

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST
Public Hearing for Variance #929

Date: September 17th, 2014 **Time:** 5:30 pm **Applicant:** David Ganos **File #:** VAR 929

EXHIBITS:

- Exhibit #1.** Criteria Worksheet and Application Summary
- Exhibit #1A.** Latah County Comprehensive Plan and Vicinity Map
- Exhibit #1B.** Zoning Map
- Exhibit #1C.** Adjoining Property Owners and Aerial Photograph Map
- Exhibit #2.** Application Form (Submitted by Applicant)
- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B.** Property Site Plan (Submitted by Applicant)
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission public hearing for VAR #929 on September 17th, 2014

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, September 17th, 2014
5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday, September 17th, 2014, in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:30 p.m. – VAR #929 – A request by David Ganos for a variance to allow a 48-foot setback from an center line of a public-right of way in lieu of the 60-foot setback that is required for an 1128 Mt Deary Creek Road, Deary, Idaho, in Section 21, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP40N02W211011

All interested parties are encouraged to attend the hearings. Accommodations for individuals who qualify under the Americans with Disabilities Act are available upon request. Notice is required in the Planning Office three working days prior to the hearings in order to acquire accommodations.

The hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit the length of testimony.

Additional information on this request, including full copies of the proposal, is available from the Planning and Building Department at the Latah County Courthouse, Moscow, Idaho. Phone (208) 883-7220. Written comments will be accepted at the above office prior to the public hearing.

Mauri Knott
Associate Planner

(This is a public service announcement)

CRITERIA WORKSHEET & APPLICATION SUMMARY

Note: This exhibit does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of request:

Setback Variance for a public right of way

Description of application:

A request by David Ganos for a variance to allow a 48-foot setback from an center line of a public-right of way in lieu of the 60-foot setback that is required for an 1128 Mt Deary Creek Road, Deary, Idaho, in Section 21, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP40N02W211011

Applicable Code:

Section 7.02.02 Variance Criteria

A variance may be granted if the Zoning Commission finds that the proposed variance meets each of the following criteria:

1. The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.
2. Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

If the Zoning Commission finds that a variance is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 10 acres
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: Rural
Existing Zoning: Agriculture Forest
Existing Uses: Pond, Accessory Structure, intermittent creek
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Residential/Agriculture/Forestry

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: Mt Deary Creek Road
Schools: Deary School District
Fire Protection: Deary Fire District

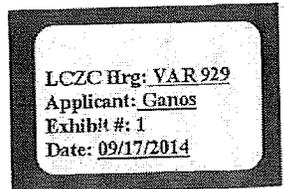
APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

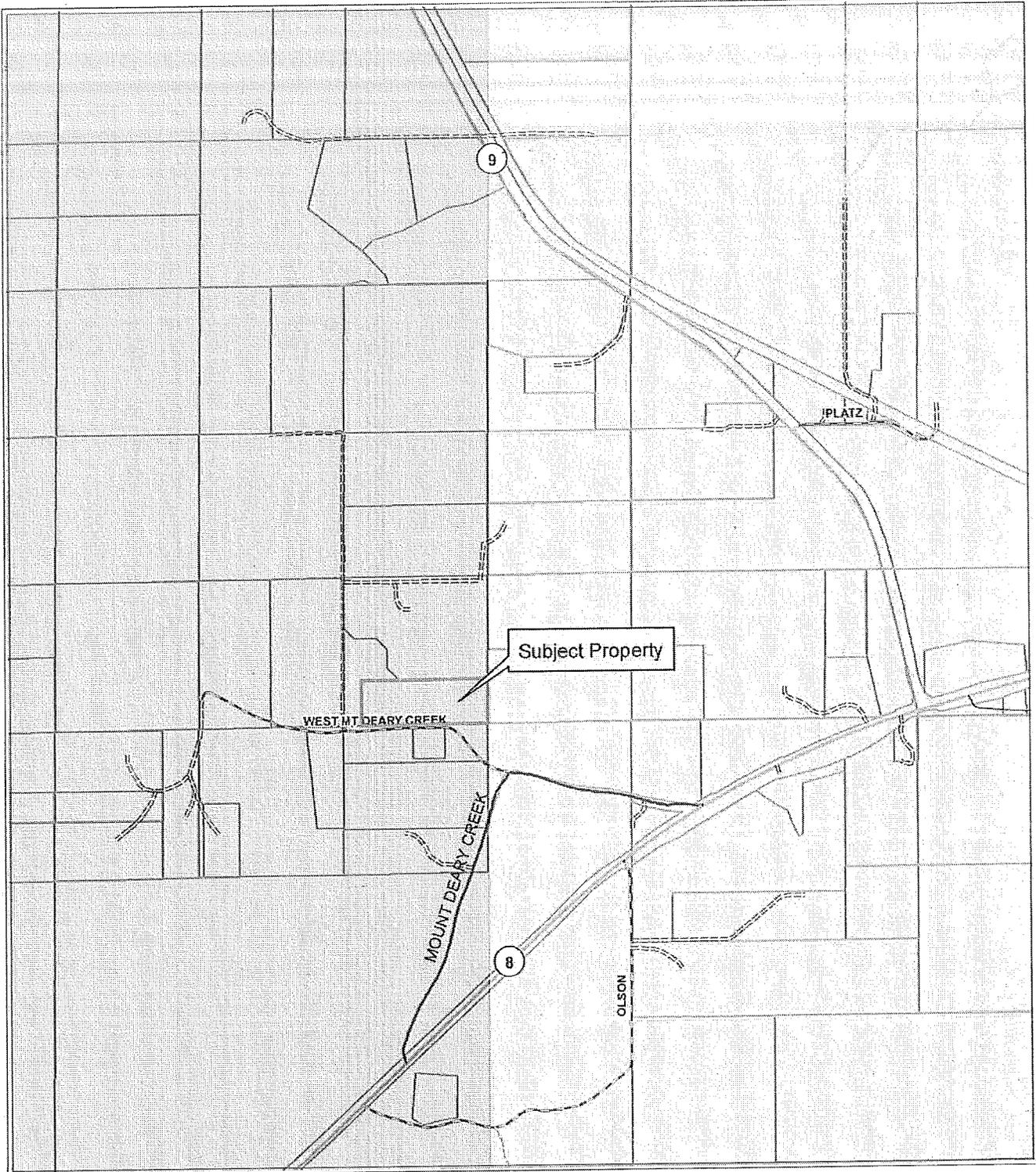
Section 3.01 Agriculture/Forest
Article 7 Variances

