	E: PETITION FOR VARIANC		. II	ľ
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SW/side of Taylor Avenue, 590' SW of the c/l of Harford Road 14<sup>th</sup> Election District 6<sup>th</sup> Council District (3023 Taylor Avenue)

John and Melinda Baylor Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2012-0244-A

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by John and Melinda Baylor. According to State records, the legal owner of the property is Sterling Duncan Hill, who resides in Belgrade, MT. The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the second story of an existing garage to be 22' in lieu of the permitted 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner John Baylor. Paul Nweke and Mary Woods, immediate neighbors of the Petitioners, attended the hearing to express their concerns with the proposal. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

Testimony and evidence revealed that the subject property is 17,489 square feet (0.496 acres) and zoned DR 5.5. The Petitioner testified he recently acquired the home, and rents rooms in the dwelling to four individuals who are volunteers at his mission, Burning Heart Ministries. Petitioner testified he is the director of the mission, a 501(c)(3) entity, and he intends to use the garage to store and repair furniture, clothing and other items for eventual distribution to the

ORDER RECEIVED FOR FILING

Date 56-25-12

By\_\_\_\_

homeless and other disadvantaged citizens served through the organization's relief and outreach work. Petitioner testified he would like to increase the storage space in the garage by adding a second story to the structure. He advised the garage would not be used as a dwelling or for overnight habitation. Finally, the Petitioner stated he did not have a rental registration license or approval for a boarding house, since he was unaware that County law imposed such requirements.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

The neighbors testified they were concerned that Petitioners would be providing counseling and/or housing for drug or alcohol addicted individuals. The Petitioner assured the neighbors that he was not going to do so, and I reminded Petitioner that – in any event – a State license would be required to provide such services.

Unfortunately for Petitioners, I am unable to reach the merits of their variance petition. Petitioners must first bring the property into compliance with the B.C.Z.R. and Baltimore County Code (B.C.C.) by obtaining from the Department of Permits, Approvals and Inspections a rental registration license (B.C.C. § 35-6-101 et seq) and approval of a boarding/rooming house, which is defined as a dwelling occupied by "three or more individuals who are 18 years old or older and not related to each other by blood, marriage and adoption." B.C.Z.R. § 101.1; 408.B. Provided the Petitioners secure the requisite license and boarding house use permit, they may refile their petition for variance relief concerning the proposed garage improvement.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be denied.

### ORDER RECEIVED FOR FILING

Date 5 %-25-13

THEREFORE, IT IS ORDERED, this \_\_\_\_\_\_ day of May, 2012, by this Administrative Law Judge that Petitioners' Variance request from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the second story of an existing garage to be 22' in lieu of the permitted 15', be and is hereby DENIED (without prejudice).

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

JEB:pz

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

ORDER RECEIVED FOR FILING

Date	5	to-25-1	7	
			-	

By



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

May 24, 2012

JOHN AND MELINDA BAYLOR 2813 TAYLOR AVENUE PARKVILLE MD 21234

RE:

Petition for Variance

Case No.: 2012-0244-A

Property: 3023 Taylor Avenue

Dear Mr. and Mrs. Baylor:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:pz

Enclosure

c: Paul Nweke, 3025 Taylor Avenue, Parkville MD 21234 Mary Woods, 3028 Taylor Avenue, Parkville MD 21234

### PETITION FOR ZONING HEARING'S)

To be filed with the Department of Permits, Approvals and pections To the Office of Administrative Law of Baltimore County for the property located at:

Address 3023 Taylor Ave fark ville MO 21234 which is presently zoned DR 5.6

Deed References: 22718/00612

10 Digit Tax Account # 1 7 0000 49 14

Property Owner(s) Printed Name(s) John Som for to Melin

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan 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

a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

a Variance from Section(s)

400.3 : BCZF TO permit zud STORY ON AN EXISTING GARAGE TO BE ZZFF. IN HEIGHT IN LIEW OF THE PERMITTED 15 FF.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:	Legal Owners (Petitioners):
Name- Type or Print	Name #1 - Type or Print Name #2 - Type or Print
Signature	Signature #1 Signature # 2
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	ZID Code Telephone # Amail Address
Attorney for Petitioner:	Representative to be contacted:
Name- Type of RDEH RECEIVED FOR FILING Signature	Name - Type or Print
Signature Date	Signature 56 Me
Mailing Addres By City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
CASE NUMBER 2012-0244-4 Filing Date 4/4/1	2 Do Not Schedule Dates: 4/15/12 Reviewer Sh

Zoning Property Description for 3023 Taylor Ave. Beginning at a point on the South West side of Taylor Ave. which is 40' wide at the distance of 590' South West of the centerline of the nearest intersecting, Harford Road which is 60' wide.

