

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 30, 2014

Jamie M. Vilcarino Marcelino A. Vilcarino, Jr. 7817 Birmingham Avenue Parkville, Maryland 21234

RE: Petition for Administrative Variance

Case No. 2014-0293-A

Property: 7817 Birmingham Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE (7817 Birmingham Avenue)

9th Election District

5th Councilmanic District

Jamie M. and Marcelino A. Vilcarino, Jr.

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0293-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Jamie M. and Marcelino A. Vilcarino, Jr.. The variance request is from Sections 1B01.2.C.1.b and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a front porch addition with a front setback of 21' in lieu of the required 22.94'. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 13, 2014, 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 Administrative Law Judge,

Date 7-30-14

ORDER RECEIVED FOR FILING

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 Administrative Law Judge for Baltimore County, this 30th day of July, 2014, that a Variance from Sections 1B01.2.C.1.b and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a front porch addition with a front setback of 21' in lieu of the required 22.94', be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

 Petitioners may apply for their appropriate permits 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, 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date (- 30 - 14

ADM USTRATIVE ZONING PETITION

SPECIAL HEARING FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATI 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 7817 Birmingham Ave which is presently zoned 10 Digit Tax Account # 09 T Deed Reference 0024020 lamie Vilcarino 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 ADMINISTRATIVE VARIANCE from section(s) Section: 1BO1.2.C.1.b; 303.1 To permit a front porch addition with a front setback of 21 feet in lieu of the required 22.94ft. 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, after 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: Legal Owners: Name- Type or Print Signature Mailing Address State City Zip Code Telephone # Email Address Attorney for Petitioner: Representative to be contacted: DER RECEIVED FOR FILING Name- Type or Print Signature Signa State Mailing Address Email Address Zip Code elephone 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 2014-0293-A

Filing Date 7/3/2014

Estimated Posting Date 7//3/2019 Reviewer

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE CIAL 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:

purchase, reside at the existing dwelling on said property located at:					
Address: 7817 Birmingham Ave Parkville MD 21234 Print or Type Address of property City State Zip Code					
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)					
We are filing for an administrative variance due to the height at which our house is elevated off of the ground for which we need approximately 8ft of steps to gain entry to our home. This variance will allow us to noth recover the square footage that will we will lose because we are building a portion of the steps into the porch, which will absorb some of their size, and also allow for added safety when using the steps. This larger space will allow our family to sit on the porch together while still permitting room to maneuver around each other.					
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)					
Signature of Affiant Signature of Affiant Marcelino A-Vilcarino, Tr. Name-Print or Type Marcelino Type					
The following information is to be completed by a Notary Public of the State of Maryland					
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this					
Jamie Vilcanno and Marcelina A Vilcannost					
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)					
AS WITNESS my hand and Notaries Seal July Byce July					
Notary Public February 25, 2017					

My Commission Expires

ZONING HEARING PROPERTY DESCRIPTION PART A

Zoning Property Description for 7817 Birmingham Ave.

Beginning at the point on the south east side of Birmingham Ave which is 40ft wide at the distance of 520 feet north east of the centerline of the nearest improved intersection street, Taylor Ave which is 35 feet wide.

PART B-OPTION 2

Subdivision Lot

Being Lot 413 & 414, Block __, Section # __ in the subdivision of Parkville Heights as recorded in Baltimore County Plat Book #7, Folio #38, containing 4000 square ft. Located in the 9th election district and 5th council district.

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DISTRIB	UTION					- A			CASHIER'S VALIDATION

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a <u>public hearing</u>, 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:
Petitioner: Marcelino & Jamie Vilcarino
Address or Location: 7817 Birmingram Ave Parkville, MD 21234
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jamie Vilcarino
Address: 787 Birmingham Ave
Parkulle MD 21234
Telephone Number: 410-663-2031

