

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bush Cabin Court; 820 feet N
of the c/l of Mt. Carmel Road
7th Election District
6th Councilmanic District
(12 Bush Cabin Court)

Louis Hejl Jr. and Elizabeth Hejl
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0005-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Louis Hejl Jr. and Elizabeth Hejl for property located at 12 Bush Cabin Court. The variance request is from Sections 400.1 and 1A03.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (swimming pool) in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an in-ground swimming pool measuring 18 feet x 36 feet. The property is irregularly shaped and located in a "C" floodplain. Owing to the property's location and soils, the dwelling had to be sited in the back section of the property to accommodate the well and septic system in the front portion of the site. Locating the swimming pool on the northerly side of the dwelling will minimize the structure's environmental impact. A neighbor residing at 10 Bush Cabin Court enjoys an in-ground swimming pool located in the side yard. The subject property contains 3.20 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER RECEIVED FOR FILING

Date 8.5.10

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 17, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5th day of August, 2010 that an Administrative Variance from Sections 400.1 and 1A03.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (swimming pool) in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard is hereby GRANTED, subject to the following:

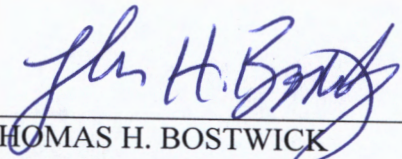
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

ORDER RECEIVED FOR FILING

Date 8-5-10

By [Signature] 2

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

ORDER RECEIVED FOR FILING

Date 8.5.10

By pm



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 12 BUSH CABIN COURT

which is presently zoned RC-8 formerly RC-4

Deed Reference: 64-154 Tax Account # 22-00-011837

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)

Section: 400.1, 1A03.4

To permit an accessory structure/swimming pool in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Date

Address

Telephone No.

City

By

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

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

Zoning Commissioner of Baltimore County

Case No. 2011-0005-A

Reviewed By W

Date 7/6/10

Estimated Posting Date 7/18/10

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 own and reside at 12 Bush Cabin Ct.
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

The Property is located in a "C" floodplain and the property is irregularly shaped. Owing to the property's location, and soils, the house had to be sited in the back section of the property to accommodate the well and septic system in the front portion of the site.

Locating the pool on the northerly side of the dwelling will minimize the structure's environmental impact.

The pool is a reasonable size and use.

The requested variance is the minimum necessary to afford relief.

At least one other property in the neighborhood has a pool located to the side of the dwelling. (SEE EXAMPLE A)

The pool will not be visible from Bush Cabin Court.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Name- print or type

Signature

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 2 day of JULY, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): LOUIS HEJL JR ELIZABETH HEJL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public

Commission expires



PETER G. MATTES
NOTARY PUBLIC STATE OF MARYLAND
My commission expires 11/07/2013

ZONING DESCRIPTION FOR 12 BUSH CABIN COURT PARKTON MD.

Beginning at a point on the **NORTH** side of **BUSH CABIN COURT** which is

50' feet wide at the distance of 820 feet
(number of feet of right away width) (number of feet)

North of the centerline of the nearest improved intersecting street,
(north, south, east, west)

MT. CARMEL ROAD which is 60 feet wide. Being Lot#2,
(number of feet right away width)

Block 2, Section #1 in the subdivision of **GLENSIDE VISTA** as recorded in Baltimore County Plat Book #64, Folio # 54, containing 3.20 AC. Also known as
139,392 #(square feet of acres)

12 BUSH CABIN COURT and located in the 7th Election District, 6 Councilmanic District.

2011-0005-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0005 -A Address 12 Bush Cabin Ct
Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/6/10 Posting Date: 7/18/10 Closing Date: 8/2/10

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2010- 0005 -A Address 12 Bush Cabin Ct
Petitioner's Name Louis + Elizebeth Hejl Jr Telephone 410 343-1837
Posting Date: 7/18/10 Closing Date: 8/2/10

Wording for Sign: To permit an accessory structure/swimming pool in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard.

