MEMORANDUM

DATE:

January 13, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0129-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 12, 2017. 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

(1337 Brook Road)
1st Election District *

1st Council District

Robert W. & Mary Ellen Dietrich (Trustees) *

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0129-A

* * * * * * :

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Robert W. and Mary Ellen Dietrich (Trustees) ["Petitioners"]. The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling addition with a side yard setback of 10 ft. and a combined side yard sum setback of 25 ft. in lieu of the required 15 ft. and 40 ft., respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

It is to be noted that this administrative variance case closed on November 28, 2016 but was not received by OAH until December 12, 2016; the whereabouts of the case file between these dates is unknown.

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 by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 12, 2016, and there being no request for a public hearing, a ORDER RECEIVED FOR FILING

Date	12-13-16	
By		

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 (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 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 <u>13th</u> day of **December**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling addition with a side yard setback of 10 ft. and a combined side yard sum setback of 25 ft. in lieu of the required 15 ft. and 40 ft., respectively, be and is hereby GRANTED.

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.

ORDER	RECEIVED F	FOR FILING	
Data	12-13-	- (6	

Bv______

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



12-13-16

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 Hearings for Baltimore County for the property located at: Address 337 BROCK RD. BOIT MORIMD ZIZZ8 Currently zoned KESDENTIAL 10 Digit Tax Account # 0 1 1800 1480 00018 Deed Reference Owner(s) Printed Name(s) ROSERT + MARY (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: ADMINISTRATIVE VARIANCE from Section(s) BCZR: 1B02.3.C.1. → To permit a dwelling addition with a side yard setback of 10 feet and a combined side yard sum setback of 25 feet in lieu of the required 15 feet and 40 feet combined, of the zoning regulations of Baltimore County, to the zoning law of Baltimore County ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore · County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and 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): Telephone # Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name- Type or Print Name Signature Mailing Address City State Zip Code Email Address A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 13 day of October, 1016 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County Administrative Law Judge for Baltimore County 1017-0129-A Filing Date 11, 4, 16 Estimated Posting Date 11, 13 16 Reviewer Rev 5/8/2014 ORDER RECEIVED FOR FILING

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 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.

Address: 1337 Brook RD. Print or Type Address of property	BACTIMORE	State	ZIZZ 8 Zip Code
Based upon personal knowledge, t Administrative Variance at the abo	the following are the facts ve address. (Clearly stat	upon which I/we te practical diffic	base the request for an ulty or hardship here)
We are Requesting a 1	VARIANCE GECAUSE	L WX ARE	approaching
OUR GOIDEN YEARS AND	it is very DIA	FICULT FOR	US to CARRY
LOADS OF LAUNDRY U	p + Down the S	HAIRS, This	SMALL ABOITION
woold plevinte the	+ problem AND	let us a	CROAIN IN OUR
house that we be	ARLY LOVE.		
	111111111111111111111111111111111111111		
(If additional space for the petition	request or the above statem	ent is needed, label	and attach it to this Form)
Signature of Owner (Affiant) ROBERT DIETRICH Name- Print or Type MD CICK: D-362-745-88	PUBLO S	ignature of Owner (Ail Mary Eller Lice)	Diltrick - 362-567-214-057
STATE OF MARYLAND, COUNT		it:	
I HEREBY CERTIFY, this		2016 , before m	e a Notary of Maryland, in
Print name(s) here:	N Striggy		
the Affiant(s) herein, personally known	n or satisfactorily identified t	to me as such Affiar	nt(s).
AS WITNESS my hand and Notaries	Seal		
	Notary Public	1-13-2019	
	My Commission Expire		

REV. 5/8/2014

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 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. Address: 1337 Brank Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here) (If additional space for the petition reque statement is needed, label and attach it to this Form) Name- Print or 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: __________, before me a Notary of Maryland, in I HEREBY CERTIFY, this and for the County aforesaid, personally appeared: SHOW BARNHAM the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notaries Seal 11-13-2019

My Commission Expires

REV. 5/8/2014

Property Description

1337 Brook Road, 21228

Beginning at a point on the southeast side of Brook Road which is 50 feet wide, at a distance of 330 feet north east of the centerline of Hilton Avenue which is 50 feet wide.

