

IN RE: **PETITION FOR SPECIAL HEARING**
E/S Stumpfs Road, 2,075' N of c/line
Ebenezer Road
(6502 Blackhead Road)

15th Election District
6th Council District

Brian J. Eurice
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* **Case No. 2010-0243-SPH**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Brian J. Eurice. The Petitioner requests a special hearing to approve as a legal non-conforming condition, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), the existing two (2) dwellings currently located within the 1.78 acre portion of the property zoned R.C.2, positioned at the north end of the parcel along Bird River, and to confirm the density of the overall property based on current zoning. The subject property is split-zoned, with the northern portion containing the existing dwellings zoned R.C.2 (1.78 acres +/-), the middle portion zoned R.C.50 (14.33 acres +/-), and the southern portion zoned R.C.2 (19.30 acres +/-). 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 1.¹

Appearing at the requisite public hearing in support of the request were Brian J. Eurice, property owner, and Joseph V. Eurice, his father and prior owner of the property. The Petitioner was assisted by G. Dwight Little, Jr., P.E. of Little and Associates, Inc., the consultant who

¹ Subsequent to the hearing, Little and Associates, Inc. amended the site plan as requested at the onset of the hearing to reflect the actual dimensions of all improvements "existing conditions" located on the property.

ORDER RECEIVED FOR FILING

Date _____

By _____

prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony offered by Brian Eurice was that he and his wife, Tina, reside at the existing one story dwelling at 6502 Blackhead Road. Mr. Brian Eurice's brother-in-law, Mike Custodero, currently resides at 6504 Blackhead Road. A third structure is also located within the R.C.2 area along Bird River; however, this structure was damaged by Hurricane Isabelle and has not been occupied for three (3) or more years. See "existing dilapidated 1 story structure" on Petitioner's Exhibit 1. This structure is not included in the request to validate a non-conforming status.

Testimony offered by Joseph V. Eurice was that the property was acquired by his father, Joseph Adam Eurice, Jr., in 1937.² Two (2) dwellings were present when the property was acquired and two (2) new dwellings were added in 1940. Joseph Eurice testified that two (2) livable dwellings still exist on the property and have been in continual habitation since that time. The dwelling at 6502 Blackhead Road was remodeled in 1990 as indicated on the State Department of Assessments and Taxation (SDAT) records; however, the dwelling has been in existence and continuous habitation since 1940.

Evidence provided by Mr. Little included aerial photographs of the property from 1938 and 1952 (See Petitioner's Exhibits 2 and 3). The aerial photographs were obtained from the Baltimore County Soil Conservation District. Mr. Little marked in red on each exhibit the existing dwellings on the property.

Except for the improvement shown as "existing dilapidated 1 story structure" on the site plan, which received storm damage and has not been occupied for at least three (3) years, the

² Joseph Eurice, born in 1926, was 11 years old when his father purchased the waterfront property fronting on Bird River in eastern Baltimore County.

5-4-10
23

testimony and evidence offered was persuasive to a finding that non-conforming status should be granted and allowed to continue for the other two (2) identified dwellings, known as 6502 and 6504 Blackhead Road, as well as three (3) existing accessory structures. In this regard non-conforming uses are defined in Section 101 of the B.C.Z.R. and regulated by Section 104 thereof. Often the non-conforming use designation is sought to grandfather an otherwise illegal use. That is, if the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as non-conforming. In this case, the undisputed testimony and evidence presented was persuasive that the non-conforming status should be afforded this property.

Petitioner has requested confirmation by the Zoning Commissioner of available density of the overall property. The testimony and evidence offered on this issue follows the Density Summary table found on Petitioner's Exhibit 1. Section 1A00.5 of the R.C. regulations states that parcels divided by a zone boundary shall be treated as separate tracts for density calculation purposes. The subject property is divided into three (3) portions by zone lines; density based on zoning shall be computed individually for each of the three (3) portions. The northern portion of the property, zoned R.C.2, is located on the north side of Blackhead Road and the southern shoreline (wooden bulkhead) of Bird River and contains 1.78 acres.³ One (1) density unit exists for this portion. The middle portion of the property, zoned R.C.50, contains 14.33 acres. One (1) density unit exists for this portion. The southern portion of the property, zoned R.C.2, contains 19.30 acres. Two (2) density units exist for this portion. Therefore, the property contains four (4) density units based on zoning (five density units so long as the existing non-

³ The property has, in fact, already been effectively divided by Blackhead Road.

conforming status remains valid). This finding is based solely on current zoning of the property. Actual achievable density can only be determined after applying all other development regulations.

In this regard, the "Eurice Property" is proceeding through the Development Review Committee (DRC) process (DRC No. 051110A). In open hearing, Petitioner requested that I rule on the non-conforming and confirmation of density portions of his Petition in order to provide direction on how to proceed. It should be noted, however, that included within the Petition for Special Hearing was a request for the undersigned "to waive the subdivision plan requirements to allow for subdivision by deed along the R.C.2 and R.C.50 zone line in accordance with Section 32-4-107(a)(I)(ii) of the Baltimore County Code". I question my authority to do so and this decision will not attempt to determine issues of processing limited exemptions or waivers from the Development Regulations which have been relegated by the County Council to the Director of Permits and Development Management (DPDM). *See, Long Meadow Association, Inc., et al v. Druid Ridge LLP, et al.* Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05.

The purpose of a public hearing is to resolve issues raised in the Petition pursuant to 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the dimension of the tract divided by zone boundaries and other zoning defined issues. Therefore, the nature of these findings is final and will serve as a final Order on the two (2) zoning issues decided above.

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

ORDER RECEIVED FOR FILING

Date

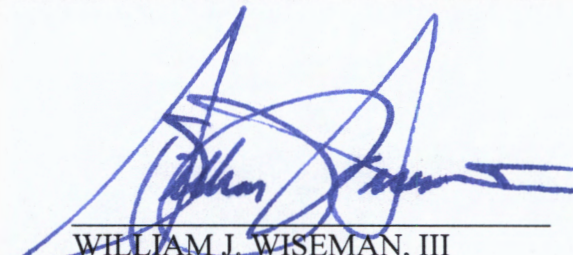
By

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 4th day of May 2010, that the Petition for Special Hearing to approve as a legal non-conforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), the existing two (2) dwellings located within the 1.78 acre portion of the property zoned R.C.2, at the north end of the parcel fronting on Bird River, and seeking approval and confirmation of the density available on the overall property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until the thirty (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.
- 2) Compliance with the ZAC comment, dated April 20, 2010, submitted by DEPRM relative to Chesapeake Bay Critical Area regulations and development of the site within the Limited Development Area (LDA) and Resource Conservation Area (RCA) requirements. A copy of this comment is attached hereto and made a part hereof.

