

IN RE: PETITION FOR VARIANCE
 SW/S Hiss Avenue, 114' SE of
 Avondale Road
 (3305 Hiss Avenue)
 14th Election District
 6th Councilmanic District
 Class, Greenwood & Class, Inc.
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 93-371-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Class, Greenwood and Class, Inc., by David L. Greenwood, President, and their attorney, Victor Butanis, Esquire. The Petitioners request relief from Sections 1802.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 9 feet each in lieu of the minimum required 10 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were David L. Greenwood, one of the property owners, and Victor Butanis, Esquire, attorney for the Petitioners. There were no Protestants.

Testimony at the hearing indicated that the subject property, known as 3305 Hiss Avenue, consists of 6,250 sq.ft., zoned D.R. 5.5 and is currently unimproved. The Petitioners are desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Upon application for a building permit, the Petitioners were informed that variances from lot width and area setback requirements were necessary. Mr. Greenwood testified that he has contracted to sell the lot with the proposed improvements thereon and that practical difficulty and unreasonable hardship would result if the requested relief were denied.

His testimony revealed that the Petitioners previously owned the adjoining property at 3303 Hiss Avenue and that they obtained the requisite building permit to develop that lot, which is also 50 feet wide, with a single family dwelling. Testimony indicated that there is no other land available. Mr. Greenwood testified that he has spoken with the adjoining property owners who have no objections to the proposed dwelling or the relief requested herein.

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 variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

ORDER RECEIVED FOR FILING
 Date 6/23/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 6/23/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 6/23/93
 By [Signature]

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1993 that the Petition for Variance requesting relief from Sections 1802.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 9 feet each in lieu of the minimum required 10 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning
 Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204
 June 21, 1993 (410) 887-4386

Victor Butanis, Esquire
 624 S. Main Street
 Bel Air, Maryland 21014
 RE: PETITION FOR SPECIAL VARIANCE
 SW/S Hiss Avenue, 114' SE of Avondale Road
 (3305 Hiss Avenue)
 14th Election District - 6th Councilmanic District
 Class, Greenwood & Class, Inc. - Petitioners
 Case No. 93-371-A

Dear Mr. Butanis:
 Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

cc: Mr. David L. Greenwood
 3101 Hamilton Avenue, Baltimore, Md. 21214
 People's Counsel
 [Signature]

TO: Zoning Administration & Development Management
 FROM: Class, Greenwood & Class, Inc.

The following are the two reasons for which we are filing a Petition for Variance:

- 1) Hardship: We have owned this lot since 1946. Adjacent lots have a 50' frontage. We formerly owned the lot next door, but constructed a house on that lot and sold it last year. Subject lot has been used in conjunction with our contract business, serving as a storage facility since 1945. This area has become exclusively a residential community, and the commercial use of the property is incompatible with that use, so we wish to relocate. The lot should be developed for residential use, and it would be hardship not to permit same.
- 2) Practical difficulty: The configuration of the lot is long (125') and narrow (50'). The plans for developing, call for the width of the house to be 30'. We are seeking a minor variance to provide a small degree of latitude in the construction of the house in the event that there is an inadvertent infringement into the side yard. Thus, we ask for a variance to reduce the side yard setbacks from 10' to 9'.

93-371-A

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 14th Date of Posting: 6/21/93
 Posted for: Class, Greenwood & Class, Inc.
 Petitioner: Class, Greenwood & Class, Inc.
 Location of property: 3305 Hiss Ave., 114' SE of Avondale Rd.
 Location of Signs: Being removed, as property to be vacated.
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 6/21/93
 Number of Signs: 1

CERTIFICATE OF PUBLICATION
 TOWSON, MD. 5/16, 1993

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 5/16, 1993.

THE JEFFERSONIAN,
S. Zeke Olson
 Publisher

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 properties identified herein at Room 113 of the County Office Building, in the County Office Building, 400 Washington Avenue, Towson, Maryland 21204 at 10:00 a.m. on Tuesday, June 1, 1993 at 10:00 a.m. in Room 113, Old Courthouse.
 Case Number: 93-371-A (Item 380)
 3305 Hiss Avenue
 SW/S Hiss Avenue, 114' SE of Avondale Road
 14th Election District
 6th Councilmanic District
 Class, Greenwood & Class, Inc.
 HEARING: TUESDAY, JUNE 1, 1993 at 10:00 a.m. in Room 113, Old Courthouse.
 Variance to permit a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 9 feet in lieu of the required 10 feet.
 LAWRENCE E. SCHMIDT,
 Zoning Commissioner of Baltimore County
 507 May 6.

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at 3305 Hiss Avenue; Balto., MD. 21234
 which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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(s) 1802.3.C.1 and 304 BCZR to permit a lot width of 50 ft. in lieu of the required 55 ft. and side yard setbacks of 9 ft. in lieu of the required 10 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
 (See Attached)

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.

