

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Jo Ann Amanda Cimino, his wife, and Onofrio A. Cimino, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-A zone; for the following reasons:

Change in character of the neighborhood
Error in zoning map

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for (medical office) office in office building

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: ONOFRIO A. CIMINO
Address: 3201 Gruenke Road, Baltimore, Maryland 21207
J. Donald Connor, Petitioner's Attorney
Address: 202 Courtland Avenue, Towson, Maryland 21204

ORDERED: By the Zoning Commissioner of Baltimore County, this 11th day of August, 1971, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of September, 1971, at 10:30 o'clock.



ASIS FOR ALLEGATION OF CHANGE IN CHARACTER OF NEIGHBORHOOD
TO ACCOMPANY PETITION FOR REZONING OF LOT 1, BLOCK A, ACADEMY
ACRES KNOWN AS 2 CHERRY HILL ROAD

Property on the southeast corner of Reisterstown Road and Chestnut Hill Road (1 block south of the subject property) was rezoned from R-10 to B-L and is presently used as a Gino's Restaurant. (Petition 66-14 R)

Property at the northeast corner of Reisterstown Road and Chestnut Hill Road was rezoned from R-10 to B-L with a special exception for filling station. Property is presently unimproved. (Petition 4732 X)

The property directly across Reisterstown Road from the above was reclassified from R-10 to B-L. (Petition 5765)

The property to the north of the subject property on the east side of Reisterstown Road is zoned Business Major and the portion immediately adjacent to the subject property was given a special exception for a filling station and is presently used for the same. (Petition 5394 XA)

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an R-6 zone to an R-A zone, and : COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION for Office : OF
and Office Building : BALTIMORE COUNTY
NE corner Reisterstown and :
Cherry Hill Roads, :
4th District :
Onofrio A. Cimino, et al, :
Petitioners : No. 71-98-RX

OPINION

This case comes before the Board on appeals by both the petitioner and the protestants from the Order of the then Deputy Zoning Commissioner, which reclassified the subject property from R-6 to R-A and granted the requested special exception for office use, with certain restrictions. This decision of the Deputy Zoning Commissioner was issued January 6, 1971, and prior to the adoption of the new zoning maps. The subject property was subsequently reclassified by the County Council (3/24/71) to D.R. 16; hence, the only question now before this Board is whether or not the requested special exception for office use should be granted in this instance. At the outset of the hearing the petitioner so amended his request, and all parties stipulated that the subject property is now zoned D.R. 16.

The subject property is located in the Fourth Election District, just south of Reisterstown. Same is located at the northeast corner of the Reisterstown Road (Md. Rt. 140) and Cherry Hill Road. The subject lot is approximately 100 feet by 130 feet, with access to Cherry Hill Road and no entrance onto the Reisterstown Road. A gasoline service station and a large shopping center are located immediately behind the subject lot. The site is improved by a one story brick rancher type single family residence, containing six rooms and approximately 1775 square feet. There is an attached one car garage and a breezeway. The petitioner proposes to use the existing improvements for offices.

A registered professional land surveyor, a real estate expert and the petitioner testified on behalf of the application. The testimony of the protestants was given by a doctor who lives and practices his medical profession on the southeast corner of the location, directly across Cherry Hill Road from the subject property, and several neighbors who live nearby. The principal objection centered around the traffic aspect.

Onofrio A. Cimino - #71-98-RX

Testimony was offered indicating that it is now difficult to enter Reisterstown Road from Cherry Hill Road, and any increase in traffic would make this problem worse. However, it was of particular interest to the Board that one driving on Cherry Hill Road can enter the Reisterstown Road at a traffic light controlled intersection by entering and crossing the public road into and through the adjoining shopping center and, in fact, the doctor across the street, as well as apparently most of the immediate community residents, use the shopping center and the traffic light for access onto Reisterstown Road.

The witnesses for the petitioner discussed the various elements in Section 502.1 and satisfied this Board that none of these elements would be violated if the requested special exception were granted, provided the office use is limited to the existing improvements with no changes being made to the exterior of said improvements. It was stated that the property is zoned D.R. 16, but considering its size and existing improvement could not be used for garden apartments. It was further stated, with such being the case it seems that the County Council must have had such office use in mind. The Board concurs with this thinking.