IT IS FURTHER ORDERED, that the Petitioner's request to waive the subdivision plan requirements to allow for subdivision by deed along the R.C.2 and R.C.50 zone line(s) in accordance with Section 32-4-107(a)(1)(ii) of the B.C.C., be and is hereby DISMISSED AS MOOT, as this relief must be submitted to the Director of the Department of Permits and Development Management for a determination.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 4, 2010

Brian J. Eurice
6502 Blackhead Road
Baltimore, MD 21220

RE: **PETITION FOR SPECIAL HEARING**
E/S Stumpfs Road, 2,075' N of c/line Ebenezer Road
(6502 Blackhead Road)
15th Election District - 6th Council District
Brian J. Eurice - Petitioner
Case No. 2010-0243-SPH

Dear Mr. Eurice:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Joseph V. Eurice, 6302 Ebenezer Road, Baltimore, MD 21220
G. Dwight Little, Jr., P.E. & Aaron Kensinger, Little and Associates, Inc.,
1055 Taylor Avenue, Suite 307, Towson, MD 21286
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
Brad Knatz, Land Acquisition, DPDM
People's Counsel; DPR; DEPRM; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6502 Blackhead Road

which is presently zoned RC-2 and RC-50

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

PLEASE SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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

ORDER RECEIVED FOR FILING

Address

Date

Telephone No.

City

State

Zip Code

By

Legal Owner(s):

Brian J. Eurice

Name - Type or Print

Signature

Name - Type or Print

Signature

6502 Blackhead Road

410-335-6647

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

Representative to be Contacted:

Aaron Kensinger, Little & Assoc., Inc.

Name

1055 Taylor Avenue, Ste 307 410-296-1636

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2010-0243 - SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

A. TSUI

Date

03/16/2010

Zoning Petition
Map 83 Grid 9 Parcel 599

To confirm/validate non-conforming status of two existing dwellings on the property in accordance with Section 104 BCZR.

To waive the subdivision plan requirements to allow for subdivision by deed along the RC-2 and RC-50 zone line in accordance with Section 32-4-107.(a)(1)(ii) of the Baltimore County Code.

To confirm the density of the overall property.

2010-0243-SPH

ZONING DESCRIPTION FOR 6502 BLACKHEAD ROAD
TAX MAP 83 GRID 9 PARCEL 599

Beginning at a point in the center of Stumpfs Road at the distance of 2075 feet north of the centerline of the nearest improved intersecting street, Ebenezer Road. Thence the following courses and distances:

- 1) North 06 degrees 09 minutes 22 seconds West 33.07 feet; thence
- 2) North 32 degrees 54 minutes 32 seconds West 103.64 feet; thence
- 3) North 26 degrees 21 minutes 32 seconds West 83.25 feet; thence
- 4) North 14 degrees 59 minutes 32 seconds West 59.41 feet; thence
- 5) North 04 degrees 25 minutes 28 seconds East 59.30 feet; thence
- 6) North 23 degrees 39 minutes 28 seconds East 69.08 feet; thence
- 7) North 32 degrees 16 minutes 28 seconds East 86.48 feet; thence
- 8) North 76 degrees 03 minutes 58 seconds East 1572.82 feet; thence
- 9) North 07 degrees 03 minutes 42 seconds West 720.43 feet; thence
- 10) North 29 degrees 51 minutes 19 seconds East 795.44 feet; thence
- 11) South 65 degrees 10 minutes 02 seconds East 266.86 feet; thence
- 12) South 19 degrees 12 minutes 03 seconds West 113.07 feet; thence
- 13) South 62 degrees 53 minutes 58 seconds West 185.00 feet; thence
- 14) South 26 degrees 01 minutes 02 seconds East 1249.30 feet; and thence
- 15) South 71 degrees 22 minutes 58 seconds West 2520.52 feet to the place of beginning.

Containing 35.41 acres of land, more or less, with the courses based on the deed rotated to the Maryland State Coordinate System. Being all of that land described in a deed dated January 3, 2001 and recorded among the Land Records of Baltimore County in Liber S.M. 14928 folio 120. Also known as 6502 Blackhead Road and located in the 15th Election District, 6th Councilmanic District.



2010-024-3-SFH

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: 2010-0243-6PH
Petitioner: Brian Eurice
Address or Location: 6502 Blackhead RD Baltimore, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian Eurice
Address: 6502 Blackhead RD
Baltimore, MD 21220
Telephone Number: 410-335-6647

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 52019
Date: 03/16/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6152				\$130

Total: \$130

Rec From: LITTLE & ASSOC
For: 6502 BLACK HEAD RD
2010-0243-SPH

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

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: # 2010-0243-SPH

6502 Blackhead Road

E/side of Stumps Road, 2075 feet north of the centerline of Ebenezer Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Brian Eurice

Special Hearing: to confirm/validate non-conforming status of two existing dwellings on the property. To waive the subdivision plan requirements to allow for subdivision by deed along the RC-2 and RC-50 zone line; to confirm the density of the overall property.

Hearing: Wednesday, April 21, 2010 at 2:00 p.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/6/10 April 6

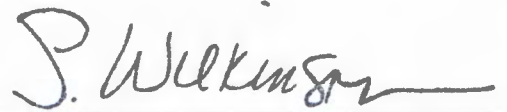
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CERTIFICATE OF PUBLICATION

4/8/ 2010

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 4/6/ 2010.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 4-4-10

RE: Case Number: 2010-0243 SPH

Petitioner/Developer: Brian Ewice

Date of Hearing/Closing: 4-21-10 2pm

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 6502 Blackhead Rd

The signs(s) were posted on 4-4-10
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2010-0243-SP4

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BUILDINGS ROOM 104
PLACE: 105 W. CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: APRIL 21, 2010, 2 PM WED

REQUEST: TO CONFIRM/VALIDATE NON-

CONFORMING STATUS OF TWO EXIST. DWELL-

INGS ON THE PROPERTY TO WAIVE THE SUB-

DIVISION PLAN REQUIREMENTS TO ALLOW FOR SUB-

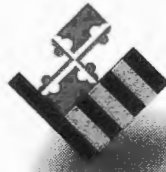
DIVISION BY DEED ALONG THE R-2 AND R-20 ZONE

LINE. TO CONFIRM THE DENSITY OF THE OVERALL

PROPERTY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-2391

AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 25, 2010

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: 2010-0243-SPH

6502 Blackhead Road

E/side of Stumpfs Road, 2075 feet north of the centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owners: Brian Eurice

Special Hearing to confirm/validate non-conforming status of two existing dwellings on the property. To waive the subdivision plan requirements to allow for subdivision by deed along the RC-2 and RC-50 zone line; to confirm the density of the overall property.

