

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
NW/Corner Philadelphia Road and	* ZONING COMMISSIONER
Rosewick Avenue	* OF BALTIMORE COUNTY
(7932 Philadelphia Road)	* Case No. 96-449-A
14th Election District	*
7th Councilmanic District	
Daniel W. Hodges, Jr., et ux	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 7932 Philadelphia Road, located in the vicinity of Chesaco Avenue in Rosedale. The Petition was filed by the owners of the property, Daniel W. Hodges, Jr., and his wife, Deborah S. Hodges. The Petitioners seek relief from Section 1B02.3. C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 10 feet for a proposed attached deck. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

ORDER RECEIVED FOR FILING

Date 6/14/96

By [Signature]

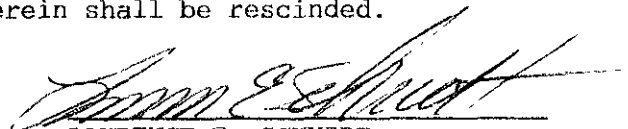
MICROFILMED

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1996 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 10 feet for a proposed attached deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/14/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 14, 1996

Mr. & Mrs. Daniel W. Hodges, Jr.
7932 Philadelphia Road
Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Philadelphia Road and Rosewick Avenue
(7932 Philadelphia Road)
14th Election District - 7th Councilmanic District
Daniel W. Hodges, Jr., et ux - Petitioners
Case No. 96-449-A

Dear Mr. & Mrs. Hodges:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7932 PHILADELPHIA RD.
96-449-A which is presently zoned DRS.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) (B02.3.C.1) ~~702.1.A~~
TO PERMIT A SIDE YARD SETBACK FOR A PROPOSED ATTACHED DECK
TO BE 2 FEET FROM PROPERTY LINE IN LIEU OF THE REQUIRED ~~10~~ 15.

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

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/Lessee

Legal Owner(s)

(Type or Print Name)

DANIEL W. HODGES JR.
(Type or Print Name)

Signature

Signature

Address

DEBORAH S. HODGES
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

7932 PHILADELPHIA RD. 866-8939
Address Phone No

(Type or Print Name)

BALTO. MD. 21237
City State Zipcode

Signature

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

[Signature]
Zoning Commissioner of Baltimore County

REVIEWED BY: R.T. DATE: 5-7-96



Printed with Soybean Ink
on Recycled Paper

ITEM #: 439

ESTIMATED POSTING DATE: _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5-6-96
date

[Signature]
NOTARY PUBLIC

My Commission Expires: August 7, 1998

RICHARD W. WEIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 7, 1998

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7932 PHILADELPHIA RD.
address

BALTO. MD. 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

100L

200L



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7932 PHILADELPHIA RD.
which is presently zoned DRS.5

96-449-A

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) 1 BOR.3.C.1

TO PERMIT A SIDE YARD SETBACK FOR A PROPOSED ATTACHED DECK TO BE 2 FT. FROM PROPERTY LINE IN LIEU OF THE REQUIRED

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

See other side.

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s).

DANIEL W. HODGES JR.
(Type or Print Name)

Daniel W. Hodges Jr.
Signature

DEBORAH S. HODGES
(Type or Print Name)

Deborah S. Hodges
Signature

7932 PHILADELPHIA RD. 866-8939
Address Phone No

BALTO. MD. 21237
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T. DATE: 5-7-96

ESTIMATED POSTING DATE:

Printed with Soybean Ink on Recycled Paper

ITEM #:

439

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1932 PHILADELPHIA RD
address
BALTO. MD. 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

WE WOULD LIKE TO CONSTRUCT OUR
DECK AROUND OUR SCREEN PORCH, SO WE
CAN HAVE PRIVACY AND SECURITY FROM THE
NOISE AND TRAFFIC ON ROSEWICK AVE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information

Daniel W. Hodges Jr.
(signature)
DANIEL W. HODGES JR.
(type or print name)



Deborah S. Hodges
(signature)
DEBORAH S. HODGES
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of May, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daniel W. Hodges & Deborah S. Hodges

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief

AS WITNESS my hand and Notarial Seal.

5-6-96
date

Richard W. Hein
NOTARY PUBLIC

My Commission Expires August 7, 1998

RICHARD W. HEIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 7, 1998

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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7932 PHILADELPHIA RD.
which is presently zoned DR5.5

96-449-A

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) 1 BOR.3.C.1

TO PERMIT A SIDE YARD SETBACK FOR A PROPOSED ATTACHED DECK
TO BE 2 FT. FROM PROPERTY LINE IN LIEU OF THE REQUIRED 5'6"

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

SEE OTHER SIDE.

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/Lessee:

Legal Owner(s):

(Type or Print Name)

DANIEL W. HODGES JR.
(Type or Print Name)

Signature

Daniel W. Hodges Jr.
Signature

Address

DEBORAH S. HODGES
(Type or Print Name)

City State Zipcode

Deborah S. Hodges
Signature

Attorney for Petitioner.

(Type or Print Name)

7932 PHILADELPHIA RD. 866-8939
Address Phone No

Signature

BALTO. MD. 21237
City State Zipcode

Name, Address and phone number of representative to be contacted

Address Phone No.

Name

City State Zipcode

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County:

REVIEWED BY: R.T. DATE: 5-7-96

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on Recycled Paper

ITEM #: 439

ESTIMATED POSTING DATE:

96-449-A

ZONING DESCRIPTION FOR 7932 PHILADELPHIA RD.

ZONE: DR 5.5

COUNCIL DISTRICT 7 ELECTION DIST 14

BEGINNING AT A POINT ON THE NORTH WEST INTERSECTION
OF PHILADELPHIA RD AND ROSEWICK AVE, BEING KNOWN
AS LOT #3 ON THE PLAT ENTITLED "SECTION B. ROSEDALE
GARDENS AS RECORDED IN PLAT BOOK 9 FOLIO 8 ALSO
KNOWN AS 7932 PHILADELPHIA RD. (0.18 AC±)

ITEM # 439

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-449-A
Towson, Maryland

District 140 Date of Posting 5/27/96

Posted for: Varlarco

Petitioner: Daniel + Deborah Hodges

Location of property: 7932 Phil Rd. + Rowlett Ave

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 5/31/96
Signature

Number of Signs: 1

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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.: 439 Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DANIEL W. HODGES JR.

