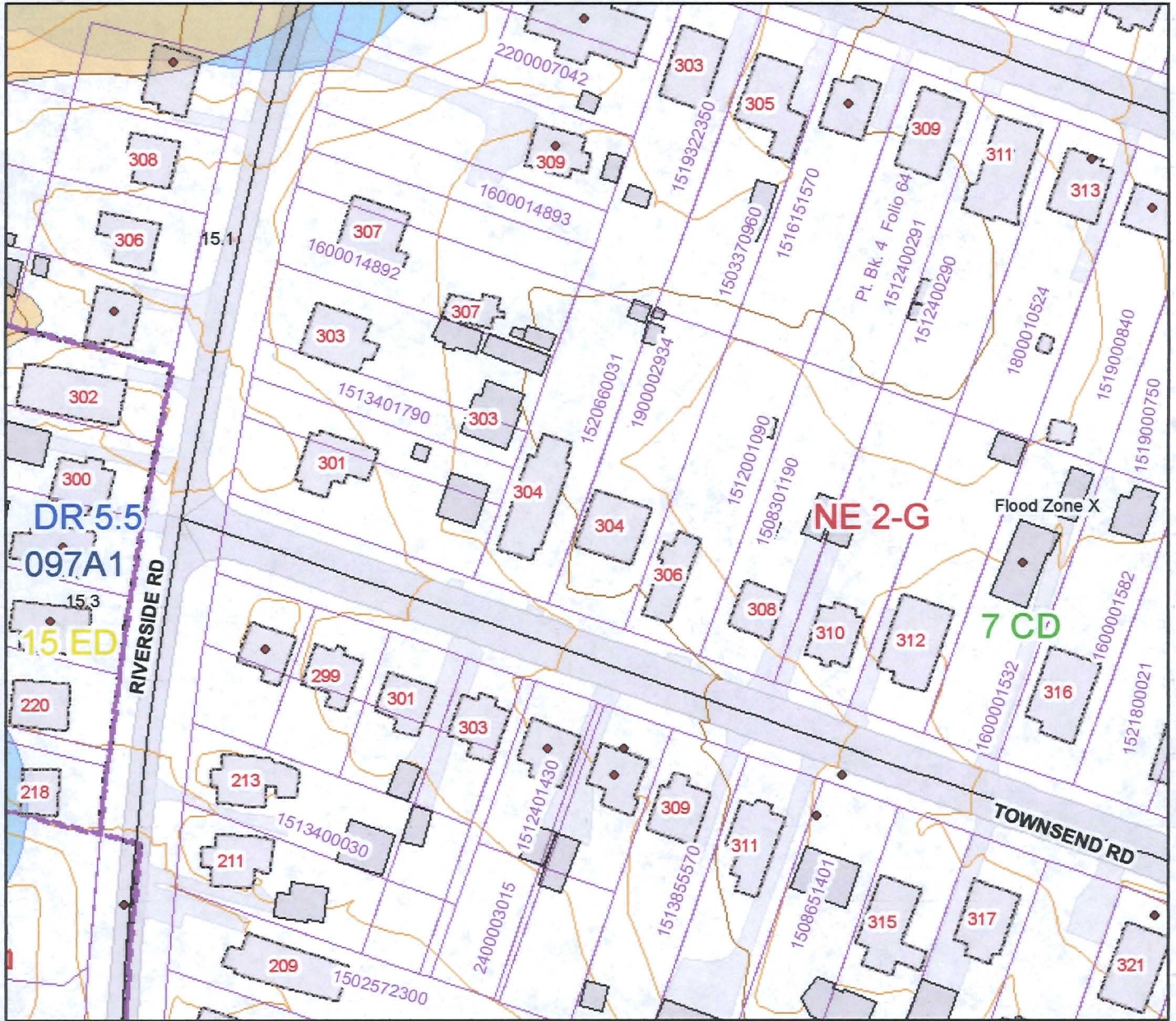
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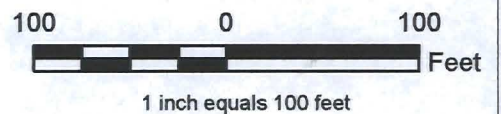
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Patti Zook
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Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

306 Townsend Road



Publication Date: November 12, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



0139



306 TOWNSEND RD

