

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S Beckleysville Road, 860' W		
centerline of Gunpowder Road	*	DEPUTY ZONING COMMISSIONER
5th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(3900 Beckleysville Road)		
	*	CASE NO. 01-192-A
Kimberly & Thomas Poffenbarger		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kimberly & Thomas Poffenbarger. The variance request is for property located at 3900 Beckleysville Road in the Hampstead area of Baltimore County. The Petitioners herein seek a variance from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 16 ft. in lieu of the required 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a 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 variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

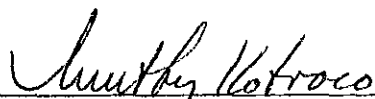
ORDER RECEIVED FOR FILING
 20/12/27
 2:25 PM
 16
 R. J. Janssen

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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of December, 2000, that a variance from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 16 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES FOR FILING
12/13/00
R. J. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 13, 2000

Mr. & Mrs. Thomas W. Poffenbarger
3900 Beckleysville Road
Hampstead, Maryland 21074

Re: Petition for Administrative Variance
Case No. 01-192-A
Property: 3900 Beckleysville Road

Dear Mr. & Mrs. Poffenbarger:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3900 Beckleysville Rd.
which is presently zoned RC-4

This Petition shall be filed with the Department of Permits and 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) 1A03.4.B.2.a - to permit an addition with a side yard setback of 16 feet in lieu of the required 25 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of regulations of Baltimore County and that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-172-A

Reviewed By DD/LIF Date 11-6-00

Estimated Posting Date 11-17-00

12/13/00
9/15/98

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

3900 Beckleysville Rd.
Address
Hampstead, MD 21074
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 request an administrative variance to obtain a permit which would allow us to build an addition to our home that would extend within 36 feet of our property line. Our hardships are as follows:

- We cannot add on to the front because the dwelling is too close to the road.
- We cannot build onto the east side of the dwelling because of the existing driveway, septic tank and septic field.
- We cannot build onto the rear of the dwelling due to a covered rear deck and water well.

There was previously a structure attached to the dwelling of similar size and design as our proposed addition.

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

Thomas W. Poffenbarger
Signature

Thomas W. Poffenbarger
Name - Type or Print

Kimberly R. Poffenbarger
Signature

Kimberly R. Poffenbarger
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of November, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kimberly & Thomas Poffenbarger

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

10/2/00
Date

Amanda C. Pivnyak
Notary Public

My Commission Expires 5/19/04

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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.

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Address
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City State Zip Code

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Thomas W. Poffenbarger
Signature

Thomas W. Poffenbarger
Name - Type or Print

Kimberly R. Poffenbarger
Signature

Kimberly R. Poffenbarger
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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Kimberly & Thomas Poffenbarger
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

10/2/00
Date

Amanda C. Potvin
Notary Public

My Commission Expires 5/19/04



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3900 Beckleysville Rd.
which is presently zoned RC-4

This Petition shall be filed with the Department of Permits and 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) 1A03.4.B.2.a - to permit an addition with a side yard setback of 16 feet in lieu of the required 25 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11 day of November, 1998, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-192-A

REV 9/15/98

Reviewed By DD/JF Date 11-6-00

Estimated Posting Date 11-19-00

ZONING DESCRIPTION FOR 3900 BECKLEYSVILLE ROAD

Beginning at a point on the North side of Beckleysville Road which is 40 feet wide at the distance of 860 feet west of the centerline of the nearest improved intersecting street Gunpowder Road which is 50 feet wide. Also known as 3900 Beckleysville Road containing 1.5 acres and located in the 5th Election District, 3rd councilmanic District.