Being lot #'s 34 & 35 in the subdivision of Ridgebrook as recorded in Baltimore County Plat Book # 7, Folio # 19, containing 9,078 square feet of area. Located in the 1st Election District and 1st Councilmatic District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/14/2016

Case Number: 2017-0129-A

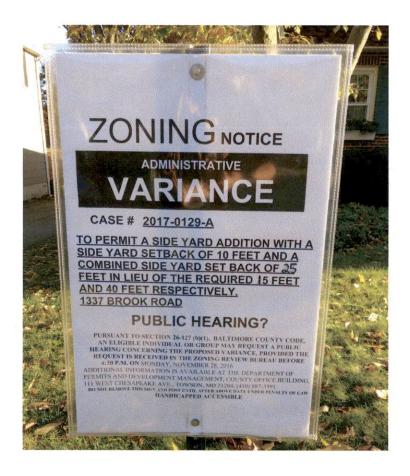
Petitioner / Developer: DIETRICH

Date of Hearing (Closing): NOVEMBER 28, 2016

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:

1337 BROOK ROAD, 21228

The sign(s) were posted on: NOVEMBER 12, 2016



Kinda O'Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2017- 0179 -A Address 1337 BLOOK RD, 21728 Contact Person: ASON Seidelman Planner, Please Print Your Name Planner, Please Print Your Name
Contact Person: JASON SEINENN Phone Number: 410-887-3391
Filing Date: 11 4 16 Posting Date: 11 13 16 Closing Date: 11 28 16
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 2017- 0129 -A Address 1337 BROOK RD , 21228
Petitioner's Name DICTAICH Telephone 410-788-3912
Posting Date: $\frac{11/3/6}{}$ Closing Date: $\frac{11/38/6}{}$
Wording for Sign: To Permit A DWELLING ANDITION WITH A SIDE YARD SETBACK OF 10 FEE
AND A COMBWED SIDE YARD SUM SET BACK OF 35 FEET, IN LIEU OF THE
REQUILED 15 FEET AND 40 FEET COMBINED, RESPECTIVELY

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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 public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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 Nowananor Advortising:
For Newspaper Advertising:
Case Number: <u>2017 - 0129 - 4</u>
Property Address: 1337 BROOK RUAD
Property Description:
Legal Owners (Petitioners): ROBERT + MARY DIETRICH
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: EDDIE TOULAN
Company/Firm (if applicable):
Address: 11 NEWBURG AVE.
BALTIMORG, MS 21228
Telephone Number: 410-925-6718

Revised 7/9/2015

OFFIC	E OF BUI	DUNTY, № DGET ANI US CÁSH	D FINANC	Œ,		Date:		J	45737	PAID RECEIPT HISTMESS ACTUAL TIME BRI 11/04/2016 11/04/2016 11:14:29 : REG WEGZ WALKIN JEE >RECEIPT # 788487 11/04/2016 : GFU
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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director Department of Permits,
Approvals & Inspections

December 12, 2016

Robert & Mary Dietrich 1337 Brook Road Baltimore MD 21228

RE: Case Number: 2017-0129 A, Address: 1337 Brook Road

Dear Mr. & Ms. Dietrich:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 4, 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

Eddie Toulan, 11 Newburg Avenue, Baltimore MD 21228



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor

Maryland Department of Transportation

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

Date: 11/21/16

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. 2017-0129-A

Administrative Varionce Robert & Mary Dietrich 1337 Brook 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,

Wendy Wolcott, PLA

Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 22, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 28, 2016

Item No. 2017-0129, 0130, 0131 and 0133

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comment.

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC11282016.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

NOV 2 3 2016



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:

November 23, 2016

SUBJECT:

DEPS Comment for Zoning Item

Address

2017-0129-A

1337 Brook Road

(Dietrich Property)

Zoning Advisory Committee Meeting of November 28, 2016.

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

Reviewer:

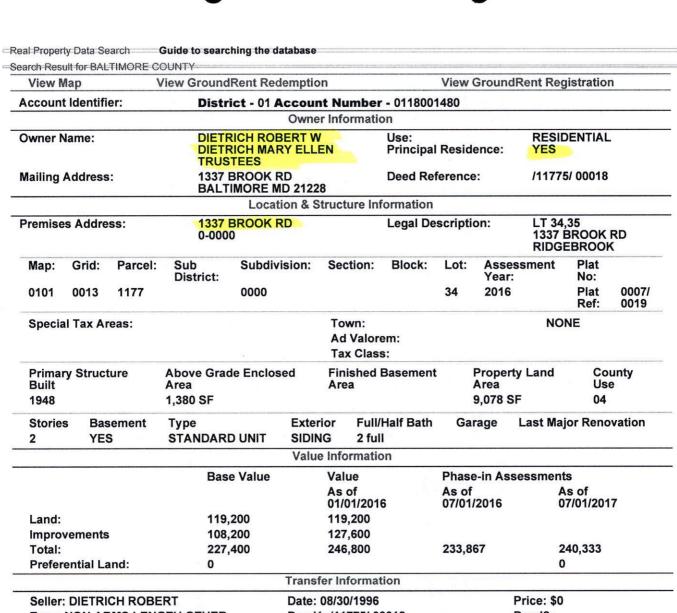
Steve Ford

Date: 11-23-2016

CHECKLIST

Comment Received	Department	Conditions/ Comments/ No Comment
11-22	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO
11-23	DEPS (if not received, date e-mail sent)	NC
	FIRE DEPARTMENT	-
	PLANNING (if not received, date e-mail sent)	
11-21	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date: (1-(2-14)	by O'Keefe
PEOPLE'S COU	NSEL APPEARANCE Yes No	
PEOPLE'S COU	NSEL COMMENT LETTER Yes No	12-12 June 1
Comments, if any	y:	Son die on herby
		Ren mont

