

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 W/S Oella Avenue * DEPUTY ZONING COMMISSIONER
 1384' N of c/1 * OF BALTIMORE COUNTY
 of Frederick Road 1st Election District
 1st Councilmanic District * Case No. 90-461-A
 Charles L. Wagandt
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances (i) to allow a building to street centerline setback of 12 feet in lieu of the required 50 feet; an open porch setback of 8 feet in lieu of the required 37-1/2 feet; a window to property line setback of 2 feet in lieu of the required 25 feet; a garage-carport setback of 1 foot in lieu of the required 22 feet; and, to permit 1 off-street parking space in lieu of the required 2 spaces, each for 1102 Oella Avenue; and, (ii) to allow a building to street centerline setback of 25 feet in lieu of the required 50 feet; an open porch setback of 25 feet in lieu of the required 37-1/2 feet; a window to property line setback of 5 feet in lieu of the required 25 feet and a garage-carport setback of 0 feet in lieu of the required 22 feet, each for Lot 16; all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, Charles D. Wagandt, appeared, testified and was represented by Stuart D. Kaplow, Esquire. Also appearing on behalf of the Petitioner was Wesley Daub, Civil Engineer. There were no Protestants.

Testimony indicated that the subject property is a tract of land located and lying along Oella Avenue. Testimony indicated

that the Petitioner proposes construction of a dwelling on Lot 16 and extensive renovations and remodeling of 1102 Oella Avenue. Petitioner testified that the proposed development is in keeping with the comprehensive plan for Oella, as more particularly described in Petitioner's Exhibit 2.

Testimony presented by both Mr. Wagandt and Mr. Daub indicated that the requested variances were required due to the modern setback requirements on this historic village and the topography of the land and environmental constraints, which involves steep slopes and the river to the rear. Testimony indicated that the housing units have been and will be developed tightly around the road on keeping with the historic character of the village. Petitioner indicated that he will comply with all CRG requirements and the comments of the Zoning Plans Advisory Committee. Testimony presented further indicated that the granting of the requested variances will have no adverse impact on adjacent properties. The granting of the variances will not result in any detriment to the health, safety or general welfare of the neighborhood.

An area variance may be granted where strict application of the Zoning Regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area 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 clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of October, 1990 that the Petition for Zoning Variance, (i) to allow a building to street centerline setback of 12 feet in lieu of the required 50 feet; an open porch setback of 8 feet in lieu of the required 37-1/2 feet; a window to property line setback of 2 feet in lieu of the required 25 feet; a garage-carport setback of 1 foot in lieu of the required 22 feet; and, to permit 1 off-street parking space in lieu of the required 2 spaces, each for 1102 Oella Avenue; and, (ii) to allow a building to street centerline setback of 25

feet in lieu of the required 50 feet; an open porch setback of 25 feet in lieu of the required 37-1/2 feet; a window to property line setback of 5 feet in lieu of the required 25 feet and a garage-carport setback of 0 feet in lieu of the required 22 feet, each for Lot 16; all as more particularly described in Petitioner's Exhibit 1, respectively, for lot number 1102 and for Lot 16; be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day 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) Compliance with the OELLA GUIDE STATEMENT and specifically the guidelines For Existing Buildings and guidelines for New Development, within that statement as contained on the Second Revised Amended Plan, Oella, Maryland, dated April 14, 1989, as more particularly described in Petitioner's Exhibit 2.
- 3) Compliance with all CRG requirements unless otherwise waived by any Department.
- 4) Any application for building permit shall reference this case and the decision of this date.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 10/10/90
 By [Signature]

2054.029
 PETITION
 10/08/90

ORDER RECEIVED FOR FILING
 Date 10/10/90
 By [Signature]

PETITION FOR ZONING VARIANCE #329

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-461-A**

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 1801.2.C.3, 301-1, 504 (MDP, V.B.6,8) and 402.6.1.1.

To allow building to street centerline setbacks of 12 ft. & 25 ft., open porch setbacks of 8 ft. & 25 ft., window to property line setbacks of 2 ft. & 5 ft. and garage-carport setbacks of 0 ft. & 2 ft. in lieu of the required 50 ft., 37 ft., 25 ft., and 22 ft., respectively, for each of the 2 lots AND to permit 1 off-street parking space in lieu of the required 2 spaces for Lot #1102. Following reasons: (indicate hardship or practical difficulty) Subdivision of existing historic residence and proposed infill residence create conditions of practical difficulty or unreasonable hardship in complying with referenced zoning standards.

(50', 37'-5"), (2) distance of window to street right of way (25'), (3) distance of garage or carport to street right of way (22') and (4) minimum number of parking spaces: (2).

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:	Legal Owner(s):
(Type or Print Name)	Charles L. Wagandt
Signature	[Signature]
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Address
Frank, Bernstein, Conaway & Goldman	732 Oella Avenue
(Type or Print Name)	Address
Signature: Stuart D. Kaplow, Esq.	Ellicott City, MD
300 East Lombard Street	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland - 21202	Whitman, Requardt and Associates
City and State	2315 Saint Paul Street
Attorney's Telephone No.: 625-3650	Baltimore, Maryland
	235-3450
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day

of 10/10/90, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of 10/10/90, at 11 o'clock

A.M.

[Signature]
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 Date 10/10/90
 By [Signature]

THING CHA LEEH - [Signature]
 CHIEF CLERK (over)
 *10/10/90

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3333

J. Robert Haines
 Zoning Commissioner
 October 10, 1990



Dennis F. Rasmussen
 County Executive

Stuart D. Kaplow, Esquire
 Frank, Bernstein, Conaway & Goldman
 210 W. Pennsylvania Avenue, Suite 630
 Towson, Maryland 21284

RE: PETITION FOR ZONING VARIANCE
 W/S Oella Avenue, 1384' N of the c/1 of Frederick Road
 (1102 Oella Avenue); and
 W/S Oella Avenue, 1716' N of the c/1 of Frederick Road (Lot 16)
 1st Election District - 1st Councilmanic District
 Charles L. Wagandt - Petitioner
 Case No. 90-461-A

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

ANN:bjb

cc: People's Counsel

File

WHITMAN, REQUARDT and ASSOCIATES

March 23, 1990

ZONING DESCRIPTION
 1102 OELLA AVENUE

90-461-A

BEGINNING on the west side of Oella Avenue 20 feet wide, at a distance of 1384 feet north of the centerline of Frederick Road as measured along the westerly side of Oella Avenue and binding along said west side the following courses and distances, (1) North 68°58'59" East, 50.00 feet; (2) North 80°33'15" East, 32.26 feet; (3) South 15°40'37" East, 4.00 feet; (4) North 74°19'23" East, 26.64 feet; (5) North 15°40'39" West, 4.00 feet; (6) North 68°45'26" East, 26.95 feet; (7) North 15°26'50" West, 13.95 feet; (8) Northeasterly along a curve to the left, having a radius of 330.00 feet for a distance of 43.63 feet, being subtended by a chord bearing and distance of North 55°10'17" East, 43.60 feet; thence leaving said west side of Oella Avenue and running for lines of division the three following courses and distances, (9) North 38°37'00" West, 52.64 feet; (10) South 63°17'50" West, 143.57 feet; (11) South 21°01'01" East, 51.40 feet to the point of BEGINNING. Containing 0.2123 acres of land more or less.

Also known as 1102 Oella Avenue in the 1st Election District.

PETITIONER'S EXHIBIT 2

Mapletters 40520E1.00

WHITMAN, REQUARDT and ASSOCIATES

March 23, 1990

ZONING DESCRIPTION
 OELLA-Site 2, Lot #16

90-461-A

BEGINNING on the west side of Oella Avenue 20 feet wide, at a distance of 1716 feet north of the centerline of Frederick Road as measured along the westerly side of Oella Avenue and binding along said west side the following courses and distances, (1) North 51°23'00" East, 160.02 feet; thence leaving said west side of Oella Avenue and running for lines of division the three following courses and distances, (2) North 37°44'41" West, 51.51 feet; (3) South 57°04'42" West, 160.57 feet; (4) South 37°44'41" East, 67.45 feet to the point of BEGINNING. Containing 0.2185 acres of land more or less.

Also known as Lot #16 of Oella - Site 2.

Mapletters 40520E2.00

Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account: R-001-4150
 No 1853

Date: 3/23/90 H9000329

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (1RL)	2 X	\$35.00
TOTAL:		\$70.00

LAST NAME OF OWNER: WAGANDT

B 1145*****7000a 2265F
 Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION
 May 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 3, 1990.

CATONSVILLE TIMES
 S. Zebe Orlov
 Publisher

PO 104509

CERTIFICATE OF PUBLICATION
 TOWSON, MD., May 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 3, 1990.

THE JEFFERSONIAN
 S. Zebe Orlov
 Publisher

Baltimore County Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

DATE: 7-20-90

Charles L. Wagandt
 732 Della Avenue
 Ellicott City, Maryland

Res: Petition for Zoning Variance
 CASE NUMBER: 90-461-A
 W/S Della Avenue, 1384' N of c/l of Frederick Road
 1102 Della Avenue
 W/S Della Avenue, 1716' N of c/l of Frederick Road, Lot #16
 1st Election District - 1st Councilmanic
 Petitioner(s): Charles L. Wagandt
 HEARING: FRIDAY, JULY 27, 1990 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$136.24 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
 J. Robert Haines
 ZONING COMMISSIONER

JRH:gs
 cc: Stuart D. Kaplow, Esq.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

90-461-A

District: 1st Date of Posting: July 9, 1990

Posted for: Variance

Petitioner: Charles L. Wagandt

Location of property: W/S Della Avenue, 1384' N of c/l of Frederick Road, Lot #16, 1102 Della Avenue

Location of Signs: West side of Della Avenue, opposite 1725 feet north of Frederick Road in front of subject property

Remarks: S. J. Anata

Posted by: S. J. Anata Date of return: July 13, 1990

Number of Signs: 2

CERTIFICATE OF PUBLICATION
 July 13, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 28, 1990.