ADDRESS: 7932 PHILADELPHIA RD.

BALTO. MD. 21237

PHONE NUMBER: (410) 866-8939

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 19902

ITEM # 401

DATE

5-7-96

ACCOUNT

R-001-6150

OK - VAR - \$50.00

080 - OKEN - \$35.00

AMOUNT

\$ 85.00

RECEIVED
FROM:

D. HODGES 96-449-A

FOR:

ADMIN. VARIANCE

MICROFILMED

R.T.

COMMUNICATIONS

4/21/96

BY: 601943/ARH/01-07-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item No.: 727 Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DANIEL W. HODGES JR.

ADDRESS: 7932 PHILADELPHIA RD.

BALTO. MD. 21237

PHONE NUMBER: (410) 866-8939

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-449-A (Item 439)
7932 Philadelphia Road
NWC Philadelphia Road and Rosewick Avenue
14th Election District - 7th Councilmanic
Legal Owner(s): Daniel W. Hodges, Jr. and Deborah S. Hodges

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before May 26, 1996. The closing date (June 10, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Daniel and Deborah Hodges

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 5, 1996

Daniel and Deborah Hodges
7932 Philadelphia Road
Baltimore, MD 21237

RE: Item No.: 439
Case No.: 96-449-A
Petitioner: Daniel Hodges, et ux

Dear Mr. and Mrs. Hodges:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 7, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: June 3, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 439, 450, 451, 452, 453, 454, 455, 457 and 459.

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 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Dan L. Kene

PK/JL/lw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/30/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 28, 1996

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 439, 450, 451, 452, 453, 454,
455, 456, 457 and 459.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 3, 1996

FROM *Pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 3, 1996
Item Nos. 439, 450, 451, 453,
454 & 455

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 5-31-96

FROM: R. Bruce Seeley *RBS*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 5-28-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

439

450

453

455

456

457

458

459

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

Date:

Baltimore County Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Sir/Madam:

We are adjacent neighbors to the house of Daniel and Deborah Hodges.
Their address is 7932 Philadelphia Road.

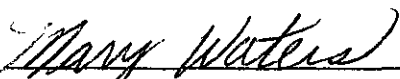
This letter is to confirm that as their neighbor, we understand that they want to build their deck within one foot of our mutual property line. We do not object to this deck building plan.

Questions regarding this situation may be sent to our address indicated below.

Sincerely,



William E. Waters



Mary Waters

7930 Philadelphia Road
Baltimore, Maryland 21237

ITEM #439

MICROFILMED

4/22/96

To: John Lewis

From: Dave Thomas

Mr. Daniel Hodges inquired at our office concerning validity of flood map in his submission, and who's signature initials are shown.

The map indicates the house Mr. Hodges identifies as his is within the "C" flood zone. Les Schreiber initialed the map, but Dave Snook did the review. You may verify this directly from Dave Snook (he is off work today) or accept this memo as verifying the signature.

Call me at x3984 if there are questions

David L. Thomas

RECEIVED

ITEM #439

J. S. T. Engineering Co., Inc.

PROFESSIONAL LAND SURVEYORS

3812 Mary Avenue
Baltimore, Maryland 21206
444-8848

4826-95
WCR
To: MSK
10/6/95 ucr
See me 10/6/95

October 2, 1995

Director of Permits & Development Management
Arnold Jablon
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Dear Mr. Jablon

My client, Atlantic Investment Co., wishes to install Laser Storm in a portion of a building they own at 8101 Pulaski Highway in Baltimore County. Laser Storm is a new family entertainment concept in which the players actually participate in the game. It could be compared to a game of tag. I have enclosed a brief brochure of the game in this letter.

The number of players in each game is limited. Only twelve players per team are allowed in each game, therefore only twenty-four players are on the game floor at any time.

Those waiting to play the next game stay in the lobby area. The lobby area will also be used to sell tickets for future games and to suit up. My client would like to provide entertainment for those who are waiting to play Laser Storm in the form of video games in the lobby area.

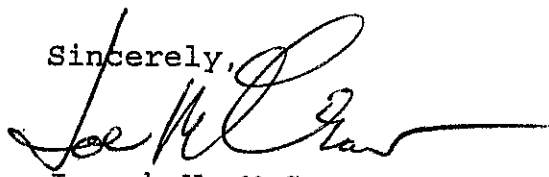
We do not consider this to be an arcade, but instead to be a family recreation center. It could be likened to a bowling alley where people go to participate in a game. The video games in the lobby are to entertain the players of Laser Storm while they wait their turn and are not the main reason for people to come to this center as would be the case in an arcade.

In Baltimore County Zoning Case No. 86-516-XSPH, Deputy Zoning Commissioner Jean M. Jung ordered that "Photon" was an entertainment, leisure or recreational use. We would suggest that Laser Storm is the same.

This letter therefore is to ask for an opinion as to the classification of this type of venture. If you also do not consider this to be an arcade, but instead to be an entertainment, leisure or recreational use, what would the parking requirements be for that area of the building housing the game.

Your earliest reply to this letter would be appreciated. I would like to pick up your response instead of waiting for it by mail. If I can be of any further service in this matter, please do not hesitate to contact me.