Latah County Comprehensive Plan

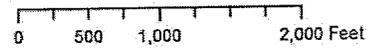


VAR #929 Comprehensive Plan

Latah County Planning and Building



NOTE: This Document is a representation only.
Latah County bears no responsibility for errors or omissions.



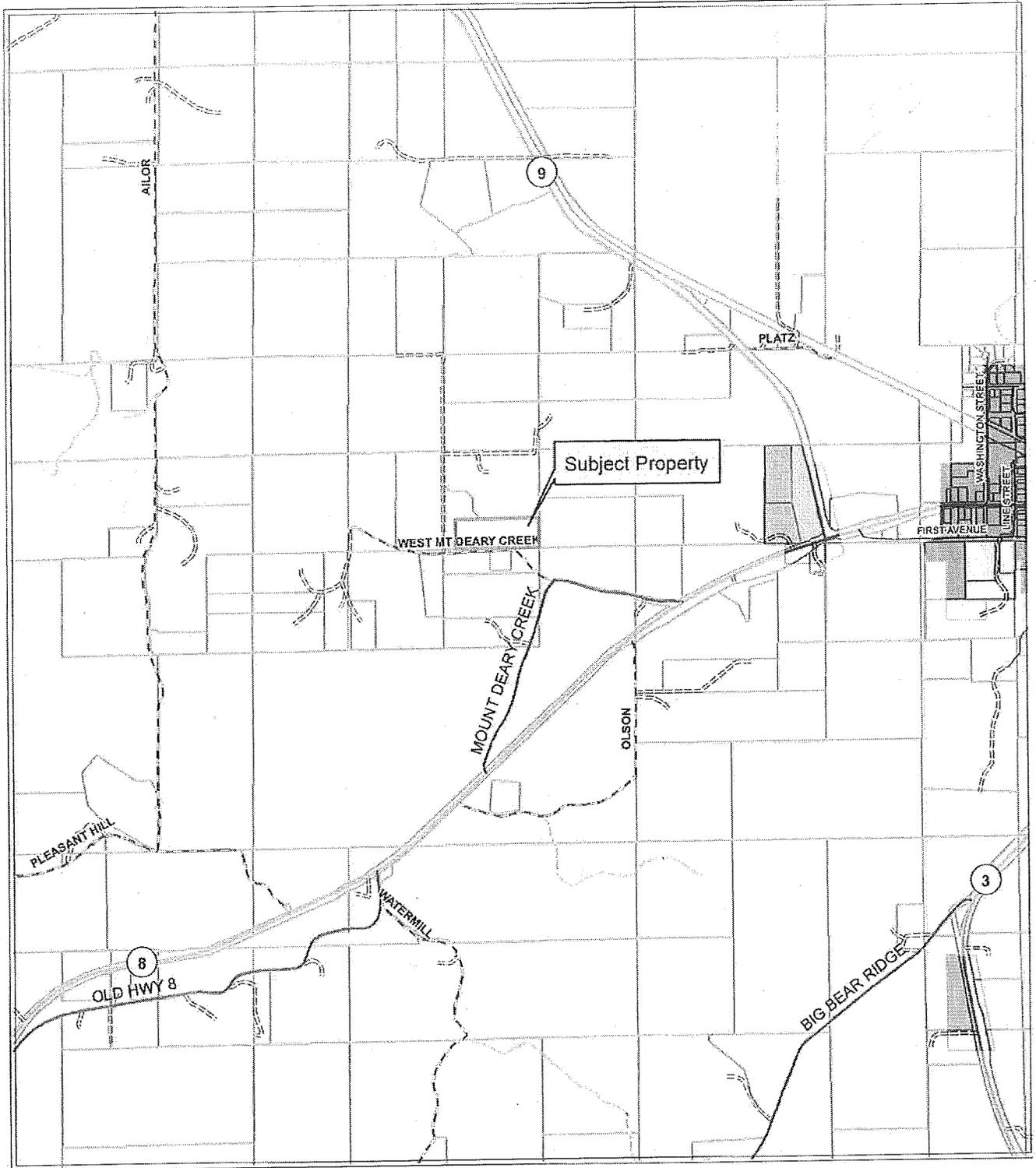
Legend

Comprehensive Plan		AOI
ZONE		ICR
