IN RE: PETITION FOR ADMIN. VARIANCE (20 Greenview Avenue)

BEFORE THE

4th Election District

OFFICE OF ADMINISTRATIVE

2<sup>nd</sup> Council District

HEARINGS FOR

Lisa Levy Petitioner

BALTIMORE COUNTY

CASE NO. 2017-0184-A

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Lisa Levy ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B02.3.B (R 10, 1955 regulations – Section 208.2) of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an existing addition (enclosure of front porch) to have a front yard setback as close as 22 ft. in lieu of the required 30 ft. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 22, 2017, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	2-10-17	_
By	(D)	

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 § 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>10<sup>th</sup></u> day of **February**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.B (R 10, 1955 regulations – Section 208.2) of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an existing addition (enclosure of front porch) to have a front yard setback as close as 22 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

• Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject 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

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Rv		

1-10-17



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 10, 2017

Lisa Levy 20 Greenview Avenue Reisterstown, MD 21136

RE: Petition for Administrative Variance

Case No. 2017-0184-A

Property: 20 Greenview Avenue

Dear Ms. Levy:

Enclosed please find a copy of the Order 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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Anthony Burke, Sr., 3804 Falls Road, Millers, MD 21102

# **ADMINISTRATIVE ZONING PETITION**

To be filed with the Department o	- OR - ADMINISTRATIVE SPECIAL HEARING f Permits, Approvals and Inspections
16 1 0 1 0 1 1 1 1 1 1 1	for Baltimore County for the property located at:
Address 206 CENTRU WEN	Currently zoned DR 3.5 (vested R-10
Owner(s) Printed Name(s)	10 Digit Tax Account # <u>0 4 1 9 0 0 2 8 4 0</u>
Owner(s) Frinted Name(s)	9
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the r	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	
1. ADMINISTRATIVE VARIANCE from Section(s)	
Section 1802.3.B (R 10, 1955 regs - Section 208.2) - to	permit an existing addition (enclosure of front porch) to
have a front yard setback as close as 22 feet in lieu of t	
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approx County Code: (indicate type of work in this space: i.e., to raz	ve a waiver pursuant to S ection 32-4-107(b) of the Baltimore re, alter or construct addition to building)
of the Belliness Occuption of Be	Nissana Ossani
of the Baltimore County Code, to the development law of Ba Property is to be posted and advertised as prescribed by the zoning regulat	
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. a	
Baltimore County adopted pursuant to the zoning law for Baltimore County.	
	Owner(s)/Petitioner(s):
	Name #1 - Type or Print  Name #2 - Type or Print
	M
	Signature #1 Signature #2
	206 reenview all KeistasTown, M
	Mailing Address City State
	21136,443-850-2326
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):  Name- Type or Print  Signature  Address  City  State	Representative to be contacted:
a FILM	anthony Blicke SP
Name, Type or Print	Name – Type or Print
Name Type of Film	Name - Type of Final
CE CE	
Signature	Signature Call Call Call Call Call Call Call Cal
ORDE. STATE	3804 Falls Rd Millers, MD
	Mailing Address City State
Date /	21102,410-375-4482, Abudo 5946 amo
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
av -	
	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.	maker of the polition be set for a public hearing, advertised, and re-posted as
Administ	rative Law Judge for Baltimore County

CASE NUMBER 2017 - 0184 - A Filing Date 1,11,17 Estimated Posting Date 1,22,

### **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: 20 Greenvew Quenue Re	stastaun, mo 2136 State Zip Code
Based upon personal knowledge, the following are the fa Administrative Variance at the above address. (Clearly see Plase See Attac	tate practical difficulty or hardship here)
	·
16	
(If additional space for the petition request or the above state	
Signature of Owner (Affiant)  LISA LEU Y	Signature of Owner (Affiant)
Name- Print or Type	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:
and for the County aforesaid, personally appeared:	2017, before me a Notary of Maryland, in
Print name(s) here: 15a Levy	
the Affiant(s) herein, personally known or satisfactorily identified	ed to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal  Notary Public	Slowerder
My Comm. Expires December 15, 2020 * My Commission Ex	/
= 0.	Y X