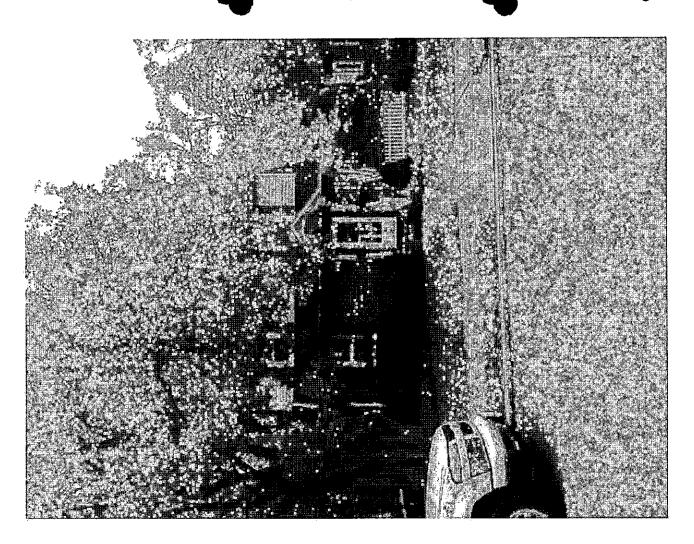


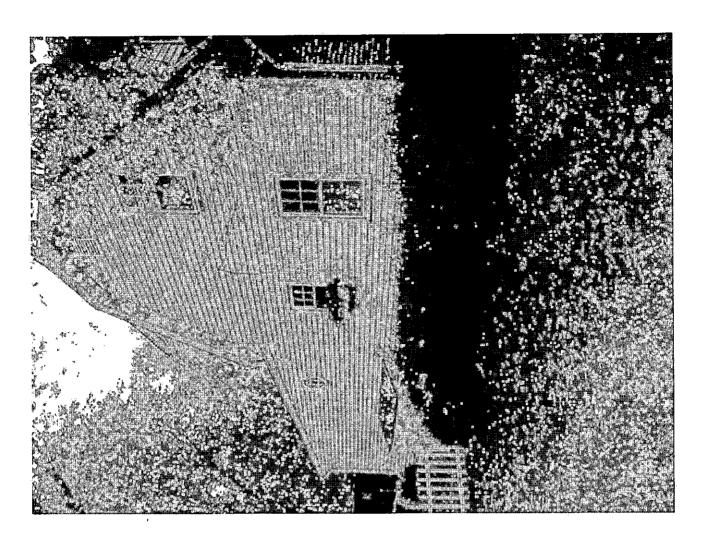


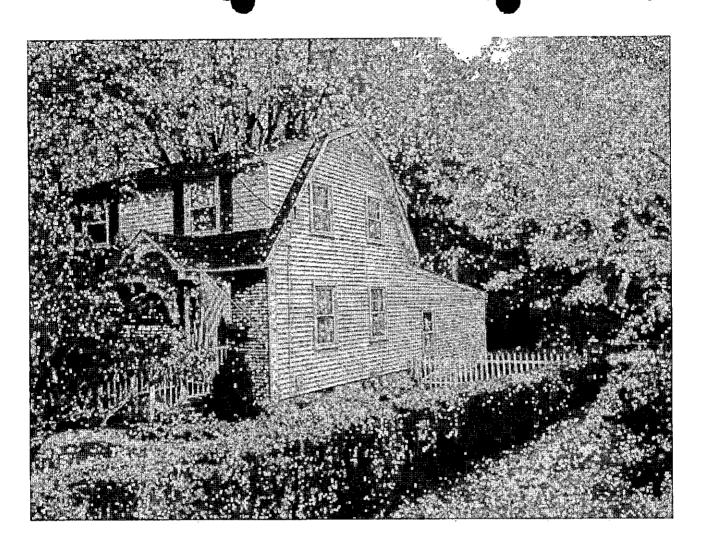
		As of 01/01/2016	As of 07/01/2016	As of 07/01/2017
Land:	119,200	119,200		
Improvements	108,200	127,600		
Total:	227,400	246,800	233,867	240,333
Preferential Land:	0			0
		Transfer Information		
Seller: DIETRICH ROBER	रा	Date: 08/30/1996		Price: \$0
Type: NON-ARMS LENG	TH OTHER	Deed1: /11775/ 00018	Deed2:	
Seller: RAIMO ANTONIO	R	Date: 07/24/1973	Price: \$28,500	
Type: ARMS LENGTH IM	IPROVED	Deed1: /05379/ 00133	Deed2:	
Seller:	<u> </u>	Date:		Price:
Type:		Deed1:		Deed2:
		Exemption Information	,	
Partial Exempt Assessments:	Class	07/01	/2016	07/01/2017
County:	000	0.00		
State:	000	0.00		
Municipal:	000	0.00	0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:		
Exempt Class:		NONE		
	Hom	nestead Application Informa	ation	

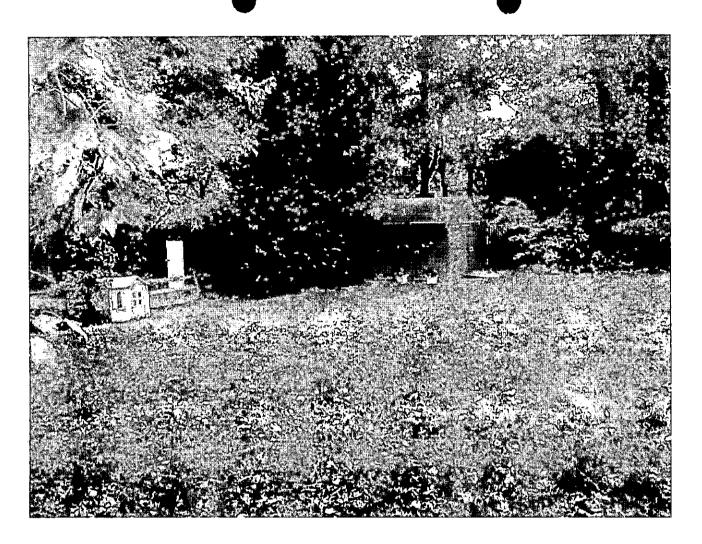
Homestead Application Status: Approved 10/23/2012

