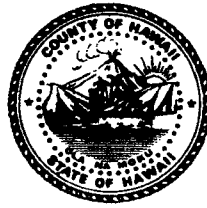


William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

June 15, 2016

Klaus Conventz
Baumeister Consulting
P. O. Box 2308
Kailua-Kona, HI 96745

Dear Mr. Conventz:

SUBJECT: Application: Variance - VAR 16-000343-Revised
Applicant: KLAUS CONVENTZ/BAUMEISTER CONSULTING
Owner: CHANCE T. AND DONNA P. BOWLING
Request: Variance from Chapter 25, Zoning, Article 5 Division 7, Section 25-5-76 Minimum Yards and Article 4, Division 4, Section 25-4-44(a) Permitted Projections into Yards and Open Space Requirements (Encroachment into the East Rear Yard Setback)

Tax Map Key: 7-3-031:039; Lot 125

The Planning Director certifies the **approval** of Variance No.16-000343-Revised, subject to variance conditions. The variance will allow portion of the two-story single-family dwelling to remain with a minimum 18.2-foot rear (east) yard setback to a minimum 19.1-foot rear (east) yard setback, in lieu of the required 20-foot rear (east) yard setback and the wooden deck projection resulting with a 13.8-foot rear (east) yard open space in lieu of the required 14-foot open space requirement. These exceptions are in lieu of the required 20-foot rear yard setback as required by the Hawai'i County Code, Chapter 25, Zoning, Section 25-5-76, Minimum yards and Section 25-4-44 (a), Permitted projections into yards and open space requirements.

This revised variance (Variance-16-000343-Revised) is to correct typographical errors and reference to the incorrect Variance number in the body of the letter.

BACKGROUND AND FINDINGS

1. **Location.** The subject property, consisting of approximately 11,977 square feet of land, is located in the Kona Palisades Subdivision, situated at Kalaoa 5th, North Kona, Hawai'i. The subject property's street address is 73-4329 Pā'ani Place.
2. **Zoning.** Agricultural – 5 acres (A-5a).

3. **State Land Use.** Urban.

4. **Required Setback.** 20-ft. front and rear, 10-ft. for sides.

5. **Variance Application-Site Plan.** The applicant submitted the variance application, attachments, and filing fee on January 29, 2016, and other submittals related to the variance request and variance application. The variance application's site plan, drawn to scale and prepared by Chrystal Thomas Yamasaki, LPLS, (Wes Thomas Associates–Land Surveyors), denotes the portions of the two-story single-family dwelling built into the rear (east) yard setback and rear (east) yard open space. (See attached memorandum–Exhibit A)

The site plan shows that portion of the two-story single-family dwelling encroaches 0.90 feet (10.8 inches) to 1.80 feet (21.6 inches) into the 20-foot rear (east) yard setback and the wooden deck encroaches 0.20 feet into the 14-foot rear (east) yard open space.

The encroachment leaves the single-family residence with a minimum 18.20-foot rear (east) yard setback to a minimum 19.10-foot rear (east) yard setback, in lieu of the required 20-foot rear (east) yard setback and the wooden deck, resulting with a 13.80-foot rear (east) yard open space in lieu of the required 14-foot side yard open space requirement.

6. **County Building Records.** Hawai'i County Real Property Tax Division records indicate that a building permit (K06891) was issued on June 6, 1985, for the construction of a 3-bedroom and 2-bath, single-family dwelling.

7. **Agency Comments and Requirements.**

- a. The State Department of Health (DOH) memorandum, dated February 18, 2016. (See attached memorandum – Exhibit B)
- b. No comments received from the Hawaii County Public Works Department-Building Division.

8. **Notice to Surrounding Property Owners.** The applicant submitted a copy of notice mailed to surrounding property owners (including affidavits) by USPS. According to these submittals, the first and second notices were mailed on January 29, 2016 and February 19, 2016, respectively. Notice of this application was published in the Hawai'i Tribune Herald and West Hawai'i Today on February 15, 2016.

9. **Time Extension.** The applicant's variance application was acknowledged by letter dated February 9, 2016 and additional time to review the application was required. The applicant granted the Planning Director an extension of time for decision on the Variance Application to April 16, 2016.

10. Comments from Surrounding Property Owners or Public. No written comments or objections from surrounding property owners or general public were received by the Planning Department.

