



Baltimore County
Department of Permits and
Development Management

2011/10/16
FILE

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 16, 2002,

David Larosa
33 Cedarcone Court
Baltimore, MD. 21236

RE: Spirit and Intent, Zoning Case No. 84-240-SPHA
Lot 12, El-Ray Farms, 11th Election District

Dear Mr. Larosa,

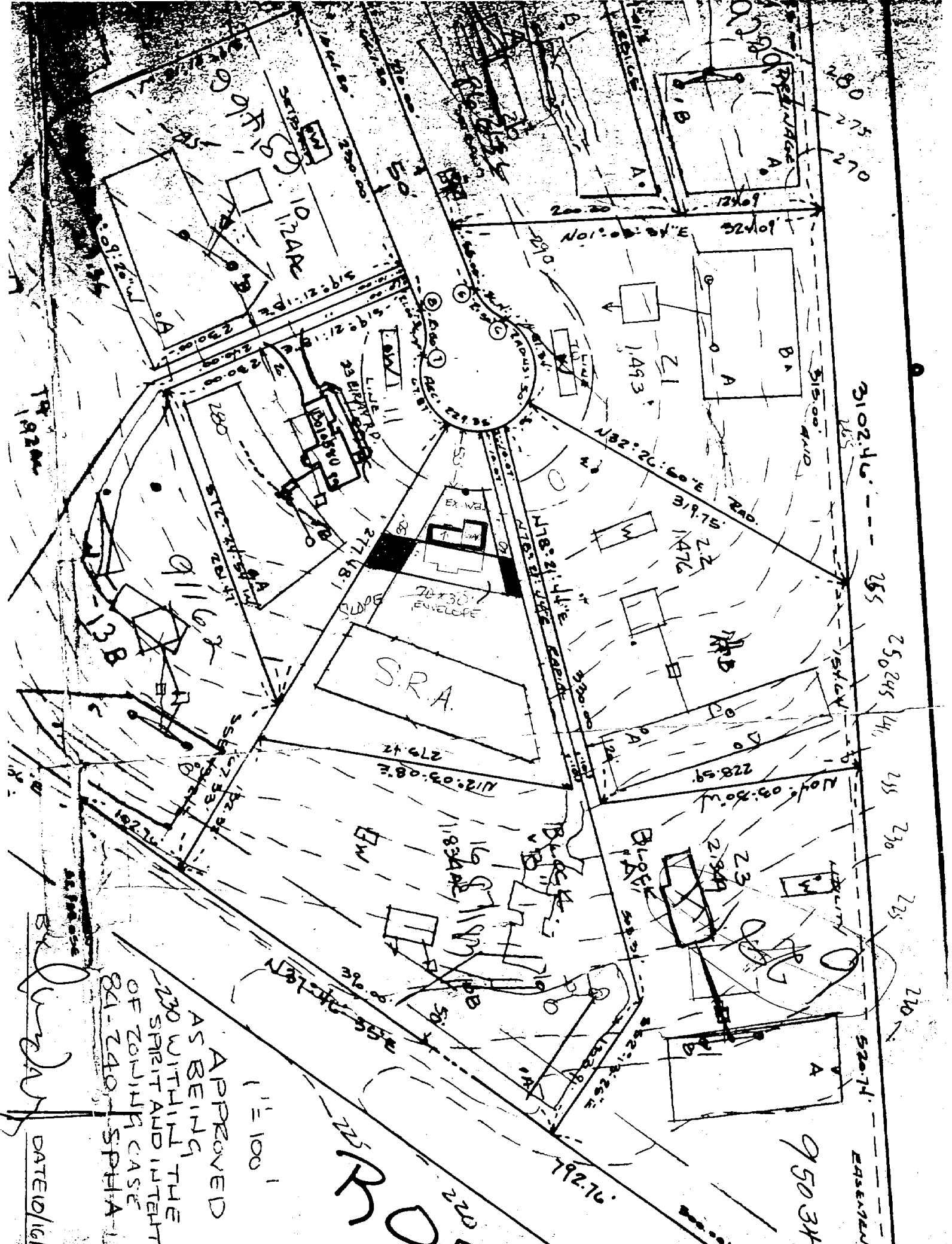
Your Spirit and Intent letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Based upon the information provided therein the following has been determined.

A review of the zoning files reveals a Zoning Case No. 84-240-SPHA associated with this property in which a Petition for Special Hearing and Zoning Variance to permit a side yard setback of 30' on the southern property line and a side yard setback of 10' on the northern property line in lieu of the required 50' respectively was granted on March 29, 1984. Additionally a building envelope was established as part of that case. Provided the proposed house does not decrease the granted side yard setbacks, the rear of the proposed structure remains within the envelope as established in the aforesaid case and the front of the proposed structure is situated no closer than 75' to the front property line the proposal is considered to be within the Spirit and Intent of Zoning Case No. 84-240-SPHA.

A copy of this letter must accompany any building permit applied for in conjunction with the improvement of this property.

Come visit the County's Website at www.co.ba.md.us





APPROVED
AS BEING
230 WITHIN THE
SPRINT AND INTENT
OF ZONING CASE
84-240-SPHA

1" = 100'

23R

220

DATE 10/16/84

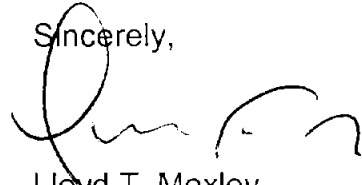
95034

EASEMENT

David LaRosa
October 16, 2002
Page Two

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lloyd T. Moxley', with a stylized flourish at the end.

