ORDER RECEIVED FOR FILING Date / / / Annuary IN RE: PETITION FOR ADMIN. VARIANCE

N/S Windward Way, 443' E of

Carrollwood Road

15th Election District

5th Councilmanic District

(16 Windward Way)

Nancy E. & Brian F. Hammond

Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 01-486-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Variance filed by Nancy E. & Brian F. Hammond, legal owners of that property known as 16 Windward Way in the Middle River area of Baltimore County. The Petitioners herein seek relief from Section 1B01.2.c.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section and 301.1 of the Comprehensive Manual of Development Policies (C.M.D.P), to permit an existing single-family dwelling with an open projection (deck) to have a tract boundary setback of 21 ft. in lieu of the required 26.25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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 Zoning Commissioner, the information, photographs, and affidavits 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 2001, that a variance from Section 1B01.2.c.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section and 301.1 of the Comprehensive Manual of Development Policies (C.M.D.P), to permit an existing single-family dwelling with an open projection (deck) to have a tract boundary setback of 21 ft. in lieu of the required 26.25 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.

LÁWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj





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

Fax: 410-887-3468

June 19, 2001

Mr. & Mrs. Brian F. Hammond 16 Windward Way Middle River, Maryland 21220

Re: Petition for Administrative Variance

Case No. 01-486-A

Property: 16 Windward Way

Dear Mr. & Mrs. Hammond:

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,

Lawrence E. Schmidt **Zoning Commissioner** 

LES:rai Enclosure



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on Recycled Paper











# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	16	windward	Way	
which	ı is pı	resently zoned	DR5.5	

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)

BCZR 1B01, 2, c, 2, a & 301.1 & CMDP V.B. S. a (1971-1992 Regulations) to permit an existing single family dwelling with an open projection (dech) to have a tract boundry setback of 21 feet in lieu of the required 26, 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: Legal Owner(s): Name - Type or Print Signature Address Telephone No. State Zip Code Attorney For Petitioner: 410.335-7774 Telephone No. 21220 Name - Type or Print Zip Code Representative to be Contacted: Signature Company Name Addres Telephone No. Address Telephone No. State Zip Code 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning is of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Estimated Posting Date

# 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.

competent to testily thereto in the event that a p	ublic nearing is s	icheduled in t	he future with re	gard thereto.
That the Affiant(s) does/do presently reside at	16 Wind	ward h	lay	
	Middle R	2iver	MD State	Z/2⊘ Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship Request to build a 12'x12 of private residence. This decrease from the back property of developed due to drainage/for Private residences on 14 a	wing are the fact ip or practical diffication to the calculated line. Hruflooding realist windu	ts upon which ficulty):  wooder  constructed behings triction  and wa	n l/we base the note of the will and residents.	request for an Administrative  Hacked to rear  be approximately  nce is unlittely to  it to 16 Windward
nave similar wooden dects att Dect will be elevated approx This proposal is consistant with	lached to t kimately &	he rear 3' above	of those ground sur	houses (see photos)
The configuration of the proposed deck anywhere else	roperty is t	such tha		not locate the
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is additional informa	filed, Affiant ation.	(s) will be requi	red to pay a reposting and
Signature		Signature	ey E. Ha	rumpel
Brian F. Itammanal Name - Type or Print	-	Name - Type or	J. E. Ha	myard
STATE OF MARYLAND, COUNTY OF BALTIM District of Columbia I HEREBY CERTIFY, this 17 day of of Maryland, in and for the County aforesaid, per	sonally appeared	<u>20</u>		a Notary Public of the State
the Affiant(s) herein, personally known or satisficial that the matters and facts hereinabove set for	actorily identified orth are true and	I to me as su correct to the	ich Affiant(s), an best of his/her/t	id made oath in due form of heir knowledge and belief.
AS WITNESS my hand and Notarial Seal			100	allon
Date	Notary I	Public	My Commiss	ion Expires September 30, 2004
CHRISTORIER C DOOR	My Con	nmission Exp		