ANALYSIS OF GROUNDS FOR VARIANCE

No variance will be granted unless it is found that:

- (a) *There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of the property.*

The variance application meets criteria (a) for the following reasons:

The site plan shows that portion of the two-story single-family dwelling encroaches 0.90 feet (10.8 inches) to 1.80 feet (21.6 inches) into the 20-foot rear (east) yard setback and the wooden deck encroaches 0.20 feet into the 14-foot rear (east) yard open space.

The encroachment leaves the single-family residence with a minimum 18.20-foot rear (east) yard setback to a minimum 19.10-foot rear (east) yard setback, in lieu of the required 20-foot rear (east) yard setback and the wooden deck, resulting with a 13.80-foot rear (east) yard open space in lieu of the required 14-foot side yard open space requirement.

No evidence has been found to allow indifference or premeditation by the owners or builders to deliberately create or intentionally allow the open lanai encroachment problem to occur.

It appears that the two-story single-family dwelling constructed nearly 31 years ago was constructed under valid building permits and other construction permits issued by the County. Also, it appears that past building permit inspections of the premises by the agencies during construction of the single-family dwelling did not disclose any building encroachment issues or building setback irregularities at that time.

The above special and unusual circumstances determine the owner was not at fault in creating the encroachment violation and requiring them to fix the encroachments would interfere with the best use and development of the property.

- (b) *There are no other reasonable alternatives that would resolve the difficulty.*

The variance application meets criteria (b) for the following reasons:

Alternatives available to the current owners to correct and/or address the single-family dwelling encroachment constructed into the affected rear yard setback and open space of the subject property include the following actions:

Remove the building encroachments and/or redesign or relocate the single-family dwelling constructed upon the subject property to fit within the correct building envelope denoted on the recent survey map as prescribed by the Zoning Code. This alternative would be deemed unreasonable, especially when the current owners were under the impression that the open lanai was in compliance with all County requirements. Also, any structural or design correction to the open lanai to meet setback requirement would leave unattractive reconstruction scars.

Another alternative is to consolidate the subject property with the adjoining rear property which is owned by another party, and resubdivide the property to modify property lines and adjust minimum yard setbacks. Both of these alternatives are not practical. Therefore, there are no reasonable alternatives to resolve the difficulty.

(c) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

The variance application meets criteria (c) for the following reasons:

The intent and purpose of requiring building setbacks within a subdivision are to assure that adequate air circulation and exposure to light are available between permitted structure(s)/ uses and boundary/property lines.

No evidence has been found to show indifference or premeditation by the owners or builders to deliberately create or intentionally allow the building encroachment problems to occur.

The variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties. As such, it is felt that the issuance of this variance will not depreciate or detract from the character of the surrounding properties.

This can be substantiated, to some degree, by the fact that no comments or objections were received from the surrounding property owners or general public in response to the Notification of Surrounding Property Owners.

Based on the foregoing findings and unusual circumstances, the applicant's request for variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code, and the County General Plan. Furthermore, the variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

Based on the variance application's survey map, the single-family dwelling built upon the

Klaus D. Conventz
dba Baumeister Consulting
Page 5
June 15, 2016

subject property (LOT 125) will not meet the minimum rear yard setback and open space requirements pursuant to Hawai'i County Code, Chapter 25, (Zoning Code).

This variance request is **approved** subject to the following conditions:

1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.
2. The applicant/owner(s), successors or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.
3. Should the two-story single-family dwelling wooden deck on the subject property be destroyed by fire or other natural causes, the replacement structure shall comply with the Hawai'i County Code, Chapter 25, (Zoning) and be subject to State law and County ordinances and regulations pertaining to building construction occupancy.
4. An Ohana or Farm Dwelling permit shall not be granted upon the subject property, subject to provisions of the Hawai'i County Code, Chapter 25 (Zoning) or State Law, which may change from time to time.
5. Future or new building improvements and permitted uses shall be subject to State Law and County Ordinances and Regulations pertaining to building construction and occupancy.

Should any of the foregoing variance conditions not be complied with, the Planning Director may proceed to declare subject Variance VAR-16-000343 null and void.