Lloyd T. Moxley
Planner II, Zoning Review

LTM

Arnold Jablow
111 W. Chesapeake Ave.
Towson, MD. 21204
RE: Case # 84-240 SPHA
25 Elray Road, Elray Farms

September 23, 2002

Dear Mr. Jablow,

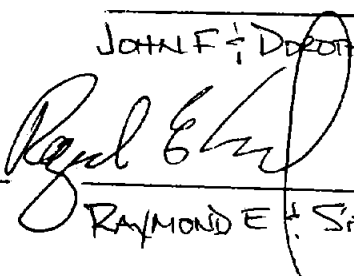
This letter is in reference to placement of a house to be built in accordance with a prior approved variance.

The current variance states a side yard setback to the North of 10' and 30' on the South. There is a 50' front yard setback. The 1984 variance states a 70' x 30' building envelope which is consistent with a rancher home. I have drawn an example of where I would like to place a two-story house. I would like to confirm, before I start the permit process that the placement of the proposed house is consistent with the Spirit and Intent for which it was designed.

Please contact me if you need any further information.

Sincerely,

David LaRosa
W (410) 803-8450
Cell (410) 963-7808

I ACCEPT	DON'T ACCEPT	SIGNATURE	DATE
_____	_____	JOHN F. & DOROTHY J. CORDWELL	_____
✓	_____	 RAYMOND E. & SANDRA J. LUND	09/28/02

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25 Elray Road, Elray Farms

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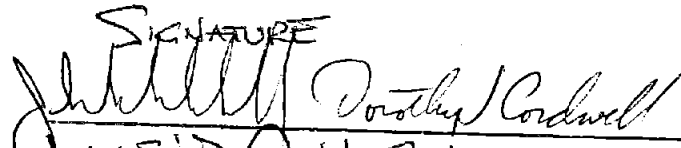
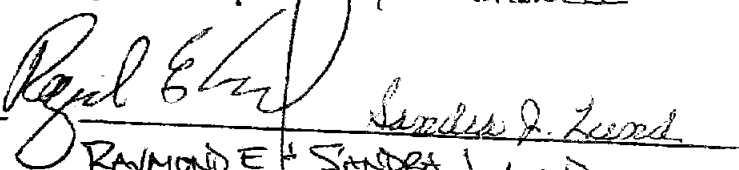
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<u>✓</u>	<u> </u>	<u></u> RAYMOND E. & SANDRA J. LUND	<u>09/28/02</u>



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Department of Permits and
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Lot 12, El-Ray Farms, 11th Election District

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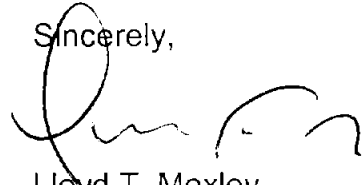
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David LaRosa
October 16, 2002
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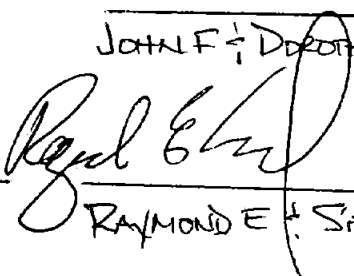
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Cell (410) 963-7808

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✓	_____	 RAYMOND E. & SANDRA J. LUND	09/28/02

Arnold Jablow
111 W. Chesapeake Ave.
Towson, MD. 21204
RE: Case # 84-240 SPHA
25 Elray Road, Elray Farms

September 23, 2002

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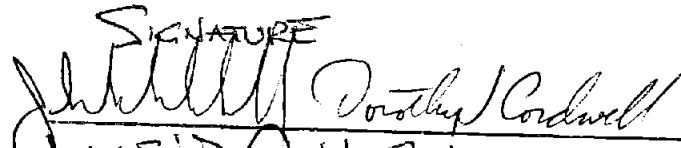
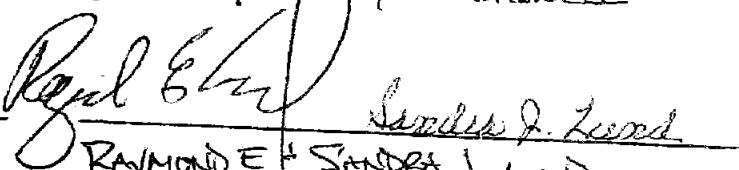
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<u>✓</u>	<u> </u>	<u></u> RAYMOND E. & SANDRA J. LUND	<u>09/28/02</u>

PETITION FOR ZONING VARIANCE 84-240-SPHA
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 1204.2.2.2.2.

To permit side yard setbacks of ten feet instead of the required fifty feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Because of the shape of the lot and the topography of the land, it is impossible to meet the 50 foot side requirements and build a home that would come up to the standard of the other homes of the El Ray Subdivision. Lot 12 only has 30 feet of width at El Ray Road, 70 feet at the 50' Minimum Building Setback Line, and 110 feet of width at the proposed front yard set back of 100 feet. The lot falls sharply to the rear from this point on back.

