IN RE: PETITION FOR ADMIN. VARIANCE

(142 Edgewood Avenue)

1<sup>st</sup> Election District
1<sup>st</sup> Council District

Jonathan A. & Jane R. Panitz

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0285-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, Jonathan A. and Jane R. Panitz ("Petitioners"). The Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure/storage shed to be located within the side yard in lieu of the required rear yard. 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 28, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (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 OBDER RECEIVED FOR FILING

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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.

Although the Department of Planning did not make any recommendations related to the proposed accessory structure and/or its usage, I will impose conditions that the accessory structure shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall not be used for commercial purposes.

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>17<sup>th</sup></u> day of **May**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure/storage shed to be located within the side yard in lieu of the required rear yard, 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.
- Petitioners or subsequent owners shall not convert the accessory structure into a dwelling unit or apartment. The accessory structure shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The accessory structure shall not be used for commercial purposes.

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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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KEVIN KAMENETZ County Executive

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

May 17, 2017

Jonathan A. & Jane R. Panitz 142 Edgewood Avenue Baltimore, MD 21228

RE: Petition for Administrative Variance

Case No. 2017-0285-A

Property: 142 Edgewood Avenue

# 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: Michael B. Green, 608 Bosley Avenue, Towson, MD 21204



# **ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

Address 142 Edgewood Avenue Catansville Deed Reference 0024113 1 00414	213 2
Deed Reference <u>6024113 1 00414</u>	mo a)228 Currently zoned DRZ
Owner(s) Printed Name(s) bratton Panitz and Jane	10 Digit Tax Account # 0 1 2 3 0 0 0 6 2 3
(SELECT THE HEARING(S) BY MARKING $X$ AT THE APPROP	RIATE 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 in attached hereto and made a part hereof, hereby petition for a	Baltimore County and which is described in the plan/plat n:
1. ADMINISTRATIVE VARIANCE from Section(s) 4.  To permit an accessory structure 1:  yard of the property with dimensions of 1	00.1 of the Baltimore County Zoning Regulation Storage shed to be located within the side to feet wide by 24 feet deep by 12 feet Hind REAR YARD.
of the zoning regulations of Baltimore County, to the zoning la	
<ol> <li> ADMINISTRATIVE SPECIAL HEARING to approve County Code: (indicate type of work in this space: i.e., to raze of the Baltimore County Code, to the development law of Baltimore Code, t</li></ol>	
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.	d further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
ROER RECEIVED FOR FILING	Name #1 - Type or Pyint Name #2 - Type or Pyint Signature #2  Signature #2  142 Edge wood Ave Catorille mo  Mailing Address City State  21228 14434542947 Wonatanavram (a)  Zin Code Telephone # Efrail Address
18/	Zip Code Telephone # Email Address hot mail
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Attorney for Owner(s)/Petitioner(s):	Zip Code Telephone # Email Address hatmail
Attorney for Owner(s)/Petitioner(s):  Name- Type or Print  Signature	Representative to be contacted:  Michael B. Green  Name - Type or Print  Signature
Attorney for Owner(s)/Petitioner(s):  Name-Type or Print  Signature  608 Basley Ave Towson MD	Representative to be contacted:  Michael B. Green  Name - Type or Print
Attorney for Owner(s)/Petitioner(s):    Signature   Saley Ave Towson MD	Representative to be contacted:  Michael B. Green  Name - Type or Print  Signature  BOS Bosley Are Towson mp

CASE NUMBER 2017-0285-A Filing Date 4,2,17 Estimated Posting Date 4,3,17 Reviewer Sch

# 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: 142 Edgewood Avenue Catanovile mo Print or Type Address of property City State	Z1228 Zip Code
Based upon personal knowledge, the following are the facts upon which I/we bas Administrative Variance at the above address. (Clearly state practical difficulty	se the request for an y or hardship here)
The above address property has no flat back yard that is accessible	and where a shed
can be placed. Behind the house are woods and a steep ravine. The	area the shed
is to be placed is the only flat ground that is accessible. See att	ached photographs.
The shed will be used for storage of a lot of equipment and tools I	use regularly.
and have no place for. The property is unique in the way if is laid	our, and
strict compliance with the BC ZR would result in a practical difficu unreasonable hardship if the variance is not granted.	ilty and/or
diffeasonable haldship if the variance is not granted.	<del></del>
	<del>.</del>
(If additional space for the petition request or the above statement is needed, label and	reich
Signature of Owner (Affiant) Signature of Owner (Affiant)	
Jonathan Panitz Jane Panitz	· -
Name- Print or Type Name- Print or Type	<del></del>
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 200 day of April , 200, before me a and for the County aforesaid, personally appeared:	Notary of Maryland, in
Print name(s) here: Jorathan Panitz	
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)	).
AS WITNESS my hand and Notaries Seal  Notary Public  NOTARY PUBLISHED  SALTIMORE CO	ALTER BLICE
NA DVC 4	ND