The real estate expert described the surrounding neighborhood, including the large shopping center which abuts the rear lot line of the subject property. This shopping center is zoned B.M.-C.C.C. It was his judgment that the neighborhood will not be adversely affected by the granting of the special exception. The Board agrees. Considering primarily that the traffic congestion at the corner can be eliminated by going through the public road into the shopping center, and that the office use will be restricted to the existing improvements, with no changes to the exterior of said improvement, it is the judgment of this Board that the petitioner has satisfied the provisions of Section 502.1, and the special exception sought shall be granted.

Onofrio A. Cimino - #71-98-RX

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of March, 1972, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. The office use shall be limited to the existing improvements; no changes or alterations shall be made to the exterior appearance of the existing improvement.
2. Shall be subject to site plan approval by the Office of Planning and Zoning, State Highway Administrator, and other appropriate County Agencies.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. Otis Parker

Walter A. Keller, Jr.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
AND SPECIAL EXCEPTION : DEPUTY ZONING COMMISSIONER
NE corner of Reisterstown and :
Cherry Hill Roads - 4th District :
Onofrio A. Cimino - Petitioner :
NO. 71-98-RX (Item No. 194) :
BALTIMORE COUNTY

The Petitioner seeks a Reclassification from a R-6 Zone to a R-A Zone for a parcel of property located on the northeast corner of Reisterstown Road and Cherry Hill Road in the Fourth District of Baltimore County, said property being approximately one quarter (1/4) of an acre, more or less.

Testimony on behalf of the Petitioner indicated that they want this Reclassification and a Special Exception for offices so that the property may be utilized as a doctor's office, and in fact, Mr. Cimino, stated that this was the only use he intended for this property. He also stated that he plans to use the existing building, and that he has no intention of constructing a new one.

Many changes in the character of the neighborhood were cited by the Petitioner. The only contention that was obvious, was an increase in traffic at this intersection.

There was further testimony by the residents in protest of this Petition that parking along Cherry Hill Road is very heavy due to the fact that a physician operates his office immediately across from the subject property, and the patients park on Cherry Hill Road.

In order for the Petitioner to make use of this property as he described, he would have to provide off-street parking. This, in essence, would not increase the parking problem along Cherry Hill Road. Further, if this property were used by a doctor or a dentist, it is the Deputy Zoning Commissioner's opinion, that traffic emanating from the use of this property would not have a hazardous impact on the traffic at the intersection of Cherry Hill Road and Reisterstown Road.

After reviewing the evidence in detail and the Memorandum of Law submitted by counsel, it is the Deputy Zoning Commissioner's opinion that there

have been substantial changes in the character of the neighborhood to warrant a Reclassification from a R-6 Zone to a R-A Zone. In fact, it is the Deputy Zoning Commissioner's opinion, that this would create a buffer between the commercial property in the area and the residential property lying to the north-east.

Also, the granting of the requested Special Exception would not be detrimental to the health, safety and general welfare of the residents in the community.

For the foregoing reasons IT IS ORDERED this 6th day of January, 1972, that the herein described property or area should be and the same is hereby reclassified from a R-6 Zone to a R-A Zone.

It is further ORDERED that a Special Exception be GRANTED for offices subject to the following:

1. That only the present structure be used.
2. That the property be used only by no more than one (1) doctor or one (1) dentist.
3. That adequate parking be provided for patients and/or visitor to the doctor's or dentist's office.

The site plan is subject to approval by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : COUNTY BOARD
AND SPECIAL EXCEPTION : OF
NE corner of Reisterstown and :
Cherry Hill Roads - 4th District :
Onofrio A. Cimino - Petitioner :
NO. 71-98-RX (Item No. 194) :
APPEALS

TO-ZONING COMMISSIONER OF
BALTIMORE COUNTY

This is notice that the Petitioners are appealing the decision of the Deputy Zoning Commissioner of Baltimore County to the County Board of Appeals.



J. Donald Connor, Attorney
for Onofrio A. Cimino and
Jo Ann Amanda Cimino,
Petitioners
202 Courtland Avenue
Towson, Maryland 21204
825-5522

ORDER RECEIVED FOR FILING

DATE 1/6/72
BY J. G. HARRIS, JR.
BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE 1/6/72
BY J. G. HARRIS, JR.
BALTIMORE COUNTY

MEMORANDUM IN REGARD TO PETITION OF ONOFRIO A. CIMINO
FOR RECLASSIFICATION FROM R-6 TO R-A WITH SPECIAL EX-
CEPTION FOR OFFICES-PETITION NO. 71-98-RX

This Petition is for reclassification as above recited for the purpose of using the existing structure for medical offices being the only non-residential use permitted by the restrictions placed on the property by the developer, a copy of which was submitted to the Zoning Commissioner at the hearing.

