

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S York Road, 310 ft. S of * ZONING COMMISSIONER
Bellona Avenue * OF BALTIMORE COUNTY
1536 York Road * CASE # 91-499-SPH
8th Election District
3rd Councilmanic District
Ezrine Brothers Partnership
Legal Owner *
Bridgestone/Firestone, Inc. *
Tenant *
Sub-Lease Tenant/Sub-Tenant *
Automotive Concepts, Inc. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval for amending of the site plan and to revise Restriction No. 2 of the Zoning Commissioner's Order No. 65-120-X dated November 18, 1964 to permit hours of operation from 7:00 A.M. to 9:00 P.M. on any given day, except Sunday when no work of any kind shall be permitted.

The Petitioner, by Robert S. Gaultney, President of Automotive Concepts, Inc., appeared, testified and was represented by Thomas L. Hennessey, Esquire. Appearing on behalf of the Petition was Paul Lee, Professional Engineer. Appearing as a Protestant was Robert S. Curreri.

Testimony indicated that the subject property, known as 1536 York Road, consists of .46 acres +/- zoned B.L. and is currently improved with the business known as Automotive Concepts, Inc.

Testimony indicated that the subject property received a special exception in 1965 to the operation of a service garage, pursuant to case No. 65-120-X. Restriction No. 2 limited the hours of operation from 7:30 A.M. to 9:00 P.M. on any given day, except Sunday when no work of any kind shall be permitted.

The Petitioner is now requesting that the hours of operation be extended from 7:00 A.M. to 9:00 P.M., Monday through Saturdays with the same Sunday exclusion.

Testimony indicated that the surrounding commercial uses along this strip of York Road are not restricted to an 8:30 A.M. opening time. Testimony further indicated that the Petitioner's customers are currently dropping off their vehicles in the morning during the 7:00 to 8:30 A.M. period and that no complaints have been registered to date regarding this procedure.

Mr. Paul Lee, Professional Engineer, generally testified regarding the layout of the subject site and indicated that, in his opinion, the granting of the requested relief would cause no adverse impact on the surrounding community.

Mr. Robert Curreri, a Protestant, testified that he owns the adjoining property known as the Ocean Pride Restaurant and also a residential rental property to the rear of the subject site. Mr. Curreri testified that his main concern was with noise created by Petitioner's business, and indicated that he opposed the granting of the requested relief.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest if he were permitted to operate the subject business between the hours of 7:00 A.M. and 9:00 P.M. Monday through Saturday. The facts and circumstances do not show that

the proposed use at this particular location would have any adverse impact above and beyond that inherently associated with such a special exception use. Therefore, the requested relief will be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of Sept., 1991 that, pursuant to the Petition for Special Hearing, the Petitioner's request to amend the site plan and to revise restriction No. 2 of Zoning Commissioner's Order No. 65-120X dated November 18, 1964 to permit hours of operation from 7:00 A.M. to 9:00 P.M. on any given day, except Sunday when no work of any kind shall be permitted, is hereby GRANTED.

1. The 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.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 4, 1991

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Ezrine Bros. Legal Owner, Bridgestone/Firestone, Inc.
Tenant; Sub-Lease Tenant/Sub-Tenant, Automotive Concepts, Inc.
Petitioner
Case No. 91-499-SPH

Dear Mr. Hennessey:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
att.
cc: Peoples Counsel
Mr. Robert S. Curreri
Mr. Robert S. Gaultney

ORDER RECEIVED FOR FILING
Date 9/11/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/11/91
By [Signature]

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-499-SPH

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition 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 amending of the site plan and to revise Restriction No. 2 of Zoning Commissioner's Order No. 65-120X dated November 18, 1964 to permit hours of operation from 7:00 A.M. to 9:00 P.M. on any given day, except Sunday when no work of any kind shall be permitted.