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Address: 206 remuleu Reister  Print or Type Address of property Ci	Stown MD State	21136 Zip Code
Based upon personal knowledge, the following are Administrative Variance at the above address. (Cle	arly state <u>practical difficulty or</u>	e request for an <u>hardship</u> here)
* Please see attach	-d*	
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		resident and the second second second
(If additional space for the petition request or the abo		ch it to this Form)
Signature of Owner (Affiant)	Signature of Owner (Affiant)	
LISA LEUY		
Name- Print or Type	Name- Print or Type	
The following information is to be complete	l by a Notary Public of the State of M	aryland
STATE OF MARYLAND, COUNTY OF BALTIMO	E, to wit:	
and for the County aforesaid, personally appeared:	, <u>2017</u> , before me a Nota	ary of Maryland, in
Print name(s) here: Lisa Levy		2.1
the Affiant(s) herein, personally known or satisfactorily i	entified to me as such Affiant(s).	
AS WITNESSAM Hand and Notaries Seal  Notary Publi  My Comm. Expires  My Commission	12-15-2020	
December 15, 2020.	on Expiros	



# **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	or Baltimore County for the property located at:
Address 20 Greenview avenue	
Owner(s) Printed Name(s) LISA LEUL	10 Digit Tax Account # <u>0 4 19 10 0 2 8 4 0</u>
(SELECT THE HEARING(S) BY MARKING $X$ AT THE APPROPRIATE CONTRACTOR (SELECT THE HEARING(S) BY MARKING $X$	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the re	verse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate ir attached hereto and made a part hereof, hereby petition for a	
1. ADMINISTRATIVE VARIANCE from Section(s)	
Section 1B02.3.B (R 10, 1955 regs – Section 208.2) – to have a front yard setback as close as 22 feet in lieu of t	permit an existing addition (enclosure of front porch) to the required 30 feet
of the zoning regulations of Baltimore County, to the zoning la	aw of Baltimore County.
2 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 e, alter or construct addition to building)
of the Baltimore County Code, to the development law of Balt Property is to be posted and advertised as prescribed by the zoning regulatio I/ we agree to pay expenses of above petition(s), advertising, posting, etc. an Baltimore County adopted pursuant to the zoning law for Baltimore County.	ons.
	Owner(s)/Petitioner(s):
	Name #1 – Type or Print  Name #2 – Type or Print  Signature #2  20 6 reen view Quenue Reisterstown  Mailing Address  City State MD  21136 / 443-856-2336 / Lieuyelle 9 @  Zip Code Telephone # Email Address 42400
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print	Name – Type or Print
Signature	3804 Falls Rd. Millers, MD
Mailing Address City State	Mailing Address City State 21102,410-375-4487, Aburke 5946 gman
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found to be County, thisday of, that the subject make the subject makes the subject make the subject makes t	e required, it is ordered by the Office of Administrative Hearings for Baltimore atter of this petition be set for a public hearing, advertised, and re-posted as
Administra	tive Law Judge for Baltimore County
CASE NUMBER 2017-0184-A Filing Date	Longith mark the

Administrative Variance Affidavit

Page 1

Lisa Levy

20 Greenview Avenue

Back in the Fall my contractor, Anthony Burke Sr., applied for a permit for a rear addition and a front bump out (the original footprint of the existing porch) to become a mud room. At that time he brought the building plans and the site survey to the permitting office. He was told they didn't review plans for the size of the additions for my property because they fell under the square footage threshold. They did however review (and take) the site plan where Mr. Burke indicated both the rear add and the front bump out. The permit was approved and Mr. Burke moved ahead with the project under the assumption that everything was approved and within the building restriction lines

{NOTE: We had all done the due diligence based on the information shown on both the plat and Baltimore counties website for the current applicable zoning—this information indicated nothing to suggest that we were outside the building restriction lines and no one at the permitting office suggested it either at the time.}

A few weeks ago, Mr. Burke called in for the framing inspection for the rear addition. To his surprise, he was not only "not passed" on the rear addition pending an engineer certification, but he was also told that there was no documentation for the front bump out which was already framed. He was also told that it didn't meet the zoning requirements and was over the building restriction line and he would need a variance. He was also told that he would need to file an additional permit for the front. Not only was this something that was not indicated at the original permitting application time, but no other inspectors (plumbing and electrical had already been out to the property) had indicated any issue with the bump out.

Being the quality contractor that he is, Mr. Burke proceeded to contact the engineer per the inspector and get the item taken care of so he could keep the project on track. On January 5<sup>th</sup>, my contractor was at the property and was met by yet another inspector (important to note that this was not the inspector that visited the first time) This inspector proceeded to not only inspect the property again but indicated that the framing for the rear was disapproved based on the need for a variance case number for the front.

