IN RE: PETITION FOR ADMIN. VARIANCE

S/S Sherwood Road, 371.92' E of

Tyrie Avenue

(213 Sherwood Road) 8th Election District 3rd Councilmanic District

Kurt J. Huppert, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

t Case No. 98-166-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Administrative Variance filed by Kurt J. and Alison W. Huppert, owners of the subject property. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (28' x 30' garage) to be located in the front yard, and to permit a height for said accessory structure of 24 feet in lieu of the maximum permitted 15 feet. 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 have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. 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 surrounding community 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 307.1 of the B.C.Z.R.

ORDER RECEIVED FOR FILING Date

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Fursuant 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.

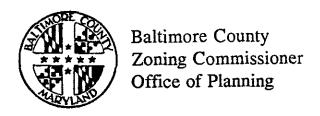
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 1997 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (28' x 30' garage) to be located in the front yard, and to permit a height for said accessory structure of 24 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

November 20, 1997

Mr. & Mrs. Kurt J. Huppert 213 Sherwood Road Cockeysville, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Sherwood Road, 371.92' E of Tyrie Avenue
(213 Sherwood Road)
8th Election District - 3rd Councilmanic District
Kurt J. Huppert, et ux - Petitioners
Case No. 98-166-A

Dear Mr. & Mrs. Huppert:

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



ESTIMATED POSTING DATE:

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

213 Sherwood Road

which is presently zoned

Zoning Commissioner of Bartimore County

DR-2

This Petition shall be flied 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)

400.1 to permit an accessory

structure (garage) in the front yard, and from Section 400.3 to permit an accessory structure height of 24 feet in lieu of the maximum permitted 15 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 ATTACHED PAGE

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.

	•	legal owner(s) of the property which is the subject of this Petition.			
:	•		_		
N/A		Kurt J. Hu	ppert		
	 _	(Type or Print Name)	7		
		1/1/4			
	<u></u>	Signature			
		Alison W.	Huppert		
		(Type of Print Name)	uppert		
State	Zpcce	Signature	(410) 683-0464 Phone No.		
•		_	(p(de - 120		
•	_	213 Sherwood Ro	ed (410) 683-0464		
		Address	Phone No.		
		Cockeysville, M			
		City	State Zipcode		
		Name, Address and proble number of	s Schicasium de na se constantes.		
Phone	No.	Name			
State	Zipcode	Address	Phone No.		
	State	N/A	N/A Kurt J. Hu (Type or Print Name) Signature Alison W. (Type or Print Name) Signature 213 Sherwood Ro Address Cockeysville, Manne, Address and phone number of		

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Affidavit

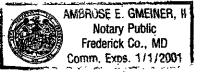
in support of Administrative Variance

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	213 She	rwood Re	bắc		
•	address				
	Cockeys	ville,	MD 21030)	
	City		State		Zip Code
That based upon personal knowledge, the follow Variance at the above address: (address hardship or	wing are the fact practical difficulty)	ts upon which	I/we base the r	equest for an Adm	mistrative
<u> </u>	SEE ATTAC	HED PAG	E		
			-		
					
				<u> </u>	
					
					
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information (signature) Kurt J. Huppert	is filed, Affiant		<u> </u>	Con W. Hup	ppert
(type or print name)	- YERYL	and -	type or print name)	
STATE OF MARYLAND, COUNTY OF BALT	MORE, to wit:				•
I HEREBY CERTIFY, this Zay of day of of Maryland, in and for the County aforesaid, pe			9 <u>47</u> , befor	e me, a Notary Pub	lic of the State
KURT J. Y AL.	ISON I	w. Ho	upper	F.	
the Affiants(s) herein, personally known or satisf that the matters and facts hereinabove set forth a	actorily identifi are true and con	ed to me as su rect to the be	rch Affiantt(s), st of his/her/the	and made oath in our knowledge and b	iue form of law eljef.
AS WITNESS my hand and Notarial Seal.		//	/	5/4	<i></i>
date Cover 17	/-	NOTARY PUBLI	ros	4/12	nemer I

My Commission Expires:



98-166-A



ESTIMATED POSTING DATE:

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

213 Sherwood Road

which is presently zoned

DR-2

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)