CATONSVILLE TIMES
 S. Zebe Orlov
 Publisher

PO105543

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

90-461-A

District: 1st Date of Posting: May 4, 1990

Posted for: Variance

Petitioner: Charles L. Wagandt

Location of property: W/S Della Avenue, 1384' N of c/l of Frederick Road, Lot #16, 1102 Della Avenue, W/S Della Avenue, 1716' N of c/l of Frederick Road, Lot #16

Location of Signs: 1 sign in front of 1102 Della Avenue, 1 sign in front of Lot #16

Remarks: S. J. Anata

Posted by: S. J. Anata Date of return: May 11, 1990

Number of Signs: 2

Baltimore County Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

DATE: 5/15/90

Charles L. Wagandt
 732 Della Avenue
 Ellicott City, Maryland 21043

Res: Petition for Zoning Variance
 CASE NUMBER: 90-461-A
 W/S Della Avenue, 1384' N of c/l of Frederick Rd. - 1102 Della Avenue
 W/S Della Avenue, 1716' N of c/l of Frederick Rd., - Lot #16
 1st Election District - 1st Councilmanic
 Petitioner(s): Charles L. Wagandt
 HEARING: WEDNESDAY, MAY 30, 1990 at 11:00 a.m.

Dear Petitioner:

Please be advised that \$136.24 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
 J. Robert Haines
 ZONING COMMISSIONER

JRH:gs
 cc: Stuart D. Kaplow, Esq.

NOTICE OF HEARING
 June 4, 1990

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:

Petition for Zoning Variance
 CASE NUMBER: 90-461-A
 W/S Della Avenue, 1384' N of c/l of Frederick Road
 1102 Della Avenue
 W/S Della Avenue, 1716' N of c/l of Frederick Road, Lot #16
 1st Election District - 1st Councilmanic
 Petitioner(s): Charles L. Wagandt
 HEARING: FRIDAY, JULY 27, 1990 at 2:00 p.m.

Variance: To allow building to street centerline setbacks of 12 ft. and 25 ft., open porch setbacks of 8 ft. and 25 ft., window to property line setbacks of 2 ft. and 5 ft. and garage-carport setbacks of 1 ft. and 0 ft. in lieu of the required 50 ft., 3 1/2 ft., 25 ft. and 22 ft. respectively for each of the 2 lots AND to permit 1 off-street parking space in lieu of the required 2 spaces for Lot #102.

In the event that this Petition is 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
 Zoning Commissioner of Baltimore County

cc: Charles L. Wagandt
 Whitman, Reardon & Associates
 Stuart D. Kaplow, Esq.

NOTICE OF HEARING
 April 13, 1990

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:

Petition for Zoning Variance
 CASE NUMBER: 90-461-A
 W/S Della Avenue, 1384' N of c/l of Frederick Rd. - 1102 Della Avenue
 W/S Della Avenue, 1716' N of c/l of Frederick Rd., - Lot #16
 1st Election District - 1st Councilmanic
 Petitioner(s): Charles L. Wagandt
 HEARING: WEDNESDAY, MAY 30, 1990 at 11:00 a.m.

Variance: To allow building to street centerline setbacks of 12 feet and 25 feet, open porch setbacks of 8 feet and 25 feet, window to property line setbacks of 2 feet and 5 feet, and garage-carport setbacks of zero feet and 1 foot in lieu of the required 50 feet, 3 1/2 feet, and 22 feet, respectively for each of two lots and to permit 1 off-street parking space in lieu of the required 2 spaces for Lot #102.

In the event that this Petition is 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
 Zoning Commissioner of Baltimore County

cc: Charles L. Wagandt
 Stuart D. Kaplow, Esq.
 Whitman, Reardon & Associates

Baltimore County Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

May 15, 1990

Stuart D. Kaplow, Esquire
 Frank, Bernstein, Conway & Goldman
 300 East Lombard Street
 Baltimore, MD 21202

RE: Item No. 329, Case No. 90-461-A
 Petitioner: Charles L. Wagandt
 Petition for Zoning Variance

Dear Mr. Kaplow:

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. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINDERSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
 James E. Dyer
 Chairman
 Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Charles L. Wagandt
 732 Della Avenue
 Ellicott City, MD 21043

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
18th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Hagan
James E. Hagan
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles L. Wagandt

Petitioner's Attorney: Stuart D. Kaplow

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 6, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number
324, 329, 330, 331, 334, 335, 336, 337, 339, 340, 341, and 342.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lw

RECEIVED
APR 16 1990

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

APRIL 6, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES L. WAGANDT

Location: #1102 OELLA AVENUE AND LOT #16

Item No.: 329 Zoning Agenda: APRIL 17, 1990

Gentlemen:

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

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", 1988
edition prior to occupancy.

REVIEWER: *Pat Keller 4492* Noted and Approved *Co. Captain J.P. Brady 4492*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

APR 10 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 27, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Charles L. Wagandt, Item No. 329
(Revised Comments)

RECEIVED
JUL 27 1990

ZONING OFFICE

The Petitioner requests a Variance to permit reduced centerline
setbacks; to permit open porch setbacks of 8 ft. and 25 ft.; reduced
window to property line setbacks; garage/carport setbacks; and to
permit 1 off-street parking space in lieu of the required 2 spaces.

In reference to the Petitioner's request, staff offers the
following additional comments:

- The Petitioner, as requested by staff, has submitted
architectural elevations which this office finds acceptable.
(See attached)

- A site visit of Petitioner's property indicates the need for
2 off-street parking spaces, since no parking is available
along Oella Avenue.

Should the parking deficiency be addressed to the satisfaction
of this office, staff will offer its support to the Petitioner's
request.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

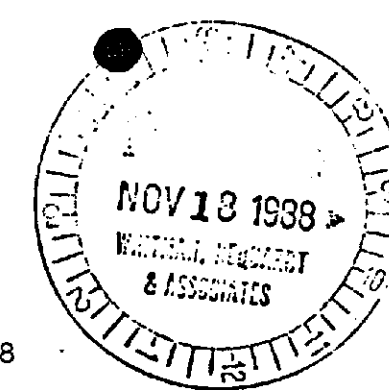
PK/JL/cmm

ITEM326/ZAC1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

November 15, 1988



Dennis F. Rasmussen
County Executive

Tami P. Daniel, Esquire
Nancy Haas, Esquire
Frank, Bernstein, Conaway & Goldman
300 E. Lombard Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
1250' W of the Intersection of Westchester and Hollow Roads
1st Election District - 1st Councilmanic District
Charles L. Wagandt - Petitioner
Case No. 89-156-A

Dear Ms. Daniel & Ms. Haas:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Zoning Variance has been granted
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjc

cc: Mr. Wesley Daub
2315 St. Paul Street
Baltimore, Maryland 21218

People's Counsel

File

Barry C. Greenberg, Esquire
Frank, Bernstein, Conaway & Goldman
300 East Lombard Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
E/S Oella Avenue, 2,329' to 2,547' N of the c/l of Frederick Road,
and NE/S Glen Avenue, 118' SE of the c/l of Oella Avenue
1st Election District; 1st Councilmanic District
Charles L. Wagandt - Petitioner
Case No. 89-165-A

Dear Mr. Greenberg:

Enclosed please find the decision rendered in the above-referenced case.
Your Petition for Zoning Variance has been granted in accordance with the at-
tached Order.

In the event the decision rendered is unfavorable to any party, please
be advised that any party may file an appeal to the County Board of Appeals.
For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjc

Enclosures

cc: Mr. Wesley Roy Dole
Whitman, Reardon & Associates
2315 St. Paul Street, Baltimore, Md. 21218

People's Counsel

File

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 887-3500
10527 WINDOORN CIRCLE
COLUMBIA, MARYLAND 21044
(301) 730-8477
7799 LEEBURG PIKE
TYBONS CORNER, VIRGINIA 22043
(703) 893-9470

SUITE 630
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 821-3100

FACSIMILE: (301) 821-3116
CABLE: FRASBP
TELEK: 87938

118 WEST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 882-8338
8701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 887-8282

WRITER'S DIRECT NUMBER
821-3103

October 9, 1990

HAND-DELIVERY

Ann M. Nastarowicz,
Deputy Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Charles L. Wagandt, Petitioner
Case No. 90-451-A

Dear Ms. Nastarowicz:

In furtherance of our telephone conversation of last
Friday, please find enclosed a revised Order in the above-noted
case.

As you will note, language has been added to the fourth
line on page 2 referencing the Oella Guide Statement. That
language is also picked up at the end of enumerated condition #2
as found on page 4. As is now appropriate, in the last paragraph
on page 3, the month has been changed from September to October.
I believe that enumerated condition #4 requiring that any
application for building permit reference this case and the
decision of this date addresses your comment.

Additionally, please find enclosed the two paged Second
Revised Amended Plan Oella, Maryland, dated April 14, 1989.