> Election District: 14th Council man District: 6th

### NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0244-A 3023 Taylor Avenue S/w side of Taylor Avenue, 590 feet S/w of centerline of Harford

14th Election District 6th Councilmanic District

6th Councilmanic District Legal Owner(s): John & Melinda Baylor Variance: to permit 2nd story on an existing garage to be 22 feet in height in lieu of the permitted 15 feet.

Hearing: Wednesday, May 23, 2012 at 11:00 a.m. in Room 104, Jeffer-son Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR

BALTIMORE COUNTY
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/5/657 May 8

## **CERTIFICATE OF PUBLICATION**

5/10/2012
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 58,2012.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

P. Wilkingon

# **Certificate of Posting**

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date:

May 8, 2012

Attention:

Zoning Office - Ms. Kristen Lewis

Re:

**Case Number:** 

2012-0244-A

Petitioner/Developer:

John & Melinda Baylor

Date of Hearing/Closing:

May 23, 2012

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: 3023 Taylor Avenue

The sign(s) were posted on: May 8, 2012

William D. Gulick, Jr.

2944 Edgewood Avenue Baltimore, MD 21234

(410) 530-6293



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TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 8, 2012 Issue - Jeffersonian

Please forward billing to: John Baylor, Jr. 2813 Taylor Avenue Parkville, MD 21234

410-459-5404

### NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0244-A

3023 Taylor Avenue S/w side of Taylor Avenue, 590 feet S/w of centerline of Harford 14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owners: John & Melinda Baylor

Variance to permit 2<sup>nd</sup> story on an existing garage to be 22 feet in height in lieu of the permitted 15 feet.

Hearing: Wednesday, May 23, 2012 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

April 27, 2012

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

### NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0244-A

3023 Taylor Avenue S/w side of Taylor Avenue, 590 feet S/w of centerline of Harford 14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owners: John & Melinda Baylor

Variance to permit 2<sup>nd</sup> story on an existing garage to be 22 feet in height in lieu of the permitted 15 feet.

Hearing: Wednesday, May 23, 2012 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Mr. & Mrs. Baylor, Jr., 2813 Taylor Avenue, Parkville 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 8, 2012.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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: 2012-0244-A  Petitioner: John BayLor
Address or Location: 3023 Taylor Ave, Baln, Md. 21234
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Address: Am-e
Telephone Number: 410 - 459 - 5404



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 15, 2012

John S. and Melinda S. Baylor 2813 Taylor Avenue Parkville, MD 21234

RE: Case Number: 2012-0244-A, Address: 3023 Taylor Avenue, 21234

Dear Mr. & Ms. Baylor:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 6, 2012. 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,

U. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel

State Highway
Administration

Maryland Department of Transportation

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

portation

Date: 4-19-12

RE:

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

Baltimore County
Item No 2012-0244-A
Variance
Fohn Boylor
3023 Taylor Avenue

Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Dear Ms. Lewis:

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. 20(2-0244-4)

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 26, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 30, 2012

Item Nos. 2012-0208, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248,

0249, 0250 And 0252.

The Bureau of Development Plans Review has reviewed the subject-

zoning items, and we have no comments.

