MEMORANDUM

DATE: December 10, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0486-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 9, 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 (5644 Crescent Ridge Drive)

11th Election District 6th Council District Hassan S. Tariq Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2019-0486-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owner of the property, Hassan S. Tariq ("Petitioner"). The Petitioner is requesting Variance relief from § 427 of the Baltimore County Zoning Regulations ("BCZR") to permit a residential occupancy fence to be erected in the rear yard of a lot which adjoins the front yard of another lot with a fence height of 4 ft., 2 in. in lieu of the maximum permitted height of 3.5 ft. (42 in.). 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 by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 19, 2019, 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 Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in

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the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the 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 7th day of November, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 427 of the Baltimore County Zoning Regulations ("BCZR") to permit a residential occupancy fence to be erected in the rear yard of a lot which adjoins the front yard of another lot with a fence height of 4 ft., 2 in. in lieu of the maximum permitted height of 3.5 ft. (42 in.), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

• The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.

LAWRENCE M. STAHL Administrative Law Judge for Baltimore County

LMS:dlw

ORDER	RECEIVED FOR FILING
Date	an experience and a confidence of the confidence
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ADMINISTRATIVE ZONING PETITION

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

Address 5644 Crescent Ridge Dr	s for Baltimore County for the property located at:
Deed Reference /	10 Digit Tax Account # 2 5 0 0 0 0 6 8 1 7
Owner(s) Printed Name(s) Hassan Turing	
(SELECT THE HEARING(S) BY MARKING $\overline{\mathbf{X}}$ AT THE APP	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.
The undersigned, who own and occupy the property situat attached hereto and made a part hereof, hereby petition for	te in Baltimore County and which is described in the plan/plat or an:
1. X ADMINISTRATIVE VARIANCE from Section(s)	de la
BCZR 427 to permit a re r yard of a lot which adjoins the from get, Linches in lieu of the maximum perm of the zoning regulations of Baltimore County, to the zoning	sidential occupancy fence to be erected in the yard of another lot with a fence height itted height of 3,5 feet (42 inches). In law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to appr	rove a waiver pursuant to Section 32-4-107(b) of the Baltimore
County Code: (indicate type of work in this space: i.e., to r	
- (
of the Baltimore County Code, to the development law of E Property is to be posted and advertised as prescribed by the zoning regular.	llations.
Baltimore County adopted pursuant to the zoning law for Baltimore Coun	c. and further agree to be bound by the zoning regulations and restrictions of ally.
	Owner(s)/Petitioner(s):
	Hassen Taria
	Name #1 - Type or Print Name #2 - Type or Print
*	Signature #1 Signature # 2
	5644 Crescent Ridser or White Marih mo
	Mailing Address City State
	21162 , 443-540-0081, Kingssenaho
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	Representative to be contacted.
In The River Birth	
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Name- Type or Print	Name – Type or Print
Name- Type or Print Signature	
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Name- Type or Print Signature Mailing Address City State	Name – Type or Print
Name- Type or Print Signature Mailing Address City State Zip Code Telephone # Email Address	Name – Type or Print Signature
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Zip Code Telephone # Email Address A PUBLIC HEARING having been formally demanded and/or found t	Name – Type or Print Signature Mailing Address City State
Zip Code Telephone # Email Address A PUBLIC HEARING having been formally demanded and/or found to County, this day of that the subject equired by the zoning regulations of Baltimore County.	Name – Type or Print Signature Mailing Address City State / / Zip Code Telephone # Email Address to be required, it is ordered by the Office of Administrative Hearings for Baltimo

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: 5644 Crescent Ridge Or, Wh	ite Marsh, MC	21162
Print or Type Address of property	ity St	ate Zip Code
Based upon personal knowledge, the following are Administrative Variance at the above address. (Cle		
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We want a higher Fence beca	2 due to setb use we are a	
have and have heavy traffic		
to play without us working that -		
(If additional space for the petition request or the abo	ve statement is need	ed, label and attach it to this Form)
Signature of Owner (Affiant)	Signature of 0	Owner (Affiant)
Hassan Taricu		
Name- Print or Type	Name- Print o	or Type
The following information is to be complete	ed by a Notary Public	of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMO	RE, to wit:	
I HEREBY CERTIFY, this day of Octor and for the County aforesaid, personally appeared:	ber, 2019,	pefore me a Notary of Maryland, in
Print name(s) here: Hassan Taria		
the Affiant(s) herein, personally known or satisfactorily	identified to me as su	ich Affiant(s)
AS WITNESS my hand and Notaries Seal	herno de	No.
Notary Publi	10819090	, Volic
My Commis	sion Expires	PA COUNTY NO . SS