I am having this letter hand-delivered to you this
morning with the hope that the Order will be in satisfactory
form. If such is the case, I would kindly request that you
please have Betty telephone my office once the Order is signed
such that I might send a courier to pick it up. (With the

RECEIVED
OCT 9 1990

ZONING OFFICE

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Ann M. Nastarowicz
October 9, 1990
Page 2

impending drop dead date in our contractual obligations, I would
like to avoid the delay of the US Mail.)

Thanking you for all of your courtesies, I am,

Sincerely,

Stuart D. Kaplow
Stuart D. Kaplow

SDK:cc

Enclosures

cc: Mr. Charles L. Wagandt
Morton P. Fisher, Jr., Esq.

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 821-3000

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 821-3100

10227 WINDCOPIN CIRCLE
COLUMBIA, MARYLAND 21044
(301) 730-8477

7708 LEEBURG PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 893-4670

18 WEST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 883-8338

6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8282

WRITER'S DIRECT NUMBER
821-3103

October 3, 1990

RECEIVED
OCT 4 1990
ZONING OFFICE

HAND-DELIVERY
Ann M. Nastarowicz,
Deputy Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Charles L. Wagandt, Petitioner
Case No. 90-461-A

Dear Ms. Nastarowicz:

Accepting that I am dictating this letter before we have spoken this date, I wanted to drop you a quick note to kindly request that you please give the Order in the above noted matter your attention at the earliest possible date.

As you are aware, and as I explained in my letter of September 17, 1990, for whatever reason, my earlier transmittal to Pat Keller requesting his approval of the Order had not been received by your office. In a telephone conversation of that date, Jeff Long confirmed to me that he and Gary Kerns had in fact reviewed the language with respect to the conditions to be imposed and accordingly, Pat had approved the Order as drafted by me.

My purpose at this point is only to obtain an Order at the earliest possible date. As you may recall from the hearing, my client has contractual obligations that are now in jeopardy. If my lack of diligence in any way delayed the issuance of this Order, please accept my apologies, however, I would kindly request that you review the proposed Order at your earliest convenience. If the Order requires revision, I would be happy to make the needed changes. Once a final Order is available, I would kindly request that Betty please telephone my office and I will send a courier to pick it up.

MICROFILMED

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Ann M. Nastarowicz
October 3, 1990
Page 2

Thanking you for all of your courtesies, your assistance in this matter is greatly appreciated.

Sincerely,
Stuart D. Kaplow
Stuart D. Kaplow

SDK/emh
cc: Charles A. Wagandt
Morton P. Fisher, Jr., Esquire

LTR-43
10/3/90
SDK/WP

MICROFILMED

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 821-3000

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
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FREDERICK, MARYLAND 21701
(301) 883-8338

6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8282

WRITER'S DIRECT NUMBER
821-3103

September 17, 1990

RECEIVED
SEP 18 1990
ZONING OFFICE

HAND-DELIVERY
Ann M. Nastarowicz,
Deputy Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Charles L. Wagandt, Petitioner
Case No. 90-461-A

Dear Ms. Nastarowicz:

Let me apologize if I have been dilatory in providing you with a proposed Order in the above-noted matter.

For whatever reason, my earlier transmittal to Pat Keller, requesting his approval of the Order has gone astray. I am this date under separate cover, forwarding a copy of this letter, my earlier correspondence to pat, and this proposed Order to Pat.

Accordingly, please find enclosed a copy of a proposed Order that I believe adequately addresses your comments at the hearing. Should any modification of the Order be required, please do not hesitate to give me a call.

Again, let me apologize for any delay on my part in this matter.

Sincerely,
Stuart D. Kaplow
Stuart D. Kaplow

SDK:cc
Enclosures

MICROFILMED

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 821-3000

210 WEST PENNSYLVANIA AVENUE
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(301) 883-8338

6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8282

WRITER'S DIRECT NUMBER
821-3103

August 10, 1990

Arnold F. Keller, III, Deputy Director
Office of Planning and Zoning
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, MD 21204

RE: Charles L. Wagandt Variance Petition
Item # 329

Dear Pat:

Let me first thank you and Jeff for all of your courtesies with respect to the above-noted Petition. Your taking a second look at this site and agreeing to modify your original comment will allow for continue development of the historic village of Oella.

Please find enclosed a draft of an Order for Ann Nastarowicz's signature. Ann requested that I forward the Order to you for your review with respect to the conditions and restrictions found on page 4. Specifically, I would draw your attention to enumerated restriction #2 which I believe adequately addresses the desire to maintain the history flavor of the historic village. As the Oella guideline statement is contained on the fact of the CGP Plan, it should give the zoning office a means for enforcing compliance with the history guidelines in that the Order must be referenced and the application for building permit.

Trusting that this Order is acceptable, I would kindly request that you please forward a copy of this Order with a note so indicating directly to the Deputy Zoning Administrator.

MICROFILMED

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Arnold F. Keller, III, Deputy Director
August 10, 1990
Page 2

