

IN RE: PETITION FOR ADMIN. VARIANCE
SE/Corner Craigmont Road and
Johnnycake Road
(6401 Craigmont Road)
1st Election District
4th Council District

Matthew Bradley, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-040-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Matthew Bradley, and his wife, Edith A. Bradley. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the variance. It was indicated that the proposed addition is necessary to provide living quarters on the first floor

ORDER RECEIVED FOR FILING

Date

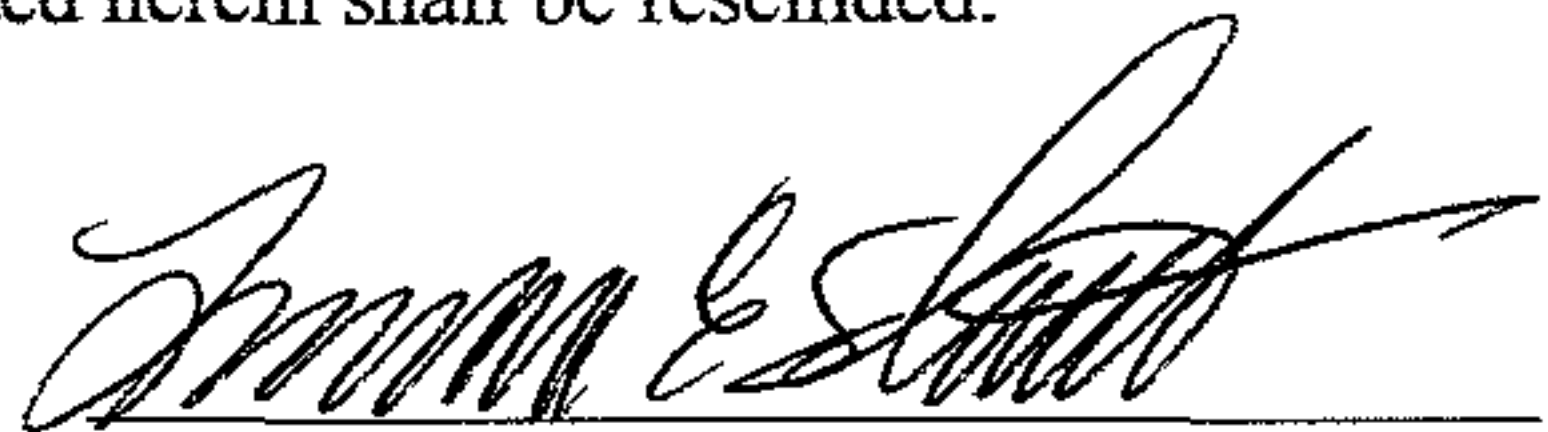
By

for Mrs. Bradley, whose health is declining. Mrs. Bradley also cares for a disabled brother who visits often and is confined to a wheelchair. The first floor addition will include a new bedroom, handicapped accessible bathroom and laundry room and will allow the expansion of the existing kitchen. There were no adverse comments submitted by any County reviewing agency and apparently no opposition from any of the neighbors. Thus, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that there will be no detrimental impacts to the health, safety and general welfare of the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of August 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