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

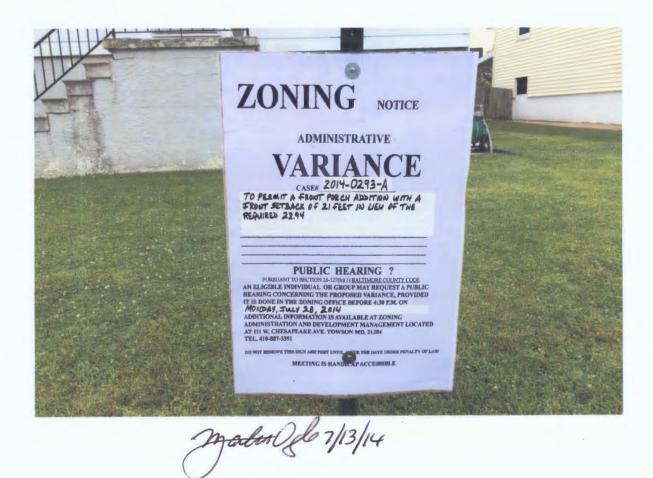
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIOTRATIVE VARIANCE IN CHIMATION CHEET AND DATES
Case Number 2014- 5293 -A Address 7817 Birningham Ave-
Contact Person: LEONARD WASILCUSKI Phone Number: 410-887-3391
Case Number 2014- 5293 -A Address 7817 Birming Lam Five - Contact Person: Former, Please Print Your Name Planner, Please Print Your Name Posting Date: 7/3/14 Closing Date: 7/28/14
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.
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 201 0293 -A Address 7817 Dirming ham Ave
Petitioner's Name Jamie + Marcelino Vilcarino Jr Telephone 410-663-2031
Posting Date:
Wording for Sign: To permit a front porch addition with a front setback of 21feet in lieu of the required 22.94.

Revised 7/06/11

CERTIFICATE OF POSTING

	CASE NO: 2014-0293-A	,
	PETITIONER/DEVELOPER	
	JAIME VILCALINO	
	DATE OF HEARING/CLOSING:	
	7/28/14	
PERMITS AND D COUNTY OFFICE	UNTY DEPARTMENT OF DEVELOPMENT MANAGEMENT E BUILDING, ROOM 111 SAPEAKE AVENUE	
ATTENTION:		
LADIES AND GE	NTLEMEN:	
	TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE N(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON	
	7817 BIRMINGHAM AUE	
	7/13/14	
	ERE POSTED ON //15/17 (MONTH,DAY,YEAR)	
	SINCERELY, July 7/13/14	
	SIGNATURE OF SIGN POSTER AND DATE:	
	MARTIN OGLE	
	(SIGN POSTER) 60 CHELMSFORD COURT	
	BALTIMORE,MD 21220	
	(ADDRESS)	
	PHONE NUMBER:443-629-3411	



MEMORANDUM

DATE:

September 2, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0293-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 2014. 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

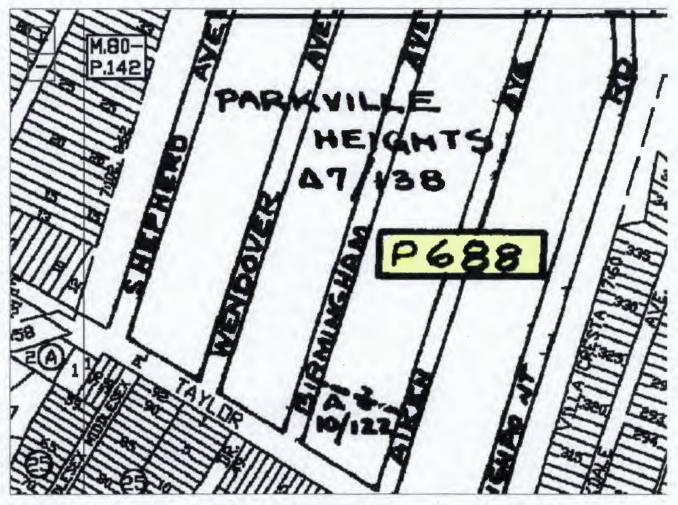
Office of Administrative Hearings

sal Property Data Search	(w3)			Guide	to search	ing the c	E (E DES
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Owner Name:	VILCARINO JAI VILCARINO MA JR	MIE M RCELINO A	Use: Principal R	esidence:	RESIDE	NTIAL	
Mailing Address:	7817 BIRMINGH BALTIMORE MI	IAM AVE D 21234-5405	Deed Refe	rence:	/24020/	00253	
	Location	on & Structure li	formation				
Premises Address:	7817 BIRMINGH 0-0000	IAM AVE	Legal Desc	ription:	LT 413	,414 /ILLE HE	IGHTS
Map: Grid: Parcel:	Sub Subdivide District:	sion: Section:	Block:		essment :	Plat No:	
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Land:	73,600 83,300	88,700					
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Preferential Land:	0	103,700		156,900	0		
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State:	000		0.00				
Municipal:	000	*****************************	0.00 0.00	******************************	0.00 0.0	00	
		Special Tax Rec	apture:				
Tax Exempt: Exempt Class:		NONE					

Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 09 Account Number: 0918351740



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning @2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

x Loading... Please

Loading... Please Wait.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 29, 2014

Jamie Jr. & Marcelino Vilcarino 7817 Birmingham Avenue Parkville MD 21234

RE: Case Number: 2014-0293 A, Address: 7817 Birmingham Avenue

Dear Mr. & Ms. Vilcarino:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 3, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Carl Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 7/14/14

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

RE: Baltimore County

Item No 2014-02,93-A Administrative Variance Familie 2 Marcelino Vilcarino 7317 Birmingham Avenue.

Dear Ms. Lewis:

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. 2014-0293-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).

Sincerely,

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz



2014-0293-A

2014-0293-A



Lot adjacent to the left looking at property 7817 Birmingham Ave



7815 Birmingham Ave



7813 Birmingham Ave

CASE NO. 2014- 0293-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment		
-	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)			
	DEPS (if not received, date e-mail sent)			
	FIRE DEPARTMENT			
	PLANNING (if not received, date e-mail sent)			
7-14	STATE HIGHWAY ADMINISTRATION	No objection		
	TRAFFIC ENGINEERING			
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS			
ZONING VIOL	ATION (Case No			
PRIOR ZONING	G (Case No			
NEWSPAPER A	ADVERTISEMENT Date:			
SIGN POSTING	Date: 7-13-14	by Ogle		
	JNSEL APPEARANCE Yes No DINSEL COMMENT LETTER Yes No DINSEL COMMENT LETTER			
Comments, if an	y:			
	- T			

7817 Birmingham Avenue 2014-0293-A



Publication Date: 7/3/2014



Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 30 feet

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILENCE ZONES WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 -In D.H.2. D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A FT.

B 29 FT.

C 29 FT.

D FT.

E 31 FT.

F FT.

FOR $\frac{3}{4}$ FT.

REQUIRED FRONT SETBACK (averaged)

25 x 30.6 = 7.66

Jamie Vilcarino

applicant's name

1811 Birmingham Ave

building address

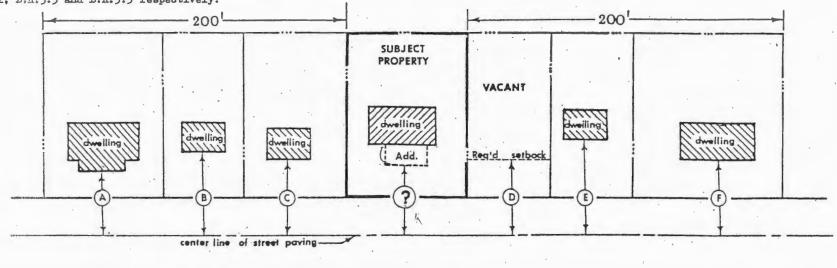
July 1, 2014

date

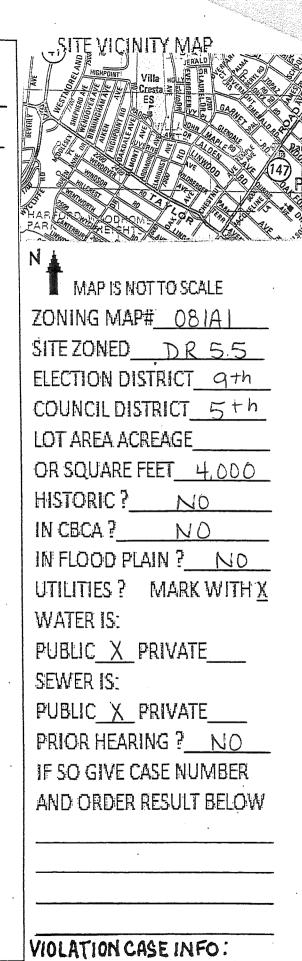
NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft. D.R.3.5- 55 ft.