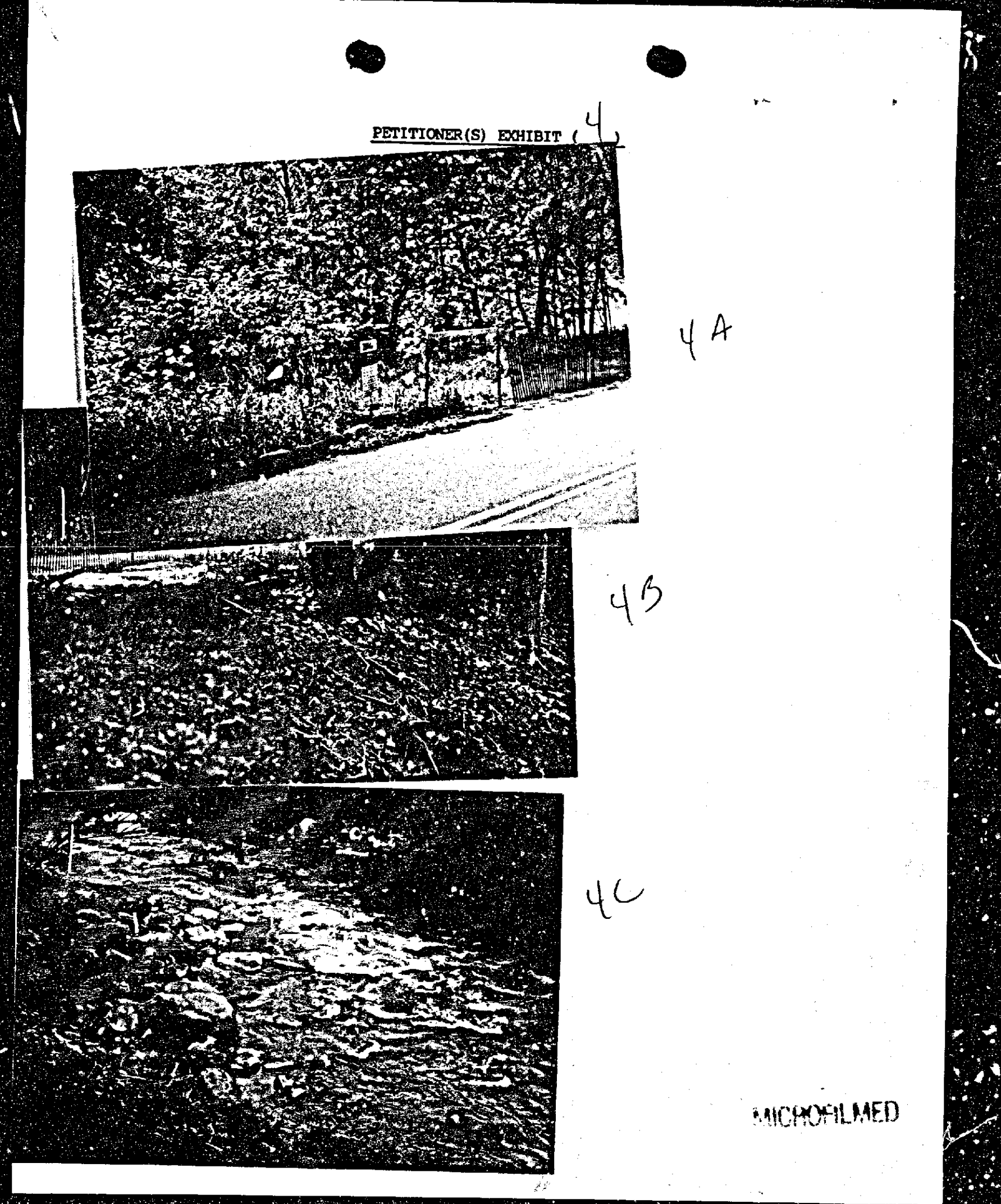
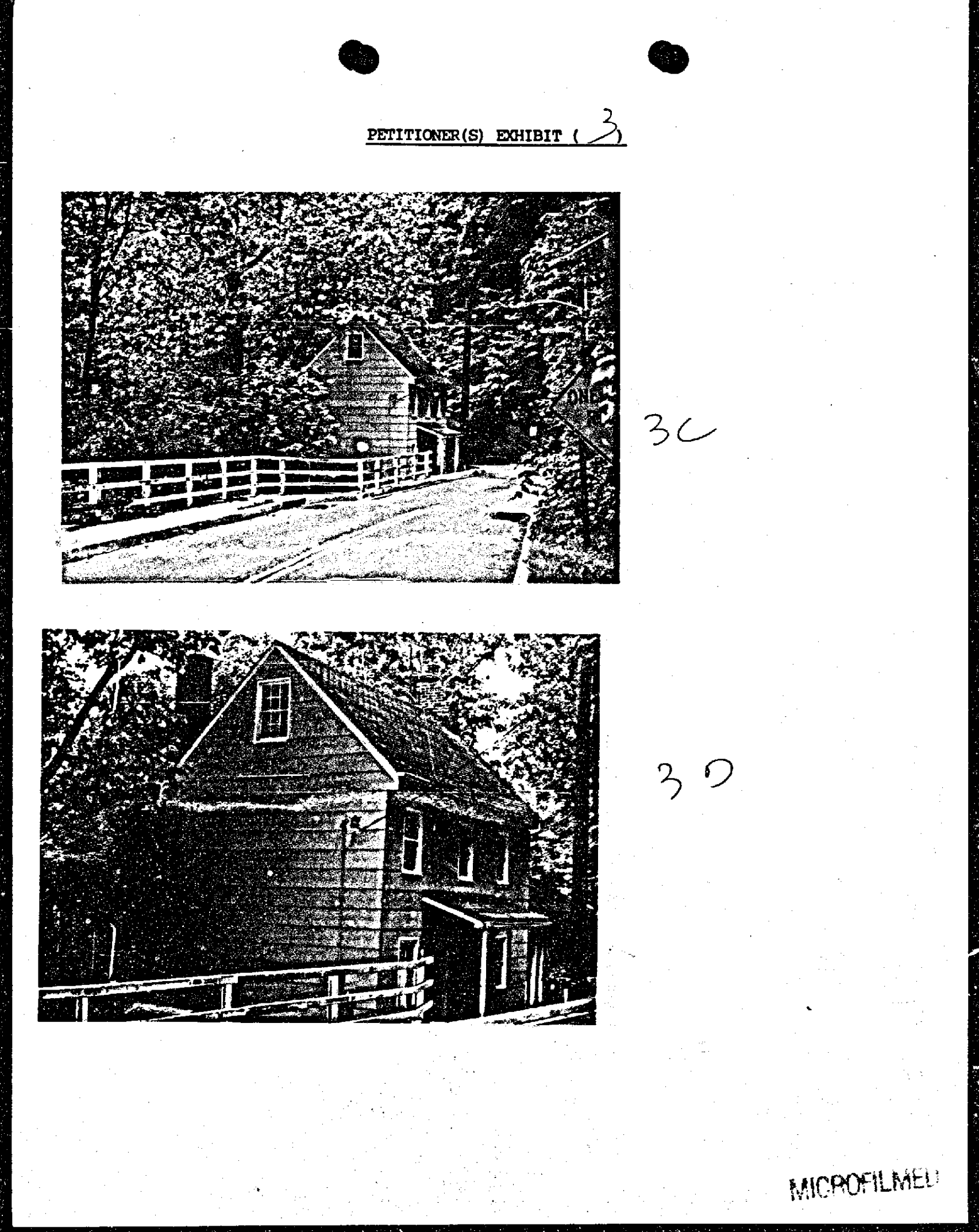
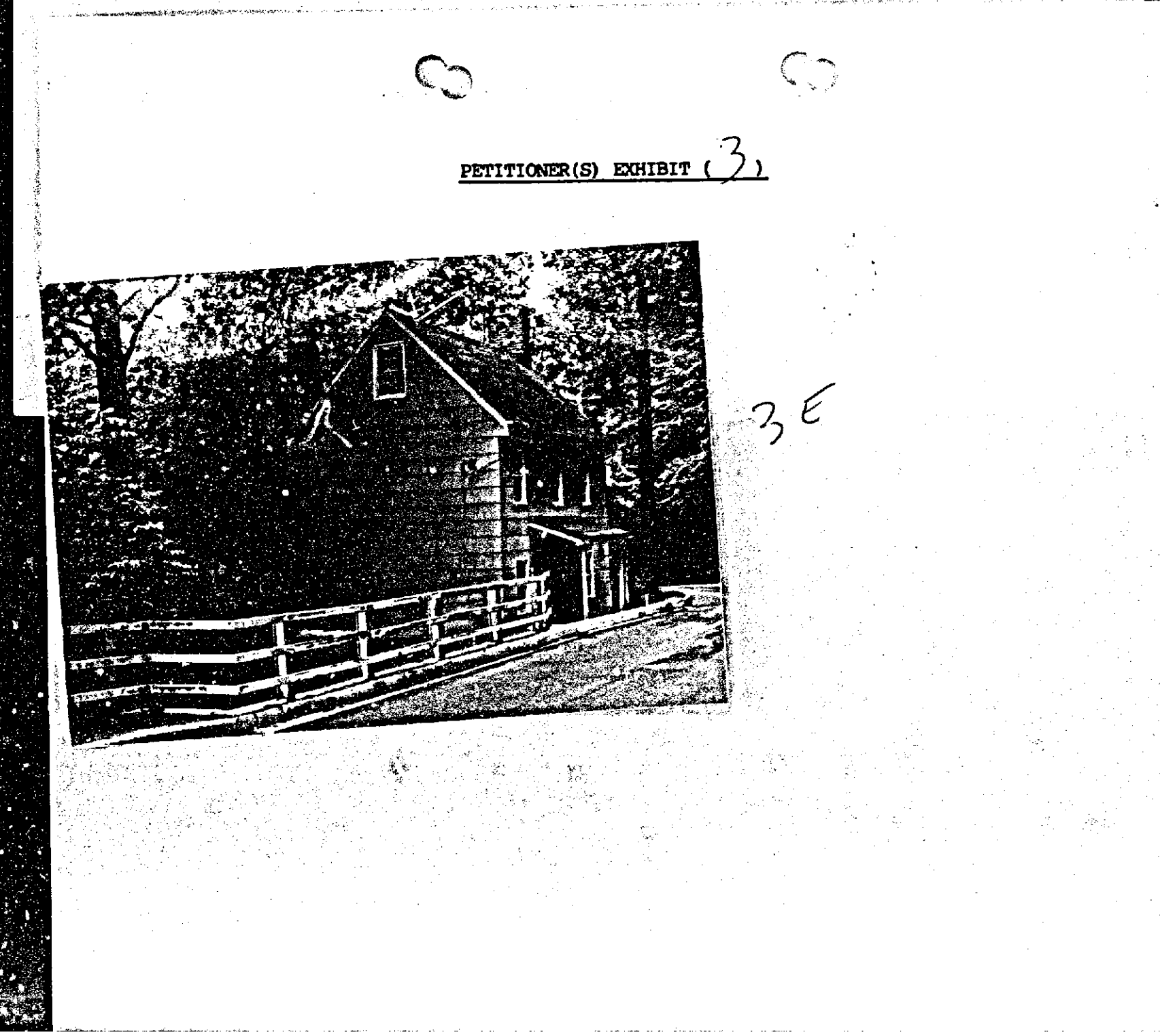
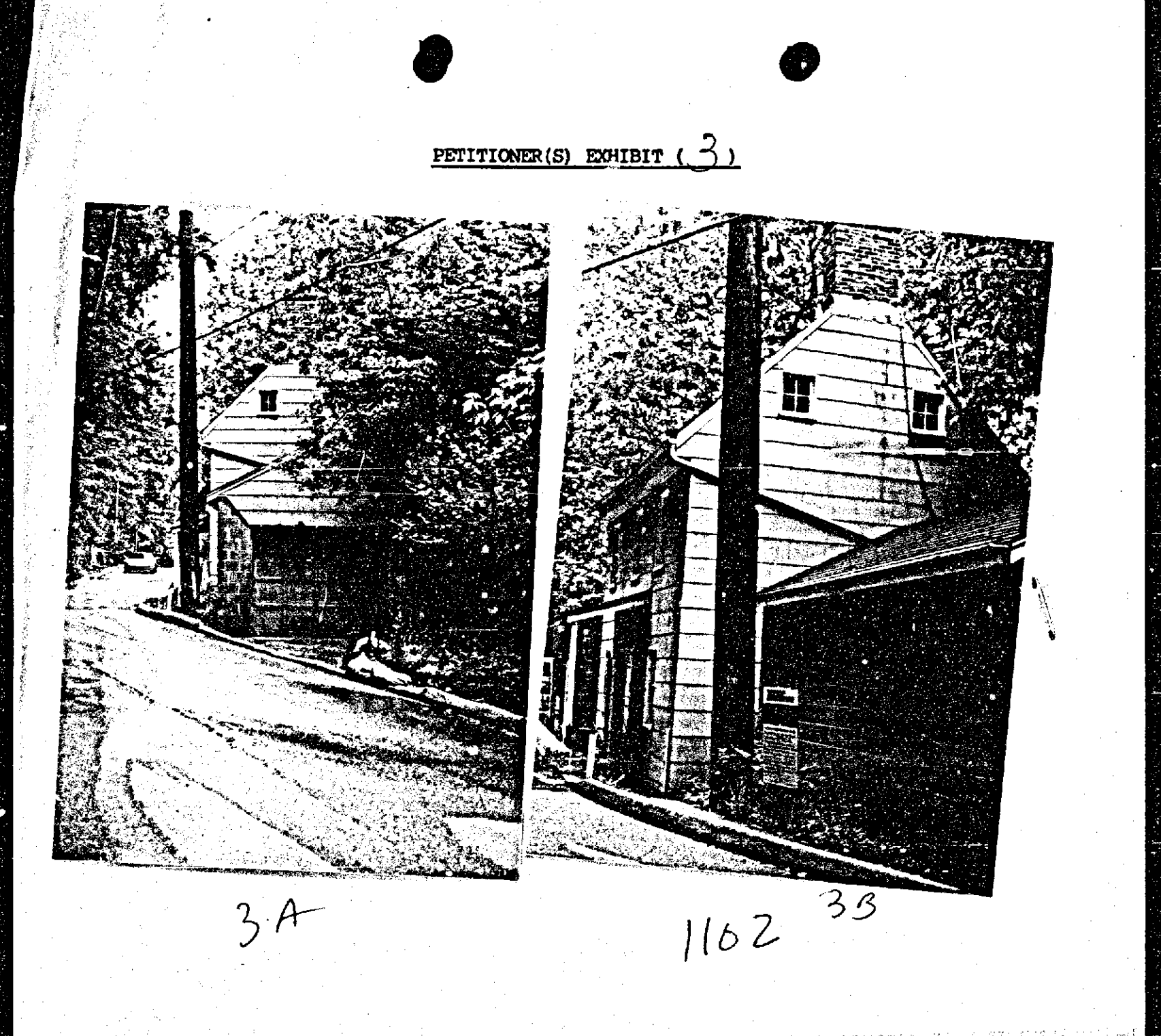
Should there be any difficulty with this Order or should you have any questions, of course, do not hesitate to give me a call.