Contract Purchaser/Lessee: Class, Greenwood & Class, Inc.
 (Type or Print Name)
 Signature: [Signature]
 Address: 3101 Hamilton Ave. 426-3075
 Baltimore, Maryland 21214
 City, State, Zipcode
 Attorney for Petitioner: Victor Butanis
 (Type or Print Name)
 Signature: [Signature]
 Address: 624 S. Main Street 893-6634
 Belair, Maryland 21014
 City, State, Zipcode
 Signature: [Signature]
 Address: 3101 Hamilton Avenue 426-0965
 Baltimore, Maryland 21214
 City, State, Zipcode
 Office Use Only
 ESTIMATED LENGTH OF HEARING: 1 hr
 the following date: 6/23/93
 ALL OTHER: [Signature]
 REVENDED BY: [Signature] DATE: 6/23/93

ORDER RECEIVED FOR FILING
 Date 6/23/93
 By [Signature]

receipt
 93-371-SFH
 Account: R001-6150
 Number: 380
 Date: 4/23/93
 RECEIVED BY JLL.

RES. VARIANCE FILING FEE. CODE: 010 \$ 50.00
 (DESIGN POSTING) 080 \$ 35.00
 TOTAL \$ 85.00
 NAME: GREENWOOD
 Loc: 3305 HISS AVE
 03A03003SMICRC \$85.00
 8A C008145AM04-23-93
 Please Make Checks Payable To: Baltimore County
 Cashier Validation

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 100840
 DATE: 4/23/93 ACCOUNT: 0101-6150
 AMOUNT: \$ 85.00
 RECEIVED FROM: [Signature]
 FOR: [Signature]
 VALUATION OR SIGNATURE OF CASHIER
 YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

93-371-A (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 380
Petitioner: David L. Greenwood
Location: 3305 HISS AVE
PLEASE FORWARD ADVERTISING BILL TO:
NAME: David L. Greenwood
ADDRESS: 3101 Hamilton Ave.
Baltimore MD. 21214
PHONE NUMBER: (H) 410-426-0965 (W) 410-426-3075

AJ:gsa (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 30, 1993

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-371-A (Item 380)
3305 Hiss Avenue
3305 Hiss Avenue, 114' SE of Avondale Road
14th Election District - 6th Councilmanic
Petitioner(s): Class, Greenwood & Class, Inc.
HEARING: THURSDAY, JUNE 1, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 9 feet in lieu of the required 10 feet.

Arnold Jablon, Director

cc: Class, Greenwood & Class, Inc.
Victor Butanis, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 24, 1993

Victor Butanis, Esquire
624 S. Main Street
Belair, MD 21014

RE: Case No. 93-371-A, Item No. 380
Petitioner: Class, Greenwood & Class, Inc.
Petition for Variance

Dear Mr. Butanis:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 April 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 93-371-A

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: May 4, 1993

SUBJECT: 3305 Hiss Avenue

INFORMATION:
Item Number: 380
Petitioner: Class, Greenwood and Class, Inc.
Property Size:
Zoning: D.R. 5.5
Requested Action:
Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: Jeffrey M. Lewis
Division Chief: Carolyn Lewis
FK/JL:lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Date: May 3, 1993

FROM: Captain Jerry Pfeifer
Fire Department

SUBJECT: Comments for 05/10/93 Meeting

Item 374	Townhouses for which the initial building permit is applied for after 07/01/92 shall be sprinklered.
Item 375	No Comments
Item 376	No Comments
Item 377	No Comments
Item 378	No Comments
Item 379	No Comments
Item 380	No Comments
Item 381	No Comments
Item 382	No Comments
Item 383	No Comments
Item 384	No Comments
Item 385	No Comments

RECEIVED
MAY 4 1993
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 30, 1993

Mr. David L. Greenwood
Class, Greenwood & Class, Inc.
3101 Hamilton Avenue
Baltimore, MD 21214

RE: Request for approval to file for building permit prior to resolution of zoning public hearing. 3305 Hiss Avenue, Item 380 14th Election District

Dear Mr. Greenwood:

The zoning staff has reviewed your request for approval to file for building permit application prior to the zoning variance hearing requested for 3305 Hiss Avenue under item number 380 and determined the following:

The adjacent lot (as acknowledged by you) at 3303 Hiss Avenue was owned adjacently within the past two years and the conflict with Section 304 of the Baltimore County Zoning Regulations (BCZR) impacts both lots. Regrettably, due to this fact which can only be resolved by zoning variance public hearings (which may be denied and therefore require compliance with the BCZR) no preliminary filing for permit can be accepted. As discussed at your filing appointment this office strongly recommends that the adjacent property owner be advised to file for zoning variance hearing as soon as possible to resolve all existing and potential zoning conflicts.

