

IN RE: PETITION FOR VARIANCE
NE/S Halethorpe Avenue, 749.5' SE of
Washington Boulevard
(1921 Halethorpe Avenue)
13th Election District
1st Council District

Waskey Investments, Inc., Owners;
John Butcher, Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-008-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Waskey Investments, Inc., by Larry Porter, General Partner, and the Contract Purchaser, John Butcher, through their attorney, Michael Gisriel, Esquire. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with side yard setbacks of as close as 8 feet in lieu of the minimum required 15 feet, and a sum of the side yards of 28 feet in lieu of the required 40 feet, and to approve the subject property as an undersized lot. 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 Larry Porter on behalf of Waskey Investments, Inc., property owner, John Heinrichs, the Professional Engineer who prepared the site plan for this property, and Michael Gisriel, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Barbara Howard and Edward Smith, who reside to the rear of the subject property.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northwest side of Halethorpe Avenue, not far from Washington Boulevard in western Baltimore County. The property contains a gross area of 8,812 sq.ft., more or less, approximately 53 feet wide by 170 feet in dimension, and is located within an older subdivision known as Halethorpe Terrace. The property was originally zoned D.R.5.5; however,

ORDER RECEIVED FOR FILING

Date

By

was downzoned to D.R.2 in 1996. Testimony indicated that Waskey Investments, Inc. recently acquired the subject property through bankruptcy/foreclosure proceedings. Apparently, the prior owner had attempted to subdivide the subject property and an adjacent parcel and develop the overall tract with several single-family dwellings. He was apparently unsuccessful and the subject lot is all that remains from his original holdings.

The current owners/Petitioners now come before me seeking approval to develop the subject lot with a single-family dwelling. As shown on the site plan, the proposed structure will be a two-story, cottage type dwelling, a maximum 24 feet wide and 39.5 feet deep. The dwelling will be setback 42 feet from the front property line, which is consistent with neighboring dwellings on either side of the subject lot. Variance relief is requested, however, from the side yard setback requirements. Although a 20-foot setback will be maintained on the south side of the property, only an 8-foot side yard setback can be maintained on the north side, with a side yard setback sum of 28 feet. Relief is also requested because the lot is undersized. Under the D.R.2 zoning classification, a minimum lot area of 20,000 sq.ft. is required and as noted above, the subject lot is only 8,812 sq.ft. in area. Testimony and evidence offered in support of the request was that without variance relief, the lot could not be developed. Obviously, strict compliance with the regulations would require a house no greater than 12 feet in width, which is impractical.

The residents of the community who appeared raised a number of issues. The primary area of concern relates to ongoing flooding in the area. As noted above, this is an older community with insufficient storm water management infrastructure (i.e., storm drains, curb and gutter, etc.). The neighbors are concerned that the proposed development will further exacerbate the problem.

Similar comments were expressed in the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning. That comment noted that the entire Halethorpe Terrace subdivision, which encompasses approximately 167 acres, was downzoned from D.R.5.5 to D.R.2 in 1996. The comment also noted that a flooding problem has existed in this community for nearly 100 years due to the lack of infrastructure. The Office of Planning recommends a denial of the request, but noted that the Department of Public Works, the Office of Community Conservation,

the Office of Planning, and the Community Association had worked together to develop a plan of action to control storm water runoff in the area. Apparently, these controls have been implemented and construction has commenced; however won't be completed until fiscal year 2003-2004.

Based upon the testimony and evidence presented, this is a classic variance case. To deny relief would result in a practical difficulty upon the Petitioner in that there would be no reasonable use of the property for a permitted purpose. Thus, I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995) for variance relief to be granted. However, although I am persuaded that the proposed single-family dwelling should be permitted, I am appreciative of the concerns expressed by the neighbors and the Office of Planning. In this regard, the location of the house on the lot and the topography of the site are to be noted.

As stated above, the house will be setback 42 feet from the front property line, a distance consistent with other houses on this street. Apparently, due to the prior owner's plans, the residents who reside to the rear of the lot had feared that the house might be constructed towards the rear of the subject property, further exacerbating drainage problems on their properties. The neighbors were relieved that the proposed house would be located on the front portion of the site, further away from their homes.

It is also to be noted that the plan shows the elevations for the subject and adjacent properties. Apparently, these elevations were obtained from County GIS records. The elevations and site plan show that the proposed dwelling will be built on the lot in a location approximately 98 feet above sea level. The rear of the lot rises to an elevation of 102 feet. Thus, the lot is higher towards the rear than where the house is to be constructed. Thus, storm water runoff from the house and driveway will flow downhill towards Halethorpe Avenue and away from the residences to the rear of the site.

Finally, however, in order to assure that the construction will not aggravate existing storm water conditions, I shall impose two restrictions. First, the proposed driveway shall be constructed of a pervious/porous material and not of an impervious nature. A crushed stone or

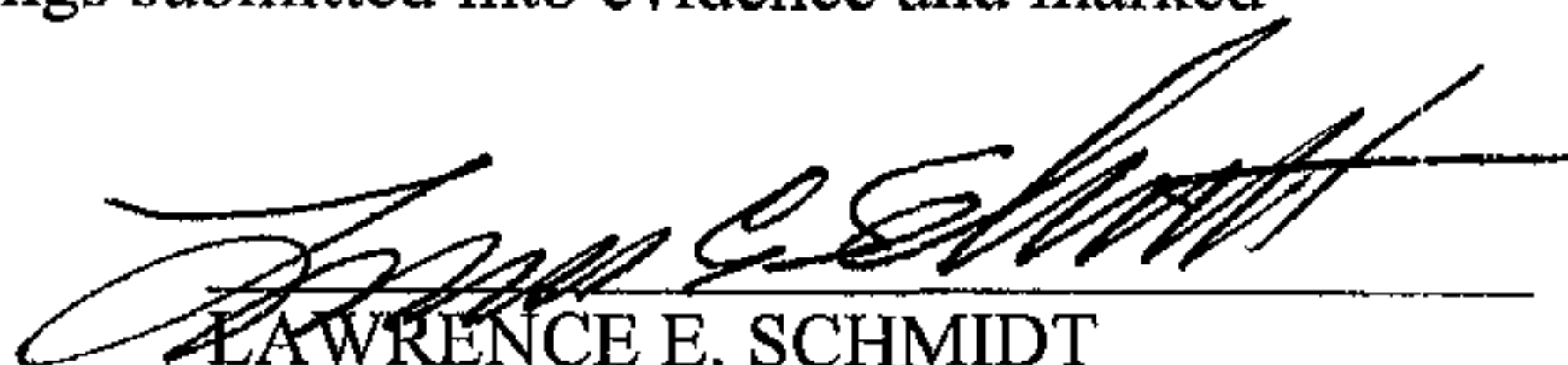
ORDER RECEIVED FOR FILING
Date 9/24/12
By [Signature]

similar driveway would be appropriate so as to minimize runoff from the property. Secondly, testimony and evidence offered indicated that there were no plans for construction before next year. Thus, I will prohibit the Petitioner from obtaining a building permit before May 1, 2003. This restriction is being imposed in the hope that construction after May 1, 2003 will be consistent with the timing of planned County infrastructure improvements to the area and more importantly, avoid construction on the subject property during the typically wet spring season.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of September, 2002, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with side yard setbacks of as close as 8 feet in lieu of the minimum required 15 feet, and a sum of the side yards of 28 feet in lieu of the required 40 feet, and to approve the subject property as an undersized lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit; however, no permit shall be issued before May 1, 2003.
- 2) 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.
- 3) The proposed driveway shall be constructed of a pervious/porous material such as crushed stone, so as to minimize storm water runoff from the property.
- 4) The proposed dwelling will be constructed substantially in accordance with the building elevation drawings submitted into evidence and marked as Petitioner's Exhibit 5.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 9/24/02

By [Signature]



Baltimore County
Zoning Commissioner

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

September 20, 2002

Michael Gisriel, Esquire
29 W. Susquehanna Avenue, Suite 302
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Halethorpe Avenue, 749.5' SE of Washington Boulevard
(1921 Halethorpe Avenue)
13th Election District – 1st Council District
Waskey Investments, Inc., Owners; John Butcher, Contract Purchaser - Petitioners
Case No. 03-008-A

Dear Mr. Gisriel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Larry Porter, 10717 Stevenson Road, Stevenson, Md. 21153
Mr. John Heinrichs, 1420 Joh Avenue, Suite A, Baltimore, Md. 21227
Ms. Barbara Howard, 1924 Woodside Avenue, Halethorpe, Md. 21227
Mr. Edward Smith, 4501 Spring Avenue, Halethorpe, Md. 21227
Office of Planning; People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1921 HALETHORPE AVE

which is presently zoned DR 2

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) 1B02.3.C, 1B02R TO PERMIT A PROPOSED DWELLING WITH SIDE SETBACKS AS CLOSE AS 8 FT. AND A SUM OF SIDE YARDS OF 20 FT. IN LIEU OF THE REQUIRED 15 FT. AND 40 FT. RESPECTIVELY), AND TO APPROVE AN UNDERSIZED LOT.

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.

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:

X: John Butcher JOHN BUTCHER
Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

c/o MICHAEL GISRIEL, ATT S/O
Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

X: Waskew Investments WASKEW INVESTMENTS, INC.
Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

MICHAEL GISRIEL, ATT
Name

29 W. Susquehanna - Suite 307
Address

Towson MD - 21204
Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 7/02/02

* PLEASE schedule AFTER SEPT 6, 2002

ORDER RECEIVED FOR FILING
Date 7/23/02
By [Signature]

Case No. 03 008 B

410-286-1440
x23

PHOENIX ENGINEERING, INC.

1420-A Joh Avenue • Baltimore, MD 21227-1046 / CONSULTING ENGINEERS

ZONING DESCRIPTION FOR 1921 HALETHORPE AVENUE

BEGINNING for the same at an iron pipe found being on the northeasterly right-of-way line of Halethorpe Ave., being 30' wide, 749.5 feet southeast of its intersection with the east side of Washington Boulevard, U.S. Route 1; thence running with and binding on said right-of-way line of Halethorpe Ave.

- 1) South 29° 29' 03" East 52.25 feet to a point; thence leaving said right-of-way of Halethorpe Ave. and running
- 2) North 52° 54' 37" East 170.15 feet to an iron pin set; thence
- 3) North 29° 29' 03" West ^{52.25 feet} ~~50.25~~ feet to an iron pin set, thence
- 4) South 52° 54' 37" West 170.15 feet to the place of beginning

CONTAINING 8,812 Sq. Ft. or 0.202 acres of land more or less.

BEING known as 1921 Halethorpe Avenue, located in the 13th Election District and the 1st Councilmanic District.

008

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14377

DATE

7/02/02

ACCOUNT

001 006 6150

AMOUNT

\$ 100.00

RECEIVED
FROM

M. Gannick

FOR

Res Car & unlicensed AT filing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

REC 1501 WALKIN JRYC INR DRAWER 1
RECEIPT # 095755 7/02/2002 DE-LN
Det 5. 520 ZONING VERIFICATION
CR NO. 014377

Rec'd 100.00 \$100.00
100.00 - CR 100.00 - CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #03-008-A

1921 Halethorpe Avenue

NE/S of Halethorpe Avenue, 749.5' SE of Washington Blvd.