Sincerely,

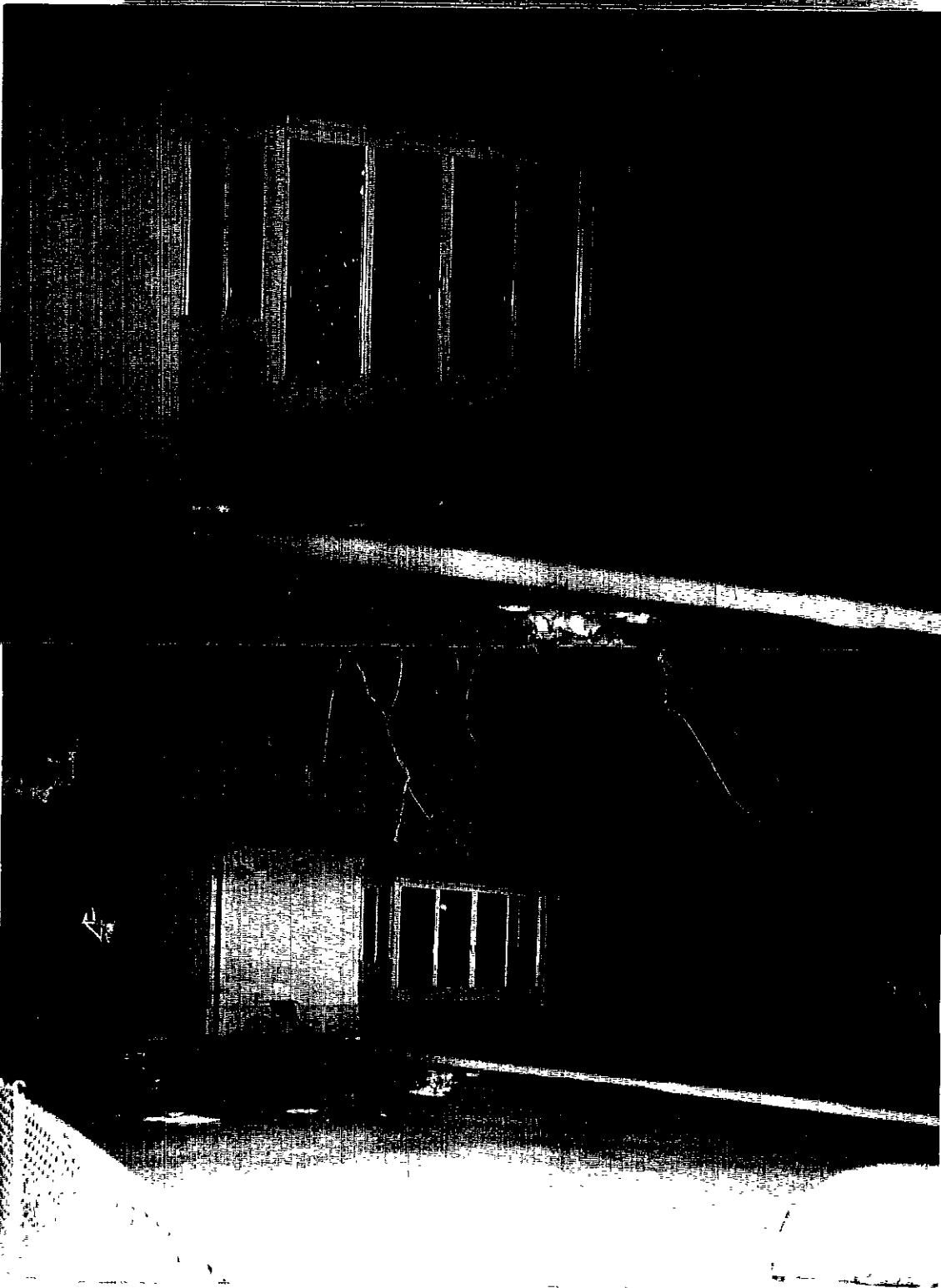


Joseph W. McGraw, Jr.
President

96-449-A



Front
Elev.



Side elevation
from Rosarick
Ave.

Rear.

MICROFILMED

96-449-A



area for the prop.
deck.

MICROFILMED

IN RE: PETITION FOR ADMIN. VARIANCE
NW Corner Philadelphia Road and
Bromswick Avenue
(7932 Philadelphia Road)
14th Election District
7th Councilmanic District
Daniel W. Hodges, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-449-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 7932 Philadelphia Road, located in the vicinity of Chesaco Avenue in Rosedale. The Petition was filed by the owners of the property, Daniel W. Hodges, Jr., and his wife, Deborah S. Hodges. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 10 feet for a proposed attached deck. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 107.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1996 that the Petition for Administrative Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 10 feet for a proposed attached deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 14, 1996

(410) 887-4386

Mr. & Mrs. Daniel W. Hodges, Jr.
7932 Philadelphia Road
Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW Corner Philadelphia Road and Rosewick Avenue
(7932 Philadelphia Road)
14th Election District - 7th Councilmanic District
Daniel W. Hodges, Jr., et ux - Petitioners
Case No. 96-449-A

Dear Mr. & Mrs. Hodges:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7932 PHILADELPHIA RD.
which is presently zoned DRS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 10 feet for a proposed attached deck. TO PERMIT A SIDE YARD SETBACK FOR A PROPOSED ATTACHED DECK TO BE 2 FEET FROM PROPERTY LINE IN LIEU OF THE REQUIRED 10 FEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) See exhibit 1 DE.

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.

Contact Person Name

We hereby certify that we are the legal owners of the property and we are the legal owners of the property.

Name of Petitioner

DANIEL W. HODGES JR.

Address

7932 PHILADELPHIA RD.

City

BALTO MD

State

21237

Phone No.

766-2939

Zip Code

21237

City

BALTO MD

State

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Phone No.

766-2939

Zip Code

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Phone No.

766-2939

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do hereby certify that they reside at 7932 PHILADELPHIA RD.
BALTO MD 21237

That based upon personal knowledge, the following are the facts upon which I have the request for an Administrative Variance at the above address: (insert reasons or picture of site)

WE WOULD LIKE TO CONSTRUCT OUR
DECK AROUND OUR SCREENED PORCH, SO WE
CAN HAVE PRIVACY AND SECURITY FROM THE
NOISE AND TRAFFIC ON ROSEWICK AVE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

DANIEL W. HODGES JR.
DEBORAH S. HODGES

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 6 day of May, 1996, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared
DANIEL W. HODGES JR. & DEBORAH S. HODGES

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/his knowledge and belief.