REV. 5/5/2016

PROPERTY DESCRIPTION PART A:

ZONING PROPERTY DESCRIPTION FOR 5644 CRESCENT RIDGE DRIVE, WHITE MARSH, MD 21162

*Beginning at a point on the neath side of CRESCENT RIDGE DRIVE which is 40 feet wide at a distance of 0 feet EAST of the centerline of the nearest improved intersecting street AUTUMN TERRACE DRIVE which is 40 feet wide.

PROPERTY DESCRIPTION PART B: OPTION 2

OPTION 2: Subdivision Lot – 114: Being Lot #114, Block N/A, Section #N/A in the subdivision of ALLENDER ROAD as recorded in Baltimore County Plat Book #079, Folio #334, containing 7,927 sq. feet. Located in the 11th Election District and 5th Council District.

2019-0486-A

(AV) 11-4-19

Debra Wiley

From:

Marty Ogle <mert1114@aol.com>

Sent:

Friday, November 1, 2019 2:39 PM

To:

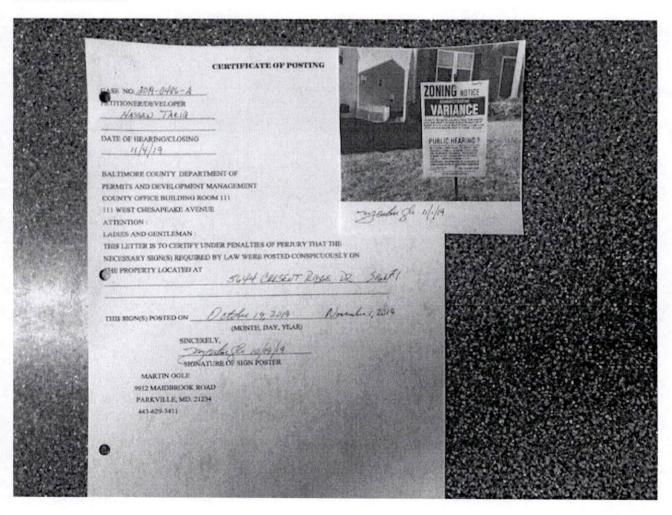
Administrative Hearings

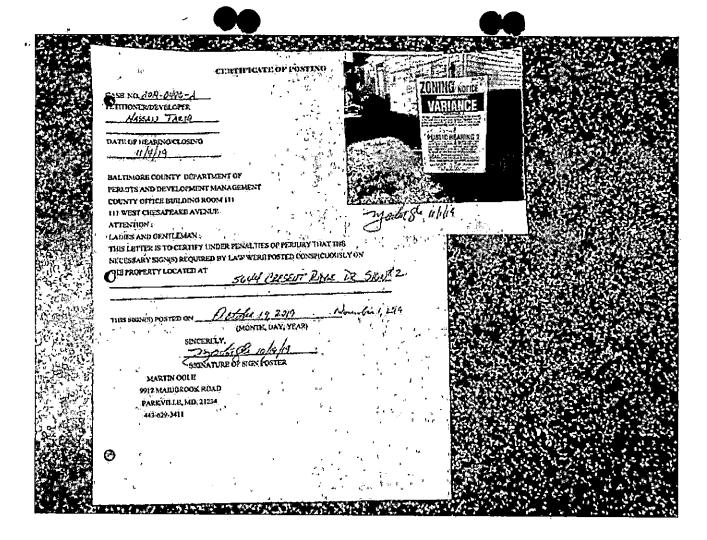
Subject:

2019-0486-A

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2nd set of certificates





Sent from my iPhone

JERTIFICATE OF POSTIN

2.12.121.1	
CASE NO. <u>2019-0486-A</u>	
PETITIONER/DEVELOPER	
HASSAN TARIQ	
	*
DATE OF HEARING/CLOSING	
11/4/19	
BALTIMORE COUNTY DEPARTMENT OF	
PERMITS AND DEVELOPMENT MANAGEMENT	
COUNTY OFFICE BUILDING ROOM 111	
111 WEST CHESAPEAKE AVENUE	
ATTENTION:	
LADIES AND GENTLEMAN:	
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE	
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON	
THE PART OF A STATE OF	
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THIS SIGN(S) POSTED ON October 19, 2019	
(MONTH, DAY, YEAR)	
SINCERELY,	
20/19/19	
SIGNATURE OF SIGN POSTER	
MARTIN OGLE	

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ERTIFICATE OF POSTIN

ASE NO. <u>2019</u> - ETITIONER/DEN	
HASSAN	
DATE OF HEARI	
11/4/1	9

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING ROOM 111 111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON

THE PROPERTY LOCATED AT

5644 CRESENT RISSE DR SIGN#1



9/9 , YEAR)

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ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

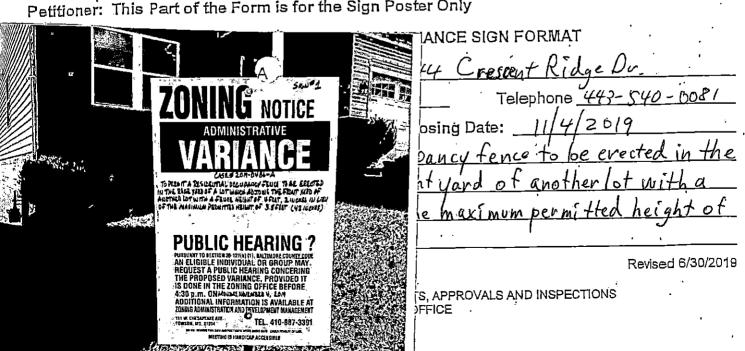
Case Number 201	19- D486-A	A Address	5644 C	rescent Ridge	Dv.
Contact Person:		Penlow se Print Your Name		Phone Number: 410	
Filing Date: 10	1-1	Posting Date:	10/20/19	Closing Date:	11/4/19
	1 1 1 5 55		·a of the edr	minietrofive Variance	should be

Any contact made with this office regarding the status of the administrative variance should be through the confact person (planner) using the case number.

- POSTING/COST: The petitioner must use one of the sign posters on the approved list and 1. 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.
- DEADLINE: The closing date is the deadline for a neighbor (occupant or owner) within 1,000 2. 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 Administrative Law Judge. 3. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing 4: (whether due to a neighbor's formal request or by order of the Administrative Law Judge), 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



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: 2019-0486-A
Property Address: 5644 Crescent Ridge Drive White Marsh, M.D. 2116
Property Description: W/S of Crescent Ridge Dr. c Conner of SE/S of Autumn Terrace Prive
Legal Owners (Petitioners): Hassan Tavia
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Hassan Toriq
Company/Firm (if applicable):
Address: 5644 Crevent Ridge Dr.
White Marsh, MD 21162
Telephone Number: 443-540-0081

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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director Department of Permits, Approvals & Inspections

November 04, 2019

Hassan Tariv 5644 Crescent Ridge Drive White Marsh MD 21162

RE: Case Number: 2019-0486-A, 5644 Crescent Ridge Drive,

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 October 08, 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.

<u>Very truly yours,</u>

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: /8/17/19

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. 2019-0496-4

Administrative Variouce Hasson Varia 5644 Cresent Bra.

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

CASE NO. 2019- 6486-AV

CHECKLIST

Comment Received	<u>Depart</u>	ment		Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT F			
10-18	DEPS (if not received, date	e e-mail sent		NC
	FIRE DEPARTMEN	NT		
	PLANNING (if not received, date	e e-mail sent		
10-17	STATE HIGHWAY	ADMINISTR	ATION	Do objection
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	COMMUNITY ASS	SOCIATION	1	
	ADJACENT PROP	ERTY OWNER	RS	
ZONING VIOLATIO	ON (Case	e No		
PRIOR ZONING	(Case	e No)
NEWSPAPER ADVI	ERTISEMENT	Date:		
SIGN POSTING (1^{st}	5)	Date:	16-19-19	by
SIGN POSTING (2 ⁿ	d)	Date:	11-1-19	by
PEOPLE'S COUNSE		Yes TER Yes	No D	
Comments, if any:			1	

Real Property Data Search

You may experience issues today as SDAT works to restore all services. SDAT apologizes for any inconvenience the last few days, and asks for patience as we continue to work to make the site better.

