IN RE: PETITION FOR ADMIN. VARIANCE *

E side of Long Bottom Court, 200 feet +/- S of Connection Road 11th Election District 3rd Councilmanic District

(9 Longbottom Court)

Frederick C. Deisher, Jr. *Petitioner*

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

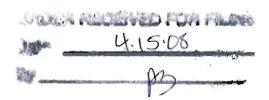
* FOR BALTIMORE COUNTY

* Case No. 08-430-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Frederick C. Deisher, Jr. for property located at 9 Longbottom Court. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage to be located in the side yard with a height of 24 feet in lieu of the rear yard and permitted 15 foot height. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner cannot construct the proposed garage in the rear yard because the septic tank and septic system are located in the rear yard. The proposed garage measures 30 feet x 36 feet in size. The subject property contains 1.86 acres. Letters of support were submitted by the Petitioner's neighbors residing at 10 Longbottom Court and 11 Longbottom Court. A petition signed by 18 adjacent property owners residing on Longbottom Court was also submitted in support of the Petitioner's request.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 1, 2008 which recommends that the accessory structure not be converted into a dwelling unit or apartment,



not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 22, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



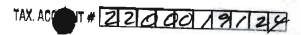
- 2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner for Baltimore County

THB:pz



I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Zoning Commissioner of Baltimore County



regulations of Baltimore County and that the property be reposted.

CASE NO.

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Longbottom	CT.
which is presently zoned	Re-5
The state of Branch of Bra	

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) 400.1¢3; BCZR To Pernt A GARASE To Be Located in the Side y and With A Height 4 24 ft. In lieu of the Real yArd AND Permitted 15 ft. Height.

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.

			is the subject of this F	eution.	
Contract Purchase	r/Lessee:		Legal Owner(s):		
			Frederick	c. Deister	n, JR.
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Signature			Signature FOENFOICK /	1) FISHER JE	0
Address	 .	Telephone No.	Name - Type or Print	DE BIOTICE CI	2.30
City	State	Zip Code	Signature		
Attorney For Petitic	oner:	140	9 Lows 6. 7 Address Kingsulle	ten CT. 410	7-952-594 Telephone No.
Name - Type or Print			Oity •	Glate	ZLO 87 Zip Code
Signature			Representative to	o be Contacted:	expedite, a
Company			Name POBON	043 410-8	312.2236
Āddress		Telephone No.	Bel Air	us	Telephone No.
City	State	Zip Code	City	State	Zip Code

Estimated Posting Date

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	9 Long botto	m CT.	
	Address KIN9 SUWC	Mel	21087
A Comment of the second	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):

advertising fee and may be required to provide addit	ional information.
Signature Signature	Frederick C Deishar
	Signature
Robert Ingussi	Signature FREDERICK C DEISHER JR. Name - Type or Print
Name - Type or Print	Name - Type or Print
D 24-8	
STATE OF MARYLAND, COUNTY OF BALTIMOR	E, to wit:
I HEREBY CERTIFY, this 2 7 day of Feb of Maryland, in and for the County aforesaid, personate	ally appeared, 2008, before me, a Notary Public of the State
Frederick C. Deishe	
the Affiant(s) herein, personally known or satisfactor	
Charles and the same of the sa	
AS WITNESS my hand and Notarial Seal	
1,745	
	1000 h
	Notary Public
	My Commission Expires 04/09

REV 10/25/01

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and

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

REV 10/25/01

9 Long bettom QT.

Address

Kingsville med 21887

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):

	That the Affiant(s) acknowledge(s) that if a formal demand advertising fee and may be required to provide additional information.	is filed, Affiant(s) will be required to pay a reposting and mation.
	And In Il	Frederick (1) ester
e e	Signature LNEWSS.	FRADERICK C DEISHER JR.
*	Name - Type or Print	Name - Type or Print
-	0015	
	STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
	of Maryland, in and for the County aforesaid, personally appear	, 210 %, before me, a Notary Public of the State
	Frederick C. Deisha,	
	the Afflant(s) herein, personally known or satisfactorily identified	ed to me as such Affiant(s).
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	AS WITNESS my hand and Notarial Seal	Hut IS
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	My C	Commission Expires 06/05



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	9 LONG Sottom	aT
which	is presently zoned	BC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Permit A GAVAGE TO be LOCATED IN Side YAND with A Height of 24ft. in lieu. of the REAR Y And with AND permitted 15ft. Height.

