

IN RE: PETITION FOR ADMIN. VARIANCE
N/E corner of Locust Drive
and Forrest Lane
1st Election District
1st Councilmanic District
(311 Locust Drive)

Theresa B. & Joseph M. Wynn
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-013-A

* * * * *

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, Theresa B. and Joseph M. Wynn. The variance request is for property located at 311 Locust Drive in the Catonsville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 12 ft., a rear yard setback of 24 ft., and a corner street side setback of 18 ft. in lieu of the required 15 ft., 40 ft. and 40 ft. respectively, to construct a two-story 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

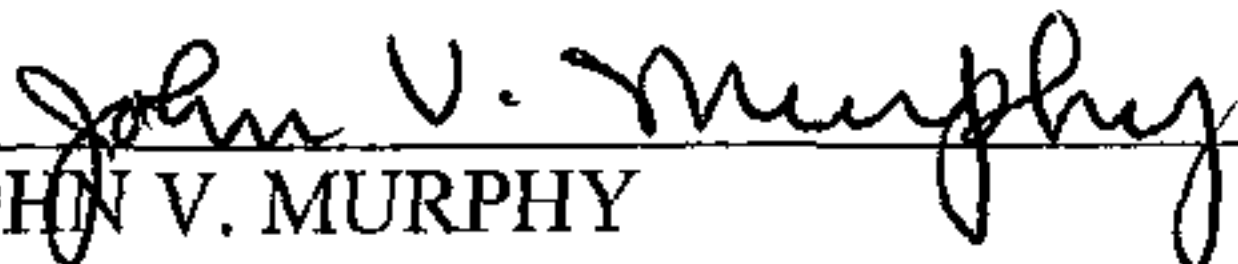
7/31/03
R. Johnson

that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31 day of July, 2003, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit a side yard setback of 12 ft., a rear yard setback of 24 ft., and a corner street side setback of 18 ft. in lieu of the required 15 ft., 40 ft. and 40 ft. respectively, to construct a two-story 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

7/31/03
R. J. Jenson



**Baltimore County
Zoning Commissioner**

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

July 30, 2003

Mr. & Mrs. Joseph M. Wynn
311 Locust Drive
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 04-013-A
Property: 311 Locust Drive

Dear Mr. & Mrs. Wynn:

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 black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 311 Locust Drive
which is presently zoned DEZ

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.1 to permit a side

yard setback of 12 ft., a rear yard setback of 24 ft., and a corner street side setback of 18 ft. in lieu of the required 15 ft., 40 ft., and 40 ft. respectively to construct a two-story 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 _____

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.

Legal Owner(s):

JOSEPH M. WYNN
Name - Type or Print _____

Joseph M. Wynn
Signature _____

THERESA B. WYNN
Name - Type or Print _____

Theresa B. Wynn
Signature _____

311 LOCUST DR 410-788-9992
Address _____ Telephone No. _____

CATONSVILLE MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

JOSEPH M. WYNN
Name _____

311 LOCUST DR
Address _____ Telephone No. _____

CATONSVILLE MD 21228
City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

CASE NO. 04-013-A

REV 10/25/01

Reviewed By BH Date 7/3/03

Estimated Posting Date 7/13/03

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 311 LOCUST DR
Address
CATONSVILLE MD 21228
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):

Small lot : Can't meet current set back std.s of 40'
for a 16x24 addition

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.

Joseph M. Wynn
Signature
JOSEPH M. WYNN
Name - Type or Print

Theresa B. Wynn
Signature
THERESA B. WYNN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30TH day of JUNE, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOSEPH M. WYNN, THERESA B. WYNN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Karen D. Gaulin
Notary Public
My Commission Expires Apr. 1, 2005
Karen D. Gaulin, Notary Public
Green Anne's County
State of Maryland

BEGINNING FOR THE SAME on the Northeast side of Locust Drive at the distance of 267.96 feet measured Southeasterly from the intersection of the Northeast side of Locust Drive as laid out 40 feet wide and the Southeast side of Gary Avenue as laid out 50 feet wide as shown on the plat of Forest Spring, recorded among the Land Records of Baltimore County in Plat Book WPC 7, folio 115, running thence and binding on the Northeast side of Locust Drive and referring the courses of this description to the True Meridian as established in Baltimore County Metropolitan District, South 16 degrees 19 minutes 10 seconds east 47.63 feet; thence Easterly by a curve to the left with a radius of 25 feet, the distance of 53 feet to the Northwest side of an un-named Avenue laid out 40 feet wide; thence binding on the Northwest side of said un-named Avenue north 42 degrees 12 minutes 20 seconds east 60.51 feet to the center line of a 10 foot Right-of-Way there laid out; thence binding on the center line of said Right-of-Way North 3 degrees 25 minutes 00 seconds West 38.32 feet and thence South 73 degrees 40 minutes 50 seconds West 98.21 feet to the place of beginning. The improvements thereon being now for formerly known as No. 311 Locust Drive.