AS WITNESS my hand and Notarial Seal.
5-6-96

My Commission Expires August 7, 1998

RICHARD W. HEIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 7, 1998

96-449-A
ZONING DESCRIPTION AT 7932 PHILADELPHIA RD.
Zone: DRS-5 COUNCIL DISTRICT 7 ELECTION DIST 14
BEGINNING AT A POINT ON THE NORTH WEST INTERSECTION
OF PHILADELPHIA RD AND ROSEWICK AVE. BEING KNOWN
AS LOT #3 ON THE PLAT ENTITLED "SECTION B. ROSEDALE
GARDENS AS RECORDED IN PLAT BOOK 9 FOLIO 8 ALSO
KNOWN AS 7932 PHILADELPHIA RD. (18AC±)

ITEM # 439

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 5/14/96
Posted for: Administrative Variance
Petitioner: Daniel W. Hodges Jr.
Location of property: 7932 Phila Rd. Baltimore
Location of Sign: Sign on front of property being posted
Remarks: _____
Posted by: [Signature] Date of return: 5/14/96
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 96-449-A
DATE 5-7-96 ACCOUNT 7932 PHILADELPHIA RD
AMOUNT \$ 250.00
RECEIVED FROM DANIEL W. HODGES JR.
FOR ADMIN. VARIANCE
VALIDATION OR SIGNATURE OF CASHIER
[Signature]

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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 assessed 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: 439 Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DANIEL W. HODGES JR.

ADDRESS: 7932 PHILADELPHIA RD.

BALTO MD 21237

PHONE NUMBER: (410) 866-2939



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-449-A (Item 439)
7932 Philadelphia Road
800 Philadelphia Road and Rosencrack Avenue
14th Election District - 7th Councilmanic
Legal Owner(s): Daniel W. Hodges, Jr. and Deborah S. Hodges

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 26, 1996. The closing date (June 10, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Arnold Jablon
Director

cc: Daniel and Deborah Hodges



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 5, 1996

Daniel and Deborah Hodges
7932 Philadelphia Road
Baltimore, MD 21237

RE: Item No.: 439
Case No.: 96-449-A
Petitioner: Daniel Hodges, et ux

Dear Mr. and Mrs. Hodges:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 7, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 3, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 439, 450, 451, 452, 453, 454, 455, 457 and 459.

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 887-3495.

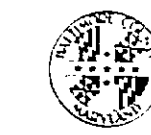
Prepared by:

Division Chief:

PK/JL/lw

ITEM439/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 05/30/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 28, 1996

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 439, 450, 451, 452, 453, 454, 455, 456, 457 and 459.

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE 887-4881, M5-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 3, 1996

FROM: Robert M. Rowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 3, 1996
Item Nos. 439, 450, 451, 453,
454 & 455

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

20NE11

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 5-28-96

DATE: 5-31-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 439
450
453
455
456
457
458
459

RBS:SP
BRUCE2/DEPRM/TXTSP

Date:

Baltimore County Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Sir/Madam:

We are adjacent neighbors to the house of Daniel and Deborah Hodges. Their address is 7932 Philadelphia Road.

This letter is to confirm that as their neighbor, we understand that they want to build their deck within one foot of our mutual property line. We do not object to this deck building plan.

Questions regarding this situation may be sent to our address indicated below.

Sincerely,

William E. Waters
William E. Waters

Mary Waters
Mary Waters

7930 Philadelphia Road
Baltimore, Maryland 21237

ITEM #439

To: John Lewis
From: Dave Thomas

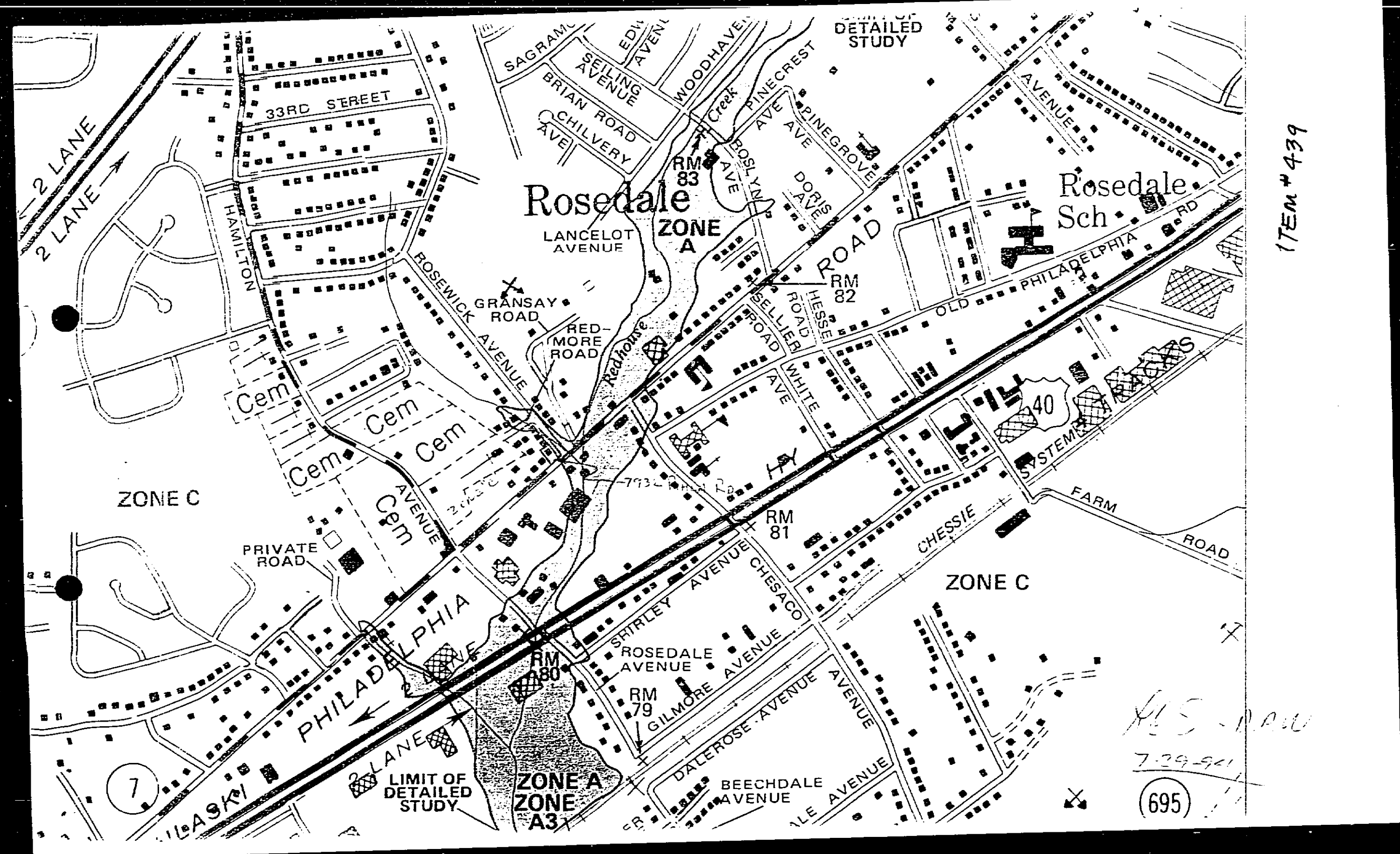
Mr. Daniel Hodges inquired at our office concerning validity of flood maps in his submission, and who's signature initials are shown.