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

Sub-Lease Tenant
SUBTENANT
AUTOMOTIVE CONCEPTS, INC.
(Type or Print Name)
By: [Signature] Robert S. Gaultney, Pres.
1536 York Road
Address
Lutherville, MD 21093
City and State

Legal Owner(s): EZRINE BROTHERS PARTNERSHIP
MARSHALL, EZRINE, PARTNER
(Type or Print Name) P.O. Box 5828
Balto, MD. 21208
(301)484-7320

Signature
BRIDGESTONE/FIRESTONE, INC.
(Type or Print Name)
By: [Signature] J. J. Gartner
City and State

Attorney for Petitioner:
Thomas L. Hennessey
(Type or Print Name)
Signature
407 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-7210

1202
6P

Paul Lee P.E.
Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-221-5341
91-499-SPH

DESCRIPTION
1536 YORK ROAD
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the west side of York Road, said point also being S 18°00'00" E 310 feet ± from the center of Bellona Avenue, thence binding on the west side of York Road, (1) S 18°00'00" E 100.00 feet.; thence leaving said west side of York Road, (2) S 72°00'00" W 200.00 feet. (3) N 18°00'00" W 100.00 feet, and (4) N 72°00'00" E 200.00 feet to the point of beginning. Containing 20,000 square feet (0.46 acre) of land, more or less.



Engineers - Surveyors - Site Planners
3/21/91

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2th Date of Posting: 8/1/91
Posted for: Subtenant Hearing
Petitioner: Ezrine Brothers Partnership
Location of property: 1536 York Road, Baltimore County
Location of Sign: 1536 York Road
Remarks: [Signature]
Posted by: [Signature] Date of return: 8-2-91
Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1991

THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1991.

TOWSON TIMES,
S. Zeke Orlean
Publisher

\$ 101.15

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1991

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 8/1, 1991.

THE JEFFERSONIAN,
S. Zeke Orlean
Publisher

\$ 101.15

NOTICE OF HEARING
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 described herein on Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-499-SPH
1536 York Road, 310' S of Bellona Avenue
8th Election District
3rd Councilmanic District
Legal Owner(s): Ezrine Brothers Partnership
Tenant: Bridgestone/Firestone, Inc. Sub-Lease Tenant
Sub-Tenant: Automotive Concepts, Inc.
Hearing Date: Friday, Aug 23, 1991 at 2:00 p.m.
Special Hearing: To approve the amending of the site plan and to revise Restriction #2 of Zoning Order No. 65-120-X dated November 18, 1964 to permit hours of operation from 7:00 A.M. to 9:00 P.M. on any given day, except Sunday when no work of any kind shall be permitted.
Zoning Commissioner of Baltimore County
TJ8015 August 1.

receipt

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

Account: R-001-4150
Number

Date: 6/14/91

492100488 ✓

PUBLIC HEARING FEES	DTL	FFICE
040 - SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: GAULTNEY

04404#0135MICARC \$175.00
BA C00129PH06-14-91

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

Account: R-001-4150
Number

Date: 7-14-91

111 West Chesapeake Avenue
Towson, MD 21204

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning**

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

COPY

DATE: 8/16/91

Automotive Concepts, Inc.
1536 York Road
Lutherville, Maryland 21093

ATTN: ROBERT S. GAULTNEY

RE:
Case Number: 91-499-SPH
4/5 York Road, 310' S of Bellona Avenue
1536 York Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Ezrine Brothers Partnership
Tenant: Bridgestone/Firestone, Inc.
Sub-lease Tenant/Sub-tenant: Automotive Concepts, Inc.
HEARING: FRIDAY, AUGUST 23, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$126.15 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 115, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Thomas L. Hennessey, Esq.

**Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning**

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

COPY

DATE: JUNE 28, 1991

NOTICE OF HEARING

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 21204 as follows:

Case Number: 91-499-SPH
4/5 York Road, 310' S of Bellona Avenue
1536 York Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Ezrine Brothers Partnership
Tenant: Bridgestone/Firestone, Inc.
Sub-lease Tenant/Sub-tenant: Automotive Concepts, Inc.
HEARING: FRIDAY, AUGUST 23, 1991 at 2:00 p.m.

Special Hearing to approve the amending of the site plan and to revise Restriction #2 of Zoning Commissioner's Order #65-120-H dated November 18, 1964 to permit hours of operation from 7 a.m. to 9 p.m. on any given day except Sunday when no work of any kind shall be permitted.