Sincerely,

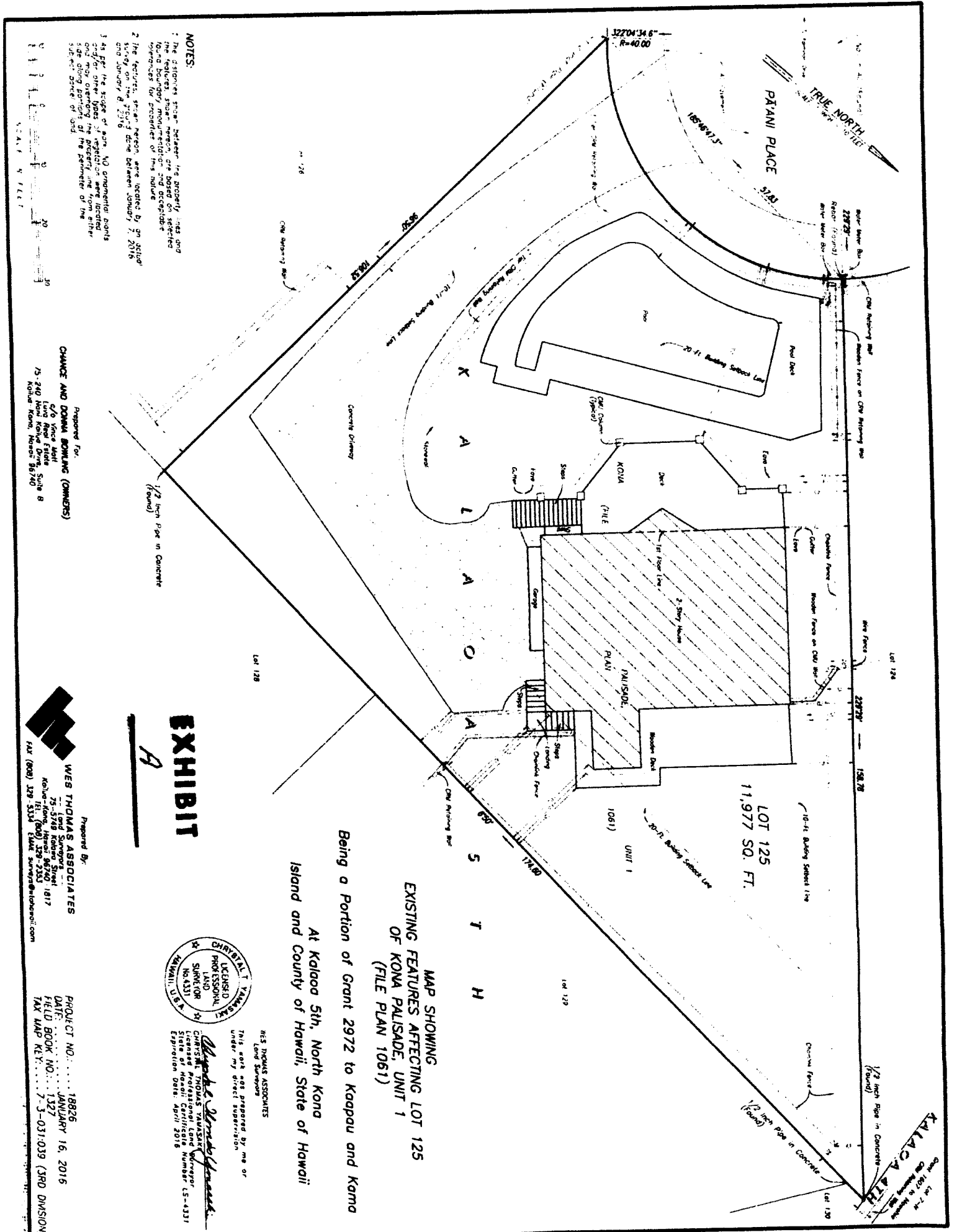


DUANE KANUHA
Planning Director

LHN:nci

P:\Admin Permits Division\Variances From CoH02\Zone7\VAR16-000343-RevisedTMK7-3-031-039Bowling.doc

xc: Planning Department-Kona
Real Property Tax Division-Kona
Gilbert Bailado, GIS (via email)



**MAP SHOWING
EXISTING FEATURES AFFECTING LOT 125
OF KONA PALISADE, UNIT 1
(FILE PLAN 1061)**

Being a Portion of Grant 2972 to Kaopou and Kama
At Kalaoa 5th, North Kona
Island and County of Hawaii, State of Hawaii