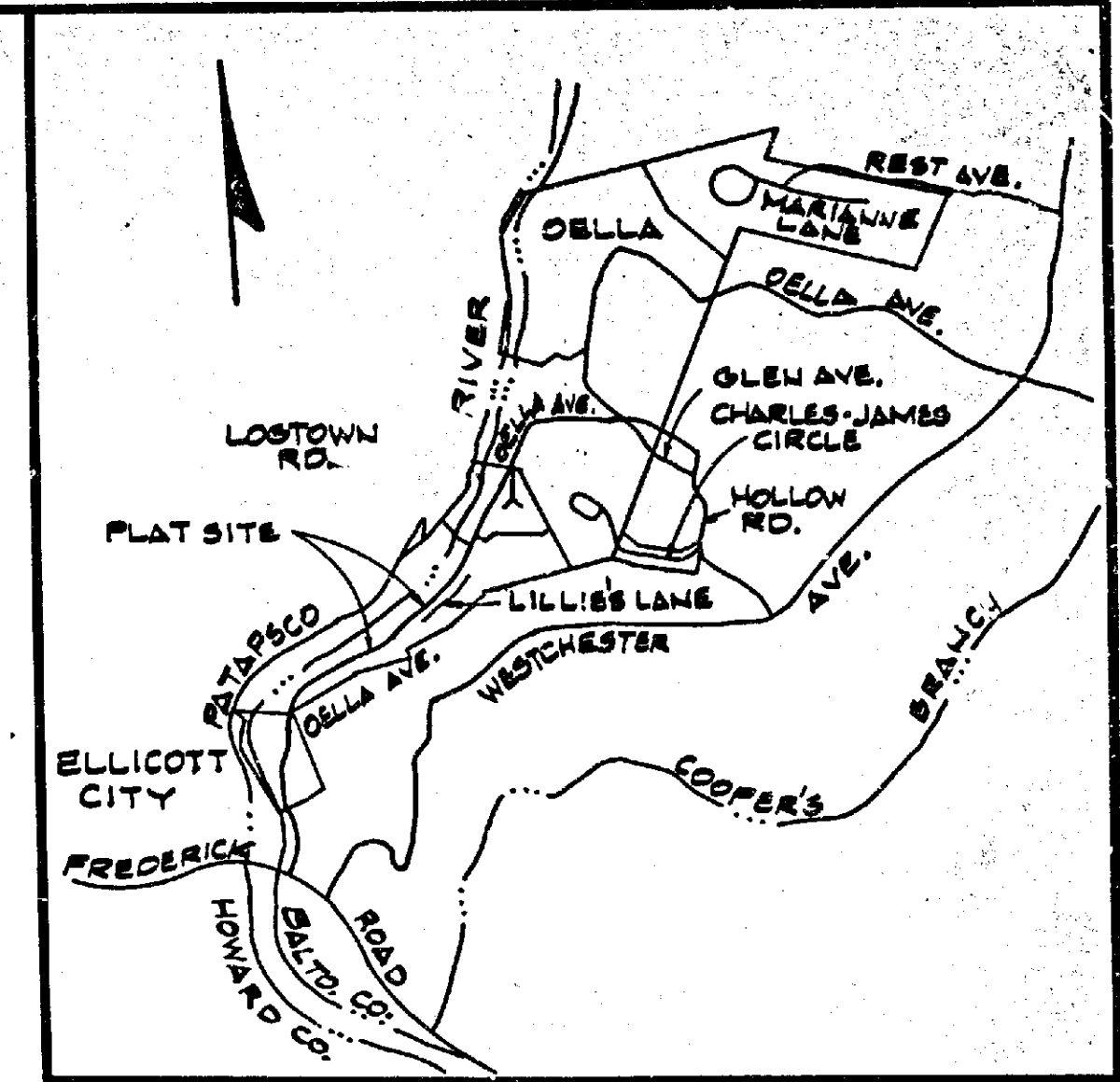
Sincerely,
Stuart D. Kaplow

SDK:cc
Enclosures

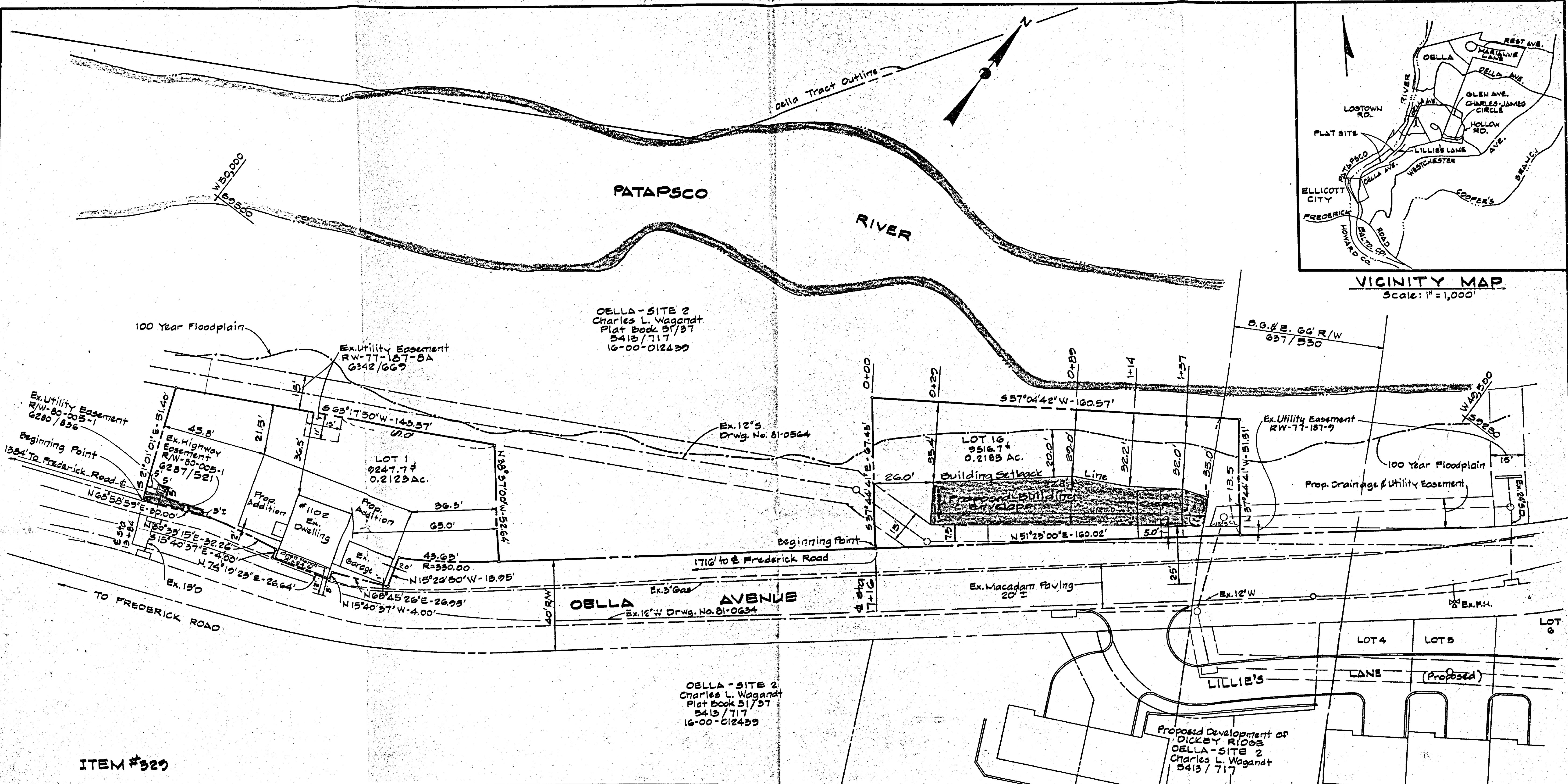
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ltr-01

MICROFILMED





VICINITY MAP
Scale: 1" = 1,000'



OELLA - SITE 2
Charles L. Wagandt
Plat Book 51/37
5413/717
16-00-012439

OELLA - SITE 2
Charles L. Wagandt
Plat Book 51/37
5413/717
16-00-012439

ITEM #329

ZONING VARIANCE REQUESTS				
REGULATION	SUBJECT	REQUIRED	REQUESTED	OELLA AVENUE ADDRESS/LOT NO.
1801.2.C.3	Distance of building to street	30' 30'	23' 23'	#1102 Lot 16
301.1/1801.2.C.3	Distance of Open Porch to Street (Nonconforming Use)	37.5' 37.5'	3' 25'	#1102 Lot 16
V.B.G.a	Window to Street R/W/Property Line	25' 25'	2' 5'	#1102 Lot 16
V.B.5	Garage-Carport Setback	22' 22'	1' 0'	#1102 Lot 16
400.G.A.1	Off-street Parking Spaces	2	1	#1102