The property is located on the northeast corner of Reisterstown Road and Cherry Hill Road and the Petitioner testified that the property was not suitable for residential purposes, stating that in the year in which he owned it he has had three tenants and they have not found the property suitable due to traffic on Reisterstown Road as well as to all of the trash coming onto the property from the service station immediately adjoining to the north.

The Petitioner testified to changes in the character of the neighborhood, citing changes as set forth in the memorandum attached to and filed with the original petition in this matter. The Petitioner specifically mentioned the shopping center adjoining the subject property to the north which includes the service station previously mentioned; the property directly across Reisterstown Road which was reclassified from R-10 to B-L and property to the south at Chestnut Hill Road reclassified from R-10 to B-L and currently used as a drive-in restaurant. Other changes are set forth in the memorandum as shown on the current zoning map which changes the Zoning Commissioner is requested to take judicial notice thereof.

The Petitioner testified as to the need for both doctors and doctors' offices in the area. Dr. Martin Feldman who resides in and maintains medical offices at the southeast corner of Reisterstown Road and Cherry Hill Road testified for the protestants. Dr. Feldman provides no parking spaces for his patients. While under zoning regulations the Petitioner must provide adequate parking space and will, in fact, provide more than the minimum amount required. Even though Dr. Feldman has long been in the area and

could be classified as an expert witness, he could not (or would not) state that there was not a need for more doctors in the area.

If the reclassification is granted with special exception the use of the property is by the development restrictions limited to a physician's office and therefore it is apparent that there will be nothing detrimental to health, safety or general welfare of the locality involved, or nothing to create a potential hazard from fire, panic or other dangers. Due to the size of the property, the Petitioner would of necessity be required to use the present structure and therefore would not overcrowd land and cause undue concentration of population. The Petitioner will provide more than the minimum required parking and thereby will not create congestion in roads, streets or alleys. The number of cars going to and from a doctor's office would in no way materially add to the traffic volume.

The Petitioner testified that he had casually spoken to professional people regarding renting but that he did not want to proceed until he was in a position to conclude a lease with them which requires this zoning reclassification.

Your Petitioner would finally like to note that the vast majority of the persons protesting the reclassification do not live in close proximity to the subject property and would not be affected by any use of the property.

Respectfully submitted,
J. Donald Connor
J. Donald Connor
Attorney for Petitioner

E. F. RAPHAEL & ASSOCIATES
Regional Land Surveyors
201 COURTLAND AVENUE
TOWSON 4, MARYLAND

OFFICE VALLEY 9-808

DESCRIPTION TO ACCOMPANY
ZONING PETITION: LOT #1
BLOCK A, ACADEMY ACRES

BEGINNING for the same at a point on the northeast Right of Way line of Reisterstown Road N43°39'35" W 14.50' from the intersection formed by the northeast Right of Way line of Reisterstown Road and the northwest Right of Way line of Cherry Hill Road running thence and binding on the northeast Right of Way line of Reisterstown Road N43°39'35" W 120.58' thence leaving the northeast Right of Way line of Reisterstown Road and binding on the northwest outline of Lot #1, Section 2 as shown on the plat of Academy Acres and recorded among the Land Records of Baltimore County in Plat Book 23, Folio 27, N48°17'38" E 100.59' to the division line between Lot #1 and Lot #2 as shown on the aforesaid plat running thence and binding on said division line between Lot #1 and Lot #2 S41°42'5" E 135.00' to the northwest Right of Way line of Cherry Hill Road running thence and binding on the northwest Right of Way line of Cherry Hill Road S48°17'35" W 81.49' running thence by a curve to the right with a radius of 15.00' for a distance of 22.95' the chord of said arc being N67°41'00" W 20.85' to the place of beginning.

BEING Lot #1, Section 2, Academy Acres and recorded among the Land Records of Baltimore County in Plat Book 23, Folio 127.



BAITMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Handesty, Zoning Commissioner, September 14, 1970
FROM: Mr. George E. Gavelis, Director of Planning
SUBJECT: Petition 71-98-RX. Northeast corner of Reisterstown and Cherry Hill Roads
Petition for Reclassification from R-6 to R-A.
Petition for Special Exception for Office and Office Building.
Onofrio A. Cimino - Petitioner

4th District

HEARING: Wednesday, September 16, 1970 (10:30 a.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R-A, zoning, together with special exception for office building.

1. In connection with its approving a preliminary report dealing with comprehensive zoning this portion of the County, the Planning Board recommended the creation of R-A zoning for that portion of the frontage on the easterly side of Reisterstown Road or either side of Cherry Hill Road. An R-10 residential zoning gap exists there in a manner which sandwiches it between commercial zoning at either extremity. The Planning Board is recommending R-A zoning here as a transitional feature feeling that such zoning provides potentials which are intermediate between commercial and single family residential uses.

2. The Planning Staff agrees in principle to the concept of converting the present residential to an office. However, we find that the plan presented by the petitioner does not work and that there is insufficient space between the house and the service station property line to accommodate the off-street parking shown on the plan. With right-angle parking, the absolute minimum dimension would be 40 feet; only 36 feet is available. Per the dimensions on the plan, scaling the plan indicates that the parking might work. Because of these uncertainties, no possible grant of this petition should be given until such time as a development plan is approved by the appropriate State and County agencies. Any possible granting should also be limited to a conversion of the existing structure only for office purposes.

Cc:Gmsh



BAITMORE COUNTY ZONING ADVISORY COMMITTEE

April 1, 1970

J. Donald Connor, Esq.,
202 Courtland Avenue
Towson, Maryland 21204

RE: Type of Hearing: Reclassification from an R-6 zone to an R-A zone, and for Special Exception for (medical office) office in office building
Locations: NE Cor., Reisterstown Rd., Cherry Hill Rd.
Petitioner: Onofrio A. Cimino
Committee Meeting of March 17, 1970
4th District
Item 194

Dear Sirs:

The Zoning Advisory Committee 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 result of this review and inspection.

The subject property is presently improved with a one story residence, with the properties to the northwest improved with a service station and theatre. The properties to the south, a BL section of land, which is unimproved. The property to the east is improved with a dwelling that has been converted into doctors offices and is also the doctor's residence. The properties to the northeast are improved with residences. Reisterstown Road and Cherry Hill Road in this location are improved as far as concrete curb and gutter are concerned.

BUREAU OF ENGINEERING:

Reisterstown Road is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

A 7.5 foot drainage and utility easement exists along the rear property line of this property. Therefore, no building, structure or footing will be allowed to be constructed within the limits of the easement.

Since no further County Highway Improvements are required and all utilities exist, this office has no further comment.

J. Donald Connor, Esq.,
202 Courtland Avenue
Towson, Maryland 21204

- 2 - April 1, 1970

DEPARTMENT OF TRAFFIC ENGINEERING:

Several dimensions on the plan are in error making it impossible to comment at this time.

HEALTH DEPARTMENT:

Public water and sewers are available.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

STATE ROADS COMMISSION:

No direct access is proposed from the subject site to Reisterstown Road. Therefore, the State Roads Commission has no comment regarding the petition.

BOARD OF EDUCATION:

No bearing on student population.

FIRE DEPARTMENT:

Petitioner shall be required to comply to all applicable requirements of the Fire Prevention Code for office occupancy when the change of occupancy permit is issued.

BUILDING ENGINEER'S OFFICE:

Petitioner to meet requirements of Baltimore County Building Code and Regulations of Business Occupancies.

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until a scale plot plan is submitted. It appears that various dimensions are not to scale and are dimensioned improperly.

Very truly yours,

Oliver L. Myers, Chairman

OLM:JD
Enc.

February 2, 1971

Mr. Edward D. Handesty
Zoning Commissioner
119 County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification and Special Exception
No. 71-98-RX (Item No. 194)

Gentlemen:

Please enter an appeal on behalf of Martin J. Feldman, 1 Cherry Hill Road, Reisterstown, Maryland in the above titled case.

Enclosed is a draft for \$70.00 to cover the cost of this appeal.