Revised 8/20/09

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

No. 55953

Date: 7/6/10

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Total: 65.00

Rec From: William J. O'Brien

For: Max Mus Hajl
12 Bush Capin Pl.
21120
H. V. A. 2011-0005-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/25/2010

Case Number: 2011-0005-A

Petitioner / Developer: LOUIS & ELIZABETH HEJL, JR. ~

WILLIAM O'BRIEN of MID-ATLANTIC POOLS

Date of Hearing (Closing): AUGUST 2, 2010

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:
12 BUSH CABIN COURT

The sign(s) were posted on: JULY 17, 2010



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 3, 2010

Mr. Her Jr. & Mrs. Hejl
12 Bush Cabin Ct.
Parkton, MD 21120

Dear: Mr. Her Jr. & Mrs. Hejl

RE: Case Number 2011-0005-A, 12 Bush Cabin Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 06, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
William O'Brien; 9548 Geist Rd.; Perry Hall, MD 21128



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 19, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: July 26, 2010

Item No.: **Variance:** 2011-0001A.

Administrative Variance: 2011-0003A - 0007A. ^{2011-0005-A}

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 26, 2010
Item Nos. 2011- 0001, 0002, 0003,
0004, 0005, 0006, and 0007

DATE: July 15, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07262010 -NO COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 17, 2010

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

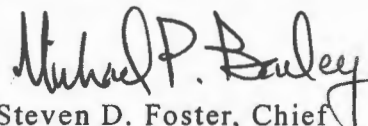
RE: Baltimore County
Item No. 2011-0005-A
12 BUSH CABIN CT.
HEJI PROPERTY
ADMIN. VARIANCE -

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. 2011-0005-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,


For 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 3, 2010

RECEIVED

AUG 05 2010

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

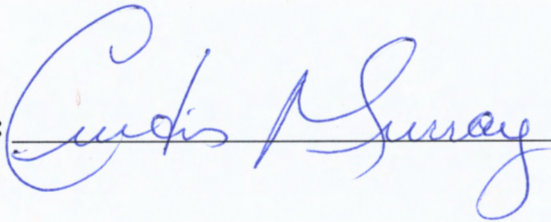
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-005- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:
CM/LL

A handwritten signature in blue ink, appearing to read "Curtis M. Gurney", is written over a horizontal line.

To : William J. Wiseman
Zoning Commissioner
DPDM
111 West Chesapeake Avenue
Room 111
Towson, MD. 21204

July 6th, 2010

Re : Petition for Administrative Variance for 12 Bush cabin Ct. Parkton, MD

Sir,

I would like to request an expedited decision due to the fact that the swimming pool hole that was excavated will be begin to deteriorate over time prior to the concrete floor being completed. If this occurs the pool hole may have to be re-excavated. The concrete floor will preserve the pool floor.

Thank you.

2011-0005-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>7-15-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
_____	DEPRM (if not received, date e-mail sent _____)	_____
<u>7-19-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>8-3-10</u>	PLANNING <u>recd 8-5-10</u> (if not received, date e-mail sent _____)	<u>nc</u>
<u>7-19-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>-</u>
_____	ADJACENT PROPERTY OWNERS	<u>-</u>
ZONING VIOLATION	(Case No. <u>-</u>)	
PRIOR ZONING	(Case No. <u>-</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>-</u>	
SIGN POSTING	Date: <u>7-17-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☒	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☒	

Comments, if any: _____



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9548 Gerst Road

Perry Hall, MD 21128-9711 [map](#)**Phone:** (410) 529-8813**Website:** Information not found[Is this your company?](#)[Company I](#)[Add this](#)[Alert m
change](#)[Print thi](#)**About Mid Atlantic Pool Service Inc**[Is this your company?](#) [Claim This Profile](#)

Mid Atlantic Pool Service Inc is a private company categorized under Services (Unclassified) and located in Perry Hall, MD. Our records show it was established in and incorporated in Maryland. Current estimates show this company has an annual revenue of 47,000 and employs a staff of approximately 1.