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption View GroundRent Registration						on				
Tax Exempt: None	Special Tax Recapture: None										
Exempt Class: None	ne										
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Improvements	312,	100		363,600)						
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Seller: NVR INC			Date: 08	3/06/201	5			Price: \$478	3,317		
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Tax Exempt: None			Speci	ial Tax F	Recapture	: None	•				
Exempt Class: None			****								

SDAT: Real Property Sea

Homestead Application Status: Approved 10/02/2015

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

ZAC AGENDA

Case Number: 2019-0486-A Reviewer: Jeffrey Perlow Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Hassan Tarig

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 11 Council Dist: 6

Property Address: 5644 CRESCENT BRG

Location: W/S of Crescent Ridge Drive, at the corner of SE/S of Autumn Terrace Drive.

Existing Zoning: DR 3.5

Area: 7,927 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

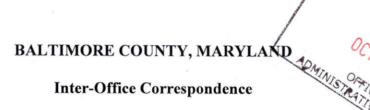
BCZR 427 to permit a residential occupancy fence to be erected in the rear yard of a lot which adjoins the front yard of another lot with a fence height of 4 feet, 2 inches in lieu of the maximum permitted height of 3.5 feet (42 inches).

Attorney: Not Available

Prior Zoning Cases: 2009-0140-SPH; 2013-0236-A; 2016-0192-SPHA

Concurrent Cases: None
Violation Cases: 9800080-XSPH
Closing Date: 11/04/2019

Miscellaneous Notes:





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:

October 18, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0486-A

Address

5644 Crescent

(Tarig Property)

Zoning Advisory Committee Meeting of October 11, 2019.

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

Reviewer:

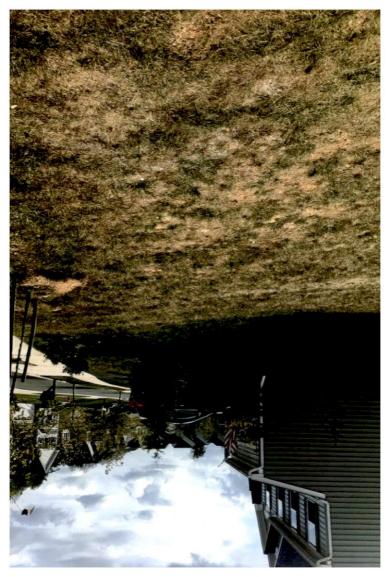
Steve Ford



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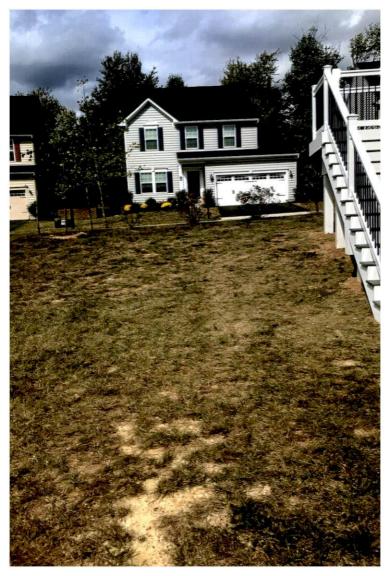
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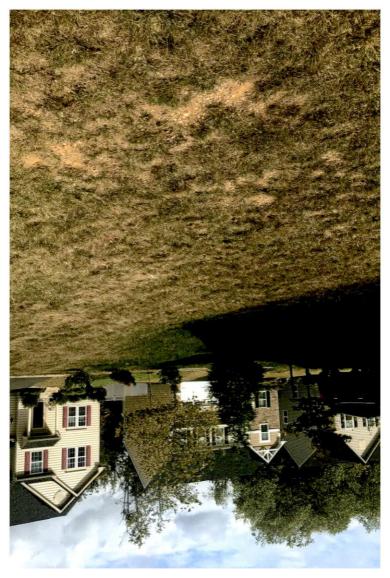