The map indicates the house Mr. Hodges identifies as his is within the "C" flood zone. Les Schreiber initialed the map, but Dave Snook did the review. You may verify this directly from Dave Snook (he is off work today) or accept this memo as verifying the signature.

Call me at x3984 if there are questions

Dave L. Thomas

ITEM #439



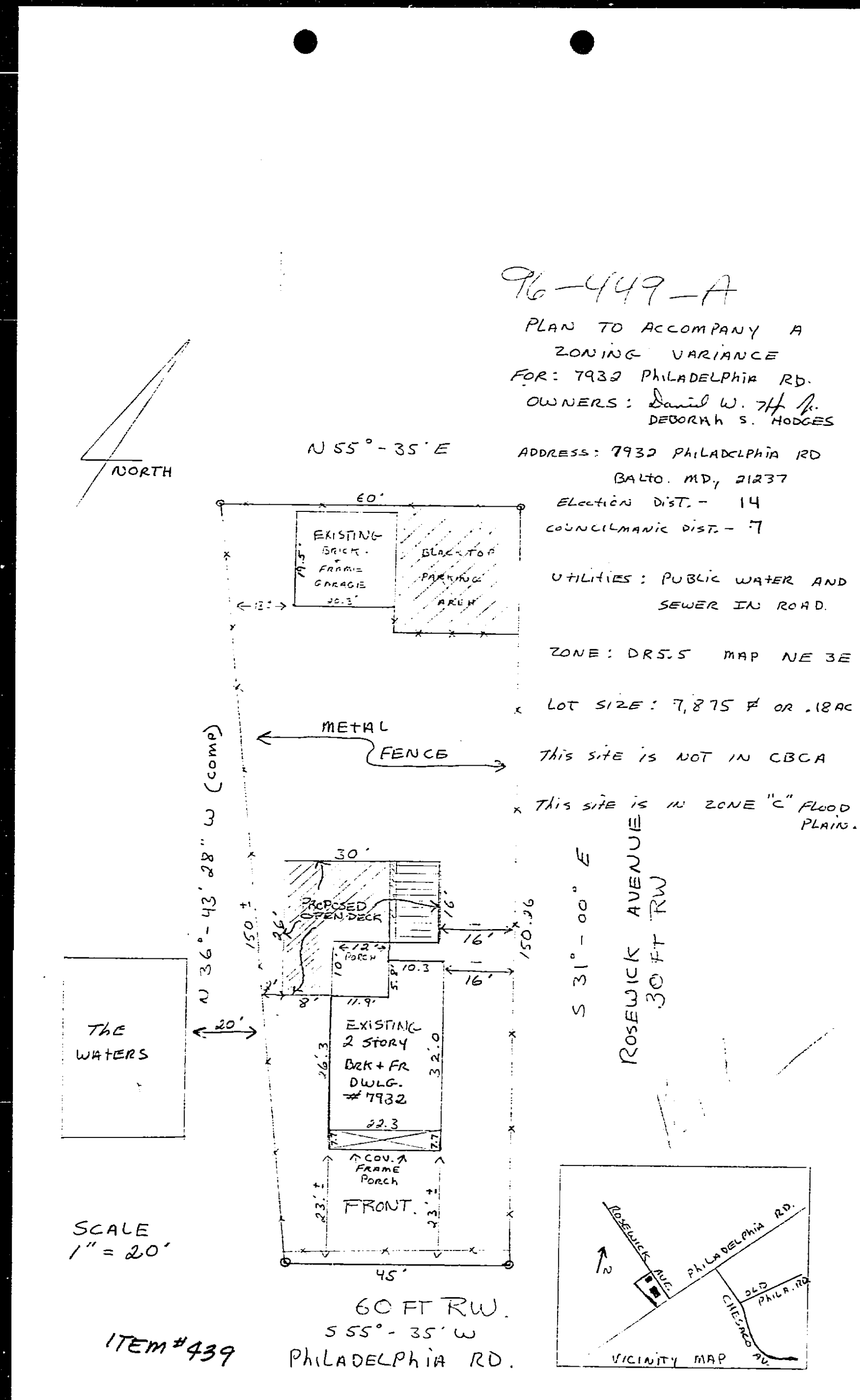
ITEM #439

7.29-94

(695)



Area for the prop. deck



96-449-A

PLAN TO ACCOMPANY A ZONING VARIANCE FOR: 7932 PHILADELPHIA RD. OWNERS: David W. H. A. DEBORAH S. HODGES

Address: 7932 PHILADELPHIA RD BALTO. MD, 21237 ELECTION DIST. - 14 COUNCILMANIC DIST. - 7

UTILITIES: PUBLIC WATER AND SEWER IN ROAD

ZONE: DRS.5 MAP NE 3E

LOT SIZE: 7,875 S.F. OR .18 AC

THIS SITE IS NOT IN CBCA

THIS SITE IS IN ZONE "C" FLOOD PLAIN.

