

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Bird River Road, 160' E of the c/l  
Vincent Farm Lane  
(10411 Bird River Road)  
15<sup>th</sup> Election District  
5<sup>th</sup> Council District

Gregory Elste, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 02-036-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Gregory and Dorothea Elste. The Petitioners seek relief from Section 1A02.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23 feet in lieu of the required 25 feet, and the extension of an existing street centerline setback of 54 feet in lieu of the required 75 feet for a proposed addition. 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.

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

ORDER RECEIVED FOR FILING

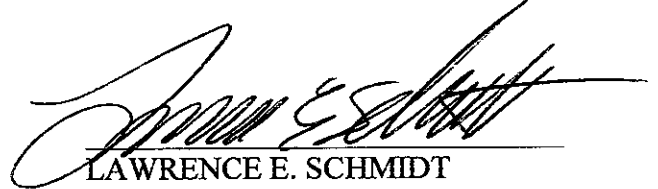
Date

By

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27<sup>th</sup> day of August, 2001 that the Petition for Administrative Variance seeking relief from Section 1A02.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23 feet in lieu of the required 25 feet, and the extension of an existing street centerline setback of 54 feet in lieu of the required 75 feet for a proposed addition, 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.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 8/27/01  
By [Signature]



Baltimore County  
Zoning Commissioner

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

August 27, 2001

Mr. & Mrs. Gregory Elste  
10411 Bird River Road  
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Bird River Road, 160' E of the c/I Vincent Farm Lane  
(10411 Bird River Road)  
15<sup>th</sup> Election District – 5<sup>th</sup> Council District  
Gregory Elste, et ux - Petitioners  
Case No. 02-036-A

Dear Mr. & Mrs. Elste:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

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

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 10411 Bird River RD  
which is presently zoned RC-3

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) 1A02.3:B.4. (BC2R) +0

Permit A Proposed sideyard setback AND the extension of AN EXISTING Street centerline setback of 23 Ft. AND 54ft. IN LIEU of the Required 25 Ft. AND 75 Ft. Respectively. (For A proposed ADDITION)

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 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, 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

Reviewed By JL Date 7/19/01

Estimated Posting Date 7/29/01

CASE NO. 02 036 A

Date 8/29/01  
By [Signature]  
REC-115198

ORDER RECEIVED FOR FILING

# 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

Address 10411 Burd River RD  
City Balto State MD Zip Code 21220

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):

Hardship -

Looking at photo #1, New propose addition would be <sup>built</sup> from the left side of ~~existing~~ house. The addition cannot be built on the right side of house, because of driveway (Photo's 2+3). Looking at Photo's 4,5,6, you can see that there is more room on this side of the house, which the addition would look better and is more functional. Because of design. Addition could not be built straight behind house because of function of floor plans, and would be AN EYE sore in the Area.

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.

Gregory Elste  
Signature

Gregory Elste  
Name - Type or Print

Dorothea Elste  
Signature

Dorothea Elste  
Name - Type or Print

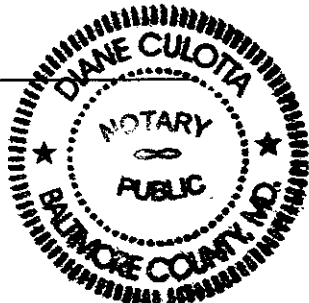
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of June, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gregory Elste and Dorothea Elste  
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

6-27-01  
Date



Diane Culotta  
Notary Public

My Commission Expires 6-7-03

# Zoning Description

10411 BIRD RIVER RD.

036

JE  
BEGINNING AT A POINT ON THE SOUTH SIDE OF BIRD RIVER RD, AT A DISTANCE OF 160 FT. EAST OF THE CENTER LINE OF VINCENT ~~RD~~ <sup>FARMLAND</sup>, THENCE THE FOLLOWING COURSES AND DISTANCES, EAST ALONG THE SOUTHERN RIGHT OF WAY OF BIRD RIVER RD, 100 FT. THENCE SOUTHERLY 217.8 FT. THEN WESTERLY 100 FT. THEN NORTHERLY 217.8 FT. BACK TO THE POINT OF BEGINNING BEING. SAC IN THE 15TH ELECTION DISTRICT, ~~THE~~ 5TH COUNCIL DISTRICT.