WES THOMAS ASSOCIATES
Land Surveyors

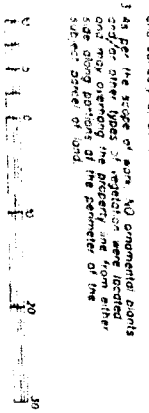
THIS WORK WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION



Cheryl A. Thomas
Cheryl A. Thomas, Licensed Professional Land Surveyor
State of Hawaii, Commission Number LS-4331
Expiration Date: April 2018

**EXHIBIT
A**

- NOTES:**
- The features shown herein are based on the information furnished to the Surveyor and are based on selected boundary measurements and acceptable evidence for purposes of this matter.
 - The features shown herein were updated by an actual survey conducted on January 7, 2016.
 - As per the scope of work, no comments are made regarding the accuracy of the information shown either on or along portions of the perimeter of the subject parcel of land.



Prepared For:
CHANCE AND DONNA BOWLING (OWNERS)
C/O Vince Hall
Lava Reef Estate, Suite 8
75 240 Kona Drive, Kona, HI 96740
Kona, HI 96740

Prepared By:
WES THOMAS ASSOCIATES
75-5749 Kona Street
Kona, HI 96740
Tel: 808-853-3343
Fax: (808) 329-3343
www.westhomas.com

PROJECT NO.: 18826
DATE: JANUARY 16, 2016
FIELD BOOK NO.: 1327
TAX MAP KEY: J-3-031:039 (SRD DIVISION)

KALAOA 5TH
Lot 124
Lot 125
Lot 126
Lot 127
Lot 128
Lot 129
Lot 130



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: February 18, 2016

TO: Mr. Duane Kanuha
Planning Director, County of Hawaii

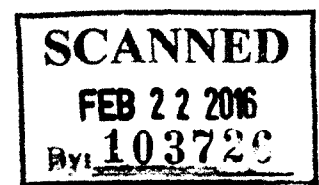
FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: **Application: Variance – VAR 16-000343**
Applicant: KLAUS D. CONVENTZ/BAUMEISTER CONSULTING
Owner: CHANCE T. AND DONNA P. BOWLING
Request: Variance from Chapter 25, Zoning, Article 5 Division 7,
Section 25-5-76 Minimum Yards (Encroachment into
Southeast Rear Yard Setback)
Tax Map Key: 7-3-031:039; Lot 125

The Health Department found no environmental health concerns with regulatory implications in the submittals.

EXHIBIT

B



William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 11, 2016

Klaus Conventz
Baumeister Consulting
P. O. Box 2308
Kailua-Kona, HI 96745

Dear Mr. Conventz:

SUBJECT: Application: Variance - VAR 16-000343
Applicant: KLAUS CONVENTZ/BAUMEISTER CONSULTING
Owner: CHANCE T. AND DONNA P. BOWLING
Request: Variance from Chapter 25, Zoning, Article 5 Division 7, Section 25-5-76 Minimum Yards and Article 4, Division 4, Section 25-4-44(a) Permitted Projections into Yards and Open Space Requirements (Encroachment into the East Rear Yard Setback)

Tax Map Key: 7-3-031:039; Lot 125

The Planning Director certifies the **approval** of Variance No. 15-000343, subject to variance conditions. The variance will allow portion of the two-story single-family dwelling to remain with a minimum 18.2-foot rear (east) yard setback to a minimum 19.1-foot side (east) yard setback, in lieu of the required 20-foot rear (east) yard setback and associated roof eave projection resulting with a 13.8-foot rear (east) yard open space in lieu of the required 14-foot open space requirement. These exceptions are in lieu of the required 20-foot rear yard setback as required by the Hawai'i County Code, Chapter 25, Zoning, Section 25-5-76, Minimum yards and Section 25-4-44 (a), Permitted projections into yards and open space requirements.

BACKGROUND AND FINDINGS

1. **Location.** The subject property, consisting of approximately 11,977 square feet of land, is located in the Kona Palisades Subdivision, situated at Kalaoa 5th, North Kona, Hawai'i. The subject property's street address is 73-4329 Pā'ani Place.
2. **Zoning.** Agricultural – 5 acres (A-5a).
3. **State Land Use.** Urban.