[Manta Mer
to this Con](#)[Do
Add
mer](#)[Manta Mer
Viewed Th](#)[YO
Sigr
Mar](#)**Mid Atlantic Pool Service Inc Business Information**

Location Type	Single Location
Annual Sales (Estimated)	47,000
Employees (Estimated)	1
SIC Code	8999, Services, NEC
NAICS Code	541990, All Other Professional, Scientific, and Technical Services
Products, Services and Brands	Information not found
State of Incorporation	Maryland
Years in Business	Information not found

Business Categories

Services, nec in Perry Hall, MD

Services-Misc

All Other Professional, Scientific, and Technical Services

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Companies by Location: Perry Hall, MD

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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

Account Identifier: District - 07 Account Number - 2200011837

Owner Information

Owner Name:	HEJL LOUIS, JR HEJL ELIZABETH	Use:	RESIDENTIAL
Mailing Address:	12 BUSH CABIN CT PARKTON MD 21120-8807	Principal Residence:	YES
		Deed Reference:	1) /10621/ 508 2)

Location & Structure Information

Premises Address	Legal Description
12 BUSH CABIN CT	3.203 AC 12 BUSH CABIN RD WS GREENSIDE VISTA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
21	14	384			1		2	2	Plat Ref: 64/ 54

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1994	3,745 SF	3.20 AC	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	146,400	195,200		
Improvements:	311,750	377,550		
Total:	458,150	572,750	534,550	572,750
Preferential Land:	0	0	0	0

Transfer Information

Seller: ENSOR DONALD H	Date: 06/29/1994	Price: \$89,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /10621/ 508	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:
 * NONE *

2200017915

24

22

2200017901

1600006671
2530

EXAMPLE A.

0 1600006598

1600006600
0

20 2200011839

12 Bush Cabin &
Pool ON SIDE →

2200011838

18

2500
1600006601

2200011837

12

2200011836

10 Bush Cabin &
Pool ON SIDE

16

2200011840

2200011841

8

6
2200011842

4
2200011843

0513055375
0

MT CARMEL RD

2415

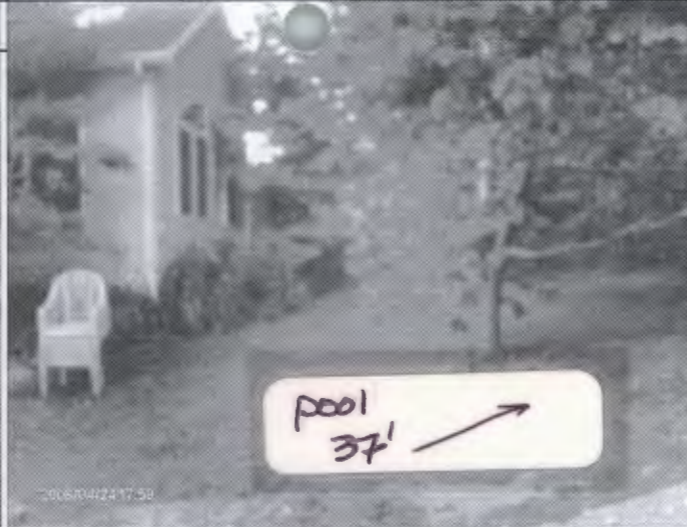
0513055384

2011-0005-A

Select Photo Category >>>>>>>>:



Select Photo Category >>>>>>>>:



Select Photo Category >>>>>>>>:



Select Photo Category >>>>>>>>:



Select Photo Category >>>>>>>>:

Ground Block

Select Photo Category >>>>>>>>:

Miscellaneous 1

comments

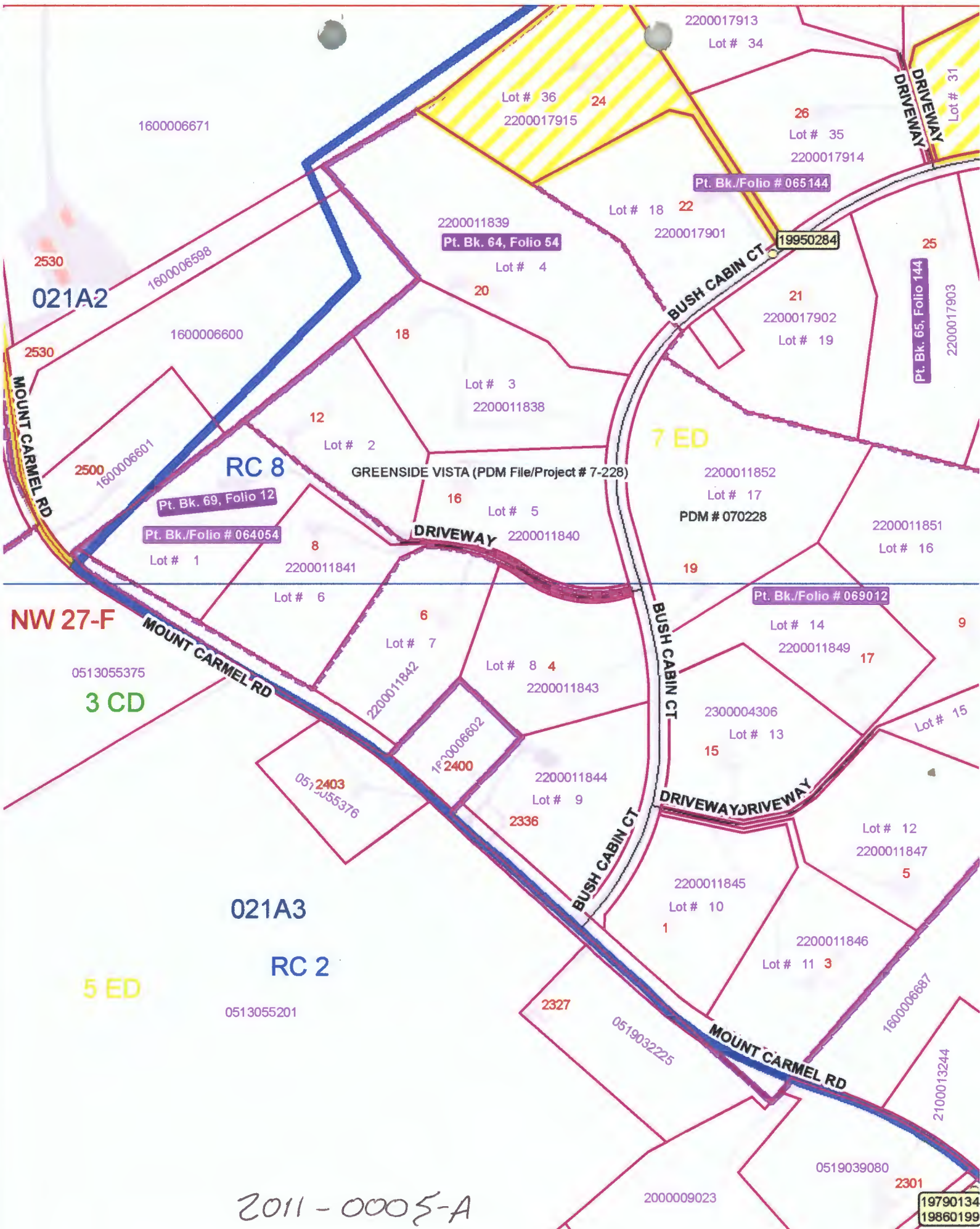
PASTE PHOTO(S) HERE

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2001-0005-A



2011-0005-A



2011 0005-A