#013

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 04-013-A

TO PERMIT A SIDE YARD SETBACK OF 12 FT.,
A REAR YARD SETBACK OF 24 FT. AND A
CORNER SETBACK OF 18 FT. IN LIEU OF THE
REQUIRED 15 FT., 40 FT. AND 40 FT. RESPECT
IVELY TO CONSTRUCT A TWO STORY
ADDITION

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(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
4:30 p.m. ON JULY 28, 2003

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE. • TEL. 887-3391 •
TOWSON, MD 21204

MEETING IS HANDICAP ACCESSIBLE

ZONING NOTICE

ADMINISTRATIVE VARIANCE

PUBLIC HEARING ?

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111 W. CHESAPEAKE AVE. • TEL. 887-3391 •
TOWSON, MD 21204

CERTIFICATE OF POSTING

RE: Case No.: 04-013-A

Petitioner/Developer: JOSEPH WYNN

Date of Hearing/ Closing: JULY 28, 2003

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

Attention: BECKY HART

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 311 LOCUST DRIVE

The sign(s) were posted on

JULY 11, 2003

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3025 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25511

DATE 7/3/03

ACCOUNT 10001-2086-6150

AMOUNT \$ 65.00

RECEIVED
FROM:

CET Construction

FOR:

Zoning Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item 4013

7/08/2003 7/08/2003 09:22:41
BUSINESS ACTION TIME
RECEIPT # 270022 7/08/2003
Dept 5 523 ZONING VERIFICATION
CR NO. 00519
Receipt Tot \$65.00
65.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2551

DATE 7/3/03 ACCOUNT 0001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: C F B construction

FOR: Zoning Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 013

Jeffrey Boone
7/3/03 - 5045
BUSINESS ACTUAL TIME
7/08/2003 7/08/2003 09:22:41
REG #002 MAIL JENIA JEE
RECEIPT # 270832 7/08/2003
Dept 5 520 ZONING VERIFICATION
CR NO. 025519
Receipt Tot \$65.00
65.00 CK .00 DA
Baltimore County, Maryland

CASHIER'S VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 013 -A Address 311 Locust Dr.
 Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
 Filing Date: 7/3/03 Posting Date: 7/13/03 Closing Date: 7/28/03

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 04 013 -A Address 311 Locust Dr.
 Petitioner's Name Joseph Wynn Telephone 410-788-9992
 Posting Date: 7/13/03 Closing Date: 7/28/03
 Reasoning for Sign: To Permit a side yard setback of 12 ft., a rear yard setback of 24 ft., and a corner setback of 18 ft. in lieu of the required 15 ft. 40 ft. and 40 ft. respectively, to construct a two-story addition.

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: 04-013-A

Petitioner: Calvin Boone

Address or Location: 311 Locust Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Calvin Boone

Address: 506 Acorn Ct

Mt Airy Md 21771

Telephone Number: 410-795-8845

Revised 2/20/98 - SCJ



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 28, 2003

Joseph Wynn
Theresa Wynn
311 Locust Drive
Catonsville, MD 21228

Dear Mr. and Mrs. Wynn:

RE: Case Number: 04-013-A, 311 Locust Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 3, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 16, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 14, 2003

Item No.: 002-014 013

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 7.16.03

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

RE: Baltimore County
Item No. 013 BR

Dear Ms. Hart:

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/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 18, 2003

RECEIVED

JUL 21 2003

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-013 – Administrative Variance

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

Prepared by:

Mark A. Cunningham

Section Chief:

Steve Lashman

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 9, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2003
Item Nos. 001, 002, 003, 005, 006,
007, 008, 009, 010, 011, 013, and 014