Should you require any additional information, please do not hesitate to contact me at 887-3391.

Sincerely,
John L. Lewis
Planner II

JLL/jaw
cc: Item File No. 380

BALTIMORE COUNTY MARYLAND
OFFICE OF BUILDING ENGINEERING

PERMIT: 410-333-1350
PROPERTY ADDRESS: 3305 Hiss Ave
SUBJECT: Class Greenwood & Class Inc
APPLICANT: David L. Greenwood
OWNER: Class Greenwood & Class Inc
ADDRESS: 3101 Hamilton Ave
CITY: Baltimore MD 21214
PHONE: 410-333-1350
MISC. LICENSE: 1107

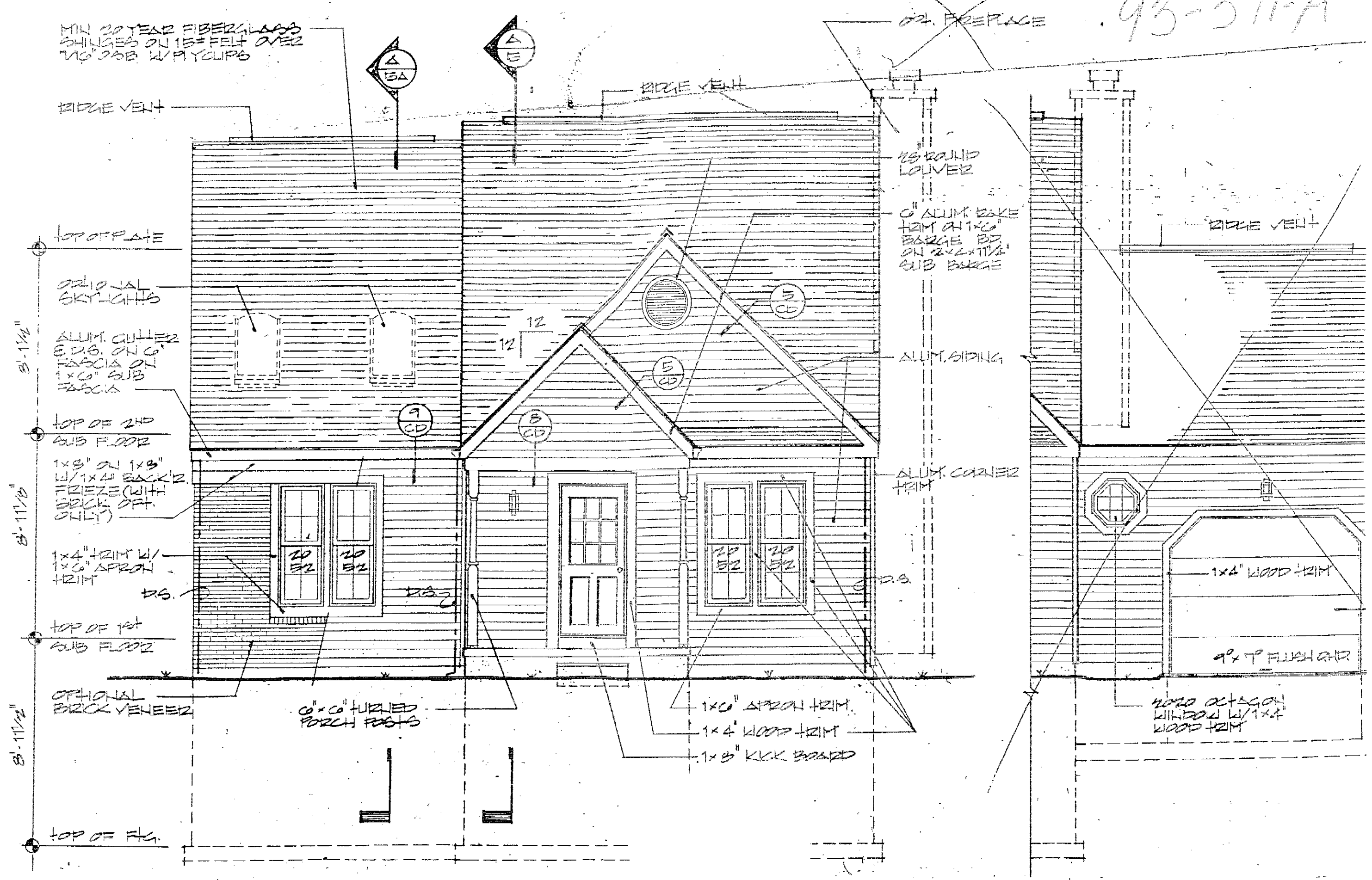
TYPE OF IMPROVEMENT:
1. NEW MAIN CONCRETE
2. ADDITION
3. ALTERATION
4. REPAIR
5. REWORKING
6. MOVING
7. OTHER