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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 sciemnly declare and affirm, legal owner(s) of the property which is	under the penalties of pequry, that I/we are the the subject of this Petition.
Contract Purchaser/Lessee:			Legal Owner(s):	
Continue, additional and a second	N/A		Kurt J. Hu	ppert
(Type or Pant Name)		·	(Type or Print Name)	
•			Mal	L
Signature	`		Signature	
			Alison W. 1	Hyppert
Address			(Type or Print Name)	Juppert
City	State	Zipcoda	Signature	666-1200l
Attorney for Petitioner:	•		213 Sherwood Ro	
(Type or Print Name)			Cockeysville, M	Phone No. D 21030 State Zipcode
Signature			Name, Address and phone number of	representative to be contacted.
Address	Phone No.	<u></u>	Name	
City	State	Zipcode	Address	Phone No.
		-		
that the subject matter of i	een requested and/or found this petition be set for a public timore County, and that the p	: hearing , advertised	dered by the Zoning Commissioner of Baltim d; as required by the Zoning Regulations of B	ore County, this day of 19 attimore County, in two newspapers of general
	•		Zoning (Commissioner of Baitimore County
REVIEWED BY:	DATE	_ ,{\bar{\sigma}}	Printed with Soybean Ink on Recycled Paper	ITEM #:_166

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.

nat the Affiant(s) does/do presently reside at _	213 Sherwood Road	<u> </u>	
and a second	idress		
_	Cockeysville, MD	21030	
	Cay	State	Zip Code
t based upon personal knowledge, the following the following and the above address: (indicate hardship or practice)	ng are the facts upon which I/we actical difficulty)	base the request for	an Administrative
S	EE ATTACHED PAGE		
			
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			· · · · · · · · · · · · · · · · · · ·
Kurt J. Huppert Format name) TE OF MARYLAND, COUNTY OF BALTIM	- 417-	Meson W Alison W	Huppert .
EREBY CERTIFY, this 24 day of 6 day of 6 day of 6 day of 6 day aforesaid, person	onally appeared	7, before me, a No	otary Public of the State
KURT J. & AL	ISON W. He	spert	
Affiants(s) herein, personally known or satisfact the matters and facts hereinabove set forth are	torily identified to me as such A true and correct to the best of	affiantt(s), and made his/her/their knowler	oath in due form of law
WITNESS my hand and Notarial Seal.	HTTAGE BUILD	ion (Incein
	My Commission Expi	AN AN	BROSE E. GMEINER, II Notary Public

Frederick Co., MD Comm. Exps. 1/1/2001 213 Sherwood Road Huppert Property 8Th Election District 3rd Councilmanic District

The petitioners are requesting relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations for the following reasons:

- 1. The petitioners are desirous of constructing a garage in which they can store their vehicles. Currently the vehicles are parked in the open, some distance from the existing dwelling. In an effort to help protect their vehicles from possible future crime or vandalism, a garage is necessary.
 - 2. Topographically, there is no practical way to attach a garage to the dwelling.
- 3. Topographically, there is no practical way to provide an unattached structure within the side or rear yard of the existing dwelling. The topography also restricts the ability to construct a driveway to these areas.
- 4. The rear yard of the lot is encumbered by a septic reserve area. **DEPRM** restricts any construction of permanent structures over the septic area.
 - 5. The petitioners are interested in preserving the wooded character of the lot.
- 6. The additional height of the structure (24 feet total) would allow for storage above the area where the vehicles would be parked. The existing dwelling has a unique architectural design which limited the amount of storage and closet space available. (There is no attic or crawl space open for storage). The petitioners growing family pose a storage problem and the garage would alleviate that.
- 7. The lot is peculiar to others in the neighborhood due to its topographic features and the orientation of the existing dwelling. The newer homes in the area have been built with garages as part of the house, and the remaining residences have either added garages or have areas in which they could be built within the regulations.

98-166-A

ZONING DESCRIPTION

213 SHERWOOD ROAD 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the center of Sherwood Road, 340 feet easterly from the centerline of Tyrie Avenue, then running S 25° 40' E 371.92 feet; then N 57°E 105 feet; then N 25° 40' W 371.92 feet to the center of Sherwood Road; then running in the center of Sherwood Road southwesterly 105 feet to the point of beginning.

Containing 42471 square feet or 0.975 acres of land, more or less.

Being all that land described in deed SM 9014, page 020.

Being known as 213 Sherwood Road, lying in the 8th Election District, 3rd Councilmanic District.

<u>~</u>	Tale Tale	Carlotte Inches	i Serengui i eus _a i i e i e e e e e e e e e e e e e e e e	Prom 3		2 2 2 2 3 7
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<u>k</u>			-] ====================================	<u>₹</u> }-	

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 2

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE ADMINISTRATIVE

Case No.: 98 - 166-A

VARIANCE

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING. 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building III 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.