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 are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
EL RAY PARTNERSHIP
(Type or Print Name)
Signature
ORMSEY S. MOORE, GENERAL PARTNER
(Type or Print Name)
Signature

Attorney for Petitioner:
ROBERT E. CARNEY, JR.
(Type or Print Name)
Signature
406 JEFFERSON BUILDING
Address
TOWSON, MARYLAND 21204
City and State

Name, address and phone number of legal owner, contractor, purchaser or representative to be contacted
ORMSEY S. MOORE
Name
406 JEFFERSON BUILDING 821-7179
Address
TOWSON, MARYLAND 21204
City and State

Attorney's Telephone No. 828-7100

ORDERED by The Zoning Commissioner of Baltimore County, this 16th day of February, 1984, 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 108, County Office Building in Towson, Baltimore County, on the 26th day of March, 1984, at 10:00 o'clock A.M.

Carl J. Jahn
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Robert E. Carney, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Case No. 84-240-SPHA (item No. 159)
Petitioner-El Ray Partnership
Special Hearing and Variance
Petition

Dear Mr. Carney:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 suitability of the requested zoning.

At the time of this writing, I was unable to contact Captain Joe Kelly of the Fire Department, concerning his comments. I suggest you contact him at 494-3985 in order to discuss his comments.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Zoning Plans Advisory Committee

NBC:mch

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

February 17, 1984

Q-NE Key Sheet
51-33 NE 34-36 Pos. Sheets
NE 13 & 14 1 Topo
63 Tax Map

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #159 (1983-1984)
Property Owner: El Ray Partnership
N/E cor. Mt. Vista and El Ray Roads
Acres: 30/273.12 X 277.48/313.07
District: 11th

Dear Mr. Jablon:

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.

General:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 118102, executed in conjunction with the development of "El-Ray Farms", (Project 80176), of which this property is a part.

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

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 159 (1983-1984).

Very truly yours,

Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: R. Covahay

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: March 13, 1984

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

El Ray Partnership
SUBJECT: 84-240-SPHA

The amended Development Plan was approved by the Planning Board on February 16, 1984.

Norman E. Gerber per Arnold
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

Robert E. Carney, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

cc: Gerhold, Cross & Etzel
412 Delaware Ave.
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 16th day of February, 1984.

Arnold Jablon
Zoning Commissioner

Petitioner: El Ray Partnership
Petitioner's Attorney: Robert E. Carney, Jr.

Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-0211

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of
Item # 159
Property Owner: El Ray Partnership
Location: Mt. Vista and El Ray Roads

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () The property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on February 16, 1984.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Service Areas are re-evaluated annually by the County Council.
- () Additional comments:

Eugene A. Bober
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 159, Zoning Advisory Committee Meeting of Jan 3, 1984

Property Owner: El Ray Partnership

Location: NE Cor. Mount Vista Road District 11

Water Supply: Private Sewage Disposal: Private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendances pertaining to health and safety: two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

58 20 1003 (1)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

- Zoning Item # 159 Zoning Advisory Committee Meeting of Jan 3, 1984
Page 2
- () Prior to zoning of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
 - (X) Soil percolation tests (have been/must be) conducted.
The results are valid until _____.
(X) Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
 - (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test _____
{ } shall be valid until _____.
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
 - () Others _____

Jan J. Jurek, Director
BUREAU OF ENVIRONMENTAL SERVICES

88 20 1283 (2) R

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204

Date: January 3, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of:
January 3, 1984

RE: Item No: 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, & 168.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Ma. Nick Potrovich, Assistant
Department of Planning

MNP/1h

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
NE & SE Corners Mt. Vista &
El Ray Rds. & SE/S El Ray Rd.,
1,756' E of Centerline of
Mt. Vista Rd., 11th District
EL RAY PARTNERSHIP, Petitioner : Case No. 84-240-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 16th day of March, 1984 a copy of the foregoing Entry of Appearance was mailed to Robert E. Carney, Jr., Esquire, 406 Jefferson Building, Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7300

PAUL H. RENCKE
CHIEF

February 13, 1984

Mr. William Hancock
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: ElRay Partnership

Location: NE/Cor. Mt. Vistr and ElRay Road

Item No.: 159

Zoning Agenda: Meeting of January 3, 1984

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 or _____ 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.
- (X) 3. The vehicle dead end condition shown at Lot 11 & 14 exceeds 300 standard cul-de-sac required.
EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Panhandle roadways shall have a minimum width of 16' and support 50,000# fire.
- (X) 5. The buildings and structures existing or proposed on the site shall apparatus comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [Signature] Noted and Approved: George M. Hagan
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

DESCRIPTION FOR SPECIAL HEARING

Beginning at a point on the northeast and Southeast
Vista and El Ray Roads and being known as Lots 1 through
11 and Lots 13 through 24, Block A; and Lots 1 through 8,
Lots 10 through 14 and Lots 16 through 19, Block B of El
Ray Farm.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Commodari, Zoning Department Date: January 20, 1984

FROM: G. E. Buchanan, Chief, Planning Plans Review 2 9 B

SUBJECT: Zoning Advisory Committee
Meeting of January 3, 1984

Item #158	See Comments
Item #159	No Comment
Item #160	See Comment
Item #161	Standard Comment
Item #162	Standard Comment
Item #163	No Plan
Item #164	See Comment
Item #165	See Comment
Item #166	Standard Comments
Item #167	See Comments
Item #168	See Comments

CEB/vv

PETITION FOR SPECIAL HEARING 84-240-SPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the 4th Amendment Development Plan to change the Building Envelope on Lot 12, Block B (El Ray Farm Subdivision) to agree with Proposed Variance Request

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

406 Jefferson Building

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Ormsby S. Moore

Name

406 Jefferson Building 821-7179

Towson, Maryland 21204

City and State

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

PETITION FOR SPECIAL HEARING AND VARIANCE

11th Election District

ZONING: Petition for Special Hearing and Variance

LOCATION: Northeast and Southeast corners Mt. Vista and El Ray Roads and Southeast side El Ray Rd., 1,756 ft. East of the centerline of Mt. Vista Road

DATE & TIME: Monday, March 26, 1984 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the 4th Amended Development Plan to change the building envelope on Lot 12, Block B (El Ray Farm Subdivision) to agree with proposed variance request and Variance to permit side yard setbacks of 10 ft. instead of the required 50 ft.