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04302012-NO COMMENTS.doc

RE: PETITION FOR VARIANCE
3023 Taylor Avenue; SW/S of Taylor Avenue,
590' of S/W of c/line Harford
14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts
Legal Owner(s): John Baylor
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

2012-244-A

### **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

RECEIVED

APR 19 2012

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19<sup>th</sup> day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to John Baylor, 2813 Taylor Avenue, Parkville, Maryland 21234, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

### Debra Wiley - ZAC Comments - Distribution Mtg. of April 16th

From:

Debra Wiley

To:

Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date:

4/23/2012 9:38 AM

Subject: ZAC Comments - Distribution Mtg. of April 16th

### Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0208-A - 12519 Falls Road No hearing date assigned in data base as of today

2012-0241-A - 238 Colgate Avenue

Administrative Variance - Closing Date: 4/30

2012-0242-A - 5710 Country Farm Road No hearing date assigned in data base as of today

2012-0243-A - 6600 Baltimore National Pike No hearing date assigned in data base as of today

2012-0244-A - 3023 Taylor Avenue No hearing date assigned in data base as of today

2012-0245-A - 519 Maryland Avenue

Administrative Variance - Closing Date: None reflected in data base as of today

2012-0246-SPHA - 7933 Eastern Avenue

No hearing date assigned in data base as of today

2012-0247-A - 601 Goucher Avenue

Administrative Variance - Closing Date: 5/7/12

2012-0248-SPHA - 2204 Lodge Forest Drive - CRITICAL AREA

No hearing date assigned in data base as of today

2012-0249-A - 2206 Lodge Forest Drive - CRITICAL AREA

No hearing date assigned in data base as of today

2012-0250-A - 513 Piccadilly Road

Administrative Variance - Closing Date: 5/7/12

2012-0251-A - 3516 Bay Drive - CRITICAL AREA

Administrative Variance - Closing Date: 5/7/12

### MEMORANDUM

DATE:

June 18, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0244-A - Appeal Period Expired

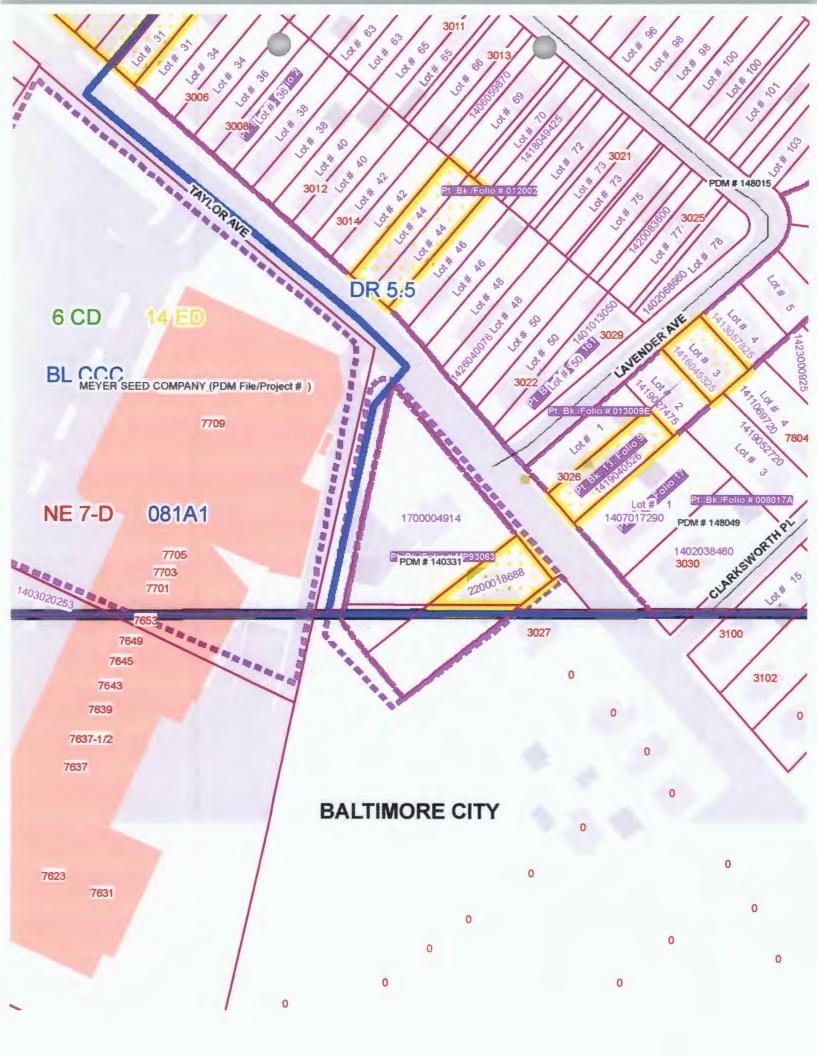
The appeal period for the above-referenced case expired on June 25, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

