

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Paul M. Pardew, et ux, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 235.2 (102.2) to permit A, B, C and D between buildings of 60 feet in lieu of the required 60 feet, Section 235.2, to permit a side and rear yard of zero feet instead of the required 30 feet for building "A".

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
 A private utility right of way exists on the property which prevents erecting a single building across it. Buildings A & B take the place of this one building. In order to obtain practical and orderly building and parking layouts, the above variances are requested.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
 Address: 205 E. Joppa Road
 Towson, Maryland - 21204
 Petitioner's Attorney
 Protester's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of February, 1977, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of February, 1977, at 10:15 o'clock A.M.

Paul M. Pardew, et ux
 Zoning Commissioner of Baltimore County.

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
 BEGINNING 534.42' N of Joppa Road on the E/S of Orchard Tree Lane - 9th Election District
 Paul M. Pardew, et ux - Petitioners
 NO. 77-147-A (Item No. 106)

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Variance to permit a distance of 40 feet in lieu of the required 60 feet between designated buildings "A", "B", "C", and "D", and to permit a side and rear yard setback of zero feet instead of the required 30 feet for designated building "A", at a site beginning 534.42 feet north of Joppa Road on the east side of Orchard Tree Lane.

Testimony on behalf of the Petitioners indicated that there is an existing Variance as a result of Case No. 4610-RXV. The Petitioners averred that the Variances, to permit 40 feet between buildings instead of 60 feet, are required to obtain suitably sized retail sales buildings due to an easement for a water line.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, as well as comments submitted by the Department of Traffic Engineering and the Acting Director of Planning, and the judgement of the Deputy Zoning Commissioner, the Petitioners have not met the requirements of Section 307 of the Baltimore County Zoning Regulations and Variances should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 17th day of March, 1977, that the Variances to permit a distance of 40 feet in lieu of the required 60 feet between buildings "A", "B", "C", and "D" should be and the same are hereby

DENIED. It is further ORDERED that the Variance for side and rear yard setbacks of zero feet instead of 30 feet for building "A" as Petitioned for in Case 4610-RXV be reaffirmed.

Deputy Zoning Commissioner of Baltimore County

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 BEGINNING 534.42' North of Joppa Rd. on the east side of Orchard Tree Lane, 9th District
 Paul M. Pardew, et ux, Petitioners
 Case No. 77-147-A

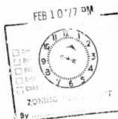
ORDER TO ENTER APPEARANCE

Mr. Commissioner:
 Pursuant to the authority contained in Section 224.1 of the Baltimore County Charter, I hereby enter appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

John W. Heslion, III
 People's Counsel
 County Office Building
 Towson, Maryland 21204
 464-2188

I HEREBY CERTIFY that on this 9th day of February, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Paul M. Pardew, 205 E. Joppa Road, Towson, Maryland 21204, Petitioners.

John W. Heslion, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dinenna, Zoning Commissioner Date: February 10, 1977

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petitioner 77-147-A - Petition for Side and Rear Yard Variance

Beginning 534.42 feet North of Joppa Road on the East side of Orchard Tree Lane
 Petitioner - Paul M. Pardew and Gertrude B. Pardew

9th District

HEARING: Monday, February 14, 1977 (10:15 A.M.)

The Department of Traffic Engineering's representative to the Zoning Advisory Committee stated, in part, that "Orchard Tree Lane does not provide sufficient access for the proposed stores." This office is of the opinion that to grant variances here would permit the developer to build additional floor area, thereby generating additional traffic. It is suggested that the variances be denied and that the buildings be decreased in size so as to conform to the setback requirements; this would permit practical and orderly buildings and parking layouts.

Norman E. Gerber
 Acting Director of Planning

David W. Dallas, Jr.
 CIVIL ENGINEER
 Registered Professional Engineer & Land Surveyor

8715 OLD HARFORD ROAD
 BALTIMORE, MD. 21214

AREA CODE 801
 Phone: 668-7422

ZONING DESCRIPTION

PROPERTY OF

PAUL M. PARDUE AND MRS. MARY

ORCHARD TREE LANE

BEGINNING for the same the following courses and distances from the point formed by the intersection of the northernmost side of Joppa Road (70 feet wide) with the center of Pleasant Plains Road westerly along the northernmost side of said Joppa Road 190 feet more or less, easterly along the westernmost side of Orchard Tree Lane (30 feet wide) 534.42 feet to the beginning of this description and the beginning of the second 1/2" of that tract of land which by deed dated February 16, 1955 and recorded among the Land Records of Baltimore County in Liber No. 2647 on the second, third and part of the fourth lines of said deed the three following courses and distances south 89 degrees 16 minutes east 134.3 feet, north 75 degrees 43 minutes east 876.9 feet and south 72 degrees 30 minutes east 422.96 feet, thence blending on the westernmost side of Orchard Tree Lane south 60 degrees 43 minutes east 437.04 feet, thence blending on a part of the sixth and the first line of said deed the two following courses and distances north 89 degrees 17 minutes east 70.00 feet and south 0 degrees 43 minutes east 150.00 feet to the place of beginning.