CHHISTOPHER G. POOH

REV 09/15/98 NOTARY PUBLIC - DISTRICT OF COLUMBIA

MY COMMISSION EXPIRES Sept. 30, 2004

# 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	16 Windward	Way	
	Middle River	M D State	ZIZZO Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardshe Request to boild a 12'x 12' elevant	wing are the facts upon ip or practical difficulty):	which I/we base the re	quest for an Administrative
This deck, when constructed will be a	approximately 21 for	um the back prope	erty line.
Area behind residence is unlikely to 14 2 18 Wins Private residences on tot 7 2	be developed due	to drainage/flo	oding restrictions.
Private residences on Lot 7 &	Lot 9 (adjacent	to 16 Windward	( way ) have similar
wooden dectes a Hacked to the rear	of those houses(	see photos).	<b>7 7 7 7 7 7 7 7 7 7</b>
Deck will be elevated approximately	y 8' above ground	surface.	
This proposal is conststant with	o ther homes in t	he area.	
The configuration of the prop Proposed deck anywhere else	on the proper	at we can no ty.	+ locate the
·			
			, .
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature  Brian F. Hammand  Name - Type or Print	additional information.  Signature	ffiant(s) will be required  May 8. May  NCY E. HAW  ype or Print	mad
STATE OF MARYLAND, COUNTY OF BALTIM  I HEREBY CERTIFY, this / 7 day of of Maryland, in and for the County aforesaid, per  Brian F. Namond	sonally appeared	2001, before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified to me orth are true and correct	as such Affiant(s), and to the best of his/her/the	made oath in due form of eir knowledge and belief.
AS WITNESS my hand and Notarial Seal			. 1
17 april 2001	Notary Public	restop &	Moor
	·	My Commissi	ion Expires September 30, 200
CHRISTOPHER G. POOR REW OND TARY PUBLIC - DISTRICT OF COLUMBIA	My Commission	Expires	

MY COMMISSION EXPIRES Sept. 30, 2004



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

MARYLAND	•			. •
	for the propert		idward Way	-
		which is presen	itly zoned <u>DR 5.</u>	5
This Petition shall be filed with the De owner(s) of the property situate in Baltim made a part hereof, hereby petition for a	OLE COUNTY AND WHI	CD IS DESCRIBED IN THE DESCRI	nagement. The ur cription and plat atta	ndersigned, lega ched hereto and
BC2R 1 BO1, 2. C. 2. a & 301. 1 B to permit an existing sind a tract boundry setback	CMDP V.B	.S. al (1971-199)	2 Regulations)	
to permit an existing sing	ple family o	lwelling with an	open projecti	on (deck) to
a tract boundry setback	ot al teet	in lieu of the v	required 26,	25 feet.
of the zoning regulations of Baltimore Co of this petition form.	unty, to the zoning I	aw of Baltimore County, fo	or the reasons indica	ated on the back
Property is to be posted and advertised a I, or we, agree to pay expenses of above Var regulations and restrictions of Baltimore Cour	lance advertising an	eting ata and further caree i	to and are to be bounder To County.	ded by the zoning
	,* .	I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	e legal owner(s) of the	ne penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print		Brian F. Hamr Name - Type or Print	nond	
Name - Type of Print		1	0	
Signature		Signature F. Ha	ned	
Address	Telephone No.	Name - Alvae or Print	nand	
,	rolephone (40,	Many E	. Hauron	
City State	Zip Code	Signature		-
Attorney For Petitioner:		16 Windward Address	Way 410-3	35-7774 Tolophone No.
		Middle River	Mp	Telephone No.
Name - Type or Print		City	State	Zip Code
Signature		Representative to	be Contacted:	
Company	· ·	Name		
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally demand this day of that regulations of Baltimore County and that the propert		required, it is ordered by the anis petition be set for a public hear	Zoning Commissioner of aring, advertised, as req	Baltimore County, uired by the zoning
yan ing Kabupatèn Baratan Bara		Zoning Commissi	ioner of Baltimore County	,
CASE NO. 01-486-A	Revi	ewed By JNP	Date 5	16/01
REU 9/15/98	Esti	mated Posting Date	5/27/01	

## Zoning Description

Zoning Description For: 16 Windward Way

Beginning at a point on the <u>north</u> side of <u>Windward Way</u> which is <u>50 feet</u> wide at the distance of <u>443 feet east</u> of the centerline on the nearest improved intersecting street <u>Carrollwood Road</u>, which is <u>55 feet</u> wide. Being Lot # <u>8</u>, Block <u>B</u>, Group <u>82</u>, Plat <u>1</u> in the subdivision of <u>Seneca Harbor</u> as recorded in Baltimore County Plat Book # <u>64</u>, Folio # <u>128</u>, containing <u>6,098 square feet</u>. Also know as <u>16 Windward Way</u> and located in the <u>15th</u> Election District, <u>5th</u> Councilmanic District.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. MISCELLANEOUS RECEIPT	PAID RECEIPT PAYMENT OFFICE TIME 5/17/2001 5/16/2001 14:42:32
DATE $\frac{5/6/0!}{6!50}$ ACCOUNT $\frac{R \cdot CO/-006-6!50}{6!50}$	G MSO1 CASHIER JRTC JHR DRAMER 1 ITCEIPT H 046590 OFLN 5 528 ZUNING VERTFICATION 10. 092087
RECEIVED BY ILL & NOWY HOMANN	Recet Fot 50.00 (AC.00 CA)  *AC.00 CK .00 CA  Bottimore County: Waryland
FORM Daviance 01-486-4	
DISTRIBUTION WHITE CASHIER PINK AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

