MEMORANDUM

DATE: August 24, 2016

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2016-0329-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 22, 2016. 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

IN RE: PETITION FOR ADMIN. VARIANCE

(16104 Carroll Road)

10th Election District 3rd Council District Glenn D. Thomas Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

K CASE NO. 2016-0329-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Glenn D. Thomas. The Petitioner is requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing pool/spa with a proposed pergola located on the side closest to the street side in lieu of the 1/3 farthest from both streets. 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. A ZAC comment was received from the Bureau of Development Plans Review (DPR) on July 13, 2016 indicating that landscape screening should be provided along the Monkton Manor Road property line to screen both the side and rear yards.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 3, 2016, 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 (B.C.C.). 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 ORDER RECEIVED FOR FILING

Date	7-21-16	
Bv	(On)	

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 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, this <u>21st</u> day of **July**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing pool/spa with a proposed pergola located on the side closest to the street side in lieu of the 1/3 farthest from both streets, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits 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.
- Petitioner must comply with the ZAC comment received from the DPR dated July 13, 2016; a copy of which is attached and made a part herof.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED	FOR	FILING	
Date	7-0	2(-1	6	
3v	[3		

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 13, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 4, 2016 Item No. 2016-0329

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

If granted, landscape screening should be provided along Monkton Manor Rd. property line to screen both the side and rear yards.

DAK:CEN cc:file

ZAC-ITEM NO 16-0329-07042016.doc

ORDER RECEIVED FOR FILING

Date	7-21-16	
Bv		<u> </u>



ADMINSTRATIVE ZONING PETPON

	OR - ADMINISTRATIVE SPECIAL HEARING
FOR ADMINISTRATIVE VARIANCE — To be filed with the Department of F	Dormite Approvals and Inspections
10 De Med with the Department of the	r Baltimore County for the property located at:
To the Office of Administrative hearings to	/// Currently zoned RC2
Address 16104 CARROLL ROAD, MONKTON, MD. 21.	10 Digit Tax Account # 1 0 0 8 0 0 0 7 0 1
Deed Reference 66718 1 00 105 F	10 Digit tax According 17 5 5 5 5 5 5 5 5 5
Owner(s) Printed Name(s) GLENN THOMAS	
	RIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the rev	rerse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate in attached hereto and made a part hereof, hereby petition for ar	Baltimore County and which is described in the plan/plat
pool CONSPA with a proposed Pe	oo. 1 BOZR. To permit an existing rigoral located an side closest to farthest from the street side.
of the zoning regulations of Baltimore County, to the zoning la	w of Baltimore County.
 ADMINISTRATIVE SPECIAL HEARING to approve County Code: (indicate type of work in this space: i.e., to raze 	e a waiver pursuant to Section 32-4-107(b) of the Baltimore, alter or construct addition to building)
outing codes (many	
and the development law of Bolt	imore County
of the Baltimore County Code, to the development law of Balti Property is to be posted and advertised as prescribed by the zoning regulation	ns.
thus same to nevicences of shove pelition(s), adventising, posting, etc. an	d further agree to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the zoning law for Baltimore County.	
	Owner(s)/Petitioner(s):
	GLENN THOMAS
	Name #1 - Type or Print Name #2 - Type or Print
	Alend Thomas
	Signature #1 Signature #2
	Olgitation in the
	16104 CARROLL RD MONKTON, MARYLAND Mailing Address City State
	relating / states
	2111 1410-340 1100 1 (B) GMAIL EDIT
·	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name-Type or Print Signature Mailing Address City State	Name - Type or Print
Name-Type or Print	Name – Type of Finit
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Signature CEIVE	Signature SANI
A REU (
Mailing Address City State	Mailing Address City State
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County this day of	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
required by the zoning regulations of Baltimore County.	
• *************************************	rative Law Judge for Baltimore County
Administ	140AC FOR BRIDGE IO: Berrino's Assemb

CASE NUMBER 7016-0329-A Filing Date 6/20/16 Estimated Posting Date 7/3/16 Reviewer 94

