IN RE: PETITIONS FOR VARIANCE

NE/S Riverside Drive, 50.57' N of the c/l

Delaware Avenue (209 Riverside Drive) 15<sup>th</sup> Election District 7<sup>th</sup> Council District

Neil S. Stillerman, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 01-422-A

r

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Neil S. and Jackie E. Stillerman. The Petitioners seek relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the subject property as an undersized lot, and to permit a lot width of 50 feet in lieu of the minimum required 55 feet and any other variances deemed necessary for an existing dwelling. In a companion case (Case No. 01-423-A), the Petitioners seek similar relief for an adjacent, unimproved property. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Neil Stillerman, property owner, and George McClelland, the Professional Engineer who prepared the site plan for these properties. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the Petitioners own the subject property and an adjacent lot on the northeast side of Riverside Drive at its intersection with Delaware Avenue in Essex. The two properties are known respectively as Lots 5 and 6 of the Essex Subdivision, which was platted many years ago, prior to the enactment of the first set of zoning regulations in 1942. As shown on the site plan, both lots are approximately 50 feet wide and 162 to 177 feet deep. Lot 5 is improved with a single family dwelling, which bears the street address of 209 Riverside Drive, and Lot 6 is unimproved. Although not waterfront, both properties are located within the Chesapeake Bay Critical Areas, not far from Back River. The Petitioners have owned the properties in question and

ORDER RECEIVED FOR FILING
Date (1/1/0)
By

resided on Lot 5 since April 1999 and are now desirous of developing Lot 6 with a single family dwelling. However, in order to legitimize the existing dwelling on Lot 5 and permit development of Lot 6, the requested variance relief is necessary.

Based upon the testimony and evidence presented, I am persuaded to grant the relief for the existing dwelling. It is clear from the testimony that the lots in this subdivision were created many years ago, prior to the enactment of the zoning regulations, and do not meet current requirements. Moreover, denial of the requested variance will result in a practical difficulty and unreasonable hardship for the Petitioners and limit the use of the properties for a permitted purpose. There were no Protestants present, and no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. The relief requested will not result in any detriment to the health, safety or general welfare of the surrounding locale and should therefore be granted.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 2001 that the Petition for Variance filed in Case No. 01-422-A, seeking relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the property known as 209 Riverside Drive as an undersized lot, and to permit a lot width of 50 feet in lieu of the minimum required 55 feet and any other variances deemed necessary for the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The 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.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bis



June 11, 2001

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

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Mr. & Mrs. Neil S. Stillerman 209 Riverside Drive Baltimore, Maryland 21220

RE: PETITIONS FOR VARIANCE
NE/Corner Riverside Drive and Delaware Avenue)
(209 and 211 Riverside Drive)
15<sup>th</sup> Election District – 7<sup>th</sup> Council District
Neil S. Stillerman, et ux - Petitioners
Cases Nos. 01-422-A and 01-423-A

Dear Mr. & Mrs. Stillerman:

Enclosed please find a copy of the decisions rendered in the above-captioned matters. The Petitions for Variance have 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401 Office of Planning; DEPRM; People's Counsel; Case File(s)



# tition for

## to the Zoning Commissioner of Baltimore County for the property located at 200 RIVERSIDE DRIVE

which is presently zoned

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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) /Bo23C/304 To allow an existing dwelling on a lot with a width of soft, in here of the minimum required fisher and to approve on undersite lot with a width of pensuant to sect. Both with any other Variances as deemed necks say by the Zoning Commissionen This Petition shall be filed with the Department of Permits and Development Management. The undersigned legal

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

To be determined at hearing

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.