OELLA
PLAT FOR ZONING VARIANCE
OWNER: MR. CHARLES WAGANDT
DISTRICT-1, ZONED D.R.3.5
Existing Dwelling: #1102
Proposed Dwelling: Lot 16, Site 2
EXISTING UTILITIES
Water & Gas in Oella Ave.
Sewer Along East Side of Oella Ave.
Scale: 1" = 20' Date: March 23, 1990
Sheet: 1 of 1

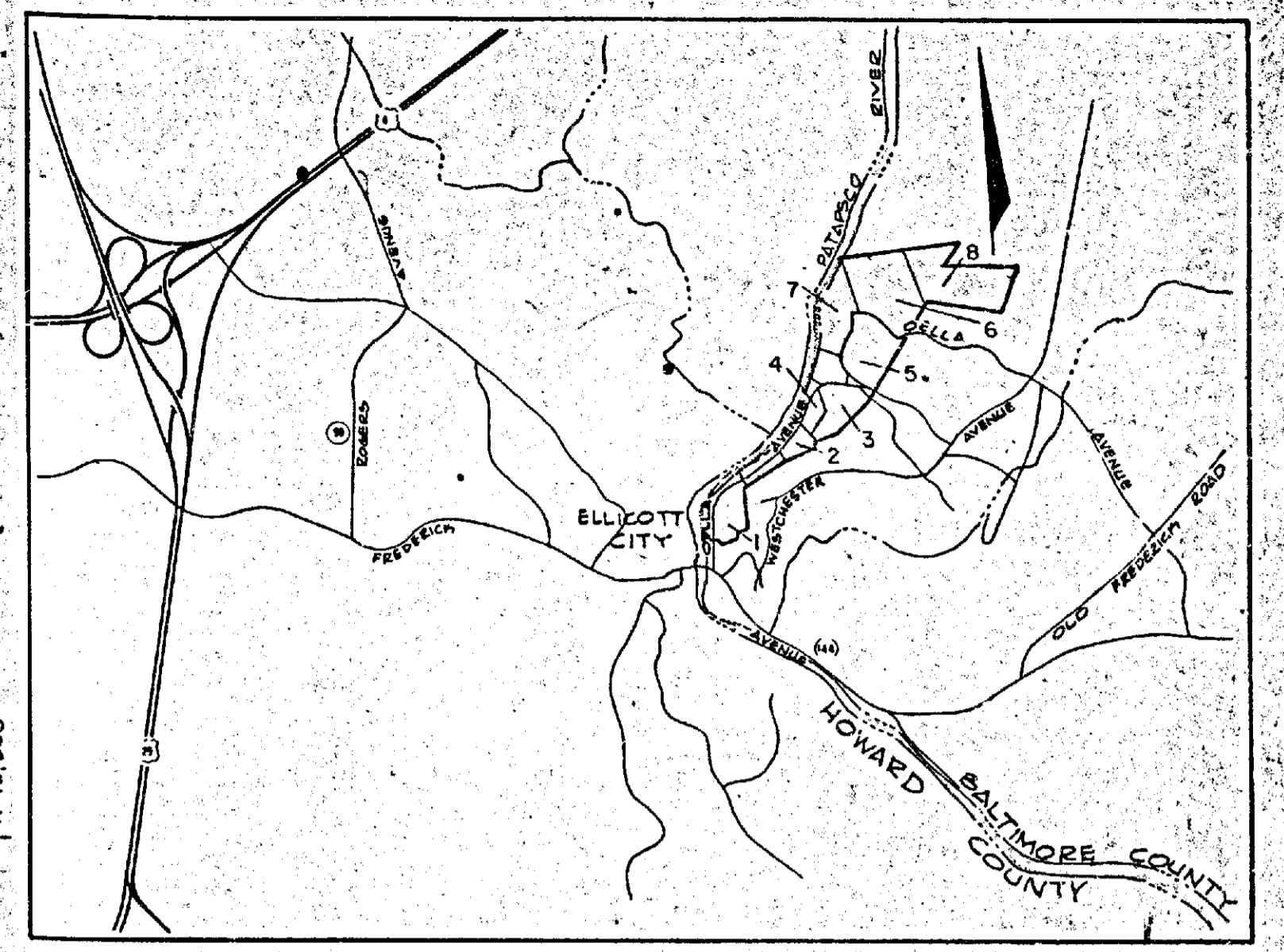
PETITIONER'S EXHIBIT

WHITMAN, REQUARDT AND ASSOCIATES
ENGINEERS
2315 ST. PAUL STREET
BALTIMORE, MARYLAND 21218
233-3450

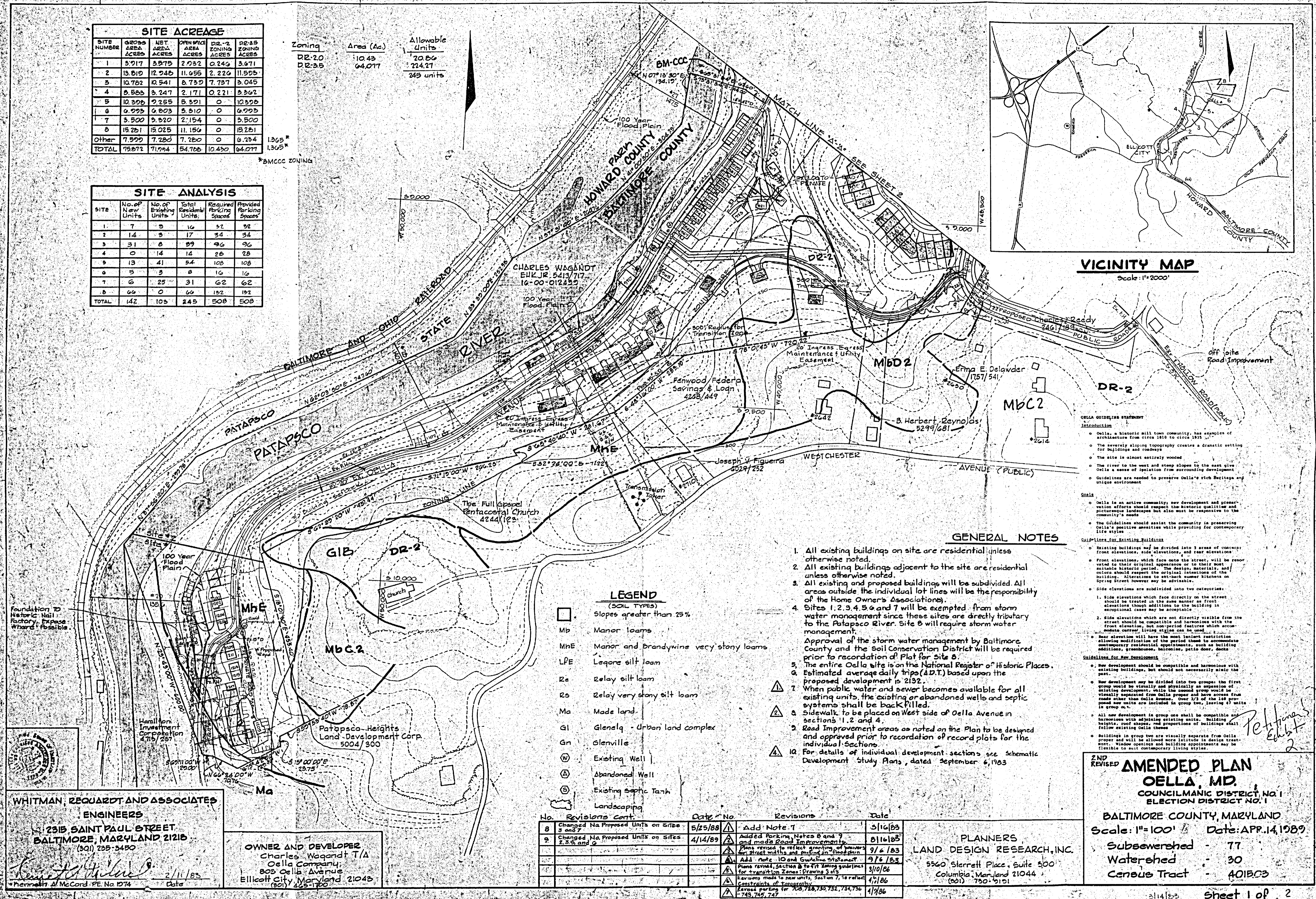
SITE ACREAGE					
SITE NUMBER	GROSS AREA ACRES	NET AREA ACRES	OPEN SPACE AREA ACRES	DR-2 ZONING ACRES	DR-35 ZONING ACRES
1	3.917	3.375	2.032	0.249	3.671
2	13.819	12.246	11.655	2.229	11.593
3	10.782	10.541	8.739	7.737	3.045
4	3.583	3.247	2.171	0.221	3.362
5	10.306	7.255	5.321	0	10.306
6	6.993	6.803	5.310	0	6.993
7	3.500	3.320	2.154	0	3.500
8	15.251	15.025	11.154	0	15.251
Other	7.599	7.280	7.280	0	6.234
TOTAL	75.872	71.994	54.788	10.430	64.077

Zoning	Area (Ac.)	Allowable Units
DR-2.0	10.43	20.86
DR-35	64.077	224.27
		245 units

SITE ANALYSIS					
SITE	No. of New Units	No. of Existing Units	Total Resident Units	Required Parking Spaces	Provided Parking Spaces
1	7	5	16	32	32
2	14	3	17	34	34
3	31	8	39	96	96
4	0	14	14	28	28
5	13	41	54	108	108
6	5	3	8	16	16
7	6	25	31	62	62
8	66	0	66	132	132
TOTAL	142	103	245	508	508



VICINITY MAP
Scale: 1" = 2000'



OELLA GUIDELINE STATEMENT
Introduction
Oella, a historic mill town community, has examples of architecture from circa 1810 to circa 1935.
The severely sloping topography creates a dramatic setting for buildings and roadways.
The site is almost entirely wooded.
The river to the west and steep slopes to the east give Oella a sense of isolation from surrounding development.
Guidelines are needed to preserve Oella's rich heritage and unique environment.

