IN RE: PETITION FOR ADMIN. VARIANCE

SE of Ingleside Avenue; 320 feet NE of the c/l of Harwall Road 1st Election District 1st Council District (1513 Ingleside Avenue)

William H. Peoples IV

Petitioner

* BEFORE THE

- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * CASE NO. 2012-0158A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, William H. Peoples IV. The Petitioner is requesting Variance relief as follows:

- From Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a
 proposed accessory building in the rear yard with a 2 foot side setback in lieu of the
 required 2.5 feet; and
- From Section 400.2 of the B.C.Z.R. to permit a proposed accessory building in the rear yard to be located 11.5 feet from the centerline of the alley in lieu of the required 15 feet.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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.

| ORDER | RECEIVED FOR FILING | |
|-------|---------------------|--|
| Date | 2-6-12 | |
| Ву | \psi_ | |

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 15, 2012, 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 Administrative Law Judge, 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, this 6 day of February, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief as follows:

- From Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a
 proposed accessory building in the rear yard with a 2 foot side setback in lieu of the
 required 2.5 feet; and
- From Section 400.2 of the B.C.Z.R. to permit a proposed accessory building in the rear
 yard to be located 11.5 feet from the centerline of the alley in lieu of the required 15 feet,
 be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

| UNDER | RECEIVED FOR FILIN | G |
|-------|--------------------|---|
| Date | 2-6-17 | |
| By | Sm. | 2 |
| | | |

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 2-6-13

Ву______



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL Managing Administrative Law Judge JOHN E. BEVERUNGEN TIMOTHY M. KOTROCO Administrative Law Judges

February 6, 2012

WILLIAM H. PEOPLES IV 1513 INGLESIDE AVENUE BALTIMORE MD 21207

> Re: Petition for Administrative Variance Case No. 2012-0158-A Property: 1513 Ingleside Avenue

Dear Mr. Peoples:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

TIMOTHY M. KOTROCO Administrative Law Judge

for Baltimore County

TMK:pz

Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 613 Inglesion which is presently zoned DR 5.5 Deed Reference / 10 Digit Tax Account # 0 Property Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 § 400.1 to permit a proposed accessory ADMINISTRATIVE VARIANCE from section(s) building in the rear yard with a 2 feet side setback in lieu of the required 2-1/2 feet; and § 400.2 to permit a proposed accessory building in the rear yard to be located 11-1/2 feet from the center line of the alley in lieu of the required 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223 (8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building) 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 petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Contract Purchaser/Lessee: Name- Type or Print Name #2 - Type or Print Signature Mailing Address City State State KEDEVEZOOISO VERIZON, Zip Code Telephone # **Email Address** Email Address Attorney for Petitioner: Representative to be contacted: ORDER RECEIVED FOR FILING Name- Type or Print Name - Type or Print Signature Signature Date Mailing Address State Mailing Address City State By. Zip Code Email Address Telephone # Zip Code Telephone # Email Address A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, 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. Administrative Law Judge of Baltimore County CASE NUMBER 2012 -0158A

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

| Address: 15 13 mylespe the buyon of Print or Type Address of property | State Zip Code |
|--|---|
| Based upon personal knowledge, the following are Administrative Variance at the above address. (Cle | the facts which I/we base the request for an |
| on 9' Further into my yans. It have on the Alley, 4'/2' would have shen garage in Comonson Height a sides, this being one to small to where my last shen stood, we need more stooge as my to corrende here 3 stoog home please If I had to Build the Driveway. It would the last shen did not interfere the Paving of the Alley 5-6 gents at | Proposed they upulo go, only II upuls France to be 15 from the center- we been inside my last shep, Every s 13 on the tence line to one, it not |
| Signature of Affiant | Signature of Affiant |
| William H. Peoples 4th | |
| Name- Print or Type | Name- Print or Type |
| The following information is to be complete | ed by a Notary Public of the State of Maryland |
| STATE OF MARYLAND, COUNTY OF BALTIMO | RE, to wit: |
| I HEREBY CERTIFY, this 30th day of 10 and for the County aforesaid, personally appeared | 0. 2011, before me a Notary of Maryland, in |
| William Henry Peop | Les Ath minimum M. Floring |
| the Affiant(s) herein, personally known or satisfactorily | identified to me a such some (s) Print name(s) here) |
| AS WITNESS my hand and Notaries Seal | land & Barry |
| Notary Publi | sion Expires ARD COUNTY |
| My Commiss | sion Expires MARD COUNTY |

