N/S Holabird Avenue, 75' E of the c/l

IN RE: PETITION FOR SPECIAL EXCEPTION

Tolson Avenue

(6902 Holabird Avenue)

12<sup>th</sup> Election District 7<sup>th</sup> Council District

Wheeless Enterprises, Inc. Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-316-X

\*

### ORDER OF DISMISSAL

WHEREAS, this matter came before the undersigned Zoning Commissioner for consideration of a Petition for Special Exception filed by Richard Wheeless, President of Wheeless Enterprises, Inc., owner of the subject property, and the Contract Purchaser, Ioannis K. Chronakis, through their attorney, Brian Sheahan, Esquire. The Petitioner requested a special exception to use the subject property for a service garage and to abandon the fuel service station use previously approved under Case No. 00-458-SPH, in accordance with the site plan submitted.

Although a public hearing was scheduled for Monday, January 30, 2006, only Richard Wheeless appeared. Mr. Wheeless stated that the Contract Purchaser had elected not to proceed with the purchase of the property and requested the opportunity to discuss his options with his legal counsel after which he would advise this Commission if he wished to pursue the matter. Since more than a month has passed and there has been no word from Mr. Wheeless or his attorney, the requested special exception shall be dismissed without prejudice.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March 2006 that the Petition for Special Exception to use the subject property for a service garage and to abandon the fuel service station use previously approved under £ase No. 00,458-SPH, be and is hereby DISMISSED without prejudice.

> Zoning Commissioner for Baltimore County

WJW:bis

Brian Sheahan, Esquire, Gebhardt & Smith, CLP, 401 E. Pratt Street, 9th Floor, Baltimore, Md. 21202 Mr. Richard Wheeless, Wheeless Enterprises, Inc., 17118 Old York Road, Monkton, Md 21111 Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, Md. 21204 People's Counsel; Case File



herein described property for

# Petition for Special Exception

for the property located at 6902 4

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 Special Exception under the Zoning Regulations of Baltimore County, to use the

to the Zoning Commissioner of Baltimore County

which is presently zoned 27

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	for service grange & to about assapped. CS # 00.458.5PH	ian Fuel sevenestation
	Property is to be posted and advertised as prescribed by the zero, or we, agree to pay expenses of above Special Exception, advertized zoning regulations and restrictions of Baltimore County adopted purs	sing, posting, etc. and further agree to and are to be bounded by th
		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:	Legai Owner(s):
X	ILOANNIS E. CHRONAKIS	x WHEEUSS CATCUPUSES, INC
	Name - Type or Print	Name - Type or Print Selly PRES 1054
	Signature 3144 BIRCH BROOK LN 410 5/52305	Signature
	Address Telephone No.	Name - Type or Print
	ABINGDON MD 210 09 City State Zip Code	Signature
	Attorney For Petitioner: ((ELAL 600-2612)	6902 HOLABILD AUC 443-257-75/6 Address Telephone No.
	BRIAN SHEAHAN, ESO	ANN 184
	Name - Type or Print	City State Zip Code
	Signature  A CRUARAT X SMITH CLP	Representative to be Contacted:
4 <b>4 %</b>	Company	Name Name
2	HOLE. ! RATT ST, 9 TH FLOOR Telephone No.	1) 1/8 0 LD 400K RD 443-257-251 C Address Telephone No.
	BATINDLE MD 21202 410.385.5075  Oty State 210 Code	10911101 100 2111   Zip Code
ð		
		OFFICE USE ONLY
	No. 06-316-X	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
30		Reviewed By JF Date 12/21/01
#	220 19115198	
-tim-		

Boning description for: 6902+ tolibrid Are.