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

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burtan
Deputy Secretary

July 15, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

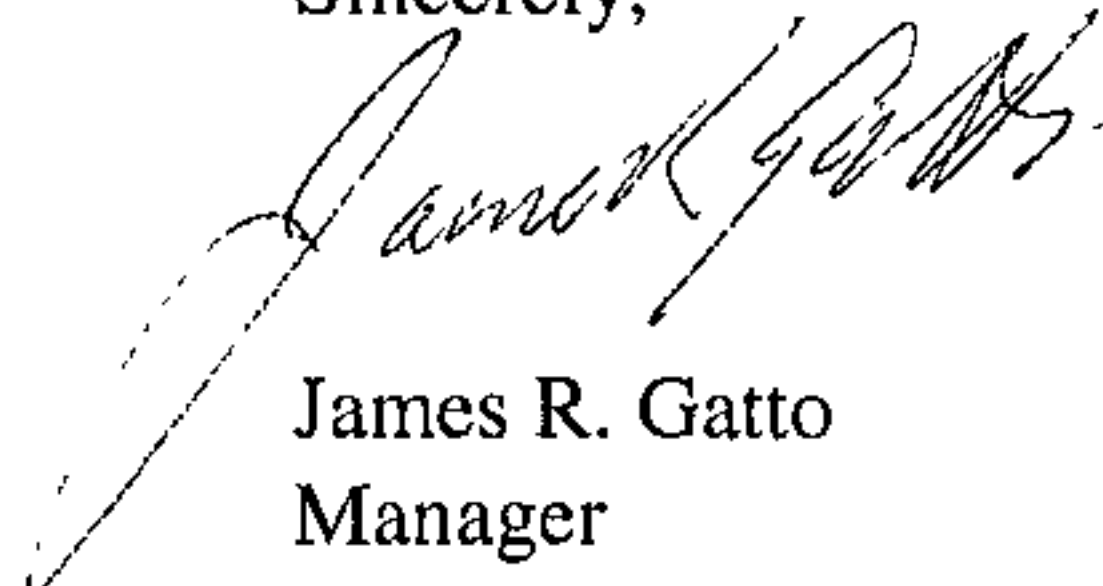
Re: Zoning Advisory Committee Agenda, 07/21/03 re: case numbers 04-1-SPH, 04-2-A, 04-3-SPHA, 4-4-SPH, 4-5-SPH, 4-6-SPHA, 4-7-SPHA, 4-8-A, 4-9-A, 4-10-SPHX, 4-11-SPHX, 4-12-SPH, 4-13-A, 4-14-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 311 Locust Drive

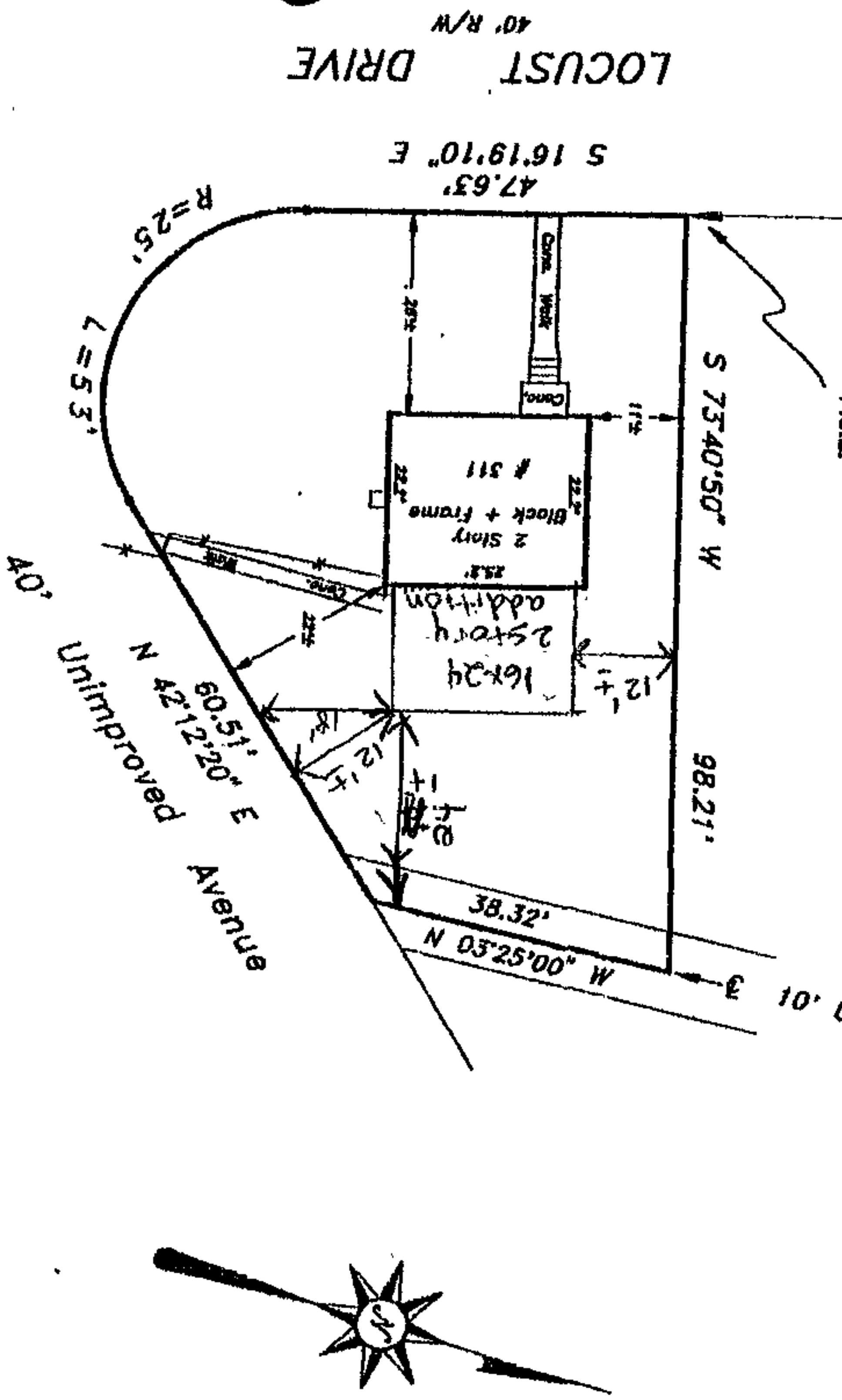
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Forest Spring Park