		PRODUCTIVE
		RURAL

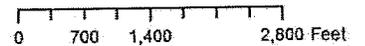
LCZC Hrg: VAR929
 Applicant: Ganos
 Exhibit #: 1A
 Date: 09/17/2014

VAR #929 Zoning

Latah County Planning and Building



NOTE: This Document is a representation only.
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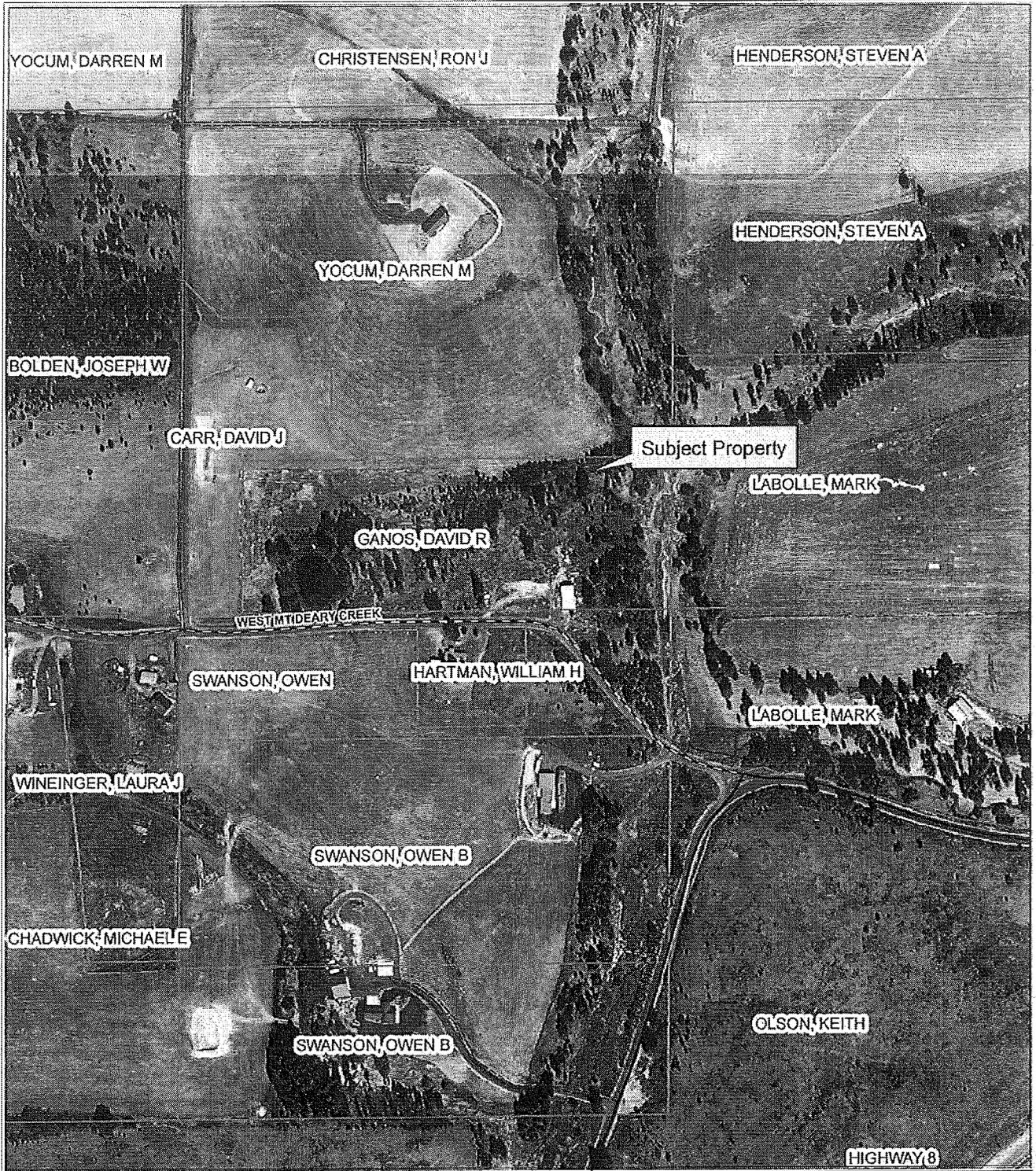
Legend