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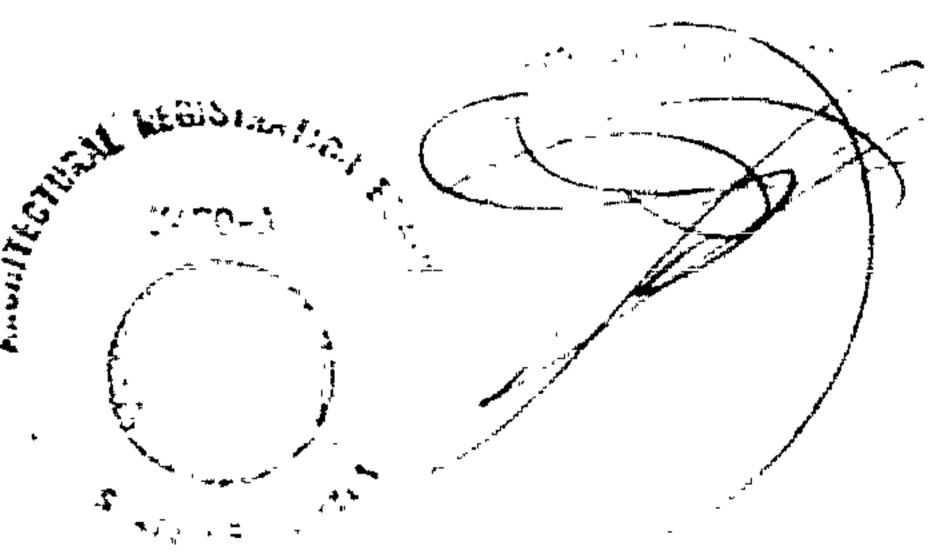
of Holibrid Arenne. which is . 40'-8"

Priw.

Said propost contains: 17,1844. (0.39 DCI). located in allection distrait #12.

# 316

L.J.Link Jr., Inc.
Architect
Box 727 Rockland Grist Mill
Brooklandville, Md. 21022
410. 337. 9528
fac 410. 369, 6601



17/2 ANEOUS UDGET 2 RECEIPT **非智慧斯斯斯斯** 都(報) 

DISTRIBUTION WHITE CASHIER

YELLOW : CUSTOMER

The Zoung Counts and Regulations 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: 106-316-X

Northeast comer of Holabird Avenue and Tolson
Avenue

12th Election District — 7th Councilmanic District Legal Owner(s): Wheeless Enterprises, Inc. Contract Purchaser: Joannis K. Chronakis

Special Exception: to allow for a service garage and to abandon the fuel service station use.

Hearing: Monday, January 38, 2006 at 19:90 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21284.

WILLIAM JAWISEMAN, III.

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 concessor the File and/or Hearing.
Commissioner's Office at (410) 887-4386

(2) For information concessor the File and/or Hearing.

(2) For information concessor the File and/or Hearing.

