

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 6, 2001

Samuel C. Havrilak, D.D.S. 2419 East Joppa Road Baltimore, MD 21234-2921

RE: Spirit and Intent-Zoning Case # 71-13-RX, 2419 East Joppa Road, Bultimore, MD 21234-2921, 9th Election District

Dear Dr. Havrilak:

Your recent letter to Arnold Jablon, Director, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

- 1. The parking lot, as shown on the site plan for prior zoning case # 71-13-RX, was never built.
- 2. Your dental patients currently park on Lakewood Road, a side street to your property, contrary to the site plan and order in that case.
- 3. Your proposed location for a new macadam parking lot for your patients would not meet the 25 feet buffer requirement contained in restriction # 2 of that case.
- 4. As a result of the above, your proposal does not appear to meet the spirit and intent of the Baltimore County Zoning Regulations (BCZR) as relates to Zoning Case #71-13-RX

Therefore, in order to meet the spirit and intent of the BCZR, you will need to file a petition for Special Hearing (checklist and petition forms enclosed) to amend the site plan and restrictions in Case # 71-13-RX.

Since the property is now zoned RO (Residential Office) according to the official Baltimore County zoning maps, a second option exists to abandon the prior Special Exception case and seek approval for your proposal under the current RO zoning requirements. However, seeking approval through this second option will require a more comprehensive review under the new development process.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, please feel free to contact me at 410-887-3391.

Sincerely,

Planner II

Zoning Review Office

rey Perlow

c: Zoning Hearing File 71-13-RX File-Spirit and Intent Letters

TO THE ZONING COMMISSIONER OF BALLTMORE COUNTY:

Dr. John R. Barnhart and

\$2500 W. John R. B et Merece, EASTER AREA to the Zoning Law of Baltimore County, from an..... R-6 to an SEC, 3-6

.....zone; for the following reas (1) Error in original sening.

NE-10-D PA-X

10:00 A

7/37/70 4 page 1096

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(5) Owner, who presently melatains a dental office on the first and resides on second floor of building, decires to maintal office on first floor and rent second floor.

(4) and for reasons set forth on the attached page and made a part of this Petition.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for ... effices.

Property is to be posted and advertised as prescribed by Zoning Regi I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising spon filling of this petition, and further agree to and are to be bound by the zoning re County adopted pursuant to the Zening Law for Bal

De ? E let,005

J. R. Bond Enterprises, Inc. John R. Ear Let Pres. 2419 E. Joppa Boad 21234

2419 E. Joppa Road Atimore, M. 21254 Mario

Baltimore, Mi. Protestant's Attorney

M4. 21204

nissioner of Baltimore County, this_.. 19879, that the subparameter of this petition be advertised, as wired by the Zoning Law of Baltimere County, in two newspapers of ger

ore County, that property be posted, and that the public hearing be had before the Zoning timore county in Room 108, County Office Building in Towson, v of July ., 19870, at 19:00 o'clock

Edward D.

RE: PETITION FOR RECLASSIFICATION retition for reclassification from an R-6 zone to an R-A zone, and SPECIAL EXCEPTION for Offices
SW corner Joppa and Lekewood Roads,
9th District COUNTY BOARD OF APPEALS J. R. Bond Enterprises, Inc.,

BEFORE

BALTIMORE COUNTY

No. 71-13-RX

OPINION

This case comes before the Board on an appeal by the Protestants from a ecision of the Deputy Zoning Commissioner, dated October 21, 1970, granting the patition. The petition originally was for a reclassification from an R-6 to an R-A zone and a special exception for offices. Since then, the Baltimore County County has adopted a new set of Zoning Regulations, Zoning Classifications and Comprehensive Zoning Maps, and in that process the subject property was reclassified to a D.R. 16 (Density Residential 16 Zone), which in principle is quite comparable to the old R-A Therefore the reclassification issue now is most in the instant or 7. and the only issue before 'he Board is the request for a special exception for offices

The subject property is located at 2419 East Joppa Road, between Harford and Old Harford Roads, in the Carney area of Baltimore County's Ninth Flection District. 70 feet wide fronting on the south side of Joppa Road; 100 feet wide across the rear of the lot and 140 feet deep along the west side of Lakevood Road, and being improved by a two story frame cottage. It is prescritly being used by the owner to conduct his dental ractice on the first floor, and to maintain a residential apartment on the second floor Such use has been continuously in effect since 1968 by the present owner, and prior to that since 1961 by the previous owner

The zoning and land uses surrounding the subject property consist of an adjacent vacant lot, size 50 by 145 feet, on the west side, followed by a small Baptist church with an estimated frontage of 200 feet wide extending to the corner where Richard Avenue intersects Jappa Road. Both properties are in a D.R. 16 zone. Directly across the streat from the subject, along the north side of Jappa Road, are four detached

J. R. Bond Enterprises, Inc. - #71-13-RX

esidential use in a D. R. 16 zone, followed by, in a westwardly direction Ganlon's Sectood Drive-In and an American Oil station, both in a B.L. (Busines: Local) In the roar of the subject is a D.R. 5.5 zone developed with detached residentia

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2.