202

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No.

4062

036

DATE 7/19/01 ACCOUNT 001 006 6150

AMOUNT \$

50<sup>00</sup>

RECEIVED  
FROM:

ELSTE

FOR:

RV FILING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME  
7/20/2001 7/19/2001 14:35:29

REG W906 CASHIER KNCH KNW DRAWER 4

>> RECEIPT # 034645

DFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 004062

Recpt Tot

50.00

50.00 CK

.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No.: 02-036-A

Petitioner/Developer: \_\_\_\_\_

JOHN LEWIS

Date of Hearing/Closing: 8/13/01

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 perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at \_\_\_\_\_

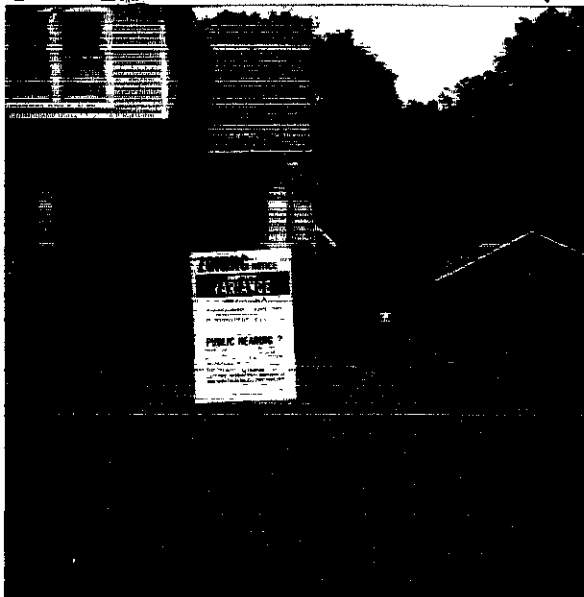
10411 BIRD RIVER RD

The sign(s) were posted on \_\_\_\_\_

7/29/01

(Month, Day, Year)

CASE # 02-036-A



Sincerely,

*Richard E. Hoffman* 7/29/01  
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN  
(Printed Name)

904 DELLWOOD DR.  
(Address)

FALLSTON, MD 21047  
(City, State, Zip Code)

(410) 879-3122  
(Telephone Number)

10411 BIRD RIVER RD

POSTED 7/29/01

*Richard E. Hoffman* 7/29/01

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 036

Petitioner: Gregory Este

Address or Location: 10411 Bird River RD Balto MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gregory Este

Address: 10411 Bird River RD  
Balto MD 21220

Telephone Number: 410-335-4484.

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 02- 036 -A

Address 10411 BIRD RIVER RD.

Contact Person: JOHN LEWIS  
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7/19/01

Posting Date: 7/29/01

Closing Date: 8/13/01

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 02- 036 -A

Address 10411 BIRD RIVER RD

Petitioner's Name JOHN LEWIS

Telephone \_\_\_\_\_

Posting Date: ~~7/19/01~~ 7/29/01

Closing Date: 8/13/01

Wording for Sign: To Permit A PROPOSED SIDEYARD SETBACK AND THE EXTENSION OF AN EXISTING STREET CENTER LINE SETBACK OF 23 FT. AND 54 FT. IN LIEU OF THE REQUIRED 25 FT. AND 75 FT. RESPECTIVELY (FOR AN ADDITION)



Baltimore County  
Department of Permits and  
Development Management

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

August 21, 2001

Dorothea & Gregory Elste  
10411 Bird River Road  
Baltimore MD 21220

Dear Mr. & Mrs. Elste:

RE: Case Number: 02-036-A, 10411 Bird River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 19, 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:

|                                                                           |              |
|---------------------------------------------------------------------------|--------------|
| Development Plans Review (Traffic)                                        | 410-887-3751 |
| Fire Department                                                           | 410-887-4880 |
| State Highway Administration                                              | 410-545-5600 |
| Office of Planning & Community Conservation                               | 410-887-3480 |
| Department of Environmental Protection<br>and Resource Management (DEPRM) | 410-887-5859 |
| Recreation and Parks                                                      | 410-887-3824 |
| Maryland Office of Planning - Chesapeake<br>Bay Critical Area (CBCA)      | 410-767-4489 |
| 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 D Z  
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** September 11, 2001

