MEMORANDUM

DATE:

June 11, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0299-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 10, 2019. 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.'

/dlw

c: / Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(10510 Vincent Road)

15th Election District 6th Council District

Michelle Faoro (DeJesus)

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0299-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, Michelle Faoro (DeJesus) ["Petitioner"]. The Petitioner is requesting Variance relief pursuant to § 1A02.3.B.4 of the Baltimore County Zoning Regulations ("BCZR") to permit two proposed additions attached to the front and side of an existing dwelling with a front yard setback of 37 ft. to the property line (future right-of-way line) and 55 ft. to the centerline of the road, and side yard setbacks of 15 ft. to the property line (future right-of-way line) and 34 ft. to the centerline of the road, in lieu of the required 50 and 75 ft., and 50 and 75 ft. respectively. 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 received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 18, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER	RECEIVED FOR FILING	
Date	5-9-19	
Ву		

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). 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 § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 9th day of May, 2019 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1A02.3.B.4 of the Baltimore County Zoning Regulations ("BCZR") to permit two proposed additions attached to the front and side of an existing dwelling with a front yard setback of 37 ft. to the property line (future right-of-way line) and 55 ft. to the centerline of the road, and side yard setbacks of 15 ft. to the property line (future right-of-way line) and 34 ft. to the centerline of the road, in lieu of the required 50 and 75 ft., and 50 and 75 ft. respectively, 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.

ORDER RECEIVED FOR FILING

JOHNE. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

5-0-19

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ORDER GROBIN DISCHULLING العافسيسيانات المادين والمعاصرات والماد المستوالية والأراب الماسية السيارات والمستوالية



IINISTRATIVE ZONING P

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 10510 Vincent Rd White Marsh MD 21162 Currently zoned RC3 10 Digit Tax Account # 1.506 350390 Deed Reference 31687 100203 De le sus (SELECT THE HEARING(S) BY MARKING \underline{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) "SEZ ATTACHMENT 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. If 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): ichelle Faoro (Delesus Name#2-Type or Print Signature #2 white Maishi 10510 Vincent Maliing Address 410 652 4455/ michelle fa oro egmail *ച*വശ*മ*മ Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Name - Type or Print Name-Type or Print Mailing Address AEOENED FOR FILING Signature City State Mailing Address Email Address Zip Code Telephone# Email Address County, this required by the coning regulations of Baltimore County

Administrative Law Judge for Baltimore County

CASE NUMBER

Estimated Posting Date

Rev 5/5/2016

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: 10510 Vincent Rd White Marsh Md 21163 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 practical difficulty or hardship here)
	The orientation of the house on the lot aplacement of garage
	direction benina the mass
_	The administrative adjustment, if granted, will not after the essential character of the neighborhood.
	we did not create this hardship-house built in 1954 + has
	limited living space-this will increase our living space.
	(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
	$\sim 10^{-1}$
	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:
٠	I HEREBY CERTIFY, this day of Apply, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
	Print name(s) here: Mohelle Foron
	the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
	AS WITNESS my hand and Notaries Seal
	Notery Public 10-00-00 My Commission Expires
	. IVIY COMMINISSION EXPINOS

Administrative Variance 2019-0299-A

§ 1A02.3.B.4 of BCZR to permit two proposed additions attached to the front and side of an existing dwelling with a front yard setbacks of 37 feet to the property line (future right of way line) and 55 feet to the center line of the road, and a side yard setbacks of 15 feet to the property line (future right of way line) and 34 feet to the centerline of the road, in lieu of the required 50 and 75 feet, and 50 and 75 feet respectively.

Property Description for 10510 Vincent Road, White Marsh, MD 21162

BEGINNING FOR THE SAME at a point in the center of the Vincent Road and at the beginning of a parcel of land which by deed dated October 30, 1953, and recorded among the Land Records of Baltimore County in Liber GLB No 2382, Folio 496, was conveyed by Charles A. Gambrill and wife to Ward R. Vandevander and wife and running thence and binding in the center of the Vincent Road north 23 degrees 44 minutes east 101 feet to a point in line with the southwest side of Keithley Road, as laid out 50 feet wide, thence north 71 degrees 11 minutes west, running to and binding along the southwest side of said Keithley Road with the right and use thereof in common with others entitled thereto, in all, 223.04 feet to a pipe now set on the southwest side of said road thence leaving said road and running for a line of division, south 24 degrees 58 minutes west 99 feet to a pipe heretofore set at the beginning of the last line of the herein referred to parcel of land which was conveyed by Gambrill to Vandevander, and thence running and binding on said line south 70 degrees 37 minutes east 225 feet to the place of beginning. Containing 0.51 acre of land, more or less.