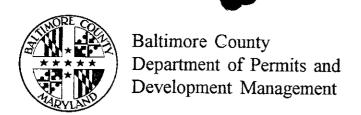
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 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.: 166 Petitioner: Kurt J. Huppert, Alison W. Huppert
Location: 213 Sherwood Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Kurt J. Huppert
ADDRESS: 213 Sherwood Road
Cockeysville, MD 21030
PHONE NUMBER: 410 - 683- 0464



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

October 31, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-166-A
213 Sherwood Road
centerline Sherwood Road, 371.92' E Tyrie Avenue
8th Election District - 3rd Councilmanic District
Legal Owner: Kurt J. Huppert & Alison W. Huppert
Post by Date: 11/2/97
Closing Date: 11/17/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 410-887-3391. This notice serves as a refresher regarding the administrative process.

- The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2. The "Closing Date" noted above is the deadline for a neighbor to file a formal request for a public hearing.
- 3. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/she may: (a) grant the requested relief, (b) deny the requested relief, or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to a public hearing.
- 4. In cases that must go to a public hearing (whether due to a neighbor's formal request or by order the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time, and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

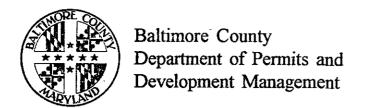
PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

c: Kurt & Alison Huppert



Printed with Soybean Ink on Recycled Paper



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

November 12, 1997

Mr. and Mrs. Kurt Huppert 213 Sherwood Road Cockeysville, MD 21030

RE: Item No.: 166

Case No.: 98-166-A

Petitioner: Kurt Huppert, et ux

l Richardy >

Dear Mr. and Mrs. Huppert:

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 October 24, 1997.

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 (410-887-3391).

Sincerely

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)





David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11.3.37 Item No. 166

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

10

P. J. Strell.
Ronald Burns, Chief

Engineering Access Permits

Division

LG

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: November 5, 1997

Dept. of Permits & Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 164, 165, 166, 169, 170, 174, and 176

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

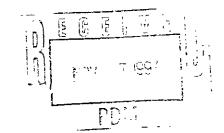
Prepared by: Jeffry W. Kong

Division Chief: Cary L. Klerns

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880



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 November 3, 1997

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.

2. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

156, 157, 158, 159, 161, 165, (166), and 167

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office. PHONE 887-4881, MS-1102F

cc: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MC9

FROM:

R. Bruce Seeley RAS/PP Permits and Development Review

DEPRM

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

.

Arnold Jablon, Director

Date: November 10, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for November 10, 1997

Item No. 166

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Sherwood Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc: File



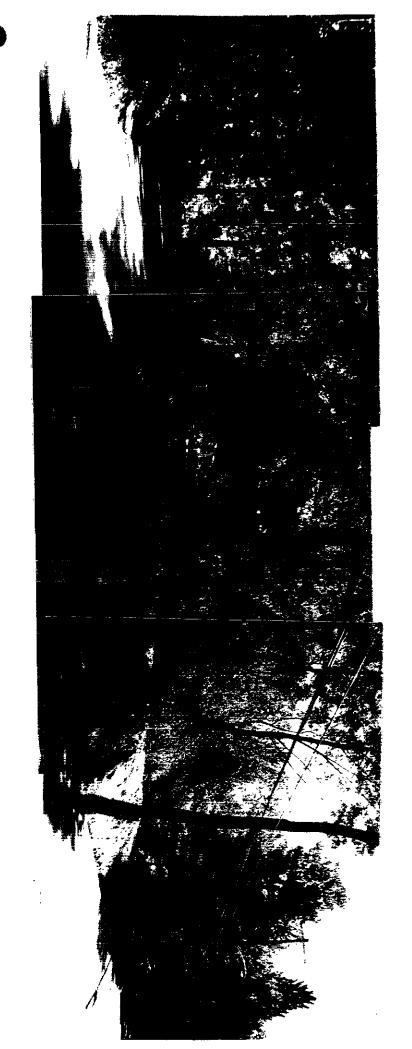
TOPOGRAPHY OF EAST SIDE OF DWELLING



TOPOGRAPHY OF WEST SIDE OF DWELLING



98-466-1



OPPOSITE EXISTING DRIVE - TOWARDS PROPOSED GARAGE (NOTE: THE VEHICLES ARE PARKED AT THE FRONT ENTRY OF THE PROPOSED GARAGE)

98-166A



STANDING AT EXISTING DRIVE-

TOWARDS EXISTING DWELLINGS ON THE NORTH SIDE OF SHERWOOD ROAD

FROM LOCATION OF PROPOSED GARAGE:



TOWARDS GEORGE RUTHER RESIDENCE



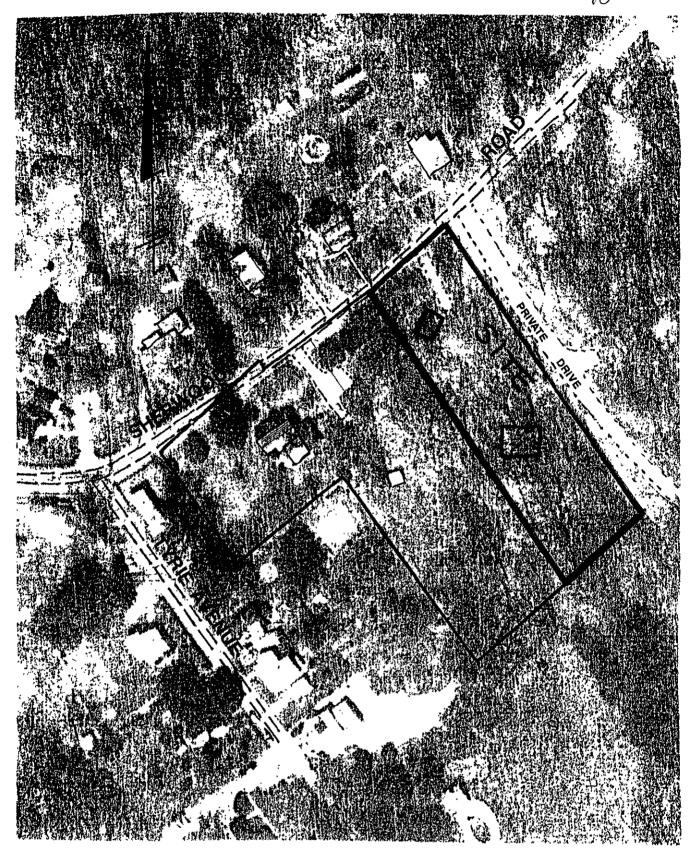
TOWARD ZYGMUNT WAPINSKI RESIDENCE

98-166-A

FROM LOCATION OF PROPOSED GARAGE:

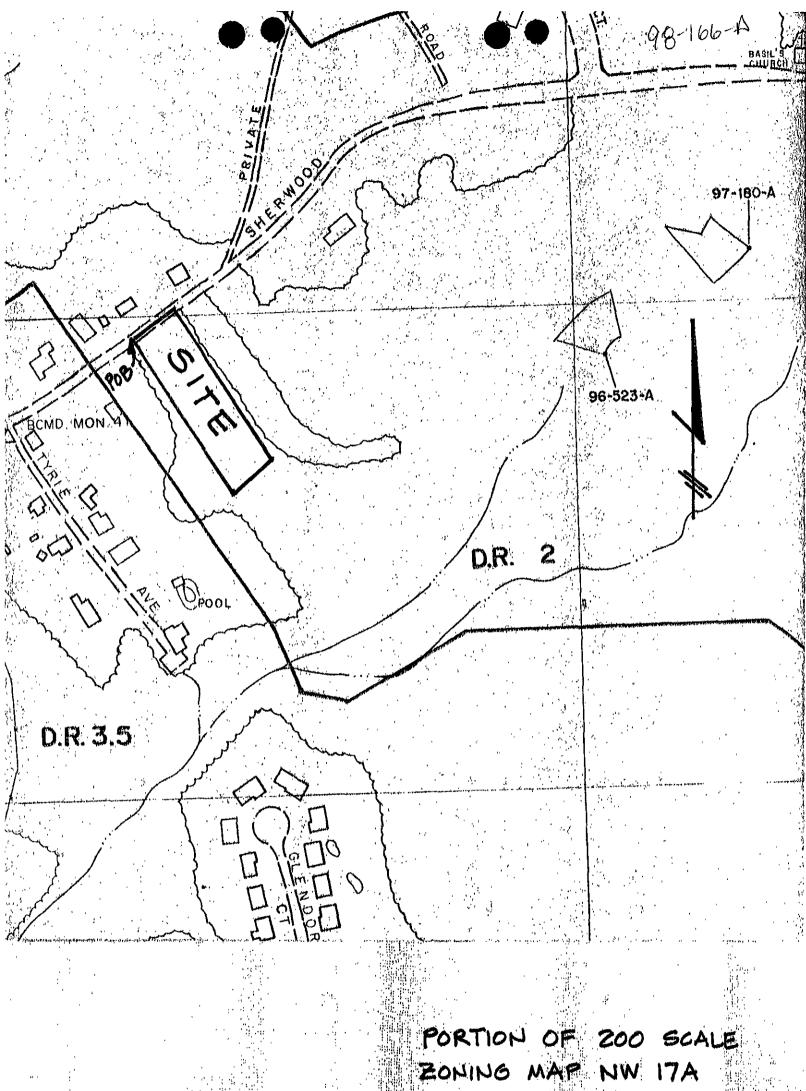


TOWARDS BENJAMIN TURNAGE RESIDENCE

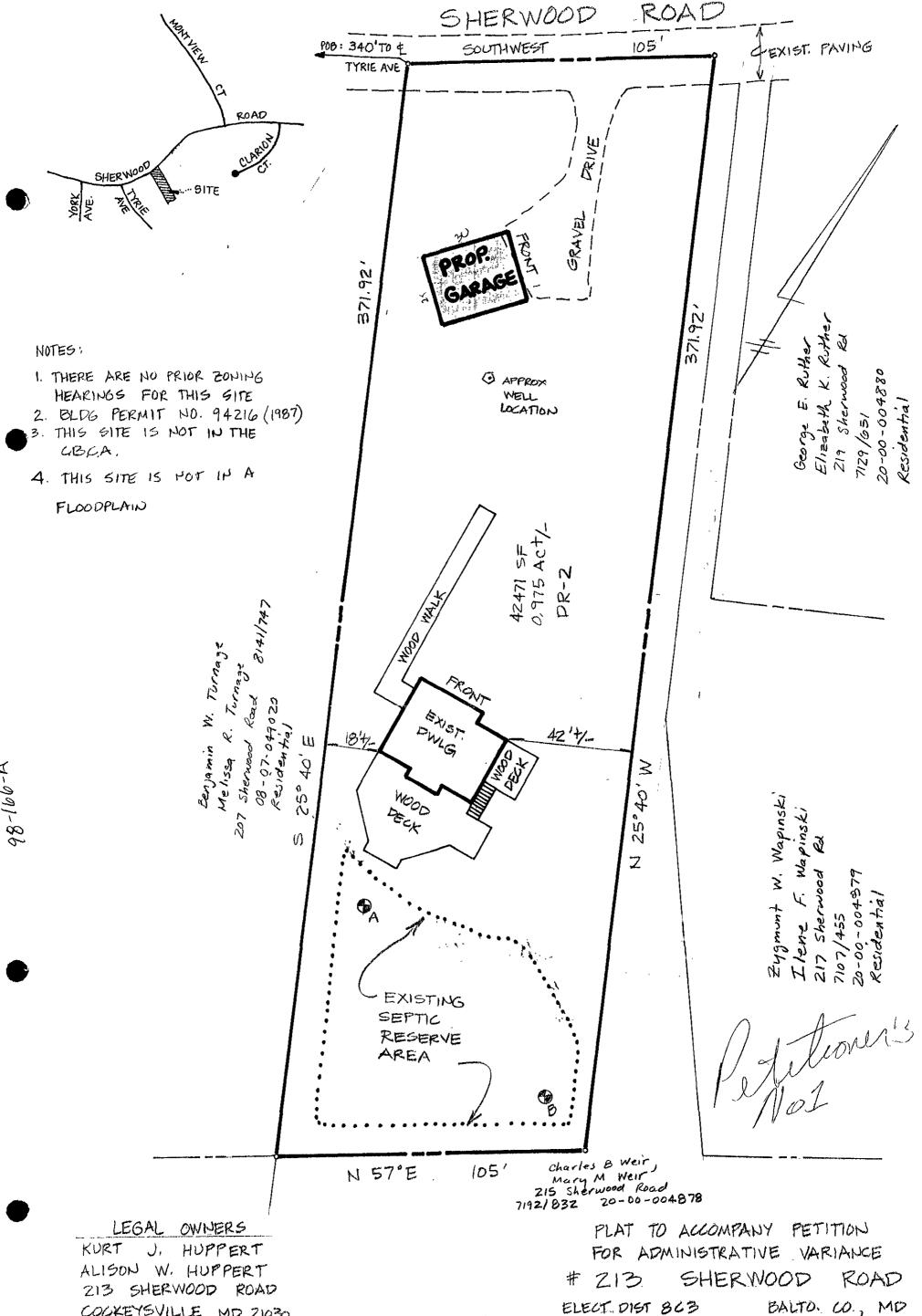


AERIAL VIEW HUPPERT PROPERTY 213 SHERWOOD RD

DECEMBER 1996 SCALE: 1" = 100'±



213 SHERWOOD RD



COCKEYSVILLE, MD 21030 410-683-0464

BALTO, CO., MO SCALE: 1"= 30" OCT. 22, 1997

DEED REF.: 9014/20 ACCT NO.: 08-07-049021

EXISTING ZONING = DRZ 166