ROSEDALE AVENUE 30 FT RW

SCALE 1" = 20'

ITEM #439

60 FT RW. S 55° - 35' W PHILADELPHIA RD.



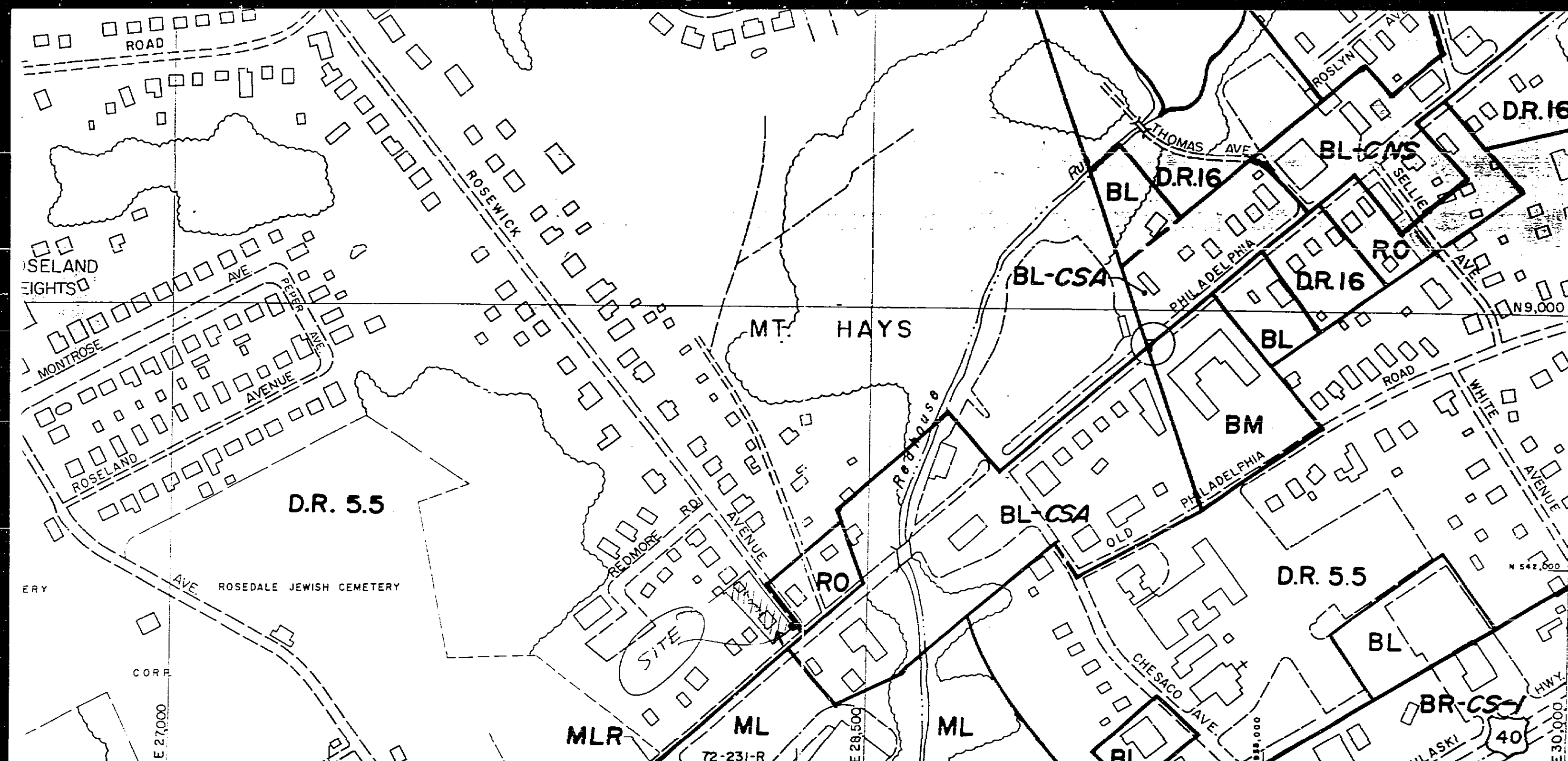
Front Elev.



Side Elevation from Rosedale Ave.



Rear.



