

KEVIN KAMENETZ, County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 31, 2012

Anatoliy Roydich Nelya Roydich 307 Lantana Drive Owings Mills, Maryland 21117

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(307 Lantana Drive) Case No. 2013-0070-A

Dear Mr. and Mrs. Roydich:

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 tryly yours,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE (307 Lantana Drive)

4<sup>th</sup> Election District Anatoliy and Nelya Roydich Petitioners **BEFORE THE** 

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0070-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Anatoliy and Nelya Roydich. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an existing accessory structure (shed) to remain in the side yard in lieu of the required rear yard placement. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 30, 2012, 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 Administrative Law Judge, the

ORDER RECEIVED FOR FILING

Date	10-31-12	
Bv	(19)	

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, this 31st day of October, 2012 by the Administrative Law Judge for Baltimore County that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an existing accessory structure (shed) to remain in the side yard in lieu of the required rear yard placement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for any 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

LAWRENCE M. STAHL V
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

**ORDER RECEIVED FOR FILING** 

Date (0-3)-(3)

## 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 307 LANTANA DR. Owings Hills, Mowhich is presently zoned BALTIMORE COUNTY

Deed Reference 10 Digit Tax Account # 1800013155

Property Owner(s) Printed Name(s) ANATOLIY & NELYA ROYDICH

(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. \_ ADMINISTRATIVE VARIANCE from section(s) BLZR 400.1

TO PERMIT AN EXISTING ACCESSORY STRUCTURE (SHED) TO REMAIN IN THE
SIDE YARD, IN LIEU OF THE REGULARD REAR YARD PULLEMENT.

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)

MANTANADO CO

of	the	2	zon	inc	re	equ	ıla	tior	าร	of	Ba	ltim	ore	C	ou	nty	/, t	o t	he	Z	onii	ng	lav	V O	f E	Ball	im	оге	C	oun	ty.				 	 	
											-	_		_																		 	 	 	 _	 	

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).

ANATOLIY ROYDICH, NELYA ROYDICH
Name #1 - Type or Print Name #2 - Type or Print
Anotolir Paydicy Nelya Roydich
Signature #1 Signature # 2
307 LANTANA DR OWINGS MILLS MD
Mailing Address City State
21117 , 40-356-4881
Zip Code Telephone # Email Address
Representative to be contacted:
Name Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2013 - 0070 - A Filling Date 9 /19 / 12 Estimated Posting Date 9 /30 12 Reviewe

## Affidavit in Support of Administrative Variance

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

Address: 307 LANTANA DRIVE DWINGS MILLS MD

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:

Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
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in addition to I	lacing it to	has been	to the house
at \$ 1500, This	· more than	I paid 6	the shed.
where it is Than	kuga in ad	posible?	o Feed 17
	,		
(If additional space for the petition req	uest or the above statemer	nt is needed, label a	nd attach it to this Form)
Anatolix Awardich			
ANATOLIY ROYDICH	Sig	nature of Affiant	
Name- Print or Type	Na Na	me- Print or Type	
The following information is			te of Maryland
The following internation to	to be completed by a riota	- Tublic of the ota	to or maryland
STATE OF MARYLAND, COUNTY O	OF BALTIMORE, to wit:		
I HEREBY CERTIFY, this 08 and for the County aforesaid, personally		o 12, before me	a Notary of Maryland, in
, and a second personally	appool.ou		
the Affiant(s) herein, personally known o	r satisfactorily identified to	me as such Affiant	(s)_(Rrint name(s) here)
AS WITNESS my hand and Notaries Sea	Beltimer	~ c)	74.
	Notary Public 08, 23	7,2015	
	My Commission Expires		

REV. 10/12/11

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN ORMATION STILLT AND DATES
Case Number 2013- 0070 -A. Address 307 LANTANA DRIVE
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391  Planner, Please Print Your Name
Filing Date: 9 19 12 Posting Date: 9 30 12 Closing Date: 10 15 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.
3. 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 0070 -A Address 307 LANTANA DRIVE
Petitioner's Name ROYDICH Telephone 410-356-4881
Posting Date: 9 30 12 Closing Date: 10 15 12
Wording for Sign: To Permit AN EXISTING ACCESSORY STRUCTURE (SHED) TO
REMAIN IN THE SIDE YARD, IN LIEU OF THE REQUIRED REAR YARD
PLYCEMENT.