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BALTIMORE 21234-6405			3023 TAYLOR AVE				
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Improvements:	143,500	72,000					
Total:	219,800	148,300	219,900	148,300			
Preferential Land:	0			0			
			Transfer Inf	ormation			
Seller: FEDERAL	NATIONAL MORTG	AGE		Date:	04/29/2011	Price:	\$104,900
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Case No.: 2012 - 244 - A

Exhibit Sheet

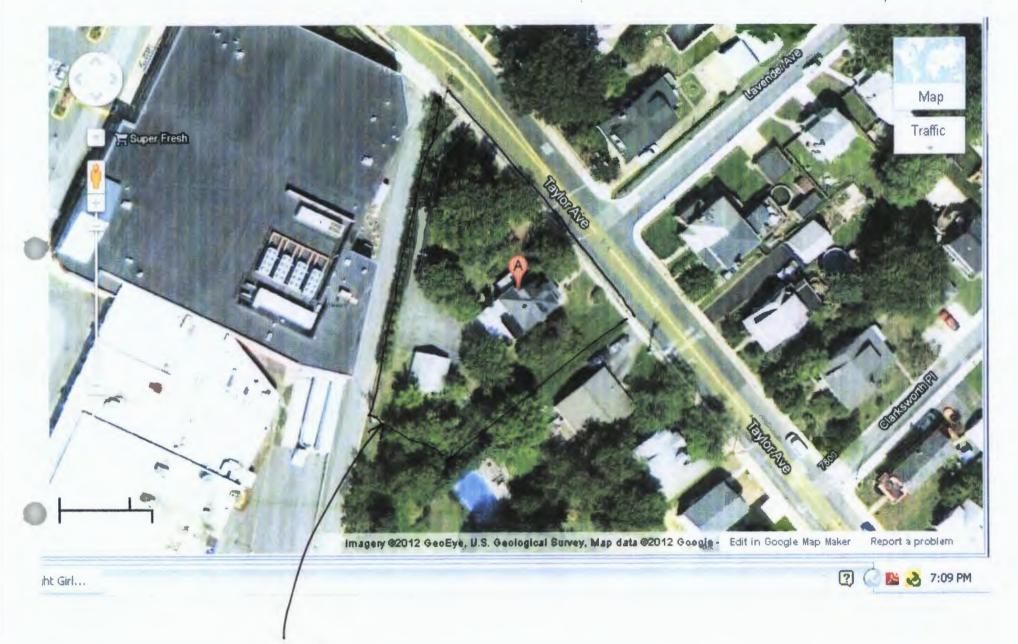
of solis

5/34/12

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Google Earth Map	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
Vo. 12		



Etol

2012-0244A PSEX2

	V		SITE VICINITY MAP
l.	FOR SPECIAL HEARING (MARK TYPE REC OWNER(S) NAME(S) JOHN S. BAYLO		9 P
SUBDIVISION NAME	LOT# BLOCK#	SECTION #	Parkville Shop Cty
Property  Property  Not scale  100  100  100  100  100  100  100  1	DIGIT TAX #1 7000049 14 DEED REF. # 22		N MAP IS NOT TO SCALE  ZONING MAP# 08 1 A!  SITE ZONED DR 5. 5  ELECTION DISTRICT 14  COUNCIL DISTRICT 6 +h  LOT AREA ACREAGE - 796  OR SQUARE FEET 17, 189 5/1  IN CBCA? MO  IN FLOOD PLAIN? MO  UTILITIES? MARK WITH X  WATER IS:
House 3025 5025 4220;	3/ 5 Tory House 3023	3	PUBLIC X PRIVATE  SEWER IS:  PUBLIC X PRIVATE  PRIOR HEARING ? M/O  IF SO GIVE CASE NUMBER
Tan Jan	TAYLOR AVE		AND ORDER RESULT BELOW
PLAN DRAWN BY GARY HARTMAN	DATE 4-02-12 SCALE: 1 INCH = 40 F	EET	
-	Case # 2012-0244-A		VIOLATION CASE INFO:
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