TIMORE COUNTY PLANNING AND ZONING AL ZONING MAP

1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 12, 1992

William A. Howard, Chairman, County Council

SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986

LOCATION 96-449-A ROSEDALE ITEM # 439

SHEET N. E. 3-E

A-644-26



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

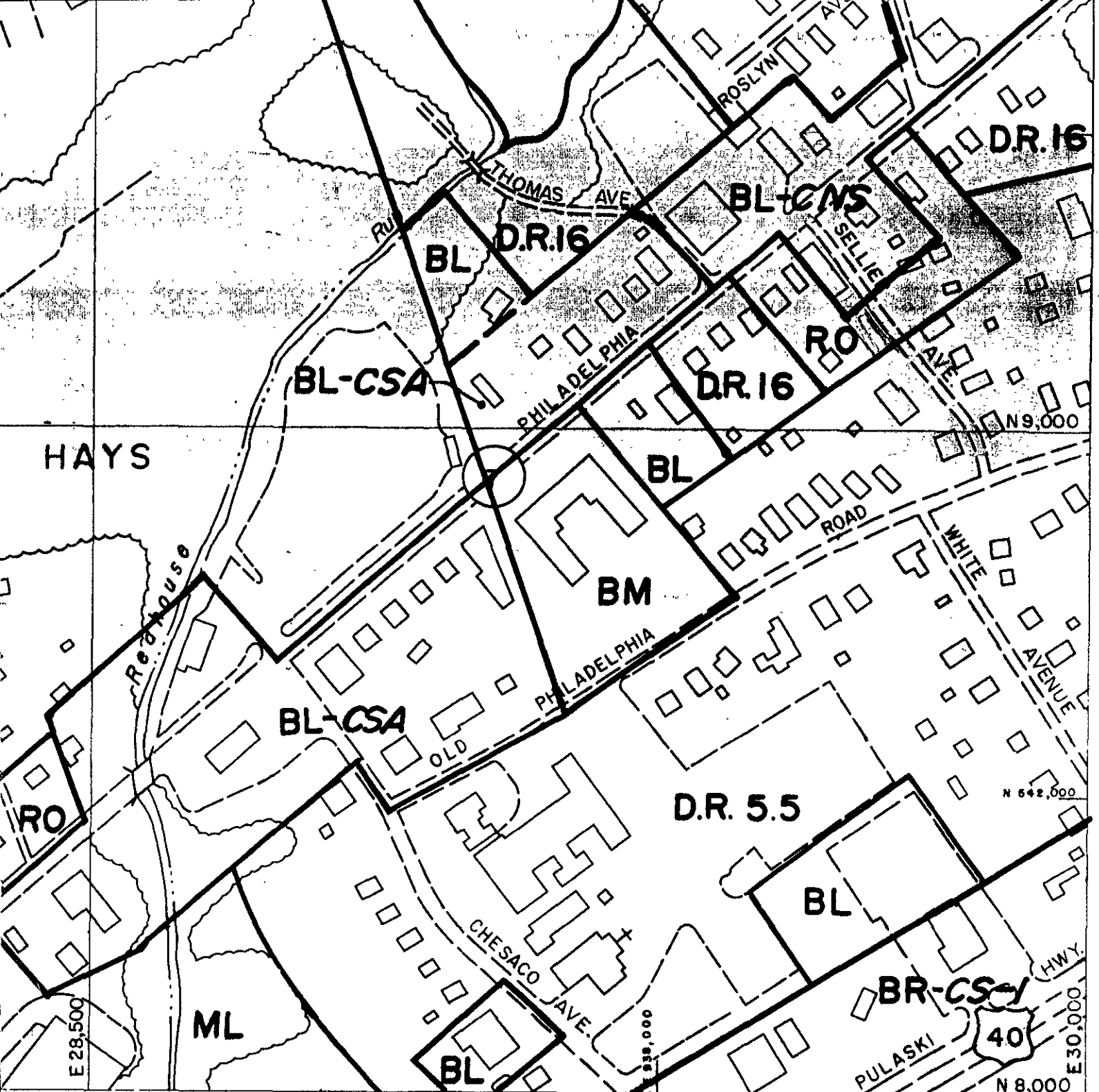
LOCATION

ROSEDALE

ITEM# 439

SHEET

N.E.
3-E



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LOCATION

96-449-A

ROSEDALE

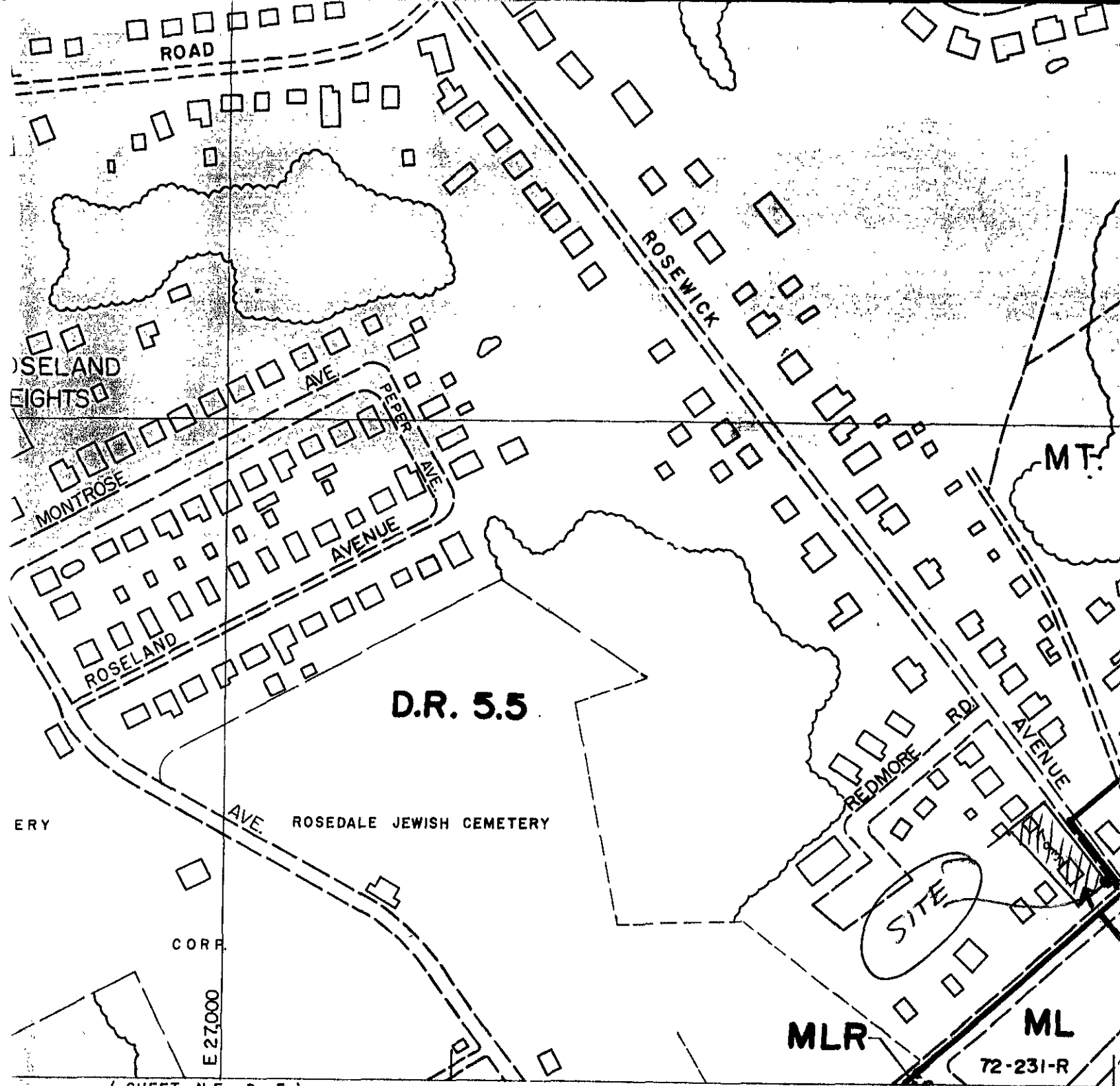
ITEM # 439

SHEET

N. E.

3-E

MICROFILMED



TIMORE COUNTY PLANNING AND ZONING AL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Board of Commissioners
 Oct. 15, 1992
 Ord. Nos. 183-92, 184-92, 185-92