4. **Required Setback.** 20-ft. front and rear, 10-ft. for sides.
5. **Variance Application-Site Plan.** The applicant submitted the variance application, attachments, and filing fee on January 29, 2016, and other submittals related to the variance request and variance application. The variance application's site plan, drawn to scale and prepared by Chrystal Thomas Yamasaki, LPLS, (Wes Thomas Associates – Land Surveyors), denotes the portions of the two-story single-family dwelling built into the rear (east) yard setback and rear (east) yard open space. (**See attached memorandum – Exhibit A**)

The site plan shows that portion of the two-story single-family dwelling encroaches 0.90 feet (10.8 inches) to 1.80 feet (21.6 inches) into the 20-foot rear (east) yard setback and the associated roof eave encroaches 0.20 feet into the 14-foot rear (east) yard open space.

The encroachment leaves the single-family residence with a minimum 18.20-foot rear (east) yard setback to a minimum 19.10-foot rear (east) yard setback, in lieu of the required 20-foot rear (east) yard setback and associated roof eave projection, resulting with a 13.80-foot rear (east) yard open space in lieu of the required 14-foot side yard open space requirement.

6. **County Building Records.** Hawai'i County Real Property Tax Division records indicate that a building permit (K06891) was issued on June 6, 1985, for the construction of a 3-bedroom and 2-bath, single-family dwelling.
7. **Agency Comments and Requirements.**
 - a. The State Department of Health (DOH) memorandum, dated February 18, 2016. (**See attached memorandum – Exhibit B**)
 - b. No comments received from the Hawaii County Public Works Department-Building Division.
8. **Notice to Surrounding Property Owners.** The applicant submitted a copy of notice mailed to surrounding property owners (including affidavits) by USPS. According to these submittals, the first and second notices were mailed on January 29, 2016 and February 19, 2016, respectively. Notice of this application was published in the Hawai'i Tribune Herald and West Hawai'i Today on February 15, 2016.
9. **Time Extension.** The applicant's variance application was acknowledged by letter dated February 9, 2016 and additional time to review the application was required. The applicant granted the Planning Director an extension of time for decision on the Variance Application to April 16, 2016.

10. **Comments from Surrounding Property Owners or Public.** No written comments or objections from surrounding property owners or general public were received by the Planning Department.

ANALYSIS OF GROUNDS FOR VARIANCE

No variance will be granted unless it is found that:

- (a) *There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of the property.*

The variance application meets criteria (a) for the following reasons:

The site plan shows that portion of the two-story single-family dwelling encroaches 0.90 feet (10.8 inches) to 1.80 feet (21.6 inches) into the 20-foot rear (east) yard setback and the associated roof eave encroaches 0.20 feet into the 14-foot rear (east) yard open space.

The encroachment leaves the single-family residence with a minimum 18.20-foot rear (east) yard setback to a minimum 19.10-foot rear (east) yard setback, in lieu of the required 20-foot rear (east) yard setback and associated roof eave projection, resulting with a 13.80-foot rear (east) yard open space in lieu of the required 14-foot side yard open space requirement.

No evidence has been found to allow indifference or premeditation by the owners or builders to deliberately create or intentionally allow the open lanai encroachment problem to occur.

It appears that the two-story single-family dwelling constructed nearly 31 years ago was constructed under valid building permits and other construction permits issued by the County. Also, it appears that past building permit inspections of the premises by the agencies during construction of the single-family dwelling did not disclose any building encroachment issues or building setback irregularities at that time.

The above special and unusual circumstances determine the owner was not at fault in creating the encroachment violation and requiring them to fix the encroachments would interfere with the best use and development of the property.

- (b) *There are no other reasonable alternatives that would resolve the difficulty.*

The variance application meets criteria (b) for the following reasons:

Alternatives available to the current owners to correct and/or address the single-family dwelling encroachment constructed into the affected rear yard setback and open space of the subject property include the following actions:

Remove the building encroachments and/or redesign or relocate the single-family dwelling constructed upon the subject property to fit within the correct building envelope denoted on the recent survey map as prescribed by the Zoning Code. This alternative would be deemed unreasonable, especially when the current owners were under the impression that the open lanai was in compliance with all County requirements. Also, any structural or design correction to the open lanai to meet setback requirement would leave unattractive reconstruction scars.

Another alternative is to consolidate the subject property with the adjoining rear property which is owned by another party, and resubdivide the property to modify property lines and adjust minimum yard setbacks. Both of these alternatives are not practical. Therefore, there are no reasonable alternatives to resolve the difficulty.

