

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

May 5, 2017

Joshua and Tziporah Gamzeh 6809 Timberlane Road Baltimore, MD 21209

RE: Petition for Administrative Variance

Case No. 2017-0238-A

Property: 6809 Timberlane Road

Dear Petitioners:

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: Lee Giroux, 15852 Magnolia Drive, New Freedom, PA 17349

IN RE: PETITION FOR ADMIN. VARIANCE

(6809 Timberlane Road)

3rd Election District 2nd Council District

Joshua and Tziporah Gamzeh

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0238-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, Joshua and Tziporah Gamzeh ("Petitioners"). The Petitioners are requesting variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side/front yard addition with a side setback of 3 ft., a front yard setback of 22 ft. and a rear setback of 12.5 ft. in lieu of the required 10 ft., 25 ft., and 30 ft., respectively, and to amend the previously approved site plan from Zoning Case No. 1975-0005 A. 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.

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 April 16, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 ORDER RECEIVED FOR FILING

Date	5-5-17
By	(C)

should therefore be granted. In the opinion of the Administrative Law Judge, the information and photographs 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 5th day of May, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side/front yard addition with a side setback of 3 ft., a front yard setback of 22 ft. and a rear setback of 12.5 ft. in lieu of the required 10 ft., 25 ft., and 30 ft., respectively, and to amend the previously approved site plan from Zoning Case No. 1975-0005 A, 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.

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	5-5-17	
Bv	PW	

Ву_

	FOR ADMINI: TIVE	VARIANCE -	OR – ADMINISTRAT	ON PECIAL HEARING	G
To the Office	To be filed with the D				Located et
Address 0809	ce of Administrative	nearings it	or Baitimore Cour	Currently zoned.	NR 5.5
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For Administr	ative Variances, the <u>Affic</u>	davit on the re	verse of this Petition fo	orm must be completed	and notarized.
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	vely, and to amend the p ons of Baltimore County, t				5-A.
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County Code: (indica	ite type of work in this spa	ce: i.e., to raze	e, alter or construct add	dition to building)	
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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: 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 request or the above statement is needed, label and attach it to this Form) Signature of Owner (Affiant) 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: , 2017, before me a Notary of Maryland, in I HEREBY CERTIFY, this 8th day of March and for the County aforesaid, personally appeared: the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notaries Seal Notary Public My Commission Expires CESARE MORISI Notary Public-Maryland REV. 5/5/2016 Anne Arundel County

My Commission Expires
November 06, 2017

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.

and occupied by the undersigned.
Address: 689 1 MBELIANE C. BATE. Mel. 21209 Print or Type Address of property City State Zip Code
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 <u>practical difficulty or hardship</u> here)
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Owner (Affiant) 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:
I HEREBY CERTIFY, this 5th day of Mwch, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: Soshua Ganzeh + Tzirora Ganzeh
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Notary Public
My Commission Expires
CESARE MORISI Notary Public-Maryland REV. 5/5/2016 Anne Arundel County