Hearing: Wednesday, April 21, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Brian Eurice, 6502 Blackhead Road, Baltimore 21220
Aaron Kensinger, Little & Assoc., 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 6, 2010.**
- (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
Tuesday, April 6, 2010 Issue - Jeffersonian

Please forward billing to:

Brian Eurice
6502 Blackhead Road
Baltimore, MD 21220

410-335-6647

NOTICE OF ZONING HEARING

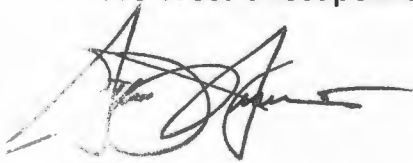
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6502 Blackhead Road
E/side of Stumpfs Road, 2075 feet north of the centerline of Ebenezer Road
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105 West Chesapeake Avenue, Towson 21204



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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 14, 2010

Brian J. Eurice
6502 Blackhead Rd.
Baltimore, MD 21220

Dear: Brian J. Eurice

RE: Case Number 2010-0243-SPH, 6502 Blackhead Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 16, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Aaron Kensinger: Little & Associates, Inc.; 1055 Taylor Ave. Ste. 307; Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 20 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: 4/20/10
SUBJECT: Zoning Item # 10-243-SPH
Address 6502 Blackhead Road
(Eurice Property)

Zoning Advisory Committee Meeting of March 22, 2010

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

☒ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

☒ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Environmental Impact Review Comments:

A portion of the site is within the Chesapeake Bay Critical Area. The waterfront RC-2 acreage is a Limited Development Area (LDA) and the RC-50 acreage is a Resource

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2010\ZAC 10-243-SPH-EIR.doc

ORDER RECEIVED FOR FILING

5-4-10

Date

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By

Conservation Area (RCA). The remainder of the site is outside the Critical Area. Within the Critical Area, all LDA and RCA requirements will apply, including lot coverage limits, forest requirements, and COMAR 27.01.09.01-1, which requires the establishment of a buffer for a new subdivision. A Critical Area variance will be necessary to maintain any existing uses and structures within the buffer. No subdivision, regardless of process, can occur without approval of all Critical Area requirements, which is not guaranteed. For any development outside the Critical Area, forest conservation regulations and forest buffer regulations will apply.

Reviewer: Regina Esslinger

Date: 4/19/10

Groundwater Management Comments:

In accordance with COMAR 26.04.03.03 (1), for all subdivisions of land, a 10,000 sq. ft. septic reserve area must be provided for each dwelling unit to remain exclusive of buildings, easements, right of ways and other permanent physical objects. Therefore, prior to approval to subdivide the property, soil percolation tests must be conducted for each existing dwelling on the property to establish a separate 10,000 sq. ft. septic reserve area in accordance with COMAR 26.04.02. Clarification must be provided as to whether the "existing dilapidated 1-story structure" on Lot 1 is intended for future habitation. For Lot 2, soil percolation tests will be required to be conducted during the wet weather testing season (February 1st – April 30th). The property owner or his agent must submit a percolation test application along with a site plan in conformance with all the requirements set forth in the DEPRM policy manual. When soil percolation tests are conducted, an evaluation will be made of all existing individual water wells and septic systems onsite, and any necessary corrections/upgrades noted.

Reviewer: Kevin Koeppenick

Date: 4/20/10

Land Preservation Comments:

The petitioner has requested nonconforming status for the two dwellings that exist on the RC-2 portion of the property, adjacent to Blackhead Road. The petitioner has also asked to waive the subdivision plan because the property has multiple zoning designations on it. Both requests raise concerns because of the potential for creating precedents that will be detrimental to the protection of the agricultural resources in the RC-2 zone.

Reviewer: Wally Lippincott

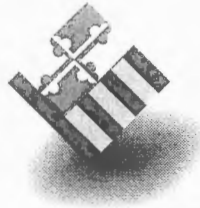
Date: 4/20/10

ORDER RECEIVED FOR FILING

Date: 5-4-10

By: EW

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 22, 2010

Item Numbers: 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244 and 0245

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 5, 2010
Item No.: 2010-243

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

The commissioner is reminded that only the Director of Permits and Development Management (through the Development Review Committee) may waive development requirements.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0243-04052010.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 21, 2010

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

RE: Baltimore County
Item No. 2010-0243-A
6502 BLACKHEAD RD
EURICE PROPERTY
SPECIAL HEARING -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0243-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Bailey".

For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BW 4/21 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 20, 2010

RECEIVED

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

APR 20 2010

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-243- Special Hearing**

The petitioner requests an Special Hearing to confirm the non-conforming status of two existing dwellings on a single R.C.2 and R.C. 50 zoned property, to waive the subdivision requirements pursuant to the provisions of Section 32-4-107(a)(1)(ii) of the Baltimore County Code and to confirm the density of the overall property.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested continued legal non-conforming use of the property for two existing dwellings located in the RC 2 zone subject to the approval of Department of Environmental Protection and Resource Management for well, septic and critical area requirements. The Office of Planning is of the opinion that the entire 21.08 acres more or less of R.C. 2 zoned property within the tract can support a total of two dwellings. Further, the Office of Planning will defer to the Department of Environmental Protection and Resource Management as to whether the 14.33 acres more or less of R.C. 50 zoned property can support a single family dwelling. Any new dwellings must be situated on an individual lot, which has been created through the applicable development process. The Office of Planning does not support the creation of buildable lots through metes and bounds description.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

LTM/LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6502 Blackhead Road E/S Stumpfs Road, * ZONING COMMISSIONER
2,075' N of c/line c/line Ebenezer Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Brian J. Eurice *
Petitioner(s) * BALTIMORE COUNTY
* 10-243-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAR 26 2010

.....