Item # 192

01-192-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

86751

DATE 11-6-00 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED
FROM:

Thomas W. Poffenberger

FOR:

3080 Parkroyville Rd. ITEM # 192
CI - VARIANCE TAKEN BY: DD/HF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT DATE 11/06/2000 15:34:21

ALL MON. CASH/DEBIT NOST. REC. DR. NO. 1

DEBIT \$ 50.00 (NO VERIFICATION)

Receipt # 103496

OP. NO. 008751

Receipt Tot

50.00 (\$)

BALTIMORE COUNTY, MARYLAND

01-192-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 01-192-A

Petitioner/Developer: Thomas Pottenberger

Date of Hearing/Closing: 4 Dec 00

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3900 Belkleyville Rd

The sign(s) were posted on 11 18 2000
(Month, Day, Year)

Sincerely,

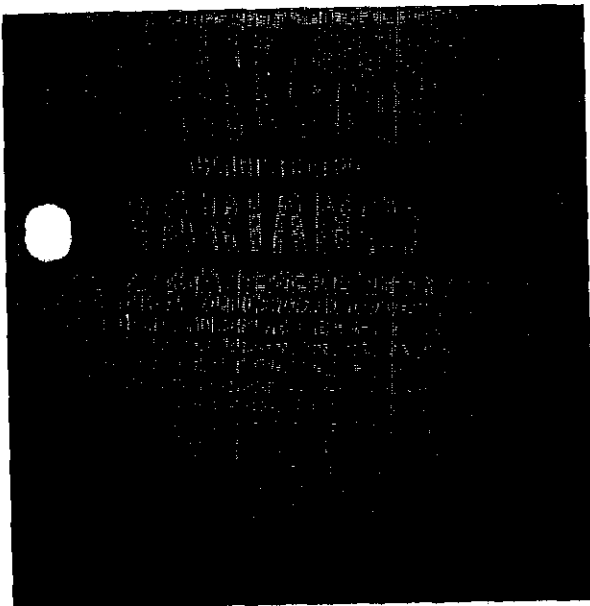
[Signature] 11/18/2000
(Signature of Sign Poster and Date)

SSG Robert Black
(Printed Name)

1508 Leslie Road
(Address)

Dundalk Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-192-A

Petitioner: Thomas and Kimberly Poffenberger

Address or Location: 3900 Backleysville Rd Hampstead MD,
21074

PLEASE FORWARD ADVERTISING BILL TO:

Name: Above Petitioner

Address: Same

Telephone Number: 410-239-9473

Pager 410-389-5723

Revised 2/20/98 - SCJ

01-192-A

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
 acreage square feet

SEWER: ☐ public ☐ private

WATER: ☐ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 192 -A Address 3900 Beckleysville Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11-6-00 Posting Date: 11-19-00 Closing Date: 12-4-00

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 01- 192 -A Address 3900 Beckleysville Rd
Petitioner's Name Thomas W Poffenbarger Telephone 410 239 9473
Posting Date: 11-19-00 Closing Date: 12-4-00

Wording for Sign: To Permit an addition with a side yard setback of 16 feet
in lieu of the required 25 feet

01-192-A



Baltimore County
Department of Permits and
Development Management

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

December 4, 2000

Kimberly R. & Thomas Poffenbarger
3900 Beckleysville Road
Hampstead, MD 21074

Dear Mr. & Mrs. Poffenbarger:

RE: Case Number: 01-192-A, 3900 Beckleysville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 6, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 602
Supervisor, Zoning Review

WCR:

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 29, 2000

FROM: *Rwb* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2000
Item Nos. 178 (5113 Old Court Road), 180,
181, 182, 183, 184, 185, 186, 187, 188, 189,
191, 192, 193, 194, 195, 196, 198, 199, 201,
and 202

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

November 27, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 20, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193,
194, 195, 196, 197, 198, 200, 201, 202, and 203

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RC/RBS*

DATE: December 1, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of November 20, 2000

DEPRM has no comments for the following zoning petitions (page 1 of 2):