Rev 5/8/2014

Atridavit in Support of Atridavit in Support of Atridavit is not required for an historic administrative special hearing)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

subject of an active Code Enfor and occupied by the undersigne	cement case	and that the resi	dential property de	scribed below is owned
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Signature of Owner (Affiant)	_	3	griature or owner to an	
GLENN D. THOMAS	<i>-</i>	_		
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and for the County aforesaid, pe	rsonally appear	icu.		
Print name(s) here:	D. Th	omas		
the Affiant(s) herein, personally I	known or satisf	actorily identified	to me as such Affiant	i(s).
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Baltimore City	My (	Commission Expi	<b>6</b> 9	
Maryland My Commission Expires Jan. 03, 2017				REV. 5/8/2014

BEGINNING AT THE NORTH EAST SIDE AT THE CORNER OF CARROLL ROAD AND MONKTON ROAD AND SOUTH WEST 30 FEET MONKTON ROAD AND SOUTH WEST 30 FEET TO THE CENTERUNE OF MONKTON ROAD.

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## **CERTIFICATE OF POSTING**

	RE: Case No.:	2016-0329-A
	Petitioner/Developer:	
		Glenn Thomas
	Date of Hearing/Closing: _	July 18, 2016
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penaltic posted conspicuously on the property located Carroll Road		quired by law were
	July 3, 2016	a
The sign(s) were posted on		1-11-11-12-12-12-12-12-12-12-12-12-12-12
	(Month, Day, Year)	
	Sincerely,	
	MITTE	July 3, 2016
ZONING NOTICE	(Signature of Sign Poster)	(Date)
VARIANCE	SSG Robert Bla	ck
CASE# 2016-0329-A	(Print Name)	
To Permit an existing pool spa with proposed pergola located closest to the street in lieu of the 1/3 farthest from the street side.	1508 Leslie Roa	d
PUBLIC HEARING?  PUBLIC	(Address)	
HEADESC CONCENSES. THE PROPERTY AND THE PARTY HEADEST AND THE PART	Dundalk, Maryland	21222
	(City, State, Zip C	ode)
	(410) 282-7940	
	(Telephone Numb	ner)

#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case	Number 2016- 0329 -A Address 16104 Carroll Pd	
Conta	et Person: Gary Huck Planer, Please Print Your Name Phone Number: 410-887-3391	
Filing	Date: 6 20 16 Posting Date: 9/3 16 Closing Date: 7 18/1	6
Any o	ontact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.	<b>)</b>
1.	<u>POSTING/COST</u> : 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.	/ r ∋
2.	<b><u>DEADLINE:</u></b> 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 forma 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)	
Petitio	ner: This Part of the Form is for the Sign Poster Only	
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case	Number 2016- 0329 -A Address 16104 Carroll Road 21111	_
Petitio	ner's Name <u>Glenn Thomas</u> Telephone <u>410-340-7/52</u>	<u>Z</u>
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KEVIN KAMENETZ County Executive

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

July 19, 2016

Glenn Thomas 16104 Carroll Road Monkton MD 21111

RE: Case Number: 2016-0329 A, Address: 16104 Carroll Road

Dear Mr. Thomas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 20, 2016. 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: jaw

Enclosures

c: People's Counsel

RECEIVED

#### **Inter-Office Correspondence**

JUN 2 9 1015



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

June 29, 2016

SUBJECT:

EPS Comment for Zoning Item

# 2016-0329-A

Address

16104 Carroll Road

(Thomas Property)

Zoning Advisory Committee Meeting of July 4, 2016.

The Department of Environmental Protection and Sustainability has no X comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Date: 06-29-2016



Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 7.5.2016

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0329-A
Administrative Variance
Glenn Thomas
16104 Carroll Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Krahue A Gelle Wendy Wolcott, PLA

Acting Metropolitan District Engineer - District 4

Baltimore & Harford Counties

WW/RAZ

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 13, 2016

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For July 4, 2016 Item No. 2016-0329

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

If granted, landscape screening should be provided along Monkton Manor Rd. property line to screen both the side and rear yards.

DAK:CEN cc:file

ZAC-ITEM NO 16-0329-07042016.doc

#### **Inter-Office Correspondence**



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

June 29, 2016

SUBJECT:

**EPS Comment for Zoning Item** 

# 2016-0329-A

Address

16104 Carroll Road

(Thomas Property)

Zoning Advisory Committee Meeting of July 4, 2016.