**Administrative Variance affidavit** 

Page 2

Lisa Levy/20 Greenview Avenue

At this point, both parts of my project are stalled. We have done nothing but follow the rules from the beginning to the best of our ability. We are now respectfully requesting that the county grant the variance needed to move forward as soon as absolutely possible.

My contractor has had to spend additional time and money to bring this project to a close. He has not been able to start other projects that he has committed to as well. Myself and my family have had to spend additional time on this variance as well as deal with continued day to day chaos associated with new construction that had Mr. Burke been allowed to stay on track would have been complete by now. We are a few feet over according to the explanation we have been given, and we have seen other properties that appear to be closer to the sidewalk as well. While the bump out is not common in the neighborhood (although there is another house that has one) it fits very well into the character of the neighborhood.

Not only am I trying to improve my property and make it a nice place to live, but have made every effort to respect my neighbors/neighborhood. I am a good taxpaying resident of Baltimore County. Thank you in advance for your consideration

Item #0184

#### ZONING PROPERTY DESCRIPTION FOR 20 GREENVIEW AVENUE

Beginning at a point on the southwest side of Greenview Avenue, which has a 50-foot right of way, at the distance of +/- 900 feet north and west of the centerline of the nearest improved intersecting street Walgrove Road, which has a 60-foot right of way. Being Lot #21, Block J, Section #1, in the subdivision of SUBURBIA as recorded in Baltimore County Plat Book #26, Folio #59, containing 10,005 square feet. Located in the 4<sup>th</sup> Election District and 2<sup>nd</sup> Councilmanic District.

Item #0184

BALTIMORE COUNTY MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT	PAID RECEIPT BUSINESS ACTIVAL THE DRAY 1/12/2017 1/11/2017 12:00:32 5
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# CERTIFICATE OF POSTING

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 1/23/2017

Case Number: 2017-0184-A

Petitioner / Developer: LISA LEVY ~ ANTHONY BURKE

Date of Hearing (Closing): FEBRUARY 6, 2017

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:

20 GREENVIEW AVENUE

The sign(s) were posted on: JANUARY 22, 2017



Lindu O'Keife (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)

# BALTIMORE COUNTY DE RETMENT OF PERMITS, APPROVES AND INSPECTIONS ZONING REVIEW

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

# 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 Newspaper Advertising:
Case Number: 2017-0184-A  Property Address: 20 GREEN VIEW AVE
Property Description: southwest side of Greenview Ave. +- 900 north and west of Walgrove Rd
Legal Owners (Petitioners):
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Company in approach.
Address: 3804 Falls Kond Miles MD 21102
Telephone Number: 410-375-4482



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

February 7, 2017

Lisa Levy 20 Greenview Avenue Reisterstown MD 21136

RE: Case Number: 2017-0184 A, Address: 20 Greenview Avenue

Dear Ms. Levy:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 11, 2017. 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. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Anthony Burke, Sr., 3804 Falls Road, Millers MD 21102



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

Maryland Department of Transportation

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

Date: 1/17/17

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. 2017-0184-B Administrative Variance Lisa Levy Zo Green View Avenue

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

FEB 1 2017

### DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 27, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 23, 2017

Item No. 2017-0179, 0180, 0181, 0182, 0184 and 0185

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\ZAC01232017.doc

#### MEMORANDUM

DATE:

March 16, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

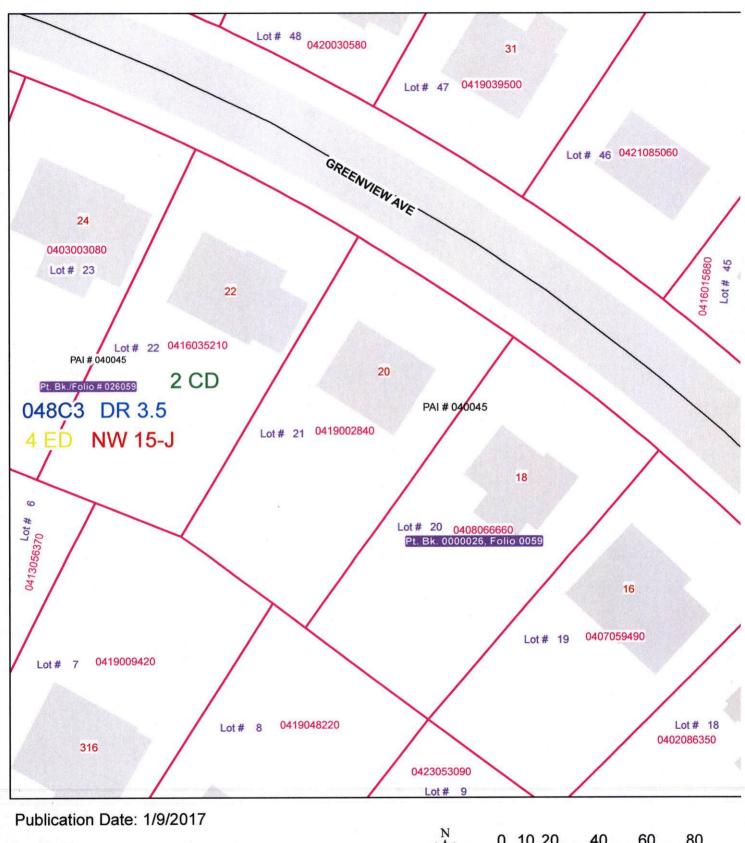
Case No. 2017-0184-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 13, 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