		is the subject of this Petition.
	Contract Purchaser/Lessee:	Legal Owner(s):
		Hall S. Stillerman
	Name - Type or Print	Name - Type of Bright
	Signature	Signature E. Stillerman
	Address Telephone No	Marrie - Type or Print Stillein
	City State Zip Cod	e Signature
	Attorney For Petitioner:	209 RIVERSIGE DP 410-238-230 Address Telephone No
	Name - Type or Print	Dalfimore MD 21220 City State Zip Code
	· ·	Representative to be Contacted:
	Signature	Hall S. Stillarman
FOR FILING	Company	Name
딮	Address Telephone No	A
8	City State Zip Cod	Coltimora MD 21220
-		OFFICE USE ONLY
<b>A</b>	2	ESTIMATED LENGTH OF HEARING
B/	Case No. 01-422-4	HINIAWATE ARE E FOR MEADING
RE	1	Reviewed By Date 4-12-01
ORDER RECEIV	RBV 9115198	
ORD		
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#### ZONING DESCRIPTION FOR 209 RIVERSIDE DRIVE BALTIMORE, MD. 21220

Beginning at a point on the East Side of RIVERSIDE DRIVE, which is 60 feet wide 50.57' NORTH of the NORTHEAST Corner of the intersection of DELAWARE AVENUE which is 40 feet wide. Being lot # 5, Block 'L', Section 'A', Group 82 in the Essex Subdivision as recorded in Baltimore County Plat Book WPC No. 3, Folio 15, containing 8,309 sq. ft. Also known as 209 Riverside Drive, and located in the 15th election district, 7th councilmanic district.

422

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PHYMENT ACTUAL TIKE 1/12/2001 4/12/2001 11:12:44 RELL 14503 CASILER LIVIL LINE DRAWER irin Hiri OFFICER I 178496 5 525 JOHING VERTITION TION 随木 LR 10. 092929 Recet Tol. 50.00 100,00 CK .00 CA RECEIVED Baltimore County, Haryland DISTRIBUTION WHITE: CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHER'S VALIDATION

#### NOTICE OF ZONING HEARING

2.32 \* A 15

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Balti-more County will hold a public hearing in Towson Maryland on the property identified herein as follows: Case: #01-422-A 209 Riverside Drive ES Riverside Drive, 50.57' N Delaware Avenue 15th Election District 7th Councilmanic District Legal Owner(s): Jackie E. & Neil S. Stillerman Variance: to allow an existing dwelling on a lot with a width of 50 feet in lieu of the minimum required 55 feet, to approve an undersized lot with any other variances as deemed necessary by the zoning commissioner. missioner. Hearing: Tuesday, June 5, 2001 at 10:00 a.m. in

Room 407, County Courts Building, 401 Bosley Ave-LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for rspecial/ accommodations Commissioner's Office at (410) 887-4386.""

(2) For information con-cerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391 JT/5/758 May 22 C470518

### CERTIFICATE OF PUBLICATION

5 24 2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 5 20 ,200 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. WULLING LEGAL ADVERTISING
LEGAL ADVERTISING

## CERTIFICA OF POSTING

	RE: Case No.: 07-42Z-A
•	Petitioner/Developer: JACKIE + Niero
	S. STILLERMAN
	Date of Hearing/Closing: JUNE 5,260/
Baltimore County Department of Permits and Development Managem County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	nent
Attention: Ms. Gwendolyn Stephens	· <b>S</b>
Ladies and Gentlemen:	
	may 21, 2001 (Month, Day, Year)
	( Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
A:Completion with a factor of the Line of the factor with a factor of the Line of the factor with a factor of the Line of the factor of the factor of the Line of the factor of th	SSG ROBERT BLACK
	(Printed Name) 1508 Les1ie Rd
語』の記し、「A. S.	(Address)
	Dundalk, Maryland 21222
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	(City, State, Zip Code)
	(City, State, Zip Code) (410) 282-7940 (Telephone Number)

RECEIVED

MAY 2 5 2001

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

## DEPARTMENT OF PERMITS AND DESELOPMENT MANAGEMENT ZONING REVIEW

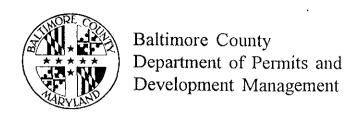
## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 0/-422-A Petitioner: Neil S. Stillerman
Address or Location: 209 Riverside DR - Balto, Md., 2123
PLEASE FORWARD ADVERTISING BILL TO:
Name: Neils. Stillerman  Address: Same
Telephone Number:



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

April 30, 2001

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-422-A 209 Riverside Drive ES Riverside Drive, 50.57' N Delaware Avenue 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Jackie E & Neil S Stillerman

<u>Variance</u> to allow an existing dwelling on a lot with a width of 50 feet in lieu of the minimum required 55 feet, to approve an undersized lot with any other variances as deemed necessary by the zoning commissioner.