Containing 22,400 square feet of land area, as located in 15th Election District and 6th Council District.

Administrative Variance 2019-0299-A

§ 1A02.3.B.4 of BCZR to permit two proposed additions attached to the front and side of an existing dwelling with a front yard setbacks of 37 feet to the property line (future right of way line) and 55 feet to the center line of the road, and a side yard setbacks of 15 feet to the property line (future right of way line) and 34 feet to the centerline of the road, in lieu of the required 50 and 75 feet, and 50 and 75 feet respectively.

CERTIFICATE OF POSTING

	Date: 4-18-19
RE: Case Number: 2019-0299-A	
Petitioner/Developer: De Jesu	
Petitioner/Developer:	
Date of Hearing/Closing: 5-6-1	9 /
	<i>'</i>
This is to certify under the penalties of by law were posted conspicuously on the pro-	perjury that the necessary sign(s) required operty located at 105(0 Versee FL
	*
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The signs(s) were posted on	(Month, Day, Year)
	(Worth, Day, a car)
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· ¿	(Signature of Sign Poster)
	J. LAWRENCE PILSON
	(Printed Name of Sign Poster)
A CONTRACTOR HOLD	
ATTACH PHOTGRAPH	1015 Old Barn Road
	(Street Address of Sign Poster)
	Parkton, MD 21120
	(City, State, Zip Code of Sign Poster)
	•
	410-343-1443
	(Talanhone Number of Sign Poster)