CERTIFICATE OF SERVICE

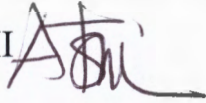
I HEREBY CERTIFY that on this 26th day of March, 2010, a copy of the foregoing Entry of Appearance was mailed to Aaron Kensigner, Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Md 21286 , Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMO

From: Aaron Tsui, Planner II



March 16, 2010

To: Zoning Commissioner/File

Re: Special Hearing Petition Case no. 2010-0243-SPH

6502 Blackhead Rd. 15th Election District

Little & Associates, on behalf of the petitioner, requested a Special Hearing:

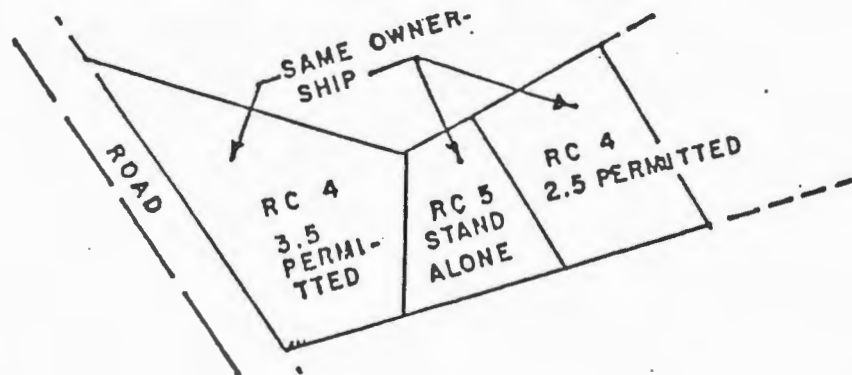
1. To approve a non-conforming use of two existing dwellings in RC 2 zone;
2. To waive the subdivision process and separate RC2 & RC 50 zones per BCC Section 32-4-107 by deed subdivision.

My comments:

- A zoning use division line is only used to demonstrate that each use in RC 2 and RC 50 zone satisfies BCZR requirements with respect to area, density, and setbacks between building(s) to property lines. The zoning use line does not change the fact that this property is still in a single tract.
- The area in RC 50 zone cannot be separated and sold from the RC2 zone by deed descriptions without formal subdivision.
- Zoning does not recommend waiving the subdivision process and separating the two zones by deed subdivision.

1A00.5.a TRACTS DIVIDED BY ZONE BOUNDARIES - If R.C. zoned land under the same ownership is separated by a different R.C. zone, then the density should be calculated and utilized by each zone parcel. In the following example the R.C. 4 density would be two for one parcel and three for the other. The five lots would have to be located in the respective permitted density parcels of the property. The R.C. 5 area would be figured and utilized separately.

- (1) If R.C. zoned land is proposed to be clustered in the same zone, on the same property, across another zone, a special hearing would be required before the Zoning Commissioner. In the following example a special hearing would be required to request that density units be clustered in either of the R.C. zoned land.



1A00.5.b LOTS DIVIDED BY ZONE LINES - The following guidelines have been formulated so that this matter can be handled consistently:

- (1) CONDITIONS:
- A house may not straddle an R.C. zone line.
 - Any lot must meet the minimum lot area, width and setback requirements of the zone in which the house is to be located.
 - The well and septic system must be located in the same zone as the house.
 - setbacks are measured to the property or street right-of-way and not the zone line.
 - When calculating density, if a lot contains enough area to meet the minimum lot size in each of the R.C. zones into which it extends; it counts as two density units used and not just one (i.e. one density unit subtracted from that allowed in each separate R.C. zone.)
- (2) INTERPRETATION - This determination may be subject to a special hearing at the discretion of the Zoning Commissioner.
- (3) See the following case: 89-52-SPH

§ 1A00.5. Application to tract divided by zone boundary.

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. Zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and, for the purpose of these regulations, shall be considered as separate parcels.

SECTION 1A01
R.C.2 (Agricultural) Zone

§ 1A01.1. General provisions.**A. Legislative statement of findings.****1. Declaration of findings. It is found:**

- a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
- b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
- c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
- d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;
- e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;
- f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and
- g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

- B. Purposes.** The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

ZCPM
1A-3.1

Accumulation
Density
RC2

Use division line

freeway
not in law

LITTLE & ASSOCIATES, INC.

Engineers ~~~ Land Planners ~~~ Surveyors

1055 Taylor Avenue
Suite 307
Towson, MD 21286
Phone: (410) 296 - 1636
Fax: (410) 296 - 1639

April 14, 2010

Baltimore County – PDM
County Office Building - #123
111 West Chesapeake Ave.
Towson, MD 21204

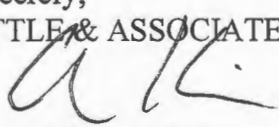
Re: Eurice Property
PN 08244

To Whom It May Concern:

We are hereby requesting a waiver from the Baltimore County Development Process in accordance with Section 32-4-107(a)(1)(ii) to waive the subdivision plan requirements to allow for subdivision by deed. Please see enclosed redline exhibits.

Thank you for considering our request. If you have any questions, please do not hesitate to contact me.

Sincerely,
LITTLE & ASSOCIATES, INC..


Aaron M. Kensinger
Project Manager

**BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT**

DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

DRC# 051110A
County Use Only

Filing Date: _____
Stamp in w/PDM date stamp here

This application must be accompanied by the following:

1. One copy of the completed DRC application form checklist.
2. Three copies of this DRC application, completed in full.
3. Three copies of a letter of request (attach one to each DRC application).
4. Nine copies of the plan folded to 8 1/2 x 11 inches.
5. \$50 fee (check made payable to Baltimore County and non-refundable; do not staple check to request form)

Project Name: Eurice Property PDM File #: N/A

Project Address: 6502 Blackhead Road Zip Code: 21220 ADC Map #: 30D11

Councilmanic District: 6 Election District: 15 Project Acreage: 35.41 ac. +/-

Tax Account No(s): 1600004076 Zoning: RC-2 & RC-50

Engineer: Little and Associates, Inc Engineer's Phone No.: (410) 296-1636

Applicant: Little and Associates, Inc Applicant's Phone No.: (410) 296-1636

Address: 1055 Taylor Avenue, Suite 307

Towson, MD Zip 21286 Email: aaronk@littleassociates.com

Is this an antenna? YesX No If "Yes" check one of the following: Cellular Water Tower MonoPole
(CAC) (WTC) (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

- () Limited Exemption under Section 32-4-106
- () Material Amendment to the plan
- () Plan Refinement
- () Waiver of public works standards
- () Requires a Zoning () Special Hearing; () Special Exception; () Variance
- (X) Other Waiver under Section 32-4-107 (a) (1) (ii)