Being the property of El Ray Partnership, as shown on plat plan filed with the Zoning Department.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITIONS SPECIAL HEARING AND VARIANCE
NE and SE corners Mt. Vista and El Ray Roads and SE/s El Ray Road, 1756' E of c/l of Mt. Vista Road - 11th Election District
El Ray Partnership
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-240-SPVA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of 10' instead of the required 50', and if granted, permission to amend the 4th Amended Development Plan to change the building envelope on the lot at issue herein to conform to the variances granted, as are more fully described on Petitioner's Exhibit 1. The Amended Development Plan was approved by the Planning Board on February 16, 1984.

The Petitioner, by its general partner, Ormsby S. Moore, appeared and testified and was represented by counsel. Mr. and Mrs. Arthur Patti appeared as Protestants; Charlotte Pine, Esquire appeared on behalf of the Kingsville Community Association, in particular, Melvin Richter, a property owner, in opposition to the petitions filed.

Testimony indicated that the Petitioner had recorded a development plat in 1981 and subsequently has sold approximately 30 of the 40 lots making up the subdivision. The lots, ranging in size from one to two and one-half acres, are valued at \$32,000. to \$40,000. each and zoned R.C.5. Approximately 15 homes have been built with two more under construction. The homes are valued in excess of \$135,000. each. Lot 12B, the lot at issue here, is pie-shaped and its grade slopes down to the rear, thereby limiting its potential use as a building lot. The Petitioner admits that an error was made at the time the development plan was prepared to allow lot 12B to be created as it is. As laid out, with the setbacks considered, any envelope allowed could be no larger than 53' X 30', which would include a potential

home and two-car garage. (see Petitioner's Exhibit 2) Lot 12B is 312' long, 273' wide at the rear and 30' wide at the front. Limiting the placement of a proposed home is the reservation of 10,000 square feet for the sanitary reserve area in the rear of the property. No home could be built thereon.

All homes built must be approved by a committee of three created by the developer which passes judgment on all proposed plans. To date, and it is expected to be uniformly required in the future, all homes have had to include two-car garages, which average 20' X 22' in size. The smallest two-story home allowed is 44' X 26', with the average home 46' X 28'. If the sideyard setbacks were to be followed, a house only 33' wide could be built, which would be much smaller than otherwise permitted.

The area is rural and the purchasers of the lots did so with an eye to the room and space provided by the large lots and rural flavor of the development. The homes built have been large and spacious. The Petitioner has received a deposit for the sale of lot 12B, but no contract has been signed. The potential purchaser is concerned about being able to build a home to the size he desires, and at present, a house only 33' wide would not be acceptable. The Petitioner is requesting that the envelope be expanded at the expense of the side yard setbacks to 90' X 30', as shown on Petitioner's Exhibit 3. Such a request would cause a 10' setback between the proposed envelope on lot 12B and the property line separating lot 12B from the property owned by Mr. and Mrs. Patti, the Protestants herein, and 10' on the opposite side.

Mr. and Mrs. Patti object to the short setback and state that it would be unacceptable to them. They purchased lot 11B, adjacent to lot 12B, for the express purpose of having room and a large home, and the proposed variance would encroach upon the primary reason for the purchasing of their lot. They do agree, however, contrary to the view expressed by Mrs. Pine, that a larger home would

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be preferable to a smaller one built on lot 12B. Therefore, they agree that if the proposed envelope would be reduced to 70', and the setback on their side increased to 30', they would not oppose the variances.

Mrs. Pine, however, on behalf of her clients, who were not present, stated they were unilaterally opposed to any variance. The objection centers on the loss of the required setbacks which would allow homes to be closer and closer to each other thereby negating the very reasons for purchasing the lots to begin with. She stated that the smaller home which could be built without variances would not adversely effect property values.

The Petitioner seeks relief from Section 500.7, Baltimore County Zoning Regulations, (BCZR), to amend the development plan and Section 1A04.3.B.3, pursuant to Section 307, of the zoning regulations.

An area variance may be granted where strict application of the zoning regulation to the Petitioner and its property would cause practical difficulty. Nelson v. Soley, 270 Md. 208 (1973). To prove practical difficulty for a variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