CONTAINING 5.75 acres of land more or less.

November 15, 1976



BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 46403	
DATE	Feb. 14, 1977	ACCOUNT	01-662
AMOUNT	\$65.50	AMOUNT	\$25.00
PAID TO Orchard Tree Lane, Inc. 205 E. Joppa Rd., Towson, Md. 21204		RECEIVED FROM Paul M. Pardew 205 E. Joppa Rd., Towson, Md. 21204	
FOR Advertising and posting of property 977-147-A		FOR Petition for Variance 117-A	
655000	655000	250000	250000

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received * this 17 day of Nov 1977. Filing Fee \$ 25. Received

S. Eric Dinenna
 Zoning Commissioner

Petitioner PARDEW Submitted by PARDEW
 Petitioner's Attorney Reviewed by NSC

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

Dear Mr. & Mrs. Pardew:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
 GEORGE O. MARTINAK
 Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mr. Harry Thorn
 721 S. Potomac Street
 Baltimore, Maryland 21204

John W. Heslion, III, Esquire
 People's Counsel

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts -----

the above Variance should be had; and it further appearing that by reason of -----

a Variance ----- should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this ----- day of -----, 197 -- that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of -----

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ----- day of -----, 197 --, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Form 106
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
171 W. Chesapeake Avenue
Towson, Maryland 21204

Four Petition has been received and accepted for filing
this day of January 1977

Paul M. Pardew
Selling Commissioner

Petitioner's Attorney
Nicholas B. Commodore
1715 Old Harford Road
Baltimore, Md. 21231

Reviewed by *Nicholas B. Commodore*
Associate II

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 7, 1977

Nicholas B. Commodore
Selling Commissioner

Mr. Paul M. Pardew
205 E. Joppa Road
Towson, Maryland 21204

RE: Variance Petition
Item 106
Paul M. & Gertrude Pardew -
Petitioners

Dear Mr. Pardew:

The Zoning Planning 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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

Located on the west side of Orchard Tree Lane approximately 534 feet north of Joppa Road, this B.R. zoned site is currently improved with the facilities of the Orchard indoor skating rink and outdoor public pool, and accessory parking areas. Properties abutting this site to the northwest and south are initially zoned and improved with retail uses, while property to the east, zoned D.R. 14, is improved with a residence.

This Variance is necessitated by your proposal to remove the existing pool and construct three buildings devoted to retail trade on this site, with a distance of 40 feet between buildings in lieu of the required 60 feet. In addition, the proposed 10,400 square foot building, noted as "A" on the submitted plan, is proposed to be

Mr. Paul M. Pardew
Re: Item 106
February 7, 1977
Page 2

constructed along the southerly property line and abutting portion of the southeasterly property line. As indicated on your site plan, a Variance was granted to permit this situation as a result of Case No. 4610-BRV. However, a review of the approved site plan in this file leaves some doubt as to the location of this building. Therefore, I have included the request in this hearing in order to remove any further questions that may arise.

While I have personally spoken to Mike Dallas concerning the comments of the Bureau of Engineering, I that department stating that the proposed relocation of Green Pastures Drive will not affect this site.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodore
NICHOLAS B. COMMODORE,
Acting Chairman, Zoning
Plans Advisory Committee

NBC:JD

Enclosure

cc: David M. Dallas, Jr.
8715 Old Harford Road
Baltimore, Md. 21234

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOWING, P.E.
DIRECTOR

Mr. G. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

January 13, 1977

Re: Item #106 (1976-1977)
Property Owner: Paul M. & Gertrude Pardew
W/S Orchard Tree Lane, 534.42' N. Joppa Rd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 60'.
Area: 5.75 District: 9th

Dear Mr. DiNenna:

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

General

Site improvements proposed for this property and others in its immediate vicinity will require review and approval by various Baltimore County agencies as determined by the Baltimore County Bureau of Public Services. There remains the obvious need to establish an adequate and suitable access network to the developed and undeveloped areas encompassed by Mylander Lane and 10th Green Boulevard, and Joppa and Cromwell Bridge Roads.

Highways

"Orchard Tree Lane" is an existing private road. It is the responsibility of the petitioner to ascertain and clarify his rights as to access via this road.