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building and on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

CHECKLISTComment
ReceivedDepartmentSupport/
Oppose✓

DEVELOPMENT PLANS REVIEW

CommentsMissing 4/16

DEPRM

*Portion of site -
CBCT + floodplain**(email sent 4/16)*✓

FIRE DEPARTMENT

No CommentsMissing 4/16

PLANNING

(email sent 4/16)✓

STATE HIGHWAY ADMINISTRATION

No objection_____

TRAFFIC ENGINEERING

ZONING VIOLATION

✓

NEWSPAPER ADVERTISEMENT

✓

PEOPLE'S COUNSEL APPEARANCE

"No Known" per site plan

PRIOR ZONING

✓

SIGN POSTING

Comments, if any:

See memo to file from Aaron Tsui, 3-16-10

From: Debra Wiley
To: Murray, Curtis
CC: Are, Kathy; Lanham, Lynn
Date: 4/16/2010 11:40 AM
Subject: Comments Needed for Next Week

*Missing
or
4-16-10*

Hi Curtis,

In reviewing ~~Bill's case files for next week~~, it appears he needs comments for the following:

4/21 @ 2 PM - Case No. 2010-0243-SPH

4/23 @ 9 AM - Case No. 2010-0247-A

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: Livingston, Jeffrey
Date: 4/16/2010 11:36 AM
Subject: Comments Needed for Next Week

*Missing
DEPRM
4-16-10*

Hi Jeff,

In reviewing Bill's files for next week, it appears he needs comments for the April 21st hearings as follows:

Case No. 2010-0238-SPH - 10 AM

Case No. 2010-0243-SPH - 2 PM

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1600004076

Owner Information

Owner Name: EURICE BRIAN J **Use:** AGRICULTURAL
Principal Residence: YES
Mailing Address: 6502 BLACKHEAD RD **Deed Reference:** 1) /14928/ 120
 BALTIMORE MD 21220-1211 2)

Location & Structure Information

Premises Address
 6502 STUMPFS RD

Legal Description

STUMPFS RD ES
 2100 FT N OF EBENEZER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
83	9	599						3	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1990	1,040 SF	36.20 AC	05
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments			
		As Of	As Of	As Of		
		01/01/2009	07/01/2009	07/01/2010		PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	304,240	304,240				
Improvements:	127,930	165,510				
Total:	432,170	469,750	444,696	457,222		
Preferential Land:	6,640	6,640	6,640	6,640		

Transfer Information

Seller: EURICE JOSEPH V/CATHERINE E	Date: 01/03/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14928/ 120	Deed2:
Seller: EURICE JOSEPH V	Date: 12/15/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14207/ 154	Deed2:
Seller: EURICE J A JR AG USE 83-84	Date: 08/24/1971	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8876/ 36	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 AGRICULTURAL TRANSFER TAX

CASE NAME Enrica
CASE NUMBER 2010-0243-SPH
DATE 4-21-10

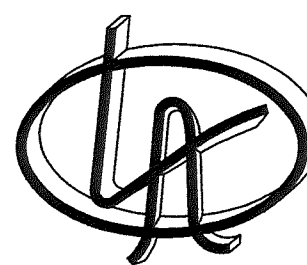
[illegible]

PLEASE PRINT CLEARLY

CASE NAME Ernie
CASE NUMBER 2010-0243-SFH
DATE 4/21/10

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

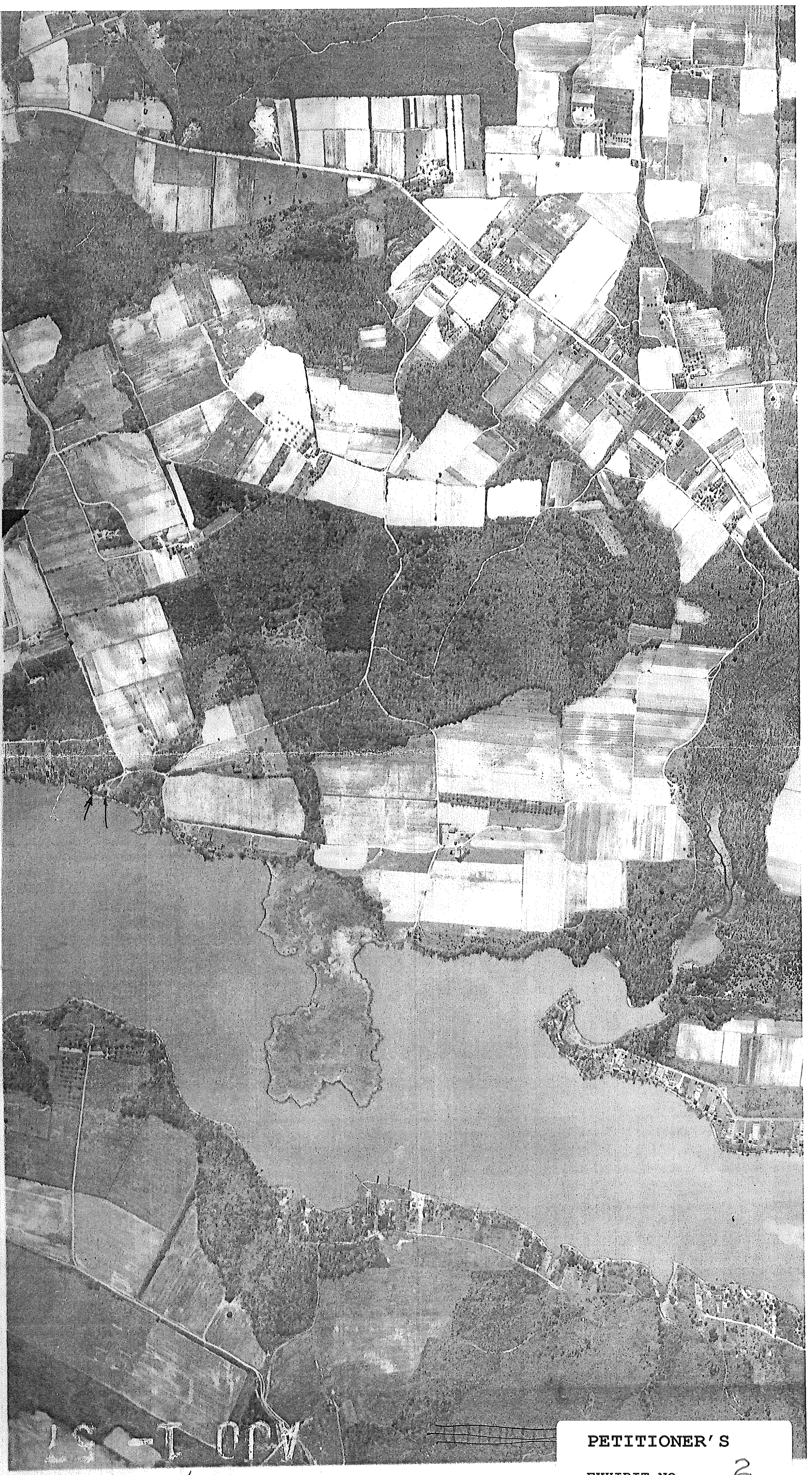
EURICE PROPERTY

DISTRICT 15c6
SCALE: 1"=200'