DESCRIBE PROPOSED WORK: CONCRETE PARADE DECK, NO FIREPLACE, 3 Bedroom, NO GARAGE

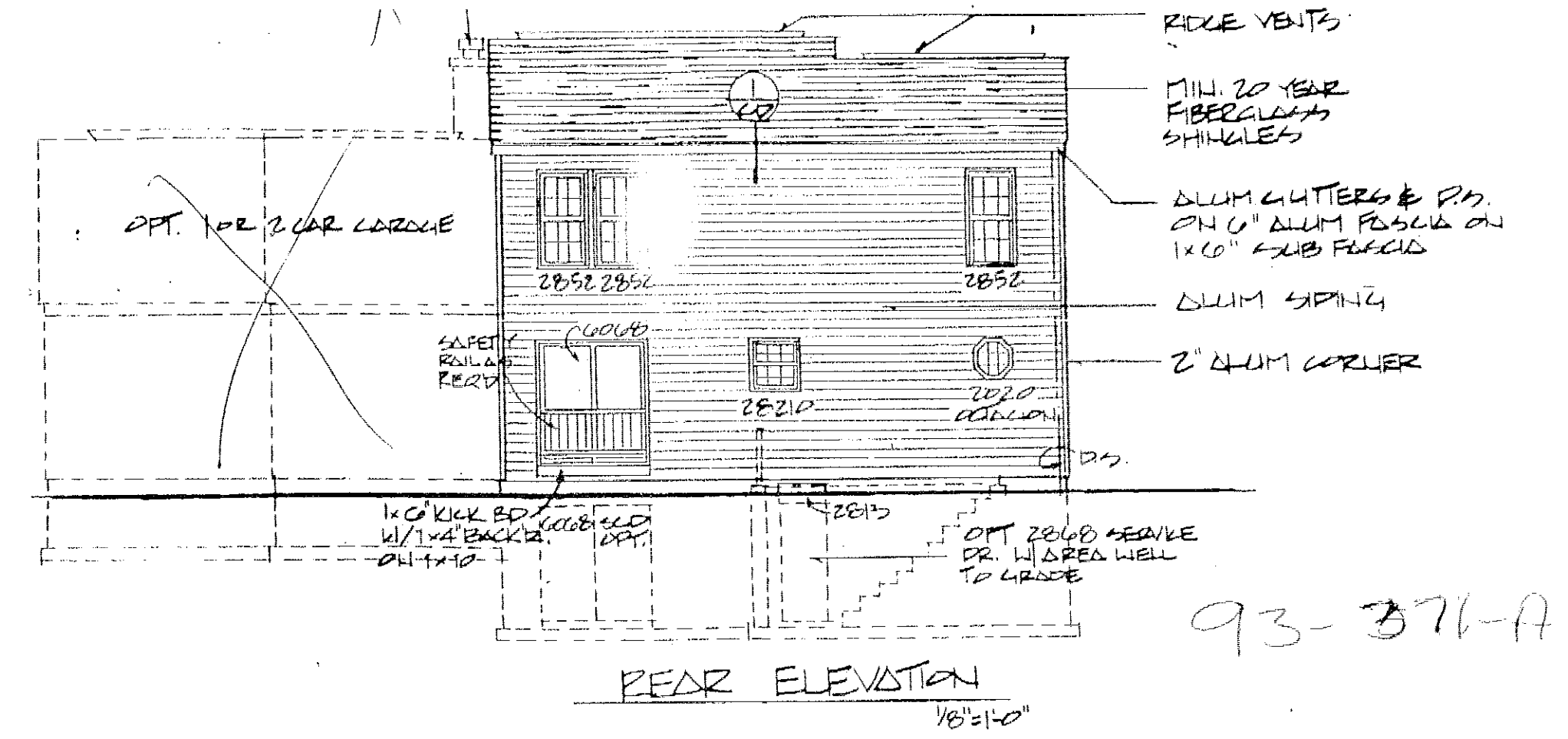
TYPE OF USE:
RESIDENTIAL: 68'x34'x30'4" 2,595 SF