Item #	Address
178	5113 Old Court Road
181	4 St. Thomas Lane
182	1912 Wilson Lane
184	1214 Blue Mount Road
185	10911 Reisterstown Road
186	7 Henderson Hill Court
187	11504 Hannibal Road
188	7419 Beech Avenue
189	3300 Willoughby Road
191	6823 Old Pimlico Road
192	3900 Beckleysville Road
194	2315 Benson Mill Road
195	Security Blvd. & Rolling Road
196	1250 Sulphur Spring Road

AV
12/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 28, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

NOV 28 2000

28

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-181, 01-184, 01-185, 01-186, 01-192, 01-194, and 01-204.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For any further questions, or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 11-27-00

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

RE: Baltimore County
Item No. 192 (DD/JR)

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

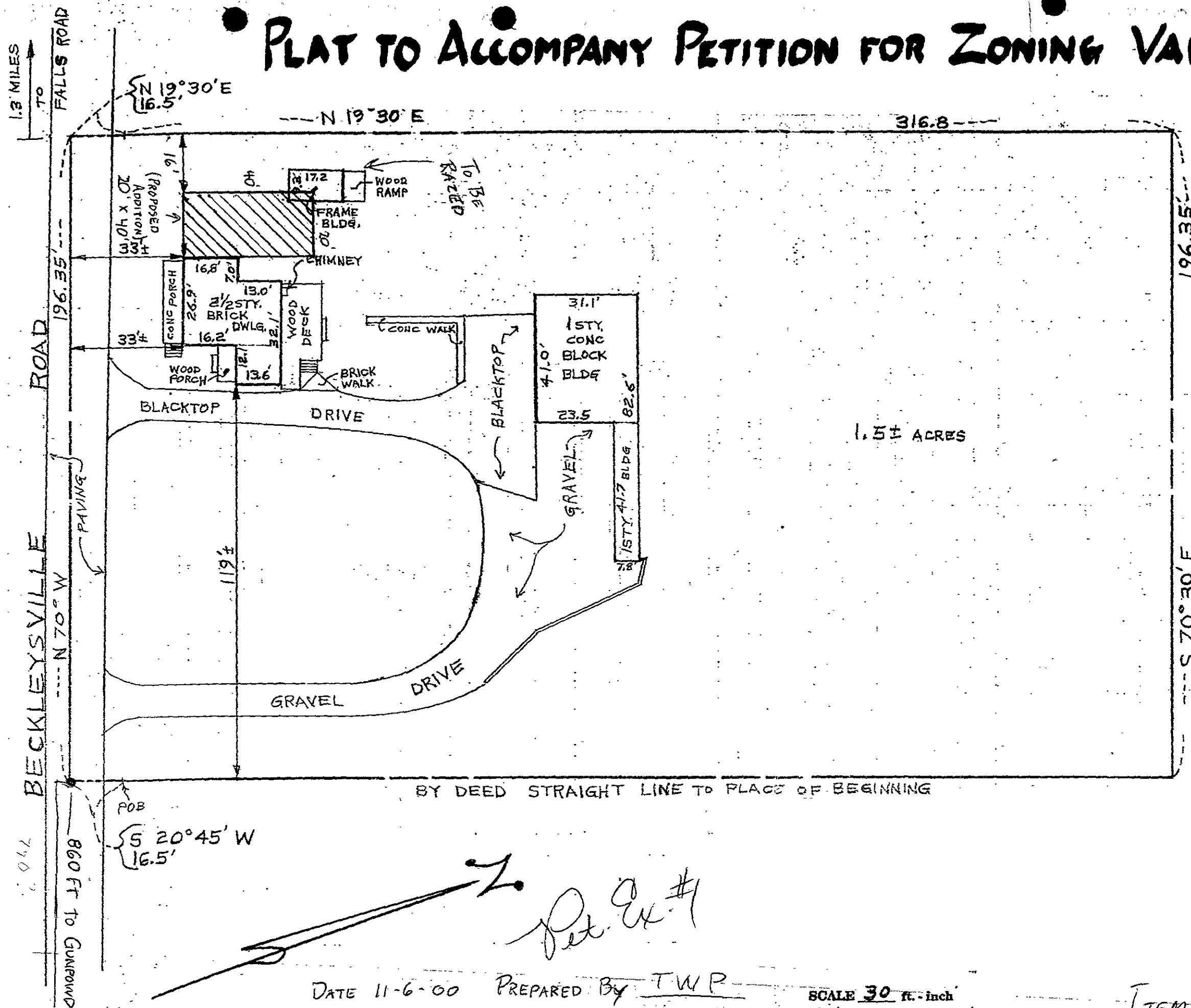
K Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