BALTIMORE COUNTY, MD
FEBRUARY 18, 2010

2010-0243-SPH

1938



PETITIONER'S

EXHIBIT NO.

2

Intelligence, USAF, Aug. 1957 → year of Declassification

WJ0 1-51

1952



PETITIONER'S

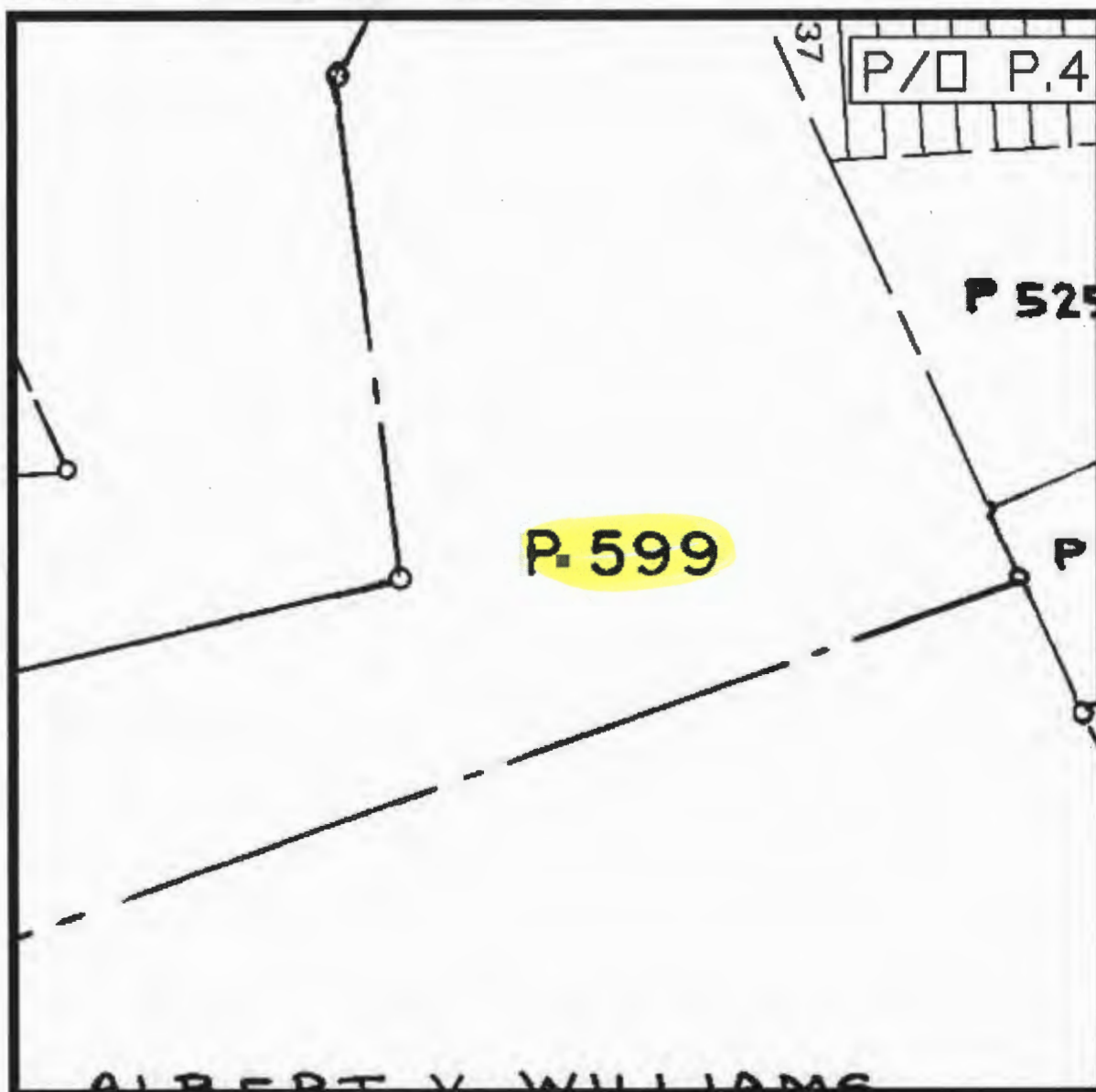
EXHIBIT NO. 3



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1600004076



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

1. APPLICANT:
BRIAN J. EURICE
6502 BLACKHEAD ROAD
BALTIMORE, MD 21220

2. SITE DATA:
NET AREA: 35.41 AC±
ELECTION DISTRICT NO.: 15
COUNCILMANIC DISTRICT NO.: 6
DEED: 14928/120
TAX ACCOUNT NO.: 1600004076
TAX MAP 83 GRID 9 PARCEL 595
USE: AGRICULTURAL