Zoning Commissioner of
Baltimore County

cc: Ezrine Brothers, Bridgestone/Firestone, Automotive Concepts
Thomas L. Hennessey, Esq.
Elsie Fabric
Rob Ouerel

**Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning**

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

July 24, 1991

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 489, Case No. 91-499-SPH
Petitioner: Ezrine Brothers Prtshp
Petition for Special Hearing

Dear Mr. Hennessey:

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 MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

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

JED:jw

Enclosures

cc: Mr. Marshall Ezrine
Mr. Robert S. Gaultney

**Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning**

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

Your petition has been received and accepted for filing this 26th day of June, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ezrine Brothers Partnership, et al
Petitioner's Attorney: Thomas L. Hennessey

**BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND**

DATE: July 17, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 25, 1991

This office has no comments for items number 463, 464, 465, 471, 478, 480, 481, 483, 484, 485, 486, 487, 488 and 489.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

**Baltimore County Government
Fire Department**

798 East Joppa Road, Suite 901
Towson, MD 21284-5509

(301) 887-4500

JUN 21, 1991

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

RE: Property Owner: EZRINE BROTHERS PARTNERSHIP
Location: #1536 YORK ROAD
Item No.: 469 Zoning Agenda: JUNE 25, 1991

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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Joseph Kelly 6-25-91* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JR/REK

Rec'd 6/25/91

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee DATE: July 9, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 25, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 463, 464, 465, 471, 478, 480, 484, 485, 487, 488, 489.

For Items 476 and 490, the previous County Review Group Meeting Comments still apply.

For Items 481, 482 and 486, County Review Group Meetings may be required.

For Item 481, Cockeysville Road is an existing road, and no further improvements are required at this time.

In addition, entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

Also, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 482, Hammonds Ferry Road and Second Avenue are existing roads, and no further improvements are requested at this time.

However, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 486, Pulaski Highway (U.S. Route 40) is a State Road and any improvements, including entrances, are subject to requirements and approval of the State Highway Administration.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management DATE: August 19, 1991
FROM: Pat Keller, Deputy Director Office of Planning and Zoning
SUBJECT: Ezrine Brothers Prop., Item No. 489

In reference to the petitioner's request, staff offers the following comments.

The subject site is located within close proximity to detached, single-family dwellings along Norman Avenue. Existing commercial businesses situated on the west side of the 1500 block of York Road have not, at times, operated in harmony with the Lutherville community.

In the instant case, lack of appropriate screening, proximity to designated parking area, and the nature of business would potentially have a negative impact on the residents should the hours of operation restriction be relaxed to the degree that the applicant is requesting.

Should the petitioner's request be granted staff recommends the following conditions based upon a site inspection:

- Remove all inoperable and/or unlicensed motor vehicles from the subject property.

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/pat
ITEM489/ZAC1

Rec'd
8/20/91

ZONING ENFORCEMENT Baltimore Co. Zoning Office Towson, Maryland.

91-499-SPH

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Zoning Supervisor DATE: June 24, 1991

FROM: James H. Thompson Zoning Enforcement Coordinator

RE: Item No. 489 Petitioner: Ezrine Brothers

VIOLATION CASE # C-91-511

LOCATION OF VIOLATION 1596 York Road

DEFENDANT Ezrine Brothers

ADDRESS P.O. Box 5828 Baltimore, Maryland 21208

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Elsie Fabric 1625 Bellona Avenue Timonium, Maryland 21093
Bob Curreri 1534 York Road Lutherville, Maryland 21093