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 27, 2001  
Item Nos. ~~036~~ 039, 040, 041, 044, 045,  
048, 049, 050, 051, 053, 054, and 055

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

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

~~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

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:

036, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050,  
051, 052, 053, 054, AND 055

REVIEWER: LIEUTENANT JIM MEZICK, 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  
DATE: September 5, 2001

SUBJECT: Zoning Item 36  
Address 10411 Bird River Road

Zoning Advisory Committee Meeting of August 20, 2001

- \_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- \_\_\_\_\_ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X 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).
- \_\_\_\_\_ 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).
- \_\_\_\_\_ Additional Comments:

Reviewer: Betty Kelley

Date: August 30, 2001

AN  
8/13

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 24, 2001

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

**SUBJECT:** 10411 Bird River Road

AUG 27

**INFORMATION:**

**Item Number:** 02-036

**Petitioner:** Gregory Elste

**Zoning:** RC 3

**Requested Action:** Variance

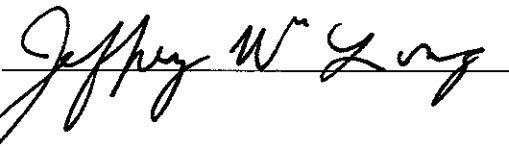
**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the request to permit a side yard setback and the extension of an existing street centerline setback of 23 feet and 54 feet respectively in lieu of the minimum required 25 feet and 75 feet.

**Prepared by:**



**Section Chief:**



AFK:MAC:



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 8-23-06

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

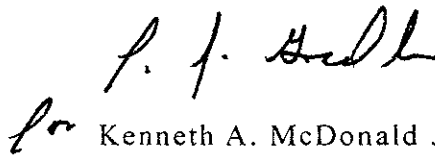
RE: Baltimore County  
Item No. 036 JLL

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,

  
for 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

111 WEST CHESAPEAKE AVENUE  
TOWSON, MD 21204

Phone 410 887-3391

# facsimile transmittal

To: CHARLIE From: GEORGE D ZAINER  
Fax: 410 335 1153 Date: 9-17-01  
Phone: \_\_\_\_\_ Pages: 2 + COVER  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: 410  
335  
1153  
CHARLIE

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 10411 Bird River Rd Beltsville MD 21230