PLAT BOOK # 7 FOLIO # 115 LOT # 144 SECTION #

OWNER Joseph Wynn

Gary Avenue
 267.96'
 Mary Kaiser
 0108003880
 10669/460
 P.O.B.
 S 75°40'50" W 98.21'
 E 10' Unimproved R/W



PREPARED BY

CEB

SCALE OF DRAWING: 1" = 30'

VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # SW 3F

ZONING DE-2, 119

LOT SIZE 5206 ACREAGE 5206 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING ☐

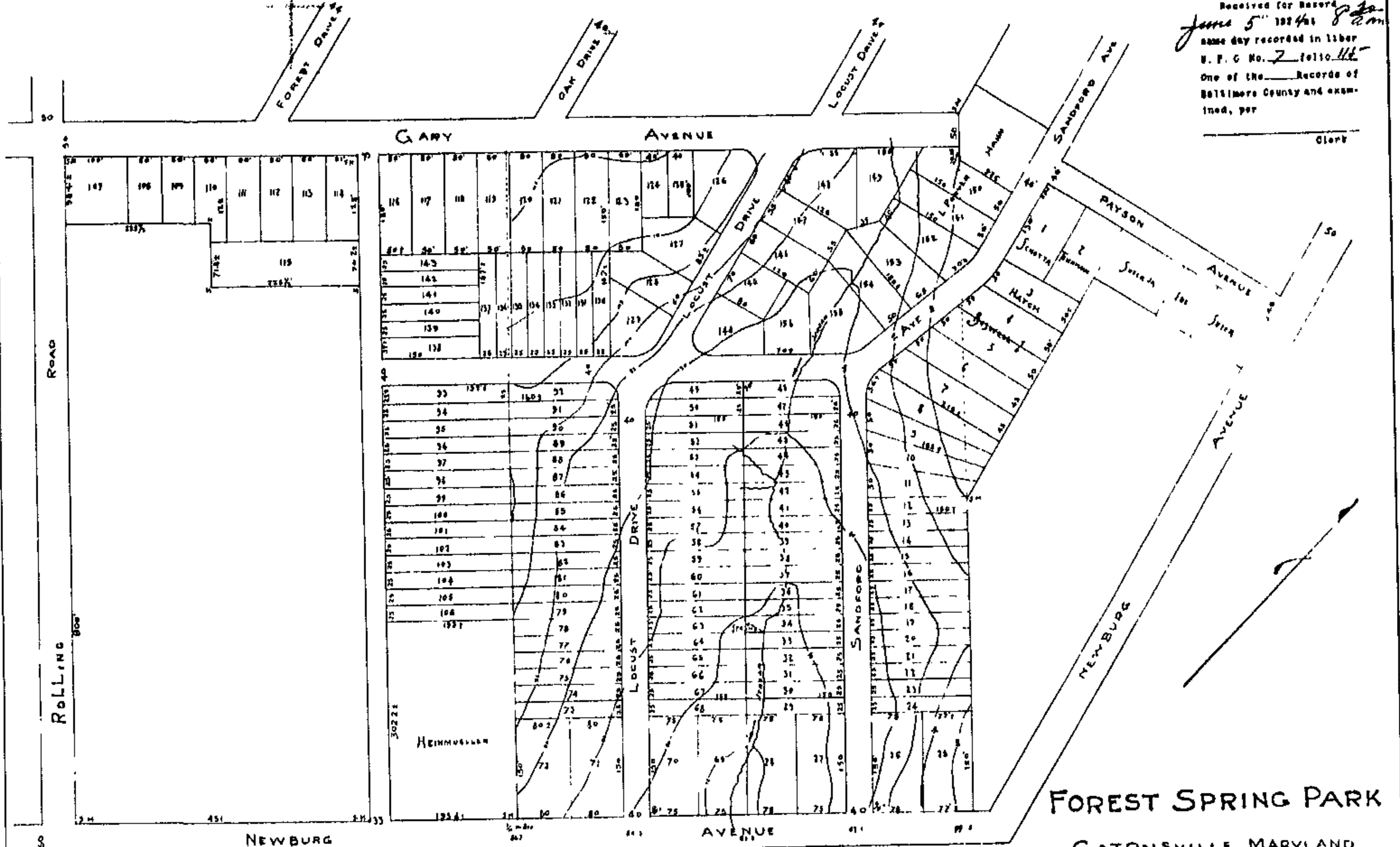
ZONING OFFICE USE ONLY

REVIEWED BY SN ITEM # 013 CASE # 04-013-A

Ret. Ex. #1

SUMMIT PARK

Received for Record
June 5 1924
same day recorded in Liber
U. P. C. No. 7 folio 113
One of the Records of
Baltimore County and exam-
ined, per
Clerk