(3) 1/095 Jan. 12

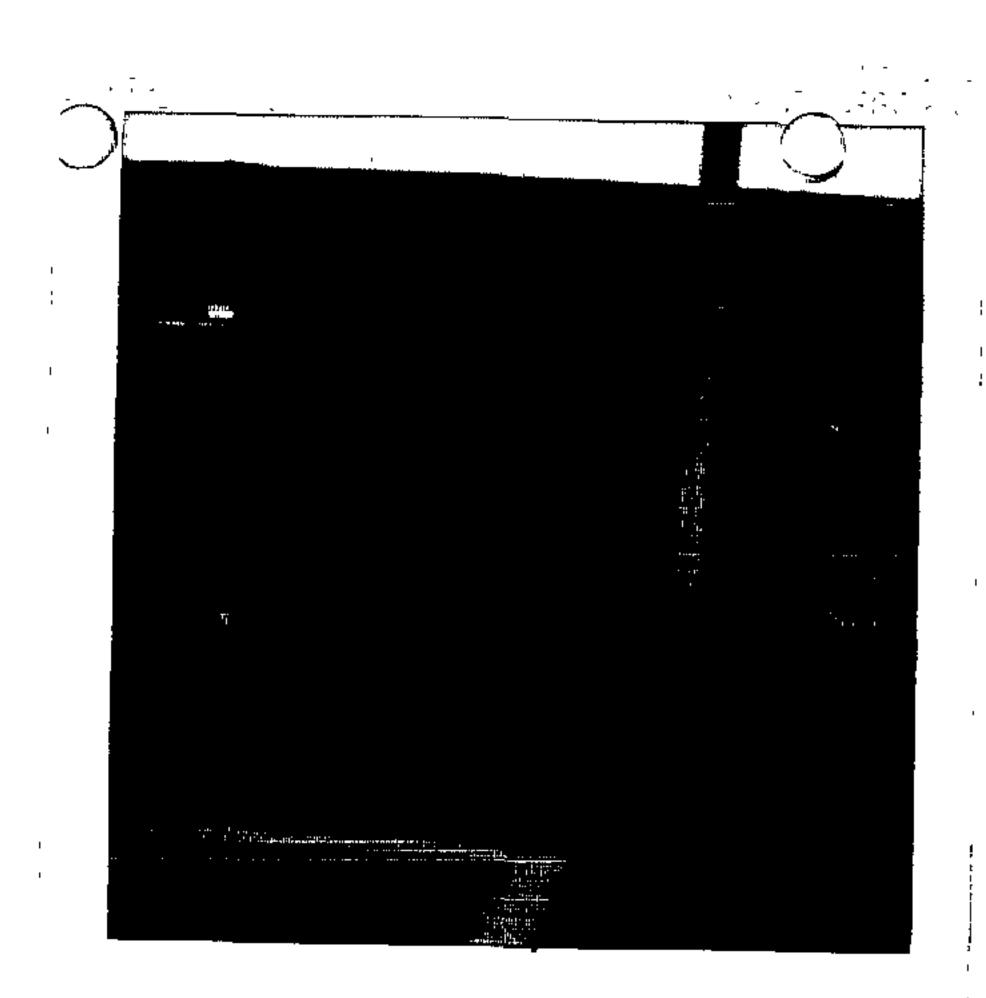
## CERTIFICATE OF PUBLICATION

112,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
once in each ofsuccessive weeks, the first publication appearing on
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

# CERTIFICATE OF POSTING

	RE: Case No.: (2 - 3/6 - X				
	Petitioner/Developer: LOANNIS K				
	Chronakis				
	Date of Hearing/Closing: 1/30/06				
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204					
ATTN: Kristen Matthews ((410) 887-3394)	•				
Ladies and Gentlemen:	That the necessary sign(s) required by law were  ANE  ANE  ANE  ANE  ANE  ANE  ANE  AN				
This letter is to certify under the penalties of pe posted conspicuously on the property located at	rjury that the necessary sign(s) required by law were				
6902. HOLA					
	<u>, , , , , , , , , , , , , , , , , , , </u>				
	Petitioner/Developer: LOANINIS  CARONAKIS  Date of Hearing/Closing: 1/30/06  y that the necessary sign(a) required by law were  RD AVE  14/06  January, Year)  Recordly,				
The sign(s) were posted on	(Month, Day, Year)				
	Sincerely,				
	Robert Black 1/18/06 (Signature of Sign Poster) (Date)				
	SSG Rebert Black				
	(Print Name)				
राम् <del>व</del> िकारण					
	1365 Lesse Koad				
	Docut Black  (Signature of Sign Poster)  (Date)  SSG Robert Black  (Print Name)  1508 Leslie Road  (Address)  Dundalk, Maryland 21222				
	Dundalk, Maryland 21222				
	(City, State, Zip Code)				
	(410) 282-7940				
	*				

GRAZ HOLALIA ME



# Department of Permits and Development Management

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



## Baltimore County

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

December 29, 2005

## **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: 06-316-X

Muthy Kotroco

6902 Holabird Avenue

Northeast corner of Holabird Avenue and Tolson Avenue

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Wheeless Enterprises, Inc. Contract Purchaser: Ioannis K. Chronakis

Special Exception to allow for a service garage and to abandon the fuel service station use.