My Commission Expires
November 06, 2017



ADMINISTRATIVE ZONING PETITION MAINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department	t of Permits, Approvals and Inspections
Charles and a second	s for Baltimore County for the property located at:
Address 6809 // BERLANE LEL.	Currently zoned Dk 5.5
where seed Reference 33049 10544 where (s) Printed Name(s) 305444 TZIP	ORAH CAMZEH
A second control of the control of t	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	e reverse of this Petition form must be completed and notarized.
ne undersigned, who own and occupy the property situal eached hereto and made a part hereof, hereby petition for	te in Baltimore County and which is described in the plan/plat or an:
ADMINISTRATIVE VARIANCE from Section(s)	
1B01.2.C.1.b> To permit a side/front	yard addition with a side setback of 3 feet, a front yard setback
of 22 feet and a rear yard setback of 12.	5 feet in lieu of the required 10 feet, 25 feet and 30 feet,
respectively, and to amend the previous	sly approved site pan from Zoning Case 1975-0005-A.
the zoning regulations of Baltimore County, to the zoning	
	prove a waiver pursuant to Section 32-4-107(b) of the Baltimore
ounty Code: (indicate type of work in this space: i.e., to i	raze, alter or construct addition to building)
the Baltimore County Code, to the development law of	Baltimore County.
operty is to be posted and advertised as prescribed by the zoning regular agree to pay expenses of above petition(s), advertising, posting, et	ulations. tc. and further agree to be bound by the zoning regulations and restrictions of
Itimore County adopted pursuant to the zoning law for Baltimore Cour	nty.
	Owner(s)/Petitioner(s):
	JOSH GAMZEN, TZININA GAMZIFA
	Name #1 – Type or Print Name #2 – Type or Print
	Name #1 — Type of Finit
	Signature #1 Signature #2
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torney for Owner(s)/Petitioner(s):	Representative to be contacted:
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V) / I'	15852 M ACOUPLIA St. Now Freedy
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	17249, 2413-564-8875 Cienx, 1880
Code Telephone # Email Address	Zip Code Telephone # Email Address
20 - 400 ABA - 500 ABA - 5	to be required, it is ordered by the Office of Administrative Hearings for Baltimore
ounty, this day of that the subjection	ect matter of this petition be set for a public hearing, advertised, and re-posted as
quired by the zoning regulations of Baltimore County.	
Admi	inistrative Law Judge for Baltimore County
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ASE NUMBER JOI ORDER PIECEIVEID FOR BUT	ING Estimated Posting Date 3,19,17 Reviewer Reviewer
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ZONING DISCRIPTION FOR - 6809 1 IMBERIANE Rd. Beginning at a point on the EAST side of Timberlane Rd. which is 50' wide at the distance of 101 North of the cernterline of the nearest improved intersection street GEARTNER RC which is 50' ft. wide. Being Lot # $\frac{3}{Block}$ Block ______, Section # $\frac{14}{L}$ in the subdivision of wellwood as recorded in Baltimore County Plate Book # 25 Folio # 10. Containing 87601. Also known as 6809 Timberlane Rd and located in the Election District Ocuncilmanic District.

OPTION 1 (Metes And Bounds Sample - lot not part of record plat or minor subdivision): Thence the following courses and distances: (1st Point of Call-"POC") (2nd POC) (3rd POC) and (4th POC) back to the point of beginning as recorded in Deed Liber (55), Folio (5) Containing 5,780 (# of total square feet or acres of lot). Located in the (8) Election District and (3) **Council District** OPTION 3(Minor Subdivision Lot Sample): Thence the following courses and distances (1st Point of Call-"POC") (2nd POC) (3rd POC) and (4th POC) to the point of beginning as recorded in the Deed Liber (_____), Folio (_____), containing (# of total square feet 5, 780 _ ::). Located in the (_____). Election District and (3) Council District. Also known as Lot #(1) in the minor subdivision of PICHARS ETATE vlinor subdivision # _ _ - _ _ - M), as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/18/2017

Case Number: 2017-0238-A

Petitioner / Developer: LEE LARUEX ~ JOSHUA GAMZEH

Date of Hearing (Closing): MAY 1, 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: 6809 TIMBERLANE ROAD

The sign(s) were posted on: APRIL 16, 2017



Linda O Kufe
(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)

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ABBITUTE VARIANCE IN CHARACTUR CHEET AND DATES
Case Number 2017- 0738 -A Address 6809 TIMBERLANG AS.
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 3 9 17 Posting Date: 4 16 17 Closing Date: 5 1 17
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. <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.
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: 0238 -A Address 6809 TIMBERLINE RD
Petitioner's Name GAMZEH Telephone 443 - 978 - 5404
Posting Date: 4 16 17 Closing Date: 5 1 17
Wording for Sign: To Permit A SIDE/FRONT YARD ADDITION WITH A SIDE SETBACK OF 3 FELT
WARDOW A FRONT YARD SETBACK OF DA FEET AND A REAL YARD SETBACK OF 12/2 FEET IN
LIRU OF THE REGULAGE TO FEET, 25 FEET AND 30 FEET , RESPECTIVELY, AND TO
AMEND THE PREVIOUSLY APPROVED SITE PLAN FROM ZONING CASE 1975-0005-A

Revised 7/9/15

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: <u>3017 - 0338 - A</u>
Property Address: 6809 TIMBERLANE RD.
Property Description:
Legal Owners (Petitioners):GAMZEH
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO: Name:
Company/Firm (if applicable):Address:
BANT. Phel. 21309
Telephone Number: 443-928-5404