FOREST SPRING PARK

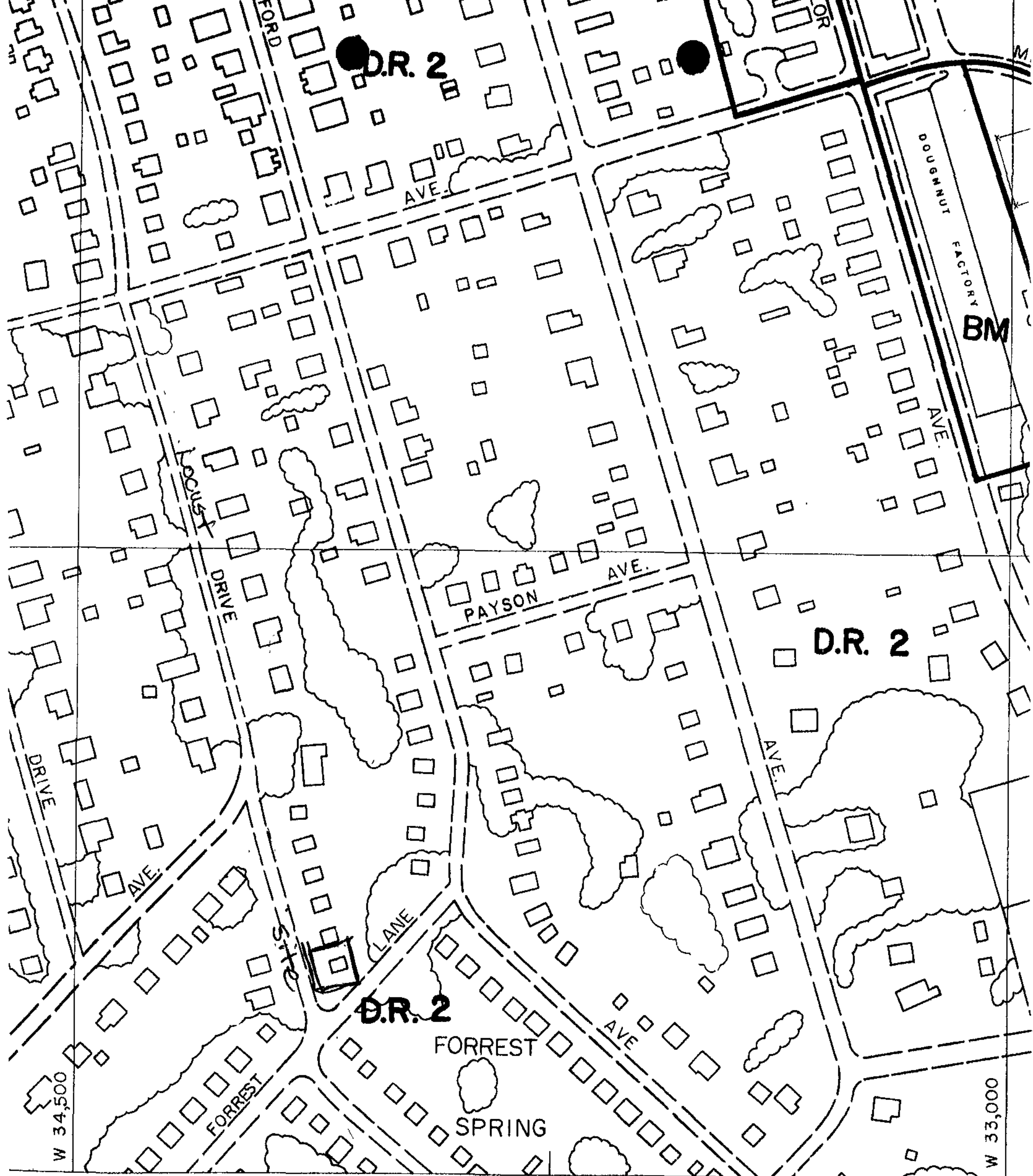
CATONSVILLE, MARYLAND

100 SCALE

MR. H CLAY SUTER

9723
J. X. Gamm

#013