13th Election District - 1st Councilmanic District

Legal Owner(s): Waske Investments, Inc., Larry Porter

Contract Purchaser: John Butcher

Variance: to permit a proposed dwelling with side setbacks as close as 8 feet and a sum of side yards of 28 feet in lieu of the required 15 feet and 40 feet respectively, and to approve an undersized lot

Hearing: Monday, September 9, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

8/29/2002 August 22 C557632

CERTIFICATE OF PUBLICATION

8/22/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/22/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-008-A
 Petitioner/Developer: BUTNER ETAL
GISRIEL, ETAL
 Date of Hearing/Closing: 9/9/02

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

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 11921 HALETHORPE

The sign(s) were posted on

8/21/02
(Month, Day, Year)

Sincerely,

Sincerely,
Patrick M. O'Keefe
(Signature of Sign Poster and Date) 8/22/02
PATRICK M. O'KEEFE
(Printed Name)

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

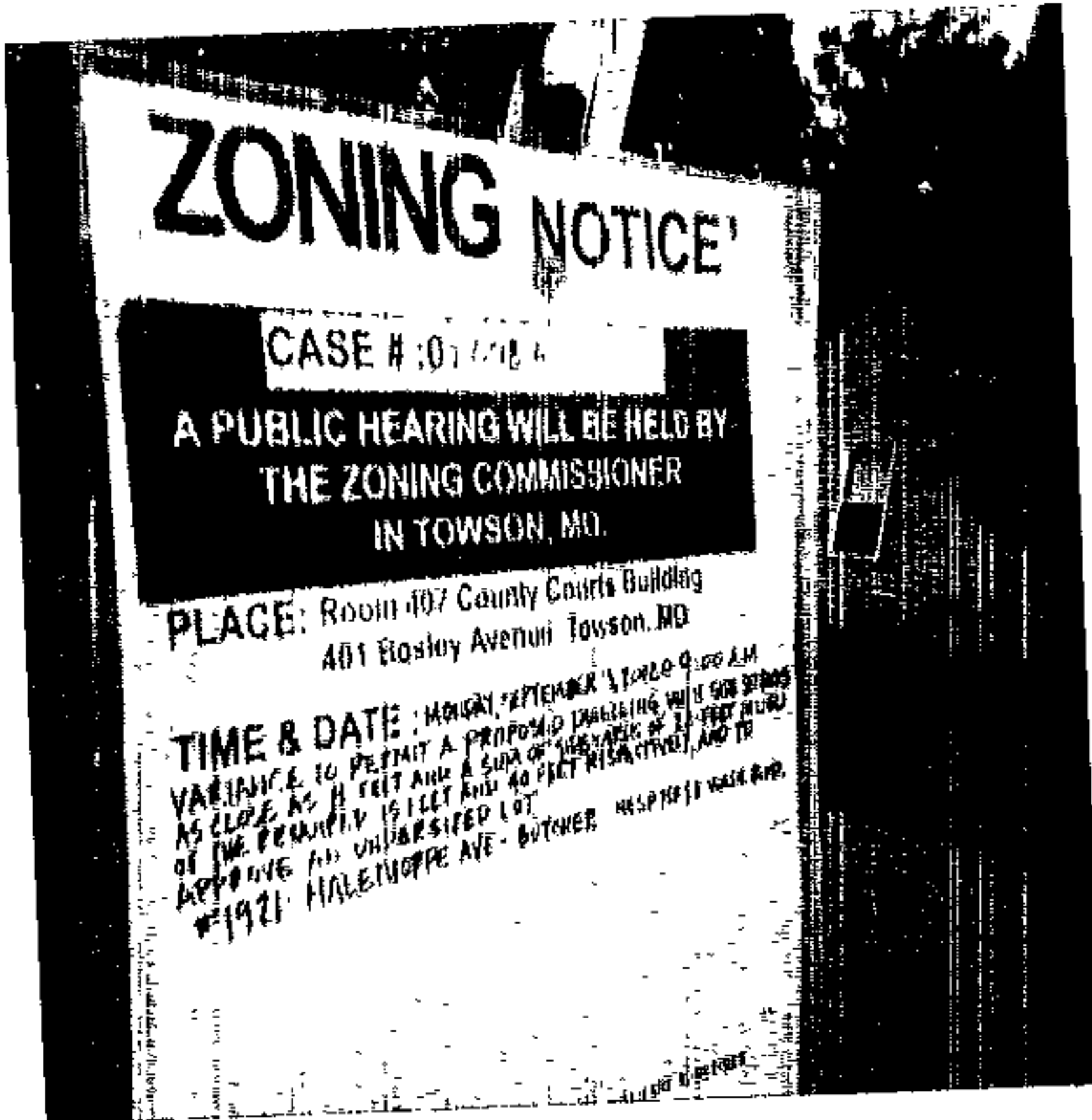
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)

t th brand fax transmittal memo 7671		# of pages ▶ P
To	BETTY LOE ROBIN	From
Co.	ZONTAG - COMM. Co.	
Dept.		Phone #
Fax #	410-887-3468	
		Fax #



03-308-A
#1921 - ~~HALETHORPE~~ AVE
9/9/02

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 03-008-A
Petitioner: WASKEY INVESTMENTS, INC / JONAN BUTCHER
Address or Location: 1921 HALETHORPE AVE
-21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL GISRIEL, ATTY
Address: 29 W. SUSQUEHANNA AVE - Suite 302
TOWSON, MD - 21204

Telephone Number: 410-296-1440 ext 3

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 8, 2002 Issue – Jeffersonian

Please forward billing to:
Michael Gisriel
29 W Susquehanna Avenue
Suite 302
Towson MD 21204

DO NOT PUBLISH
NEWSPAPER ARTICLE
FOR JEFFERSONIAN
NEWSPAPER WELL
410 296-1440 ext 3
FOR RECONSTRUCTION
George Schaner

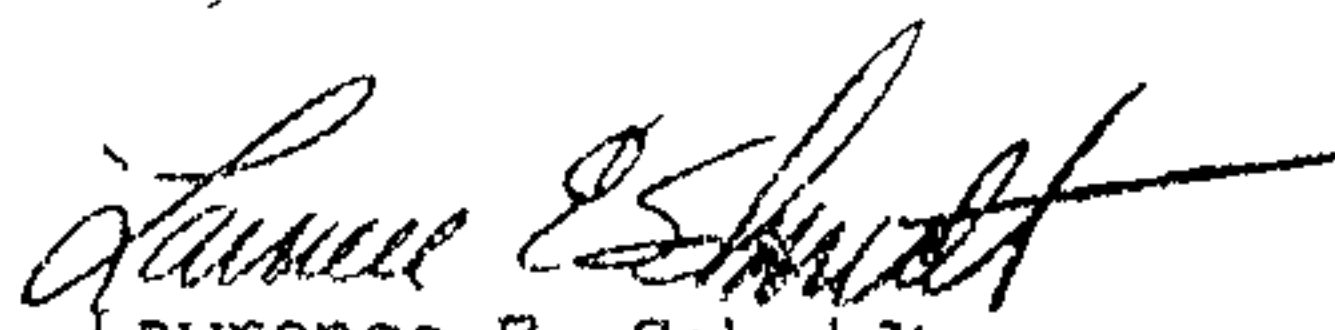
NOTICE OF ZONING HEARING

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CASE NUMBER: 03-008-A
1921 Halethorpe Avenue
NE/S of Halethorpe Avenue, 749.5' SE of Washington Blvd
13th Election District – 1st Councilmanic District
Legal Owner: Waske Investments, Inc, Larry Porter
Contract Purchaser: John Butcher

Variance to permit a proposed dwelling with side setbacks as close as 8 feet and a sum of side yards of 28 feet in lieu of the required 15 feet and 40 feet respectively, and to approve an undersized lot.

HEARING: Friday, August 23, 2002 at 10:00 a.m. in Room 407


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL
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.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 17, 2002

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: 03-008-A
1921 Halethorpe Avenue
NE/S of Halethorpe Avenue, 749.5' SE of Washington Blvd
13th Election District – 1st Councilmanic District
Legal Owner: Waskey Investments, Inc, Larry Porter
Contract Purchaser: John Butcher

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HEARING: Friday, August 23, 2002 at 10:00 a.m. in Room 407

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon *GJZ*
Director

C: John Butcher, c/o Michael Gisriel, 29 W Susquehanna Avenue, Suite 302,
Towson 21204
Waskey Investments Inc, Larry Porter, c/o Michael Gisriel, 29 W Susquehanna
Avenue, Suite 302, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 8, 2002.**
(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
Thursday, August 22, 2002 Issue – Jeffersonian

Please forward billing to:

Michael Gisriel
29 W Susquehanna Avenue
Suite 302
Towson MD 21204

410 296-1440 ext 3

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: 03-008-A

1921 Halethorpe Avenue

NE/S of Halethorpe Avenue, 749.5' SE of Washington Blvd

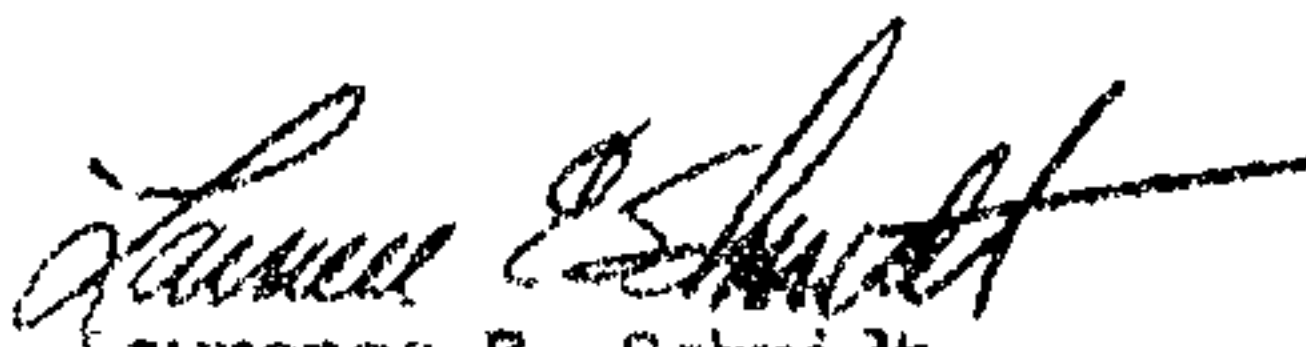
13th Election District – 1st Councilmanic District

Legal Owner: Waske Investments, Inc, Larry Porter

Contract Purchaser: John Butcher

Variance to permit a proposed dwelling with side setbacks as close as 8 feet and a sum of side yards of 28 feet in lieu of the required 15 feet and 40 feet respectively, and to approve an undersized lot.

HEARING: Monday, September 9, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
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.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 24, 2002

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: 03-008-A

1921 Halethorpe Avenue

NE/S of Halethorpe Avenue, 749.5' SE of Washington Blvd

13th Election District – 1st Councilmanic District

Legal Owner: Waskey Investments, Inc, Larry Porter

Contract Purchaser: John Butcher

Variance to permit a proposed dwelling with side setbacks as close as 8 feet and a sum of side yards of 28 feet in lieu of the required 15 feet and 40 feet respectively, and to approve an undersized lot.

HEARING: Monday, September 9, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C. John Butcher, c/o Michael Gisriel, 29 W Susquehanna Avenue, Suite 302,
Towson 21204
Waskey Investments Inc, Larry Porter, c/o Michael Gisriel, 29 W Susquehanna
Avenue, Suite 302, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURSDAY, AUGUST 24, 2002.**
- (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.



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

September 6, 2002

Michael Gisriel
29 W Susquehanna Avenue
Suite 302
Towson MD 21204

Dear Mr. Gisriel:

RE: Case Number: 03-008-A, 1921 Halethorpe Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 02, 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





**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

July 18, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 15, 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:
583; 001-005; 007-008; 010-013; 015

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 5, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 22, 2002
Item Nos. 583, 001, 002, 003, 004, 005,
006, 007, 008, 009, 010, 011, 012, 015,
and 016

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: R. Bruce Seeley *RB TL*

DATE: July 22, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 15, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

583, 001, 008, 011, 014, 016

As
9/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2002

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

JUL 30 2002

SUBJECT: 1921 Halethorpe Avenue

INFORMATION:

Item Number: 03-008

Petitioner: John Butcher

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The subject property was part of CZMP issue 1-006 (1996) in which 167± acres of the Halethorpe Terrace subdivision were rezoned from DR 5.5 to DR-2. The Office of Planning submitted the rezoning petition in an attempt to have the zoning be more reflective of the actual land usage and to slow the creation of additional impervious surfaces.

The subject site is the location of a Historical African American Settlement that has endured tremendous flooding for nearly 100 years due to a lack of modern intervention. Due to the fact that this settlement is located at lower elevations than the adjoining communities, when newer subdivisions are developed (in a number of instances without adequate storm water or sediment controls) water run-off from them would flood the settlement.

In an effort to improve the flooding problem, the Department of Public Works, the Office of Community Conservation, the Office of Planning and the Halethorpe Terrace Community Association (Halethorpe Civic League) worked together to develop and implement a plan of action. The storm water controls developed by the plan are still under construction and will in all probability not be completed for at least another year. The additional impervious surfaces associated with the undersized lot will further exacerbate current problems with flooding.