 $\underline{X}$  The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

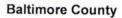
Steve Ford

Date: 06-29-2016

### CHECKLIST

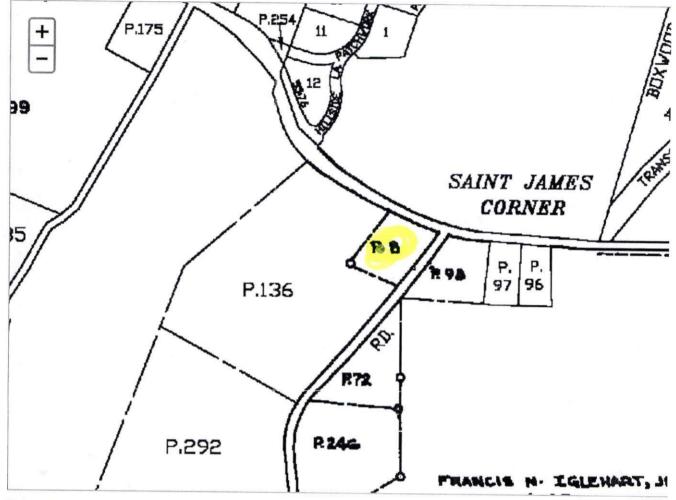
Comment Received	<u>Depart</u>	ment			Support/Oppose/ Conditions/ Comments/ No Comment
7-13	DEVELOPMENT P	•			
6-29	DEPS (if not received, date	e-mail sent		٠	NC
	FIRE DEPARTMEN	VΤ			
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7-5	STATE HIGHWAY	ADMINISTR	ATION		No objection
	TRAFFIC ENGINE	ERING			
· · · · · · · · · · · · · · · · · · ·	COMMUNITY ASS	OCIATION	-		
	ADJACENT PROP	ERTY OWNER	RS		
ZONING VIOLATI	ON (Case	No			)
PRIOR ZONING	(Case	: No		<del></del>	)
NEWSPAPER ADV	ERTISEMENT	Date:	_		
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Comments, if any:					
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Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block		Assessment	Plat	
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New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 10 Account Number: 1008000701



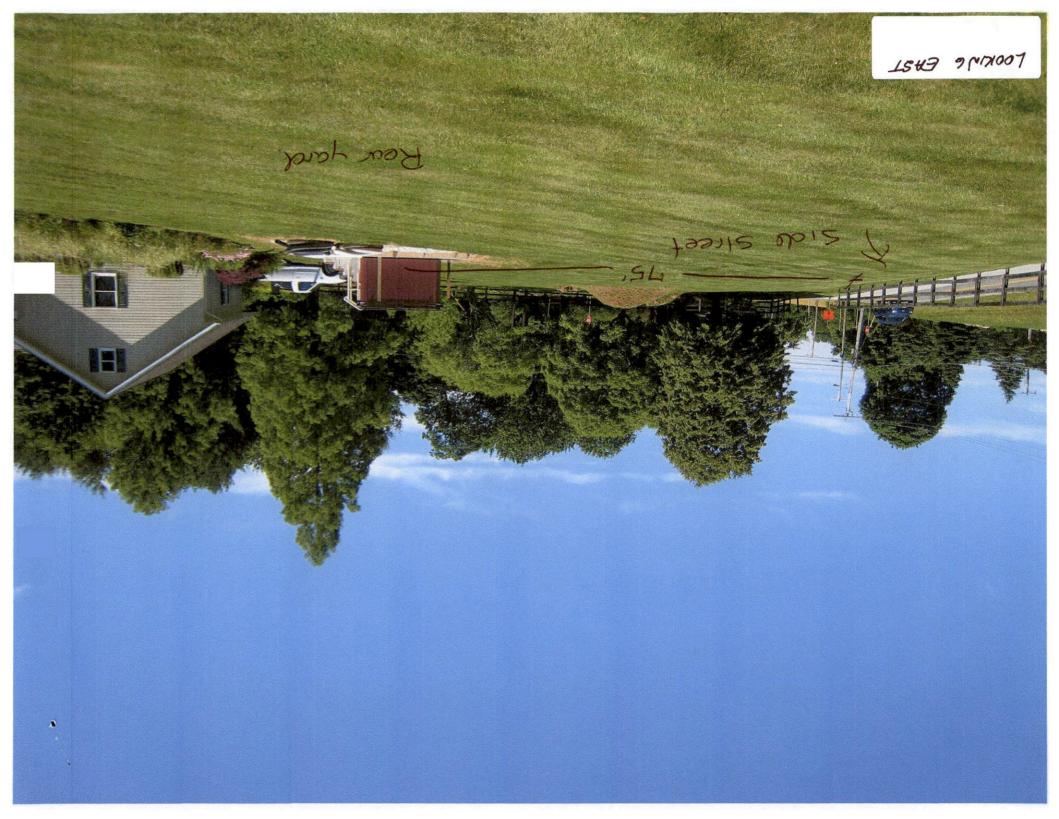
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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 <a href="https://www.plats.net">www.plats.net</a> (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>).