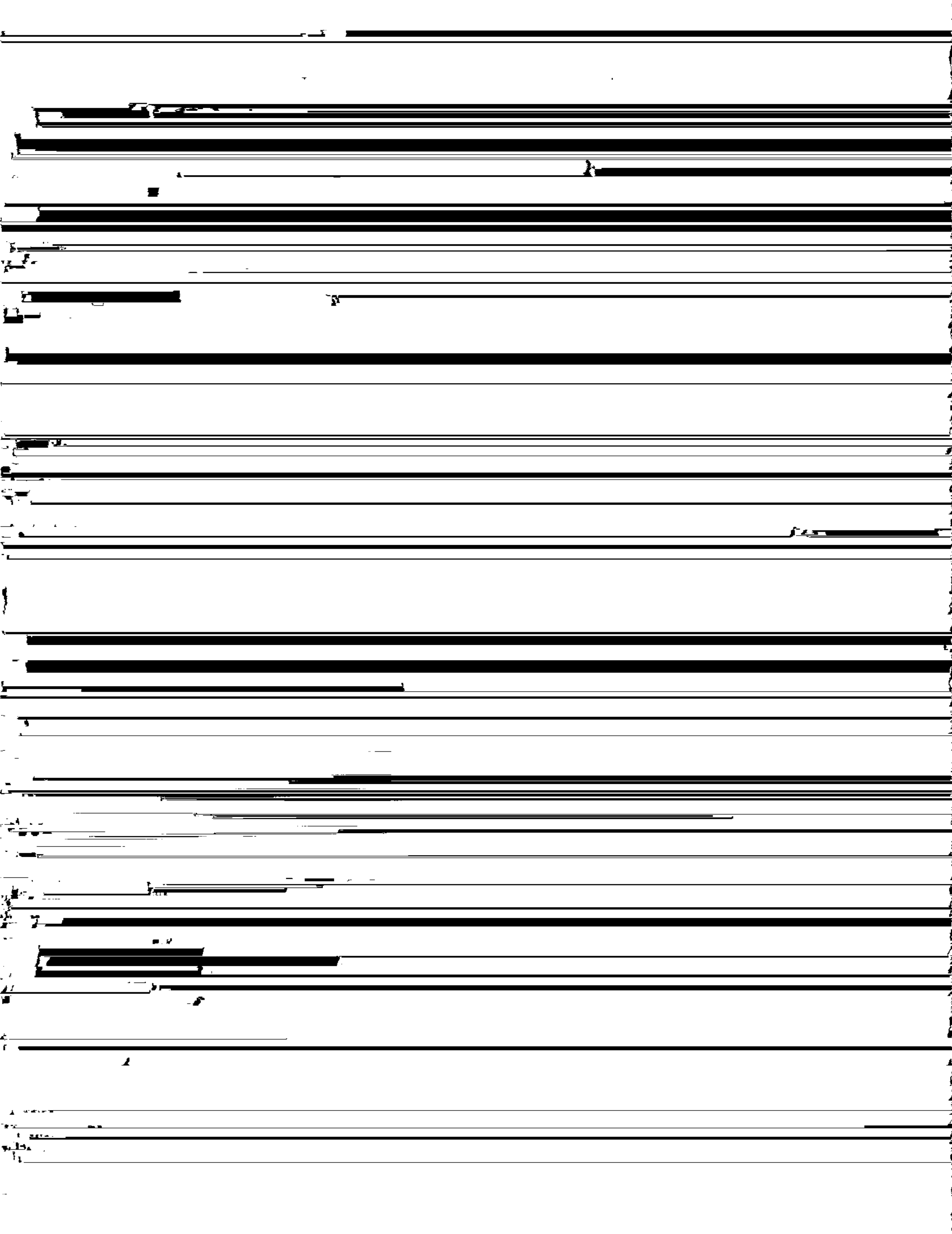
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/26/04
By [Signature]





0-887-3391
3900 4 3391

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6401 CRAIGMONT RD
which is presently zoned DR 5-5

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) 1B02.3.C.1 BCZR

To permit an addition with a rear yard setback of 10'
in lieu of the required 30'.

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.

State

Zip Code

Legal Owner(s):

MATTHEW BRADLEY

Name - Type or Print

Signature

Edith A. Bradley

Name - Type or Print

Edith A. Bradley

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

MATTHEW BRADLEY

Name

6401 CRAIGMONT RD 410-788-8538

Address

Telephone No.

BALTIMORE MARYLAND 21207

City

State

Zip Code

Public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By JF Date 7/20/04

Estimated Posting Date 8-1-04

ORDER RECEIVED FOR FILING
DATE 8/2/04
FILE NO. 05-040-A

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 6401 CRAIGMONT ROAD
Address
BALTIMORE MD 21207
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):

Mr. and Mrs. Matthew Bradley, owners of 6401 Craigmont Road, request an Administrative Variance to construct an addition, which includes adding a bedroom, bathroom, laundry room and enlarging the kitchen on the first floor of the residence. Because of health reasons, it is becoming increasingly difficult for Mrs. Bradley to negotiate the stairs to perform activities of daily living. Their bedroom is presently located on the second floor and the laundry room is located in the basement. In addition, Mrs. Bradley cares and cook for her disable brother, who visits often and is confined to a wheelchair. Modifying the kitchen will allow wheelchair accessibility and adding a bathroom on the first floor will serve as a handicap facility for him. Mr. and Mrs. Bradley plan to retire within the next two years in this house and hope to modify it while they are still working to facilitate paying for construction cost.

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.

Matthew Bradley
Signature
MATTHEW BRADLEY
Name - Type or Print

Edith A. Bradley
Signature
Edith A. Bradley
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Matthew and Edith Bradley
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 1/1/07

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

6401 CRAIGMONT ROAD
Address
BALTIMORE MD 21207
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):

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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.