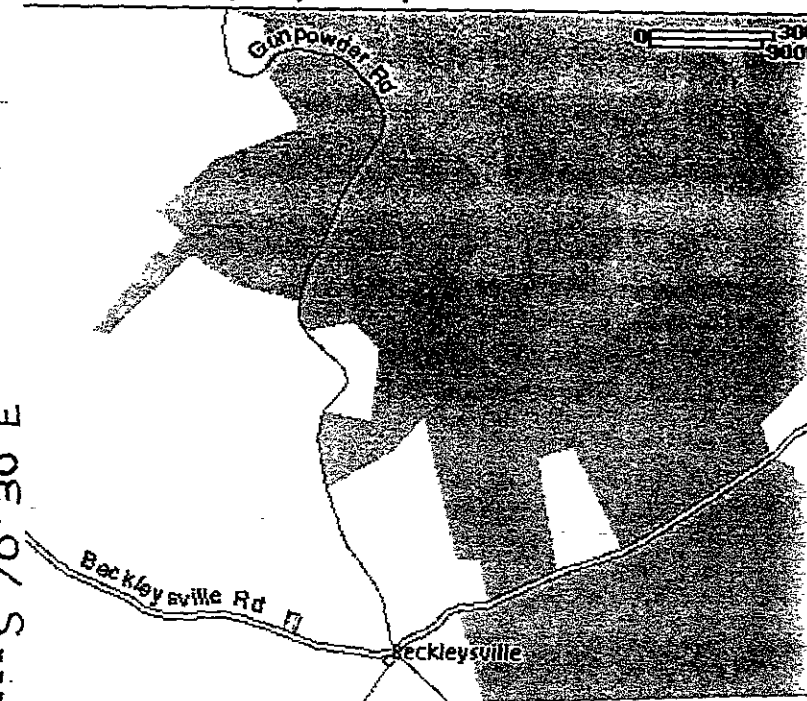


OWNER'S NAME: THOMAS W. POFFENBARGER

LOCATION DRAWING

3900 BECKLEYSVILLE ROAD
LIBER: 7795 FOLIO: 760
5TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

HAMPSTEAD, MD, 21074, US



ELECTION DISTRICT: 5
COUNCILMANIC DISTRICT: 3
200 SCALE MAP: NW 32 H
ZONING: RC 4
PRIOR ZONING HEARINGS:
86-386-A
ACREAGE: 1.5 ±/-

DATE 11-6-00

PREPARED BY TWP

SCALE 30 ft. = inch

ITEM # 192 RDD/JF

NW. 32-41.

GUNPOWDER

RD.

RD.