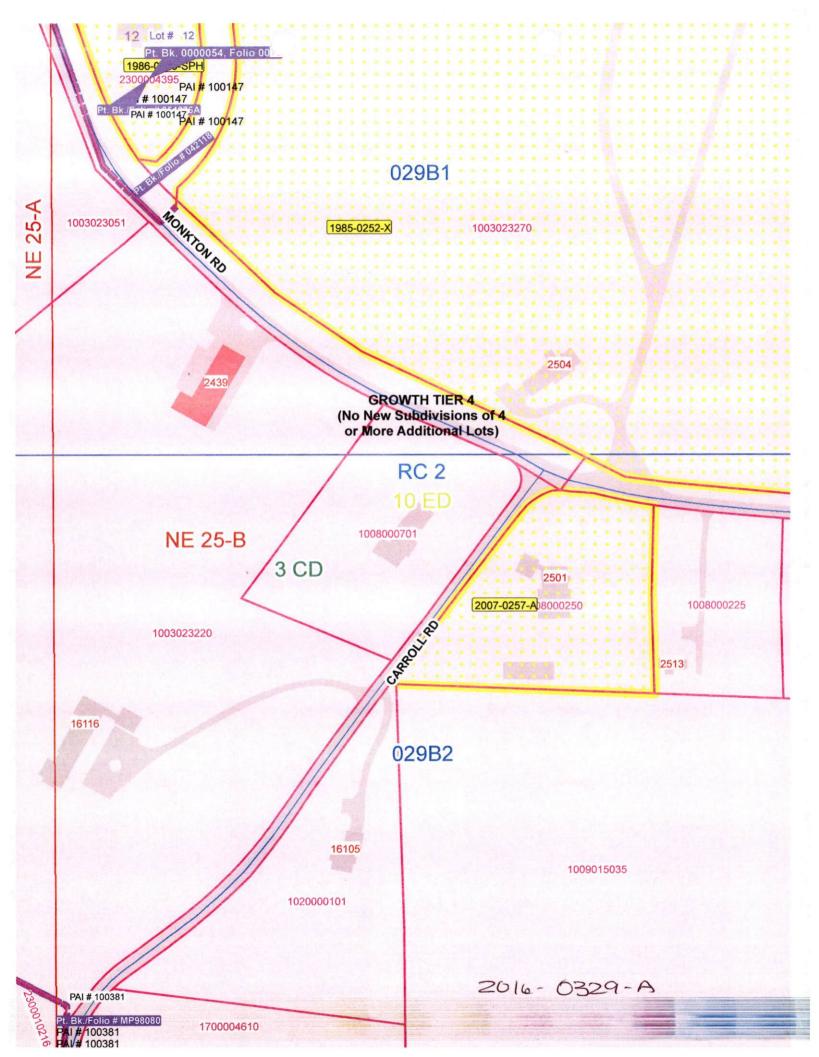




ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SHE VICINITY MAP
ADDRESS 16104 CARROLL RD. MONKTON, MD ZIIII OWNER(S) NAME(S) GLENN THOMAS	Tal RD
SUBDIVISION NAME A/A LOT# BLOCK# SECTION#	الم الم
PLAT BOOK # FOLIO # 10 DIGIT TAX # 1 0 0 8 0 0 0 70 1 DEED REF. # 06718   0 0 105	/3
	, /2
	N \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	<b>Å</b>
NA2'E 351.95 21.33 PERCIES	MAP IS NOT TO SCALE
	ZONING MAP# 029 BZ
	SITE ZONED RC 2  ELECTION DISTRICT 10
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	COUNCIL DISTRICT_3
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	LOT AREA ACREAGE 2.0
1 3	OR SQUARE FEET
72' - 72' - 1	HISTORIC? NO
\tag{\frac{1}{2}}	IN CBCA? NO
	IN FLOOD PLAIN ? NO
	UTILITIES? MARK WITH X
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	SEWER IS:
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\[\f\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	PRIOR HEARING ?
	IF SO GIVE CASE NUMBER
5 A2 W 357.95' 21.33 PERCUES	AND ORDER RESULT BELOW
NT CARROLL ROAD	
PLAN DRAWN BY GLENN THOMAS DATE 6/20/16 SCALE: 1 INCH = 75 FEET	
	VIOLATION CASE INFO:

Pet. Era. 1

2016-0329-A



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
ADDRESS 16104 CARROLL RT. MONKTON, MD ZIIII OWNER(S) NAME(S) GLENN THOMAS	MONKTON RD
1/4	
	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
PLAT BOOK # FOLIO # 10 DIGIT TAX # 1 0 0 8 0 0 0 70 1 DEED REF. # 067 18   0 0 1 05	/ / 4
	/3
	N \2
NAC'E 351.95 21.33 PERCUES	A MARIONISTES SONE
022 2 3333	MAP IS NOT TO SCALE
11 3 1 1 2	ZONING MAP# 029 BZ
	SITE ZONED RC2 ELECTION DISTRICT 10
1 1 2 C	COUNCIL DISTRICT 3