William J. Williams
 Chairman, C

96-449-A

PLAN TO ACCOMPANY A
ZONING VARIANCE
FOR: 7932 PHILADELPHIA RD.
OWNERS: Daniel W. & Deborah S. HODGES

ADDRESS: 7932 PHILADELPHIA RD

BALTO. MD, 21237

ELECTION DIST. - 14

COUNCILMANIC DIST. - 7

UTILITIES: PUBLIC WATER AND
SEWER IN ROAD.

ZONE: DR5.5 MAP NE 3E

LOT SIZE: 7,875 $\pm$ OR .18 AC

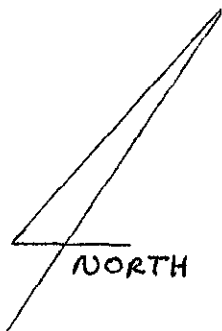
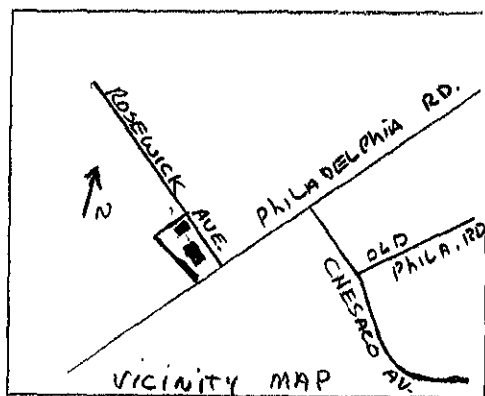
THIS SITE IS NOT IN CBCA

THIS SITE IS IN ZONE "C" FLOOD
PLAIN.

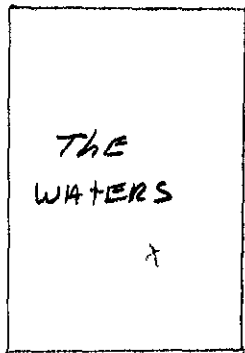
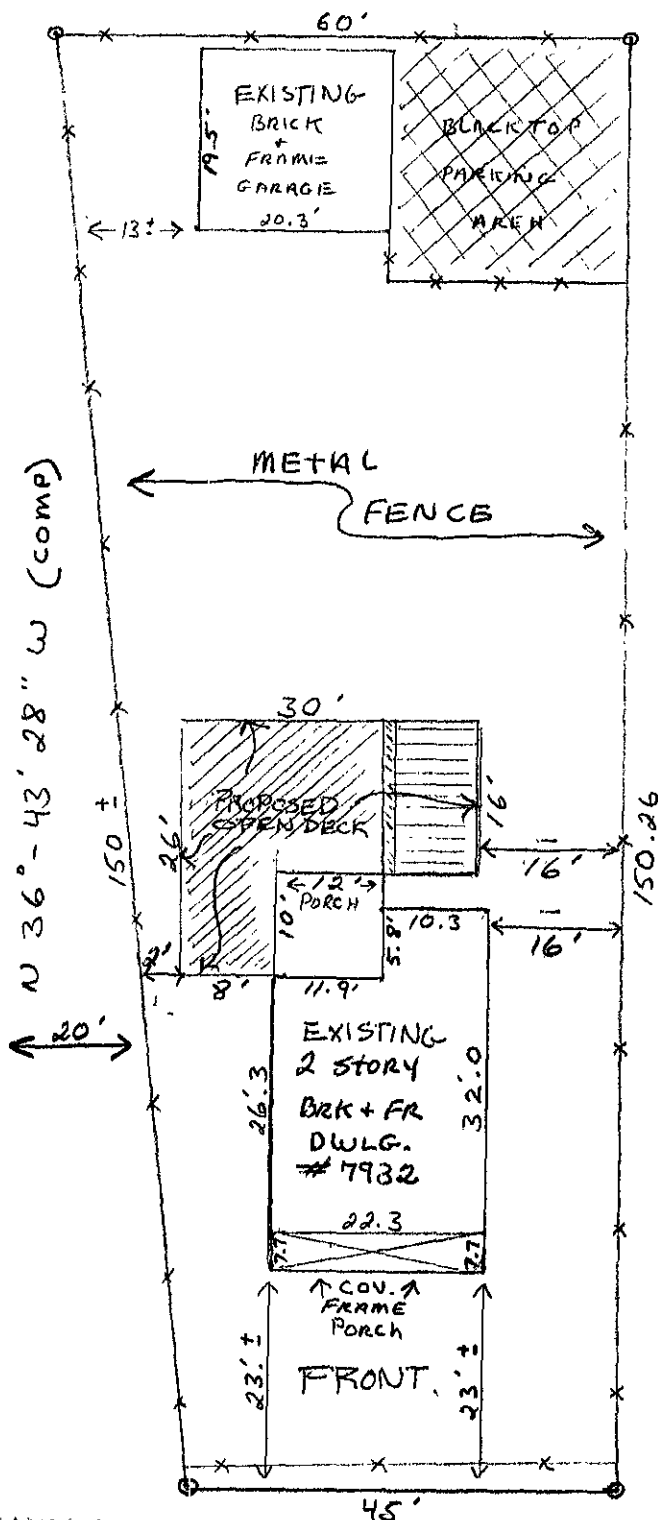
S 31° - 00° E

ROSEWICK AVENUE
30 FT RW

PET. EX.



N 55° - 35' E



SCALE
1" = 20'

MICROFILMED

ITEM #439

60 FT RW.
S 55° - 35' W
PHILADELPHIA RD.