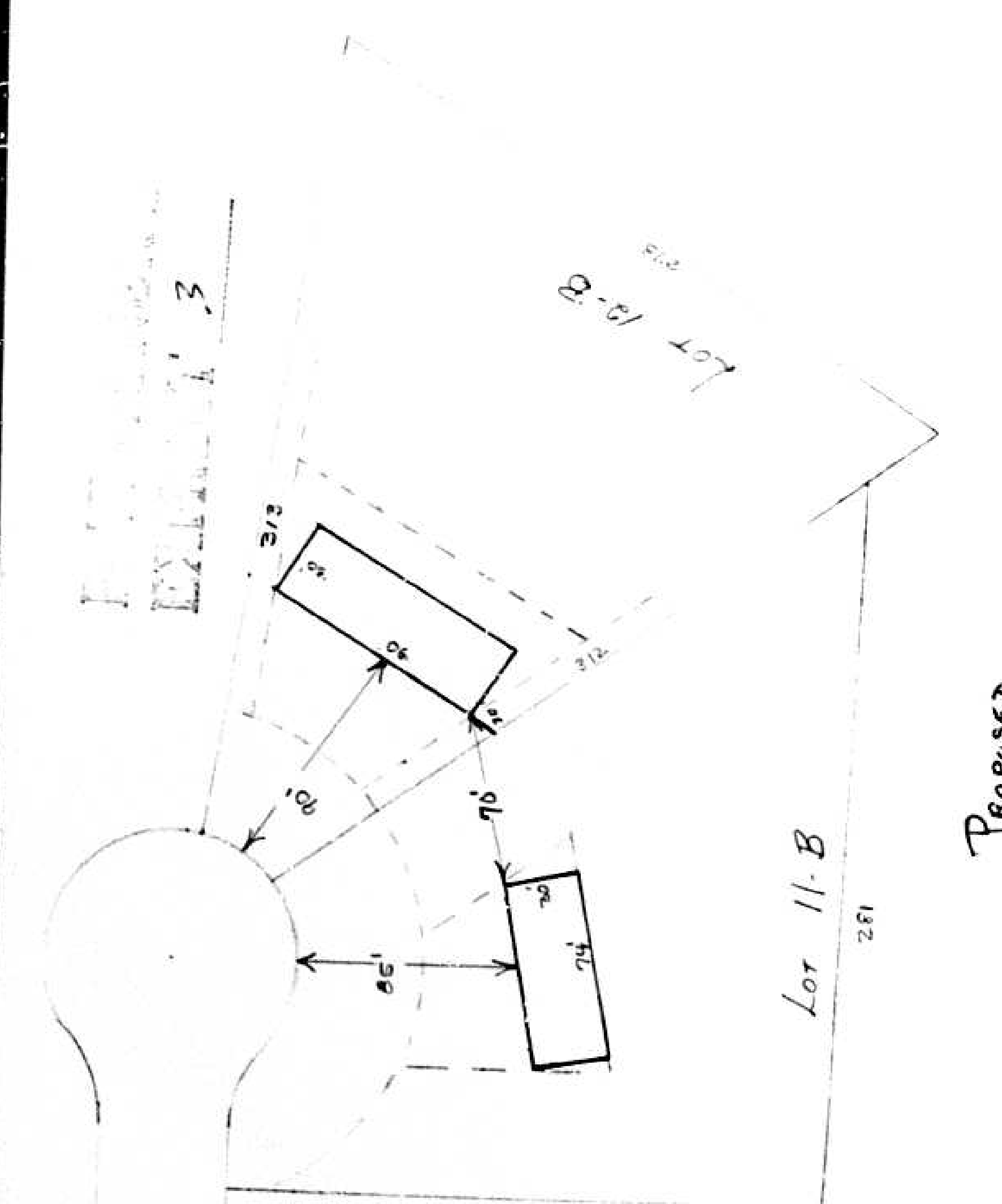
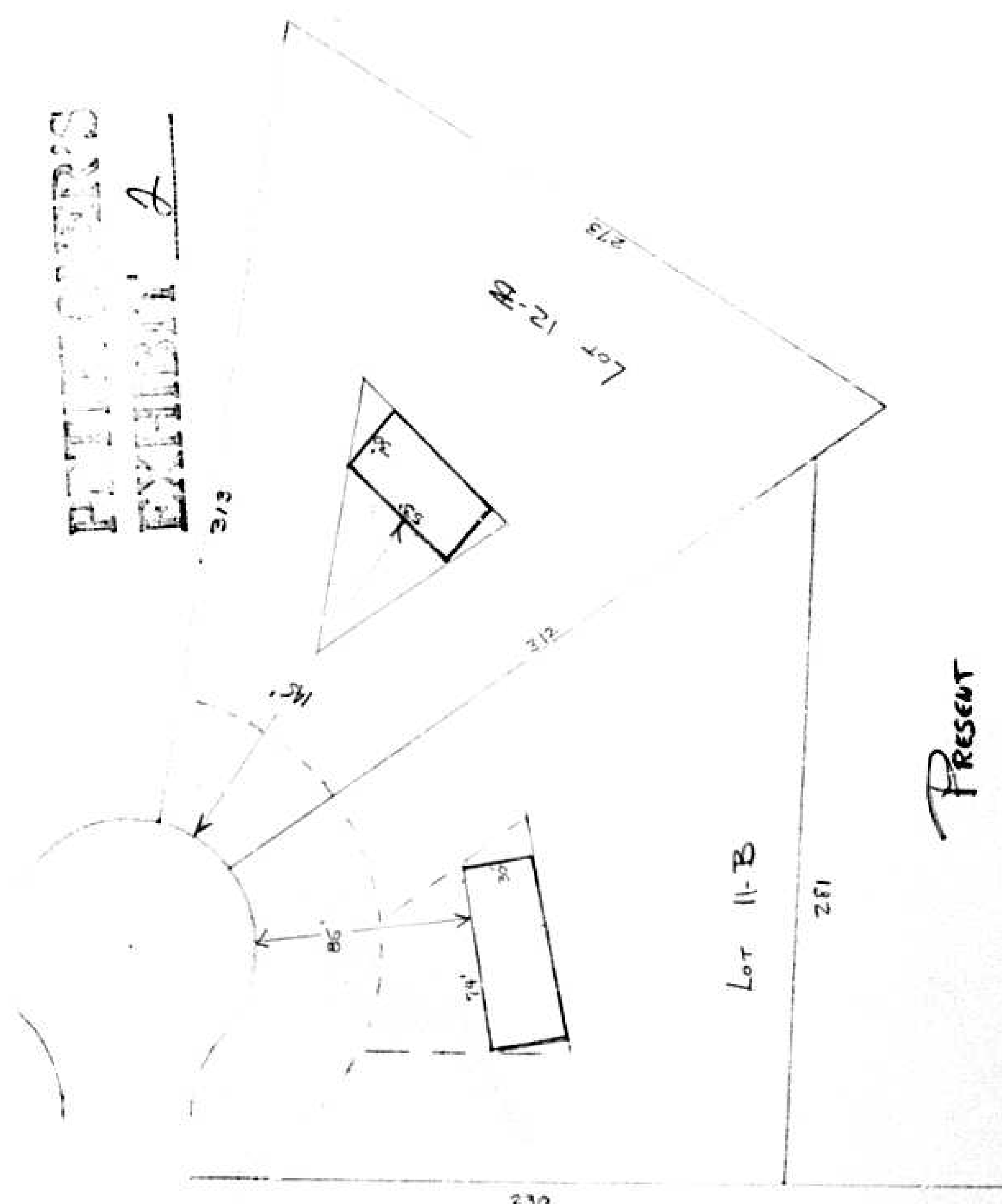
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is equally clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