Goals
Oella is an active community; new development and preservation efforts should respect the historic quality and picturesque landscapes but also must be responsive to the community's needs.
The Guidelines should assist the community in preserving Oella's positive aesthetics while providing for contemporary life styles.

Guidelines for Existing Buildings
Existing buildings may be divided into 3 areas of concern: front elevations, side elevations, and rear elevations.
Front elevations, which face onto the street, will be reviewed to their original appearance or to their most suitable historic period. The design, materials, and colors should respect the original intentions of the building. Alterations to eat-back summer kitchens on Spring Street however may be advisable.
Side elevations are subdivided into two categories:
1. Side elevations which face directly on the street should be treated in the same manner as front elevations though additions to the building in exceptional cases may be acceptable.
2. Side elevations which are not directly visible from the street should be compatible and harmonious with the front elevation, but non-period features which accommodate current living styles can be used.
Rear elevation will have the most lenient restriction allowing modification of the period theme to accommodate contemporary residential appointments, such as heating additions, greenhouses, balconies, patio door, decks.

Guidelines for New Development
New development should be compatible and harmonious with existing buildings, but should not necessarily mimic the past.
New development may be divided into two groups: the first group would be visually and physically an expansion of existing development, while the second group would be visually separate from Oella proper and have access from roads other than Oella Avenue. Over 2/3 of the 146 proposed new units are included in group two, leaving 47 units in group one.
All new development in group one shall be compatible and harmonious with adjoining existing units. Building heights, roof shapes, and proportions of buildings shall follow existing Oella themes.
Buildings in group two are visually separate from Oella proper and will be allowed more latitude in design treatment. Window opening and building appointments may be flexible to suit contemporary living styles.

GENERAL NOTES

- All existing buildings on site are residential unless otherwise noted.
- All existing buildings adjacent to the site are residential unless otherwise noted.
- All existing and proposed buildings will be subdivided. All areas outside the individual lot lines will be the responsibility of the Home Owner's Association(s).
- Sites 1, 2, 3, 4, 5, 6 and 7 will be exempted from storm water management since these sites are directly tributary to the Patapsco River. Site 8 will require storm water management.
Approval of the storm water management by Baltimore County and the Soil Conservation District will be required prior to recordation of Plat for Site 8.
- The entire Oella site is on the National Register of Historic Places.
- Estimated average daily trips (A.D.T.) based upon the proposed development is 2132.
- When public water and sewer becomes available for all existing units, the existing or abandoned wells and septic systems shall be backfilled.
- Sidewalk to be placed on West side of Oella Avenue in sections 11, 2 and 4.
- Road Improvement areas as noted on the Plan to be designed and approved prior to recordation of record plats for the individual Sections.
- For details of individual development sections see Schematic Development Study Plans, dated September 6, 1983.

LEGEND (SOIL TYPES)

- Slopes greater than 25%
- Manor loams
- Manor and Brandywine very stony loams
- Leqore silt loam
- Relay silt loam
- Relay very stony silt loam
- Made land
- Glenelq - Urban land complex
- Glenville
- Existing Well
- Abandoned Well
- Existing Septic Tank
- Landscaping

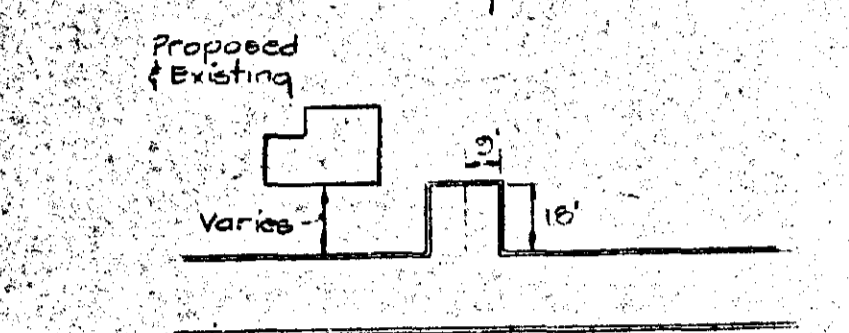
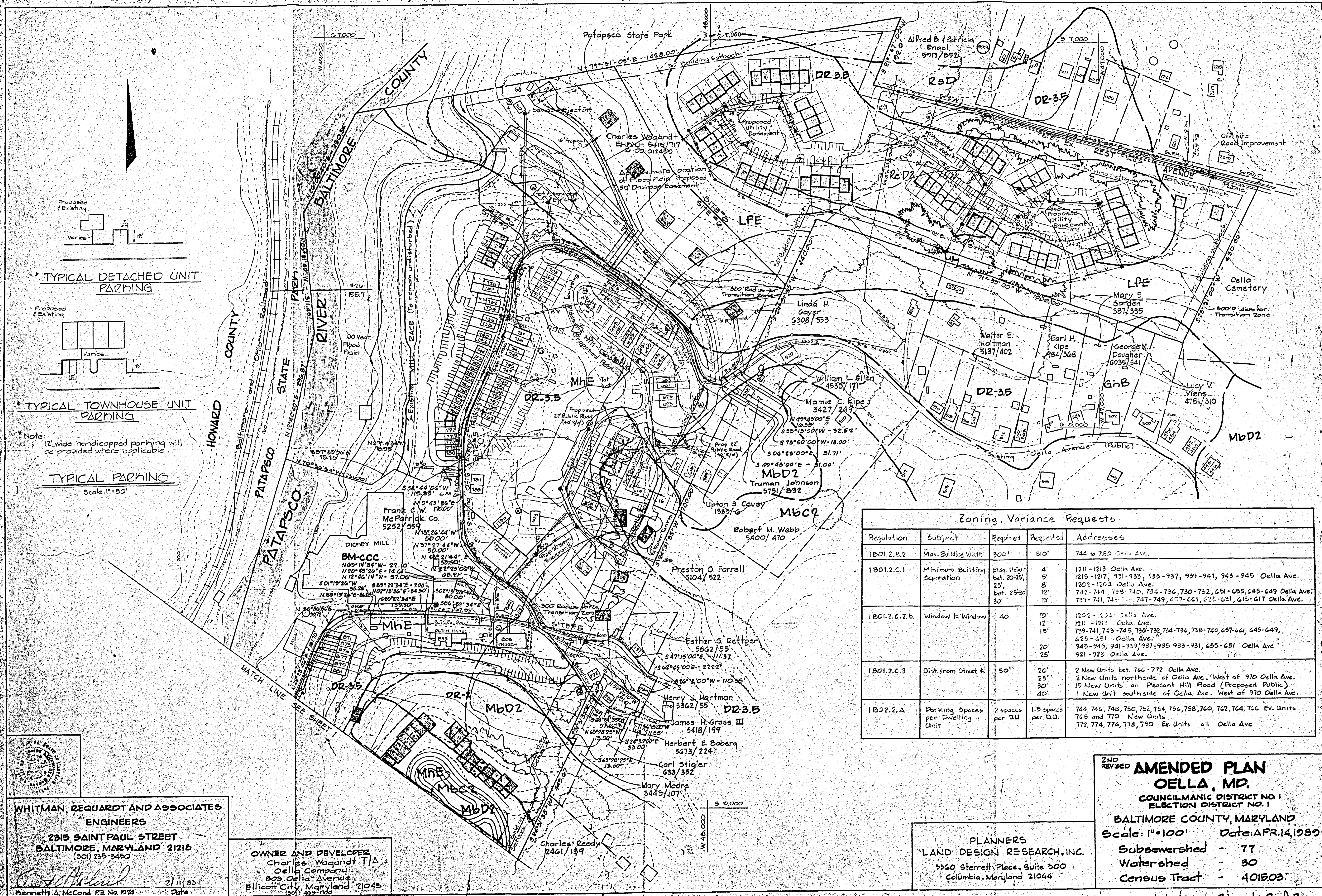
No.	Revisions Cont.	Date	No.	Revisions	Date
8	Changed No Proposed Units on Sites 3 and 7	5/25/88	1	Add Note 7	3/14/83
9	Changed No Proposed Units on Sites 2, 3, 5 and 6	4/14/89	2	Added Parking Notes 8 and 9 and made Road Improvements	8/16/83
			3	Plans revised to reflect direction of driveway, street widths and parking in flood plain	9/6/83
			4	Add note 10 and Guideline Statement	9/6/83
			5	Plans revised, Section 8 to fit zoning guidelines for transition zones; Drawing 3 of 3	3/10/86
			6	Revisions made to new units, Section 7, to reflect constraints of topography	4/1/86
			7	Revised parking for lots 728, 730, 732, 734, 736	4/9/86
			8	Revised parking for lots 745, 747	4/9/86