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ADMINISTRATIVE

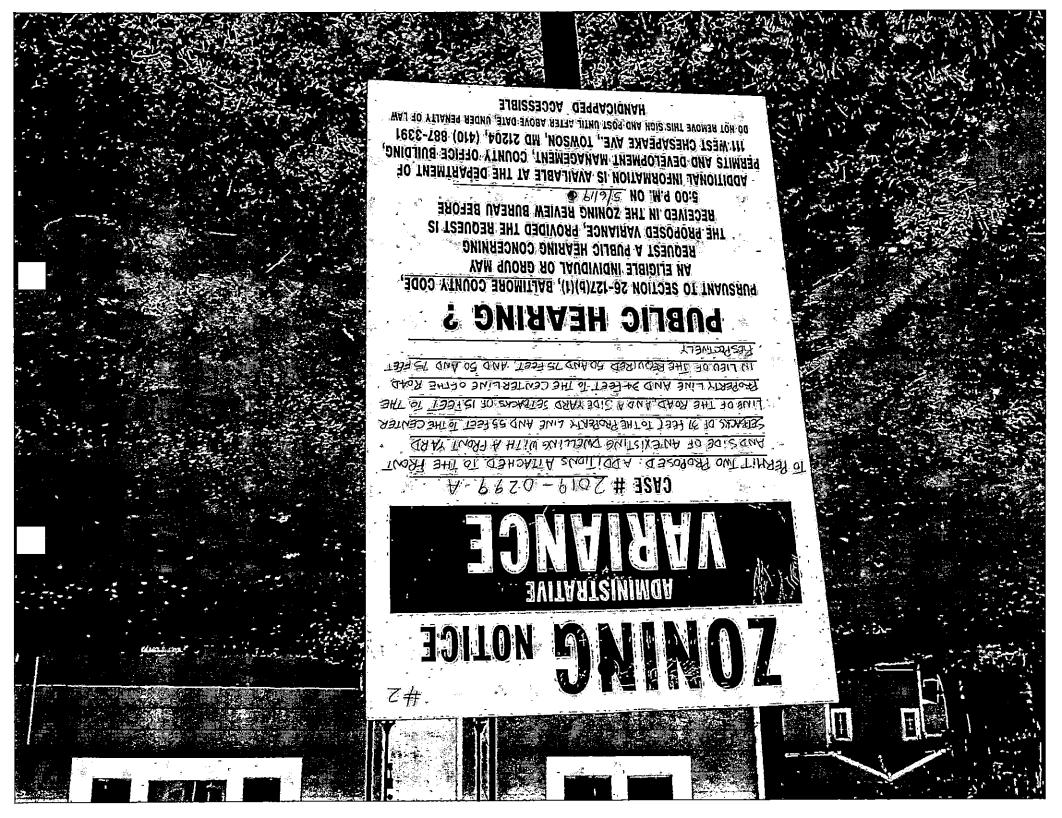
CASE # 2019 - 0299 - A

TO PERMIT TWO PROPOSED ADDITIONS ATTACHED TO THE FRONT AND SIDE OF AN EXISTING DWELLING WITH A FRONT YARD SETPACKS OF 37 FEET TO THE PROPERTY LINE AND 55 FEET TO THECENTER
LINE OF THE ROAD, AND A SIDE YARD SETBACKS OF 15 FEET TO THE
PROPERTY LINE AND 34 FEET TO THE CENTERLINE OF THE ROAD,
IN LIEU OF THE REQUIRED SO AND 75 FEET. AND 50 AND 75 FEET
RESPECTIVELY.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 5/6/19

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW





JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

May 7, 2019

Michelle Faoro Dejesus 10510 Vincent Road White Marsh MD 21162

RE: Case Number: 2019-0299-A, 10510 Vincent 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 April 12, 2019. 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/kl

Enclosures

c: People's Counsel





Larry Hogan Governor

Boyd K. Rutherford Lt. Governor

Pete K. Rahn Secretary

Gregory Slater Administrator

Date: 4-25,2019

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0299-A

Administrative Viriance

Michel le Faoro Dateses

10510 Vincent 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, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY D. ARTMENT OF PERMITS, APPRO LS AND INSPECTIONS ZONING REVIEW

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case I	Number 2019-	0299 - A	,	Address <u>105</u>	10 Vincent Road	
Conta	ct Person:	Aaron 7	Sui		Phone Number: 410-887-33	91
Filing	Date:	Planner, Pl 04/12/2019	ease Print Your Name Posting Date	04/21/19	Closing Date: <u>05/06/19</u>)
Any c throug	ontact made v	vith this offic erson (planne	e regarding the sta er) using the case nu	tus of the a mber.	dministrative variance should	be
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2.	a formal requ	est for a pub		e understand	t or owner within 1,000 feet to the that even if there is no form the closing date.	
3.	commissioner order that the within 10 day	He may: (matter be set s of the clos etition has be	 a) grant the reques in for a public hearing sing date if all Cou en granted, denied, 	ted relief; (b) ng. You will r nty agencies	by the zoning or deputy zoni deny the requested relief; or eceive written notification, usual comments are received, as public hearing. The order will	(c) ally to
4.	(whether due commissioner) changed giving	to a neighbo , notification g notice of the	or's formal request will be forwarded hearing date, time change and a photogon	or by order to you. The and location graph of the	s that must go to a public heari of the zoning or deputy zoni e sign on the property must . As when the sign was origina altered sign must be forwarded	ing be ally
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Postir	ng Date:(14/21/2019	Closing	g Date:	05/06/2019	
Wordi	ng for Sign:]	o permit two	proposed additions	attached to th	e front and side of an existing	
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DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

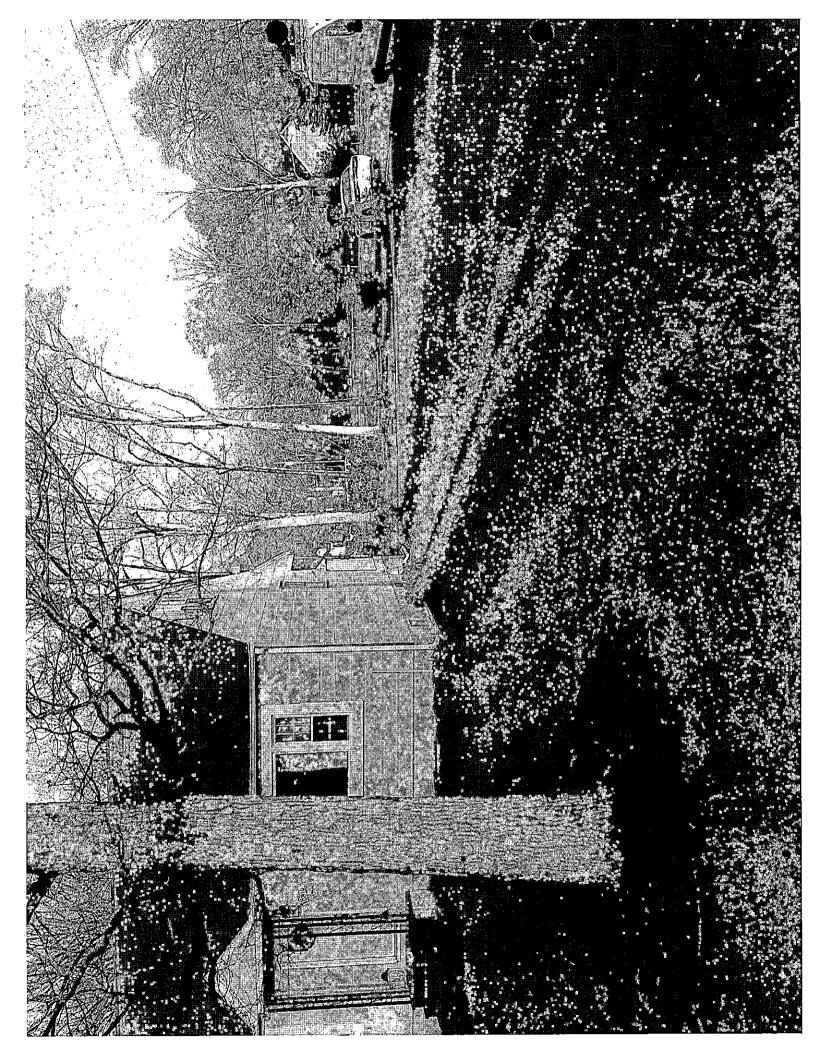
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