EXISTING: YES
PROPOSED: YES

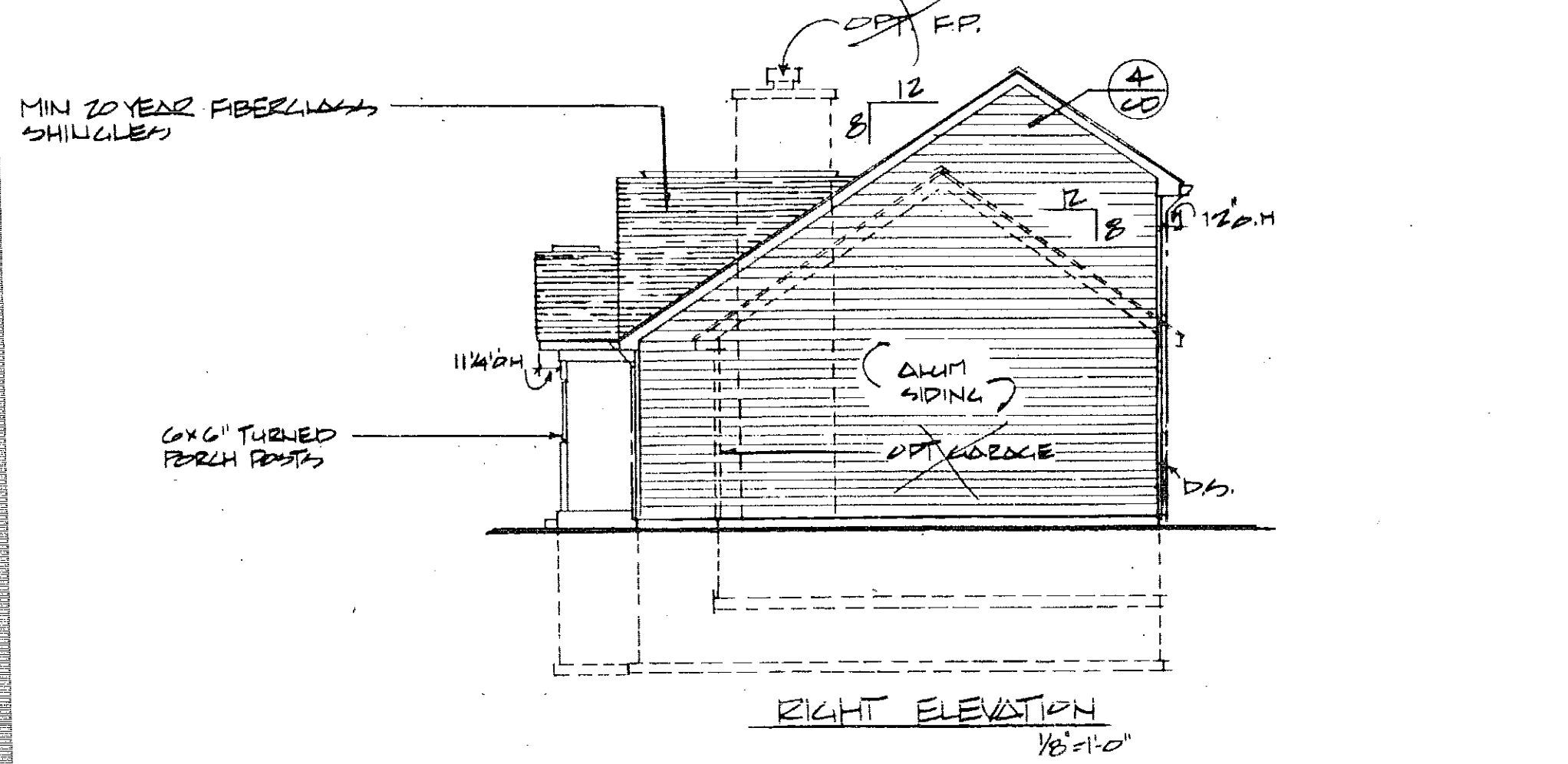
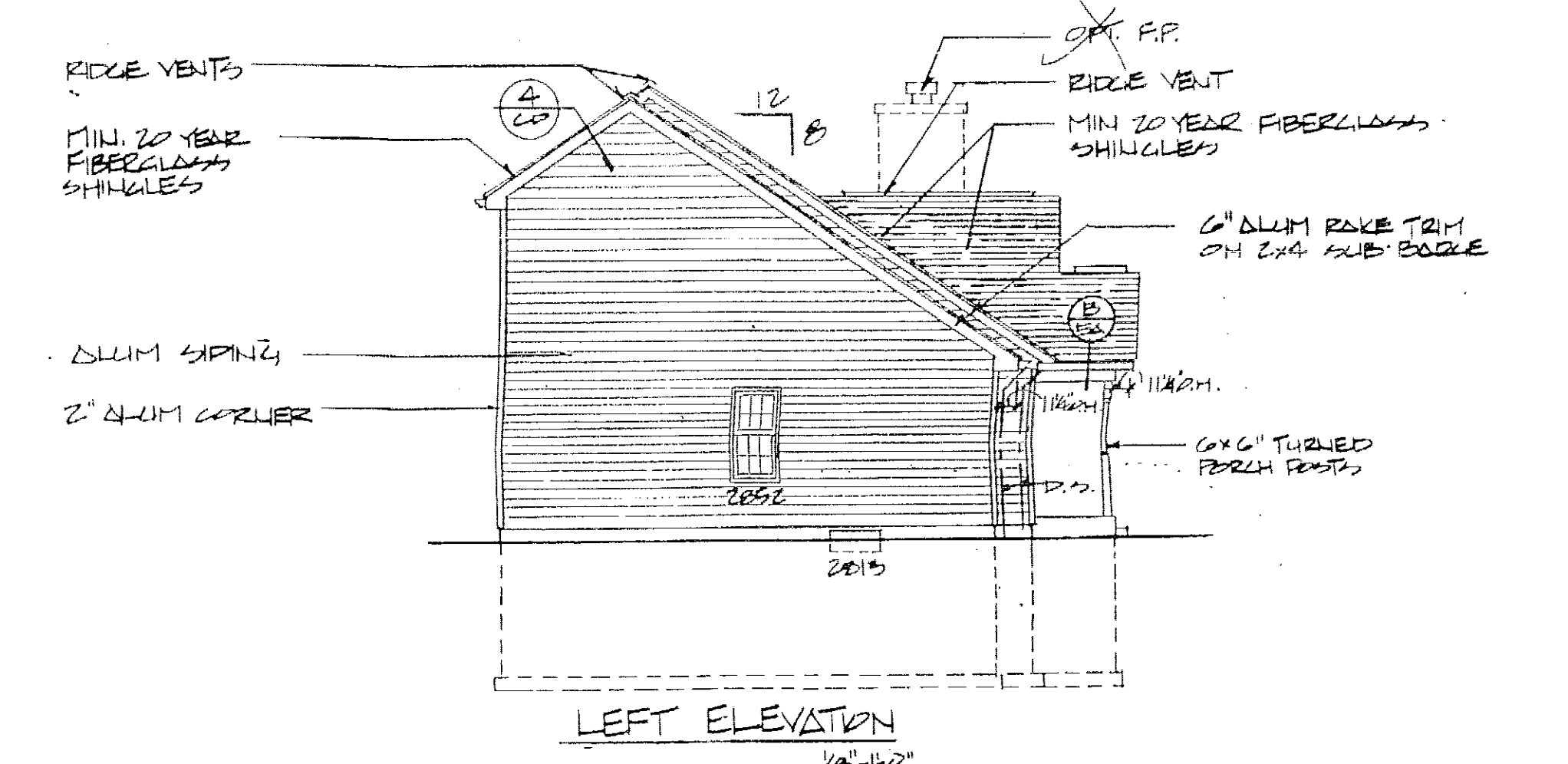
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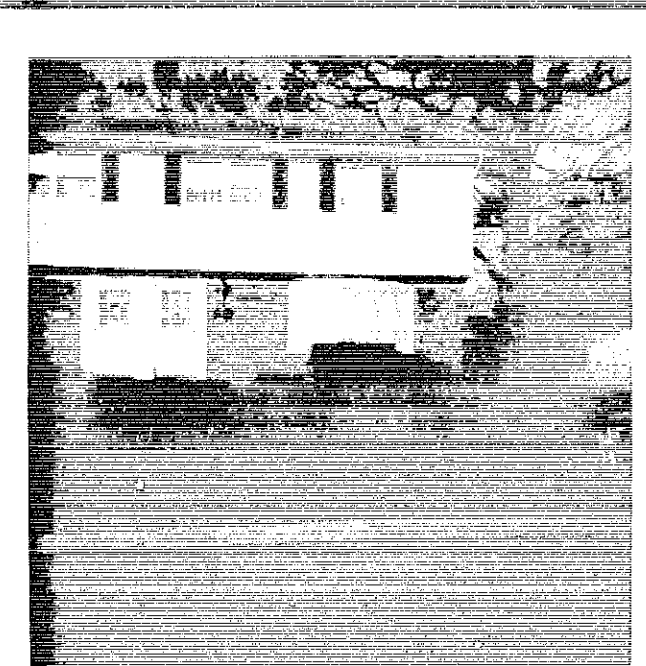