Furthermore, it was the intent of the County Council's rezoning to allow new in-fill development to occur in the Halethorpe Terrace subdivision at the DR-2 density. The Variances requested are not in keeping with the DR-2 zoning.

Considering the aforementioned, the Office of Planning recommends the that the petitioner's request be **DENIED**.

Prepared by: Mark A. Coughlin

Section Chief: Lynn Zamboni

AFK/LL:MAC:



Maryland Department of Transportation
State Highway Administration

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

Date: 7.11.02

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

RE: Baltimore County
Item No. 008

JL

Dear Mr. Zahner:

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,

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

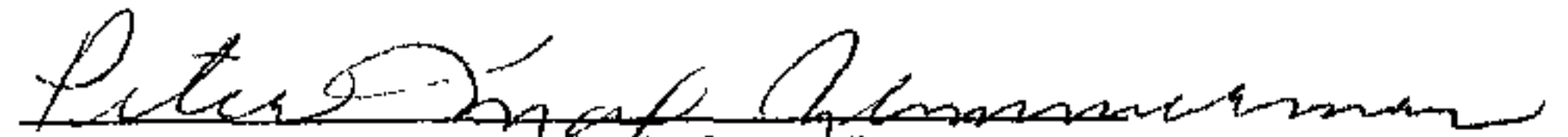
RE: PETITION FOR VARIANCE.
N/east side of Halethorpe Ave.
749.5 ft SE of Washington Blvd
13th Election District 1st Councilmanic
District
Legal Owner: Waske Investments, Inc.
Larry Porter, Gen Prtnr
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-008-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 19th day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Michael Gisriel, 29 West Susquehanna Ave., Suite 302, Towson, Maryland 21204 Attorney for Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 03-008-A**TO FILE**

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)Accepted by VL
Date 7/02/02

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

John Butcher

Print Name of Applicant

c/o Michael Gisriel

29 W. Susquehanna Ave, Ste. 302

Towson, Maryland 21204

410-296-1440

Telephone Number

Lot Address 1921 Halethorpe Avenue Election District 13 Councilmanic District 1 Square Feet 8,812Lot Location: NE side of Halethorpe Avenue 749.50 feet from SE corner of Washington Blvd.
(street) (street)Land Owner: Waskey Investments, Inc. Tax Account Number 1316000052Address: P.O. Box 1467, Ellicott City, MD 21041 Telephone Number (410) 750-0061

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (2 copies) available in Room 200, County Office Building (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR-2</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:



Approval



Disapproval



Approval conditioned on required modifications of the application to conform with the following:

See attached

Signed by

Jeffrey Long
for the Director, Office of Planning and Community Conservation

Date:

7/26/02

Date	7/30	# of pages	3
From	John Long	Ca.	
Phone #	3480	Fax #	
To	John Long	Phone #	
Go/Dept.		Fax #	2824



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 24, 2002

Michael Gisriel
29 W Susquehanna Avenue
Suite 302
Towson MD 21204

Dear Mr. Gisriel:

RE: Case Number: 03-008-A, 1921 Halethorpe Avenue

The above matter, previously scheduled for Friday, August 23, 2002 at 10:00 a.m., has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon GDZ
Director

AJ: gdz

C:

7/23/02
g
Sease

Law Offices
FOARD, GISRIEL, O'BRIEN & WARD, L.L.C.
29 West Susquehanna Avenue, Suite 302
Towson, Maryland 21204

Michael Gisriel, P.A.
mgisriel@fgow.com

Fax 410-823-7037
410-296-1440

W. Thomas Gisriel
Of Counsel

July 22, 2002

The Honorable Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 03-008-A
1921 Halethorpe Avenue
NE/S of Halethorpe Avenue, 749.5' SE of Washington Blvd.
13th Election District – 1st Councilmanic District
Legal Owner: Waskey Investments, Inc., Larry Port
Contract Purchaser: John Butcher

Dear Mr. Jablon:

I received a Notice of Zoning Hearing today scheduling the above-captioned matter for a hearing on Friday, August 23, 2002, at 10:00 a.m. I will be out of town at that time. Please reschedule this hearing on September 9th or any convenient date after September 9th and advise me know the new hearing date.

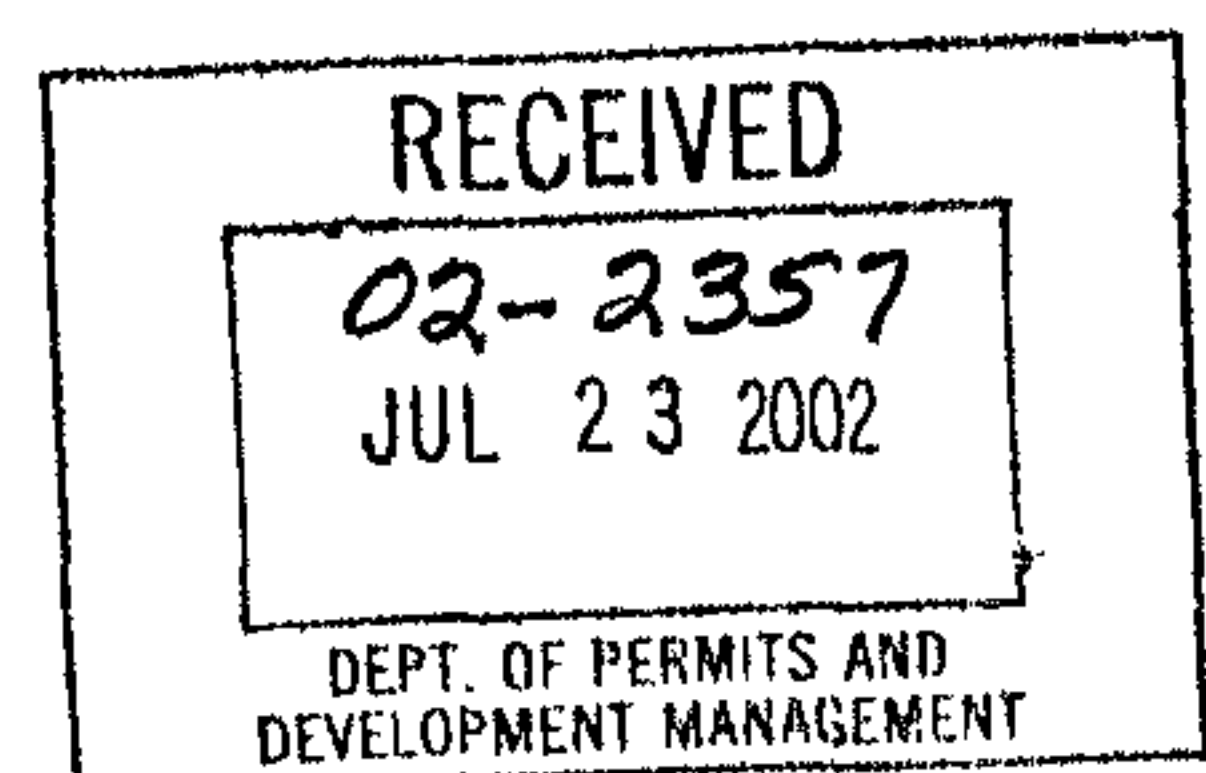
Thank you for your consideration and attention to this matter.

Very truly yours,

Michael Gisriel

Michael Gisriel
/M

MG/mvj



9/9

Andre' T. Brown
1922 Woodside Avenue
Baltimore, Maryland 21227
(401) 242-9159

September 9, 2002

Baltimore County Zoning Commissioner Office
Attn: Mr. Lawrence Schmidt, Zoning Commissioner
401 Bosley Avenue, Room 407
Towson, Maryland 21204
Fax (410) 887-3468

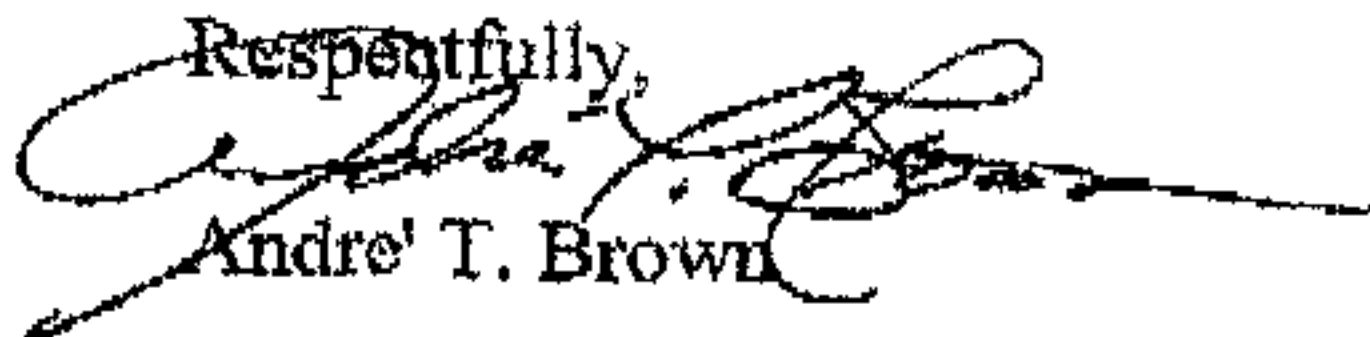
**Re: Residential Opposition to Appeal #03-008-A, Zoning Review for
1921 Halethorpe Ave., Halethorpe, Maryland 21227**

Dear Mr. Schmidt:

I am writing you to state *my Steadfast Opposition* to the possible rezoning or set back reconfiguration to the property referenced above. I am a home owner immediately to the right rear of the above referenced property and well below their normal grade elevation to which I now received considerable water run off during medium to heavy rain falls. This water situation has been documented in the Planning Office Files for several years and a resolution to abate the water problem was made but not initiated due to the county not being able to obtain easement rights. The water problem still exist and the building a new home on the above referenced property would only increase the storm water problem. I built my home in 1977 and have been there every since. The storm water problem has created several problems of erosion, heavy vegetation growth and as well has constance vigilance when ever rain is forecasted.

I apologize for not attending the hearing scheduled for this day (September 9, 2002) but I was unaware of the scheduled time, as well as I had to attend a funeral this morning. If you have any questions or need additional information, please do not hesitate to contact me. *As stated previously, I Oppose this Appeal for the construction of any type of residential dwelling which will impact my residence.* Thanking you in advance and I remain,

Respectfully,



Andre' T. Brown

cc: Halethorpe Civic Association
Mr. Lynwood Johnson

Phil:4;13

#008

7/02/02

H.O.

Applicant stated no adjacent
(attny.)
ownership in past 6
years. I had asked for
this note on plat.

Attny advised will
address at hearing if
necessary.

His burden if needed.

D Lewis

Case Number _____

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Revised 4/17/00

Case Number _____

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

IN RE: PETITION FOR VARIANCE
S/S Catanna Avenue, 136' E of
Jeanne Avenue
(Lots 32 & 33 Catanna Avenue)
13th Election District
1st Councilmanic District

Alex Kundrick
Petitioner

PET #1

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-64-A

IV

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Oct 1998

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Alex Kundrick. The Petitioner seeks relief from Sections 1B02.3.C.1, 303.1, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 8.5 feet and 10 feet, in lieu of the minimum required 15 feet, and a sum of the side yards of 18.5 feet in lieu of the required 40 feet; to permit a rear yard setback of 31.6 feet in lieu of the required 40 feet; and to approve the subject property as an undersized lot, and any other variances deemed necessary, in order to develop the property with a single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Alex Kundrick, property owner, and his son, Robert Kundrick. There were no Protestants or other interested persons present.