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3. A detailed landscaping plan must be submitted for approval to the Office of Current Planning to reflect appropriate screening between lots 11B and 12B, after consultation with Mr. and Mrs. Patti.

[Signature]
Zoning Commissioner
of
Baltimore County



After due consideration of the evidence and testimony presented, it is determined that the amendment requested would not adversely affect the health, safety, and general welfare of the community. It is equally clear that the relief prayed for to amend the development plan accordingly also would not be detrimental or adversely impact the public health, safety and general welfare of the community.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special hearing and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29 day of March, 1984, that the Petition for Variances to permit a side yard setback of 30' instead of the required 50' to the southern property line, between lots 11B and 12B, and 10' instead of the required 50' to the northern side, between the house and the panhandle, and the relief prayed for in the Petition for Special Hearing to amend the 4th Amended Development Plan to reflect a building envelope of 70' X 30' be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The garage must be located only on the north side of the property, facing the panhandle.

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ORDER RECEIVED FOR FILING

DATE *March 29, 1984*
BY *May Compagno*
Administrative Assistant

ORDER RECEIVED FOR FILING

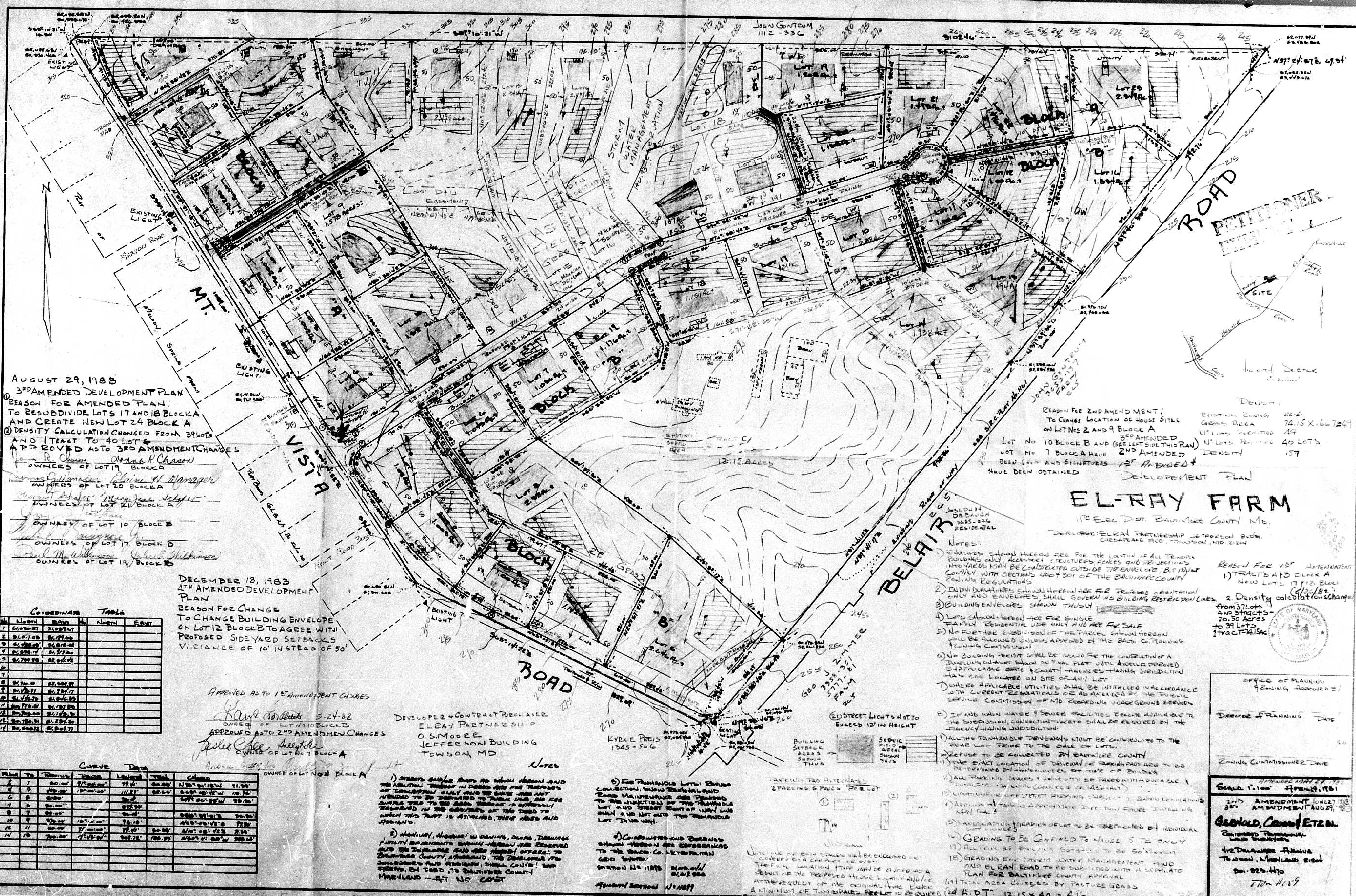
DATE *March 29, 1984*
BY *May Compagno*
Administrative Assistant