R. C. 4

SITE

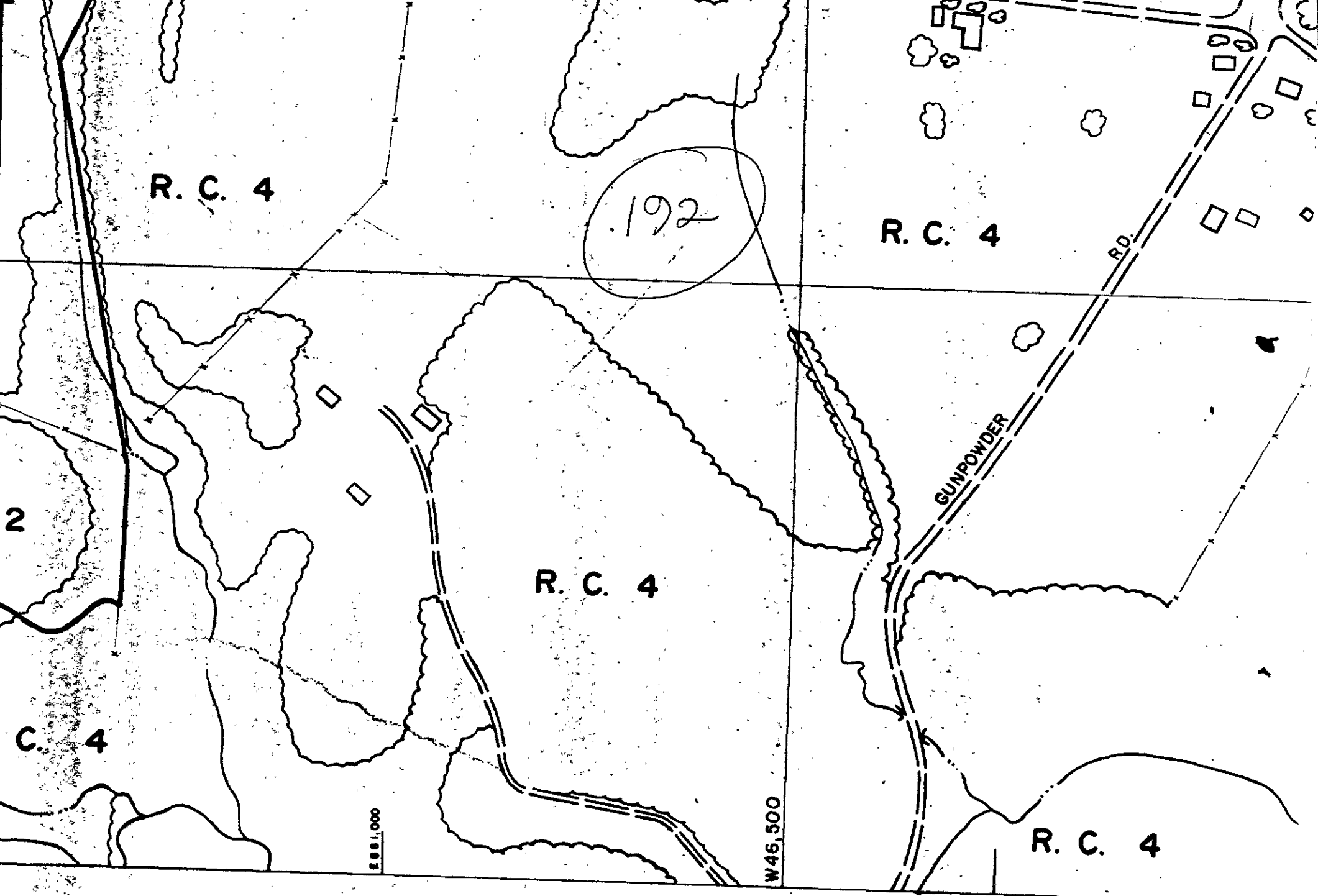
P.O.B.