7

Testimony and evidence offered revealed that the subject property consists of two lots, identified as Lots 32 and 33 of the subdivision known as Halethorpe Terrace, which contain a combined area of 4,400 sq.ft. (0.10 acres), zoned D.R.2. The Petitioner has owned the subject property since 1992 and is desirous of developing same with a single family dwell-

ing. Testimony revealed that the property was zoned D.R.5.5 until December 1996 at which time it was rezoned to D.R.2. In addition, the Petitioner does not own additional property which abuts the two lots in question. Therefore, he cannot meet the required lot width or area regulations in order to develop the property as proposed. The Petitioner testified that he intends to build a house that will be compatible with other houses in the neighborhood. In fact, the Petitioner submitted elevation drawings of the proposed house to the Office of Planning who has reviewed and approved same as being compatible with other homes in the surrounding community. However, due to the site constraints associated with the subject property, the requested variances are necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

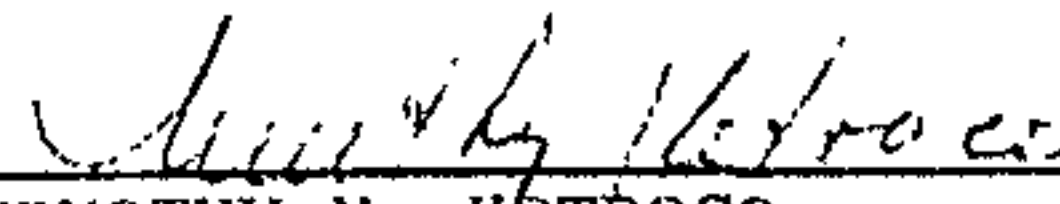
if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of October, 1998 that the Petition for Variance seeking relief from Sections 1B02.3.C.1, 303.1, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 8.5 feet and 10 feet, in lieu of the minimum required 15 feet, and a sum of the side yards of 18.5 feet in lieu of the required 40 feet; to permit a rear yard setback of 31.6 feet in lieu of the required 40 feet; and to approve the subject property as an undersized lot and any other variances deemed necessary, in order to develop the property with a single family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby

GRANTED, subject to the following restriction:

- 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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 14, 1998

Mr. Alex Kundrick
1108 Raven Drive
Arbutus, Maryland 21227

RE: PETITION FOR VARIANCE
S/S Catanna Avenue, 136' E of Jeanne Avenue
(Lots 32 & 33 Catanna Avenue)
13th Election District - 1st Councilmanic District
Alex Kundrick - Petitioner
Case No. 99-64-A

Dear Mr. Kundrick:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

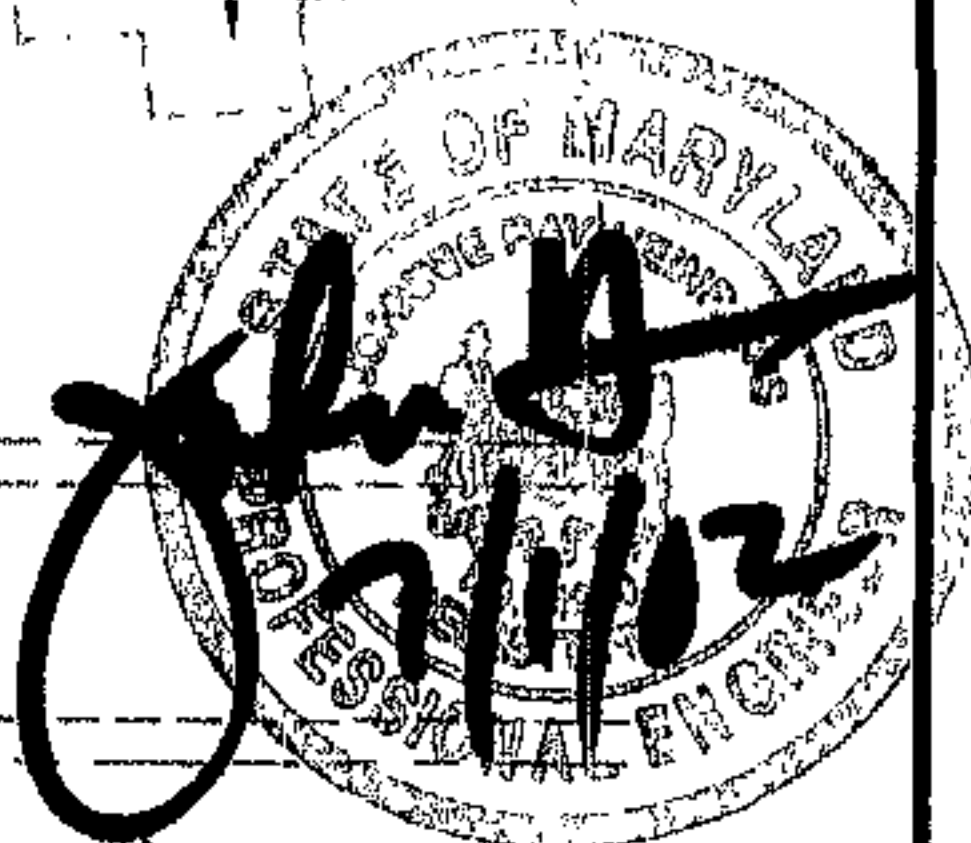
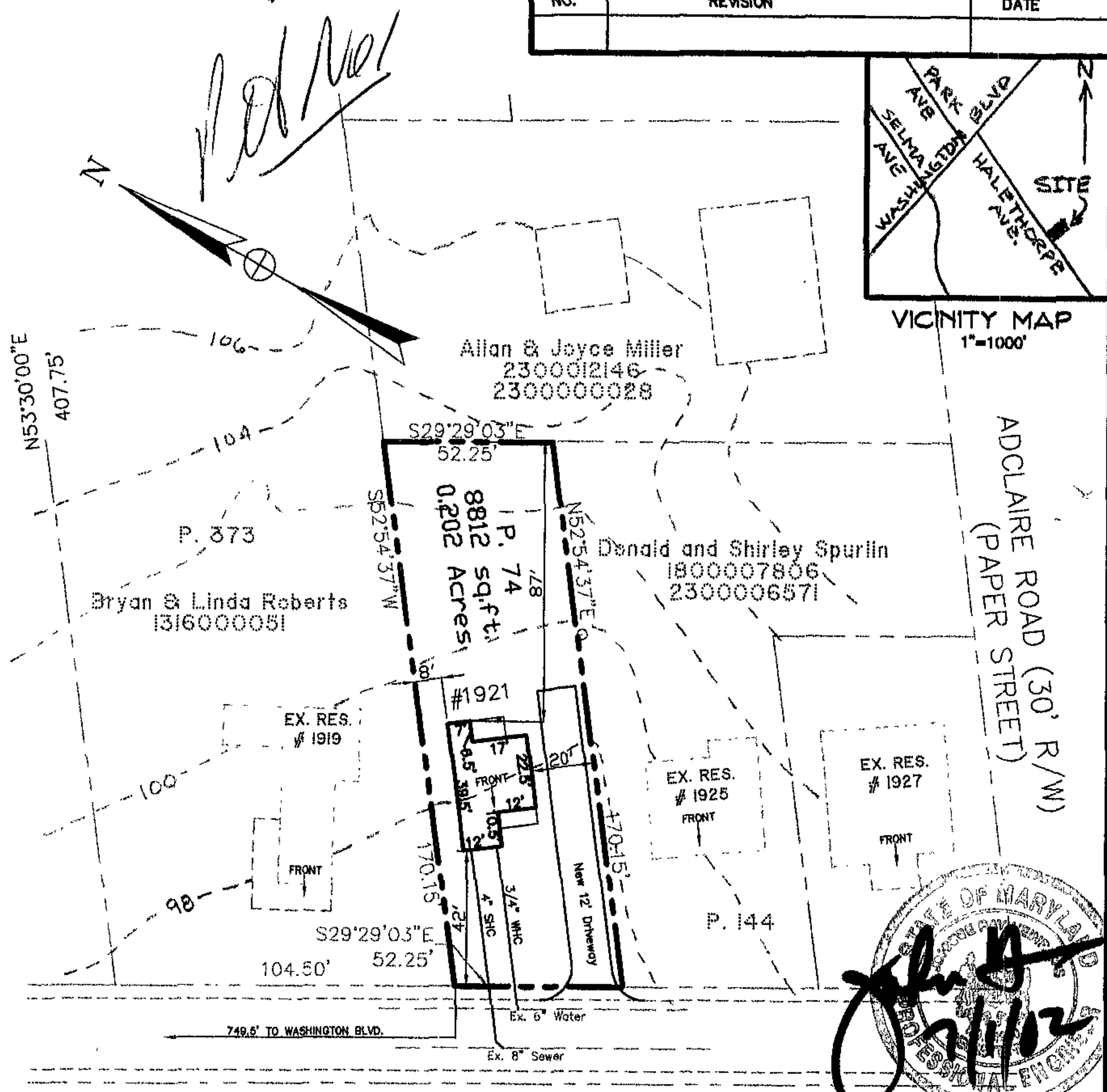
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel; Case Files

PET EX 2

NO.	REVISION	DATE



HALETHORPE AVENUE (30' R/W - PUBLIC)

ELEC. DIST.: 13
COUNC. DIST.: 1
ZONING: DR2
PRIOR ZONING: DR5.5
SITE IS NOT IN 100 YR. FLOODPLAIN
CHESAPEAKE CRITICAL AREA: N/A
WATER & SEWER: PUBLIC
200 SCALE MAP: SW6D
SITE IS NOT HISTORIC
LOT OF RECORD SINCE 1954
HEARING: N/A

ZONING ENCROACHMENT CHART
(SHADING INDICATES ENCROACHMENT)

	LOT AREA	LOT WIDTH	FRONT YARD	SUM OF SIDE YARD	INDIVID. SIDE YARD	REAR YARD
REQUIRED	20,000	100	40	40	15	40
PROPOSED	8,812	52.25	42	28	8	87

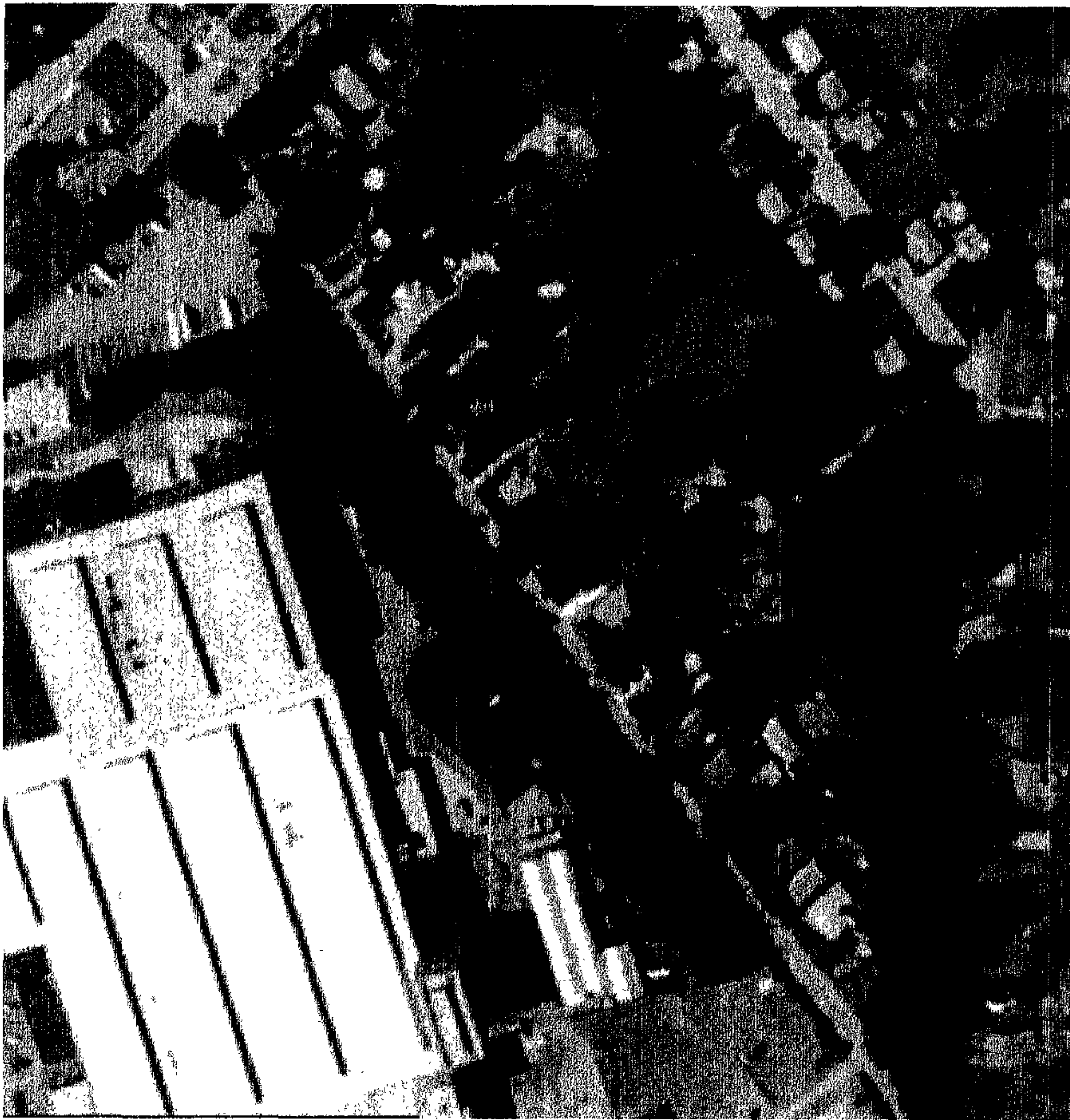
DRAWN BY: R.H.D.
CHECKED BY: J.R.H.
SCALE: 1"=50'
DATE: JULY 1, 2002
OWNER: WASKEY INVESTMENTS, INC.
P.O. Box 1467
Ellicott City, MD 21041
410 418-9711
TAX ACCT: 1316000052