REV. 5/5/2016

# ZONING DESCRIPTION OF 142 EDGEWOOD AVENUE

That property located at southern terminus of Edgewood Ave, 540 feet +/- South of the nearest improved street, Edmonson Avenue.

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# CERTIFICATE OF POSTING

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 4/28/2017

Case Number: 2017-0285

Petitioner / Developer: JONATHAN PANITZ
Date of Hearing (Closing): MAY 15, 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: 142 EDGEWOOD AVENUE

The sign(s) were posted on: APRIL 28, 2017



Linda 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)

# BALTIMORE COUNTY DE RTMENT OF PERMITS, APPRO'S AND INSPECTIONS ZONING REVIEW

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- Z85 -A Address 142 EDCEWOOD AVE
Contact Person: Phone Number: 410-887-3391
Contact Person:  J. MERE Planner, Please Print Your/Name  Planner, Please Print Your/Name  Posting Date: 4/36/17 Closing Date: 5/15/1
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- 0285 -A Address 142 ACEWOOD AVE.
Petitioner's Name JONATHAN RANITZ. Telephone
Posting Date: $4/30/17$ Closing Date: $5/15/17$
Wording for Sign: To Permit A SHED TO BE LOCATED IN THE
SIDEMARD IN LIEM OF THE REQUIRE REARYARD.

# 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:
Property Address: 142 Elgewood ADE CATONONIO MO 21260
Property Description: THAT APOPERTY LOCATED AT THE SOUTHERN TERMINUS OF EDGEWOOD AND SHOPED TERMINUS OF EDGEWOOD AND SOM EDMINSON
SOUTHERN TERMINGS OF EDGEWOOD THE SEMENSON
Legal Owners (Petitioners): JONATHAN HONTE JANE HONTE
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILD TO:  Name:
Company/Firm (if applicable):  Address:   Ad
CATORICUME MES 21028
Telephone Number: 443 454 2547



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

May 16, 2017

Jonathan & Jane Panitz 142 Edgewood Avenue Catonsville MD 21228

RE: Case Number: 2017-0285 A, Address: 142 Edgewood Avenue

Dear Mr. & Ms. Panitz:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 21, 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.

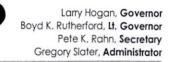
Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Michael Green, Esquire, 608 Bosley Avenue, Towson MD 21204



Date: 4/24/17

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. 2017-0285-A.
Administrative Variouce
Fonathan: Fane Paritz
142 Edgewood 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

Rules Agelu

Baltimore & Harford Counties

WW/RAZ

# **BALTIMORE COUNTY, MARYLAND**

# INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** May 8, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 8, 2017

Item No. 2017-0270, 0278, 0280, 0282, 0283, 0285 and 0286

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

DAK:CEN cc:file

# **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

DATE:

April 28, 2017

SUBJECT:

DEPS Comment for Zoning Item

# 2017-0285-A

Address

142 Edgewood Avenue

(Panitz Property)

Zoning Advisory Committee Meeting of May 1, 2017.

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

Reviewer:

Steve Ford

Date: 4-28-2017

# MEMORANDUM

DATE:

June 19, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0285-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 16, 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.'