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Gwen Stevens Development Control

ech/

PLEASE PRINT CLEARLY

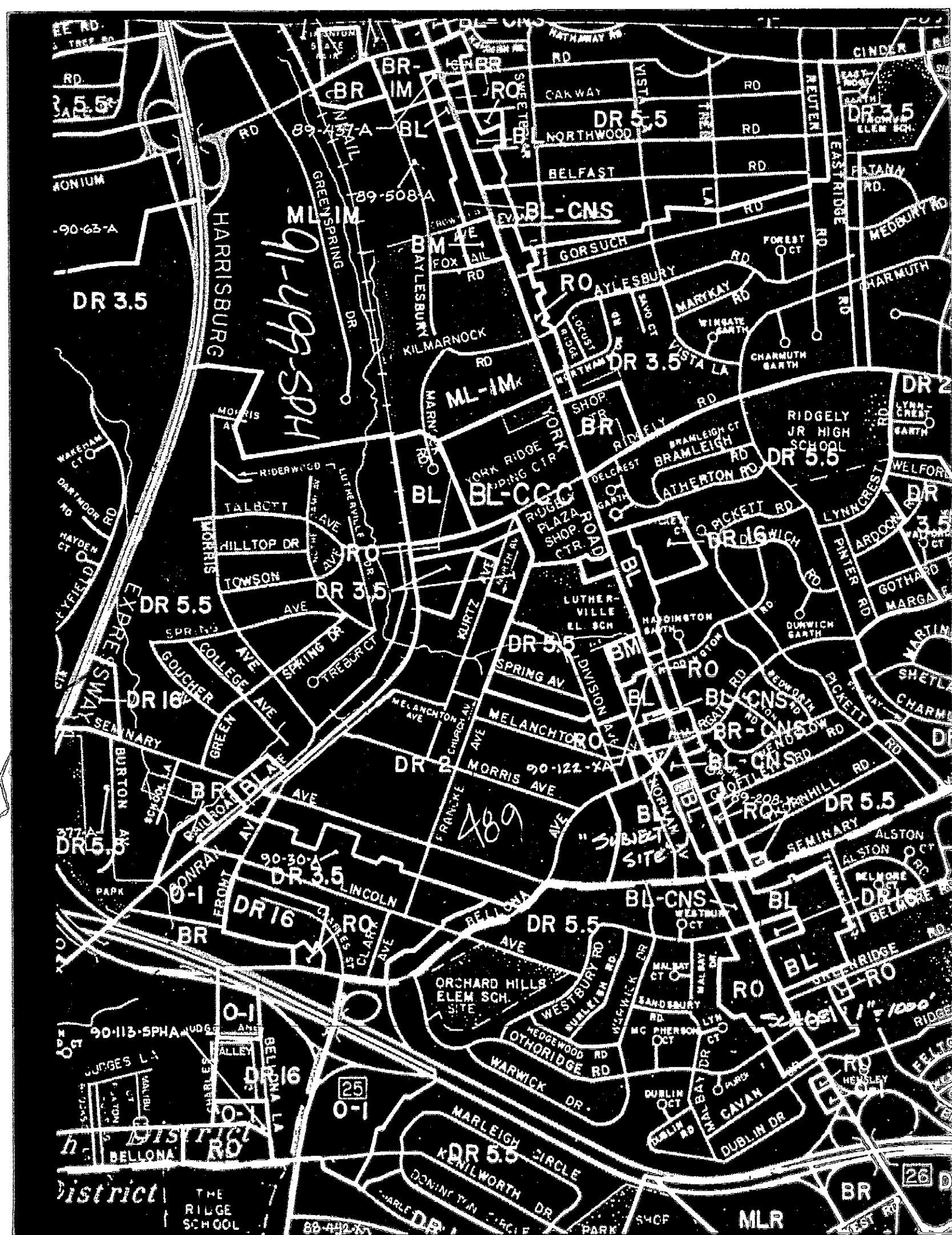
PETITIONER(S) SIGN-IN SHEET