PLAT TO ACCOMPANY PETITION FOR VARIANCE
AND UNDERSIZED LOT APPROVAL
1921 HALETHORPE AVENUE
BALTIMORE COUNTY, MARYLAND
PARCEL 74 TAX MAP 108

JOHN BUTCHER
CONTRACT PURCHASER
C/O MICHAEL GISRIEL
29 W. SUSQUAHANNA AVE SUITE 302, TOWSON MD. 21204

PREPARED BY:
PHOENIX ENGINEERING, INC.
CONSULTING ENGINEERS
1420-A JOH AVENUE
BALTIMORE, MARYLAND 21227
(410) 247-8833 FAX 247-9397
E mail: pei2000@bellatlantic.net
www.phoenixengineeringinc.net

PE+FA



Plot 4B



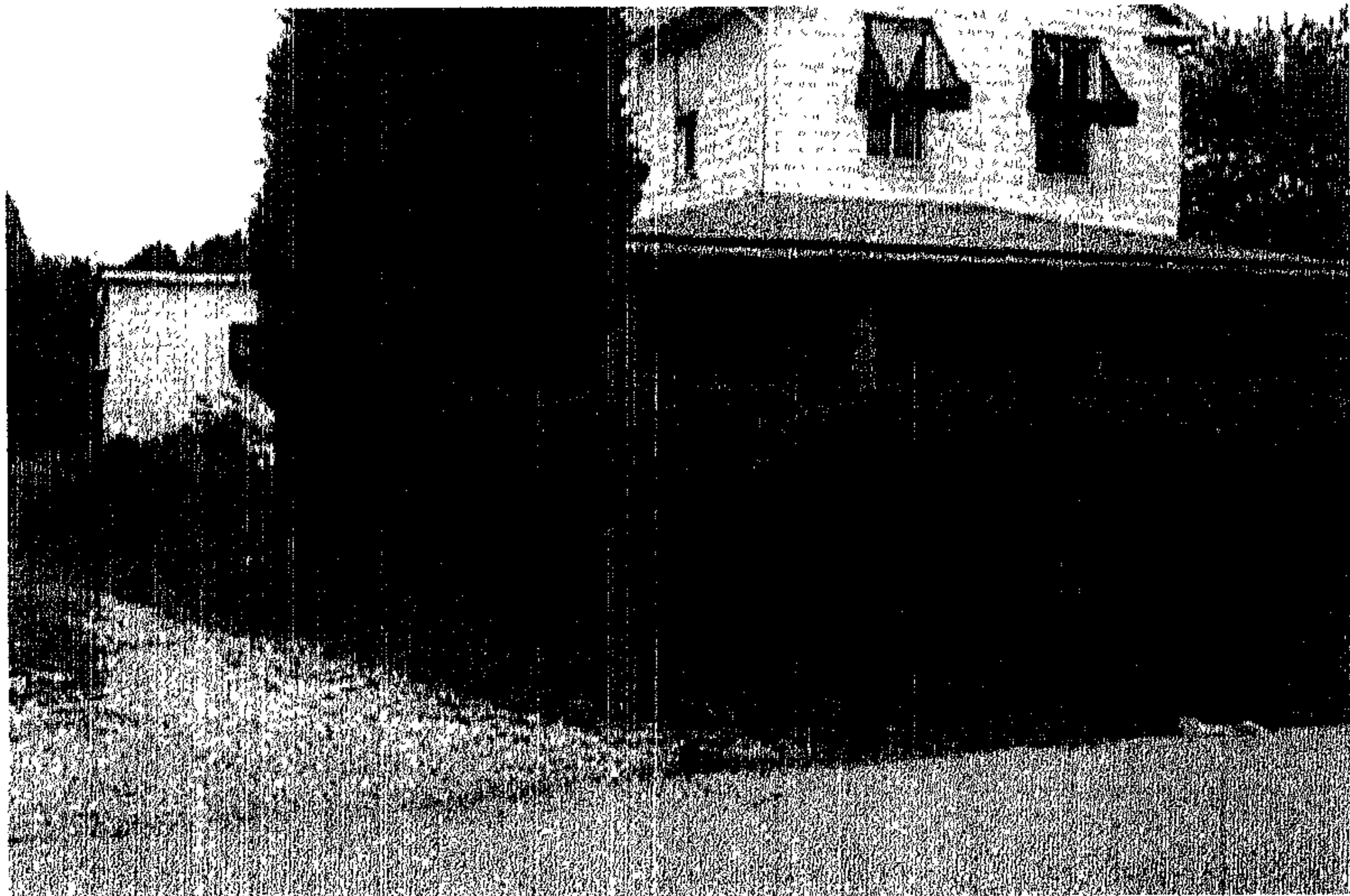
Rel 4C

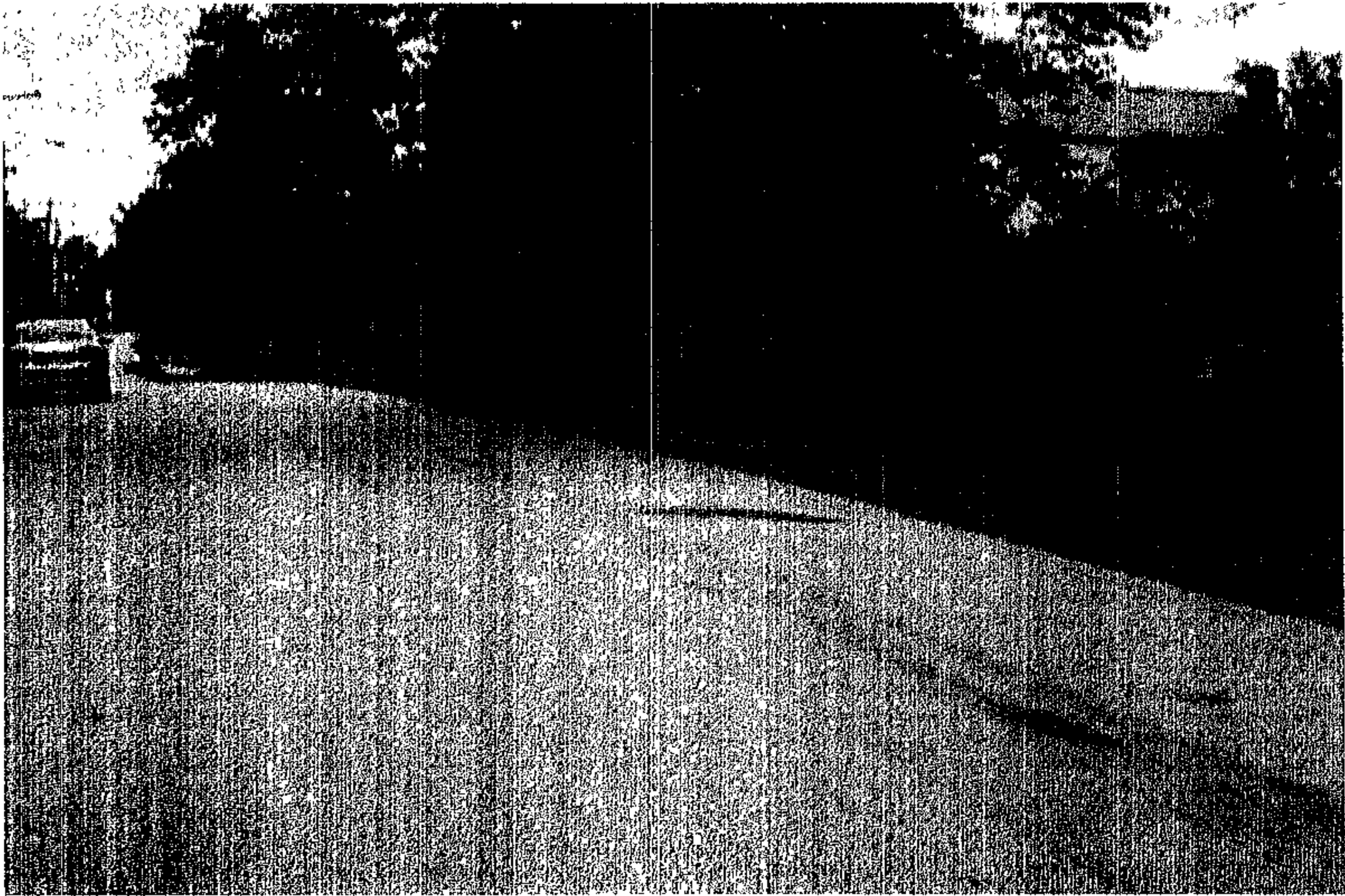


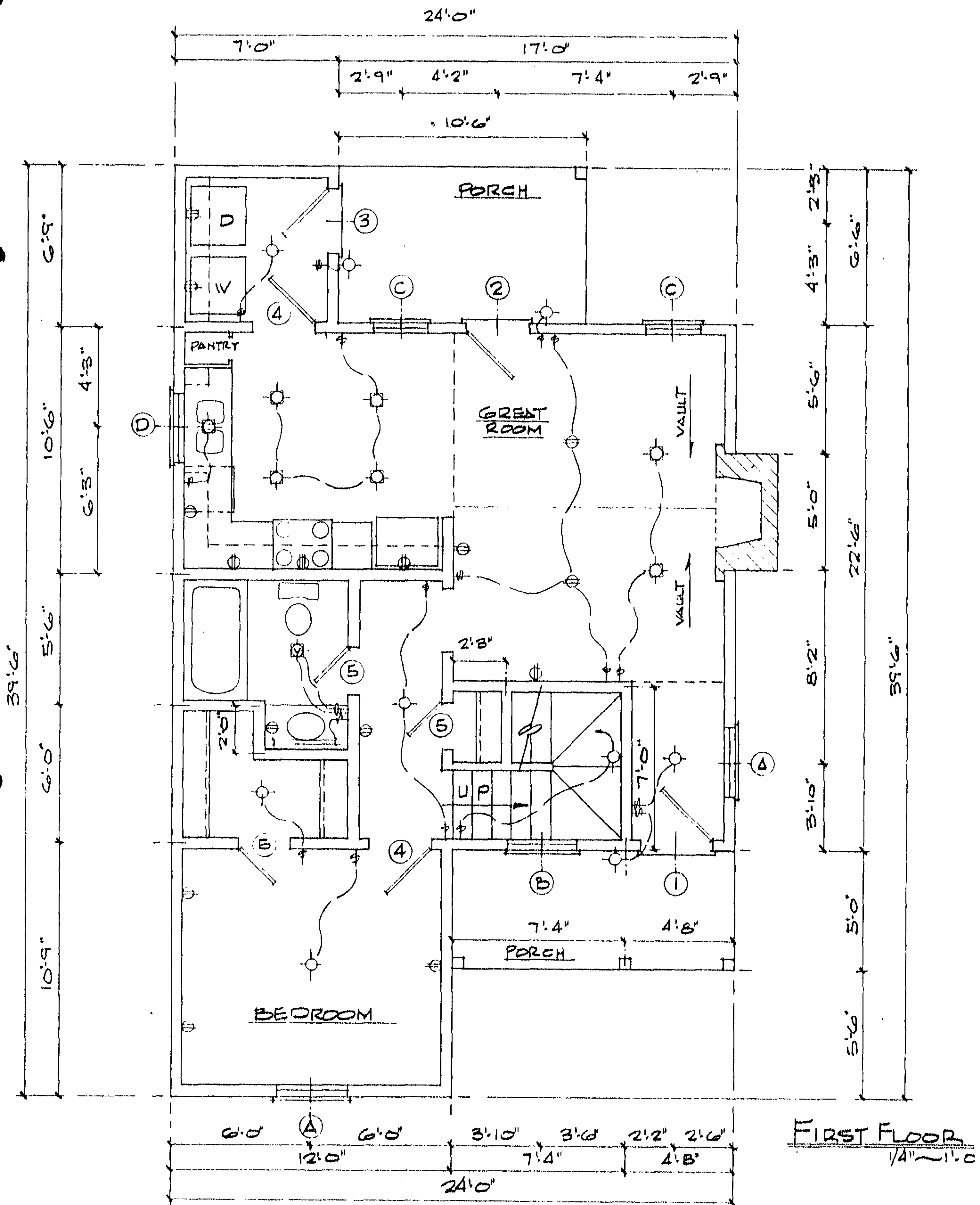
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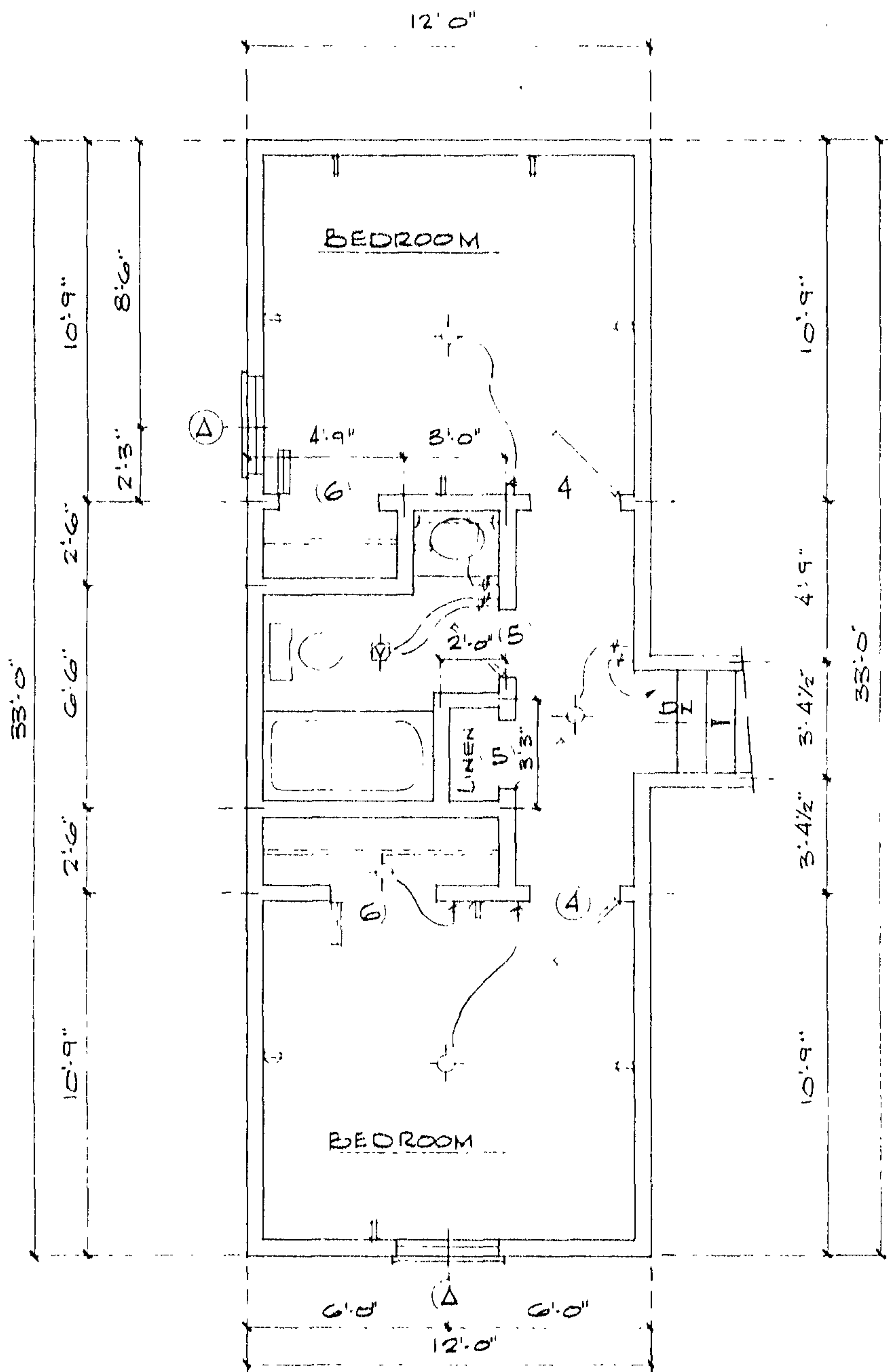