Very truly yours,

L. Ellis Justice, Jr., Esq.
2 Fairbridge Court
Delight, Maryland 21117

Copy to: Mr. J. Robert Gucka
230 Candybark Road
Reisterstown, Md. 21116

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: April 29, 1970
Posted for: RECLASSIFICATION FROM R-6 TO R-A, SPECIAL EXCEPTION
Petitioner: ONOFRIO A. CIMINO
Location of property: NE COR. OF REISTERSTOWN AND CHERRY HILL RDS.
Location of Signs: 14 ft. x 8 ft. REISTERSTOWN RD. 25 ft. x 8 ft. CHERRY HILL RD. 34 ft. x 8 ft. CHERRY HILL RD. 25 ft. x 8 ft. REISTERSTOWN RD.
Remarks: Charles M. Handesty
Posted by: Charles M. Handesty Date of return: SEP. 11, 1970

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: March 2, 1971
Posted for: RECLASSIFICATION FROM R-6 TO R-A, SPECIAL EXCEPTION
Petitioner: ONOFRIO A. CIMINO
Location of property: NE COR. OF REISTERSTOWN AND CHERRY HILL RDS.
Location of Signs: 14 ft. x 8 ft. REISTERSTOWN RD. 25 ft. x 8 ft. CHERRY HILL RD. 34 ft. x 8 ft. CHERRY HILL RD. 25 ft. x 8 ft. REISTERSTOWN RD.
Remarks: Charles M. Handesty
Posted by: Charles M. Handesty Date of return: MARCH 5, 1971

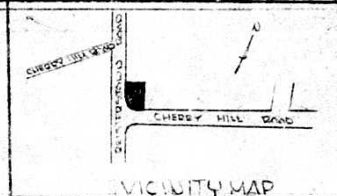
NOTE

EXISTING USE
PROPOSED USE
EXISTING ZONE
PROPOSED ZONE
PARTICULAR NOTES

RESIDENTIAL
OFFICE & OFFICE BUILDING
B-2 ZONE
RA-2 EX OFFICE & OFFICE BUILDING

OFFICE FL. 17.5.0

REQ. 6 PROVIDED 7



THEATER

SERV. STA.

B-2 ZONE

B-2 ZONE

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#71-98
REVISED PLANS

SEP 16 '70 AM



EF RAPHEL & ASSOCIATES
REGISTERED LAND SURVEYORS
201 COURTLAND AVE.
TOWSON, MARYLAND

PLAT TO ACCOMPANY ZONING PETITION
LOT 1 BLOCK A ACADEMY ACRES

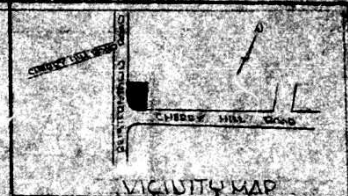
ELECTION DIST 4 BALTIMORE CO. MD
SCALE 1" = 30'
JUNE 30, 1970
REV. FEB 23, 1970

OFFICE
COPY

#71-98R X
MAP
#4
SEC. 1-D
NW-14 J
RA-X

NOTE:

EXISTING USE: RESIDENTIAL
 PROPOSED USE: OFFICE & OFFICE BUILDING
 EXISTING ZONE: D-10 ZONE
 PROPOSED ZONE: C-1A OFFICE & OFFICE BUILDING
 PARKING NOTES: OFFICE 1, 177.4; RES. 4, PROVIDED 7



THEATER

SERV. STA.

B-L ZONE

D-10 ZONE

1A CONCRETE SCREENING

54' 42" 25' E 135.00'

DEVELOPED EXPOS.

EXIST. E. DRIVE

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PATIO

28.00'

1STY. RES.

177.5 SQ. FT.

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REISTERSTOWN

ROAD

D-10 ZONE

B-L ZONE

EXISTING DOCTOR
OFFICE

D-10 ZONE

1#7-98R

MMP
#4

SEC. 1-D

NW-14-J

RAX

EF RAPHEL & ASSOCIATES
 registered land surveyors
 201 COURTLAND AVE.
 FOWSON 4, MARYLAND



PLAT TO ACCOMPANY ZONING PETITION
 LOT 1 BLOCK A ACADEMY ACRES

ELECTION DIST 4

BALTIMORE CO MD

SCALE 1" = 30'

JUNE 30, 1969

REV. FEB 25, 1970