The Petitioner proposes to continue utilizing the existing building for a deoffice and an apartment, and to provide six on site parking spaces.

Under the Zoning Regulations of Baltimore County, offices are a permitted se by special exception in a D.R. 16 zone, subject to the provisions of Section 502.1 of

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

Be detrimental to the health, safety, or general welfare of the locality involved; Yend to create congestion in roads, streets or alleys therein; Creaie a potential hazard from fire, panic or other dangers; Tend to overcrowd land and cause undue Concentration of

population, Interfere with adequate provisions for schools, parks, water,

conveniences, or improvements; Interfere with adequate light and air."

Two Protestants testified. They conceded that the Petitioner, Dr. John art, President of Bond Enterprises, Inc., has been a good weighbor; that he ed the appearance of the site since acquiring it in 1968, and that they have no that he may expand his office use and that parking problem: will be engendered. One of the Protestants said, in effect, that he had no objection to granting the special exception if it were issued subject to restrictions that would protect his property from adverse effects.

Dr. Earnhart testified that he does business by appointment and the small amount of traffic now generated by handling tweive to eighteen patients a day will be decree, ed to about six or eight patients a day through instituting a new system of ireatmen J. R. Bond Enterprises, Inc. - #71-13-RX

Mr. and Mrs. Sheeler, who live across the street, favored the granting of and felt it would stabilize the use of the subject properly and offset any estble adverse use being made of it. They also testified that there was no traffic

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3.

Without going into further detail, the Bessel Finds, from the testimony hear and the evidence presented, that the proposed use is compatible with the surrounding neighborhood, and that the requirements of Section 502.1 of the Zoning Regulations are atisfied. Therefore, the petitioned special exception for offices will be and hereby in

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 13th day of August, 1971, by the County Board of Appeals, ORDERED that the special exception for offices petitioned for, be and the same is hereby GRANTED, subject to the following

- 1. The site plan is subject to the approval of the Office of Planning, and the Department of Public Works of Acitimore County
- 2. A twenty-five (25) foot wide buffer strip across the rear most portion of the entire lot shall be maintained or laws and landscaped area
- 3. The parking lot shall be acreened as required by the Office of Planning
- 4. The present building shall be used for the offices, and no more than one half the total floor area of the two floors shall be used for offices.

J. R. Bond Enterprises, Inc. - #71-13-RX

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Any appeal from this decision must be in accordance with Chapter 1100, btitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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PETITION FOR RECLASSIFICATION
AND SPECIAL EXCEPTION
SW corner of Joppa Road and
Lakewood Road - 9th District ZONTING COMMISSIONER OF J R. BOND ENTERPRISES, INC. Petitioner No. 71-13-RX (Item No. 263)

NOTICE OF APPEAL

Will you kindly note an appeal on behalf of Albert J. Dorsch to the County Board of Appeals from your Order of October 21, 1970 in the above entitled case.

I HERELY CERTIFY that copy of the aforegoing Notice of Appeal was mailed this $\space{1mm} / \space{1mm} / \spac$

683 RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION AND OFFILIAL EXCEPTION SW/corner of Jopha Road and Lakewood Road - 9th District J. R. Bond Enterprises, Inc. Petitioner NO. 71-13-RA (Item NO. 263)

BEFORE THE DEPUTY ZONING COMMISSIONE CF BALTIMORE COUNTY

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The Petitioner seeks a Reclassification from an R-6 gone to an RA gon and a Special Exception for offices, on a parcel of land located on the southwest corner of Joppe Road and Lakewood Road, in the Minth Election District, said percel consisting of 0.32 of an acre of land, more or less.

Evidence presented at the hearing imicated that the property is by a dwelling which is occupied by a dentist who has offices on the first floor and his residence on the second floor.

Testimony indicated that in approving the Comprehensive Zoning Map for this area on August 1, 1966, the Baltimore County Council goned in an easterly mony indicated that it was in error in not soning the subject property RA and bputy Zoning Commissioner also feels that the Baltimore County Council was or in not soming the subject property RA on the Comprehensive Zoring Map uring Lakewood Road as a natural buffer.