(c) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

The variance application meets criteria (c) for the following reasons:

The intent and purpose of requiring building setbacks within a subdivision are to assure that adequate air circulation and exposure to light are available between permitted structure(s)/ uses and boundary/property lines.

No evidence has been found to show indifference or premeditation by the owners or builders to deliberately create or intentionally allow the building encroachment problems to occur.

The variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties. As such, it is felt that the issuance of this variance will not depreciate or detract from the character of the surrounding properties.

This can be substantiated, to some degree, by the fact that no comments or objections were received from the surrounding property owners or general public in response to the Notification of Surrounding Property Owners.

Based on the foregoing findings and unusual circumstances, the applicant's request for variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code, and the County General Plan. Furthermore, the variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

Based on the variance application's survey map, the single-family dwelling built upon the

Klaus D. Conventz
dba Baumeister Consulting
Page 5
April 11, 2016

subject property (LOT 125) will not meet the minimum rear yard setback and open space requirements pursuant to Hawai'i County Code, Chapter 25, (Zoning Code).

This variance request is **approved** subject to the following conditions:

1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.
2. The applicant/owner(s), successors or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.
3. Should the two-story single-family dwelling on the subject property be destroyed by fire or other natural causes, the replacement structure shall comply with the Hawai'i County Code, Chapter 25, (Zoning) and be subject to State law and County ordinances and regulations pertaining to building construction occupancy.
4. An ohana or farm dwelling permit shall not be granted upon the subject property, subject to provisions of the Hawai'i County Code, Chapter 25 (Zoning) or State Law, which may change from time to time.
5. Future or new building improvements and permitted uses shall be subject to State Law and County Ordinances and Regulations pertaining to building construction and occupancy.

Should any of the foregoing variance conditions not be complied with, the Planning Director may proceed to declare subject Variance VAR-16-000343 null and void.