Zoning Property Description for 1513 Ingleside Ave., Gwynn Oak, MD., 21207

Beginning at a point on the Southeast side of Ingleside Ave. which is 60 feet wide, at the distance of 284.29' Northeast of the centerline of the nearest improved intersecting street being known as Harwall Road, which is 60' wide. Ending at a distance of 329.29' Northeast of Harwall Road. Giving a 45' wide frontage and rear access, via the alley, to the property.

Being Lot #11, Block P, Section in the subdivision of Edmondson Heights as recorded in Baltimore County Plat Book# 75 Folio# 1/2 Containing 4950 square feet. Located in the 1st Election District 1st Council District.

2012-0158-A

CERTIFICATE OF POSTING

Date: 1-15-12 RE: Case Number: 2012-0158- A Petitioner/Developer: Bill Peoples Date of Hearing/Closing: 1-30-12 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 1513 Ingleschedue 1-15-12 The signs(s) were posted on (Month, Day, Year) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)



LUNING NOTICE

CASE # Z012-0/58 -A
PERMIT AN ANCESSORY BUILDING IN THE PEARTARD WITH P 2-FOOT SIDE SETTING AND US FEET TO THE CENTERLINE
AS FEET AND USE FOR THE REQUIRED

AS FEET AND USEFET RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AM ELIGIBLE INDIVIDUAL OR GROUP MAY
THE PROPOSED VARIANCE, PROVIDED THE BEQUEST IS THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS

SOOD BY THE ZONING REVIEW BUREAU BEFORE RECEIVED IN THE ZONING REVIEW BUREAU DEFUNE.

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF NO WIT SERVICE AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE DEVALUATION OF SERVICE AND WATER AND AND SERVICE AND SERVI



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 2012- 0158 -A Address 1513 INGLESIDE AVENUE | | | | | | |
|---|--|--|--|--|--|--|
| Contact Person: AARON TSUI Planner, Please Print Your Name Planner, Please Print Your Name Posting Date: 1/15/2012 Closing Date: 1/30/2012 | | | | | | |
| Filing Date: 1/6/2012 Posting Date: 1/15/2012 Closing Date: 1/30/201 | | | | | | |
| 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. <u>DEADLINE:</u> 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. | | | | | | |
| 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 2012- 0158 -A Address 1513 THELESIDE AVE. | | | | | | |
| Petitioner's Name WILLIAM PEOPLES Telephone 410-961-0649 | | | | | | |
| Posting Date: 1/15/2012 Closing Date: 1/30/2012 | | | | | | |
| Wording for Sign: To Permit AN ACCESSORY BUILDING IN THE REAR | | | | | | |
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| THE CENTER LINE OF THE ALLEY IN LIEU OF THE REQUIRED | | | | | | |
| 2/2 FEET AND 15 FEET RESPECTIVELY. | | | | | | |

Revised 7/06/11

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KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 18, 2012

William Peoples 1513 Ingleside Avenue Baltimore, MD 21207

RE: Case Number 2012-0158-A, 1513 Ingleside Avenue

Dear Mr. Peoples,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 6, 2012. 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,

. Carl Robe

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



Beverley K. Swaim-Staley, Secretary Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

July it.

Date: 1-18-12

Ms. Kristen Matthews Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County

Item No. 2012-0158-A Administrative Variance William Peoples 1513 Ingleside Avenue

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. 2012-0158-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/rz

il Political

MEMORANDUM

DATE:

March 8, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0158-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 7, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

Patricia Zook - Re: Comments for 2 Administrative Variance cases

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

1/31/2012 4:08 PM

Subject:

Re: Comments for 2 Administrative Variance cases

CC:

Richards, Carl

Patti:

We had no comment on 2012-0157-A and none on 2012-0158-A. Dennis

>>> Patricia Zook 1/31/2012 3:28 PM >>> Good afternoon Dennis -

The following two administrative variance case files are missing comments from your office: 2012-0157-A and 2012-0158-A.