Feb 4E

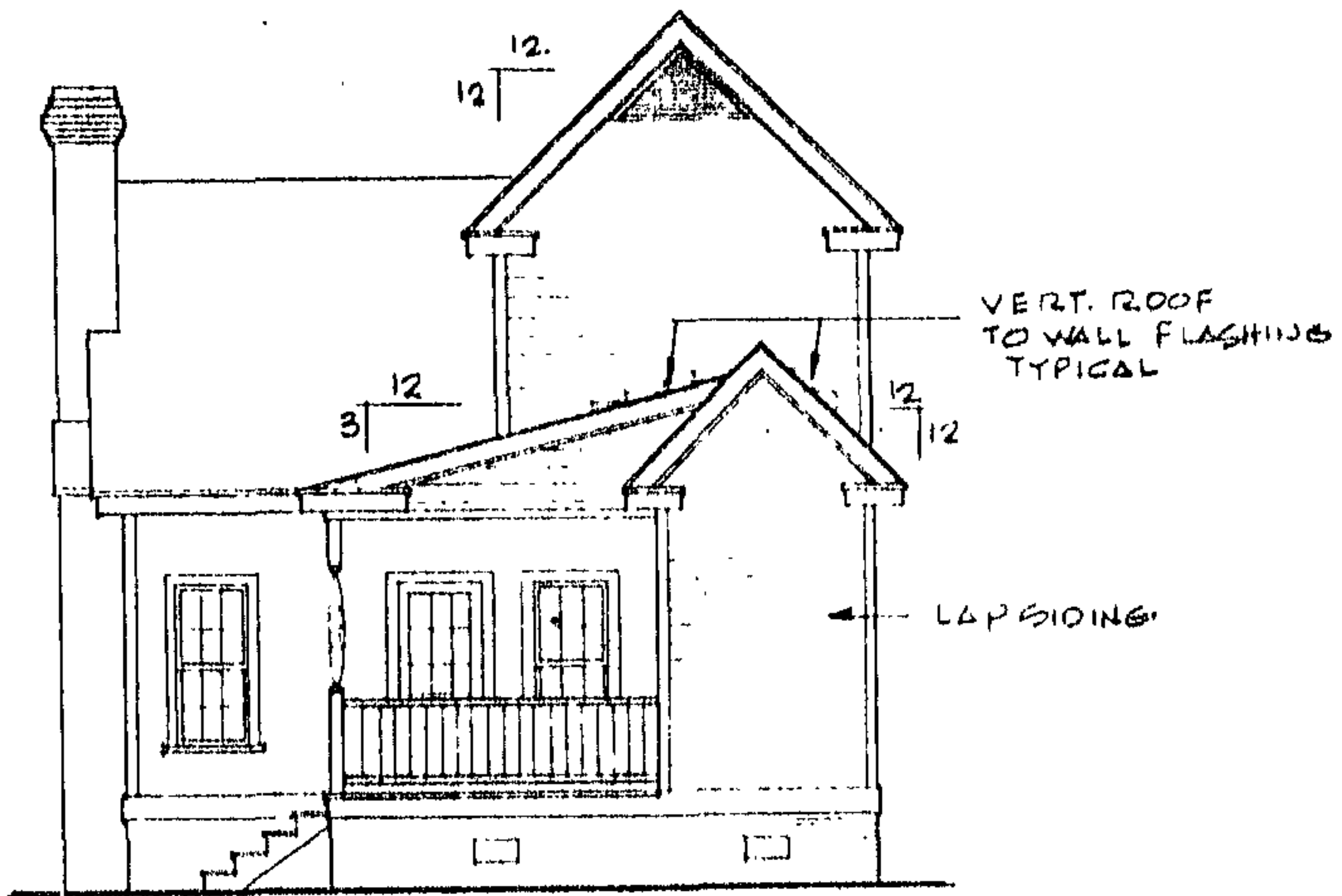




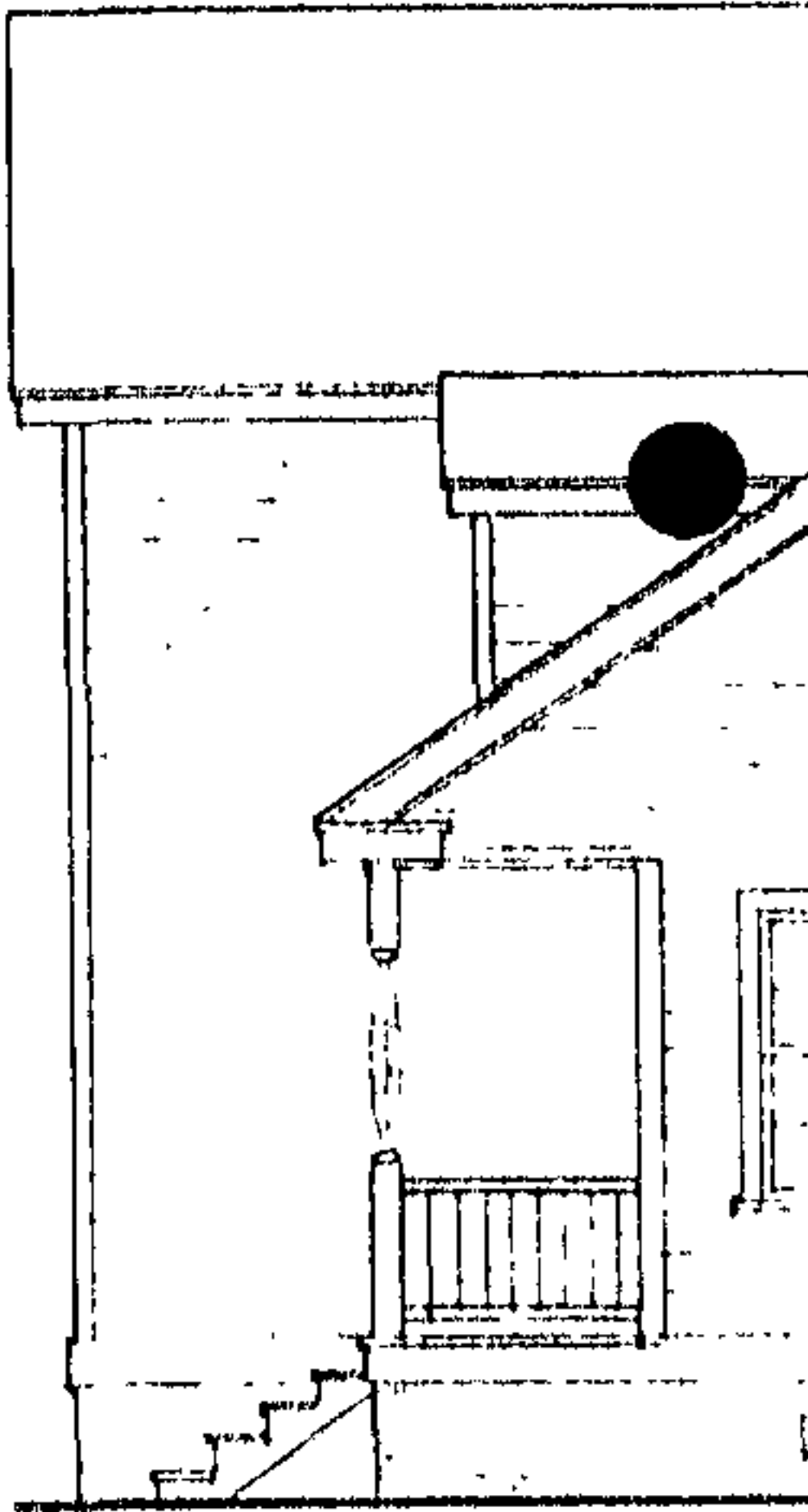




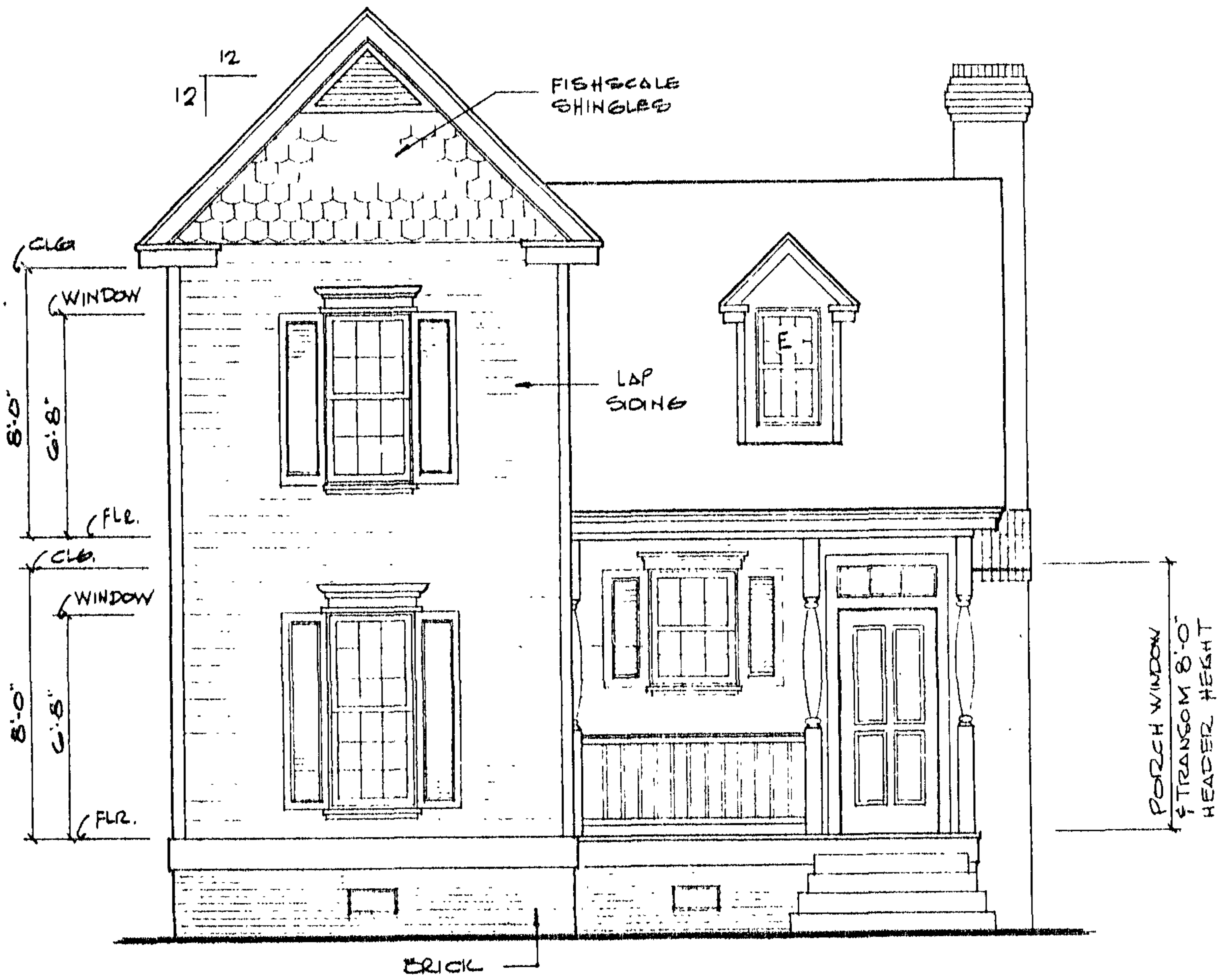
SECOND FLOOR PLAN
1/4" = 1'-0"



REAR ELEVATION



RIGHT

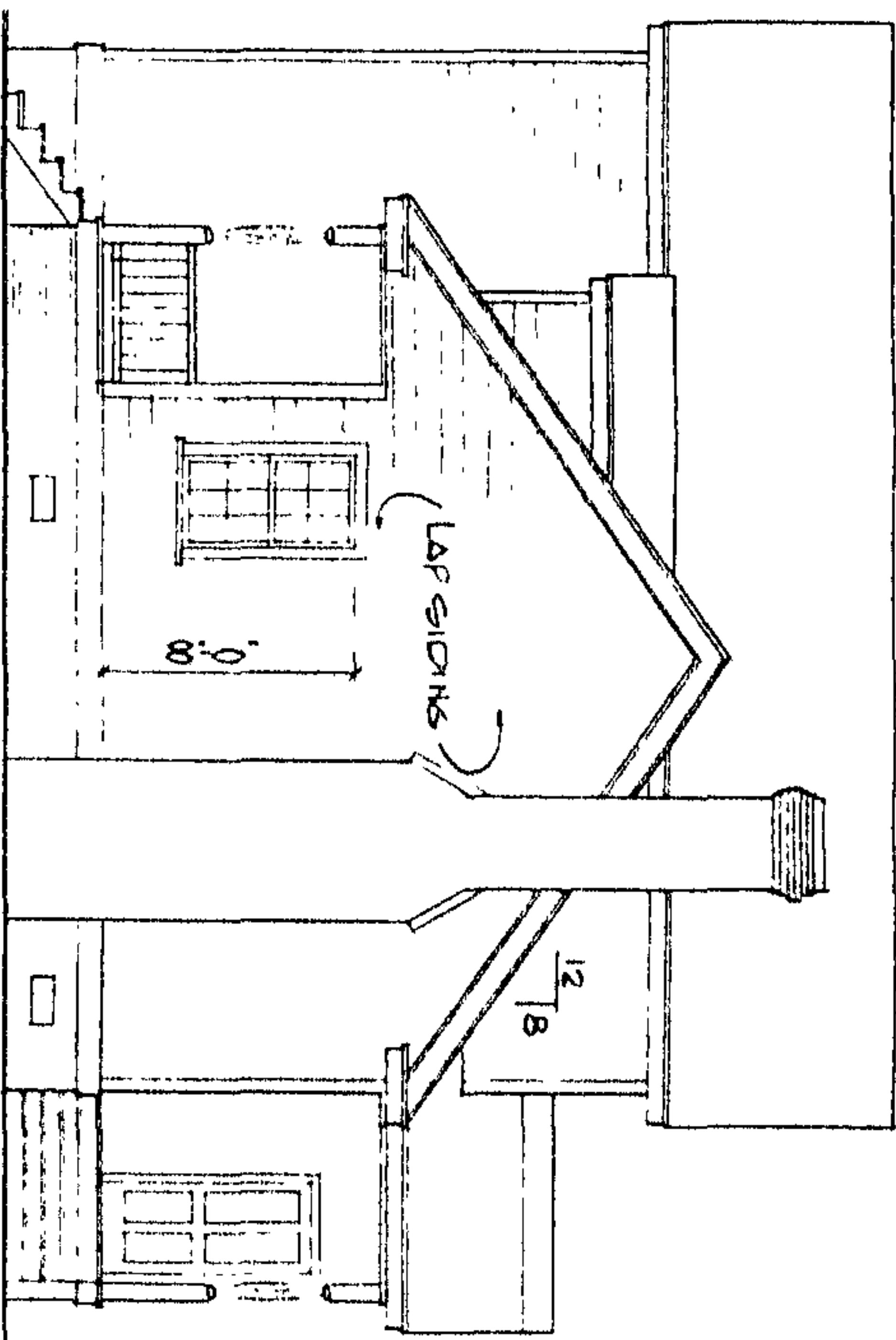


FRONT ELEVATION

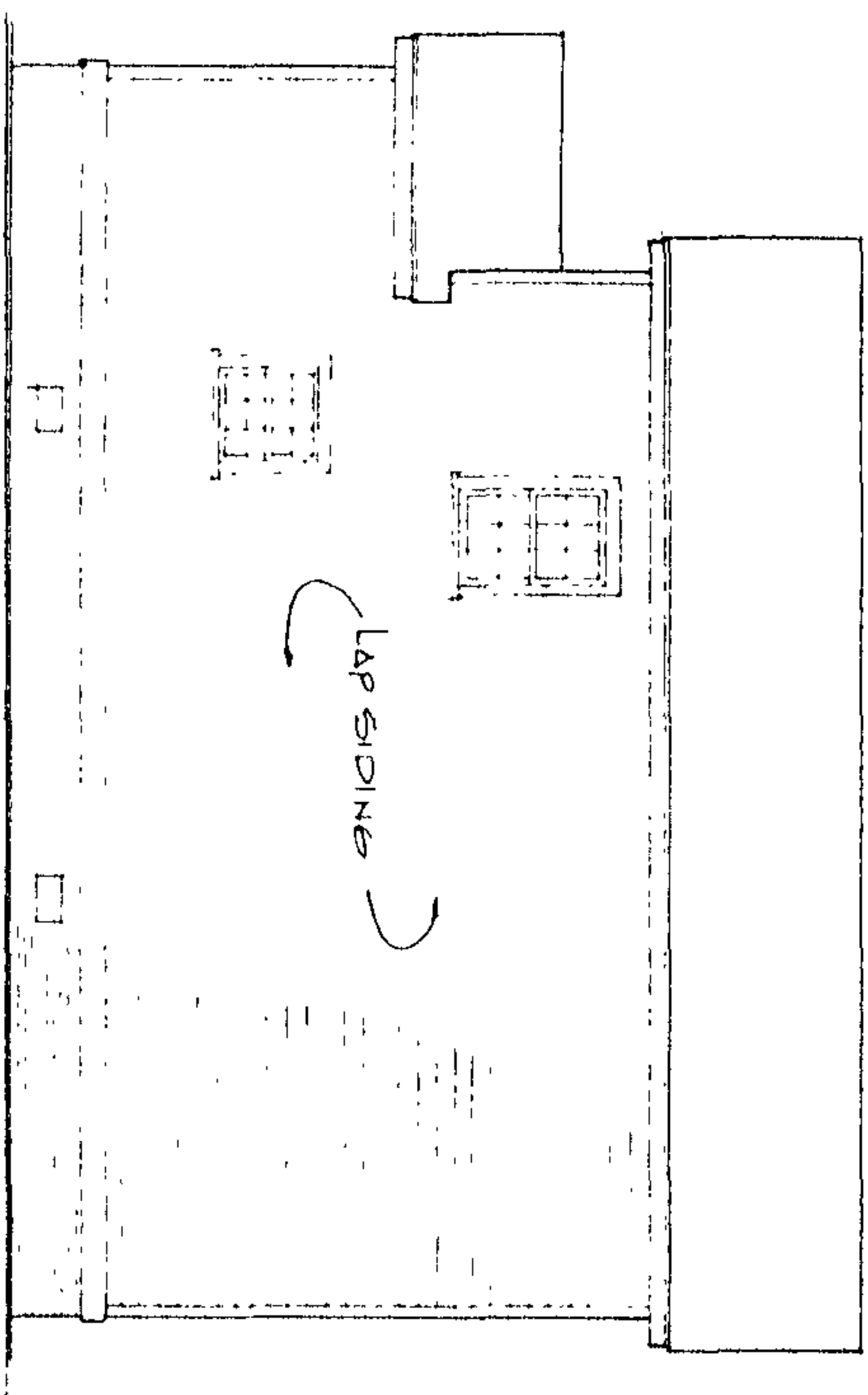
1/4" = 1'-0"

Pet No 5

ROOF
12 F
FLASHING
3/4"



RIGHT SIDE ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION

Drawings and Specifications (Plans) are the property of Historical Replications, Inc. Purchaser's right is conditional and limited to a one time use to construct a single project on one lot and such use is limited specifically to such property. To use and/or reproduce these plans concerning any other construction is strictly prohibited.

