

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/E side of York Road at Route 45, approx.		
450' NW of Old York Road (Route 439)	*	DEPUTY ZONING COMMISSIONER
7th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(21223 York Road)		
	*	CASE NO. 02-566-A
Nancy & Phillip W. Wineholt	*	
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, Nancy and Phillip W. Wineholt. The variance request is for property located at 21223 York Road in the Parkton area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 12.5 ft. in lieu of the required 50 ft. for an addition. 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.

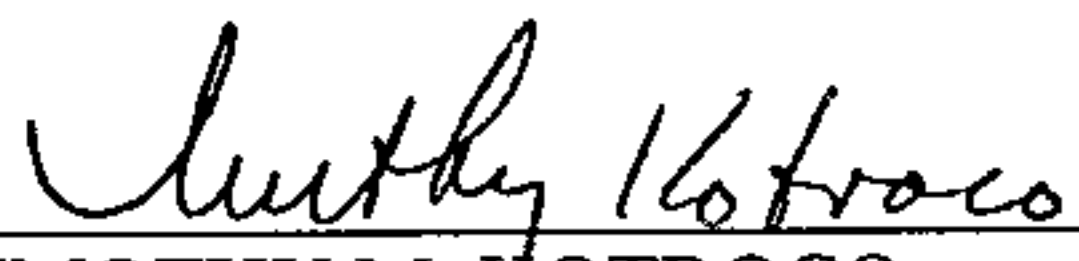
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy 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.

ORDER RECEIVED FOR FILING
 Date 9/18/02
 By R. J. [Signature]

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 18th day of July, 2002, that a variance from Section 1A04.3.B.2 of the B.C.Z.R., to permit a side yard setback of 12.5 ft. in lieu of the required 50 ft. for an addition, 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

ORDER RECEIVED FOR FILING

DEC 2/18/02

R. Johnson



Baltimore County
Zoning Commissioner

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

July 18, 2002

Mr. & Mrs. Phillip W. Wineholt
21223 York Road
Parkton, MD 21120

Re: Petition for Administrative Variance
Case No. 02-566-A
Property: 21223 York Road

Dear Mr. & Mrs. Wineholt:

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

Come visit the County's Website at www.co.ba.md.us



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 21223 YORK RD
which is presently zoned RC-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) 1A04.3 - B.2; BCZR, TO PERMIT
A SIDEYARD SETBACK OF 12.5ft. IN LIEU OF THE REQUIRED 50ft. FOR AN ~~STORAGE~~ 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

City

MD

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JUM

Date

6-17-02

Estimated Posting Date

7-2-02

ORDER RECEIVED FOR FILING

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.

CASE NO. 02-566A

REV 10/25/01

Date By

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 21223 YORK RD.
Address
PARKTON MD. 21120
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):

Variance is requested to allow the removal of an existing storage shed which is somewhat unsightly. The narrow lot causes a problem requiring this variance. The proposed addition will improve the appearance of my property.

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.

Phillip W. Wineholt
Signature

PHILLIP W. WINEHOLT
Name - Type or Print

Nancy Wineholt
Signature

NANCY L. WINEHOLT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Phillip Wineholt & Nancy Wineholt
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Margaret A. Paul
Notary Public

My Commission Expires Aug 2005

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 21223 YORK RD.
Address
PARKTON MD. 21120
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):

Variance is requested to allow the removal of an existing storage shed which is somewhat unsightly. The narrow lot causes a problem requiring this variance. The proposed addition will improve the appearance of my property.

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.

Phillip W. Wineholt
Signature

PHILLIP W. WINEHOLT
Name - Type or Print

Nancy Wineholt
Signature

NANCY L. WINEHOLT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of June, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Phillip Wineholt & Nancy Wineholt
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Margaret A. Paul
Notary Public

My Commission Expires Aug 2005





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 21223 YORK RD.
which is presently zoned RC-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) 1A04.3 - B.2; BC22, TO PERMIT
A SIDEYARD SETBACK OF 12.5ft. IN LIEU OF THE REQUIRED
50ft. FOR AN ~~STORAGE~~ 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 PHILLIP W. WINEHOLT
Signature Phillip W. Wineholt
Name - Type or Print NANCY F. WINEHOLT
Signature Nancy Wineholt
21223 YORK RD 410-357-4024
Address Telephone No.
PARKTON MD. 21120
City State Zip Code

Representative to be Contacted:

Same
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 _____, 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. 02-566A

REV 10/25/01

Reviewed By JAM Date 6.17.02
Estimated Posting Date 7.2.02

ZONING DESCRIPTION
FOR

21223 YORK ROAD

N/E side of YORK ROAD.,
600 ft. $\pm$ N/W of OLD YORK ROAD.,
CONTAINING .46 ACRES $\pm$.