## PROPERTY DESCRIPTION:

## **307 LANTANA DRIVE**

The property located on the north-east corner of the intersection of Lantana Drive and Supreme Court.

Lot numbered 16C, in Block "C", as shown on a plat of a subdivision entitled "Timber Grove, Section II, Plat Three", recorded among the Land Records of Baltimore County, Maryland, at Liber EHK, JR 45 at folio 81. The improvements thereon being known as No. 07 Lantana Drive.

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### CERTIFICATE OF POSTING

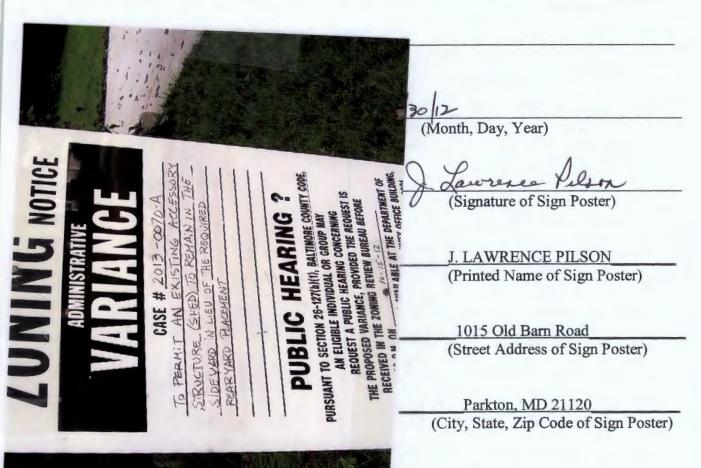
Date: 9-30-12

RE: Case Number: 20(3-0070-A

Petitioner/Developer: Nelya Payduck

Date of Hearing/Closing: 10/15/12

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 307 Lantana Dr



410-343-1443

(Telephone Number of Sign Poster)



KEVIN KAMENETZ County Executive

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

October 16, 2012

Anatoliy & Nelya Roydich 307 Lantana Drive Owings Mills MD 21117

RE: Case Number: 2013-0070 A, Address: 307 Lantana Drive, 21117

Dear Mr. & Ms. Roydich:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 19, 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. Cal Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-27-12

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

RE: Baltimore County

Item No 2013-2070-A. Hoministrature Variouse Anatoliy & Nelya Roydich 307 Lantona Drive.

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. 2013-0070-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



From: Debra Wiley

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

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

#### Good Afternoon,

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.

2013-0064-A - 9535 Gunhill Circle

Administrative Variance - Closing Date: 10/8

2013-0066-A - 10904 Liberty Road

Administrative Variance - Closing Date: 10/8

2013-0067-A - 7312 Wenig Avenue

No hearing date as of 9/24

2013-0068-A - 10515 Vincent Road

Administrative Variance - Closing Date: 10/15

2013-0069-A - 11216 Bird River Grove Road

No hearing date as of 9/24

2013-0070-A - 307 Lantana Drive

Administrative Variance - Closing Date: 10/15

2013-0071-SPH - 1600 Frederick Road

No hearing date as of 9/24

Thanks!

about:blank 9/24/2012

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**

RECEIVED



OCT **0 3 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 3, 2012

SUBJECT:

DEPS Comment for Zoning Item

# 2013-0070-A

Address

307 Lantana Drive

(Roydich Property)

Zoning Advisory Committee Meeting of September 24, 2012.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Jeff Livingston – Development Coordination

# BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 25, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For October 8, 2012

Item Nos. 2013-0064, 0066, 0067, 0068 and 0070

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

DAK cc: File

#### MEMORANDUM

DATE: December 3, 2012

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2013-0070-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 30, 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>	Conditions/ Comments/ No Comment
9-25	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
9-27	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	G (Case No	
NEWSPAPER A	ADVERTISEMENT Date:	_
SIGN POSTING	Date: $9-30-12$	by Pieson
PEOPLE'S COU	INSEL APPEARANCE Yes No	
PEOPLE'S COU	INSEL COMMENT LETTER Yes No	
Comments, if any	y:	