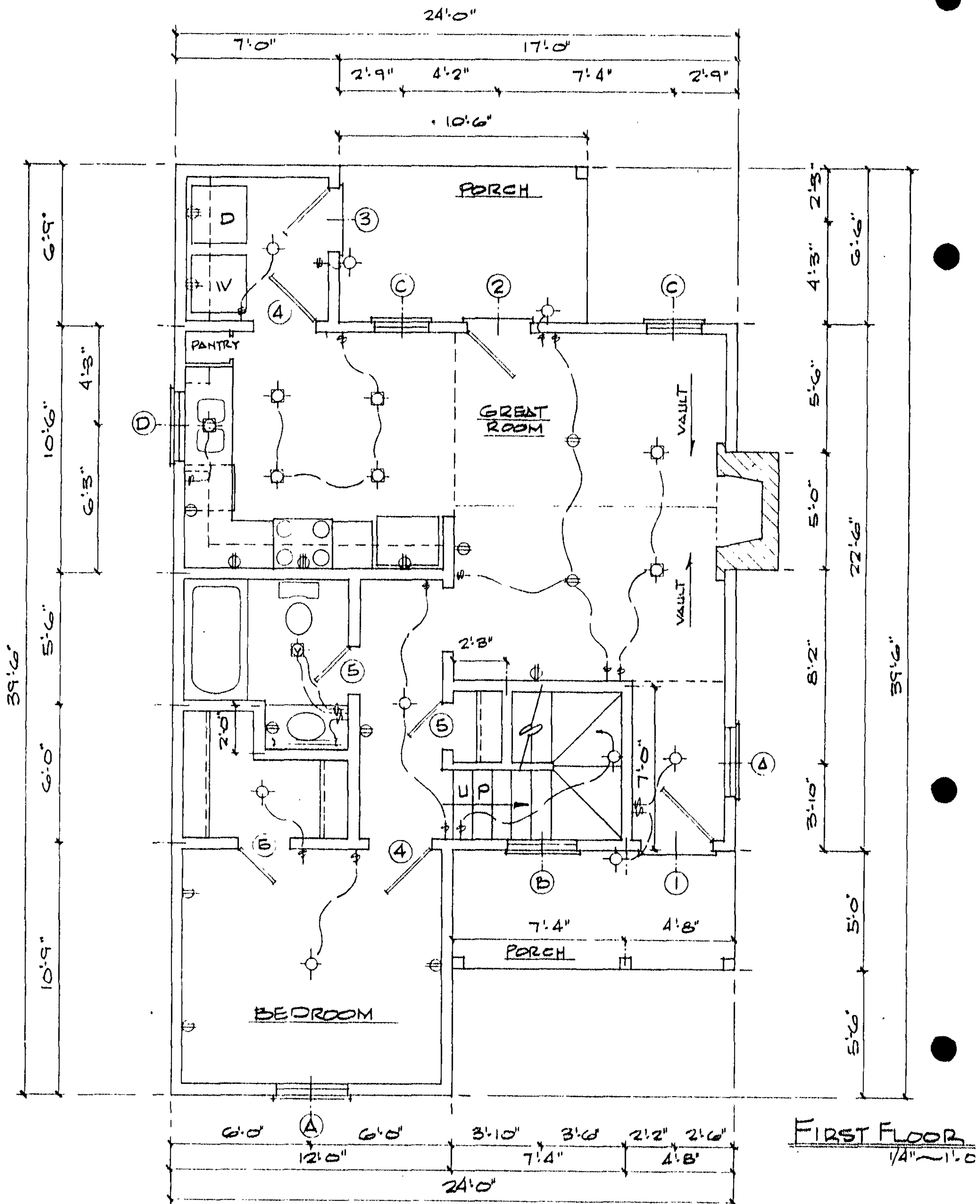
To the best of our knowledge these plans are drawn to comply with owner's specifications. Every attempt has been made in the preparation of drawings and specifications to avoid mistakes. Any discrepancy, error and/or omission, if found, is to be brought immediately to the attention of Historical Replications, Inc., before any construction, work or purchases made. Historical Replications, Inc. will not be liable for human error after construction has started.

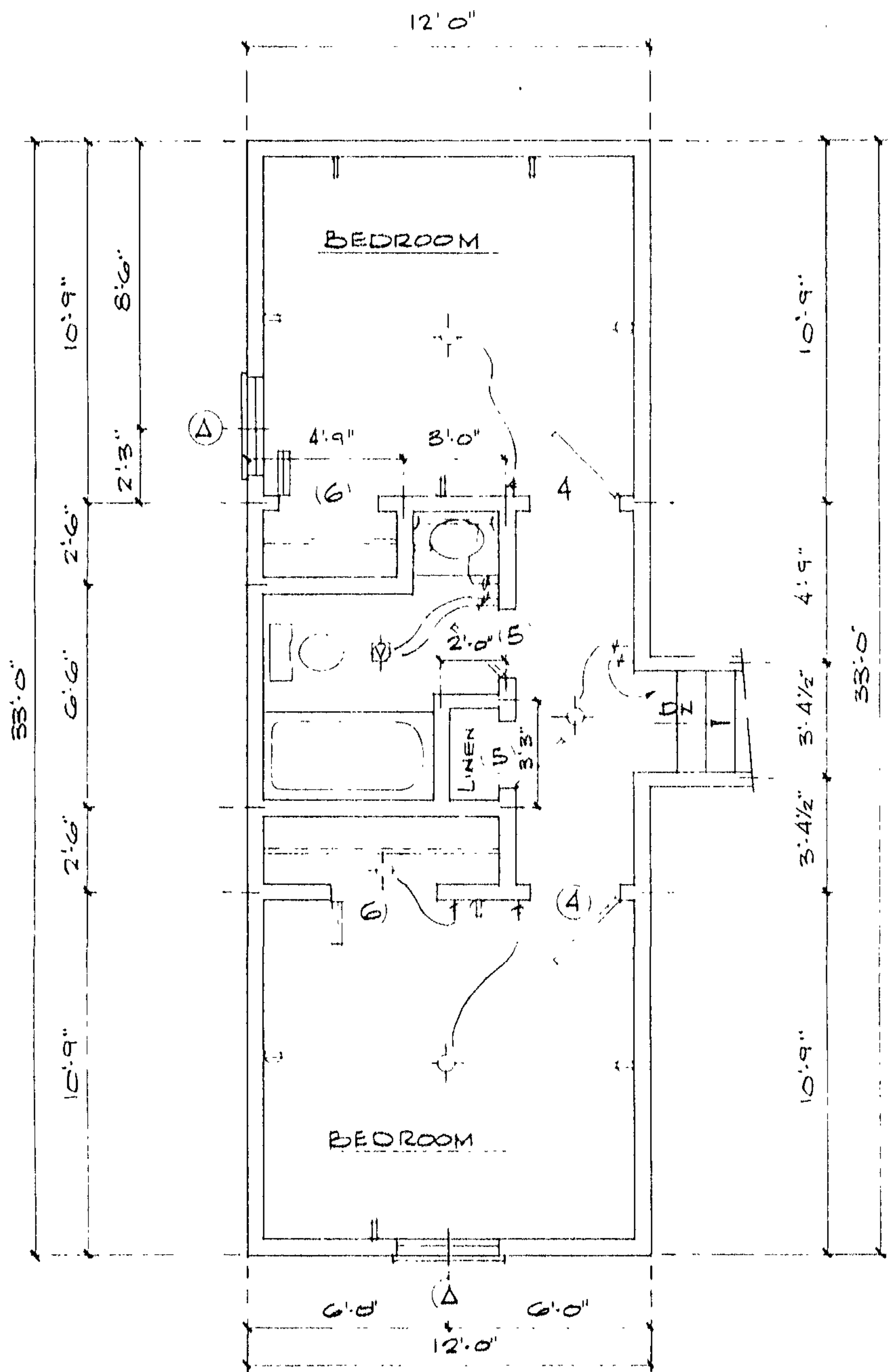
All codes, ordinances and requirements - federal, state and local - take precedence over any part of these drawings which may conflict with these agencies, rules and/or regulations.

Foundations are designed for optimum conditions and may have to be modified according to lot and soil testing. Historical Replications, Inc., will not be responsible for any modifications.

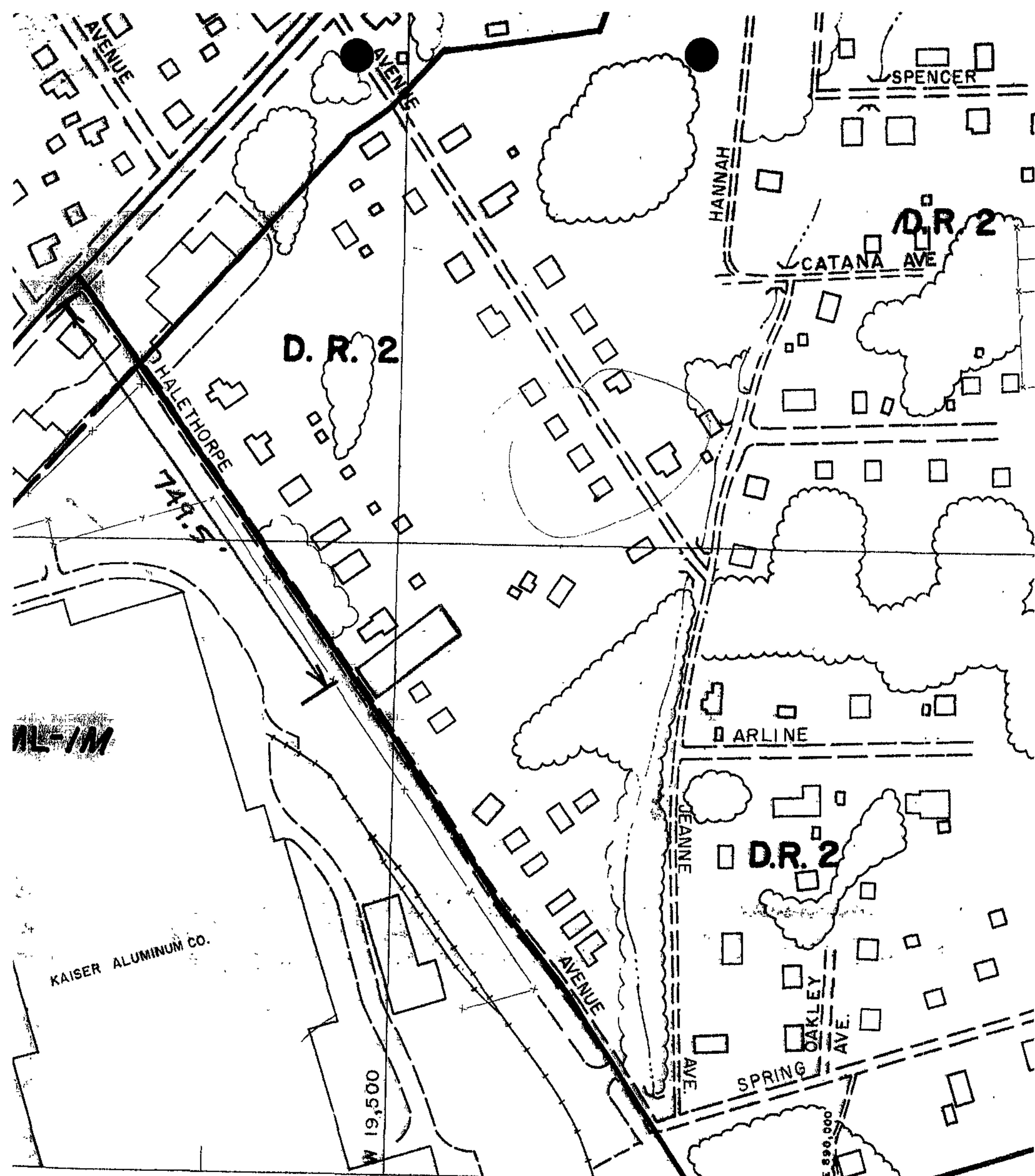
In states where an Architect's Seal of Approval is required, it is the owner's responsibility to obtain this seal.

HISTORICAL REPLICATIONS, INC.
JACKSON, MS 39236





SECOND FLOOR PLAN
1/4" = 1'0"



SCALE

1" = 200' ±

LOCATION

DATE OF
PHOTOGRAPHY

HALETHORPE

SW6D