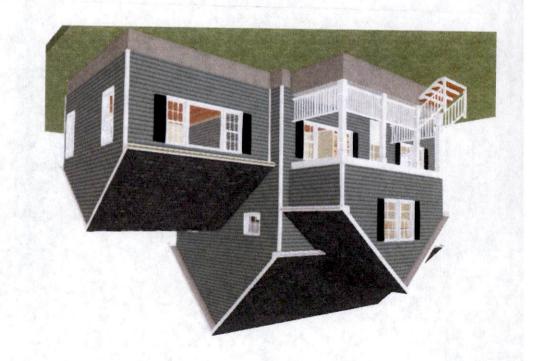
For Newspaper Advertising:
Case Number:
Property Address:
Property Description:
Legal Owners (Petitioners):
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Michelle (Faoro) De Jesus
Company/Firm (if applicable):
Address: 10510 Vincent Rd
White marsh md 21162
Telephone Number: 410 652 4455















Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption						View GroundRent Registration				
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This screen allows you to search the Real Property database and display property records.
 Click here for a glossary of terms.
 Deleted accounts can only be selected by Property Account Identifier.
 The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

AV 5/6 CASE NO. 2019- 0299 A

CHECKLIST

Comment Received		<u>Department</u>			Support/Oppose/ Conditions/ Comments/ No Comment
		OPMENT PLANS REVIE)	
	DEPS (if not re	ceived, date e-mail sent _)	
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	PLANNI (if not re	NG ceived, date e-mail sent _)	
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	TRAFFI	C ENGINEERING			
	COMMU	JNITY ASSOCIATION			
	ADJACI	ENT PROPERTY OWNE	RS		
ZONING VIOLA	ATION	(Case No.)
PRIOR ZONING	}	(Case No)
NEWSPAPER A	ADVERTISEM	ENT Date:			
SIGN POSTING	(1 st)	Date:	4-18	-19	by Pilson
SIGN POSTING	(2 nd)	Date:			by
PEOPLE'S COU	INSEL APPEA	ARANCE Yes			
PEOPLE'S COU	INSEL COMM	MENT LETTER Yes	☐ No	, Ц	
Comments, if an	y:				

Real Property Data Search

Search Result for BALTIMORE COUNTY

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Homestead Application Information

	on information	
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Homeowners' Tax Credit Ap	oplication Information	
Homeowners' Tax Credit Application Status: No Application	Date:	,

ZAC AGENDA

Case Number: 2019-0299-A Reviewer: Aaron Tsui
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE **Legal Owner:** Michelle Faoro DeJesus

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 15 Council Dist: 6

Property Address: 10510 VINCENT RD

Location: S/W Corner of the intersecting streets between Vincent Road and Keithley road.