Zoning Districts	Multiple Family Residential
ZONE_TYPE	Municipality
Agriculture / Forest	Rural Residential
Commercial	Single-Family Residential
Industrial	Single-Family Residential (R1)
Motor Business	Suburban Residential

LCZC Hrg: VAR 929
 Applicant: Ganos
 Exhibit #: 1B
 Date: 09/17/2014

VAR #929 Aerial Photograph and Adjacent Property Owner

Latah County Planning and Building



NOTE: This Document is a representation only.
Latah County bears no responsibility for errors or omissions.

0 150 300 600 Feet

LCZC Hrg: VAR 929
Applicant: Ganos
Exhibit #: 1C
Date: 09/17/2014



Application for Variance

Instructions

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete. Please type or print plainly with dark ink.

Please submit to: **Latah County Department of Planning & Building**
Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID, 83843 (208) 883-7220

1. Applicant Information

a. Applicant Name Dave Ganos	b. Home Phone / Work Phone 208-826-3464	c. Email	
d. Mailing Address PO Box 135	e. City Deary	f. State ND	g. Zip code 83823
h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone	
k. Mailing Address	l. City	m. State	n. Zip code

2. General Site Information

a. Assessor's Parcel Number(s) AP40N02W211011	b. Site Address (if applicable) 1198 W Mt. Deary Creek
c. Road Used to Access Site Mt Deary Creek	d. Floodplain designation(s) N/A
f. Existing Uses outbuilding, pond, septic, wetland	e. FEMA Panel # N/A

Note: Sites within an Area of Critical Impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

3. Service Provider Information (please attach additional information if requested)

a. Source of Potable Water (i.e. city, private well, water district) well	b. Sewage Disposal (i.e. city, sewer district or private septic system) septic
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4. Adjacent Properties Information

a. Zoning of Adjacent Properties A/F	b. Existing Uses of Adjacent Properties SFR, ag, canyon,
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5. Variance Information

Please indicate the section(s) of the Zoning Code for which the variance is sought and explain the circumstances that require the variance. Section 7.02 of the Latah County Land Use Ordinance states a variance shall only be used to modify setbacks, building height, yard or frontage requirements, and parking requirements on a lot or parcel of land prescribed by this ordinance.

3.01.03 requesting a 48' setback in lieu of a 60' from centerline of public right of way

6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant Dave Ganos	b. Date 9-6-14
c. Signature of Property Owner (if different than applicant)	d. Date

7. Attachments

All attachments should be reproducible in black and white at 8 1/2" x 11"

- Fee: (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.
- Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, and existing buildings; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission or Board of Adjustment to make a decision.
- Other Attachments: The Zoning Commission / Staff shall have the authority to require any additional information it feels is necessary to make a fair recommendation on the rezone request.

Office Use Only

Date Received by County 9/5/14	Fee Amount 200.00	Receipt No.	By MC
VAR # 929	Date Determined Technically Complete 9/5/14	By MC	
Hearing Date 9/17/14			

LCZC Hrg: VAR 929
 Applicant: Ganos
 Exhibit #: 2
 Date: 09/17/2014



Variance Narrative Worksheet

Application Information

Applicant's Name

Dave Ganos

Phone Number

Purpose: To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

This parcel is hindered by several topographic elements. The pond, steep terrain and low lying wetland take up over 50% of the parcel. There is one existing shop and a future home site. Furthermore, the location that is required by the Health Department for the septic utilizes much of the available space.

Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

one older shop/barn

Relevant Criteria and Standards

Please respond to each of the criteria listed in Section 7.02.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

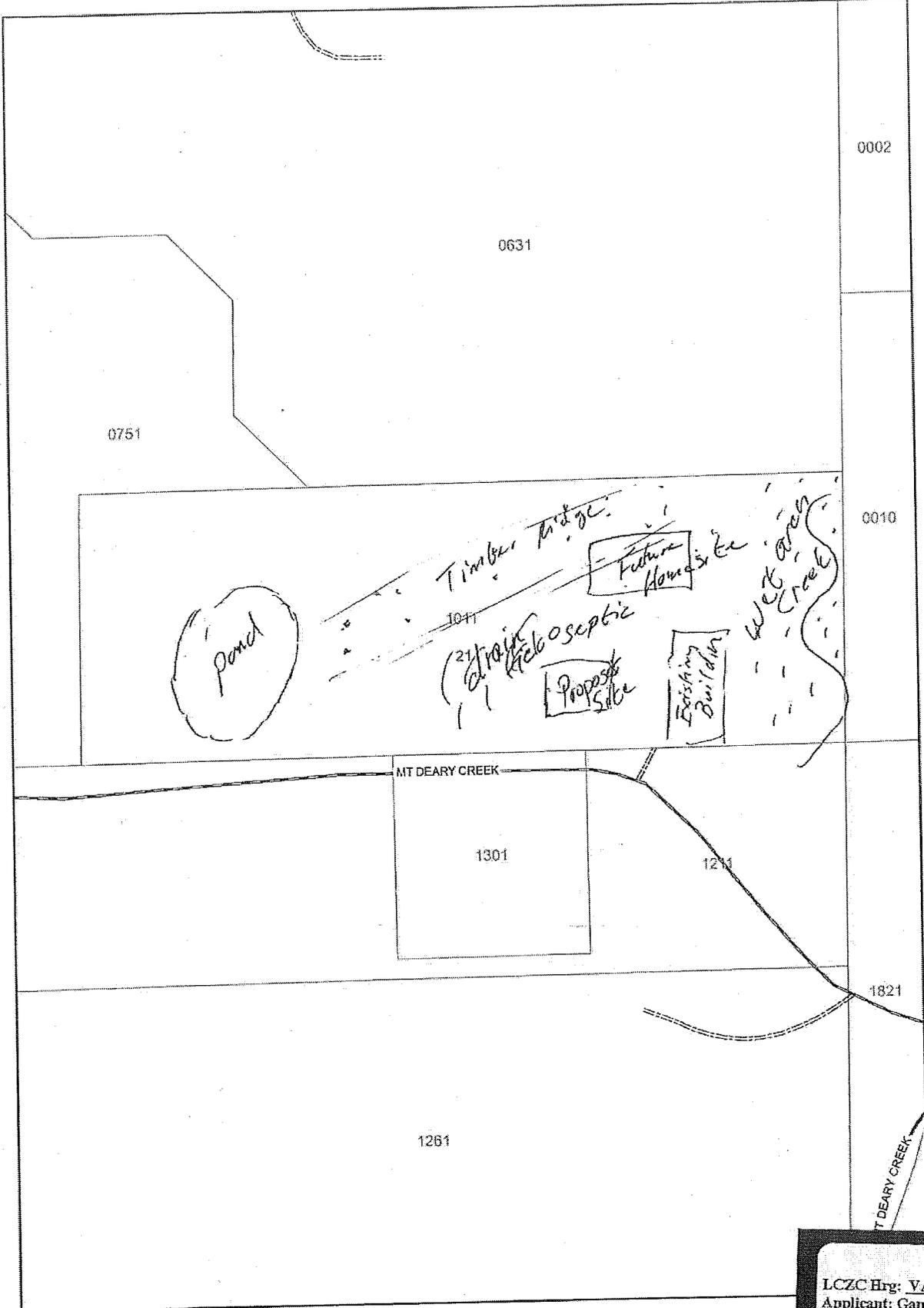
The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.

In no way will granting this variance affect others. The location will not hinder site on the county road.

Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

As stated above this 10 acre parcel has rock, wetland, steep slopes and a pond. This limiting the available buildable area.