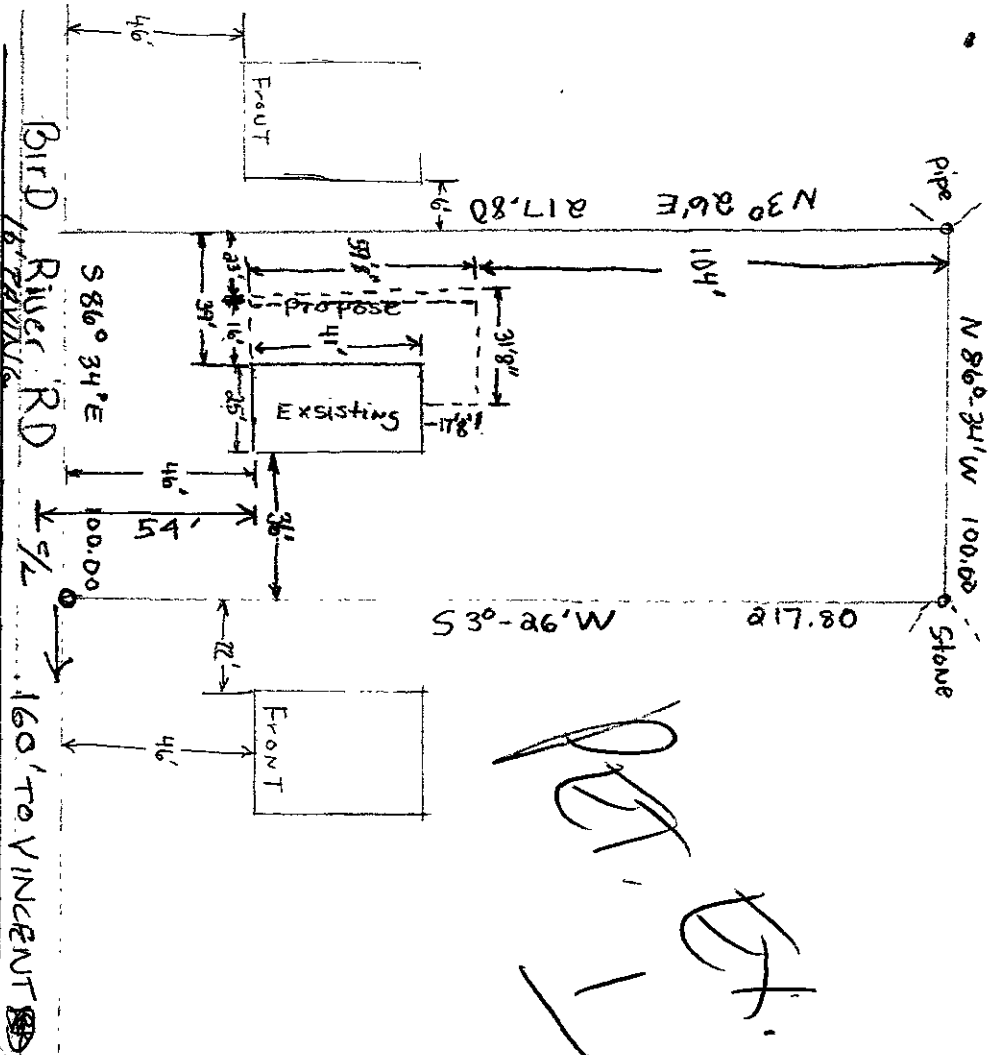
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

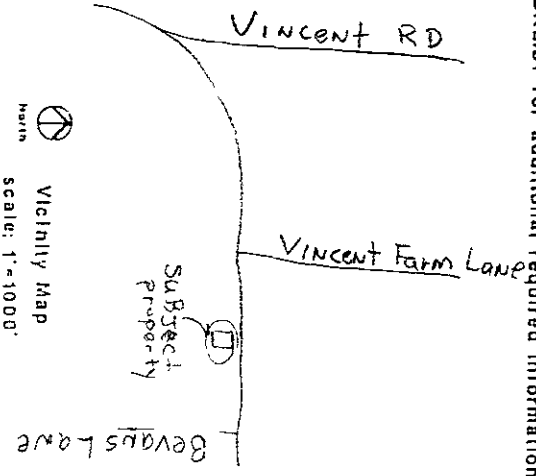
plat book # \_\_\_\_\_, folio # \_\_\_\_\_, lot # \_\_\_\_\_, section # \_\_\_\_\_

OWNER: Gary Lee

date: \_\_\_\_\_  
 prepared by: Gary Lee Scale of Drawing: 1" = 50' Farm Lane



*Handwritten signature/initials*



## LOCATION INFORMATION

Election District: 15  
 Councilmanic District: 5

1" = 200 scale map: HLE 7 J

Zoning: K-C-3

Lot size: .50 acreage 21780.0 square feet

SITE IS NOT IN  
 100 YEAR  
 FLOOD PLAIN.

SEWER: ☒ Public ☐ Private  
 WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings:

None

## Zoning Office USE ONLY

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE #: \_\_\_\_\_

JV 036

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

For Newspaper Advertising:

Item Number or Case Number: \_\_\_\_\_

Petitioner: Gregory Elste

Address or Location: 10411 Bird River RD BALTO MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