BECKLEYSVILLE

R. C. 4

PRIVATE

A-231-10

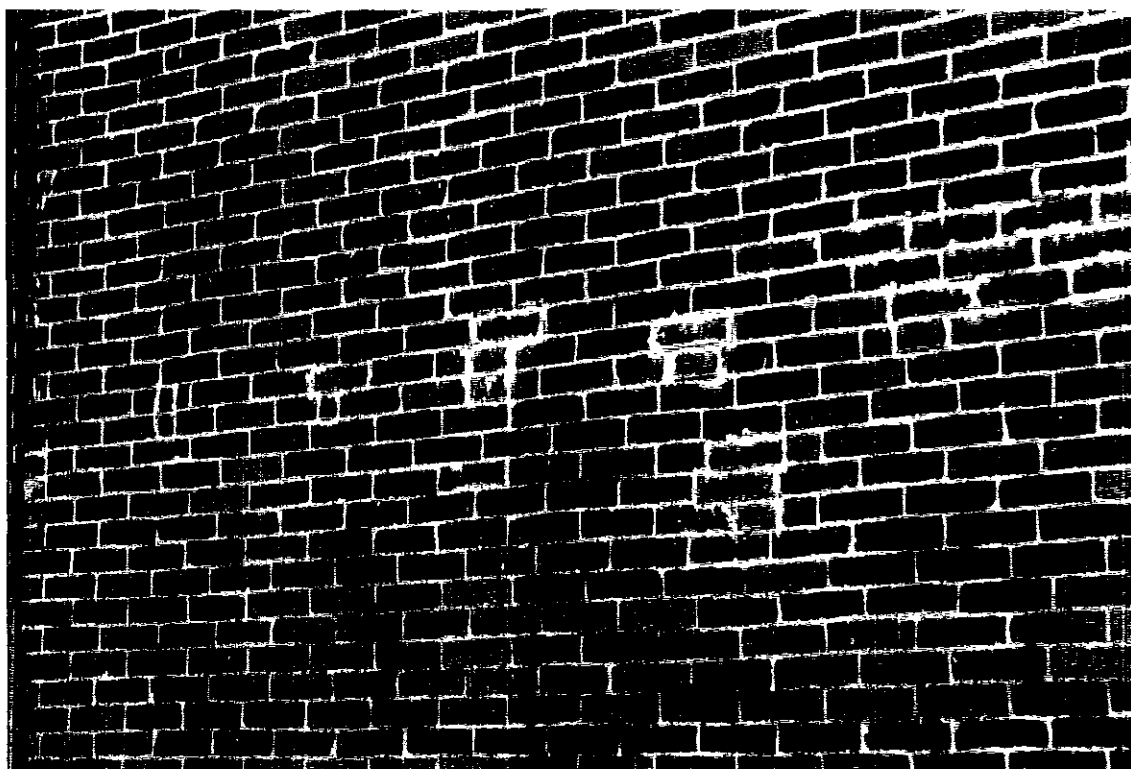


JJ-SE

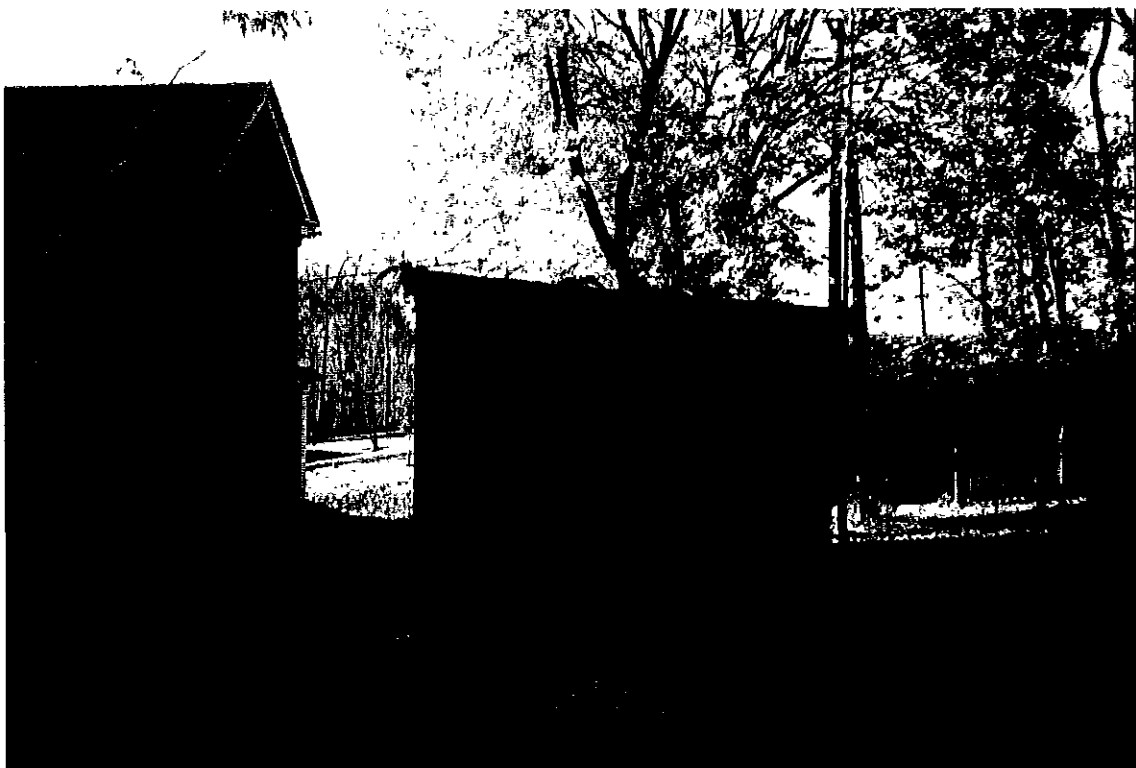
1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996