KEVIN KAMENETZ County Executive

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

May 2, 2017

Josh & Tzirora Gamzeh 6809 Timberlane Road Baltimore MD 21209

RE: Case Number: 2017-0238 A, Address: 6809 Timberlane Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 9, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lee Giroux, 15852 Magnolia Drive, New Fred

Lee Giroux, 15852 Magnolia Drive, New Freedom PA 17349





Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 3/20/17

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. 2017-0238-A
Administrative Variance
Fosh à Tzifovah Gamzeh
6809 Timberlake 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





RECEIVED

MAR 28 2017

DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 21, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 20, 2017

Item No. 2017- 0202, 0223, 0232, 0233, 0235, 0236, 0237, 0238, 0239

and 0240

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\ZAC03202017.doc





BALTIMORE COUNTY, MARYLAND

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

Address

DATE:

March 17, 2017

SUBJECT:

DEPS Comment for Zoning Item

2017-0238-A

CB3EC1. BEI 5 Con

6809 Timberlake Road

(Gamzeh Property)

Zoning Advisory Committee Meeting of March 20, 2017.

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

Reviewer:

Steve Ford

Date: 3-17-17



DATE:

June 6, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0238-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 5, 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

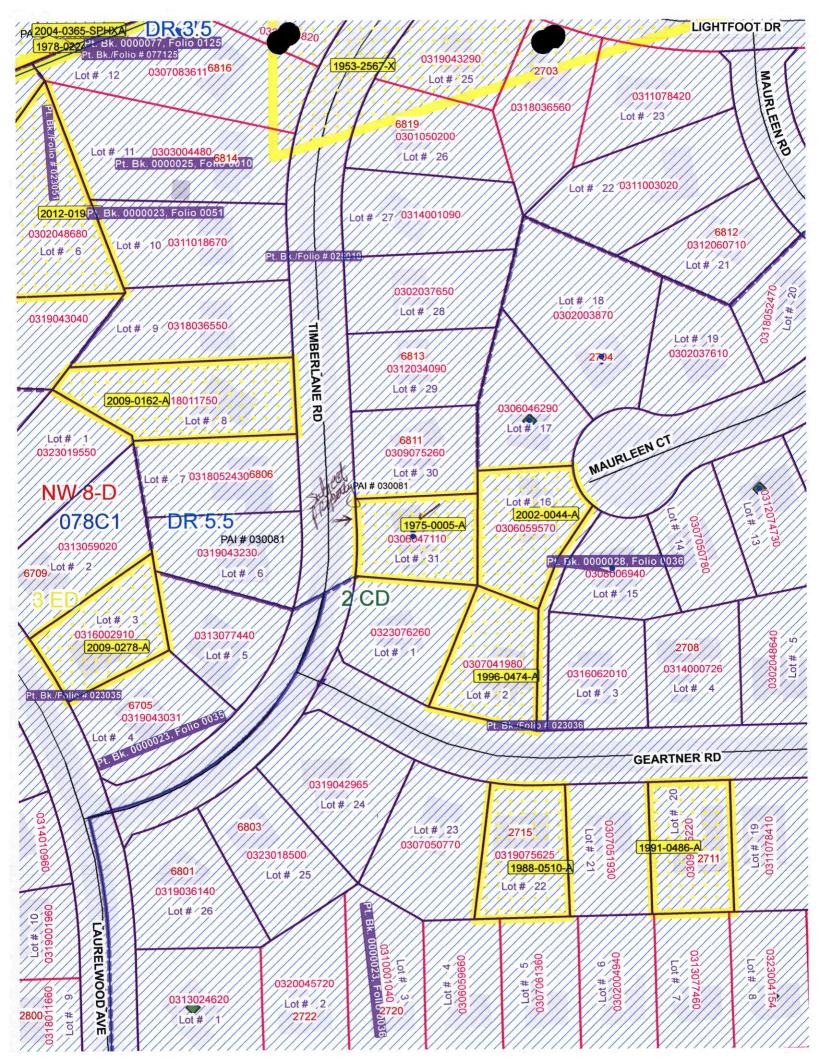
Office of Administrative Hearings



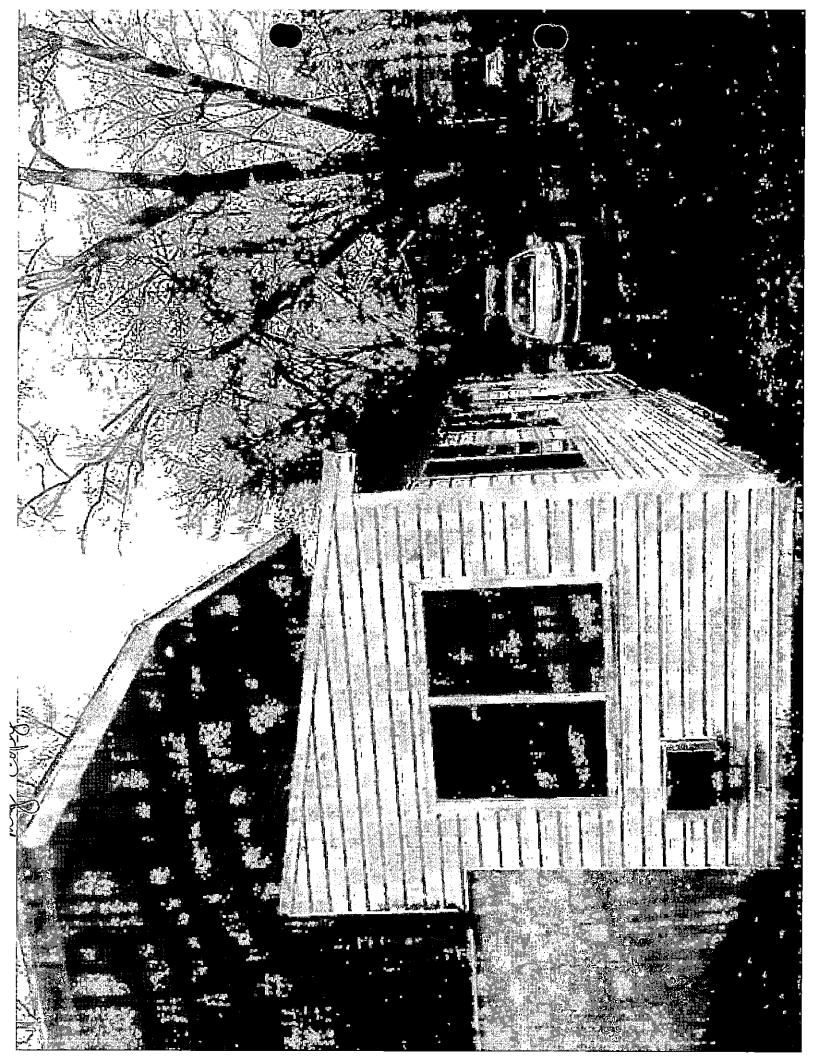
Real Property Data Search

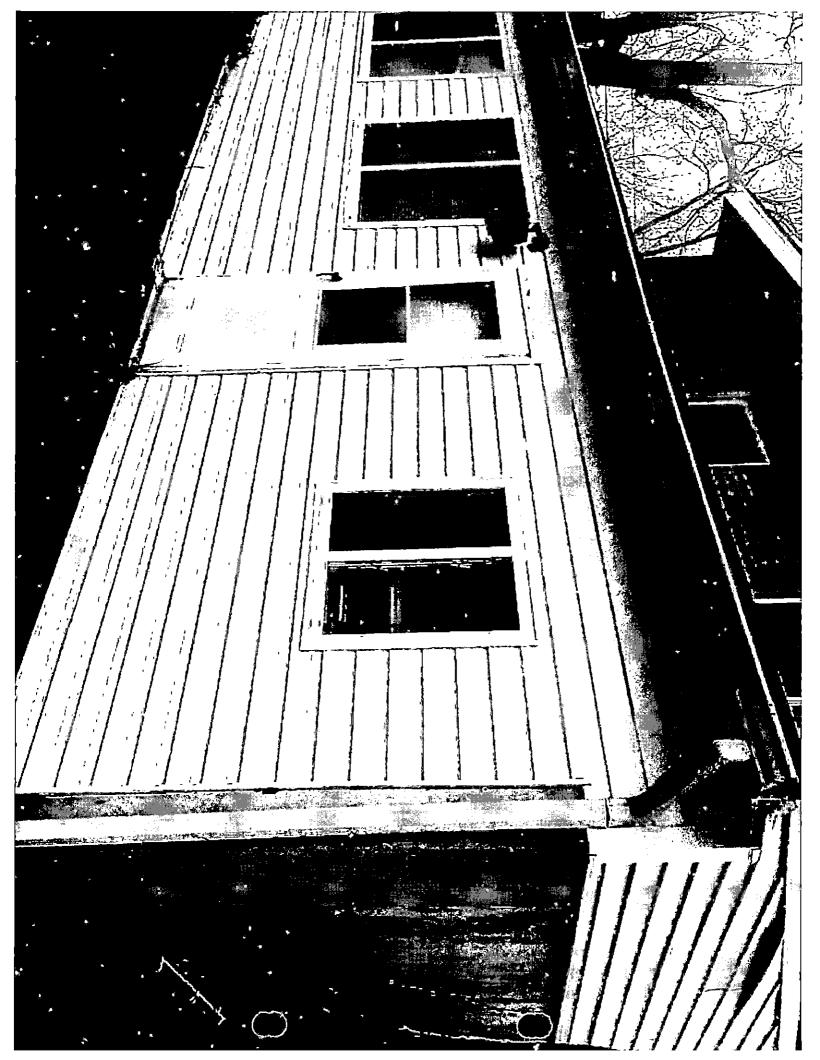
Search Result for BALTIMORE COUNTY

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Production variety			283,500 0		307,100			283,500 291,367 0				
				Trans	sfer Informa	ation						
Seller:	FOX LEC	NARD J		Date:	12/12/200	5			Price: \$28	0,000		
Type: A	RMS LE	NGTH IM	PROVED	Deed	1: /23049/	0054	4		Deed2:			
Seller:				Date:					Price:			
Type:				Deed	1:				Deed2:			
Seller:			****	Date:					Price:			
Type:				Deed	Deed1:				Deed2:			
				Exemp	otion Inform	natio	n					
Partial Ex Assessm			Class			07/0	1/2016		07/01/2	017		
County:	S. C.		000			0.00	1					
State:			000		0.00		ì					
Municipal:			000		0.00 0.00		00.00	0.00 0.00				
Tax Exc Exemp	empt: t Class:			Spec NON	ial Tax Re E	capt	ure:					