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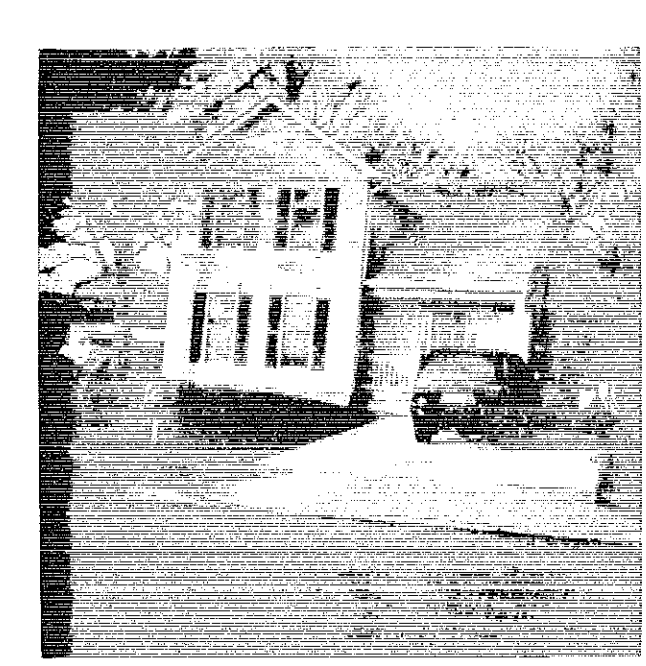
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 APR 27 1993
 OFFICE OF
 PLANNING & ZONING