ORDER RECEIVED FOR FILING

DATE *March 29, 1984*
BY *May Compagno*
Administrative Assistant

ORDER RECEIVED FOR FILING

DATE *March 29, 1984*
BY *May Compagno*
Administrative Assistant



AUGUST 29, 1983

3RD AMENDED DEVELOPMENT PLAN

REASON FOR AMENDED PLAN
TO RESUBDIVIDE LOTS 17 AND 18 BLOCK A
AND CREATE NEW LOT 24 BLOCK A

DENSITY CALCULATION CHANGED FROM 39 LOTS
AND 1 TRACT TO 40 LOTS
APPROVED AS TO 3RD AMENDMENT CHANGES

R. Owens Myra H. Chason
OWNERS OF LOT 19 BLOCK A

James H. Manager Blaine H. Manager
OWNERS OF LOT 20 BLOCK A

Thomas Schaper Marjorie Schaper
OWNERS OF LOT 21 BLOCK A

James H. Manager
OWNERS OF LOT 10 BLOCK B

James H. Manager
OWNERS OF LOT 17 BLOCK B

Paul M. Wilkinson Robert Wilkinson
OWNERS OF LOT 19 BLOCK B

DECEMBER 13, 1983
4TH AMENDED DEVELOPMENT
PLAN
REASON FOR CHANGE
TO CHANGE BUILDING ENVELOPE
ON LOT 12 BLOCK 2 TO AGREE WITH
PROPOSED SIDEYARD SETBACKS
VARIANCE OF 10' INSTEAD OF 50

N	NORTH	EAST	N	NORTH	EAST
1	01,00.07	01,00.14			
2	01,01.00	01,01.06			
3	01,02.00	01,02.04			
4	01,03.17	01,03.20			
5	01,04.00	01,04.06			
6					
7					
8	01,05.00	01,05.07			
9	01,06.37	01,06.47			
10	01,07.00	01,07.07			
11	01,08.00	01,08.07			
12	01,09.00	01,09.07			
13	01,10.00	01,10.07			
14	01,11.00	01,11.07			

Curve Data						Angle	
Point	To	Bearing	Distance	Latitude	Total	Column	
1	2	80.00'	97.00-00'	71.61	80.00'	N 70° 00' 11" W	71.61'
2	3	100.00'	10.00-00'	111.81	80.00'	S 00° 00' 41" W	110.70'
3	4	80.00'	00.00-00'	80.00	80.00'	S 00° 00' 00" W	80.00'
4	5	80.00'	00.00-00'	80.00	80.00'	S 00° 00' 00" W	80.00'
5	6	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
6	7	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
7	8	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
8	9	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
9	10	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
10	11	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
11	12	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
12	13	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
13	14	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
14	15	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
15	16	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
16	17	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
17	18	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
18	19	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
19	20	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
20	21	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
21	22	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
22	23	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
23	24	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
24	25	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
25	26	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
26	27	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
27	28	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
28	29	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
29	30	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
30	31	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
31	32	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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33	34	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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37	38	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
38	39	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
39	40	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
40	41	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
41	42	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
42	43	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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51	52	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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55	56	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
56	57	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
57	58	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
58	59	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
59	60	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
60	61	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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65	66	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
66	67	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
67	68	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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71	72	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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81	82	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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83	84	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
84	85	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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86	87	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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93	94	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
94	95	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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105	106	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
106	107	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
107	108	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
108	109	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
109	110	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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112	113	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
113	114	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
114	115	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
115	116	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
116	117	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
117	118	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
118	119	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
119	120	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
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123	124	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
124	125	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
125	126	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
126	127	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
127	128	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
128	129	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
129	130	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
130	131	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
131	132	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
132	133	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
133	134	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
134	135	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
135	136	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
136	137	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
137	138	80.00'	10.00-00'	71.61	80.00'	S 00° 00' 11" W	70.70'
138	139	80.00'	10.00-00'	71.61	80.		