D.R.5.5- 50 ft.

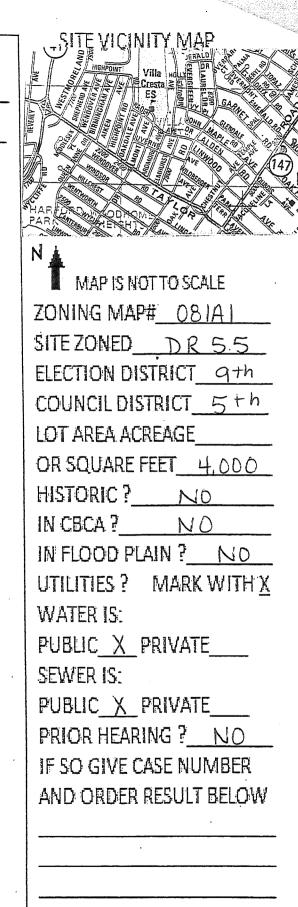


ZONING HEARING P	LAN FOR VARIAN		ALHEARING	-	UESTED WITH X)
ADDRESS 7817 Birn	ningham Ave	OWNER(S) NAME(S) Mar	•	· Vilcarino
SUBDIVISION NAME	Parkville Heio	hts.	LOT#_413\$	BLOCK #	SECTION #
PLAT BOOK #	FOLIO # 38 1			ED REF.#D02	.40/20253
	Scale 1"-2	O Block/Sect Plat Refere	ber: 413 and 414 Tion: – Ince: Book: 7 Pag Tat: Parkville Heights	e: 3t	-
Lot 349 Lot	350 Lot 351	Lot 352			-
	40'				
	20'				
Lot	t 413 Lot 414				
Lot 412	Porch	Lot 415			
County	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	·		n en al anti-	
Property .	Story Dwelling			and another services of the se	
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LEWIN DEPARTMENT	THE VIICALITIE	THIL UIOU	JI T STATILLE I II	1011 - <u></u> 11	_





ZONING HEARING PLAN FOR VARIANCEFOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	HIGHPOINT VIIIa unit E DA VE
ADDRESS 7817 Birmingham Ave OWNER(S) NAME(S) Marcelino & Jamie Vilcarino	Cresta 2 La San Cresta 2 La San Cara Cara Cara Cara Cara Cara Cara Ca
SUBDIVISION NAME Parkville Helahts LOT# 413# BLOCK# SECTION#	A CONTROL OF THE CONT
PLAT BOOK# 7 FOLIO# 38 ID DIGIT TAX #1918351740 DEED REF. #102240/20253	
Lot Number: 413 and 414 Block/Section: Plat Reference: Book: 7 Page: 35 Title of Plat: Parkville Heights	HAR CONTROL OF CONTROL
Lot 349 Lot 350 Lot 351 Lot 352	N MAP IS NOT TO SCALE
	ZONING MAP# 081A1
40'	SITE ZONED DR 5.5
20' 1 20'	ELECTION DISTRICT 91
Shed.	COUNCIL DISTRICT 5 t
	LOT AREA ACREAGE
Lot 413 Lot 414	OR SQUARE FEET 4,00
Lot 412 Porch! Lot 415	HISTORIC? NO IN CBCA? NO
County	IN FLOOD PLAIN ? N
	UTILITIES? MARK WIT
Yroperty of Stary of Dwelling	WATER IS:
Empty 1813	PUBLIC_X_PRIVATE
Land	SEWER IS:
 	PUBLIC X PRIVATE_
	PRIOR HEARING ? NO
	IF SO GIVE CASE NUMBE
29 29 29 29 29 29 29 29 29 29 29 29 29 2	AND ORDER RESULT BEL
40'	
PLAN DRAWN BY MMIQ VICAVINO DATE 4/30/14 SCALE: 1 INCH = 20 FEET	
PLAN DRAWN BY Jamie Vilcavino DATE 4/30/14 SCALE: 1 INCH = 20 FEET	
	VIOLATION CASE INFO:



2014-0293-A