Sincerely,

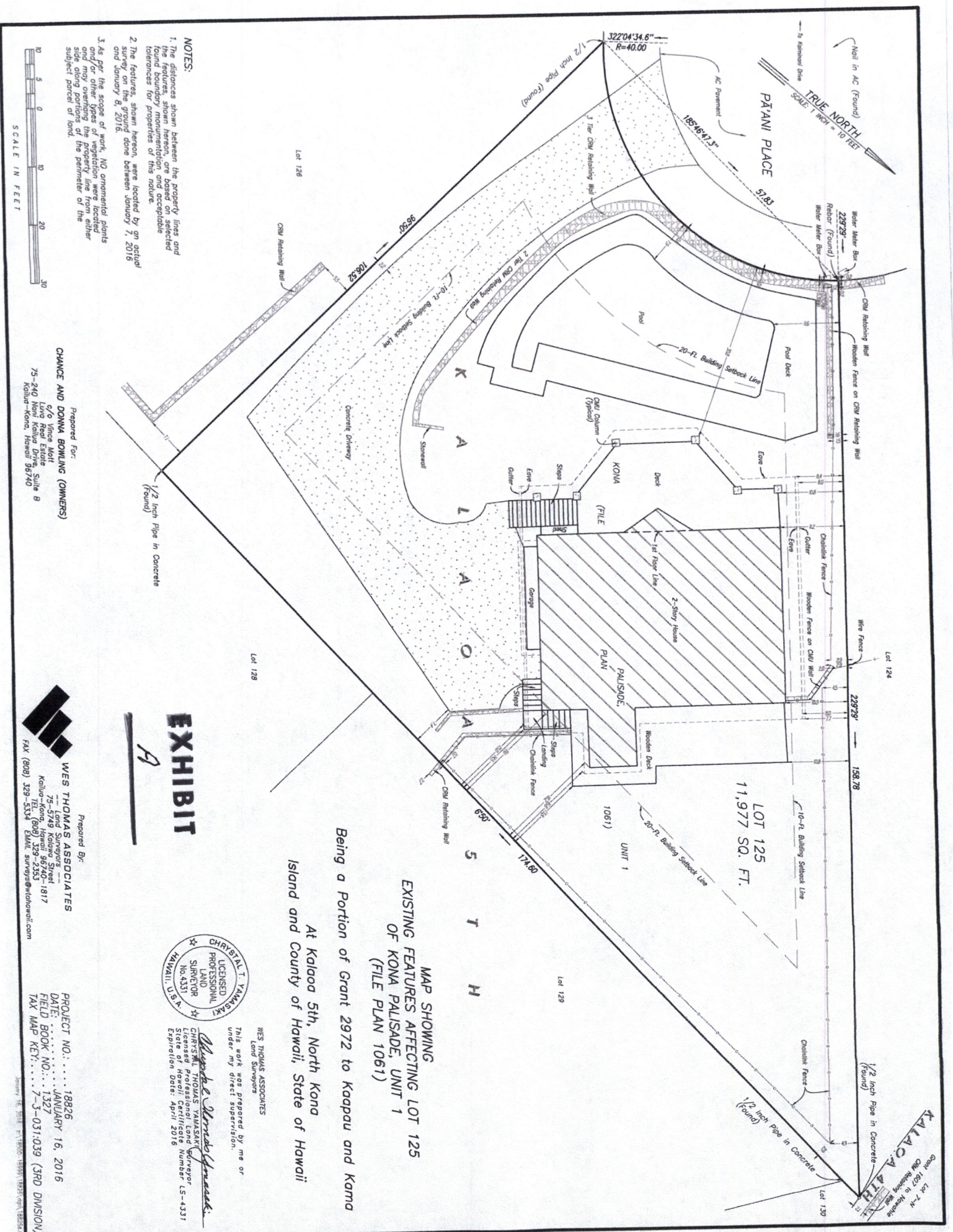


DUANE KANUHA
Planning Director

LHN:nci

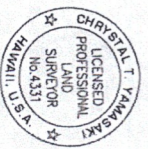
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xc: Planning Department-Kona
Real Property Tax Division-Kona
Gilbert Bailado, GIS (via email)



**MAP SHOWING
EXISTING FEATURES AFFECTING LOT 125
OF KONA PALISADE, UNIT 1
(FILE PLAN 1061)**

Being a Portion of Grant 2972 to Kaopau and Kama
At Kalaoo 5th, North Kona
Island and County of Hawaii, State of Hawaii



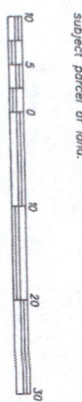
This work was prepared by me or
under my direct supervision.

Christie Yamagaki
CHRISTIE YAMAGAKI
Licensed Professional Surveyor
License No. 4331
Expiration Date: April 2016

WES THOMAS ASSOCIATES
Land Surveyors

**EXHIBIT
A**

- NOTES:**
1. The distances shown between the property lines and the features, shown hereon, are based on selected found boundary monuments and/or other suitable tolerances for properties of this nature.
 2. The features, shown hereon, were located by an actual survey on the ground done between January 7, 2018 and January 8, 2018.
 3. As per the scope of work, NO ornamental plants and/or other types of vegetation were located and may overhang the property line from either side along portions of the perimeter of the subject parcel of land.



Prepared For:
CHANCE AND DONNA BOWLING (OWNERS)
C/O Vance Holt
Lure Road Estate
75-240 Nani Kohua Drive, Suite B
Kohala-Kona, Hawaii 96740

Prepared By:
WES THOMAS ASSOCIATES
75-5000 Surveyors Street
Kohala-Kona, Hawaii 96740-1817
TEL: (808) 329-2333
FAX: (808) 329-5334 EMAIL: survey@wethomas.com

PROJECT NO.: 18826
DATE: JANUARY 16, 2016
FIELD BOOK NO.: 1327
TAX MAP KEY: 7-3-031:039 (3RD DIVISION)

KALAOA 4TH
Lot 7-4
Cul-De-Sac to Kalaoo



2016 FEB 19 PM 2:18

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: February 18, 2016

TO: Mr. Duane Kanuha
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: **Application: Variance – VAR 16-000343**
Applicant: KLAUS D. CONVENTZ/BAUMEISTER CONSULTING
Owner: CHANCE T. AND DONNA P. BOWLING
Request: Variance from Chapter 25, Zoning, Article 5 Division 7,
Section 25-5-76 Minimum Yards (Encroachment into
Southeast Rear Yard Setback)
Tax Map Key: 7-3-031:039; Lot 125

The Health Department found no environmental health concerns with regulatory implications in the submittals.

EXHIBIT

B