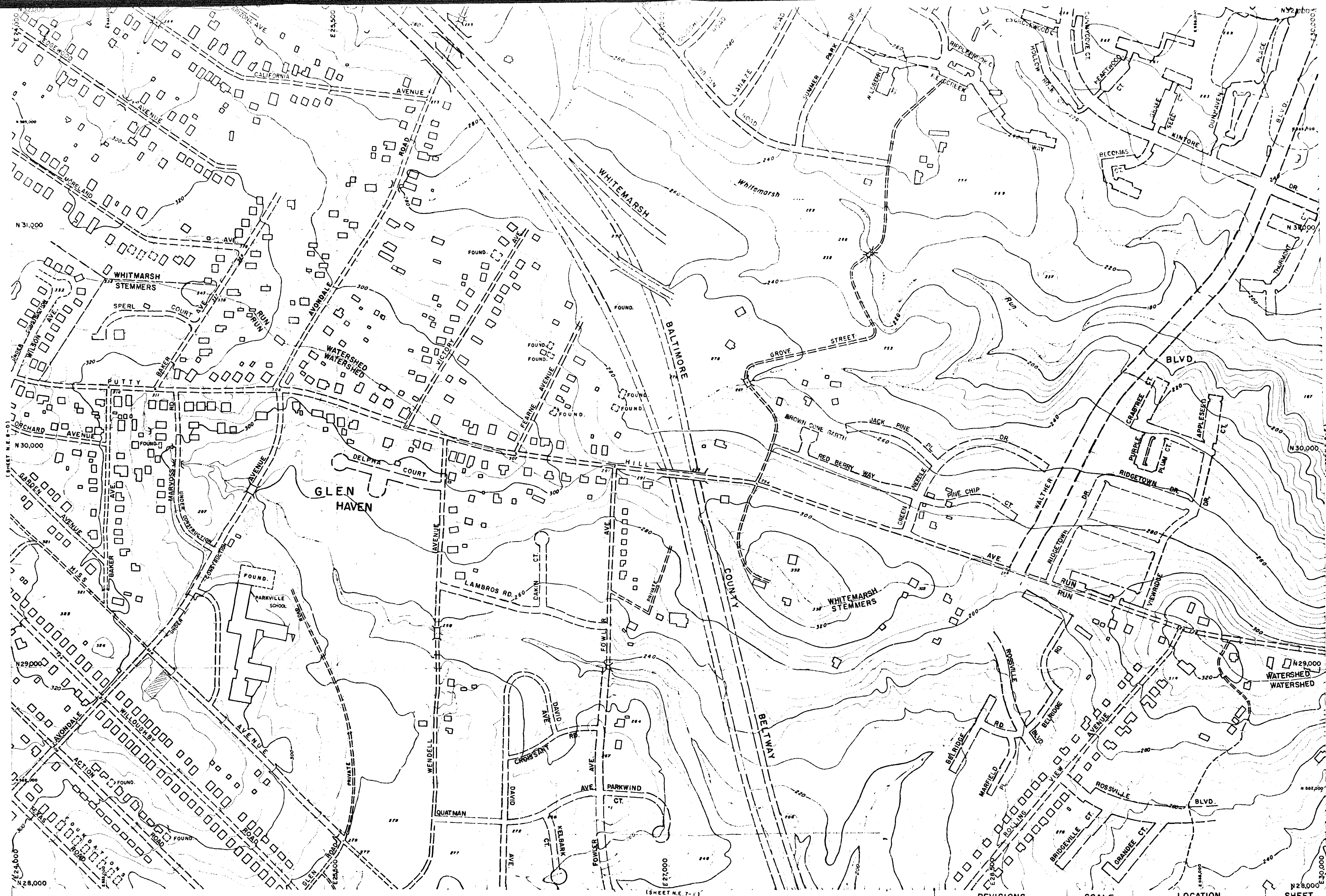
Baltimore County Office of Zoning Administration
 and Development Management
 10000 York Road
 Towson, Maryland 21286



