

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 3, 2012

Jared Grodnitzky Ashley Grodnitzky 12220 Dover Road Reisterstown, Maryland 21136

RE:

PETITION FOR ADMINISTRATIVE VARIANCE

(12220 Dover Road) Case No. 2013-0051-A

Dear Mr. and Mrs. Grodnitzky:

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.

Very truly yours

ZAWRENCE M. STAH

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE (12220 Dover Road)

Jared and Ashley Grodnitzky
Petitioners

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2013-0051-A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Jared and Ashley Grodnitzky. The Petitioners are requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed garage with a height of 17' in lieu of the required 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated October 2, 2012, indicating that a future building permit for a garage will need review by Groundwater Management since the property is served by well and septic.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 9, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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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 Administrative Law Judge, 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.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions 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.

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, this <u>3rd</u> day of October, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed garage with a height of 17' in lieu of the required 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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By		

- 2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.
- 4. Petitioners shall comply with the ZAC comment received from DEPS, dated October 2, 2012, as noted above.

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

AWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 12220 DOVER ROAD

which is presently zoned RC-5

Deed Reference 31995/258

10 Digit Tax Account # 0 4 1 9 0 3

Property Owner(s) Printed Name(s) JARED AND ASHLEY GRODNITZKY

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

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. X ADMINISTRATIVE VARIANCE from section(s) 400.3 To permit a proposed garage with a height of 17 feet in lieu of the required is section

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

2. ____ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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). Legal Owners: Contract Purchaser/Lessee: JARED GRODNITZKY ASHLEY GRODNITZKY Name #1 - Type or Print Name- Type or Print Signature # Signature # 2 Signature REISTERSTOWN 12220 DOVER MD Mailing Address Mailing Address City State City State 410-961-7952 21136 Zip Code Email Address Telephone # Email Address Telephone # Representative to be contacted: Attorney for Petitioner: Mailing RECEIVED FOR FILING Name - Type or Print Signature

Zip Code) als -Telephone # Email Address Email Address Zip Code Telephone # A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, 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.

City

Administrative Law Judge of Baltimore County

Mailing Address

CASE NUMBER 2013-0051

Filing Date 830 12 Estimated Posting Date

State

Rev 10/12/11

Y:\GRODNITZKY 12635\dwg\AS SUBMITTED\08-14-12 ADMIN VARI APP.dwg, 8/14/2012 2:42:23 PM, HP Color LaserJet 3600.pc3, Letter,

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 12220 DOVER RD	REISTERSTOWN	MD	21136
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above	e following are the facts we address. (Clearly state	which I/we base the practical difficulty	request for an or hardship here)
PLEASE SEE ATTACHED			
(If additional space for the petition re	quest or the above statemer	nt is needed, label and	attach it to this Form)
Signature of Affiant	Sig	DALLY Gro	Orango
JARED GRODNITZKY Name- Print or Type		SHLEY GRODNITZKY ime- Print or Type	
The following information	is to be completed by a Nota	ry Public of the State	of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to wit:		
HEREBY CERTIFY, this 24th and for the County aforesaid, personally		, before me a	Notary of Maryland, in
the Affiant(s) herein, personally known	or satisfactorily identified to	me as such Affiant(s)	(Print name(s) here)
AS WITNESS my hand and Notaries S	Clause Me	mch	
	Notary Public April 21, 2 My Commission Expire	013	

Y:\GRODNITZKY 12635\dwg\AS SUBMITTED\08-14-12 ADMIN VARI APP.dwg, 8/14/2012 2:34:38 PM, HP Color LaserJet 3600.pc3, Letter, 1:50

Grodnitzky Property

To permit an accessory structure (garage) with a height of 17 ft. in lieu of the maximum allowable height of 15 ft. The requested height is needed to accommodate a Recreational Vehicle (RV) which will be parked in the structure, and still provide a minimal roof pitch.

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEE AND DATES

Case Number 20 13- 0051 -A Address 12320 Dover RD
Contact Person: Gay Huck Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 8/30/12 Posting Date: 9/9/12 Closing Date: 9/94/12
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> 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.
2. <u>DEADLINE:</u> 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.
4. 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 2013 0051 -A Address 1220 Dover 80
Petitioner's Name Jarea Grodnitzky Telephone, 410-961-7953
Posting Date: 9/9/12 Closing Date: 9/04/12
Nording for Sign: To Permit arproposed garage with a height of
·

Revised 7/06/11

ZONING DESCRIPTION FOR #12220 DOVER ROAD

Beginning at a point on the north side of Dover Road, which is 30 feet wide, at the distance of 685 feet northeast of the centerline of the nearest improved intersecting street, Greenspring Avenue, which is 45 feet wide. Being Revised Lot No. 3 in the subdivision of Dover Downs as recorded in Baltimore County Plat Book G.L.B. 20 folio 130, containing 1.02 acres, plus or minus. Also know as 12220 Dover Road and located in the 4th Election District, 2nd Councilmanic District.