LCZC Hrg: VAR 929
Applicant: Ganos
Exhibit #: 2A
Date: 09/17/2014



0002

0631

0751

0010

MT DEARY CREEK

1301

1211

1821

1261

MT DEARY CREEK

LCZC Hrg: VAR 929
Applicant: Ganos
Exhibit #: 2B
Date: 09/17/2014

VAR #929 – Staff Introduction

VAR #929 – A request by David Ganos for a variance to allow a 48-foot setback from a center line of a public-right of way in lieu of the 60-foot setback that is required for an 1128 Mt Deary Creek Road, Deary, Idaho, in Section 21, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP40N02W211011

1. Section 7.02.01 requires that an application for a variance shall be made by the owner of the affected property.

The application was signed and submitted by the property owner David Ganos, to the Planning and Building Department on September 5th, 2014.

2. Section 3.01.03 of the Latah County Land Use Ordinance requires that all residential structures shall be a minimum of 60 feet from the centerline of any public right of way.

3. Section 7.02.02 states that the Zoning Commission may grant a variance if the Commission finds that the proposed variance meets each of the following criteria:

1. The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.
2. Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

The Zoning Commission may also approve applications not meeting the criteria listed above if the Commission finds that the variance is essential to the public health, safety, or welfare.

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

EXHIBITS:

- | | |
|--------------|--|
| Exhibit #1. | Criteria Worksheet and Application Summary |
| Exhibit #1A. | Latah County Comprehensive Plan and Vicinity Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Adjoining Property Owners and Aerial Photograph Map |
| Exhibit #2. | Application Form (Submitted by Applicant) |
| Exhibit #2A. | Applicant's Narrative (Submitted by Applicant) |
| Exhibit #2B. | Property Site Plan (Submitted by Applicant) |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission public hearing for VAR #929 on September 17 th , 2014 |

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST
Public Hearing for Variance #930

Date: September 17th, 2014 Time: 5:35 pm Applicant: Tim Carr File #: VAR 930

EXHIBITS:

- | | |
|---------------------|--|
| Exhibit #1. | Criteria Worksheet and Application Summary |
| Exhibit #1A. | Latah County Comprehensive Plan and Vicinity Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Adjoining Property Owners and Aerial Photograph Map |
| Exhibit #1D. | Detail Site Map |
| Exhibit #1E. | Approximate Property Line Map |
| Exhibit #2. | Application Form (Submitted by Applicant) |
| Exhibit #2A. | Applicant's Narrative (Submitted by Applicant) |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission public hearing for VAR #930 on September 17 th , 2014 |

CRITERIA WORKSHEET & APPLICATION SUMMARY

Note: This exhibit does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of request:

Setback Variance for property line not abutting a public right-of-way

Description of application:

A request by Tim Carr for a variance to allow an approximately 31-foot setback from a property line not abutting a public right-of-way in lieu of the 35-foot setback that is required for an addition to a home located at 2251 Hwy 3 Kendrick, Idaho, 83537, in Section 09, Township 39 North, Range 02 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP39N02W099248A

Applicable Code:

Section 7.02.02 Variance Criteria

A variance may be granted if the Zoning Commission finds that the proposed variance meets each of the following criteria:

1. The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.
2. Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

If the Zoning Commission finds that a variance is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 13.17 acres
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: Rural
Existing Zoning: Agriculture Forest
Existing Uses: Home, 2 Shops, Barn, Horse Shed
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Residential/Agriculture/Forestry

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: State Highway 3
Schools: Deary School District
Fire Protection: Deary Fire District

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

Section 3.01 Agriculture/Forest
Article 7 Variances

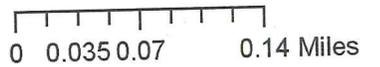
Latah County Comprehensive Plan

VAR #390 Comprehensive Plan

Latah County Planning and Building



NOTE: This document is a representation only.
 Latah County bears no responsibility for errors or omissions.



- Comprehensive_Plan**
- AOI; AOI
 - <all other values>
 - ICR
 - PRODUCTIVE
- ZONE**
- AFR
 - RURAL

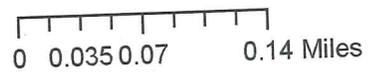
LCZC Hrg: VAR 930
 Applicant: Carr
 Exhibit #: 1A
 Date: 09/17/2014

VAR #390 Zoning

Latah County Planning and Building



NOTE: This document is a representation only.
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Zoning_2014