WHITMAN, REQUARDT AND ASSOCIATES ENGINEERS
2315 SAINT PAUL STREET
BALTIMORE, MARYLAND 21218
(301) 235-3450
Date: 2/11/83
Per: [Signature] & McCord - PE No. 1274

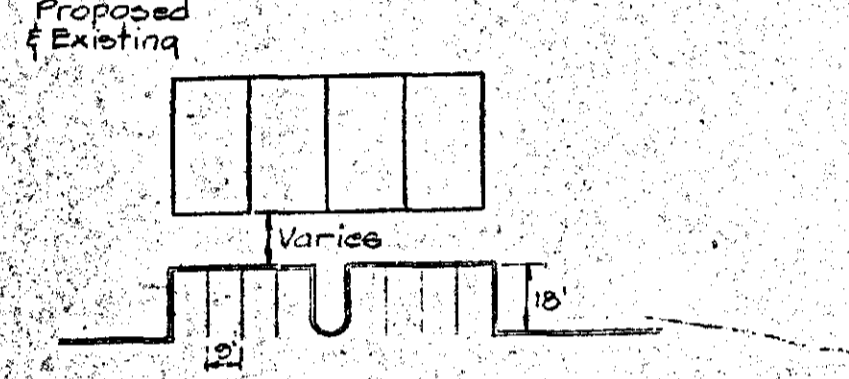
OWNER AND DEVELOPER
Charles Wagandt T/A
Oella Company,
803 Oella Avenue
Ellicott City, Maryland 21043
(301) 465-1700

PLANNERS
LAND DESIGN RESEARCH, INC.
5560 Sterrett Place, Suite 500
Columbia, Maryland 21044
(301) 750-5101

2ND REVISED AMENDED PLAN
OELLA, MD.
COUNCILMANIC DISTRICT NO. 1
ELECTION DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND
Scale: 1" = 100' Date: APR. 14, 1989
Subwatershed - 77
Watershed - 30
Census Tract - 401B03
3/14/83 Sheet 1 of 2

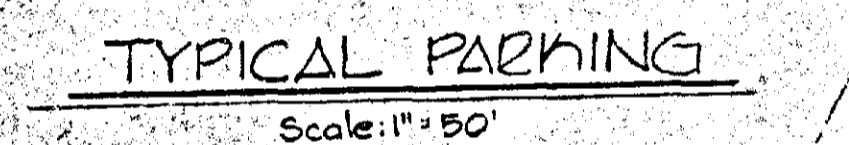


TYPICAL DETACHED UNIT PARKING



TYPICAL TOWNHOUSE UNIT PARKING

Note: 12' wide handicapped parking will be provided where applicable



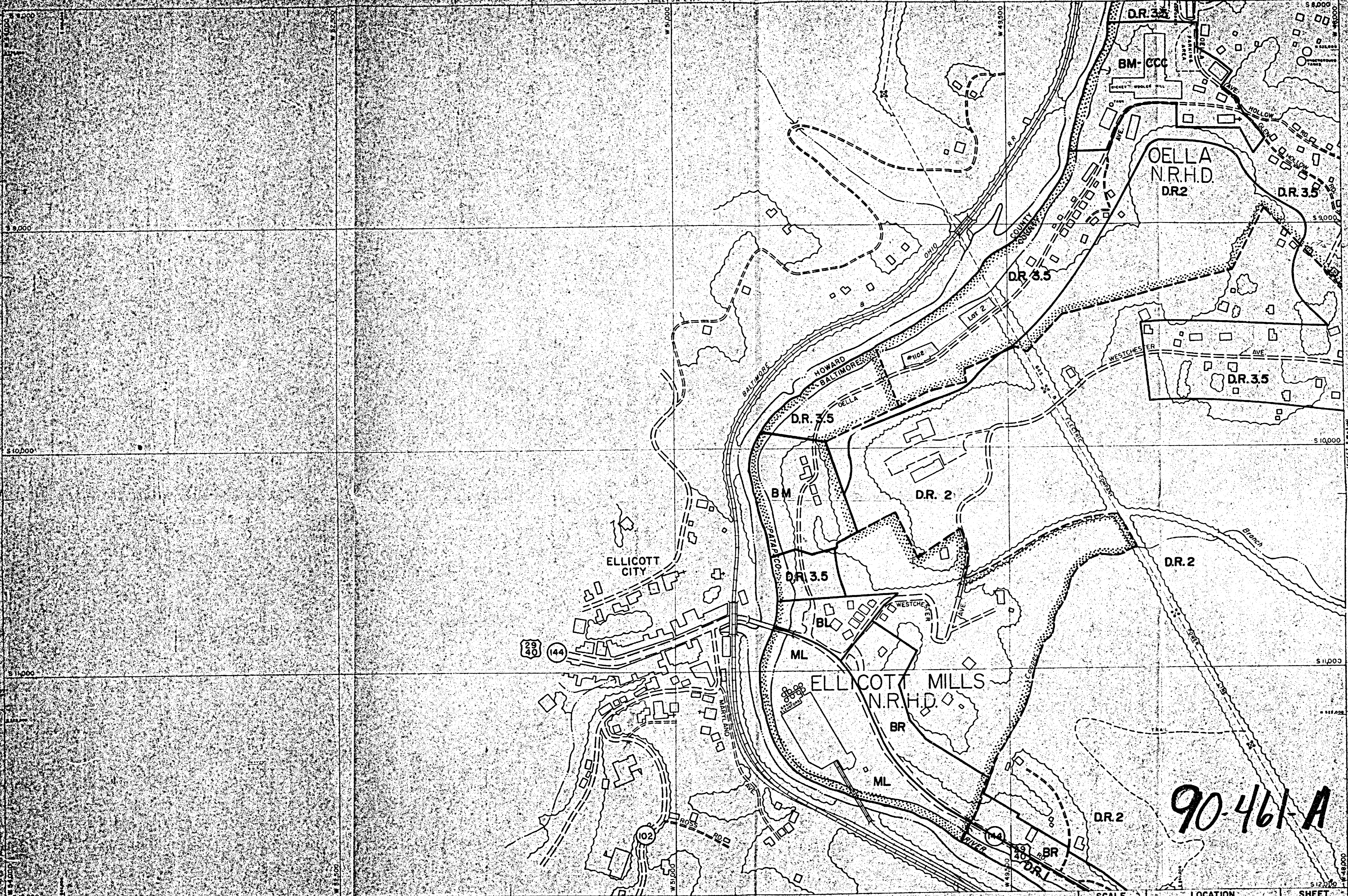
Zoning Variance Requests				
Regulation	Subject	Required	Requested	Addresses
1B01.2.B.2	Max. Building Width	200'	310'	744 to 780 Oella Ave.
1B01.2.C.1	Minimum Building Separation	Buildg. Height bet. 20'-25', 25', bet. 25'-30' 30'	4' 5' 8' 12' 15'	1211-1213 Oella Ave. 1215-1217, 931-933, 935-937, 939-941, 943-945 Oella Ave. 1202-1204 Oella Ave. 742-744, 738-740, 734-736, 730-732, 651-655, 645-649 Oella Ave. 737-741, 741-743, 747-749, 657-661, 625-631, 615-617 Oella Ave.
1B01.2.C.2.b	Window to Window	40'	10' 12' 15' 20' 25'	1202-1204 Oella Ave. 1211-1213 Oella Ave. 739-741, 743-745, 730-732, 734-736, 738-740, 657-661, 645-649, 625-631 Oella Ave. 943-945, 941-939, 937-935, 933-931, 655-651 Oella Ave. 921-923 Oella Ave.
1B01.2.C.3	Dist. from Street E	50'	20' 25' 30' 40'	2 New Units bet. 766-772 Oella Ave. 2 New Units northside of Oella Ave. West of 970 Oella Ave. 15 New Units on Pleasant Hill Road (Proposed Public) 1 New Unit southside of Oella Ave. West of 970 Oella Ave.
1B02.2.A	Parking Spaces per Dwelling Unit	2 spaces per D.U.	1.5 spaces per D.U.	744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766 Ex. Units 768 and 770 New Units 772, 774, 776, 778, 780 Ex. Units all Oella Ave

WHITMAN, REQUARDT AND ASSOCIATES
ENGINEERS
2315 SAINT PAUL STREET
BALTIMORE, MARYLAND 21218
(301) 235-3450
Date: 2/11/83
Henneth A. McCord PE No 174

OWNER AND DEVELOPER
Charles Wagandt T/A
Oella Company
803 Oella Avenue
Ellicott City, Maryland 21043
(301) 483-7000

PLANNERS
LAND DESIGN RESEARCH, INC.
5360 Sterrett Place, Suite 300
Columbia, Maryland 21044

2ND REVISED
AMENDED PLAN
OELLA, MD.
COUNCILMANIC DISTRICT NO. 1
ELECTION DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND
Scale: 1" = 100' Date: APR. 14, 1989
Subwatershed - 77
Watershed - 30
Census Tract - 401503
Sheet 2 of 2



90-461-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
BM No. 144-88-142, 143-88-147, 88-148-89-149-89-150-89

SCALE 1" = 200'	LOCATION ELLICOTT CITY	SHEET S.W. 3-1
DATE OF PHOTOGRAPHY JANUARY 1986		

ITEM 329
1102, Lot 16, Site 2
OELLA

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHARD J. COPE, INC. BALTIMORE, MD. 21210