\ki   \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	LOT AREA ACREAGE 2.0
18011	OR SQUARE FEET
	HISTORIC? NO
	IN CBCA? NO
The state of the s	IN FLOOD PLAIN ? NO
	UTILITIES? MARK WITH X
	WATER IS:
	PUBLIC PRIVATE X
	SEWER IS:
1 2	PUBLICPRIVATE_X
( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )	PRIOR HEARING ?
	IF SO GIVE CASE NUMBER
5 12 W. 351.95' 21.33 PERCUES	AND ORDER RESULT BELOW
CARPOLL ROAD	<del></del>
	NO
PLAN DRAWN BY GLENN THOMAS DATE 6/20/16 SCALE: 1 INCH = 75 FEET	
	VIOLATION CASE INFO:
	•

TORUS O HEADING DUANT FOR MADINGIOS V. FOR CRECIAL HEADING	T SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	MONKTON RD
ADDRESS 16104 CARROLL RD. MONKTON, MD 21111 OWNER(S) NAME(S) GLENN THOMAS	131
SUBDIVISION NAME N/A LOT# BLOCK# SECTION#	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
PLAT BOOK # FOLIO # 10 DIGIT TAX # 1 0 0 8 0 0 0 70 1 DEED REF. # 06718   00 105	/ 5
	1 /2
	/3
	N /S
NAC'E 351.95 21.33 PERCUES	MAP IS NOT TO SCALE
1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	ZONING MAP# 029B2
	SITE ZONED RC2
1 1 2 cs	ELECTION DISTRICT 10
	COUNCIL DISTRICT 3
	LOT AREA ACREAGE 2.0
	OR SQUARE FEET
1 1 1 0 5 1 0 5 1	HISTORIC? NO
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	IN OBOT.
	IN FLOOD PLAIN ? NO
	UTILITIES? MARK WITH X
14 11 4	WATER IS:
\frac{1}{2}   \frac{1}{2}	PUBLICPRIVATE_X_
	SEWER IS:
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	PUBLICPRIVATE_X_
I de la	PRIOR HEARING ?
	IF SO GIVE CASE NUMBER
5 42° W 357.95' 21.33 PEACHES	AND ORDER RESULT BELOW
CARROLL ROAD	· //
	N.O.
PLAN DRAWN BY GLENN THOMAS DATE 6/20/16 SCALE: 1 INCH = 75 FEET	
	MAI BEINN GARE INSO.
	_ VIOLATION CASE INFO:
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2016-0329-4