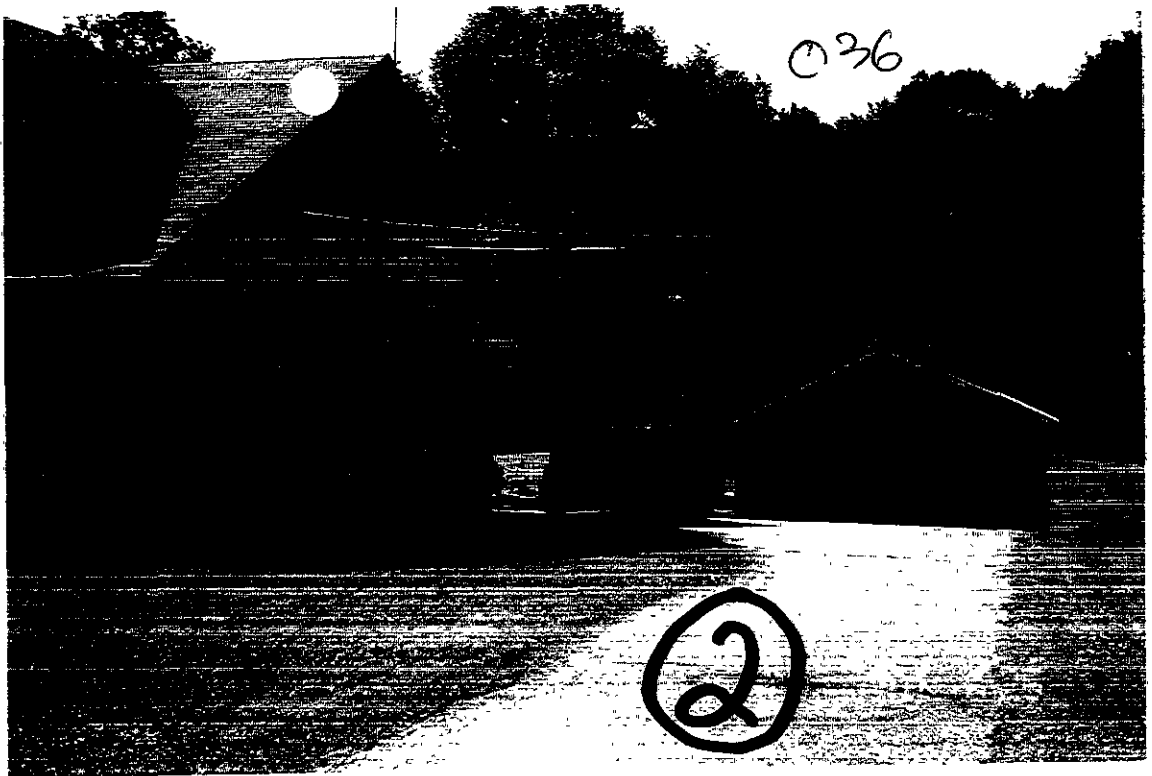
Name: Gregory Elste

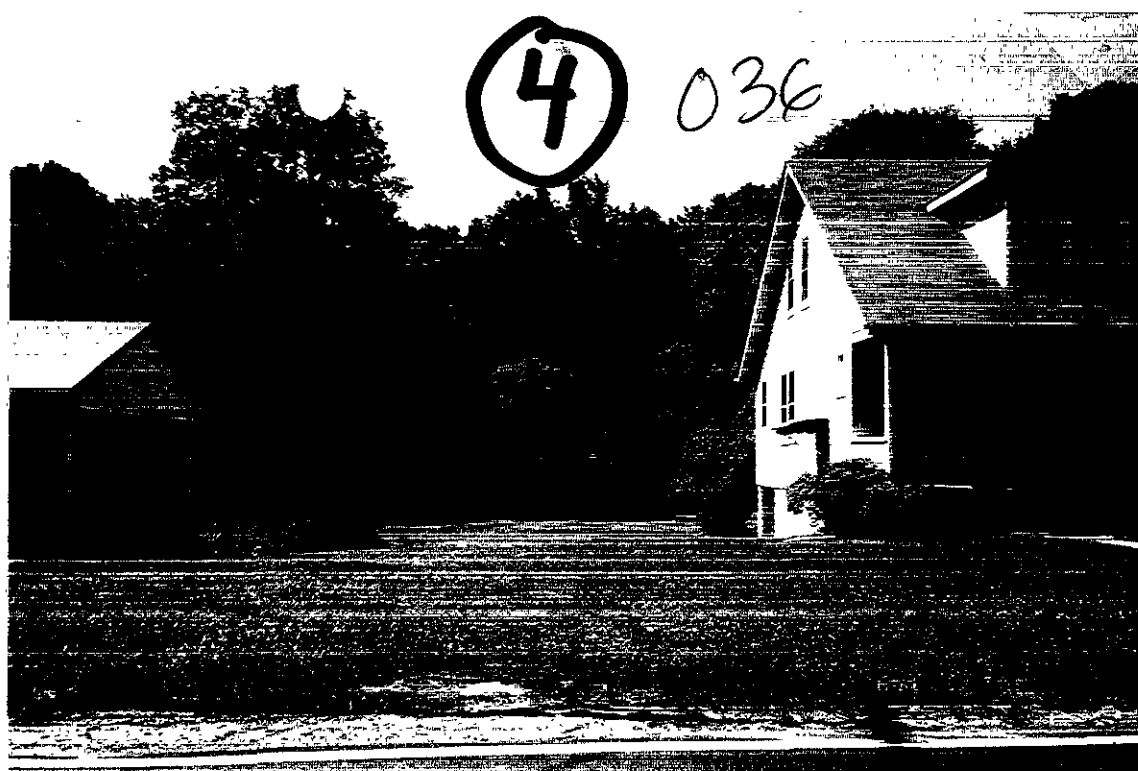
Address: 10411 Bird River RD  
BALTO MD 21220