•	RE: Case No.: <u>01-486-A</u>
	Petitioner/Developer:
	Brian + Nancy Hammond
	Date of Hearing/Closing: 6/11/01
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 perwere posted conspicuously on the property local Middle River, MD 21220  The sign(s) were posted on	erjury that the necessary sign(s) required by law ated at 16 Windward Way
	(Month, Day, Year)
	Sincerely,  (Signature of Sign Poster and Date)  Stacy Gardner  Shannon-Baum Signs Inc.  105 COMPETITIVE GOALS DR.  ELDERSBURG, MD. 21784  (City, State, Zip Code)
	410.781.4000 (Telephone Number)

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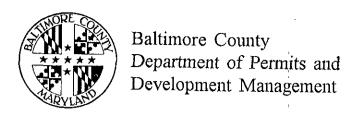
MAY 2 3 2001

DEPT. OF PERKITS AND DEVELOPMENT ASSOCIATION

e 4 3 -1

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

16.145				
Case Number 01- 496 -A Address 16 Windward Way				
Case Number 01- 486 -A Address 16 Windward Way  Contact Person: Jeffrey Perlow : Phone Number: 410-887-3391				
Filing Date: $\sqrt{\frac{1601}{1000}}$ Posting Date: $\sqrt{\frac{5}{27}}$ Closing Date: $\sqrt{\frac{6}{11}}$				
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. <u>DEADLINE:</u> 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.				
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- 486 -A Address 16 Windward Way				
Petitioner's Name Brian & Nancy Hammond Telephone 410-335-7774				
Posting Date: 5/27/0/ Closing Date: 6/11/0/				
Nording for Sign: To Permit an existing single family dwelling with an open projection				
Idect 1 to have a tract boundry sethack of 2 feet in lieu of the magnined 26.25				
feet.				



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

June 12, 2001

Nancy E & Brian F Hammond 16 Windward Way Middle River MD 21220

Dear Mr. & Mrs. Hammond:

RE: Case Number: 01-486-A, 16 Windward Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Davidania III D. I. III III	
Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	
Office of Planning P. O	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	007 0100
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	
Manufact Office ( 5)	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Donortmont of National Design	
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. Gりと Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

PUIII

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 19, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-486 & 01-489

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.

Prepared by:

Section Chief: \_(

AFK/JL:MAC

JUN 1 9

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 27, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2001

Item Nos. 460, 486, 488, 489, 490, 491, 492, 493, 496, 497, 499, and 501

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

RWB:HJO:jrb

cc: File



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

June 12, 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 June 11, 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:

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495, 496, 497, 498, 500, and 501

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: 6.13.01

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

RE:

**Baltimore County** 

Item No. 486

JMP

Dear, Ms. Jackson:

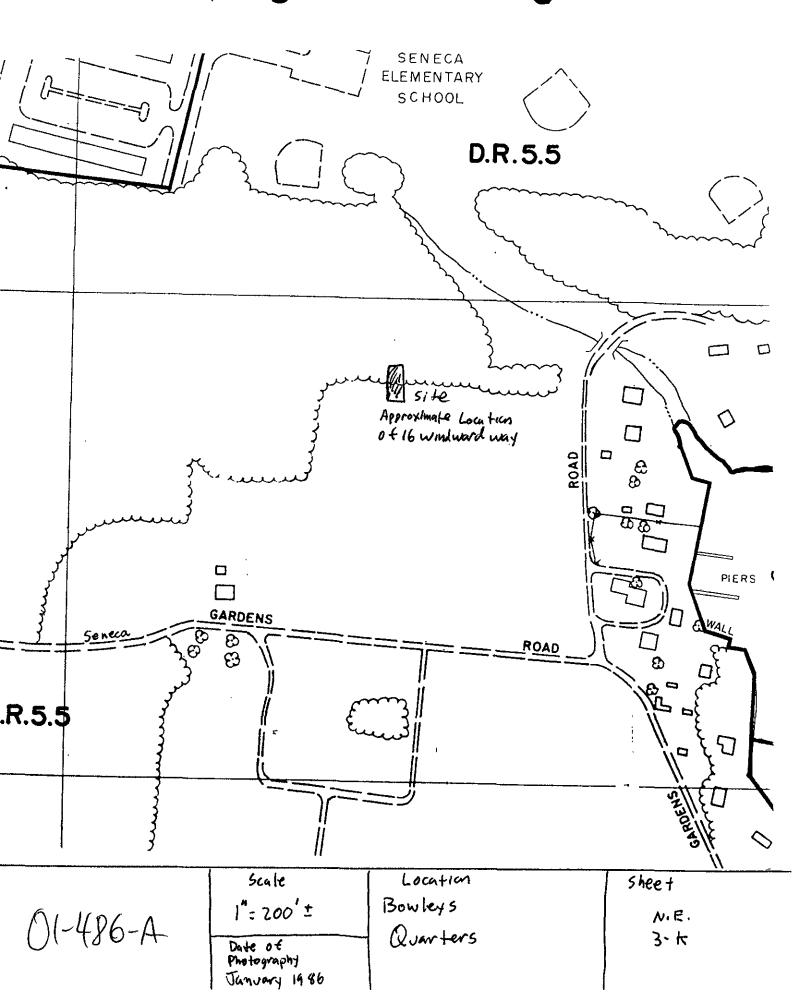
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