<all other values>

ZONE_TYPE

Agriculture / Forest

Agriculture / Forestry

Commercial

Industrial

Motor Business

Multiple Family Residential

Municipality

Rural Residential

Single-Family Residential

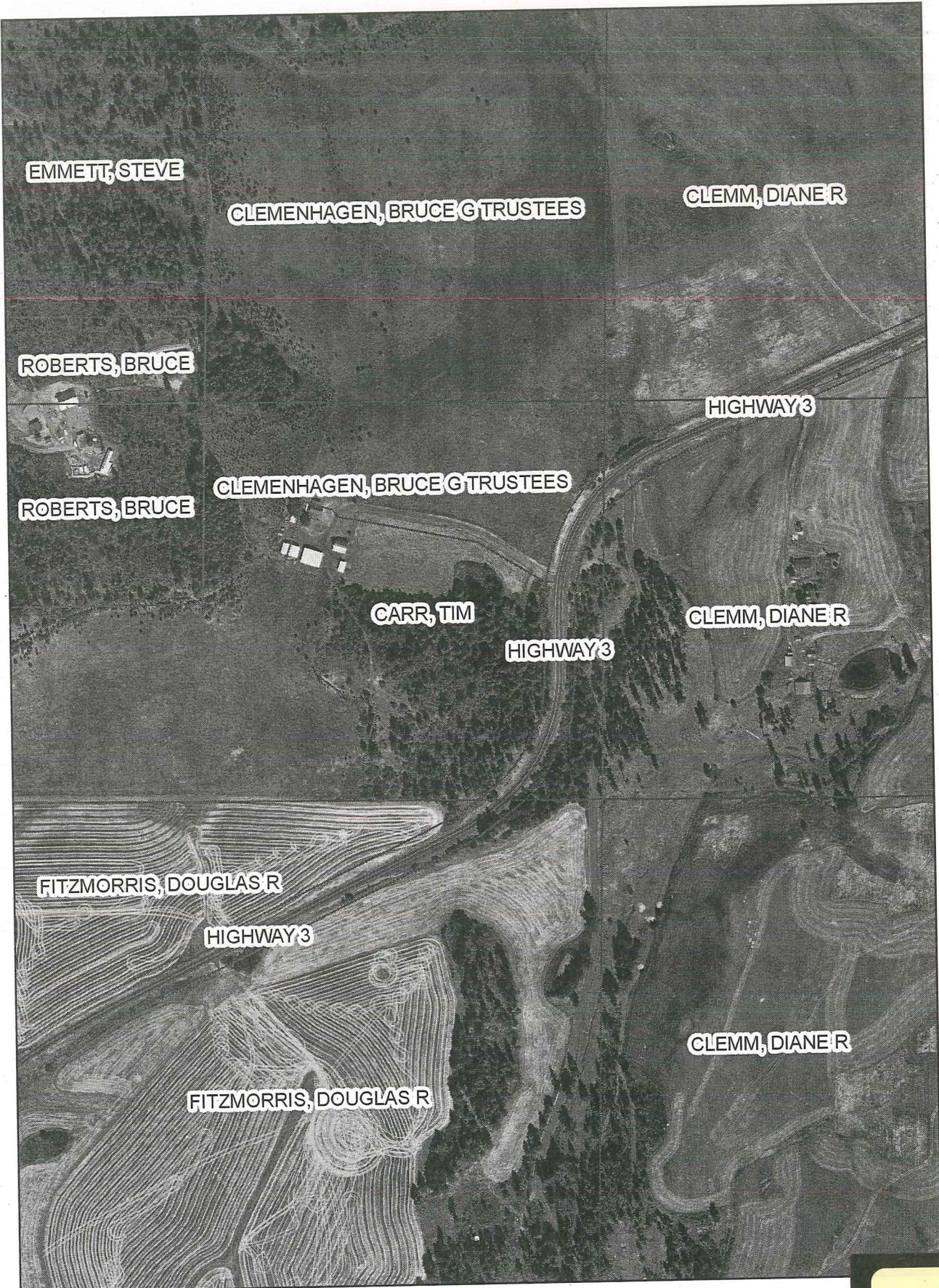
Single-Family Residential (R1)

Suburban Residential

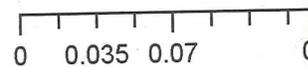
LCZC Hrg: VAR 930
Applicant: Carr
Exhibit #: 1B
Date: 09/17/2014

VAR #390 Aerial Photograph and Adjacent Property Owners

Latah County Planning and Building



NOTE: This document is a representation only.
Latah County bears no responsibility for errors or omissions.



LCZC Hrg: VAR 930
Applicant: Carr
Exhibit #: 1C
Date: 09/17/2014



Application for Variance

Instructions

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete. Please type or print plainly with dark ink.