1" = 200'

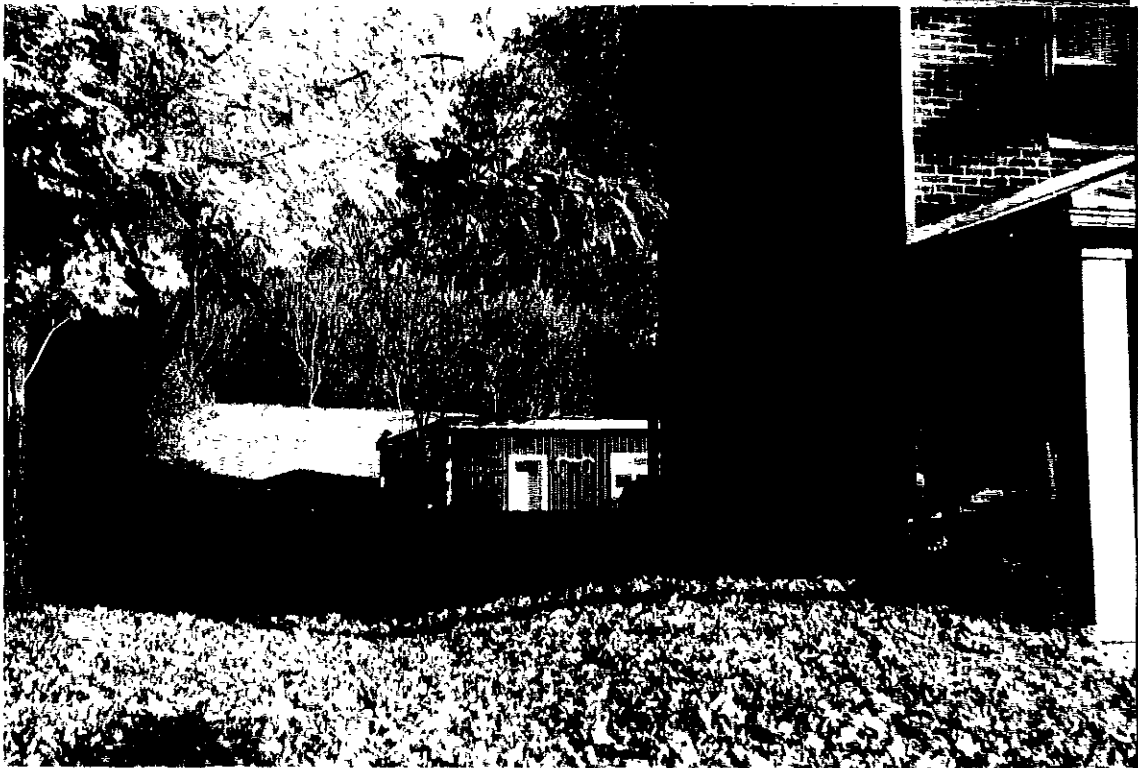
Revisions Nos. 120.06 120.06 121.06 122.06 123.06 124.06 125.06