ZONE	ACRES	UNITS ALLOWED
RC-2	19.30	2
RC-50	14.33	1
RC-2	1.78	1*
TOTAL	35.41	

* OR TWO EXISTING NON CONFORMING UNITS

OWNERSHIP: BRIAN J. EURICE
6502 BLACKHEAD ROAD
BALTIMORE, MD 21220

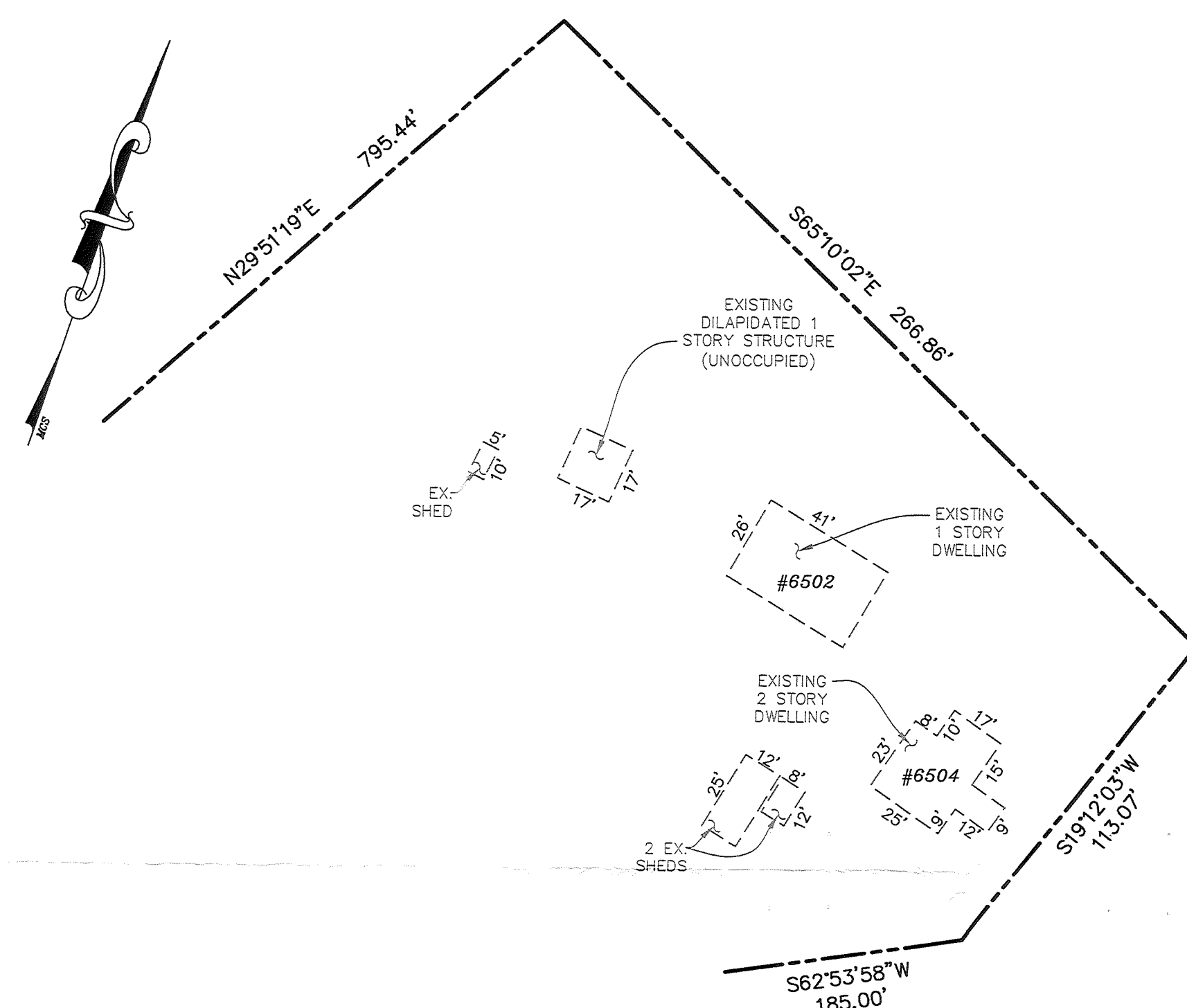
A. TOPOGRAPHY SHOWN HEREON IS BASED ON BALTIMORE COUNTY 200 SCALE GIS TILES 83a1, 83a2, 83b1 & 83b2
B. PROPERTY OUTLINE SHOWN IS BASED ON A DEED PLOT THAT WAS ROTATED TO THE MARYLAND COORDINATE SYSTEM.
C. EXISTING ZONING IS RC-2 & RC-50, 200 SCALE MAPS 83a1, 83a2, 83b1 & 83b2

A. CONFIRM / VALIDATE NON-CONFORMING STATUS OF 2 EXISTING DWELLINGS ON PROPERTY IN ACCORDANCE WITH SECTION 104 BCZR.

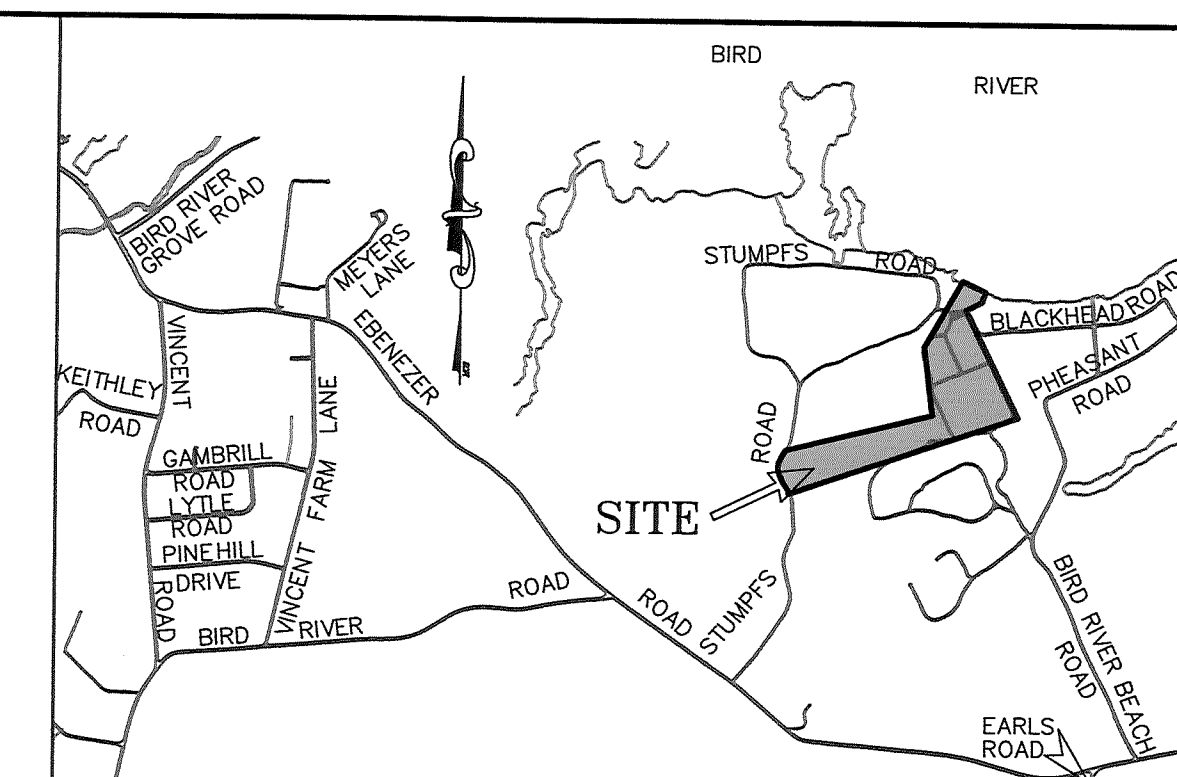
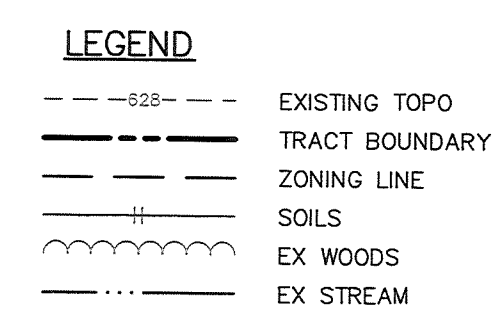
B. TO WAIVE THE SUBDIVISION PLAN REQUIREMENTS TO ALLOW FOR SUBDIVISION BEYOND ALONG THE RC-2 AND RC-50 ZONE LINE IN ACCORDANCE WITH SECTION 32-4-107(a)(1)(ii) OF THE BALTIMORE COUNTY CODE.