ENGINEERING MAP
 ADPTED BY
 THE COUNTY COUNCIL
 DEC 10, 2004
 00-00-00, 01-00, 02-00, 03-00

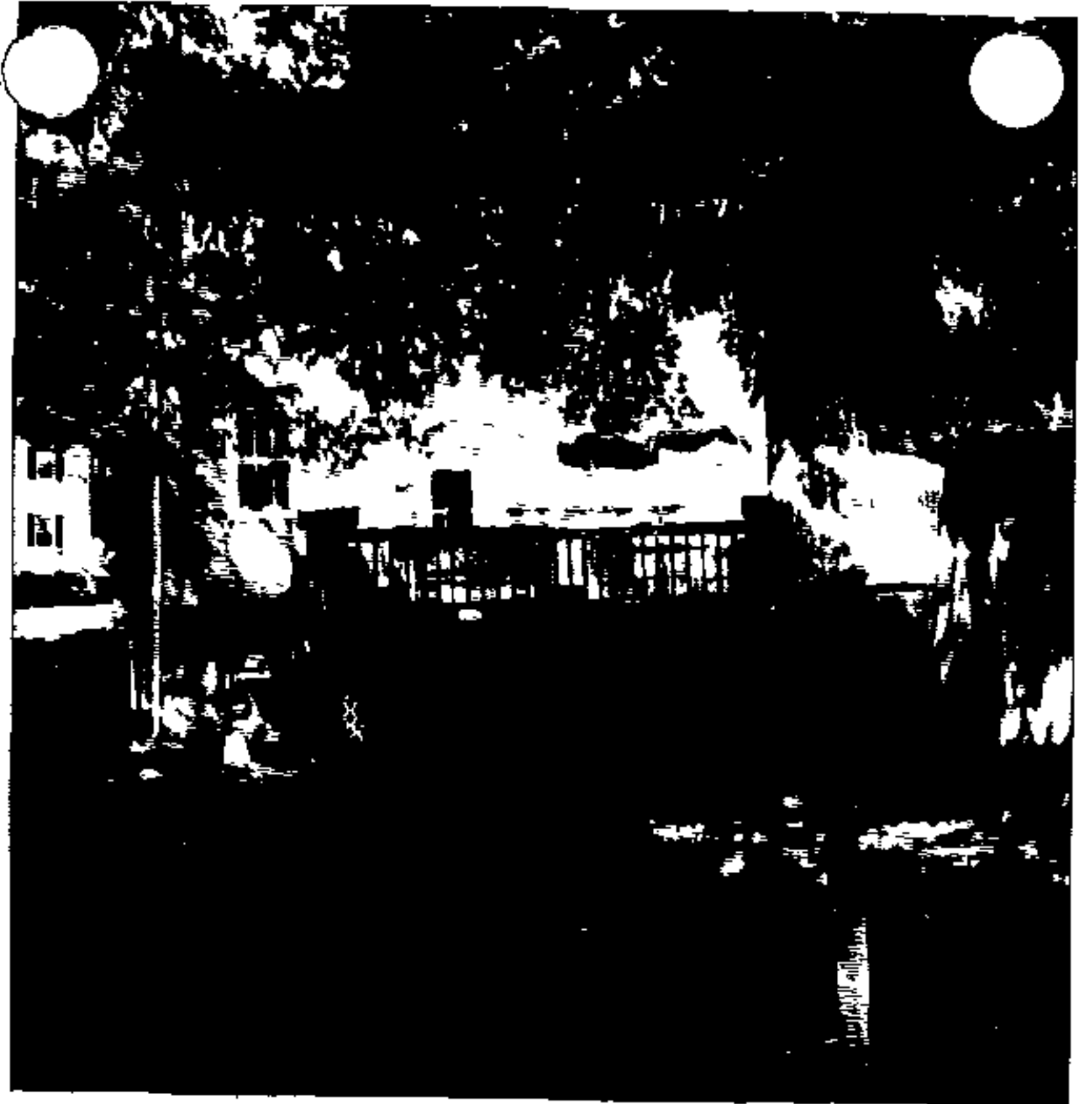
SW 3 F 1"=200'