Ir. requesting the Special Exception for offices, the Petitioner subevidence indicating duat the existing building would be used to house the dentist office and that parking would be provided as par the revised plans submitted to this office. Residents of the area, in opposition to this request, indicated that parking along Lakewood Road was hazardous due to the offices located on the subject property. They further indicated that they were not in opposition to the dentist maintaining his offices at this location so larg as he

The question i the minds of the residents, as to parking, would be solved with the addition of parking spaces on the subject property. It is the Deputy Zoning Commissioner's opinion that the granting of the Special Exception would not be detrimental to the health, safety, and general welfare of the locality involved so long as the present use of the property is not substantiality increased.

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For the aforegoing reasons and the prequisites of Section 502,1 of the ere County Zoning Regulations having been met, IT IS ORDERED by the Deputy Zoning Commissioner of Saltimore County this 212 day of October, 1970, that rein described property or area should be and the same is hereby raclassi fied from an R-o some to an RA zone, from and after the date of this Order. It is further CRUERED . You the request for the Special Exception for offices should be and the same is Granted from and after the date of this Order, subject to the

- That the present improvement be used for effices and that no more than fifty (50) per cent of the total floor area shall be used or offices.
- b. That not were than two (2) non-resident professional associates and three (3) non-resident employees shall be permitted.
- c. That screening be provided ar und the parking area in conformity with the Beltimore County Zoning Regulation
- d. That the entrance to Joppa Road, as indicated on the Petitioner's plat, be eliminated and that the entrance to the parking lot be relocated on Lakewood Road.

The site plan is subject to the approval of the Bureau of Publi and the Office of Planning and Zoning.

- MOU 19'70'4 Dans 0 1 2

ORDER RE

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April 6, 1970

DESCRIPTION TO ACCOMPANY PETITION RECLASSIFICATION R-6 TO R.A. SPECIAL EXCEPTION FOR OFFICE 2419 JOPPA ROAD
9th ELECTION DISTRICT, BALFIMORE COUNTY

BEGINNING for the same at a point formed by the south Right of Way lire of Joppa Road, 60' wide, and the west Right of Way line of Lakewood Road, 50' wide, said point being at the beginning of the lang which by deed dated April 24, 1968 and recorded among the Land Records of Baltimore County in Liber OT 4869, folio 615 was conveyed by John M. Foley and wife to J. R. Bond Enterprises, Inc., running thence and binding on the 1st to the 5th or last line inclusive in the aforesaid deed, the five following courses and distances: 1)binding on the west Right of Way line of Lakewood Road S5*00'00"E 140.00' thence leaving the west Right of Way line of Lakewood Road 2)585*00'00"W 100.00' 3)N5*00'00"W 53.91' 4)N14*00'00"E 107.65' to the south Right of May line of Joppa Road, thence bind ag on the south side of Joppa Road 5) by a curve to the right with a radius of 1040° for a distance of 70.00° to the place of beginning.

CONTAINING 0.22 acres of land more or less.

BEING all of the lang which by deed dated April 24, 1968 and recorded among the Land Records of Baltimore County in Liber OTG 4869, folio 615 was conveyed by John M. Foley and wife to J. P. Bond Enterprises. Inc.



BALTIMORE COUNTY, MARYLAND

NTER-OFFICE CORRESPONDENCE

TO Mr. Edward D. Hardesty, Zoning CommissionerDate July 24, 1970

FROM Mr. George E. Govrelis, Director of Planning

SURJECT Patition (7)-13-2X. Southwest corner of Joppa & Lakewood Roads Patition for Reclassification from R-6 to R.A. Patition for Special Exception for Offices J. R. Bond Enterprise, Inc. - Patitioners

9th District

.ARING: Monday, July 27, 1970 (10:00 u.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassifi-ation from R-5 to R.A. zoning together with a special exception for

The Planning Staff notes that apartment zoning was created by the last zoning map The Planning Start notes that applications was declared by the tas social sup-to a point at the westerly boundary of the subject property. This zoning issue was reviewed by the Planning Board committee dealing with the new zoning maps. Final resolution or recommendation was deferred pending field investigation by

We, therefore, request additional time for final comment some time in August.

GEG:msh



IN THE MATTER OF A REQUEST BY JOHN R. EARNHART, MT AL. FOR A ZOWING RECLASSIFICATION AND CF BALTIMORE COUNTY SPECIAL PECEPTION. . ..