10. 21390 MAL LAND

James G. Wiest Reg. No. 21390

Expiration Date: 2-5-14

ZONING DESCRIPTION FOR #12220 DOVER ROAD

Beginning at a point on the north side of Dover Road, which is 30 feet wide, at the distance of 685 feet northeast of the centerline of the nearest improved intersecting street, Greenspring Avenue, which is 45 feet wide. Being Revised Lot No. 3 in the subdivision of Dover Downs as recorded in Baltimore County Plat Book G.L.B. 20 folio 130, containing 1.02 acres, plus or minus. Also know as 12220 Dover Road and located in the 4th Election District, 2nd Councilmanic District.

James G. Wiest Reg. No. 21390

Expiration Date: 2-5-14

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. <u>For those petitions which require a public hearing</u>, 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.

Item Number or Case Number:
Petitioner: <u>JARED + Ashley GRODNITZKY</u> Address or Location: <u>12220</u> <u>Dover ROAD</u> , <u>ReistersTown MD</u> 21136
Address or Location: 12220 Dover ROAD, Reisterstown MD 21136
PLEASE FORWARD ADVERTISING BILL TO:
Name: SARED GROD WITZKY
Address: 12220 Dover RD
Reisters Town, MD 21136
Telephone Number: 410 961 7952

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CERTIFICATE OF POSTING

Date: 9-9-12

RE: Case Number: 2013-6051-A

Petitioner/Developer: Jared Grodnetzky

Date of Hearing/Closing: 9-24+12

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 12220 Dores Pd



9-9-12 (Month, Day, Year)

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REFERENCE OF THE
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STREET IN LIEU OF THE

TOILING MOINT

(Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

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)



KEVIN KAMENETZ County Executive

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

September 25, 2012

Jared & Ashley Grodnitzky 12220 Dover Road Reisterstown MD 21136

RE: Case Number: 2013-0051 A, Address: 12220 Dover Road

Dear Mr. & Ms. Grodnitzky:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 30, 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

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

9/24

From:

Debra Wiley

To:

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

Date:

9/18/2012 9:45 AM

Subject: ZAC Comments - Distribution Mtg. of 9/24

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.

2013-0043-SPHA - (Floodplain)

1472 Martin Blvd.

2013-0048-A - Administrative Variance - Closing Date: 9/24

825 Queens Park Drive

2013-0049-SPHA

734 Essex Ave.

2013-0050-A - Administrative Variance - Closing Date: 9/24 (Critical Area & Floodplain)

1907 Cape May Road

2013-0051-A - Administrative Variance - Closing Date: 9/24

12220 Dover Rd.

2013-0052-A

15815 Falls Rd.

2013-0053-SPHA

9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr.

2013-0055-A - Administrative Variance - Closing Date: 10/1

2909 Knoll Acres Dr.

2013-0056-A (Critical Area & Floodplain)

6920 River Drive Rd.

2013-0057-A - Administrative Variance - Closing Date: 10/1 (Critical Area & Floodplain)

3 Kingston Cove Rd.

2013-0058-A - Administrative Variance - Closing Date: 10/1

6523 Darnell Rd.

2013-0059-A - Administrative Variance - Closing Date: 10/1

119 Williams Ave.

2013-0060-SPH



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-11-12

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

Baltimore County RE:

Item No 2013-8051-A.

Administrative Vivience Faved & Ashley Gradnitzky 12220 Dover Road

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. 2013-0051-A.

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

RECEIVED

Inter-Office Correspondence

OCT 0 2 2012



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

October 2, 2012

SUBJECT:

DEPS Comment for Zoning Item

2013-0051-A

Address

12220 Dover Road

(Grodnitzky Property)

Zoning Advisory Committee Meeting of September 10, 2012.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. A future building permit for a garage will need review by Groundwater Mgmt., since the property is served by well and septic.

Reviewer:

Dan Esser - Groundwater Management

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 17, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 24, 2012

Item Nos. 2013-0043, 0048,0049,0050,0051,0052,0053,0055,0057, 0058,

0059 and 0060.