BALTIMORE
 OFFICE OF PLANN

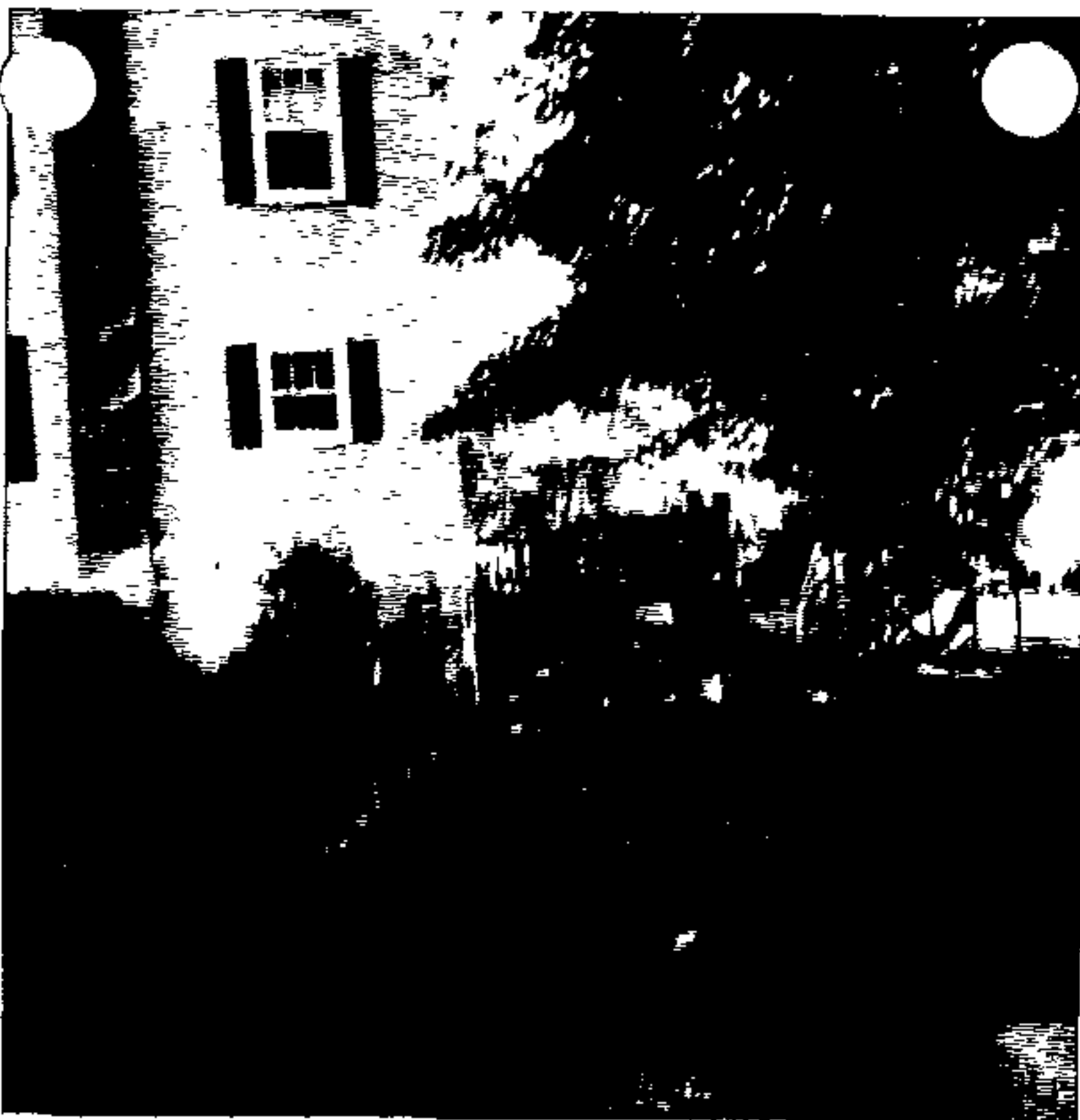
#013



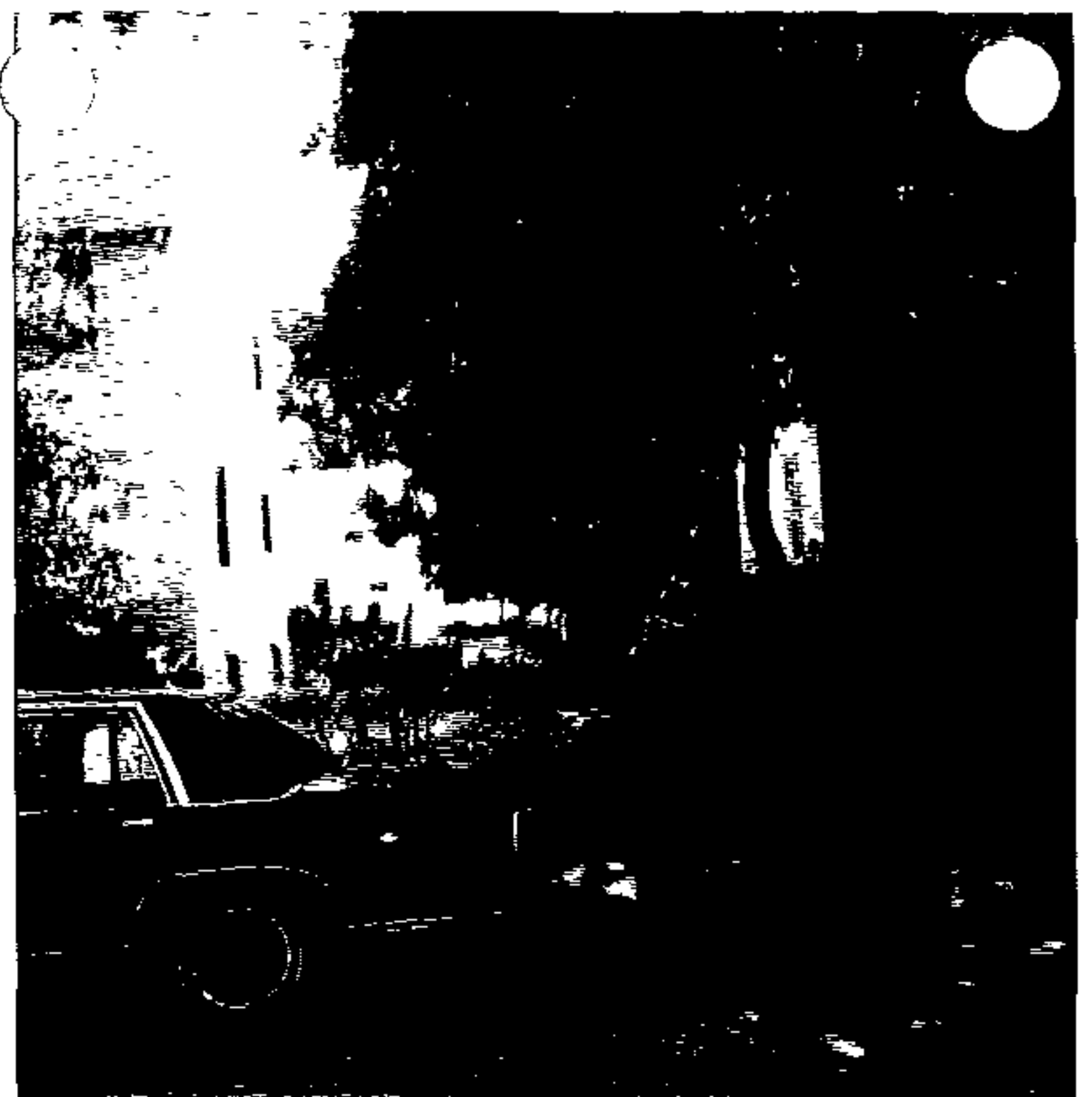
311 Rear Corner at
Side Street & Rear property
line



Rear of 311 at
property line



311 Side from
Right ~~of~~ way (Union Street)



Neighboring Front 311 Locust
Property Drive
Subject
Property