Matthew Bradley
Signature

MATTHEW BRADLEY
Name - Type or Print

Edith A Bradley
Signature

Edith A Bradley
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of July, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edith and Matthew Bradley
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 1/1/01



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 10401 CRAIGMONT RD
which is presently zoned DR 5-5

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) 1B02.3.C.1 BC2R

To permit an addition with a rear yard setback of 10'
in lieu of the required 30'

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):

MATTHEW BRADLEY
Name - Type or Print

Matthew Bradley
Signature

Edith A. Bradley
Name - Type or Print

Edith A. Bradley
Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

MATTHEW BRADLEY
Name

10401 CRAIGMONT RD 410-788-8538
Address Telephone No.

BALTIMORE MARYLAND 21207
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. 05-040-A

Reviewed By JF Date 7/20/04

REV 10/25/01

Estimated Posting Date 8-1-04

ZONNING DESCRIPTION FOR: 6401 Craigmont Road, Baltimore Maryland 21207

Beginning at point on the West
side of

(north, south, east, or west)

Craigmont Road which is 50'
(name of street on property fronts) (number of feet of right-of-way with)

wide at the distance of 28' North of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Craigmont Road & Johnnycake Road
(name of street)

which is 60' wide. *Being lot # 1
(number of feet of right-of-way width)

Block 1, in the subdivision of Discovery Acres
(name of subdivision)

as recorded in Baltimore County Plat Book # 1, Folio # 1,

containing 10,050'. Also known as 6401 Crigmont Road
(square feet or acres) (property address)

and located in the 1, Election District, 4 Councilmanic District.

040

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39176

DATE 7/20/04

ACCOUNT 001-0006-6150

AMOUNT \$ 65.00

RECEIVED FROM:

MATTHEW BRADLEY

FOR:

6401 CENTIMOUNT RD
Admin. Maintenance
Truman 040

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION

TIME

7/21/2004 7/20/2004 1511140

RECEIVED BY: MELVIN DODD, DOD

20040721 4 272447 7/20/2004 0714

DEPT: 5 528 ZONING VERIFICATION

CR NO: 000176

Receipt Loc

465.00

4.00 CR

465.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

RECEIVED

CERTIFICATE OF POSTING

AUG 23 2004

ZONING COMMISSIONER

Date: 8/1/04RE: Case Number: 05-040-APetitioner/Developer: BRADLEYDate of Hearing/Closing: 8/16/04

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6401 CRAWMONT ROAD

The sign(s) were posted on 7/31/04
(Month, Day, Year)

ZONING NOTICE**ADMINISTRATIVE
VARIANCE**

CASE# 05-040-A
TO PERMIT AN ADDITION
WITH A REAR YARD SETBACK
OF 10' IN LIEU OF THE
REQUIRED 30'.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
ANY 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 AUGUST 16, 2004.

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
311 W. CALVERT ST., 21201
TEL. 887-3391

NO POSTING FEE IS REQUIRED FOR THIS NOTICE. A POSTING FEE WILL BE CHARGED FOR THE POSTING OF THIS NOTICE.
NOTICE IS DEEMED RECEIVED.



Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234
410-665-5562

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 040 -A

Address 6401 CRAIGMONT RD.

Contact Person: J. Fernando
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7-20-04

Posting Date: 8-1-04

Closing Date: 8-16-04

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 05- 040 -A

Address 6401 CRAIGMONT RD.

Petitioner's Name Matthew & Edith Bradley

Telephone 410-788-8531

Posting Date: 8-1-04

Closing Date: 8-16-04

Wording for Sign: To Permit an addition with a rear yard setback
of 10' in lieu of the required 30'.

WCR - Revised 6/25/04

**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: 05-040-A
Petitioner: MAThen BRADley 6401 CRAIGmont Rd
Address or Location: 6401 CRAIGmont Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: MAThen BRADley
Address: 6401 CRAIGmont Rd

Telephone Number: 410 5-985-828 410 788 8538

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

August 16, 2004

Matthew Bradley
Edith Bradley
6401 Craigmont Road
Baltimore, Maryland 21207

Dear Mr. and Mrs. Bradley:

RE: Case Number:05-040-A, 6401 Craigmont Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 2004.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 2, 2004