HEARING: Tuesday, June 5, 2001 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon GOZ Director

C: Jackie & Neil Stillerman, 209 Riverside Drive, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 21, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 22, 2001 Issue - Jeffersonian

Please forward billing to:

Neil Stillerman 209 Riverside Drive Baltimore MD 21221

410 283-2305

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-422-A

209 Riverside Drive

ES Riverside Drive, 50.57' N Delaware Avenue 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Jackie E & Neil S Stillerman

<u>Variance</u> to allow an existing dwelling on a lot with a width of 50 feet in lieu of the minimum required 55 feet, to approve an undersized lot with any other variances as deemed necessary by the zoning commissioner.

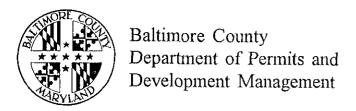
HEARING: Tuesday, June 5, 2001 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT G) ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL' ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

June 1, 2001

Jackie & Neil Stillerman 209 Riverside Drive Baltimore MD 21220

Dear Mr. & Mrs. Stillerman:

RE: Case Number: 01-422-A, 209 Riverside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 2001.

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. Gかる Supervisor, Zoning Review

W. Carl Richard, Jr.

WCR: gdz

**Enclosures** 

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

**DATE:** April 26, 2001

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 01-422 & 01-423

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

Section Chief:

AFK/JL:MAC



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

\_April 25, 2001

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 APRIL 23, 2001

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:

412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, AND 426

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

cc: File



Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 4.25.01

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

RE:

**Baltimore County** 

Item No. 422

272

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,

f. J. Smell

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

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

10:	Arnold Jablon		
FROM:	R. Bruce Seeley		
DATE:	April 30, 2001		
SUBJECT:	Zoning Item #422 209 Riverside Drive		
Zoni	ng Advisory Committee Meeting of April 23, 2001		
	Department of Environmental Protection and Resource Management has no ments on the above-referenced zoning item.		
an ex	Department of Environmental Protection and Resource Management requests stension for the review of the above-referenced zoning item to determine the at to which environmental regulations apply to the site.		
	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:		
<del></del>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).		
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).		
X	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).		

Reviewer: Keith Kelley

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 4, 2001

Department of Permits & Development Mgmt.

FROM:

Bobert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 30, 2001

Item Nos. 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 424, and 426

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

RWB:HJO:jrb

cc: File





RE: PETITION FOR VARIANCE 209 Riverside Drive, E/S Riverside Dr, 50.57' N of Delaware Ave 15th Election District, 7th Councilmanic

Legal Owner: Neil S. & Jackie E. Stillerman Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 01-422-A

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Neil S. & Jackie E. Stillerman, 209 Riverside Drive, Baltimore, MD 21220, Petitioners.