Green Pastures Drive is maintained by Baltimore County, and is proposed to be partially relocated and improved in the future as a public road consisting of a 40-foot closed section roadway on a 60-foot right-of-way with a standard type road termination. Highway improvements including highway right-of-way widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering.

Sediment Control

Development of this property through striping, grading, and stabilization could result in a sediment pollution problem, causing private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Item #106 (1976-1977)
Property Owner: Paul M. & Gertrude Pardew
Page 2
January 13, 1977

Storm Drains

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer

There is an existing 8-inch public water main in Green Pastures Drive. Additional safety vehicle access and fire hydrant protection are required in the vicinity.

Public sanitary sewerage can be extended to serve this property.

Very truly yours,

Ellsworth N. Diven, P.E.
ELLSWORTH N. DIVEN, P.E.
Chief, Bureau of Engineering

END: EAM/PWS

cc: J. Trimmer
J. Winkley
W. Munzel

N-W Key Sheet
37 & 38 NE & 10 Pos. Sheets
NE 10 C 70-
70 Tax Map

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN COLLINS
DIRECTOR

December 17, 1976

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 106 - SAC - November 30, 1976
Property Owner: Paul M. & Gertrude Pardew
Location: W/S Orchard Tree Ln. 534.42' N. Joppa Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of req. 60'
Acres: 5.75
District: 9th

Dear Mr. DiNenna:

The proposed retail stores can be expected to generate approximately 4,000 trips per day. Orchard Tree Lane does not provide sufficient access for the proposed stores.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

JSF:nc

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: November 29, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

S.A.C. Meeting of: November 30, 1976

Re: Item No.: 106
Property Owner: Paul M. & Gertrude Pardew
Location: W/S Orchard Tree Lane 534.42' North Joppa Road
Present Zoning: B.R.
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 60'.

District: 9th
Mr. Acres: 5.75

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrowski
W. Nick Petrowski,
Field Representative.

WDP/ml

December 30, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #106, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

Property Owner: Paul M. and Gertrude Pardee
Location: W/S Orchard Tree Lane 534.42' N. Joppa Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 60'.
Acres: 5.75
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

December 30, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 106, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

Property Owner:	Paul M. & Gertrude Pardee
Location:	W/S Orchard Tree La. 534.42' N Joppa Rd.
Existing Zoning:	B.R.
Proposed Zoning:	Variance to permit a distance between buildings of 40' in lieu of the required 60'.
Acres:	5.75
District:	9th

Comments: Since metropolitan water and sewer exist, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/BJW/rth

Paul H. Reincke
CHIEF

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Mr. Nicholas B. Comoderi
Zoning Advisory Committee

Re: Property Owner: Paul M. & Gertrude Pardee

Location: W/S Orchard Tree La. 534.42' N. Joppa Rd.

Item No. 106 Zoning Agenda 11/30/76

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition, shown at _____, EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *John E. Kelly*
Planning Group
Special Inspection Division

Noted and Approved: *Robert C. Nichols, Jr.*
Acting Battalion Chief
Fire Prevention Bureau

JOHN D. SEYFERT
DIRECTOR

December 14, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

REVISED

Dear Mr. DiNenna:

Comments on Item #106 Zoning Advisory Committee Meeting, December 13, 1976 are as follows:

Property Owner:	Paul M. & Gertrude Pardee
Location:	W/S Orchard Tree L. - 534.42' N. Joppa Road
Existing Zoning:	B.R.
Proposed Zoning:	Variance to permit a distance between buildings of 40' in lieu of the required 60'.
Acres:	5.75
District:	9th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Dunham
Charles E. Dunham
Plans Review Chief
CPB:rmj

CLIPPA ROAD

Orchard Warehouse
Outlet Center
Zoned BR

BEGINNING
OF ZONING
DESCRIPTION

ORCHARD TREE LANE

334-42 N. North Pine Lane Rd
Location of Building 30' wide E/W

Zoned BR

Zoned BR

Existing
Structure
in N. Zone
4-1124

Proposed
Retail Store
10600 SF

Proposed
Retail Store
1225 SF

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ZONING LIST

1. Green Acres	5751 AC	CE
2. Existing Structure	1225 SF	CE
3. Proposed Retail Store	10600 SF	CE
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98. Proposed Retail Store	1225 SF	CE
99. Proposed Retail Store	1225 SF	CE
100. Proposed Retail Store	1225 SF	CE

LOCATION &
ZONING MAP
Scale 1"=50'

ZONING PLAT
PROPOSED BY

PAUL M. PARDEW & WIFE

3111 E. 1st Street
Baltimore, Md. 21204

PAUL M. PARDEW
3111 E. 1st Street
Baltimore, Md. 21204
Phone 421-6236

OFFICE COPY
REVISED PLANS
Item 106