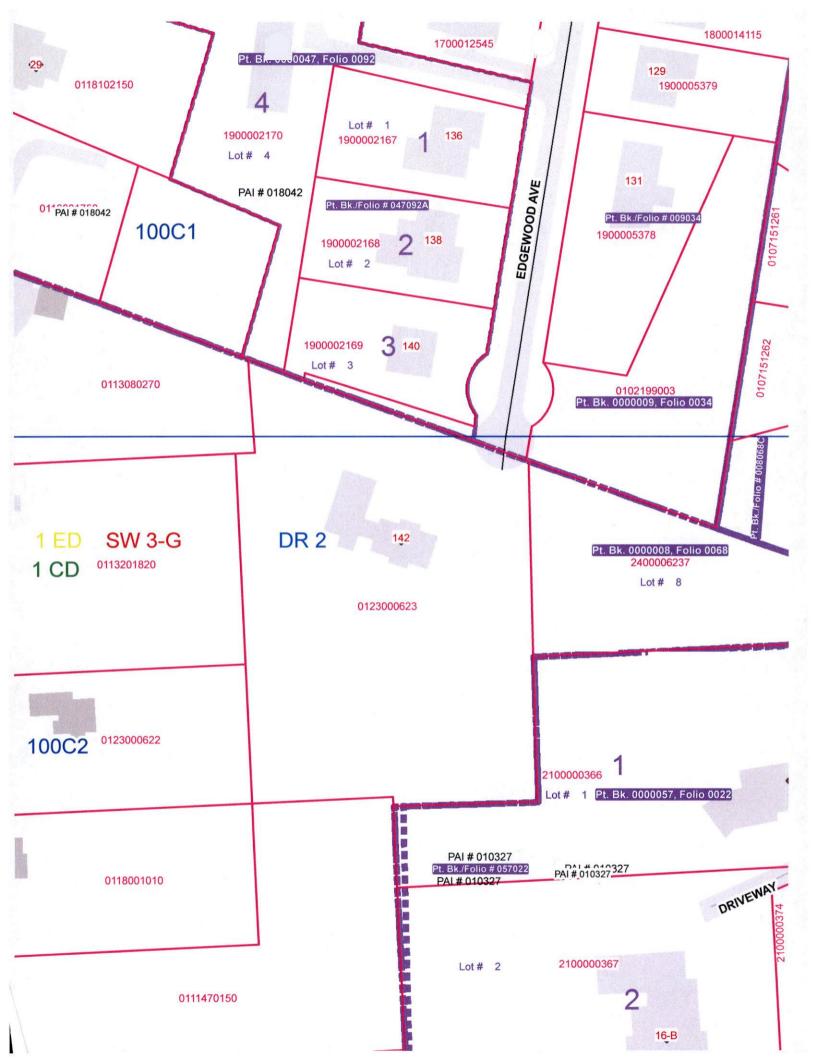
c: Case File

Office of Administrative Hearings

# Real Property Data Search

# Search Result for BALTIMORE COUNTY

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# 16x24 Aspen

16 x 24 shed shown with optional windows, gable window, shutters and garage door with driftwood shingles.



Building shown with optional garage door, windows, gable window, shutters and flowerboxes..



« Previous | Next »

16x24 Aspen 3/2/17, 3:09 PM

(Image 3 of 8)

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## SPECS | THINGS TO KNOW | REVIEWS (0)

- Do-it-Yourself -- Item #: N/A | Installed Item #: 293163
- Wall Frame: 2×4 framing provides greater strength and durability
- Door opening: 64-in.
- Side wall height: 8-ft.
- Peak height: 12-ft. 11-in.
- · Floor decking: Includes complete floor
- Door hardware; Premium, 3 point locking handle. Features full length continuous hinges and 100% galvanized fasteners to prevent door sagging
- Threshold: Aluminum threshold included to protect your entryway
- Siding: LP® siding treated wood siding resists termites and decay. Comes primed and ready to paint
- · Limited Material Warranty: 15-year limited material warranty
- Labor Warranty: 10-year
- Common Size (w x d x h); 16-ft, x 24-ft, x 12-ft, 11-in,
- Actual Foundation Size (w x d): 16-ft. x 24-ft.