G1-192-A



01-192-A



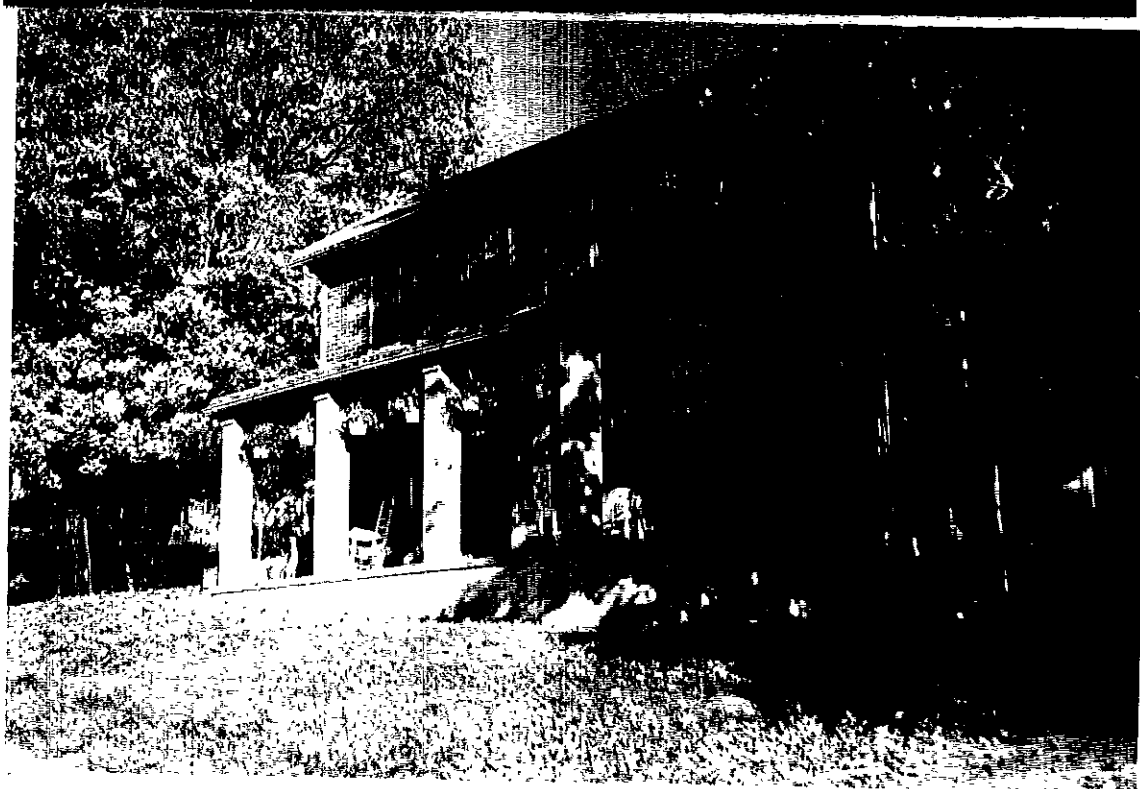
01-192-A



01-192-A



01-192-A



01-192-A

3900 Beckleysville Rd.
with previous structure on west side,



01-192-A

192



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION

SHEET

BECKLEYSVILLE

N W

DATE
OF
PHOTOGRAPHY
JANUARY
1986

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

192

H-261-10