If you don't have any comments, just reply to this e-mail and I'll place it in the file(s).

Thanks for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



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Patricia Zook - Comments for 2 Administrative Variance cases

From:

Patricia Zook

To:

Kennedy, Dennis

Date:

1/31/2012 3:28 PM

Subject:

Comments for 2 Administrative Variance cases

Good afternoon Dennis -

The following two administrative variance case files are missing comments from your office: 2012-0157-A and 2012-0158-A.

If you don't have any comments, just reply to this e-mail and I'll place it in the file(s).

Thanks for your help.

Patti Zook **Baltimore County** Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson MD 21204 410-887-3868 pzook@baltimorecountymd.gov



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Debra Wiley - ZAC Comments — Distribution Mtg. of 1/16/12

From:

Debra Wiley

To:

Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date:

1/17/2012 3:49 PM

Subject: ZAC Comments – Distribution Mtg. of 1/16/12

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0157-A - 13612 Jarrettsville Pike (Floodplain) (Administrative Variance - Closing Date: 1/30/12)

2012-0158-A - 1513 Ingleside Avenue

(Administrative Variance - Closing Date: 1/30/12)

2012-0159-A - 701 Stoneleigh Road

(Administrative Variance - Closing Date: 2/6/12)

2012-0160-SPHA - 12416 Happy Hollow Road No hearing date assigned in database as of 1/17/12

2012-0161-SPHA - 8247 Eastern Avenue (CBCA & Floodplain) No hearing date assigned in database as of 1/17/12

Thanks and have a great day!

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

From:

WILLIAM PEOPLES < redeye20013@verizon.net>

To:

<pzook@baltimorecountyMD.gov>

Date:

2/1/2012 2:27 PM

Subject:

variance photos for 1513 Ingleside ave

Attachments:

IMG_2441.JPG; IMG_2444.JPG; IMG_2449.JPG

please let me know if you need anything else. Bill Peoples 410-961-0644

RECEIVED

FEB 0 1 2012

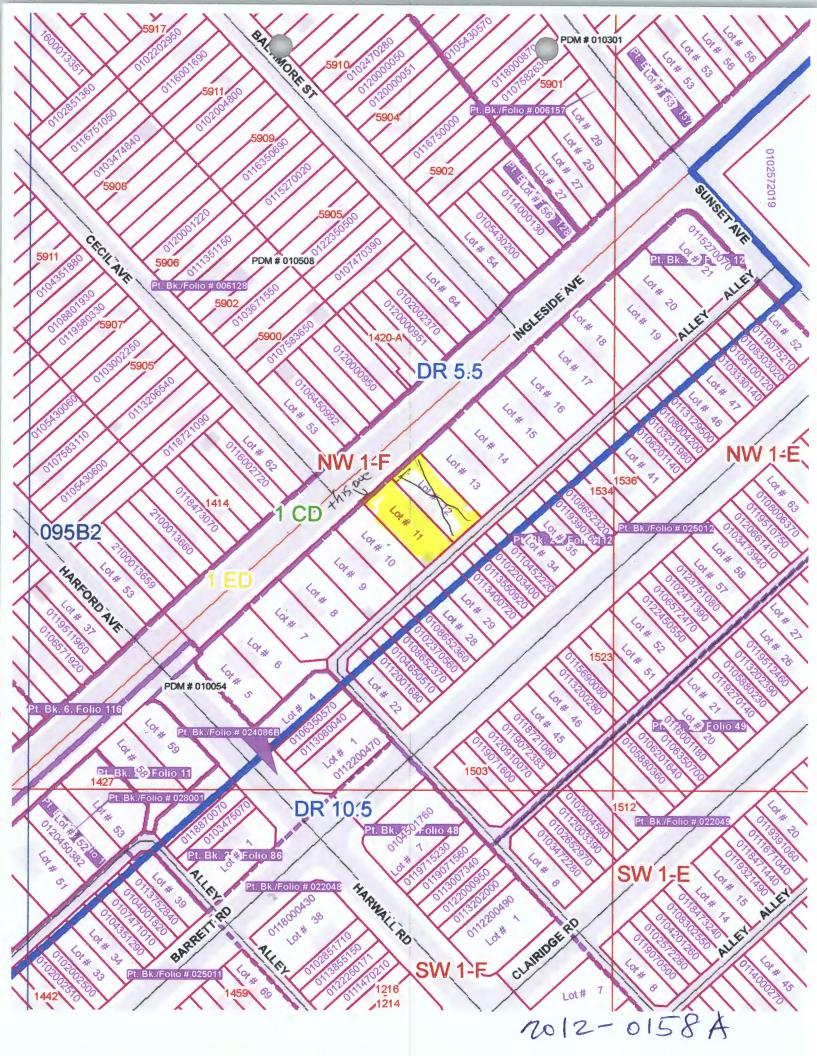
OFFICE OF ALMINISTRATIVE HEARINGS

Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A) BALTIMORE COUNTY

2012-0158-A

Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

| Account | Identifier: | | | District - 01 Acco | unt Numl | ber - | 011847311 | 0 | | | | | |
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| | | | | | Owner Ir | ıform | ation | | | | | | |
| Mailing Address: 1513 INGL | | | ES WILLIAM H 4TH NGLESIDE AV MORE MD 21207-49 | | | | Use: Principal Residence: Deed Reference: | | | | RESIDENTIAL YES 1) /15857/ 00693 2) | | |
| | | | | Locat | ion & Stru | cture | Informatio | n | | | | | |
| | s Address LESIDE AV | Έ | | | | 1513 | INGLESID | EAVE | s | | | | |
| Map | Grid | Parcel | Sub District | Subdivision | Section | <u>on</u> | Block | Lot | Assessment Area | | Plat No: | 10 | |
| 0095 | 0015 | 0197 | | 0000 | | | P | 11 | 1 | | Plat Ref: | 0025/ 0012 | |
| Special ' | <u> Fax Areas</u> | | Town Ad Valorem Tax Class | NONE | | | | | | | | | |
| Primary 1961 | Structure | Built | | Enclosed Area 1,292 SF | <u>a</u> | | Property 4,950 SF | Land A | Area | <u>C</u> | County Use | | |
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| Land Improve Total: Prefere | ements: | | 60,000 126,260 186,260 0 | Value As Of 01/01/2010 60,000 99,200 159,200 | Phase-in As Of 07/01/201 159,200 | | As Of 07/01/20 159,200 0 | 12 | | | | | |
| | | | | | Transfer | Inform | mation | | | | | | |
| Seller: Type: | | | IAM H,4TH NGTH OTHER | , | | | Date: Deed1: | 12/13 /1585 | /2001 7/ 00693 | Price: Deed2: | \$0 | | |
| Seller: Type: | KANE B | | 3,3RD I IMPROVED | | | | Date: Deed1: | | /1991 2/ 00523 | Price: Deed2: | \$82,500 | | |
| Seller: Type: | | | | | | | Date: Deed1: | | | Price: Deed2: | 10/2 | | |
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| Case | TAO | |

2012-0158-A

Exhibit Sheet

3/8/12

Petitioner/Developer

Protestant

| No. 1 | site plan | |
|--------|-----------|--|
| No. 2 | | |
| No. 3 | | |
| No. 4 | | |
| No. 5 | | |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | | |

| ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 513 Tuplestor Are OWNER(S) NAME(S) (Alliam H Replets SUBDIVISION NAME Conversed Hearing PLAT BOOK # 10 FOULD # COSS FOR 10 DIGIT TAX # 0 1 1 8 47 2 31 L Q DEED REF. # 15 2 2 7 0 2 6 2 3 3 1 1 5 FT MAP IS NOT TO SCALE ZONING MAP# 095 62 5 ELECTION # X 15 TUPLE PLAN TO AREA ACREAGE TO OR SQUARE FEET 4950 HISTORIC? M/9 IN CBCA? M/7T IN FLOOD PLAIN? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? UP IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW NOT | Г | | SITE VICINITY MAP |
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Petitioner's Exhibit #1.

1012-0158-A