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: Legal Owner(s): Name - Type or Print Signature Address Telephone No. City State Zip Code Signature Attorney For Petitioner: KINGSUME Name - Type or Print Representative to be Contacted: Fx pedile, cce Signature Company Address Telephone No. Zip Code City State A 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 this ____ day of ____, that the subject n regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

Being known and designated as lot # 20 as shown on plat entitled Longfield Estates Phase I plat no. 66/63. Also being known as # 9 Longbottom Court being The same deed reference as 11190/644. Using Baltimore County Coordinates Metropolitan District Stations X-3451, N54-4-04.26 E55352,07. 588' 46'33" W, 508. 21' 58"W, 505' 31' 15" E 516' 58' 32" E

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YELLOW - CUSTOMER

WHITE - CASHIER PINK - AGENCY

CERTIFICATE OF POSTING

	RE: Case No: 08-430-A
	Petitioner/Developer: FREDERICK DELSHER, IR
••	Date Of Hearing/Closing: 4/7/08
Baltimore County Department of Permits and Development Manage County Office Building,Room 111	
111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	penalties of perjury that the necessary ed conspicuously on the property
This sign(s) were posted on N	Trech 77 7208
Time sign(s) were posted on	(Month, Day, Year)
•	Sincerely, Wastin Ole 3/22/08
1	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)



2) respectively 3/22/08

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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: 430
Petitioner: Prevent Prevent () e15/182
Petitioner: Frederick Deisher Address or Location: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
A A C
Telephone Number:



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 7, 2008

Frederick C. Deisher, Jr. 9 Longbottom Court Kingsville, MD 21087

Dear Mr. Deisher:

RE: Case Number: 08-430-A, 9 Longbottom Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 12, 2008. 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:amf

Enclosures

c: People's Counsel

Robert Infussi P.O. Box 1043 Bel Air 21014



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

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 24, 2008

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

Baltimore County

Item No. 8- 430 -4

9 LONG BOTTOM COURT

DEISHER PROPERTY

ADMINISTRATIVE VARIANCE

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. 8-430-A

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 1, 2008

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 31, 2008

Item Nos. 08-401, 418, 419, 420, 421, 422, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, and 440

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03282008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 1, 2008

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8-430 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet and to be located in the side yard in lieu of the required rear yard provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:

AFK/LL: CM



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 26, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 24, 2008

Item Number: 418,419,420,421,422,423,424,426,427,428,429,430,431,432,433,434 and 435

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File

March 9, 2008

To Whom It May Concern,

We are aware of the Deisher's plans, at 9 Longbottom Court in Kingsville, to build a three car garage on their property. Our property is directly across the street from theirs and to where the garage will be built and we do not object to their plans.

Sincerely,

Mike & Sheila Bouloubassis

10 Longbottom Court

Kingsville, MD 21087

March 9, 2008

D& 1130-1

To Whom It May Concern,

We are aware of the Deisher's plans, at 9 Longbottom Court in Kingsville, to build a three car garage on their property. Our property is adjacent to theirs and to where the garage will be built and we do not object to their plans.

Sincerely,

Lou & Allee Noplos 11 Longbottom Court

Kingsville, MD 21087

The undersigned allow Fritz & Pam Deisher permission to build a garage as outlined in the letter sent to all neighbors on Longbottom Court.

Print Name		Address		<u>Signature</u>
TammySpahn	7	Longbottom Court		de Joan
Mark Dillinger	3	Longbottom Court		Mark R. Billy
RICHAMS BAER	١	Longbottom Court	· · · · · · · · · · · · · · · · · · ·	KS-Z.
BOB BOWERS	6	Longbottom Court		Robert H. Bowers.
Cavena Ralphwagner	4	Longbottom Court	<u> </u>	Jage Ellhan.
Posemary -Borowy	2	Longbottom Court	<u>A</u>	Karny Bury.
Jan - 43 Ressin	E	Longbottom Court		2 Page 1
MIKE 15 NEWS	10	Longbottom Court		my
Port + Jane	12	Longbottom Court	<u> </u>	LINA OH
MARYALICE NOPLOS	11	Longbottom Court		Levis faplos Mnoples.
SURA FRAZIER		Longbottom Court		ve kana tranci.
Cheryl Germack	17	Longbottom Court		Cher Jernock
James (. Eli,	20	Longbottom Court		James G [7] 115
Dianna Chomwell	22	Longbottom Court		Dearra Cromecell.
Richard Myers	24	Longbottom Court		Tricken Enforce.
Janet Regester	26	Longbottom Court		Juni Higester .
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Robert Pazda	76	LenapoHorn Ct		19th



NO

Tax Exempt:

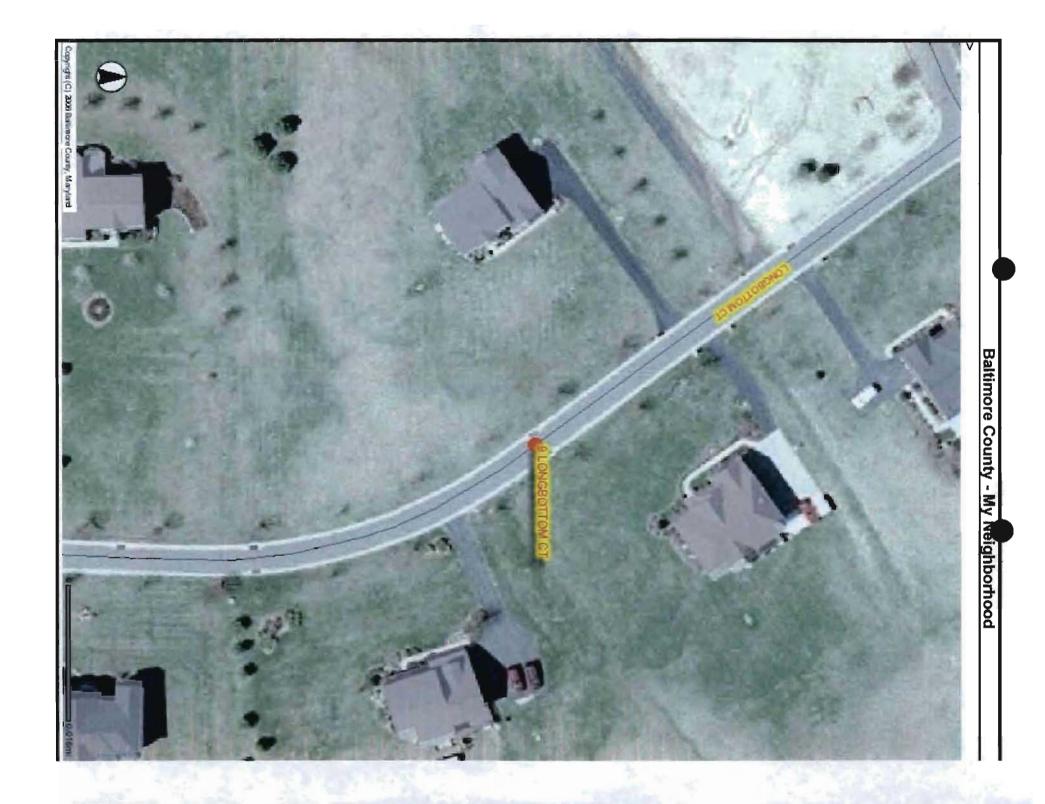
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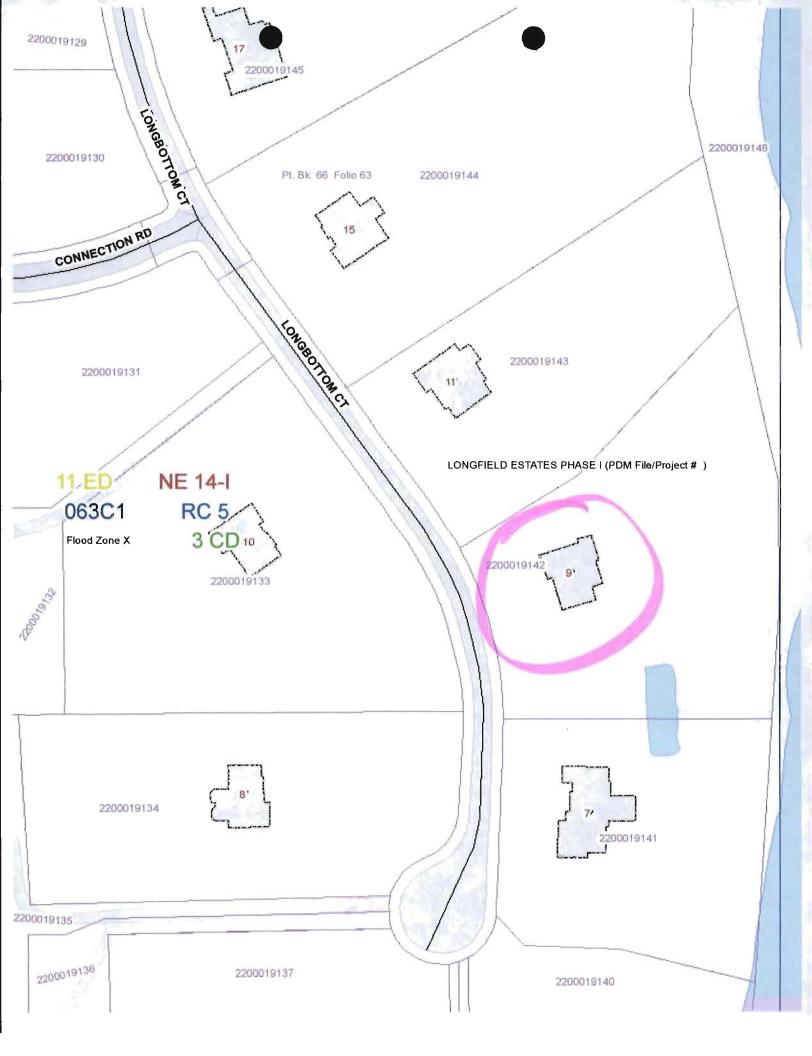
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Special Tax Recapture:

* NONE *







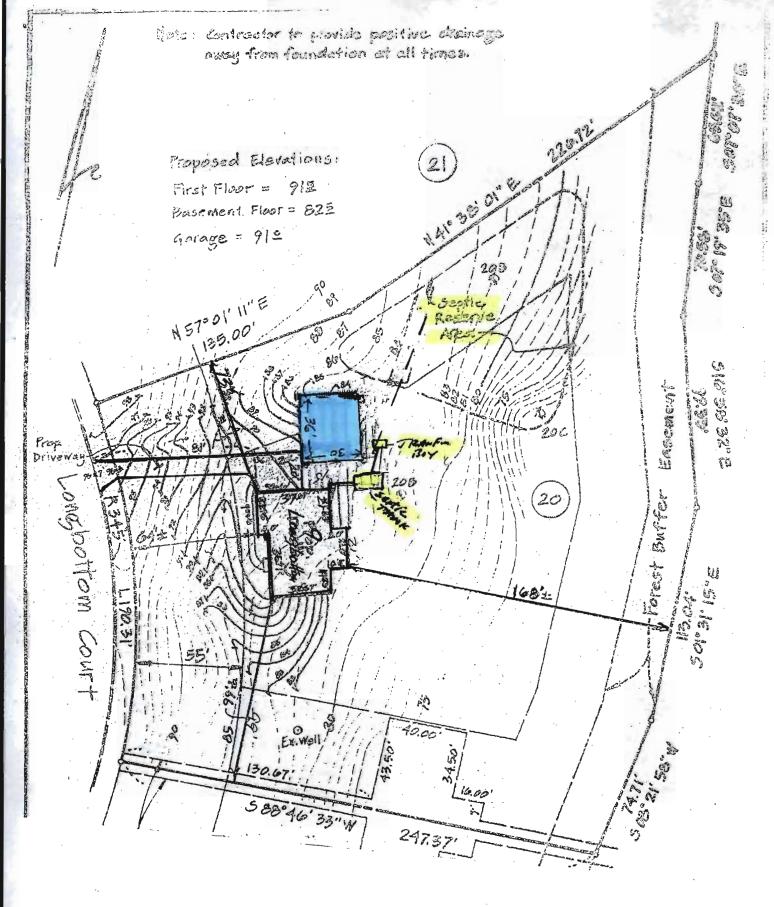




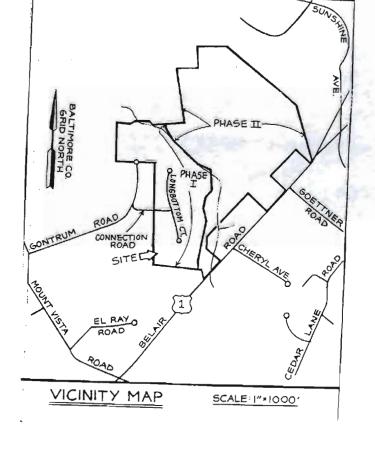








Robert InFussi Expedite, LCC DOBOX 1043 Bel Air, MD 21014 410-812-2236



ZONED - RC-5

PRAT TO ACCOMPANY
Administrative VARIANCE
9 Long bottom at
Lot - 20 MAR G3 GRIND 6
PARCEL 638 PLAT Ref. 66/63
Long Picid ESTATES PHASE I
LAND AREA 1.86 AC

OWNER

Frederick CHARLES Deisher, Jr.

G Longbottom CT.

Kingsume, MARY (And 21087)

DEED REF. 11190/644

Prop. ID - 2200019124

08-430-A

Scale 1' = 50'