Item No.: 002, 036-049, 051

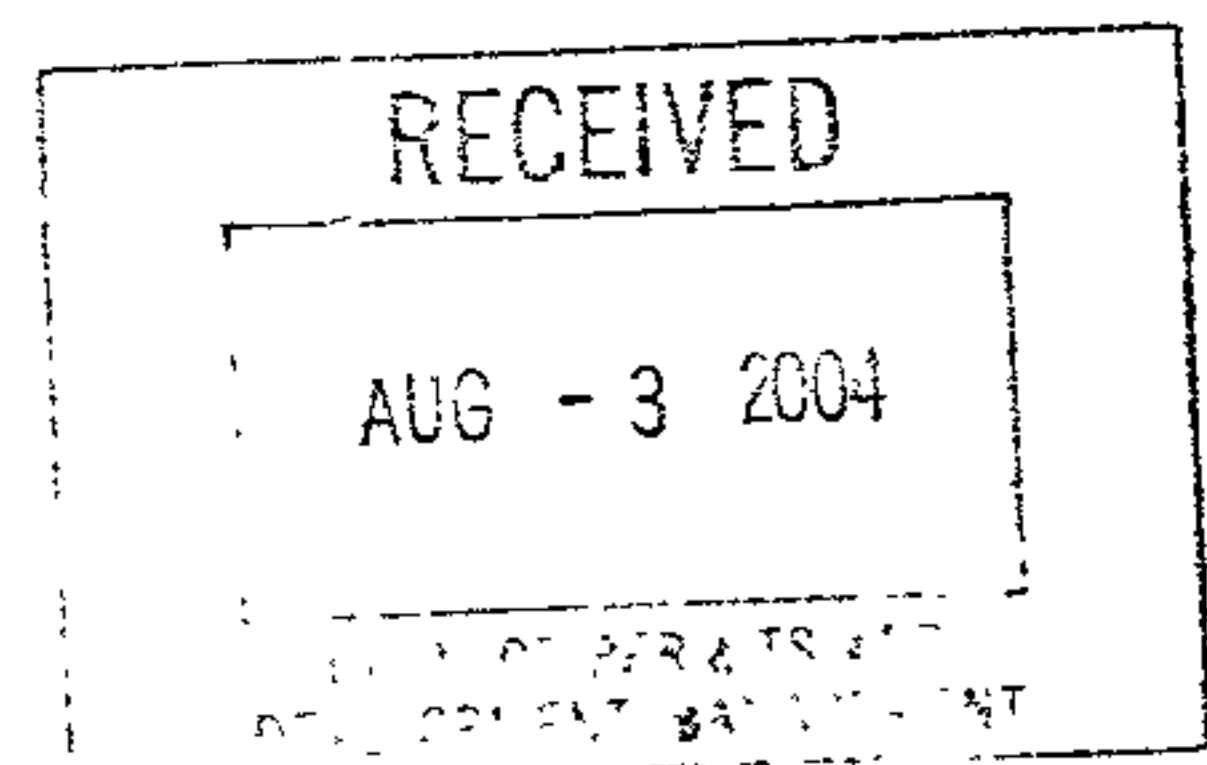
Dear Ms. Mathews:

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.

6. 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 26, 2004

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

RWB / RJF

SUBJECT: Zoning Advisory Committee Meeting
For August 9, 2004
Item Nos. 036, 037, 038, 039, (040) 041,
044, 045, 046, 047, 048, and 051

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: Tim Kotroco

FROM: John D. Oltman, Jr ^{JOO}

DATE: August 25, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 2, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-002

04-037

04-038

04-039

04-040

04-041

04-044

04-045

04-047

04-048

04-049

04-051

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 26, 2004

CEIVED

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

AUG 26 2004

PLANNING COMMIS. CLERK

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-040 – 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.

Division Chief:



LL

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



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

Maryland Department of Transportation

Date: 8.2.04

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

RE: Baltimore County
Item No. 040 JRF

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

PROPERTY ADDRESS 6441 CALLE MONTADO SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME DISCOVERY ACRES

PLAT BOOK # 1 FOLIO # 1 LOT # 1 SECTION # 1

OWNER MATTHEW J EDITH BRADLEY

ROAD

 $(\omega R/v)$

Q: 2810.00 L: 21.47 179.06 04.4/ 19.02

॥ ॐ ॥

1091

要旨

15

VICINITY MAP

SCALE: 1" = 1000

LOCATION INFORMATION

SECTION DISTRICT / 3C

COUNCILMANIC DISTRICT 4 12

1. 200' SCALE MAP # 444 1-E

DNING DE S-5

NT SIZE

ACREAGE

SQUARE FEET

PUBLIC PRIVATE

SEWER

11

WATER

1

YES AND NO DAY

YES

CRITICAL AREA

0

STABLE PROPERTY /

☐

BULBUILDING

4

FOR EDITING THE PAPER

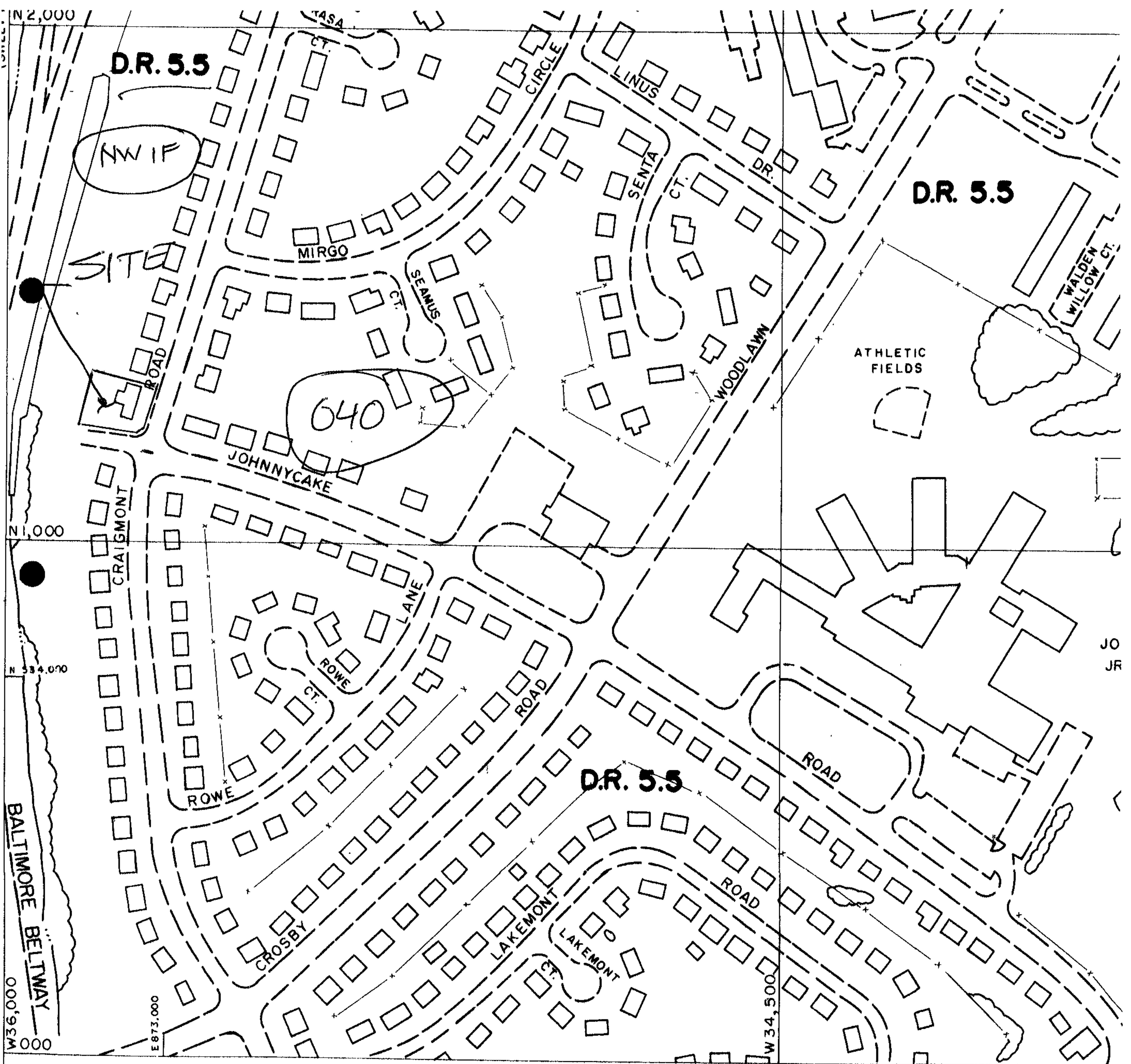
17C

ZONING OFFICE USE ONLY
WED BY ITEM # CASE #

070

DS-040-SD

$\sqrt{2} A / G M D N T$ PD (50' pk)



NW 1-F
D.R. 5.5

2000 COMPREHENSIVE ZONING MAP

**ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000**

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

OF

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Joseph Bartisfelder
Chairman, County Council

040