COUNCILMANIC DIST: 3RD

ELECTION DIST : 7TH.

56b

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 14319

DATE 6/17/2002 ACCOUNT 010122-0106-6/50

AMOUNT \$ 50.00

RECEIVED FROM

P. WIDEHOLT 21223 York Pa

FOR

21223 York Pa

PAID RECEIPT

BUSINESS ACTUAL

6/17/2002 6/17/2002 09:40

WALKIN WALKIN WALKIN

RECEIPT H 082436 6/17/2002 09:40

5 528 ZONING VERIFICATION

0. 014319

RECEIPT TOT \$50.00

00.00 OK

150.00 CA

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 566 -A Address 21223 YORK Rd.

Contact Person: J. Mew Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6.17.02 Posting Date: 7.2.02 Closing Date: 7.17.02

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- 566 -A Address 21223 YORK Rd.
Petitioner's Name Phillip Weinholdt Telephone 410-357-4024
Posting Date: 7.2.02 Closing Date: 7.17.02
Wording for Sign: A VARIANCE
To Permit A SIDEYARD SETBACK OF 12.5 ft. IN
LIEU OF THE REQUIRED 50 ft. FOR AN ADDITION.

CERTIFICATE OF POSTING

ADMIN

RE: Case No.

02-566 A

Petitioner/Developer:

WINEHOLT, ETAL

Date of Hearing/Closing:

7/17/02

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 #21233- YORK RD.

The sign(s) was posted on

6/26/02

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 7/12/02
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #02-566-A

TO PERMIT A CITY YARD SETBACK OF 15 FEET IN L.L.
OF 50 FEET FOR A PROPOSED ADDITION
#21233 YORK RD. - WINEHOLT

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(N)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
5:00 p.m. ON 7/17/2002

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 887-3391

OFFICE IS OPEN MONDAY THROUGH FRIDAY

8:00 AM - 4:00 PM

EXCEPT FOR EMERGENCY CALLS

FOR MORE INFORMATION, PLEASE CALL 887-3391

OR VISIT OUR WEBSITE AT WWW.BALTIMORECOUNTY.MD

FOR MORE INFORMATION, PLEASE CALL 887-3391

OR VISIT OUR WEBSITE AT WWW.BALTIMORECOUNTY.MD

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OR VISIT OUR WEBSITE AT WWW.BALTIMORECOUNTY.MD

02-566 A

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/neighbors/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: 566

Petitioner: Phillip W. Winholt

Address or Location: 21223 YORK RD. PARKTON, MD. 21120

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME

Address: _____

Telephone Number: 410-357-4024



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 15, 2002

Mr. & Mrs. Phillip W Wineholt
21223 York Road
Parkton MD 21120

Dear Mr. & Mrs. Wineholt:

RE: Case Number: 02-566-A, 21223 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 2002.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Fire Department

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

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

June 24, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 24, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

563, 564, 566-569, 572-574

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

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 2, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 1, 2002
Item Nos. 563, 565, 566, 567, 568, 569,
571, and 574

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: Todd G. Taylor *TGT*
DATE: August 7, 2002
SUBJECT: Zoning Item 566
Address 21223 York Road

Zoning Advisory Committee Meeting of June 24, 2002

The addition must be at least 20 feet from the septic system and 30 feet from the well.

Reviewer: Sue Farinetti

Date: August 1, 2002

AV
7/17

INTER-OFFICE CORRESPONDENCE

DATE: June 25, 2002

JUN 26 1962

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.