BEASONS FOR REQUEST FOR RECLASSIFICATION AND SPECIAL EXCEPTION

Now come John R. Earnhart and J. R. Bond Enterprises, Irc., owners of the property known as 2419 E. Jopps Road, Baltimore County, Maryland, and Petitioners requesting a reclassification of the subject property from R-6 to R-A, with a special exception for offices, and for reasons

- (1) That there was error in the adoption of the Zoning Hap for the Northeastern Area in August, 1966, by wirtue of the fact that said map failed to make adequate provisions thereon for professional offices in the neighborhood of the subject property, and for other reasons to be
- (2) That since the adoption of the Zoning Map for the Mertheasters Area the character of the immediate and general area has so changed that a reclassification and special exception requested is justified, appropriate and required under proper zoning standards and principles.
- (5) That the Zoning Map for the Northeastern Area designates as R-A zoned land all properties on the South side of Joppa Road between Harwood that the soning of the Petitioners' land amounts to spot soning and should therefore be changed.
- (4) That the reclassification requested and sought is the same zoning as the contiguous property to the west, and that the granting of such reclassification and special exception will in no way cause injury to the granted, the use of the property will remain the same as before, and will continue to be used for dental offices and apartment use.

(5) That numerous reclassifications and special exceptions have been granted and are shown on the Zoning Map for the Northeastern Area, which files in the Office of Planning and Zoning are hereby offered and prayed to be taken as part of this Petition.

(6) That the Patitioner, John B. Marshart is a practicing dentist maintains his office on the first floor of the subject premises and makes his home in the second floor apartment of the premises. He desires continue to maintain his office in the pemises where he can render derital services to the community, and relocate his hope in larger quarters. He therefore requests that his petition for reclassification and special exception be granted for these reasons.

(7) And for other reasons that will be given at the time of hearing.

Bernard J. Medsiry, Jr., Attorney for Petitioners, 204 Countland Avenue Towson, Karyland, 21204

L'estion of property 5 14/ South Conner of Jappe & Jahrenort Polo Costion of June 100 D. D. Dortel On School of Portel on Jopan Date of return July 16 - 70 CERTIFICATE OF POSTING IG DEPARTMENT OF BALTIMORE COUNTY #71-13-KX District 9 N Date of Posting 20 - 27 1970 Petitioner J. R. Bond Enterprises Do Co John R. Larnhart Rule Location of property Still Cote & Softa & Sala Wood Roads Location of Signar D 1 Ported on Jopes 1 Sorted on Johnson Let Possed by Mind H Acce Date of return Las 3 1970 CENTIFICATE OF POSTING ZONING DEPARTMENT OF SALTIMORE COUNTY #71-13-K-X

CERTIFICATE OF POSTING

Posted for Maring Monday July 22 1970 C 100 ac RM

#71-13-RX

Date of Posting July 9# 1970

Petitioner J. R. Bond Deterprines

District... 9 #

Location of property: S.W. Car & Joffer & Lelewood Portes Location of Signe D. I Sugar But Book in Blow or Jotga Rd I Sign Replaced on Showed Kile

Posted by Mark X. Hero. Date of return Jan 15-1921

Bernard J. Medairy, Jr., Esquire Item 263

June 11, 1970

BUILDING ENGINEER'S OFFICE:

Patitioner to meet all applicable requirements of Haltimore County Building Code and regulations. See multiple occupancies Section 400.3 and also business occupancies 404.

FIRE EPARTMENT:

Owner shall be required to comply to all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Freventic. Code when construction plans are submitted for approval.

HEALTH DEPARTMENT:

Public water and sewers are available.

Air Follutio, Carments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air reflution Control Regulations. Additional fundomention may be obtained from the Division of Air Follution, Baltimore County Department of Wealth.

BOARD OF EDUCATION:

No bearing on student population.

ZONING ALMINISTRATION DIVISION:

This office is withholding a hearing date until such time as the highway widening and revertible easements for supporting slopes for these improvements are indicated on the revised plans. The Fettioner should give some thought as to providing access to lakewood Road in lieu of the purposed entrance to Jopas Road.

Very touly yours, Olive L. Myso OLIVER L. MYERS

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Enclosures

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

OLIVER L MYERS

MEN'ERS BURBAL OF

DEPARTMENT OF TRAFFIC ENGINEERIN

BUREAU OF FIRE PREVENTION HEALTH DEPAR IMENT RECOVECT PLANNING SOARD OF EDUCATION INDUSTRIAL DEVELOPMENT

Bernard J. Medairy, Jr., Esquire 2014 Courtland Avenue Baltimore, Maryland 21204

Type of Hearing: Reclassification and Special Exception Location: Int. 5/5 Joppa Road W/S Location: Int. 5/5 Joppa Road W/S Location: Dr. J. R. Endlard and J. R. Bond, Intr., Inc. Committee Recting of April 28, 1970 94b District

The Zoning Advisory Opruittee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a would of this review and improction.