#### **Exterior Latex Paint Needed:**

• Trim: 4 qt. | Siding: 5 gal. Required (sold separately)

#### **HEARTLAND INDUSTRIES**



(http://heartlandind.com/)

1000 Ternes Drive, Monroe, MI 48182 Phone (800) 577-9663 Fax (734) 242-6960

# QUICK LINKS

Home (http://heartlandind.com/)

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installer/)

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registration/)

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(http://heartlandind.com/product-

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sheds/)

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Display Model Clearance

(http://heartlandind.com/display-

model-clearance/)

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**■** QUOTE

# SAVE YOUR QUOTE

Home Page (http://heartlandind.com) / Save your quote

You are now logged in as Jonathan

FIRST NAME * (REQUIRED)	LAST NAME * (REQUIRED)
Jonathan	Panitz
EMAIL ADDRESS * (REQUIRED)	
yonatanavram@hotmail.com	
Store: BALTIMORE, MD Address: 5900 BALTIMORE NATIONAL PIKE	E, BALTIMORE, MD 21228-2918
ADDITIONAL INFORMATION	
ADDITIONAL INFORMATION ORDER NOTES	

PRODUCT	
Vista 16ft. x 24ft. × 1	\$11,224
Installation Options:: Vista 16x24 × 1	
Installation Options: Professionally Installed	Option subtotal: \$6,499
Shingle Color::	
Driftwood Shingles × 1	Option subtotal:
Add Paint:: Paint 16x24 × 1	Option subtotal: \$1,632
Big Buildings Options:: 8ft. x 7ft. Sectional Garage Door × 1	Option subtotal: \$899
Big Buildings Options:: Steel Service Door × 1	Option subtotal: \$349
Big Buildings Options:: Wood Ramp - 8ft. x 5ft. × 1	Option subtotal: \$225
Big Buildings Options:: Large Skylight × <b>1</b>	Option subtotal: \$95
Big Buildings Options:: 16x24 Premium Treated Floor Upgrade × 1	Option subtotal: \$579
Window/Shutters/Flowerboxes::  16" x 24" Small Window × 4  Installation Options: Professionally Installed	Option subtotal: \$520
Shelves/Workbenches:: Shelf 12ft. x 12in. x 2	Option subtotal: \$110
Shelves/Workbenches:: Workbench 12ft. x 24in. x 1	Option subtotal: \$70
Ventilation/ Ramps and More:: 8" x 16" Wall Vents (Pair) × 1	Option subtotal: \$16
Ventilation/ Ramps and More:: 5-ft. Treated Wood Ramp × 1	Option subtotal: \$160

Ventilation/ Ramps and More::
Venting Skylight × 1
Installation Options: Professionally
Installed