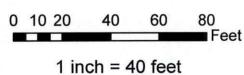
# 20 Greenview Avenue





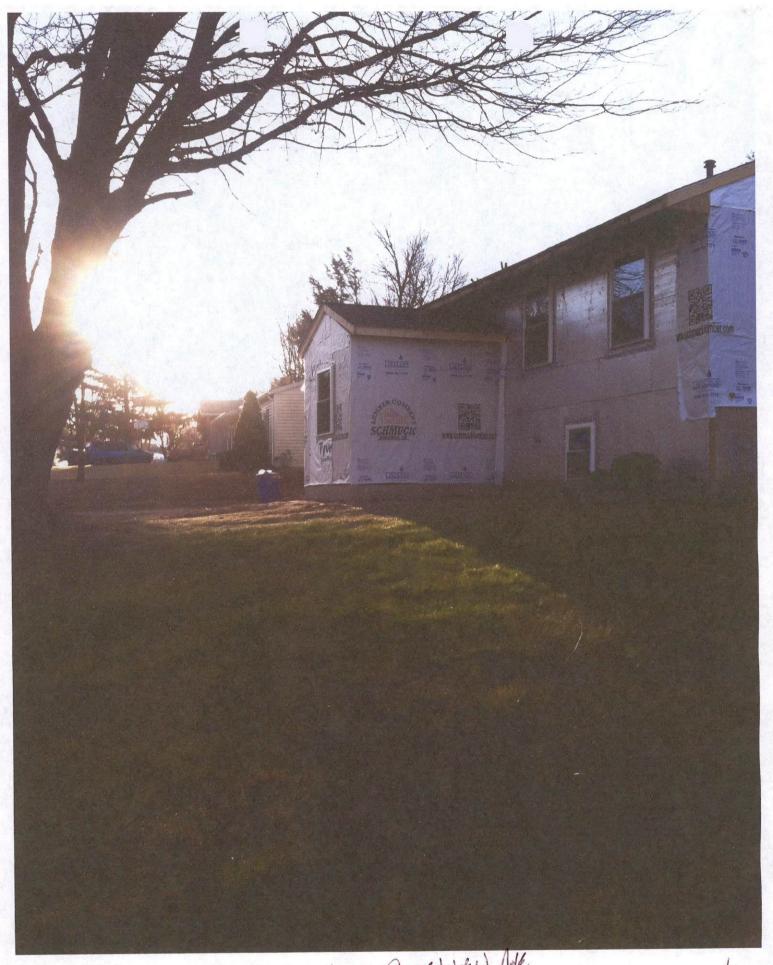
Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot





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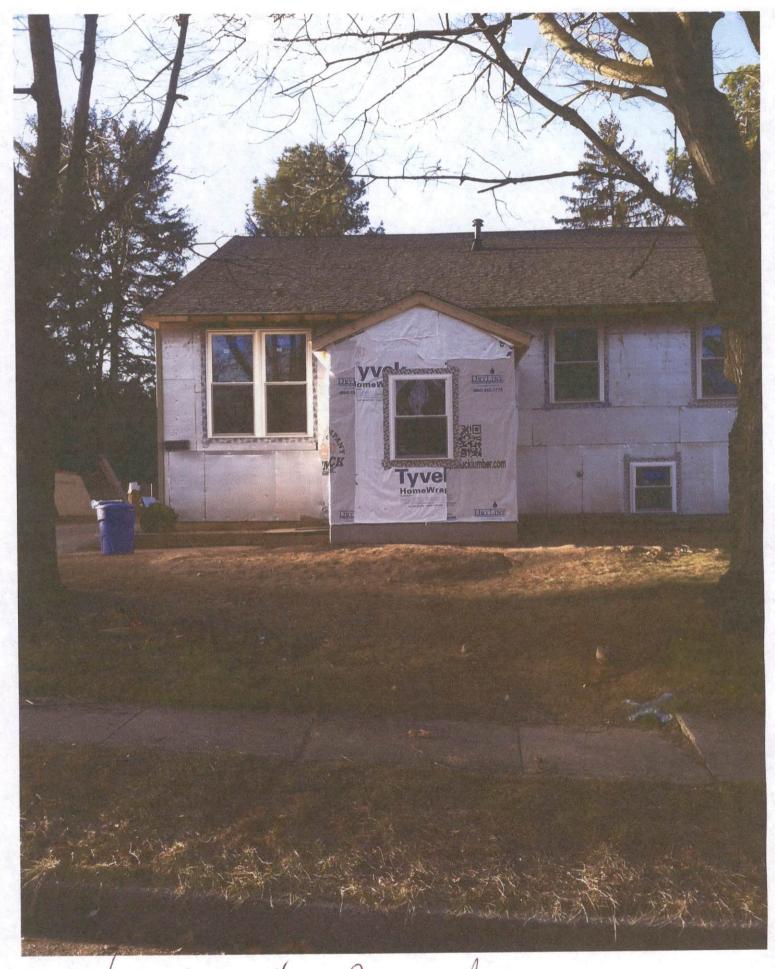
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Land:		52,00	D		52,000							
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Item #0184