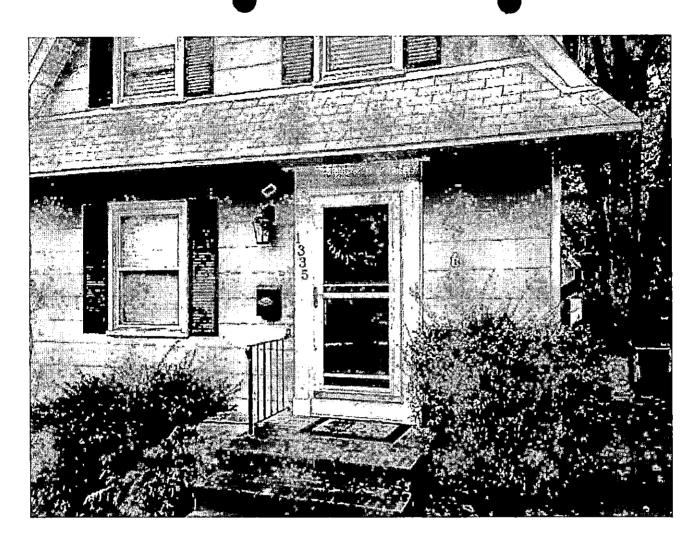






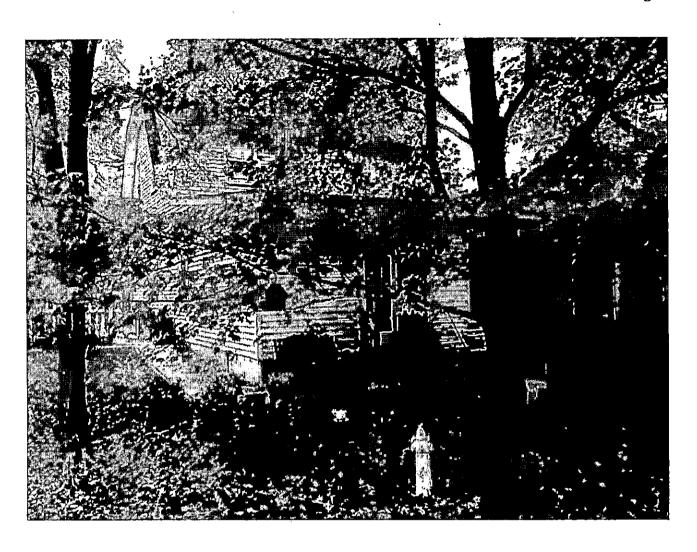






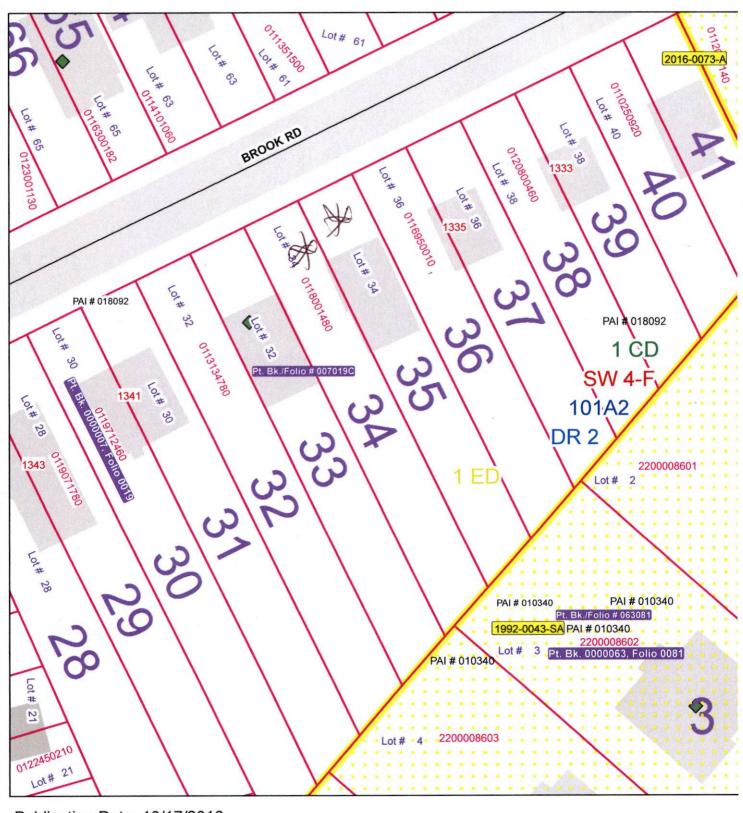








133, Brook Road, Lots 54 & 35

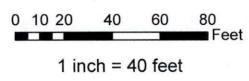


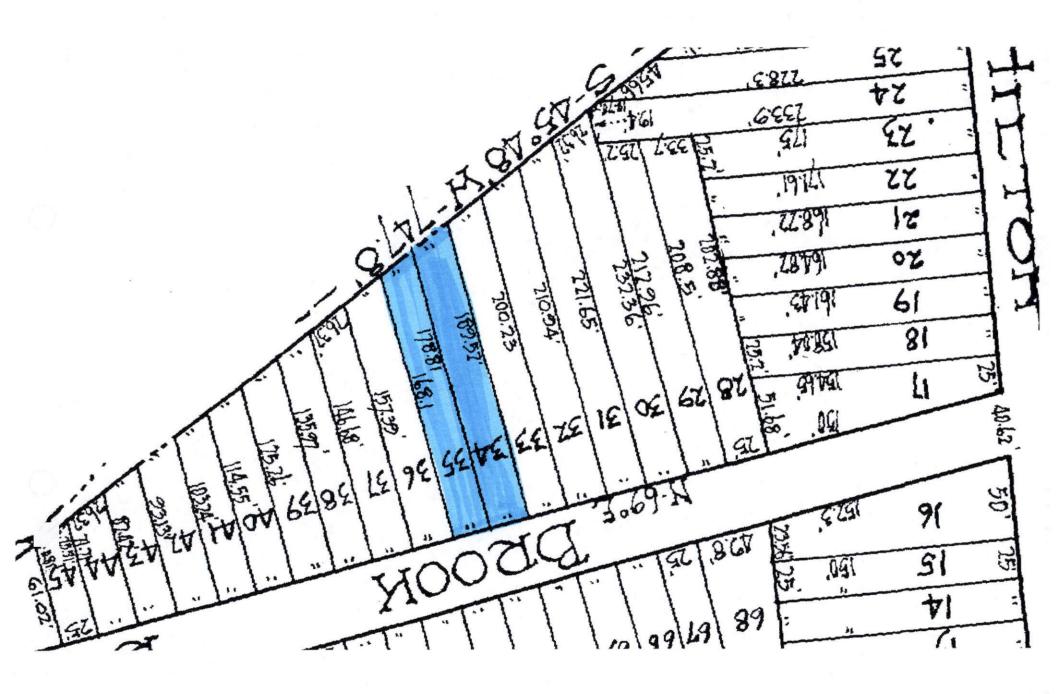
Publication Date: 10/17/2016



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







Real Property Data Search (w2) Guide to searching the database

Search Result for BALTIMORE COUNTY

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Map:	Grid:	Parcel:	Sub District:	Subdivi	sion:	Section:	Block:	Lot:	Asses Year:	ssment	Plat No:	
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^{1.} This screen allows you to search the Real Property database and display property records.

^{2.} Click here for a glossary of terms.

^{3.} Deleted accounts can only be selected by Property Account Identifier.

^{4.} The following pages are for information purpose only. The data is not to be used for tegal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

UEDIVISION NAME PLAT BOOK # 7	_FOLIO #	10 DIGIT TAX #(34,35 BLOCK # <u>MA</u> s _ DEED REF. # 3551		The state of the s
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			162'		··	WATER IS: PUBLIC PRIVATE SEWER IS: PUBLIC PRIVATE
<u> </u>		1539		· .	જં;	PRIOR HEARING? NO IF SO GIVE CASE NUME AND ORDER RESULT BE