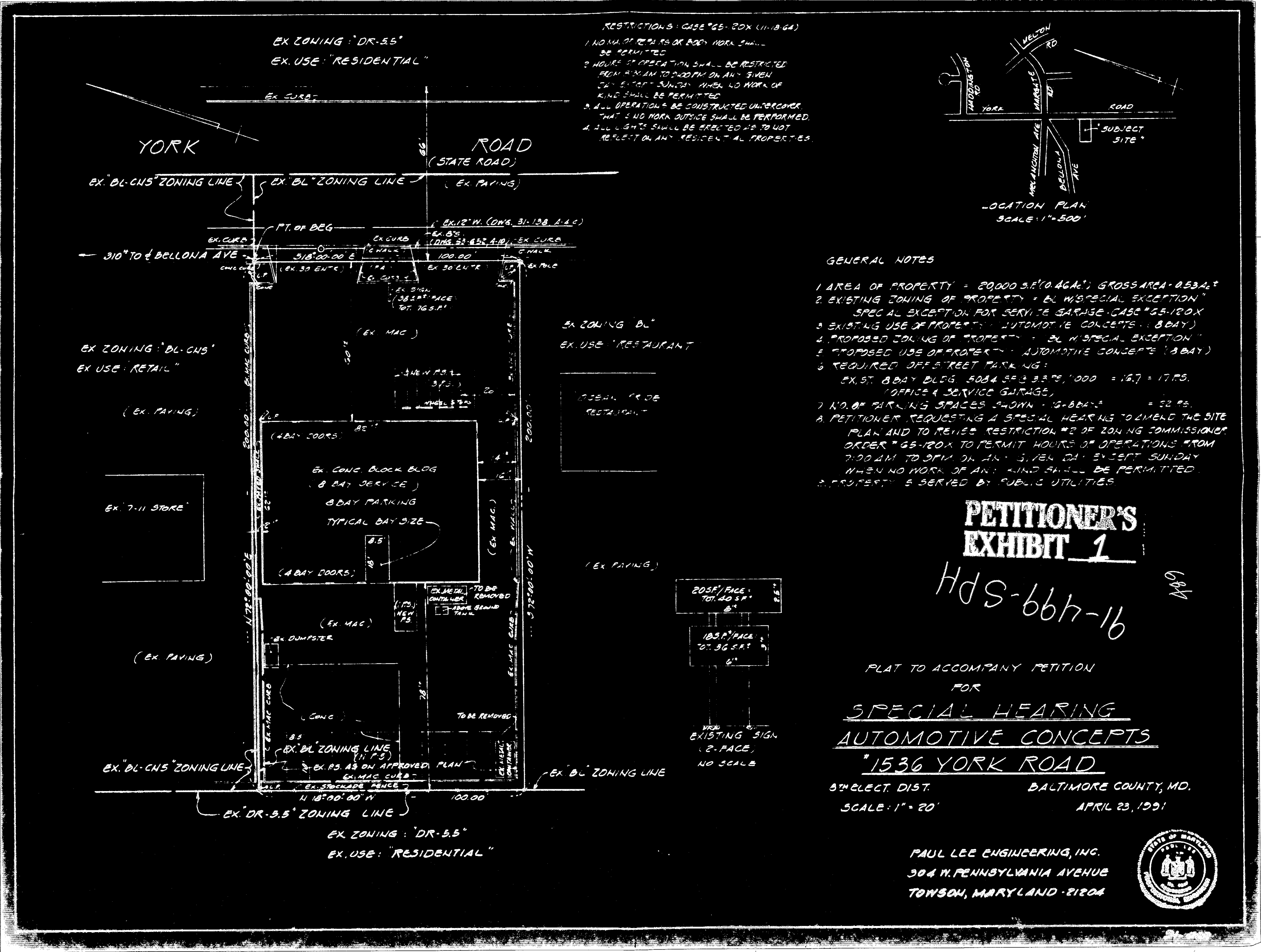
Table with columns NAME and ADDRESS. Includes handwritten signatures and addresses such as 'Thomas L. Hopkins' and '1534 York Rd'.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