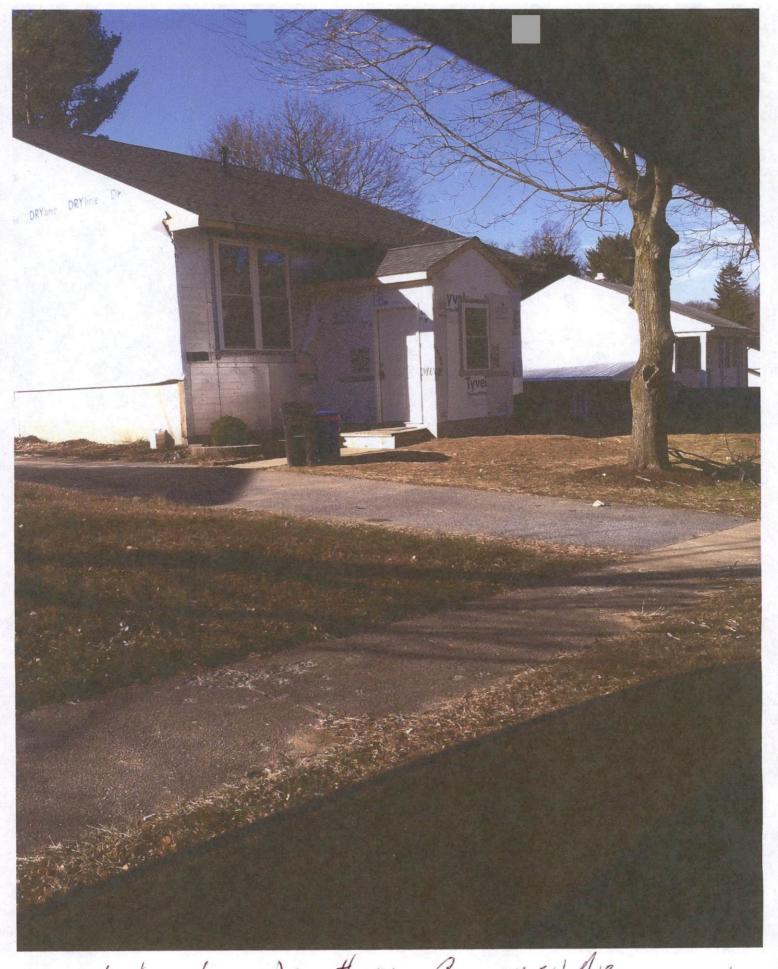




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Item #0184





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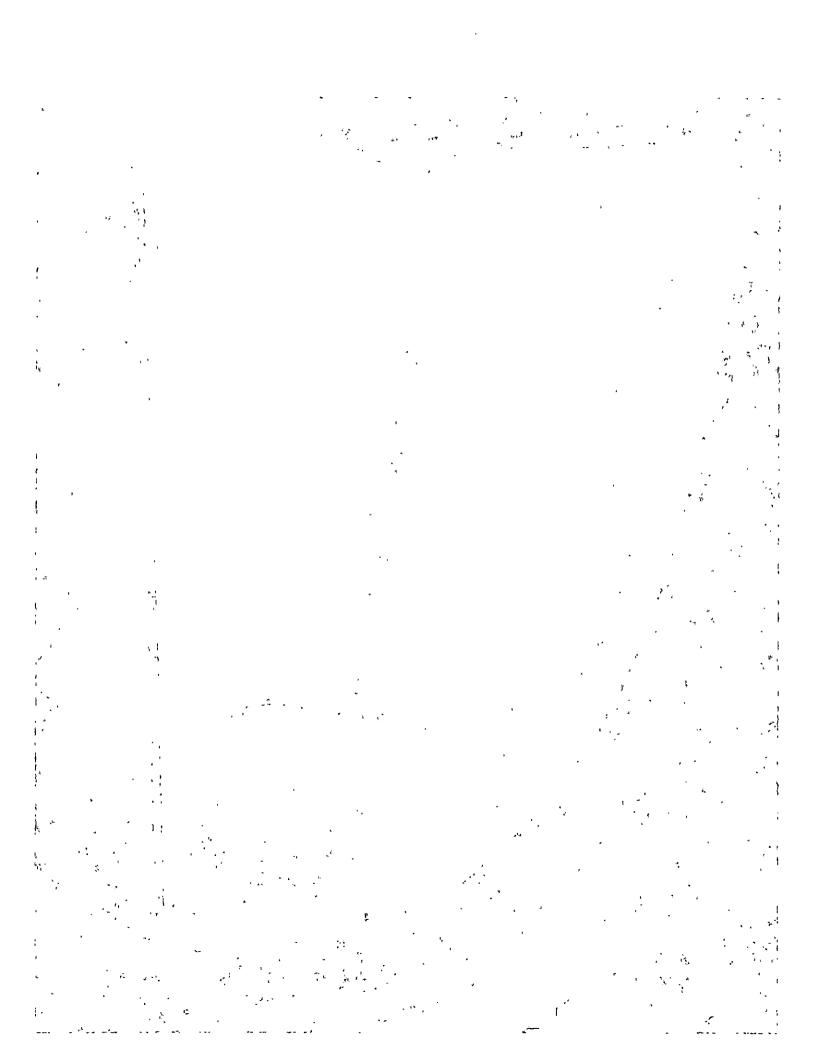
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Item# 0184

2. Part @ WARDIERRO/ GERKA VIEW AVE (328 Walgrove Rd)





Item #

2. 2. Port @ Wel Grove RB | GREW VIEW AVE 8X12



	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE VFOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	元 L
ADDRESS 20 GREENVIEW AVENUE OWNER(S) NAME(S) LISA LEVY	ART LE GREENLY GIVE
SUBDIVISION NAME SUBURBIA LOT# 21 BLOCK # J SECTION # 1	WALCRO T
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N 30°57'00", E 143.99'	SITE ZONED DR 3.5 (VESTED R-10)
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RETURN 25.5' ENCLOSURE	COUNCIL DISTRICT 2ND
25.5' ENCLOSURE OF EXISTING	LOT AREA ACREAGE
Z DODOW DODOW	OR SQUARE FEET 10,005
LOT-7  LOT-21  LOT-21  FRONT PORCH  A 76  SPLIT  SILEVEL  A 76  A	HISTORIC? No
BLOCK J O FRAME Q	IN CBCA? No
	IN FLOOD PLAIN? No
8.3' X 10.2' FRM. SHED 25.5'	UTILITIES? MARK WITH X
(NO FOUNDATION)  MACADAM D/W	WATER IS:
D/W E	PUBLICPRIVATE
LOT-8 X S 35°48'00 W 148.19'	SEWER IS:
107-20	PUBLIC PRIVATE
Tax #0408066660	PRIOR HEARING ? No IF SO GIVE CASE NUMBER
J TEAGER	AND ORDER RESULT BELOW
#18	LABITA FAMINTE WITH THE FACTORIA
PLAN DRAWN BY DATE SCALE: 1 INCH = <u>20</u> FEET	1
	VIOLATION CASE INFO:
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Pet. 802.1