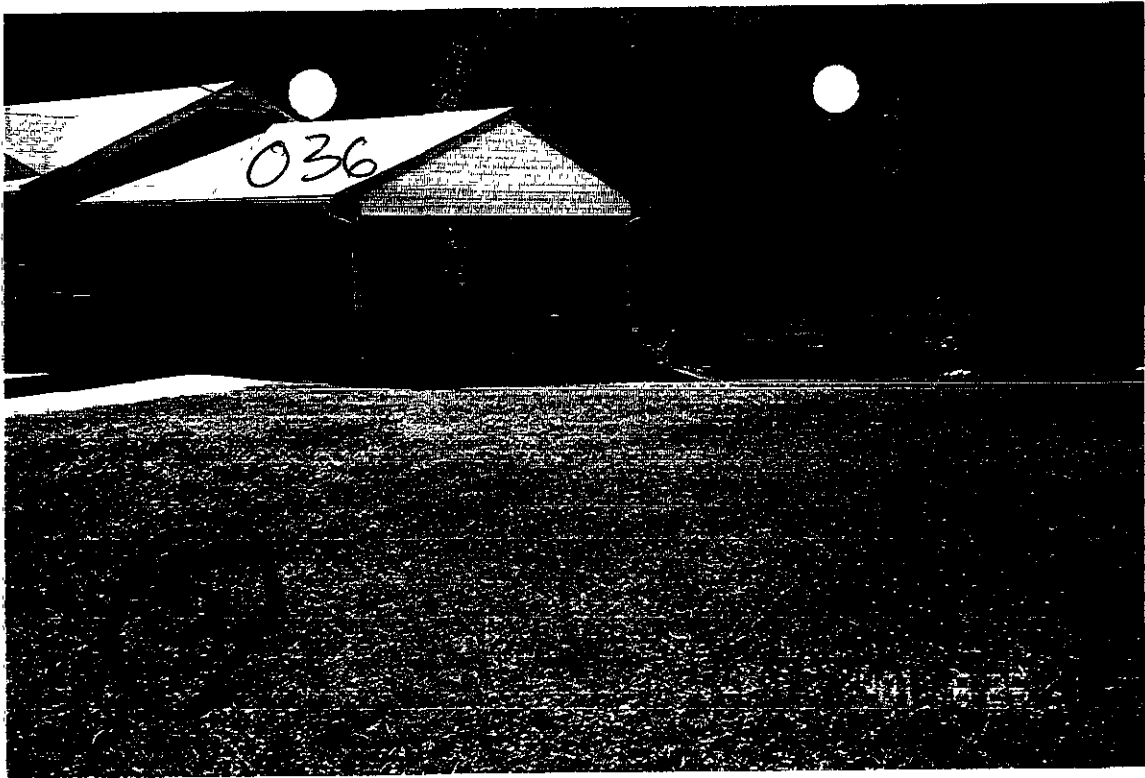
Telephone Number: 410-335-4484

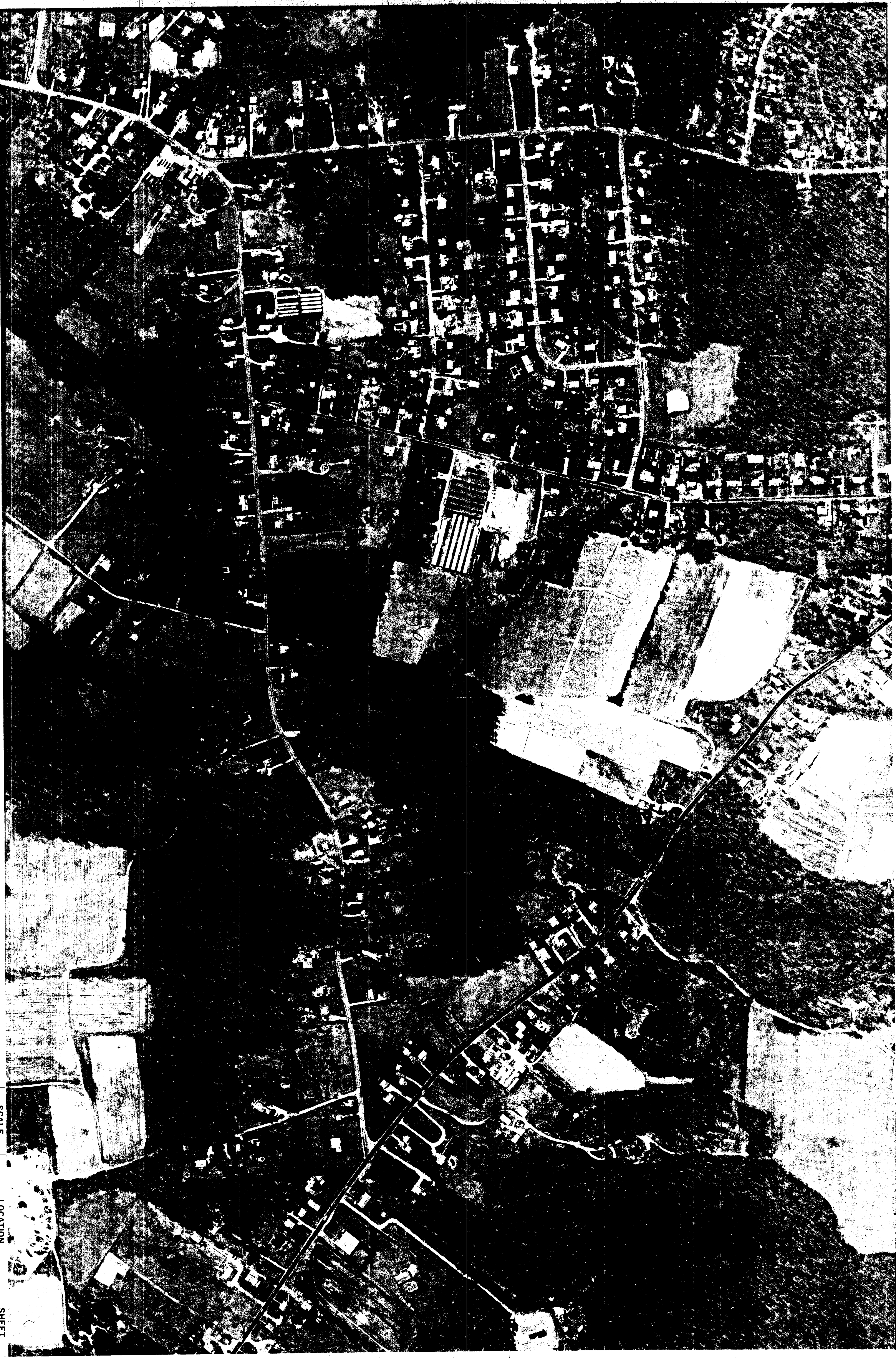
Revised 2/20/98 - SCJ











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

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

| SCALE       |                                              | LOCATION             | SHEET      |
|-------------|----------------------------------------------|----------------------|------------|
| 1" = 200' ± | DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                      |            |
|             |                                              | COWENTON<br>VICINITY | NE.<br>7-J |