C. CONFIRM THE DENSITY OF THE OVERALL PROPERTY.

6. a. A portion of the site is within The Chesapeake Bay Critical area.
- b. A portion of the site is within The 100 year Floodplain.
- c. There are No Known historic buildings on site.
- d. There are No Known prior zoning cases.

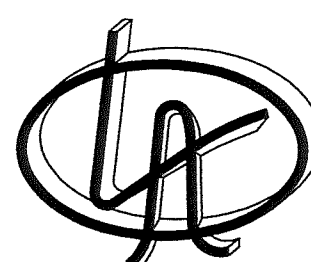
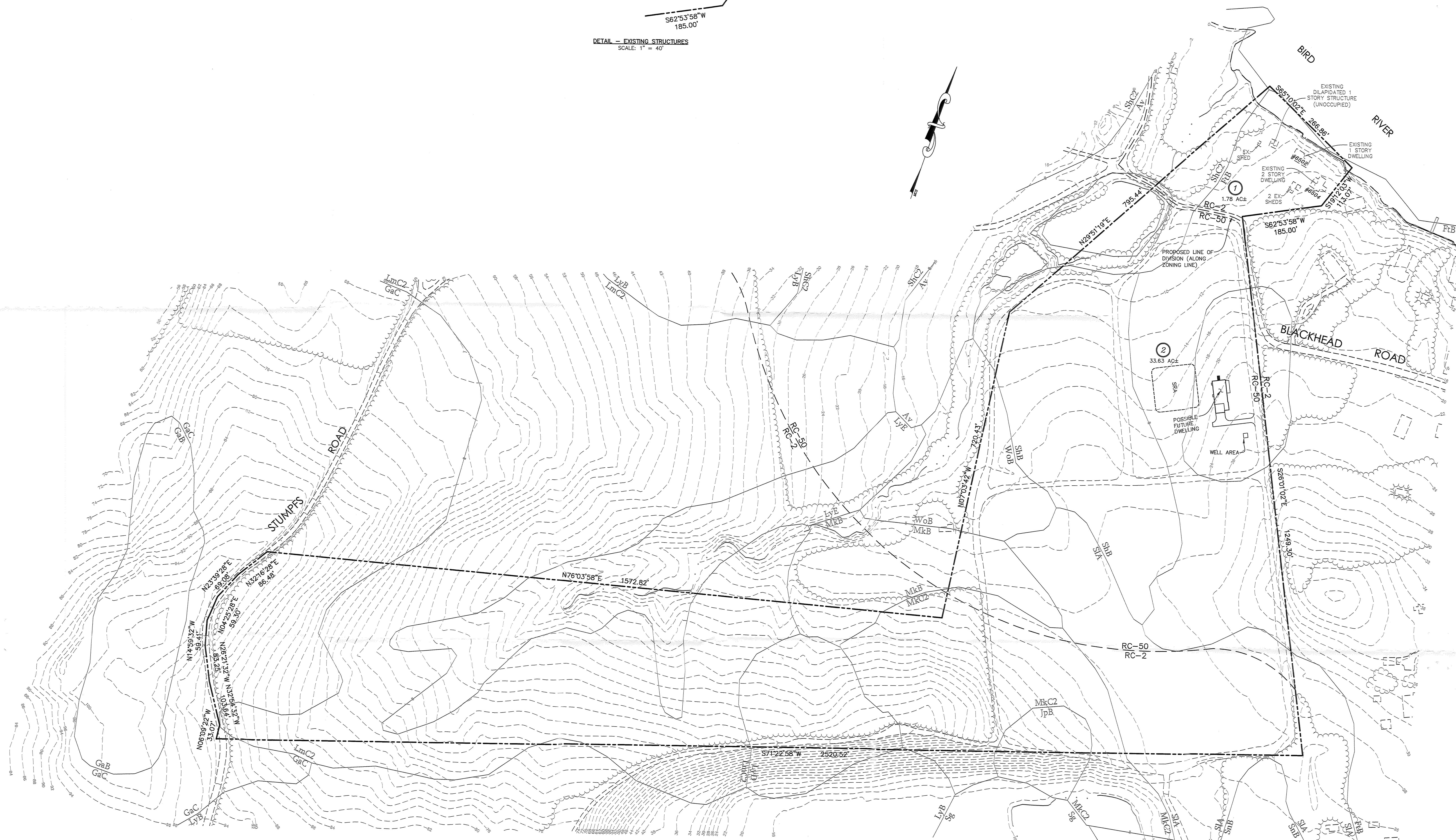


DETAIL - EXISTING STRUCTURES
SCALE: 1" = 40'



VICINITY MAP

SCALE: 1"=2,000'



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

PLAN TO ACCOMPANY ZONING PETITION
EURICE PROPERTY

DISTRICT 15c6
SCALE: 1"=100'

BALTIMORE COUNTY, MD
APRIL 21, 2010

PETITIONER'S

EXHIBIT NO.