3307 HISS AVE
 93-371-A



3303 HISS AVE
 93-371-A



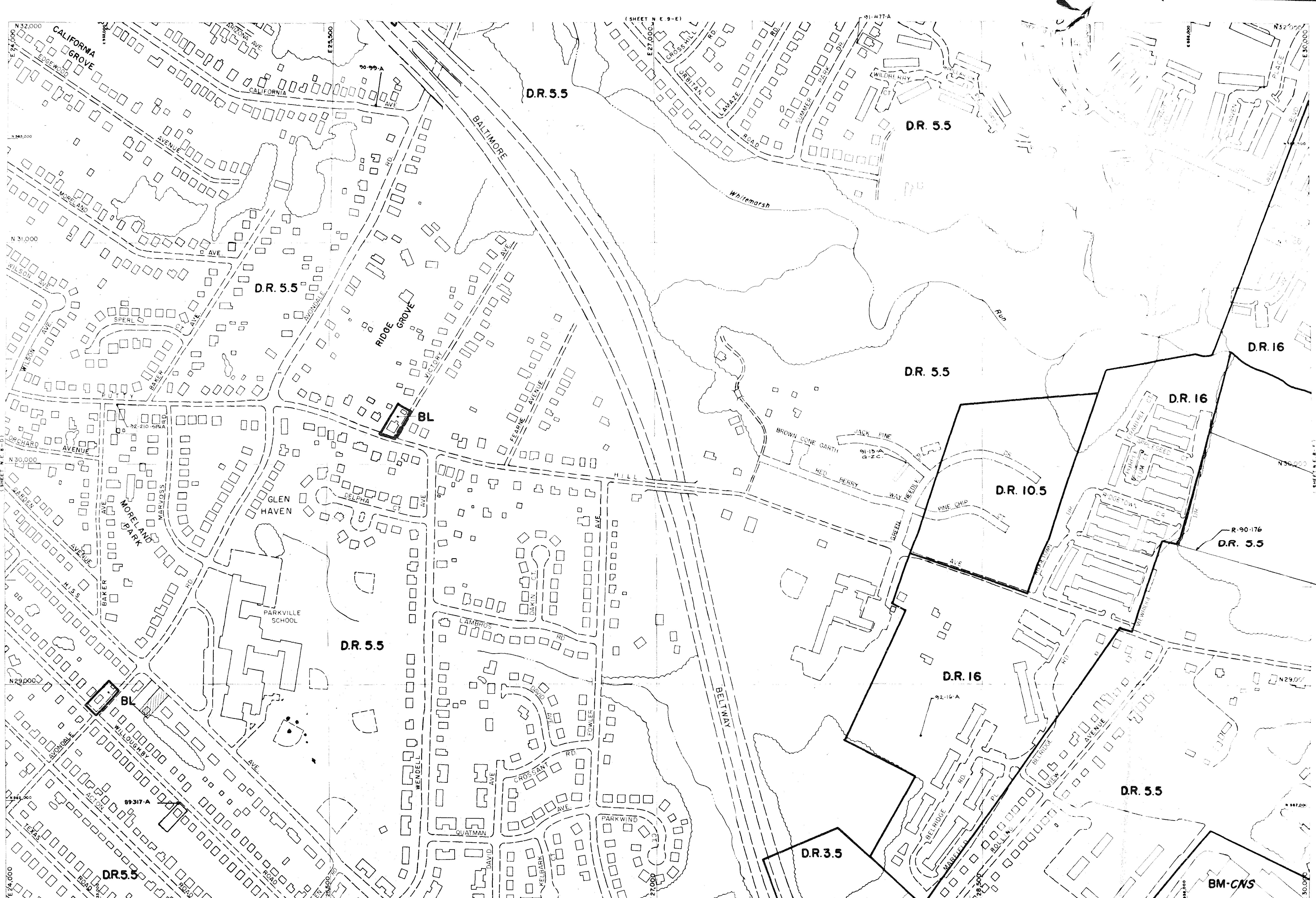
N - SE M - SW
 N - NE M - NW

PHOTOGRAMMETRIC MAP OF
 BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	FULLERTON PARKVILLE	N.E.
782 3/2/55	DATE OF PHOTOGRAPHY		8-E
	APRIL 1953		
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.			

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N-SE M-SW NE E-E
 N-NE M-NW
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 THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

92-403-A
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William A. Howard IV
 Chairman, County Council

SCALE
 1" = 200'
 DATE
 OF
 PHOTOGRAPHY
 JANUARY
 1986

LOCATION
 FULLERTON
 PARKVILLE
 SHEET
 NE
 8-E

93-371-SPH