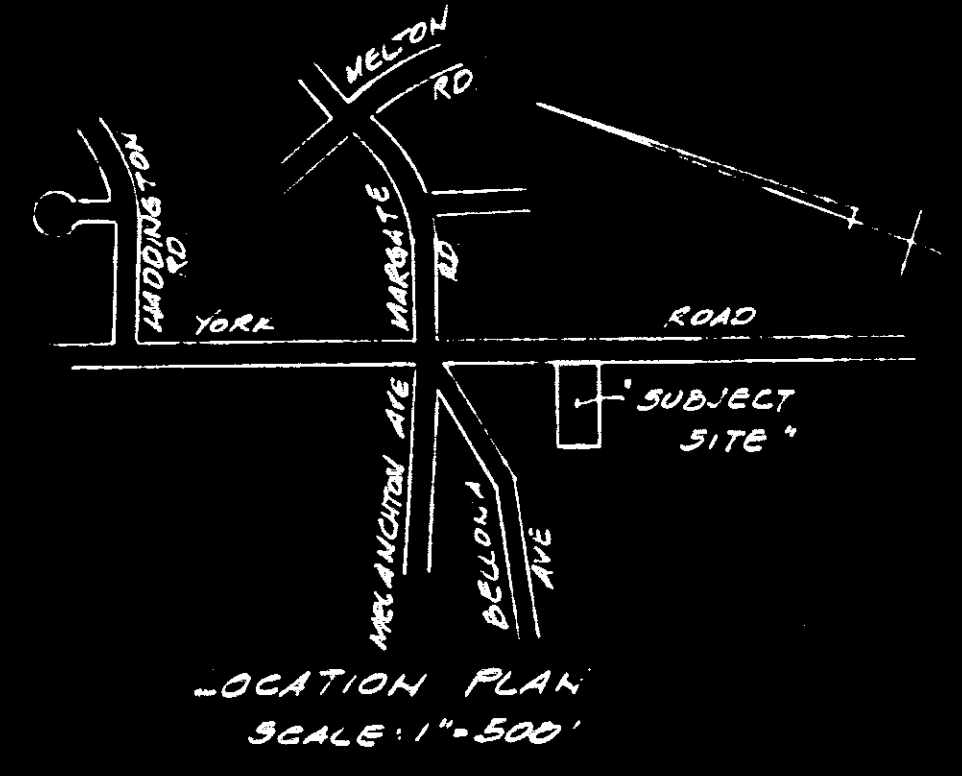
Table with columns NAME and ADDRESS. Includes handwritten signature 'Robert S. Curreri' and address '1534 York Rd 21093'.





RESTRICTIONS CASE "65-20X (11-18-64)

- NO WORK SHALL BE PERMITTED ON ANY DAY OTHER THAN SUNDAY.
- NO WORK SHALL BE PERMITTED ON ANY DAY OTHER THAN SUNDAY.
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- NO WORK SHALL BE PERMITTED ON ANY DAY OTHER THAN SUNDAY.



GENERAL NOTES

- AREA OF PROPERTY = 20,000 S.F. (0.46 AC); GROSS AREA = 8,532 S.F.
- EXISTING ZONING OF PROPERTY = BL W/ SPECIAL EXCEPTION "SPECIAL EXCEPTION FOR SERVICE GARAGE CASE "65-120X"
- EXISTING USE OF PROPERTY = AUTOMOTIVE CONCEPTS (8 BAY)
- PROPOSED ZONING OF PROPERTY = BL W/ SPECIAL EXCEPTION "SPECIAL EXCEPTION FOR SERVICE GARAGE CASE "65-120X"
- PROPOSED USE OF PROPERTY = AUTOMOTIVE CONCEPTS (8 BAY)
- REQUIRED OFF-STREET PARKING: EX. ST. 8 BAY BLDG 5084 S.F. 3375' 1000' = 16.7 - 17.75 OFFICE & SERVICE GARAGE
- NO. OF PARKING SPACES SHOWN = 22 PS.
- A PETITIONER REQUESTING A SPECIAL HEARING TO AMEND THE SITE PLAN AND TO REPEL RESTRICTION #2 OF ZONING COMMISSION ORDER "65-120X" TO PERMIT HOURS OF OPERATIONS FROM 7:00 AM TO 9 PM ON ANY GIVEN DAY EXCEPT SUNDAY WHEN NO WORK OF ANY KIND SHALL BE PERMITTED.
- PROPERTY IS SERVED BY PUBLIC UTILITIES.

PETITIONER'S EXHIBIT 1

Hds-667-16

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AUTOMOTIVE CONCEPTS "1536 YORK ROAD"

3rd ELECT. DIST. BALTIMORE COUNTY, MD. SCALE: 1" = 20' APRIL 23, 1991

PAUL LEE ENGINEERING, INC. 304 W. PENNSYLVANIA AVENUE TOWSON, MARYLAND 21284