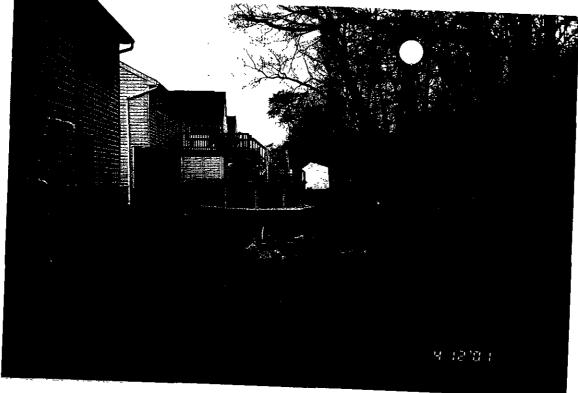
1. J. South

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

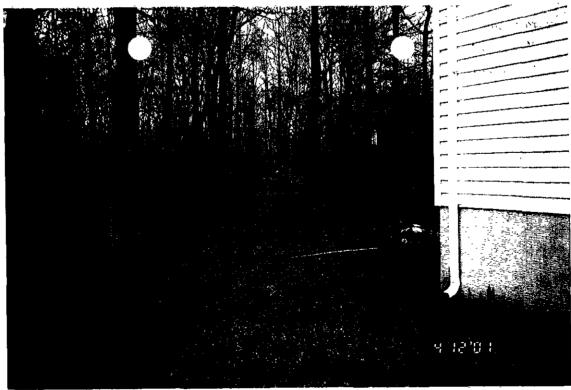


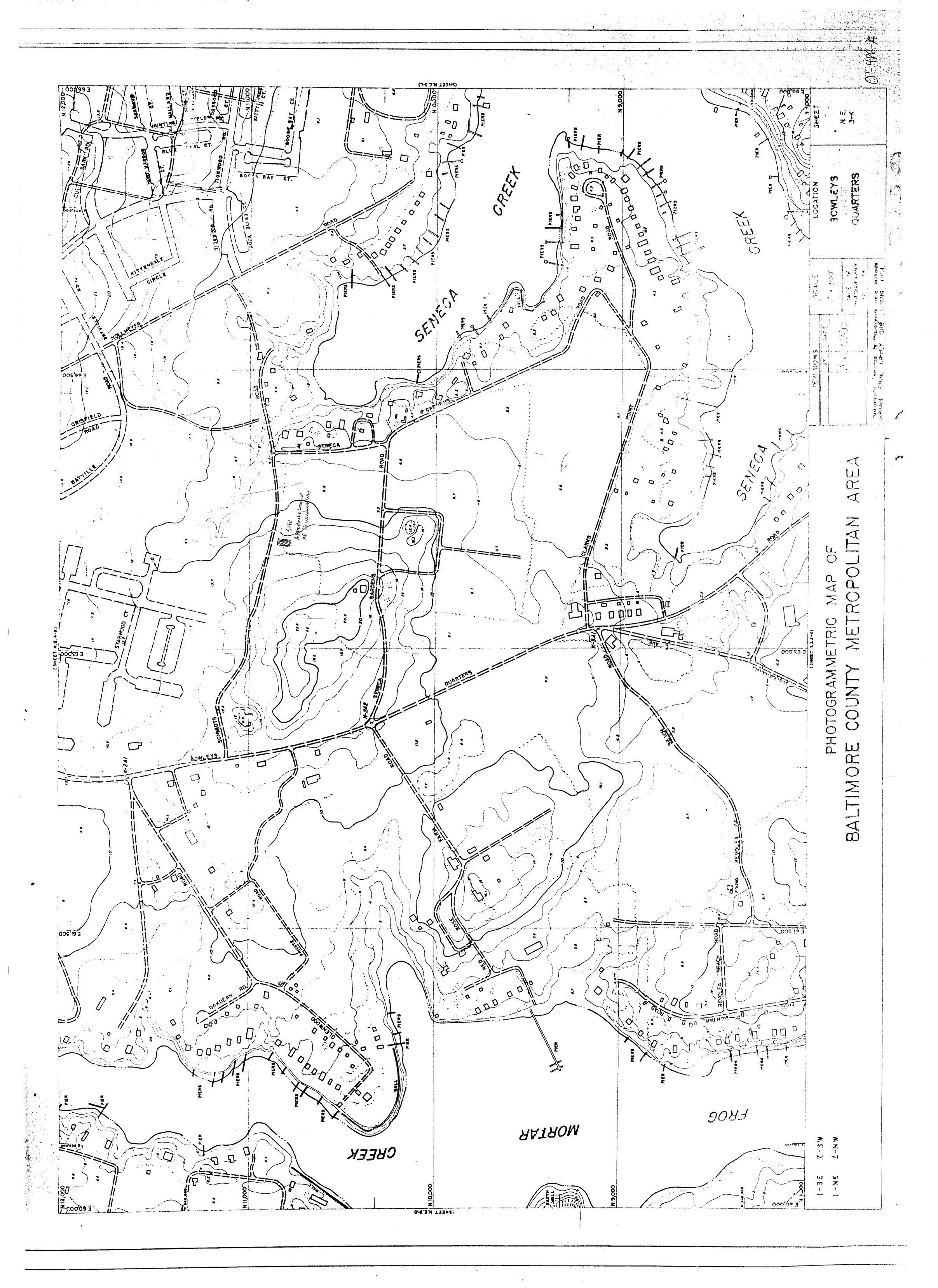
Plat to accompany Petition for Zoning X Varianc	e Special Hearing			
PROPERTY ADDRESS: 16 Windward Way, Baltimore MD 21220 see pages 5 & 6 of the CHECKLIST for additional required information				
Subdivision name: Seneca Harbor	1			
plat book#64 ,tolio# 128 ,tot# 8 ,section# 82 (group) Plat 1				
OWNER: Brian & Nancy Hammond & Bowleys Quarters	1 7			
Undeveloped wooded property  Improvement Association Inc.  Pio. Box 1851  1174 Bowleys Quarters RO  Bultimare MD ZIZZO-4016	S Seneca £ 5 [1] [1]			
Drainage and Utility  Easement	Subject property			
Acron 8 terry Allia Proposed 12'x 12' wooden deck	Seneca Gardens  Vicinity Man			
14 Windward Way John & Lois Gregory	\ U Vicinity Map scale: 1'≪1000'			
Baltimore MD 21220 18 Windward Way	LOCATION INFORMATION			
β 15.75' >	·			
1 ( )   ( )	Election District: 15 Councilmanic District: 5			
dwelling 50 1.5 Dwelling 54 Story				
Dwelling	1'*200' scale map#: NE 3K			
90,0	Zoning: DR 515 Lot size: <u>•14 6.098</u>			
Porch 22	acreage square feet .			
25' Building Set back	public privats			
	SEWER: X			
Cravel	WATER: X			
	Chesapeake Bay Critical Area: 🔀 🗌			
	Prior Zoning Hearings: Wone			
North Of Carrollwood Rd. 1000' 100 right of way line has	Not within 100 yr flood plain Zoning Office USE ONLY!			
La de la constante de la const	reviewed by: ITEM #: CASE#:			
prepared by: BFA - adapted from Scale of Drawing: 1'= 20'	INP 486 ML/106-4			
	01 1 10 0F 480 11			
Ruxten Design Corp. Site Drawing				











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Jag Comment

BALLIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

QUARTERS

BOWLEYS