Mark A. Cunniff

Almeida

AFK/LL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.25.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 566

JCM

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

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

My telephone number is _____

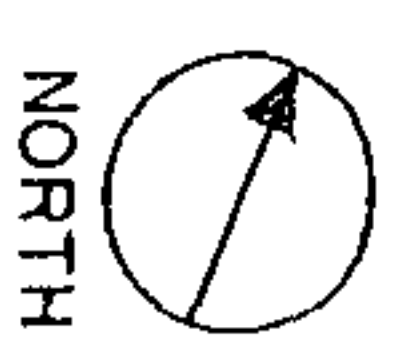
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

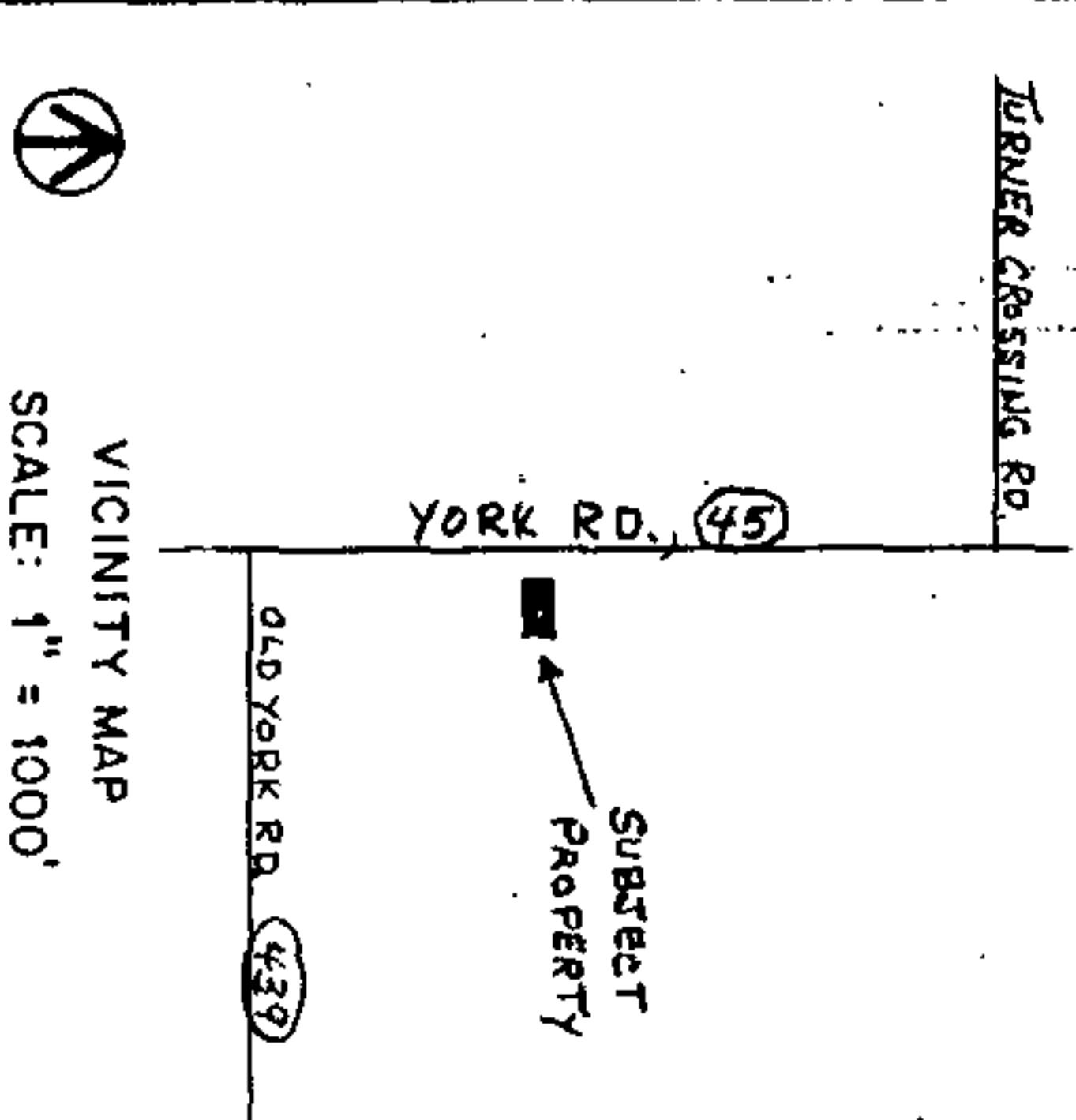
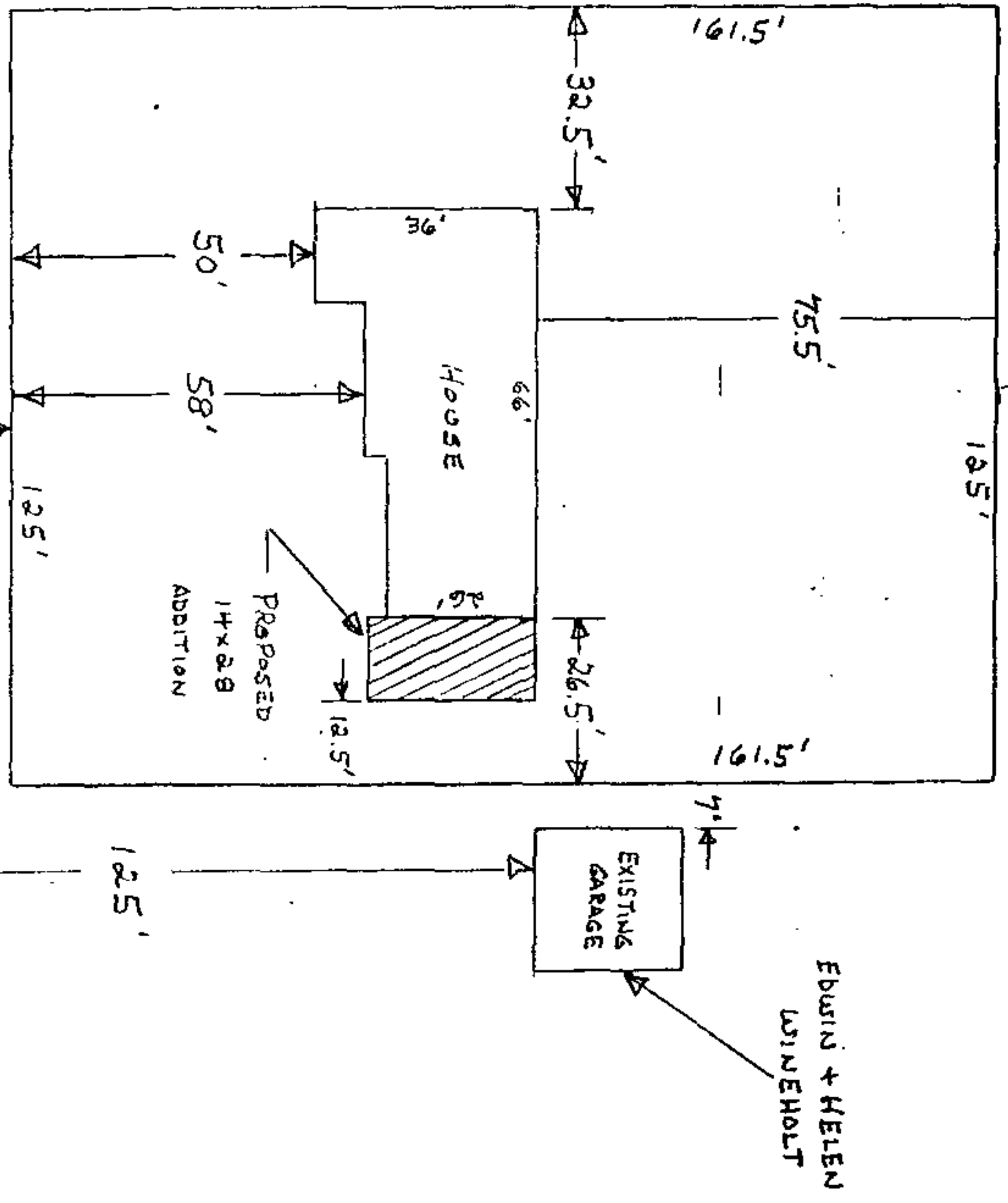
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 21223 YORK RD.
 SUBDIVISION NAME NO RECORD PLAT
 PLAT BOOK # FOLIO # 244 LOT # SECTION #
 OWNER PHILIP + NANCY WINEHOLT



PREPARED BY PHIL WINEHOLT SCALE OF DRAWING: 1" = 40'



VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 07

COUNCILMANIC DISTRICT 320.