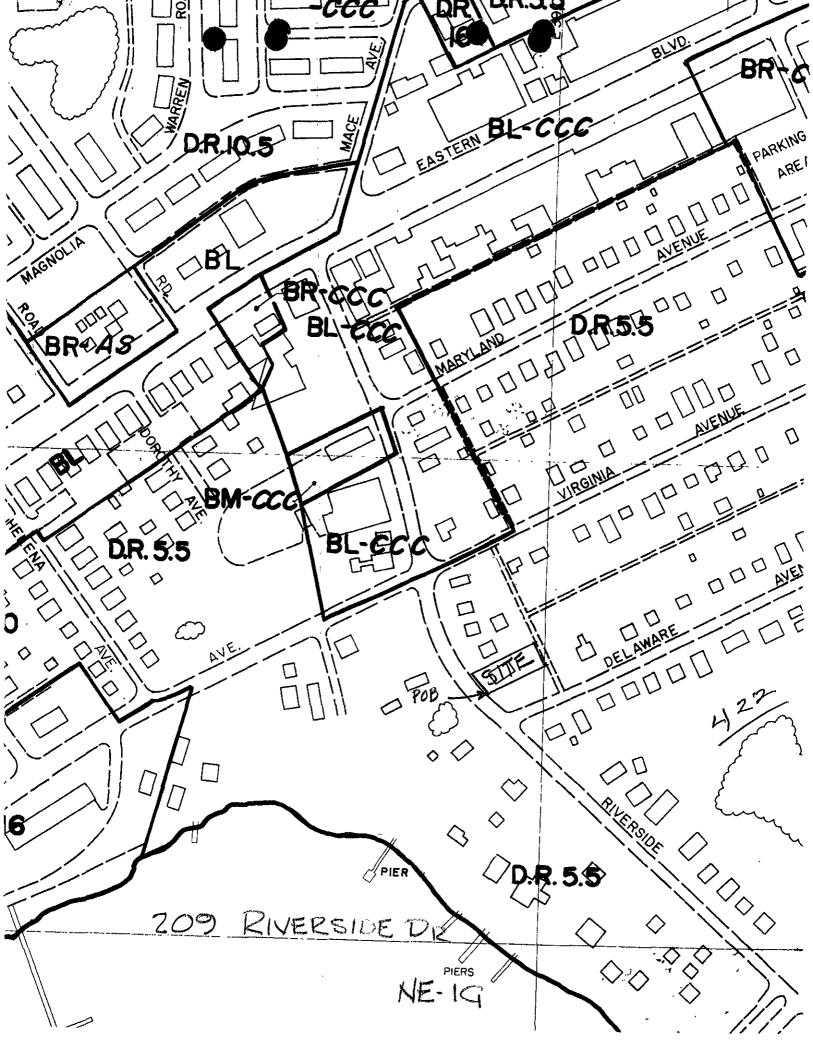
Peter Max Zimmer Man

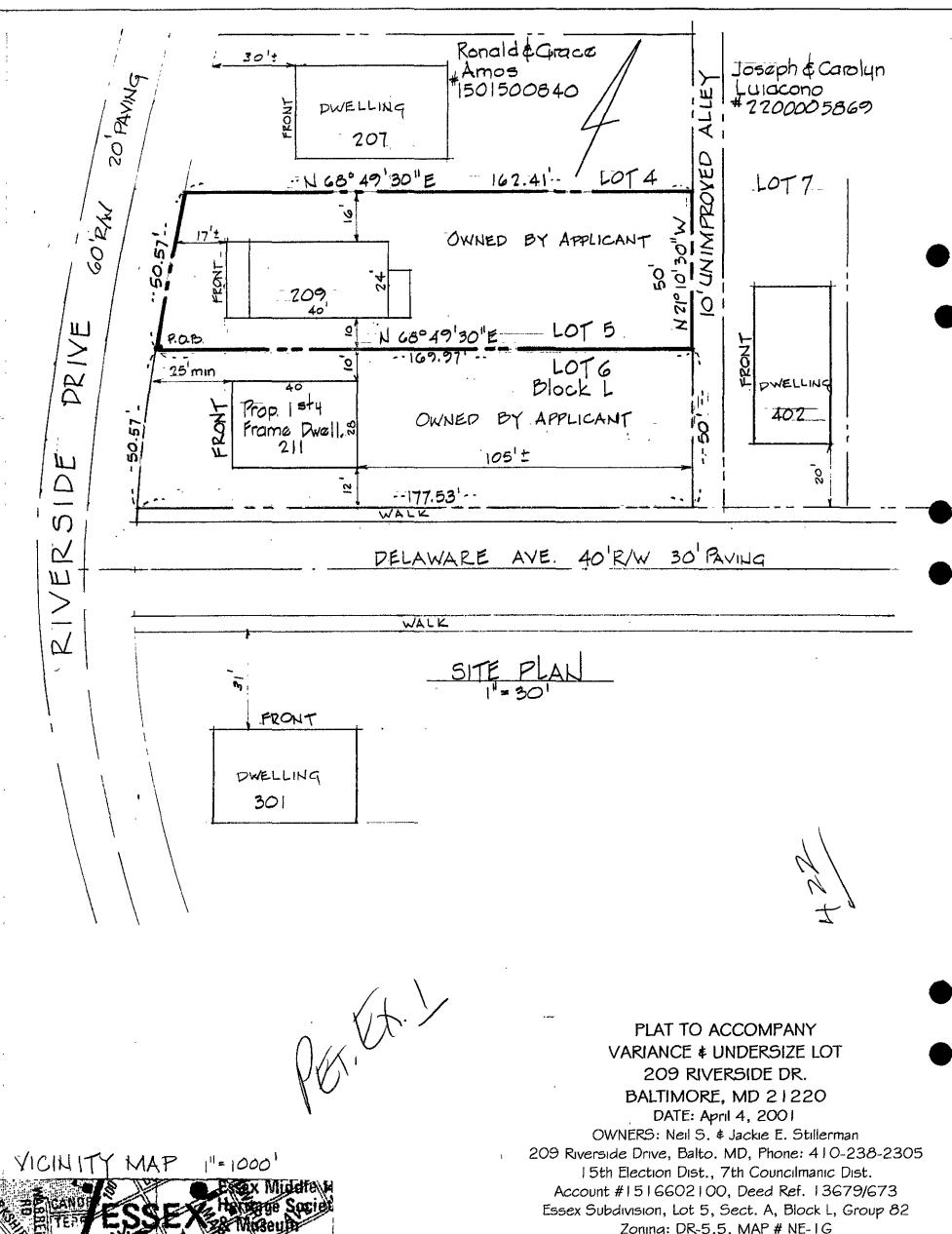


County Courts Building, Room 406 401 Bosley Avenue Towson, MD 21204  FROM: Arnold Jablon, Director Department of Permits & Development Management  RE: Undersized Lots	Residential Processing Fee Paid (\$50.00)  Accepted by Date  4-12-01
Department of Permits & Development Management  RE: Undersized Lots	Accepted by
	and comments from
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.	requesting recommendations and comments from
MINIMUM APPLICANT SUPPLIED INFORMATION:	
HEIL SEJACKIE E STILLERMAN 209 RIVERSIDE	
Lot Address 209 River Side Dr Election District 15 Counciln	manic District 7 Square Feet 8309
Lot Location: NES Wiside corner of Riverside Dr., 50 feet from (street)	NES W corner of Delaware Ave (street)
Land Owner: Neil S & Jackie E. Stillerman Tax Acco	ount Number <u>1516602100</u>
Address: 209 Riverside Dr Telephon	ne Number (410) 238-2305
CHECKLIST OF MATERIALS (to be submitted for design review by the Office of Planning and Commu	unity Conservation)
TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MAN	NAGEMENT ONLYI
YES	ROVIDED? NO
1. This Recommendation Form (3 copies)	
2. Permit Application	
3. Site Plan Property (3 copies)	and any different trans
Topo Map (2 copies) available in Room 206, County Office Building - (please label site clearly)	(Existing Dwelling)
4. Building Elevation Drawings	
5. Photographs (please label all photos clearly) Adjoining Buildings	
Surrounding Neighborhood	
6. Current Zoning Classification: DR-5.5	
TO BE FILLED IN BY THE OFFICE OF PLANNING O	DNLYI
Approval Disapproval Approval conditioned on required modifications of the appli	lcation to conform with the following recommendations
Signed by.  APR I 3  OFFICE OF PI	2001 Date: 4/26/0/ LANNING Revised 2/25/99

482. when commend in a windress with the world Franklin Strand

APR 2 7 2001





Whitekers

Zonina: DR-5.5, MAP # NE-1G Site is located in the Chesapeake Bay Critical Area Flood zone 'C'

Site has public water and sewer Shared ownership with adjacent lot since 04/16/99 AGENT: George D. McClelland 25 Waterview Rd., Baltimore, MD 21222 Telephone: 410-477-9136

#### **TABULATION**

Net Area: 8309 SF, 0.19 Ac.