Hearing: Monday, January 30, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Brian Sheahan, Esq., 401 E. Pratt Street, 9<sup>th</sup> Floor, Baltimore 21202 Wheeless Enterprises, 6902 Holabird Avenue, Monkton 21111 loannis Chronakis, 3144 Birch Brook Lane, Abingdon 21009 Richard Wheeless, 17118 Old York Road, Monkton 21111

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 14, 2006.
  - (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, January 12, 2006 Issue - Jeffersonian

Please forward billing to:

L.J. Link, Jr. P.O. Box 727

Brooklandville, MD 21022

410-337-9528

## **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: 06-316-X

6902 Holabird Avenue

Northeast corner of Holabird Avenue and Tolson Avenue

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Wheeless Enterprises, Inc. Contract Purchaser: Ioannis K. Chronakis

Special Exception to allow for a service garage and to abandon the fuel service station use.

Hearing: Monday, January 30, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# **ZONING REVIEW**

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 <u>Q6-316-X</u>
Petitioner Danis Chronalii.
Address or Location. 6902 Holewich Re.
PLEASE FORWARD ADVERTISING BILL TO
Name L. J. inc. M
Address 0x727-
Booklandrille Ud 21022
Telephone Number 410.337-9528

# Department of Permits Development Management

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





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

January 30, 2006

Brian Sheahan, Esquire Gebhardt & Smith CLP 401 E. Pratt Street, 9<sup>th</sup> Fl. Baltimore, Maryland 21202

Dear Mr. Sheahan:

RE: Case Number: 06-316-X, 6902 Holabird Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 21, 2005.

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.

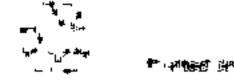
U. Call Rilla D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Wheeleess Enterprises 6902 Holabird Avenue Monkton 21111
loannis K. Chronakis 3144 Birch Brook Lane Abingdon 21009



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



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

January 4, 2006

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 26, 2005

Item No.: 315 316 317,318,319,320

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant william F Connolly, Jr. Fire Marshal's Office (410) 887-4880 MS-1102F

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 10, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 2, 2006

Item No. 316

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The two existing driveways off Holabird Avenue shall be combined to a single 30-foot wide commercial access. The existing curb and gutter shall be extended to fill in the remaining area.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 316-01102006.doc



**DATE:** January 18, 2006

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

69021 Holabird Avenue

**INFORMATION:** 

Item Number:

6-316

Petitioner:

Wheeless Enterprises, Inc.

Zoning:

BL

Requested Action:

Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

- 1. Provide landscaping along the frontage (Holabird Avenue) of the property to provide site enhancement.
- 2. Provide a landscaped buffer along the rear and side property lines to create a buffer/screening between the proposed uses and the existing residential uses.
- 3. If the petitioner proposes to remove the existing awning and pumps, the Office of Planning requests that sign and façade elevations be submitted to this office for review and approval prior to any permits.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL: CM



Robert L Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JRF

## Maryland Department of Transportation

Date:

RE:

1.3.06

Ballimore Count

Item No. 316

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

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, Chief

1.1. delle

Engineering Access Permits Division

RE: PETITION FOR SPECIAL EXCEPTION \*
69021 Holabird Avenue; NE corner Holabird
Avenue and Tolson Avenue

12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts
Legal Owner(s): Wheeless Enterprises, Inc

Contract Purchaser(s): Ioannis K. Chronakis

Petitioner(s)

\*

BEFORE THE

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

06-316-X

\* \* \* \* \* \* \* \* \* \*

## 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 and documentation filed in the case.

ETER 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 3rd day of January, 2006, a copy of the foregoing Entry of Appearance was mailed Richard Wheeless 17118 Old York Road, Monkton, MD 21111, and Brian Sheahan, Esquire, Gebhardt & Smith, CLP, 401 E. Pratt Street, 9<sup>th</sup> Floor, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

JAN 83 200

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Peter Max Limmer May 7

34

IN RE: PETITION FOR SPECIAL HEARING

N/S Holabird Avenue, 75' E of Tolson Avenue

12<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District (6902 Holabird Avenue)

Wheeless Enterprises, Inc.
Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-458-SPH

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Wheeless Enterprises, Inc., by Richard M Wheeless. The special hearing request is for property located at 6902 Holabird Avenue located in the Dundalk area of Baltimore County. The Petitioner is requesting a special hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm the continuation of the existing service station use for the sale of gas and other uses as previously approved and to amend the prior plans from Case No. 70-114-A and 83-14-SPHA.