				Homestead /	Application	Info	mation					
-lomeste	ad Appli	cation Sta	atus: No Appli	cation								
		***************************************	Hon	neowners' Tax (A A I	4: .		ation				









ONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MIAP
DORESS 6809 TIMBERLANE Rd. OWNERS NAMES ASHUATITIFORAH GAM TEH	Subject property
18DIVISION NAME	A REAL PROPERTY OF THE PROPERT
Due South 87.93' ↑ ↑ © 10' Drainage + Utility Easement	
#30	#
	MAP IS NOT TO SCALE
Lotti Lotti	ZONING MAPE OF SCL
	SITE ZONED DR5.5
Conc. Patio	ELECTION DISTRICT 3
0309075260	COUNCIL DISTRICT 20
1 Story 1 Story 1 + Frame	LOT AREA ACREAGE
23' # 6809 \\ # 6809	OR SQUARE FEET 8760th
00,88	HISTORIC? 1/0
	NCBCA? NO
25' B.R.L. S B.R.L. B.R.L.	IN FLOOD BLAIN ? NO
	UTILITIES ? MARK WITH]
	WATER IS:
26.00' L=44.30' R=280.80' POB N 02'22'00" W	PUBLICPRIVATE
N 02.22,00, M	SEWER 1S-
WORKED !	PUBLIC_PRIVATE
TIMBERLANE ROAD .	PRIOR HEARING ? Ves
50' R/W	IF SO GIVE CASE NUMBER
2017-0238-A	AND ORDER RESULT BELOW
2017-0738-A	1975-0005-A
AN DRAWN BY Le GIRONX DATE 2/22/17 STATE I LAICH - DO'ELET PAX.	APPROVED, 1975 USE WILL BE
AN DRAWN BY Le GIROUX DATE 0/23/17 SCALE: I INCH = 20' FEET TELD	VOISED)
	•