The subject property is presently improved with a dwelling. The properties to the north, east, south and west are improved with dwellings ten to twenty years of age in good repair. Lakewood Avenua' existing with concrete unb and gutter, however, Jopps Road is not.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Hi maye:

Jopps Read, as existing County read is proper at to be improved in the Cuture with a Strock closed measure section within a 70-fost righter-free county human of Empirement Lighter introvenent are shown on Bultimore County human of Empirement Drawing Free 5 of 1½, "On our User 5-77-) on file in the Street, Read and Bridge Design Section of the Baltimore County Bureau of Empirements.

Highway right-of-way widening and revertible easements for supporting slopes are required from this property and should be inco porated in a revised plan based upon the aforesaid design plan.

The future highway improvements are to be constructed as a Capital Improvement Project and shall include construction of a concrete sidewalk along Lakewood Drive from Jopps Road to the existing sidewalks outh thereof.

Bornard J. Medairy, Jr., Esquire Item 263

The entrance locations are subject to approval by the Department of Traffic Engineering.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to revent creating any minimaness or damages to adjace to the state of the sta

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June 11, 1970

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a section pollution problem, damples private and public holding downstrem of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building

Water and Sanitary Sewer:

Public water sumply and public samitary sewerage are available to serve this property.

PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site-planning factors requiring c weent.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from 8-6 to RA with spenial exception for office building. This should increase the trip density from 35 trips per day to 60 trips per day. This increase should have no major effect on traffic. It is recovered that the subject petition obtain access to lakewood Avenue instead of Jopan Squd.

10-20-71



CERTIFICATE OF PUBLICATION

TOWSON, MD. July 9, 1970 19.....

THIS IS TO CERTIFY. that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towsson, Baltimore County, Md., once in each of one than a accressive media before the 2 the county of the cou

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Cost of Advertisement, \$

PRITTY FAR.

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DEPOSITION FOR THE SECRET PRINTAL P

107/04 E00 A.M.
Point Bearing Room 108, Cowsts
Office Building, 111. W. Chesapease
Avenue, Tue-208, Md.
BY ORDER OF
ED WARD D. HARDESTY
ZONING COMMISSION-TR OF
AALTIMORE COUNTY
July 9, 1870



July 13 - 1970

THIS IS TO CERTIFY, that the annexed advertisement of

Edward D. Hardesty Zoning Commissioner of Baltimore County TOWSDN

was inserted in THE DUXEAUX TIMES, a weekly newspaper published

in Baltimore County, Maryland, once a week for one mechanism weeks before the 13th day of July 1970, that is to say, the sam

was inserted in the issue of July 9, 1970.

STROMEERG PUBLICATIONS, Inc.

By Ruth morgan



CERTIFICATE OF PUBLICATION

TOWSON, MD..... July 9, 1970 19....

THE JEFFERSONIAN,

Mai

Cost of Advertisement, \$___

| ELEPHOI-1 494-2413 | BALTIMO | RE COUNTY, MARYLA | ND No. 7 | 5407 | |
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| QUANTITY | DETACH ADMI PERIODICAL | |
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| Boltimore, Nd. 21294 | County Office Building 111 W. Chesapeske Avenue Towson, Maryland 21204 | | |
|----------------------|--|----------------|-------------------------|
| | You. Petition | has been recei | red and accepted for fi |
| this | day of | | 1970 |
| | | E E OW | level D Hardes |

JOSPPA & P BOND FRATERIED CARS - SE SHEOFIE ICLESTES PRINCED MICH COMFOCT SCREENING R-A ZON= 1 0 *2419 EX 25 mor SER 49.928

VACANT

this that was prevared by E.F. DAPHEL & ASSOCIATES

TOURNAUD AVENUE

RESISTANCE-10-6 ZONE

NAT A SCHOLER PLATTED FRAM DEEDS PLATS AND OTHER SOURCES

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GENERAL VOTES:

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PARKING NOTES:

TOTAL PLACE APPA - PACE-QE0.0 "FDICAL OFFICE LEDER BOD" 15

14104 PROVIDED

EARNHART & BOND ENT. TINC REVISED PLANS 263

OCT -7 '70 rm -D Ente A

71-13RX

PLAT TO ACCOMPANY ZOUING PETITION

2419 JOPPA ROAD

ELECTIC J DISTRICT 9 STALE 1.20

PALTIMORE COUNTY MD.

DEV PER COUNTRY 6-22-70





APRIL 6, 1970

1280