Appearing at the hearing on behalf of the special hearing request were Kenneth Koehler, Richard Wheeless, owner of the property and Paul Lee, professional engineer, who prepared the site plan of the property. The Petitioners were represented by Robert D. Porter, attorney at law. Appearing in opposition to the Petitioner's request was James Foster, adjacent property owner.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 0.47 acres, more or less, zoned BL. The subject property is improved with an existing gasoline fuel service station which has operated on the subject property since the 1930's. The subject property is located on the north side of Holabird Avenue, just east of its intersection with Tolson Avenue. The property has access directly to Holabird Avenue and to Tolson Avenue by way of a small 10 ft. alley located to the rear of the property.

Testimony offered by the Petitioner demonstrated that the subject property has been utilized as a gasoline service station since the 1930's until the present time. Mr. Kenneth Koehler, whose family owns the adjacent package goods store, testified that the subject gas station was put up for sale in November of 1997. The gasoline station was not operated during the time that it was on the market listed for sale. Mr. Richard Wheeless, the current owner of the property, purchased the site in January of 1999. Mr. Wheeless, before he could begin his operations, needed to upgrade the gasoline dispensers, as well as other environmental matters relative to the property. Therefore, while there was a period of time where the gasoline station was not operating, there was never an intent to abandon the property as a gasoline service station. Due to the fact that the property was placed on the market for sale and a new owner/operator found, the business was temporarily closed. However, the sale of gasoline from the property shall be permitted to continue.

Mr. James Foster, an adjacent property owner, appeared and testified in opposition to the Petitioner's business. Mr. Foster resides on 5th Avenue, which is located across the alley from the subject property. Apparently, large trucks that purchase diesel fuel from the property utilize Tolson Avenue and the small public alleyway to the rear of the property for access to the diesel pumps. These trucks and buses pass directly behind Mr. Foster's property. Mr. Foster testified that these large vehicles adversely impact his property by virtue of their noise, their exhaust and the damage they sometimes do to the corner of his property. He testified that the trucks and buses have a difficult time negotiating the curb cut at the location of the alley and sometimes travel upon the corner of his property. He also testified that damage has been done to his fencing along the rear of his property. He further testified that some of the truck drivers in question have made rude comments to his family members while they were waiting in line to purchase diesel

to Statuta

fuel. Apparently, Mr. Foster has a swimming pool in his rear yard which his family enjoys in the summer time. The drivers of the large trucks and buses are able to see over top of his privacy fence into his swimming pool area. Some of these customers who purchase their fuel from this service station have had occasion to make inappropriate comments to members of Mr. Foster's family as they were enjoying their swimming pool. For these reasons he opposes the operation of this gas station.

Mr. Foster also testified that the Petitioner has failed to properly maintain the exterior of his building, particularly along the rear of the property. In addition, the parking lot area has become damaged due to the weight of the vehicles that purchase their fuel at this gas station. He also testified that trash has accumulated on the rear of the property and that the property is not well maintained.

After considering the testimony and evidence offered at the hearing, , I find that the special hearing to allow the continuation of the existing service station should be granted. In addition, the site plans from Case Nos. 70-114-A and 83-14-SPHA shall be amended to reflect the current improvements on the property. I find from the testimony and evidence offered at the hearing, that there was no abandonment of the service station use and, therefore, the present operation should be permitted to continue. However, I believe it appropriate to impose conditions and restrictions to insure the proper operation of this business in the future.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3/5th day of August, 2000, that the Petitioner's request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm the continuation of the existing service station use for the sale of gas and other uses as previously approved and to amend the prior plans from Case No. 70-114-A and 83-14-SPHA, be and is

hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner shall be required to keep and maintain his business in a neat and orderly fashion. The building on the subject property shall be regularly painted and kept in good condition. All trash and debris shall be regularly picked up from the property.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