Existing Zoning: RC 3

Area: 22,400

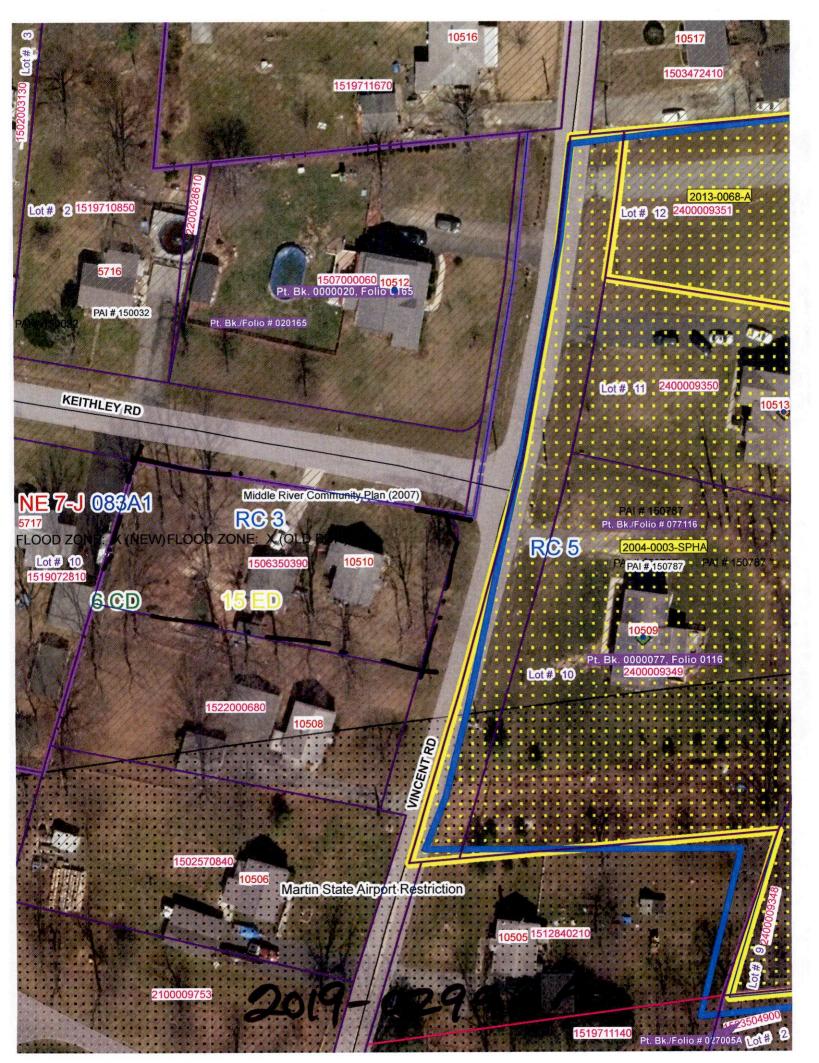
Proposed Zoning:

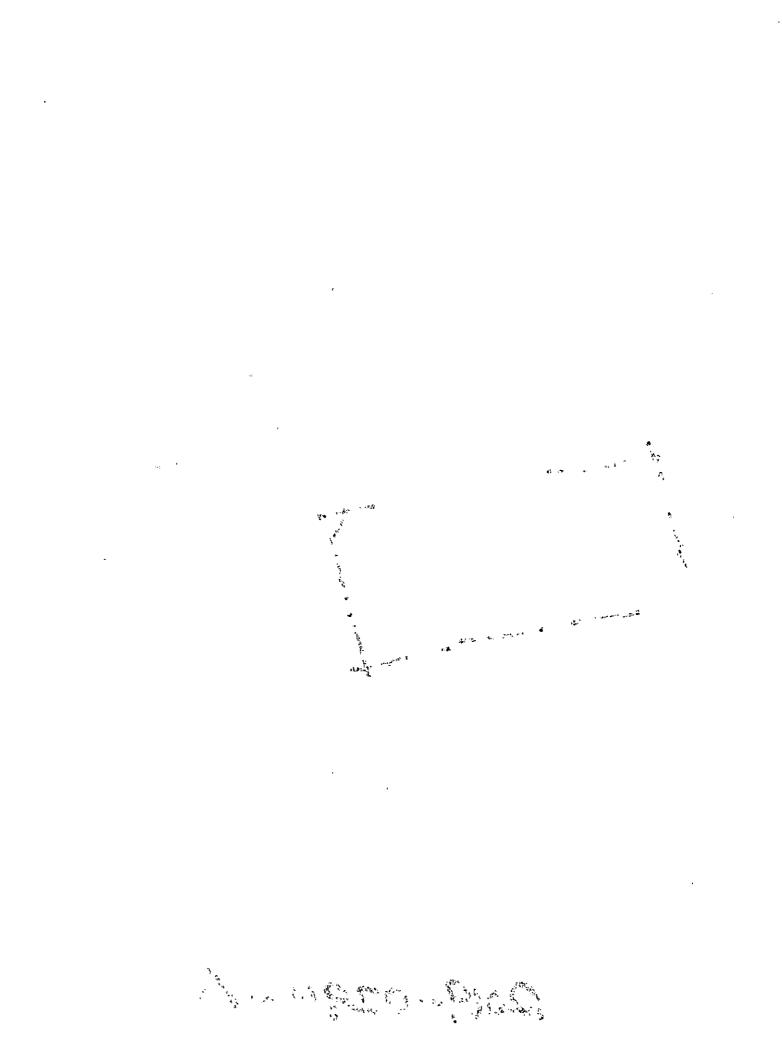
ADMINISTRATIVE VARIANCE:

To permit two proposed addition attached to the front and side of an existing dwelling with a front yard setbacks of 37 feet to the property line (future right of way line) and 55 feet to the centerline of the road, and side yard setbacks of 15 feet to the property line (future right of way line) and 34 feet to the centerline of the road, in lieu of the required 50 and 75 feet, and 50 and 75 feet respectively.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 05/06/2019

Miscellaneous Notes:





	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE / FOR SPECIAL HEARING (MARKTYPE REQUESTED WITH X) ADDRESS 10510 Vincent Rd White Marsh OWNER(S) NAME(S) Michelle Faoro 101# — BLOCK# — SECTION#	Q. W. Constitution of the
SUBDIVISION NAME_NA PLAT BOOK # FOLIO # *O DIGIT TAX # 1 5 0 6 3 5 0 3 9 0 DEED REF. # 31 6 8 7 / 0 0 2 0 3	KETTHLEY RD SUBJECT PROPERTY
PLAT BOOK#FOLIO#UDIGITIAX#1500320010BEBTES # D100111AX#1500320010BEBTES # D100111AX#1500320010BEBTES # D100111AX#15000320010BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#1500032003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#150003200310BEBTES # D100111AX#1500032000000000000000000000000000000000	
Thursday I story	MAP IS NOTTO SCALE ZONING MAP#_ 08 3 A.1 SITE ZONED_ R.C. 3 ELECTION DISTRICT_ 15 COUNCIL DISTRICT_ 15 COUNCIL DISTRICT_ 15 OR SQUARE FEET HISTORIC ?_ No IN CBCA ?_ No IN FLOOD PLAIN ?_ No UTILITIES ? MARK WITH X WATER IS: PUBLIC_X_PRIVATE SEWER IS: PUBLIC_X_PRIVATE PRIOR HEARING ?_ No IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW N / A
PLAN DRAWN BY Michelle Faoro DATE 4/13/19 SCALE: LINCH = 30 FEET	VIOLATION CASE INFO:

	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE / FOR SPECIAL HEARING (MARKTYPE REQUESTED WITH X) ADDRESS 10510 Vincent Rd White Marsh OWNER(S) NAME(S) / Ichelle Faord 21102 LOT# - BLOCK# - SECTION# -	OAP.
LOT# — BLOCK# — SECTION# —	KETTHLEY RD SUBJECT
SUBDIVISION NAME_NA	property
1 - Start	
37-6	■ MAP IS NOT TO SCALE
	ZONING MAP# 083A/1
	SITE ZONED RC3
Keithly Rd	ELECTION DISTRICT 15
775.7	COUNCIL DISTRICT 6 LOT AREA ACREAGE 0.51
Droperty 41.57	OR SQUARE FEET
Line	HISTORIC? No
39.57 7-5-F7	IN CECA? No
	IN FLOOD PLAIN? No
114.25	UTILITIES? MARK WITH X
	WATER 15:
Proposed Proposed New Addition Front porch Front porch	PUBLIC_X_PRIVATE
new Addition New Addition Front porch Story gable Story gable	SEWER IS:
Story gable of J	PUBLIC X PRIVATE
	PRIOR HEARING ? No IF SO GIVE CASE NUMBER
A15/19 Propertyline B	AND ORDER RESULT BELOW
199.43	N/A
N '	
PLAN DRAWN BY Michelle Faoro DATE 4/13/19 SCALE: I INCH = 30 FEET	
ETHIN FEDULARAM IN THE	VIOLATION CASE INFO:

Pet. Exa. 1