1" = 200' SCALE MAP # NW-388

ZONING RE-5

LOT SIZE .46 ACRES 20107 SQUARE FEET

SEWER ☐ PUBLIC ☐ PRIVATE ☒

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

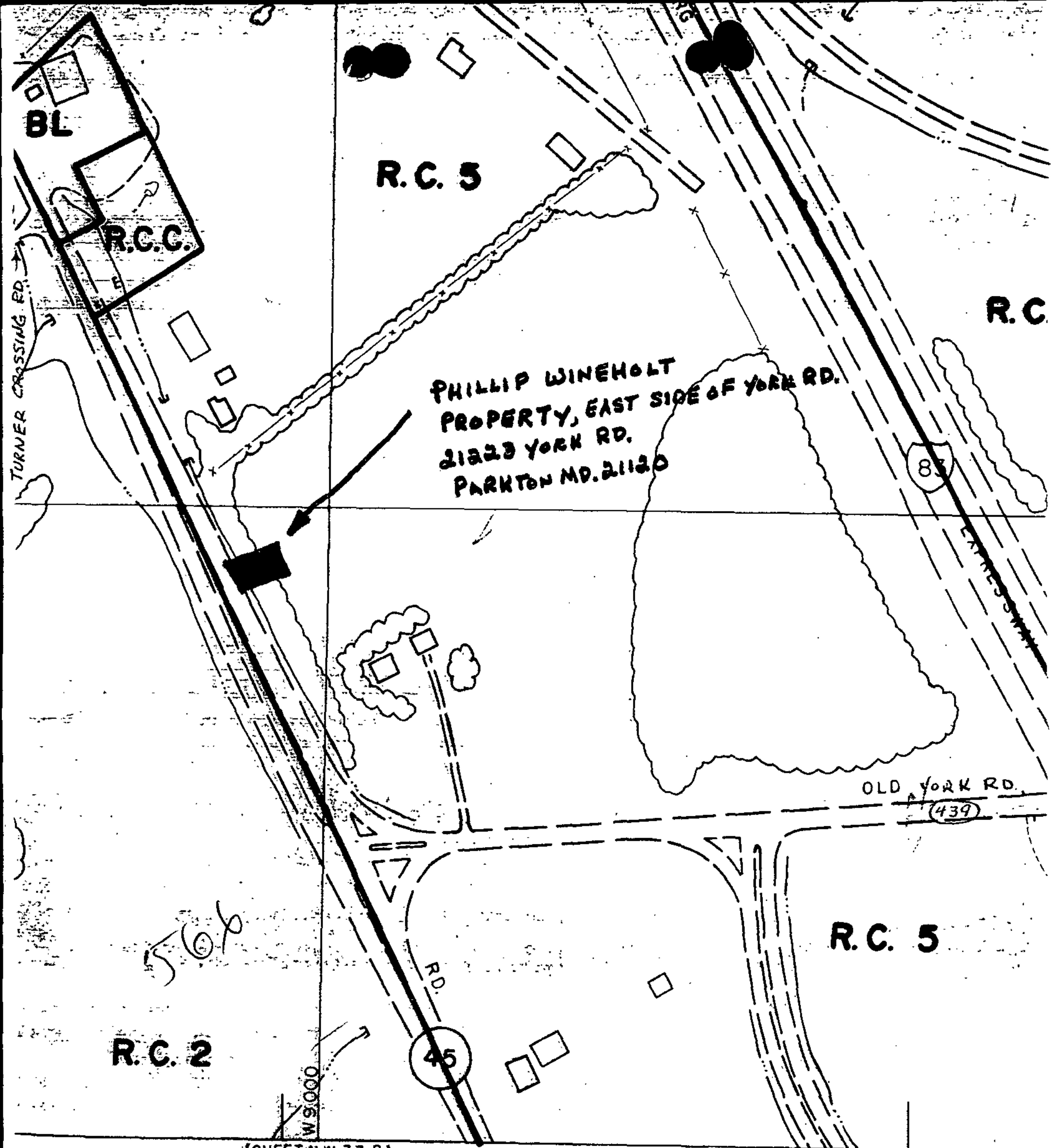
HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY 560 ITEM # CASE #

Pet Ex #1



ALTIMORE COUNTY
OF PLANNING AND ZONING
ICIAL ZONING MAP

NW 38B
1" = 200'