PLAN DRAWN BY			x 1. 1	E: 1 INCH = $\partial \mathcal{O}$ Feet	,	

2017-0129-A

		22.	162'	_ DEED REF.#3551		N
	15.4	0 8	3	1		MAP IS NOT TO SCALE ZONING MAP# 16/A7 SITE ZONED DR 2
	2 K	Heure 22'		orl)	ÿ	OR SQUARE FEET 9,0
35 ⁴ +/.	15.1½	125	บ/่	8514		HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK W
			162′			WATER IS: PUBLIC PRIVATE PUBLIC PRIVATE
·	. 5	1539			,	PRIOR HEARING ? NO IF SO GIVE CASE NUM AND ORDER RESULT BI

2017-0129-A

	ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SHE AICIMILA MAL
	ADDRESS 337 BROOK RD GATEMORE MAZICES OWNER(S) NAME(S) ROBOT + MALY DIETRICH	, o ?
	SUBDIVISION NAMEROGEBOOK LOT#34,35 BLOCK # N/A SECTION # N/A	
**	PLAT BOOK # 7 FOLIO # 19 10 DIGIT TAX #0 1/800 1/80 DEED REF. # 3551510 419	Wheeles
90		N
	162'	- Var
e		MAP IS NOTTO SCALE
	15.4.	ZONING MAP# 18/A7
D .	man 6:	SITE ZONED DRZ
ROO		COUNCIL DISTRICT T
× ×	The River River	LOT AREA ACREAGE
/ -		OR SQUARE FEET 9,078 #
D >	35'+/-	HISTORIC? NO
-	H H	IN CBCA? NO IN FLOOD PLAIN? NO
	15'12	UTILITIES? MARK WITH X
,-	1/2/	WATER IS:
	162'	PUBLIC PRIVATE SEWER IS:
		PUBLIC PRIVATE_
•		PRIOR HEARING ? NO
		IF SO GIVE CASE NUMBER
*		AND ORDER RESULT BELOW
754	PLAN DRAWN BY DATE 1/1/16 SCALE: 1 INCH = 20 FEET	~
		VIOLATION CASE INFO:

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Pet. Eph. 1