307 LANTANA DR.



Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

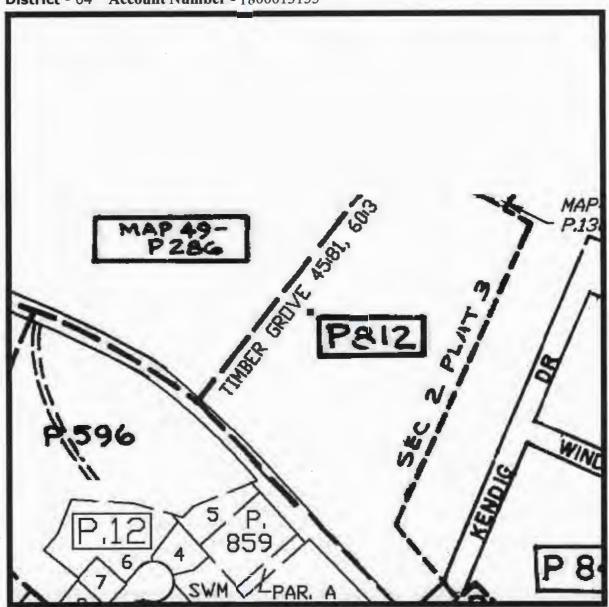
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

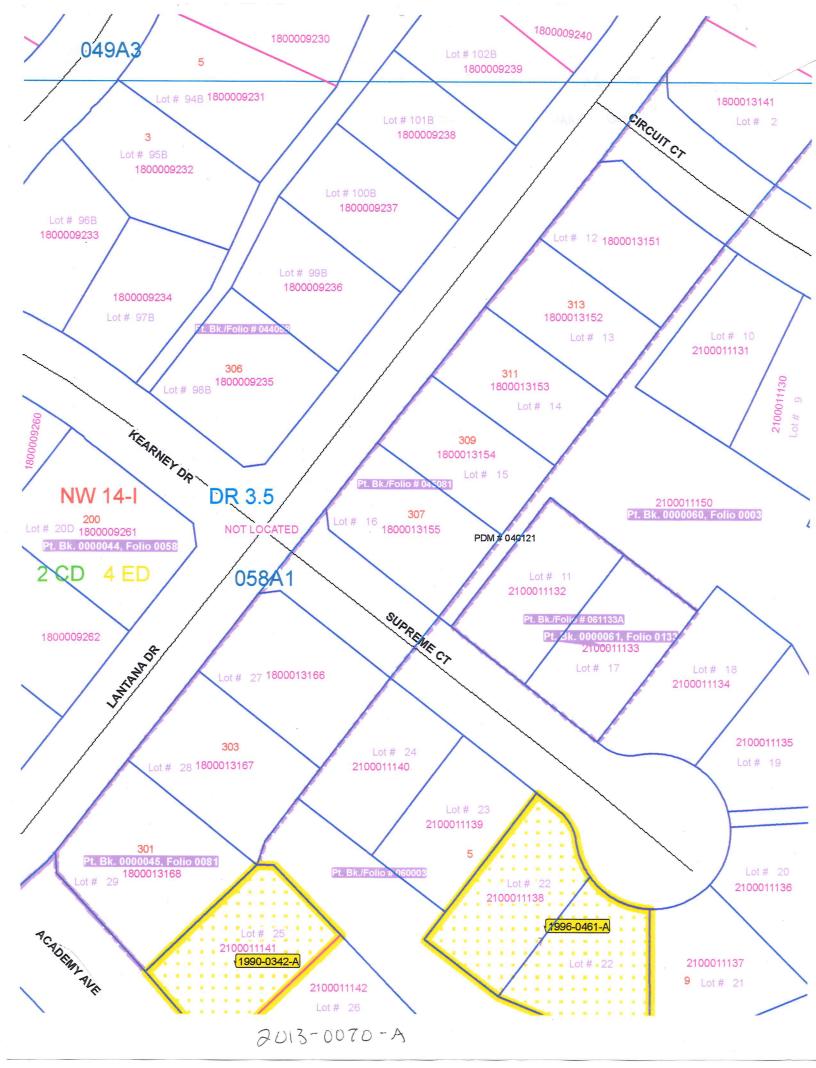
District - 04 Account Number - 1800013155