Please submit to: **Latah County Department of Planning & Building**
Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID, 83843 (208) 883-7220

1. Applicant Information

a. Applicant Name <i>Tim Carr</i>	b. Home Phone / Work Phone 208-301-1508	c. Email <i>N/A</i>	
d. Mailing Address <i>P.O. Box 216</i>	e. City <i>Deary</i>	f. State <i>ID</i>	g. Zip code <i>83823</i>
h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone	
k. Mailing Address	l. City	m. State	n. Zip code

2. General Site Information

a. Assessor's Parcel Number(s) <i>RP 39 N 02 W 09 9248 A</i>	b. Site Address (if applicable) <i>2251 Hwy 3, Kendrick</i>		
c. Road Used to Access Site <i>Highway 3</i>	d. Floodplain designation(s) <i>N/A</i>	e. FEMA Panel #	
f. Existing Uses <i>Home, shops</i>			

Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

3. Service Provider Information (please attach additional information if requested)

a. Source of Potable Water (i.e. city, private well, water district) <i>Well</i>	b. Sewage Disposal (i.e. city, sewer district or private septic system) <i>Septic System</i>
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4. Adjacent Properties Information

a. Zoning of Adjacent Properties <i>Ag / Forest</i>	b. Existing Uses of Adjacent Properties <i>CRP farmland - Ag</i>
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5. Variance Information

Please indicate the section(s) of the Zoning Code for which the variance is sought and explain the circumstances that require the variance. Section 7.02 of the Latah County Land Use Ordinance states a variance shall only be used to modify setbacks, building height, yard or frontage requirements, and parking requirements on a lot or parcel of land prescribed by this ordinance.

Sect 3.01.03 variance for setback - Approx 31' instead of 35' - Only location to put addition, other locations are encumbered by H₂O system, septic system, utilities. For a 12' x 24' addition.

6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant <i>[Signature]</i>	b. Date <i>9-12-14</i>
c. Signature of Property Owner (if different than applicant)	d. Date

7. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

- Fee: (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.
- Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, and existing buildings; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission or Board of Adjustment to make a decision.
- Other Attachments: The Zoning Commission / Staff shall have the authority to require any additional information it feels is necessary to make a fair recommendation on the rezone request.

Office Use Only

Date Received by County <i>9/12/14</i>	Fee Amount <i>\$200</i>	Receipt No. <i>744026</i>	By <i>TS</i>
VAR # <i>930</i>	Date Determined Technically Complete <i>9-12-2014</i>	By <i>[Signature]</i>	
Hearing Date <i>9-17-2014</i>			

09/19/2013

LCZC Hrg: VAR 930
Applicant: Carr
Exhibit #: 2
Date: 09/17/2014



Variance Narrative Worksheet

Application Information

Applicant's Name

Tim Carr

Phone Number

N/A

Purpose: To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

Putting a 12' x 24' addition to home for a bedroom on the North side of home.

Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

Home, 2 shops, barn, horse shed

Relevant Criteria and Standards

Please respond to each of the criteria listed in Section 7.02.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.

It won't hurt anything because there is nothing out there. My closest neighbor is 1/2 mile away. Adjacent fields all add in CRP. There is no harm to the public or adjacent property owners.

Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

Without a variance we wouldn't be able to add the bedroom we need because the ~~current~~ current bedroom is very undersized. The shape of the parcel, location of existing building, location of utilities makes it impossible to add on anywhere but at that location.

If the Zoning Commission finds that a variance is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

N/A

VAR #930 – Staff Introduction

VAR #930 – A request by Tim Carr for a variance to allow a 31-foot setback from a property line not abutting a public right-of-way in lieu of the 35-foot setback that is required for an addition to a home located at 2251 Hwy 3 Kendrick, Idaho, 83537, in Section 09, Township 39 North, Range 02 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP39N02W099248A

1. Section 7.02.01 requires that an application for a variance shall be made by the owner of the affected property.

The application was signed and submitted by the property owner Tim Carr, to the Planning and Building Department on September 12th, 2014.

2. Section 3.01.03 of the Latah County Land Use Ordinance requires that all residential structures shall be a minimum of 35 feet from any property line not abutting a public right-of-way.

3. Section 7.02.02 states that the Zoning Commission may grant a variance if the Commission finds that the proposed variance meets each of the following criteria:

1. The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.
2. Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

The Zoning Commission may also approve applications not meeting the criteria listed above if the Commission finds that the variance is essential to the public health, safety, or welfare.

Exhibits will now be entered into the record.

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Map



LCZC Hrg: VAR 930
Applicant: Carr
Exhibit #: 1D
Date: 09/17/2014



Approximate Parcel Lines and Home Location

LCZC Hrg: VAR 930
Applicant: Carr
Exhibit #: 1E
Date: 09/17/2014