QUOTE TOTAL

PRINT OR EMAIL YOUR QUOTE

#### HEARTLAND INDUSTRIES



1000 Ternes Drive, Monroe, MI 48182 Phone (800) 577-9663 Fax (734) 242-6960

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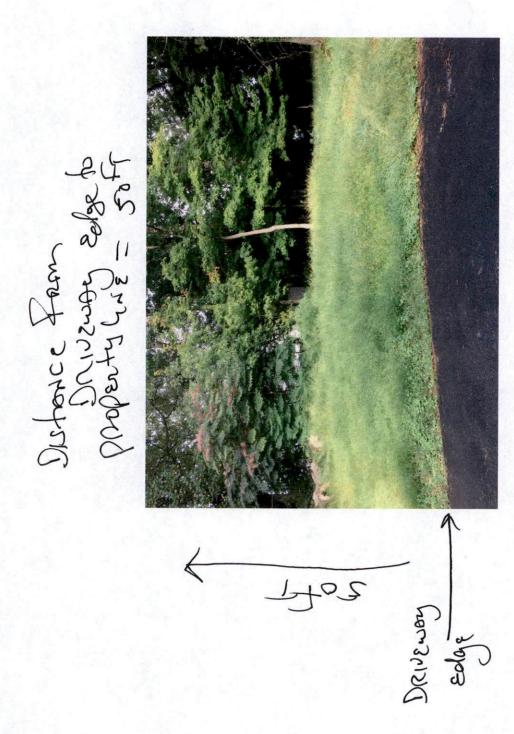
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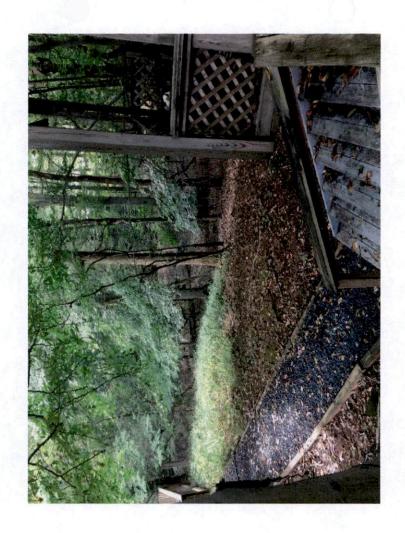
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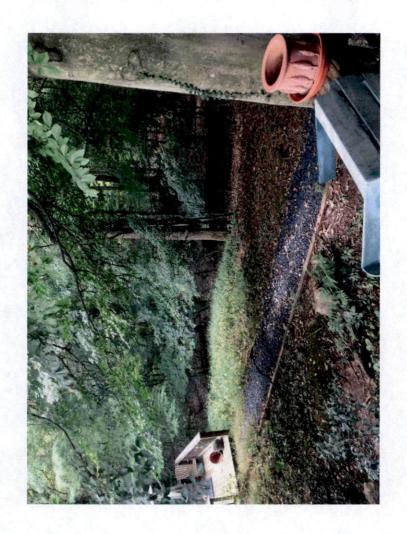
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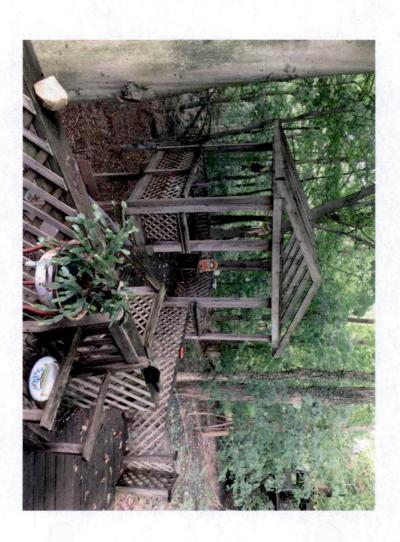
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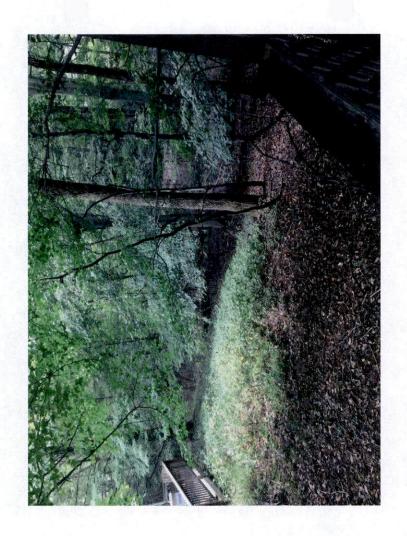
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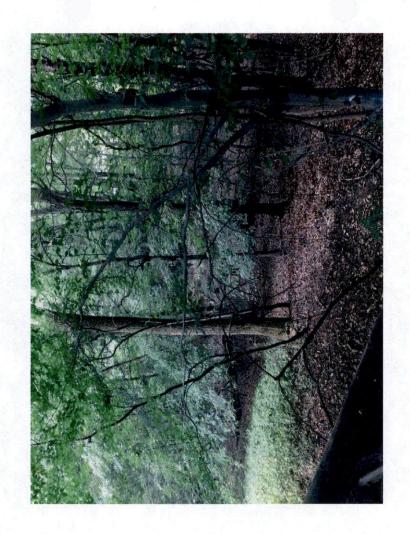












ZON	IING HEARING PLAN F RESS_142 Edgewoo	OR VARIANCE	FOR SPECIAL HEARING	MARK TYPE REQUESTE one than Panitz + Jane		SITE VICINITY MAP
I'	DIVISION NAMEFOLIO	#10 DIGIT	LOT#_ TAX#@L23000623	BLOCK # SEG 3 DEED REF. #24113		Edmendson Ave
EDAI	EWOOD A		251'	N3°E	· · · · · · · · · · · · · · · · · · ·	N Eage Dear
/	WALKON ZIB! WARRES!	Re Contract of the Contract of	S 3°W	327'-9"	S	MAP IS NOT TO SCALE  ZONING MAP# / OO C Z  SITE ZONED OR Z  ELECTION DISTRICT / COUNCIL DISTRICT / LOT AREA ACREAGE / 39  OR SQUARE FEET  HISTORIC?
PLAN	DRAWN BY Freedom	Surveying 1	DATE 4/2/17 SCALE:	1 INCH = <u>50</u> FEET		VIOLATION CASE IN CO.
L						VIOLATION CASE INFO:

Ave

Pet. Exh. 1