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 <a href="https://www.mdpsteate.md.us/OurProducts/OurProducts.shtml">www.mdpsteate.md.us/OurProducts/OurProducts.shtml</a>



M CBCA? MOTTO SCALE ZONING MAP# O58A! SITE ZONED DR 3.5 ELECTION DISTRICT OV COUNCIL DISTRICT LOT AREA ACREAGE Q.15 OR SQUARE FEET 6474 HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW	VIOLATION CASE INFO:
REVISION HISTORY: 10-0.0 97-47-2012  1209.0871 LOCATION DRAWING LOT 16C, BLOCK C TIMBER GROVE BALTIMORE COUNTY, MARYLAND 09-14-2012 SCALE 1"-207  S 38"00"30" W 64.00" (P)  DECK  LOT 16C BLK "C" LOT 16C BLK "C" JONES OF THE REAR PROPERTY LINE.  A. THE PORCH APPEARS TO BE NIGIDE OF THE 19 S.B.L. DECK  LOT 15C BLK "C" JONES OF THE PROPERTY LINE.  OF THE PORCH APPEARS TO THE STORE OF THE 19 S.B.L. DECK  LOT 15C BLK "C" JONES OF THE PROPERTY LINE.  ACCURACY-3':  N 38"00"30" E 54.00" (P)  S 38.00" LINE FROM DECK  N 38"00"30" E 54.00" (P)  LANTANA DRIVE (RW WIDTH LINE FROM DECK)	3013-0070-A (Pex: Ecn. 1)
POINTS OF INTEREST:  1. THE FENCE APPEARS TO BE ON THE SIDE PROPERTY LINES AND OFF OF THE REAR PROPERTY LINE. 2. FENCE OWNERSHIP N DETERMINED. 3. THE SHED APPEARS TO BE INSIDE OF THE 15' S.B.L. 4. THE PORCH APPEARS TO CROSS THE FRONT 25' S.B.L.  CLIENT NUMBER:  DATE: 9/14/2012  BUYER: ANATOLIY ROYDICH  Alycia M Klein Marketing Director	VIOBUS TAJ9 TELENTING

	ADDRESS 30	7 Lanta	ANA DRIVE	OWNER(S) NAIV	10T# 16	(MARK TYPE REQUESTED WITH X)  97021Y ROYDICH  BLOCK # C SECTION # 3  D REF. # 1 4 3 9 5 1 0 0 4 9
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1464110	VIOLATION CASE INFO:	PUBLIC X PRIVATE PRIOR HEARING?  IF SO GIVE CASE MUMBER  AND ORDER RESULT BELOW		COUNCIL DISTRICT LOT AREA ACREAGE 0.15 OR SQUARE FEET 6914 HISTORIC? NO		STOSY, STATE OF THE PARTY OF TH

ADDRESS_30 SUBDIVISION N PLAT BOOK #	OF THE PORCH APPEARS TO CROSS THE FRONT.  ALLISID OF SALAD WOLL SALOR SA	DATE: 9/14/2012  SET : 9/14/2012  DE : 9/14/2012	THE FENCE APPEARS TO BE ON TO POINTS OF INTEREST.  POINTS OF INTEREST.  POINTS OF INTEREST.  POINTS OF INTEREST.
SUPREME COURT (50' RAW)  2013-0070-A	MS ONCO (P)  10.30° E 54.00° (	SOUTISC BLL (d)	EXPIRES 12-22-2013  EXPIRES 12-22-2013  CONTROL OF PROBLEM OF THE
VIOLATION CASE INFO:	IN GBCA? VO  IN FLOOD PLAIN? VO  UTILITIES? MARK WITH X  WATER IS:  PUBLIC X PRIVATE  PRIOR HEARING?  PRIOR HEARING?  AND ORDER RESULT BELOW	ZONING MAP# OS 841 SITE ZONED DR 3.5 ELECTION DISTRICT OS COUNCIL DISTRICT LOT AREA ACREAGE 0.15 OR SQUARE FEET 6914 HISTORIC? NO	FIELD WORK DATE: 9/13/2012