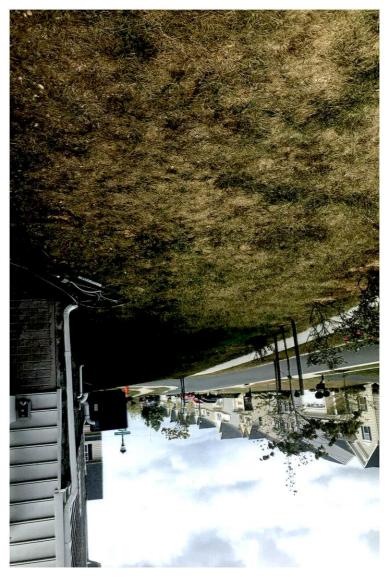














	HOMENGO ASSURY TO NEW PORCE REDUC
ZONING HEARING PLAN FOR VARIANCE > FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 5644 (rescent Ridge or OWNER(S) NAME(S) Hassan Tarigh	N) REDGE COURT ALEBOOT ROAD
	BIANCE PROPOSED
SUBDIVISION NAME Allender Road LOT # 114 BLOCK # SECTION #	ALTERNA DESCRIPTION OF THE PROPERTY OF THE PRO
PLAT BOOK # 79 FOLIO # 334 10 DIGITTAX # 250000 6017 DEED REF. # 36 503/00 424	DISORCE UNION
(5046)	CRESCENT ROCE DOWN PARKERS 3
52' LF 30,401 A 57,000 Terrare Dr. N 62°23'09" E 30,401 (1) A 57,000 (MAP IS NOT TO SCALE
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	SITE ZONED DR 3.5
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PLAN DRAWN BY JOSH SIMPSON DATE 9/16/19 SCALE: 1 INCH = 50 FEET	-
	VIALATION CASE INFO

2019-0486-A

	HOURYGO ASBURY NEW FORCE ROAD
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	N) RODE COURT ALEMOET ROAD
ADDRESS SG44 Crescent Ridge Dr OWNER(S) NAME(S) Hassan Tarig	A SECONDARY OF THE PROPERTY OF
SUBDIVISION NAME Allender Road LOT # 114 BLOCK # SECTION #	DIANCE PROPOSED COURT PHASE 2
PLAT BOOK # 79 FOLIO # 334 10 DIGIT TAX # 2 5 0 000 6 8 1 7 DEED REF. # 36 503/00 424	TURACE DESTINA PH 1
(504l6)	CRESCENT RIDGE - DRIVE PARKYDEW E SPARKYDEW E SPARKYDEW LANE LANE
· 10 41500 + -A=575-6	1
Terrace Dr	MAP IS NOT TO SCALE ZONING MAP# 073 A 2
52' LF N62°23'09" E 30.401 A-5100 AUTUMN (FITCHE N 62°23'09" E 50478)	SITE ZONED DR 3.5
0418) 8 15 MB 5 15 MB	ELECTION DISTRICT
COME TO 1 13 A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	COUNCIL DISTRICT 6
Front/Side of 416) N=41401	LOT AREA ACREAGE
Deignyour ing 2000 1 18 5 62°39'02 W 120.00' 12 IN.	OR SQUARE FEET 7,927
	HISTORIC? No
51000 10 10 10 10 10 10 10 10 10 10 10 10	IN FLOOD PLAIN ?_\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
12 (II) K. E.	UTILITIES? MARK WITH X
18. 0.181 30.00 Sec. 0 1 2 2 1 1	WATER IS:
The state of the s	PUBLIC X PRIVATE
18 60 00 18 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	SEWER IS:
2000000 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	PUBLIC X PRIVATE
PI NOS 10 ST NOS 100	PRIOR HEARING ? No.
	AND ORDER RESULT BELOW
	AND ONDER RESOLUTION
PLAN DRAWN BY JOSH SIMPSON DATE 9/16/19 SCALE: 1 INCH = 50 FEET	
DATE THE THE PARTY OF THE PARTY	MALAST SALAST SA

2019-0486-A Pet. Exh. 1