APPROVED AS TO 1ST AMENDMENT CHANGES
James J. Roberts 5-24-82
 OWNER OF LOT NO 10 BLOCK B
 APPROVED AS TO 2ND AMENDMENT CHANGE
John C. Lee 5-24-82
 OWNER OF LOT NO 7 BLOCK A
 APPROVED AS TO 3RD AMENDMENT CHANGE
John C. Lee 5-24-82
 OWNER OF LOT NO 4 BLOCK A

DEVELOPER & CONTRACT PURCHASER
ELZAY PARTNERSHIP
O. S. MOORE
JEFFERSON BUILDING
TOWSON, MD

[illegible][illegible]

(2) STREET LIGHTS NOT TO EXCEED 12' IN HEIGHT

NOTES:

- 1) EXISTING SHOWN HEREON PER FOR THE LOCATION OF ALL TERRACE BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND FENCE LINES TO INTERVENE MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION'S 400 & 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS
- 2) INDIVIDUALITIES SHOWN HEREON ARE FOR PROPOSED ORIENTATION ONLY AND ENVELOPES SHALL GOVERN AS BUILDING RESTRICTION LINE
- 3) BUILDING ENVELOPES SHOWN THUSLY 
- 4) LOTS SHOWN HEREON ARE FOR SINGLE FAMILY RESIDENTIAL USE ONLY AND ARE FOR SALE
- 5) NO FURTHER SUBDIVISION OF THE PARCEL SHOWN HEREON WILL BE ALLOWED UNLESS APPROVED BY THE BACH CO. PLANNING & ZONING COMMISSION
- 6) NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A DWELLING UNLESS SHOWN ON FINAL PLAT UNTIL A WELL APPROVED SUBDIVISABLE ESTATE & COUNTY AGENCIES HAVING JURISDICTION HAVE BEEN LOCATED ON SITE OF ANY LOT
- 7) WHERE APPLICABLE UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH CURRENT REGULATIONS OR AS ORDERED BY THE PLANNING & ZONING COMMISSION OF MD. REGARDING UNDERGROUND SERVICES
- 8) IF AND WHEN WATER & SEWER FACILITIES BECOME AVAILABLE TO THE SUBDIVISION, CONNECTIONS THERETO SHALL BE REQUIRED ON THE AGENCY HAVING JURISDICTION
- 9) ALL THE FAMILIAR DRIVEWAYS MUST BE CONSTRUCTED TO THE REAR LOT PRIOR TO THE SALE OF LOTS.
- 10) REFUSE TO BE COLLECTED BY BALTIMORE COUNTY
- 11) THE EXACT LOCATION OF DEVIATION OF PARKING PADS ARE TO BE DETERMINED BY THE COUNCIL AT THE TIME OF BUILDING
- 12) ALL PARKING SPACES FURNISHED BY THE SUBDIVISABLE & SUBSIDIARY SHALL BE CONSIDERED AS RESIDENT
- 13) LONG TERM & OFF STREET PARKING SUBJECT TO ZONING REGULATIONS
- 14) LOTS ARE TO BE APPROXIMATELY THE SAME FUTURE DWELLING UNIT SIZE
- 15) ADJACENT GRADING & GRADING DEPT. TO BE PERFORMED BY INDIVIDUAL LOT OWNER
- 16) GRADING TO BE CONFINED TO HOUSE 5 TON ONLY
- 17) ALL FUTURE BUILDING SUBSITES TO BE SO MAXIMUM
- 18) GRADING FOR STORM WATER MANAGEMENT FUND AND CLEAN ROAD TO BE SUBMITTED WITH A SEPARATE PLAN FOR BALTIMORE COUNTY APPROVAL
- 19) LOT AREA COVERED BY PASTURE GRASS

2nd R.D.T. 12.15 x 40 = 496

REASON FOR 2ND AMENDMENT?
TO CHANGE LOCATION OF HOUSE SITE
ON LOTS 2 AND 9 BLOCK A
10 BLOCK B AND (SEE LOTS 10 THIS PLAN)
7 BLOCK A HAVE 2ND AMENDED
AND SIGNATURES
OBTAINED

EXISTING ZONING
GROSS AREA
N' LOTS PERMITTED
N' LOTS PERMITTED
DENSITY

CC-5
72.15 X .667 = 49
49
40 LOTS
57

1ST AMENDED
DEVELOPMENT PLAN

EL-RAY FARM

11th ELEC. DIST. BALTIMORE COUNTY MD.
DEVELOPER: ELRAI PARTNERSHIP L.P. 12000 BLOOM
CRESTDALE AVE. TOWSON, MD. 21204

REASON FOR 1ST ATTENDANCE

1) TRACTS A+B Block A
New Lot = 17.18 Acres
(5/24/82)

2. Density calculation change
from 37.1 lots
AND tracts -
70.30 Acres
to 39 lots
TRACT A+B

STATE OF MARYLAND
NOTARY PUBLIC
JAMES H. HARRIS
COMMISSION EXPIRES 12/31/82

OFFICE OF PLANNING
ZONING APPROVED ☒ /

DIRECTOR OF PLANNING DATE

ZONING COMMISSIONER DATE

ATTENDED MAY 29, 1961
Scale 1:1000 APRIL 19, 1961
2ND AMENDMENT JUNE 27, 1961
3RD AMENDMENT AUGUST 1, 1961
GRENOLD, CAROL EITZEL
REGISTERED PROFESSIONAL
LAND SURVEYOR
412 DOWLING AVENUE
TOWSON, MARYLAND 21204
BO. 825-4470
TTR 4.159