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-09242012-NO COMMENTS.doc

Maryland Department of Assessments and Taxation Real Property Data Search (vw4.2A) BALTIMORE COUNTY

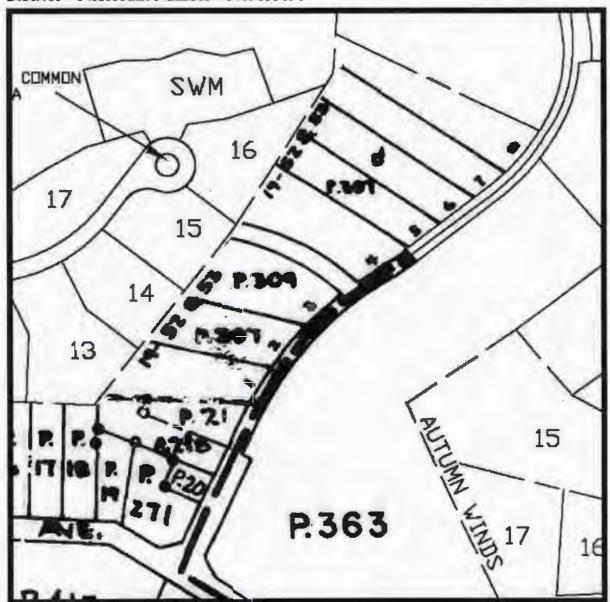
Go Back View Map New Search GroundRent Redemption GroundRent Registration

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

Go Back View Map New Search

District - 04Account Number - 0419033690



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 ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

MEMORANDUM

DATE:

November 5, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0051-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 2, 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

CHECKLIST

Comment Received	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
9-17	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent		NC
10-2	DEPS (if not received, date e-mail sent		Comments
	FIRE DEPARTMENT		
	PLANNING (if not received, date e-mail sent		
9-11	STATE HIGHWAY ADMINISTRATION	1	No objection
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS		
ZONING VIOLAT	TION (Case No.		
PRIOR ZONING	(Case No.	•	
NEWSPAPER AD	VERTISEMENT Date:		
SIGN POSTING	Date: 9	-9-12	by Pieson
	SEL APPEARANCE Yes SEL COMMENT LETTER Yes	No 🗆	
Comments, if any:			
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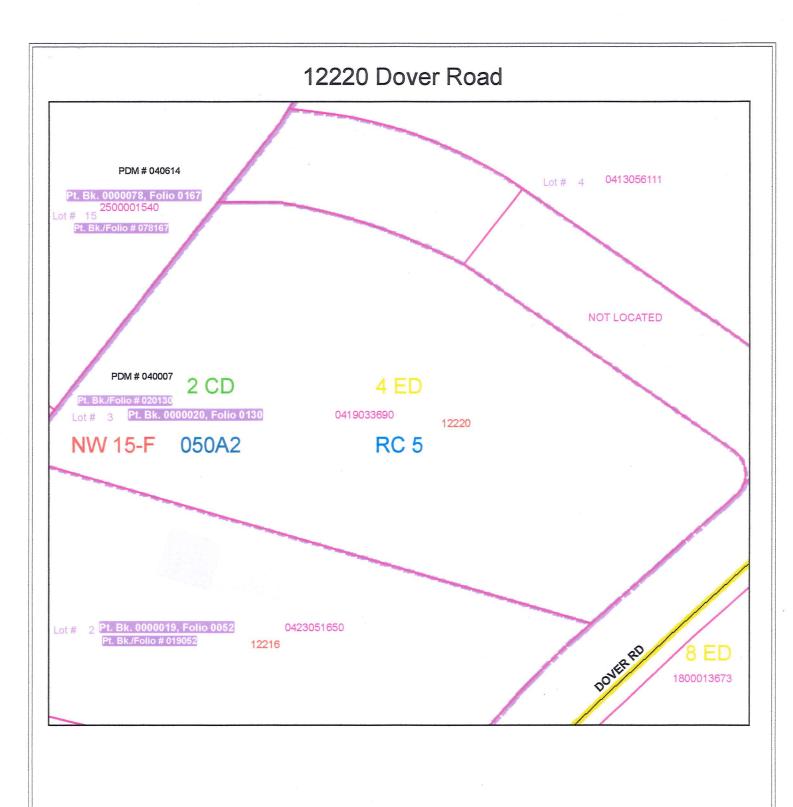




2013-0051-A









Publication Date: August 30, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