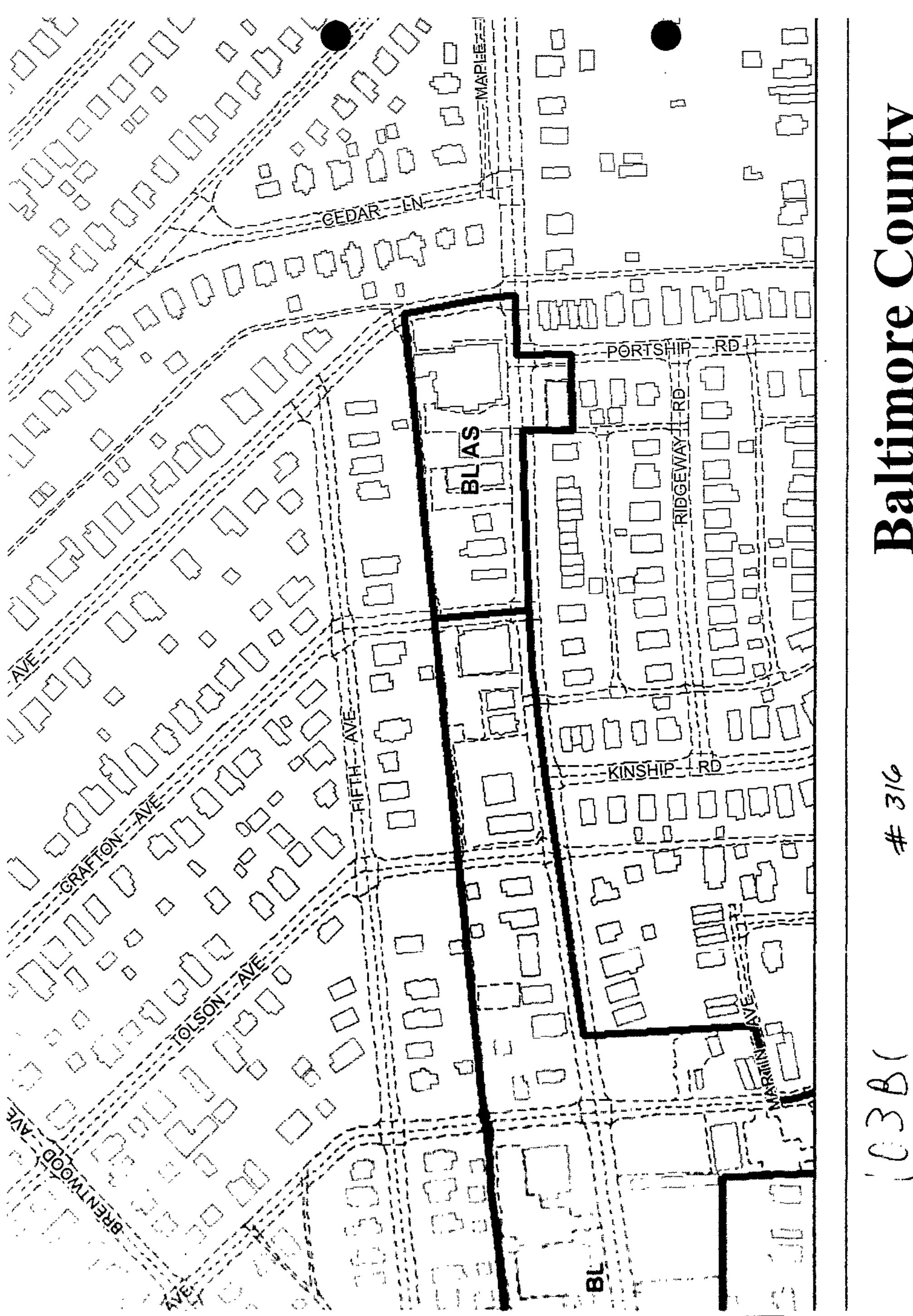
FOR BALTIMORE COUNTY

TMK:raj

SAFECTIVED FOR FILING

EET	DATE	CASE NUMBER	CASE NAME	

# ITTIONER'S SIGN-IN SHEET



Baltimore County

Vegetation

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Stream

